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X.98/2:130/pt.4

UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS
SECOND SESSION

VOLUME 130—PART 4

MARCH 5, 1984 TO MARCH 15, 1984
(PAGES 4309 TO 5826)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1984

31-069 O-87-1 (Pt. 4)

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For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

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Congressional Record

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of America

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, SECOND SESSION

SENATE—*Monday, March 5, 1984*

The Senate met at 1:30 p.m., and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

He hath shewed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God.—Micah 6 : 8.

God of truth and justice, we invoke Thy Holy presence in this building today, in the offices on both sides, and in the hearts of all concerned who gather on the Hill. Our hearts are heavy that prayer should be a controversial and divisive issue.

Loving God, we are so prone to oversimplify issues. We so easily assume that there are only two sides—my side and the other one. Help us to see that there are at least three sides—mine, the other one, and God's. Forgive us when we equate our side with God's and grant us grace to seek God's side.

Brood over this place, and restrain anger, meanness, hostility, and a vindictive spirit. "Thy will be done on earth as it is in heaven." We pray in the name of Him who commanded us to love those who oppose us. Amen.

RECOGNITION OF THE MAJORITY LEADER

The **PRESIDENT** pro tempore. The majority leader is recognized.

Mr. **BAKER**. I thank the Chair.

SENATE SCHEDULE

Mr. **BAKER**. Mr. President, today, after the recognition of the two leaders under the standing order, there will be a special order in favor of the distinguished Senator from Wisconsin (Mr. PROXMIRE), that to be followed by a time for the transaction of routine morning business.

Morning business will extend until no later than 2:30 p.m.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. President, I think, since this is Monday and there may be a number of people who have difficulty reaching the floor during that period, it might be well to extend that a little.

I ask unanimous consent that the time for the transaction of routine morning business be extended until 3 p.m. under the same terms and conditions.

The **PRESIDING OFFICER** (Mr. WALLOP). Without objection, it is so ordered.

Mr. **BAKER**. Mr. President, after morning business is closed or the time has expired, the Senate will resume consideration of the unfinished business, which is Senate Joint Resolution 73, the school prayer amendment proposed to be made to the Constitution of the United States. I am sure that a number of Members will wish to speak on that subject. I anticipate that a good block of time will be required fully to debate the issue.

I do not anticipate that today will be a late day. I would anticipate a fairly normal day today, running until about 6 o'clock or thereabouts. But after we get off to that start, it will be the intention of the leadership on this side to accommodate the wishes and requirements of Senators as they may need time to debate this issue. I would not be at all surprised to see this debate go on all this week and into next week, but I hope we do not have a filibuster on the matter. I think we can debate the matter fully and explore the positions of all Members and then bring the matter to a vote in an orderly way.

The leadership on this side has no intention to try to hurry the matter. Senators will be given as much time as they wish to debate the issue and consider it, because it is important and sensitive. If we cannot finish it until next week or even beyond that, I assume that we shall have to commit the time that is necessary to let the Senate work its will. It will be my hope that a good full week this week and the early part of next week would conclude the debate and dispose of it one way or another in an orderly manner.

Mr. President, from time to time during this week, if there are matters of importance that should be dealt with and if we can agree by unanimous consent to do so, it is possible that the leadership, in conjunction with the leadership on the other side, might briefly turn to other matters so that the Senate is not totally immobilized by this important debate on the prayer issue. I have no item in mind at this time; I merely say that to let Members know that, while we are not double tracking and I have no intention of asking the Senate to do so at this time, if there are matters that require our attention, it is possible that, after consultation with the minority leader, it might be possible to arrrange that at the beginning of the day and perhaps late in the day or at other times when debate may flag.

Mr. President, I shall have an opening statement to make on the prayer issue shortly after the Senate resumes consideration of the unfinished business, but I believe that is all I have at the moment.

Before I yield to the assistant minority leader (Mr. CRANSTON), whom we welcome back to our midst—and believe me, I know how he feels; I have been there before—or to the acting minority leader, as the case may be, if they do not mind, I see two messengers at the door.

(The Senate received messages from the President and from the House of Representatives which are printed later in the RECORD.)

Mr. **BAKER**. Mr. President, I have no need for my time remaining under the standing order. We are going to have a generous period for the transaction of routine morning business. I know the Senator from South Dakota is here and wishes to speak. I shall yield now so that the acting minority leader may claim his time or, if he wishes, I shall provide that the minority leader may claim that time during the day.

Mr. **BURDICK**. I would prefer the latter, Mr. President.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. BAKER. Mr. President, I ask unanimous consent that the minority leader may be authorized to claim his time under the standing order at any time during the session of the Senate on this calendar day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

Mr. BAKER. Mr. President, I do not see the Senator from Wisconsin here now; therefore, I ask unanimous consent that the time for transaction of routine morning business may proceed from this moment and that when the Senator from Wisconsin arrives, he may claim his time under the special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 3 p.m., with statements therein not to exceed 10 minutes each.

The Senator from South Dakota is recognized.

U.S. POLICY IN THE STRAIT OF HORMUZ

Mr. PRESSLER. Mr. President, I have asked the chairman of the Committee on Foreign Relations to hold a hearing on the policy we are pursuing regarding the Strait of Hormuz.

I have been very concerned that if the United States were to react unilaterally to a closing of the Strait of Hormuz, it would be a mistake. The countries that would be hurt worst by a shutoff of petroleum from the Persian Gulf would be Japan and the European NATO countries, particularly West Germany. It has long been my strongest feeling that if the United States engages in military activities in the Middle East, it should do so as a partner with other countries which have a stake in the region. Maintaining peace there is a burden that must be shared. That is true not only in the military area but also in the aid area and elsewhere. It seems that Uncle Sam ends up carrying most of the burden for these other countries. Europe and Japan should take the initiative if military action is called for.

It has been brought to my attention that former Secretary of State Henry Kissinger wrote an article in the March 5, 1984, issue of Time magazine in which he made two or three major points which are relevant to this problem.

One is that NATO should shoulder a much heavier burden, that if NATO is not willing to accept a heavier burden, we should withdraw up to half of our ground troops who are now defending West Germany and the other European countries.

I have made several speeches on the floor of this Chamber about the need to relocate our troops to our own soil from West Germany in the process stimulating our own economy. With the mobile deployment capabilities we have, they can keep us safe from foreign crises while being based here at home.

I have been concerned about the cost of our forces overseas. We are one of the largest employers in West Germany because of their requirement that we employ so many of their civilians. We are the largest contributor to road and bridge repair because every time we have a convoy, we end up having to pay to rebuild and reconstruct roads, even though they may not be harmed. We are spending a lot of money in Europe that prosperous Europeans should be spending. We are operating under ground rules that were set up in the 1950's when we were a prosperous country and Europe was being rebuilt.

Also, Dr. Kissinger suggests that NATO have a European commander, which I think is a very fine suggestion if they will provide a larger share of the allied defense effort.

He also talks about the Europeans having more responsibility in terms of both international aid and international defense and the costs thereof; that the United States has been volunteering to do too many of these things.

I understand that a number of European allies are urging the United States to use the 7th Fleet to keep the Strait of Hormuz open, but it is mainly being kept open for their benefit. Many of them have navies. They should be willing to lead the operation. They should be willing to bear the burden, because by its superpower nature, the United States, our personnel and our activities have consequences far beyond the immediate action, whereas some of our European allies can operate more freely with potentially fewer repercussions in other international arenas.

So I hope that Congress gets involved and that we have a full hearing on U.S. policy on the Strait of Hormuz in the Foreign Relations Committee.

I also hope that this Government does not get involved militarily in a show of strength which in the short term might seem wise, but which, without the NATO allies leading the charge, in the long run could entangle us in something which we might regret.

Mr. President, I ask unanimous consent to insert in the RECORD my remarks on this issue and my letter to Chairman PERCY asking for a full hearing on the Strait of Hormuz. We will have a classified briefing, but that does not satisfy me. I think we should have a hearing on the policy options regarding the Strait of Hormuz situation, and have it either this week or next week.

Also, I feel very strongly that we should heed the advice of Secretary Kissinger and others in regard to getting NATO more involved in world peacekeeping activities.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

A PLAN TO RESHAPE NATO

(By Henry Kissinger)

Lebanon and the Soviet succession have preoccupied us in recent weeks, but the Atlantic Alliance must remain the pivot of American policy. On its unity depends the security of free peoples. From its cohesion will flow whatever hopes the Soviet succession offers for a new dialogue. Unfortunately, just as storms recur in nature, crises recur in the Atlantic Alliance. Nearly every Administration for a generation has been involved in them. However, the present controversies in NATO are both unprecedented and unsettling.

In West Germany, Scandinavia, the Low Countries and even in Britain (though to a lesser extent), "peace" movements have been pulling governments in the general direction of their policies, even though those governments disagree with their premises. In addition the main opposition parties in West Germany and Great Britain—which, in the nature of democratic politics, can be expected to get into office eventually—are advocating policies that amount to unilateral nuclear disarmament for their countries. Because these groups hold sway over key segments of public opinion, too many European leaders—even conservative ones—have yielded to the temptation to demonstrate their peaceful intentions the easy way, by pretending to be reining in an bellicose and insensitive U.S. through their ministrations. As a result, among those who shape public attitudes—and thereby set what become the limits of the politically possible—there is less intellectual or philosophical agreement than in any previous period.

This creates an exceedingly dangerous situation. An alliance cannot live by arms alone. To endure it requires some basic agreement on political aims that justify and give direction to the common defense. If military arrangements provide its only bond, it will sooner or later stagnate. It will surely prove unable to take advantage of diplomatic opportunities for an easing of tensions. That is the central issue before the Atlantic Alliance today. It requires a remedy that is fundamental, even radical—in the literal sense of going to the root.

Four problems in particular are gnawing at the alliance:

(1) *Lack of an agreed, credible strategy.* The gap between NATO's formal strategy and what the public will support has widened dangerously. The so-called flexible response devised in the 1960s remains NATO's official doctrine. It contemplates a defense of Europe that begins with conventional weapons and then goes up the ladder of nuclear escalation—until it reaches whatever level is necessary to halt Soviet aggression. In today's circumstances this doctrine has a

fatal weakness: neither existing nor projected NATO conventional ground forces are adequate to repel a major Soviet conventional attack. Therefore, the doctrine would require a nuclear response at an early stage. Yet strategic nuclear parity deprives the threat of strategic nuclear war of much of its credibility; mutual suicide cannot be made to appear as a rationale option. And no alternative nuclear strategy has been developed. Partly for this reason, public opinion, essentially unopposed by most NATO governments, is moving powerfully against any reliance on nuclear weapons—even tactical ones.

The alliance is thereby trapped in a precarious combination of (a) inadequate conventional forces, leading to (b) reliance on nuclear weapons in (c) a strategic environment that makes the threat of their use, and therefore their deterrent value, less and less credible, and (d) a public climate of growing nuclear pacifism that undermines what credibility remains. Lack of a coherent defense policy leaves the alliance, possessing a huge stockpile of enormously destructive weapons disarming itself psychologically.

(2) *Intermediate-range weapons and arms control.* The arrival of the new U.S. intermediate-range weapons in Europe late last year was properly hailed as a major success. For if public demonstrations and Soviet pressure had succeeded in blocking that deployment, the Soviet Union would in effect have achieved a veto over NATO's military dispositions. But unless the alliance clarifies the purpose of these missiles, the accomplishment is likely to be transitory, since the basic European attitude toward the missiles is that of a host toward a now unwanted guest whose invitation to dinner it would be too awkward to withdraw. Some prominent Europeans purport to see in the missiles' presence a hidden American design to confine a nuclear war to Europe. Others treat them as one of those peculiar American aberrations that periodically upset the alliance's equilibrium. Too few recognize, and even fewer are willing to admit, that in fact the missiles link the strategic nuclear defense of Europe and the U.S. Weapons capable of reaching Soviet territory stake the American homeland to the defense of Europe; they do not enable America to remain immune.

European ambivalence makes it excruciatingly difficult to define "progress" toward arms control, while the nearly desperate eagerness with which progress is pursued makes its attainment less likely. The Soviets have refused even to discuss any proposal balancing U.S. intermediate-range missiles in Europe against the Soviet arsenal at a lower level. They insist on total withdrawal of American missiles while retaining a large number of their own. The goal of leaving Europe vulnerable to Soviet nuclear blackmail is obvious. Yet significiant segments of European opinion persist in blaming the United States for the deadlock. In Europe and in the U.S., this attitude must in time erode the public support needed not only for missile deployment but also for coherent arms control.

(3) *East-West relations.* Behind the sharp differences over defense strategy and arms control lies a parallel dispute over the alliance's posture toward the Soviet Union. Too many Europeans accept the caricature of a U.S. run by trigger-happy cowboys whose belligerence has provoked Soviet intransigence. Many Americans, on the other hand, consider such European notions naive and believe that together with the pacifist and neutralist demonstrations, they reflect a trend toward appeasement that encourages Soviet intransigence.

(4) *Relations with the Third World.* Most European leaders believe that they have a special opportunity to establish preferential relationships with Third World countries. In the flash points of the Middle East, Africa and Central America, they see U.S. approaches as hopelessly tainted by an obsession with Soviet ambitions; some hope to win favor in the Third World by an ostentatious dissociation from the U.S. More than a few Americans view such behavior as a free ride paid for by U.S. sacrifices or as a positive incitement to Third World radicalism.

These differences could be healthy if they led to compatible and constructive policies for the 1980s and '90s. So far this has not happened. Mutual recriminations have created opportunities for Soviet political warfare even during this period of stagnation in the Kremlin leadership. The Politburo is obviously convinced that the West has become so paralyzed concerning nuclear weapons that there is no urgency about nuclear arms control; the Soviets can simply wait for a while to harvest the fruits of Western anxieties. By contrast, there may be concern in Moscow that NATO will move to close the gap in conventional forces; hence the willingness to resume the talks, moribund for ten years, about limiting conventional arms. Does this reflect a genuine interest in arms control, or is it a means to thwart the desperately needed Western conventional buildup by creating the same conditions by which public opinion was mobilized on the missile question? And what is one to make of the almost deferential pleas by all major NATO countries for the resumption of a dialogue that the Soviets have interrupted? Or of the upgrading of all major European delegations except the French to the Andropov funeral, compared with the Brezhnev rites 15 months ago—especially as Andropov's rule was marked by the flagrant attempt to influence the German election, the walkout from arms-control talks and the shooting down of the Korean airliner, not to speak of Andropov's 15-year stewardship of the KGB?

Will the Soviets see Western pleas for dialogue as a demonstration of good will, or will they learn from the compulsion to demonstrate good intentions after months of harassment that intransigence pays because the West has weak nerves? Will we fail to relax tensions because the Soviets conclude that atmospherics can substitute for dealing with the real causes dividing the world? Europe is not moderating the U.S., and the U.S. is not stiffening Europe's spine, as the folklore on each side would have it. More likely, each is in danger of paralyzing and demoralizing the other. Western disunity is perhaps the principal obstacle to progress in East-West negotiations.

This state of affairs has deeper causes than particular policies on either side. The present NATO structure is simply not working, either in defining the threat or in finding methods to meet it.

Existing arrangements are unbalanced. When one country dominates the alliance on all major issues—when that one country chooses weapons and decides deployments, conducts the arms-control negotiations, sets the tone for East-West diplomacy and creates the framework for relations with the Third World—little incentive remains for a serious joint effort to redefine the requirements of security or to coordinate foreign policies. Such joint efforts entail sacrifices and carry political costs. Leaders are not likely to make the sacrifice or pay the cost unless they feel responsible for the results.

An imbalance such as the one now existing cannot be corrected by "consultation," however meticulous. In the long run, consultation works only when those being consulted have a capacity for independent action. Then each side takes the other seriously; then each side knows that the other's consent has to be won. Otherwise consultation becomes "briefing." Agreement reflects not conviction but acquiescence for want of an alternative.

The present imbalance is not new. It has existed ever since World War II. But military dependence on another nation has a cumulative impact. When dependence no longer results from wartime destruction but from a policy choice, made under conditions of relative prosperity, it can breed guilt, self-hatred and a compulsion to display independence of the U.S. wherever doing so is safe, especially with regard to some Third World issues and certain aspects of East-West relations.

The problem has become even more acute because the generation of leaders that built NATO has virtually disappeared. Those who governed Europe during the early postwar years were still psychologically of the era when Europe bestrode the world. Global thinking came naturally. European leaders assumed responsibility for their own security policies and gave it up only reluctantly because of special circumstances. But nearly 40 years have passed since the end of World War II. The new leaders were reared in an era when the U.S. was pre-eminent; they find it politically convenient to delegate Europe's military defense to us. Too many seek to position themselves somewhere between the superpowers—the first step toward psychological neutralism. Thus Europe's schizophrenia: a fear that the U.S. might not be prepared to risk its own population on a nuclear defense of Europe, coupled with the anxiety that America might drag Europe into an unwanted conflict by clumsy handling of Third World issues or East-West relations.

The rush to condemn our actions in Grenada by so many of our European allies is a case in point. What could have been in the minds of their leaders? Even making allowance—especially in the case of Britian—for totally inadequate consultation, they could hardly have wanted us to fail. That would surely have affected our willingness to run risks in defense of other areas, ultimately including even Europe. Rather, they must have assumed that their actions were irrelevent and costless: that we would not be deterred, that we would exact no penalty and that therefore it was safe to use the incident to score points with "progressives" at home and with Third World radicals abroad.

The change in the nature of European leadership has been paralleled in the U.S. Our new elites do not reject NATO any more than do their European counterparts. But for them, too, the alliance is more a practical than an emotional necessity, more a military arrangement than a set of common political purposes.

On both sides of the Atlantic, we find ourselves threatened by the dominance of domestic politics over global political strategy. In Europe this leads in too many countries to a faintly disguised neutralism. In the U.S. it accelerates our already strong tendency toward unilateralism and isolationism.

U.S. leaders have too often adjusted foreign policies to political pressures, bureaucratic infighting or changing intellectual fashions. The history of the American attitude toward intermediate-range missiles in Europe is an example. These were proposed to the Europeans in 1957-58, installed in Britain, Italy and Turkey by 1960 and withdrawn in 1963. They reappeared later in 1963 as part of a NATO multilateral force, and were abandoned once again by 1965. They were put before NATO for the third time in 1978 and accepted once again in 1979. Not surprisingly, Europeans organizing to stop the current deployment are encouraged by the knowledge that previous American decisions have not proved immutable.

Similarly, our allies have had to adjust from passionate U.S. advocacy of SALT II to its rejection, and then to the fact that we have chosen to observe a treaty we refuse to ratify; from a strategic doctrine of massive retaliation to one of flexible response; from a policy of detente to one of confrontation and back to conciliation, not to speak of the gyrations in our Middle East policy—all in addition to the reassessments that occur whenever a new Administration comes into office. Each change of course leaves victims among European leaders who have staked their domestic positions on policies that the U.S. later abandons. Each lurch encourages a kind of neutralism, as Europeans seek to avoid being made hostage to sudden swings in American policy.

A continuation of existing trends is bound to lead to the demoralization of the Western alliance. An explicit act of statesmanship is needed to give new meaning to Western unity and a new vitality to NATO. In my view such an effort must have three components; (a) a more significant role for Europe within NATO, (b) a reform of the NATO organization and (c) a reassessment of current NATO deployment.

A NEW ROLE FOR EUROPE

During the entire post-World War II period it has been an axiom of American policy that for all the temporary irritation it might cause us, a strong, united Europe was an essential component of the Atlantic partnership. We have applied that principle with dedication and imagination, insofar as it depended on American actions, in all areas except security. With respect to defense, the U.S. has been indifferent at best—at least since the failure of the European Defense Community—to any sort of Europeanization. Many in this country seemed to fear that a militarily unified Europe might give less emphasis to transatlantic relations or might botch its defense effort and thus weaken the common security. The opposite is almost certainly the case.

In the economic field, integration was bound to lead to transatlantic competition, even to some discrimination. What defines a Common Market, after all, is that its external barriers are higher than its internal ones. In the field of defense, by contrast, increased European responsibility and unity would promote closer cooperation with the U.S. A Europe analyzing its security needs in a responsible manner would be bound to find association with the U.S. essential. Greater unity in defense would also help to overcome the logistical nightmare caused by the attempt of every European nation to stretch already inadequate defense efforts across the whole panoply of weapons. For example, there are at least five kinds of battle tanks within NATO, different types of artillery and different standards for calculating the rate of consuming ammunition. In a major conflict it would be nearly impossible to keep this hodgepodge of forces supplied.

Thus the paradox: the vitality of the Atlantic Alliance requires Europe to develop greater identity and coherence in the field of defense. I am not talking about traditional "burden sharing," paying more for the existing effort. I have in mind something more structural—a more rationale balance of responsibilities. The present allocation of responsibilities fails to bring the allies to reflect naturally about either security or political objectives. Everyone has been afraid to take the initiative in changing the present arrangement, lest doing so unravel the whole enterprise. But since drift will surely lead to unraveling—if more imperceptibly—statesmanship impels a new approach.

STRUCTURAL REFORM

Structural reform cannot substitute for a sense of purpose and clear doctrine. But if pursued with care and sensitivity, it can help catalyze the development of shared political purposes. These common objectives require that European judgments on security, East-West diplomacy and other matters emerge from Europe's own analysis. Mere acquiescence in American decisions, briefings and pressures provides a facade of unity; shared purposes require a deeper sense of participation. Specifically.

(1) By 1990 Europe should assume the major responsibility for conventional ground defense. This is well within the capability of a group of counties with nearly one and one-half times the population and twice the G.N.P. of the Soviet Union. The Soviets, moreover, have to divide their forces on at least two fronts.

(2) This requires that planning for Europe's defense become a more explicitly European task. Heretofore, the Supreme Allied Commander Europe (SACEUR) has been American. In the new arrangement a European officer should take that traditionally American place, probable with a U.S. deputy. Such a change is also likely to give a new perspective to allied strategic planning. The U.S. has generally achieved its military successes by the weight of the equipment that our vast industrial potential has made available. This has tended to tempt our military leaders to equate strategy with logistics. European nations have rarely enjoyed such a material margin; rather, they have had to rely on superior leadership, training, initiative and tactics—precisely what NATO needs in an age of nuclear parity and renewed emphasis on conventional defense.

(3) Since the beginning of NATO, the Secretary-General, who is responsible for running the alliance's political machinery, has been European. In the new structure, with its greater emphasis on political coordination, it would make more sense for this official to be American—whenever the new Secretary-General, Lord Carrington, decides to retire. Meantime, no Western leader is better qualified for guiding NATO's transition than the wise and thoughtful Carrington.

(4) Europe should take over those arms-control negotiations that deal with weapons stationed on European soil. The INF negotiations with the Soviets (for intermediate-range missiles) and the MBFR negotiations (on conventional forces) have heretofore been conducted by American delegations. Both of these negotiations should be "Europeanized" as quickly as possible, with a European chairman, an American deputy and a mixed, though predominantly European, delegation.

The structure that I am proposing would enable Europeans to confront—on their own initiative and in their own context—issues that have been evaded for at least two decades: the precise definition of an adequate conventional defense; the nature of the so-called nuclear threshold—the point where there is no choice except conventional defeat or nuclear escalation; the relationship between strategy and arms control. Since nuclear weapons would presumably be used only if conventional defense failed, Europe would be responsible for setting the nuclear threshold by its own efforts; it could relieve its nuclear anxieties by the simple expedient of augmenting its conventional defenses.

By the same token, European leadership in the MBFR and INF negotiations would place final responsibility for both conventional force levels and intermediate-range missile deployment in Europe with the leaders whose countries will have to bear the brunt—for good or ill—of the outcome of these negotiations. This is especially important with respect to the American intermediate-range missiles in Europe. That deployment makes sense only if the allies genuinely believe that the prospect of a nuclear blow from Europe on Soviet territory will help deter a Soviet conventional attack or nuclear blackmail. If our principal allies do not share this conviction, the psychological basis for the deployment will evaporate.

European chairmanship of the INF talks would oblige Europe's leaders to face the issue head-on; their domestic critics would no longer be able to argue (as they do now) that U.S. intransigence is the principal obstacle to arms control.

As for the U.S., it would of course participate in these deliberations—in a less dominant position—through its continued membership in the integrated command, its responsibility for nuclear defense, and its ground, naval and air forces in Europe.

REDEPLOYMENT

The issue of redeploying American forces touches raw European nerves like no other. The slightest hint of altering present arrangements jangles sensibilities; it evokes fears of American withdrawal and prospects of European neutralism. But if present trends continue, it is certain to become a central issue in the alliance relationship. Before dealing with it in the context of a program of NATO reform, a few facts must be noted:

(1) The present NATO deployment of five American divisions and supporting air and naval forces evolved in the 1950s, when NATO's doctrine was massive retaliation—to react to aggression with an immediate and overwhelming nuclear blow against Soviet territory. Massive retaliation paradoxically required that the total forces on the Continent be kept below the level required for conventional defense. NATO did not wish to tempt Soviet conventional aggression by doing anything to suggest that a Western response would be limited to nonnuclear means. Hence the American conventional deployment in Europe reflected political, not military, criteria: it was intended to give us no choice about nuclear retaliation and to leave the Soviets no doubt that this would be the consequence of even a conventional war. European conventional forces represented a similar political decision: they too were conceived as a trip wire for our nuclear riposte. From the birth of NATO a full

conventional defense has been part neither of its strategy nor of its efforts.

(2) This situation became anomalous when the growth of Soviet strategic forces deprived general nuclear war of much of its credibility. Yet NATO deployment has been essentially unaffected by the change. NATO has improved its conventional defenses but has not closed the gap in such forces. As the current NATO commander made clear recently, even counting the five American divisions that have remained in Europe, the alliance is still unprepared to withstand a major Soviet ground attack for more than a few days European ambivalence continues 35 years after NATO's creation. Our allies remain unwilling to develop forces strong enough to provide an alternative to nuclear weapons—and yet much of their public opinion shies away from even thinking about nuclear deterrence.

(3) Were we to start all over again, we would therefore hardly repeat the decision of the '50's in today's circumstances. Let us assume a group of wise men and women from both sides of the Atlantic came together to plan a global strategy unconstrained by the past. Assume further that it started from the premise that ultimately the defense of the West is indivisible and that European security should be viewed under the aspect of the defense of the West in Europe—as a thoughtful French observer, Francois de Rose, put it. Such a group would almost surely conclude that the sensible division of responsibilities would be for Europe, with economic resources and manpower exceeding those of the Soviet Union, to concentrate on the conventional defense of the Continent. To maintain the global balance of power—by definition as essential for Europe as for America—the U.S. would emphasize highly mobile conventional forces capable of backing up Europe and contributing to the defense of, for example, the Middle East, Asia or the Western Hemisphere.

Such a division of responsibilities would also enable our military establishment to shift some of its intellectual energies and scientific research from a hypothetical esoteric war in an area where we have major allies to the defense of regions where conflict is much more likely. In such regions our allies are less prone to see their interests immediately engaged, and the countries being threatened are in a worse position to assist in the defense effort.

Even if we were to start all over again, an irrefutable case would exist for maintaining considerable American ground forces in Europe. This would be essential to keep our allies from feeling abandoned and to eliminate any Soviet misunderstanding that the defense of Europe no longer reflects a vital American interest. In a new division of responsibilities we should also preserve and preferably strengthen existing U.S. land-based airpower on the Continent. And we should continue our responsibility for both strategic and tactical nuclear defense, assuming that we and the Europeans could agree on a strategy for the latter. American intermediate-range missiles should remain in Europe to "couple" the nuclear defenses of both sides of the Atlantic so long as European leaders desired them. No change in naval deployments would be involved.

Why then is such a division of responsibilities not realized? The principal obstacle is psychological. For all their criticisms of American policy, Europeans dread a return to isolationism in the U.S. Americans fear that any tinkering with deployment would drive Europe into explicit neutralism. And some in the Pentagon would rather maintain our troops in Europe in a less than rational deployment than return a portion to the U.S., where they are more exposed to congressional budget cutters.

In my view, persisting in a deployment that is losing its rationale accelerates these attitudes. Pacifism and neutralism are on the march in Europe even under the present setup; isolationism in America is not yet so vocal but is being powerfully encouraged by endless allied disputes. An alliance that cannot agree on its political premises cannot sustain itself by clinging to military arrangements decided a generation ago in totally different circumstances. With current trends the issue of the rationale for the NATO deployment will become unavoidable. If it arises not as an integral component in a comprehensive design but as a single question of whether to continue stationing American troops in Europe, unilateral changes will be arbitrarily imposed by the potentially most destructive means—the American budgetary process. Then indeed we might see in America a psychological wrench away from Europe and in Europe a panicky resentment against the U.S. A change in deployment without a positive political and strategic purpose, withdrawal for its own sake, might shock our allies into neutralism; it could mislead our adversary and tempt aggression.

There is an urgent need for a serious and rapid re-examination of NATO doctrine, deployment and policies, conducted by men and women known for their dedication to Western unity. The group—to be formed immediately after our elections—must begin with one of the most divisive issues before the alliance: an agreement on the nature and scope of the threat. The group must avoid the tendency of previous such efforts, which set unrealistic goals and thereby magnified the problem. A deadline for completion should be set—certainly no longer than two years.

Theoretically, such a study could lead to one of three outcomes: (1) The group could come to the same conclusions about the optimum division of responsibilities in an agreed global strategy outlined above. Given the disagreements about the nature of the interests involved in regions outside of Europe and the domestic priorities of most European countries, such a conclusion, however rational, is extremely improbable. (2) The group could agree that the strategic interests of the West require a full conventional defense, but that for practical and psychological reasons, Europe ground deployment in Europe is maintained intact. (3) The group could decide that the realities of European domestic politics preclude more than the current gradualistic, marginal improvement of defense efforts.

I hope very much that Europe would choose the second option. If Europe should agree to build a full conventional defense and were prepared to express that commitment in unambiguous yearly obligations to increase its forces, the U.S. should accept the judgment that its present ground forces in Europe are an indispensable component. Such a decision might in fact invigorate the conventional arms-reduction talks and in time lead to stability at a lower level. But if Europe should opt for a perpetuation of the present ambivalence or for only a token improvement, then the U.S. will owe it to the overall requirements of global defense to draw certain conclusions. If Europe by its own decision condemns itself to permanent conventional inferiority, we will have no choice but to opt for a deployment of U.S. forces in Europe that makes strategic and political sense. If nuclear weapons remain the ultimate deterrent to even conventional attack, a gradual withdrawal of a substantial portion, perhaps up to half, of our present ground forces would be a logical result. To provide time for necessary adjustments, that withdrawal could be extended over five years. To ease the transition further, we could, if Europe agreed, keep the excess ground forces in Europe for a time afterward in a new status analogous to that of the French forces, prepared for use in Europe but also available for use in emergencies outside it. Any withdrawal would make sense only if the redeployed forces were added to our strategic reserve; if they were disbanded, the effect would be to weaken the overall defense.

The proposed redeployment would leave intact air and naval forces, as well as intermediate-range missiles, so long as Europe wants them. A useful byproduct of the process would be a systematic re-evaluation of the existing inventory of very short-range tactical nuclear weapons, a legacy of three decades of ad hoc decisions; these weapons now represent at one and the same time an increment to deterrence and the greatest danger of unintended nuclear war because, being deployed so far forward, they are unusually subject to the exigencies of battle.

In this scheme, withdrawal would be not an end in itself—as it will if frustrations on both sides of the Atlantic go much further—but one component of an adaptation to new circumstances extending over some eight years that rededicates the U.S. to the alliance for the indefinite future.

Psychology is immensely important in international relations, especially when policies turn not only on cold, professional assessments of the national interest by trained political leaders, but on public opinion. I would like to believe that restructuring the alliance to give Europeans greater responsibility for their own defense, while important American forces remain in Europe, will be seen not as an abandonment but as an embrace of Europe. It is a means of enlisting Europeans as full partners in the process of decision on which their safety as well as our depends. For a son of Europe reared on the existing NATO orthodoxy, the very idea of even a partial redeployment is painful—all the more so after Lebanon. But we will not be fulfilling our obligations to the West if we fail to put forward an initiative to forestall the crisis that will otherwise confront us in much worse circumstances.

POLITICAL OBJECTIVES

By themselves, neither organizational nor doctrinal adaptations can remedy the political incoherence rending NATO. This article has emphasized security issues. However, a few general observations on the alliance's political problems are necessary.

(1) Those leaders on either side of the Atlantic who value the alliance, with all its failings, as the ultimate guardian of Western freedom must seek urgently to end political disputes over East-West relations and North-South policy, especially Western conduct in the flash points of conflict in the Third World. The tendency to grandstand before domestic audiences, the growing self-righteousness, will in time make a mockery of the key assumption of the Atlantic Alliance: that we share a common approach to security. Defense requires after all some

agreed political purpose in the name of which it is conducted. The Atlantic Alliance must urgently develop a grand strategy for East-West problems and Third World relations applicable for the rest of this century. Otherwise, it will tempt constant pressures and crises.

(2) The U.S. cannot lead the alliance or even contribute to its cohesion if we do not restore bipartisanship to our foreign policy. Ever since the Viet Nam War, we have disquieted our friends and confused, where we have not emboldened, our adversaries by periodic wide swings on essential elements of our policies. But the national interest does not change every four or eight years. At some point the national interest must be accepted by our public as clearly recognizable and constant. Otherwise, we shall become a source of dangerous instability, still relevant for our power but irrelevant for our ideas. A presidential election year is probably not an ideal time to forge a bipartisan consensus. But whoever wins the presidential election faces no more important and urgent challenge than to restore the element of bipartisanship to our foreign policy.

(3) European governments must meet head-on the disturbing trends toward pacifism and neutralism in their countries. These movements are led by people of conviction; they cannot be defused by accommodation. They can only be resisted with a compelling vision of a new future. If European governments continue to humor those who profess to see the danger to the peace in a bellicose America, not an intransigent Soviet Union, they will find themselves making concession after concession and will become hostages of their critics.

The current condition of the alliance cries out for a rethinking of its structure, its doctrine and its unifying purposes. The creativity and courage with which we approach this challenge will determine whether the alliance enters a new and dynamic period or gradually withers.

I have outlined proposals to reinvigorate allied cohesion by defining clear responsibilities for each side of the Atlantic, to be implemented over a period of years. On that basis European leaders could defend cooperation with the U.S. as something they sought as a matter of their own conviction and in their own national interest. American leaders would have a rational, understandable policy to defend and would benefit from dealing with a more equal partner. A new era of allied creativity and American dedication could give inspiration to the generation that has come to maturity since World War II and since the postwar crises that infused NATO's founders with their sense of common purpose.

We must not let our future pass by default to the neutralists, pacifists and neoisolationists who systematically seek to undermine all joint efforts. The nations bordering the North Atlantic need above all faith in themselves and the will to resist the siren calls of those who use fear and panic as instruments of policy or domestic debate. In the end we must fulfill our trust: to preserve and strengthen a North Atlantic alliance that represents the hope of human dignity and decency in our world.

U.S. Senate,
Committee on Foreign Relations,
Washington, D.C., March 6, 1984.
Hon. Charles Percy,
Chairman, Senate Foreign Relations Committee, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I am writing to request that a hearing of the Foreign Relations Committee be held to consider and review the policy options available to the United States in the event of the closure of the Strait of Hormuz.

Reports indicate an increasing potential for the shutting down of this strategic strait by hostile action of Iran and/or Iraq. Such an occurrence would have serious economic, political and military consequences—both for the United States and its major allies, including West Germany and Japan.

If Congress is to have a role in shaping possible policy responses to this contingency, I feel it is essential that we publicly review those response options now. If we wait, we in Congress will be faced with a fait accompli in terms of action by the Executive Branch. We must act with speed and dispatch if we would have an influence on that action. I am aware that the Committee is to be briefed on this matter in Executive Session on Wednesday of this week. However, the importance of this question, and the continuing Constitutional responsibility of the Senate to be involved in the shaping of foreign policy, warrants a public hearing of the Committee.

I hope that you share my concern on this problem and will respond favorably on this request for a hearing. Thank you for your consideration.

Sincerely,

Larry Pressler,
U.S. Senator.

RECOGNITION OF SENATOR PROXMIRE

The **PRESIDING OFFICER.** The Senator from Wisconsin is recognized.

Mr. **PROXMIRE.** Mr. President, do I have time under the order? I think I do.

The **PRESIDING OFFICER.** The Senator has time under a special order to be recognized for not to exceed 15 minutes.

Mr. **PROXMIRE.** I thank the Chair.

REASONABLE ANALYSIS OF THE SOVIETS INDICATES THE TIME FOR NUCLEAR FREEZE HAS COME

Mr. **PROXMIRE.** Mr. President, the Tuesday, February 7, New York Times carries a fascinating article by Marshall Shulman, a professor of international relations at Columbia University. It is fascinating because it constructs a dialog between two hypothetical Americans who forcefully express the prime conflicting views that divide this country and this Senate, for that matter, on the policies that the Federal Government should adopt toward the Soviet Union. One of Professor Shulman's protagonists views the Soviet Union as a stubborn, intractable, dangerous power that has built a military juggernaut conventionally and strategically more powerful than this country; that the Soviet Union is expansive and adventurous all over the world. The proponent of this view also argues that the Soviets function on forced labor; that the Soviet Union must change and that it will change because it is failing.

Meanwhile, however, the Soviets have not been slowed in the slightest by any arms control agreements or détente. This first viewpoint concludes that the only reasonable policy for us to adopt, if we would remain free, is to build our strategic and conventional strength and refuse to be seduced by arms control or détente.

The other view concedes much of the first viewpoint but with relatively slight modifications that suggest quite different policies on our part. This second view concedes that the Russians have built up their military strength far beyond any reasonable justification. It argues that they have taken advantage of every opportunity for exploiting local conditions and mistakes by the United States throughout the world and that they have a paranoia about invasion that drives them to insist on dominating countries on their borders.

This view also contends that the Soviets may change very gradually as they have since Stalin's time, but they will not fall apart. As for policies, the second view calls for recognizing the present nuclear balance between our two countries, that we are different but both have roughly equal deterrent capability. It contends that we must build up our conventional strength further. But we have to live with the Soviet superpower. It will not collapse, certainly not soon. We can and should rely on genuine arms control. We have not done so. This reliance means mutually agreeing with the Soviet Union to cut into our planned military programs and reducing nuclear arsenals to a stable, moderate level balance that is both verifiable and more secure.

Shulman claims that neither of his hypothetical persons is a hawk or a dove. He sees both as reasonable, both have a sensible basis for their view. I disagree. This first advocate is a hawk. The second advocate is a dove. In my view the second advocate has all the better of the argument. Sure, the Soviet Union is an armed-to-the-teeth, military dictatorship. It has nothing remotely close to the freedom that blesses this country. It does, indeed, ruthlessly and cruelly exploit the poverty, ignorance, and weakness that plagues its neighbors and countries anywhere else in the world. But in the more than 65 years since the Communists seized control of Russia, it has been consistently very cautious in becoming involved in military actions that were not pushovers. Like any other bully, it only fights when it knows it will win. Picking on countries their own size, to the Soviet Union, is for idiots. It has often been grossly hypocritical and deceptive as in World War II when Stalin signed a non-aggression pact with Hitler's Germany on the eve of the Nazi's invasion of western Germany. In 1960, it shoved its military force right into our backyard when it tentatively moved missiles into Castro's Cuba. But then it showed what happens when its bluff is called by a country of equal strength when it backed down under the pressure of the Kennedy administration. And, of course, it has shamefully invaded Afghanistan and Hungary. It has ground Poland under its heel. Any time the Soviet Union confronts a weak country, especially near its borders, it will bully and bury the weak adversary. But it has never come close to risking annihilation. It is not Nazi Germany. It is not Hirohito's Japan. It will not strike against a power that can destroy it.

What does all this mean for our policy toward the Soviet Union? It means we maintain our nuclear and conventional strength. It means that we do not hesitate to negotiate from the position of roughly equal nuclear deterrent capability that we have consistently enjoyed since our nuclear monopoly ended more than 30 years ago. Of course it means that we insist on a thoroughly reliable verification system for arms control. But it means that we should not hesitate to make that arms control comprehensive—including testing as well as manufacture and deployment of nuclear arms. We have a rough nuclear equivalence with the Soviet Union right now, as virtually every top present and past military expert tells us. The Soviets will not make a pre-emptive strike that spells national suicide for them. Their whole history tells us that clearly and consistently. We can move surely and confidently for a nuclear freeze agreement—mutual and verifiable. It makes sense. In this increasingly dangerous and unstable nuclear world, nothing else does.

Mr. President, I ask unanimous consent that the article to which I have referred, by Marshall Shulman, from the February 2, New York Times, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[The New York Times, Feb. 7, 1984]

A and B Discuss the Soviet Union

(By Marshall D. Shulman)

Reasonable people often come to fundamentally different views about the Soviet Union. Take, for example, two persons whom I shall call A and B.

A tends to take a dark view of the Soviet Union and the threat it represents, and this leads him to conclude that the United States' relationship with the Soviet Union is one of stark confrontation—not by our choice but because of the intractability of Soviet ambitions. While B has no sympathy for the Soviet Union, he sees it as more pragmatic and cautious in its behavior, and he fears that confrontation is dangerous and counterproductive. A is not hawk. B is not a dove. They do not represent the extremes of right or left; rather, they are loosely grouped around the middle of the spectrum of American politics. They are equally aware of the dangers of nuclear war and equally concerned about avoiding it. The have the following dialogue:

A. "The trouble with you is that you think the Russians are like us. But how can you explain the Soviet Union's enormous military buildup except as a reflection of its intention to use force to dominate the world—or at least to achieve the same effect by intimidation? They have achieved superiority over us by building up when we allowed ourselves to become weak. Their ideology teaches hostility and conquest, and even before the revolution they expanded their power and control unceasingly."

B. "I do not deny that they have built up militarily beyond reason, but it is wrong to say that they have achieved superiority over us. Neither they nor we can have a usable superiority over the other. And it is not true to say that we allowed ourselves to become weak; we were improving our forces at the same time, and the Soviets saw parity as a moving target. I agree that they did more than they needed to, but so did we. For all practical purposes, we have a condition of mutual deterrence; it is excessive, but it is not a fragile balance. I would agree that we should look to our conventional forces, which need to be strengthened in Europe and elsewhere. Since we have a sturdy strategic balance, what we must fear is making it less stable than it is by such weapons as the MX. As for ideology, whatever the apocalyptic claims of Marxism-Leninism, in practice the Kremlin has began pragmatic and cautious."

A. "How can you call the Soviet Union cautious in the face of its aggressive conduct in recent years? Are you overlooking Agnola, Ethiopia, Yemen, Vietnam, Afghanistan? Look at what the Soviets are doing in Poland, and how they maintain their illegitimate dominion over all of Eastern Europe. They have a base in this hemisphere, in Cuba, and are trying to get a foothold in Central America. Wherever there are trouble spots, it is because they are still trying to spread their revolution."

B. "What you have said adds up to a persistent effort by the Soviet Union to expand its influence wherever opportunities present themselves. But those opportunities are not created by the Russians: They seek to exploit upheavals caused by local conditions to which we have not responded effectively, and they are quick to take advantage of our shortsightedness and ignorance. We think every radical movement is created by the Soviet Union, but it is we who drive these revolutionary movements into the Soviet Union's arms.

"Afghanistan is another matter. What the Soviets did was wrong and should be condemned, but it should be understood as a political and military miscalculation that grew out of their paranoiac fears about the security of their borders.

"As for Poland and Eastern Europe, Soviet hegemony over this area goes beyond any reasonable justification, but it cannot be rectified by force or pressure. Only long-term measures can restore autonomy to these unfortunate countries, and the Soviet Union's troubles in Eastern Europe may lead it in time to appreciate that it does not need hegemony over Eastern Europe in order to insure the security of its western borders."

A. "Can you deny that the Soviet system is a totalitarian abomination? How can we deal with a country that was built with gulag labor, that is run by the K.G.B., that throttles any opposition and refuses to allow emigration? Don't we have to change the system to be able to have peaceful relations with the Soviet Union?"

B. "I would agree that the Soviet system is heavily autocratic—as Russia has been for centuries. I would join you in condemning its repression of dissent and the right of emigration. But it does not lie within our power to transform the Soviet Union into a liberal democracy. It may or may not change in the future—I think it has changed in some degree since the time of Stalin—but, in the meantime, we have the problem of living with it as it is."

A. "I don't think it can change much without falling apart. It is a brittle system, and it is close to a state of collapse. Only its overwhelming military power holds it together."

B. "We cannot predicate our policies on the expectation that the Soviet Union will collapse. It is a large country, with great natural reserves and a large population that has been accustomed for centuries to living under difficult conditions. There is no sign of revolutionary dissatisfaction. We have to start from the assumption that the Soviet Union is here to stay."

A. "I don't see why in past discussions you've kept harping on the need for arms control arrangements. We've had arms control negotiations for 20 years, and it hasn't even slowed down the Soviet military buildup. The only effect has been to lull our own side into a spirit of demobilization. The only way to deal with them is to be stronger than they are—that's the way to keep peace."

B. "Arms control hasn't really been tried. The only agreements we've been able to reach have been limited, and at such high numerical levels, because we haven't been willing to let them cut into our planned programs. We may go through the motions of arms control negotiations to pacify our public, but those negotiations won't succeed until we really understand that our security will be better protected by a stable and moderate level balance in the nuclear competition. The alternative is an unregulated nuclear military competition, with weapons that are less stable and less verifiable and that will make us less, not more, secure.

"As for trying to regain our superiority, the only effect of that will be to lead the Russians to keep pace with us. They can and they will, no matter what it costs them."

A. "What do you want—another détente? That was a failure and a deception. Did it stop the Russians from their military buildup or their aggressions in Africa? Did you think that because we had a joint walk in space, they were going to be nice to us?"

B. "No, not another détente like the one we had in 1972. It didn't last because each side had a different notion of what it meant. The Soviets thought they could continue to exploit opportunities in the third world with disturbing our relations, and they were wrong. We didn't ratify SALT II, we granted most-favored-nation status to the Chinese but withheld it from the Russians, and so on. If we ever have the opportunity to try it again, it will have to be on the basis of a more realistic common understanding, of the mutual restraints we expect from each other."

UKRAINIAN PLIGHT: THE 50TH ANNIVERSARY OF THE RUSSIAN-INDUCED FAMINE

Mr. PROXMIRE. Mr. President, this year marks the 50th anniversary of the Russian-induced famine in the Ukraine.

Half a century ago, the Ukrainian peasantry, workers, and intellectuals refused to accept the collective yoke of the Moscow-imposed dictatorship of the proletariat under Joseph Stalin, most especially the collectivization of their agriculture. The Ukrainians cherised the principles of private property and individual endeavor.

In the fall of 1932, signs of famine hit the Ukraine. The Ukrainian diet soon consisted of only staple foods. Then an even stranger phenomenon occurred. Throngs of hungry people were forced to emigrate from their once fertile homeland. It became clear that Stalin had initiated a state robbery of the remaining food supply in retribution for Ukrainian resistance. Starvation was Stalin's weapon.

In the spring of 1933, Ukrainians began to die—not only from starvation, but also from execution. The Russian Central Executive Committee blamed the Ukrainians for the stealing of food, a collective state property. The criminals were executed. In all, 7 to 10 million Ukrainians lay dead as evidence of this Russian-induced famine holocaust.

Fifty years later, the Ukrainian plight continues. Thousands of Ukrainian political prisoners are today languishing in Soviet concentration camps because of their resistance to the occupation and colonization of their homeland by the U.S.S.R.

The United States takes pride in its commitment to human rights and international justice. We cannot ignore the tragedy of the Ukrainians and other groups. Consequently, we must ratify the Genocide Convention.

The Genocide Convention treaty attempts to establish a basic, fundamental principle of international law: that the planned, premediated extermination of a national, ethnic, racial, or religious group is morally wrong and must be outlawed and punished.

Let us not ignore the plight of our fellow man. Let us act now in favor of the Genocide Convention.

WOMEN'S HISTORY WEEK

Mr. THURMOND. Mr. President, I rise in support of Senate Joint Resolution 204, designating March 5-9, 1984, as "Women's History Week."

Throughout our Nation's history, women have played an important role in every sphere of American life. Their countless contributions to society have helped shape this great land in which we live, and all Americans owe a tremendous debt of gratitude to these women who have sacrificed much to make America and the world a better place.

In addition to fulfilling well the traditional roles as mothers and wives, women have also excelled in virtually every field of endeavor. Whether a homemaker or corporate head, nurse or neurosurgeon, volunteer or veteran, women have consistently been a viable force in the daily affairs which affect every American.

Mr. President, the achievements of such great women as Betsy Ross, Clara Barton, Florence Nightingale, Susan B. Anthony, and Helen Keller, have not only made a strong impact upon American history, but have also served as inspiring examples to other women. In a similar manner, the influence of such dedicated leaders as former Senator Margaret Chase Smith, Senators NANCY KASSEBAUM and PAULA HAWKINS, Transportation Secretary Elizabeth Hanford Dole, astronaut Sally Ride, Justice Sandra Day O'Connor, and First Lady Nancy Reagan have inspired future generations to even greater accomplishments.

These individuals represent the millions of women who have played an equally important role in community, State, and national affairs since our Nation's founding. Opportunities for women are greater now than ever, and there is no limit to what women can and will achieve in the years ahead.

Mr. President, it is appropriate that we recognize and honor the women of America through this commemoration, and I encourage my colleagues to join me in cosponsoring this worthwhile legislation.

ESTONIAN INDEPENDENCE DAY

Mr. SARBANES. Mr. President, February 24 marked the 66th anniversary of the Estonian Declaration of Independence, and it is therefore a most appropriate time to pay tribute to the courage and spirit of the Estonian people. The declaration is both a reminder of the rich heritage of the Estonian people and an expression of their abiding faith in the future. For while their personal and national integrity may be cruelly repressed, it will never be extinguished.

The shores of the Baltic Sea have been home to the Estonians since 2000 B.C. They have also, throughout history, been the crossroads of invading armies. Foreign domination has never destroyed the Estonian national identity, and Estonian independence was reestablished after World War I. The 1922 Declaration of Independence expressed the Estonian commitment to a free and democratic society. Their Constitution, modeled after the French, Swiss, and United States Constitutions, was a beacon of human rights and dignities for all citizens.

During the brief period between World Wars I and II, Estonians prospered; they attained exceptionally high educational standards and growth in the major spheres of agriculture and industry became a model for other democratic nations. The 100,000 Estonian Americans with whom we join in their day of celebration contribute greatly to the economic, cultural, political and academic growth of their adopted American communities. To every activity, they bring a deep respect for the traditions of freedom and democracy, traditions they had brought from their own country.

Estonian Independence Day symbolizes the determination and spirit of the Estonian people. It provides an opportunity for Americans to reflect upon the proud heritage of their fellow citizens of Estonian descent, and to their dedication to the principles of freedom and liberty for which this day stands. It is also an occasion to remember courageous Estonians such as Mart Nicklus, who continue, against all odds, to speak out in support of the basic human rights defined in the Helsinki Final Act.

Brave Estonians, in the face of KGB interrogations, internal exile and long terms in prison labor camps, continue to petition for a nuclear freeze in Estonia. Let us take this, the occasion of the 66th anniversary of the Estonian Declaration of Independence, and remember these courageous people, and hope, as they hope, that the day is not far off when they may once again live as a free and independent society.

E-COM SERVICE INITIATED BY POSTAL SERVICE

Mr. STEVENS. Mr. President, in January 1982 the Postal Service initiated its electronic computer originated mail (E-Com) service. E-Com is an important step in bringing the Postal Service into the modern telecommunications age. Not only is E-Com the first new service offered to first class mail users in years, it is an area that offers great potential for additional income which could be used to help defray the basic overhead costs of postal operation and thus help maintain the rates of other classes of mail.

E-Com service is an important information age innovation that enables private sector telecommunication and computers to connect with postal delivery. It complements and adds value to the telecommunication and computer industries. It complements and adds value to the services offered by the Postal Service to mail users throughout the Nation.

The Postal Service's delivery network is a unique and indispensable outlet of this high technology innovation because only the Postal Service can provide the fast universal delivery service to all U.S. addresses at a low cost which no other deliverer can match. It is the only communication provider that offers universal services at a uniform fee to all Americans, whether they live in Anchorage or Atlanta, in Honolulu or Houston.

E-Com is a rapidly growing young service, barely 2 years old. It has experienced a 175-percent growth rate during its second year, making it one of today's fastest growing information services, even though limited only to bulk service. Its growth during 1983 was even faster than that of personal computers and other successful postal services such as Express Mail.

E-Com allows users anywhere to compose messages on a personal computer or word processor and transmit them over the private sector U.S. telecommunications carrier network directly to the Postal Service to be printed and delivered. The integration of printing with postal delivery is essential for fast delivery and low cost. The Postal Service's integrated facilities and operations for receiving, printing, and delivering E-Com documents are open to all private sector telecommunication carriers. That is an extremely important consideration under our policy favoring competitive telecommunications.

Unfortunately, the independent regulatory body of the Postal Service, the Postal Rate Commission, has recommended doubling the postage rate for the first page of an E-Com letter and tripling the cost for the second page. Many contend that the current rates are too low to begin to recover the cost of the program. But, instead of raising the rate 5 cents for the first page as requested by the Postal Service, the Rate Commission raised it 26 cents. Instead of increasing the cost of the second page 4 cents as suggested by the Postal Service, it recommended an increase of 15 cents.

Increasing the rate so dramatically could sound the death knell for this beneficial service to all mail users. Such a high cost eliminates many Americans from the ability to meaningfully participate in the electronic mail revolution.

A major portion of the information on which the Rate Commission based its decision was the concept that the rates charged must cover the entire cost of operation, even before the program is fully mature. The Commission is saying that even though this program is in its developmental stage, it should be treated as a mature, full-blown system with the optimum number of clients that it will have. They ignore the time-honored concept of start-up costs for any organization.

No private company expects that a new product or a new division or service will make a profit during its first few years of operation. They give it a timeframe, 5 or 10 years, to become mature. When mature, it should show a profit and eventually, over an extended period of time, will recover all the costs and still provide a profit. That is what we should and can expect from E-Com.

We do not want any class of mail or any non-E-Com mail user to subsidize this system. On the contrary. It is essential that this program make a profit so it can contribute to the overhead costs of the overall operation of the Postal Service and in this way indirectly subsidize the other classes of mail.

When the old Post Office Department first began using airplanes to fly mail, it did not charge a postage rate commensurate with the cost of flying that mail. The postage to cover the cost of carrying four or five letters in those years of flying would have been prohibitive. It took time to develop airmail. It took time to get the public used to using the service that we all now take for granted. Why would we expect E-Com to be treated any differently?

When Congress passed the Postal Reorganization Act of 1970, it did not expect and would not have expected experimental or developmental programs to show profits in their first year. We did not expect the Rate Commission to illogically apply a requirement to have all classes of mail cover their attributable cost. I hope the Board of Governors of the U.S. Postal Service will look to the future when they deliberate on whether to accept, reject, or send back the Rate Commission's recommendation. It is the future I am concerned about.

I do not want the telecommunications revolution to bypass the Postal Service. Too many of our American citizens depend on the Postal Service to allow its future to be hamstrung by restrictions on future modernization and improvement. Most, if not all, Americans will require hard copy mail delivery as well as parcel delivery. Without the added income from modern communication tools such as telecommunications, the Postal Service will be left behind and forced to either drastically cut services, raise postal rates, or even start asking the taxpayers to once again subsidize its operation.

I do not want the Postal Service to implement any of those three options. We need the USPS to keep abreast of modern transportation and technology. Pricing E-Com out of existence, which is what the Rate Commission is in effect doing, is not in the best interest of the American public.

I ask unaninous consent to insert at the end of my remarks a letter and an analysis dealing with the Rate Commission's recommendation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALICE K. GORDON,
BUSINESS CORP. OF AMERICA,
Cambridge, Mass.

Senator TED STEVENS,
Russell Senate Office Building,
Washington, D.C.

The Board of Governors of the US Postal Service is about to deliberate the recommended rate for the Postal Service's electronic mail—E-Com—on the basis of an irresponsible Opinion by the Postal Rate Commission. The Commission has failed to disclose that E-Com will make money with no increase in rates at all. Instead, the PRC recommends doubling the rate of the first page and tripling it for the second page.

The Commission's recommendation results in a discriminatory rate against E-Com business mailers. In his dissent from the Opinion, Commissioner Duffy states that the recommendation has been made in "total disregard for the interests of E-Com business users, whom we are specifically charged with protecting against drastic rate changes pursuant to the statute. This concentration on the competitive interests of those not even named in the rate-setting process by Congress, while totally ignoring the impact of doubling the E-Com rates on those whose interests Congress statutorily directed us to protect, makes a mockery of the rate-setting process and violates the very basis of the Postal Reorganization Act." (p. 21, Duffy's Dissent)

He goes on, "The E-Com rates have been artificially created, discriminate against E-Com users and are not based on the cost and pricing factors contained in the Postal Reorganization Act" (p. 24).

The PRC specifically denies that it is enforcing antitrust laws yet it proceeds to issue an Opinion shaped almost entirely by such issues—although false—of competition with letter shops.

There is evidence in the Opinion that the PRC does not even understand the essential characteristics of E-Com. In particular, the Opinion misinterprets (at p. 43) the meaning of Business Corporation of America's Reply Brief that E-Com obliterates physical borders in the sending and receipt of mail—that is, that a mailer can eliminate distance by transmitting letters from one city directly to another one thousands of miles away, obliterating distance and even time.

The PRC's Recommended Decision violates ratemaking principles and the Statute and should not be allowed to prevail.

ALICE K. GORDON,
BUSINESS CORP. OF AMERICA,
Cambridge, Mass.

Senator TED STEVENS,
Russell Senate Office Building,
Washington, D.C.

RATE COMMISSION REPORT PROVES E-COM MAKES MONEY WITHOUT RATE INCREASE

The Postal Rate Commission in its Opinion on the E-Com Rate Case failed to disclose to the Board of Governors of the United States Postal Service that the Postal Service's new electronic mail—E-Com—will make money even without any rate increase.

This charge was made by Business Corporation of America in a submission to the Board of Governors filed in response to the Rate Commission's Opinion issued on February 24, 1984.

Business Corporation of America, a leading dedicated access E-Com carrier, and one of the oldest, participated in the proceeding to consider E-Com rates conducted before the Postal Rate Commission.

"We analyzed the Opinion as soon as it was issued and were astonished to find that the Commission itself proves that E-Com makes money without any increase in E-Com rates," said Alice K. Gordon, President of Business Corporation of America. "Yet the Commission fails to disclose this information to the Board", she said.

BCA's analysis of the Commission's Opinion reveals that at 26 cents for the first page and 5 cents for the second, E-Com will actually earn more money than at 31 cents and 9 cents, the rates originally proposed by the Postal Service. "As the rates increase, volume declines, just as with any product", Gordon explains.

"Even at rates 75 percent higher than the current ones, hardly any additional money is earned", she said. The report shows that at .38 for the first page and .11 for the second page the Postal Service would net only $1 million more than at the current rates over the three-year period from 1985 to 1987 under consideration. At .45 for the first page and .13 for the second, the net difference is only $2 million out of $132 million of revenue. "The differences are in the noise level", Ms. Gordon said.

BCA's analysis reports that the Commission's recommended E-Com rates of .52 for the first page and 15 for the second would theoretically produce significantly more money if the volumes are achieved. It would produce 32% profit, so much more than any other class of mail as to constitute rate discrimination, the BCA report alleges. But if the volumes at .52 and .15 are not reached, the result is much worse. "Obviously", said Gordon, "the outcome is very speculative at .52 and .15 because there is no experience with buyer behavior at that price".

BCA reports that the Commission's Opinion shows that the Postal Service will earn the most money with the least risk if E-Com rates are not increased at all.

BCA's Response concludes that the Commission's Opinion is irresponsible because it leaves the Board without the facts in evidence for decision-making. "We urged the Board of Governors to reject the Opinion", Gordon said

Asked why such a discrepancy was found, Gordon explained that the Commission uses a substitute instead of the actual mailstream costs it accepted as accurate. "The substitute is three times higher than the actual cost and the Commission admitted this substitute is a penalty to protect letter shops", Gordon said. "Our analysis shows that when you use this substitute, you show artificially high costs over revenues at higher volumes, leaving artificially depressed surpluses. That makes all rates below the one the Commission recommended look poor", she commented. Gordon said that when the Commission's accepted costs are used, current rates are not only very favorable, they yield a higher surplus than the Commission found acceptable at 52 cents.

"The Commission obfuscates the true picture", she said. Our analysis tells the story the Commission failed to report to the Board of Governors. Now it's up to the Board.

Mr. STEVENS. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended under the same terms until 3:30 p.m.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. STAFFORD). The time for morning business has expired.

VOLUNTARY SCHOOL PRAYER

The PRESIDING OFFICER. Under the previous order, the clerk will report the unfinished business.

The bill clerk read as follows:

A joint resolution (S.J. Res. 73) proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

Mr. BAKER. Mr. President, I ask that the clerk read the balance of the resolution.

The PRESIDING OFFICER. The clerk will read.

The bill clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE —

"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in *prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.*".

The PRESIDING OFFICER. The clerk will report the committee amendment.

The bill clerk read as follows:

On page 2, line 9, strike "prayer."." and insert "prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools."."

Mr. BAKER. Mr. President, Senate Joint Resolution 73 is the pending business, and the committee amendment is the pending question. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. I thank the Chair.

Mr. President, today the Senate begins a new debate on an old issue.

The specific issue is whether, and how, to amend the Constitution to restore the right of Americans to pray in public buildings, including public schools.

But the larger issue is whether or not we wish to surrender, voluntarily and for all time, the free exercise of religion and speech which Americans in every generation have struggled to secure.

For more than 20 years now, that freedom has been abridged by a succession of court decisions, to the point of nullification:

In 1961, the Supreme Court of the United States held in Engel against Vitale, better known as the Board of Regents case, that the New York Board of Regents could not compose or prescribe a prayer to be recited by students in the public schools of New York.

This prohibition was ordered as a protection against the "establishment of religion" by the State—an establishment forbidden by the Constitution's first amendment.

Then came the case of Stein against Oshinsky, which involved an order from the head of a school district in Whitestone, N.Y., to the kindergarten teachers in that district, directing that they stop their students from reciting the following simple prayer:

God is great, God is good
And we thank Him for our food.

The teachers were also ordered to stop the recital of this prayer:

Thank you for the world so sweet,
Thank you for the food we eat,
Thank you for the birds that sing,
Thank you, God, for everything.

Finally, teachers were ordered to permit no prayers at all in any classrooms of the Whitestone, N.Y., school district.

Parents of children of many religious faiths sued to enjoin school officials from preventing recital of prayers on the children's initiative, the U.S. district court sustained the parents, the U.S. circuit court overruled the district court, and the U.S. Supreme Court let stand the circuit court's ruling.

Those court cases of the 1960's, Mr. President, created a chilling effect on the free exercise of religion in this country. Whether or not it was the intention of the courts, these rulings have effectively banished God from the American classroom for the past 20 years.

Even the pledge of allegiance to the flag is recited now under furtive circumstance in our schools because the phrase "one Nation under God" may be deemed offensive and unconstitutional.

This turn of events is a tragic perversion of the intent of the Constitution's authors. The sessions of the Constitutional Convention itself were opened with public prayers. The Senate and House of Representatives have followed a similar custom for more than 200 years. Every President from Washington to Reagan has invoked the blessing of God on this country at the inauguration of each new Presidential term.

And the Supreme Court begins its own daily sessions only after its crier publicly petitions, "God save the United States and this Honorable Court."

This invocation, on which Senators and Representatives, Presidents and Justices, and the Framers of the Constitution have all relied is today a right denied America's schoolchildren.

The question is not whether religion is better practiced in the home and in places of worship than in the school. The question is whether government can prohibit the free exercise of religion anywhere. The Constitution plainly says it cannot, yet court decisions have had precisely this prohibitive effect in the public schools of America.

The time has long since come to set this matter right. My father-in-law, Senator Everett Dirksen, began the effort to reverse these antiprayer decisions legislatively or, if need be, constitutionally, shortly after they were handed down.

The constitutional amendment which he authored in 1966 gained majority support in the Senate but failed to win the two-thirds majority necessary to amend the Constitution.

Four years later, in October 1970, I introduced a slightly different version of the school prayer amendment, and this version won a majority in the Senate only to die of neglect in the House.

It is this same amendment that I introduced at the beginning of the current session of Congress.

The amendment says simply:

> Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through expenditure of public funds, to participate in voluntary prayer.

I believe, Mr. President, that the first amendment to the Constitution makes clear this right to prayer as part of its guarantee of the free exercise of religion and the freedom of speech.

But if further constitutional clarification is necessary, let us clarify.

Let us reassert the plain intent of the Framers by asserting our own intent that "In God We Trust" is something more than a hollow creed or a hypocritical oath.

Let us clear that the invocation of God is not the exclusive privilege of the high and mighty in America but the fundamental right of every American.

President Reagan has already made clear in his state of the Union address in January that he wants a school prayer amendment passed this year.

It is a long and laborious process, as any revision of a brilliant Constitution should rightly be, but it is worth the effort, and it is time to begin.

Mr. President, may I add parenthetically the remarks that I made at the opening of the session of the Senate today. I understand the sensitivity of this issue. I am keenly aware of the emotionalism that circles about this issue. I know something of the passions that can be raised and the tempers that can flare as we debate an issue of such fundamental importance.

Mr. President, passions and tempers seldom make correct decisions, let alone constitutional decisions. So, at the beginning of this debate, I wish to urge Senators to consider this matter clearly, as unemotionally as possible, on the issues and the merits of the controversy.

As majority leader, Mr. President, I pledge that there will be adequate time for debate. There will be no rush or haste in trying to reach a final disposition in these matters. There will be ample time for every Senator to speak, not once but twice or as often as within reason they may wish and for as long as they may wish.

It will not be the intention of the leadership on this side, Mr. President, to turn this debate into a physical endurance contest. I do not believe that the Constitution deserves to have an amendment to it considered dependent on how strong and how sleepy Members of the Senate may be.

So I am prepared to ask the Senate to stay on this matter as long as necessary.

It comes at a propitious time, Mr. President. Some have asked, "Why on earth would you bring up a prayer amendment now when there are other more important things to do?"

To begin with, I do not know of anything more important to do.

But, in the second place, the leadership chose this time on this side, at least, because we are now well in advance of the time when we can reach the budget resolution and certainly well in advance of the time that we can reach any of the appropriation bills or any significant effort in the tax field.

This is the time. The time has arrived, Mr. President, when we should debate this issue.

I do not know how long it will take. I do not know whether it will be necessary to invoke cloture or not. I have no intention of asking for a cloture motion anytime soon.

I want this issue to develop freely and fully. I wish to see the exchange of ideas by men and women of good conscience in this Chamber, which is, in my view, the most remarkable forum for the formulation of public policy ever contrived by the mind of man.

Mr. President, we are embarking on a long and tedious debate, but I hope it will not become such an emotional debate that we obscure the merits of the circumstance and the relative value of our positions.

Mr. President, the distinguished chairman of the Judiciary Committee will manage on this side, and I now yield the floor.

The PRESIDING OFFICER (Mr. DURENBERGER). The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, this is a momentous occasion. Today we begin consideration of Senate Joint Resolution 73, the voluntary school prayer constitutional amendment, which I, along with some other Senators, introduced at the request of the President on March 24, 1983. This amendment to the Constitution, as President Reagan has repeatedly emphasized, is of vital importance to the well-being of our Nation. It would restore to our youth their right to pray in the public schools—a right which was freely exercised under our Constitution until the Supreme Court removed prayer from the classroom over two decades ago.

In 1962, the Supreme Court abruptly ended over 170 years of religious exercise in the schools of this Nation. Until the Engel and Abington School District decisions, the establishment clause of the first amendment was generally understood only to prohibit the national government from officially approving, or holding in special favor, any particular religious faith or denomination, as was the practice in European countries when our Nation was founded. Justice Story clearly stated this understanding in his nearly contemporaneous "Commentaries on the Constitution": "The real object of the first amendment," he said, "was * * * to prevent any national ecclesiastical establishment which would give to an hierarchy the exclusive patronage of the National Government."

In writing the establishment clause of the first amendment, our Founding Fathers wanted to prevent what had originally caused many colonial Americans to emigrate to this country—an official, state religion. At the same time, they sought, through the free exercise clause, to guarantee to all Americans the freedom to worship God without Government interference or restraint. In their wisdom, they recognized that true religious liberty precludes the Government from both forcing and preventing worship.

The unfortunate constitutional interpretation which has banned voluntary prayer in our public schools runs contrary to this dual intent of the Framers. They understood, as I think we all do, that the general welfare of our Republic depends to a large degree on the spiritual and moral fiber of the citizenry. That fiber is, in turn, dependent upon the guidance given our young people. A ban on school prayer is, therefore, contrary to the best interests of our Nation as a whole.

Justice Douglas once stated an obvious truth when he observed on behalf of the Supreme Court: "We are a religious people whose institutions presuppose a Supreme Being." Nearly every President since George Washington has proclaimed a day of public prayer to acknowledge the many blessings that Almighty God has bestowed upon this Nation. Moreover, we, as a Nation, continue to recognize the Deity and His Guidance in our Pledge of Allegiance by affirming that we are a Nation "under God." The coins in our pockets are inscribed with the motto, "In God We Trust."

Mr. President, in this body, we begin our workday with the comfort and stimulus of voluntary group prayer. Recently, such a practice has been constitutionally blessed by the Supreme Court. It is patently absurd, in my judgment, that the opportunity for the same beneficial experience is denied to the boys and girls who attend public schools. The average pupil spends over 7 hours in school each day. During this time, he receives both an intellectual and athletic education, but is denied the opportunity to acknowledge his God even briefly. This situation simply does not comport with the intentions of the Framers of the Constitution and is, in fact, antithetical to the rights of our youngest citizens to freely exercise their respective religions. It simply must be changed, without further delay.

Mr. President, let there be no doubt about the constituency involved here. The movement to restore prayer to public schools and other institutions is not an attempt by a small minority to impose their views upon an apathetic majority. Public opinion polls show strong support for a constitutional amendment like Senate Joint Resolution 73 on the part of the vast majority of Americans—over three-quarters of our population.

I believe the latest poll showed around 80 percent of our people favored prayers in public schools. These are not religious zealots, but average Americans who want their children and grandchildren to enjoy the same simple privilege that they had as public school students. The change which we propose here today is not revolutionary—it is merely a return to the status quo which began with our Forefathers and ended on questionable constitutional grounds only a few years ago.

If ratified by the States, Senate Joint Resolution 73 would amend the Constitution to clarify that it does not prohibit vocal, voluntary prayer in the public schools and other public institutions. It emphatically states that no person may be required to participate in any prayer. When I introduced this resolution 1 year ago, I strongly urged my colleagues to come together in support of the concept of restoring school prayer and to give me their ideas on how the measure could be improved. Based on the input which was received, I offered an amendment in committee to add a third sentence which would preclude any goverment from drafting prayers to be said in public schools.

As it reads today, I believe that we have a well-crafted amendment which meets with the approval of the overwhelming majority of Americans.

I strongly urge my colleagues to champion religious liberty in this country by joining President Reagan, myself, and others in this body in support of Senate Joint Resolution 73.

Mr. President, this article is very brief, and I just want to read it to the Senate so they can see exactly what it says—

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States—

And this is what was added, this last sentence, in the Judiciary Committee—

> Neither the United States nor any State shall compose the words of any prayer to be said in public schools.

So, Mr. President, it is clear that this is purely voluntary prayer—not formulated by school officials, not formulated by State officials, not formulated by Federal officials—purely voluntary prayer that the students themselves may originate.

Mr. President, when I came along in school, we had what was called "chapel" every morning. Every morning we sang. We sang patriotic songs, and we had prayer. I do not know if anybody was ever hurt by those prayers. I never heard of anybody ever being hurt in that school or any other school in the United States because of prayer.

However, this amendment does not require any attendance and does not permit, as I said, any school official, State official, or Federal official, to inaugurate a prayer or compose a prayer that would have to be used.

Mr. President, it is really inconsistent to say we cannot have prayer in the schools. After all, the people look to Washington for guidance. They look to Washington to be a model somewhat. And it ought to be. Every morning that this Senate meets, as President pro tempore of the Senate, I walk up those steps and walk up to the desk where the President pro tempore sits. Before I sit down, the first thing I do is rap for order. The next thing I do is call upon the Chaplain of the U.S. Senate to lead us in prayer.

Mr. President, if the U.S. Senate can open its day with prayer, why cannot the schools of this Nation open their day with prayer if they care to do it?

Mr. President, I happen to be a member of a group called the "Prayer Group" that has been meeting here ever since I have been in the Senate, right down here in the Vandenberg Room S. 139. Every Wednesday morning, we meet there and we have prayer. We have a discussion by one of the Senators. Outsiders are not allowed to lead in the discussions. One of the Senators leads the discussion, and we hold hands and pray.

Mr. President, if the U.S. Capitol can be used for prayer by Senators, why cannot the schoolchildren use a public building for prayer if they so desire? I think it is nothing but fair, it is nothing but just, and it sounds to me unreasonable to deny the school children of this Nation the right to pray voluntarily if they wish to do so.

Mr. President, I commend the able majority leader for bringing up this amendment of mine for us to consider now early in the session so we will have time to act upon it. I hope my colleagues will see fit to support this and send it to the House. If the people of the Nation do not want it, they can vote it down. But, Mr. President, we feel that the people of the Nation do want it because the polls show they do—the polls ranging anywhere from 75 to 80 percent.

Mr. President, I want to express my appreciation to all the Senators who joined in on this amendment. I wish to commend especially a member of the committee, Senator HATCH, for the good work that he did on this amendment. His subcommittee handled the amendment at that level, then it came to the full committee and was reported out.

I commend the able Senator from North Carolina, Mr. HELMS, who has probably done as much or more than any other Senator here to advocate prayer in school. There are many others who are active and interested and eager and willing to help on this matter.

I am very pleased now that we have the chance to take up this matter and let the people of the Nation, through their Senators, act upon this vital matter which we feel is of such concern and of such importance to the people of this Nation.

Mr. President, I now yield to the able and distinguished Senator from Utah, Mr. HATCH.

Mr. HATCH. I thank the distinguished Senator from South Carolina and I want to pay tribute to him. Since he has been in this body, Senator THURMOND has worked energetically and diligently to try and resolve conflicts regarding voluntary school prayer. Until he became chairman of the Judiciary Committee, there never was a serious opportunity for this body to fully consider and debate this matter.

This forthcoming debate is also a tribute to the President of the United States, without whom we would have never had the opportunity to bring this to the floor. I rise to speak generally on the subject of prayer in the public schools and specifically in support of Senate Joint Resolution 73 and to place this issue in what I believe is its proper constitutional context. The objective of those who support a school prayer constitutional amendment is not to circumvent the policy required by the establishment clause of the first amendment but rather to restore the proper, historic understanding of that critical provision.

SUMMARY

In two landmark decisions in the mid-1960's, the U.S. Supreme Court sharply altered the traditional understanding of the establishment clause of the first amendment with respect to the permissibility of public school prayer. Prior to these decisions, such prayer had been a normal part of the educational regimen of tens of millions of public school students over successive generations. Following these decisions, prayer was effectively eliminated from American classrooms as being inconsistent with the dictates of the Constitution of the United States.

In 1962, in *Engel* v. *Vitale,* 370 U.S. 421, the Court declared that Government-composed prayer was unconstitutional and overturned the practice by the board of regents of New York of encouraging the daily recitation of the following prayer:

> Almighty God, we acknowledge our dependence upon Thee and we beg Thy blessings upon us, our parents, our teachers, and our country.

Participation in such prayer by the individual student had been entirely voluntary.

The following year, in *Abington* v. *Schemmp,* 374 U.S. 203, the Court overturned State laws encouraging the reading of selected scriptures at the outset of the public school day. While acknowledging that the place of religion in American society was "an exalted one," the Court nevertheless concluded that the first amendment required that the State, in its posture toward religious expression, be "firmly committed to a position of neutrality."

A constitutional amendment relating to school prayer is necessary to restore the historic meaning of the first amendment, abruptly altered by the Court's decisions in Engel against Abington. The laws of at least 41 States were overturned by the Court's decisions in these cases (see table).

State	Provisions at time of Engel and Abington decisions		Litigation subsequent to Engel and Abington
	Bible reading	Prayer	
Alabama	Required [1]		Pre-Abington statue requiring Bible-reading held unconstitutional in Alabama Civil Liberties Union v. Wallace, 331 F. Supp. 966 (M.D. Ala. 1971), aff'd 456 F.2d 1069 (5th Cir. 1972). Statutes permitting teacher-led prayer and a period of silence "for meditation or voluntary prayer" held unconstitutional in Jaffree v. Board of School Commissioners of Mobile County, No. 83–7047 (11th Cir., May 12, 1983).
Alaska	Prohibited [2]	Prohibited [2]	
Arizona	Prohibited [1]	Prohibited [1]	
Arkansas	Required [1]	Permitted [1]	
California	Prohibited [3]	Prohibited [3]	
Colorado	Permitted [4]	Permitted [4]	
Connecticut			
Delaware	Required [1]	Permitted [1]	Pre-Abington statute required Bible-reading and permitting prayer held unconstitutional in John v. Allen, 231 F. Supp. 852 (D. Del., 1964).
District of Columbia	Required [2]	Required [2]	
Florida	Required [1, 4]	Permitted	Pre-Abington statute requiring Bible-reading and practice of recital of Lord's Prayer held unconstitutional in Chamberlin v. Dade County Board of Public Instruction, 377 U.S. 402 (1964) (per curiam), on remand 171 So.2d 535 (Fla. 1965). Local regulation using Bible reading and prayer to implement State statute, adopted in 1939, requiring teachers to "embrace every opportunity to inculcate . . . the practice of every Christian virtue" held unconstitutional in Meltzer v. Board of Public Instruction of Orange County, 543 F.2d 559 (5th Cir. 1977), on rehearing en banc 577 F.2d 311 (5th Cir. 1978), cert. den. 439 U.S. 1089 (1979).
Georgia	Required [1, 4]	Permitted [4]	
Hawaii	Permitted [2]	Permitted [2]	
Idaho	Required [1]		Pre-Abington statute requiring Bible-reading held unconstitutional in Adams v. Engelking, 232 F. Supp. 666 (D. Idaho 1964).
Illinois	Prohibited [4]	Prohibited [4]	
Indiana	Permitted [1]		
Iowa	Permitted [1, 4]		
Kansas	Permitted [1, 4]	Permitted [4]	
Kentucky	Required [1, 3, 4]	Permitted [3, 4]	Pre-Abington statute requiring daily Bible reading (Ky. Rev. Stat. § 158. 170) ruled unconstitutional by state attorney general in 1979.
Louisiana	Prohibited [3, 4]	Prohibited [3, 4]	Statute permitting local school boards to authorize teachers and students to offer a daily prayer, adopted in 1980, held unconstitutional in Karen B. v. Treen, 653 F.2d 897 (5th Cir. 1981), aff'd mem. 455 U.S. 913 (1982).
Maine	Required [1, 4]	Required [1, 4]	
Maryland	Permitted [4]	Permitted [4]	Local school board regulation requiring Bible reading and permitting recitation of the Lord's Prayer held unconstitutional in companion case to Abington, Murray v. Curlett, 374 U.S. 203 (1963).
Massachusetts	Required [1, 4]	Permitted [4]	Pre-Abington statute requiring daily Bible reading held unconstitutional in Waite v. School Committee of Newton, 348 Mass. 767, 202 N.E.2d 297 (1964). Statute adopted in 1970 authorizing local school committees to permit students to "participate in voluntary prayer before the commencement of each" school day held unconstitutional in Commissioner of Education v. School Committee of Leyden, 358 Mass. 776, 267 N.E.2d 226, cert. den. 404 U.S. 849 (1971). Statute adopted in 1979 authorizing student volunteers to offer daily prayers held unconstitutional in Kent v. Commissioner, 402 N.E.2d 1340 (Mass. 1980). Amendment adopted in 1973 providing for daily moment of silence for "meditation or prayer" held constitutional in Gaines v. Anderson, 421 F. Supp. 337 (D. Mass. 1976), re-enacted in 1980.
Michigan	Permitted [4]		
Minnesota	Permitted [4]		
Mississippi	Permitted [1]		
Missouri			
Montana			
Nebraska	Prohibited [4]	Prohibited [4]	
Nevada			
New Hampshire	Permitted [1]	Permitted [1]	On two occasions the state Supreme Court rendered advisory opinions that proposed statutes requiring prayer and Bible reading or permitting prayer would be unconstitutional if ad[illegible], but that statutes providing for silent meditation would be constitutional. Opinion of the Justices, 108 N.H. 97, 228 A.2d 161 (1967); Opinion of the Justices, 113 N.H. 297, 307 A.2d 558 (1973).
New Jersey	Required [1, 4]	Permitted [1, 4]	On two occasions the State Attorney General and Board of Education brought suit to enforce local school district compliance with the Engel and Abington decisions, once with respect to Bible reading, the second with respect to readings in student assemblies of the chaplain's "remarks" from the Congressional Record. Sills v. Hawthorne Board of Education, 84 N.J. Sup. 63, 200 A.2d 817 (Super. Ct. N.J. 1963), aff'd 42 N.J. 351, 200 A.2d 615 (1964); State Board of Education v. Board of Education of Netcong, New Jersey, 108 N.J. Sup. 586, 262 A.2d 21, aff'd 57 N.J. 172, 270 A.2d 412 (1970), cert. den. 401 U.S. 1013 (1971). Preliminary injunction issued barring implementation of silent meditation statute adopted in 1982 in May v. Cooperman, civil No. 83-89 (D.N.J., Jan. 10, 1983).
New Mexico	Permitted [3]		Statute permitting a period of silence for "contemplation, meditation or prayer" held unconstitutional in Duffy v. Las Cruces Public Schools, Civil No. 81-876-JB (D.N.M., Feb. 11, 1983).
New York	Permitted [4]	Permitted [3, 4]	Local board's requirement that prayer composed by State Board of Regents be recited daily held unconstitutional in Engel v. Vitale, 370 U.S. 421 (1962). State Board of Regents policy subsequent to Engel barring all prayers in public schools held constitutionally permissible in Stein v. Oshinsky, 224 F. Supp. 757 (E.D.N.Y. 1963, rev'd 348 F.2d 999 (2d Cir.), cert. den. 382 U.S. 957 (1965)).
North Carolina			
North Dakota	Permitted [1]		
Ohio	Permitted [4]		
Oklahoma	Permitted [1]		State voluntary prayer statute upheld as facially constitutional, but practice of supervised student prayer groups meeting at beginning of school day held unconstitutional in Bell v. The Little Axe Independent School District No. 70, Civil No. 81-620-T (D. Okla., March 11, 1983).
Oregon			
Pennsylvania	Required [1, 4]	Permitted [3]	Statute requiring Bible reading and practice of recitation of Lord's Prayer held unconstitutional in Abington School District v. Schempp, 374 U.S. 203 (1963).
Rhode Island			
South Carolina			

State	Provisions at time of Engel and Abington decisions		Litigation subsequent to Engel and Abington
	Bible reading	Prayer	
South Dakota	Permitted [4]	Permitted [4]	
Tennessee	Required [1, 4]	Permitted [4]	Statute requiring a period of silence "for meditation, prayer or personal beliefs" held unconstitutional in Beck v. McElrath, 548 F. Supp. 1161 (M.D. Tenn. 1982).
Texas	Permitted [4]	Permitted [4]	
Utah			
Vermont			
Virginia			
Washington	Prohibited [4]	Prohibited	
West Virginia			
Wisconsin	Prohibited [4]	Prohibited [4]	
Wyoming	Prohibited [3]	Prohibited [3]	

[1] By statute. [2] By State board of education regulation. [3] By opinion of State attorney general. [4] By court decision.

Source: This table was prepared by the Congressional Research Service, June 6, 1983.

Until these rulings, the establishment clause of the first amendment had been understood primarily to prohibit the State from establishing any official church or denomination as a matter of general public policy. As Justice Story observed in his commentaries on the constitution:

> The real object of the first amendment was . . . to prevent any national ecclesiastical establishment which would give exclusive partronage to the national government. (Section 1871.)

Similarly, Prof. Edward Corwin, the distinguished constitutional scholar, has written:

> The historical record shows beyond any peradventure that the core idea of an "establishment of religion" comprises the idea of preference; and that any act of public authority favorable to religion in general cannot, without manifest falsification of history, be brought under the ban of that phrase.

During most of the Nation's history, this view of the first amendment influenced the development of public policy. While the Constitution took scrupulous pains to avoid the establishment of a theological republic, and even greater pains to insure freedom of worship for all persons, it did not, according to this understanding, attempt to create an absolute and unbridgeable division between the State and all things of a spiritual character. Indeed, there was a profound awareness of the religious roots of the Nation and a desire to insure that the religious impulse remain a part of the Nation's constitutional and political fabric. As Tocqueville observed, religion was America's "Foremost political institution."

What has emerged in Engel and Abington and several other leading decisions, has been a constitutional doctrine sharply at odds with this traditional understanding. The constitutional direction of the first amendment to "make no law respecting an establishment of religion" has been interpreted not only to prohibit preference from being accorded to religious denominations, but further to create an effective "wall of separation" between church and state in which virtually all expressions of religious values are barred from the public life of the Nation. The original intent of the establishment clause, that Congress be neutral as between competing religious views, has been transformed into the notion of neutrality between religion and irreligion.

Given the integral role of compulsory public education in the development of the values of the citizenry, I am convinced—and I believe that the great majority of the American people share this view—that Engel and Abington (and their progeny) have created a regime in which the State has become increasingly antagonistic toward religious values. The average child is placed in the public school classroom for 6 to 7 hours per day, during which time he is encouraged in his intellectual, physical, cultural, and emotional development. However, even a moment of structured person reflection and introspection is treated as unconstitutional. The student is educated in political theory and sex education, music and art, baseball and football, hygiene and home economics; indeed, he is instructed in virtually everything that goes into the building of individual character, but is absolutely forbidden from any statement of personal prayer during the school day.

The purpose of a school prayer constitutional amendment is to restore, in the limited area of public school prayer, the original understanding of the establishment clause and to allow for a brief period of prayer by the student at the outset of the school day. The decision whether to allow prayer would be one in the discretion of State and local education officials, and participation by the individual student would be entirely voluntary.

An appropriate balance thus would be struck: At the same time that the amendment restores to the establishment clause its lost original understanding, and recognizes the value of prayer to the overall development of the young American, it is also carefully cognizant of the traditional American precepts of religious tolerance and secular public institutions. A policy consistent with each of the principle strains of the American Constitution would be established—an appreciation of the fundamental contribution of religion in the development of the American character, with the equally important recognition of the need to maintain respect for widely diverse and disparate religious views.

ORIGINAL CONSTITUTIONAL INTENT

Let me briefly review the historical basis for the assertion that the Supreme Court's decisions in Engel and Abington represented a departure from the meaning of the first amendment intended by the Founding Fathers.

The Constitution approved by the 1787 Convention in Philadelphia contains a single clause concerning religious freedom. Article VI forbids religious tests for public office. When the State ratification debates suggested that a bill of rights would be necessary to preserve national confidence in the new constitution, James Madison reduced the State's recommendations down to several proposed amendments for consideration by the new Congress (1 annals of Congress 434). His initial draft acknowledged their call for specific constitutional protection for religious liberty with the following language:

> The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established.

Madison's intent was clear: Congress could not establish any single national religion.

This language underwent numerous revisions in the legislative crucible of the first Congress. Madison's original objective, however, remained fundamentally uncompromised. In its final form, the amendment was crafted to prohibit the establishment of a national religion, while permitting nondiscriminatory governmental support generally for religion. This presupposed, within the framework of the Constitution's division of powers, that the States, in the absence of any specific Federal authority, retained the authority to dictate appropriate policies regarding government and religion.

Madison himself confirmed his intention in drafting the clause when he was asked on the House floor what he considered to be the meaning of the language ultimately incorporated into the new Constitution. His response was clear:

> Mr. Madison said he apprehended the meaning of the words to be, that Congress should not establish a religion and enforce

> the legal observation of it by law. (1 Annals of Congress 430)

In explaining the intent of the new establishment clause, he supplied a clarifying statement. Twice in the same speech, Madison noted that the amendment forbade Congress from establishing "a" religion. This properly focused the scope of the intent of the First Congress. By use of the clarifying "a", the original author of the first amendment drew a distinction between congressional action that established a particular national religion and congressional support for religion in general.

Based on, first, the historical context and content of the debates over the establishment clause in the First Congress; second, the evolving text of the first amendment; and third, the nearly 150 years of consistent national policy following ratification of the first amendment, the establishment clause seems to have had three principal purposes:

First, it prevented Congress from establishing a national church or religion.

Second, it prevented Congress from according any single religion or denomination a preferred legal status.

Third, the States were permitted to define permissible relationships between religion and government.

This view of the establishment clause is supported by a variety of leading constitutional scholars. Prof. Robert Cord, for example, the author of the definitive work, the separation of church and state, testified:

> The establishment clause was intended to prevent the establishment of any one religious sect, denomination, or tradition into a preferred legal status which characterized religious establishments. . . . It was so constructed in order to allow the States, unimpeded with religious establishments and aid religious institutions as they saw fit.

As noted earlier, Story observed in his landmark, Commentaries on the Constitution, that the "real object of the amendment * * * was to prevent any national ecclesiastical establishment which would give to an hierarcy of government the exclusive patronage of the national government" (section 1871). He also noted that, "Whole power over the subject of religion is left exclusively to the State governments to be acted upon according to their own sense of justice and the State constitutions" (section 1873).

HISTORICAL CONTEXT

The first historical source for the finding that the establishment clause contained the three described purposes is the context in which the First Congress drafted the first amendment. Events stretching back centuries prior to 1789 led almost inexorably toward the inclusion of a constitutional provision proscribing any national establishment of religion. To escape such establishments in the old world, many colonists had risked the dangerous voyage across the Atlantic in search of a land that promised freedom to worship according to the dictates of conscience. The hardships endured by the Plymouth Colony, William Penn and his follows, Roger Williams and the other settlers, just to name a few, can only be properly understood with an insight into their quest for religious liberty in a land free of a national church.

The religious conviction of many of these early settlers was manifest in the structure of their new governments as well. One observer has chronicled this early relationship between government and religion in the following manner:

> At the outbreak of the revolution, there were varying forms of established churches in nine of the colonies. In the southern colonies of Maryland, Virginia, North Carolina, South Carolina, and Georgia, the established religion was Anglicanism. In New England, Congregationalism was, in effect, the established church in three colonies—Massachusetts, New Hampshire, and Connecticut. New York had a unique arrangement allowing for the establishment of the Protestant religion.

Even in these colonies, however, later to be States, such established religions did not enjoy the exclusive authority of the old world's state churches. Although certain denominations sometimes benefited from a preferred status, others were free to worship as they pleased. The colonial and early State governments, in other words, generally granted a freedom of worship to all citizens, while conferring upon their own religion—which they had fled England to practice—a superior status. Professor McClellan has elaborated:

> In four States, Massachusetts, Connecticut, Vermont, and New Hampshire, the Congregationalist church occupied a position of quasiestablishment as a result of direct or indirect benefits conferred by the State constitutions and statutes. Ten States extended preferential treatment to the Protestant religion, and two States, Delaware and Maryland, favored simply the Christian religion.

The existence of such constitutional and statutory provisions had a direct influence on the First Congress. Prof. Michael J. Malbin, in his important analysis "Religion and Politics: The Intentions of the Authors of the First Amendments," took this context into consideration in reaching his conclusion:

> The records available to us demonstrate that the establishment clause was meant to have two major purposes:
>
> (1) It prohibited the Federal Government from giving any aid to religion if the aid in question could tend to establish a religion.* * *
>
> (2) At the same time, the clause prohibited Congress from tampering with the State religious establishments.

The First Congress did not wish to risk a confrontation with the State Governments, but instead wished to pacify them, many of which had ratified the fledgling Constitution only after petitioning for amendments to guarantee Congress would never infringe basic rights secured by the various States. The 1787 Convention had not thought specific protection of such rights necessary because the strict limits of the new Constitution had given the Federal Government no authority at all pertaining to religion. Moreover, as Madison argued in "The Federalist Papers (No. 10)," an extended republic, comprised of persons with diverse religious preferences, would ultimately be likely to elect a representative mix of lawmakers who would never allow the central government to impose a single religious orthodoxy upon the entire Nation. This argument, however, did not convince many of the State ratifying conventions that the Federal Government might not still find a way to infringe basic rights regarding religion. Therefore, a number of them petitioned Congress to propose an amendment to the Constitution. For example, Virginia and North Carolina stated:

> That religion, or the duty which we owe to our creator and the manner of discharging it, can be directed only by reason and conviction, not by force and violence; and therefore, all men have an equal, natural and inalienable right to the free exercise of religion, according to the dictates of conscience, and that no particular religious sect of society ought to be favored or established by law in preference to others.

The Maryland, New York, and Rhode Island ratifying conventions proposed similar provisions. Before long, Madison, who had opposed a "Bill of Rights," consented to draft an initial such proposal in an effort to quell the increasing tide of anti-federalism. The impetus for the Bill of Rights was to protect rights contained in the State constitutions and guarantee that Congress would not attempt to deprive States of the prerogative to define relations between religion and government.

Relying heavily upon the writings of Washington, Jefferson, and other contemporaries of the drafting of the Constitution and the Bill of Rights, Dr. Berns, in "The First Amendment and the Future of American Democracy," described the consensus in the late 18th century that support of religion in general was vital to the preservation of liberty. This consensus gave rise to the establishment clause:

> Thus, natural rights are opposed by (human) passions, liberty by economic interest; and liberty can win in this contest only if it gains the support of religious conviction—specifically, the conviction in the minds of people that liberty is the gift of God. Wisdom might dictate that it be the policy of the government to promote this conviction which it can do by supporting religion in the form of a "multiplicity of sects" while favoring no particular one of them. Pennsylvania and New York, Jeffer-

> son had pointed out in the previous query, had shown the way for Virginia (and the United States as a whole). They had "long subsisted without any establishments," but religion was well supported there—"of various kinds indeed but all good enough" from his political point of view, "all sufficient to preserve peace and order (and) morals." Harvey C. Mansfield, Jr. has stated the conclusion to be drawn from this: "For the sake of liberty, government must support religion in general, but no particular religion." That this was Washington's opinion we know from the farewell address, and it explains the style of his first inaugural. Government cannot afford to be neutral "between believers and nonbelievers"; good government depends on the existence of a certain kind of believer because there is, or was thought to be, a connection between religious belief and the moral character required to restrain the passions inimical to liberty. If religion "does not impart a taste for freedom," Tocqueville was to observe a few years later, "it facilitates the use of it," as we might expect from a man whose thought was strongly influenced by a tradition derived from Rousseau, Tocqueville's opinion was that liberty cannot govern "without faith (and) is more needed in democratic republics than in any others."
>
> But the Constitution was ordained and established to secure liberty and its blessings, not to promote faith in God. Officially, religion was subordinate to liberty and was to be fostered—by public assistance, for example, and by exemplary admonitions on state occasions—only with a view to securing liberty.

The flight of many early American colonists from countries with established religions, the special status accorded religion by the new State governments, the petitions by the State ratifying conventions in request of a constitutional amendment regarding religion, and the historical climate of respect for the role of religion in fostering freedom each influence the judgment that the words of the establishment clause were meant to preclude Congress from granting any religion or sect a preferred legal status. The States, on the other hand, were free to relate to religious institutions as they deemed proper. The First Congress was concerned about limiting the Federal Government in order to placate the anti-Federalists, not to circumscribe the authority of the States.

FIRST CONGRESS

James Madison's initial draft of what would later become the first amendment stated: "Nor shall any national religion be established." His subsequent clause applied to the States, "No State shall violate the equal rights of conscience of the freedom of the press, or the trial by jury in criminal cases." This latter clause, binding the States, was never approved by Congress, but suggests nevertheless that Madison, from the outset, intended the proposed establishment clause to encompass only the Federal Government.

Shortly after his initial draft was submitted to Congress, Madison was placed on a select committee to review amendment proposals and recommend a version to the House of Representatives. The committee's eventual version of the establishment clause read, "No religion shall be established by law, nor shall the equal rights of conscience by infringed." It was in his accompanying explanation of this language that Madison expressed his intent that the amendment precluded Congress only from establishing "a" religion.

Professor Malbin, in testimony before the Subcommittee on the Constitution, summarized the debates that followed over Madison's language:

> Madison's interpretation did not match his original language. This led Members of Congress to express two different kinds of concerns. One, to quote Benjamin Huntington, was "that the words might be taken in such latitude as to be extremely hurtful to the cause of religion." The other was that the amendment might permit Congress to pass laws that would threaten religious establishments in the States. Various formulas were, offered to deal with these issues. Some would have limited the amendment to the establishment of articles of faith, but that did not satisfy Members who were concerned about other, less drastic forms of discrimination.

The first of these two major concerns over Madison's establishment clause was prompted by the concern of those, such as Congressman Huntington, that the provision could be interpreted to prohibit State laws supporting religions. Many States already had laws supporting ministers and places of worship. Although they expressed concern in terms of the relationship between the National and State Governments, their primary concern was that governmental aid to religion be maintained. Huntington, for example, wanted to avoid language that might "patronize those who professed to religion at all." He did not want an amendment that required the Government to be neutral to differences between religion and irreligion, rather, he wished Government to be capable of favoring religion generally without preferring any particular sect.

Madison dealt with the concerns of Huntington, and others by recommending that the word "national" be inserted before "religion" in order to clarify that the amendment only prohibited Congress from establishing a national religion. Madison explained that such a change would narrow the amendment to its proper scope of preventing any "one sect (from) obtain(ing) a preeminence." By so limiting his amendment, Madison, according to Dr. Malbin, was effectively assenting to Huntington's view that indirect nondiscriminatory aid to religion would be permissible.

Madison's recommendation, however, also raised the other issue alluded to by Malbin. Congressmen Livermore and Gerry objected to the term "national" because it implied that the Constitution had created a nation with a strong central government, instead of a union of States with a central government of limited powers. They preferred to stress that the National Government possessed no authority with respect to religion. Accordingly, they proposed to say explicity that "Congress shall make no laws touching religion." In the interest of clarifying the strict limitation on Federal authority, the House temporarily adopted the Livermore-Gerry proposal.

A few days later, however, it adopted an alternative version of the amendment proposed by Congressman Ames of Massachusetts. "Congress shall make no law establishing religion." Perhaps the principal conclusion to be drawn from the House debates was that the Federal Government, but not the States, was forbidden to "establish a religion.

The lack of any complete record of Senate proceedings makes it difficult to ascertain conclusively that body's intent. The Senate did, however, delete the proposed amendment which restricted State actions regarding freedom of conscience, freedom of the press, and trial by jury. Apparently the Senators were concerned with the meaning of the "establishing religion" language. For instance, the Senate adopted a modification altering the amendment to prohibit Congress from "establishing one religious sect of society in preference to others." Even this narrower language was too broad for the Senate. Ultimately, it adopted language forbidding Congress from making laws "establishing articles of faith, a mode of worship, or prohibiting the free exercise of religion."

The House refused to accept this Senate language and requested a conference. With Madison as one of the House conferees, this conference produced the present language of the first amendment.

The debates in the First Congress demonstrate a desire in both the House and the Senate to insure that the "establishment clause" not limit State prerogatives with respect to religion. On the question of whether the clause would prohibit governmental aid to religion, Dr. Malbin concluded:

> In summarizing the history, I should like to emphasize the broad area of agreement between Madison and the others in the First Congress. They all wanted religion to flourish; but they all wanted a secular government. They all thought a multiplicity of sects would help prevent domination by any one sect, and thus help avoid the religious divisiveness and warfare with which they were all so familiar from recent English history. We should not lose sight of the importance of this concern to the framers.
>
> At the same time, however, most Members of the First Congress also thought religion was useful, perhaps even necessary, for teaching morality. Most also thought a free Republic needed citizens who had a moral education. They thus tended to view nondis-

criminatory aid to religion not as a policy designed to achieve religious objectives, but as one, to use the current language "with secular purpose and effect."

The 10 words of the establishment clause embodied a compromise on the issues raised by the First Congress debates. The first five words "Congress shall make no law" are clear. Both the Senate and the House wanted to prohibit the Federal Government from asserting any jurisdiction over matters left to the States by the framework of the Constitution, including church-State relations. This language made that intent explicit.

The next word in the establishment clause "respecting" was also an important aspect of the compromise contained in the final language of the first amendment. On the one hand, the conferees wanted to satisfy the concerns of Congressmen Livermore and Gerry in the House that the amendment not invest Congress with authority to legislate regarding State religious policies. On the other hand, the conferees also wanted to impart the understanding that Congress not pass laws that indirectly established a religion by according a single sect legal preference. The word "respecting" was designed to impart both meanings. It both prevented Congress from enacting laws affecting the State religious establishments and prohibited laws that "tend to" establish a preeminent status for a particular religion.

The final words of the clause were "an establishment of religion." The general term "establishment" did not narrow the prohibition to "articles of faith" or "modes of worship" as the Senate had proposed. In this sense, the amendment could encompass legal policies which discriminated between denominations and attempted to elevate one above another, without necessarily prescribing specific religious practices. On the other hand, the phrase "an establishment," as opposed to "the establishment," clarifies that the conferees were not forbidding all governmental interaction with religion per se. Malbin, again, provides insight on this choice of words:

> Had the framers prohibited "the establishment of religion" which would have emphasized the generic word "religion," there might have been some reason for thinking they wanted to prohibit all official preferences for religion over irreligion. But by choosing "an establishment" over "the establishment," they were showing that they wanted to prohibit only those official activities that tended to promote the interests of one or another particular sect.

This intent of the First Congress is even more evident in light of substantial evidence set forth later in this section that this Congress in fact gave legal support generally to religion.

The language chosen by the First Congress represented a careful compromise between the various viewpoints expressed during the debates. It represented an assurance that the jurisdiction of the States over religious establishments would not be usurped by the National Government, and it represented a prohibition against laws that established one religion in a position of preference over others. Perhaps most important to the First Congress, it represented a clear prohibition against any single national religion. At the same time the language left latitude for governmental aid generally to religion.

CONSTITUTIONAL POLICY

This interpretation of the language of the establishment clause is strongly supported by the manner in which Presidents and Congresses interpreted the amendment for nearly a century and a half following its adoption. The First Congress itself clarified its intent with respect to its provisions by its enactment of the northwest ordinance of 1787. One provision in the ordinance explained the reasons that the Congress chose to designate certain territorial lands for the construction of schools: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of learning shall forever be encouraged." (1 Stat. 50, 52 (1789), art. III). At the time of this provision, many of the schools in the territories were parochial. Its language suggests that the allocation of Federal lands for schools was intended to promote religious and moral purposes as well as narrower educational goals.

Professor Cord has accumulated an impressive array of historical evidence of a similar character, tending to explicate the understanding of the amendment of those closest in time to the actual drafting of the first amendment. Some of these were highlighted in his testimony before the Subcommittee on the Constitution:

> In 1971 (the Lemon case), Chief Justice Burger said for the court that "(w)e have no long history of State aid to church-related educational institutions * * *" If the Court believes that, how would it explain the hundreds of thousands of Federal dollars spent in support of Indian church schools until Congress altered the policy by statute in 1896? How would the Court explain the fact that during 1824 to 1831 alone, only 7 years, the annual reports of the Commissioner of Indian Affairs indicate that U.S. tax dollars supported church schools run by the society of the United Brethren, the American Board of Foreign Missions, the Baptist General Convention, the Hamilton Baptist Missionary Society, the Cumberland Missionary Board, the Synod of South Carolina and Georgia, the United Foreign Missionary Society, the Methodist Episcopal Church, the Western Missionary Society, the Catholic Bishop of New Orleans, the Society for Propagating the Gospel Among the Indians, the Society of Jesuits, the Protestant Episcopal Church of New York, the Methodist Society, and the Presbyterian Society for Propagating the Gospel?

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Attributing to Jefferson and Madison an absolute separationist view, the Court frequently documents its interpretation of those gentlemen with reference to Jefferson's Virginia "bill for establishing religious freedom". Madison introduced this bill in 1785 as Jefferson's surrogate. And, it did become law in 1786 by act of the Virginia State Assembly. However, the Court neglects to tell us that on the same day, October 31, 1785, Madison also introduced a bill, again attributed to Jefferson, which severely fined "Sabbath Breakers." This too became law in 1786. Does this Jefferson action represent a high and impregnable "wall" view of separation of church and state?

In 1803, as President, Thomas Jefferson submitted to the United States Senate a proposed treaty with the Kaskaskia Indians, which included a clause pledging the United States to build a Roman Catholic Church and provide a yearly stipend for its priest. Is this absolute separation of church and state? After the treaty was ratified, Jefferson asked Congress to act in its "legislative capacity" to meet the treaty obligations. I would like to ask the Supreme Court: When Congress appropriated the U.S. tax dollars to build that Roman Catholic Church, did it pass a "law respecting an establishment of religion?"

Most recently the U.S. Senate and House Chaplaincies have been assailed in Federal Court as unconstitutional. James Madison was one of six members of the committee of the first Congress which recommended the congressional chaplain system. Their recommendation was adopted, and an annual salary of $500 for public prayers in the Congress was provided by the very same Congress which proposed the establishment clause. Is this absolute separation of church and state? To advocates of absolute separation, obviously the first Congress did not know what the first amendment—which they authored—meant.

Beginning in 1796 and culminating in 1804, the Congress of the United States passed laws, which in effect paid, with enormous land grants, in trust, an evangelical Christian sect to spread and maintain the gospel among Indians in the Ohio territory. One of those laws was signed by George Washington, two by John Adams, and the last three by the third President of the United States. Yes, in 1802, 1803, and 1804, Thomas Jefferson, who refused to issue Thanksgiving Day proclamations because he thought they were unconstitutional, signed into law congressional enactments providing land for the "Society of the United Brethren for Propagating the Gospel Among the Heathen." Is this a high and impregnable wall of separation between church and state? Apparently, Jefferson did not think those laws were unconstitutional, or else we are logically forced to believe that he was a rascal, sitting in the White House trying to destroy a principle which he fought so devotedly for—separation of church and state.

No, Jefferson, Madison, Washington, Adams, their Congresses, et al., were not rascals trying to destroy a principle that they themselves had enshrined in the Constitution. For them, the use of religious or sectarian institutions—including prayers—as means to reach secular ends was not a violation of the first amendment unless, and only unless, preferential treatment was given one church, one religion, or one religious sect, thus elevating it into a preferred legal status.

In addition, Professor Cord observes that the concept of "no religious preferential treatment" in the first amendment's "establishment clause" can be evidenced in: First, Madison's memorial and remonstrance against religious assessments in Virginia in 1785; second; Benjamin Franklin's call in the constitutional convention for Philadelphia clergymen to officiate at a daily prayer service; third; the various "church building" treaties negotiated and signed by Presidents Jefferson, Monroe, Quincy Adams, Jackson, and Van Buren; and fourth, the granting of Federal funds to at least 16 different Christian mission schools.

An examination of the historical records of the First Congress, and the roots of our national tradition of religious liberty suggest strongly the intended meaning of the establishment clause. It was drafted primarily to foreclose the establishment of a national church or religious doctrine. Madison himself declared this intent on the House floor during deliberation on the meaning of the clause. The establishment clause also carries an implicit prohibition of congressional actions that could elevate any single religion into a position of preference over other religions. Such discriminatory actions would tend to establish a single religion as the preferred national church. Finally, the amendment was designed to protect the prerogatives of the State to establish or disestablish, support or refuse to support religious institutions. Only this latter objective was ultimately to be altered through the judicial doctrine of the 14th amendment "incorporation" of the bill of rights. Such "incorporation" does not alter the history of the development of the "establishment clause."

THE EVOLVING LAW SINCE 1947—EVERSON AGAINST BOARD OF EDUCATION

For the first 157 years after its adoption, the "Establishment of Religion" clause of the first amendment was held to be applicable only to the Federal Government, not to the States. As the Supreme Court stated in Permoli against City of New Orleans:

> The Constitution makes no provision for protecting the citizens of the respective States in their religious liberties; this is left to the State constitutions and laws; nor is there any inhibition imposed by the Constitution of the United States in this respect on the States. 44 U.S. (3 HOW.) 589, 609 (1845).

Not until the case of *Everson* v. *Board of Education,* 330 U.S. 1 (1947), did the Court hold the first amendment's nonestablishment of religion clause to be part of the "liberty" protected from undue State interference by the due process clause of the 14th amendment. And when the Court did so, it imposed a particularly stringent—and historically controversial—interpretation of the "establishment clause."

The case concerned the constitutionality of a New Jersey township ordinance which reimbursed the parents of children attending both public and Catholic schools for the costs of bus transportation between home and school. Writing for the Court, Justice Black authored a selective—and now much-criticized—history of the original intent of the "establishment clause" and concluded with an interpretation of that clause that has set the tenor of Supreme Court decisions in this area ever since:

> The "Establishment of Religion" clause of the first amendment means at least this: Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a State nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups or vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and State." 330 U.S. at 15-16.

Despite this interpretation, the Court upheld the bus transportation subsidy as constitutional. But its adoption of the view that the establishment clause erected a "high and impregnable" wall of separation between church and State set the stage for the school prayer decisions that followed.

ENGEL AGAINST VITALE

In 1951, the New York State Board of Regents composed and recommended as part of its "statement on moral and spiritual training in the schools" that local schools administer the following prayer on a daily basis:

> Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country.

When this recommendation was implemented by the new Hyde Park School District, a number of parents challenged the exercise as constituting an establishment of religion. But in Engel against Vitale, three New York courts upheld the practice as constitutional, requiring only that student and teacher participation in the exercise be voluntary and noncompulsory. *Engel* v. *Vitale,* 18 Misc. 2d 659, 191 N.Y.S. 2d 453 (Sup. Ct. 1959).

In 1962, the Supreme Court reversed. (*Engel* v. *Vitale,* 370 U.S. 421 (1962).) Justice Black, again writing for the Court, termed the regents' act of composing and endorsing a prayer "relatively insignificant" but nonetheless held that act to be unconstitutional. On the basis of an expanded version of the history of the first amendment which he had authored in Everson, Justice Black concluded:

> Under that amendment's prohibition against governmental establishment of religion, as reinforced by the provisions of the fourteenth amendment, Government in this country, be it State or Federal, is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity. 370 U.S. at 430.

The history of governmentally established religion in England and in the American colonies, he said, showed both that such unions tended "to destroy Government and to degrade religion" and that persecution of religious dissenters inevitably followed. Because of this history, he said, the first amendment was added to the Constitution "to stand as a guarantee that neither the power nor the prestige of the Federal Government would be used to control, support, or influence the kinds of prayer the American people can say. * * *" (*Engel* v. *Vitale,* 370 U.S. at 429). Even though the regents' prayer might be "denominationally neutral" and its observance on the part of students "voluntary," he said, "the New York laws officially prescribing the regents' prayer are inconsistent both with the purposes of the establishment clause and with the establishment clause itself." (*Engel* v. *Vitale,* 370 U.S. at 433.)

Justice Stewart dissented. The issue, he said, was not the establishment of a state church but "whether school children who want to begin their day by joining in prayer must be prohibited from doing so":

> With all respect, I think the Court has misapplied a great constitutional principle. I cannot see how an "official religion" is established by letting those who want to say a prayer say it. On the contrary, I think that to deny the wish of these school children to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation. 370 U.S. at 445 (Stewart, J., dissenting).

Justice Stewart said the regents' prayer no more established an official religion than did the national anthem, the use of "In God We Trust" on the Nation's coins, the inclusion of the phrase "Under God" in the Pledge of Allegiance, the daily invocation used by the Court, the chaplains' prayers given before the House and Senate, or "countless" other examples. All, he said, simply "recognize and * * * follow the deeply entrenched and highly cherished spiritual traditions of our Nation. * * * *Engel* v. *Vitale,* 370 U.S. at 450 (Stewart, J., dissenting.)

ABINGTON SCHOOL DISTRICT AGAINST SCHEMPP AND MURRAY AGAINST CURLETT

The following year the Court made clear that its holding in Engel was not limited solely to prayers composed by Government but barred other devotional exercises in the public schools as well. In Abington a Federal district court had ruled unconstitutional a Pennsylvania statute which directed that "at least 10 verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day." *Schempp* v. *School District of Abington Township,* 201 F. Supp. 815 (E.D. Pa. 1962). The Court had also held unconstitutional the practice of following these readings with unison recitals of the Lord's prayer. In Murray, in contrast, the Maryland court of appeals had upheld a Baltimore School Board rule that prescribed daily exercises consisting of Bible reading and/or the Lord's prayer. (*Murray* v. *Curlett,* 228 Md. 239, 179 A.2d 698 (1962).) In both instances students did not have to take part in the exercises.

In *Abingdon School District* v. *Schempp* and *Murray* v. *Curlett,* 374 U.S. 203 (1963), the Supreme Court held the States' involvement in these exercises to constitute an establishment of religion in violation of the first amendment, as made applicable to the States by the 14th. Justice Clark, writing for the Court, asserted that the establishment clause prohibits the "official support of the State or Federal Government (from being) placed behind the tenets of one or of all orthodoxies" and imposes a "wholesome neutrality" on government with respect to religion. (374 U.S. at 222.) Crystallizing the mandate of the "establishment clause" into a two-part test, he stated:

> The test may be stated as follows: What are the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the strictures of the establishment clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion. 374 U.S. at 222.

The Court held both aspects of this test to be violated by the Pennsylvania and Baltimore requirements. The State and city argued that the purposes of the exercises were secular in nature—promoting moral values, contradicting materialism, perpetuating existing institutions, and teaching literature. But the Court found the exercises to be essentially religious in nature and held both their intent and their primary effect to be the advancement of religion, in violation of the first amendment. Though terming the exercises "relatively minor encroachments on the first amendment," the Court said that Government must maintain "strict neutrality, neither aiding nor opposing religion." (374 U.S. at 225.)

Again, Justice Stewart dissented. The central value protected by the first amendment, he said, is the "safeguarding of the individual's right to free exercise of his religion. * * *" (374 U.S. at 312 (Stewart, J., dissenting).) Thus, he stated, in the public school environment the duty imposed on Government is not to provide an atmosphere utterly devoid of religious influences; rather, it is to avoid imposing any pressure on a child to participate, or not to participate, in such exercises. It is not neutral, he argued, for the State to bar all religious exercises from the public schools, because—

> * * * A compulsory State educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and State-created disadvantage. 374 U.S. at 203.

True neutrality, he claimed, requires that the State permit such exercises for those who want them.

Justice Stewart agreed that the Pennsylvania and Baltimore provisions would likely be unconstitutional if they permitted only a single religious book or only a single denominational prayer to be used. But he said they did not have to be so construed. They could be construed "simply as authorizing religious exercises" according to each local school community's consensus, that is, as accommodating the wide variety of religious beliefs that exist in our society. So construed, he said, the constitutional question became one of whether any coercion in favor of particular religious beliefs was involved in the implementation of the exercises. Because no evidence has been adduced on that issue in either case, he said, both should be remanded for further hearings.

The aggregate effect of the Court's decision in Engel and Abington was to overturn existing law in at least 41 of the States, as well as the District of Columbia.

SUBSEQUENT STATE AND LOWER FEDERAL COURT DECISIONS

Subsequent decisions concerning religious exercises in the public schools by State and lower Federal courts have applied Engel and Abington in a variety of circumstances. Some of the cases have involved circumstances similar to Engel and Abington (see, e.g., *Alabama Civil Liberties Union* v. *Wallace,* 331 F. Supp. 966 (M.D. Ala. 1971), Aff'd 456 F.2d 1069 (5th Cir. 1972); *Adams* v. *Engelking,* 232 F. Supp. 666 (D. Idaho 1964); *John* v. *Allen,* 231 F. Supp. 852 (D. Del. 1964)), but others have extended those decisions to dissimilar situations. Kindergarten children, for instance, have been held to be constitutionally proscribed from reciting the following poem before their morning snack:

We thank you for the flowers so sweet;
We thank you for the food we eat;
We thank you for the birds that sing;
We thank you for everything.

DeSpain v. *DeKalb County School District,* 384 F.2d 836 (7th Cir. 1967), cert. den. 390 U.S. 906 (1968).)

A student council has been held to be barred by the "establishment clause" from opening optional student assemblies with a prayer by a student. (*Collins* v. *Chandler Unified School District,* 644 F. 2d 759 (9th Cir.) cert. den. 454 U.S. 863 (1981). See also *Goodwin* v. *Cross County School District,* 394 F. Supp. 417 CE. D. Ark. (1973).) A school district has been held to be barred from having a student volunteer read the House or Senate Chaplain's remarks from the "CONGRESSIONAL RECORD" at voluntary student assemblies held before the beginning of classes. (*State Board of Education* v. *Board of Education of Netcong, New Jersey,* 108 N.J. Super. 586, 262 A. 2d, Aff'd 57 N.J. 172, 270 A. 2d 412 (1970), cert. den. 401 U.S. 1013 (1971).) Most recently a school board has been held to be prohibited from permitting student volunteers or teachers to pray in front of other students, even when the students have had to have the express written permission of their parents and to make a personal verbal request to participate. (*Karen B.* v. *Treen,* 653 F. 2d 897 (5th Cir. 1981), Aff'd Mem. 455 U.S. 913 (1982).) All of these decisions have claimed to be built on the legal scaffolding erected by the Supreme Court in Everson, Engel, and Abington requiring a strict separation of church and state. As one court has stated:

> The Supreme Court thus far has not limited the broad language with which (as in the *Schempp* case) it has held invalid substantially nondenominational and neutral religious observances on public school property. Until and unless such a limitation takes place (even if there is minimal State encouragement of only insubstantial school religious exercises), it would serve no useful purpose to attempt to draw any fine distinction between those observances which have hitherto been proscribed by the Supreme Court and the * * * practices now presented for our scrutiny. *Commissioner of Education* v. *School Committee of Leyden,* 358 Mass. 776, 778, 267 N.E. 2d 226, 228, Cert. Den. 404 U.S. 849 (1971).

CURRENT PRACTICE

As a result then of Engel and Abington and subsequent lower court decisions, virtually all forms of student prayer in the classroom have been declared unconstitutional. Where prior to these decisions, such prayer was a normal part of the educational regimen of generation after generation of American youth, it is today in violation of the supreme law of the land. It is in violation, not because the language of our Constitution has been altered or amended, not because the attitudes of the American people have evolved, not because new evidence has been unearthed of the intentions of the Founding Fathers, but because the Supreme Court has relegated unto itself the role of policymaker.

One reads the recent Supreme Court decisions in vain if one seeks to uncover any serious effort to discern the intentions of the Founding Fathers. As our distinguished colleague from New York (Mr. Moynihan) has written about the Court's establishment clause decisions, they amount to "an intellectual scandal." If one wants to know the meaning of the term "Judicial Activism," a term frequently used and abused, one needs only to read the decisions of the Supreme Court in the area of the establishment clause. Along with the Court's infamous decision in Roe against Wade, such decisions evidence well the propensity of the modern court to sit as a "continuing constitutional convention," inclined increasingly to substitute its own notions of wise public policy for that of the Founders.

In sum, whatever one's views on the wisdom of public school prayer, the idea that such prayer is in violation of the first amendment is inconsistent with the ultimate text of this amendment, the clear intentions of its framers, and the long-standing policies of State and local governments from the outset of our Nation's existence. There is little evidence that any of these considerations were heavily weighed by the prevailing Justices in decisions such as Engel and Abington.

SENATE JOINT RESOLUTION 73

Senate Joint Resolution 73, offered by the administration, and which I have sponsored along with the chairman of the Senate Judiciary Committee (Senator Thurmond), is a responsible effort to respond to the Court's modern interpretations of the establishment clause. It represents an effort to restore the understanding of the establishment clause that existed in this Nation for the first 170 years of this Nation's history. Such an establishment clause served this Republic well and fostered the values of religious liberty and religious tolerance that contributed to the development of our system of government.

I strongly support the pending measure. Along with Senator Thurmond, I sponsored the administration's original proposal during the 97th Congress and again during the present Congress. The Subcommittee on the Constitution, which I chair, has conducted 5 days of hearings on this measure, taking testimony from sincere and articulate individuals with a wide variety of perspectives on the amendment. It is a sound and thoughtful amendment.

Let me describe first what Senate Joint Resolution 73 would achieve. The proposed amendment as modified by the judicary committee reads:

> Nothing in this constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.

This language is intended to overrule Engel and Abington and establish clearly that the establishment clause of the first amendment is not to be interpreted to prohibit efforts by public school authorities to facilitate student prayer. It is also designed to establish clearly that the free exercise clause of the first amendment is not to be interpreted in a manner that would obstruct such efforts. The amendment thus rejects the so-called implied coercion theory that some prayer opponents have raised to the effect that public school prayer, by definition, violates the free exercise clause by exerting peer pressure upon minority-religion students to recite unwanted prayers.

At the same time that Senate Joint Resolution 73 clarifies that school prayer is not to be a forbidden practice under the U.S. Constitution, it is also careful to specify the parameters of such prayer. Let me emphasize several practices that would not be achieved or authorized by the proposed constitutional provision:

First, Senate Joint Resolution 73 does not impose any obligations upon State and local school authorities with respect to school prayer. Rather than imposing any affirmative obligation upon such officials, all that Senate Joint Resolution 73 does is to dismantle any constitutional barriers to public school prayer. The ultimate decision on whether to permit such prayer, and the form that such prayer will take, it up to the discretion of State and local school authorities. Nothing in Senate Joint Resolution 73 attempts to establish any uniform national policy on school prayer, or to mandate opportunities for prayer. The decision rests—as it should—with those upon whom the decision rested until the Court's decisions in the early 1960's—local communities. Under Senate Joint Resolution 73, such communities could choose to adopt a moment of prayer; they could choose to limit the circumstances of prayer; or they could choose not to allow prayer at all. The decision would rest with tens of millions of citizens throughout the country rather than with a small handful of Federal judges.

Second, Senate Joint Resolution 73 would not confer any right upon any public school student to participate in any form of school prayer. If the State or local community choose not to allow prayer, that decision would be final. There would be no appeal to the courts or to Congress. Our country would not continuously be embroiled in litigation initiated by students who disapproved of the manner of prayer being allowed within their school district. There would be no individual entitlement to school prayer, but merely a right or entitlement to petition the appropriate authorities to establish such prayer.

Third, no student would be obligated to participate in any manner or form of prayer. Such participation would be entirely voluntary on the part of each student. Under Senate Joint Resolution 73, each student would have the right either to remain seated or silent during a class prayer or, in the event that this was unsatisfactory, to any other reasonable accommodation, such as being allowed to leave the room temporarily. As I understand Senate Joint Resolution 73, there is an absolute obligation upon those school districts which permit prayer to make reasonable accommodations for any student who desires not to participate in prayer. There is no right on the part of any teacher or administrator to inquire into the reasons for such nonparticipation; there is an absolute right, for any reason whatsoever, on the part of each student to forgo involvement in prayer. Indeed, not merely is such student entitled to be reasonably accommodated in his choice not to participate, but he must be accommodated in such a way that reasonably limits any burdens placed upon that individual student.

Fourth, the amendment has no applicability whatsoever to the establishment clause, the free exercise clause, or the first amendment generally, except to the extent that prayer is protected under the specified circumstances in public school and other public institutions. Thus, the amendment does not attempt to involve itself in any controversy outside of prayer in public institutions.

Fifth, finally, the amendment is explicit in its prohibition upon the State drafting or composing the actual language of a public school prayer. The State would be precluded from being involved in the business of authoring any statement of reverence or devotion.

Mr. President, in summary, I believe that Senate Joint Resolution 73 establishes an appropriate balance in the area of school prayer—a balance that I believe is desired by the overwhelming majority of the American people. On the one hand, it restores the opportunity for students to engage in prayer and to express their appreciation to their Maker for being allowed to wake each day and learn the rudiments of citizenship and scholarship. On the other hand, it fully protects the right of minority students to worship the Almighty in the manner they see fit, or to abstain from expressions of prayer altogether. The American legacy of deep religious devotion is balanced by the equally important legacy of religious tolerance and respect for the civil rights of minorities.

PUBLIC OPINION

Although I recognize that the Constitution ought not be amended by public opinion polls, I do think that it is worth noting both the strength and the consistency of strength demonstrated over the years by proponents of school prayer in the United States. While it is true that such polls on complex subjects of controversy must be construed with caution, it is interesting to note that public support in this Nation for a constitutional amendment relating to school prayer has been remarkably persistent since the decisions in Engel and Abington. What these polls demonstrate is twofold in my opinion: First, the constitutional change unilaterally enacted by the Court in these decisions did not respond to any revolution in the American religious ethic. Rather, such ethic has been strongly reaffirmed in its antipathy toward such decisions; second, support for a constitutional amendment relating to prayer is extremely broadly based. It is not confined to members of religious, racial, or ethnic majorities. Such support encompasses significant support from virtually every social group in the United States.

Some of the more recent polls can be summarized as follows.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(1) Gallup Poll (May 8, 1980).

AMENDMENT PERMITTING PUBLIC SCHOOL PRAYERS

[In percent]

	Favor	Oppose	No opinion
Latest	76	15	9
1974	77	17	6

(2) CBS News-New York Times (May 2, 1981).

Do you favor or oppose an amendment to the Constitution that would permit prayers to be said in the public schools?

[In percent]

	Total	Lib	Mod	Con	Gallup Apr. 1980	Gallup 1974
Favor	76	68	78	79	76	77
Oppose	18	28	17	15	15	17
No opinion	6	4	5	6	9	6

(3) Time-Yankelovich (June 1, 1981).

Seventy-four percent favored a constitutional amendment permitting school prayer.

(4) NBC News (June 4, 1981).

Prayers in public schools: Do you favor or oppose an amendment to the Constitution that would permit prayers to be said in public schools?

	Percent
Favor	73
Oppose	21
Not sure	6

(5) Los Angeles Times (October 4, 1981).

Question. "Generally speaking, do you approve or disapprove of allowing prayer in public schools?"

[In percent]

	Men	Women	18 to 29 years	65 plus years	Not HS grad	Some college	Total
Approve	73	81	72	82	79	73	78
Disapprove	22	17	26	17	18	22	19
Not sure	5	2	2	1	3	5	3
Refused	0	0	0	0	0	0	0

(6) ABC News-Washington Post (March 10, 1982).

Question. "On the subject of the reading of prayer in public schools, do you approve or disapprove of schools having a required time for the regular reading of prayer?"

	Percent
Approve of required time	69
Disapprove of required time	28
Don't know/no opinion	3

(7) CBS News-New York Times (May 6, 1982).

Question. "What is your opinion? Should organized prayer in the public school be permitted or forbidden?"

[In percent]

	Total	Republican	Democrat	Independent
Permitted	69	73	74	61
Forbidden	18	16	15	21
Depends (voluntary)	7	6	6	10
No opinion	6	5	5	8

(8) NBC News-Associated Press (May 24, 1982).

Question. "Do you favor or oppose an amendment to the constitution that would permit organized prayer in public schools?"

[In percent]

	Liberal	All
Favor	55	68
Oppose	39	27
Not sure	6	5

(9) Gallup (June 10, 1982).

Question. Do you favor a school prayer constitutional amendment?

[In percent]

	Favor	Oppose	No opinion
National	79	16	5
Church members	83	13	4
Nonmembers	68	24	8
Regular attendees	86	9	5
Nonregular attendees	73	21	6
Protestants	82	13	5
Catholics	82	11	7

(10) Newsweek (October 18, 1982).

Would the following position make you more or less likely to vote for the congressional candidate who took it?

Favored a return to allow prayer in public schools:	Percent
More likely	59
Less likely	18

(11) Newsweek (June 27, 1983).

Do you approve or disapprove of this proposed change in educational policy?

A constitutional amendment that would permit prayers to be said in public schools:	Percent
Approve	71
Disapprove	25
Don't know	4

(12) Gallup (September 8, 1983).

"Have you heard or read about a proposed amendment to the U.S. Constitution that would allow voluntary prayer in the public schools?"

Eight in 10 (82 percent) replied in the affirmative. This "aware" group was then asked: "Do you favor or oppose this proposed amendment?" "How strongly do you favor (oppose) this proposed amendment—very strongly, fairly strongly, or not at all strongly?"

Here are the national findings:

Voluntary school prayer

[Based on aware group]	Percent
Favor—Total	81
Very strongly	48
Fairly strongly	29
Not at all strongly	4
Oppose—Total	14
Not at all strongly	2
Fairly strongly	5
Very strongly	7
No opinion	5
Grand total	100

Here are the results by key population groups:

VOLUNTARY SCHOOL PRAYER

[Based on aware group; in percent]

	Favor	Oppose	No opinion
National	81	14	5
Men	79	16	5
Women	83	12	5
Whites	79	15	6
Non-Whites	91	7	2
18 to 29 years	77	18	5
30 to 49 years	79	15	6
50 and older	85	10	5
College education	72	21	7
High school	84	11	5
Grade school	94	5	1
Catholics	84	10	6
Protestants	84	11	5
Baptists	91	6	3
Methodists	82	11	7
Republicans	85	10	5
Democrats	81	14	5
Independents	77	16	7
East	81	16	3
Midwest	85	10	5
South	86	9	5
West	67	25	8

Mr. HATCH. Mr. President, at the same time that polls show strong majorities in favor of school prayer, they also demonstrate that the American people have equally strong opinions on other aspects of church-state relations. For example, they seem to be opposed to the idea of direct governmental aid to religious schools (Adams, American Public Opinion in the 1960's on Two Church-State Issues, 1975 Journal of Church and State 477). In short, the American people are not uncritical of proposals which, in their view, seem to violate the traditional notion of separation of church and state, but at the same time make clear their opposition to proposals which place these institutions in positions of mutual antagonism.

PUBLIC POLICY

Mr. President, to this point, I have focused my statement on the historical and legal context of Senate Joint Resolution 73. Although a consideration of these matters is essential in understanding the proposed amendment, they are not sufficient in and of themselves. It is incumbent, in my opinion, what proponents of school prayer address such prayer as a matter of public policy. In other words, completely apart from the constitutional issues involved—and these are considerable, in my view—why does a school prayer constitutional amendment represent prudent and responsible national policy? I would briefly like to share with my colleagues several general thoughts in this area. The issues here are much more difficult than in the area of what the law was prior to and following Engel and Abington.

RELIGIOUS TOLERANCE

Critics of school prayer often articulate the view that such prayer jeopardizes the environment of religious tolerance and understanding that would otherwise prevail within the public school environment. They observe, in particular, that children are vulnerable in an atmosphere in which religious majorities are scornful or merely insensitive to the rights of religious minorities.

Perhaps because I am a member of a religious minority myself—one that has experienced at least its share of persecution and discrimination—I understand this argument. I understand just how important the idea of religious tolerance and liberalism has been to the American social fabric. If I were persuaded in the least that Senate Joint Resolution 73 or any other constitutional prayer proposal would encourage or ignite religious narrowmindedness or intolerance, particularly among young children who do not always know better, I would oppose it. I would continue to feel that the Supreme Court was wrong in altering constitutional policy on its own initiative, but I would refuse to be a party to the establishment of a policy at odds with the interests of millions of minority-religion individuals. However, I do not believe that school prayer contributes to religious intolerance; indeed, I believe just the opposite. It is no coincidence, in my opinion, that this country grew to be the most religiously tolerant in the world at the same time that prayer was a common part of our country's educational regimen. Rather than contributing to intolerance, prayer does the precise opposite. In this respect, let me quote the thought-provoking statement made in 1963, shortly after the Supreme Court's decisions, by Dean Erwin Griswold of the Harvard Law School. He observed:

> When the prayer is recited [in public school], if [the dissenting] child or his parents feel that he cannot participate, he may stand or sit, in respectful attention, while the other children take part in the ceremony. Or he may leave the room. It is said that this is bad, because it sets him apart from other children. It is even said that there is an element of compulsion in all this—what the Supreme Court has called an "indirect coercive pressure upon religious minorities to conform." But is this the way it should be looked at? The child of a nonconforming or minority group is, to be sure, different in his beliefs. That is what it means to be a member of a minority. Is it not desirable, and educational, for him to learn and observe this, in the atmosphere of the school—not so much that he is different, as that other children are different from him? And is it not desirable that, at the same time, he experiences and learns the fact that his difference is tolerated and accepted? No compulsion is put upon him. He need not participate. But he, too, has the opportunity to be tolerant. He allows the majority of the group to follow their own traditions, perhaps coming to understand and to respect what they feel is significant to them.
>
> Is this not a useful and valuable and educational and, indeed, a spiritual experience for the children of what I have called the majority group [as well]? They experience the values of their own culture; but they also see that there are others who do not accept those values, and that they are wholly tolerated in their nonacceptance.
>
> [D]oes the fact that we have officially adopted [religious] toleration as our standard mean that we must give up our history and our tradition? The Moslem who comes here may worship as he pleases, and he may hold public office without discrimination. That is as it should be. But why should it follow that he can require others to give up their Christian tradition merely because he is a tolerated and welcomed member of the community.
>
> Not long ago, I was in Tunisia, a country in which the overwhelming majority of the people are Moslem. While there, I expected to comply with their laws and customs. They are a tolerant people, and did not seek to compel me to participate in any of their religious observances. But it would have seemed most inappropriate to me to have taken advantage of this tolerance and to have sought to interfere with their customs simply because they were not mine.
>
> In a country which has a great tradition of tolerance, is it not important that minorities, who have benefited so greatly from that tolerance should be tolerant too, as long as they are not compelled to take affirmative action themselves, and nothing is done which they cannot wait out, or pass respectfully by, without their own personal participation, if they do not choose to give it? (Griswold, "Absolute is the Dark—A Discussion of the Approach to Constitutional Questions" 8 Utah L. Rev. 176-9.)

In other words, the pervasiveness of prayer in our Nation serves to foster and contribute to religious tolerance and understanding. The dominant religious ethic in the United States—the Judaeo-Christian tradition—is an ethic directed toward such tolerance and understanding. Rather than seeking to encourage prayer underground and to remove it from our Nation's classrooms, I believe that our great principles of religious liberty and separation of church and state depend upon healthy and occasionally open displays of religious expression.

CHURCH AND STATE

Critics of school prayer constitutional amendments argue that proponents are attempting to erode the distinctions between church and state. Nothing could be further from the truth, at least with respect to this Member of the Senate. As a conservative, there is nothing more important to me than preserving the distinction between the public sphere and the private sphere. I believe that such a separation is not only essential in preserving the integrity of private institutions, but in preserving our liberties generally. In particular, I would not want the religious institutions of this country to be submerged in any way before the public sector. A free society requires the maintenance of healthy and independent private institutions free of government direction and influence.

What Senate Joint Resolution 73 achieves, in my view, is not a commingling of church and state, but a moratorium on the official hostility erected in recent years between these institutions. We are not talking here about establishing a preferred religious attitude or about elevating the precepts of a single denomination above those of other denominations; we are talking only about allowing the individual student to express himself in a devotional manner at the outset of his or her schoolday. We are talking about the expression of values and matters of conscience as opposed to the establishment of the doctrines of any church. We are providing the individual student with an opportunity to express deeply felt values in the context of a governmental institution in which he will spend one-third of his waking hours, day after day, year after year. We are not asking the state to endorse any value, or to place its imprimatur upon any religious statement, but simply to recognize that the religious impulse is a healthy and legitimate part of the character development of the student.

The American idea that there be a clear line of demarcation between church and state is an important idea; it does not require, however, that the state be any less accommodating toward individual expressions of religious values than it is toward free speech of any other character.

STUDENT DEVELOPMENT

The opportunity to express religious devotion and, in fact, to be encouraged in this practice is a fundamental part of the character development of the individual student, in my opinion. To the extent that the state requires the compulsory attendance of a student for 5 to 6 hours per day and purports to educate him in scholastics and athletics and civics and home economics and sex education, I believe that the state is being less than neutral in denying that student any opportunity for spiritual reflection. As Justice Stewart remarked in the Abington case in dissent, a mandatory State educational system so "structures a child's life" that the prohibition of all religious activities, far from being a neutral act, places religion at an "artificial and State-created disadvantage".

There is, of course, no quantifiable evidence relating to the impact of school prayer upon the individual student's character. We can debate all day the idea that school prayer produces a better individual and a better citizen. Suffice it to say, I do not believe that it is wholly unreasonable to suggest that prayer contributes positively to character. Nor do I believe that it is wholly unreasonable to suggest that many of the social ills that have plagued society increasingly in the past 20 years are attributable, at least in some part, to the decline in the role of the public school in promoting values—values of any kind—including spiritual values. Growing drug use, persistently high levels of juvenile delinquency, declining academic achievement are all attributable, at least in some part, to the evolving role of the schools.

At the same time that the schools have been determined to involve themselves in new educational areas, they have virtually forfeited any serious role in molding the child's character and sense of permanent values—honesty, integrity, self-responsibility, and reverence. No doubt, there are those in this body and those in the media who scoff at this responsibility. It is none of the school's business, they say, to be teaching children such things; these are the responsibility of the family, they say.

Of course, it is correct that value development is the responsibility of the family. So is the educational development of the child generally. The schools are an adjunct of the family, not a substitute for it. Yet the public schools were established in this Nation for the purpose of assisting the family in exposing the child to the legacy of his civilization. This is a legacy, not merely of reading, writing, and arithmetic, but a legacy of civilized conduct and behaviour. Unlike reading, writing, and arithmetic, there is, of course, no single right way to revere one's Creator, yet it is undeniably true that our civilization places a high value upon acknowledging the role of a Supreme Being having created our world and having infused its inhabitants with his spirit. Those who reject this understanding are free to believe as they choose; they are not free, however, to require that the majority redefine the values of their civilization. They are not free to be less tolerant of the rights of the majority than the majority is tolerant of their rights.

There is no argument that the structuring of a child's values is the principle responsibility of the parents and the family. The issue here is whether the public schools will complement the efforts of parents to bring their children up in what is often a difficult social environment, or whether they will make these efforts more difficult. It is clearly the belief of the vast majority of parents of schoolchildren throughout the country that the public school system can be of assistance during the 5 to 6 hours per day when their children are in their custody. Obviously, they are not looking to the State to be substitute parents or to infuse attitudes within their children to which they object; they are simply looking to the educational system to reinforce the importance of values generally as opposed to specific religious creeds or doctrines.

IMPORTANCE OF AMENDMENT

Mr. President, there are many observers of this debate who find it ironic that the U.S. Senate—what some have called the greatest deliberative body in the world—should focus such attention on the matter of school prayer. With all of the great problems facing this Nation—an unimaginably huge deficit, a nuclear arms race, a teetering European alliance—why are we wasting the scarce resources of this body engaged in a debate on prayer in the public schools.

Our priorities are correct, in my opinion. Hardly a day goes by in this country when one Presidential candidate or another, or one Member of Congress or another, argues that the President has spend too much money on the military and not enough on what they refer to as our Nation's most important resource, our children and their education. Although I disagree that increasing Federal funds necessarily lead to a better educational system, I do agree that the ultimate strength of our Nation depends upon its human resources. The proper education of our future generations is perhaps the paramount responsibility of State and local units of government.

Those who support a prayer constitutional amendment believe that such education cannot narrowly be confined to the facts and figures of history and social studies, although that is certainly important. Education properly understood must include the teaching of the moral character as well—the learning of values. Further, I am not in the slightest bit hesitant to suggest that the values of our civilization—Western civilization, Judaeo-Christian civilization, liberal civilization—should be primary among these values.

These values are good values; they are responsible values; they are values which have proven compatible with the flowering of the most prosperous, the most free, the most tolerant, the most compassionate societies in the history of a largely impoverished, unfree, intolerant, and harsh world. These values are those in which the overwhelming majority of people in this country are proud and confident. They are the legacy of many centuries of civilization, of many different peoples, of many different cultures. They are the values which have shaped our society and our people.

It is about time that our schools stopped being neutral toward the values of the society in which they operate. We ought to be neutral as between religious faiths, between the beliefs of Christian and Jew, Baptist and Lutheran, Mormon and Episcopalian. We ought to be neutral in proclaiming the primacy of these churches, the correctness of their theologies, the truth of the words of their prophets. Our civilization, and its institutes of education, must never be neutral, however, in the importance of the religious impulse generally. This was not the intent of the Founding Fathers and it is not the desire of the American people.

Indeed, our society must reaffirm the values of our civilization, including its religious values. We must reaffirm that our society is a caring and compassionate and humane society at least in part, because this is the teaching of every significant religious doctrine in our world. It is not necessary to choose between specific creeds in order to express support for the idea of religious values.

Those who reject faith and devotion as a foundation of our society are free to do so, just as those who reject democracy and constitutional government and the Golden Rule, are free to do so. They are not free, however, to topple the moral edifice of our civilization by establishing as public policy that the state is to be disinterested in the values learned by its children. They are not free, however, to force our civilization to slowly dissipate its inheritance by prohibiting our educational institutions from passing on our shared moral values.

This, in my view, is the significance of restoring prayer to the public schools. This is why I see the issue of public school prayer as being at least as significant an issue as the finetuning of one of our many entitlement programs, the reallocation of public subsidies from one interest group to another, and the creation of some new board or commission or agency.

The issue of school prayer raises the question of the role of our educational system in perpetuating and promulgating the values of our Western society, in my opinion. Are we going to be confident and self-assured in teaching our children the values of their culture or are we so lacking in confidence that we are forced to be "neutral" or equivocating in choosing between values. The issue, I emphasize once more, is not the value of any particular religious belief, but the idea of religious values generally.

CONCLUSION

Under our system of Government "of the people, by the people, and for the people," the stability of the Republic ultimately rests upon the character and will of its citizenry. The Nation's long-term welfare depends upon its citizens to vote responsibly, to conform their conduct to the dictates of the law, to participate on juries, to partake in community activities, to raise children, to assist neighbors, and to perform countless other voluntary acts contributing to the social fabric.

A proper education for such a role may well require more than learning to punch computer keys, understand foreign languages, or comprehend how a bill becomes a law; rather, it may include the building of integrity and a sense of honesty, inculcation of a structure of enduring values, and an encouragement of a willingness to serve one's country. Education, defined in this sense, includes preparation for the responsibilities of citizenship.

Thus defined, education is served, in my view, by an opportunity to acknowledge or ponder the source of our liberties as articulated by the Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness.

It may well be appropriate that our public educational institutions afford the student the opportunity to consider this relationship within the broader context of the educational process.

Perhaps no American figure has given more enlightened utterance on the connection between our Nation's religious and moral heritage and its freedoms than its first President, George Washington. In his farewell address of September 17, 1796, President Washington stated:

> Of all the dispositions and habits which led to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of man and citizens . . . A volume could not trace all their connections with private and public felicity . . . And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason, and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.
>
> It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge.

It is not insignificant that President Washington closed his exhortation to his country regarding the importance of its religious heritage to a free nation with a recommendation that the Nation promote its educational institutions. He seemed to be espousing the importance of a broader educational experience as an essential element of a healthy, working democracy. This, in fact, was the spirit that has animated the authorship of the first amendment and the constitutional practice of voluntary prayer in public schools and other national institutions, including the Congress, for nearly two centuries. I believe that this spirit ought to be reaffirmed and hence strongly recommend Senate Joint Resolution 73 to the consideration of my colleagues.

Mr. President, I want to personally thank all the members of the Judiciary Committee, in particular the members of the Subcommittee on the Constitution, and its staff members, who have worked so hard to see that this amendment is brought to the floor of the U.S. Senate. I believe that we have had some of the best and most knowledgeable people on Earth working on this project.

I personally appreciate the work of all who have worked so hard on this effort. I do appreciate the fact that Senator BAKER, our majority leader, has taken the lead on this issue and has been willing to make this a matter of prime attention on the floor of the Senate, giving it the time that it needs being the approach that I think it deserves.

I hope that every Member of this body will pay careful consideration to what is taking place here. I believe this to be one of the most important debates this country has recently experienced. Its resolution will say a great deal about the kind of country we wish to be.

I appreciate the opportunity to have said how very deeply I feel about this issue. I commend everyone who has worked on this issue on both sides and know there to be sincerity by both sides.

I yield to the Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the able Senator from Utah. He is always thoughtful and generous. I shall not be long.

Mr. President, one of the first proposals that I made when I became a Senator in January 1973 was that the Senate take whatever action it could, either by a constitutional amendment or by statutory language, to restore the right of voluntary prayer to our schools. This matter has been of extreme concern to me as a private citizen in North Carolina since the time the Supreme Court engaged in what I considered an outrageous intrusion into the legislative process.

I feel confident, Mr. President, that one proper way for the Senate to proceed, in addition to a constitutional amendment, is to follow the authority of Congress, and I think the duty of Congress, to limit the jurisdiction of the Federal courts with regard to school prayer. And I have made clear to the able majority leader and others that regardless of the action on this proposed constitutional amendment, that I reserve the right to have the Senate vote on a legislative approach to limit the jurisdiction of the court, because I believe that the people of the United States are entitled to have some remedy for a runaway Supreme Court.

But, be that as it may, Mr. President, as we proceed into the debate on the right of children to pray in public schools, I think it would be a mistake if we did not choose, as a fitting starting point before we get into the technicalities, the counsel of providence.

Anyone who knows anything about the Scriptures is bound to be aware that the Lord did not overlook children in His preaching. In chapter 10 of St. Mark's Gospel, the following is recorded:

> And they brought young children to him, that he should touch them: and his disciples rebuked those that brought them. But when Jesus saw it, he was much displeased, and said unto them, "Suffer the little children to come unto me, and forbid them not: for of such is the kingdom of God. Verily I say unto you, Whosoever shall not receive the kingdom of God as a little child, he shall not enter therein." And he took them in his arms, put his hands upon them, and blessed them. (Mark 10:13-16).

Now I am not a clergyman, and I do not pretend to be, Mr. President. But from these passages it seems clear to me that Jesus had a special place for children both in His heart and in terms of salvation. He specifically directed that the children be brought unto Him, and He did not want them hindered in their approach by adults. Moreover, after the adults have gotten out of the way, I think He wants the adults to learn from the children. Indeed He cautions us that the only way we shall enter into the Kingdom of God is by receiving it as does a child—openly, innocently, and simply.

Have you ever noticed, Mr. President, how eagerly children take to prayer? They have no problem recognizing God, talking to Him, and thanking Him for the blessings He has given them. In their innocence and undiluted commonsense, they know God and easily put faith in Him.

I have received many letters from schoolchildren showing me prayers they have written. I am sure my colleagues have received such letters also. Invariably, they are touching works showing a simple soul raising itself to God. And time and time again they ask me to do what I can to help them get the freedom to have prayer in the schools.

Mr. President, it is this Senator's strong conviction that we in the Senate today would do well to heed divine wisdom and the pleas of our children, and restore the right to pray in the schools once again. If we do, it is likely that not only will the children be closer to God but that we—including the Justices of the United States Supreme Court—will be drawn closer as well.

With all the problems that beset us here at home, with all of the threats that confront us from abroad, I think it is time for this Nation to ponder the need to turn back to the source of guidance that our Founding Fathers perceived. And with the huge bounty of gifts He has showered upon this great land, I find myself wondering who can dispute that we owe Providence our prayers.

It is no mere chance coincidence that the decline in American public education has roughly paralleled the banning of school prayer by the Supreme Court in the early 1960's. Sure, there have been other factors as well, but banning prayer removed a fundamental in the educational process. And that is the point that so many people ignore.

They say, "Well, a child on his own can pray in school if he wants to."

That is correct, but what has happened to the discipline of prayer? After all, those who cite Christ as having said, "Go into the closet and pray," should also remember that Christ taught his disciples how to pray.

So there is the discipline, there is the reminder, there is the recognition that there is a proper guidance in the world. And I believe as one Senator that if we ignore the source of ourselves, if we cause our children not to be mindful of it, we are making an error as to our survival in this country.

First and foremost, when the school day begins with a prayer, as when the legislative day here in the Senate begins with a prayer, there is a right ordering of things. However simple the prayer, we acknowledge through it our position under the authority of God. We affirm that it is God, not the State or anyone else, who is supreme and that it is He who gives meaning and value to our lives.

This establishing of right priorities would alone justify school prayer. But there are also important practical contributions that prayer makes to the learning process. Let me briefly explain.

As everyone knows, Mr. President, learning is not easy. It takes work, and there needs to be a motive for that work. Thus, in order to learn at all, it is first necessary for the pupil to see that there is something beyond self which is good and worthwhile and which merits the effort to find out about. Without this foundation, the student has little reason to do anything other than sit in class and daydream about himself.

And this is exactly where beginning the school day with a prayer comes in. By pausing a few moments and lifting one's heart and mind up to the Lord, the pupil has conveyed to him, in an unmistakable way, the idea that there is something outside of self, that God is the ordering power and intelligence behind the universe, that he and the things he creates are good, and that therefore efforts to learn about the created order are worthwhile. Thus, through the very act of praying, a solid basis for learning is established.

In an even more immediate way, prayer at the beginning of the school day teaches a form of sacrifice by the student similar to that required to learn. In a prayer, self-denial is necessary so that God can enter in and mental discipline so that distractions can be blocked out. Likewise in the ordinary learning process, self-denial and mental discipline are indispensable.

Mr. President, many Americans are baffled at how we got to a point in our history where both Houses of Congress start every day with a prayer delivered by a tax-paid chaplain, where Presidential inaugurations always begin with an invocation, where the Supreme Court opens its sessions with the traditional "God save the United States and this honorable Court," where our money has "In God We Trust" printed on it, where all manner of State and local, public and private, meetings begin with a prayer, but where teachers in public schools may not lead their children in voluntary group prayer to start the day. How we got to this point is certainly a sad chapter in American history, but it is a relatively simple one, beginning and ending with the U.S. Supreme Court. Moreover, it is abundantly clear that the banning of voluntary school prayer is an aberration in our history—an alien graft on the American body politic that has taken hold only because of raw power flagrantly exercised by Federal judges against the natural rights and traditional liberties of the people.

Dr. James McClellan, the former chief counsel of the Senate Judiciary Subcommittee on Separation of Powers and now executive director of the Center for Judicial Studies here in Washington, has written an excellent short history on the "First Amendment's Establishment Clause" and how it has been misapplied to ban school prayer. I ask unanimous consent, Mr. President, that this McClellan article, entitled "The Making and Unmaking of the Establishment Clause," appearing in A Blueprint for Judicial Reform, published by the Free Congress Research and Education Foundation in 1981, be printed at this point in the RECORD, including footnotes.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From A Blueprint for Judicial Reform]

THE MAKING AND THE UNMAKING OF THE ESTABLISHMENT CLAUSE

(By James McClellan)

The Disestablishment of the Anglican Church in Virginia, which Thomas Jefferson accomplished in 1786 with the help of James Madison, is commonly thought to have prepared the way for the adoption of the First Amendment to the Constitution of 1791, declaring that "Congress shall make no law respecting the Establishment of a Religion." [1] As Justice Joseph Story later observed in his famed *Commentaries on the Constitution*, "the real object of the [First] Amendment was not to countenance, much less to advance Mohametanism, or Judaism, or infidelity, by prostrating Christianity, but to exclude all rivalry among *Christian* sects, and to prevent any *national* ecclesiastical establishment which would give to an hierarchy the exclusive patronage of the *national* government." [2] Directed solely against Congress, the establishment clause gave the states, by implications, full authority to determine church-state relations within their respective jurisdictions. Thus the establishment clause actually had a dual purpose: to guarantee to each *individual* that Congress would not impose a national religion, and to each *state* that it was free to define the meaning of religious establishment under its own state constitution and laws. The federal government, in other words, simply had no authority over the states respecting the matter of church-state relations. To be sure, one of the principal reasons for the adoption of the entire Bill of Rights, as we shall see, was to deny the federal government a commanding voice in the general area of civil liberties, except as stipulated in the Constitution itself.[3] The power to define civil liberties within the several states, including the power to decided what practices were acceptable under the general heading of church-state relations, was, in the true sense of that much abused term, the state's right, as determined by state constitutions and state bills of rights.

Such is where matters stood until 1947, when the Supreme Court endeavored for the first time to expound upon the meaning of the establishment clause in the landmark case of *Everson v. Board of Education* (1947).[4] Pursuant to a state law, the township of Ewing, New Jersey authorized the reimbursement to parents of money expended for the transportation of their children to and from public and parochial schools. A taxpayer challenged the validity of the law on the grounds that it violated the due process clause of the Fourteenth Amendment, and also constituted an unconstitutional "establishment of religion." Speaking for a sharply divided Court, Mr. Justice Black announced that: "The First Amendment, as made applicable to the states by the fourteenth . . . commands that a *state* 'shall make no law respecting an establishment of religion.' "[5] This was the first instance in which the Court interpreted the establishment clause as a restriction on the states. It was a bold and revolutionary step, overturning more than a century and a half of established precedent that had uniformly permitted the States to set public policy regarding their relations with religious organizations. No less novel was the Court's newfangled theory of the establishment clause and its formal adoption of Thomas Jefferson's "Wall of Separation" doctrine. The First Amendment, said Black, "erected a wall of separation between church and state," prohibiting the federal and state governments from giving aid of any kind not only to particular religious sects, but to all religions in general. "Neither a state nor the federal government," contended Justice Black, "can set up a church. Neither can pass laws which aid one religion, *aid all religions*, or prefer one religion over another. . . . *No* tax in *any* amount, large or small, can be levied to support *any* religious activities or institutions. . . ."[6]

This absolutist pronouncement by Justice Black, it must be emphasized, has become the foundation stone for the modern Court's interpretation of the establishment clause. Whether the issue has been Bible-reading, prayer in the public schools, or tuition grants for parochial school children, Black's oft-quoted dictum is sure to be found at the heart of the Court's opinion. But in *Everson* the Court softened the impact of its new view of the establishment clause by upholding the law in question as a welfare measure assisting children rather than religion. Thus the real significance of *Everson* lies not in the Court's ruling, but in its adoption of an absolutist theory of church-state relations. Both the majority and dissenting members of the Court were unanimously agreed that the establishment clause should be interpreted as an absolute restriction on governmental aid to religion. "In the words of Jefferson," concluded the Court, "the clause against the establishment of religion by law was intended to erect 'a wall of separation between church and state.' "[7]

The judicial history of the establishment clause since 1947 has been little more than a replay of *Everson*, each justice endeavoring to apply Black's dictum to th factual situation under review, while at the same time attempting to refine it as a workable test for determining the limits of state involvement in the religious affiars of the community. In *McCollom v. Champaign Board of Education* (1948),[8] the Court invalidated a "released time" program in an Illinois school district which allowed children to receive religious instruction in the public schools. The program provided that pupils whose parents had signed a "request card" were excused from their classrooms to attend religious lectures given without pay by Protestant, Catholic, and Jewish teachers, but within the school building and during the regular class day. Pupils not participating in the program were required to continue their secular studies in other classrooms. Speaking again through Mr. Justice Black, a divided Court held that this program of religious education violated the establishment clause, as applied to the states by the due process clause of the Fourteenth Amendment. Following the dictum laid down in *Everson* that the First Amendment erected an absolute wall of separation between church and state, the Court ruled that the program was unconstitutional because it utilized a "tax-established and tax-supported school system to aid religious groups to spread their faith."[9]

The case of *Engel v. Vitale*,[10] decided in 1962, involved a local school district in New York which under state law had directed the principal of a public school to cause a prayer to be said aloud by each class at the commencement of the school day. Students who did not wish to participate were permitted to remain silent or to leave the classroom. Seemingly innocuous on its face, the non-denominational prayer, composed and recommended by the State Board of Regents, read simply: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country." In a brief opinion, again written by Black, the Court invalidated the authorizing statue as a violation of the First and Fourteenth Amendments. Clearly, argued the Court, the recitation of a prayer was religious activity. There was no doubt in Justice Black's mind that "in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as part of a religious program carried on by government."[11]

Citing these decisions and a mixed variety of other legal and historical precedents, the Court arrived at a conclusion similar to that reached in the Prayer decision when it decided in 1963 that Pennsylvania and Maryland had breached the "wall of separation" between church and state by requiring public schools to begin each day with readings from the Bible. Despite the fact various Protestant, Catholic and Jewish versions of the Holy Scriptures were used, without prefatory statements, questions, or explanations, and non-participants were allowed to absent themselves from the classroom, Mr. Justice Clark found for the Court that the practice of governmental sponsored Bible-reading was not permissible under the Constitution. As applied to the states, the First Amendment, Clark declared, requires "that the Government maintain strict neutrality, neither aiding nor opposition religion."[12]

Board of Education v. Allen (1968), the last case of major importance on church-state relations in the Warren Court, represented a return to the "child benefit" theory of *Everson*. In sustaining a state statute authorizing the loaning of secular textbooks to all public and parochial students under New York's education law, the Court, speaking this time through Justice White, reasoned that "[t]he law merely makes available to all children the benefits of a general program to lend schoolbooks free of charge. Books are furnished at the request of the pupil and ownership remains, at least technically, in the state. Thus, no funds or books are furnished to parcochial schools, and the financial benefit is to parents and children, not to schools."[13] Citing *Everson* and *Schempp*, White announced that the test of constitutionality was whether the statute in question had "a secular legislative purpose and a primary effect that neither advances nor inhibits religion."[14] He acknowledged that "[t]his test is not easy to apply,"[15] but concluded that under these standards the statute in question was no different from that which the Court found acceptable in *Everson*.

Since 1969, when Warren Burger succeeded Earl Warren as Chief Justice, the Court has endeavored to follow the difficult course laid out in *Everson*, steering between the Scylla of Black's absolutist theory and the Charibdis of his actual holding in *Everson*. From the standpoint of uniformity, the decisions have not been entirely satisfactory, and the Court seems to have made little progress in resolving what Chief Justice Burger has accurately described as the "internal inconsistency in the opinions of the Court. . . ."[16] Certainly it is difficult to disagree with Justice Powell's contention that the Court's decisions, viewed as a whole, lack a coherent rationale. The cases, for example, reflect the questionable assumption that government aid to church-related colleges is less obtrusive than government aid to primary and secondary schools, where the students are supposedly more susceptible to religious indoctrination.[17] It is not entirely clear why government funding of bus transportation to and from parochial schools is acceptable under the establishment clause, but public funding of transportation for field trips is not;[18] nor is there a sharp analytical distinction between state aid in the form of textbooks, which is not prohibited, and state aid in the form of other instructional materials, such as maps, which is prohibited.[19] In terms of aid to religion, it would also seem that a tax exemption to a house of worship has a more direct effect than a tax credit to the parent of a child enrolled in a church-affiliated school.[20] These distinctions without a difference, suggests Powell, may be justified on the grounds that the Court has wisely sacrificed logical consistency in order "to establish principles that preserve the cherished safeguard of the Establishment Clause" while at the same time encouraging "the positive contributions of sectarian schools. . . ."[21]

The balancing of these diverse interests is surely a delicate task that has produced much disagreement and doctrinal confusion in the Court. In reality, the Court seems to have worked itself into a corner, straining on the one hand to maintain Black's absolutism, while on the other to accommodate deeply rooted habits and practices that actually breach the wall of separation. Comparing the decisions of the present Court with those of the Vinson-Warren era, it is nevertheless reasonable to say that "[b]oth the absolutism of Mr. Justice Black and his particular conceptions of religion's relation to government seem, on the whole, to wane in influence as the Burger Court takes shape."[22] Although this modest departure has not been applauded by all the members of the Court, there is no denying that "the heritage of Mr. Justice Black appears presently to receive a somewhat skeptical attention. The present Court expressly abjures 'absolutism'; it 'balances' or 'accommodates' the First Amendment provisions which Mr. Justice Black regarded as unqualified."[23] Whether this trend will continue, and the ultimate fate of Justice Black's absolutism, are questions that cannot now be answered. But this much seems obvious: The number of ways in which public funds can be channeled into the private sector for the benefit of nonpublic education is not infinite. There are some schemes which have yet to be examined by the Court, such as the experimental voucher system, but on the whole it may be that we have already reached the limits of possible funding alternatives. If this is so, then we can expect fewer decisions under the establishment clause and a greater likelihood that the theory of church-state relations adopted by the Court, despite its internal contradictions, will become a more permanent fixture of the American constitutional system.

To a generation of Americans raised under the common assumption that it is only natural and fitting that the Supreme Court should determine state policies and practices respecting church-state relations; these cases handed down over the past thirty-four years are seldom viewed as unconstitutional usurpations of state authority. When examined in the light of the historical setting of the Bill of Rights and state religious practices before 1947, however, the *Everson* line of cases can be seen as one of the most radical innovations in American constitutional law since 1787. This article maintains that *Everson* and the entire body of case law built upon it, including the Prayer and Bible-reading decisions, represent an unhistorical view of church-state relations in the early Republic, and are actually contrary to the expressed intent of the Framers and the very purpose of the establishment clause at the time of its adoption. Moreover, it is contended here that the Fourteenth Amendment, which serves as the constitutional vehicle for the application of the establishment clause to the states, was not intended by those who participated in its framing and adoption to alter the scope or original meaning of the establishment clause.

CHURCH-STATE RELATIONS IN THE EARLY REPUBLIC

Although all of the American colonies in the revolutionary period were eager to loosen the existing bonds of religious establishment, each pursued an independent course in reaching this objective. At the outbreak of the Revolution, there were varying forms of established churches in nine of the colonies. In the Southern colonies of Maryland, Virginia, North Carolina, South Carolina and Georgia, the established religion was Anglicanism. In New England, Congregationalism was, in effect, the established church in three colonies—Massachusetts, New Hampshire, and Connecticut. New York had a unique arrangement allowing for the establishment of the Protestant religion.[24] But in all of these nine colonies, the established churches were linked politically with the colonial governments rather than the mother country, so that when the colonies became independent states the connection between church and state remained in force. Hence the Revolution itself did not alter the system of church-state relations; what it did was to set in motion the forces of disestablishment that ultimately prevailed throughout most of the American colonies.[25]

Religious Disestablishment in New England. Led by Isaac Backus, the Baptists agitated for disestablishment in New England throughout the revolutionary period. But their memorials and petitions failed to dislodge the Congregationalists, who enjoyed widespread support among a majority of the population, and church-state relations in New England remained essentially the same.

Rhode Island and Connecticut became states in the new confederation under their old charters, and no changes were made regarding the civic relations of the church. Rhode Island remained committed by its charter of 1663 to the principle of separation of church and state, guaranteeing its subjects "the free exercise and enjoyment of all their civil and religious rights." As long as they did not "disturb the civil peace" or abuse their religious liberty to promote "lycentiousnesse and profanenesse," citizens of the state were free to state their "differences of opinion in matters of religion." Such a broad scope of religious liberty was actually an aid to the Christian religion, implied the framers of the charter, because it placed the citizens "in the better capacity to defend themselves, in theire just rights and libertyes against all the enemies of the Christian faith."[26]

In Connecticut, the establishment of the Congregational Church was retained, but other Protestant sects were allowed to practice their faith. In 1778, Congregationalists who had separated from the mother church were exempted from taxes for its support; and in 1784 an act was passed stating that no person professing the *Christian* religion would be required to pay taxes for the established church, or penalized for not attending worship there, providing he continued to attend and helped to maintain worship at his own church. Those who did not belong to any religious society were to be taxed for the support of the established church, and *Protestant* dissenters were allowed by law to maintain their own societies. Entitled an "Act for Securing The Rights of Conscience," this statute specified that citizens of Connecticut were expected "on the Lord's day carefully to apply themselves to the duties of religion and piety." Persons failing to "attend the public worship of God on the Lord's day in some congregation allowed by law" were to be fined three shillings "unless hindred by sickness or otherwise prevented" from attending church.[27]

The state constitution of New Hampshire, adopted in 1776, contained no provisions concerning religious matters; but in 1784, a new constitution, prefaced by a bill of rights, was adopted where it was declared that every citizen "has a natural and unalienable right to worship God according to the dictates of his own conscience." Under the provisions of this constitution, however, the old colonial law which in effect gave to the Congregational churches the status of a town institution, remained in force. Each town was authorized to elect its own minister; and to promote "morality and piety," the state legislature was empowered to authorize "the several towns, parishes, bodies politic, or religious societies . . . to make adequate provision, at their own expense, for the support and maintenance of public *Protestant* teachers of piety, religion, and morality, with the understanding that "no person of any one particular religious sect" would be "compelled to pay towards the support of the teacher of another persuasion."[28] The constitution further stipulated that all members of the state legislature "shall be of the *Protestant* religion."[29]

The arrangement in Massachusetts, determined by the constitution of 1780, was strikingly similar to that of New Hampshire. Indeed, the Massachusetts constitution had served as a model for the architects of the New Hampshire constitution. Massachusetts retained its colonial practice of giving the Congregational church a civil status, allowing every taxpayer to indicate his preference as to which church should receive his support. Those who failed to state their choice were required to pay taxes for the support of the Congregational Church. According to the constitution, each town in the state was authorized "to make suitable provision," at its own expense, "for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality."[30] All public officials were required to take an oath that they "believe in the *Christian* religion and have a firm persuasion of its truth."[31]

Standing between the liberality of the Rhode Island charter and the more restrictive fundamental law of New Hampshire, Connecticut, and Massachusetts, the Vermont constitution of 1777 meekly urged "every sect or denomination . . . to observe the Sabbath," while declaring that "no man ought, or of a right can be compelled to attend any religious worship, or erect, or support any place of worship, or maintain any minister, contrary to the dictates of his own conscience." At the same time, the constitution specified that no man professing the *Protestant* religion should be deprived of his civil rights "on account of his religious sentiment, or peculiar mode of religious worship."[32] In addition, every member of the state house of representatives was required to meet a religious test for office by swearing: "I do believe in God, the creator and governor of the universe, the rewarder of the good and the punisher of the wicked; and I do acknowledge the scriptures of the Old and New Testaments to be given by divine inspiration; and own and profess the Protestant religion."[33] All of these provisions were carried over into the revised constitution of 1786. Moreover, a law enacted by the state legislature in 1783 allowed for support of the Congregational Church in the townships through local taxation.[34]

Religious Disestablishment in the Middle-Atlantic States. Turning southward, a similar pattern of discrimination against Dissenters and non-Protestants is encountered. The New York constitution of 1777, supplemented by an act of 1784, abrogated all laws establishing or maintaining "any particular denomination of Christians or their ministers," and all laws "which do grant certain emoluments and privileges to the Episcopal Church." The constitution also declared that "the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed." Making an about-face, the constitution also demanded, however, that all persons naturalized by the state be required to take an oath abjuring their foreign allegiances and subjection in all matters, "ecclesiastical as well as civil."[35] (This provision, as Judge Story later pointed out, 'was doubtless intended to exclude all Catholics, who acknowledged the spiritual supremacy of the Pope, from the benefits of naturalization.")[36]

In New Jersey, the constitution of 1776 guaranteed each person "the inestimable privilege of worshipping God according to the dictates of his own conscience," but at the same time imposed a religious test for office, limiting eligibility for the state legislature to "persons professing a belief in the faith of any *Protestant* sect."[37] Similarly, the Delaware constitution of 1776, while declaring that "[t]here shall be no establishment of any one religious sect in this state in preference to another," required all persons holding public office to declare by oath their faith in the doctrine of the Trinity and in the divine inspiration of the Old and New Testaments.[38]

Pennsylvania, which in the colonial period had limited inhabitancy to believers in God and had denied both the franchise and public office to Catholics and disbelievers in the doctrine of the Trinity, "entered the revolutionary period with a restrictive legislation unsurpassed by that of any other" state. In "so far as terms of law made definitions, there was less liberty in Pennsylvania than in theocratic Massachusetts and conforming Virginia."[39] These restrictions were removed in part by the constitution of 1776, which declared that "all men have a natural and inalienable right to worship God, according to the dictates of their own consciences." In addition, the constitution forbade government to support religion through public taxation and "to interfere with, or in any manner control, the right of conscience in the free exercise of religious worship." Nevertheless, civil rights were confined to persons "who acknowledge the being of a God,"[40] and officeholders were required to affirm by oath their belief in God and in the divine inspiration of the Old and New Testaments.[41]

Religious Disestablishment in the South. Nor was a total separation of church and state sought in the Southern colonies during the revolutionary period, except in Virginia. In Maryland, for example, the constitution adopted in 1776 authorized the state legislature to lay a general tax for the support of the Christian religion.[42] The North Carolina constitution of 1776 established a religious qualification for office, declaring that no person could hold a place of public trust if he denied "the truth of the Protestant religion, or the divine authority of either the Old or New Testament."[43] The South Carolina constitution of 1778 flatly stated that "The Christian Protestant religion shall be deemed . . . the established religion of the state." Accordingly, no religious society was entitled to incorporation as a church of the state unless its members agreed "that there is one Eternal God and a future state of reward and punishment; that God is publicly to be worshipped; that the Christian religion is the true religion; that the Holy scriptures of the Old and New Testaments are of divine inspiration and . . . that it is lawful and the duty of every man . . . to bear witness to the truth." Moreover, pastors were required to declare that they would instruct their congregations in the lessons of Scripture.[44] Finally, in Georgia the constitution adopted in 1777 disestablished the Anglican Church, but at the same time allowed for the public support of religion through taxation. "All persons whatever shall have the free exercise of their religion," it was asserted in Article LVI, and they "shall not, unless by consent, support any teacher or teachers except those of their own profession."[45] This meant that Georgians could be taxed for the support of their own religion. Accordingly, a law was passed in 1785 stipulating that all Christian sects would receive tax support in proportion to the amount of property owned by their members.[46] The constitution of 1777 further required that "all members of the legislature shall be of the Protestant religion."[47]

Among the Southern states, only in Virginia, it seems, was a complete separation of church and state accepted in principle. But only grudgingly did Virginians advance to this state of mind. At the convention of 1776, Episcopalians and Methodists petitioned unsuccessfully against disestablishment, and the Church of England was severed from the civil authority. A bill of rights was drafted by George Mason, but the section on religion suggested by Patrick Henry was worded in such a way as to imply that there would be no guarantee of complete religious freedom in the Old Dominion. Henry's proposal stated "that all men should enjoy the fullest toleration in the exercise of religion according to the dictates of conscience, unpunished and unrestrained by the magistrate, unless under color of religion any man disturb the peace, the happiness, or safety of society." James Madison insisted that the word *toleration* contained a "dangerous implication," as did the reference to a magistrate. "Toleration," he argued, "belonged to a system where [there] was an established church, and where a certain liberty of worship was granted, not of right, but of grace; while the interposition of the magistrate might annul the grant." The convention agreed, and the objectionable clause was rejected in favor of Madison's amendment, which read: "all men are equally entitled to the full and free exercise of religion, according to the dictates of conscience." Madison was also successful in gaining acceptance of a restraining clause, which declared that "[n]o man, or class of men, ought on account of religion to be invested with peculiar emoluments of privileges, nor subjected to any penalties or disabilities, unless under color of religion the preservation of equal liberty and the existence of the State are manifestly endangered." Thus committed to a broad and revolutionary concept of religious liberty, the Virginia bill of rights stood out conspicuously with the Rhode Island charter against the prevailing mood of quasi-establishment in other states.[48]

The task of implementing these principles now fell to the Virginia legislature. Although disestablished, the Church of England still enjoyed certain advantages over other religious sects. Only the Anglican clergy, for example, could marry without a special license. Meeting soon after the convention, the legislature proceeded under the leadership of Thomas Jefferson to remove the last pillars of religious establishment. All previous acts providing for ministers' salaries were repealed, Quaker and Mennonite ministers were empowered to perform marriages without a license, and in general the Episcopal Church was left to regulate its own affairs.[49]

But Patrick Henry and the supporters of religious establishment were not without power and influence, and in 1784 the legislature reversed its position, passing a bill to the second reading which stated that Virginia should promote the Christian religion and render financial aid to all religious sects. This was to be accomplished through a general assessment whereby each taxpayer would be allowed to select the church that should receive his tax. General Washington, Richard Henry Lee, John Marshall and Patrick Henry, joined by the Episcopal and Presbyterian clergy, supported the measure. They were opposed by Madison and Jefferson, who made a direct appeal to the people for support against the bill. Accordingly, a Memorial and Remonstrance, drafted by Madison, was circulated throughout the state for signature, declaring that under the Virginia Bill of Rights, no government could come to the aid of religion. So great was public opinion in favor of Madison's position that the legislature was compelled to abandon the bill.[50]

These accomplishments of Madison were further embellished by the actions of Jefferson, who, sensing weakness in the opposition, now came forward with a proposal advocating complete religious freedom for all religious sects and for all dissenters. Entitled, "An Act Establishing Religious Freedom," this meausre was enacted into law in 1786. Henceforth, no Virginian could be "compelled to support any religious worship, place, or ministry whatever; nor shall be enforced, restrained, molested, or burthened in his body or goods," nor otherwise caused "to suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities."[51]

Thus, after prolonged debate, Virginia emerged from the revolutionary period embracing the broadest sort of religious liberty possible. But at this juncture in the movement toward religious disestablishment, the Virginia experience was almost wholly unprecedented in America. On the eve of the Philadelphia Convention of 1787, the wall of separation doctrine espoused by Madison and Jefferson had been rejected in every state but Virginia and Rhode Island. Strictly speaking, of course, there was not an established church in any of the fourteen states at this time, for even in those states where a specifically identifiable sect or group of sects enjoyed a favored status, other religious denominations were allowed to worship as they pleased.[52] In four states, Massachusetts, Connecticut, Vermont, and New Hampshire, the Congregationalist Church occupied a position of quasi-establishment as a result of direct or indirect benefits conferred by the state constitutions and statutes. Ten states extended preferential treatment to the Protestant religion, and two states, Delaware and Maryland, favored simply the Christian religion. Add to this fact that, "Four [states], Pennsylvania, Delaware, and the Carolinas, required assent to the divine inspiration of the Bible. Two, Pennsylvania and South Carolina, demanded a belief in heaven and hell. Three, New York, Maryland, and South Carolina, excluded ministers from civil office. Two, Pennsylvania and South Carolina, emphasized belief in one eternal God. One, Delaware, required assent to the doctrine of the Trinity. And five, New Hampshire, Massachusetts, Connecticut, Maryland, and South Carolina, adhered to a religious establishment. In one, South Carolina, the obnoxious term *toleration* found a constitutional place."[53]

From the foregoing it would appear that there were basically three patterns of church-state relations in late eighteenth century America: quasi-establishment of a specific Protestant sect, as seen in most of New England; quasi-establishment of the Protestant religion, as seen throughout most of the nation; and the disestablishment of all religious sects, as seen in Rhode Island and Virginia. Three states adopted the position that allowed one sect of *Protestants, viz.*, Congregationalists, to be preferred over other Protestant sects. Most of the states disclaimed all preference of one sect of *Protestants* over another. And two states, Virginia and Rhode Island, disclaimed all preference of *any* religious sect over another. Only two states, Delaware and Maryland (and possibly Georgia) disclaimed all preference of one sect of *Christians* over another. But all of the states still retained the Christian religion as the foundation stone of their social, civil and political institutions. Not even Rhode Island and Virginia renounced Christianity, and both states continued to respect and acknowledge the Christian religion in their system of laws.

Thus it may be seen that not only did nearly every state reject the Jeffersonian system of church-state relations, but most states also went beyond what is nowadays termed the "No Preference" theory of church-state relations, which holds that most states arranged matters in such a way that all religions would receive political support and none would be preferred over another. But in fact ten of the fourteen states at the time of the adoption of the Constitution simply refused to prefer one *Protestant* sect over another; that is, they placed Protestants in a preferred status over Catholics, Jews, and Dissenters. In the ensuing years, as we shall see, the standard to which most states advanced was more like that of Delaware and Maryland than that of Virginia. Thus it can be seen that in the formative period of the American political tradition of church-state relations, there is little room for the Rhode Island-Virginia model or for the historical interpretation introduced by the Supreme Court in 1947. Developments in the early nineteenth century, to which we now turn, show that most states continued to reject the concept of total separation after the adoption of the First Amendment.

DISESTABLISHMENT IN THE EARLY 19TH CENTURY

It is important to keep in mind that the adoption of the Federal Constitution in 1789 and the Bill of Rights in 1791 had no legal effect whatsoever on church-state relations in the separate states. Article VI of the Constitution stipulated that "no religious test shall ever by required as Qualification to any Office or public trust under the United States;" and the First Amendment forbade Congress to pass any law "respecting an establishment of religion, or prohibiting the free exercise thereof." But as students of the Constitution have so frequently observed, "neither of these prohibitions was laid upon the individual states. . . . Broad as were the principles upon which the national government was based, the matter of church establishment or disestablishment, of taxation compulsory or by voluntary contribution, of test acts, oaths and religious qualifications for office, was left entirely to the discretion of the sovereign states." [54] The significance of this fact in relation to the Supreme Court's involvement in the issue will be explored later; for the moment it is enough to say that "The real battle of religious liberty [and disestablishment] was fought out in the State legislatures and conventions." [55]

In New England, where the principal issue was financial support of religion, the established churches managed to retain their status in some states for more than a quarter of a century after the adoption of the First Amendment. Connecticut is a case in point. Here, the pillars of religious establishment were actually strengthened in 1791 by a law requiring dissenters to file certificates demonstrating proof of membership in a dissenting church in order to avoid the state tithe.[56] Not until 1818, when a new constitution was narrowly adopted, did religious establishment cease to exist in Connecticut. Article I proclaimed the free exercise of religion and ordained that "no preference shall be given by law to any Christian sect." [57] It was further stipulated in Article VII that "no person shall by law be compelled to join or support, nor be classed with, or associated to, any congregation, church, or religious association." [58] Vermont, eleven years earlier, had already abandoned the practice of tithes and town-support of churches.[59]

But New Hampshire stood against the tide of disestablishment. Although a new fundamental law was adopted in 1792, the provisions of the 1784 constitution providing for public support of "Protestant teachers of Piety" remained intact and were even extended to the constitution of 1912. The dominant position of the Congregationalist Church was nevertheless eroded by a series of legislative acts between 1792-1807 granting exemptions to Episcopalians, Baptists, and Methodists, which ultimately gave rise to a toleration act in 1819 granting complete freedom to all *Christian* sects.[60] Repeated attempts by dissenters to strike the words *Protestant* and *Christian* from the New Hampshire constitution were unsuccessful, however, and both were carried over to the revised constitution of 1889. The requirement that members of the state legislature be of the Protestant religion was not dropped from the state constitution until 1877.

Similarly, in Massachusetts, the movement toward disestablishment met with heavy resistance. In 1800 the state legislature passed a law requiring each town or parish to provide "a public Protestant teacher of piety." The statute further provided that delinquent towns were liable to heavy fines; and all citizens were required to cover the ministers' salaries and the costs of building and repairing the churches through public taxation.[61] As late as 1832 one Nathaniel P. Fisher was arrested for refusing to pay a tax of $2.38 which had been levied upon him at a town meeting.[62]

Under Massachusetts law, the established church was a town institution, but the choice of ministers remained with the town meeting rather than the church itself. Surprisingly, this eventually worked to the disadvantage and ultimate defeat of the established Congregationalist Church. In 1818, the minister of the town of Dedham resigned. The non-communicants of the town united with the Unitarian minority in the church and at the town meeting a Unitarian was elected pastor. Most members of the church opposed the new pastor and moved their religious services to another location.[63] They subsequently brought suit for possession of the church property, but in *Baker* v. *Fales* (1820), the Supreme Judicial Court of Massachusetts ruled that they had no right to it. The constitution, stated the Court flatly, "gives to towns, not to churches, the right to elect the minister in the last resort." [64] This decision prompted about half the towns in eastern Massachusetts to elect Unitarian ministers. Thus were the Congregationalists ejected from their own churches, "turned out of house and home by the very powers [they] had contrived to give [them] lasting security." Finally, in 1833, tithes were abolished, the towns were relieved of their responsibilities over church affairs, and the old Puritan church was formally disestablished.[65]

In the middle-Atlantic states, where religious establishment was not so deeply entrenched, dissenters and minority sects encountered fewer obstacles. In 1792, Delaware quietly abandoned the religious oath of office, and in 1844 New Jersey finally discontinued her religious test for office. The New York constitution of 1821 removed the restrictions of the 1777 charter against naturalization of Catholics.[66] Pennsylvania, on the other hand, reached a compromise. The constitution of 1790 extended civil rights to non-believers but at the same time narrowed the liberty of public officeholders by requiring them to acknowledge "the being of God and a future state of rewards and punishments." [67] This requirement was retained in subsequent constitutions of Pennsylvania throughout the remainder of the nineteenth century.

The Old South rather cautiously followed the movement toward disestablishment. In the border state of Maryland, the power of the legislature to lay taxes for the support of the Christian religion was revoked by a constitutional amendment in 1810.[68] But throughout the remainder of the nineteenth century, the state held tenaciously to the constitutional requirement of 1776 that every public officeholder "subscribe [to] a declaration of his belief in the Christian religion." In North Carolina, where officeholders were required to affirm the truth of the Protestant religion under the constitution of 1776, an amendment was passed in 1835 substituting the word "Christian" for "Protestant." [69] By the terms of the constitution of 1876, however, "All persons who shall deny the being of Almighty God" were declared ineligible for public office.[70]

The South Carolina constitution of 1790 formally disestablished the Protestant religion and abolished all religious tests for office.[71] Reflecting a resurgence of religious belief, the constitution of 1868 stipulated, however, that persons denying the existence of God could not take office.[72] Following the Rhode Island and Virginia model, the state of Georgia abolished all religious tests for office in 1789 and did not thereafter reinstate them.[73]

Despite the unique achievements of Madison and Jefferson in the 1780s, religious matters remained unsettled in the Old Dominion. To clarify the issue of whether the Bill of Rights was part of the constitution, the legislature repealed all laws in 1798-1799 seemingly in conflict with the Bill of Rights, thereby sealing the disestablishment of the Episcopal Church. There remained, however, the question of ownership of glebe lands, which had been originally given to the Church by the Crown. Rival sects often laid claim to the glebes on the theory that possession by the Episcopal Church constituted preference of one religion over another. To resolve the issue, the legislature enacted a statute in 1802 providing for the public sale of vacant glebe lands. This left most glebe lands in the hands of the Church. The Church nevertheless challenged the constitutionality of the act, and the Virginia Court of Appeals finally ended the controversy in 1840, affirming the position of the legislature.[74]

The pattern of church-state relations in new states entering the Union after 1789 did not differ substantially from that in the original fourteen. By 1860—and the situation did not radically change for the next three quarters of a century—the quasi-establishment of a specific Protestant sect had everywhere been rejected; quasi-establishment of the Protestant religion was abandoned in most but not all of the states; and the quasi-establishment of the Christian religion still remained in some areas. A new pattern of church-state relations, the multiple or quasi-establishment of all religions in general, i.e., giving all religious sects a preferred status over disbelievers (the No Preference doctrine) became widespread throughout most of the Union. Thus at the turn of the century, for example, no person who denied the existence of God could hold office in such states as Arkansas, Mississippi, Texas, North Carolina, or South Carolina. Arkansas aslo discharged witnesses in court proceedings who uttered such denials. In Pennsylvania and Tennessee, public office was restricted to persons who "believe in God and a future state of reward and punishment." Maryland required this belief in witnesses and jurors, but for officeholders demanded simply a belief in God.[75] Indeed, a good case can be made to show that during the latter part of the nineteenth and well into the twentieth centuries, the trend was not toward disestablishment but toward a strengthening of the ties between church and state. In the nineteenth century, for example, only one state (Massachusetts, 1826) required Bible reading in the public schools. Between 1913-1930, however, eleven more states enacted similar statutes.[76] Such practices as these are hardly in accord with the putative notion that the Jeffersonian doctrine of church-state relations was increasingly popular from the moment of its inception until it was formally adopted by the Supreme Court.

Needless to say, this cursory treatment here of church-state relations in the late eighteenth and early nineteenth centuries is not intended to be definitive. A bare catalogue of church-state relations in all of the States before and after the adoption of the Constitution would require many volumes. But this survey of state constitutions and organic laws does indicate quite sufficiently that the doctrine of a total separation of church and state, or "no aid of any kind to religion," as the Supreme Court has put it, was not espoused or followed by any significant number of states in the formative era of the American Republic or in the early nineteenth century.

In many of the establishment cases, particularly those decided during the Vinson-Warren period, the Court has nevertheless been at pains to defend its position on historical grounds. From Justice Black's opinion in *Everson* through Clark's *Schempp* (1963)[77] and the concurring opinions of Justice Douglas and Brennan in *Lemon v. Kurtzman* (1971),[78] there are lengthy discourses on religious liberty purporting to show a national acceptance, throughout American history, of the Jeffersonian proposition that the First Amendment built a "wall of separation" between church and state.

"What strikes the critical student of the Constitution as peculiar is the fact that the historical material dredged up by the Court, much of which relates to religious conflict in England in the seventeenth century, is totally irrelevant to the absolutist position the Court is attempting to substantiate, and invariably refers to the consequences and dangers of political aid to one religious sect rather than religion generally."[79]

The Court has consciously based its interpretation of the establishment clause on the historical record. To comprehend the original understanding of separation of church and state, at the least a careful scrutiny of contemporary opinion from 1787 to 1791 and a review of state practices in the early Republic would seem essential. But the Court has made no such effort and has instead confined its historical inquiry to religious persecutions in Europe and the Virginia struggle against the Anglican establishment; and it has treated the rather unique Virginia experience, relying on carefully selected writings of Madison and Jefferson, to be that of the Congress of 1791 and of the nation at large. In the words of Justice Black, the Court has "recognized that the provisions of the First Amendment, in the drafting and adoption of which Madison and Jefferson played such leading roles, had the same objective and were intended to provide the same protection against governmental intrusion of religious liberty as the Virginia statute [of Religious Freedom of 1786]."[80]

Does history support the Supreme Court's assertion that the First Amendment forbids governmental aid to religion? Here is the answer provided by the late Edward S. Corwin: "The historical record shows beyond preadventure that the core idea of 'an establishment of religion' comprises the idea of *preference*; and that any act of public authority favorable to religion in general cannot, without manifest falsification of history, be brought under the ban of that phrase. Undoubtedly the Court has the right to make history, as it has often done in the past; but it has no right to *make it up*."[81] If Justice Clark's attitude on this issue is representative of the Court as a whole, the likelihood that the Court will cast aside Black's absolutism is slim. In *Schempp*, Clark indicated that the Court was weary of historical debate, and that as far as he and other members of the Court were concerned, the proper meaning of the establishment clause was settled. Objections by lawyers and scholars to the Court's distortion of history, declared Clark, "seem entirely untenable and of value only as academic exercises."[82] Significantly, historical inquiry among the Justices into the origin and development of church-state relations, which never commanded the attention of the Court much beyond the pre-constitution experience of Virginia in the first place, has practically vanished since Justice Clark wrote these words. Yet it was Justice Black himself, the author of the *Everson* doctrine, who insisted that "[i]t is never to be forgotten that, in the construction of the language of the Constitution . . . we are to place ourselves as nearly as possible in the condition of the men who framed that instrument."[83] That almost every member of the Court has clung tenaciously to Black's absolutist interpretation of the establishment clause since 1947, in spite of the conflicting historical evidence, while at the same time rejecting his absolutist views on the other provisions of the First Amendment, is a curiosity of modern civil rights law that invites skepticism concerning the Court's self-proclaimed sincerity in seeking out the intent of the Framers in construing the Constitution.

Independent of these considerations, we are reminded that "the Supreme Court as a whole cannot indulge in historical fabrication without thereby appearing to approve the deterioration of truth a criterion for communication in public affairs."[84] The importance of keeping the Court honest is a concern that all free men must share. "To the extent that dignity and honesty in the conduct of human affairs rest on the belief in historical objectivity," observes Sidney Hook, "reflection on it goes to the very heart of the question concerning the nature and possibility of liberal civilization. . . . There is a difference between using our knowledge of the history of the past in order to influence the future . . . and making or manufacturing a history of the past solely with an eye to achieve our aims."[85]

JURISDICTION AND THE ISSUE OF INCORPORATION

During the Federal Convention of 1787, George Mason of Virginia proposed that a declaration of rights be included in the Constitution; but a motion offered by Elbridge Gerry that a committee be appointed to prepare such a statement was voted down unanimously, it being generally agreed that a bill of rights was not necessary since the expressly enumerated powers of the federal government did not include power over the rights in question. Without much of a struggle, however, the Federalist supporters of the Constitution agreed to the adoption of a bill of rights during the ratification effort in the state conventions. One reason they acceded to Anti-Federalist demands for a bill of rights was that such a declaration changed nothing regarding the constitutional structure, and neither reduced federal power nor increased state power. The Bill of Rights, in other words, simply declared what was already understood by the Framers of the Constitution—*viz.*, that the national government had no authority in the general area of civil liberties. Federalists and Anti-Federalists were in general agreement that the states, not the federal government, would determine under their own bill of rights the meaning and substance of civil liberty within their respective jurisdictions. The debate was thus over the proper wording of the Constitution regarding the *enforcement* of civil liberties rather than their substantive content.[86]

As we previously noted, the Bill of Rights had a dual purpose: to protect each *individual* against the abridgement of civil liberties by the federal government, and to assure each *state* that the federal government would not encroach upon the jurisdiction of the states over such matters. The Bill of Rights, then, is essentially a states' rights document. Each amendment was a guarantee to the individual *and* to the states. Indeed, the federalism of the Bill of Rights was widely regarded in 1791 as far more important than the protection it afforded to the individual.[87] Odd as it may seem today, the First Amendment was not only a guarantee to the individual that Congress could not establish a national religion, but also a guarantee to the states that they were free to determine the meaning of religious establishment within their jurisdictions, and to newly establish, maintain, or disestablish religion as they saw fit.

Particularly significant in this regard is the fact that the First Congress, which proposed the Bill of Rights, rejected an attempt to apply portions of it to the states. The fifth resolution of James Madison's proposed series of amendments for a bill of rights provided that "[n]o *State* shall violate the equal rights of conscience, or the freedom of the press, or the trial by jury in criminal cases."[88] Madison's proposal was defeated in the Senate. "This [proposal] is offered," Tucker of South Carolina observed, "as an amendment to the Constitution of the United States, but it goes only to the alteration of the Constitutions of particular States. It will be much better, I apprehend, to leave the State Governments to themselves, and not to interfere with them more than we already do; and that is thought by many to be rather too much."[89]

For nearly a century and a half, the Supreme Court respected these views, thereby securing one of the major objectives of the Bill of Rights. Speaking for a unanimous Court, Chief Justice Marshall declared in *Barron* v. *Baltimore* (1833) that the first eight amendments "contain no expression indicating an intention to apply them to the state governments."[90] This position was consistently maintained in subsequent decisions involving the First, Fifth, Seventh, and Eighth Amendments between 1833-1868. In *Permoli* v. *New Orleans* (1845), for example, a unanimous Court upheld a municipal ordinance challenged by the Catholic Church, asserting that "[t]he Constitution makes no provision for protecting the citizens of the respective States in their religious liberties; this is left to the State constitutions and laws."[91] And even after the adoption of the Fourteenth Amendment, which forbade any State from denying an individual life, liberty, and property, the Supreme Court continued to follow *Barron*—a fact strongly indicating that the Fourteenth Amendment was not intended by those who witnessed its creation and sought to apply its provisions to defeat the original purpose of the Bill of Rights.[92] As late as 1922, in *Prudential Insurance Co.* v. *Cheek*, the Court declared that "neither the Fourteenth Amendment nor any other provision of the Constitution imposes restrictions upon the States about freedom of speech."[93]

The Court suddenly reversed itself in 1925 when it offhandedly remarked in *Gitlow v. New York* that "[f]or present purposes we may and do assume that freedom of speech and of press—which are protected by the First Amendment from abridgement by Congress—are among the fundamental personal rights and liberties protected by the due process clause of the fourteenth amendment from impairment by the states."[94] Thus began the piecemeal incorporation of the First Amendment into the word "liberty" of the due process clause of the Fourteenth Amendment, reversing *sub silentio* the *Barron* ruling and thereby undermining one of the great objects of the Bill of Rights by applying it to the states. In 1931, in *Near v. Minnesota*,[95] the Court embarked upon the revolutionary course outlined in *Gitlow* by incorporating freedom of speech and press into the Fourteenth Amendment. In subsequent cases, the Court arbitrarily transferred freedom of assembly and freedom of religion[96] to the Fourteenth Amendment, finally completing the incorporation of the First Amendment with the inclusion of the establishment clause in *Everson*.[97]

As Professor Corwin has amply demonstrated, the application of the establishment clause to the states through the due process clause requires a rather bizarre juggling of words and artful manipulation of legal and historical precedents. In the first place, "the principal importance of the [First] Amendment lay in the separation which it effected between the respective jurisdictions of state and nation regarding religion, rather than its bearing on the question of the Separation of Church and State."[98] In other words, it is the federalism of the First Amendment, and the desire of Congress in 1791 to assure the states that the new national government would have no authority over the subject of church-state relations, that explains the underlying purpose of the establishment clause of the First Amendment. The refusal of the Court to recognize this significant aspect of the Amendment has, in the view of Mark de Wolfe Howe, led the Court "to disregard—even to distort—the intellectual background of the First Amendment."[99] The Court, Howe has suggested, has arbitrarily embraced the erroneous idea "that the policies of freedom and equality enunciated in 1868 in the Fourteenth Amendment must be read back into the prohibitions of the First Amendment—the familiar process of incorporation carried out, as it were, in reverse. The consequences may be admirable law, but it is . . . distorted history."[100] What the delegates in the various state ratifying conventions in 1787-1788 sought—

> "was a guarantee that the new national government would neither set up a national church nor interfere with the various types of establishments, quasi-establishments, and church-government arrangements existing in several states. Thus, New Hampshire proposed an amendment which read: "Congress shall make no laws touching religion . . . ." Since the Constitution of New Hampshire provided special privileges for the Protestant religion, the amendment was very likely aimed at excluding the new government from passing any law that might "touch" [i.e. alter] their particular type of establishment.[101]

Against this backdrop, it requires no little skill to reconcile the original understanding of the First Amendment with Mr. Justice Rutledge's disingenuous reading of the establishment clause in *Everson:*

"The Amendment's purpose was not to strike merely at the official establishment of a single sect, creed or religion, outlawing only a formal relation such as had prevailed in England and some of the colonies. Necessarily it was to uproot all such relationships. But the object was broader than separating church and state in this narrow sense. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion."[102]

Unless it be assumed that the establishment clause was an invitation to the national government to interfere with existing church-state relations, Rutledge's generally accepted interpretation of the First Amendment among members of the Court is wholly unhistorical. No such assumption is supportable on the record; indeed a number of the states, as we have seen, already had some form of existing establishment or quasi-establishment at the time of adoption, and it is difficult to believe that they ratified the establishment clause with the understanding that "The First Amendment put an end to placing any one church in a preferred position."[103] One is tempted to conclude, therefore, that the modern Court, by applying the establishment clause to the states, has accomplished the very purpose which that clause was designed to prevent—*viz.*, the involvement of the national government in the religious affairs of the several states.

If it could be demonstrated satisfactory that the Framers of the Fourteenth Amendment deliberately sought to apply the Bill of Rights to the States, and to reverse both *Barron v. Baltimore* and *Permoli v. New Orleans*, then the original purpose of the establishment clause would not be paramount. The intent of the Framers of 1868 would have superseded that of the Framers of 1791. But again, there is a paucity of evidence to support such a proposition; and there is an abundance of documentary material drawn for the debates of the 39th Congress and contemporaneous newspapers throughout the Union which, thanks to the research of Charles Fairman, points to the conclusion that the Fourteenth Amendment was not intended to confer jurisdiction over the First Amendment to the federal government or upset *Barron*.[104]

With respect to the establishment clause itself, another constitutional scholar has observed that "a conclusive argument against the incorporation theory, at least as respects the religious provisions of the First Amendment, is the 'Blaine Amendment' proposed in 1875."[105] That year, James Blaine of Maine introduced an important resolution in the Senate, upon the recommendation of President Grant, which provided that: "No *State* shall make any law respecting an establishment of religion or prohibiting the free exercise thereof." Significantly, the Congress which considered the Blaine Amendment included twenty-three members of the 39th Congress which adopted the Fourteenth Amendment.

"Not one of the several Representatives and Senators who spoke on the proposal even suggested that its provisions were implicit in the amendment ratified just seven years earlier. . . . Senator Stevenson, in opposing the proposed amendments, referred to Thomas Jefferson: "Friend as he [Jefferson] was of religious freedom, he would never have consented that the States . . . should be degraded and that the Government of the United States, a Government of limited authority, a mere agent of the States with prescribed powers, should undertake to take possession of their schools and of their religion." Remarks of [other Members of Congress] . . . give confirmation to the belief that none of the legislators in 1875 thought the Fourteenth Amendment incorporated the religious provisions of the First."[106]

Thus the debates on both the adoption of the Fourteenth Amendment and the rejection of the Blaine Amendment reveal a general understanding among the participants that the Fourteenth Amendment left undisturbed the system of church-state relations established under the Bill of Rights.

CONCLUSION

A strong case can be made to show that the Supreme Court has adopted a constitutional doctrine nationalizing the establishment clause which the Framers of the Bill of Rights and the Fourteenth Amendment clearly rejected. First, the Court ignores the federalism of the First Amendment. The common understanding in 1791, and for more than a century thereafter on the question of church-state relations, is unmistakably clear: A principal underlying purpose of the First Amendment was to prevent the national government from usurping the powers of the states over the subject of church-state relations, and to reaffirm the authority or right of each state to define, without federal interference, the nature of those relations within its own boundaries. The establishment clause, applying only to the federal government, was calculated to prevent not only the establishment of a national church, but to safeguard and leave undisturbed existing relations between church and state at the state and local level. Second, there is serious doubt whether the Fourteenth Amendment was intended by its framers and backers to nationalize the establishment clause. And third, "the prohibition on the establishment of religion by Congress is not convertible into a similar prohibition on the States, under the authorization of the Fourteenth Amendment, unless the term 'establishment of religion' be given an application which carries with it invasion of somebody's freedom of religion, that is, of 'liberty.'"[107] Taken together, these are powerful denials of the Court's right to assume jurisdiction over cases involving state aid to religion.

A Final Note. Since 1975, Senator Jesse Helms (R-NC) has been introducing legislation to deny all federal courts jurisdiction over cases involving voluntary prayer in the public schools, and in 1979 such a measure passed in the Senate.[108] Should such legislation be enacted by Congress, it would represent the first step in the arduous process of restoring the Bill of Rights to its original purpose; for its effect would be to lodge in the highest courts of each state final authority over questions involving such practices. Senator Helms has again introduced this measure in the 97th Congress, and it is expected that the Separation of Powers Subcommittee of the Senate Judiciary Committee will begin consideration of the bill in early 1982. Whether it succeeds or fails, it will serve to focus public attention on the origin and nature of both the establishment clause and the Bill of Rights generally, while possibly generating debate on the doctrine of incorporation itself, certainly a debate going to the very heart of the question of whether it is either wise or proper for nine unelected officials to possess the incredible power of deciding what our freedoms shall be.

FOOTNOTES

[1] The Virginia Declaration of Rights of 1776 proclaimed the principle of religious liberty, but not until 1779 was the Anglican Church disestablished; even so, the complete separation of church and state did not come about until the adoption of the Virginia Statute of Religious Liberty—drafted by Thomas Jefferson and enacted by the Virginia legislature on January 16, 1786.

[2] Joseph Story, III, *Commentaries on the Constitution* § 1871 (1833) (Emphasis added). For an analysis of Justice Story's position, including his refutation of Jefferson's assertion that Christianity was not a part of the common law, *see* my study of Story's jurisprudence in James McClellan, *Joseph Story and the American Constitution* (Norman, Oklahoma: University of Oklahoma Press, 1971), pp. 118–59.

[3] For an extended discussion of this issue, *see* McClellan, *supra* n. 2 at pp. 142–59.

[4] *Everson v. Board of Education*, 330 U.S. 1 (1947).

[5] *Id.* at p. 8.

[6] *Id.* at pp. 15, 16. (Emphasis added.)

[7] *Id.* at p. 15. The phrase is taken not from the Constitution, of course, but from a letter which Jefferson wrote to the Baptist Association of Danbury, Connecticut in 1802. It reads in part: "I contemplate with sovereign reverence that act of the whole American people, which declared that *their legislature* should 'make no law respecting as establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between church and state." [As quoted with emphasis added, in Charles Rice, *Supreme Court and Public Prayer* (New York: Fordham University Press, 1964), p. 63.] The term "their legislature" clearly refers to Congress. Jefferson never suggested that the several states built a "wall of separation" between their governments and religion.

[8] *McCollom v. Champaign Board of Education*, 333 U.S. 203 (1948).

[9] *Id.* at p. 210. In *Zorach v. Clauson*, 343 U.S. 306 (1952), however, the Court upheld a New York "dismissed time" program of religious instruction which, unlike that in Illinois, dismissed children from public schools at the request of their parents to attend religious class *off* school grounds. The Court attempted to distinguish the two cases by pointing out that the New York plan did not involve the use of public property during the time of religious instruction. In 1879, a taxpayer attempted to restrain Illinois school authorities, acting under a statute, from allowing a school to be used as a religious meeting house. The Supreme Court of Illinois upheld the law, arguing that "religion and religious worship are not so placed under the ban of the (state) Constitution that they may not be allowed to become recipients of any incidental benefit whatever from the public bodies or authorities of the state." *Nichols v. The School Directors*, 93 Freeman 61 (Illinois) 1879.

[10] *Engel v. Vitale*, 370 U.S. 421 (1962).

[11] *Id.* at p. 425. In *Chamberlain v. Dade County Board of Instruction*, 377 U.S. 402 (1964), the Court reversed a Florida state Supreme Court ruling which had upheld public school prayer and "devotional" Bible-reading, even though the state court had enjoined the holding of Christmas and Channuka programs and the showing of religious films; and in *Dekalb County Community School District v. DeSpain*, 390 U.S. 906 (1968), the Court upheld a lower court decision holding that a prayer recited in verse form by kindergarten children was still a prayer, although the words "God" and "Amen" had been eliminated from it.

[12] *Abington School District v. Schempp*, 374 U.S. 225 (1963).

[13] *Board of Education v. Allen*, 392 U.S. 236 (1968).

[14] *Id.* at pp. 243–44.

[15] *Id.* at p. 243. *See Abington School District v. Schempp*, 374 U.S. at p. 222.

[16] *Walz v. Tax Commission of the City of New York*, 397 U.S. 664 (1970).

[17] *Compare, Tilton v. Richardson*, 403 U.S. 672 (1971) and *Hunt v. McNair*, 413 U.S. 734 (1973) (The First Amendment does not forbid federal or state grants to church-related colleges for the construction of buildings) to *Committee for Public Education and Religious Liberty v. Nyquist*, 413 U.S. 756 (1973) (The First Amendment forbids state grants to nonpublic primary and secondary schools for maintenance and repair of existing facilities).

[18] *Compare, Everson v. Board of Education*, 330 U.S. 1 (1947) (The First Amendment does not forbid reimbursement for transportation to nonpublic schools) *to Wolman v. Walter*, 433 U.S. 229 (1977) (The First Amendment forbids State funding of field trips for nonpublic schools).

[19] *Compare, Board of Education v. Allen*, 392 U.S. 236 (1968) (The First Amendment does not forbid state loans of textbooks to nonpublic schools) *to Wolman v. Walter*, 433 U.S. 229 (1977) (The First Amendment forbids state funding of maps for nonpublic schools).

[20] In *Walz v. Tax Commission of the City of New York*, 397 U.S. 664 (1970), the Court upheld property tax exemptions to religious organizations, but in *Committee for Public Education and Religious Liberty v. Nyquist*, 413 U.S. 756 (1973) ruled that tax relief for tuition payments to nonpublic schools was unconstitutional.

[21] *Wolman v. Walter*, 433 U.S. 229, 263 (1977).

[22] D. Meiklejohn, *Religion in the Burger Court: The Heritage of Mr. Justice Black*, 10 Indiana Law Review 647 (1977).

[23] *Id.*

[24] Under the "Duke's Laws" of 1664, every township in the colony of New York was obliged to support a Protestant church and minister. This, in effect, allowed the Dutch Reformed Church to remain as the established church in most localities, since a majority of the settlers were Dutch. In 1686, James II instructed the Royal Governor of New York to establish the Anglican Church in the Colony; but the governor failed to act. Finally, in 1693, the colonial assembly enacted a peculiar bill which seemed to establish the Anglican Church in a few designated counties. This confused situation was clarified in 1731 by the provincial court of New York, which accepted the claim of the Presbyterians to hold the Jamaica Church of Queens (sought by the Anglicans) and to collect taxes for its support. This decision allowed each community to establish a Protestant church of its own choosing, and the establishment of the Anglican Church was rendered a legal fiction. *See* Sanford Hoadley Cobb, *The Rise of Religious Liberty in America*, (New York: Johnson Reprint Corporation, 1970).

[25] William Sweet, *The Story of Religion in America* (New York: Harper Publishing Company, 1950), p. 189.

[26] Benjamin Perley Poore, I, II, *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States* (Washington, D.C.: Government Printing Office, 1877), pp. 1597–97.

[27] Cobb, *supra* n. 24, p. 501.

[28] Poore, II, *supra* n. 26, pp. 1280-81.

[29] *Id.* at p. 1286.

[30] *Id.* at I, p. 957.

[31] *Id.* at p. 970.

[32] *Id.* at II, p. 1859.

[33] *Id.* at p. 1861.

[34] *Cobb, Supra* n. 24, p. 517. Vermont was originally claimed by Massachusetts, New Hampshire, and New York. At the outbreak of the Revolution she sought independence not only from Great Britain but from these States as well. In 1781 and 1782, New Hampshire and Massachusetts assented to her independence, but it was 1790 before New York consented to Vermont's formal admission into the Union.

[35] Poore, *supra* n. 26, at II. p. 1339.

[36] Story, *supra* n. 2, at I, § 114.

[37] Poore, *supra* n. 26, at II, p. 1313. The 1776 Constitution provided further that no person should "ever be obliged to pay tithes, taxes or any other rates, for the purpose of building or repairing any other church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately or voluntarily engaged himself to perform."

[38] *Id.* at I, p. 276.

[39] Cobb, *supra* n. 24, p. 483.

[40] Poore, *supra* n. 26, at II, p. 1541.

[41] *Id.* at p. 1543.

[42] *Id.* at I, p. 819. The protection of religious liberty was restricted to "all persons professing the *Christian* religion." The term "Christian" rather than "Protestant" was used apparently because of the presence of a large Catholic population.

[43] *Id.* at II, p. 1413.

[44] *Id.* at p. 1626–27.

[45] *Id.* at I, p. 383.

[46] Reba Carolyn Strickland, *Religion and the State of Georgia in the Eighteenth Century* (New York: Columbia University Press, 1939), p. 164.

[47] Poore, *supra* n. 26, at I, p. 379.

[48] Cobb, *supra* n. 24, pp. 490-92.

[49] *Id.* at pp. 493-94.

[50] *Id.* at pp. 495–97.

[51] *Id.* at pp. 497-98. *See*, Leonard Williams Levy, *Judgments: Essays on American Constitutional History* (Chicago: Quadrangle Books, 1972), pp. 200–01.

[52] In Massachusetts, for example, "(i)t was not an establishment like that of the Church of England . . . because the Legislature had no power to regulate doctrine and enforce conformity; and because dissenters received a share of the taxes levied for religious purposes. Consequently, it is more technically accurate to described the Congregationalist order as favored rather than legally established in Massachusetts." John Francis Thorning, *Religious Liberty in Transition* (Washington, D.C.: The Catholic University of America, 1931), p. 27.

[53] Cobb, *supra* n. 24, p. 507. Actually four states excluded ministers from public office, after Georgia adopted a new constitution in 1789. *See* Article I, § 18 in Poore, *supra* n. 24, at I, p. 385.

[54] Thorning, *supra* n. 52, p. 3. *See also* Cobb, *supra* n. 24, p. 510. Issac Cornelison, *The Relation of Religion to Civil Government in the United States of America* (New York: Putnam, 1895), pp. 95, 111.

[55] Thorning, *supra* n. 52, p. 7.

[56] Cobb, *supra* n. p. 512.

[57] Poore, *supra* n. 26, at I, p. 259.

[58] *Id.* at p. 264.

[59] Cobb, *supra* n. p. 517.

[60] *Id.* at p. 516.

[61] Cornelison, *supra* n. 54, p. 106.

[62] *Id.* at p. 108.

[63] *Id.* at p. 109.

[64] *Baker v. Fales*, 16 Massachusetts 487 (1820).

[65] Cornelison, *supra* n. 54, p. 110. Religious tests for office were abolished at the State constitutional convention of 1820.

[66] *See*, Poore, *supra* n. 26, pp. 278-88 (Delaware); II, pp. 1314-25 (New Jersey); II, pp. 1341-51 (New York).

[67] *Id.* at II, p. 1554.

[68] *Id.* at I, p. 832.

[69] *Id.* at II, p. 1418.

[70] *Id.* at p. 1446.

[71] *Id.* at pp. 1632-3.

[72] *Id.* at p. 1663.

[73] *See id.* at I, pp. 384–426.

[74] Cobb, *supra* n. 26, pp. 511–12.

[75] *Id.* at p. 520.

[76] Pennsylvania, 1913; Delaware and Tennessee, 1915; New Jersey, 1916; Alabama, 1919; Georgia, 1921; Maine, 1923; Kentucky, 1924; Florida and Idaho, 1925; Arkansas, 1930. Avin Johnson and Frank Yost, *Separation of Church and State in the United States* (New York: Greenwood Reprint Company, 1948), p. 33.

[77] *Abington School District v. Schempp*, 374 U.S. 203 (1963).

[78] *Lemon v. Kurtzman*, 403 U.S. 602 (1971).

[79] McClellan, *supra* n. 2, pp. 135–36.

[80] *Everson v. Board of Education*, 330 U.S. 13 (1947).

[81] Edward S. Corwin, "The Supreme Court as a National School Board," as reprinted in *A Constitution of Powers in a Secular State* (Charlottesville, Virginia: Michie Company, 1951), p. 116.

[82] *Abington School District v. Schempp*, 374 U.S. at p. 217.

[83] *Adamson v. California*, 332 U.S. 72 (1974). "An Amendment to the Constitution should be read," said Justice Frankfurter in the same case, "in a sense most obvious to the common understanding at the time of its adoption." *Id.* at p. 63.

[84] Charles Miller, *The Supreme Court and the Uses of History*, (Cambridge, Massachusetts: Harvard University Press, 1969), p. 195.

[85] Sidney Hook, as quoted in Miller, *id.*

[86] In *The Federalist* No. 45, James Madison explained that "the powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, *liberties* and properties of the people; and the internal order, improvement and prosperity of the State." *The Federalist*, p. 303 (Modern Library Edition).

[87] Six of the States which ratified the Constitution before it went into effect proposed lengthy lists of amendments. "It has frequently been stated that the motive behind these amendments was a desire to secure greater protection for the natural rights of the people. This is true only in part. An examination of the proposals of the first three states to make them, Massachusetts, South Carolina, and New Hampshire, will afford sufficient evidence of the fact that the members of these conventions were much more perturbed about the rights and powers of the states than about the rights of the people." Massachusetts proposed nine amendments but only the sixth, referring to indictment by grand jury, dealt with individual liberty as such. In one place the short list proposed by South Carolina makes mention of "tne freedom of the people," but otherwise it deals with the issue of the "sovereignty of the states." Of the twelve proposed amendments offered by New Hampshire, only the last three have a direct bearing on individual liberty. Only Virginia and North Carolina, it seems, proposed a true bill of rights to the people. Benjamin Wright, *American Interpretations of Natural Law* (Cambridge, Massachusetts: Harvard University Press, 1931), p. 147.

[88] As quoted in McClellan, *supra* n. 2, p. 147.

[89] *Id*, at pp. 147–48.

[90] *Baron* v. *Baltimore*, 7 Peters 250 (1983).

[91] *Permoli* v. *New Orleans*, 3 Howard 609 (1845).

[92] *See* C. Warren, *The New "Liberty" Under the Fourteenth Amendment*, 34 Harvard Law Review 436 (1926).

[93] *Prudential Insurance Company v. Cheek*, 259 U.S. 530 (1922).

[94] *Gitlow v. New York*, 268 U.S. 666 (1925).

[95] *Near v. Minnesota*, 283 U.S. 697 (1931).

[96] *DeJonge v. Oregon*, 299 U.S. 353 (1937) [freedom of assembly]; *Cantwell v. Connecticut*, 310 U.S. 296 (1940) [Free exercise of religion].

[97] Since 1961 the doctrine of incorporation has been extended beyond the First Amendment to the Fourth, Fifth, Sixth, Eighth and Ninth Amendments. *See e.g., Duncan v. Louisiana*, 391 U.S. 145 (1968).

[98] Corwin, *supra* n. 81, p. 106.

[99] Mark Howe, *The Garden and the Wilderness: Religion and Government in American Constitutional History* (Chicago: University of Chicago Press, 1965), p. 31.

[100] *Id.*

[101] Francis O'Brien, *Justice Reed and the First Amendment* (Washington, D.C.: Georgetown Unlverzity Press, 1958), p. 134. The significance of the word "respecting" in the establishment clause should thus be noted: Congress is to make no law "respecting" (i.e., dealing with the subject of) the establishment of religion, so that existing church-state relations in each State shall remain undisturbed. In the words of Justice Story: "the whole power over the subject of religion is left exclusively, to the State governments, to be acted upon according to their own sense of justice, and the State constitutions." Story, *supra* n. 2, at III, § 1873. Jefferson embraced the same view: "I consider the government of the United States as interdicted by the Constitution from intermeddling with religious institutions, their doctrines, discipline, or exercises. This results not only from the provision that no law shall be made respecting the establishment or free exercise of religion, but from that also which reserves to the States the powers not delegated to the United States. Certainly, no power to prescribe any religious exercise, or to assume authority in religious discipline, has been delegated to the General Government. It must then rest with the States. . . ." Jefferson to Rev. Samuel Miller, XI, *The Writings of Thomas Jefferson* (Washington, D.C.: Andrew Lipscomb Co., 1903–04, issued under the auspices of the Thomas Jefferson Memorial Association of the United States), p. 428.

[102] *Everson v. Board of Education*, 330 U.S. 1, 31 (Rutledge, J. concurring).

[103] *Engel v. Vitale*, 370 U.S. at p. 442 n. 7 (Douglas, J. concurring).

[104] *See* C. Fairman, *Does the Fourteenth Amendment Incorporate the Bill of Rights? The Original Understanding*, 2 Stanford Law Review 5–139 (1949).

[105] O'Brien, *supra* n. 101 at p. 116.

[106] *Id.* at pp. 116-17. "A majority of people in any state in this union can, therefore, if they desire it," said Blaine in an "open letter" to *The New York Times*, "have an established church. . ." Francis O'Brien, *The States and 'No Establishment': Proposed Amendments to the Constitution Since 1798*, 4 Washburn Law Journal 188 (1965). Between 1876-1930, notes O'Brien, nineteen separate amendment proposals were introduced without success in Congress for the purpose of making the religious provision of the First Amendment binding on the States. *Id.* at p. 210. *See also A. Meyer, The Blaine Amendment and the Bill of Rights*, 64 Harvard Law Review 939 (1951).

[107] Corwin, *supra* n. 81, at p. 116 Under the doctrine of incorporation, the Court interprets the word "liberty" of the due process clause to include the absence of an established religion, even though it is not a personal liberty like freedom of speech, press, assembly or religion that an individual can exercise. Nevertheless, it is not necessary, according to the Court, for parties protesting state religious programs to produce evidence that their religious liberty has in any way been abridged. As the Court asserted in *Schempp:* "It goes without saying that the laws and practices involved here can be challenged only by persons having standing to complain. But the requirements for standing to challenge state action under the establishment clause, unlike those relating to the free exercise clause, do not include proof that particular religious freedoms are infringed." *Abington School District v. Schempp*, 374 U.S. at p. 224. Why the requirements should not be the same for the free exercise clause and the establishment clause the Court has not explained. Moreover, there is a compelling argument that by its actions the Court itself has denied the right of free exercise to a majority of public school children, who are in effect compelled through a combination of federal court rulings and state compulsory school attendance laws to shed their constitutional rights of religious freedom while under the control of government authorities.

[108] The Helms Amendment to S. 210, 96th Cong., 1st Sess. was subsequently shifted to S. 450, a bill dealing with the jurisdiction of the Supreme Court. The House Judiciary Committee, however, refused to take action on the measure. *See* Gerald Gunther, *Constitutional Law* (Mineola, New York: Foundation Press, 1979 Supplement), pp. 1-2, Proposed amendments to the Constitution to reverse the Prayer Decision have been introduced in most sessions of Congress since 1962, that sponsored by Everett Dirksen (R.-Ill.) achieving the widest support. On September 21, 1966, Dirksen carried a majority with him, but the vote of 49-37 fell short of the two-thirds majority necessary to propose a constitutional amendment. Dirksen's proposed amendment (S.J. Res. 148) was one 150 measures introduced in the 88th Congress to reverse the Court's holding in the Prayer Decision. *See* Congressional Quarterly, II, *Congress and the Nation*, pp. 410-11 (1969).

Mr. HELMS. Mr. President, the McClellan article makes abundantly clear that under the original meaning of the Constitution the Federal Government, including the Federal judiciary, was to have no jurisdiction over prayer in the State public schools. That is why I have advocated, and will continue to advocate, that Congress exercise its article III powers to limit the jurisdiction of Federal courts over school prayer by simple statute. In this way, a constitutional amendment would not be necessary to return the issue of school prayer to the States—where it properly belongs anyway.

But today, Mr. President, the Senate is considering another avenue to redress the imbalance on school prayer created by a usurping Supreme Court. I am happy to join with President Reagan, Senator THURMOND, and others in sponsoring this constitutional amendment, Senate Joint Resolution 73.

As an original cosponsor of this measure, I want to point out in the RECORD my understanding of the third sentence prohibiting Federal or State composition of prayers in public schools. Although this provision would contract the freedom of the States under a correct reading of the first amendment, it is acceptable to me because no one has any desire that States go into the business of composing prayers for schoolchildren.

However, it is my understanding that this provision would not in any way limit the freedom of the teacher or other school authority from prescribing periods for voluntary prayer or from leading such prayer. In addition, I understand that it would not prevent the teacher or other school authority from working with the students to compose their own prayers so long as such teacher or other authority did not become the original and exclusive author of such prayer.

Mr. President, I congratulate my colleague from South Carolina (Mr. THURMOND) and the other members of the Judiciary Committee for their work on this proposal, and I am hopeful that it will receive the necessary two-thirds majority in both Houses of Congress and then ratification by three-quarters of the State legislatures within the 7-year timeframe.

So, it is good that this debate is beginning, Mr. President, and I certainly agree with the majority leader, that we need to avoid emotionalism. We certainly need to approach this debate with the full understanding and consideration of opposing views, but, in the end, I hope there will be a vote so that the people of this country know where each of us stands.

Mr. WEICKER. Mr. President, I rise in opposition to the various constitutional amendments that have been presented to this body, which amendments address the subject of prayer in school, or more particularly the debates might be framed along the lines of those who desire State prayer versus those who believe in total religious freedom.

We do enjoy in the United States at the present time total religious freedom. Any action taken on the floor of the U.S. Senate will be a lessening of those freedoms.

The first amendment to the Constitution of the United States was directed against institutions, not against individuals.

As this debate proceeds, I think it is going to be necessary to make certain statements of fact and truth rather than to accept a fast and loose description of what is the state of the law in this country today.

Schoolchildren of America enjoy—at least if the Constitution, the law of the land, is being enforced, and it may be that it is not being enforced in some jurisdictions—do enjoy voluntary prayer—truly voluntary. In no wise are they restricted from uttering their own prayer at any time of the day in the school.

What is prohibited is the institutionalization of prayer in the school, and the minute you do that, it is no longer voluntary.

So let us understand clearly that those who are for voluntary prayer are for the law as it now stands.

What is attempted here on the floor is to achieve an involuntary status for prayer in the United States. What is sought to be achieved is State prayer.

My friends, the proponents of this amendment, like to feel when you add the word "voluntary," and when you add the word "school," it disguises the fact that what we are talking about is State prayer, whereas the first amendment of the Constitution of the United States, as written, as intended, and as enforced by the courts of this Nation, permit for total religious freedom in our country.

The great contribution of the United States of America to Western Civilization, indeed to the history of the world, was we were the first nation, the first, in the course of our Government and the setting up of that Government not to have an established religion.

Western Europe had been devastated—devastated—by the establishment of religion. The Huguenots, slaughtered in France, the Waldensians in Italy, the Irish and the English in England, the Covenanters in Scotland.

Indeed, history does not change. Even today, the source of conflict in Northern Ireland is of a religious nature. Irishmen killing Irishmen, not over who is going to win the Irish Sweepstakes, but, rather, by virtue of various faiths which they espouse.

Tragically, in Lebanon it continues, not for some small reason or difference in politics but because of the great rift among the various religions of that nation.

So we are not exempt from the lessons of history. We are living amongst them right now. The greatest tragedies have been caused where men tried to establish religion within the civil aspects of their governments.

Eighteen years ago Sam Ervin stood in much the same place that I stand today. His opponent at that time was the father-in-law of the distinguished majority leader. I say the same things that Senator Ervin said to Senator Dirkson. Rather, it is not that there are those who believe in a Creator and those who do not but, rather, which is the best route to take in understanding the Creator and being able to worship the Creator. In his statement that day on the floor, Senator Ervin quoted the late Chief Justice Walter Stacy of the Supreme Court of North Carolina where Justice Stacy declared in the opinion that he wrote in State against Beal:

> For some reason too deep to fathom, men contend more furiously over the route to heaven which they cannot see than over their visible walks on earth. [And] it would be almost unbelievable if history did not record the tragic fact men have gone to war and cut each other's throats because they could not agree as to what was to become of them after their throats were cut.

Now, in the course of the days and weeks ahead, I and many of my colleagues will attempt to set the record straight insofar as explaining what this Constitution is all about, explaining how it came to be, what it says, what the intent of these who wrote the Constitution and the Bill of Rights was, and what has occurred in light of both congressional and court action. Nobody is going to filibuster this issue, nobody. Indeed, prior to coming to the floor today, I sat down with the majority leader and gave him a time certain of June 1 when we would vote on this measure. I am not so sure that he does not consider that to be long. I do not. May I point out that the court stripping measures which we debated on this floor a year ago took 11 months, and that was a filibuster. But what the proponents of these measures are asking to be done would overturn 193 years of American history. I am not willing to see that done in a week to 10 days.

The matter of religion was very much in the minds of the drafters of this document. It was not a casual thought. Not tonight but at a later date we will get into the history but let me give you just a sampling of the thought that went behind this key part of our national heritage. First of all, this is where I learned, and this is when I try to apprise our fellow Americans of what the Constitution is all about. This is not something that we are doing because we know it all. Every time I get into one of these debates I teach myself. We have all talked about the first amendment, and I will read that. But are there many who know article VI of the Constitution of the United States and what it says? You should because it has a particular application in this election year.

Article VI, which was written before the first amendment, part of the original constitution, the last paragraph:

> The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Now, there, article VI, "no religious test." What do you think it means? Well, certainly it clearly means that you cannot have a legal official test, but I think it is important to point out now that neither can there be a de facto test in a highly charged atmosphere during an election year.

I have read where the President plans to use this as a campaign issue. I disavow that as a member of his party, as a Republican. What a man or woman believes on the subject of religion cannot be a test for public office in the United States, and do not let anybody tell you, whether it is the President or some of the brethren on television who are trying to go ahead and espouse their point of view or how they view the Constitution, that such is the case. It is not. It cannot be de jure and it cannot be de facto.

Article VI:

> But no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Do you think those men who drafted that document did not know what they were writing? They knew exactly—no religious test. Yes, you can be an atheist, obviously. No religious test. You could be a Christian. You could be a Jew. You could be a Roman Catholic. You could have come from Islam, born of the Hindu faith, no religious faith. Very explicit. Does anybody doubt those words as to what the interpretation is? And that was written before the first amendment. As much as I study constitutional law—and I have learned more of it on the floor of the U.S. Senate than I did in law school—I have not read that aspect of the Constitution. So I am still learning.

And now we get to the first amendment:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

People say, "Well, they did not intend really to have that type of a prohibition." They did not? In the days ahead I will clearly set forth to each one of you the exact progression of events in your country that made it very clear as to what was intended by those words. Those were not mealy words and they were not foggy words. They were explicit and the facts are there to prove that.

The two men most responsible for the words and ideas of that Bill of Rights were Thomas Jefferson and James Madison. Do you want to hear Jefferson's exact words on this subject? They were written to the Danbury, Conn., Baptist Association.

Now, in my State we had gone ahead as a State and done exactly what persons coming to this country had fled from. We established a religion as our State religion, congregationalism.

And so Jefferson wrote to the Baptists in Danbury and he said:

> Gentlemen:
>
> The affectionate sentiments of esteem and approbation which you are so good as to express towards me on behalf of the Danbury Baptist association, give me the highest satisfaction. My duties dictate a faithful and zealous pursuit of the interests of my constituents, and in proportion as they are persuaded of my fidelity to these duties, the discharge of them becomes more and more pleasing.

Now listen and tell me, when you hear the next words, whether or not Jefferson was not speaking as to the clarity of the principle involved in separation of church and state.

> Believing with you that religion is a matter which lies solely between Man and his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church & State. Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural right in opposition to his social duties.
>
> I reciprocate your kind of prayers for the protection and blessings of the common father and creator of man and tender you or yourselves and your religious association, assurances of my high respect and esteem.
>
> THOMAS JEFFERSON.
>
> JAN. 1, 1802.

However, the greatest debate of all, which led to the formulation of the first amendment, took place in the State of Virginia. Indeed, Virginia had gone ahead, like Connecticut, and established a religion, the Anglican religion, my faith.

During the course of the debate, which ran over years—and the historical recitation awaits for later—Patrick Henry and others proposed legislation which, in effect, would have imposed a tax on the constituents of the State, which tax was to be used for the propagation of the Christian religion; and it was to this that James Madison addressed himself in one of the greatest documents that has ever been written.

He and others rose to oppose that measure. Tonight, I will read just one or two sentences. But do not forget that Madison was the author of the first amendment. Jefferson had gone to Europe. Madison was the one left to defeat the measure that was being proposed. Drawing upon Jefferson's statute for establishing religious liberty in Virginia, Madison made the following comment:

> Because the proposed establishment is a departure from that generous policy, which, offering an asylum to the persecuted and oppressed of every Nation and Religion, promised a lustre to our country, and an accession to the number of its citizens. What a melancholy mark is the Bill of sudden degeneracy?

In other words, to raise a tax for propagation of the Christian religion.

> Instead of holding forth an asylum to the persecuted, it is itself a signal of persecution. It degrades from the equal rank of Citizens all those whose opinions in Religion do not bend to those of the legislative authority. Distant as it may be, in its present form, from the inquisition it differs from it only in degree. The one is the first step the other the last in the career of intolerance.

This is not some academic debate on the floor of the U.S. Senate. This relates, this debate, to our freedom as Americans. This relates as to whether or not each of us will be able to find our own way to God, bound in our own way, to pray in our own way, or whether we go back to the history which we had denied and allow the State to do that for us. The one is the first step, the other, the last, in the career of intolerance.

So it was that our Founding Fathers, in the historical sense, were not at all confused as to what was at issue. They had seen with their own eyes what the establishment of religion brought forth, and they did not like what they saw.

I do not think it should be this generation which denies history, feels that it is exempt from history, because, surely, if we go back to that point in time, it will happen here again, except this time in our Nation.

Mr. President, Theodore White, in the book, "The Making of a President," wrote as follows:

> America as a civilization began with religion. The first and earliest migrants from Europe, those who shaped America's culture, law, tradition and ethics, were those who came from England—and they came when English civilization was in torment over the manner in which Englishmen might worship Christ. All through the seventeenth century, as the settlers arrived from the downs, the moors, and the villages of England, they came scarred with the bitterness and intensity of the religious wars of that era, wars no less bloody and ferocious for the fact that they were fought between Protestant sects, Protestant against Protestant. The harshness of Cromwell, that somber figure, was a reflection of the harshness with which Protestants assailed each other, as well as Catholics, over sect and dogma.
>
> It was with this remembered bitterness that the English migrants began the building of a new society in a new world; and out of this bitterness they distilled, though not without a struggle, that first great landmark in America's unique civilization, that first of the creative American compromises that was to set America apart from the old world: freedom of worship, the decision that government should have no right to make inquiry into the faith of its citizens and that the state should remain forever divorced from any religious establishment. Never in civilization, since the earliest ziggurats and temples went up in the mud-walled villages of prehistoric Mesopotamia, had there been any state that left each individual to find his way to God without the guidance of the state. In retrospect, this is probably the greatest historic decision enshrined in the American Constitution.

Mr. DANFORTH. Mr. President, will the Senator yield for an inquiry?

Mr. WEICKER. I yield to the distinguished Senator from Missouri.

Mr. DANFORTH. Mr. President, tomorrow morning, in the Rayburn Building, on the House side, a group of clergy are going to hold a press conference. In the press conference, they are going to state their opposition and the opposition of their denominations to the proposed amendments on school prayer.

The denominations which will be represented at that press conference will be, among others, the United Methodist Church, the United Church of Christ, the Episcopal Church, Lutheran churches, the Baptist Church, a number of Jewish groups, Presbyterian Church U.S.A., and others.

I have been giving some thought as to how it could be that religious people, devout religious people, could take a position that they do not want the Constitution amended. I would like to address that point on the floor of the Senate.

I ask the Senator from Connecticut, who has been so active in this issue, if he has any knowledge as to what the program is going to be tomorrow and whether or not he sees some window at some time when I might be able to address the Senate on this issue—not for long.

My remarks would last maybe 20 minutes, 25 minutes, something like that. But I think that it is an important issue on which to focus and to try to look at it, not from a legalistic standpoint or from even a constitutional or a historic standpoint, but from the standpoint of the religious sensitivities of those who feel so strongly on the other side of the issue.

Mr. WEICKER. I say to my good friend from Missouri that nobody contributes more to the deliberations of this body than he. But in this particular situation, nobody is better qualified to contribute to these deliberations, because he is both a U.S. Senator, with an understanding of the Constitution and the history of this Nation, and an ordained priest in the Episcopal ministry. I might add that the position he holds is the same as that of my younger brother, Harold, who is also an ordained minister in the Episcopal faith; and my great uncle, Randall Davidson, who was the Archbishop of Canterbury.

I understand that we will be continuing on this matter around 2 o'clock tomorrow afternoon. I ask the Senator if he could fit it into his schedule so that at that juncture he would lead the debate on this matter, without any time limitation whatsoever.

Mr. DANFORTH. I thank the Senator very much.

I will plan to be here, then, about 2 o'clock. I would not plan to take up too much of the time of the Senate. I do have some prepared remarks which I wrote over the weekend. As I say, I think it would take maybe 20 to 25 minutes to pretty well go through them. Of course, if any Senator would like to ask questions, I would be delighted to entertain the questions. But I do appreciate the Senator's suggestion.

This is a subject which I know the Senator from Connecticut has thought about a lot and talked to in the Senate. I can remember the debate back in 1982. I have also taken an interest in it, for reasons stated. Many times we hear from our constituents, out of the depths of their religious beliefs, the view that we should amend the Constitution, and I respect those beliefs very, very much.

I also think that it is important, though, for us to recognize that there are two sides to this and that both sides are held by very devout people, and that their religious sensitivities are involved in it.

I think that there is a tendency on our part to sometimes view an issue as being right versus wrong, or in this case, the godly versus the ungodly. That in fact is not the case, and there is a theological argument on the other side. There is a biblically rooted argument on the other side, and it is no trivial matter to those who feel strongly.

Therefore, around 2 p.m. tomorrow, I will be in the Chamber and look forward to addressing the matter at that time.

Mr. WEICKER. I look forward to the Senator leading the debate at that time.

Mr. DANFORTH. I thank the Senator.

Mr. WEICKER. Mr. President, I know my good friend from Iowa wishes to speak. I have only about 3 minutes to wind up my statement if I might.

Mr. JEPSEN. Mr. President, will the Senator yield for a question?

Mr. WEICKER. I yield.

Mr. JEPSEN. It is my understanding after the Senator from Connecticut completes his remarks we will be going out of session shortly. So on tomorrow sometime after the good Senator from Missouri I will try to get the floor in my own right.

I thank the Senator very much for his courtesy.

Mr. WEICKER. I thank the Senator from Iowa.

Mr. President, in conclusion, let me give you my view and interpretation of what this first amendment is about.

Maybe it is that the one true faith has yet to be espoused. Maybe it is not Catholicism. Maybe it is not Protestantism. Maybe it is not Judaism nor Hindu, nor Moslem, nor any religion known to man today.

What the Constitution of the United States says is that even if no other place in the world and even if there is only one person espousing it, that can be done here in the United States of America.

What I am trying to say is you cannot interpret the Constitution in terms of what we know today and certainly not in this area.

If there is a true faith, you do not want to hear it? And it might be out there and it might be different from anything you know today. The Constitution stands against the passions of the time. It stands against the knowledge of the time.

Only freedom can assure that each one of our citizens will have that opportunity to hear and to do.

Now, how do I prove that point to you? I will prove it to you here today. What do you think this amendment would have consisted of had it been written 50 years ago? Do you think it would have been silent prayer? Do you think it would have been no instruction as to the verbiage in the prayer? Or even if you are on the other side of this issue from me, would you agree with me it would have been a Christian prayer and it would have been a Protestant prayer 50 years ago?

That is why you leave the Constitution alone. As imperfect as this proposal is before us today, in terms of the principle of the first amendment, it is a lot better than what would have been done 50 years ago, and we still have a long way to go on our religious freedom. Even the law as it is today it is disobeyed in constituency after constituency.

So we have a long way to go still to religious freedom for all of us and for our children.

But if you believe in whatever faith, you will be able to practice it as strongly and fervently as man or woman can possibly do here in this Nation by virtue of the protections of our Constitution.

There is nothing in my mind as to my beliefs and religion that you can add on the floor of the U.S. Senate that makes God more real or more powerful—nothing. And indeed it is to profane God to elevate this body to His position. As Justice Jackson said in one of his dissents, "It is possible to hold a faith with enough confidence to believe that what should be rendered to God does not need to be decided and collected by Caesar."

So, this is an outline, then, of the issues confronting us, not between men and women of great faith and men and women of doubt, but those who hold the greatest pride in the history of their Nation and want to insure themselves and the world that still today, still today in the words of Madison we are a signal, we are an asylum to the persecuted of the world, and that we have enough belief and enough faith that each one of us will truly find our way to our Creator.

Mr. President, I yield the floor.

● **Mr. HUMPHREY.** Mr. President, as we continue our consideration of Senate Joint Resolution 73, the President's proposed constitutional amendment to permit voluntary prayer in the public schools, I would like to direct the attention of my colleagues to an article by Dr. D. L. Cuddy which recently appeared in the Manchester, N.H., Union Leader. Dr. Cuddy's discussion lends a relevant and important perspective to the school prayer debate, and I ask that it appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Manchester, (N.H.), Union Leader, Feb. 9, 1984]

FREEDOM OF SPEECH AND SCHOOL PRAYER

(By D. L. Cuddy)

Recently, the Reagan Administration formally endorsed, and Congress may soon vote on, a proposed Constitutional amendment allowing voluntary (without state involvement or endorsement) prayer in public schools, which a September Gallup poll showed is supported by 81 percent of the American people. However, on Nov. 14, the U.S. Supreme Court allowed to stand U.S. District Judge Juan Burciaga's ruling that New Mexico's "moment of silence" law even was unconstitutional (19 other states have similar laws). One must wonder whether the Justices now would consider unconstitutional a law requiring a daily "moment of silence" in schools to honor our nation's war dead, or if they will allow teachers the right to demand silence of their students even during class examinations, lest the Congress and teachers might have as their secret intent imposing a religious activity upon their students.

Originally, the matter of prayer in public schools seemed rather straightforward, as the Supreme Court ruled in Engel v. Vitale (1962) that government could not compose prayers or require them to be recited by public school students. Again, in Abington v. Schempp (1963) the Court ruled that government could not prescribe or supervise prayer in public schools.

Relevant to this issue, Justice Tom Clark wrote that "there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion." However, the problem is that a legal preference for the secular does inhibit religion. Apparently, the Court did not realize that there is no neutral position in this issue, because in not allowing children audibly to pray together in school, the Court has given preference to those with agnostic or atheistic beliefs.

The extent to which "legal secularism" has come to dominate judicial opinions can be seen in the case of Stein v. Oshinski (1965), where the Supreme Court allowed to stand a U.S. Appeals Court ruling that children could not even voluntarily say grace before lunch in public school. The developing attitude of the Court was one that in effect concluded there could be no religious activity upon public property.

This, however, is where the courts have gone too far, because the issue of school prayer becomes not just one of freedom of religion, but a matter of censorship and "freedom of speech" as well. Is it not our right of "free speech" to say what we wish where we wish, including in a public school, if it does not prevent the orderly operation of the school or impinge on the rights of other? In Tinker v. Des Moines (1969), the Supreme Court ruled that it was the right of students under "freedom of speech" to wear black armbands to protest the Vietnam War regardless of whether other students in the school objected to having to witness this "speech." The Court said it could hardly be argued "that either students or teachers shed their constitutional rights to freedom of speech or expression at the school house gate."

In a similar manner, the Court seemed to uphold the right of free speech in Widmar v. Vincent (1981), where it ruled that students' access to public facilities could not be denied simply because of the religious content of their speech or functions. The Court, in effect, ruled that a religious activity of function is a protected form of speech, even when it occurs in school facilities on public property. This was recently supported (5/12/83) in Bender v. Williamsport Area School District by a U.S. District Court in Pennsylvania.

I suppose the matter comes down to this. If under "free speech" the Nazis can on public property in Skokie, Ill., advocate the extermination of Jews, how can this society censor children from voluntarily praying on public school property? And if students can collectively say audibly, "Teacher, please help us," in the name of "free speech," how can our society deny those same students the "freedom of speech" collectively to say audibly, "God, please help us"?

(D.L. Cuddy, PhD., is a Senior Associate with the National Institute of Education (NIE). The views expressed in this article are those of the author and do not necessarily reflect the positions or policies of NIE or the U.S. Department of Education.)●

Mr. **HATCH**. Mr. President, I suggest the absence of a quorum.

Mr. **WEICKER**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. Jepsen). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **BAKER**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BAKER**. Mr. President, I think there are no more speakers on the pending business today.

ROUTINE MORNING BUSINESS

Mr. **BAKER**. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to go no later than 6:30 p.m. in which Senators may speak for not more than 3 minutes each.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:37 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3050. An act to amend the Rural Electrification Act of 1936 to ensure the continued financial integrity of the Rural Electrification and Telephone Revolving Fund, and for other purposes.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3050. An act to amend the Rural Electrification Act of 1936 to ensure the continued financial integrity of the Rural Electrification and Telephone Revolving Fund, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2712. A communication from the Vice President of the C&P Telephone Co. transmitting, pursuant to law, the 1983 statement of receipts and expenditures of the Chesapeake & Potomac Telephone Co.; to the Committee on Governmental Affairs.

EC-2713. A communication from the Governor of the Farm Credit Administration transmitting, pursuant to law, the 1983 Government in the Sunshine report; to the Committee on Governmental Affairs.

EC-2714. A communication from the Chairman of the U.S. Merit Systems Protection Board transmitting, pursuant to law, a report on Reduction-in-Force Roundtable proceedings held in July 1983; to the Committee on Governmental Affairs.

EC-2715. A communication from the Chairman of the U.S. Merit Systems Protection Board transmitting, pursuant to law, the annual report on the Board's appeals decisions for fiscal year 1982; to the Committee on Governmental Affairs.

EC-2716. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual Freedom of Information report of the Department of the Treasury for calendar year 1983; to the Committee on the Judiciary.

EC-2717. A communication from the Director of the Administrative Office of the U.S. courts, transmitting, pursuant to law, a report on bankruptcy court matters transmitted to the U.S. district courts during calendar year 1983; to the Committee on the Judiciary.

EC-2718. A communication from the Special Counsel of the Merit Systems Protection Board, transmitting, pursuant to law, the annual Freedom of Information Act report for the Office of Special Counsel for calendar year 1983; to the Committee on the Judiciary.

EC-2719. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual Freedom of Information report of the Department for calendar year 1983; to the Committee on the Judiciary.

EC-2720. A communication from the Secretary of Education, transmitting, pursuant to law, the annual Freedom of Information Act report of the Department for calendar year 1983; to the Committee on the Judiciary.

EC-2721. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual Freedom of Information Act report of the Commission for calendar year 1983; to the Committee on the Judiciary.

EC-2722. A communication from the Postmaster General, transmitting, pursuant to law, the annual Freedom of Information Act report of the Postal Service for calendar year 1983; to the Committee on the Judiciary.

EC-2723. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual Freedom of Information report of the Commission for calendar year 1983; to the Committee on the Judiciary.

EC-2724. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the annual Freedom of Information Act report of the Administration for calendar year 1983; to the Committee on the Judiciary.

EC-2725. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the annual Freedom of Information Act report of the Endowment for calendar year 1983; to the Committee on the Judiciary.

EC-2726. A communication from the Freedom of Information Act Director of the Federal Home Loan Mortgage Corporation, transmitting, pursuant to law, the annual Freedom of Information Act report of the Corporation for calendar year 1983; to the Committee on the Judiciary.

EC-2727. A communication from the Marshal of the Supreme Court of the United States, transmitting, pursuant to law, the annual report on the cost of the protective function provided by the Supreme Court police to Justices, official guests and employees of the Supreme Court for the period February 16, 1983 to February 15, 1984; to the Committee on the Judiciary.

EC-2728. A communication from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, copies of orders suspending the deportation of certain persons under sections 244(a)(1) and 244(a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2729. A communication from the Acting Public Printer, transmitting, pursuant to law, the annual report on the activities of the Government Printing Office for fiscal year 1983; to the Committee on Rules and Administration.

EC-2730. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Jordan for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2731. A communication from the Deputy Assistant Secretary of Defense (Military Personnel and Force Management), transmitting, pursuant to law, the calendar year 1983 report concerning officer responsibility pay; to the Committee on Armed Services.

EC-2732. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the family housing maintenance function at the Navy Public Works Center, Pearl Harbor, Hawaii, to performance by contract; to the Committee on Armed Services.

EC-2733. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the annual report of the Council for fiscal year 1983; to the Committee on Energy and Natural Resources.

EC-2734. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the annual Freedom of Information Act report of the Commission for calendar year 1983; to the Committee on the Judiciary.

EC-2735. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual Freedom of Information Act report of the System for calendar year 1983; to the Committee on the Judiciary.

EC-2736. A communication from the Acting Deputy Director of the Office of Governmental and Public Affairs, Department of Agriculture, transmitting, pursuant to law, the annual Freedom of Information Act report of the Department for calendar year 1983; to the Committee on the Judiciary.

EC-2737. A communication from the Deputy Director of the Central Intelligence Agency (Administration), transmitting, pursuant to law, the annual Freedom of Information Act report of the Agency for calendar year 1983; to the Committee on the Judiciary.

EC-2738. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the activities performed by States under the preventive health and health services block grant; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-548. A resolution adopted by the Senate of the State of West Virginia urging Congressional action to limit foreign steel imports; to the Committee on Finance.

"SENATE RESOLUTION NO. 13

"Whereas, The American steel industry has engaged in extraordinary self-help efforts including the commitment of millions of dollars to modernization and the reduction of employment cost; and

"Whereas, Foreign steel imports now account for approximately twenty percent of the steel consumed in the United States; and

"Whereas, The American steel and coal industries, and those particularly in West Virginia, are suffering from painfully high levels of unemployment which result in large measure from foreign steel imports; and

"Whereas, Most steel entering the United States is unfairly traded because it is dumped, subsidized or is the beneficiary of targeted foreign government development assistance; and

"Whereas, United States trade laws have been ineffective in stemming the tide of unfairly traded foreign steel; and

"Whereas, Unfair trade in steel is the single most serious threat to the survival of a healthy industry in West Virginia and in the United States; and

"Whereas, The American steel industry produces industrial material which is essential to the United States economy and necessary to our national defense; and

"Whereas, The steel industry is an important part of this state's economy, providing employment for thousands of the state residents; and

"Whereas, The American steel industry and West Virginia's coal mining industry are linked by an important and mutually beneficial customer-supplier relationship; therefore, be it

"*Resolved by the Senate,* That the Congress of the United States is hereby urged to support the Fair Trade in Steel Act of 1983 (H.R. 4352) which limits imports of foreign steel to not more than fifteen percent of American steel consumption for a period of at least five years; and, be it

"*Resolved further,* That a copy of this resolution be sent to each member of the West Virginia Congressional Delegation, each member of the Congressional Steel Caucus, the presiding officers of each House of Congress, and the President of the United States."

POM-549. A resolution adopted by the Council of the County of Maui, Hawaii, urging Congress to review the implementation of recommendations adopted by the joint Federal-State Task Force on Hawaiian Home Lands in 1983, and urging Congress to initiate breach of trust or other appropriate legal action for noncompliance by the State of Hawaii or the U.S. Department of the Interior; to the Committee on Energy and Natural Resources.

POM-550. A resolution adopted by the Council of the County of Maui, Hawaii, urging Congress to establish a joint Federal-State Ceded Lands Commission to review the status and need for federally controlled lands in the State of Hawaii; to the Committee on Energy and Natural Resources.

POM-551. A resolution adopted by the Council of the County of Maui, Hawaii, urging Congress to establish a single definition of native Hawaiian without reference to a blood quantum and to provide appropriate protections to guarantee the rights and privileges of current Hawaiian homes beneficiaries; to the Committee on the Judiciary.

POM-552. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Environment and Public Works.

"RESOLUTIONS MEMORIALIZING THE U.S. CONGRESS TO AUGMENT THE FUNDING LEVEL OF SUPERFUND VIA AN AMENDMENT TO THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT

"Whereas, the citizens of Massachusetts are proud of the birth of an environmental conscience which is rooted in genuine concern for human health, the air, water, land and wildlife, for the Commonwealth has worked to improve development practices, curb industrial pollution, revamp deficient environmental laws, and step up enforcement of existing environmental legislation; and

"Whereas, blatant violations against the human right to a healthful environment persist, for "Superfund" is a misnomer: posing as a vehicle for accomplishing cleanup of the Nation's worst hazardous waste sites, it has been grossly inadequate from the start; and

"Whereas, at the recent meeting of the National Conference of State Legislatures in Washington, D.C., from December 14 to 16, 1983, members adopted a resolution calling for an increase in the current Superfund level from 1.6 billion dollars to 12 billion dollars; and

"Whereas, increasing Comprehensive Environmental Response, Compensation and Liability Act funding is a matter of utmost urgency, a positive step toward implementing an aggressive campaign for cleaning up the Nation's hazardous waste sites; and

"Whereas, hazardous waste is the most serious environmental threat facing America, and only a substantial increase in funding will facilitate removal of this threat; therefore be it

"*Resolved,* That the Massachusetts House of Representatives hereby urges the United States Congress to augment the funding level of Superfund via an amendment to the Comprehensive Environmental Response, Compensation and Liability Act from the current level of 1.6 billion dollars to 12 billion dollars; and be it further

"*Resolved,* That a copy of these resolutions be forwarded by the clerk of the House of Representatives to the presiding officer of each branch of the Congress and the Members thereof from the Commonwealth."

POM-553. A joint resolution adopted by the General Assembly of the State of Vermont; to the Committee on Finance.

"JOINT RESOLUTION RELATING TO A TAX ON IMPORTED DAIRY PRODUCTS

"Whereas, dairy farmers in the United States are perceived by the general public and by the federal government as the generators of huge dairy product surpluses, and

"Whereas, the dairy product surplus is costing taxpayers billions of dollars annually with our current support programs, and

"Whereas, in 1982 there were 2.8 billion pounds (milk equivalent) of imported dairy products received in this country, and

"Whereas, the imported product is a great contributor to our surplus accounting for approximatley 15 percent of our current annual dairy surplus, and

"Whereas, many imported dairy products are at least partially subsidized by foreign governments, and

"Whereas, foreign dairy product producers are not taxed as part of the so-called 'fifty-cent per hundredweight assessment program' which is imposed on domestic producers, now therefore be it

Resolved by the Senate and House of Representatives, That Congress be urged to impose an assessment on imported dairy products including casein which remains constant with the fifty-cent per hundredweight assessment or any other production assessment which is or may in the future be levied against domestic producers, and be it further

"*Resolved,* That the Secretary of State send copies of this Joint resolution to Vermont's Congressional Delegation to be used in expressing the sentiments of the people of this state to the Congress and the President of the United States, and be it further

"*Resolved,* That the Secretary of State send copies of this resolution to the President of the United States Senate, the Speaker of the House and the Chairman of the Senate and House Committees on Agriculture and Secretary Block."

POM-554. A resolution adopted by the Senate of the State of Pennsylvania; to the Committee on Finance.

"RESOLUTION

"Whereas, Trade in steel is totally distorted by foreign government subsidies, dumping and the protection of their home markets by most foreign governments; and

"Whereas, Steel is the necessary material for any industrial economy and a major source of employment; and

"Whereas, Foreign government involvement in the steel industry has led to a chronic and increasing unfair trade problem; and

"Whereas, The United States is the only major open market for steel left in the world, government-owned [illegible] supported steelmakers have resorted to selling dumped and subsidized steel on United States markets; and

"Whereas, Foreign competitors unconstrained by the need to be profitable, have been systematically destroying our domestic steel industry; and

"Whereas, In 1982 steel imports rose to record levels of 21.8% of the market and 1983 shows that they are still taking one-fifth of the market; and

"Whereas, Those record imports, combined with the recession which continues in steel, are causing losses of $5 billion by domestic companies from January 1982 through the third quarter of 1983; and

"Whereas, These unfairly traded imports have played a major role in the loss of jobs by 270,000 steelworkers since 1974 and continued lay-off of more than 100,000 steel industry employees today; and

"Whereas, The domestic steel industry is aggressively pursuing self-help measures to restore the industry to a healthy, competitive position; therefore be it

"*Resolved,* That the Senate of Pennsylvania hereby supports our steel producers in their efforts to ensure a long-term contribution to the industrial strength and national defense of the United States; and be it further

"*Resolved,* That the Senate of Pennsylvania hereby strongly urges a temporary pause from the crippling impact of unfairly traded imports so that our industries might carry out capital improvements and plans for modernization; and be it further

"*Resolved,* That the Senate of Pennsylvania hereby supports federal legislation which will provide the necessary pause for the revitalization of our steel industry and the further stimulation of employment; and be it further

"*Resolved,* That copies of this resolution be transmitted to the President of the United States, the presiding officers of each House of Congress and to each member of Congress from Pennsylvania."

POM-555. A resolution adopted by the Board of Supervisors of the County of Alameda, California relating to enforcement assistance; to the Committee on Finance.

POM-556. A resolution adopted by Nebraska Unicameral Legislature; to the Committee on Finance.

"LEGISLATIVE RESOLUTION 253

"Whereas, access to higher education in Nebraska is greatly assisted by guaranteed student loans; and

"Whereas, many Nebraska students could not afford the college of their choice without a guaranteed student loan; and

"Whereas, many Nebraska banks make such loans but are dependent upon a secondary market to purchase and service the loans; and

"Whereas, most small banks in Nebraska would cease lending to financially needy students without a secondary market which meets their specific needs; and

"Whereas, the federal government has in the past encouraged the creation of state student loan bond issue authorities to provide a secondary market; and

"Whereas, the tax-exempt bond issues of The Nebraska Higher Education Loan Program (NEBHELP) have provided a secondary market for Guaranteed Student Loans; and

"Whereas, the United States Department of Education has recently disapproved and delayed further bond issues for many states, including Nebraska; and

"Whereas, Congress has considered a limit on most tax-exempt bond issues, which would further jeopardize Nebraska student loan bond issues; and

"Whereas, these actions could severely limit access to higher education in Nebraska and elsewhere.

"Now therefore, be it resolved by the Members of the Eighty-Eighth Legislature of Nebraska, second session:

"1. That the United States Department of Education be encouraged to approve, in accordance with law, student loan bond issues which meet a demonstrated need.

"2. That Congress should not place a limit on student loan bond issues as part of a general tax-exampt bond limit, for current law already provides a review of need by the United States Department of Education.

"3. That the Clerk of the Legislature forward a copy of this resolution to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, each member of the Nebraska congressional delegation, and the U.S. Secretary of Education."

POM-557. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"ASSEMBLY JOINT RESOLUTION NO. 78

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation which amends Section 102 of the Social Security Amendments of 1983 to ensure that existing employees of nonprofit organizations are excluded from social security coverage in the same manner as existing federal employees and to provide that new employees of nonprofit organizations will be covered by social security as will be new federal employees; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-558. A resolution adopted by the Legislature of the State of South Dakota; to the Committee on Foreign Relations.

"HOUSE CONCURRENT RESOLUTION NO. 1003

"Whereas, Taiwan-Republic of China is of great strategic importance in the defense of East Asia and the Pacific; and

"Whereas, the people of Taiwan-Republic of China are and have been among the most trusted friends of the people of the United States; and

"Whereas, the commercial, cultural and other nongovernmental relations between the American people and Taiwan-Republic of China are now and have always been excellent and mutually beneficial; and

"Whereas, the people of South Dakota wish to conduct and carry out numerous economic and cultural programs, transactions and other relations with the people of Taiwan-Republic of China; and

"Whereas, the products of South Dakota agriculture and manufacturing are continually essential for maintaining the trade patterns which are developing between the United States and Taiwan-Republic of China; and

"Whereas, the Legislature has strong reason to believe that it is the will and pleasure of the people of this state that Taiwan-Republic of China be adopted as a sister state:

"Now, therefore, be it resolved, by the House of Representatives of the Fifty-ninth Legislature of the state of South Dakota, the Senate concurring therein, That Taiwan-Republic of China is hereby adopted as South Dakota's sister state;

"Be it further resolved, That the Chief Clerk of the House of Representatives of the state of South Dakota shall forward a copy of this Resolution to the President of the United States of America, to the President of the United States Senate, to the Speaker of the House of Representatives of the United States, to the Chief Executive Officer of the government of Taiwan-Republic of China, to the Speaker of the Provincial Legislature of Taiwan-Republic of China and to the Governor of the state of South Dakota."

POM-559. A resolution adopted by the Commonwealth of Massachusetts; to the Committee on Foreign Relations.

THE COMMONWEALTH OF MASSACHUSETTS, IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY-FOUR

"RESOLUTIONS CONDEMNING IRAN FOR PERSECUTION OF MEMBERS OF THE BAHA'I FAITH

"Whereas, more than one hundred and fifty members of the Baha'i faith have been brutally executed by Iranian authorities since the 1979 Islamic Revolution; and

"Whereas, many Baha'i in Iran have disappeared and others have been tortured, persecuted, and deprived or their fundamental rights to personal property and employment; and

"Whereas, an edict issued by Iran's Revolutionary Prosecutor General on August 29, 1983, has far-reaching implications that threaten the lives of all people of the Baha'i faith living in Iran; and

"Whereas, these systematic actions of execution, arrest, confiscation of property, the denial of jobs, pensions, education and the right to practice the Baha'i faith constitutes a national policy of the Government of Iran and

"Whereas, the Baha'i faith is founded upon precepts of peace, universal brotherhood and equality among men and women; now therefore be it

"Resolved, that the Massachusetts House of Representatives hereby condemns the recent decision taken by the Government of Iran to destroy the Baha'i faith by labelling as "criminal acts" all Baha'i teaching and organized religious activities and further condemns the religious persecution and atrocities to the people of the Baha'i faith carried out systematically by the Government of Iran; and be it further

"Resolve, that a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States House of Representatives and the President pro tem of the United States Senate."

POM-560. A resolution adopted by the Board of Representatives of Ithaca, New York relating to removing Connecticut hill lands from Indian settlement negotiations; to the Committee on Indian Affairs.

POM-561. A resolution adopted by the Conference of Minority Public Administrators relating to anti-affirmative action and quotas position of the United States Commission on Civil Rights; to the Committee on the Judiciary.

POM-562. A resolution adopted by the Council of the County of Maui, Hawaii urging Congress to include native Hawaiians in the definition of native American and extend to native Hawaiians eligibility in all programs affected by such definition without prejudice to the Committee on Labor and Human Resources.

POM-563. A resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

"ASSEMBLY JOINT RESOLUTION No. 86

"Whereas, the Department of the Interior has proposed Lease Sale 80 to expand oil drilling off the California coast; and

"Whereas, the California Legislature believes that the coastline of California and the waters off this coast represent an important natural resource which must be preserved; and

"Whereas, the southern California coastline is a prime recreation and tourism area which contributes substantially to the economy of the region; and

"Whereas, increased oil and gas exploration and development is occurring off the coast of California without adequate or sufficient analysis of the cumulative effects of such exploration; and

"Whereas, there is potential negative impact on endangered species, the environment, and the economy of the region; and

"Whereas, only a single meeting was held in San Diego to determine the scope of the draft environmental impact statement (DEIS) and that meeting did not include opportunities for the general public to participate; and

"Whereas, local governments have expressed serious reservations regarding the validity and thoroughness of the DEIS; and

"Whereas, the DEIS has not indicated that oil and gas reserves in the tracts off the southern California coast compensate for the deterioration of air quality and potential oil spill damage that could result; and

"Whereas, a detailed analysis of transportation and refining problems associated with the production of resources from these tracts was not provided in the DEIS; and

"Whereas, on December 6, 1983, it was revealed in a final environmental impact statement on Lease Sale 80, that the United States Navy called for exclusion of 60 percent of the 11.6 million offshore acres contained in Lease Sale 80, citing that "there is no place within the Southern California lease offering area in which oil or gas exploration or production, even with the most stringent stipulations, can occur without significant impact to the Department of Defense and the nation's defense"; and

"Whereas, the United States Navy in the same statement also charged that the waters off the San Diego County coastline are "the most heavily used naval operating areas anywhere in the world"; and

"Whereas, a number of tracts in the proposed Lease Sale 80 coincide with hazardous waste dump sites and could present a significant threat to the environmental and public health; and

"Whereas, there already exists the potential for geological hazards and seismic risks in the waters off the southern California coast; and

"Whereas, military operations would be negatively impacted which would jeopardize our national security and defense; and

"Whereas, revisions in outer continental shelf regulations, orders, and standard lease sale stipulations, consistent with local and state government recommendations, may be necessary; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California strongly urges the President and Congress of the United States to delete from the proposed Lease Sale 80 until January 1986, those tracks off the San Diego County coastline, and to conduct comprehensive, area-wide public hearings to permit a full range of citizen groups to participate in the process and express their concerns on the special needs of the San Diego area, and to establish a local, technical advisory committee to meet with and advise the Department of the Interior in a joint review of existing procedures, policies, and regulations governing outer continental shelf development to determine if the proposed Lease Sale 80 meets the requirements of the Outer Continental Shelf Lands Act, the Coastal Zone Management Act, the National Environmental Protection Act, and the Endangered Species Act, and to determine what changes may be necessary in procedures and regulations; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resoluton to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States."

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR THE PERIOD FROM JULY 1 TO SEPT. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard L. Spees:									
Finland	Markka	606.553	106.00					606.553	106.00
U.S.S.R.	Dollar		356.00						356.00
Hungary	Forint	6,780.20	152.00					6,780.20	152.00
United Kingdom	Pound	132.53	196.00					132.53	196.00
Scotland	Pound	113.59	168.00					113.59	168.00
Germany	Deutsche mark	1,098.948	408.00	1,554.150	577.89			2,653.098	985.89
France	Franc	1,620.00	200.00					1,620	200.00
Total			1,586.00		577.89				2,163.89

MARK O. HATFIELD,
Chairman, Dec. 31, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR THE PERIOD FROM OCT. 1 TO DEC. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Charles Parkinson:									
Austria	Schilling	5,211.60	273.00					5,211.60	273.00
Turkey	Pound	37,200	140.00					37,200	140.00
Pakistan	Rupee	1,974	150.00					1,974	150.00
Thailand	Baht	7,076	309.00					7,076	309.00
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178.00
Senator James Abdnor:									
Austria	Schilling	5,211.60	273.00					5,211.60	273.00
Turkey	Pound	37,200	140.00					37,200	140.00
Pakistan	Rupee	1,974	150.00					1,974	150.00
Thailand	Baht	7,076	309.00					7,076	309.00
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178.00
Senator Thomas Eagleton:									
England	Pound	417.84	617.99					417.84	617.99
Total			2,717.99						2,717.99

MARK O. HATFIELD,
Chairman, Dec. 31, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR THE PERIOD FROM OCT. 1 TO DEC. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Heinz:									
France	Franc	1,156.32	146.00					1,156.32	146.00
Switzerland	Franc	345.10	164.00					345.10	164.00
United States	Dollar				1,015.00				1,015.00
Total			310.00		1,015.00				1,325.00

JAKE GARN,
Chairman, Jan. 19, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET, FOR THE PERIOD FROM JULY 1 TO SEPT. 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lawton Chiles:									
Brazil	Cruzeiro	188.110	352.00					188.110	352.00
Peru	Sol	548.550	350.00					548.550	350.00
Ecuador	Sucre	14,448	150.00					14,448	150.00
United States	Dollar		150.00						150.00
Richard Kodicik:									
Brazil	Cruzeiro	188.110	352.00					188.110	352.00
Peru	Sol	548.550	350.00					548.550	350.00
Ecuador	Sucre	14,448	150.00					14,448	150.00
United States	Dollar		150.00						150.00
Richard Farrell:									
Brazil	Cruzeiro	188.110	352.00					188.110	352.00
Peru	Sol	548.550	350.00					548.550	350.00
Ecuador	Sucre	14,448	150.00					14,448	150.00
United States	Dollar		150.00						150.00
Jeffrey Malenbeck:									
Sweden	SKR	5,043.05	630.00					5,043.05	630.00
United States	Dollar				1,434.00				1,434.00
Total			3,636.00		1,434.00				5,070.00

PETE V. DOMENICI,
Chairman, Feb. 9, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR THE PERIOD FROM JULY 1 TO SEPT. 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James S. W. Drewry:									
England	Pound	565.48	848.00					565.48	848.00
United States	Dollar				950.00				950.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR THE PERIOD FROM JULY 1 TO SEPT. 30, 1983—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
C. Michael Gilliland:									
England	Pound	260	392.00					260	392.00
Germany	Dollar		453.00						453.00
William D. Phillips:									
England	Pound	370.50	567.01					370.50	567.01
Germany	Deutsche mark			5,436	2,083.00			5,436	2,083.00
Total			2,260.01		3,033.00				5,293.01

BOB PACKWOOD,
Chairman, Jan. 31, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR THE PERIOD FROM OCT. 1 TO DEC. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John D. Hardy:									
England	Pound	482.43	720.99					482.43	720.99
United States	Dollar				2,451,00				2,451.00
Robert D. Sneed:									
England	Pound	212.92	318.00					212.92	318.00
Germany	Dollar		525.00						525.00
United States	Dollar				1,627.00				1,627.00
Ward H. White:									
Switzerland	Franc	690.35	328.00					690.35	328.00
United States	Dollar				1,433.00				1,433.00
Total			1,891.99		5,511.00				7,402.99

BOB PACKWOOD,
Chairman, Jan. 31, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE, FOR THE PERIOD FROM JULY 1 TO SEPT. 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Representative Marjorie Holt:									
United States	Dollar				2,371.00				2,371.00
Belgium	Franc	8,546	158.00					8,546	158.00
Netherlands	Guilder	233.05	78.00					233.05	78.00
Germany	Deutsche mark	304.38	114.00					304.38	114.00
Switzerland	Franc	358	164.00					358	164.00
Charles Bradford:									
United States	Dollar				3,281.00				3,281.00
Belgium	Franc	12,819	237.00		304.88			12,819	541.88
Netherlands	Guilder	233.05	78.00					233.05	78.00
Germany	Deutsche mark	304.38	114.00					304.38	114.00
Switzerland	Franc	537	246.00		294.20		18.94	537	559.14
Total			1,189.00		6,251.08		18.94		7,459.02

ROGER W. JEPSEN,
Chairman, Feb. 15, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE, FOR THE PERIOD FROM OCT. 1 TO DEC. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert Premus:									
United States	Dollar				1,861.00				1,861.00
France	Franc	4,556.16	576.00					4,556	575.00
Total			576.00		1,861.00				2,437.00

ROGER W. JEPSEN,
Chairman, Feb. 14, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR THE PERIOD FROM OCT. 1 TO DEC. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steven J. Shimberg:									
Germany	Deutsche mark		460.00		1,890.00				2,350.00
Denmark	Krone		75.00						75.00
France	Franc	3,206	384.00					3,206	384.00
Total			919.00		1,890.00				2,809.00

ROBERT T. STAFFORD,
Chairman, Feb. 1, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR THE PERIOD FROM NOV. 14 TO NOV. 26, 1982

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert J. Dole:									
Switzerland	Franc	464.30	211.39					464.30	211.39
France	Franc	1,653	228.00					1,653	228.00
Germany	Duetsche mark	4,055.76	1,572.00					4,055.76	1,572.00
Soviet Union	Ruble	250	222.50					250	222.50
Spain	Peseta	30,833	264.39					30,833	264.39
John D. Gordley:									
Switzerland	Franc	533.75	243.00					533.75	243.00
France	Franc	1,653	228.00					1,653	228.00
Soviet Union	Ruble	250	222.50					250	222.50
Jack O'Connell:									
Switzerland	Franc	711.65	324.00					711.65	324.00
France	Franc	1,653	228.00					1,653	228.00
Germany	Duetsche mark	216.72	84.00					216.72	84.00
Soviet Union	Ruble	239	178.00					239	178.00
Walter F. Riker:									
Switzerland	Franc	711.65	324.00					711.65	324.00
France	Franc	1,653	228.00					1,653	228.00
Theodore Kassinger:									
Switzerland	Franc	889.60	405.00					889.60	405.00
Robert E. Lighthizer:									
Switzerland	Franc	711.65	324.00					711.65	324.00
Claud Gingrich:									
Switzerland	Franc	711.65	324.00					711.65	324.00
Jay Morgan:									
Switzerland	Franc	711.65	324.00					711.65	324.00
France	Franc	1,653	228.00					1,653	228.00
Michael Stern:									
Switzerland	Franc	889.60	405.00					889.60	405.00
France	Franc	3,889.68	532.00					3,889.68	532.00
Jeffrey Lang:									
Switzerland	Franc	1,067.50	486.00					1,067.50	486.00
France	Franc	333.56	456.00					333.56	456.00
Naomi Schwiesow:									
Switzerland	Franc	711.65	324.00					711.65	324.00
France	Franc	1,653	228.00					1,653	228.00
Delegation expenses: [1]									
Spain	Peseta						1,139.88		1,139.88
Germany	Duetsche mark						1,859.05		1,859.05
Switzerland	Franc						4,914.95		4,914.95
Soviet Union	Ruble						2,772.85		2,772.85
France	Franc						2,981.35		2,981.35
Total			8,593.78				13,668.08		22,261.86

[1] Delegation expenses include direct payments and reimbursements to Defense Department under authority of sec. 502(B) of the Mutual Security Act of 1954 as amended by sec. 22 of P.L. 95-384, and S. Res. 179, agreed to May 25, 1977. The following Members of the U.S. House of Representatives were also part of the delegation: Congressman Douglas Bereuter, Congressman John Breaux, Congressman James Broyhill, and Congressman Bill Frenzel.

ROBERT J. DOLE,
Chairman, Nov. 28, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR THE PERIOD FROM OCT. 1 TO DEC. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
M. Graeme Bannerman:									
France	Franc	787.20	96.00					787.20	96.00
Lebanon	Pound	1,987.40	380.00					1,987.40	380.00
Israel	Pound		200.00						200.00
Jordan	Dinar	61.215	165.00					61.215	165.00
United Kingdom	Pound	140.90	206.00					140.90	206.00
United States	Dollar				2,256.00				2,256.00
Geryld Christianson:									
Netherlands	Guilder	1,610.70	546.00	32.25	10.90			1,642.95	556.90
United States	Dollar				618.50				618.50
Germany	Deutsche mark	1,027.50	375.00	33.40	12.20			1,060.90	387.20

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR THE PERIOD FROM OCT. 1 TO DEC. 31, 1983—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Belgium	Franc	4,444	79.00					4,444	79.00
United States	Dollar				1,430.10				1,430.10
Margaret D. Hayes:									
Brazil	Cruzeiro	141,368	154.60					141,368	154.60
E. H. Higginbotham:									
Indonesia	Rupiah	310,575	314.03					310,575	314.03
Japan	Yen	282,031	1,195.05			18,520	78.47	300,551	1,273.52
United States	Dollar				3,341.00				3,341.00
Barry Sklar:									
El Salvador	Colon	672.75	169.92					672.75	169.92
Honduras	Lempira	287	143.50					287	143.50
Nicaragua	Cordoba	310	11.00					310	11.00
Costa Rica	Colon	6,472.50	150.00					6,472.50	150.00
Diana Smith:									
Netherlands	Guilder	1,150.50	390.00					1,150.50	390.00
United Kingdom	Pound	70/97	104.30					70/97	104.30
United States	Dollar				1,237.00				1,237.00
AMENDMENTS TO 1ST QUARTER 1983									
Senator John Glenn:									
Mexico	Peso		71.31						71.31
Peru	Sole	156,000	150.00					156,000	150.00
Brazil	Cruzeiro		150.34						150.34
Venezuela	Bolivare		224.32						224.32
Barbados	Dollar	144	72.00					144	72.00
United States	Dollar				4,085.52				4,085.52
Robert Dockery:									
Mexico	Sole	33,525	225.00					33,525	225.00
El Salvador	Colone	676.76	180.47					676.76	180.47
Peru	Sole	156,000	150.00					156,000	150.00
Brazil	Cruzeir	40.771	157.00					40.771	157.00
Venezuela	Boli	1,010.08	236.00					1,010.08	236.00
Barbados	Dol.	144	72.00					144	72.00
United States	Dollar				3,171.00				3,171.00
Pat Buchheit:									
Mexico	Peso	33,525	225.00					33,525	225.00
El Salvador	Colone	676.76	180.47					676.76	180.47
Peru	Sole	156,000	150.00					156,000	150.00
Brazil	Cruzeiro	40.771	157.00					40.771	157.00
Venezuela	Bolivare	1,010.08	236.00					1,010.08	236.00
Barbados	Dollar	144	72.00					144	72.00
United States	Dollar				3,171.00				3,171.00
Curtis Cutter:									
Mexico	Peso	33,525	225.00					33,525	225.00
El Salvador	Colone	676.76	180.47					676.76	180.47
Peru	Sole	156,000	150.00					156,000	150.00
Brazil	Cruzeiro	40,771	157.00					40,771	157.00
Venezuela	Bolivare	1,010.08	236.00					1,010.08	236.00
Barbados	Dollar	144	72.00					144	72.00
United States	Dollar				3,171.00				3,171.00
Carl W. Ford:									
Mexico	Peso	33,525	225.00					33,525	225.00
El Salvador	Colone	676.76	180.47					676.76	180.47
Peru	Sole	156,000	150.00					156,000	150.00
Brazil	Cruzeiro	40,771	157.00					40,771	157.00
Venezuela	Bolivare	1,010.08	236.00					1,010.08	236.00
Barbados	Dollar	144	72.00					144	72.00
United States	Dollar				3,171.00				3,171.00
Edward G. Sanders:									
England	Pound	133.77	196.65					133.77	196.65
U.S.S.R.	Ruble		222.50						222.50
United States	Dollar				1,636.00				1,636.00
Diana Smith:									
United Kingdom	Pound	66.88	98.00					66.88	98.00
U.S.S.R.	Ruble		222.50						222.50
United States	Dollar				1,636.00				1,636.00
Fred Tipson:									
England	Pound	66.88	98.50						98.50
U.S.S.R.	Ruble		222.50						222.50
United States	Dollar				1,800.00				1,800.00
AMENDMENTS TO 2D QUARTER, 1983									
Senator Larry Pressler:									
England	Pound	254.12	404.00					254.12	404.00
United States	Dollar				1,216.92				1,216.92
Patrick Balestrieri:									
Denmark	Kroner	3,878.10	425.00					3,878.10	425.00
M. Graeme Bannerman:									
Dhahran/Saudi Arabia	Rial	1,149.10	336.00					1,149.10	336.00
Jidda/Saudi Arabia	Rial	718.20	210.00					718.20	210.00
Yemen	Rial	2,173.50	472.50					2,173.50	472.50
Iraq	Dinar	110.050	355.00					110.050	355.00
London	Pound	123.53	202.00					123.53	202.00
United States	Dollar				2,825.00				2,825.00
Hans Binnendijk:									
Denmark	Kroner	3,102.50	340.00					3,102.50	340.00
Geryld Christianson:									
Denmark	Kroner	3,102.50	340.00					3,102.50	340.00
Peter Galbraith:									
United Kingdom	Pound		150.00						150.00
Kenya	Schilling	5,229	674.23					5,229	674.23
Zimbabwe	Dollar	360	375.00					360	375.00
United States	Dollar				2,713.00				2,713.00
Janice O'Connell:									
Denmark	Kroner	3,102.50	340.00					3,102.50	340.00
John Ritch:									
West Germany	Deutsche mark	765	300.00					765	300.00
Denmark	Kroner	3,102.50	340.00					3,102.50	340.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR THE PERIOD FROM OCT. 1 TO DEC. 31, 1983—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Casimir Yost:									
Dhahran/Saudi Arabia	Rial	1,149.10	336.00					1,149.10	336.00
Jidda/Saudi Arabia	Rial	718.20	210.00					718.20	210.00
Yemen	Rial	2,173.50	472.50					2,173.50	472.50
Iraq	Dinar	110.050	335.00					110.050	335.00
United States	Dollar				2,366.78				2,366.78
AMENDMENTS TO 3D QUARTER, 1983									
Senator Joseph Biden:									
West Germany	Deutsche mark	407.16	156.00					407.16	156.00
Switzerland	Franc	349.40	164.00					349.40	164.00
France	Franc	3,196	400.00					3,196	400.00
United States	Dollar				1,416.00				1,416.00
Senator Christopher Dodd:									
Poland	Zloty	7,700.5	79.65	8,040	83.16			15,740.5	162.81
Hungary	Florint	5,280.3	118.37					5,280.3	118.37
Yugoslavia	Dinar	22,718	225.00	9,584	94.19			32,302	319.91
Italy	Lire	471,420	291.00					471,420	291.00
United States	Dollar				3,665.00				3,665.00
Barry Sklar:									
Mexico	Peso	24,210	161.00					24,210	161.00
United States	Dollar				495.00				495.00
Total			18,702.15		45,622.99		78.47		64,403.61

CHARLES H. PERCY,
Chairman, Jan. 23, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR THE PERIOD FROM OCT. 1 TO DEC. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Chafee			780.00						780.00
Scott Harris			780.00						780.00
Larry Kettlewell			780.00						780.00
Joseph Mayer			641.00		2,143.78				2,784.78
Eugene Iwancio			771.00		2,143.78				2,914.78
Michael Mattingly			771.00		2,143.78				2,914.78
Thomas Connelly			771.00		2,143.78				2,914.78
Thomas Ries			668.00		1,934.78				2,602.78
Edward Levine			771.00		2,143.78				2,914.78
Senator Daniel Patrick Moynihan					998.00				998.00
Gary Schmitt					998.00				998.00
Total			6,733.00		14,649.68				21,382.68

BARRY GOLDWATER,
Chairman, Jan. 3, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR THE PERIOD: FROM OCT. 1 TO DEC. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard W. Day:									
Switzerland	Franc	894	410.00	1,507.50	682.74			2,401.50	1,092.74
United States	Dollar				1,533.00				1,533.00
Jerry M. Tinker:									
Switzerland	Franc	884.25	410.00	1,270	575.18			2,154.25	985.18
United States	Dollar				1,533.00				1,533.00
Total			820.00		4,323.92				5,143.92

STROM THURMOND,
Chairman, Feb. 7, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22, U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR THE PERIOD FROM JULY 1 TO SEPT. 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard W. Day:									
El Salvador	Colanne	1,481.25	375.00	1,325	335.44				710.44
Honduras	Limpera	608	304.00					608	304.00
Guatemala	Quetzal	150	150.00					150	150.00
Jerry M. Tinker:									
El Salvador	Colanne			1,325	335.44				335.44
Total			879.00		670.88				1,499.88

STROM THURMOND,
Chairman, Feb. 7, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR THE PERIOD FROM NOV. 27 TO DEC. 11, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Paula Hawkins:									
Austria	Schilling	7,101.50	372.00					7,101.50	372.00
Turkey	Lira	54,840	206.00					54,840	206.00
Pakistan	Rupee	2,842.55	216.00					2,842.55	216.00
Thailand	Baht	9,664	422.00					9,664	422.00
Hong Kong	Dollar	1,900.80	244.00					1,900.80	244.00
John Mics:									
Austria	Schilling	7,101.50	372.00					7,101.50	372.00
Turkey	Lira	54,840	206.00					54,840	206.00
Pakistan	Rupee	2,842.55	216.00					2,842.55	216.00
Thailand	Baht	9,644	422.00					9,664	422.00
Hong Kong	Dollar	1,900.80	244.00					1,900.80	244.00
John Dudinsky:									
Austria	Schilling	7,101.50	372.00					7,101.50	372.00
Turkey	Lira	54,840	206.00					54,840	206.00
Pakistan	Rupee	2,842.55	216.00					2,842.55	216.00
Thailand	Baht	9,664	422.00					9,664	422.00
Hong Kong	Dollar	1,900.80	244.00					1,900.80	244.00
Henry Hicks:									
Austria	Schilling	7,101.50	372.00					7,101.50	372.00
Turkey	Lira	54,840	206.00					54,840	206.00
Pakistan	Rupee	2,842.55	216.00					2,842.55	216.00
Thailand	Baht	9,664	422.00					9,664	422.00
Hong Kong	Dollar	1,900.80	244.00					1,900.80	244.00
Robert Barber:									
Austria	Schilling	7,101.50	372.00					7,101.5	372.00
Turkey	Lira	54,840	206.00					54,840	206.00
Pakistan	Rupee	2,842.55	216.00					2,842.55	216.00
Thailand	Baht	9,664	422.00					9,664	422.00
Hong Kong	Dollar	1,900.80	244.00					1,900.80	244.00
James Gallup:									
Austria	Schilling	7,101.50	372.00					7,101.50	372.00
Turkey	Lira	54,840	206.00					54,840	206.00
Pakistan	Rupee	2,842.55	216.00					2,842.55	216.00
Thailand	Baht	9,664	422.00					9,664	422.00
Hong Kong	Dollar	1,900.80	244.00					1,900.80	244.00
Elizabeth Arens:									
Austria	Schilling	7,101.50	372.00					7,101.50	372.00
Turkey	Lira	54,840	206.00					54,840	206.00
Pakistan	Rupee	1,514.55	115.09					1,514.55	115.09
Thailand	Baht	9,664	422.00					9,664	422.00
Hong Kong	Dollar	1,642.10	210.53					1,642.10	210.53
Delegation expenses:[1]									
Austria							4,287.06		4,287.06
Turkey							1,529.23		1,529.23
Pakistan							1,085.82		1,085.82
Thailand							3,792.52		3,792.52
Burma							178.20		178.20
Hong Kong							2,363.37		2,363.37
Total			10,085.62				13,236.20		23,321.82

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[1] Delegation expenses include direct payments and reimbursements to State Department and Defense Department under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95-384, and S. Res. 179, agreed to May 25, 1977.

ORRIN G. HATCH,
Chairman, Feb. 14, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR THE PERIOD FROM OCT. 1 TO DEC. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Pillsbury:									
Lebanon	Pound	1,001.30	190.00					1,001.30	190.00
Austria	Schilling	7,101.50	372.00					7,101.50	372.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR THE PERIOD FROM OCT. 1 TO DEC. 31, 1983—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Turkey	Lira	54,840	206.00					54,840	206.00
Pakistan	Rupee	2,842.55	216.00					2,842.55	216.00
Thailand	Baht	9,664	422.00					9,664	422.00
Hong Kong	Dollar	1,900.80	244.00					1,900.80	244.00
Total			1,650.00						1,650.00

ORRIN G. HATCH,
Chairman, Feb. 23, 1984.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), JOINT COMMITTEE ON PRINTING, FOR THE PERIOD FROM OCT. 1 TO DEC. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thomas Klein:									
Korea	Won	382,180	485.00					382,180	485.00
Japan	Yen	201,474	861.00					201,474	861.00
Hong Kong	Dollar	3,036	392.00					3,036	392.00
Philippines	Peso	3,151.13	225.00					3,151.13	225.00
					2,525.00				2,525.00
Nevin Brown:									
Korea	Won	382,180	485.00					382,180	485.00
Japan	Yen	201,474	861.00					201,474	861.00
Hong Kong	Dollar	3,036	392.00					3,036	392.00
Philippines	Peso	3,151.13	225.00					3,151.13	225.00
					2,525.00				2,525.00
Total			3,926.00		5,050.00				8,976.00

AUGUSTUS F. HAWKINS,
Chairman, Dec. 15, 1983.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FOR THE PERIOD FROM JULY 1 TO SEPT. 30, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
United Kingdom	Pound	123.50	189.00					123.50	189.00
United States	Dollar				2,083.00				2,083.00
Mark Barnes:									
Romania	Leu	1,365	104.00					1,365	104.00
Federal Republic of Germany	Dollar		87.56						87.56
United Kingdom	Dollar		94.44						94.44
Total			475.00		2,083.00				2,558.00

HOWARD H. BAKER, JR.,
Majority Leader.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FOR THE PERIOD FROM OCT. 1 TO DEC. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Cran Montgomery:									
France	Franc	787.20	96.00					787.20	96.00
Lebanon	Pound	1,987.40	380.00					1,987.40	380.00
Jordan	Dinar	93.120	251.00					93.120	251.00
Israel	Dollar		200.00						200.00
Saudi Arabia	Riyal	1,117.80	324.00	240.00	69.00			1,357.80	393.00
Egypt	Pound	196.55	168.00					196.55	168.00
United States	Dollar				2,965.70				2,965.70
Gail S. Martin:									
Austria	Schilling	5,211.60	273.00					5,211.60	273.00
Turkey	Lira	37,270	140.00					37,270	140.00
Pakistan	Rupee	1,974	150.00					1,974	150.00
Thailand	Baht	7,076	309.00					7,076	309.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FOR THE PERIOD FROM OCT. 1 TO DEC. 31, 1983—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hong Kong	Dollar	1,386.60	178.00					1,386.60	178.00
Total			2,469.00		3,034.70				5,503.70

HOWARD H. BAKER, JR.,
Majority Leader.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MINORITY LEADER FOR THE PERIOD FROM OCT. 1 TO DEC. 31, 1983

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Frank R. Lautenberg:									
Cyprus	Pound	41.62	75.00	11.20	20.17			52.82	95.17
Douglas [illegible]:									
Cyprus	Pound	31.02	55.90	11.20	20.17			42.22	76.07
United Kingdom	Pound	110.14	159.95					110.14	159.95
Total			290.85		40.34				331.19

ROBERT C. BYRD,
Minority Leader, Feb. 10, 1984.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs: John G. Keane, of Illinois, to be Director of the Census.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCLURE (by request):

S. 2387. A bill authorizing appropriations to the executive director, U.S. Holocaust Memorial Council, for services necessary to perform the functions of the U.S. Holocaust Memorial Council; to the Committee on Energy and Natural Resources.

By Mr. PERCY (by request):

S. 2388. A bill to amend the International Security and Development Cooperation Act of 1980 to extend the authority of the African Development Foundation, and for other purposes; to the Committee on Foreign Relations.

By Mr. MATHIAS:

S. 2389. A bill to end the shipment of steel-jaw leghold traps; to the Committee on Environment and Public Works.

By Mr. LUGAR (for himself, Mr. SARBANES, Mr. MATTINGLY, Mr. DURENBERGER, Mr. DOLE, Mr. NUNN, Mr. BUMPERS, Mr. COCHRAN, Mr. JEPSEN and Mr. GLENN):

S.J. Res. 254. A joint resolution to designate the month of October 1984 as "National Down's Syndrome Month;" to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLURE (by request):

S. 2387. A bill authorizing appropriations to the executive director, U.S. Holocaust Memorial Council, for services necessary to perform the functions of the U.S. Holocaust Memorial Council; to the Committee on Energy and Natural Resources.

U.S. HOLOCAUST MEMORIAL COUNCIL APPROPRIATON AUTHORIZATION

● Mr. McCLURE. Mr. President, at the request of the U.S. Holocaust Memorial Council, I send to the desk for appropriate reference a bill to authorize appropriations to the executive director of the U.S. Holocaust Memorial Council for services necessary to perform the functions of the U.S. Holocaust Memorial Council.

Mr. President, the administration has no objection to this authorization. I ask unanimous consent that the bill and the communication from the executive director of the U.S. Holocaust Memorial Council be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Holocaust Memorial Council Act (Public Law 96-388, as amended; 36 U.S.C. 1408) is amended as follows: After "1983": strike out the colon and add in lieu thereof, "$2,051,000 for the Fiscal Year 1985, and such sums as are necessary for Fiscal Year 1986."

U.S. HOLOCAUST
MEMORIAL COUNCIL,
OFFICE OF THE DIRECTOR,
February 16, 1984.

Hon. GEORGE BUSH,
President of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill, "Authorizing appropriations to the Executive Director of the United States Holocaust Memorial Council for services necessary to perform the functions of the United States Holocaust Memorial Council.

We recommend that the bill be referred to the appropriate committee for consideration, and that it be enacted.

Public Law 96-388, October 7, 1980 (94 Stat. 1547), provided for the establishment of the United States Holocaust Memorial Council to provide appropriate ways for the Nation to commemorate Days of Remembrance, plan, construct, and oversee the operation of a permanent living memorial museum to the victims of the Holocaust, and develop a plan for carrying out the recommendations of the President's Commission on the Holocaust. Section 8 of Public Law 96-388 authorized $722,000 for Fiscal year 1981; $800,000 for Fiscal Year 1982; and $850,000 for Fiscal Year 1983, to carry out the purposes of this Act. Public Law 98-146 provided appropriations in the amount of $1,853,000 for Fiscal year 1984.

The enclosed draft bill would amend the appropriation authorization in Section 8 of the United States Holocaust Memorial Council Act (Public Law 96-388, as amended; 36 U.S.C. 1408) to authorize an appropriation of $2,051,000 for Fiscal year 1985, and such sums as are necessary for Fiscal year 1986.

Such an authorization and appropriation would enable the Council to carry out its responsibilities through September 30, 1985, as provided in the President's 1985 budget. The amended authorization is necessary to the planning of the living memorial museum, continued observance and expansion of Days of Remembrance, as well as the preservation and development of research and documentation of the Holocaust.

The Council has made measurable progress in carrying out its mandated responsibilities since its inception in 1981. It is anticipated that the requested funding level for 1985 will allow each of its components to proceed with their program responsibilities to meet the ultimate objectives of the Council.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal to the Congress. Enactment of the measure would be in accord with the program of the President.

A similar letter is being sent to The Honorable Thomas P. O'Neill, Jr. of the United States House of Representatives.

Sincerely,

Seymour Siegel,
Executive Director.●

By Mr. PERCY (by request):

S. 2388. A bill to amend the International Security and Development Cooperation Act of 1980 to extend the authority of the African Development Foundation, and for other purposes; to the Committee on Foreign Relations.

EXTENSION OF AUTHORITY OF THE AFRICAN DEVELOPMENT FOUNDATION

● Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to amend the International Security and Development Cooperation Act of 1980 to extend the authority of the African Development Foundation.

This legislation has been requested by the African Development Foundation and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the president of the Foundation to the President of the Senate dated February 24, 1984.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 511 of Title V of the International Security and Development Cooperation Act of 1980 is amended by deleting "September 30, 1985" in the first sentence and inserting in lieu thereof "September 30, 1990".

Sec. 2. A new Section 512 is added at the end of Title V to read as follows:

AUTHORIZATION OF APPROPRIATIONS

Sec. 512. There are authorized to be appropriated to the President to carry out this title, in addition to funds otherwise available for such purpose, $3,000,000 for the fiscal year 1985 and such sums as may be necessary for the fiscal year 1986. Funds appropriated under this section are authorized to remain available until expended.

African Development Foundation,
Washington, D.C., February 24, 1984.

Hon. George H. W. Bush,
Vice President of the United States and President of the Senate, U.S. Senate, Washington, D.C.

Dear Mr. President: I herewith transmit a bill to amend the International Security and Development Cooperation Act of 1980 to extend the authority of the African Development Foundation to carry out the purposes of Title V of the Act until September 30, 1990, and to authorize appropriations for the Foundation for fiscal years 1985 and 1986.

Section 1 of the bill extends the authority of the African Development Foundation to make grants, loans, and loan guarantees and otherwise to carry out the purposes of Title V of the International Security and Development Cooperation Act of 1980 for an additional five years, until September 30, 1990.

Section 2 of the bill authorizes the appropriation of $3,000,000 for the African Development Foundation for fiscal year 1985 and such sums as may be necessary for fiscal year 1986.

The Office of Management and Budget advises that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

Constance B. Hilliard, Ph. D.,
President.●

By Mr. MATHIAS:

S. 2389. A bill to end shipment of steel-jaw leghold traps; to the Committee on Environment and Public Works.

STEEL-JAW LEGHOLD TRAPS

● Mr. MATHIAS. Mr. President, I introduce a bill which would end the shipment of steel-jaw leghold traps.

The steel-jaw leghold traps is a cruel device designed to keep animals alive in order to preserve the soft pelt. The trap shackles and cripples animals, often leaving them for days to contend with predators, the elements, and starvation before the trapper returns. It is not difficult to imagine the pain that the animal must endure. The instances of a terrified animal chewing off a paw to escape are neither rare nor forgettable. Those who dismiss opponents of the trap as overwrought or emotional ignore the facts as well as the victims. This indifference encourages the use of the leghold trap and the attendant cruelties.

The trap is nonselective. There is a 75 percent change that once a trapper returns to the sprung mechanism, he will find an animal that he is not interested in—a domestic pet, a nonfurbearing animal, a hunting dog. It cannot be overlooked that victims of this device have included children. A 4-year-old child in my home State has a permanently crippled hand from having had it caught in a leghold trap.

Mr. President, prohibiting the use of this trap is not a goal confined to America's animal welfare organizations and environmental groups. Outrage and concern over the use of this barbaric instrument have been expressed worldwide. At the present time, some 48 countries around the world have banned the use of the leghold trap because of its inhumane and cruel characteristics. Despite their important fur industries, nations such as Norway, Germany, and Switzerland have banned the trap without experiencing economic hardship. I consider this to be conclusive testimony that the fur industry's future is not contingent on the steel-jaw leghold trap. In fact, most of the furs imported by U.S. merchants come from countries where the traps are banned.

The efforts to ban the leghold trap have also had widespread support in this country. Hearings were held on this issue in the 94th Congress. In 1980, Congressman Long's bill had 108 cosponsors and was the subject of over 300,000 positive letters when it was considered by the Subcommittee on Transportation and Commerce. The bill that Congressman Long reintroduced in the 97th Congress has over 75 cosponsors. In addition, I would like to draw your attention to the results of a study conducted by Yale University that was funded by the U.S. Department of the Interior. The survey revealed that 78 percent of the American people favor a ban on the steel-jaw leghold trap.

Mr. President, the United States must be on record as sensitive to the plight of animals. The ultimate irony is that the Interior Department is the Nation's largest user of leghold traps through its subsidy program to reduce predators on public lands. In light of the number of foreign countries that have banned the traps, this is an undefensible position for the U.S. Government.

Any person who has ever loved a dog, cat, or other pet cannot disregard the pain that a leghold trap inflicts. I urge every Member of this body to consider this bill and the strong public opinion behind it. This proposal has been inactive for too long. It is imperative that we ban the steel-jaw leghold trap now to insure that millions of animals are spared its vicious bite.●

By Mr. LUGAR (for himself, Mr. Sarbanes, Mr. Mattingly, Mr. Durenberger, Mr. Dole, Mr. Nunn, Mr. Bumpers, Mr. Cochran, Mr. Jepsen, and Mr. Glenn).

S.J. Res. 254. Joint resolution to designate the month of October 1984 as "National Down's Syndrome Month;" to the Committee on the Judiciary.

NATIONAL DOWN'S SYNDROME MONTH

● Mr. LUGAR. Mr. President, it is my pleasure today to introduce, along with a number of my colleagues, a joint resolution to designate the month of October 1984, as "National Down's Syndrome Month."

Down's syndrome occurs in one of every 1,000 births. It results from a genetic mishap in which there is an extra chromosome number 21—affecting physical and mental development. For years, Down's syndrome carried the stigma of being a hopeless impediment to a meaningful and productive life. In fact, early literature on children with Down's syndrome indicated that their development plateaued by age 5.

Happily, the past 15 years have brought a revolution in terms of discovering the potential for individuals with Down's syndrome. Significant medical advances have enabled treatment of many of the physical problems associated with the condition, and infant stimulation programs being taught to new parents of babies with Down's syndrome, have increased intellectual development far beyond previous expectations.

Mr. President, since enactment of Public Law 94-142, we can see the rewards of educating the developmentally disabled in our public schools, both in terms of their increased achievements and what these children will contribute to society in the future as productive citizens.

An integral part of this process has been the fostering of public awareness, the dissolution of old stereotypes and stigmas about Down's syndrome and an acceptance of these individuals into the mainstream of our society. Mr. President, I am hopeful that this resolution will contribute to that education and acceptance and I urge my colleagues to join as cosponsors of this measure.

I ask unanimous consent that the text of this joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 254

Whereas, the past decade has brought a greater and more enlightened attitude in the care and training of the developmentally disabled; and

Whereas, one such condition which has undergone considerable reevaluation is that of Down's Syndrome—a problem which, just a short time ago, was often stigmatized as a mentally retarded condition which relegated its victims to lives of passivity in institutions and back rooms; and

Whereas, through the efforts of concerned physicians, teachers and parent groups such as the National Down's Syndrome Congress, programs are being put in place to educate new parents of babies with Down's Syndrome; to develop special education classes within mainstreamed programs in schools; the provision for vocational training in preparation for competitive employment in the workforce and to prepare young adults with Down's Syndrome for independent living in the community; and

Whereas, the cost of such services designed to help individuals with Down's Syndrome more into their rightful place in our society is but a tiny fraction of the cost of institutionalization; and

Whereas, along with this improvement in educational opportunities for those with Down's Syndrome is the advancement in medical science which is adding to a more brightened outlook for individuals born with this chromosomal configuration; and

Whereas, public awareness and acceptance of the capabilities of children with Down's Syndrome can greatly facilitate their being mainstreamed in our society: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October, 1984, is designated "National Down's Syndrome Month" and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated month with appropriate programs, ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. Cranston, the name of the Senator from South Dakota (Mr. Pressler) was added as a cosponsor of S. 9, a bill to amend title 38, United States Code, to provide a 15-percent increase in the rates of educational and training assistance allowances under the GI bill and in the rates of subsistence allowances under the Veterans' Administration rehabilitation program for service-connected disabled veterans.

S. 627

At the request of Mr. Packwood, the names of the Senator from Maine (Mr. Cohen) and the Senator from New Hampshire (Mr. Humphrey) were added as cosponsors of S. 627, a bill to authorize the establishment of a national scenic area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural, and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of its objective, and for other purposes.

S. 1069

At the request of Mr. Chafee, the name of the Senator from Colorado (Mr. Hart) was added as a cosponsor of S. 1069, a bill to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases.

S. 1300

At the request of Mr. Huddleston, the name of the Senator from Alabama (Mr. Denton) was added as a cosponsor of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the rural electrification and telephone revolving fund, and for other purposes.

S. 1475

At the request of Mr. Wallop, the name of the Senator from Nevada (Mr. Laxalt) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1806

At the request of Mr. Bradley, the names of the Senator from Minnesota (Mr. Boschwitz), the Senator from Pennsylvania (Mr. Specter), the Senator from Florida (Mrs. Hawkins), the Senator from Nevada (Mr. Hecht), the Senator from Kentucky (Mr. Huddleston), the Senator from Ohio (Mr. Glenn), the Senator from Connecticut (Mr. Dodd), the Senator from Maine (Mr. Cohen), the Senator from Ohio (Mr. Metzenbaum), the Senator from Michigan (Mr. Riegle), the Senator from California (Mr. Wilson), the Senator from Delaware (Mr. Roth), the Senator from Iowa (Mr. Grassley), the Senator from South Dakota (Mr. Pressler), the Senator from Nebraska (Mr. Exon), the Senator from Hawaii (Mr. Inouye), and the Senator from New Hampshire (Mr. Humphrey) were added as cosponsors of S. 1806, a bill to recognize the organization known as the Jewish War Veterans of the United States of America, Inc.

S. 1816

At the request of Mr. Thurmond, the name of the Senator from New York (Mr. D'Amato) was added as a cosponsor of S. 1816, a bill to amend the Textile Fiber Products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products.

S. 1980

At the request of Mr. Murkowski, the name of the Senator from Minnesota (Mr. Boschwitz) was added as a cosponsor of S. 1980, a bill to recognize the organization known as the Polish Legion of American Veterans, U.S.A.

S. 1992

At the request of Mr. Chafee, the name of the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

S. 2031

At the request of Mr. Moynihan, the names of the Senator from Florida (Mrs. Hawkins), and the Senator from Hawaii (Mr. Inouye) were added as cosponsors of S. 2031, a bill relating to the residence of the American Ambassador to Israel.

S. 2099

At the request of Mr. Jepsen, the name of the Senator from New York (Mr. D'Amato) was added as a cosponsor of S. 2099, a bill to delay for 2 years the mandatory coverage of employees of religious organizations under social security.

S. 2139

At the request of Mr. Heinz, the name of the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 2139, a bill to improve the operation of the countervailing duty, antidumping duty, import relief, and other trade laws of the United States.

S. 2203

At the request of Mr. Specter, the name of the Senator from New York (Mr. D'Amato) was added as a cosponsor of S. 2203, a bill to repeal section 2392 of title 10, United States Code, relating to the prohibition on the use of Department of Defense funds to relieve economic dislocations, and for other purposes.

S. 2258

At the request of Mr. Moynihan, the name of the Senator from Nebraska (Mr. Exon) was added as a cosponsor of S. 2258, a bill to grant a Federal charter to the 369th Veterans' Association.

S. 2266

At the request of Mr. Cranston, the names of the Senator from Nevada (Mr. Hecht), the Senator from Michigan (Mr. Riegle), the Senator from New Jersey (Mr. Lautenberg), the Senator from South Dakota (Mr. Pressler), the Senator from Kentucky (Mr. Ford), the Senator from Maryland (Mr. Sarbanes), the Senator from Hawaii (Mr. Inouye), the Senator from South Carolina (Mr. Hollings), the Senator from North Dakota (Mr. Burdick), the Senator from Rhode Island (Mr. Pell), the Senator from Mississippi (Mr. Cochran), the Senator from Oklahoma (Mr. Nickles), the Senator from South Dakota (Mr. Abdnor), the Senator from Delaware (Mr. Biden), the Senator from Arkansas (Mr. Pryor), the Senator from Massachusetts (Mr. Tsongas), and the Senator from Maine (Mr. Cohen) were added as cosponsors of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2358

At the request of Mr. Proxmire, the name of the Senator from Ohio (Mr. Glenn) was added as a cosponsor of S. 2358, a bill to prohibit the United States Synthetic Fuels Corporation from making new awards of financial assistance before the comprehensive strategy (as set forth in the Energy Security Act) is approved.

S. 2363

At the request of Mr. Packwood, the names of the Senator from Rhode Island (Mr. Chafee), the Senator from California (Mr. Cranston), the Senator from Colorado (Mr. Hart), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Montana (Mr. Melcher), the Senator from New York (Mr. Moynihan), the Senator from Wisconsin (Mr. Proxmire), the Senator from Michigan (Mr. Riegle), the Senator from Alaska (Mr. Stevens), and the Senator from Massachusetts (Mr. Tsongas) were added as cosponsors of S. 2363, a bill entitled the "Sex Discrimination in Education Reform Act of 1984".

S. 2372

At the request of Mr. Tower, the name of the Senator from Michigan (Mr. Riegle) was added as a cosponsor of S. 2372, a bill to amend the Securities Exchange Act of 1934 to provide uniform margin requirements in transactions involving the acquisition of securities of certain U.S. corporations by non-United States persons where such acquisition is financed by non-United States lenders, to specify a private right of action for violations of margin requirements, and for other purposes.

S. 2374

At the request of Mr. Stafford, the names of the Senator from New York (Mr. Moynihan), and the Senator from Vermont (Mr. Leahy) were added as cosponsors of S. 2374, a bill to extend the authorization for 5 years for the low-income home energy assistance program, for the community services block grant, and for the Head Start program, and for other purposes.

S. 2378

At the request of Mr. Abdnor, the names of the Senator from Texas (Mr. Tower) and the Senator from South Dakota (Mr. Pressler) were added as cosponsors of S. 2378, a bill to provide authorizations of appropriations for the impact aid program under Public Law 874 of the 81st Congress, and for other purposes.

S. 2380

At the request of Mr. Heinz, the name of the Senator from Utah (Mr. Garn) was added as a cosponsor of S. 2380, a bill to reduce unfair practices and provide for orderly trade in certain carbon, alloy, and stainless steel mill products, to reduce unemployment, and for other purposes.

SENATE JOINT RESOLUTION 181

At the request of Mr. Bentsen, the name of the Senator from California (Mr. Cranston) was added as a cosponsor of Senate Joint Resolution 181, a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

SENATE JOINT RESOLUTION 210

At the request of Mr. Trible, the name of the Senator from Connecticut (Mr. Dodd) was added as a cosponsor of Senate Joint Resolution 210, a joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education."

SENATE JOINT RESOLUTION 221

At the request of Mr. Weicker, the name of the Senator from Maine (Mr. Cohen) was added as a cosponsor of Senate Joint Resolution 221, a joint resolution to honor the contribution of blacks in the American Revolution.

SENATE JOINT RESOLUTION 224

At the request of Mr. Boren, the names of the Senator from South Dakota (Mr. Abdnor), the Senator from North Dakota (Mr. Andrews), the Senator from Illinois (Mr. Dixon), the Senator from Utah (Mr. Hatch), the Senator from Florida (Mrs. Hawkins), the Senator from Alabama (Mr. Heflin), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Jepsen), the Senator from Kansas (Mrs. Kassebaum), the Senator from Nevada (Mr. Laxalt), the Senator from Idaho (Mr. McClure), the Senator from Montana (Mr. Melcher), the Senator from Oklahoma (Mr. Nickles), the Senator from Georgia (Mr. Nunn), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), the Senator from Michigan (Mr. Riegle), the Senator from Mississippi (Mr. Stennis), the Senator from Virginia (Mr. Trible), the Senator from Wyoming (Mr. Wallop), and the Senator from Nebraska (Mr. Zorinsky) were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the week of April 1, 1984, as "National Amateur Wrestling Week."

SENATE JOINT RESOLUTION 227

At the request of Mr. Cranston, the names of the Senator from South Dakota (Mr. Pressler) and the Senator from Michigan (Mr. Riegle) were added as cosponsors of Senate Joint Resolution 227, a joint resolution designating the week beginning November 11, 1984, as "National Women Veterans Recognition Week."

SENATE CONCURRENT RESOLUTION 75

At the request of Mr. Warner, the name of the Senator from Alabama (Mr. Denton) was added as a cosponsor of Senate Concurrent Resolution 75, a concurrent resolution favoring a National Museum of the United States Army.

SENATE RESOLUTION 329

At the request of Mr. Warner, the name of the Senator from South Dakota (Mr. Pressler) was added as a cosponsor of Senate Resolution 329, a resolution expressing the support of the Senate for the expansion of confidence building measures between the U.S. and the U.S.S.R., including the establishment of nuclear risk reduction centers, in Washington and in Moscow, with modern communications linking the centers.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding the following field hearing:

On March 17, 1984, in Denver, Colo., commencing at 9 a.m., the hearing will be held in the old supreme court chambers, on the second floor of the Colorado State Capitol Building, located at the intersection of Broadway and Colfax. The hearing will be on S. 2166, a bill to reauthorize the Indian Health Care Improvement Act. Those wishing additional information should contact Patricia Zell or Paul Alexander of the committee at (202) 224-2251.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that S. 1947, a bill to designate certain lands in the Great Smoky Mountains National Park as wilderness: To provide for settlement of all claims of Swain County, N.C., against the United States under the agreement dated July 30, 1943, and for other purposes, has been added to the agenda of the subcommittee hearing scheduled for Friday, March 16 in Bryson City, N.C.

Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserve Water to consider sections 201 and 204 of S. 1329, to extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat, and for other purposes.

The hearing will be held on Wednesday, March 21, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the President's proposed budget for fiscal year 1985 for the Department of Energy's acid rain research program has been added to the agenda of the subcommittee oversight hearing scheduled for Monday, March 12 at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

For further information regarding this hearing you may wish to contact Mr. Paul Gilman or Mr. Elliot Chakoff of the subcommittee staff at 224-4431.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, March 5, 1984, to receive testimony concerning the confirmation of Edwin Meese III to be Attorney General for the U.S. Department of Justice.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, March 5, in closed session to receive a CIA briefing on Soviet strategic force developments.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ADDITIONAL STATEMENTS

S. 2203—THE MAYBANK AMENDMENT

● **Mr. D'AMATO.** Mr. President, I rise today as a cosponsor of S. 2203, a bill introduced by my distinguished colleague, the junior Senator from Pennsylvania. This measure would repeal 10 U.S.C. 2392, commonly known as the Maybank amendment.

This amendment, adopted in 1954, exempts the Department of Defense from a Federal policy which permits Government agencies to pay a small premium on contracts awarded to firms located in labor surplus areas. This policy is intended to relieve economic dislocation.

In 1980, the Northeast-Midwest Senate Coalition, of which I am a member, led a successful effort to establish a test program under which the Defense Logistics Agency (DLA) would annually target $4 billion in nonstrategic purchases to firms located in high unemployment areas. Preliminary results show that this test program is having the desired result.

Of the 35,770 contracts eligible for award under the program, valued at $3.1 billion, 10,388 were awarded to firms in high unemployment areas during the period from February 1981, through December 1982. A price differential was paid on under 3 percent of these contracts. At an insignificant marginal cost to the Department of $1.8 million, 11,488 jobs were created in high unemployment areas.

As an unintended benefit, competition for DLA contracts increased from 40 percent to 80 percent. This, by itself, should work to hold down the cost of all procurements.

In addition to repealing the Maybank amendment, this bill provides that the Secretary of Defense shall establish a program to allow payment of a price differential of not more than 2.5 percent on contracts with an aggregate value of not less than $12 billion in each fiscal year, beginning in fiscal year 1985. This price differential will be payable to allow firms in labor surplus areas to win contracts for nonstrategic purchases. The President would be required to provide Congress with an annual report on the implementation and results of this program. I expect that this program will have the same positive effects the test program has had to date.

I cannot overemphasize the importance of this test program and of the repeal of the Maybank amendment through passage of this bill. Bureau of Labor statistics data shows 586,000 New Yorkers alone were unemployed, on a seasonally adjusted basis, in January 1984. Proper and careful implementation of the test program followed by repeal of the Maybank amendment could mean good, permanent jobs, and a bright future for many of these people, at a small marginal cost to the Department of Defense. Additionally, Federal revenues would increase as these unemployed people return to work and other Federal expenditures for unemployment benefits and welfare would decrease.

I urge you to join with me in support of S. 2203 in order to help spread the benefits of our economic recovery to all of the people of this Nation.●

S. 1816—THE TEXTILE FIBER AND WOOL PRODUCTS IDENTIFICATION IMPROVEMENT ACT

● **Mr. D'AMATO.** Mr. President, I rise today to join as a cosponsor of S. 1816, the Textile Fiber and Wool Products Identification Improvement Act. This legislation is designed to strengthen existing domestic laws relating to the country of origin labeling requirements on imported textile goods.

Currently, our laws are vague as to where the country of origin labels must be placed on an item. The Textile Fiber Products Identification Act and the Tariff Act of 1930 state that labels be attached to all products in a conspicuous manner. However, labels are often attached in the most inconspicuous places, such as the inside of a sleeve. Furthermore, there are increasing instances of foreign made items entering the United States with no label of origin, thus violating the laws.

Consumer reports show that an increasing number of Americans desire to purchase American made goods, but are faced with the problem of being unable to ascertain the country of origin. By designating that the label must be placed on the most conspicuous area on the inner side of the product, we eliminate both this confusion caused to the consumer and the violation of existing laws.●

ORDER OF BUSINESS

Mr. BAKER. Mr. President, the minority leader is not presently in the Chamber. I am going to put some routine housekeeping requests, and if he is within earshot on the public address system, or if the staff will advise him what I am doing, and if he has any objection to these requests, I will join him in a request to vitiate them. But for the sake of time let me go forward with them now.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I have consulted with the minority leader through his staff. I have been advised that he is prepared to clear for action by unanimous consent Calendar Order No. 445, the nomination of Donna F. Tuttle, of California, to be Under Secretary of Commerce. That item is also cleared on our Executive Calendar. Therefore, I ask unanimous consent that the Senate go into executive session for the purpose of considering that nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF COMMERCE

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Donna F. Tuttle, of California, to be Under Secretary of Commerce for Travel and Tourism.

Mr. PRESSLER. Mr. President, I rise today as chairman of the Senate Subcommittee on Business, Trade and Tourism to urge my distinguished colleagues to support the nomination of Donna Tuttle as Under Secretary of Commerce for Travel and Tourism. Mrs. Tuttle has been the Acting Under Secretary since December 8, 1983. I have met with her on numerous occasions and my subcommittee recently completed confirmation hearings on her nomination, during which time she was questioned extensively on a wide range of travel and tourism issues.

I have been observing with great interest her performance while actively heading the U.S. Travel and Tourism Administration. I must say that I have been extremely impressed with her management abilities, and her ability to grasp a good understanding of this very complex and important industry. But I have been even more impressed with her refreshing enthusiasm and genuine interest in promoting and encouraging further development of travel and tourism in the United States.

This industry is comprised of thousands of small businesses like those in my home State of South Dakota that depend heavily on the legitimate and necessary role of the United States in promoting their businesses in the overseas markets. These businesses are mainly comprised of small family operations that lack the sophistication and capital to compete in foreign markets.

Donna Tuttle is well suited to meet the challenge of helping these small businesses prosper in an extremely competitive marketplace.

I want to emphasize, Mr. President, that I am not making this recommendation lightly. This is an extremely important position that is of great personal interest to me. Indeed, I expressed serious concerns about this position when the vacancy first opened. But after extensive personal meetings and our recent confirmation hearing, I am certain that Mrs. Tuttle has what it takes to become an effective advocate for the interests of the thousands of tourism-related small businesses throughout America. She has often displayed the qualities of leadership, genuine enthusiasm, understanding, and hard work that are so important to every position of great public trust, and I am confident that she will continue to do so throughout her tenure as Under Secretary of Commerce for Travel and Tourism. I look forward to working closely with her in the years to come.

Mr. President, I wholeheartedly support the nomination of Mrs. Tuttle and again encourage my Senate colleagues to do the same.

Mr. DECONCINI. Mr. President, I would like to commend the nomination of Donna F. Tuttle to be Under Secretary of Commerce for Travel Tourism. Mrs. Tuttle has much to commend her for this position. She has been a leader in civic, cultural, and charitable organizations in southern California for years. Additionally, she founded and operated her own small business and so has a special understanding of those involved in the tourism industry, an industry dominated by small business.

I am familiar with Mrs. Tuttle because she is related to Jim Click one of the leaders of the Tucson business community. Jim has been active in almost every charitable or civic cause in Tucson for the last 13 years and was recognized for his accomplishments by being named Tucson Man of the Year in 1981.

Because of Mrs. Tuttle's background she will be an excellent addition to this administration and will be a credit to her family and the country. I commend this nomination and urge the Senate to confirm Mrs. Tuttle.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President I move to reconsider the vote by which the nomination was confirmed.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Iowa, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 11 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS

Mr. BAKER. Mr. President, I further ask unanimous consent that after the recognition of the two leaders under the standing order that special orders of not to exceed 15 minutes each may be awarded to three Senators as follows in the following order: BAKER, BOSCHWITZ, and PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THE PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I further ask unanimous consent that after the execution of the special orders, there be a period for the transaction of routine morning business to go no later than the hour of 12 noon with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that at 12 noon tomorrow, the Senate stand in recess until the hour of 2 p.m.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BAKER.** Mr. President, may I explain for the purposes of the RECORD as I usually do that the reason for the Tuesday recess is because Senators on both sides of the aisle usually and on one side of the aisle almost invariably have caucuses of Senators away from the floor of the Senate and those caucuses are quasi-official in nature and they contribute to the orderly management of the affairs of the Senate and are a worthwhile investment of our time, and that is the reason for the 2-hour recess on Tuesdays which the Senate has now provided for on tomorrow.

PROGRAM

Mr. **BAKER.** Mr. President, on tomorrow, the Senate will convene at 11 a.m.

After the recognition of the two leaders under the standing order, three Senators will be recognized on special orders of not to exceed 15 minutes each, to be followed by a period for the transaction of routine morning business that will extend until 12 noon.

At the hour of 12 noon the Senate will recess until the hour of 2 p.m. When the Senate reconvenes at 2 p.m. on tomorrow, the Senate will resume consideration of the unfinished business which is Senate Joint Resolution 73, at which time the reported committee amendment will be the pending question.

Mr. President, I do not anticipate a late day tomorrow. We will stay, as I indicated this morning, as long as there is a need for time for Senators to speak. There is no desire of the leadership on this side to deprive any Senator of the opportunity to make his presentation or to engage in debate on the pending business tomorrow.

But, absent indications to the contrary, it would be the expectation of the leadership that the Senate would recess tomorrow at a reasonably normal hour, meaning between 6 p.m. and 7 p.m. Once again, circumstances may alter that depending on the inclination of Senators on tomorrow to speak on the unfinished business.

RECESS UNTIL 11 A.M. TOMORROW

Mr. **BAKER.** Mr. President, I see no other Senator seeking recognition. I, therefore, move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 11 a.m. tomorrow.

The motion was agreed to; and, at 6:16 p.m., the Senate recessed until Tuesday, March 6, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 5, 1984:

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Edward Sulzberger, of New York, to be a member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1986 (reappointment).

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Donald R. Keith, 364-26-3704 (age 56), U.S. Army.

The following-named officer under the provision of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Richard H. Thompson, 120-16-1747, U.S. Army.

The following-named officer under the provision of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Benjamin F. Register, Jr., 252-44-4092, U.S. Army.

CONFIRMATION

Executive nomination confirmed by the Senate March 5, 1984:

DEPARTMENT OF COMMERCE

Donna F. Tuttle, of California, to be Under Secretary of Commerce for Travel and Tourism.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Monday, March 5, 1984*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
March 2, 1984.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, March 5, 1984.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Almighty and gracious God, we express our praise in the many blessings that You have given to us. While we are not worthy of Your favor, yet we thank You that Your grace is sufficient for us and You continue to support us with Your spirit. Help us, O God, to respond to Your love to us in actions of good will to the neediest among us, through deeds that promote justice, and words that give hope for the days before us. Make us ever mindful of Your will that we may walk in the paths of peace and live in righteousness with all people.

In Your holy name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4957. An act to apportion certain funds for construction of the National System of Interstate and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 3655) entitled "An act to raise the retirement age for judges of the Superior Court of the District of Columbia and judges of the District of Columbia Court of Appeals."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 958. An act to amend title 5, United States Code, to reform the merit pay system by providing for a performance management and recognition system for certain Federal employees, to require the establishment of performance appraisal systems for employees covered by the performance management and recognition system, and to increase flexibility in the management of senior executives; and for other purposes; and

S. 2354. An act to rename the "River of No Return Wilderness" in the State of Idaho as the "Frank Church—River of No Return Wilderness."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
March 2, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 10:00 a.m. on Friday, March 2, 1984, the following messages from the Secretary of the Senate:

(1) That the Senate passed H.J. Res. 422; and

(2) That the Senate passed H.R. 1750.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Friday, March 2, 1984:

H.J. Res. 422. Joint resolution designating the week beginning March 4, 1984, as "Women's History Week."

CONSENT CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Consent Calendar. The Clerk will call the bill on the Consent Calendar.

PROVIDING CREDIT TO THE STATE OF WASHINGTON FOR CERTAIN CONSTRUCTION COSTS ASSOCIATED WITH THE YAKIMA RIVER BASIN ENHANCEMENT PROJECT

The Clerk called the bill (H.R. 653) to amend Public Law 96-162 to provide a credit to the State of Washington for certain construction costs associated with the Yakima River Basin water enhancement project.

There being no objection, the Clerk read the bill, as follows:

H.R. 653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 96-162 (relating to the Yakima River Basin water enhancement project feasibility study) (93 Stat. 1241) is amended by adding a new section at the end thereof:

"SEC. 2. If the State of Washington, prior to an authorization (or the providing of an appropriation of funds to the Department of the Interior) to construct the Yakima River Basin water enhancement project, constructs any physical element of that project, including any reregulation dam or fish passage facility, the costs incurred by the State in construction of such elements shall be credited to the total amount of any costs to be borne by the State as contributions toward payment for cost of the project; except that, no such credit shall be given to any element constructed by the State unless the element was approved by the Commissioner of the Bureau of Reclamation prior to its construction. The Commissioner shall grant such an approval, when requested by the State of Washington, if it appears the element proposed for construction is an integral part of the project. All approved elements constructed by the State, as provided in this section, shall be included as a part of the project previously directed for feasibility determination study by the first section of this Act.".

With the following committee amendment:

Strike all after the enacting clause and insert the following in lieu thereof:

That Public Law 96-162 (relating to the Yakima River Basin water enhancement project feasibility study) (93 Stat. 1241) is amended by adding the following new sections at the end thereof:

"SEC. 2. If the State of Washington or the Yakima Indian Nation, prior to an authorization (or the providing of an appropriation of funds to the Department of the Interior) to construct the Yakima River Basin water enhancement project, constructs any physical element of that project, including any reregulation dam or fish passage facility, the costs incurred by the State or the Yakima Indian Nation in construction of such elements shall be credited to the total amount of any costs to be borne by the State or by the Yakima Indian Nation, re-

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

spectively as contributions toward payment for the cost of the project; except that, no such credit shall be given to any element constructed by the State or the Yakima Indian Nation unless the element was approved by the Secretary of the Interior prior to its construction. The Secretary may grant such an approval, when requested by the State of Washington or the Yakima Indian Nation, if it appears the element proposed for construction is an integral part of the project and will enhance the fishery resource as well as maximize the efficient use of irrigation water of the Yakima River Basin. No such approval shall be granted or continued unless the entity which will own the element proposed for construction, or any successor entity, agrees in writing that the element shall be operated in a manner consistent with treaty rights of the Yakima Indian Nation and the contract water rights of irrigation users. All approved elements constructed by the State or the Yakima Indian Nation, as provided in this section, shall be included as a part of the project previously directed for feasibility determination study by the first section of this Act.

"Sec. 3. The Secretary of the Interior is authorized to take title to the reregulating reservoir or fish passage facilities, or both, constructed by the State of Washington or the Yakima Indian Nation pursuant to Section 2 of this Act, without giving compensation therefor, and thereafter to operate and maintain such facilities. The operation and maintenance costs of any reregulating reservoir or fish passage facilities, or both, constructed under this Act shall be integrated financially with other works of the Yakima project. The Secretary of the Interior shall negotiate and enter into agreements for the payment of operation and maintenance costs allocated to irrigation pursuant to provisions of the Act of August 4, 1939 (53 Stat. 1187). Operation and maintenance costs of the reregulating reservoir or fish passage facilities, or both, allocated to fish and wildlife shall be paid for in accordance with the Act of July 9, 1965 (79 Stat. 213). Any such facility shall be operated by the Secretary in a manner consistent with treaty rights of the Yakima Indian Nation and the contract water rights of irrigation users.

"Sec. 4. Nothing in this Act shall be construed to require reimbursement of costs incurred by the State of Washington or the Yakima Indian Nation for construction of project features or to provide a credit on projects other than those specified in Section 2, nor to commit the United States to project authorization, construction, or any future financial participation.

"Sec. 5. Nothing in this Act is intended to affect or in any way alter the treaty secured rights of the Yakima Indian Nation.".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to amend Public Law 96-162 to provide a credit to the State of Washington or the Yakima Indian Nation for certain construction costs associated with the Yakima River Basin water enhancement project."

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Consent Calendar.

PRESIDENT AGAIN JUMBLES HIS FACTS ON DEFENSE SPENDING

(Mr. WIRTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WIRTH. Mr. Speaker, in his recent press conference the President once again jumbled his facts in his latest attempt to rewrite history.

During his conference, the President took the Democratic Party to task for emasculating the Nation's defense in the years immediately preceding his election. "In the last few years before we came here," the President said, "there was a 21-percent reduction in defense spending." Because of that alleged decline, the President would now have the American people believe that his 82-percent increases in defense since 1981 are reasonable in order to bring our Nation back from the very dangerous state this administration supposedly inherited in 1980.

The President's implication that the last Democratic administration hobbled the Nation's defense is simply false. Defense spending actually increased by 65 percent from fiscal years 1977 through 1981.

When asked to substantiate the President's claims about defense spending declines, the White House staff was hard pressed to come up with any factual basis for the President's attack. When the justification did come, the President's staff maintained that defense spending had declined in real terms by 21 percent between the years 1970 and 1980. I would like to thank the White House for that clarification and would simply point out to the President and his staff that during the period of dangerous decline in defense in the 1970's, the White House was held by the President's own party.

Mr. Speaker, with all due respect to fast food chains everywhere, I guess we should rightfully ask the President one question—"Where's the Beef?"

VOLUNTARY SCHOOL PRAYER

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, it has become increasingly apparent over the last couple of days that the issue of voluntary school prayer is an issue very much on the minds of the American people and something that they would like to see this Congress act upon.

It is obvious that there will be some action in this Congress but that this House stands in the way of potential clearance of a constitutional amendment that would permit voluntary school prayer.

We are attempting through a number of means to try to bring this issue more to the attention of the House. There will be a long session today to try to talk about these issues. There is a discharge petition that has been filed on this issue.

But in order to get it moving, I would like to ask unanimous consent at this point to bring the school prayer amendment to the floor. However, the Chair has ruled that in order to make this particular request I have to have the clearance of both the minority and the majority leadership. The minority leadership has fully cleared this request, and I would now yield to a spokesman for the majority leadership to clear a request of this type.

Once again today, as in many days in the past, there is no response to that request. That makes it clear to the American people where the problem lies in bringing this issue to the floor. It lies with the majority leadership of the Congress.

BALANCED BUDGET AMENDMENT

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, it was my intention to ask unanimous consent this morning to bring a bill to the floor of the House that would require a balanced budget amendment. The reason I would like to have done that is that for the last year I have participated in budget hearings day after day where I had hoped that there was going to be something meaningful that would come forward to balance both the spending and the taxing of this country. That is not going to occur unless we force it to happen.

I am not allowed, however, to bring a unanimous-consent request to the House until I have received approval from both the majority and the minority leadership. I have the approval from the minority leadership, and I would now yield to a representative of the majority to give me the opportunity to bring a unanimous-consent request to the floor.

Hearing no approval, I guess it should be clear to the American people who is standing in the way of bringing a balanced budget amendment to the floor of the House: The liberal Democratic leadership.

LINE-ITEM VETO

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, I have the privilege of being the Congressman who represents George Deukmejian, the Governor of the State of California. He was recently the cover story of an article in Forbes magazine because he has taken a Democratic Party devastated State government from about a $700 million deficit, which is large in terms of a State, to a position of an actual surplus this year.

□ 1210

He did it with a number of things but, perhaps most importantly, he was able to apply his will by means of a line-item veto. He basically line-item vetoed about 7 percent of the entire budget, and managed to balance it.

So, Mr. Speaker, at this time I would hope that we would be able to do the same thing on the Federal level, and I would hope to offer a unanimous-consent request calling for consideration of that subject, a line-item constitutional amendment.

As has been said many times, the Chair has ruled that in order to make this request, I must have the clearance of the majority and minority leadership. I can assure the Chair that we have received the unanimous consent of the minority leadership, and I would hope to yield at this time to a representative of the majority side so that we might get that clearance now and so that we might be able to bring it before the Representatives of the American people in the House of Representatives.

Mr. Speaker, the absence of sound reminds me of the old refrain that, "Speech is silver, but silence is golden." It ought to be very, very clear to the American people who they are that are standing in the way of their efforts to try to get this budget balanced.

LET US NOT HAVE OPPRESSIVE FEDERAL GOVERNMENT INTERFERENCE IN SCHOOL PRAYER

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, last week we had here in Washington, D.C., many sports stars; football, basketball players, and professional football coaches. They came to town to promote prayer by our young people, a worthwhile endeavor, but unfortunately, while they were here they misrepresented the issue to the American people, I think probably because they do not fully understand it themselves.

In thousands of schools, in many thousands of classrooms this morning across America, a moment of silence was observed in which young people in school were allowed to pray if they so choose. There is nothing unconstitutional about that; it is perfectly constitutional.

What these sports stars, and what people who want to amend the Constitution of the United States want to do is this: They want to require this Constitution, which has always prohibited the Government of the United States from telling schoolchildren where and when they must pray and precisely what prayer they must say, to now allow such governmental interference in that intensely personal exercise. That is what the proponents of this prayer amendment want to do. They would bring the heavy, oppressive hand of the Federal Government down to tell children that they must pray, now is the time you must pray, and here is the prayer you must say.

I think that the American people, when they fully understand this issue, are going to be overwhelmingly opposed to that type of oppressive Federal Government interference in that private moment of our religious life.

PRESIDENTIAL MEDAL OF FREEDOM FOR DAVID

(Mr. LELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LELAND. Mr. Speaker, today I am introducing a resolution requesting the President to award the Presidential Medal of Freedom to David Phillip Vetter, of Spring, Tex., to be presented to his family in his memory. David was known to most of you as "the bubble boy."

David was born in 1971 with severe combined immune deficiency, also known as SCID. This disease leaves its victims unable to fight any disease; even the most innocuous germ will kill.

David, the oldest survivor of SCID, spent most of his life at the world-renowned Baylor College of Medicine-Texas Children's Hospital in Houston, Tex. His life was spent in special sterile bubbles, with sterilized air, food and toys.

On February 7, David left his sterile chamber, knowing full well that he could never return to it because he would bring back any contaminating germs with him. On that day, for the first and only time, David was able to experience his mother's kiss, the touch of his family; he asked for, then drank a Coke, the only one he ever had.

David did not allow his medical condition to hinder his spirit, his interest in learning, or his will to survive. His continued bravery and tenacity in the face of such overwhelming adversity contributed to one of the most outstanding medical achievements of our time. In life, and death, David is a medical pioneer whose contribution to medical immunology and immunology of cancer and other diseases is immeasurable.

Mr. Speaker, David died on February 23. I would like to quote from an article written by Mr. William McPherson of the Washington Post, shortly after his death:

> Neither greatness nor nobility is a quality we ordinarily associate with a 12-year-old boy, but his choice (in leaving the plastic bubble) involved both. In crawling out of his cell into a world fraught with tremendous dangers and almost certain quick death, David chose the world—the world with its filth and glory—over a long, slow death alone in his antiseptic, solitary cell. He chose to be a man, and the boy who could not himself be touched, profoundly touched us all.

The Presidential Medal of Freedom is the highest civilian honor of this Nation. David fully deserves the acclaim of the American people and this honor. I ask my colleagues to rise in wholehearted support of this resolution.

LET US RESOLVE THE SCHOOL PRAYER ISSUE NOW

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, the gentleman from Montana (Mr. WILLIAMS), could not have been more misadvised when he said just a few minutes ago that the American people or some of them do not understand the prayer issue. One thing that American people do understand, whether they are for prayer or they are against prayer, is that this House is the peoples' House, and issues are supposed to be brought up to be debated and voted on when they are issues that are important to the American people.

I think that even those who do not support prayer believe that it at least should be aired in this House, and we have asked day after day for the majority leadership to give us permission to even bring the issue up, and we have not yet been given that permission.

The gentleman also stated that there is a group of people that want to impose a certain select prayer on the children of America. Again, he could not have been more misinformed. In fact, the wording of the amendment that would be promoted and supported by the President of the United States includes, and this is straight from the White House, any words of the prayers must come from the students, not from the Government.

I think that is a criteria of practically every amendment. I do not think any Member of this House or the other body has proposed a school prayer, or proposed that we have a certain, select school prayer that is to be forced on the children of the United States.

Let us bring this issue up, Mr. Speaker, let us vote on it, let us have a full debate, and let us resolve the school prayer issue.

THE MAJORITY LEADERSHIP DOES NOT OBSTRUCT CONSIDERATION OF THE SCHOOL PRAYER AMENDMENT

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, from day to day, Members of the other side have sought recognition in the 1-minute rule to ask, at that moment, if a Member of the leadership, then and there, would assent to the consideration of a constitutional amendment on the House floor.

Well, of course, we are not going to assent to the consideration of a constitutional amendment during the 1-minute rule any morning. That just is not to be expected. A constitutional amendment is far too important a matter for such cavalier treatment. No Member of either side of the aisle really expects that the majority leader or any responsible leader of the House would bring a constitutional amendment, something so permanent and pervasive a part of our whole body of law, before the House on such a moment's notice without due process and without previous notification of the entire membership.

Let me just say to my colleagues, there is no disposition on the part of the leadership on this side of the aisle to obstruct or prevent consideration of a constitutional amendment relating to school prayer. The last time such an amendment occurred on the House floor for a vote was 1971—on November 9, 1971. It was not a party line question. The matter of prayer, of all things, must never be a partisan matter. I happen to be 1 of 102 Democrats who voted for the amendment that was offered that day. I spoke for it; Mr. Wylie, the gentleman from Ohio, and I spoke for that amendment.

It is not a question of Democrats or Republicans. Surely we have not reached the point where we accuse one another because we happen to belong to different political parties and not being in favor of prayer.

Someone has wisely observed that in the beginning God created man in His own image and ever since that time, foolish men have been trying to create God in their image.

□ 1220

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. Not at this moment. I want to say just one thing more.

God is neither a Republican nor a Democrat. I am inclined to believe that the Almighty transcends the pettiness of our partisan differences and that it is wholly inappropriate for either party to attempt to portray the other as being opposed to prayer.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. Yes; I yield to my friend.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, the question that I would have is, we are attempting to follow the procedures outlined by the Chair. The Chair is the one who has given us the vehicle by which we are supposed to try to bring unanimous consents with regard to legislation to the floor. The Chair rules that we had to get the permission of the minority leadership, which we went and did.

We have been requesting the majority leadership to give us permission, just as the Chair has ruled, and if the gentleman would understand that all we are attempting to do is try to get this issue to the floor. It has been jammed up in the Committee on the Judiciary and we have not been able to get it to the floor beyond the fact that what we are attempting to do is bring a bill out here under a 10-hour debate, full amendment procedure. We are attempting to call a rule up that would allow that kind of consideration.

The gentleman surely realizes that we in the minority have very limited access to the schedule. If the gentleman would give us some assurance that it would be put onto the schedule in the very near future, then I would assure the gentleman that we could end those unanimous-consent requests.

COMMENTS ON ARGUMENT FOR CONSTITUTIONAL AMENDMENT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. I yield to the majority leader, the gentleman from Texas.

Mr. WRIGHT. Let me just respond to my friend, the gentleman from Pennsylvania. I respect the earnestness of his position.

I am not in a position to assure him of the precise wording of any amendment that would come before the floor. We have a regular committee system, as the gentleman is aware. It would be the hope of the leadership that this or any other constitutional amendment would first be presented to and carefully considered by the Committee on the Judiciary—consisting of some of the best legal minds of the House—before being presented to the membership.

As was the case in 1971, Members of the House became impatient with the Committee on the Judiciary, and perhaps with justification feared that the committee was not prepared to report any measure to the House, in spite of the fact that a majority of the Members manifested a desire to vote on it. A majority signed a discharge petition.

A majority can bring a constitutional amendment to the floor by signing a discharge petition. That is our regular procedure in the House. That right is open to all Members. The leadership does not seek in any way to deprive Members of any of those rights available to them under the rules, but let me just say this:

I would advise my distinguished friend and his colleagues that it was not availing on that occasion, although as I mentioned earlier, as one individual I happened to vote for that particular amendment. It did not prevail because while one-half of the Members are all that was necessary to bring it to the floor for consideration through a discharge petition, it requires, as the gentleman knows, two-thirds of the membership to pass a constitutional amendment on to the States for ratification. While on that day, November 9, 1971, a majority did vote for that amendment, it lacked some 28 votes of achieving the two-thirds necessary.

While that is one device, it may not always be an availing device. I suggest to the gentleman that the rules of the House are always available to him. Those rules exist both to protect the minorities against the intolerance of the majorities, and also to protect the majority against the tyranny of any minority. They are the finest-honed rules in the world, and I would recommend to the gentlemen that if they are earnest about pursuing their project, they do it under the regular procedures available to them in the rules of the House.

NOT 1 CENT FOR EL SALVADOR

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, I yield to the gentleman from New Mexico (Mr. Richardson).

Mr. RICHARDSON. I thank the gentleman for yielding.

Mr. Speaker, death reports from Central America continue, the latest being a spate of articles in the press this weekend about alleged involvement of Mr. Roberto D'Aubisson, a candidate for the presidency in El Salvador, the former Defense Minister, Guillermo Garcia, and the present Defense Minister, Mr. Vitas Casanova, of deep involvement of these high officials in death squad activities in El Salvador.

Mr. Speaker, the issue of Central American policy continues to be debated in the House. The administration continues to have a policy of $8 billion of military and economic assistance at a time when the land reform programs in Central America and El Salvador have fallen apart. There are no negotiations for a peace among the parties, and lastly, these activities of intent, death squad activities by these officials.

Mr. Speaker, I hope that this House does not yield 1 cent to the countries in Central America, especially El Salvador, until this issue is cleared up.

WHITE HOUSE SHOULD SET THE RECORD STRAIGHT

(Mr. MITCHELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL. Mr. Speaker, there was an article that appeared in the Denver press which indicated that Mr. Coors, the head of the Coors Brewing Co., in speaking to a group of minority businessmen in Denver, said that the reason that blacks were not succeeding was that they were intellectually inferior. He then later said that the press had misunderstood his remarks, and he did not want that to appear.

There is another outfit known, Mr. LaRouche, who is a Presidential candidate. I do not know what the name of his Nazi party is. When he had a candidate running against me some several years ago, they called my home by telephone with all kinds of vituperation and actually threatened my life, and I had to call the FBI. They invaded my property, smeared material all over the front of my rowhouse in Baltimore. That was Mr. LaRouche.

Now, what is disturbing to me is the fact that, according to a TV coverage last night, Mr. LaRouche is frequently consulted by some members of the White House, and that just does not make sense. I am awfully disturbed about that.

In addition to that, Mr. Coors has indicated that he is an ardent supporter of the President, and that may well be, but I just think that somebody ought to set the record straight so that the administration does not get tarnished with the brush of that kind of racism that was manifested in the statement of Mr. Coors and the kind of racism that Mr. LaRouche constantly perpetrates, and yet he is still consulted by the White House.

In all fairness to the administration, I do not think that they want that kind of identification and I just think that they ought to do something to repudiate publicly both of these men.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Speaker, if I can just mention about Mr. LaRouche, as I understand it, he is a candidate for President on the Democratic side. I mean, we do not want to make this partisan. He is someone who has caused problems for all sides.

Mr. MITCHELL. The only reason I was disturbed by it, if the gentleman will permit me to reclaim my time, is that an administration spokesperson last night on TV said that he is regularly consulted with to find out what is going on.

SIGN THE DISCHARGE PETITION ON SCHOOL PRAYER AMENDMENT

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I yield to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. If I might just comment on the majority leader's comments a comment ago, I am a member of that august body that the gentleman referred to, the Committee on the Judiciary, that he so flatteringly referred to as having some of the best legal minds in the House there. I must say that it has a deserved reputation as the graveyard of any and all constitutional amendments.

This is my sixth year in the Congress. We have never been able to vote on the constitutional amendment dealing with school prayer. We have rarely been able to vote on any constitutional amendment whatsoever. It is awfully easy to suggest that we should go through the proceedings when one knows that that committee is stacked against any meaningful consideration of that amendment or any other amendment.

I would hope that since the majority leader is a member of the Democratic leadership, he would acknowledge that the Democratic leadership brought up the ERA under a rather stifled rule in which there would only be 40 minutes of debate. Discharge Petition No. 8 calls for a rule which would allow hours of debate and major amendments to be considered for the constitutional amendment for school prayer.

I would hope that the gentleman, the majority leadership, would then follow through on his convictions as expressed here and sign that discharge petition so that we might get it here on the floor.

□ 1230

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. This is the day for the consideration of bills under suspension of the rules. The Chair desires to make an announcement.

Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, March 6, 1984.

CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2645) to amend the act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia, as amended.

The Clerk read as follows:

H.R. 2645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101 of the Act of August 15, 1978, entitled "An act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes" (Public Law 95-344; 16 U.S.C. 460ii) is amended by adding the following at the end thereof: "For purposes of facilitating Federal technical and other support to State and local governments to assist State and local efforts to protect the scenic, recreational, and natural values of a 2,000 foot wide corridor adjacent to each bank of the Chattahoochee River and its impoundments in the 48-mile segment referred to above, such corridor is hereby declared to be an area of national concern.".

(b) Section 101 of such Act is amended—

(1) by striking out "numbered CHAT-20,000, and dated July 1976" and substituting "numbered CHAT-20,003, and dated February 1984"; and

(2) by striking out "six thousand three hundred acres" and substituting "approximately 7,328 acres".

(c) Section 102 of such Act is amended by adding the following at the end thereof:

"(f)(1) The Secretary shall identify for exchange those lands (hereinafter referred to as 'exchange lands') owned by the United States which—

"(A) were within the boundaries of the recreation area (as depicted on the map entitled 'Chattahoochee River National Recreation Area', number CHAT-20,000, and dated July 1976) before the date of the enactment of this subsection; and

"(B) are not within such boundaries as depicted on the map referred to in section 101 (entitled 'Chattahoochee River National Recreation Area', numbered CHAT-20,003, and dated February 1984).

Where possible the Secretary shall exchange such exchange lands for non-Federal lands which are within the boundaries of the recreation area as depicted on the map referred to in section 101 (entitled 'Chattahoochee River National Recreation Area', numbered CHAT-20,003, and dated February 1984). The values of lands exchanged under this subsection shall be equal, or shall be equalized, in the same manner as provided in section 206 of the Federal Land Policy and Management Act of 1976.

"(2) At three year intervals after the date of the enactment of this subsection, the Secretary shall publish in the Federal Register a progress report on the land exchanges which have taken place and the exchanges which are likely to take place under the authority of this subsection. Such report shall identify the lands which are unsuitable for exchange pursuant to such authority.

"(3) Effective on the date ten years after the date of the enactment of this subsection, the exchange authority of paragraph (1) shall terminate. The exchange lands identified under paragraph (1) which have not been exchanged prior to such date shall be retained in Federal ownership and included within the recreation area.

"(4) The Secretary shall publish a revision of the boundary map referred to in section 101 to include within the boundaries of the recreation area the exchange lands which are retained in Federal ownership under paragraph (3). Upon publication of such revised map, such areas shall be included within the recreation area and shall be administered as provided in section 103.".

(d) Section 104 of such Act is amended by adding the following at the end thereof:

"(d)(1) Notwithstanding any other authority of law, any department, agency, or instrumentality of the United States or of the State of Georgia, or any other entity which may construct any water supply project or other project (including any dam, water conduit, reservoir, powerhouse, road, or transmission line) which adversely affects the lands within the recreation area shall mitigate such adverse effects by acquisition of replacement lands of equivalent acreage. Such replacement lands shall be acquired only after consultation with the Secretary and with the Governor of Georgia.

"(2) In acquiring replacement lands under paragraph (1), first priority shall be given to acquisition of lands within the 2,000 foot wide corridor referred to in section 101. Any such lands acquired under this subsection shall be included in the recreation area and transferred to the Secretary for management under this Act.

"(3) If lands within the 2,000 foot wide corridor referred to in section 101 are not available for acquisition, other lands within the State of Georgia may be acquired as replacement lands under paragraph (1) if such lands are transferred to the State of Georgia for permanent management for public outdoor recreation.".

(e)(1) Section 105(a) of such Act is amended by striking out "$72,900,000" and substituting "$84,600,000" and by adding the following at the end thereof "For purposes of section 7(a)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)(3)), the statutory ceiling on appropriations under this subsection shall be deemed to be a statutory ceiling contained in a provision of law enacted prior to the convening of the Ninety-sixth Congress.".

(2) Section 105(c) of such Act is amended by striking out "three years" and substituting "seven years".

(3) Section 105 of such Act is further amended by adding the following new subsection at the end thereof:

"(d)(1) Whenever any Federal department, agency, or instrumentality proposes to undertake any action, or provide Federal assistance for any action, or issue any license or permit for an action within the corridor referred to in section 101 which may have a direct and adverse effect, the head of such department, agency, or instrumentality shall—

"(A) promptly notify the Secretary of the action at the time it is planning the action, preparing an environmental assessment regarding the action, or preparing an environmental impact statement under the National Environmental Policy Act of 1969 for the action;

"(B) provide the Secretary a reasonable opportunity to comment and make recommendations regarding the effect of the Federal action on the natural and cultural resources of the recreation area; and

"(C) notify the Secretary of the specific decisions made in respect to the comments and recommendations of the Secretary.

The requirements of this subsection shall be carried out in accordance with procedures established by the Federal agency responsible for undertaking or approving the Federal action. These procedures may utilize the procedures developed by such Agency pursuant to the National Environmental Policy Act.

"(2) Following receipt of notification pursuant to paragraph (1)(A), the Secretary, after consultation with the Governor of Georgia, shall make such comments and recommendations as the Secretary deems appropriate pursuant to paragraph (1)(B) as promptly as practicable in accordance with the notifying agency's procedures established pursuant to paragraph (1)(A). In any instance in which the Secretary does not provide comments and recommendations under paragraph (1)(B), the Secretary shall notify in writing, the appropriate committees of Congress.

"(3) Following receipt of the notifying agency's decisions pursuant to paragraph (1)(C), the Secretary shall submit to the appropriate committees of Congress, including the authorizing committees with primary jurisdiction for the program under which the proposed action is being taken, a copy of the notifying agency's specific decisions made pursuant to paragraph (1)(C), along with a copy of the comments and recommendations made pursuant to paragraph (1)(B).

"(4) In any instance in which the Secretary has not been notified of a Federal agency's proposed action within the corridor, and on his or her own determination finds that such action may have a significant adverse effect on the natural or cultural resources of the recreation area, the Secretary shall notify the head of such Federal agency in writing. Upon such notification by the Secretary, such agency shall promptly comply with the provisions of subparagraphs (A), (B), and (C) of paragraph (1) of this subsection.

"(5) Each agency or instrumentality of the United States conducting Federal action upon federally owned lands or waters which are administered by the Secretary and which are located within the authorized boundary of the recreation area shall not commence such action until such time as the Secretary has concurred in such action.

"(6) The following Federal actions which constitute a major and necessary component of an emergency action shall be exempt from the provisions of this subsection—

"(A) those necessary for safeguarding of life and property;

"(B) those necessary to respond to a declared state of disaster;

"(C) those necessary to respond to an imminent threat to national security; and

"(D) those that the Secretary has determined to be not inconsistent with the general management plan for the recreation area.

Actions which are part of a project recommended in the study entitled 'Metropolitan Atlanta Water Resources Management Study, Georgia: Report of Chief of Engineers', dated June 1, 1982, and any Federal action which pertains to the control of air space, which is regulated under the Clean Air Act, or which is required for maintenance or rehabilitation of existing structures or facilities shall also be exempt from the provisions of this subsection.".

(f) Title I of such Act is amended by adding the following at the end thereof:

"SEC. 106. (a) There is hereby established the Chattahoochee River National Recreation Area Advisory Commission (hereafter in this Act referred to as the 'Advisory Commission') to advise the Secretary regarding the management and operation of the area, protection of resources with the recreation area, and the priority of lands to be acquired within the recreation area. The Advisory Commission shall be composed of the following thirteen voting members appointed by the Secretary.

"(1) four members appointed from among individuals recommended by local governments—

"(A) one of whom shall be recommended by the Board of County Commissioners of Forsyth County;

"(B) one of whom shall be recommended by the Board of County Commissioners of Fulton County;

"(C) one of whom shall be recommended by the Board of County Commissioners of Cobb County; and

"(D) one of whom shall be recommended by the Board of County Commissioners of Gwinett County;

"(2) one member appointed from among individuals recommended by the Governor of Georgia;

"(3) one member appointed from among individuals recommended by the Atlanta Regional Commission;

"(4) four members appointed from among individuals recommended by a coalition of citizens public interest groups, recreational users, and environmental organizations concerned with the protection and preservation of the Chattahoochee River;

"(5) one member appointed from among individuals recommended by the Georgia Chamber of Commerce or by a local chamber of commerce in the vicinity of the recreation area; and

"(6) two members who represent the general public, at least one of whom shall be a resident of one of the counties referred to in paragraph (1).

In addition, the Park Superintendent for the recreation area shall serve as a nonvoting member of the Advisory Commission. The Advisory Commission shall designate one of its members as Chairman.

"(b)(1) Except as provided in paragraph (2), members of the Advisory Commission shall serve for terms of three years. Any voting member of the Advisory Commission may be reappointed for one additional three-year term.

"(2) The members first appointed under paragraph (1) shall serve for a term of one year. The members first appointed under paragraphs (2), (3), (5), and (6) shall serve for a term of two years.

"(c) The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the park. Commission meetings shall be held at locations and in such a manner as to insure adequate public involvement.

"(d) Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

"(e) Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) the Advisory Commission shall terminate on the date ten years after the date of the enactment of this subsection.".

Sec. 2. Any provision of any amendment made by this Act which, directly or indirectly, authorizes the enactment of new budget authority described in section 402(a) of the Congressional Budget Act of 1974 shall be effective only for fiscal years beginning after September 30, 1984.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. Seiberling) will be recognized for 20 minutes and the gentleman from California (Mr. Lagomarsino) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. Seiberling).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Chattahoochee River National Recreation Area was established August 15, 1978 by Public Law 95-344. In that act, Congress found the natural, scenic, recreation, historic, and other values in a 48-mile stretch of the Chattahoochee River to be of national significance. That stretch of river extends from Lake Lanier on the north to Atlanta on the south.

The Secretary of Interior was authorized by that act to acquire up to 6,300 acres within the area. Expenditure of up to $72,900,000 through the land and water conservation fund was authorized for property acquisition. To date, approximately 3,600 acres have been acquired at a cost of about $67 million and comprising 14 high-priority units scattered along the 48-mile stretch of river.

H.R. 2645, as reported by the committee, would amend the act establishing the Chattahoochee River National Recreation Area by: First, establishing a 2,000-foot-wide corridor adjacent to each bank along the entire 48-mile stretch of river, for the purpose of facilitating Federal technical support and Secretarial review of Federal activities to aid in the protection of the values of the river; second, changing the boundary of the recreation area, adding some lands, deleting others, and providing for expedited land exchange procedures within that boundary; third, increasing the authorized expenditure ceiling from $72.9 million to $84.6 million; fourth, creating an advisory commission to provide for citizen participation in park administration; and fifth, providing a scheme for replacement of lands that might be lost to possible water supply projects.

Mr. Speaker, I wish to compliment our colleague from Georgia, Elliott Levitas, who has done an outstanding job in bringing together the many diverse interests around the Chattahoochee River National Recreation Area to gain full support for this amendment and fine tune the legislative framework for this beautiful national recreation area.

Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. Levitas).

Mr. LEVITAS. Mr. Speaker, first of all, I want to express my personal appreciation to the chairman of the subcommittee, the gentleman from Ohio (Mr. Seiberling), not only for bringing this bill to the floor today but for his involvement and his concern from the very beginning. I know for a fact that the chairman of the subcommittee knows this river. He has been on it in a canoe, he has seen this unique area, he has talked to the people who have lived on the banks of this great resource, and it is with that background of experience and personal acquaintance that he comes before us today.

The chairman of the full committee, the gentleman from Arizona (Mr. Udall), has been of tremendous help and has given his support in bringing about the realization of this effort, and to him I also express my personal appreciation.

Finally, I would pay tribute to someone who is not with us today but who played a key role many years ago in the early days of consideration of the Chattahoochee River National Park, our late colleague, Congressman Phillip Burton, for the work that he did in the early days in seeing the Chattahoochee River National Park come to fruition.

Mr. Speaker, one of the distinguishing characteristics the people of this country is that we have dreams and we believe that these dreams can be realized. We have confidence in the future and want to pass on a better world to those who come after us. So it is in the case of the Chattahoochee River National Recreation Area.

Well over a decade ago a large number of concerned citizens became interested in preserving and maintaining this unique natural resource for future generations. Citizens who realized that they could make a difference if they came together did indeed come together with a dream. First in the State legislature of Georgia, and then in the Congress of the United States, they saw that dream come to realization.

In 1978, Congress passed and the President signed legislation creating the Chattahoochee River National Recreation Area. That legislation recognized the fact that the final implementation, including the definition of the boundaries of this great national treasure could not be spelled out in one piece of legislation and, accordingly, directed the development of such a plan. It was envisioned that there would be efforts to flesh out, define, or fine tune the borders of this park, and to spell out in final detail what was necessary to complete this great undertaking and make this dream a true reality.

The cumulation of such efforts is this legislation, Mr. Speaker, and what is before us today. This bill is bipartisan. Every single Member, Republican and Democrat, of the Georgia delegation is a sponsor of this legislation. In the other body, both of the Senators from the State of Georgia, Democrat and Republican, are cosponsors of identical legislation pending there.

The Chattahoochee River National Recreation Area is unique in many particulars. It is of great beauty, it has rare environmental significance and historic significance, and it is within a public transit bus ride of one of the largest metropolitan areas of America, and at the same time it is still preserved as almost a wilderness environment for people today and for generations to come to fully enjoy.

I would like to briefly detail some of the efforts leading to the realization of our dream. Although the original law directed the Interior Department to provide us with a general management plan for the park, they have failed to do so. In the absence of such a GMP, many concerned individuals, citizens groups, and advisory groups have worked with the Park Service to make such a determination. The superintendent of the park organized a public advisory group in 1980 which was composed of homeowners, developers, public officials, environmentalists, and Park Service representatives. This group has met frequently and regularly since that time to study the Chattahoochee corridor. In addition, the Park Service has held several hearings to which the public was invited, and held workshops in conjunction with the Atlanta Regional Commission. A coalition of concerned groups was framed, the Chattahoochee River coalition, specifically to study the area, and make suggestions to further define the park.

In addition to this local involvement, the State of Georgia has played an active role in the protection of the Chattahoochee corridor. The State has already donated over 685 acres to the National Park Service. When I served in the Georgia House of Representatives, I was the principal sponsor of the Metropolitan River Protection Act which was enacted in 1972. This State law recognized the unique role of the Chattahoochee River to the citizens of Georgia, and designates the Chattahoochee corridor as a unique area, setting up standards for controlling development along the river. That legislation was the first multijurisdictional land-use law in our State. That landmark State legislation would never have occurred without the tireless efforts by concerned citizens over a number of years, especially those people who formed a group known as Friends of the River, who had a dream and saw it realized. Last year, in an effort to strengthen this law and prevent crippling development, amendments were passed that allow the State to become involved and exercise police powers when necessary if the development standards are ignored, as well as increasing counties' police powers.

When I came to Congress I had the privilege of once again being able to sponsor legislation for the Chattahoochee River and this time it was the bill that created the national recreation area in 1978. Once again, this legislation came about as a result of dedicated efforts of citizens, many of whom were the same ones who had the original dream and brought about the passage of the State law. Once again, the importance of a local and State role was retained. The local governments have tried to protect this corridor. The Atlanta Regional Commission (ARC), the planning body for the local governments, was instrumental in drafting and working for passage of MRPA and the ensuing amendments. With this input, into MRPA, the localities have increased their ability to control development along this area. In addition, the ARC has completed a Metropolitan Atlanta water resource study, and a study of the recreational needs of the area, to better determine the needs of this urban region.

In 1982, the State of Georgia entered into a concurrent jurisdiction agreement with the National Park Service, allowing the Park Service to utilize their personnel to enforce the law on the river itself. These State and local actions and agreements show the interest of the State of Georgia to preserve the resources along the corridor, and work with both Federal and local citizens to achieve the best national park that is possible.

As a result of all this public input and careful study of the Chattahoochee corridor, the entire Georgia delegation has introduced this bill which will go forward with the thrust of the original legislation, and flush out the dimensions of the park in order to make it the great national park envisioned by Congress when it was created. We have, with all these public meetings and hearings, come up with what we believe most appropriately resolves the question about the boundaries of the national park. We are proposing deleting some parcels of land which were included in the park's original boundaries; those that are not as crucial to the overall plan of the area. By the same token, other key tracts of land will be added to the boundaries, both for additional resource protection, and for recreational opportunities. These boundary changes would bring the total acreage cap of the park from 6,300 acres to 7,328 acres.

I also point out that the funds that are used to acquire parkland in the Chattahoochee corridor do not come from general tax dollars, but rather from the land and water conservation fund. That fund is derived from proceeds from leases on the Outer Continental Shelf, and from exploitation of minerals and resources in our public lands. So these funds are returned through the land and water fund, to the benefit of the American people through the acquisition of parkland and other land for public use.

Specifically, our bill would do the following:

Change the boundaries of the park, adding some new land, and deleting other land. It would also authorize the exchange of land already included in the park for some of the land newly authorized.

Increase the acreage ceiling from its present cap of 6,300 acres to a cap of 7,328 acres.

Increase the presently authorized ceiling of $72.9 million to an overall cap of $84.6 million. This is the same percentage increase as was made in the land authorization.

Create an advisory commission to provide a forum for State and local participation in the park.

Would not prevent any water resource project which is deemed necessary for water supply and which is specifically authorized by an act of Congress. If such a water supply project is built, would require replacement lands, first in the corridor, or elsewhere in the State, for those lost in such construction.

Specify an area of national concern as a corridor of 2,000 feet on each side of the river around the park land to facilitate Federal help to State and local efforts to protect the park.

Allow the Secretary to control Federal actions that would have an adverse affect on land owned by the NPS, expect in the case of a water development project recommended in a referenced study, and allows the Secretary to comment on actions affecting land not owned by the NPS.

By making this persent commitment, we are looking to our future and making wise choices. Preservation of our natural resources is a necessity, and one which this subcommittee and Congress recognized when it created the Chattahoochee Park.

At the time the park was established, Congress showed its interest in this unique urban area, and its intent to preserve this area for future generations. The Chattahoochee River, called the River of Flowered Stones by the Creek Indians, is still a largely unspoiled area which is immediately available to more than 2 million people in the Metropolitan Atlanta area, and to millions more all over the Southeast and the Nation. Last year alone, over 1 million people used the park which consists of 14 parcels of land along a 48-mile corridor on the Chattahoochee River. These 14 parcels of land are like pearls on a necklace, strung together by the river. Congress realized that it was crucial that we preserve these pearls of land before further development causes increasing damaging pollution and destruction of the natural beauty and wilderness, and therefore gave the area the Federal recognition and protection it needed as an important national resource.

This park provides a beautiful resource in an urban area, and enables visitors to get away for fishing, hiking, rafting, canoeing, camping, cycling, or any number of other outdoor activities which serve to renew the spirit. While the Chattahoochee fulfills important recreational needs, it also serves as an area for environmental study, for nature use, and for the preservation of water quality for the Metropolitan Atlanta area. This wounderful park, so close to a major urban area, is truly a unique resource that deserves protection and preservation. This urban park is a shining example to the rest of the country, and needs to be saved from development and commercialization. Former Secretary of the Interior, Cecil D. Andrus, said at the time of the park's inception:

> This river possesses high recreational value, and we believe that it ought to be preserved. We endorse the statement in the bill that the values of this segment of the Chattahoochee River are of "national significance." We believe that this area has high intensive worth which combined with its association with an urban center makes its preservation and protection highly desirable.

This plan is a good one, and I am glad to be joined by all of my Georgia colleagues in presenting to you this legislation that further carries out the intent of the original law. Many other individuals and organizations, including the Chattahoochee River Coalition, the Georgia Conservancy, the

Sierra Club, the League of Women Voters, and the Audubon Society have endorsed this plan for the park. These 14 separate park areas tied together by the river like a string of pearls will be further polished by these changes, and shined to perfection as Congress intended. I urge my colleagues to join with me and the other Members and Senators from Georgia to show your concern for our precious resources before it is too late.

The State and local people have shown their concern about this unique area and have worked toward preserving it. You will hear my fellow Georgians speak today attesting to their support of this park. I would like to request that their statements be inserted in the Record during this debate from the Georgia Members who could not be present today, but wished to show their concern about protecting this area.

What we do today, Mr. Speaker, is save for millions of Americans all over this country the opportunity to appreciate, to enjoy, and to have for centuries to come this priceless treasure.

Mr. Speaker, the Chattahoochee River National Park consists of 14 park areas joined together by the river itself like pearls on a string. This string of pearls, this jewelry for America, by our action today we will preserve for years to come for our children and our children's children, and this Nation once again will have seen a dream and its realization.

Mr. BARNARD. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to the gentleman from Georgia.

Mr. BARNARD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 2645, which would protect and preserve a truly unique part of our environmental heritage. The Chattahoochee River National Recreation Area was established in 1978 by Public Law 95-344. That act defined the general boundaries of the park but required further study before the final boundaries would be established. Since 1978, concerned citizens and advisory groups have worked with the Park Service to make this final determination.

The bill before us today is a result of that effort. It fulfills the intent of the original act and has the complete and enthusiastic support of the entire Georgia delegation.

The Chattahoochee bill provides for the acquisition of key tracts of land while deleting other areas less crucial to the purposes of the park. The total acreage cap would be increased from 6,300 acres to 7,328 acres and the funding level raised accordingly from $72.9 to $84.6 million.

It should be noted that funding for this project does not come from general revenues and therefore will not burden the taxpayers of this land nor add to the deficit. In fact, the financing comes out of the land and water conservation fund, which is financed by the proceeds from Outer Continental Shelf leases.

Like many urban parks, the Chattahoochee is threatened by the rapid encroachment of residential and commercial development. The State and local governments are strongly committed to preserving the Chattahoochee corridor but have limited authority to protect this area. H.R. 2645 is therefore essential to efforts to preserve and protect the river corridor.

This remarkable resource provides a unique natural experience close to a highly populated urban area and is widely used by thousands of visitors each year. Besides providing for countless recreational opportunities, it is a source of clean drinking water and contains valuable historic and archeological sites.

It is important that we preserve, for the enjoyment of future generations, the environmental integrity of this valuable resource. H.R. 2645 will fulfill this goal. It is based on sound long-term natural resource considerations and is widely endorsed. I urge my colleagues in the House to support this worthwhile effort.

☐ 1240

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the legislation. The administration does have some concerns about it. I hope those can be addressed when the bill moves over to the other body.

Mr. Speaker, during deliberations on this legislation in the Interior Committee, Republican Members expressed their concern over the increased authorization and consistency provisions of the bill.

Our concerns are twofold:

First, the bill calls for an increase of 1,000 acres in the size of the park as well as an increase of $12 million in authorized expenditures. Given the high cost per acre of acquisition in this area, there are serious questions raised by the increased acquisition authority called for in H.R. 2645. For these reasons, the Park Service has recommended limiting Federal authority to the 3,600 acres already acquired and continuing to work with State and local governments in a cooperative effort to preserve the recreation values of the area. This proposal would reduce the overall cost to the Federal Government and deserves a more serious look by the Congress.

Aside from cost concerns, the bill did raise several concerns over consistency provisions which, initially, would have extended Interior Department authority outside park boundaries. As amended in committee, the consistency sections strike a more reasonable balance which allows the Secretary of the Interior Department to comment on Federal actions inside the proposed corridor without having a direct veto authority beyond park boundaries.

Mr. Speaker, I yield back the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. Darden).

Mr. DARDEN. Mr. Speaker, because I was not a Member of this body last April when my distinguished colleague from Georgia introduced H.R. 2645, I did not have the privilege of being one of its original cosponsors. Upon taking the oath of office, however, I immediately added my name as a cosponsor, and I am pleased to have the opportunity today to speak on behalf of this legislation. I also want to commend my close friend and colleague from Georgia (Mr. Levitas), for his persistent and unwavering commitment to this legislation and to the preservation of the natural resources of this country.

As a State legislator, he was instrumental in passage of the first State legislation to preserve and protect the rivers and other valuable natural resources of Georgia.

He has brought that same commitment to this body and today again demonstrates that dedication and reverence for our national parks and rivers.

This bill contains a comprehensive plan to fulfill the original intent of the law which Congress passed in 1978. At that time, it was anticipated that further legislation would be necessary to finalize the boundaries of the park. This bill is that legislation.

It is important to note that tax revenues will not be spent to acquire these new lands. Although the expenditure ceiling is being raised, the funds to be used come from the land and water conservation fund. This fund is made up of the proceeds from Outer Continental Shelf leases and related sources.

It is also important to note that this legislation does not put the Federal Government in a position which usurps the authority of the State and local governments. Rather, the bill provides a framework for input by setting up an advisory commission, consisting of 12 voting members. In this way, all concerned parties have a forum for input as important decisions about the park are made.

This bill is endorsed, not only by the entire Georgia delegation, including the two Senators who introduced the same bill in the other body, but also by the State government, all of the local governments involved, and a variety of public interest and environmental groups. But I have not yet mentioned the most important reason that this legislation merits your support.

That reason is the uniqueness, the beauty, and the legacy of the Chattahoochee itself.

Fourteen of the forty-eight miles which make up the Chattahoochee National Park are actually in my district, and the part of my district which the park runs through is easily the most urban area. The Chattahoochee serves as a boundary between Cobb and Fulton Counties, two of the counties which comprise the Metropolitan Atlanta area. This is the uniqueness of the Chattahoochee National Recreation Area. I can think of no other major city in America today which offers its citizens the opportunity to fish, canoe, raft, swim, and picnic in such close proximity. Because of accessibility, the Chattahoochee—although it has long been a boundary for Cobb and Fulton Counties and although it is, at present, the boundary between my district and other congressional districts—has not really served as a dividing line at all. To the contrary, it has served as an area which brings together the people from throughout the Atlanta area and the entire State, as they seek recreation and relaxation in the great outdoors.

My wife, children, and several close friends as recently as last August, spent a wonderful, sunny afternoon, rafting down the Chattahoochee observing and enjoying this magnificient river.

Still, the beauty of the Chattahoochee is not a recent event, but something which has been passed down from generation to generation. It is a river which has a legacy all its own. Some 70 prehistoric and historic sites were recorded there by the Southeastern Archeological Center in 1979. But the legacy does not stop there; it runs much deeper.

One of Georgia's greatest poets was Sidney Lanier. It is for him that the lake from which the Chattahoochee flows is named. Lanier lived during the time of the War Between the States, and even then he was impressed with the scenic beauty of the Chattahoochee. In fact, Lanier was so taken by the river's presence that he felt as if the river almost spoke to him. He set the words of the river to verse in his beautiful poem "song of the Chattahoochee."

The SPEAKER pro tempore (Mr. Barnard). The time of the gentleman from Georgia (Mr. Darden) has expired.

Mr. SEIBERLING. Mr. Speaker, I yield 1 additional minute to the gentleman from Georgia (Mr. Darden).

Mr. DARDEN. Sidney Lanier felt that there was something to be learned from the river, something which should be passed along from generation to generation. Lanier must have felt about the Chattahoochee much the same way Mark Twain felt about the Mississippi when Twain wrote:

> The face of the water, in time, became a wonderful book—a book . . . which told its mind to me without reserve, delivering its most cherished secrets as clearly as if it uttered them by voice. And it was not a book to be read once and thrown aside, for it had a new story to tell every day.

Today, we are presented with the opportunity to preserve and enhance the Chattahoochee River and the story which it has to tell. I hope that you will not cast this book aside, but will help us in preserving it for generations to come. Again, I urge your support of this bill, and I yield back the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. Ray).

Mr. RAY. Mr. Speaker, let me say it is indeed a privilege to follow my distinguished freshman colleague, the gentleman from Georgia (Mr. Darden), in his maiden address before the House and to have listened to him perform in such an eloquent manner.

Mr. Speaker, I rise in strong support of H.R. 2645, which is designed to expand and to improve the Chattahoochee River National Recreation Area. This legislation will flesh out the dimensions of the park and, thereby, carry out the intent of the original act creating this national recreation area. The added acreage will go a long way to protect the beauty of the Chattahoochee River and the precious resources in and around it.

While the Chattahoochee National Recreation Area is not located in my district, it is important to my constituents as well as it is to all people in Georgia and throughout the Southeast. That is why I am a cosponsor of this legislation. The Atlanta metropolitan area is growing rapidly, and development along the Chattahoochee River is expanding at a steady pace. It is, therefore, essential that we act to protect the beautiful natural resources which are otherewise imperiled by such progress. We ought to move ahead with acquiring this park land while it is still available.

Several reasons exist which make protection of the Chattahoochee River a very serious matter. First, the river is a superb recreational resource whose accessibility must be maintained. Because it is located between two major interstate highways, the Chattahoochee River National Recreation Area can be enjoyed not only by Georgians but also by many people in the Southeastern United States.

Second, the Chattahoochee River is an important location for environmental study.

Third, the river is a primary source of water for the Atlanta area.

H.R. 2645 is a good bill, because it is a compromise which recognizes the current budgetary restraints and which nevertheless provides for an adequate plan for maintaining resource protection and scenic integrity. It is important to note that funds used to acquire park land do not come from general tax dollars. Instead, the funds are derived from the fees charged to those who use the minerals and resources on our public lands. Further, the bill is the result of input from a wide range of groups, and it provides for the continued involvement of local citizens.

I commend the dean of the Georgia delegation for taking a leadership role in moving this legislation through the House, and I encourage my colleagues to support and to vote in favor of H.R. 2645.

□ 1250

Mr. SEIBERLING. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. Thomas).

Mr. THOMAS of Georgia. Mr. Speaker, it is an honor to rise in support of H.R. 2645, a bill to further enhance the public benefits of the Chattahoochee River National Recreation Area.

I am proud to be a cosponsor of this legislation introduced by my distinguished Georgia colleagues Elliott Levitas, Wyche Fowler, and Newt Gingrich, and I urge the House to vote for it.

Mr. Speaker, my own district is hundreds of miles from the Chattahoochee River, and yet this bill is a matter of keen interet to me. The Chattahoochee is a national resource—a river of natural beauty that flows through one of our largest urban areas. The enactment of this bill will be a statement in all of the United States that we have the will and the ability to preserve the majesty of a great American river in the heart of a great American city.

The legislation is a masterwork of careful study and precise drafting. It accommodates a variety of important concerns. It reflects a practical effort to insure that costs are kept to the minimum and public benefits are kept to the maximum.

I commend the Chattahoochee River Coalition for its tireless work in galvanizing the unified, nonpartisan support that exists for this legislation in the Atlanta area, and I commend my Georgia colleagues for their skill in making enactment of the bill a practical possibility.

The beautiful Georgia coast which I represent in the Congress is separated from the Chattahoochee by many miles, but it is joined by the common thread of wonder which we all share for a natural, free-flowing river. I urge the House to vote for H.R. 2645 and thereby show its commitment to a project in which we can all take great pride.

● **Mr. GINGRICH.** Mr. Speaker, I would like to take this opportunity again to state my wholehearted support for the Chattahoochee River National Recreation Area legislation that is before the House.

This legislation, H.R. 2645, would increase the number of acres that could be bought in the recreation area from 6,300 acres to 7,328 acres. In addition, the bill also raises the ceiling on funding from $72.9 to $84.6 million.

As a former teacher of environmental studies at West Georgia College, I know the importance of national parks and wildlife areas. The Chattahoochee River, called the River of Flowered Stones by the Creek Indians, is still, for the most part, an unspoiled area. Not only is there an abundance of wildlife and beautiful scenery along the Chattahoochee River, but the area is readily available to more than 2 million people in Metropolitan Atlanta and to millions more in the Southeast and the Nation.

This park allows visitors to get away to fish, hike, raft, canoe, camp, or any other number of outdoor activities which serve to renew the human spirit. I have spent many peaceful and enjoyable times along the banks of the Chattahoochee River.

I want to commend my colleagues, Congressman Elliott Levitas, for providing leadership to this legislation.

This park, so close to a major city, deserves protection and preservation. I urge my colleagues to show your concern for our precious resources before it is too late. I urge you to support H.R. 2645—before this treasure is lost forever.●

● **Mr. FOWLER.** Mr. Speaker, I am delighted to rise in support—with all my colleagues from Georgia—of legislation to expand the Chattahoochee River National Recreation Area.

This river, in its 48-mile stretch, provides all of the drinking water for Metropolitan Atlanta—for one-third of the citizens of the State. The river is also a unique recreational resource in the midst of a bustling urban area.

The legislation creating the Chattahoochee River NRA in 1978 provided for the purchase of property along the river, a "string of pearls" designed to protect this significant national resource. As you know, our string of pearls has not been completed, and we need to take further action in the Congress to insure that areas critical to the park are acquired—to provide crucial geographic unity to the string of pearls concept and to guarantee that the integrity of the park is not jeopardized.

The legislation before you today, H.R. 2645, is the vehicle by which we can achieve the preservation of this unique urban river. H.R. 2645 would permit the deletion of areas which have been determined to be less critical to the park, the exchange of certain segments for more desirable ones, and the purchase of additional acres for a total recreation area of 7,328 acres. The cost of acquiring the additional acres is estimated to be more than the remaining authorization could purchase—due to delays in buying up the designated areas—so the legislation would also increase the funding authorization by roughly the same percentage as the increase in the acreage authorization.

The Chattahoochee River National Recreation Area enjoys the overwhelming support of the people of the Atlanta area particularly the more than 1 million people who used the park last year. Groups of citizens, including the Georgia Conservancy, the League of Women Voters, and Friends of the River, have banded together to work with the members of the Georgia delegation in developing this proposal for improving a recreational area that they believe is of great importance to the people of our State—and to those across the Nation who visit the park each year. In fact, one could say that this legislation is testimony to the hard work and determination of the people of Atlanta. It is through their dream that the Chattahoochee River Park became reality, and it is through their continued efforts that this area will be protected for many generations of Americans to enjoy.●

● **Mr. HATCHER.** Mr. Speaker, I would like to take this opportunity to join with my colleagues from Georgia and with other distinguished Members of this House in support of H.R. 2465.

Although the congressional district I am honored to represent lies in south Georgia, my constitutents and I feel a close kinship with north Georgians who love, respect, and enjoy the upper reaches of the Chattahoochee River. That river forms the western boundary of Georgia and of the Second Congressional District and, at its confluence with the Flint, forms the Appalachicola River at the extreme southwestern corner of Georgia and of the Second District.

In addition to the many apparent advantages for the completion of the Chattahooche River National Recreation Area, one sticks in my mind as paramount—the careful protection of the rare beauty found by our ancestors in the wilds of north Georgia. We can use the recreational opportunities of the river and be the better for it. If this bill is approved, though, generations of our descendents will have for themselves and for their children a visible reminder of the good and natural beauty which has been a part of the world of the past and will have the certain knowledge that that beauty can and should be a part of their lives. To have the opportunity to bring about that precious gift is a rare and wonderful thing.

In closing, let me express my gratitude to the Members of this House who have worked so diligently to bring this bill before us. In particular, I would commend Mr. Levitas, Mr. Fowler, and Mr. Darden for their personal efforts and leadership.●

● **Mr. ROWLAND.** Mr. Speaker, I appreciate the opportunity to express my support of H.R. 2645.

The Congress created the Chattahoochee River National Recreation Area on the outskirts of Atlanta, Ga., in 1978. This legislation generally defined the boundaries of the park, but with the realization that further study would be necessary before the finalization of its boundaries. At the present time, the national recreation area consists of 14 parcels of land along a 48-mile corridor of the Chattahoochee River.

A public advisory group, consisting of representatives of all the interested parties, was organized by the park superintendent in 1980. This group, along with the Chattahoochee River Coalition and other concerned citizens, have worked closely together via workshops, public hearings, and meetings to further improve the part. In addition, the State of Georgia has taken an active role in the protection of the Chattahoochee corridor by enacting legislation that created guidelines for development in the areas and entering into a "concurrent jurisdiction agreement" with the National Park Service to aid in the enforcement of these laws.

This indicates the wide range of support and the commitment shown by citizens and State and local officials to preserve and enrich this park. Their input has helped to come up with a plan that would allow this area to reach its potential as a unique urban park, accessible to not only the millions of residents of the Atlanta area, but also visitors from all over the Southeastern university States.

Specifically, the bill would do the following: Establish a 2,000-foot wide corridor along each bank of the 48-mile stretch of the river as an area of national concern in order to protect the river.

Authorize the exchange of land already purchased, but outside of the 2,000-foot corridor, for lands that are within the corridor designated in the bill.

Increase the acreage ceiling from 6,300 to 7,328 acres.

Increase the land purchase authorization from $72.9 to $84.6 million.

Create an advisory commission to provide a forum for local participation in the park.

Would not prevent any water supply projects, but would require that lands lost to construction be replaced.

This is a good plan that carries out the intent of the original act as it was envisioned by Congress, and I am pleased to join with the entire Georgia delegation in cosponsoring H.R. 2645. This plan will allow for the Chattahoochee National Recreation Area to flourish as a haven for those who wish to enjoy camping, fishing, hiking, canoeing, or just to relish the beauty of this region of Georgia.

We must act to protect this precious resource before it is too late to stem the advancing tide of development, and forever lost this opportunity to finish the type of park that shows we care for the preservation of such a fragile natural beauty so close to major urban area.●

Mr. SEIBERLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill, H.R. 2645, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ESTABLISHING A BOUNDARY FOR THE BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3825) to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) The Congress finds that—

(1) the Black Canyon of the Gunnison National Monument (hereafter in this Act referred to as the "Monument") is an integral and widely recognized part of the national park system, and possesses outstanding recreational opportunities and natural characteristics of high value which, if properly managed, contribute as an enduring resource for the benefit of the American people;

(2) the preservation of these valuable resources is significantly threatened by increased development activity and the subdivision of adjacent private lands;

(3) the Monument does not have a boundary established by legislation; and

(4) it is in the best interest of the United States to establish the boundary of the Monument so as to encompass the lands described as being within the Monument and those private lands posing the most immediate threat to the visual quality of the area.

(b) The purpose of this Act is to establish a boundary for the Monument in order to promote, perpetuate, and preserve the character of the land and to preserve scenic and historic resources.

SEC. 2. (a) The boundary of the Monument shall be as generally depicted on the map entitled "Boundary Map, Black Canyon of the Gunnison National Monument", dated February 1984, and numbered 144-80,010-B, which shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior and in the office of the Park Superintendent, Black Canyon of the Gunnison National Monument.

(b) Not later than six months after the date of enactment of this Act, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall file a legal description of the revised boundary with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that corrections of clerical and typographical errors in such legal description (and in the map referred to in subsection (a)) may be made. Such legal descriptions shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior.

SEC. 3. (a) The Secretary is authorized and directed to acquire lands or interests therein within the boundary of the Monument by donation, exchange in accordance with this Act or other provisions of law, or purchase with donated or appropriated funds. The Secretary shall acquire less than fee interests in such lands in all cases where such interest will adequately protect the visual quality, natural, or cultural resources of the Monument: Provided, That the Secretary shall not acquire lands in fee interest unless the owner of such land concurs with such action.

(b) All lands under the administrative jurisdiction of the Secretary within the boundary of the Monument as of the date of enactment of this Act, shall be transferred to the administrative jurisdiction of the National Park Service to be administered as a part of the Monument.

(c) Upon request by a landowner, and if determined by the Secretary that such action would not be detrimental to the visual resources of the Monument, the Secretary shall permit as a condition of the acquisition of any less than fee interest in land under this Act—

(1) livestock grazing to continue at the levels and locations customarily exercised by the owner of such land prior to August 1, 1983, and

(2) commonly accepted operation and maintenance practices supporting livestock grazing to continue to be allowed, including the maintenance of domestic, livestock and agricultural water conveyance systems, and the construction and maintenance of required fencing and stock ponds.

(d) Subject to valid existing rights, federally owned lands and interests therein within the Monument are withdrawn from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, from operation of the Geothermal Steam Act of 1970, and from disposition under the public land laws.

SEC. 4. The Secretary shall administer the Monument in accordance with the provisions of this Act and the provisions of law generally applicable to units of the National Park Service including the Acts of August 25, 1916 (39 Stat. 535), and August 21, 1935 (49 Stat. 666).

SEC. 5. Effective October 1, 1984, there is hereby authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes and the gentleman from California (Mr. LAGOMARSINO) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3825 would establish a legislative boundary for the Black Canyon of the Gunnison National Monument. This legislative boundary would increase the size of the monument by about 7,000 acres from about 13,762 acres as established by administrative proclamation to about 24,465 acres. Most of these lands are currently in ranching and grazing use and the owners desire to maintain that traditional use and also have agreed that these lands should be part of the monument.

The Black Canyon of the Gunnison National Monument, in the State of Colorado, was established by proclamation of the President on March 2, 1933. The 12-mile stretch of the canyon singled out for preservation is recognized as one of the world's premier wild canyons because of its depth, narrowness, and sheerness. The Gunnison River, over time, has eroded this area, leaving the walls of the canyon typified by deep fissures, numerous clefts, rock promontories, and sheer cliffs. Although the monument contains a multitude of scientific, educational, cultural, historical, and other benefits, the center of attraction to the area is, without a doubt, the viewshed.

The proclamation boundary included about 13,760 acres. No legislative boundary has been established in the intervening years. In recent years, there has been a growing trend of development occurring near the monument, particularly along the north rim. Local people became concerned about the encroachment that was occurring near the monument boundary and felt that the subdivisions and development would have a degrading effect on the resource.

My very good friend and colleague on the Interior Committee, RAY KOGOVSEK, has worked very hard with the local landowners to obtain their support for this bill. I must compliment him for achieving this very difficult objective and I am very pleased to bring to the floor a bill that has been so well worked out with the local people.

Mr. Speaker, I urge passage of H.R. 3825.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation makes a lot of sense. I endorse it, support it, and ask my colleagues to do the same.

I yield back the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I yield myself 1 minute.

I would only add that as many of my colleagues know, our colleague from Colorado, RAY KOGOVSEK, after a distinguished career in the House, has decided not to run for reelection. We will accordingly no longer have the benefit of his advice and help here after the end of this Congress.

RAY KOGOSVSEK came on the Committee on Interior and Insular Affairs when he first became a Member of the House. He has been a valuable member. He is a person who has been willing to fight for sound environmental legislation, even though there were powerful forces at times arrayed against him.

He helped with the enactment, indeed took the lead on the enactment of the Colorado Wilderness legislation, which was the first major RARE II wilderness bill to pass the House and to become law.

So I think he leaves with a tremendous record of accomplishment as Congressman, and I can only add that we are all going to miss him very much. We wish him Godspeed when he embarks on his new career, and we hope someday when his children are grown that he will decide that his family can spare his time once more to run again for the Congress. I certainly want to encourage him to do that.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill, H.R. 3825, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONVEYING CERTAIN LANDS TO SHOW LOW, ARIZ.

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 597) to convey certain lands to Show Low, Ariz., as amended.

The Clerk read as follows:

S. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That the Secretary of Agriculture is authorized and directed to survey and convey, by quitclaim deed and without consideration, to the city of Show Low, Arizona, all right, title, and interest of the United States to the lands generally depicted on a map entitled "Land Conveyance, City of Show Low, Arizona", and dated February 1984, which shall be on file and available in the office of the Chief of the Forest Service, Department of Agriculture, and more particularly described as a tract of land, together with improvements thereon, known as the Show Low City Park estimated to include approximately 52.46 acres.

SEC. 2. Title of any real property acquired by the city of Show Low pursuant to this Act shall revert to the United States if the city attempts to convey or otherwise transfer ownership of any portion of such property to any other party or attempts to encumber such title, or if the city permits the use of any portion of such property for any purpose incompatible with the purposes specified in section 3 of this Act.

SEC. 3. Real property conveyed to the city of Show Low pursuant to this Act shall be used only for public open space, park and recreational purposes.

SEC. 4. The mountain located at 63 degrees 04 minutes 15 seconds north latitude by 151 degrees 00 minutes 20 seconds west longitude shall retain the name Mount McKinley in perpetuity.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes and the gentleman from California (Mr. LAGOMARSINO) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 597 is a bill to convey certain lands to Show Low, Ariz.

The bill passed the Senate on April 13, 1983, after the Committee on Energy and Natural Resources was discharged from further consideration of it. As passed, it would have required the Secretary of Agriculture, on behalf of the United States, to transfer to the city of Show Low, Ariz., by quitclaim deed all right, title, and interest of the United States in about 585.33 acres of land which are now part of the national forest system.

Our subcommittee held a hearing on the bill on September 15, 1983. At that time, the administration opposed the bill, but indicated that the Forest Service was willing to enter discussions with the city of Show Low to see if an exchange could be arranged whereby the city would obtain at least part of the lands covered by the Senate-passed bill. Now discussions between the city and the Forest Service have taken place, and an exchange has been arranged for the larger of the two parcels involved.

As to the other parcel, that land is currently being used by the city for public park and recreational purposes, under a special-use permit from the Forest Service. At the hearing, there was discussion of the possible transfer of that land alone to the city, on condition that it continue to be used only for such purposes. The administration evidently does not have objections to such a transfer, but does take the position that it should be done through a sale for fair market value.

However, I think that it is important to note that if the land was controlled by the BLM, rather than the Forest Service, it possibly could be put into the hands of the city by a grant under the Recreation and Public Purposes Act without such payment; and that seemed to us to be an appropriate way to proceed.

Accordingly, the committee adopted an amendment in the nature of a substitute. The gist of the amendment is to restrict the scope of the bill so that it applies only to the 52.46-acre park tract, and to condition the transfer so as to assure that the land will continue to be used for public open space, park and recreational purposes.

The remaining provisions of the bill are discussed in more detail in our committee's report. I urge its approval.

□ 1300

I want to commend the gentleman from Arizona (Mr. RUDD) for his assiduous pursuit of this legislation and the exchange that took place with respect to the other land for his city.

He contacted me frequently to make sure that this bill was moving as well as could be, and the fact that we have got it to this point I think is a credit to him.

I now yield such time as he may consume to the distinguished chairman of our committee, the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. I thank our distinguished subcommittee chairman for yielding to me and for his strong, good, effective work in working out a decision. In the West, one of the major public land problems we have is that many growing cities are surrounded in large part by Federal land and Show Low, Ariz., is a good example.

You can find the same in Flagstaff, Ariz.; cities in New Mexico, Utah, many of the other Western States. Rather than go the road of the so-called sagebrush rebellion which would turn over great chunks of Federal land to the States for their own purposes, we have tried to write the law so that in meritorious cases where a city is landlocked and needs additional land, it could be obtained.

This compromise, suggested by the gentleman from Ohio and worked out with him, is a good compromise. I want to thank him for it and congratulate the gentleman from Arizona (Mr. RUDD) in whose district the city lies for the effective work he has done in bringing it to the floor and getting us where we are today. I urge my colleagues to support this legislation. It is well deserved and meritorious.

Mr. SEIBERLING. Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

The chairman of the subcommittee has explained it very well. Mr. Speaker, I rise in support of S. 597, a bill to convey a small 52-acre park site to the city of Show Low, Ariz.

The Subcommittee on Public Lands and National Parks held a hearing on the Senate-passed bill on February 9. It became apparent at the hearing that a better solution could be worked out if the Forest Service and the city officials would simply sit down and work things out. This process did occur and the results have been very positive.

Originally, the bill provided for a transfer of two parcels of land, an airport, and park site. As a result of the negotiations recommended by our committee, the city has now agreed to exchange a parcel of land and pay approximately $80,000 in cash for the airport property. The remaining park site will still be transferred without compensation to the city for continued use as a city park.

As the chairman has explained, this case is similar to ones in which we have transferred public land for local park purposes at a discounted or zero cost. The only difference in this case is that the land is under the jurisdiction of the U.S. Forest Service.

I commend the chairman for his bipartisan approach to this bill and urge my colleagues to support it.

Mr. Speaker, I now yield such time as he may consume to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Speaker, I thank my colleague, the ranking member of the subcommittee the gentleman from California (Mr. LAGOMARSINO), for yielding time to me.

Mr. Speaker, the distinguished chairman of this committee, Mr. SEIBERLING of Ohio, has succinctly explained the difficulties involved and the great effort that was made on behalf of his committee, through his leadership, the leadership, and the support of the very distinguished chairman of the full committee, my colleague and fellow Arizonan, Mr. UDALL, and ranking member, Mr. LAGOMARSINO in attempting to see that justice was done and it is evident that we had to go to great extremes in order to accomplish simple justice and fairness involved in land procedures for the city of Show Low, Ariz.

Mr. Speaker, the city of Show Low, Ariz., is a small but thriving community in the storybook White Mountains of northeastern Arizona. Like several communities in my district, Show Low is hemmed in by Forest Service land on all sides, and acquisition of new property for needed private and public development is a difficult and time-consuming task.

Its citizens, under the persuasive leadership of Mayor Ellis Qualls, have worked long and hard to acquire the land which they will obtain under S. 597, and I applaud the diligent efforts which have brought this bill to the floor of the House today.

S. 597 will convey to the city of Show Low 52 acres of land within the city limits. Although it has been in Forest Service hands, it has for many years been used solely as a city park. It is, therefore, fitting that the parcel should be conveyed to the city to be used under its jurisdiction for recreational activities in Show Low.

This bill passed the other body in January 1983 and it is incumbent upon the House to take expedient action today. On behalf of the good citizens of Show Low, who have worked so assiduously in this effort, I urge passage of S. 597.

I yield back the balance of my time.

It is also very appropriate, I think that the name Mount McKinley for the tallest mountain in the West, will continue from this moment forward with that name as a part of the bill.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the Senate bill, S. 597, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title was amended so as to read: "An act to confer certain lands to Show Low, Arizona, and for other purposes."

A motion to reconsider was laid on the table.

□ 1310

GRAIN ELEVATOR BANKRUPTCIES

The SPEAKER pro tempore (Mr. BARNARD). Under a previous order of the House, the gentleman from Missouri (Mr. EMERSON) is recognized for 60 minutes.

GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. EMERSON. Mr. Speaker, in 1980, in my home district in Missouri, one of the most highly publicized grain elevator bankruptcies in the Nation occurred. I refer to the James Bros. Ristine Elevator, in New Madrid County, Mo. That is one sad chapter in a long and sad story.

I am talking about a matter of the gravest importance, not just for my district, but all of rural America. Ultimately I am talking about whether farmers can feel confident when they place their grain for storage in warehouses and about the reliability of the entire system of grain warehouses.

I think a brief background of the grain warehousing business would be informative.

The transaction between a farmer and the warehouseman is ordinarily a bailment. The farmer delivers his grain to the warehouse under a contract of bailment, and the warehouse gives the farmer-depositor a receipt as evidence of the farmer's ownership of the grain.

Under this contract, the warehouseman, the bailee, agrees to redeliver the bailed property to the farmer, the bailor, on demand and in the same condition as it was originally received. Of course, since the grain is a perishable, commingled mass, what the farmer actually has is the right to receive grain of the same quality and quantity as he delivered.

In return for fees paid by the farmer, it is the warehouseman's duty to protect the grain and provide whatever treatment is necessary to avoid deterioration so that the grain is redelivered on demand in the same condition in which it was delivered.

Grain is, of course, the product of a farmer's labor which he can sell for immediate cash or use as collateral. The purpose of the contract of bailment in lieu of an outright sale of the grain is to allow the farmer to defer selling his grain and so to make marketing decisions. By placing his grain in storage the farmer retains ownership of the grain and therefore retains the right to determine when the grain is sold.

Storing the grain under a contract of bailment also allows the farmer to borrow against the grain. The contract of bailment does not preclude the farmer from using his receipt as collateral; in fact, this is common practice. Borrowing against the grain allows the farmer to realize immediate cash and also to retain ownership for investment purposes and for later sale.

At this point an important distinction must be observed. The simple bailment situation is to be contrasted with the "delayed pricing" contract. In the bailment, as I have said, title to the grain does not pass to the warehouseman. This is to be contrasted with the situation in the delayed pricing contract, where there is an actual sale in which title passes from the farmer to the warehouseman. So the distinction is that under the bailment, title of the grain remains with the farmer.

The James Bros. were licensed by the State of Missouri to operate warehouses at five separate locations in southeast Missouri. Those warehouses issued several hundred receipts to farmers who had deposited grain. A substantial portion of the grain stored in the Missouri warehouses had previously been put up by the farmers for loans from the Commodity Credit Corporation.

On August 8, 1980, the James Bros. voluntarily surrendered possession and control of the grain located in their Missouri warehouses to the Department of Agriculture in Missouri. The Department immediately conducted an audit which showed that, except for insignificant discrepancies at two warehouses, enough grain was on hand at each warehouse to meet the obligations under the outstanding receipts.

Three days later, the James Bros. filed bankruptcy petitions in the U.S. Bankruptcy Court for the Eastern District of Arkansas. Venue was proper since the James Bros. also had six grain warehouses in Arkansas that were included in the bankruptcy.

The next day, the Missouri Department of Agriculture filed separate receivership actions in the respective Missouri circuit courts where the five grain warehouses were located, and each circuit court appointed the director of the department as the receiver. The receiver immediately took possession of the warehouses.

The trustee's plan immediately became apparent. The trustee sought and obtained an order from the bankruptcy court authorizing him to force the farmers to deliver and sell to the trustee as yet undelivered grain which had been under contract to the warehouses. This order also authorized the trustee to resell the grain so purchased.

Thus, the trustee and the bankruptcy court intended to compel specific performance of these purchase and sell contracts while, at the same time, they refused to honor valid receipts for stored grain.

Mr. Speaker, the bankruptcy statutes which allowed this situation to occur are the same statutes we are operating under today. There has been, in the course of the past several years, some jurisdictional conflict here in the Congress, particularly in the House of Representatives, between the Agriculture Committee and the Judiciary Committee. The object, of course, is an agricultural one, but the subject is bankruptcy and hence it is under the jurisdiction of the Judiciary Committee.

During the first session of this Congress, an Ad Hoc Subcommittee on Grain Elevator Bankruptcies was appointed by the chairman of the Agriculture Committee to hold hearings and to make recommendations on how to revise the bankruptcy code and to deal with this problem.

Extensive hearings were held, much data accumulated, and recommendations of that ad hoc subcommittee were transmitted to the Judiciary Committee and have been incorporated into numerous bills of a general nature having to do with revising the bankruptcy statutes, in addition to my own specific bill on this subject.

I believe legislation that addresses several points is needed to deal with this problem. And that is what most of the bills on grain elevator bankruptcy do.

Legal recognition of the unique needs of the agricultural producer must be granted by placing the producer in a priority position in the distribution of assets involved in bankruptcy litigation. These needs must be addressed by providing an expedited procedure for the release of grain assets involved in proceedings filed by an insolvent commodity warehouse; by granting a statutory lien to farm producers on crops delivered to a warehouse on a sales contract for which the farmer has not yet been paid; and, by granting a priority position to farm producers in any distribution of assets to unsecured creditors.

It should also be established that any farmer who can produce an original warehouse receipt for grain stored in a warehouse will have shown a prima facie case for his ownership of grain of like quality and quantity as is showing on the face of the receipt.

Further, a strict timetable should be set up in which the bankruptcy court must identify those farmers who have crops stored in the bankrupt warehouse, audit the assets of the warehouse to determine the actual amount of grain available for distribution, and, finally, distribute those crops to the rightful owners.

America's farmers have long been recognized as one of the very most productive elements in our society. Despite obstacles, farmers have increased their production far beyond that of any other segment of our economy. And what have we done in return? In this case we have allowed a climate to persist that denies them the products of their hard work. The door has been slammed in the face of the farmer when no more than the protection of his or her rights of ownership have been asked for. We must reopen that door and assure that our laws are not an obstacle to the enjoyment of the fruits of the labor of our Nation's producers.

In light of all of this, I respectfully request of all of those participating in current negotiations having to do with bankruptcy legislation that the House be allowed to act on grain elevator bankruptcy legislation at the earliest possible date.

□ 1320

The Senate has acted on a bill similar to mine, passed it on at least five different occasions. I believe that the subject early on at its inception, when this bankruptcy occurred down in my district, was then one about which there was a widespread lack of understanding and knowledge, and I believe that we have done our educational job and that most of the people who have to do with this subject now understand the points that we were raising at that time.

So I think this unique aspect of bankruptcy is no longer controversial. At least that is my understanding.

Elevator bankruptcy has been held up largely because of the failure of the House to act on comprehensive bankruptcy legislation that is pending. We are sort of a tail on that dog, and we are waiting for action on the disposition of the dog before we know what will happen to the tail.

So I urge prompt consideration of this problem which is so important to our Nation's farmers.

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. **EMERSON.** I yield to the gentleman from Oklahoma, the chairman of the Rural Caucus.

Mr. **WATKINS.** I want to commend the gentleman from Missouri for his movement in a direction that has been long overdue, and I commend him for recognizing this as being a problem not only in his district but also a problem in many other areas of the country. The gentleman is so right about the problems in agriculture. They do not need to have a bunch of excess baggage on them and not allowing them the flexibility to try to survive, which is tough enough out there as it is. I am cosponsoring this legislation with the gentleman from Missouri, and I commend him for his leadership in moving in that direction.

I might also indicate to the gentleman from Missouri that I just introduced a bill called the Rural American Reorganization Act of 1984.

Recognizing, as the gentleman does, the great difficulty within the bureaucracy that the farmers and the cattle people of this country have to work under, I am trying to restructure by streamlining some of the agencies that are supposed to deal with the farmers and ranchers and are supposed to be servicing the farmers and ranchers in this particular time of crisis, especially such as the Farmers Home Administration, and I would commend the gentleman from Missouri to look at this piece of legislation because it restructures the Farmers Home Administration to make it a farm administration so that it deals only with agriculture and pulls the rural development activities over along with the rural development policy technical assistance activities, and we combine those to make a rural development administration so that it deals strictly with rural development and leaves our Farm Home in a position to deal strictly with the agriculture emergency loans, the operating loans, the ownership loans, and the things that farmers and ranchers are needing in this time of disastrous economic conditions and dilemma that we are confronted with.

I think it is also complementary to the type of efforts that the gentleman is making in order to try to prevent these kinds of difficulties from continuing to confront the farmers and ranchers which formulate a very key ingredient to the economic survivability of this country. I think we need to be doing everything we can to try to assist them and not try to make it more difficult for them to be able to function as a profitable business unit out there.

So I commend the gentleman from Missouri for his tremendous effort and I support him in this piece of legislation.

Mr. **EMERSON.** I thank the gentleman for his contribution, and I might say that I have received his notice of a meeting of the Rural Caucus to discuss the subject which he has just raised, and I do intend to participate. I thank the gentleman very much.

● Mr. **GLICKMAN.** Mr. Speaker, let me first of all commend my friend and colleague from Missouri, Mr. EMERSON, for taking this time today to draw attention to the problem of grain elevator bankruptcies. I know Mr. EMERSON has devoted considerable study and work to this matter and 1 year ago, I had the pleasure of having him serve on the Agriculture Committee's Ad Hoc Subcommittee on Grain Elevator Bankruptcy which I chaired. That subcommittee developed a set of recommendations I am convinced are needed to put in place a comprehensive system of reforms and protections for our Nation's farmers.

The legislation we recommended, and with the cosponsorhip of all the members of the ad hoc subcommittee introduced last November, envisions a complete system of assurances that our farmers, who often have a season's, sometimes a lifetime's, work stored in a grain elevator are not wiped out when the elevator goes bankrupt. To do so, we need a system which seeks to prevent bankruptcies and insolvencies—since in a majority of the cases the bankrupt does not have the assets remaining to satisfy all claims; which makes meaningful reform of the Federal bankruptcy code to account for the unique position farmers have in such a case; and which establishes a mechanism by which farmers who do suffer losses might protect themselves.

The first bill, H.R. 4285, amends the present system of regulation of federally licensed warehouses and those warehouses which store grain owned by the Federal Government of which is held as security on a Government commodity loan. In order to set up the preventive system, the legislation would require, in addition to the present reporting standards, that a warehouseman submit to the Government once a year a complete financial statement including information on changes in net worth, retained income, and information on activities in the futures markets and grain held under delayed pricing contracts. Also, the bill requires that the Agriculture Secretary make available to potential depositors information on the financial soundness of the warehouse, information the farmer might use to make a wise business decision about storing grain, but not information which might compromise the competitive or proprietary interests of the warehouse.

In a grain elevator bankruptcy, the farmer has a unique position in regard to other parties. His grain is not actually part of the estate of the bankrupt, yet, he has a vital interest in the manner in which the case is handled because delays may cause deterioration in the condition of the grain not to mention price fluctuation, and because other creditors may seek to claim his grain to satisfy their own claims on the estate. H.R. 4286 would amend the Federal Bankruptcy Code to meet those problems by establishing a timetable the court would have to abide by to determine ownership of the grain in the warehouse and to distribute that grain to farmers. Also, the bill would call on the court to notify State regulators of the case in order to insure farmers have their interests represented during the proceedings. Finally, the bill grants farmers status to insure that their claims to their own grain are met before any general creditors to the estate may claim the remaining assets of the bankrupt.

Finally, H.R. 4284 authorizes the Federal Crop Insurance Corporation to offer a new insurance policy to cover these cases. Presently the private sector has not offered, or if it has done so only in very limited cases, insurance to cover losses from elevator bankruptcies. This bill paves the way for private sector involvement by establishing the Federal policy, to those farmers who desire the protection, and by doing so at a rate that would not be at a competitive advantage with the private sector.

The study Mr. EMERSON and I and our colleagues have done on this issue convinces me that we do not have a widespread crisis in the grain storage system; however, a single bankruptcy in one of our rural communities often means financial devastation to the farmers who depended on that warehouseman and the town and businesses who in turn depend on those farmers. To those affected though, it is a crisis. We need a sensible, prudent approach to this problem, and I believe the package we have developed is just such an approach and I would join with Mr. EMERSON in urging my colleagues to action.●

● Mr. STENHOLM. Mr. Speaker, last year I was a member of an ad hoc subcommittee on grain elevator bankruptcy. Chairman DE LA GARZA of the Agriculture Committee asked our group to take a look at what Congress might do to solve some of the problems which elevator failures had brought to light.

We found that elevator bankruptcies are a little like tornadoes if you are a farmer. You do not normally worry a whole lot about them; you accept them as a risk but a rather remote one; but the moment one hits you, it becomes a crisis.

The twin afflictions of today's agriculture are instability and cash-flow. Elevator bankruptcies make both of those problems worse. If an elevator where a farmer has stored his grain declares bankruptcy, he finds himself standing in line with all the elevator's other creditors. Even though he still owns his grain, even though he has stored it, not sold it—despite all this, he cannot get at that grain and he cannot sell it. The unpredictability of elevator bankruptcies makes them a destabilizing factor; and because they delay and reduce the farmer's income, they are part of the cash-flow crisis, too.

Our subcommittee found that there probably is not majority support today for an FDIC-like structure that would insure stored grain in the same way the FDIC insures bank deposits. There is interest in bankruptcy insurance for farmers, either through private companies or under the direction of the Federal Crop Insurance Corporation—but not much action yet.

The heart of our subcommittee's recommendations, though, center around changes in the bankruptcy code. We recommended that the Judiciary Committee—

First, establish a timetable for the determination of interests in and the abandonment or other disposition of grain and proceeds of grain for those producers who have deposited grain under a bailment with the bankrupt elevator;

Second, establish a timetable within which the trustee of the estate would have to accept or reject executory grain contracts involving the delivery or sale of grain at a specified future date for a specified price;

Third, clarify what documents constitute ownership rights to grain in a bankrupt elevator;

Fourth, reaffirm current law that bailed grain is not a part of the bankrupt estate by making a formal statement to that effect;

Fifth, direct the courts to appoint the appropriate State or Federal agricultural officials as representatives of the bailors or trustees of the elevator; and

Sixth, make clear that only those administrative costs associated with the interests of bailors should be paid out of the pool of bailors' assets.

Mr. Speaker, farmers are hardly the only parties with an interest in straightening out the Nation's bankruptcy laws. The whole system is in a constitutional limbo right now after the Supreme Court rejected the way bankruptcy judges are appointed and paid. There is a great need to move, and move quickly.

There can be no more appropriate time to implement the recommendations of the ad hoc subcommittee on elevator bankruptcy. The Judiciary Committee has had these recommendations under study; it is time to go forward with them, and provide a better safeguard for farmers who have bailed grain with an elevator and then have been left holding the bag.●

SCHOOL PRAYER

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 60 minutes.

Mr. **MICHEL**. Mr. Speaker, just about at this hour over in the other body on the north side of the Capitol the Senate will be taking up the constitutional amendment having to do with prayer in the public schools. I think it is very appropriate, therefore, that we should have taken a number of special orders here on the House side to discuss the issue.

To open that discussion, I think there is probably no better way than to begin with the reading of a letter from the President addressed to me, incidentally, on my birthday, March 2, and I would like to read the text of that letter:

THE WHITE HOUSE,
Washington, March 2, 1984.

Hon. ROBERT H. MICHEL,
Republican Leader, House of Representatives, Washington, D.C.

DEAR BOB: I am writing to share with you and your colleagues, my deep appreciation for the efforts to focus attention on the need to restore voluntary prayer to our schools.

The vigil at the Capitol and your colleagues' Special Orders in the House provide a clear demonstration of the broad-based support on this issue and direct attention to the need for congressional action.

The Senate will soon vote on a constitutional amendment to permit voluntary vocal prayer in public schools. Your efforts today will assist in encouraging all Americans to make their views known to their Senators and Representatives. If two-thirds of the Senate approve, we must all then redouble our efforts to ensure a House vote on this issue. Congressman Trent Lott's discharge petition will provide a means to force the House to consider our constitutional amendment on school prayer.

Our amendment would ensure that no child be forced to recite a prayer. Indeed, it explicitly prevents any state from composing the words of any prayer, but the courts could not forbid our children from being able to voice their prayers in our schools. And by reasserting their liberty of free religious expression, we will be helping our children understand the diversity of America's religious beliefs and practices.

If ever there was a time for the good people of this country to make their voices heard in the halls of Congress, that time is now.

I again commend you and your colleagues for your efforts.

Sincerely

RONALD REAGAN.

Mr. Speaker, I welcome this opportunity to open the discussion on this very important subject of prayer in the public schools. I believe we must approach the topic with a sense of caution, as well as a sense of purpose. I say "caution" because there are few more serious questions than those which concern the free practice of religion and the first amendment.

We cannot be too cautious in approaching such subjects because fundamental truth and fundamental rights are at stake here. I cannot overemphasize the need for mutual tolerance, respect and understanding as we delve into these sensitive issues.

The late great Everett McKinley Dirksen, who represented the congressional district which it is now my honor to serve, and who eventually became the minority leader, Republican leader, in the U.S. Senate, introduced a school prayer amendment to the Constitution way back in 1966, and he came up with the following language for a proposed constitutional amendment:

> Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution or other public building supported in whole or in part through the expenditure of public funds from providing for or permitting the voluntary participation by students or others in prayer. Nothing contained in this article shall authorize any such authority to prescribe the form or content of any prayer.

That is all that was said in the amendment which the Senator introduced way back, as I said, in 1966. Now, the Senator was not one to go about to try to amend the Constitution just because something displeased him. He had too much respect for the Constitution to do that. He offered this explanation for his decision to offer the amendment:

> In all of the prayer cases, the decisions were based on an interpretation of the Constitution. That Constitution was ordained by the people. Moreover, the people reserved the right to amend it. The issue from here on is, therefore, quite clear: Shall the people be afforded an opportunity to act on language which will clarify the vexing problem before it is carried to ridiculous extremes by other suits which may be filed?

As we well know, Senator Dirksen and the more than 150 other sponsors of similar amendments in both Houses never was able to make that clarification that he spoke of. So here we are today, almost 20 years since Ev Dirksen introduced a constitutional amendment allowing voluntary prayer in the schools, talking about what we ought to do about it. As I see it, the people still want an answer to this very vexing problem, which may be summed up in a single question: How can we stop the Government from forbidding our children to pray in school but also not force our children to pray in school? That is the question, and it is a tough one.

□ 1330

Allow me then to offer basic ideas that have long governed my own approach to the subject of prayer in the public schools. In the first place, the Supreme Court has only ruled definitively on the issue of a governmentally prescribed prayer. I wholeheartedly agreed with that decision. Who in the Federal Government or in State government or local authority should tell me or my children how we ought to pray? I want no part of that.

The first landmark decision of the Supreme Court on the school prayer issue came down in 1962, as I recall, by a 6-to-1 vote prohibiting a New York State-prescribed prayer in the public schools. Then, following close on that, in 1963, the Supreme Court struck down a Pennsylvania law and a Baltimore City policy of reading Bible verses in public schools. I think that was by an 8-to-1 vote.

There is a widespread perception among the American people that the courts at various levels have in recent years played too much of an activist role in our daily lives. Americans are angry, and I believe they have every right to be, over a whole range of issues in which the courts, and most specifically the Supreme Court, have interfered in areas traditionally left to families, communities, to States, and to the legislatures.

The school prayer issue is but one of these issues and perhaps the most sensitive one. Americans do not want their children to be coerced to pray in school by the Government, but they do not want their children to be forbidden to pray in school by the Government either.

Personally, I would rather see an American child not pray in school than pray under circumstances that involve either coercion, intimidation, or harassment. I am opposed to a State-mandated, State-composed or officially sanctioned prayer in public schools. Compulsory prayer services or prayer composed by agencies of the Government and mandated by organizations of the State have no place in our society. But once we have agreed that the Government shall not forbid nor coerce children to pray, we can debate the issue. The time for debate has long since passed. We should have been discussing this issue a long time ago.

Prayer in the school has come to be known as one of the social issues. On February 21, 1981, in an article published in the Washington Post, I had this to say about those issues, and I will repeat it verbatim here:

> These issues are different in kind, not just in degree from the usual issues that confront the Congress. They deal with basic issues, values and therefore have the ability to inflame passions on all sides. The social issues are not going to go away, and Congress is going to have to come to grips with them. Just because most of us in Congress do not relish dealing with questions like these, does not mean we can turn our backs on those who say these issues should be discussed, and, yes, even voted upon.
>
> The Congress was not created so that Congressmen could handle only those with which they feel very comfortable. There are 2 mistakes, it seems to me, that Congress can make concerning the social issues. The first is to treat them as if nothing else matters, and the second is to treat them as if they do not matter at all.

I would be willing to bet that since 1981, when I wrote that piece, 99 percent of the work we have done around here has concerned issues other than social issues. So you cannot say we have been fanatics about this. The time has come for a fair hearing on school prayer. The time has come to do what we were sent here to do: Take on the tough issues.

I suppose I am the only person in the Congress to represent my particular religious denomination. It happens to be the Apostolic Christian. I remember a few years ago Time magazine in recounting the religious affiliation of Members of Congress, so many Roman Catholics, so many Methodists, so many Presbyterians, and so many Baptists, and at that time, Mr. WRIGHT, you will recall, Judge Saund was still here, and it said one Hindu, and one Apostolic Christian. That is probably the most publicity my denomination has ever received in this country.

We have perhaps more than a usual fervor for religious freedom precisely because we are so small, and it is my hope that the principles at the heart of my religion inspire what I do around here, whatever the issue may be. I usually do not like to talk about religion as such. That is not my bag; it is not really the way I was taught. I just do not like to go around bringing religion into each and every subject I confront every day. Some may have a different view. I respect that view. But, for the most part, I am willing to keep my religious views rather a private thing with the hope it will radiate from the kind of personal and public life I lead.

I guess as children, my sisters and I were very fortunate to have a father and mother who taught us the need for prayer. I can also recall my father telling me that a fervent prayer in a dark closet, Bob, can be just as effective as one out there on the street corner at Main and Jefferson or wherever.

Then, too, recounting any number of instances in my own life, particularly those occasions under fire as a combat infantryman, exposed. I do not know that there is any more fervent prayer that is uttered when you are out there in an exposed position and 88's or howitzers or mortars are firing. No place to hide, but that communication with a supreme being.

So, in one sense, I feel a bit uncomfortable talking about the need for prayer in school, but the issue is a serious one because it goes beyond what happens in the classroom. It deals with the very essence of freedom of religion, and I think the American people can, in their wisdom, come up with a resolution that will avoid the twin dangers of the State forbidding prayer or coercing prayer.

Mr. WRIGHT. Mr. Speaker, will my distinguished friend yield?

Mr. MICHEL. Let me conclude, if I might, please, by quoting from an interview that Ev Dirksen had after he introduced his amendment. It was on the program "Issues and Answers" back in 1966, and the interviewer asked Ev why he felt so strongly about the school prayer issue, and Ev answered:

> Because I think prayer is a pipeline to God Almighty and we recognize God in everything we do.

Then the interviewer asked: "Is that a governmental function, sir, to provide that channel?"

Ev answered in his inimitable way:

> We are not trying to make this government function; we just say if the parents want their children to pray in public school voluntarily, they ought to be permitted to do so.
>
> We specifically in the amendment provide that no school board, no school authority shall prescribe the form of the prayer or the text of the prayer. But, if their parents want them to utter a little prayer, let there be a little corner, a little space, a little vestibule, a little room; I do not care what it is, take them up on top of the school building if they like, or down in the deepest basement of the school. But, wherever it is, let them, of course, keep that connection and never cut that pipeline.

Now, you can almost hear Ev saying those words. As always, he put the issue in language we can all understand. I like the way in which he approached the issue and I want to say to all of you who will be engaged in this thoughtful exercise that you are acting in his great tradition as well.

So long as we adhere to the first amendment, respect each other's point of view, and keep this discussion at the high level it deserves, we will have done our subject justice. Which is, after all, what the people asked us to do and if the gentleman will permit, I will be happy to yield to the distinguished majority leader who has asked me to yield.

Mr. WRIGHT. I appreciate my friend yielding.

I have been listening to his commentary today. I find it so reasoned, so properly restrained, so constructive, that I consider it a significant contribution to the public dialog, and I should like to congratulate my distinguished friend, Mr. MICHEL, for his characteristic good humor, good sense, and good attitude toward all those who agree, and some who may disagree, with him even in a matter so profoundly felt as this one.

I think what he says fundamentally reflects that which must have been in the minds of those who wrote our Constitution, and I should congratulate my friend, Mr. MICHEL, on an exceptionally fine public statement.

□ 1340

Mr. MICHEL. I appreciate the kind remarks of the gentleman from Texas. I know they were delivered with great sincerity and I appreciate that most profoundly.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend, the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding, and I thank our distinguished minority leader for making such a strong and commonsense argument for allowing school prayer.

I was touched when the gentleman read Senator Everett McKinley Dirksen's proposed constitutional amendment. It sounds so familiar and so similar to that constitutional amendment that is proposed by the gentleman from Ohio (Mr. Kindness) and I wondered if the gentleman could turn back to that proposed amendment. I wanted to read the bill of the gentleman from Ohio (Mr. Kindness) and his proposed amendment, because I think they are very similar, and he must have read Everett McKinley Dirsen's amendment.

He said:

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions.

I think that is essentially what Senator Dirksen said, and he said further:

> No person shall be required by the United States or by any State to participate in prayers.

So we have, I think, the essence of the first amendment, which is that Congress shall make no law respecting an establishment of religion, but also the second part, where it says:

> * * * nor shall Congress prevent the free exercise thereof.

Is that not fairly similar to Senator Dirksen's amendment?

Mr. MICHEL. It is. There is a little play on words, and obviously we read that through all the history of our own country when amendments to the Constitution—well, even in the fashioning of the Constitution, let us face it—and the Federalist Papers and all the rest, and particularly in fashioning an amendment to the Constitution, the painstaking efforts that have been made to fashion a phrase, a word; is it just right? We do not want to just playfully tamper with our Constitution. It is the most precious of documents. That is why our Founding Fathers took such painstaking efforts. It was not the easiest thing to get accomplished.

We have to have a two-thirds vote here, we have to have a two-thirds vote over in the other body, and then we have to have the ratification by three-fourths of the States. So it is very important that we agonize at times, I guess, over the choice of a word or phrase, and particularly when it is a subject that is of such profound personal importance to every American.

Mr. HUNTER. Mr. Speaker, if the Republican leader would continue to yield. I think that he has hit on a very important point, and that is that we have not yet had a chance, at least in this session, to debate the substance of what the proposed constitutional amendment should say because it has not yet been brought up. Our first problem is to bring it up.

We appreciate, of course, the Republican leader, the gentleman from Illinois (Mr. Michel), giving his consent that was required by the chair before even a unanimous-consent request could be made to bring up the proposed amendment. So our first job is to bring it up.

Could the gentleman tell us what has happened in the House with regard to school prayer? I think someone mentioned that back in 1971 it was voted on. I was in the Army at the time, so I was not here with the gentleman to participate. But could the gentleman give us a brief history of it?

Mr. MICHEL. I really cannot recall the specifics of that time. I guess I have forgotten what I did an hour ago and yesterday, but I think it has been generally accepted that particularly in recent years when this issue has come all the more to the fore, in the range of that group of social issues, that there has been this frustration of having these very important constitutional amendments tied up in, of course, in this body, in the Committee on the Judiciary. Over in the other body, that is the same committee that would obviously have to consider it, but it has been brought out onto the floor of the Senate now finally for what, I am sure, will be an extensive debate in the other body on that issue.

That is not to say that constitutional amendments surely ought to be debated only in one House. I think they ought to be given an opportunity to be discussed here, and under our rules of procedure, generally speaking we like to let the committee take testimony, build a hearing record, both sides of the issue, and come a resolution.

Now, if we feel that the will of a majority of the Members is thwarted by a relatively few number in one committee, we do have that opportunity, through the discharge petition procedure here, to discharge the committee to bring it on the floor of the House. Our problem would be, however, in a matter, again, as important as a constitutional amendment, we do not want to be limited to 1 hour, just as the gentleman recalls in the closing days of the last session on the ERA issue, for example, that was brought up under a situation of suspension of the rules, with only 20 minutes on each side on a constitutional amendment. That thing was defeated at the time simply because Members said regardless of the side of the issue on which they stood, we should have more time to debate that issue, and rightly so.

Hopefully, we have a little bit different agenda over here in the House, obviously, than to think we could go on as extensively as the other body. I would not be that extreme. But I think we are certainly deserving of having a sufficient amount of time to discuss that issue.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the minority leader for yielding, for his great leadership, and I would like to especially thank him for giving me this opportunity to take a couple minutes of his time to cover some important points about voluntary school prayer in his special order. I am very flattered that the gentleman from Illinois (Mr. Michel) would give me this opportunity.

Mr. Speaker, I totally support what the gentleman in the well is doing, along with the colleagues on the other side of the aisle, of having this all day and all night special order pertaining to voluntary prayer in our public schools. I am happy to be a part of this historic event.

I would like to point out that, as the gentleman knows, we had some respected sports figures who were here on the Hill last week talking about returning God to his rightful position in our lives. We had the Redskin football coach, Joe Gibbs, along with the Dallas Cowboys football coach, Tom Landry. As the gentleman knows, they are certainly rivals on the football field, but they are strong teammates when it comes to the issue of prayer in schools. Certainly they are not alone.

Public opinion polls that were taken recently pertaining to voluntary prayer in schools showed that 80 percent of the American people favor a return to voluntary prayer in our schools, and I believe, Bob, that I can safely say that I have never met a person in Mississippi who did not support voluntary prayer in public schools. Our people, when we have trouble and problems in our State, turn to the Bible, we turn to prayer, we turn to God.

Quite frankly, I have never met an atheist in my State, or have I ever met an atheist in the Congress of the United States in the 18 years that I have been serving here. So it is beyond me why we cannot have the opportunity to have a vote on this important amendment. This is not the last step. This will be submitted to the States and to the people for their ratification.

But I certainly rise in strong support of this amendment and of this historic event that is taking place today in the House of Representatives, that we are speaking up loud and clear, and speaking a long time, in fact, for another 18 hours, I would say, that we want to have an opportunity to vote on the prayer amendment for our public schools.

Mr. Speaker, I want to join my colleagues here today in voicing strong support on a subject of great importance to my State of Mississippi and to the Nation. That subject is the adoption of a constitutional amendment to allow voluntary prayer in public schools.

I am happy to be a part of this historic event which will, I hope, focus national attention on the need to bring back prayer to our public schools. This all-night special order demonstrates the strong sentiment in this House for such an amendment.

Last week some very well respected sports and entertainment figures came to Capitol Hill and voiced their concerns about the need to return God to his rightful place in our lives. I want to echo that sentiment.

Washington Redskins Coach Joe Gibbs and Dallas Cowboys Coach Tom Landry are rivals on the football field, but they are strong teammates when it comes to the issue of prayer in schools. They are not alone. According to public opinion polls, more than 80 percent of the American people favor a return to voluntary prayer in public schools.

I have never met a person in Mississippi that did not support voluntary prayer in public schools.

My interpretation of the first amendment differs from the interpretation made by the Court 22 years ago. The way I understand it, this Nation's founders approved the first amendment to insure that the Federal Government would be prohibited from designating a particular church as a national church, and thereby require the people to join and support it. Also, they felt the subject of religion should have been left to the State and local communities, not to the Federal Government or Federal courts.

At the time of the Court decision in 1962, a number of States and communities did not have opening prayers in their schools. Should this amendment win approval, it may well be that many States and communities will continue that same course. But at least there would be an option to do so. Right now there is no option at all because no religious activity is allowed in our public schools and this is wrong.

The purpose of an amendment would be to simply return to the American people the fundamental right of voluntary prayer in public schools. I want to emphasize the word "voluntary." It would be wrong to force someone to participate in prayer or other religious services against their will. I do not think anyone is advocating that. But I think it is also wrong to deny the free exercise of prayer to those who do wish to participate.

Those sports personalities pointed out that prayer and other religious activities would be a very positive influence on young people and they are speaking as authorities on the subject. Because of their close association with the youth of this country, they have had a chance to see some of the negative influences at work in our schools.

Certainly we would all agree that parents should be the main influence on the lives of our young people. But it is also a fact that in many communities the schools are the primary activity centers. Students spend a great deal of their formative years at school and there is no doubt that they develop attitudes, form opinions and ideas based on the people and activities they come in contact with there.

At the present time, the students are not allowed to come in contact with God or any other religious activities because of the Supreme Court ruling 22 years ago.

Another point I would like to make is that passage of an amendment in Congress is only the first step in a long process to become part of the Constitution. The two-thirds approval vote needed in both Houses sends this amendment to the States and 38 States must ratify it in order for it to become law.

If those opinion polls are correct, and I have no reason to doubt them, then our failure to pass an amendment would be going against the will of the people who favor prayer in schools. Based on that wide support, I think the people should be given the chance to express their opinions in this ratification process.

The first amendment says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

It is my opinion that the majority of Americans are being denied that free exercise of religion by not having the opportunity to observe religious activities in public schools.

I am proud to stand up and voice my support for a constitutional amendment on voluntary prayer in public schools. I think I speak for the majority of Mississippians when I say let us pass a voluntary school prayer amendment and begin the ratification process.

Mr. MICHEL. I thank the gentleman for his very valuable contribution.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Pennsylvania.

□ 1350

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding.

It is worthy to note that today's session which is encompassing our discussion of prayer in schools began with prayer in the Halls of Congress. Many times that has been noted in various editorials and other newspaper and media discussions, and I think it intones the day pretty well when this very session began with a prayer. And then to have the minority leader frame the issue so well, so as to be able to lead the remainder of the debate, well versed in what we are about, what we have to distinguish, and what fine points we have to tune in this debate, prompts me to commend the minority leader for beginning this debate.

I just want to add one other thing, and I want to further embellish it when my time comes in the special orders a little later, but I think it is especially worthy of mention now because of the minority leader's opening statement. It also accommodates the way the minority leader has framed the issue; it accommodates the discussion of the attitudes of the children and the youngsters themselves.

Too little attention has been focused, I believe, on what the youngsters feel. Do they say, "We don't care about this"? Do they say, "What are the adults yelling about? We are not interested in this prayer situation"? We have evidence to the contrary.

At Williamsport High School in the district which I represent, a group of youngsters actually got together, a group of juniors and sophomores and seniors in high school, got together and formed a Bible club. They felt a vacuum, a missing quotient, in their lives in school, and they decided to form a club for the study of the Bible. Their school authorities struck them down, saying that that was a violation of the Constitution.

They were not satisfied with that. They filed suit. They took it to court and, as we debate this issue today, they are in the posture of having received one favorable decision from a middle-level Federal district court that they indeed could gather for the purpose of Bible study and perhaps silent meditation. That has not yet been determined.

The point is, though, that for the purposes of this debate—and the details of that court suit I will be making available for the Record a little later—this demonstrates that it is not just a bunch of adults who are commingling in the Congress to try to bring voluntary prayer back in the schools for their own purposes; it is also a proper reflection of the attitude of the youngsters themselves. And if questioned and brought to express their opinions, we would be surprised how favorably they would react to the process of reinstating prayer in school.

I submit, with the minority leader, that we are going to have great difficulty with the form of the prayer and how it is going to be accomplished, but if the final outcome is that we will finally say that the Federal Government should not prohibit prayer in school in some form, we will have accomplished the purpose.

Mr. Speaker, I thank the minority leader for yielding and for opening the discussion.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for his comments, and I cannot resist the opportunity to make another quick observation relative to his comment that we began our session today with an opening prayer, as we do every day, not only in this body but in the other body.

A number of years ago there was printed a collection of the prayers in the other body of Peter Marshall in a beautiful book that, frankly, during the timeframe in which those prayers were uttered really gives one a sense of history of what took place in our country during his years, if you just follow those prayers through that book.

The gentleman also made mention of part of our problem, I guess, in reading Biblical scripture. It is a bit ironic that the greatest book of all times that has ever been written and has had the greatest impact on mankind in the history of the world should be one of those foreclosed by a court decision from reading in our public schools.

Now, there again is a delicate line that we have got to walk and try to differentiate here, and we can only arrive at that, I think, over a period of extensive discussion here between those who strongly favor it for whatever reason and those who are absolutely opposed to it on whatever grounds, and somewhere in between maybe there is some ground for maneuver.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I thank the gentleman for yielding.

I would just like to emphasize something, and I thought of it as the gentleman in the well was speaking earlier.

The rule that we are seeking to discharge that is at the desk on the school prayer amendment, in keeping with the comments of the minority leader, is an open rule that permits 5 hours of debate, because, just as the gentleman pointed out earlier, we do not want to get in any kind of position where we are preventing debate from taking place. We certainly do not want to see the same kind of railroad tactics that were used on the equal rights amendment, and it is a highly controversial issue.

But the kind of rule we are seeking to bring to the floor and are seeking a discharge on is not a railroad rule. It allows 5 hours of debate time and is completely open to amendment by anybody, which seems to me to be a fair way in which to consider this issue.

Mr. MICHEL. Mr. Speaker, I might further make the observation that mention has been made of a poll, I guess it was, on the issue of what the American people feel about it. Whether that is an accurate poll or not, it certainly suggests that we ought to be discussing the issue and then, frankly, have it put to a vote. And there may not be two-thirds for it in this House.

Now, that also suggests that there may be a majority, but not the necessary two-thirds. But then I do not think we want to go back and undo our whole Constitution because it failed on those grounds. That is the way this country has survived as long as it has under that basic document. But it does then all the more portray to the American people that, yes, it is a very volatile subject, and it may very well have had a whopping majority; it may have only lacked a little bit of two-thirds; and then there may be those who would want to see those extra votes added to eventually get the job done.

That is really basically why we are here to open the discussion on it once again. And I look back over whatever that year was, since I have been here so many years, when we were talking about it, and I realize that the new Members added to this body within just the last two, three, or four terms never have had an opportunity really to express their will on the subject, and we ought not to deny them that opportunity.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I would just point out that I was a freshman in college that year the last time it was voted on. So for some of the Members who have been here a lot longer than I have, that may not seem an unusually long period of time, but put in that perspective, it is for me.

Mr. MICHEL. It just makes a few of us feel a little bit older.

Mr. WEBER. Well, that is not my intention.

But I would point out that I am not by any means unique. There are a lot of Members of roughly my age for whom that amount of time is significant. That is before they got really active in the political process, much less being elected to Congress.

I would just like to comment, in addition, on the point the distinguished minority leader made about the desire to bring this thing up for a vote and the fact that it may not indeed prevail with a two-thirds vote.

Of course, I would like to see it prevail, and I am confident at some point it will, but the point I want to make is that I think there is damage done to the process and damage done to the respect that the people hold for this institution when, on a number of issues such as school prayer, our constituents say to us, "Why have you not passed this?" and we cannot give them a good, clear-cut answer.

The right answer, if we believe in the American system of government, is basically the answer that the gentleman from Illinois pointed out earlier. We would say, "Well, we held hearings on it, it was acted on in committee, it was brought to the House floor, and it failed because we didn't get enough votes."

Now, that may not satisfy people such as myself and many of my constituents who support the amendment, but at least they would understand that the legitimacy of the institution is not in question.

But now we cannot give an answer that, to the average layman who may not be as familiar with the ins and outs of Congress as we are, makes any sense. We try to explain to them why we have not had an opportunity to debate and vote on this issue on the floor of the House and dispose of it one way or the other since 1971, and the average person just cannot accept the answer that there is no way that we can do that. I think that hurts the whole credibility of Congress, and really in seeking to force that kind of debate and vote in the Congress, I think we are doing the institution of the House of Representatives a great service.

Mr. Speaker, I thank the minority leader for yielding further.

Mr. MICHEL. Mr. Speaker, I thank the gentleman from Minnesota.

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, I thank the distinguished minority leader for yielding and also for taking this time to lead off this very important debate today.

Mr. Speaker, today we discuss and debate an issue of fundamental importance to our Nation. Today we rise in support of growth and awareness for our children, and their children. Today we rise to protect a basic freedom on which this mighty Nation was founded. Today we rise to support the right of our children to pray in public schools.

The issue is indeed an emotional and controversial one. Mr. Speaker, the citizens of this country feel very strongly about freedom for our children to pray in public schools. Almost 80 percent of Americans polled felt that voluntary prayer was right, and that is should be allowed. And, as President Reagan stated in his February 25 radio address to the Nation:

> They understand what the Founding Fathers intended. The first amendment of the Constitution was not written to protect people from religion. That amendment was written to protect religion from government tyranny.

Opponents state that to allow voluntary prayer in public schools is somehow wrong—that somehow it will force religion upon children. This is hardly the case. As written, the President's amendment simply states:

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.

The second sentence, I believe, should allay fears that the amendment would somehow enshrine a particular religion upon our children. On the contrary, children would not have to participate, would not have to pray if they so desired. During the time allotted for voluntary prayer, those wishing not to participate could leave the room where the prayer is to take place. Students desiring prayer might also decide to set aside a special room for prayer. Prayers would be initiated by the students, not the schools or State, thereby respecting each student's own religion by not endorsing one religion over another. Yet those wishing to participate would not be denied that important fundamental opportunity. For those who are unclear on this, we need only to return to the first amendment of our Constitution, which states:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

I agree with the President—"What could be more clear?"

By denying our children the right to voluntarily pray in school, opponents are trying to omit any reference to the greatness of our God, our Maker, our Creator. The founders of this Nation deeply believed in the importance of man's relationship with God, and believed in allowing our citizens the freedom, and the right, to learn about the virtues of religion. The history of this country positively shows the importance of the free exercise of religious beliefs. Innumerable examples of references to God are evidenced in our day-to-day lives. For example, our coins say, "In God We Trust." The Mayflower Compact, the Declaration of Independence, the Pledge of Allegiance, and the National Anthem all state our belief in the free exercise of religious views and liberty. As has been pointed out here already, even this Congress begins each day with an opening prayer. Who is to say that our children should be denied this right?

The courts in this country have recently turned the logic of the first amendment on its head. A group of high school students in New York State recently attempted to use a vacant classroom for voluntary prayer. Yet, incredibly, the Second Circuit Court of Appeals said that such a meeting was unallowable, as it would somehow pressure students passing by to enter the room and join in prayer against their will. This decision is itself unconstitutional, I believe, as it violates the first amendment provision, "prohibiting the free exercise" of religion. What was the aim of the court in this instance? I believe the court was overzealously attempting to restrict the students' God given constitutionally enshrined right to the free exercise of religion. Such an activist approach on the part of the judicial branch has led, and will continue to lead this great Nation down the wrong path. For this path connotes that religion should not be practiced, should not be respected, and should not be available to our schoolchildren. I, for one, find such thinking appalling and misguided.

I urge my colleagues on both sides of the aisle, and in both Houses, to strongly support the President's call for a constitutional amendment to allow for voluntary prayer in public schools. Our children, and their children, should be granted the same right to participate in prayer in school that we enjoyed and that our parents, and their parents, enjoyed. The American people are solidly behind this movement, Mr. Speaker, as the Members of this body should be.

□ 1400

Mr. MICHEL. Mr. Speaker, I thank the gentleman for his very valuable contribution. He touched on several of the avenues that might be explored.

I might say to the gentleman that I do not know that those of us who advocate this kind of amendment, for example, would demand that it be so uniform—as a matter of fact, be opposed to it being so uniform in any form or nature that it tends to be a prescription. It does not have to happen every day in the classroom. One day it could be there and one day it could not be. It could be on the part of the individual who feels so motivated, as we have been at times when the urgency has been there, should we not begin this or that consultation with a prayer?

It is so important for us today to have something other than some extraordinary guidance and it seems to me that that kind of choice, free choice, that comes not in some definite prescribed time pattern or frame at all is the kind of thing we are looking for here.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend from Missouri.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding. I want to take this opportunity to commend the gentleman for leading this discussion today and for the outstanding manner in which he has framed the issues.

Over the past days and weeks we have heard a great deal about the current debate in Washington over the question of voluntary prayer in our schools. Unlike many issues, this is one that reaches into the very hearts of many Americans. While it does not have anything to do with taxes or national defense, the question of allowing our children to voluntarily pray in school is one that cannot be answered without taking a serious look at the fundamental principles upon which this Nation was founded. As if to confirm the depth of feeling that surrounds this issue, literally hundreds of citizens of the Eighth District of Missouri have written me to urge my support for a constitutional amendment to guarantee the right of their children to pray in school if they wish to do so—support that I have wholeheartedly given since the day I took office.

As so often happens, I fear that this issue is not being placed in the proper historical and fundamental perspective. The public expression through prayer of religious faith has always been a part of our heritage. It is a privilege—not a requirement—that is protected by the first amendment to the Constitution, and it has been a part of our public assemblies since Benjamin Franklin asked that prayer be observed by the Constitutional Convention. In fact, the same U.S. House of Representatives that has been unable to pass legislation permitting voluntary prayer in schools begins its session each day with a prayer.

So what is the problem? Primarily, it is, as President Reagan recently said, "The pendulum has swung too far toward intolerance against genuine religious freedom."

The first amendment, which was primarily a product of the fact that our forefathers came to this country largely in search of religious freedom states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *."

For the first 170 years of our Nation's history, this was regarded and construed to be a protection of the right to worship and pray as we wish, and a safeguard against any effort to:

First, mandate the way in which we worship; and second, prevent us from praying or otherwise exercising our beliefs.

Then in 1962 the Supreme Court wiped out these 170 years of interpretation by saying that prayer in school violated the provision of the first amendment forbidding an "establishment of religion."

□ 1410

In other words, in deciding that students in a New York school district should not be required to recite a prayer composed by school officials, the Supreme Court allowed the pendulum to swing too far. Because of that particular case in which most Americans would probably agree that students should not be required to recite a specific prayer, students who wish to pray in a manner of their choice are prohibited by law from doing so. Thus we are left in the ridiculous situation in which Nazis in Skokie, Ill., are allowed to stand on public property and advocate the extermination of Jews while our children are censored from voluntarily praying on public school property.

To me it seems that this is the time that we should allow the pendulum of constitutional interpretation to swing back into the spectrum of common sense. And since the courts do not seem to be inclined to do so, despite the opinions of roughly 80 percent of the American people, we have no choice but to overrule the courts with the passage of a constitutional amendment.

The proposed amendment that I support would permit voluntary prayer while at the same time strictly prohibiting any mandatory prayer. In short, it would allow our children to pray as they wish during the school day and to do so without violating the Constitution of the United States.

This is a privilege that I want my children to enjoy, and one that I will continue to work toward for as long as it takes.

I thank the gentleman for yielding.

Mr. MICHEL. The gentleman makes a very valuable contribution to the discussion here today.

Mr. HUNTER. Will the gentleman yield to me?

Mr. MICHEL. I will be glad to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding and I thank him for taking this special order.

The gentleman from Mississippi (Mr. MONTGOMERY) made a statement a few minutes ago and he talked about the voluntary nature of what would be allowed under the Kindness resolution which is simply that the Constitution would not prohibit children from praying in a school if they wanted to. I think the key word is "voluntary."

On that point I would like to hear from the gentleman from Mississippi if he could give us a few words about something that Members of Congress have been doing on a voluntary basis with regard to prayer for the last many years.

I came here in 1980 and I was advised that the gentleman from Mississippi and some other Members had a meeting every Thursday in the Capitol which was our prayer meeting in which the gentlemen from various States and new Members would come forward and would give a little testimony and give a little prayer.

I would like to ask if the gentleman from Illinois could yield to the gentleman from Mississippi and let us let him describe voluntary prayer in the Capitol.

Mr. MICHEL. I will be happy to yield, of course. As the gentleman very well knows, it was a few years ago that we actually established our own little chapel here in the U.S. Capitol for Members to repair any time that the Congress is in session for that very purpose.

I am happy to yield to my colleague from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

The gentleman from California has covered it well. I would just add about the House prayer breakfast group that it is strictly voluntary. We have Members who come on Thursday morning of their choice and we have a very short breakfast. We meet from 8 o'clock to 9 o'clock right here in the Capitol Building.

We start with a prayer. We sing a hymn. Then we have a Member that we have asked on a volunteer basis to talk about any subject that he would prefer to talk about, and then we have comments or questions on the subject that he or she covered.

Many of them talk about their own religions. They talk about their personal lives, things that have happended to them.

We do not keep any records. We do not call the roll. The only thing we make you do is have you pay for your breakfast. But you do not have to come.

It is probably the best day of the week for me in Washington that we can have this voluntary House prayer meeting. It really sets the day for me. It is on Thursday. I believe I get more out of that than the other things that happen around here in the Nation's Capital.

So I totally support what we are trying to do today and I really cannot understand what the problem is that we cannot move ahead and give our young people the opportunity to pray voluntarily.

We meet at the prayer breakfast and we talk about any subject you would like right here in the Capitol and nobody bothers us.

Mr. MICHEL. The gentleman makes such a good point. I know as we go around schools, whether high schools, colleges, even grade schools, every once in a while in the question and answer period you are asked the question: "Don't you gentlemen begin your sessions with a prayer?" and "Isn't that public property; the U.S. Capitol, doesn't that belong to all of the people?"

"Oh, yes, it does."

Then we have things like the Presidential prayer breakfast, and this last one was just a very, very beautiful thing. We hear talk across a broad denominational spectrum. Here was a former Senator, Jacob Javits, who just gave a very moving appearance that morning in reading from the scripture. And our good friend, Barbara Jordan, who used to sit on that side of the aisle, and the comments she made that day. And we have the mayor's prayer breakfast.

I guess what we are trying to say as public officials is that as smart as we are supposed to be, how much additional knowledge we need, and we have got to get it from somewhere. Those of us who believe there is power in prayer, we would just like to have a better answer to give to the people.

Mr. MONTGOMERY. If the gentleman will yield again, the gentleman brings up a key point in talking about the Presidential prayer breakfast. We had to change the name several years ago because so many people wanted to come to it. They would not get an invitation, and so they would blame the President of the United States, saying that he would not let them come to the prayer breakfast. So we changed it to the national prayer breakfast.

It is probably the biggest day we have in Government, and it is all on a volunteer basis. At this last prayer breakfast which we had several weeks ago there were 100 nations represented from around the world that came to Washington to attend this national prayer breakfast.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend from Ohio.

Mr. LATTA. Let me thank our minority leader for yielding and for taking this time. I just want to concur with what the gentleman from Mississippi has said about the prayer breakfasts and the participation that we have every year when we have the national prayer breakfast. It used to be the Presidential prayer breakfast. I think this is one of the finest events that takes place in Washington during the year.

As the gentleman indicated, over 100 nations participated in the last national prayer breakfast. And it is only shameful that we could not get more participants. But that room down there I think only holds about 1,700 or 1,800 people, but it is always packed. We are only entitled to bring in one couple from each district. I have difficulty every year in selecting a couple of people out of 500,000 to invite to come down to that prayer breakfast because I think it is the most fascinating day, and I just think it is one of the best events that we have all year.

To have to limit ourselves to only one couple to come down to it I think is unfair. I just do not think there is any place in Washington that we could hold it where we could accommodate all of the people who would like to come.

But if there was some way that we could get television to come in there, maybe C-Span or something like that, to come in and broadcast this one day's breakfast to the Nation it would be worthwhile so that they could see that these people in Government are God-fearing individuals, that they do take time out for prayer. I think it tells more in just a short time about this place than anything else.

Mr. MICHEL. I think the gentleman says it very well.

Mr. HUNTER. Will the gentleman yield?

Mr. MICHEL. I will be happy to yield.

Mr. HUNTER. I just wanted to thank the gentleman, our distinguished Republican leader, for leading this special order and for pointing out and making a couple of key points.

I think that the point the Senator from his home State, Everett McKinley Dirksen, made a number of years ago is just as true and fundamental to what we are trying to do today as it was then, and that is that the key word is "voluntary."

I think the gentleman pointed out that the gentleman from Illinois, Mr. Dirksen, stated very eloquently that even if you had to let the children pray if they wanted to, on the rooftop, there should be a place where they can get together.

☐ 1420

And you know, in light of what the gentleman from Illinois has said today, I think that the children in the various schools throughout this Nation will handle probably this question of "how do we pray" and "what is the prayer" and "how are we going to be able to arrange it," much easier perhaps than we in Congress could handle this question.

I think they are going to be able to get together. Maybe a few youngsters will go off in one corner, maybe a couple of kids pull their desks together and as usual, as has always been the case, there may be a couple of guys more interested in thinking about that math test coming up in the next hour than praying, or maybe that is the reason they will want to pray.

I think Charles Rose once stated, as long as there are math tests in school, children will pray in school.

I want to thank the gentleman who has come forward with his good commonsense and his ability to articulate the issues and his leadership and expertise. We just thank you for coming out and leading this special order today and we hope that this effort by the Republican leader will culminate in a successful resolution of the school prayer issue.

As I said, I was not here in 1971 when it came up the last time, but we hope your efforts will culminate in success on the school prayer issue in both the Senate and the House. We want to thank the minority leader.

Mr. MICHEL. I thank the gentleman.

To conclude my portion of the special order, I just want to say again that we began by reading a letter from the President, urging us to move with dispatch here; recognizing over in the other body they are beginning an extensive debate on the subject. There are people from all around the country who have converged on Washington and want to give support and assistance to this effort. We did not want, here in this side of the Capitol, the feeling to emerge that we were sitting on our hands here and that nothing was about to move. That we feel just as strongly as the other body about this issue, but for the moment thwarted by the committee process which precludes us and forecloses us from voting and even discussing the issue.

And if we have made one point here today, and I would hope it would be that there is that kind of broad-based support out there throughout the country reflected by the individual Members of Congress who represent those districts from all around the country, that this issue is one of those social issues that ought to be discussed and voted upon.

And whether we are successful or not in getting a two-thirds vote, only time will tell. But at least let us make a try.

ORDER OF BUSINESS

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that I may take my 60-minute special order at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RIGHTS AND RESPONSIBILITIES OF CHILDREN WITH RESPECT TO VOLUNTARY SCHOOL PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Moorhead) is recognized for 60 minutes.

Mr. MOORHEAD. Mr. Speaker, I want to thank the minority leader, Mr. Michel, for taking the previous hour and for the outstanding job that he did in presenting to the people of America one of our most important issues that we are concerned with in this country.

I am in support of the constitutional amendment to allow prayer in public schools.

I think that we have a very fundamental issue here relating to the rights of the children of school age in the United States. Every other individual in America at their place of work or wherever it may be, are granted by the courts of this land the right to pray or to study the Bible, providing the people they are working for or are involved with will allow them the time to do so.

We prohibit that to our children.

It is the basic function of the schools that we teach our young people in the schools all of the important aspects of our civilization.

Certainly, a respect for God, the study of whatever materials may be necessary to find out what God has done for our country through the years, for our world through the years and for our fellow members of mankind, is an important part of that study that is necessary in order for our young people to thoroughly understand what their civilization is all about.

For the first 180 years of our country's existence, prayers were allowed in public school. There was no prohibition of any kind relating to that type of study within the public school system.

The Supreme Court ruled some years ago that that right no longer existed.

I think that it is important to us to look back on those years of our history when we did have the right to prayer in public schools and see just exactly what happened.

There were very few violations of the rights of any particular group that may claim that they had a religious difference than others; there were no embarrassments that came to public light; but there was, when necessary, an opportunity for young people to gather together in Bible study groups if they so desired. There was the possibility of the school districts to rent their buildings, to get additional revenues, to groups which might have public prayer.

Those rights have disappeared. Most school districts throughout the country hesitate in renting the school buildings in off-hours to groups where even a simple prayer might be said for fear that they will end up in the Federal courts.

So, while every other kind of a group has a right to rent the public buildings, people who have a religious commitment are denied the right.

I think that this is wrong. Our young people can be taught about every other aspect of life, but when we have religion totally frozen out, they are given a warped version of what our civilization is like or what our country has been about for the 200 years of its existence.

Our forefathers believed in prayer, they believed in God and they sought the Supreme Being's help in almost everything that they did in life.

Before our Constitution, itself, was devised, Benjamin Franklin asked that the Constitutional Convention have a minister come in and pray for the success of that body.

Now we deny that very right to our young people.

In the schools of America since they have been denied that right, 282,000 students have been physically attacked each month in America's secondary schools. Each month, 112,000 students have been robbed through force, weapons or threat in the American secondary schools. Each month 240,000 students have had their personal property stolen in America's secondary schools.

Some say, and I believe them to be accurate, that a part of this problem has come about because our young people are no longer given basic tenets of behavior upon which to build their lives.

We are too frightened that everything that we do will end the schools up in the courts.

In many instances, courses that are very similar to atheistic propaganda are taught in the schools; there is no prohibition against that. Special groups are allowed to come on to school property promoting those kinds of issues that are absolutely contrary to the beliefs of the majority of the American people; and no one has objected to that.

And yet, any kind of fundamental teachings about God, about ethics, about our culture, about our history that relate to religion or prayers themselves, we are in trouble.

I am not advocating here today that we establish any kind of a church-related program in schools. I am opposed to that. I believe in separation of church and state.

I do not think that Government is in the business of adopting any philosophy of any religious organization or any religious group. That certainly would be absolutely wrong.

□ 1430

But the simple change in the Constitution that is being advocated here today is that nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or any State to participate in prayer and they should not be so required.

I think all of us believe that and we believe in the rights of every individual, whether he believe in God or not believe in God, to follow his own dictates in this respect.

In the days when I was in public school, prior to this prohibition, we had a Bible club, as we had a chemistry club and a Latin club and an athletic club and many other types of groups that met on the campus. That particular group studied the Scriptures and they prayed, but they were a group that chose themselves, that desired to take part in this particular activity. No one was required to come and actually the group was small enough that I am sure none was really concerned if they felt differently that they were not a part of that particular activity. And yet, that kind of activity has been prohibited by the courts in the United States of America over the last decade or so, under Supreme Court ruling.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I think the gentleman makes a good point, because I have heard it said over and over again on the floor, and we have heard it said many times by opponents of the school prayer amendment that the kinds of activities that the gentleman refers to are in fact still allowed in the schools. And there seems to be an understanding by some of these opponents, who I am certain are very, very well intentioned, that there is kind of a benign attitude toward prayer in the schools out across the country. And that, in fact, if a group of students wanted to get together and conduct a prayer club of some sort that they would in fact be able to do that. Nobody is stopping them from doing that kind of thing.

As the gentleman knows, that is just not the case. The gentleman has just made the statement that over the past decade that we have had numerous instances where just such activities have been ruled unconstitutional by the courts. In Arizona, for instance, there was a school district policy of granting high school student council permission to open an optional school assembly with voluntary student initiated prayer, unsupervised by teachers. And that was held to be a violation of the Constitution by the courts.

A school board policy in Louisiana, allowing students to participate in 1 minute of prayer or meditation at the start of the school day, upon request, and accompanied by parental consent, was overturned by the Fifth Circuit Court of Appeals. Sometimes I hear, "Well, those Federal courts are doing that and the Supreme Court is not the one deciding." In this case the Supreme Court upheld that decision in 1982.

In another instance a Rye, N.Y., teacher was fired for inviting students to pray with her voluntarily at school.

The gentleman from Pennsylvania has referred to the fact that students in Williamsport, Pa., desired to put together a prayer type of activity, voluntarily and on their own. That also was denied .

So that in instance after instance, specifically the kinds of activities that the gentleman refers, to have been in fact thrown out by the courts utilizing the former decisions about school prayer as the basis on which to make these further decisions. And you really do have an attack on religion going on within the schools.

I think the gentleman makes an excellent point.

Mr. MOORHEAD. I thank the gentleman for his very excellent point.

I think one thing also that we ought to bring out in this debate and that is that there is nothing in this constitutional amendment that requires, in any way, prayer in the public schools. We do not take the authority away from the States, away from the school boards, away from the principals, or away from the teachers, to set whatever policy they desire in this respect. We do tell them on each of those levels that there is nothing in the Constitution that is going to prohibit prayer in public schools that is not mandatory. They can have voluntary prayer if they so desire.

I think it is rather strange that if the President of the United States were on his deathbed our young people in the school could not pray for his recovery. If our country was in danger our young people in schools could not pray for the preservation of our democracy. Even though 70 percent of the people in the United States believe that we should have prayer in public schools and even though a much larger number of people in the United States express a faith in God, we are denying the majority of their basic right to seek aid and comfort from the sources that they feel most capable of giving it to them.

Mr. WALKER. If the gentleman will yield further, the other point that is often raised when we get into these discussions is just what is it that you are talking about there. Are you talking about some kind of a denominational prayer and obviously, as the gentleman points out, that is not what we are talking about. Are we talking about something that could end up being mandatory for students? No, that is obviously not what we are talking about. Are we talking about a prayer that the States write or the Federal Government writes? No, obviously that is not in any way contemplated by the actions that we would propose to take here.

But then the final question is: Well, what God is it that you are going to end up praying to? Well, I would submit that the gentleman makes an excellent point about our schoolchildren being unable to pray for the preservation of our democracy because in fact in this democracy we have specified that there is a God to whom this Nation is beholden. And right up over the gentleman's head as he speaks are the words emblazoned on the mantle, "In God We Trust."

I would submit that the prayers that we are talking about having in the public schools and in public functions and ceremonies are specifically aimed at making certain that there is some vitality to that particular message, that "In God We Trust," is not merely something etched on coins and etched in this House Chamber, but it has meaning in our entire public life. That includes in our schools.

The situation that we now have is that not only could students not pray for the preservation of the democracy that holds that motto to be significant, but they could not even utter those words, "In God We Trust," in any form that would be regarded as a prayer.

Now, that just seems totally incongruous and that is the point that I think that we have to have understood that the prayer that is being talked about here is more than anything else directed toward those basic fundamental beliefs in this society that are that our democracy springs from a belief in a creator who provided us with inalienable rights.

That is fundamental to all that we do here. I just think to some extent we see a lot of issues of this type raised which do not have any relevance to where the majority of the American people think we ought to be on these issues.

Again, the gentleman makes an excellent point when he talks about the fact that vast majorities of the American people support this. The reason why they do is because vast majorities of the American people recognize that regardless of their denominational beliefs, regardless of their beliefs in a particular kind of religious practice, regardless of whether they come from one kind of religious background or another, they do believe that it is fundamental to our country that we tie that which we do as a nation to a basic belief structure that goes beyond the minds and capabilities of men, that goes directly to a supreme being. And they think that the prayers that we deliver here in the Congress are an important part of that, they think that the invocations that are delivered prior to public ceremonies are an important part of that, and why not in that most pervasive of public institutions, the public schools, should not that kind of structure also prevail.

Once again I thank the gentleman for yielding.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from California.

Mr. MACK. I thank the gentleman for yielding.

In some of the gentleman's earlier comments, the gentleman gave some statistics about some of the things that were going on in schools, some of the, I guess, personal attacks. Could the gentleman mention those again. I just wanted to make a point.

□ 1440

Mr. MOORHEAD. These are the violence figures for the schools: Each month, 282,000 students were physically attacked from a period ending in 1980, according to NEA, in America's secondary schools. Each month 112,000 students were robbed through force, weapons or threats in American secondary schools. Each month 2,400,000 students had their personal property stolen in American secondary schools.

Mr. MACK. Some people listening to our discussions here today might say, "What in the world do those kinds of statistics have to do in a discussion about prayer in school?"

I guess I would just like to elaborate a little bit on that point. I guess what it really is pointing up to us is that what we are seeing in a very slow but yet very consistent way is a breakdown in what I would call the moral fiber, the strength of our society, of our Nation.

It is not fair to say that this is the one thing, the only thing, that impacts our children, but I could not help but be quite moved at the hearing we had last week when Roosevelt Greer came and talked about his involvement in getting out and being with young people in our country, and realizing that in their times of trouble, because they had not had the kind of training that we are talking about, training that I think is vitally important, that in their moments of real test, the real trial, they really do not have that one spirit to reach back to try to gain strength from. Unfortunately, too many times, instead of reaching for the spirit, which I think makes a difference, they reach for drugs or reliance on peer pressure and, unfortunately, get into trouble.

I think the gentleman has raised an excellent point here in bringing in those statistics, because it is just one other thing, I think, that indicates again what we are seeing is happening over a long period of time, very gradual, very consistent, is a breakdown in the moral fiber of our country.

I appreciate the gentleman's comments.

Mr. MOORHEAD. I thank the gentleman for his remarks.

I think one thing that is also very important for us, there are some of our good friends, deeply religious individuals, who are concerned that prayers in public schools might in some way violate some of their rights as a denomination, or establish a pattern.

I would say this: A constitutional amendment is not going to set up the rules or the regulations under which any kind of prayer could take place in schools. It is going to be up to the school systems and to the States to regulate that activity, as they did for nearly 200 years without any severe wrong being done anywhere. There is going to be no desire on the part of anyone that a particular religious faith, or any one denomination, be dominant. The idea is that all should have a right to pray and to worship wherever they might be and that every kind of activity that is legal should be able to be partaken in the public schools. They should not be given a different standard that is lesser than that which we have for our adults.

I wanted to point out one thing also, while I still have a few minutes of my time. I view changes in our Constitution with great concern. I feel compelled, however, to speak out for this amendment, because in spite of evidence that those who founded this country sought God's help in the framing of our Constitution and of the many instances in our history where our leaders sought His guidance to find moments of crisis turned into moments of victory, prayer is now prohibited in public school buildings, the very place where our young people, our leaders of tomorrow, are taught to think and to reason. Under present interpretation of the law, no schoolday may be opened or closed with prayer, no public meeting held at the school building may be opened or closed with prayer, and there may not be any public reading of the Bible. On the other hand, every other subject may be freely discussed. There is no prohibition in any other area. This is a situation which I find most unfair and most harmful to our young people and to our Nation.

I could never support any effort to require prayer in public schools, but I strongly feel that we must return to permitting prayer in public schools. It seems to me that this privilege ought to be a fundamental right of every American citizen in public schools and elsewhere.

I hope that we will be allowed to vote on this very important amendment on the floor of the Congress and that the American people will have a right to their expressions through our elected Representatives to have their way and to have the kind of a country and the kind of a program for our young people that they feel is necessary, and that a ruling from the Court, after 180 years, shall not be allowed to destroy this right.

Mr. Speaker, I yield back the balance of my time.

ORDER OF BUSINESS

Mr. LATTA. Mr. Speaker, I ask unanimous consent that I may be permitted to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

VOLUNTARY PRAYER IN THE PUBLIC SCHOOLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LATTA) is recognized for 60 minutes.

Mr. LATTA. Mr. Speaker, let me first of all commend the gentleman from California and the other Members who have taken the time and made the effort to bring this subject to the floor today. I do not think there is any subject that needs discussing and airing any more than does this subject.

I was quite concerned over the weekend to pick up our hometown newspaper and to see how some of the reporters are writing on this subject. I cannot bring myself to believe that even on this subject, some do not seem to report accurately on what the debate is all about.

I have in my hand an article out of the Bowling Green Centinal Tribune, my hometown newspaper, Saturday, March 3, 1984. I want to read you the first paragraph of a UPI story that shows some do not report accurately on what we are attempting to do and what the Members are attempting to do on the other side of this building.

> WASHINGTON (UPI).—Amid some of the bitterest religious differences in decades, the Senate has taken up President Reagan's proposal—

> and this is what I want to emphasize—to return State-sponsored prayer to the public schools.

Somebody wrote that. And that somebody happens to be David E. Anderson from the UPI.

Now, is that what we are discussing today? Is that what they are discussing in the Senate of the United States? No!

But lo and behold, such a story goes out across our land to the American people, that we are discussing a return to State-oriented public prayer in our schools.

Well, that is not what we are talking about. We are not talking about that. I have not heard a word about a State-oriented prayer, have you? Not one single word. But somebody gets paid for writing this kind of material and putting it for consumption by the American people.

What we are talking about is voluntary—voluntary—prayer in the public schools. And it means exactly that.

I have read the resolution that the gentleman from Ohio (Mr. KINDNESS) and many others have sponsored. And let me just read it, for the RECORD:

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer.

It does not say anything about a State-sponsored prayer. Absolutely not.

So I think we ought to have in proper context what we are discussing here. We are talking about voluntary school prayer, not something sponsored by the State of New York, the State of Ohio, the State of Texas, the State of Pennsylvania, or the United States of America.

We seek to give our children, the children of our country, the right to participate if they so choose in voluntary prayer in the public schools.

It has already been alluded to that up above our Speaker and above the American flag are the words "In God We Trust." You know, those words were not always there. I can remember when those words went up there. Would you believe it, they went up after that Supreme Court decision was made denying our young children an opportunity to pray in the public schools?

□ 1450

That is when they were put up. I was here, I was here.

This House seemed to be defying the Court by its action you know, at a time it was thinking about Madalyn Murray. Incidentally, it has not been mentioned that Madalyn Murray's son who was involved in that lawsuit is now about the country saying that the decision was wrong, he has changed his position. But not so Madalyn.

Yes; perhaps that first decision was a proper decision as far as State-sponsored prayers are concerned. We do not want anyone composing a prayer for our children. But certainly, certainly they ought to have the opportunity to do so, just as we have already alluded to the fact that here in this Chamber we open our day with prayer. They do it in the Senate. Our coins have "In God We Trust." The Pledge of Allegiance, one nation under God. We pay with taxpayers' funds chaplains in our armed services. I can recall that there was some movement across the country a few years ago to attempt to take away those chaplains in our armed services, but they did not do it. They could not do it. But, certainly what they did do is take away from our children, at a very formative time of their lives, the opportunity to participate in a voluntary prayer in public schools.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

The gentleman went through quite a group of places in our public institutions where in fact prayers are formalized and where oaths are uttered and it is also interesting to point out that in the Supreme Court they begin each day with phraseology, something to the effect that God Save the Country and This Honorable Court.

Now, it seems to me that that higher power to which they are calling on in the Supreme Court might also be available to our children. It is a rather interesting fact within the country that the Supreme Court rules out for children that which they practice daily themselves.

Mr. LATTA. I heard somebody speak here today about praying for our President. I can recall the day President Kennedy was assassinated; it was reported across the length and breadth of this country that many classrooms suddenly broke into prayer. Yes, notwithstanding the Supreme Court, they violated the edict handed down by those men.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

The gentleman pointed out "In God We Trust" is right behind him on the, behind the Speaker's chair, and a number of people have said, well there is this concept of separation, the separation between church and state, and that is what the first amendment really means, and that is what we are really going on.

As a fairly new Member, I would like to ask the gentleman who has great experience in the House, if we are talking about separation between church and state, and that is the basis on which the Supreme Court rules that the children in this Nation's schools cannot pray, what is more representative of the state than the U.S.

Congress and the forum that we are speaking in right now?

If we start every day with a prayer, and the Speaker orders a congressional prayer and it is heard, are we not the state? I thought perhaps this building and the Capitol of the United States represented the state, and if in fact there is a constitutional mandate against prayer anywhere where a state entity or an extension of the state is involved than certainly this is a state right here.

Why has not anybody ever filed a suit, I guess I am asking the gentleman, to prohibit Congress from saying prayers? I realize that in light of Abscam and a number of other things, a lot of people in this country think that Congressmen need prayer very desperately. Why has not anybody filed a suit?

Mr. LATTA. Well, let me tell the gentleman that if that case ever got to the Supreme Court, you could expect those nine judges to run for cover under the separation of powers. They are going to say we want no part of that one.

There will never be a Supreme Court decision saying that you have to do away with the chaplains here, and, incidentally, we pay these chaplains with taxpayers' money to perform their services. Out there in those classrooms they were doing it voluntarily without pay.

I yield further to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for again yielding.

The gentleman is absolutely right in what he says about the Supreme Court when it comes to raising questions about the chaplains here. The United States and House and Senate practices of retaining chaplains was challenged by a group of atheists not too long ago. The District of Columbia Court of Appeals rules that atheists have a standing on which to challenge that, and guess what, the Supreme Court rejected that out-of-hand.

So the Supreme Court picks on the schoolchildren with regard to prayer, but when it came to the question in the Congress, the Supreme Court just rejected that out-of-hand. It seems to me that that makes it clear that a constitutional amendment here is merely a protection from that which the Supreme Court has unilaterally applied to schoolchildren. I think that the gentleman has hit the nail on the head. What he said is going to happen in the future, has happened in the past. The Court threw out any challenge to the use of chaplains in this body.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman.

I think that all Members very much appreciate the articulate gentleman and the arguments he has made. You know, I represent an area that has a great many military people in San Diego, Calif., and I shudder to think of the effect that it would have if prayer, for example, was not allowed in military installations. That is because we ask our young people in many cases to lay their lives on the line for the United States of America based on the concept that our rights in this country flow from God. As our Founding Fathers said, not from the state and not from the benevolence of any one man. We ask our people to go out and to be in many cases in very dangerous situations day-after-day, even when this country is not at war. Yet, again, I am going back to this so-called separation from church and state doctrine. Certainly the military forces of this Nation are an extension, if you will, of the state, and represent the state. They are paid by taxpayers' money and they carry out their operations under the control of the Commander in Chief, the President of the United States.

Once again, I think the gentleman from Pennsylvania (Mr. WALKER) has made a good point. The Supreme Court picked, I think, on the weakest group they possibly could and that was the children of this country.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Missouri.

Mr. EMERSON. Following up on the gentleman's reference to the military, I recently had the opportunity to visit the magnificient Naval Academy in Annapolis and to tour that great chapel there in which lie the immortal remains of John Paul Jones and I am assuming that this Academy, together with our other service academies, is supported and maintained by Federal tax dollars. Certainly they are religious entities of significant proportions.

So, we are being inconsistent when we single out the schoolchildren to be excluded from the protection of the Constitution and the right to prayer. Certainly in the military, and in the academies themselves I am pointing out, this is not only a permitted activity, but one that is fostered directly by the Government.

Mr. LATTA. I thank the gentleman from Missouri not only for his comments, but for the leadership he has provided in this endeavor. That also goes to the gentleman from California (Mr. HUNTER).

Let me just say in my humble judgment, what this has done in our classrooms is to favor atheism over Christianity. Let me analyze that for a moment.

A nonbeliever is an atheist. You are favored as a nonbeliever in our classroom because no one can express Christianity in the classroom. Since no expressions as a believer can be made you favor atheism over Christianity through the interpretation of these decisions, and I think that is wrong.

I believe that we are a nation under God. Our Founding Fathers found themselves at an impasse several times, what did they do? They prayed for an answer to bring forth the Government we have. I think from its inception, we have been a Christian nation, and certainly I happen to be one who wants to see it remain that way.

Speaking about schools, I can recall when I was in high school we used to have chapel every Friday. Voluntary of course, but I would say in our high school most of the kids participated. We would call in one Friday a minister, maybe a priest the next, a rabbi the next, but we would always have some students from the school participating.

□ 1500

I can recall as a junior, having never made a public statement, never made a speech, being asked by a science teacher we had in school at that time by the name of Wayne Cramer. He came to me, and he said, "I would like to have you participate in the chapel program next Friday and to make a speech on a subject he was assigning me." I forget the subject but my immediate reply was, "I cannot make a speech." He said, "You can make a speech or I would not have asked you."

I made the speech, and I have been ever thankful to him and for my participation in chapel programs as a young high school student ever since, had I not made that chapel speech I might not be standing in the well of this House today.

As I look back, I begin to wonder about the hundreds of high school students who have come along since these Supreme Court decisions.

How the denying of the right to voluntary prayer to them might relate to some of the problems our young people of America have today. We did not have all those problems we have today when we participated in voluntary prayer and Christian undertakings in our school systems. In my humble judgment, there is a direct relationship, and I think it is high time that we, as Americans interested in the future of our young people and in the future of our country, do something about correcting our course and bringing God back into our public schools.

After all, we are a Republic. Submit the question to the people so the people can decide whether or not they want to see voluntary prayer returned to the public school system in this country. I see nothing wrong with that. Every 2 years we submit our record to the people of our respective districts, and the President submits his record to the people of the country, the Senators to the States.

What is wrong with taking one of the decisions of the Supreme Court and submitting it to the respective States to either accept or reject?

Certainly I think our Judiciary Committee, and particularly the subcommittee that has jurisdiction of such matters, is remiss by not bringing to this floor for our consideration a resolution so that we could vote on it and then send it to the States for the States to decide this most important issue.

Some have alluded to some of these horror stories which have come out of inferior courts trying to interpret what the Supreme Court has said. Let us look at some of these cases, like reading prayers from the CONGRESSIONAL RECORD to a voluntary gathering of students in a high school gymnasium before the schoolday was forbidden by a New Jersey State court and the Supreme Court declined to review it.

An Arizona school district's policy of granting a high school student council permission to open optional school assemblies with voluntary student-initiated prayer unsupervised by teachers was held a violation of the establishment clause by the Federal courts.

A school principal in New York ordered his teacher to stop kindergarten children from voluntarily saying grace before meals on their own initiative. The Second Circuit Court of Appeals upheld the ban.

Recitation by kindergarten children in Illinois of a thankful-type secular verse before meals without reference to God was held to violate the establishment clause by the Seventh Circuit Court of Appeals.

A school board policy in Louisiana allowing students to participate in a 1-minute prayer or meditation at the start of the schoolday upon request and accompanied by parental consent was overturned by the Fifth Circuit Court of Appeals, and the Supreme Court upheld the decision in 1982.

A Pentagon Thanksgiving Day worship service conducted under the Pentagon pulpit program begun by President Franklin Roosevelt in 1942 ruled unconstitutional by a Federal magistrate.

The U.S. House and Senate practice of retaining chaplains to open sessions with prayer was challenged by atheists. The D.C. Circuit Court of Appeals ruled that atheists have a standing to challenge, although the challenge was later rejected by the Supreme Court.

A Rye, N.Y., teacher was fired for inviting students to pray when they are at school. Let me say they should have fired the school board instead of the teacher.

In Tennessee, the State attorney general warned the Oak Ridge High School athletic department that for a coach to lead the team in prayer before a game violates the Constitution.

A Kentucky State law requiring the posting of the 10 Commandments on public school classroom walls held unconstitutional by the Supreme Court.

High school students in Williamsport, Pa., requesting permission to form a club called the Petros on the same basis as other groups and to meet regularly like other groups during regularly scheduled activity periods two mornings per week were refused permission. Denial was based on the fact that the speech and activities of Petros were religious in content.

All voluntary religious activities of students on school grounds were banned by a local school board in Dixon, Ill. The same local school board restricts outside community groups to four uses per year of school facilities for meetings after school hours if the groups intend religious speech. Nonreligious groups have no such restrictions on afterschool access.

I just wonder what our Founding Fathers would have said about that particular decision of a court in that Dixon, Ill., case.

Any carols, Christmas carols, that mentions Jesus Christ were banned from annual Christmas programs by the school superintendent in Ithaca, N.Y. Shame on them.

The Prince Georges County, Md., superintendent of schools abolished programs of religious music during Christmas and traditional periods of religious celebrations before backing off under local community pressure.

The Massachusetts State Board of Education virtually eliminating the display of religious objects or symbols and the presentation of religious music during Christmas and other holidays throughout the State.

And so it goes, on and on and on. Clearly, this is not what the authors of the first amendment had in mind. Our courts have gone too far from that so-called State prescribed prayer in the New York case. I think it is high time that we act in this Congress to return voluntary—voluntary—prayer to our public school systems and it is time for this House to act and for the people to be allowed to speak.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I would be happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I just want to say that I commend the gentleman for his very articulate statements and for his experience that he has shared with us on the struggle that school prayer has had in the United States. We thank the gentleman for coming out and, hopefully, his statements will spark a move in the next couple of weeks, as the Senate takes this bill up and the House hopefully will follow suit, to at least bring the issue up. Let us get it out. Let us vote on it. Thanks so much for helping us and for leading us.

Mr. LATTA. I thank the gentleman for his comments.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I will be happy to yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

Mr. Speaker, I will not take a long time. I just would like to join with my colleague, the gentleman from California. I was able to watch part of the gentleman's statement on television up in my office and part of it down here. It was a powerful statement. It is the sort of statement that I think, if it goes out to the people in the country, it can give them a much greater insight into the kind of fight that we face here on the floor of the House of Representatives.

I would particularly like to thank the gentleman in the well, because as the ranking member of the Committee on the Budget, we all know that he is up to his ears in business these days and does not really have a lot of time to spare. For him to be able to take this time to come down here and help out this cause is a sacrifice above and beyond the call of duty and I would like to thank the gentleman.

Mr. LATTA. I thank the gentleman. Let me say I am glad to do whatever I can to bring this issue forward. I do not think it is a sacrifice to try to get this matter to the people so the people can speak. The lack of voluntary prayer in our schools has been very harmful, in my opinion, to all America.

□ 1510

These young people who were first affected by these decisions have now become adults. I think taking God out of our classrooms has had its effect on the morals of the country. We must make an effort to right this wrong so that future generations will not also suffer.

THE VOLUNTARY SCHOOL PRAYER AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HYDE) is recognized for 60 minutes.

Mr. HYDE. Mr. Speaker, I am delighted to be afforded the opportunity to participate in this most worthwhile undertaking to dramatize the significance of an amendment to the Constitution reversing the Supreme Court decisions which forbid organized prayer in public schools, and at this time I am more than pleased to yield to my friend, the distinguished gentleman from Alabama (Mr. BILL NICHOLS).

Mr. NICHOLS. Mr. Speaker, I thank the gentleman for yielding, and I want to take this occasion, if I might, to commend those responsible who have taken the initiative to call this special order so that Members may express their views on the proposed constitutional amendment which would permit prayer in the public schools of America.

Mr. Speaker, it is symbolic that this debate should address itself to the Congress of the United States because some 200 years ago when this country was being established and delegates had assembled from the various States to attend the Constitutional Convention held in Philadelphia, a decision was made to invoke the blessing of almighty God on the Congress of the United States as we deliberate on the issues confronting our Nation.

The States were divided at that time on the issue of representation with the smaller States desiring equal representation with those of the more populace States of Massachusetts and New York. It indeed appeared that there was no way whereby they could get together and, on that occasion, a wise Benjamin Franklin approaching 80 years of age suggested that prayer be held among those delegates to the convention. His exact words to my recollection being, *"If a sparrow cannot fall to the ground without his notice, then how can we as a new nation expect to prosper without the blessing of Almighty God".* Mr. Speaker, over these more than 200 years as a nation through the trials and tribulations of the war between the States, World War I, the Great Depression, World War II and through other periods when the prospects were bleak, we have had prayer in this Chamber never missing a single day when the Congress was in session.

So the question presents itself as to why the U.S. Supreme Court, in their judgment, would refuse to let those who desire the opportunity to offer prayer do just that in the public schools of our country.

In this connection I believe I am correct in saying that the public sentiment for such indicates that better than 80 percent of all Americans are supportive of prayer in the public schools of America.

Last week I talked by phone with Dr. Wayne Teague, superintendent of education in my State of Alabama as to the manner in which this Court edict was being followed in Alabama. He explained to me as superintendent of education he had the responsibility to inform county and State superintendents as to the Supreme Court's decision in this matter and it appears from my own observation in visiting public schools in my Congressional District that the decision has pretty much precluded the offering of open prayer in the classrooms and assemblies in the State of Alabama. Dr. Teague did tell me that, in his judgment, the vast majority of Alabamians, both parents and students, would prefer to have prayer and bible reading as was done prior to the Court's decision.

Mr. Speaker, my mail reflects this sentiment and just this morning I received a letter from a constitutent in my home town which is typical of the mail I receive on the subject. I quote:

> I keep hoping something can be done to restore prayer and scripture reading in our schools. I keep remembering Professor Crowther insisting that we memorize bible verses which today are some of my favorities. I am blessed today partly as a result of his influence on my life as a child. I do hope that if there is anything you can do to help right this wrong to our children and their future that you will do it—you see I remember that you too were raised by God-fearing Christian parents.

Mr. Speaker, as the Senate debates this issue today, I would hope that they would recognize the dependency which this country has traditionally placed on prayer and of the moral precepts of those who established this country as "One Nation Under God". I am hopeful that the Senate in its wisdom may approve the constitutional amendment process supporting prayer in public schools. I am confident the respective States would quickly move to support such an amendment. I am pleased to be on record as having sponsored and cosponsored such amendment in this body and again commend those responsible for this special order to emphasize the views of my colleagues on this important subject.

Mr. HYDE. Mr. Speaker, I thank the gentleman from Alabama (Mr. NICHOLS) for his great contribution to this important subject.

I am now pleased to yield to another distinguished gentleman from Alabama and a member of the Armed Services Committee, a gentleman who is living proof that there are no atheists in foxholes. I yield to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for that very gracious yielding, and let me say that I appreciate the opportunity of following my colleague, the gentleman from Alabama (Mr. NICHOLS), who is my neighbor in more ways than one in speaking on this matter.

I, too, am a cosponsor of this legislation, and just in reading it, it is bewildering to me how anyone could find it offensive to say that nothing in the Constitution shall be construed to prohibit an individual group prayer in public schools or other public institutions. No person shall be required by the United States or any State to participate, making it totally voluntary.

It is just almost unbelievable how far we have come in my lifetime when we took so much for granted. We are brought into this world and are christened. If you are a Christian, you are christened, but if you are of the Jewish faith or of the Hindu or Moslem faiths, they all have religious observances relative to bringing life into the world. We are all married in some religious ceremony. When we die, we commend our souls to God, whatever religion we have, including those in backward countries or tribal units, like our Indians. Everybody recognizes that there is a deity, or almost everyone, someone higher than man, some power to whom we owe allegiance and to whom we owe our existence actually.

This is a "Nation founded under God." We say so in our Constitution. As has been pointed out, on our coinage, we cannot spend a dollar or 50 cents or a quarter without its saying on it, "In God we trust."

As has been pointed out, when we come here to open our Congress, we open it with a prayer. It is a nondenominational prayer, and the Jewish members and others of other sects do not feel particularly offended, I do not think, and as has been pointed out, especially if a rabbi opens it. There is nothing wrong with giving a person that opportunity if we believe in God.

And this country does believe in God. It was founded on a belief in God. Throughout our history and throughout our literature we have always taken it for granted that the State is not going to be involved in religion, but it is certainly not going to prohibit it. But that is actually what we did in 1962 under a very, very liberal Supreme Court, and now we have come to this point.

Having grown up and studied the law and practiced the law and been on the bench prior to this decision, it is so hard for me to believe that we have ever come so far in this country that we have to be here now asking permission of the Democrats or of a political system to allow us to pass a law so that our children can have voluntary prayer in school. It just nearly blows your mind.

□ 1520

Now, why are we here? Well, we are here because we are trying to undo a wrong decision of the Supreme Court. How can we do that? Well, we have got to amend the Constitution, because the majority, not all of them, say that that is what must be done.

How do you do this? Well, you introduce a constitutional amendment, so it has to pass the floor.

We did this, and what has happened to it? It has gone to the committee, to which it is rightly assigned. It has not had one day of hearing, as I understand.

Now, the distinguished gentleman in the well is a member of that committee. Let me ask the gentleman, if I might, as to the mechanics of it. This constitutional amendment has been referred to the Judiciary Committee, which is a committee of proper jurisdiction. What has happened to it since it has been assigned and how long has it lain there dormant?

Mr. HYDE. Well, like so many important pieces of legislation that the leadership feels is too controversial and would rather not submit all the Members to a recorded vote on, it stays in the drawer in somebody's desk and never sees the light of day.

The Civil and Constitutional Rights Subcommittee of the Judiciary Committee, composed of eminent distinguished lawyers, presumably committed to the rule of law and the consent of the Government and the democratic process, refrains from bringing the amendment for school prayer forward for hearings and for a markup and for a vote because it is controversial. Some people would not like to have to vote on it, following the line of least resistance and seeking the lowest common denominator. So that legislation just does not surface and the membership of this House, elected to deal with these issues, does not get an opportunity to vote on it.

Mr. DICKINSON. How long have we waited?

Mr. HYDE. Well, I have been here 10 years and nothing has ever surfaced and I am confident from studing the record that in every session the amendment is introduced.

I have heard tell there is a procedure around here called a discharge petition and that if people are disturbed because certain legislation remains in the safe of the subcommittee chairman, so to speak, and does not emerge for a markup and a vote, all you have to do is go up here and sign a document called a discharge petition and if you get 218 signatures, which is a majority of those elected to this body, the bill or the resolution will come forward for a vote.

Now, the problem with that is a political problem, and that is that it is very embarrassing on the part of Democrats to have to sign a discharge petition because it is considered bad form. It erodes the committee structure. It is an evasion, a circumvention of the structure of subcommittee chairmen and committee chairmen, which is a very powerful spigot to control the ebb and flow of legislation.

So if a Member of the majority party who has aspirations some day to become a subcommittee chairman or, if lightning should strike, a committee chairman, has any ambitions for moving ahead in party leadership, he or she had better recognize the structure of the party leadership and not seek to avoid its operation by signing a discharge petition.

Now, that is one of the problems. There are also some Republicans that much to my dismay tell me, "I never sign a discharge petition."

I have never fathomed their reasons for confirming the petty tyranny of subcommittee chairmen and chairmen, but nevertheless, that is the way it is.

Mr. DICKINSON. Well, it just stupefies me that we have gone through the mechanical process as the law requires and in an orderly fashion we have filed the bill, the resolution, that would make a constitutional amendment. It has gone to the proper committee and been assigned to the proper subcommittee and for over 10 years not 1 day of hearings.

And during that 10 years, who has controlled the subcommittee? The Democrats, by at least 2 to 1, the Democrats are in charge.

Who controls the full committee? The Democrats, by 2 to 1.

Who controls the Rules Committee? More than 2 to 1 Democrats.

Who controls the House? The Speaker, a Democrat.

What this all boils down to is that it is the Democrat Party in this Congress that could report that bill out if they wanted it out or they can kill it, and that is what they have done.

Why this should devolve to a political issue, I do not know. If it is controversial, we are sent here to vote on controversial issues. How many times have we voted on controversial issues? Everything from 14-B or the repeal thereof to abortion, how controversial can you get?

But to make this a political football as to whether or not my child or your child or the public's children should have the right to be exposed to a prayer in school or not, if they choose not to, is something that my constituency just cannot understand and they ask me questions about it.

All I can do is just point to the party in power in the House and say they have stifled it at every level and if it comes out of the subcommittee, it will never come out of the full committee, but if it should, it will never get through the Rules Committee; but the Speaker can turn it off and on if he wants to.

Why this should be a Democrat versus a Republican issue, I do not know; but if I have to join issue on anything that has ever been in this House or on this House floor, I am happy to join issue on this in favor of prayer in schools, voluntary prayer in schools for children. I cannot think of any side I would rather be on or any vote I would rather cast in the 20 years I have been in the Congress.

I appreciate the gentleman yielding to me and assisting in this colloquy.

I hope that we are successful. I believe that the American people will be sufficiently educated as to why we cannot get legislation at least up for a vote. If we cannot get a majority, OK, but at least let us have the process that the law provides that we should have and not stifle it because they do not want it to come up for whatever political reason they want; but it is the Democratic Party in this House that is stifling it, will not give it 1 day of hearing because it is controversial—for whom? I do not know.

Mr. HYDE. Well, if I may say to the gentleman, it may be too broad a brush to say it is the Democratic Party. I think it is some of the leaders of the party who view their role as to protect the membership from having to confront controversial issues. Never mind that they are very important. Never mind that they are matters of concern to most Americans, but to immunize the Members from having to confront these issues and maybe vote one way and then alienate some of their constituency, that is how they envision their role as leaders.

I am sure if we could get it to the floor, we could get a majority of Democrats to vote for it, but it is these leaders who are perhaps in an excess of zeal seeking to protect their Members who do not like to vote on these issues, or those Members who find prayer in school abhorrent and therefore there are many ways to skin a cat, to use the colloquialism, and one of them is never to let the bill see the light of day and get voted on.

But I do think our civics courses in grammar school and high school ought to include a little bit more on the power, the practical power of the leaders of Congress concerning the ebb and flow of legislation.

Mr. DICKINSON. Well, perhaps in my excessive zeal I stroked with too broad a brush, because I realize there are many, many on the Democratic side of the House who are supportive of this; my colleague who just spoke is.

Mr. HYDE. Mr. NICHOLS.

Mr. DICKINSON. Yes, Mr. NICHOLS; but it is the Democratic leadership elected on that side of the aisle who have stifled this legislation for, lo, these many years and are keeping it stifled. If we should pass it in the Senate, we still have to get it out in the House. It has not budged 1 inch since it was referred.

I thank the gentleman for his efforts and I want to commend all of you who have made this special occasion under special orders to bring to the attention of the public this travesty of justice and this devastating way to stifle the will of the people.

I thank the gentleman.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I am pleased to yield to the distinguished gentleman from Virginia, one of the most effective Members of this body, Mr. FRANK WOLF.

Mr. WOLF. Mr. Speaker, I thank the gentleman very much.

Mr. Speaker, I rise in strong support of the efforts to allow communities to determine for themselves whether prayer should be permitted in their public schools and to allow individuals to decide for themselves whether or not they wish to participate in prayer.

I believe that the American people want prayer in school, that it would be beneficial for our children to have an opportunity to begin each day in prayer and that it is time to remove the bar to school prayer established by the Supreme Court in the early 1960's.

☐ 1530

The Court overturned a century of American tradition, and when you go back and look at the debates, and the Constitutional Conventions, of the desire of George Washington to pray at those meetings, and the desire of Benjamin Franklin to pray, I think it is safe to say that the Court has overturned a century of American tradition when it handed down that decision that violated the principle that the matter of prayer in the school be left to parents in the local community and not to Federal judges here in Washington. This country was founded on the principle of public expression of our faith in God.

I have been concerned for some time now that the rate of increase in this country, some 300 percent, in teenage suicides in this country, it is interesting to note that this rate began to climb at approximately the same time that the schools were withdrawn from prayer two decades ago. You cannot say conclusively that there is a causal effect, but I believe perhaps there may be a linkage.

Many problems associated with young people began a steady climb upward beginning at about the same time of this decision, and I believe that the privilege of expression of faith in God through silent prayer can provide indispensable support to young people who today are growing up in a very complex society, a very difficult society, involving in many instances confrontations with emotionally traumatic family crisis situations.

I have been a longtime supporter of voluntary prayer in public schools. All of my five children attend public schools, and I have consistently received a number of letters on this issue.

There has been a lot of talk about voluntary prayer and prayer which I think is important, but I think maybe there is another angle that we should think about. That is about whether or not this Nation will continue to honor God.

I read several months ago a speech that Mr. Solzhenitsyn, who had been a prisoner in Gulag in Soviet Russia, made when he received the Templeton Award several months ago. This is what Mr. Solzhenitsyn said—and I think the American people know who he is; he wrote "The Gulag Archipelago," and was a prisioner for many, many years and developed a belief in God while serving in a Soviet prison camp. This is what he said during that Templeton address:

> Over half a century ago, while I was still a child, I recall hearing a number of older people offer the following explanation for the great disasters that had befallen Russia: "Men have forgotten God; that's why all this has happened."
>
> Since then, I spent well-nigh 50 years working on the history of our Revolution; in the process, I have read hundreds of personal testimonies, and have already contributed eight volumes of my own toward the effort of clearing away the rubble left by that upheaval. But if I were asked today to formulate as concisely as possible the main cause of the ruinous Revolution that swallowed up some 60 million of our people, I could not put it more accurately than to repeat: "Men have forgotten God; that's why all this has happened."
>
> What is more, the events of the Russian Revolution can only be understood now, at the end of the century, against the background of what has since occurred in the rest of the world. What emerges here is a process of universal significance. And if I were called upon to identify briefly the principal trait of the entire 20th century, here too, I would be unable to find anything more precise and pithy than to repeat once again: "Men have forgotten God." The failings of human consciousness, deprived of its divine dimension, have been a determining factor in all the major crimes of this century. The first of these was World War I, and much of our present predicament can be traced back to it. It was a war (the memory of which seems to be fading) when Europe, bursting with health and abundance, fell into a rage of self-mutilation which could not but sap its strength for a century or more, and perhaps forever. The only possible explanation for this war is a mental eclipse among the leaders of Europe due to their lost awareness of a Supreme Power above them. . . .

I think maybe equally important as the right of schoolchildren to have the opportunity for silent prayer or for prayer in schools, public schools, is the fact that we will not address this issue, is really almost an indication that we have forgotten God. And when men have forgotten God, perhaps we can then look around and say that that is why all of this is really happening.

The previous speaker spoke about the coin, and as we look at the 5 cent piece, we see where it says, "In God We Trust." Sitting behind the gentleman from Georgia, the acting Speaker today, are the words, "In God We Trust." I guess it is not appropriate, so I will not ask the television cameras to address the camera there if he could—if he can, I would like him to do that, but I understand that he cannot, but I think the American people know that behind the Speaker and behind the President of the United States, when he comes to address this Nation, are the words, "In God We Trust."

We have a Chaplain in the U.S. Senate who is paid for out of Federal funds. We have a Chaplain in the U.S. House of Representatives who is paid for by Federal funds. Yet the courts have ruled that that certainly is permissible and certainly appropriate.

In the military, we have chaplains who receive salaries who are paid for by the U.S. Government, and certainly that is permissible.

I think that when we talk about this subject, without putting particular blame, that maybe I would try to sum it up this way: I think that reasonable men and women can differ as to what the language should be. Reasonable men and women can actually differ as to whether or not it is appropriate to have it this way or that. But, Mr. Speaker, where I think reasonable men and women cannot differ is on the question of whether or not this body, this Congress, should have the right to take this issue up.

The Speaker, who is a decent individual and a gentleman, has locked this thing up and bottled this thing up for so many years, and I think it is incumbent upon the Speaker and the leadership in that area to allow the American people to have their Congress vote on this issue.

Many times people like to hide behind certain issues because they do not want to have to vote on them. I am very proud that I sent out a newsletter to every constituent in my congressional district listing every vote that I have cast, because I think the people of my district have a right and I think I have a duty to inform them of how I have cast my vote on every issue.

On an issue like this, I am sure there are people in my congressional district who are good and decent people that would not agree with the position I am taking. If that were the case and we were in those areas, I do not think it is appropriate that we not speak out on these issues or we not have votes.

My plea would be to the Speaker, who I know is probably doing other things and really not listening, although I am sure people will tell him what went on here today, is that the American people want to vote. They deserve to vote. They deserve a vote, Mr. Speaker.

The Speaker, in meeting the needs and cooperating with groups that he works very closely with, is giving them votes on, again, controversial issues, and that many people who vote on both sides of the aisle may not want to vote on them, but they did vote on them and the Speaker came up, and I cannot be criticizing the Speaker for bringing these issues up, but I think commonsense dictates, and fairness dictates, that the Speaker give us an opportunity to bring this issue so that the Members of Congress can vote.

Mr. HYDE. If the gentleman would yield, is the gentleman saying, and I think I am reading between the lines, that ERA has gotten two shots at debate in the House, a constitutional amendment of great importance within the past 10 years, but school prayer has not gotten any?

Mr. WOLF. That is correct. The gentleman is absolutely correct.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Minnesota.

Mr. WEBER. I would like to thank the gentleman from Illinois for yielding and I would just add a clarifying point. To compound the travesty, if you will, of the ERA, as the gentleman knows, that was brought up under suspension of the rules which gave us a total of 40 minutes of debate and no amendments permitted.

The rule we are seeking to discharge under which the school prayer amendment would be brought up permits 5 hours of debate and an open rule so that any amendment can be brought to the floor. So we are talking about trying to bring that amendment to the floor in a much more fair and open procedure than that under which the equal rights amendment was considered.

I thank the gentleman for yielding.

Mr. HYDE. If I could say to the gentleman from Minnesota, there was 40 minutes of debate permitted on that constitutional amendment, the equal rights amendment. That was divided 20 minutes to the majority and 20 minutes to the minority.

The majority did not permit any opponents to talk against the amendment. The minority, the Republicans, divided their 20 minutes into 10 minutes for opponents and 10 minutes for proponents. So those of us who opposed the ERA had a grand total of 10 minutes to discuss amending the U.S. Constitution.

If you were dismayed at that procedure, I share your dismay.

Mr. WEBER. I would just say that I was particularly dismayed because I had hoped to hear the gentleman from Illinois for at least 10 minutes and was unable to have that pleasure.

Mr. HYDE. It takes me that long to walk down here.

Mr. WOLF. Will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Virginia.

☐ 1540

Mr. WOLF. I think the gentleman knew what I was talking about and quite frankly, I think this is such an important issue, again I know most of the debate is going to be centered here on the question of having young people to have that opportunity, but I think we ought to really think in terms of the other point that I mentioned, and that is of honoring God.

I think it is equally an important thing, when a Nation forgets its values, forgets its roots, and forgets that fact.

I had been told and I am not sure this is accurate, so I will preface this, that the Supreme Court is opened with the comments, "Oyez, oyez, oyez, God save this Court and this honorable country." And I also have been told, and will check on it, and if I am inaccurate, I am sure someone will call and tell us, that the symbols 1 through 10, representing the ten Commandments, are in this Supreme Court.

And what harm would it be—and does anyone know if it is accurate if the ten Commandments are in the Supreme Court? Is there anybody here who can answer that?

I will try to call the Supreme Court after I am finished.

Mr. HYDE. I do not think they are. I am trying to get a mental picture of the room. I am not sure they are. But usually in court, when you are sworn in as a witness, you "solemnly swear to tell the truth, the whole truth and nothing but the truth," and I often wonder to whom you are swearing, the judge or the bailiff. It seems to me when you are taking an oath you are calling upon the Supreme Being to witness the validity of the truth of what you are saying; otherwise you could hardly be punished for perjury.

But yes, they recognize the supremacy of God in court proceedings, in so many of the important functions of our lives.

And when the Chief Justice of the United States swears in someone for office, the President of the United States and the Vice President——

Mr. HYDE. I think I saw a Bible in his hands, yes; I think I did, and I think the President took his oath of office on a Bible.

I hope the ACLU will not move to damn the use of the Bible during the inaugural ceremony; although it would be in keeping with the direction of much of their effort.

Mr. WOLF. I think the gentleman is accurate. The Bible is used and I think it is appropriate that it be used.

I would hope, and I guess I will sort of end up now, perhaps come back at a later time, but we are not talking about blame here; we are not talking about attacking and polarizing and dividing; but I think we are talking about an element of fairness.

I think we have an obligation to the American people to have a vote on this issue. I would urge the Speaker and I would urge the people in Cambridge, Mass., where the Speaker resides, when they see the Speaker today, if they see him or when they see him this weekend, that they just come up and in a laughing spirit, not in angry, antagonistic spirit, but in a spirit of love and reconciliation, they come up to the Speaker and say, "Mr. Speaker, we have supported you for many, many years. We think you are a fine gentleman, and you have been a fine Congressman in this area. What we would like to urge you, Mr. Speaker, is that you give the Congress, the House of Representatives, an opportunity to work its will and to vote on this issue."

And although I was critical of the short time factor, the amount of time set aside for the previous vote on the equal rights amendment, quite frankly, I am so anxious to have this come up, I think it is so important in the area of honoring God, in this area, that I would personally be willing to take 40 minutes, 20 minutes to each side.

I know others may not agree with that. But I think it is such an important issue that if that were the Speaker's feelings and he wanted to equate it with the time for the equal rights amendment, I would certainly be agreeable and willing that 40 minutes would be suitable so we could have a vote so this Congress could have the opportunity to work its will.

Mr. HYDE. I should think it would be in the Speaker's own interest to encourage the adoption of this amendment very quickly, because think of all the schoolchildren that could be utilized to pray for the candidacy of Mr. Mondale.

It would be a groundswell of support that I should think the Speaker would be very interested in.

I just would like to have a little bit of information for the American Civil Liberties Union, which is in the vanguard of opposition to any organized school prayer.

I have learned, and I hand them this information gratuitously, there is a Federal regulation or at least there was a couple of years ago, that defines what an act of God is.

It is at 50 CFR, part 258, subpart C, paragraph 825 21A, and it defines an act of God as "any act, event or circumstance whose effect could not reasonably have been prevented, avoided, or ameliorated by human care, skill or foresight, either before or after the act, event or circumstance." It goes on.

Now, this statement is the work of the National Marine Fisheries Service as part of its administration of the Fisherman's Protective Act.

So, even in our laws, we have a definition of an act of God.

There is a great novel written by an English writer, Joyce Cary, called "The Horse's Mouth;" this novel was made into a movie with Alec Guinness playing the lead. The lead character is named Gully Jimson and in the end of the book, Mr. Jimson is near death and he is in a hospital having somewhat of a good time with himself, and some visitors and a nun comes in and says, "Mr. Jimson, I should think at a time like this, you would be praying instead of laughing." He said, "Why, Sister; it is the same thing."

I have often thought that is true, that there are ways one can pray, but I really hope that the ACLU does not find out that laughter can be prayer or they will ban laughter in school and it will be very grim indeed.

I think one of the most fundamental beliefs, that all Americans have as expressed in our founding document, the Declaration of Independence, asserts that all men are created equal. Now, how do you prove that statement? Is it because the Declaration says it is so?

No, Alexander Hamilton answered it best when he said:

> The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature by the hand of Divinity itself and can never be erased or obscured by mortal power.

You can only prove that we are all created equal by reference to the fact that each of us was created by God, each of us is the object of God's redemptive love and each of us is individually accountable for our actions.

Are not our children entitled to explore this fundamental belief? Of course, prayer can be private; prayer can be silent; but men and women are social beings; that is why we go to church, that is why we have commemorations, dinners and reunions and graduation ceremonies and wakes and conventions.

We come together to share each other's company and ideas to fulfill our social nature and so prayer, done together, as a hymn sung together, is a reinforcing act that multiplies and magnifies our humanity and the impact of what we do. I have always thought that my church gave up something unique and significant when it abandoned the requirement of not eating meat on Friday. There was something magnificent and even sublime about a whole world full of people making one little miniscule sacrifice in unison, together, one little tiny little bit of giving something up but doing it because we wanted to make an act of sacrifice for the sins of ourselves and the world.

We have gotten away from prayer as a nation. We have been gradually secularizing our society. We have so many distractions, television, the mobility of the automobile, which has provided so many of us and so many other people this ability to get away from our roots and our homes, so many other interests that cause us to avert our eyes and our attention from the really important questions: who are you, why are you here, and where are you going?

☐ 1550

Have we solved all our problems so we do not need to fall on our knees, individually and collectively, once in a while and pray, as Washington is portrayed kneeling in the snow at Valley Forge?

From 1962 on, when the Supreme Court pronounced on this issue against organized prayer in the public schools, have broken homes increased, divorce, battered children, the use of drugs among our young people, street crime, unwed mothers, abortion? Can you remember when you got on a bus and the driver could give you change? When you could visit downtown areas of any of our big cities without fear?

Our society has relegated God to the status of Santa Claus or the Easter bunny, not worthy of serious consideration. And formally institutionally legally excluded from the public schools by court decree.

Has society lost something? Is it less God-fearing? And have we not paid an awful price for turning our backs and those of our children as well away from God and conversing with God, which is what we call prayer?

The brave new world that Hugh Hefner and the secular humanists, who dominate the tone and values of our society, have given us somehow has not fulfilled us. And the disparity between what we are and what we could be gets wider with every year.

A senior Senator from New York, and with whom I seldom agree, but who is a very eloquent person, delivered a commencement address at Notre Dame University in June 1969. And he had something very important to say.

He said:

> The stability of a democracy depends very much on the people making a careful distinction between what government can do and what it cannot do, to demand what can be done is altogether in order. Some may wish such things accomplished, some may not. And the majority may decide. But to seek that which cannot be provided, especially to do so with the passionate but misinformed conviction that it can be, is to create the condition of frustration and ruin.
>
> What is it that government cannot provide? It cannot provide values to persons who have none or who have lost those they had. It cannot provide a meaning to life, it cannot provide inner peace. It can provide outlets for moral energy, but it cannot create those energies. In particular, government cannot cope with the crisis in values that is sweeping the Western world. It cannot respond to the fact that so many of our young people do not believe what those before them have believed, do not accept the authority of institutions and customs whose authority has heretofore been accepted, do not embrace or even very much like the culture that they inherited.
>
> Politics is an expression of morality: A form of morality. But it cannot create moral values any more than a steel mill can create iron ore. The problem of the moment is that the ore is running thin.

Where and how, I ask, can we instill moral values in ourselves and our young people? Not by ignoring God, I submit, in our public life.

The statement is often made: Those of us who believe in prayer in our schools ought not to force our views on others who do not agree. Fair enough.

But are not those who oppose prayer in schools imposing their values on us? If our Founding Fathers believed in it, if the overwhelming majority of Americans believe in it, then why should the Supreme Court, with an unhistorical interpretation of the first amendment present "We the People" from acknowledging the Fatherhood of God?

There is a legitimate concern about an officially prescribed prayer and I share that concern. There is a legitimate concern about a resurgence of religious conflict and intolerance during the ratification process, when "Jew will be turned against Gentile and the Knights of Columbus against the United Presbyterian Church" as the Wall Street Journal quotes a law professor saying today.

But I believe Americans can solve that problem just as we do here in Congress, by referring to all religions and not excluding any. Our daily chaplains represent a diversity of religious beliefs and are each treated with the respect and deference they deserve.

But they all recognize the Fatherhood of God, which is the indispensable foundation for recognizing the brotherhood of man.

A recent book published by the Carolina Academic Press, "Coolidge and The Historian," by Thomas Silver, talks about how Calvin Coolidge has been misinterpreted in history. History has been used as a weapon against Mr. Coolidge. And Mr. Silver, the author, quotes a speech that Calvin Coolidge gave on the 150th anniversary of the Declaration of Independence.

And here is what President Coolidge said:

> We live in an age of science and of abounding accumulation of material things. These did not create our Declaration. Our Declaration created them. The things of the spirit come first. Unless we cling to that, all our material prosperity, overwhelming though it may appear, will turn to a barren spectre in our grasp. If we are to maintain the great heritage which has been bequeathed to us, we must be like-minded as the father who created it. We must not sink into a pagan materialism. We must cultivate the reverence they had for the things that are holy.

The issue of separation of church and state is an important one, but must be studied in its historical context to be properly understood.

It is clear to me that our Founding Fathers intended to deal with the establishment of a national church, such as the Church of England, but they were talking about freedom of religion, not freedom from religion.

We must recognize that freedom of religion implies that the Federal Government will not take sides in religious controversies, but a clear reading of the first amendment states that the Government shall pass no laws "prohibiting the free exercise thereof." And that part of the first amendment gets ignored by the Court and opponents of local control over this issue.

"People for the American Way," one of the leading opponents of prayer in schools, must cringe when anybody reminds them of Washington's Farewell Address, which says in part:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. * * * And let us with caution indulge the supposition that morality can be maintained without religion * * * [R]eason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

That was not Jerry Falwell that said that, that was George Washington in his Farewell Address.

When President Reagan on March 8, 1983, sent a message to the other body on this subject, he reminded us of Benjamin Franklin's eloquent request that prayer be observed by the Constitutional Convention, that assemblage of Founding Fathers that drafted our glorious Constitution.

Ben Franklin said:

> I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. * * * I also believe that without his concurring aid we shall succeed in this political building no better than the Builders of Babel: We shall be divided by our little partial local interests; our projects will be confounded, and we ourselves shall become a reproach and by word down to future ages. * * *
>
> I therefore beg leave to move—that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business * * *

That was not Jerry Falwell, that was Benjamin Franklin.

If the people of America could vote on this issue and they will, 38 States will ratify, because the consent of the governed is out there and it is frustrated by the committee system.

Our society, the founding of this country, and the persistence of this country into this century has not been without recognition of the fatherhood of God. God Bless America. We hear it and we sing it. The Battle Hymn of the Republic. The Pledge of Allegiance. The document that settled the Revolutionary War. The Treaty of Paris starts out with religious language. The Mayflower Compact, the first lines are, "In the name of God, Amen." Lincoln's second inaugural address. The history, the literature of our Government. The important strategic documents all recognize or most of them the fatherhood of God.

There was a Gallup poll last summer and it held that 81 percent of the people who understand this issue support some constitutional amendment for prayer in school.

There was a fifth grade teacher in Oklahoma City who is written about in today's Wall Street Journal. Daily prayers are said there, but not forced on the pupils, the teacher said, stating and here is what she says: "If the justices would step into a classroom and see how we work with the children and how prayer helps with discipline, they would change their minds."

□ 1600

Schools shape the whole person. It prepares the person for life in this world. If Shakespeare and Caesar are real persons in school and God is hypothetical and contingent, then our children are not getting a balanced or a full or a complete education. God is too important to be left out. We can learn about brotherhood from prayer; we can learn about the fatherhood of God; we can learn about tolerance. And the children can teach us so much. They can do things that we older people cannot do.

I am happy to yield to my friend, the gentleman from Virginia.

Mr. WOLF. I thank the gentleman.

Mr. Speaker, I want to compliment the gentleman on his statement and give an immediate flash bulletin to everyone who is listening. If you recall, I had said that I had heard that in the Supreme Court there was some reference to the Ten Commandments. My office just spoke with Ed Turner, who is in the Public Information Office in the Supreme Court of the United States, across the Capitol Grounds here, and he said it is true that behind the Bench in the Supreme Court is a shield, and on the shield are 10 Roman numerals which represent the Ten Commandments.

It is so difficult to understand this, when I read the other day that there was a young Life group in a public school who wanted to get together and meet after school, and they were not permitted to put a notice up in the school so that they could find the room to get to the young Life meeting because it would violate the Supreme Court decision. And now we find out that behind the Bench where all nine Justices sit is a shield which has the Roman numerals I through X, which represent the Ten Commandments. I am pleased that they are there. But I think this is so disorganized and so confused, and there is poor information. And I do not blame the poor principal who maybe made that ruling. He is confused. No one knows what it is. This amendment, this debate, to clarify, crystallize, to bring this thing together so that people would understand what the decision does and what it does not do and how the amendment would change it is so important, and I think it is incumbent upon the Speaker. If you are going to have that shield in the Supreme Court, I think we should allow a young Life group in any high school in any congressional district to put up a notice whereby any religious group can meet.

Mr. HYDE. Let me ask the gentleman a political question: Do you know what it is the Democratic leadership is afraid of? Is it that we do not have time? I think we have lots of time around here. We hardly work these days. Is it that we are not capable of understanding the issues here, that a polarization might occur? Can you tell me why this issue, which, according to the Gallup poll, which is certainly not an arm of the White House or the Republican National Committee, says 81 percent of Americans who understand the issue would vote for an amendment, can you tell me why that is not brought out on the floor and disposed of?

Mr. WOLF. I cannot tell you exactly why. I think the gentleman made a good point, that it is not everybody in the other party, it is mainly the Speaker. And my sense is that it seems to me that it has become fashionable in our Nation to not be religious, to show that you are just so objective that you do not want to offend anybody, you stand for nothing because that way you do not offend anybody. And perhaps the permeation of this idea has beaten its way into the leadership in certain areas. I think they are decent people, and I am not here to criticize the Speaker. I think he is an honorable man and a gentleman, and he has always treated me as such.

Mr. HYDE. So do I. I just cannot understand the block that prevents us from voting on discussing and debating. We are supposed to be the greatest deliberative body in the world. If you listen to the gentlemen from across the Rotunda, we are the second greatest deliberative body in the world. But we do not deliberate. We are just a body. We do not deliberate because we do not get things to deliberate on.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from Minnesota.

Mr. WEBER. I just want to say that the gentleman raises an interesting question as to why the Democratic leadership of this body will not bring to the floor of the House the school prayer amendment even though a clear majority of grassroots Democrats support it.

Mr. HYDE. Mr. MONTGOMERY, from Mississippi, a staunch Democrat, is in the vanguard of those who support this amendment.

Mr. WEBER. That is right. I would just say that from time to time throughout history the leadership of each of the political parties, the leadership of the House of Representatives falls into the hands of people who are not only not representative of the people but are not representative of the majority of their own party.

If I can speak freely for a minute, I think if you look at the statements of the Democratic Presidential candidates, as well as many of their leaders here in the House——

Mr. HYDE. Is the gentleman saying that none of the Democratic Presidential candidates are sympathetic to prayer in school?

Mr. WEBER. All of them oppose school prayer, without exception.

Furthermore, all of them support the unequivocal right to abortion on demand. All of them raise some concept of gay rights beyond what we have now under the Constitution.

I am not going to argue all of those issues now, but clearly the leadership of the Democratic Party, as reflected in their congressional leadership here and as reflected in their Presidential candidates, do not share the values on some of these critical issues of the majority of the Members of their own party at the grassroots level, and I think that explains why they are not willing to let this legislation come to the floor of the House.

It is not unprecedented: 20 years ago, maybe 30 years ago, the leadership of the Congress was at odds with the American people on the issue of civil rights, and they had a value structure that said they were going to block any effort to bring civil rights legislation to the floor of the House.

Mr. HYDE. You mean instead of leading, sometimes we follow, sometimes we get so far behind we lose sight of the people we are supposed to lead?

Mr. WEBER. I think that is unfortunately the case with school prayer.

Mr. HYDE. I know the Congressional Quarterly did a think piece in one of their issues 3 or 4 months ago that commented that the center of gravity of the Democratic Party has swung over to the left, and I think that is true. I think we see that on issue after issue after issue. And perhaps what the gentleman is suggesting is that the leadership is placating that leftward drift, which has always been hostile to prayer in school. I do not know that the ADA has been less than relentless in its opposition to prayer in school.

Mr. WEBER. I am afraid the gentleman is correct in that regard. There is a small cadre of far leftwing groups that exercise an inordinate influence within the Democratic Party.

Mr. HYDE. Mr. Speaker, I yield to the gentleman from Indiana (Mr. HILER).

Mr. HILER. I thank the gentleman for yielding.

Mr. Speaker, one of the things I have noticed, in researching out this issue in my several years in Congress, has been the complete absence in the written word of 200 years ago, a complete absence of any support for what the current position is and what the legal position is as opposed to the moral position or the opinion of the American people, the complete absence 200 years ago of the support for the concept that there should be basically no religion or no prayer in school, or no prayer anywhere.

Just as Felix Frankfurter said, an amendment to the Constitition should be read in the sense most obvious to the common understanding at the time of its adoption.

I think if we look 200 years ago at the time of the adoption of the first amendment, clearly what was intended was that the Federal Government should not establish a religion, but not that religion should not exist within government or religion should not exist within our society.

It seems to me that what the leadership of the Democratic Party today, when they argue in terms of—or I believe they would probably argue in terms of some type of status quo that the Federal Government should not establish a religion, in fact, I think what the position of those who support voluntary prayer in school are saying today is, "Let us get back to the status quo we had for 180 years in our history," a status quo that saw the chaplain established here in the House of Representatives and in the other body.

Mr. HYDE. That was the first act when they convened the First Congress. The first thing they did was hire a chaplain.

Mr. HILER. It is interesting that Thomas Jefferson, who at some point, too, is quoted as saying he wanted this high wall struck between church and state, in fact, in one of his acts as President, supported the use of taxpayer money being used for missionaries to try to bring the Indians to a Christian way of life. That happened in the early 1800's. That is fascinating when we think that there was actually taxpayer money used to pay for missionaries.

Now, I suppose that today that would not be allowed.

But those are the people who wrote the first amendment. And if we go along with what Judge Frankfurter said, that we should try to interpret an amendment based on the way that amendment was written and what the writers of the amendment intended at the time of its writing, that clearly the argument comes down on the side of a voluntary school prayer amendment.

What we should be trying to do today is to try to accent to the American people and to others in the Congress our desire to get us back to that status quo that existed for 180 years.

Mr. HYDE. If I may say to the gentleman, there are a couple of schools of thought, at least two, on interpreting the Constitution. The strict constructionists believe in just what you have said, that the Constitution is a document with the intent of the Founding Fathers, and that it must be interpreted, of course, in the light of modern events, but the Court is not empowered to rewrite the Constitution. There is a procedure for doing that. Congress is empowered with initiating amendments to the Constitution, or the people themselves may call for a Constitutional Convention. But the Constitution is not what the Court says it is, although many of the Justices believe that, certainly not all. The Constitution is what it is intended to be.

The SPEAKER pro tempore. The time of the gentleman from Illinois (Mr. HYDE) has expired.

□ 1610

SCHOOL PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. LOTT) is recognized for 60 minutes.

Mr. LOTT. Thank you, Mr. Speaker.

For of all, I would like to congratulate and commend those that have worked to make these special orders possible today. I have listened to much of the debate, and I think that already an outstanding record has been made about why this is such an important issue to this country and why it is so important that the Congress—both the Senate and the House—discuss the issue of prayer in schools and that we have an opportunity to vote on this issue.

The gentleman from California (Mr. HUNTER) should be particularly commended for the work he has done in putting together these special orders today.

I also want to say that I think it is certainly to the credit of the other body—and Senator BAKER, the majority leader, has made it possible—that they will have a vote on the prayer issue later on this week.

They should be commended particularly because in the House it appears that, unless we go to the extraordinary procedure of filing a discharge petition and getting the necessary 218 signatures on that discharge petition, the American peoples' body—the House of Representatives—will not have a chance to vote on this most crucial and important issue. People all across America feel like we should at least debate this issue in the House of Representatives to hear both sides. If there is another side, and I guess there are those that believe there is, let us hear about it here on the floor of this House, in this great, deliberative body, and let us have a vote on the question of prayer in schools.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Speaker, I would like to commend the gentleman from Mississippi and the others who have taken time this afternoon in these special orders to bring before the American public the issue of voluntary prayer in the public schools of our country.

In terms of the legal and historical background, there are others who are far more qualified than I to outline what has happened in the over 200 years of our country. I would like to bring the membership of the House up to date on what has happened during this Congress as the ranking Republican member of Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee.

The school prayer constitutional amendment has been referred to our subcommittee and the subcommittee has spent no time whatsoever discussing the issue of school prayer. I believe strongly that this is an issue that ought to be brought to the floor of the House of Representatives so that the Representatives can work their will and either pass or defeat a voluntary prayer constitutional amendment.

This is an issue that the public is entitled to know how their Representatives stand; whether for voluntary prayer, or against voluntary prayer. If this is to be a deliberative body, representative of the people, then it makes no sense that there is deliberate obstruction on the part of one committee chairman and on the part of one subcommittee chairman to prevent this issue from coming before the House of Representatives and for the House to work its will.

If we wish to have a House that is accountable to the voters, then the voters are not entitled for obstruction, they are not entitled to see obfuscation of the issue, they are entitled to see their Representatives voting aye or no on all of the important issues facing our society today, rather than just those issues that might happen to meet with the pleasure of the subcommittee chairman or the chairman of the full Judiciary Committee.

Mr. LOTT. If the gentleman would allow me to reclaim my time to ask a couple of questions. I would like for him to continue, but let me inquire about the Judiciary Committee and the particular subcommittee on which you serve and in which this constitutional amendment is pending.

Have there been any hearings on this issue in that subcommittee?

Mr. SENSENBRENNER. None whatsoever.

Mr. LOTT. Has there been any indication that there will be any hearings?

Mr. SENSENBRENNER. Well, the subcommittee chairman, my friend from California (Mr. EDWARDS), always says that the agenda of the subcommittee is set by the wishes of the majority of the subcommittee. Well, it happens that the gentleman from California (Mr. EDWARDS) goes to great pains to pack the Democratic side of that subcommittee with people who feel the way he does on major issues like school prayer, like abortion, like forced busing of schoolchildren for racial integration.

It seems that on the subcommittee we are split 5 to 3: The three Republicans are strongly in favor of taking action on school prayer, affirmative action on school prayer and sending it to the floor for a vote. The five Democrats stick their heads in the sands; they do not wish to acknowledge the fact that 81 percent of the American public supports voluntary school prayer. That is why the 428 Members of the House of Representatives, who do not have the honor of serving on this subcommittee never have the chance to vote on this issue.

Mr. LOTT. So on an issue of this importance—one that is going to be taken up by the other body, debated and voted on, and an issue that certainly a large number of the 435 Members of the House of Representatives should be interested in debating—that 8 Members, 8 Members, and really only 5, are going to determine that we will never have a chance to hear it unless we use this extraordinary process of signing discharge petition No. 8 to get it to the floor of the House of Representatives?

I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. The gentleman from Mississippi knows that that is the way the committee system in the House of Representatives works. In some respects the committee system is necessary so that there can be an orderly flow of legislation onto the floor for our consideration. But in the case of this Judiciary Committee and this Judiciary subcommittee, or rather than acting as a traffic cop, it is acting as a roadblock; an obstructive mechanism to prevent the peoples' agenda from becoming the agenda of the House of Representatives.

Now, my colleague from Mississippi knows that too well, because he is an alumnus of the House Judiciary Committee, and perhaps my colleague from Mississippi got out while the getting was good, and went off to greener and more productive pastures and is now working on committees that expedite legislation rather than obstruct legislation.

There are some of us like my friend from California, Mr. LUNGREN, and myself, that are continuing fighting in the trenches.

Mr. LOTT. Well, it has been stated here, earlier today and on other occasions, that there is a normal committee process and it should be allowed to work. Our point is that when the committee process does not work, does not function, and is a roadblock, we must take other steps to allow the House to vote on these great issues, like the voluntary prayer issue.

I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Unfortunately, the only avenue that we can take when there is an obstructive committee chairman that refuses to let loose popular legislation for a vote, is the discharge petition route.

Under the rules of the House of Representatives, the name of those Congressmen who have signed the discharge petition is not placed in the public record until the 218th signature is reached. Therefore, someone can sign the discharge petition and announce to his constituents and the world that he has signed the discharge petition, and after the ink is dry on the press release, tiptoe up to the Speaker's rostrum and scratch his name off.

I am hopeful that there is some way that we will be able to publicize the progess that we have made so that the constituents of all of us, all 435 Members of the House will be able to know whether their Representative's signature is on that discharge petition or not.

Mr. LUNGREN. Would the gentleman from Mississippi yield?

Mr. LOTT. Mr. Speaker, I yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

Our colleague from Wisconsin has indicated that in this Congress the subcommittee upon which he is the ranking member, the Civil and Constitutional Rights Subcommittee, has not taken up the question of school prayer. In the previous Congress I served with my colleague on that subcommittee, and if my memory serves me correctly, we never even brushed the subject on that subcommittee last year.

Earlier today, the distinguished majority leader, Mr. WRIGHT, seemingly taking some umbrage at those of us who have made unanimous consent requests to bring this issue to the floor in an orderly fashion, instructed us in the legislative process, and indicated that he recalls that this was voted on in 1971. He seemed to suggest that that may have closed the question there, and I would just observe that I have met some Members here who I believe were in high school in 1971, and that times have changed and at least perhaps once a decade, we might be given the opportunity to deal with this issue.

I know the gentleman has been here longer than the rest of us, and I wonder if the gentleman from Mississippi can recall when he served on the Judiciary Committee, whether in fact this issue was brought for consideration and vote before the full Judiciary Committee?

□ 1620

Mr. LOTT. It was not even considered. It was certainly not brought before the House Judiciary Committee, and even though I have been in this body as a Member for 12 years, I did not come until after that 1971 date, when the issue was considered. However, as I recall from having read about it, it lost on a parliamentary point rather than on a substantive vote at that time.

I would like to make one other point with the gentleman from California, if I might.

Aside from the prayer issue, I think the American people need to know that this is not the only issue that the Judiciary Committee is holding up. The gentleman has made the point here on the floor of the House of Representatives from time to time that it is not the exception, it is the pattern and the rule in this committee.

I wonder if the gentleman might enumerate just three or four of the other issues that are being blocked in this one committee of the House of Representatives.

Mr. LUNGREN. If the gentleman will yield further, of course, we have the question of the constitutional amendment to require a balanced budget of the Congress of the United States.

We have the question of a constitutional amendment to allow the line-item veto to be given to the President of the United States.

We have, of course, the question of the prolife amendment to be considered.

We have on nonconstitutional amendments subjects within the crime package presented to us by the President. He sent up a 42-point crime package a year ago. That entire crime package has been passed out of the Senate and is ready for action if we can only do something here in the House of Representatives.

At the end of this month we will not celebrate, but it will mark the third anniversary of the Hinckley attempt on the life of the President, which began the great debate on the validity of the continuation of the insanity defense. We have not been allowed to vote on the floor on that question.

The death penalty has not been seriously considered in the Judiciary Committee or brought up for a vote.

So there is a panopoly of issues, not all of them considered, quote and unquote, social issues that unfortunately have found it difficult to wend their way through the legislative process.

Mr. LOTT. We also have not yet been allowed to vote on the issues of bankruptcy reform or the immigration reform package. Both have been reported out of Judiciary but are, as a matter of fact, being held up in the Committee on Rules, partially because of the Judiciary Committee.

Mr. SENSENBRENNER. Mr. Speaker, if the gentleman will yield further, the gentleman from California has been quite comprehensive in listing various subjects that have been obstructed by the single-minded purpose of the majority on the Judiciary Committee, but he forgot a few:

The constitutional amendment to ban the forced busing of children for purposes of racial integration;

The criminal code reform, which has been under consideration since 1966, did get out of the Judiciary Committee two Congresses ago but has not been acted upon since.

I could go on and on. We see, and the public at large, an increasing perception that the House of Representatives is indeed not representative of the people. I would submit to the gentleman from Mississippi and the Speaker that one of the reasons the people are rating us either slightly above or slightly below used car salemen in terms of public trust is because we duck out of the hot issues. We do not take the hot issues up. We attempt to shove them under the carpet in hopes that they will go away.

Meanwhile, the Supreme Court of the United States keeps on arrogating unto itself our legislative function in determining what the public policy of the United States should be.

I would like to contrast all of these items that never have been brought to a vote with the expeditious treatment the Judiciary Committee gave to the equal rights amendment, which is high on the list of pet projects of the subcommittee and full committee chairmen. The equal rights amendment was the subject of hearings last year and got on a fast track going through subcommittee full committee and was brought up on the floor even before the committee report was filed.

So it shows that the chairman of the full committee and the chairman of the subcommittee have their own pet agenda of what should be addressed by the House of Representatives, and if your bill is on that pet agenda then you will get a quick vote. If your bill is not on that pet agenda, then it will never be voted upon at all.

In the case of school prayer, where the Gallup poll indicates that 81 percent of the American people favor voluntary prayer in the public schools, we cannot even bring a vote up on the floor because one committee chairman and one subcommittee chairman have decided that they do not want it voted on and they are acting as obstructionists.

Mr. Speaker, today, I, along with other Members of the House am here to express our strong support for a constitutional amendment allowing for voluntary prayer in our public schools.

As ranking minority member of the House Judiciary Subcommittee on Civil and Constitutional Rights, which has jurisdiction over this matter, one would think I would have the opportunity to be a strong force in the passage of this legislation. While I would gladly undertake a responsibility such as this, I am denied from doing so because, as in the past, this legislation has been bottled up by the leadership of the Judiciary Committee. This absence of public debate and discussion has disillusioned countless Americans. Where such a great number of citizens are clearly in favor of this legislation, it is a mockery of the legislative process to let their views go unrepresented by not bringing this issue up on the House floor.

In an effort to foster such debate, I have cosponsored House Joint Resolution 100, introduced by my colleague Congressman THOMAS KINDNESS. This bill states:

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or public institutions. No person shall be required by the United States or by any State to participate in prayer.

I have also signed the discharge petition for this bill.

I believe voluntary school prayer should be a matter for the State and local governments. The constitutional provision of separation of "church and state" is meant to protect our religious freedom. Allowing prayer in our schools does not jeopardize this freedom. Instead, it enhances the child's religious freedom by allowing the child to pray if he or she so desires.

During my tenure in Congress, I have received numerous calls and letters of concern about the absence of prayer in our schools. The Senate is taking this matter up today, and House action is long overdue.

Mr. LOTT. I thank the gentleman for his most enlightening comments. In that connection, I would like to urge my colleagues again—it has been mentioned several times today, but I want to repeat it and make sure you all know—that if Members feel that this issue should be considered, if voluntary prayer should be taken from the Judiciary Committee and brought to the floor of the House of Representatives, there is a way we can do it.

a way that we can do the same thing that our colleagues on the other side of the Capitol are doing, and that is to sign discharge petition No. 8. We can discharge this issue from the Judiciary Committee, bring it to the floor of the House of Representatives, debate it, and vote on it.

So I hope the American people will join our colleagues here on the floor of the House this afternoon in making the point that they want this issue heard and debated, and I urge all my colleagues to sign this discharge petition.

Mr. DAUB. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Nebraska.

Mr. DAUB. I thank the distinguished gentleman from Mississippi for yielding.

Mr. Speaker, the gentleman is putting his finger on something that I, too, want to add my support to and urge all of our colleagues to do, and that is to be sure and become a signator to discharge petition No. 8.

I want to speak, if I might, with the gentleman's indulgence, for just a few minutes about my own views on this very important issue of school prayer.

It is important that we solve the question of whether or not to allow prayer back in our Nation's schools. In a recent education questionnaire that I sent not only to my constituents at large in Nebraska's Second Congressional District, but on a special list to all educators, public classroom school teachers in my district, not only did an overwhelming majority of my regular constituency approve of voluntary prayer in our public schools, but I think it should be noted that 70 percent of my classroom teachers responding favored this amendment to our Constitution.

We should make room in our classrooms for prayer. Most of us agree that the Judeo-Christian principles that we have established in this country are excellent laws, and indeed through civilization have been those chosen to govern civilization by. In fact, daily this very body which we are a part of opens its session with a prayer. Why, then, should our students not have the same opportunity to begin their day with prayer?

It is imperative that our children are offered the chance to receive some training in their younger years reflecting strong moral and religious ideals. Are we not a great country founded on the principles of this very freedom of religion? Are we not a nation that was founded one nation under God? Let us then truly be that nation under God and support prayer in our schools.

House Joint Resolution 100, which is the companion bill for Senate Joint Resolution 73, is supported by President Reagan. In strict support of the President, I hope a two-thirds vote occurs in the other body this week. Then we in the House, hopefully, will have the opportunity to show our support for school prayer.

The President's proposal states that:

> Nothing in the Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions.

It states further that:

> No person shall be required by the United States or by any State to participate in prayer.

The intent, then, of Senate Joint Resolution 73 and House Joint Resolution 100 is to put the issue of school prayer into the hands of the local school boards and parents of our country and take it out of the courtroom. Over the last three decades the Supreme Court has handed down decisions which have placed a ban on prayer recitation, Bible readings, and religious instructions in public schools. The court has said such activities are in violation of the first amendment prohibition on the establishment of religion.

The issue then relates not to whether or not school prayer ought to occur, but whether or not we should overturn the Supreme Court's rulings. If we vote to overturn the rulings, we are voting to give the issue to local school boards and parents, where such decisions belong. School prayer as ruled upon by our Supreme Court is currently illegal. I believe local officials and citizens should make the decision when dealing with such a sensitive and personal matter as faith in God. Allowing prayer in school does not, as some would argue, jeopardize our constitutional freedom of religion or our constitutional protection of separation of church and state. It does, however, truly recognize that we are a people founded as one nation under God, and if we were to disavow that fact or even take away the opportunity for local officials to make an educated decision on this issue, we do ourselves and we do our children a great disservice.

I want to thank the gentleman for allowing me this opportunity to participate in his portion of this very significant special order.

Mr. LOTT. I want to thank the gentleman from Nebraska for his very fine remarks, and for going into some explanation of the specifics of this resolution and what the intent is.

□ 1630

I would like to pick up on one point the gentleman was making before I yield to the gentleman from Arizona. The overwhelming majority of the American people have rejected the judicial perversion that we have seen in recent decisions on religious liberty. The American people still believe that they themselves, through their State and local governments, which the gentleman referred to, are fully capable of making the necessary decisions to acknowledge the role of religion in public life while protecting the legitimate sensibilities of religious minorities. I think that is a very critical point.

Mr. DAUB. Mr. Speaker, will the gentleman yield on that point?

Mr. LOTT. I am glad to yield to the gentleman from Nebraska.

Mr. DAUB. Mr. Speaker, I think the effort that we are engaged in pursuing today is sometimes misunderstood. The decision, if we want to go back to it, started out, I guess, with Madaline O'Hare, and what we are seeking to do is to say that the Court is not going to ban prayer. We are not saying that prayer is going to be mandated to be held, be it oral or voluntary, be it by meditation or be it vocal or silent, and that is be forced upon a public school classroom by a school board or by unknowing State school boards or even a State court.

We are simply saying that if in fact this country's basic tenets are to be observed—and certainly the American people understand them, as evidence by the quotation which the gentleman just referred to—then the question is: Shall the Court, rather than the Federal central legislature ban prayer? We are saying that that was not our intention, that the Court has misunderstood the first amendment.

Times have changed. I think all of America has a better understanding now of what should be a fundamental pursuit in this great country of ours. So let us simply reverse the Supreme Court decision by the actions that can be taken by the Federal legislature and let our school boards and their parents and our State school boards make the appropriate decision, as some 20 States have done. I might point out to the gentleman, where changes have been made to take a minute for voluntary meditation or silent prayer that one might argue is in direct conflict with the stated intentions of the Supreme Court in that infamous decision.

Mr. LOTT. Mr. Speaker, I thank the gentleman from Nebraska (Mr. DAUB) again for his comments, and I would be glad to yield to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Speaker, I thank the distinguished gentleman for yielding to me.

The gentleman from Mississippi (Mr. LOTT) is to be highly commended for taking out this hour to try to bring to our colleagues the extreme importance of what we are trying to do here today and the importance of prayer in school.

Hardly can my colleagues enter this Chamber without looking up above the Speaker's chair and seeing "In God We Trust" those words carved on a stone above the Speaker's chair.

This in itself gives an indication of how we really feel in America about what goes on in our governmental process, in our everyday lives, and especially in the education of our young people.

I also would like to take this opportunity to commend the distinguished gentleman from California (Mr. HUNTER) for the effort he has made in coordinating this affair, and I commend, of course, all the other gentlemen who have taken the trouble to take an hour out for this very important special order.

Mr. Speaker, every major public opinion poll since 1962 indicates that an overwhelming majority of Americans favors returning prayer to the public schools. A September 1983 Gallup Poll concluded that no less than 80 percent favored a constitutional amendment to permit voluntary school prayer. In my own congressional district, better than 95 percent of those who have written me have indicated support for school prayer.

Despite the clear majority in support of school prayer, however, the leadership of this House has failed to allow school prayer legislation to come to the floor for thoughtful consideration and a vote by the Members of Congress.

The first amendment to the Constitution provides that "Congress shall make no law respecting an establishment of religion" or "prohibit the free exercise" of religion. The amendment does not establish an impregnable wall between church and state. I cannot believe our Founding Fathers ever intended to deny voluntary religious expression through this amendment. To the contrary, by every action they recognized that liberty and freedom could only be achieved through divine guidance.

For the first 150 years of our Nation's history, there was no doubt about the meaning of the first amendment. The debate surroding its adoption indicates that the framers intended to prevent the establishment of an official religion which would receive preferential treatment at the expense of all other religions.

There was no indication that they sought to divorce religion from Government altogether. Many of the men who participated in the drafting of the amendment also approved the Declaration of Independence. That document certainly expresses faith in a supreme being, saying that: "All men are created equal," and that: "They are endowed by their creator with certain unalienable rights, among them life, liberty and the pursuit of happiness."

Since the first Congress, there has always been a chaplain system. The House of Representatives begins each day with a prayer, yet we deny that same right to children in the public schools.

Americans celebrate a day of Thanksgiving annually.

We pledge allegiance to our flag, and to the republic for which it stands—"one nation under God."

Religion is a fundamental part of our Nation's history and tradition. Our Founding Fathers sought to protect this rich tradition through the first amendment by insuring Government's neutrality in religious matters, not by eliminating religion from public life.

In 1962, the Supreme Court ignored this long tradition and ruled school prayer unconstitutional. Let me call to the attention of my colleagues the prayer which brought on the Court's ruling:

> Almighty God, we acknowledge our dependence upon Thee, and we beg thy blessings upon us, our parents, our teachers and our country.

The prayer is nondenominational. It was not used as a means of teaching certain spiritual values, but to voice a common citizenship and respect for religious pluralism. I cannot see how allowing children to pray poses any threat to their personal development or their freedom.

Not only is vocal prayer now banned from the schools, but even moments of silence are suspect. The Government is no longer neutral in religious matters. It is clearly at odds with religion.

A generation has now grown up without prayer in the public schools. It is time to fully assess the impact of the Supreme Court's 1962 decision, and restore the right of voluntary religious expression to our children in their schools.

The Senate has begun its debate of school prayer legislation. The fact that an overwhelming majority of Americans favors a return of prayer to the schools requires that the House of Representatives consider the issue at an early date as well.

Mr. Speaker, I thank the gentleman for yielding to me, and I commend him again for his actions.

Mr. LOTT. Mr. Speaker, I thank the gentleman for his comments.

Before I yield to the gentleman from Arkansas (Mr. BETHUNE), the gentleman from Arizona (Mr. RUDD) raised a couple of points that I would like to address.

First, the gentleman talked about his own constituency and what their feelings were and the fact that his own polling information indicates that 95 percent of them support voluntary prayer in schools.

As a matter of fact, I was in my congressional district this past Friday night, and I had a townhall meeting in Long Beach, Miss. All the people in that town were invited, through the media and through post card notification. We had a packed house. We had people of all religious persuasions and denominations, and we had some who obviously had no wish to try to advance any religious persuasion there or on any other occasion.

We started the meeting with a prayer, and then we discussed this issue freely and asked for people's opinion. An overwhelming majority—in fact, it was almost unanimous—of the people at that meeting in my district in Long Beach, Miss., felt that we should pass this amendment, and that we should reinstate this opportunity for voluntary prayer.

□ 1640

In that connection this past week I also had a discussion with my own children about this issue. You know, we in Congress are far too prone sometimes to get into the legal technicalities, the legislative procedures and so forth, that go into making something like this happen; but we also are human beings and we have friends, neighbors, constituents, and children that are also affected by this. My own children are in junior high school and in high school.

In discussing it with my children, they were able to debate it with me, in effect; but the telling point with my own son was that we are not saying what you must do. We are saying through this that you will have the opportunity for voluntary prayer in your schools. That was the telling point with him that caused him to say: "You're right, Dad. I believe that you should vote for this amendment."

I yield further to the gentleman from Arizona.

Mr. RUDD. Mr. Speaker, I thank the gentleman for yielding.

You know, it has been my experience that in all sorts of group meetings, especially those meetings that have something to do with Government where the outcome is vague, where the outcome is indecisive at the most, and whether or not there will be a decision of any sort or not, that in all of these meetings, knowing that they need a little extra help rather than just depending on their friends and fellow human beings, they usually start such meetings with a prayer, a prayer for divine guidance.

Let me remind the gentleman also that when things were grim in Philadelphia when the adoption of the Constitution was in doubt, it was George Washington who presided over that conference or that event and raised great questions, because it appeared that there would be no agreement among all the people there.

He reminded his colleagues, he said something to the effect that how can we provide something that we do not approve to our fellow citizens? Let us raise the standard of our conduct and provide them something that we also approve and can live with. Then he ended by saying: "This event is in the hands of God."

So even then we started with the idea that we needed some sort of help from an Almighty being in order to achieve the liberty and the freedom that they achieved for us and that we must keep for our own children.

Mr. LOTT. Mr. Speaker, I thank the gentleman again for his comments.

I would be happy to yield to the gentleman from Arkansas (Mr. BETHUNE), a gentleman who is one of our most knowledgeable lawyers in the House. He is also one of our most thoughtful and conscientious Members when it comes to the very important issue of deciding whether or not we will try to amend the Constitution, a gentleman who on occasion has opposed amendments on this very floor to the Constitution. I think it is most important that we hear in this debate this afternoon from one of the truly outstanding lawyers of this House that really is concerned about this wonderful document, the Constitution, and who is dedicated to making sure that we protect it and extend it only in those ways absolutely necessary. With that, I yield to the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. Well, Mr. Speaker, I thank my colleague from Mississippi and my neighbor. I am honored to participate in this historic session and I will be saying more later on tonight.

The purpose of the session, I think, is right on target. First, it is to overcome and correct the arbitrary action of the U.S. Supreme Court in the early 1960's.

Second, it is to restore the authority of the States and the communities to make decisions which will ultimately reinstate the right to have voluntary prayer in school, not Government-sponsored prayer, not to force anyone to pray, but to restore the authority and to restore the important tradition of voluntary prayer in school, just as we open each session of Congress with a prayer, so it has been the tradition over the years to have prayer in the public schools and we should reinstate that right unequivocally.

I am absolutely convinced that the amendment is necessary to rectify an imbalance which has produced absurd rulings, which were never intended by the Founding Fathers.

As the gentleman commented, I have never supported an amendment to the U.S. Constitution, and some of them were very, very popular amendments. The gentleman knows that I have gone against the administration from time to time on constitutional amendments, but the prayer in school amendment is different. It is different in two ways. First of all, there is no other way to correct the problem.

Second, and I think just as important, on matters of secular concern or secular law, there is always room for compromise, but when a matter of conscience is at stake, there can be no compromise of principle, and for me this is a matter of conscience. I think for most Members here it is clearly understood that it is a matter of conscience.

I believe that we are right on target when we support the amendment to reinstate voluntary prayer in schools.

I thank the gentleman.

Mr. LOTT. Mr. Speaker, I thank the gentleman for his comments.

I would like to yield to the gentleman from North Carolina (Mr. HEFNER) for a comment at this time.

Mr. HEFNER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I go back to a very small country school in Tennessee and the thing that I always think about, one of the first things we did we had chapel. We had the little yellow songbooks and we would sing everything from "Flow Gently Sweet Afton" to all the hymns.

I never will forget that when revival time came, we had three different churches in this community. We had a Presbyterian Church. We had a Camelite Church and a Baptist Church. One day of each of the revivals of the churches, they would herd us on down to attend a session of the revival, which we did not particularly look forward to, because as you get a little bit older you felt like folks were trying to tell you how to live or what have you; but to me it has always been a special thing.

I do not think that it is right for the State to prescribe a prayer for my child or your child or a Jewish prayer or a Buddhist prayer or any particular prayer; but it seems a bit ridiculous to me and it should not be a partisan issue, and I would be the last person in the world to go out and campaign against a colleague of mine who did not support this or who did support it, but to me it is just fundamental.

I was a gospel singer for about 15 years, not a very good one, but a gospel singer. I prayed a lot, most of the time before I would go on the stage that I would be able to get through it without being thrown from the building; but it just seems to me so basic, it is just something that this country as far as I am concerned in my upbringing, it is just something that we did. We had prayer service on Wednesday night. It is something the family did. It is just something fundamentally sound about this country.

I think that it is time, with all the haziness and all the muddled decisions that have been made in the past, that we need to have this type of debate. Unfortunately, sometimes it gets to be a bit partisan, but I guess everything that happens in this body has a tendency to be that way; but I have supported in the past discharge petitions allowing voluntary prayer in school. I have voted for voluntary prayer and will continue to do this and, hopefully, something good will come out of this debate, this extensive debate that we are having here in this prolonged period of time.

I want to thank the gentleman for affording me this particular time to express my views.

I suppose, not to be flippant about it, but prayer does not hurt. It is like chicken soup. It cannot hurt. We need all the help from anyplace we get in these critical times in which we live.

I congratulate the gentleman for allowing this forum for us to make these statements.

Mr. LOTT. Mr. Speaker, I would like to thank the distinguished gentleman from North Carolina for his remarks and point out the fact that he is helping to make this debate here today bipartisan and helping to show that this issue is not a partisan issue. I thank the gentleman and others of his colleagues on his side of the aisle who have participated today, including my own good friend, the gentleman from Mississippi (Mr. MONTGOMERY) and the gentleman from Alabama (Mr. NICHOLS), and I am sure there will be others.

This is truly one of these issues when we should reach across the aisle and join hands and make sure that we have an opportunity to debate this issue and vote on it for the good of all Americans and for the future of our country.

I would be glad to yield to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding.

I just want to put on the record at this time some of the concerns statistically that the gentleman has been voicing in his excellent presentation.

First of all, I would like to put on the record that through a questionnaire that I circulated in the year 1983 in the first few months really of my incumbency, where I posed the question, "Do you think voluntary prayer should be permitted in public schools?"

Out of 13,864 individuals who responded specifically to that question, it was 88 percent yes; no, 10 percent, and "I don't know" 1 percent.

In one county of the six which I represent, the total was actually 93 percent for and 6 percent against and 1 percent "I don't know." I do not know where that 1 percent who did not know or who did not have an opinion came from; but nevertheless, that was the statistical thing.

But here is the important thing about the one county that I want also to put on the record, which I mentioned before and to which my colleague, the gentleman from Pennsylvania (Mr. WALKER) also alluded. A group of students in Williamsport High School had gone to their school authorities and asked if they could as a Bible club, a study club of the Bible, participate in their normal procedures which were to have time set aside for club meetings every Tuesday morning and every Thursday morning.

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They were refused, saying that this was a violation of the Constitution, the separation of powers.

The young students were not satisfied with that. They decided to take it to court. They did so, and the district court, the Federal district court eventually found in their favor and found that it was a violation, if you please, of the first amendment of the Constitution to ban their gathering for the purpose that they had expressed.

That particular opinion of the Federal district court would have seemed to have ended the matter and to have solved the question of a certain kind of Bible study or voluntary prayer being conducted in schools. But what happened? A retiring member of the school board appealed it saying that the school board was correct in forbidding the youngsters from getting together in this club setting for Bible study.

The appeal wound up in the circuit court in Philadelphia, and that circuit court is due, after arguments now having already been heard in January of this year, is due to report its findings and make its conclusions on this summer next.

The point from all of this that I wish to draw once again for the record is this: That it is not only we adults in Congress or the respondents to our questionnaires who are in favor of prayer in schools. It is the children themselves, we have evidence to show, who would yearn if given the opportunity to be able to express themselves through Bible study or other group festivities having to do with voluntary prayer, and therefore we are not really forcing anything upon them. What we are doing is giving them the opportunity to express themselves in one other way besides all of the other fantastic ways that our system gives our youngsters to express themselves.

I thank the gentleman for yielding and I hope that we can contribute further to this debate.

Mr. LOTT. I am sure the gentleman will, and I appreciate his comments today on behalf of the students who have expressed themselves and many others.

I think I should note, as I was just commenting a minute ago, that this is not a partisan issue even though the Democratic leadership of this body is responsible for not allowing this issue to come to the floor of the House.

We have had members of both parties speak here today.

And, also, this is not just a regional issue. Since I have been here we have had gentlemen speak, of course, from Mississippi, Nebraska, Wisconsin, California, Arizona, Arkansas, North Carolina, and Pennsylvania. North, East, South, and West, all parts of the country are involved in this debate, and that is the way it has gone the whole day.

I am sure we are going to hear later from the gentleman from Louisiana who will have some most enlightening remarks to make.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from California.

Mr. HUNTER. I think the gentleman has given us a very commendable statement and has given some excellent reasons for the Members of this body giving their support to school prayer. It was pointed out by both the gentleman from Mississippi and the gentleman from Pennsylvania that we are not talking about mandating any particular prayer for the children of this Nation. The Republican leader, BOB MICHEL, started this special order today and gave an initial statement, and BOB pointed out that the former Senator from Illinois, Senator Everett McKinley Dirksen, was of course one of the fathers of school prayer in the other body. Senator Dirksen basically had a proposal that is essentially the same as Representative KINDNESS' proposal that we have before us today in House Joint Resolution 100.

I would like to read that proposal because it is simple and it is to the point and I think it lays aside the fears that some people have that somehow we are trying to mandate a particular prayer for the children of this Nation. Is says simply "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer."

It is a simple resolution and it is something that will allow the children of this Nation to pray if they want to pray. But they will have the choice also not to pray. If they do not want to pray, then they can study for the math test that will be coming up in the next quarter. In fact, I think one gentleman said that as long as there are math tests in schools there will always be some prayer in school.

They can do essentially what they need to do or what they desire to do while other children are praying.

I can see under this type of a constitutional amendment maybe you would have a couple of youngsters putting their desks together back in the back of the class and having their prayer. You would have other students perhaps studying for the biology test in the next hour. But at least we would have a forum of some type, and that is, I think, what Everett McKinley Dirksen had in mind, and that is exactly what the Kindness proposal would allow.

Mr. LOTT. I thank the gentleman for that very important point. I think it was made earlier, but it needed to be reiterated, because there has been misunderstanding about what we are really trying to accomplish here today.

I want to read again, as I heard it read partially earlier today, the article that we are talking about here, the first amendment. What it now says is "Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof."

That is precisely what we are really talking about there. We are trying to make sure that despite these court decisions that we have been seeing over the past 20 years, that we are not prohibiting the free exercise of religion.

There has been a string of decisions, some of which have been overturned in other courts, but we have the decision with regard to our own Chaplain here in the House of Representatives. There was a question that in the House of Representatives or in other legislative bodies that we should not have a Chaplain to open the House with a prayer and that we should not be able to pay them. Of course, that was overruled.

Of course, we have had recent decisions dealing with the freedom of access of children who want to meet for religious purposes. We have already had some discussion about that today that I did not hear. But when you stop to think that schools can have any group imaginable come in and meet on school grounds to advocate all kinds of ideas and principles, to talk about socialism, or communism, or whatever, but not for religious purposes. We do have legislation to deal with that also.

Now, it is a separate issue and I want to emphasize that. Equal access is a separate issue from the voluntary prayer issue. But it continues the trend that we have seen over the years where the courts are trying to say in effect we cannot have religion in our lives because they are trying every way possible to try to stamp it out in our schools. And I think for something so fundamental that this country was built on, to have the courts making these decisions, it is time that the Congress stepped in, the Representatives of the people, and said, "Enough."

We are going to clear up some of these decisions they have been handing down.

Mr. WALKER. Will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because he was talking about some of the horror stories that have emerged as we have implemented the school prayer decision of the early 1960's and had that spin off down into the schools and some of the things that have happened.

The gentleman may know in Tennessee the State attorney general warned the Oak Ridge High School athletic department that for a coach to lead the team in prayer before a game violates the Constitution.

We had a Kentucky State law requiring the posting of the Ten Commandments in a public school classroom being held unconstitutional by the Supreme Court, and yet we heard earlier today that one of our Members called over the Supreme Court and found out that the Supreme Court itself has the Ten Commandments on its wall.

We just have all kinds of problems here of almost ridiculous expense. We really I think need to focus our attention on the fact that we are not talking about a few things happening here. We are not talking about a foreign negligent policy on the part of the courts and on the part of those who administer policies in the schools. We are talking about a situation where the courts and school administrations and the States have acted against religion. They have specifically said that it is all right for you to have Young Communist League meetings on the school grounds but it is not all right to have a prayer breakfast group on the school grounds.

It just has become a situation which is intolerable, and that is the reason why vast majorities of the American people are in favor of doing something to correct that situation. That is where all of these figures come from in the polling data that show overwhelming numbers of the American people in favor of doing something about school prayer. They are acting because they feel that the situation has just gone so far overboard as to have reached absurdity.

Mr. LOTT. I thank the gentleman for those comments.

In that connection I would like to make two or three points about what this amendment would do or not do, because there has been some misrepresentation in various places as to what we are attempting to do.

The amendment which we are debating here, would permit voluntary prayers, while assuring no child would be forced to recite a prayer. States would not be allowed to compose the prayers. The wording of prayers would come from the students. The purpose of the amendment is not to require prayer by any student, it is to insure that students who wish to pray not be forbidden from doing so.

The basic objective of this amendment is to reverse the situation that the Federal courts have created over the past 20 years in which vocal prayers and religion are systematically excluded from the public schools and kept from being a part of students' lives during that part of the day when they are in school.

Now, I do not want to belabor the important role that religion has played in American history. We have heard a lot of good examples and quotes here today about what religion has meant to this country. The President certainly stated it very clearly in his letter transmitting this amendment for our consideration.

I can only add that just as Benjamin Franklin discerned the need for innovation of God's blessings upon the Constitutional Convention, so each of us can testify to the importance his blessing and guidance in our daily legislative endeavors.

One of the Members earlier today pointed out some of the comments by George Washington at the Constitutional Convention, without the exact quote. I have it here, and would like to quote it.

George Washington said at the Constitutional Convention, "Let us raise our standard to which the wise and honest can repair. The event is in the hands of God." So from the very beginning in our Government, religion and our God have played such an important part of where our people were going and what they would be able to do.

It is stark testimony to the distance we have drifted from our original moorings that one court has already held unconstitutional the chaplains employed by each House to implore God's blessing upon us.

Certainly, no such drastic limitation on governmental discretion was intended by the framers of the first amendment. There is no great need for me to review the history of the original understanding of our constitutional separation of church and state. This has already been done in an admirable fashion by Robert L. Cord in his recent book, "Separation of Church and State: Historical Fact and Current Fiction." It is enough to say here that the framers never intended that the first amendment should have any effect whatsoever on the countless interactions between religion and State and local government. Even where Federal jurisdiction is exclusive, as in the territories and the District of Columbia, the first amendment was never thought to have precluded the invocation of God's blessing upon schools and other public institutions. The notion that a simple prayer could threaten the constitutional foundations of our Republic is a very recent development.

For the first 170 years of our Nation's experience under the first amendment, States and localities were trusted to make the delicate decisions required in determining the nature of governmental interaction with religion. Certainly, not every decision made by every State and local government was satisfactory to every citizen. There is no doubt that some citizens may have been offended by the use of particular prayers in schools or in public ceremonies. Indeed, some citizens may have been offended by any reference at all to the existence of God. Nevertheless, history does not disclose that any citizen was the victim of the sort the religious repression which is often raised as a specter by opponents of school prayer. There is simply no evidence that citizens were barred from participation in public education or public employment or any aspect of the political process because of their refusal to cooperate with public religious observances. American history itself is the refutation of the speculative horror stories presented by the opponents of school prayer.

Nevertheless, for the last 20 years the Supreme Court and the lower Federal courts have permitted these unfounded fears of repression to disrupt the long-standing accommodation between religion and state and local government. As this committee well knows, in 1962 the Supreme Court struck down a prayer composed by the government of the State of New York for use in its public schools. *Engel* v. *Vitale,* 370 U.S. 421 (1962). The prayer was a nondenominational invocation of God's blessing, of the sort which both Houses of the Congress use to begin our deliberations every legislative day. Even though no student was compelled to participate in the prayer, the Supreme Court found this acknowledgment of the importance of God in civic life to violate the establishment clause of the first amendment. While the Court noted "the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion," id., at 431, it did not rest its holding on any finding of coercion. Rather, the Court simply held that no government could "control, support or influence the kinds of prayer the American people can say." Id., at 429. How State, local, and Federal Goverments which have come to regulate so closely so many aspects of modern American life could achieve such absolute neutrality as to avoid all influence on religious beliefs the Court did not say.

The Supreme Court carried its view even further the next year in striking down a Pennsylvania law requiring Bible reading and the recitation of the Lord's prayer at the beginning of every school day. *Abington School Dis-*

trict v. *Schempp,* 374 U.S. 203 (1963). Again, any child could be excused from these proceedings at the request of his parents, so there was no compulsion whatsoever involved in the statute. Nevertheless, the Court ruled that this official recognition of the importance of religion in the life of the citizenry was unconstitutional. No longer would state and localities be free to determine the proper place of our diverse religious tradition in the education of its children and in the civic life of the community. Rather, the Court required absolute neutrality by State and local government on all religious subjects. To determine whether such neutrality has been achieved, a Federal court is to inquire:

> What are the purpose and the primary effect of the enactment? If either is the advancement or the inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the strictures of the establishment clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion.

Id., at 222. This is the test that has been repeatedly used over the last 20 years to strike down practically all manifestations of religion in civic life.

The Court in Schempp went on to assure Americans:

> Nothing we have said here indicates that * * * study of the Bible or of religion, when presented objectively as a part of a secular program of education, may not be effected consistent with the first amendment.

Id., at 225. Likewise, we continue to be reassured by students of constitutional jurisprudence that a truly voluntary prayer lacking official sponsorship is still permitted in our schools. Unfortunately, these reassurances have proven unsound. Lower courts have permitted principals to forbid voluntary grace before meals on a student's own initiative. *Stein* v. *Oshinsky,* 348 F. 2d 999 (2d Cir.), cert. denied, 382 U.S. 957 (1965). Courts have barred voluntary student Bible study groups from meeting on campus on the same basis as other school clubs, *Lubbock Civil Liberties Union* v. *Lubbock Independent School District,* 669 F. 2d 1038 (5th Cir. 1982), even though the Supreme Court itself has held that college students have that right. *Widmar* v. *Vincent,* 102 S. Ct. 269 (1981). These perversions of religious liberty have not been confined to the lower courts. The Supreme Court itself this year struck down a local school board policy of permitting students, upon request and with their parents' consent, to participate in prayer or meditation at the beginning of each day. *Karen B.* v. *Treen,* 653, F. 2d 897 (5th Cir. 1981), aff'd mem., 102 S. Ct. 1267 (1982). Nor has the Supreme Court permitted the neutral consideration of the Bible. In 1980 it struck down a Kentucky law which required the posting of the Ten Commandments, without comment, in the same manner as other important documents of our heritage, such as the Declaration of Independence or the Constitution, are displayed. *Stone* v. *Graham,* 449 U.S. 39 (1980). This is especially ironic in view of the depiction of the Ten Commandments on the wall of the Court's own courtroom. Thus the assurances that religion can be considered in our public schools in a voluntary and neutral fashion have proven completely false.

The overwhelming majority of the American people have rejected these judicial perversions of religious liberty. The American people still believe that they themselves through their State and local governments are fully capable of making the necessary decisions to acknowledge the role of religion in public life while protecting the legitimate sensibilities of religious minorities. This amendment embodies the deepest convictions of our citizens. It rejects not only the specific holdings of the school prayer cases, but the faulty reasoning that supports them. To reject the decisions without rejecting their reasoning might well require further amendments to correct further extensions of that reasoning. Just as the original decision on school prayer has been extended to encompass Bible reading, curriculum decisions, and even the employment of chaplains by Congress and State legislatures, *Chamber* v. *Marsh,* No. 81-1077 (8th Cir. Apr. 14, 1982); *Murray* v. *Buchanan,* No. 81-1301 (D.C. Cir. Mar. 9, 1982), further extensions of this pernicious doctrine are possible if it is not cut off at the roots.

That is precisely what this amendment does. The fact that the amendment by its terms refers to prayer should not obscure the fact that it has a broader reach. Certainly, if it is not unconstitutional to talk to God in the public schools, it cannot be unconstitutional to talk about God. Local control over Bible readings and other curriculum decisions is fully protected by this amendment, so long as students are not required to participate in programs they find offensive. Just as far as creative judges and lawyers can extend the pernicious reasoning of Engel and Schempp, so far does this amendment reach in rooting out the baleful influence of those cases. Rather than neutrality or intent, the new amendment will focus upon the question of whether or not persons are required to participate in the challenged practice.

The ideal of neutrality has proven to be an illusion. Justice Stewart recognized as much in his dissent in Schempp, when he noted that "religion and government must necessarily interact in countless ways." 347 U.S. at 309 (Stewart, J., dissenting). As Justice Rehnquist pointed out last year, the scope of such interaction has drastically increased because of "the growth of social welfare legislation" which "touches the individual at so many points in his life." *Thomas* v. *Review Board,* 450 U.S. 707, 721 (1981) (Rehnquist, J., dissenting). Justice Black himself, the author of the Engel decision, recognized the difficulty of applying the neutrality standard to curriculum decision:

> If the theory (of evolution) is considered anti-religious as the Court indicates, how can the State be bound by the Federal Constitution to permit its teachers to advocate such an "anti-religious" doctrine to school children?

Epperson v. *Arkansas,* 393 U.S. 97, 113 (1966) (Black, J., concurring).

It is easy to see why this neutrality is especially difficult in our public schools. If there is anything resembling a neutral position between theism and atheism, it can only be agnosticism. However, skepticism about the possibility of knowledge is hardly characteristic of our public schools. Children are taught science, mathematics, and history as unassailable fact. Only matters of religion are considered speculative and unsubstantiated. Indeed, the almost total exclusion of God from the classroom indicates that God is not even important, much less certain. The relegation of the most important questions of human existence to a secondary role is not neutrality, but hostility. The Court recognized this hostility in protecting the Amish against compulsory school attendance laws. *Wisconsin* v. *Yoder,* 406 U.S. 205 (1972). The proliferation of independent church schools demonstrate that many other Americans sense this hostility.

This amendment would restore to States and localities the authority to resolve the place of religion in the civic life of their communities. It may be that some communities will handle the problem badly. It is possible that some children may be confused and discouraged by exposure to religious thoughts and traditions that are different from those they hear at home. I do not mean to devalue their misfortune by pointing out they must necessarily encounter the same sort of confusion in other aspects of a society in which they constitute a religious minority. I would only point out that it is impossible for such misfortunes totally to be avoided. Thousands of parents and children have been offended by the total agnosticism of the schools resulting from the Supreme Court's decisions. They have felt morally compelled to leave the schools to found schools of their own where their religious traditions can at least have a respectful hearing. The very existence of public schools and other public institutions necessarily entails a lack of neutrality and inevitable conflict with some religious people. Since 1962 the

Federal courts have become the arbiters of these conflicts. Under this amendment, power will be returned to State and local governments to make these decisions, as was the case for the first 170 years of our Nation's history.

When a State or local government resolves an issue involving religion in public schools or other public institutions, it will no longer be open for the courts to consider whether or not the government had a secular purpose in its decision. Once it is determined that no person is required to participate, the judicial inquiry ends. The secular purpose test has proven both difficult and subject to abuse over the years. It is difficult because it is always difficult to demonstrate the intent of a legislative body. As a majority of this very committee said in this report on the Voting Rights Act:

> In the case of laws enacted many decades ago, the legislators cannot be subpoenaed from their graves for testimony about the motives behind their actions. Further, whatever the uneven extent of legislative records for State legislative sessions of 50 or 100 years ago, it is clear that most counties and smaller cities will not have available * * * official records and newspaper files * * *

Senate Report No. 97-417, 97th Congress, 2d Session 36-37 (1982). Under the existing jurisprudence, the State or local government effectively has the burden of proving its own innocence. It has the great difficulty of establishing the legitimacy of its secular purpose.

The standard is subject to abuse because, when all else fails, a Federal court can simply conclude that secular purpose has not been adequately proven. While courts have usually accepted a government's protestations of good faith, the Supreme Court has on two occasions arbitrarily found the lack of a secular purpose. In a case from Arkansas the Supreme Court found a lack of secular purpose in a case in which the trial court has made no findings whatsoever on the subject. *Epperson* v. *Arkansas, supra*, 393 U.S. at 101 &n.7, 107-109. In a case from Kentucky the court found a lack of secular purpose when the trial court had explicitly found that a secular purpose existed. *Stone* v. *Graham, supra*, 449 U.S. at 40-41. The Supreme Court's cavalier willingness to take such unusual liberties with the evidence in the record, id., at 47 (Rehnquist, J., dissenting), demonstrates the wisdom of withdrawing the issue of purpose entirely from the courts' consideration.

If this amendment is adopted, the only means for challenging the interaction of religion with public schools and public institutions will be to show that citizens are required to participate. This puts the focus of the inquiry where it belongs, on individual freedom. Where there is no coercion, there is no constitutional violation. Indeed, this has been the traditional approach in other areas under the first amendment. Where public schools have required the Pledge of Allegiance to the Flag, the courts have not held that unconstitutional because of the religious objections of individual students. Rather those students have been granted a right to be excused from the pledge while the practice continues for the other students. *West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624 (1943). That will be the law for prayer and other religious matters if this amendment is adopted. This amendment does not seek an unachievable neutrality, nor does it inquire into indecipherable legislative purposes. Rather, in the best tradition of our democracy, it reconciles the imperatives of individual freedom with the rights of majority rule. It restores the historic balance which the Supreme Court so unwisely and unjustifiably upset 20 years ago.

This Congress has an opportunity to begin the process of restoring that historic balance. This Congress and the American people through the ratification process can reaffirm our belief that the people themselves are capable of directing their own public schools and other public institutions. Neither the courts nor any other organ of government can perfectly resolve all of the inevitable disputes between a religious people and their government. The 20-year attempt by the Federal judiciary to do that has simply made those disputes more acute. We have learned the folly of attempting to lay down a uniform national rule on this subject. This amendment will return the authority to resolve these issues to the American people themselves through their State and local governments. I believe that the good will and the good sense of the American people are more than adequate to the task of making reasonable accommodations for the rights of religious minorities. That, at least, is the testimony of the first 170 years of our history, while the history of the last 20 years demonstrates the futility of attempting to force upon the American people an unnatural secularism which they do not share. This amendment commits these most delicate issues to the people themselves. Our liberty could be in no safer hands.

VOLUNTARY SCHOOL PRAYER AMENDMENT

The SPEAKER pro tempore (Mr. FAZIO). Under a previous order of the House, the gentleman from Texas (Mr. LOEFFLER) is recognized for 60 minutes.

Mr. LOEFFLER. I thank the Speaker.

Mr. Speaker, in recent decades, Senator Everett Dirksen was a voice of hope, and, throughout his distinguished career, he remained committed to the importance of prayer in our Nation's schools.

He was deeply concerned by the Supreme Court decisions of the early 1960's which held unconstitutional State sponsorship of prayer and Bible reading exercises in our schools. He worked relentlessly to effect changes in the law.

Of the 1962 Engel against Vitale case, he said:

> For this Nation to permit that decision to stand endangers and does dishonor to our religious heritage. It is for the people whose Government this is to determine that matter. I deem it a duty of Congress to submit this problem directly to the people. This can be done only by means of a Constitutional Amendment, which, when approved by two-thirds vote in each House of Congress, can then be submitted to the States.

It is in this spirit that we are gathered here this afternoon, and I, for one, believe that the people of our Nation are waiting to be heard on this issue. In a recent poll, some 81 percent of the American population said that they supported a school prayer amendment to our Constitution. It is ironic, in a democracy like ours, that we face such difficulty in carrying out the will of the people on a matter of fundamental importance to our country.

The first amendment to the Constitution provides that:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . .

The highest Court in the land has prohibited voluntary school prayer on the finding that it is an "establishment of religion."

There has been much said about the intent and interpretation of the first amendment, and, no doubt, this debate will continue for years to come.

Historically, it is abundantly clear that the message of the religion clause of the first amendment is one of freedom—not repression.

We are here today in support of nondenominational, voluntary school prayer. To volunteer, in my mind, offers choice. Repression, on the other hand, does not.

We must not lose sight of the fact that our Founding Fathers came to these shores to seek religious freedom. They did not come here to escape religion.

In the landmark case of Engel against Vitale in 1962, the Supreme Court ruled 6 to 1 that the recital of an official, prescribed, nondenominational prayer in New York public schools was unconstitutional.

In his dissenting opinion, Justice Potter Stewart argued that the majority in Engel misinterpreted the first amendment. He did not believe that an official religion had been established by allowing those who wanted to say a prayer to do so. To the contrary, Justice Stewart said:

> To deny the wish of those school children to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation.

Prayer is, indeed, an integral part of the "spiritual heritage" of our Nation, and we, as a nation, have a spiritual heritage of which we should be extremely proud. It has served us well.

In my view, it is important that our children have the freedon to pray in their schools which is where, after all, they spend the majority of their awake and alert hours every week.

I believe that prayer offers personal solace, strength, and guidance which we all desperately need in various ways and in varying degrees. Voluntary, nondenominational prayer in public schools is just as important a right and privilege for our Nation's youth as are first, judicially acceptable Government condoned moments of silent prayer at the beginning of each school day or prayer offered at baccalaureate services and commencement exercises and second, the well-established principle of Government involvement with prayer in such public institutions as prisons, the military, and legislative bodies.

In closing, I wish to quote, once again, the distinguished Senator Everett McKinley Dirksen:

> As one Nation under God, we have prospered mightily in material things. Are we going to deny Him even a few minutes of public reverence? We have taken pride in our spiritual heritage and have proclaimed to the world that men are endowed by their Creator with certain inalienable rights. Here is one of the most significant differences in our form of government from every other government in the world.
>
> Elsewhere men have only such rights as their rulers see fit to grant—for today—tomorrow they may be taken away. Not so here. We claim our rights to be inalienable, from the Creator. Even our Government cannot take them away. Have we become so proud that we will refuse to permit our children to ask God's blessing for our Nation. I hope not.

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Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding.

Mr. Speaker, the first amendment to our Constitution is first because it is the most important. Those who crafted the Bill of Rights recognized the preeminent value of freedom of speech, freedom of the press, freedom of assembly, the right to petition.

But first of all, before these other precious freedoms, the first amendment guarantees religious freedom. It begins: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

That is what we are talking about here today—the free exercise of religion.

Now, I do not think any of us who support school prayer want to encourage religious persecution in any of its ugly manifestations. We all remember that this country was founded by people who sacrificed much, who braved much in a search for religious freedom.

And I certainly would not want to hear our schoolchildren reciting a Government prayer written by some politician or some bureaucrat in Washington. Prayer is special; prayer is individual; prayer is personal. A Government-approved prayer would be none of that.

But it seems to me that our children, and this Nation, would be better off with prayer back in public schools. We would all benefit from a constitutional amendment allowing prayer in our schools. God belongs there.

Besides, would not our children gain something if each pupil, in turn, recited his own prayer for his class? Would not they all learn something about other forms of religion. Would not that knowledge encourage religious tolerance and understanding? Would not individual conviction be stronger, not weaker, for all of that?

Or what about each class setting aside a brief period each morning for silent prayer or meditation? That way, each child could speak to God in his own fashion according to his own beliefs. That way no child could be embarrassed about his religion or lack thereof. No child could be forced into participating.

What harm would such a course do to a country founded on the principle of religious freedom? What damage would that inflict on a Constitution guaranteeing the free exercise of religion. What harm could that do to our children?

I do not think a constitutional amendment on school prayer, well conceived and carefully drafted, would hurt our country; it would help it. I do not think such an amendment would scar our Constitution; it would strengthen it. I do not think voluntary school prayer would harm our children; it would make them better Americans.

Mr. LOEFFLER. I thank the gentleman from Louisiana (Mr. ROEMER) for his very cogent statement.

Mr. SKEEN. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman from New Mexico.

Mr. SKEEN. I thank the gentleman from Texas and I would like to begin my remarks by commending those who have organized this prayer in school vigil. I think it is probably one of the most outstanding demonstrations that I have seen of how this body should respond to a basic and extremely important issue. I think that it has been well covered. I know that it may have involved a great deal of redundancy, repetitiveness, and so forth, but to get the message across sometimes I think that you have to deal in some of these kinds of qualities in the kinds of discourse that we have to deal with here today.

I do not think that there is any more important an issue to come before the Congress of the United States, not only in my term, but in the terms of those in the past who, since 1962, have tried to deal with this particular question and it just almost boggles my mind that an issue of this great importance has taken this long to arrive at this stage, but on the other hand, I also am aware that dealing with the Constitution of the United States is a very serious and a very ponderous kind of an undertaking, one that should be done carefully.

I think if there is any argument that bolsters the support for the reinstatement of school prayer, it is that it is a reinstatement of a basic individual freedom that was assured in this country from the time of its very beginning and it has been restricted by a convoluted and irrational approach by a group of gentlemen who have a very serious job to do and I am sure that they dealt with this in a great deal of honesty, but they were in error. And that is not to say that we do not make errors here in the Congress of the United States. We also make errors in the Supreme Court of the United States as well.

But it is now time for this body to do something to rectify the kind of error that has restricted and has prohibited a freedom that we have enjoyed in this country for some time.

I think it has taken 20 years of involvement in serious debate to do one thing, be sure that we are not infringing on the freedom of anyone as nearly as possible, but we also know that in this country we support individual freedom as far as possible, but when the freedom involved by a majority of these citizens is also restricted, that becomes a serious blight and a serious threat to the very basic concept that we enjoy in the United States today.

And I think that it has taken 20 years for this body and the other body to arrive at some decision on how do you protect those who are opposed to prayer in school, as well as give back the right once again to the majority of the people of the United States who have evinced their interest and their support for the reinstatement of prayer in school by the polls that have come forth and all the other discussion that we have had.

Let me give my colleagues just a little example of what has happened in my particular district, because I have to equate things from that basis, just as everyone in this body does because that is our job, is representing a constituency.

I have an overwhelming majority of people in my district interested in reinstatement of prayer. They do not think that it constitutes a violation of the separation of church and state, that that wall should be impenetrable and so forth. It means putting religion once again back in the lives of a country that has lived by its religious precepts, no matter what an individual's beliefs are, they still had the right, in any institution, to make an expression to a higher being of some sort.

The judgment by the Supreme Court of the United States has restricted that to the point that if you carried it out to its illogical end would mean that in any public body dealing with a governmental matter, starting with schools, you could not even mention the Bible, the Torah, the Koran, or any other religious document in furthering the percepts of understanding literature, basic, common, understood literature within the school system, that you could not do this in a legislature, that you could not do it here.

Now, of course, there have been all sorts of complicated involvements in dealing with this particular issue.

□ 1720

But it seems to me that now is the time, with the bipartisan support that has been evinced here in this body today. I want to commend once again the leadership of both parties. I understand we are here also wondering why we cannot get this measure out of the subcommittees. If there is any kind of an effort or threat on the part of those who are in those leadership positions to withhold this issue from free and open discussion in this body, there is a terrible mistake and one that I think the leadership will rue to their dying day.

But I find today the majority leader of the House of Representatives talking to the minority leader in the House of Representatives, complimenting him on his statement that he could find no fault with. There is a burgeoning of the kind of understanding and bipartisan cooperation that it is going to take to bring this issue to a vote. If it fails, I can live with that. But it should be given its chance. And this is the opportunity and this is the time to give this constitutional amendment, a very serious measure, its opportunity to be voted on on the floor of the House of Representatives. I am sure that the other body will soon come to a vote, just as sure as I am standing here, because now is the time for this issue.

I do appreciate the opportunity and the chance to have this time, and I want to commend the gentleman in the well and the gentleman from Louisiana and the gentleman from Pennsylvania for their enduring interest in this particular issue and the fine kind of support and discussion that has been held. It has been meaningful to me. I have read this whole pile of documents, which include both the arguments for and against school prayer, and I have to say that I think this is the finest display of the preservation of the kind of freedoms that we enjoy and that we revere. The act of having a school prayer in a public school teaches many things, just as the gentleman from Texas said. It gives solace, strength and guidance. But it also demonstrates reverence, no matter what the denomination. It also demonstrates hope, and it also teaches young people humility, to recognize that there is a force outside of one's self. To give that kind of recognition, I think, is an extremely important aspect of growing up, because it is so easy to be arrogant with the acquisition of knowledge. But when every day you go through the procedure of saying, "I understand that there is a force larger than myself that had something to do with the creation of this Earth and who gave us this kind of a country and who gave us the kinds of minds that 200 years ago provided this Constitution," I think it can only be said that we are well served to have prayer in schools or at any public function, and it does not violate the first amendment of the Constitution. How in the world you can throw the 14th amendment in there, as well, to complicate the matter is beyond my belief.

So once again I want to thank the gentleman in the well. I would like to enter into a discussion here today. I yield back to the gentleman so that he may yield to other Members.

Mr. **LOEFFLER**. I thank the gentleman from New Mexico for giving us some very enlightened thoughts. I might just add that when you look at individual character, religion is a basic foundation for moral judgments. Each of the four of us, the gentleman from Louisiana, the gentleman from Pennsylvania, the gentleman from New Mexico and myself, may well disagree on the various elements of our religious foundation. Yet nevertheless, religion gives us the proper perspective of right and wrong. And just as each of you have been speaking and as I have noticed the statement on the wall of the floor of this House, behind me reads "In God We Trust." Is it not a bit ironic that in our school systems in a way as free and open, in an effort to share a personal feeling, we are now talking about something that is perceived morally what is right or wrong? And even to the extent not only of us who in a philosophy class would be described as supernaturalists, others as naturalists, and others as atheists, the foundation is what is right and wrong. That is what we are seeking to give our young people.

Mr. **WALKER**. Mr. Speaker, will the gentleman yield?

Mr. **LOEFFLER**. I yield to the gentleman from Pennsylvania.

Mr. **WALKER**. I thank the gentleman for yielding.

Mr. Speaker, the gentleman in the well, along with others, has made reference to that slogan that is on the mantle behind him, our national motto, "In God We Trust," and it is ironic that that cannot be said in the schools in the form of a prayer, but if you said "In Big Brother We Trust" in 1984, that would be perfectly proper to utter in the schools these days. So it does really come home, when you understand the context in which we debate some of these things in the Congress.

Since I heard the gentleman from New Mexico mention the polls in his district, and I have heard some other Members mention this kind of thing here today, I wonder if there is anybody here among us who has heard of any Member of Congress who has asked that kind of a question on their questionnaires that they sent to their districts who has not gotten back an overwhelming response in favor of school prayer.

I know when I ask the question in my district, it comes back absolutely overwhelming—75 percent, 80 percent, 85 percent in favor of voluntary school prayer. I wonder, has any of us heard of anybody who has asked that question that does not get that same kind of response?

Mr. **SKEEN**. Mr. Speaker, will the gentleman yield?

Mr. **LOEFFLER**. I yield to the gentleman from New Mexico.

Mr. **SKEEN**. Mr. Speaker, in responding to the gentleman from Pennsylvania, I would like to say yes, in discussions I have heard on at least two occasions during the entire discussion and consideration of this topic, people have said, "I am not for voluntary school prayer," and they both used exactly the same reason, one from New Mexico and one here in Washington, and they asked the same question: "Supposing you have a 7-year-old who is subjected to a school prayer, and supposing that peer pressure forces them to accept this when, from their background, we know that they would be opposed to that."

I said, "You know, that question bothers me, because this is not a mandatory thing, it is not an intolerant one."

I said, "Let me tell you this: As a person who has had an experience of going to parochial schools as well as public schools, and knowing what the situation was in, say, the parochial schools where prayers were said at the beginning of each day and at many activities associated with a denominational religion, there were students within that school system who were not of that faith, and all they ever had to say was, "I do not wish to participate," and they did not have to participate. I have never known of a child in the United States today who was forced. A 7-year-old, even though they have reached the age of reason and rationale, certainly has parents who are able to communicate to school officials, if they belong to a certain school that has a certain tradition as far as prayer, that they do not wish to participate, and they would certainly not be forced to participate.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman from Louisiana.

Mr. ROEMER. Our colleague from New Mexico raises a question that is often asked, in terms of a legal view of the world, and that is: How do you view American history over 200 years and take two threads strung throughout and combine them? One thread is a sense of a need for a freedom, religious freedom, specifically. It was there before we had a country, 1620 and beyond. The other thread is the need for separation of church and state. That is, that no government, however authorized or elected, can tell you what religion you ought to practice. Two threads. Maybe the same theme off of the same thread. But let me say them again: Religious freedom and opportunity on the one hand, and, on the other, the need to separate church and state.

It seems to me that we can be clever and forthright enough to combine both themes and allow, where there are gatherings of individuals, for moments of individual prayer. And that is what the Senator Dirksen resolution years ago attempted to do, that is what the thoughts here tonight and later on tonight and tomorrow will be, that if we are good enough as Americans, we ought to be good enough as legislators of the people to combine those two threads into one strong fabric that allows a child in New Mexico or even Pennsylvania, but certainly Louisiana, and maybe even Texas, if I think about it long enough, to maybe have a moment not of mandated prayer but of allowable meditation time. I think that is real. I think we are clever enough, I think we are committed enough to do that.

And one final point, if I have enough time: Some Members have been concerned about speaking on the subject, thinking that they had to be perfect to speak about prayer.

□ 1730

Now, I do not think the power of prayer is in doubt, it is not in my life, and I do not think the question of perfection is necessary on the floor. I mean, we are humans, with all of our mistakes. That would be like saying that you had to be an astronaut before you could vote on the NASA funding, or that you had to be a veteran of World War II before you could vote on those benefits. That is not true.

We stand here tonight with our personal convictions, but they are unimportant. We stand, as the gentleman from New Mexico said, representing about 520,000 individuals each, who have said to me over and over again: Be strong enough, be smart enough, be committed enough to let the Constitution do what it should do, and that is allow for a moment of private, personal meditation in our schools, and that is why I am here.

Mr. LOEFFLER. I might add on what the gentleman from Lousiana has said, in the latter part of his remarks, the individual participation, the individual experience with respect to school prayer. That it must be broad enough in addition to the very salient characteristics that he just described.

Broad enough to appreciate someone else; broad enough to give the benefit of the doubt to someone else; broad enough to understand that we have religious backgrounds that vary; broad enough as well to make certain that we do not infringe upon an individual who may wish not to participate, and through the description of voluntary school prayer, we are providing that.

I could not agree more with my distinguished colleague from Louisiana, and that is, we are not perfect. There is no line that can ever be drawn to be absolute in any issue that we debate here on this floor. Certainly not in the religious arena. Because, again, the four of us will disagree somewhere. Yet, we all have the same basic instincts toward the religious feeling that we have.

I would like to take it just one more step before I yield to the gentleman from Pennsylvania. That is, the first 16 words of our first amendment to the Constitution embody two religious clauses, not one.

The first part is most important and it sets up the principle of separation of church and state and I quote: "Congress shall enact no law respecting an establishment of religion."

That is right and proper. That is the way it ought to be. There should be, clearly, no religious tyranny, as there should be no political tyranny. But, that is not the proper approach with respect to limitations that we are now describing.

This is where you are talking about the Government instituting a church of its own. Not the Government giving the opportunity of voluntary participation in an individual experience.

Then the second part, which is the part that I believe is most appropriate to this debate is, and I quote: "Congress shall not prohibit the free exercise of religion." The free exercise of religion has now been choked. It has been restricted. It has been pulled back.

All we are saying is let us have an opportunity for someone to grow morally; to understand in their terms through their own definition the values of right and wrong. For me as an individual who participated in the public school system throughout my life, I had school prayer. I had a teacher in the second grade who taught me a prayer before we went to lunch. I said that prayer many times, and that prayer is still with me and I take it to my children.

Now, that prayer was nondenominational. That did not hurt me; it helped me. That was not by the instruction of my minister or my clergy leaders. That was not by the instruction of my parents, that was not by the instruction of the State of Texas. That was not by the instruction of the administration of the school system. That was by a personal appreciation of a religious background that my second grade teacher wanted to give to her students. She never told me, as I will never tell anyone what I should believe. She gave me the basics, and then it was my decision to determine right and wrong.

That school prayer that I learned in the second grade before lunch still applies, for me one way, for others, another.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

The gentleman has said one of the points that I wanted to make, that the forefathers were the ones who attempted to walk that fine line that the gentleman from Louisiana outlined. The forefathers recognized the two distinctions that the gentleman from Louisiana referred to: The need to make certain that we did not have a state church, but the need to make certain also that everybody had a right to freely exercise their religion.

But, you know, it is important to go beyond just those first phrases in the first amendment and recognize how far we have come in the problems that we have created with the court decisions that have been rendered with regard to school prayer. The first amendment goes on to say, "or abridging the freedom of speech or of the press, or of the right of people to peaceably assemble or to petition the government for redress of grievances."

Now, is it not interesting that what we have that has grown up in this country is a situation where what we are doing is establishing the religion of no religion. We are preventing people from the free exercise of religion in the public schools. We are abridging the freedom of speech; we are saying you can talk about nearly anything in the public schools except one thing: Religion.

You cannot talk about God. So, we are abridging the freedom of speech, of the press. If you print the Ten Commandments and put them on the bulletin board of the school, the Supreme Court has ruled that you cannot do that, so we are abridging the freedom of the press with what we are doing.

The right of the people to peaceably assemble. Good heavens, what is more peaceful than a group of people who want to go to a room somewhere in a school and pray together. Yet, that is being violated. Petition the Government for redress of grievances, what we see here there are grievances about the fact that we have got a real problem here on this issue and yet we cannot get the House of Representatives to act on it.

There is no redress of grievances because the House of Representatives refuses to take up the matter of an amendment that would correct the situation.

Virtually every tenet of the first amendment, from the freedom of religion clauses on down through is being dilated by what we are doing here in the Congress with regard to school prayer and what the courts and the administrative bodies have ruled across the country about this school prayer issue.

It seems to me that if anybody wants to stand and defend the first amendment, the first thing they have got to do is stand and defend an amendment to the Constitution which gets us back to first amendment principles.

Mr. ROEMER. Mr. Speaker, will the gentleman yield on that point?

Mr. LOEFFLER. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding.

Mr. Speaker, I wonder what Galileo would think if he came back today and saw the state of the science of astronomy. I mean, astronomers are now talking about pulsars in space, they talk about the black hole in space, there seem to be thousands of them, where the force of gravity is so tight and spinning so tightly, that light cannot even escape. It just amasses matter.

Galileo would be amazed, no more amazed than our forefathers would, to come back to America today and see what we have done, baby step by baby step with a clear spelling out of the first amendment. The first and most important of our Bill of Rights on the freedom of religion.

They would find, if our forefathers could return today, and read an article put together by our colleague from Pennsylvania, they would find page after page of horror stories; how we have carried this compelling notion of separation of church and state to its absurd conclusion.

□ 1740

For example, a school principal in New York ordered his teachers to stop kindergarten children from voluntarily saying grace before meals on their own initiative. The Second Circuit Court of Appeals upheld the ban. Good work, guys.

Or we could read down the list. A school board policy in Louisiana allowing students to participate in a 1-minute prayer or meditation at the start of the school day upon request and accompanied by parental consent was overturned by the Fifth Circuit Court of Appeals. The Supreme Court upheld the fifth circuit court decision in 1982.

Without beating that horse beyond one death, Galileo would be shocked at black holes and quasars and pulsars, but can you imagine what Thomas Jefferson and the guys would think, strolling through town tonight to see what we had done to the first amendment.

One amendment to correct it with school prayer will not solve the black hole problem, but it is a good beginning, and I think it is one of that I think the people of this country expect us to do, fairly, carefully, but how?

Mr. LOEFFLER. Mr. Speaker, during the legislative situation since the early 1960's, as we have debated our feelings toward the opportunity for voluntary school prayer, I think now we have to reflect for a moment, and not in a partisan sense at all because, as the gentleman from New Mexico said earlier during the course of this session this very day, the majority leader and the minority leader agreed with respect to what has been said throughout the course of this colloquy today, and that, since the early 1960's, Congress has only attempted on three different occasions to address what we are talking about today, on one occasion in the House, and on two occasions in the other body.

They have now had 13 years since the last attempt was made to address this issue. Without pointing a finger at any leadership, without pointing a finger at anybody within this legislative branch of Government here in Washington, the time has now come, and it is long overdue, that we act. It is, as we reflect upon our body, the House of Representatives, the people's body's responsibility to stand up and take count of all issues that are of major concern to the people that we represent throughout this great land.

In this instance, the issue of voluntary school prayer has vast support throughout the country, yet, the House, being the last body to act, acted in 1971. This year is 1984. So for 13 years the legislative branch of Government has abdicated its responsibility, and I am hopeful, through the colloquies that will continue throughout the course of the evening, throughout the debate in the other body that is now ongoing, that we will see this Congress not abdicate a responsibility because in a real sense the Founding Fathers gave us the Constitution and gave us certain unalienable rights. The rights we are discussing today hone in on our religious freedom and participation within the realm of that freedom.

The Supreme Court has made a decision which many of us believe to be inaccurate. The people have wanted it changed, but for more than 20 years the Congress only acted on three separate occasions, the last being 13 years ago in this body. Now we need to act.

Mr. SKEEN. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman from New Mexico.

Mr. SKEEN. I thank the gentleman for yielding.

Mr. Speaker, I think in a discussion with the gentleman from Louisiana, and the gentleman from Texas has alluded to it as well as the gentleman from Pennsylvania, one of the things over this 20-year period that has struck me in going back over all the records is how has this edict by the Supreme Court, or this decision by the Supreme Court been enforced during all these years? Well, not very well.

The problem has been, from what I read, that any initiation of any kind of an attempt, silent prayer, silent observations of any kind, any time that they have been brought before a court they have been found in violation of the decision by the Supreme Court time and time again. But each time it took adjudication.

There is no police force running around this country trying to see that every school system in this land observes the decision of the Supreme Court during the 20 years of its involvement or of its effect throughout the United States, and it seems to me that this, in itself, points out the fact that this is an almost unenforceable kind of a decision because it does the very thing that we have talked about all day long here. It is an infringement of a basic liberty and freedom of this country to the credit, or to the discredit, however one looks at it, of a very small minority of people who have objected to this issue. It did not hurt them. It did not take anything away from them. But supposedly they were making the point that it is an infringement on their rights.

But now, where is their responsibility? I think rights are a cocommitment with responsibility. Where are their responsibilities to restore this right and this freedom to the majority of the people in the United States who want it.

Now is the time to deal with that kind of an aspect. That is what we are here doing today, and we are trying to highlight that activity.

I want to commend once again all the people who have been involved in this effort throughout this year.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the distinguished gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I think we have heard both the gentleman from Louisiana and the gentleman from New Mexico say it quite eloquently; that we have here is a dichotomy between what the American people feel is in their best interests and what we are willing to do in this Congress.

What we hear from the opponents of school prayer in this Congress too often is that the reason why they will not bring this to the floor is that they are protecting the first amendment. I think what we are saying here among ourselves this evening is the fact that they are not protecting the first amendment; what they are doing is protecting a rather misleading interpretation of the first amendment that was made in this individual case; that the first amendment standing on its own, standing for the kinds of things that the gentleman from Louisiana referred to as our forefathers believed in, would be very much helped by a reaffirmation in the form of the school prayer amendment that we propose.

Overwhelmingly, the American people understand that and agree with that. You would think that if there would be one segment of society that might have some pause about all of this, it would be people of a liberal philosophical persuasion in the country.

There is an NBC-Associated Press poll that was done in 1982 that asked this question, and it is very important how the question was asked, too. The question was asked:

> Do you favor or oppose an amendment to the Constitution that would permit organized prayer in public schools?

Now, in other words, the question was framed in a way that it was not voluntary prayer but organized prayer, that sounded like it was something that was being done that was going to be mandatory, and so on.

In that poll, 55 percent of liberals said that they favored organized prayer in the public schools. In other words, that is a pretty broad-based test when you take that out to the country. That is 2 short years ago that we are talking about in that particular poll.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman from Louisiana.

Mr. ROEMER. Who did that poll? Was that the same guy that does Walter Mondale's stuff?

Mr. WALKER. If the gentleman will yield further, this was the distinguished news sources of NBC News and Associated Press. They may be doing some of Walter Mondale's stuff, too, but in this case they asked a pretty tough question and got a response that 55 percent of liberals favor organized prayer in public school and 39 percent oppose organized prayer in public school. That is one of the toughest groups to take the issue to.

More recently, Gallup has asked the question on voluntary prayer and it has been referred to many times today. We found that overall the American people by a group of 81 percent favor school prayer. Here was the question that Gallup asked in that case. Gallup asked:

> Have you heard or read about the proposed amendment to the U.S. Constitution that would allow voluntary prayer in public schools?

Eight in 10 replied in the affirmative. In other words, people are very much aware of this issue. Then it said:

> Do you favor or oppose this amendment?

What we found was 48 percent of the people in the country very strongly favor it, 29 percent fairly strongly favor it, and 4 percent said not strongly at all, but they still favored it.

□ 1750

That is 81 percent total that were in favor of voluntary prayer. Now, let us take a look at how that breaks down. We find out that one of the interesting groups was that 77 percent of all people, 18 to 29—in other words, the people most recently out of school—77 percent of them said that they favored voluntary school prayer.

It is absolutely fascinating to look down through the entire list of these people and find out that this comes from a very, very broad segment of the American people. This is not just narrow groups; this is virtually the entire population of the American people saying that they want voluntary prayer in their public schools.

Mr. Speaker, I thank the gentleman for yielding.

Mr. LOEFFLER. Mr. Speaker, I thank the gentleman for his contribution.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Speaker, I thank the gentleman for yielding, and I will be quick because I know the time is short. I thank the gentleman for allowing me to be part of this discussion tonight.

I want to repeat, at least from where I stand on the Earth, that we are not asking for mandatory prayer; we are asking for an opportunity for voluntary prayer.

Point No. 2: It has been said, and I think said wisely and well, that one amends the Constitution with trepidation. It does not happen easily. It is a document that has lasted a long time and served us well.

But in effect we are not trying to change the Constitution. We are trying to get a reaffirmation of the first amendment, an amendment that has been there for nearly 200 years. We are not trying to change the first amendment. We are trying to get the lawmakers of this Nation to honor and understand it, and we are trying to give the people an opportunity to practice the religious freedoms that are spelled out clearly in it. It is not a change; it is a reaffirmation.

Mr. Speaker, I thank my friend, the gentleman from Texas.

Mr. LOEFFLER. Mr. Speaker, I thank the gentleman from Louisiana (Mr. ROEMER) for participating during the course of the time that I have had reserved, which has been the better part of an hour. I appreciate his very cogent remarks and his ideas, not from a scholarly standpoint, not from a politician's standpoint, but from an individual who cares and merely wants each individual in our great Nation to be able to participate in a religious manner, however he or she may desire.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Speaker, I wish to compliment my colleagues from Texas, Pennsylvania, Louisiana, and New Mexico for their eloquent statements on this issue.

Mr. Speaker, a debate now rages in the other body on a very controversial issue: voluntary school prayer. As we consider the pros and cons of voluntary prayer, we must feel, keep in mind that an overwhelming 81 percent of our constituents support it. Most Americans see religion as an integral part of their children's moral upbringing and view prayer as an important means of instilling religious values in their children. They reject the idea of forbidding any mention of God in the place where children spend 7 hours a day receiving their education.

Those who oppose voluntary school prayer regard it as a violation of the separation of church and state. This is a specious argument, however, and does not hold up under closer scrutiny. Remember how the first amendment is worded: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Now, think carefully about what those words mean.

Justice Joseph Story wrote in his "Commentaries on the Constitution" that the first amendment has adopted in part to prevent the establishment of national religion. He said, and I quote:

> The real object of the amendment was to exclude all rivalry among Christian sects, and to prevent any national ecclesiastical establishment, which should give to an hierarchy the exclusive patronage of the national government.

By allowing voluntary prayer—and I emphasize the word voluntary—our schools would not formally advocate any one particular religion. They would simply allow our schoolchildren to exercise their first amendment rights during the school day, whatever religion they adhere to. Allowing prayer in our schools would not inhibit, but rather enhance, a full expression of the religious diversity that we have in our country.

On the other hand, opposition to voluntary school prayer would entail State meddling in our religious rights. Nowhere in the Constitution does it say that our freedoms of religion and speech should stop at the classroom door. Nor does it say anywhere that our children must reach the age of majority before enjoying these cherished rights.

Allowing voluntary prayer would not force any specific religious belief on our children while they are in school. But prohibiting voluntary prayer would force the suppression of religion during the school day. Thus the Government—in disallowing school prayer—would still be taking a stand on religion, in this case against it.

We in Congress start every session with a prayer, and no one argues that this violates the separation of church and state. It seems incongruous that we allow God's name to ring out in the congressional Chambers, while at the same time we bar any mention of God's name—voluntary or otherwise—in our Nation's schools.

Mr. LOEFFLER. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. ROTH), and I might add this to his closing comments: There is no question that the strength of a democracy is in its people. It, then, depends upon the strength of the people. Where are their foundations? What is their root? How do they believe in the value judgment of right and wrong?

That is why the religion clause is in the first amendment.

Mr. SKEEN. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Speaker, I thank the gentleman from Texas for yielding, and I want to thank him so much for letting me have part of his time this evening.

I want to close out my remarks with just a little example from my own territory of the country. We talk about forefathers. In about 1540 the European influence on the Indian nations of the United States was felt most evidently in the Pueblos in the Southwestern part of the United States. This group that came in was dominated by a one-denominational church group. They inflicted their religion upon Indian tribes in that particular part of the country, particularly those of the Pueblos, and it was not until the United States acquired those territories that the practice of their religion was reinstated because of the first amendment.

And today practiced in those Pueblos is a dual kind of religion. They recognize Christianity and some of the denominations and sects, and so forth, involved in that kind of religious observance, but they still have their own basic tribal religion that they have practiced for thousands and thousands of years, and they do business with the beginnings of obeisance to the deity that they believe in.

It would be difficult for me to understand today how one could apply the reasoning of the Supreme Court and say to those people, who are the first citizens of this Nation, that "you cannot make that kind of an observance in your public meetings or in the operation of your government and tribal affairs," as they do almost as a matter of custom today.

Mr. Speaker, I thank the gentleman once again. I have enjoyed this very much, and I have learned a great deal from it.

Mr. LOEFFLER. Mr. Speaker, I thank the gentleman from New Mexico (Mr. SKEEN).

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I am happy to yield to my colleague, the gentleman from California.

Mr. HUNTER. Mr. Speaker, I just want to thank the gentleman from Texas, the gentleman from Louisiana, and the gentleman from New Mexico for making such eloquent presentations today. And, believe me, I understand that the latest Gallup poll says that some 81 percent of the American people favor school prayer, and we appreciate these gentlemen coming down and making this contribution and sending a message, hopefully, to the Senate and to the Members of the House.

□ 1800

Mr. LOEFFLER. Mr. Speaker, I thank the gentleman for his kind comments. I wish to express our appreciation, those of us who have participated in this past hour, to the gentleman from California for making the arrangements such that all Members might participate in a timely fashion for the preceding hours, as well as into the subsequent hours into the evening and into the early morning tomorrow.

Mr. HUNTER. We do have a 3 a.m. slot that we can slip the gentleman into also that we would like to have the gentleman participate in.

Mr. LOEFFLER. In looking at the foundation of the debate that we have undertaken, the colloquy, the exchange of ideas, first of all, it is most important to note that in no way do any of us wish to force religion upon anyone. That is an individual decision. The voluntary school prayer amendment is the best conceivable means of applying that particular action.

On the other hand, it is also important to note that this is not a partisan issue. In fact, it is not a bipartisan issue. It is a nation's issue, a nation that was built on the foundation of a religious belief in a supreme being.

It now is time for the Congress to adhere to its responsibility and do better than just two attempts in the other body and one attempt in the House of Representatives to make a reaffirmation, as the gentleman from Louisiana said, of the first amendment and the religion clause.

As I conclude, in no way do I wish to point a disparaging finger to anyone in this body, the leadership, the ranking members the chairmen, all 435 of us; but I do hope now that we come to this well and into this room to debate such a constitutional amendment as we are supporting, bring it to a vote, in the event that the appropriate committee of responsibility wishes not to move the legislation forward, then I join with all my colleagues on both sides of the aisle to address this Nation's issue and to urge you to sign the discharge petition, discharge petition No. 8, such that we will have an opportunity to provide a freedom as defined by our forefathers, as temporarily led astray by a Supreme Court decision.

The time to act is today, not tomorrow, not 1985 or 1990. The Congress now, having witnessed what the Supreme Court said over the past 20 plus years, is abdicating its responsibility.

ORDER OF BUSINESS

Mr. EDWARDS of Oklahoma. Mr. Speaker, I ask unanimous consent that I be permitted to take my time at this time out of order.

The SPEAKER pro tempore (Mr. FAZIO). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. EDWARDS) is recognized for 60 minutes.

Mr EDWARDS of Oklahoma. Mr. Speaker, I very much appreciate the opportunity to join my colleagues in what is a very important issue, what is a bipartisan issue, being joined by friends of mine from both sides of the aisle, Democrats and Republicans alike, who are concerned about the fact that we in this House of Representatives have not had the opportunity to bring up for a vote and discussion an issue as important as school prayer.

The Wall Street Journal today carried a story about the school prayer issue. That story, which appeared on page 1, began with this sentence:

> Each weekday, the fifth grade students in a public school southeast of here (referring to the Little Axe school near Oklahoma City), the students in that school start the morning with a flag salute, a patriotic tune and rousing song. Then, standing at their desks, they pray. One of the 20 students reads a verse from the Bible; and, with heads bowed, all recite the Lord's Prayer.

The Journal article went on to note that more than 20 years after the Supreme Court removed prayer from our Nation's public schools, scenes like that one in Little Axe are being repeated daily every day in many schools around the country. Why should America's schoolchildren continue this practice in spite of the decision of our Nation's Highest Court? Because, Mr. Speaker, the Supreme Court can cast prayer out of our schools; it cannot cast religious conviction out of the hearts and souls of these young people and it is the expression of their faith that we continue to witness in public schools today, despite the Supreme Court's ruling.

Now, unfortunately for the children and parents of the Little Axe school district, they have been beseiged by those who will not be satisfied until every remaining trace of religious faith is erased from America's public schools. Somehow these prayers, these readings from the Bible, these meetings before or after school of various religious clubs, are seen as a threat to the fabric of American society.

Well, I disagree, Mr. Speaker. These expressions of religious faith are the fabric of American society. The children of Little Axe and other small towns and large cities across America feel the need to engage in vocal prayer and that right ought to be protected. It ought to be protected, Mr. Speaker, by a constitutional amendment guaranteeing that right. It is not necessary or important any longer to argue the validity of the Supreme Court's decisions. Those of us who disagree with them have argued about them for a long time.

Now it is our responsibility. We as a Congress, we as the representatives of the people must make it absolutely clear that we recognize that prayer is not to be feared, that people need not be protected against prayer, that vocal prayer is a way to include all people into our activities, not to exclude them, and that prayer in schools poses no threat to anyone.

As President Reagan has so eloquently stated:

> Prayer has sustained our people in crisis, strengthened us in time of challenge and guided us through our daily lives since the first settlers came to this continent.

The President is absolutely correct, Mr. Speaker. Vocal prayer in this Congress, in the State legislatures, in the Supreme Court, and in other official institutions of our government, has helped to guide us through our daily responsibilities, posing no threat whatsoever to our constitutional rights or those of any other Americans. Our children, the children in the school district of Little Axe, Okla., or in Bangor, Maine, or Miami, Fla., should all be able to share in the beautiful, inspirational experience of vocal prayer, before commencing their day's work in our Nation's public schools.

As many speakers before me have noted, more than 80 percent of all Americans support this constitutional amendment for vocal prayer in the public schools. The Senate of the United States is responding to this overwhelming public support. The Senate will bring a constitutional amendment to the floor this week; but as we have seen all too often, the House of Representatives, the people's body, will not have the opportunity to vote on this issue, unless we are successful in using the extraordinary discharge petition process.

Why, Mr. Speaker? Why does the people's body stand in the way of the people's desires? Why do we need to conduct a talkathon in the Chamber this evening in order to provide this constitutional amendment with the full public discussion in the House of Representatives that it deserves?

Well, I know that my question is going to go unanswered, but I pose it nonetheless, because my constituents want an answer, Mr. Speaker, and as I pointed out before, this is an issue that crosses party lines and it is not a partisan issue.

Mr. Speaker, at this point I would be glad to yield to my colleague, the gentleman from Florida (Mr. HUTTO).

Mr. HUTTO. Mr. Speaker, I appreciate very much the gentleman yielding to me.

I want to express my appreciation to the gentleman from California (Mr. HUNTER) and others who arranged for this special order so that we might discuss one of the most important issues I think in our Nation today.

□ 1810

There are a lot of those who would disagree with us, but I can think of nothing more important than restoring voluntary prayer to our Nation's public schools. It is such an important thing, and is it not ironic that tonight we are here to discuss at length something that has been caused by an atheist. You might think of that as being connected with the Soviet Union, but because of an action by an atheist, Madaline Murray, we are here, because of the Supreme Court's ruling that was made because she sued the school board.

Of course, I am not saying that the Supreme Court acted completely wrong, but I think there has been some great misinterpretations and in fact I think the Supreme Court went so far as to prohibit the free exercise of religion that is provided in our Constitution. It, of course, provides that we should establish no religion or prohibit the free exercise thereof. And I think in prohibiting school prayer that the Supreme Court has violated itself the Constitution of the United States.

I think that that was a sad day back in the early 1960's when this Supreme Court decision was handed down and admittedly, I was a lot younger then, but it stunned me and I think a lot of other people, because I know that the people in my district in northwest Florida, and the polls indicate throughout the Nation, are overwhelmingly in favor of allowing our schoolchildren the opportunity to do the same thing that governmental bodies everywhere across this land are able to do.

Before the start of every city commission meeting or county commission meeting or before the convening of State legislatures in my State and in my area, and I presume throughout the Nation, there is a prayer given, and the same is true for the U.S. House of Representatives and for the U.S. Senate.

As has been pointed out time and time again today, and there have been some very good statements that have been made on this subject in this Chamber today, but as has been pointed out before, above the Speaker's desk and above the American flag in this Chamber are the words "In God We Trust." and it is on our coins. So I do not believe that prayers in public schools were a big problem before this Supreme Court decision. Now it has been pointed out often here today that this would be, if we can get a constitutional amendment just to put back in our schools voluntary prayer, not a State-written or State-dictated prayer, but voluntary prayer in our public schools. And it is not a partisan issue. It is an American issue, and I have noted from time to time that members of the Democratic Party, of which I am a member, have been here on this floor today and there will be others tonight I think participating in this discussion.

But this is one of the things that is most asked me and has been throughout my 12 years in political life, 6 years in the Florida House of Representatives and 6 years in the U.S. House of Representatives, people ask "Why can't our people pray in public schools? When are we going to do something about the Supreme Court decision?"

Yes, all of us believe in separation of church and state but not God and state. I believe that we can allow our children to pray and not prohibit the free exercise of religion.

We would not embarrass anyone, force anyone to pray, whatsoever.

I just wonder what our forefathers would think if they were to be here and to know what had happened, that such a thing so basic as praying has been taken out of the public schools. Back when our forefathers came to this country they came for religious freedom and when they established a public school, do you know what the first textbook was? Yes, it was the Holy Bible. Can you think of anything more American than Thanksgiving Day when the Pilgrims paused to give thanks for the bountiful harvest? And this is a tradition that has continued until this day where we give thanks to Almighty God for our blessing.

We need the constitutional amendment because I think of so many of the interpretations that have been given to the Supreme Court decision that was handed down in the early decisions. I think that there have been decisions in relation to that by judges and decisions and interpretations made by lawyers of school boards and others that have been inconsistent, really, with what the Supreme Court said, which essentially was that the State cannot dictate and mandate a certain prayer to be said.

But here in Fairfax County in the public schools where my children go to school I was appalled when I first came to the Washington area and found out that the Fairfax County public schools do not have Christmas holidays. That is what we have back home, Christmas holidays. And there is no Easter holiday. It is winter holiday or spring holiday.

And when my daugther was in the seventh grade, I believe it was, about 3 years ago, and a reporter for the school paper, she was assigned to do a piece on the Christmas tree. Then the teacher thought and she said, "No, no, no, not the Christmas tree; the evergreen tree."

Now, is that not a shame? Because Christmas is recognized by the commercial community and we see how they commercialize it so that sometimes it loses some of its proper meaning. But not to acknowledge a God in the things of this Nation is unbelievable.

We do not want to offend anyone. But we do want to provide our children the same opportunity that we have in this Chamber. I believe, and I have heard this said by educators as well, that the lack of prayer in our public schools has somewhat paralleled the lack of discipline.

I know that varies from school to school but we all know that there has been a tremendous discipline problem in the public schools and in fact some of them are not even safe.

I have heard further that some have said that it has been one of the causes of the deterioration in public education in our country. I suppose there have been many contributing factors, but I would think that that is one of the factors, because it is the environment that we have in our school system that counts a great deal.

I submit to you that opening each day with a prayer is a good way to start out. It is a good way to start our sessions here. It would be a good way to start every schoolday in the public schools, especially when you think of the many influences on our young people today: The drugs, alcohol, pornography, the sexual promiscuity. It seems that nothing is sacred anymore, and I am especially concerned about the poor entertainment that we have, not only in theaters but also coming into our living rooms by television.

This kind of influence is not healthy and is it not a shame, because we have all of these influences, that we cannot at least have a voluntary prayer?

I am distressed over some of the entertainment. I wanted to see the movie "The Right Stuff" because I had heard a great deal about it, and having lived through the young space age I went with my wife and my youngest daughter to see it on a Saturday afternoon. I could not believe some of the language that we heard in this movie.

So everywhere we go there is a degradation in the moral atmosphere and the morality of our Nation.

I still have faith in God and in the basic goodness of the American people. But we see a lot of stresses now on our way of life and on the family unit and there are so many youngsters that do not have parents or have one parent and they do not have an opportunity. You have heard many people say we should leave prayer to the homes. There are a lot of youngsters who do not have much of a home life and to be in the environment where a prayer is said and to acknowledge a supreme being, which is one of the basic tenets of our founding, I think is important.

So I think that many would welcome this opportunity because they do not get it at home. But, at the same time, if there is a religion that conflicts with what is being said, they would not be subjected to it under a voluntary constitutional prayer amendment.

Mr. EDWARDS of Oklahoma. That is a very good point the gentleman makes.

The gentleman from Florida is a man of great spiritual conviction. One of the things he has undoubtedly observed, as I have observed, is that we have no neutrality whatsoever today in the attitude toward religion and religious conviction. Faith is not treated in a neutral way. In fact, it is almost as though the Government was now being forced to discriminate against religion to protect the American people against prayer.

☐ 1820

And one of the things that we are trying to achieve with this amendment that we propose is to give young people who are interested in participating in some degree of spiritual life on their campuses—Christian, Jewish, any other kind of spiritual life—to have the same opportunity to get together before class or after class that the students might have if they belonged to the chess club or the botany club or astronomy club or something else.

What has happened is not a matter of trying to impose religious values upon the rest of society. It is a matter of trying to protect people who have religious conviction the same rights that are available to everybody else in the society.

What we are trying to do is not destroy neutrality but bring government back again to a neutral position so that those people who are moved by their religious faith can participate in their life in school just as people who are interested in the secular activities can.

Mr. HUTTO. That opportunity should be there. You know our Nation has attained the highest standard of living than any nation has ever attained. It is the greatest Nation on Earth. But I think in our history we have seen such evidence of the spiritual dimension and that is something that, as you say, the Supreme Court and Government seemingly is trying to take away from our people, particularly the young ones.

Of course, prayer strengthens faith and we need faith not only in God but in our system of government. "In God we trust" is an important thing that has been ingrained into our society, on our coins, in the Chamber here.

You know our Forefathers intended it that way. The fear that I have right now is that we are one Nation under God, we pledge that to our flag, and there are nations who are Hindu nations, there are Buddhist nations, there are atheist nations; but we have been a nation under God, and a nation under God means we allow freedom.

There is freedom and we do not penalize anyone or try to embarrass anyone who does not accept God and who wants to worship something else or acknowledge something else. But ours has been a nation under God which we have acknowledged throughout our society.

So I think that we do not want to change that, because God has rightly blessed our Nation.

So I would hope that we would pray and that we would get the opportunity for our children to pray; that He would continue to bless our great Nation.

Mr. EDWARDS of Oklahoma. My friend from Florida makes a couple of good points. One of those points obviously is that those people who have the religious faith that he has and a number of other people in this Chamber share with him; that young people who have that faith will not be excluded from the same rights available to other students.

But there is an additional part of this equation; and the gentleman touched on it.

Let me emphasize in the amendment that has been offered, we concentrate not just on the first part of the amendment but on the entire amendment. It says in the beginning part of the amendment that mothing in this Constitution should be construed to prohibit individual or group prayer in public schools or other public institutions, period—the end of the first sentence of the amendment.

The rest of the amendment proposed by the President and which I support and the gentleman supports, says this:

> No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.

We are not talking here about trying to impose on people who do not want to participate in any requirement that they embrace any kind of a conviction that is not theirs naturally or by teaching.

What we are trying to do is merely protect the rights both of those who wish not to participate and those who wish to participate.

And right now, those who wish to participate are the ones who are being excluded.

I yield to my friend from California.

Mr. LEWIS of California. I thank my colleague from Oklahoma for yielding, and want to express my appreciation for the very fine remarks he has added to the RECORD today.

It is my intention to speak further to the record on my own time at a later point, so I will not take a lot of the gentleman's time, but earlier in his remarks, I was drawn to my feet in order to ask a few questions by way of clarification of what we are about.

One of the reasons for this extended session today is to discuss among Members who wish to speak about bringing forth the right of debate about a constitutional amendment that would allow for prayer in schools is the fact that the other body, the Senate, is, this week, not just debating the actual constitutional amendment on the floor, but will have a vote on that matter later in the week.

I cannot really believe that we find ourselves in a position where the other body has moved in that direction and yet our House, the people's House, for one reason or another, has chosen to hold back that proposed constitutional amendment and prevent us from debating it here on the floor.

I wonder if the gentleman could clarify for me his judgment as to why a bill has not moved from committee and then, in turn, what this other special procedure is that perhaps our people would like to know about; whereby we might effect those who may be stopping this debate.

Mr. EDWARDS of Oklahoma. I think the gentleman makes a very good point. Now the person who took the time preceding me, the gentleman from Texas, was very gracious and courteous in his remarks. He is a friend of mine and yours. He said he did not want to point any fingers and maybe we should not point any fingers, but I should say that it is important that the people who are listening to and watching this discussion understand something: The House of Representatives is very, very different from the U.S. Senate.

In the U.S. Senate, it is possible, as it turns out in this case, to schedule an action like this, but even if it had not been scheduled in the Senate, there is the possibility of attaching an amendment like this to another bill and bringing it up that way for debate. The procedure in the House of Representatives is very different. Something has to move through the subcommittee and committee system and come to the Rules Committee and there be voted out onto the floor before we can consider it.

For whatever reason, the people who sit in the key positions in this House have decided that they do not want to have this issue brought to the floor. That leaves us with only one option, and it is very important, I am glad the gentleman brought this up; very important the people understand this.

In the House of Representatives, where you cannot offer an amendment to a bill unless that amendment is germane, the only way we have to deal with something like this, when we are cut off by our leadership not letting something come to the floor, is through a process called discharge petition. The discharge petition requires the signatures of 218 Members of the House to say, in effect, "We want this bill discharged, we want it removed from the committee, we want it brought to the floor so that it can be considered by the Members."

Now that is maybe what we have to do. In order to make it happen, all of the people out there have to write to their Congressmen, put the pressure on to get their Congressmen not only to say that they support school prayer but to sign a discharge petition to allow it to be brought to the floor.

Here is the problem with that, and I certainly endorse that approach: I have been in Congress 8 years now in the House of Representatives. In all the time I have been in the House, there have been only two discharge petitions that were successful in getting a bill brought to the floor; both of those lost; even though there were 218 signatures to bring them to the floor, both lost on the floor because that procedure is so constricting; it does not allow for amendment, it does not allow for extended debate.

So people who may have signed the discharge petition then vote against it on those grounds. So while it is possible for our constituents to put pressure on their Congressmen to sign the discharge petition and I hope they will, the only way we can really be certain that we are going to be successful is for the pressure to be applied on the leadership of the House to allow us, as a deliberative body, as the representatives of the people of this free country, to bring this issue up here for a full and open debate.

□ 1830

Mr. LEWIS of California. Mr. Speaker, if the gentleman will yield further, I certainly appreciate that explanation. I believe what the gentleman is saying is that as a last resort in the House, the rules do allow the majority of this membership to take the control away from the leadership, if they are not being responsive, and if the people out there really want a full debate of this constitutional amendment on the floor, that their Members can sign that petition, if they respond to their constituents, and when you get to 218, at least there will be a clean debate. But the people must convince their individual Members that it is important for them to sign that petition; is that correct?

Mr. EDWARDS of Oklahoma. That is a very good point and I would suggest that everybody who is listening or hears about this debate and writes to their own Representative, the question should not be merely, "Do you support the voluntary school prayer amendment?" The question should be: "And have you signed the discharge petition to allow it to be brought to the floor for a vote?"

Mr. LEWIS of California. If the gentleman will yield further, I have spent some time watching the other body in the last several hours and I must tell the gentleman that it is very clear that in many ways, the Senate appears to be responding more like the people's body than we are seeing around our House, for there is little question that the American public, becoming aware of the fact that they are having this debate and that there will be a vote this week, are communicating in huge numbers to the Senate, raising the sensitivity level of individual Members of the Senate who are in doubt.

And so that communication is causing the Senate to respond very positively. It is my judgment that if the constitutional amendment is successful in the Senate, it will be a direct result of the people's communication.

So moving back to our own House, it seems to me that it is very clear that this demonstration before us is a clear illustration of the reality that there is broad bipartisan support for this constitutional amendment coming to the floor in our House.

But as I have been saying for some time, there is a difference between the membership in general and the way the House is organized because the majority controls then; a lot of power has been transferred to the leadership, the Speaker, and those who are around him, and they have organized our committees in a fashion where the committee numbers, Democrat and Republican, are way out of distortion. Many, many more Democrat Members who are loyal to the Speaker on those key committees than numbers represented to the House.

And so the leadership can control an issue like this and keep it bottled up.

Now, that is by way of making the point. A nonpartisan question such as school prayer clearly should never been in the partisan arena. It is being bottled up by leadership that, in my judgment, is so far out of touch with the American people, Democrat and Republican alike, that they have brought us to this almost unbelievable point in our history.

I certainly want to close by expressing my great appreciation for the gentleman from Oklahoma making clear to the public just how important it is that they become involved for they may have the last voice here; that is, they have within their own power of the pen to communicate with and convince their Members that they ought to participate with the real majority, which is the American public.

Mr. EDWARDS of Oklahoma. I thank the gentleman.

I am going to yield now, but before I do, I would make a point, picking up on what my friend from California said.

The gentleman from Florida (Mr. HUTTO) is a very highly respected member of the Democratic caucus and I think that makes a point.

This is not a Republican issue, it is not a Democrat issue. It is a bipartisan issue. And there two things. When you have issues that have such broad bipartisan support, there is no excuse for those issues not to be brought to the floor for consideration and especially when you have—this is the people's body. We represent smaller constituencies in most cases than the Members of the Senate. We are elected every 2 years. We are constitutionally the people's body.

And when you have any issue at all where 80 percent of the American people want to see something done, there is no excuse under the Sun for this legislative body refusing to bring it up and debate it and amend it and discuss it and make a decision on it.

We owe the American people that much.

I am glad to yield to my friend, the gentleman from Florida (Mr. HUTTO).

Mr. HUTTO. I thank the gentleman for yielding.

I would like to ask for a point of clarification on the discharge petition also.

Discharge petition No. 8, I believe, is the rule, is it not, stating that it should be brought to the House floor; then there are some other amendments that have been offered and I believe some more discharge petitions at the desk, are there not?

Mr. EDWARDS of Oklahoma. That is my understanding.

Mr. HUTTO. One thing that I would like to ask. There may be some confusion on the part of the Members about the various petitions that are there and I think there needs to be some clarification. Also, I would like to ask in the event that the Senate does pass by two-thirds vote a constitutional amendment allowing voluntary prayer in our schools and that comes over from the Senate side and is not brought up for consideration within a reasonable length of time, then would there not need to be another discharge petition on that particular measure?

Mr. EDWARDS of Oklahoma. I cannot answer the gentleman's question, but that is my understanding, because the terms would have changed from what is spelled out in the discharge petition.

And that is why I think it is important that as the situation continues to change and unfold that our constituents not merely be satisfied with getting a response from their Representatives saying, "Yes, I am for school prayer." They have a right to ask of us that we do something positive to try to force it to the floor either by introducing our own discharge petition, as it becomes timely, or by signing one.

This is not one of those issues whereby our constituents ought to be satisfied with receiving a letter that says, "Oh, yes, I am for school prayer, but I cannot do anything about it. They will not let me vote on it."

That is not an excuse because there are things that individual Members can do either by introducing or signing discharge petitions as the circumstances change to force the House of Representatives to have a vote on the issue.

Mr. HUTTO. Well, I would agree with the gentleman on the signing of the discharge petitions, but I think we need to make sure that we understand all of the discharge petitions that are there. I know even on the Senate side, there was more than one amendment offered in that body.

Let me make a point on the constitutional amendment. I can understand this is a rather sacred document and we do not want to open it up for all kinds of amendments. I think that that is the reason that we have the provision that it takes a two-thirds vote to get a constitutional amendment. We cannot just be willy-nilly changing our Constitution all the time.

But I do feel that this is a measure of such importance to the American people and is supported by such a wide majority of the people that we need to speak to the issue and by passing a constitutional amendment by the Congress—by the Senate and the House of Representatives—that, of course, does not bring the constitutional amendment into being. It still has a long way to go, because then it goes to the legislatures of the various States, and has to be ratified, I believe, by three-fourths of them. And there is a 7-year period in which ratification is allowed.

So I would think that we ought to allow not only as the gentleman expressed it earlier, the people's body here and the Congress an opportunity to vote on that, but then to also allow those that are even a little closer, those in the State legislatures to ratify a constitutional amendment to our great basic document and I think that we deserve that opportunity.

Mr. EDWARDS of Oklahoma. I thank the gentleman.

Let me just add that we are talking about laying open here to the public a great number of options to protect the right of religious participation, not to impose it upon anybody. Under the amendment that has been proposed to give people the right to voluntarily take part in vocal prayer, that could be done in a number of ways.

It could be done by setting time for prayer at the beginning of a schoolday or at the close of a schoolday. By allowing a student to do as they did when I was in public school, to get on the PA system and begin the day's announcements before you start telling that this club is going to meet here and this club is going to meet there, starting with a very brief prayer, by allowing a student who volunteers to do so to pray at a student assembly. Or even by allowing that a room in the school be set aside to allow students who wish to pray to leave their classroom and go to that room and pray without interfering with anybody else around.

So there are all kinds of ways this could be done without infringing on other people's rights.

I would just say if we are talking about giving young men and women the right to start their school assembly with a prayer, why is that wrong when every single day the gentleman from Florida and I come here to discuss the great issues facing this country and we never consider doing that without starting out with a prayer?

□ 1840

We start with a prayer every day to begin our deliberations, and we ought to allow the same right to students in their schools.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I would be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I think it is important to point out as we discuss the discharge petition route here as a way of getting this amendment to the floor of the Congress that we make it very plain that we are talking about a specific discharge petition and we are talking about a specific action that contains some specific mandates in it.

We are talking about Discharge Petition No. 8. Discharge Petition No. 8 would make a rule in order to bring a school prayer amendment to the floor. That rule would allow 5 hours of debate and would allow an open rule, which means it would be fully amendable. So we would have an opportunity to discuss all the various options and make certain that we had complete debate on the issue.

I think it is clear that if the American people want this issue debated on the House floor and want us to take up this issue on the House floor at any time in a timely manner, what they are going to have to do is tell their Members of Congress to get over here, sign Discharge Petition No. 8 as quickly as possible, and make certain that we do begin that process moving and hopefully get that discharge petition signed so that in the near future we can debate the issue.

I think it is also interesting that the gentleman raised a concern a moment ago about the fact that students cannot open assemblies with a prayer the way it now stands. As the gentleman well knows, that grows out of a Federal court decision.

It is not just that there is some benign policy here, that school administrations are misinterpreting what the courts have done so, therefore, you cannot start off an assembly with a prayer. In Arizona, the school district had a policy of granting the high school student council permission to open optional school assemblies—in other words, totally involuntary, they were optional—optional school assemblies with voluntary student-initiated prayer, unsupervised by teachers, unwritten by the school, no State involvement whatsoever, nothing here that was in any way forcing somebody to participate, and yet that was held in violation of the establishment clause by the Federal courts.

So we have a very, very stringent rule being applied on our schools with regard to prayer activity. As the gentleman points out, that is a situation which we would not permit to exist in legislative bodies across this country; not just in the Congress; legislative bodies in the States; legislative bodies at the local level. Many of those begin with a prayer, and certainly most of our State legislatures begin with a prayer.

The kind of thing that the court has ruled on with regard to public schools in the Arizona case and in other cases is something that would be absolutely intolerable if applied to the legislative process. That sets up a dual standard in this country which, in my mind, is reprehensible.

Mr. EDWARDS of Oklahoma. I think there are a couple of points that ought to be emphasized. One is that this issue went well beyond what the original problem was. When this issue first went before the courts, it was because in New York State the government has set out a prayer. The State government had decreed that the students in the schools in that State should recite a prayer written by the State.

That was clearly wrong. The court held that it was wrong. But what has happened is, from that beginning, it has rolled on and on and on until no longer do we merely say that a State cannot write a prayer; we say that students cannot voluntarily come together and, on their own, pray out loud in school.

Another point that I think ought to be clarified before I yield to my colleague is that people are now saying to us, some people are saying, "Why do we not just have an amendment that allows silent prayer?"

There is not a need for an amendment to allow silent prayer. The Supreme Court has not ruled that silent prayer is unconstitutional. As I heard the President say in a speech the other night, we have the right to remain silent. We can all remain silent any time we want to, anywhere we want to.

What we are trying to take care of here is giving those people who wish to express their religious faith the right of do that, just as people who wish to express their support for their football team have the same right.

Mr. WALKER. If the gentleman will yield further, he makes a good point about silent prayer. You can pray silently in the Gulags in the Soviet Union. That is not the tradition that we talk about in this country. A silent prayer is obviously available to anybody, even in the most repressive of societies.

Here we are talking about a very open, democratic society that has as one of its base foundations a belief that God is the overall ruler, is the inspiration for the liberties that we enjoy. To suggest that silent prayer meets the test of the public kind of acknowledgment that our forefathers believed was important just does not cut it, in my opinion.

As I say, in very repressive societies you would be able to pray silently. It is not that kind of repression that I think we wanted to note in the policies that we adopt with regard to school prayer.

Mr. HUTTO. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I will be glad to yield to the gentleman from Florida again.

Mr. HUTTO. I thank the gentleman for yielding.

Mr. Speaker, I mentioned Thanksgiving before, and I would just like to say a little more about this great American holiday.

Most American Presidents from the time of George Washington have issued Thanksgiving Day proclamations that show that the framers of the Constitution never intended an absolute separation of church and state. We believe in separation of church and state, but as I said before, not completely in the sense that we remove God from all deliberations in everything else that we do.

For example, on October 3, 1789, George Washington signed the first Thanksgiving Day proclamation, which said in part:

> Whereas, it is the duty of all nations to acknowledge the providence of Almighty God, to obey his will, to be grateful for his benefits, and humbly to implore His protection and favor . . .

It further read:

> Now, therefore, I do recommend and assign Thursday, the 26th day of November next, to be devoted by people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be; that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation.

James Madison, who drafted the first amendment, also signed Thanksgiving Day proclamations. Much is made of the fact that President Jefferson did not sign Thanksgiving Day proclamations. While President Jefferson was opposed to the President issuing such a proclamation of Thanksgiving, he acknowledged the fact that under the Constitution the States had power and authority over religious activities. This sentiment was evidenced in his second inaugural address, which read in part:

> In matters of religion I have considered that its free exercise is placed by the Constitution independent of the powers of the general government. I have therefore undertaken on no occasion to prescribe the religious exercises suited to it, but have left them, as the Constitution found them, under the direction and discipline of the church or state authorities acknowledged by the several religious societies.

Finally, the enactment of the Northwest Ordinance in 1787 by the last Congress of the Confederation providing that religion and morality should be encouraged in the public schools further demonstrates that the framers never intended "strict separation" between church and state.

□ 1850

The Northwest Ordinance, which provided for the establishment of public schools, read in part:

Article I:

> No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

And article III:

> Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall be forever encouraged.

So I think that this points out very vividly that our Founding Fathers wanted a prayer to be a part of our school system.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman for that history.

I might just say as kind of a light note that, as the gentleman recalls, last November the 18th the Speaker declared the House in recess and sent all of us home, and the country immediately declared a day of Thanksgiving. Maybe that is because we have failed to take up issues like this.

Mr. HUTTO. That was a different kind of proclamation.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I think it is important that the gentleman from Florida brings up Thanksgiving because he is indeed absolutely right, our forefathers did declare Thanksgiving Day with an acknowledgment of our religious heritage. And they must be flipping over at the present time in their graves to understand that a Federal magistrate rules in the recent past that a Pentagon Thanksgiving Day worship service that had been conducted under the Pentagon pulpit program begun by Franklin Roosevelt in 1942 was ruled unconstitutional. That was a Federal magistrate.

We just cannot understand the kind of horror stories that are growing out of what is fundamentally an attack on religion. It is the idea that religion is no longer an acceptable topic of conversation or practice within our public life, and it is case after case after case where this is happening.

The gentleman from Florida (Mr. HUTTO) is absolutely right, and he has made a very eloquent statement about what our forefathers intended in these matters, and yet we have an attack in the Federal courts on the very practices our forefathers felt were so important to our heritage and the future of the country.

I would hope that this Congress will understand that that is our concern, and that is the reason for speaking to the school prayer issue, that we must put a stop to this attack upon the religious heritage and the religious life of the Nation.

Mr. EDWARDS of Oklahoma. Mr. Speaker, the gentleman makes a very good point.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding, and I would like to refer back to the point that was made about silent prayer. Why not just have silent prayer and allow that?

The gentleman from Pennsylvania mentioned, of course, that silent prayer is already allowed, and I am reminded of our friend, JOHN MCCAIN, who is a Member of this body and who was a prisoner of war in Hanoi for a number of years. He had the right under that repressive regime in that prison to utter silent prayer. In fact, he may have even had the right to utter a spoken prayer, a right which the children of our Nation do not have.

So obviously when prisoners of war can pray in the prison camps, that is really conceding little for the courts or for this Legislature and this body to allow the children of this Nation to have a silent prayer. We need, of course, to have a spoken prayer.

I was thinking, why do we have to have a prayer together? Why do we have to pray together? Why does this body pray together in the morning? I think it is because we take a certain strength and a certain camaraderie and a certain faith when we pray together as a body, and I think perhaps those children need to have that same camaraderie and a feeling of relating to their peers.

They are allowed to listen now to speakers from every political ideology. They are allowed to listen to people from the far left, and they are allowed to have sex education classes together. Why can they not share a prayer together?

So I think the answer was very well made by the gentleman from Pennsylvania, that we need something more than a silent prayer.

Mr. Speaker, I appreciate the gentleman's yielding to me.

Mr. EDWARDS of Oklahoma. Mr. Speaker, let me just say that one of the things that we have to face here—and I think this amendment does it very well—is this: This country is not founded on the rights of the majority. This country was never founded on the rights of the majority; it was founded on protecting the rights of the minority, and it is very important that people who have questions about this amendment understand that this amendment has been very carefully structured to protect the rights of the minority without infringing on the rights of the majority.

It is true that over 80 percent of our constituents, over 80 percent of the people in this country want the right to participate in vocal prayer in school. But this amendment has been drafted so that the 19 percent who do not wish to participate in voluntary prayer in the schools are not required to. It is done in a way that gives the majority the right to have the same protections everybody else has, but it does not infringe on the rights of the minority. That is a very important point that has to be kept in mind.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I am glad to yield to my friend, the gentleman from South Carolina.

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman for yielding.

I think that the point the gentleman made is one that we should all remember, and that is that while we protect the rights of a minority, we do not deny the rights of a majority. It is fundamental, and it is something that we try to balance in all of our Government. We have tried to balance it everywhere.

When the Supreme Court ruled some 22 years ago on this particular issue, Potter Stewart said at that time he thought that to deny the wishes to school children to join in reciting prayers was to deny them the opportunity of sharing in the spiritual heritage of our Nation, and that was probably one of the most profound statements that has been made or uttered on this, because, as others have said, this Nation was founded on religious freedom, but it was founded as one Nation under God.

We stand on the floor of this House and we look up. We look up above the Speaker's desk, and what do we see?

We see "In God We Trust." And we, of course, participate in prayer here.

I remember when I was just a youngster in school, in grammar school, in the public school systems, we had a devotional every morning. It was not a devotional that was prescribed by the teacher. Each student participated. I remember that in the classroom at that time there were children who were of different faiths than I. Some were Protestant, some were Catholic, some were Jewish. That was the first exposure that I had to other people's beliefs. It broadened and it helped, and I think that it helps make people more tolerant of other people's beliefs.

If we do not know about things, too often people just out of hand deny or condemn them. But when we understand that others believe, though they may express their beliefs differently, than we, of course, recognize that they do believe in a Supreme Being.

I know that there are those in this country who do not believe in a Supreme Being. I am sorry. Perhaps, in fact, they may never have had the exposure as children along the way to even learn. Perhaps they have been led another way, I do not know. But I do know this: I do know that to deny the right of children, if they wish, or to deny the right of any American, if they wish, to participate in prayer is to deny them the heritage of their country.

Mr. Speaker, I think that this amendment would restore that heritage, as it rightfully should.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman from South Carolina (Mr. CAMPBELL).

Let me just conclude this way: Those people who have been leading the fight against this amendment have attempted to say that it is the intention in this country that we keep church and state separate. It was clearly the intention of the founders of this country and it is the intention of all of us, I think, in this Chamber that we do not permit state to impose upon the people a state-ordered religion.

That is not the issue. The problem is not that Government is now trying to get into the picture. The problem is that Government has already stepped into the picture, taking away from the people the right to participate in voluntary prayer, a right that they had previously. Government has taken that right away, and what we are trying to do here in supporting this amendment is to redress the balance and go back to a position of neutrality where those who do not wish to pray have the right not to pray and those who wish to have the right to pray do have that right. That is a position that any one of us on strict civil libertarian grounds can support and ought to support.

I know my time is up, but I want to take a moment to thank the gentleman from California (Mr. HUNTER), who has done a very fine job in bringing this to the attention of the public and in rallying the Members of the House of Representatives to come together like this.

□ 1900

I believe that many of us, many of our colleagues, have been very frustrated, just as I have been, by the fact that we have here an issue so vitally important to the whole fabric of our society and we as a Congress are not even permitted to discuss it. We are not even permitted to acknowledge that there is in this country a concern about people, our children, being deprived of the right to pray out loud in public school.

It is ludicrous for this Chamber, this collective body of the Representatives of the people of the United States, to come together and every day discuss other issues and not even have the right to consider that there is a raging public debate on this issue.

When we have brought to the floor in one way or another in this year or other, when we have the right to vote on whether voluntary school prayer should be restored, I will vote yes; but even to those of my colleagues who might vote no, if this body is truly reflective of the population out there, 19 or 20 percent of this body would vote no. That is not the point.

We ought to, if we are a legitimate deliberative body, we ought to have the right to discuss this and to vote on it so that we can resolve it for the people who sent us here to do just that.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I would be glad to yield to the gentlemen form California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman. I thank him for his articulate support of school prayer; but more importantly, perhaps, for his articulate support of the notion that we should at least discuss the issue in this House and that because we have refused to discuss this very important issue, we have been for the last several months at least, not the people's house.

It is frustrating for us to look across at the other body and watch them take the lead on an issue in which 80 percent of the American people have expressed through the various polls of the nation support for the proposition that children should be allowed to pray in school.

Again, I think the American people perhaps will look at us and say that this Congress evaded its responsibilities. It did not take up the people's issues.

I can remember sitting and listening to debate over seedlings in Oregon and various public works projects around the Nation, with Members bringing up these things that perhaps were important to them, but could not possibly be as important as the issue of school prayer is to the entire Nation, to all of Congress, and taking a great deal of time and watching this very vital, very fundamental problem not be addressed by this body.

Again, we have not been the people's house for the last several years and if we had more people, perhaps like the gentleman from Oklahoma in leadership positions, particularly in leadership positions on the other side of the aisle, because I think we must remind the House that in fact the Republican leader, BOB MICHEL, has given his full support to bringing up the school prayer issue and resolving it and has given his full support, in fact, to Mr. KINDNESS' resolution.

I think we have to look to the other side of the aisle and ask them why they have not brought this thing up. The Speaker has been asked and the Democrat leadership has been asked now for 20 days to allow us to bring up school prayer, to even debate it, and when we make that request every morning there is absolute silence on the other side of the aisle, and then we start talking about seedlings in Oregon.

Mr. EDWARDS of Oklahoma. Since there is so much silence, maybe they are praying about it.

Mr. HUNTER. It had better be a silent prayer.

Mr. EDWARDS of Oklahoma. Let me say to the gentleman from California that we try to avoid being very hard on our colleagues and to avoid mixing different issues here, but last year I was instrumental, as the gentleman was, in trying to bring forward a vote on the House floor on the balanced budget amendment.

Let me just conclude by saying that we ran into people who said, "I'm sorry, I never sign a discharge petition," and when they say that they are essentially saying, "We deny the right of the Congress to consider issues that haven't been brought forth through the committee process."

On this one it is important enough that people should be asked by their constituents to sign a discharge petition.

THE SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore (Mr. PENNY). Without objection, under a previous order of the House, the gentleman from Ohio (Mr. WYLIE) is recognized for 60 minutes.

There was no objection.

Mr. WYLIE. Mr. Speaker, I would like to begin by complimenting the able gentleman from California (Mr. HUNTER) for the leadership position he has taken in this prayer vigil, which I think does him credit and does a great service to the country.

When I was a candidate for Congress in 1966, the issue of school prayer was brought up in a church meeting setting. I was asked about it and I said that I was for the right to pray in public schools and if elected would do something about it, would introduce a constitutional amendment.

At that meeting, I recall my own experience as a student at the Pataskala public school where we began the day with a prayer to the Supreme Deity and a pledge of allegiance to the flag.

Now, there was something reassuring about that practice and I think we lost something when the practice was discontinued after the Engel against Vitale case, which was decided by the Supreme Court of the United States in 1962. Some said the Supreme Court case, Engel against Vitale case, did not really prohibit public schools or children in public schools from saying prayers if they wished to remain silent or if they were excused from the room while the prayer was being recited. The only thing that was unconstitutional about it, some scholars said, was the fact that the prayer in the Engel against Vitale case was composed and required by a State board of regents.

Well, there was much confusion for a time as to just what the Supreme Court intended, particularly since most public school administrators felt that they might be in some constitutional difficulty if they allowed their students to recite a prayer in a public school setting.

Then shortly after the Engel against Vitale case, we had the Stein against Oshinsky case out of the State of New York, where the Engel against Vitale case came from, in which the trial court upheld the right of children to recite voluntarily two simple children's prayers, one of which was:

> Thank you for the world so sweet, thank you for the food we eat, thank you for the birds that sing, thank you, God, for everything.

The court of appeals ruled that the reciting of that prayer in a public school setting was an unconstitutional practice; so 2 years later a school teacher in DeKalb, Ill., changed the words a little by leaving out the word "God," and she had her children recite the verse:

> Thank you for the world so sweet, thank you for the food we eat, thank you for the birds that sing, thank you for everything.

The court held that it was obvious that the teacher was leaving out the word God. It was obvious what the teacher was doing and that saying such a prayer was unconstitutional in a public school setting.

So in 1967 when I was sworn in as a Member of this body in the 90th Congress, I went immediately to see Senator Everett McKinley Dirksen, who had taken up the cause of school prayer. He encouraged me to introduce a resolution in the House, one identical to his own resolution which he had introduced in the Senate. We did not get any hearings in the 90th Congress. I introduced it again in the 91st Congress, as the session was coming to a conclusion. We had not had any hearings yet.

Then a group of women headed by Mrs. Ben Rulen from Akron, Ohio, came to me and asked me if I did not get a hearing or if we did not get a hearing in the 92d Congress, if I were reelected, would I introduce a discharge petition, and I told her that I would.

Well, I was elected to the 92d Congress. Meanwhile, Senator Dirksen had passed away and Senator HOWARD BAKER, his son-in-law, had taken up the cause.

I did reintroduce my resolution, as I said, in the 92d Congress. I spoke to then Chairman Emanuel Celler, chairman of the House Judiciary Committee, on several occasions about hearings, and he told me that they had had some hearings back in the sixties and did not see much necessity for it, but I persisted and one day I said to the chairman on the House floor that if we did not get some early decisions on my resolution allowing public school prayer, that I would have to file a discharge petition.

Well, Chairman Celler in his inimitable way put his arm around my shoulder and he said, "My boy, that is provided for within the rules of the House."

Well, he had thrown down the gauntlet, in fact, and I did file my discharge petition. I worked very hard to get the necessary 218 names on that discharge petition to bring the matter to the House floor.

□ 1910

It was brought to the House floor on November 8, 1971. After the vote was taken, and may I say that I thought ahead of time I might have the votes to pass it, but when the vote was taken it was 240 to 162, 28 short of the necessary two-thirds, although it received 78 more yeas than nays.

I said I thought I had the votes when I went in. But Speaker of the House, then Mr. Carl Albert, took the floor and in an impassioned plea asked the Members on his side of the aisle not to vote for the resolution.

The Netcong case, which has been referred to here before today, was really the case that got me all worked up about this constitutional amendment. I would like to repeat for emphasis the facts in that case where a sign was posted on the bulletin board in the high school in Netcong, N.J. The notice said "A period for the free exercise of religion at 7:55 a.m. in the high school gymnasium."

Several students came the next morning. Some were sitting, some were standing in the bleachers, others just standing around in a rather informal manner. And they met in the school gymnasium, if you please. A student volunteer reader was asked to read the remarks of the Chaplain from the CONGRESSIONAL RECORD, giving the date, the volume number and the body whose proceedings were being read from. The volunteer reader was free to add remarks of his own concerning such subjects as love of neighbor, brotherhood, and civic responsibility.

In the course of the reading the students were asked to meditate for a short period of time, either on the material that had been read or upon anything else they desire.

When the gong rang for secular pursuits the students dispersed and went to their classes. That is an actual statement of facts read from the Court decision.

In the State Board of Education against Board of Education of Netcong, N.J., the Supreme Court of New Jersey held that such a practice was unconstitutional even though, as I said, when the gong rang for secular pursuits they dispersed and went to their classes. And the Supreme Court of the United States had a beautiful opportunity to clear up things in that case, in my judgment, but it denied appeal.

The Court held that the Chaplain's remarks were really prayers and therefore the program violated the establishment clause of the First amendment. Thus the courts have held that the free exercise of any religious activity which amounts to a recognition of a supreme deity in a public school setting is unconstitutional, even though not done during school hours.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I will be glad to yield.

Mr. HUNTER. I think the gentleman has just made an incredible statement. Reflecting on what the gentleman has said, under the present Supreme Court ruling it would probably be unconstitutional to recite the Declaration of Independence or to recite the U.S. Constitution in other than a historical setting because both of those documents refer to a Supreme Being—not refer to a Supreme Being, but state that our rights as American citizens come not from Speaker O'NEILL, not from the House of Representatives, but from that Supreme Being.

So I suppose if suit were filed under the present Supreme Court position the argument could be made that to recite the Constitution, the foundation document of this Nation, is a violation of the Constitution.

Mr. WYLIE. I think the gentleman makes a valid point.

I believe James Madison would have had a very difficult time getting a first amendment adopted to the Constitution today if the debate were being held in the setting after the Netcong, N.J., case.

We refer in the Preamble to the Constitution, of course, that we are endowed by our Creator with certain inalienable rights, and I have a feeling that that might even have been stricken from the Preamble to the Constitution.

But the Court went one step further in that case and held that its prohibition of such a program does not violate the free exercise of religion of students who desire to participate, and that, to me, was the ludicrous extreme to which we have arrived in the matter of the prayer decisions.

Mr. OXLEY. Will the gentleman yield?

Mr. WYLIE. I will be glad to yield to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. I thank the gentleman from my home State of Ohio and colleague from Ohio, and want to first of all congratulate him on his leadership over the years on this very important issue. Those of us who were not Members of Congress back then when the gentleman was very, very active followed his efforts very closely and it is interesting from this perspective now to hear the historical perspective you have put on this entire issue.

I want you to know that all of us appreciate your kind efforts on our behalf and we are here now to lend aid and comfort to you on this very lonely trek you have been on over these many, many years.

I thought it would be interesting if as you recited the history of the case, and particularly the Engel against Vitale case which was the major case that turned this entire issue, and I am wondering if in your perspective perhaps you could give us some idea about what the Court makeup was then, because it is my estimation, I was back, I think, in college at the time, that the Court, the Warren Court in many cases was coming out with some rather different decisions, I guess one would say. You are a lawyer and I am a lawyer, and I think if you look at the area of criminal rights, if you look at the entire area of basic rights, that the Court had some rather interesting decisions back then. I am wondering if the gentleman from Ohio would care to contrast perhaps the Warren Court then and perhaps the way the Court is constituted today.

I am really wondering if in fact that fact pattern were brought before the Court as it is constituted today whether we would end up with the same way, with the same type of decision today.

I know that calls for some degree of surmising by the Member from Ohio, but I would be interested to hear his opinion on that.

Mr. WYLIE. I thank the gentleman from Ohio for his contribution and appreciate his reference to the fact that I have over the years maintained a vigil which is now not so lonely anymore since the President of the United States has joined in the cause.

Incidentally, he is going to be in Columbus, Ohio, tomorrow for the Evangelical Convention to talk about this issue.

But to speculate as to what the Supreme Court might do today, I have a feeling that the Engel against Vitale case would never have been decided the way it was if it were before the Supreme Court of the United States today. The Warren Court, of course, was a very liberal Court, as the gentleman knows, and this was a case of first impression.

As a matter of fact, many of us felt that the Supreme Court at that time did not adhere to the old principles of stare decisis. They did not look back and see what Courts had said before.

I say that because when the debate was being held on the first amendment to the Constitution it said, and I would refer to the first amendment to the Constitution, that Congress shall make no laws respecting establishment of religion or prohibiting free exercise thereof.

In the Netcong case I submit that the Court in effect prohibited the free exercise of religion. As a matter of fact, it violated the very precept of the Constitution which we are talking about here today. And in the Engel case, as it was interpreted thereafter, they went far beyond what James Madison and our Founding Fathers ever envisioned in putting in the Constitution.

As as matter of fact, it went so far as to place the atheist or the nonbeliever in an equal status or category with the person who believed in a Supreme Deity. I think it therefore voided what most people thought was the law of the land for 171 years.

I think the gentleman makes a very cogent observation and accurate observation about the Warren Court. We had reason to believe in this country for 171 years that the practice of praying in public schools by public school children was constitutional. And, as a matter of fact, when the first amendment was adopted by the first Congress, as I said, James Madison, during the course of the debate, said:

> The people feared one sect might obtain a preeminence or two combine together and establish a religion to which they would compel others to conform.

□ 1920

And later on, Judge Cooley on the Supreme Court, writing for the Supreme Court in the decision said:

> By establishment of religion is meant the setting up or recognition of a state church or at least a conferring upon one church of special favors and advantages which are denied others.

Later on, the great Justice Story, who served on the Supreme Court from 1811 to 1845 and who was a leading Unitarian, wrote:

> Probably at the time of the adoption of the Constitution and of the first amendment to it the general, if not the universal sentiment in America was that Christianity ought to receive encouragement from the State so far as was not incompatible with the private rights of conscience and the freedom of religious worship.

Now what I am suggesting, and I think again the gentleman observed correctly when the Supreme Court, during the Warren Court days in effect denied the rights of persons who felt a strong belief in the Supreme Deity to worship as they wanted to.

I yield to the gentleman from Ohio.

Mr. OXLEY. I thank the gentleman.

I can remember when I was in school and studying the different forms of government, one of the things we learned early on was the stark contrast between our system and the Soviet system, for example.

One of the things I remember so well was the instructor talking about the fact that Soviet Union does not really recognize religion; does not recognize God, in total contrast to our entire country, the history and background that our country has enjoyed.

Clearly the right to pray and the ability to pray in a school was really part of that overall contrast that we could always talk about when we were younger in school and continue on through our adulthood. And I remember the shock waves that went through this country when the decision was handed down by the Supreme Court; as a matter of fact, perhaps other than the Roe abortion decision, probably had a greater impact on public opinion than any other Supreme Court decision that I can remember.

Those of us who were attorneys were stunned at the Miranda case and Escobedo, and some of the others, but it did not really have the pervasive overall effect on all Americans as the decision involving Engel against Vitale. It is one of those kinds of decisions that I think all of us can remember where we were and what we were doing when that decision was handed down.

I can remember vividly watching television that evening and a discussion on the "Tonight" show when Johnny Carson was hosting a discussion with Jerry Lewis and others about—Jerry Lewis the entertainer, not the Member from California—about the shock waves that had gone through the country in this area.

I also would like to ask my colleague from Ohio about your discussion of the discharge petition and your experience with Chairman Celler. Back then and I think today, clearly the discharge petition was an extraordinary proceeding. It is not something that should be taken lightly. I think all of us can agree on that. Yet when we find ourselves in a very difficult situation, unable to do what we would like to do and being frustrated that we cannot represent the will of the vast majority of our constituents and the American people, we are literally forced to resort to a very extraordinary proceeding, that being the discharge petition.

Of course, our good friend and colleague, Tom Kindness from Ohio, introduced the first school prayer amendment. And I have been upset and concerned that there have been no hearings on this resolution. The resolution was introduced back on January 26, 1983; well over a year ago and yet the Judiciary Committee or any subcommittee has held no hearings on what I think many of us feel is a major, major issue in this country.

It is extremely upsetting I think, particularly maybe to some of the newer Members here who felt we were elected to represent the majority of people in our district and then have to go back to our constituents and try to make them understand how this place works and why we sometimes cannot do what we really want to do because of the action of the Democratic leadership around here and how they are unable to bring these major issues to a vote.

A lot of my constituents, we had a public meeting the other night in my district, a lady asked me, she said, not just on the school prayer issue, but a lot of other issues including the balanced budget amendment and so forth, "Why can't you debate those issues? That is what you are elected to do, debate those issues, vote on those issues and then we have to make a decision whether we want to send you back for 2 more years based on those votes on those very tough issues."

My response was that is why I thought I went there in the first place, too, to make those tough decisions.

Let us get on with it; let us vote it up or down. At least we can say the issue was debated in an open forum before the American public and that the Members duly elected here made those tough decisions. I think that is all we are asking in this Congress. I do not think that is really too much to ask for 435 Members of the House to have that opportunity to vote.

Sometimes it is tough around here to cast votes. Just about every day you walk on the floor you have to cast a tough vote. But I would simply say that all of us understand that or should have understood it before we ran for office, and should be able to make those kind of decisions and then go back to our constituents and explain how we voted.

If we cannot adequately explain it, then we probably should not be here in the first place. I again want to thank my colleague from Ohio. Ohio, I am proud to say, has had a leadership position on this very important issue. Our two friends from Pennsylvania here would acknowledge that because of your efforts and the efforts of Mr. Kindness. We really have taken the lead.

I would only close by saying this, that many people feel that Ohio, the State of Ohio, is a microcosm of this country. I think you could make a strong argument for that. As the fifth largest State we have heavy industry in Ohio; we have farms; we have significant minorities in the population, we have different religions; we have all of the mix that makes this country so great in our 21 congressional districts in Ohio.

And the leadership that has come from Ohio I think is reflective of the entire Nation about this issue. It is an issue that literally will not go away, as you have proven when you started so long ago.

As you indicated, at that time it was pretty lonely. Now you picked up some pretty important friends along the way. We think this effort that our colleagues are putting on today and tonight is simply a demonstration of the support that this issue has throughout the country and particularly in our great State of Ohio.

I want to thank you for your leadership in this area.

Mr. WYLIE. I appreciate very much the statement of the gentleman from Ohio and for his excellent and important leadership on this issue.

Again, the gentleman from Ohio (Mr. Oxley) has made some what I think are excellent observations with reference to the rule by which we need to come to this floor under a discharge petition. It is an extraordinary procedure but it is, as Mr. Celler said to me, provided for within the rules of the House. And if we are not able to get matters of as much importance as a prayer in public schools amendment out on the floor by any other procedure, then I think we should utilize it.

But I agree with you, I do not think it is too much to ask that we have it brought out on the floor and give the opportunity for free and open debate on something which has, as the gentleman has suggested, been uppermost in the minds of many Americans for lo these many years.

If you ask, I think, people in almost every congressional district about prayer in public schools, there is somewhere between 75 and 80 approval rating right now. As a matter of fact, WTVN-radio, which broadcasts in my district, asked yesterday morning:

> Do you think that the prayer amendment, allowing prayer in public schools, would violate the separation of church and state in the Constitution?

Seventy-two percent of the people calling in said "No."

So that is a pretty strong indication right there as to how they feel. I would be happy to yield to the distinguished gentleman from Pennsylvania, who is also along with the distinguished gentleman from Pennsylvania (Mr. Walker) who was seeking recognition and I will recognize him in just a minute, have been leaders in this cause.

□ 1930

Mr. COUGHLIN. I thank my colleague for yielding and I join him in the desire for the debate of this issue at this time.

I was on the floor of this House as he was that day 13 years ago when this issue was brought before the House for debate. The issue at that time, as I recall it properly, was the question of two words, "voluntary" and "silent," and whether you could have that kind of a prayer in public schools or, indeed, in other public places. And I think the issue is probably the same today.

The issue of the separation of church and state is indeed a delicate one. One must guard against any unwarranted intrusion of the church in state affairs. It is clear that the acknowledgement of a Supreme Being is part of the very fabric of our Constitution.

As the gentleman knows and as I look up at this Chamber of the House of Representatives, the most prominent words in this whole room are the words inscribed in brass directly above the Speaker's chair, "In God We Trust." And around the balcony of this House of Representatives are bas reliefs of the great lawgivers of Western civilization, beginning with Moses. And our oath of office ends with the words, "So help me God." And tucked away in the Capitol just off the regular tourist route is a little jewel of a chapel where Members of Congress can come in times of turmoil. So we are indeed a nation under God.

And while our Constitution and its Bill of Rights contain Madison's famous words, "Congress shall make no law respecting an establishment of religion," it is equally clear that "establishment of religion" did not mean that religion and God were not part of the fabric of our Founding Fathers.

Madison himself told his fellow Members during House debate that:

> He apprehended the meaning of the words to be that Congress should not establish a religion and enforce the legal observation of it by law nor compel men to worship God in any manner contrary to their conscience.

And it does seem to me almost ironic that we in Congress who open each day of our legislative session with a prayer should flatly prohibit prayer, even voluntary, silent meditation to students in our public schools; 21 years after prohibiting the use of prayer in our schools, the Supreme Court last year upheld as constitutional the practice of opening sessions of Congress with a prayer. Chief Justice Warren Burger, in writing the decision for the court, noted that:

> There can be no doubt that the practice of opening legislative sessions with a prayer has become part of the fabric of our society. To invoke divine guidance is not in these circumstances an establishment of religion or a step toward establishment. It is simply a tolerable acknowledgement of the beliefs widely held among the people of this country.

And as Justice William O. Douglas observed in a 1952 opinion:

> We are a religious people whose institutions presuppose a Supreme Being.

With this as prolog it would not seem to me that permitting voluntary silent prayer or meditation in our schools and public places should impugn the Constitution or offend the sensitivities of our citizens.

In my judgment the key words are "voluntary" and "silent." These words permit individual observance according to the individual's own sensitivities. Our action on this issue will have far-reaching consequences. I urge cautious and deliberate consideration of any school prayer amendment, but that amendment should be brought before this House as soon as possible.

I thank the gentleman for his long and diligent effort on this issue.

Mr. WYLIE. I thank the gentleman for his contribution and leadership.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I want to also be among those commending the gentleman for the leadership he showed on this issue long before it became the popular cause across the country. From his initial days in the Congress, the gentleman from Ohio, really took up the cudgel on this issue and kept it alive and kept pressing it even during times when people said that this was not an issue that this Congress should be facing. We keep hearing that today and yet the gentleman from Ohio has shown over the years that he was willing to stand up and be counted on this issue and begin to put in the public record the foundations of the debate that we are using here on the floor today that will be used throughout the discussion of this issue in the Congress this year.

I think the fact there is a building momentum in public opinion is partially attributed to the gentleman from Ohio who has been in the forefront of this issue since the 1960's.

Now, I remember that quite clearly because the gentleman from Ohio came to Congress at the same time my predecessor did and I came with Ed Eshleman to the Congress as an aide at that point and I remember well that the gentleman was fighting that battle. We were interested in it because it was my predecessor, the former Congressman from the 16th District of Pennsylvania, Ed Eshleman, who kept school prayer alive in the State of Pennsylvania for an extra year as a result of changing the law to basically reflect the first Abbington against Shimp decision. Abbington against Shimp was the decision in Pennsylvania which threw school prayer out in Pennsylvania. The first decision essentially threw out the whole idea of mandatory prayer in the school.

Ed Eshleman at that time drafted language in the State legislature which said, well, we will not have mandatory exercise, we will have essentially voluntary exercise. About a year later the Shimps went back to court and that also got thrown out. But he did keep it alive in the State of Pennsylvania for an additional year.

Therefore, he was very much interested in the issue and I know felt very close to the leadership given by the gentleman from Ohio on this issue from those early days when they served together.

But I think it is also important to take what the gentleman had to say with regard to his recollections of some of the history here and put it into perspective about what it is we do in this Chamber on this extremely important issue.

We have heard often today from some of the Members who are less than enthusiastic about giving us a vote on this issue that we had a vote. We had a vote in 1971. And it is kind of said in a way that, well, why do we need another vote? We had a vote 13 years ago, that should be enough to satisfy you.

It almost sounds as though what they are saying is this was brought to the floor under the normal procedures and Congress was given its day in court 13 years ago.

Is that how the gentleman recollects that whole thing in 1971?

Mr. WYLIE. That is not how I recollect what happened in 1971. The gentleman was here with Congressman Ed Eshleman, who was a very good friend of mine, who came in the same time I did, the 90th Congress. Indeed, Ed Eshleman was a stalwart during those days. He made a statement on the floor, I remember, and was very, very supportive. But we had to work hard. I mean, we started in the 90th Congress and went to try to get some hearings. Of course, there had been some hearings before that. Then there was Congressman Becker from New York who had started the procedure and he got something like, I think, 168 or 170 names on a discharge petition before I came to Congress. Then it was brought up in hearings.

After the hearings were held, Congressman Celler, for whom I had great respect and he was an excellent chairman of the House Judiciary Committee, may I say. I differed with him on a few issues, one of them being the school prayer amendment. But he thought that after they had a few hearings back in the 1960's that the issue would go away, that that was the end of it.

I came into Congress and we had a big class. A lot of us had talked about the school prayer amendment and issues like that. So there was a momentum built up there.

Then we brought it out on the House floor and it was defeated, as I said a little earlier, by a close vote. We did not get the necessary two-thirds, although it got 78 more than half, which shows that it was a pretty popular issue even then.

Mr. WALKER. If the gentleman will yield, is the gentleman saying that this was brought out under a discharge petition in 1971, that there was none of the committee process at work here, that he and his colleagues had to force this issue to the floor in 1971, that vote that we are hearing so much about was basically done at some risk to a lot of people and that it was not a case of the leadership willingly allowing a vote on it, that it had to be forced upon the Congress?

Mr. WYLIE. It had to be forced on the Congress. As I said a little earlier, as matter of fact, the chairman invited me to file a discharge petition. I think that he felt that I would not get the necessary 218 signatures on the petition to bring it to the House floor, because, as I say, I went to him on repeated occasions and asked for any kind of a hearing.

I said these ladies from Ohio have come in to see me in a previous Congress and they asked me to try to help them get some hearings. I told him that if we did not get some hearings during the 91st Congress, which we had not, then I would file a discharge petition in the 92d Congress.

□ 1940

As I said, he was right here on the House floor, and Chairman Celler was very cordial and very gentle about it, but he put his arm around me, and he said, "Well, my boy, that is provided for in the rules of the House."

So there I was. I had no other alternative but to go right around in the well of the House here, which I did, up to the desk, and I filed a discharge petition at that moment.

So it was sort of an accepting, a throwing down of the cudgel proposition, rather than something which was done I think with a lot of willingness or extraordinary persuasion on my part.

Mr. WALKER. If the gentleman will yield further, I think this is very important history for us to understand, that the only time that the House of Representatives has considered this bill, or considered this legislation, considered this amendment, is under very extraordinary circumstances where they literally had it forced upon them.

Mr. WYLIE. Yes.

Mr. WALKER. We have never seen the leadership of the Congress respond in a way that would acknowledge the fact that hundreds of thousands, millions upon millions of Americans, believe this is an important issue that should be addressed by this Congress; and, therefore, it goes through the standard process, it comes out under the standard debate rules, and we take it up here as a matter of our regular business.

Instead, we have had in 1971 the gentleman's hard work result in a discharge petition which brought it out here under extraordinary circumstances, and that is really the route that was suggested by us by the majority leader here today. Earlier in the day the majority leader talked about what could be done, and he said that there is no way that they would permit the unanimous consent request route to be followed and that it was not very profitable for us to continue to badger the majority leadership for permission to bring it up by that route, that that simply was not going to happen. But he suggested that the route open to us was the discharge petition route. So what we would have to do then would be to do again what the gentleman succeeded in doing in 1971.

The question is, after the experience of 1971 and after 13 years of steadily building public momentum in favor of this amendment, whether or not the House ought not do the people's will, whether we ought not be at least responsive enough to allow this measure to come to the floor for debate and for a vote.

I would not be presumptuous enough, and I know the gentleman from Ohio would not be presumptuous enough, to suggest to Members of Congress how they ought to vote on the issue. But they ought to at some point cast a vote. People back home in their districts ought to be able to find out how they feel about this issue, what their vote is on this issue that 81 percent of Americans say is something they regard in their best interest. And not to give the House to vote, to bottle this up, to force the use of discharge petitions to even get debate on the issue just seems to this gentleman from Pennsylvania, and I am sure to the gentleman from Ohio, to be an abdication of the representative power that this House should be reflecting.

Mr. WYLIE. I thank the gentleman from Pennsylvania very much. The gentleman has put the issue in perspective, and indeed the people of the United States ought to have an opportunity to listen to us, it seems to me, debate what I regard as a very important issue.

And while I am at it, I want to compliment the gentleman from Pennsylvania (Mr. WALKER) for his extraordinary leadership on this issue, too. He has been persistent and has offered amendments here on the floor many, many times, all of which have been adopted, I might say, which would authorize prayer in school. So I think that his indication of the real perspective of what the issue is here today is meaningful and brings the whole issue into focus.

Mr. WALKER. I thank the gentleman. If the gentleman would yield further, I think it is important, though, that we explain that the amendments that I have offered on the floor have been basically fund limitation amendments saying that no Federal funds could be used to interfere with programs of voluntary school prayer implemented by school districts, and that while those have been adopted in this House, they have often been turned down over in the Senate. In one case, there was one that became law as a part of the Department of Education authorization.

Mr. WYLIE. That is correct.

Mr. WALKER. But while they are amendments that get to the issue, they do not speak, fundamentally, to the issue, which is what we really have to do. Nobody is more aware than the gentleman from Ohio that until we can speak to the decision of the Supreme Court that basically set this aside as a matter never to be discussed in the public schools, we will not get there; and the fact is, we need a constitutional amendment to do that.

Mr. WYLIE. We do indeed need a constitutional amendment, and I agree with the gentleman that funding resolutions do not get to the source of the difficulty and would not resolve it. I was just pointing that out to say that there is some empathy on the House floor. When this amendment comes up or when any amendment which has to do with school prayer comes up or the right to voluntary school prayer in a public school setting comes up, there is an indication that such an amendment is being received favorably.

The gentleman from Ohio (Mr. OXLEY) made an interesting observation here a little while ago, which I would like to touch on a little more and expand on, and that is the fact that in the United States of America there is something that separates us from many other countries of the world, such as the Soviet Union, where the Supreme Deity or mention of a God is not permitted, whereas in our own Constitution there is a recognition of a Supreme Diety and of a God; and, as a matter of fact, I have referred to the fact that it says in the Declaration of Independence we are endowed by our Creator with certain unalienable rights. That was the foundation stone of the creation of our Government, the fact that we are endowed by our Creator with certain unalienable rights which nobody can take away from us by law or otherwise.

So nontheistic beliefs or atheism were not ever even considered at the time that the first amendment was adopted. It was never intended that atheism be regarded as a variant religious sect broadly defined in the category of religion in the establishment clause, and yet that is what the effect of the Supreme Court decision in Engel against Vitale, the Netcong case, and others which I have mentioned here has the effect of doing.

Rather, the common denominator in that Constitution, article I of the Constitution, was a belief in a Supreme Diety or theism. The establishment clause, in essence, said that the State will not establish a religion. No mention is made of the free exercise clause in the decisions which have forbid an interference with the beliefs of atheists. But what about the words "or prohibit the free exercise thereof?" Most assuredly, those decisions to which I have referred prohibits the free exercise thereof, and it is that to which I take issue and take issue as far as the Supreme Court decisions have been concerned.

So no practice which even remotely makes reference to a Supreme Deity, whether it be denominationally neutral, voluntary, or whatever, is permitted, at least that is the way I read the cases, and I think that is all wrong as far as our Constitution is concerned. That is why we need a prayer amendment, and that is the point the gentleman was making a little earlier. That is why we have to establish it in the Constitution unmistakably that the people of the United States want the right to voluntary prayer in our public schools so that we do not have to go through this mish-mash and this confusion of these various Supreme Court decisions which seem to be saying that atheism is equal to theism. I do not believe that is the case at all.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I will be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I think the gentleman is making a very enlightening point about what the foundation of this country is with regard to religious matters. He is absolutely correct that one of the building blocks of our society was a belief in the Creator, in the idea that there were powers beyond those of men in matters of individual rights and individual governance.

The fundamental problem that we face is that the courts have been misconstruing the Founders' original intent in writing the first amendment. In fact, the school prayer amendment we are discussing is a reaffirmation of the first amendment, it is not a denial of the first amendment, as some people would have us say, because what the forefathers were attempting to do was erect an inviolable wall of separation between church and state, but they also were trying to create a society in which religion would be free from governmental interference so that they could insure that there would be no establishment of a single national religion such as that which they had rebelled against in Anglican England.

Mr. **WYLIE**. That is right.

Mr. **WALKER**. So that the wall of separation was one of assuring that Government and religion were not one and the same, that you did not have the President of the United States as head of the church, as the King of England was the head of the church. So in other words, the Federal Government was to have no role in religious matters. Rather, that was to be left to local discretion and local control.

Thomas Jefferson was the author of that phrase that we hear so often now, the wall of separation between church and state. Thomas Jefferson was the first to use that phraseology.

□ 1950

I think that a quote of his is very, very important here for people to understand where Jefferson was coming from when he made that statement. He said, and I quote:

> In matters of religion I have considered that its free exercise is placed by the Constitution independent of the powers of the general government—

And by the general government, he meant the Federal Government—

> I have therefore undertaken on no occasion to prescribe the religious exercises suited to it, but have left them, as the Constitution found them, under the direction and discipline of the state or church authorities acknowledged by the several religious societies.

In other words, Jefferson knew fundamentally that these were matters for local discretion. They were matters for state and local discretion. They were matters within the church, and he in no way said in his wall of separation was it denial of religion, any denial of religion in societies.

Anson Phelps Stokes, who is a leading authority on church and state in America, makes the point clearly by pointing to Jefferson when he says, and I quote:

"Even in establishing a quasi-state university on broad lines," and that was the University of Virginia, "the greatest liberal," and by that, Stokes is referring to Jefferson, "the greatest liberal who took part in the founding of our government felt that instruction in the fundamentals of Christian Theism and Christian worship were both important and proper."

There is no doubt about that because Jefferson was using public moneys to build the University of Virginia, but one of the things he did at the University of Virginia was set aside places for religious exercises and for religious meetings.

So, this idea that the wall of separation between church and state is one in which religion is on one side of the wall, and Government is on the other side of the wall and never the twain shall meet simply does not fit with the basic fabric of this society.

Those who would promote the idea of abandoning prayer in school in favor of that wall of separation that is between Government and religion with no ties between, simply are living a lie. That is not the way in which we have proceeded in our past, nor in my opinion, the way in which we should proceed in the future.

Certainly what we ought to be all about as a society is a society in which the free exercise of religion is a given, and in which the Congress keeps its hands out of establishing religion, but certainly permits everyone to go about worship in the manner in which they please.

Mr. **WYLIE**. Well, the gentleman has certainly done his homework and he has made some very significant and I think unimpeachable arguments in favor of a school prayer amendment or at least of the right of public schoolchildren to pray in a public school setting.

The fallacy of the Supreme Court's decision calling for the so-called neutrality concept, and that is what constitutional lawyers say it is, Dr. Rice, who is a constitutional lawyer from Notre Dame refers to this neutrality concept in his papers, is that it is impossible for the Government to maintain neutrality as between theistic and nontheistic religions without implicitly establishing an atheistic position.

The rationale of the neutrality concept would necessarily prevent the acceptance of the Declaration of Independence, which is an argument that the gentleman was making a little while ago when it says men are endowed by their Creator with certain unalienable rights. They are not endowed by men, they are not endowed by Members of Congress, they are endowed by their Creator with certain unalienable rights.

Or when the preamble asserts the existence of the laws of nature and of nature's God, a supreme judge of the world and so forth. Referring to the fact that our Founding Fathers did in fact believe in a Supreme Deity and that he ruled us.

Well, in the Engel case, the court adopted a view which is necessarily inconsistent, in my judgment, with that basic tenet of our Government structure which says that the foundation stone of our Government is based in this belief of God.

Further evidence that it was not the purpose of the establishment clause to forbid such a provision by the Government as the truth of a belief in God or forbid all official governmental sanction of public prayer is shown by the fact that on the very same day Congress approved the first amendment to the Constitution. It called on the President of the United States to proclaim a national day of thanksgiving and prayer to be observed by acknowledging with grateful hearts the many signal favors of Almighty God, especially by affording them an opportunity peacefully, to establish a constitution of government for their safety and happiness.

The school prayer decisions then, as I say, contradict that original understanding of the first amendment as well as prohibiting the general accepted practice of the people of that time. The court decisions unduly infringe upon the right of the free exercise of religion. They implicitly establish a public religion of atheism and prevent public school children from affirming as a fact that there is a divine standard of right and wrong higher than the State.

The prayer amendment is needed to permit the American people to reaffirm in their public functions that in fact there is a standard of right and wrong higher than the State. When the fact is obscured, particularly in the education of our young, of our young citizens with regard to the rights of others and eventually to their rights as gifts of the state, then it is something that it does not square with the original provision of the first article of the Constitution.

There are certain unalienable rights which are a major safeguard against legal oppression, and these certain unalienable rights are God given. As I stated a little earlier, President Reagan is going to Columbus, Ohio, tomorrow to speak to the National Association of Evangelicals, and may I say that the National Association of Evangelicals, which represents something like 38,000 churches in the United States, passed a resolution back in 1971 supporting my House Joint Resolution 191 at that time.

This is indicative of the broad support which my amendment received among churches and church leaders at that time. Their resolution in support of my resolution said in part: "Because the main purpose of this amendment has not been clearly understood, much confusion has arisen. The sole issue of this legislation is the exercise of freedom." That was the point I was making a little earlier. It is not a question of whether people should or should not pray or how they pray, but their freedom to pray. The Supreme Court has ruled out private or corporate prayer in public schools. Even out-of-school hours with no school personnel involved with no compulsion on anyone, the resolution went on to say.

If enacted, the proposed amendment will restore the freedom of persons to pray in public places where appropriate. It will leave absolutely undisturbed the freedom secured by the first amendment and the entire Bill of Rights.

I want to associate myself with that resolution which was adopted by the National Association of Evangelicals back in 1971. President Reagan then when he speaks in Columbus tomorrow, will speak in favor of the prayer amendment and he will be made to feel right at home. The evangelicals supported me then, they are supporting the prayer amendment now, and I can tell him also that the people of central Ohio will be supporting him and that his message will be well received.

As I stated a little earlier, WTVN radio took the poll and the question was: "Do you think prayer in public schools violates the separation of church and state provisions of the Constitution?" Seventy-two percent said no. I do not think the people of central Ohio are all that much different from people all over the United States. As the gentleman from Ohio (Mr. Oxley) said a little earlier, Ohio is kind of a microcosm of the whole United States and I think maybe the Columbus, Ohio, area is kind of microcosm of the United States.

I want to applaud the President of the United States for his leadership role in this important cause, and with his support, this amendment could just pass this time.

☐ 2000

The American people are still asking after 22 years why a prayer amendment has not passed. Enthusiasm and heartfelt support for this proposal has not diminished, even though there have been disappointing setbacks over the years.

After the vote in 1972 I said at that time:

> We will be back, because the American people will demand another effort to restore a practice which was held constitutional for 171 years.

After all, 78 more Members voted for the constitutional amendment in 1971 than against it and this issue will never die until the privilege of praying in a public school setting is restored. I think the time may now have just arrived.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I do, indeed, yield to the gentleman whose leadership I applaud on this issue. He has been very articulate and much appreciated by this Member.

Mr. WEBER. Mr. Speaker, I thank the gentleman from Ohio for yielding and I thank the gentleman also for his eloquent statement on the floor here tonight.

Before the gentleman's time is up completely and the next Member takes the well, I just wanted to point out in the spirit in which the gentleman is speaking, the American people, indeed, have been demanding this for 21 years now.

I would point out that as we speak tonight, I just came from the west front of the Capitol where there are nearly 1,000 people or perhaps more, in my judgment, congregated for a prayer vigil on the front steps of the Capitol on precisely this issue, to demonstrate to the Members of Congress and to the country as a whole that support for the return of voluntary prayer to our public schools is alive and well in the Washington area. It should be an inspiration to us here in the Congress to know that there are thousands of people standing out there underneath their umbrellas and sometimes with their bare heads in the rain in Washington, D.C., telling us that they want prayer back in the public schools and that they support those of us here in the Congress of the United States who are trying to build on the efforts of the gentleman in the well over these last many years to restore voluntary school prayer in our schools.

So I applaud the gentleman in the well for his long fight. I think he knows that we are with him and I think he knows that those people out on the west front of the Capitol steps are with him tonight.

Mr. WYLIE. Mr. Speaker, I thank the gentleman very much for his contribution and for calling attention to the vigil which is, indeed, taking place now on the West Front of the Capitol steps. That certainly is an inspiration to this Member and I hope will be an inspiration to all Members in the Congress so that we can now pass this constitutional amendment and get it out where it belongs to the people of the 50 States, so that they can ratify it as a part of the Constitution.

I have no doubt in my mind that if we ever get this passed by a two-thirds vote on this House floor and a two-thirds vote in the Senate that it will be ratified in record time.

I thank the gentleman very much for his leadership and for his contribution.

THE SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

Mr. RAY. Mr. Speaker, I ask unanimous consent that I be allowed my special order at this time.

The SPEAKER pro tempore (Mr. Rahall). Without objection, the gentleman from Georgia (Mr. Ray) is recognized for 60 minutes.

There was no objection.

Mr. RAY. Mr. Speaker, I am a man with a simple faith and reliance upon the God I serve. I depend daily on prayer and meditation to give me the strength and wisdom I need to represent the people I serve.

The time I spend in prayer and meditation each day is the sustaining force in my life. Although I pray silently and constantly throughout my day for guidance and wisdom, I have learned that nothing can replace the rewards received from taking a special moment to commit my day into my Lord's hands. As a citizen of the United States of America, it is my right and my privilege to begin my day this way.

As a Member of the House of Representatives, I join my colleagues as our Chaplain opens our daily sessions with an invocation for God's presence and guidance in our work. This is a tradition in the House that reminds us all that our Nation was founded so that people could freely worship their God.

As an American citizen and as a U.S. Congressman, I am free to pray whenever and wherever I please. I am also privileged to join in our congressional invocation each day.

But, the children of America are denied this privilege because some say it violates their religious freedom.

Mr. Speaker, I do not see how denying someone the right to pray allows them religious freedom. I think we have been talking in circles about this issue much too long and it is time we in the Congress passed legislation that makes it clear the Constitution does not deny any citizen the right to pray.

I support President Reagan's school prayer amendment and urge my colleagues to do the same.

Many of the opponents of this amendment argue that it will force students to participate in a religion they do not practice. There is no truth in this argument since the amendment specifically states that no one will be required to pray.

Instead, this amendment will simply allow students who want to pray to take a brief moment during the day to do so.

There is a great deal of concern over how school prayer will be carried out. It is not the right of Government to dictate how our students will pray. We can simply clarify the right of each citizen to acknowledge and talk with his or her God in a public institution.

Many of the opponents of school prayer have been surprised by the widespread support for this amendment. They foolishly hoped that the dedication of the American people would fade away as the years passed.

Instead, I believe we in Congress have seen a unique example of our democracy in action. The majority of the American people want the freedom to pray in our schools and, like Americans throughout history, they are willing to fight and work to keep their religious freedom.

American history is more than the story of the growth of a great nation. It is also the story of a people that have depended on God to protect and nourish them.

Our Founding Fathers valued religious freedom above all else and structured a government that would in no way limit the practicing of a personal faith.

They relied upon prayer as they wrote the Constitution and acknowledged that the rights they bestowed were the ones that God had given to each person.

Throughout our history, the American people have relied upon God and have jealously protected their freedom to worship.

Now the intent of our forefathers has been lost by those who have twisted the words of our Constitution.

This Congress has the duty to correct this misinterpretation. We must pass legislation that makes it clear that prayer in schools is constitutional.

I believe our action in this Congress will do much more than reestablish prayer in our schools. I think it will indicate to the American people that we are serious about reestablishing many of the traditions that have helped our country through the years.

Many of you, like me, can remember a time when prayer in schools, and other "old-fashioned notions," were not even questioned.

I grew up in a Primitive Baptist Church, which is just what its name says, a primitive Baptist. There is no music allowed in these old hard-shell Baptist churches. When they have communion, they serve straight wine and cornbread—no store bought bread.

I was in that church for a good portion of my young life and when I married my wife, Barbara, who is a Methodist, I saw a chance to escape those hard benches and 2-hour sermons—and I took it and became a Methodist.

But, I have never forgotten the lessons I learned in that small church—especially the lesson that prayer is a positive force that we can all make use of.

In that church and in the schools of Crawford County, Ga., I learned to honor the men and women who had fought through the years to protect America. These people, I learned, had given their lives so that I could be free—free to speak my thoughts, free to elect my government, and free to worship God whenever and however I chose.

At that time, we believed a morning prayer was simply part of the religious freedom so many had fought for.

We live in a world today, however, that is very different from the world I knew growing up in Crawford County. Our country is facing some tremendous problems and it is going to take great courage on the part of all Americans to solve them.

We may make some dents in America's problems, but our youth will be handed the reins of an America that is far from perfect.

My generation, like those before, must bear the responsibility for these problems, and we must do what we can to straighten out as many as possible before passing them on. But, unless there are miraculous cures, our children will face some of the most difficult conditions in history when they reach adulthood.

As we look around America today, we see that: Divorce and destruction of the family unit is rampant, alcoholism and drug use is growing, and the moral values of our society are deteriorating.

I am reminded of these problems each day as I read the newspapers, open my mail, return my telephone calls, and go to committee meetings where the problems and concerns of America are faced.

But, several months ago, a colleague of mine made this observation:

> We pass laws to give our people everything possible under the sun—loans, grants of money, food, and medical care. We have provided a great number of programs to make life wonderful, to eliminate poverty, discrimination and problems.

He continued:

> It is my belief that we can solve a lot of our problems as legislators in the Congress by turning as a group back to the Bible and to read and relearn some of the lessons that have been taught down through the centuries. History clearly proves that governments and rulers and dictators who have abandoned the principles of the Bible have failed.

It is my hope that reinstating school prayer will be a sign to our children that we, as a nation, still believe in the "old-fashioned notions" that have guided Americans for so many years.

The purpose of this session tonight is to emphasize to our colleagues that the time has come for Congress to unite and speak as a whole on this issue.

I believe we would be representing the will of the American people and that objective should be the guiding force in our action here.

I call upon my colleagues to exhibit the courage that Americans are famous for and vote as one body to reestablish prayer in our schools.

□ 2010

Mrs. LLOYD. Mr. Speaker, will the gentleman yield?

Mr. RAY. I yield to the gentlewoman from Tennessee (Mrs. LLOYD).

Mrs. LLOYD. Mr. Speaker, the highest honor that man can experience is for God to speak to him through His word—the Bible. Even those of no particular religious belief cannot deny studies which show that a belief in a higher being, whether God, Buddha, Allah, leads to an internal satisfaction. But it is only a pure and undefiled personal relationship with God that provides a complete internal harmony within man, and this harmony is brought about by man's second highest honor—prayer.

The Supreme Court of this country has sought to deprive our schoolchildren of a small amount of time spent with a personal God, a God in whom we trust, a phrase that we all recognize on our coinage.

In the world today we are continuously bombarded with reports of rape, assault, burglary, and so on often committed by our young people. And it is this degradation of the family unit in our country that has created the conditions that we are presently encountering.

But when studying the family unit let us not forget the golden strand that holds the family together in love. When we deny God we deny the very One whom we so desperately need to turn to rather than flee from. So let our children be given the time during their school day to pray.

The opportunity for daily prayer can serve to tie home and school more closely together. We do not want this amendment to supplant family instruction. I believe that everyone that is speaking here today wants their parents, the parents of this country, to train their children at home. The time parents spend directly with their children, talking with them about the importance of moral values, cannot be replaced with a school prayer.

Parents should never forget their own ideas of religion and training, nor turn their responsibilities over to the schools.

What we hope to provide is a continuity between what should be taught at home and what our children are exposed to at school.

Career teachers that I have talked to tell me that it has been their experience that students exposed to daily prayer or a moment for personal prayer, put quite simply, are better disciplined children. They have a recognition of a supreme being, a power over their lives. And, again, the impetus has to come from the home, from the church.

But that daily pause can remind children of the existence of a higher being, that He watches over us, and we can turn to him for strength.

My own experiences have taught me that even very young children can be taught to talk with God when they are facing a problem and cannot turn immediately to someone else for understanding and for guidance.

So that moment for daily prayer can impress upon our young children the presence of God should one of their friends suggest some activity that they question, that they know that they can go to God in prayer, very quietly, very privately, and ask for the strength to ask for the power and the wisdom to resist something that their parents have taught them that they really should not do.

And a daily prayer will call His presence to their minds.

I think if I had to describe what I think the most serious problem in this country today is I would have to say it is the attitude that we can do anything we want to do, whatever feels good, and we do not have to bear the responsibility for our actions. I think it is all encompassed in the expression of the "me generation," though it crosses all generations.

I think we should be reminded of the words of the psalmist of old when he said the fear of God is the beginning of wisdom. I think that fear in this context recognizes the authority of Jehovah, God, and I think it leads further to respect for those who are in authority. It leads to respect for parents, for teachers, for our law enforcement officers as well.

I think daily prayer also emphasizes that we must all give an accounting for our actions at many levels. Students need to answer to their parents and their teachers and, of course, business people also have to answer to their customers and their competitors and, of course, we here have to answer to our constituents.

At every turn we have to expect responsibility, and we must accept responsibility for our actions.

Now, if we break the rules, we are going to pay the price. But our society today seems to avoid this cause and effect. The current philosophy seems to be to "Hey, enjoy today; don't worry about tomorrow." But tomorrow will always catch up with us.

Our children need to know this so that when opportunities present themselves they can better understand that there will be inevitably consequences.

I think a daily prayer can reinforce this for our children in a gentle and a very caring way that they can understand, just as a mother and a father can reward good behavior and correct bad behavior in a loving and instructional way.

A daily talk with God will show them that no matter what their faith, that there is a clear difference between right and wrong, though the more precise definitions are left to our parents and our church. They need support in avoiding those things which they have been taught that will harm their health or their well-being.

□ 2020

The decisions that they face each day seem so much more difficult than those encountered by older generations.

It is important for children to know that we will all make mistakes, but we can make amends; that there is hope for each one of us to meet both the challenges and the temptations of each day. And today when there is so much turmoil in our world we all, but especially our children, need to know that they can find help. We will not always be with our children to guide them and lead them or counsel them, but if we have taught them the concept of prayer and the need for prayer, the place for prayer in their life, then we can direct them to a Higher Power who is omnipresent.

Over 200 years ago forefathers of this land left their homes for a particular cause to which they were deeply committed, and that was religious freedom.

Let us not lose sight of the basic beliefs upon which this country rests; the recognition of a God, a freedom to worship Him and to pray. Shall we as a collective nation seek to continue our denial of the prayer of our children in public schools? Is not such a denial a flagrant contradiction of the beliefs upon which this Nation, one Nation under God, rests? A nation without prayer is a nation without the basic laws of moral integrity.

But "blessed is the nation whose God is Jehova."

I yield to the gentleman from Georgia.

Mr. RAY. I thank the gentlewoman for those kind comments and yield to the gentleman from Georgia (Mr. ROWLAND).

The **SPEAKER** pro tempore. Without objection.

Mr. ROWLAND. Thank you, Mr. Speaker.

During the past several weeks, our office has been conducting a public opinion poll throughout Georgia's Eighth District. More than 7,000 people participated, expressing their views on a wide range of issues from the deficit to Lebanon, from Central America to problems in education.

We found that the one issue that concerns people above all others in our district is the question of whether we should allow a period of prayer in schools.

Because some people answered only those questions that interested them the most, the number of responses varied on each of our questions. But nearly everyone answered the question on school prayer. It was by far the heaviest response we had. And the results were more one-sided on this issue than on any other.

Nearly 85 percent favored a constitutional amendment to allow for a period of voluntary prayer in schools. This apparently does not vary too much from how people feel nationwide. I understand that a recent Gallup poll showed that 81 percent of the American public supports a school prayer amendment just a few percentage points below Georgia's Eighth District.

Like most of you, I have been traveling extensively in my district during the past year, holding town meetings in all of the 30 counties that I represent.

I know from first-hand experience just how troubled the people of the eighth district are about the tough issues we face, including the deficit, the arms race, the threat of Soviet subversion in our hemisphere, the economic crisis facing our farmers.

They want our tax dollars managed prudently and our economy stabilized. They want a nation secure from foreign domination. They want to be reasonably safe from crime. They want a strong industrial base, within the context of a safe environment. They want better schools, more teachers, the hospitals we need.

But I have come to believe that people today yearn even more for those traditional values that seem to be slipping away from us—strong family unity; loyalty to our communities, our State and Nation; an abiding religious faith.

Even more than the tangible things that Government can do, I am convinced people are concerned about America's future as a morally fit, law-abiding land of opportunity that our Nation has historically been.

We can cite statistics all night about the sharp increase in the divorce rate in this country, and the apparent breakdown in the traditional family structure. We all know about the disheartening increase in drug abuse and crime in recent years, particularly among young people. I recently saw some figures that indicated marihuana use was declining among high school seniors, but alcohol abuse was rapidly increasing. According to some surveys, more than 70 percent of our high school seniors regularly drink alcohol, and teenage alcoholism is now a major problem.

I do not think that restoring prayer in the schools will instantly bring an end to to these problems.

But it will reinforce an attitude that we hope to instill in young people that a belief in religious principles is an important part of our lives. It will help reestablish a climate of morality that all too often we find lacking today.

I want to quote a statement once made by Albert Einstein, that preeminent scientist of the 20th century.

"The most beautiful and most profound emotion we can experience," he said, "is the sensation of" religious belief. * * * "To know that what is impenetrable to us really exists, manifesting itself as the highest wisdom and the most radiant beauty which our dull faculties can comprehend—this knowledge, this feeling, is at the center of true religiousness."

Although I will leave the legal side of this debate to others tonight, I believe the framers of our Constitution would have been surprised to learn that their precept of "separation of church and state" would be extended to a prohibition against any development of the spiritual side of our lives within our educational institutions.

I do not believe that the "separation" principle is incompatible with voluntary nondenominational prayer in schools.

What the majority of the people of this country want, I believe, is for our school systems as well as our home environments, to give young people an opportunity to experience, on their own, this thing that Einstein calls "the highest wisdom and the most radiant beauty which our dull faculties can comprehend."

Thank you, Mr. Speaker.

Mr. RAY. I want to thank the gentleman from Georgia for those inspiring and eloquent words. I appreciate your delivering them to us tonight.

Mr. Speaker, just a few weeks ago, I was in a small church in a small Georgia town and the preacher was talking on Ezekiel. I was so impressed I want to share a bit of it with you tonight and the people in our listening audience.

Ezekiel was a prophet who had a vision that the Lord took him to a graveyard called the Valley of the Bones. There were skeletons and disjoined bones all around which the Lord told Ezekiel would come to life and be symbolic of Israel being restored.

And he told Ezekiel in this dream, he said, "Now Ezekiel, prophesy that these bones would come together" and as Ezekiel watched, there was a great rattling of bones as joint came upon joint, sinew came upon the bones, flesh upon the bones and then the Lord told Ezekiel, he said "Ezekiel, call on the four winds and ask that life be breathed into these bones."

So, Ezekiel said "Oh, Lord, I prophesy that the four winds would breathe life into these bones." In so doing, a great army arose.

The point that the preacher was making in this small church to this congregation was that as each of us goes through life we will meet up with many dry bones. He told the young people in the church to go out on the street corners and into the workplace and into the schoolrooms and try to find those dry bones and breathe the life from the spirit into them and bring them to life.

He said to the working people, "In your workplaces go out and find those dry bones and bring them alive."

The point that I want to make here tonight during this time when we are concerned about the fact that our children in school may be committing an offense just to pray, the point that I want to make tonight is that with 435 Congressmen in the House of Representatives, I feel sometimes that we often come across a few dry bones. And I know that sometimes we have a knack of voting for what is best for us politically, rather than what is best for the country morally and economically.

□ 2030

We also try to legislate away the concerns and problems of the country like inflation, the fact that there are 12 million people almost unemployed, about 10 million to be exact and that by the end of this year our country will owe more than a staggering $1.5 trillion debt with a $200 billion deficit.

I believe that we must throw away this hypocrisy of trying to solve our problems simply through the legislatures of the States and the cities and counties of our Nation and instead turn back to the word of the Bible and to prayer to guide us through these rough times that we face now and that are ahead.

And I think that we, the Congress of the United States, 435 of us, ought to concentrate on an amendment which would restore prayer in school.

I came to the Congress dedicated to do my best to make a dent in the problems and concerns of the Nation. And I believe that the best way to do it is to stick to the philosophy that we must have a God-fearing, fiscally responsible Government. And I do not know a better way to work toward this than working with the Members of the House of Representatives and the Senate in a hard working bipartisan way to bring prayer back into the schools.

I yield to the gentlewoman from Tennessee (Mrs. LLOYD).

Mrs. LLOYD. I thank the gentleman for yielding.

Mr. Speaker, this is a unique time in history and I am thankful to be a part of this moment.

This is a nation founded upon recognition of a Supreme Being and a dependence upon a Supreme Power. It is right that a nation so blessed give thanks and allow our children to do as well.

Prayer, as we know it, did not begin with Christians and we should look into the history behind it. Prayer expresses the innate conviction of the soul of the personality of God. Although it is instinctive with man, it is rationally grounded in the Bible, the word of God. It is a remarkable fact that most of the great prayers of the Bible are in the Old Testament, the intercessory prayers of Abraham and Moses, the prayer of David for forgiveness, the prayer of Solomon for wisdom, not to exclude the Lord's prayer—or take away from them.

As we look at the Bible we find that prayer is never thoroughly formal, most are private expressions of the heart. There is no technique involved in offering a prayer, but a calling upon the presence of God to hear a plea. As we continue to look through the scriptures we will note that prayer is not reserved for any one group. Each individual can speak with God and their prayers are as varied as their experiences. To quote from the book on prayer that I have turned to many times:

> The rich pray; the poor pray. Men of reputation pray, as also do lowly persons. The humble and the great, the sinners and the saints, kings and outcasts, prophets and teachers—all turn to prayer again and again and again. It is the most democratic practice of all. Human need, and the faith that God hears and answers prayer are all that is required.

And our children must be allowed a time to pray during each school day.

And whereas we are often cut short in our discussion with our fellow man, we can offer prayer on any subject. We can pray to have sickness healed, to have strength to meet our daily challenges, to have patience with our family and friends, to reach out to those who would do us harm. And we should always remember to offer prayers of joy and thanksgiving when we have been touched with good fortune. Through prayer we can come to know ourselves because of the soul-searching that accompanies it, because it removes the limits on our thinking and our feeling. And because it energizes us and prepares us to face each day.

Prayer is, therefore, associated with action. As C. F. Andrews, a missionary to India, has written:

> We must go continually to Jesus in that upper room when our hearts are troubled; . . . but we must not stop there . . . we must be ready to go back into the midst of the strife, where His brethren—the poor, the oppressed, the afflicted—are still suffering; for He is still there, suffering with them in our midst; and in our love for men we show our love to Him.

This is the connection between prayer and action and which gives us a direction in our movement. As citizens of this great land, we have a responsibility to our children to lead them to the great source of strength and stability which can be the bedrock—can be the anchor—of a rewarding, full, successful, and productive life.

Mr. RAY. I thank the gentlewoman from Tennessee.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. RAY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I just wanted to thank the gentleman from Georgia and the gentlewoman from Tennessee for their very, very great contribution to the debate here this evening. I think that they have added immeasurably to the document here that is being compiled on this issue and I think again demonstrate as some of your colleagues before us that this is not a partisan issue, this is very much a bipartisan issue. This is an issue that involves all people from all walks of life, from all philosophical persuasions and from all political persuasions because it is an issue that goes to the heart of what we are all about as a nation.

I think the statements that you have made indicate that most eloquently.

I was particularly impressed with the statement the gentleman made a few minutes ago about our kids and how important it is that we recognize that they are very much involved in that which we do and what we are teaching them.

It struck me as I was reading the Wall Street Journal this morning. And they have a long article on the front page with regard to school prayer and it talked about some schools in which prayer exercises are still taking place despite the Supreme Court ban on it. The thing that stuck me was how perverse society is that it is making kindergarten kids into criminals simply because they want to have prayers.

The one statistic in here that was interesting was that evidently 18 percent of North Carolina's public schools have prayers offered daily in them. That means that in nearly one-fifth of the schools in North Carolina illegal acts are taking place under the guise of the Supreme Court decision.

How silly we appear as a society when our children are doing that which has to be considered one of the highest aspirations of man, to commune with his Maker, and yet we have come around to the point where we regard that as being illegal.

The statements of the gentleman really brought that home. I very much appreciated that and wanted to tell him so.

Mr. RAY. I really appreciate the comments and particularly those remarks from the gentleman from Pennsylvania. I have been told that no nation—no nation—in this world will have better citizens than the parents and the schools which teach their children how to involve themselves in daily prayer.

It disturbs me to know that the individuals who want to send pornography through the mails and to the Members of Congress even and to give individuals the right to engage in profanity and vulgarity and all of these things, that that is their right, their freedom of speech to do so. But yet then when we begin to want to involve ourselves in a few minutes of daily prayer, then we find ourselves facing some sort of an illegal type act.

□ 2040

I really am grateful to the gentleman for his comments.

Mr. WALKER. If the gentleman will yield further, when you take a look at what the courts have done, it does strike us as a little odd that the courts, for instance, have ruled that in a locker room it violates the Constitution for the coach to have a prayer, but yet I do not know of any decision that suggests that if a coach stands in the locker room before the team goes out and curses them for some indiscretion that he thinks they may be about to make, the Supreme Court would even rule on such a matter. And there is something that we have just gotten totally off the beam on in this society when you have those kinds of dichotomies set up.

Mr. RAY. I thank the gentleman from Pennsylvania.

For a number of years I was on the Senate side as an administrative assistant for a Senator there, and I enjoyed working with him very much. One of the things that impressed me the most was that each Wednesday he brought in a bipartisan group of Senators and prominent people to meet in his office, and he never let anything interfere with that schedule each Wednesday.

Another thing this particular Senator charged me with the responsibility of was that no staff person, of some 41 staff people, was to involve themselves with profanity or obscenities, and he would not allow that in his presence, therefore I would not allow that in my presence. That has always been a fact that has stayed with me and one that has driven me in a direction which I think has been helpful to me.

So I am grateful for the privilege of being here tonight.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. RAY. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I want to thank the eloquent gentleman from Georgia for his support of the school prayer amendment and for coming up and taking these late hours to remind our colleagues that this is a top priority, this is a major issue, this is something that should be debated and discussed in the House of Representatives.

I walked in and I heard the gentleman from Pennsylvania talking with the gentleman from Georgia, and I could not believe my ears when I heard some of the examples of the extremities to which the school prayer decision has been applied.

I would like to ask if the gentleman from Georgia would yield to the gentleman from Pennsylvania to answer this question. Did the gentleman from Pennsylvania say that, for example, in some cases a high school coach cannot have a prayer before a game, that that is prohibited as a violation of the first amendment?

Mr. WALKER. If the gentleman from Georgia will yield, that is absolutely correct. In Tennessee the State attorney general warned the Oak Ridge High School athletic department that for a coach to lead the team in prayer before the game violates the Constitution. That is based precisely on the interpretations that have been made of the Supreme Court decision on school prayer.

I would certainly agree with the gentleman that that is an extreme that we go to.

In Rye, N.Y. there was a teacher that was fired for inviting students to pray with her at the school. Now, you know, we have seen examples in this country where they were not able to fire teachers for absolutely immoral acts involving students. In some school districts they do fire them, but in other school districts that have not dismissed teachers. And yet we have a case where, in the State of New York, we have a teacher fired for inviting students to pray with her in the school.

It just seems to me that we need to understand that this decision, while seemingly narrow in its content, has had broad-based implications that have gone far beyond anything that our forefathers ever could have imagined the first amendment saying.

And, of course, the problem here has become that the first amendment has gotten applied to the 14th amendment. I have pointed out to some of my colleagues in the past that I am a biographer of Thaddeus Stevens, and I kind of hate to mention that on the time of the gentleman from Georgia, knowing Thaddeus' reputation in the South, but, nevertheless, I am a biographer, and Thaddeus was one of the drafters of the 14th amendment. I know there is absolutely no way that Thaddeus Stevens believed that that which he was drafting would be utilized in a way that would eliminate prayer in the public schools. Thaddeus

Stevens was a great advocate of the public school program, was one of the people who helped found public schools and strengthened them in the State of Pennsylvania. There is no way that he would have thought that the language that he was developing in the 14th amendment would at some point be used to take religion and religious practices out of the public schools.

So we have just gone far too far, and it is time that we bring the balance back, it is time that we reaffirm the first amendment by adding the language in the Constitution that has been suggested by the gentleman from Georgia and others here in the course of the day.

I thank the gentleman again for yielding.

Mr. RAY. I thank the gentleman for those eloquent words.

I would like to call attention to the fact that many of us know, but many people might not know, that there is a great deal of prayer taking place in the House of Representatives and the U.S. Senate among Members. On each Thursday morning the "Prayer Fellowship" group, with a great number of nonpartisan Members, does meet each Thursday morning, numerous prayer groups meet around the Capitol here, and it does me a great deal of good to do so. I think the children in school ought to have the same opportunity.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. RAY. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank my colleagues for yielding, and I would just like to reaffirm what he said, that there is a great deal of prayer that takes place right here on public property in our regular, every morning Bible sessions and weekly Bible sessions and prayer meetings, and things like that. But I just want to reiterate a point that I made 45 or 50 minutes ago, because when you talk about prayer taking place right here, there is prayer taking place right now on the steps of the west front of the Capitol. I want to keep reemphasizing that fact, because I was just out there again and there are literally thousands of people standing out there in the rain tonight singing hymns and praying and talking about this issue of school prayer and showing their dedication. We get to stand in here in a nice warm place and talk about this issue, but they are showing their dedication out there in the elements. We really owe them a great debt of thanks, and it should serve as an inspiration to us to redouble our efforts. I guess if there was one message that I tried to leave with those with whom I spoke out there is that we are going to redouble our efforts to get the number of signatures necessary on Discharge Petition No. 8. That is what we have got to do if we are going to discharge that rule and bring the school prayer amendment to the floor of the House to be voted on.

I thank the gentleman for his contribution and I thank him for yielding.

Mr. RAY. I thank the gentleman for his comments.

I would like to make one further comment. There were Christian missionaries, John and Paul and Mark and many other people who gave their lives for the Lord. It makes me think that we are in a similar type situation right now, when we have millions of children who ought to have the privilege of knowing and being able to pray in a legal way.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. RAY. I yield to the gentleman from Virginia.

Mr. PARRIS. I appreciate the gentleman yielding.

Mr. Speaker, I was truly struck by the gentleman's comments earlier, particularly as it related to the activities in this Chamber. Among the horror stories that come from the adverse consequence of court decisions which show the ludicrous inconsistency in this whole area is that the reading of prayers from the CONGRESSIONAL RECORD—which, as the gentleman knows and the public should know, is a verbatim memorandum of every word that is said in this Chamber every day—to a voluntary gathering of students in a high school gymnasium before the beginning of the school day was forbidden by the New Jersey State courts, and the Supreme Court declined review. Now, if that is not an inconsistency, I have never heard of one.

Mr. RAY. I thank the gentleman for those words.

Mrs. LLOYD. Mr. Speaker, will the gentleman yield?

Mr. RAY. I yield to the gentlewoman from Tennessee.

Mrs. LLOYD. I appreciate being able to be a part of the activities of this evening. I think that all of us here want to stress again that we feel the importance of prayer not only in our lives but for the young people of this country, that we do want to see the continuity of the great strengths of our lives to continue for future generations. We are a great country, we are a very blessed country. God has blessed us richly. But we are the Nation that recognizes Jehovah God, and because of our recognition of Jehovah God we have been blessed beyond other nations. This is what we seek to preserve, not that we want to force a prayer on anyone who does not want to pray, but we do want to allow the opportunity for prayer for young people in schools.

Mr. RAY. I thank the gentlewoman for her comments.

Mr. Speaker, I yield back the balance of my time.

□ 2050

ORDER OF BUSINESS

Mr. PARRIS. Mr. Speaker, I ask unanimous consent to proceed with my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SCHOOL PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. PARRIS) is recognized for 60 minutes.

Mr. PARRIS. Mr. Speaker, I would say to my colleagues here this evening that I have a certain sense of deja vu as we approach this subject at a fairly late hour this evening.

Almost 30 years ago, I think if memory serves me correctly, almost to the month, I was a young law student in this city at that time, and I worked in the Senate as an employee. I ran a mimeograph machine for a while and then, as is the way in our Nation, I managed to work myself up to the exalted position of Doorkeeper. I went to law school for a while and I worked in the Senate for a while and we did all those things.

My time was very precious to me at that time, because law school was time consuming and it was difficult. I would go home at night and I would study. I remember on one occasion, I think 1954, perhaps 1955, we worked on several occasions throughout the night on the debates on the question of civil rights legislation. That was a time, I might add, in which there were giants in the U.S. Senate. Lyndon Johnson was a majority leader, and Everett Dirksen was the minority leader. There was an obscure Senator from a place called Massachusetts by the name of John Kennedy who had just come there.

There was a guy by the name of Harry Byrd, Sr., from Virginia; Dick Russell from Georgia; Joe McCarthy was still there; it was a time of giants in the Senate. As we slept over that night in the Halls of the Senate, I thought to myself, this has got to be important, and it is, and it was, of course, important.

I am delighted to take part in this special order tonight and to devote our time this evening to what, I think, is an equally issue, and to very frankly to try to call attention to the problem that we have of addressing this issue in the Congress of the United States.

Now, I ask you in all sincerity, Mr. Speaker, can you imagine Kate Smith singing that rousing patriotic song, "To Whom It May Concern, Bless America," instead of "God Bless America"? Should we undo what this Congress did in 1954 when, by act of Congress, adopted by the Congress, the pledge of allegiance to the flag was amended to include the words, "Under God." It had not been so prior to that time. One Nation under God, indivisible, and so forth.

Every item of our currency contains the words, "In God We Trust," as does the language on the back of the podium of the Speaker, above the Speaker's rostrum. It says in brass letters this high, "In God We Trust." It has been a fundamental principle of this Nation for the 200 years since our founding.

Now, I suppose, Mr. Speaker, the Supreme Court in its wisdom, eventually will force us to reframe both the Declaration of Independence and the Constitution because both of those documents mention God. We would have to rewrite them, because under the present view of the Supreme Court, no civics class in this Nation in any public school in this Nation would be allowed to read them in the public schools.

These thoughts may, frankly, strike you as somewhat frivolous, but I assure you that they are not. For this is the position of the Court in rulings in the past 22 years and it has taken that position consistently with respect to the question of prayers in public schools.

Since the Supreme Court first ruled that prayers in the public schools violated the first amendment, there have been literally hundreds of constitutional amendments proposed to overturn those decisions.

While we in the Congress have been bickering, more and more Americans, as shown by public opinion polls, would like us to act. This is the first time that a President has asked the Congress to address this question, and I submit, Mr. Speaker, that the time has come for us to act by passing House Joint Resolution 100, of which I am proud to be a cosponsor.

The amendment as has been stated several times before in this debate this afternoon and this evening, states simply, clearly and forever, "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States, or by any State, to participate in prayer."

Very simple, straightforward framing of the question. This is what the overwhelming majority of the citizens of this Nation believe is now meant by the Constitution. But the members of the Supreme Court, in the absence of any supernatural contact with our Founding Fathers, have seen fit to read their minds from afar and from 200 years perspective later.

I respectfully suggest to you, Mr. Speaker, and to them, that those Justices have misread the signals. There is evidence for this. A convincing piece of circumstantial evidence is that each session of the Constitutional Convention itself was opened with a prayer. It was no less an expert on the Constitution than a guy called Benjamin Franklin, who rose to ask his colleagues to begin each day's work with prayer.

Franklin said:

> I have lived, sir, a long time. And the longer I live the more convincing proofs I see of this fundamental truth: That God governs the affairs of men. I also believe that without his concurring aid, we shall succeed in this political building no better than the building of Babel. We shall be divided by our little, partial, local interests. Our projects will be confounded, and we ourselves shall become a reproach and a byword down to future ages.

House Joint Resolution 100, as I have indicated before, of which I am a cosponsor, will, in my view, correct a Supreme Court error in mindreading and will remove the bar the Court now says exists to nodenominational, voluntary school prayer in public institutions.

Just as important, it would make abundantly clear that neither the Federal nor the State Governments have the power to compel any child to pray. President Reagan, as I indicated, has endorsed this amendment, and so have millions of citizens who believe that peer pressure and drug problems in our schools make it more necessary than ever to permit children to pray if they wish to do so.

Those millions of citizens will be heard when we pass House Joint Resolution 100. For approval of the Congress is but as we all know, the first step in this process. The school prayer amendment still will require the ratification of the legislatures of 38 States, three-quarters of the 50 States in the Union.

Let me tell you, the citizens of every State will mount campaigns the likes of which we have never seen to win ratification of this amendment should they be permitted to do so. I believe wholeheartedly that this is and probably is the only way to resolve this issue.

Now I know that there are some who believe it would take too long. The States have 7 years to act on ratification once we pass this constitutional amendment, as it obviously true with every proposed constitutional amendment. It is the process required by the Constitution itself for an adoption of an amendment to that document. There are some who believe that we simply ought to tell the Supreme Court, we do not like your ruling on school prayer, we are going to pass a law that takes the power away from the Court to require the ratification process on an amendment.

Mr. Speaker, I could not, and I cannot in good conscience, support any legislation that would gnaw away at the checks and balances of our Republic so carefully crafted by our forefathers, which have served us so well for over 200 years. We may not like, in fact, the way the Supreme Court sometimes interprets our intentions. But the solution quite rightly, lies in the arduous process of changing the Constitution, not in changing the rules.

□ 2100

Instead, I believe that we must amend the Constitution so that the Supreme Court can no longer misread the intention of our Founding Fathers.

The Court has decided that any prayer or period of meditation in the public schools is, in fact, advancing religion and advocating the establishment of religion. I quoted just a moment ago Benjamin Franklin on the subject. Let me now quote a fellow Virginian, Thomas Jefferson, who had quite a little to do with the drafting of the document in question here. This is from a letter that Jefferson wrote in 1802 to a group of Baptists in Danbury, Conn., and Thomas Jefferson said:

> Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinion, I contemplate with solemn reverence that act of the whole American people which declared that their legislature should make no law respecting an establishment of religion or prohibiting the free exercise thereof, thus building a wall of separation between church and state.

Let me repeat those last few words:

> thus building a wall of separation between church and state.

Those are Jefferson's words in his letter of 1802. They are not part of the first amendment to the Federal Constitution. It is, of course, the language cited so often by people who oppose school prayer. It has been used so very often that this phrase, "the separation of church and state," that many people think it is a part and parcel of the first amendment or in some other way embodied in the Constitution. It is not.

The first amendment is the only place in the entire document that refers to religion, save for the section in article VI that states, "No religious test shall ever be required as a qualification to any office of public trust under the United States." Those are the exclusive two places where religion is referred to.

There is convincing evidence that Jefferson himself did not believe in an inviolable separation except so far as recognition or prejudice for or against a particular religion was concerned.

When Jefferson founded the University of Virginia, he recommended that sectarian schools—sectarian schools—be established on the campus of the

University of Virginia at Charlottesville so that the students attending those sectarian schools could take advantage of the courses at the University of Virginia. I would submit that this hardly casts Jefferson in the role of an advocate of an absolute wall of separation. It is simply inconsistent.

Yet, today the Supreme Court would hold that Jefferson's suggestion is in fact unconstitutional, from the gentleman who probably had so much to do with framing the Constitution as any other person in the history of this Nation.

I submit to you, and I humbly suggest, Mr. Speaker, that Thomas Jefferson and Benjamin Franklin knew more about their intentions and those of their colleagues who formed that Constitution than the various members of the Supreme Court over the last few decades who have seen fit to interpret them.

As I view it, Mr. Speaker, this issue is one of liberty. The very heart and soul of this Nation is its belief in individual liberty. Each and every citizen of this Nation, every one of us, has the right, only limited by laws that protect the rights of others, to worship as we see fit, or not to worship at all. Each of us has the right to believe in God, Jehovah, Mohammed, Buddha, or any other prophet or deity as we individually determine and as we see fit, but none of us has the right to tell anyone else who to worship or when, where and how to worship, so long as he or she does not trample on our rights.

That is the fundamental basis of this Nation. Right now in Virginia and in a score of other States, children in the public schools have the right—yes, Mr. Speaker, the right—to pray to whomever they wish silently during a moment of meditation. Virginia and the several States enacted State laws giving the children this right because the Supreme Court has barred prayers.

Let me share with you, Mr. Speaker, very quickly the fact that in the case of *Engel* v. *Vitale,* 370 U.S. 421, in 1962, and *Abingdon School District* v. *Shemp,* 374 U.S. 203, in 1963, the two principal legal precedents for this position, the Supreme Court held unconstitutional State sponsorship of prayer and Bible reading exercises in the public schools, but that is a significantly different issue than the one being addressed here tonight in terms of a moment of meditation in a public institution.

At the time those two decisions were rendered, Bible reading was required by State law in 12 States plus the District of Columbia, and was expressly permitted by an additional 17 States, while prayer was required by one State plus the District of Columbia, and was permitted under State law in an additional 17 States, 9 States prohibited both practices; 12 States had no provisions regarding Bible reading, while 23 States had no provisions requiring prayer.

Currently, or at least as of 1982, the last information that I have available to me, at least eight States appear to have retained or to have adopted, subsequent to the Engel and Abingdon decisions, statutes as yet unchallenged permitting school prayer and/or Bible reading, while 19 States have provisions permitting or requiring moments for silent meditation.

Mr. HUNTER. Mr. Speaker, will the gentleman yield for just a minute?

Mr. PARRIS. I would be delighted to yield to my friend, the gentleman from California.

Mr. HUNTER. I thank the eloquent gentleman from Virginia for yielding.

Mr. Speaker, I do not mean to interrupt the gentleman, but we have received here two football fields of signatures by people in this country who would like to see prayer back in the schools. We are going to take it out to the massive rally in front of the Capitol.

We thought we would hold this up, this massive demonstration of support that is evidenced and buttressed by the 80 percent of the American people, as reflected in the Gallup poll, who want prayer in school, as a reason the leadership of this House should at least allow the issue to be brought before the American people.

Again, here are two football fields of signatures of Americans who want to see prayer in school.

Mr. PARRIS. I thank the gentleman for his contribution.

I saw the box in the cloakroom earlier and I was looking at it. I wonder if there is a way, physically, that the gentleman could take the top off the box, perhaps?

Mr. HUNTER. If we unwrap it, it would have to go around this Chamber about 30 times, I think.

Mr. PARRIS. It is a giant roll of paper with signatures on it, as I understand it. Is that correct?

Mr. HUNTER. Yes, it is.

Mr. PARRIS. Can the gentleman share with us or have any idea what the number of signatures on it might be?

Mr. HUNTER. I have tried to figure it out. By the average signature, I guess you could get at least, what, at least 20 signatures to a foot, so if a football field is 100 yards, that is 300 feet, so that is 300 times 20, and what is that?

Mr. PARRIS. 6,000.

Mr. HUNTER. That is 6,000, so that is at least, if you had two football fields, that would be at least 12,000 signatures right here on this roll.

Mr. PARRIS. I would suggest that consistent with his general political philosophy, the gentleman is probably very conservative in that estimate, but I will accept it.

Mr. HUNTER. I think you could say that there are at least 100,000 signatures here, and if the Speaker would like to help me count them tomorrow, we could come to a more accurate figure.

Mr. PARRIS. I thank the gentleman for his contribution.

Mr. Speaker, as I was indicating, Virginia and a number of other States have enacted State laws giving children this right to a moment of meditation because the Supreme Court has barred prayers in public schools.

There is no teacher-monitor checking to see that each child does indeed pray, for it is a right, obviously, to be exercised or not as the individual student wishes.

☐ 2110

And as has been pointed out earlier in this debate, even were there a teacher monitor or some effort in some way to determine what is happening at this moment of meditation, how could you possibly do that? How could you read the minds of 25 or 50 or 50,000 students in front of you to determine whether they were worried about this afternoon's football practice or were in fact praying?

That is the purpose of all this, to permit that person, he or she, to do whatever they see fit to do at that moment of voluntary involvement. That is the whole idea here. There is no teacher monitor. This is presumably constitutionally permitted, says the Court, so long as it serves completely secular ends.

Virginia calls it a period of meditation or silence, and its aim is to foster harmony. But no one, not even the Supreme Court, is privy to what a child thinks during a period of silence, and even if one child in a group of 30 wants to pray while the rest daydream, that one child should not be denied the opportunity to do so. By the same reasoning, if any of the children do not wish to pray, then no one should force them. That is the purpose of all this.

This Nation, Mr. Speaker, has made great strides against discrimination, but there are yet great strides to be made. It sometimes appears that in our zeal to reach equity we overstep ourselves and we create, and we have created, a tyranny of the minority. This occurs when a very small minority, perhaps even in some instances a single individual, complains about a practice of the great majority. The small minority waives the red banner of discrimination to curtail the rights of others, all under the guise that practice of the many discriminates against the rights of the few.

Under this reasoning, Mr. Speaker, if anyone objects to God or to religion, the Supreme Court, to remain consistent, would have to rule that all the

U.S. currency and coins be recalled, destroyed, and new currency printed and minted so that the word, "God," would be excised. To do otherwise would be totally inconsistent on the part of the Court.

I presume, as stated earlier, that we would have to reframe in some way our Declaration of Independence. Copies are in most, if not all, of our schools, and it contains the word, "God." What do we do about that?

The State legislatures and the Congress itself would have to abandon the practice of opening sessions with prayers, and I submit, with all respect, Mr. Speaker, that if anyone in this Nation needs prayers, we do.

These are ridiculous steps, and by any logic we should not even be here tonight discussing this issue. It should not be an issue. It should never have come up.

This country was colonized by many groups who came to the New World to escape religious intolerance. To now, once again, more than 300 years later, give into this very same intolerance is basically wrong.

And while we are going about the resolution of this problem, Mr. Speaker, let us remember the lesson we should be learning. From now on, when we amend our Constitution or enact legislation, let us declare loudly and clearly, in language that even the Supreme Court can understand, what are our intentions.

To give an example of legislative intent, let me recall with the Members, Mr. Speaker, the last time my State, the Commonwealth of Virginia, rewrote its constitution. That was in the session in 1969 and 1970. I was a member of the House of Delegates of Virginia at that time. We labored long and hard over the language that we were putting into that Constitution. We did so for a number of reasons, not just because of the traditions of that very historic place, the Commonwealth of Virginia, but we did so because those of us who had had the opportunity of becoming involved in the legal processes in our State had seen various judges of the Virginia Supreme Court interpret Virginia's statutes in a manner that the general assembly in our view never intended.

We wanted to make sure, as sure as possible, that when the constitutional revision was completed, it would stand as a clear and concise document, with no ambiguities that could be seized upon to bend the laws of the Commonwealth. It is, I am sure, the same principle that guided George Mason and Thomas Jefferson and Benjamin Franklin in those difficult times in the constitutional sessions in Philadelphia.

Precision is critical in the crafting of a constitutional document, because, as we all have seen so often, results can hinge in the real world on an interpretation of one word, and that is an awesome responsibility.

Does the gentleman from Texas (Mr. STENHOLM) desire me to yield?

Mr. STENHOLM. Yes, Mr. Speaker.

Mr. PARRIS. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Virginia for yielding to me. I have enjoyed very much his excellent presentation of the purpose of why we are here this evening, and I am privileged and pleased that he has yielded to me for purposes of participating in this bipartisan effort to reaffirm what the Constitution of the United States has to say about the subject of prayer and the part of God in our daily lives.

Mr. Speaker, it is often said that out of the mouths of babes comes great wisdom. Margaret, a young 10-year-old girl, shared some wisdom when she wrote, "Dear Pastor, I think God is smarter than everybody in the world. Even Mr. Lewis my math teacher." Throughout our history, that belief that God is smarter than we are has run through the fabric of this country. But now, Margaret is not permitted to discuss matters such as God, or religion, or prayer with Mr. Lewis or anyone else associated with the public schools. We have a long history of acknowledging God as a part of our Nation. But now, a small minority of citizens has succeeded in forbidding virtually any mention of God in most public institutions, particularly public schools.

Those who insist on the removal of religion from public schools usually ally themselves with our forefathers who wrote the Constitution and established our country. These Founding Fathers, they claim, intended strict separation of church and state in all affairs of the country. But how well do their claims hold up?

James Madison, the primary author of the Constitution, was part of the committee that recommended a chaplaih for the House of Representatives. As late as 1833, President Andrew Jackson signed a treaty with the Kickapoo Indians to provide $3,700 of government money which, in part, was intended to build a church for the Indians. Most of our Presidents, starting with George Washington, have signed national Thanksgiving Day proclamations, stating that, as a country, we should render "our sincere and humble thanks for [God's] kind care and protection of the people of this country."

In 1787, the Congress of the Confederation wrote in the Northwest Ordinance, "Religion, morality and knowledge, being necessary to good government, shall be forever encouraged." A few years later, John Adams wrote, "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other." Now, that says it is entirely in the interest of the Government to encourage a moral and religious lifestyle.

But what about religion and the public schools? Thomas Jefferson argued that a religious college should be allowed to locate on the campus of the State University of Virginia, "so as to give to their students ready and convenient access and attendance on the scientific lectures of the University." Today, the Supreme Court would hold that letting religious schools establish themselves on public property would constitute aid to religion.

An acknowledgement of God is an inexorable part of our culture, our social practices, and our Government—not just in the past, but today as well. State legislatures and the U.S. Congress still have chaplains today. Our currency is imprinted with the words, "In God We Trust." There are references to God in both the Star Spangled Banner and the Pledge of Allegiance. The official reference point for all dates is the birth of Jesus Christ, so that dates are listed as B.C., before Christ; or A.D., Anno Domini, or after the birth of Christ. Christmas and Thanksgiving are national holidays. In light of such practices, denying the right to pray approaches the ridiculous.

We see from our history lessons that our forefathers took great pains to make this country a place of freedom for personal expression. Yet, religious speech is now totally excluded from public schools. It is ironic that while students are forbidden to pray, they have an almost absolute right to any type of secular expression.

The establishment clause of the Constitution states that the Federal Government is prohibited from establishing an official national religion. A strict separation of church and state is never mentioned in the Constitution. There is a great deal of talk today about the need not to impose one religion on our children, and I will quickly add my hearty amen to such a warning. What disturbs me is that imposing religion is exactly what is happening—we are imposing a religion of secularism on our students.

I want to be among the first to voice a strong caution about how religious activity should be reinstituted in the classroom. To begin with, decisions about whether or not to have group prayer, and what the content of the prayer should be, must be made on the local level. Then, there on that level, it is imperative that the plurality of religious belief in the Nation be taken into account. Schools must communicate better with parents, so that the parents are aware of what's being done. The voluntary nature of the prayer must be insured, with no child being forced or unduly pressured to participate. We need a broad marketplace of religious ideas and expression. Religious activity in the schools should be permitted by the courts or the Constitution, but there should not be an automatic return to the practices which kindled the controversy originally.

In a September 1983 Gallup poll, 81 percent of the people who were aware of a constitutional prayer amendment supported such a proposal, with only 14 percent opposing it. My own experience in talking with my constituents, especially school students, confirms this overwhelming support. The people of the country have spoken. The legislation in Congress has been introduced. The Senate of the United States is now acting. How long will the House of Representatives refuse to move on the important issue of school prayer?

□ 2120

Mr. PARRIS. Mr. Speaker, I thank the gentleman for his contribution to this debate.

I certainly appreciated and enjoyed the gentleman's comments about his applause-getter line in his comments to his constituents. Were it not against the rules, I would add to that applause myself in this Chamber in thanks for his excellent and thought-provoking statement and I thank him for it.

Mr. Speaker, I now yield to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, we are here tonight talking about an issue that is vitally important to the people of America. When our Constitution talks about the division between church and state, there is no talk of division between God and state. Our Nation is a nation under God. If one looks about him in this Chamber, above the Speaker's chair, it says, "In God we trust."

Around our room we have men like George Washington, who called on God's help throughout the revolution and throughout his period of service as President of the United States.

We have Lafayette, a man of God who came to this Nation to help us fight for our freedom and a man who called upon God for aid in that struggle.

Mr. Speaker, I think it is imperative that in this people's House that we not only speak of this major issue, an issue which the American people are united on, but that we vote on it. Before this week is over, the Senate will cast a vote on a constitutional amendment and yet we have no right in this people's House to vote.

I think it is imperative that those of us who believe that the people's voice should be heard, that each Member of Congress should be asked to vote, so that the people at home know where we truly stand on this issue, that we sign Discharge Petition No. 8 to bring this issue to the floor.

For those colleagues who are not here, but who may be seeing us over television, let me remind them of this. When Alex DeTocqueville came to this country in the 1820's to write about the greatness of America, he wrote a very famous book, "Democracy in America." He concluded that book by trying to sum up very briefly what was great about America. He wrote:

> I sought for the greatness and genius of America in her commodious harbors and ample rivers and it was not there; in her rich mines and vast forests and it was not there. Not until I went into the churches of America and heard their pulpits flame with righteousness did I truly understand the greatness and genius of America. America is great because she is good and if she ever ceases to be good, she will cease to be great.

I think it is imperative, Mr. Speaker, that in this people's House that we give the people an opportunity to have their issue debated and then have each of us vote as our convictions would dictate as to whether we want to bring God back into our schools on a voluntary basis to become part of our schools as it is part of our Congress, as it has been part of our history.

I thank the gentleman from Virginia for yielding.

Mr. PARRIS. Mr. Speaker, I thank the gentleman for his comments. I say to him that there are rare moments in these kinds of extended considerations of these important issues when something truly meaningful is uttered. Perhaps we are sinking in irregularity and lacking in frequency. Certainly the gentleman has given us one of those moments in the consideration of this matter.

□ 2130

Before I was so ably assisted in the discussion on this issue, Mr. Speaker, by the two gentlemen from Texas, I was referring to a personal reference of mine in serving in the constitutional revision session for the Commonwealth of Virginia when we wrote the constitution back in the late sixties and seventies.

When we finished that labor, we had a fairly short constitution for my State, but we also had a two-volume document that painstakingly set forth for future members of the judiciary to see exactly what our intent had been.

We established a legislative history for the courts to turn to whenever a question of meaning was raised. And I think it is complete to the last detail.

It seems to those of us who were engaged in that effort that some of our Commonwealth's most famous sons, George Washington, James Madison, Thomas Jefferson, whoever, had placed perhaps too much faith in the judiciary and this proposed amendment to allow school prayer back into the schools proves in my opinion, Mr. Speaker, that in some instances their faith was misguided.

It is a disturbing fact that last September a Gallup poll reported that an overwhelming majority of Americans favor a constitutional amendment that would permit voluntary group prayer in public schools. The poll asked first if people were aware of the proposed amendment. Of those who were aware, 81 percent favored it, 14 percent opposed it, and 5 percent had no opinion. A similar poll in 1972 showed that 78 percent of those who were aware of the proposed amendment favored it. So the trend is even up from the almost unbelievable level of 78 percent.

I would remind my colleagues, Mr. Speaker, that the first 10 amendments to the Federal Constitution were proposed by this Congress on September 25, 1789, and declared ratified by the constitutional number of States on December 15, 1791. The very first amendment of those first 10 amendments declares that, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

As worded, it applies only to the Federal Government, but in the 1940's, the Supreme Court of the United States held them to be part of the liberty protected from undue state interference by the due process clause of the 14th amendment as well.

The part of the 14th amendment that comes into play, Mr. Speaker, states: "* * * nor shall any State deprive any person of life, liberty, or property, without due process of law * * *."

The encompassed in the first amendment the same liberty dealt with in the 14th amendment.

Now, Mr. Speaker, a discharge petition is before the House, No. 8. And it in fact may well be the only way to get the issue of school prayer before this body. The House Judiciary Committee appears unwilling to give the entire House the opportunity to debate and a vote on a fundamental question of the amendment resolution. Even though as I have just indicated the polls clearly show this to be of paramount importance to millions and millions of Americans.

I would urge my colleagues to sign the discharge petition so that this vital piece of legislation can go forward and cannot be buried by those committee members who would thwart the clear will of the people.

Mr. Speaker, I do not desire to trespass unnecessarily on the time of the House this evening, but as I have indicated to you earlier, it is truly ludicrous to consider the inconsistency in the Court's position in decision after decision over the years.

I have no desire to be overly technical in this matter in this discussion or in the late hours of the steely night watches of this debate, but a review of the legal status of this matter may be enlightening to any of my colleagues who are interested in that sort of thing and certainly to those legal scholars who may have or may soon consider this matter.

And I do not desire to suggest, Mr. Speaker, that this is an all encompassing review, but I do respectfully submit that since the Supreme Court held that state sponsored prayer and Bible reading in public schools was a violative of the first amendment in the cases I indicated earlier, the Engel and the Abington School District cases, literally hundreds of constitutional amendments have been proposed to overturn the decisions.

It should be noted that the Supreme Court has interpreted the first amendment to bar the Government from using, or permitting others to use, the public schools as instruments of inculcating religious faith or belief and even in the college situation, it has found some accommodations with religion to be permissible and at the college level in some instances, compelled.

On issues not yet adjudicated by the Supreme Court, the State and lower Federal courts have uniformly held the first amendment to permit government to sponsor periods for silent meditation and to accommodate baccalaureate services and commencement prayers in connection with graduation exercises, but they have also uniformly held unconstitutional government accommodation of student-initiated prayer groups in public secondary schools.

And in addition, outside of the public school context, the Supreme Court has found constitutional government involvement with religion in prisons and, by implication, in the military, and State and lower Federal courts have uniformly held constititional the use of prayer to open meetings of legislative bodies, such as ours.

In other contexts, however, Mr. Speaker, governmental involvement with prayer or affirmations of belief have been held unconstitutional. You never really know, Mr. Speaker, whether it is up or down. It varies apparently depending on the case and blowing in different directions at different times. It is very hard to read the wind.

In this legal context one finds that the language of the President's proposal would not change those existing interpretations of the first amendment which either have not specifically involved prayer or have upheld government involvement with prayer in a particular context.

One further finds that because the proposal speaks only in terms of individual or group prayer and not of government sponsorship or other involvement, its effect on those interpretations of the first amendment which have held government involvement with prayer in the public schools unconstitutional to be uncertain.

In addition you find that even if the element of government involvement with prayer is read into the proposal, as it seems its intent would clearly be, it remains unclear whether the proposal would legitimize all, or only some, of the various forms of government involvement with prayer in the public schools that have heretofore been struck down.

The same uncertainty attends the question of the proposal's effect on government involvement with prayer in public institutions other than the schools.

The second sentence of the proposal would not change existing interpretations of the first amendment, but would, in fact, as I have indicated earlier in my comments, Mr. Speaker, assure that the first sentence would not be interpreted to legitimize governmental coercion of religious affirmation. That sentence being no person shall be required by the United States or by any State to participate in prayer, thereby hopefully and presumably and certainly, Mr. Speaker, eliminating once and for all the question of the interpretation of the 14th amendment as it applies to the question of liberty under the 1st amendment, that being the liberty of religious involvement in a voluntary and an individual way.

□ 2140

In past congressional action on proposed constitutional amendments relating to school prayer, it should be noted that majorities in both the House and Senate have at different times in different Congresses voted for such proposals but that the necessary two-thirds majority was obtained as required by the Constitution of the United States only once, and then apparently as part of a strategy to defeat a proposed equal rights amendment, which was not, certainly, in my view, a fair test of the real issue involved in this matter.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. PARRIS. I would be delighted to yield to my colleague, the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, the gentleman made a number of points earlier on in debate that I thought were very useful with regard to the positions taken by our forefathers, and I think he mentioned Franklin and Jefferson. I think it is important to note that another one of the real framers of the Declaration of Independence and of the Constitution and among the great leaders of our country early on was John Adams, who said similar kinds of things. Adams said in 1798:

> Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.

The important thing, it seems to me, about this statement that the gentleman read and that statement by Adams is a statement made by none other than Justice Felix Frankfurter, who is someone I think most people will recognize as one of the most eminent jurists of this century and of the history of this country. Frankfurter said at one point, and I think it is important in the context in which this debate is taking place:

> An amendment to the Constitution should be read in a sense most obvious to the common understanding at the time of its adoption.

In other words, these statements made by the forefathers, who in fact wrote that first amendment, are extremely important to understand what it was they meant when they drafted the amendment.

I think that we have made it clear in the course of this debate that the forefathers certainly did not have in mind the excising of religion from public life. What they intended to do was enhance the free practice of religion in public life and make certain that that was done in a context where no church, such as the Anglican Church of England, was being created.

So I think the gentleman's contribution to this discussion has been very, very worthwhile, because I think it adds some perspective that we have not previously had in the course of the discussion.

I thank the gentleman very much.

Mr. PARRIS. I thank the gentleman from Pennsylvania for those extremely kind words.

I want to express to the gentleman that I certainly have the traditional and adequate respect for Justice Frankfurter. I did not always agree with his decisions on the Court, but I thank the gentleman for his contribution and his observations. I would further express my appreciation to him for not mentioning Thaddeus Stevens in his comment. Although he is a well known biographical scholar on the life of Mr. Stevens, when he backed into that reference in a discussion with the gentleman from North Carolina, can you imagine what would happen if we engaged in a colloquy on Mr. Stevens with the gentleman from Virginia? That would be beyond the pale, I say to my friend from Pennsylvania. I do appreciate his comments.

Mr. Speaker, let me just complete my observations on this matter in the several moments that I have left by suggesting to my colleagues that, as we so well all recognize and appreciate, this is the greatest experiment in human history for individual political and religious and economic freedom. This is the greatest participatory democracy that the creative minds of man have ever determined for any society. This is the world's greatest nation. The thing that makes it so great is that we have the individual freedom to do our individual thing, whether it is in fact economic, political, religious, whatever. That is the genius of America.

This right to engage in nondenominational voluntary observation of your individual political orientation in a public place without coercion is in fact a fundamental part of that individual freedom. That is, in fact, what this debate is all about.

There are Members of this House who in their frustration have seen fit to frankly join together in a kind of a conspiracy, if you will, to attempt to point out to the leadership of this House that it is intolerable that this issue cannot be addressed by the majority of the Members of this House because the leadership will not in fact permit this question to be given to us. That condition can no longer be permitted to prevail. If in fact it comes here and the House works its will and there are not two-thirds of the Members who are willing to support it, then so be it, because that is the American consitutional provision and the American way; but if, on the other hand—and I respectfully submit to you, Mr. Speaker, that it would—if two-thirds of the Members of this House said that we should let the individual States consider the ratification of this amendment, then the leadership of this House is wrong in not permitting that issue to at least be considered in an up or down vote.

I would hope, Mr. Speaker, that at an early time in the legislative schedule, which has not been terribly full of important considerations since the beginning of this session of Congress, at a timely period in the near future, the leadership of this House would see fit to motivate the majority of the Judiciary Committee to report to us a constitutional amendment that would permit the consideration of a moment of meditation in a public institution in this Nation. If they do so, Mr. Speaker, it cannot be any time too soon.

I am just as confident as I am standing here that if in fact we are given that right, that opportunity, to take a position on that issue, it will prevail. As I have indicated earlier in my remarks, Mr. Speaker, there is no question that there would be a program of ratification that would rise up in the chests of the people of this Nation who so strongly support this issue, and it would in fact be ratified at an early time by the States. That is the purpose of the constitutional provisions that provide for that process.

Why this House and the leadership thereof will not let the House work its will is beyond my comprehension. I would hope, Mr. Speaker, that whoever is charged with the responsibility on that side of making that determination would in fact determine that we should address this issue in an early timeframe.

With that, Mr. Speaker, I yield back the balance of my time.

ORDER OF BUSINESS

Mr. DEWINE. Mr. Speaker, I ask unanimous consent that I may have permission to proceed with my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SCHOOL PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. DEWINE) is recognized for 60 minutes.

Mr. DEWINE. Mr. Speaker, what is it that we are doing tonight? I first of all, appreciate the opportunity very much to participate in this very special, special order. I think we have been debating now for a number of hours, and I think it might be good to talk for a moment about what we are really doing. This is a special order. We are not really debating the constitutional amendment concerning school prayer. I wish we were. I wish I were in the well right now with the House full, debating this particular constitutional amendment.

Unfortunately, we are not. Unfortunately, we are here doing the best we can tonight. And the best we can tonight, frankly, is that we are not debating the issue. We are talking about it. Maybe that is not a distinction, but I think it is a distinction. We are talking about it because we cannot get the House leadership to allow us to debate this issue.

There have been Democrats and there have been Republicans on both sides of the aisle tonight asking to debate this particular issue. It is a special order, and it might be good to remind ourselves what a special order is. A special order is simply an opportunity afforded under the House rules where we can talk about a particular issue, whatever that issue happens to be, and we have set aside a special order time.

We have been talking today, talking tonight, on into early tomorrow morning, about school prayer. We are doing it to focus attention on this issue, to focus the attention of the House of Representatives, to focus the attention of the American people on this issue. But we are really not debating it, because the Democratic leadership in this House will not allow us to.

□ 2150

We heard earlier when this particular constitutional amendment was introduced in the House of Representatives by Congressman KINDNESS, January—January 1983. It has been over 1 year. Now, what has happened? We have talked tonight, we have talked all day; 81 percent of the American people want this amendment passed; 81 percent. You would think that this House, which has been so eloquently referred to as the people's House, would be the House that tonight would be debating it—13 months, 14 months, after this was introduced.

It is not the people's House, it is not the people's House at all that is debating it; the Senate is debating it. This Chamber, this House was designed in our Constitution to be the body that most accurately reflected the will of the American people, yet we cannot even get the bill on the floor. Not only can we not get the bill on the floor, we cannot even get a hearing. This bill was introduced, this amendment, in January 1983, yet the Judiciary Committee has not seen fit, the leadership of the Judiciary Committee has not seen fit to hold one hearing, not one witness has been called, not 1 hour of testimony, not 1 day, not 1 minute, not 1 second of testimony have we heard.

Yet, 81 percent of the American people want us to deal with this. What is blocking it? The distinguished majority leader, Mr. WRIGHT, was on the House floor very early today, around noon, and he was talking and said it is not a partisan issue. He said, no, it is not partisan issue and that God probably does not care whether we are Democrats or Republicans, and I am sure he is absolutely correct about that.

We still, even though it is not a partisan issue, even though there have been people on both sides of the aisle who have debated this, still the facts have to be repeated and we have to get the message home to this House and to the American people. That is the Democratic leadership that has decided, for whatever reason, to thwart the will of 81 percent of the American people.

There is a discharge petition up here, a discharge petition which I appeal to the Members of the House to sign. We have to have 200, as the Members know, 218 signatures to get this amendment, to force it out of the Judiciary Committee. But what a shame, what a shame that we have to do that. This is a very unusual procedure. Very rarely, very rarely does the House of Representatives ever discharge a bill or an amendment out of the committee; very rarely, it is almost considered, frankly, to be against good party discipline for a member of the majority party to sign a discharge petition. So, it is very, very hard to do and frankly it does not get done in this House very often. Very, very seldom.

This is another example, though, I think of what we have seen in this Congress. You know, I go home—and I was just home this past weekend in Ohio—back home in my district and talking to people and they said, you know, Mike, what are you doing about school prayer? What is my answer to them? The House is not even considering school prayer.

They say, well, what are you doing about the constitutional amendment having to do with line-item veto? That seems to be something that would work; we have it in the State of Ohio. We have a situation in Ohio like we do in a number of States where the Governor, the executive officer, he can sort of carve a little of the fat out that the House, the legislature, happens to put in the bill.

We know what happens around here. We know the bills are going to go through that are going to pass—the Members put some fat in there, some pork. A port here, an airport here, a building here, a post office here. They put them in the bill knowing the President cannot really veto the bill because he does not want to lose the whole bill.

Line-item veto, constitutional amendment, would say that we could cut that out. The Executive could do it. It would save money. Yet, we are not debating that. We are not talking about that constitutional amendment here.

Balanced budget amendment. I go home to Ohio and people say, what about that constitutional amendment? You are all supposed to be talking about on the balanced budget? Again, my answer is, nothing is happening; it has been referred to the Judiciary Committee; no action has been taken.

I say that with all due respect. I have served on the Judiciary Committee now for 14 months and I have a great deal of respect for the distinguished chairman and affection for him as well as for the subcommittee chairman. Yet, nothing has happened. No hearing. No hearing on the line-item veto. No hearing on the school prayer. No hearing on the balanced budget amendment.

It is absolutely unbelievable that these important things are not being considered by this Congress. You know, back in 1948, Harry Truman, a good Democrat, ran against the Congress, and he called it, called the Republicans a do-nothing Congress. The history books tell us he was very successful in doing that. I was not very old; I was 1 year old in 1948.

But Harry Truman ran against that Congress, ran successfully, and said, they are not doing anything, they are a do-nothing Congress. I submit that if a few more weeks, a few more months go on in this Chamber with this Congress not dealing with school prayer, not even debating it, not dealing with the balanced budget amendment, not dealing with line-item veto, not dealing with a crime package, we could go on and on, I think the American people are going to be justified in calling this House of Representatives a do-nothing House of Representatives.

As my distinguished colleague from Virginia, Congressman PARRIS, indicated previous to the time that I took the well, we are just not doing anything around here. Let us not try to kid the American people.

Let us look at the schedule that we have kept the last few weeks. Three rollcalls last week. Bills that frankly were not very significant. The week before, very little. Why can we not deal with the balanced budget amendment? Why can we not deal with the school prayer amendment that 81 percent of the people in this country would like to see passed and get it out of here?

As my colleague pointed out, if it goes down to defeat, if we do not have the votes in here, and I happen to suspect we do have the votes, from the Democratic side and the Republican side, why do we not get it out and debate it, and let it be voted up or voted down?

There is example after example, the bankruptcy problem in this country. I am not going to bore the Member with the bankruptcy law and what we have gone through in the last year or two; it is of interest probably only to attorneys. But I will tell you one thing: Come midnight, March 31, 1984, it is going to be of more than passing interest to the American people if this House does not do something. When April 1 comes—April Fools Day—it is going to be the American people that are going to be fooled when we do not have a bankruptcy system in place, when someone who wants to file bankruptcy in this country will not be able to constitutionally do it. When creditors and debtors will not be able to have their problems resolved in our Bankruptcy Court. Why? Because this House of Representatives has failed, the Democratic leadership has failed, to address this problem.

Now, again bankruptcy should not be a partisan issue. Line-item veto should not be a partisan issue. School prayer should not be a partisan issue. Why is it? I do not know why. I suspect that the majority of my colleagues on the other side, the Democratic side of the aisle, would vote for a school prayer amendment. Now, I may be wrong, but I think they would. But the Democratic leadership, the Speaker of the House, and the leadership in this House, say no, you cannot debate it, you cannot talk about, we are not going to hold hearings, we are not going to call witnesses, nothing. Absolutely nothing.

Crime package. Let us go on. The crime package. The majority of the American people want to see the death penalty reinstated for Federal crimes. they would like to see some bail reform. The Senate has just passed, for example, a very good, tough anticrime bill.

I go home and people talk to me about that and they say, MIKE, what is the House going to do? And they ask me that because when I was in the State legislature, I helped to get through a very tough anticrime package. I was a prosecuting attorney for a number of years, so they know I have an interest in this area. And they say, MIKE, what is happening? And again, I have to tell them, nothing is happening.

They say, do you think anything is going to happen? I say, well, we may get a few minor anticrime bills through, but frankly, the major omnibus anticrime bill that the Senate passed is not going anywhere. It deals with important things to peoples' lives, the quality of life.

Bail reform, the Senate bill, my understanding of it, would allow a court to refuse bail if a person was a danger to society. Not that it is a basic thing that most people would assume the law already allows. Yet it does not. Why can we not debate that?

□ 2200

Why can we not debate that? Why can we not toughen up our sentencing laws and make them stricter? Why can we not have a good-faith exception to the exclusionary rule?

This has plagued not just law enforcement people. This has plagued the public for years and years. People have never in this country ever been able to understand why, when the police get evidence that turns out to be good evidence that can be used to get someone convicted, that if the police make some minor error, that a court later on says they made a mistake, they did not get the evidence correctly. Why does the criminal go free? Is there any logic to that?

Most people in this country, I will bet 90 percent, 95 percent, would say, "No, there is no logic to that at all." Yet we cannot debate that. We could put a good-faith exception to the exclusionary rule, then, which would say that if the police made a mistake, that if the evidence was valid, if it was factually correct, if it was, in other words, good, truthful evidence, that you could use that evidence in court. That seems to me to be a very modest proposal, something that would be very logical, something that would help us convict criminals.

Again, why are we here? Why do people send MIKE DEWINE to Congress? Why did they send my colleagues to Congress? They sent us here, I think, to improve the quality of life in this country, yet we cannot do that because we cannot get a crime package on the floor.

I could go on and on. I will give you another example. Insanity. We may finally, 3 years after the Hinckley attempted assassination of our President, some 3 years, we may—I say may—finally get an insanity bill out on the floor, an insanity bill that would change the burden of proof. I had the opportunity, as I mentioned, to serve as a county prosecutor and to deal in Ohio with Ohio's insanity law. Ohio's insanity law was not easy for a prosecutor, but at least we did not have to prove that someone was sane. At least the burden was not on the State to prove the person's sanity. The burden was the other way; to prove the person's insanity. That is all this bill really would do. That is the only change we really need to make.

Yet 3 years—3 years—after the attempted assassination of our President, after we saw the problems of the Federal insanity, 3 years later, we still have not got the bill to the floor. The question is: Why not?

Immigration. I do not care what anybody thinks about the immigration question. The illegal alien question probably would be a better way to put it. If I look around the room, I can see many of my colleagues who would have divergent views about this. But the one thing we all, I think, can agree on is that there is a problem. There is a problem with illegal aliens coming into this country. There is a problem that this Congress should debate and should work its will. Yet we still cannot get that out. We cannot get it to the floor.

Example after example. Again, I think we need maybe to bring back a good Democrat and bring Harry Truman back and have him point the finger at this Congress and say, "You are a do-nothing Congress." I think it is clear that that is what we are dealing with here.

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. DEWINE. I would like to yield to my colleague, the gentleman from Florida.

Mr. McCOLLUM. I am delighted for the gentleman to yield to me.

Mr. Speaker, the gentleman has made some very fine points and I certainly think that we would agree that we do have a do-nothing Congress, especially on the prayer amendment right now. It is caught up in the very things that the gentleman has been talking about. We have difficulty getting things out of committee. We have difficulty getting a discharge petition. Issues that the American public wants voted on are not getting voted on.

I know, back in my district today, this particular debate has generated a lot of discussion. I just flew up here today. I am sure many of our colleagues have had the same when they were at home. This has been a debate that the American public is now paying attention to. Unfortunately, it is probably not going to come to a vote in the House, only over in the Senate.

The other body has an amendment that really is the focus of attention. Folks back home do not always fully understand what that amendment has to say. It says very simply that:

> Nothing in the Constitution shall be construed to prohibit an individual or group prayer in public schools or other public institutions. No person shall be required by the United States or any State to participate in prayer. Neither the United States nor any State shall impose the words of any prayer to be used in any public school.

There are a lot of folks out there who seem to think that somehow we are going to be imposing an organized religion, an organized prayer, by changing the laws, and they are arguing that, and that is one of the reasons why I think some of these have not come up so far for us to be able to debate and get a chance to vote on.

There are others out there who think that we are going to be imposing on children in this country something that they really should not have imposed on them; that it should be left in the home or left in the church.

The question of whether or not we should have prayer in schools is not a question of what are we imposing on children? But, rather what are we taking away?

It has been said that faith is that which allows a rational being to stand in the face of the unknown without being afraid. There are many ways of finding faith and there are many religions. Prayer expresses the experience of a mystery.

That envelops and surpasses man, and prayer seeks and establishes dialog in the presence of that mystery out of which a person may find faith and upon which a society may rest a moral order and a government. I am talking about something that serves as an anchor for our attitudes, values, morality, justice, and even our governments—most especially our governments—all over the world, not just in the United States.

Separation of church and state is fundamental to our American heritage of freedom and democracy, but separation of religion and government is foreign to that heritage. We cannot and should not separate religion from the lives of our children when they walk out of their homes and enter our schools.

We ask our schools to prepare our children for life. Why is it then, that we are asking them not to nurture the one thing that human beings have drawn upon since the beginning of time to prepare themselves for life? History will tell us that society has always rooted itself in the higher laws—the higher principles—of the civilizations that perpetuate it. How can we then cut off our children from the source of every principle that guides our society?

The fact is that our children spend a very large and a very very important portion of their days—and their lives—in school. From the moment our children leave home, they come face to face with other children, other adults, relationships, rules, laws, times of learning, times of play, times of crisis, times of courage, times of fear—times of temptation, confusion and hardship. During these many hours outside of the home, we ask them to hold true to the values and the attitudes and morality we have been trying to instill in them all their lives. The occasion to pray—to engage in dialog—to raise one's consciousness of the mysteries of life—needs to be encouraged, not discouraged.

Our society and our Government—and all societies and their governments—are rooted in spiritual beliefs. To deny this is to deny history.

In "Great Religions of the World," the author notes that religion took a giant swing from around 800 B.C. to A.D. 650. At this time arose the geniuses who molded the great faiths we follow today: The prophets of Israel, Zoroaster in Persia, Buddha and the Upanishadic seers in India, Confucius and Lao Tzu in China, Jesus in Palestine and Mohammed in Arabia.

This growth in religion coincided with changes taking place in man's secular world. Improved agricultural techniques had led to increased populations, expanded trade, and the accelerated growth of cities. As man found himself dealing more and more with strangers, the old tribal codes, the immemorial rituals, and myths no longer sufficed. He had to learn how to behave toward people he did not know.

The authors go on to say that:

> The faiths taught by these great leaders introduced ethical systems that helped man answer this need. Each one had its golden rule: Christianity's "do unto others * * *"; Judaism's "What the Lord doth require of thee: Only to do justly, and to love mercy, and to walk humbly with thy God * * *"; Islam's man who gives his substance "to kinsmen, and orphans, the needy, the traveler, beggars * * *"; Buddhism's "Boundless heart toward all beings"; Hinduism's highest yogi who judges pleasure or pain everywhere by "Looking on his neighbor as himself"; Confucianism's "do not do to others what you would not want others to do to you." These great religions, notes the authors, have shaped empires and nations.

If our spiritual beliefs are not the very framework of our society and our Government—then why do we have programs to feed the poor? Why do we have programs to provide health care for the elderly? Why do we care about human rights around the world? Why do we do not invade other nations and deny other peoples the right to determine their own destiny?

We do all these things because of our religious beliefs and the greatest reflection of these beliefs can be seen in our form of government—a democracy. And, because this fact is so incredibly clear every day of our lives, it is hard to understand those who feel an artificial gulf can somehow be mandated between our religious beliefs and the government that grew out of those beliefs.

Separation of church and state, yes—but not separation of religion and government.

This connection was recognized early on in the history of our Nation and has been documented in the speeches and writings of our founding fathers. It is reflected in the Declaration of Independence; the Pledge of Allegiance to our Flag; in the Star Spangled Banner and in our coins.

Back in 1787, the Continental Congress put the following statement in the northwest ordinance, which set up a government for the northwest territory:

> Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools, and education shall be forever encouraged.

One of the greatest statesmen who spoke of this was George Washington, the first President of our Nation.

In his first inaugural address on April 30, 1789, Washington stated:

> It would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the Universe, Who Presides in the Councils of Nations, and whose providential aids can supply every deflect, that His Benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to His charge.
>
> No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of man more than those of the United States. Every step by which we have advanced to the character of an independent nation seems to have been distinguished by some token of Providential Agency * * *
>
> The propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained * * * the preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered, perhaps, as deeply, as finally, staked on the experiment entrusted to the hands of the American people.

In his Farewell Address, Washington expanded on this idea to an even greater degree. That religious principles are the very foundation of the democracy and system of justice on which our Nation was founded. In his address Washington says:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labour to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man ought to respect and cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation deserts the oaths, which are the instruments of investigation in the courts of justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

By allowing prayer in our classrooms, we are simply acknowledging the deep religious foundation of our national life—which no one here tonight can dispute.

As for prayer itself, let us talk a few moments about what prayer is and what it means. According to Webster's Dictionary, to pray is to "address God or a God with adoration, confession, supplication, or thanksgiving." It does not connect prayer with any one God or any one religion or denomination or faith—in fact, there is no definition that does. Though the Supreme Court has in effect implied that prayer is directly connected to the realm of organized religion, the definition of the word itself only tells us that it is a moment in time when one addresses one's own God. And what is one's God? The definition of "God," is "The Supreme or Ultimate Reality" or the "Divine Principle Ruling over all." When we pray, are we not acknowledging that spiritual "Thread" that runs in all of us? Are we not acknowledging the framework for our perception of life, our morals, our values—in the same way that the Pledge of Allegiance acknowledges the framework for our devotion to our Nation?

Prayer may be a petition, a confession, an intercession, a praise or thankgiving, or an adoration. It may be personal or group, a benediction or a litany or a hymn or any form.

No child in this Nation—and no adult in this Nation—should be required to pray. That is not what proponents of school prayer are asking for. But our children should be allowed to pray if they desire to do so, because prayer is as fundamental to our daily lives as any other thing we do.

As it was pointed out in this very Chamber by President Reagan, it has been customary to open the daily sessions of both the House and the Senate with prayer since the first session of Congress in 1789. In 1943, groups of Members in both Houses began to meet weekly for prayer breakfasts—and in 1953, President Eisenhower sponsored the first interdenominational Presidential Prayer Breakfast, now an annual event, and carried through by President Reagan. Practically every legislature in our 50 States has a similar group and in almost every State there is an annual Governor's prayer breakfast held in the State capitol with State leaders. Prayer groups now also meet regularly in the National Canadian Parliament, the House of Commons in London, Tokyo, Madrid, Venezuela, Costa Rica, Ethiopia, and other places.

It has been said that prayer is a "disposition of the heart which works its way on the will and is translated into daily life." If we allow our leaders of the world to have the opportunity to acknowledge the underlying spiritual source of their actions and deeds, how can we deny this to our own children?

☐ 2210

Mr. DEWINE. Mr. Speaker, I thank the gentleman from Florida (Mr. McCOLLUM) very much. My colleague, the gentleman from Florida, I think, has given a very good historical perspective on why this amendment should in fact pass.

I am reminded of a quote I wrote down today before coming on the House floor. It was the dissent in the famous Engle case by Justice Potter Stewart. I think it fits in very well with what he has to say that we need to keep this in historical perspective.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. DEWINE. I yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I thank the gentleman for yielding.

I will not take a lot of the gentleman's time because I know other Members are getting ready to speak. But I just want to interrupt at this point to say that as we are speaking in the House of Representatives, as the Members are aware, we have been having a rally going on in the west front of the Capitol, and literally thousands of people have participated in that rally.

And at this moment a prayer vigil is beginning in H-227 of the Capitol here. I just came from that room, and I am pleased to say that there is an overflowing crowd of people in that room. They have literally had to find rooms elsewhere in the Capitol for hundreds of people who have come here tonight to pray as this special order is taking place on the floor of the House of Representatives. I want to continue to pay my respects to those people and make the Members aware that there is that kind of support for what we are doing and what is going on in the Capitol here tonight.

Mr. Speaker, I thank my colleague for yielding.

Mr. DEWINE. Mr. Speaker, I thank my colleague, the gentleman from Minnesota, for those comments.

As my friend, the gentleman from Florida, has commented, that is not unique in this Capitol at all. Sometimes I go home and tell my constituents that there is a prayer that goes on in the Capitol, that there is a weekly prayer group that meets every Thursday and has met—what would the gentleman say, since 1943?

Mr. McCOLLUM. Since 1943.

Mr. DEWINE. And it continues to meet on a regular basis. So prayer is not unique to this building.

But it is unique and it is not permitted in school buildings. It just strikes me as being so ironic. This building was built with public funds. Our salaries certainly are paid for by the taxpayers. We can pray. We start every day with a prayer by our Chaplain, and we have a prayer meeting on Thursday. A prayer meeting is going on right now in this very building.

Yet schoolchildren are not allowed to do it. It is hard to understand.

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield very briefly?

Mr. DEWINE. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Speaker, the interesting thing in the debate has been that there have been some who have said you can have silent prayer in the schools today; the only thing you cannot have is some organized prayer that the State demands.

The fact of the matter is that the Supreme Court has not decided that yet, and that is something that may be before it very shortly. In fact, there are those in the Justice Department and elsewhere who are trying to bring that issue up. It really is not a question in front of us tonight, this week or this year in the Congress about what form the prayer is going to take but, rather, the fact that prayer itself in many places in this country today is being denied to young people, prayer, as the gentleman said, that we can have in the Halls of this Congress and that we have all over the world in various institutions.

It is not a question of the issue of a particular religion, but it is a question of the fact that religion and government go hand in hand together and prayer is essential to any religion, and, therefore, essential, I submit, as I did to the gentleman a moment ago, to government itself and to the people and to our values that our children need to be constantly made conscious of. It needs to be raised to their consciousness.

□ 2220

I think the gentleman is doing a great service tonight by pointing out the fact that this body has not brought this up and is not about to bring it up, apparently, like many other things, for a vote, for an opportunity for this body to do more than what we are doing tonight.

I think the gentleman is performing a great service not just by being here but by bringing that point up.

I yield back.

Mr. DEWINE. I thank my friend very much and I think that is the shame, the real shame of it all, that we are participating tonight, there are people who are praying who are on the steps of the Capitol, yet we are not going to be able to vote on it tonight. And, frankly, I do not think there is anybody in this Chamber who really thinks in the near future that we are going to be allowed to vote on it.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DEWINE. I will be more than happy to yield to my colleague from New York.

Mr. SOLOMON. I thank the gentleman for yielding and most certainly thank the gentleman from Ohio, as well as the gentleman from Florida, for taking part in this particular part of the program this evening to make our point. It was very gratifying to hear from the colleague that just left the floor that there are literally thousands of people outside on a wet, cold, rainy night in Washington that were here to carry on this vigil to make the point we are trying to make here tonight.

Twenty-two years ago, six Justices of the Supreme Court made a decision that 80 percent of the American people today think was not only misguided, but contrary to 200 years of American tradition.

That decision by the Supreme Court was to banish the mention of the Supreme Being in our public schools.

The 1962 Engel against Vitale decision held that prayer in our schools was a violation of the first amendment, which forbids the so-called establishment of religion.

A local school board in New York State was forbidden from mandating the recitation of a prayer composed by the board of regents.

A year later, the Court struck down another tried and true method by which man praises God. A school was prevented from starting the day with readings from Scripture.

According to the Gospel of Matthew, the blessed prayer that begins, "Our Father Who Art in Heaven" was taught to the multitudes on the Mount by Jesus himself. But the Court ruled unconstitutional the recitation, in unison, of the Lord's Prayer.

Opponents of school prayer welcomed the Court decision as reaffirming the separation of church and State. But Justice Potter Stewart, in his dissent, pointed out just how misguided the decision was.

Now, the first amendment reads, in part: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof." Mr. Justice Stewart rightfully pointed out that the purpose of the first amendment was to prevent the establishment of an official, or State-sponsored religion, similar to the Church of England. Our Founding Fathers wanted freedom of religion, not freedom from religion.

To Mr. Justice Stewart, permitting schoolchildren to participate voluntarily in prayer was a far cry from designating an official religion that citizens must subscribe to and the American people agree overwhelmingly with that view.

In September 1983, a Gallup poll reported that 8 out of every 10 Americans who followed the issue of school prayer said they favored a constitutional amendment that would permit voluntary group prayer in public schools.

Fifteen months earlier, on May 17, 1982, President Ronald Reagan had proposed a constitutional amendment that would return faith to our community of shared values by returning voluntary prayer to our classrooms.

"The pendulum has swung too far toward intolerance against genuine religious freedom," the President said. "It's time to redress the balance * * * by reasserting their liberty of free religious expression, we will be helping our children understand the diversity of America's religious beliefs and practices."

The President's voluntary school prayer amendment would also allow our children to be part of a tradition as old as America itself. That tradition holds that America is one nation, under God. In America, it is "in God We Trust."

America will never get on its knees to any enemy. But Americans, from George Washington to Ronald Reagan, have never been too proud to get on their knees in thanksgiving to the Almighty Creator who fashioned this land of freedom and opportunity.

We acknowledge God on our coins, in our national anthem, and in the Pledge of Allegiance.

The public expression of our faith in God through prayer is a fundamental part of our American heritage. Americans know full well that liberty is a blessing, and that such a blessing comes from God.

Faith in God also fuels our morality, our ethics, our sense of civil rights and our system of equal justice under law.

George Washington made note of this point in his Farewell Address:

He said:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports * * * Reason and experience both forbid us to

expect that national morality can prevail in exclusion of religious principle.

When I read Washington's reference to experience, I think of what we have learned from the experience of another vast nation.

That nation was chosen to govern on Earth without appeal to heaven. That nation, of course, is the Soviet Union.

Their god, Karl Marx, is a fallen idol. Their priesthood, the Politburo, ministers to the gulag and the suppression of all freedom and opportunity.

The Soviet Union holds to an atheistic and materialistic philosophy that, in banning God, destroys all respect for human rights, or indeed, human life itself.

I thank God Almighty it is not that way in America. And I want to give our schoolchildren a chance to appreciate America's glory, and to be aware of the bounty we have known.

Let me go through the language of the President's amendment so as to rebut the criticism by some that we propose to force schoolchildren to pray a prayer that we would dictate to them.

The President's amendment reads as follows:

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions.
>
> On person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.

Our amendment would permit prayer in schools without having our schools dicate the prayers.

And when you think of it, what government—what administrator—what bureaucrat could ever write a prayer more meaningful than the prayer young children themselves lift up to God?

There is, for instance, the age-old prayer of thanks told by boys and girls at mealtime. "Thank you for the flowers so sweet," it starts. "Thank you for the food we eat. Thank you for the birds that sing. Thank you, God, for everything." Or "God is great, God is good and we thank Him for our food, Amen."

Those of us who are parents or grandparents have heard these words recited many times. No words are more heartfelt, more reflective of that personal relationship with the Creator God that children enjoy and which adults long for.

Such simple words are tender and meaningful. But, according to our Federal courts, unconstitutional. And there, as Hamlet put it, is the rub.

In his radio address of February 25, President Reagan spoke out quite eloquently about the sad tale of the kindergarten class who could not say their prayer of thanksgiving over their cookies and milk.

Indeed, the President, in his address, gave such an eloquent plea for returning God to our classrooms that I would like to read excerpts from it now into the RECORD:

> The PRESIDENT: My fellow Americans, from the early days of the colonies, prayer in school was practiced and revered as an important tradition.
>
> Indeed, for nearly 200 years of our Nation's history it was considered a natural expression of our religious freedom.
>
> But in 1962, the Supreme Court handed down a controversial decision prohibiting prayer in public schools.

Sometimes I cannot help but feel the first amendment is being turned on its head. Because ask yourselves: Can it really be true that the first amendment can permit Nazis and Ku Klux Klansmen to march on public property, advocate the extermination of people of the Jewish faith, and the subjugation of blacks, while the same amendment forbids our children from saying a prayer in school?

Teddy Roosevelt told us, "The American people are slow to wrath, but when their wrath is once kindled it burns like a consuming flame."

Up to 80 percent of the American people support voluntary prayer. They understand what the Founding Fathers intended.

The first amendment of the Constitution was not written to protect the people from religion. That amendment was written to protect religion from government tyranny.

The act that established our public school system called for public education to see that our children learned about religion and morality.

References to God can be found in the Mayflower Compact of 1620, the Declaration of Independence, the Pledge of Allegiance, and the national anthem.

Our legal tender states, "In God We Trust."

When the Constitution was being debated at the Constitutional Convention, Benjamin Franklin rose to say, "The longer I live, the more convincing proofs I see that God governs in the affairs of men. Without his concurring aid, we shall succeed in this political building no better than the builders of Babel."

He asked: "Have we ~~now forgotten~~ this powerful friend or do we imagine we no longer need his assistance?"

Franklin then asked the Convention to begin its daily deliberations by asking for the assistance of Almighty God.

George Washington believed that religion was an essential pillar of strong society.

In his Farewell Address, he said, "Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

And when John Jay, the first Chief Justice of the U.S. Supreme Court was asked in his dying hour if he had any farewell counsels to leave his children, Jay answered, "They have the Book."

Former Supreme Court Justice Potter Stewart noted, if religious exercises are held to be an impermissible activity in schools, religion is placed at an artifical and State-created disadvantage.

Permission for such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion.

And a refusal to permit them is seen not as the realization of State neutrality, but rather as the establishment of a religion of secularism.

Our amendment would insure that no child be forced to recite a prayer.

Indeed, it explicitly states this. Nor would the State be allowed to compose the words of any prayer.

But the courts could not forbid our children from voluntary vocal prayer in their schools.

And by reasserting their liberty of free religious expression, we will be helping our children to understand the diversity of America's religious beliefs and practices.

If ever there was a time for you, the good people of this country, to make your voices heard, to make the mighty power of your will the decisive force in the Halls of Congress, that time is now.

Indeed, Mr. Speaker, as the President said, the time is now.

☐ 2230

Mr. DEWINE. I surely thank my colleague for his very insightful comments. I think his comment that now is the time for the American people to rise up, to contact their Congressmen and Congresswomen, is certainly appropriate.

You know, it just strikes me that there is something very strange going on when 81 percent of the American people want something to happen, yet the Congress will not even debate it. It seems to me, I have been thinking about this and I have been thinking about it for some time, it seems to me that what we really have is an elitist attitude in this House of Representatives, that the leadership, those who are making those decisions, know best and that the vast majority of the American people do not have the right to have this matter heard.

I would like to quote something I came across today from a very famous American. Let me read the quote first:

> Men by their constitutions are naturally divided into two parties; one, those who fear and distrust people and wish to draw all powers from them into the hands of the higher classes, or, two, those who identify themselves with the people, have confidence in them, cherish and consider them as the most honest and safe.

That is from the founder of the Democratic Party, Thomas Jefferson.

We are dealing with an elitist attitude in this body and it is a shame, it is just a real shame that the will of the American people cannot come out, that we cannot at least debate this on the House floor.

Again I would remind my colleagues, we are not really debating it tonight, we are just talking about it. That is the best we can do. Unless the House leadership decides they will allow us to really debate it, have the constitutional amendment on the floor, this is as close as we are going to come this year to a real debate.

I think the history, as my friend, Mr. McCollum from Florida has outlined, is very good. I think bringing the history up to date a little bit would do us well, as well, because I think the Supreme Court has totally misapplied American history.

We are not really, in a sense saying, "let's rewrite the Constitution with this amendment." What we are saying is, "let's rectify a wrong."

For 175 years in this country children could pray in school. That was not unconstitutional for 175 years, it was not unconstitutional when my mother and father were in school, when my grandparents were in school, but now it is, it is unconstitutional for our children.

What we are really saying is "Let's get back to the truer meaning of the Constitution." I would be willing to bet, there are few historians, let us make a difference between historians and constitutional scholars, but historians who would ever entertain the idea that our Founding Fathers really meant that children, on a voluntary basis, could not pray in school. I think it is ludicrous.

I think the Founding Fathers, if I could use a term my grandmother used to say, "would turn over in their graves if they knew we were even thinking about that," that a Supreme Court would ever in an 8-to-1 decision make such an absolutely ludicrous decision. But they did.

It is up to the people's representatives, that is what this House is, we represent the people; it is up to us I think to change it.

My colleague mentioned Potter Stewart, the dissenter in that particular Engel case. I would like to quote from him because I think he understood how important religion was to the fabric of society. He had I think a very good commonsense understanding about what the real meaning was of the first amendment.

Potter Stewart's dissent in part reads as follows:

> With all respect, I think the Court has misapplied a great constitutional principle. I cannot see how an official religion is established by letting those who want to say a prayer say it. On the contrary, I think to deny the wish of these schoolchildren to join in reciting the prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation.

The spiritual heritage of our Nation is a religious one. That is a historical fact that any reading of American history, I think, will tell us.

The first amendment was put in not to keep little children from praying in school. The first amendment was put in to stop an establishment of religion. Our Founding Fathers did not want the situation that they had in many of the European countries that they came from, where the state had a state-sponsored religion.

What the Founding Fathers really meant by the first amendment was that the state should be neutral; not it should be against religion, but it should be neutral in regard to religion.

We have carried that principle beyond neutrality or at least the Supreme Court has; to a situation today where the state is antireligion. I would like for us to think for a moment where else in American society is prayer prohibited by law? Now there may be some examples but I just can not happen to think of any.

What we have done is drawn a wall, all right, but the wall is around our schools. Mandatory school attendance, our kids have to go there; yours and mine have to go there, and it is correct they should, that we have mandatory attendance; they have to go there 6 or 7 hours a day. What the Court is saying is during that period of time they can not pray.

As my colleague, Mr. Moorhead, earlier pointed out, if the President of the United States is shot, God forbid, a case that has happened several times in American history, schoolchildren could not pray that he would recover. Is that not ludicrous? Does that make any sense at all? I do not think it does.

What we have done is create that unique situation where children are in school and they cannot pray when they are in school. Recall if you will, with me, when this Congress, in session in January, hastened to the state of the Union speech, we had the Supreme Court here, we had the Senate, we had the House of Representatives, we had this Chamber filled with the civil leaders in this country, we had the President of the United States giving his speech.

□ 2240

Yet above it all, what did we have? Above it all—it has been referred to before—"In God We Trust." Above all of the civil leaders, we had the words above Speaker O'Neill's podium "In God We Trust." Yet little schoolchildren cannot pray. It seems ridiculous.

As many of you know, I was a prosecuting attorney and prosecuted cases, and I defended cases, both sides. In courts of law, what do our witnesses do? Or at least what do they do in Ohio, in Green County, Ohio? They took an oath, every one of them, and swore to Almighty God, "So help me God," that they would tell the truth. They took that oath. Our President takes that oath.

As Henry Hyde said earlier today, maybe he was mistaken when he looked out and saw what President Kennedy, and President Johnson, and President Reagan, and President Ford, and President Nixon, what they took the oath of office on, what they placed their hand on. Maybe he was mistaken, but it sure looked to him like a Bible.

Why is it OK for everybody else but it is not OK for schoolchildren?

I think we have lost sight, really, of what the true meaning of the first amendment is.

We have compulsory school. The kids have to go to school. You might say, "Well, if they want to pray in school, well, they can go to a private school, they can go to a religious school or a school that is not State-supported or State-sponsored."

What are we really saying? Is not what we are saying is that if a child's parents can afford, they have enough money, to send their children to a private school, a religious school or any kind of a private school, then they can pray, but if a child happens to be born into a family that does not have enough money to send that child to a private school, then that child cannot pray? What kind of discrimination is that? It seems to me that it certainly is discrimination.

My colleague, the gentleman from New York, was mentioning a little prayer that little schoolchildren say, or many children say. We have all heard it, I think. At least I have. "We thank you for the flowers so sweet, we thank you for the food we eat, we thank you for the birds that sing, we thank you God for everything."

The rest of the story is that a Court said, "No, you cannot say that." And then they try, and they took out, and they said, "Well, we will take out 'God' out of there, and we will say, 'We thank you for everything.'"

The Court said, "No, you cannot even do that, because those little schoolchildren might be thinking, heaven forbid, they might be thinking about God." When I read that today, to me it epitomizes and sums up why this whole situation is so ludicrous.

I had the opportunity before I came on the House floor about an hour ago to place a call to a dear friend of mine who is a pastor of a church in Xenia, Ohio. His name is Rev. Bruce Brooks. We were talking a little bit about this, because I have received a number of letters, as I am sure all of my colleagues have, about this particular issue, and I said, "What do you think?" I wanted to get some of his comments.

He said, "You know, Mike," he said, "I don't know, but since God was taken out of the schools, since we could not have prayer in the schools any more, we have had a lot of problems, a lot of problems. We have got discipline problems, we have got drug problems, we have got financial problems, all kinds of problems in schools."

You know, my friends, I am not sure I am smart enough an individual to say that that is why we have those problems. But it seems to me that, as some of my colleagues have said, my friend, the gentleman from Florida (Mr. McCollum) has pointed out, that religion has been part of the fabric of our society, and once we drew that line around school and said, "Now, it is OK, but once you enter that school building, the 6 or 7 hours that we make you go to school, you cannot have any voluntary prayer," it seems like we have sent the wrong message to schoolchildren. I am not sure that is why we have problems in our society, I am not sure you can trace our drug problem and everything else, but it seems to me that it shows to the people of this country, it shows the children, what our attitude is, and that is that the Government, the state, says, "No religion." The state says, "You cannot voluntarily pray."

To me, that is sending the wrong signal, the wrong signal to those schoolchildren.

So, I just wish, in conclusion, that we would be getting about the people's business. This is the people's House. The people by an overwhelming margin want us to do something, they want us to pass a voluntary school prayer amendment, and I think we should do it. I think we should follow the will of the American people, because I think it is what is best. And if we bring it on the floor, as has been pointed out, and it does not pass and it goes down to defeat, then so be it. That is how our Constitution works. But let us at least get it out here, let us at least not have the people say that this is a do-nothing Congress, that we cannot deal with immigration, that we cannot deal with anticrime legislation, that we cannot deal with bankruptcy, that we cannot deal with any of the myriad problems that we have, we cannot deal with school prayer or line-item veto or balanced budget. Let us get these issues out. That is what they sent us here for. Let us debate them.

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. DeWINE. I yield to the gentleman from Florida.

Mr. McCOLLUM. I enjoyed very much sharing this last hour with the gentleman from Ohio. He has made excellent points. I think that the whole bottom line of our discussion is centered on the fact that we are not looking to establish a religion in this country or particular views to be expressed by some organized State decree. We are looking for the opportunity for schoolchildren to once again be able to share prayer in school, that they may foster a better spirit of what this country is all about, that they may understand the heritage of this Nation and the religious views upon which it was founded and the moral principles upon which it was founded.

I think the gentleman has made an excellent point in the fact that we have a Supreme Court who has come in the way and has created a barrier with this. We are not here today in any other form except for that decision. It is a shame that we even have to be here discussing it. But it is not a debate. We only have one side that we are able to present here tonight, we do not have two sides, because we do not have that legislation out here. It is only the other body who can consider it formally now. It is only the other body whose leadership is allowing that to happen.

I thank the gentleman again. As I said earlier, the gentleman has done a great service in this hour to point that out to the American public, because we need to have a debate and we need to have the opportunity for both Houses to vote on this very important amendment.

Mr. DeWINE. I thank my colleague.

Mr. SAM B. HALL, JR. Mr. Speaker, will the gentleman yield?

Mr. DeWINE. I yield to my colleague and friend, the gentleman from Texas.

Mr. SAM B. HALL, JR. Mr. Speaker, I am pleased to join my colleagues in this special order in my capacity as a member of the House Judiciary Committee, where this all-important constitutional amendment has been languishing for an inordinate period. But just as important, I take part in this special order because it is my firm belief that this Nation has been done a terrible injustice by various Supreme Court and lower Federal court decisions affecting prayer in schools and the role of the Creator in our daily existence.

Now, it has been said with great regularity that Congress has no business interfering in this issue. Well, let me respond to that by saying Congress did not start this controversy. I know of no floodtide of effort to pass constitutional amendments and statutes affecting prayer in school prior to the Supreme Court's decision in 1962 to strike prayer in schools.

The High Court started this business by blatantly making law, by failing to exercise judicial restraint, and by establishing a bad precedent in law that has given rise to all sorts of frivolous court suits dealing with the mere mention of providence in our ordinary lives.

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. DeWine) has expired.

ORDER OF BUSINESS

Mr. HANSEN of Utah. Mr. Speaker, I ask unanimous consent that my special order be taken at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

SCHOOL PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. Hansen) is recognized for 60 minutes.

Mr. HANSEN of Utah. Mr. Speaker, I yield to the gentleman from Texas (Mr. Sam B. Hall, Jr.) for a continuation of his statement.

Mr. SAM B. HALL, JR. Mr. Speaker, only a constitutional amendment can check this systematic, uninterrupted rush by Federal courts to eliminate the very foundation of our being.

Frankly, it is absolutely incredible that we should even be placed in the situation of having to argue for a right that so many have fought and died for—namely—to pray to the Almighty. Acceptance of a Divine Being is a principal basis of our development as a nation, and it is offensive for any court of law to arbitrarily strike this core of our existence from the national purpose.

The Constitution of the United States guarantees freedom of religion. It does not prescribe freedom from religion. The Founding Fathers in their infinite wisdom were justifiably concerned about state-established denominations. This is why the debate at the Constitutional Convention leading up to the establishment clause of the first amendment was among the most important of the entire Constitution. The foresight and genius of the establishment clause has truly given us religious freedom. If any nation in the history of the world ever had freedom of religion, then certainly it is the United States of America.

But those same Founding Fathers were not neutral about religion. They were only opposed to establishment of a state religion. They clearly recognized the presence of a Divine Being. They invoked providence at every conceivable turn, and in deliberation after deliberation leading up to the founding of the Republic, they were anxious to associate the Almighty with the official results of their labors.

From this genesis as a nation, we honored God and the work of our forefathers by employing prayer as a part of our culture and development. We developed historically by making prayer a key part of our national life.

Our coinage, seals, emblems, schools, courts, legislatures, civic events all sanctioned the name of God and recognised His existence.

Now, in one fell swoop, the Supreme Court of the United States in the Engel case in 1962 struck down almost 300 years of history and replaced it with the rule of secularism. Of course, with Engel the precedent was set, and in subsequent cases prayer and all official mention of God in the schools was stricken. Ironically, while the right of children to participate in prayer and to so express themselves was wiped out, schools were encouraged to have children exercise their first amendment rights to do anything they pleased as long as the law was obeyed.

Thus, we have the ironic to the extreme. In modern schools students can gather for the purpose of paying homage to any current cult, but if caught paying homage to God, then they are in violation of the law.

What really galls me is that the opponents of school prayer respond that this may be true, but after all, nothing precludes a student from reciting a silent prayer. Well, nothing precludes a child in Soviet Russia from reciting a silent prayer either. So, no right has been maintained or appointed simply because a child can think about God. But Heaven forbid if that same child, or a group of children, attempt to pray out loud at the beginning of the school day because if they do, the law is against them.

I, for one, am getting fed up with a handful of malcontents trying to rearrange our history, our Constitution and our way of life. The overwhelming majority of the American people want prayer in school—over four in five want the right restored. Yet, the Federal courts have given a vociferous minority preferential rights in dictating what the majority can and cannot do.

Our Constitution clearly guarantees rights for minority thinking and minority expression. It does not confer such rights in a way that creates a tyranny over the majority. Yet, that is exactly what we have in the initial prayer decision and subsequent court decisions based upon it.

On Thomas Jefferson's Memorial there are words so profound, so moving, and yet so simple in their message until it sums up this debate. It bears repeating, and I quote: "God who gave us life gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God?"

Jefferson knew the answer to his question, and we know it. When we overtly or covertly strike the Almighty from the national endeavor, we undermine that endeavor. And, let there be no mistake about it. I might add that after the Engel decision was handed down our public schools went through a transformation. There was constant deterioration in discipline, SAT scores decreased, and drugs became a terrible factor in the development of our youth. In short, the Court opened the Pandora's box of secularism in our schools, and thoughtful, reflective Americans are justifiably afraid that it will never be closed.

The prayer amendment is needed. It is needed to rekindle respect for authority in schools. It is needed to remind us all that faith, devotion and adherence to a higher order is to be desired over adherence to the temporary materialistic whims of the times.

The Court has legislated. Now it is time for Congress to legislate. It is time to give democracy a chance to work. There can be no valid reason for bottling up the prayer amendment any longer.

I respect the views of those who are opposed to the amendment, but I respectfully disagree with the dilatory tactics employed by them to keep the full House, the State legislatures, and above all, the American people, from having an opportunity to fully debate the question. It is time for the Judiciary Committee to fulfill the public mandate that has been pronounced over and over in various national polls. It is not fair to tell the overwhelming majority of the American people that they have no stake in their destiny as free men and women. Yet, this is exactly what is happening every day the prayer amendment is bottled up in committee.

No religion is established by this amendment. On the contrary, it confirms the constitutional neutrality toward specific religions. No coercion is caused by this amendment. It is voluntary. In short, it reaffirms the establishment clause of the first amendment by confirming what the forefathers had in mind. It represents a return to the legal norm that kept us in good stead until that norm was thrust aside by bad law and bad precedent.

In short, I support the prayer amendment. I feel it is good law. I feel it is long overdue, and I feel that my colleagues on the Judiciary Committee—all of whom I respect as sincere individuals with different points of view—should get on with the public mandate.

The American people are anxious that this amendment be passed. They are tired of the dilatory tactics. I am tired of the dilatory tactics that have been used in the past on this amendment.

I cannot help recalling, Mr. Speaker, that when I grew up in a small town in Marshall, Texas, that we had a school principal named C. J. Collier, who every morning prior to going into the classes had all of that group of young people come into a long and large room where he read one chapter from the New Testament. Now he did that for a period of 10 or 15 years. And I dare say that no person who has grown to maturity and who is objective has ever said for one moment that the chapters of the Bible that they heard Mr. Collier read to us did anything but help them in their future lives.

And I would like to say with all sincerity that it is time that we had more C. J. Colliers in the schoolrooms of the Nation in order that young people, not being coerced, not being told what they must do or must not do, but I think that it is time once again that those young people have an opportunity, if they so desire, to pledge allegiance not only to their country, but to pledge allegiance to the Almighty.

☐ 2300

The SPEAKER pro tempore (Mr. McCurdy). The Chair will remind all persons in the gallery that they are guests of the House and that any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

The gentleman from Idaho (Mr. Hansen) has the time.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Idaho. Yes, I yield to the gentleman from Michigan.

Mr. SILJANDER. I thank the gentleman for yielding.

Mr. Speaker, I would just like to let the American people know, and those listening here on the floor, that this endeavor this evening is not just for the next hour or two, but will be continuing all night long.

So I hope that those who are praying with us, listening to us on the floor, will keep in mind that this is an all-night special order. So keep tuned, keep listening my fellow colleagues, and keep participating and keep the faith.

Mr. HANSEN of Idaho. I thank the gentleman.

Mr. Speaker, a lot of the problems we have today seem to have started when we threw God out of the classroom. They have been trying to get Him off the courthouse lawns with the nativity scene removal and things like this. Thank God this Supreme Court saw fit to do otherwise with its recent decision.

But I would like to say that since Madalyn Murray O'Hair succeeded in doing the damage that was done that we have seen an alarming assault on freedom of religion in America. For the first time in our history, in recent days we have seen governments of the United States, national, State and local, taxing churches, imposing fines on churches, even padlocking churches. Ministers and church officials are being fined and thrown in jail. Government is jailing fathers and hunting down mothers to put them in jail and make them wards of the State.

Freedom of religion is at stake as arbitrary social demands and Government policy invade the first amendment sanctity of the pulpit. Civil and constitutional rights are a Federal issue, and it is vital that steps be initiated by the Federal Government to end this terror which governments at all levels is bringing on religion.

We cannot sit idly by while churches are locked and fined, and while ministers and church members languish in jail because of their religious beliefs. We cannot remain passive as churches lose their tax exemptions and ministers are jailed by the IRS for political reasons. We cannot tolerate the IRS making churches into tax collectors and the mandatory new unconstitutional social security tax on churches must be repealed before ministers in large numbers are forced to the jailhouse door for refusing to pay.

It is time for action. America must not endure the shame of destroying churches and jailing ministers, nor the shame of jailing church members and driving women and children from their homes as fugitives.

Let me say, Mr. Speaker, that all of this is not a fabrication. It is not something that is just a figment of the imagination. It is happening in America. In recent days we have seen in this country, in this Capital, a proclamation for a national observance of the Holy Bible. We have also seen an observance requested for human rights, and yet at the same time that we are doing this, we are condemning what has been going on in the Soviet Union, what has been going on in Iran. Yet in the heartland of America we find that there are people in jail and have been in jail for months, just recently out of jail but more may be going, because of their religious convictions.

All of this seems to have started, Mr. Speaker, because of what happened a few years ago when we started that trend toward godlessness in the public schools. Many people who feel threatened by the public schools have opted to start a competitive system in the private sector, something which, of course, is traditionally American, because the public school was not what America was founded on, but the private and religious schools were. The public schools came along later. They have served well in most cases, but nevertheless, there should be no reason why the public schools should fear the competition that comes from the private and the religious schools. And yet they seem to do this and they seem to find the public schools in many cases are trying to dictate the terms not only of their own circumstances but also of the circumstances of the religious and private schools.

When this happens, we find people who feel threatened, that they have no choice; that the very things they left the public school system for, which was so that they could pray in the classroom, so that they could teach creation rather than evolution, so that they could teach against abortion, and many of the things that are taught in the public schools, these things they find are being taken from them or at least threatened because of the fact that the public school system is trying to attempt to license and create certification requirements on the religious and private schools.

So we find that the very thing that the original abolition of God in the public classroom created is now creating many other problems in this country. It has all been done through such a thing called public policy. Public policy is what happened in the Bob Jones University case. Many people applauded when that case came down, where the IRS was successful in withholding tax exemptions for the Bob Jones University because of so-called racist practices, but it seems like that was just a precedent because now we find that was the foundation upon which a civil suit is being brought that would deny certain Jewish groups their tax exemption because they supposedly—laryngitis is not conducive to this Chamber.

Mr. DENNY SMITH. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from Oregon.

Mr. DENNY SMITH. I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Idaho has made some very good points, and I am glad to see that his voice is getting a little rest.

Maybe as we view this situation and this special order and its entire night's work of prayerful activity and the involvement of those Members of this body and the other body is busy in the same area, I guess, it is a historic time as we look at the problems this country faces.

Just there behind the gentleman from Idaho on the marble it says, "In God We Trust," and we, of course, each day do start the workings of the House with a prayer by some religious individual. I think it is extemely important that we give that same opportunity to our schoolchildren. It is something that obviously the courts have never intended to warp the Founding Fathers' observations of freedom of religion into what has become freedom from religion.

I am just extremely worried about the future of the country if we do not try to put some sense back into this classroom and allow the forefathers' wisdom to carry forward, I guess. In my own family, I know, I have had my children both in private school and in government-supported educational systems, and have always felt that they got a good education, a very good education, in the religious background and in the foundation of what is so important in trying to understand how our society works.

One of the things that I would like to do is read some letters that I have received from people in my office in the last couple of weeks, and if the gentleman would allow me and yield further, I would like to do that.

This letter from Lydia Ann Kennel, from Monmouth, Oreg., and she says:

> DEAR REPRESENTATIVE DENNY SMITH: Next week the prayer amendment is going to be discussed in the Senate. When it is discussed in the House, I want you to vote to put prayer back into the schools! I'm a teacher and know the harm it has caused education in taking God and prayer from our schools!
>
> The void of truth is being replaced by evil influences. When something is taken away, it will be filled with something else!
>
> Please vote to put prayer back into our schools. It is an important issue and may determine the future of America.
>
> Thank you!
>
> Sincerely,
>
> LYDIA ANN KENNEL.

☐ 2310

This letter is from Marjorie Grace of Beaverton, Oreg.:

> DEAR MR. SMITH: In regards to the prayer amendment that will come before the Senate on March 6. Please vote yes for voluntary prayer in the schools. There is something wrong in this country when anyone, even children, are allowed to use God's name in vain with no restraint, but those who wish to say his name in prayer are forbidden. I would like for someone to explain the reasoning of some of our leaders who will fight against voluntary prayer in school while ignoring the misuse of God's name. I don't feel they can stop someone (even children) from using his name in prayer.
>
> Sincerely,
>
> MARJORIE GRACE.

This letter is from Raymond Johnson of The Dalles, Oreg.:

> DEAR SIR: I am sending you this letter to support the prayer in school issue. I believe we need prayer in schools. I believe that most of us, talking about you and I, were brought up in schools when we had prayer in schools. And if you look back at when we were in school we didn't have a lot of the immorality in the schools that we have today. I mean like our young kids getting involved in drugs, teenage crime, more and more of our young girls becoming pregnant at a younger age, and I know you know that I could go on and on, but I am sure that you are as aware as I am of the problems in our public school system.
>
> I along with quite a few others of our own church members, and not only of our own church members, but any born again believer in Jesus Christ of which the church really is, wants this prayer in school. I just pray that you would get me any information on what I can do any further to promote this issue. I would be willing to do what I can to bring it back to a vote if necessary or what ever else it takes.
>
> Please help me to do whatever I can to get this country back to God. And I hope that you will back this issue wholeheartedly.
>
> Sincerely yours,
>
> RAYMOND JOHNSON.

This letter is from Alice and Ed Brett of Woodburn, Oreg.:

Dear Representative: I need to let you hear now that my husband and I are in favor of the Presidential voluntary prayer amendment and want to ask that you support this measure for us, as you are our two votes and only voice before the Senate. Certainly, there's nothing "wrong" with voluntary prayer—not mandatory—in our public schools. I understand our Senate begins its day with prayer so why question it in schools? I know that we start our days with prayer in our home and have suffered no ill effects. We're managing very well in this recession—thanks to a higher power. I am counting on you!

Many thanks.

Sincerely,

Alice and Ed Brett.

This letter is from Susanna Baker of Canby, Oreg.:

I am writing you on behalf of prayer in public schools, voluntary prayer. As a Christian, I feel I have to write to you to vote for this one vote which is needed, that you know how badly it is needed to help our young people to keep their morals in the right perspective. It will help to make a lot better citizens of these United States.

Thank you kindly for reading this letter of an elderly citizen who cares for our country and what happens to "Old Glory" our beautiful emblem of our country.

May God be with you and help you to decide on the right vote as a lot depends on you and the rest of us.

Sincerely a friend and voter and proud of it.

Love and Prayers,

Susanna Baker.

This letter is from Guy Griffin of Portland, Oreg.:

Dear Denny: I urge you to support the Senate bill S.J. Res. 73, and when the companion bill comes into the House of Representatives, I hope you will support it's passage so that it can come to fruition. The bill provides for voluntary prayer in schools and public places, as a constitutional amendment. With in excess of 70 percent of the Nation's population supporting this by several independent polls, I can not urge you enough to support this.

In no way would this compromise the position of church and state, nor does it force anyone, and specifically does not allow any State or government organization to compose or regulate the prayer. I might point out that all of the Senate and congressional sessions are led by prayer, and if that can be done in Washington, D.C., then, we the public should have the right to voluntary prayer if we wish. Your support will be greatly appreciated.

Sincerely,

Guy Griffin.

This letter is from Rev. Bryon Jacobson of Woodburn, Oreg.:

Dear Sir: I am writing to urge you to vote in favor of S.J. Res. 73. This touches the amendment for voluntary vocal prayer, and will allow free exercise thereof. I do believe, along with thousands of others in America, that the only hope for our country is to be found in recognizing the God of the Judeo-Christian belief, and cooperation with Him through prayer. This expresses the desire of my congregation of 80 members.

Sincerely yours,

Byron A. E. Jacobson.

This last letter is from Walter Niedermeyer of Portland, Oreg.:

Dear Sir: I strongly urge you to support the bill titled S.J. Res. 73 which will enable voluntary vocal, non-State composed, prayer in the schools across the Nation.

I firmly believe that due to the religious training I received in my youth in a belief in a higher power from my parents, my grandparents, and my teachers, that I have been a better father and grandfather.

I know in my heart that it is perfectly acceptable to my God that his name be mentioned in silence or with words in public and parochial schools.

I believe by not being able to have a prayer in public schools that my children, my grandchildren, and myself have been denied our rights as American citizens which is against the laws of our land.

On my father's side of the family, they came from Europe to the west by sailing vessel. On my mother's side, they came from Ireland and England to New York then proceeded on to the west by covered wagon. The words have been passed down in my family that the reason they came to our land was so they could express their hearts and voices the way they wished to worship and to pray to the God of their choice.

I am a veteran of World War II and the Korean war, and I consider it a privilege and an honor to have served my country in both of these wars. I feel and felt that if our country was not successful in both of these wars that I would not be able to speak freely, to worship my God as I desired, or to select the religion that I would join.

I believe that unless this bill is passed that my country and my religion will be out of control. I feel so strongly about my love for my country, my religion, and about my right for freedom of worship that I want to keep its control in my mind without having anyone telling me what to do or not to do.

To sum it up, I have the right to be or not to be whatever I choose.

Respectfully,

Walter Niedermeyer.

Mr. Speaker, I think that these letters from Oregonians, some of which are my constituents and some of which are not, pretty well sum up how the Oregonians who believe in the Lord and who are my constituents feel. It is just kind of a thumbnail sketch of what they think this Senate joint resolution stands for.

My own personal views are that this is probably the most important thing in this decade that we are in, the decade of the eighties. We hear a lot about the new ideas, about problems with the deficit, and about problems with foreign policy, but nothing is more important to the long-term history and the future history, if you will, the future of this country than this resolution that we are discussing tonight.

Mr. Speaker, I appreciate having the gentleman from Idaho yield to me, and if he has his voice back now, I would be happy to have him continue.

Mr. HANSEN of Idaho. Mr. Speaker, I thank the gentleman from Oregon (Mr. Denny Smith) for filling in and for sharing with us those letters from home, which I think are really what it is all about. It is the grassroots feelings of America that are important in this.

Mr. DENNY SMITH. Amen.

Mr. HANSEN of Idaho. I think the real public policy, as I was saying when my voice gave way, is that we should be following the public policy of the people of America who have asked us to put prayer back into the classroom. I think that it is very unfortunate that the public policy I was enunciating when my voice did fail is that we seem to have some kind of nebulous public policy that we are following where the state intrudes in the church and in private circumstances in calling the shots, in deciding what is public policy, and the fact that the state will deny those basic things that are given to us by the first amendment of the Constitution—tax exemption and other things if you do not conform.

And we find that if you do not conform with respect to what the State conceives to be the proper racial practices, you get your tax exemption yanked. If you do not conform, as I was mentioning about various Jewish groups, in the sense that some money they collect might happen to go to the colonization of the West Bank, then you get your tax exemption yanked.

Then we find those who may have applauded the Bob Jones decision all at once finding that it comes back to haunt them in the form of a precedent against them for some of the practices they are engaged in. And then we find that there is no one exempt from this. They pick on those nonaffiliated and sometimes unpopular groups first and, as they did in Nazi Germany, they lop off one group and lop off another, and pretty soon there is no one left to stand against the injustice and the encroachment of the state.

□ 2320

And we find that even the large ones, like the Catholic Church, which have an all-male clergy, might well be vulnerable if the public policy of the United States is to be extended to them in terms of their tax exemption and the fact that they must have men and women in their priesthood if they are to have that tax exemption.

So we find that there is a great intrusion apparently working on us, and it all seemed to start, it all seemed to begin back in those days when they did attempt to move God out of the public policy and out of the classroom of the United States. And I think that it would be very fitting that we put that back in and we are able to have our children pray as we are able to pray in this Chamber over each session. Then maybe the public policy in the schools will change in terms of the type of education our children receive and that once again our public school system can be reaching those great goals that it would aspire to and achieve the results that many people have hoped for and certainly prayed for when they put out the tremendous amount of money that goes into the public school system. Certainly we should not be driving people out of the public school system into private and religious school systems because they feel they have to do that in order to preserve their moral and religious values.

So I think it is very, very important to send this message to the agencies of government from the grassroots of America, that we want God back into the precepts of this country, and it does not matter whether it is a God that I believe in through my religion or the God that other people believe in through their religion.

I feel when we have a prayer in this Chamber, I feel that that prayer being uttered by anyone, whether it is a person of my own faith or some other faith, is in my behalf and in behalf of the whole country and in behalf of all the people in this body. And I respect that and I feel that that is the same way it should be in the classroom—is that that prayer is uttered, no matter by whom, it is uttered for everyone in the classroom and hopefully whatever jurisdiction they are praying for.

Mr. BILIRAKIS. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Idaho. I would now like to yield to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, we are here tonight, on the floor of the House of Representatives, for an important purpose.

It is important to me, personally, to many of my constituents in the Ninth Congressional District of Florida and to a return to the type of republic intended by our founders.

And I know it is important to my colleagues who are now present, in these late hours, and to those Members of the House who will keep vigil during the night to further discuss the matter before us.

Quite simply, we are here tonight to stress that Congress must act on the issue of school prayer. There should be no more delays or legislative study. Instead, we must bring this matter into the open, report the necessary resolutions to the floor of the House, and give each Member an opportunity to cast his or her vote; to follow the republican process; to speak the will of the people.

This past Wednesday, February 29, ironically on a day available to us only because of leap year, a school prayer hearing was held by the Republican Study Committee, of which I was a part, led by its chairman, the gentleman from California, BILL DANNEMEYER. I might add at this time that the gentleman from California (Mr. DANNEMEYER), had the courage to open that meeting with a prayer—something that does not take place generally during our hearings.

That prayer was given by the gentleman from Indiana (Mr. DAN COATS). I would like to share that hearing with all of the people around America:

SCHOOL PRAYER HEARING, WEDNESDAY, FEBRUARY 29, 1984

HOUSE OF REPRESENTATIVES,
REPUBLICAN STUDY COMMITTEE,
Washington, D.C.

The committee convened, pursuant to call, in room 334, Cannon House Office Building, the Hon. William E. Dannemeyer presiding.

Present: Representatives Dannemeyer, Walker, Livingston, Bliley, Crane, Lungren, Bilirakis, Mack, Kemp, Coats, Hyde, Hunter, Thomas Lewis, Jerry Lewis, Fields, Gregg, Bartlett, Vucanovich, Skeen, Siljander, Badham, Weber, Burton and Solomon.

Mr. DANNEMEYER. Ladies and gentleman, I would like to call this meeting to order. It is customary to begin the proceedings of the House of Representatives with a prayer. In my experience as a Member of the House I have not been present at a committee hearing to begin with prayer but considering the nature of the subject matter that brings us here today I think it would be appropriate to do that. I would like to ask Member Dan Coats of Indiana to begin this meeting this morning with a prayer.

Mr. COATS. Shall we bow our heads in prayer.

Our Heavenly Father, we are mindful of the fact that our founding fathers made the determination that the people's authority came from God and that the people then delegated some of that authority to the state, and the papers and documents that established this great nation referenced that and our presidents have referenced that in their inaugural speeches. Our coins say in God we trust, the mantle in the House of Representatives says in God we trust and we recognize You as the authority over all mankind.

We are also mindful, Lord, that we are offering a prayer here this morning for Your guiding hand in what we are accomplishing, what we attempt to accomplish, but most importantly we are mindful of the fact that while we here today pray in the United States capital our school children in our public schools are prohibited from voluntary prayer or offering in recognition that there is a higher authority in this country than the state.

So, Lord, as we go about trying to rectify that situation, we ask Your guidance and Your wisdom. We ask that these witnesses who have traveled so far carry forth in clear tones the expression of the people of this country that our children can pray in the public schools on a voluntary basis and offer thanks to Thee for your blessings. In Christ's name we pray.—Amen.

Mr. DANNEMEYER. Thank you, Dan.

Ladies and gentlemen, this is a hearing of the Republican Study Committee. We are very delighted to have this turnout today. We have witnesses, we thank you for coming.

Our purpose in holding this hearing is to bring to the attention of the American people that in this, the 98th Congress, the Judiciary Committee, specifically the Subcommittee on Civil and Constitutional Rights, is now in possession of H.R. Res. 100 introduced by our colleague John Seiberling from Ohio, a proposed constitutional amendment last year and it has been reposing there gathering dust for almost a year.

I have on my desk as I speak a letter from the chairman of that subcommittee Mr. Don Edwards, our colleague from California. We advised and requested a hearing on this subject in this, the 98th Congress, that he, Mr. Edwards, did not see fit to hold a hearing because he, Mr. Edwards, did not think it was necessary to do so and so unless public attention is brought to this obstacle, the refusal of this subcommittee chairman to hold a hearing, we really have no recourse but to proceed as we are here today. That is what we are about. We hope as a result to have public attention; people call, write, contact their Members of Congress to ask for a hearing on this subject in the Judiciary Committee and to ask Members of Congress to sign Discharge Petition No. 8 which will bring this issue to the floor of the House of Representatives in the 98th Congress for a vote. That is why this hearing is taking place today.

We want to welcome the members of our panel. If it is all right, we will begin with you, Mr. Wilson. Demond Wilson. Welcome here and we are pleased to receive your testimony on this matter.

STATEMENT OF DEMOND WILSON

Mr. WILSON. Thank you.

Good morning. I would like to think everybody for having me here and allowing me to express my views.

I think I will read my statement at this time if that is all right.

I am strongly in favor of passage of a constitutional amendment that would put prayer back into the public schools. My wife Cicely and I are, and will continue to do whatever we can to help bring this about.

Our children, we have four—Nicole (9½), Mellissa (7½), Christopher (6), and little Demond (2½)—do not attend public schools. There are two basic reasons for this: (1) the quality of education they are receiving in a private school is superior to that in the public schools, and (2) there is no prayer in public schools.

My wife and I attended public schools as children. At that time, the fifties and early sixties, there was prayer in the schools. Being from Christian homes, we took it for granted.

If anyone views today's youth objectively, they have to admit that a definite problem exists. We believe that this problem is largely a result of a lack of knowledge of God. The public schools have made this problem worse by trying to exclude any kind of moral or religious values from education.

As I speak at schools and work with children, I find that many of today's youth lack a foundation. They are influenced by peer leaders who often control the things that happen in their schools. Instead of learning to adjust to life and its many changes they are developing adult drug, alcohol and identity problems. As a Christian, I believe that the greatest service we can provide for our children is to let them know that they are children of God and that He is a foundation for them; a source of help in coping with all of life's adjustments.

More generally, we believe it is confusing to children to have any mention of God completely excluded from the schools. In many homes, not necessarily Christian, there is an acknowledgement of the existence of God or a Supreme Being. Children wonder why God is at home and in church but not in schools. In fact, many kids are taught things in school, i.e., evolution, that are in direct opposition to what they are taught at home or in church, without any acknowledgement by the schools, of other beliefs.

We believe that bringing God back into the classrooms will help in putting an end to the stabbing, rapes, drugs, alcohol and other serious problems in the schools. Just as tall buildings need a solid foundation, our children need a foundation they can depend on.

I believe in America. I fought and was decorated in Vietnam. Many men did not make it. I want to see this country grow stronger, not weaker. I am proud to be an American and am willing to lay down my life for my country. America has it over every other country in the world. But, we are forgetting what made us great.

This country was founded by men who were brave, just, and God fearing, and they prayed to God for knowledge, strength and courage. The foundation of this Nation was not laid without prayer.

I can picture our first President, George Washington, kneeling in prayer. Many of our forefathers shed their blood in the struggle to keep the greatest Nation in the world free.

Please, allow God to continue to bless this great Nation and our youth who are our future. Vote to put prayer back into the public schools. Thank you and God bless you.

Mr. **Dannemeyer**. Thank you very much, Mr. Wilson.

(Applause.)

Mr. **Dannemeyer**. Mr. Lenny Moore, would you share your thoughts with us.

STATEMENT OF LENNY MOORE

Mr. **Moore**. I sure will.

My main purpose in being here is with reference to the discharge of Petition 8, I want to bring it out and bring it on the floor. My faith is in God, and my faith in God demands that I act upon His word, and in acting upon His word the spirit of the Lord has let me be here this morning.

We are three fold beings. We are composed of body, soul and spirit. All three of these areas must be educated, and I think if we look at the effects from the time prayer left the school to generations before when prayer was included in the school you will notice some significant changes in attitude and behavioral patterns of young people.

If you educate the physical part, the body; if you educate the soul part where the intellect is, because we have a lot of intellects, you are talking about a two-thirds education. We have to educate the full human spirit. And, gentlemen, I say to you we are spirit beings and we are made in the image of God—created in His image, created in His likeness. This spirituality has left us over a period of time.

From the time that Adam failed, man has been in constant search to fill this void. Since the spiritual realm is our natural realm, when our natural realm is taken away from us through sin, man since has been trying to regain this void.

I know when I was a professional football player I might have looked good to many, many people because of they say the role models and what it does for you and what it gives to you. My main impact was the materialistic side of what professional football could give to me. Many times we said the Lord's prayer. I never knew the depth, the contact of the Lord's prayer. I do now, thank the Lord, and I intend to impart that to every young person I come in contact with. Every professional team says the Lord's prayer pregame, postgame, not only on the professional level, on the scholastic level, university level.

The lost spirituality must be regained. How do we do that? Prayer back in the schools is a sound way. We have lost our moral fiber in this country.

There is a passage that comes to mind immediately to me that if we were to live by this passage, Corinthians 4, 6 through 9, In everything be careful for nothing but in everything by prayer and supplication with thanksgiving let your request be made known unto God and the peace of God which passes all understanding shall keep your hearts and minds through Christ Jesus. Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good rapport, if there by any virtue, if there by any prayers, think on these things. Those things which I have both learned and received and heard and see in me do, the God of peace shall be with you.

And I leave you lastly, gentlemen, if we were to live by these words, our country would go back to the real meaning of what it was founded on, God and the bible.

Thank you.

(Applause.)

Mr. **Dannemeyer**. Before we go to our next witness I have been asked to make this announcement. President Reagan will be meeting with the gentleman of this panel sometime tomorrow afternoon.

Mr. Lennon, we welcome you and are pleased to receive your testimony.

(The written statement of Lenny Moore follows):

STATEMENT TO REPUBLICAN STUDY COMMITTEE HEARING ON SCHOOL PRAYER

(By Lenny Moore)

Thanks for calling these important hearings on school prayer.

I feel that voluntary prayer should be put back in our nation's schools, because of the impact it would have in giving young people hope. When I was in school, I could pray freely to God, personally, and talk to Him, knowing that He created us all in His own likeness, and image.

Those prayers gave me a direction that affected my life. For instance, the Golden Rule stated, "Do unto others as you would have them do unto you." This was written on my Conscience. So I thought twice about how I treated people.

Seeing the Ten Commandments gave me a yardstick of what not to do.

This Country was founded on Judeo-Christian principles. People came here to have religious freedom. We aren't practicing what we've preached, by denying the freedom to pray. The timing, to get back in the schools, is now. The religious and moral fiber we lost when prayer was taken out of the schools must be restored.

Our young people need the Spiritual foundation on which to build their lives.

Through voluntary prayer we can help restore honesty, loyalty, integrity, love, sincerity, and a strong sense of well-being in our youth.

Man and woman's hearts must be changed in order to change the person. I see restoring voluntary prayer as a booster to the moral and spiritual well-being of our nation's students. Let your request be made known unto God!

STATEMENT OF MEADOWLARK LEMON

Mr. **Lemon**. Thank you.

I don't really understand everything that is happening. I'm here because I love my God and I love my country. When I got off the airplane last night I said to the fellows, this is crazy. I grew up in a place called Wilmington, North Carolina, most of you probably have not heard of the place, and in school before each class day we sang God Bless America and we don't sing God Bless America in school any more. As the Second World War was ending I remember a song that was going around the country, Praise the Lord and Pass the Ammunition. I don't believe we have won a war since then. (Applause.)

A few months ago in the city of Los Angeles I voluntarily went out with a friend of mine, my manager Johnson, to speak at an all girls' school. They say it was the roughest school in the city for girls—180 girls supposedly the worst girls in the city. As we walked in the door I had to ring a buzzer to get in the school because the doors were barred and each classroom was locked with a key. We had two speakers in the first classroom that I went into. Some of the girls were lying down sleeping.

When I went over to speak I noticed as I came in outside the gate of the school that drug pushers were selling drugs. I asked the principal, "What is going on, can't you stop it?" She said, "I know who they are, we put them in jail and they are out in two hours."

We can sell drugs in our schools but we can't pray.

I traveled from Hong Kong to Moscow. I have gone into the back alleys of every major city in every country in the world and I had no problem, but I am having a problem with this in my own country that I love very much. We can't pray in the schools.

I think all of us here came through an era that we did pray in the schools and if we don't let our young people pray, I think we are stealing something from them that we were able to have and I don't believe that this country or any other country will exist without the church.

And we are the church, the church is not a building. We the people, we are the church. I will continue to pray and I will continue to fight anybody anywhere until we get prayer back in the schools. I think it is needed.

Demond said that he loves his country and he is willing to lay down his life for his God and his country, and I think all five of us feel the same way. I would like to feel that this is all Americans and we are going to keep fighting and we need your support and anybody out there who will support it. We will support it, too. Let's get prayer back in the school.

I thank all of you.

(Applause.)

Mr. **Dannemeyer**. Mr. Rosey Grier, we welcome you to our panel and we are happy to hear your testimony.

STATEMENT OF ROSEY GRIER

Mr. **Grier**. Thank you very much.

I always dreamed that one day I would be able to come to Washington and just to open my heart before men who would have something to do about the things that go on inside of my heart. I read in Second Chronicles 7-14 which says that if my people are called by my name, if they will humble themselves to pray and seek my face and turn from their wicked ways, then will I hear from heaven, I will forgive their sins and heal the lands.

I think of the humbling experience of kneeling down to pray and to ask God to come into my life when I had divorced my wife and left my son and trying to find freedom and reasoned about my own existence and I thought of sitting in a room and I thought about with all the things that were going on in the world and I became frightened and I had nowhere to turn. I was thinking about I used to feel my $5 and I was calling for $27 and I thought about how they were converting apartments to condominiums and suddenly I became frightened.

I began to think, how am I going to exist, how am I going to make it. I became so frightened I understood why people commit suicide but I wasn't going to do that because I heard that black people didn't commit suicide. But I just thought about what can I do because I was so afraid and I remembered something that I learned when I was in grammar school. I learned the Lord's prayer. I learned. You heard what I said—I learned the Lord's prayer when I was in grammar school. So I began to say the Lord's prayer and I became peaceful, and today as I think back at that time and what the spirit of the Lord did in my life it restored my family, it restored me back home to my wife and my son.

And I think that when we have an opportunity to pray, when I hear people have an opportunity to kneel or to stand and to verbally say the Lord's prayer when there are all these different influences that are coming to them from television, from the radio, from the newspaper, in all this fear that is heaped upon them will they have an opportunity to pray and to humble themselves before God and hear his peace in their lives. Some of that comes upon us and all this fear begins to subside.

We need the ability to pray in school. We should not expel God from school. We should bring prayer before the House so that there can be a reaction, so that there can be a discussion, so that a decision can be made. We cannot sit upon this prayer. This prayer is more powerful than any weapon that we may have ever come up with.

Prayer has a power to change things. Prayer is the greatest weapon that we have in the world—it can change any situation, it can do the thing that needs to be done. God said in his words if we would pray, turn from our wicked ways, then I will forgive their sins. We need to have our sins forgiven, we need our land to be healed. We are talking about to open our hearts and to speak because, you see, faith comes by hearing and hearing about the word of God. We need to speak that word, we need to humble ourselves before God.

We need to be appreciative of a great Nation, of a great land that God has given to us. We all—and I am sure that you do, too, every person here, the guys there behind the camera and every individual I think in this room—we love this country, this is the greatest Nation in the world and God gave it to us. We should keep it free. We should let the spirit of God—we should let the spirit of God flow all over this nation. We should be the vessel where God would be able to change any situation in the world.

We need a change. Our hearts need to be changed, the love of God to flow all over this land, and it can start from prayer.

I thank you, gentlemen, for taking this stand and we urge all those men and all those women who have an opportunity to stand up and sing to God that they will see what a tremendous opportunity we have in prayer, a weapon of love that needs to flow throughout this land from every tiny little child in this land. He needs to know the love of God, and it comes from prayer.

I urge you, I beg you, to consider the things of God. We all agree these hearings can convert some fire to that end. We will not stop. We will not turn back. That prayer is needed in the school will not be denied. We promise and we beg you that that has already been changed. We speak of those things not as though they were. We thank you for allowing us to come here to say these words.

Praise the Lord. Thank you. (Applause.)

Mr. DANNEMEYER. Mr. Mark Moseley, welcome.

STATEMENT OF MARK MOSELEY

Mr. MOSELEY. Thank you, sir.

Ladies and gentlemen and honorable Members of Congress, it is a great honor for me to be here this morning not just to represent myself but to represent myself as an American citizen and also as a parent of five children. I am speaking from the heart, I guess, more than from knowledge because I know what prayer can do, not just for an individual but for a family or a nation. And I think without prayer no one has a prayer as they say.

I feel that our young people today are the future of America for tomorrow and if we don't honor this great resource that we have with the heritage that was won through the blood and sweat and the tears of our forefathers that we are denying them of a right, a right that they have an opportunity to choose. When we have taken the prayer out of the school system, we are taking a right away from these young people.

Our forefathers saw fit to die for this country for certain privileges that they felt were given to them by God and they established our Constitution based on those privileges that were given to them by God and we are standing here saying that we are going to deny these privileges of our young people. I think that is an atrocity in itself.

I think our young people today are influenced primarily by three main avenues—our homes, our churches and thirdly our schools. And today with the society like it is I feel that many homes and many churches are failing our young people. For many of those young people the only avenue left that they will ever be able to experience the availability of prayer to God is through the schools and I don't think we can deny them of that. I think we have to give that privilege back to these young people because, as Rosey just said, in days when you could become a responsible citizen and a responsible adult the pressures of today are so great—and, believe me, I have seen these pressures all around the country by our young people—the pressures today are so great that the individual finds that he cannot depend just solely on himself.

Our country was established on trust in God, and if these young people are denied the right to be able to find that trust in God not in their homes and not in their churches sometimes and if we deny that right that they have of finding it in the schools, there are going to be even more suicides and more problems that we have as a nation.

I think that prayer is something that is so powerful and so strong that we can't deny it of anyone. I pray every morning to my God that our Nation has not become a nation so powerful and so strong that we no longer need God, and I hope that we will remember these things and that we will try to keep God in our country because God is the leader of this Nation and if the time ever comes that God is no longer that leader of our Nation the Nation that you and I know and love so much will no longer be in existence. We are a Nation that has been blessed by God and His grace has been bountiful in this Nation like no other nation before us or after us will ever be and I think if we deny our young people of the privilege of prayer in school we are denying them of this right.

So I hope that this morning you will address this issue of prayer in the school not just as a small issue but you will address it as a major issue in our society because this issue of prayer in school is very important, it could possibly be the most important issue that our Nation has faced. And I feel very strongly about this so I ask that this morning that will continue to be a Nation under God with liberty and justice for all.

Thank you. (Applause.)

Mr. DANNEMEYER. We are delighted to have you here.

Coach Joe Gibbs, would you like to proceed.

STATEMENT OF COACH JOE GIBBS (WASHINGTON REDSKINS)

Mr. GIBBS. Basically I tend to put things very simply, I guess, because being a coach this thing has come across to me in that way. I think there are three basic things that should guide our decision on this issue. They are, first moral rights; in other words, what we think is right in our heart. I think that is the most important thing that should guide a decision.

The second thing is the common sense decision. I think that is an overriding factor here. I was interested in hearing some of the people that were in here this morning. A common sense approach on this issue I think will give us the right answer.

And then a willingness to take a stand on what we think is right.

Our Founding Fathers wrote of God and His place and direction in the welfare of our Nation. That basic freedom has now been disallowed by the misinterpretation of the very instrument that was written to protect.

The Supreme Court has misinterpreted the intent of those who wrote the Constitution; namely, that separation of church and state did not mean separation of God from school or public life.

Now I think that there are some basic things or results that have come out of the fact, the results of the Supreme Court interpretation. I think there are several of them I would like to mention this morning. One of them is, I believe, that because of the fact that the people in our schools believe that it is against the law to mention God in our schools, I think that our administrators are afraid of lawsuits by a very few number of people in our schools, in other words two or three, that the minority all of a sudden is now ruling the majority.

I think that a number of my friends of course in an education position, coaching and what have you, I think is prevalent. I think you see situations where the administrators are afraid because they know—why should we fight issues that are continually brought back to us by two or three fanatics or what have you, and face lawsuits. Also, because of our court actions, they put themselves in jeopardy and eventually they give up on doing that. I think that what we have basically because of the court's interpretation, I think we have a situation where minority rules.

The second issue is, I think, that our children have been denied the individual right of expressing God at school and this is where to me common sense prevails. I think we have situations where some kindergarten children have been denied the individual right of freedom of expression of the simplest prayer or acknowledgement of God and thankfulness to him. An example of a prayer that they were told that they could not use, a very simple prayer:

We thank you for the flowers so sweet
We thank you for the food we eat
We thank you for the birds that sing
We thank you God for everything.

Now that was ruled as something that kindergarten children could not say.

The third thing is our athletic teams have been denied the right to pray. Initially it was a vocal prayer and then when they were told they could not do that the silent prayer and now they have been told that they cannot do that.

We have a situation that was addressed here earlier this morning, the fact of who can meet on our campuses at school. The Fellowship of Christian Athletes has been forbidden meeting time like we already heard this morning, what is taking place in our schools. Actually I think we have reversed the stand of our founding fathers in that we see pornographic presentations, okay, that are made in public, they are allowed in our society as freedom of speech, yet we deny to our youth in schools the freedom to make any statement to or on behalf of God.

By eliminating the respect of the fifth issue here that I think is a result of this, by eliminating any respect for the ultimate authority of God, we have caused a breakdown in our schools' discipline. I think once we disallow the authority of God, if not God, then who? I think we have a situation in discipline today in our schools where children are saying, we cannot talk about God, God is not the authority. Well, then, who is the authority? Is it the principal? Is it the teacher? Who is responsible?

I think what we have now is a general breakdown and it starts from that basic concept. We have a general breakdown where now we have students assaulting teachers, being disrespectful. I think we have a situation in our local schools here, I know, where we have no dress codes. I think it gradually erodes in everything that we stand for in our school system. I think we have because of that a number of my friends and people that I grew up with have since left the field of education.

I think the sixth issue here is the fact that we are asked to departmentalize our lives and this is very important to me. In other words, my wife and I spend time at home with our children. We feel like that God permeates everything that we stand for. Every single thing that we stand for, I would hope that God permeates that. We teach our children that. Yet I am asked to then go forward at 8 o'clock in the morning and put my child on a school bus and tell him for the rest of that day that God no longer exists.

I know when I went to school, and you do, too, that the people we are entrusting our children to somebody for six and seven hours out of the day and most of them for a couple of hours, and yet in doing that we are turning our children over to our teachers and our coaches and our administrators who have a tremendous impact and influence on their lives, yet we can in no way have them mentioning God. I think this has been the basis for the downfall of many of the things from a discipline standpoint that I see happening in our school system.

The seventh issue here I think is that we are forcing our God fearing parents to make a decision between public and private schools. In my own particular instance in the situation I find myself in an unusual situation. I have one child who is in public school and one in private school. Some of the conservative estimates say we have over 1,000 new church schools starting each year and the fact that now we have over 2 million kids who are in private schools, church-related schools, I think what we are doing is forcing parents to make sure that my child gets the kind of education I want. I want to make that decision between the public school and the private school. In my case when my son got to be in the eighth grade I made the decision with him after praying about it and talking about it. He is now in a church school, Christian Catholic.

A common sense analysis and a moral conviction tells me the results of the Supreme Court's decision is wrong. We must have the fortitude to stand up for what is right.

We do not want to tamper with the Constitution, but this amendment has been made necessary by the court's decision. Now is the time for us to take a stand.

The thing I would like to say here also, too, and emphasize is I don't think we need the legalistic or theological discussion. I think what we need is more common sense. We need to have to stand up and say this is right, I know it is right because it is in my heart and because it is right I got enough guts to take a stand on it and I am going to stand up and make it right.

President Reagan's amendment is the one that we should support, it will give our children the opportunity to participate in the following: voluntary prayer, vocal prayer, not composed prayer.

What we want is not doctrine, theory or legalism but simple voluntary prayer.

Thank you. (Applause.)

Mr. DANNEMEYER. Thank you very much. Mr. Tom Landry.

STATEMENT OF COACH TOM LANDRY (DALLAS COWBOYS)

Mr. LANDRY. I think you can see how important this issue is since Tom Landry and Joe Gibbs can sit on the same side of the table and defend the same issue. I think Joe did a good job of explaining my feelings really also.

My major concern is the atmosphere that our kids are being raised in. I think we would all recognize that we have many, many problems today with our young people and therefore I believe that we have the responsibility and I think the common sense approach is true that we have a responsibility to create the best atmosphere that we can for our kids to be raised in.

Now when the Supreme Court passed this amendment a number of years ago they in my opinion took God out of almost every place except the church and I think this was a big mistake because I think when you remove God from our public schools, I think what we did is to accelerate the moral decay of our country and I think this is really important to our consideration in this particular thing. I think once God is taken out of the marketplace for whatever reason, I think humanism moves into the void and I am not talking about humanitarian because that is different.

We all are concerned with our fellow man, we should love our neighbor as ourself, but I am talking and I define humanism as man without God. I think that once man becomes the center of all of our activities instead of God, then what happens is that the society is turning loose to pursue their own pleasure, it feels good doing, live life with gusto. On television we have seen these two statements made.

I think the effect of humanism is devastating on the development of our children. Our family unit is really the basis of our society, yet we are seeing today it being deteriorated and destroyed. We have one out of every two marriages that end in divorce, in many areas it is one out of one, and what this really does in our society is make a one parent family provider who must go out and work. When you couple that with as many husbands and wives who are working today and the children are going to school, once they are free—I mean what is left?

When you remove God out of the school what you do is our kids are being raised on the streets and peer pressure really is their guide today. I didn't listen to all the testimony, I might be redundant in some way, but when you look at our young people today they are struggling, they are really struggling to get through the schools and develop their lives. If we look at our national survey, we see that the number one problem with our students in America today is outlawing drugs.

We have over 1 million kids today who are alcoholics or problem drinkers. We have 6,000 that are killed and paralyzed every year. Suicides are the third largest cause of teenagers' deaths annually. We have over 1 million runaway kids every year. A third of all of our major crimes are committed by our teenagers and a lot of them are drug related. Seven percent of the mothers today are the average age of 16. This is a real problem.

The Fellowship of Christian Athletes that Joe and I are part of, we are on hundreds and thousands of campuses across the United States in junior high schools, in senior high schools trying to help to solve this problem. I believe in America today if we don't give our kids an alternate life style, they just need to see it when we took prayer out of the schools, when we took God out of the schools. This is no alternative to what the life style is they see on television, in the movies, in written media today and I think that is devastating in our country today.

And unless we are smart enough, unless we understand the problem, unless we do something about it of putting God back in the marketplace again where it is visible, then we are causing our country to continue to decay.

People worry about the atomic bomb, they worry about inflation, they worry about jobs, they worry about war destroying America. That is not going to destroy America. The only thing that is going to destroy America is within and it is going to be because of moral standards which we have no way to set those moral standards. If we don't set them in our homes now, there is no place else to set them and I just believe that we must do that. We must put prayer back into the schools so that our kids can say, yes, we look at TV at night and it is like that, there is a certain humanistic type of life style, but over here we see another life style, we see something that is different.

So we have an opportunity now to make a choice. Our kids have no opportunity today unless it comes out of the home to see the opposite life style.

Thank you. (Applause)

Mr. DANNEMEYER. Thank you very much, Mr. Landry.

Our colleague from Colorado, Mr. Kemp. Thank you very much, Bill.

I would like to congratulate the Republican Study Committee. This is not, however, a partisan issue. As both Coach Gibbs and Coach Landry have pointed out, this is an issue that transcends politics and they have brought to this Committee and to these hearings a level of concern for this country and the basic family unit of those values upon which it is founded. We are very grateful to you both.

As Tom Landry pointed out, Mr. Chairman, it is unique to have Landry and Gibbs sitting side by side at the bench, so to speak, but it really is on behalf of a good cause.

Mr. BILIRAKIS. The American people are tired of waiting for us to act. When I polled my own constituents, over 84 percent favored the restoration of prayer in our schools. National polls have also found overwhelming support for public prayer.

So I fail to see how we can deny this groundswell any longer. It is the responsibility of this legislative body to provide a forum for the concerns of the people of the United States. People want prayer back in our schools and it is our duty to act.

Almost from my first day in office, I have received a steady stream of letters and cards in favor of school prayer.

One woman recently wrote me that she was in the fourth grade when the Supreme Court rulings outlawing school prayer were rendered. She remembered that "it hurt me and others within my class, that we were no longer able to start off a day (with) prayer * * *."

Another couple from Clearwater, Fla., wrote me that "it was our privilege to attend public schools in the greater New York City area in the 1920's and 1930's," when prayer was allowed. They wrote that "We believe that (by) returning to the basic beliefs upon which our country was founded—one nation under God—our country can again become as great as we encourage, teaching basic values in both the homes and the schools * * *."

I find it frustrating when I try to explain to my constituents why we do not have prayer in our schools. I have to tell them that prayer is prohibited because of a series of decisions by the Supreme Court, which found a basis in our Constitution, the basic document of our freedoms, for denying open religious practice.

I accept the role of the Supreme Court in our system of government. It is clear to me that the judiciary should interpret the laws and provide suitable analysis of the U.S. Constitution.

But I still do not feel that I have a good answer when people ask me the direct question "Why can't we have prayer in our schools?" They know about the Supreme Court and the import of its judgments, but they still ask "Why can't we have prayer in our schools?"

You and I know the answer. The answer is that Congress has failed to act—failed for the most part even to consider—the proper resolutions that are needed to amend the Constitution and to alter the decisions of the Supreme Court through the provided legislative process.

Last fall, I stood outside the Supreme Court with three other Members of Congress to urge that body to hear a case which would let public school teachers lead their students in voluntary school prayer. I felt strongly then, and even more forcefully now, that the Supreme Court should act to reverse itself and allow school prayer.

However, it has now been 20 years since the Engel, Schempp, and Murray decisions which disallowed open prayer in public schools. It is well past the time that we should continue to hope for a purely judicial resolution of the issue. And, it is well past the time that we should lay all the blame for inaction at the doorstep of the Supreme Court.

Instead, under the same Constitution that was used to invalidate open school prayer, we should now initiate the legislative process to bring prayer back to our public classrooms.

Therefore, I have supported the administration's proposal for school prayer. I am a cosponsor of House Joint Resolution 100 and have further lent my signature to the discharge petition which seems necessary to bring this measure to the floor

I did not take these actions lightly. An amendment to the Constitution is a very serious matter. Any change to the basic law of our land must be a deliberate, thoughtful action, taken only after other legislative methods are deemed to be inadequate, or unresponsive to the important issues involved.

In addition, taking the further step of signing the discharge petition indicates the depth of my sentiment with regard to school prayer. A discharge petition is an exceptional procedure which acts to circumvent the normal committee process. I lent my signature to the petition for the sole reason that I felt it was absolutely necessary to bring this matter to the floor.

As I stated, it has now been 20 years since the Supreme Court rendered its decisions; 20 years have gone by and an entire generation has grown up without open prayer in our schools.

We can allow our children to recite the pledge of allegiance—which states that we are one nation under God—and we can allow other public announcements in our schools, down to the school lunch menu, but we cannot allow children to pray.

I think it is time to end this practice, to approve an amendment, and to prevent the possibility of another generation, or even another child, growing up without the opportunity to freely express religious beliefs during the normal school day.

The amendment I have supported is direct and to the point. It states merely that "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions." And, most importantly, the amendment also affirms the right of individuals not to participate in prayer. It explicitly states that "No person shall be required by the United States or by any State to participate in prayer."

I strongly believe these are two sentences which should be written into the law of the land. They are consistent with our religious heritage and religious diversity. They allow individual decision and control over religious practice. And they insure that no compulsion will take place.

The amendment allows only for the free exercise of religion in the schools as well as the home, on the streetcorner as well as the classroom. It says to all Americans that you cannot expell religious values from our schools, but that the spiritual development of our youth is on at least the same level as the physical and mental progress of our children.

We are a diverse nation of many different religions, ethnic backgrounds, philosophies and cultural traditions. We are a mixture of people who abscribe to widely different teachings about the meaning of life and the individual's place and purpose on this Earth. Americans possess many different beliefs and values and we must recognize the equilivalent rights of those who worship God and those who may believe in no God or Divine Being.

All values must be respected, and the religious beliefs of all people must be allowed to exist unregulated by our Government.

Yet allowing religious liberty and diversity cannot be used as justification to deny religious freedom to those who wish to pray in our schools and public institutions. I think this was neither the intent or purpose of the constitutional guarantee of freedom of religion.

I think again and again to what I have heard from my constituents and remember the letters and comments in favor of school prayer and the people who have complained that the Supreme Court literally shut the door on their rights of free religious practice.

We should act, we must act, and I believe we will act to restore the right of prayer in our schools. We as a nation, and as the forebears of new generations, must see that voluntary prayer is brought back into the lives of our young people. We must allow the citizens of the future to grow up in an America where prayer is free, open, and available in the lives of our young. We owe them no less, and indeed, do them a great disservice by our inaction.

□ 2330

Mr. HANSEN of Idaho. Mr. Speaker, I yield to the gentleman from Florida (Mr. MACK).

Mr. MACK. Mr. Speaker, I just wanted to interrupt for a moment. The gentleman from Florida and I had the opportunity to participate in that hearing together and frankly, it was one of the most moving experiences that I have had since I have been in the House which has only been 1 short year, but there have been a lot of very significant things that have happened.

And I sense that you felt that way also, that it was something—it is too bad that every Member of the House did not have the opportunity to be at that hearing that day. It is too bad, I guess really, that the Judiciary Committee does not hold some hearings so that those people would have the opportunity to come again and to have more people have the opportunity to listen to what they had to say.

Unfortunately, it is difficult for each of us to really be able to express the full meaning and feeling of what was said that particular morning. I hope to also repeat some of the things that you have said, some of the things that Roosevelt Grier said and Meadowlark Lemon said that particular morning. It was very moving and I think if we had the opportunity to get that message out over and over again, it would make a significant difference.

So I thank you for bringing that out.

Mr. BILIRAKIS. I thank the gentleman.

Of course, those are the exact reasons why I am repeating these things, because I think they must be shared with the American people and certainly shared with our colleagues and they will become part of the CONGRESSIONAL RECORD and I hope we can share them with our colleagues in that way.

□ 2340

Mr. HANSEN of Idaho. I thank the gentleman for his comprehensive presentation.

In conclusion, Mr. Speaker, there are people who do not believe in coincidence. As I get older, I tend more and more to agree with them. In the issue of voluntary prayer in schools, there are two tendencies which are so closely allied in time to the attack on the religious roots of our heritage that I must suspect that they are related as cause and effects.

Since Madalyn Murray and her allies began their assault on God and religious liberty in the Schemp and Murray cases, our totally secularized schools have failed more and more in their avowed mission of producing literate graduates. Professional educators feel the pressure of their failures.

We have seen the continuous effort to redefine education as something other than equipping children with the tools of language, sciences, and history to cope with the world. Our public schools too frequently talk of anything but these skills as the basic reason for the existence of schools. We have had the growth of social awareness, relevance, peer interaction and a whole host of substitutes for education. All the while, it is not uncommon to see objective standards reduced, watered down and all but eliminated.

I wonder whether the omission of an acknowledgement of the existence of God does not relate directly to academic failures. Until the destroyers appeared, our society understood that education is the process of developing youngsters into adults. We all agreed that the process was one of molding character, not merely of honing skills. Now, the facts show we are quite clearly getting neither. The education labor unions which control our children through high school are making functional illiteracy commonplace in our vocabulary. For example, a recent survey found that 11 percent of high school graduates were so poorly prepared that they could not even address an envelope correctly.

As terrible as the waste of our children's minds is, what has filled the vacuum is even worse. Drugs, rampant promiscuous sexual behavior, adolescent pregnancies and abortions, social diseases and finally teenage suicides have all flourished in the void created by the absence of acknowledging a Creator. In this year of 1984, it might not be amiss to remember that George Orwell, an avowed atheist, admitted before his death that, even though there was no God, believers had a better grasp on how to live than nonbelievers.

There is yet another "coincidence." Since we have made it illegal to address God in our public schools, we now find governments, local, State and even Federal, have begun the unprecedented process of literally stamping out religion as a legitimate part of our national patrimony. Is it surprising that, having driven the mere mention of God out of our public schools, governments should embark on ripping out the roots of belief in the society at large.

Believe it or not, our society is now world famous for its social experiments in creating a state religion. Abortion opened the door, and why not? If you forbid, by Government edict, willing schoolchildren from acting as though God exists, does not the protection of human life become a matter of whim, subject only to the disposition of the state? Having established the principle that paganism is the favored religion of the state, on what do you anchor the duty to protect human life? So, after state authorized and financed abortion, we have state authorized and sponsored euthanasia. The description of what life is sacred becomes narrower and narrower as the needs of the pagan state dictate.

But despite the best efforts of the education labor union and its allies in government, the vast majority of people in our country still believe in God. Despite the exertions of government to force its people to sup at the table of Darwin, most of them still insist on Genesis. So now begins the laborious task of extirpating religious belief from the minds of those whose creeds were not killed off in high schools and colleges. And now we have the new age. The Government of the United States, founded on the belief that all men were created by God and that governments are set up by men to help protect those God given rights, is now engaged, to paraphrase Lincoln, in a great civil war testing whether we shall allow anyone to retain both his belief in God and his rights in the civil society.

I have recently had the occasion to see close up the face of government sponsored religious repression. I have seen close up the irrational face of the new paganism. I have seen men go to jail for sending their children to unregistered Christian schools. Do not be deluded that there is a question of educational neglect. The Christian schoolchildren outscore their public school counterparts by 2 years on the average. Churches padlocked for refusing to conform to regulations drafted by a labor union committed to stamping out belief in God. Pastors thrown into jail for their faith, not in ancient Rome, but in modern America; not in Soviet totalitarian states but in the United States.

I would say that I visited one of the prisoners in jail in Nebraska over the church-school problem and he told me one very brief story where he said that, "I went to Vietnam, 10,000 miles away, to fight for freedom. Came home to practice it and landed in jail."

And I hope in this country when we talk about freedom, we talk about not only the freedom to send your children to school where you want, but the freedom to pray where you want, which includes the public schools. And I think it is a shame that the discharge petition only has a handful of names on it, Mr. Speaker. I think it is time we put our money where our mouth is. It is time that we have a parade of people to the stands and let us get these issues to the floor for a vote.

SCHOOL PRAYER

The SPEAKER pro tempore (Mr. MCCURDY). Under a previous order of the House, the gentleman from Minnesota (Mr. STANGELAND) is recognized for 60 minutes.

Mr. STANGELAND. Mr. Speaker, at this time I would yield to the gentleman from Idaho (Mr. CRAIG).

Mr. CRAIG. I thank my colleague from Minnesota for allowing me the time to participate in this important special order this evening and the valuable discussion that we have witnessed about the whole issue of prayer in school.

I think there have been not only some very critical points brought up this evening, but we have broadened the whole debate, not only encouraging this body to come forth to sign the discharge petition, but to present what I believe is a most important and critical case to the American people.

It is interesting in my research on this issue to understand, as I think most of us do, that the authors of the Constitution took scrupulous pains to avoid the establishment of a theological republic and even greater pains to insure freedom of worship for all the citizens of this great country.

Our Founding Fathers did not attempt to create an absolute unabridged division between state and all things of a spiritual character.

□ 2350

There was a profound awareness amongst our Founding Fathers as they drafted that Constitution in the establishment of our Nation, and that awareness was our religious roots as part of this Nation and as desire to insure that the religious impulse remain a part of our Nation's Constitution and our political fabric.

What emerged out of the Engel case, amongst other important decisions, has been a constitutional doctrine sharply at odds with the traditional understanding that we have as a nation of God-fearing people in a basic Judeo-Christian ethic.

The resolution that we are addressing this evening in this special order, House Joint Resolution 100, I think states so clearly that which a vast majority of the American people understands and asked this Congress from time to time to put back into law. That nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions, and that no person shall be required by the United States or by a State to participate in prayer. I think it cannot be any more clearly said than what is said in the resolution that we address this evening and the whole issue that we are so concerned about.

The absence of religious activity in the public schools has made them a de facto atheistic institution which in itself is a religion. We are becoming a society of secular individuals without regard to certain values that used to be inherent in our public schools and we simply are forgetting God.

The amendment is voluntary; it is not forced, and yet, our courts today have forced the issue time and time again. As individuals choose to pray individually or collectively or silently, and that is, of course, what we are here tonight to discuss.

I appreciate the time that my colleague has yielded to me. I hope other colleagues will join with us in signing this most important discharge petition that will allow us, as we should be allowed to do, to debate this issue openly in a public forum, in the debating forum of our country, in the Halls of the U.S. Congress, and I appreciate my colleague yielding to me.

Mr. STANGELAND. I appreciate very much, Mr. Speaker, the remarks of the gentleman from Idaho.

Tonight we address a simple question. Should our young people be guaranteed the right to pray aloud, without coercion or direction from the State, as they start each day's work in their school?

For every generation of Americans until the 1960's, that answer would have been obvious.

Of course, students should have the same right to start their work with a request from the Almighty for guidance and a chance to give thanks for life that we in this Congress enjoy every day.

Of course, some might say that there is more need for prayer from the people who are shaping this Nation's laws than from young men and women who are minutes away from a complex geography or algebra exam.

I concede that point. Not knowing "How many x equals y?" for Johnny or Sue does not have the impact of "How do we balance this budget?" for so many Senators and Representatives.

But the fact remains that for students who want to pray aloud, or read from the Bible, or meet in a small area for religious fellowship during the schoolday, the Federal Government has not served them.

The Supreme Court has said that it is all right to read from any controversial book, except the Bible.

The Supreme Court has said that student political groups can meet on school grounds, but prayer fellowships cannot.

The Supreme Court has said that you can sing the "Amen Chorus" at a basketball game, but you had better not say anything that ends in "Amen" in the classroom.

For 20 years, the American people have wanted a change.

In just the past few weeks, I have received almost 400 letters from constituents in my district, urging support of the right to pray in schools.

This list is just a partial roll of the Minnesotans who have written to me on this subject since January.

With your permission, I will read some excerpts from their letters. These are heart-felt messages that reflect the overwhelming sentiment of the American people.

I urge you to support the constitutional amendment for vocal and voluntary prayer in our public schools.

1. Please support the President's proposals for school prayer.

AUSTIN and FRAN LOEFFLER.

BEMIDJI.

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2. DEAR CONGRESSMAN STANGELAND: As you know, President Reagan's bill on allowing prayer in the school will be voted on soon. I ask you to prayerfully consider this issue. I believe that affirmative action is a necessity. God has blessed this country so much. I'll be praying for you on this matter.

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MOORHEAD.

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3. DEAR CONGRESSMAN STANGELAND: Thank you for your hard work as a Representative of our District in Minnesota. I appreciate what you are doing and that the United States is such a great place! I pray for you daily! I want you to please pray for President Reagan and please support President Reagan's "Voluntary School Prayer Amendment." Please vote favoably for this and represent our desires as the people.

KAREN KOOP.

HALLOCK.

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4. DEAR CONGRESSMAN STANGELAND: I'm writing in regards to the amendment for voluntary prayer in our schools. I'm asking you to please vote for the amendment. Our education has gone steadily downhill since 1962, when they took prayers out of school. So please vote yes for school prayer in the schools.

God be with you,

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MOORHEAD.

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5. DEAR CONGRESSMAN STANGELAND: I am deeply concerned about the erosion of our basic freedoms in this country, and I see a continuing effort by many to undermine the family structure. I am writing to urge you to support President Reagan's proposed prayer amendment. As a mother of two young children, I have a sincere, strong interest in America. I have no doubt that the breakdown of the family and Christian values would lead to the breakdown of our country.

Thank you for your consideration of this matter.

ENID RINGDAHL.

FERGUS FALLS.

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6. DEAR CONGRESSMAN STANGELAND: We are very concerned about the moral fabric of our nation and for the liberal and secular views that are making up a very loud voice in legislation. Unless we acknowledge our roots of Biblical principal and return to the God of our country, we are headed for destruction as have so many nations before us. We have been made aware that a bill is pending before Congress regarding prayer. Please support this legislation to help bring America back to recognizing the Source of our life and to allow our children the teaching that God is significant in our affairs. We appreciate your representation of us and

thank you for your work of integrity in the Congress of the United States. Thank you.

DAN and BONNIE UTTER.

EAGLE BEND.

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7. DEAR CONGRESSMAN STANGELAND: I want to tell you that as our Representative in Washington, I want you to vote *yes* on the President's prayer amendment. Also, please do your best to persuade others to vote yes on it. The Silent Prayer Amendment is not enough. Thank you.

Mr. and Mrs. R. A. EICKSCHEN.

PERHAM.

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8. DEAR CONGRESSMAN STANGELAND: We would like you to back the new prayer amendment that will be up for a vote soon. I think the crime, drugs, teenage pregnancy, and suicide statistics show us what a generation of leaving God out of our schools has done. With the prayer amendment, we have a chance to open the door again to something better. Please consider this.

Mr. and Mrs. KEN WAGNER.

BRANDON.

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9. DEAR CONGRESSMAN STANGELAND: I would like you to know that I am for prayer in the schools. I believe it would be a good thing. Please see to it.

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ST. CLOUD.

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10. DEAR CONGRESSMAN STANGELAND: Please vote yes for the prayer amendment. I support it and here's why: God hears and answers prayers. Prayer changes things and people. Through Prayer, we can touch the ends of the world and enter upon a universal ministry.

Mrs. HARRY C. MOLSTRE.

FERGUS FALLS.

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11. DEAR CONGRESSMAN STANGELAND: I am writing to urge you to please support President Reagan's "Voluntary School Prayer" amendment. Our schools require sex education, but forbid the mention of God's name and the reading of the Bible. No wonder so many of our young people are confused. Our children deserve better than that. Please support President Reagan's School Prayer amendment.

ALAN BOOTS.

PARK RAPIDS.

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12. DEAR CONGRESSMAN STANGELAND: I'm concerned about the vote being taken on President Reagan's proposed Constitutional Amendment on School Prayer. I know that you've been positive in the past concerning this issue, and in your personal life as well. We feel strongly that only through Prayer can we turn our nation back to God, and return to the stand our founding fathers took.

JIM and LAURIE GOODRICH.

MOORHEAD.

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13. DEAR CONGRESSMAN STANGELAND: As you know, President Reagan's amendment on school prayer will be voted on soon. No doubt the outcome of this vote will have great implications. In voting yes, we are acknowledging our trust and confidence in the God who has greatly blessed our country. Second, we are saying, "This is one Nation under God." The interests of millions of current students are involved, as well as those of the future. I urge you to give prayerful consideration to supportive action. Please be assured of my prayers for you during the year.

BILL MASSEY.

MOORHEAD.

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14. DEAR CONGRESSMAN STANGELAND: I'm writing in regards to the amendment on "Prayer in Schools" that will be coming up for a vote. I urge you to back President Reagan in this amendment. Thank you for your participation in the National Prayer Breakfast and your willingness to be identified with that endeavor. Again, I urge you to seriously consider the "Prayer in Schools" Amendment and to take a firm stand to back it.

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MOORHEAD.

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15. DEAR CONGRESSMAN STANGELAND: In his most recent news conference, President Reagan indicated that one of his concerns was that the Congress should pass legislation allowing prayer in Public Schools. I commend him for this stance.

As I recall, the founding fathers of our Country put God on a higher level than that of the state, believing he was the source of many rights that Americans have enjoyed since our beginning. Most Americans guard these rights with intensity.

However, there is a growing disrespect and a lack of patriotism on the part of some government officials, educators, and plain citizens with regard to the Pledge of Allegiance to our flag in our schools, as well as the rendering of a salute to the flag at various events.

We of the American Legion Silver Star Post 428, with our 861 members, believe that these actions are very unpatriotic, and very un-American.

We will appreciate your interest and concern for any legislation or comments to your comrades in the House of Representatives that will encourage prayer and help to remind and encourage all Americans to always believe that the Pledge of Allegiance, and the hand salute to the flag of our Country are American ideals, not un-American. Thank You.

CLARENCE BAME.

WAITE PARK.

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16. DEAR CONGRESSMAN STANGELAND: We are writing in support for voluntary student groups to meet for prayer and Bible study. I feel if other student groups are allowed to meet, students wishing to meet over Christian matters should also be allowed to gather. If non-religious activities are allowed, then the American right is for equality in all areas of student affairs. We must not lead students through our educational system and then have inequity in our ways and rights as people of a Democratic Nation.

RANDY and PEGGY NORDIN.

LANCASTER.

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17. DEAR CONGRESSMAN STANGELAND: I want you to know that I am deeply concerned about the right of our children to voluntarily pray in our public schools. I urge you to support President Reagan's proposed prayer amendment. I want to make it very clear that I do not support the Silent Prayer and Silent Meditation Amendment. This would only serve to restrict our religious freedom further for it would bring into question the practice we have now of invocations and benedictions we now have at graduations and other school events.

Let me also point out that the Supreme Court never said that silent prayer is unconstitutional. Until it does, an amendment to protect that right is unnecessary. The Constitution already guarantees the right to remain silent.

As our elected representative, it is your duty to carry out the wishes of your constituents. A Gallup and Harris Poll, taken recently, reveals that 73 percent of all Americans favor this legislation. The figure may be higher. I would be gratified to learn from the Congressional Record that you voted in line with the wishes of the American public.

Mrs. LILLIAN E. MILLER.

FERGUS FALLS.

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18. DEAR CONGRESSMAN STANGELAND: As a citizen and taxpayer of the United States, I am deeply concerned about the erosion of our basic freedoms in this country. Specifically, I am concerned about the right of our children to voluntarily pray in our public schools. I am writing to you today and requesting that you support the prayer amendment proposed by President Reagan. I do not support a silent prayer alternative. This accomplishes little in the way of true restoration of our childrens' freedom to pray unrestrained and unhindered. One of the most important freedoms that Americans have always had in the past has been the right to pray. To deny our children this right is, I believe, to deny the very basis upon which America was founded.

THERESA HAGMAN.

PLUMMER.

☐ 2400

Mr. Speaker, these are heartfelt messages that reflect the overwhelming sentiment of the American people. Let me say, Mr. Speaker, for the benefit of the House, and also for some of the public, I have been privileged in 7 years here in this Congress to be a part of a prayer group that meets every Thursday morning called the House prayer breakfast, meeting every Thursday morning, willingly and voluntarily here to share our mutual Christian feelings.

Besides this prayer group, there are many of us who meet, the Wednesday Bible study, many who meet three, four, five in a group, to talk about their Christian feeling and talk and study about the Bible.

If we can do this, then I think we ought to offer the same freedom, the same opportunity, for our young people in school to meet together, to share about their God and to learn not only from the home, not only from the church, but also from the school, that there is a God, that there is a higher being, that there is a divine providence, and that our lives are dedicated to that and we ought to learn about that at an early age so that as we grow, as they grow, they come to adopt this, and if they do, and if we can help in this small manner to help them, this will be a better country.

Mr. Speaker and my colleagues, I would urge that you support the constitutional amendment for vocal and voluntary prayer in our public schools, and I would urge all of our colleagues who have as yet not signed discharge petition No. 8 that they do so at the

earliest opportunity so that we can have this issue before us to debate here in the public forum on the floor of the House where the great debates are supposed to take place, and then have a vote so that the wishes and the will of a vast majority of the people of this country can be fulfilled.

I think what we as Representatives have to recognize is that this is not a President's government, it is not our government as Congressmen, it is not a government that belongs to the Senators, but it is the people's government and it ought to be willing to submit and recognize the people's wishes and accede to those wishes. That is our responsibility.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. STANGELAND. I would be pleased to yield to my good and distinguished colleague, the gentleman from California.

Mr. DANNEMEYER. I thank my colleague from Minnesota for yielding.

Mr. Speaker, this issue, I think, deserves a modest explanation of why it is necessary for Members of the House this evening to even be talking about it, because for generations in this country it was such that prayer was openly utilized in public schools all over America. Indeed, the history of the development of education in America shows that from the beginning of the history of our Republic, schools were developed in churches in various States of our Republic, and over time the schools, the public schools, moved from the supervision of church groups into the private sector.

Then the decision that really is the basis for our discussion this evening and the necessity for the constitutional amendment was a part of a decision handed down by the U.S. Supreme Court on June 25, 1962. This decision struck down a provision of a school district in the State of New York which authorized a voluntary prayer, and the prayer was a very modest one in the sense that it made reference to the existence of a Supreme Being, and I think it is a prayer that anybody in this country who expresses a belief in God can say, "That expresses a sentiment which I believe in our Creator."

But in any event, this decision of Engel against Vitale was handed down in 1962. It was a 6-to-1 decision. The Justices who formed the part of the six were Mr. Black, Mr. Warren, Mr. Clark, Mr. Harlan, Mr. Brennan. Mr. Justice Black wrote the opinion. Justice Douglas filed a concurring opinion with the majority comprising the six. Justice Stewart wrote a dissent, and two of the Justices, Frankfurter and White, took no part. I would like to read the dissenting opinion written by Mr. Justice Stewart because I believe that his opinion reflects the overwhelming sentiments of a majority of the American people if we can believe the polls of our country. In State after State all over this great Nation, people overwhelmingly support the concept of reinstatement of voluntary prayer in public schools.

□ 2410

Mr. Justice Stewart wrote the following dissent in that infamous decision in 1962:

> A local school board in New York has provided that those pupils who wish to do so may join in a brief prayer at the beginning of each school day, acknowledging their dependence upon God and asking His blessing upon them and upon their parents, their teachers, and their country. The Court today decides that in permitting this brief nondenominational prayer the school board has violated the Constitution of the United States. I think this decision is wrong.
>
> The Court does not hold, nor could it, that New York has interfered with the free exercise of anybody's religion. For the state courts have made clear that those who object to reciting the prayer must be entirely free of any compulsion to do so, including any "embarrassments and pressures."

Then he makes reference to the case of West Virginia Board of Education against Barnette.

The dissenting opinion continues as follows:

> But the Court says that in permitting school children to say this simple prayer, the New York authorities have established "an official religion."
>
> With all respect, I think the Court has misapplied a great constitutional principle. I cannot see how an "official religion" is established by letting those who want to say a prayer say it. On the contrary, I think that to deny the wish of these school children to join in reciting this prayer to deny them the opportunity of sharing in the spiritual heritage of our Nation.
>
> The Court's historical review of the quarrels over the Book of Common Prayer in England throws no light for me on the issue before us in this case. England had then and has now an established church. Equally unenlightening, I think, is the history of the early establishment and later rejection of an official church in our own States. For we deal here not with the establishment of a state church, which would, of course, be constitutionally impermissible, but with whether school children who want to begin their day by joining in prayer must be prohibited from doing so. Moreover, I think that the Court's task, in this as in all areas of constitutional adjudication, is not responsibly aided by the uncritical invocation of metaphors like the "wall of separation," a phrase nowhere to be found in the Constitution. What is relevant to the issue here is not the history of an established church in sixteenth century England or in eighteenth century America, but the history of the religious traditions of our people, reflected in countless practices of the institutions and officials of our government.
>
> At the opening of each day's Session of this Court we stand, while one of our officials invokes the protection of God. Since the days of John Marshall our Crier has said, "God save the United States and this Honorable Court." Both the Senate and the House of Representatives open their daily Sessions with prayer. Each of our Presidents, from George Washington to John F. Kennedy, has upon assuming his Office asked the protection and help of God.

And then Mr. Justice Stewart makes reference to some prayers by Presidents in their inaugurations:

> On April 30, 1789, President George Washington said:
>
> ". . . It would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to His charge."
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> * * * * *
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> On March 4, 1797, President John Adams said:
>
> "And may that Being who is supreme over all, the Patron of Order, the Fountain of Justice, and the Protector in all ages of the world of virtuous liberty, continue His blessing upon this nation and its Government and give it all possible success and duration consistent with the ends of His providence."

He makes similar reference to prayers by President Thomas Jefferson on March 4, 1805; on March 4, 1809, by President James Madison; on March 4, 1865, by President Abraham Lincoln; on March 4, 1885, by President Grover Cleveland; on March 5, 1917, by President Woodrow Wilson; on March 4, 1933 by President Franklin D. Roosevelt; on January 21, 1957, by President Dwight D. Eisenhower; and finally, on March 20, 1961, by President John F. Kennedy.

Mr. Justice Stewart continues with his opinion as follows:

> The Court today says that the State and Federal Governments are without constitutional power to prescribe any particular form of words to be recited by any group of the American people on any subject touching religion.
>
> The third stanza of the Star Spangled Banner, made our national anthem by act of Congress in 1931, contains these verses:
>
> Blessed with victory and peace,
> May the Heaven-rescued land praise the power,
> That has made and preserved this a nation.
> Then conquer we must when our cause is just,
> And this be our motto when God is our trust.
>
> In 1954 Congress added a phrase to the Pledge of Allegiance to the flag so that it now contains the words, "one Nation under God, indivisible, with liberty and justice for all."
>
> In 1952 Congress enacted legislation calling upon the President each year to proclaim a National Day of Prayer. Since 1965 the words, "In God we trust," have been impressed on our coins.
>
> Countless similar examples could be listed, but there is no need to belabor the obvious. It was all summed up by this Court just ten years ago in a single sentence: "We are religious people whose institutions presuppose a supreme being."

> I do not believe that this Court or the Congress or the President has by the actions and practices I have mentioned established an official religion in violation of the Constitution, and I do not believe the State of New York has done so in this case. What each has done has been to recognize and to follow the deeply entrenched and highly cherished spiritual traditions of our nation, traditions that come down to us from those who almost 200 years ago vowed their firm reliance on the protection of divine providence when they proclaimed the freedom and independence of this brave new world.

Thus did Justice Stewart say in his dissent in that case.

Then the next year the same Justice dissented in a case of a similar nature, Abington School District against Schempp, and I will read what I believe to be several very important sentences from that decision:

> For a compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion. And a refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism, or at the least, as government support of the beliefs of those who think that religious exercises should be conducted only in private.

Mr. Speaker, I would like to just conclude my remarks by making the observation that what we are witnessing on this issue in this country is a confrontation between those who profess the Judeo-Christian ethic, which is the basis of Western civilization, and the forces of secular humanism. Humanism teaches that there is no God, and each of these conflicting philosophies are today struggling to determine which will be dominant in American culture in this latter part of the 20th century.

People sometimes wonder where and why movements such as the Moral Majority, and Christian Voice, and similar organizations have developed in America at this particular juncture in our history. These organizations that I have described are giving life on the part of the desire and to assert that the dominant philosophy of Western civilization in America is the Judeo-Christian ethic, and that prayer and the recognition of God as the creator of all and to whom we owe allegiance and on whom we are dependent is something that we should not only live in our lives as adults but recognize in our children so that they will realize in the development of their lives that prayer is an important part and something to be fostered in the educational process.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. STANGELAND. I am happy to yield to my colleague, the gentleman from Florida.

Mr. MACK. Mr. Speaker, I just wanted to rise for a moment and commend the gentleman from California for the hearing that he held last week. It has already been mentioned a couple of times this evening about those hearings where we had an opportunity to listen to Mr. Wilson, also to Mr. Moore, Meadowlark Lemon, and several others. It was a very moving experience.

□ 0020

I just wanted to rise to compliment the gentleman for what he did and to thank him for what he did.

Mr. DANNEMEYER. I appreciate that sentiment. I am in my sixth year here and it was the height of my congressional career up to now to hear the conviction that these witnesses brought to the issue, their sincerity, their elocution. There is no question that when you have Members of Congress in any hearing sit around, and things start to settle down and get quiet and Members start to listen, you know that somebody is making a point that deserves to be heard, and that is the way that hearing went on.

And it was a delight to see these professional athletes that our culture holds up as somebody that should be looked up to in America, and they are that, and here they were laying it out very simply, that in their personal lives and the lives of their children they felt that America is better served by the simple act and expedient of having prayer in public schools. And it came across so sincerely that it was just a very humbling experience to appreciate.

Mr. STANGELAND. Mr. Speaker, I want to commend those of my colleagues who have gone before in this hearing.

I also want to commend the gentleman from Idaho (Mr. Craig) who shared in this hour, as well as the gentleman from California (Mr. Dannemeyer).

Someone asked me as I began my hour here, "Why are you doing this; for what purpose? There are only about six or seven of us here at the present time, but more will be coming to continue this discussion of the need to pass this constitutional amendment."

My answer was simply this, Mr. Speaker: We are speaking to the American public and if those of you who are watching on C-Span tonight this exercise discussing the need for passing a school prayer amendment feel strongly, you can have a voice by writing to your Senators, by writing to your Congressman. We want to, we are trying to bring the message to you because it is your Government, it belongs to you. It will respond to you. But you have to request and ask, and, yes, put the pressure on so that things happen here.

So it is for you that we are here tonight and we will be here all night until the early hours of the morning talking about this issue, because there are many of us who feel that it is imperative. And we hope that you, the listening public, believe as we do so that with your letters, your phone calls and your response to your Members we can accomplish what the vast majority of the American public would like to see happen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore (Mr. Moody). The Chair would remind the Members that all debates and all comments are to be addressed to the Chair and not to the television audience.

VOLUNTARY SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. Hansen) is recognized for 60 minutes.

Mr. HANSEN of Utah. Mr. Speaker, I would like to begin my comments on school prayer by citing parts of the Declaration of Independence and the U.S. Constitution which highlight the importance the Founding Fathers placed on a belief in God:

> When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.

And in ending the Declaration of Independence, the Founders placed their trust in God:

> And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

As we see from the Declaration of Independence, the U.S. Constitution, and the writings of the Founding Fathers, the prime motivating factor in their moral lives was their firm belief in God and their belief that God created all men equal and endowed them with the inalienable rights of life, liberty, and the pursuit of happiness.

Thomas Jefferson warned us what would happen if our Nation lost its beliefs that freedom is a gift of God. He said:

> God who gave us life gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gift of God? Indeed I tremble

> for my country when I reflect that God is just, that his justice cannot sleep forever.

I fear that our Nation's moral and spiritual foundation is being eroded because too many Americans believe that our freedoms are a result of our traditions, our economic might, our military might, or the mere words in the U.S. Constitution. In reality, the major bulwark between America and totalitarianism is our belief that God is supreme over the state and over man and that God alone is the grantor of our freedoms.

In his 1978 Harvard commencement speech, Alexander Solzhenitsyn shows us the danger Western civilization faces if it rejects its Judeo/Christian heritage and embraces humanism—the worship of man—or totalitarianism—the worship of the state.

Solzhenitsyn explained how we have—

> * * * turned our backs upon the Spirit and embraced all that is material with excessive and unwarranted zeal. This new way of thinking, which had imposed on us its guidance, did not admit the existence of intrinsic evil in man, nor did it see any higher task than the attainment of happiness on earth. It based modern Western civilization on the dangerous trend toward worshiping man and his material needs.
>
> In early democracies, as in American democracy at the time of its birth, all individual human rights were granted because man is God's creature. That is, freedom was given to the individual conditionally, on the assumption of his constant religious responsibility. Such was the heritage of the preceding thousand years. Two hundred years ago—even fifty years ago—it would have seemed quite impossible, in America, that an individual could be granted boundless freedom simply for the satisfaction of his instincts or whims. Subsequently, however, all such limitations were discarded everywhere in the West; a total liberation occurred from the moral heritage of Christian centuries, with their great reserves of mercy and sacrifice. Meanwhile, state systems were becoming increasingly materialistic.
>
> We are now experiencing the consequences of mistakes which had not been noticed at the beginning of the journey. On the way from the Renaissance to our days we have enriched our experience, but we have lost the concept of a Supreme Complete Entity which used to restrain our passions and our irresponsibility. We have placed too much hope in political and social reforms, only to find out that we were being deprived of our most precious possession: our spiritual life. In the East, it is destroyed by the dealings and machinations of the ruling party. In the West, commercial interests tend to suffocate it. This is the real crisis. The split in the world is less terrible than the fact that the same disease is plaguing its two main sections.

Solzhenitsyn is right. America and the West are rejecting their Judeo/Christian heritage while embracing the philosophy of humanism, a philosophy that has not and does not foster the maintenance and establishment of democracy.

Too many Americans believe that the institutions of man or of the state—aided by large infusions of money—are the solutions to our problems. They believe if we could only reduce poverty and the unequal distribution of wealth in Central America, for example, then we could eliminate Marxist-Leninist revolutions in that region. They believe if we just had enough money we could eliminate poverty, crime, mental illness, divorce, and so forth.

By focusing chiefly on economic inequality and lack of money as the causes of our problems in America, we relinquish the argument that belief in freedom and God are the prerequisites for freedom and democracy.

For example, Karl Marx scoffed at the idea that God or spiritual beliefs had anything to do, whatsoever, with the nature of the world.

Marx taught that all human relationships are determined by economic conditions. All history is an account of class struggles over economics. All thought is a reflection of the physical, and only matter is real. There is no God.

Marx explained his ideology with his famous theory of dialectical materialism, which asserts that the evolution of feudalism to mercantilism to capitalism to socialism to the dictatorship of the proletariat is destined by the inevitable course of economic history. Thus, we see from Marx's revolutionary teachings that material/physical things, and man's relationship to them, are supreme and dictate all history.

And, as I have already read, the American Revolution teaches that life, liberty, and the pursuit of happiness are immutable eternal rights, inherent in the nature of the universe itself:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by the Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.

Just as one must have faith in God, one has to have faith in freedom because it is an intangible, spiritual concept. Democracy's inability to resist Marxism around the world stems from our inability to understand that freedom is only guaranteed in a society where the evil side of man's nature is restrained by his belief in God.

Unfortunately, an increasing number of Americans are becoming materialistic, and they view the world in Marxist terms. They only believe in those things which they can see. They perceive the abundance, or lack, of material things as the sole motivating force for human behavior.

Just as Thomas Jefferson warned us, we are in danger of losing our freedoms if we remove the conviction that our liberties are the gifts of God.

For the sake and protection of our freedoms and liberties, we cannot remove God from our public lives and public schools. Therefore, we must, without delay, pass a constitutional amendment to allow voluntary prayer in public schools.

Many opponents of school prayer argue that the U.S. Constitution mandates the separation of church and state—that religion should have no place in our public lives. Unfortunately, school prayer opponents have successfully shaped public debate on the subject. Because of their influence, many Americans think that the Constitution contains the words "strict separation between church and state" or "there must be a high and impregnable wall between church and state."

Let us read the first amendment to the U.S. Constitution, which guarantees religious freedom: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *."

Thus, the Constitution prevents the state from interfering with religion, but it says nothing about churches and religions involving themselves in public life.

With excessive civil libertarian zeal, the U.S. Supreme Court misinterpreted the intent of those who wrote the Constitution; namely, that freedom of religion from state interference did not mean separation of God from school or public life.

Civil libertarians argue that a constitutional amendment to allow voluntary school prayer will endanger our constitutional liberties by placing power in the hands of religious zealots. This is a totally specious argument. For 180 years of our history, America enjoyed unprecedented economic, political, and religious freedoms, while at the same time allowing God and prayer in public schools and public life.

On the other hand, if we follow the advice of the civil libertarians and remove God from our public lives, we will continue to see the disintegration of the fabric of society we have seen during the past 25 years. We will place America on the slippery slope toward the worship of man and the worship of the state, eventually resulting in the loss of all our freedoms.

The opponents of school prayer have nothing to fear. The amendment is voluntary. Schools districts, teachers, and students alike will be able to ignore or reject the school prayer option if they desire. The amendment reads:

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer.

☐ 0030

I yield to the gentleman from Florida.

Mr. MACK. I just wanted to pick up on a point that you made earlier, having to do with the connection between liberty and the belief in God, and you were mentioning Marx and the Soviet Union.

Earlier today we had the opportunity—someone mentioned some comments made by Alexander Solzenitsyn in the comments that he had to make about what he observed happening in Russia when he was a child. I would like to read that at this moment. He said:

> Over half a century ago, while I was still a child, I recall hearing a number of older people offer the following explanation for the great disasters that had befallen Russia: "Men have forgotten God; that's why all this has happened."
>
> Since then I spent well-nigh fifty years working on the history of our revolution; in the process I have read hundreds of personal testimonies, and have already contributed eight volumes of my own toward the effort of clearing away the rubble left by that upheaval. But if I were asked today to formulate as concisely as possible the main cause of the ruinous revolution that swallowed up some sixty million of our people, I could not put it more accurately than to repeat: "Men have forgotten God; that's why all this has happened."

Mr. HANSEN of Utah. It is an interesting thing that one of the greatest things we believe in is free agency. Here we have given the people the right to their free agency; they can pray if they want to; they can say what they want; they do not have to believe in the New Testament; they do not have to believe in anything.

I think the Apostle Paul made the statement—he said, "Pray without ceasing."

Some of us believe that the Constitution of America, which has been able to withstand the wrenching tugs and pulls from all sides, has been able to stand through those things and make a great Nation; we believe it was divinely inspired in and of itself. It is interesting to note how we change the Constitution.

The Constitution could be changed by many ways. The Constitution is changed by provision of article V of the Constitution, the amending clause. The first allows two-thirds of each House of Congress to propose an amendment subject to ratification by three-fourths of the States. The second, less well known, allows two-thirds of the States to call a convention that may propose an amendment, again subject to ratification by three-fourths of the States.

We find this has been done, for example, in the balanced budget amendment. When I was speaker of the Utah House of Representatives, we passed a resolution calling for a balanced budget amendment. Thirty-two, I believe, or 33 States have done that. It is kind of an end run around this illustrious body that can do no ill, that feels it can bring up only what it wants to, regardless that 78 percent of the people in America want prayer; regardless that the great majority of the States want a balanced budget.

I find it very ironic, if I may say so, to my friend and colleagues, and I must confess that this bothers me; we see people immediately saying, "How can you possibly throw this thing out and let a constitutional convention work on this, and take it apart, this great Constitution that we have?"

I think it is quite ironic, if they would think for just a moment, they would look across the street and see nine people referred to as the nine old men, affectionately; now, eight old men and one fine lady I guess, we see those people constantly as we see average well-paid middle-class citizen lawyers whom we call Federal judges, constantly having a constitutional convention every day.

If you want to walk into a court you can see a constitutional convention coming in, because what is that man's charge? When he put his hand to the square and took his oath of office, his charge was to uphold the American Constitution.

More Americans should listen to that. He has said, I will uphold; he cannot practice what is known in the courts as social jurisprudence; he cannot practice his own interpretation. But if he really puts his arm to the square, if he really believes it, he will know that he is intrepreting the Constitution, whether it is a State or Federal Constitution.

I yield to the gentleman from Mississippi.

Mr. FRANKLIN. I appreciate the points that the gentleman makes concerning the Constitution and the ways that we have established in this Nation to change that great document, and I just would like on those points to reflect personally that I am rather reluctant as an attorney to stand before this body and criticize the American judicial system, because I feel that I am truly a product of that system.

My father died when I was 3 years old; my mother went to work for a law firm; I had to be exposed to lawyers all my life—and the legal system, the judicial system of this Nation. I fell in love with it at a very early age. I had no doubt about what I wanted to be and what I wanted to do with my life; I wanted to be a part of that great American judicial system. And I studied hard and I tried to accomplish that. And I did.

And when I got out, I practiced law. And I really felt a good, high regard for what I considered to be, and still do, the finest judicial system that the world has ever known. And I am very reluctant—in fact I think I am the only Member of this body that was directly elected from the bench as a judge, now becoming a legislator in this great body.

But I had the feeling then and I still do now that the Constitution is the greatest document that has ever been written to govern men and that we ought not to change it at whim, and we ought not to change it unless there is a real threat to the salvation of this Republic.

□ 0040

However, I believe that those nine men—or those eight men and one lady now—have missed the mark so widely on this issue of prayer in school that we in this House now have the opportunity or must have the demand from the people of America to do something about it.

I reluctantly stand here and say that I am no longer a constitutionalist and that we in this legislative body should not be led by the Supreme Court of the United States in judicial matters, but what I do believe is that the mark has been missed so far and so wide by the Supreme Court that we now must act.

I have just returned from Mississippi. Everywhere I went this weekend people asked me, "When that vote comes before the House of Representatives, Congressman FRANKLIN, I want you to vote for the amendment."

And I have a very difficult time explaining to my constituents that the process that we are now engaged in is not the process whereby we, as legislators, are called upon to consider whether or not we are going to change our Constitution or allow the States to ratify a constitutional amendment. What we here are doing tonight is trying to emphasize to the leadership of this body and to our colleagues that this is something that the leadership must let come forth before this deliberative body so it can be debated and so it can be discussed and so it can be acted upon.

Quite frankly, as far as the constitutional questions that the gentleman raises, I am a constitutionalist. I think that that doctrine is dear to our Nation and to our Nation's survival and it should not be changed unless our society is threatened. And I do think that because of changes in the basic concepts on which this great Nation was founded that we do now face a real threat to the survival of this great Nation.

And I for one believe that we must restore prayer in our schools in order for the Nation to survive and continue as the type Nation that was conceived by those great men who gave us this Nation.

I thank the gentleman.

Mr. HANSEN of Utah. I thank the gentleman for the excellent remarks that he made.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Utah. I yield to the gentleman from Florida.

Mr. MACK. I just want to pick up on what my colleague from Mississippi was saying.

This really is a question that has two major areas I think. One is the legal question which has been talked about a great deal here tonight.

But the other part of it is a very emotional aspect of the discussion. And I would like to spend just a couple of minutes really talking or touching on the emotional, not the sense of an individual who is out of control, but over the years certain things have happened in my life as I am sure have happened in most people's lives that have an impact on them. And I would like to touch on those this evening.

I come from a background, I guess a family where my great grandfather, my grandfather and my stepgrandfather all served in the U.S. Congress. Two of them right here in this body back in 1898 and on through 1940.

The other grandfather that so many people refer to as the legend Connie Mack with baseball.

I am very proud of the family that I come from, the parents that I have. I have seven brothers and sisters. There are eight of us all together. And I have an older sister who is a Catholic nun. I have a younger brother, who is here with me tonight, who is a Baptist minister. And frankly the two proudest thoughts or the two greatest moments that I have are thinking about my older sister, Susan, and my younger brother John because of what they are doing with their lives. That they are spending time having an impact on people who need help.

It has been said many times, if you want to get what you want in life you need to help enough other people get what they want in life. And I believe that they are doing that and that is why I say that really the two that I am the proudest of in my family are my sister, Susan, and my brother, John.

Talking about prayer in school, up until the early 1960's, it was commonplace in our schools. For me the Pledge of Allegiance, the school prayer, the knowledge of our Nation's history and traditions all came together in my mind as a student in the public schools and helped me gain a sense of our Nation's uniqueness.

During the seventies and eighties many school systems were forced to decide that saying the pledge, reciting a prayer or learning our history were no longer relevant to the moral and intellectual development of our children.

Today that attitude is beginning to change. Many schools, though unfortunately not all, have reinstituted the Pledge of Allegiance. As the father of a young school-age boy I want my child to know the words to the Pledge, to understand our history and to know God.

Many people I guess have asked me the question of why I would become involved in this debate tonight. I am an individual who had not been involved in politics before, whose main interest and main basic knowledge was in the area of economics and finance and that is where I have spent most of my time.

But really the reason that I have become involved is one I have already touched on, my family, my own spiritual commitment, but also because of the testimony that I have heard and the beliefs that have been expressed by many others. Earlier this evening we had the opportunity to listen to other Members read into the RECORD some of the comments that were made at the hearing that the Republican Study Committee held. Gentlemen like Rosie Greer and comments they had to make and had made had a great deal to do with my involvement here this evening.

In addition to that, the people in southwest Florida strongly support the idea of prayer in school. So it is the combination of those three things that required me or made me feel that it was something I wanted to become involved in and the reason that I have been here all this evening.

I mentioned a little bit earlier my brother John. And as the plans for this particular evening began to develop I called him and asked him if he would consider this issue of prayer in school and come to his own conclusion about what he thought we as a nation should be doing. And I asked him after he concluded his thoughts if he would share with me what he had concluded.

And I would like to at this point read some of his particular thoughts.

He says:

> I do not perceive the prayer amendment to be a panacea for the moral ills of our schools. But it does greatly aid the proper focus, that our Nation recognizes a supreme moral ruler. While most Americans do recognise God (by their own religious definition) those who don't, would still have the freedom to do so.
>
> The denial of voluntary prayer in public schools sends a signal to many Americans that the public educational system perceives God as irrelevant to the training of the total person. Again, while some do perceive this about God, they would still have the right to practice this interpretation to life. But to take God out of the public life of the school, is to be anything but neutral in a pluralistic society.
>
> The prayer amendment is not seeking to cram a particular religion down anyone's throat. Nor is it trying to establish a theocracy in which the non-religious will be considered outlaws or odd because of their beliefs.
>
> The prayer amendment expresses a basic belief found in the first amendment which protects the freedom of Americans to acknowledge God in every area of their life. The decisions made by the Supreme Court since 1962 concerning religion in public schools has set a clear precedent that the Government should support programs that have a secular purpose only. This is a dangerous test for Government rulings because it denies a pluralistic society the freedom to practice in public education. Neutrality is imperative in a pluralistic society.
>
> For we must protect the right of our people not to have an alien religion forced on them and at the same time give people freedom to practice their religion in ways that are consistent with deep commitment.
>
> Some fear that public prayer will offend some and make others feel pressured because they don't want to participate. When haven't human beings made each other feel uncomfortable. Growing in our ability to respect and co-exist with different kinds of people is healthy spiritually, emotionally, socially and intellectually.
>
> As a pastor and parent of public school children I recognize the great value of diverse practices and programs in our schools. I want my children to rub shoulder to shoulder with children of other religions and philosophies. Their convictions will be tested. They will be influenced to question their own beliefs which most would admit is very healthy. Conviction and commitment is found in diversity. The more you understand the beliefs of others the clearer your convictions become. If it weren't for this reason, I would be very reluctant to send my children to the public schools. I would opt for a Christian or private school because one of the chief values of the public school system is greatly deteriorating and being replaced by a religion of secularism. Take note of U.S. Supreme Court Justice Stewart in his minority report (*Abington* v. *Schempp*).
>
> (A) Compulsory State educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and State-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion. And a refusal to permit religious exercises is seen, not as the realization of State neutrality, but rather as the establishment of a religion of secularism.

☐ 0050

I am happy that John had the opportunity to share those particular thoughts with me, and I am glad I had the opportunity to discuss them here this evening.

Just in closing my part of tonight's discussion, I would like to put into the RECORD a story that I heard from one of our freshmen Congressman, Mr. JOHN McCAIN, when we had the opportunity to first meet a little over a year ago.

JOHN was a prisoner of war in Vietnam for over 7 years, and his father was the commander of the Pacific Fleet. Unfortunately, his captors knew that. Everything that you can imagine would happen to an individual during those 7 years happened to JOHN McCAIN. I remember asking JOHN, "what was it that enabled you to get through those 7 difficult years?"

And his response to me was: His belief and his faith in God, his faith in his country and his faith in his fellow man.

I think it is about time that we had the opportunity to put that faith in God back in our public schools.

Mr. HANSEN of Utah. I thank the gentleman, and I appreciate those excellent remarks from the gentleman from Florida. It reminds me very much of a man we knew in our little town in Utah by the name of Jay Hess. Jay was a pilot of an F-4, and he was shot down over Vietnam. He was in with our friend from Arizona. And for 2 years his family did not even know if he was alive. Finally, his captors allowed him to use 27 words. I thought it was very interesting. If you knew you only had 27 words and your family had not seen you for over 2 years, and you find yourself in a situation, what would you write to your family that they knew that you were alive?

So Col. Jay Hess had to contemplate that, and, first, he knew that it would be censored, and he wanted his family to know it was him, so he took a 3 by 5 card and he wrote on the card, "These things are important." I guess I would do basically the same thing if I had a family of five children like Colonel Hess and being over there in that hell that they were going through. And he wrote things, I guess, that would be somewhat relevant to a Mormon family from Utah when he said, "missionaries," as many of our young men go out and serve as missionaries for 2 years at a time. He said, "scouting," and I think scouting is one of the better things in America today. And one of the things he said was "prayer" and "press on."

Is not it interesting that when the chips are really down, they say, "There is no atheist in a foxhole?" Is not it interesting when they took these men in, like JOHN McCAIN and Col. Jay Hess, and all these others, and put them through this torture that they went through, who did they turn to? They turned to their Divine Creator. And I think it is interesting to all of us. Here we are, going through, trying to come up with things that are good for America when a great percentage of Americans today write us and say, "Congressman, in this representative type of government, we want to hear from you, we want you to stand up and represent us," what are they asking us to do? They are asking us that we can pray in our schools, that we can teach our young people these great rights, to call upon a Creator.

I think the experiences you mentioned about your sister Susan, the nun, and your brother John, who is the Baptist minister, are very moving things. We find ourselves really with this question: What is the nucleus of America? The nucleus of America is the family, and the old saying is not a trite cliche that the family that prays together stays together and plays together. There is a lot of truth in that. If we want to see a great American family, whether they are in the Northeast or in the West or the South, or wherever, that is that family who possibly gets together at a family time that they designate and they get on their knees and they bow their heads and they ask their Creator to give them direction and guidance, to help one another, they pray about their school work, about living good lives, about being good people in America. What is wrong with that? And what is wrong with having those same youngsters go to school and have that carry on, that they can bow their heads, they can say a prayer and call upon something.

What is the difference, as I pointed out earlier, in the types of governments that are taken over by an infinitesimal group, like in 1917 the Bolsheviks took over? You look at that free agency we talked about to call upon a Divine Creator. What did we see over there recently? Ninety-nine percent of them went out to vote, and what were their options? Big deal. They could vote for one person or one person. That was about it. They did not have an option. And in a way, we are taking away the options of many of our schoolchildren. We send them to school and we do not have the option for them to bow their heads. And if we want to take away and put this Nation in jeopardy, all we have got to do is take away one of these inalienable rights. It irritates me—and I say it respectfully to my friend from Mississippi—it irritates me that we see these people across the street over here can take those rights away.

The nice thing that I thought was best about your speech, which I enjoyed very much and which I thought was well thought out, was the idea that the Constitution in and of itself provides a way to change it. It is an instrument that can see there may be problems, things may change down the road, and if they change, let us have the courage and the guts and the understanding to change it. And we have changed it many times. The 27th one will be the next one up. We changed it for the 22d, to limit the terms of the President. I personally feel we should change it to limit the terms of how long we serve. There are a lot of things we should change. One of these would be prayer in school.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Utah. I will be glad to yield to the gentleman from Florida.

Mr. MACK. The gentleman mentioned a moment ago about diversity. I guess I brought it up when I talked about JOHN McCAIN. One of the experiences that I have had in my life is that you do learn a great deal by the adversities that you have to go through, and one of the experiences that was mentioned during the hearing that we had last week by Roosevelt Grier, he talked about a moment in his life where he had kind of reached the bottom, so to speak, and he made some comments about the fact that he could recall that at one time he could fill up his car with $5, fill up the car with gasoline, and now it costs $27. And then he also said that it seemed like everywhere he looked around at all of the rental apartments that people in his neighborhood were living in were being converted to condominiums, and his life was really low, and he did not know where he was going to go from there. He said he remembered something that he learned in grammar school, and he repeated it, "Something I learned in grammar school," and that was the Lord's Prayer.

While I was sitting there listening to him talking about what was going on in his life, it really impressed me that the thing that we have done, at least thinking back to my days in school, is what I really learned by saying day in and day out the Pledge of Allegiance and the prayer was that there was something there that I was building up in my own character that I could call on some day when times were difficult for me. And what a great opportunity that was for me. And thank goodness that Roosevelt Grier had the opportunity to have that which he learned back in the days when he was in grammar school.

But in addition to that, I want to go back. I referred to my family tonight, and I certainly do not have time to go into every member of my family, but several years ago my brother John and my sister Susan and I lost a brother to cancer. He died at the age of 35. I spent, I guess, almost 4 weeks with him in the hospital during those last few days. I was very moved, and I learned a great deal about myself and a great deal about what holds mankind together, and that is a common spirit among us. As I was traveling back to southwest Florida after he died, I knew that we were going to have some form of funeral service for Michael, and I sat down on the plane and I wrote out some words that I would just like to share with you this evening:

> As I am flying back to Sarasota and the plane is passing through the clouds, I think of my brother Michael. I will miss him so very much. There is peace within me, though, as I look over the clouds and I feel his spirit with me. His presence will be there forever. I learned so much from Michael and had many beautiful experiences during these past three weeks, too many to try to talk of now. However, there are two inner feelings I would like to share. One, when we eliminate fear from our lives, we have love; and the other is, we are all of the same spirit. Each of us shares a common bond, and that is the spirit. The spirit is with us

now. The spirit is part of God. God is with us now, and we are part of God. Through this common bond we are able to find love in each person. My hope is that what Mike helped me learn I will be able to put to use each day, to allow myself to be less guarded and open myself to love of all people. This love will come through the realization of the spirit and the elimination of the fear.

I thank the gentleman for letting me share this with him.

Mr. HANSEN of Utah. I appreciate those remarks. They are very emotional and excellent.

Let me just say, if I may pick up on something the gentleman was just stating there, I think, as we get to hardships, that is what makes us great. If you are a history buff in America and you look at the great Lutherans in Minnesota and the Baptists in Texas and the Catholics in the Northeast, wherever they may be—in my own religion I have something, I recall when the Mormons were driven out of Nauvoo. It was a beautiful city in Illinois. It was the No. 1 city at that particular time. They had beautiful flocks and orchards and beautiful homes at that time. And they were driven out in the middle of the winter. There would be no worse time that you could think of to cross that icy Mississippi River and go to the Far West. They lost 600 people the first 2 weeks who froze to death in those areas. And yet they put a sign on an oak tree as they went out, and that sign said, "Exodus to greatness."

Greatness, that is going out in the depths of nothing. Out in the West was absolutely nothing. Yet they went through that, they suffered untold hardships. And as you read the histories and diaries of many of my ancestors who went that way, every morning they started with a word of prayer.

□ 0100

They had a prayer at night. They called on a Divine Creator. Now, if you are a history buff at all around the world and you see a great nation start like this great Nation, how did it start? It started with humble people who had a belief in God. They made very stringent laws and they lived by them. If you broke the law you had the consequences of breaking the law.

But you have noticed an evolution that comes about. It happened in England, France, Germany, Scandinavia, and the evolution goes this way: They start out, and as they get richer and they get their flocks and their fields and all the great things, they soon forget God, and pretty soon their court strikes down their ability to pray, and pretty soon their legislature passes all kinds of social types of things and they no longer get on their knees, they no longer ask their children, and then what do we see?

We see all kinds of insidious things occurring. Some of the sins of the world, so to speak, start creeping into their theology and their ideologies and that evolution follows, only the difference is this Constitution was put together under divine principles where others have not, and it is up to this Legislature, which has the ability to change the Constitution through the process that we have discussed, which has the ability to bring these things out, to make a distinct difference.

But I think Americans really, if I may candidly say it, have it too easy in many cases. When you have it too easy, when you become too materialistic, you forget the good things. You do not get on your knees. You do not pray. But we look back to the early Mormons, early Lutherans, early Baptists, and all those who suffered and gave everything they had, what happened? They gave an awful lot for it.

I think of my great father who used to always talk to me and would talk about prayer. He would always make me put in post holes or work out in the salt mines or work down at his foundry or whatever it may be, when all my friends were doing other things and I would always ask him, "Dad, why have I got to do these things?" And he would always answer and say, "Jim, if you are not suffering, you are not enjoying it." I think there is really a lot of truth in that.

We have got to get down to the bit that maybe Americans suffer a little bit.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Utah. I would be happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman for his articulate statements, as well as the statements of the gentleman from Florida and the gentleman from Mississippi.

When you are in Washington, I think if you stay here for 2 weeks without going out to your district you tend to adopt some of the cynicism of this city and you have to get out and see the American people and get out among them to feel that basic strength and that basic adherence to our fundamental values to renew your faith in the Nation.

Tonight I have had that renewal without having to get back out among the American people because I think the three Members who have just talked, the gentleman from Mississippi, the gentleman from Florida and the gentleman from Utah have reflected that basic strength of the American people that allows this Nation to continue to move forward in the face of so many obstacles.

I was thinking about the young people. The young people are really what we are talking about here. We are talking about school prayer and I think that the young people of America are going to face challenges that are much greater than the challenges that past generations have faced. We have the threat of nuclear war, the challenge of America remaining productive, and not only being productive for herself but really being the economic engine for the free world.

So many things that we are going to have to do our children are going to have to do. For us to ask them to meet these challenges without having the right to pray in school to renew their faith in the giver of all American rights as enunciated by our Constitution and our Declaration of Independence, anybody who has read those documents realizes that our rights do not come from Speaker TIP O'NEILL, they do not come from me or from you or from this Congress or this city or from the White House. They come from God. That is the source of our unalienable rights, and to deny our children the right to share in our spiritual heritage, which is really what we are doing when we are denying them the right to pray, is to, I think, condemn them to a future in which they will not have the ability to reaffirm their faith in our values and thereby gain the strength that is going to be necessary to meet all these great challenges.

So to you three gentlemen who have been so articulate and have been so inspiring at this time, 1 o'clock in the morning, I give my commendation for one of the most inspirational messages that I have ever heard on the House floor.

Mr. MACK. If the gentleman will yield further, I thank the gentleman.

I wonder if I could just respond and say how much we have to thank the gentleman for the effort so far this evening. He has almost singlehandedly seen to it that there were enough of us out here, so far anyway, to continue this discussion, and I think the gentleman, again, is to be commended for doing it.

Mr. HUNTER. I thank the gentleman for those wonderful commendations. I want to let him know we have a 3 o'clock slot open also that we will be happy to fill.

Mr. HANSEN of Utah. Let me just end on this, if I may, Mr. Speaker.

I think it is a rather sobering thought that Americans do not realize that the real government in America comes from the citizenry. It is really not Congress, it is really not the courts. When any institution threatens to run away from its proper role within our constitutional system, it is less likely to be the people, through a well structured Constitutional Convention than the Congress unable to discipline itself.

Here we find a time, as we know that many people are watching this on C-Span, that if they really want to see something done on this issue and others, it is the citizenry. I guess the old saying, "When you feel the heat, you see the light," and I think we are more than welcome to feel the heat on this particular issue.

Mr. HUNTER. If the gentleman will yield further, I am glad the gentleman made that statement because it takes us back to the reason why we are here. The reason why we are here is that the Democratic leadership of this House has not allowed the school prayer issue to see the light of day. I would be happy to engage in a colloquy with the gentleman from Florida about our efforts and the efforts of many Members of this House on the Republican and Democrat side to bring up the school prayer issue.

I think one Member said, "Well, my gosh; we have had a vote on it." I looked that up and I think the vote was in 1971. I think I was in the Army at that time. I do not know where the other gentlemen were, but the facts are that this thing has been bottled up in committee. Even though over 80 percent of the American people, according to the Gallup poll, support school prayer, the leadership of this House has not seen fit to even allow the issue to rise up for a debate.

Mr. MACK. If the gentleman would yield further, to kind of go back, I guess, and put this in perspective, I recall last year during my first year going back to the communities of southwest Florida and the town meetings that we had and talking about different things that were happening and things that were not happening in the U.S. Congress.

One of the things that was mentioned was why are we not discussing the prayer in school, among other things. My first reaction I guess was probably very similar to what a number of people responded, and that was, "Well, you see, we do not control what goes on on the floor of the House. We do not have the opportunity to decide what issues are going to be discussed."

As a matter of fact, when I had an opportunity to really think this through, I had also heard last year, and I guess several times before that, that people would make comments that the Republican Party is the party of the negative, or we always say no, or we say, "OK, that program is all right, but we really ought to spend less money at that." They kept implying that we did not have any ideas of our own or make any suggestions about what we should be debating here on the floor of the House.

Then it dawned on me. The reason that we are perceived as a party of the negative or to say no is because we have to vote on their agenda. The situation is not reversed. The Democrats do not have to vote on the issues that we care about.

So I got to thinking that yes, I could say in the town meetings that the reason we do not debate these things on the floor of the House is because we are in the minority and we cannot make things happen. That is at the moment that I decided it is not acceptable any more to take that position, to make the statement that we cannot do anything about it. That is why the gentleman from California and others have become involved in trying to bring to the attention of the American people the various issues that they are concerned about that are not making it to the floor of the House.

So I think that is one of the reasons, at least from my vantage point, that I have become involved in this discussion this evening.

Mr. HUNTER. If the gentleman will yield further, I think what the gentleman from Florida is saying, then, is that if the school prayer amendment, the balanced budget and the line-item veto were brought before this House, then he would be one Congressman, at least, and many others of us, who could say yes to an issue for a change.

□ 0110

And the reason that we are not going to be able to say, "Yes" to those issues is because the House leadership has ruled that we cannot even ask unanimous consent to bring those issues up without having the "approval" from the minority and the majority leadership. We have already secured obviously the leadership of Bob Michel, the great Republican leader of this House of Representatives, who has stood in the well in fact and led these special orders off this evening with an excellent dissertation on the authorship by Senator Everett McKinley Dirksen of some of the original prayer proposals. Obviously he has given his full support to school prayer.

However, for the last 20-some days we have stood in the well during the 1-minute speeches in the morning and asked the Democratic leadership to give us permission to just ask for unanimous consent to bring up school prayer, along with balanced budget and line-item veto, and we have heard silence. And I think one Member commented, "Maybe they are praying."

I have heard one suggestion that perhaps Speaker O'Neill feels that we can pray in Congress, and he orders the prayer, the congressional prayer, every day; we say it, and then we ask if we can bring up the issue that would allow schoolchildren in this country to pray, and that is never agreed to. I think some Members have suggested that perhaps Speaker O'Neill thinks that Congressmen need prayer more than schoolchildren, and especially in light of some of the past events like Abscam, perhaps that is true. But that is the only answer that we have received so far.

Mr. MACK. Mr. Speaker, will the gentleman yield further?

Mr. HANSEN of Idaho. I am happy to yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, I have just one further comment.

It may seem strange to some people to hear that at 10 minutes after 1 we are in fact talking about prayer in school, and they are perhaps kind of wondering why we are doing it at this hour and not maybe during the other normal business activities.

Again I go back to the fact that we have consistently tried to have the discussion during the day, during the normal business, and not being able to, it seemed like the next appropriate thing was to take the time in special orders to accomplish that.

So once again I want to commend the gentleman for what he has done in order to allow us to have this discussion here this evening.

Mr. HUNTER. Mr. Speaker, will the gentleman yield further?

Mr. HANSEN of Utah. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

I think the reason this has been a success and a quality special order is because there are so many Members in this House who have participated. I listened to the gentleman from Texas, Mr. Sam B. Hall, Jr., the gentlewoman from Tennessee, Mrs. Lloyd, the gentleman from Florida, Mr. Hutto, and a number of Members, including the great Buddy Roemer from Louisiana. There have been a number from the Democratic side, as well as the Republican side, who did not want to just get up and get 5 minutes or 10 minutes. They wanted to talk. Then I realized, after a few minutes, that there was a desire to talk about this issue that has welled up in the Members of this House over the last many years when they have been stifled from even discussing the issue because the leadership has bottled it up, and they have not had the ability to talk about it.

I remember when the ERA amendment came up that we had a full 10 minutes on the Republican side to talk about it and, I guess, 20 minutes on the Democratic side. And then I think seedlings in Oregon, planting seedlings in Oregon, came up next, and I think there were 40 minutes allotted to discussing seedlings in Oregon. Well, a lot of Members in this House from both the Democratic and Republican side are tired of spending our time talking about seedlings for Oregon instead of some of the important issues like school prayer, like the balanced budget, and like the line-item veto.

So I realized when this special order got started that there were a great many Members who wanted to talk about the issue and discuss the issue.

That is what we have been able to do tonight, and I commend the most articulate gentleman from Utah (Mr. Hansen) who again reflects the character and strength of the people whom he represents.

Mr. HANSEN of Utah. Mr. Speaker, I thank the gentleman, and I appreciate those kind remarks.

Let me say just one thing, if I may, in regard to what the gentleman was saying. I think it is kind of interesting and enlightening to us when we sit here every morning and start our particular sessions that we always have our own Chaplain whom we respect and admire very much, and sometimes we also have a visiting chaplain who comes in, but possibly it would be good if at this particular time they called upon us to get up and give an opening prayer. That is not a far-fetched idea.

In the State legislative body, when I was the speaker of the house, we would always call on a Representative to give the prayer. Maybe we would be a little more Christian. Maybe we would have a little better feeling, and maybe our feelings toward our brethen and our sisters on the other side would be a little more amenable if we sat there and had some prayer in our hearts rather than sometimes the type of feeling that seems to erupt here on the floor.

I think what the gentleman from California said is well stated concerning what people may want. I would hope that the people who are watching this in America at this particular time would take into consideration that really it is the citizenry, and that if they want something, they can get it. I know many times when I was in the State body, as one who set the agenda, that members acquiesced to the power of the chair. I know how that goes, and I was constantly criticized by the minority party. But yet when the public put up its head and the public wanted something done, they normally got it done. And I would say or somebody would always say, "Somebody is back there taking care of it. Let George do it. Let somebody else do it."

But the time is now that the public should react. They should react on the line-item veto and the balanced budget amendment and especially on school prayer that we are talking about tonight. They should let their congressional representatives know, and they will get a reaction.

We may recall that it was not too long ago we were talking about a budget cut. We called that the Gramm-Latta bill, and the President went on the television, and everyone heard that, and all of a sudden those who had never believed in a balanced budget in their life all of a sudden started believing in a balanced budget.

He started talking about a tax cut, and people who did not believe in a tax cut and thought it was the worst thing in the world started believing in a tax cut. There were great talks given against it, and then all of a sudden we had a 180-degree turn, and those people now believed in a tax cut.

The same thing can happen now, but it requires letters and telegrams, and people have to hear it. If that occurs, the people in America will get what they want. But it is themselves—and I say this very respectfully—and the public itself has to share some of the blame for not getting what the people want. If they will let their Congressmen and their Senators know, it will occur.

Mr. Speaker, I appreciate this opportunity of spending a few minutes here tonight on this important issue.

THE SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore (Mr. Moody). Under a previous order of the House, the gentleman from New Jersey (Mr. Smith) is recognized for 60 minutes.

Mr. SMITH of New Jersey. First of all, Mr. Speaker, I want to thank my very good friend, the gentleman from California Mr. Duncan Hunter, for organizing this all-night prayer vigil and for arranging this time that many of us are taking to speak on the floor on this vital issue. I commend him for taking the leadership, and again I thank the gentleman.

Mr. Speaker, it is altogether fitting that this historic all-night session of Congress be the forum for the national effort to restore prayer in public schools. Members of Congress participating in the special order are keenly aware that prayer in public schools is not just another piece of routine congressional business. Far from it.

Mr. Speaker, the issue before us is not merely a legislative matter. In fact, it would be an understatement to categorize it simply as a constitutional issue. The issue before us transcends the legislative and constitutional levels—it goes right to the very essence of our country's political and spiritual values.

We are here tonight because the Supreme Court of the United States had once again chosen to ignore our country's heritage, Constitution, and the will of its people.

The pendulum of judicial power has simply swung too far. It is our duty as elected representatives to act as a check and a balance, to uphold the Constitution, and to represent our constituents. In short, it is our duty to use the constitutional process to restore voluntary prayer to our Nation's public school system.

No analysis of this issue would be complete if it did not address the relationship of school prayer to our Constitution, specifically the first amendment. The U.S. Supreme Court, in the 1962 case Engel against Vitale held that the nondenominational prayer used in some New York schools violated the establishment clause of the first amendment. Even in situations where the use of a nondenominational prayer was purely voluntary, the Court held that the first amendment was being violated. Interestingly, in his concurring opinion, Justice Douglas admitted that the prayer in question was not an establishment of religion" in the strictly historical meaning." He further stated that in his understanding of the first amendment, the government cannot "constitutionally finance a religious exercise" "whatever form it takes" because "it inserts a divisive influence into our communities."

While opponents of school prayer cite Justice Douglas' remarks on the first amendment as legal authority for their case, a better legal authority exists. I am speaking specifically of the Members of the First Congress, the very individuals who debated and approved the first amentment. What individuals could possibly be better authorities on what was meant by the first amendment than those individuals who authored it? Their views were expressed not just in their words but by their actions: They hired a chaplain to offer public prayers and the day after proposing the first amendment, they called on President George Washington to proclaim "a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God."

The intent of the authors of the first amendment through both their words and deeds, is so clear that one wonders how opponents of school prayer can honestly state that the first amendment was meant to preclude prayer. And how can the opponents of school prayer explain how approximately 170 years went by from the writing of the first amendment till the time that six Judges decided that voluntary prayer violated the Constitution? How interesting it would be if tonight, in this Chamber, it would somehow be possible to hear a debate on the meaning of the first amendment featuring its authors versus those individuals who have chosen to redefine its meaning.

Mr. Speaker, from the very beginning, America has been a profoundly religious Nation with a tradition of publicly declaring and encouraging a belief in and dependence upon God.

And from the beginning, education was treated as an enterprise with inseparable religious and moral components. To the founders, a wholly secular education would have been a contradiction in terms, a recipe for certain disaster.

Thus, in the same year it approved the Constitution in 1787. Congress bound education, religion, and government together in the Northwest Ordinance. As one of the six articles it established "for extending the fundamental principles of civil and religious liberty" in the Northwest territory, Congress stipulated:

> Article 3: Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Consistent with the heritage, public schools have included some form of prayer from the outset, and for 170 years after the adoption of the first amendment, prayer was not only permitted but also encouraged in the public schools.

A notable example is the Massachusetts Board of Education, when Horace Mann—who is generally credited with being the father of modern public education in America—was secretary. Under Mann's direction, the board removed sectarian instruction from the public schools, but also mandated a program of "daily Bible readings, devotional exercises and the constant inculcation of the precepts of morality." Author Raymond Culver, in his book "Horace Mann and Religion in the Massachusetts public schools" wrote:

> He [Mann] took a firm stand against the idea of a purely secular education, and on one occasion said he was in favor of religious instruction "to the extremist verge to which it can be carried without invading those rights of conscience which are established by the laws of God, and guaranteed to us by the Constitution of the State."
>
> At another time Mr. Mann said that he regarded hostility to religion in the schools as the greatest crime he could commit. Lest his name should go down in history as that of one who had attempted to drive religious instruction from the schools, he devoted several pages in his final Report—the twelfth—to a statement in which he denied the charges of his enemies.

Even Thomas Jefferson, Mr. Speaker, supported a religious emphasis in public education. For his publicly financed University of Virginia, he planned religious instruction in the classroom, religious books in the library, a special room for worship, and educational services to students of seminaries which were invited to be established adjacent to the university.

As President Reagan said at the National Day of Prayer in 1982:

> Prayer has sustained our people in crisis, strengthened us in times of challenge, and guided us through our daily lives since the first settlers came to this continent. Our forebearers came not for gold, but mainly in search of God and the freedom to worship in their own way. . . .
>
> The morality and values such faith implies are deeply embedded in our national character. Our country embraces those principles by design, and we abandon them at our peril. Yet in recent years well-meaning Americans in the name of freedom have taken freedom away. For the sake of religious tolerance, they've forbidden religious practice in our public classrooms. The law of this land has effectively removed prayer from our classrooms. . . .
>
> Thomas Jefferson once said, "Almighty God created the mind free." But current interpretation of our Constitution holds that the minds of our children cannot be free to pray to God in public schools. No one will ever convince me that a moment of voluntary prayer will harm a child or threaten a school or state. But I think it can strengthen our faith in a Creator who alone has the power to bless America.

Mr. Speaker, in the American tradition, religion is a vital part of our public life, not segregated to merely private observance, and in that tradition government recognizes God's reality and blessing as the foundation upon which it stands. In "Democracy in America," Alexis de Tocqueville observed that Americans hold religion to be "indispensable to the maintenance of republican institutions," because, "while the law permits the Americans to do what they please, religion prevents them from conceiving and forbids them to commit, what is rash or unjust." In a famous passage, he said:

> I sought for the greatness and genius of America in her commodious harbors and her ample rivers, and it was not there; in her fertile fields and boundless prairies, and it was not there; in her rich mines and her vast world commerce, and it was not there. Not until I went to the churches of America and heard her pulpits aflame with righteousness did I understand the secret of her genius and power. America is great because she is good and if America ever ceases to be good, America will cease to be great.

George Washington, in his Farewell Address, warned that religion was essential for "political prosperity." He cautioned:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. . . . And let us with caution indulge the supposition that morality can be maintained without religion. . . . [R]eason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

The Declaration of Independence acknowledges God as the source of our liberty when it proclaims it "self-evident" that all men "are endowed by their Creator with certain unalienable Rights," and when it appeals to "the Supreme Judge" and declares reliance on "the protection of Divine Providence."

That the founders neither intended to exclude prayer from government nor to make it merely ceremonial is shown by Benjamin Franklin's appeal to the Constitutional Convention:

> I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. . . . I also believe that without his concurring aid we shall succeed in this political building no better than the Builders of Babel: We shall be divided by our little partial local interests; our projects will be confounded, and we ourselves shall become a reproach and bye word down to future ages. . . . I therefore beg leave to move—that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business.

"Just as Benjamin Franklin believed it was beneficial for the Constitutional Convention to begin each day's work with a prayer," said President Reagan in his message to Congress on May 17, 1982, "I believe that it would be beneficial for our children to have an opportunity to begin each schoolday in the same manner."

Mr. Speaker, as you well know, coins have carried the inscription, "In God We Trust," since 1865, and this was made the national motto in 1956. The words, "Under God," were added to the Pledge of Allegiance by Congress in 1954. "The Star-Spangled Banner," made our national anthem by Congress in 1931, includes the phrases "Praise the Pow'r that hath made and preserved us a nation" and "And this be our motto, 'In God is our Trust.'" "America" concludes, "Our fathers' God to Thee, Author of Liberty, to Thee we sing./Long may our Land be bright with freedom's holy light,/Protect us by Thy might, Great God our King."

Mr. Speaker, the notion that anything done by a government official or as governmental policy that has anything to do with religion is an establishment of religion—and therefore violates the Constitution—is a notion that runs against the grain of more than 200 years of American history. Justice Stewart, in his famous dissent to the Engel against Vitale case, summed it up best when he stated:

> What is relevant to the issue here is not the history of an established church in sixteenth century England or in eighteenth century America, but the history of the religious traditions of our people, reflected in countless practices of the institutions and officials of our government.
>
> Neither the daily invocation to God in the Supreme Court, prayers in Congress, invocations of God by all of our presidents, the third stanza of the Star Spangled Banner (which has religious language), the pledge of allegiance (which contains the words "under God"), the congressionally directed National Day of Prayer, the words "In God We Trust" on our coins, the Declaration of Independence (which relies on "divine Providence"), nor the Regents' prayer established an "official religion".

In essence what Justice Stewart was saying was that government can indicate an official respect for both God and religion in general in any number of ways without leaving itself open to the charge that it is "establishing a religion." His interpretation is one shared by the authors of the first amendment, the great majority of America's political leaders over the last 200 years, and the overwhelming majority of Americans today.

Mr. Speaker, in its 1962 and 1963 decisions, the Supreme Court construed the first amendment establishment clause to require strict "neutrality" toward religion. Any "religious exercise" required to be performed in school, even those from which students may be excused, breach the standard of neutrality. Even "relatively minor encroachments" are indefensible.

The inevitable result of these interpretations of the establishment clause is not government neutrality toward religion, but rather government exclusion of religion which, as Justice Stewart noted in his dissent to the Schempp decision, amounts to discouragement of religion and establishment of a "a religion of secularism" in its place:

> For a compulsory state education system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, *religion is placed at an artificial and state-created disadvantage.* Viewed in this light, *permission of such exercises for those who want them is necessary if the schools are truly to be neutral* in the matter of religion. And *a refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism,* or at least, *as government support of the beliefs of those who think that religious exercises should be conducted only in private.* (Emphasis added.)

It seems clear then that under the dogma of "neutrality," Mr. Speaker, one set of beliefs (theistic) is censored from the schools while opposing beliefs (secular) go unchallenged. This "neutrality" puts government in the position of fostering an academic environment in which God is irrelevant, and autonomous man is central. Such discrimination is hardly genuine neutrality. The irony is that the Supreme Court recognized Secular Humanism as a nontheistic religion. Thus, in the name of "neutrality," the "religion of secularism"—as Justice Stewart called it—has become the governmentally established and preferred religion in our public schools.

Mr. Speaker, just as the Founding Fathers placed a geat deal of faith in the judgment and will of the people, it is our responsibility as Members of Congress to take the views of our constituents into consideration when making decisions about constitutional issues. Most surveys I have seen indicate that 70 to 80 percent of the American public favors an amendment to allow voluntary school prayer. In a survey of opinion conducted in my congressional district, 85 percent of my constituents supported an amendment to restore voluntary prayer to our public shcools. The letters I have received are overwhelmingly in support of a school prayer amendment.

Finally, Mr. Speaker, my only major regret in advocating the amendment to restore school prayer is that such an action has been made necessary by the decisions of our courts. In their wisdom, our Founding Fathers gave us a form of government that allows the people, through their elected officials, the power to correct the mistakes of the judicial branch. Both the constitutional record and the historical record are clear. The people have spoken. The time to act is now.

Mr. Speaker, I include at the end of my remarks two letters I have received from constituents, as follows:

CINNAMINSON, N.J.,
December 9, 1983.

Congressman CHRIS SMITH.

DEAR CONGRESSMAN: I am one of your Constituents, I am also a born again Christian, who loves the Lord and this nation.

Since the 1960's when the Supreme Court made the decision to take prayer and bible reading out of the schools, our children have become the worse not the better for it. Even an Infidel would have to agree with that or be found a liar! e.g. drugs, alcohol, sexual promiscuity, and homosexuality, etc.

If the foundation of your house was to be uprooted, your whole house would fall apart. With the Supreme Court's decision to take prayer and bible reading out of our public schools the very foundation of what our nation was built on has been attacked.

Even on our money we have printed, "In God We Trust." In the pledge of Allegiance we say, "One Nation Under God." In the Declaration of Independence, we declare that each of us are "Created equal by our Creator."

Due to this decision by our Supreme Court, any reference to God should not be mentioned in our public schools, which was not the intent of our founding fathers. This nation was founded on God and His Holy Word (Authorised King James Version). We as a nation under God should preserve this precious heritage. The main ones who will suffer if we don't are our children.

I am letting my voice and vote be heard from under the blood stained banner of the Cross of Jesus Christ, also for the love of my children, other people's children, and this nation.

I beg you to vote Yes on the President's amendment for prayer (Senate Bill #73) for vocal prayer in our schools. Please do not vote for silent prayer.

How would you as a father, want your children to tell you that they love you just with their minds, and not with their mouth? You would have no way of knowing what was on their minds until they communicated the words in their heart and mind, with their lips. The one without the other is not complete, because God does not get the full glory from His creatures that He so rightly deserves.

In closing, I would like to thank you for taking the time to read this letter, and want you to know that I am praying daily for our nation's leaders. Prayer and the Word of the Lord can only strengthen a nation. The absence of it brings chaos and moral decay. Remember one day each of us has to give an account for our actions before the judgment seat of Christ.

A Servant of the Lord Jesus Christ.

ELAINE MURRAY GILBERT.

P.S. Please remember that 1983 has been named "The Year of the Bible."

CREAM RIDGE, N.J.,
February 17, 1984.

Congressman CHRISTOPHER K. SMITH,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN SMITH: We are voters in your District. And we are writing to urge you to please support President Reagan's "Voluntary School Prayer" amendment.

Twenty years ago the U.S. Supreme Court outlawed prayer in public school. Our children were told that God no longer could be allowed in the classroom.

Now, our public schools require sex education but forbid the mention of God's name and the reading of the Bible. Is it any wonder that so many of America's children seem confused?

Our children deserve better than that. Won't you please help? Please support President Reagan's "School Prayer" amendment. Thank-you for your time and consideration in this most urgent matter. We know your record and are confident you will be an advocate of this all important issue that faces our nation.

Sincerely,

Mr. and Mrs. ERIC SORTORE.

☐ 0130

I yield to my friend, the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman from New Jersey. I think his remarks were extremely good. I, too, would like to thank our colleague from California for allowing us this time and for organizing this whole endeavor.

I would just like to say that I wish he had had us on at a little more reasonable hour; 1 o'clock in the morning, I usually am fast asleep by now.

Mr. Speaker, when I was a boy—you are awake, Mr. Speaker, are you not?—Mr. Speaker, when I was a boy, we had voluntary prayer every day in the schools and we recited the Lord's Prayer and we said the Pledge of Allegiance to the flag and as a result, I was aware that there was a Supreme Being, somebody out there. I mean, you know we would all start praying on a regular basis and if you did not know what it was all about, you would say, who are we praying to? And before you knew it, everybody knew there was somebody that made the flowers, the trees, the stars, and the world.

And I was interested today earlier when Congressman CONNIE MACK of Florida read the Templeton address by Alexandr Solzhenitsyn in which he said that he felt that the reason Russia fell and the Bolshevik Revolution was successful and we have now a Communist tyrannical government there ruling a great number of people of this world was the fact that men had forgotten God.

I think those words are very poignant; the reason that the Russian Revolution was successful in his opinion was that because men had forgotten God. I started thinking what would happen in the United States of America if we forgot God, and how does that occur? And it came to my mind that the quickest way for a nation to forget God is to keep the children from Him.

And what better way to keep the children from Him than to not allow them to have a voluntary prayer in their public schools.

Since the inception, of our Republic, we allowed in our public institutions voluntary prayer. And yet now, in the last 22 years, that has been prohibited by a decision of the U.S. Supreme Court. Now people say, well, the Supreme Court decided it, it must be right.

I bring to your attention that the Supreme Court is not infallible. I think we all recall some of the erroneous decisions they made. They made some decisions affecting the Mason-Dixon line, which had a direct impact on the slavery issue and many people felt that led to ultimately the Civil War.

So the Supreme Court is not infallible. It is men and women who put on their pants and clothes just like anybody else and they are just as apt as anyone else to make errors in judgment. I think this was a grave error in judgment when they decided voluntary prayer in our schools should no longer be allowed.

So, if we do not allow voluntary prayer in our schools, then our children are kept from God in our public institutions. When they grow up, they will have a difficult time finding Him. As a tree is bent, so it grows. The Communists know that. That is why all children in Russia and all Communist countries are required to be taught communism every day; because they know if they inculcate those young people in Communist doctrine and dogma, they are going to be Communists throughout their lives.

I had dinner the other night with some people who escaped from Hungary. They told me about what their children were taught in the schools; these are Christian people and they were anxious to get to the United States because they wanted the religious freedom they were denied in their country.

They told me how the children are required in their formative years to be taught communism on a daily basis. And if they are kept from these Communist classes in their formative years, they are denied access to high school educations and ultimately to college educations, no matter how intelligent they are.

So the Communists know that in forming children, in their formative years of a religion or an atheist religion is a very productive project, an undertaking.

Mr. SMITH of New Jersey. I want to point out, in 1981, I traveled to the Soviet Union on a human rights mission to speak to dissidents and Soviet Jewish refuseniks. While there, we got a taste of atheism, state-sponsored and extremist, obviously, in very extreme form.

But it struck me while I was there that they obviously do not permit prayer in their schools or any kind of discussion of God.

□ 0140

But they push also—a militant atheism. You mentioned if you get to the students, if you get to the young people and begin to promote a type of ideology and, as Justice Stewart said himself, we are talking about the establishment of a religion of secularism and absent the permissibility of speaking to God collectively in school prayer, which that right is what we are pushing for, that if you deny that, you are pushing this type of secular humanism, and Justice Stewart said it himself.

While there, while at this museum on atheism in Leningrad, we saw one group of students after another, young children, 7, 8, 10, 15 years old. Groups coming in, one right after another, looking at religious symbols that had been distorted. They took each one of the major religions of the world and used symbols to try to destroy and desecrate it.

It was very interesting to see how it could be carried to such an extreme. We have here a situation—and the irony really struck me—in a country that prides itself on freedom of speech, where people can say and do and think as they like, that we preclude the option of speech, of collectively coming together as students to pray. I think that it bodes against our hallowed traditions.

As I mentioned before, we have almost 200 years of a very strong tradition of permitting this kind of expression. And now we come to the point in 1962 and 1963 with those infamous decisions where the Court has usurped the rights of every student to pray.

I thank the gentleman.

Mr. BURTON of Indiana. I thank the gentleman from New Jersey for those kind remarks.

I agree with everything that he said. Our children are exposed every day to television; in fact, a national survey estimated that children watch 6 to 8 hours of television a day. Their morals and their attitudes toward life are dictated in large part by what they see on the television tube. And we all know that a lot of the things that are shown on the television that are children consumers, things that we do not want them to see. There is a romantic attitude toward drugs and toward sex and other things that have been coming out of the tube for a long time which have, I think, changed the attitudes of our children toward their lives. We need something to counterbalance that.

I think that an exposure to a Supreme Being through voluntary prayer in our public schools is one way to achieve that. If not, maybe in many cases the only way because a lot of people in this country simply do not take their children to church and they do not expose their children to the Almighty through prayers in the home or through Bible reading. As a result, the only way they are going to get any exposure is through voluntary prayer exercise in the schools.

Now, we were talking about the Communists and how they do it. When Cuba exports their revolution to other countries and the revolution is successful, the first thing they send in, and the first thing the Soviet Union sends in, when it takes over a country or works in consort with one of their allies to take over a country, are educators. Not to teach reading, writing and arithmetic. They do teach those, but in addition, they teach communism because they want to start at the earliest possible period in the child's life and indoctrinate them with the Communist philosophy and the Communist dogma and to make sure that that child is not lost to a religious belief which might undermine their government at some time in the future.

And I think it is extremely important that we realize that we can lose the battle of freedom in this world if we allow the Communists to take the initiative and brainwash the children of the future while we sit here in the United States and deny the children the one thing that will stay them in this fight, and that is a belief that there is a God somebody to hang onto in times of peril.

I would like to read just a few things that came to my mind when I knew we were going to have this discussion.

On May 17, 1982, almost 2 years ago, President Reagan submitted for our consideration a proposed constitutional amendment to restore the simple freedom of our citizens to offer prayer in our public schools and institutions. He called on us to act with speed in passing this amendment.

What has been done since that time? Nothing.

Need I remind the leadership of this House that prayer is a fundamental part of our American heritage and a privilege which should not be excluded by law from any American school, public or private?

One hundred and fifty years ago, Alexis de Tocqueville found that all Americans believed that religious faith was indispensable to the maintenance of their Republican institutions. Today, I think we should join with the people of this Nation in acknowledging this basic truth, that our liberty springs from and depends upon an abiding faith in God. This has been clear from the time of George Washington, who stated in his Farewell Address:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports . . . and let us with caution indulge the supposition that morality can be maintained without religion. . . . Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

Nearly every President since Washington has proclaimed a day of public prayer and thanksgiving to knowledge the many blessings of Almighty God.

We have acknowledged God's guidance on our coinage, in our national anthem, and in the Pledge of Allegiance. As the Supreme Court stated in 1952.

> We are a religious people whose institutions presuppose a Supreme Being.

Yet, only 10 years later, the Supreme Court ruled to forbid voluntary school prayer.

The elimination of school prayer went beyond protecting nonpraying students' rights to abstain. It denies rights of praying students. Many feel the constitutional amendments restoring prayer to our schools is critical to the protection and preservation of religious liberty of all citizens.

The first amendment provides that:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereby. . . .

The proposed amendment to once again allow voluntary school prayer in our schools also expressly affirms the right of anyone to pray or to refrain from prayer. The amendment will allow communities to determine for themselves whether prayer should be permitted in their schools. It allows individuals to decide for themselves whether they wish to participate.

Mr. Speaker, under article V of the Constitution, two-thirds of the States can call for a Constitutional Convention in order to propose a constitutional amendment. This procedure is being used today by those wanting a balanced budget and to date, 32 States have called for a convention.

It is time for the people through their Congress, to be recognized. They have showed us their willingness to act, through the State legislatures, using the means afforded them through the Constitution. In 1967, 17 years ago, Indiana passed the Dirksen voluntary prayer amendment—I believe we were the 31st or 32d State to ask for the voluntary prayer amendment up to that time.

After 17 years the issue is still alive. Does not that tell the House leadership something? The American people want to allow voluntary prayer in our schools again.

A September 1983 Gallup poll reports that an overwhelming majority of Americans favor a constitutional amendment that would permit voluntary group prayer in public schools. The poll asked people if they were aware of the existence of a proposed constitutional amendment which would permit such a prayer: 82 percent said they had heard of the proposal. The majority of them support such an amendment.

In the Sixth Congressional District of Indiana, over 84 percent of the people who responded to my 1983 questionnaire support legislation to permit voluntary prayer in our schools.

It is clear to me that the majority of the American people want to restore voluntary prayer to our classrooms.

Consider this: Prayer has been forcibly absent from our schools for 22 years. It is time this brief experiment be open to reevaluation. Such revision may also be seen as a necessary change from the perspective of the earliest values of our Nation; the return of the free acknowledgement of God in our schools may be necessary to help insure the continuance of the Nation envisioned by its founders as they framed its fundamental documents.

As John Adams stated on October 11, 1798: Our Constitution was made only for a moral and religious people. It is wholly inadequate to the Government of any other. It is time, Mr. Speaker, for us to return the freedom to the people of our great country, to pray whenever and wherever they so choose.

Mr. Speaker, 22 years ago, Madalyn Murray O'Hair complained that her child was being discriminated against because he was being forced to pray in school and that boy was the reason, the main reason, the catalyst, for the decision which took away voluntary prayer in our schools. I find it unusual that the person who was the reason for this prayer to be taken out of our public schools is going all over the country preaching Jesus Christ and asking that prayer be put back in the public schools. He and his mother have split. This boy is a believer. This boy is a person who sees the value of prayer in the public schools and he is sorry that he was an instrument to take the voluntary prayer out of the public schools in the first place.

Our schools, our college campuses, are being used by Communists and other radical groups to have meetings and give speeches and yet we cannot have religious meetings on the same campuses. It does not make sense.

In some parts of the country the teachers do not even allow the Pledge of Allegiance because it says, "One nation under God indivisible with liberty and justice for all." They conceive that to mean that it is a prayer of a type. I think that is inconceivable that we would allow something that would undermine our democracy, or republic, to take place. That is the abstinence from giving the Pledge of Allegiance to the U.S. flag.

Another prayer which has been prohibited, a very simple prayer that children have given since I was a little boy.

> Thank you for the food we eat,
> Thank your for the world so sweet,
> Thank you for the birds that sing,
> We thank you God for everything.

That is a prayer that cannot be given in the public schools in this country.

"In God We Trust." If a child just stood up and said "In God We Trust," which is written above our Speakers' rostrum here in the House of Representatives, if he said that that could be construed to mean he is praying and you could stop him from even saying that.

As a matter of fact, the very foundations of our Republic, our patriotism will be undermined if we allow this to continue.

In some schools they do not even allow, as I said before, the Pledge of Allegiance. I want my children, Mr. Speaker, and the future generations of this country, 50 or 100 years down the road, to be as free as we are today. And I truly believe if this Nation does not turn back to God, then the freedoms of the future generations will be lost and this country is in dire, dire circumstances.

I am very concerned, Mr. Speaker, and I think one of the most important—the most important thing that we must do in this Congress is to get voluntary prayer back in the schools.

□ 0150

I would like to end, Mr. Speaker, by saying that the Bible is very explicit in this matter. In Proverbs it says, in the Old Testament, Proverbs 22: 6, "Train up a child in the way he should go, and when he is old he will not depart from it."

If we raise our children with God as the foundation, they will not depart from it. The Communists know that because they are raising their children as their God being communism. And they know the children will not depart from it. "As the tree is bent, so it grows."

Psalms 55: 17 says: "Evening and morning and at noon I will pray * * *".

And yet we will not allow our children to pray at any time collectively in our schools.

Matthew 19: 13 says: "Then little children were brought to Him that He might put His hands on them and pray, but the disciples rebuked them. But Jesus said, 'Let the little children come to me, and do not forbid them; for such is the Kingdom of Heaven.'"

And Matthew 18:1-6: "At that time the disciples came to Jesus, saying, 'Who then is greatest in the Kingdom of Heaven?' And Jesus called a little child to Him, set him in the midst of them, and said, 'Assuredly, I say to you, unless you are converted and become as little children, you will by no means enter the Kingdom of Heaven. Therefore, whoever humbles himself as this little child is the greatest in the Kingdom of Heaven. And whoever receives one little child like this in my name receives me. But whoever causes one of these little ones who believe in me to sin, it would be better if a millstone were hung around his neck and he were drowned in the depths of the sea."

And I construe that to mean myself, Mr. Speaker, that the Lord does not want little children kept from him, and to keep them from being allowed to give voluntary prayers in public schools is doing just that.

Mr. SMITH of New Jersey. I thank my friend, the gentleman from Indiana (Mr. BURTON), for his very fine statement.

Mr. Speaker, I get around to schools in my district almost every Friday. We usually are not in session on Friday, at least without votes, and I usually speak to two, sometimes as many as three student assemblies at high schools, middle schools, junior high schools, and grammar schools each and every Friday. And during the Q&A—because I usually try to reserve about an hour of the time for questions and answers—very often the school prayer issue will come up. Time and time again I have shared with the students the fact that we do have Bible studies in Washington, that at the Supreme Court, some of the clerks over there and some of the people in the administration, and certainly Members of both the Senate and the House of both political parties, liberal and moderate and conservative, come together on a regular basis to study the Bible, to pray, and they are often even amazed to find out that we open every session of the House, and in the other body, with a prayer. I have had many students come up after that, saying that they feel their rights of freedom of speech are being violated. There are many students who have come up and said, "I would like to form a Bible study, but my principal has advised me that I cannot form one because that would be violating the law of the land as enunciated by the Supreme Court in 1962 and 1963."

How ironic, again, as I said before, in a nation that preaches freedom of speech, freedom of speech to articulate your feelings, as you see fit, that you cannot even collectively join in prayer.

I just think it is a tragedy. And we are teaching our students I think the opposite of what we hope to impart to them, and that is that this is a nation that lives up to its founding principles. They are not just words that you say that sound good on July 4 and on important holidays, but they are words that really mean something and they can in their own institutions and in their classrooms actively engage in prayer.

I would also say that I looked through some literature prior to coming over here, and I picked up a copy of—I had heard it on the radio—President Reagan's talk on prayer, which was given on February 25, and I will just read one paragraph from that. I think it kind of puts the whole focus of what we are talking about into some clarity. The President said:

> Sometimes I can't help but feel that the First Amendment is being turned on its head because you ask yourselves: Can it really be true that the First Amendment can permit Nazis and Ku Klux Klansmen to march on public property, advocate the extermination of people of the Jewish faith and the subjugation of blacks, while the same Amendment forbids our children from saying his prayer in school.

Again, how ironic, how tragic.

I will be happy to yield to my friend, the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. I appreciate very much my colleague and friend from New Jersey yielding.

I want to pursue a question, because I represent a southern district. Of course, you represent a district in a very populous State, a Northeastern State, a State of great ethnic diversity. A question which I have been asked again and again by people is: "How are we going to handle the diversity of prayer? How are we going to handle the fact that we have many different religions in America?"

I wonder if you could share this for a minute, because it seems to me that you represent probably as diverse an area as anyone in the Congress, and you, I know, have spent a great deal of time thinking about this and you have given us real leadership in the whole area of traditional values and of looking at not just prayer in school but the whole question of how we as a nation can survive and what our spiritual future is.

What are your reflections as you think of the diversity in your own district? How do you feel about this danger that some people suggest is out there, that if we have prayer in school that somehow it will cause problems in the ethnically diverse districts?

Mr. SMITH of New Jersey. I thank my friend for that question. Rather than posing problems, I think it may open up some new vistas and new insights to the students. It permits them to come in contact with what some of the other major religions are concerned about and thinking about. In my district there is a heavy preponderance of Christian and Jewish people. They are the two main religious bodies or faiths in my district. I think we should not sell the individual teacher short in the classroom, that that person, he or she, would somehow stampede over the sensibilities of the students. I think teachers, hopefully, after the certification process and after being hired by a responsible school system, would be very mindful of any student who may feel that their sensibilities are being violated.

But again we are talking about words and synonyms that go to the very heart of what we are all about as people, the very value system of the Judeo-Christian bedrock that we have been founded upon, and I do not think those kinds of words hurt anybody. Again, rather than proving injurious to anyone, they could open up discussion, they could lead to a further investigation of what religion is all about, why are we here. The most important questions are left out in the classroom. Why are we here? What is the meaning of life? What is the origin of the cosmos?

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Jersey. I would be happy to yield to my friend.

Mr. BURTON of Indiana. My district is an urban and suburban and rural district, and it encompasses about every aspect of human life and endeavor that you could think of, and I think a lot of our districts are like that. In the urban areas, where the juvenile delinquency rate and the crime rate has escalated so rapidly in recent years, I think—and I have studied this a little bit because I have sponsored a lot of child abuse legislation and juvenile delinquency legislation in the Indiana General Assembly—that there is a direct correlation between a lack of moral guidance and a lack of religious foundation that has led to this ever-rising trend. And I truly believe that if God is put back in the classroom and if children are aware of the moral principles that were taught in the Old Testament and by Jesus Christ, that the crime rate and the drug use of the children of this country will decline dramatically because they will see not only the perils of it but they will see the immorality and they will know that God would not want them to do that.

One thing I would like to read here, if you do not mind—it is going to take just a minute, but the humanists and the people who do not want prayer back in the schools base a lot of their opinion on the evolutionary theory of Charles Darwin. Charles Darwin was the fellow who came up with the theory of evolution which people took to believe means that there was no God and that man came from the animals and it was an evolutionary process, and I want to read to you something that struck me, that surprised me, as a matter of fact, about Charles Darwin's attitude toward God and the Holy Bible, after having developed this theory of evolution.

It may surprise students of Evolution who do not know, to learn that in the closing days of his life, Darwin returned to his faith in the Bible. Many a man, as he approaches the end and consequently into the presence of God and Eternity, has regretted both his views and his conduct. Such a man was Darwin.

The story is told by Lady Hope, of Northfield, England, a wonderful Christian woman who was often at his bedside before he died. She herself writes it, and not only is it interesting, it is more enlightening. Here it is in her own words:

"It was one of those glorious autumn afternoons that we sometimes enjoy in England, when I was asked to go in and sit with the well known professor, Charles Darwin. He was almost bedridden for some time before he died. I used to feel when I saw him that his fine presence would have made a grand picture for our Royal Academy; but never did I think so more strongly than on this one particular occasion.

"He was sitting up in bed, wearing a soft embroidered dressing gown of rather a rich purple shade. Propped up by pillows, he was gazing out on a far-stretching scene of woods and cornfields, which glowed in the light of a marvelous sunset. His noble forehead and fine features seemed to be lit with pleasure as I entered the room.

"He waved his hand toward the window as he pointed out the scene beyond, while in the other hand he held an open Bible, which he was always studying.

"What are you reading now?" I asked as I was seated by his bedside. 'Hebrews!' he answered—'still Hebrews, The Royal Book, I call it.' Then placing his finger on certain passages, he commented on them.

"I made some allusions to the strong opinions expressed by many persons on his history of the Creation, its grandeur, and then their treatment of the earliest chapters of the Book of Genesis.

"He seemed greatly distressed, his fingers twitched nervously, and a look of agony came over his face as he said, 'I was a young man with unformed ideas. I threw out queries, suggestions, wondering all the time over everything; and to my astonishment the ideas took like wildfire. People made a religion of them.'

"Then he paused, and after a few more sentences on 'the holiness of God' and 'the grandeur of this Book,' looking at the Bible which he was holding tenderly all the time, he suddenly said, 'I have a summerhouse in the garden which holds about thirty people. It is over there,' pointing through the open window. 'I want you very much to speak there. I know you read the Bible in villages. Tomorrow afernoon I should like the servants on the place, and a few of the neighbors to gather there. Will you speak to them?'

" 'What shall I speak about?' I asked. 'Jesus Christ!' he replied, 'and His salvation. Is not that the best theme? And then I want you to sing some hymns with them.'

"The wonderful look of brightness and animation on his face as he said this, I shall never forget, for he added, 'If you take the meeting at three o'clock this window will be open, and you will know that I am joining in with the singing.'

"How I wished that I could have made a picture of the fine old man and his beautiful surroundings on that memorable day!"

Was there ever a more dramatic scene? The very soul of tragedy is here exposed to us! Darwin enthusiast for the Bible, speaking with glowing enthusiasm about "the grandeur of the Book," reminded of that modern evolutionary movement in theology which, linked with skeptical criticism, has become a blight in all the Churches and has destroyed Biblical faith in multitudes—Darwin, with a look of agony, deploring it all and declaring: "I was a young man with unformed ideas."

This remarkable picture of Darwin is a challenge to every Modernist. What an overwhelming criticism; The "unformed ideas" of the young man are the basis of modern evolutionary theology.

□ 0200

I think that is really tragic that the humanists and a lot of people who are keeping prayer out of public schools by coming before this body and the leaders of this body and others across this country keeping the pressure on to keep prayer from coming back into the schools base their entire philosophy, or at least a large part of it, on a theory that was rebuked on his deathbed by the man who came up with it in the first place.

Mr. GINGRICH. Well, I would like to carry back to that because I think that the point you are making which is that the absence of religion, when it is enforced by law, becomes a religion. In a sense what we have is a secular religion imposed upon our children in that the State now says that you can discuss virtually anything that you want to in schools for 12 years of your life, except those things that relate to God.

I could not help but think when the gentleman from New Jersey was speaking a minute ago about his faith in teachers, that his sense that teachers can be sensitive. There is some, I think, irony that very often the people who would most oppose what the three of us trying to discuss here this evening; the people who would most say no, no, no, you cannot have prayer in school. No; you cannot allow children to talk about religion in school would turn and say, however, we badly need sex education. That in fact, the very teacher they do not trust to have any sensitivity in allowing the child to pray, they are willing to give absolute trust to in allowing the child to talk about the whole act of reproduction.

I find a certain grand irony in that they are willing to allow a Ku Klux Klan meeting, as somebody said a while ago, they are willing to allow a gay rights meeting, they are willing to allow a Marxist study club, any of those are legitimate. But if somebody were to walk in and say, you know, I am very interested in the origins of the Jewish religion and therefore I would like to form a study group, or I am very interested in looking at the lessons we can draw from the Old and New Testaments, and therefore, I would like to meet voluntarily in the afternoon, I would like to be able to announce that anybody that wants to meet could come. Somehow, that would be reprehensible and a danger to the whole society.

I just want to ask because each of you represents a district that has great diversity, and each of you has, I know, talked about this with a wide range of people; I had the experience—this is a true story—I had the experience on Saturday morning of debating two ministers who come from rather liberal denominations and the one minister actually said—and I can get the tape of this for anybody who does not believe me—he said, "Can you imagine the disruption if all those children start praying?"

I just wanted to ask, do either of you have or have you had any teachers come up to you and say to you, Boy if we let those kids start praying they are going to get out of hand and we will not be able to get order in the classroom.

Mr. SMITH of New Jersey. I would have to say that that is a new one on me and you know, you started to go into one area where just about any kind of club and every kind of organization is permissible in a public school except a Bible study group. The only time that the schools will permit such a coming together of such a group is when it is the Bible as literature. Or when somehow it is de-God, that you take the real essence and the genuine power out of deity. When you do that, when you make it more folklore, and reduce it to that level, then it becomes permissible and you can discuss it from here to breakfast.

I think that kind of belies a certain atheistic move on the part of some of these people. You know, those who really understand the true meaning of prayer, and that prayer is powerful, that it is a communication with the Almighty, that it does tap into providence, if you will, and to the next world, the more that we realize that, the more that we realize that the people usually espouse the other view do not believe that, or they would not be so much against it.

I am always appalled at some of those clergymen who say that we cannot impose a certain kind of religious morality or religious belief on people. You know it just does not cut.

Mr. BURTON of Indiana. You know, Jesus said, "Suffer not the little children to come unto me," and I cannot imagine a teacher taking a different view than Jesus. I mean, if Jesus could put up with all those kids coming to him and he could talk with them and control them, I cannot imagine a teacher not being able to live with them while they say a prayer.

As a matter of fact, I go to my children's schools on a regular basis to try to meet their new teachers at the beginning of the semester, and I get the feeling that they would like almost anything to calm those kids down from time to time. You know, a 9-year-old and an 11-year-old and you have the whole room of them, they get kind of rambunctous at times, and I think a moment of voluntary prayer, even if it took 4 or 5 minutes, would be a welcome respite from the chaos that takes place in school.

Mr. SMITH of New Jersey. If my friend would yield, again, I do get back just about every Friday and speak to two to three schools per week. I get to talk to the teachers afterward, particularly after the third school, and I would like to see the permission granted by Congress through a constitutional amendment to permit them the freedom of leaving the class, or permitting a school leader to leave or maybe even to form a Bible group.

I think there is a mistaken notion because groups like the National Education Association and some of the other groups because they are against school prayer and the Washington leadership is espousing that philosophy, that somehow that translates to the grassroots teacher. That does not. In my district it certainly does not. I do not think that goes for the rest of the State of New Jersey. You know, the people who are out there teaching, and I have a brother who was principal, my wife is a teacher, my cousin is a teacher in public schools, and you know, they would like to see school prayer, and I just know so many people, teachers who think that this is a natural, free right. How artificial it is again to just say that prayer, you can talk about anything under the sun in school, academic freedom abounds, but when it comes to articulating your views toward God in a solemn way, perhaps, that is precluded.

Mr. BURTON of Indiana. Well, you know, some of our colleagues say that there is the right to go ahead and have a voluntary prayer right now, but you talk to any teacher in this country, at least in my district, and the teachers will shake their head, well, I am not going to take that risk or responsibility because the way it has been presented to me that no prayers are allowed.

□ 0210

And so even though they would like to do it and even though some of our colleagues say they can have some prayer in schools right now, they are not going to do it. Until we clear this up in this body, in this House, and in the other body and get it to the President and get a constitutional amendment passed, there is not going to be any voluntary prayer across this country.

So it is absolutely essential that they all know without any doubt that voluntary prayer is allowed in our public schools.

Mr. GINGRICH. Mr. Speaker, if the gentleman will yield, he has raised a point which I have to confess I am absolutely fascinated by.

Again, in the debate I happened to be engaged in on Saturday morning, I had these two fairly liberal ministers, both claiming that voluntary prayer was legal. I happened to see a TV show this evening in which a very distinguished spokesman for the cause of stopping prayer announced that we could all pray voluntarily. And yet let me read from the record for just a moment.

A school principal in New York ordered his teachers to stop kindergarten children from voluntarily saying grace before meals on their own initiative. The Second Circuit Court of Appeals upheld the ban.

A recitation by kindergarten children in Illinois of a thankful type secular verse before meals without reference to God was held to violate the establishment clause by the Seventh Circuit Court of Appeals.

Now, in both of those cases we have here clear, explicit decisions. Technically, if a 5-year-old or a 6-year-old were to come in to school tomorrow morning and stand up and say, "I am now going to pray"—if they carried it to its extreme, the Federal Bureau of Investigation would arrest that 6-year-old and they would be sentenced to a Federal penitentiary for violating a U.S. Supreme Court decision. That is literally what could happen. The State does have the power and ultimately has the obligation to enforce its rules.

So when I hear people on the left say, "Of course we can pray now if we want to," I cannot decide whether they are being disingenuous or just frankly deceiving people or whether in their own minds they really have not had to confront the reality of modern America and the reality of the fact that the American Civil Liberties Union has become a machine to destroy religion, and that it has used the Court as its meat grinder to chop up what has been our traditional heritage and to create a radical and very different kind of world. I honestly do not know. I would be fascinated to find somebody who could go out and do a lot more research.

But I just find again and again that people on the left who claim they favor voluntary prayer act as though none of the last 20 years of court decisions occurred and as though they lived on a different planet than the rest of us who find that in fact the courts are interfering more and more in the freedom of religion.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield further?

Mr. SMITH of New Jersey. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Georgia for shedding some more light on this by citing some court cases. That is the more reason why, if it is allowable for there to be voluntary prayer in the schools right now without any action by this body, it is certainly in fact not taking place, and it is not going to take place because no teacher, no principal, or no educator is going to jeopardize himself before the law unless he knows for sure it is legal, even if he wants to. That is why it is extremely important that the Congress of the United States speedily pass this constitutional amendment for voluntary prayer.

Mr. SMITH of New Jersey. Mr. Speaker, I think the term that perhaps best described what has happened in the United States is that there has been a chilling effect. The feeling is that if prayer is engaged in in a collective manner in school, a court case could evolve and litigation could evolve. It is very costly to a local school board or school district, and because of that it has a chilling effect upon the so-called voluntary prayer that does not exist.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield further?

Mr. SMITH of New Jersey. I am happy to yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I must say in all fairness, just so anyone who later on looks at this Record or anyone who happens to have a chance to participate with us this evening will know, that while the entire evening has been organized by Congressman Duncan Hunter of California in an extraordinary effort, showing enormous leadership, this particular information comes from Congressman Bob Walker of Pennsylvania and his staff who have done an extraordinary job of doing basic research.

Let me share a few more horror stories.

The reading of prayers from the Congressional Record to a voluntary gathering of students in a high school gymnasium before the beginning of the schoolday was forbidden by New Jersey State courts. The Supreme Court declined review.

In other words, although we have the prayer here, although it is in the Congressional Record, it is illegal to read that Congressional Record in New Jersey. And the Supreme Court upheld it.

Similarly, a school board—and they went a long way out of their way to try to find a way around this—a school board policy in Louisiana allowed students to participate in a 1-minute prayer or meditation at the start of the school day—now, notice this clause—upon request and accompanied by parental consent. In other words, it was not blanket; they were not going to force it. If your parents requested it, if you wanted to do it, and if your parents sent a written note. It was overturned by the Fifth Circuit Court of Appeals, and the Supreme Court upheld their decision in 1982.

So the next time you hear somebody on the left say to you, "Oh, but you can have voluntary prayer," you need to ask them to go and do their homework, because they are either deliberately misleading you or they are simply ignorant of the reality of late 20th-century America and the kind of direct intervention we have had again and again from the courts and the way in which they have systematically sought out religious activity and discriminated against it.

So I just want to thank the gentleman. I know it is late in the evening, and both gentlemen have done an extraordinarily fine job of laying out this case. I appreciate the gentleman's yielding to me, because, coming from two very diverse districts, I had wanted to raise this question of diversity, because I do think it is one of the better questions raised by people who are really concerned.

I am reassured and I think anyone else who has any commonsense will be reassured that in a society where all too often diversity in recent years has turned into knifings and violent crime and a variety of problems, I think diversity of prayer might in fact, as the gentleman from New Jersey (Mr. SMITH) suggested, bring us together in our common bond to a greater being.

Mr. Speaker, I appreciate the gentleman's yielding to me.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

THE VOLUNTARY SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore (Mr. KILDEE). Under a previous order of the House, the gentleman from Michigan (Mr. SILJANDER) is recognized for 60 minutes.

Mr. SILJANDER. Mr. Speaker, people are destroyed by a lack of knowledge. Those are some famous words in the Old Testament.

It is incredible that I can stand on the floor of the U.S. Congress, I can quote the Bible if I want to, I can stand here and pray, I can bow my head and open my eyes wide open and look toward the Heavens, as George Washington did, as symbolized in our prayer room in the Capitol, with stained glass windows, with George Washington kneeling and looking toward Heaven. I can say whatever I want to on the floor of the U.S. Congress. We can debate, argue, and initiate opinions and views, be they secular or be they spiritual. Yet our young people in our public schools are not allowed, at their option, to bow their heads, to raise their eyes, or to do any of the actions spiritually now, according to the Supreme Court decision of 1963, that we are allowed to do here in Congress.

My question to the American people is, How do we maintain our freedom in the social order? Our Founding Fathers did have a vision for America. They had a concept that built and formed the cornerstone of our country. They were bound to a law of God. They were not bashful, they were not frightened, they were not embarrassed to kneel down before deliberating the Constitution of the United States and seek the wisdom of the Almighty.

For both Jewish and Christian alike, our Judeo-Christian heritage is something we in this Nation should not try to talk underneath the carpet or something we should be bashful about but, rather, something we should be very proud of.

When we get down to it, there is an interesting comparison about our social order and what freedom means within that social order. Either we believe that there is a universal truth, a universal principle, a universal Father that we all yield to and are held accountable to, or the other option, of course, is that there is no accountability in the universe, that everything is just happenstance, that nature itself just happened in 1 day with a big bang, or some other theory.

That is secular humanism, not humanitarianism but secular humanism where man begins to look upon himself as the ultimate reality, where man begins to look upon himself as the ultimate truth.

If that is true, if man is the ultimate truth and man is the ultimate reality, then man is accountable only to himself or herself. If that is true, then what is law? Then what is accountability? Then what is nature? Then what does our universe consist of? Is it just happenstance?

□ 0220

With secular humanism I suppose one could extend that theory, that logic, that God rests within ourselves, for accountability he rests within man. I suppose we can extend that to suggest that if I felt like raping a young girl, a secular humanist would say if it makes me feel good and it fits within my moral parameters, after all, God is in me, I am God, there is no accountability to a truth of the universe, there is no accountability to anyone but myself, so, therefore, it should be legal and just fine.

That is secular humanism. There is no accountability. There is no authority. There is no responsibility except to one's self.

Mr. Speaker, the concern that we have here tonight, the reason why some of us, and some of the media have already said foolishly are staying up all night long spewing out our guts to five or six Members on the floor, a half dozen or so more citizens in the gallery, and who knows how many listening on C-Span, nationwide cable TV, they have called us rather foolish. But I think there is an ultimate reality that brings us all together this morning, this afternoon, this evening, through this evening, through tomorrow morning. There is an ultimate reality and a concern that brings us together and unites us into a common cause, a common vision, if you will, for America, and that common cause is the belief that there is a universal creator, that there is a universal truth. The world did not just happen with a big bang but, rather, there is an order to things, not a chaos to things. There is a structure to things, not happenstance to things.

There is a God that created man and woman and child and created the heavens and the universe. There is a God that we ought to be held accountable to, and that God is not man but the God is the God of Abraham, Isaac, and Jacob.

Secular humanism has been declared a religion by our courts. The same courts have suggested that religion cannot be taught in our public schools. Yet, secular humanism seems to be the domination factor. Slowly but surely this concept that there is no God, there is no accountability, yet the accountability rests upon man, is a growing theology which for some of us draws us together, and for some of us we believe needs to be addressed and needs to be exposed to the American people.

The only alternative, as I see, to secular humanism is a state as our Founding Father originally conceived it. The Declaration of Independence says very categorically men are endowed, not by themselves but, by their creator with certain inalienable rights. Those rights are liberty, the pursuit of freedom, including the freedom of religion.

And in the Soviet Union there is really no freedom of religion. Religion is the state. Religion is the state.

The materialism of Marx and Engels says there are no absolutes, there are no values, there is no worth. But that, Mr. Speaker, that attitude has led to chaos. That attitude that has been subscribed to by every culture in this world has led to decline, destruction, and inevitable ruin. And I believe that America, to a great degree because of yielding over to court decisions and congressional actions, has slipped away from a freedom and social order. America has slipped away from the concepts of the Founding Fathers, the concept that there is an ultimate truth in the universe, the concept that we need to build our hearts and our minds and our bodies to a truth greater than man.

But we slipped away. The courts and our Congress, they are forcing humanism down the throats of Americans.

We are celebrating, some would say, the 10th year of the decision for abortion. God has been pushed out of our public schools, the theme of this night's endeavor. Pornography and kiddy porn are rampant. We are encouraged now to do your own thing.

Have you heard that recently? Just do your own thing and if it feels good go ahead and do it. This is the epitome of secular humanism. It is the epitome of self-love when we look into ourselves rather than to our neighbor to determine what makes us turn on or turn off. And if we believe in our minds and our own moral structures that that is appropriate, we seem to pursue it with great vigor.

Surveys are clear that our schools have not progressed at all. Quite to the contrary. Alcohol related deaths among teenagers is disproportionate to the population at large. Suicide amongst the young people between the ages of 14 and 23 is the second largest cause of death. Abortion, teenage pregnancies, the crime rate, homosexuality, SAT scores, anywhere we turn our public schools are not building but, rather, our public schools are surely deteriorating.

It is awfully sad that 70 percent of all the graduating seniors in high school when asked in a public opinion poll they said that they believe they will never die a natural death. They are convinced that they will be engulfed by a nuclear annihilation. The attitude, the pessimism, the gloom and doom amongst our young people is incredible. The fatalism that is thrust upon them by secular humanism, that lacks hope, that lacks faith, that lacks any integrity and character toward America and toward our future.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I am happy to yield to the gentleman from California.

Mr. HUNTER. I appreciate the gentleman's statements. He has made some cogent points that our young people have tremendous challenges facing them right now and are really attacked on all sides by a number of things that are happening in society.

I had an opportunity to speak in I guess what you would call a debate with a representative from the American Civil Liberties Union today, and he was mentioning the terrible things that he thought would happen if we had prayer in school. He said that he had an example of some place in Oklahoma where a young child had been chastised severely because the child had refused to pray or had prayed too much or something. I have the report in front of me here, a memorandum from the Cabinet Council on Human Resources concerning disorder in our public schools and it lays out some of the terrible forces that our young people are facing in schools today.

One of the statistics is each month 282,000 students were physically attacked in America's secondary schools and yet the Civil Liberties Union is very, very concerned that, my gosh, if we have a prayer in the school some of the children might be chastised by other children for not praying or for not participating or they might be upset. These people seem to have no concern at all for the 282,000 students who are physically attacked.

Each month 112,000 students were robbed through force, weapons, or threats, in America's secondary schools, and each month 2,400,000 students have their personal property stolen in America's secondary schools.

Our children are under siege in our schools and they need to be able to have the same foundation and the same rock that prior and previous generations, American generations, have depended upon, and that is the rock of faith, and we do not allow them to have that. We do not allow them to share this spiritual heritage that this Nation has. So while we wring our hands over the possibilities of our children becoming upset if some of them are subject or happen to come into contact with prayer in school, we have 2,400,000 of them having their property stolen each month, 112,000 of them being robbed through force, weapons, or threat of force, and 282,000 students being physically attacked each month in America's schools.

☐ 0230

So I think it is obvious that the threat that is presently facing our children in schools is certainly not that of school prayer. And I thank the gentleman for yielding.

Mr. SILJANDER. I appreciate the gentleman's addition, fine addition, and those comments.

And just to transcend for a moment or two, Congressman Hunter of California who just spoke; I think many of us owe you a debt of thanks and the reason I say that is very simple; that this whole order, special order tonight, the prayer vigils that are happening around our Capitol at this very moment and have been occurring all throughout the day, much of that has been organized by many, many Members here; but Duncan Hunter of California, a Member in fine standing, of course, from the San Diego area, has led the charge.

I just want to say personally that I thank you. I know that millions of Americans throughout the day who have been listening and watching in the galleries and on the C-Span's across the country, I am sure they all owe you a debt of thanks, that you had enough courage to stand up and enough courage to, behind the scenes, organize and orchestrate what I consider a historic event.

I had one question for the gentleman, if I may: Do you know or does any one of the Members on the floor, does anyone here know that at any other time in the history of America that there has ever been an all night special order on any issue, social issue, similar to prayer in public schools? Has there ever been the—aside from budget debates that often go on all night long, excluding those debates; has there ever been a preorganized, orchestrated session on the floor dealing with the social issue ever before in history?

Mr. HUNTER. I do not have the answer to that question. That question may require a Gingrichian analysis. We might want to yield to our colleague from Georgia who perhaps has control of some of those facts and maybe he could tell us if in fact this is unprecedented.

Mr. GINGRICH. I have to confess off the cuff that I do not have and have not had time to check with the House Parliamentarian, but will do so in the next few minutes and later on this evening, hopefully, I will be able to announce whether there has been ever a specifically issue-focused all night session such as this, or one which took a particular social issue and dealt with it.

I think it safe to say that certainly not in the last 13 years have we seen anything at all to rival this focus on prayer in school and traditional values.

But at the request of my distinguished colleague from California (Mr. Hunter) and my very esteemed colleague from Michigan (Mr. Siljander) as the part time once-upon-a-time historian with this group, I will wander off and see what history I could find on this.

Mr. HUNTER. We would ask our colleague not to wander too far because he may have the time in the next hour. Let me say if there is any credit to be given for this session the credit should go to the Members of this body who have come out here at 1, 2, 3 in the morning and in fact two came out all afternoon yesterday, beginning with our Republican leader and gave of their time.

You know, again something I noticed is that the reason that we are having a successful special order is because there is a lot of Members on this floor on both sides of the aisle, Republicans and Democrats, who have wanted to raise the issue of school prayer and be able to talk about it and debate it.

Again we have not been able to do that because the Democratic leadership has not allowed the issue to come up. I think, I know some Members were talking, implying that somehow we were being overly partisan when Members on the Republican side were saying we blame this on the leadership, some of the committees and Democratic leadership.

Yet I watched several of our Democratic friends get up, particularly Mr. HALL from Texas, and say we are tired of dilatory tactics; we want to see this issue brought to the House floor.

So I think that the notion that this issue has been bottled up so it might never see the light of day is a notion that is not only shared by Republicans. If we did not take this special order and this is a historic special order, we want to assure all of the wonderful people who man the positions and the offices right now, at the Speaker's desk in the cloakrooms and who have the duty to stay in here with us as we go through this night, that this is not something we are going to do every day. We assure you you have our pledge on that. This is a historic special order. It is going to happen maybe one time and it is going to happen because this is an issue of historic importance.

It is an issue which is going, I think, to have an effect on whether or not America, in fact, enjoys a renaissance of productivity and a return to our fundamental values and our fundamental faiths that have kept us strong for so many years. We hope that perhaps if America watches this discussion and this debate that they will make their wishes known, as have I think some 80 percent of the American people have evidenced their intent through recent Gallup polls to say that they are in favor of school prayer.

So we appreciate everybody who has manned the fortress and manned the House today and yesterday and tonight and this morning for their devotion to the important issues that come up in this Nation.

Again, I think we can all feel pretty good about spending some time on something as fundamental as school prayer, because gosh knows, we spend a lot of time talking about planting seedlings in Oregon, and the distinguished minority member complimenting the distinguished Chairman and the distinguished Chairman complimenting the distinguished minority member.

And it is important that we always remain the people's House and that we talk about issues which are fundamental and important to the American people I think even if you do not believe school prayer is appropriate, it is American to believe that issues should be brought up and should be talked about; should be discussed and should be voted on.

Bottling up issues, bottling up ideas or issues in committee is not something the American people like. They do not like that type of action. They like to see issues get aired and may the best debator win: may everybody put out their points and ultimately may the issue be resolved by a vote.

That is how the people's House works.

Mr. SILJANDER. I yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman.

The gentleman from California makes a good point, even if people do not believe in school prayer, they do not believe in praying or school prayer. Again, this comes down to a first amendment freedom of speech right. You can either express yourself and articulate your feelings, to do so in a collective manner or you cannot.

To deny that to our young people is not only arbitrary and capricious; it is unconstitutional. As I pointed out in the special order earlier, we have had 170-odd years of believing that the Founding Fathers and the original Constitution meant that prayer was permitted in schools. Then along comes a whole new redefinition in the 1962 and 1963 decisions which totally reversed 180 degrees what has been our history and our heritage.

I think we are all the worse for it. Again, I know many students now who feel they are being deprived, teachers who feel they are being deprived of basic liberty, a freedom of speech. I do not think we can get away from that. There are those who say I am atheist; I do not believe in prayer; that is fine and dandy. I feel rather sorry for you, but still that is your belief system.

But again to preclude the opposition of prayer to others is wrong. It is a freedom of speech issue.

Again, like my friend from Michigan (Mr. SILJANDER), I want to congratulate the gentleman from California for organizing this. This is historic. He has been a leader in the Congress on many issues, this is just one among them.

Mr. SILJANDER. I yield to the gentleman from California.

Mr. HUNTER. I want to thank the gentleman from New Jersey for his wonderful commendations and remind we still have a few slots left; 4 to 5 o'clock, 6 to 7. We appreciate his attendance and assistance. Let me make one point on what the gentleman mentioned.

You know, the first amendment says two thing. Sometimes those two things are in conflict with each other. It says Congress shall make no law respecting establishment of religion. But it also says, nor shall Congress prohibit the free exercise thereof. There are many constitutional scholars in the land that believe the Supreme Court decision of 1962 was an erroneous decision and a decision that gave too much weight to the first part of the first amendment and too little weight to the last part of the first amendment; that is that Congress shall not prohibit the free exercise of religion.

☐ 0240

We hope that in this very simple language of House Joint Resolution 100—and you know I was kind of surprised today because our great minority leader, Republican leader, BOB MICHEL, stood up and he gave us a little background on what the gentleman from his State, Senator Everett McKinley Dirksen had said when he first brought up school prayer and what his proposed constitutional amendment had said. That constitutional amendment that was proposed by Senator Dirksen is very similar to that that was proposed by our colleague, Mr. KINDNESS. It says in Mr. KINDNESS' resolution, "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions."

But it further says, "No person shall be required by the United States or by any State to participate in prayer."

And that is essentially what Senator Everett McKinley Dirksen said. He said essentially these children have to have a place where they can pray. Put them in a basement, put them in a room, even put them up on the roof if you have to. But they have the right to come together and pray.

I am reminded that we pray as a body, and I think we gain some strength and a feeling of greater faith because we are all together. When the Speaker, Mr. O'NEILL, orders a congressional prayer, we all pray. We do not say, well, one guy can pray at one time and another guy can pray at another time.

These young people need to pray with each other, not with teachers necessarily, not with Congressmen, even though Congressmen need prayer now and then, not with any other governmental official, but they need to pray with each other. They can have sex education classes with each other. They can listen to left leaning orators with each other.

Mr. SILJANDER. If I may reclaim my time, I think it is obvious that in public schools young people can do just about anything they choose to do. They can talk about, as the gentleman alluded to, and the gentleman from Georgia earlier alluded to, they can talk about the reproductive process from beginning to end. They can talk about the dialectic materialist philosophy from beginning to end. They can talk about a revolution. We can talk about genetic engineering. We can talk about evolution, but dare—but just dare allow the young people, at their own option, oh, dare them just to pray and all of a sudden it is a Federal issue.

Can you imagine young kindergartners wanting to say grace over a meal. It is a Federal issue. Take them to court. Throw them in the jail because they want to say a prayer over their food. Yet young people can do just about anything they want to, except recognize the fact that there is someone greater and in truth greater than we are.

I think that ought to be enough to motivate even the deepest agnostic or atheist into at least recognizing, as the gentleman from New Jersey alluded to moments ago, a freedom of speech. Why should not a young child, if they can talk about the Devil, talk about anything they want to talk about, not mention God.

Mr. HUNTER. If the gentleman will yield, I think the gentleman has made an excellent point. It was mentioned earlier and it was just such a tremendous point that it is not controvertable. When we pray in this Chamber, if you are saying that the Supreme Court decision not to allow people not to pray in public schools is because of the so-called division and separation between church and state, this Chamber, and we as Members of Congress, are the epitome of the state. We are the state. This is the state.

So if the Speaker of the House can get up in the State house, if you will, and order the congressional prayer and it is prayed, my gosh, I would think that if somebody filed a suit against Congress they most certainly would be successful under the current philosophy or under the philosophy that the Supreme Court raised in 1962.

Why do they not take us on? Why go after the school kids?

And, by the same token, certainly our military people on our military bases are extensions of the State. They are paid by the State. They are under the supervision of our Commander in Chief. We allow those people to go into battle and ask them sometimes to give their lives for us and certainly they have the right to pray and they must have faith in this country if they are going to carry out the missions that we give them. But certainly we should have gone after them.

Mr. SILJANDER. If I may reclaim my time, the gentleman makes a good point. But you know what the rebuttal is to that? And I was on a debate as many of us were or arguing on radio and TV shows all morning and all afternoon. Why they let us do it, allow us in Congress to pray and the Supreme Court, the hypocrites in 1963 that said kids cannot pray, but they call out for God to save the Nation and the Court every day it opens. That is a petition in prayer. Because we are older and more mature is the premise and the impressionable young people, we cannot be forcing them to pray, which we are not. We cannot let them voluntarily stand up and pray in public schools or articulate at prayer because they are impressionable. But it is all right for them to go home and turn on the television set and watch on an average of 30 people being shot and murdered a day, several rapes now on television, incest, every other kind of movie and garbage under the Sun. It is all right for them to go home in prime time, right after dinner, just enough time to get their homework done so they can turn on the television and watch prime time murder and sex and violence galore. So much so that even now a study commission is looking into whether or not violent movies and magazines can, in fact, create a violent attitude. And some studies already indicate very clearly that this can instill a violent attitude.

Yet, of course, that is OK. The courts ruled this is freedom of press. Freedom of speech. But yet we go back to the same old thing. They are not to pray if they want to because they might be impressed by the fact that there is a God. They might be impressed in fact that someone who is Jewish or Moslem may have a prayer that a Christian might find fascinating or interesting or vice versa.

I think it is the epitome in a country who claims to be the land of the brave and the free that we will not allow our young people to voluntarily initiate and articulate either privately, silently or out loud, a prayer in our public schools. It is total blatant hypocrisy.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I thank the gentleman.

As usual the gentleman is very eloquent on this issue.

As was pointed out earlier by our friend from Georgia (Mr. GINGRICH), in my own State the reading of the CONGRESSIONAL RECORD, that is to say that part in which the prayer was said, was held to be unconstitutional by some lower courts and was not taken up by our State supreme court.

I am just wondering parts of this debate perhaps would be ruled to be off limits for reading in the CONGRESSIONAL RECORD, particularly when my friend, Mr. BURTON and others have quoted certain sections of Scripture. It shows how ludicrous this whole concept, how artificial this whole concept as decreed by the 1962 and 1963 court decisions really is when you say that this part cannot be talked about. You cannot even read Reverend Ford, our esteemed Chaplain, you cannot even read his opening prayer. To me that just shows as the gentleman said how ludicrous, how hypocritical it really is.

What do those who are so much against this expression of free speech, what are they so afraid of? Here we are talking about the Almighty, the origin of the universe perhaps, in some prayers. If you look at the true extension of true belief in God, it is that we love our neighbor as ourselves. We do kind things to other people. The great works that have been done in the name of Christianity, and Judaism, and other major religions are a testimony to that fact that it embodies the best that is in human nature.

It is so tragic again that those who most need it, those young minds that are impressionable or that maybe open up a vista, maybe they are not getting it at home, maybe they never set foot in a church, or maybe they will hear the Ten Commandments. Thou shall not kill or steal or some of those others of the Commandments and it may make an impression in their minds.

I was reminded when my friend from California was talking earlier, we have a congressional Bible study that meets every Tuesday and Wednesday. One of the most refreshing times of my week is coming together with Members from both sides of the aisle, liberals and conservatives, breaking open the word and praying.

Now if the court, district court or Supreme Court, tried to preclude me that option, I know I would get my back up and I would fight it tooth and nail to try and stop it. Yet, thousands, millions of students, they want to come together in a Bible study in a voluntary way or pray together, they cannot do it.

□ 0250

We have our Bible study right below this Chamber in H-127 and in some of the other meeting rooms each and every week. We break bread together, we have a breakfast together. I know there is also another congressional Bible study that meets, where many of the senior Members of this body come together and they pray, many of the very distinguished committee chairmen. You cannot do that in public school.

Again, I just think we are talking about, as the gentleman said so well, hypocrisy, this is blatant hypocrisy. We can amend it, we can change this. I think we need to put a little emphasis on the solution. There is pending legislation in the Senate, there is pending legislation here in the House, of which I am cosponsor. I know my friends, the gentleman from Michigan and the gentleman from California, are also sponsors. That would amend the Constitution and permit voluntary school prayer. It would not force it on anybody. It would just permit voluntary school prayer, the free expression of freedom of speech.

Again, I say: What are they so afraid of that they do not want students to have that?

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from California.

Mr. HUNTER. I appreciate the gentleman yielding.

The gentleman mentioned the artificiality of the 1962 Supreme Court decision. I think there are a few words on a schoolhouse in one of our colleague's districts. He told me about it. I think it so well illustrates the artificiality of that 1962 decision. Those words say: "In case of nuclear war, disregard the Supreme Court decision."

Here we live in this age when our children, no matter what we do on arms control, are going to be threatened by the possibility at least of a holocaust because of the advancement in weapons. You cannot put the genie back in the bottle. They are faced with challenges that are I think much greater than the challenges we ever faced. Yet we do not allow them that handle of faith that we had, that millions of Americans have had since this country was founded, and that is the right to do exactly what we do—and the gentleman from New Jersey talked about it and the gentleman from Michigan—and that is to put your desks together, if you will, and to sit down and to talk about why we are here, what our mission in life is, what God wants us to do and how we can best live with our fellow man.

Perhaps when we are facing these major decisions in arms control and how do we get along with the Soviets and what is our relationship to the rest of the free world, we are going to do a lot of inner looking, so to speak, we are going to need to do a lot of praying if we are really going to come up with those answers. But when you have these tremendous problems that will face our young people, no matter what we do, those problems will face them, to think that we are now disarming them of their right to share in our spiritual heritage and disarming them of their right to have a faith and to have faith in God, and not only that, to relate that faith to their Nation, to relate their rights as coming from God and not from the Speaker, Mr. O'NEILL—nobody's rights come from Mr. O'NEILL. Nobody's rights come from us. Nobody's rights come from this Capitol. They come from God. And I think in fact under the Supreme Court decision, as the gentleman said, why don't they take on somebody other than schoolchildren? Let the Supreme Court take on the U.S. Congress. Let them tell them we cannot have a prayer. Let them tell the Armed Forces they cannot have a prayer. Let them say that it is unconstitutional to recite the Constitution because the Constitution acknowledges God. And the Declaration of Independence acknowledges God. How can we have inalienable rights? I think it is ironic, and I think Madalyn Murray O'Hair, in raising her famous case, based her rights, her standing, to have that case heard on what other than her inalienable rights under God. That is how she had her case heard.

So I thank the gentleman from Michigan for his articulate statement and the gentleman from New Jersey, who I know drove most of the night to come back here, after just announcing for reelection, and which I know will be no problem for the gentleman from New Jersey, because of his great faith and his tremendous energy.

Mr. SILJANDER. I thank both gentlemen for their fine comments.

I think it might be appropriate at this point just to point out two of our great Presidents, one a Democrat and one a Republican, what they had to say. Quoting from John F. Kennedy:

> And yet the same revolutionary beliefs for which our forebearers fought and still at issue around the globe, the belief that the rights of man come not from the generosity of the State but from the hand of God.

Dwight D. Eisenhower said:

> Without God there can be no American form of government nor an American way of life. Recognition of a Supreme Being is the first and most basic expression of Americanism. Thus, the Founding Fathers of America sought and thus with God's help it will continue to be.

I think this embodies what we are trying to say tonight. It embodies the theory and the thrust of what this special order encompasses this morning, this evening and tomorrow morning. It encompasses an idea that there is a truth of the universe versus the idea that man possesses that truth.

And getting back to the concept of secular humanism and what it has done, we have had an interesting colloquy of what secular humanism is a little bit, about the hypocrisy in the Supreme Court decision, about the fact that secular humanism has had on our young people, and all of these things we outlined about suicide amongst teenagers, their pessimism about their own future, their gloom and doom outlook and fatalism. Certainly prayer in school, we are not advocating that would change all of the statistics, nor am I advocating that if we had prayer in school that the intelligence tests, the SAT tests, would necessarily increase. But certainly we have had the experiment for 21 years. We have expelled God, brought in sex, brought in violence, brought in every other kind of activity known to man in our schools. And we have the fruit, the bad fruit thereof.

I think it is important that all Americans see the depth of the crisis that we are in. It is the severity of the crisis. But there is a way back. We all talk about gloom and doom and how terrible things are. But I am an optimist. I really believe that there is a chance to turn back again. I really believe that there is an opportunity for America to pull themselves out of the pit. I truly believe that we as American people will not stand for a nation without vision.

Proverbs says: "People without vision will surely perish."

America is not going to perish.

What can our vision be? I have seven points and seven suggestions.

One, we need to understand and to see the intensity of what we are in. It is not just a game, nor is it fun. It is a war. We are literally in, to a great degree, an ideological battle and war over inalienable rights given to us by our Constitution.

No. 2, we ought to know that we are in the majority. We are the majority. The courts and the legislatures have forced their values down our throats.

How many times on this floor have we heard them saying, "Why should you force your morals about prayer in school down my throat?"

The courts have been doing that to us for 23 years, the legislatures have been doing it to us for 23 years and ignoring the feeling of the majority.

Did you know that 81 percent of the American people according to a recent poll—81 percent of the American people—support voluntary prayer in public schools.

I think most of us wish we could get 81 percent of the vote in any election we would run in.

It is a clear majority.

Creation in school. A Time poll said that 76 percent of the American people believe that creation ought to be taught in our schools; 80 million Americans, in one of the greatest religious polls, most thorough and extensive polls ever taken, says that 80 million Americans believe they have a personal relationship with the Lord.

Gallup poll and others in 1982 said 81 percent consider themselves to be religious in America; 71 percent believe that there is life after death; 84 percent believe in heaven. And get this one: 95 percent of the American people believe that there is a God, they subscribe to the God of Abraham, Isaac and Jacob.

So what are we in the gloom and doom about? Why should we as Americans who believe in freedom and justice, why should we who believe that a certain miniscule inalienable right for young people ought to be at least to pray in public schools, why should we be on the defensive? Why should we be weak kneed? Why should we be fearful of debating the issues? We have nothing to fear at all. The majority of the American people by vast majorities in every stretch of the imagination, by religious polls, by secular polls, by media polls, I do not care who is taking the poll, it shows that people are with us emotionally, physically, spiritually.

☐ 0300

The American people are on the side of right, and that right and that being is no different than the foundation of the country. Not one iota different.

So, I would challenge all of us not to have a sense of fear, but the sense of aggressiveness. Not the sense, oh, we should not bring these issues up in Congress for fear of what our constituents might say. I think we ought to be more fearful what they would say if we did not, because they are with us. I hope all Congressman will stand up courageously, more than have served in the special orders, and force the issue in the Senate and force the issue here in the House.

No. 3. There is a liberal theology that Francis Schaefer says is only humanism using religious terms. This may sound harsh, and it may sound rough and unfair, but this is nonetheless, how Francis Schaefer and many of us see it.

Many pulpits today are the breeding ground for humanism. Pulpits, preachers, pastors, ministers are the very people who are pushing humanism and are opposing voluntary prayer in public schools. So the point being very clearly about what should our vision be, we should see that all religious institutions, include many of the Christian religions in this country are not supporting what the majority of their parishoners want and desire.

Point No. 4. The national media will not be on our side. The national news media according to two separate major opinion polls taken believe differently than the average American citizen.

Examples, 38 percent of the media elite, these are the newspapers, the television, and radio personalities that we see and hear and read about on a daily basis, 38 percent of them believe homosexuality is wrong, while over 71 percent of American people believe it is wrong; 10 percent believe abortion is wrong while 65 percent of the American people believe it is wrong; 22 percent believe smoking marijuana is wrong, while 57 percent of the American people believe it is wrong.

Respect religious affiliations, only half of the media elite respect religious affiliations while 95 percent of the American people believe in a God; 75 percent of the media elite in a separate poll suggested homosexuals should have free rights, and the vast majority are against prayer in public schools.

So the point I am making is very clear, we cannot expect to have the media elite on our side. So it will require as a result a greater effort on our part as we, some of us in Congress are going tonight, others are doing at prayer vigils in this room or in the Capitol area, and in prayer groups all over the country at this very hour, it will require more of us. That is what it means.

It means the battle will not be easy. But it is not impossible.

Point No. 5. We have had a lot of revivals in this country, spiritual revivals. We have seen the born again revivals and the Baptist and Fundamentalist churches. We have seen the charismatic revivals sweeping all types of denominations. We have seen in the Catholic Church revivals and renewal movements. The Billy Grahams and the Pat Robertsons of the world. We have seen television and radio stations and publications, religious publications flooding America and flooding the world, but I ask those that are involved in any or some of these revivals name for me one social change that has occurred as a result of those revivals.

What has happened is pretty clear: While many have taken care of themselves, what they consider for their future, short term and infinite future, while they believe they now have themselves right with their God, it has not extended out beyond the personal relationship that they have found. And in my opinion, these revivals need to go deeper. The roots need to be deeper than just self-centeredness. That is great that you and I have been received from a God Almighty, from our Saviour, but beyond that, these revivals need to go deeper. Need to have a deeper commitment beyond ourselves and begin to reach out to others and unless we see a clear vision put in these revivals that need to extend out beyond ourselves, America will never change, and it will continue with another decade of inaction in any significant way on social change.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I am sure the gentleman will agree and I could not agree with him more that there needs to be an appropriate reaping of benefits in terms of public policy change to go along with the changes that we are seeing out—in terms of people finding God and in turning their lives over to the Lord.

I would remind them that in England when William Wilberforce was fighting the very lonely battle against the slave labor trade—he was an Evengelical Christian who believed very strongly that slavery was wrong, he was in a minority opinion when he began, but at the same time that he was making his pitch in the Parliament in Great Britain, there was a mass revival going on in England that created a change of attitude on the part of many people in England.

During the course of 20 to 25 years, during that revival, attitudes were changed and he was there on the spot and finally his viewpoint, in terms of legislative action prevailed. I think you make a very good point that those perhaps maybe watching this right now and will read about this later on, have to realize they have to get involved. They have got to bring their message to their individual Member of Congress, to their individual two Senators, to their local State assembly, to their State senators and their representatives. They have got to make their views known and know that their views count. And make their votes count. There are those candidates who will stand for election who will spout the Bible and sound great, but then you find out what they stand for, and the two do not coincide. I think we need to hold people accountable, particularly in public office, and this whole school prayer issue I think will put many people who have been saying the right things on the record as to what their true sentiments are and it will be a further indication in this upcoming election as to how people should vote.

I appreciate your comments and I do feel as you do that there is a great reason for hope just as in the days of William Wilburforce there was mass revival and then the changes were seen reflected in the legislative branch, the Parliament. We will also see a likewise change in the United States. We are indeed at a crossroads.

Mr. BETHUNE. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Arkansas.

Mr. BETHUNE. I want to compliment the gentleman on an eloquent statement that you have made. I have listened very attentively to all that you have said here this morning and I have heard, I want you to know, and I want the others in the Chamber to know, this is the first time that I have ever supported an amendment to the Constitution.

I have been in this House of Representatives now 6 years and we have had some very popular amendments come through, but I have resisted the temptation to do the popular thing because I was absolutely convinced that it was not necessary to amend the U.S. Constitution in those instances or that there would be some other way that we could achieve the same result.

On this particular occasion, I am in support to have voluntary prayer in school because I do not believe there is another way to achieve that objective.

Furthermore, I think it is clear that when we deal with secular concerns or secular law, that there is always room for compromise, but in the case of other concerns, concerns that transcend the secular and move into the spiritual, then in those instances there is just simply no room for compromise of principle.

This is one of those cases, and it is a matter of conscience and when it is a matter of conscience, we have to stand fast for those principles.

☐ 0310

I have listened to those who would oppose the amendment to the Constitution rather carefully, and they seem to come back to a couple of points over and over and over again. One that they repeat, and we heard it said tonight on a television show by the Senator from Connecticut, Mr. Weicker, that the children in school already have the right to pray.

I heard the gentleman tonight get close to that point, but I thought that you might want to develop that point just a little bit further.

Do the children in school right now have the right to pray? Is it comparable to what they have had in the past? I think we need to bear down on this point because it is one of the main points that the opposition continues to develop.

Second, the opposition will suggest that somehow there will be a prayer composed by some State official or through some State action. This is another criticism that is levied against those who are in support of the prayer in school.

Could the gentleman make a contribution on those two points?

Mr. SILJANDER. I would be happy to, and I thank the gentleman for not only his contribution but uniquely for his support on this one and only constitutional amendment. I appreciate the fact and I respect his ideology that he has been very strong and steadfast in that, and I am very touched that he sees the importance of this amendment, enough that he can break from dogma, if you will, into a new realm of openness.

To the first point, that children now have the right to pray in public schools, that is unequivocably a deception. There is court case, lower court case, after court case after court case that can be documented fully and clearly where if children were even—and there is a court case to this effect—were even to pray a nonreligious prayer over their food, they would be taken to court, and the court has ruled that kindergartners cannot pray over their food, even if it is not a religious prayer. Any type of words spoken in a religious atmosphere is illegal and unconstitutional.

This is clear and outright a distortion.

At this point in the Record I will include documentation backing up these points, Mr. Speaker.

Horror Stories/Adverse Consequences of Court Rulings

(a) Horror stories:

The reading of prayers from the Congressional Record to a voluntary gathering of students in a high school gymnasium before the beginning of the school day was forbidden by New Jersey state courts. The Supreme Court declined review.

An Arizona school district's policy of granting the high school student council permission to open optional school assemblies with voluntary, student-initiated prayer, unsupervised by teachers, was held in violation of the Establishment Clause by federal courts.

A school principal in N.Y. ordered his teachers to stop kindergarten children from voluntarily saying grace before meals on their own initiative. The 2nd Circuit Court of Appeals upheld the ban.

Recitation by kindergarten children in Illinois of a thankful-type secular verse before meals, without reference to God, was held to violate the Establishment Clause by the 7th Circuit Court of Appeals.

A school board policy in Louisiana allowing students to participate in a one-minute prayer or meditation at the start of the school day, upon request and accompanied by parental consent, was overturned by the 5th Circuit Court of Appeals. Supreme Court upheld decision in 1982.

A Pentagon Thanksgiving Day worship service, conducted under the Pentagon pulpit program begun by President Franklin Roosevelt in 1942, was ruled unconstitutional by a federal magistrate.

U.S. House and Senate practices of retaining chaplains to open sessions with prayer was challenged by atheists. D.C. Circuit Court of Appeals ruled that athiests have standing to challenge, although the challenge was later rejected by Supreme Court.

A Rye, N.Y. teacher was fired for inviting students to pray with her at school.

In Tennessee the state attorney general warned the Oak Ridge High School athletic department that for a coach to lead the team in prayer before a game violates the Constitution.

A Kentucky state law requiring the posting of the Ten Commandments on public school classroom walls was held unconstitutional by the Supreme Court.

High school students in Williamsport, Pennsylvania requesting permission to form a club (called "Petros") on the same basis as other groups, and to meet regularly like other groups during regularly scheduled activity periods two mornings per week, were refused permission. Denial was based on the fact that the speech and activities of "Petros" were religious in content.

All voluntary religious activities of students on school grounds were banned by a local school board in Dixon, Illinois (President Reagan's hometown). The same local school board restricts outside community groups to four uses per year of school facilities for meetings after school hours if the groups intend religious speech; non-religious groups have no such restrictions on after-school access.

Any carols mentioning Jesus Christ were banned from annual Christmas programs by the school superintendent in Ithaca, N.Y.

The Prince George's County, Maryland, superintendent of schools abolished programs of religious music during Christmas and traditional periods of religious celebration before backing off under local community pressure.

The Massachusetts state board of education virtually eliminated the display of religious objects or symbols and the presentation of religious music during Christmas and other holidays throughout the state.

(b) Clearly, this is not what the authors of the First Amendment had in mind. Court rulings, both at the Supreme Court level and the district court level, are casting a chilling pall over local communities and their efforts to provide for nearly any type of religious worships anywhere in their communities. Rather than establishing a single, national religion, the courts are creating a society in which an official religion of no religion can take root, precisely what the Founders were trying to avoid.

Will the State organize prayer? The amendment that many of us are endorsing, House Resolution 100, states, and let me quote the resolution, what it says:

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions.
>
> No person shall be required by the United States or any of the States to participate in prayer.

End of amendment. No one is required to pray. The State is not able or not obligated or not legally authorized under this constitutional amendment to formulate their own prayers. All we are saying is that young people have the option, at their choice, to stand up and either silently or publicly say a prayer that they so choose.

Mr. BETHUNE. So while the detractors are trying to say that there would be a State-composed prayer, the proposed amendment deals with that specifically and clearly; and then second, while the detractors seem to be saying that there might be an instance where someone would be compelled to pray, that that specific instance is taken care of by the proposed amendment.

Mr. SILJANDER. That is correct.

Mr. BETHUNE. Then the only other part of the proposed amendment, as I understand it, is to try to enlarge the right that the students who wish to respect God in prayer could have in the classroom.

Mr. SILJANDER. That is correct.

Mr. BETHUNE. Is that all there is to the amendment that we have under consideration?

Mr. SILJANDER. That is all there is. You see, there is an attempt to drag this issue into something much more awesome than it is in its simplicity. We repeat over and over and over again that all it is is allowing voluntary prayer, public prayer, in any public institution by our young people. That is all there is to it.

Mr. BETHUNE. It occurs to me, then, that if this were to come to pass that we would be back to where we were before the Supreme Court saw fit to interject itself into the matter. As I understand the record, there are no instances reported where, prior to the time that the Supreme Court got involved, that there were instances where there was favoritism, one sect over another, and there is just no record of that. It does not seem to be part of the American culture to have abused this particular privilege and this right prior to the time that the Supreme Court made its decision. Is that the gentleman's understanding?

Mr. SILJANDER. That is absolutely true. This idea that for some reason if it is a Christian local community and there are a couple of Jewish students or Moslem students, they will be ostracized, or a Jewish community predominantly and there are Christian students, the Christians will be ostracized is balderdash, is ridiculous. It is no different than the pressures compared to those of sports where they have a baseball team or a girls' basketball team, where those who care to participate have the option to do so and to the best of their ability.

There is no more or no less pressure. In fact, I would submit to the gentleman that there is much more pressure, peer pressure, with students and ostracization going on with students in sports than certainly there ever has been since the founding of our Nation up until 1963 allowing a voluntary prayer in public schools, I would submit to you for the record.

ORDER OF BUSINESS

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that I may be permitted to proceed with my special order.

The **SPEAKER** pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Texas?

There was no objection.

SCHOOL PRAYER

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BARTLETT) is recognized for 60 minutes.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I would be happy to yield to the gentleman from Michigan for his continued very eloquent remarks and eloquent observations this evening.

Mr. SILJANDER. I thank the gentleman for yielding.

Mr. BETHUNE. Mr. Speaker, will the gentleman from Texas yield to me?

Mr. BARTLETT. I would be happy to yield to the gentleman from Arkansas.

Mr. BETHUNE. I thank the gentleman for yielding.

Mr. Speaker, I wanted to draw the gentleman in the well out on a couple of other points before he leaves because I think he has brought out some very intelligent observations and I would like to just back up a moment, if I could, to some of his earlier commentary about the significant of the tradition of trust in God, the principle of trust in God, that we have in this country and try to relate it to the secular concerns and secular law that we do have, because I think it is a very important point.

I was just reading earlier in the day from a book that I use quite often written by Hannah Arent on totalitarianism and imperialism. In that book there is a quote where the writer says:

> It is quite conceivable and even within the realm of practical political possibilities that one fine day a highly organized and mechanized humanity will conclude quite democratically, namely by majority decision, that for humanity as a whole it would be better to liquidate certain parts thereof.

Then the writer goes on to quote Plato as saying:

> Not man, but a God, must be the measure of all things.

In other words, making the point that for those civilizations which do not focus on God, it always is conceivable and within the realm of practical possibility that somehow through the highly organized and mechanized humanizing process that they would conclude just about anything that they wanted to conclude because they are not focusing on God, and this seems to me to be a unique aspect of the American way.

Then one other quote on this point. John Adams said on October 11, 1878:

> Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.

So it seems to me that that is essentially the same point that Plato was making, and it seems to be an inseparable part of the American way.

The gentleman discussed this a little bit earlier in the day and I thought I might bring him out on that point a little more. If he can elaborate on it, I would love to hear it.

□ 0320

Mr. BARTLETT. I yield to the gentleman from Michigan, Mr. SILJANDER.

Mr. SILJANDER. I thank the gentleman.

There has constantly been, I think, since the time of man, the age-old conflict between the universal truth and the truth that man considers himself to be. And this I think is the crux and the core of our argument this evening, our discussion this very evening which centers around prayer in school.

Why was prayer in school ripped away? It was ripped away because those that believed that the truth and final accountability lies within themselves decided that to pray to an ultimate authority, to the creator of the universe, to them was wrong.

The courts, unfortunately, agreed. Are the courts infallible? Obviously not. Obviously they are not infallible.

You remember the Dred Scott case. The Supreme Court declared blacks were not human beings. I thank God that Americans at that time could pray in the schools to reverse that unfortunate disastrous decision, finally requiring a constitutional amendment to make sure that all men, be they black or white, or red or yellow, would be considered equal under the laws of the Constitution of this great free society.

I think the conflict that we are entered in today dealing with the prayer in school issue centers around the future leadership of our Nation, those that will be organizing and running and orchestrating the Congress and the Government of the United States, our young people in public schools.

John Dunphy in 1983 in an issue of the Humanist proclaims, and now here is what a humanist proclaims, and this I think will bring out the controversy and bring out the real heart and the real goal of the secular humanists, one of the top writers in the secular Humanist magazine, as I said, entitled none other than the Humanist, and quoting now John J. Dunphy:

> I am convinced that *the battle for humankind's future must be waged and won in the public school classroom* by teachers who correctly perceive their role as the proselytizers of a new faith: a religion of humanity that recognizes and respects the spark of what theologians call divinity in every human being. These teachers must embody the same selfless dedication as the most rabid fundamentalist preachers, for they will be ministers of another sort, utilizing a classroom instead of a pulpit to convey humanist values in whatever subject they teach, regardless of the educational level—preschool day care or large state university. *The classroom must and will become an arena of conflict between the old and the new—the rotting corpse of Christianity, together with all its adjacent evils and misery, and the new faith of humanism, resplendent in its promise of a world in which the never-realized Christian ideal of "love thy neighbor" will finally be achieved.*

If you want to bring out the argument of what this battle is all about, my friends, I think this humanist articulated it very, very well. The battle really is for the minds and the hearts of our young people, whether or not we will allow the religion that the courts admit that they themselves admit that humanism is a religion, let that religion dominate our classrooms, the mind and the upbringing and the socialization of our young people or what the vast majority of the people in this country believe is the ethic of Judeo-Christian values and morality encompassed by our Founding Fathers, encompassed by most every President since George Washington.

Mr. BETHUNE. Would the gentleman yield so that I could add one final quote from the book by Hannah Arendt, "Imperialism/Totalitarianism," which I think restates the points the gentleman has just made and which I do think happens to be the crux of the argument here before us:

> A conception of law which identifies what is right with the notion of what is good for—for the individual, or the family, or the people, or the largest number—becomes inevitable once the absolute and transcendent measurements of religion or the law of nature have lost their authority.

That is essentially the point the gentleman has been making. It is essentially the point that Plato was making when he said, "Not man but God must be the measure of all things." And I think it is essentially the point that John Adams was making in 1798 when he said, "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

I thank the gentleman for the colloquy.

Mr. SILJANDER. I appreciate the gentleman's input in this whole discussion on secular humanism, man as God versus the universal creator as God, and the truth lying either in man or in the universe.

This is really what it all comes down to in succinct summary.

If I could just finish, I was making seven points, and the gentleman from New Jersey, CHRIS SMITH, really made my sixth point for me dealing with practical involvement.

The seventh point, which is somewhat an offshoot of what the gentleman is saying, is many of us have been involved in the spiritual revivals and a need to see that there is a balance between our faith and our work.

The best example of that I know of is in the Old Testament, Nehemiah.

Nehemiah loved Jerusalem. He loved Jerusalem so much that because of their state, they had turned their back on God and they began looking just into themselves. They ignored the precepts of a universal creator and began demanding that they themselves were the true reality. They forgot the accountability to the universal Creator and, rather, the accountability was within themselves which meant whatever they felt right about doing they would do because their morality was set up based on what they thought was right since they consider themselves to be the ultimate truth.

So here is Nehemiah on a mountain top looking at Jerusalem now in flames, the walls are crumbling, the gates are afire, it says in Nehemiah. So what did he do? He did two very different things.

The first group of things he did were spiritual things. He cried before God. He wept very humbly before the Lord. He fasted. He prayed. He interceded. He repented on behalf of his back-slidden country that he loved, his city, Jerusalem.

After he did all of the spiritual things, heaven forbid, Nehemiah got involved in politics. He went before the king and queen and said, "King and queen, may I and a band of faithful men and women go to our city that has been back-slidden and rebuild that city?" The king and queen gave that authority to Nehemiah and his band of men to go and rebuild the city that he so loved, that he prayed and fasted, and wept and interceded and repented for.

The Bible said he put his hands to work, and this is what we as a country need to see, those of us that are caught up in this fire of revival need to see that once our faith has been initiated, which is important, it needs to be intricately balanced with practical involvement. That means involvement in politics. That means involvement in informing yourself as to what is happening, such as their special order tonight.

We need to balance ourselves in faith and works.

The interesting thing about Nehemiah, though, was the end of the story. He and a band of men did go and they did begin rebuilding the city because of their faith and because of their work and even though all of those around them mimicked them, the townspeople laughed and said, "You fools, how could you be so ignorant to think that you can salvage a city so collapsed and in such turmoil?" They laughed, mimicked, degraded, and physically attacked Nehemiah and his band that was there in faith.

They built with one hand and held a spear in the other to protect themselves from the onslought of those detractors around them.

□ 0330

Does this sound familiar to us? As we stay up all night attempting to rebuild what we consider a nation that is beginning to backslide, beginning to slide into a self-centered state; does it sound familiar why the newspaper columns and the TV even this afternoon, and this evening saying, "Well, they are wasting their time on the floor of the Congress because likely there won't be the votes in the Senate. They are wasting their time in the House because even if there are the votes in the Senate there will never be the votes in the House."

To me, whether the votes come or go, the reality is we are standing up for what we believe in. We have had our faith, we are putting our hands to work, we are doing the best we see that we can do. As Members of Congress, we are initiating our faith and our works. But the end result again with Nehemiah, he did, he did succeed; and his band of men in rebuilding his nation that he so loved.

I love America, I love what this country stands for, and I love the system that God has blessed us with, the freedom. I am willing to stand here, tomorrow night and every other night it takes, barring the detractors, barring all their threats. I will stand here firmly and tell all those listening that I think America is worth it. I think our country is worth the time and the effort.

So who is shoving what down our throats? How many times are we accused of attempting to throw our morality on others? Those who believe in maintaining freedom and social order, I want you to hear this, that humanists have no ground; the lies and the deception they have perpetrated is buried; we are the majority; we have history on our side; we have the Founding Fathers on our side.

We have our cornerstone on our side, our documents, our Constitution, our Declaration of Independence. We can pray to God in our public buildings. We, we have the victory. Let us not be deceived by those in the minority, the vocal minority. They are shoving their narrow distorted, perverted self-loving concept down our throats, the majority; who subscribe to universal order, authority and accountability; an omnipotent and loving God.

I would like to quote Francis Schaefer, Jr., in his book called "The Time For Anger." He summarized what I feel our goal ought to be the best. He said:

> We must act and act now. We must dare to be human, having accepted the myth of neutrality, the opposition's lie, we have given the battlefield to the enemy and they have run rampant. It is time that the mighty deeds be done once again. Truth equals confrontation.

I thank the gentleman for yielding.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman from Michigan and I commend the gentleman for his eloquence and for his dedication and for his sincerity, because I note that after the gentleman took his own 60 minutes of special order, he then had some more left to say, and he took the time to say it.

I am especially appreciative. I know the American people are appreciative of the gentleman from Michigan. I might also say about the gentleman that I know this night is not the only night that he would go to the floor and talk about these subjects, but the gentleman in so many ways has been in the forefront of these subjects and on legislation and on the subjects of morality in this country and in this area this gentleman from Michigan has not just on this night, but on day after day and session after session, he has come to this well and reminded this House and the American people of those subjects that we ought to be discussing and sometimes we do not.

This is an unusual and perhaps one of the most significant sessions that this House will have and the gentleman from California, I know who is sitting here on the floor, helped to organize this session.

It seems to me that this could well be one of the most, if not the most, significant session of the entire 98th

Congress. I wonder if the gentleman from California would share with this House some of the responses that he has received in organizing this special order, in saying that at this session, in this session that we are going to at least debate and we are going to consider a voluntary prayer-in-school amendment, an amendment that is supported by 81 percent of the American public, an amendment that the American public would have this House debating and voting upon and yet we are denied that opportunity to vote by the leadership and by the Speaker.

The gentleman has organized this special order in such an extraordinary fashion, I wonder if he could share with us what kind of response he has received from around the country.

I yield to the gentleman.

Mr. HUNTER. I thank the gentleman for yielding. I thank him for his compliments.

But really the Members of this House have organized this special order. You cannot get a Member of the House to come in at 1 o'clock in the morning when we have so little time as it is, many Members having to spend time with their families and spend time on important personal things.

The only way, and I understand, I have been told by one gentleman who has just researched the thing, that we now have made this the longest special order in the history of this House. And the reason we have made it the longest special order in this House, this has not been a filibuster, the type of forum where you get up and read a phone book into the record; every Member who has come to the floor has had an important message.

In many cases, as is the case with the gentleman from Florida, Mr. Connie Mack, a personal message. The reason the special order is being successful is because, again, we have so many people in this House, so many Members who have thought for years, obviously, that school prayer was an important issue that needed to be aired and debated.

Doing this special order last night and this morning, we have given the Members of this House the opportunity to participate in it. I might just mention that the order was started yesterday about 1:20 p.m. by our Republican leader Bob Michel, along with Carlos Moorhead, Sonny Montgomery and Del Latta; it was picked up at 3 to 4 by the great Henry Hyde, Frank Wolf, Bill Dickinson; 4 to 5 by Trent Lott, Robert Lagomarsino, Jerry Lewis and Bill Emerson, 5 to 6 by Tom Loeffler, Buddy Roemer, and Joe Skeen, 6 to 7 by Mickey Edwards, George Gekas, Earl Hutto; 7 to 8 by Chalmers Wylie, Mike Oxley; 8 to 9 by Richard Ray and Marilyn Lloyd, Charlie Stenholm, Sam Hall of Texas; 9 to 10 by Mike DeWine, Bill McCollum, Stan Parris; 10 to 11 by George Hansen and Denny Smith; 11 to 12 by Larry Craig and Arlan Stangeland; 12 to 1 a.m. by Jim Hansen and Connie Mack.

One to two a.m. by Chris Smith and Dan Burton; 2 to 3 a.m. by Mark Siljander and Ed Bethune and the gentleman from Texas, Mr. Bartlett, and I guess we are moving right along, 3 to 4 a.m. with Mr. Bartlett and five or six of us who will carry this conversation and this special order.

So we will have had the participation, I think, at the end of the order by around 50 Members of this body, and I think that their interests obviously, and the time that they must have spent in preparing their remarks, you could tell in some of the remarks, some of them had waited years, I think, for the opportunity to bring them out and to present them to the American people.

The frustration that you could see in the great Sam Hall from Texas saying:

> We are tired of horsing around in Judiciary and not getting these things out. Let's start moving on this school prayer amendment.

And the gentleman from California (Mr. Lungren), also a member of the Judiciary, saying:

> Who are you kidding when you say the Democratic majority is moving right along; they have moved right along with these measures such as school prayer. So quickly that those of us who were not here ten years ago cannot remember them ever being brought up.

And I think we could see the frustration of many Members who have not seen this type of issue being allowed to see the light of day, not because the American people do not want it; because again some 80 percent of the American people, a little more than that, according to the polls, Gallup poll especially, approve of school prayer, but because a few Members in powerful positions in this House simply have kept the legislation bottled up.

I think we have seen an outpouring of a great deal of frustration that has festered in this House for some years.

☐ 0340

Mr. BARTLETT. And so in this special order, which is a record as to length and perhaps a record as to the number of Members involved, the gentleman is saying that there have been Members from both sides of the aisle, although as I listened to the record it has been largely the Republican side of the aisle that has participated, with some Members from the other side of the aisle.

But what we all share is that sense of frustration that here is an issue that the American people have for 22 years wanted to have brought up and debated and resolved and settled. It has gone back and forth in the courts. It is an issue in which essentially the courts erred on a 6-to-3 decision in 1962. And then that error has compounded itself for 22 years while this House has fiddled, while this House has neglected issue.

I think the gentleman is saying that he sees that frustration among Members that really is shared by the American public of that frustration of not being permitted to even vote on the subject. Is that the gentleman's message?

Mr. HUNTER. That is the message. And also I think that Members of this House who regard themselves as being representatives, as being the reflection of the composite will and desires of the people who live in their congressional districts are frustrated to see the other body taking the lead on this issue.

We have sat back, we have not brought it up because again the leadership, Members in powerful positions, have kept it bottled up. Apparently not caring if the Gallup polls in the future might register that 98 percent of the American people, instead of 80 percent of the American people, are for it.

They are not going to allow it to see the light of day. So here we who are supposed to represent the interests of our constituents and of whom I think Alexander said when he referred to the House of Representatives, "This is the people's House."

We have not reflected the people's feelings. We have reflected the feelings of a very few Members of the liberal Democrat leadership in this House and those are the only feelings that we have reflected in bottling up the school prayer legislation.

So we sit here and we watch the other body bring up the issues. And we watch the American people turn to the other body and say, "Well, apparently the other body, the Senate, is concerned with what is important to America, but certainly not the House of Representatives."

Mr. BARTLETT. I thank the gentleman, because I think that there are a number of issues that we are going to discuss tonight, but that is obviously one of the issues, and that is whether the people's House, the House of Representatives, will be responsive to the people. And at least debate, at least bring up, bring up in committee, if not on the floor of the House those issues that this body and that the American people would have us discuss.

It seems to this gentleman that there are a number of issues that have been discussed and we have discussed a lot of them. So there are very few things that would be new to say in this coming hour, but I do not know that we really need to say anything new. I do not know that any of this is new because it is debated and it is understood by the American people.

I think that what we ought to do is first begin with the basics and as this gentleman sat there and thought about what else can be brought up, it seemed to me to first bring up where we are and where we started and where we were in the beginning.

And that begins with the first amendment to the Constitution. And in rereading the Constitution it becomes readily apparent what the Founding Fathers meant. It does not even take any sort of interpretation or going back to the letters of debate. Because the first amendment to the Constitution states very clearly and has two parts: "Congress shall make no law respecting an establishment of a religion." That is the first part.

And the second part is equally important and powerful and one that has been forgotten in too many cases by the courts. And that is, it goes on to say: "Congress shall make no law respecting the establishment of religion or prohibiting its free exercise thereof."

Now for 170 years for almost 200 years in this Nation our schools, our public schools in local communities generally as a matter of routine, as a matter of community standards, began each day with an opening prayer of some sort. It began each day with some sort of a group, but a voluntary prayer. And no one ever proposed that there was ever any danger of that opening prayer in the classrooms of this country of establishing a religion.

And, indeed, the reverse happened. Over that 170 years the diversity of the American culture indeed became the diversity of denominations. We opened up this country to a diversity of religions throughout the country and that diversity did exist, existed for the 170 years and existed right up through 1962, and, indeed, exists today.

There was never, does not exist today, and did not exist in 1962 any sort of a danger that an opening prayer in public schools would in any way respect the establishment of religion.

But what the Court's erroneous interpretation did do and until this House acts to reverse it, what in fact we have done is to prohibit the free exercise thereof by prohibiting the use of voluntary prayer, by prohibiting merely allowing a school to do as this body does every morning, and I know it is trite, but it is so true, to open up the day with a commitment to God and a commitment to a higher being, to acknowledge that God exists, we have in fact gone that step to violate the first amendment to prohibit the free exercise of religion.

I picked up an article that was written in 1982, 2 years ago, but it speaks so eloquently to us today. It was written by Grover Rees, who is a law professor at the University of Texas, my alma mater, in which he discusses the school prayer amendment, in which he examines the first amendment to the Constitution as it has a meaning for us and I think debunks some of the myths about a prayer in school amendment.

And he begins by relating and by reciting as he begins his article that recently says:

> I attended a state college graduation ceremony that began with an invocation by a Rabbi and ended with a benediction by a Catholic priest. On the way home I heard a radio commentator denounce President Reagan's proposed constitutional amendment on school prayer. The amendment, the man said, is a radical assault on one of our oldest and most fundamental constitutional principles, the wall of separation between government and religion.

And then this University of Texas law professor goes on to really bring us to the reality when he says: "* * * that the wall of separation is a myth. It always was."

The record of the debate in Congress, he says, on the first amendment ban against establishment of religion clearly indicates that its framers intended only to prohibit the Federal Government from designing a particular church to which all citizens must give their allegiance and their financial support. And thus the framers of the Constitution say Congress shall make no law respecting the establishment of a religion.

For 200 years the participants in the American constitutional consensus have understood the difference between establishing a church and saying a prayer because they have invoked the aid of God in their legislative sessions, on their coins, in their national anthem, in their courts and from the very beginning in their public schools.

In 1962, says Mr. Rees, six Justices of the Supreme Court reversed the settled understanding of the meaning of the first amendment, holding that it was unconstitutional for a school district to permit students to join in a brief nondenominational morning prayer.

The Reagan amendment that we are debating tonight would simply and clearly reverse that decision. The amendment would not require that prayers be said in public schools, but the decision would be made, as the framers of the Constitution intended, in local communities rather than in the Federal courts. And that is the issue today.

The amendment provides that no student would be forced to participate in any prayer which he objects to for any reason. To decide whether there ought to be a constitutional rule against prayer in the schools, however, one should consider not only the worst that might happen, all of the warnings that we have heard and all of the outcries that something bad might happen, even though it did not happen for 170 years, but one should consider the possible consequences of a prohibition of that prayer.

I am not sure, said Mr. Rees, that it is ever possible for an institution to be neutral about a question of fact or value, because when the institution is a school and the question is what attitudes students will have toward God, it is not at all clear that neutrality is accomplished by never mentioning God, except in discussions of speculative philosophy.

□ 0350

"A good school," says Mr. Rees, "shapes the whole person. It prepares him for life in this world. And our lives are built around the schools that we attend."

Mr. Rees, I think, very clearly brings up cold and reminds us that our schools treat Julius Caesar, Shakespeare, Nietzsche, Washington, Reagan, and Brezhnev as real persons whose ideas and actions matter. But in our schools, at least since 1962, only God is hypothetical and contingent. And so it is that contingency and that hypothetical and that neutrality of God in the schools that can well shape our lives for the negative.

So he goes on to say that neutrality toward God, in other words, is another myth. God is also too important to be left out of the institution that prepares our children for life in this world.

And then he concludes by reminding us of where we are today.

> The continued enforcement of a nationwide rule, a Federal rule against school prayer, and the erection by judges of higher and wider walls of separation between school children and God, is no way for the government to be neutral about religion.

In fact, it is a way, this gentleman would say, for the Government to be antireligion.

> Ratification of the voluntary school prayer amendment would restore the spirit of the first amendment whose framers intended it to guarantee freedom of religion, not to impose a regime of freedom from religion in community life.

So what does the amendment do? What does the amendment that is before us do when you break through all of the myths and all of the complications that are intended to be put into it?

Well, it is really a fairly straightforward and simple amendment. It contains three sentences. It is contained in House Joint Resolution 100, and it says, simply:

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions.

Then it goes on to say that "no person shall be required by the United

States or by any State to participate in prayer."

So on the one hand, the amendment would merely restore, as the gentleman from Arkansas said a moment ago, us back to 1962, indeed to 1789, to say that nothing in this Constitution was ever intended to prohibit an individual or group prayer in public school. And then it would go one step farther, just in the name of commonsense and what the American people would have us do and has been doing anyway, to say that "no person shall be required by the United States or by any State to participate in prayer."

And I would remind the gentlemen in this Chamber that the proponents of the school prayer amendment are willing to go even further than that, because Congressman LOTT, in introducing his rule, House Resolution 424, as a discharge petition to try to find some way to move this amendment out onto the floor, would go even one step farther, and I think it is legitimate. He would say that, in addition to "no person shall be required by the United States or any State to participate in prayer," he would say, "neither the United States nor any State shall compose the words of any prayer to be said in public schools."

Now, he goes one step further because no one has ever proposed that the State or the Federal Government actually compose the words of that school prayer. But occasionally you turn on the television and you read in the commentaries that there are some who would somehow use this prayer-in-school amendment as an excuse to say, and their objection to it is, "Well, the Federal Government would compose the prayer." So the amendment is willing to go that one step further and say, "No one is going to propose a prayer except the people who are praying." In fact, they prohibit it in the Constitution.

So what does the amendment do and what does it not do? First, what does it not do? It clearly does not require a prayer. It just simply says that nothing in the Constitution shall be construed to prohibit that prayer. It does not establish a Federal prayer. In fact, it prohibits a Federal prayer or even a State prayer. And it prohibits the requirement of that prayer.

What the amendment does is fairly straightforward. It reestablishes the free exercise of religion in the public institutions, of schools, our classrooms, it clarifies and reinstates that the Constitution will not prohibit individual or group prayer, it breaks through and cuts through the sometimes conflicting court decisions on access to classrooms by Bible study groups or by groups that want to open their voluntary group with a prayer.

We now have some 20 States, I understand, that are permitting their school districts to open their day with a moment of silent meditation. Yet the courts have construed erroneously, the 1962 decision, as saying that even that moment of silent meditation, the teacher can stand before the classroom, the teacher is told by the school district's attorney and told, "You can stand before the classroom and say, 'OK, students, now we are going to have a moment of silent meditation,'" but the teacher is prohibited from saying, "and you can pray if you want to."

That is not neutrality about God. In fact, that is the absence of God. That is a prohibition against religion.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I will be happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding on that point. I had a constituent call in from San Diego, Calif., just not long ago, and mentioned that very point. Her name is Mrs. Freeman, from San Diego. The essence of what she said was this—and she had several grandchildren who are going to school now. And she said, "We constantly hear that we are supposed to teach children religion in the home. That is where religion is supposed to be taught." And she said, "How can we have a lasting effect on our children when we teach them something, then they go to school, and everything about religion is treated as some deep dark secret, and the children, in the least, are confused."

We teach our children, for example, about God, and they go to school, and the closest we can come to even talking about God is having a moment of silence. Is that a recognition that all of our rights as American citizens come from God, again not from the Government, not from the Speaker, not from the President, but from God.

And so we send our children, essentially, from the home, where they are taught, in some cases, about God and about the fact that our rights come from God, and then we send them off and confuse them in school by giving them, at the most, a moment of silence.

Mr. BARTLETT. If the gentleman would expound on that a little bit, I think his constituent would say, "Would not a student be summarily confused if in fact his or her teacher begins the day with a moment of meditation, and the student is to come up to the teacher later and say, 'Now, teacher, does that mean that we can pray?' and the teacher says, 'Well, I am not permitted to talk about that. Well, yes, I suppose you can, but I cannot give you permission or not permission, because I am prohibited by the courts from saying anything about God.'"

Now, shades of 1984 and George Orwell, how many traps have we gotten ourselves into in just allowing the teacher to say, "If you would like to say a prayer now, you may say a prayer at the beginning of this school day"? And that is what your constituent was saying.

Mr. HUNTER. The gentleman is absolutely right. We are teaching, in the least, our children to be ashamed of their spiritual heritage and to be afraid to bring up their spiritual heritage.

Mr. BARTLETT. And what a negative and devastating effect that has had and will have on a whole generation.

Mr. MACK. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Florida.

Mr. MACK. Certainly, under the description that you just laid out there, the child, the impressionable child, which is the point that was made a little bit earlier, one of the reasons why we are not allowed to pray in elementary and secondary schools, is because of the impression that may be created on the child, without any thought of what impression might be created by the comment that says, "I am sorry, I cannot talk about that." What impression would your children or mine come away with from that kind of a discussion?

Mr. BARTLETT. The gentleman is correct that enforced artificial neutrality about God, on which society is not neutral, on which no one in this Chamber is neutral, on which the American public is not neutral about God, it is that enforced neutrality that in fact leaves our children with exactly the opposite impression of what the reality is.

I thank the gentleman for bringing the point up with his constituent.

I would suggest that what this amendment does in its three sentences, in its simplicity, is to reestablish the free exercise of religion, is to protect the rights of students who wish to exercise their freedom of religion, is to clarify the intent of the Founding Fathers and to end the controversy and to get school districts out of the courtroom, is to protect the rights of those students and those parents, and is to permit the vast majority of Americans to acknowledge their Creator in that public institution.

It is trite but true—you have heard it said in this session, and every time it is brought up, that this House of Representatives, this people's House, begins every day with a prayer, and yet we stand in judgment and prohibit that prayer from being used in a classroom.

So the absence of religion, the absence of religion in a classroom may indeed equal uniformity; but the enforced absence of religion does not equate to diversity. I think we ought to talk a bit about diversity because sometimes a diversity of religions in this country is used as a reason not to allow prayer in school, but it ought to be exactly the reverse, because, in fact, the forced requirement of the absence of the neutrality of religion, almost that there is a nonreligion, that in fact is the uniformity that we are enforcing on our children and have been since 1962.

□ 0400

To acknowledge that diversity exists in this country in religion does not equate to the prohibition to the practice of religion at all. To acknowledge that the diversity in fact should permit the freedom of religion and religious thought.

Now a gentleman earlier this evening from Ohio (Mr. DEWINE) talked a good bit, as many of us have, about this Congress. And taking it from the spiritual to the secular, taking it from the classrooms to what it means for the American people tonight and what it means for this Congress he would tell us, and I think it is correct that this Congress is in imminent danger of being labeled not by the pundits and not by the politicans and not by the commentators and not by the White House but by the American people as the do-nothing Congress of this century.

The Congress that already before the session even began resolved itself into a political stalemate; and how often do we hear those words around here and how often did we hear those words before we ever came back into session on January 23.

We came back into session on January 23 after the longest recess since 1965 and the majority of this House was immediately presented by the Speaker with a legislative calendar that included 70 legislative days. Seventy legislative days to consider all the business before the American people, including the usual business, the routine business, the budget and the appropriations and authorizations bills and the things that we are supposed to be dealing with. But 70 legislative days to do those things that the American people would have us do to deal with the main issues that every town hall, and every member of the American public and every letter to the editor would have us deal with.

What would the American people have us deal with? They would have us deal the prayer in school amendment; they have been asking for it for 22 years. They would have us deal with the constitutional amendment to balance the budget. They would have us at least debate and vote upon a line-item veto. They would have us deal with reform of the Criminal Justice Code as the other body has done. They would have us deal with bankruptcy reform, the Bankruptcy Code was declared unconstitutional in 1978. That was not a misquote, that was 1978. And the courts have extended it up until March 31, 1984, and it looks like we are going to miss that deadline also even though the bill has been out of committee. The constitutional amendment to permit a prayer in school is not even permitted to be voted on by the committee, much less to be voted on by this House.

So the American people, in poll after poll, in town hall after town hall, if you just walk down main street and ask the American public what they would have us do, they would tell us. They would say deal with the main issues of the day.

I went and got a list from the House Journal of those issues that this House has dealt with, and I think it would surprise us because we came back into session on January 23 for 6 weeks; we recessed for 1 of those weeks for President's Day, the rest of the country is generally not accustomed to even taking the day off for President's Day, this House took the whole week off over the objection of a number of us on this floor. Then during the times that we were in session we have yet to deal with a single significant issue that faces this country. We have reauthorized the National Foundation of the Arts and Humanities; we have provided grants for libraries; we have provided grants for beginning a new Federal program in foreign languages—such things have some importance—we have extended one law that we could not get around to reauthorizing so we are extending it for 30 days.

This last week we passed, we came to this House and voted three times all on the same bill, essentially only considered one piece of legislation; and that piece of legislation added $20 billion to the Federal deficit over the next 20-year period. In fact, what else did we deal with? When the American people by poll after poll, 81 percent would say pass the prayer in school amendment, large percentages would say reduce the deficit, would say give us the chance not to go into another recession, but this House authorized the additional long-term leases in the El Portal Administrative site. We established Illinois and Michigan Canal National Heritage Corridor. We agreed to establish a Select Committee on Hunger, not actually to do anything about hunger, but another committee to study it.

We authorized the rotunda for a ceremony. We provided for a temporary extension of the credit surcharge prohibition because we could not get to the legislation as a whole. We passed House Joint Resolution 454 honoring the contribution of blacks to American independence, we passed student awareness of drunk amendment, we declared a week the National Week of the Ocean. Another week Women's History Week, and another week the National Child Abuse Prevention Month and we designated 1 day that is March 6, 1984 as Frozen Food Day.

The gentleman from California did not know that March 6 was designated as Frozen Food Day, and the point is is that the kind of action that this House is taking on day after day and we are not even debating, we are not bringing up in the Judiciary Committee, and I see Members of this House who are sitting here from the Judiciary Committee unless I have missed something, I do not recall the Judiciary Committee even being allowed to consider the constitutional amendment to provide for voluntary prayer.

Mr. HUNTER. Would the gentleman yield?

Mr. BARTLETT. I yield to the gentleman.

Mr. HUNTER. What day did we designate as Frozen Food Day?

Mr. BARTLETT. Today, March 6. It was perhaps the most significant action we took, I say somewhat facetiously. In fact, that is the kind of action that this House has been taking since January 23 and the whole raft of bills stack up waiting for action by the American people, too patiently waiting for action and yet we designated March 6, 1984 as Frozen Food Day.

Mr. WALKER. Would the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I wonder if we took action right now whether we could redesignate Frozen Food Day as Frozen Legislation Day and make it clear that there is a lot of legislation including a prayer amendment that has gotten frozen in committee around here and we are unable to act on the House floor.

Mr. BARTLETT. I think the gentleman is correct. Perhaps if we inquired of the Speaker as to whether we could designate this day Frozen Legislation Day, the Speaker could have a ruling for us.

Mr. WALKER. Well, I think we probably would go back to the ruling that the Speaker made originally, that we would have to have the permission of both the minority and the majority leadership in order to do that. We would be right back at square one.

Mr. BARTLETT. Well, the gentleman is saying that in fact we have frozen the legislation, that this House—we are being paid, some would say, exorbitant salaries to consider legislation that the American people want to have passed and debated and considered for the good of the next generation and yet we are stuck in not only Frozen Food Day but in Frozen Legislation Day.

Mr. HUNTER. I think it would be only fair in light of the fact that we have now a Frozen Food Day, perhaps we could kill two birds with one stone by designating a day "Bottled Up Day" to reflect the fact our legislation has been bottled up by committees and also perhaps we could satisfy a major constituency the Puritus Water people and a number of others throughout the Nation by having a Bottled Up Day.

Mr. BARTLETT. Well, is the gentleman suggesting that this gentleman inquire of the Speaker as to whether a unanimous-consent request would be granted to designate March 6 as either Frozen Legislation Day or Bottled Up Day?

Mr. HUNTER. Yes, I wonder if we could move forward with that legislation.

Mr. SILJANDER. I have appreciated the humor, but I have just walked in a couple of moments ago from part of the prayer vigil we are having in another part of the Capitol. I want to clarify something.

Is the gentleman telling me that all we have done is supported a frozen food resolution and while 81 percent of the people of the country are requesting and asking and many of them demanding simply an option for voluntary prayer in public schools that we have not taken the time to initiate such an activity? That an issue of this nature, of this magnitude is bottled up in a committee who is saying that we do not have the time because we are too busy passing resolutions on frozen foods? Are you standing there and telling me that is what is happening in this Congress?

□ 0410

Mr. BARTLETT. I am suggesting to the gentleman that what is happening in this Congress is almost nothing. What is happening in this Congress bears no relation to what the American people would have us do; that the prayer in school amendment, which has been bottled up in the committee since 1962 is not being considered by the committee nor is it being considered by this House.

This is the first time to this Member's recollection in the 98th Congress that there has even been an extended debate, and the debate has been caused by the Members of the House themselves insisting on the debate, but the debate so far does not have the permission of the Speaker to bring itself to a vote.

Mr. SILJANDER. If the gentleman will yield further, does the gentleman see how utterly incredible what he is saying really is? We ought to be ashamed of ourselves as a body in this Congress. I thought we had more nobility as a body, an esteemed body of U.S. Congressmen, than to perpetuate a hoax on the American people, telling them that their children cannot pray in public schools or that the Congress will not even bring the issue up for debate because we are too busy arguing and talking about nothing, or crucial issues such as Frozen Food Week.

Mr. BARTLETT. The gentleman is precisely correct.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I think it is only appropriate that as long as we have a Frozen Food Day, perhaps we could go to the majority leader's response every time we ask him to bring up the school prayer and we could have a Canned Response Week also. That might be appropriate.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Georgia?

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, I just want to make the point that this is not happening by accident and this is not happening by incompetence; that, in fact, the liberal Democratic leadership is delighted to have a Frozen Food Day, it is delighted to take up minor legislation.

What it wants is the appearance of action without actually achieving very much, and that the country, as the gentleman from Texas was saying, wants action on real concerns, the country wants action on real issues. Yet from the standpoint, I think, of the liberal Democrats, it is very painful. That is why we saw a number of conservative Democrats joining us out here in a bipartisan effort to really deal with the concerns of the country but, in fact, the leadership finds it impossible to permit these things to be discussed or to be brought to a vote because of the great embarrassment they would face.

So I think we have Frozen Food Day for a deliberate reason. I think we have these kinds of very secondary issues for a deliberate reason. What they want is for the country to see the appearance of action in the Congress without actually having to take any major risks or any major effort.

I think the gentleman from Michigan has done all of us a service by bringing back into this House the message that not very many yards from here, in H-227, there are people, there are teenagers, who are spending the night in a prayer vigil who have come here to the Capitol to pray that this Congress will give them the right to pray back in school. When you realize that there are young people from throughout this area who have come in tonight to pray and to stay up and to go to God asking for help, because they simply want the right to pray in their schools.

Then you consider some of the foolishness that will take place in this House later on today. It really saddens you at the gap between the needs and the desires and the sincerity and the idealism of the American people and the kind of leadership which we are not getting from the so-called leaders of this body. I think there is an enormous gap there and I hope that later on today a number of us will take the opportunity during 1-minutes to get up and to ask if, in fact, it would not be more appropriate to relabel this as National Frozen Legislation Week and to get the leadership to begin to realize that the American people are going to follow this House out before this year is over.

Mr. SILJANDER. If the gentleman will yield further for a question, I just want to understand, to make sure that I fully grasp what the gentleman is telling all of us here in this body. You are saying that there were other Democrats, and I saw many Democrats standing up during this special order, pouring out their minds and their hearts to the American people and to the rest of us sitting in the Chamber, that they feel it is time that we had enough courage to stand up and debate and talk and argue an issue that the vast majority of the American people so desire.

So what is the holdup? You are saying, then, it is not a Democrat-Republican issue; it is a Democrat leadership and their dogma or unwillingness to bring up this issue. Is that what the gentleman is saying?

Mr. GINGRICH. If the gentleman will yield further, I think part of it is the same kind of boss mentality that has come recently to dog Walter Mondale; that there are some people who just do not like the idea that the American people will shove them around.

Recently we had the case of a distinguished senior Member from New Jersey who got up and pronounced the crime bill dead on arrival, although it had passed the Senate by an overwhelming vote. There are some people who like, having been in charge, and of course, it is important to realize that we have a younger generation on the floor of the House here early this morning. In my case, I was 11 years old when the current leadership took control of the House, and from their standpoint, having now been in charge for 29 years, they literally cannot understand that the American people might have a different sense of values and a different sense of priorities than they have.

So I think that is a major part of it. But I also think it is very important to recognize that we are engaged in a great, long-term struggle that, as the gentleman from Texas was saying earlier, as the gentleman from Michigan was saying earlier, there is a real battle over values and beliefs in how America should be shaped and what our dream of the future is.

I just want to report that because this legislation has been bottled up, because the liberal leadership has frozen the process, I did some checking at the request of the gentleman from California (Mr. HUNTER) who has done such an excellent job this evening. I looked into the historic situation.

Never before in the history of the House have a series of special orders gone on as long as these will have. Never before in the history of the House will a series of speeches on a specific issue amount to the number of words spoken on behalf of the right to pray in school that will be spoken during this all-night session.

In that sense, this is a first, but it is a very sad first. If the liberal Democratic leadership would simply agree to a series of votes on a reasonable schedule to allow the American people to work their will, then we would not be forced to resort to this kind of expedient. If they would simply agree to schedule important legislation, as the gentleman from Texas was indicating, then we would not be forced to resort to this kind of expedient.

It is easy to organize for the orderly and reasonable management of this House if it is done in a bipartisan and adult manner. But so long as they keep the legislation frozen. I think we shall have to try to thaw it.

ORDER OF BUSINESS

Mr. LUNGREN. Mr. Speaker, I ask unanimous consent that I may be permitted to proceed with my 60-minute special order at this point.

The SPEAKER pro tempore (Mr. SYNAR). Is there objection to the request of the gentleman from California?

There was no objection.

SCHOOL PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LUNGREN) is recognized for 60 minutes.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Speaker, to quickly close this segment, it seems to me that in the absolute it should not require a constitutional amendment to restore God to the classroom, but it does because, without a constitutional amendment, the continued enforced neutrality will continue. It should not require this House to go into such an extraordinary session and to request a simple vote on an issue that 81 percent of the American public supports, but it does. And it should not require the American public to rise up in anger and indignation at the people's House refusing to deal with the issues that they would have to deal with, but it does require the American people. It will require the continued involvement and commitment by the American public to insist that the issue of prayer in school be brought to a vote in the House of Representatives.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield for a minute or two?

Mr. LUNGREN. I will be happy to yield to the gentleman from Michigan.

Mr. SILJANDER. I thank the gentleman for yielding.

A question, if I may, to the gentleman from Georgia, to carry on our conversation.

I am again a little bit perplexed by exactly what the gentleman said. I do not mean to reflect on his inability to articulate, but I guess I just cannot understand. I just cannot grasp in my mind why, if it is not a Democrat versus Republican issue, as there have been Members of both parties on the floor of the Congress expressing their attitudes, if you say it is being bottled up in committee, the liberal leadership, to quote you, has frozen the resolution. Well, my question is: Why?

□ 0420

Why have they frozen the resolution? What is the point? What is the motivation?

Why fool around on the floor of the Congress with Frozen Food Week, fly back from our districts, meet and do virtually nothing day in and day out, not voting on anything more than the approval of the Journal from the day before or voting on a quorum call?

Could the gentleman explain it to me and go one step further and give just a simple answer to the question? Why?

Mr. GINGRICH. If the gentleman from California will yield, I would be glad to answer.

Mr. LUNGREN. I am happy to yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I appreciate the gentleman's yielding.

I would just say to my good friend, the gentleman from Michigan, that the fact is, at least as best I can understand as a former history teacher who tries to look at these things over time, that the liberal Democratic leadership is genuinely and sincerely liberal that it genuinely and sincerely believes in a world that is secular, that it genuinely and sincerely does not particularly want children to pray—in fact, they would prefer they not do anything so risky—that, as I think the gentleman from California will be able to tell us in a moment concerning the Judiciary Committee, that the liberal Democrats on the Judiciary Committee are not nearly as afraid of cocaine abuse as they are of prayer, that they are willing to bottle up both the crime bill and the prayer bill because they regard both punishing drug dealers and allowing children to pray as dangerous, that in fact their value system is such, from everything I can tell, from the alliances they seem to have, from their association with the American Civil Liberties Union and with the traditional Americans For Democratic Action approach to a secular state, that they recognize that their elite is different that the American people, that, because this is the people's house, as the gentleman from California has been reminding us, that if they were to come to a vote, the American people would insist on being represented by people who believe in allowing children to pray, and that, therefore, in order to protect their own supporters from the American people, they systematically and conscientiously freeze legislation and keep it from coming to the floor in order to be able to insure that their own members will not be defeated at the polls.

And so in effect they block the American people from the dream they have of the future, and I think that every time a child is prevented from praying, every time a child is prevented from saying grace, every time a football team is told it is illegal to pray, every time a band is told, "No, you can't pray and give thanks," we can look to the liberal Democratic leadership because they are consciously and systematically preventing this legislation from being voted on.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield for 1 more minute?

Mr. LUNGREN. I am happy to yield to the gentleman from Michigan.

Mr. SILJANDER. Mr. Speaker, I guess maybe in my ignorance I find what the gentleman from Georgia is saying appalling and detestable.

If you are telling me that the leadership of the U.S. Congress that is lauded from one end of this globe to the other as the most powerful institution on the Earth, if you are telling me that we, as allegedly the ideal model of democracy, freedom, justice, fair play, and equality, if you are standing there and telling me that the leadership, the representatives of this body who are sworn to represent the American people—it is not a game on this floor; it is not a game in this Congress; we are sworn to uphold the Constitution and we are sworn to represent the people to the best of our ability—then what you are telling me, if I am inferring correctly from what you are telling me is that the leadership of this body, the liberal leadership, is going against the grain of the American people, they are refusing to represent the vast, vast majority of the American people, and as a result they are representing themselves and their self-interest and their self-centered goals.

Is that what the gentleman from Georgia is saying, or am I being overly dramatic about the situation?

Mr. GINGRICH. Mr. Speaker, will the gentleman yield one more time?

Mr. LUNGREN. I am happy to yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, while the gentleman from Michigan has an eloquent style and is very deeply committed emotionally, I do not think he is exaggerating.

Let me share with the gentleman for a minute the scale of the gap between the liberal Democratic leadership and the American people. Here is some polling data. In a Gallop poll May 8, 1980, 76 percent of the American people favored the right to pray in school; 15 percent were opposed. It was about a 5-to-1 margin. In 1974, 10 years ago, that figure was 77 percent in favor and 17 percent opposed—about the same margin.

In other words, for virtually the entire last 10 or 15 years there has been a solid, consistent, approximately 5-to-1 advantage on the part of the American people who want to pray.

Now, one would think that if 76 percent of our Nation says to you, "Please let me do this," the leadership of the people's House would try to help them do it. Yet the fact is, as the gentleman from Texas (Mr. WRIGHT) apparently said earlier today, we last voted on this issue in 1971. Now, that is not because we cannot vote on it. It is not because we are incompetent. It is because there has been a systematic and thorough conspiracy by the liberal Democratic leadership to block 76 percent of the American people from having that opportunity.

Mr. Speaker, I thank the gentleman from California for yielding.

Mr. LUNGREN. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, at this hour of the morning I suppose I could all too easily recite that prayer:

"Now I lay me down to sleep."

Yet the importance of the issue is such that much needs to be said about the metamorphosis of the legal and historical development of the question of voluntary school prayer.

Last night when I left our succession of special orders for a short time to go home and see my family, my 10-year-old son asked me why I was going to come and give a speech at 4 in the morning, and I indicated to him that those of us who had organized this effort felt it was incumbent upon us to take the tougher hours since we were asking others to join us at other times, and we felt we ought to be here on the floor in case there was time that needed to be taken. Yet when I go home late this evening, I can report to him that the response we received from so many Members was so great that in fact we did not have to worry about filling in time, that Members flew back from parts of the country so that they could be here, one Member coming back from the State of Utah after making a speech last evening, another Member flying up from Florida after appearing in a parade yesterday afternoon, and other Members driving down from their districts in New Jersey to make sure that they could be here.

It seems that what we are doing is trying to bring forward to our constituents and also to our colleagues in the House the importance of this issue. It seems to me clear that our Founding Fathers would not recognize the judicial gerrystructuring of the first amendment as having any relation to their original product.

Ironically, those who oppose the idealization of the Constitution all too often hide behind their own construction of the document to justify their position. The time is long overdue for this judicial smokescreen to be differentiated from the actual intent of the framers.

The question of whether or not American schoolchildren should be able to participate in voluntary school prayer took on a constitutional dimension in the 1962 U.S. Supreme Court case of Engel against Vitale. In failing to cite a single case in support of this decision, the court struck down the recitation of a nondenominational prayer in a New York school. In fact, it was commonly referred to as the "To whom it may concern" prayer because of the very general nature of its 22 words.

Prof. Charles Rice from the University of Notre Dame Law School commented that Engel against Vitale, the Regents Prayer case, was one of those rare cases in which the opinion of the Court did not cite a single case in its support. It can fairly be said that the Court cited no precedents because it could find none beyond its own gratuitous dicta in prayer cases since 1947.

While the Court had previously proscribed religious instruction on school property in McCollum against the Board of Education, in Engel the Court went far beyond that in holding that:

> Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the establishment clause.

The central element of the Court's decision was that the composition of the nondenominational prayer by the New York State Board of Regents was deemed to be a State sponsorship of a prayer. Similarly, in Stein against Oshinsky in 1965, the second circuit court of appeals considered the following recitation to be a threat to the Republic:

> We thank you for the flowers so sweet.
> We thank you for the food we eat.
> We thank you for the birds that sing.
> We thank you, God, for everything.

□ 0430

One merely shudders at the thought of the devastation that that might wreak on the minds of the students in our schools.

When one understands that there has been decision after decision made that sex education is a responsible subject to be taught in our schools, a subject that is so intimately involved with the relationship of family members, a subject that traditionally has been brought up in all sort of moral questions, which imparts to the traditional value systems and yet, on the other hand, one fears that any discussion of God, any oral recitation of a prayer on a voluntary basis by students is considered something that might taint their thinking or their judgment; one wonders what single set of criteria is being used.

In DeSpain against Dekalb in 1967, the seventh circuit considered the same verse, the one I mentioned just a minute ago about "the flowers so sweet the food we eat and the birds that sing," but in this case they did not contain in their recitation any mention of the word "God."

Nevertheless, the court struck the recitation down because even thought the word "God" had been deleted, it still would have been in the minds of the children.

Although as mentioned above, the regents prayer in Engel was affirmed because it was deemed to be State sponsored, the ninth circuit made a further leap into judicially uncharted waters in Collins against Chandler Unified School District by striking down a student-initiated nondenominational voluntary prayer during a high school assembly.

It must be added that not even silence is golden with the Federal courts. With the exception of Gaines against Anderson in 1976, the courts have not been favorably disposed to the idea that a moment of silence is appropriate before beginning class. I suppose it is feared that were a religious thought to cross the mind of a child, our constitutional form of government would somehow be placed in jeopardy.

It reminds me of the story apocryphal though it may be, of the schoolteacher teaching a class in a public school and suddenly being aware of the fact that a circle of students had formed in the back of the classroom all kneeling down, all obviously intent on something, and the schoolteacher rushes back to the back of the classroom and when she realizes what the situation is, said, "Oh, thank goodness, you are shooting craps. I thought for a moment you might be praying to God."

While constitutional interpretations should begin with the consideration of the meaning at the time of adoption, unfortunately all too often the statement by former Chief Justice Charles Evans Hughes is borne out. As he put it, "The Constitution is what the judges say it is."

The increasingly impregnable wall of separation between church and state referred to by Justice Black in Emerson against Board of Education, was certainly not a logical extension of the meaning given it by President Jefferson in his famous letter to the Baptists of Danbury, Conn.

The historical record is replete with evidence that the original intent of the first amendment establishment clause was to prohibit the establishment of a national religion.

Those who had fought for independence from England, not surprisingly, did not want either the church of England or any other denomination for that matter, to be the established reilgion in their new homeland.

In other words, there would be no church of the United States; all of that in capital letters. As James Madison stated, the people feared that one sect might obtain a preeminence, or two combining together, and establish a religion to which they would compel you to conform.

I would underscore the words "preeminence" and more importantly, "excel." That was the concern that Madison and others had; a compulsion to practice a particular religion, to attend a particular sect.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman.

I think it is important to point out here that the forefathers also specifically limited that to the Government of the United States, in particular to Congress. The fact is that during that period of time in our history, the Colonies which were to become States were in the forefathers' opinion given the power to have religions if they so wished.

Some of the Colonies had very, very strong denominational religions within them. And in fact, the Colony of Massachusetts, I think, at that point, did in fact have a colony religion that was supported with tax money.

Mr. LUNGREN. The gentleman is absolutely correct. I might say the gentleman gets ahead of my presentation in which I would like to discuss that very issue.

Mr. WALKER. But I think it is important to us that probably the Constitution never would have been ratified had there been any thought that at some point in our history we would go as far as the Supreme Court has taken us today in abrogating religion in our public life.

Mr. LUNGREN. As a matter of fact, I would say to the gentleman that had the thought that "the Constitution is what the judges say it is" be the prevailing thought during the constitutional convention; those folks, if they had been extended their life span, would still be arguing today and I doubt we would have had a Constitution of the United States ratified.

With respect to the meaning of the establishment clause of the first amendment, the distinguished constitutional lawyer, Thomas Cooley writes:

> By establishment of religion is meant the setting up or recognition of a state church or at least the conferring of special favors and advantages which are denied to others.

There are other indications that our Founding Fathers did not have the angst displayed more recently by the courts with respect to issues concerning the Almighty. In the Declaration of Independence, Thomas Jefferson provides us with a clear indication of his view concerning the ultimate source of what he referred to as the inalienable rights.

Think about it, if they were endowed by the state, those rights by definition would not be inalienable since they could be taken away as easily as they were given. Jefferson clearly understood and our Founders clearly understand that we were endowed with these inalienable rights by our Creator.

With respect to the conception held by the nature of law and our Nation's founding, it is interesting that Blackstone's comment raised a tremendous impact on the prospective colonies. Blackstone believed there were essentially two foundations underlying our law; nature first and revelation, second.

With respect to the second, he made it clear that he was referring to the quote, "Holy Scripture" end quote. John Witherspoon, a Presbyterian minister and president of Princeton University was the only pastor to sign the Declaration of Independence. But he made a telling observation at that time that I believe is worth repeating here in this Hall this morning.

He said:

> A republic once equally poised must either preserve its virtue or lose its liability. He is the best friend of American liberty who is most sincere and active in promoting pure and undefiled religion.

It should be remembered as the gentleman from Pennsylvania suggested a moment ago that at the outbreak of the American revolution, 9 out of the 13 Colonies, a clear majority, had special treatment for some churches to the exclusion of others. In 1 of the 13 Colonies, the citizens were even taxed to support the construction of churches. In fact, it was not until 1853 that the Massachusetts constitution was amended to eliminate the tax-supported church provisions.

The noted 19th-century writer, Alex DeToqueville, observed brilliantly about the state of America as he saw it in his travels throughout this country. And of course there is the famous paragraph of his where he talks about looking for the goodness of America, in the heartland of America, and the factories of America, on the farms of America, in the bodies of elected representation of America.

And he went on to say that however, he found the goodness of America in the churches of America. And he suggested that America is great because America is good and that if America ever lost her goodness, America would surely lose its greatness. That perhaps is the most famous refrain from his writings on the United States.

But I ran across another that I think is particularly important to observe here today.

☐ 0440

He said:

> I do not know whether all Americans have a sincere faith in their religion, for who can search the human heart, but I am certain that they hold it to be indispensible to the maintenance of republican institutions.

And of course he was referring to republican institutions meaning the type of democratic representation, the essence of Government that we have in the United States.

From the very first Congress there was a Chaplain in the House of Representatives and the Senate to open each session with a prayer. In addition, President Jefferson signed three extensions of a law for the Society of United Brethren for propagating the gospel and among the Indians. President Washington signed the Thanksgiving Day Proclamation, which read in part:

> Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey his will, to be grateful for his benefits, and humbly to implore his protection and favor.

No suggestion that there was a question about the existence of Almighty God there. No suggestion that we ought not to acknowledge his existence in that quote by the first President of the United States in an official Government proclamation.

Finally, the enactment of the Northwest Ordinance in 1787 provided:

> Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged

Not discouraged, but encouraged. And it is interesting that that part of the Northwest Ordinance combined a consideration of religion and schools in the very same sentence.

As Terry Eastland stated in the June 1981 issue of Commentary magazine:

> As a matter of historical fact the Founding Fathers believed that the public interest was served by the promotion of religion. The Northwest Ordinance of 1787, which set aside federal property in the territory for schools and which was passed again by the Congress in 1789 is instructive.

In his Farewell Address, President Washington's comments were most appropriate to the current debate concerning school prayer:

> Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect the national morality can prevail in exclusion of religious principle.

Another aspect of the controversy surrounding the school prayer issue relates to the fact that at the time of its adoption it was not conceived to be applicable to the States. The wording of the first amendment establishment clause reads that: "Congress shall make no law." Let me repeat that, "Congress shall make no law."

As mentioned previously, at the time of its enactment this was intended to prevent the adoption of any of a national religion. However, the amendment in no way restricted the power of the States in this area. As Joseph Story states in his commentary on the Constitution:

> The whole power over the subject of religion is left exclusively to the state government to be acted upon according to their own sense of justice and the state constitution.

However, through what has become known as the Judicial Doctrine of Incorporation, the Bill of Rights has come to be incorporated into the due process clause of the 14th amendment. There is an interesting constitutional observer named Raoul Berger who gained currency in this very Hall because he wrote what was considered to be the major text on the Constitution and the statutes and the concepts surrounding the whole question of impeachment.

In the early 1970's he was much quoted in these Halls as an expert to bolster what this institution was doing in reaction to certain actions taken by the then President of the United States.

However, in his later writings, he does not appear to have retained that currency. Because as Raoul Berger argues, in government by the judiciary, there is no indication whatsoever that the incorporation of the Bill of Rights by means of the dues process clause in the 14th amendment was on the minds of those who served in the 39th Congress.

That is not to argue that we may believe that some of the ends reached by some Supreme Court decisions were not appropriate and that we would hope that a Congress would have moved in that direction, but it is a question as to the appropriateness of the means utilized by that court.

In fact, following the adoption of the 14th amendment in 1875, the U.S. Supreme Court itself held in United States against Kruptshanck that:

> The First Amendment to the Constitution prohibits Congress from abridging the right of the people to assemble and to petition the government for redress of grievances.
>
> This like other amendments proposed and adopted at the same time was not intended to limit the powers of the state governments with respect to their own citizens, but to operate upon the national government alone.

Yet it was through such judicial circumlocation—it is awfully difficult to say that word, I believe, at this time of the morning—that the courts have stricken down the right of students to participate in voluntary school prayer. It was not even until 1947 in the Everson case that the U.S. Supreme Court suddenly discovered that this establishment clause was even applicable to the States. Even the actions of the Congress itself conveyed that there was no intention to apply the establishment clause to the States.

In 1876, Senator Blane introduced an amendment that would have prohibited the States from making any law with respect to an establishment of religion. It included among other things the language that, "No state shall make any law respecting the establishment of religion."

And while the amendment passed the House, it failed in the Senate.

One must query if in fact this was already covered and was intentionally uncovered by our Founding Fathers, why was there any debate in 1876 over the need to pass a statute to demand that no State make any law with respect to an establishment of religion. And then, of course, the question must be asked, if that was felt necessary by some, the fact that it was defeated as a matter of legislation in the U.S. Senate should suggest that that idea did not prevail in the previous century.

It is thus apparent that through the legal contortions of the courts, the original intent of those who participated in the drafting of both the first amendment as well as the 14th amendment has been obliterated.

This judicial verbicide has nothing to do with what the Constitution means, rather it reflects the presuppositions of the judges themselves. It is the action of the courts that's given rise to the need for an amendment of our Constitution. They have left those of us who do not share their revisionist interpretation of constitutional history with no other alternative.

We recognize that a pluralistic society requires a sensitivity to the rights of varying viewpoints. I might say that, as a practicing Roman Catholic, I can recall as a young child when we still had prayer allowed attending a public school in kindergarten and having them recite, all of us reciting, the Lord's Prayer. And as many may know the ending of the Lord's Prayer differs in the Catholic Church from the other Protestant sects, although we now have adopted that ending about the Kingdom, the Power and the Glory, and we repeat that in our recitation of the Lord's Prayer during the Mass. I have been informed that some Protestant sects have now dropped that ending to become more Catholic. So there is some ecumenical shifting of words of prayer. I recall that I knew at that time that it was different in precisely the wording that we normally repeated in our own worship services, in our own church.

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And I still say, however, I do not think it harmed me. It awakened me to the fact that there was a pluralistic attitude toward religion in this country. But beyond that, I would suggest that the level of religious tolerance in this country has come a long way over what it was 20 years ago or 40 years ago or 50 years ago. And I expect that the sensitivity to the differing approaches to God that many people have is greater today than it was 30 or 40 years ago, and that if we allow communities to make their decisions as to the nature of the prayer to be said or the prayers to be said alternately on different days, that they will use a commonsense approach to it.

And that brings me to this point: It is our belief that the Constitution does not require a denial of the rights of those whose actions can be exercised in a manner that does not place an unfair burden on others. In other words, if there is a concern among some about the Jewish brethren of our country or certain Protestant sects of our country or those who practice Hinduism or those who are Muslims, that that sensitivity can be exercised in the context of a prayer that is allowed to be said aloud voluntarily and that it does not require a total denial of the opportunity for voluntary prayer, verbal or silent, as long as it is voluntary.

It is my feeling that an amendment which allows voluntary school prayer, while specifying that no one can be required to participate against his or her wishes, falls within this appropriate balance of the interests involved.

At this point we might just go to the language of the amendments that have been considered. The dominant amendment, for purpose of discussion, anyway, is that supported by the President of the United States. It is a fairly simple, straightforward amendment. It says:

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions.

> No person shall be required by the United States or any State to participate in prayer.
>
> Neither the United States nor any State shall compose the words of any prayer to be said in public schools.

I recall when we had our hearing before the Republican Study Committee last week and heard the impressive testimony of many who are not in public life but who feel very deeply about this issue and how it affects them and their children, that one woman, a retired school teacher who taught in the public schools for 45 years, said that in her school, while she was teaching before the Supreme Court decision, every day began with a recitation of the Lord's Prayer, and then on an alternating basis, students were allowed—it was either on a daily basis or on a weekly basis, once a week—to recite aloud a prayer from their particular religion. And she suggested that in this way no one was made to feel that they were left out if in fact they wanted to participate. And it also raised the consciousness of those students concerning the plurality of religious belief in this country. And I think there is no evidence that in fact there was any harm done.

Mr. Speaker, if we are to fulfill our responsibility as a deliberative body it is essential for the leadership of this Chamber to allow the question of voluntary school prayer to be considered. It does not behoove us in this, the people's House, to continue to thwart action on a constitutional amendment that, according to a 1983 Gallup poll, previously cited by others, is supported by 81 percent of those respondents who were aware of the proposal. More importantly, I think that if we are truly interested in providing a complete and meaningful education for our children, we will permit this one opportunity to recognize the existence of moral absolutes apart from themselves. Otherwise their educational experience will be comprised of nothing more than exposure to a philosophy of materialistic reductionism.

One of the points that I think must be raised is this: While we recognize the sensitivity involved in a voluntary prayer situation in a public school, the sensitivity that is required because students, yes, are compelled to go to school, and the majority of them go to public school, we must also recognize the nature of the education they may receive.

And I recall very well what Joe Gibbs, known most for being, of course, the coach of the Washington Redskins, said in his testimony before our committee last week. He said that he and his wife attempt to have God and religion permeate their lives and the lives of their children. But they, like most modern couples, are put in a most difficult situation, and that is, they are busy in many ways with their adult lives, and they give over their children to a State agency, that is, the local public school, for 6, 7 hours a day, and that perhaps no influence is greater on their children than the influence of the school because they spend more time there, more intensively spent than anywhere else. And he said it creates a tremendous paradox with those children because, on the one hand, they are told by their families—and they truly believe it—that God is to permeate their very existence, and, on the other hand, the implicit if not explicit suggestion is made to them in school that God is not allowed here.

We are allowed to study anything else; we are allowed to study sex education—I am not criticizing that—I am just saying that is allowed, even though it involves intimate relationships within the family unit, but yet there is some fear that people, young people, would be unduly influenced by religion.

It is almost as if we have to inoculate them against the influence of religion in this country.

John Henry Cardinal Newman is known in Western civilization as one who advanced the cause of education. He stated, in one of his writings entitled "The Present Position of Catholics in England," the following in description of what it is to be truly educated:

> Knowledge is one thing, Virtue is another. Good sense is not conscience. Refinement is not humility. Nor is largeness and justness of view the same as faith. Philosophy, however enlightened, however profound, gives no command of the passions, no influential motives, no vivifying principles.
>
> Liberal education makes not the Christian, not the Catholic but the gentleman. Quarry the granite rock with razors or moor the vessel with a thread of silk, then may you hope with such keen and delicate instruments as human knowledge and human reason to contend against those giants, the passions and the pride of man.

What he was suggesting, simply put, is this: That to be truly educated, one must be exposed to the great subjects of education, chief of which is an understanding, an appreciation for theology, or, simply put, an appreciation for spiritual things in the context of religion, and that absent that, one is truly not an educated man or woman. And perhaps that is a message we have not heard much of late as we have Presidential commission after Presidential commission to try and understand why our educational levels are going down, why our standards are being reduced, why our children are not being educated, and we look and we find that there is a lack of discipline in the classroom, there is a lack of appreciation for authority, there is a lack of appreciation for standards, there is a lack of appreciation for one another as individual human beings. And we cast about and say, "How can we change this? How can we say that you ought to have respect for that human being sitting next to you in the seat?"

And maybe we ought to look back at first principles. Maybe we ought to understand that our Founding Fathers knew what they were doing, knew what they were talking about, knew what they were embarking upon when they tried to construct the laws and the Constitution of this Nation.

They began their deliberation with prayer. I recall that in the midst of the Constitutional Convention, when there was much discussion and much argumentation and lack of agreement, Benjamin Franklin suggested that they break for prayer, and he said, paraphrasing, "If in fact a sparrow cannot fall from the sky without the recognition by God, is it not equally true that an empire cannot rise without his support?"

Benjamin Franklin was not known as the most churched individual. Yet he had an inner quality, an inner appreciation of God and of the dedication of our institutions to that God.

Abraham Lincoln was criticized in his day for being unchurched, yet we know now that he was probably the most religiously dedicated President that we have ever had, and he, through those difficult times that befell him during the Civil War, constantly reminded us that we must dedicate ourselves to God.

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As a matter of fact, he tried to explain the experience of the Civil War by suggesting that perhaps it was the curse that we had to go through, a curse given to us by God because of that abominable institution of slavery that we permitted and maintained in this country.

Yet, we considered Abraham Lincoln to be perhaps the greatest President in the history of the United States. One wonders what Abraham Lincoln would say if somehow we came to him and said these simple words, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof" were interpreted to say that schoolchildren could not pray aloud in a public classroom.

Yesterday, perhaps, we received a small ray of hope from the U.S. Supreme Court, because yesterday, in a 5-to-4 decision, and I might say with Sandra Day O'Connor therefore being the swing vote providing the majority, the Supreme Court told us that local units of government—in this case the citizens of Pawtucket, R.I.—were able to have a nativity scene in a public park because it was an appropriate thing. I think it is interesting that the Supreme Court felt it necessary to still use what I consider to be legal gymnastics to say that the nativity scene is appropriate because it is as much a commemoration of a national holiday as it is of a religious event. But if that is what they needed to do to allow it to happen, I am willing to accept it.

Far more interesting, it seems to me were some of the quotes in the majority opinion authored by the Chief Justice of the Supreme Court, Warren Burger, because I think it explodes some of the criticism that you hear that is thrown against those of us who are trying to have a return of prayer in schools. Some criticism that some of us observed on television just a few hours ago when there was a public discussion of the question of school prayer.

Chief Justice Warren said that—

> The concept of a wall—

He put quotes around that term—

> the concept of a wall of separation between church and state is a useful metaphor but it is not an accurate description of the practical aspects of the relationship that in fact exists.
>
> The Constitution does not require complete separation of church and state; it affirmatively mandates accommodation, not merely tolerance, of all religions and forbids hostility toward any. Anything less would require the callous indifference that was never intended by the establishment clause.

Now those are important words. The Chief Justice has told us that the Constitution affirmatively mandates accommodation of all religions. Accommodation, not tolerance, and forbids hostility toward any.

Interestingly enough, the Court goes on to say that its interpretation of the establishment clause comports with the contemporaneous understanding of the framers' intent. This is an interesting point that this Supreme Court made just yesterday. That neither the draftsmen of the Constitution, who were members of the First Congress, nor the First Congress itself, saw any establishment problem in employing chaplains to offer daily prayers in the Congress. And the Court went on to suggest that the fact that they found no problem was a striking example of the accommodation of religious intended by the framers.

So, what we have been saying for hours here that the words that are above the Speaker's head, "In God We Trust," that the fact that we begin every single day of our deliberations here with a prayer, is important in the context of the relationship of specific religions to the law of the land and the governments in which they find themselves.

The Court went on to say this—and I am paraphrasing—that our history is pervaded by official acknowledgement of the role of religion in American life, and equally pervasive is evidence of accommodations of all faiths, and all forms of religions expression and hostility toward none.

This is the Supreme Court recognizing that the history is pervaded by official acknowledgement of the role of religion in American life. I might say that the Supreme Court has come a long way from its decision in 1962; certainly not far enough that we do not need a constitutional amendment but many of the things that they are now saying actually bolster the argument that we have been making on this floor this morning and last night.

Also interesting is the fact that Justice Douglas, who was involved in the 1962 Supreme Court decision which causes us now to work for a constitutional amendment, once noted that Americans are a religious people whose institutions presuppose a Supreme Being. Even Justice Douglas recognized that. That is important, because it means that our institutions have incorporated within their very bodies the acceptance of the fact that there is a Supreme Being. That means it is not neutral; that means our institutions are not agnostic; that means that our institutions are surely not atheistic. Our institutions are pervaded with a sense that there is a Supreme Being.

So what we do here this morning and what we have done last night and what we will continue to do in this institution is not inconsistent with our basic principles; it is not inconsistent with the basic, fundamental documents that define the governmental experience in this country, but rather these things that we do; this end that we seek is consistent with the good that is recognized throughout our documents and within our established governmental institutions.

I might say that as a member of the Judiciary Committee, I am sorry that we have to take this time to do this, but I am convinced after 5 years—now in my 6th year of service on that committee—that there is no disposition of the majority leadership of that committee, or of the majority of that committee, because it has frankly been stacked in such a way to insure that issues like this never seek the light of day.

I have no hopes whatsoever that this would ever be allowed to the floor in the normal course of committee action. And, therefore, those who take this well and say that we are wrong to proceed in this manner, and that instead that we should allow the regular committee process to work its will, the words of those individuals ring hollow in my ears because I serve on that committee and I see what is happening day in and day out—no consideration of any of these issues.

The excuse? It is too controversial. I think we are being paid quite a lot of money as Members of Congress if all we are supposed to deal with are noncontroversial issues. If in fact this, the peoples' House is not the place to exercise our judgment on controversial issues, where is it? As someone once said, if not here, where? If not now, when?

I will happy to yield to the gentleman from Georgia.

Mr. GINGRICH. I appreciate very much the gentleman from California yielding and if I might have his approval, I have some things I would like to enter into the Record based on a case in Clayton County, Ga., which I think fit precisely the concerns he has been articulating. The issue of prayer in school frankly was not high on my list when I came to the Congress and in watching the gentleman from California serve very ably on the Judiciary Committee and in talking with him and other Members of that committee, I came to realize that the Judiciary Committee is sort of the graveyard of good intentions. It is a place to send bills to die.

☐ 0510

As I talked to more and more students, and I read more and more cases around the country, I began to realize that there are some very real problems with religious freedom in America. I would like to share a few of these problems in general, and then talk about a particular problem in my district in Georgia. As I said earlier, I want to thank particularly the gentleman from Pennsylvania (Mr. Walker) who has done an excellent job of gathering these. Let me cite just a few examples.

The reading of prayers from the Congressional Record to a voluntary gathering of students in a high school gymnasium before the beginning of the school day was forbidden by New Jersey State courts. The Supreme Court declined review.

An Arizona school district's policy of granting the high school student council permission to open optional school assemblies with voluntary student-initiated prayer, unsupervised by teachers, was held a violation of the establishment clause by Federal courts.

A school principal in New York ordered his teachers to stop kindergarten children from voluntarily saying grace before meals on their own initiative. The Second Circuit Court of Appeals upheld the ban.

Recitation by kindergarten children in Illinois of a thankful-type secular verse before meals without reference to God was held to violate the establishment clause by the Seventh Circuit Court of Appeals.

A school board policy in Louisiana allowing students to participate in a 1-minute prayer or meditation at the start of the school day, upon request and accompanied by parental consent—let me repeat this—allowing students to participate in a 1-minute prayer and meditation, upon request and accompanied by parental consent, was overtuned by the Fifth Circuit

Court of Appeals. The Supreme Court upheld the decision in 1982.

I could go on and on, but let me say that it was really brought home to me in Clayton County, Ga., in my district, and the county I live in, beginning with a story back in January 1983. I just want to cite one part of this.

> The testimony of Jim Lancaster, principal of North Clayton Senior High, and Nancy McCorkle, assistant principal of North Clayton Junior High, was similar.
>
> McCorkle said at the assembly in the junior high school there was "no mention of Jesus Christ." She added, "I heard the word Jesus maybe once or twice in a song but that was it."

Now, what were they referring to? It is an amazing case when you go back and look at it. What happened was, the school has allowed a young man to come in and sing songs in an assembly. Two of those songs could be considered religious in nature. In other words, in having a series of songs about the American heritage, two of the songs made reference to God and to Christ. At that point, a suit was filed because one family did not like the idea of their children even sitting through songs that happened to have any religious mention.

The suit was filed in the U.S. District Court for the Northern District of Georgia, Atlanta Division. I want to read just a few of the things in this to give people an example of how narrow and tight it is. I particularly thank Larry Foster, who is the school district attorney, for sharing this with me. Here is a transcript, and this is in the court's presentation of its injunction.

> The COURT. Mr. Foster, is it the sign on school property or isn't it?
>
> Mr. FOSTER. Presently?
>
> The COURT. Was it on school property?
>
> Mr. FOSTER. Your Honor, I don't know. When I went back Friday afternoon, we contacted the people at the church, the Second Baptist Church of College Park, or we didn't contact them. At least someone at the school did and told them what the court had said about its opinion if it was on school property. It wasn't necessary to go any further than that. They took the sign down and moved it.
>
> The COURT. But you were supposed to contact me and tell me whether it was on church property or not.
>
> Mr. FOSTER. Your Honor, I did call and I ask the court's indulgence. Maybe I misunderstood, but I thought by the movement of that sign, the sign being moved certainly from the location it was to another place, I did call Miss Lawler and tell her that, I thought that was sufficient for the court. I didn't go into it in any greater depth, Your Honor.
>
> The COURT. So you do not know whether it was on school property or not?
>
> Mr. FOSTER. No, sir. I couldn't state in my place it wasn't school property at this time. I beg the court's forgiveness for this oversight.

Let me share with you what was going on. The Second Baptist Church of College Park is physically located next to the school. They had worked out the kind of local government swap that is normal. They had said to the school, which needed very badly driving space for drivers' education,

> We will give you free of charge during the week use of our parking lot to come and have your kids drive their cars around and learn how to drive. All we ask is that up at the street that you put a sign so people know where our parking lot is.

That is the kind of everyday, commonsense, practical gesture which is normal in America, which was once something that William James, the philosopher, called pragmatism, the American way of being successful.

This judge, in his arrogance of judicial tyranny, is now attacking a prominent, competent local attorney because, having removed the sign which he thought was in question, he did not fully and adequately obey the judge's immediate rule of reporting back on where it was.

Mr. LUNGREN. The court was not requiring a type of secular penance in this case, was he?

Mr. GINGRICH. I think it is fair to say that the court felt that no penance was adequate for the failure to show proper respect for the judge's authority.

Mr. LUNGREN. In my church we call that a mortal sin, but I guess the judge would not allow that term to be utilized.

Mr. GINGRICH. I suspect, had the attorney suggested he had committed a mortal sin, the attorney might not have been free to pass on to me this material.

ORDER OF BUSINESS

Mr. GINGRICH. Mr. Speaker, I ask unanimous consent that I may be permitted to take my special order at this time.

The SPEAKER pro tempore (Mr. ALEXANDER). Is there objection to the request of the gentleman from Georgia?

There was no objection.

SCHOOL PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Now, I would like to go on and make the point, just to carry through the rest of this case, because the case does not stop with the horrible swap of church parking lot during the week for drivers' education and putting up a sign. The case gets infinitely worse.

The next major title in this case is "Alleged Announcements Advertising Church Services, Meetings and Activities Placed on the Bulletin Boards at Clayton County Schools." In this segment we learn how bad things have gotten.

> Plaintiffs contend that defendants allow announcements advertising church services, religious meetings and religious activities to be placed from time to time on the bulletin boards at the Clayton County schools.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be delighted to yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

Are you reading this correctly? Are you sure these are not advertisements for pornographic films?

Mr. GINGRICH. No. There is no constitutional ground for filing suit if you show pornographic films.

Mr. LUNGREN. Something that might add to the moral decay of these children?

Mr. GINGRICH. No. Larry Flynt's permissible Christ is not. I think we have to get clear what is going on here. Or to put it differently, Hugh Hefner is permissible, no synagogue is permissible.

> At the hearing of January 7, 1983, Craig Michael Ferreter, a student in North Clayton Junior High School, testified that he was aware of at least one announcement posted on a bulletin board at his school concerning an activity at the Second Baptist Church of College Park where 20,000 Hershey kisses would be available for those attending.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be delighted to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Those are Hershey kisses made in Pennsylvania, near my district; is that right? The church was actually taking chocolate and giving it to children?

Mr. GINGRICH. I know that the gentleman is from Pennsylvania—is Hershey in your district?

Mr. WALKER. No, it is just outside my district, but a lot of my constituents work at Hershey.

Mr. GINGRICH. I know that the gentleman has a certain regional interest in this case, upon discovering that people who live in his district may have made Hershey kisses that were going to be given out. If this thing was not so serious, it would be an absolute joke. You could not put this on television. We have a U.S. Federal judge citing 20,000 Hershey kisses as one of the vicious and evil ways in which children were being seduced.

□ 0520

Now, in an age of cocaine addiction, teenage drug use, drunken drivers getting killed at the age of 15, and 13 year-old girls becoming pregnant, we have a U.S. district judge enjoining my county based in part on 20,000 Hershey kisses.

Now, if this were not real, it would be an absolute travesty.

Let me carry on. This is from the judge's injunction:

> At the January 14, 1983 hearing, Mr. Stroud testified that the school district would allow religious organizations to place notices on school bulletin boards so long as the said notices related to secular versus religious activities.

He testified as follows:

> I would permit or allow principals to place a notice of a religious organization on the bulletin board as long as I felt it was not of a religious nature but it was something secular that that church was sponsoring.

Again quoting from the judge's injunction:

> Mr. Stroud's testimony makes clear that the school district at the very least has and will continue to allow religious organizations to post announcements on its bulletin boards so long as these announcements in the school officials' views relate to secular versus religious activities.

In Mr. Stroud's own words:

> Defendants would allow an announcement that the First Baptist Church was holding a fish fry and not allow an announcement stating the hours and days of that church's services.

In other words, this judge is laying the case that in a society where, as one gentleman suggested, one can buy pornography within a block or two of the school, in a society where one can probably buy drugs on the playground, in a society where kids can buy drinks illegally, but can buy them, within a half mile of the school, the vicious, evil behavior that had to be focused by the U.S. district court was the prospect of announcing that the First Baptist Church or a nearby synagogue was holding a fish fry.

Let me carry on with this stage further. This is yet one more part of the indictment.

Mr. WALKER. Mr. Speaker, will the gentleman yield on just that point?

Mr. GINGRICH. I am delighted to yield to the gentleman from Pennsylvania.

Mr. WALKER. Was anything mentioned about what else went on these bulletin boards, the kinds of things that might be on there? If the Young Communist League was going to have a meeting in the community, would they be permitted?

Mr. GINGRICH. The Young Communist League clearly, under American Civil Liberties Union suits, is a legal, legitimate, and honorable organization and, therefore, could not be barred by the Federal district court.

Mr. WALKER. So it is the First Baptist Church that is a threat to the society and not the Young Communist League under the practices that we have?

Mr. GINGRICH. Certainly. And all recent court cases say that if you are the Ku Klux Klan, or the Nazi Party, or the Young Communist League, or the Gay Rights Movement, you are a legitimate, honorable, and noble organization. If, however, you happen to be a synagogue or a church, you are a serious threat to polluting the minds of young people.

Now, let me carry on with this data. As I said, if this was not literally an accurate reproduction of the U.S. district judge's statement and injunction, this would be farcical. But it is real. It has the weight of law.

The next section is entitled "Alleged Student Assemblies Wherein Religious Views Are Espoused and Students Are Encouraged to Attend Church Activities." This title, by the way, would sound more appropriate in a KGB report on a secret church in Moscow. This in fact is the title of a section in a U.S. district judge's paper in Atlanta.

It says:

> Alleged Student Assemblies Wherein Religious Views are Espoused and Students Are Encouraged to Attend Church Activities.

Now, for those people who say this is only the American tradition or this is only normal, let me read from a document. Virtually every American advocate of aetheism or advocate of the separation of church and state relies on Thomas Jefferson. Thomas Jefferson helped to write the Northwest Territories Ordinance. Let me read a key part of that, article III:

> Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, and the means of education shall forever be encouraged.

Let me repeat that for the benefit of people who wonder where Thomas Jefferson stands on all of this:

> Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Now, notice that "religion" comes first, "morality" comes second, and "knowledge" comes third. What modern atheism does is knock out religion and morality and think that knowledge can carry the whole ball.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, the most interesting part of that statement is that religion, morality, and knowledge are all intertwined in a statement about the schools, which really seems to fly in the face of what the modern interpreters of Jefferson would have us believe, which is that somehow religion and morality must at all costs be excluded from the schools.

Mr. GINGRICH. Well, I think it is very clear that the modern interpretations of Jefferson are simply wrong. They have nothing to do with Jefferson.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, it sounds almost as though Jefferson would have spoken at one of those alleged subversive assemblies to which the judge was referring, or that Jefferson might have been a guest speaker at one of those.

Mr. GINGRICH. I am certain that the American Civil Liberties Union and the Federal court would have banned Thomas Jefferson from either speaking or writing at most American high schools.

Let me carry on so we can understand the full scale of the illegal, dangerous, and subversive activities in Clayton County, Ga.:

> Plaintiffs contend that on September 13, 1982, a student assembly was held at the North Clayton Senior High School where Mr. Hughes, the youth minister of the Second Baptist Church of College Park, addressed the students at the said school. Assertedly, Mr. Hughes invited the students to attend a youth fellowship meeting that evening at the Second Baptist Church of College Park and then introduced Turse Green, who was scheduled to sing at the said youth fellowship meeting that evening. At that point the evidence shows Mr. Green proceeded to sing some humorous songs as well as two songs of a religious nature.

We can begin to see now how the plot thickens.

> According to Rev. Philip Jett, the pastor of the Second Baptist Church of College Park, Mr. Green told the students at the assembly "that he had experienced something that had changed his life in a real way" and he would like to sing a song concerning that change. The song was "Hey, I'm A Believer Now."

Now, it is obvious that if we are going to allow students who are only in high school to hear songs that might corrupt them, they are in grave danger. These, of course, are the same students who routinely get in their cars, play hard rock, listen to punk, buy "Boy George" albums, go down to the local disco, but, of course, they are not in any sense corrupted because luckily no one at the local disco talks about religion. And it is in this environment that we are asked to believe that having two songs of a religious nature as part of a religious program threatens the minds of young people.

Let me frame for you the thinking of this particular judge, who is all too typical of the mindless tyranny which is corrupting our entire system of jurisprudence. He concludes on page 17 that the school system is in an impossible situation:

> On the one hand, if the school system tries to announce only those activities which are secular, the school system is put in the situation of judging religious behavior by churches and by synagogues. On the other hand, if the school system does not judge which activities are secular, it is involved in the evil crime of publicizing religion.

And so he concludes, and I quote:

> One of the problems in this action is that defendant school district has no written policy whatsoever regarding the types of messages that it would authorise a religious entity to propogate through its schools.

He goes on to say:

> The Court finds that permitting the school district to authorise churches to make announcements regarding their activites through the use of school facilities violates the first amendment. To allow school officials to decide, on a case-by-case basis, whether a church's announcement is "of public importance" is clearly impermissible. An announcement might be entirely religious in nature and at the same time of public importance. If the standard is whether a church activity is secular in nature, allowing school officials to decide on a case-by-case basis would require an investigation by school officials as to the nature of the activity and a certain amount of supervision. This would inevitably create the impermissible entanglement which the first amendment prohibits.
>
> Thus, given the absence of acceptable written guidelines and the entanglement problems associated with school officials deciding whether a particular church activity is secular in nature, this court has the duty to create a separation between church and state by enjoining defendants from allowing announcements of church sponsored activities to be made through school facilities. The school district can, of course, make announcements regarding secular activities which happen to be held at a particular church so long as the particular activity is not church sponsored.

☐ 0530

It goes on to say:

> This Court has the duty to enjoin defendants from conducting student assemblies, even where attendance is said to be voluntary or the primary effect is to advance or promote religion.
>
> Defendants should be enjoined from continuing to sponsor and permit clubs to meet at the school under faculty supervision.

And thus we come to the final conclusion of the court:

> The Court is of the opinion that injunctive relief is necessary in this instance.

Now, what happened here? What happened is that a U.S. district court filed injunctions and filed four counts. I quote:

> Defendants are hereby enjoined from, one, authorizing or permitting the placing of any religious signs in the school district property; two, authorizing or permitting announcement of church sponsored activities to be made through the school district property; three, authorizing or permitting student assemblies which promote or advance religion; four, sponsoring the Youth for Christ Club at North Clayton Junior High School or at any school in the district or any religious organization or permitting said club or any other religious group to meet on school premises under faculty supervision.

What was the impact of a U.S. district court which did not prosecute cocaine dealers, did not prosecute gang rapes, did not prosecute murderers, did not prosecute any kind of subversive organizations trying to undermine the constitutional government of the United States, and instead decided that it was worthy of its time and effort to bring the full weight of the American Government to bear on a local school system because it had run the grave danger of polluting children with religion?

The first practical effect was that there are now three volumes of appeals which the taxpayers of Clayton County are paying for that have been filed from that particular case.

The second practical effect was to destroy a policy which had permitted a variety of organizations, some of which I suspect Members of this Congress have belonged to, and let me quote from an editorial in the Clayton News Daily.

> The Clayton County Board of Education Monday rescinded a policy on the use of school buildings by nonschool groups, on the recommendation of school board attorney Larry Foster, pending the final outcome of a lawsuit against the school system currently before the U.S. Court of Appeals.
>
> The board policy, adopted in August, would have made the school system content neutral to groups requesting use of school facilities. In effect, any group desiring to use the school buildings would not have been asked the purpose of the proposed meeting.
>
> The pending lawsuit, which was filed earlier this year by the family of two students at North Clayton Sr. High, alleged that announcements were made for churches over school loudspeakers, notices for churches were posted on bulletin boards, and a group meeting on school grounds was religious in purpose. The suit further alleged that a gospel singer who was visiting a nearby church had addressed a school assembly, allegedly espousing his religious beliefs.
>
> U.S. Judge Marvin Shoob ruled in favor of the plaintiffs in the suit, and the school system filed an appeal. An injunction by Shoob prohibits announcements for churches, bulletins of church activities being posted, school-sponsored religious clubs, and assemblies with religious content.
>
> School board attorney Larry Foster, in recommending the open forum policy be rescinded, said he thought Shoob might have a problem with it. He also the ACLU (American Civil Liberties Union) had indicated they might have filed contempt of court action against the school board, or filed another suit.
>
> The board undoubtedly was wise in rescinding the open forum policy, because the judge would most likely have ruled it an attempt to circumvent the intent of his ruling.
>
> Obviously public schools should not be promoting any particular religious belief. But fear of angering Judge Shoob, and given the events of past few months that fear is justified, has forced the school board to remove such time-honored groups as the Hi-Y and Tri-Hi-Y from school grounds.
>
> It seems there should be some reasonable ground somewhere in between pointed advocacy of religion and complete disavowal of its existence. Unfortunately, at least for the time being, there isn't.

Let me make three quick points here about the case of those who are against prayer in school and are against religion in school.

My first point is that they are simply flatly wrong when they assert, as at least three advocates of the other side have asserted in the last 3 days, that there is no reason to change, that in fact nothing is really wrong, that anybody who wants to pray can pray.

I think every citizen who looks at the record has a moral obligation to say next time one of those advocates said that, to get up and say, "You are simply flat wrong. That is not true. That is not accurate." And yet again and again we are told by these soft, soothing, reassuring voices that there is nothing wrong.

Mr. MACK. Will the gentleman yield?

Mr. GINGRICH. I will be delighted to yield.

Mr. MACK. You raise a point and we just received I guess the morning paper here, the Washington Post, which has an editorial entitled "School Prayer and Wishful Thinking."

In the editorial one of the comments is:

> We already have a constitutional amendment protecting such free exercise of religion. We don't need another one.

Mr. GINGRICH. I honestly do not know—maybe the Washington Post editorial writers could inform us of this—I cannot decide whether these people are totally misinformed about what is going on in America or whether in fact they think that that kind of deceptive and misleading statement helps their cause by letting people relax.

I do not know honestly which is the case.

Mr. MACK. Let me read on a little bit further.

It says:

> Yet there remains this persistent lobby urging that we restore government sponsored prayer to the classroom.

I got the impression what we were talking about, for these last I do not know how many hours, was not that. That was not what we were saying at all.

Mr. GINGRICH. There is no amendment being offered which would provide for a government prayer. In fact, President Reagan's amendment specifically prohibits a government prayer.

Mr. HUNTER. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. HUNTER. I think it is totally irresponsible for the editors of the Washington Post to write such words when the resolution that has been sponsored by the gentleman from Ohio (Mr. KINDNESS) in this House, a principal resolution that we speak of says these words:

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer.

There is absolutely no evidence that any Member of this body or any other member of the legislative or the executive branch has a prescribed prayer that they would force on the children of America. Yet you have, as the gentleman from Florida has pointed out, you have an editorial board or an editorial writer who persists in misinforming the American people.

I think perhaps we should take a copy of the resolution up and give it to them and make sure that they know exactly what we are doing, because apparently they do not.

Mr. MACK. Let me just read one more item, if I may:

> Is the purpose of the amendment to allow children to pray again? That cannot be since no one has ever said children may not pray, in school or anywhere else.

It is hard to believe that we are really talking about the same issue; or are we?

Mr. GINGRICH. I sometimes wonder what planet these people have been living on, because if they had been looking at American law and American factual evidence, the reality is that courts increasingly are involved in saying, "No, you cannot pray."

Mr. WALKER. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding, because I wonder if the Washington Post, who writes that kind of pap, has really taken a look at what the courts have decided. I mean we have a school principal in New York who ordered his teachers to stop kindergarden children from voluntarily saying grace before meals on their own initiative, and the Second Circuit Court of Appeals upheld that ban.

☐ 0540

It seems to me if the Washington Post is writing that kind of thing they ought to at least be aware of what the courts have been saying.

If the gentleman will continue to yield just for a moment, the attorney general down in Tennessee told a high school athletic department coach that he could not lead his team in prayer before a game. I mean that is how far we have gone in all of this.

Mr. MACK. If the gentleman will yield, obviously there must be something else that they are referring to, but it does say: "Is the purpose of the amendment to allow children to pray again? That cannot be since no one has ever said children may not pray in school or anywhere else."

Mr. GINGRICH. I would hope that we would collectively invite the writers of that editorial up to the Hill in the next 24 hours or so and sit down with them and have a chance—I started to say to pray over them—but I think at a minimum, sit down and talk with them and walk through it factually.

I think we have a moral obligation, not only those of us who are on the floor this morning, but those who are participating in a variety of ways, to approach these folks in an open and in a serious and in an educational manner and to raise these questions, because I am beginning to believe that in fact there may well be a large number of people who oppose this amendment because they honestly do not realize how close we have come to a secular hatred of any religious behavior. And that, in fact, it may well be that there are a number of decent well-meaning people out there who honestly think their children are allowed to pray. Now that may be either because their children are in private school, or it may be because they do not talk to their children, or it may be because their children do not try to pray and therefore have not been slapped down. I am not sure why, but I am convinced now that some of the gentlemen in the other body, who have been running around uttering absolute nonsense may in fact believe that nonsense. It may not be a smokescreen. It may be that they honestly do not know the degree to which judicial tyranny is destroying religion in America.

Mr. WALKER. If the gentleman will yield further, I notice also this editorial uses as one of its expert testimonies the National Council of Churchs. Now that is the same National Council of Churches which when the Supreme Court issued their decision yesterday which says that in fact that a town will be able to have a creche scene of the birth of Christ as a part of a public display, the National Council of Churches came out and deplored the Court action saying that it made religion little more than the equivalent of Rudolph the Red Nosed Reindeer.

I submit that the National Council of Churches does not exactly speak for very many people who are members of churches in the country when they utter that kind of statement and to use them as the background for saying that prayer should be banned forever from the schools leaves me a little bit discomfited.

Mr. GINGRICH. As an example of the suppression let me read a brief letter from Carmen Truitt:

> I am a 17-year-old junior of Riverdale Senior High School. I am concerned about the matter of having religion in the schools. I try to keep an open mind about this matter, but I am against not having a moderate amount of religion in public schools. I have read in newspapers that in this case instead of having teacher-led prayer in school, a moment of silence might be substituted. I believe that teachers should not have to lead prayer because they may not be a Christian. Many times people tend to lean toward their own beliefs. A moment of silence might do some people some good, but some non-Christians might cause trouble. A moment of silence is a good time to collect your thoughts, if not to pray. I believe that a moment of silence might do us all a world of good.
>
> I know I am a little late, but I am particularly for having religion in schools because we cannot sing Christmas carols, which I really enjoy. This takes a lot out of the Christmas spirit for Christians, besides Christianity is what started the making of the United States of America.

Now notice, here is a student right there on the battle lines writing in and saying they no longer can sing Christmas carols.

Mr. WALKER. If the gentleman will continue to yield, the school superintendent in Ithica, N.Y., driven by the decisions of the courts, banned any carols mentioning the name of Jesus Christ from the annual Christmas program in that school.

In Prince Georges County, Md., right outside the city limits of Washington, D.C., the superintendent of schools abolished programs of religious music during Christmas and traditional periods of religious celebration. Now he had to back off when community pressure got so great that he could not sustain that decision. But those are the kinds of decisions that are being made out there in a climate which the gentleman has described, I think, very rightly as a climate where antireligion is more suitable in our public institutions than continuing with practices which encourage the development of religion.

Mr. GINGRICH. Here is a letter from Virginia Callaway, also a Georgian:

> This is to let you know that I support the prayer amendment. I strongly favor the right of children to pray whenever they would like. I feel our rights to the exercise of freedom of religion have been denied and for this reason I urge you to vote for it when your opportunity comes.
>
> Most of the people I know agree with the President in this, but alas, not all will let you know.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I would like to go back just a minute to the Washington Post article that the gentleman from Florida talked about.

It mentions the National Council of Churches in their testimony before the Senate Judiciary Committee. I think we should make it very clear we do not represent churches. We certainly do not represent the National Council of Churches. We represent people. We represent people of which an approximate 80 percent want to have school prayer and want to be able to pray in school. We certainly, I think, if in fact the National Council of Churches had endorsed any particular prayer or had any particular position with regard to prayer in school, it was supposed to be carried out by the school, that certainly would be probably a violation between church and state. And we in Congress would be making a law at that time respecting an establishment of religion, which would be in violation of the first amendment. But we are not asking that.

We are asking for an amendment that would allow our constituents to pray in school and to exercise free prayer and that would be certainly in conformance with the first amendment.

Mr. GINGRICH. I think the gentleman is exactly right.

I would like to enter into the RECORD a statement from Secretary Bell, who said and I quote:

> Our public schools should mirror American pluralism. By allowing students to initiate voluntary religious activities during noninstructional periods we reaffirm an important feature of the American character.
>
> Conversely, by totally eliminating religious activities from public schools society singles religion out and undermines it. Thus destroying an important feature of our diversity. Targeting religious speech for censorship actually constitutes hostility toward it.

He goes on to say:

> The historian James Hitchcock argued that the separation of religion from public schools does not reflect neutrality, but rather an anti-religious bias.

He states, and this is quoting James Hitchcock, Church, State and Moral Values, the Limits of American Pluralism:

> If the schools are regarded as helping to shape the child's total world, then the exclusion of religion cannot help but shape a religionless world. At the most formative period of their lives children are in effect taught that religion is unimportant or even perhaps false. They are habituated in modes of thinking and feeling in which religion plays no part. The very exclusion itself has major symbolic importance.

Secretary Bell went on to quote Sir Walter Moberly, who said:

> When the fundamental religious issue, the existence of God, the modern university supposes it is neutral, but it is not. Certainly it neither inculcates nor expressly repudiates belief in God, but it does what is far more deadly than open rejection, it ignores him. If in your organization your curriculum and your customs and ways of life you leave God out, you teach with tremendous force that for most people and at most times he does not count. It is a fallacy to suppose that by omitting a subject you teach nothing about it. On the contrary, you teach that it is to be omitted. And you teach this not only openly and explicitly, which would invite criticism, you simply take it for granted and thereby insinuate it silently, insidiously and all but irresistibly.

Now I want to go back and make these three points about what is wrong with the argument of the anti-prayer side.

The first thing that is wrong is their history. They like to quote the first amendment, but as a historian I simply have to say flatly they are totally, fundamentally irretrievably wrong in suggesting the first amendment has anything to do with eliminating prayer in school.

□ 0550

Their description of the Founding Fathers is a fantasy, their interpretation of American history is a fiction, and there is not a shred of serious evidence to argue that any of the Founding Fathers would have understood the modern American Civil Liberties Union totalitarianism, that the tyranny of the judges in driving religion out of our schools is something which would simply not be comprehensible to any one of the Founding Fathers, that the notion that a handful of zealots, bigoted in their opposition to any religion, would persecute 80 percent of the population on behalf of less than 1 percent of the population would have been incomprehensible to the men and women who fought the American Revolution and established this country. And they would have asked us why we had not long since risen in rebellion.

So, first of all, those people who are opposed to prayer in school as historians and from a historical perspective are simply wrong, simply not true.

Second, their interpretation of good public policy is, in my judgment—and this is clearly a matter of one's personal ideology and personal beliefs—is simply wrong. It is not possible to have a healthy society which is godless because people left to themselves tend to collapse morally, people left alone tend to be—surprise, surprise—cocaine addicts, drunk drivers, pregnant teenagers. Hedonism tends to drive out an ethicality based purely on secular belief, and it turns out that human beings are relatively weak and that a society which crushes God is a society which ultimately crushes itself.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. In the context of that, then, it does not become too surprising that one of the main groups that is leading the opposition to school prayer and is publicly making the statements with regard to that opposition is funded by the Playboy Foundation, among others. One of the largest contributors to that group is the Playboy Foundation, which, of course, is one of the chief promoters of the hedonism that the gentleman refers to.

I thank the gentleman for yielding.

Mr. GINGRICH. There is a group that is called People for the American Way, which turns out to be Hugh Hefner's way.

Mr. WALKER. The gentleman is absolutely right. As a matter of fact, their fund raising, advertising, and so on, is done in Playboy magazine.

Mr. GINGRICH. I just want to make this perfectly clear, out here in the open, that people who think that the Playboy philosophy ought to be the core of American life have every right to object to prayer in school. People who think that Larry Flynt represents a positive feature in Hustler magazine have every grounds for objecting to prayer in school. I do not think there is anything wrong with that. And if they are willing to stand up and be honest about the future they want, I think that those people who favor a drug ridden, pornographic, hedonistic society have every right to oppose us. But I do not think people ought to stand in the middle, surrounded by muggings and violent crime and destruction of the classroom and collapse of the discipline and say that they are really for our values, it is just that they do not want prayer in school. You cannot have it both ways. If you want a disciplined classroom, if you want students who come in and are physically safe, if you want a world where your children think about things higher in order than whether or not they are going to sleep with someone tonight, on the way to buying some drugs while they drive drunkenly, you are going to have to change the rules of the game.

What I object to is that many of our pious ACLU friends and many of these folks who are actively involved in this—what is it called again—People for the American Way—the term is so contradictory to everything that they stand for, I guess I have locked that out of my mind.

I happen to have here an article from Newsweek, December 27, 1982, a cover story called "The Bible in America." I just want to read their opening lines:

> How the Bible made America.

And then it says:

> Since the Puritans and the pioneers, through wars and social conflicts, a sense of biblical mission has united us, divided us and shaped our national destiny.

They start by quoting John Winthrop abroad the *Arbella*, 1630, who said:

> The Lord will be our God and delight to dwell among us as his own people and command a blessing upon us in all our ways.

Now, let me just say that when you have, as their second picture is, Washington setting a precedent by being sworn in on his Masonic Bible, that there is a problem for people for the American way, and that is that the American way is extremely religious, the American way is extremely committed to prayer, the American way is extremely committed, frankly, to a more positive, a more decent, a more wholesome, a more traditional value system than Hugh Hefner and Larry Flynt.

I think it is a violation of decency and honesty in advertising to have the Playboy Foundation sponsoring a left-wing secular hedonism, which then calls itself People for the American Way, unless they are going to have a subtitle, "Hugh Hefner's Subversion," or something like that. I mean it is just an absolute joke, except that it is serious, that they honestly believe that the American way is some kind of degenerate hedonism which would deny God and regard pagan idolatry, and then wonder why the world decays.

Now, in that setting, let me just try to sum up for a moment, because I think we are moving toward the time of tremendous importance for this country.

For the first time in 13 years we are actually debating seriously the prospect of letting children pray. For the first time in 13 years we have an active movement in both the other body and this House. Tonight, thanks to the tremendous leadership of the gentleman from California (Mr. HUNTER), we are setting a record for talking about a single topic, and this is the most appropriate of all topics to talk about. If there is going to be a record set in this Congress, it ought to be on prayer in school.

But there is more that could happen. I heard on Friday that in the other body the average Member is receiving 1,000 phone calls and telegrams a day on this issue. If that continues, if it builds, if people who want their children to be able to pray get involved, if they decide that salvation is worth a phone call, that saving their country is worth a mailgram, that saving their children is worth checking with their neighbors, I think it is possible that we are going to see a true watershed in American history, that the 20-year slide into a pagan secular atheism will in fact be reversed and that we will begin to move back to being an ecumenically broad collection of Christians and Jews who are committed to a broad vision of American future in which religion does matter and in which we are truly one nation under God.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I think it is important that we put on the record our hope that the American people, in addition to contacting the Members of the other body, will also be contacting the Members of this body and asking them to sign on to discharge petition No. 8.

Discharge petition No. 8 will allow us in this Congress to do more than just what we have done this evening, talk about the issues; it could allow us to actually vote upon the issue. And in the spirit which has moved hundreds of thousands of people to contact their representatives in the other body, I think we would want to make it clear that the House should not be left off the hook, that here in this body there is also a need to contact Members of Congress and make certain that they sign on to that discharge petition so that we can begin the process of having a debate over the substance of the constitutional amendment.

Mr. GINGRICH. The gentleman is exactly right.

Mr. McCAIN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Arizona.

Mr. McCAIN. Mr. Speaker, I would like to compliment the gentleman on an extremely eloquent statement, using words of more syllables than are generally heard around this body, and certainly a very eloquent statement.

I wonder if the gentleman would care to comment on the reasons why we are having to conduct this long session, and why, with the gentleman's experience in this body, he would imagine that an issue of this seriousness and this concern to the American people would not be allowed to be brought up for proper consideration by this body that an issue of its magnitude deserves.

Mr. GINGRICH. Well, as the gentleman knows, the liberal Democrats control this House and the liberal Democrats tend to be philosophically opposed to praying in school. The liberal Democratic leadership knows that the country very deeply is in favor of praying in school. So I think that the liberal Democratic leadership, in order to save its Members from losing their seats is deliberately following a policy of trying to keep this issue off the floor and has done so sucessfully for 13 years, because it is from their standpoint a very divisive policy. It is a policy which would force their Members to either obey the people back home or run risk of getting fired.

Mr. McCAIN. I thank the gentleman.

Mr. GINGRICH. Let me say, just in closing, that I think that the comments of the gentleman from Pennsylvania are exactly on target, that we do have a discharge petition that should be signed. I think that the question of the gentleman from Arizona is sadly appropriate. When we realize that we are about 5-to-1 margins, the American people for almost a generation have wanted their children to be allowed to pray. And nothing has been done in this House. When we realize that by about 5-to-1 margins millions of Americans—we are talking, after all, about support for prayer in school, which is approximately the support of 190 million people, and those 190 million people deserve to be heard. I think that tonight's session is the first step toward their being heard. But if I had any one final thought to leave with the American people, it is that you cannot be heard if you do not speak. Your children may be gagged at school, but you are not gagged as a citizen.

□ 0600

The only way you can untie the gag that stops your child from prayer is to pick up the phone, to write the letter, to go to the meeting, to get involved. To let your Member of the House and your Member of the other body know that you have hired them to do a job and if they fail, you will not rehire them.

That is the only solution. Because while Washington will never pass a prayer-in-school amendment, the country might well give Washington no choice and then we will have passed the prayer-in-school amendment.

I thank you and I yield back.

ORDER OF BUSINESS

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that I be allowed to proceed with my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SCHOOL PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. FIELDS) is recognized for 60 minutes.

Mr. FIELDS. Mr. Speaker, I want to begin my remarks today by thanking a number of different people who have helped put the special order together; a special order that I think is not only historic, but it is very important for this country if this country is going to remain a nation under God.

I want to thank DUNCAN HUNTER, DAN LUNGREN, BOB WALKER, VIN WEBER, NEWT GINGRICH, DAN COATS, CONNIE MACK, and I am sure many others who labored long and hard to organize and orchestrate this very special, special order.

I think it is important to point out that it is very ironic that we are talking about voluntary prayer in public school when we begin each session with a prayer. I think it is ironic that above the Speaker's chair are the words engraved in the wall, "In God We Trust." I am looking out right now and I see a mural on the wall depicting Moses and yet the Supreme Court has said that schoolchildren cannot pray in school. I think that is highly ironic, and I have to at first comment that I think much of the problem in this country lies with our Federal judges.

I will digress for just a moment to say that I have introduced a constitutional amendment that says that Federal judges will have to be reappointed and reconfirmed every 10 years. I think the original intent of our forefathers in giving Federal judges lifetime appointments was extremely important, realizing that those people would be subject to political pressure. Giving them that type of appointment so that they could interpret laws that people like myself make. People who were elected by the public in our democratic process to give those judges the opportunity to decide whether the laws that we pass comport with the Constitution.

About 20 years ago, our Federal judges, many, many of our Federal judges, deviated from the interpretation and began making Federal law. I think consequently there needs to be a change in our Contitution. We need to subject these people as much as possible to the democratic process.

Personally I would like to see Federal judges elected. I would like to see Federal judges subject to a recall process. But I have chosen the way that I think would have the greatest chance of being discussed in the House and the greatest chance of being passed.

However, like this voluntary prayer amendment, the chairman of the Judiciary Committee, Mr. RODINO, and also the Speaker of the House will not allow my amendment to be considered just as they will not allow this voluntary prayer amendment to be considered, which I think is very tragic.

Mr. Speaker, we are here today to talk about voluntary school prayer. You know, we are a country that stands for freedom, for liberty, for self-determination and these are words that should not be forgotten and they should not be taken for granted. And they are words for us to remember and for us to teach to each new generation. They are words that translate into freedom of religion. Freedom of speech. Freedom to peaceably assemble. Freedom to bear arms, and all of these freedoms have been won and maintained at a high price, and I think that we would agree that the price has been worth it, because we do live in the greatest country that has ever existed in this world.

In fact, a recent study showed that Americans are twice as likely as the Japanese or the Europeans to express pride in their work and their nationality and that Americans also have a greater willingness to fight for their country. You know, I do not doubt that study, one bit. As Americans we are proud of this country, and God has richly blessed us with our birthright, what we take for granted; our country and what it represents. I think this is one of God's greatest gifts to each and every one of us.

You know, since I have been in Congress, I have come to appreciate God's blessing to America even more. I had an opportunity recently to go to El Salvador and I saw some of the conditions in that country and it made me appreciate what being an American really was and what this Government really means to each and every one of us.

I had an opportunity to go to Western Europe and to see the fence that separates East and West Germany, a fence that is about 10 feet tall. It has explosive devices every 50, 75, 100 yards. If you touch the fence, the entire fence explodes. Guardtowers on the eastern side of that fence; people with instructions to shoot anyone that somehow gets over the fence with a second set of guards with instructions to shoot the guards, if for some reason they do not shoot.

When I was at that particular fence, I went to a base that is called the Alpha Base in the Fulda Gap, and I saw two little wooden crosses that were there at the fence and I asked the commander, I said what is the purpose of these wooden crosses? He said it represents an older gentleman and his daughter who had somehow vaulted the fence and were running for freedom and they were machinegunned at the last moment.

It made me realize how great this country is. And in having these experiences, not only do I realize how fortunate we are as Americans, but it has made me ask a basic question: What sets us apart as a country? Why has our democratic experiment worked and made us the richest, the most successful, the most envied nation on God's green Earth? I think there is only one answer to that, and that is because we have been a nation under God. I think that is why we have been so richly blessed. If we think that we are a great nation because we are a different class of people or a different race of people, I think that that is fundamentally flawed because we are a nation of immigrants; people from all over the globe have come to America and have participated in this democratic experiment that is now over 200 years old.

Some people think that we are a great country because of our natural resources. We can quickly point out that there are other countries that have equally abundant natural resources and perhaps even more natural resources than we have as a country. So, we are not great because we are a different race. We are not different because we have more natural resources. I think that what has set this country apart is that we are a nation under God. A belief that freedom and liberty under God's guidance expands our horizons, stimulates our imaginations, releases creative energy and accelerates our progress and fosters our personal fulfillment. If we all remember, our country was founded by individuals seeking to worship in a nonprescribed manner. People seeking religious toleration, and these pilgrims, as well call them, crossed a stormy sea to brave a wild, uncharted land so that they would have religious freedom. And before they took one step on the soil of this continent, the pilgrims entered into a pact or a set of rules by which to govern their existence, and this was the first law of an integrated society in America.

In this document that is called the Mayflower Compact, the pilgrims outlined their purpose and the purpose of this country, and I quote, they said, "They were here to advance the Christian faith." And the purpose of the pilgrims was extremely clear, that was to create a nation that would be dedicated to religious toleration and the freedom to express oneself in a religious manner. This act initiated our religious heritage; a heritage which has expanded and now includes numerous religions and numerous beliefs, not just Christianity.

Our major universities were dedicated to training minister when they were formed, when they were started. The inclusion of "endowed by our creator with certain inalienable rights" in the Declaration of Independence was very important. We were accenting people instead of kings. The powers and the inalienable rights belong to people as gifts from God and governments are instituted to protect the rights and continue only as long as they have the consent of the governed.

Thomas Jefferson said, "The God who gave us life gave us liberty."

George Washington said, "It is impossible to govern the world without the Bible."

□ 0610

George Washington also said, "We have raised a standard to which the good and the wise can repair. The event is in the hands of God." He said that at the conclusion of the Convention at which the Constitution was adopted.

Thomas Paine said, "Reputation is what men and women think of us; character is what God and angels know of us."

Daniel Webster said, "God grants liberty only to those who love it and are always ready to guard and defend it."

The Liberty Bell in Philadelphia, Pa., in the steeple of the State House, the words are inscribed, "Proclaim liberty throughout all the land until all the inhabitants there have a verse from Leviticus," and this refers to the ancient Jewish year of jubilee. Every 50th year the jubilee restored the land and the equality that prevailed when the children of Israel entered the promised land.

Harry Truman, the 33d President, said, "A person who is fundamentally honest doesn't need a code of ethics. The Ten Commandments and the Sermon on the Mount are all the ethical code anybody needs."

So when we take all of these things together, we realize that we do have a very strong religious heritage in this country, a religious heritage that I think has set us apart by being a nation under God, and this is where the greatness of this country stems. There is no doubt in my mind that God has blessed us, because through our existence we have been a nation under God and we have been dedicated to biblical principles.

But with our privilege of a free existence and self-government comes a corresponding responsibility and the obligation to participate in and preserve our country as a nation under God. I think a major question is: What part do all of us play in keeping this a nation under God. What role do I play as a U.S. Congressman? What role does the average person play?

I think for all of us, our first and our foremost duty is to follow the admonition of Paul, who said to put on the whole armor of God, and that is to arm ourselves with spirituality and righteousness in order to form a partnership with God. In our country, we formed this partnership with God, and when we do that, we cannot fail when we have the partnership with God. But if we take God out, we have to fail.

Paul wrote to the Corinthians, "Where the spirit of the Lord is there is liberty."

Proverbs 14:34 says, "Righteousness exalteth the nation but sin is a reproach to any people."

But we have to be vigilant over our liberty. We must be knowledgeable and wise, for as the Apostle Paul said in Ephesians 6:12, "We wrestle against the rulers of the darkness, against spiritual wickedness in high places."

So I think we have to ask, are we willing to put on the armor of God and advocate the continuance of biblical principles for this country? To me that is a fundamental and it is a basic question. To be honest, I think many have cowered behind the doctrine of separation of church and state. Perhaps "cower" is not a good word. It might be better to say that some have been intimidated by those who want to eradicate everything that deals with our religious heritage and tradition if it is expressed outside of a church.

I think we need to remember several things about the doctrine of separation of church and state, a doctrine that I strongly embrace. I am a Southern Baptist. I have been so all my life. I went to Baylor University; am a trustee at Baylor University. Baptists have always thought that the doctrine of separation of church and state was extremely important, if not paramount. But the purpose of this particular doctrine, that of separation of church and state, was to prevent a state religion as had existed in England under the auspices of the Church of England, and the record of the debate in Congress on the first amendment ban against establishment of religion clearly indicates that the constitutional framers intended only to prohibit the Federal Government from designating a particular church to which all citizens must give their allegiance and financial support.

That was what was meant when the doctrine of church and state was created, and for 200 years we had no problem with separating church and state. Somehow, we have been able to make the distinction between establishing a church and saying a prayer. To me, that point is extremely important because I have always felt that there was a reservoir of commonsense in the American public, that we hold certain principles extremely dear, that it is not the purpose of the American people to discriminate or mandate or create uncomfortable situations for different individuals, and that is why I think it is important that we go back and look at the original intent and purpose of that doctrine of separation of church and state.

Billy Graham said in a recent interview, "This country has carried the business of separation of church and state too far. The writers of the Constitution meant freedom of religion, not freedom from religion."

If you apply biblical principles to an issue like voluntary prayer, you realize how very important it is that we have prayer in our society, and more importantly, that we have prayer in our public schools, or at least allow individuals within their own respective school districts to make the decision whether or not there is going to be some type of time for prayer.

To me, that is what is also important about this particular amendment, that we are leaving the decision with local people.

But if you are for voluntary prayer, there have been those who have wanted to push those who support voluntary prayer off to the side and say that you are some religious extremist, that you are trying to force certain things on certain people, and yet I see a dichotomy, because some of those who are making those claims and accusations are those who have paraded under the religious banner themselves. Some of those paraded under the religious banner in the 1970's against the Vietnam war. Some paraded under the religious banner. They are active in the nuclear arms disarmament movement. There are some who are now parading under a religious banner saying that our efforts to stop the spread of communism in Central America is wrong, and yet that type of behavior is lauded and applauded and encouraged, and yet if you are for voluntary prayer, somehow you are wrong.

I see a double standard. I think the majority of those of us in this country, in fact, the polls show that over 80 percent want to see our religious heritage and tradition continued. They want to see voluntary prayer in public school allowed if it is so decided by local people in their respective school districts.

There are those who say it is not necessary, we do not need a constitutional amendment in regard to voluntary prayer. Let me read to you some of the horror stories.

The reading of prayers from the CONGRESSIONAL RECORD to a voluntary gathering of students in a high school gymnasium before the beginning of the schoolday was forbidden by New Jersey State courts. The Supreme Court declined review.

An Arizona school district's policy of granting to high school student council permission to open optional school assemblies with voluntary student initiated prayer, unsupervised by teachers, was held a violation of the establishment clause by Federal courts.

A school principal in New York ordered his teachers to stop kindergarten children from voluntarily saying grace before meals on their own initiative. The Second Circuit Court of Appeals upheld the ban.

Recitation by kindgergarten children in Illinois of a thankful-type secular verse before meals without a reference to God was held to violate the establishment clause by the Seventh Circuit Court of Appeals.

A school board policy in Louisiana allowing students to participate in a 1-minute prayer or meditation at the start of the schoolday, upon request, and accompanied by a parental consent, was overturned by the Fifth Circuit Court of Appeals. The Supreme Court upheld the decision in 1982.

A Pentagon Thanksgiving Day worship service conducted under the Pentagon pulpit program, begun by President Franklin Roosevelt in 1942, was ruled unconstitutional by a Federal magistrate.

The U.S. House and Senate practice of retaining chaplains to open sessions with prayer was challenged by atheists. The District of Columbia Circuit Court of Appeals ruled that atheists have standing to challenge, although the challenge was later rejected by the Supreme Court.

A Rye, N.Y., teacher was fired for inviting students to pray with her at school.

In Tennessee, the State attorney general warned the Oak Ridge High School athletic department that for a coach to lead the team in prayer before a game violates the Constitution.

I have joked with some people in Texas that Texans are really going to become upset and involved in this issue when the prayer in the opening exercise before a football game is prohibited. To do that before a football game in Texas is going to incite quite a few people, and I invite the American Civil Liberties Union to try to stop that particular exercise.

A Kentucky State law requiring the posting of the Ten Commandments on public school classroom walls was held unconstitutional by the Supreme Court.

□ 0620

I find that a little ironic, knowing that the Ten Commandments are posted in the Supreme Court chamber itself.

High school students at Williamsport, Pa., requesting permission to form a club called Petros on the same basis as other groups and to meet regularly like other groups during regularly scheduled activity periods two mornings per week were refused permission. Denial was based on the fact that the speeches and activities of Petros were religious in content.

All voluntary religious activities of students on school grounds were banned by a local school board in Dixon, Ill.—President Reagan's hometown.

The same local school board restricts outside community groups to four uses per year of school facilities for meetings after school hours if the groups intend religious speeches. Nonreligious groups have no such restrictions on after-school access.

Any carols mentioning Jesus Christ were banned from annual Christmas programs by the school superintendent in Ithaca, N.Y.

The Prince Georges County, Md., superintendent of school abolished programs of religious music during Christmas and traditional periods of religious celebrations before backing off under local community pressure.

The Massachusetts State Board of Education virtually eliminated the display of religious objects or symbols in the presentation of religious music during Christmas and other holidays throughout the State.

We could go on and on, but I want at this point to accent something that happened in my congressional district, something that is very dear to my heart and which involves Aldine High School, which is the alma mater of my mother.

The American Civil Liberties Union filed suit in U.S. District Court to prohibit the use of the Aldine Senior High School song.

I want to point out that no one ever objected to a teacher, no one ever objected to a principal, no one ever went to the superintendent, and no one ever went to the school board of the Aldine Independent School District objecting to the song that I am about to read saying that that song was a prayer and somehow violated some of their constitutional rights.

Instead, John and Jane Doe, represented by the American Civil Liberties Union, went to the district court in Houston, Tex., saying that the words that I am about to read violate the doctrine of the separation of church and state because it was claimed that this school song was a prayer. The song was written over 30 years ago by one of Aldine's own students. It has provided hope, inspiration, and sustenance to the many thousands of students, including my own mother, Jessie Faye, who attended this fine institution.

Here are the words to the song that were objected to. The song is a very beautiful song, and it begins:

> Dear God, please bless our school and all it stands for. Help keep us free from sin, honest and true, courage and faith to make our school the victor. In Jesus' name we pray. Amen.

I will have to admit that I have never had anything touch me more than when the Aldine High School band came up to the Capitol and stood on the east steps and played the song, blaring as loud as they could toward the Supreme Court so the Supreme Court could hear this song played on the steps of the Capitol.

In the words of Abraham Lincoln which best serves to summarize my own views, he said:

> God rules this world * * * I am a full believer that God knows what he wants a man to do—that which pleases Him. It is never well that a man who heeds it not * * * without the assistance of that Divine Being, I cannot succeed, with that assistance, I cannot fail.

Mr. Speaker, this is not the only instance in the Eighth Congressional District. There was a threat at one time leveled toward the Pastine Independent School District when their own students decided they wanted to open an assembly with a prayer. There was a threat that there would be a suit brought to prohibit that type of activity.

To me it indicates and demonstrates and underscores why we need this constitutional amendment.

Let me just read what this constitutional amendment says. The main part of the constitutional amendment that would actually be the amendment to the Constitution says: "Nothing in this Constituion shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer."

I think the emphasis here is that we are saying that we are not going to prohibit the 80-plus percent of the American public who think voluntary prayer is important. And it is important that we realize that the majority at this point is prohibited.

The second point is that it is important to emphasize that we are not trying to create a situation where anyone is required to pray or to participate, which, I think, is extremely important.

Mr. Speaker, I want to close with a statement that Abraham Lincoln made in his proclamation designating April 30, 1863 as a day of national humiliation, fasting, and prayer. President Lincoln said:

> It is the duty of nations, as well as men, to owe their dependence upon the overruling power of God, to confess their sins and transgressions and humble sorrow, yet with assured hope that genuine repentance will lead to mercy and pardon, and to recognize the sublime truth amassed in the Holy Scriptures and proven by all history that those nations only are blessed whose God is the Lord.

He goes on to say:

> The awful calamity of civil war which now desolates the land may be but a punishment inflicted upon us for our presumptuous sins to the needful and of our national reformation as a whole people. Intoxicated with unbroken success, we have been too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us.

He goes on to say:

> We have grown in numbers, wealth and power as no other nation has grown, but we have forgotten God. We have forgotten the gracious hand that preserves us in peace and mulitplied, enriched, and strengthened us.

He goes on to say:

> We have vainly imagined that all his blessings were produced by some superior virtue and wisdom of our own. It behooves us then to confess our national sins and to pray for clemency and forgiveness.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. I am glad to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I thank the gentleman from Texas for yielding.

I thank the gentleman for a very powerful statement here this morning on this issue. I would just like to ask the gentleman to emphasize a point he made earlier which I think is very important to this discussion, because the argument that we hear very frequently is that this somehow violates separation of church and state.

I think it is important, as the gentleman points out, that he is a member of the Southern Baptist denomination which historically has held a very strong view on that subject and until fairly recently in fact has not come out in support of a voluntary school prayer amendment, but now has found an amendment which apparently satisfies even their very strict requirements on the nonestablishment of an official prayer. Is that not correct?

Mr. FIELDS. Mr. Speaker, the gentleman is absolutely correct. Being a Southern Baptist, we have always embraced a very strong doctrine of separation of church and state.

However, the vast majority of the average Southern Baptist laymen believe very strongly in prayer and particularly believe in voluntary prayer in our public schools.

I think I would have a very difficult problem with any type of prayer that would be mandated, that would be coerced, that some one would be forced to participate in. I would have a problem with that. But I have no problem with local parents making decisions as to what is right for their individual situation and then allowing people to participate or not participate in that particular activity.

Again I want to make the point of emphasis that I think it is highly ironic that at this particular hour I can bow my head, which I am going to do, and say a prayer. I can bow my head and say:

> Dear Lord, please bless this particular endeavor and allow us to reach out to the country for them to realize what is being discussed here, not only tonight but in the days ahead, and please bless our efforts and allow us to do what is right. In the name of Jesus Christ, we pray. Amen.

I have got the freedom and the ability to stand here at this lecturn and do that. The Supreme Court is not going to stop me from doing that because I am a U.S. Congressman and they are dealing with the Congress of the United States. However, there is a problem if a school child does the same thing tomorrow in the different public school systems across this great country. I think that is a dichotomy that is ludicrous. I think it is hypocritical, and I think it is time we put sanity and fairness back in the Constitution.

□ 0630

Mr. WEBER. Mr. Speaker, will the gentleman yield further?

Mr. FIELDS. I would be glad to yield.

Mr. WEBER. The gentleman makes I think a powerful point. Of course, the contradictions in this whole body of law are very important to consider, because they illustrate how silly this whole matter would be if it were not so very serious.

The gentleman just offered a prayer here on public property. We had last evening from about 7:30 until about 10 o'clock last night literally thousands of people congregated on the west front of the Capitol, praying and singing, again on public property, presumably with the sanction of the public officials that run the U.S. Capitol.

There is even now an all-night prayer vigil going on in a room here in the Capitol in support of the efforts of those of us here in the House of Representatives who are trying to bring this issue to the attention of the American people and to the attention of the leadership of the Congress. They are praying and have been praying all night long right here in a public facility.

So there is this incredible double standard that somehow says, in a way you are almost saying, well, you know, by the time you get to be an adult, you have already embraced these silly religious ideas and there is nothing we can do for you, but if you are a small child and maybe you are still in the formative stages of your life, then it is a dangerous thing. Then the courts are going to step in and say no, we have to sort of somehow immunize you, if you will, against any unnecessary religious thoughts coming into your life. That really, I think, is what the whole body of law that has been developed by the Supreme Court on this question of school prayer is all about.

Would the gentleman agree with that?

Mr. FIELDS. I would agree and I would further say again, just how hypocritical can it be talking about separation of church and state? Here we are participating in the greatest legislative body in the world, what is referred to as the state, and yet we can pray and we can talk and make religious references and inferences and we are not going to be stopped.

It would seem that the American Civil Liberties Union or some other group should come and try to stop us from having this particular exercise, instead of picking on small school children.

Mr. WEBER. Well, if the gentleman will yield further I think that is a powerful point. I would like to develop that a little further, as some of our colleagues have throughout the evening.

What exactly was it the Constitution intended? Where exactly do we stand right now? What really is the essence of this problem?

It is very important, I think, as you look back, and I speak as a nonlawyer, but one who is, of course, interested in the constitutional history of the country, as I read American history the basic concept that the Founding Fathers embraced was the concept that a free and mutual exchange of ideas was incredibly important to a healthy, free society, and they included in those ideas religious ideas, a free and healthy exchange of religious ideas; so they established in the first amendment this great protection for the right of the people to participate in a free and open exchange of all ideas and specifically strengthened that constitutional protection so that there would be no question about the protection of the rights of individuals to express and exchange freely religious ideas. That really is my understanding of how the Constitution was written, as a specific protection of the right of individuals to express their religious faith.

Mr. FIELDS. It has been my impression, I stated earlier, that for over 200 years we did not have a problem with what our framers did with the Constitution and the Bill of Rights. It appears to me that the problem has emerged in the last 20 years and the problem has developed because a small minority of people in this country want to eradicate anything having to do with religion and our religious heritage from any public place outside a church.

Mr. WEBER. Mr. Speaker, will the gentleman yield further?

Mr. FIELDS. I would be glad to yield.

Mr. WEBER. I would like to develop that historical point a little bit, because I think we are right on target on that and it is a very important point to make in rebutting the constitutional revisionists of the American Civil Liberties Union and other organizations that are now fighting against the right of children to pray in school. For instance, one of the principal architects of the Constitution, James Madison, stated in an initial draft of the language of the establishment clause, he put it this way and it is worth thinking about because it gives some idea of the framers' intent:

> The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established.

That was one of the initial drafts by Madison and I think if you review that again, it gives some idea of the intent of the Founding Fathers.

> The civil rights of none shall be abridged on account of religious beliefs or worship.

Now, if you look at the Supreme Court decisions as they have been applied today in our schools, you can easily see if that were the wording of the Constitution, they would themselves be the greatest contradictors of the Constititution.

He goes on to say, "Nor shall any national religion be established," which is what I think most of us understand the meaning of the first amendment to be.

If I could go on, the Senate Judiciary Committee found in an historical analysis of the intent behind this, and I quote from the Senate Judiciary Committee:

> This language underwent numerous revisions in the legislative crucible of the first Congress, but Madison's original objective remained fundamentally uncompromised. The amendment was finally crafted to pro-

> hibit 'establishment' of a national religion, while permitting nondiscriminatory government support generally for religion. This presupposed within the framework of the Constitution's division of powers that the states in the absence of any specific Federal authority retained the authority to dictate appropriate policies regarding government and religion.

I would like to make just one further reference which I think illustrates the point further from a volume that most of us I think are familiar with, the "Separation of Church and State," by Professor Cort. Professor Cort said:

> The establishment clause was intended to prevent the establishment of a national church or religion or the placing of any one religious sect, denomination or tradition, into a preferred legal status which characterize religious establishment. It was so constructed in order to allow the states unimpeded to deal with religious establishments and aid to religious institutions as they saw fit.

Now, is it not interesting in view of that historical development in perspective on the intent of the framers, how far we have come. In view of that, you can look at the courts' decisions on things like school prayer, but also equal access and other issues as really one of the major attacks by the court on the first amendment in all American history.

Far from upholding first amendment freedoms, this is one of the first real attacks, serious attacks by the court, on the free exercise of speech and religion by restricting the ability of people to engage in the free exercise of religion in public schools. It really is ironic how far we have come from that original intent.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. I will be glad to yield.

Mr. MACK. I would like to go back to something the gentleman said a little earlier, referring to the fact that the gentleman was able to pray here in the Congress as a Congressman.

Mr. FIELDS. That is right.

Mr. MACK. There are other individuals who have had the opportunity to pray also in other public institutions.

The Supreme Court held that at the public college level students have a constitutional right to use school facilities for student-initiated religious activities to the same extent as they are permitted to use the facilities for secular purposes.

The point I am raising here, further on it says:

> University students are, of course, young adults. They are less impressionable than younger students. They should be able to appreciate that the university policy is one of neutrality towards religion.

I am raising this in the sense that the implication there is that since we might have something to do with the impact on that younger student about how that child may think about issues or questions that he would face in the years to come, that we are doing something wrong. I would just like to get some reaction on that.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. I would be glad to yield.

Mr. WEBER. I guess one of the things that strikes me there and I do not want to get into a whole bunch of other issues, but I think it is worth raising, that we are living in a time of great controversy over the sorts of things that could be taught to young people, and in school districts in my congressional district and I am sure that of the gentleman from Texas and the gentleman from Florida, there have over the past many years been raging controversies over a whole number of issues involving what should we teach young people. The most notable, of course, are involving sex education and the teaching of evolution as a part of a biology curriculum and there are a whole bunch of other issues like that that have tremendous moral ramifications and deep divisions within the general population.

In virtually every case, what we have decided either through the courts or through local elected officials is that young people are fully capable of handling the moral questions involved in those issues, so we have sex education in schools and we teach evolution. We presume that young people can handle the difficult moral decisions that they have to make with regard to those issues, but with regard to religion somehow, as the gentleman from Florida has pointed out, that is something we do not want to risk exposing them to, because they might somehow come to some conclusion that is contrary to the secular religion, if you will.

I thank the gentleman for yielding.

Mr. MACK. Mr. Speaker, will the gentleman yield further?

Mr. FIELDS. I would be glad to yield.

Mr. MACK. It kind of brings to mind the whole basic philosophy of the liberal attitude and that is one of not allowing individuals in the country to make decisions on their own, regardless of age.

Mr. FIELDS. Perhaps I am reiterating the use of the two words "common sense," but I go back to my basic experience when I was in high school, we had prayer in our school. We had Scripture reading. We prayed before the football game, but I always found that there was a tremendous sensitivity to other people's religious beliefs, whether it was a denominational belief or some other religion other than my own. I was taught respect and toleration of other people's religious views.

☐ 0640

I thought that that was compatible and just as important in learning that there was a Supreme Being, in learning that different people had different views of that Supreme Being, and as I wanted respect for my belief, I, too, respected the belief of these other people. And I found that the commonsense of the American people is much more important, and I think much wiser than that that now exhibited by the Supreme Court and other Federal courts.

Mr. WEBER. I think the gentleman makes a powerful point.

I would like to review a little bit, if I can, and the gentleman from Florida began to touch on an element of one of the most different aspects of this, which is the tremendous contradictions which exist, because in public universities the right to participate in religious expression has fairly well been protected by the courts. So at that level, the university level, including publicly funded, taxpayer-funded universities, the Court has protected the right of students to participate in religious expressions.

But there are a number of cases where the Court has said that this is not accepted at a lower level. In New York, in the second circuit court of appeals, talking about the question of school prayer, they held that—

> An adolescent may perceive voluntary school prayer in a different light if he were to see the captain of the school's football team, the student body president, or the leading actress in a dramatic production participating in communal prayer meetings in the captive audience setting of a school. The Court found any hint of school approval of such activities "too dangerous to permit."

Think about that and you will see that what we are saying there is that if you see the captain of the football team go off and get drunk and lose his eligibility, well, that is one thing; and if you see him use drugs or get his girlfriend pregnant, that is another thing. But we sure are not going to risk any chance that you are going to see the captain of the football team praying on school grounds. That just goes further than we can possibly permit it to go.

Mr. FIELDS. I have always been told that there are two types of leaders. There are good leaders and leaders of good, and it looks like the Supreme Court wants only good leaders and not leaders of good.

Mr. WEBER. I think that is an important point made. Again, the point I am trying to make is this contradiction that exists, because that can happen at a public university. At the University of Minnesota where I went to school, or the University of Texas.

Mr. FIELDS. Baylor.

Mr. WEBER. I realize you are a Baylor man, but I am paying my deference to the Southern States. My publicly funded university, the captain of the football team could lead a regular prayer group if he wanted to on public property. But in a high school where you have people at an impressionable age, where really those leadership role models are if anything tremendously more important, that is somehow prohibited.

Let me cite another case. In Anderson, S.C., a public high school opened its doors one-half hour early each day for peaceable voluntary student meetings in vacant rooms. For some time a group of students used this opportunity to engage in Bible study, prayer, and worship. The local representative of the American Civil Liberties Union publicly threatened to file suit against the local school board to require it to police the content of students' speech by banning any meetings with religious content.

Now, getting back to the point I made a little bit earlier, if indeed the first amendment were set up to protect freedom of speech, freedom of religious expression, indeed this kind of thinking amounts not to any kind of protection of the rights of nonreligious people as much as it does a direct assault on the right of free speech and free exercise of religion of the vast majority of the American people who do indeed consider themselves religious.

Finally, in one of the more distasteful decisions, and this is closer to the gentleman's territory, although not in his district, the U.S. court of appeals upheld a Lubbock Civil Liberties Union case in the Lubbock Independent School District by forcing a total ban of voluntary student initiated religious activities in the school district that wanted to accommodate the religious activities and first amendment freedoms of speech rights of local public school students.

The local community no longer has any say.

I think that is one of the points that is tremendously important to make. We used to view school districts as representing the values of the community and that is why we have always established local control of school districts as being tremendously important. And, indeed, the school prayer amendment we are trying to discharge here today would allow community decisions on whether or not they wanted school prayer.

But what we see now is that the basic concept of schools representing the values of the community is being eroded. Instead, the schools are representing values that are forced down on them from a higher level, in this case a judicial level that represents only one narrow spectrum of thinking, the thinking of the American Civil Liberties Union, the thinking of what we call the secular humanism generally that precludes any discussion of religious principles whatsoever.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I think it is important to underscore here that the liberals who are opposing the return of prayer to the schools are doing so in good conscience. They believe that they are on the side of right on this and many of them are talking about the fact that they are the protectors of the first amendment and they seem to have the feeling that the first amendment was in fact created to bring about a wall of separation between church and state.

I think in the course of the special orders that have been taken throughout the night that we have brought that particular interpretation into some question and have shown that Jefferson, who originally created that statement, meant no such solid wall as some of the critics of school prayer would contend.

But I think also they tend to misinterpret what it is that is going on here and then reinterpret the first amendment. And I point to the editorial in this morning's Washington Post.

The Washington Post says this morning that "Private voluntary prayer, on the other hand, is not only permissible, it is inevitable," referring to prayer in schools. And then it says "We already have a Constitutional Amendment protecting such a free exercise of religion; we don't need another."

Is it not interesting that all of a sudden the liberals are making the free exercise of religion conditional? In other words, free exercise of religion is all right as long as it is private and voluntary.

Free exercise of religion has become something then that is conditional and not unconditional as the amendment in the Constitution says. The amendment in the Constitution does not say anything about "such a free exercise." It says that we are entitled to free exercise of religion. It says that we are entitled to free speech. It says that we are entitled to peacefully assemble in this country, and every one of those parts of the first amendment is being violated by what we have done in the public schools and what we have done in prayer.

We are not only violating people's chance to freely exercise their religion, we are violating their freedom of speech and we are violating their ability to peacefully assemble.

The whole first amendment is under attack by what the Supreme Court did in Engle against Vitale, Abington against Schempp, and the cases that have followed on. That is the point we are making.

What we are attempting to do, and what we have put forward in terms of the school prayer amendment is reaffirming the first amendment in its original intent, to reaffirm the basic freedom, the unconditional freedom in this country to worship, to speak, and to peacefully assemble. That is what this amendment is all about.

The liberals who oppose that are attempting to set conditions that say sure, free speech is fine as long as it is all about pornography. Peacefully assembling is all right as long as we are rioting in the streets against political actions that we do not like. Religion is fine, so long as it is a hedonistic, atheistic kind of practice. Those kinds of things we protect with the first amendment, but when it comes to protecting religious exercise as such, oh, no, then you cannot have freedom of speech, you cannot have peaceful assembly, and you cannot have free exercise.

That is the problem, and it is the reaffirmation that we are talking about here of the first amendment, not in any way attacking the first amendment.

I thank the gentleman for yielding.

Mr. FIELDS. On that point I just wanted to go back to the gentleman because I think he has raised a point that we made several times, and I just wanted to go back to his memory.

Does the gentleman remember the Washington Post ever editorializing with people parading under a religious banner during the Vietnam war, or does the gentleman remember, I do not remember seeing any editorial in the Washington Post saying it is wrong for different pastors or religious leaders to participate in the nuclear freeze movement?

Mr. WALKER. If the gentleman would yield, yes, the Washington Post has been very selective about what they regard as the relationship between politics and religion. As long as it is the liberal National Council of Church-type ministers out parading for their political concepts such as a nuclear freeze or anti-Vietnam, or whatever it happens to be, that is perfectly all right, that is in the highest moral traditions of the country.

□ 0650

If you are a fundamentalist minister who is attempting to bring school prayer back in, then that is the attack upon the very principle upon which the Nation was built. So that the Washington Post and other liberal media in this country have been very discriminating about what it is that is religion which is acceptable in State practice and what is not acceptable.

And it has tended to fit their political viewpoints rather than any real affirmation of the first amendment.

Mr. FIELDS. I yield to the gentleman from Florida.

Mr. MACK. I first want to build on the point made by the gentleman from Pennsylvania. Let me read again.

"We already have a constitutional amendment protecting such a free exercise of religion." What is being referred to there is the private voluntary prayer. And I would just ask this question: Since when is silence, absolute silence, a free exercise of religion?

Mr. FIELDS. I yield to the gentleman from Minnesota.

Mr. WEBER. I think that point made by the gentleman from Pennsylvania is being reaffirmed by the gentleman from Florida; it is a tremendously powerful point as a way of analyzing exactly where we stand today; that we are being told by the Washington Post and American Civil Liberties Union and these other organizations that we do not have any case because there is already this little provision here so that a religious student can somehow pray if they are in school; they can pray to themselves, pray silently.

Think about what they are saying. They are saying that freedom of religion is protected as long as there is some means for a religious individual to keep on practicing his or her faith. Now let me just make a point, without getting overly emotional about it.

That kind of freedom of religion is permitted behind the Iron Curtain today. The Soviet Union, an officially atheistic country, will claim that they have freedom of religion because there is no law against private prayer; there is no law against a whole range of expressions of religious opinion.

But the point is that the freedom of religion is conditional there. And in essence, that is what we are hearing out of the Washington Post this morning; that is what we have heard out of a number of the organizations and individuals arguing against the right of students to pray vocally in an organized manner in their schools. We are hearing them say that the protection of freedom of religion is adequate as long as there is some means for a religious individual to express his or her beliefs, but not everyone's.

I think that is the essence.

Mr. FIELDS. I yield to the gentleman from Florida.

Mr. MACK. I just want to reemphasize that basically what is being said if we are totally silent, if we do not put anything into what we are thinking, then we have all the rights to the free exercise of religion. I mean, that is totally, totally misleading, false; it does not give you any right at all.

Mr. FIELDS. I yield to the great gentleman from California.

Mr. HUNTER. I appreciate the gentleman yielding.

I think this point must be underscored. We have a gentleman with us today who is going to take an hour on his special order on our school prayer issue, a gentleman who was shot down over North Vietnam and spent time as a guest in the Hanoi Hilton.

And he had, in North Vietnam, I guess if the Washington Post claims the right to silent prayer as a constitutional right, then the North Vietnamese have a constitutional right that allows people to pray, because that is exactly what they allowed them, is silent prayer at least.

Perhaps when he talks about his experiences, maybe they even had vocal prayer. So perhaps they had more rights in North Vietnam than our children have today.

I think the point about the Soviet Union was excellent. The Soviet Union conducted an election recently; there was only one name on the ballot, the gentleman I think received a majority of the votes. I guess the Washington Post would say that was a free exercise of democracy; if they consider silent prayer to be a free exercise of religion and certainly an election in which you have only one choice is a free exercise of democracy.

I appreciate the gentleman yielding.

Mr. FIELDS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I appreciate the gentleman yielding.

The Post then repeats the kind of little joke that was spoken by one of our colleagues around here that says that "There will be prayers as long as there are math tests in schools." But it seems to me that also then emphasizes our point again.

I am certain there were lots of prayers at Auschwitz, too; as people were marched off to the gas chambers, they were permitted to pray silently at that point. But it is not exactly the kind of prayer and the kind of ceremony that we, as a democratic, free people with a strong religious heritage, would endorse.

In other words, those are the kinds of things that the liberals are telling us are permitted under the first amendment.

I think that anyone's reading of the reasoning behind the first amendment and the character of the first amendment would lead one to believe that our forefathers wanted to make certain that the free exercise of religion included a chance to publicly affirm one's religion; include a chance to be very, very vocal about what one believed.

And that was true within the public institutions as well as within the privacy of one's own home or within the privacy of one's own conscience. And that is the difference between what we perceive as being the issue and what the liberals perceive as being the issue.

Mr. FIELDS. Just again to emphasize, what we are advocating here, yesterday, last night, this morning, is a return to what we enjoyed for over 200 years. The 200 years that this Nation became the greatest country that has ever existed; not advocating that someone be forced or coerced to do something, but basically to return to the 200 years that we enjoyed prior to the time the Supreme Court became activists and began creating legislation instead of interpreting whether legislation comported with the Constitution.

I yield to the gentleman from Minnesota.

Mr. WEBER. I want to, again, say our colleague from Pennsylvania made reference as we have through the night to the intent of the Founding Fathers. I would like to cite a few more examples that may have been cited earlier, that indicate the intent or the mindset of the Founding Fathers toward religion and government's relationship to religion and religious values.

In 1785, James Madison, on behalf of Thomas Jefferson, introduced a bill penalizing what they called Sabbath-breakers, penalize people for not observing the Sabbath. In 1803, he submitted a treaty with the Kashaski Indians including a provision stipulating that the United States build a Roman Catholic Church and provide a yearly stipend for its priests at Government expense.

James Madison, in the First Congress, advocated and helped adopt the congressional chaplain system. Presidents Washington, Adams, and Jefferson all signed into law bills providing land grants to evangelicals to spread and maintain the Gospel among Indians in the Ohio Territory.

It is clear from the whole history of that time that our Founding Fathers all believed there was an essential requirement of our Government, in essence, that we protect the right of people and encourage people to pursue religious beliefs because they understand, I think, much more than we understand today, and I guess this goes to the central nature of ours, that man is not merely an economic being, not merely an intellectual being, not merely a physical being, but that man is, at his source, a spiritual being.

And if you set up a government that somehow allows man to be cared for intellectually, physically, and economically, but that ignores his spiritual sustenance, you are going to allow the whole system and the whole fabric of your society to corrupt from within.

It seems to me that is the essence of this whole issue of school prayer and so many of the other issues that I think reflect this drift away from the legitimacy of protecting the rights of the spiritual man.

That is why I guess I think it is tremendously important that we are here today doing this.

I want to make an additional point before the time of the gentleman expires and that is that we must continue to reemphasize that we are here to pursue a legislative purpose, and that the reason that we are taking this time is because the House of Representatives has not been permitted to debate or vote on the school prayer amendment. It has been 22 years now since the constitutional amendment was introduced in the Senate by Senator Everett Dirksen to permit voluntary prayer in public schools.

□ 0700

In that entire 22 years, it has been brought to the floor of the House and voted on only once, 13 years ago, through the extraordinary means of the discharge petition. At that time, it got a clear majority of the votes in the House of Representatives, but fell 23 or 24 votes short of the two-thirds majority necessary to pass a constitutional amendment out of the House of Representatives and the Senate and then send it to the State legislatures to be ratified.

The one time in 22 years this House has voted on it, that being 13 years ago, before any of the Members who are on the floor right now, just as a point of example, were in the Congress, before some people in the Congress were even eligible to vote. So we have to continue to emphasize to the leadership of the Congress that the full debate and disposition of this issue is long overdue. Unfortunately, we cannot prevail on the Democratic leadership of the Congress to bring this bill through the regular procedures, despite the fact that it has got full committee hearings, despite the fact that it has been around for 22 years, despite the fact that the merits have been debated at great length in the public and within this institution as well.

So we must go through the means of the discharge petition, and we must ask Members of Congress to sign Discharge Petition No. 8, which will force the leadership of the House to bring the school prayer amendment to the floor so that it can be fully debated by the Members and voted on by the Members.

I thank the gentleman for yielding on that important point.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. I yield to the gentleman from California.

Mr. HUNTER. I wanted to comment on a point that was made by the gentleman from Minnesota.

When our minority leader, Bob Michel, was leading us——

The SPEAKER pro tempore (Mr. Frank). The time of the gentleman from Texas (Mr. Fields) has expired.

ORDER OF BUSINESS

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that I may proceed with my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SCHOOL PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Packard) is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding so that I might finish my point.

When Bob Michel, the Republican leader, started off with his special order last night or yesterday—actually about 1:20 in the afternoon—the Democratic majority leader, Mr. Wright, came in and exchanged several words on the House floor and made several comments concerning Mr. Michel's presentation and referred to it as an articulate presentation. Although he did not necessarily commit himself to any certain position at that time, I would hope that because of the visibility that has been given to this issue and because this special order now has included some 61 Members of the House. I think it has been the longest special order in the history of the House, if I am not mistaken, and has obviously shown a reflection of the constituencies that many Members of the House represent, to wit, most of the American people, about 80 percent of them, want to see school prayer, and I know that probably more than that, at least, want to see the issue voted on, I would hope that the Democratic leadership of the House would now allow the issue to be brought up to be debated and to be voted on, and I would hope that this morning, when we once again make the request to Mr. Wright or to the appropriate representative of the Democratic leadership, "Will you allow us to bring this up?" I would hope that the response would be in the affirmative.

I thank the gentleman for yelding.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. PACKARD. I would be happy to yield to the gentleman from Florida.

Mr. MACK. I just want to make a comment to my colleague, the gentleman from California (Mr. Hunter). The gentleman just mentioned that 61 Members of the House have now participated in this special order?

Mr. HUNTER. That is right. Now some 61 Members of the House, and I think it will be about 63 before we are finished, representing 29 States, I might add.

Mr. MACK. I just want to compliment the gentleman again for the effort he has made to get everybody involved in this. I think that we have made an historic first step in trying to get the attention of the American people to get the attention of the Congress to bring this to the floor. Again, I just want to compliment the gentleman for the effort he has made.

Mr. HUNTER. If the gentleman will yield, I thank the gentleman for his compliment. But, really there is no way that I could get or anybody else in this House could get Members of the House to come to the floor at 2 and 3 and 4 o'clock in the morning unless they really wanted to come out and to air an issue that had heretofore been bottled up for a number of years. I noticed Members came in, and we thought they would have 15 minutes, maybe 20 minutes at the most, and these gentlemen and ladies went on for an hour, many times extemporaneously. People took planes to get back here. One gentleman drove down from New Jersey, about a 4-hour trip, got there about 1 o'clock in the morning, just so that he could participate. People canceled appointments because they finally had an opportunity to air this issue on the House floor, and I hope that same sense of urgency and immediacy translates into the Democratic leadership letting us bring this thing up.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. PACKARD. I would be happy to yield to the gentleman from Texas.

Mr. FIELDS. I do not like to take up much of the gentleman's time, but on the point that was made by the gentleman from Minnesota just a moment ago in regard to Discharge Petition No. 8, I am not as optimistic as the gentleman from California in thinking that the Speaker or the House majority leader will allow this particular issue to be voted on voluntarily without a great deal of public support and communication. And I think it is important that people in this country realize that their Congressman, their Congresswoman, should again Discharge Petition No. 8 so that we can bring this to the floor, because I am not convinced, nor am I optimistic that the Speaker is going to allow this important issue that has the support of the vast majority of the people of this country, I am not optimistic that he will allow this to come to the floor this session.

I thank the gentleman for yielding.

Mr. PACKARD. Mr. Speaker, I thank all of the gentleman who have just spoken. I certainly wholeheartedly agree, and I am grateful to be able to participate with my distinguished colleagues in this very, very important process and this interesting debate that has been going on for the last 17 hours.

I think one of the heartening things that I found as I came here to the

Congress is the significant number of my colleagues that have deep feelings about prayer and about God here in the Halls of Congress. We hold a prayer breakfast every Thurday morning, and I meet with many of my distinguished colleagues there and find that they have a deep commitment that I saw and feel that our Founding Fathers had when they were here, and I think that America generally does not feel that our Congress today has that deep commitment that we have seen in our forefathers and that we have heard over the last 17 hours of this interesting debate.

Well, I think most of us recognize that the great commitment to this land did not start today with this Congress or with this debate, it did not start in our Founding Fathers' day when they were putting together the Government of this land; it started many, many years ago. In fact, in the Old Testament—and let me quote—

> If my people shall humble themselves and pray and seek my face, then I will hear from heaven and heal their land.

I think that is a significant quotation that relates directly to our land here.

Let me tell you a little bit about my experience as I have gone through the various levels of government over my lifetime.

I was elected to the school board many years ago and served there for 12 years. I never remember a school board meeting beginning without prayer.

I served on the planning commission of our city, and later on the city council for 6 years, 4 of those years as the mayor, and I never remember of a planning commission meeting or a city council meeting beginning without prayer.

The board of supervisors in most of our counties across this land are State legislators, and obviously we all know that here in the center of government in this city we have prayer every morning that we start a session of Congress.

Now, I suppose the question has to be asked: If we not only participate in prayer but even allow prayer at all levels of government that I have referred to, then how can we justify not permitting it in our classrooms?

It is in the school board meetings that you determine school policy, where you establish the level and quality of our schools. It is where you determine curriculum, it is where you determine work rules and salaries and the hiring and the firing of those who teach in the classroom. And if you set that kind of a policy and determine that quality and level of education and do it under the auspices and under the direction of the Almighty through prayer, then how can you consider that the activities of the classroom are of such a nature that they would preclude the opportunity to have a voluntary prayer?

□ 0710

Now, they often cite that the reason that we do not want to have prayer in our classrooms is because it would tend to violate the separation of church and state and there is not anyone in this country that feels more strongly than I do that we ought to keep religion and government separated. I think there is no question that that is the desire and the intent of our Founding Fathers and it is the desire of almost all Americans.

Secularism has no place in the classroom and it has no place in the other areas of government. That is not the issue in this case. The reason that there are few people in this country that would like to ban God from America and prayer from our schools is not the separation of church and state. Prayer in the classroom seems to be the most opportune, perhaps the most vulnerable area to attack God in America. I do not believe that most Americans want to have God banned from America. Americans do not want to have prayer banned from our schools either. The most recent polls show that 81 percent of America would like to see prayer in our classrooms.

America has a heritage, a tradition of religion tied with liberty and freedom and they have been inseparable from the very inception of this country, and of this land. They have relied upon God in every portion of its history.

Let me take you back to the first recorded statements about this land long before it became known as America. Records date back over 4,000 years, and I believe it is the first recorded history of this land.

Let me quote what it says:

> This land is a land of promise, and whatsoever nation shall possess it, shall serve God, or they shall be swept off.

What a tremendous requirement that dates back to the earliest history of this land, and the message is that we ought to rely on God constantly, or we will not be permitted to continue to inhabit this land.

Columbus' is perhaps the next recorded message in history that relates to this land. As you know, he prayed constantly, and was directed by God to come here. Let me read to you in his own words what Columbus said. This, incidentally, is taken from his own diary.

He said:

> It was the Lord who put into my mind, and I could feel his hand upon me, the fact that it would be possible to sail from here to the Indies. All who heard of my project rejected it with laughter and ridiculed me. There is no question the inspiration was from the Holy Spirit because he comforted me with rays of marvelous inspiration from the Holy Scriptures. I am a most unworthy sinner—

He continues to say:

> But I have cried out to the Lord for grace and mercy and they have covered me completely, and I have found the sweetest consolation since I made it my whole purpose to enjoy his marvelous presence. For the execution of the journey to the Indies, I did not make use of intelligence, mathematics or maps, it is simply the fulfillment of what Isaiah had prophecied.

Then he goes on and points out how that he felt that he was fulfilling scriptural prophecy when he sailed here to America. Now, when I was in school I was never taught that. I was taught that Columbus came here and discovered America by accident. I was taught that he used maps and that he used instruments, and mathematics and his own intelligence and his own intuition, and that is why he came. But in his own words, he said he came under the inspiration of the Holy Spirit, and it guided.

I can tell you and read to you stories of Columbus, how on the night before he was to be met by the captains of the other two ships, and they were ready to mutiny, they were ready to require that he turn back, and it was on that very night before he discovered land that he almost determined to turn back. He knelt in his cabin and he prayed for direction and the message came clear to him that he ought to go on. It was the next day that they sighted land.

Do you think that Columbus was guided by God to come and inhabit and begin the great and marvelous history of this land? Of course he was.

The Pilgrims and our early settlers next came into play and they were here as a direct answer to prayer and to a direct resolution to their seeking for religious relief from oppression. Let me read to you one incident that happened during the early settlement of this country, long before the Founding Fathers developed a Constitution and declared their independence.

It was called the King George War and it was fought between 1739 and 1748, and it began as a dispute between Spain and England as a result of the English Colony here in Georgia being established next to the Spanish-held territory or colonial-held territory which we now know as Florida. The hostility emerged into a larger war in Europe, where England and Austria combined their forces against France and Prussia.

It was during this war, the King George War, it was in October 1746, France sent a fleet of nearly 100 ships, the largest armada ever to be seen along the American shores. Their orders were to burn every American harbor from Boston to Charleston. The Colonists had no hope of matching the fleet either in cannonfire or in manpower. So the Governor assembled what men and resources he could and then called for a universal day of fasting and prayer.

One writer is quoted as saying:

> Everywhere men observed it, thronging to the churches. In Boston they observed it going to the old South Meeting House and Reverend Thomas Price from the high pulpit of that old church prayed before hundreds. This is what he said: "The morning was clear and calm and people had walked to church through the sunshine and he prayed deliver us from our enemy. Send Thy tempest, Lord, upon the waters to the east wind and to the eastward. Raise Thy right hand and scatter the ships that are tormenting us. Sink their proud frigates beneath the power of Thy winds." He had scarcely uttered his prayer when it says the sun was gone, the morning darkened and all the church was in a shadow. The wind shrieked around the walls sudden violent hammering on the windows was a giant hand. No man was in the steeple, afterwards the Sexton swore the bell tolled twice.

I will not read all of it. All of the province heard of this prayer and this answer tempest. Governor Shirley sent a sloop toward the rising to bring back news of the event, to see what had happened to the armada, and they could not believe it. The whole fleet was nearly lost. The men were sick with scurvy or some pestilential fever. Their great admiral, the Duke D'Anville, was dead, it was said that he had poisoned himself in grief and despair when he saw his men lying dead around him; 2,000 were already buried, 4,000 were sick and not above 1,000 of the men remained alert.

The Vice President finally ran a sword through himself, the remaining ships fled to the Southeast Indies seeking refuge.

The Colonists fell to their knees in gratitude for an answer to a simple prayer.

There are stories like this in the early history of this country over and over again, that indicate that prayer was a very important part of the history of this country.

Our Founding Fathers, when they fought and finally declared their independence, let me read to you briefly what some of them said.

□ 0720

Most of you know that Washington, it is said, in research showed that during the Revolutionary War there were at least 67 desperate moments when Washington acknowledged that he would have suffered disaster during the Revolutionary War had not the hand of God intervened in behalf of the struggle for independence.

Let me read to you what John Adams said:

> I have always considered the settlement of America with reverence and wonder as the opening of a grand scene and a design in providence for the illumination of the ignorant and the emancipation of the slavish part of mankind all over the earth.

A Professor Cherry once wrote this:

> Throughout their history, Americans have been possessed of an acute sense of divine election. They have fancied themselves a new Israel, a people chosen for the awesome responsibility of serving as a light unto the nations, a city set upon a hill. Some times as refer to this land of America as a land of Joseph which would one day feed millions of the world's starving people.

You see how our Founding Fathers looked upon America and looked to God and prayed to God constantly as they were developing the great government that now stands as a beacon unto the world? They felt that America was to be a model to all the rest of the world, a model to follow; that God wanted to use America as his example to the rest of the world.

After Washington was elected President, he stressed in his first inaugural address:

> No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of Providential Agency.

James Madison was equally emphatic when he pointed out:

> The real wonder of this is that so many difficulties should have been surmounted.

And he is talking now about them sitting down and writing the documents that have become the beacon of this country's liberty. He says:

> The real wonder is that so many difficulties should have been surmounted with a unanimity almost of unprecedented victory as it must have been unexpected. It is possible for any man of candor to reflect on this circumstance without partaking of the astonishment. It is impossible for the man of pious reflection not to perceive in it the Finger of the Almighty Hand which has been so frequently and signally extended in our behalf in the cirtical stages of the revolution.

Well, I could read on and on and express where the early men of our Government clearly depended upon the Almighty and prayed constantly for His direction.

Lincoln found himself on his knees almost every day during the Civil War, recognizing that if they were ever to win such a great conflict it would be by Divine providence. In his second inaugural address he said:

> Fondly do we hope, fervently do we pray that this mighty scourge of war may speedily pass away.

There is a small band of detractors that would like to have us believe that prayer would not be good in our schools. They would like to ban God from America. They would like to have us no longer sing "America the beautiful, God shed his grace on thee," or sing the prayer "God Bless America."

These few detractors would have America without God. They would like to see us remove all reference to God in our Christmas celebrations and Thanksgiving and Easter. They would like to see us remove the references to God in the Declaration of Independence. They would like to have us no longer Pledge Allegiance to the Flag where we refer to "one Nation under God." They would like to have us ban and completely eliminate the last verse of our national anthem, which is a prayer to God. They would like us to remove from Lincoln's Gettysburg Address all reference to God. They would like us to remove from the schools, prayer.

Let me quote to you what John Adams said, and I feel our generation today is somewhat losing the sense of destiny of America and its closeness to God, its tendency to pray to God and look for directions. John Adams said this, and he was speaking to us:

> Posterity, you will never know how much it cost the present generation to preserve your freedom. I hope that you will make good use of it.

If America's discoverer, Columbus, needed God, if America's settlers needed God, if America's Founding Fathers needed God, and if America needed God to keep us from being torn asunder during a great Civil War, and during every war that has been subsequent to that war, then we have to ask ourselves are we different today? Is there less of a need for God in our country and in our schools and in our Government today than there was then? Do we need him less now?

Mr. HUNTER. Mr. Speaker, will the gentleman yield on that point?

Mr. PACKARD. I certainly would yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I think that question has arisen several times during the discussion over the last 18 hours or so, do we need God less now, do we need faith less. I think the answer has been that if you look at the challenges that confront our young people with regard to our economic problems, our relationship to our neighbors, and particularly the threat of nuclear war that will now be present regardless of what we do and will face our children and their children, they need God more than we do, and they need faith more than we do, and to not allow them to pray in school is really to disarm them and to leave them very much vulnerable and very much helpless before a world which has grown tougher and meaner and much more deadly.

Mr. PACKARD. I thank the gentleman for those comments.

I think it is rather interesting that the very act of prayer itself, the act of kneeling down, of bowing and of meditating is a very uplifting and wholesome act that certainly we need to have our children gather. We seem to have reserved prayer only for adults in our activities, and are making it almost impossible for our children to experience that extremely uplifting experience, and that is separate and apart from the blessings that might come from Heaven in praying. Just the act of praying itself has a very uplifting and wholesome and, I think, healthy influence upon our children.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. PACKARD. I would be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

In fact, Mr. Speaker, some of the opponents of school prayer have put it precisely in those terms. When it is pointed out to them, as the gentleman pointed out a moment ago, that we have prayers here in the Congress every day, they say:

> Well, of course, that is adults. Adults can handle these things and there is a difference between adults praying in an institution like the Congress and having prayer in the school.

I think the gentleman makes an excellent point that somehow that distinction is a troubling one, because it does suggest that we here in the Congress are people with special privileges in public life that we will not extend to the younger generation, and if anything, we ought to be more representative of American life than be privileged from American life.

So I think the gentleman makes an excellent point, and I thank him for making it.

Mr. PACKARD. I thank the gentleman from Pennsylvania.

Let me read something that is of interest that confirms just what the gentleman has said as it relates to the effect that we are having upon our youth in this country if we keep them from the experience of prayer.

In a UPI news service report that just recently took place, it carried a dispatch from Moscow, Russia, reporting that despite all efforts to teach atheism in that country, faith in God still lingers on. The article admitted that more than 90 percent of today's Russian teenagers are atheistic, having been so taught in government schools.

□ 0730

I think that is an interesting point, that the very antithesis of what we seek in this country has been happening in Russia. They are actually teaching, I think it started with banning God from the schools and banning prayer, and now it gravitated where they started teaching the absence of God and ultimately atheism. Ninety percent of their children now are atheists. But it goes on to say—let me read it again. The article admits that 90 percent of today's Russian teenagers are atheists, having been so taught in government schools. That is not surprising, since that age group is exposed to nothing else, but among the older generation many thousands still believe in God. They pray and worship mostly in secret at best because they live under circumstances that would prevent them otherwise.

What is the lesson that we may learn from this? It was Solomon who taught that if a child is trained in the way he should go, he will not depart from it.

I think that is a classic example of what can happen to our children with a simple beginning of banning prayer in our schools.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. PACKARD. I would be happy to yield.

Mr. WALKER. I thank the gentleman again for yielding.

Is it not interesting that those conditions are precisely what we seem to be establishing and what seems to be endorsed by the opponents of school prayer.

First of all, we are, in fact, teaching a form of atheism in the public schools when we say that God plays no role in the public schools, so, therefore, everything that you are learning and everything you are being taught is exclusive of any kind of relationship to religious heritage, any kind of relationship to faith and to spirituality. All those things are separate and apart from what you are learning in school, so in a sense that is a form of atheism that is already there.

Then the gentleman makes a good point that those who want to pray in the Soviet Union have to do so in private, in secret.

The point that we have made over and over again on the floor is that is precisely what we are being told by the opponents of school prayer is available to us in this country, that if we want to go into hiding, if we want to have a very private prayer, those are perfectly permissible under the first amendment interpretation of the Supreme Court. The students want to go into a closet in the school and pray or they want to pray in secret to themselves silently and so on, that is perfectly all right, but those are the only things which are permissible under the first amendment.

That interpretation now being given, which does not differ too markedly from what the gentleman just read of the UPI dispatch of what is going on in the Soviet Union, that has to be disturbing in a country that bases its very foundations on a spiritual heritage that stems directly from our belief that God is where we place our trust.

Mr. PACKARD. I thank the gentleman for his comments.

The point is certainly clear that where this country has relied upon God throughout its entire history to drive God underground now into silence, into the closet, where that is the only relationship that is available to God, would be a tragic mistake and a change of direction historically that this country has never seen before.

Mrs. HOLT. Mr. Speaker, will the gentleman yield?

Mr. PACKARD. I would be happy to yield to the gentlewoman.

Mrs. HOLT. I certainly want to commend all of you for taking this time and for stating our case so beautifully. I think we just feel so strongly about this issue and it is so necessary that we do discuss it, so very important that we do have debate on it, that we do bring it out and clearly establish our point of view.

The thing that strikes me is that I see absolutely no indication that our children are becoming better citizens, that their behavior is better, that they have a higher spiritual or moral standard during this 20-year period that we have been without prayer in school. I do not know if there is any relationship there at all, but it strikes me that there has been a deterioration of the standards that we have set in this country for ourselves. I think it has to have some relationship to our stressing the secular side of our education and not really emphasizing that this is a Christian nation, in God we trust, and that we are built on that premise.

Mr. PACKARD. I thank the gentlewoman for her comments.

I have to agree that there has been a deterioration of family, of religious traditions, of the behavioral patterns of our young people, but I believe that we are seeing and hearing a cry for another beginning, a new renaissance, a resurrection of the attitudes of times past in this country.

I think now is the time for us to move forward with that cry for a new beginning in religious feelings, religious attitudes of praying people.

More people are going to churches in America now than in almost any other country in the world and our statistics are moving upward. I think that is a good sign. It will be tragic to continue to ban prayer in our schools as a depressant of this emerging new beginning and I surely applaud the gentlewoman's remarks.

Mrs. VUCANOVICH. Mr. Speaker, will the gentleman yield?

Mr. PACKARD. I would be happy to yield to the gentlewoman.

Mrs. VUCANOVICH. Mr. Speaker, I would like to comment and to begin with, I would like to congratulate all the Members who have been on the floor for a long, long time. I think we are looking at almost 18 hours today and commend my colleagues for taking this courageous stand, but I would like to make one reference to Russia.

I was in Russia in 1968 with a group of about 40 American women. We got there on a Tuesday. I asked immediately if I could make some arrangements to go to church the following Sunday. We had a guide who was with us all the time. She kept saying, "Well, no, you cannot work that out. We do not have church services for people who are here visiting."

I persisted all through the week, trying to see if we could finally make some arrangements for getting to church that Sunday.

Finally, Sunday came around. I went out and had been told, well, if I was there by 7 o'clock in the morning, they would make some arrangements to get me to an 11 o'clock service; so they were certainly not trying to make it very easy for me, but I was there outside to meet my guide who was to take me to church.

Finally, after much conversation and trying to get this guide to take me, they put me in a cab. I drove around the city of Moscow for probably 3½ hours and looked at various places and we still never got to church.

Finally, it was very difficult to communicate with them so I kept saying, "Well, now, you know, I have to get to the Catholic Church."

So finally, shortly before 11, I was brought to this place that had weeds growing all around it and set way, way back, a long way from almost here out to the Library of Congress. We finally found this church. I was able to go in there and found there was a service. It was the only Catholic service in all of Moscow. The only people who were there and who were allowed to attend were the people who were no longer working, old people. There were no young people allowed, because if you went to church in Russia, you were not able to have a job.

It just gives me a frightening feeling even to this day to think of the fact that these people, Russia certainly tried to keep religion out of Russia, out of the schools, out of their lives, and yet people still have enough courage to be there and participate.

They did not have any organs in the church. They did not have any music, but they had a choir of women who had some of the most beautiful voices I think I have ever heard. They got up and stood in response to the priest's saying of the mass. It was one of the most moving things I have ever seen.

I think that in Russia you still will see that there are people who are going underground to hold services. Certainly the Jewish people are doing that.

I just think that we do not want to see this kind of thing happen in our country.

If I can intrude on the time of my colleague for just a few minutes, I would like to read a letter that I received from a member of my community back in Nevada, Jim MacDavid. He was talking about how important it was that we support the school prayer:

> Hon. BARBARA VUCANOVICH: As a fellow Nevadan, like yourself, I'm also interested in maintaining and restoring certain freedoms that our forefathers intended and fought for us to have. As a parent I'm especially concerned about our children's right to prayer in public schools.
>
> In the first week of March, Senate Majority Leader Howard Baker plans to bring to the floor President Reagan's "Voluntary School Prayer" amendment SJR-73. I'm writing to urge you to please support this amendment. I do not support the alternate "silent prayer" amendment that would make Transcendental Meditation the official religion of America.
>
> As you know, many of our ancestors came to America willing to leave their homelands for the freedom to worship God without being suppressed.
>
> Unfortunately some Americans have forgotten that we are as the Pledge of Allegiance states, "one nation under God." Another example of how our forefathers had faith that God would bless our nation was shown by printing on all American currency "In God we trust."
>
> I believe that because of our faith and prayers our nation has been under the protection of God throughout our history, through both war and peacetimes. Also that He blessed and molded our country into the finest in the world.
>
> Since our children are the future of America, it's so important that we give them the right to pray in school. Prayer being essential in establishing a personal relationship with God. This could in many cases be the only time or opportunity that children are able to exercise this right.
>
> I believe that God especially loves children and is sensitive to their needs and prayers. Their prayers may for example be what is holding their family together. So let's not short-change them. Let's give them what America represents—"the best." They need our best effort in giving them this freedom they have a right to as Americans. I'm certain that God will bless you for your help.
>
> I'd very much like to know your views on this subject. Good luck in your efforts and career. My prayers are with you.
>
> Sincerely,
>
> JIM MACDAVID.

☐ 0740

I would just like to thank the gentleman and give back my time. But I just wanted to comment about how important it was.

Mr. PACKARD. I thank the gentlewoman for her very timely comments.

Mr. MONTGOMERY. Will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

I had the privilege about 18 hours ago of participating in the first special order in support of voluntary prayer in our public schools. I want to take this time as we move into the 19th and 20th hour of this participation to certainly thank the gentleman from California (Mr. HUNTER) for putting all of this together along with the gentleman from Pennsylvania (Mr. WALKER) and others.

This has been an outstanding success and I want to commend these gentlemen and others who have participated.

I would like to know how many Members from different States have participated in the last 18 or 19 hours. Probably the gentleman from California (Mr. HUNTER) would have that information.

Mr. HUNTER. Will the gentleman yield?

Mr. PACKARD. I will be happy to yield.

Mr. HUNTER. I just want to say that really there is no way any of us could have gotten through some 63 Members from 30 States who have come out in the last 18 hours, many of them in the wee hours of the morning, if they did not really want to talk about this issue. But we have now had testimony and discussions and special orders from some 63 Members, again from 30 States, and that represents a bipartisan spread and a number of Members from the Democratic side of the aisle as well as the Republican side of the aisle.

Mr. MONTGOMERY. I thank the gentleman.

I would like to make only one other comment. I notice the gentlewoman from Maryland (Mrs. HOLT) is in the Chamber today. She has been very active in the House prayer breakfast group which we talked about several hours ago. This is volunteer on our part for the House prayer breakfast group. It is probably the best day of the week for me.

Members come to the prayer breakfast and the gentleman comes and we do not have a rollcall. We do not call the roll. And we have an individual make remarks on any subject that he or she might like pertaining to religious aspects, and it means a lot to us. It is all done on a volunteer basis.

Certainly I cannot understand what the problem is with some of these amendments before us, that we cannot give the same freedom and privilege to the public schools to have volunteer prayer.

Mr. PACKARD. I thank the gentleman for those comments.

I referred earlier to the prayer breakfast in my comments and expressed what a thrill it was for me to come and participate with some of the real influential veterans of my colleagues there in that kind of environment rather than only feeling the environment that we deal with in legislative activities, to have men and women who share my feelings about God and prayer, and the work we are doing here was a thrill for me to come and see that environment in our prayer breakfast. And there are other meetings, scriptural reading meetings and so forth existing here.

I thank the gentleman for his comments.

Mr. WALKER. Will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because I think it is important that we associate what has been happening in our public schools with what the gentleman from Mississippi just talked about happens in the House of Representatives, too. As he mentioned, there is a prayer group in the House of Representatives. As a matter of fact, there are a couple of different groups that meet to study the Bible, to pray together and so on. And those kinds of activities have been specifically thrown out of the public schools in some of the horror stories we have talked about from around the country in the course of this special order time.

For instance, all voluntary religious activities of students on school grounds were banned by a local school board in Dixon, Ill., that is President Reagan's hometown. They were banned by the school board there based upon the school board's problem with where the courts were headed.

In Louisiana the school board developed a policy to allow students to participate in 1 minute prayer or meditation at the start of the school day, upon request and accompanied by parental consent. In other words, voluntary activities where parental consent was necessary. That was overturned by the Fifth Circuit Court of Appeals and the Supreme Court upheld the decision in 1982.

So specifically the kinds of things that happen in the Congress voluntarily among Members of Congress are what are being thrown out of the public schools, and that is one of the main reasons why are think that it is important to move ahead with the kind of voluntary prayer amendment that the gentleman from Mississippi has spoken about earlier in the special order time and the gentleman from California speaks for now, along with 63 of our colleagues who have joined us in speaking for over the last 18 hours.

I thank the gentleman for yielding.

Mr. PACKARD. I thank the gentleman for his comments.

Let me just comment on that. I think the question constantly has to be asked: When do you learn to pray? When is the most likely time to learn to pray? It is not when you are old men like we are here, and old women. It is when we are young. It is when we are young that we learn to pray.

I am grateful for parents that taught me as a child to learn to pray and to want to pray. That transition does not take place when we get old and set in our ways. It takes place when we are children.

The reference to the Russian problem is a very good example of that, that if they have got the children long enough they will teach them that prayer is no longer important. In fact, they will teach them that prayer is actually wrong, and this UPI News Service report very clearly indicates that.

It is in our youth that we need to learn to pray. And when we ban children from being able to experience that, obviously we are setting trends and patterns that will last a lifetime.

Mr. LATTA. Will the gentleman yield?

Mr. PACKARD. I will be happy to yield to the gentleman from Ohio.

Mr. LATTA. I thank the gentleman for yielding.

I think what has been discussed here is most important. We have listened to all of the opposition on the tube over the evening and on the radio, and it has gone across this land. I do not think the proper story is getting across because they are pointing out constantly that they are talking about some compulsion, some compulsory prayer that has been composed.

I saw on the tube this morning the Mr. Engel involved in the first Supreme Court decision, and finally the girl that was interviewing him had to point that out, that, you know, they were not talking compulsion but talking about voluntary prayer in the public schools. And then I was amazed at one of the opposition leaders in the other body from the State of Connecticut, some of the statements he was making.

He said, "Well, at least they can pray in silence," and when they pinned him down on that he said, well, he was not really sure that was what he wanted them to do.

So what the opposition wants is nothing at all, not even in silence. And I think that is absolutely wrong.

They talk about prayer in the public schools being compulsory. All of these things that have been pointed out, and I pointed out several of them some 18 hours ago, as did the gentleman from Pennsylvania just a moment ago, pointing out that they could not even have any kind of voluntary religious activities on the school grounds by kindergarten pupils, or by saying grace voluntarily in the grades.

I think this is wrong. There certainly is a way that we can accomplish in this great country of ours the right to voluntarily utter a prayer in our public schools.

Let me just throw one of them out as a lawyer, and I think it might be accepted since we find that we have that little bit of a crack coming out of the Supreme Court on that nativity case just the other day where they said that by a 5-to-4 decision a city could still have a nativity scene at Christmastime. And some of the cities around the country were already banning them.

But it just seems to me if we wanted to really solve the problem we could have various rooms, you know, and have maybe 5 minutes or whatever the school board would elect to have where they could congregate on school property in the morning. If the Jewish people wanted to go to this room, they could go there. If the people did not want to go to any room, they would not have to. But if the Evangelicals wanted to go to another room for 5 minutes and pray, let them do it. Let them do it.

□ 0750

I think we could resolve the problem. But it would bring prayer back to the public schools where it is sorely needed. I wanted to commend everybody who has participated in this, shown just a little bit of light on what is involved because there has been absolutely too much darkness by the opposition; trying to point out to the American people that what we are trying to do is to put compulsory prayer into the public schools and that is not it at all.

I have been amazed at some of the comments that have been made over the evening by a former colleague of ours, a former colleague of ours who has been very much in evidence in opposition to the prayer in public schools. That might be one of the reasons, he is a former colleague, because 80 percent of the people of this Nation want to see voluntary prayer returned to the public school system.

I want to commend the gentleman in the well (Mr. PACKARD) for what he has done; the gentleman from California (Mr. HUNTER) for organizing; the gentleman from Pennsylvania and everybody, the gentlewoman from Maryland; everybody who has participated in this special order because I think it is worthwhile.

And hopefully, hopefully and prayerfully, we will obtain some results.

Mr. PACKARD. I thank the gentleman for his comments.

His comments on the 5-to-4 vote are almost amusing. It is almost as though we have come to a point in our history that we allow God to remain in this country on a 5-to-4 vote and then wait until next year; we need to vote again whether we want God to continue.

We allow prayer, we allow these things on a vote, as though this country votes whether God should remain in our lives or not. That is a rather sad commentary, I believe, that we put God up for a vote, put access to God up for a vote, tragic in my opinion that we have deteriorated to this level; and it is tragic there are those who still feel it ought to be dealt with in that way.

I yield to the gentlewoman.

Mrs. HOLT. I thank the gentleman. I heard the colloquy referring to the prayer breakfast that we have here in the House, I could not help thinking that we have some very heated debates here on the floor of the House of Representatives, but when we go into that prayerful attitude, that room where we pray together, we resolve a lot of our conflicts; we find great friendships; we find better understanding of each other.

This is something we want to desperately teach our children; conflict resolution. We talk about developing peace academies; we talk about courses of learning to try to resolve conflict and how better can we begin than to allow our children to begin their day in school in a prayerful attitude with their other friends.

I think this is a point that we certainly should consider. I thank the gentleman.

Mr. PACKARD. I thank the gentlewoman for her comments.

Again, I think it is clear that it is in the youth where we can set patterns in people's lives. And there has not been any indication in these 18 hours of debate that I have heard that we are trying to impose secularism into this process.

That is not the issue at all. All we are simply trying to do is allow a simple voluntary prayer. It may be vocal, it may be silent; the authority, the decisionmaking of that whole issue can remain with parents; school boards. It is simply a process that will permit; it is a permissive process rather than a mandatory process, and it can have little or no harm at all in terms of a person's rights.

I yield to the gentleman.

Mr. WALKER. I thank the gentleman for yielding.

The gentleman, as always, has made a very clear point. We are not talking about any kind of denominational prayer, not talking about mandatory prayer, not talking about forcing anybody to do anything. If you were talking that way you would not have the support of the American people.

The American people are not looking for that kind of a prayer in school type system developed. But I think it is important to emphasize, as we have emphasized throughout, that the American people are indeed in support of what we are doing, and it is not a declining support; it is a rising support for this kind of amendment to be passed.

If the opponents of voluntary school prayer could show us that the public was becoming less and less enthusiastic about this idea, we might understand why they would be less and less enthusiastic about bringing it before the House for a vote.

But in fact, the amount of public opinion has been rising over the last several years. Some statistics here are interesting: The Gallup poll taken in 1974 showed that 77 percent of the people favored school prayer and 17 percent opposed. By 1980, that figure was 76, which is one point less, which is statistically insignificant; and 15 percent opposed. There were less people opposed, too.

However, by 1981, the CBS-New York Times poll was finding that in fact, 76 percent of the people still were in favor of this, by 1982, an ABC News-Washington Post poll showed that 69 percent of the people approved but it was very interesting the way that question was phrased; 69 percent of the people approved of the statement, "On the subject of reading of prayer in public schools, do you approve or disapprove schools having a required time for a regular reading of prayer?"

In other words, a very organized kind of ceremony;.69 percent of the people were saying they were in favor of going that far. If you take a look, we find that 69 percent of the CBS-New York Times poll, May 6, 1982, were saying, "What is your opinion, should organized prayer in the public school be permitted or forbidden?"

And 69 percent of the people said that should be permitted, an organized prayer, you know, an actual organized kind of activity.

Interestingly enough, in May 1982, the NBC-Associated Press poll found that 55 percent of all liberals in this country agreed with an organized prayer program in public schools.

Now from that point on we see the figures rising. Gallup in 1982, June 1982, asked the simple question, "Do you favor school prayer constitutional amendment?" Seventy-nine percent of the people at that point said they agreed with that. When that question was asked in 1983, the figure had gone to 81 percent of the American people and literally a cross section of all America was in substantial agreement.

If anything, there is a little bit of a gender gap here; 79 percent of men, 83 percent of women agreed with the idea of school prayer.

Among the white population of the country, 79 percent agreed; among the nonwhite population of the country, 91 percent think we ought to have voluntary school prayer.

Whether you are Catholic, Protestant, Baptist, Methodist, all of those groups, overwhelming numbers, 84 percent, 84 percent, 91 percent, 82 percent, among these various religions. Republicans agreed by 85 percent, Democrats 81 percent, Independents by 77 percent; in the East it was 81 percent of people, Midwest, 85 percent; so on, across the whole country, all groups, all population groups, religious groups, philosophical groups, political groups, everybody by overwhelming numbers agrees that voluntary prayer should be put in the schools.

So when the gentleman refers to the fact that we are not in any way trying to mandate something here, he is in tune with where the American public is going by overwhelming numbers and why this House needs to act, why Discharge Petition No. 8 needs to be signed; why we have to proceed ahead.

Because the American people are asking that we do it. If this in fact is the people's House; if this in fact is where the people's opinions get represented, we cannot afford any longer to have the people ignored on an issue of this magnitude.

I thank the gentleman for yielding.

□ 0800

Mr. PACKARD. I thank the gentleman for his comments.

The gentleman brings out two or three areas that I think are significant. One when the gentleman mentioned that minority groups and of course that would include all nationalities, many of which are not traditional Christian and do not necessarily pray the way that others do. They still favor school prayer and allowing it.

Let me bring out something of interest. When I was the mayor of my city, I organized the prayer program on a yearly annual basis so that I had every city council meeting scheduled a year in advance for one of the community people to come and pray. It was normally made up of ministers and religious leaders of every faith and denomination. And that included many of the non-Christian denominations or churches. I never received one comment from people in my community about the fact that we were having a Buddist prayer, or a Jewish prayer, or a Christian prayer. It was very well accepted. In fact, I think it tended to engender tolerance from one group to another simply because the Jewish rabbi in order to give his prayer would also have to be tolerant of hearing the Christian prayer. Or the Buddist prayer and so forth.

It really developed a feeling of compatibility one with another and tolerance one with another in their own religious views.

Now, I think another point that the gentleman brought up that is very important and that is as it relates back to children.

In our schools in the recent past and I think we still have the problem with it today, we have the ability, in fact, almost the mandate to teach nonreligious concepts, concepts that in many cases run counter to the common beliefs of religious people. Those are taught freely, almost as though they must be a part of our curriculum. But, at the same time, we have very carefully banned and precluded the opportunity to in conjunction with those nonreligious concepts that are taught in the schools and in our textbooks, we do not permit a counterbalance of religious concepts being taught. The end result is that they are getting that which tears them away from religious principles and concepts that are being taught by parents, churches, and by those who really want to maintain these concepts. They are confronting their beliefs and their concepts with that that is being taught by mother and father at home.

The SPEAKER pro tempore (Mr. FRANK). The time of the gentleman from California (Mr. PACKARD) has expired.

ORDER OF BUSINESS

Mr. WALKER. Mr. Speaker, I ask unanimous consent to proceed with the special order previously entered into.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SCHOOL PRAYER AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. At this time I yield to the gentleman from California (Mr. PACKARD) to finish his statement.

Mr. PACKARD. I thank the gentleman.

I think the important concept that we need to evaluate is that parents truly do have the responsibility to teach religion and to teach prayer to their children, but they ought not to have to confront themselves or to find the schools in an antagonistic position. I think the statement that comes from Russia is loud and clear, that government can often overrule the influence of good religious parents. And in this country, the Government has historically been the ally of parents in teaching and working with children and we cannot allow that alliance to be broken where Government now becomes the antagonist to the parents' efforts in trying to raise their children to love God, to rely upon God, to pray to Him and we need to develop that complementary activity in our classrooms that has existed in this country since its inception.

I heartily endorse the effort that is being made in this debate and the efforts that have been made by the organizers.

Let me conclude by complimenting not only the organizers of this marathon debate throughout the night and a good part of 2 days, but I would also thank the Speaker and those that have worked with the Speaker to permit it and to man the chair throughout the night and the people in the House that have been here all throughout this debate to help make it possible. I think they deserve credit. They have given of their time and their efforts to allow us to speak before the American people and let them know how this body feels about prayer in school.

I certainly thank those as well as those who have organized this.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I would like to say to my colleague and my friend from California (Mr. PACKARD) that we thank you for your eloquent statement and your support on this vital issue and particularly for coming around when the hours are pretty tough here in the morning—at 6 and 7 o'clock—and giving such an articulate statement and one that I think would be a worthy statement for the entire House to hear.

Mr. PACKARD. Would the gentleman yield for one last comment?

Mr. WALKER. I yield to the gentleman from California.

Mr. PACKARD. It only took the time that I normally would be praying myself in my own home. This is my prayer time, early in the morning. This was a great experience for me to come and participate here.

I feel strongly that we do not pray enough in our homes. I wish that we could get that concept across to the homes across America. I think that is much more important than prayer in our schools, but I do not think that we ought to sacrifice prayer in the schools simply because we need more prayer in our homes. That is where we really need prayer. Obviously that is where we train and teach our children. But it needs to be complimented with that same experience in the classrooms and in other parts of our Government and our society.

Mr. WALKER. I, too, want to thank the gentleman from California and join him in thanking all of the members of the staff and all of the people who helped us here this evening by remaining on the job. We know that we put them through somewhat of an ordeal, but in this instance we felt that the situation is so extraordinary, having been kept off this floor for 13 years, that this was a way of dramatizing the issue and the points that we have attempted to make in the course of the evening.

So, I do want to thank them. They have approached this with good humor and they have been invariably courteous to us and so on, and we sincerely appreciate their participation in what we did here. It is one thing for 63 of us to arrange our schedules in a way that we could come to the floor and participate; that is one of the things I guess we can decide for ourselves as elected officials, but other people also had to be a part of that. I think it is up to us to really give them a vote of gratitude and thanks for what they did.

We are now entering into the 19th hour of this discussion of voluntary school prayer. I think that as we do, it might be well to try to provide some summation of the points that have been made. A lot of things have been woven into the discussion, but I think that there were some key factors that maybe should be talked about to try to put into perspective a little bit of what went on here on the floor during the time that these special orders have been going forth.

First, I think it is important to say again why it was that we took this route to try to explain our position on this amendment.

We took the route because we were denied the opportunity to discuss the amendment for real in the House of Representatives. We would prefer to think that at some point a rule would come forward allowing a number of hours of debate and an open rule. That is the way we prefer to take this up because the culmination of that discussion would be a vote. We would have a vote, up or down. We would find out how the Members of this House felt on this key issue.

Why do we say it is a key issue? We say it is a key issue because the American people say it is key issue. The American people understand by vast majorities, discussed on numerous occasions here on the floor during the last 19 hours, that here is an issue in which there is overwhelming public sentiment. So, therefore, needs some overwhelming consciousness about it in the U.S. House of Representatives.

That is what we do not have. That is the reason for this special order. It is an issue that deserves to be discussed on the national scene. It is an issue that needs to be dramatized on the national scene.

This particular special order time was a dramatization. It was an encouragement. Hopefully it will result in the kind of legislative action that the American people deserve from the people's body.

Another key point that has been discussed throughout this special order time is how did we arrive here. How did we arrive at the time that 81 percent of the American people find themselves on a divergent course from the American Government? How did we find ourselves with an American Government that has consciously interpreted the first amendment in such a way to put themselves on a collision course with parents and children across this Nation.

□ 0810

Well, we find ourselves there because of a Supreme Court decision which seems to have been an aberration. It is a case of the Court misconstruing the Founders original intent in writing the first amendment.

The gentleman from California, Mr. LUNGREN, in the course of these discussions gave us a very, very complete history of the Court interpretations and also the original framework in which the first amendment was drafted. Numerous other people in the course of our discussions here have talked about the fact that we have an aberration, decided by the Supreme Court in the early 1960's which the American people recognize as an abberation and which they want corrected.

It is important to understand that what we propose in a school prayer amendment is not an attack upon the first amendment. It is a reaffirmation of the first amendment. Again, a point that has been made by several speakers here: We are talking about doing that which we always believed was right and proper in this country with regard to prayer. That prayer is in fact a civic function within our society. That there are many prayers which are a part of our overall public life. There are invocations given at the beginning of public ceremonies of all types.

Again and again we have referred to the fact that there are prayers given in this House Chamber and in the other body every day. That the Supreme Court begins its sessions with the phrase: "God save the United States and this Honorable Court."

That we certainly are a Nation in which religion, in which God, in which spiritual heritage play an important part in everything that we do. And so, within the framework, on a foundation built by our forefathers that emphasized that spiritual heritage. The Supreme Court decision on school prayer seems sadly out of place and needs to be corrected with language that would put us back into the real tradition of this country.

It has been mentioned in the course of these discussions that the problem lies in an interpretation of the so-called wall of separation between church and state, a phrase first used by one of the Founding Fathers, Thomas Jefferson. But a phrase which has gotten completely beyond what Jefferson meant when he uttered that phraseology.

It was Jefferson who recognized the role of religion in public life and in the life of a country, and he made it quite clear that his wall of separation was nothing like what has happened in the public schools.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from California.

Mr. HUNTER. I think that the gentleman has hit on an important point that deserves expansion and that was a point that was made by a number of Members throughout the night on both sides of the aisle to the effect that the interpretation of the 1962 Supreme Court decision has taken on incredible limits and some of those again, and we have gone over a number of them, but several of those instances where we have had real horror stories resulting from Court rulings that flowed down from the 1962 case, included the case where the reading of prayers from the CONGRESSIONAL RECORD to a voluntary gathering of students in a high school gymnasium before the beginning of the school day was forbidden by New Jersey State courts. The Supreme Court declined review.

Mr. WALKER. Let us treat that horror story here for a second because one again I think we need to emphasize as clearly as we can what is going on there.

In other words, when the prayers from the CONGRESSIONAL RECORD that they were forbidden to read now in this school in New Jersey, what we are talking about is prayers that are public documents. We are talking about prayers that were spoken here in the House which are a part of the public document, the CONGRESSIONAL RECORD, and what was ruled in New Jersey was that that public record in that portion of it, cannot be read in that school?

Mr. HUNTER. That is right.

Mr. WALKER. And the Supreme Court declined review, which in effect upheld that decision. That is almost an unbelievable kind of thing. That in other words, there are certain parts of public documents in this country which are forbidden to be read in the public schools if they deal with religion. That is something which goes far beyond the bounds of even good judgment.

I yield to the gentleman from California.

Mr. HUNTER. The gentleman has analyzed the situation exactly. Essentially for students to read the history of what took place in this House is unconstitutional, because we mention God. They cannot review the fact that we had a prayer in this particular state organization.

Again, this is another point that was made time and again by Members who took the well, those 63 Members, Republicans and Democrats. Certainly, if you are talking about the separation between church and state, we are much closer to the state, to the concept of the state, we as Members of Congress—some people think we are the state—than a bunch of school kids.

We are the state and yet we have a prayer and the Speaker orders a congressional prayer at the start of each session during each day. A number of Members commented on the fact that the Supreme Court had not challenged us or had not taken us on.

They have not taken on the U.S. military, which, again, is an extension of the state, is under the command of the Commander in Chief, the President of the United States, and certainly is paid for with taxpayer dollars. Yet, the military, and their use of chaplains has not really been challenged. Perhaps the most vulnerable members in institutions of our society are that of children in school. They have been the target for practically all of the decisions that have flowed out of the 1962 case.

Mr. WALKER. Let us be clear. Our opponents have an answer for that; the opponents of school prayer have an answer for that. They say that in this body you have adults, which is something clearly different from having prayers for school children, as though school children have to be treated in a special way when it comes to religion.

All of that make some degree of sense if were not for what else is going on in the schools. Just within the last few days, there has been a study come out of the Hudson Institute, in which they took a look at the textbooks that are being used by our children in the schools.

It is a very disturbing study because what that study of the textbook showed, was that textbooks are overwhelmingly pessimistic about life itself; That those textbooks, in many cases, are factually erroneous, but paint a picture of a world headed toward disaster in which our children can expect only the most dire consequences on the front of possible war, on the front of environmental concerns, just all kinds of very, very vivid pictures being painted to impressionable young people about the dire consequences again.

Then we say that there can be no hope or faith inculcated through a spiritual kind of beginning to the school day. In other words, impressionable young people are left with one kind of idea fed to them through the textbooks of the Nation which nobody on the liberal side of the aisle complains about. They only complain when it is suggested that, mixed in with all of that horror, we ought to have a little bit of prayer as well, and ought to allow a child to understand that many of the problems that he is being confronted with in school on a daily basis are in fact something that would be considered prayerfully.

I yield to the gentleman from California.

Mr. LUNGREN. I know the gentleman from Pennsylvania; before he came to this body he had a career as a schoolteacher, and I wonder if the gentleman would make an observation with respect to whether he believes we can state that students do not pick any sense of values when they are taught in the classroom.

In other words, does the gentleman really think that by eliminating prayer and a conscious regard for religion in the classroom we then are teaching the children in a valueless atmosphere, or is it more correct to believe that there are values that are implicit if not explicit in the teachings that they receive, and that that being the case, it is important for us to impart one traditional value through the experience of an opportunity for public prayer?

□ 0820

Mr. **WALKER**. I thank the gentleman for the question. It is this gentleman's impression that schools are very much a part of teaching value systems to their students. Certainly the most valuable or certainly the most significant of the value teachers is the family. That is where students get a basic set of values.

But the schools also play a very dominant role in all of that. After all, the students spend 8 hours a day in schools. You cannot say that that is a valueless atmosphere. It is an atomosphere in which peer pressure plays a role. It is an atmosphere in which what teachers are saying plays a role. It is an atmosphere in which intellectual development is encouraged, so, therefore, the direction of the intellectual development is certainly going to play a role in developing value systems.

So to say that you separate out then the spiritual heritage side of that value development as a child experiences all of that is to, I think, preach a kind of nonsense that does the future of this country no good.

Mr. **LUNGREN**. If the gentleman will yield further, I think it is important for us to dwell on this for a moment because it is a very natural thing, it seems to me, to conclude that if you in fact instruct children in such a way that they are not allowed to espouse a belief in God verbally, publicly—even though voluntarily—that the strong message to that child in the formative years is that one can be an educated person, in fact, one can only be an educated person in an environment in which spiritual values as evidence by an ability to express those spiritual values is absent.

If that is the atmosphere in which one receives the education of the major educational experience from our society, does that not tend to have that person formed in such a way that that person believes that the spiritual side of things is unimportant and, in fact, more than unimportant, corrosive because otherwise why would we resist so greatly the even minute influence within the structure of the classroom?

Mr. **WALKER**. The gentleman points out the danger of all of this very well. Interestingly enough, it is a danger recognized by very many parents across this country. I taught in the public schools. I find among former public school colleagues and people who I deal with in the public schools right now a great concern about the rise of the private school and the challenge that that has been to the public school, and they are concerned about issues like tuition, tax credits, and all of that.

But they do not ask themselves, it seems to me, why that is taking place. One of the reasons why it is taking place is because of the danger recognized by parents that the gentleman has just outlined. Parents recognize that a child growing up that receives the stuff that his intellectuality is made of, divorced from some kind of spiritual religious context, probably grows up, or has the chance of growing up anyhow, in almost an intellectual amoral of environment, and they see that as a real threat to their family and to their children's future.

So therefore they have made sacrifices in order to send their children into an intellectual development atmosphere that permits the commingling of those two things, permits the commingling of religious heritage and religious instruction with intellectual development. That has indeed become a challenge to the public schools.

It would seem to me that one way of addressing that within our society would be to begin to recognize, as we did for so many years in the public schools in this country, that that kind of relationship should also be there in that which we do in our public schools. Certainly there would still be people who would opt for the private school option for their children, but there would be many parents also who would feel far more comfortable with the public school that at least had some feel for the child's spiritual background and religious heritage as well.

Mr. **MACK**. Mr. Speaker, will the gentleman yield?

Mr. **WALKER**. I would be glad to yield to the gentleman from Florida.

Mr. **MACK**. I thank the gentleman for yielding.

Just so I have this straight, you were mentioning a moment ago that one of the reasons given for opposing prayer in school was because it would create an impression on younger individuals? Is that correct?

Mr. **WALKER**. What our opponents have claimed is that the reason why it is different having prayers here in this Chamber than it is in the schools is because we are adults and they are children. So it certainly leaves me with the idea that what they are saying is that children are too impressionable to be permitted to have the same kind of ceremony that we have in the House of Representatives.

Mr. **MACK**. If the gentleman will yield further, let me raise a point, then. I think the gentleman attended the Republican Study Committee hearing last week in which we had the opportunity to listen to Rosie Grier. I am going to read a couple of his comments that really, in essence, what he is saying is yes, there was an impression created.

He was telling about a difficult time during his life. He said:

> I think of the humbling experience in kneeling down to pray and to ask God to come into my life when I divorced my wife and left my son, and trying to find freedom and reason about my own existence. I thought of sitting in a room, and I thought about, with all the things that were going on in the world, and I became frightened and I had nowhere to turn.
>
> I was thinking about how I used to fill up my car for $5 and now it costs me $27. And then I thought about how they were converting apartments to condomiums, and suddenly I became frightened. I began to think how am I going to exist? How am I going to make it? I became so frightened I understood why people commit suicide, but I just thought about what can I do because I was so afraid.
>
> I remembered something that I learned when I was in grammar school. I learned the Lord's Prayer. I learned. You heard what I said. I learned the Lord's Prayer when I was in grammar school.

I think that statement pretty well states the case for an impression on our children.

Mr. **WALKER**. I think the gentleman makes a point. Those of us in education know that many of the things that are imparted in school are even resented by some of the students at the time that the education is taking place. It is only years later that they begin to realize that what they were receiving there plays a role in their lives.

In the case of Rosie Grier, obviously that little bit of religious heritage ended up playing a big role in his life. I found with many of my students who come back to me and say, "We never understood at the time that you were teaching us how important such-and-such a subject would be. We know now." That is one of the great rewards in education, but it also can be one of the great frustrations in education if there are certain parts of that child's development that you cannot touch. What we have made an untouchable part of that child's development in our present scheme of things is any kind of reference to religious heritage, and specifically, to a child getting down on his or her knees and praying.

Mrs. **HOLT**. Mr. Speaker, will the gentleman yield?

Mr. **WALKER**. I will be glad to yield to the gentlewoman from Maryland.

Mrs. HOLT. I thank the gentleman for yielding.

Mr. Speaker, I could not help thinking, as I heard that statement of Rosie Grier read, how very, very impressive that was. But as we teach our children through the textbooks, it was mentioned earlier, the textbooks have a lack of hope. They have a very gloomy picture painted for the future. They are very depressing and we are seeing a greater incidence of suicide among our teenage children.

If we give them this religious hope, this knowledge that there is something better in life than what they are reading in the textbooks, I feel this is very, very important. We spend millions of dollars trying to find why our children have no hope, why they feel there is nothing to aspire to, and yet this very, very simple solution that I know, that my mother knew, that my grandmother knew, that all of the people who have made this great Nation the Nation that it is have known, that simple faith in God that can be expressed in prayer is the answer to all of it.

□ 0830

Mr. WALKER. Mr. Speaker, I thank the gentlewoman. She makes an excellent point, because it is not only suicide, of course, it is the taking of drugs, it is public drunkeness, it is all those various things that are affecting the teenage population to some extent more than any other population group in our society and one has to believe that one of the reasons why that is happening is because these people are being taught a sense of hopelessness. That hopelessness stems from the textbooks. It stems from their exposure to mass media, all the communications sources that are available to young people today paint a very black, pessimistic picture of the future.

It is hard for someone at age 14, 15, 16, to think of spending 50 years or more in the kind of atmosphere that is being taught to them, without some kind of hope. Hope springs from faith. We have known that for decades, for centuries in this country. It is embodied in virtually every major document that our forefathers produced and yet we seem to have abandoned that in the last 20 years.

Mrs. HOLT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentlewoman from Maryland.

Mrs. HOLT. There is almost a direct correlation between the 20 years that we have abandoned any kind of religious exercise in schools and the rise of this kind of thing in our country.

Mr. WEBER. Mr. Speaker, will the gentleman yield to me?

Mr. WALKER. I am glad to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I would just point out that some of our seemingly most intractable problems of society, they are intractable only in the absence of any kind of spiritual dimension to approach the problem. For instance, we struggle daily to try to find different ways of coping with the problem of alcoholism, and yet there have been no effective long-lasting treatment found for alcoholism that really do not have at the core of the problem restoring that emptiness that is inside a person that can take away the bottle with spiritual fulfillment.

I just saw Chuck Colson on television the other day.

He was talking, of course, about prison reform, to which he is devoting his life now.

He said that despite all our attempts at rehabilitation or punishment or whatever, the only successful rehabilitation that he knows of is one that takes a spiritual approach to those people in prison and sends them out in the world with something better than they came in with.

Mr. WALKER. I am reminded by the gentleman, we talk a great deal in this body about the threat of war and all the horrors connected with nuclear confrontation. I am reminded of the old folk song that I used to sing back in one of my days as a folk singer, "Last night I had the strangest dream I never dreamed before. I dreamed that all the world agreed to put an end to war."

One of the lines in there was that after all the agreement was made, that all the people that were involved knelt down and prayed.

In other words, there is a direct connotation in that folk song to the idea that there is a spiritual foundation on which these kinds of decisions are made. Our forefathers understood that intuitively.

I think to a large extent we in these legislative bodies understand that intuitively, but yet we do not understand that what is meaningful for us also has to be meaningful in public life. It has to be meaningful to our school children as well and it can be as much a factor in the very tough and difficult decisions that they make as it is in our lives in the tough and difficult decisions we make as a society.

As a matter of fact, as I reflect on my life, and I think probably many people are in the same boat, some of the toughest times that I remember having to make choices where as a teenager, because you were under pressure from people at home. You were under pressure from peers. You were under pressure from teachers. Some of those decisions, though they were not of the magnitude for society as a whole as the decisions I make now are, some of those decisions were tougher at that time.

I have the advantage of having a spiritual foundation on which to make those. I did not always use it well, but I did have that kind of foundation. That is what it seems to me we are not giving our children an opportunity to have at the present time, and that is a shame.

I am going to finish up, because the gentleman from Arizona is on the floor and is prepared to close out this particular discussion.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Minnesota.

Mr. WEBER. Before the gentleman concludes, and before he yields to the gentleman from Arizona, I would just like to say that throughout the evening on occasions many of us have taken the well to make reference to many people who came from outside the Congress to accompany us throughout the whole evening. I would just again like to emphasize that last night there were literally thousands of people out on the west front of the Capitol praying and supporting the efforts of those of us here who were attempting to take the floor all evening on this task and a prayer vigil has just concluded in room 227 of the Capitol where people did stay all night long supporting our efforts. I think that is a tremendous testimonial to the depths of the conviction many people feel about this issue.

I just did not want to let this really historic special order conclude without again paying tribute to those fine people who came here and lent us that support.

Mr. WALKER. I thank the gentleman. The gentleman is absolutely right. I certainly think we do owe also a debt of thanks to the gentleman from California (Mr. HUNTER), who more than anyone else was responsible for putting together this special order time. It has been a magnificent job, I think. He really was able to capture the essence of what we were attempting to do by the numbers of people that he brought to the floor for this discussion.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman.

Mr. HUNTER. I thank the gentleman for yielding.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today of prayer in school.

The SPEAKER pro tempore (Mr. HARRISON). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I would like to simply close my remarks by saying thanks to the gentleman and everybody here, everybody who participated or bore the burden of sticking with us through this night, and the gentlemen who testified before the Republican study committee on prayer in school, and I am referring to Roosevelt Grier, Demond Wilson, and Meadowlark Lemon, and a number of other great gentlemen, Joe Gibbs and Tom Landry.

Our children are a great national resource and if our efforts today result in prayer being allowed back in America's schools, then our efforts will have been justified beyond our wildest dreams.

I thank the gentleman for his tremendous contribution, not just today, but every day on this issue, when he stands up and asks that critical question of our Democratic leadership.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

ORDER OF BUSINESS

Mr. McCAIN. Mr. Speaker, I ask unanimous consent to proceed for 60 minutes with my special order.

The SPEAKER pro tempore. Without objection, the gentleman from Arizona (Mr. McCAIN) is recognized for 60 minutes.

There was no objection.

SCHOOL PRAYER

Mr. McCAIN. Mr. Speaker, I also would like to add my thanks to the staff who so generously gave of their time, staying up all evening. Believe me, on behalf of all of us, we are very grateful.

I would also like to extend my appreciation to the dynamic gentleman from California (Mr. HUNTER) who I believe is going on his 36th hour now and, of course, CONNIE MACK, and BOB WALKER, and NEWT GINGRICH, who has always been most eloquent. Maybe all of us in Congress should be college professors.

I was asked by the gentleman from California and others to describe my personal experience with prayer and the importance of it in the lives of Americans, particularly in times of stress, talking about my experiences with the North Vietnamese and the incarceration that many Americans suffered for as long as a period of 8 years, remembering that the first American was shot down and captured in August 1964 and released in 1973.

At the beginning of the incident that I would like to tell you, it began in November 1971 when the Vietnamese Government as a result of the efforts of millions of Americans' prayers everywhere, but in the schools, unfortunately, on the part of millions of Americans throughout the world, the bracelet wearers, the letters to Hanoi, the visits by American wives and families to the Vietnamese Embassy in Paris, the final realization on the part of the Vietnamese Government that they were not treating the American prisoners of war according to the rules prescribed and laid down by the Geneva Convention of 1948 for the treatment of prisoners of war.

As a result of these efforts and these prayers, the Vietnamese changed their treatment from that of solitary confinement with 2 or 3 in a cell to moving us into large rooms with 45 or 50 in each cell. You can imagine the dramatic change and what a refreshing and wonderful experience it was for all of us. In my own case, I had lived alone for the previous 3½ years.

□ 0840

We joined together and there were old men and young men, and sick men and tired men, and many were tired, many were tired of feeling the Vietnamese being, many were tired of the years of resistance that seemed sometimes to be of no avail because the war had lasted so long and the bombing had stopped in November 1968, and we had not known of any military activity in North Vietnam in the intervening years.

One thing we were united in was a desire to hold a church service so that we could worship God together as one group. The senior ranking officer in our camp, in our cell, who was named admiral, now admiral, then Comdr. James Stockdale, after consultation with the rest of us, called the camp commander and told the camp commander that on the following Sunday our room would hold a church service.

Our camp commander said that was not allowed in Vietnam, and it would obviously be in violation of the laws of their country as well as a terrible crime to be committed.

Admiral Stockdale told the camp commander we would do so anyway. And on the following Sunday we began a church service, three individuals rather than one leading the church service.

As soon as it began the Vietnamese burst into the cell, approximately 40 guards with AK-47's and ropes, grabbed the 3 individuals who were conducting the church service, threw them on the ground, tied them, beat them, and dragged them out of our cell.

As soon as the door of the cell was closed, spontaneously, led by now Col. George Day, Congressional Medal of Honor winner, our entire room broke into loud singing of "God Bless America."

We not only sang "God Bless America" and hymns and other songs for the next 16 hours, but we refused to eat and we refused to take water until the Vietnamese sent back into our room the men who had conducted our church service.

At the end of 2½ days, over the loudspeaker in our cell came the message from the camp commander that, of course, the Democratic Republic of Vietnam had never ever tried to stop anyone from worshiping anywhere in their great country and, of course, that we would be allowed to worship.

After a short period of time the door of the cell opened and the three men returned.

That was the greatest single victory that we won over the Vietnamese in all of the years that we were there. However, like as we had learned in most dealings with our Communist adversaries, it was not that easy because about 3 days later the Vietnamese selected 24 of us from the various cells throughout the camp to go out to a punishment camp which was about 30 miles from the city of Hanoi.

I was honored, and I mean honored, to be one of that group of very tough resisters, and the camp that we went to, which we called Skid Row, was one where the conditions were very poor. We were kept in rooms about 5 feet by 3 feet. The food was terrible, the sanitary conditions were worse, and many of us became rather ill. Hepatitis spread throughout the camp, beriberi, and other afflictions that go with that kind of very bad sanitary conditions.

Approximately 11 months later the 24 of us were returned. We came back to the same room that we left early in December 1972.

Of course, it was a great return and one that meant a great deal to all of us again to be back together.

I was designated the room chaplain in our room, mainly because of the fact that I had attended a boys' boarding school where we went to chapel every day, and to the Naval Academy where we went to church every Sunday, not that I was either more or less religious than my cellmates.

The week before Christmas our senior ranking officer told the camp commander that we wanted to have a Bible with which we could conduct our Christmas service. The camp commander explained to our senior ranking officer that there were no Bibles in North Vietnam so we could not have one.

Approximately 2 days before Christmas, much to the surprise of all of us, the camp commander came into our room and said "We have one Bible. We have found one Bible in Hanoi and you can designate one person to copy from it for 15 minutes."

I then went outside the cell, was shown the Bible, which happened to be a King James version of the Bible, and a very old Bible, and given pencil and paper, which we did not normally have, and I copied as rapidly as possible different parts of Matthew, Mark, Luke, John to take appropriate passages of the nativity story.

We were blessed in our room to have in our cell a former glee club and choir director from the Air Force Academy, Maj. Quincy Collins. And we had a four-man choir which was very excellent. The format for our Christmas service that evening, on the night before Christmas, was that I would say various selections from the Christmas story, followed by the appropriate Christmas carol sung by our very fine choir.

Contrary to popular belief, it was very cold that night. It gets cold in North Vietnam in the wintertime. We were not well clothed and our cell was dimly lit by light bulbs that shone 24 hours a day in rather dim fashion.

As our church service began and progressed it was dark and it was cold and as I came to the point of the story where the actual birth of Christ is described, the choir then sang that most beautiful of carols, "Silent Night, Holy Night."

As I looked around the cell at my fellow prisoners I saw on their faces tears coming down their cheeks, men barely able to stand because of their afflictions, with their bearded faces, and their emaciated bodies. But they were crying not because they were sad or felt self-pity. They were crying because for the first time in the case of a couple of men there in 8 years they were able to celebrate the holiest of holy days together with their fellow prisoners and join together in prayer.

I am convinced that if Americans can pray in a prison cell halfway around the world, that young Americans should be allowed to pray inside of our schools.

I would ask you in closing if you would join me in prayer and stand, if you would, please.

Our Father, we ask your blessings on the efforts of millions of Americans throughout this Nation. We come from all parts of this great land, north, south, east, and west, men and women, all races, all colors, all creeds, united in the pursuit of our common goal: the return of the free acknowledgment of God in our schools.

This great Nation, the noblest experiment ever conceived by the minds of man, is a direct result of your divine guidance, without which our history of past achievements could not have been written, and our destiny of future greatness would not be possible.

A beacon is shining brightly throughout America, one which cannot and must not be dimmed. Let us go forward in this noble cause, the restoration of prayer in school, and with your help we shall not fail. Amen.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman.

Mr. VOLKMER. As one who supports voluntary prayer, I wish to commend the gentleman for his remarks, and I also wish to commend the full House to study the remarks of the gentleman from Illinois (Mr. MICHEL) who started this special order. Also to study the proposal of our former, now deceased Senator, Everett McKinley Dirksen.

That was all I wished to say and I commend the gentleman for his remarks.

Mr. MONTGOMERY. Will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I would also like to take this opportunity to commend the gentleman. I think this is a great way to end this session, that you know best about prayer and how it should be used.

I commend the gentleman. It was a beautiful statement.

Mr. McCAIN. I thank the gentleman from Mississippi, and I yield back the balance of my time.

● Mr. MACKAY. Mr. Speaker, I rise this evening in support of a constitutional amendment to permit voluntary, silent prayer in our public schools, and to urge the House leadership to schedule floor action on such an amendment at an early time.

I do not believe that our Founding Fathers intended to bar God from our public schools. Clearly, our Constitution was designed to prevent the prescription of a specific prayer or set of religious beliefs; and I believe rightly so. But many school districts have overreacted to decisions by the Supreme Court on this issue. I believe that action by the Congress is necessary to eliminate the uncertainty created by those court rulings.

The Supreme Court has not barred a moment of silent prayer. Indeed, many States have subsequently passed laws establishing such a time for silent prayer during the schoolday. Yet, other States fear to do so lest they risk court action. Further, the rulings have been interpreted to prohibit the use of school facilities by religious organizations.

I believe a constitutional amendment is necessary to assure school districts across the country that they will not be the target of litigation should they permit silent prayer or permit a Bible study club to meet in a classroom after school.

I firmly believe that our Founding Fathers intended the Constitution to be neutral on the subject of religion. I believe that an amendment permitting silent prayer in a noncoercive fashion, and which would permit religious extracurricular groups the same access to public facilities given to political or social clubs, will help clarify and reaffirm the Constitution's neutrality on this issue.

Mr. Speaker, no public body should be permitted to write a prayer. No public official should be permitted to mandate the recitation of a prayer he selects. Nor should the Constitution be construed to ban religious beliefs—or prayer—by individuals.

The danger in school prayer comes not from religion; but from the intimidation and coercion that comes from imposing a specific power or religious belief on young people at a time when peer pressure is perhaps the most powerful force in their lives.

The right to pray silently, or to choose not to, coerces no one. It calls no child's particular religious views into question. Such a right, if granted specifically by the Constitution, does not threaten any other right. That is the test which must be applied when seeking to amend our Constitution. It is why I support an amendment permitting silent prayer, but would oppose one calling for the recitation of a prayer chosen by a public official or public body. No public official should be permitted the opportunity to designate the correct prayer. That is when the rights of others are threatened.

The Constitution must never be used to take away the rights of Americans—either to pray, or to choose not to.●

● Mr. GOODLING. Mr. Speaker, I rise in support of a constitutional amendment returning voluntary prayer to our public schools.

I have studied the Constitution in great detail and at no point can I find any intent on the part of that document's framers that could have inspired the Supreme Court Justices to declare the daily recitation of prayer by our Nation's schoolchildren unconstitutional. I find words prohibiting the Government from establishing religion, and I understand and support their intentions. But, Mr. Speaker, I also find words that oppose any restriction on the free exercise of religion—and isn't that what the Supreme Court has done and the Congress supported through its inaction? Have we not restricted the exercise of religion in our Nation's schools?

Mr. Speaker, surely we cannot, in good conscience, deny to our Nation's children the privilege of opening their day with prayer when we reserve that right for ourselves in this body of Congress.

And you may ask why there is a need to return prayer to schools. You may ask, "Will this solve all of the problems confronting our Nation's schools? Will students automatically behave better, perform better academically?" I would be foolish to guarantee that these changes will rapidly take place. I taught too many years in our public school system and worked too long in the House of Representatives to know that such miracles rarely happen. Positive changes many times come slowly. But I do know one thing: there is presently a lack of moral direction among our Nation's schoolchildren. Too often the lessons children learn at home and at church are easily forgotten once they enter the school environment and come under the influence of their classmates. Is it so hard to believe that a moment of silent meditation, a moment of prayer at the start of each schoolday could serve to remind students of the values that they bring with them from their homes and assist them in maintaining such values in the school setting?

Is it so hard to believe that this, in turn, could provide the type of moral direction that students need in order to resist the temptations of drugs, alcohol, and other inappropriate behaviors?

A moment of silence, a minute of prayer could add to each student's day the order he or she needs to accomplish the day's tasks, to perform well academically, and to be the type of caring, responsible citizen who contributes to a fair and just society.

I urge my colleagues on the House Judiciary Committee to bring a constitutional amendment permitting voluntary prayer in our Nation's schools before the entire House of Representatives for consideration at the earliest possible date. Until that time, those of us who know the importance of religious belief have a special responsibility to demonstrate through our own lives the strengths and benefits that faith can bring.●

● Mr. PAUL. Mr. Speaker, we have witnessed in the last few months something at which the Founding Fathers would have been horrified—the unconstitutional jailing of Christian fathers whose only offense was to enroll their children in a church-related school. We need to look seriously not only at this specific incident but consider what it portends for our society.

All of us are well aware that thousands of American families are pulling their children out of public schools, which they fear are threatening their children's physical safety and corrupting their children's moral development. These parents are enrolling these children in what has become a thriving Christian school network. Many of these schools are turning out excellent students who score high on standardized tests and are better equipped for college than their public school counterparts. We have an obligation to address the concerns of these parents and to ponder what we can do to help.

It is encouraging that we have before us the opportunity to take two very positive steps—steps which will not only improve the quality of the public schools but advance the cause of individual freedom.

First, we can restore to our public schools the right of our children to pray in them. I am in complete sympathy with parents who feel that the schools are eroding the Biblical values they are trying to instill in their children, replacing those values with a secular relativism that is directly antithetical to them. These parents yearn for redress of this imbalance, and prayer would be a big step in that direction. It occurs to me that we had prayer in our public schools for decades—decades which were among the most productive in our history. It is time once again that we allowed our children to pray in their classrooms.

It strikes me as ironic that those who call themselves civil libertarians have been in the forefront of the fight against school prayer, since school prayer, it would seem to me, is nothing more or less than the free exercise of religion, which is itself protected by the first amendment.

But even more ironic is the fact that these same so-called civil libertarians have also been in the forefront of the fight to keep all religious observances out of public places like our schools. After all, if the first amendment does not apply to public places, then it has no meaning at all.

But here too we have a chance to correct this violation of the Constitution. There are before Congress several bills that would once again provide equal access to school facilities for students who voluntarily wish to assemble during noninstructional time for religious study and prayer.

This, too, seems to me to be a clearcut first amendment issue, and it will be fascinating to see to what lengths critics will go to attack it.

Finally, I would urge those friends of public schools—those who fear that such reforms as tuition tax credits would result in millions of children fleeing the public schools—to begin to address the reasons that parents are taking their children out of the public schools and putting them in private schools.

There are very good reasons that these parents are opting for private schools—and restoring the free exercise of religion in public schools might be the best thing to happen to public education in our lifetimes.●

● Mr. LENT. Mr. Speaker, over 200 years ago, our forefathers came to America in search of freedom—the freedom to practice personal beliefs as they saw fit. This freedom is part of the basic fiber of America, a freedom which makes our Nation the envy of the world.

I come before this distinguished body today to join my colleagues in an effort to recognize the importance of this issue and to insure its vital role in our society.

In 1962, the U.S. Supreme Court outlawed school prayer as a violation of separation of church and state. Since then, 23 States have authorized a period of silence for prayer or meditation. Subsequent court challenges have tested and overturned numbers of these State laws. And now the moment of silence is threatened to be banished from our schools.

New York State law gives teachers the option of holding a short period of silent meditation. Many school districts in the Fourth Congressional District which I represent begin the day with a such an observance. This period of silence takes less than 30 seconds! It is up to each individual student as to how he or she uses that period—for prayer or meditation. No one is forced to pray, and no religion is promoted above others.

A simple moment of reflection fosters spiritual well-being, character, in our youth. It helps the children start the day on a proper note. Here in the House of Representatives, it has been a time-honored tradition to begin each work day with a short prayer. But our children are denied the same opportunity.

I join my colleagues today to send a message loud and clear that Americans—and we in the House of Representatives—support the right to retain the moment of silence in our public schools. These beliefs have been passed on from generation to generation and have helped to make America the great Nation it is today. Let us see to it that this tradition continues to play an important role for America's future generations. Thank you.●

● Mr. SHUMWAY. Mr. Speaker, I am pleased to have this opportunity to express my strong support for a constitutional amendment allowing voluntary prayer in the public schools, and I appreciate the efforts of my colleagues in arranging this historic special order.

Twenty years have passed since the Supreme Court's decision in Engel against Vitale which outlawed public school prayer. However, the problem is no less real today than it was at the time of that decision. Last September, a Gallup poll indicated that 81 percent of the American people favor the successful implementation of the voluntary prayer amendment to the Constitution. Nine resolutions are pending before the Congress to facilitate such an amendment and, as a sponsor myself, I am pleased that the effort enjoys bipartisan support.

As the President asked in his State of the Union Address, is it not ironic that we in Congress begin each legislative day with a prayer yet the Nation's children are denied such an opportunity? I believe the most effective way to address this longstanding problem is the passage of legislation providing for the needed constitutional amendment.

In light of the overwhelming public support for voluntary prayer in the public school, I have no doubt that such an amendment would meet with enthusiastic ratification.●

□ 0850

● Mrs. SMITH of Nebraska. Mr. Speaker, this special order is indeed special—we are talking about perhaps one of the most important and meaningful parts of life and a way of living for the vast majority of Americans of many religious beliefs. We are talking about an activity from which we draw strength, and courage, and ask for guidance—just as our forefathers asked for guidance and from which they found the strength and foresight to bring forth this great Nation.

Unfortunately, we are talking about prayer because of misguided court decisions that have removed prayer from our public schools and because of leadership in this House that has refused to allow this issue to be freely debated and voted upon.

Several of my eloquent, knowledgeable colleagues have preceded me during this special order about the historical constitutional and legal background of the school-prayer issue. I want to thank them for some wonderful speeches, for raising some essential points, and for some very inspiring words of wisdom.

But perhaps the most important point is the overwhelming support the American people have for voluntary prayer in our public schools. Nationwide, independent polls—most recently a Gallup poll—showing overwhelming support for allowing students to pray and for amending the Constitution to insure they are not denied the opportunity to express, voluntarily, their religious beliefs and ideals in schools.

This year I included a question on school prayer in my annual districtwide questionnaire. And as has been the case in national opinion polls, the people in my district overwhelmingly want Nebraska children to have the opportunity to start their day with prayer.

The response I got to the school-prayer question was really not at all surprising. For the nearly 10 years I have served in this body, school prayer has generated a steady stream of mail and has been a constant concern of my constituents. Why, they ask, will not this representative body work the will of the people?

What they want is the chance to decide this issue for themselves. And I agree with them wholeheartedly. This issue does not belong on the court dockets nor in the hands of Federal bureaucrats. Concerned parents, interested citizens, conscientious teachers, and local religious leaders want—and should have—the chance to decide on school-prayer policy that reflects their community. We can accomplish this through a school-prayer amendment—allowing the people through their State legislatures to decide the issue.

Toward this objective, I was an original cosponsor when the school-prayer amendment endorsed by President Reagan was reintroduced early in this Congress. And I have signed the discharge petitions in an effort to do everything within my power to get this issue out onto the floor. I want to urge my colleagues who have not already done so to do the same.

And I want to thank the organizers of this very special order—perhaps the right people are listening.●

● Mr. RITTER. Mr. Speaker, today the House of Representatives is discussing voluntary school prayer. I feel that Congress should take all steps necessary to see that this matter receives early consideration and legislation is successfully passed into public law. I urge my colleagues to support legislation to bring back voluntary prayer in our public schools.

Voluntary school prayer is a completely acceptable activity for our public schools to engage in. The U.S. Congress begins each day with a prayer; why should not our children? School prayer existed for many years before Madalyn Murray O'Hair led a crusade to remove prayer from the schools. Her young son who helped her has since completely reversed himself. If participation is voluntary, I see no problem with having the option exist for those who choose to exercise it. Why not give schoolchildren an opportunity to recognize a higher order who stands for so much that is good in our lives.

I have been a long-time supporter of reinstating this option and will continue to be in the future. I believe the time has come to allow God back into our classrooms and to encourage the traditional and family values upon which this great Nation was founded.

I have cosponsored legislation calling for a constitutional amendment to reinstate voluntary school prayer and I will do all I can to press for its early enactment.

It is important that we here in Congress protect the rights of all our citizens, therefore how can we ignore the basic rights of our children regarding the freedom to pray.

In recent polls 81 percent of Americans want prayer to be a part of their childrens' public education but because of the Supreme Court's grossly misinterpreted view of the establishment clause of the first amendment which states that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise there of," for 20 years our children have been without this important part of their daily school activities. Hence I believe the amendment promoting voluntary school prayer should be passed as soon as possible thereby reflecting the wishes of 81 percent of the American people.

Thank you.●

● Mr. QUILLEN. Mr. Speaker, I welcome this opportunity to join many of my colleagues in this prayer vigil requesting that we be afforded the opportunity to vote on a constitutional amendment to allow voluntary prayer in public schools.

I am a cosponsor of the President's proposal, House Joint Resolution 100, and have also signed the discharge petition to bring this amendment to the House floor for a vote. Since my swearing in as a Member of the House in 1963 to this day I have supported such a constitutional amendment.

Every day this House meets, the session opens with a prayer. Nearly every President since Washington has proclaimed a day of public prayer and thanksgiving. We acknowledge God in our national anthem and in the Pledge of Allegiance. Our coins proclaim: "In God We Trust." We are a religious people whose public institutions presuppose a Supreme Being. And yet, because of judicial misconstruing of law, our children are denied the opportunity to begin each school day with voluntary prayer. Because of this, I believe it is high time for the Congress to respond to the clearly expressed desire of the American people and to use the means provided by the Constitution.

The amendment I support will remove the prohibition of school prayer created by the Supreme Court and allow prayer back in our public schools. The amendment also expressly affirms the right of anyone to refrain from prayer. The amendment will permit local communities to decide for themselves whether voluntary prayer should be allowed in their public schools and it will allow individuals to decide whether they wish to participate in prayer.

Mr. Speaker, the Founding Fathers who wrote the first amendment to the Constitution did not intend that it would be misconstrued to forbid public prayer. The Founding Fathers opened each session of the Constitutional Convention with a prayer. We do likewise here in the House of Representatives. Why can we not permit the same opportunity to our children in our public schools?●

● Mr. HAMMERSCHMIDT. Mr. Speaker, I rise today in support of legislation to permit prayer in our public schools. In every Congress since the 94th I have sponsored a constitutional amendment to remove the present prohibition on prayer in the schools. I feel that this legislation is in the best tradition of our country, which has always placed emphasis on spiritual values.

Our Nation was founded on the principles of religion. We open our daily congressional session with prayer, and yet our children are prohibited from praying voluntarily in school. The prohibition on voluntary prayer flies in the face of our constitutional history, scholarly constitutional analysis, and the will of the majority of Americans.

Throughout the year I receive more letters daily in favor of school prayer than on any other issue. Clearly, the American people desire their children to have the opportunity to express their spiritual beliefs in the classroom. Voluntary prayer would allow children to express their faith in God without forcing their views on the other students.

I urge my colleagues to join me in passing legislation to permit our children to pray at school. Let us not allow this body to stand in the way of upholding that basic right from our children. The following is the text of my bill on school prayer, House Joint Resolution 288:

H.J. RES. 288

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"SECTION 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in voluntary prayer.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.".●

● Mr. **KEMP**. Mr. Speaker, it is easy to misunderstand the intent of the prayer amendment. Some speak as if it represented an extreme position. But in fact this amendment steers between the extremes. The true purpose is to restore balance to the question as to how this Nation's public schools should treat religion and in no way forces anyone to violate their conscience.

The extreme, on the one hand, are those people who are sectarians. They would force everyone to recite some text which is accepted by their particular religious persuasion. But this extreme would violate that part of the first amendment which forbids Congress to pass any law establising a religion. As between religious faiths, all government in America must remain neutral.

The other extreme is to deny any acknowledgment of the Supreme Being in the schools. This is the opposite error because it refuses to admit there is any value to the common divine denominator of all religion. This extreme violates at least the spirit, and perhaps the letter, of the other part of the first amendment prohibiting Congress from interfering with the free exercise of religion.

Our tradition in America from the generation of the founders until today is to steer clear of the two extremes, to avoid any preference for one religion over another on the one hand, but also to avoid denying all religion on the other hand.

This all night vigil and special order is an extraordinary event and I congratulate the men and women who have participated. They have focused attention on the values so inextricably linked to the freedom and prosperity of our Nation.

We sometimes forget that the basic law of the United States in our code of laws is the Declaration of Independence. Four times the Declaration appeals to God.

First, in proclaiming that the law of "nature's God" entitles Americans to have their own government.

Second, in stating that the inalienable rights of all human beings come from "their Creator."

Third, in swearing by the "Supreme Judge of the World" that the intentions of the revolution are just.

And fourth, in pledging everything the American people have under the protection of "Divine providence."

Even more directly to the point, the third organic law in the United States Code—preceding the first amendment—is the Northwest Ordinance of 1787. Article III of the ordinance says in a nutshell everything we have been saying here today. "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

If our organic law says that religion is part of the happiness of mankind which all men are entitled to pursue, and connects religion with the Nation's schools, it makes no constitutional sense at all to preclude students from praying. The first amendment is an essential part of our Constitution, but it did not repeal the Declaration of Independence. It did not repeal the Northwest Ordinance.

I would like to point out that that same Jefferson who wrote the Declaration and helped write the Ordinance also wrote the Virginia bill for religious freedom. In fact, it was Jefferson who also demanded that the first amendment to guarantee religious liberty be added to the Constitution as part of a bill of rights. More than any other founder, perhaps, Jefferson insisted that there be a "wall of separation between church and state." Indeed we owe this very expression to Jefferson.

But Jefferson also knew what we sometimes forget: That we cannot have faith in human rights—or civil rights—without belief in the Supreme Being who gives those rights to us.

For that reason he once wrote, "Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath?"

And let me ask Jefferson's question very frankly: Unless we acknowledge a Supreme Being, what other reason can any of us give that will prevent Government from taking away our human rights and freedoms—particularly that freedom of religion that the opponents of this amendment themselves say is so valuable? If young students are not taught to understand why their democracy came into existence and why it must continue to strive for the goals of equality and liberty, are we not taking an enormous risk that all our freedoms will be threatened some day in the future? Can Christians, can Jews, afford the risk of a government whose leaders refuse to recognize a Supreme Being? Our founders thought that risk was unacceptable. They provided equally for recognition of the Divinity as the other half of their adamant refusal to prefer any religion over another. These are two sides of the same coin, and I believe that the position of denying children the right to acknowlege God in school amounts to just as much of a danger to religious freedom as the opposite error, preferring one religion to another.

Extremism that has become respectable is still extremism.

President Franklin Roosevelt was possibly our greatest liberal President, but he was not an extremist. "Periodic attempts to deny God have always come and will always come to naught," he said, "in the Constitution and in the practice of our Nations is the right of freedom of religion. But this ideal, these words, presuppose a belief and a trust in God."

This amendment allowing those students who desire it to have the right to recognize the God of our ideals, is the most reasonable and moderate way I know of to restore the balance between recognizing an official religion and prohibiting religious practice altogether.

In this country, political silence concerning a Supreme Being is simply impossible. Without acknowledging the Divinity, our institutions collapse, deprived of their whole basis. Silence about the Supreme Being makes it impossible to say why our rights should not be taken away by Government itself. Respect for human rights is the result of respect for the Divine Creator of those rights.

The civil rights movement was sustained, according to Martin Luther King, by its "conviction that the universe is on the side of justice * * * whether we call it an unconscious process, an impersonal Brahman, or a personal being of matchless power and infinite love, there is a creative force in this universe that works to bring the disconnected aspects of reality into a harmonious whole."

Allowing public school students to pray is the beginning of a democratic process that ends by acknowledging the human and civil rights of all people, everywhere and for all time.

May I close with an Old Testament prayer, Blessed is the nation whose God is the Lord.●

● Mr. ROGERS. Mr. Speaker, over the past few days, weeks, and months, this Congress and this Nation have continued to speak out against a wrong committed by the highest court in our land over 20 years ago. That mistake was the Supreme Court's decision to declare the rights of our children to pray in public schools as unconstitutional. It is an issue that reaches into the hearts of many Americans and many of my constituents in the fifth district of Kentucky. And the outcome of our current debate here in the Congress will surely affect the lives of all our children. I rise today, Mr. Speaker, to express my enthusiastic support for the constitutional amendment offered by my colleague from Ohio (Mr. KINDNESS); an amendment that would restore the rights of our children to voluntarily pray in school.

Freedom of religion is guaranteed by our Constitution, and this Nation's devotion to God and religious principles has become a fundamental part of our heritage, as well as our daily lives. We are a religious people and that fact is reflected every day—we acknowledge God in our national coinage, our national anthem, and in our Pledge of Allegiance. Since the days of our Nation's first Constitutional Convention, prayer has been a part of our public assemblies. Even now, this House of Representatives begins its session every day with a prayer. The constitutionally granted right to freely express religious beliefs carries great meaning in our entire public life and that includes our public schools. Certainly if we in this Chamber are allowed to begin our workday with a prayer, our children should have the opportunity to begin their schoolday in the same manner.

Our people place great emphasis on the need for our children to exercise religious beliefs, and on the firm foundation that our children derive from such activities. Yet while I do feel that our families and churches bear the primary responsibility for the religious education of our children, there is no question that our children spend most of their waking hours in school. If we truly believe that by encouraging our children to pray, we are taking better care for their futures, then we should not allow our schools to remain devoid of this form of religious expression.

I sometimes wonder how it is possible for a child to grow up these days staying firmly on the "straight and narrow path." Our children certainly have temptations that many of us never had when we were growing up. This Nation finds itself facing high rates of drug abuse, teenage alcoholism, teenage pregnancy, and juvenile delinquency. With these kinds of immoral outlets available, it is no wonder that growing up to live properly has become more and more difficult for our children. By permitting our children to pray in schools, we help them to fight these temptations, we help them to raise their ethical consciousness, we help them to help themselves. What better way to see to the needs and futures of our children than by allowing them to voluntarily pray in school.

Mr. Speaker, the constitutional amendment I stand in support of today reflects my strong belief in the rights of our children and young adults to pray in schools, but let me make clear my equally strong belief that no person should be required to participate in any organized school prayer. And this amendment affirms and protects the right of anyone to refrain from any form of religious expression in school. This amendment also tells the communities of this Nation and of my Fifth District that they can determine whether to permit prayer in their schools. And if those local school boards decide to permit prayer, then this amendment tells individual parents and children that they may decide whether or not to exercise that right. The colleagues I join today in supporting this amendment want no part in forcing children to pray, or to participate in a particular religion, or to participate in any religious expression at all. However, we do want our children to be able to voluntarily participate in an exercise that may be a vital part of their daily lives.

Since the day I was elected into this great body of Congress, I have wholeheartedly supported prayer in our schools; because I believe in it, the hundreds of constituents who have written me on the issue believe in it, and the vast majority of Americans believe in it. I am pleased to be on record as a cosponsor of this constitutional amendment, and I urge this body to at long last take up the matter and restore the right to pray in our schools. I join my many colleagues and many fellow Americans who desire the return of our religious freedoms. I lend my fervent support for passage of this constitutional amendment, and the return of a balanced education which we will insure by putting prayer back into our schools.●

● Mr. YOUNG of Florida, Mr. Speaker, our Nation was founded by a group of brave men and women who left their homeland in Europe and risked their lives crossing the Atlantic Ocean in search of a land where they would be free to worship God. Clearly, the freedoms of religious worship and prayer are vital parts of our national heritage and even the slightest denied of those rights is contrary to the ideals of our Nation.

The U.S. Supreme Court, however, ruled in 1962 that our public schools cannot encourage prayer. That ruling stands today and is the basis for many students' perception that they are not allowed to pray in school. What does it do to our children's belief in God when they think their own Government is oppose to God, religion, and prayer?

As a newly elected Member of Congress, the first legislation I introduced in the 92d Congress was an amendment to the Constitution reaffirming our students' basic rights to voluntary prayer in the public schools. Today, I am reintroducing my legislation as I have done in each of the seven terms I served.

No one in our country should be forced into any religious observance, but on the other hand, our Nation's students should not be denied the opportunity to pray in school. My legislation does not seek to inject government into religion. It simply restates the principal that the Government shall not prohibit religious practices.

My home State of Florida permits a period of silent meditation at the beginning of the school day, and it is inspirational to be there and see students voluntarily pray to God. Numerous polls show that the American public overwhelmingly supports our efforts to reaffirm the constitutional right to school prayer.

Religious freedom in such a basic right in our Nation, that our coins and currency continue to bear our national motto, "In God We Trust," and the Pledge of Allegiance to the Flag includes the words, "Under God." In response to a 1977 legal challenge to these phrases, I introduced legislation in the 95th Congress to reaffirm our support for our national motto. I am reintroducing this legislation today because our national motto succinctly reflects our continuing support for free religious worship.

It is my hope that the leadership of the House follows the lead of our colleagues in the Senate and schedules legislation guaranteeing the basic right of voluntary prayer in our schools. Our Constitution and national motto reflect that America was founded by men and women firmly committed to the freedom of religion. If we are to survive as a nation, we must adhere to those same moral principles that have transcended our long and proud history.●

WORKER EXPLOITATION AND THE RESURGENCE OF SWEATSHOPS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. MAZZOLI) is recognized for 5 minutes.

Mr. MAZZOLI. Mr. Speaker, I rise today to focus attention on the very serious and increasingly prevalent problem of worker exploitation. I refer to the alarming proliferation of sweatshops in our Nation—sweatshops in which men and children, but mostly women, work long, hard hours for low pay for employers who are violating, in gross fashion, the most basic and accepted labor laws and employee workplace safety standards.

Such exploitation was well documented at the turn of the century, but we all thought that enforcement of Federal and State labor laws and safety standards had just about eliminated this abomination. In fact, by the early 1970's it was estimated that as few as 200 sweatshops remained in New York's garment district.

But today, I am sorry to report, Mr. Speaker, the problem has returned. As many as 5,000 sweatshops could be operating in various cities across the country marked by the same deplorable worker conditions and by the same exploitation which marked the sweatshops of the early 1990's.

Mr. Speaker, all existing laws directed at wage and hour provisions and occupational safety must be enforced strictly and unflinchingly.

I applaud efforts such as those of the U.S. Labor Department to strengthen labor standards enforcement. Recent investigations under the Department's special targeted enforcement program (STEP) resulted in a total of $30.3 million in back wages being paid to some 138,000 workers. Continued scrutiny of labor-standard compliance is necessary.

Mr. Speaker, it is a well known fact that many of these sweatshops are staffed by undocumented workers. These workers cannot organize for collective bargaining purposes nor even demand the basic rights and protections due them as human beings. They cannot complain about dangerous working conditions for fear of losing their jobs. Consequently, they are ripe for exploitation. And they are exploited shamelessly.

If the Immigration Reform and Control Act (H.R. 1510) were adopted, some of this exploitation would cease. The flow of undocumented aliens would be curtailed. Many aliens here in the United States could have their status legalized and would no longer have to live furtively and clandestinely. They would no longer have to fear discovery and deportation. They could join or even start unions. They could file complaints and law suits. And, in all ways, protect themselves from grasping unscrupulous employers.

Mr. Speaker, I would like to insert at this point in the RECORD recent New York Times articles chronicling the shameful increase in sweatshops in our land.

COMBATING GARMENT SWEATSHOPS IS AN ALMOST FUTILE TASK

(By William Serrin)

On April 24, 1981, Secretary of Labor Raymond J. Donovan led a raid on a garment factory at 125 Canal Street in Chinatown.

A statement issued afterward by the Department of Labor described the event this way:

"The drunk on the trash-strewn sidewalk barely lifted his head as the van pulled in front of the loft building in Manhattan's Chinatown.

"Crouched inside the van, Secretary of Labor Raymond J. Donovan and a team of his wage and hour compliance officers were about to investigate sweatshop working conditions in the garment factories above.

"The Donovan compliance officers and the Chinese-speaking interpreter bypassed the broken elevator and raced up the stairs. Then they fanned out on two separate floors of the building.

"It was time to go to work investigating the alleged violation of the standards involving child labor, minimum wage and recordkeeping abuses."

Later that morning Mr. Donovan said: "The unions and manufacturers will have to act. Congress will have to put more teeth in the law."

Today little is changed at 125 Canal Street or in the enforcement of work standards for the the American garment industry.

INTRACTABLE PROBLEMS

The building at 125 Canal Street seems no better, no worse than when the raid occurred. The workers are working hard, and it is not even clear whether the shop, a union shop, was ever a sweatshop.

The problems of identifying sweatshops and of enforcing laws against them have remained intractable, and government officials and others familiar with the industry agree that government action is episodic at best, although some government officers at the local, state and national level say some aspects of enforcement have improved.

In the last several years no major drive has begun against sweatshops. No Federal laws have been strenghened, and task force investigations of garment industry conditions in New York, Chicago and Los Angeles have been ended, according to the Department of Labor.

"There is no enforcement, none at all," said Kurt Barnard, executive director of the Federation of Apparel Manufacturers.

GOVERNMENT REGULATION SUGGESTED AS REMEDY

Despite the problems of enforcing laws now on the books, officials who follow the industry have several proposals that they say could combat sweatshops more effectively.

One calls for passage of a state garment factory registration law, based on a law enacted in California.

Endorsed by the State Industrial Commissioner, Lillian Roberts, the proposal would require all garment manufacturers with more than five employees to register with the State Labor Department. To maintain registration, the companies would have to comply with state wage and workplace health and safety legislation. Manufacturing without registration could mean confiscation of garments.

JOBBERS VIEWED AS RESPONSIBLE

This proposal, according to its sponsor, State Senator Franz S. Leichter, "goes to the heart of the sweatshop problem by making the jobber ultimately responsible for what goes on in the sweatshop," because "it is the jobber's goods that would be confiscated."

Another proposed state law supported by the Manhattan Senator would require that each lot of garments carry with it a certificate attesting that the garments had been manufactured in compliance with state labor laws. The certificate would be signed by each contractor who had worked on the lot. Retailers would not be allowed to sell garments produced in New York State that did not carry the certification. Lots that were not in compliance could be seized.

Senator Leichter also calls for a national garment shop registration law to provide for a central listing of all authorized garment shops.

The International Ladies' Garment Workers Union supports most of these proposals and puts forth several others.

One of the union's key proposals, to protect the industry from imported goods, would roll back imports to 25 percent of all sales. If this were done, the union says, it would create 315,000 jobs in the United States.

The union also calls for increased immigration control and reorganization of the Immigration and Naturalization Service to eliminate delays in immigration that, the union says, lead many foreigners to enter the United States illegally. Illegal aliens, the garment union says, are more willing to accept low wages and sweatshop conditions.

The union favors a counterfeit-proof worker identification card and penalties for employers who knowingly hire violators of immigration laws. And the union calls for amnesty for illegal aliens—a move, it says, that would nullify efforts by sweatshop owners to take advantage of the fact that these aliens are violating the law.

A bill passed in the Senate this year would grant amnesty to illegal immigrants already in the country and would make it unlawful for employers to hire illegal immigrants. But that bill is not likely to pass the House this year or next, the Speaker of the House, Thomas P. O'Neill, Jr., has said.

INDUSTRY "SYSTEM" BLAMED IN PART

None of the proposals are close to approval. This is because the problems of the garment industry are intertwined with the structure of the industry; to reform the industry would be to change the industry fundamentally.

The essence of this system—a complicated jobber-contractor system—evolved as the industry grew, because in many cases entrepreneurs had only enough money or knowledge to do one function—design, say, but not manufacturing. Under this system, says Dr. Emanuel Tobier, professor of economics at New York University and an expert on the garment industry, "the contractors are sort of labor drivers, bosses, padrones."

In addition fashion always has been a risky business, and the jobber-contractor system reduces the risk of failure; if one style of clothing fails, the costs are spread to several concerns.

Moreover garment shops can be set up cheaply and quickly, in some cases for $20,000 or less.

"All you need is a lease and to be able to rent machines—and a contract for work," said Michael Webber, a former garment workers' union organizer and now an assistant to Senator Leichter. "Then supply the workers, almost literally off the corner."

New Yorkers see this competition in the clothing carts along Seventh Avenue, the men cutting deals on Seventh Avenue and other streets of the garment center, the bustling garment center restaurants at noon. But there is also unseen competition: in garment factories in the 19th-century buildings of Chinatown, in sweatshops in Brooklyn, Queens, the Bronx and other cities of the country, in sweatshops in foreign countries.

Manufacturers and retailers may be upstanding members of their communities, said Sol C. Chaikin, president of the garment workers' union. "Sweatshops could not survive for a minute," he observed, without the clothes sent to them by reputable businessmen.

"The thing that makes it possible for them to maintain a pose of indifference or unknowing is the jobber-contractor system of production," Mr. Chaikin said.

Yet manufacturers and retailers strongly defend themselves.

High-fashion clothiers, major retail stores, discount stores—all may at one time sell goods made in sweatshops in this country or abroad. But retailers oppose limitations on imports, saying that, in a highly competitive market, they must have the freedom to buy the garments they want at the best price.

Retailers and manufacturers say they have no knowledge of conditions in the garment factories to which they contract work, nor any responsibility to inspect conditions.

Kurt Barnard, executive director of the Federation of Apparel Manufacturers, said registration and confiscation of goods would be unfair to manufacturers and jobbers. Present laws are adequate to insure satisfactory wages and conditions in garment factories, Mr. Barnard said, if the laws are enforced.

UNION INITIATIVE CRITICIZED

Many in the industry believe that it is the responsibility of the garment union to organize the industry more thoroughly, including sweatshops. Many major clothing companies are not unionized, nor are thousands of small shops, including sweatshops. And there is almost no chance they will be.

"You're competing in an industry in which half of your competitors are not organized," said Eli Elias, president of the New York Skirt and Sportswear Association.

Union officials strongly defend the union and say it has a strong future. "I don't know of any union doing a lot of organizing right now," said Joseph Danahy, the garment union's organizing director.

The union faces serious challenges in organizing and enforcing contracts.

Katie Quan, who has worked in the garment industry in New York and San Francisco and is now on the staff of the Asian-American Legal Defense and Education Fund, accuses the union of lacking "a plan of how to clean up sweatshops." She says the union's business agents generally are not energetic in explaining workers' rights to workers or in trying to enforce contracts.

"They don't go into shops and shake things up and explain," she says.

JOB GRIEVANCES SUPPRESSED

The union, she says, "sits back and waits for people to write grievances." But most Chinatown workers will not submit grievances, because they are fearful the union will not support them, Miss Quan said. And workers who attempt to rally other workers for the union face having their names listed on what amounts to a blacklist, she said.

But in June 1982, when some Chinatown contractors attempted to abrogate their contracts, the workers resisted; some 20,000 attended an enthusiastic rally in Columbus Park in Chinatown. Since then the union in Chinatown has shown more aggressiveness and has even supported Chinatown residents in nonunion matters. Thus the union backed the movements against a new Chinatown jail and for expanded day-care facilities for Chinatown garment workers.

Many workers believe nevertheless that if their employers are forced to increase wages or are fined, it will hurt the employers and perhaps force them out of business, costing the workers their jobs.

Miss Quan said that in some cases when the union had forced Chinatown contractors to pay overtime, the contractors had handed out checks and then had got on a microphone in their shops to announce that they had been good to the workers and that the union should pay the money back. Some workers, she said, returned the checks.

"You can't expect to change piecemeal what is essentially an institutional sweatshop problem," she said.

The garment union rejects the argument that manufacturers and jobbers are not aware when sweatshop conditions prevail at the shops to which they send their work. "I can't see anybody giving out $40,000 in rolled goods or cut goods and not knowing what's going on," said Mr. Danahy, the union's organizing chief.

A FEELING OF FUTILITY PERVADES THE INDUSTRY

With thousands of small, scattered garment shops that sometimes open overnight, and many illegal immigrants in the shops, union organizing is a tedious job. The other day two union organizers, Geoffrey Bauman and Luis Acevedo, went to the Corona sections of Queens, looking for unorganized shops.

After searching about, Mr. Acevedo said that some shops that had existed a few weeks before had disappeared.

"This place was here, I know it," he said, frustrated.

Other shops seemed to be preparing to open—one, for example, in an empty supermarket site south of Roosevelt Avenue.

Fines authorized under present laws that are aimed at curbing sweatshops are inconsequential, the union says. "It's a cost of doing business," Mr. Danahy says. "They put it in the file with the electric bill and the telephone bill."

Stanley Aronowitz, a professor of sociology and a labor expert at the Graduate Center of City University of New York, says: "As long as you have illegal immigration, the fate of the union is insecure. It is hard to protect unionized workers when thousands of illegals are willing to work for whatever wages they can get."

Many illegal immigrants believe that if they join the union, they will be identified as illegals and discovered by the government.

Government agencies say they sometimes lack resources and personnel to enforce the labor laws, but the union says government inspectors lack language skills and zeal. "The average Labor Department guy, with 20 years in the Department of Labor, is not happy about being ordered to Jerome Avenue in the South Bronx," Mr. Danahy said.

The union knows that in places like Chinatown small garment factories might close if it tried to enforce strictly union contractual or legal requirements—like paying overtime or holiday pay.

Mr. Chaikin is distressed that, in national discussions of the nation's manufacturing decline and of proposals for an industrial policy, almost no mention is made of the garment or textile industries. "I can show you lengthy papers on industrial policy with nothing about the garment industry," he says.

LOSS OF INDUSTRY FEARED

Dr. Herman Starobin, the union's research director, believes that unless the United States limits the importation of foreign-made clothing, the manufacturing of garments will essentially cease in this country by the end of the century.

Mr. Chaikin says the manufacturing industries that receive attention are the automobile, steel, chemical and other industries that are linked to the nation's military preparedness. These industries, he notes, employ many men, who are still widely regarded—unlike women in the garment industry—as breadwinners.

Moreover, he says, when an auto or steel plant closes, several thousand workers lose their jobs at one time, and a community can suffer. The garment industry has lost 700,000 jobs in the last 10 or 15 years, he says, but often in small increments, and this goes unnoticed.

Mr. Chaikin is troubled, too, because, he says, the job sectors that are growing in New York, like finance and publishing, "do not afford job opportunities for the underclass of New York City."

As the garment industries and other light manufacturing industries disappear from New York and other large cities, job opportunities for less skilled workers, including minorities, decline.

The problems confronting the garment industry, including the existence of sweatshops, are global problems and not easy to solve.

CONTRACTOR FEELS HARRIED

The other day, a contractor, Solomon Bochner, sitting in the small office of Tov Sportswear, a small bathing-suit factory in the Boro Park section of Brooklyn, said imports and the low-wage garments produced in American sweatshops had forced him to place his sportswear company up for auction.

A few years ago Mr. Tov, who had been in the garment industry since he emigrated to this country in 1949, employed perhaps 55 workers. Now, he said, he had about five workers. He used to receive single orders for 1,300 dozen bathing suits, he said. Now, he said, the orders come in for perhaps five or six dozen at a time.

Because he can afford to pay no more than the minimum wage, Mr. Bochner said, the workers feel no loyalty to him and will leave immediately if they believe they are being overworked or treated harshly. "You can't find good workers, only cheap workers," he asserted.

"What can I tell you," Mr. Bochner said. "You can't make money anymore. I talk to my friends, and they are all crying.

THREAT OF IMPORTS STRESSED

Down the street, on the fourth floor of a large, old building, a larger operator, Chaim Feder, runs Lazer Beam sweaters, a knitting factory. Amid the loud whirring of knitting machines, power cutting knives and sewing machines, he expressed similar views.

Major retailers, he said, can bring in knit sweaters from Asia for $20 a dozen, whereas he must pay $25 just for the yarn for a dozen sweaters. After labor and other costs have been included, Mr. Feder said, he must sell a dozen sweaters for no less than $48.

"And they don't sell it for less money," he said of the retailers with cheaper imported goods. "They just make more profit."

"The only time they call us is when they can't get enough goods from the Orient," Mr. Feder said of American manufacturers and retailers.

"I would like to get out, but I can't," he said. "This is an easier business to get in than it is to get out."

(By William Serrin)

In the area of Roosevelt Avenue and 108th Street in Corona, Queens, and in other immigrant neighborhoods around New York, a new industry has emerged in recent years. It is the sweatshop.

The shops generally operate in shabby one- or two-story buildings. They are often hot, cluttered, airless places, sometimes with half a sheet strung over the doorway to let in some air but to keep out the sun. The women at the sewing machines and the men at the pressing machines are mostly immigrants, in this neighborhood Hispanic or South Korean.

After nearly being eradicated, thousands of new shops like these—garment factories disregarding labor laws and health and safety regulations—have in the last few years opened in New York and other cities with large immigrant populations, according to government officials and experts on the garment industry.

Today, "abominable abuses" exist in sweatshops, said Robert Abrams, New York State's Attorney General. "The sweatshop is almost as big a problem as it was at the turn of the century," he said.

Kurt Barnard, executive director of the Federation of Apparel Manufacturers, said that sweatshops had become "the bane of the industry."

"These stinking little factories survive," said Sol C. Chaikin, president of the International Ladies Garment Workers Union. The workers, he said, are largely powerless immigrants, members of minority groups and women. Jay Mazur, secretary-treasurer of the garment workers' union, said sweatshops "are the shame of the 1980's in this state and in many parts of the country."

No precise standard exists to define the term "sweatshop." But garment industry experts use the word to refer to shops that do not pay the Federal minimum wage or, in union shops, the wage stipulated by the union contract; shops where lighting is poor and the air is hot, often because boilers for the pressers are in the same room as the sewing machines; shops where building safety and sanitary rules are violated and where workers are given work to do at home.

Once, the garment-industry sweatshop was considered largely eradicated in the United States, although it may never have been eliminated to the extent that many in the industry and in the labor movement said it was.

But in the last 25 years, foreign-made clothing, manufactured with labor costs that are far less than those in the United States, has taken an increasing share of the United States market. This year foreign goods are likely to make up as much as 50 percent of the purchases of women's clothing in this country.

This increase has put intense pressure on American companies to reduce costs. And at the same time there has been a profound change in immigration to America, including a dramatic rise in illegal immigration. As a result, government and union officials say, thousands of sweatshops exist in New York and other American cities and employ tens of thousands of workers.

The competition from foreign goods has forced many retailers and manufacturers to seek the lowest possible labor costs in the United States, just as the change in immigration has brought millions of largely unskilled workers to America.

These changes created immense pressures on contractors, the people who run the shops where garments are sewn; manufacturers contract for the lowest possible prices, and sometimes contractors are caught in a vise.

"Jobbers can save as much using sweatshops as they would by importing garments from Hong Kong or Taiwan," said State Senator Franz S. Leichter, Democrat of Manhattan, who has been investigating the garment industry for several years.

Often, American companies produce the goods overseas, Mr. Chaikin said—foreign countries receive a constant flow of designs, patterns, machines and manufacturing techniques from America. "China uses patterns made in America," Mr. Chaikin said.

Moreover, money for garment shops is often provided by garment industry trucking companies, which exercise important control in the industry. The trucking companies often determine which contractors get work and which do not, and some trucking companies are controlled by organized crime, according to law enforcement officials and Senator Leichter.

FORTY PERCENT DROP IN MEMBERSHIP

Finally, today, the garment workers' union, once one of the most powerful unions in America, has shrunken greatly in size. It still has sizable financial resources, but its membership has dropped by about 40 percent, from 450,000 to about 280,000, in the last 10 years, and union organization of the industry has declined significantly.

In the 1950's, perhaps 80 percent of the industry was organized. Today, the figure stands at perhaps 25 percent nationally and 50 to 60 percent in the New York-New Jersey area, labor authorities said.

Union leaders such as Mr. Chaikin say the union has not lost its energy. He says it remains an important and vigorous voice in the American labor movement on both domestic and foreign issues. But executives in the garment industry, university observers and numerous union officers and staff members, generally younger people, privately lament what they say is lassitude in the union.

A PORTRAIT OF THE SWEATSHOPS

The new sweatshops are in Chinatown, on Roosevelt Avenue in Queens, on Jerome Avenue in the Bronx, in Long Island City, in West New York and Jersey City in New Jersey and in other places—places where men and women, including many illegal immigrants, toil at low wages, for long hours and often in hot, bleak, unsanitary and unsafe conditions.

This portrait of the shops has been drawn from observation of dozens of them in neighborhoods around the city and from interviews with people familiar with them.

In many cases, the minimum wage, $3.35 an hour is ignored. Employers, particularly in nonunion shops, pay few benefits, and often no overtime. Holiday pay is often late or is not given to workers. Sweatshops can be union or nonunion shops. The union label, while it generally means that garments that carry it have been sewn in shops with better working conditions than have clothes that do not, is no guarantee that government or contractual wage, hour and work place standards have been met.

Often garment industry workers must walk three or four flights to their factories, up dark, dingy, littered hallways. Elevators, when they exist, are often old and small and overburdened; it would take too long to wait for them.

Cloth seems to fly through the machines as the seamstresses make blouses, skirts, dresses, trousers.

The factories hum with the noise of machines—electric cutting knives, sewing machines, pressing machines. Radios play loudly, and there is the babble of foreign languages and the steam and smell of the food that workers often eat at their benches. Floors often are littered with cloth remnants and stacked with cut goods or rolled goods. The factories are hot or cold, depending on the season.

Workers can make $5 an hour, particularly in union shops, although wages can run as low as $1 an hour or, for a time, as high as $9 an hour, because of the complicated piecework wage system that has almost always existed in the industry. The industry and the union consider this system efficient, and there is little effort to change it, although some critics and some workers say it makes the workers both slave driver and slave.

"ISN'T THAT RIDICULOUS?"

Wages in a Chinatown shop are 50 cents for a skirt and 50 cents for a jacket, two workers said. For this, the workers said, they must, on a skirt, sew two darts, a waistband and a zipper, and make a slit; on a jacket, they must sew a pocket and do top stitching. They expect that their income will rise as styles change and they are given garments that are faster to sew—the more garments they can sew, the more they will earn.

The workers, both of whom had been in the garment industry for several years, said they were making about $9 or $10 a day. They said their employers altered the hours listed on their checks to make it appear as though they received the minimum wage.

"They see how much you make, and then they fix the hours to make it look correct," one of the workers said. "Isn't that ridiculous?"

They said their shops were union shops, and that the union, the International Ladies Garment Workers Union, is important, especially because its contracts provide for hospital benefits, which they and members of their families otherwise would not have.

THE REASONS THE SHOPS EXIST

To understand why sweatshops exist, it is necessary to understand the structure of the American clothing industry.

The industry is made up of thousands of companies, many of them small and without extensive capital, and the men and women of the industry are constantly searching for the slighest competitive edge.

The deals that can be seen being cut on Seventh Avenue are merely the most obvious symbols of pressures, frenetic activity, that characterize the industry. Pressure to cut costs, to save a dollar here, a dollar there, to produce goods quickly to get them in the stores in a matter of days to take advantage of a new trend—all this is immense.

"The big retail stores dominate what gets produced now," said Dr. Emanuel Tobier, professor of economics at New York University and an expert on the garment industry. "They call the shots. And if they can get something cheaper overseas, especially if you're talking about a standard item, they'll buy it overseas."

A decade and more ago, because of strong legislation passed beginning with the New Deal, and because of the activities of the two major unions in the American clothing industries, the International Ladies Garment Workers Union and the Amalgamated Clothing and Textile Workers Union, the garment industry sweatshop had in large part disappeared in New York and many other cities in the United States, many experts say.

Federal legislation outlawed child labor in manufacturing and mandated overtime pay when employees worked more than 40 hours a week. Take-home work was essentially outlawed. By the early 1970's, said Glenn F. von Nostitz, a counsel to Senator Leichter, who with his staff has amassed a great deal of information on the industry, there were perhaps just 200 sweatships in New York.

PROFOUND CHANGE TO THE INDUSTRY

But then came the increase in the importing of foreign-made clothing, produced at wage rates far below those in the United States, and the change in immigration, and this brought profound change to the industry.

Until the 1950's almost all clothing purchased by Americans was made in America. Then, beginning in the mid-1950's, first from Japan and then from Hong Kong, foreign-made clothing began to find its way into the United States. At that time just one out of every 25 garments purchased in America was made abroad, and most were high-priced, fashionable items, such as Irish knits, British woolens and Italian silks.

But in the 1960's and 1970's, this flow of goods surged dramatically. In 1982, imported garments made up 41 percent of the women's and children's clothing sold in the United States, and, so far this year, the figure stands at about 50 percent. In 1982, for every 100 women's and children's garments manufactured in the United States, 70 others were imported.The men's clothing industry is somewhat different, with more predictable styles and thus longer production runs, so fewer jobs have been exported in men's clothing.

But more and more in men's clothing, and in the textile industry, which supports the women's and men's clothing industries, imported garments are seizing markets, Mr. Chaikin and other experts say.

Yet, Dr. Tobier says, while much attention is given to the decline in heavy manufacturing—autos, steel and machine tools—almost no attention seems to be given clothing manufacture, even though the women's and men's apparel industries, which despite losses employ 1.3 million workers, remain important. The garment industry, Dr. Tobier says, is "the forgotten stepchild of industrial policy.

Why are clothing imports so extensive? Because of money. Men's and women's clothing can be manufactured abroad often at labor costs one-tenth of those in America. Here, a typical union worker in the women's garment industry makes perhaps $5.50 an hour plus another 30 percent in benefits—unemployment insurance, hospitalization, life insurance—bringing labor costs to more than $7 an hour.

Typical garment-worker wages abroad are 20 cents an hour or less in Sri Lanka, India or China, 40 cents an hour in Taiwan, Singapore or South Korea, $1 an hour in Hong Kong.

A major new wave of immigration began in 1965, the third into the United States in 100 years. This surge was brought about by changes in American immigration laws and was heightened by a vast increase in illegal immigration.

The immigrants, legal and illegal and largely without job or language skills, flocked to big cities like New York, and a new work force thus appeared, eager for jobs and willing to work for almost any wages and under whatever conditions existed. This occurred just as American retailers and manufacturers were coming under pressure to cut manufacturing costs, and it was a situation that Mr. Mazur of the International Ladies Garment Workers Union called "perfect for sweatshops."

Many union leaders and other experts are convinced that because many garment industry workers are unskilled and are often women and immigrants who are members of minority groups, there is a widespread feeling that the wages and conditions under which they work are sufficient, and that no one, workers or outsiders, should expect more.

Today, according to Mr. Leichter, 3,000 sweatshops employing perhaps 50,000 workers or more exist in New York. Another 1,500 to 2,000 sweatshops, according to Mr. von Nostitz, exist in Los Angeles, several hundred in Chicago, and more in other cities, particularly cities in the Sun Belt with large immigrant populations.

Some experts, such as Mr. Tobier and Mr. Mazur, say these numbers seem high or cannot be documented.

IS THERE AN ANSWER TO THE PROBLEM?

The sweatshop problem, like the garment industry, is extremely complicated, and at times it seems to raise questions for which there are no answers, or, at least, no sure answers.

If immigration were curtailed, and illegal immigration halted, would Americans do the garment shop work that new immigrants do? Many contractors are often not in much better economic situations than their workers. If the union vigorously enforced its contracts, and government wage, hour, and work-place laws were enforced, owners' costs would be increased. Could the owners, particularly in small shops, stay in business?

Is Mr. Mazur correct when he says most Americans have no concern whether a shirt, a pair of pants, a skirt or a dress is manufactured in a sweatshop or not, but only that it is of reasonable quality and available at a decent price?

Can contractors be expected to provide better wages and conditions when their prices are set by jobbers and manufacturers? If contractors reject rates offered by jobbers and manufacturers, the jobbers and manufacturers will simply place the work elsewhere, and the contractors likely will be forced out of business.

One day not long ago, on 108th Street, just off Roosevelt Avenue in Queens, a shop manager, Orlando Cruz, stood at the door of a small garment factory. Half a sheet hung at the doorway to keep out the heat. Behind him perhaps a dozen women worked on sewing machines, making sportswear.

Mr. Cruz said the shop was not getting as many orders as he would like, and it was difficult to pay his workers and make any money. He said he did not know how long the shop might be in business.

Eli Elias, president of the New York Skirt and Sportswear Association and a leader in the New York garment industry for 50 years, said that often the largest importers are retailers.

Can retailers be expected to pay more for work when the goods they wish to have made can be imported at the same price or at a lower price from foreign shops? A major retailer "is not going to give you two more dollars a garment because the contractor wants more," Mr. Elias said.

If imports were restricted, as the union proposes, would foreign governments retaliate and place limits on the importation of American products?

Senator Leichter and the union want state and Federal legislation enacted to combat sweatshops. Clearly, they say, many unscrupulous owners are severely exploiting workers who cannot protect themselves.

But Mr. Elias takes a different view of the matter, saying sweatshops have existed essentially since time began, and, probably, given the nature of human beings, and of business, cannot be eradicated.

"I'm opposed to the sweatshop, but I don't want a law about it," he said. "We got 500 million laws on the books. Who lives by them?"

Sweatshops, he said, "are the history of mankind."●

FEDERAL BANK EXAMINERS SHOULD EXERCISE RESTRAINT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, I rise today in behalf of myself and my colleagues in the Oklahoma House delegation to introduce a resolution expressing the sense of Congress that Federal bank examiners should exercise restraint, caution, and commonsense in appraising loans to independent oil and gas producers. It is clear to those of us who understand the industry and its vital importance to our Nation that this resolution is vitally needed.

There is no doubt that the domestic oil and gas industry is suffering right now, particularly the independent segment of that industry. Since 1981, the number of working rigs has plunged dramatically and one need only drive through my home of Tulsa or the State of Oklahoma to see that hard times have hit the oil and gas business.

When the Oklahoma delegation testified before the Ways and Means Oversight Subcommittee in May of 1983, we said that the oil and gas industry was suffering and should not be hit with any energy taxes or additional regulatory burdens. Our position has not changed; in fact, our resolve that the oil and gas producers should be unshackled from Federal bureaucratic controls has deepened even further.

In speaking with constituents in Oklahoma who are in the oil and gas business, it has become abundantly clear that Federal bank examiners often do not understand the unique nature of the oil and gas industry nor the special needs of the producers. Let me cite several examples that well-respected members of the banking community have shared with me to highlight the inexperience of the Federal examiners:

First, a 15-percent discount is taken on reserve evaluations and then credit is given for 60 percent of the remaining balance. Federal examiners then put this 60-percent remaining balance in a substandard classification and the rest in a doubtful or "loss" category which, according to bank officials, means that if a borrower walked into a bank with a legitimate oil and gas request, it would automatically be looked upon as a substandard loan by the Federal regulators.

Second, on rig loans, the Federal examiners would allow 25 percent of the appraised value and the rest would be classified as "doubtful" or "loss." This would be true even if the rigs were working, payments being made, and the operator making a profit.

Third, additionally, Federal examiners are discussing treating repossessed oil and gas reserves as chattel mortgages. By regulation, bankers have to charge off a chattel mortgage 6 months after it is taken back. Yet bankers have a much longer time to deal with repossessed real estate and other categories of mortgages, and there is no logical reason that Federal regulations should require them to treat an oil and gas mortgage as a chattel mortgage.

Mr. Speaker, the examples I have just cited, and the numerous horror stories I have heard from the banking and oil and gas industries, indicate that the Federal examiners need extensive training in the area of oil and gas lending.

In many instances, these Federal examiners do not understand the issues before them or the nature of the subject they are attempting to master. This lack of knowledge and experience would bankrupt any person who attempted to earn a living in the competitive oil and gas industry; yet these inexperienced examiners are making life and death decisions.

I hope that this resolution and the concerns expressed today by the delegation will drive home the point to those who serve as examiners and regulators. We commend the independent oil and gas producers who serve as the vanguard of the free enterprise system and the experienced and compassionate lenders who are working to bring our State through this dangerous period. We only ask that those who wield power learn how to use that power wisely and in the best interests of the Nation.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Emerson) to revise and extend their remarks and include extraneous material:)

Mr. Lewis of California, for 30 minutes, March 6.

Mr. Hammerschmidt, for 20 minutes, March 6.

Mr. Moorhead, for 60 minutes, today.

Mr. Latta, for 60 minutes, today.

Mr. McCollum, for 60 minutes, today.

Mrs. Holt, for 60 minutes, today.

Mr. Sensenbrenner, for 60 minutes, today.

Mr. Rudd, for 60 minutes, today.

(The following Members (at the request of Mr. Seiberling) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 60 minutes, today.

Mr. Mazzoli, for 5 minutes, today.

Mr. Montgomery, for 5 minutes, today.

Mr. Ray, for 60 minutes, today.

Mr. Jones of Oklahoma, for 5 minutes, today.

Mrs. Boxer, for 60 minutes, March 6.

Mr. Mavroules, for 60 minutes, March 7.

Mr. Reid, for 15 minutes, March 8.

Mr. Gaydos, for 60 minutes, March 13.

Mr. Murtha, for 60 minutes, March 13.

Mr. Skelton, for 60 minutes, May 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Emerson) and to include extraneous matter:)

Mr. Moorhead.
Mr. Lagomarsino.
Mr. Conte.
Mr. Archer.
Mr. Daub.

(The following Members (at the request of Mr. Seiberling) and to include extraneous matter:)

Mr. Anderson in 10 instances.
Mr. Annunzio in six instances.
Mr. Brown of California in 10 instances.
Mr. Boner of Tennessee in five instances.
Mr. Jones of Tennessee in 10 instances.
Mr. Gonzalez in 10 instances.
Mr. Nelson of Florida.
Mr. Stark.
Mr. Frank.
Mr. Skelton.
Mr. Hamilton.
Mr. Rostenkowski.
Mr. Mazzoli.
Mr. Ford of Michigan.
Mr. Montgomery.
Mr. Wirth.
Mr. Smith of Florida.
Mr. Wyden.
Mr. Moakley.
Mrs. Burton of California.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 958. An act to amend title 5, United States Code, to reform the merit pay system by providing for a performance management and recognition system for certain Federal employees, to require the establishment of performance appraisal systems for employees covered by the performance management and recognition system, and to increase flexibility in the management of senior executives; and for other purposes; to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title which was thereupon signed by the Speaker:

H.J. Res. 422. Joint resolution designating the week beginning March 4, 1984, as "Women's History Week."

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, for the Committee on House Administration, reported that that committee did on March 2, 1984, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 422. Joint resolution designating the week beginning March 4, 1984, as "Women's History Week."

ADJOURNMENT

Mr. FRANK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 52 minutes a.m.) the House adjourned until today, Tuesday, March 6, 1984, at 12 o'clock noon.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3648

By Mr. RAHALL:

—On page 19, line 6, insert the following after the period:

Such section 11167 is further amended by adding the following at the end thereof "The Commission is directed to postpone the adoption of the Uniform Rail Costing System (URCS) and continue to use Rail Form A methodology until the Board has developed its cost accounting principles. Such principles must be taken into account by the Commission during development and refinement of URCS.".

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2777. A letter from the ACTG Assistant Secretary of Defense (Manpower, Installations and Logistics), transmitting a report on the effects of competing for guard and firefighting services in the Department, pursuant to Public Law 98-94, section 1221(c); to the Committee on Armed Services.

2778. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting a report that sets forth the financial condition and operating results of working capital funds for the fiscal year ending September 30, 1983, pursuant to 10 U.S.C. 2208(i); to the Committee on Armed Services.

2779. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notification on the proposed conversion to contractor performance the family housing maintenance function at the Navy Public Works Center, Pearl Harbor, Hawaii, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(b), (98 Stat. 747)); to the Committee on Armed Services.

2780. A letter from the Chief, Program Liaison Division, Department of the Air Force, transmitting information on two contract actions pertaining to the European distribution system aircraft program; to the Committee on Armed Services.

2781. A letter from the Director, Selective Service System, transmitting notification of a matching program to identify registration violators, pursuant to 5 U.S.C. 552a(o); to the Committee on Armed Services.

2782. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on the proposed transaction involving U.S. exports to Turkey, pursuant to the act of July 31, 1945, chapter 341, section 2(b)(3)(i) (88 Stat. 2335; 91 Stat. 1210; 92 Stat. 3724); to the Committee on Banking, Finance and Urban Affairs.

2783. A letter from the vice president, Chesapeake & Potomac Telephone Co., transmitting the company's statement of receipts and expenditures and the comparative general balance sheet for 1983, pursuant to 33 Stat. 375 and 43 I.C.C. 313; to the Committee on the District of Columbia.

2784. A letter from the Secretary of Energy, transmitting the annual report on the strategic petroleum reserve for 1983, pursuant to EPCA, section 165(a) (95 Stat. 620); to the Committee on Energy and Commerce.

2785. A letter from the Secretary of Energy, transmitting the quarterly report on the activities undertaken with respect to the strategic petroleum reserve under the SPR Amendments Act of 1981, pursuant to EPCA, section 165(b) (95 Stat. 620); to the Committee on Energy and Commerce.

2786. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the National Telecommunications and Information Administration for fiscal years 1985 and 1986; to the Committee on Energy and Commerce.

2787. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on UNESCO's communication programs during 1983, pursuant to Public Law 97-241, section 109(b); to the Committee on Foreign Affairs.

2788. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Harry W. Shlaudeman, Ambassador at Large and Special Envoy for Central America, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

2789. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the Carlucci Commission's report on security and economic assistance; to the Committee on Foreign Affairs.

2790. A letter from the Administrator, Office of Federal Procurement Policy, OMB, transmitting a report on the major activities of the Office during 1983, pursuant to Public Law. 93-400, section 8(a)(1) (93 Stat. 651); to the Committee on Government Operations.

2791. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a report on its activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2792. A letter from the Chairmen, National Endowment for the Humanities, transmitting a report on its activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2793. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2794. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting a report on the Agency's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2795. A letter from the Director, Office of Legislative and Public Affairs, National Science Foundation, transmitting a report on the Foundation's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2796. A letter from the FOIA Director, Federal Home Loan Mortgage Corporation, transmitting a report on the Corporation's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2797. A letter from the General Counsel, Administrative Conference of the United States, transmitting a report on its activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2798. A letter from the Postmaster General, U.S. Postal Service, transmitting a report on its activities under the the Freedom of Informaton Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2799. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting a report on its activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2800. A letter from the Acting Public Printer, U.S. Government Printing Office, transmitting an annual report on its activities of GPO for the fiscal year ending September 30, 1983; to the Committee on House Administration.

2801. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, Transmitting information on proposed refunds of offshore lease revenues to various companies, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

2802. A letter from the Marshal of the Court, Supreme Court of the United States, transmitting a report on the cost of the protective function provided by the Supreme Court police to Justices, official guests and employees of the Supreme Court, pursuant to 40 U.S.C. 13n(c) (Aug. 18, 1949, chapter 479, section 9(c) (96 Stat. 1958)); to the Committee on the Judiciary.

2803. A letter from the Chairman, Merit Systems Protection Board, transmitting a copy of the Board's study of MSPB appeals decisions for fiscal year 1982, pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

2804. A letter from the Chairman, Merit Systems Protection Board, transmitting a copy of the Board's Monograph of the Reduction-in-Force (RIF) Roundtable proceedings held in July 1983, pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

2805. A letter from the Assistant Secretary of the Army (Civil Works), transmitting the results of surveys on protecting Salt Bayou Road, La., and Lake Pontchartrain North Shore, La., and the results of reviews of the seawall at Mandeville, La., and the State dredged Bayou Castine small-boat harbor, pursuant to Public Law 89-789, section 209; Public law 90-483, section 219; Public Law 91-611, sections 216 and 217; Public Law 93-251, section 76; Public Law 94-587, section 150(b), to the Committee on Public Works and Transportation.

2806. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to repeal personnel restrictions applicable to the Department of Energy; jointly, to the Committees on Appropriations and Energy and Commerce.

2807. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Deep Seabed Hard Mineral Resources Act to authorize appropriations to carry out the provisions of such act for fiscal year 1985 and 1986; jointly, to the Committee on Foreign Affairs, Interior and Insular Affairs, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. Supplemental report on H.R. 4170; with amendment (Rept. No. 98-432, Pt. II). Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor H.R. 4164. A bill to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes; with amendments (Rep. No. 98-612). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. BYRON:

H.R. 5015. A bill entitled: the "Senior Citizens Tax Improvement Act"; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 5016. A bill to repeal the mandatory social security coverage of employees of religious organizations enacted by the Social Security Amendments of 1983; to the Committee on Ways and Means.

By Mr. HAWKINS (for himself, Mr. Perkins, Mr. Addabbo, Mr. Berman, Mr. Biaggi, Mrs. Boggs, Mr. Bonior of Michigan, Mrs. Boxer, Mrs. Burton of California, Mr. Clay, Mrs. Collins, Mr. Conyers, Mr. Corrada, Mr. Coyne, Mr. Crockett, Mr. Dellums, Mr. Dixon, Mr. Dymally, Mr. Edwards of California, Mr. Fauntroy, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mr. Frank, Mr. Garcia, Mr. Gray, Mrs. Hall of Indiana, Mr. Harrison, Mr. Hayes, Ms. Kaptur, Mr. Kildee, Mr. Kogovsek, Mr. Leland, Mr. Levine of California, Mr. Lowry of Washington, Mr. Martinez, Mr. Mitchell, Mr. Murphy, Mr. Nowak, Mr. Ottinger, Mr. Owens, Mr. Price, Mr. Rangel, Mr. Roybal, Mr. Savage, Mrs. Schroeder, Mr. Schumer, Mr. Simon, Mr. Stokes, Mr. Torres, Mr. Towns, Mr. Waxman, Mr. Weiss, Mr. Wheat, and Mr. Williams of Montana):

H.R. 5017. A bill to establish a program to provide part-time school year and full-time summer employment to economically disadvantage youth who are pursuing further education or training leading to meaningful unsubsidized employment; to the the Committee on Education and Labor.

By Mr. LEVITAS:

H.R. 5018. A bill to terminate certain authorities of the executive branch of the Government which are subject to congressional review unless those authorities are approved by an enactment of the Congress; to the Committee on Foreign Affairs.

H.R. 5019. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Government Operations.

H.R. 5020. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on House Administration.

H.R. 5021. A bill to terminate certain authorities of the executive branch of Government which are subject to congressional review unless those authorities are approved by an enactment of the Congress; to the Committee on Interior and Insular Affairs.

By Mr. STARK:

H.R. 5022. A bill to amend the Internal Revenue Code of 1954 to provide that percentage depletion shall not be allowable for lease bonuses, advance royalties, or similar payments with respect to oil and gas properties; to the Committee on Ways and Means.

By Mr. SYNAR (for himself, Mr. Tauke, Mr. Watkins, Mr. English, Mr. Rinaldo, Mr. Wyden, Mr. Bedell, and Mr. Markey):

H.R. 5023. A bill to amend the petroleum Marketing Practices Act to promote fair competition in the distribution of motor fuel; to the Committee on Energy and Commerce.

By Mr. WATKINS:

H.R. 5024. A bill to provide that the Department of Agriculture shall be known as the Department of Agriculture and Rural Development, to transfer the administration of certain conservation programs from the Farmers Home Administration to the Soil Conservation Service, to establish the Rural Development Administration within the Department of Agriculture and Rural Development, to transfer the administration of certain rural housing programs from the Farmers Home Administration to the Rural Development Administration, to provide that the Farmers Home Administration shall be known as the Farm Administration, and for other purposes; jointly, to the Committees on Agriculture and Banking, Finance and Urban Affairs.

By Mr. HAMMERSCHMIDT:

H.J. Res. 503. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. MONTGOMERY (for himself, Mr. Hammerschmidt, Mr. Whitehurst, and Mr. Robinson) (by request):

H.J. Res. 504. Joint resolution relating to the 40th anniversary of the liberation of Rome; to the Committee on Post Office and Civil Service.

By Mr. JONES of Oklahoma (for himself, Mr. English, Mr. Watkins, Mr. Synar, Mr. McCurdy, and Mr. Edwards of Oklahoma):

H. Con. Res. 269. Concurrent resolution expressing the sense of Congress that Federal bank regulatory agencies should require their examiners to exercise caution and restraint in adversely classifying loans made to independent oil and gas producers; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LELAND (for himself, Mr. Andrews of Texas, and Mr. Fields):

H. Res. 451. Resolution expressing the sense of the House of Representatives that the President should award the Presidential Medal of Freedom to David Phillip Vetter, of Spring, Tex., to be presented to his family in his memory; to the Committee on Post Office and Civil Service.

By Mr. SHANNON (for himself, Mr. Downey of New York, Mr. Traxler, Mr. Murphy, Mr. Boland, Mr. Roe, Mr. Moakley, Mr. Frank, Mr. Horton, Mr. Stratton, Mr. Carney, and Mr. O'Brien):

H. Res. 452. Resolution to honor John McCormack on the 100th anniversary of his birth; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

331. By the SPEAKER: Memorial of the Legislature of the State of New Mexico, relative to Iran's brutal persecution of members of the Baha'i faith; to the Committee on Foreign Affairs.

332. Also, memorial of the Senate of the State of New Mexico, relative to cutting direct Federal expenditures within the State of New Mexico and all other States by 10 percent per year for the next 5 years to help reduce the Federal deficit; to the Committee on Government Operations.

333. Also, memorial of the Legislature of the State of California, relative to offshore oil drilling; to the Committee on Interior and Insular Affairs.

334. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to legislation to fully protect municipalities and their special purpose units of government from liability under Federal antitrust laws; to the Committee on the Judiciary.

335. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to the establishment of a national wage assignment law; to the Committee on the Judiciary.

336. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to mail bearing the Iranian stamp which depicts the takeover of the American Embassy; to the Committee on Post Office and Civil Service.

337. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to S. 431 and H.R. 2817, and the development of a national nonpoint source pollution program; to the Committee on Public Works and Transportation.

338. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to burials in national cemeteries; to the Committee on Veterans' Affairs.

339. Also, memorial of the Senate of the State of New Mexico, relative to the establishment of satellite VA outpatient clinics in the northern and southern parts of the State; to the Committee on Veterans' Affairs.

340. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the replacement of Fed-

eral civil service operations personnel by private contractors; jointly, to the Committees on Armed Services and House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HAMMERSCHMIDT introduced a bill: (H.R. 5025) for the relief of Alicia Miranda Arnold; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 623: Mr. Levin of Michigan and Mr. Hertel of Michigan.

H.R. 1706: Mr. Craig.

H.R. 1937: Mr. Frank, Mr. Patterson, and Mr. Donnelly.

H.R. 1959: Mr. Hayes, Mrs. Schneider, and Mr. Glickman.

H.R. 2204: Mr. Fields and Mr. Bartlett.

H.R. 2372: Mr. Hance.

H.R. 2977: Mr. Walker, Mr. Craig, Mr. Gore, Mr. Sam B. Hall, Jr., Mr. Skeen, Mr. Chandler, Mr. English, Mr. Daschle, Mr. Roberts, Mr. Taylor, Mr. Wortley, Mr. de la Garza, Mr. Miller of California, Mr. Mineta, Mr. Martin of New York, Mr. Lantos, Mr. Albosta, Mr. Roemer, Mr. Moore, Mr. Gilman, Mr. Carney, Mr. Denny Smith, Mr. Wolpe, Mrs. Vucanovich, Mr. Rowland, Mr. O'Brien, Mr. Aspin, Mr. Yatron, and Mr. Bartlett.

H.R. 3827: Mr. Berman, Mr. Mitchell, Mr. Morrison of Connecticut, Ms. Oakar, Mr. Ottinger, Mr. Owens, and Mr. Stokes.

H.R. 4135: Mr. Harrison.

H.R. 4261: Mr. Panetta.

H.R. 4287: Mr. Anthony and Mr. Luken.

H.R. 4404: Mr. Ottinger.

H.R. 4405: Mr. Weiss, Mr. McGrath, Mr. Owens, and Mr. Roe.

H.R. 4413: Mr. Wirth, Mr. Roybal, Mr. de la Garza, Mr. Mrazek, Mr. Edgar, and Mr. Fascell.

H.R. 4447: Mr. Foglietta, Mr. Kostmayer, and Mr. Bates.

H.R. 4583: Mr. Morrison of Connecticut.

H.R. 4643: Mr. Hefner, Mr. Daniel, Mr. Whitley, Mr. Horton, Mr. Eckart, Mr. Yatron, Mr. Valentine, Mr. Rahall, Mr. Jenkins, Mr. Rose, Mr. Andrews of North Carolina, Mr. Won Pat, Ms. Ferraro, Mr. Dickinson, Ms. Mikulski, Mr. Tallon, Mr. Goodling, Mr. Gore, Mr. Boucher, and Mr. Clarke.

H.R. 4663: Mr. Clay, Ms. Ferraro, Mr. McKernan, and Mr. Wirth.

H.R. 4760: Mr. Florio, Ms. Mikulski, Mr. Mitchell, Mr. Fauntroy, Mr. Crockett, Mr. Won Pat, Mr. Dwyer of New Jersey, Mr. Corrada, Mr. D'Amours, Mr. Heftel of Hawaii, Mr. McNulty, Mr. Vento, Mr. Berman, Mr. Edgar, and Mrs. Boxer.

H.R. 4813: Mr. Evans of Illinois, Mr. Frost, Mr. Studds, Mr. Roybal, Mr. Shannon, Mr. Matsui, and Mrs. Burton of California.

H.R. 4877: Mr. Bryant, Mr. Carney, Mr. Goodling, Mr. Guarini, Mr. Hillis, Mr. Hunter, Mr. Livingston, Mr. McKernan, Mr. Miller of California, Mr. Minish, Mr. Parris, Mr. Pursell, Mrs. Schneider, Mr. Shannon, and Mr. Taylor.

H.R. 4884: Mr. Sawyer, Mr. Bosco, Mr. Conte, Mr. Hubbard, and Mr. Jeffords.

H.J. Res. 73: Mr. Sikorski.

H.J. Res. 337: Mr. Levitas, Mr. Thomas of Georgia, Mr. English, Mr. Sisisky, Ms. Oakar, Mr. Gilman, Mr. Pepper, Mr. Panetta, Mr. Pashayan, Mr. Skeen, Mr. Foley, and Mr. Derrick.

H.J. Res. 389: Mr. Bliley, Mr. Sunia, Mr. Boucher, Mr. Vander Jagt, Mr. Kildee, Mr. Fascell, and Mr. Horton.

H.J. Res. 418: Mr. Barnard, Mr. Barnes, Mrs. Boxer, Mr. Broyhill, Mr. Clinger, Mr. Edgar, Mr. Howard, Mr. Lewis of Florida, Mr. Long of Maryland, Mr. Mavroules, Mr. Oberstar, Mr. Simon, Mr. Smith of Iowa, Mr. Won Pat, Mr. Akaka, Mr. Alexander, Mr. Annunzio, Mr. Boland, Mr. Brown of California, Mrs. Byron, Mr. Corcoran, Mr. Coughlin, Mr. de Lugo, Mr. Dickinson, Mr. Dyson, Mr. Fauntroy, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Franklin, Mr. McDade, Mr. Harkin, Mr. Berman, Mr. Conyers, Mr. D'Amours, Mr. Gejdenson, Mr. Gramm, Mr. Hammerschidt, Mr. Hansen of Idaho, Mr. Harrison, Mr. Hawkins, Mr. Hutto, Mr. Kemp, Mr. Lent, Mr. McNulty, Mr. Markey, Mr. Moakley, Mr. Perkins, Mr. Stenholm, Mr. Wortley, Mr. Wyden, and Mr. Jeffords.

H.J. Res. 451: Mr. Edgar, Mr. Corrada, Mr. Kolter, Mr. Skelton, Mr. Mineta, Mr. Kildee, Mr. Packard, Mr. Clinger, and Mr. de la Garza.

H.J. Res. 467: Mr. Corcoran, Mr. Courter, Mr. Coyne, Mr. D'Amours, Mr. Daub, Mr. de la Garza, Mr. Dickinson, Mr. Downey of New York, Mr. Durbin, Mr. Edgar, Mr. Fish, Mr. Fuqua, Mr. Hatcher, Mr. Hutto, Mr. Jenkins, Mrs. Johnson, Mr. Jones, of North Carolina, Mr. Latta, Mr. Long of Louisiana, Mr. Mack, Mr. Matsui, Mr. McCloskey, Mr. McDade, Mr. McNulty, Mr. Moakley, Mr. Murphy, Mr. Perkins, Mr. Price, Mr. Robinson, Mr. Rodino, Mr. Roemer, Mr. Rowland, Mr. Schaefer, Mr. Stenholm, Mr. Synar, Mr. Thomas of Georgia, Mr. Udall, Mr. Weiss, and Mr. Yatron.

H. Con. Res. 258: Mr. Akaka, Mr. Anthony, Mr. Barnes, Mr. Biaggi, Mrs. Boxer, Mr. Brown of California, Mr. Coleman of Texas, Mr. Corrada, Mr. Crockett, Mr. Downey of New York, Mr. Durbin, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Fauntroy, Mr. Florio, Mr. Ford of Tennessee, Mr. Frank, Mr. Frenzel, Mr. Frost, Mr. Gibbons, Mr. Hawkins, Mr. Horton, Mr. Howard, Mr. Hughes, Ms. Kaptur, Mr. Kildee, Mr. Clinger, Mr. Leland, Mr. Markey, Mr. Mavroules, Mr. McCurdy, Mr. Mitchell, Mr. Moakley, Mr. Neal, Mr. Oberstar, Mr. Ortiz, Mr. Rangel, Mr. Ratchford, Mr. Roe, Mr. Sunia, Mr. Torres, Mr. Vento, Mr. Weiss, Mr. Williams of Montana, Mr. Wirth, Mr. Won Pat, Mr. Wyden, and Mr. Young of Missouri.

H. Res. 441: Mr. Daniel, Mr. Bliley, Mr. Miller of Ohio, and Mr. Frenzel.

H. Res. 450: Mr. Oberstar, Mr. Harkin, Mr. Wirth, Mr. Synar, Mr. Morrison of Connecticut, Mr. Fauntroy, Mr. Dwyer of New Jersey, Mr. Schumer, Mr. Hoyer, Mr. Lantos, Mr. Addabbo, Mr. Rangel, Mr. D'Amours, Mr. Dixon, Mr. Harrison, Mr. Yates, Mr. McCloskey, Mr. Beilenson, Mr. Young of Missouri, Mr. Frank, Mr. McGrath, Mr. Bryant, Mr. Berman, Mrs. Burton of California, Mr. Florio, Mr. Stokes, Mrs. Johnson, Mr. Owens, Mr. Green, Mr. Roe, Mr. Corcoran, Mr. Siljander, Mr. Coleman of Texas, Mr. Fazio, Mr. Long of Maryland, Mr. Carney, Mr. Solarz, Mr. Porter, and Mr. Edwards of California.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3020

By Mr. BOSCO:

—Page 37, after line 12, insert the following new section:

Sec. 315. (a) For purposes of paragraph (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), the Administrator of the Small Business Administration shall, with respect to small business concerns involved in the fishing industry, treat the recent El Nino-related ocean conditions as a disaster to which such paragraph applies.

(b) For purposes of subsection (a)—

(1) the term "recent El Nino-related ocean conditions" means the ocean conditions (including high water temperatures, scarcity of prey, and absence of normal upwellings)—

(A) which occurred in the eastern Pacific Ocean off the west coast of the North American Continent during the period beginning with June 1982 and ending at the close of December 1983, and

(B) which resulted from the climatic conditions occurring in the Equatorial Pacific during 1982 and 1983;

(2) the term "fishing industry" means any trade or business involved in—

(A) the catching, taking, or harvesting of fish (whether or not sold on a commercial basis),

(B) any operation at sea or on land, in preparation for, substantially dependent upon, or in support of, the catching, taking, or harvesting of fish, and

(C) the processing or canning of fish (including storage, refrigeration, and transportation of fish before processing or canning); and

(3) the term "fish" means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

—Page 37, line 13, strike out "Sec. 315." and insert in lieu thereof "Sec. 316.".

H.R. 3648

By Mr. PORTER:

—Page 13, after line 12, insert the following new section:

PROCUREMENT

Sec. 111. Section 305(k) of the Rail Passenger Service Act (45 U.S.C. 545(k)) is amended—

(1) in paragraph (4) by inserting "paragraphs (1) through (3) of" after "The provisions of";

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) The Corporation shall establish procurement procedures which are substantially equivalent to the competitive and open bidding requirements imposed on executive agencies of the United States by title III of the Federal Property and Administrative Services Act of 1949.".

EXTENSIONS OF REMARKS

SOVIET VIGIL

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. MOAKLEY. Mr. Speaker, I am honored to have the opportunity to participate in this years Soviet vigil, which is being sponsored by my colleague LAWRENCE COUGHLIN. Yet I am distressed that the necessity for such a vigil is still a reality. For years we in Congress have spoken against and written about the predicament of thousands of Soviet Jews whose only crime is seeking religious freedom—a basic tenet of our American democracy. It therefore seems inconceivable to me that the plight of Soviet Jews today is as severe, if not more severe than in previous years.

Jewish emigration has plunged considerably over recent years. From a peak in 1979 of 51,320 Jews allowed to emigrate from the U.S.S.R. to 1983's Jewish emigration rate of 1,314, there was a dramatic drop of 50,016 people in just 4 years. This is not an indication that there has been a decrease of Jewish requests for visas to leave the Soviet Union. On the contrary, requests for emigration have increased. It is the official permission to emigrate that has diminished at an alarming rate.

Soviet emigration officials, in attempting to lessen the number of Jews leaving the U.S.S.R., have begun new and unusually stringent restrictions on accessibility to emigration visas. Now visa applications are rendered invalid after 6 months. As during that time Soviet bureaucratic wheels barely begin to turn, the applicant is forced to repeat the lengthy often humiliating procedure numerous times.

Passage of such laws as the redundancy law and the parasite law have placed Soviet Jews in a no win cycle. The situation follows like this: a Jew first seeks a visa. As a consequence he/she loses their job. The aforementioned laws make it illegal for a citizen to be unemployed for over 2 months. Charges may be pressed and a harsh prison sentence is more likely than not required to be served.

The result of such harsh statutes has been a Jewish response of hunger strikes. This most horrifying and painful protest has been utilized as a method by which Jews can gain both Soviet and Western focus of their appalling situations. One such courageous man who led such a protest is Vladimir Lifshitz. He began his hunger strike on November 1, 1983, and continued until November 23. His was a protest against Soviet refusal to allow him to emigrate to Israel with his family. They had been denied permission four times since 1981. Mr. Lifshitz lost his job as head of a division in a research institute after requesting to emigrate.

He had been unemployed for over a year and had been threatened by Soviet officials with the charge of parasitism, which carries a 1 year prison sentence. His wife Anna, a construction engineer who is also unemployed, their 16-year-old son Boris and their 8-year-old daughter Maria, all supported Vladimir and planned to join him if necessary. As a result of Vladimir's protest and from the response of American representatives here in Congress, he was granted a job as a low-level programer and permission to apply for the denouncement of his citizenship. He has been informed that although the normal procedure is assurance within 30 days, his is an exception and it may take several months or even years before a decision is rendered.

We in the Western bloc recognize that such blatant disregard for human rights cannot continue. An example of how we are attempting to ameliorate the situation is the Helsinki Final Act. This placed in writing a pledge to work for human rights in areas where they are currently denied. Included in this pledge is the vow "to insure the freedom of the individual to profess * * * alone or in community with others religion or belief." This is directly applicable to Jews residing in the Soviet Union.

I commend such activities as this call to conscience vigil, special orders and the designation of March 15 as the "International Day of Concern for Soviet Jews," but we do need more. We must stand as a unified body against the persecution of Jews in the Soviet Union. It behooves us to make it known that disregard for human rights will not be tolerated. Let us hope and pray that under the new Secretary General Chernenko, conditions will improve and families such as the Lifshitz will soon be living in peace and freedom.●

HONORING AMERICA'S 1982 FALLEN FIREFIGHTERS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. GOODLING. Mr. Speaker, on October 4, 1981, the people of the United States dedicated a monument at the National Emergency Training Center in Emmitsburg, Md., known as the Fallen Firefighters Memorial. The monument pays tribute to America's firefighters, who had been the bulwark of the Nation's civil defense effort since the founding days of our country. Throughout our history, patriotic Americans have risked their lives to defend their communities against fire and disasters. Therefore, it is only fitting to remember those who have given their lives unselfishly in service to their fellow man.

This past October 16, the second annual Fallen Firefighters Memorial ceremony was held at the monument site, honoring those who made the ultimate sacrifice—the sacrifice of their life in an effort to save others—during 1982.

The Honorable Louis Giuffrida, director of the Federal Emergency Management Agency (FEMA) brought words of welcome at the annual observance, as did the Honorable Fred J. Villella, associate director for training and fire programs at the National Emergency Training Center.

It is proper and a privilege for me to bring the names of these everyday patriots to your attention and the attention of the Nation as a permanent record of their honorable and selfless deeds.

The list of names follows:

1982 FIREFIGHTER FATALITIES—122

Scott A. Karnitz, Riverside County, California, Fire Dept.

Michael E. Kurth, Minneapolis, Minnesota, Fire Dept.

James W. Stewart, Sellersburg, Indiana, Vol. Fire Dept.

Fred V. Kleinfelter, Mount Gretna, Pennsylvania, Fire Company.

Patrick L. Bowman, Newburg, Pennsylvania, Vol. Fire Dept.

James A. Fogle, Newberrytown Fire Company 1, Etters, Pennsylvania.

Joseph G. Bostwick, Carroll County Fire Dept., Carrollton, Georgia.

Foster C. Brandon, Bethel Fire Dept., Clover, South Carolina.

Jack Wall, Montcalm, West Virginia, Vol. Fire Dept.

Raymond J. Deshaies, Holyoke, Massachusetts, Fire Dept.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Lawrence D. Savage, South Zanesville, Ohio, Vol. Fire Dept.

Orville J. Soens, Olive Fire Protection Dist., Livingston, Illinois.

Frank W. Pressey, Pontiac, Michigan, Fire Dept.

Ronald G. Baurge, Medford, New York, Fire Dept.

Bruce J. Raeburn, Mahtomedi, Minnesota, Fire Dept.

Robert B. Hays, Mahtomedi, Minnesota, Fire Dept.

William J. Duran, Sr., Boulder, Colorado, Fire Dept.

Scott L. Smith, Boulder, Colorado, Fire Dept.

John W. Franklin, Sr., Highlands, New Jersey, Fire Dept.

Richard F. Wagner, Duluth, Minnesota, Fire Dept.

Charles K. Palmore, Niagara Falls, New York, Fire Dept.

Perry Crowley, Teal Mills Fire Dept., Chesterfield, South Carolina.

Archie L. Carouthers, Okolona, Mississippi, Fire Dept.

Thomas M. Pierce, Great Lakes, Illinois, Naval Training Center Fire Dept.

Virgil Pace, Kerrville, Texas, Fire Dept.

Albert McGovern, Bridgeport, Connecticut Fire Dept.

Edward A. Carbaug, United States Coast Guard, Seattle, Washington.

Robert J. Cahill, New York City, New York, Fire Dept.

Wayne C. Lake, Silver Lake, Wisconsin, Fire Dept.

Raymond V. McSwiggin, Salem, Massachusetts, Fire Dept.

Andrew W. Harcher, Jr., Wallkill, New York, Fire Co.

Alfred M. Knecht, New York City, New York, Fire Dept.

Martin R. Melody, Danbury, Connecticut, Fire Dept.

Joseph L. Halas, Danbury, Connecticut, Fire Dept.

Hunter E. Gurley, Chase City, Virginia, Vol. Fire Dept.

Joseph P. Czerw, Taylor Hose & Engine Co. No. 1, Pennsylvania.

William E. Duncan, Topeka-Tecumseh, Kansas, Fire District.

Francis D. Federici, Sr., Bridgeport, Connecticut, Fire Dept.

Robert W. Danaher, Chicago, Illinois, Fire Dept.

Michael D. Goff, Petersburg, Virginia, Bureau of Fire.

Earl J. Carnahan, Revloc, Pennsylvania, Vol. Fire Dept.

James O. Lee, Kelleyville, Oklahoma, Fire Dept.

Michael D. Taylor, Otto Township Fire Protection Dist., Chebanse, Illinois.

Robert W. Thompson, Veneta, Oregon, Rural Fire District.

James A. Brown, San Jaun River District 6, Vol. Fire Dept.

Richard N. Boeve, Hamilton, Michigan, Fire Dept.

Floyd H. Kemler, Cottage Grove, Wisconsin, Fire Dept.

Donald L. Elsberner, Wisconsin Dept. of Natural Resources, Eau Claire, Wisconsin.

Raymond H. Kadow, Pierce County Fire Protection District 2, Tacoma, Washington.

Richard D. Watts, South Adams County Fire Dist., Commerce City, Colorado.

Henry J. Savage, New Haven, Connecticut, Fire Dept.

Garry D. Munn, Trenton, Missouri, Fire Dept.

Michael K. Maine, Northbay Rural Fire Protection Dist., North Bend, Oregon.

James H. Carter, Hillsboro, Georgia, Fire Dept.

Levy H. Nelson, McLane Fire Dept., Olympia, Washington.

Raymond L. Waters, Southside Fire Dept., Savannah, Georgia.

Leroy A. Harris, Po-Mar-Lin Fire Company 1, Linionville, Pennsylvania.

Raymond J. Flowers, Asheville, North Carolina, Fire Dept.

Gerald W. Vosburgh, California Department of Forestry, Eel River Conservation Camp, California.

James R. Baker, Ankeny, Iowa, Fire Dept.

Thomas E. Secovnie, Jr., Schodack Landing, New York, Vol. Fire Company.

R. L. Walker, Sr., Clute, Texas, Vol. Fire Dept.

Harry D. Carney, Parkersburg, West Virginia, Fire Dept.

Ricky L. Hitchcox, Dunlap, Tennessee, Vol. Fire Dept.

Kenneth L. Smith, Merrick, New York, Vol. Fire Dept.

Clyde E. Golden, Mill City, Oregon, Rural Fire Prot. Dist.

Michael L. Johnson, Sioux City, Iowa, Fire Dept.

Kirk M. Wicker, Sioux City, Iowa, Fire Dept.

John J. Rossi, Jr., Hammond, Indiana, Fire Dept.

James H. Raines, Stockton, California, Fire Dept.

Robert R. Gardner, Lincoln, Nebraska, Fire Dept.

Richard J. Beer, Bangor, Michigan, Fire Dept.

Leo Spicer, Jr., Forest Hills, Texas, Public Safety Dept.

Kenneth A. Caldwell, Amarillo, Texas, Fire Dept.

Barry N. Brown, New York City, Fire Dept.

Thomas E. Lovett, Sr., Lakeville, Connecticut, Hose Company.

James P. Eakin, California Dept. of Forestry, Sacramento, California.

J. Wendall Organ, Lebanon-Wilson County, Tennessee, Civil Defense.

Alphonse J. Kriscunas, Plymouth, Indiana, Fire Dept.

Gary W. Van Vactor, Plymouth, Indiana, Fire Dept.

Dane R. Hoffhien, Plymouth, Indiana, Fire Dept.

Brian L. Samuels, Plymouth, Indiana, Fire Dept.

Randall Hansen, Plymouth, Indiana, Fire Dept.

Grant E. Morrow, Landisburg, Pennsylvania, Fire Co.

Kenneth M. Gallagher, Philadelphia, Pennsylvania, Fire Dept.

H. Thomas Tucker, Citizens Hose Company 1, Symrna, Delaware.

Earl R. Shelton, Elyria, Ohio, Fire Dept.

Norman E. Creger, Jackson, Michigan, Fire Dept.

William B. Luce, Jr., Duxbury, Massachusetts, Fire Dept.

Atilano Fernandez, Albuquerque, New Mexico, Fire Dept.

Jesse M. Woolard, Jr., National Spinning Company Fire Brigade, Washington, North Carolina.

Gregory M. Lamm, National Spinning Company Fire Brigade, Washington, North Carolina.

Asa T. Aquires, National Spinning Company Fire Brigade, Washington, North Carolina.

James L. Harris, National Spinning Company Fire Brigade, Washington, North Carolina.

Gerard R. Desjardins, Lewiston, Maine, Fire Dept.

Anthony Leogrande, Oneonta, New York, Fire Dept.

Frank I. McMannes, Jefferson, Ohio, Vol. Fire Dept.

Paul J. Heidenreich, Spokane, Washington, Fire Dept.

Maurice Gates, Columbus, Ohio, Division of Fire.

Thomas M. Cooper, Houston, Texas, Fire Dept.

Gary G. Partridge, Ashland Fire District, Windham, New York.

John R. Small, Jr., Virginia Beach, Virginia, Fire Dept.

Johnnie F. Jackson, Muskogee, Oklahoma, Fire Dept.

Donald C. Geckle, East Huntington Township Vol. Fire Dept., Tarrs, Pennsylvania.

William M. Miller, Arlington County, Virginia, Fire Dept.

Charles J. Czub, Ludlow, Massachusetts, Fire Dept.

Preston Arnold, Pryor, Oklahoma, Fire Dept.

Franklin J. Oliver, Provincetown, Massachusetts, Fire Dept.

Ernest Walker, Oceana, West Virginia, Vol. Fire Dept.

Kevin L. Blevins, Cole Camp, Missouri, Fire Dept.

Russell M. Shea, Gloucester, Massachusetts, Fire Dept.

Wilbur E. Stough, Franklintown, Pennsylvania, Community Fire Company.

Albert F. Fischer, Williston Park, New York, Fire Dept.

James F. Spry, Sr., Laurinburg, North Carolina, Fire Dept.

Donald R. Conklin, Hinman's Corners Fire Dept., Binghamton, New York.

Harry W. Jones, Glencoe, Kentucky, Fire Dept.

Marion Cunningham, Waseca, Minnesota, Fire Dept.

Phillip S. Kibler, Boardman Township Fire Dept., Youngstown, Ohio.

Merle Mongold, Petersburg, West Virginia, Vol. Fire Dept.

David M. Taulton, Brunswick, Maryland, Vol. Fire Company.

Charles H. Vinson, Memphis, Tennessee, Fire Dept.

Robert B. Kermeen, Friendship Vol. Fire Dept., Indiana.

Arnold H. Hansen, Belden, Nebraska, Vol. Fire Dept.

Charles L. Smith, Fort Worth, Texas, Fire Dept.●

THE PRESS GUESS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. EDWARDS of California. Mr. Speaker, early network election-day projection practices must stop now.

It is incumbent upon the networks to address truthfully the question posed by my distinguished colleague Mr. WIRTH: Where is the public good in making projections and where is the network harm in waiting until the polls have closed throughout the United States to announce projections?

I am today submitting for the RECORD a Washington Post article by Jonathan Yardley entitled "The Press Guess" which examines this issue.

The article follows:

THE PRESS GUESS

TV'S EARLY VOTE PROJECTION: NARCISSISM BEFORE THE NEWS

(By Jonathan Yardley)

Persons who worry about the unpleasant odor currently clinging to the press will do well to give more than passing consideration to the minor controversy over "vote projections" on television news broadcasts. Though this does not seem to be a matter over which the public at large has become unduly exercised, it provides an especially revealing illustration of why the press is so widely regarded with suspicion and distaste.

Vote projections are those technological toys that have taken all the fun out of election night. In the good old days—and, hey, listen, they were good—people would huddle around the radio or television set for hours as the returns trickled in from hillcountry Texas and downstate Illinois. The only way to determine the outcome of elections was, oddly enough, to count the votes; it was often a hard day's night before they were all in, but the suspense and camaraderie more than compensated for the long wait.

Now, thanks to entrance polls and exit polls and computerized analyses of voting patterns, we know what we've done before we've done it. Right around dinner time here comes Dan Rather, throbbing like a teen-ager in terminal heat, screeching that with 1 percent of the votes counted in Aroostook County, CBS news has projected that Maine will give 53 percent of its votes to Ronald McDonald. Since the nation goes as Maine goes, we can all turn the dial to reruns of "Gilligan's Island." Fun's over, folks.

But fun unfortunately is not the issue here. Among politicians, there is widespread and genuine concern that the premature projection of winners and losers may discourage people from voting in areas where the polls are still open. Among members of the press, there should be—though apparently there is not—equally widespread and genuine concern that these projections are classic examples of the arrogant, self-serving behavior that has turned so many Americans, with ample reason, against those of us who bring the news.

It is the contention of various spokesmen for the networks specifically and the news business generally that any restriction on the reporting of vote projections would be an infringement of First Amendment "rights." The pertinent words in that amendment read as follows: "Congress shall make no law . . . abridging the freedom of speech, or of the press . . ." Nowhere in those words, no matter how liberally or irresponsible they are read, is there the slightest suggestion that these freedoms include a "right" to equate vote projections with actual election returns and to broadcast (or publish) them as such.

Yet this is precisely what the networks do. The various caveats offered by the breathless anchormen and breathless reporters—"Now, remember, these are only projections!" "Get out and vote, America!"—are nothing except smokescreens. The networks know that in all but a handful of cases their projections will hold up, and they know that we know it. They deal out just enough cautionary mumbo jumbo to placate their critics on Capitol Hill, and then they put the numbers on the screen.

One of those critics is Timothy Wirth, a Democratic congressman from Colorado who has taken a particular interest in mass communications. After the New Hampshire primary he said that he thought the networks "were all very careful to qualify their estimates" in reporting the election last Tuesday night, which actually seems true only in comparison with their unseemly haste the previous week in reporting on the Iowa primary; to all intents and purposes, after all, they gave New Hampshire to Gary Hart before the cocktail hour was over, which isn't exactly blushing reticence.

Wirth said that the matter is not susceptible to congressional resolution ("You can't legislate good 'judgment") and then made an important point: "The issue is what public good is achieved by early predictions and how that balances off against the harm when early predictions discourage voters." This is the question that gives the networks difficulty, no doubt because they know full well that the "public good" is just about the last thing on their minds when they send forth these projections.

There's plenty of talk, to be sure, from network mouthpieces and others about "the public's right to know," as if this somehow were sufficient justification for announcing news before it has actually happened. But that's merely another smokescreen. What the talk is really about is the "right" of the network news organizations to compete with each other; these vote projections have nothing to do with serious reporting and everything to do with each news organization's desire to put points on the board against the others.

In the hermetic, macho world of television news, competition is the name of the game: Competition for ratings points and audience shares, competition for "prestige," competition for the bragging rights to P.J. Clarke's and the Italian Pavillion. Such is the capacity of the human mind for folly that being first by 33 seconds with a vote projection can become crucial to "winning" this competition and thus enjoying the heady thrills of triumph. Make no mistake about it: Being first is the purpose of the vote projections; the "public good," the "public's right to know," the "public interest"—these lofty matters have nothing at all to do with the networks' reasons for broadcasting them.

There could not be a more clearcut example of the bizarre assumption that the medium delivering the news is of greater consequence than the news itself. The vote projections exist not to inform us out there in the audience but to inflate the institutional egos of the network news organizations—to prove that CBS is faster than NBC, that ABC has better graphics than CBS, that NBC has more skillful pollsters than ABC. It is a "philosophy" of journalism the essence of which is: Watch what we do, not what we report.

This narcissistic view, which is by no means limited to television news, has much to do with the public's hostility to and distrust of the press. What it says to the public is: You don't matter, we matter, your votes don't count, our votes count. The vote projections masquerade as news, but they're really just another way for the press to tell itself how wonderful and how important it is. Small wonder the public feels otherwise.●

LEV GENDIN: CALL TO CONSCIENCE VIGIL

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. ARCHER. Mr. Speaker, today I would like to call to the attention of the House and the Nation, the plight of Lev Gendin and his suppressed brothers and sisters within the Soviet Union. Lev Gendin has been denied permission to emigrate from the Soviet Union since 1970. Indeed, he is not alone, as the Soviet Government has reduced emigration to a mere trickle in the last few years. Nor is Lev unique—he is among thousands who have committed no crime, yet have lost their jobs, been separated from their loved ones, and face constant persecution for one reason alone—they are Jewish.

In 1971, Lev's wife, Aviva, was granted permission to emigrate to Israel. As a result of his application, Lev has been imprisoned several times and, as is the case with most Soviet Jews, has been reduced to doing menial tasks when work can even be found. Although a man of only 42, Lev's health has deteriorated rapidly. He is presently going through what many Soviet refusniks are experiencing—a loss of spirit, not faith, a loss of hope, not beliefs.

With any change there is always hope, and since the leadership of the Soviet Government has changed hands, there is one small spark of hope—a hope that General Secretary Chernenko will recognize the violations of human rights for which his government is responsible—a hope that this situation will not continue or even worsen under his leadership but rather, that he possesses compassion for human dignity such that it will transcend differences in philosophies, politics, and religion.

In these few months when we so choose to participate in this vigil, we remember those who have no freedom. We must not confine our concern solely to the occasion of this vigil, but rather, remain constant in our commitment on behalf of Soviet refuseniks.●

EMERGENCY FUNDS FOR HEAT ASSISTANCE NEEDED

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. MAZZOLI. Mr. Speaker, I urge my colleagues in the House to act favorably on House Joint Resolution 493 when it is brought before them for a vote this week. This legislation would provide emergency supplemental funding for the low income energy assistance program for this year.

I applaud and commend Congressman BILL NATCHER, my colleague in the Kentucky delegation, who steered the measure skillfully and swiftly through the committee process.

Mr. Speaker, I understand that at least 17 States have run out of fuel assistance money. The situation in Kentucky this year is critical.

The extreme cold of the winter of 1983-84 has produced hardship for many people—particularly those on fixed incomes such as the poor, the elderly, and the unemployed. Many have to choose between heating their homes and eating; some may be forced to do without both.

This winter season there was $17 million available through the low income energy assistance program to help Kentuckians pay their heating bills. This is substantially less than what was available last season.

The Kentucky Department for Human Resources estimates that some 36,000 applications were taken in 2 days back in December for the first allotment of the $17 million—earmarked specifically for the elderly and disabled. The department quit taking applications when they estimated they had used the $6.8 million available. There were 33,000 applications approved.

On January 16 and 17, 1984, an additional $10 million was released for all eligible low-income residents across the State. Human resources took in about 69,000 applications before closing; they estimate that they have enough money to fund about 55,000 of these applications.

In both cases, Mr. Speaker, there is no way of knowing how many people were turned away from the application centers when human resources estimated they had used up available funds.

The mayor of Louisville, Harvey Sloane, estimated that close to 4,000 were turned away in Louisville and Jefferson Counties alone. I would like to have included in the RECORD an article from the January 17, 1984, Louisville Courier-Journal describing the plight of Louisville and Jefferson County residents who were forced to wait out in the cold for hours to apply for fuel assistance. The human travail described in the article underscores what the figures I have cited say.

The Kentucky Department for Human Resources estimates that statewide they will serve less than half of the eligible population. Clearly, the need in Kentucky is far greater than the resources that are being made available.

I hope the House acts quickly on this funding bill to help ease the emergency situation in Kentucky and across the Nation.

The article follows:

Thousands Apply for Help in Paying Their Heating Bills

(By Leslie Ellis)

A record turnout of people applying for help with heating bills inundated officials in Jefferson County and around the state yesterday, causing scuffles and shoving at one location and forcing thousands to stand in the cold for hours.

Police were called to one location when people began pushing and shoving.

Some people stood in 26-degree cold for up to four hours. They huddled under blankets, stomped their feet and hugged thermoses of coffee to keep warm. At one point, a group burned the sacks and containers left from an order from a nearby White Castle.

Medical crews stood by in case any of the people had problems with prolonged exposure to the cold.

Many of the people carried overdue utility bills of $400 and $500, and some already had their "brown bills" threatening to cut off their utilities.

"My feet are frozen with a capital F," said one woman toward the front of the line. "They shouldn't have people standing out in the cold like this. They should make appointments."

Similar crowds turned out around the state, with reports in several counties of people lining up at midnight to assure themselves of getting some money.

Applications will be taken again today, but smaller crowds are expected. And there's no assurance there will be any money left for those applying today.

Yesterday was the first day to apply for $10 million in federal funds being distributed in Kentucky under the Home Energy Assistance Program. In December, $6.8 million made available for the elderly and disabled was gone in two days. The money is distributed on a first come, first served basis.

Statewide, 45,674 people applied for funds yesterday. Jefferson County has the largest turnout, 4,800, compared with the 3,600 who applied on the first day a year ago.

When the doors opened at 8 a.m., state officials estimated 2,500 people were in line at the three locations in Jefferson County for signing up.

"We anticipated a crowd, but nothing like this," said Sandra Moore, social insurance regional manager. Last year no one was waiting outside after the first hour. This year the line was still there at 3 p.m.

State officials said the huge turnout caught them off-guard. But people apparently were afraid of not getting any money. This year $17 million is available in the state, compared with $24 million last year.

"A lot of people have found out if the money's gone, that's it," said Brad Hughes, a spokesman for the Cabinet for Human Resources. "We've heard reports from all over the state that people are saying you have to get there early."

High utility bills resulting from bitterly cold temperatures in December also were a factor.

Because of the problems caused by the unexpected turnout, Hughes said the Department for Social Insurance is looking at different ways to handle the signing up procedure next year.

The largest crowd was at the Louisville & Nashville Railroad Co. building, where police were called around 9:30 a.m. to control the crowd, which had started gathering as early as 6 a.m. The state had beefed up its security force at the building, but called for help when some of the people became disorderly.

Sgt. Gene Waldridge said people would get off a bus and try to break into line. There was some shoving and pushing and shouting.

Edna Mae Lee, 36, of the 300 block of South 43rd Street, was charged with disorderly conduct. She allegedly tried to break into the line.

An elderly woman was knocked to the floor inside the building as the crowd surged forward, but she refused treatment from Emergency Medical Services technicians.

About six police officers supervised the crowd. Ropes were strung to keep people from breaking into the front of the line. By late morning the crowd was quiet and no further problems were reported. No major problems were reported at the other two sites, Sixth and Cedar or the Newberg Community Center at 5020 E. Indian Trail.

In an effort to speed up the lines, the state changed the application procedure at the Jefferson County sites around noon.

Instead of having to go through the entire procedure, applicants simply had to sign the form. They were then told an appointment would be made for them to complete the application this week. Applications will be processed in the order they are received.●

GRENADA CONNECTION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. FRANK. Mr. Speaker, we are all aware of the useful role that is played by ham radio operators at various times, and of their ability to be very useful to all of us in times of crisis. During the events in Grenada, ham radio operators played an important role in providing communication between Americans isolated on that island, and people in official positions. William Sidell, a constituent and good friend of mine, is a man of many talents. One of those involves operating a ham radio and he combines that with a very keen understanding of public affairs. As a result of these two avocations, Bill Sidell found himself during early days of the fighting in Grenada, monitoring some extremely interesting conversations which give insight into the role which ham radio operation can play in times of crisis.

Bill Sidell wrote this interesting matter up and his account of it was printed in the March 1984 issue of 73 Magazine. I would like to share with the Members the fascinating article which Bill Sidell wrote about these events.

[From 73 Magazine, March 1984]

Grenada Connection

Wednesday, October 26, *The Boston Globe* front-page headline read: "US-Led Forces in Grenada . . . Two GIs Dead, 23 Wounded." *The Herald*, Boston's second daily paper, had this headline: "Two U.S. Troops Die in Swoop on Grenada."

The news media was "tongue-tied!" No reporters were allowed on the island so nothing was coming out, and to prove it, both papers carried almost identical headlines. This is by no means a vendetta against the press, but throughout the years, with all the great technical advancements, the ham-radio operator is still the front line of communications to the outside world when a crisis breaks.

The key to the entire situation was the safety of the one thousand or more American students attending the two medical colleges on the island, St. George's and the American Medical School.

My vigil began on the 25th when I monitored an emergency frequency, 14.302 MHz, designated by the FCC to handle health and welfare traffic. The True Blue campus at St. George's was the "hot spot" for the four pieces of traffic I received from concerned parents, which I passed to net control.

The following morning, 26 October, at 1245 zulu (8:45 am EDST), things began to really pop. Still monitoring the same emergency frequency, I could feel the crescendo building as more and more people became involved, when suddenly I heard an almost whispered message: "QSY to 350.9, QSL?" Roger. The point 9 caught my curiosity. That's a no-no; it's outside the regular band. Something must be cooking. Although I wasn't invited, I followed the two mysterious hams to their clandestine rendezvous. Bingo! I hit pay dirt.

"This frequency is operating by the authority of the FCC and the use of this frequency by any persons other than those designated by the FCC is prohibited and risks the penalties of illegal operations." This warning was repeated throughout the day.

I was not permitted to transmit on this frequency, but there is no law saying I cannot tape the information that was being passed between those who had the authority.

Mark KA2ORK was the Grenada connection. He was a student at the American Medical School and he did a tremendous job. Cool, absolutely cool. Hour after hour he went on handling all kinds of traffic: "The Marine Commandant is aware that your food and water supply is running low," "the four students you were concerned about who live off campus were contacted and are OK," "we received, though we think it's corny, from the State Department, 'Cavalry is coming up through the Canyon'—we will pass it along anyhow."

My tape recorder was getting "red hot," so I called the ABC TV affiliate station for the Boston area and played a short blast for the news manager. Within twenty-five minutes, 1505 zulu (11:05 EDST), one of their top reporters and a two-time Pulitzer-Prize-winning photographer were sitting in my shack, glued to my receiver and tape recorder. Mark was really feeding us like a gang of kids waiting for the ice-cream man!

There was a phone patch between John Copycinski, a staff member at St. George's Medical School, and his wife, Rose, in Newark, New Jersey, coming over the air while the lights and camera were being set up in the shack. "Hi, honey, I am doing fine and everyone here is doing a great job. I'm coming home soon. Right now we are waiting for the Marines to land on the beach and there has been some fighting. All the students are safe and OK. They will probably evacuate us soon. Don't you worry, now. Give that little Polish princess, Stephanie, a great big kiss for me. Don't worry, you will soon see my smiling face coming through the door. I love you and miss you. Over."

During their three-hour stint, Jim Boyd, the reporter, kept in close touch with his station, while Stanley Foreman did his lights, action, and camera bit, including a one-on-one interview between Jim and me.

All of which resulted in a five-minute lead-in segment on their TV station (Channel 5) 6:00 pm news program. I was told the President of the U.S. does not get that kind of coverage.

The Boston Herald asked for my tapes and did a two-column story on the following morning. And local radio station WEEI called and did a phone interview with me.

So, the hams were "cooking" while the media was "stewing." Thank you very much, Mark Barettella KA2ORK of Ridgefield, New Jersey, my Grenada connection 73.●

TRIBUTE TO SHERIFF AL JALATY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I appreciate this opportunity to extend national recognition to an outstanding public servant, Ventura County (Calif.) Sheriff Al Jalaty, on his retirement after 35 years of service with California law enforcement agencies in my district. Sheriff Jalaty will formally retire March 31, 1984, and will be sorely missed in his official capacity by his colleagues and the community which he has served so well.

Sheriff Al Jalaty began his career in law enforcement in 1945 with the Port Hueneme Navy Base Police. In 1949, he joined the Ventura County Sheriff's Department as a deputy in Port Hueneme. He worked his way up to lieutenant and became the chief of police in Port Hueneme in 1961. After 13 years as Port Hueneme's police chief, he was elected sheriff of Ventura County in 1974. For the past decade, he has served the people of the county in that capacity.

During his 35 years of distinguished public service, Sheriff Jalaty has been an innovative and creative leader in law enforcement. He was instrumental in developing a regional training academy for all local law enforcement agencies in three California counties. He organized the block-parent program which increased cooperative efforts between the police and the community to protect children and served as a model for other similar programs across the Nation. His hard work and excellent administration has made Ventura County one of the most crime-free in the State of California.

The key to Sheriff Jalaty's success as a law enforcement official has been the enormous personal rapport he has established with the community he serves. He founded the Boys' Club in Port Hueneme, which later became the Boys' and Girls' Club, and was active in the Boy Scouts and many other youth projects. In addition, he was involved with eight law enforcement organizations, and numerous veterans and public service groups. Sheriff Jalaty has won countless civic and community awards.

While Sheriff Jalaty will be missed in his official capacity, city and county residents are heartened to know that he will continue to direct his abundant energies to volunteer work in the community which he loves so well and which loves him in return.

Al Jalaty is "Mr. Law Enforcement" in my home county and a close personal friend. I call on my colleagues to join me in thanking him for his years of dedicated public service and in wishing him the best in his retirement.●

INTRODUCTION OF PETROLEUM MARKETING PRACTICES ACT AMENDMENT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. SYNAR. Mr. Speaker, today I would like to announce that my respected colleague, Congressman TOM TAUKE, and I will be the chief sponsors of legislation to amend the Petroleum Marketing Practices Act (PMPA). I am also pleased that two of my Oklahoma colleagues, Congressman WES WATKINS and Congressman GLENN ENGLISH will join us in this effort.

The original act, passed in 1978, was designed to enhance fair and open competition in the oil marketing industry by restricting unfair or unreasonable termination of marketers' franchise agreements with their suppliers. Since the act's passage 6 years ago, a combination of narrow judicial interpretations and some unfair practices by refiners have severely limited the ability of our Nation's independent marketers to reasonably compete in the marketplace. Absent some legislative solutions to close these loopholes, the continued existence of this vital segment of our economy may be threatened.

Independent distributors and retailers of motor fuel occupy a key position in the competitive structure of the petroleum industry. According to industry data, there are approximately 12,000 gasoline distributors and 140,000 retail service station dealers in the United States who supply the Nation with over 75 percent of its motor fuel needs. Over the last several years, these numbers have been substantially declining. While some of this shrinkage is due to the recent recession and normal market forces, it is clear that predatory marketing practices by many refiners have hastened this decline. For example, some refiners have:

Coerced customer loyalty by threats of termination for failure to purchase minimum quantities of motor fuel;

Threatened nonrenewal of franchises to force distributors or retailers to accept new contract terms which are harmful to their own interests;

Imposed discriminatory supply policies;

Undertaken unfair trade practices in refiner pricing among various classes of customers;

Denied retailers the opportunity to remain in business when options on underlying property leases are allowed to lapse.

The legislation which Congressman TAUKE and I will introduce would do the following:

It prohibits franchisors from terminating franchisees for failure to purchase minimum gallons unless the franchisor can show it offered those volumes at a competitive price;

It prohibits franchisors from discriminating in price and allocation policies between its classes of franchisees;

It provides that in the event of market withdrawal, refiner franchisors must offer franchisees the right of first refusal to purchase the leased marketing premises;

It requires that changes made in the franchise agreement at the time of renewal be fair and reasonable;

It prohibits station conversions during the term of the franchise agreement;

It allows franchisees to continue operating the leased marketing premises in cases where the underlying lease had expired and where the franchisee had been able to negotiate his own agreement with the owner of the property;

It prohibits franchisors from engaging in anticompetitive pricing practices in instances where they are in competition with their franchisors;

It allows the courts to approve payment of attorney's fees to the franchisee if it wins final equitable relief, even though actual damages may not be awarded;

It allows for the sale or transfer of a franchise agreement and allows for the succession of a franchisee under a plan to be approved by the franchisor.

This bill is not protectionist legislation; it is proconsumer legislation and it does not set up a new regulatory bureaucracy for enforcement. Rather, it gives independent marketers a self-enforcing right of action to assure a reasonable opportunity to compete in the marketplace. Healthy and vigorous competition among retailers, distributors, and refiners is our legislative goal. I firmly believe that given an equitable opportunity to compete, independent marketers will thrive and all consumers will benefit.

I might add that this legislation also represents an historic occasion. This is the first gasoline marketing legislation proposal jointly supported by the National Oil Jobbers Council and the Service Station Dealers of America. Reaching this agreement has been a long and arduous task but I am confident that this marriage will enhance the prospects for passage of this legislation.●

LAW ENFORCEMENT OFFICIALS COMMENDED IN BELLEVUE, NEBR., CASE

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. DAUB. Mr. Speaker, last week, the ABC news show 20/20 televised a segment entitled "Who's Killing Our Children?" It was an indepth and revealing investigative study of the tragic rise in cases of abduction, molestation, and murder of children in this Nation. I commend ABC for focusing attention on this national problem; an alert and educated citizenry on this issue will go a long way toward saving lives.

The broadcast underscored that these murders have not been limited to overcrowded, urban areas with high crime rates. Specific mention was made of Bellevue, Nebr., where two young boys were abducted and murdered last year.

I take this opportunity to share Bellevue's experience with my colleagues. It is a case of outstanding police work and effective coordination among jurisdictions, and though two young lives were lost, the swift and professional job done by area law enforcement agencies prevented further tragedy.

On September 18, 1983, a 13-year-old boy was abducted while working his early morning paper route. His absence was reported to the Bellevue Police Department at 9:05; 1 hour later the Omaha office of the Federal Bureau of Investigation (FBI) was contacted and advised of the possibility of an abduction. Assistant Special Agent in Charge Johnny Evans responded and offered whatever assistance the FBI could provide.

At 12:05 a.m., September 19, it was determined that the boy was not a runaway so investigative teams from the FBI, Sarpy County Sheriff's Office, and the Bellevue Police Department were assigned.

By noon of September 20, it was decided that a rural search should be organized. Lt. Jerry Groves from the Sioux City, Iowa, Police Department, who had previous experience in such searches, was contacted and came to Bellevue by midafternoon on the 20th. He outlined the guidelines for the search, and search team leaders were selected. An appeal was made to neighboring agencies for personnel and was responded by receiving searchers from 20 jurisdictions, along with Offutt Air Force Base.

At 9 a.m. on September 21, team leaders were assigned their personnel, and the search began at 10 a.m. At 10:40 a.m., the boy's body was found; he had died as a result of multiple stab wounds.

With the victim being located outside of the Bellevue city limits, the jurisdiction of the investigation then went to the Sarpy County Sheriff Pat Thomas. The FBI remained on site with assistance due to the fact that the close proximity to the State of Iowa might have involved Federal violations if State lines were crossed.

Sheriff Thomas set up residency at the Bellevue Police Headquarters and a command post was established. The administrative team consisted of Sheriff Thomas, FBI Agent Johnny Evans, and Bellevue Chief of Police Warren Robinson. Many resources of the FBI were used to assist in the investigation. The number of investigative teams were increased, and a task force was established. Seven to twelve agencies were involved from other counties as well as from the State of Iowa.

Working with the fear in mind that another such tragedy could happen again soon, much pressure was applied to members of the task force, and appeals were made to all citizens for information.

On December 2, 1983, when a report was received of another missing boy who had not reported for school and had not returned home at the end of the day, a night search was conducted in the area where he would have last been seen. This time, however, there was a witness; a composite was drawn along with a vague vehicle description.

The task force intensified their efforts toward these two leads; however, the boy's body was found by two hunters late in the afternoon of December 5, a victim of multiple stab wounds. At this time it was certain to members of the task force that the same person or persons was responsible for both killings. An appeal was made to all persons in the metropolitan area to be on the alert and to keep close contact with their children. With the pressure and the constant pursuit of the task force, an alert citizen was confronted on January 11, 1984, by a person threatening bodily harm. The citizen contacted authorities and within hours a suspect was taken into custody and charged with two counts of kidnaping and two counts of first degree murder.

This case history shows not only the complexity and difficulty of identifying and apprehending a child abductor and murderer but also the massive community effort and cooperation among jurisdictions that is required for a successful investigation. All parties involved in the Bellevue case deserve the highest commendation for their commitment and endless work on a daily basis from the time the first young boy was reported missing to the time a suspect was arrested.●

RURAL DEVELOPMENT REORGANIZATION

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. WATKINS. Mr. Speaker, I have today introduced the Rural Development Reorganization Act of 1984 to create a more effective delivery of services to the Nation's agricultural community and to the one-third of America's citizens who live in rural America.

My bill is basically simple:

First, the current Farmer's Home Administration will become the Farm Administration and will continue to have jurisdiction over the present agriculture loan programs and administer the single-family rural housing program.

Second, we propose to take the ingredients for rural development from the existing Farmer's Home Administration (except single-family housing), associated measures from the Soil Conservation Service, technical assistance and planning functions of the Office of Rural Development Policy and combine them to form the Rural Development Administration. FmHA, with some admitted failings, still has the best delivery system available to rural America. We want to keep it that way and strengthen the effectiveness and efficiency of this delivery system where we can.

On the other side of the coin, my ranchers and farmers tell me that when they have business at the FmHA office frequently they find the personnel are tied up with community facility or other projects and cannot tend to farming matters. My proposal calls for redirecting the necessary personnel which are now implementing programs to the respective new agency with direct responsibility for those specific programs. This is to better serve the needs of the 270,000 FmHA borrowers who in these trying times need all the help they can get.

Programs transferred to the new RDA will include business and industry loans, community facility loans, water and waste disposal loans and grants, rural development and planning grants and loans and all other programs (except single-family housing) dealing with rural development but not pertaining to agricultural production or farms, family size or not.

Third, current FmHA district offices and personnel, which usually serve from six to nine counties in each State, would be transferred to the new RDA. The RDA district offices will work directly with the people of the resource conservation and development councils and the people of rural America.

Fourth, RC&D councils will continue as volunteer groups working with local units of government and the people for the betterment of rural life. RDA district offices will have the rural development technical specialists and, as is currently the case, Soil Conservation Service technicians who serve as RC&D coordinators to work directly with the cities, towns, villages, and people of rural America.

Fifth, transferred to the Soil Conservation Service would be two categories of loans currently under FmHA: Resource conservation and development loans and watershed protection and flood prevention loans. These are currently completed with technical assistance and planning by SCS and administered by FmHA.

Sixth, this reorganization renames the Department of Agriculture, the Department of Agriculture and Rural Development (ARD). City residents have a special cabinet level of concern in the Department of Housing and Urban Development (HUD); surely the other one-third of America (80 million people) is entitled to be elevated and recognized at the cabinet level with a department devoted to agriculture and rural development (ARD).

We also propose the transfer of such personnel as necessary on the State and national level (plus FmHA district personnel) who are now providing these services to accomplish a smooth transition and provide an orderly continuation of services by the revised Farm Administration and the new Rural Development Administration. It is proposed that the specialists now working with specific programs continue in that specialty at their new assignment for a more orderly transition. The proposal leaves intact the Rural Electrification Administration and the Federal Crop Insurance Corporation. It is my assessment that this reorganization can be accomplished without adding a single new employee. People to whom I have talked within the Department of Agriculture assure me that SCS-RC&D coordinators can assume double duty as soil and erosion technicians and rural development specialists to provide rural development technical assistance needs.

Individuals and farm groups with whom I have discussed this proposal agree with the concept and with my judgment that the reorganization will be good for all concerned.

Agricultural producers will not have the forces of their assigned personnel diluted and the delivery of agriculture programs will be streamlined. The role of the RC&D councils will be emphasized and strengthened. The proposal will give a more comprehensive thrust to the Soil Conservation Service. And, finally, the proposal will for the first time provide a sole-purpose agency for delivery of rural development programs to the 80 million people who live in rural America.

I ask for the support of my colleagues and their endorsement of this proposal to make better delivery of agriculture and rural development programs to the people.●

LEGISLATION TO REVERSE SUPREME COURT RULING ON OIL PERCENTAGE DEPLETION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. STARK. Mr. Speaker, on January 10, the Supreme Court ruled, by 5 to 4, that independent oil and gas owners may claim a depletion allowance on their Federal tax returns for years during which no production—that is, depletion—occurs.

To grant percentage depletion for years in which there is no oil or gas production (and thus no depletion) is silly. It is like granting a couple who are thinking of having a baby a personal exemption for the unborn child. It is similar to giving depreciation (or an investment tax credit) to a company planning on building a new factory.

The decision just exposes more clearly than ever before what we have always known: the percentage depletion concept has no relation to real depletion or depreciation schedules. It is just a pure and simple and gratuitous tax break.

Today, I am introducing a bill, effective beginning this tax year, which reverses the Court's decision, and supports the IRS' position in opposition to the taking of percentage depletion when there is no depletion.

I hope that the Ways and Means Committee will consider this proposal. It would be a quick way to lop millions of dollars off the deficit.●

MAINE VOICE OF DEMOCRACY WINNER, AARON C. BARTLETT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Ms. SNOWE. Mr. Speaker, as the Veterans of Foreign Wars convene here this week for their annual legislative conference, I want to commend the members and the ladies auxiliary for an outstanding program they sponsor.

Throughout the country more than 250,000 secondary school students have competed this year in the VFW's "Voice of Democracy" contest. This unique competition gives our young people an opportunity to remind us of the value of the freedoms we too often take for granted.

A 16-year-old resident of my congressional district won the competition in Maine. Aaron C. Bartlett of Pittsfield, a sophomore at Maine Central Institute, demonstrates in his remarks the continuing enthusiams and hopes of the young people of this country.

I want to personally congratulate Aaron for his fine speech and I highly recommend it to my colleagues:

MY ROLE IN UPHOLDING OUR CONSTITUTION

"We the people of the United States . . ." These are the first words of the Constitution, what we base our lives on. When one lives each day following the Constitution and living by it, a sense of satisfaction comes to that person. One feels a sense of pride in his nation, his state, his community. The Constitution is one's way of life; it is the format not just for his nation, but for his community and for his individual life as well. One must live by the Constitution from day to day to fully justify calling himself a citizen.

In order to live by the Constitution, one must first have an understanding of it and just what it really is. It is a code of laws based on the moral standards of our founding fathers. It established the structure of our government, which included the Judicial, Executive and Legislative branches. The Constitution also outlined the basic laws, rights and responsibilities of everyone, rich or poor, powerful or not.

One's daily life revolves around the Constitution. My own school life is much like life in the real world. School is where I learn to be a good citizen. In daily life at school, it is necessary for me to live by the Constitution in order to set a good example for others to follow. I respect the rights of other individuals; these include the freedom of speech, press, religion, and assembly.

In a school environment with many different races of people, it is necessary to understand how everyone feels. I don't put people down for their differences; instead, I think about my own feelings, and treat others as I would like to be treated. "We the people," united to form a nation of equality, giving everyone the same rights.

As an Eagle Scout, I feel that the Boy Scout program is an excellent way to learn about citizenship and our country. Citizenship is one of the basic tenets of our Constitution, and three of the required merit badges deal specifically with citizenship in the community, nation, and world. I know that my understanding of our government, laws and rights, as stated in the Constitution, is necessary to my being a good citizen.

Respect for our flag and our laws is also a necessary part of being a citizen. The flag, representing the unity of our nation, is honored each day through school or organizations much like the Boy Scouts. I respect our flag and honor it each day, in one way or another, as the symbol of our government under the Constitution.

As the Constitution states in the Bill of Rights, each person is given the same rights and responsibilities. In order to receive my rights, I must first live up to my responsibilities as a citizen; in doing this, I hope to set an example that others will follow. Through my example, others will also choose to live by the Constitution under the Bill of Rights.

My obligations as a citizen go far deeper than the duties I have mentioned. To me, citizenship is a way of life, a commitment. I accept the rights and responsibilities of citizenship. I uphold the Constitution.●

BLACK HISTORY MONTH OBSERVANCE

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 1984

● Mr. MITCHELL. Mr. Speaker, I am proud to join my collegues as we close out the month-long observance of the contributions of many great black individuals in the past. Black History Month enlightens all by developing a closeness to the legends whose memories continue to touch our lives, and we have developed a closeness with contemporaries whom we can touch to remember and preserve their great achievements.

Without the risk takers and barrier breakers of the past, we could not have the record breakers and image makers of the present. We are compelled to link the sacrificial achievements of these individuals from the past to what all benefit from in the present and the future to come.

Let us be ever mindful that gifted educator Marva Collins, committed to liberating the minds of psychologically enslaved ghetto children, has a fitting role model in her forerunner, Harriet Tubman, who was committed to liberating families of physically enslaved adults and children.

Continued contemporary achievements of blacks in a variety of facets continue to grow and enlighten the younger generations of all cultures. It is most important to emphasize to your youth that what is learned today will continue for the rest of our lives.●

A STRATEGIC PLAN FOR CHICAGO

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. PORTER. Mr. Speaker, it goes without saying that the chief executive officer of a $4 billion corporation must develop highly refined long-range planning in order to ensure that the company is in a position to capitalize on future opportunities.

Unfortunately, we in Government all too often respond only to crises instead of planning so that they might be avoided, to the detriment of the American people.

William B. Johnson, chairman of the board and chief executive officer of IC Industries, on February 10, 1984, addressed a meeting of the Illinois CPA Society in Chicago. In his remarks, he proposed a strategic plan for the economic revitalization of the Chicago metropolitan area.

I commend this speech to my colleagues as an outstanding example of the kind of practical-minded advice which public officials at every level of government would be wise to heed. I believe we can all benefit from the portions of the speech which are relevant to any metropolitan area of the United States. I submit the text of his speech for the RECORD:

THE TIME HAS COME FOR CHICAGO TO DREAM AGAIN

In my 25 years as a CEO I've come to have great respect for Certified Public Accountants, particularly those who apply their expertise from a practical businessman's perspective. The independence of the audit is a great protection for the Chief Executive, and this is never more true than in a large, multinational conglomerate. Also, I like growth businesses—and you surely qualify. So, even at this hour, it's a pleasure for me to share some thoughts with you today.

AN IMPROVING ECONOMY

One year ago this month, it was clear that the economy had started to emerge from its worst recession in 50 years. But the speed and strength of the recovery has surprised most of us. By the end of 1983, the gross national product was growing at double the rate most economists had predicted. Inflation was at its lowest rate in 10 years. Interest rates had stabilized. Consumers were more confident than at any time since 1979, and more willing to buy cars, appliances, and other big ticket items.

We don't have an economic boom—but our data indicate that we can look for a solid, steady rate of improvement in 1984, and hopefully for the next few years ahead—and that's good news for all of us.

The economic roller coaster ride of the past few years demonstrates the wisdom of the long-range plan of balanced diversification that we've followed at IC Industries. Twenty years ago, when we were just a $300 million midwestern railroad, we set out to build a company that would be protected from violent swings in the economy just like the ones we've recently experienced. Our actions were carefully planned, in three clear stages.

IC INDUSTRIES: STRENGTH THROUGH DIVERSIFICATION

There has been a long series of major and minor acquisitions—Abex in 1968, Pepsi Cola General Bottlers in 1970, Midas International in 1972, Pet and Hussmann in 1978, the William Underwood Company in 1982. And thus we have built a company which in fact has been profitable in good times or bad.

About 40 percent of our nearly $4 billion of sales comes from commercial products and the railroad. The other 60 percent comes from specialty foods and soft drinks, and consumer services—the strongest sectors of the economy today. We think this is a good common sense mix. The consumer and service companies provide us with steady income when the economy is down—as it was during the past two years. Abex and the railroad give us the leverage to take full advantage of economic recovery when it occurs, as it is now doing.

We had a very good year in 1983. We earned $93 million—nearly double the year before. We earned $4.38 a common share—an improvement of 40 percent.

That earnings performance is all the more impressive to me because it was achieved in spite of six percent more shares outstanding, a higher tax rate, and no earnings from the sale of tax benefits. In the prior year, we had pre-tax earnings of $63.5 million from the sale of tax benefits.

But even more important, we dramatically improved our balance sheet and liquidity in 1983, thanks to an outstanding job from John Fagan, Frank Westover, and the Finance staff.

We ended the year with $180 million cash after paying off all our corporate U.S. bank debt. Our contracted credit lines exceed $850 million, with none whatever in use. We converted $418 million of floating-rate debt to fixed rates averaging 10.8 percent. We reduced our debt-to-capitalization ratio by two hundred basis points, and could have doubled that improvement if we'd had more debt in position to repay. Our asset redeployment program generated cash proceeds of $84 million from the divestiture of operations which did not fit our long-term plans.

If 1983 was the year of divestiture, 1984 should be a year of acquisition.

We have never been in a stronger financial position. We expect further material improvement in our financial performance as we grow with this year's improving economy.

As you know, however, there are some problems in the economy. The projected Federal budget deficit of $180 billion is far too high. The international monetary system is not yet out of the woods. And we face the possibility of a $100 billion trade deficit in 1984.

GOOD NEWS

But on balance, the outlook is very encouraging. For the first time in several years, the country can expect declines in unemployment, bankruptcies, and foreclosures. It can expect substantial increases in capital spending, in business formation, and in the creation of new jobs. That's good news for everyone—especially for the country's industrial cities like Chicago, which have been hit hard by the economic depression of the past few years.

By all that's holy, Chicago should now begin to share in the steady improvement we all expect to see—in new jobs, new construction, and in the spirit of vitality which is traditionally ours.

WILL CHICAGO SHARE IN THE NEW PROSPERITY?

Unfortunately, some serious questions have been raised as to Chicago's ability to share fully in the nation's economic recovery, and that's primarily what I want to talk about this morning.

To much of the world, Chicago has become a city divided, thrashing around, and stalemated. The acrimony and turmoil in our city have been making unpleasant headlines—I've seen them in New York, in Washington, in California, and even in Europe.

The constant attacks here on credibility are taking Chicago to a point at which all credibility about the goodwill and the virtues of our city is being threatened. Last year, the situation appeared so out-of-hand, that some national papers reported that Cardinal Bernardin had been proposed as mediator between the Mayor and the City Council.

That's where the public attention is unfortunately being focused—but that's not the basic issue facing our city. There is no question that we'd all like to hear the voices in city government lowered a few decibels. But the facts are much better than the portrayal on TV. The fact is that Chicago continues to function very well. City government continues to provide essential services, pay its bill, meet its payrolls, and qualify for federal programs.

Mayor Washington has in fact instilled a new sense of discipline into many of the administrative departments.

He has brought new people into the city government.

He has cut costs, consolidated operations, and taken some long overdue steps to improve the efficiency and productivity of the city's work force.

CHICAGO STILL A GOOD PLACE TO DO BUSINESS

A recent survey showed that despite all our well-publicized problems, businessmen still rate Chicago as a better place for a company to be located and to do business than just about every other city in the country, including New York, Houston, Los Angeles, Boston, and San Francisco. Significantly, some people now find this surprising, although I don't, and they wouldn't have either some 10 years ago.

CRACKS ARE STARTING TO SHOW

But we should also face up to the truth that the cracks in our city are starting to show—and they require prompt attention.

The cracks appear in the Loop, where the character of the area is changing; in South Chicago where there are 60 million square feet of empty factory space—double the level of even three years ago; at McCormick Place where modernization and expansion programs to keep Chicago's convention facilities the best in the world have been stymied; in certain neighborhoods which have deteriorated in the last few years; in the loss of affordable middle-class housing; and in the economic well-being of our citizens which on average seems to be slipping.

Chicago's Urban League has just released a study which shows that the economic gap between blacks and whites is greater in Chicago than in New York, Boston, and even Detroit.

Bickering among various groups in the city can only divert the community's efforts to resolve these problems. Just as serious, the adverse publicity creates a misleading and untrue impression about the strength and stability of the city. Even though false, this impression can only make us less attractive to potential investors. As you know, the city's bond rating was reduced recently.

Further, some promising economic developments appear to be on hold because of the world business community's changing perception of Chicago. For example, Chicago was on its way to becoming a preeminent international banking and financial center. In the past decade, 67 foreign banks representing $10 billion in assets opened offices here. But this movement into the city has slowed appreciably in the past year as the city's image changed for the worse.

FACING THE ECONOMIC FACTS OF LIFE

So, I and many others conclude that we as a community need to face these hard facts of life and move promptly to set matters right. There are three attitudes that we should not adopt.

(1) We can't afford to let the problems slide until they reach a crisis proportion, and then look to some blue-ribbon commission for a stop-gap solution.

(2) We shouldn't rely upon a piecemeal approach; our city's problems are too complex and far-reaching—they involve transportation, housing, education, commercial and industrial development, and race relations.

And (3) we can't risk stepping aside now and later expecting government to provide some quick fix without our involvement.

How, then, should we proceed? First, we should recognize that solutions to these problems involve more than just the politics at City Hall. They require the cooperation and the goodwill of all the groups in our community. Second, it is most important that the solutions require a strong economic base which business must take the lead in providing.

We should begin remedial action with the fundamental premise that the foundation for everything good that happens in our city is jobs. If we can provide good, taxpaying jobs for all those who want to work, then we have provided the essential foundation for a great city.

The effort to create jobs must take place primarily in the business community, with the support of all the key groups, and with strong incentives from state and local government. Economic realism is essential.

AN AGENDA FOR ACTION

Our business leaders recognize these fundamentals, and are at work to do something about jobs. From that point of view, and with an admittedly strong bias toward business, I'd like to talk about some of the specific things that I believe can be done—in the form of a five-point agenda for our city.

First, we need to explore ways to resolve the inequities in the tax structure between Chicago and suburban communities. Growth of jobs in Chicago has been much slower than in the suburbs. As one measure, fifteen years ago, the suburbs accounted for less than one percent of the commercial real estate market. Today, the suburbs account for more than 30 percent of the market—and their share continues to grow.

Even though there are many reasons for this disparity in the rates of growth, one of the most important is the difference in the tax rates. Taxes in the city of Chicago for the average office building run about $3.00 a square foot—double the tax rate in DuPage County.

Matters could get worse. One study submitted to the Assessor's office last December said taxes on a typical Loop office building could increase by as much as 75 percent next year under the county's present assessment plan, and thereby price downtown commercial space out of the market. We need to support Assessor Tom Hynes in his efforts to avoid such unreasonable increases, and find innovative but realistic solutions to make Chicago's commercial taxes more competitive.

Second, we certainly need to increase efforts to attract new industry and new jobs into the area. Chicago is one of the most desirable places in the United States for any company to do business—we have efficient rail, shipping airline, and road systems. We have a cultural life that's second to none. We have an outstanding work force. We have the technical and intellectual resources of the best colleges in the world—Northwestern University, IIT, University of Illinois, De Paul, Loyola, and the University of Chicago, which has more Nobel Prize winners than MIT. With all that, we clearly have the power to establish Chicago as a world capital of science and technology.

But in the desire to attract high-tech industry, let us not neglect the industrial base which has been so seriously injured by the recession of the past two years.

With the help of the state legislature and the federal government, we need to implement a package of actions which will re-industrialize the South and West sides of the city—more realistic environmental regulations, up-to-date building codes and zoning laws, special tax incentives to make the area cost-competitive, safe streets, and good schools which provide young people the essential skills needed to secure and hold a job in industry. There is no need for South Chicago to go the way of the South Bronx. With a concerted effort by the public and private sectors, we can reverse the process of disintegration, and bring industry and jobs back to this area.

Third, we need to accelerate the efforts to revitalize the downtown district. There are many commercial projects proposed or underway which deserve our support. But, we also need to move forward with important cultural programs—the expansion of the Art Institute, the preservation of architecturally important buildings, the growth of the Museum of Science and Industry, and the development of a Center for the Performing Arts.

These are the jewels of our city. They enhance the quality of life, bring people into the city after working hours, create support businesses, and make the central area a desirable place to live as well as to work.

I know there have been disagreements in years past between proponents of neighborhood rehabilitation on the one hand, and of downtown development on the other. But the growth of a city is not an either/or proposition. Consider that even though the Central Business District occupies less than one-half of one percent of Chicago's land area, it generates 22 percent of the real estate assessment tax base, and 34 percent of all jobs.

Fourth, we need to work with the state legislature to bring balance and discipline into the state's tax structure. The perception of many people is that the state government has gotten out of hand in spite of heroic control efforts. We've had the disturbing spectacle of the Legislature seriously considering a number of regressive and discriminatory tax proposals, including a worldwide unitary tax, and a state income tax depreciation schedule more stringent than the Federal schedule. Now we face the prospect of referenda on a so-called "reform bill" which proposes to cut taxes on the use of utilities, but to offset this by increasing taxes on businesses. One political friend of mine called it the most hare-brained scheme he's ever seen. I think it deserves to be rejected.

A better course is to bring even more fiscal discipline into the administration of the state government. Governor Thompson has pledged to cut costs further, and he is committed to the expiration of last year's income tax increase. He needs our support in finding ways to economize and to increase revenues so we don't run the risk of another temporary tax down the road.

The time for recriminations is long past. Let's agree that there's plenty of blame to go around. And then, instead of arguing past issues let's roll up our sleeves and work with the Governor and Legislature to set matters right at the state level as well as in the city.

If Chicago is to continue as a strong, viable metropolis, we will need the wholehearted cooperation, effort, and missionary zeal of all citizens who live or work here. That brings me to my fifth and certainly most important suggestion. Business needs to take a leading role in building a coalition which will bring together all the people to help solve these problems. A city is an interdependent assembly of people, neighborhoods, businesses, and institutions. Even though they are not always compatible—what affects one area inevitably affects all the others.

Effective and dedicated groups are at work now, some for months. But the focus of each seems generally limited to a few issues or to a geographical area. So far as I know, we do not have a working, community-wide group that represents all the points of view in the city—and I think we need it.

We need to bring together the bankers, the union leaders, the politicians, the academics, the senior citizens, the Hispanics, the Blacks, and the other opinion-making groups.

BUILDING A COALITION

Getting people of widely varied backgrounds to talk together and work together for one common end can create a consensus on the issues affecting us all. This appears to be the only way to provide a full understanding of the issues, or community-wide support for their solution. Just as we in business establish our working groups, we need a greater effort to involve other segments of the community in our planning efforts. The challenges facing Chicago today really aren't any harder than a lot of other challenges that were faced successfully in the past.

For example, working together, the public and private sectors developed Illinois Center, created State Street Mall, Dearborn Park, and the Brickyard Shopping Center on the west side. We brought about the redevelopment of the stockyards, the development of the Lake Calumet area for industrial use, and the rehabilitation of housing through RESCORP. Working together we can surpass that record.

There are exciting opportunities which business can help the city realize as we work with the Mayor and the City Council to carry through on proposals for development of downtown areas.

Chicago will expand McCormick Place, and later it will host the 1992 World's Fair. How we come to grips with our challenges will determine what kind of city and state are presented to the world in 1992. We can doubtless dazzle the world with our exhibits, our pavilions, our rides, our attractions—but the real measure of our success will be how the world judges us as a city and state in the next decade. I look at 1992 as an imposed deadline to unite our community as never before.

CHICAGO NEEDS A LONG-RANGE PLAN

Anyone involved in the building—or the rebuilding—of a city needs the benefit of long-range, dependable planning. We need planning which is bold, economically realistic, and dependable in its continuity and execution. Neither the public nor the private sector can make major investments in an atmosphere of instability or hostility.

As Chief Executive Officer of Chicago, Mayor Washington has recognized that basic fact. The Mayor recently spoke to the Economic Club, asking businessmen to help him develop practical and innovative plans for the future of our city. I've made a date to meet with the Mayor, and I hope that the CEOs of your companies will also respond.

Many businessmen are responding. Barry Sullivan is heading the Mayor's task force on economic growth. Bob Wilmouth and Clarke Burris, among others, have helped develop the budget and set new goals for Chicago. Don Perkins of the Commercial Club is heading a task force investigating the economic development of the region for the year 2000. Bruce Graham is heading the Central Area Committee with a broad agenda. Tom Ayers is coordinating the World's Fair. Jim Beré who headed Chicago United has set an example for business support of our schools that we all should follow. Businessmen are involved in building a greater city. There are some very exciting plans underway—lakefront improvements, a new stadium, McCormick Place, upgrading present commercial developments, and the Fair are just examples.

The time has come for the City of Chicago to dream again—to reclaim its position as a city of hope and a symbol of the best that is in America. In the past, Chicago was the city with the "I will spirit." In the years ahead, let's make Chicago the city with the "we will spirit."

Chicago needs to replace confrontation with cooperation—and working together we will.

Chicago needs to create jobs for its citizens, attract new businesses, and bring millions of new visitors to our city. These accomplishments would be the foundation for a lasting prosperity. Working together we will get them done.

Chicago needs to continue to fulfill the promise of previous generations which have made this one of the great cities of the world—and working together we will.●

THE DISPLACED HOMEMAKERS CONTRACT SHOULD BE APPROVED

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. MOODY. Mr. Speaker, I would like to alert my colleagues to a serious situation that has developed concerning the "Displaced Homemakers Network." As you know, last September Congress explicitly directed the Department of Labor to continue funding for the Displaced Homemakers Network, as well as two other employment and training organizations. The contracts for the other two organizations were finalized more than 2 months ago—yet the Displaced Homemakers Network continues to operate without one.

One cannot help wondering why the Department of Labor's Policy Review Board has not yet approved this contract, especially with the specific direction by the House conference committee that funding for the Displaced Homemakers Network be maintained.

The network performs a vital function by providing job training for hundreds of thousands of women who have suddenly lost their means of support and been forced to search for employment. About 80 percent of the women served by the 375 displaced homemakers' programs nationwide are over 40 years old. Homemakers perform years of labor in a variety of capacities, serving as caretakers, child rearers, cooks and housemaids. They are therefore particularly in need of timely assistance in order to compete for positions outside of the home in our narrow job market.

Finally, the network's programs are cost-effective. Last year, 51 percent of those enrolled in displaced homemakers' programs obtained jobs after this training and produced incomes and tax revenues far in excess of their cost.

I urge my colleagues to look into this situation. Not only the effective operation, but the very survival of the Displaced Homemakers Network rests on prompt approval of its long overdue contract.●

DEPARTMENT OF COMMERCE REPORT ON ESTIMATES OF POVERTY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. OWENS. Mr. Speaker, the Department of Commerce has issued a report, "Estimates of Poverty Including the Value of Noncash Benefits: 1979 to 1982," on February 24, 1984. The object of the report is to demonstrate that things are not really so bad and that not so many people are poor if we include all noncash benefits. The report also makes the point, albeit quietly, that poverty has increased since 1979, no matter what comparable method is used to evaluate it.

The report is a rather pathetic attempt to convince the American public that this administration has not really hurt so many so badly. Can anyone of us truly believe that we are better off in a year when disaster strikes because we get a payout on our health insurance? Would anyone of us cheer because we suffered from burns and received the added wealth of $800 per day care in a burn center? Reading this report, one can only conclude that one should think it a banner year when one encounters a disaster.

Benefits such as food stamps and housing subsidies are also considered by the Department of Commerce. Is receiving food stamps suddenly a sign of leaving poverty? That is absurd. And as for housing subsidies, they fall on all people in all economic states. The clearing of rundown areas helps the adjacent property owners as well as the residents of the newly constructed housing. The deduction of mortgage interest payments is a subsidy to all owners, be they very poor or very rich. In that case, the effect of the progressive tax rates makes the subsidy greater for those who have higher incomes.

The practical reality is that poverty is poverty. It cannot be covered up or wished away by finding a new formula to hide its tragedy or its violence. It might be more useful to spend money to help the poor with jobs, education, food, health care, and housing than to produce white papers which try to tell those who have that they need not be concerned with the poor.●

JOHN PAUL HAMMERSCHMIDT

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. MONTGOMERY. Mr. Speaker, in 1967, two newly elected Representatives, one from Mississippi and the other from Arkansas, came to Capitol Hill from similar backgrounds.

Both were from the South, each was representing the Third Congressional District, both were fresh from self-owned and managed small businesses in their respective hometowns, both held and still hold high ideals and a commitment to improve the condition of the American citizen.

Since that first election to the 90th Congress, John Paul Hammerschmidt and I have developed a kindred bond, and I have come to respect the gentleman from Arkansas for his highly regarded legislative decisions and accomplishments and for his genuine concern for the welfare of our Nation, its strength, and security.

Mr. Speaker, on March 6, our colleague, the Honorable John Paul Hammerschmidt, will receive the Veterans of Foreign Wars Congressional Award for outstanding service to the Nation.

In announcing the award, the organization's highest honor, VFW National Commander in Chief Clifford G. Olson, Jr., said "Representative Hammerschmidt has been widely regarded as one of the most effective voices in the Congress for increased veterans programs and a strong national defense."

Beginning with his service as a pilot in the 3d Combat Cargo Group in the China-Burma-India theater during World War II, for which he was awarded the Distinguished Flying Cross four times, the Air Medal five times, and three Battle Stars, John Paul has exhibited an unwavering dedication to and love of his country.

The dean of the Arkansas delegation to Congress, he is a key ranking member on the Committee on Public Works and Transportation and its Subcommittees on Aviation, Surface Transportation, and Water Resources.

Congressman Hammerschmidt is one of the original members of the Select Committee on Aging, which was first formed in the 94th Congress, and is the ranking minority member of its Housing and Consumer Affairs Subcommittee. He has been instrumental in the establishment of Federal programs that aid our older citizens.

But he is best known as an advocate for veterans' rights and a forceful opponent to those who would weaken the Nation's defense posture. As ranking minority member of the Committee on Veterans' Affairs, its subcommittee on Hospitals and Health Care, and as a member of the Subcommittee on Compensation, Pension, and Insurance, John Paul has been a staunch supporter of benefits and services for our veteran population, steadfast in his belief that veterans are the foundation of any sound defense policy.

It was a great day in 1966, when John Paul decided to leave a third-generation family-owned business in Harrison, Ark., and run for the only elective office he has ever sought or held. He has truly been a friend of the veteran and of the Nation, and I am proud to have served with him in this great body.

Mr. Speaker, I am sure my colleagues on both sides of the aisle will want to join with me in recognition of the work and achievements of John Paul Hammerschmidt, a true southern gentleman and a trusted and caring legislator and man.●

KONSTANTIN CHERNENKO

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for February 1984 into the Congressional Record:

KONSTANTIN CHERNENKO

For the second time in fifteen months, the Soviet Union is caught up in a political transition.

The Soviet succession process has always fascinated Westerners because of its secretiveness, its lack of established procedures, and its importance in determining how Moscow's vast power will be used. Western interest in Politburo politics has grown since November of 1982, as the unprecedented stability of the Breshnev era gave way to increasing uncertainty because of Yuri Andropov's extended illness. This sense of drift in the Kremlin hierarchy has not been dispelled by the designation of a 72-year-old former protege of the late Leonid Breshnev, Konstantin Chernenko, to take Mr. Andropov's place as General Secretary of the Communist Party.

The choice of Mr. Chernenko brings to the pinnacle of power in the Soviet Union a man with little direct experience in government, economic management, or foreign policy. Those who know him call him gruff, taciturn, and uninquisitive. He reportedly is suffering from emphysema. Mr. Chernenko's only visible assets in Kremlin political maneuvering over the past fifteen months were his personal ties to the deceased Breshnev and his skills as a Communist Party functionary. Yet despite his advanced age and personal limitations, Mr. Chernenko not only survived Mr. Andropov—he succeeded him. Once again the leadership refused to transfer power from the dwindling core of Breshnev-era oligarchs to the next generation of Soviet leaders.

How will Mr. Chernenko's appointment affect Soviet policies? While predictions about Soviet behavior are always risky, we are likely to see a greater emphasis on collective leadership than we saw under Messrs. Breshnev and Andropov. Continuity in foreign and domestic policy is likely to prevail. It would be surprising if Mr. Chernenko proved to be a leader capable of dealing either quickly or forcefully with the many pressing problems facing the Soviet regime since he was so closely associated with the policies and programs of the Breshnev era.

How should the United States respond to Mr. Chernenko's accession?

First, we should not underestimate Soviet capabilities. There is no doubt that the Soviet Union faces serious problems at home and abroad. It seems unable to produce leaders capable of decisive action. Nonetheless, the regime still can draw upon enormous reserves of political, economic, and military strength.

Second, we should avoid undue optimism about prospects for short-term improvement in Soviet-American relations. As always, there will be those in the West who believe that the succession is a new opportunity for a breakthrough leading to amicable relations with the Soviet Union. This approach, however, vastly overestimates the positive influence that unilateral Western concessions can exert on political developments in Moscow.

Third, we should exercise firm restraint in our rhetoric and in our actions. Particularly in the Middle East, where Soviet and American forces are deployed in close proximity, we must avoid escalation of words and deeds that could ultimately lead to a superpower confrontation. A new Soviet leadership would find it difficult, if not impossible, to back down in such a test of strength.

Fourth, we should seek ways of underscoring our readiness for real negotiations on the full range of problems before us. There are some signs that the new Soviet leadership sees the need for a more active and constructive high-level dialogue, as do most Americans. One possibility would be an early meeting between President Reagan and Mr. Chernenko. For instance, Mr. Reagan is scheduled to visit the Far East in April and could meet with his Soviet counterpart then, just as President Ford met with Mr. Brezhnev at Vladivostok in 1974. Dialogue between the superpowers should not be made contingent upon the prior negotiation of new agreements.

Fifth, it is essential that we use the opportunity afforded by Mr. Chernenko's accession to get Soviet-American arms control talks moving again. The transition of power could provide Moscow a way out of the bind it created for itself by breaking off the Geneva negotiations. However, with substantial uncertainties still surrounding the Soviet leadership, Moscow is not likely to be able to take the lead. Our strength, however, gives us the capacity to chart a realistic course back to the arms control bargaining table. We should reconsider our negotiating posture and offer the leadership of the Soviet Union a new opportunity to meet us halfway.

Finally, we must realize that successful management of Soviet-American relations is a long-term problem which requires a creative, firm and sustained effort on our part. The Soviet Union is presently beleaguered by a host of problems, including the selection of a new generation of leaders. These leaders will have the choice of embarking on a course of confrontation with the United States or exploring the possibilities of a safer and more stable relationship. We are not able to control their decisions, but we can make clear our preferences. There is no better time than the present to get this message across.●

GROVE CITY COLLEGE DECISION MAJOR SETBACK FOR WOMEN

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mrs. BURTON of California. Mr. Speaker, the Supreme Court recently handed down a long-awaited decision in the Grove City College against Bell case. That decision is a major setback for the women of this Nation. It places women on an unequal footing in our educational institutions. It guarantees that women's struggle for equality in society will be needlessly prolonged.

I am dismayed that the Supreme Court chose to view this case in a narrow, technical sense. The Grove City case sought to clarify the Government's authority to enforce equal opportunities for women and the Court's decision weakens that authority.

The decision also completely ignores the intent of Congress. As recently as November, Congress passed, by near-unanimous vote, a resolution stating that title IX should not be interpreted in any manner which would lessen its coverage. I will work to enact legislation which clarifies the scope of title IX and reaffirms the commitment of Congress to equality in education.●

FIRST UNITED METHODIST CHURCH CELEBRATES CENTENNIAL BIRTHDAY

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. MOORHEAD. Mr. Speaker, on Sunday, March 25, 1984, the First United Methodist Church of Burbank will celebrate its centennial birthday.

Founded in 1884, years before the city of Burbank was incorporated, the Providencia Methodist Episcopal Church first gathered in a small house at Empire Street and Lincoln Avenue. In 3 years, the church joined another group of Methodist laymen and built a new church for the grand sum of $2,628.

This church served the needs of the congregation until 1919 when growth again forced the church to expand. A new sanctuary was constructed in the middle of the downtown business section at Olive Avenue and Third Street. The city now had a population of 3,000 and the church congregation numbered 267.

Then World War II came and Burbank's population ballooned to 85,000 and the congregation expanded to 1,000. The existing church designed for a congregation of 350 was no longer suitable, so again plans for a new, larger church were developed.

After raising $500,000 and purchasing property on Glenoaks Boulevard, the members of the First United Methodist Church of Burbank moved in 1952 into a sanctuary they occupy to this day.

During its first century, the church had 31 senior pastors. Rev. Larry L. Stamper has served in this capacity for 12 years, longer than any other pastor in the church's history.

After 10 decades, the congregation continues in its generous, compassionate ways, supporting Christian mission work not only within its own community but in the world community as well.

Mr. Speaker, it is an honor for me to call to the attention of my colleagues in the U.S. House of Representatives the 100th birthday of a very fine institution and to let them know about the vitality, the goodness, and success of the First United Methodist Church of Burbank.●

SOUTHWICK SCHOOLS CELEBRATE SOUTHWICK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. CONTE. Mr. Speaker, the town of Southwick, Mass., has set aside the week of March 13-20 for a series of projects called "Southwick Schools Celebrate Southwick." The events of this week are being coordinated by the Southwick Education Association and the Southwick School Committee, and are designed to provide townspeople, especially Southwick's young people, with a heightened awareness and appreciation of the town's long and proud history and future potential.

Just a look at the town's distinct geographical boundaries, the result of a surveying error made 42 years after the Pilgrims landed at Plymouth Rock, tips one off that this town has its own special and unique identity. Incorporated in 1770, the history of this tiny, picturesque community in western Massachusetts is checkered indeed with many fascinating highlights. For example, the town's powder mills served as a source of gunpowder for the Continental Army during the fight to free the Thirteen Colonies from the yoke of British rule. As home of the spring-fed Congamond Lakes, Southwick played a pivotal role in the development of the Farmington-Hampshire Canal.

The town is also the home of a number of individuals who have carved for themselves their own little niche in Americana. It was the home of Amasa Hollomb, one of America's earliest precision machinists and builder of telescopes, two of which are now in the Smithsonian Institution. Southwick is also the birthplace of Miss Lucy H. Gillett, an early public health nutritionist who demonstrated a concern for good nutrition more than a half century before it became popular.

These illustrations highlight some of what is unique and special to this tiny New England town. I congratulate the Southwick Education Association and the Southwick School Committee for coordinating this week which will give all who participate a much higher awareness of these and other aspects of their hometown. The week will help define a sense of roots and safeguard the identity and pride of a community that remains an important and unique part of the First Congressional District. Congratulations, Southwick!●

RULE ON THE TAX REFORM ACT OF 1984

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means on March 1, 1984, approved a committee amendment in the nature of a substitute to H.R. 4170, the Tax Reform Act of 1984. This committee amendment incorporates:

First, the provisions of H.R. 4170 reported by the Committee on Ways and Means on October 21, 1983;

Second, the four committee amendments to the reported bill, approved on November 16, 1983, relating to technical revisions, tax-exempt bonds, miscellaneous revenue matters, and supplemental security income (SSI);

Third, a modified version of the "tax freeze" proposal sponsored by Chairman ROSTENKOWSKI;

Fourth, a modified version of the President's proposals relating to tax shelters, accounting abuses, corporate and securities reforms;

Fifth, a revised schedule of highway use taxes for heavy vehicles; and

Sixth, various effective date changes, technical modifications, and clerical amendments.

It is anticipated that the revenue increases from these proposals would be approximately $49.5 billion over the period 1984-87.

I wish to serve notice, pursuant to the rules of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek a modified closed rule for the consideration of this bill by the House of Representatives.●

CHILDREN'S PERCEPTIONS OF NUCLEAR WAR

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. WIRTH. Mr. Speaker, the threat of nuclear war is a cloud hanging over the head of every citizen of our country and indeed, every human on our planet. "The Day After," the nuclear freeze effort, and the arms race all drive home the horrors and futility of a war which, contrary to the thinking of some members of this administration, cannot be won. Yet, regardless of how strongly we as adults feel this threat, our concerns about a nuclear holocaust pale in comparison with the fears of our children. As a father of two, I can see the worry in my children's eyes when they contemplate the chances of surviving a nuclear attack or consider the prospects of living in a world ravaged by nuclear war. And my children are not alone in their worry. A recent Washington Post poll concluded that young people feel the urgency of the nuclear peril far more than their parents. For the participants of that poll, Washington adolescents aged 13 to 17, the question was not whether there will be a nuclear war, but when. A majority of the children felt that nuclear war is either very or fairly likely to occur. Two-thirds of the girls interviewed felt that nuclear bombs are likely to fall within the next 16 years, which if interpreted literally meant that most of them did not expect to live beyond the age of 30. One of every four children interviewed said that fear of nuclear war causes them to "worry frequently about death." One in four have dreamt of nuclear war.

Mr. Speaker, I worry about these statistics. What kind of world are we raising our children in if it is one which many of them do not expect will survive another 16 years? What kind of world is it if our children are growing up without hope—hope of a bright future, hope of a peaceful world, or hope of a better life? We as leaders in our Nation and as parents must begin to give our children reason to hope once again. We must teach our children that human differences can and must be resolved through means other than nuclear war and armed conflict. There are few illustrations of this dilemma that are more effective than "The Butter Battle Book," by Dr. Seuss. Reading of the differences between the Yooks, those who eat their bread with the butter side up, and the Zooks, who eat their bread with the butter side down, simply reemphasized that the survival of the human race depends on resolving conflict in a peaceful manner. Moreover, reading how this conflict escalated brings home in a unique way the futility of uncontrolled competition in developing ever more sophisticated weapons of destruction.

Mr. Speaker, I would like to share with my colleagues the text of the "The Butter Battle Book." Perhaps by teaching our children how foolish nuclear war is, they will be more successful than we have been at creating a more peaceful world.

THE BUTTER BATTLE BOOK

(By Dr. Seuss)

On the last day of summer, ten hours before fall . . .

. . . my grandfather took me out to the Wall.

For a while he stood silent.
Then finally he said,
With a very sad shake of his very old head,
"As you know, on this side of the Wall we are Yooks.
On the far other side of this Wall live the Zooks."
Then my grandfather said,

"It's high time that you knew of the terribly horrible thing that Zooks do.
In every Zook house and in every Zook town
Every Zook eats his bread with the butter side down!

"But we Yooks, as you know,
When we breakfast or sup,
Spread our bread," Grandpa said,
"With the butter side up.
That's the right, honest way!"
Grandpa gritted his teeth.
"So you can't trust a Zook who spreads bread underneath!
Every Zook must be watched!
He has kinks in his soul!
That's why, as a youth, I made watching my goal,
Watching Zooks for the Zook-Watching Border Patrol!
In those days, of course, the Wall wasn't so high
And I could look any Zook square in the eye.
If he dared to come close I would give him a twitch
With my tough-tufted prickely Snick-Berry Switch.

For a while that worked fine.
All the Zooks stayed away
And our country was safe.
Then one terrible day
A very rude Zook by the name of VanItch
Snuck up and slingshotted my Snick-Berry Switch!
With my broken-off switch, with my head hung in shame,
To the Chief Yookeroo in great sorrow I came.
But our Leader just smiled. He said, "You're not to blame.
And those Zooks will be sorry they started this game.

"We'll dress you right up in a fancier suit!
We'll give you a fancier slingshot to shoot!"
And he ordered the Boys in the Back Room to figger
How to build me some sort of a triple-sling jigger.
With my Triple-Sling Jigger
I sure felt much bigger.
I marched to the Wall with great vim and great vigor,
Right up to VanItch with my hand on the trigger.
"I'll have no more nonsense," I said with a frown,
"From Zooks who eat bread with the butter side down!"
VanItch looked quite sickly.
He ran off quite quickly.

I'm unhappy to say
He came back the next day
In a spiffy new suit with a big new machine,
And he snarled as he said, looking frightfully mean, "You may fling those hard rocks with your Triple-Sling Jigger.
But I, also, now have my hand on a trigger!
"My wonderful weapon, the Jigger-Rock Snatchem,
Will fling 'em right back just as quick as we catch 'em.
We'll have no more nonsense.
We'll take no more gupp
From you Yooks who eat bread with the butter side up!"

"I have failed, sir," I sobbed as I made my report
To the Chief Yookeroo in the headquarters fort.
He just laughed. "You've done nothing at all of the sort.
Our slingshots have failed.
That was old-fashioned stuff.
Slingshots, dear boy,
Are not modern enough.
"All we need is some newfangled kind of a gun.
My Boys in the Back Room have already begun
To think up a walloping whim-singer one!
My Bright Boys are thinking.
They're on the right track.
They'll think one up quick
And we'll send you right back!"

They thought up a great one!
They certainly did.
They thought up a gun called the Kick-a-Poo Kid
Which they loaded with a powerful Poo-a-Doo Powder
And ants' eggs and bees' legs
And dried-fried clam chowder.
And they carefully trained a real smart dog named Daniel
To serve as our country's first gun-toting spaniel.
Then Daniel, the Kick-a-Poo Spaniel, and I
Marched back toward the Wall
With our heads held up high
While everyone cheered and their cheers filled the sky:
"Fight! Fight for the Butter Side Up!
Do or die!"

Well . . .
We didn't do.
And we didn't quite die.
But we sure did get worsted, poor Daniel and I.
VanItch was there too! And he said, the old pig,
"The Boys in my Back Room invented *this* rig
Called the Eight-Nozzled, Elephant-Toted Boom-Blitz.
It shoots high-explosive sour cherry stone pits
And will put your dumb Kick-a-Poo Kid on the fritz!"
Poor Daniel and I were scared out of our wits!
Once more, by VanItch I was bested and beat.
Once again I limped home from the Wall in defeat.

I dragged and I sagged
And my spirits were low,
As low as I thought that they ever could go,
When I heard a *Boom-Bah!*
And a *Diddle-dee-Dill!*
And our Butter-Up Band
Marched up over the hill!
The Chief Yookeroo had sent them to meet me
Along with the Right-Side-Up Song Girls to greet me.
They sang:
"Oh, be faithful!
Believe in thy butter!"
And they lifted my spirits right out of the gutter!

"My boy," smiled the Chief Yookeroo, "we've just voted
And made you a general! You've been promoted.
Your pretty new uniform's ready. Get in it!
The Big War is coming. You're going to begin it!
And what's more, *this* time you are certain to win it."
"My Boys in the Back Room have finally found how.
Just wait till you see what they've puttered up now!
In their great new machine you'll *fly* over that Wall
And clobber those Butter-Down Zooks one and all!"

Those Boys in the Back Room sure knew how to putter!
They made me a thing called the Utterly Sputter
And I jumped aboard with my heart all aflutter
And steered toward the land of the Upside-Down Butter.
This machine was *so* modern, *so* frightfully new,
No one knew quite exactly just *what* it would do!
But it had several faucets that sprinkled Blue Goo
Which, somehow, would sprinkle the Zooks as I flew
And gum up that upside-down butter they chew.

I was racing pell-mell
When I heard a voice yell,
"If you sprinkle us Zooks,
You'll get sprinkled *as* well!"
VanItch had a Sputter exactly like mine!
And he yelled, "My Blue-Gooer is working just fine!
And I'm here to say that if Yooks can goo Zooks,
You'd better forget it. 'Cause Zooks can goo Yooks!"

I flew right back home and, as you may have guessed,
I was downright despondent, disturbed, and depressed.
And I saw, just as soon as I stepped back on land,
So were all of the girls of the Butter-Up Band.
The Chief Drum Majorette, Miz Yookie-Ann Sue,
Said, "That was a pretty sour flight that you flew.
And the Chief Yookeroo has been looking for you!"

I raced to his office. The place was a sight.
"Have no fears," said the Chief. "Everything is all right.
My Bright Back Room Boys have been brighter than bright.
They've thought up a gadget that's Newer than New.
It is filled with mysterious Moo-Lacka-Moo
And can blow all those Zooks clear to Sala-ma-goo.
They've invented the Bitsy Big-Boy Boomeroo!"
"You just run to the wall like a nice little man.
Drop this bomb on the Zooks just as fast as you can.
I have ordered all Yooks to stay safe underground
While the Bitsy Big-Boy Boomeroo is around."
As I raced for that Wall, with the bomb in my hand,
I noticed that every last Yook in our land
Was obeying our Chief Yookeroo's grim command.

They were all bravely marching,
With banners aflutter,
Down a hole! For their country!
And Right-Side-Up Butter!
That's when Grandfather found me!
He grabbed me. He said,
"You should be down that hole!
And you're up here instead!
But perhaps this is all for the better, somehow.
You will see me make history!

Right here! And right now!"
Grandpa leapt up that Wall with a lopulous leap
And he cleared his hoarse throat
With a hopulous heap.
He screamed, "Here's the end of that terrible town
Full of Zooks who eat bread with the butter side down!"
And at that very instant we heard a klupp-klupp
Of feet on the Wall and old VanItch klupped up!
The Boys in HIS Back Room had made him one too!
In his fist was another Big-Boy Boomeroo!
"I'll blow you," he yelled, "into pork and wee beans!
I'll butter-side-up you to small smithereens!"
"Grandpa!" I shouted. "Be careful! Oh, gee!
Who's going to drop it?
Will you . . . ? Or will *he* . . . ?"
"Be patient," said Grandpa. "We'll see.
We will see . . .●

A TRIBUTE TO MORTON SILBERMAN

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. SMITH of Florida. Mr. Speaker, today I would like to take this opportunity to pay tribute to Morton Silberman, an outstanding individual dedicated to serving the Jewish community and the United States, who passed away last week. I want to express my deep sadness at the loss of a good and valued friend and a great American.

A Miami resident for the past 17 years, he served as the president of the Jewish Federation from 1976 to 1978. In May 1982, Mr. Silberman was appointed president of the American-Israel Public Affairs Committee (AIPAC), an organization concerned with issues as they relate to the United States and Israel. He loved his land, America, and believed, as many of us, that freedom and justice and world peace require strong ties and close relations between the United States and Israel. He served as chairman of the 1974 Combined Jewish Appeal-Israel Emergency Fund campaign. He was also founding president of the Palm Beach County Jewish Federation. He was involved in many more organizations and causes. He was especially devoted to young people.

Mr. Speaker, I know that you and our colleagues here in Congress will want to join with me in extending our deepest condolences to his wife Phyllis, his family, and the Jewish community. As Americans, we will feel the loss of Morton Silberman. He earned the highest respect and esteem from all of us for the quality of his leadership and sincerity of purpose dedicated to serve people. We all recognize his untiring and compassionate efforts on behalf of his fellowman. We will miss him. I have lost a teacher and friend.●

GROVE CITY COLLEGE AGAINST TERREL H. BELL

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. OWENS. Mr. Speaker, I speak today with a great sense of sadness. The Supreme Court has ruled in Grove City College against Terrel H. Bell, that it is apparently permissible to discriminate against women as long as you do not do so in a program that receives financial assistance. Today the victims are women, tomorrow they may be the handicapped and minorities.

Grove City College receives no direct Federal aid. The Federal money which comes to the college comes in the form of financial assistance to the students. Title IX covers "discrimination under any education program or activity receiving Federal financial assistance." Many would believe that tuition and board expenses are used to finance all activities at a college, but the Supreme Court found otherwise. Apparently those who are long past their college days believe that one can run the activities of a college without the use of tuition and board moneys.

The narrow interpretation of civil rights statutes has been sought by this administration and like-minded people who resist attempts to end the discrimination which is rampant in this country. The decision in Grove City is perceived as a victory by these people. They are dead wrong. The approval of discrimination by our Highest Court, be it against women, minorities, ethnic groups, religious groups, the old or the young, is a defeat for our Nation. I urge my colleagues to support efforts to snatch victory from the Supreme Court's jaws of defeat.●

MAJ. GEN. J. MILNOR ROBERTS: A JOB WELL DONE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. MONTGOMERY. Mr. Speaker, I want to make my colleagues aware of the retirement of a very good friend and an outstanding American. He is Maj. Gen. J. Milnor Roberts. General Roberts is retiring as executive director of the Reserve Officers Association. He has served in the position for 9 years.

I have known General Roberts ever since he was head of the Army Reserve at the Department of Defense. He was a logical choice to take over the leadership of the ROA in 1975 and his tenure has been one of distinction and progress.

One of the most important things accomplished under his leadership is the creation of an Assistant Secretary of Defense for Reserve Affairs at the Defense Department. He took a leading role in this effort.

General Roberts established a very good working relationship with Members of Congress and this obviously has been a plus. I have enjoyed working with him during my years on Capitol Hill and want to wish him the best. I hope he will continue to stay in touch with the ROA and will also still be able to offer his great expertise on military matters to those of us on Capitol Hill who have come to respect him over the years.●

DICK MUNRO OF TIME SPEAKS OUT FOR EDUCATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. FORD of Michigan. Mr. Speaker, Dick Munro, the president and chief executive officer of Time, Inc., epitomizes the best qualities of American business leadership in his broad involvement in civic and educational affairs. Mr. Munro chairs the education committee of the New York City parternship and is a member of the President's Council on Physical Fitness and Sport. He is also a director of the Urban League of Southwestern Fairfield County, Conn., a director of the New York Chamber of Commerce and Industry, a trustee of Northfield Mount Hermon School, a trustee of Colgate University, his alma mater, and a director of the United Negro College Fund.

On January 25, Mr. Munro delivered the keynote address at the conference board's program on business and the public schools. In his remarks he urged the business community to understand its important stake in supporting investment in our Nation's "human capital" through education. I hope that my colleagues will read Mr. Munro's forceful and articulate remarks on the national need to provide adequate funds for educational programs at all levels of government.

The full text of Mr. Munro's remarks follows:

Mr. Munro's Remarks

My role as keynote speaker reminds me a bit of what must have been the shortest music review in the history of journalism. It went like this:

"An amateur string quartet played Brahms last night. Brahms lost."

In keeping with that spirit, I intend to keep my remarks brief.

I was very eager to accept the invitation to speak here today because of my strong support for the greater involvement of business in education. In the last couple of years, the lion's share of my outside activities has gone toward helping to improve public education.

Like you, I place a high value on education as a means toward improving people's lives and extending equal opportunities. But I've also come to appreciate the need for business leaders to realize that their involvement is in their self interest—and, likewise, to regard education as a vital investment, not simply an expense. That's what I want to spend the next few minutes discussing.

The legendary movie executive Sam Goldwyn had a few thoughts about this. When he was considering the movie rights to Lillian Hellman's play, "The Little Foxes," an executive of his objected, saying that it was—quote, "a very caustic play."

Goldwyn replied, "I don't care what it costs! Get it!"

Well, we all know how "caustic" quality education can be—and that makes me as the fundamental issue which confronts us as a nation—how much money we are willing to spend for better schools.

I approach that issue in the framework of what economists call "human capital"—the pool of educated, skilled workers who can ensure a productive economy. Economists recognize more than ever that expanding that pool is a necessary condition for long-term economic growth.

"A mind is a terrible thing to waste"—goes the advertising message we've become familiar with. It refers to the tragedy of young men and women who are deprived of a job and a future because they lack the necessary education.

That concerns me deeply. But what also concerns me is the economic cost to our nation, business included—of the wasted talents of millions of people eager, but unable or untrained, to work. This amounts to an enormous squandering of our human capital. The overall costs are already high. But they could be staggering in a few years—measured by lagging productivity, lower total output, renewed inflation, and shrinking world markets.

The baby boom is over, and sharply fewer young people will be entering the labor force. For example, in this decade, 3 million fewer young people will enter the labor force than did in the 1970's. It will be 7 million fewer in the 1990s. As a result, we could find ourselves caught between a growing demand for skilled labor and a declining supply—as employers adopts more advanced technologies.

As the Data General Corporation stated, "There looms on the not-too-distant horizon a massive shortage of human resources . . . that will dwarf all other obstacles to our company's growth and could topple the U.S. high technology and computer industry."

And while we usually hear about the shortages of youngsters learning advanced technical and scientific skills, the lack of basic skills concerns me more.

For example, one out of 10 youngsters who apply for the armed services fails the aptitude test. In one state, one-third of all applicants fail.

One out of five 17-year-olds is functionally illiterate—unable to read a package label, fill out a form, or follow a service manual; and

The drop-out rate has been rising, not falling. In 1982, 72 percent of all youngsters graduated from high school—down from 76 percent 10 years earlier. Close to a million American teenagers drop out of school every year.

And while we think that new technologies will require workers to do less—they will require workers to know more.

Years ago, we needed most workers for their physical strength and dexterity. We need them now to read, write and count. In years to come, however, we will increasingly need them to solve problems on their own, learn new ideas, and understand people. Or, as Yogi Berra once said, "Ninety percent of the game is mental, and the other half is physical."

Businesses already spend $40 billion a year for employee training, according to the Business Roundtable. Too much of that goes for basic skills which workers should have mastered in high school.

For example, AT&T spends $6 million a year to teach basic writing and arithmetic to its employees. Metropolitan Life spends some 40 percent of its training money for teaching basic English and mathematics. Because these problems affect businesses directly—and because of a general desire to improve community life—many companies have already gotten involved with local public schools.

The New York City Partnership established an education committee to bring education and business leaders together. As a start, we're helping to train administrators, to link students with jobs, and to increase corporate contributions. The Partnership provides grants for teachers to develop new classroom programs. We've set up a Literacy Assistance Center. Also through the partnership, with the backing of Shearson/American Express, the city will open a new high school this year, The Academy of Finance—to prepare youngsters for careers in the financial industry.

A little closer to my heart, Time Inc. is helping to establish a High School of Writing and Journalism, also to open this year. Businesses in many other cities have begun similar efforts. You'll hear of some of them later today. Unfortunately, however, the instances of close, sustained, and innovative partnerships of business and local schools are still uncommon.

How many times, for example, have we put aside our short-term financial interests to lobby our state and local governments for more school funds? And how many times have educators really consulted with businesses to bring programs more in line with future employment needs? We sorely need business leaders and educators to sit down and forge a better relationship. There has been a dialogue of the deaf going on instead. I wish I could say that this cooperation alone can solve our educational problems—but that's not the case.

It will take a lot of cold, hard cash. As a percentage of gross national product, all spending on education in the United States has declined from a high of 8 percent in 1975 to less than 7 percent in 1981. At the current rate, it would fall below 6 percent in 1986. Putting in place the recommendations of the many commission reports of last year would cost from $15 billion to $50 billion, depending on which estimate you read.

Corporate giving can help, of course—and has nowhere to go but up. By one estimate, corporate contributions to education total $1 billion a year—but only 3 percent of that goes to public schools. A major shift by corporations to, say, a half-billion dollars for public schools would be nothing to sneeze at. But it's far short of our growing needs. If we turn to state and local governments, we see some remarkable efforts to fund schools lately—but they've fallen short of restoring recent cuts in federal aid. Moreover, many states simply do not have the tax base to fund better school.

I'm convinced that we need to begin expanding federal aid again. We need renewed federal leadership in education that can begin making investments in human capital again. In short, we need more than just a rhetorical commitment to quality schools. Calls for punishing disruptive students, firing incompetent teachers, tuition tax credits, and school prayers may please some audiences—but they neglect the basic financial needs of our system.

Look at low teacher pay. Look at threadbare school libraries. Look at outmoded or nonexistent lab and computer equipment. Look at school districts with pitiful tax bases. Look at all those deficiencies and then claim that more money won't help our school problems.

I hope that, in tonight's State of the Union Address, President Reagan will recognize these immediate needs—and reverse the Administration education policy of the last few years. For the sake of relatively small federal budget savings, the Administration has cut programs from Headstart to adult job training—the very programs we need more of, not less. The Administration's budget proposal for this year contained one-third less real spending for education and job training than a few years ago.

Moreover, its projected budget for 1986 showed a further 19 percent decline in real spending for aid to public schools. Congress reversed some of the proposed cuts, but programs targeted for low-income children have suffered greatly in the last three years.

In other words, our national educational policy is headed in the wrong direction—and it's up to us to tell our friends in Washington that we think it's wrong. As we business leaders are fond of saying, there's no free lunch—that applies to excellent schools as well as anything else. As long as we try to buy excellence on the cheap, we'll have to expect the dismal results.

Why is it that—when a school system spends money on an innovative program, or new textbooks, or more advanced equipment—it goes on the books—and in our public attitudes—as an expense? If I authorized the same kinds of spending for my company—our ledger would show them as investments. We'd get praise for our far-sightedness. We might get a few tax breaks.

We might even cheer up Martin Feldstein. I submit that there's something very wrong with that kind of bookkeeping.

We need to regard support for education instead as the most crucial investment we can make in our economic future—more important even than new factories and machinery.

And we need to stop applauding wholesale cuts in education budgets as wise economic measures. As a college president once said, "If you think education is expensive—try ignorance." If business leaders would realize that, and begin to express their support for schools to our elected officials—that might be our most valuable and lasting contribution to the future of education. Let me add a final point:

The heaviest burden of poor education and lack of skills has fallen on minorities and women. For example, 13 percent of white 17-year-olds are functionally illiterate—but that figure is 43 percent among blacks and 56 percent among Hispanics. Yet it's these millions of under-educated youngsters and structurally-unemployed adults who can make the difference in coming years between having enough skilled labor—and not having enough. We need to regard equal opportunity in education for minorities and women as not simply a moral good—which it clearly is—but also an investment in human capital that will yield a crucial margin of economic safety.

Robert Kennedy once said that Americans without an education "are condemned to live as outsiders—outside the twentieth century, foreigners in their own land." Today, in addition to this moral imperative, I think he would have also noted the economic necessity.

In conclusion, the need is urgent for mobilizing business and other community leaders to improve our schools. That's a message that I take to my colleagues—and one that I hope you spread, as well.

Thank you.●

RUSTY ROACH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. SKELTON. Mr. Speaker, I would like to bring to the attention of my colleagues the heroic deed performed by one of my young constituents. On September 9, 1982, Rusty Roach, of Adrian, Mo., helped save the life of his cousin, Scott Burkes, who fell from a small boat. What makes this act of courage and bravery so special is that Rusty was only 9 years old at the time. I recently had the honor of presenting Rusty, a Cub Scout, with the Boy Scouts of America second highest award, the Medal of Merit. I ask my colleagues to join with me in adding our praise to those of Rusty's family, friends, and the Boy Scouts of America for his action which put another ahead of himself. This is a rare quality to find in anyone, particularly in someone so young.●

UNITED STATES AND THE EUROPEAN COMMUNITY ECONOMIC RELATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. HAMILTON. Mr. Speaker, I wish to place in the RECORD an exchange of letters Representatives LARRY WINN, SAM GIBBONS, BILL FRENZEL, and I have had with Sir Roy Denman, the head of the delegation of the Commission of the European Communities, regarding recent trade problems between the United States and the European Community.

On March 1, 1984, retaliatory measures by the European Community against selected American imports took effect because of the announcement by the United States last July of safeguard measures against specialty steel imports. Part of the dispute over European Community retaliatory measures was resolved on February 27 when the European Community decided to increase the quotas on the affected American imports by 20 percent. However, the retaliatory measures went into effect.

Both the United States and the European Community bear the responsibility to try to halt the increased use of protectionist measures in world trade. In our letter, we sought to urge the European Community to delay the imposition of retaliatory measures by the European Community. Sir Roy Denman answered that the decisions of the European Community conformed with the GATT framework and the United States and European Community had avoided a major confrontation over this latest trade controversy.

Members will find these letters to be an informative review of some of the critical trade issues and viewpoints which have influenced the recent discussions on specialty steel and European Community retaliatory measures.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 24, 1984.

His Excellency Sir ROY DENMAN,
Head of Delegation, Delegation of the Commission of The European Communities, Washington, D.C.

DEAR SIR ROY: We are writing to you to urge the European Community to delay the imposition of retaliatory measures against selected American imports that are scheduled to take effect on March 1, 1984. A delay would allow for another round of negotiations to resolve differences and to prevent a further erosion of trade relations between the United States and the European Community.

We realize that these proposed EC retaliatory measures are a response to restrictions the United States placed on specialty steel imports last July. The American industries affected, primarily manufacturers of sporting equipment, security systems, and chemicals, are extremely concerned about the impact of EC duties and quotas on their exports. Part of their concern originates from the figures used by the EC for the level of American imports. In several instances, American companies and the Department of Commerce claim that the levels of exports they recorded for 1982 were higher than the figures used by the EC for 1982, the year it has chosen as the base year for trade levels. Quotas and restrictions based on such figures would be exceptionally injurious to American companies.

According to the Office of the U.S. Trade Representative, the United States and the European Community came very close last year to negotiating an agreement on compensation to EC specialty steel producers for the American restrictions and on differences over quota allowances on specialty steel imports. The United States remains willing to pursue these negotiations, but it appears the European Community is currently committed to imposing retaliatory measures. We believe that if the two sides were close to settling their differences, it would be far healthier for the international economic and political climate to resume negotiations rather than add additional protectionist barriers.

If the European Community believes it must impose retaliatory measures in order to signal its opposition against U.S. safeguard measures, its decision will likely worsen, rather than improve U.S.-EC trade relations. Protectionist sentiment in the United States is strong, and EC retaliations will serve the arguments of those who support additonal restrictions as the only effective means of settling our trade problems. For example, there is mounting sentiment to impose restrictions on wine imported from the EC. The United States and the European Community share a historical commitment to free trade; the prosperity and security of both parties have been built in part on the efficient and unhindered flow of world trade. Both sides are responsible for the rising tide of protectionism and both are responsible for finding a settlement to stop it.

In January the former Chancellor of West Germany, Helmut Schmidt, warned that economic differences are currently the greatest danger facing the United States and Western Europe. We believe that the apparent inability of the Western nations to settle these problems bears ominous implications for international political and economic stability. New negotiations on specialty steel and a delay of EC retaliatory measures would offer an opportunity to show a joint commitment to slowing protectionism in a critical area. We thus encourage the European Community to postpone the retaliatory measures and to allow negotiations to find a settlement to this dispute.

We greatly appreciate the dedication you have demonstrated in working with U.S. officials to solve commercial and economic differences. A healthy and strong relationship is vital to both the United States and the European Community. We hope the Eurpoean Community will reconsider its schedule for retaliatory actions, and we anxiously await your response to our inquiry.

With best regards,

Sincerely yours,
LEE H. HAMILTON,
SAM GIBBONS,
LARRY WINN, Jr.,
BILL FRENZEL,
Members of Congress.

DELEGATION OF THE COMMISSION
OF THE EUROPEAN COMMUNITIES,
February 28, 1984.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Washington, D.C.

DEAR CHAIRMAN: Thank you for your letter of February 24 (received yesterday) urging the European Community to delay the withdrawal of concessions on certain American imports scheduled to take effect of March 1, 1984. I appreciate very much the spirit in which your letter was written and the very valuable work which you and your colleagues have done in working with us to lessen trade tensions across the Atlantic.

Let me in comment make three points. The first is that the discussions which have taken place have been fully in accordance with the procedures prescribed by the General Agreement on Tariffs and Trade and have given a practical example of how a balance of advantage between two contracting parties in terms of bound concessions can be readjusted when one contracting party feels itself obliged to impose certain restrictions on imports. In this particular case, as you will recall, once the United States Administration imposed restrictions on imports of specialty steel from the Community, we exercised our GATT rights under Article XIX and requested compensation. The discussions were friendly and constructive and the deadline was twice extended. But since it did not prove possible to reach agreement on compensation in terms of greater access to the U.S. market, we after due consultation announced our intention of exercising our GATT rights to suspend substantially equivalent concessions in relations to our imports from the United States. Parallel action has been taken by Canada without seemingly arousing any public debate.

At a discussion yesterday in Brussels between Ambassador William Brock and Vice Presidents Haferkamp and Davignon of the Commission it was agreed to defuse the question. Our measures will go into effect as scheduled on March 1. But the Commission representatives made it clear that we were ready to take into account a representative dollar/ECU rate. This should raise quotas by about 20 percent. If after further bilateral examination evidence were to be presented that the EEC import figures from the US on products subject to the compensatory withdrawals did not reflect actual imports from the US, necessary adjustments would be made to the compensatory measures. And the Commission signified that at the request of the US the EEC was ready to enter into consultations to determine any excessive impact on trade of price sensitive items with a view to considering any appropriate remedial action. The United States naturally retains its GATT rights. But a confrontation today in the GATT Council has been avoided and it is the hope on both sides that any outstanding difficulties can be dealt with by the path of consultation.

I hope therefore that this shows that while the Community has exercised its GATT rights, it has done so in a responsible fashion after full consultation with the United States and that while the latter retains its full GATT rights a clash on this issue has been avoided.

I am sending a copy of this letter to your colleagues.

Sincerely,

ROY DENMAN.●

PERSONAL EXPLANATION

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. WYDEN. Mr. Speaker, I would like to take the time today to correct an oversight that was made in introducing the Medical Computer Crimes Act of 1984 on Monday, February 27. The name of Congressman HENRY WAXMAN, chairman of the Health and Environment Subcommittee, was inadvertently left off the bill as printed.

As I indicated in my opening statement, Mr. WAXMAN joined me in introducing the bill.

I regret the oversight in the printing of the bill, but look forward to continuing work with Mr. WAXMAN on this important piece of legislation.●

CONYERS CALLS FOR STRONGER SMALL BUSINESS SUPPORT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. CONYERS. Mr. Speaker, small business firms throughout the country play a major economic role yet the small business sector rarely receives the Federal support that it deserves.

Small businesses contribute to the U.S. economy in several ways. They account for nearly half of the total sales generated annually in the private sector. They account for most of the new jobs that are generated, and also for a large proportion of the Nation's technological innovations. The small business sector is the most competitive and dynamic business sector.

During the past several years, however, small business firms have faced major obstacles ranging from indefensibly high interest rates to lack of access to adequate commercial credit to the disadvantages built into the Federal procurement process. For these and other reasons, the year 1983 showed the highest level of business failures in any year since 1932 and the Great Depression.

I want to share with my colleagues at this point in the RECORD three articles that gauge the current problems confronting small businesses. First, a summary by the House Committee on Small Business of small business problems and issues in 1984; second, a statement by Small Business Committee Chairman, Representative PARREN J. MITCHELL, on the declining share of Federal procurement funds for minority small businesses, and third, a summary of legislation to increase small business involvement in Federal contracts (H.R. 2133), which I strongly support. The articles follow:

MAJOR SMALL BUSINESS ISSUES: 98TH CONGRESS, 2D SESSION

ECONOMIC OUTLOOK FOR 1984

In spite of the high interest rates and record business failures, the economic recovery should continue in 1984.

GNP should grow 5 to 5.5 percent in 1984 before slowing in 1985.

Interest rates should remain about the same as now, although there will probably be a slight increase in rates late in the year.

Housing starts will be at about 1.7 million units.

Other than high real interest rates, the overvalued dollar will pose problems for small businesses which must compete with imports. Both the overvalued dollar and high interest rates are a product of a relatively restrictive money policy combined with huge federal deficits. More serious problems will emerge in late 1984 or early 1985 as the expanding credit needs of business clash with the credit demands of government.

Adverse impact from the deficit. Must be reduced but other factors warrant equal consideration—monetary policy; over valued dollar; balance of trade deficit.

FEDERAL PROCUREMENT

Background

(1) Based upon Committee's investigation of the $474.5 billion of procurement between fiscal year 1979 and the first 6 months of fiscal year 1983, small business received only 17 percent of the total or $80.6 billion.

(2) A major reason for this declining share is the lack of competition, or, in other words, the lack of small business participation in the procurement system. For example, in fiscal year 1982 only 6.7 percent of DOD purchases were formally advertised for competitive bidding. Small business is being virtually cut out as a prime contractor.

H.R. 2133

Introduced by Chairman Mitchell and Mr. Addabbo on March 16, 1983.

Favorably reported from full Committee on November 3, 1983 by a vote of 37-1. There are now 42 co-sponsors. The bill has not received any sequential referrals.

Purpose of bill is to increase competition by increasing the involvement of small business in the Federal procurement process.

Among its major provisions H.R. 2133 would restrict the use of sole source procurements for spare parts and eliminate other artificial barriers to competition, such as "bidders lists". Further, contracting agencies are directed to reserve or set-aside certain types of contracts for small business and to break-up large contracts into smaller ones so that small business can compete more equitably for a share of the available work.

H.R. 4209

Introduced by Mrs. Boxer and Mr. Bedell on October 25, 1983.

Favorably reported from full Committee on November 3, 1983 by a vote of 37-1. There are now 10 co-sponsors (the Chairman did not co-sponsor). No sequential referrals.

Purpose of the bill is to provide a SBA Procurement Center Representative (PCR) at major military procurement centers to break-out spare parts for competitive procurements.

INNOVATION

SBIR

The Small Business Innovation Research Act of 1982, Public Law 97-219, became law on July 22, 1982.

Requires a percentage of qualifying agency's R&D budgets be expended through an SBIR program. Percentages are 0.2 percent in 1983, 0.6 percent in 1984, 1 percent in 1985, and 1.25 percent in 1986. (DOD has an additional year) In fiscal year 1983 small businesses submitted over 9000 proposals on 600 basic topics to the 11 agencies required to establish SBIR programs.

The technical quality was higher than anticipated and the agencies are well pleased.

NSF is the only agency not yet reporting. 688 Phase I awards have been made, and NSF expects to make 108 Phase I awards.

36 Phase II awards have been made by DOD and 30 by NSF. Awards will total $40 million for fiscal year 1983. Fiscal year 1984 awards are expected to amount to $120 million.

SBA sent out 340,000 pre-solicitation announcements and 140,000 descriptive pamphlets. SBA participated in 43 conferences and seminars and sponsored 3 minority conferences on the SBIR program in fiscal year 1983.

H.R. 3462

* * * * *

Introduced by Chairman Mitchell, June 30, 1983.

Referred to Judiciary—no hearings as yet.

The purpose of this bill is to make the U.S. patent system more accessible to small business and independent inventors and encourage innovation.

This bill would exempt small businesses, independent inventors and nonprofit organizations from payment of maintenance fees and from automatic patent fee increases established by Public Law 97-247 Patent and Trademark Office (PTO) Reauthorization Bill.

EXPORTS

Export-Import Bank reauthorization

Public Law 98-181 signed into law December 1, 1983.

This 3 year reauthorization for Exim Bank included a set-aside for small business making available from the aggregate loan, guarantee and insurance authority an amount not less than 6 percent in 1984, 8 percent in 1985, and 10 percent in 1986 to finance exports by small business concerns.

Part of this amount is to provide lines of credit or guarantees to small or medium size banks, export trading companies, export financing cooperatives, and SBICs to finance small business exports.

SMALL BUSINESS SIZE STANDARDS

The size standard regulations have been finalized by SBA and have been sent over to OMB clearance. Once the regulations have been cleared by OMB, they will become effective 30 days from the date of publication in the Federal Register.

SBA FINANCIAL ASSISTANCE

Overall trends

Overall SBA business loan activity in fiscal 1983 rose sharply (43.1 percent) from the low levels of 1982, due in large part to improved business conditions. However, activity continues to be well below that in 1980 and 1981.

During fiscal 1983, SBA provided $2.55 billion to 19,192 businesses in loans and loan guarantees. This is up from $1.782 billion in 1982, but less than the $3.193 billion provided in 1981 and the $3.388 provided in 1980.

Certified development company program

Approximately one-fourth of the increase in SBA financial assistance during fiscal 1983 is attributable to the Certified Development Company, or "503", Program. This relatively new program tripled development company guarantees from $100 million in 1982 to $296 million in 1983.

Direct loans and financial assistance to minority-owned businesses

Although overall business loan activity is up, some very disturbing trends are masked by these statistics. Direct loan approvals continued a four-year decline despite the availability of adequate funding and the improved business climate in 1983.

Even though all business loan approvals increased 43.1 percent in 1983, direct loan approvals decreased from $150.9 million the previous year to $123.6 million. In 1983 only 4.8 percent of all approvals were direct loans, down from 8.5 percent in 1982. In fact, SBA used only 54.9 percent of the funds Congress provided.

Another disturbing trend in SBA 1983 loan approvals was a 15 percent reduction in the percentage of all loans approved which went to minority entrepreneurs. Only 10.35 percent of SBA's business loans went to minority-owned businesses in 1983, down from 12.13 percent in 1982.

Disaster loan assistance

SBA physical disaster loan approvals were down to the lowest level since 1976, $196.5 million. Non-physical disaster loans (to help businesses cope with regulatory compliance, displacement due to public works projects and other government decisions) were eliminated in 1981 as part of the Reagan Administration's budget legislation.

Although natural disasters continue to occur, SBA disaster assistance, unfortunately has been placed out of the reach of many because of legislative changes enacted as part of the 1981 Omnibus Reconciliation Act and administrative rules changes aimed at lowering disaster loan outlays.

This Committee has recommended legislation to address this situation and to return some measure of compassion to the disaster loan program. Included in our bill, H.R. 3020, are provisions which would lower the interest rates to those without alternative resources to 4 percent and which would force the administration to raise its administrative limits on disaster home loans from $55,000 to $100,000 on uninsured real property losses plus up to $20,000 on uninsured personal property losses. The $55,000 limit was set in 1969 and, in many parts of the country, is totally unrealistic today to repair major or total damages. The administration has the discretionary authority both to lower interest rates and to lift the arbitrary ceiling on loans to homeowners, but has refused to do so.

Mitchell Cites Drop in Minority Business Share of Federal Procurement Funds

Congressman Parren J. Mitchell said that 1983 saw the second consecutive year of decline in the share of Federal procurement dollars awarded minority-owned businesses.

"The minority business share of only 3.1 percent ($4.812 billion) of the Federal Government's $156 billion total procurement pie during fiscal year 1983 is a glaring example of this Administration's attempt to turn the clock back on minority economic development."

During fiscal years 1981 and 1982 minority-owned firms received 3.4 and 3.2 percent, respectively, of the total Federal contract procurement dollar. The 1982-1983 period is the first time in the 15-year history of the minority business programs that there have been back-to-back years of decline.

Mitchell said that annual increases in Department of Defense's procurement activity—up from $102.463 billion in fiscal year 1982 to $121 billion in fiscal year 1983—provides a glaring contrast to the historically inadequate and steadily decreasing share of procurement contracts afforded minority-owned businesses.

"DOD contracts have increased by roughly 82 percent since Reagan took office and now constitute about 78 percent of all Federal purchases," Mitchell said. Conversely, the percentage of minority business procurement dollars has decreased from a pittance 3.4 percent in fiscal year 1981 to 3.1 percent in fiscal year 1983.

"These statistics represent an intolerable decline in the share of Federal contract procurement opportunities afforded a sector of our economy that, given the opportunity under Congressionally mandated laws, could play a lead role in job creation and in aiding in the Nation's economic recovery." Mitchell said.

"Efforts initiated during the first session of the 98th Congress to eliminate anticompetitive obstacles facing small and minority firms wishing to do business with the Government will continue when Congress reconvenes," Mitchell said.

The Purpose of the Bill (H.R. 2133)

The purpose of H.R. 2133 is to clarify and expand presently existing programs and policies contained in the Small Business Act that are intended to increase competition by increasing the involvement of small business in the Federal procurement process.

Statistics compiled by your Committee provide compelling justification for further legislative intervention in this process.

The share of the Federal prime contract dollar awarded to small business is disproportionately low. According to data supplied at the request of your Committee, from the Federal Procurement Data Center, of the $745 billion of Federal contracts awarded over the last four and one-half years, small business received only $80.6 billion—or a mere 17 percent of the total. However, by Federal definition, over 98 percent of all business establishments are classified as small.

Statistics also indicate that this trend is worsening. The Department of Defense (accounting for approximately 80 percent of the Federal purchase dollar) reports that the percent of prime contracts awarded to small business has fallen from 20.8 percent in fiscal year 1979; to 20.4 percent in both fiscal year 1980 and fiscal year 1981; to 19.7 percent in fiscal year 1982; and to 17.4 percent through the first eleven (11) months of fiscal year 1983.

Evidence further indicates that Federal procurements are highly concentrated in the hands of a few large business concerns. In fiscal year 1982, the top 25 DoD prime contractors accounted for nearly 46 percent of the entire purchase dollar; the top 5 prime contractors accounted for 19.6 percent of the budget, or nearly the same amount that was awarded to all small business concerns (19.7 percent).

This bill is intended to reverse these negative trends. The increased utilization of small business will promote competition, reduce acquisition cost and maintain the Nation's full productive capacity. It is for these purposes that H.R. 2133 was introduced and favorably considered by your Committee.

INTRODUCTION AND BACKGROUND

The bill, H.R. 2133, was introduced by full Committee Chairman, Parren J. Mitchell, and originally co-sponsored by Representative Joseph P. Addabbo. At the time of filing this report, the bill had a total of 42 co-sponsors.

The bill was solely referred to your Committee and, subsequently, referred to its Subcommittee on General Oversight and the Economy, chaired by Representative Berkley Bedell.

The Subcommittee conducted hearings on October 5 and 6, 1983 in Washington, D.C., and on October 12, 1983 in Jamestown, N.C.

After careful and extensive review of additional materials, data, and investigative reports made available to the Subcommittee, mark-up was conducted on October 27, 1983. The Subcommittee favorably reported H.R. 2133, with amendments, by a unanimous vote (11-0) of those Members present.

The full Committee met on November 3, 1983 and by a vote of 37-1 ordered the measure favorably reported, as amended by the

Subcommittee on General Oversight and the Economy.

THE NEED FOR THE LEGISLATION

The certificate of competency program

Section 8(b)(7)(A) of the Small Business Act authorizes the Small Business Administration to certify the capability and competency of a small business to perform a specific government procurement.

A case is referred to SBA if the contracting officer intends to reject an offer submitted by the low bidder or apparent successful offeror because he/she questions the firm's ability to perform the contract. SBA then contacts the concerned company and offers them the opportunity to apply to SBA for a certificate of competency (COC). If the COC is granted, the contracting activity must award the contract to the firm.

On August 12, 1982, SBA issued a rule which makes the referral of a case discretionary with the contracting officer for those contracts having a value of under $10,000 in amount. SBA stated that the reason for the regulation was that the COC program experienced "a dramatic growth in the last four or five years without corresponding increases in resources." Your Committee believes SBA's action violates the Small Business Act.

The Act is clear on its face that there should be no exception to the right of a small business to a COC referral, regardless of the dollar value of the contract. Section 8(b)(7)(A) of the Act states that "a government procurement officer . . . may not, for any reason specified . . . preclude any small business concern or group of such concerns from being awarded such contract without referring the matter for final disposition to SBA."

Moreover, the Comptroller General of the United States ruled in *Matter of Forestry Account* (B-19308, January 30, 1979), that COC referrals to SBA were mandatory regardless of the dollar amount of the contract. By letter dated November 23, 1973, the SBA Associate General Counsel, in fact, concurred with the *Forestry Account* decision by stating:

"We concur with your decision in the *Forestry Account* . . . we know of nothing either in the Small Business Act . . . or legislative history which suggest exempting Government small purchases of less than $10,000 from the SBA or COC Program."

The *Forestry Account* decision was affirmed in *Matter of Z.A.N. Co.* (B-198324), August 1980). In that decision the Comptroller General recommended that the Department of Defense take corrective action to remove a provision contained in the Defense Acquisition Regulation exempting contracts of under $10,000 from the COC program. The DOD subsequently removed the provision.

Your Committee further believes that SBA's argument that limited Program resources require an exception for contracts under $10,000 is substantially without merit. In fiscal year 1981, only 52 or 5.4 percent of a total of 949 COC applications were for contracts of less than $10,000. This averages to only about 5 cases a year per SBA region. Moreover, it must be noted that SBA has never indicated to your Committee that there is a need for additional staffing or resources for the COC program.

Contracts of under $10,000 in amount are extremely important to small business concerns. For example, in fiscal year 1982, the DOD reports that nearly 18 percent of its total awards to small business were represented by contract actions of $10,000 or less.

Further, the COC program has a history of proven success and cost effectiveness. Over the life of the program, 95 percent of firms granted a COC went on to successfully complete the contract. In each case, these firms were either the low bidder or apparent successful offeror. Were it not for the COC, the procurement officer would have either accepted a higher price or cancelled the solicitation in order to reprocure at a later time—an extremely expensive option.

There is a need to legislate, in the clearest possible terms, Congressional intent that access to the COC program not be limited because of the anticipated dollar value of the contract or the nature of the product or service to be procured. The program is successful, saves the government money, and provides great benefit to small business concerns.●

IN HONOR OF MARY McLEOD BETHUNE

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 1984

● Mr. CHAPPELL. Mr. Speaker, I am pleased to join Mr. Stokes' special order commemorating Black History Month. Much honor is due to one of our most prominent black women and leaders of the 20th century, Mary McLeod Bethune.

Mary McLeod Bethune was a renowned educator and compassionate political activist. Her accomplishments established her as one of the America's most motivated leaders. Founder and president of Bethune-Cookman College, Ms. Bethune challenged the racial prejudice which pervaded the campuses of white colleges and championed the cause of higher education for black people.

Appointed by President Franklin Roosevelt as Director of the Division of Negro Affairs of the National Youth Administration, Ms. Bethune helped make this country more responsive to the needs of its youth. By establishing and directing the National Council of Negro Women, this tireless, outstanding woman organized the skills and abilities of talented women to improve the quality of American life.

As we salute Black History Month, let us pay tribute to Mary McLeod Bethune for her unselfish and outstanding contributions toward a better America.●

ARMED FORCES RECRUITMENT OUTLOOK

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. ASPIN. Mr. Speaker, fiscal year 1983 was a banner year for military manpower: recruitment and retention results set new records. The Army, which just a few years ago had been able to attract only 50 percent high school graduates, recruited 88 percent high school graduates. The Air Force, always the leader in recruiting results, achieved 98 percent high school graduates for its non-prior-service accessions. Equally important, 88 percent of Army recruits were in the top three mental categories, compared to 50 percent in 1980. Quality, in fact, was pronounced to be higher than at any time during the draft era; test scores of new recruits exceeded those for the youth population as a whole. In sum, the All Volunteer Force appears to be an unqualified success—at least for the moment.

The outlook for the future is far less certain. Talk with new recruits and you will find that, although far more young people again consider military service an honorable profession, many new recruits did not pick the military as their first or even second choice. Instead, they lost their jobs, or the family business went bankrupt, or their money for college dried up because of hard economic times. As the economy improves over the next few years, both industry and higher education will actively compete with the military for the available pool of young high school graduates, particularly the high quality graduates that the military services will need in increasing numbers to operate the sophisticated weaponry of the future.

Of even greater concern are the demographics of the youth population. Children born during the post-World War II baby boom are now in their twenties and thirties. With the reduction in the birth rate since that time, fewer and fewer young people are available for military service. The pool of young men available for military service has shrunk and will continue to shrink throughout the remainder of the decade. According to the Congressional Budget Office, in 1989, if there is no increase in the current size of the military force, the services will need to recruit 1 out of 7 young men of military age in order to fill the enlisted ranks. Approximately 30 percent of the otherwise eligible population is disqualified for physical, mental, or moral reasons. When those men and the others skimmed off by the colleges are excluded, the services will need to recruit 1 out of every 3.5 qualified males simply to man the current force structure.

The Reagan administration, however, plans substantial force structure growth over the next few years; some Defense and service officials would like to see even further expansion. If the force structure grows in accordance with the current 5-year defense plan, in other words, an end strength increase of approximately 160,000 enlisted personnel, the services would need to recruit 1 out of every 2.7 males not disqualified for physical, mental, or moral reasons and not in college. A further expansion of manpower levels to, for example, the prudent risk force that the Joint Chiefs of Staff would like to have at the outbreak of hostilities would require recruiting 1 of every 1.3 males neither disqualified nor in college.

NUMBER OF 18- AND 19-YEAR-OLD MALES REQUIRED FROM

	Those not disqualified—	
	For military service	For military services and not in college
Current requirement	1 out of 5	1 out of 3.5.
Requirements in 1989 under current plan.	1 out of 4	1 out of 2.7.
Requirements in 1989 under JCS "low risk" plan.	1 out of 2	1 out of 1.3.

The verdict is still out on the ability of the services to attract men of sufficient caliber in the long run. It is very unlikely that the All-Volunteer Force could generate sufficient recruits in the last case. But even a draft would necessarily produce a force of a far less quality since it would have to cast its net so wide. There is an alternative: Expand the pool of young people available for military service by greater utilization of women.

An increase in the number of women in the military services would meet two objectives. First, reduced cost. Because high-quality women are less supply constrained than high-quality men, they represent, over some increment, a less costly resource. To date, the services have been able to fill those positions open to women with a minimum of expenditure. By contrast, the services' stated requirement for males is much greater, and the services maintain large recruiting and advertising programs to attract sufficient numbers of male high school graduates with average or above test scores. The second objective is reduced pressure on manpower resources. Because the demand for manpower in the future will increase considerably, expanding the pool of individuals eligible to join the service will reduce the pressure on recruiting and potentially provide more high-quality males for the combat arms.

The increased utilization of women was, in fact, an outgrowth of the establishment of the All-Volunteer Force in the early 1970's. In their efforts to attract sufficient recruits, military manpower planners found a relatively untapped source of quality recruits among the Nation's young women. Since 1972, the last year of the draft, the utilization of women by the military services has increased dramatically. Today, more than 200,000 female officers and enlistees account for about 10 percent of the Active Force compared to the 45,000 women who made up 1.5 percent of the Active Force in 1972.

This rapid rate of growth has not been achieved without a substantial degree of turmoil for all involved. As stated by an Army witness during hearings last year, women were viewed as an inexpensive commodity to fill the enlisted ranks in the face of a shrinking pool of manpower. Insufficient thought was given to the logistics of integrating large numbers of women into the military service, particularly into the nontraditional fields that in the past had been an all-male bastion. Not surprisingly, attrition rates for enlisted women proved to be high, especially in the nontraditional fields.

There are three major objections to the use of more women: First, that they have greater attrition rates; second, that they have greater time lost for medical reasons; and third, that they lack adequate strength.

ATTRITION

One of the primary advantages of high school graduates is that they tend to complete their initial term of enlistment in far greater numbers than do high school dropouts. Unfortunately, in the case of women, the first-term attrition rates for both graduates and dropouts have been high—in fact, comparable to the attrition rates for male-non-high-school graduates. As a result, although nearly all female recruits are high school graduates, the overall value of this high quality asset is thrown into question by the high rate of attrition.

A major component of the higher female first-term attrition rate, additionally, is the number of enlisted women who leave the service due to pregnancy. Definitive data on the actual incidence of pregnancy have not been compiled. The services postulate, however, that nearly 10 percent of the female enlisted force is pregnant at any one time. This is a percentage no larger than that of their age group in the civilian sector, but has been a cause of great concern to commanders in the field.

There is some contrary evidence, however, if we look beyond the first term. It should be noted that Department of Defense data indicate that, while proportionally more men in a cohort stay through about 5 years of service, proportionally more women in a cohort remain beyond that point. One interpretation of these data is that the earlier higher attrition losses are made up at the first reenlistment point when women tend to reenlist at a higher rate than men.

TIME LOST

In addition to the impact of pregnancy on attrition, the services assert that enlisted women also have a higher rate of lost time than men due to medical reasons. Several years ago, Air Force data showed that the female medical noneffectiveness rates were consistently 2 to 2½ times that of men. A 1978 Navy study found similar results.

When overall lost-time rates are compared, however, the findings cease to show women in such a damaging light. Except for the Air Force, the rates of indiscipline for enlisted men are generally more than twice the rates for enlisted women. The Navy found in its 1978 study that the number of days of unauthorized absence was 16 times higher for men than women and that the amount of time lost in 1 year was higher for men than women: 703 days lost per 100 men versus 422 days per 100 women. The Air Force study found that, when nonavailable hours per month for all reasons were computed, the rates for men and women were similar, though still slightly higher for females due to greater utilization of medical care.

STRENGTH

Some commanders also have expressed concern about the numbers of women in units near the front or assigned to jobs requiring a substantial degree of upper body strength, such as combat medics who are expected to carry the wounded off the battlefield on litters. In its study of women, the Army found that, even though less than 5 percent of Army women could qualify for very heavy jobs—lifting more than 100 pounds with frequent lifting of 50 pounds—42 percent of Army women were, in fact, being assigned to these jobs; 20 percent of Army men were unable to qualify for very heavy jobs.

In addition to the more readily identifiable problems like attrition, pregnancy, and upper body strength, a variety of more subjective misgivings about the role of women in the military was pervasive within the military services. As the number of women grew, the services expressed growing concern regarding the impact on mission capability: Could a force with so many women in combat-support jobs be ready to fight?

Notwithstanding the concerns enunciated by service officials, the Carter administration pushed for substantial increases in the number of women, setting female accession goals to be achieved by each service by the mid-1980's.

After the 1980 election, the services appeared eager to take advantage of the changed political climate and were reportedly vocal in expressions of their concern to the Reagan transition team.

THE ARMY

The Army seized the initiative early in 1981 with its so-called woman pause. As announced by the acting Assistant Secretary of the Army for Manpower and Reserve Affairs at a Senate Armed Services Committee hearing, the Army was renouncing its previously planned growth in female strength and would instead hold at current levels until the impact on military readiness could be more thoroughly assessed.

The end result was threefold: The closure of 23 additional military occupational specialties (MOS) to enlisted women based upon the probability of involvement in direct combat; the imposition of physical test standards for all enlisted MOS's; and a decision to hold the number of Army enlisted women at 65,000, rather than allowing their strength to grow to the 87,500 previously planned.

After a year and a half of uproar from without and turbulence from within, the Army modified its initial decision substantially, announcing the latest policy changes at last fall's meeting of the Defense Advisory Committee on Women in the Service (DACOWITS). With the reopening of a net of 12 MOS's to women and a substantial modification of the previously announced physical testing standards for job assignments, a truce appears to have been achieved between the Army leadership and the multitude of critics that emerged after its 1981 retrenchment attempt. Current projections call for the Army to have 72,700 enlisted women by fiscal year 1987.

The Army has taken the major portion of the flak for recent efforts to restrict the utilization of women. Ironically, the Army is by no means the only, nor necessarily the worst, offender. While the Army has reduced the female enlisted strength goal set during the Carter administration by 14,800, the Air Force has reduced its goal by 26,600. The Air Force action has attracted little attention, however.

THE NAVY

What is the situation in the other services? Unlike the Army, whose female utilization policies are governed by regulation, the Navy and the Air Force are both subject to a statutory combat exclusion for women. In the Navy, women may not be assigned to duty on vessels or aircraft engaged in combat missions nor may they be assigned to other than temporary duty on vessels except hospital ships, transports, and vessels not expected to be assigned to combat missions. The inability to assign women to vessels like aircraft carriers, destroyers, and submarines significantly limits the number of women in the majority of Navy job categories. The availability of many Navy jobs is further restricted by the need to maintain an adequate sea-to-shore rotation base in order to provide shore billets for the men on sea duty.

Marine Corps utilization of women is severely restricted by the corps' heavy complement of combat jobs. Of the total enlisted positions in the Marine Corps, 82 percent are closed to women because of their combat nature.

THE AIR FORCE

The Air Force is an entirely different story, however. As previously noted, the Air Force significantly reduced its female enlisted strength goals with little or no fanfare in the early years of the Reagan administration. Yet, the Air Force is the service with the greatest potential for utilization of women because very few Air Force jobs are subject to the combat exclusion. Air Force women, other than medical officers and chaplains, may not be assigned to duty on aircraft engaged in combat missions. For all practical purposes, the officers (pilots) do the fighting and the enlisted force provides the support and maintenance required. Only 7 percent of Air Force enlisted jobs are closed to women because of the combat exclusion. Women are eligible for 93 percent of all Air Force enlisted jobs, yet comprise only 11 percent of Air Force enlisted strength, and this figure is expected to grow very little by 1987. Some people have estimated that the Air Force could be composed of 76 percent women without hurting combat effectiveness.

An interesting comparison shows the proportion of women in each service filling enlisted job slots that are not closed to them due to the combat exclusion. Army women fill 22 percent and Navy women 23 percent of the available job slots. In the Marine Corps, with the smallest proportion of women but the largest combat exclusion, about 30 percent of the available job slots are filled by women. But in the Air Force, only 12 percent of the open jobs are occupied by women. With this statistical perspective, the service that at first blush appeared to have the best record of utilizing women suddenly turns out to have the worst record.

To determine the number of women that can be taken in each Air Force skill category (AFSC), the Air Force uses a calculation based on ratios, beginning with the 1-to-1 ratio of men to women in the general population. If 1 to 1 were the only ratio used, then under current methodology each Air Force skill category could take as many as 50 percent women. The formula is further modified, however, based on the propensity of women to serve in the military, aptitude tests, interest in a particular skill, physical capability, and the number of positions for that particular AFSC not affected by the combat exclusion. For example, based on indications from those taking the armed services vocational aptitude battery (ASVAB) that young men are 3 times more interested in military service than young women, the Air Force uses a 3-to-1 ratio to determine the propensity of women to serve. Taken in isolation, the use of this 3-to-1 propensity factor means that no more than 25 percent of each Air Force skill category could be women. Under the current structure, when the ratios are multiplied together to determine the ceiling on women, it would be difficult to achieve more than 50 percent females in any category, even for those skills in which women dominate in the civilian sector and in which women score very high on tests.

One principal gain to be achieved by increasing the number of women in the Air Force is to relieve some of the pressure the Air Force brings to bear indirectly on Army recruiting. The premise is that, if the Air Force reduces its demand for high-quality male recruits by substituting women, the pool of high-quality males for the Army will be expanded.

Although the evidence supporting this premise is inconclusive, compensation programs targeted to the Army—for example, the currently successful Army college fund—could increase the likelihood that such a transfer would occur. On the other hand, whether the increase in Army enlistments would be the result of transfers from the pool thinking about the Air Force or the result of enlistment of individuals from the pool already thinking about the Army is an unresolved question.

RECOMMENDATIONS

Given the projected upturn in the economy with rising employment and the demographics of the youth population over the remainder of the decade, women constitute a relatively untapped resource that might help the all volunteer force should the supply of high quality males evaporate. Additionally, female recruits have traditionally been of high quality, in terms of test scores and high school degrees, and could prove a valuable resource in operating and maintaining an increasingly technological force.

Increasing the number of women in the traditionally male-dominated military is clearly going to cause problems. Some of these problems have been exposed during the last few years. More problems undoubtedly lie beneath the surface. However, these problems are not insolvable. Now is the time to work on them—not when the rest of the manpower system is under stress.

Although little effort has been given to quantifying the propensity of women to serve in the military, it is unlikely we are talking about huge numbers. Nonetheless, the enlightened use of more womanpower, if properly managed, might spell the difference between the continuation of the All-Volunteer Force and a return to conscription by the end of the decade. As pointed out by retired Air Force Maj. Gen. Jeanne Holm, the dark recruiting years of 1979 and 1980 would have been even more dire had it not been for the enlistment of increasing numbers of women. In economic terms, increased reliance on women lowers the requirements for men and thus eases the upward pressure on pay rates, which are heavily influenced by the marginal cost of male recruits.

As previously discussed, there are constraints limiting the number of women that can be used by the services: The statutory combat exclusion, the need to maintain a stateside rotation base for combat forces stationed overseas and for Navy personnel on sea duty, and the upper body strength requirements of certain jobs, for example. Even within these constraints, however, there appears to be sufficient latitude for substantially increased numbers of women.

Therefore, to prod the services to rethink their current female recruiting policies and expand their use of women, a number of actions are needed.

ACCESSION GOALS

From 1978 through 1980, when recruiting was bad, the Air Force took between 18 and 20 percent women each year. Female accessions, in fact, increased from 13.6 percent in fiscal year 1977 to 18.7 percent in fiscal year 1978, a 5-percentage-point jump in 1 year. Female enlisted accessions reached 20.2 percent in fiscal year 1979. However, as the recruiting climate for males has improved since then, the percentage of female accessions has declined to 14.7 percent in fiscal year 1983.

Surveys repeatedly have demonstrated that the Air Force is by far the most attractive service to new recruits. As a result, there is little question that the Air Force should easily be able to recruit women in the same or greater numbers than the Army. It is interesting to note that in fiscal year 1983 the Air Force recruited 8,900 females, 34 percent fewer than in fiscal year 1979, while the Army recruited 16,500. Had the Air Force recruited the same number of women as the Army, 27 percent of its accessions would have been female, rather than the 14.7 percent achieved.

The Air Force has programed little growth in female accessions over the next 5 years, with female accession rates planned between 13 and 15 percent. Were the Air Force to achieve the number of female accessions planned by the Army, however, its female accession rates would range from 24 to 30 percent between 1984 and 1987.

Congress should mandate female accession goals for the Air Force that are comparable to the Army accession rate; 25 percent female accessions by 1987 is a realistic and achievable goal. To reach this level, the Air Force should be directed to take a minimum of 19 percent female accessions in 1985, 22 percent in 1986, and 25 percent in 1987. The Congress may at that time wish to direct further growth to 30 percent by 1988 or 1989, particularly if there has been a significant deterioration in the recruiting environment.

In order to insure the orderly implementation of the new accession requirements, the Air Force should consider adoption of the sort of free flow system proposed by General Holm whereby the Air Force put the best qualified individual in each skill category without artificial restraints. This would obviously take into account those skill categories with specific test score or physical standard requirements but would permit large percentages of women in those skills that have traditionally been attractive to women in the past, such as the administrative and medical support specialties. It is unlikely that Air Force readiness would be impaired if 90 percent of the best-qualified applicants for dental technician positions happened to be women, for example. That certain skills are 80 to 90 percent or more male appears to pose no problem for the Air Force. It is logical to ask why the reverse should not apply to those skills for which women are particularly well suited both by test scores and interest.

PROPENSITY OF WOMEN TO SERVE

One of the unknown variables is the propensity of women to serve in the military. Although the raw data exist in the Youth Attitudinal Tracking Service (YATS), little time has been devoted to analyzing the data. The Air Force 3:1 propensity-to-serve ratio is based on ASVAB test scores, the National Center for Educational Statistics' survey of high school seniors, and responses to Air Force national advertising programs. The accuracy of that formulation apparently has been neither challenged nor confirmed, however.

The Department of Defense should be directed to undertake and furnish Congress with a review and analysis of the most current data on the propensity of women to serve in the military. Such a study should assist the Department of Defense, the individual services, and the Congress in establishing realistic levels of increased utilization of women to offset the decline in the manpower pool during the remainder of the decade.

STATUTORY BASIS FOR DACOWITS

The Defense Advisory Committee on Women in the Service (DACOWITS) is an advisory board to the Secretary of Defense on a variety of issues affecting military women. DACOWITS has generally been given a substantial degree of credit for bringing the Army around to a more reasonable position after the initial adverse decisions made in the wake of the 1981-82 Women in the Army study. It would seem advantageous for DACOWITS to continue to have a highly visible role.

Increased visibility has been achieved to some extent for the reserve forces by the decision to provide a statutory basis for the Reserve Forces Policy Board. Congress should create a similar statutory basis for DACOWITS. By mandating a report by DACOWITS to Congress as well as the Secretary, Congress would not only increase its level of responsibility beyond the corridors of the Pentagon but would also give its activities more visibility in the decisionmaking process.

CONTINUED OVERSIGHT

Although specific legislative action to increase female accessions is being suggested for only one service at this time, the other services should not view this action as an indication that they are off the hook. The potential exists for greater utilization of women in the Army, Navy, and Marine Corps as well.

After a concerted effort toward retrenchment, the Army appears to be acting in good faith. There is, however, reason for concern that, once the recent furor becomes more distant history, further progress may be stalled or the Army may again backslide. Congress needs to monitor Army accession policies closely.

The Navy's current combat exclusion reflects a 1978 amendment to the law to permit the temporary assignment of women to ships not engaged in a combat mission. Prior to that time, women could be assigned only to hospital ships and transports. Navy civilian leaders who pushed the 1978 amendment envisioned far greater utilization of women as a result than has occurred to date, however. The Navy recently made a marginal degree of progress with its December 29, 1983, announcement that women officers, including those assigned to explosive ordinance disposal (EOD) and helicopter squadrons, would now be permitted to deploy for up to 180 days on temporary duty to Mobile Logistical Support Force ships in the Sixth and Seventh Fleets. Previously, female helicopter pilots and those with EOD detachments had to stay at their home bases when their units deployed to the Mediterranean or Western Pacific. Such expanded temporary duty opportunities were clearly envisioned by the architects of the 1978 amendment, but the Navy has been very slow in bringing this to pass. Substantial additional opportunity exists for further expansion of shipboard assignment for women which, if not forthcoming, may require future legislative direction.

Although the Marine Corps has the greatest difficulty in utilizing increased numbers of women because of the corps' heavy concentration of combat jobs, the Marine Corps should not anticipate that it would be permitted to use its combat role as an excuse to reduce female participation.

The Congress should maintain continued oversight with respect to the practices of all four services and, when necessary, effect further legislative correction.

Because of the shrinking pool of young men eligible for military service and the anticipated continued improvement in employment opportunities, by the late 1980's, more women will be needed if the All-Volunteer Force is to be sustained. Now, while recruiting is good, is the time to plan for the less certain times ahead. In addition to its ongoing oversight with respect to current service policies on the utilization of women, the Congress should, therefore, direct each service secretary to evaluate the possibility of doubling the proportion of women in uniform over the next 5 years. The service secretaries should be further directed to report to the Congress on the impact of this increased female utilization on each service's ability to fulfill recruiting requirements, to meet quality standards, to effect overseas deployments, to insure an adequate sea-to-shore rotation base, and to man the combat arms.●

CHARLES TETRO

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Ms. SNOWE. Mr. Speaker, there is an individual in my home State of Maine who has led the drive to train unskilled individuals and put their talents to good use in private industry. This man is Charles Tetro, the president of the Training & Development Corp.—a highly innovative, and far-reaching job training program in Bangor, Maine.

Chuck Tetro is a strong leader in the quest to train the unskilled, and put these people back into the work force by working closely with business leaders in implementing successful job training programs. America could use more men like Chuck Tetro. Men who know that working with private industry will help stimulate economic growth and provide those who wish to work with an opportunity to do so. Chuck's achievements are exemplary, and I would like to share with my colleagues the following article reprinted from the Bangor Daily News of February 21, 1984.

CHARLES TETRO

(By Tom Shields)

The man, looking somewhat conservative in his buttondown, light blue shirt, puts his elbows on the conference table and leans into an explanation of why the country must train disadvantaged people for jobs.

The country doesn't have a choice, the man says. The economy is going to demand that these people, many of whom are high school dropouts, be trained to fill new jobs.

"The times are changing, and changing rapidly," he says.

He is Charles G. Tetro, and he is a leader in job training in Maine. The fact that few know his name is fine with him. He likes a low public profile.

Tetro, who is 36, is president of TDC—the Training and Development Corp. His field is providing people with skills, especially young people with a strike or two against them. But he's not just another person making a good living in that huge industry.

One difference is that he works well with the movers and the shakers, the community business and financial leaders who know how to make wheels turn.

In fact, he has become a mover and shaker himself.

"He's one of the most dynamic persons I've ever met in my life," said Douglas H. Brown, owner of the Doug's Shop 'n Save supermarket chain and chairman of the TDC Board of Directors.

"TDC is actually responsible for (Bangor's) downtown urban development," said Brown, explaining that TDC established and then spun off the Bangor Center Development Corp. Now, Merle Goff, a former city manager of Bangor and TDC employee, assists the development group. "I really think we just woke Bangor up," Brown said.

"He's a very important member of the community who is not that well known," said Dr. Arthur Johnson, director of the Balanced Growth Project of the University of Maine at Orono and a TDC board member.

Tetro is "a fabulous person, very talented . . . very bright . . . willing to listen," Johnson said.

"He has a talent for picking good people to work for him," said Malcolm Jones, president of Bangor Savings Bank and a TDC board member. The TDC job-training program is being used as a model in other parts of the country, he said.

The TDC board not only reads like a Who's Who of local business and financial leaders, but also has brought together people of differing viewpoints. For example, the board includes Charles J. O'Leary, president of the Maine AFL/CIO; John R. Hanson, director of the Bureau of Labor Education at UMO; Philip S. Annis, Piscataquis County commissioner, and John E. Jordan Jr., Hancock County commissioner.

O'Leary and Hanson also have been impressed with Tetro's abilities.

Tetro once attracted the top leaders of nine out of 14 of the country's major foundations to Bangor for a conference, O'Leary says.

"We're talking Ford, Mott, Carnegie . . . Not many people can sell that well," he says.

"He's very innovative," says Hanson. "He's willing to try some things that others are reluctant to."

Moreover, TDC is not your typical mom-and-pop job-training program. It has about 200 employees, many of them highly educated and trained, and an annual budget of about $6.5 million.

Although it is a private, non-profit corporation, it relies on federal funds—taxpayers' dollars—for its existence. Most of the money comes in grants and contracts with the federal departments of labor and education.

In all, TDC has brought about $17 million in these federal grants and contracts into the Bangor area.

TDC, located in Bangor, includes the Penobscot Consortium, the Penobscot Job Corps Center, the New England Institute for Human Resource Planning and Management, and the Community Employment and Training Program.

One thing Tetro makes clear: He's not running for any political office, despite occasional rumors to the contrary.

Tetro is a survivor of the old anti-poverty program days of the 1960s and early 1970s. He was a former community action director, one of that breed who went on to learn more efficient ways to change things than by using confrontation tactics. Instead, he developed the ability to get things done by involving the decision makers, the leaders of business, banking, labor and government.

Tetro, the son of a wealthy inventor, grew up in Bristol, Conn.

He remembers being influenced by the speeches of President Kennedy, words and ideas "that profoundly influenced a whole lot of people," he said.

After graduating from Bates College in 1969, he taught for two years in Lewiston. Then, when he was 23, he took the job as community action director in Laconia, N.H.

Tetro is passionate about sailing but his 32-foot Olympic racing sloop, the Quail, has been high and dry in the yard of his home since he came to Maine eight years ago. Each year he has vowed that the following year the Quail will sail. But it doesn't.

There are other strong interests in his life. For one, he and his wife, Teeler, the daughter of a Harpswell lobsterman, are the parents of 20-month-old Nathaniel. Nathaniel is a family name from both sides of the family.

And they are restoring an old sea captain's home that dates back to about 1820. It is a "massive undertaking, much more extensive than either of us ever dreamed," he says.

But Tetro isn't in charge of the restoration project. His wife is, "I'm the hired help," he says.●

H.R. 1092 MERITS CONSIDERATION IN BOTH HOUSES

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. NELSON of Florida. I applaud the efforts of the Senate Government Affairs Subcommittee on Investigations for their release of a report: Federal Computer Systems: An Analysis of Congressional Initiatives and Executive Branch responsibilities.

I appreciate the reference to my legislation, H.R. 1092 (98th Congress) and H.R. 3970 (97th Congress) and would like to point out that while the text of H.R. 3970 has been appended to the report, the current version of the legislation is H.R. 1092. H.R. 1092 is a revision of the original language, including technical changes and an expansion of the definition of computer. It is now pending before Chairman Don

Edwards' Subcommittee on Civil and Constitutional Rights in Judiciary.

It is a well-developed measure that deserves careful consideration. We have 118 cosponsors on the House side, a companion bill in the Senate—S. 1733—and the generous support of many trade associations in the industry.●

OIL COMPANY INVENTORY POLICIES COST HEATING OIL CONSUMERS MILLIONS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. OTTINGER. Mr. Speaker, Congressman St Germain and I recently introduced a bill, H.R. 4904, to establish an independent oil trading corporation. The purpose of the corporation is to prevent the oil companies from creating artificial shortages and thus jacking up consumer prices. It does this by creating a private corporation, like FNMA, which would buy in times of surplus and hold product in regional reserves to sell in times of threatened shortages.

The failure of oil companies to maintain sufficient inventories has been the chief cause of previous oil "shortages." Coincidentally, after the proposal to establish an oil trading corporation was put forward last year, we experienced a situation in heating oil supplies which is a clear example of the problem the bill is designed to correct. Oil companies went into the winter with heating oil inventories at their lowest level in more than 10 years. When a cold winter set in, companies were caught short and prices rose by as much as 25 cents per gallon.

An excellent article in the February 13, 1984, issue of Business Week describes in detail how ill-advised oil company inventory policies resulted in this dramatic price rise, which has brought hardship to thousands of Americans this winter.

[From Business Week, Feb. 13, 1984]

HEATING OIL SUPPLIES MAY NEVER BE "NORMAL" AGAIN

Three severe cold snaps so far this winter have left the Northeast and Midwest short of No. 2 fuel oil—rekindling memories of darkened factories and cold homes. Expecting another warm season, the major refiners grossly miscalculated fuel oil demand, leaving many local distributors scraping the bottoms of their tanks and wondering where their next supplies will come from. "We're living from day to day," says Daniel P. Henson, vice-president of GNM Oil Co., a Baltimore-area distributor that is being forced to ration supplies to its customers. "We never know when—or if—we'll be able to find any oil."

Hoping to avoid a replay of 1983, when slack demand bloated inventories with expensive oil just before an OPEC price cut, refiners started the winter with heating oil inventories at their lowest level in more than 10 years. But by Jan. 1, the bare-bones inventory approach had backfired.

Refiners who were paralyzed by the freeze that shut down critical Gulf Coast plants in December could not raise production quickly enough to meet the season's third chill. And their inventories were mostly located on the Gulf Coast—two weeks away from the Northeast, where they were needed. "Refiners thought that all they had to do was crank up their refineries if they needed more oil," says Houston energy consultant William R. Edwards. "The severe weather caught them flat-footed. There would have been shortages even without the cold snap."

The threat of spot shortages spreading across the country produced near-panic on the heating oil markets. At New York harbor, one of two major U.S. delivery points, spot or noncontract prices for fuel oil soared by about 7¢ in two days, closing at about $1.05 per gal. on Jan. 27. Major oil companies, forced to dip into this high-flying cash market, were raising their prices as much as three times a day—something that did not happen even during the 1979 Iranian crisis. "When you see Exxon out there buying," says one New Haven distributor, "that's when you get scared."

SPRING GLUT?

Fear of shortages also sent prices on the New York Mercantile Exchange (NYMEX) spiraling, as traders committed to deliver oil they do not yet own scrambled to cover their short positions. For several days there was concern that the five-year-old "paper" heating oil futures market might be wracked by defaults. "The market has been tested before," says a trader, "but this time it was a real shortage." Warming weather and the sight of the first of some 10 cargos of fuel in New York harbor on Jan. 28 eased the threat of a squeeze on the NYMEX. Futures prices began reversing, closing near $1.01 on Jan. 30.

Oil company executives blame the problem on local distributors, who also have maintained rock-bottom inventories. "Their attitude was, 'Why put anything in the tank when it may not be sold?' " says one major company planner. "With our customers not buying, it gave us the wrong signals." Adds Charles F. Story, manager for pricing at Chevron USA Inc.: "Until a couple of years ago the terminal operators would fill up their tanks. Now they're filling them to 25 percent-to-40 percent capacity. It's put tremendous strain on the system when we have a tight market."

To alleviate the shortage, refiners have jacked up their output 18 percent since early January. But even that may not bring supplies back in balance by mid-February. Inventories have fallen by more than 1 million bbl. per day since mid-January, according to the American Petroleum Institute. And high interest rates, continued threats of OPEC price cuts, and little or no long-term growth in fuel oil demand make it unlikely that inventories will ever return to "normal" levels. Supply anxieties may become the new seasonal norm.●

CONGRESS MUST REVIEW CONRAIL SALE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. FLORIO. Mr. Speaker, on Tuesday the House will consider H.R. 3648, the Amtrak Improvement Act of 1983. Among the rail issues dealt with in this bill is an important provision which insures congressional oversight over administration attempts to sell Conrail by requiring that the Congress pass legislation implementing any sale of Conrail.

This provision should be without controversy, since all involved in the sale of Conrail, including the Department of Transportation, have agreed that legislation would be necessary in any event. But the administration has apparently embarked on an effort to sell Conrail without the approval of the Congress.

The taxpayers have put over $7.5 billion into an effort to provide rail service to the Northeast and Midwest. That investment is finally beginning to pay off, with profits of over $300 million for Conrail last year. It would be senseless to turn that investment over to a private company without adequate compensation in the rush to return Conrail to the private sector.

Incredibly, just when this investment is paying off, the Department of Transportation is trying to give the railroad back to those who caused the problem in the first place. The Department is discussing selling Conrail to substantial former owners of the Penn Central. What is even more shocking is that the price proposed by the former Penn Central owners is only $400 million.

That is 1 year's profits for Conrail, after we paid the Penn Central over $2 billion for the assets a short time ago, not counting the more than $3 billion we invested to fix up the plant.

Many doubt that an arm of the Federal Government could be so blind to such a bad deal. Unfortunately, countless news reports show the reason for the administration's blindness: They are determined to sell Conrail before the election regardless of the consequences.

We are facing the loss of rail service in the Northeast and Midwest and the loss of over 30,000 jobs, if the Department succeeds. That is why we need a careful review by the Congress of any proposal to sell Conrail.

The administration will support an amendment which would strip Congress of the ability to oversee the sale of Conrail. The administration wants to be able to sell Conrail without any approval by the Congress. This amendment would allow 60 days for the Congress to pass and the President to sign a joint resolution of disapproval.

To suggest that a joint resolution of disapproval rejecting an attempt by the administration to sell Conrail would be signed by the President strains credulity. In addition, the joint resolution approach fails to take account of the need for changes in the law which will be required before a purchaser would agree to buy Conrail.

Legislation is and should be necessary to turn over valuable Federal assets to the private sector. Congressional review of any sale of Conrail is essential to protect the Federal investment of over $7.5 billion.●

ROLLING BACK THE ARMS RACE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. CONYERS. Mr. Speaker, never in the history of talks on the control of nuclear arms has so much official activity been accompanied with so little substantive achievement. Relations between the superpowers are at their lowest ebb since the Cuban missile crisis of 1962 while highly excessive military expenditures are choking the world economy.

We are today in dire need of innovative thinking and proposals on the subject of disarmament. Marcus Raskin, a senior fellow at the Institute of Policy Studies, has recently advanced one such proposal which was published on the op-ed pages of the New York Times. Mr. Raskin puts forth a compelling analysis and proposal which I would now like to enter into the RECORD.

The article follows:

TIME FOR AN ARMS ROLLBACK

(By Marcus Raskin)

WASHINGTON.—The tragedies in Lebanon and Grenada, the downing of the South Korean airliner, moves that Moscow will make to counter the Pershing 2 and cruise missiles, and in general stronger nations' interventions in weaker ones serve notice that this is a time of international anarchy and that virtually any events could ignite nuclear war. Is there a way out?

Yes, a rollback policy. Such a policy recognizes that a comprehensive disarmament and security program is crucial for legal, economic, social, political and psychological reasons. Proponents of it would seek superpower negotiations on general and complete disarmament.

Instead, with President Reagan's assent, several members of Congress, notably Senator William Cohen and Representative Les Aspin, have put forward the "build-down," a limited arms control proposal that seeks to modernize strategic forces while fostering rules that would reduce the superpowers' overall destructive capacity and replace our multiple-warhead missiles with the Midgetman single-warhead missile. This proposal does nothing to end the arms race; it fuels the fire along a different route. For a generation, the consensus-makers have tried to square the circle of arming and disarming as a simultaneous strategy without success.

The build-down proposal, which began as an attempt to "cash in" two old missiles for one new one while retaining the right of "Modernization" of single missiles, ended as a proposal for "variable" ratios. As Jeremy Stone of the Federation of American Scientists has said, working out build-down ground rules would require its own long negotiation, during which the numbers of weapons on both sides would increase. The Administration has made clear that it wants a 5,000-missile warhead floor so that any negotiation would preclude dipping below this number. This explosiveness madness excludes the thermonuclear capabilities on our planes, our tactical nuclear capability and such weapons as the Pershing 2 and cruise missiles. Thus, negotiations are likely to fail, and the Midgetman doubtless will be built alongside multiple-warhead missiles, and our destructive capacity will exceed anything now existing.

With hardened missile sites, new guidance systems and large numbers of missiles as well as increasingly effective strategic and tactical planes—and the development of space weapons that add to fears of a counterforce capability—no strategic planner can afford to be impressed with the build-down.

The proposed nuclear freeze is only a partial answer to our security problems. As the freeze is now framed in Congressional resolutions, the assumption is that we will continue the arms race until a freeze can be negotiated and verified, even though our military posture and the exotic weapons we keep developing detract from our security and national interest. Ironically, negotiations are now used to inhibit us from making correct independent choices to reverse the arms race. We cannot afford to wait for the freeze to happen.

What is a prudent alternative? The rollback, which could be implemented independently, bilaterally and multilaterally, depending on the character of the weapon system under analysis. Rollback is not an arms control policy. It begins with the realization that we must not pursue the turning in of older arms systems for newer ones, since this policy neither creates stability nor ends the arms race. It starts from the conclusion of Jerome Wiesner, president emeritus of the Massachusetts Institute of Technology, that if Moscow built more weapons and missiles for a decade and Washington did nothing, we could still mount a pulverizing retaliatory attack. Even if the present nuclear arsenal were cut by half, the danger to our national security would not be appreciably different.

The arms race begins in weapons laboratories, so rollback proponents favor closing down research-and-development programs. For example, military laser and military space research must end because it adds to our illusions and security problems. We must press ahead and sign a comprehensive test ban pact, for it could slow the development and production of new types of nuclear weapons for use in "small wars." A rollback security program contemplates an independent moratorium on the production of such first-strike weapons as the MX, cruise and Pershing 2 missiles.

An international conference should be held to find diplomatic, social and economic means of breaking apart the nexus of arms, big power intervention and political conflict. The great powers must curb war and the hubris of those who intervene in nations they know nothing about and disputes that are not amenable to military settlement.●

NOTABLE BLACK FLORIDIANS

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. LEWIS of Florida. Mr. Speaker, in recognition of Black History Month, I would like to commend some residents of the 12th Congressional District of Florida, who by their actions are a source of pride and inspiration to their race, their communities, and their fellow men.

Space will not allow me to list all of those who should be recognized for their contributions, but some of those black Americans from our area of Florida who have broken new ground and continue to excel in their field of endeavor are:

Hon. Bobbie Brooks, Mayor, City of Riviera Beach.

Hon. James Christie, Board of City Commissioners, Stuart.

Hon. Havert Fenn, Board of County Commissioners, St. Lucie County.

Hon. Robert Hall, Formerly Mayor, City of Stuart, and Board of City Commissioners.

Hon. Julius Lee, Board of City Commissioners, Fort Pierce, and Assistant Superintendent of Schools, St. Lucie County.

Mrs. Maude Lee, Community Action League, Palm Beach County.

Mr. Percy Lee, Executive Director, Palm Beach County Urban League.

Hon. Eva Mack, Mayor, City of West Palm Beach.

Dr. David Anderson, Dean of Students, Indian River Community College.

Mr. Wesley Brazell, Director, Jack and Ruth Eckerd Foundation's Youth Development Center, Okeechobee.

Mr. Cephas Gipson, Guidance Counsellor, J.D. Parker Elementary School, Stuart.

Mr. Vince Goodman, Teacher, Suncoast High School, Riviera Beach.

Dr. Effie Greer, Principal, Glades Central High School

Hon. Daniel Hendricks, Professor, Palm Beach County Junior College, and Former Member, Palm Beach County School Board.

Hon. Joyce Hobson, Martin County School Board.

Mr. Felix Williams, Martin County Coordinator of Special Education (retired), and community leader, Stuart.

Rev. J. B. Adams, Baptist Minister, Belle Glade.

Mr. Anthony Carter, Professional Football Player, Riviera Beach.

Mr. Malcolm Cunningham, Attorney, West Palm Beach.

Mr. Boyise Herring, Chairman, Martin County Personnel Advisory Committee.

Mr. Hal McRae, Professional Baseball Player, Avon Park.

Mr. Hendry Miller, Businessman, Belle Glade.

Mr. Calvin Peete, Professional Golfer, South Bay.

Ms. Barbara Townsend, Assignments Editor, Channel 34, Fort Pierce.

Mr. Elmore Williams, In recognition for his work with disadvantaged youth, Belle Glade.●

THE LATEST VIOLATION ON PAKISTANI TERRITORY

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. WILSON. Mr. Speaker, once again we are reminded of the Soviets disregard for human life and dignity. On January 27, 1984, these barbarians bombed the Pakistani village of Angur Adda, killing over 40 civilians and injuring many others. Pakistan, a poor country already stretched to the limit, has humanely opened its borders to the flood of refugees—nearly 3 million—from Afghanistan. Is this what they get for their caring gesture of good will? Is it not enough for the Soviets to slay and murder innocent men, women, and children in Afghanistan? Instead, they carry the war over to Pakistan—a country next in line on their savage march toward the gulf.

We need to quit beating around the bush. The United States must pledge all out support for the efforts of the Pakistan Government to help the refugees. And, the heroic Afghan freedom fighters need much more help from us if they are to continue their valiant struggle against the Soviet Union. We must not let the Soviet strategy of "in time the world will forget that we are invaders and accept our presence here" become the case in Afghanistan.

Lest we forget, the following statement is a reminder of Soviet brutality.

THE LATEST VIOLATION ON PAKISTANI TERRITORY

Two MIG aircraft bombed and rocketed a village in South Waziristan Agency on January 27, killing 42 civilians and injuring 60 others, according to an official statement issued in Islamabad on January 28.

The dead included five Afghan refugees.

The statement said that on January 27, 1984, between 1130 and 1200 hours, two Afghan MIG aircraft violated Pakistan's airspace near the village of Angur Adda, located about 500-700 yards from the international border inside the Pakistan territory in the South Waziristan Agency.

The violating aircraft dropped one bomb and fired approximately 100 rockets.

Injured persons were evacuated to hospitals in Wana and Dera Ismail Khan.

An Associated Press of Pakistan correspondent who visited the area on January 30 along with a number of other newsmen said that rocketing destroyed 200 shops, 1 mosque, and 1 school at a distance of about 700 yards from the Pakistan-Afghan border.

The attack took place on a Friday, when the town was filled with people who had come from Berimal Valley to offer prayers and do their shopping.

A Foreign office spokesman said in Islamabad on January 31 that 411 such violations had taken place since the foreign intervention in Afghanistan in which 55 people had been killed and 104 injured. He said the latest violation on January 27 was the most serious in which 42 persons were killed and 60 injured.

He said a number of houses were destroyed and a mosque was desecrated on January 27 in the attack.

The spokesman said the Pakistan Government had shown the utmost restraint over these violations in order to avoid hindrances to the peaceful solution of the Afghanistan problem through the intermediary of the U.N. Secretary General. However, Pakistan was determined to protect its sovereignty and territorial integrity. There should be no doubt about this.●

FRANK ENEA LUCIDO

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. PANETTA. Mr. Speaker, recently the family of Frank Enea Lucido, who turned 83 last year, held a party in his honor. I would like to take this opportunity to tell my colleagues about the life of this great man, whom I am proud to call my friend.

Frank Lucido has been a well-known figure in Monterey, Calif.—my hometown—for nearly four decades. Born in 1900 in Pittsburg, Calif., Frank moved to Monterey when he was 44, and his business, political, and social activities have made him a favorite of Monterey residents since that time.

Frank established himself in business well before he came to Monterey. In 1918, he became the youngest movie exhibitor in California when he became manager of the Palace Theater in Pittsburg. In 1925, he and his uncles built the California Theater there, and in 1935, they built the Enean Theater.

In 1944, Frank came to Monterey, where he and the Enean family built the Enean Cannery. During the years after World War II, he bought the Harry Greene estate, which he had admired since he visited Monterey as a boy. In 1970, he sold the estate, where he had lived for many years.

Frank has always been very active in civic clubs and Italian Catholic organizations. IN 1976, Frank became politically active, organising the 60's Club in Monterey against high taxation in Monterey, and he has continued his interest in reducing the level of taxes.

Frank has had a lifetime interest in the arts, not only as a businessman but also as an artist himself; 6 years ago, he produced an opera that he had written called "La Chiave," which is Italian for "The Key." It ran locally in Monterey and was a great success. Frank has begun the first draft of his opera back in 1956. It is based on the stories that his grandfather told him about the smuggling of tobacco from North Africa to Sicily in the 1860's.

In addition, Frank has, for many years, been the maestro of the annual Santa Rosalia Festival in Monterey, and long ago he composed a song for the festival.

Mr. Speaker, it is difficult to sum up 83 years of a man's life in a statement of this kind. A witness to the great San Francisco earthquake and fire, a friend of John Steinbeck, an acquaintance of Cecil B. DeMille, a washing machine salesman, a writer, a producer, a theater owner, an active citizen, and a friend to all those who have known him, Frank Lucido certainly deserves the many tributes he has received. I know my colleagues join me in wishing Frank the best for many years to come.●

RECOGNITION FOR THE CERRITOS COMMUNITY COLLEGE DISTRICT WOMEN'S ACHIEVEMENT WEEK

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. TORRES. Mr. Speaker, House Joint Resolution 422, of which I am a cosponsor, designates this week as "Women's History Week." The provisions of House Joint Resolution 422 note the historical contributions women of every race, class, and ethnic background have made to the growth and strength of the United States.

Recently, the Center for Today's Women of the Cerritos Community College District in Norwalk, Calif., announced it will recognize the week of March 5 to 9 as "Women's Achievement Week." The Center for Today's Women, headed by Vera Eckles, is a support and counseling office for the thousands of women that attend Cerritos Community College.

In celebration of this week, leaders of women's groups and organizations of the eight cities that constitute the community college district are selecting women who have been successful in their respective communities. The women being honored at a luncheon on March 8 are: Alice Allen, June Bates, Ellen Carver, Barbara Cooper, Carol Crawford, Barbara Dickson, Louise Hastings, Dawn Henry, Dr. Lillian Lindegren, Jeanette Moore, Mary Lou Nunez, Marguerite Phares, Velma Ploessel, Celia Spitzer, Mary Tunison, Margaret Vineyard, Jan Warner, Josephine Wiser, and Diane Xitco. Mr. Speaker, this effort is a positive step in identifying those women living in the Cerritos Community College District who deserve recognition by their peers. I am confident this event is sure to grow in size and participation in the years to come.

Mr. Speaker, I ask my colleagues of the House of Representatives to congratulate the women who will be honored at the luncheon on March 8. I also would like to ask my colleagues to extend best wishes to Ms. Eckles and the trustees of the Cerritos Community College District for a successful event.●

GOVERNORS, MAYORS, AND CONSUMERS SUPPORT STAGGERS ACT AMENDMENTS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1984

● Mr. RAHALL. Mr. Speaker, last week a number of organizations again expressed their concern over the manner in which the Interstate Commerce Commission is implementing provisions of the Staggers Rail Act of 1980.

These organizations—the National Governors' Association, National Association of Regulatory Utility Commissioners, U.S. Conference of Mayors, National League of Cities, Consumer Federation of America, and the Consumer Energy Council of America—all called for legislation to amend the 1980 act to provide captive coal shippers the protections Congress originally intended.

As the sponsor of that legislation, H.R. 2584, I commend these organizations for recognizing the brutal impact the ICC decisions will have on consumers of electricity.

Following is the joint release of the organizations:

GOVERNORS, MAYORS, AND CONSUMERS URGE SWIFT ACTION TO CURB ICC/RAILROAD ABUSES

The Interstate Commerce Commission has exposed the nation's electric utility consumers to excessive and burdensome rate increases, a group of six leading public interest organizations charged today in calling for legislation to amend the Staggers Rail Act of 1980. According to the group, swift action is needed to provide shippers of coal and other bulk commodities greater protection from the abuse of the railroads' monopoly power.

The National Governors' Association (NGA) and the National Association of Regulatory Utility Commissioners (NARCU), both of whom passed resolutions calling for legislation at their winter meetings this week, were joined in this call to action by the United States Conference of Mayors (USCM), the National League of Cities (NLC), the Consumer Energy Council of America (CECA), and the Consumer Federation of America (CFA), four groups already on record with similar resolutions.

"The broad spectrum of groups here today underlines the deep public concern and discontent with the direction and nature of coal ratemaking at the ICC," said Robert Isaac, Mayor of Colorado Springs, on behalf of the USCM and NLC. "The Staggers Rail Act of 1980 gave the ICC flexibility in assisting the railroads to viability, and we are all generally supportive of that effort. But it also established a firm desire to protect consumers who are captives of the railroads. We all feel strongly that the ICC has not given equitable consideration to all parties and has failed to implement properly the Act to balance the needs of shippers, carriers, and the public."

"The ICC has simply abandoned all reason in setting maximum coal rates," Commissioner Wesley Long, a member of the District of Columbia Public Service Commission, said on behalf of NARUC. "In comments filed at the ICC we have shown that its approach to ratemaking is a smokescreen that is meaningless and useless in protecting consumers from undue concentration of market power. It is an abdication of all regulatory responsibility and a blank check for the railroads to act virtually without regulatory restraint of any kind."

"The abuse of the railroads' monopoly power is immediately turned into price increases for consumers," said Dr. Mark Cooper, on behalf of CECA and CFA. "Between $30 and $75 billion are at stake. Unfortunately, because this issue has been fought in the bowels of the ICC and the impact will be disguised as automatic fuel price adjustments in consumer utility bills, it has not received the same attention as some other big consumer issues. But make no mistake about it, it is just as big a consumer item as natural gas pricing and telphone deregulation."

"The Mayors are on record with the most detailed outline of what must be done," Mayor Isaac added, "including immediate reconsideration of ICC approaches to defining who is captive and in need of protection, how much revenue the railroads require to be adequate, and how costs should be accounted. No one is calling for massive reregulation of the railroads, but we are all in substantial agreement that legislation is necessary in this case to correct the flaws in the ICC's approach which fails completely to protect the public interest."

"The nation's electric utilities could never be regulated by the so-called constrained market approach," Commissioner Long added, "because it is tantamount to allowing the railroads to charge whatever the market would bear. It is especially difficult for us to conceive of a State regulatory commission permitting an electric utility to earn substantially excessive returns over a period of years without taking action on its own motion to investigate the utility's rates. Incredibly, that is what the ICC plans to do."

"Coal is this nation's most plentiful energy resource," Cooper noted, "and the Staggers Act explicitly recognized the need to balance railroad economics with national energy security goals. The current state of the world oil system only reinforces the need to expand our reliance on non-oil sources of energy. According to the Energy Information Administration, the coal rate increases that could easily occur under the ICC approach to ratemaking could reduce American production by 100 million short tons per year by 1990. That's the equivalent of 1 million barrels of oil per day and shows clearly that the ICC has violated the energy provisions of the Act."

The groups pledged to work together to educate Congress, to keep the pressure on the ICC, and ultimately to pass the necessary legislation.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 6, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 7

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Labor-Management Services Administration, Employment Standards Administration, and Bureau of Labor Statistics, all of the Department of Labor, and the Pension Benefit Guaranty Corporation.

SD-116

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Senate, Office of the Senate Sergeant at Arms, Congressional Budget Office, and Office of Technology Assessment.

S-128, Capitol

Select on Intelligence

Budget Subcommittee

To hold closed hearings on proposed legislation authorizing funds for fiscal year 1985 for the intelligence community.

S-407, Capitol

9:30 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Agricultural Research Service, Cooperative State Research Service, Extension Service, and the National Agricultural Library.

SD-192

Banking, Housing, and Urban Affairs

To continue hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.

SD-538

Judiciary

Criminal Law Subcommittee

To hold hearings on S. 555, to ban the manufacture and sale of ammunition that pierces body armor.

SD-226

Veterans' Affairs

Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1985 for the Veterans' Administration.

SR-418

10:00 a.m.

Appropriations

District of Columbia Subcommittee

To hold oversight hearings on activities of the District of Columbia Parole Board.

SD-628

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Railway Association, and Conrail.

SD-138

Armed Services

To hold hearings on the use of polygraphs for counterintelligence purposes in the Department of Defense.

SR-222

Energy and Natural Resources

Business meeting, on pending calendar business.

SD-366

Environment and Public Works

Business meeting, to mark up S. 768, to authorize funds through fiscal year 1987 for and to extend certain programs of the Clean Air Act (Public Law 95-95), and other pending calendar business.

SD-406

Judiciary

Courts Subcommittee

To hold hearings on S. 1156, to divide the Ninth Circuit Court of Appeals and create a Twelfth Circuit, comprising Alaska, Idaho, Montana, Oregon, and Washington.

SD-106

Labor and Human Resources

To resume hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.

SD-430

Small Business

To hold hearings on S. 1920, to establish a Small Business Computer Crime and Security Task Force.

SR-428A

Select on Indian Affairs

To hold hearings on S. 1871, to permit the leasing of restricted Indian lands for a maximum term of 99 years, subject to the approval of the Secretary of the Interior, and S. 1967, to reimburse the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community for irrigation construction expenditures.

SR-385

10:30 a.m.

Foreign Relations

To hold a closed briefing on the current situation between Iran and Iraq, the proposed sale to Jordan of the Stinger missile systems, and other Middle Eastern matters.

SD-414

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of State, focusing on international narcotics control, migration, and refugee assistance, and antiterrorism programs.

S-126, Capitol

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Armed Services

Tactical Warfare Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense, focusing on Marine Corps tactical programs.

SR-222

Foreign Relations

European Affairs Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for foreign assistance programs, focusing on regional security assistance.

SD-419

Judiciary

To hold hearings on pending nominations.

SD-226

2:30 p.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Board for International Broadcasting, Securities and Exchange Commission, Equal Employment Opportunity Commission, and the Civil Rights Commission.

S-146, Capitol

MARCH 8

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Indian Health Service, Department of Health and Human Services.

SD-138

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Occupational Safety and Health Administration, Mine Safety and Health Administration, and Departmental Management, all of the Department of Labor, and the President's Committee on Employment of the Handicapped.

SD-116

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration.

SR-253

9:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Government Printing Office, General Accounting Office, Library of Congress, and the Congressional Research Service.

S-128, Capitol

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1985 budget.

SD-608

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed supplemental funds for fiscal year 1984 for the Department of Defense, and for assistance to Grenada.

SD-192

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs administered by the Agency for International Development.

S-126, Capitol

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Science and Technology Policy, Selective Service System, and the Consumer Product Safety Commission.

SD-124

Armed Services

To hold an open/closed hearing on proposed legislation authorizing funds for fiscal year 1985 for the Department of Defense, focusing on the President's Strategic Defense Initiative.

SD-222

Energy and Natural Resources

Energy Conservation and Supply Subcommittee

To hold hearings on H.R. 3169, to facilitate commerce by the domestic renewable energy industry and related service industries.

SD-366

Environment and Public Works

Toxic Substances and Environmental Oversight Subcommittee

To hold hearings on proposed legislation to extend the Safe Drinking Water Act (Public Law 95-190), and to further protect ground water supplies.

SD-406

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for foreign assistance programs, focusing on regional security assistance.

SD-419

Governmental Affairs

To hold hearings on S. 1746, to require Government agencies to procure goods and services from private sources, except under specified conditions.

SD-342

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Select on Indian Affairs

To hold hearings on S. 2177, to provide a formula for the distribution and use of judgment funds awarded to the Lake Superior and Mississippi Bands of Chippewa Indians in Minnesota, and S. 2061, to declare specified lands held by the Seneca Nation of Indians be part of the Allegany Reservation in New York.

SD-562

11:00 a.m.

Labor and Human Resources

Labor Subcommittee

Business meeting, to mark up S. 1227, to improve the single-employer pension plan termination insurance program created in 1974 by title IV of the Employee Retirement Income Security Act (ERISA).

S-206, Capitol

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs administered by the Agency for International Development.

S-126, Capitol

Armed Services

Preparedness Subcommittee

To hold open/closed hearings on proposed legislation authorizing funds for fiscal year 1985 for the Department of Defense, focusing on military readiness.

SR-222

2:00 p.m.

Select on Intelligence

To hold a closed briefing on intelligence matters.

S-407, Capitol

MARCH 9

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Federal Railroad Administration, Department of Transportation, and to review rail safety activities.

SR-253

Judiciary

Security and Terrorism Subcommittee

To hold oversight hearings on the activities of the Drug Enforcement Administration.

SD-226

Small Business

To hold hearings on S. 2004, to prohibit the Small Business Administration from denying financial assistance to a small business solely because its primary operation concerns the communication of ideas.

SR-428A

Joint Economic

To hold hearings on the employment/unemployment statistics for February.

SR-325

10:00 a.m.

Finance

Health Subcommittee

To hold hearings to review capital financing under the medicare program's existing provision for reasonable cost reimbursement.

SD-215

10:30 a.m.

Armed Services

Manpower and Personnel Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1985 for the Department of Defense, focusing and active duty and civilian manpower.

SR-232A

MARCH 12

9:30 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Commerce, and the International Trade Commission.

S-146, Capitol

10:00 a.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold oversight hearings to review proposed budget requests for fiscal year 1985 for fossil programs of the Department of Energy.

SD-366

2:00 p.m.

Armed Services

Tactical Warfare Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense, focusing on Air Force tactical programs.

SR-222

2:30 p.m.

Finance

International Trade Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the U.S. International Trade Commission, U.S. Customs Service, and the Office of the U.S. Trade Representative.

SD-215

MARCH 13

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Education, Departmental Management, Salaries and Expenses, Office of Civil Rights, and Office of Inspector General, all of the Department of Education.

SD-116

9:30 a.m.

Banking, Housing, and Urban Affairs

To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.

SD-538

Labor and Human Resources

Aging Subcommittee

To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73), focusing on title V, community services employment provisions.

SD-430

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense, focusing on research and engineering programs.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Panama Canal Commission, and the St. Lawrence Seaway Development Corporation, Department of Transportation.

SD-138

Environment and Public Works

Business meeting, to resume markup of S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95), and other pending calendar business.

SD-406

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings on S. 2300, to authorize civilian procuring agencies to enter into multiyear contracts when such contracts are determined to be in the Government's best interest.

SD-342

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for multilateral development banks.

S-126, Capitol

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Surface Mining, Department of the Interior, and the U.S. Holocaust Memorial Council.

SD-138

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Postal Service, and the Office of Personnel Management.

SD-124

Armed Services

Tactical Warfare Subcommittee

To hold closed hearings to receive testimony on the joint surveillance and target acquisition radar system (JSTARS), and on the joint tactical missile system (JTACMS).

SR-222

MARCH 14

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including elementary and secondary education, education block grants, and impact aid.

SD-116

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Architect of the Capitol.

S-128, Capitol

Labor and Human Resources

To hold hearings on pending nominations.

SD-430

9:30 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Communications Commission, District of Columbia courts, and the U.S. courts of appeals.

S-146, Capitol

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 2065, to extend authority through fiscal year 1988 for the Secretary of Agriculture to recover costs associated with cotton classing services to producers, H.R. 3960, to designate specified lands in North Carolina as wilderness and wilderness study areas as additions to the National Wilderness Preservation System, H.R. 4198, to designate certain lands in the State of Vermont for inclusion in the National Wilderness Preservation System, H.R. 3921 and S. 1851, bills to establish additional wilderness areas in the White Mountain National Forest in New Hampshire, and H.R. 3578 and S. 1610, bills to establish certain wilderness areas in Wisconsin.

SR-328A

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Executive Office of the President, and the Advisory Commission on Intergovernmental Relations.

SD-124

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold oversight hearings to review U.S. Coast Guard polar icebreaking operations.

SD-253

Environment and Public Works

Business meeting, to resume markup of S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95), and other pending calendar business.

SD-406

Governmental Affairs

Intergovernmental Relations Subcommittee

To hold oversight hearings on the Office of Management and Budget Circular A122, to restore use of Federal funds for lobbying by contractors and grantees.

SD-342

Labor and Human Resources

To resume hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.

SD-430

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-192

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Inspector General, Agency for International Development, General Accounting Office, and the Inter-American Foundation.

S-126, Capitol

2:30 p.m.

*Armed Services

Sea Power and Force Projection Subcommittee

To hold closed hearings on proposed legislation authorizing funds for fiscal year 1985 for the Department of Defense, focusing on U.S. Naval strategy.

SR-232A

MARCH 15

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including Vocational and Adult Education, Education for the Handicapped, and Rehabilitation Services and Handicapped Research.

SD-116

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense, focusing on spare parts procurement and acquisition management.

SD-192

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Fish and Wildlife Service, Department of the Interior.

SD-138

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Civil Aeronautics Board.

SD-124

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on restoring classroom discipline in public schools.

SD-430

Select on Indian Affairs

To hold hearings on S. 1979, to confirm and define the boundaries of the Southern Ute Indian Reservation in Colorado, and H.R. 3376, to declare that all Federal right, title, and interest in specified lands are held in trust by the United States for the Makah Indian Tribe, Washington, and to declare such lands be a part of the Makah Indian Reservation.

SD-538

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Export-Import Bank.

S-126, Capitol

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Treasury.

SD-124

Select on Indian Affairs

To hold hearings on S. 2184, authorizing funds for fiscal years 1985, 1986, and 1987 to strengthen tribal governments and to promote economic and social self-sufficiency of native Americans.

SD-538

MARCH 16

9:30 a.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold oversight hearings on proposed budget request for fiscal year 1985 for conservation and renewable energy programs of the Department of Energy.

SD-366

Finance

Taxation and Debt Management Subcommittee

To hold hearings on miscellaneous tax proposals, including S. 146, S. 1332, S. 1768, S. 1909, and S. 2080.

SD-215

Special on Aging

To hold hearings to review physician payment options under medicare.

SD-628

MARCH 19

2:00 p.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the National Oceanic and Atmospheric Administration, Marine Mammal Commission, and the Small Business Administration.

S-146, Capitol

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Bureau of Government Financial Operations, Bureau of the Public Debt, Bureau of the Mint, and U.S. Savings Bonds Division, all of the Department of the Treasury.

SD-124

MARCH 20

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including student Financial Assistance, Student Loan Insurance, Higher and Continuing Education, Higher Education Facilities Loan and Insurance, College Housing Loans, and Educational Research and Training Activities Overseas.
SD-116

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To resume oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).
SD-406

Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, focusing on the impact of the amendment on social security.
SD-226

Labor and Human Resources
Labor Subcommittee
To hold hearings on termination of overfunded defined benefit pension plan and reversion of assets to plan sponsors.
SD-430

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73).
SD-628

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Peace Corps.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Council on Environmental Quality, and the Environmental Protection Agency.
SD-124

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Library Services and Construction Act.
SR-485

1:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for foreign assistance programs.
S-126, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Navajo Hopi Relocation Commission, and the Institute of Museum Services.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of the Treasury, U.S. Postal Service, and general government programs.
SD-124

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings to review proposed budget requests for fiscal year 1985 for energy research programs of the Department of Energy.
SD-366

MARCH 21

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including Special Institutions, Howard University, the National Institute on Education, Education Statistics, Bilingual Education, and Libraries.
SD-116

Commerce, Science, and Transportation
To hold hearings on the nomination of William Evans, of California, to be a Member of the Marine Mammal Commission.
SR-253

Labor and Human Resources
To hold hearings on pending nominations.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Highway Administration, and the Office of the Secretary of Transportation.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Federal Procurement, Office of Management and Budget, and the U.S. Customs Service, U.S. Secret Service, Bureau of Alcohol, Tobacco, and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.
SD-124

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on child sexual abuse.
SD-226

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:30 a.m.
Rules and Administration
To hold hearings on S. 1676, to establish guidelines to assure that registration and polling place facilities used for Federal elections are readily accessible to handicapped and elderly individuals.
SR-301

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service.
SD-192

3:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Commodity Credit Corporation, Foreign Agricultural Service, Office of International Cooperation and Development, and the provisions of Public Law 480.
SD-192

MARCH 22

9:00 a.m.
Office of Technology Assessment
The Board to hold a general business meeting.
S-207, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 1855, S. 1861, and S. 2292, bills to provide for continued access by the Federal Government to land remote sensing data from satellites (Landsat).
SR-253

Environment and Public Works
Transportation Subcommittee
To resume oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).
SD-406

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.

SD-192

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Veterans' Administration.

SD-124

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Minerals Management Service, Department of the Interior, and the National Gallery of Art.

SD-138

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on S. 2217, to exempt segments of the Interstate Highway System from the tandem trailer and large truck requirements of the Surface Transportation Assistance Act of 1982 if these segments are incapable of safely accommodating the larger vehicles.

SD-106

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings to review the educational needs of native Hawaiian children.

SD-430

Labor and Human Resources

Family and Human Service Subcommittee

To hold hearings on proposed legislation authorizing funds for Head Start programs.

SD-562

2:00 p.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold oversight hearings to review proposed budget requests for fiscal year 1985 for nuclear energy programs and nuclear waste activities of the Department of Energy.

SD-366

MARCH 23

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Health and Human Services.

SD-116

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the National Transportation Safety Board.

SD-138

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on proposed legislation authorizing funds for adult education assistance.

SD-430

MARCH 26

9:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission.

SR-253

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal years 1987, 1988, and 1989 for the Corporation for Public Broadcasting.

SR-253

Labor and Human Resources

Aging Subcommittee

Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).

SD-430

2:00 p.m.

Finance

To hold hearings to review the Social Security Advisory Council's recommendations on medicare trust solvency.

SD-215

MARCH 27

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Health and Human Services, including the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health.

SR-428A

9:30 a.m.

Banking, Housing, and Urban Affairs

To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.

SD-538

Commerce, Science, and Transportation

Business meeting, on pending calendar business.

SR-253

Labor and Human Resources

To hold oversight hearings on U.S. relations with the International Labor Organization.

SD-430

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for Navy aircraft of the Department of Defense.

SD-192

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-116

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (Amtrak).

SD-138

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold hearings on S. 1947 and S. 2183, bills to designate certain lands in the Great Smoky Mountains National Park as wilderness.

SD-366

Environment and Public Works

Business meeting, to consider pending calendar business.

SD-406

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Farmers Home Administration, Department of Agriculture.

SD-124

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Bureau of Indian Affairs, Department of the Interior.

SD-138

MARCH 28

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.

SD-116

Commerce, Science, and Transportation

To hold hearings with the National Ocean Policy Study on S. 2324, to insure that all Federal activities directly affecting a State's coastal zone will be fully consistent with that State's coastal management plan.

SR-253

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.

SD-106

9:30 a.m.

Appropriations

Defense Subcommittee

To hold open/closed hearings to review SALT II violations.

SD-192

Labor and Human Resources

Aging Subcommittee

Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).

SD-430

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of State, and the U.S. Information Agency.

S-146, Capitol

MARCH 29

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings in closed session on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration, to be followed by open hearings.

SR-253

Labor and Human Resources

Aging Subcommittee

Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).

SD-430

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for shipbuilding programs of the Department of Defense.

SD-192

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.

SD-124

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Interior, and the Bureau of Mines, Department of the Interior.

SD-138

Environment and Public Works

Business meeting, to consider pending calendar business.

SD-406

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Federal Crop Insurance Corporation, and the Rural Electrification Administration.

SD-124

MARCH 30

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including Human Development Services.

SD-116

10:00 a.m.

Finance

Health Subcommittee

To hold hearings to review the implementation of section 2175, to increase the efficiency of the medicaid program administration by allowing States to implement innovative approaches to providing care, and to enable States to receive waivers of certain programmatic requirements in order to implement these approaches, of Public Law 97-35.

SD-215

APRIL 2

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

APRIL 3

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.

SD-116

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold hearings on S. 910 and H.R. 559, bills to permit the Securities and Exchange Commission to assess civil penalties for trading in securities while in possession of material nonpublic information.

SD-538

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for Air Force aircraft programs of the Department of Defense.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Aviation Administration, Department of Transportation.

SD-138

Labor and Human Resources

Alcoholism and Drug Abuse Subcommittee

To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.

SD-430

Labor and Human Resources

Family and Human Services Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).

SD-562

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.

SD-138

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

APRIL 4

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.

SD-116

9:30 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Bureau of Investigation, Department of Justice, the Federal Trade Commission, and the Office of U.S. Trade Representative.

S-146, Capitol

Governmental Affairs

Information Management and Regulatory Affairs Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal years 1985 through 1989 to carry out the provisions of the Paperwork Reduction Act (Public Law 96-511), to reduce Federal paperwork requirements and duplications, and consolidate statistical policy activities with information management in the Office of Management and Budget.

SD-342

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for manpower programs of the Department of Defense.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Interstate Commerce Commission.
SD-138

Veterans' Affairs
To hold hearings to review veterans' health programs.
SR-418

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 5

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control, and the Alcohol, Drug Abuse, and Mental Health Administration.
SD-116

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the inertial confinement fusion program of the Department of Energy.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City Loan Program), Department of the Treasury.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Endowment for the Humanities, and the Economic Regulatory Administration, Department of Energy.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Maritime Administration, Department of Transportation.
SR-253

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for low income energy assistance and Head Start programs.
SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 6

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 50 and S. 1672, bills to streamline trade relief procedures and make trade relief more accessible to small businesses.
SD-215

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review the use of the media in drug abuse education.
SD-430

APRIL 9

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1278, to provide for a program of magnetohydrodynamic research, development, and demonstration with respect to the production of electricity, and S. 1925, to establish a national coal science, technology, and engineering program within the Department of Energy.
SD-366

APRIL 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, Policy Research, and Departmental Management, Salaries and Expenses.
SD-116

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Taft-Hartley Act.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for space programs of the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Coast Guard.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for fossil energy research and development programs of the Department of Energy.
SD-138

APRIL 11

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 521 and S. 1924, bills to establish a criminal background check of individuals whose employment may bring them into contact with institutionalized children.
SD-226

Labor and Human Resources
To resume oversight hearings on certain activities of the Legal Services Corporation, focusing on past and present policies at the corporation, including political activity
SD-430

APRIL 12

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Army modernization programs of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Strategic Petroleum Reserve, and the Naval Petroleum Reserves.
SD-138

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for programs of the Library Services and Construction Act.
SD-430

APRIL 24

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1985 for intelligence programs of the Department of Defense.
S-407, Capitol

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Geological Survey, Department of the Interior.
SD-138

APRIL 25

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

APRIL 26

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for National Guard and Reserve units of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Smithsonian Institution.
SD-138

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

APRIL 30

2:00 p.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Supreme Court, and the Arms Control and Disarmament Agency.
S-146, Capitol

MAY 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the joint weapons program of the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.
SD-138

MAY 2

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for veteran's health benefit programs.
SR-418

MAY 3

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 2117, to establish the national vaccine-injury compensation program as an elective alternative remedy to judicial action for vaccine related injuries.
SD-562

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for U.S. territories.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

MAY 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Hous-

ing and Urban Development and related agencies.

SD-124

MAY 8

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.

SD-124

Labor and Human Resources

Family and Human Services Subcommittee

Business meeting, to consider proposed legislation authorizing funds for programs of the Public Health Service Act, including title X (Family Planning), and title XX (Adolescent Family Life Act).

SD-430

MAY 9

10:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

Veterans' Affairs

To hold hearings on veterans' compensation programs.

SR-418

MAY 15

9:30 a.m.

Labor and Human Resources

Labor Subcommittee

To hold hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.

SD-430

MAY 17

9:30 a.m.

Labor and Human Resources

Labor Subcommittee

To resume hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.

SD-430

MAY 22

9:30 a.m.

Labor and Human Resources

To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.

SD-430

MAY 23

10:00 a.m.

Veterans' Affairs

To hold oversight hearings on the interagency agreement between the Veterans' Administration and the Department of Defense, focusing on sharing and supply and procurement policies.

SR-418

JUNE 13

10:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

JUNE 19

9:30 a.m.

Labor and Human Resources

To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.

SD-430

JUNE 20

9:30 a.m.

Labor and Human Resources

To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.

SD-430

CANCELLATIONS

MARCH 6

9:30 a.m.

Labor and Human Resources

Labor Subcommittee

To hold oversight hearings on the implementation of the Taft-Hartley Act.

SD-430

MARCH 7

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for the U.S. Coast Guard.

SR-253

MARCH 8

10 a.m.

Judiciary

Juvenile Justice Subcommittee

To resume hearings on S. 2014, proposed Missing Children's Assistance Act, focusing on the reauthorization provisions for juvenile justice assistance.

SR-418

MARCH 15

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for local rail service assistance programs of the Department of Transportation.

SR-253

SENATE—*Tuesday, March 6, 1984*

(Legislative day of Monday, March 5, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Though I speak with the tongues of men and of angels, and have not love, I am become as sounding brass, or a tinkling cymbal. And though I have the gift of prophecy, and understand all mysteries, and all knowledge; and though I have all faith, so that I could remove mountains, and have not love, I am nothing. And though I bestow all my goods to feed the poor, and though I give my body to be burned, and have not love, it profiteth me nothing. Love suffereth long, and is kind; love envieth not; love vaunteth not itself, is not puffed up, doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil; rejoiceth not in iniquity, but rejoiceth in the truth; beareth all things, believeth all things, hopeth all things, endureth all things. Love never fails.—I Corinthians 13: 1-8 (KJV).

Dear God, help us to love one another. In the name of Jesus, incarnate love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the two leaders are recognized under the standing order, three Senators are to be recognized on special orders of not to exceed 15 minutes. I would propose two modifications of that. First, I ask unanimous consent that the time allocated to me may be combined with that time allocated to the distinguished Senator from Minnesota (Mr. BOSCHWITZ) and, second, I ask unanimous consent that after the Proxmire special order the distinguished minority leader be recognized on special order of not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. I wish to thank him for arranging for me to have some additional time. If he does not object, I would like to ask unanimous consent that I be able to reserve the 10 minutes up front and add that to the 15.

Mr. BAKER. Yes. Mr. President, I certainly have no objection to that and I put that request.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. I thank the minority leader.

Mr. President, after the execution of special orders there will be a period for the transaction of routine morning business until 12 noon in which Senators may speak for not more than 5 minutes each. At 12 noon, as is our usual custom, in order to accommodate the caucuses of Senators away from the floor, the Senate will stand in recess until 2 p.m. At 2 p.m., the Senate will resume consideration of the unfinished business, at which time the committee amendment will be the pending question.

RESERVATION OF LEADERSHIP TIME

Mr. BAKER. Now, Mr. President, the minority leader has reserved his leader time to be added to the special order which has heretofore been provided. I ask unanimous consent that I may reserve the remainder of my leader time for use during the course of this day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, I am prepared to proceed with the special orders, but I believe the first special order Senator is not present yet. Therefore, I ask unanimous consent that I may suggest the absence of a quorum without it charging against any of the special orders.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

RECOGNITION OF SENATOR BOSCHWITZ

The PRESIDING OFFICER. Under the special order, the Senator from Minnesota (Mr. BOSCHWITZ) is recognized for not to exceed 15 minutes.

CONSEQUENCES OF OUR LEBANON POLICY

Mr. BOSCHWITZ. Mr. President, on Friday, the distinguished minority leader spoke on the subject of U.S. policy in Lebanon. In his statement he criticized the Secretary of State for what he called "an exercise of self-deception and delusion over American policy in Lebanon which was nothing short of astounding."

More astounding to me is the ability of my distinguished colleague to disavow any responsibility for the consequences of our Lebanese policy. In my judgment, the Secretary of State is correct when he observes that Congress is "partly" to blame.

We cannot delude ourselves into thinking that we have no responsibility for the setback in Lebanon or that the debate on the Senate floor, in committee, and in the press had no effect at all. There was equivocation, and that equivocation was construed by forces opposing us, not merely as a debate being conducted in a free society. That equivocation was interpreted as an opportunity, just as we would have construed it if we had seen divisions in the camp of one of our opponents.

One only has to read Lebanese and Middle Eastern newspapers and talk to Arabs to realize that the congressional debate on Lebanon was an important factor in the erosion of support for President Gemayel. They read our papers and are well aware of the tone of debate in Congress. The belief in Lebanon and Syria that the U.S. Congress would not sustain the President's policy was a key factor in forming Syrian and Lebanese attitudes.

Mr. President, each major Lebanese newspaper—six, seven, or eight of them—has a correspondent or a stringer in Washington. The congressional debate was covered closely.

One Lebanese observer noted to a staff member of the Foreign Relations Committee that "the congressional debate strengthened the Syrian hands and weakened those who looked to the United States. By the middle of January, it was clear that the Americans were looking for a way out. The signal was sent that the Lebanese would have to look for an alternative external source of support—someone in the region."

The Syrians also watched with interest as support for the Lebanon policy of the administration eroded. A Syrian Government-inspired radio broadcast commented on December 31, 1983:

> * * * it seems that President Reagan does not consider U.S. public opinion; neither is he interested in the statements of U.S. congressmen and the advice of many experienced U.S. officials. * * * thus he is making many open statements that stress his insistence on keeping the U.S. forces in Lebanon despite domestic and foreign criticism.

Mr. President, Syrian Foreign Minister Khaddam told visiting leaders that the United States was "short of breath" and could not sustain its policy in Lebanon.

We were told the same thing, in the bluntest, most direct language possible, at a bipartisan breakfast held in the majority leader's office in January, by Ambassador Donald Rumsfeld, our special Middle East negotiator: That the Syrians saw the divisions that existed in this country as evidence of a "shortness of breath," that we would not be able to sustain the policy that the President wished to pursue in Lebanon.

We, as Members of the Senate, must understand that our words and deeds have a substantial impact on the actions of others. Many times, I have heard my colleagues on the Senate floor state that through our debate we were sending a message, that the country and the world were listening. Indeed, they do. They did listen in Lebanon. All the factions did, and drew a conclusion that we were "short of breath"—and they will again, and they will elsewhere.

On February 22, 1984, the Syrian Domestic Radio Service stated:

> After President Reagan made his haughty statements regarding his insistence on keeping the Marines in Lebanon, he adopted a decision to pull the Marines out * * * under pressure from the new balance of power in Lebanon, the pressure of U.S. public opinion, and the pressure from some U.S. congressional circles.

Indeed, Mr. President, the Lebanese and the Syrians and others in the Middle East were listening to what was occurring in Congress. Stating the fact that the congressional debate on Lebanon helped to weaken the American position in Lebanon is true, and in no way, in the words of the minority leader, "exhibits a distaste for the democratic system which is not worthy of the Secretary of State." No one will deny that public debate is fundamental to maintaining a democracy. The problem we must all examine is how to have a public debate on foreign policy without misleading our friends or foes alike. One way to resolve the problem is for Congress to take responsibility for its words and deeds.

We must also bear some responsibility for the inability of the United States to establish a sustainable national consensus on foreign policy. We, in Congress, are not shy to assert our rights under the Constitution in the conduct of foreign policy. Through a series of laws we have attempted to codify these rights. The War Powers Act, the Arms Export Control Act, and many others are all proper attempts to preserve our role in shaping the foreign policy of our Nation. Unquestionably, during the last decade, Congress has reasserted itself quite vigorously.

In doing so, however, we must assume a greater share of the responsibility for the policy that is eventually adopted.

If one speaks to our foreign friends, the single greatest complaint is the lack of consistency in American policy. Congress bears some of the responsibility for this perception. Concerning Lebanon, in September we authorized our 18-month participation in the multinational peacekeeping force.

Our purpose was to display to all the parties involved that the United States was prepared to maintain its commitment to the people of Lebanon for an extended period. Not 6 weeks later, the issue was reopened when two resolutions were introduced. One resolution shortened our participation; the other ended it. The signal was sent that the Congress of the United States cannot sustain a policy if a significant price has to be paid.

Certainly, Mr. President, as I have said, it is not all Congress. In Lebanon, as in other parts of the world, inconsistencies are found in government. However, I believe very firmly in constancy in foreign policy. I believe it is absolutely essential. I believe that there is no substitute for constancy of resolve.

This morning, Members of the Senate met with Chancellor Kohl of Germany. He, too, spoke about it. He spoke about the lack of constancy, the lack of resolve that existed in Europe 45 years ago, and that gave Hitler at that time an opportunity to take advantage of that inconstancy of resolve.

Constancy in foreign policy, in my judgment, is essential. Bipartisanship in foreign policy is essential as well, if we are to obtain the constancy that is necessary.

The distinguished minority leader has a great feeling for this body. I am sure he believes exactly what he stated on Friday, but I respectfully disagree.

I do not agree, as the minority leader said, that the statement of Secretary Shultz, to quote the minority leader, was "a petty and vindictive exercise in sour grapes." I think the Secretary of State was correct—that the Senate, Congress, must share a part of the blame for the events that occurred in Lebanon.

This speech should not be regarded as a defense of one policy or another. It is not necessary to reopen that debate. We simply have to go on; and if we go on with bipartisanship, if we go on with constancy, I think that not only will our goal in the world be clearer, but also, peace will be more easily achieved.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BAKER**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BAKER**. Mr. President, I wish now to reclaim a portion of the time that was reserved earlier by unanimous consent, and I so ask unanimous consent.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE SECRETARY OF STATE

Mr. **BAKER**. Mr. President, the distinguished minority leader recently made remarks with respect to the Secretary of State and the policy that he is implementing on behalf of the President.

Mr. President, first, I commend the distinguished Senator from Minnesota for his remarks today. He indicated to me that he wished to respond to the minority leader's remarks and I believe wished to do so on this past Friday. I asked him not to do that because at that time an order had already been entered for the Senate to stand in adjournment following on after the presentation of the minority leader and rather than change that I asked the Senator from Minnesota if he would defer until this week in the remarks which he has just now made.

I wish to express to him my appreciation for that.

Mr. President, the distinguished minority leader made remarks on Friday to which on further reflection I think I should respond. His remarks pertained to statements attributed to Secretary Shultz to the effect that the congressional debate on the presence of U.S. Forces in the multinational force in Lebanon contributed to the failure of our attempts to achieve a diplomatic solution in that country. The minority leader commented further that I, like many of my colleagues in both Houses did not favor having a marine component in the multinational force.

That, Mr. President, is true as far as it goes, but it goes only so far. I did not favor a marine presence in Lebanon because I feared that it would detract from our ability in the long term to exert our influence in the region and to continue our efforts to achieve a just and lasting resolution of the Palestinian problem, which remains the core of so much of the conflict in that conflict-ridden region. On numerous occasions, I expressed those reservations to the Secretary and to the President.

It was, nevertheless, the President's decision that our interests required U.S. participation in the return of the multinational force to Lebanon. Once made, I accepted and supported that decision. In order to demonstrate congressional support for a policy with the worthwhile goal of restoring the sovereignty of the legitimate Lebanese Government and achieving the withdrawal of all foreign forces from Lebanese territory, I cooperated with the leadership of the House of Representatives in fashioning a resolution of support for the policy and its objective. I would assure the minority leader that I am in no way troubled by my role in that effort. In order to demonstrate to the Soviets, the Syrians and their proxies that the United States was committed to the policy and would persevere in our efforts to achieve its objectives, we wrote into that resolution an 18-month authorization. There was indeed significant debate on that resolution, but a clear majority of both Houses supported it and it was enacted.

As I read the report of Secretary Shultz' remarks, it was not the debate on the resolution of which he was complaining. It was the continued debate long after the resolution was passed with the various threats of amending the resolution or abrogating it that began to undermine the perception that America would adhere to its stated policy and objectives. I agree totally with the Secretary that such continued carping could not have been helpful in a region where consistency of purpose is essential. Whether or not we would have been successful without it, I do not know. Whether or not it hastened the deterioration of the security situation in Beirut to the point where the Marine presence no longer served a useful function, I can only speculate. But on the whole, on the general thrust of his remarks, the minority leader should know that I agree with Secretary Shultz.

The Secretary has, as well, made a broader point and it is one that he and I have discussed on a number of occasions. That is that the United States with its responsibilities and obligations as a superpower is likely to face with increasing frequency situations of ambiguity and imprecision where neither diplomatic efforts nor the exertion of force can promise a certain outcome. It will require the nicest of judgments in our determination of whether and how the United States should be involved. On our ability to make those judgments, as the Secretary said on Thursday, depends "our capability to defend our interests * * * ."

We do need now, Mr. President, to address these questions. Perhaps in addressing these questions we should review whether the War Powers Resolution, as it now stands, remains an appropriate mechanism for the interaction between the executive and the legislative branches of Government. I am personally convinced that we cannot continue to begin each military involvement abroad with a prolonged tedious and divisive negotiation between the executive and the legislative branches of Government. The world and its many challenges to our interests simply do not allow us that luxury.

Finally, Mr. President, I believe George Shultz to be as fine a Secretary of State as this country has had. I am proud to be the Republican leader of the Senate at a time when George Shultz is serving a Republican administration as Secretary of State and he has my total and unqualified support for that service.

Mr. President, I thank the Chair and I yield the floor.

Mr. BYRD. Mr. President, in order that the whole picture may be put into its context in a proper and even way, I will ask unanimous consent to have printed in the Record my statement of last Friday, March 2, titled "U.S. Policy in Lebanon," which responded to the news report concerning the Secretary of State's having blamed Congress in a considerable way for the administration's failures in Lebanon.

I ask unanimous consent to have my March 2 statement reprinted at this point in the Record immediately following the statement by the distinguished Senator from Minnesota and the distinguished majority leader. In other words, I am today repreating what I said on March 2. I also ask unanimous consent to have printed in the Record an article from the Washington Post of March 2, 1984, entitled, "Shultz Says Hill Partly To Blame in Mideast Failure."

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Policy in Lebanon

Mr. Byrd. Mr. President, the Secretary of State, Mr. George Shultz, did some vocal calisthenics on yesterday that ought to be responded to.

I see in today's Washington Post the following headline: "Shultz Says Hill Partly to Blame in Mideast Failure." I will read the first two paragraphs:

"Secretary of State George P. Shultz charged yesterday that a doubting Congress—"

He did not just limit that to Democrats. He talks about both parties when he talks of Congress—

"was partly to blame for the failure of U.S. policy in Lebanon, and warned that the United States may have to "check out" of other situations abroad if congressional restraint on the use of military force is not eased.

"Shultz, reflecting a bitterness that many in the administration feel over the collapse in Lebanon, said the congressional debate over the deployment of U.S. Marines in Lebanon "just totally took the rug out from under U.S. interests" there by leading the Syrians to doubt U.S. resolve."

Mr. President, I personally do not dislike our Secretary of State. I voted for the confirmation of his nomination and, by way of obiter dictum, I voted against his predecessor. But the Secretary of State, I would say, indulged in an exercise of self-deception and delusion over American policy in Lebanon which was nothing short of astounding.

This is just another example of this administration's attempt to rewrite history, to find a scapegoat for a failed policy. To argue that congressional debate over the wisdom of our Marine deployment in Lebanon "just totally took the rug out from under U.S. interests" there, exhibits a distaste for the democratic system which is not worthy of a Secretary of State. How fragile that policy must have been, in reality, if simply debating it would somehow destroy it.

Congress authorized the President to continue the U.S. participation in the multinational force for 18 months, although I did not vote for the 18-month authorization.

If I may make a personal reference to the majority leader of the Senate, he did not personally agree with that policy from the very beginning, if I am not incorrect in recalling news reports and conversations—and even statements on the floor, I believe—in which he so said. He, however, as majority leader, understandably loyally supported the President in this matter, but he did not personally favor putting the Marines in there to begin with.

I call attention to this because I am referring to the distinguished leader of the Secretary of State's own party in the Senate. I think it is to Mr. Baker's credit. He was wiser, much wiser, than some other people in Washington.

The American participation failed because the assumption upon which our policy was grounded proved unworkable. Neither the leadership of President Gemayel nor the viability of the Lebanese Armed Forces was up to the task of building a strong leading coalition in Lebanon.

We were continually being told that "progress is being made," progress is being made."

The fractured political and military conflict which has engulfed Lebanon did not occur because the U.S. Congress debated American policy there.

I would suggest that petty and vindictive exercises in sour grapes on the part of the Secretary of State will only bear bitter and unproductive fruit.

The Secretary of State would be far better off reassessing the fundamental reasons why exercises in military power as a fulcrum of American foreign policy are not adequate for this great Nation. Any policy which cannot withstand the scrutiny and the examination of the highest representative body of this land—and the body which under the Constitution is the only body that can declare war—is not going to stand the test of time, but will, by definition, be basically flawed and will fail.

[From the Washington Post, Mar. 2, 1984]

SHULTZ SAYS HILL PARTLY TO BLAME IN MIDEAST FAILURE

(By John M. Goshko)

Secretary of State George P. Shultz charged yesterday that a doubting Congress was partly to blame for the failure of U.S. policy in Lebanon, and warned that the United States may have to "check out" of other situations abroad if congressional restraint on the use of military force is not eased.

Shultz, reflecting a bitterness that many in the administration feel over the collapse in Lebanon, said the congressional debate over the deployment of U.S. Marines in Lebanon "just totally took the rug out from under U.S. interests" there by leading the Syrians to doubt U.S. resolve.

The debate took place under the 1973 War Powers Resolution requiring congressional approval for use of force abroad. Shultz was critical of this, saying it is not "a very good requirement" and "ought to be reviewed by the Congress."

In testimony before the Senate Appropriations subcommittee on foreign operations, the secretary said bluntly that congressional reluctance to deploy U.S. forces where casualties are likely has undercut the credibility of military power as an instrument of U.S. policy.

"We are going to face many situations where U.S. interests are at stake, but where the situation is ambiguous and can move in all sorts of directions and where we could advance American interests if we could apply a modicum of force combined with diplomatic efforts and sustain [the force] over a period of time," he said.

"If we're not able to do that, we're going to check out of a lot of American interests," he added.

His warning foreshadowed what could become a major issue in this year's presidential campaign: the feeling of Democrats that President Reagan is too quick to resort to military power as a solution to foreign policy problems, and the administration counterargument that the Democrats' post-Vietnam fear of conflict overseas has given adversaries the sense that they can act without fear of reprisal.

The War Powers Resolution, passed toward the end of the Vietnam war, requires congressional approval before the president can send troops for sustained periods to areas where they face a threat of attack.

Last September, after some initial hesitation, Congress authorized Reagan to keep the Marines in Beirut for 18 months. But after 241 U.S. servicemen were killed in a terrorist truck-bombing of Marine headquarters last October, a major debate broke out over whether the Marines should be withdrawn.

Reagan first opposed withdrawal in emotional terms, charging at one point that House Speaker Thomas P. (Tip) O'Neill, Jr. (D-Mass.), who was backing a pullout, wanted to "surrender" in Lebanon. Then, just as Congress was moving to vote on the issue and as the Lebanese army and government appeared to be collapsing, the president reversed field and ordered the Marines removed to ships offshore.

His decision was made following a split inside the administration that pitted Defense Secretary Caspar W. Weinberger and Vice President Bush against Shultz, who believed that a pullout would severely damage U.S. credibility in the Middle East. State Department officials since have made clear Shultz's belief that Congress' behavior strengthened the hand of his adversaries in the administration and convinced Syria that the United States lacked the will to stick with its Lebanon policy.

Lebanon, Shultz said yesterday, demonstrated that the War Powers Resolution, with its requirement of prolonged consultation with Congress, inhibits the administration from successfully executing policy because, "no matter what room you hold it in," the policy becomes public through leaks that allow hostile governments to know U.S. intentions.

The Associated Press quoted him as saying in a later interview that congressional pressure to withdraw the Marines was a "light-switch approach." He added: "It's hard to conduct a policy in which you're on-again, off-again in terms of what you might be authorized to do."

CENTRAL AMERICA

WASTE AND CORRUPTION IN OUR AID PROGRAMS

Mr. BYRD. Mr. President, the administration is proposing to provide nearly $2 billion in economic assistance to Belize, Costa Rica, El Salvador, Guatemala, Honduras, and Panama for fiscal years 1984 and 1985. Of this amount, $673 million is to be provided to El Salvador, $308 million to Honduras, and $130 million to Guatemala.

Over the next 5 years, the administration is proposing to spend $8.4 billion on these six countries. These figures are stunning, particularly in light of the fact that the American people are faced with $200 billion budget deficits here at home as a result of this administration's economic policies. We still have more than 9 million Americans out of work—Americans deserving of support from their own Government.

Even more disturbing to me are the reports of waste and corruption in our Central American aid programs. And yet, this administration is doing little, if anything, to demand an accounting of how our moneys are being spent, particularly in El Salvador, Honduras, and Guatemala. According to a recent study by the General Accounting Office, the United States has little or no control over how our funds are being spent in these countries.

Over the past 4 years, $1.4 billion in economic assistance has been provided to the countries of Central America, of which 40 percent has been in the form of direct cash transfers. The Agency for International Development maintains that these dollars, directly being transferred to these governments, are being used to import critical raw materials and spare parts to keep the private sector going into these countries.

In addition, the Congress has been assured that the use of these funds was being monitored effectively by our Government. On August 4, 1982, Mr. Otto Reich, who was at that time AID's Assistant Administrator for Latin America, testified before the Senate Foreign Relations Committee that each aid-funded import transaction in Central America:

> . . . Generates documentation evidencing the financial flow and movement of imports. The central bank, which monitors these transactions closely, maintains complete files on each transaction which is attributed to the A.I.D. program. A.I.D. receives regular reports from the central bank and periodically audits the complete file.

However, the GAO found the direct opposite to be the case. In interviews conducted primarily with AID in Washington, the AID missions in Central America, and representatives of the central banks in those countries, the GAO found that dollars are disbursed directly into host country bank accounts where they are commingled with other funds. At this point, AID's financial control ceases.

AID has claimed that the dollars we provide are used for productive imports from the United States and that controls exist to assure this. However, the GAO found that, in fact, the money can be spent anywhere on anything.

According to the GAO, all that AID has required of the recipient country is documentation that it has imported goods and services totaling the dollar amount of assistance we have provided. AID is satisfied if the dollar volume of the imports does not fall below the amount of economic support funds we have provided the recipient country. However, this is relatively easy to document since the normal trading patterns between the United States and the recipient countries show a larger amount of goods and services from the United States flowing into these countries than the aid being provided.

For example, we provided El Salvador $44.9 million in cash transfers in 1981, while the total value of our exports to that country was $249.9 million. In 1982, the cash transfer was $100 million compared to $242 million in imports from the United States. In 1983, $120 million was provided as a cash transfer, while El Salvador imported $275.4 million in goods and services from the United States.

Therefore, AID's attribution control process, referred to by Mr. Reich in his August 4, 1982 testimony, merely assures that the recipient country purchases are at least equivalent to the amount of the cash transfer. The purchases are not tied to the procurement of specific goods and services. As a matter of fact, by increasing the hard currency available to El Salvador without tying it to any specific use, the elites have more available to them to finance the importation of luxury items.

The GAO also found that controls to prevent capital flight through overinvoicing of imports are weak. Overinvoicing works this way. A Salvadoran firm will contract with an American supplier to purchase $100,000 worth of fertilizer. However, when the Salvadoran goes to the central bank to have dollars paid that supplier, he will produce an invoice that states the fertilizer cost $130,000. Thus, the Salvadoran firm is able to pocket $30,000 from that one purchase of fertilizer which actually cost $100,000. AID's own internal audits point to the fact that this lack of control has led to mismanagement and corruption in our programs.

An extensive critique of these audits is to be found in a February 20, 1984 article written by Phil Taubman for the New York Times. According to Taubman:

> Abuses cited in the reports included the illegal diversion of funds for private gain, fraudulent accounting procedures and spending that never reached the people it was intended to help.

And as Taubman pointed out:

> Most of the criticism of the aid programs was made in State Department audits that have not been publicized . . .

U.S. development assistance programs fund specific development project activities, usually to improve the health, living conditions, and education of the poor majorities in the Third World. Project implementation depends on host country implementing agencies and AID project officer oversight.

However, the GAO found the recipient country institutions necessary to implement these projects in Central America to be very weak. In the case of Honduras, AID has run out of good local institutions to absorb the development aid. In fact, last year AID testified before the Congress that it was at the limit, or had exceeded its capacity to run the program in Central America. According to the GAO, given the existing staff and types of projects involved, this problem will get worse as additional funds, proposed by the administration, pour into the region.

GAO found that AID project officers are now primarily desk bound because of manpower shortages, which effectively preclude their monitoring the progress of development projects. In addition, audit coverage for Central America also is limited in that there are presently only six auditors in AID's Inspector General Office to handle all of Latin America and the Caribbean.

As the GAO stated to one of my staff aids during a briefing:

> If there are allegations of corruption in our aid programs (for Central America), AID does not have any documentation to refute these charges.

When a recipient country enters into an agreement with the International Monetary Fund to provide balance of payments support, the IMF oftentimes stations at least one person in the central bank to insure that the moneys are going for the purposes stipulated in the agreement between the Fund and the recipient country. Yet, with nearly $2 billion in economic assistance proposed for the countries in Central America over this year and next, we have not established a similar monitoring system in the central banks.

In light of the massive budget deficits facing the American people and the continued misery faced by more than 9 million of our own unemployed, I cannot support this aid program for Central America. Even if we were not facing serious domestic economic problems, I find it hard to support the program. It is a program over which our Government does not even control how the resources are being spent. All too often our aid efforts have failed in the past, particularly when they involve direct cash transfers, whereby the elites enrich themselves at the expense of the vast majority of the people who are supposed to be the primary beneficiaries of these programs.

I urge my colleagues to study the New York Times article very closely. It is a good documentation of mismanagement and corruption in our aid programs in Central America—documentation provided by our own Government. Despite this documentation, this administration wants to pour even more money into the region in the absence of even modest restrictions as to how this money is to be spent.

I ask unanimous consent that the New York Times article by Mr. Philip Taubman be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 20, 1984]

ABUSES DISCLOSED IN AID PROGRAMS IN LATIN NATIONS

(By Philip Taubman)

WASHINGTON, Feb. 19.—United States economic assistance programs in Central America suffer from extensive mismanagement and corruption, according to State Department audits and a Congressional study.

At a time when the Reagan Administration has proposed major increases in economic aid to the region, these reports show, many of the institutions responsible for distributing American assistance have had difficulty handling the present level of financing.

Abuses cited in the reports included the illegal diversion of funds for private gain, fraudulent accounting procedures and spending that never reached the people it was intended to help.

BIG INCREASE IN AID SOUGHT

There are no exact figures for the amount of money wasted or misused, but both Administration officials and Congressional investigators estimated that the total runs into millions of dollars annually.

Most of the criticism of the aid programs was made in State Department audits that have not been publicized and in a classified report by the General Accounting Office that has been described to members of Congress but not yet submitted in written form. Several State Department audits reporting on similar problems have been the subject of news reports in the last several weeks.

WIDESPREAD ABUSES DENIED

The effectiveness of American assistance is expected to become a major issue when Congress reconvenes this week after the winter recess. The legislators will begin consideration of the Administration's request to nearly double economic aid to Central America in the current fiscal year, adding $400 million to the $430 million already approved, and to spend $6 billion in direct economic aid and $2 billion in trade credits there over the next five years.

"They haven't shown they know how to spend the money they have," Representative Clarence D. Long, a Democrat from Maryland and the chairman of a key House appropriations subcommittee, said on Friday. Representative Michael D. Barnes, a Maryland Democrat who is chairman of the House Foreign Affairs subcommittee on Latin America, said, "The effectiveness of the A.I.D. programs will be a major consideration in the minds of many members."

The classified study recently completed by the General Accounting Office, the Congressional auditing agency, concluded that the State Department lacked adequate financial controls over foreign aid and could not fully account for millions of dollars in economic assistance to Central America, according to members of Congress familiar with the study.

While acknowledging that some mismanagement and corruption exists, State Department officials denied there were widespread abuses.

"I can't say there is no corruption or opportunity for management improvement," Jay F. Morris, the deputy administrator of the Agency for International Development, said, "but I can't say there is massive or rampant corruption either. We're working hard in the region to improve management practices."

In recent years, Congressional concern about Administration policy in Central America has tended to focus on military aid, and there appears to be substantial resistance to the White House proposal to triple security assistance to the region in the current fiscal year to $373 million. But Mr. Long, Mr. Barnes and other Democratic leaders said that because of the substantial increases requested in economic aid, Congress will also take a hard look at those programs.

Some of the aid problems, according to the government studies, were caused by the chaotic conditions in the region, including the civil war in El Salvador, and the lack of local groups trained to manage the distribution of economic aid. Internal State Department audits found numerous examples of tangled bookkeeping and bureaucratic disarray in Central American government agencies involved in the aid programs.

U.S. ORGANIZATIONS CRITICIZED

United States organizations, including A.I.D., were also criticized for inadequately monitoring assistance efforts and, in some cases, developing programs unsuited to local conditions.

Administration officials, taking their lead from recommendations made last month by President Reagan's commission on Central America, which was headed by Henry A. Kissinger, have said that a major infusion of economic and military aid in the region is both advisable and feasible.

M. Peter McPherson, the administrator of A.I.D., recently outlined goals he said could be achieved with increased economic aid "This region can absorb and effectively use a very substantial program," he said.

Specifically, Mr. McPherson said that in the process of trying to stabilize the shaky economies in Central America, United States aid could help achieve a real growth rate in the region of 6 percent per year within six years, eventually generating 250,000 new jobs annually.

In addition, he said, in five years primary school enrollment, which stood at 84 percent in 1981, would be above 95 percent, the infant mortality rate would be cut by 15 percent from the current level of 65 per thousand, and sewer and water coverage would be increased by 25 percent with improved housing for 100,000 families.

AGRICULTURAL GROWTH PREDICTED

The Administration has also predicted that agricultural production can be increased by 4 percent a year by 1989, generating 80,000 jobs every year.

To get this growth started, the Administration has asked Congress to increase economic assistance to El Salvador by $134 million this year, bringing the total for 1984 to $332 million. The White House has requested $341 million in 1985. The supplemental request for Honduras, $84.5 million, would bring the total for the year to $169 million, with $139 million scheduled for 1985.

Under the Administration's request, Costa Rica would receive an additional $75 million this year, bringing its total to $180 million. In 1985, Costa Rica would get $208 million. Guatemala would receive $34 million this year, $20 million more than originally approved by Congress, with an additional $96 million next year. Economic aid to Panama would more than triple this year to $46 million. The total in 1985 would be $40 million.

The Administration proposes to funnel the money to Central America in several ways, including direct support for development projects such as the construction of school buildings and indirect aid, including balance-of-payments support, to shore up the economies.

Both kinds of assistance have produced problems in the past, according to the audits and studies. State Department officials and members of Congress said that abuses identified in specific programs reflected widespread problems among A.I.D. operations in Central America.

A public sector employment program in El Salvador, for example, has been troubled by serious management failures, according to an internal State Department audit. The project, which was initiated in 1980, was intended to stimulate economic activity by financing labor-intensive public works, including street improvements and the construction of water and sewer lines. The United States agreed to contribute $60.4 million and the Salvadoran Government pledged $19.8 million.

The State Department audit, conducted in 1982 by the inspector general at A.I.D., concluded that while the project had produced substantial employment, it was having "very serious implementation and administrative problems."

Specifically, the report said: "Labor and material resources were, to some extent, being wasted, diverted to unauthorized purposes and inefficiently used. Some internal controls over the payroll system were weak and some funds may not be reaching the intended recipients. The administrative affairs of the coordinating committee were in disarray."

When inspectors visited construction sites in El Salvador, they found it was "a common practice" for Salvadoran authorities to borrow laborers for other purposes while charging their costs to the employment project. At one site, 18 percent of the laborers listed on attendance sheets were working elsewhere on unauthorized activities, the report said.

Defending the quality of this and other programs, A.I.D. officials said that while the audit reports are often highly critical, they are part of the process of improving and refining programs and are usually done at the request of agency officers.

An A.I.D. audit completed last month and publicized this month warned that the land redistribution program in El Salvador that is supported with American funds was in trouble because most of the farm cooperatives created under the first phase of the program "are not financially viable."

The report concluded that many of the cooperatives "had massive capital debt, no working capital, large tracts of land that were nonproductive, substantially larger forces than needed and weak management."

In Honduras, according to an internal State Department memorandum written late last year, a number of economic development projects "are experiencing serious implementation problems or lengthy delays." Several of the projects mentioned in the memorandum, which reported general progress on the economic assistance front in Honduras, were sharply criticized in audits earlier in the year.

One audit, completed in September, examined the performance of a municipal development bank that began receiving United States aid in 1974. The assistance to the bank, which was set at $5 million, was supposed to contribute to increased bank financing of construction projects.

State Department auditors, however, concluded that the bank "has some very serious problems." Their report said the bank "had not achieved—and will not achieve for some time—the status of a financially viable organization." The bank's problems included a large portfolio of delinquent loans on which interest and principal were overdue and were not being collected.

When the auditors reviewed the bank's finances, they found that instead of a $200,000 operating profit reported by the bank in 1982, it had actually lost $400,000. The State Department suspended payments to the bank for three months early in 1983 but resumed the assistance in July after determining that reforms had been instituted.

Another program in Honduras, an agricultural assistance project, has experienced problems beginning with its original design by the State Department, according to a department audit. The $95 million project, which was supposed to receive $25 million in American aid, was intended to improve agricultural productivity by helping government farm agencies better support small farmers.

A 1982 report by the inspector general at A.I.D. concluded: "The program design was very ambitious, complex and fraught with flaws and erroneous assumptions. As a result, most activities show little progress and the program had many serious implementation, operational and administrative problems."

Like many economic assistance projects in Central America, according to A.I.D. officials, this effort was hampered by a shortage of trained workers and bureaucratic rivalries in the recipient nation.

The division of the Ministry of Natural Resources in Honduras that was responsible for administering the agricultural program had, according to the audit report, "a series of very complex problems."

THREE EMPLOYEES SLAIN

"It was not a legal entity," the report said. "It had no authority. It did not have the needed personnel. It was not performing its reporting responsibilities. It was not providing budget information in a timely manner. And its administrative aspects were in disarray."

A school construction program in Honduras has also had problems, according to State Department reports. The $27 million program, supported by $15 million in American assistance, foundered when completed construction did not meet stringent inspection requirements and, as a result, the Ministry of Education in Honduras could not pay for the work with program funds. Only $2 million of the $15 million has been spent and fewer than 300 classrooms have been built instead of the 2,100 originally planned.

Assistance programs in Guatemala, which have received only limited amounts of American aid in recent years, have had different problems. In one bilingual education project designed to aid Guatemalan Indians, three Guatemalan employees have been killed. In at least one of the cases, State Department officials said, there is evidence linking the Guatemalan Army to the killing.

The Reagan Administration has complained that it is difficult to carry out assistance programs in Guatemala when the Government appears to condone attacks on citizens associated with the projects.

Because of the problems in El Salvador, Honduras and Guatemala associated with direct aid for development projects, the Administration plans to emphasize balance-of-payments support in the region to help countries finance the import of essential commodities and, by extension, strengthen their economies.

Under this system, American dollars are distributed by the central bank of the recipient nation to businessmen who need the dollars to buy imports from the United States.

In El Salvador, however, the management of this system by the Central Bank has been critized by State Department, Congressional and private auditors. A confidential study prepared for the Central Bank of El Salvador by Authur Young & Company, a private consulting company, found that the bank lacked an effective mechanism for preventing Salvadoran businesses from drawing more dollars than they are entitled to through the use of inflated receipts.

Mr. Morris, the deputy administrator of A.I.D., said the problems had been exaggerated in press reports earlier this week. He said that while steps have been taken by the Central Bank to improve the auditing of purchase transactions, the imposition of comprehensive controls would slow the "injection of needed liquidity" into the Salvadoran economy.

BACK TO BECHTEL?

Mr. ZORINSKY. Mr. President, last Friday I had the misfortune to catch the Washington Post's banner headline, "Shultz Says Hill Partly to Blame in Mideast Failure." It was early, before coffee, and I blinked and thought I must have read "Haig." But no, there it was, affable, admirable George Shultz blathering away and looking for a scapegoat. How quickly these days our Secretaries of State forget the Constitution and the Democratic process once they are enshrined at Foggy Bottom. Is it time to say "Back to Bechtel?"

After all, it is the Constitution that gives Congress the responsibility to declare war—and we may safely surmise that the Founding Fathers, had they envisioned the undeclared wars of the 20th century would have written something like the War Powers Act into the Constitution. But George Shultz believes the War Powers Act is not a very good requirement. Perhaps he would prefer a declaration of war for exercises such as the one in Lebanon. But against whom would we have declared it? More likely, he would have us return to the good old days when Presidents made war with no constitutional basis and no popular support. Everyone disagrees about the lessons of Vietnam, but no one disagrees with the proposition that if we could not or would not win it, we should not have been in it. No one, except perhaps for George Shultz, if you carry his statements to a logical conclusion.

Mr. President, I believe all of us, including the Secretary of State ought to look at the real problem in Lebanon, which was a failed policy from start to finish. At the beginning of our Lebanese fiasco, the administration introduced U.S. troops into Lebanon with no clear idea of what mission they were intended to accomplish or how they should proceed. Consequently, it should come as no great surprise at the end of our engagement in Lebanon, that we are faced with an unmitigated disaster.

U.S. Armed Forces did not fail. They did as they were told: hang out at the airport and try not to get killed. It is no wonder that the military brass and the Secretary of Defense were never persuaded that such a policy had great merit. Congress did not fail. We debated the proposal, argued against it and reluctantly went along with it mostly in the name of supporting the President. The policy failed, pure and simple. And it failed because those who designed it made bad judgments and considered little the consequences of the proposed action.

If the Secretary of a domestic department had designed and presided over such a colossal failure, he or she would have been run out of town on a rail. No one, not the Congress, the Defense Department, nor any of the opponents of this policy, pulled the rug out from under the administration as George Shultz claims. We simply looked at the rug and said in effect, "We don't believe in magic flying carpets, George." Needless to say, the rug did not fly. Yet the Secretary of State peevishly persists in maintaining that the rug did not fly only because the Congress did not believe in it, a ridiculous and childish notion if ever I heard one. If anything, the Congress by applying pressure to remove our forces from Lebanon has helped the administration to save face after its own folly got it into trouble.

Perhaps the whining and the searching for scapegoats may be forgiven as just the way of Washington. It is outrageous, however, for the Secretary of State to attack the War Powers Act as the source of his troubles. Even with the War Powers Act it was all too easy to stray into Lebanon. Without it, our own democratic process for full debate and decisionmaking with consent of the governed would be seriously jeopardized.

The Secretary also should be reminded that the 18 months authorized by the Congress for the stationing of U.S. Forces in Lebanon has not run out. If the administration wanted to keep U.S. Marines in Beirut, the War Powers Act is not it its way. A more powerful indictment of the functioning of democracy might be that it let us get into Lebanon rather than it forced us out. But if the Secretary is right when he says that the United States is going to have to check out of other foreign forays unless the representatives of the people in Congress tow the line, then I have a suggestion for him. Let us begin with another of the administration's failed policies—the one in Central America, which threatens a retreat and an humiliation far larger than the one in Lebanon.

Mr. President, rather than review the War Powers Act, I believe we ought to review U.S. interests and policies abroad, and I believe the Secretary of State ought to take the lead in that review. If he cannot, then just as Dorothy returned to Kansas from her odyssey to the "Land of Oz," I believe George Shultz ought to give some thought to going back to Bechtel.

Mr. EXON. Mr. President, the remarks made by my colleague from Nebraska (Mr. ZORINSKY) were so much on point and so well delivered and so reasoned out that I felt obligated to congratulate my friend and colleague. I simply say that I wish, in this body, we could spend less time fixing blame for what has or has not happened and more time solving the problems at hand. My colleague from Nebraska outlined very well his objections to the charge by the Secretary of State that somehow the Congress of the United States was involved in the total disaster that the administration led us into in Lebanon. My colleague from Nebraska is a distinguished member of the Committee on Foreign Relations and, as the record votes will show, support the Reagan administration on most of its foreign policy initiative. I suggest that Senator ZORINSKY has been a very thoughtful and considerate person with regard to the several votes we have had on Lebanon on the floor and also, I think, can be counted upon for listening carefully to the positions of the administration. Therefore, I thought it was particularly significant that the senior Senator from Nebraska told it as it was in defense of the Congress of the United States on what I, too, agree was an unworthy and unnecessary downgrading of the attempts that were made on the floor of both the House of Representatives and the U.S. Senate to give thoughtful, considerate attention to the administration's difficulties in Lebanon.

I simply say, Mr. President, that Senator ED ZORINSKY has said it very well, and I hope that our colleagues on both sides of the aisle will take the time to read his remarks in the RECORD if they did not have an opportunity to hear his remarks.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. EXON. I yield to the minority leader.

Mr. BYRD. As I commended the Senator from Nebraska (Mr. ZORINSKY) on his incisive remarks, I wish also to commend Mr. EXON on his remarks. I, as he too has suggested, hope that all Members on both sides will read all of the remarks that have been made in this context, including the comments of the Secretary of State, Mr. Shultz, whose remarks last week initiated this debate.

CONGRESS AND LEBANON

Mr. PELL. Mr. President, I wish to strongly support the distinguished minority leader in his statement on Lebanon made last Friday. As my colleagues will recall, the minority leader took exception to remarks made by Secretary of State Shultz to the effect that "Congress was partly to blame for the failure of U.S. policy in Lebanon."

The fact is that it was the administration's ill-considered overeagerness to plunge into the Lebanon swamp with a military show of force that has brought us to where we are today. You will recall, Mr. President, that many of us questioned the idea of giving the President a wide-open authorization without requiring more information as to exactly what U.S. Forces would be responsible for, what they could reasonably be expected to achieve and what would constitute a successful completion of their mission. If the President had been required to think through these issues, I am convinced that he could have spared himself and the American people a great deal of anguish.

In the end, the administration got what it wanted—a bipartisan authorization for participation in the multinational force for up to 18 months. But surely, no one expected this authorization to be provided without debate or opposition. That happens only in the Supreme Soviet, and I am sure that the President does not expect the same kind of unquestioning support from the Congress that the Soviet leader demands from his so-called legislative body.

No, Mr. President, it is not the Congress that is to blame for the events that led to the redeployment of U.S. Marines and the crumbling of support for the Gemayel government. It was a failed policy, formulated by the administration and doggedly pursued in spite of the fact that everyone knew that progress was not being made in bringing about a reconciliation among Lebanon's warring factions, that is to blame.

I would also like to remind my colleagues that it was a Presidentially appointed commission, headed by retired Adm. Robert Long, that criticized the administration for its overemphasis on a military presence in Lebanon and recommended that greater priority be given to a diplomatic solution. Moreover, opinion polls have shown overwhelming public opposition to our military involvement in Lebanon. So it is not only the Congress that has questioned the wisdom of the administration's Lebanon policy.

The President very forthrightly took responsibility for the Beirut tragedy that claimed the lives of 264 marines. The administration should be just as forthright in accepting responsibility for U.S. policy in Lebanon instead of looking for scapegoats.

All of us can learn from this experience. We must understand that it was not particular people, but a failed policy, which was at fault. We should focus now on making sure that these policy errors are not repeated. We must do better in the future.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. BYRD. I merely seek to commend Mr. PELL, and also to thank him for his kind remarks.

Mr. SARBANES. Mr. President, we are in morning business, I take it?

The PRESIDING OFFICER. We are in morning business.

Mr. SARBANES. Mr. President, I want to observe that the matter under discussion, in effect, was reopened by the Secretary of State. I think the response of the distinguished minority leader, the Senator from West Virginia, to the comments of the Secretary of State was absolutely in order.

When the matter of U.S. troop involvement in Lebanon was considered by the Senate with respect to an 8-month authorization, the vote for it was 54 to 46. Subsequently, it is my recollection, some of those who were in the majority, that is, for the broad authorization, expressed misgivings about what was transpiring with respect to our policy there. Those who were in the minority had expressed their misgivings from the very outset, had questioned the policy and had not been supportive of it. They thought a mistake was being made.

I am not sure to whom the Secretary addressed his charges, in effect, throwing blame upon Congress in the remarks which were reported on the 2d of March. Of course, Congress is a large institution, with 535 Members, and some of us in Congress had taken very clear positions with respect to this issue very early on. To the extent the Secretary feels that those in the Senate who had supported his policy subsequently expressed misgivings about it, then his criticism ought to be addressed to those people. If we are going to reopen the issue, I, for one, am prepared to have it fully debated here, on the floor of the Senate.

That, in fact, might serve important purposes if the majority leader wishes to undertake it. I notice both he and the Senator from Minnesota criticized the minority leader earlier today. If they feel that we should examine the whole issue it seems to me that some purpose might well be served by it, particularly with respect to the subsequent misgivings expressed about the policy by those in the Senate who had been supportive of it at the outset, as opposed to those who perceived that it would indeed take us down a path filled with pitfalls.

I know we do not have enough time today to engage in an extended debate, but perhaps we should consider doing so. I simply want to underscore again that this entire issue was opened and raised by the Secretary of State in what I regard as intemperate and inadvisable remarks, and I very strongly support the minority leader in his response to the charges which the Secretary of State made last week.

Mr. BYRD. Mr. President, will the distinguished Senator from Maryland yield?

Mr. SARBANES. I yield to the minority leader.

Mr. BYRD. I thank the distinguished Senator from Maryland for his remarks, both as to their substantive nature and for his kind references to the minority leader.

U.S. POLICY IN LEBANON

Mr. CRANSTON. Mr. President, the failure of administration policy in Lebanon has been extremely costly.

We have lost lives.

We have squandered resources.

We have weakened our prestige.

This policy failed because it was based on totally unrealistic assumptions, the most obvious of which was the faulty assumption that the U.S.S. *New Jersey's* cannons and 1,600 marines pinned down at the Beirut airport could bring peace and stability in a nation where factional civil wars have raged for centuries.

Hopefully we can learn from these mistakes and move forward as a nation.

But we will not move forward if we indulge in the type of self-deception evidenced by administration spokesmen in recent days. Displaying a remarkable disdain for democracy, alibi artists have floated the trial balloon for the 1984 elections that it was really congressional debate over the appropriate role of the 1,600 marines in Beirut that led to the failure of the U.S. mission there. This, despite the fact that Congress ultimately gave the administration carte blanche authorization to keep marines in Beirut for at least 18 months.

Mr. President, the debate in Congress over the proper role of U.S Military Forces in the Lebanese civil war was and is an essential part of our democratic form of Government of the people. It is also an essential part of our responsibilities under the War Powers Act. This debate reflects the deep-rooted skepticism of citizens throughout this Nation over the course and direction of administration policy in Lebanon. To suggest that this debate should have been muzzled is to strike at the very root of a representative government where powers are shared by the executive and legislature.

The lesson here is one which has best been expressed by our distinguished minority leader, Senator BYRD, when he reminded colleagues last Friday in this Chamber that:

> Any policy which cannot withstand the scrutiny and the examination of the highest representative body of this land—and the body which under the Constitution is the only body that can declare war—is not going to stand the test of time, but will, by definition, be basically flawed and will fail.

Mr. President, the original charge that Congress was to blame for "the loss of Beirut" was leveled last week by Secretary of State George Shultz against Congress as a whole. Senator BYRD spoke last week in eloquent defense of the congressional role. He in turn has been criticized today by members of the majority party.

I reject this unjustified criticism of the minority leader by members of the President's party. Many Members of the majority party had deep reservations about the wisdom of administration policy in Lebanon. Some had the courage to voice them. Others should not now criticize the minority leader for defending the appropriate and responsible role played by Congress on this fundamental issue of war and peace.

THE SCHOOL PRAYER ISSUE

Mr. PROXMIRE. Mr. President, today and yesterday and perhaps for days to come the Senate will debate the school prayer issue.

I am astonished that the Supreme Court has made the decision that it has made and I am surprised that we do not permit prayer in the schools. I think if there is anything we need in the schools of America it is an understanding of the ethical obligation that all American citizens should have. Far more important than any skill we develop or any competence or any degree of intelligence is our moral conviction. And that is something that it seems we now deny—an opportunity to have any formal way of speaking to the consciences of our schoolchildren.

To me, prayer is simply a conversation with your conscience. What prayer does is to instruct our consciences. It tells us how we should, as human beings, behave.

The prayer by the Chaplain this morning—and, incidentally, I think the best moments of the Senate are those prayers that the Chaplain gives—the prayer by the Chaplain this morning was a prayer that was an appeal to love. It was a formal prayer. It was the kind of prayer that has been uttered by Chaplains in the past. It was not an unusual prayer. But it spoke of the importance of love and how vital love is in the life—or should be—in the life of any human being, how love means being kind and not envying others and bearing all things and that love never fails us.

What is wrong with that? How can anybody protest that kind of message? When we have a problem in our school with drugs and alcohol and tobacco and all kinds of other problems, we do not permit prayer in the schools. It is really an astonishing situation in this great country of ours.

Mr. President, I challenge any Senator in the debate that is going to ensue here on the floor to name one prayer—any prayer—that Senators have ever heard that contained any evil, any wrong. What do we do when we pray? We pray for tolerance, we pray for love, we pray for kindness, for gentleness, for helping other people. That is what we pray for. That is the heart of what prayers are. We pray to make ourselves better persons.

Now, many—let us face it, it is a fact of life—many millions of children never heard a prayer. Their parents do not go to church. They have that right. They do not pray at meals. And they have that right. And that, I suppose, is quite common in America. So they have no opportunity to hear a prayer.

Now, in my view, it is very difficult for people to develop an ethical outlook on life without having some relationship with prayer that, as I say, instructs one's conscience.

I might just conclude this little observation by saying that in the many years I have been here, I have listened to prayers of the Chaplains. They have always been elevating, often inspiring. I have never heard a single word that could possibly corrupt a Senator.

And some say, "Well, we are adults. We are grown up. We are not children."

Well, the fact is that we have pages here who are not grown up, who are still young, and they attend school. They hear the prayers every morning. I have not heard any parent ever tell me that they do not want their child to be a page because the child would have to listen to a prayer in the morning. And that is what we do here. And I think it is elevating.

I cannot imagine the reason for protesting this, although I certainly respect the feeling that many people have that this should be a family matter, this should be something that should be confined to a particular church or particular region. But, Mr. President, I think that the prospect of having a prayer in the school—which, incidentally, and I have looked over these three alternatives that are before us. Each of them, in my judgment, could still be barred by the State—and in all probability would be in the State of Wisconsin; we have never permitted prayer in the schools for over 100 years in Wisconsin—could be barred by the school board, could be barred by the principal. You would only have the prayer if it were voluntary, if the State permitted it, if the school board permitted it, if the principal permitted it.

Under these circumstances, it is very hard for me to see how this could possibly be an abuse and how it could bring anything other than a higher tone, higher level of ethical conduct by our people.

MORE NUCLEAR DEFENSIVE WEAPONS ARE NO ANSWER TO THE ARMS RACE

Mr. **PROXMIRE**. Mr. President, the most common illusion in modern nations is that the achievement of peace on Earth depends primarily on building bigger, stronger more powerful and deadly military establishments. Throughout the centuries—with few exceptions—countries have built military power for the single purpose of achieving a peaceful world. Certainly that has been true of our country. Every war we have fought since we won independence 200 years ago has been for the oppressed, and for most Americans the purpose of achieving peace. World War I was the war to end all wars. World War II was to stop the military aggressions of Hitler and Hirohito. We fought in Korea to achieve peace in Asia and fought again in Vietnam for the same reason. Our latest engagement in Lebanon again has been not to serve any desire to acquire territory or economic advantage, but to bring peace to the Middle East. Indeed we came to the Middle East as peacekeepers.

Time after time we have gone to war in the name of peace. Is such a reaction always wrong? No. Can we ever go to war to achieve peace? Yes. In World War II we were attacked at Pearl Harbor. Then Germany declared war on us. We had no choice.

Now we are called upon for a further refinement of our principle of achieving peace through building our military power. This is not just a comforting psychological alibi. We justify building these new military nuclear weapons as strictly defensive. We are asked to build defensive capability to stop a Soviet international ballistic missile attack.

We have a big and decisive advantage over the Soviet Union in technology. The President has called for congressional funding of a multibillion dollar program to build a defense against Russian nuclear missile attack. Superficially it sounds great. The young geniuses working at the Livermore Lab in California to perfect these newest nuclear weapons contend that they are not building weapons to destroy lives. They say the weapons they perfect are the very opposite. They will save lives. So here is a doubly appealing argument for building up military strength to seek peace. First, the new nuclear weapons make us stronger and less vulnerable. Second, if deterrence does not work—if the Soviet Union should decide that it will risk the possibility of our counterattack—then we can shoot down their nuclear missiles before they reach an American target. So what is wrong with this approach? Why not build defensive nuclear strength?

The answer is devastating. It is that the first victim of this policy is deterrence. We have not had a superpower war since the end of World War II. Why? Because such a war would be an invitation to national suicide for any power that started it. That deterrent has worked. A successful antiballistic system would threaten, maybe destroy, the deterrent. The success of such an antiballistic system—the end of deterrence—would not be one sided. All our experience teaches us that whatever technological breakthroughs we might make will be followed by Soviet breakthroughs shortly afterwards, so what protection would an antiballistic system give us? Such a system would literally have to be perfect. If 10 percent of Russian missiles penetrated any defensive curtain we set up, we could lose tens of millions of lives and most of our major cities. But say, unlike any other weapon system in history, this one works perfectly, would we be safe? Of course not. The greatest antiballistic missile system conceivable would protect us against only one method of delivering nuclear weapons: That is through space. They would not protect us against further technological advances that will miniaturize nuclear weapons, so they can be carried by individual persons. There are an infinite variety of ways that hostile power equipped with a large number of small nuclear weapons could penetrate our thousands of miles of coastline and deploy and detonate nuclear weapons and do so right under the trillion dollar plus perfect antinuclear missile defense system we had so elaborately built. No. Building more nuclear weapons—defensive or offensive—whether relying on sheer numbers and power like the Soviets or more refined technology as we do, more nuclear arms will never buy the answer. Then what is the answer? We have to stop, to freeze. We have to go in precisely the opposite direction. We will not achieve peace by building more arms. We will achieve peace by stopping the construction of arms. We have to stop manufacture of nuclear weapons. We have to stop deployment of these weapons. And above all and No. 1, we have to stop testing nuclear weapons. Testing constitutes the heart of the nuclear arms race. Testing is essential to effective research.

So we must find a way in our nuclear arms negotiations with the Soviet Union to push for the freeze. Both our countries have everything, literally everything to gain from arms control. Both countries have everything to lose from a continued arms race so we have reason to hope that both countries will accept stringent verification procedures, to assure both sides that there would be no cheating. This must include satellite monitoring and onsite inspection without notice. Hard to achieve? Of course. But the survival of both countries and maybe all of mankind depends on it.

AMNESTY INTERNATIONAL REPORTS

Mr. PROXMIRE. Mr. President, recently my attention has been called to a news release from Amnesty International. Here the worldwide human rights movement recounts the atrocities perpetrated against Paraguayans by the suppressive government of Alfredo Stroessner.

The report documents the killings, imprisonment, and torture of all citizens who dare criticize the 30 years of emergency decree enacted by the government. It names a police annex known as the laboratory where, in night torture sessions, political suspects have been beaten, whipped, given electric shocks with cattle prods, had their heads held under water polluted with excrement, were hung by the ankles, and were confined for long periods in cramped boxes.

The list of those abused and killed by Stroessner's reign of terror is lengthy. While his method of erasing an adversary through murder is a high price to pay, his numerous victims demonstrates his willingness to go to any length to maintain control.

Our Nation historically does not turn its back on such barbarous acts. In the past we have attempted to perserve the sanctity of human life and individual freedom by exposing their violators.

Just as it is important that we publically condemn Stroessner's savagery, it is equally essential that we are able to denounce violations.

Unless we have recanted our priority to human rights, the necessity to commit ourselves as a world leader has not decreased. Ratification of the Genocide Convention, which outlaws the murder and serious mental or physical harm of a racial, ethnic, or religious group will undoubtedly prove that commitment.

We must make this heinous crime of genocide illegal under international law by putting the force of the United States behind it. Let us show the world our unabated support for human rights by ratifying the Genocide Convention.

RECESS UNTIL 2 P.M. TODAY

The PRESIDING OFFICER. under the previous order, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 12 noon, recessed until 2 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. Lugar).

EXTENSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until not past the hour of 2:15 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

U.S. AIR FORCE ACADEMY

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Senator from Alaska (Mr. Stevens), from the Committee on Appropriations; the Senator from Kentucky (Mr. Huddleston), from the Committee on Appropriations; the Senator from Arizona (Mr. Goldwater), from the Committee on Armed Services; and the Senator from Nebraska (Mr. Exon), at large.

U.S. MILITARY ACADEMY

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy: the Senator from Idaho (Mr. McClure), from the Committee on Appropriations; the Senator from Louisiana (Mr. Johnston), from the Committee on Appropriations; the Senator from Michigan (Mr. Levin), from the Committee on Armed Services; and the Senator from Florida (Mrs. Hawkins), at large.

U.S. NAVAL ACADEMY

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Senator from Oregon (Mr. Hatfield), from the Committee on Appropriations; the Senator from South Carolina (Mr. Hollings), from the Committee on Appropriations; the Senator from Iowa (Mr. Jepsen), from the Committee on Armed Services; and the Senator from Maryland (Mr. Sarbanes), at large.

U.S. COAST GUARD ACADEMY

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: the Senator from Oregon (Mr. Packwood), from the Committee on Commerce, Science, and Transportation; the Senator from Virginia (Mr. Trible), from the Committee on Commerce, Science, and Transportation; the Senator from South Carolina (Mr. Hollings), from the Committee on Commerce, Science, and Transportation; and the Senator from Connecticut (Mr. Dodd), at large.

U.S. MERCHANT MARINE ACADEMY

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 46 U.S.C. 1126(c), appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Senator from Oregon (Mr. Packwood), from the Committee on Commerce, Science, and Transportation; the Senator from Alaska (Mr. Stevens), from the Committee on Commerce, Science, and Transportation; the Senator from Hawaii (Mr. Inouye), from the Committee on Commerce, Science, and Transportation; and the Senator from New York (Mr. Moynihan), at large.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOLUNTARY SCHOOL PRAYER

Mr. BAKER. Mr. President, in a moment, I intend to make a statement which I perhaps will do each morning or each day as we begin the debate on the pending measure, for as many days as we are on it.

I do not know how long this will go. I said on yesterday that I thought we might be on it a week or two.

The Senator from Connecticut indicated to me that he thought we ought to have a time certain to vote on June 1. It sort of stretched longer than I had expected to ask the Senate to be on this issue, and now he has indicated that we might work out something to vote at an earlier time, and I am perfectly willing to do that. I think this is close to the time we should face up to this issue.

The point is that the pending question is the committee amendment to the joint resolution reported by the committee. There are all sorts of amendments that may be offered and may not be offered. But I think that if there is a willingness to vote on this matter today or tomorrow or this week, we ought to take about 15 or 20 minutes, maybe 30, to figure out what we are going to vote on, and then we ought to vote.

Mr. President, in a moment, I am going to suggest the absence of a quorum, and I hope that the quorum will run long enough so that I may explore the number of amendments that may be held by Members who wish to offer them, and to make sure that we understand how those things relate to each other and that they may be technically accurate.

I am pleased to hear that there may be a possibility that we can get an early disposition of this issue.

Mr. President, on yesterday, the same day the Senate began its debate of a constitutional amendment to allow voluntary prayer in schools and other public buildings, the Supreme Court of the United States handed down an important ruling that bears directly on the matter before us.

The High Court ruled yesterday that municipalities may not be barred from displaying the Nativity scene as part of an officially sponsored Christmas exhibit.

As the majority opinion written by Chief Justice Burger noted:

> To forbid the use of this one passive symbol, the creche, at the very time people are taking note of the season with Christmas hymns and carols in public schools and other public places, and while the Congress and legislatures open sessions with prayers by paid chaplains, would be a stilted overreaction contrary to our history and to our holdings.

But the finding of the Court most salient to the Senate's current deliberation is this:

> No significant segment of our society and no institution within it can exist in a vacuum or in total or absolute isolation from all the other parts, much less from government.
>
> Nor does the Constitution require complete separation of church and state; it affirmatively mandates accommodation not merely tolerance, of all religions, and forbids hostility toward any.

Mr. President, there is the heart of the matter before us. It is whether or not a succession of rulings by the Court some 20 years ago descended step by step the long stairway from accommodation to tolerance to hostility toward the free exercise of religion in our public schools and other public places. I believe it is time, Mr. President, that we ascended those stairs once again.

Nothing has been more important to the history and heritage of this country than the free exercise of religion—the accommodation of religion—and 81 percent of the American people have made clear they want this freedom and accommodation guaranteed in the classroom as they are in the Congress, and in the courts themselves.

This is our business today, Mr. President, and the Court's ruling could not be more timely or more instructive.

Mr. President, I do not wish to yield the floor at this time, but I see the Senator from Missouri and the Senator from Connecticut on their feet. If either Senator wishes me to yield for the purpose of a question, I will be pleased to do it.

Mr. DANFORTH. Mr. President, I do not ask the majority leader to yield for a question, other than to inquire whether I would be allowed to speak on the subject of school prayer at this time.

Mr. BAKER. Mr. President, I believe that would be in order. There is one matter that I wish to provide, however, and that is that no tabling motion will be in order against the amendment or against the committee amendment as the Senator speaks.

Mr. DANFORTH. Nothing so exciting.

Mr. BAKER. Very well. I yield now to the Senator from Connecticut, if he wishes me to.

Mr. WEICKER. I thank my distinguished colleague, the majority leader.

Mr. President, as I indicated at the outset of the debate, I do not think any such sleight-of-hand parliamentary maneuvers are in order on a subject as crucial as this, and I do not intend to take any.

I am not the one who, less than 24 hours after the debate began, requested a whip check for a cloture motion on this constitutional amendment. That was instigated by the office of the majority leader. So I am the one who really is a little nervous at this point.

However, the majority leader should be assured that I have no such parliamentary maneuver in mind. Indeed, I believe, for example, that the Senator from Missouri wanted to speak to the issue, rather than have a quorum call, if it seemed perfectly acceptable to all concerned. Under no circumstances would I propose to make a tabling motion.

I should like to make two comments in relation to the majority leader's comments about the Supreme Court decision.

No. 1, I ask the distinguished majority leader what this does to the condemnation of Supreme Court rulings vis-a-vis the matter of prayer in schools. This one, apparently, is acceptable to the majority leader. He likes this particular decision of the Supreme Court. I wonder if what we are going to do on the floor of the Senate is to accept the Supreme Court decisions we like and reject the ones we do not like. I accept the decision of the Court in the sense that it is now the law of the land.

The second thing I would like to point out is that this decision should put anyone of the Christian faith on guard as to what happens when government gets into the business of dictating our faith.

I note that in part, the decision as it relates to the nativity scene was passive—passive—therefore, acceptable. I do not know how those of you who are Christians feel about the nativity, but I never looked upon the nativity as being a passive event or a passive scene.

What the Supreme Court has done in this case is to interpret my faith in a way that is totally unacceptable to me.

So, I am delighted that the majority leader is apparently satisfied. I believe the decision renders the nativity as a commercial event now. It belongs to folklore. This is a very interesting description of the nativity. But if that is what the majority leader and others are willing to accept in the cause of victory, fine. I find that to be demeaning to my particular faith.

Mr. BAKER. Mr. President——

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BAKER. I yield further to the Senator from Connecticut.

Mr. WEICKER. On the matter of entertaining discussions as to when we can vote on this issue, I have no problem with discussing that proposition. I would be more than glad to sit down with him and discuss the issue. As I indicated to him, I thought it a little strange after reading media accounts that even before we could begin the debate, I learned that we were going to have 1 or 2 weeks of debate. So I offered the majority leader June 1 as a time certain for a vote.

I have to remind the majority leader, for example, that the court-stripping amendment related to busing that was before us—the Johnston amendment—took 11 months to dispose of during the last session of Congress. So in relative terms, what we are talking about here is a couple months.

So I have no problem in sitting down and trying to arrive at some middle ground. On the other hand, if this matter is going to be pressed in the unseemly way which it has been pressed up to this point—and I remind you that what we have before us is a matter that was not even voted out with recommendation by the Judiciary Committee. The first time in the history of the U.S. Senate a constitutional amendment comes to the floor without a recommendation, and not only one of them, three of them. Now we have before us amendments without any recommendations from the originating committee. Now less than 24 hours later, we are in the process of tallying votes for cloture.

I know my good friend from Tennessee and his regard for the constitutional procedures of this body, but I remind you that nothing has been said that would indicate that there cannot be a time certain for a vote, nor has anything been said relative to a filibuster.

I would like to know why the haste? Is it to satisfy the majority leader, or the administration, or pressure groups from the outside?

Mr. BAKER. Mr. President, I will tell the Senator from Connecticut with all due deference and respect. I made my statement about filing a cloture motion next Monday immediately after the Senator from Connecticut said it would be the first of June before we could vote.

Mr. WEICKER. The Senator from Connecticut never said that. The Senator from Connecticut said he offered to the majority leader a June 1 date for a time certain for a vote. The majority leader had said in the press he was going to a vote in 2 weeks.

What I tried to do is set some parameters for the debate, as we have done many times, so as to arrive at a time that can be agreed to by the various Senators who care to address themselves to the subject.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I thank the Senator from Connecticut for the statements he made so far, the very most attractive of which I find is the possibility of voting this afternoon.

Mr. WEICKER. Do we know what we are voting on?

Mr. BAKER. That is what I am going to say.

Mr. WEICKER. All right.

Mr. BAKER. If we are going to vote this afternoon, we need time to find out who has amendments because no one should be cut off if they have amendments, to find out if there is some sort of consensus on what form and what sequence they will be offered in and to set a time certain.

Maybe that is tonight at 6 p.m., or 5 p.m. Maybe it is tomorrow.

But I am genuinely encouraged to think we may be able to wrap this thing up in an orderly way yet this week.

Mr. WEICKER. In response to the majority leader, my offer was that we have an up and down vote on the pending business before the Senate.

Mr. BAKER. The pending business is the constitutional amendment.

Mr. WEICKER. That is right.

Mr. BAKER. The pending question is the committee amendment. But the pending question that is the committee amendment is also amendable. And as the Senator from Connecticut has properly said you know we should not rush to judgment on this thing. We certainly do not want to cut off anyone who has an amendment. For instance, the Senator from Utah has discussed with me certain aspects of a proposal that I find very attractive that would elaborate and extend the option and the voluntary nature of this undertaking.

I wish to pursue that with the Senator from Utah as I do with other Senators who have similarly discussed with me the possibility of providing for language which might provide the absolute maximum flexibility and the absolute minimum or the absolute absence of coercion or compulsion.

As long as Senators are pursuing that very laudable purpose I would not wish for this matter to be cut off.

So, it is my intention now to proceed with those negotiations, and it may be that we can have something to vote on this afternoon. But I cannot assure the Senator from Connecticut that it is going to be on the pending question. It may be an amendment to the pending question. It may be on the pending question. It may be on a substitute.

But since the Senator from Connecticut has indicated a willingness to vote for something this afternoon at 5 p.m., I would like to take up that offer and see if I can frame it in a way that we will all understand that it will be open and above board and we can proceed with at this time.

Mr. WEICKER. The Senator from Connecticut is very specific. We can vote on the pending amendment. But the Senator from Tennessee wishes to negotiate with his colleagues, those who are on the same side of the issue, so they devise something that would receive the necessary votes. That is not the offer of the Senator from Connecticut. My offer was to take what we have before us now and vote up or down on it. I see the difficulty now as differentiating between the shennanigans of the Judiciary Committee and the razzle-dazzle presented out here with three or four amendments, complicated by modifications and additions, and so forth. I do not think we should vote on anything that the proponents of the issue can devise in a matter of an hour. So I am willing only to have an up or down vote on the committee amendment as we have it presently before us.

Mr. BAKER. Could I ask the Senator would he be willing to vote up or down on the committee amendment and then on the resolution itself?

Mr. WEICKER. No; because as the Senator realizes when I started off in this debate in good faith with the majority leader, it was with the understanding that there would not be any unseemly cutoff of debate nor would there be a filibuster. And indeed there is not going to be any filibuster. But I do reserve myself all the options available to best is portray by views on this critical issue and to protect all of my rights on the floor and avoid being blind sided.

Mr. BAKER. The truth is I am not trying to blindside the Senator. I am trying to make sure we can identify an amendment that may be offered and show it to the Senator from Connecticut in advance of any further action. That is not blindsiding the Senator.

Mr. WEICKER. I think the first step of my good faith is that I gave the assurance to the Senator from Tennessee of the fact I was willing to agree to a time certain for a vote, regardless of what time was finally decided. That eliminated the possibility of filibuster. And I gave that assurance without and prior negotiation whatsoever.

I would suggest that if there is going to be any negotiation, the Senator from Tennessee might give up the idea of a cloture motion and we will then sit in an equal situation with each other. But if you are going to talk cloture, then I will talk time.

I do not think either one of us should be doing that because I think the body as a whole should have the opportunity to register their opinion on this matter.

Mr. BAKER. There is an old saying in Tennessee "Don't scream until you are shot," and no motion has been filed yet. What I did do was to authorize a whip check, which I zealously regard as my prerogative as a leader and will continue to do. I have not yet filed a cloture motion, and I can assure the Senator if we can arrive at a logical sequence of votes or even one vote at a time to do it, I have no intention of filing a cloture motion. But I am sure the Senator will understand that one of the fundamental functions of the leadership is to find out where the votes are.

I think that we have something going here that we should not let slip away. I think there is a chance we can resolve this issue with a vote one way or the other today. I think we need about 30 minutes to find out.

If some Members insist on their right to offer an amendment, and maybe they will not, the Senator from Connecticut can be absolutely sure I am not going to file a cloture motion in that 30 minutes, and I accepted at face value the representations of the two Senators, the Senator from Missouri and the Senator from Connecticut, that no tabling motion would be made. I have no great fear of a tabling motion. But I think it would be unseemly indeed if a tabling motion produced a vote before Senators had an opportunity to try to frame the issue to their own liking and satisfaction. It may be we will have to have more than one vote.

But in any event, Mr. President, I think we should pursue the idea of trying to find the time certain to vote this afternoon or dispose of this issue yet today.

Mr. BUMPERS. Mr. President, will the Senator yield?

Mr. BAKER. I yield for a question.

Mr. BUMPERS. This is sort of in the form of a statement and a question.

First of all, I wish to say that the majority leader has always been extremely accommodating to Members on this side, always polite, always considerate, and I wish to say that here is one Senator who wishes to publicly express his appreciation for that.

Having said that, I also wish to say that next to the Holy Bible, the Constitution of the United States is the most sacred document in existence, so far as I am concerned.

When it comes to amending the Constitution of the United States I belong to the "wait-just-a-minute club." The people of this country in their infinite wisdom have only seen fit to tinker with that document 26 times in almost 200 years, and the first 10 of those amendments, known as the Bill of Rights, were added in 1791, 2 years after the Constitutional Convention.

Now, I am going to be prepared to vote at the right time on these amendments, and I do not intend to participate in the filibuster or to unduly delay the debate. Some of us are very thoughtfully and prayerfully considering this whole measure. We want to be sure that we do not, as a preacher I used to know in Arkansas said, "run past more than we are going to catch up to."

And it occurs to me that I know how much religious freedom there is in this country right now. But as my staff and I have pondered this amendment for the past 24 hours, I am not at all sure how much we will have if and when this passes, and I rather suspect it is going to.

But we keep referring to this as a prayer in school amendment. I have consistently favored voluntary prayer in school—or anywhere else—and I will continue to. But one of these amendments, Senate Joint Resolution 218, is not a prayer in school amendment. It is a prayer in school or any public institution.

Congress is an institution and it is a public institution. As I read this amendment, Reverend Moon can lead his delegation into the Senate right now and start a devotional service, and there is not anything anyone can do to stop him, if I read this amendment correctly. And I have doubts about considering such a proposal without a lot of consideration.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Senator from Arkansas, and I am sure he understands that I am reluctant to interrupt him.

Mr. BUMPERS. I am sorry. I did not mean to make a long statement.

Mr. BAKER. I really do have to try to continue with the matter at hand, and I respect the right of the Senator from Arkansas to continue his remarks as he may wish.

But let me do one thing before we proceed now. Let me try to put things in perspective once more, as I did on yesterday when we began this.

As I recall my remarks at that time, what I said is this is a sensitive and emotional issue. I take upon myself two or three chores. The first is to try to the extent possible to demobilize this issue and to approach it on a rational and reasonable basis.

The second is to make sure that there is every opportunity for every Senator to speak on this issue not once or twice but as many times as the rules permit and their preferences may dictate.

At that time, Mr. President, I put the Senate on notice that I expect it would take all of this week and perhaps all of next week and that I had no intention of filing a cloture motion prematurely and certainly not before the end of this week.

Today I have amended that by saying I do not intend to do that until sometime next week.

Now, with that, Mr. President, I received word that the Senator from Connecticut might entertain the possibility of a vote this afternoon, and I confess I was tempted to explore that as indeed I am trying to do now, but I am sure Members will understand, especially those who signal that they have amendments they wish to offer or amendments they are attempting to construct and may offer, that those Senators would not wish to be cut off without the opportunity to pursue that.

So a moment ago I said that I will put in a quorum in order to gain the time for Members to explore that possibility. I supplemented that by saying I am not trying to blind side anyone. But I will indeed show that amendment if one is produced that some Senator wishes to introduce to the Senator from Connecticut. I will amend that to include the Senator from Missouri who I see on his feet and smiling broadly.

And I just want to make sure everyone understands what we are about.

The last thing I ever want anyone to think is that I am trying to push this thing too fast or that I am trying to take advantage of anyone. I am not. But I am also trying, if you will pardon the expression, to look after the flock, because there are Members who do wish to be heard, and there are Members who do wish to offer amendments I suppose.

Now, having said all that, Mr. President, I suppose there is some element of risk in yielding the floor that someone may offer a tabling motion, but I have no great concern about that.

I think a tabling motion ought to be defeated, if one is offered, simply for the reasons that I have already stated; that is, Members should have the opportunity to explore the alternative possibilities of amendments or substitutes that they may wish to offer.

I will not seek a unanimous-consent agreement to provide against tabling amendments for any particular length of time, nor will I doubt the assurances given me by the two Senators who are on their feet at this time, that is the Senator from Connecticut and the Senator from Missouri.

I will do this, Mr. President, I will now attempt to meet with those who have indicated to me a preference for some variation on the committee amendment, and I will attempt to ascertain who among them wishes to offer amendments and in what form. I will then return to the floor and make that known to anybody who wants to know, so that nobody can feel they have been blind sided. Then, I hope, Mr. President, we will reexamine the question of when we can have a vote.

Mr. President, I yield the floor.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, religious passion run so deep on the issue before the Senate that partisans both pro and con are tempted to claim that God is on their side. Constituents have told me that they are praying that I will reach the right conclusion on amending the Constitution. I am deeply touched by these remarks. I have the highest regard for the faith and commitment of all who feel so passionately about school prayer. But, the debate on school prayer is not between the godly and the ungodly. For strongly held religious reasons, people have arrived at opposite conclusions on the pending amendment. Certainly supporters of the amendment have been more active than opponents in expressing their opinions to Members of the Senate. But that does not mean that the beliefs of those in opposition are less deeply held. The fact is that, speaking from faith, many devout men and women are offended by the prayer amendment and strongly oppose it.

Last week, Members of the Senate received a letter written "to express vigorous opposition to proposed constitutional amendments" signed by representatives of the following religious organizations: American Baptist Churches in the U.S.A., American Jewish Committee, American Jewish Congress, Anti-Defamation League, Association of Evangelical Lutheran Churches, Baptist Joint Committee on Public Affairs, B'nai B'rith Women, Church of the Brethren, the Episcopal Church, Friends Committee on National Legislation, Lutheran Church in America, Lutheran Council in the USA, National Council of Churches of Christ, National Council of Jewish Women, Presbyterian Church (USA), Progressive National Baptist Convention, Seventh Day Adventists, Union of American Hebrew Congregations, Unitarian Universalist Association of Churches in North America, United Church of Christ, and United Methodist Church.

This letter of March 1 reflects the official position taken by a number of denominations. These are not agnostics or atheists opposing prayer. These are religious people expressing what they call "vigorous opposition" to a prayer amendment to the Constitution. Therefore, Mr. President, if we adopt this amendment to the Constitution, we will, in one stroke, answer the prayers of some devoutly religious Americans and offend the consciences of other devoutly religious Americans.

One might ask why anyone could feel strongly against a prayer amendment. A colleague once asked me, "What harm can it do?" Prayer cannot hurt, it might be said; therefore, how can anyone object to it? Mr. President, I would like to answer these questions, not to take one side of a theological argument—that would be uncalled for on the Senate floor—but to explain how it is possible for some to object to the amendment on the ground of religious belief.

Tomorrow is Ash Wednesday. The Gospel which will be read in the Episcopal Church tells us a great deal about prayer. It begins at Matthew 6:1, part of the Sermon on the Mount. Christians are told by their Lord that when they pray, they are not to make a public display of it. They are not to stand in a public place so as to impress their neighbors. They are not to pray for the sake of public appearances, but to do the opposite. They are told to pray in secret, and their Father who sees them in secret will reward them. In other words, to many religious people, prayer is a personal matter between them and God, and the admonition to keep it personal and not flaunt it before others is taken as a requirement of their Lord.

For those who emphasize the private nature of prayer, involvement by the public sector in organizing public religious observances is at variance with one's conscience. For example, in 1981 the North Carolina Baptist Convention said:

> Prayer is a personal communication between an individual and God and does not depend on either the permission or sponsorship of government or its agents.

Moreover, if prayer is personal, it is reasoned that no court imposed restriction on religious observance in the classroom interferes in any sense with the true prayer life of students. As the March 1, 1984, letter to Members of the Senate puts it:

> No Supreme Court decision has ever removed God or religion from the public schools. The carefully drafted opinions . . . do not keep a student from exercising his or her human and constitutional right to pray.

James Dunn, executive director of the Baptist Joint Committee on Public Affairs has written:

> Prayer is too sacred, too intimate, too personal to be prostituted by government involvement.

Prayer, he says, is intimate and personal. It is also sacred. What does it mean to say that prayer is sacred? The sacredness of prayer means that prayer is not mundane, not trivial, not the offhand expression of a passing fancy. Prayer is a relationship with the transcendent, with the holy, with what the German theologian Rudolf Otto called the "mysterium tremendum." If this is so, if prayer is sacred, a relationship with the holy, then it follows that prayer should not be cheapened. It should not be trivialized. It should not be prostituted. This is what James Dunn believes would happen simply by virtue of Government involvement. But one need not go that far in order to fear the prostitution of prayer. It could be concluded that a classroom period of prayer for schoolchildren from diverse religious backgrounds might sooner inspire boredom, or even giggling, than reverence.

Opponents of a school prayer amendment might further argue that the sacredness of prayer and the holiness of God are debased by the often heard statement that the Supreme Court has removed God from the classroom, and a constitutional amendment will put God back in the classroom. To many religious people, God is not dependent on the Supreme Court or the Congress. Objects may be kept out of the classroom, chewing gum for example. God is not chewing gum. He is the Creator of heaven and Earth.

To repeat, some religious opponents of public school prayer would argue that prayer is personal and not a matter for the public sector's involvement. Some would argue that prayer is sacred and not to be trivialized in the schoolroom. But all opponents would argue that prayer has substance, that its content is important, and that not all prayers are created equal.

Advocates of school prayer seem to say that all prayer is good, regardless of its content, that all prayer is equally efficacious, that the fact of prayer is important, not the content. This point of view would be flatly rejected by religious opponents of the proposed amendment. To them, the content of prayer is of very great concern. The idea that any formulation devised by any teacher or student has an equal claim to be recognized as a suitable prayer is summarily dismissed. Christians, told by Jesus that "whatever you ask in my name, I will do it," (John 14:13) take that instruction seriously. They conclude their prayers by saying, "In the name of Jesus," or "Through Jesus Christ." For Christians, that is the appropriate form of prayer. For Jews, it is not. A teacher, or a school district, or a student leading prayer must make a choice. Either a formula thought essential to Christians and contrary to Judaism is or is not included in the prayer. And there are a great number of Christians and Jews who would insist that whether the name of Jesus is included or excluded in a prayer is crucially important.

To members of liturgical churches, that is, churches that pray from a book, the words chosen for a prayer receive painstaking attention. Proposals to change familiar wording are heatedly debated. Anyone who doubts this should refer to the intense controversy still raging in the Episcopal and Roman Catholic churches on liturgical reform. To these denominations, the content of prayer is of deep, even divisive concern, and to say that it should not be is to shout into the whirlwind. What is more, members of liturgical denominations, if asked to pray in school or some other public place, would more than likely reach for their prayer books. It would be an interesting exercise to comb through the hundreds of prayers contained in the Book of Common Prayer with the view to finding any that would be suitable in an interfaith setting. Prayer, for many religious people, is by its nature related to the doctrinal beliefs of the denomination. As Edwin X. Travers, a Catholic school teacher in Maryland, has written:

> Any prayer in our schools that offends no one will be no prayer at all.

A major theme of the Old Testament prophets goes much further than dismissing certain prayer as inadequate. The prophets believed that prayer in a vacuum, divorced from social justice, is an abomination. Repeatedly, the prophets of Israel condemned public display of religious piety which masked injustice to the poor and disadvantaged. For example:

Amos 5: 21-24:

> I hate and despise your festivals; I will not be pleased with your assemblies . . . Take away from me the noise of your songs . . . Let justice roll on like water, and righteousness like a mighty stream.

Isaiah 1: 13-17:

> Come no more with your meaningless offering! . . . I cannot endure iniquity and a solemn assembly! . . . even though you multiply your prayers, I will not hear. Your hands are full of blood. Wash you selves! . . . Learn to do good! Seek justice, restrain the ruthless; protect the orphan; defend the widow.

Jeremiah 7:

> Do not trust in false words, saying 'The temple of the Lord, The temple of the Lord, The temple of the Lord. . . . You are trusting in words of falsehood which cannot profit. Will you steal, murder, commit adultery and swear falsely . . . and then come and stand before me? . . . As for you, do not pray for this people, or lift up a cry of prayer for them. Do not intercede to me, for I will not hear you. Do you not see what they are doing?

This same theme is found in the New Testament. Matthew 7: 20-21:

> You will know people by the deeds they do. Not everyone who says to me, "Lord, Lord" will enter into the kingdom of heaven but he who does the will of my father in heaven.

Finally, religious people can cite the parable of the pharisee and the tax collector in Luke 18: 9-14 as basis for their insistence both that not all prayer is of equal value, and that self-righteous, boastful prayer is perverse.

Because many religious people are intensely interested in the content of prayer and are unwilling to concede that one prayer is as good as any other, they are anxious that they retain control of their children's religious training. Parents can determine the churches their children attend. Parents can guide religious education within the home. But many parents have no practical alternative to sending their children to public school and no control whatever over the identity or religious beliefs of their children's teachers. Under our Constitution, religion cannot be a test of public employment. A school board is not permitted to deny employment on the ground that a teacher is a Baptist or a Roman Catholic, or a Scientologist or a follower of the Reverend Moon. But, under the Constitution as it now stands, a parent can insist that the teacher keep his religious opinions to himself. This would not be so under the proposed amendment. Today, a Protestant parent can insist that a Catholic teacher refrain from suggesting a voluntary recitation of the rosary. No longer, if we adopt this amendment. If followers of the Reverend Moon were to move from the airport to the classroom, parents can insist that they not participate in any religious observance. No longer, if we adopt this amendment. The religious development of very young children would take place in the classroom, at the initiative of teachers or even other students, and it would be beyond the reach of concerned parents. This point was forcefully made in the December 3, 1981, Baptist Messenger, the newspaper of Oklahoma Baptists, where the editor wrote:

> I am uncomfortable at the prospect of any school official or teacher setting a time for Bible reading and prayer, or choosing a passage for Bible reading. As a parent, I don't want someone whose religious beliefs I don't know teaching my children the Bible. That's why I exercise care in choosing a church to attend. I would rather teach the Bible at home and at church than risk the confusion that can result from some of the cult and strange doctrines being pushed on the pliable minds of children and youth today.

Mr. President, I want to express my reluctance, even embarrassment, to stand on the floor of the Senate, quote Scripture and talk about religious beliefs. I am sensitive to the fact that the people of Missouri elected me to be their Senator, not their pastor. They elected me to serve all of them, regardless of their religious beliefs or lack of religious beliefs. I am a priest of the Episcopal Church. That is true. That is part of me. But I have tried to distinguish between my role as Senator and my role as priest, and not to confuse the two. Many people who are not Episcopalians, not Christians, not religious have asked me to represent them in this body, and I intend to do that, as best I can, for all the people.

I do not stand here today to argue for one religious position or another. That is not my place. All I want to point out is that within America there are at least two positions on school prayer which are strongly held by very religious people. Some devout people, acting out their faith, ask us to amend the Constitution to permit prayer in public school. Other people, equally devout, ask us not to amend the Constitution. My only point today is to explain to the Senate some religious objections to the amendment, to state that many denominations ask us not to act, and to note that their position is deeply felt and can be advanced with a plentitude of Biblical references.

So, Mr. President, we have a choice to make. We can choose to do nothing, to keep the Constitution as it is, to allow personal prayer in public school, but not officially sanctioned group prayer. Or, we can choose to amend the Constitution, to weigh in on the side of those many religious people who favor the sanctioning of group prayer in public schools. Whatever our choice, some very good people, who practice their religion, will be deeply hurt. The least we should do is to be sensitive to that hurt and tolerant of those whose beliefs are different than our own.

My own view is that in this case the best course for the Senate to follow is to do nothing. To allow a child to pursue his own religious life without the structure of school sponsored observances is as close to neutrality as we can come. To take the affirmative step of amending the Constitution is to decide that now is the time to foster one religious position against another.

Mr. President, legal scholars will say that the definition of the establishment of religion has been broadened by two centuries of court decisions. But even under the most narrow definition, establishment of religion includes an affirmative step taken by Government to favor one religious position over another. That is what we are asked to do this week. We are asked to favor one religious position over another. We are asked to permit in public schools religious observances which are desirable to some and offensive to others. To vote for this amendment is to vote for the establishment of religion. That is a step we should not take.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. KASTEN) Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I propose to address the Senate for a fairly brief time regarding some of my views in connection with the pending matter, and that is the question of whether or not we shall pass or submit to the people for their consideration and perhaps passage a proposed constitutional amendment that would, in effect, nullify a decision of the Supreme Court of the United States on the subject of the legality of prayer in public schools; the question of whether that decision shall be nullified and controlled by the plain language of one of these proposed amendments.

Mr. President, standing somewhere near here, although I did not have this actual space, 22 years ago I prepared an amendment of the type that I have just referred to. On the day that I was going to introduce that amendment, which was the first one on the subject matter following that Supreme Court decision, I went instead to the funeral of a Member of this body, the late Senator Francis Case of South

Dakota. I requested an associate of mine, the late Senator Robertson of Virginia, to put my remarks in the RECORD and introduce for me the proposed amendment that I have just referred to. That was done, and it appears on page S11713 of the CONGRESSIONAL RECORD, Senate part, in the year 1962.

We debated that subject matter here for some weeks.

There was tremendous interest throughout the country and a great deal of consideration here, but there was a division among the people as to what type of an amendment should be before us and passed, and there was uncertainty in the minds of a great number of people about what would be proposed—perhaps a prescribed prayer and they did not know who was going to prescribe it or compose it. The matter fell away as to activity not for the lack of interest and concern, but for the lack of ability to get together on the meaning and just what words would be composed or put together, what route we would take in trying to get the remedy accepted.

But it has not been a dead issue because of a lack of concern in those intervening years. I think it is more important and the need is more demanding even than it was in those days. I hope that this debate here and in the House of Representatives, and throughout the body of the land by various groups of people, will rekindle the fires of that interest and lead to the proper kind of action.

I am not in the habit of demeaning or downgrading any court, so I do not propose to say anything for the purpose of downgrading the Supreme Court of the United States as it was constituted then. I think a grave error was made. I believe there was a certain feeling or concern of a strange kind felt at the time, that the members of the Court thought, with sincerity, that concerning that provision in the Constitution about no law establishing a religion should be passed they were under a duty to read into that wording the idea that even a prayer, an innocent prayer, voluntarily entered into by children or adults in public schools was harmful, not only harmful but prohibited by the Constitution.

With great deference to that court, that court being supreme, I still believe it was wrong in its conception and wrong in its conclusion, and it brought about a harm of a new kind.

Now when you tell a schoolchild or anyone else that it is against the law or unlawful to have prayer in public schools, I think they jump to the conclusion that all prayer is wrong or tainted or has something the matter with it. I think that spirit and that belief, which is honest, has caused us to drop into a quagmire of uncertainty, doubt, suspicion, and neglect that must be remedied.

Mr. President, I would like to refer to my remarks made in 1962. I ask unanimous consent that those remarks that were submitted to the body by the late Senator Robertson, appearing, as I said, on page S11713 of the CONGRESSIONAL RECORD, be printed in the RECORD at this point. They are fairly brief.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR STENNIS

I have the conviction that people all over the country who rejoice in the spiritual heritage of this Nation were shocked, as I was, to learn that the Supreme Court has held that the permissive daily recital of a simple nondenominational prayer by public-school children breached the constitutional wall of separation of church and state. The prayer thus condemned by our highest Court did nothing more than acknowledge the pupils' dependence upon an Almighty God and ask His blessings upon them, their parents, their teachers, and their country. Only those who desired to do so joined in the recitation of this prayer; no compulsion was involved.

It is not my purpose or intent at this time to challenge point by point the rationale of the majority opinion in this case. However, I could hardly believe my eyes when I read that the Court had held that the prayer, even though admittedly nondenominational, and even though participation in it was admittedly voluntary, violated the first amendment, which merely prohibits the Congress from passing a law "respecting an establishment of religion, or prohibiting the free exercise thereof."

With all respect, I think the Court has utterly misconceived a great constitutional principle. I, for one, cannot comprehend how a religion is established by permitting school children who wish to do so to say a simple prayer. It is my belief that by this decision the Court has twisted freedom of religion into a quarantine against religion.

I submit that it offends both reason and logic to contend that the now outlawed prayer in any manner resulted in the establishment of any religion. The prayer is nonsectarian and nondenominational. The opinion of the Court concedes that participation in it is without compulsion. Under these circumstances few will believe that any real question of the church dominating the state is involved, and I have always been of the opinion that this was the basis of the constitutional provisions upon the subject.

If there was any question of sectarianism involved, or any issue of favoring one religious group over another, the situation, of course, would be entirely different. All we have here, however, was a conscientious effort to permit children who wished to do so to say that they believed in an Almighty God and to call forth His blessings. The Court has denied this right and the implications of its decision are enormous.

This, of course, is not the first time that the Court has departed so far from established constitutional concepts. There is a remedy, however, for the American people. It is by the process of a constitutional amendment, and I am today introducing an amendment designed to right the wrong which the Court has perpetrated. I realize, of course, that this is a delicate subject and one which needs and deserves careful study. However, I am convinced that, if necessary, my amendment can be perfected so that our constitutional guaranty of freedom of religion will be retained but will not in the future be allowed to become an instrument for the suppression of religion.

The voice of the people is already welling up in all of the corners of this Nation in protest against this decision, and I predict that the necessary amendment will be adopted by the Congress and ratified by the States quickly and decisively. The voice of those who believe in the spiritual heritage of this Nation and in the existence of a Supreme Being will be heard in an ever-swelling chorus.

Perhaps as never before in history we need today the comfort and support of moral and spiritual values. We here in the Senate do not deny ourselves the edifying effect of the eloquent prayers of our Chaplain. They give us faith and strength for our daily tasks. The children of our public schools, on a permissive basis, should not be denied the same privilege which we have established for ourselves. We should act promptly to fill the void in the spiritual life of our children which will exist by reason of the Court's decision.

Mr. STENNIS. Mr. President, I shall briefly present my more up-to-date thoughts.

Most importantly, the idea of prayer and the conception and spirit is something the great majority of the American people believe in. The record is clear. Every major poll has indicated that the citizens of this country overwhelmingly support the concept of prayer in schools and public places. Every day, right here in this body, we proclaim it over and over, as they do in the House of Representatives on the other side of this great building. We open the Senate with prayer.

Since May 1980, eight national polls—of course, we cannot run the Government by polls but they indicate sentiment—have asked if the person being interviewed favors or opposes a constitutional amendment allowing prayer in our public schools. The percentages for those who favor the amendment were 76 percent for, 76 percent for, 74 percent for, 73 percent for, 68 percent for, 79 percent for, 71 percent for, and 81 percent for in those respective years who approved.

So the question may be asked now, if so many Americans favor allowing prayer in schools, why should we find that it is not allowed? Because those of us who are responsible for making decisions in the leadership, decisions that affect our public schools, have continued to interpret the decision of 1962 and subsequent decisions, so far as our actions are concerned, to mean that we let it rest, that it not be allowed in our schools at all.

It is for that reason, along with others, that I offer today my support to the idea that the Supreme Court at that time, even though they were honest about it, gave an outright misinterpretation to the law as it existed then, and believed firmly, a majority of them did, that they were stating the law as it should be.

I do not support the amendment that is now offered to try to change our Constitution in any affirmative way or modify it in an affirmative way. The provision merely means that prayers shall not be prohibited will not be precluded, because of what is already in the Constitution, which says government shall make no laws establishing a religion. That was declared by the 13 Colonies who banded together, after long debate and difference of opinion on many subjects, on July 4, 1776.

It is an amazing thing, but we have lived now for over 200 years under that Constitution, during turbulent times of stress and strain, civilian disagreement that took the form of war at one time, uncertainty, worldwide wars, now with weaponry where opposing sides have weapons that could destroy the other half of the world, which, God forbid, they will never turn loose.

We now have the oldest continuous form of government, as I understand, which has continued without interruption for over 200 years, the only one that has. It is bound to have great strength behind it, great spiritual strength. And still we are making this grave error, I submit, on such a simple, understandable, fundamental practice, the freedom of having prayer together with others in our public schools.

I think it is important to point out further that the action that we take now, if we adopt the proposal pending, will not automatically add this amendment to the Constitution. That can only be accomplished by the will of the people acting through the several State legislatures. I remind you that it takes three-fourths of those State legislatures to finally adopt this amendment, or to change the Constitution.

I am emphasizing that because we ought to totally exclude the idea that this is a scheme, that this is a trick, or this is a way of trying to slip into the Constitution a provision that is contrary to the belief and the practice of our people.

We have not had but just a few changes, a relatively few changes, in all these years, and have not had any change in the Constitution by the people on this highly important and delicate subject.

We had a change in interpretation by the Court. I say again that I speak with deference to the Court and the individuals who I think made that grave error, if error it was.

So, we today are just proposing that an amendment clearly expressing the situation be submitted to the people—to the people. They cannot originate an amendment themselves except by force of arms and no one would want to do it that way. They cannot legally originate an amendment, more than 220 million people in America. Still, they do not have the power to originate a new provision or to change one word of the Constitution until there has been action by the leadership of some kind. There is a way in addition to the way that we propose here, but without the initiation of power, of action of some kind by the leaders selected by the people.

What comes first? We are living in troublesome times. We really have trouble here at home with our money affairs. We are running in debt at the rate of over $200 billion a year and we are talking about it a lot but we are doing precious little about it. But if we will, we shall come to and we shall get together on that and we shall not let the country be lost.

But how can we put last the things that ought to be first? I do not get out here and parade around. I am a rather conservative person, I think, especially in matters concerning spiritual affairs. I want everyone to have their choice and their freedom in this field as well as other fields as much as they can. At the same time, I do not think that we can properly nurture and continue to have our spiritual blessings if we go merrily along ignoring some fundamentals.

My belief is that, talking about our youth now, these intervening years to which I have referred have left our youth disappointed and uncertain. On Sundays and other days, our youth are taught now the meaning and value of prayer. Then, on Monday, they are told by a voice of authority, the law, that prayer is actually prohibited in the public schools. This, to their minds, or to individual adults, not only discounts prayer but, in effect, teaches and proclaims every day, or seems to, that prayer is evil and wrong and it is therefore, for that reason, prohibited and held for shame. This condemnation is sweeping and applied to the child's mind so as to make it appear, I repeat, that all prayer must be wrong and must not be accepted and must not be practiced.

This harmful condition must be given a remedy. Every individual, every organized group, every church should try by every possible effort, I think, to find a way, more particularly those of us who are in this position of leadership. Under present conditions, though, the harm is multiplied every day. It continues to eliminate and destroy the worthwhile things of life that shape us and let us find our way to the other fruits of civilization.

This amendment, I think either one of them that is pending now, will point to the true light and by that light, we shall find our way. And God help us as we go, trying to find the true way, the spiritual way, and the way that will be effective and lead us in these times of stress and strain.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JEPSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. JEPSEN. Mr. President, I rise in support of the constitutional amendment to restore the opportunity of voluntary prayer in our Nation's public schools in the form of Senate Joint Resolution 73, as submitted to the Congress and amended by President Ronald Reagan and sponsored by my distinguished colleague from South Carolina (Mr. THURMOND).

I call to the attention of my colleagues the serious nature of amending the Constitution of the United States. It is a process rightly long and difficult. It is only after a thorough examination of this proposed change that I wholeheartedly urge my colleagues to join with me in voting to restore this simple freedom to the children of America.

In the 1962 and 1963 decisions, the Supreme Court created a prohibition against the recitation of prayer or the reading of Bible verses in public schools. Far from guaranteeing neutrality in the classroom, the Federal Government has sent a clear message to all students: prayer in school is unconstitutional. Subsequent decisions sent more strident messages, such as:

The Constitution does not protect speech if it is religious in nature;

A thankful verse before a meal is against the laws; and

There must be something wrong about God and religion when a chess club is permitted to meet while a Bible study group violates the Constitution.

I am certain that these are not the lessons the American people want their children learning in the public schools.

It is of the utmost importance that the Congress reverse these messages by sending Senate Joint Resolution 73 to the States.

We must remove the obstacles to the free exercise of religion and freedom of speech; we must restore the right of children in America to pray voluntarily and vocally in public schools; we must reaffirm the heritage for which our forbearers fought and died. President Reagan's proposed amendment would accomplish these goals. It reads:

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.

I do not know how anyone could object to that.

The Supreme Court has created obstacles to the free exercise of religion in public schools through its broad interpretation of the establishment clause.

An analysis of debates and actions by the First Congress indicates that the intent of the first amendment was two-fold. The establishment clause was to prevent the Federal Government from establishing a national church, or indicating governmental preference of one sect over another. The free exercise clause was to secure the right to worship without being compelled to do so in a manner contrary to the individual's conscience.

It is very simple, very direct, and very well stated.

The final version of the first amendment reads.

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

I want to emphasize, I want to read, I want to say again, "for prohibiting the free exercise thereof." Congress shall not do that. Why should the Supreme Court be allowed to do that? An often used explanation for the broad interpretation of the establishment clause is Thomas Jefferson's phrase. "The wall of separation between church and state."

This is mentioned in the private letter—as has been pointed out earlier on the floor—to the Danbury Baptist Association in 1802. That phrase has been invoked especially by those who are opposing voluntary prayer by children of this country in their schools. It has been invoked so often that many people do not realize that this principle is not in the Constitution. Jefferson's statement was made 13 years after the first amendment was drafted. Mr. Jefferson was in France when the First Congress drew up the amendment and he had nothing to do with it. His one statement can hardly indicate an authoritative determination of the intent of the first amendment.

On the contrary, throughout Thomas Jefferson's life—as president of a university, where he made it possible to meet and study the Bible, and on many other occasions—he assumed, as did all of our forefathers, those planks and those Judeo-Christian principles as a foundation for everything. That was put in writing, and everything that was done in the early days declared that we are endowed by our Creator. To them, acknowledging God and having a God-conscience was so absolutely a part of their very being that they used the words over and over again: "self-evident." They did not have to have a rule. They did not have to have an interpretation of anything. They lived their lives that way.

Jefferson revealed time and time again his understanding of the necessity of church and state interaction. In President Jefferson's first message to the people, he asked:

> Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that their liberties are the gift of God?"

Does that sound like a man who says we separate church and state? Of course not.

The 1962 and 1963 Supreme Court decisions are a misinterpretation of the intent of our Nation's Founders. There is ample evidence that the Court did not give adequate regard to the religious heritage of America or the historical background of the first amendment.

They should have done their homework. I cannot believe that fairminded men would have ever made the decision they made.

The basic changes made in the 1960's in free exercise of religion and free speech rights were made by an edict of our Highest Court. It is up to Congress and the States to remove the obstacles to voluntary prayer in public schools.

The Supreme Court indicated that it wished to establish governmental neutrality with regard to religion. Prior to the Engel (1962) and Schempp (1963) decisions, the Court concluded that the establishment clause was not intended to provide complete separation between government and religion. One example is the 1952 Zorach against Clauson decision which States:

> The first amendment, however, does not say that in every and all respects there shall be a separation of church and state. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the commonsense of the matter. Otherwise the state and religion would be aliens to each other—hostile, suspicious, and even unfriendly.

By reversing the considerations stated in Zorach, the Court did not choose neutrality toward religion but rather the exclusion of religion from the training grounds of our Nation's citizens. Our Nation's single most precious resource is our youth. It is well that they be not only properly trained, but properly exposed and introduced to the absolute value system that we have had throughout the history of this country—that which is based on the Judeo-Christian principles.

In his dissenting opinion to the Schempp (1963) decision, Justice Potter Stewart identified the result of the exclusion of religion from public schools:

> For a compulsory State education system so structures a child's life—

I repeat:

> For a compulsory State education system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artifical and State-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion. And a refusal to permit religious exercises thus is seen, not as the realization of State neutrality, but rather as the establishment of a religion of secularism, or at least, as Government support of the beliefs of those who think that religious exercises should be conducted only in private.

We must restore the right of children to pray and worship God. The question today is how we guarantee religious freedom in America. Denying children the opportunity to pray is not religious freedom. Singling out students who wish to organize voluntary prayer or Bible study groups is not religious freedom.

The amendment under consideration today would not require local school boards to organize prayer in classrooms nor would it require students to participate in prayer. It would remove the stigma attached to prayer and a belief in God that exists in our Nation's classrooms today.

It would stop the harassment and discrimination against students who are denied the right to religious free speech while their fellow students are guaranteed other forms of free speech. It would correct their current mistreatment as second class citizens.

The proposed amendment would restore a reasonable balance between the rights of students who want to pray and those who object.

To deny our children their constitutional right to the free exercise of religion in the public schools is to deny them their national heritage. The free and enthusiastic reliance and acknowledgment of a Supreme Being and the history of America are inseparable. The document that signaled the birth of this Nation clearly illustrates the important role religious faith played in the founding of our Republic.

The Declaration of Independence proclaimed it:

> Self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights * * * And that the new Nation was founded "with a firm reliance on the protection of Divine providence * * *"

It is all there. It has been there for over 200 years.

Since 1865, our coins have carried the inscription, "In God We Trust," which became the national motto in 1956. The words, "Under God," were added to the Pledge of Allegiance in 1954 by Congress. Our national anthem, "The Star Spangled Banner," includes the phrases "Praise the pow'r that hath made and preserved us as a Nation" and "and this be our motto, 'In God We Trust.'"

It is consistent with this heritage for public schools to have included some form of prayer from their inception. Only in the last 20 years has prayer and the public acknowledgement of God been banned from public classrooms: A predicament that would be inconceivable to out Founding Fathers.

Mr. President, Congress and the States with the support of a large majority of Americans can remove the obstacles to voluntary prayer in schools, can restore the right of children to pray and worship God, and can reaffirm America's heritage.

We can begin the process in the U.S. Senate with an affirmative two-thirds vote on Senate Joint Resolution 73.

Mr. President, I present these remarks in these opening days of this debate. I shall have other remarks from time to time that discuss the full spectrum of this issue. One of the things that I did not talk about today was our children in this country. I will have more to say about that later on. I will also, Mr. President, bring documentation with regard to some of the distortions that have been brought out about the history of individuals, including Thomas Jefferson. I do not mean that they are distortions by any Members of this body, but rather they have been used often enough and long enough by those who oppose the acknowledgment of God on any basis that pretty soon without even consciously thinking about it, people accept them as fact.

Well, they are not fact.

I thank you, Mr. President, for this time.

Mr. **WEICKER**. Mr. President, I think this might be a good point for me to respond to my good friend from Iowa on the one point he raises which was the subject of Thomas Jefferson and Mr. Jefferson's relationship to the first amendment.

In the issue of October 1983 in a magazine Church and State, the magazine conducted an interview with Prof. Dumas Malone, biographer in residence, at the University of Virginia, probably the foremost Jefferson scholar in the United States.

I wish to read portions of that interview because I think it very clearly clarifies, and no one has any dispute. It is the foremost expert on the matter of Jefferson, his ideas, the history of his times.

The question was asked of Professor Malone:

Question: Prof. Malone, Thomas Jefferson once wrote that the First Amendment created a wall of separation between church and state. Was that just a private opinion of Jefferson's or did that metaphor represent what he and the other Founding Fathers intended to accomplish?

MALONE. Well, I'm sure that there were a great many of the people at that time who were not as concerned about the separation of church and state as he was or as ardent advocates of religious freedom.

They had got rid of the church establishment in Virginia, and human nature being what it is, you would certainly think that some of the people would favor that establishment and would still look back on it with nostalgia.

But I have the general impression, and we have no way of measuring the sentiment, that most people approved of this since the Bill of Rights, the first ten amendments to the Constitution, was in response to popular sentiment. I have always assumed that most people went along with this, but, of course, not as much as Jefferson.

QUESTION: Some modern day scholars say that the First Amendment was only intended to protect religion from government power, that it wasn't also intended to protect the government from politically aggressive religious groups. Was that Jefferson's view of it?

MALONE. Well, you've got to understand what the First Amendment of the Constitution is, what the Bill of Rights is—a restriction of the power of government. The First Amendment was to protect the interests, not of churches, but of individuals.

The federal convention had created a stronger government. It was obvious that the previous federal government was much too weak, so they created this government. There were a lot of people who thought it went too far. Patrick Henry said it "squints of monarchy." And there was a demand that something be put in there to limit its power, especially with regard to individuals.

Incidentally, it was all to the advantage of the weaker religious groups. They were the great beneficiaries of it. For example, in Virginia the Baptists and Presbyterians and the Methodists highly approved of it. The dissenting groups in New England also were great beneficiaries of this amendment. Jefferson's famous letter was written to one of these groups, the Danbury Baptists. The First Amendment was their support against the ruling groups. And he got letters from all over the country during his own administration. Letters from the Presbyterian Church, for instance, saying that his policies and the policy of religious freedom had permitted the Presbyterian Church to grow.

But, now, that's not to say that some of the leaders didn't want to protect the government against very active clergymen. They're two different things.

QUESTION: Many of Jefferson's critics, then and now, as you point out, charged him with being an atheist, with being hostile to religious belief. That wasn't really the case, was it?

MALONE. No, not at all. Jefferson certainly was not an atheist. He definitely believed in God. He thought that the universe demanded a Creator. He had a sense of God as a Creator and had great reverence for Him. "The heavens declare the glory of God and the firmament showeth his handiwork." He had that feeling much more probably than I do.

But he didn't like ceremonies of any sort, neither religious or political. He walked over to be inaugurated as president, you know. He didn't have that in his nature which I think was just a lack in him. I think most human beings like a certain amount of ceremony.

Jefferson was very ethical, profoundly ethical. He talked about morals a great deal. He didn't talk much really about religion, but there is a great deal in his letters to his grandchildren and his children about morality. He made a terrific point of it.

Somebody has said that he know more about Jesus than any president of the United States. He was thoroughly familiar with the teachings of Jesus and thought they were the finest ethics in the world. In his early young manhood, he sort of went back to the ancients. He thought they provided a sufficient philosophy of life, but as he got older he thought that was inadequate. He said some beautiful things about the teachings of Jesus, and I think he undoubtedly tried to live by them.

Mr. **JEPSEN**. Mr. President, if the Senator will yield, could I add something?

Mr. **WEICKER**. Let me finish, if I might.

As I say, Jefferson was no enemy of the churches. He contributed regularly to them. One of the last things he did in his life was to draw the plans for the Episcopal Church in Charlottesville to which he made a contribution. The minister of that church, who taught Jefferson's grandsons, presided at his funeral. And while he was president of the United States he contributed to a fund for the erection of a Catholic Church. So he was not an enemy of religion.

Jefferson was very unlike Thomas Paine. Thomas Paine attacked all the churches on the ground that they weren't really religious. Most of the people who decried Paine's Age of Reason had probably never read it. And he perhaps had a little more merit than religious people would give him. But, nonetheless, he did attack them all.

Jefferson would never have done anything that foolish. He honored other people's opinions. Every once in a while in one of his letters you'll find a comment about somebody's having a very irrational belief, but on the whole he had respect for other people's opinions.

But, I say to the Senator from Iowa, make no mistake about what Thomas Jefferson felt about religion and Government in this country. His were the words. His were the words to erect a wall of separation between church and State.

Now, the one question that I have to ask the Senator from Iowa, and I have listened to the Senator's very eloquent remarks, is tell me, tell the body where a child cannot pray in the United States today, where a child, not an institution, not a school, not a class, tell me where it is under our present laws, under the present Constitution, under the court decisions of this land, under the laws of this land, where can a child not pray?

Mr. **JEPSEN**. In school.

Mr. **WEICKER**. A child can pray in school.

Mr. **JEPSEN**. If a child can pray in school, then I do not know what we are doing here. We are misinformed and everyone in this body is misinformed and the whole debate is uncertain.

Mr. **WEICKER**. The Senator is absolutely correct. What is being said is that there has to be an organization to that child's prayer, be it a class organization, a school organization, or a law, et cetera.

A child is free to pray today. A child can pray during his lunch hour. A child can pray prior to an exam. A child can pray before he comes up to bat. A child can pray in school. A child can. An individual can. That is a total freedom.

What the Senator is doing in this amendment is to say that freedom is no longer total but rather circumscribed in a certain way. That is the argument. We have total freedom today. Anything that is passed in this Chamber makes that freedom all the less.

I might add do not forget what we are talking about. There is no difference in the Constitution as a matter of age. There is no differentiation whatsoever. We are all free from the time we are born to the time we die to go ahead and pray anywhere, anytime. There is no restriction on the individual. The restriction comes on government. The school is government.

In the course of my discourse last night with a certain acting type, he indicated he did not realize the school was government. School is the government. At least public school is. That is the government.

So there is no restriction. Everyone in this Nation is free to find their own way to their Maker, to the Creator.

But what the Senator does here today is to say in what form that worship is to be, and that is the essence of the debate.

Indeed I would be the first one to join the Senator from Iowa in any situation where a child of his or her own volition or indeed anyone else in this country is being denied the right to pray.

Now, again, I repeat my question: Tell me where it is that anyone in this Nation is denied the right to make his appeal, his prayer to his God.

Mr. JEPSEN. I have great respect for the Senator from Connecticut. I will have that answer in detail on tomorrow because obviously if I were to stand here and say I did answer it, the Senator would say it is not correct.

The fact we are having this debate, the fact that the whole Nation is focused in on this indicates to me there must have been some problems with praying in public schools.

You can do about most anything you want in public schools as long as you do not say grace before a meal.

Mr. WEICKER. What the Nation wants, is the use of religion as a disciplining force in the secular life of the Nation. Now that is what should not happen. Anyone is free to pray. They are free to pray today.

No, there is not a freedom for the school to organize prayer. I would agree with the Senator. There is not a freedom for the State to organize children to pray. There is not a freedom for the school board to order the children to pray, but the child, as an individual, may pray, as, indeed, I may.

Mr. JEPSEN. I will elaborate on that. You have sort of thrown the gauntlet down.

Mr. WEICKER. No, I am not throwing the gauntlet down. The Senator knows this. He knows he is my dear friend and is one of the most fair, most knowledgeable, and most able Senators in this body. He is a man of deep religious convictions.

No gauntlet is being thrown down, because you are articulating merely what is being said out there on the street. You are right. The whole Nation is saying: "Why can't they pray?" I want to make that clear right now. They can pray. You are absolutely accurate in articulating the principal question on the lips of many American people.

I hear it repeated time and time again—"Well, 80 percent of the Nation wants prayer." Now we get into a different field. Eighty percent of the Nation wants it. My answer to that is very simple: Eighty percent of the Nation supported racial discrimination at one time, 80 percent of the Nation went ahead and discriminated against the retarded and disabled at one time. Now, shall we have followed 80 percent of the Nation in what it felt on either of those issues?

Now, let me turn the coin over. Eighty percent of the Nation wants abortion as defined by the Supreme Court decision. Yet, are we not trying to contest that? Eighty percent of the Nation wants ERA, the equal rights amendment. Are we following that popular opinion?

Let us understand that the job of a U.S. Senator and the President of the United States is a matter of leadership and not a matter of finding out where the percentages lie. In this case, 80 percent of the Nation—according to however the poll is phrased, it would not make any difference to me—is wrong, as it was wrong when it discriminated in any form whatsoever.

So I am hoping that we do have a complete debate on the floor. The distinguished Senator from Iowa has well articulated a point of view that is clearly the prevalent point of view in this country. I am not arguing that point with him at all.

And I want to use this by way of an occasion to speak to some comments that have been made lately, because I happen to know of the admirable manner in which the Senator from Iowa conducts himself.

In the course of this debate I have heard references to those of us who espouse my viewpoint as being clearly more committed to the Constitution of the Soviet Union than we are to the United States.

Mr. JEPSEN. Not from this Senator.

Mr. WEICKER. No, and that is why I want to make this point so as to display my respect for the integrity and for the candor and for the great depth of commitment of the Senator from Iowa.

But let me just comment on those other persons who are delivering themselves of the reasoning behind the positions that many of us take—more committed to the Constitution of the Soviet Union than we are our own; these are the opinions of Larry Flynt and Hugh Heffner and Madalyn Murray O'Hair, and right on down the list.

The one thing that is a common bond here between the Senator from Iowa and the Senator from Connecticut is our deep religious conviction and how best to express it. That is the only element, if you will, of difference between us—not the fact that there are not 100 people of deep faith in this body, but how best to express it.

So, let the garbage collectors and those that care to find the basis for their arguments in nonreason get out of the debate. They have no place in it.

On the contrary, this is the most important debate that any of us have faced; at least I believe that to be the case during my career in the U.S. Senate.

I am well pleased, I might add, in the tenor of that debate, as to what has been said on both sides of the issue by all persons. These has been no meanness, no vituperation, no dirt, but rather each side forcefully trying to explain, in historical terms, contemporary terms, the reasons for what it is they are doing.

Now, again, I repeat, on the matter of the authors of the first amendment, Thomas Jefferson and James Madison—and they were the authors of the first amendment of the Constitution of the United States—I am afraid you are going to have to find your authority elsewhere. It does not lie in those two men. Writing after writing, which I will be glad to read or submit for the record, clearly sets out what it is they meant. What they intended was to avoid the great tragedies of history in this country.

I might add that even in their time—you cannot blame our Nation for drawing apart from its Constitution—even in their day you had the establishment of religious in State after State. My State of Connecticut was the worst on this point. The State of Connecticut, the State of New Hampshire, and the State of Massachusetts were the three States that had established religions, long after the first amendment was passed.

Mr. JEPSEN. Way up into the 1800's.

Mr. WEICKER. Even after the first amendment was passed, these States hung onto their churches to the detriment of other faiths within their State bounds.

As a matter of history, both Jefferson and Madison were enormously impressed by the State of Pennsylvania.

Pennsylvania had the most heterogeneous group of religions, many of which had come from the New England States, which were rather rigid in the application of their various doctrines.

So on this matter of the historical significance of the authors of the first amendment, they were firm in their views as to what it is they were trying to achieve by keeping both the State and the Government apart.

If I could read just one more quote, then I will be glad to listen to my friend.

Mr. **JEPSEN**. I just wanted to ask a question about Jefferson sometime when it would fit. Can I do that?

Mr. **WEICKER**. I beg the Senator's pardon?

Mr. **JEPSEN**. I would like to explore with you—and you will have to help me some because I am not totally sure, but I think it is accurate—about what Thomas Jefferson did. You have interpreted what has been written or what others have said. But also in history—and I am not the student, nor do I pretend to be, that my distinguished colleague is or others—but did not Thomas Jefferson serve as president of the University of Virginia at one time?

Mr. **WEICKER**. That is correct.

Mr. **JEPSEN**. And at that time, did not Thomas Jefferson specifically make arrangements for Bible studies and rooms and facilities provided on that campus for studying religion?

Mr. **WEICKER**. I cannot answer that question.

Mr. **JEPSEN**. I will get you the documentation. He did.

Mr. **WEICKER**. The answer is that Virginia, like several other States, had an established religion, which was the Anglican religion, and it was from that both Jefferson and Madison sought to withdraw. And, indeed, that is what precipitated—as you know, one of the three great things that Jefferson wanted written on his tombstone were the Facts of the Articles of Religious Liberty in the State of Virginia, which was the spawning ground for the first amendment.

In order, those three items were: the Declaration of Independence, the Articles of Religious Liberty in the State of Virginia, and his involvement with the University of Virginia. That is what he wanted to be remembered for. It is in those Articles of Religious Liberty in the State of Virginia that Jefferson and Madison sought to depart from the establishment of State religions.

In the Malone interview, the question was asked:

> Was there much interplay between Jefferson and Madison in developing the concepts that led to the First Amendment?
>
> Malone: There was no disagreement whatever between them about freedom of religion. The Virginia Statute for Religious Freedom was passed after Jefferson had left the country and was in France, and it was passed under the guidance of Madison. Madison saw it through. So you see they were completely together so far as doctrine.
>
> Jefferson and Madison thought there was a great value in having religious diversity. They talked a lot about Pennsylvania. Pennsylvania was one of the most heterogeneous of the colonies and had a great variety of religions and minor sects of all sorts and had the highest degree of religious freedom. And Jefferson and Madison thought there was safety in numbers. Whenever you have one dominant group it was likely to be tyrannical.

Question:

> Church-state separation was a radical concept at that time, wasn't it? How did Jefferson come to endorse such a radical concept?
>
> Malone: Why, I don't know. I have great difficulty in figuring out where people get their ideas. Where did Jefferson get this idea? Where did he get that idea? Since I can't tell you where I got my own ideas, I find it extremely difficult to do. I think it was just his own. It was just inseparable from his idea of the freedom of the mind.
>
> He thought that authoritarian governments tended to be tyrannical. And he talked about kings and priests in the same sentence. By priests he didn't mean just Catholics; he meant any clergymen. He thought they were disposed to limit freedom and even to suppress freedom of the mind. And he had history on his side. They certainly had. So the only thing to do was to get them out of it entirely and say that the functions of government extend only to action, no opinion.

And then the last question:

> Church and State: The Congregationalist clergy, the established clergy in New England, opposed him in his campaign for president. Did that have an effect on his views toward the clergy in politics?
>
> Malone: They certainly did, but his views were all established before that. As a matter of fact, he says that the conflict in Virginia [over the Statute for Religious Freedom] was the bitterest of his life. I've never been quite able to believe that because it seems to me that the attacks on him by the Congregational clergy in New England far surpassed anything I know about in Virginia. They denounced him in the pulpits you see. From the pulpit! They said all sorts of outrageous things about him, that he was going to confiscate Bibles and to hide your Bibles. They accused him of personal immorality and the stories of his personal immorality were circulated by his religious opponents. Stories for which there was no foundation in fact. He was a very moral man.

So the matter of Thomas Jefferson and the first amendment was just as hotly contested in that day as indeed now it is in this school prayer debate on the Senate floor.

Mr. **JEPSEN**. I accept the very scholarly and historical aspect of what the Senator is reading, about what other folks have written, about how they interpret what Jefferson said. I think that is what that is.

What I want to stay with for just a minute, and I will be very brief, is not what somebody interpreted that he said or what he meant.

He is not here to tell us what he meant, but we have this very scholarly dissertation on it.

There are facts as to what he did. One of these I have discussed with the Senator with regard to one of the things we are not permitted to do, to provide facilities in public schools for Bible studies, and offer religious activities.

As I pointed out, they can teach yoga, the Communist manifesto, and have all kinds of meetings with offbeat groups on any subject, so long as it is not about God. Jefferson, by his actions, provided for that.

This is very simple. It is not very scholarly, but it is simple. I have one other question: Were not the school boards and the schools put into the Washington, D.C., area when Jefferson was President?

Mr. **WEICKER**. I cannot answer that.

Mr. **JEPSEN**. I believe so. Also, I think one of the two basic books that were part of that school system was the Bible. With Jefferson, with his supposed deep concern to keep this total wall of separation, provided that the Bible be one of the basic textbooks in the school system. I believe that is correct.

Mr. **WEICKER**. Let me read to the Senator the appropriate clause of the bill relating to the establishment of religious freedom which Jefferson himself wrote.

> SECTION 2. We, the General Assembly of Virginia, do enact that no man—

It does not say men or women or 10-year-olds or 2-year-olds—

> should be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burdened in his body or goods, or shall otherwise suffer on account of his religious opinions or beliefs, but that all men shall be free to profess and by argument to maintain their opinions in matters of religion and the same shall in nowise diminish, enlarge or affect their civil capacities.

This brings me back to the request I made of the Senator: Where is it in this Nation that a man cannot, where an individual cannot, profess his or her religious beliefs? Not a class, not a school or an individual. That is, unless by his arguments here on the floor today, and those who join with him, there is a difference in the application of the Constitution dependent upon the age of the person involved.

Mr. **EAST**. Mr. President, could I make inquiry of the Senator? I do not like to disturb the Senator's fine discourse on the merits of Senate Joint Resolution 73, but I would like to make a personal inquiry, if I might.

I was interested at some point in making a statement in support of the joint resolution.

Mr. **WEICKER**. Mr. President, I think the Senator should do so right now.

Mr. **EAST**. Mr. President, I do not mean to interrupt the Senator.

Mr. WEICKER. President, I think we should move to other Senators for discussion. I have no desire to hold the floor.

Mr. EAST. The Senator has always been very gracious on a matter such as this when we have been here, the two of us. I did not want for a moment to have this interpreted as asking him to yield the floor so I could offer some allegedly greater wisdom.

Mr. WEICKER. I yield the floor.

Mr. EAST. I thank the Senator. I am honored that the Senator is on the floor at this time. Whether he will find my comments particularly useful or enlightening I leave to his fine judgment.

Mr. President, I would like to take a few moments to state my support for Senate Joint Resolution 73. As a member of the Judiciary Committee I have been a cosponsor of the measure, and I think it has great merit. I would like to show for the record why I have this confidence in it.

I think what we need to do, Mr. President, in examining this, because it is a very emotional issue, is to try to get back to some fundamentals of the Constitution in terms of what the framers intended by the first amendment, the so-called no establishment clause.

It is as clear as anything can be that the purpose of the first amendment and the no establishment clause was to do two things: One, it was to forbid the Central National Government from creating a national church—Presbyterian, Baptist, Catholic, Jewish, whatever—to forbid the central National Government. It says, "Congress shall make no law regarding the establishment of a religion." In the context of that century, the 18th century, that meant the official church state, for example the Anglican church in England.

Two, it means to reserve to State and local government a monopoly or control over this question of the relationship between church and state. That was the situation at that time.

For example, in Massachusetts you had a very close relationship between church and state. In Rhode Island, you had none at all. You had many States or previously colonies, such as North Carolina where I come from, or Virginia, where the Anglican church was the official church, but other churches were free to form voluntarily through private financing.

But one cannot stress too strongly here that the intention of the first amendment by the framers was purely and simply this: To forbid the establishment of, one, a national church. I do not know of anyone in America today who is questioning that proposition. And, two, their intention was to leave it to State and local government to decide the nature of that relationship.

Madison shepherded through the first Congress the Bill of Rights, of which the first amendment was a part. That was the clear intent and the clear purpose, without any question.

The modern court, the contemporary court, has gone very much astray from that. Beginning in 1962 in Engel against Vitale and then following the Abington School District against Schempp case, the Court developed this idea that the first amendment applied not only to the central National Government, which was the intention of the framers, but that it applied to State and local government also.

There they clearly violated one of the basic tenents the framers had in mind, namely, that State and local government would make the decision.

They went further: Over a period of nearly 20 years, it came to the point, through Federal extension and control by the Supreme Court, that State and local government, in their public schools and sometimes in other areas, were being forced to stamp out all vestiges where there was a religious symbolism or connection between church and state.

That was never, never the intention of the framers. To the contrary, their point was, leave it to State and local government to make those determinations.

Curiously, as the decades went on here, beginning from the early sixties, it appeared the Court was becoming hostile to traditional religious beliefs in this country. They talked about, for example, separation of church and state in the Constitution.

Well, I would remind students of the Constitution, to get back to my theme of constitutional fundamentals, the phrase separation of church and state appears nowhere in the Constitution. It was a phrase used on occasion by Jefferson pertaining to the situation in Virginia as he thought they ought to do it in the State of Virginia. He was the author of the statute of religious liberty in the State of Virginia as he thought Virginia ought to do it. That was Jeffersonian democracy, to let State and local government decide.

Let us carry this now to its logical extreme. Let us say, for example, that separation of church and state were accepted as a constitutional premise, which I submit you could not because it is not even in the Constitution.

Let us say further that we require that all vestiges of traditional religious belief or practice in this country of the Judaic-Christian heritage were required to be eliminated. Look at the monstrosity we would create. We could have no chaplains in the Armed Forces; we could have no religious facilities on military bases. We could not open the Senate or the House with prayer. We could not have "In God We Trust" on our coins. We could not say "God Save This Honorable Court" when the Supreme Court opens, and Lord knows, it needs it. We could not allow the President, at the conclusion of his Presidential oath, to say—and every President has acknowledged that he needs it—"So Help Me God."

All of that would have to be eliminated. Why? Well, now, you see, Mr. President, according to the opposition, you can have absolutely no vestige, no symbolism whatsoever between church and state at any level in the American federal system.

Do you know where that leaves us ultimately, Mr. President? It leaves us with the Central National Government establishing a national religion of secularism. And that is the total perversion ultimately of the intention of the framers, which was that we would have no established national religion. In this case, the religion was becoming secularism. It is a world view. It is materialistic, it is naturalistic.

I think the American people maybe were not constitutional experts but they began to feel, down in the recesses of their hearts and souls where commonsense resides, that something had gone astray, that this was a tortured and wretched interpretation of the Constitution that Madison, Jefferson, and other great men of that period could not have meant.

It is interesting to note that even the Supreme Court, fortunately, is now beginning to see the point apparently, possibly. Yesterday, in the Rhode Island decision regarding the nativity scene, the Chief Justice, in a 5 to 4 decision, said this:

> To forbid the use of this one passive symbol, the creche, at the very time people are taking note of the season with Christmas hymns and carols in public schools and other public places * * * would be a stilted overreaction contrary to our history * * *"

He concluded:

> Any notion that these symbols pose a real danger of establishment of a state church is farfetched indeed.

And that it is. It would appear in this very close decision that even the Court itself is now beginning to see it had gone astray and that it must come back to a commonsensical interpretation of this first amendment. It is an encouraging sign, this Rhode Island decision of yesterday. If we pass this amendment, and I submit it is a very modest amendment, we would be contributing to a continuation of that commitment to the idea that State and local government can handle the matter.

What is so radical about that proposal? That is exactly what Madison had in mind, who is known as the Father of the Constitution. That is exactly what Jefferson had in mind, who is known as the great founder of religious liberty in this country. What two greater spokesmen in our founding period than Madison and Jefferson?

They would agree with that decision. They would agree with it in the sense that the State of Rhode Island and the local government of Rhode Island can make that decision on their own.

I would not attempt to dictate to the school board of Omaha, Nebr., how they might best handle their situation. I trust the school board and local authorities of Raleigh, N.C. Some people are appalled today and would say, "You mean you would trust State and local government to make decisions of this kind?" Yes, I would.

What is so radical about that? That is pure Madisonian-Jeffersonian federalism. That was the purpose of the first amendment: The Central National Government would not create a national religion and State and local government would be free to handle the matter.

It is curious today when you propose that kind of solution, some are appalled that you would trust State and local government, that you would trust the people at the local level to make that decision. Do you know why there is such a strong reaction to it today, Mr. President? It is part of the mood of this country that the elites on the banks of the Potomac always know best, be they bureaucrats, be they lodged on the Supreme Court, be they Members of the U.S. Senate or the House, or the President.

Oh, goodness gracious, we could not dare trust State and local government to make wise and prudent decisions. How un-Jeffersonian that is and how un-Madisonian it is.

No, I confess; I plead guilty. There are many matters of a policy nature in this country that must be decided that I am willing to trust State and local government with. If you say, "Senator, that earmarks you as a profound radical," then I say, "I am sorry, but I think Jefferson and Madison made great sense and I think the great centralists or elitists of today are wrong—wrong in their fundamental understanding of the U.S. Constitution."

Let me end on this note to put it in perspective. I get communications from my constituents and I suspect every Senator here does. They say, "Gentlemen, why are you wasting your time on such matters as prayer, abortion, busing? You should be dealing with questions of the Federal budget, deficits, national defense."

Of course, they are correct. But you see, it is not we but they, it, the Court, that created the constitutional crisis. It is they, for example, who took the abortion effort in their Roe against Wade decision in 1973, nationalized it and polarized it and pulled us into the tumult. Why not have left it where it was, State and local government to decide?

The same thing with prayer. They have polarized it, nationalized it, pulled us into the tumult. Again, if they had left it with State and local government, I think it could have been resolved in time in practical and suitable ways.

Same thing with busing. If local school boards wanted to bus, let them bus. If they thought it would contribute to a more harmonious racial relationship in their communities, I would have no objection to the people of Boston busing, the people of Los Angeles, the people of Raleigh, N.C.

Yes, you might say, "EAST, I cannot believe what you are saying; you would actually trust State and local government and local people to make decisions of that kind. You are correct, I would." And if we had been allowed to do that and the Court had not intervened and been so active and polarized and nationalized this issue, we would not have to be today debating this kind of issue. We could be debating national issues, which is what Madison and Jefferson had in mind for us to do by giving us a Central Government of limited and defined power.

So I submit and I tell to my good constituents, yes, I wish it were so, I wish we did not have to deal with abortion, busing, prayer, the so-called social issues. But did we raise the point? No. The Court did.

There is a little glimmer of hope in all this right now. Recently, the Supreme Court in an abortion decision indicated they thought Roe against Wade was wrong. If we could reelect a President in 1984 who will appoint a few more Sandra Day O'Connors, that issue will no longer be a national issue. It will be back at the State level where it belongs. And as to the nativity scene decision which was handed down yesterday by a close 5-to-4 decision, if we can reelect a President in 1984 who will appoint justices who think like Sandra Day O'Connor and the majority in that opinion, prayer will go back to where it belongs, busing will go back to where it belongs, and the U.S. Senate and the U.S. House of Representatives can once again turn to the kinds of issues that Madison and Jefferson thought we ought to be dealing with, namely those national in scope.

People ought to read the federalist No. 10 where Madison artfully defines Federalism. He notes this point. It is the idea that in a federal system you have laboratories of democracy. Virginia can try it one way, Pennsylvania another, North Carolina another, and out of the ferment of democratic State and local experimentation would be the great vitality of this Federal republic. But that offends the elitists and the centralists today.

No; I have been challenged before in this debate on the Senate floor by people who have said to me, "Senator, do I understand you to be saying you would trust State and local government to make decisions of this kind?" Ladies and gentlemen, that is exactly what I am saying. Am I radical for having said so? No. I am a Jeffersonian, Madisonian, democratic with a little "d." And that is what this amendment is all about. It is a simple, modest effort to allow State and local government to deal with a very modest, simple thing; namely, Will voluntary prayer be allowed in the schools of their respective communities?

Now, is that not something? Is that not something?

So I support this amendment. It is modest, very modest. It is the least we can do to encourage the trend, the very least we can do.

Now, with all due respect to those who have offered an alternative that, well maybe we ought to allow just silent prayer, I respect their integrity, but when you stop and think about it, that is a little silly, is it not? You can say, "EAST, you can pray silently in the schools."

Well, how would they know if I were not anyway? Would the principal call me down to the office and say, if we did not have that amendment, "EAST, is it true you were silently praying in the men's room?" Oh, come now, this is 1984, but even George Orwell did not have that fertile of an imagination. As the President said the other night, we already have the right to remain silent with the fifth amendment. We do not need a constitutional amendment to do that.

Now, if we are going to do something, let us do something that is modestly worthwhile, and this is Senate Joint Resolution 73. If we cannot see our way on this one, we might as well drop it. Eventually, I think the commonsense of the American people, because it is a democratic Republic, will bring about the change that we want. The greatest glimmer of hope I see—and I end on this note—is the Supreme Court itself in changing its mind. I have suggested to the White House in this campaign that I regret it has become a political issue. I have suggested to the White House in this campaign that one of the prime issues they ought to raise is this: If Ronald Reagan is reelected President, he will nominate more Sandra Day O'Connors to serve on the Supreme Court and we can once again continue the trend of returning to the sound and fundamental principles of a Madisonian-Jeffersonian democracy. I say hallelujah to that, and I hope I do not offend anybody by saying amen, the great blessing it will be.

So I commend to my colleagues their very serious attention to this amendment. It is constitutionally firm. It is good commonsense. And I will bet you the overwhelming majority of the American people would support it if they understood constitutional essentials and fundamentals were involved.

I hope the debate can stick to those because that is what is critical—the fundamental constitutional premises involved and what did the Framers intend.

So, Mr. President, on that note, I shall cease and desist. I have appreciated the indulgence of the Chair for allowing me to speak on this very important matter.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. ABDNOR). The Senator from Nebraska is recognized.

Mr. EXON. I wonder if my friend and colleague from North Carolina might enlighten this Senator. I have been listening to a considerable amount of the debate today on this issue. Frankly, I think I share the basic beliefs that have been expressed today with regard to Senate Joint Resolution 73 and its intent as expressed by the Senator from North Carolina, with the understanding that I do not necessarily endorse some of the political decisions that the Senator from North Carolina hopes the people will make in November of this particular year. But aside from that, which I think is not the issue—and I suspect my friend might agree with that—I have been agonizing over this and maybe he can enlighten me. I am not a lawyer and I do not believe my friend from North Carolina is.

Mr. EAST. Yes, the Senator is a lawyer.

Mr. EXON. The Senator is a lawyer.

Mr. EAST. Yes. Yes.

The PRESIDING OFFICER. The Sergeant at Arms will restore order in the gallery.

Mr. EXON. The Senator from——

The PRESIDING OFFICER. One moment. The Sergeant at Arms will restore order in the gallery, please.

Mr. EXON. The Senator from Nebraska is pleased to know the Senator is a lawyer. Therefore, maybe he can help me interpret the wording of this constitutional amendment. Earlier in the day—it was not an original thought by me—the Senator from Arkansas (Mr. BUMPERS) brought up a concern that he had, which is the basic belief of this Senator, that we should allow prayer in some form in the public school. He brought up two issues. One, he said he was concerned about the phrase "or other public institutions." He raised a question, a legal question. The Senator from Arkansas is a lawyer. When he asked that legal question, I began to say, "Now, wait a minute. We pass an awful lot of laws here, and probably some constitutional amendments, that are addressed as meaning one thing and, once written into the law, seemingly mean something else—at least, as interpreted by the Supreme Court."

The question that the Senator from Arkansas brought up was this: When you say other public institutions, I assume it means this building, a public institution. Would that mean that if this would become part of the Constitution, quasi-religious groups, which probably the Senator from North Carolina and this Senator from Nebraska would not consider religious groups, would be able to come into this building and have individual or collective prayer meetings of 1 person or a 1,000?

Would that be guaranteed if this resolution became part of the Constitution?

Mr. EAST. I do not see any reason why they could not, nor why they should not, if they followed the normal rules in securing a room and conducted it in a way which is in conformity with the rules of the Senate. For example, the liquor lobby can come in and get a room and hold a reception to entertain Senators and Congressmen to lobby, let us say, a tax, potential excise tax on liquor. And so it goes.

We have groups all the time coming in and utilizing Capitol Hill facilities to lobby for various causes and interests. I would have no objection if a Jewish group, a Christian group, a Protestant group, or a Catholic group, whatever it might be, for some reason saw fit, under the normal rules and regulations of the U.S. Congress, to wish to utilize a particular room, such as the Mansfield room, between the hours of 5 and 6. I would have no objection to that.

I think what is unfortunate—and the Senator raises a valid question—is that whenever we adopt an amendment, one never knows quite what the courts might do with it. That is why I wish we did not need anything and would have the courts accept what was the intention of the Framers and simply leave these matters to State and local government. But they have chosen not to do it.

Also, I would prefer, as a simple matter, as a way we could have dealt with this, to withdraw the jurisdiction of the courts to hear these cases. We have the power under article 3. We do it in other cases, but there has been no disposition in the Congress to do that. So they leave us no choice but to fall back on the amending process.

So there is always a degree of uncertainty in it. That is true in this case. But, that just adheres to the nature of language and the potential for court interpretation of it. But, yes, I presume it would mean that.

I would see no personal objection. Why should they not be able to do so? Every other lobby group in America can come into these buildings, and the same argument can be made with respect to the schools. I state the case. But it seems to me that you can do about everything you want to in the public schools today except pray. Everything else is fair game.

I think the American people are beginning to wonder: Is it not strange that everything else seems to go in public schools, except, of all things, you cannot have voluntary prayer. It is an absurdity. It is a denial of the whole proper understanding of the Constitution and intention of the framers as regarding the establishment clause.

Second, I think it violates that part of the Constitution regarding religious liberty. We have liberty to do everything else in this country on school property, in public institutions. The one thing you cannot do is have anything to do with religious symbolism.

I am getting back to my point. What has been going on here is that you are creating a national religion of secularism. That is the ultimate, complete perversion of the first amendment. That is exactly what they did not want—to establish a national religion.

If you left it up to Madalyn Murray O'Hair, she would establish the national religion of atheism; and it is a religion, if by religion you mean a perspective of life. Her perspective is a total naturalistic and materialistic faith. Hers is a no-God religion. She is entitled to that. Certainly, the first amendment does not guarantee her the right to impose that religion as the national religion of this Federal Republic, and that is what has been occurring. That is why the American people, I think, are finally welling up in their commonsense and saying: "I never had any course in constitutional law, but I have always had great respect for Thomas Jefferson and James Madison and George Washington and Banjamin Franklin, and I cannot think they would approve anything as perverse as what is going on today," and they are absolutely correct.

I regret that it has come to the point where we must spend our valuable time niggling over constitutional amendments on matters that ought not even have been brought before us. We ought to be in here discussing the deficit or national defense, things properly assigned to us under article 1, section 8 of the Constitution.

Here we are debating issues that Madison and Jefferson intended to be handled by State and local government. Again, if there is one thing the modern centralizers and elitists in Washington—which has been going on for decades—cannot stand, it is the thought of State and local government deciding anything.

I think it is a very radical position they take. I do not think my position is radical. Why? It is Jeffersonian and Madisonian, and I do not know anyone who is more mainstream constitutionalist than James Madison, known as the Father of the Constitution, and Thomas Jefferson, who is known as the great founder and symbol of democratic, representative government in the United States.

I stand with those two gentlemen, and I think it is good company, and it sure beats Madalyn Murray O'Hair.

Mr. MELCHER. Mr. President, will the Senator yield at that point?

Mr. EXON. This Senator has the floor, I think.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. EXON. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. EXON. I thank my friend from North Carolina. He has established very well that he is indeed a lawyer, and I apologise for not knowing that earlier. I asked a simple question and got an eloquent and very lengthy answer, in a very lawyerlike fashion.

Mr. EAST. I apologize.

Mr. EXON. I wonder if the Senator can help me with a little more free advice.

Mr. EAST. Yes; generally, with lawyers, free advice is worth about what you pay for it.

Mr. EXON. I am afraid that might be the case, but I preface my remarks with that.

I simply want to say that there is nothing in this language in Senate Joint Resolution 73 that prevents or establishes any local control. I take it that if this becomes part of the Constitution, a group of Communists could enter my school back in Lincoln, Nebr., and hold a seance to Lenin. I am sure it is not intended, but would not that be allowed under this particular language?

Mr. EAST. Conceivably, Ku Klux Klanners can come on public property today. Nazis can do it; everybody else can do it.

Again, I get back to my point: The doggone thing is that everybody can do it but somebody who might be coming on public property in the name of traditional religious Judeo-Christian values in this country, and they are forbidden.

I say that you have established a national religion and have been in the process of doing it, until the blessed nativity scene of yesterday, of establishing a national religion of secularism.

You can have a meeting and promulgate every other ism in the world today except the great faiths that have stood the time in the West and in the great Western heritage and the great Western tradition.

I say something has gone awry, something has gone amiss. We need to try to correct it.

I think the Court is sensing it, and I think this amendment is a modest contribution in that direction.

Mr. EXON. I thank my friend from North Carolina.

This Senator feels we should do something about this area. I am asking him questions to make sure that we are following the right track.

Mr. EAST. That is right.

Mr. EXON. That is the well-thought-out track to get the job done.

Mr. President, I yield the floor.

Mr. EAST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I believe there are no other speakers for this evening. I ask unanimous consent that there now be a period for the transaction of routine morning business until no longer than 6 p.m. under the same terms and conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. KISSINGER'S PLAN TO RESHAPE NATO

Mr. BAKER. Mr. President, in a recent article for Time magazine, former Secretary of State Henry Kissinger examined the current state of the NATO alliance and found it in need of both strategic reform and structural repair.

Dr. Kissinger found particularly troublesome the lack of an agreed, credible strategy for defending Western Europe against a Soviet attack, the ambivalence in European capitals about the worth and purpose of intermediate—range weapons and arms control, the conflict between prevailing American and European notions of how best to conduct East-West relations generally, and the tendency of European powers to separate themselves from the United States in dealings with the Third World.

Dr. Kissinger's blueprint for repairing the structure of the alliance has become a subject of considerable controversy on both sides of the Atlantic. He maintains that by 1990 Europe should assume the major responsibility for conventional ground defense of the alliance, that the Supreme Allied Commander of NATO's armed forces should be a European with an American deputy, that the Secretary-General of NATO should be an American rather than a European, and that Europe should take over those arms-control negotiations that deal with weapons stationed on European soil.

There is much more where this summation came from, Mr. President. Dr. Kissinger has written one of the most logical yet provocative treaties on the Atlantic alliance to appear in a very long time. It is a masterful treatment by a master of diplomacy, and it richly deserves the careful consideration of the Senate.

I ask unanimous consent, then, that the full text of Dr. Kissinger's Time magazine article, "A Plan to Reshape NATO," be inserted in the Record at this time for the benefit of my colleagues.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Time magazine, Feb. 28, 1984]

A Plan To Reshape NATO

(By Henry Kissinger)

(After 35 years of preserving peace in Western Europe, the Atlantic Alliance confronts new military, political and social realities. In this article, a former Secretary of State proposes dramatic—and in his view, vital—steps to help the alliance meet the challenges ahead. Among them: NATO's Surpeme Allied Commander should be a European, not an American, as is now the case; Europe should have a decisive voice in certain nuclear arms-control talks and greater responsibility for its ground defense. If Europe refuses to accept that responsibility, the U.S. should withdraw up to half of its ground forces from Europe.)

Lebanon and the Soviet succession have preoccupied us in recent weeks, but the Atlantic Alliance must remain the pivot of American policy. On its unity depends the security of free peoples. From its cohesion will flow whatever hopes the Soviet succession offers for a new dialogue. Unfortunately, just as storms recur in nature, crises recur in the Atlantic Alliance. Nearly every Administration for a generation has been involved in them. However, the present controversies in NATO are both unprecedented and unsettling.

In West Germany, Scandinavia, the Low Countries and even in Britain (though to a lesser extent), "peace" movements have been pulling governments in the general direction of their policies, even though those governments disagree with their premises. In addition, the main opposition parties in West Germany and Great Britain—which, in the nature of democratic politics, can be expected to get into office eventually—are advocating policies that amount to unilateral nuclear disarmament for their countries. Because these groups hold sway over key segments of public opinion, too many European leaders—even conservative ones—have yielded to the temptation to demonstrate their peaceful intentions the easy way, by pretending to be reining in a bellicose and insensitive U.S. through their ministrations. As a result, among those who shape public attitudes—and thereby set what become the limits of the politically possible—there is less intellectual or philosophical agreement than in any previous period.

This creates an exceedingly dangerous situation. An alliance cannot live by arms alone. To endure it requires some basic agreement on political aims that justify and give direction to the common defense. If military arrangements provide its only bond, it will sooner or later stagnate. It will surely prove unable to take advantage of diplomatic opportunities for an easing of tensions. That is the central issue before the Atlantic Alliance today. It requires a remedy that is fundamental, even radical—in the literal sense of going to the root.

Four problems in particular are gnawing at the alliance:

(1) Lack of an agreed, credible strategy. The gap between NATO's formal strategy and what the public will support has widened dangerously. The so-called flexible response devised in the 1960s remains NATO's official doctrine. It contemplates a defense of Europe that begins with conventional weapons and then goes up the ladder of nuclear escalation—until it reaches whatever level is necessary to halt Soviet aggression. In today's circumstances this doctrine has a fatal weakness: neither existing nor projected NATO conventional ground forces are adequate to repel a major Soviet conventional attack. Therefore, the doctrine would require a nuclear response at an early stage. Yet strategic nuclear parity deprives the threat of strategic nuclear war of much of its credibility; mutual suicide cannot be made to appear as a rational option. And no alternative nuclear strategy has been developed. Partly for this reason, public opinion, essentially unopposed by most of NATO governments, is moving powerfully against any reliance on nuclear weapons—even tactical ones.

The alliance is thereby trapped in a precarious combination of (a) inadequate conventional forces, leading to (b) reliance on nuclear weapons in (c) a strategic environment that makes the threat of their use, and therefore their deterrent value, less and less credible, and (d) a public climate of growing nuclear pacifism that undermines what credibility remains. Lack of a coherent defense policy leaves the alliance, possessing a huge stockpile of enormously destructive weapons, disarming itself pechologically.

(2) Intermediate-range weapons and arms control. The arrival of the new U.S. intermediate-range weapons in Europe late last year was properly hailed as a major success. For if public demonstrations and Soviet pressure had succeeded in blocking that deployment, the Soviet Union would in effect have achieved a veto over NATO's military dispositions. But unless the alliance clarifies the purpose of these missiles, the accomplishment is likely to be transitory, since the basic European attitude toward the missiles is that of a host toward a now unwanted guest whose invitation to dinner it would be too awkward to withdraw. Some prominent Europeans purport to see in the missiles' presence a hidden American design to confine a nuclear war to Europe. Others treat them as one of those peculiar American aberrations that periodically upset the alliance's equilibrium. Too few recognize, and even fewer are willing to admit, that in fact the missiles link the strategic nuclear defense of Europe and the U.S. Weapons capable of reaching Soviet territory stake the American homeland to the defense of Europe; they do not enable America to remain immune.

European ambivalence makes it excruciatingly difficult to define "progress" toward arms control, while the nearly desperate eagerness with which progress is pursued makes its attainment less likely. The Soviets have refused even to discuss any proposal balancing U.S. intermediate-range missiles in Europe against the Soviet arsenal at a lower level. They insist on total withdrawal of American missiles while retaining a large number of their own. The goal of leaving Europe vulnerable to Soviet nuclear blackmail is obvious. Yet significant segments of European opinion persist in blaming the U.S. for the deadlock. In Europe and in the U.S. this attitude must in time erode the public support needed not only for missile deployment but also for coherent arms control.

(3) East-West relations. Behind the sharp differences over defense strategy and arms control lies a parallel dispute over the alliance's posture toward the Soviet Union. Too many Europeans accept the caricature of a U.S. run by trigger-happy cowboys whose belligerence has provoked Soviet "intransigence. Many Americans, on the other hand, consider such European notions naive and believe that together with the pacifist and neutralist demonostrations, they reflect a trend toward appeasement that encourages Soviet intransigence.

(4) Relations with the Third World. Most European leaders believe that they have a special opportunity to establish preferential relationships with Third World countries. In the flash points of the Middle East, Africa and Central America, they see U.S. approaches as hopelessly tainted by an obsession with Soviet ambitions; some hope to win favor in the Third World by an ostentatious dissociation from the U.S. More than a few Americans view such behavior as a free ride paid for by U.S. sacrifices or as a positive incitement to Third World radicalism.

These differences could be healthy if they led to compatible and constructive policies for the 1980s and '90s. So far this has not happened. Mutual recriminations have created opportunities for Soviet political warfare even during this period of stagnation in the Kremlin leadership. The Politburo is obviously convinced that the West has become so paralyzed concerning nuclear weapons that there is no urgency about nuclear arms control; the Soviets can simply wait for a while to harvest the fruits of Western anxieties. By contrast, there may be concern in Moscow that NATO will move to close the gap in conventional forces; hence the willingness to resume the talks, moribund for ten years, about limiting conventional arms. Does this reflect a genuine interest in arms control, or is it a means to thwart the desparately needed Western conventional buildup by creating the same conditions by which public opinion was mobilized on the missile question? And what is one to make of the almost deferential pleas by all major NATO countries for the resumption of a dialogue that the Soviets have interrupted? Or of the upgrading of all major European delegations except the French to the Andropov funeral, compared with the Brezhenev rites 15 months ago—especially as Andropov's rule was marked by the flagrant attempt to influence the German election, the walkout from arms-control talks and the shooting down of the Korean airliner, not to speak of Andropov's 15-year stewardship of the KGB?

Will the Soviets see Western pleas for dialogue as a demonstration of good will, or will they learn from the compulsion to demonstrate good intentions after months of harassment that in transigence pays because the West has weak nerves? Will we fail to relax tensions because the Soviets conclude that atmospherics can substitute for dealing with the real causes dividing the world? Europe is not moderating the U.S. and the U.S. is not stiffening Europe's spine, as the folklore on each side would have it. More likely, each is in danger of paralyzing and demoralizing the other. Western disunity is perhaps the principal obstacle to progress in East-West negotiations.

This state of affairs has deeper causes than particular policies on either side. The present NATO structure is simply not working, either in defining the threat or in finding methods to meet it.

Existing arrangements are unbalanced. When one country dominates the alliances on all major issues—when that one country chooses weapons and decides deployments, conducts the arms-control negotiations, sets the tone for East-West diplomacy and creates the framework for relations with the Third World—little incentive remains. for a serious joint effort to redefine the requirements of security or to coordinate foreign policies. Such joint efforts entail sacrifices and carry political costs. Leaders are not likely to make the sacrifice or pay the cost unless they feel responsible for the results.

An imbalance such as the one now existing cannot be corrected by "consultation," however meticulous. In the long run, consultation works only when those being consulted have a capacity for independent action. Then each side takes the other seriously; then each side knows that the other's consent has to be won. Otherwise, consultation becomes "briefing." Agreement reflects not conviction but acquiescence for want of an alternative.

The present imbalance is not new. It has existed ever since World War II. But military dependence on another nation has a cumulative impact. When dependence no longer results from wartime destruction but from a policy choice, made under conditions of relative prosperity, it can breed guilt, self-hatred and a compulsion to display independence of the U.S. wherever doing so is safe, especially with regard to some Third World issues and certain aspects of East-West relations.

The problems has become even more acute because the generation of leaders that built NATO has virtually disappeared. Those who governed Europe during the early postwar years were still psychologically of the era when Europe bestrode the world. Global thinking came naturally. European leaders assumed responsibility for their own security policies and gave it up only reluctantly because of special circumstances. But nearly 40 years have passed since the end of World War II. The new leaders were reared in an era when the U.S. was pre-eminent; they find it politically convenient to delegate Europe's military defense to us. Too many seek to position themselves somewhere between the superpowers—the first step toward psychological neutralism. Thus Europe's schizophrenia: a fear that the U.S. might not be prepared to risk its own population on a nuclear defense of Europe, coupled with the anxiety that America might drag Europe into an unwanted conflict by clumsy handling of Third World issues or East-West relations.

The rush to condemn our actions in Grenada by so many of our European allies is a case in point. What could have been in the minds of their leaders? Even making allowance—especially in the case of Britain—for totally inadequate consultation, they could hardly have wanted us to fail. That would surely have affected our willingness to run risks in defense of other areas, ultimately including even Europe. Rather, they must have assumed that their actions were irrelevant and costless: that we would not be deterred, that we would exact no penalty and that therefore it was safe to use the incident to score points with "progressives" at home and with Third World radicals abroad.

The change in the nature of European leadership has been paralleled in the U.S. Our new elites do not reject NATO any more than do their European counterparts. But for them, too, the alliance is more a practical than an emotional necessity, more a military arrangement than a set of common political purposes.

On both sides of the Atlantic, we find ourselves threatened by the dominance of domestic politics over global political strategy. In Europe this leads in too many countries to a faintly disguised neutralism. In the U.S. it accelerates our already strong tendency toward unilateralism and isolationism.

U.S. leaders have too often adjusted foreign policies to political pressures, bureaucratic infighting or changing intellectual fashions. The history of the American attitude toward intermediate-range missiles in Europe is an example. These were proposed to the Europeans in 1957-58 installed in Britain, Italy and Turkey by 1960 and withdrawn in 1963. They reappeared later in 1963 as part of a NATO multilateral force, and were abandoned once again by 1965. They were put before NATO for the third time in 1978 and accepted once again in 1979. Not surprisingly, Europeans organizing to stop the current deployment are encouraged by the knowledge that previous American decisions have not proved immutable.

Similarly, our allies have had to adjust from passionate U.S. advocacy of SALT II to its rejection, and then to the fact that we have chosen to observe a treaty we refuse to ratify; from a strategic doctrine of massive retaliation to one of flexible response; from a policy of detente to one of confrontation and back to conciliation, not to speak of the gyrations in our Middle East policy—all in addition to the reassessments that occur whenever a new Administration comes into office. Each change of course leaves victims among European leaders who have staked their domestic policies that the U.S. later abandons. Each lurch encourages a kind of neutralism, as Europeans seek to avoid being made hostage to sudden swings in American policy.

A continuation of existing trends is bound to lead to the demoralization of the Western alliance. An explicit act of statesmanship is needed to give new meaning to Western unity and a new vitality to NATO. In my view such an effort must have three components: (a) a more significant role for Europe within NATO, (b) a reform of the NATO organization and (c) a reassessment of current NATO deployment.

A NEW ROLE FOR EUROPE

During the entire post-World War II period it has been an axiom of American policy that for all the temporary irritation it might cause us, a strong, united Europe was an essential component of the Atlantic partnership. We have applied that principle with dedication and imagination, insofar as it depended on American actions, in all areas except security. With respect to defense, the U.S. has been indifferent at best—at least since the failure of the European Defense Community—to any sort of Europeanization. Many in this country seemed to fear that a militarily unified Europe might give less emphasis to transatlantic relations or might botch its defense effort and thus weaken the common security. The opposite is almost certainly the case.

In the economic field, integration was bound to lead to transatlantic competition, even to some discrimination. What defines a Common Market, after all, is that its external barriers are higher than its internal ones. In the field of defense, by contrast, increased European responsibility and unity would promote closer cooperation with the U.S. A Europe analyzing its security needs in a responsible manner would be bound to find association with the U.S. essential. Greater unity in defense would also help to overcome the logistical nightmare caused by the attempt of every European nation to stretch already inadequate defense efforts across the whole panoply of weapons. For example, there are at least five kinds of battle tanks within NATO, different types of artillery and different standards for calculating the rate of consuming ammunition. In a major conflict it would be nearly impossible to keep this hodgepodge of forces supplied.

Thus the paradox: the vitality of the Atlantic Alliance requires Europe to develop greater identity and coherence in the field of defense. I am not talking about traditional "burden sharing," paying more for the existing effort. I have in mind something more structural—a more rational balance of responsibilities. The present allocation of responsibilities fails to bring the allies to reflect naturally about either security or political objectives. Everyone has been afraid to take the initiative in changing the present arrangement, lest doing so unravel the whole enterprise. But since drift will surely lead to unravel the whole enterprise. But since drift will surely lead to unraveling—if more imperceptibly—statesmanship impels a new approach.

STRUCTURAL REFORM

Structural reform cannot substitute for a sense of purpose and clear doctrine. But if pursued with care and sensitivity, it can help catalyze the development of shared political purposes. These common objectives require that European judgments on security, East-West diplomacy and other matters emerge from Europe's own analysis. Mere acquiescence in American decisions, briefings and pressures provides a facade of unity; shared purposes require a deeper sense of participation. Specifically:

(1) By 1990 Europe should assume the major responsibility for conventional ground defense. This is well within the capability of a group of countries with nearly one and one-half times the population and twice the G.N.P. of the Soviet Union. The Soviets, moreover, have to divide their forces on at least two fronts.

(2) This requires that planning for Europe's defense become a more explicitly European task. Heretofore, the Supreme Allied Commander Europe (SACEUR) has been American. In the new arrangement a European officer should take that traditionally American place, probably with a U.S. deputy. Such a change is also likely to give a new perspective to allied strategic planning. The U.S. has generally achieved its military successes by the weight of the equipment that our vast indistrial potential has made available. This has tended to tempt our military leaders to equate strategy with logistics. European nations have rarely enjoyed such a material margin; rather, they have had to rely on superior leadership, training, initiative and tactics—precisely what NATO needs in an age of nuclear parity and renewed emphasis on conventional defense.

(3) Since the beginning of NATO, the Secretary-General, who is responsible for running the alliance's political machinery, has been European. In the new structure, with its greater emphasis on political coordination, it would make more sense for this official to be American—whenever the new Secretary-General, Lord Carrington, decides to retire. Meantime, no Western leader is better qualified for guiding NATO's transition than the wise and thoughtful Carrington.

(4) Europe should take over those arms-control negotiations that deal with weapons stationed on European soil. The INF negotiations with the Soviets (for intermediate-range missiles) and the MBFR negotiations (on conventional forces) have heretofore been conducted by American delegations. Both of these negotiations should be "Europeanized" as quickly as possible, with a European chairman, an American deputy and a mixed, though predominantly European, delegation.

The structure that I am proposing would enable Europeans to confront—on their own initiative and in their own context—issues that have been evaded for at least two decades: the precise definition of an adequate conventional defense; the nature of the so-called nuclear threshold—the point where there is no choice except conventional defeat or nuclear escalation; the relationship between strategy and arms control. Since nuclear weapons would presumably be used only if conventional defense failed; Europe would be responsible for setting the nuclear threshold by its own efforts; it could relieve its nuclear anxieties by the simple expedient of augmenting its conventional defenses.

By the same token, European leadership in the MBFR and INF negotiations would place final responsibility for both conventional force levels and intermediate-range missile deployment in Europe with the leaders whose countries will have to bear the brunt—for good or ill—of the outcome of these negotiations. This is especially important with respect to the American intermediate-range missiles in Europe. That deployment makes sense only if the allies genuinely believe that the prospect of a nuclear blow from Europe on Soviet territory will help deter a Soviet conventional attack or nuclear blackmail. If our principal allies do not share this conviction, the psychological basis for the deployment will evaporate.

European chairmanship of the INF talks would oblige Europe's leaders to face the issue head-on; their domestic critics would no longer be able to argue (as they do now) that U.S. intransigence is the principal obstacle to arms control.

As for the U.S., it would of course participate in these deliberations—in a less dominant position—through its continued membership in the integrated command, its responsibility for nuclear defense, and its ground, naval and air forces in Europe.

REDEPLOYMENT

The issue of redeploying American forces touches raw European nerves like no other. The slightest hint of altering present arrangements jangles sensibilities; it evokes fears of American withdrawal and prospects of European neutralism. But if present trends continue, it is certain to become a central issue in the alliance relationship. Before dealing with it in the context of a program of NATO reform, a few facts must be noted:

(1) The present NATO deployment of five American divisions and supporting air and naval forces evolved in the 1950s, when

NATO's doctrine was massive retaliation—to react to aggression with an immediate and overwhelming nuclear blow against Soviet territory. Massive retaliation paradoxically required that the total forces on the Continent be kept below the level required for conventional defense. NATO did not wish to tempt Soviet conventional aggression by doing anything to suggest that a Western response would be limited to nonnuclear means. Hence the American conventional deployment in Europe reflected political, not military, criteria: it was intended to give us no choice about nuclear retaliation and to leave the Soviets no doubt that this would be the consequence of even a conventional war. European conventional forces represented a similar political decision: they too were conceived as a trip wire for our nuclear riposte. From the birth of NATO a full conventional defense has been part neither of its strategy nor of its efforts.

(2) This situation became anomalous when the growth of Soviet strategic forces deprived general nuclear war of much of its credibility. Yet NATO deployment has been essentially unaffected by the change. NATO has improved its conventional defenses but has not closed the gap in such forces. As the current NATO commander made clear recently, even counting the five American divisions that have remained in Europe, the alliance is still unprepared to withstand a major Soviet ground attack for more than a few days. European ambivalence continues 35 years after NATO's creation. Our allies remain unwilling to develop forces strong enough to provide an alternative to nuclear weapons—and yet much of their public opinion shies away from even thinking about nuclear deterrence.

(3) Were we to start all over again, we would therefore hardly repeat the decision of the '50s in today's circumstances. Let us assume a group of wise men and women from both sides of the Atlantic came together to plan a global strategy unconstrained by the past. Assume further that it started from the premise that ultimately the defense of the West is indivisible and that European security should be viewed under the aspect of the defense of the West in Europe—as a thoughtful French observer, Francois de Rose, put it. Such a group would almost surely conclude that the sensible division of responsibilities would be for Europe, with economic resources and manpower exceeding those of the Soviet Union, to concentrate on the conventional defense of the Continent. To maintain the global balance of power—by definition as essential for Europe as for America—the U.S. would emphasize highly mobile conventional forces capable of backing up Europe and contributing to the defense of, for example, the Middle East, Asia or the Western Hemisphere.

Such a division of responsibilities would also enable our military establishment to shift some of its intellectual energies and scientific research from a hypothetical esoteric war in an area where we have major allies to the defense of regions where conflicts is much more likely. In such regions our allies are less prone to see their interests immediately engaged, and the countries being threatened are in a worse position to assist in the defense effort.

Even if we were to start all over again, an irrefutable case would exist for maintaining considerable American ground forces in Europe. This would be essential to keep our allies from feeling abandoned and to eliminate any Soviet misunderstanding that the defense of Europe no longer reflects a vital American interest. In a new division of responsibilities we should also preserve and preferably strengthen existing U.S. land-based airpower on the Continent. And we should continue our responsibility for both strategic and tactical nuclear defense, assuming that we and the Europeans could agree on a strategy for the latter. American intermediate-range missiles should remain in Europe to "couple" the nuclear defenses of both sides of the Atlantic so long as European leaders desire them. No change in naval deployments would be involved.

Why then is such a division of responsibilities not realized? The principal obstacle is psychological. For all their criticisms of American policy, Europeans dread a return to isolationism in the U.S. Americans fear that any tinkering with deployment would drive Europe into explicit neutralism. And some in the Pentagon would rather maintain our troops in Europe in a less than rational deployment than return a portion to the U.S. where they are more exposed to congressional budget cutters.

In my view, persisting in a deployment that is losing its rationale accelerates these attitudes. Pacifism and neutralism are on the march in Europe even under the present setup; isolationism in America is not yet so vocal but is being powerfully encouraged by endless allied disputes. An alliance that cannot agree on its political premises cannot sustain itself by clinging to military arrangements decided a generation ago in totally different circumstances. With current trends the issue of the rationale for the NATO deployment will become unavoidable. If it arises not as an integral component in a comprehensive design but as a single question of whether to continue stationing American troops in Europe, unilateral changes will be arbitrarily imposed by the potentially most destructive means—the American budgetary process. Then indeed we might see in America a psychological wrench away from Europe and in Europe a panicky resentiment against the U.S. A changes in deployment without a positive political and strategic purpose, withdrawal for its own sake, might shock our allies into neutralism; it could mislead our adversary and tempt aggression.

There is an urgent need for a serious and rapid re-examination of NATO doctrine, deployment and policies, conducted by men and women known for their dedication to Western unity. The group—to be formed immediately after our elections—must begin with one of the most divisive issues before the alliance: an agreement on the nature and scope of the threat. The group must avoid the tendency of previous such efforts, which set unrealistic goals and thereby magnified the problem. A deadline for completion should be set—certainly no longer than two years.

Theoretically, such a study could lead to one of three outcomes: 1) The group could come to the same conclusions about the optimum division of responsibilities in an agreed global strategy outlined above. Given the disagreements about the nature of the interests involved in regions outside of Europe and the domestic priorities of most European countries, such a conclusion, however rational, is extremely improbable. 2) The group could agree that the strategic interests of the West require a full conventional defense, but that for practical and psychological reasons, Europe can undertake the required effort only if the present American ground deployment in Europe is maintained intact. 3) The group could decide that the realities of European domestic politics preclude more than the current gradualistic, marginal improvement of defense efforts.

I hope very much that Europe would choose the second option. If Europe should agree to build a full conventional defense and were prepared to express that commitment in unambiguous yearly obligations to increase its forces, the U.S. should accept the judgment that its present ground forces in Europe are an indispensable component. Such a decision might in fact invigorate the conventional arms-reduction talks and in time lead to stability at a lower level. But if Europe should opt for a perpetuation of the present ambivalence or for only a token improvement, then the U.S. will owe it to the overall requirements of global defense to draw certain conclusions. If Europe by its own decision condemns itself to permanent conventional inferiority, we will have no choice but to opt for a deployment of U.S. forces in Europe that makes strategic and political sense. If nuclear weapons remain the ultimate deterrent to even conventional attack, a gradual withdrawal of a substantial portion, perhaps up to half, of our present ground forces would be a logical result. To provide time for necessary adjustments, that withdrawal could be extended over five years. To ease the transition further, we could, if Europe agreed, keep the excess ground forces in Europe for a time afterward in a new status analogous to that of the French forces, prepared for use in Europe but also available for use in emergencies outside it. Any withdrawal would make sense only if the redeployed forces were added to our strategic reserve; if they were disbanded, the effect would be to weaken the overall defense.

The proposed redeployment would leave intact air and naval forces, as well as intermediate-range missiles, so long as Europe wants them. A useful byproduct of the process would be a systematic re-evaluation of the existing inventory of very short-range tactical nuclear weapons, a legacy of three decades of ad hoc decisions; these weapons now represent at one and the same time an increment to deterrence and the greatest danger of unintended nuclear war because, being deployed so far forward, they are unusually subject to the exigencies of battle.

In this scheme, withdrawal would be not an end in itself—as it will if frustrations on both sides of the Atlantic go much further—but one component of an adaptation to new circumstances extending over some eight years that rededicates the U.S. to the alliance for the indefinite future.

Psychology is immensely important in international relations, especially when policies turn not only on cold, professional assessments of the national interest by trained political leaders, but on public opinion. I would like to believe that restructuring the alliance to give Europeans greater responsibility for their own defense, while important American forces remain in Europe, will be seen not as an abandonment but as an embrace of Europe. It is a means of enlisting Europeans as full partners in the process of decision on which their safety as well as ours depends. For a son of Europe reared on the existing NATO orthodoxy, the very idea of even a partial redeployment is painful—all the more so after Lebanon. But we will not be fulfilling our obligations to the West if we fail to put forward an initiative to forestall the crisis that will otherwise confront us in much worse circumstances.

POLITICAL OBJECTIVES

By themselves, neither organizational nor doctrinal adaptations can remedy the political incoherence rending NATO. This article has emphasized security issues. However, a few general observations on the alliance's political problems are necessary.

(1) Those leaders on either side of the Atlantic who value the alliance, with all its failings, as the ultimate guardian of Western freedom must seek urgently to end political disputes over East-West relations and North-South policy, especially Western conduct in the flash points of conflict in the Third World. The tendency to grandstand before domestic audiences, the growing self-righteousness, will in time make a mockery of the key assumption of the Atlantic Alliance: That we share a common approach to security. Defense requires after all some agreed political purpose in the name of which it is conducted. The Atlantic Alliance must urgently develop a grand strategy for East-West problems and Third World relations applicable for the rest of this century. Otherwise, it will tempt constant pressures and crises.

(2) The U.S. cannot lead the alliance or even contribute to its cohesion if we do not restore bipartisanship to our foreign policy. Ever since the Viet Nam War, we have disquieted our friends and confused, where we have not emboldened, our adversaries by periodic wide swings on essential elements of our policies. But the national interest does not change every four or eight years. At some point the national interest must be accepted by our public as clearly recognizable and constant. Otherwise, we shall become a source of dangerous instability, still relevant for our power but irrelevant for our ideas. A presidential election year is probably not an ideal time to forge a bipartisan consensus. But whoever wins the presidential election faces no more important and urgent challenge than to restore the element of bipartisanship to our foreign policy.

(3) European governments must meet head-on the disturbing trends toward pacifism and neutralism in their countries. These movements are led by people of conviction; they cannot be defused by accommodation. They can only be resisted with a compelling vision of a new future. If European governments continue to humor those who profess to see the danger to the peace in a bellicose America, not an intransigent Soviet Union, they will find themselves making concession after concession and will become hostages of their critics.

The current condition of the alliance cries out for a rethinking of its structure, its doctrine and its unifying purposes. The creativity and courage with which we approach this challenge will determine whether the alliance enters a new and dynamic period or gradually withers.

I have outlined proposals to reinvigorate allied cohesion by defining clear responsibilities for each side of the Atlantic, to be implemented over a period of years. On that basis European leaders could defend cooperation with the U.S. as something they sought as a matter of their own conviction and in their own national interest. American leaders would have a rational, understandable policy to defend and would benefit from dealing with a more equal partner. A new era of allied creativity and American dedication could give inspiration to the generation that has come to maturity since World War II and since the postwar crises that infused NATO's founders with their sense of common purpose.

We must not let our future pass by default to the neutralists, pacifists and neoisolationists who systematically seek to undermine all joint efforts. The nations bordering the North Atlantic need above all faith in themselves and the will to resist the siren calls of those who use fear and panic as instruments of policy or domestic debate. In the end we must fulfill our trust: to preserve and strengthen a North Atlantic alliance that represents the hope of human dignity and decency in our world.

UNITED STATES HAS PHILIPPINE POLICY OF BENIGN NEGLECT

Mr. MELCHER. Mr. President, the Reagan administration has developed an attitude of wait and see relationship with the Philippines since the President's visit to Manila was canceled last fall. While the official explanation was the President's agenda was too crowded, the speculation here and in the Philippines was that the President's safety would be at risk in the aftermath of the Aquino assassination, and/or that he canceled the visit to note his displeasure of that killing. Since then, the administration, for reasons that are not clear, has had a Philippine policy of benign neglect.

While needed policy decisions are not made, the economic events worsen in the Philippines with a dollar shortage causing a severe credit impasse, a devaluating currency, and a moratorium imposed by the International Monetary Fund preventing private foreign banks from turning over their loans.

President Reagan and his campaign advisers may be pondering what line the President should take on meeting any potential political overtones that would be resented by the near million United States-Filipino voters. To delay our Philippine policy is foolish because not only do they need us—we need them.

This nation of 52 million friendly people have special ties and kinship to the United States and we had better treasure, cherish, and build on that solid relationship for reasons of mutual defense, trade, and cultural and educational exchanges.

The Philippines is an old country with an old national language, Tagalog, common to the 426 populated islands out of the more than 7,000 islands that comprise the Philippines. For at least 2,000 years the people of the Pacific islands and the mainland of Asia have blended together in the Philippines. They are for Southeast Asia the melting pot of the many diverse cultures of the Orient. They are one nation, one government, and are a freedom-loving bilingual people as English is taught and spoken in all schools.

Last December, on my first trip to that beautiful, sunny land, I took pride in our country's relationship with the warm-hearted, cultured, and proud Filipinos.

Well might they be a proud people. They fought for their independence from Spain. They won it in the valleys and hills and mountains of Luzon, the islands comprising the Visayas, and in the jungles of Mindanao. At the turn of the century Admiral Dewey arrived in Manila Bay to snuff the last belches of power of a Spanish empire, but the real struggle against domination by Spaniards had been decades of guerrilla war by the rebel Filipinos.

In World War II our forces were driven out of Bataan and Corregidor and the conquering Japanese Army occupied the Philippines for 3 years. When MacArthur returned, U.S. forces helped the Filipinos, who had maintained insurgent opposition to the Japanese Army during all of the 3 years of Japanese occupation. Combined together they took control of key spots of the Philippines, including Manila and Manila Bay.

The final defeat of the Japanese Army on Luzon was accomplished by the persistent pursuit of the Filipino Army in the mountains of Luzon.

Out of this struggle emerged the more than 1 million Filipino war veterans who energetically established the complete independence of the Philippines and embarked their country on a course of a democratic republic. Their industries, economy, and trade expanded. Their reconstruction and new construction moved forward at a rapid pace.

Their land reform and agriculture exploded in a way that has not been matched by any of the other countries of the old Spanish empire.

To visit the Filipino people is to understand that rapid advance.

They are a people who love, support and revere their families, from the birth of each baby throughout life to the passing of each and every grandparent, uncle, aunt, and cousin.

They are a people who value education, pursue education from kindergarten to the colleges and universities of the Philippines and to English-speaking learning centers in the States including Stanford, Harvard, Yale, and our great land grant universities as well as Oxford and citadels of education in England. It is of interest to me that Gen. Fidel Ramos, a teenage courier for Marcos during World War II, was a classmate of our own Gen. Charles Gabriel, Air Force Chief of Staff, Gen. Bennie Davis, SAC Commander, and Gen. John Wickham, Army Chief of Staff, of the West Point Class of 1950.

The Filipinos are a warm and kindly people, compassionate toward others, and loyal to their friends. They have imagination and a flair for humor and the fun of life. They are creative in dramatizing their strong feelings.

So it is with them in their strong support for democratic principles. They take it seriously, but dramatize their vigor and support for democracy.

They are not and never intend to be a knee-jerk, autonomous people bowing to either the status quo of government nor infringements on their individual freedoms.

For strategic defense of Southeast Asia, the hub for the United States and our allies is the Philippines. It is our southern Orient-Pacific outpost and our bases at Clark Field (Air Force) and Subic Bay (Navy) are indispensable. The agreement on those bases was recently renewed for 5 years with $180 million U.S. annual rental payments which is not entirely acceptable to the Filipinos. While they agreed to the terms, it is such a cheap and unwieldy arrangement that parts of it already need modification.

For trade, Manila is the gateway to the 52 million Filipinos as well as another 100 million people of friendly Southeast Asian countries.

Doubts about the stability or criticism of the Marcos government cannot be allowed to freeze U.S. actions on Philippine matters. The administration has not even cleared a $10 million emergency food aid program for unemployed Filipino families proposed collectively last December by Cardinal Sin, the Marcos government, Care, and the Manila Rotary Club.

No move to clear the first year's rental on the military bases has been made, although the Philippines are desperate for cash.

The White House may be waiting for clear signs of political stability for the Philippine parliamentary elections coming up in May. I wrote to President Marcos in January to relay some of the feelings here questioning the opportunities for free political processes. I have his response and submit copies of both of our letters. I also have been informed last week by Philippine Ambassador Benjamin Romualdez that Speaker Querube Makalintal of their Parliament, the Batasang Pambansa, had sent letters of invitation to the President of the U.S. Senate, and the Speaker of the U.S. House, inviting both Senators and Representatives to come as quests and observers of the May elections and that similar letters were being sent to Japan, Britain, and France. For our part, we should accept the invitation.

I am submitting a copy of that invitation.

In conclusion, I say to the White House: Cease the delay in actions concerning the Philippines. Food aid for the malnourished, unemployed families must not be put off. Mutual agreements on defense, economic assistance, and trade concessions are the essence of long-term agreement between long-time allies and trading partners.

The Philippines qualify.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to the Honorable Ferdinand E. Marcos, President, Republic of the Philippines, from me dated January 19, 1984; a letter to me from President Marcos, dated February 11, 1984; and a letter to the Honorable GEORGE BUSH, President of the Senate, from Querube C. Makalintal, Speaker of the Batasang Pambansa, dated February 29, 1984.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
January 19, 1984.

Hon. FERDINAND E. MARCOS,
President, Republic of the Philippines, Manila.

DEAR MR. PRESIDENT: My wife and I, as well as my staff members and Major Mattingly, our Air Force escort, appreciated the opportunity to meet you and Mrs. Marcos and thoroughly enjoyed our visit and the luncheon with you at Baguio City. The hospitality of yourself and the Cabinet ministers that we met with and all of the people of the Philippines with whom we came into contact was warm, friendly and encouraging, much beyond our expectations.

The historic United States-Filipino alliance through 80 years and four wars must be sustained and strengthened. I believe we can.

As we discussed at Baguio, I saw our goals for our visit to be twofold: First, the use of food aid from the United States to the Philippines to meet urgent and immediate needs, to be followed by long-term concessionary and barter trade arrangements. Secondly, a need to enhance joint defense efforts between the United States and the Philippines, recognizing the strategic importance of the Philippines for our mutual interests and the defense of Southeast Asia. I am more convinced since our visit to your beautiful land that these two goals were not only correct but that they also need the urgent attention of the U.S. Congress and government.

Following our meeting with you, Mr. President, on December 16 at Baguio, I met with Cardinal Sin on Saturday, December 17, and on the following day, which was Sunday, December 18, I met with UNITO and other opposition leaders including Doy Laurel, Speaker Jose Laurel, Fernando Lopez, Ambroca Padilla, Soc Rodrigo and Eva Kalaw. On December 20, I met with Minister Tanco, U.S. AID officials, representatives of the U.S. Embassy, Catholic Relief Services, CARE, and some Philippine business interests to discuss an Aide Memoire regarding short term and long term food aid from the United States.

I delivered that Aide Memoire to U.S. officials on my return here to Washington, and I believe it will receive a favorable response. A letter from Cardinal Sin dated December 27 to Ambassador Mike Armacost has been considered here in Washington by government officials and I have urged that it be approved very quickly. This December 27 proposal by Cardinal Sin is somewhat distinct from the Memoire, calling for immediate authorization by the United States for food assistance, but is very essential since it could provide food assistance to a great number of unemployed families within a matter of days.

I met with Assistant to the President for National Security Affairs Robert C. McFarlane on January 17. I specifically asked that the United States agree to the Cardinal's letter requesting 30 metric tons of rice to replace a like amount purchased by the Philippine government for immediate food aid to unemployed families be confirmed by cable to the U.S. Embassy in Manila within the next 48 hours. I stressed to Mr. McFarlane the importance of food aid and mutual defense efforts between the Philippines and the United States which you and I have previously discussed.

Because it is of mutual advantage both in the short term and the long term for the Philippines and the United States to follow through on the food aid, trade and defense agreements it might appear, Mr. President, that in a timely manner these goals will be accomplished. However, as I made clear in a public news conference in Manila on December 21, there are questions about the credibility of the current Philippine government policies that must be answered. Inquiries have been made by Members of the U.S. Congress and by the American public. I am asked, Mr. President: (1) If I can assure the integrity of the Philippine Parliamentary elections in May; (2) If I can assure the democratic individual freedoms common to both the people of the Philippines and the people of the United States; (3) If I can assure that Amendment Number 6, giving special extraordinary powers to you as President as well as special provisions for presidential arrests, will be revoked.

The morning before we left the Philippines, I had the pleasure of a lengthy breakfast and visit with General Ramos, your nephew, whom you will recall we had the pleasure of first meeting in your presence at Baguio. General Ramos' reputation here with our military leaders, some of whom graduated as classmates with him from West Point in 1950, is of the highest caliber. I have been disappointed and confused to learn that his direct control of the Constabulary now and during the May Parliamentary elections is no longer clear-cut.

I am well aware of the demands made by Unito and other opposition leaders to assure their active participation in the May elections.

While I do not seek to intrude myself in the affairs of your government, Mr. President, I must be very candid and forthright and tell you that most or all of these points were raised with me in the meeting I had with opposition leaders on December 18 and that many of these same points have been urged on me by business, professional, and church leaders. I wish to do everything possible to persuade our Congress and our government to move immediately on the matters of our mutual interest, but my credibility in being persuasive hinges directly on the Philippine government's credibility on these very points that the opposition raises. The common bond that has closely allied our two countries has been the assured advancement of democracy for individual freedoms.

I encourage you, Mr. President, to give this letter your thorough consideration and prompt response.

Best regards.

Sincerely,

JOHN MELCHER, U.S.S.

BEST COPY AVAILABLE

FERDINAND E. MARCOS,
PRESIDENT OF THE PHILIPPINES,
February 11, 1984.

Hon. JOHN MELCHER,
Senator, U.S. Congress, Washington, D.C.

DEAR SENATOR MELCHER: Your visit with us last month gave Mrs. Marcos and me some of our most pleasant moments in the new year and a welcome opportunity for some key officials in our government to take a close look at certain important aspects of current Philippine-United States relations.

I appreciate the emphasis you placed during our conversations on United States food aid to the Philippines, long-term concessionary and barter trade arrangements, and the value of joint defense efforts by the Philippine and United States Governments in the context of strategy for the defense of Southeast Asia. With respect to food, you are of course aware of the Philippine government's resolve to pursue the successes in its program of self-reliance, and I am confident that the question of food aid in any area where it may have some relevance will be accorded the proper perspective.

It is good to learn of your meetings with leaders of the political opposition because this assures me that you went away with a fuller insight into the Philippine government's programs and policies in response to the country's peculiar conditions and requirements.

I am grateful for the pains you have taken to convey to me the concern that seems apparent in inquiries you say have been addressed to you by some members of the U.S. Congress and "the American public." I wish to assure you and through you the interlocutors you have cited, that the parliamentary elections on May 14 will have the fullest measure of integrity—comparable, I must say, to the high respectability which American citizens are accustomed to see in their own elections—and that the individual freedoms, which had been ours to enjoy even before Admiral Dewey's troops came to the Philippines, will receive continuing protection by our government. If there is any doubt about this as a result of mythical events recounted with strange relish and outstanding inventiveness by some sectors of the American media, I shall be deeply indebted to you if you could find an occasion to bring our devotion to democratic principles to the awareness and appreciation of those who have preferred thus far to regard us with skepticism.

The uneasiness conveyed in your letter over Amendment No. 6 to our Constitution and over provisions in our laws for "presidential arrests" can only be a manifestation of an unbelievably durable lack of knowledge of Philippine conditions despite all the information communicated by us to the world through all forms of media.

Amendment No. 6 reads:

"Whenever in the judgment of the President (Prime Minister), there exists a grave emergency or a threat or immence thereof, or whenever the interim Batasang Pambansa or the regular National Assembly fails or is unable to act adequately on any matter for any reason that in his judgment requires immediate action, he may, in order to meet the exigency, issue the necessary decrees, orders, or letters of instructions, which shall form part of the law of the land."

It is an attempt on the part of liberal-thinking constitutionalists to avoid resorting to what is referred to in Constitutional Law as the Commander-in-Chief provision, found in Section 9 of Article VII of the Philippine Constitution, which is as follows:

"Sec. 9. The President shall be commander-in-chief of all armed forces of the Philippines and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privilege of the writ of habeas corpus, or place the Philippines or any part thereof under martial law."

It is to be noted that the powers embodied in the Commander-in-Chief provision involve the:

(1) calling out of the Armed Forces;

(2) suspension of the privilege of the writ of habeas corpus;

(3) the proclamation of martial law throughout the Philippines or any part thereof.

Amendment No. 6 on the other hand is a provision meant more for an emergency condition caused by inaction on the part of the Batasang Pambansa (the Parliament) whether for lack of time or any other reason. An example would be the case of Presidential Decree No. 1896, which was issued under the authority of Amendment No. 6, providing for the registration of all voters in the Philippines. The members of Parliament agreed in caucus that they had no time to work out the details but agreed on the basic essentials and requested the President to issue a decree after the adjournment of the Batasang Pambansa for the Christmas season. Incidentally, it was the opposition that insisted on the new registration of all voters in the Philippines, whether already registered or not.

There are, by the way provisions in existing laws concerning crimes which are the object of so-called "presidential arrests." I refer to the Anti-Subversion Law, the original Republic Act 1700, as amended and the Revised Penal Code which contains provisions on the penalty to be imposed for the crimes of sedition, rebellion, insurrection and conspiracy or attempt to commit these crimes. I point this out because the elimination or amendment of Amendment No. 6 will not change the substance of the existing Anti-Subversion Law or the provisions of the Revised Penal Code. Incidentally, the power to issue a Preventive Detention Action has been suspended by me in an order to the Minister of National Defense, the Minister of Justice, the Chief of Staff of the Armed Forces, and the Chief of Constabulary dated January 23, 1984 which provides that no request for such Preventive Detention Action shall be entertained from December 1, 1984.

To conclude, there are instances where the President may exercise his emergency powers but, acting with prudence, he may be unwilling to call out the Armed Forces, or suspend the writ of the privilege of habeas corpus, or proclaim martial law. Amendment No. 6 grants him the alternative of merely submitting this matter to the courts immediately or of issuing an order which would stop a suspected individual from engaging in what the evidence has shown to be any of the crimes of sedition, rebellion, insurrection, or conspiracy or attempt to commit these crimes.

Such alternative would be parallel to the action taken by President Lincoln, after the attack on Fort Sumpter at the start of the American civil war, when he ordered the arrest of some persons identified by the military as participants in preparations for the civil war against the Union. He refused to release these persons notwithstanding the order of the Supreme Court, believing that his duty as President required such actions as may be necessary to preserve the Union of the United States. He also appropriated funds for additional Federal troops and for the railroad without the approval of Congress.

The Federal Constitution does not have a commander-in-chief provision nor does it authorize the proclamation of martial law, the suspension of the privilege of the writ of habeas corpus by the President alone, or the calling out of the Federal troops in cases of civil disorder (notwithstanding which the National Guard marched in full battle gear during a riot at Kent University and killed four students). I reiterate this precisely to show that it was to avoid having to use this extreme power of the Commander-in-Chief that Amendment No. 6 was adopted because it is a more benign and more just measure and at the same time it ensures swift and efficacious suspension of acts prejudicial to the stability of the state.

In view of the prudence implicit in Amendment No. 6, one can't possibly fail to notice that the decree-making power granted under its authority is less than that of the President of France, whose power as such gains even more force and scope on account of the fact that he is at the same time the presiding officer of his country's highest tribunal.

I am puzzled by your statement that Lt. General Fidel V. Ramos has lost direct control of the Constabulary. As it happens Gen. Ramos is the Chief of Constabulary (full title: Director-General of the PC-Integrated National Police), a position from which he had not for one moment been estranged since he came to it. I fully agree with you about the excellence of his reputation; I need not declare, therefore, that precisely because of that I have no intention to take away his control of the Constabulary

I am delighted by your reiterations of solicitude and note with understanding your desire to satisfy some friends in the U.S. Congress and in the Philippine opposition that there is no reason for their doubts and fears to linger. I assure you that events in the future will fully demonstrate the validity and the democratic quality of the policies and measures with which we are striving to promote the welfare of the Filipino people. You will recall that I fought in a war for freedom and nearly lost my life in numerous battles of that war, battles, I must say, to which Filipino soldiers were drawn to defend the American cause. Having made that recollection, you will, I hope, be encouraged to consider that democracy is safe in this country, among our people, notwithstanding the alarums from some quarters.

Please visit with us again.

Sincerely,

F. E. MARCOS.

BATASANG PAMBANSA,
QUEZON CITY, PHILIPPINES,
February 29, 1984.

Hon. GEORGE BUSH,
President of the Senate, U.S. Senate, Washington, D.C.

SIR: On May 14, 1984, we shall hold the election for the Batasang Pambansa or National Assembly of the Republic of the Philippines. One hundred eighty-three members will be elected directly by the voters, in addition to whom there will be fourteen representatives to be chosen by sectoral groups.

Considering the keen interest which has been shown by the American government and people in contemporary political developments in the Philippines, for both historical and pragmatic reasons, I would like to invite you, as President of the Senate, together with your assistant and three members whom you may choose, to visit our country as our official guests and observe at first hand the coming political exercise. We shall be pleased to accord you all the facilities that may be needed so that you may freely inform yourselves about our electoral process.

I am confident that your visit will be of great mutual benefit to our countries, and bring them even closer together in friendship and understanding.

I would be grateful if you could advise me of your decision within the next few weeks. Mr. Antonio M. de Guzman, Secretary-General of the Batasang Pambansa, will be ready to coordinate with whomever you may designate to make the necessary arrangements for your visit.

Please accept my sincere greetings and best wishes.

Very truly yours,
Querube C. Makalintal,
Speaker.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:14 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1750. An act for the relief of Apolonio P. Tumamao and others;

H.R. 3655. An act to raise the retirement age for judges of the Superior Court of the District of Columbia and judges of the District of Columbia Court of Appeals; and

H.R. 4957. An act to apportion certain funds for construction of the National System of Interior and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. Thurmond).

At 3:16 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 597. An act to convey certain lands to Show Low, Arizona.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 653. An act to amend Public Law 96-162 to provide a credit to the State of Washington or the Yakima Indian Nation for certain construction costs associated with the Yakima River Basin water enhancement projects;

H.R. 2645. An act to amend the Act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia; and

H.R. 3825. An act to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 653. An act to amend Public Law 96-162 to provide a credit to the State of Washington or the Yakima Indian Nation for certain construction costs associated with the Yakima River Basin water enhancement project; to the Committee on Energy and Natural Resources.

H.R. 2645. An act to amend the Act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia; to the Committee on Energy and Natural Resources.

H.R. 3825. An act to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURENBERGER:

S. 2390. A bill to amend the Federal Regulation of Lobbying Act; to the Committee on Governmental Affairs.

By Mr. SIMPSON (for himself and Mr. Cranston):

S. 2391. A bill to amend title 38, United States Code, to revise the authority for the collection of a fee in connection with housing loans guaranteed, made or insured by the Veterans' Administration; to the Committee on Veterans Affairs.

By Mrs. KASSEBAUM (for herself and Mr. Packwood):

S. 2392. A bill to authorize the President to appoint Donald D. Engen to the Office of Administrator of the Federal Aviation Administration; to the Committee on Commerce, Science and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURENBERGER:

S. 2390. A bill to amend the Federal Regulation of Lobbying Act; to the Committee on Governmental Affairs.

INTERGRITY IN LOBBYING ACT AMENDMENTS OF 1984

Mr. DURENBERGER. Mr. President, today I introduce the Integrity in Lobbying Amendments of 1984 (S. 2390), a bill to amend the Federal Regulation of Lobbying Act of 1946. The central purpose of this legislation is to improve the management of the existing lobby disclosure program and to encourage lobbyists to provide more and better information. My intention is also to stimulate a new and productive round of debate over innovative ways to improve Federal lobby disclosure policy.

Many will recall the confrontational lobby disclosure debates of the late 1970's. At that time Congress, spurred by Watergate and other scandals to open up the legislative process, unsuccessfully sought broad disclosure requirements for lobbyists. Led by the American Civil Liberties Union, countless businesses, charitable and religious groups, law firms and trade associations banded into a "grand coalition" to oppose the legislation and protect their constitutional right to lobby. The battle was fought with an intensity unusual even by Capitol Hill's standards. And, needless to say, rarely had the professional relations of lobbyist and legislator hit such a low.

With the memory of that ordeal still fresh, the predominant stance on lobby disclosure today is to let sleeping dogs lie. Few of my colleagues, and I suspect even fewer lobbyists, want to revive the bad blood of the 1970's. But the current truce remains an uneasy one that waits to be broken at the next hint of scandal. Indeed, it is no secret that the same proponents of strict disclosure laws in the 1970's, who portrayed lobbyists as sinister and corrupting influences, are waiting to take control of the issue again.

Mr President, I hope to break this cycle of accusation and acrimony—repeated in the 1950's, 1960's and throughout the 1970's—with an initiative that rejects some common themes of past efforts. First of all, I do not believe it is possible to "abuse" the right to lobby, either individually or systematically. But at the same time, neither do I hold that Congress must uncover abuse before it may constitutionally seek disclosure of lobbying activities.

Instead, I start with the presumption that lobbyists have little to hide and, in fact, that they share with Congress a professional interest in helping to make the system more open and accountable. Furthermore, I believe it is possible to build upon this base of mutual interest to construct constitutionally sound lobby disclosure policies from which there can be much public benefit.

These benefits are threefold: First, timely information on lobbying activities can help Congress reconcile the conflicting goals of popular sovereignty—the principle that government is responsive to the people—and equal representation—the ideal that no single interest receives undue consideration over others because it is more effectively represented. Information on the extent of the imbalance in resources devoted to representing competing interests will alert Members of Congress to the need to listen more closely to the weaker voices, and so aid in our determination of the public interest. Second, information on who is lobbying on what issues can help alert and mobilize competing interest groups, enabling more voices to be heard. And finally, an open and accountable lobbying process can further the sense of ethics and professionalism among the diverse lobbying community, while at the same time enhancing the public's confidence in Congress and our decisionmaking. These objectives—which have nothing to do with ferreting out abuse—deserve our further legislative efforts.

S. 2390 would implement these policies primarily by relying on a long underappreciated resource: The professional integrity of lobbyists. Few realize the extent to which we already rely on this resource. Last November, during oversight hearings held by the Committee on Governmental Affairs on the 1946 Federal Regulation of Lobbying Act, the Department of Justice confirmed that it has not attempted to enforce the act since the early 1950's. The Department indicated, moreover, that it did not plan to do so in the future in light of the act's constitutional problems. The upshot is that the 1946 act, though still mandatory, is obeyed through self-regulation, rather than external enforcement. And every quarter the 6,500 or so lobbying organizations who report their activities do so largely voluntarily, without coersion.

The Integrity in Lobbying Amendments would ratify, and attempt to build upon, this already functioning system of self-regulation. First, it would strike the unenforced criminal penalties section from the 1946 act. This would not make compliance with the act any less mandatory than it is now. But it would remove the basis upon which the act's disclosure requirements were drastically narrowed in a 1954 Supreme Court decision, U.S. against Harriss.

Essentially, the Harriss decision provided that only lobbying organizations which have as their principal purpose the face-to-face-lobbying of Members of Congress are required to disclose their lobbying expenditures. It also provided that such organizations do not have to disclose information on the lobbying of congressional staff, or on grassroots lobbying efforts, because the act's definitions of these activities were not clear enough to permit their enforcement with criminal penalties. In removing the penalties, this bill would make unnecessary the exemption of those activities from disclosure.

Second, S. 2390 would give the Secretary of the Senate and Clerk of the House sole authority to jointly interpret and administer the 1946 act. Currently, the law is interpreted by the Justice Department in accord with the restrictive Harriss decision; the only administrative functions provided for in the act consist of the passive collection and distribution of lobby registration and reporting forms by the Secretary and Clerk. Under S. 2390, these officers would play a much greater role. In particular, it is my intent to empower the Secretary and Clerk to request from lobbyists the kinds of information originally sought by Congress, but not required under Harriss—including disclosure of grassroots lobbying and the lobbying of congressional staff. It is also my expectation that they would reinterpret the act's "principal purpose" criterion to require disclosure by all organizations that employ persons whose principal purpose is to lobby.

Finally, S. 2390 would change the name of the 1946 Federal Regulation of Lobbying Act to the "Integrity in Lobbying Act," in belated recognition of the important role of lobbyists' ethics in the implementation of this statute.

Mr. President, I realize there will be those who challenge the self-regulatory thrust of my bill as unrealistic, pointing to lobbyists' opposition to earlier efforts to reform Federal lobby disclosure policy. But there are important differences between this and the earlier efforts. Past proposals would have dramatically increased paperwork burdens on lobbyists, and created regulatory mechanisms that could have deterred individuals from exercising their constitutional rights; S. 2390 raises no such concerns. Meanwhile, I have yet to be convinced that lobbyists fundamentally object to helping Congress make the system more open and accountable, or that my colleagues would not take upon themselves a more active role in enforcing the act if they thought it would produce tangible public benefits.

Mr. President, the Committee on Governmental Affairs will hold hearings on the Integrity of Lobbying Amendments next month. I would like to invite my colleagues and any interested members of the public to develop their recommendations for improving upon this bill, or to suggest other alternatives for resolving the lobby disclosure debate amicably. Surely, if we fail to make progress on this issue in the current environment, we will all be faced with more agonizing decisions in the controversial times that inevitably lie ahead.

Mr. President, I ask that a copy of S. 2390 be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Integrity in Lobbying Act Amendments of 1984".

FEDERAL REGULATION OF LOBBYING

Sec. 2. Section 310 of the Federal Regulation of Lobbying Act (2 U.S.C. 269) and the section heading are amended to read as follows:

"ADMINISTRATION AND INTERPRETATION

Sec. 310(a)(1) Notwithstanding any other provision of law, the Clerk of the House of Representatives (hereinafter in this Act referred to as the 'Clerk') and the Secretary of the Senate (hereinafter in this Act referred to as the 'Secretary') shall have the sole authority to jointly administer and interpret the provisions of this Act.

"(2) The Comptroller General of the United States (hereinafter in this Act referred to as the 'Comptroller General') shall provide the Clerk and the Secretary with such advice and assistance as they may jointly request pursuant to this section, except that nothing in this section shall authorize the Clerk of the Secretary to compel any such action by any person described in section 307 of this Act.".

AMENDMENT TO TITLE

Sec. 3. Section 301 of the Legislative Reorganization Act of 1946 (60 Stat. 812), is amended by striking out "Federal Regulation of Lobbying Act" and inserting in lieu thereof "Integrity in Lobbying Act" and all references to the Federal Regulation of Lobbying Act shall be considered to be references to the Integrity in Lobbying Act.

EFFECTIVE DATE

Sec. 4. This Act shall become effective on the date of its enactment.

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. Melcher, the name of the Senator from Louisiana (Mr. Johnston) was added as a cosponsor of S. 74, a bill entitled the "Reye's Syndrome Act of 1983."

S. 627

At the request of Mr. Packwood, the name of the Senator from Michigan (Mr. Riegle) was added as a cosponsor of S. 627, a bill to authorize the establishment of a national scenic area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural, and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of its objective, and for other purposes.

S. 1695

At the request of Mr. Cranston, the name of the Senator from Utah (Mr. Garn) was added as a cosponsor of S. 1695, a bill to amend the National Trails System Act by authorizing for study the Pony Express Trail under the provisions of the act.

S. 1980

At the request of Mr. MURKOWSKI, the names of the Senator from Arizona (Mr. DECONCINI), the Senator from California (Mr. WILSON), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 1980, a bill to recognize the organization known as the Polish Legion of American Veterans, U.S.A.

S. 2065

At the request of Mr. EXON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2065, a bill to provide equitable adjustments in the natural gas market and consumer relief.

S. 2080

At the request of Mr. PACKWOOD, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2080, a bill to make permanent a tax provision to encourage employers to provide legal services for their employees.

S. 2102

At the request of Mr. ROTH, the names of the Senator from Massachusetts (Mr. TSONGAS), the Senator from Ohio (Mr. GLENN), the Senator from Washington (Mr. EVANS), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2102, a bill to charter the National Academy of Public Administration.

S. 2185

At the request of Mr. HEINZ, the names of the Senator from Maine (Mr. COHEN) and the Senator from Wyoming (Mr. SIMPSON) were added as cosponsors of S. 2185, a bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit.

S. 2257

At the request of Mrs. KASSEBAUM, the names of the Senator from Indiana (Mr. QUAYLE), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Florida (Mrs. HAWKINS), the Senator from California (Mr. WILSON), and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of S. 2257, a bill entitled the "Senior Citizens' Tax Improvement Act".

S. 2266

At the request of Mr. CRANSTON, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Washington (Mr. GORTON), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2307

At the request of Mr. BOSCHWITZ, the names of the Senator from Maine (Mr. COHEN), the Senator from New York (Mr. MOYNIHAN), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2307, a bill making a supplemental appropriation to carry out title II of Public Law 480.

S. 2353

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2353, a bill to amend the Internal Revenue Code of 1954 to provide that one-half of the amounts paid by a self-employed taxpayer for his or her health insurance premiums will be allowed as a business deduction.

S. 2366

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2366, a bill to require custodians of public money to deposit funds not later than 3 business days after the date of receipt, and for other purposes.

SENATE JOINT RESOLUTION 73

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of Senate Joint Resolution 73, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 129

At the request of Mr. PRESSLER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Joint Resolution 129, a joint resolution calling upon the President to seek a mutual and verifiable ban on weapons in space and on weapons designed to attack objects in space.

SENATE JOINT RESOLUTION 203

At the request of Mr. HUDDLESTON, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Alabama (Mr. DENTON) were added as cosponsors of Senate Joint Resolution 203, a joint resolution designating the week beginning April 8, 1984, as "National Mental Health Counselors Week".

SENATE JOINT RESOLUTION 222

At the request of Mr. LAUTENBERG, the names of the Senator from Kansas (Mrs. KASSEBAUM) and the Senator from Arkansa (Mr. PRYOR) were added as cosponsors of Senate Joint Resolution 222, a joint resolution designating the month of June 1984 as "Student Awareness of Drunk Driving Month".

SENATE JOINT RESOLUTION 224

At the request of Mr. BOREN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 224, a joint resolution to designate the week of April 1, 1984, as "National Amateur Wrestling Week".

SENATE JOINT RESOLUTION 225

At the request of Mr. MOYNIHAN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. GLENN), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of Senate Joint Resolution 225, a joint resolution designating the month of March 1984 as "National Eye Donor Month".

SENATE JOINT RESOLUTION 237

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. MATTINGLY), the Senator from Texas (Mr. BENTSEN), the Senator from Utah (Mr. GARN), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of Senate Joint Resolution 237, a joint resolution to designate the week of November 25, 1984, through December 1, 1984, as "National Home Care Week".

SENATE JOINT RESOLUTION 246

At the request of Mr. EXON, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Joint Resolution 246, a joint resolution strongly urging the President to secure a full accounting of Americans captured or missing in action in Southeast Asia, and for other purposes.

SENATE JOINT RESOLUTION 247

At the request of Mr. HUMPHREY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Joint Resolution 247, a joint resolution to designate March 25, 1984, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

SENATE RESOLUTION 312

At the request of Mr. HUMPHREY, the names of the Senator from New Hampshire (Mr. RUDMAN), the Senator from South Dakota (Mr. ABDNOR), the Senator from North Dakota (Mr. ANDREWS), the Senator from Maine (Mr. COHEN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Washington (Mr. GORTON), the Senator from Nevada (Mr. HECHT), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of Senate Resolution 312, a resolution to honor Cmdr. Alphonse Desjardins, founder of La Caisse Populaire de Ste-Marie, Manchester, N.H.

SENATE RESOLUTION 335

At the request of Mr. MOYNIHAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of Senate Resolution 335, a resolution calling on the Office of Management and Budget to withdraw its proposed revisions to Circular A-122.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on labor rates and distribution in Defense contracts on Wednesday, March 7, at 10 a.m. in SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Link Hoewing at 224-4751.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy and Mineral Resources to consider S. 2362, to amend the Mineral Lands Leasing Act of 1920, and for other purposes.

The hearing will be held on Tuesday, April 10, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee of Energy and Mineral Resources, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Bob Terrell of the subcommittee staff at 224-5205.

Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy and Mineral Resources to consider S. 1770, to extend the lease terms of Federal oil and gas lease numbered U-39711.

The hearing will be held on Wednesday, March 14, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy and Mineral Resources, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224-5205.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water, of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 6, to hold a hearing to consider S. 1084, a bill to designate additional rivers as components of the National Wild and Scenic Rivers System, and for other purposes; S. 416, a bill to amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System; S. 2095, a bill to amend the Wild and Scenic Rivers Act by designating the Wildcat River for study as a national wild and scenic river; and S. 1756, a bill to provide for assistance to State and local governments and private interests for conservation of certain rivers, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TACTICAL WARFARE

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Tactical Warfare, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Tuesday, March 6, at 9 a.m., to receive testimony on Army programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 6, in open session to be followed by a closed session, to hold a hearing on ICBM modernization program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Soil and Water Conservation, Forestry and Environment of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, March 6, to hold a hearing on the funding and operation on the U.S. Department of Agriculture conservation programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COLLECTION AND FOREIGN OPERATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Collection and Foreign Operations, of the Select Committee on Intelligence, be authorized to meet during the session of the Senate on Tuesday, March 6, at 2:30 p.m., to hold a closed-session hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, March 6, to hold a hearing on the nominations of Sidney Jones to be Under Secretary for Economic Affairs, Department of Commerce and Irving Margulies to be General Counsel, Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 6, in order to receive testimony in the continuation of the confirmation hearings of Edwin Meese III to be Attorney General of the U.S. Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A NEW IDEA TO PROMOTE U.S. EXPORTS

● Mr. HUDDLESTON. Mr. President, I would like to call to the attention of my colleagues the new International Development Institute (IDI) and TradExpo, the U.S. International Trade Center, which together, after 7 years of research and design, are scheduled to open by the end of 1984.

The IDI and TradExpo concept form a new and innovative system to increase U.S. exports and overseas development in the private sector. It is particularly designed to help small and medium size companies to enter the export market and to give all American enterprise access to markets in 170 countries with a year round world trade center, educational center and research center.

The health of our economy is a primary concern to the welfare of the American people. If our economic health is to be maintained, we must make progress toward increasing seriously lagging exports from the United States and participating more competitively in the global marketplace.

There appears to be no argument with the assertion that vigorous U.S. exporting is desirable. One out of every eight jobs, says the Commerce Department, depends directly on exports. America's foremost comparative advantage, agricultural products, accounts for $2 out of every $5 worth of our exported goods, and comprises a large and vital part of the American farmer's income. Our exports are also crucial, in financing the purchase of ores and oil, which we cannot produce in the amounts we need. We are firmly locked into export trade as a determinant of our national well-being.

There is further consensus that our exporting income is rapidly spiraling downward. Our share of the world market has fallen from 23 to 14 percent over the past two decades, contributing to the huge trade deficit projected for 1983, topping $69 billion and resulting in 40 percent of the increase in unemployment. American farm exports have declined from a high in fiscal year 1979 of $43.8 to fiscal year 1983's $34.5 billion, a 21-plus percent plunge.

Informed opinion is even confluent about what has caused our waning overseas sales:

A worldwide recession that moderated demand while price supports and other factors kept production high;

A musclebound dollar which overpriced our goods and services in world markets;

Economic advantage taken by other countries, especially in Japan and Europe, by means of protectionist policies; and

The perception elsewhere that the United States is an unreliable supplier, given past policies that attempted to use trade as a political lever.

SOLUTION

Where thinking diverges, however, is in deciding upon a proper course of action to remedy this bad situation, which is growing steadily worse. Recent Federal response has been to provide limited governmental assistance while attempting to create an improved trading climate by subduing inflation, negotiating away protectionist policies, and instituting long-term guarantees that rule out the use of trade as an international nightstick. Beyond that, Federal officials insist that export business should be stimulated primarily through private initiative, and we agree.

In hearing before the House Agriculture Committee in February 1978, Dr. Peter Nelsen, chairman of the International Development Institute and the Agricultural Trade Council, said to those present that America needs improved marketing and production techniques to first balance foreign trade, second, stabilize our farm economy, third, decrease unemployment, and fourth, use our production potential to allay the hunger of the world. These problems are still with us and, despite efforts to solve them, some have grown worse than they were when IDI and TradExpo were proposed 7 years ago. We must awaken to the reality of these problems, understanding that not to decide is, indeed, to decide.

It was from the need for greater foreign sales efficiency that a new approach, operating in the private sector, was developed to meet all the needs of suppliers and buyers in export trade. The system that has been proposed as part of the solution to our shrinking presence in world markets is composed of two complementary, noprofit corporations: the U.S. International Trade Center (to be called TradExpo) and the International Development Institute (IDI).

HOW TRADEXPO AND IDI FUNCTION

TradExpo and IDI are designed to provide American businesses, which have an unrealized export potential, with an efficient, cost-effective way to reach foreign buyers. While trade centers are not a new idea, teaming a large, central and permanent trade exposition with educational and research services that draw informed customers and encourage interdisciplinary understanding is an innovative step that exceeds the scope of state or regional centers.

TradExpo, a private, nonprofit trading company, and the first to register as such under the Export Trading Company Act of 1982, will provide a direct and accessible link between American sellers and foreign buyers. It is anticipated that the year-round, permanent trade center will, at completion, have facilities in Washington and a nearby rural site for 5,000 businesses to display and demonstrate their goods and services to the 200,000 foreign shoppers who circulate through the capital area annually.

Expert, on-the-spot, up-to-the-minute informational services will be available at TradExpo, expediting the complex legal and financial arrangements that often impede foreign trade. Buyers can, therefore, make their purchases without confusion, delay or further travel. Exhibitors' fees at TradExpo will be modest and should be far more cost-effective than formerly existing means of penetrating foreign markets.

TradExpo will thus successfully address the needs of smaller businesses. These needs were stated, analyzed, and discussed in a 1982 report by the Senate Small Business Committee. As a member of that committee, I helped to initiate and draft this report. The report said that of nearly 1,200 surveyed firms, most said they were reluctant to export chiefly because they lacked the necessary specialized expertise, and/or their limited budgets were strained in meeting the high cost of reaching foreign buyers by traditional means. The report also pointed out that only 200 firms control 80 percent of America's exports, even though "20,000 small firms in this country have the potential to competitively and profitably market their products overseas. Clearly one of the greatest opportunities for reversing the no-growth trend in our Nation's exporting lies with tapping that potential and increasing the number of small business exporters." Analysis of the committee's report indicates that TradExpo facilities will help solve or alleviate 87 percent of the problems facing these potential exporters.

IDI, TradExpo's companion corporation, is also designed to meet informational needs of buyers and sellers. IDI is an educational and applied research institute that will form a link between what we learn each year about technological advancement and putting that knowledge to work.

IDI's Education Center will conduct monthly seminars on 12 major categories of technology affecting human needs: fisheries and oceanography, health, education, productivity, energy, forestry, transportation, agriculture, nutrition, communications, water, and housing. These seminars, open to TradExpo participants and invited guests from worldwide business, academic and, governmental communities, will keep world leaders abreast of the latest developments in their respective fields and provide a forum for interdisciplinary discussion. The education center will also offer graduate and undergraduate study programs, in cooperation with four Washington area universities, multilingual technical training programs, and nuts and bolts courses in exporting.

That such educational endeavors can create a multiplying effect on trade was among the points made by Nelson Denlinger of U.S. Wheat Associates, Inc., in a statement to the House Agricultural Committee this fall. Denlinger said:

> We have found that market educational programs have paid very large long-term dividends to U.S. wheat exports over the years.

Donald V. Earnshaw, Deputy Assistant Secretary of Export Development in the International Trade Administration, said in his testimony before the same committee that his organization had successfully carried out overseas conferences and seminars on the fundamentals of exporting to the great advantage of all participants.

IDI's Applied Research Center will, on request, suggest appropriate technological systems suitable for use in specific locations and test how well technology in place functions. It will keep an extensive data base, assuring that access to the most recent technological improvements is available. Perhaps the center's most important function, however, is carrying out demonstration projects either at IDI facilities or at onsite locations overseas, aimed at developing the infrastructure of Third World countries. These midsized projects could fill the gap between the small Peace Corps development efforts and huge aid projects undertaken by large businesses or governments. They will differ from most previous projects in a greater emphasis on followthrough; rather than carrying out a feasibility study, designing a solution, installing necessary equipment and considering the job finished, IDI's projects will consider technical training, management advice and project evaluation necessary before viewing a project as complete.

TradExpo and IDI will produce a wide range of positive change. Smaller companies will be able to begin selling internationally, and larger businesses can establish or expand existing overseas contacts. Direct transactions will be simplified, more efficient and hence, less costly. Rental of exhibit space at TradExpo is designed to be less expensive than participation in a series of regional trade shows.

Advantages to overseas buyers include the convenience of one-stop, anytime shopping; full comparison and demonstration of products; simplified transactions; and, access to the services of the education and research center.

The system also works toward solution of persistent Federal Government problems. A 10- to 12-percent increase in U.S. exports would reduce the trade deficit by 50 percent, increase GNP by 1.5 percent and provide hundreds of thousands of new jobs. TradExpo will also answer many of the loudly voiced needs of smaller businesses and create corporate and individual tax revenues without huge governmental expenditures. Finally, TradExpo will serve as an export stimulant without necessarily resorting to retaliatory measures in order to counter protectionist policies of many foreign nations.

Private citizens will gain from TradExpo's encouragement of economic growth, reduced necessity for foreign aid programs, diversity of available products resulting from the strength of smaller businesses, and the general stability of the world that follows active trade interdependence.

TRADE AND THE DEVELOPING WORLD

All countries, particularly Third World countries, at present require appropriate technology and services to show them how to best utilize their purchases. TradExpo and IDI can assume a large part of this challenge. If the United States does not satisfy world needs, other countries will reap the consequent benefits. American interest certainly lies in developing infrastructure and in establishing trade relationships with LDC's, resuming a leadership posture there before these huge potential markets become dominated by other, more aggressive nations. As Roger Asendorf of the American Soybean Association told the House Agriculture Committee this fall:

> ASA believes the Federal outlay for overseas market development for agricultural commodities is one of the U.S. Government's best investments in the future prosperity of not only agriculture, but the national as a whole.

In many areas of the world, basic needs are immediate and pressing. The times challenge the humanity of the world, for even though some 500 million people on this planet experience hunger and starvation, agricultural commodities are in surplus in a number of countries. A kink in the circulation of resources leaves some countries impoverished and hungry while others pile up unsold surpluses.

Overseas development projects, such as those available through IDI, will assist countries and people to develop the capacity to earn what they need. They will be able to turn labor to capital, and capital to the necessities of life and further improvement. As the capacity to import is developed in LDC's, the global distribution of agricultural products will improve, thereby reducing the problems of surpluses in producing countries and unmet demand in LDC's.

ACTION

Speaking for the Agricultural Trade Council before the House Agriculture Committee in February 1978, Dr. Nelsen said that if a fraction of expenditures for sudsidies and set-aside programs were spent on market development and the establishment of sound infrastructural bases for trade in LDC's, problems of the farm economy, of unemployment, of the trade deficit and of sluggish GNP growth would diminish. This fall, nearly 6 years and little action later, W. Glenn Tussey of the American Farm Bureau Federation posed the same question to the same committee: "We ask if we would not be further (sic) ahead 5 years from now in world markets if we were to shift a substantial portion of domestic farm expenditures to an effort that would make us truly competitive in world markets?"

Secretary of Agriculture John Block told the same committee, "* * * the productive capacity of our farmers * * * must be supported * * * by domestic farm programs that facilitate export." Secretary Block offered no program, but insisted, "There must be a better way."

The better way may be through efforts such as TradExpo/IDI, which have been carefully examined and praised by business and academic leaders, Governors, officials in the executive branch, and Congress. It is an approach that will stimulate the economies of all 50 States, individually and collectively, even as it puts fresh knowledge to use and encourages the shift of developing countries from demeaned recipients of charity to friendly, self-sustaining trading partners. It is in the interests of both U.S. industry and Government to support this kind of innovative program.

Unlike most Government-funded aid programs, TradExpo and IDI will provide ongoing benefits, without the need for continued Government assistance.●

S. 2363, SEX DISCRIMINATION IN EDUCATION REFORM ACT OF 1984

● Mr. CHAFEE. Mr. President, in adopting title IX of the Education Amendments of 1972, Congress sought to reverse longstanding inequities in the treatment of women by education institutions in the United States. In order to renew our commitment to equal educational opportunities for all citizens, I am pleased to join Senator PACKWOOD in sponsoring S. 2363, the Sex Discrimination in Education Reform Act of 1984.

The purpose of title IX is to insure that schools and universities receiving Federal assistance provide equal opportunities for both men and women. In enacting title IX, the Congress clearly intended to guarantee equal access by both sexes to the programs and activities of federally supported institutions. This includes such areas as admission, athletics, counseling, housing facilities, financial aid, course selection, employment, vocational education, and other activities.

Title IX has served our Nation well. Since the law took effect, female students have made tremendous progress in educational pursuits which had traditionally been dominated by men. The most notable gains have been in athletics. The number of females involved in high school and intercollegiate athletic programs has soared since the passage of title IX, and the proportion of scholarships offered to talented women athletes by colleges and universities has risen from 1 out of 100 in 1974 to 22 of every 100 offered today.

In the decade since title IX became law, the enrollment of women in vocational educational courses has risen significantly, along with the admission of women to schools of business, law, and medicine. Title IX has also provided important protections for the employees of educational institutions from unequal treatment based upon their gender.

The positive effects of title IX extend far beyond its applicability to women in educational institutions. Title IX has helped to guarantee that no area of professional development in our society is limited on the basis of sex. The range of title IX should extend beyond its applicability to individual programs or activities. Congress intended the protections of title IX to apply on an institution-wide basis, and this legislation will clarify that intent.

Although the wording of title IX bars discrimination in any educational program or activity receiving Federal financial assistance, Congress has consistently emphasized that the law should be interpreted to bar discrimination throughout an institution which receives any form of Federal support. It was never the intention of

Congress to prohibit sex discrimination in an institution's financial aid program, yet allow the institution to engage in discriminatory athletic practices. An educational institution which receives even a single dollar of Federal assistance should not be permitted to limit access to any of its activities on the basis of sex.

The U.S. Supreme Court's recent narrow interpretation of title IX in the Grove City College against Bell decision compels action by Congress to clarify the scope of coverage intended by the law. S. 2363 makes it clear that institutionwide coverage by title IX is triggered by the receipt of Federal financial assistance in any form, whether through student aid, direct Federal support to the institution, or Federal support for a particular program.

Passage of this legislation will reaffirm the commitment of Congress to eliminate sex discrimination in education and to promote equality of opportunity at all levels of our society. Title IX has enabled us to make great strides in this vital endeavor. Now is not the time to turn back.

I commend my colleague, Senator PACKWOOD, for introducing this important measure and look forward to working in support of its speedy passage.●

S. 2366—THE FEDERAL MONEY MANAGEMENT ACT OF 1984

● Mr. D'AMATO. Mr. President, I rise today in support of S. 2366, the Federal Money Management Act of 1984, introduced by my distinguished colleague from the State of Delaware. This legislation would require the Federal Government to deposit checks within 3 business days of receipt.

According to the Grace Commission report, there have been numerous instances where the deposit of public funds has been unduly delayed. These delays result in the loss of interest that could have been earned if the money had been promptly deposited. Clearly, this practice is wasteful and unwarranted. The Grace Commission recommended that the Federal Government immediately improve its cash management practices.

Under current law, the Federal Government is allowed until the 30th day of the month of receipt for deposit of incoming checks. S. 2366 would eliminate this delay by requiring the deposit of funds within 3 business days of receipt. If the U.S. Government were to deposit checks within this time period, it could save taxpayers up to $166 million per year.

With Federal deficits approaching nearly $200 billion, I feel that every effort must be made to save taxpayer dollars. Therefore, I am pleased that the Senate Finance Committee, under the leadership of Chairman DOLE is considering the provisions of S. 2366 as part of its $100 billion deficit reduction package.

The Federal Government has a duty to the American people to manage their tax dollars in the most efficient manner possible. I believe that S. 2366 is a first step toward improving Federal cash management.

Mr. President, I am pleased to add my name as cosponsor of S. 2366, and I urge my colleagues on both sides of the aisle to support this legislation.●

NATIONAL WOMEN'S HISTORY WEEK

● Mr. DOMENICI. Mr. President, as we all know, this week is National Women's History Week—a valuable opportunity to reflect on the past contributions women have made to our growth as a people and a nation. In rising today to commemorate this week, I am reminded of the remarks I made last year at this time. I stated that while designating a week to take special note of women and their role in our development is certainly a worthy gesture, we must concurrently realize that this block of time is inadequate to do justice to the immeasurable value of women's contribution to every area of American life. Further, as we celebrate these accomplishments all week, taking note of individual women and the trails they have blazed for others into countless fields and professions, we should look forward to a time when these firsts are no longer regarded as unusual. Astronaut Sally Ride, whose trip on the space shuttle last summer made her last year's most famous female first, expressed this same sentiment far more aptly when she inquired what all the fanfare was about and wished her presence on the shuttle had not been viewed as such a big deal.

Last month, the 164th birthday of Susan B. Anthony, certainly among the most famous characters in women's history, was characterized by toasts to the suffragist and indefatigable advocate of full rights for all women. It was also an opportunity in this political year for our major parties to draw attention to their platforms regarding the issues of concern to American women and note the accomplishments each had made on their behalf. This is understandable, particularly in view of all that has been said and written about a gender gap. However, Susan B. Anthony's namesake and great niece commented that if her aunt were alive today she would not necessarily belong to any party. Rather, she would stand outside the parties and see what she could negotiate between them.

Mr. President, there will always be political parties, and happily, men and women, while they might share the same professions, interests and goals, will always be somewhat different natures. What I think is important is that these differences be tapped and combined for the enrichment of all of our lives and the betterment of our society.

Let us thus celebrate this year's National Women's History Week with a vision that while the past may have polarized the sexes, the future offers us an opportunity to embark on a new and surely some beneficial course. Just as this Nation would have never attained all it has without the unique contribution of American women, let us not forget that there remain many areas which have not reached their full development because the participation of women has been limited. In the interest of eliminating these obstacles, let us all, in our own lives and individual spheres of influences act, as Susan B. Anthony would have, to bring opposing sides together in the knowledge that through combining strengths we will reach—and likely exceed—our potential.●

JOHN PAUL HAMMERSCHMIDT—VFW AWARD

● Mr. PRYOR. Mr. President, my colleague in the House of Representatives, JOHN PAUL HAMMERSCHMIDT, is today being awarded the 1984 VFW Congressional Award for outstanding service to the Nation.

This could not be given to a more deserving and dedicated Member of Congress. For the past 17 years, when Congressman HAMMERSCHMIDT came to Washington, he has been a true friend of the veteran, a watchman for veterans' benefits, and a strong leader in writing legislation for veterans.

I came to Congress from the Fourth District of Arkansas in the same year that my friend JOHN PAUL HAMMERSCHMIDT came to represent district three. We have been colleagues since that time, and we have worked together on a number of programs for the veterans of Arkansas and the Nation. I am proud to claim him not only as a fellow Arkansan but also as a colleague in our mutual determination to serve veterans throughout the country.

Congressman HAMMERSCHMIDT is ranking minority member of the House Veterans' Affairs Committee. During World War II, he served in the China-Burma-India Theater as a pilot in the Army Air Corps. He comes from Harrison, Ark., in one of the most beautiful and mountainous areas of our State and Nation.

Let me end with a quotation from commander in chief of the VFW, Clifford G. Olson, who said this when he announced that Congressman HAMMERSCHMIDT would receive this award:

> Representative JOHN PAUL HAMMERSCHMIDT has served his country and its veterans well over the years. It is indeed fitting that he receive the Congressional Award

from the Veterans of Foreign Wars of the United States. He thus will join the illustrious Senators and Representatives who have been honored in this manner for several years.

This summarizes so well the special pride all of us in Arkansas feel for our friend and colleague, JOHN PAUL HAMMERSCHMIDT.●

SENATOR TOWER DISCUSSES CONGRESSIONAL INVOLVEMENT IN DEFENSE AND FOREIGN POLICY

● Mr. DOMENICI. Mr. President, today the Budget Committee received testimony about the defense budget from Senator TOWER, chairman of the Armed Services Committee. This was not the first time that Senator TOWER has testified before the Budget Committee. In fact, it was the third time, but it was unique because Senator TOWER used the opportunity not to discuss the need for higher defense budgets and a stronger national defense, but rather for the need to conduct an internal reassessment of congressional involvement in defense and foreign policy. This statement is thoughtful and timely, and I recommend that every Senator read it. Therefore, Mr. President, I ask that Senator TOWER's prepared testimony given before the Budget Committee this morning be included in the RECORD at the conclusion of my remarks.

Senator TOWER spoke insightfully about the need to streamline the congressional process of approving and implementing an agency budget. He describes accurately the problems of overlapping committee jurisdictions, the problems of repetitious congressional votes on issues which need not be addressed more than once in a session, and the general disruptive effect that congressional action or inaction often produces on defense and foreign policy. He suggests that Congress should review its constitutional duties in this area and consider reorganizing to produce a more efficient and effective process.

Mr. President, Chairman TOWER also made an eloquent call for the Senate to use this process to provide greater leadership and to cultivate among our constituents a greater appreciation for America's role in the world and the broad requirements of our defense and foreign policy. All of this to be directed toward rebuilding a bipartisan consensus on defense and foreign policy.

I think all of us realize what a dangerous world in which we live. Yet here is one of our Nation's leading experts on defense and foreign policy matters—chairman of the Senate Armed Services Committee—who is quite pessimistic about our ability to develop a coherent, stable defense policy. In Chairman TOWER's own words:

I would characterize the immediate future of the defense program, in financial and programing terms, as very unstable.

I think Chairman TOWER has raised some very important issues. He stresses that we should strive to institute reforms that satisfy the four objectives of developing consensus, commitment, stability, and steadiness of purpose for our national defense and foreign policy.

Each Senator should read this statement and consider the issues raised by Senator TOWER.

The statement follows:

STATEMENT OF SENATOR JOHN TOWER, BEFORE THE COMMITTEE ON THE BUDGET

A NATIONAL SECURITY AGENDA FOR THE CONGRESS

Mr. Chairman, I appreciate the opportunity to present to this Committee, for the third and final time as Chairman of the Armed Services Committee, my personal views on our country's future requirements for national defense.

In preparing for this hearing, I had given thought to updating testimony presented over the last two years, wherein I outlined many of the current and future challenges to our foreign policy, emphasized the need to continue rebuilding our defense posture, and identified some of the practical and financial pitfalls that prevent efficient execution of the the defense program in an unstable defense budgeting environment.

I commend these issues to you once again; they are central and enduring. Clearly, the problem of redressing the current military imbalance with an adversary that still maintains a broader based and more aggressive weapons modernization program is just as persistent today as it ever has been. The foreign, domestic, and economic implications of a widening gap between the relative military capabilities of the United States and the Soviet Union should weigh heavily in our national planning—including that done by this Committee—for the foreseeable future. We will do the country a great disservice if we avoid this central problem and its enormous implications for the Nation's future well-being.

On second thought, however, I concluded that these issues will play, unfortunately, an extremely limited role, if any, in the context of the immediate search for a solution to this year's budget impasse. The plain truth is that Congress has not listened to these arguments over the past two years, and probably will not seriously consider them in its deliberations on the President's FY 85 budget. Despite this Administration's best efforts to present a defense budget based on visible threats and long-term security requirements, the Congress is determined to consider defense issues only in the context of near-term affordability.

This is an old, but I sense, growing problem, one that is now polarizing the relationship between Congress and the President on the issue of national defense and is frustrating efforts to develop and execute a balanced and stable defense program.

Insofar as the Congress is part of the problem, it must be part of any solution. This has caused me to reflect upon a national security agenda for the Congress that might assist in reestablishing fundamental points of reference for leaders of both branches of government and of both parties, as we attempt to secure the long-term interests of the United States in a volatile and uncertain world. This agenda has five important elements, from Congressional self-examination and reform to consensus building and leadership. We should begin by reviewing the proper role of Congress in setting national priorities and formulating the Federal budget.

REVIEW OUR RELATIONSHIP TO THE EXECUTIVE BRANCH

Holding the power to tax and spend, Congress, of course, has played, and will continue to play, a major role in the Federal budget process. But in more recent years some in Congress have assumed an almost sanctimonious attitude that I believe vastly inflates our individual and collective competence.

Some have taken to ignoring Presidential budgets—not just parts of them, but whole budgets. Rather than working our will through the Committee system, we ask the President to "send us a more realistic budget," or we barter back and forth in highly informal, politicized and public "negotiations." Members of Congress, even freshman Members, write their own prescriptive budgets for the entire Federal Government.

So, the first priority should be to assess the basic relationship of the Congress with the Executive Branch. The Congress may decide that these current trends are appropriate. In fact, as the Chairman of an authorizing committee, no one has had a greater interest than I have in protecting the prerogative of Congressional oversight. However, I suspect that such a review would highlight several key, constitutionally derived limitations.

We are a relatively unorganized group of 535 individuals with no real executive authority, whose collective decisionmaking capabilities are diffused and painfully limited. Our knowledge of, and responsibility for, governing Federal agencies is also limited. Our government was organized to include only one Executive Branch, and the taxpayers should be paying for only one.

It is a weak government indeed that is ruled exclusively by the lowest common denominator of its legislature and the perpetual acquiescence of its executive. No Senator or Congressman is elected to serve all the people. Before we reject it out of hand, we must acknowledge and respect the need in our form of government for Presidential leadership, lest we presume to set a course for the nation substantially at odds with that which he has proposed. A President's statement and agenda of national priorities is not inviolate but, in principle, I believe it should carry more weight than that of any Committee of Congress.

After reviewing in general terms our proper role in setting national priorities and formulating the Federal budget, the Congress should turn to an internal reassessment of its increasing involvement in defense and foreign policy.

RECONSIDER CURRENT TRENDS IN CONGRESSIONAL BEHAVIOR

Here again I am concerned about current trends in Congress. When the President convened a bipartisan commission to address Social Security issues, its results were accepted and enacted into law. While similar commissions have been organized on Strategic Forces and Central American policy, their results and recommendations still face repeated debate and challenge. When we in Congress act upon difficult issues such as taxes and Social Security we tend not to want to revisit them anytime soon. However, this does not seem to hold true in defense and foreign policy. It is not my view that the work of bipartisan commissions should necessarily be rubber-stamped by the Congress. I do believe, however, that the work of such outside experts on important long-term problems in defense and foreign policy deserve as much serious consideration as that given to the resolution of domestic problems.

The area of arms control is another example of how our responsibilities for Congressional oversight are taken to the extreme in areas far removed from our immediate constitutional duties. Too few can resist the temptation to publicly advise the President on how to negotiate with the Soviet Union, and propose their own schemes for arms control. In the recent past, more often than not, Congressional intrusion has played the foil to U.S. negotiating positions, while the Soviets wait stoically for further U.S. concessions at the bargaining table. Many times, the source of our intrusion in foreign policy is domestic politics; that is, the desire to fulfill the narrow wishes of America's many ethnic minorities, or to enhance one's credibility in the media.

In defense policy, the Congress—occasionally including my own Committee—is engaged in too much micro-management at the expense of the broader review of defense requirements and priorities. Moreover, Congress itself is often the source of the restrictive rules, regulations and guidelines that prevent the efficient use of taxpayer dollars. The defense authorization and appropriation acts contain over one hundred General Provisions, many of which tell the Department of Defense what it cannot do to spend defense dollars more wisely.

The provisions of the Davis-Bacon Act require the payment of prevailing wages, usually union rates, for contracting on Federal construction projects. If Davis-Bacon were eliminated, the fiscal year 1985 Military Construction program, if approved intact, would cost roughly $300 million less than has been requested.

In attempting to protect Federal employees, the Congress also restricts DOD's ability to contract-out for various services. The additional cost to the taxpayers exceeds $500 million in Budget Authority over a three-year period.

And, of course, base closures and realignments—correctly viewed as legislatively infeasible—are worth billions over time.

In addition, Congressional action on individual defense programs can also be a primary cause of increased costs. We have stretched out programs, and even continued those for which there is no longer a valid military requirement, such as the A-10. In some cases we have promoted dual-sourcing where the real demand is barely sufficient to support one producer, or insisted upon sole-sourcing where competition would be excluded.

Many of these restrictions, and they are almost too numerous to count, amount to Congressionally mandated waste. It is also interesting to note that while Congress has never had a stronger grip on defense management than it has today, we have never complained louder about waste, fraud, and abuse. While I will continue to try to seriously address these issues, I will not be moved prematurely by those who decry the Defense Department's so-called waste, fraud and abuse, and so propose enormous cuts in the defense budget, but in fact fail to support the legislative changes necessary to achieve reforms.

Addressing this larger problem head-on—that is, the lack of Congressional self-restraint—is perhaps the precursor to a third item on the agenda.

LEGISLATIVE REFORM

After looking back to our constitutional roots and comparing them with current Congressional practices, I believe the Congress should be willing to consider legislative reforms, such as a reorganization of the Committee system and the Congressional budget process, to remove unnecessary layering and overlapping jurisdictions.

This Committee has already received testimony from many witnesses on potential changes to the Congressional budget process, and I will devote more thought to this issue in the coming months. For now, I can only say that it is getting somewhat embarrassing, in responding to questions about reform of this budget process, to explain that we are so bogged down in the process that we haven't got the time to consider changing it.

Without making reference to any specific proposal for legislative reform, I would clearly be inclined to inject the current system with a greater capacity for institutional leadership and self-discipline. I believe the need for such leadership is clear. During the last fifteen years, the average years of service in the Senate has declined from 11.6 to 8.5 years, the lowest average since 1955. The 97th Congress had a greater proportion of Senators serving first terms (56 percent) than any Congress since 1923. The drift of power away from the full committee and toward subcommittees has thus been recently combined with a period of higher turnover and declining experience and longevity among Senators.

In addition, we have too many committees with overlapping jurisdictions. The 92 hearings held by the Armed Services Committee last year accounted for only 54 percent of the Senate hearings in which the Department of Defense presented testimony. I speak with a vested interest, but also, I believe, in the interests of the Senate in arguing that the committees of greatest expertise should be given more exclusive responsibility for recommendations to the Senate. It should also be evident that, except in the review of conference agreements, the Senate need not vote on the same issue more than once a year. Serious consideration ought to be given to whether or not we really need a separate authorization and appropriations process, and whether their consolidation might not result in a reduction in the Congressional workload, and in more cohesive and clear statements of legislative intent.

FIDELITY AND LEADERSHIP

If the Senate can reassess its relationship with the executive branch, move away from the current tendencies towards narrow self-interest, and reorganize itself to speak more clearly on issues of national importance, then I believe we would be prepared to offer the kind of leadership for the country that was envisioned in the Constitution.

Senator Russell once asked a colleague about the results of recent elections. The colleague replied that his margin of victory over the years had been steadily climbing, and he was now getting over 85 percent of the vote. Russell responded to the effect that this margin of victory was much too high for a Senator, because it showed that he was doing too much following and not enough leading. The more time we spend in the Senate, he argued, the more leadership we owe the Nation.

And so, a fourth item on the national security agenda is the need for Congress, particularly the Senate, to provide greater leadership, and to cultivate among our constituents a greater appreciation for America's role in the world and the broad requirements of our defense and foreign policy.

This will undoubtedly be a considerable challenge. Somewhere along the way, we have failed to impart to the current generation, including many in Congress, an adequate appreciation of international affairs. While many claim to understand the dangers and costs of war, too few are schooled in the balance of diplomatic and military arts required to prevent it. Rather than providing background and insight to America's long-term interests, too many Members return from their fact-finding trips abroad with "clientitis," an affliction generally associated with junior Foreign Service Officers.

Leadership and statecraft have a special place in the Senate, but they do not come naturally in our political system. In my view, we must work harder to strike the proper balance between moving the country in the direction our constituents want it to go—frequently towards disengagement and isolationism—and leading the nation towards where we must go if we are to maintain a global political and military balance of power in the years ahead. This, indeed, is our highest duty.

REBUILD A BIPARTISAN CONSENSUS ON DEFENSE AND FOREIGN POLICY

All these thoughts, Mr. Chairman, are focused on what I believe is one of the nation's highest priorities: rebuilding a bipartisan consensus on defense and foreign policy.

In foreign policy, the results of our rancorous disagreements are all too obvious. In defense, while the results are less open to public view, they are no less detrimental.

The current impasse on defense is largely the result of contrasting approaches to the strategic problem of how best to meet our international obligations. The Administration maintains that these obligations, and the military requirements identified to support them, should provide the basis for the defense budget request. Conversely, the Congress generally seems to argue that domestic politics and available resources should determine "how much is enough" for defense.

In my view, we must soon come to a resolution of these differences. In the last three years the Congress has made major reductions in the defense budget—In fiscal year 1982 a reduction of $7 billion, in fiscal year 1983 $18 billion and in fiscal year 1984 $17 billion—and it appears as though substantial reduction in fiscal year 1985 are inevitable. We in Congress complain about mismanagement and waste in the Pentagon and yet it is these large annual funding changes which make sound program management impossible and cost overruns a certainty.

I would characterize the immediate furture of the defense program, in financial and programming terms, as very unstable. The Department of Defense is planning for future increases beyond what appears to be politically feasible; and some in Congress are considering reductions from the President's request well beyond the bounds of prudent risk. In reaching the correct budget figures for fiscal year 1985 and the outyears, I would emphasize four important objectives: consensus, commitment, stability, and steadiness of purpose.

I hope that we in the Congress and the Administration can approach this problem with open minds; the Administration sensitive to the need to restore a bipartisan consensus on national defense, and we in Congress true to our constitutional obligation to provide for the common defense.

There will always be risks in compromise, but the potential long-term benefits to the nation could make it well worth the effort.●

UNIFORM MINIMUM DRINKING AGE ACT OF 1984

● **Mr. LAUTENBERG.** Mr. President, on February 7, I introduced S. 2263, the Uniform Minimum Drinking Age Act of 1984, which was referred to the Committee on Environment and Public Works. I was joined in sponsoring this important legislation by Senators Pell, Burdick, and Heinz. S. 2263 would gradually reduce highway assistance to those States who refuse to raise their drinking age to 21 after a period allowed for States to make progress toward that goal.

I was delighted to note, Mr. President, that last December 5, at their meeting in Secaucus, N.J., the Coalition of Northeastern Governors adopted a resolution addressing the vital issue of a uniform minimum drinking age. This resolution had the strong support of Governor Cuomo of New York and Governor Garrahy of Rhode Island, both of whom have shown outstanding leadership on this issue. We in New Jersey anxiously await the implementation of this resolution by Governors throughout the Northeast and the adoption of 21 as the uniform minimum drinking age.

Mr. President, I ask that a copy of the Governor's resolution appear in the Record.

The resolution follows:

CONEG Policy Resolution on Minimum Alcohol Purchase Age

Nationally, more than 11 million families have had a member killed or seriously injured by a drunk driver in the past 10 years. A conservative estimate of society's loss in wages, productivity, medical and legal costs resulting from drunk driving crashes is estimated to exceed $24 billion each year. Statistics indicate that one out of two Americans will be involved in an alcohol-related crash during their lifetime.

Driver impairment from alcohol plays a role in about 40 percent of all crashes involving serious injury and about 50 percent of all fatal crashes. Young drivers 16-24 years of age are most often involved in alcohol-related crashes.

In analyzing all the current approaches which include stiffer laws; education, increased enforcement and prosecution, the reduction of youth involvement in alcohol crashes is best achieved by raising the purchase age. A 1981 study conducted by the Insurance Institute for Highway Safety, found that nine states which raised the purchase age experienced a 28 percent reduction in alcohol crashes for the age groups affected by the legislation.

Currently, the legal purchase age for CONEG member states is as follows:

Connecticut	20
Massachusetts	20
New Hampshire	20
New Jersey	21
New York	19
Pennsylvania	21
Rhode Island	20

The establishment of a minimum age for the purchase of alcoholic beverages is a viable means of reducing alcohol-related crashes among young drivers. However, this must be accomplished on a regional basis to avoid fatalities from drivers crossing state borders to drink legally. The enactment of a single, consistent purchase age for all CONEG states is the most responsible goal to pursue. Therefore, the CONEG Governors are resolved to provide a uniform alcohol purchase age, and agree to work together to achieve this goal at the earliest possible date.

Adopted December 5, 1983.

HEALTH INSURANCE FOR THE UNEMPLOYED

● **Mr. HEINZ.** Mr. President, on January 25, 1984, the Steel Valley Unemployed Center in Homestead, Pa., released a survey of 671 people who either were or are now unemployed. The results of this survey depict the high levels of unemployment that still exists throughout the United States, and the continuing need to focus Federal attention and assistance to these depressed areas, which appears to be especially true where health care is concerned.

Unemployment figures have recently received front page attention with national rates of unemployment declining dramatically from 9.5 percent in August 1983 to 8 percent in January 1984. Nonetheless, as the results of the Steel Valley survey cautions, these national figures do not tell the complete story. In part, these figures distort the real picture; in hundreds of communities across the United States, large pockets of unemployment still exist and are causing severe hardship among many American families. Nine million Americans are still looking for work but cannot find suitable employment. Many have been unemployed for more than 1 year and have exhausted Federal benefits. In addition, a great number of unemployed workers have lost all health benefits and are putting off needed medical care.

The Steel Valley Unemployed Center survey supports this contention. Of the 628 respondents to questions regarding income status, 222 people or 35.3 percent reported no income at all while an additional 312 people, or 49.5 percent, reported unemployment compensation or welfare payments as their only income source. In addition, of the 671 respondents to questions regarding medical coverage 268 people, or 39.9 percent, reported no health insurance protection and 75 people, or 11.1 percent, of the population surveyed required immediate care but were forced to delay treatment.

Mr. President, I have been a strong advocate for continued Federal unemployment benefits for those who have lost their jobs through no fault of their own. I have also fully supported creation of a Federal program designed to provide coverage to unemployed workers in need of health care and will continue to seek a solution to this problem. The survey conducted by the Steel Valley Unemployed Center of Homestead reminds us all that the problem for the unemployed and uninsured has not gone away, and that the need for Federal action remains paramount. While we have taken some steps forward on unemployment compensation, it is clear that a comprehensive reform of this program must be a high national priority. In addition, I believe this survey documents, once again, that a significant proportion of the unemployed are at substantial health risk because they lack health insurance coverage. For this reason, I believe we need action on S. 951, our bill to provide assistance to unemployed workers who have lost their needed health care benefits.

I ask that the survey conducted by the Steel Valley Unemployed Center be included in the Record.

The survey follows:

December 1983–January 1984 Unemployed Survey of Medical and Income Needs

Total surveyed: Income 628, medical 671 (not all answered all parts); jobs question 385 (not on all forms).

Income: 628:

No income, 222 equals 35.3 percent; UC only, 184 equals 29.2 percent; welfare, 128 equals 20.3 percent; part time, 88 equals 14.0 percent; full time, 13 equals 2 percent, 3 at more (.47 percent) 10 at less (1.6 percent).

Medical insurance 671:

Yes, 403 equals 60 percent (private 225 plus welfare 178); no, 268 equals 39.9 percent; private, 225 equals 33.5 percent (16.6 percent—less spouse coverage); spouse, 114 equals 16.9 percent (111 purchased policy equals 16.5 percent, subtracted from 22.5 percent); welfare, 178 equals 26.5 percent; rejected by welfare 100 equals 14.9 percent.

Need immediate care—with no insurance 75 equals 11.1 percent, with insurance 41 equals 10.1 percent.

Would vote for a Federal jobs program 385 total (not on all forms):

Yes, 380 equals 98.7 percent; no, 5 equals 1.3 percent.

Survey sources: Steel Valley Unemployed Center files, USW 1397 Christmas Party, Local 61 Marine and Shipbuilders Christmas Party, United Electrical Local 610, St. Peters Food Bank for McKeesport-Clairton area and railroad workers local UTU 3263.●

ADVANCE NOTIFICATION—PROPOSED ARMS SALES

Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chariman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the Record in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD-440.

The notification follows:

Defense Security Assistance Agency,
Washington, D.C., March 5, 1984.

Dr. Hans Binnendijk,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Dr. Binnendijk: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

Glenn A. Rudd,
Deputy Director.

S. 684—THE NEED TO OVERRIDE THE PRESIDENT'S VETO

● Mr. ABDNOR. Mr. President, President Reagan recently vetoed S. 684, a water resources research bill which I was honored to sponsor. That bill, which passed the Senate by unanimous consent, establishes new, tighter restrictions for a Federal/non-Federal partnership for water resources research work.

I believe the veto was unwise. I believe the veto undermines a fair and responsible policy, for it would, if sustained, leave in place authorities that should be tightened.

Mr. President, several of my colleagues and I are today sending a letter to our colleagues in the Senate explaining our reasons for urging the Senate to override the veto of S. 684.

I am honored that 19 of my most distinguished Republican colleagues have joined me in signing this letter: Senators Boschwitz, D'Amato, Durenberger, Garn, Goldwater, Gorton, Grassley, Hatch, Hatfield, Heinz, Humphrey, McClure, Murkowski, Pressler, Stafford, Stevens, Symms, Wallop, and Warner.

I urge our colleagues on the Democratic side to join with us.

I urge my colleagues in the Senate to join me and this distinguished list of colleagues in voting to override the veto.

Mr. President, I ask that a copy of the letter be printed in the Record.

The letter follows:

U.S. Senate,
Committee on Environment
and Public Works,
Washington, D.C., March 6, 1984.

Dear Colleague: We are writing to you to ask for your vote to override the President's veto of S. 684, the Water Resources Research Act of 1983.

It is always difficult to oppose a President of one's own party when he vetoes legislation. Nevertheless, we believe President Reagan made the wrong decision on S. 684. We believe this is responsible legislation. We believe it should become law. S. 684 strengthens current law in several ways:

S. 684 provides matching grants to the water research institutes that exists in each state. S. 684 uses existing non-Federal institutions for needed water research; this is federalism at its best.

S. 684 gradually increases the non-Federal level of responsibility required from the institutes, eventually requiring a contribution of two non-Federal dollars for each Federal dollar. By asking more from non-Federal interests than is required under existing law, S. 684 assures a sounder allocation of Federal resources.

S. 684 continues the partnership in water research grants, generally on an equitable 50-50 cost-sharing basis with non-Federal interests.

S. 684 authorizes $36,000,000 a year. This compares with program authorizations totalling $53,500,000 during the most recent fiscal year of the existing program.

While President Reagan has not sought to finance water research programs, Congress has continued to appropriate money to meet these needs. Congress should recognize that reality. Yet we also need to tighten the standards for such support.

By overriding the veto of S. 684, the Senate will achieve those goals.

We hope that you will join us in voting to override the veto of S. 684.

Sincerely,

Robert T. Stafford, James Abdnor, Jake Garn, James A. McClure, Steve Symms, Mark O. Hatfield, Orrin G. Hatch, Rudy Boschwitz, Malcolm Wallop, John Warner, Chuck Grassley, Dave Durenberger, Gordon Humphrey, Slade Gorton, Frank H. Murkowski, Ted Stevens, Barry Goldwater, John Heinz, Larry Pressler, Alfonse D'Amato.●

PROPOSED AMENDMENT—VOLUNTARY SCHOOL PRAYER

Mr. BAKER. Mr. President, earlier today I indicated that an effort would be made to see what amendments might be offered to the prayer joint resolution, which I have attempted to do. By no means do I have a complete inventory. Indeed, it was almost all together on this side of the aisle, as those things usually are.

But an effort was made to identify points of view and potential amendments and to see what sort of language might be put together to offer at some point. I also indicated, so that all Senators would be apprised of that situation, that I would supply copies. I believe the best way to do that is simply to put a proposed amendment in the Record.

Now, I do not mean to imply that this is the only amendment that will be offered or that it is in final and perfect form, or that it is in any way an agreed compromise. It is not. It is, rather, a synthesis of ideas that was produced in the course of the afternoon that I think are worthy of examination by Members of the Senate in furtherance of our efforts to dispose of the issue before us.

I ask unanimous consent, Mr. President, that a form of the amendment be printed in the Record at this point.

There being no objection, the proposed amendment was ordered to be printed in the Record, as follows:

Strike all after the resolving clause, and insert the following:

"That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"Article —

"(1) Nothing in this Constitution shall be construed to prohibit individual, group vocal or silent prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose or mandate the words of any prayer to be said in public schools.

(2) The authorization by the United States or any State of equal access to the use of public facilities by voluntary religious groups shall not constitute an establishment of religion."

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF WILLIAM A. WILSON

Mr. BAKER. Mr. President, the minority leader is here now and he has advised me that an agreement in respect to the consideration of the nomination of William A. Wilson of California has been cleared on his side. Let me put the request at this time.

As in executive session, I ask unanimous consent that on tomorrow at 11:30 a.m., the Senate go into executive session for the purpose of considering the nomination of William A. Wilson of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See, and that it be considered under the following time agreement:

One hour on the nomination, to be equally divided between the chairman of the Committee on Foreign Relations and the ranking minority member or their designees; and, upon the conclusion or yielding back of the time, that the Senate then proceed to vote on the nomination of William A. Wilson.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BAKER**. I thank the minority leader for his help in making it possible to address this issue tomorrow.

May I say for the benefit of Members that this means there will be a vote at or earlier than 12:30 p.m., barring unforeseen circumstances. We will go to this measure at 11:30 a.m. There is a maximum of an hour for debate and while that might not produce the vote exactly at 12:30, Members should be on notice of the strong possibility that there will be a vote sometime around 12 noon tomorrow. A rollcall vote is anticipated.

Mr. President, I have two matters that I would propose to take up now. One is House Concurrent Resolution 264, if the minority leader is agreeable to proceed to consideration of that.

Mr. **BYRD**. Mr. President, it is agreeable.

ORDER TO HOLD HOUSE CONCURRENT RESOLUTION 264 AT THE DESK

Mr. **BAKER**. Mr. President, I ask unanimous consent that, once the Senate receives from the House Concurrent Resolution 264, a concurrent resolution authorizing the Rotunda of the Capitol to be used for a ceremony on March 15, 1984, commemorating the anniversary of the birth of President Andrew Jackson, it be held at the desk pending further disposition.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BAKER**. Mr. President, next I would propose to ask the Senate to take up a message from the House on H.R. 4194, if the minority leader is agreeable.

Mr. **BYRD**. Mr. President, there is no objection.

Mr. **BAKER**. I thank the minority leader.

EXTENSION OF ENERGY POLICY AND CONSERVATION ACT

Mr. **BAKER**. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 4194.

The **PRESIDING OFFICER** laid before the Senate the following message from the House of Representatives:

> *Resolved*, That the House disagree to the amendment of the Senate to the bill (H.R. 4194) entitled "An Act to extend the expiration date of section 252 of the Energy Policy and Conservation Act.".

Mr. **METZENBAUM**. Mr. President, the United States is totally unprepared for another major oil shortage.

There is no standby allocation program in place to protect the American people.

There is no program to make sure that petroleum products get to farmers, or hospitals, or fire and police departments, or that they could afford it, even if it was available.

There is no program to insure that we are not hit with massive unemployment and high inflation because of another oil crisis.

The American public is completely vulnerable.

Yet we—the Congress and President Reagan—do nothing.

I offered the amendment that is pending today because I believe Congress must enact some form of standby allocation program to protect the American people in case of a major oil emergency.

This amendment does not attempt to establish any specific standby allocation. Instead, it attempts to force Congress to address this critical issue by directly linking it to legislation that extends the antitrust immunity for major American oil companies that participate in the international energy agency.

Let me explain where we stand. Last November, in the last week of the first session, the Senate passed H.R. 4194, a bill which would extend through June 30, 1985, the antitrust immunity afforded to oil companies that participate in the IEA. At the time, I argued that we should not authorize such a long-term immunity unless we also take steps to protect the American public by enacting some form of standby allocation program.

In order to force Congress to deal with this issue, I offered the following amendment:

> Provided, however, that such legislation (the IEA antitrust immunity) shall terminate on June 1, 1984, unless a statute has been signed into law to authorize standby authority to the President to allocate crude and petroleum products for essential domestic use during an international oil shortage.

The Senate adopted that amendment, which I offered in cooperation with Senator McClure, and it was sent to the House. At the administration's request, the House refused to accept that language. Therefore, the issue now facing the Senate is whether we will recede from our original language or whether we will insist on this amendment.

I urge my colleagues to join with me in support of this amendment. As drafted, it does two things:

First, it provides for a short-term extension of the IEA antitrust immunity. It does not block the participation of oil companies in the IEA. If this amendment is adopted, that antitrust immunity would continue through June 1, 1984. And if we pass some form of standby allocation program, then the antitrust immunity would be extended all the way until June 30, 1985.

Second, my amendment forces Congress to deal with the critical issue of passing legislation to protect the American public in time of a major oil shortage. If you believe Congress should adopt some form of standby controls to deal with an energy crisis, you should vote to insist on this Senate amendment.

Again, this amendment allows the oil companies to participate in the IEA without further delay—but it also forces Congress to adopt some legislation to protect the American economy by June 1 of this year as a condition for providing a long-term antitrust immunity.

I believe it is highly appropriate to attach such conditional language to the IEA antitrust immunity legislation. I believe they should be linked together. If legislation is necessary to allow oil companies to meet and plan for an international oil crisis, surely legislation should also be adopted to protect the American public in time of such a crisis.

Frankly, as many of you know, I do not support the United States participation in the International Energy Agency. As I have stated before, I do not believe it is sound policy to provide the major international oil companies with limited immunity from antitrust laws. Such immunity allows those companies to share data about the world market and to divvy up the world oil supply in times of an international shortage, all under Government sanction.

To say the least, I do not trust those companies to act in the public interest.

But I am also opposed because our involvement in IEA will double the hardship for our own people when such a major oil crisis occurs. Few of my colleagues realize that our IEA treaty requires the United States to actually give up its own supplies to other countries just when we will need those supplies at home.

Under the current IEA obligation, a blockage in the Strait of Hormuz that reduces the world petroleum supply by 7 percent would reduce oil supplies to the United States by 1.1 million barrels of oil per day. By comparison, the Arab oil boycott of 1983 resulted in a loss of about 1 million barrels of oil per day.

If that significant shortage occurs, the IEA agreement would be triggered, and the United States would be obligated to send an additional 1.3 million barrels of oil per day to other countries. The total shortfall would be 2.4 million barrels of oil per day. In other words, we would be doubling the economic disaster on the American people.

Under current administration policies, the U.S. Government is asking its people to make greater sacrifices in the middle of a major international oil crisis. Yet the Government is unwilling to pass legislation to protect the consumers from severe dislocations and price hikes that would occur because of that sacrifice.

In my opinion, this is a recipe for an economic—and political—disaster.

There is no question that we will have another major oil disruption—one that could well send our economy into another tailspin. The only question is when that will happen.

A number of experts have confirmed this view in testimony before the Senate Committee on Energy and Natural Resources. Recently the chairman of the Energy Committee, Mr. McClure, expressed deep concern about the instability of the world oil markets.

Let me review some of that testimony:

Senator McClure, in his committee opening statement:

> The unpredictability of the international energy situation has been amply demonstrated. Over the past ten years, there have been three major oil supply disruptions which have increased oil prices more than ten fold . . .
>
> The inescapable conclusion is that the stability we see today in the oil market is but a veneer that could quickly and easily be stripped away. Simply because public attention is not focused at present on our energy situation does not mean that we are no longer vulnerable to oil supply interruptions.

When Energy Secretary Donald Hodel was asked if he believes an oil disruption could occur again, he made the following statement:

> I cannot give a mathematical or numerical quantification. I can give you an opinion which is based on a composite of my own experiences and what I hear from the staff. If I had to bet, I would bet that there will be some kind of disruption of supply or a perceived disruption of supply out of that area some time in the course of this year.

Other experts at that hearing also warned against complacency:

Melvin A. Conant, editor of Geo-Politics of Energy:

> A major shortfall in international oil supply—such as could ensue in the Middle East Gulf—would probably bring with it a sudden surge upward in price . . . *even a slight rise in energy demand due to economic recovery will turn OECD economies back to OPEC; there will be no other option for the international barrel.* (Mr. Conant's emphasis in italic).

Anthony H. Cordesman, international policy editor, Armed Forces Journal:

> Even a short-term interruption could raise prices significantly at a critical time in world economic recovery, and an interruption of several months might drive prices as high as $40-$45 per barrel.

Mr. President, the United States is clearly vulnerable to another major oil shortage. Yet the administration has refused to accept any form of standby allocation controls that would protect the American public in time of an energy crisis.

In fact, the administration has only one response: Let the free market reign.

If an oil crisis occurs, the administration has stated time and again it will not intervene. No effort will be made to allocate oil to farmers in areas where refinery supplies are low. No effort will be made to protect the poor or the elderly who will be hit with massive fuel bills. No effort will be made to avoid a repeat of the gas lines we experienced during past crises.

Recently the GAO was asked what would happen to oil prices if we followed the administration's free market approach in the middle of an oil crisis. Since the administration has refused to adopt any standby measure to prevent price increases that would obviously occur in event of an oil shortage, we must ask, how high will the price of oil go? How far is the administration willing to let prices increase without interfering in the market?

In its May 1983, report, GAO stated:

> Large disruptions of 10 and 19 million barrels of oil per day (on the international market) could double or triple oil prices and have serious effects on inflation, economic growth, and unemployment—even under conditions of substantial unused production capacity such as those present during the past year.

GAO pointed out that an intermediate level of disruption—about 10 million barrels per day disruption on the world market—would raise spot prices by about $37 per barrel. (That is, an increase by $37/barrel, not up to $37/barrel.) And a drastic disruption of 19 million barrels per day would raise contract prices by about $70 per barrel, while spot prices could temporarily rise by more than $100 per barrel.

What effect would such price increases have on the consumer? According to GAO, gasoline prices would at least double in the moderate disruption scenario and more than triple in the severe disruption.

Inflation would increase by almost 3 percent during a moderate disruption, and in a severe disruption inflation could be increased as much as 11.4 percent.

> The 10 million barrels per day disruption would temporarily reduce real GNP growth by as much as 3 percentage points, representing a loss of about $99 billion. The 19 million barrels per day disruption would have severe impacts. The real GNP growth rate could be temporarily reduced by over 13 percentage points, according to the model showing the largest economic effects . . . this growth reduction represents a peak annual GNP loss of $415 billion.

A moderate disruption would result in a loss of at least 1 million jobs.

The severe disruption scenario would result in a loss of up to 6 million jobs.

The conclusion of GAO's report states:

> Despite current slack market conditions and assuming SPR drawdown at the maximum pumping rate, oil price increases in large supply disruptions could be severe.
>
> Except for the most severe disruptions, oil prices keep rising after the disruption is over due to lags in the price response to market changes and continued inventory buildup. (p. 40)

Mr. President, several of my colleagues have expressed support for my objective, but they point out that President Reagan vetoed similar legislation 2 years ago. That legislation, S. 1503, made no specific proposals, but ordered the administration to draw up an emergency allocation plan. It was approved by the Senate by an overwhelming margin of 85-7. When President Reagan vetoed it in March 1983, many of his Republican supporters, including Senators Baker and McClure, argued in favor of a veto override on the Senate floor. But the President pulled out all stops and presented it as a test of Presidential strength. Ultimately, a majority of the Senate still voted to override—58-36 with five not voting—but the veto was sustained for lack of a two-thirds margin.

I believe a majority of the Senate still supports some form of standby controls to deal with an oil shortage. I do not believe it is sufficient merely to tell our constituents, "Well, we tried 2 years ago, but now you are unprotected." That is just not an acceptable response.

Congress does have a responsibility to enact some standby legislation to protect the American people in time of a major oil crisis. We have recently passed the 10th anniversary of the 1973 Arab oil boycott. That was a watershed event. It changed our habits of using oil and gasoline. It had a major, long-term impact on the American economy.

We cannot afford to let history repeat itself.

We need to adopt standby legislation now, not during a crisis when a political firestorm develops. I urge my colleagues to vote to insist on the Senate position, so we may prod Congress as a whole into again passing vital legislation to protect the American public in the event of another major oil shortage.

Mr. BAKER. Mr. President, I move that the Senate insist on its amendment and request a conference with the House and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. McClure, Mr. Domenici, Mr. Wallop, Mr. Warner, Mr. Johnston, Mr. Ford, and Mr. Metzenbaum conferees on the part of the Senate.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 10:30 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10:30 a.m. tomorrow.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATORS WILSON, PROXMIRE, AND BYRD

Mr. BAKER. Mr. President, I have a request for three Senators to speak on special orders on tomorrow. Therefore, I ask unanimous consent that, after the recognition of the two leaders under the standing order, Senators WILSON, PROXMIRE, and BYRD be recognized on special orders for not to exceed 15 minutes each and in that order.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I further ask unanimous consent that after the execution of the special orders that the time, if any, remaining prior to the hour of 11:30 a.m. be devoted to the transaction of routine morning business in which Senators may speak for not more than 30 minutes each.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, under the order previously entered, the Senate, at 11:30 a.m., will go into executive session for the purpose of considering the Wilson nomination under a time agreement. A vote is expected on that nomination, and votes are expected on or in relation to the prayer issue during the day tomorrow. Senators should be on notice that tomorrow may be a busy day.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow, the Senate will convene at 10:30 a.m. After the recognition of the two leaders under the standing order, Senator WILSON, Senator PROXMIRE, and the minority leader will be recognized on special orders for not to exceed 15 minutes each, to be followed by a period for the transaction of routine morning business in which Senators may speak for not more than 3 minutes each, or until no later than 11:30 a.m.

Mr. President, at 11:30 a.m., the Senate will go into executive session to consider the nomination of William A. Wilson to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See under a time agreement.

Following the disposition of that matter, Mr. President, the Senate will return to legislative session and resume consideration of the unfinished business, which is Senate Joint Resolution 73.

Mr. President, it is anticipated that rollcall votes will occur tomorrow and, during the day, perhaps several.

RECESS UNTIL TOMORROW AT 10:30 A.M.

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 10:30 a.m. tomorrow.

The motion was agreed to, and the Senate, at 5:52 p.m., recessed until Wednesday, March 7, 1984, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 6, 1984.

THE JUDICIARY

H. Russel Holland, of Alaska, to be U.S. district judge for the district of Alaska vice James A von der Heydt, retiring.

Edward C. Prado, of Texas, to be U.S. district judge for the western district of Texas vice C. Frederick Shannon, Jr., resigned.

GENERAL SERVICES ADMINISTRATION

Jack L. Courtemanche, of California, to be Administrator of General Services, vice Gerald P. Carmen, resigned.

FOREIGN SERVICE

The following-named persons in the Agency for International Development for appointment as Foreign Service officers as indicated:

For appointment as Foreign Service officers of class 1, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Gary Dale Adams, of Virginia.
James A. Anderson, of Virginia.
James Michael Anderson, of Maryland.
Vivian L. C. Anderson, of Pennsylvania.
Gerrit Henry Argento, of New Jersey.
Larry T. Armstrong, of California.
Paul Edward Armstrong, of New York.
Byron H. Bahl, of the District of Columbia.
Austin J. Ballard, of Virginia.
Ralph E. Barnett, of Virginia.
Joseph W. Beausoleil, of Virginia.
Quincy Benbow, of Maryland.
James W. Bender, of Pennsylvania.
Bruce Merlin Berry, of Maryland.
Timothy L. Bertotti, of Michigan.
Richard Donley Biava, of California.
Neil Bartley Billig, of Virginia.
Clark H. Billings, of Colorado.
Martin H. Billings, of Connecticut.
Ralph Bird, of Florida.
Gary Bryan Bisson, of New Hampshire.
Dianne Metzger Blane, of the District of Columbia.
Lucian A. Bonkowski, of California.
Gerard R. Bowers, of Maryland.
Charles C. Brady, of Texas.
James B. Brody, of Illinois.
Donald Gregory Brown, of Virginia.
Richard Rolland Brown, Jr., of Maryland.
Richard Burke, of Virginia.
Barry S. Burnett, of New York.
William Charles Busch, of Virginia.
Douglas William Butchart, of California.
Edward E. Butler, of New Jersey.
Carlos Raul Cabrera-Morales, of Puerto Rico.
C. Stuart Callison, of Connecticut.
Francis R. Campbell, of Minnesota.
Joseph P. Carney, of Florida.
Robert L. Chamberlain, of the District of Columbia.
John C. Chang, of California.
Edwin Thomas Chapman, of Virginia.
David Alan Cohen, of New Jersey.
Constance L. Collins, of Virginia.
Charles R. Connolly, of California.
John M. Cornelius, Jr., of Oklahoma.
Edward T. Costello, of Washington.
Robert Carey Coulter, Jr., of California.
Philip Thomas Cox, of Texas.
Larry Keith Crandall, of Colorado.
Richard LaVelle Crist, of California.
Christopher D. Crowley, of Virginia
Henry Bernard Cushing, of the District of Columbia.
Vincent Cusumano, of Illinois.
Robert T. Dakan, of California.
Paul Anthony Daly, of Florida.
Dante D'Antonio, of New Jersey.
Lawrence A. Dash, of the District of Columbia.
Ronald A. Davidson, of New York.
James W. Dawson, of Florida.
Leslie A. Dean, of California.
Raymond A. DeBruce, of Florida.
Patrick D. Demongeot, of Connecticut.
David Charles Denman, of Florida.
Gilbert D. Dietz, of Virginia.
Ann M. Domidion, of New Jersey.
Thomas Raymond Donnelly, of Florida.
Barbara Ann Dotherow, of Hawaii.
Raymond E. Dropik, of Florida.
Warren B. Duerbeck, of Florida.
Michael deH. Dwyre, of California.
Scott W. Edmonds, of Arizona.
Frank R. Egi, of Virginia.
Rollo L. Ehrich, of Virginia.
Kenneth C. Ellis, of Colorado.
William B. Erdahl, of California.
Jeffrey Walter Evans, of New Jersey.
Betty Morris Facey, of New Mexico.
William H. Faulkner, of Virginia.
John E. Fink, Sr., of Maryland.
Hunter Alexander Fitzgerald, of Maryland.
John N. Ford, of California.
Marion H. Ford, of Texas.
John Angelo Foti, of Texas.
Jack H. Francis, of Maryland.
Sara A. Frankel, of California.
David Walter Frederick, of Iowa.
Robert Lee Friedline, of Virginia.
Paul W. Fritz, of Virginia.
Michael A. Fuchs-Carsch, of Maryland.
Jon A. Gant, of North Dakota.
David J. Garms, of Virginia.
Philip-Michael Gary, of Virginia.
Brent Lee Gatch, of California.
Thomas L. Geiger, of Virginia.
William T. Gelman, of Florida.
Joseph E. Gettier, of New York.
Dale Claire Gibb, of Virginia.
Jon William Given, of Florida.
Carl P. Gleason, of Virginia.
Myron Golden, of Ohio.
Colnage Napoleon Gothard, Jr., of Alabama.

Gerald Gerhard Graf, of Virginia.
John W. Greenough, of Washington.
Clark Stephen Gregory, Jr., of Michigan.
Patrick Hoover Griffin, of Washington.
Clarence H. Groceman, of Virginia.
J. Paul Guedet, of California.
John Noel Gunning, of Virginia.
Michael J. Hacker, of Florida.
Howard Raymond Handler, of Virginia.
Allen C. Hankins, of Virginia.
Harry Benjamin Harris, of California.
Charles T. Hash, of Montana.
Robert Hechtman, of Virginia.
Robert Charles Henrich, of Virginia.
Francis Robert Herder, of Virginia.
Reyes G. Herrera, of Arizona.
Andra James Herriott, of Virginia.
Jon F. Hines, of New Hampshire.
Jay Hirama, of Colorado.
John T. Howley, of Virginia.
Robert Webb Huddleston, of Maryland.
Leland Stanford Hunsaker, of Florida.
Mary K. Huntington, of the District of Columbia.
Charles Husick, of Virginia.
Michael J. Ireland, of Florida.
James A. Ito, of Hawaii.
Joseph Wayne Jacobs, of Maryland.
Charles R. Jenkins, of Florida.
Joseph S. Jenkins, of Missouri.
Harry Richard Johnson, of Rhode Island.
Richard Alan Johnson, of Maryland.
Rodney William Johnson, of Virginia.
George Jones, of Colorado.
Frederick Alois Kalhammer, of California.
Jalil S. Karam, of Washington.
Helene Kaufman, of the District of Columbia.
John Carleton Kelley, of Maryland.
Kevin Kelly, of California.
Raymond A. King, of New Jersey.
Hjalmar P. Kolar, of Virginia.
Michael J. Korin, of Texas.
Walter Edmund Kreutzer, of California.
Louis Hurford Kuhn, of Florida.
Kurt Keith Kunze, of Virginia.
Larry K. Laird, of Florida.
Terry L. Lambacher, of Florida.
G. Franklin Latham, of New Jersey.
Daniel L. Leaty, of New York.
David Leibson, of Pennsylvania.
James Alexander Leo, of Texas.
Robert A. Leonard, of Florida.
Robert M. Lester, of New York.
John J. Lewis, of Missouri.
Arthur S. Lezin, of Oregon.
William Arthur Libby, of California.
Terrence F. Liercke, of Virginia.
Joseph Marion Loudis, Jr., of Virginia.
Marie M. Love, of California.
Thomas C. Luche, of Virginia.
Ken Lyvers, of Kentucky.
Frederick E. Machmer, Jr., of Texas.
Daniel J. Mackell, of Maryland.
Anita Mackie, of Missouri.
William R. MacLauchlan, of Florida.
Paul Eugene Maddy, of Iowa
James O'Donnell Maher, of Virginia.
Karl L. Mahler, of California.
William Mann, Jr., of Texas.
Gary Theodore Mansavage, of Oregon.
Nick James Mariani, of California.
Kenneth L. Martin, of Maryland.
William Alton Mashburn, of Virginia.
Bernard H. Masters, of Virginia.
Robert Joseph Maushammer, of Nevada.
Dayton Louis Maxwell, of Maryland.
Robert Scott McCandliss, of California.
George Thomas McCloskey, of Florida.
Evelyn Cecelia McLeod, of Maryland.
David Gordon Mein, of Maryland.
Donald Neale Melville, of California.
Charles Gary Merritt, of Virginia.
Richard J. Metcalfe, of Virginia.
Henry Landon Miles, of Idaho.
Duncan R. Miller, of Virginia.
George William Miller, of Indiana.
John M. Miller, of California.
Ihsan Leila Mogannam, of Florida.
Dennis Howard Morrissey, of Virginia.
Tridib K. Mukherjee, of Texas.
Edward Muniak, of Illinois.
Tibor Nagy, of Florida.
William Bennett Nance, of North Carolina.
John W. Neave, of Virginia.
Richard Bernard Nelson, of Virginia.
Wayne R. Nilsestuen, of Florida.
Malcolm S. Novins, of Virginia.
F. E. Obey, of Massachusetts.
Thomas L. O'Connor, of Pennsylvania.
Patrick Joseph O'Neill, of Virginia.
David Arthur Oot, of New York.
F. Samuel Ostertag, of Virginia.
Norma Jean Parker, of New York.
Frank Richard Pavich, of California.
Jose M. Pena, Jr., of Texas.
Dale Brian Pfeiffer, of New Jersey.
Edward J. Ploch, of Virginia.
Raymond J. Potocki, of Florida.
James H. Purcell, of Virginia.
Leroy Purifoy, of Texas.
Alexander A. Ralli, of Maryland.
Samuel S. Rea, of the District of Columbia.
B. Donald Reese, of Virginia.
Henry W. Reynolds, of California.
Charles R. Rheingans, of Virginia.
William Stacy Rhodes, of Virginia.
William Wells Rhodes, of Maryland.
Raymond F. Rifenburg, of California.
Norman Rifkin, of the Virgin Islands.
William Douglas Robbins, of Maryland.
Jose A. Rodriguez-Acevedo, of the District of Columbia.
Marschal D. Rothe, Jr., of Maryland.
D. Gale Rosell, of California.
Ronald Glover Russell, of California.
Stephen Cameron Ryner, of California.
Bernard J. Salvo, of Virginia.
Arthur D. Schantz, of California.
James A. Schill, of Virginia.
Christina Hussey Schoux, of California.
William Pierre Schoux, of California.
William Franklin Schrider, of Maryland.
Marvin A. Schwartz, of Florida.
Samuel T. Scott, Jr., of Texas.
Erwin Clayton Seeley, of Virginia.
Staishchandra P. Shah, of Florida.
Donald K. Shannon, of Florida.
Walter J. Sherwin, of Maryland.
Peter W. Shirk, of Ohio.
Spencer Mapes Silberstein, of Florida.
Derek S. Singer, of Illinois.
Steven H. Singer, of California.
Ralph M. Singleton, of Texas.
Glenn G. Slocum, Jr., of Florida.
George Laurant Smith, of Michigan.
James F. Smith, of the District of Columbia.
Jack R. Snead, of California.
Richard P. Solloway, of Florida.
William Charles Spat, of Massachusets.
John C. Speicher, of Florida.
Jonathan Lasker Sperling, of Virginia.
J. C. Stanford, of Florida.
Dwight R. Steen, of Virginia.
Dan F. Sutton, Jr., of Virginia.
Alan George Swan, of Virginia.
Samuel Taylor, of Mississippi.
Kurt Henry Tell, of Pennsylvania.
John Alexander Tennant, of California.
Daniel S. Terrell, of Virginia.
Richard Marshall Thacher, of Virginia.
Howard Clark Thomas, Jr., of Arizona.
Jack Elwyn Thrower, of Oklahoma.
Terrence P. Tiffany, of Oregon.
Edwin Randall Tolle, of Florida.
Rose M. Veith, of Florida.
Bendeguz Attila Viragh, of Virginia.
Paul Grant Vitale, of Virginia.
George A. Wachtenheim, of Florida.
LeRoy LaMar Wagner, of Florida.
Donald Francis Walls, of Texas.
David Andrew Walsh, of New Hampshire.
Sean Patrick Walsh, of Virginia.
William E. Wanamaker, of California.
James Thomas Ward, of Texas.
Robert Mark Ward, of New York.
Charles G. Warren, of Louisiana.
Mark G. Wentling, of Kansas.
Boyd V. Whipple, of California.
Michael K. White, of Virginia.
Paul Edward White, of Virginia.
William R. White, Jr., of New York.
Willie Amzie Whitten, Jr., of Virginia.
Bernard Dwight Wilder, of Florida.
Harry G. Wilkinson, of California.
Aaron S. Williams, of Florida.
Stephen C. Wingert, of California.
Marcus L. Winter, of Florida.
Charles H. Witten, of Kentucky.
Arthur Wong, of Ohio.
John B. Woods, of Florida.
Kenneth B. Youngs, of California.
Michael Stephen Zak, of New York.
Eric R. Zallman, of Florida.
John C. Zeigler, of Arizona.
Fred L. Zumwalt, of Arizona.

For appointment as Foreign Service officers of class 2, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Arjuna O. Abayomi-Cole, of Pennsylvania.
George Byron Addison, Jr., of Virginia.
Edward Orville Aker, of Maryland.
Gary E. Alex, of Illinois.
Basharat Ali, of Tennessee.
Dinsmore J. Alter, of Florida.
Edward Allen Baker, of Texas.
Stafford H. Baker, of Minnesota.
John A. Becker, of Illinois.
L. Marcia Bernbaum, of Florida.
Beatrice Kay Beyer, of New Jersey.
John Heflin Bierke, of California.
Anatole T. Bilecky, of Virginia.
Herbert G. Blank, of California.
James William Bonner, of Florida.
Donald W. Boyd, Jr., of Florida.
Theodor Edward Bratrud, Jr., of Arizona.
Gary W. Bricker, of Oklahoma.
Lawrence Martin E. Brown, of Maryland.
Cynthia Ann Bryant, of Florida.
Robert Vincent Burke, of New York.
John J. Burns, of Virginia.
J. Raymond Carpenter, of the Commonwealth of Northern Mariana Islands.
Joseph M. Carroll, of New York.
Robert V. Chandler, of Florida.
Barnett Chessin, of Virginia.
Philip Ely Church, of Oregon.
Donald B. Clark, of New Hampshire.
Jaime E. Concepcion, of New York.
Donald Stephen Connors, of Virginia.
Gary W. Cook, of Texas.
Thomas L. Cooper, of Idaho.
Charlotte M. Cromer, of Texas.
R. C. Cummings, of Florida.
Michael M. Curtis, of Arizona.
Anne Leone Dahlstedt, of Virginia.
Gussie L. Daniels III, of Texas.
Rene R. Daugherty, of the District of Columbia.
Richard J. Delaney, of California.
Gilda DeLuca, of California.
Rose Marie Depp, of Maryland.
Pablo DeRuiz, of Virginia.
Harold L. Dickherber, of Missouri.
Valerie Leona Dickson, of Texas.
Daniel V. Dikcius, of New York.
Buddy King Dodson, of Missouri.
Larry Joseph Dominessy, of New York.

Lance Torrey Downing, of Virginia.
Carl A. Dutto, of Virginia.
Timothy Edwards, of Georgia.
William E. Egan, of Florida.
Thomas Harden Eighmy, of New Hampshire.
Rodolphe H. Ellert-Beck, of Florida.
Andrew Brant Evans, of Pennsylvania.
John Anthony Fasullo, of California.
Charles E. Fields, of Tennessee.
Richard Finley, of the District of Columbia.
William B. Flynn, Jr., of California.
Donald Foster-Gross, of Vermont.
Vivian Hunter Gallas, of Kentucky.
Alan V. Getson, of Virginia.
Ernest F. Gibson, of Florida.
Patricia S. Gibson, of Florida.
Robert E. Gilson, of Florida.
William R. Goldman, of Pennsylvania.
Joseph Baxter Goodwin, of Missouri.
Walter Anthony Grady, of the District of Columbia.
Richard Handler, of Illinois.
James E. Hao, of Hawaii.
Roy A. Harrell, Jr., of Texas.
Thomas Taliaferro Harriman, of Virginia.
Paul E. Hartenberger, of Texas.
Michael E. Hauben, of Virginia.
Barry Neal Heyman, of Virginia.
John L. Hjelt, of Oregon.
Archie C. Hogan, Jr., of Texas.
Barbara D. Howard, of Pennsylvania.
Horace W. Hunter, of Tennessee.
John A. Huxtable, of New York.
Gary Mark Imhoff, of Ohio.
Thomas C. Ivers, of California.
Billy J. Jadwin, of Texas.
Thomas Kavansa Jefferson, of Washington.
Lance Harold Jepson, of Michigan.
William Howard Johnson, of Texas.
T. David Johnston, of Florida.
Mary D. June, of Virginia.
Edward Louis Kadunc, Jr., of Florida.
Cary Lynn Kassebaum, of Virginia.
Thomas A. Kellermann, of Maryland.
Wayne Jerry King, of California.
Lawrence John Klassen, of California.
Kenneth W. Klemp, of Florida.
Douglas Taylor Kline, of the District of Columbia.
Leslie C. Koski, of Arizona.
Edward J. Krowitz, of Virginia.
Girard Joseph La Bombard, of Hawaii.
Arthur J. Laemmerzahl, of Virginia.
Vara L. La Foy, of Virginia.
Theodore Adelard La France, of Virginia.
Wilson G. Lane, Jr., of Florida.
Joseph L. Langlois III, of Louisiana.
Mark Jeffrey Laskin, of California.
Richard Whatley Layton, of Florida.
George E. Lewis, of Washington.
Donald R. MacKenzie, of Florida.
Thomas R. Mahoney, Jr., of Virginia.
Laurier D. Mailloux, of California.
Charles James Mantione, of Illinois.
Akim L. Martinez-Reboyras, of Puerto Rico.
Thomas Allen McKee, of New Hampshire.
Richard Dennis McLaughlin, of New York.
Jean H. Meadowcroft, of California.
Dora L. Meeks, of Florida.
James R. Meenan, of California.
Henry D. Merrill, of Maryland.
Nancy Fox Metcalf, of Virginia.
Paul D. Morris, of Utah.
Beverly C. Morton, Jr., of Kansas.
Barnabas Mosley, of California.
Gerald Levan Neil, of Pennsylvania.
David Robert Nelson, of Virginia.
Thomas J. Nicastro, of Missouri.
Stephen T. Norton, of California.
Garry J. O'Brien, of Vermont.
George William Oglesby, of Florida.
Timothy J. O'Hare, of Indiana.
B. Eilene Oldwine, of New York.
Norman L. Olsen, of Washington.
Peter R. Orr, of Virginia.
James Franklin Osborn, of Pennsylvania.
Thomas E. Park, of New York.
Charles J. Patalive, of California.
Roy Arthur Patterson, Jr., of Georgia.
Carl H. Penndorf, of Virginia.
Paul H. Pina, of Arizona.
Cameron Leon Pippitt, of Virginia.
Diane Skelly Ponasik, of Virginia
Carlos F. Posa, of Florida.
Marianne Lorenz Priebe, of California.
Allen Peter Randlov, of Virginia.
Gordon L. Ransom, of Florida.
Allan E. Reed, of California.
Robert F. Ritchie, of Virginia.
Richard A. Rodman, of Virginia.
Alvin Roman, of Nevada.
Lee Ann Ross, of California.
Robert Lyle Rucker, of California.
Brian Dale Rudert, of Florida.
Alberto M. Ruiz de Gamboa, of California.
Bill L. Ryan, of Idaho.
Willie C. Saulters, of Florida.
John David Schneider, of Massachusetts.
Kenneth Glenn Schofield, of Florida.
Karl James Schwartz, of Virginia.
Alan Augustine Silva, of Massachusetts.
Mark I. Silverman, of California.
Monica Knorr Sinding, of Virginia.
David H. Smith, of Virginia.
Hugh I. Smith, of Maryland.
James Thompson Smith, Jr., of Virginia.
Marsha Ann Smith, of Texas.
Floyd Rudolph Spears, of Louisiana.
George William Steckel, of Hawaii.
Howard I. Sternberger, of the District of Columbia.
Benjamin A. Stoner, of the District of Columbia.
Sherry E. Suggs, of Texas.
William F. Sugrue, of Connecticut.
Stephen A. Szadek, of New York.
Mohamed Tanamly, of New Jersey.
Lucretia D. Taylor, of Georgia.
John Henry Thomas, of Alabama.
Rudolph Thomas, of the District of Columbia.
Robert A. Thompson, of Illinois.
David Frederick Tiedt, of Virginia.
Myron Eugene Tomasi, of California.
Joe L. Tucker, of Maryland.
John William Tucker, of Virginia.
Ronald E. Ullrich, of Virginia.
Charles Maxwell Uphaus, of Missouri.
Stephen F. Wallace, of Virginia.
Anne Veronica Walsh, of Pennsylvania.
Arthur Louis Warman, of Texas.
Marion Kohashi Warren, of Virginia.
Doral Morris Watts, of Illinois.
Richard F. Webber, of Virginia.
Clemence J. Weber, of Texas.
Janice M. Weber, of Pennsylvania.
Gene Wright Westlake, of California.
Cam Harlan Wickham, of California.
Brian Wickland, of California.
Andrew Lee Wiley, of California.
Jacob Willebeek-Le Mair, of Maine.
Cecile A. Williams, of Texas.
Edward Woodrow Williams, of Maryland.
Howard Stanley Wills, of Tennessee.
Judith N. Wills, of the District of Columbia.
Curt Cornelis Frederik Wolters, of Washington.
Theodora Wood-Stervinou, of Tennessee.
Darma K. Wright, of Washington.
John Kuan Yang, of California.
Frank Joseph Young, of California.
Raouf N. Youssef, of New Jersey.
Robert Frederick Zimmerman, of Florida.

For appointment as Foreign Service officers of class 3, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

David Russell Adams, of Virginia.
Marilyn Janet Arnold, of Virginia.
Henry Felix Birnholz, of New York.
Madeleine Marcouyeux Brown, of the District of Columbia.
Letitia Kelly Butler, of Texas.
Emma Marie Celhay, of Ohio.
Elmer L. Conrad, of Virginia.
Blair Cooper, of California.
William Claiborne Darkins, of Virginia.
Peter H. Deinken, of Texas.
Steven J. Freundlich, of Virginia.
Gladys Gilbert, of the District of Columbia.
Julianne Rose Gilmore, of Texas.
Larry W. Harms, of Florida.
H. Donn Hooker, of Maryland.
Donald Kennedy, of California.
Kathleen Grantham LeBlanc, of California.
Lewis William Lucke, of Texas.
Laura McPherson, of Arkansas.
Andrea Whitaker Mohn, of California.
Carolyn M. Moore, of California.
Roma Margaret Nedeff, of West Virginia.
Thomas J. Nickle, of Washington.
Beatrice Perez, of California.
Jose Arturo Rivera, of Maryland.
Martin N. Schulman, of Califorina.
Robert B. Stader, of California.
Jerry D. Tarter, of Texas.
Anthony A. Vollbrecht, of South Dakota.
Raymond W. Waldron, of Oregon.
Neil James Woodruff, of New York.
Marian Yoshioka, of Illinois.

HOUSE OF REPRESENTATIVES—*Tuesday, March 6, 1984*

The House met at 12 noon.

Rev. Danny Souder, pastor, Northwest Baptist Church, Gainesville, Fla., offered the following prayer:

Let us pray.

O Lord, You have said;

If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin; and will heal their land.—II Chronicles 7: 14.

Father, help us honor Your name by the way we live. We acknowledge You as the Ruler of all nations. May we humble ourselves and willingly submit to You and demonstrate that humility through asking for Your wisdom in all decisions we make this day. May we be in the spirit of prayer in all our decisions. Father we have sinned. Help us to agree with You and to change our minds and do Your will, not ours. Thank You, Lord, that when we meet Your conditions, then You will heal our infirmities. Help us to see that for peace and justice to reign in our land and our world, they must begin in our hearts individually as we seek a right relationship with You. We love You and thank You for Your blessings.

In Jesus' name I pray. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 979. An act to amend and reauthorize the Export Administration Act of 1979.

ANNOUNCEMENT BY THE SPEAKER

The **SPEAKER**. The Chair recognizes the gentleman from Texas (Mr. WRIGHT) for 1 minute, and this will be the only 1-minute speech before the call of the Private Calendar.

THE REVEREND DANNY LEE SOUDER

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, Rev. Danny Lee Souder, who brought our prayer today, is the pastor of the Northwest Baptist Church in Gainesville, Fla., but he comes from my district. He is the son of two of my very closest and best friends, Bill and Dodie Souder of Hurst, Tex. Bill is the mayor of that city, and his wife, Dodie, the mother of our guest chaplain today, works with me in my 12th District congressional office.

Reverend Souder is 38 years of age but he made his commitment to the ministry many, many years ago. He attended Texas Christian University in Fort Worth and then went on to receive his master of divinity degree from Southwestern Baptist Theological Seminary in Fort Worth, and served later as a student pastor at Southern Methodist.

Many times Reverend Souder has stated his purpose and goal in life "to please and glorify the Lord and to lead my family to do the same." Helping him to achieve that goal are his lovely wife, Karen, also of Fort Worth, Tex., and their two children, Shelley and Scott.

PRIVATE CALENDAR

The **SPEAKER**. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

FRANK L. HULSEY

The Clerk called the bill (H.R. 719) for the relief of Frank L. Hulsey.

Mr. **SENSENBRENNER**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PHILLIP HARPER

The Clerk called the bill (H.R. 1426) for the relief of Phillip Harper.

There being no objection, the Clerk read the bill, as follows:

H.R. 1426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(4) and 204 of the Immigration and Nationality Act, Phillip Harper shall be held and considered to be the natural-born alien son of Gorden K. Kleven, citizen of the United States: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESTORATION OF COASTWISE TRADING PRIVILEGES TO THE VESSEL "LA JOLIE"

The Clerk called the Senate bill (S. 1015) to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade.

Mr. **BOUCHER**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Virginia?

There was no objection.

MOUNTAHA BOU-ASSALI SAAD

The Clerk called the bill (H.R. 936) for the relief of Mountaha Bou-Assali Saad.

Mr. **SENSENBRENNER**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The **SPEAKER**. This concludes the call of the Private Calendar.

PRESIDENTIAL MEDAL OF FREEDOM FOR DAVID

(Mr. ANDREWS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **ANDREWS** of Texas. Mr. Speaker, we have recently heard of the medical advances gained as a result of the personal sacrifices made by Dr. Barney Clark, the first recipient of an artificial heart. Over the past decade we have followed, as a nation, the condition of David Phillip Vetter the "Bubble Boy" of Houston, Tex.

David was born with severe combined immunodeficiency (SCID), and was placed in a germ-free environment seconds after birth. This sterile bubble enabled David to survive for 12 years, longer than any other victim of SCID.

David's cooperation in medical research has yielded findings leading to a better understanding of cancer, SCID, and other immunity disorders. The final phase of David's contribution to medical knowledge began in

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

October 1983, when he was given a transplant of bone marrow. This transplant was intended to create an immunity system within David's body. Instead, his body reacted adversely.

David left his bubble in February in order to be treated for medical complications. It was David's first opportunity to hug and kiss his parents and sister. Despite tremendous efforts to treat David, his condition worsened. Fifteen days later David died.

Yesterday, Congressman MICKEY LELAND and I introduced a resolution which calls on the House to support the nomination of David for the Presidential Medal of Freedom. In introducing this resolution in David's memory, we send our wishes to his family, confident in the knowledge that the sacrifices which David made on behalf of mankind and the inspiration which his courage instilled in all Americans will not be forgotten.

I urge my colleagues to join us in support of his resolution.

PRIMARY ELECTIONS

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, perhaps there are some lessons to be learned in this confusing and surprising primary election season that is upon us.

It seems that primaries place a higher premium on profile than they do on courage. Primaries, whether they be Republican primaries or Democratic primaries, are an exhaustive test of our candidates' stamina but they take small measure of the candidates' ability to govern.

The individual primaries, due perhaps to the immediacy and finality of their judgment, serve to inflate or collapse a candidate way out of proportion with that candidate's ability and worthiness. In that way, the primaries cheat Americans who need to view the candidates through the long haul, not in the split-second snapshot of one State's primary.

LEGISLATION TO MAKE PERMANENT THE TAX-FREE STATUS OF EMPLOYER SPONSORED PREPAID LEGAL PLANS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, today I am introducing legislation to make permanent the tax-free status of employer sponsored prepaid legal plans, developed to provide legal services to their employees and families.

These employer-sponsored plans have enjoyed tax-free status since 1976 but the status is scheduled to expire on December 31 of this year. I believe the case has been made to extend—indeed make permanent—their tax exempt status.

At the time when Congress first provided for the temporary tax-exempt status for these plans, it wanted to see if this incentive would stimulate growth of these plans and would it drain excessive revenues from the Treasury.

The results are in and seem to provide the basis for my legislation. According to the National Resources Center for Consumers of Legal Services, since 1975 the number of these plans has grown from 75 to 700. Further, the number of individuals benefitting from these plans has soared to more than 10 million in the 12 short years that these plans have been in existence.

Meanwhile, the costs to the Treasury have been minimal—just $20 million in 1982.

An identical bill to mine, S. 2080, has already been introduced in the Senate. The legal plans I propose to protect through permanent tax exemption help individuals in such areas as will drafting, guardianships and family law matters. Their continuation and expansion would be consistent with our Nation's advocacy for legal services for all which helps promote equal justice for all.

□ 1210

IN SUPPORT OF "EQUAL ACCESS" LEGISLATION

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, at this time, the Senate is bogged down in a heated debate over amendments to the Constitution to deal with issues. There is an alternative "equal access" legislation which provides a constitutionally sound means of protecting religious speech in public high schools without running afoul of the first amendment's establishment clause.

This legislation is based on the notion that when a school opens its facilities to student groups during noninstructional periods, it should not be allowed to discriminate against student groups who wish to meet voluntarily for religious purposes. In other words, the bill would insure that student religious groups would have the same right to meet on campus as other student groups.

This is the position the U.S. Supreme Court took when it applied the equal-access concept to student meetings at a State university in Widmar against Vincent.

The legislation is limited to public secondary schools and includes a number of safeguards to prevent school or Government involvement in the student-initiated religious meetings. A companion bill, sponsored by Senator HATFIELD, enjoys broad bipartisan support.

From both a Biblical (Matthew 6) and a constitutional point of view, I believe the "equal access" concept is the best way to go. Many religious and civil liberties groups agree.

Mr. Speaker, it is inequitable to prevent high school students from meeting voluntarily for religious purposes during noninstructional periods when a school permits student meetings for virtually any other legitimate purpose. Such a double standard is inconsistent with the principles of free speech and Government neutrality toward religion.

I would urge my colleagues to consider this alternative as the debate over religion in public schools continues.

WHO STANDS IN THE WAY OF VOLUNTARY SCHOOL PRAYER?

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I was very encouraged to read the CONGRESSIONAL RECORD on 4366 entitled, titled, "The Majority Leadership Does Not Obstruct Consideration of the School Prayer Amendment."

An eloquent statement by the majority leader, Mr. WRIGHT of Texas. It occurred to me that on a morning after some 3,000 had gathered in the rain to talk about and ask for prayer in school, on a morning after an all-night vigil in this building in which people had prayed for prayer in school and a morning after a number of Members had held special orders and some 65 Members had talked about the need for a constitutional amendment to permit prayer in school; that possibly we could move toward bringing up prayer in school.

And so, Mr. Speaker, I would hope that the leadership will announce in the next day or two a date certain, when in fact, with due consideration, as was stated yesterday by the very distinguished majority leader, with due process and with previous notification of the entire membership, we could bring up prayer in school. The minute we hear that day certain, we will cease for unanimous consent.

But until then, having cleared it with the minority leadership, I would now yield to a spokesman for the majority leadership for appropriate clearance to ask unanimous consent to bring up voluntary school prayer constitutional amendment.

Mr. Speaker, I hear no response. That should make it clear that until we hear a date certain the American people will know who stands of voluntary school prayer.

The Democratic leadership of this House.

WHO STANDS IN THE WAY OF A BALANCED BUDGET AMENDMENT?

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, while we heard discussion yesterday about bringing up the school prayer amendment under the regular procedures with the majority leader saying that they would not stand in the way of that, we have had no such indication that they are willing to allow the balanced budget amendment onto the floor.

The fact is that today we will take up some supplemental appropriation bills so we continue to spend and spend and spend in this body and it is high time that we also get some action on the balanced budget.

So, I would hope to offer a unanimous-consent request calling for consideration of such an amendment. Now, the chair has ruled that in order to make the request, I must have the clearance of the minority and majority leaderships, and I can assure the chair that the minority leadership has fully cleared this request, and, so now I would have to get a clearance from the majority leadership, and I would be glad to yield to anyone who wants to give me that kind of clearance.

Well, once again today for the 21st consecutive day there is no response to that, which once again makes it clear that it is not the minority, but rather the majority that is standing in the way of consideration of a balanced budget amendment to the Constitution.

WHO STANDS IN THE WAY OF LINE-ITEM VETO?

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, at this time, I would hope to offer a unanimous-consent request calling for consideration of the line-item veto constitutional amendment.

The Chair has ruled that in order to make this request, I must have the clearance of the majority and the minority leadership. This request has been cleared by the minority leadership. I would now yield to a spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of the line-item veto and cutting Federal spending, the Democratic leadership of this House.

□ 1220

VOLUNTARY SCHOOL PRAYER

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, "In God We Trust" is printed on our public coinage and, ironically, is inscribed above the entrance to the Supreme Court Building. "One Nation under God" is part of our Pledge of Allegiance. Congress starts each day with a prayer. Why should the Federal Government, indeed why should the Congress keep prayer out of our public schools?

I urge the Democratic leadership of the House to give this matter of voluntary school prayer early consideration. A chance to discuss prayer in our schools, on the House floor, should not be held hostage to partisan consideration. Some House Democrats would like to support prayer in schools, but their leadership says no consideration on the floor.

School prayer existed for many years before Madelyn Murray O'Hair led a practically one-person crusade to remove prayer from the schools. Her young son, who helped her, has since completely reversed himself. Our responsibility to a higher order is what makes us different from our totalitarian adversaries. Why not give school children a daily opportunity to recognize that higher order which stands for so much that is good in our lives.

I have been a longtime supporter of reinstating prayer in the schools and will continue to be in the future. I believe the time has come to allow God back into our classrooms in the Lehigh Valley and across America and by doing so encourage the traditional and family values upon which this great Nation was founded.

I have cosponsored legislation calling for a constitutional amendment to reinstate voluntary school prayer and I will do all I can to press for its early enactment.

It is important that we here in Congress protect the rights of all our citizens, therefore how can we ignore the basic rights of our children regarding the freedom to pray?

A great majority of Lehigh Valley citizens and Americans want prayer to be part of their childrens public education but because of the Supreme Court's misinterpreted view of the establishment clause of the first amendment which states that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise there of," for 20 years our children have been without this important part of their daily school activities. I believe the amendment promoting voluntary school prayer should be passed as soon as possible thereby reflecting the wishes of the American people.

SPECIAL ORDERS ON ISSUES

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. Mr. Speaker, since this legislative session began, many of us have been using the vehicle of special orders to bring to the attention of the American people a number of issues that the Democratic leadership refuses to schedule for debate during regular legislative business.

Last night we went to extraordinary lengths to fully debate the issue of school prayer, which has been tied up in this House Judiciary Committee for 22 years. At various times in the last few weeks, Mr. Speaker, we have heard rumors about attempts on the part of the Democratic leadership to restrict our ability to bring our message to the American people either by putting a tag on C-Span coverage designating it as nonlegislative business, or we have even heard there is a possibility of cutting off C-Span altogether.

Yesterday we found out that the gentleman from California (Mr. COELHO) has actually introduced legislation that would prohibit challengers from using C-Span tape against their incumbents.

Mr. Speaker, the ultimate hypocrisy of that, coming from the majority side of the aisle where that practice was initiated against the Republican leader, Mr. MICHEL, in the last election should be obvious to everyone.

Mr. Speaker, we implore you, on behalf of the American people, to listen to the American people. They do not want this process closed up any more; they want it opened up so all the American people can see what the House is doing and, more importantly, what it is not doing.

LET'S BRING UP SCHOOL PRAYER

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, last night, as several of my colleagues have noted, we held a special order throughout the night. We had a number of people, some 63 Members of Congress, come forward and give very eloquent arguments in favor of bringing up and passing a school prayer constitutional amendment. I can see friends on the House floor, including the gentleman from Florida (Mr. MACK), the gentleman from Indiana (Mr. HILER), the gentleman from

Ohio (Mr. LATTA), the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Minnesota (Mr. WEBER). A number of Democrats who came forward and argued those issues that they have not been allowed to argue because they have not been brought up on the House floor and have been bottled up by the Democratic leadership of this House.

The gentleman from Arizona (Mr. MCCAIN) in particular, who was a POW in North Vietnam, finished this special order with a very eloquent talk about how prayer held our POW's together as Americans when they were guests at the Hanoi Hilton in North Vietnam.

I would ask, Mr. Speaker, that we give our children the same right that our POW's had in the Hanoi Hilton. Let us bring up school prayer and let us have a full and fair debate and let us pass the Kindness measure.

NEED FOR ORGAN DONATIONS

(Mr. MARRIOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARRIOTT. Mr. Speaker, on March 4, Sunday evening, Jennifer Phillips, a 13-year-old girl from Hyrum, Utah, died. Jennifer died not because the medical profession does not have the technology to enable Jennifer to live; on the contrary, it does. Jennifer died because we have not been able to keep up with medical technology.

Jennifer was awaiting a liver transplant, just like hundreds of other young children throughout our Nation. Jennifer, in the words of Dr. Linda Book, at Primary Children's Hospital in Utah, "awaited the operation that never came." It finally became too late for Jennifer.

The operation never came because we do not have a proper and functioning system to educate Americans on the need for organ donations, a system to allow for the quick and speedy transport of tissue typing to match donor/recipients, a system to allow for the transport of organs to transplantation centers.

More people, especially children, can be saved each year if people fill out donor cards, if emergency room personnel had as normal procedure the ability to present a victim's parents the choice to give life after their own personal loss.

Mr. Speaker, today the House Ways and Means Committee is marking up legislation for an organ donor transplantation center, part of which will educate the public on the critical organ donation needs. While I do not agree with all of the provisons included in H.R. 4180, let us bring it to the floor on a priority basis and pass an acceptable measure.

Jennifer and many others might be alive today had we enacted this legislation a year ago.

HARD-CORE UNEMPLOYED AUTO WORKERS

(Mr. HERTEL of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERTEL of Michigan. Mr. Speaker, I arise again today to address the House on the greatest problem still facing our Nation, that of the millions of Americans that are still unemployed. We have tens of hundreds of thousands of auto workers still unemployed after years. Even with the auto industry selling more cars and having higher profits. There are still many unemployed.

Yet we see no program in this Congress, no program from the administration, no program from the minority party on helping these hard-core unemployed, people who are having problems supporting their families and people who are having problems facing repossession of their homes.

I ask the minority leader, the minority whip, to arise to discuss and set a date for arriving at assistance and job training programs for these hard-core unemployed.

Once again we get no response at all from the minority about these people who have been suffering increasingly during the 3 years of the Reagan administration. We will continue to make this request that we work together for these hard-core unemployed.

I am not surprised at this time that there is no one from the minority leadership on the floor. There is no one from the majority leadership on the floor, nor has there been during this last half-hour of session, as all the Members know, because we are not doing business right now, we are having 1-minute speeches. But we will continue to make that request through a letter through the proper channels to the minority party leadership and the administration for the unemployed of this Nation.

GOVERNMENT SHOULD BE A GOVERNMENT

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, when I heard of the Supreme Court decision yesterday in the Pawtucket nativity scene I felt like I suffered a punch in the stomach.

I have a deep respect for religious faith in general and for the religion of the majority of my fellow countrymen, but the story depicted in the nativity scene is not part of my history or my heritage. It is wrong for the Government, any government, to display in public the religious nature of any religion, whether it be my religion or another religion. The Government should be a government, not a cheerleader for any religion.

☐ 1230

AUTHORIZING USE OF THE ROTUNDA OF THE CAPITOL IN COMMEMORATING ANNIVERSARY OF THE BIRTH OF PRESIDENT ANDREW JACKSON

Mr. BONER of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 264) authorizing the rotunda of the Capitol to be used for a ceremony on March 15, 1984, commemorating the anniversary of the birth of President Andrew Jackson, and, with the concurrence of the chairman and ranking minority member of the committee, I ask for its immediate consideration.

The SPEAKER pro tempore (Mr. HAMILTON). The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 264

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the United States Capitol is hereby authorized to be used on March 15, 1984, from 10 until 10:30 o'clock ante meridiem for a ceremony as part of the commemoration of the anniversary of the birth of Andrew Jackson, the seventh President of the United States. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. The gentleman from Tennessee (Mr. BONER) is recognized for 1 hour.

Mr. BONER of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I first express my gratitude to Chairman HAWKINS and Ranking Minority Member FRENZEL for allowing me to bring this resolution to the floor.

Mr. Speaker, this resolution authorizes the use of the Capitol rotunda for a brief ceremony commemorating the anniversary of the birth of ANDREW JACKSON, the seventh President of the United States and the first elected Representative to Congress from the State of Tennessee.

The ceremony is scheduled for March 15 and will take place in front of the Jackson statue in the rotunda. The President of the Ladies Hermitage Society will lay a wreath and members of the Tennessee congressional delegation will make brief remarks to commemorate Jackson's birthday.

Again, Mr. Speaker, I want to thank Chairman Hawkins, Representative Frenzel, and the committee staff for permitting me to bring this resolution to the floor today.

Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING FUNDING FOR CLEMENT J. ZABLOCKI MEMORIAL OUTPATIENT FACILITY IN KRAKOW, POLAND

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4835) to authorize funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in Krakow, Poland.

The Clerk read as follows:

H.R. 4835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) such amounts as may be necessary of the Polish currencies held by the United States shall be available for construction of a new facility at the American Children's Hospital in Krakow, Poland, which would be known as the Clement J. Zablocki Outpatient Facility. Such currencies may be utilized without regard to the requirements of section 1306 of title 31, the United States Code, or any other provision of law.

(b) There are authorized to be appropriated to the President $10,000,000 of which—

(1) $3,000,000 shall be for equipping and furnishing the Clement J. Zablocki Outpatient Facility at the American Children's Hospital in Krakow, Poland;

(2) $3,000,000 shall be for improving medical equipment at the American Children's Hospital in Krakow, Poland; and

(3) $4,000,000 shall be for providing medical supplies to Poland through private and voluntary agencies, including the expenses of purchasing, transporting, and distributing such supplies.

Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

The SPEAKER pro tempore (Mr. Boner of Tennessee). Pursuant to the rule, a second is not required on this motion.

The gentleman from Indiana (Mr. Hamilton) will be recognized for 20 minutes and the gentleman from Michigan (Mr. Broomfield) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. Hamilton).

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4835, to authorize funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in Krakow, Poland.

The bill, which has the bipartisan support of 48 cosponsors, was ordered favorably reported by the Committee on Foreign Affairs by a unanimous voice vote on February 29, 1984.

As my colleagues well know, Clem Zablocki was determined to relieve the plight of everyday Poles, to strengthen successful humanitarian efforts of the U.S. Government directed at the Polish people, and to enrich the bonds of friendship between the American and Polish peoples.

H.R. 4835 serves all of these laudable objectives which our late chairman skillfully advanced. Through this legislation, the man who was responsible for the construction of the original American Children's Hospital, and for its development into one of the finest hospitals in Poland, will now have a living memorial to his outstanding efforts and a posthumous expansion of those efforts.

Specifically, the legislation before each Member does two things. First, it authorizes the construction of the Clement J. Zablocki Memorial Outpatient Facility to be paid for from excess Polish currencies held by the U.S. Government.

Second, the legislation authorizes the appropriation of $10 million, which will be used in three different ways:

One, the new Zablocki outpatient facility will be equipped and furnished with $3 million of the total authorization figure. Included in this figure will be purchases from the United States of a number of hardware items, including tile, doorknobs, and other items that will benefit American businesses and workers.

Two, another $3 million will replace and improve medical supplies to various Polish hospitals and to the Polish people through American private voluntary agencies.

Finally, I would point out that if Clem were with us today, he would be happy to see the wholly bipartisan cosponsorship of H.R. 4835. Democrats and Republicans across the ideaological spectrum, including the ranking minority member of the committee, Mr. Broomfield, and the House minority leader, Mr. Michel, have joined in cosponsoring this legislation. The bill also has been favorably received by the administration and the Polish Government.

Mr. Speaker, I urge the adoption of H.R. 4835.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the distinguished chairman of the Committee on Foreign Affairs.

Mr. FASCELL. Mr. Speaker, I am pleased to offer my enthusiastic support for H.R. 4835, legislation to create the Clement J. Zablocki Memorial Outpatient Facility as part of the American Children's Hospital In Krakow, Poland.

It was Clem Zablocki's foresight and humanitarian concern which led to the construction of the Krakow hospital in 1964. That hospital is today the best hospital in Poland and its research and training facility are outstanding.

A plaque located in the main lobby of the hospital says in its few noble words what Clem Zablocki's effort was really all about. This is what it says:

> Erected by the American people to promote the welfare and health of the children of Poland and dedicated to the enduring friendship between the people of the United States of America and Poland.

Throughout its 20 year history the hospital has more than lived up to that goal. Last year alone it served 5,000 Polish children. Another 50,000 children were treated in various outpatient programs and some 80,000 examinations were carried out by its staff.

Prior to our late chairman's death it was determined that the hospital had an urgent need to improve the hospital's medical equipment and expand its excellent services with a new outpatient facility.

That is what this legislation does. It authorizes the construction of that facility and provides that it be named in honor of Clem Zablocki. That designation and recognition will be prominently displayed on the hospital's exterior and inner lobby entrance. Above all, the facility will be the kind of living memorial that Clem would have wanted and of which he would have approved. What better way to further Clem Zablocki's constant and determined efforts to foster good will and humanitarian assistance between the American and Polish peoples.

For all these good reasons I was honored to have introduced H.R. 4835. Appropriate to Clem's style and philosophy, I was joined in this effort by a bipartisan group of 48 cosponsors, including the distinguished ranking minority member of the Foreign Affairs Committee and Clem's good friend, Mr. Broomfield, and the House minority leader, Mr. Michel. In addition, the proposal is favorably received by the administration as well as the Polish Government.

It is therefore with deep respect to the memory of Clem Zablocki that I urge the unanimous and favorable adoption of H.R. 4835.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly offer my support for this bill. This proposal authorizes funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in

Krakow, Poland. All of us can support this noble plan for building a living memorial to the memory of Clem Zablocki, and helping the Polish people in the process.

As all of you know, Clem Zablocki was responsible for the construction of the American Children's Hospital in 1964. As the son of immigrant parents, Clem Zablocki rose to the highest levels of our Government, yet never forgot his roots and his people. He was proud of his heritage and was always mindful of those in need, both in America and in his Ancestral homeland. Thanks to his vision and dedication, that hospital is one of the finest in Poland. These are difficult times in that nation, however, and the hospital desperately needs our help to upgrade its medical equipment and services.

The proposal before us can accomplish this purpose. It authorizes the construction of a new outpatient facility which will bear our late chairman's name. Excess Polish currencies held by the U.S. Government will be made available for use in the project.

The bill also authorizes funds to equip and furnish the existing facility and to provide medical supplies to the Polish people through American private voluntary agencies. This humanitarian gesture during the current period of austerity in Poland will be appreciated by the Polish people, and the children of that land.

As a tribute to a great American, and as a gesture of good will to a warm people, I urge support of this legislation.

● Mr. BOLAND. Mr. Speaker, I can think of no finer tribute to our late colleague and friend, Clem Zablocki than the prompt adoption of H.R. 4835.

Through his leadership of the House Foreign Affairs Committee, Chairman Zablocki had an opportunity to fashion dozens of programs whose sole purpose was to help people around the world who were suffering. Whether it was through the provision of disaster relief, food assistance, or medical care, Clem Zablocki believed that the United States had a special obligation to bring its resources to bear on behalf of the less fortunate members of the world community. He understood that humanitarian assistance can be much more that a mere gesture, it can be a means by which the people of the United States make the values of their society manifest to the people of the world.

H.R. 4835 is in the best spirit of Clem Zablocki. The construction of a Zablocki Outpatient Facility at the American Children's Hospital in Krakow and the dispensing of needed medical supplies to other health facilities in Poland would be of incalculable assistance to the Polish people. No one was more aware of the plight of the people of Poland than Clem Zablocki and no one was more concerned about doing something to relieve that plight. He wanted the people of Poland to be aware that the American people would never forget the ties of friendship that bind us, and that we would never cease trying to mitigate, where possible, the harsh effects of the regime under which they live. What better way to signal our solidarity with the Polish people than by building and equipping a facility dedicated to healing? It is precisely the kind of approach which Clem Zablocki would have endorsed and, while his record of service in this House will be his lasting memorial, I believe that it would be an appropriate and fitting tribute.

Mr. Speaker, H.R. 4835 deserves an overwhelming endorsement by the Congress and I urge my colleagues to give it their support.●

● Mr. BIAGGI. Mr. Speaker, I rise in strong support of this legislation which would authorize the construction of a new outpatient facility at the American Children's Hospital in Krakow, Poland, to be named in honor of our late beloved colleague, Clement J. Zablocki.

I am sure all of us who still mourn the loss of Clem Zablocki would have preferred to have considered this legislation while Clem was still with us. However, fate has worked against us and we do this as a posthumous testimonial to Clem Zablocki.

Clement Zablocki was one of our most distinguished Members with a career in this House spanning more than three decades and replete with tremendous accomplishments. Clem Zablocki was also a national leader of the Polish-American community, hailing from the great city of Milwaukee. Clem was an unwavering supporter of the right of people of Poland to be free, and grieved deeply over the course of events in that nation since the advent of martial law.

This is a simple bill in content but profound in its intent. We propose a tangible and visible symbol to honor the life and times of Clement J. Zablocki. His legacy of service and love of his fellow man will endure for years to come and the new facility named in his honor in Krakow will serve as a constant remembrance of this great man whom I was honored to call my friend and who I miss deeply.

Let us approved this bill quickly and allow work to proceed on this facility. As we do, let us pause and remember all that Clem Zablocki did for this House and this Nation. Let us in turn do something which will do justice to his memory.●

Mr. HAMILTON. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. HAMILTON) that the House suspend the rules and pass the bill, H.R. 4835.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

□ 1240

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 492.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF AGRICULTURE, 1984

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House of Wednesday, February 29, 1984, I call up for consideration in the House as in the Committee of the Whole the joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

The Clerk read the title of the joint resolution.

PARLIAMENTARY INQUIRY

Mr. LOEFFLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LOEFFLER. Mr. Speaker, I make this parliamentary inquiry because the bills under consideration today—House Joint Resolution 492 and House Joint Resolution 493, which provide for urgent supplementals for the Public Law 480 program and low income energy assistance—are the first appropriations bills to come before the House this year. It is my purpose to be certain that I and other Members fully understood the procedures that will be used in scorekeeping for these and future appropriations bills.

In particular, my inquiry relates to the enforcement of section 311 of the Congressional Budget Act. I have several questions, so if the Chair will bear with me, I will proceed as expeditiously as possible.

Mr. Speaker, I note that the Parliamentarian's status report on the current level of total Federal spending, printed in the Congressional Record of February 22, indicates that there are $3,079 million in budget authority and only $16 million in outlays remaining under the aggregate spending ceilings set forth in the concurrent resolution on the budget for fiscal year 1984.

Under section 311 of the Budget Act, once Congress has completed a second budget resolution, bills, resolutions or amendments providing new budget authority or new spending authority as described in section 401(c)(2)(C) of the Budget Act, would be subject to a point of order against their consideration in the House if their adoption would cause the aggregate budget authority or outlay ceilings in the most recently agreed to budget resolution to be exceeded.

For fiscal year 1984, as was the case in fiscal year 1983, the first budget resolution included language which allows enforcement of section 311 after October 1 of the fiscal year, if Congress does not adopt a second budget resolution by that date.

As reported by the Appropriations Committee, both bills under consideration would cause the aggregate outlay ceilings under the first budget resolution to be breached—although not the aggregate budget authority ceiling—which, under enforcement provisions in effect for fiscal year 1983, would have resulted in these bills being subject to a point of order under section 311.

Is my understanding correct that this year the operation of section 311 has been further modified by a provision, section 5(B), contained in House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984—the so-called Fazio language?

Further, could the Chair explain how section 5(B) of House Concurrent Resolution 91 affects the applicability of section 311 points of order to spending bills, including those before us today, and to any amendments that may be offered to such bills?

Is it correct that neither the total level of outlays nor a committee's outlay allocation under section 302(A) of the Budget Act would be considered in determining whether a section 311 point of order would apply to spending bills or amendments thereto?

Could the Chair explain the basis upon which it makes a determination regarding the discretionary budget authority remaining available to committees of the House?

Further, is it not the case that once the Congress adopts a second budget resolution for fiscal year 1984, updating and revising the first budget resolution, that the provisions of section 5(B) in House Concurrent Resolution 91 would no longer be in effect, and section 311 would operate as set forth in the Budget Act, based on the newly established aggregate ceilings and provisions in the second budget resolution? Finally, can one assume that the Appropriations Committee's discretionary budget authority allocation will be reduced by the amounts in these bills plus any amendments adopted that increase spending, once they are enacted?

I thank the Chair for its explication of this matter and note again that I made this parliamentary inquiry so that the membership can better understand the scorekeeping procedures under which we will be operating for the remainder of the year.

Mr. WHITTEN. Mr. Speaker, may I be heard?

The SPEAKER. The Chair will hear the gentleman.

Mr. WHITTEN. Mr. Speaker, I would like to call attention before the Chair's ruling, if I may, that this hightlights again the fact that we need some understanding about these matters as they are developed.

The leadership of both the Democratic and the Republican Parties were very anxious that this committee recommend and that the Congress approve the $8.4 billion for the U.S. contribution to the International Monetary Fund in fiscal year 1983. Adjustment was made in the fiscal year budget ceiling to take care of that, but despite our sincere and hard-working efforts, both the authorization and the appropriation for the $8.4 billion came up in, fiscal year 1984, instead of 1983. Where both leaderships and the Budget Committee had made arrangements to take care of that in 1983, that budget adjustment did not carry forward into this year. So the gentleman is substantially correct, except he is not taking into account the agreement that we had with the leadership of both parties that adjustments would be made in the budget ceiling. They were not made, they have not been made, and I wish to urge now that while the gentleman is substantially correct, it goes counter to the understanding we had with both parties. I hope that action will be taken promptly to correct the existing situation.

The SPEAKER. The Chair will respond to the inquiry of the gentleman from Texas.

The gentleman from Texas has requested the Chair to interpret the relationship betwen bills providing new spending for fiscal year 1984 and the provisions of the most recently agreed to budget resolution for that fiscal year.

As the gentleman has pointed out in his inquiry. The first concurrent resolution the budget for fiscal year 1984 (H. Con. Res. 91), adopted by the House and Senate on June 23, 1983, provided, in section 5, that it would become the second concurrent resolution on the budget for the purpose of section 311 of the Budget Act. Failing actual adoption of a second budget resolution by October 1, 1983. However, section 5(b) of the budget resolution provided for a more limited application of section 311 than would apply if a second budget resolution had actually been adopted. The Speaker received today from the chairman of the Committee on the Budget a revised status report on the current level of spending under the budget resolution. The status report indicates that any measure providing budget in excess of $6 million would cause the total level of outlays under the budget resolution to be exceeded. The chairman of the Committee on the Budget included in that letter a summary and explanation of the operation of section 5 of the budget resolution once outlays are exceeded, and the Chair will now read that statement, which is responsive to much of the gentleman's inquiry: "The procedural situation with regard to the spending ceiling will be affected this year by section 5(b) of House Concurrent Resolution 91. As I explained during debate on the conference report on that resolution, enforcement against breaches of the spending ceiling under section 311(a) of the Budget Act will not apply where a measure would not cause a committee to exceed its appropriate allocation pursuant to section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authroity" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered. This exception is only provided because an automatic budget resolution is in effect and would cease to apply if Congress were to revise the budget resolution for fiscal year 1984.

The intent of the section 302(a) discretionary budget authority and new entitlement authority subceiling provided by section 5(b) of the resolution is to protect a committee that has stayed within its spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on House Concurrent Resolution 91 were printed in the Congressional Record, June 22, 1983, H4326.

The Chair has been advised that each of the supplemental appropriation joint resolutions scheduled for today, House Joint Resolution 492 and House Joint Resolution 493, provides more than $6 million in budget outlays for fiscal year 1984 and would thus cause the total level of outlays to be exceeded. The Committee on Appropriations has, however, a remaining allocation of $2 billion, $351 million in discretionary budget authority, according to tables prepared by the Budget Committee, inserted in the CONGRESSIONAL RECORD of March 1, 1984, and included in today's status report. The amount of budget authority contained in the joint resolutions scheduled for today is well within that allocation. As to amendments to those joint resolutions, or to other spending measures for fiscal year 1984, germane amendments which increase budget authority are in order as long as they do not cause the measure, as amended, to exceed the total remaining allocation of discretionary budget authority to the committee with jurisdiction over the measure or amendment.

The Chair's determination, whether a measure or amendment thereto, violates section 311 as made applicable by the budget resolution, is based upon estimates made by the Committee on the Budget, pursuant to section 311(b) of the Budget Act, of the remaining allocation to each committee. Once a bill providing new budget authority or entitlement authority is enacted, the remaining allocation of the committee with subject matter jurisdiction will be changed by the net amount of new budget authority contained in the measure, and the Chair is confident that the Commmittee on the Budget will keep the Chair currently informed as to the status of each committee.

The Chair would finally point out that the provisions of section 5 of the current budget resolution would cease to apply if Congress does adopt a second concurrent resolution on the budget for fiscal year 1984. In that event, the actual prohibition contained in section 311 of the Budget Act would take effect, unless modified by any special procedures contained in a second budget resolution.

□ 1250

The Clerk read the joint resolution, as follows:

H.J. RES. 492

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984; namely:

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480

EMERGENCY FOOD ASSISTANCE FOR AFRICA

For an additional amount for "Public Law 480", for commodities supplied in connection with dispositions abroad, pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, $90,000,000, of which $90,000,000 is hereby appropriated; and in addition not to exceed $90,000,000 shall be available from Commodity Credit Corporation inventory for sale on a competitive bid basis or barter to the African countries requiring emergency food assistance, or any country for use in assisting in emergency food assistance to Africa, as authorized by section 101(b) of Public Law 98-107. In the event Commodity Credit Corporation stocks are not available, the Corporation may purchase commodities to meet emergency requirements.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: on page 2, line 7, strike out "$90,000,000, of which $90,000,000 is hereby appropriated," and insert in lieu thereof "$150,000,000, of which $150,000,000 is hereby appropriated and made available through December 31, 1984;"

Mr. WHITTEN. Mr. Speaker, I rise in support of the amendment and in explanation of the amendment.

Before you is a resolution providing disaster relief for 18 African countries. These in most cases are small countries, with small populations. In many of them they are governed by tribe, or have tribal government. Somebody has described it as an arrangement whereby there is no provision to take care of the loser.

This does not only mean we are trying to help those where their standard of living is very, very low, but where over the last 2 years they have had absolute disasters in connection with the production and growth of food because of the worst drought of the century. People are dying and others are facing starvation. It is on that basis that the President recommended $90 million in relief through Public Law 480 where we would provide for commodities.

I have not talked on these subjects in recent years very much. But for a long time I had quite a number of studies made of the so-called relief programs. The programs whereby we provided funds, provided commodities, and in many cases purchased the materials, steel and copper and all of the other things, and commissions were paid for the handling and the purchase of these commodities.

It is to be noted that out of the $150 million here, about 40 percent will go into shipping costs, which are required under the law.

That being true, we have examined this in years past and we found that commissions are paid on the other end in many of these foreign countries. Then in some instances the new commodities have been laid aside while other things were taken care of and the food rotted.

The point I make is that with the best of intentions we are providing these commodities for relief of starving people. Our real problem is to get it inside the country and distributed so that it will really be used.

BARTER FOR STRATEGIC MATERIALS

In looking this matter over and in looking at the record it developed that in many of these countries they have strategic materials that are of value to our country. I know they have diamonds, nickel, copper, petroleum, phosphate rocks, copper, cobalt, and so forth. This is not true for every country, but most have some materials of strategic value. In looking at the record we will not sell commodities in these countries except at about twice the price they can buy them from some other country, which means that we are passing up the method that would help to get the food to the people.

It is surprising, but if you will check the record you will find that it is a whole lot easier to sell something where it goes through the regular trade channels in those countries than it is to give it away. Where you give it away it is in the way of the normal trade patterns and it is in the way of the local merchants, thus they resist. It is in the way of everything and it is just next to impossible to get food or materials into proper hands; whereas if you lay it on the counter and offer it for sale at competitive prices the people that handle it buy it, they handle it through their regular operations, and it gets there twice as fast.

I do not have time to go into that any further at this time, but I have evidence of this through the years.

NEED TO SELL AT COMPETITIVE PRICES

Our country wants to give the food away but in the President's recommendation they will not permit us to sell anything, let our competitors have all of the cash market while we furnish the free food.

We are not trying to restrict the $150 million that will be given in commodities to relieve suffering. We are saying that in addition thereto, however, since these countries do have strategic meterials that our country shall match the price of other countries in making commodities available through normal channels where it will get to the people a lot faster based on past experience. Our recommendation is thoroughly sound.

PURPOSE OF CCC

May I say the Commodity Credit Corporation was set up for the purpose of doing just what I am talking about. It has been said, however, that restrictions have been placed on the CCC selling competitively. So we provided in the last Congress a provision that the Secretary of Agriculture could maintain normal markets, could protect the assets of the Corporation by waiving any such restrictions in case they do exist. So I just want to note that this amendment, in my judgment, improves the request and gets us back into world trade.

The SPEAKER pro tempore (Mr. PANETTA). The time of the gentleman from Mississippi (Mr. WHITTEN) has expired.

(On request of Mr. SMITH of Iowa and by unanimous consent, Mr. WHITTEN was allowed to proceed for 5 additional minutes.)

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I want to point out that this $90 million additional for CCC is important. I think a lot of people overlook how important it is.

With the overvaluation of the dollar, it is cheaper to buy the products that they need, which is corn and milo, in this area that this is going to. In this part of Africa they want corn and milo; they are not wheat eaters. So the overvaluation of the dollar has resulted in the United States having about the only supplies left in the world. What this means is that if some other countries do not put money up to buy corn and milo, which would have to be bought in the United States, then we are going to be woefully short of the kind of support that we ought to have in this kind of a relief program.

And if we cannot provide a way so that they can buy it as cheaply here as it is in other countries, then it will not work right. So this provision is a terribly important thing.

I want to ask the gentleman this, too: There is nothing to keep them, if they want to barter, from delivering 2 years from now? There is nothing that says they have to deliver a shipload of ore and take a shipload of grain back. They could make an agreement with CCC to take the grain now and deliver 2 years from now or 3 years from now; is that correct?

Mr. WHITTEN. The gentleman is certainly correct. We saw fit to put the word "barter" in here. However, I do not know that it was necessary because the Commodity Credit Corporation has the right to barter anyway. But to strengthen it we put the word barter in the resolution that we have, and it is in line with the authority already granted in the charter of the Corporation.

May I say that the Corporation has the responsibility of moving these commodities to get them in their hands for the best price they can.

Mr. SMITH of Iowa. I commend the gentleman for this additional provision in this bill.

Mr. WHITTEN. I hope, Mr. Speaker, that we will go along with this provision. It is a breakthrough in an area where I think it is badly needed, and that is to regain our world markets. Certainly it is sound from our standpoint to sell the $90 million in commodities. To stand by and let them have to buy from our competitors, if they want to buy it, is unsound. I repeat again: It is much, much easier to sell things for what they will bring and to get it into the country through the normal channels than it is to dump it at the wharves where it frequently rots, and where there is no means for distribution, because it is upsetting the normal trade patterns.

Mr. DOWNEY of New York. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New York.

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Mr. DOWNEY of New York. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Speaker, we are here to consider an emergency supplemental appropriation to $150 million for African food aid. Our colleagues in the Appropriations Committee have acted quickly to bring this matter to the floor and we must insure that it passes.

Many of us remember the devastating famine that struck the African Sahel more than a decade ago. At that time our newspapers were full of news about the widespread starvation and the dislocation of people that resulted from a drought that had lasted for 6 years. At that time, the United States responded generously with food assistance to the affected countries.

Today the situation is, if anything, more serious. The Food and Agriculture Organization of the United Nations estimates that as many as 150 million people throughout Africa are affected by the famine. Twenty-four countries, which have already been badly shaken by the world recession, now face the prospect of trying to find enough food for millions of their citizens. Many countries have to deal not only with their own citizens but also with refugees from other countries where the famine is worse, or where civil war has disrupted government attempts to deal with the famine.

The United States has already responded to this crisis. We are not alone. Other nations have responded generously to appeals for assistance. But as the situation continues to deteriorate it is clear that we need to do more and step up our efforts. It is estimated that an additional 1.6 million metric tons of grain will be needed to meet the food aid needs of the 24 affected countries. Our appropriation of $150 million would provide an additional 400,000 metric tons to meet this goal.

The administration would prefer to limit this appropriation to $90 million. In addition, they propose a long term, 5 year $500 million Economic Policy Initiative for Africa which would offer tangible support for those countries prepared to undertake the policy reforms needed to improve productivity. I am sure that we would all support such a program, which might help in solving the long term problems of African economic growth. And we would probably want to do a great deal more. But in the meantime we cannot offer the 150 million people facing starvation a long term policy initiative to fill their stomachs. Nor can we hold these people's survival hostage to their government's willingness to adopt policy reforms acceptable to the administration. We must act quickly to get as much of the needed food aid to them as quickly as possible. I urge my colleagues to vote for House Joint Resolution 492.

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Speaker, I simply want to take this occasion to commend and compliment the distinguished gentleman and to express my gratitude to him on behalf of really literally millions of people who are going to benefit from the action the gentleman and his committee have taken in reporting the bill which we are acting on today.

The urgency with which the Appropriations Committee has responded to this awful crisis which has already killed hundreds of thousands of people in Africa, is really quite remarkable. I do not think there has been anything in recent years to compare with this urgency. I know that we may well have to come back for more assistance, before the famine is over but for now the gentleman's action and that of his committee will provide both hope and real life saving assistance to millions of people in Africa.

Mr. Speaker, I am in strong support of House Joint Resolution 492, the urgent supplemental appropriation for famine relief to Africa. Having thanked the chairman of the Appropriations Committee for expediting this legislation and having commended all the committee members for unanimously approving an increase from $90 million to $150 million in the appropriation, I want to express special appreciation to the gentleman from New York (Mr. MCHUGH) for offering the amendment in committee to provide for the $60 million increase.

Support for an even higher level of funding is evident from the list of nearly 70 cosponsors for H.R. 4863, a bill that I introduced on February 9, to provide $300 million for food and $50 million for inland transport and other nonfood aid.

I am supporting House Joint Resolution 492 because of the critical need to expedite this aid. The level of assistance in this legislation has bipartisan, bicameral support.

I am deeply concerned that this legislation does not specifically provide for inland transport. There is a scarcity of vehicles, fuel and spare parts thoughout sub-Saharan Africa that could undermine our efforts to save starving people. The committee has directed the Agency for International Development [AID] to reprogram sufficient funds for transport, but such funds may not be available for reprograming. Therefore, I am hopeful that the Senate will, when it acts provide funds for this purpose.

I am, as I have indicated, concerned that $150 million may be inadequate, considering the extent of the famine. The administration has said that the African nations could not absorb $150 million worth of food. However, no data have been produced to bolster that claim. In most of the drought-stricken nations, imports—including food aid—have reached levels in past years that exceed the amounts that $150 million will provide. If these nations have absorbed higher levels of food in the past, they can do so again this year.

I suspect that the administration's proposed level of aid is not based on an analysis of absorption capacity or even on estimates of need. Rather, the $90 million seems to be an arbitrary figure proposed early in January, before the U.S. missions in Africa reported their estimates of need, and before AID contracted for a study of need.

Determining the need for famine relief is extremely difficult and estimates are imprecise at best. However, I believe we should heed the warnings that severe food shortages are likely to continue for many months. In the southern African nations, forecasters say the upcoming harvests will be dismal. Many African nations will probably experience their worst shortages in the final months of the year. Starvation is stunting the growth of hundreds of thousands of children, destroying families and devastating entire communities. Drought and famine are threatening the very future of these struggling nations. It is not a matter of whether we can afford this famine relief. The question is whether we can afford the human cost of any further delay. I urge my colleagues to support this $150 million supplemental appropriation and to be prepared to approve additional famine relief to Africa at a later date, as the need becomes even more evident.

In closing, I again congratulate the chairman and members of the Committee on Appropriations for their urgent action.

Mr. WHITTEN. I appreciate the statement of my colleague from New York. I wish to point out he has had a deep interest in this matter. I am glad to see we are in agreement, in that the point at issue, the point we must think about is getting it in there where the food can be used and be made available.

It is in that area where we have difficulty in some places in the world. I think we need to keep in mind, if you really want to help, you had better make it available through normal channels as well as on a giveaway basis.

I just hope, as was done in the full committee, that our colleagues will go along with us. May I say, Mr. Speaker, it indicates how fast we are trying to move here in considering this bill as we are today. I hope everybody will back us up.

Mr. CONTE. Mr. Speaker, I move to strike the last word, and I rise in support of the bill.

Mr. Speaker, I want to give my full support to this bill. It is a funding bill to help some 24 nations in Africa who are suffering from one of the worst droughts in history. The famine and death which have come from this drought make it imperative that we act as quickly as possible to the aid to these countries to prevent further malnutrition and starvation.

The administration request was for $90 million under title II of the "Food for Peace" Public Law 480 for donations and $90 million in sales from Commodity Credit Corporation stocks at competitive prices. In the full committee consideration, the donation figure was raised from $90 to $150 million to make certain that we could get the maximum aid possible over to Africa within the reasonable absorption rates that the transportation and distribution systems can support. I worked with the majority side to get general agreement that this body would not rush to support additional amounts right behind this request unless we had a better understanding of what the requirements are and what the system can handle. The Agricultural Subcommitte of the Appropriations Committee has a hearing scheduled tomorrow on the Public Law 480 funding requirements, so we should have a more definite requirement for total food aid required to help these countries in the very near future.

The critical need for this assistance is unquestioned. In a letter to me dated February 23, 1984, the Administrator of the Agency for International Development, Peter McPherson, wrote the following:

> I share the President's view, as I am sure you do, that the United States has a responsibility to respond quickly and generously to people around the world who are in need of emergency humanitarian assistance. However, unless the President's supplemental food aid request is acted on in the near future, it will come too late in the fiscal year to permit us to order, ship and deliver food on a timely basis. In fact, food must be ordered before June if fiscal year 1984 funds are to be utilized since obligations are incurred only when commodities are actually loaded on ships.

In other words timing is all-important here, and that is why we have brought this bill to the floor as an urgent supplemental. It is a single-item bill which under the procedure being used will not be subject to amendments which might endanger its prompt enactment.

The needs have been determined through the cooperation of a number of U.S. and international agencies, including AID field missions, the Food and Agriculture Organization of the United Nations the U.S. Department of Agriculture, the world food program, the European Community, other donor nations and, of course, the recipient national. In recommending the amounts included in the bill, our committee has attempted to weigh the overall needs with the recipient nations' capabilities for receiving, storing, and distributing food commodities. This is not an exact science in Africa by any means, but this is our best estimate at this time.

While our estimates may have to be adjusted in the future, there is no question as to the human disaster which is occurring right now in Africa. Literally thousands of African children and adults are dying every day, and millions more are threatened by starvation or severe malnutrition due to a deadly combination of drought and civil strife. The potential number of people affected, perhaps as high as 100 to 150 million, is staggering.

The United States has traditionally led the way in disaster assistance wherever it has been needed, and I am proud of that record. Enactment of this urgent supplemental is essential to continue that tradition, to assist people who are in desperate trouble, and to encourage other donors to follow our lead.

This request is within the discretionary budget authority ceiling for fiscal year 1984. We should act favorably on this bill as quickly as possible, and I urge the Members to support it.

Mrs. SMITH of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I would be glad to yield to my distinguished minority ranking member of the Subcommittee on Agriculture Appropriations.

Mrs. SMITH of Nebraska. Mr. Speaker, I rise in support of House Joint Resolution 492. This bill provides needed funding for famine assistance in 18 African countries. The committee has approved $150 million to be administered through title II of the food-for-peace program.

This amount is $60 million more than the administration had requested for the fiscal year. The committee agreed to the additional funding only after provisions were made to extend the availability an extra 3 months until December 31, 1984. We also included report language that is intended to prevent the funds from being spent unless it is certain that they can be used without waste.

I would like to call the Members' attention to the provision providing the Secretary of Agriculture with authority to use up to $90 million worth of Commodity Credit Corporation commodities for sale at competitive bid or barter to aid in the relief effort.

It is the committee's intention that by this provision we will prevent the collapse of the commercial trade channels. I think it is wise and moral to give what we can, but experience has shown that many more benefits are accrued to Nations if their private, commercial sectors are allowed to operate.

The Secretary is not forced to use this provision, but the language makes it clear that the authority does exist. In the case of famine, I think we need not worry about violations of GATT as much as we might otherwise.

As the time progresses, the subcommittee and committee will monitor the situation. If evidence should arise that additional aid is needed, I am sure that the chairman and subcommittee members will give full consideration of further assistance. I thank my friend (Mr. Conte) for yielding.

Mr. CONTE. Mr. Speaker, I yield back the balance of my time.

Mr. de la GARZA. Mr. Speaker, I move to strike the requisite number of words. I rise in support of the legislation and concur with the sentiments and interests of the distinguished gentleman from Mississippi, our friend, the chairman of the Committee on Appropriations.

I would like to state for the record something which, even though it is supportive of the legislation, should be made known, both to these 18 countries and to the people of the world. We, in the United States of America, at this time are laboring under an almost $200 billion deficit. At the same time our interest on borrowed money before now has accumulated to some tremendous proportions of our debt and our national budget.

And here in America we have documented hunger, probably not of the nature or the caliber which these countries we are attempting to work with have. But in my own congressional district the freezes and cold weather of January presented us with a problem of insurmountable magnitude—for many, no food, or the unavailability of food. Many people had to depend on one meal a day that was given by the Government, distributed by volunteers.

I would like the people of the world and these nations to know that in spite of this, we are willing to help, because of the good nature and charitable basic instincts of the American people.

But it is not a prosperous nation, it is not a nation with overflowing funds that is doing it; but a people who, themselves, are suffering, maybe not to the degree that these countries are. I think this should be made explicitly clear that, in spite of our problems, the American people are willing to sacrifice, because this appropriation will be a sacrifice.

We are speaking now of additional taxes; we are speaking now of additional cuts in many areas, in many social programs which the people of the United States need.

But I do not think that I could say that one person in my congressional district would say: "No, don't vote to help in that amount." But I think that the world should know that we do this because this is our tradition in our democratic society. This is our basic responsibility to the world community.

Beyond that, I would like to ask the chairman a couple of questions because as the chairman mentioned, and I agree wholeheartedly with him, as chairman of the Committee on Agriculture, we should dispose of at world prices wherever possible; to do this section 101B of Public Law 98-107 was passed last year.

And as the chairman knows this is basically the jurisdiction of the Committee on Agriculture. But yet the Appropriations Committee enacted it into law, bypassing the Committee on Agriculture.

Out of respect to the chairman and because we agreed with what he intended to do, we presented no challenge to our jurisdiction.

I would like to state that for the record and state to our distinguished chairman that we appreciate what he is trying to do. But I would hope that in the future that we at least have consultation, that we work together, as we should, the Committee of Jurisdiction and the Committee on Appropriations to achieve the worthwhile end which the distinguished chairman, the gentleman from Mississippi, so desires.

□ 1310

I would agree with what he intends to do. But, I would hope that in the future we would work more closely together to satisfy the basic jurisdictional necessities.

Mr. WHITTEN. Certainly, if I may, Mr. Speaker, I certainly look forward to and always have to working with my colleague and friend from Texas, the chairman of the Committee on Agriculture.

Let me repeat here, however, some things that have occurred through the years I think because of neglect or failure to use.

The Commodity Credit Corporation was created many years ago under the laws of the State of Delaware. Later it was made a Government corporation by the Congress of the United States. Its purpose in the act is to support American farm prices at comparative levels with the cost of what they produce and to protect the Corporation's assets by selling competitively in world markets.

Our agriculture is dependent on exporting about a third of our production.

When the Corporation Control Act was passed—and I had something to do with it—it was provided therein that nothing we did shall restrict the Corporation from discharging its responsibilities. That responsibility is to support American farm prices to offset the increasing take of industry and labor, that the price support be at a level where the farmer would have the purchasing power like they had during the 1909 to 1914 time period, or a percentage thereof. That is the basis for parity.

The Corporation then was charged with selling in world trade competitively to retain our foreign markets.

Not only did that fall into disuse, but legislation was passed restricting the Corporation, which, in my judgment, is counter to the intent and the provisions of the Corporation Control Act.

I may say that the Tennessee Valley Authority is another corporation of the same kind.

So I wish to cooperate with my colleague, but I also would like for him and me to sit down and go over that Corporation and see if we can get it back in business, because the farmer is bankrupt now. I certainly know he does not want to fall back on jurisdiction and I do not.

The SPEAKER pro tempore. The time of the gentleman from Texas (Mr. de la Garza) has expired.

(By unanimous consent, Mr. de la Garza was allowed to proceed for 5 additional minutes.)

Mr. de la GARZA. Yes, my distinguished colleague is eminently correct and we have no disagreement. The fact is though that he disagreed with the basic law and I did also. I only mention that proper procedure would dictate that we do it together.

Mr. WHITTEN. If the gentleman will yield further, we have worked together without exception and as long as I am here and the gentleman is here I am sure we will continue to do so.

Mr. de la GARZA. I appreciate that. Also I would like to ask the gentleman one question.

The commodities which the CCC has at this time are 75 million bushels of corn, 9 million bushels of barley, 1 million bushels of oats, 1 million bushels of rye, 29 million bushels of sorghum, 15 million bushels of soybeans, 19 million bushels of wheat, 1 million hundredweight of rice. Now, does this legislation give first priority to these items or if we were to legislate in our committee——

Mr. WHITTEN. One of the mistakes that I think we made, we let only employees of the Department of Agriculture be directors in the Commodity Credit Corporation. And they in turn are dominated—I say most of the time—by the Secretary of Agriculture. He in turn is under the pressures from the State Department.

So I do not think that they have given the attention to protecting the Corporation's assets that are called for by the general law having to do with corporations.

I would also like to call attention again to another matter. When we are asking $1 trillion in 6 years for military spending, is it sound to strip yourself of all food reserves? If the situation is so bad as to require $1 trillion for military spending, then should we strip ourselves of our reserves?

In 1941, at the start of World War II, what saved us was we had food. If we get down to where we try to get price by scarcity, by limiting production, this is the most dangerous time in the history of our country for that condition to exist. But what they have on hand should get preference in exports.

Mr. DE LA GARZA. I basically agree with the gentleman. The appropriation bill gives them authority nonetheless though to purchase food commodities, not necessarily to utilize these limited inventories, but——

Mr. WHITTEN. Poverty and starvation have no time to wait 3 months for a ship to get there from here if we can make it available elsewhere. It does not say do it, but it lets them meet the starvation needs of the people in three or four directions, one of which is to buy commodities.

And another thing is we have surpluses and if France wants to help, for instance, we can sell them commodities and let France contribute to the cause.

So we tried to give them the leeway to meet the needs of starving people.

Mr. DE LA GARZA. That is what I wanted to clarify for the record. I appreciate the distinguished gentleman stating that they would do it in the fastest, most feasible manner available and not be limited necessarily to the stocks available. The Department would have authority to purchase commodities for relief abroad.

Mr. WHITTEN. Certainly, that is right.

Mr. BREAUX. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Louisiana.

Mr. BREAUX. I thank the gentleman for yielding.

I apologize for just coming on the floor and not being totally aware of the transaction, but I think this is very, very important, and I thank the gentleman for raising it.

Am I to understand that what is now contained in the appropriation language makes a permanent change in the directive that Congress has given to the Commodity Credit Corporation as to how and under what terms they are to dispose of any surpluses that are owned by the Government?

Mr. DE LA GARZA. That was done last year under Public Law 98-107. That was already done last year.

Mr. BREAUX. What is being changed this year that the gentleman has expressed concern about?

Mr. DE LA GARZA. This legislation continues giving the Corporation that authority, and I was trying to remind the distinguished chairman of the Appropriations Committee that the basic jurisdiction lies in the Committee on Agriculture. Although we agree with him and support him because he is doing the right thing and also because of our utmost respect for him; nonetheless, we should work together in the future.

Mr. BREAUX. I thank the gentleman.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield further?

Mr. DE LA GARZA. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I would like to call attention to a technical difference here, but we did provide, in the law of last year where we worked together in getting some relief, the following language:

> *Provided further*, That, hereafter, in order to restore and maintain United States share of world markets and to restore capital of the Corporation for its operations, any restrictions or limitations on the authorities and obligations of the Commodity Credit Corporation to sell in world markets, as provided by its Charter, may be waived or suspended by the Secretary of Agriculture.

So I would say under existing law the Secretary of Agriculture has this authority through this provision that we put in last year when we worked together on the bill taking care of agriculture appropriations.

Mr. DE LA GARZA. The distinguished chairman as always is correct and that is my basic understanding and agreement.

Mr. Chairman, I endorse and support what you are attempting to do. I did want to provide a caveat that although we have problems, and hunger in the United States; nonetheless, we are willing to assist the people of the world.

Mr. SOLOMON. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, as the ranking Republican member on the Foreign Affairs Subcommittee on Africa I would like to offer my congratulations to the gentleman from Mississippi for the expeditious way in which this emergency supplemental request for food and assistance in Africa has been handled.

Time is of the essence and if the funds to be made available under this legislation are to be used efficiently and constructively, the administration must have the necessary funding in place by the end of this month.

I wonder if the gentleman from Mississippi would engage in a short colloquy with me on some clarification.

I have several concerns about which I desire some clarification.

As I understand it our Government has thus far received emergency funds, food aid, requests from 24 African countries during our current fiscal year 1984. A number of these countries have had these requests answered in full by funds already provided under the continuing resolution last fall. However, there remain 12 outstanding requests for food assistance totaling some 170,000-plus metric tons of food, as well as anticipated requests representing some 45,000 additional metric tons of food and this anticipated request comes from six countries, three of whom, Tanzania, Togo, and Botswana have not heretofore made any emergency requests.

My question is this: Could the gentleman explain the timeframe that we are dealing with in this supplemental? In other words, it is my understanding that the supplemental should carry us through the end of the calendar year of December 1984 and that is 3 months beyond the formal end of the fiscal year.

□ 1320

Mr. WHITTEN. May I say I do not feel qualified to answer all of the questions the gentleman raised. This matter was submitted to us as a $90 million item by the President. We had before us Mr. McPherson, AID Administrator. We had also USDA Secretary Amstutz. They went into the matter before us and the budget request before us. We did not explore or go into other matters that may be pending. So for that reason I do not think that I am informed enough to answer the question.

I yield to my colleague, who is familiar with this.

Mr. SOLOMON. I think I have the time.

Mr. WHITTEN. If I may.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) has the time.

Mr. SOLOMON. The gentleman from New York (Mr. MOLINARI) asked me to yield, so I will yield to him.

Mr. WHITTEN. The gentleman from New York (Mr. SOLOMON) has the time, but I would like him to yield to the gentleman from Michigan (Mr. WOLPE), if he would.

Mr. MOLINARI. I can answer the question, I believe. In my conversations with AID, it was explained that it would be difficult to distribute the total amount appropriated here within this fiscal year. They had requested that additional time be leveraged and given to them, and it was agreed that 3 months more would be added to the period, which took us to the end of the year.

Mr. SOLOMON. At this point, let me just ask this one additional question, and this time I will yield to the chairman of the Africa Subcommittee, if that is all right with the chairman of the Appropriations Committee.

Mr. WHITTEN. Certainly, I wish the gentleman would.

Mr. SOLOMON. Given that fact, plus the fact that this is a Public Law 480 program, is the administration given enough leeway in disbursing the assistance, and is there any possibility that these funds could be impounded or otherwise returned to the Treasury if they are not extended by a certain deadline? Could the chairman of the Africa Subcommittee clarify that for us?

Mr. WOLPE. I am not certain I have the direct response to the latter question.

AID did request an additional 3 months beyond the end of the fiscal year, if the gentleman will yield further, to assure the additional program of the additional food aid moneys.

As was indicated by the previous speaker, it takes AID about 3 months, sometimes more, from the time the request is received to the time the food is delivered to the recipient country to assess the country's distribution capabilities, and so on.

Precisely what would occur if the total sum is not expended beyond that time, I assume the money would lapse at that point, and I am advised that that is correct, and a new authorization would be required if the total sum was not spent within the alloted time frame.

Mr. SOLOMON. I am still trying to find out whether it is necessary to impound the money if it was not needed and was not spent, or does it just lapse without being spent? Is there anything built into the legislation which deals with that subject?

Mr. SMITH of Iowa. If the gentleman will yield, I will point out that this is a supplemental for 1984, with the funds remaining available until December 31, 1984.

In addition to that, we are talking about the Southern Hemisphere. They will not be out of the problem until at least next April because the bad year that they are in now, the crop will not be harvested until next April.

So it is necessary to deal with this in a 1985 appropriations bill anyway. All we can do is deal with the balance of 1984, and then we will have to have a fast track on 1985 because they will need money for more than 3 months in fiscal year 1985. They will need it at least until next April.

The SPEAKER pro tempore. The time of the gentleman from New York (Mr. SOLOMON) has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 5 additional minutes.)

Mr. SOLOMON. I wonder if any one of you gentlemen could comment on the precedent or the advisability of making Public Law 480 assistance available to Communist countries or countries that can be fairly described as being members of the Soviet bloc.

In looking over the list of countries from which we have received requests, I note, for example, Ethiopia, Mozambique, and Angola. I would just like to ask, Are there any constraints or waiver requirements necessary in cases such as these in these kinds of countries?

Mr. WOLPE. If the gentleman will yield, the direct response is no, there is no new particular waiver requirements that are required.

The United States has maintained historically a tradition of responding to the humanitarian needs of people irrespective of their government's political persuasion. When it comes to food, when it comes to the issue of hunger, that has been our historic policy. We try, in short, simply to save lives.

In Ethiopia, all the U.S. assistance is handled by the Catholic Relief Services, with the exception of $800,000 that was provided to the U.N. Disaster Relief Office last September for inland transportation.

In Angola, all American assistance has been handled by UNICEF.

In Mozambique, CARE just initiated a program there in January, which is now handling the American assistance effort.

Prior to that time, U.S. aid was managed by the U.N. World Food program, and some was provided on a government-to-government basis.

Mr. SOLOMON. Well I am very glad to hear that none of this money is going directly to those countries that I have mentioned, that it is going directly to the PBO's or the private organizations.

Mr. Speaker, let me just say that I am not opposing this legislation. I think that the point needs to be made that the administration took into account anticipated requests in formulating the proposal for $90 million in supplemental food aid.

Now that the committee has added $60 million to the administration's request, I am somewhat concerned that additional requests might be made and it may stimulate additional requests because of what we are doing.

I have some rhetorical questions just to throw out.

For instance, what are other countries doing to help alleviate the food problems in Africa?

What are the Soviets doing, if anything, to help?

And are there any estimates of what the Soviets are taking out of those countries?

I am thinking particularly of the Soviet plundering of offshore fishing sites in Mozambique and all along the west Africa coast, as well as billions of dollar of arms sales which are forced and foisted on bankrupt countries like Ethiopia.

In other words, are we picking up the tab after the Soviets have completed their exploitation of these countries?

I think we are, and I think that is wrong, and I think we ought to be careful in the future about how we deal with it, about putting pressure on Russia not to help exacerbate the problem that we have today.

Mr. WOLPE. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Michigan.

Mr. WOLPE. I thank the gentleman for yielding.

I do have at least a partial response to the question that the gentleman raised.

Of the 2 million tons that have already been pledged, donors other than the United States have committed about 1.45 million tons. These donors include Argentina, Australia, Austria, Belgium, Canada, China, Denmark, France, West Germany, the Islamic Committee, Italy, Japan, Kuwait, the Netherlands, Spain, Sweden, the United Kingdom, the U.S.S.R., Vietnam, and the World Food Program.

The Soviet contribution thus far, I am informed, has been about 10,000 tons of the total.

Mr. SOLOMON. I thank the gentleman, and I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of this joint resolution and urge my colleagues to support it as well. As its name suggests, this is an urgent supplemental appropriation and for that reason I want to particularly thank the chairman of the committee, Mr. WHITTEN, for expediting its consideration.

The urgency in this case, Mr. Speaker, relates to the fact that at this moment 3 to 4 million people in Africa are in imminent danger of starvation. Thousands are dying almost daily as a result of the worst famine to afflict that continent in many years. Unless we and other donors respond with meaningful food assistance, and do so promptly, our worst fears will be realized.

The estimates of the food necessary to meet immediate needs vary. For example, certain international organizations such as the Food and Agricultural Organization [FAO] estimate the need at approximately 1.6 million metric tons. In February, the U.S. Agency for International Development [AID] concluded that about 1.1 million metric tons are required. The truth is that no one can be absolutely certain about the precise amount, but it is clear that the need is great and immediate.

The administration requested a supplemental appropriation of $90 million which, under title II of the Public Law 480 program, would provide about 245,000 metric tons of food. In considering this request, the Appropriations Committee adopted an amendment I offered to increase the appropriation to $150 million in title II funds. This would enable us to provide at least 350,000 metric tons.

In responding to such emergencies in the past, the United States has generally provided about one-half of the emergency food assistance extended by the international community. Assuming that the total need is something in the neighborhood of 1.1 million metric tons, this appropriation will not cover one-half of the aid required. However, in considering the logistics involved in purchasing and delivering the food to those Africans in need, the committee concluded that AID could effectively deliver no more than 350,000 to 400,000 metric tons by December 31, 1984. It was on this basis that the committee settled on the figure of $150 million.

Regardless of the amount of aid provided, Mr. Speaker, we are all concerned that the food reach the people in need. From time to time there have been cases where the food has been diverted for private gain, or, because of inadequate delivery mechanisms or outright discrimination on the part of recipient Governments, it has not reached all of those whom we intended to help. For this reason, the committee report expressly states that we expect AID "to obligate these funds in a manner that will assure that the commodities are efficiently and effectively delivered without discrimination to those affected by the famine."

In this connection, our committee report further directs AID to make funds available from existing moneys to meet the nonfood needs related to the food-assistance effort, including inland transportation of the commodities. Many of the isolated areas do not have the necessary infrastructure, equipment, or personnel to distribute these commodities. Therefore, AID is expected to provide funds necessary to meet these related nonfood needs.

In addition to the title II moneys, the resolution also makes up to $90 million for the Commodity Credit Corporation inventory available for sale on a competitive bid or barter basis. Inventory commodities are available to the African countries in need of emergency assistance or to any country for use in its African relief effort. This provision will make food aid available in instances where funds or goods are available for exchange by the CCC.

In closing, I would again urge my colleagues to vote for this measure. It is a humane response to a major tragedy. If we are to avert catastrophe in Africa, we must respond swiftly with the necessary assistance. This joint resolution does that, and it deserves our support.

□ 1330

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

I want to take this opportunity to commend the gentleman in the well for the work he has done on this and the amendment that he offered in the committee to increase the funding for this much needed program.

Mr. Speaker, there continues to be a fundamental lack of understanding within the administration about the issue of hunger. Whether it is the soup kitchen in America or aid to famished Africans, this administration attempts to solve these crises by appropriating fewer resources than needed. This policy is only applied to human services, food, housing, education, and other essential needs of human beings. When it comes to defense, there is always plenty of money to pursue the nuclear-arms race.

I stand before you today to urge that we throw our weight behind House Joint Resolution 492, a bill which will provide $150 million in urgent funds to African food aid. A policy of minimalization, as the administration requests, will result in the immediate death of thousands of the 150 million Africans in 24 countries threatened by starvation.

This figure reflects a firm commitment that any slack is too much, that one death is one too many. There is a numbers game being played now between the administration and concerned parties in Congress; the bottom line is that the food must be delivered.

To avert wholesale death requires that the bill not be delayed in Congress. The food must reach Africa by June, which means Congress must pass the enabling legislation as soon as possible. Otherwise, our efforts to prevent the starvation of millions will be for naught.

There are several additional measures we can take to fill the discrepancy in resources as well. First, we can make 300,000 tons of grain available through the emergency grain reserve. Another possibility is to request that the Administrator for the Agency for International Development (AID), Peter McPherson, transfer 10 percent of the reserves that he controls under title I to title II (Public Law 480) of the emergency food aid bill.

Finally I must express my concern that any bill providing aid to Africa specify that the food is given to the people and not to governments as political weapons.

Mr. Speaker, the message is that people are starving in Africa. Fighting hunger must take priority in our deliberations; 100,000 dead in Mozambique are too many. This Nation and others need our help. I urge the administration and my colleagues in Congress to pass this bill independently of others and assist in the delivery of necessary aid to famished African peoples.

Mr. ROTH. Mr. Speaker, I move to strike the requisite number of words and I rise in support of the bill.

Mr. Speaker, we all sympathize with the suffering that is continuing because of the drought in Africa. The results have been devastating and makes it imperative that assistance be made to those who are in extreme need of food.

However, the legislation also provides this Congress with the auspicious occasion to help those here at home as well as the unfortunate abroad. At the present time our country has been blessed with an ample supply of dairy products and all kinds of agricultural products.

Last year, I introduced a concurrent resolution urging the Secretary of Agriculture to use his present authority to barter surplus agricultural commodities for needed minerals and materials for our natural stockpiles. Progress has been made with this barter resolution because of the legislation that was passed last year.

The legislation before the House at this time would enable this bartering procedure to be put into mutual and beneficial use. Both for those in dire need of life-sustaining food and also for our own people here. I would like to wholeheartedly urge the Commodity Credit Corporation to use its authority to arrange for the movement of these agricultural commodities through the barter system as defined in the Dairy and Tobacco Adjustment Act of 1983. This action gives Congress the ability to offer a helping hand to those who are suffering and extremely suffering from a shortage of food and also at the same time replenish our stockpiles of minerals and metals.

I think this legislation here is giving us an example of issues to come. The issue of hunger is going to be with us, it is going to be one of the key issues, the issue of food, one of the key issues not only in the next decade, but for the rest of our lifetime.

This is an omen of things to come in my opinion. The issue of food will dwarf all other issues for the remainder of our lifetime; 200,000 people are added to the world population every day. For every two people we see today, we will see three at the turn of the century.

Where is the food going to come from to support these people? I think these are the points that we try to underscore again, and again, and again when we debate the Dairy and Tobacco Adjustment Act of 1983.

I urge my colleagues to support this legislation but also to keep in mind that the future, the future of the legislation debated in this House, is going to revolve around issues like this, and we have to be mindful of the future issues coming if we are going to be able to adjust to that legislation and be able to make the appropriate decisions when that legislation comes before us.

That means that we have to be cognizant of what the agricultural community is contributing to this country and to the world and also the future of the entire issue of food.

Mr. WOLPE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of House Joint Resolution 492.

Mr. Speaker, I rise to express the strongest possible support of this urgent supplemental appropriation for emergency food assistance to Africa. The crisis is real, and it is immediate. I want to pay tribute to the chairman of both the Agriculture Subcommittee and the full Appropriations Committee, the gentleman from Mississippi, for acting so expeditiously on this most important matter and the humanitarian spirit which that action conveys. We should act with equal speed on this matter and in so doing encourage our colleagues in the Senate to maintain this fast track that the Appropriations Committee has initiated.

Mr. Speaker, more than 150 million people in at least 24 countries in Africa now face famine as a consequence of a devastating drought that is threatening the widest area in Africa in recent history.

Thousands of African children and adults are dying daily; millions are facing starvation. In Mozambique alone, an estimated 100,000 people have died already as a result of the drought. Compared to the African famine of 1973 to 1974, which claimed between 200,000 and 300,000 lives, the current catastrophic food shortages claim an even more devastating toll.

In most countries this is at least the second year of the drought. Mr. Speaker, this past summer, I traveled to some of the drought-stricken parts of Ethiopia with a number of my colleagues from this body. We visited an emergency food distribution center and an intensive feeding center in the Gondar region and saw crowds of people waiting in the rain for food.

After having already walked for days, they waited without shelter from the cold and the rain, to receive some of the food that would be delivered by a small airplane because no trucks could reach that area. We also saw the plane in Gondar, it was out of service for a few days because of mechanical problems.

Many of these people may have already died because the international donor community and the United States have not become seized by the sense of urgency that is required to organize a significant response to this human tragedy.

Mr. Speaker, this situation is not unique to Ethiopia, where reports last June indicated that as many as 50 to 100 children were dying daily. The threat of starvation, malnutrition, disease, and irreversible loss of livestock is very real in these 24 countries in western, eastern, central, and southern Africa.

For the international relief efforts and the American contribution to those efforts to have a real impact, it must be emphasized that time is of the essence.

Mr. Speaker, I am tremendously encouraged not only by the response of the Appropriations Committee to the supplemental, but also by the tremendous bipartisanship in support of this issue, both in the House and in the Senate.

I want to pay particular tribute to the gentleman from New York (Mr. McHugh), the gentleman from Pennsylvania (Mr. Gray), the gentleman from New York (Mr. Molinari), and the ranking member of the House Subcommittee on Africa (Mr. Solomon) for the assistance they have extended in moving us to this point. One gentleman has provided particularly a forceful and effective leadership on this issue, and that is the gentleman from New York (Mr. Weiss). I just want to express my personal appreciation for the leadership he has brought to bear on this matter.

Mr. Speaker, the most recent figures available from the U.N. Food and Agricultural Organization on food aid to the 24 affected countries indicates that of the 3.3 million tons of food aid required through 1984, about 2 million tons have been pledged of which 800,000 have been delivered. This leaves an unmet need of 1.3 million tons, of which all but 121,000 tons need to be delivered by September. The U.S. share of the 2 million tons already pledged is about 540,000 tons or 27 percent. This consists of 320,000 tons in regular food for peace programs and 220,000 tons in aid from the title II emergency reserve. Of the remaining 1.3 million tons of unmet food needs AID has recently approved an additional contribution of 50,000 tons, and with the passage of this emergency supplemental for $150 million AID will be able to contribute a further 375,000 tons toward the unmet needs. This could bring the total U.S. contribution toward the 1.3 million tons of unmet food needs to about 425,000 tons or 32 percent.

Mr. Speaker, while the United States has traditionally provided 50 percent of Africa's food aid needs, a contribution of one-third of the current unmet needs, which is what this supplemental would accomplish, would, nevertheless have a significant impact in Africa and will also encourage the rest of the donor community to expedite their pledges and deliveries.

Let me emphasize that this amount should be viewed as the minimum that the United States should be prepared to offer in the current crisis. Even though there has been some discrepancy between the FAO and AID estimates on food aid needs, due to the differing methods and to the fact that AID does not have missions in all of the affected countries, is it clear to all that the magnitude of this drought and the likelihood of it continuing necessitates the expeditious and generous marshaling of all available resources by the international donor community to help save lives throughout Africa.

Mr. Speaker, let me close by briefly addressing a few related issues:

First, on the issue of time it must be emphasized that the officials at AID, who have been working so hard on this issue, have indicated that they desperately need the Congress to pass this supplemental by the end of March to allow them time for the efficient programing of this aid in the crucial months ahead. It is equally important that this bill will make these funds available through the end of this calendar year, giving AID the time and resources necessary to move the additional food. It takes roughly 3 months to actually get approved food aid to the recipient countries.

Second, on the issue of efficient distribution and monitoring of food aid in the recipient countries it is clear that a major bottleneck in the relief efforts is the poor transportation capacity of many of the affected countries. We encourage AID to continue to obtain the necessary funding for inland distribution and other nonfood emergency needs from the Office of Foreign Disaster Assistance [OFDA] and to make use of OFDA's $50 million borrowing authority when necessary. Additional funding for nonfood emergency needs may become available in October, if we pass a foreign assistance bill, as a result of an amendment of Mr. Solarz and myself to provide $16 million specifically for these needs. We also applaud AID's efficient monitoring of

U.S. assistance and acknowledge that most American food aid is handled in recipient countries by American private voluntary organizations.

Third, on the issue of political considerations, specifically regarding aid to countries identified as Socialist or Communist, I only want to remind this body that the United States has the most laudable tradition of responding to the humanitarian needs of people irrespective of the political persuasion of their Governments. Simply put: the United States tries to save lives. This has never meant and does not mean that we provide assistance in an irresponsible manner if there is evidence to suggest a misuse of relief aid. Our officials at AID have been very diligent in assuring that American aid is handled mostly by American PVO's and monitored by American or international organization officials.

Mr. Speaker, the loss of each life on this planet resulting from a lack of food is a tragedy, particularly when our warehouses are filled with surplus food and when we have had ample advance warning of such impending natural disasters. The current crisis in Africa is a further tragedy given the experience of the international relief efforts during the Sahellian drought of 1973-74. While many lives were saved by the provision of food aid, many more were lost because of the slow response time and bureaucratic delays of the donor countries. By passing this bill today we will help assure that this shameful tragedy is not repeated.

Finally, let me recommend that all of my colleagues take the opportunity this week to see the exhibit of photographs taken by Senator JACK DANFORTH in Mozambique and Senegal recently which graphically demonstrate the urgency of the food crisis in Africa. The exhibit opens this Thursday in the Senate Caucus Room [SR 325] of the Russell Building.

I thank again, the gentleman from Mississippi for his tremendous assistance in this most important effort.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

(On request of Mr. WEISS and by unanimous consent, Mr. WOLPE was allowed to proceed for 1 additional minute.)

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding. I am very appreciative of his kind and, indeed, overly generous remarks about my role in this matter.

Mr. Speaker, I simply want to take note of the fact that while the gentleman was handing out some very deserved plaudits to other Members, the fact is that he, as the chairman of the Subcommittee on Africa, has consistently throughout the years played a very effective and leading and absolutely essential role in maintaining the focus of the food needs of the desperately hungry people of Africa and on the urgency of the action that was required.

I want to underscore what the gentleman has said concerning additional needs of both food and nonfood assistance. As the Members of the House know, I introduced legislation providing for $300 million in food assistance, an amount that would meet approximately 50 percent of this year's requirements. It calls for an additional $50 million in nonfood assistance. I am heartened by the fact that in a matter of days that bill has gained some 70 cosponsors from both sides of the aisle.

□ 1340

So I am confident that if the administration acts diligently to distribute the food that is provided for in this appropriation measure, there will be support in this House and in the affected committees to provide the additional amounts needed to avert starvation.

Mr. WOLPE. I thank the gentleman for his observations.

The SPEAKER pro tempore. The time of the gentleman from Michigan (Mr. WOLPE) has expired.

(By unanimous consent, Mr. WOLPE was allowed to proceed for 1 additional minute.)

Mr. WOLPE. I thank the gentleman for his kind remarks. It is always dangerous to single out names in an effort that so many people have been involved with. The gentleman from Wisconsin (Mr. ROTH), the gentleman from North Dakota (Mr. DORGAN), the gentleman from South Dakota (Mr. DASCHLE), there are so many folks. So many people have been involved consistently moving us to the point where we are now.

I just think it is really reflective of the best humanitarian tradition of this country that this kind of legislation can command bipartisan support and the sense of urgency that it evidently has.

Mr. MOLINARI. Mr. Speaker, I move to strike the requisite number of words, and I rise in support of the resolution.

Mr. Speaker, I am pleased to join in this bipartisan humanitarian effort.

About 2 weeks ago, a number of us got together at a press conference to pledge support for an emergency supplemental aid bill to the starving in Africa. It was significant to note that most of those present had some personal identification with the problem; indeed, most of them had visited Africa and saw for themselves the starvation, the swollen bellies, the children dying.

In my case, I was privileged to represent the House of Representatives last November in Rome at the Food and Agriculture Conference. The drought and famine in Africa dominated the entire conference. I heard representatives of the African nations begging for assistance, and I returned from that trip with a strong commitment to do whatever possible on my own part to seek immediate relief.

While I am pleased to be taking up the issue today, I cannot help but wonder why we could not have acted even more quickly and how many more lives might have been saved if we could have acted more expeditiously. The necessary action now is to pass this legislation and trigger the food distribution process.

Mr. Speaker, Sunday night last, the night before yesterday, there was an hour-long program that was sponsored by, I think it was World Vision. It depicted the horrors of what is happening in Africa. My wife and I were watching the program together, and after about 10 minutes, of watching and crying on her part, she had to get up and leave the room. It was that bad.

I was tempted myself to take the easy way out and walk, knowing that I was going to support this legislation when it hit the floor, but I forced myself to stay because I wanted to receive the full impact of what was happening over there.

I hate to overdramatize what is happening, but I think it is important that we do note some examples. One that hit me very deeply was the story of a mother who had twins. She did not have enough milk in her breasts to nurse both children, and she decided that what she should do would be to make a choice and to feed but one of those two children. That choice she made, and she suffered the torment of watching the other child die slowly. A tough, tough decision, and it certainly underscores the need for what we are doing here today.

The gentleman from Texas before pointed out that it is kind of ironic that here we are at a time when the biggest issue in the country is the budget deficits and we are talking about sending $150 million in economic and food aid to the needy countries in Africa. I think that tells a story about this great country of ours; that while we do have such serious problems, we are willing to dig down a little deeper to help those who need that help so desperately.

We should understand, Mr. Speaker, that approximately 40 percent of the moneys that are appropriated will be spent on transportation. The administration and AID had originally recommended $90 million. I introduced legislation of my own which would have provided the same figure that we are discussing today, $150 million.

Let us remember that as of February 23 there was only $23 million left in the emergency food aid budget, and it was estimated that the remaining money would be committed within the next 2 or 3 weeks in order to address food needs on a timely basis.

Let us talk for a moment about the procurement of commodities; that takes about 4 to 6 weeks on average. Ocean transport is another 2 to 4 weeks, and for landlocked countries, inland transport can take another 4 to 6 weeks. So we can begin to understand the magnitude of the problem facing us.

Although this appropriation is a necessary short-term response, it is important to note that the United States is continuing to develop long-term solutions. For example, in January the administration announced a proposed economic policy initiative for Africa which would be a 5-year, $500 million program. The program would offer tangible support.

The SPEAKER pro tempore. The time of the gentleman from New York (Mr. MOLINARI) has expired.

(By unanimous consent, Mr. MOLINARI was allowed to proceed for 2 additional minutes.)

Mr. MOLINARI. The program would offer tangible support for those countries prepared to undertake the policy reforms needed to improve productivity.

I am proud to join in the bipartisan spirit that we have here today and to have worked together with my colleagues who spoke before me. I am also proud of the role that our country is playing in responding as quickly as we can, either through congressional action or voluntary contributions that are being made across the Nation.

To quote the Secretary of State, George Shultz: "The first basic truth is that our common humanity compels us to respond to the specter of famine across sub-Sahara Africa."

Traditionally, the United States has taken the lead in the food crisis and sets an example for the other more fortunate nations of the world to follow. I hope and trust that that will follow our action today.

Mr. DASCHLE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of House Joint Resolution 492, which appropriates $150 million in emergency food assistance to nations throughout the African continent, nations where thousands of people have starved to death and where millions face starvation.

I applaud the speed with which the House Appropriations Committee has acted on this life-and-death matter, and hope that if more assistance is needed at a later day, as well may be the case, that we will again see quick action.

I am going to focus my remarks on the problem of getting our food aid to those most in need. We can, without great difficulty, get U.S. food from the farm to the port of the recipient country or the port nearest to the recipient country. Then, however, comes what is often a major obstacle in getting food and supplies delivered within the country.

Ideally, the supplemental appropriations bill would have included money for nonfood emergency needs such as inland transportation, seeds, medicines, animal feed and vaccines, well-digging and well-deepening, and logistics expertise.

African nations, dependent on agricultural economies and in the midst of a multiyear drought, do not have the financial resources to cover the costs of these nonfood emergency needs. If our food aid is to be of real use, we must assist in this effort. While costs of distributing food aid vary from country to country, Catholic Relief Services estimates that it costs $100 to $150 a ton to cover transport, handling, and storage costs.

Some governments are making extraordinary efforts to provide drought relief. Upper Volta, for example, has launched a national drought appeal. All government salaried workers have been taxed for a drought fund and the government has appealed to all nongovernment workers to contribute voluntarily to the fund. The Government, however, simply does not have enough tax revenues to respond the way it would like to the drought.

Seed grains are desperately and immediately needed in several countries, since seeds have been eaten and there now are not enough to plant. In the Sahel and Ethiopia, seed grains are needed by April 15 for planting. Catholic Relief estimates that in Ghana locally purchased seed grains cost about $500 a ton.

Water shortages are a tremendous problem throughout Africa. Because of the drought, wells are drying up and need to be deepened and, in some cases, new wells dug. The shortages of water affect both people and animals and also affects production. For instance, in northern Togo ponds that usually provide drinking water for animals have dried up. Some factories have been forced to stop production of palm oil because of lack of water, thus further weakening the country's revenue base.

Medicine and medical supplies are in critically short supply. Returning Lutheran World Relief people report that lack of medical supplies in Mauritania is making malnourished people highly susceptible to disease. Outbreaks of measles are occurring in Mali and Upper Volta, while meningitis is reported in Upper Volta.

Rinderpest and other animal diseases have been reported in many African nations. Protection against disease is even more important than normal because the drought has tended to cluster animals where water and feed are available. Lutheran World Relief reports that herders in southern Mauritania have driven their animals south into Mali in search of food and water. There are virtually no animals in southern Mauritania. All have either been driven south or died. In southern Mali, on the other hand, the animal population has increased markedly due to the influx from Mauritania.

Some African governments need assistance in the area of logistics. The Norwegian Red Cross, for example, has sent a logistics expert to work with the Mauritanian Government on relief distribution. This is an area in which the United States can be of great assistance.

While an amendment adding money for nonfood emergency items such as those discussed above would not be germane to this bill under House rules, I would strongly urge that we accept any nonfood provisions that might be contained in a Senate bill. All of the instances I mentioned concerning nonfood needs are things seen and reported by Catholic Relief Services and Lutheran World Relief people who have recently returned from Africa.

Finally, I would like to address the concern expressed by some that it will be difficult for the United States to get $150 million worth of food allocated, ordered, packaged and at a U.S. port by December 31, 1984. This is often referred to as our "absorptive capacity." While it seems that we should have this ability, we do have the alternative of pursuing other avenues of distribution, such as the world food program, private voluntary agencies, and the International Committee of the Red Cross.

It only takes for instance, 13-18 days to ship food from New Orleans to Ghana and 20-27 days for the trip from New Orleans to Mozambique. And we do have the ability to increase our processing capacity. Our vegetable oil production is only running at 72 percent and our cornmeal production at 70 percent of capacity.

Arthur Simon, director of Bread for the World, pointed out in his testimony before the Senate Foreign Relations Africa Subcommittee last week, "Absorptive capacity can be readily and quickly increased, because it is related to resources provided for gasoline, trucks, trailers, spare parts, aircraft, personnel and the like."

He went on to point out that 73 trucks and 15 trailers in Chad will increase the amount of food that the country can take in and distribute by 5,000 tons per month. And in the

Sahel, in the 1970's drought, the use of three military planes for food distribution significantly increased the ability to deliver food.

Ken Hackett of Catholic Relief Services also addressed the absorptive capacity issue in his testimony before the Senate Foreign Affairs Subcommittee on Africa. He pointed out that while distribution problems do exist, of course, it is not a prohibitive factor. He said that the port of Abjidan in West Africa, which can deliver food to Upper Volta and Mali, has the capacity to double its present volume. The port of Lome and Dakar can handle significantly more tonnage, and the transport infrastructure problems in Ghana have been improved enough to allow more truck transport of food and supplies.

Again, thanks to Chairman WHITTEN and other members of the Appropriations Committee for their attention to the Africa supplemental bill. The fact that this bill has been reported out of committee as a separate piece of legislation should help us get it signed into law quickly.

Our colleagues on the Senate side have said that they will also act quickly on a supplemental appropriation for Africa. I hope that the Senate will resist any attempts to tie the bill to other supplemental requests, particularly any controversial requests such as military and economic aid to El Salvador. Any delay will cost lives.

□ 1350

Mr. FRENZEL. Mr. Speaker, I have an amendment at the desk.

The **SPEAKER** pro tempore. The gentleman is advised that there is an amendment pending. The committee amendment is pending at the present time.

Mr. FRENZEL. Then, Mr. Speaker, I move to strike the last word.

The **SPEAKER** pro tempore. The gentleman from Minnesota (Mr. FRENZEL) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, the amendment which I would offer when it is appropriate to do so would delete the committee's $90 million which is available for CCC sale or barter of commodities to African nations requiring food assistance.

The aim of that amendment is not to deny food assistance where it is essential from a humanitarian standpoint, but to make sure that our aid is directed through the proper channel.

The proper channel in this case, in my judgment, is through the Public Law 480 program. The committee has already appropriated $150 million for Africa, a figure with which I agree, through Public Law 480, even though the administration believes that figure to be $60 million too high.

Now, if the $150 million is not enough, I would suggest that it would be far more sensible to appropriate more into the Public Law 480 program rather than to risk a possible violation of our international trade agreements and our relations with our trading partners by offering preferential sale or barter arrangements through the CCC. We have already done that with our $1 billion of blended credit sales to other nations, after expressing vociferous criticism of similar subsidies offered by other countries.

This kind of preferential financing under the CCC would only add to the arguments that the United States is the country that is playing on an uneven playing field. It would harm our efforts to obtain additional international agreements to limit subsidized credit arrangements which are being conducted by others.

I understand that the administration now has the authority to make these sales, and, further, that the legislation does not force any funds to be spent. However, it seems to me to be a very bad signal, particularly at a time when the European Community's common agricultural program is under review and likely to be changed substantially.

Mr. Speaker, I know that this amendment is not going to pass, and I am not going to put the House to the extra time of taking a vote on it. I raise it only to make the points noted in my presentation.

I will vote for the resolution anyway because my colleagues have convinced me of the need and because the authority to which I object probably never will be used.

I support House Joint Resolution 492 even though it exceeds the administration's request and is an urgent supplemental appropriations bill of the type which I do not usually vote for.

The severity of the drought and the testimony of my colleagues have convinced me that this is a necessary gesture. Nevertheless I am disappointed that we have gone through some fiction of eliminating the 302(b) budget allocation. I wish that we had instead waived the whole Budget Act because that is, in fact, what should have been done in this case.

However, because it is a necessary bill, the need is great, the urgency is apparent, and I shall vote for the bill in any case.

Mr. Speaker, I yield back the balance of my time.

Mr. DORGAN. Mr. Speaker, I move to strike the last word, and I rise in support of the bill.

Mr. Speaker, first I would like to commend the committee chairman and the members of the committee for the prompt work they have done on this legislation.

We have a lot of legislation before Congress, but not a lot of it deals with life and death. The legislation we are talking about here literally determines whether some people in this world will live or will die.

The description of the hunger problem in Africa has been amplified by many Members; 100,000 people have died in Mozambique alone, and another 100,000 have fled Mozambique into Zimbabwe. The Zimbabwe medical authorities are now fighting a couple of thousand cases of cholera.

There are 150 million people who are hungry in the sub-Saharan region of Africa; 45,000 children under the age of 5 die every day, day after day after day, in this world from hunger-related causes; 600 million people go to bed every night with an ache in their bellies because they do not have enough to eat.

In the sub-Saharan region of Africa we have a crisis, and that is what this bill is all about.

I thought this visual aid might be instructive. I have had a little jar on my desk for a couple of years. This is a food ration called CARE. I always thought, when I grew up in a small town and heard about a CARE package, that it was a cardboard box that someone put some potatoes in and a can of vegetables and some meat and sent it overseas and somebody opened the box and ate the food.

This is from the CARE organization, under title II of Food for Peace—80 grams of grain and 10 grams of oil. It is a CARE ration for 1 day for one child. This type of aid keeps 19 million children alive every day. It is the only thing between those children and death. This is a CARE package, and it is precious little. We are talking today of precious little, too; of 1 percent of the 1985 foreign aid request—just 1 percent.

I mentioned a couple of weeks ago on this floor the late singer, Harry Chapin, whom many of us on the floor of this House had worked with on hunger issues. He used to talk about hunger in a unique way. He said that if 40,000 children died in New Jersey last evening, there would be headlines all across the world. But the fact is that 40,000 children under the age of 5 die every day across this world from hunger-related causes, and there are not headlines because the winds of hunger blow every minute, every hour, and every month, and it is not an issue that gets enough attention.

That is why I am so pleased that the members of this committee and the Members of this Congress will, I hope, now move to meet this food crisis in Africa.

We have grain bins that are bulging in my part of the country. We are asking farmers if they will please put 50 percent of their land out of production and not plant it. One cave in Kansas City alone—think of this—one cave in Kansas City, Mo., contains 3,000 train carloads of nonfat dry milk that the Government owns and does not know what to do with. Indonesia needs nonfat dry milk. Many Third World countries need and can use dairy products that are stored in caves. They need the wheat and the barley and the corn that we grow in such abundance.

Anyone in this Chamber who has sat in the dirt across the way from someone in this world who is hungry and starving—and many of us have when we have been in various parts of the world—understands that as we deal with other people in Africa or Central America or any other place in the world, the Soviets and others can match us gun for gun and bullet for bullet, but they cannot match us bushel for bushel because the Soviets cannot produce enough food for themselves. We have created a modern miracle in this country. We have the most efficient, technologically proficient agriculture industry in the history of civilization.

We produce far more than we can use, and that is precisely what this world needs. I would like to see us go much further than what we are doing today. I would like to see us send far, far fewer machineguns and far fewer tanks and far fewer bullets in our foreign assistance programs all around the world and send much more food and food know-how to the people in this world who are hungry. I think that builds friendships for life. It is precisely what the world needs, and it is precisely what the Soviets, the other superpower, cannot give.

□ 1400

I would just like today to say to the chairman of the committee and say to the other Members of Congress that, although we are not talking about a great amount of money relative to other spending measures that we have in Congress, this bill is critical. It is one of the most important pieces of legislation to move us toward the right kind of foreign assistance to the people who desperately need it around this world.

I am really proud to be a Member of Congress when it plays a role like this. If this amount of money is not enough, then we must do more.

This kind of CARE ration that goes to the people in this world who are dying will keep those people alive. It builds the kind of friendship and I think the kind of stability that also promotes world peace. World peace is threatened by hunger, as Harry Chapin used to say. Let us act today because it is humanitarian, but let us also do it because it is in our own enlightened self-interest. It is that simple and it is also right.

Mr. Speaker, we can play a positive and creative role in Africa's future by mobilizing the right kind of emergency food aid today. I support a minimum urgent appropriation of $150 million of food aid for Africa and the rushing of emergency wheat reserve stocks and transportation aid to that hungry continent.

Yesterday I read a report of the halting progress of "constructive engagement," the Reagan administration's diplomatic effort to bring warring South Africa, Angola, and Mozambique to the conference table. I agree that we should be using diplomatic tools and not military aid to help bring peace and justice to Africa's southern states, although I question whether we have moved fast enough and forcefully enough to bring South Africa into the 20th century of racial justice and human dignity. But that is another story.

CONSTRUCTIVE ENGAGEMENT THAT WORKS

What I wish to underscore today is that we can constructively engage South Africa—and all of the hungry continent. We can do so by responding effectively, compassionately, and speedily to the mounting food crisis that threatens 150 million Africans in at least 24 nations. We can help avoid another "disaster in the desert" by rushing food aid to drought-stricken people, instead of waiting until starvation already has claimed many victims—as we and other donor nations did during the Sahelian drought of 1973-74.

I do not suggest that we abandon genuine, realistic diplomatic efforts to achieve peace and justice in southern Africa. What I do contend is that we can actively pursue a parallel track that offers greater hope for immediate progress, lasting partnerships, and improved U.S. security. I further argue that we now take humanitarian and foreign policy steps that do not require Soviet acquiescence, Cuban troop withdrawals, and protracted negotiations.

EMERGENCY FOOD AID

Whereas time may be on our side in peace negotiations, it is on no one's side in the continental African drought. The present need of 150 million Africans for ample food aid at first staggers the mind. Some 100,000 people have died in Mozambique alone from hunger and hunger-related causes. A recent article chronicles the plight of another 100,000 Mozambicans who have fled their food-starved homeland for neighboring Zimbabwe. There, the Government of Zimbabwe has been stunned by the refugee influx and health officials have already battled 2,000 cases of cholera.

We need not wring our hands in despair over this grim situation—or over the food shortages in 23 other desperate nations. We have thousands of bushels of grain bulging in bins across this Nation. For a cost of only 1 percent of next year's foreign-aid request, we can pass an urgent supplemental appropriation today and thereby offer hope and life to a hungry continent.

AID AND TRADE

For such a modest investment, we not only do what is right. We also help to build and reinforce bridges to nations in the Third World. We also show the world that the United States will not shrink from its traditional leadership role in responding to human catastrophes. This, more than the billions of arms aid we send around the world, can give us the edge in showing which of the superpowers really responds to human needs. It is clear that the Soviets can match us bullet for bullet in Africa and elsewhere, but they will never compete with us bushel for bushel in efforts to keep people alive.

Looking beyond the aid needs of Africa, I welcome the Appropriations Committee's attention to the trade needs of Africa and America. Making available an additional $90 million to the Commodity Credit Corporation for competitive sales or barter of food stocks could help our languishing farm economy and also boost our national security.

Obviously, most food-short nations are also cash-short. But a study, which the Congressional Research Service recently prepared for me, shows that we have some $27 billion in potential barter trade involving swaps of U.S. food for strategic materials and oil in Third World nations. The latter include such drought-troubled nations as copper-rich Zambia and cobalt-rich Zaire. In times past we bartered some $1.7 billion in farm commodities to meet defense stockpile goals. It is time to revive this trade by targeting specific opportunities for barter.

ENOUGH AID NOW

I share a concern of many other Members that the $150 million supplemental may not adequately meet Africa's current food needs. The United Nation's Food and Agriculture Organization reports unmet food aid needs totaling 1.3 million tons. Bread for the world and other food groups believe this may understate the case due to spreading drought. So if the United States fulfilled its traditional role of providing about 50 percent of emergency food aid, we would have to supply about 650,000 to 750,000 tons and appropriate closer to $300 million to pay for this aid. In addition, we should now be providing about $50 million to meet nonfood emergency needs for inland transportation, seeds, and medicine. We need to insure, for example, that our food aid reaches the people who need it.

I am ready to support the $150 million supplemental with the understanding that Congress will soon act on nonfood emergency and provide added supplemental funding in line with the FAO reports. I know there is widespread support for adequate aid since 94 other Members joined me in a letter to the President urging that he rush approved aid to Africa, use the emergency wheat reserve, provide needed nonfood emergency aid, and work with Congress on an adequate supplemental.

There is absolutely no reason why Africans—or anyone—should be dying from a lack of food while our granaries are overflowing from a lack of decent prices. We should not be stockpiling 3,000 carloads of dairy products in one cave alone, while Mozambiquan refugees queue for rations in food-short Zimbabwe.

As David Lamb argues in his new book "The Africans,"

> To be oblivious to the problems of Africa is to promote more international misery, hunger, and instability—to increase the threats to peace in the world.

Today we should err on the side of generosity, not frugality. For the hungry African child will not eat in the future if he does not eat today.

Mr. WHITTEN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I earlier rose to speak in behalf of the committee amendment. I do this to thank my colleagues and also to point out several things that make me believe this is one of the greatest steps we have taken in many, many years.

First, may I point out that in these countries where they are run by tribes, it is understood that there is no room in the country for the losers in any dispute, which means a real problem to get food to those who need it. That does not apply to all countries involved here, but it does to some of them.

I repeat again, if our purpose is to help people who are starving, then how to get it to them is a major part of it. For us to just vote for this to get headlines and then ship it over and dump it out, that does not solve the problem. I think the record clearly shows that the best way to get it to them is to go through whatever the normal trade routes are so that you have folks helping you to get it into the country and helping you to distribute it. But this goes much further than that. This is what I take the extra time for, to call attention to in the Record.

American agriculture today is bankrupt. I sat in my office talking to people from Nebraska yesterday, where they are selling farm equipment for about 10 cents on the dollar. People standing in line trying to get loan money so they can farm.

This year we had the Secretary of Agriculture before us along with Mr. Lesher, the Department's chief economist. We are the only country in the world that does not sell competitively. That is, what we have and do not need, we should sell it for what it will bring. We are the only country, according to the testimony this past week before our committee, that does not sell competitively. That is one thing to think about.

Agriculture, in this country, is bigger than the steel industry, the automobile industry, and the housing industry combined. To strike out that purchasing power, one-fifth of our economy, will bring us all down, if you do not mind.

The other thing, we have handled this in past years—I will not take up your time, but I have the record. The Commodity Credit Corporation is a $25 million Corporation to support farm prices at a fair level in comparison with costs. That is in the charter of the Corporation.

The Corporation was also organized to move our commodities, surplus to domestic needs, into world trade for barter, or for sale at a competitive price, at a level to protect the assets of the Corporation.

In addition to that, I had a big part in the writing of the Corporation Control Act. At that time when we had some corporations that we did not even keep up with. In that act we exempted the Commodity Credit Corporation from being hamstrung in carrying out its responsibilities, which were to support prices at a fair level.

Now, it shows that industry and labor over the years have increased their percentage share of the consumer dollar from 49 percent to 69 percent.

The farmer, who is dependent on the export market for a third of his product, is getting instead of 51 percent, 31 percent. They are broke. They are bankrupt.

The Secretary of Agriculture, Mr. Block, was before our committee last week.

"Oh," he said, "Mr. Chairman, we are doing a lot of good. We are lending out twice as much money in Farmers Home Administration operating loans as 3 years ago."

I said, "Mr. Secretary, you proved your point. They had to prove they could not get money anywhere else before they could qualify for that loan."

So, I am saying to you here again, we established the principle of letting the Commodity Corporation: First, support prices at a fair level relative to what the other two sectors are getting in the marketplace; and second, to see that we retain our export markets which are equivalent to about a third of what we produce. We set that precedent here and we said we would sell it on a sound basis at a sound time.

Now, for those that say we should not sell because the law has been restricted, if the law restricts it, it is not in keeping with the Corporation Control Act. But if it did, last year in our bill we fixed that, because we said the Secretary of Agriculture could set aside any restriction on the Commodity Credit Corporation discharging its responsibilities. We want to see that the farmer, the biggest market that industry and labor has, gets a fair price for his commodities compared with what they cost to produce and see that his product in turn is sold around the world competitively like everybody else.

So, I say, this is a very important bill. We are trying to meet the needs of people and trying to get the food in where they can eat it. Dumping it on the ground at the harbor does not solve the problem. Nobody intends that. We have two ways of trying to get the food to them.

I have not been active in this field for a good many years, but you would be surprised how much we get headlines over here on how much we ship out and how much money they make out of it, how much money they make on the other side, but the food is never distributed.

So we made a conscientious effort to solve the problem. In doing so I hope we reestablish the right of the American farmer to retain his foreign markets so that we will have a healthy agriculture. We must keep up the purchasing power that it has, for it is as big as the next three biggest industries. It is one-fifth of our economy. It is the foundation of our entire economy. If we do not do something to help, it is going to pull all the rest of us down. Keep it in mind.

Mr. BEREUTER. Mr. Speaker, I rise today in strong support of this urgent supplemental which will provide emergency funds to title II of the Food for Peace program. It is unconscionable to turn our backs on the massive famine that has brought the African Continent to its knees. This tragic situation has not only disrupted African participation in the normal channels of world commerce, but it has also effectively halted the internal development of many nations. Decades of improvement have come to a halt. Progress in education, nutrition, and institution-building have been replaced by the struggle simply to survive.

This supplemental is a very important piece of legislation. There can be no greater credit to this body than when we share a priority and work together to take the kind of action that will save lives and restore a measure of hope for vast numbers of people less fortunate than ourselves. But I would take my remarks one step further. I would urge my colleagues to search for measures that can be tapped without further congressional action. For instance, last week, 18 wheat-State colleagues joined me in sending a letter to President Reagan, urging him to authorize the release of wheat from the food security wheat reserve for immediate shipment to those African countries who presently have on hand with USAID requests for wheat and wheat-foods. This is a measure that does not require our action here in the Congress, nor does it require agreement with our colleagues in the Senate. It only requires that the President act, for the law that created the food security wheat reserve states that up to 300,000 metric tons can be withdrawn in any 1 fiscal year and provided to countries determined by the President to be disaster areas. Therefore, I urge my colleagues to discover what other kinds of immediate assistance may be available to those nations that are so desperate. For example, perhaps a contact with USAID Administrator Peter McPherson urging that section 416 of the Agriculture Act of 1949 be utilized to permit the greater use of milk and milk products might be effective. The authority exists, but it is not used to the fullest extent possible. When talking about nutritional needs, we must recognize that processed foods and products can be available more quickly than those that must first be milled, processed, or ground. Another idea might be to press for increased uses of soybean oil—an excellent source of protein—under the Public Law 480 program.

We all share tremendous concerns for starving people, but our concerns are not enough. We must actively seek creative ways to use existing authorities and stocks. I urge my colleagues to act today on this vital supplemental measure, and not to stop with this vote. We are the most affluent and productive nation in the world. We must simply push ourselves to examine our laws, statutes, and stocks to find the other ways to help.

● Mr. BROWN of California. Mr. Speaker, I raise today in strong support of the House Joint Resolution 492, the urgent supplemental appropriations for Africa food aid. This bill would appropriate $150 million in supplemental funds for emergency food assistance to 18 African nations. Africa is suffering from the worst famine in recent history. Millions of African people are threatened this very moment with severe malnutrition and starvation. While we have sent emergency food and transportation assistance to Africa over the last year, this additional amount is desperately needed.

As early as last spring, Members of this House began appealing to their colleagues, the administration, and to the President for increased food assistance to Africa. We have all read the pain-filled accounts in the news outlining the destruction caused by the drought, the children starving, the farmers eating their seeds instead of planting new crops.

Last year, several Congressmen wrote Peter McPherson, head of the Agency for International Development (AID) requesting emergency food and transportation assistance to Ethiopia, a country which has been severely affected. Early this year, a special order was held on the present situation in Africa, where the drought has wreaked havoc in 24 African nations. This is not a new issue. Peoples of these nations are starving.

House Joint Resolution 492 would appropriate supplemental funds for emergency food assistance to these nations. The funds would be expended through title II of the Public Law 480 programs, a program which I have supported and worked on as a member of the Agriculture Committee. This money will provide for approximately 400,000 metric tons of food, to be distributed by the Agriculture Department's Commodity Credit Corporation.

The resolution also urges the CCC to make available for sale an additional $90 million worth of food to African nations or to nations providing emergency food aid to Africa.

Mr. Speaker, the tragic suffering and painful deaths caused by this drought, have been thoroughly discussed on this floor. It is time to act. I urge my colleagues, on both sides of the aisle, to support this legislation, and any additional assistance which we can give to reduce the suffering and starvation taking place in Africa today.●

● Mr. JEFFORDS. Mr. Speaker, I would like to express my support for House Joint Resolution 492, the urgent supplemental appropriations for the Agriculture Department for fiscal year 1984. This bill would provide $150 million in emergency food relief for 18 African nations. These funds would be distributed through the Commodity Credit Corporation (CCC) under title II of Public Law 480. This bill also urges the CCC to make an additional $90 million worth of food available for sale to African nations at competitive world prices or in exchange for strategic minerals.

These African nations are in the midst of a very severe crisis, which, by most indications, is likely to get worse in the course of this year. The United States has traditionally been the largest provider of emergency food relief, responding to past crises with close to 50 percent of needed assistance. We are far from reaching that mark at the current time. This supplemental appropriation would be an important step toward that goal.

At this time of heartening political initiatives aimed at resolving the political strife in southern Africa, we must not ignore the profound human suffering in other parts of the continent. Our position as a respected mediator on the continent depends in part on our willingness to respond to the most fundamental need of the African nations—that of food. We must not hesitate in coming to the aid of these starving populations.

I agree with many of my colleagues that trimming the mounting Federal deficit must be a priority of this body. However, in the course of this effort, we must not lose sight of our national interest and priorities. The sum of $150 million is small by comparison to the amounts of military aid which we provide to many nations. This bill itself represents a substantial compromise in the amount requested, as many of us have supported H.R. 4863, which would appropriate $350 million in relief assistance. Therefore, in the spirit of compromise and of upholding our national priorities for humanitarian assistance, I urge all of my colleagues to support this very important bill.●

● Mr. BOLAND. Mr. Speaker, I support House Joint Resolution 492, a measure which is crucial to international efforts to respond to the famine in Africa.

House Joint Resolution 492 would provide $150 million in food assistance and $90 million in Commodity Credit Corporation food sales for African nations experiencing severe drought conditions. The African drought has produced suffering on a level that is almost impossible to comprehend. Incidences of hunger, malnutrition, and starvation have occurred in 18 African nations at a rate that should shock those of us fortunate enough to live in a land of relative abundance. The United States has had a long and distinguished tradition of responding to international crises and House Joint Resolution 492 is in keeping with that tradition. Millions of people will benefit from the emergency food aid which this measure will make available, and it is imperative that we act quickly to get the help to those who need it before the situation in Africa worsens.

Mr. Speaker, the root causes of the agricultural problems in Africa cannot be addressed by this legislation. I hope that we can fashion a subsequent measure to assist African nations in improving their agricultural techniques. What we can, and must do at this time, however, is to act to reduce the level of human misery in those countries. House Joint Resolution 492 will assist in accomplishing this result and I urge its adoption by the House.●

● Mr. FAUNTROY. Mr. Speaker, it is with enthusiasm that I support House Joint Resolution 492, the urgent supplemental appropriation to provide emergency food assistance to Africa.

This urgent supplemental appropriation which would provide an additional $150 million under Public Law 480 pursuant to title II of the Agricultural Trade Development and Assistance

Act is consistent with the humanitarian record our country has established in meeting the food needs of countries ravaged by hunger and food deficits.

This critically needed urgent supplemental would also make available $90 million from the Commodity Credit Corporation inventory for sale on a competitive bid basis or barter to 18 countries in Africa suffering from declines in agricultural production due to drought and erratic rainfall.

The situation that House Joint Resolution 492 seeks to address is grave and it requires an immediate response. The total food aid requirement for Africa is 3.3 million tons and only 1.7 million tons have been allocated to date. Food production is in decline and people are at risk. House Joint Resolution 492 is a substantive and humanitarian response and it deserves the support I am sure we will give it. Let us pass House Joint Resolution 492.●

● Mr. COYNE. Mr. Speaker, the grave situation in Africa argues for swift action on the bill now before us, House Joint Resolution 492, the urgent supplemental appropriations for African food aid. I hope that this House approves this measure overwhelmingly, that the Senate does likewise, and that the President will put his signature on the law so that we can initiate the process of feeding the hungry.

We know how serious the famine has become in Africa. The United Nations reported in January that two more nations, Upper Volta and Guinea-Bissau, have been added to that organization's list of African countries which face an emergency food situation, bringing the number of threatened countries to 24. Those nations need a total of 3.3 million tons of food over and above what they are able to produce. The United Nations reported that only 1.7 million had been received or pledged, with 1.2 million tons necessary by June in order to prevent further famine.

When it comes to meeting the emergency food needs of the world, the United States, the wealthiest and most productive agricultural nation in the world, has traditionally met 50 percent of the needs. We are not meeting that need in Africa, where the situation grows more serious by the day. A combination of factors has contributed to the specter of famine which now haunts the continent. For the last decade, the Sahara Desert has crept south, causing a blight from Somalia to Senegal. In the southern part of the continent, the worst drought of the century has compounded the situation. In Mozambique, for example, thousands have starved to death and 700,000 suffer acute malnutrition. A rapid growth in the population rate, a general decline in the standard of living, and widespread failure of agricultural programs have caused the hunger.

While much will have to be done in the long term to address such adverse circumstances, we must be concerned at the moment with the short term. If we do not act with dispatch, people will die by the thousands. Many more will bear a hunger few of us can imagine.

House Joint Resolution 492 appropriates $150 million in supplemental funds for emergency food assistance to 18 African nations. The funds, which must be spent this year, would be spent under title II of the Public Law 480 program. They should provide for the purchase of 400,000 metric tons of food which will be distributed by the Agriculture Department's Commodity Credit Corporation.

At this point, I think it would be worthwhile to explain why we need a supplemental appropriation. Of the 1.7 million tons already contributed in African food aid by January of this year, about 187,000 metric tons, or about 11 percent of the total, was contributed by the United States under title II of Public Law 480. That contribution, plus aid to other countries around the world, has helped to deplete the title II emergency reserve. Without a new appropriation, we would be unable to make even this limited additional contribution.

I am especially pleased that this bill also urges that the Commodity Credit Corporation make available for sale an additional $90 million worth of food, at competitive world prices, to African nations or those nations which provide emergency food aid to Africa.

Mr. Speaker, when a number of us raised this issue during a special order in the House of Representatives on February 1, I noted that talk alone would not put food into the mouths of those who need it. I joined others in requesting that we act quickly on a supplemental appropriations measure. I am pleased that Mr. WHITTEN and the other members of the Appropriations Committee share our view. Their action in bringing this bill to the House floor in such a short period shows a recognition of the peril in Africa. I hope other Members of the House share in that recognition, and that they join us in voting for House Joint Resolution 492, the urgent supplemental appropriations for African food aid.●

● Mr. PANETTA. Mr. Speaker, I rise in strong support of House Joint Resolution 492 making an emergency supplemental appropriation of $150 million in food aid for Africa, and would like to commend the House Committee on Appropriations for its swift action in bringing this urgent matter to the floor.

As we proceed in this matter, it is essential that we not lose sight of the magnitude of the present food crisis in Africa nor the cruel toll it is exacting. As many as 150 million people in at least 24 African countries today face malnutrition and even starvation as a result of 2 years of drought. In Mozambique, where it is reported that 100,000 persons have already perished, much of the local population is subsisting on little more than tree leaves, roots, and nuts.

Time is simply running out for the people of Mozambique and elsewhere in drought-plagued sub-Saharan Africa. We need only to remember the last great African famine of the early seventies when some 200,000 to 300,000 people perished to begin to understand the potential devastation of this unfolding human tragedy.

The United Nations Food and Agriculture Organization (FAO) recently concluded that 3.3 million metric tons of food are needed simply to weather the immediate crisis. The donor nations have thus far committed only 1.7 million tons toward that goal. Much of the resulting difference will have to be made up in the next few months if we are to forestall widespread starvation in the region.

In this respect, I am pleased that the Committee on Appropriations chose to increase by $60 million the President's original request for emergency food aid under the food-for-peace program—Public Law 480. But passage of this supplemental ought not to be construed as an end in itself. Instead, I am hopeful that the food aid under consideration today is a downpayment on a larger, international effort to assist the people of Africa in moving toward self-sufficiency.

The effects of 2 years of drought on the 4,000-mile stretch of territory from Senegal to Somalia are inescapable. Yet both the scope and severity of the present food crisis have been exacerbated by a number of factors not endemic to Africa, but found in virtually all developing nations. These include civil strife which interrupts food production, ill-advised government agricultural policies, underdeveloped infrastructures which impede food distribution and storage, and deteriorating balance of payments which make the importation of food-stuffs and modern agricultural technologies prohibitively expensive for many Third World countries. Clearly addressing these catalysts of hunger must be the focus of long-term development programs.

But why should we be concerned about the welfare of those living many thousands of miles from our shores? The answer, I think, has to do with who we are and how we perceive ourselves as a nation. The United States alone among nations of the world has the tremendous food resources to sustain those living today on the edge of starvation. Given this abundance, it is unconscionable that we could watch with indifference the suffering of those less fortunate. From the earliest days of our history, Americans have held as sacred the innate worth of human beings, irrespective of class or circumstance. As a nation, we have brought meaning to that principle by shouldering in large measure the burden of feeding the world's starving. Others have followed our example, and U.S. leadership today will help determine the magnitude of the international response to the unfolding tragedy in Africa.

As a member of the House Budget Committee, I am only too aware to the pressing need to put our own house in order. Budget difficulties have forced us to question all forms of Government spending, including development assistance. Yet with respect to Africa the only alternative to development assistance is a continent that will forever live from hand to mouth and forever be dependent on the generosity of others.

In this respect, I believe we must carefully rethink present foreign aid policies with their emphasis on military assistance. Spending on urgently needed humanitarian and development projects has, as many of my colleagues are aware, actually lost ground with respect to inflation since 1981. On the other hand, U.S. security assistance to foreign governments posted a 73-percent increase over the same period. Clearly this imbalance requires our full attention if we are to come to grips with the problems of underdevelopment.

Mr. Speaker, the immediate issue before this body is whether we will act today to avert a human tragedy. Approval of House Joint Resolution 492 is a vital first step toward that goal. It is equally appropriate that we take this opportunity to rededicate ourselves to the search for long-term solutions to world poverty and the misery it brings.

I appeal to all my colleagues to join in this effort.●

● Mr. TOWNS. Mr. Speaker, I rise today in strong support of House Joint Resolution 492, calling for an urgent supplemental appropriation for the Department of Agriculture in the fiscal year ending September 30, 1984, to provide emergency food assistance to Africa. Millions of African people are threatened this very moment with severe malnutrition and starvation due to sharp declines in their agricultural production during the past 2 years as a result of droughts and erratic rainfall.

The World Food Conference, concerned with recognizing the extent of the world food problem and analyzing techniques to solve it, has singled out Africa as the only continent where it is impossible for its countries to feed themselves because their grain consumption exceeds their grain production. Grains comprise the vast majority of food consumption in Africa, as in the rest of the world, and the United States holds about two-thirds of the world grain stocks. This year, U.S. farms produced unprecedented surpluses. Commodities requested to combat famine and malutrition are furnished from the Commodity Credit Corporation which spent an estimated $543.3 million in 1983 on the high cost of the storage and handling of surplus foodstuffs. Last year, the Department of Agriculture stored some 1.3 billion bushels of feed grain, 365 million bushels of wheat, 23 million hundredweight of rice, and 3.4 billion pounds of dairy products, while each year 15 to 20 million people die worldwide as a result of hunger and malnutrition. No where is the situation more devastating than in Africa. Emergency actions must be taken to forestall a human catastrophe in 24 African countries where the United Nations has estimated that 150 million Africans are chronically hungry.

Both the Food and Agriculture Organization of the United Nations and the U.S. Department of Agriculture estimate that an additional 1.5 million metric tons of food aid will be needed in these 24 African nations during the remainder of this fiscal year. About 75 percent of the needed food aid must arrive in African nations by June. Traditionally, the United States has provided about 50 percent of food aid. We currently have about $60 million remaining in Public Law 480 title II emergency funds for worldwide needs. However, current requests of $68 million from Africa already exceed that amount. It is also expected that sizable food requests from Africa will continue coming in at a rate that we must be prepared to keep up with. In view of field reports from the Food and Agriculture Organization, private voluntary agencies, and our own foreign missions describing staggering food deficits, I believe that President Reagan's $90 million supplemental request of emergency food assistance for Africa will not fulfill the U.S. share of unmet food aid to Africa. It is for this reason that I support a supplemental appropriation of $150 million to meet the devastating emergency food needs of Africa.●

● Mr. AuCOIN. Mr. Speaker, Africa is being ravaged by a famine of staggering proportions. Three years of drought have imposed a legacy of hunger on nearly 150 million people in 23 African nations. Over 100,000 people have died in Mozambique; 75 to 100 people a day are dying in Ethiopia. Widespread malnutrition is preventing the normal development of thousands of African children, causing permanent damage to the nervous system and the brain. Seed set-aside for next season's planting has been eaten in desperation.

According to the U.N. Food and Agriculture Organization, 3.3 million metric tons of food is needed immediately in Africa. To date, only 1.7 million metric tons have been allocated. Additional food must be delivered by June, to arrive before the rainy season.

The United States, with the largest food reserves of any nation in the world, is best prepared to meet the emergency need. To date, we have provided 10 percent of the food to meet the current crisis. The bill before us today, H.R. 492, will provide an additional $150 million in aid to 18 African countries. This translates into 400,000 metric tons of food, far short of overall needs.

The bill also calls for the U.S. Commodity Credit Corporation to offer $90 million in surplus food for sale or barter. And to insure that U.S. aid is distributed quickly and fairly, the bill directs the Agency for International Development to closely monitor delivery.

Mr. Speaker, while the current drought is the major cause of this crisis, it is not the only cause. Rapid population growth, war, a worldwide economic recession, and sometimes ineffective agricultural policies have contributed to a slowdown in food production in Africa. Since 1960, African food production has increased by less than 2 percent a year.

For humanitarian reasons, as well as long-term security reasons, we need to give higher priority to development programs in Africa. Increasing food production is not a one-vote proposition. It will require a commitment and attention over the long haul. The administration request for a supplemental bill reflects a recognition of immediate problems. Recent statements by Secretary Block and Secretary Shultz to increase assistance for rural and agricultural development indicate that there is a growing realization of long term needs.

H.R. 492 is above President Reagan's request for $90 million in emergency food aid. An increase I feel is more than justified for by our actions today, we can prove that our wealth is tempered by generosity, our strength as a nation by compassion.

I urge my colleagues to vote for this bill.●

● Mr. BARNES. Mr. Speaker, a crisis of great magnitude has hit the African Continent. A devastating drought is affecting some 150 million people in 24 African countries; millions are going hungry, millions are sick, and about one-third may be facing starvation.

Sadly, this crisis involves much more than just a food shortage. Disease is spreading, child malnutrition is rising at an alarming rate, and livestock herds are being wiped out. Water levels have dropped significantly and, in some parts, have dried up completely. Furthermore, there is still a great need to provide transportation assistance for internal distribution of food aid, particularly to remote areas in landlocked countries.

Ten years ago in sub-Saharan Africa, famine led to the starvation of thousands on the continent. Today, millions of Africans are again seriously threatened by the effects of an even more serious and widespread drought, which has compounded the already existing problems of poverty, inadequate health care, animal diseases, irregular rainfall, agricultural production, population growth. Many people do not seem to appreciate the catastrophic proportions of this crisis. And the U.S. Government response, although of late somewhat encouraging, has not been enough.

The Food and Agriculture Organization first issued an alert in April 1983 and is continuing in its appeal for international assistance for Africa. The FAO has determined that 3.3 million metric tons of food aid is needed, yet only 2 million metric tons have been pledged by the United States and other countries, leaving a gap of 1.3 million metric tons. The United States has historically provided 50 percent of disaster relief; yet our contribution has been only 270,000 metric tons—well below what we should be providing. The administration has proposed an emergency food aid supplemental of $90 million; this is encouraging, but more is needed.

The legislation before us allows for a marked improvement, increasing the U.S. share of food aid to 30 percent. House Joint Resolution 492 appropriates $150 million in supplemental funds for emergency food assistance to 18 African nations. This emergency supplemental will provide for approximately 400,000 metric tons of food, to be distributed by USDA's Commodity Credit Corporation. The measure also urges the CCC to make available for sale an additional 90 million dollars' worth of food to African countries or to countries providing emergency food aid to Africa.

It should be clear to all of us by now that more food assistance is needed and that the United States should be more responsive to international appeals.

The timeliness of such assistance is crucial. Food aid urgently needs to be expedited if large numbers of people are to be saved from starvation.

The United States needs to do more to help meet this great need. I fully support House Joint Resolution 492 and strongly urge my colleagues to vote for the measure.●

● Mr. LEHMAN of California. Mr. Speaker, today the House will be considering House Joint Resolution 492. The bill calls for $150 million in supplemental funds for emergency food assistance to 18 African nations suffering from drought-induced famine. All funds will be expended through title II of the Public Law 480 program and must be spent by December 31, 1984.

I realize that this country is struggling to overcome crippling deficits and that to succeed in our efforts to balance the budget we must be prepared to swallow some very bitter deficit-reducing pills. However, we are talking about $150 million—less than 65 cents per person in this country—to save the lives of millions of African men, women, and children.

I would like to know how we can justify turning our backs on a starving continent when we spent over $12 billion last year to pay farmers not to grow wheat. Compared to the meager cost of House Joint Resolution 492, PIK cost more than $50 per person in this country. This bill calls for a little more than 1 percent of the PIK total and would provide a valuable outlet for our surplus agricultural products. Instead of paying farmers not to grow we should be distributing their commodities to areas of the world where they are desperately needed.

I think it is time we straighten out our fiscal priorities and utilize our resources in the most effective, fiscally responsible manner possible. PIK does not qualify; $150 million to help assure the future of a valuable, productive continent does.●

● Mr. RANGEL. Mr. Speaker, I rise to express my strongest possible support for the supplemental appropriations for African food aid bill.

The drought and famine ravaging Africa is real. It is cutting a swath westward through the Sahel, and southward through eastern and southern Africa. Hundreds of thousands of people have died as a result of this natural catastrophe. An estimated 100,000 people starved to death last year in Mozambique alone. Hundreds of thousands of others are refugees. We are witnessing a human calamity, the dimensions of which may surpass the drought of the early 1970's.

Mr. Speaker, the urgency of this crisis requires an ongoing effort by the United States to provide the most essential necessities of life to poorer nations. We have an overabundance of food, food which is stored needlessly when others need it to survive. Our farmers are the most productive in the world, and should be called upon to participate in the relief of those suffering from hunger and malnutrition.

Time is a luxury which millions of Africans literally do not have. We cannot ignore the plight of these millions, Mr. Speaker, and I am particularly pleased that the members of the Committee on Appropriations moved so swiftly in bringing this measure to the House floor. They are to be commended, and their efforts are to be applauded. Let us hope that our priorities in foreign aid will swing in the direction of increased humanitarian aid, and away from military exports.●

● Mr. McGRATH. Mr. Speaker, I rise in strong support of the emergency supplemental appropriation to assist nations across the African Continent who are suffering from one of the worst droughts in history. The devastating famine which has ravaged this continent has resulted in death and suffering which we as Americans can hardly perceive. As a nation with one of the most abundant harvests in the world, the United States has a responsibility to quickly and generously address this human disaster.

Passage of the legislation before us will ensure prompt action for the transportation of food and emergency supplies to the African Continent. Timing is a key factor at this point since the daily loss of lives can only be halted with adequate nutritional assistance.

The threat of severe malnutrition or starvation to thousands of African children and adults is clear. No one today disputes the critical need for additional assistance to that continent. The $150 million in the bill before us will provide 400,000 metric tons of food aid. Although the administration orginally requested a $90 million increase, the Appropriations Committee concluded that this amount had to be raised in order to make a significant impact on the African famine. The additional $60 million will extend availability an extra 3 months until December 31, 1984.

Enactment of this legislation is essential as the United States continues its tradition of providing disaster assistance wherever it is needed. Favorable action on this legislation and continued assistance in the future to the African Continent is a moral obligation which I am proud to meet.●

The SPEAKER pro tempore (Mr. PANETTA). The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. Are there any further amendments to the joint resolution?

If not, without objection, the previous question is ordered on the joint resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 374, nays, 29, not voting 30, as follows:

[Roll No. 37]

YEAS—374

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Broyhill
Bryant
Burton (CA)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conte
Conyers
Coughlin
Courter
Coyne
Crockett
D'Amours
Daniel
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fish
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
McCain
McCollum
McCurdy
McDade
McEwen
McHugh
McKernan
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Udall
Valentine
Vander Jagt
Vandergriff
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NAYS—29

Archer
Badham
Bilirakis
Brown (CO)
Burton (IN)
Cheney
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Dreier
Fields
Gramm
Hansen (ID)
Hansen (UT)
Kramer
Lungren
Mack
McCandless
Nielson
Packard
Rudd
Schaefer
Shumway
Shuster
Smith, Denny
Stump
Vucanovich
Walker

NOT VOTING—30

Clay
Collins
Cooper
Corcoran
DeWine
Foglietta
Forsythe
Frost
Fuqua
Hance
Hefner
Heftel
Livingston
Markey
Mazzoli
McCloskey
McGrath
McNulty
Nelson
Paul
Pickle
Shannon
Solarz
Solomon
Stark
Traxler
Vento
Weaver
Wilson
Wylie

□ 1420

Mr. BURTON of Indiana changed his vote from "yea" to "nay."

Ms. SNOWE and Mr. TAUKE changed their votes from "nay" to "yea."

So the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

● Mr. NELSON of Florida. Mr. Speaker, during a meeting of the caucus of the Budget Committee in H-137, the bells did not ring for the vote. Had I been present to vote, I would have voted "yea."●

PERSONAL EXPLANATION

Mr. TRAXLER. Mr. Speaker, had I been present on the final passage of House Joint Resolution 492, I would have voted "aye."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1652, AMENDING RECLAMATION SAFETY OF DAMS ACT OF 1978

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-613) on the resolution (H. Res. 453) providing for the consideration of the bill (H.R. 1652) to amend the Reclamation Safety of Dams Act of 1978, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2133, INCREASING SMALL BUSINESS COMPETITION IN FEDERAL PROCUREMENT PROCESS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-614) on the resolution (H. Res. 454) providing for the consideration of the bill (H.R. 2133) to amend the Small Business Act, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR THE CONSIDERATION OF H.R. 4164, VOCATIONAL TECHNICAL EDUCATION ACT OF 1983

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-615) on the resolution (H. Res. 455) providing for the consideration of the bill (H.R. 4164) to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 493.

The **SPEAKER** pro tempore (Mr. GONZALEZ). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, 1984

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House dated March 1, 1984, I call up for consideration in the House the joint resolution (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read the joint resolution, as follows:

H.J. Res. 493

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984, namely:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low income home energy assistance", $200,000,000.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. **Whitten**) is recognized for 1 hour.

Mr. WHITTEN. Mr. Speaker, I yield 30 minutes for the purpose of debate only to the gentleman from Massachusetts (Mr. **Conte**) pending which I yield such time as he may consume to the gentleman from Kentucky (Mr. **Natcher**) chairman of the subcommittee which conducted the hearings, and whom I am asking to handle this bill on the floor.

☐ 1430

The SPEAKER pro tempore. The Chair recognizes the very distinguished and illustrious chairman of the subcommittee, the gentleman from Kentucky (Mr. **Natcher**).

Mr. NATCHER. Mr. Speaker, I want to thank my chairman, the gentleman from Mississippi (Mr. **Whitten**), the chairman of the full Committee on Appropriations, for yielding to me at this time.

The matter that we present under the direction of my chairman has the full support of the Appropriations Committee. I want to take this opportunity to thank my chairman for the support which he has given to all of the programs under the jurisdiction of the Labor, Health and Human Services and Education Subcommittees. In particular we appreciate the speed with which he has moved the matter before us today, House Joint Resolution 493.

House Joint Resolution 493, Mr. Speaker, provides for an urgent supplemental of $200 million for the low income home energy assistance program. As the Members of this House know, this program provides cash and inkind assistance to help poor families, particularly the elderly, meet the high cost of home energy.

Funds are distributed as block grants to the States who then have broad discretion to set eligibility and payment levels.

Under the law some 19 million families are potentially eligible for assistance and about 6.6 million families are expected to receive assistance from this program in fiscal year 1984. The average family will receive about $200 toward their energy costs.

House Joint Resolution 493 increases energy funding from $1,857 million, the amount provided in Public Law 98-139, to $2,075 million.

Mr. Speaker, according to the Weather Service nationwide the winter of 1983-84 has been 16 percent colder than last year and 6 percent colder than a normal winter. In addition, energy prices have continued to rise. The combination of a colder winter and higher prices means that poor families will pay about 9 percent more for energy this year than last.

Mr. Speaker, last fall the committee had been informed that additional funds would be available during this winter as a result of the Exxon overcharge case. We now know that this money will not be available this year. This fact together with the severity of the winter convinced the President to request the $200 million which we are considering today.

The Members of this House, Mr. Speaker, I believe, are for this House joint resolution almost unanimously. This is an urgent matter with many States already out of funds.

The subcommittee hearings disclose the additional amounts for each of our States and for the territories.

Mr. Speaker, I recommend this House joint resolution to the Members of the House. The additional $200 million requested by the President and recommended by the committee, Mr. Speaker, should be approved.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the administration's request for an additional $200 million for the low-income energy assistance program.

This request was submitted on February 8 by the President. The Labor, Health and Human Services, and Education Appropriations Subcommittee held a prompt hearing on February 23, thanks to the good chairman, the statesman from Kentucky, **Bill Natcher**, and it approved the request unanimously.

The request was then considered by the full committee on February 29, and again approved unanimously, and reported to the House.

The regular Labor/HHS/Education appropriations bill for fiscal year 1984 enacted into law on October 31, contained $1.875 billion, $100 million less than last year. Both the House and the Senate committees were aware of the possibility of additional funds becoming available from an oil price overcharge case, United States against Exxon.

The second continuing resolution, as passed by the House, included an additional $195 million for this program. That amount was dropped, however, in conference after lengthy discussions with the young slasher, Dave Stockman. We reached an agreement that we would see if Exxon oil overcharge funds became available.

If they did not, and if there were need for additional funds, the administration agreed to submit a supplemental in early February, upon the return of Congress.

That is exactly what happened. No Exxon funds are available, and there is a need.

We have the report of the Department of HHS, which we examined in our hearing, and which is printed in the hearing record, which makes clear that the need for additional funds for low-income energy is urgent, as a result of two of the coldest winter months on record.

The factors which point to the need are as follows:

NEED FOR LOW INCOME ENERGY SUPPLEMENTS: MORE ENERGY CONSUMED, HIGHER PRICES, AND MORE HOUSEHOLDS SERVED

There is less money available for low income energy assistance this year than was spent last year.

This winter is 16 percent colder than last, and 6 percent colder than the 30-year norm.

According to HHS estimates, low-income households are spending 9 percent more on heating this year than last. I actually think it is higher than that. In the month of January, for instance, oil has jumped 20 cents a gallon in my part of the country, to a price 10 cents higher than it was last year.

The Department of HHS says most States expect to serve more households.

Some 19 States have received or requested all available funds.

At least 8 other States have asked for advances on funds being held in reserve for the third and fourth quarters. The $50 million made available by OMB for this purpose is all spoken for.

Other States are taking applications that they will only be able to pay if a supplemental is enacted.

The weather agencies predict that we will continue to see cold weather. In the past week, two of the worst blizzards of the season swept the Northeast and Midwest.

The States that have already received all funds available to them span the country, from Oklahoma, to Oregon, to Wisconsin, to Massachusetts, to Georgia, and Alabama.

As of February 16, the National Oceanic and Atmospheric Administration estimates that, as a result of the freezing weather in December and January, and a continued outlook for cold, people in our Nation will spend a total of $4.970 billion more on heating this winter than they did last year.

That is the situation with which we are faced.

When Congress reconvened in February, the Speaker and I sent a letter to Dave Stockman, reminding him of the administration's commitment to seek additional funds, and calling upon him to seek a supplemental.

I am pleased to say that the administration has followed through on its commitment.

In the response I received from the Honorable Mr. Stockman, dated March 1, he states the following:

> Since cold winter weather has persisted in many parts of the nation, with some states having exhausted their full year allocation of low income energy funds, the Administration has requested a $200 million supplemental appropriation for fiscal year 1984. We hope Congress will act quickly on this request.

I will insert both the Speaker's and my letter, and the response from Mr. Stockman at the end of my remarks.

Mr. Speaker, we have just acted on a request to provide assistance to the needy in Africa, and I am pleased that we did. I supported that effort.

I hope we can act just as quickly to provide assistance to our own people, to help those who might not be able to pay the oilman when he comes to the door, to keep their home fires burning.

This has been a cold winter, a bitterly cold winter. It has hit our people hard, and the fuel bills still need to be paid.

The Department has said it can get the money to the States within a day or two of enactment.

I urge the Members to support House Joint Resolution 493.

The material follows:

STATES WHICH HAVE REQUESTED OR RECEIVED ENTIRE FISCAL YEAR 1984 ALLOTMENT (19)

Alabama, Delaware, District of Columbia, Georgia, Indiana, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, Ohio, Oklahoma, Oregon, South Dakota, Vermont, Virginia, and Wisconsin.

SIX STATES ASKING ADVANCES

Missouri, New York, Rhode Island, Washington, Michigan, and West Virginia.

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 25, 1984.

Hon. DAVID STOCKMAN,
Director, Office of Management and Budget, Old Executive Office Building, Washington, D.C.

DEAR DAVE: This is to follow up on the concerns that we, along with members of the Appropriations Committee, have expressed concerning the steps that need to be taken to assure an adequate level of funding for low income home energy assistance this winter.

As you will recall, in a letter addressed to the Chairman of the Senate Labor, Health and Human Services and Education Appropriations Subcommittee dated November 9, 1983, you stated that the Office of Management and Budget continued to hope that Exxon funds would be available to supplement appropriated fuel assistance funds this winter, but should that not happen, you would reapportion $241 million currently held in reserve for certain states. In that letter, you stated:

"If it becomes evident during the heavy heating months beginning in December that states need additional funds for the winter period, we will reapportion the third and fourth quarter money for immediate availability to meet those needs."

You also state in that letter:

"Should it also be evident in this event that the Exxon case funds will not be available to the states for the third and fourth fiscal quarters, we will promptly seek a 1984 supplemental sufficient to restore the existing third and fourth quarter apportionments and thereby maintain program levels throughout the remainder of the year."

In acknowledgement of that letter, and in reliance on the intent that additional funds would be provided, the House and Senate conferees stated the following in the conference report to the second continuing resolution for fiscal year 1984, House Report 98-450, dated November 12, 1983:

"The conferees direct that if the judgement funds from the case *United States* v. *Exxon* are not available for the low-income home energy assistance program by early February 1984, the Office of Management and Budget will re-apportion available 1984 funds and submit a request for supplemental appropriations for the low income home energy assistance program in the amount of at least $200 million."

As you know, this winter has been extremely cold. Depending on which agency you talk to, December was either the coldest or the second coldest on record. The nation's heating bill during the December 18-31 cold spell was 41 percent above normal, and cost the nation an additional $1.76 billion in heating costs. There has been an additional cold spell in January, and another is now being predicted. The cost of heating oil is now rising in response to the increased consumer demand, and the cost of natural gas continues its spectacular rise this winter following the trend of the past two years.

While you state in your letter that the low-income fuel assistance funds available in fiscal year 1984 are equal to the amount available in fiscal year 1983, due primarily to carryover funds, it must be noted that last winter was abnormally warm. In addition, your figures do not take into account the $200 million made available to the states last winter under the Warner amendment. Finally, carryover amounts vary from state to state. In fact, for states that traditionally have the heaviest demand for assistance, and have never built up any kind of funding cushion, like our own state of Massachusetts, there is no carryover from fiscal year 1983 and the amount available this winter is absolutely below what was available last winter.

In light of the weather and the state-by-state funding situation, it is to be expected that states will need additional funds. In fact, the signs are mounting quickly, both from the states themselves, and from information provided to us by our Colleagues, that there is indeed a need for such funds. Prompt action is required to provide the resources to meet this need.

Since it is now clear that Exxon money will not be available in the short-term, we urge you to immediately take the steps outlined in your letter.

As you know, simply advancing third and fourth quarter payments will not address the problems of cold weather states which fully exhaust their annual allocations during the first half of the year. Consequently, what needs to be done to address the problem seriously is for the Office of Management and Budget to submit the supplemental request of $241 million, as indicated in your November 9 letter, at the first available opportunity, which is likely to be when the Administration's fiscal year 1985 budget proposal is sent to Congress on February 1. Pending action on the supplemental, the Office of Management and Budget should proceed to make immediately available to the states by whatever appropriate mechanism such as deficiency apportionment, the funds that will be provided through the supplemental. This would accomplish the two things that are needed, additional funds, and getting those additional funds out to the states to permit them to use the funds during the remaining months of winter.

This suggested course of action would be fully in accord with the conference report to the second continuing resolution for fiscal year 1984, the letter referred to above, and conversations that occurred at the time with you and your staff.

We call on you, Dave, to take the steps that are necessary as a result of the freezing winter we are experiencing:

Reapportion available fiscal year 1984 funds;

Submit a supplemental of $241 million; and

Release the $241 million to the states immediately in anticipation of the enactment of the supplemental.

Please advise us of any action planned by the Office of Management and Budget by February 1.

With continued best regards, we are
Cordially yours,
THOMAS P. O'NEILL, Jr.,
The Speaker.
SILVIO O. CONTE,
Member of Congress.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 1, 1984.

Hon. SILVIO O. CONTE,
House of Representatives,
Washington, D.C.

DEAR SIL: Thank you for your letter concerning the Low Income Home Energy Assistance (LIHEA) program. We share your concern that States be able to assist low income households with their heating needs.

The Administration has taken expeditious action to meet low income heating assistance needs during this colder-than-normal winter. As I indicated last fall, OMB has reapportioned $50 million of third and fourth quarter LIHEA funds for immediate availability, since States LIHEA obligations were higher than projected due to unusually cold December weather. Massachusetts' full allotment had already been available for obligation during the second quarter.

Since cold winter weather has persisted in many parts of the nation, with some States having exhausted their full year allocation of low income energy funds, the Administration has requested a $200 million supplemental appropriation for fiscal year 1984. Massachusetts would receive $8.4 million of added funding from this supplemental. We hope Congress will act quickly on this request.

We believe our prompt actions will ensure that States have adequate resources for heating assistance to low income households during this very cold period.

Thank you for your interest in this program.

Sincerely,

DAVID A. STOCKMAN,
Director.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. OTTINGER) for the purposes of debate only.

Mr. OTTINGER. Mr. Speaker, I thank my distinguished colleague from Kentucky for yielding.

I would like to congratulate him and the gentleman from Massachusetts for their quick action on what is really a critical problem. Indeed it is not an exaggeration to say that this program is a matter of life and death to many poor families in this country, especially those with high heating bills.

According to a recent report by the Special Committee on Aging, approximately 60,000 lives are lost annually to hazards associated with cold weather, including hypothermia, fires and carbon monoxide poisoning from space heaters, pneumonia, flu, and other infectious diseases.

□ 1440

Based on statistics gathered by the Center for Disease Control, the Aging Committee report estimates approximately 2,000 more elderly died in this year's December–January cold wave than in the same period a year ago. Just at the time many of the Nation's poor and elderly were hoping for a temporary break in their heating bills, the coldest December ever recorded simply wiped them out. And in January, heating oil prices exploded 20 percent in New York and elsewhere to boot.

For these reasons, I wrote the President over 5 weeks ago urging him to request a supplemental appropriation. I am pleased that the administration acted affirmatively on that request. In the past, the administration has managed to cut the low-income energy assistance program by 11 percent from 1980 through 1983 when adjusted for inflation, and by 16 percent when adjusted for residential energy inflation. Moreover, these cutbacks occurred during a period when the number of people living in poverty has risen by 8 million individuals. Clearly, even if December had not been the coldest on record, this program would merit an increase.

I would like to direct the attention of my colleagues to the summary of a recent report by the National Community Action Foundation which addresses the magnitude of the overall need for the low-income energy program. This report concludes:

Home energy expenditures for minimum consumption are up 108 percent since 1978, and 47 percent since the LIEAP was created in 1980. Funding for the program, however, has increased only 17 percent.

The gap between expenditures of income spent by the poor on basic home energy and aid offered through the low-income energy assistance program is widening more each year. The gaps can only grow faster as natural gas decontrol takes effect in 1985.

To keep that percentage of real income devoted to energy by the poor the same as it was in 1978, $4.9 billion would have been needed in energy benefits alone this fiscal year to serve the eligible population.

Four million households had utility service terminated for nonpayment in 1982 alone.

Lastly, if energy costs grow 4 percent a year, the eligible population would need $9.3 billion in 1989 just to keep their purchasing power constant.

I therefore urge my colleagues to support this legislation as a small but necessary step toward reversing the cuts in this critical program.

Mr. Speaker, I am including for the RECORD a letter from the Northeast-Midwest Congressional Coalition urging support for the program, as well.

The letter is as follows:

NORTHEAST-MIDWEST CONGRESSIONAL COALITION, U.S. HOUSE OF REPRESENTATIVES,

March 6, 1984.

DEAR COALITION MEMBER: We are writing to urge your support for H.J. Res. 493, the Urgent Supplemental Appropriations for Low Income Energy Assistance. The $200 million supplemental will come to the floor today.

Funding for the fiscal 1984 low income energy assistance program—over $100 million below the fiscal 1983 level—has proven to be wholly inadequate in a number of states across the country. This is due largely to a colder than normal winter and skyrocketing energy costs. Energy bills have been a particular problem in the Midwest, for example, because of the natural gas price increases of past years and this year's colder winter.

Although a number of states have run out of funds already or are nearly out, many states have kept waiting lists in anticipation of the supplemental. (Increased funding for the program was promised in the Continuing Resolution if oil overcharge funds did not become available and if the states needed additional resources). As of February 22, Illinois had 25,000 applications pending.

The combination of cold weather, high energy costs, energy-inefficient housing, and large numbers of low income and elderly people makes energy assistance a program of critical importance to Northeastern and Midwestern states. The need for the additional appropriation is clear. The administration requested the supplemental and supports it, and the Department of Health and Human Services has agreed to get the money to the states within 1-2 days of congressional approval.

We hope you will support H.J. Res. 493. If you have any questions, please call Jon Clark at x6-3920.

Sincerely,

James L. Oberstar, Co-chair; Bob Edgar, Vice-chair; Silvio O. Conte, Vice-chair; Frank Horton, Co-chair; Howard Wolpe, Vice-chair; Claudine Schneider, Treasurer.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Pennsylvania (Mr. RIDGE).

Mr. RIDGE. Mr. Speaker, I rise today in support of House Joint Resolution 493.

In my home State of Pennsylvania, many of our low-income households continually face the prospect of heat or eat; the choice becomes more difficult with each passing day. Record cold weather has placed such a demand on home heating assistance that it is now projected that Pennsylvania alone will be $23 million short in meeting the need. The bill before the House today provides much-needed relief toward meeting the high cost of energy assistance.

Most of the homes in my district are heated with natural gas. Just to give a brief example of how natural gas prices have eaten up a family's purchasing power, let me offer a couple of statistics.

In Pennsylvania, 55 percent of our households are heated with natural gas. Between 1982 and 1983, the statewide average price of natural gas increased 43 percent. And although consumption of natural gas during this same period dropped appreciably, households still had to wrestle with gas bills that were over 20 percent higher from the previous year.

The average yearly cost to heat homes by natural gas rose to $880 last year, and for low-income households, this represents about 27 percent of their total income.

I could go on and cite other aggravating examples of what has turned into a continuing, seasonal crisis for many of our constituents, but I am sure every one of my colleagues can offer equally shocking facts about the cost of heating homes in their districts and the impact these costs have had on the elederly.

Mr. Speaker, I support this bill and appeal to all Members to likewise lend their support to House Joint Resolution 493. Until this Congress has the chance to rework our current natural gas policy—and I hope we're given that chance—we can expect to face this dilemma for each winter to come.

● Mr. STOKES. Mr. Speaker, I rise in strong support of House Joint Resolution 493 making an urgent supplemental appropriation of $200 million for the low-income home energy assistance program.

Mr. Speaker, the need for additional funds is supported by several factors. First, this has been an unusually harsh winter for most areas of the country. According to National Oceanic and Atmospheric Administration estimates, the winter of 1983-84 has been 6 percent colder than a normal winter and 16 percent colder than the winter of last year. For some locales in the Nation, this winter rates as the coldest in this century.

Added to the problem of freezing temperatures is the fact that energy prices have continued to escalate, although admittedly at a less rapid rate than in recent years. Natural gas prices rose nationally by about 4.3 percent from January to December 1983. Electricity rose about 2.7 percent during the same period. Fuel oil prices are on a decline, yet, I'm sure the people using this form of energy would still attest to its costiness.

Finally, Mr. Speaker, unemployment continues to be a problem that is plaguing numerous individuals as well as families in major portions of the country; a problem, as far as I can see, that is without a solution in the immediate future.

At a time when many middle- and upper-income Americans are complaining about the high cost of fuel, rising energy prices and harsh weather conditions, we can clearly speculate that an already difficult situation is even more difficult for our low-income and unemployed citizens.

Poor Americans spend proportionately more of their income on fuel costs than do other families. When hit with additional heating expenditures, these families have little flexibility in their household bugets to accommodate the extra burden. Sacrifices are often made in other essential areas such as food, medical care, and clothing, to name just a few. This is an important consideration when poor families are expected to pay 9 percent more to heat their homes this winter than they did in the winter of 1982-83.

Mr. Speaker, thus far, the State of Ohio has paid a portion of home heating bills for over 378,000 Ohio families and provided emergency assistance to prevent heat shutoffs to another 70,000 households. After February 10, the Ohio State office received over 10,000 applications for assistance which could not be met. The need for this type of assistance is overwhelming.

It is my hope that House Joint Resolution 493 will be approved by the Congress and signed by the President without delay. Although the funds contained in this measure will not fully meet the total energy assistance needs of the poor, they are a critical step toward a more realistic and responsible program to help poor people cope with the higher costs of energy today.●

● Mr. BOLAND. Mr. Speaker, I strongly support House Joint Resolution 493 which will provide urgently needed funds for the low-income home energy assistance program.

As my colleagues know, the winter of 1983-84 has been particularly severe in many areas of the country. In some States, including those in New England, record cold temperatures have placed an inordinate strain on the resources available to help the poor and the elderly pay their fuel bills. My own State of Massachusetts has already spent several million dollars more this winter on fuel assistance than it did last year and a substantial shortfall is projected without additional Federal assistance.

The possibility of a need for a supplemental appropriation was acknowledged by the administration last fall during the preparation of the continuing resolution. The means by which the administration had hoped to fund the supplemental is not available, but the need for more assistance is real and it must be addressed. For many people in this country, the combination of unusually cold weather and rising fuel costs have produced a severe budgetary strain. The fuel assistance program is designed to help these people and prompt action by Congress on House Joint Resolution 493 will permit aid to be made available this winter—when it is needed.

Mr. Speaker, House Joint Resolution 493 is necessary legislation. The administration has promised that the additional funds will be available to the States within 2 days of congressional approval. Action by the House today will be consistent with our efforts to assist those for whom the energy crisis, which so many of us seem to have forgotten, is a part of daily life.●

● Mr. FORD of Michigan. Mr. Speaker, I rise in strong support of House Joint Resolution 493, the urgent supplemental appropriations for low-income energy assistance. This bill provides $200 million for the remainder of this fiscal year for the low-income energy assistance program which provides vital payments to the poor, particularly the elderly, to help meet their home energy costs. My home State of Michigan as well as most of the remainder of the Nation has been plagued by a colder than normal winter and steadily increasing energy costs. This program is critical to Michigan which desperately needs Federal funding to assist low-income residents.

The final continuing appropriations resolution for fiscal year 1984 contains no funding for low-income energy assistance because the Reagan administration expected funds from the Exxon overcharge case to be available for this program. However, this case has not been resolved in time to provide funding for this program. As a result, the current funding level is $100 million below the fiscal year 1983 level. This supplemental is necessary to insure that the elderly do not go without heat for the remainder of the winter. The Department of Health and Human Services has promised to get the money to the States within a few days of congressional approval and I urge my colleagues to support this important resolution.●

● Ms. SNOWE. Mr. Speaker, I am pleased to rise in support of House Joint Resolution 493, the urgent supplemental appropriation which provides $200 million for the low-income energy assistance program. As a longtime advocate of this and other energy assistance programs, I am pleased that the administration requested this additional funding, and I commend my colleagues on the Appropriations Committee and in the House leadership for giving this supplemental such a high priority for consideration. I hope that the Senate will act equally promptly so that this money can be disbursed to the States for use during this heating season.

According to the National Oceanic and Atmospheric Administration (NOAA), fuel use nationwide was 7 percent above normal and 17 percent above last winter. Given that the average annual heating bill for a Maine family is $1,200, Maine's benefit amount of $350 this year provides only a minimum of relief for families and individuals facing staggering fuel bills. I might also add that there is a sizeable waiting list for this program, meaning that thousands of other eligible households receive no assistance at all.

Fortunately, the $2.7 million that Maine will receive under House Joint Resolution 493 will enable the State to serve almost all of the 8,000 people who are expected to apply for assistance before this year's program ends at the end of the month.

Low-energy assistance provides an important role in helping to meet the energy needs of the poor, the elderly, and the handicapped all across the country. I urge my colleagues to support House Joint Resolution 493.●

● Mr. FAUNTROY. Mr. Speaker, I rise in support of House Joint Resolution 493, an urgent supplemental appropriation for low-income energy assistance. This resolution would appropriate $200 million for low-income energy assistance. This amount, together with $1,875 million appropriated in the Labor/HHS appropriation for fiscal 1984 (Public Law 139), would provide $2,075 million for this program in fiscal 1984.

This supplemental appropriation is needed desperately. Because of the long cold winter and the high cost of energy, many in our country have been unable to pay their fuel bills. They have had to turn to low-income home energy assistance programs (LIHEAP) in order to keep the heat on in their homes. Because more people need more assistance than we expected, many States have exhausted their energy assistance funds and others will do so before the end of the winter season.

What is true for the Nation is true for the Nation's Capital. The District of Columbia Energy Assistance Office has been overwhelmed with requests for energy assistance. Last year, the Energy Assistance Office had only accepted 10,676 requests for energy assistance by May. This year 13,415 people have already been accepted into the program and we have 2 months of heating bills to go. The District of Columbia Energy Office is already using its funds designated for summer cooling assistance to help pay for heating assistance. Unless this supplemental appropriation is approved, there will be some very deserving people who will not be able to purchase the energy they need to make their homes inhabitable.

Mr. Speaker, let us pass. House Joint Resolution 493.●

● Mr. FRENZEL. Mr. Speaker, I rise in opposition to House Joint Resolution 493, urgent supplemental appropriations of the Department of Health and Human Services for low-income energy assistance. This bill provides $200 million in additional funds for low-income energy assistance, above and beyond the $1.875 billion already provided for the program.

I understand that we are considering this supplemental because an expected source of funding for the program, a pending Exxon overcharge case, was not resolved as soon as anticipated. Nevertheless, with real energy costs in substantial decline, there is no economic reason to spend more than in previous years.

This is not an original appropriation. We have already provided almost $2 billion for low-income energy assistance. It makes no sense to me to provide additional funds now, as winter is ending, in recognition of the low temperatures of 2 or 3 months ago.●

● Mrs. KENNELLY. Mr. Speaker, I rise in strong support of House Joint Resolution 493, the urgent supplemental appropriations for the low-income energy assistance program. This $200 million has been requested by the administration to meet funding requirements of this program for this fiscal year.

LIEAP provides vital aid for poor families, particularly the elderly, in keeping their homes warm throughout the winter. In the State of Connecticut, LIEAP assistance is critical for low-income households. Already this winter, 60,000 families in Connecticut have been certified to receive help. It is likely that a record number of households will receive assistance with home heating bills this winter.

The 1983-84 winter has been 12 percent colder than last year's winter in Connecticut. While spring may seem just around the corner here in Washington, I can assure my colleagues that snow and freezing temperatures are a reality in my State, and will continue to be a fact of life for Connecticut residents throughout this month. Energy costs are disproportionately high in my region of the country compared to the rest of the country; over the month of January we in Connecticut have had the additional misfortune to suffer a sharp 15-cent-per-gallon hike in fuel oil prices.

Today's urgent supplemental will mean an additional $4.2 million for low-income residents of Connecticut. This will mean help for the 1,400 families who are newly coming in the door of social service agencies each week to apply for aid. This will also mean help for families who have received a grant but who face emergency heating needs.

I urge a yea vote on House Joint Resolution 493.●

Mr. NATCHER. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 47, SHIPPING ACT OF 1984

Mr. JONES of North Carolina. Mr. Speaker, I call up the conference report on the Senate bill (S. 47) to improve the international ocean commerce transportation system of the United States.

The clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of February 23, 1984.)

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. Jones) will be recognized for 30 minutes and the gentleman from Kentucky (Mr. Snyder) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. Jones).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report on S. 47, the Shipping Act of 1984. This conference report was signed by all but one of the House conferees, and all but one of the conferees of the other body. The other body considered this report on February 23, 1984, and approved it by a vote of 74 to 12.

On October 17, 1983, this House passed H.R. 1878, the Shipping Act of 1983, without any dissenting votes. We then took S. 47 from the desk, struck the language previously passed by the other body, and inserted the language of H.R. 1878. A conference was called and met until February 22, 1984, when the agreed-upon version of S. 47 was signed by the conferees. The conference report was filed under the appropriate rule and ordered printed on February 24, 1984.

The Shipping Act of 1984 represents one of the major pieces of maritime legislation of the 20th century. It has been over 7 years in the making. It will replace the Shipping Act of 1916 as the major regulatory regime for international ocean liner shipping for United States foreign commerce.

While compromise was necessary to achieve the result before the House today, the underlying structure of this regulatory legislation remains as it has been since we first saw the need for a change in law some four Congresses ago. The 1916 shipping Act that has regulated international ocean commerce all these years had outlived its original purpose, not because it was basically unsound, but because its broad and general language was gradually interpreted by courts in ways that have burdened that United States steamship industry which it was originally designed to assist.

Lest anyone think this bill is designed to further a particular segment of the ocean transportation industry, let me point out that the misinterpretation of the Shipping Act of 1916 hurt the entire ocean transportation network. That network includes the common carriers or steamship operators directly regulated by the law, as well as shippers—who are the direct consumers of shipping services—ports, nonvessel operating common carriers, freight forwarders, and ultimately the retail consumer. The carriers, shippers, and consumers affected include foreign as well as American interests. While the streamlined system of regulation provided in the Shipping Act of 1984 will aid in the maintenance of the critical liner segment of the United States merchant marine, the bill's approach is one of evenhanded, nondiscriminatory regulation designed to provide our importers and exporters with an ocean transportation system sufficient to their commercial needs.

The conference agreement generally adopts the House-passed language. Carriers subject to the act may enter into agreements that go into effect within a time certain. The compromise bill will, however, allow the Federal Maritime Commission to seek a court-granted injunction where it finds that an agreement that substantially reduces competition will produce unreasonably high transportation rates or unreasonably reduce transportation services. The conferees agreed that the right of independent action may not be denied an ocean conference member, provided that member gives 10 days notice of the new reduced rate or change in service. Added to the House-passed version is a requirement that independent self-policing be provided when requested by one member of the conference. It was further agreed that ocean conferences may regulate the way in which their members engage in service contracts.

The liberalization of exemptions in the controlled carrier law, which remains part of the Shipping Act, was not agreed to by the conferees, and controlled carriers will be regulated as they have been since 1978. Some definitions changes were agreed to, including one which defines shippers associations who may negotiate with conferences, and one which expands the exemption from tariff filing to include waste paper, recycled scrap metals, and certain unfinished forest products. The advisory commission created to study the way in which the Shipping Act functions in a competitive society was modified by the conferees, and the effective date of the law was reduced to 90 days after enactment.

While maintaining as competitive environment as is possible given the real world of international ocean commerce, S. 47, as it appears before you, accomplishes the goals sought by the Congress over the past several sessions. It will reduce delay and costs in regulation. It will provide certainty by all who are affected by the regulatory process. It establishes the primacy of the Shipping Act. It will harmonize our regulatory system with the shipping practices of our trading partners.

S. 47 is sound legislation. There have been many who played essential roles in its development and refinement. These include the gentleman from New York, Mr. BIAGGI, the chairman of the Merchant Marine Subcommittee and sponsor of the House bill; the gentleman from Kentucky, Mr. SNYDER; the gentleman from New Jersey, Mr. RODINO, chairman of the Judiciary Committee; and in the other body, Senators GORTON, PACKWOOD, STEVENS, INOUYE, and LONG have played important roles. The executive branch has been ably represented by Secretary of Transportation Elizabeth Dole and former Secretary of Transportation Drew Lewis. Let me pay particular thanks to our able colleague, the gentleman from New Jersey, ED FORSYTHE, who has been instrumental in the development of this legislation but who is not here today to share our satisfaction at this accomplishment. We all wish the best for him.

□ 1450

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the conference report on S. 47, the Shipping Act of 1984.

This legislation has reached the end of a long and arduous journey. I want to thank the chairman of the Merchant Marine Committee, Mr. JONES, and the other members of that committee for the cooperation and consideration they have shown to the Judiciary Committee throughout our deliberations.

Cartels among international ocean carriers have existed at least since the 1870's. The participation of American-flag carriers in these cartels was sanctioned by the Shipping Act of 1916 which, as amended, is still in effect. Although many of us believe that cartels are fundamentally inconsistent with the competitive principles underlying our economic system, we must confront reality. Most other nations with whom we trade either sanction or support the cartel system. Carriers that serve the U.S. trades must be given a clear set of rules that allows them to function in this international environment. These rules should, insofar as possible, encourage competition; but they must also allow carriers, including American-flag carriers, to receive a rate of return that allows for technological development and the reliable and quality service required by shippers.

The amended Shipping Act will continue the longstanding U.S. policy of tolerating certain concerted activities among ocean common carriers. But the act will place strict limits on this activity. Overall, the bill is designed to reduce the costs of Government regulation, encourage the development of a uniform Government policy toward international shipping, and grant both common carriers and shippers sufficient competitive freedom to foster an efficient and modern international ocean transportation system. It does so by adopting an entirely new and expedited procedure for FMC review of agreements among common carriers and by devising new standards for assessing the legality of those agreements. It also extends to the Federal Maritime Commission broader authority—and heightened responsibility—for enforcing the law.

It is true that the bill somewhat broadens the antitrust immunity that exists under the law today. For example, private parties who are injured will, for the most part, have to seek relief under the Shipping Act, not under the antitrust laws. To insure that private parties are protected, the conference bill strengthens the private remedies available to injured persons, allowing them to seek damages with interest computed from the date of injury, and, if the traditional standards of equity are met, to obtain preliminary injunctive relief. And the antitrust enforcement agencies retain their authority to act against concerted conduct that is secret or beyond the scope of agreements filed with the Maritime Commission, an area of considerable abuse in the past.

The Maritime Commission has a substantial challenge before it. Implementation of the new procedures and standards rests with that agency. The Committee on the Judiciary will be monitoring closely the record of the FMC in bringing enforcement actions under the newly crafted, flexible competition standard [section 6(g)]. If properly enforced, this new standard will allow the carriers sufficient latitude to enter into arrangements with procompetitive benefits—for example, agreements that allow carriers to reduce the cost of shipping or allow better or more frequent service. At the same time, the FMC must act to prevent agreements that might have substantially anticompetitive effects without offsetting benefits. If the Commission, in applying its expertise to such agreements, knows that less anticompetitive agreements could achieve all or most of the same benefits, it should act to prevent the offending agreement from being implemented or continued.

To enforce the general standard, the FMC has been granted authority to represent itself in the district courts. This departure from the general principle of centralized litigation authority is warranted, in my view, only because of the need for expedited action by the FMC and because of the Commission's status as an independent agency. If the FMC does not exercise this authority in the public interest, Congress may have to reexamine its disposition of the enforcement responsibilities between the FMC and the Department of Justice.

The new general standard and the more comprehensive list of prohibited acts will apply, after the effective date, to agreements on file with the Commission and currently in effect. Thus, if violations of these new provisions occur, the FMC will be able to act against the offending parties under its new authority, even if the agreement was originally filed and implemented under the Shipping Act of 1916.

For the record, I want to correct a typographical error in the joint explanatory statement of the committee of conference [H. Rep. 98-600]. On page 38 of that statement, in the paragraph that ends at the top of the page, there is a mistaken reference to "section 7(a)(2)." The reference should be to "section 7(c)(2)," so that the corrected sentence reads: "Both the carriers and the shippers receive additional antitrust immunity from private antitrust suits under section 7(c)(2)."

I am pleased that we are now taking the final steps to send this legislation to the President. The Committee on the Judiciary will be watching with great interest and high hopes to see if the sound objectives of this legislation can be attained.

Mr. JONES of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. I thank the gentleman for yielding me this time.

Mr. Speaker, I join the distinguished chairman of the Merchant Marine and Fisheries Committee in urging support of the conference report on S. 47. His leadership in bringing this important bill to this final step on the road to enactment is deserving of our highest commendation and appreciation. It has been a pleasure to work with him on this legislation, and I hope we will be able to continue to work together to strengthen the American merchant marine in the remainder of this Congress and in the Congresses to follow.

Before discussing the bill itself, I would like to pay tribute to some of those who played key roles in the development of this legislation—former Transportation Secretary Drew Lewis; the present Secretary, Elizabeth Dole; the highly respected chairman of the Judiciary Committee—and my good friend—the gentleman from New Jersey (Mr. RODINO); and the leaders on our committee from the other side of the aisle, the gentlemen from New Jersey and Kentucky, Mr. FORSYTHE and Mr. SNYDER. Each of them took a deep interest in this legislation and contributed generously of their time and talents to its development. A great deal of credit for the final form of the legislation also goes to our friends in the other body, especially the chairman of the Commerce Committee and the senior Senators from Alaska, Hawaii, and Washington. Special recognition is also due to the excellent work of the staffs, whose expertise contributed greatly to resolving the many difficult issues this bill presented. I would especially like to mention Gerry Seifert, George Mannina, Kip Robinson, Ric Ratti, Rudy Cassani, Steve Little, Ann Mueller, Linda Livingston, and Cyndy Wilkinson. Their efforts helped us produce a bill that is considerably clearer and more precise than the law it succeeds.

Mr. Speaker, the underlying premise of this legislation is that the United States needs a strong and healthy merchant marine. As the world's greatest trading nation, we need a merchant marine for our economic protection and well-being. And we need a strong merchant marine for our national defense. While those propositions seem to me to be self-evident, they have nevertheless not been accepted by the majority of the American people or by their elected representatives. As a result, we have, over the years, failed to do many of the things that should have been done to increase the size and economic health of our merchant marine.

Conversely, we have done several things that we should not have done. Many of our actions have hampered our merchant marine, restricted it, and made it less able to compete with foreign fleets. Some of our own laws have hurt, rather than helped, our American maritime industry—especially that part of it that competes with the fleets of other nations.

The legislation we are acting on today is an attempt to modify some of those adverse effects of our laws. It is designed to free the ocean liner segment of our maritime industry from those constraints and bureaucratic impediments in the present law that have made it less able to compete in international trade. It will remove some of the shackles on efficiency and profitability with which we have hampered our fleet.

The subject of this legislation is extremely complex, involving as it does the interrelationship between international ocean commerce and our domestic antitrust laws. It involves the interests not only of the ocean carriers, but also the interests of shippers, ports, freight forwarders, importers, and consumers in general. Resolving the often competing interests of these groups has not been easy. It has, in fact, required the work of four Congresses, four committees, and almost 60 hearing and markup days to bring the legislation to this stage. It is an understatement to say the legislation has been carefully and thoroughly considered.

As the principal author of this bill and the chairman of the subcommittee that was primarily responsible for its development, I can attest to the careful consideration we gave to all points of views and the difficulties we faced in resolving them. We were also faced on several occasions with uninformed and misleading newspaper and television editorials in opposition to our efforts. We persisted through all these obstacles, attempting at all stages to educate those who opposed us out of lack of information and to work with those who had genuine and well-founded concerns. It has been a long and difficult fight, and I am heartened by the fact that in the end, our position prevailed and we are able to do something important for our country—namely helping to strengthen our American merchant marine.

When I became chairman of the Merchant Marine Subcommittee in 1981, the general subject of this legislation had already been considered by two previous Congresses. I refer to H.R. 11422 in the 95th Congress and H.R. 4769 in the 96th. H.R. 11422 would have authorized closed conferences, antitrust immunity for shippers' councils, and the legalization of deferred rebates. That legislation, after 7 days of hearings, was not ordered reported by the committee because the Carter administration indicated it was undertaking a complete study of the maritime industry and the legislation which might be necessary to rectify the wrongs addressed by H.R. 11422.

Following continuing oversight of the problems of the regulated liner industry, H.R. 4769—which became known as the omnibus maritime bill—was introduced on July 12, 1979. Under the leadership of then chairman, John Murphy and the ranking minority member PETE MCCLOSKEY, the committee, in 1979 and 1980 held 27 days of hearings and received testimony from over 90 witnesses. At the conclusion of those hearings, a clean bill (H.R. 6899) was introduced, marked up, and ordered reported by unanimous voice vote to the House of Representatives. Included in the omnibus maritime bill was title II, which addressed the very issues that are dealt with in S. 47.

Title II of H.R. 6899 was ordered sequentially reported to the House Judiciary Committee, which ordered reported a version of that title that significantly varied from the terms of the bill as reported by the Committee on Merchant Marine and Fisheries. Due to matters extrinsic to the merits of the proposals by the committees involved in considering the omnibus maritime bill, no resolution of the differences was reached, nor did the House have an opportunity to consider this legislation.

In the 97th Congress, Chairman JONES and I introduced H.R. 4374. As introduced, the bill amended the 1916 Shipping Act but was not a complete rewrite of that act. We held 3 days of hearings on the bill in the fall of 1981. In March of 1982, following receipt of the administration's policy paper on the ocean liner industry, the subcommittee staff, at my direction, prepared and circulated a working draft, which was intended to be used as the vehicle for subcommittee markup. This draft changed the format of the bill and expended its scope and content to more closely parallel the companion Senate bill, S. 1593. Following circulation of this draft, the subcommittee received numerous suggestions for technical and substantive changes—many of which were adopted during subcommittee markup.

On March 30, 1982, the subcommittee went into markup session to consider H.R. 4374. The subcommittee adopted the staff working draft with additional amendments, and ordered the bill reported to the full committee.

After subcommittee markup on H.R. 4374, the committee had presented to it a series of proposed amendments that would implement an agreement reached by representatives of shippers and U.S. ocean liner companies as to how the concerns of the shippers could be met. The major parts of this agreement were offered as amendments to the bill at full committee markup.

On May 4, 1982, the full committee met in markup session to consider H.R. 4374. Final consideration was continued to May 11, when the full committee again met and endorsed, in major part, the work of the subcommittee and then adopted five and rejected two amendments. The first amendment that was adopted provided for the mandatory right of independent action by conference members and authorized the use of service contracts.

The second assured the freight-forwarding industry that the existing payment of brokerage would be retained. The third made a series of technical and clarifying changes. The fourth amendment made clear that the act would have no effect upon any pending litigation. The fifth amendment expanded the definition of forest products. The first amendment that was rejected would have removed Federal Maritime Commission jurisdiction over all maritime labor agreements. The other amendment that was rejected would have permitted the formation of shippers' councils with attendant antitrust immunity.

H.R. 4374, after being reported by the Merchant Marine and Fisheries Committee, was referred to the Judiciary Committee. That committee reported the bill out with major changes on July 30, 1982. Following extensive negotiations between the two committees, a compromise version was agreed on and taken to the floor. It was passed by the House on September 15, 1982 by a vote of 350 to 33. The bill died when the Senate failed to act before the 97th Congress adjourned.

In this Congress, the long effort for maritime regulatory reform began with the introduction of H.R. 1878 on March 3, 1983. The Senate had passed their version of the bill, S. 47, on March 1, 1983, by a vote of 64 to 33. We held another day of hearings on the subject. At those hearings the bill was supported by the Secretary of Transportation, by a shipper/carrier panel, and by numerous other witnesses. The bill was ordered reported by the Committee on Merchant Marine and Fisheries on April 12, 1983.

As with previous bills, H.R. 1878 was referred to the Judiciary Committee for consideration. That committee, following hearings on May 18 and 19, 1983, ordered the bill reported as an amendment in the nature of a substitute, on June 15, 1983.

The amendment in the nature of a substitute reported by the Committee on the Judiciary made a number of significant changes in H.R. 1878. The most important of these were: First, retention of a competition standard for approval of agreements together with adoption of a streamlined preclearance procedure; second, elimination of FMC's role in filing and enforcement of tariffs; third, expiration of the antitrust immunity conferred by the bill 2 years after the study commission has filed its report, or December 31, 1988, whichever is earlier; fourth, requirement of independent pricing action for any member of a conference on a maximum of 10 days' notice to the conference, including a provision allowing a shipper to designate the type of goods and the point of origin or destination to be covered by a loyalty contract; and sixth, a series of other changes intended to preserve and protect competition, including other limitations on the antitrust immunity extended by section 7 of the bill, a provision requiring the study commission to report on marine terminal operators' need for antitrust immunity, and the elimination of a statutorily imposed minimum 1¼ percent brokerage fee for freight forwarders.

The two committees again carried on lengthy negotiations to try to resolve the differences between the two bills. This was accomplished in September 1983 and a compromise version of H.R. 1878 was brought to the floor under suspension of the rules on October 17, 1983, where it passed by voice vote. Following passage, the House amended S. 47 to conform it to the House bill and returned S. 47 to the Senate requesting a conference.

Differences between the House and Senate bills were resolved during the following 4 months and the committee of conference on S. 47 met and ordered reported a compromise bill on February 22 of this year. The Senate approved the conference report and passed the bill on the following day. Thus we come today to the last legislative chapter on what has been a long and difficult effort to reform the laws governing ocean liner shipping.

Almost without exception, during this entire period there has been little disagreement on the fact that the present law is unsatisfactory, that it is unclear and the results under it unpredictable, and that the administrative procedures under it are protracted and burdensome. These things have not been at issue. Rather, the controversies have been over the proper extent of the Government's role in this industry, how the industry should be regulated, and the proper balance between the industry, its customers, and consumers in general. These basic considerations were debated in terms of tariff filing, independent action, service contracts, a general, or public interest standard, closed versus open conferences, the need for further study of the industry, and the nature and extent of antitrust immunity for the ocean liner industry. These issues have now been resolved in S. 47 in a way which I believe will serve that industry and the Nation.

I would like to mention again, and emphasize, two of the key events in the development of this bill. One was the promulgation, in February 1982, of a coordinated administration position on maritime regulatory reform of the ocean liner industry. For the first time in many years, the executive branch spoke with one voice in urging a reaffirmation of the antitrust immunity of this industry, originally provided in the 1916 Shipping Act.

□ 1500

The SPEAKER pro tempore. The time of the gentleman from New York (Mr. BIAGGI) has expired.

Mr. JONES of North Carolina. Mr. Speaker, I yield 2 additional minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, The second key point was the so-called shipper-carrier agreement reached in the spring of 1982. That agreement was hammered out between representatives of the ocean liner industry and their customers, the users of ocean shipping. It insured that the effort to reaffirm and strengthen the antitrust immunity of the ocean liner industry would not result in an imbalance of power between the ocean operators and shippers.

Building on those two key events, we have produced a well-balanced bill that will free our ocean liner industry from some of the unique constraints that have made it less able to compete in international trade—while at the same time protecting the interests of both shippers and consumers.

I believe we have also produced a bill that is clear and unambiguous. It should correct one of the major faults of the present law, which is that there is not a clear standard of conduct for the ocean carriers to operate under or for the Federal Maritime Commission to administer with any certainty. In this bill, we have tried to provide predictability and certainty to both the enforcing agency and those who operate under the law's provisions. Under this bill the ocean common carriers will have more precise standards to measure their conduct against and also more severe penalties for violating those standards.

If this legislation achieves its objective of making our liner industry more competitive—and I believe it will—we will see more American ships carrying our trade. That means more American crews and jobs. In these days of unacceptably high unemployment, a bill that will produce more jobs for Americans is worthy of strong support.

Passage of this legislation is but one step in the important task of strengthening our merchant marine. Many other steps remain to be taken. This bill, however, is an example of what can be done when competing interests work to resolve their differences instead of working against each other. It is an example of the type of cooperation and compromise that is necessary to resolve conflicting views in a way that advances the national interest without harming any particular segment of our society. It is an example that I hope will be followed as we address other serious problems in the maritime industry.

I should like to assure my colleagues that passage of this bill will not end our interest in the ocean liner segment of the merchant marine. As chairman of the subcommittee on merchant marine, I intend to watch carefully the implementation of this legislation. This bill puts new and important responsibilities on the Federal Maritime Commission. That agency is charged with insuring that consumers are protected from any abuse of the antitrust immunity granted by the bill. We intend to maintain a close and continuing oversight over the Commission to make sure, not only that the benefits of the bill are realized, but also that it is effectively enforced and that the Commission fully carries out its responsibilities under the law.

I hope all Members of the House will join me in supporting the conference report on S. 47.

Mr. JONES of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report on S. 47, the Shipping Act of 1984. The conference report before the House today is very similar to H.R. 1878 which was approved by the House, without dissent, on October 17 of last year. S. 47 represents a long overdue revision of the laws which govern the regulation of the ocean-borne foreign commerce of the United States.

As a member of the Merchant Marine and Fisheries Committee for over 14 years, I have had the opportunity to observe the antiquated system under which the United States required its ocean common carriers to operate. Indeed, the United States is unique in the world in its regulation of ocean-borne foreign commerce.

Agreements, implementing the conference members agreed-upon activity, are currently required to be approved by the Federal Maritime Commission (FMC) prior to coming into effect. This is more often than not a lengthy process which results in many agreements becoming commercially obsolete by the time they are approved. In addition, the antitrust immunity, which Congress clearly intended to apply to ocean shipping when it enacted the Shipping Act of 1916, has been substantially eroded. As a result, there is no longer a clear antitrust standard for the carriers to operate under, or for the FMC to administer with any certainty of staying within the parameters of permissible activities and without the prospect of prosecution by the Justice Department. Because U.S.-flag carriers are located in the United States, they are the ones who feel the brunt of any Justice Department prosecution. On the other hand, the foreign-flag operators enjoy the protection of blocking statutes which their countries enact to prevent the turning over of their records to the Justice Department. S. 47 is an attempt to put U.S.-flag carriers on an equal footing with their foreign-flag competitors.

I am not, however, in complete agreement with the conference report. In particular, I am not satisfied with the bill's provision which retains the requirement that tariffs must be filed and enforced by the FMC.

Without a doubt, the taxpayers would be better off if the Government stepped out of the role of tariff filing and let the private sector take over. It would not only save money, but would also result in having the job done better. As an example, I point to an editorial which appeared in the February 1982 issue of American Shipper:

> American Shipper long ago gave up in frustration over our attempts to gain current, useful tariff information direct from FMC (or cargo statistics from the Bureau of Census). We always turn to the commercial sources when we need information promptly, in time to be useful. So, why should the taxpayers pay the cost of keeping those files in the FMC building?

Commissioner James Carey of the FMC, admitted, during the Merchant Marine Subcommittee hearing on March 22, 1983, that the Commission's system of handling tariffs is inefficient and probably out of date by 40 years. This incredible statement regarding the Commission's bungling of tariff filings is confirmed by the FMC's own survey of shippers which has been included as a part of the committee's record on regulatory reform.

This is, in my opinion, an astonishing admission of incompetence by the Commission, which should not go unnoticed or unaddressed by Congress. The FMC's own statements make the case for eliminating the requirement that tariffs be filed at the Commission. It is incumbent that the current inefficient and outdated system be abolished and replaced with the requirement that tariffs be published commercially.

Another concern which I have regards service contracts. During the committee consideration of H.R. 1878, I raised several questions concerning the potential impact which service contracts could have on the U.S. foreign commerce. I asked that the shipper/carrier coalition comment on those concerns and their response has been included as part of the committee's printed record.

However, despite that response, I still have some lingering doubts. Basically, my fear is that there is a real potential for service contracts to be negotiated to cover too long a period of time, thus locking shippers into a situation of having to pay for service which they later discover they do not need. The result would be that these excess costs will be passed on to the consumer. While I appreciate the argument made by the shipper/carrier coalition that the competitive nature of shipping will guard against such costs being passed on to consumers, I must reluctantly continue to question the advisability of not statutorily limiting the duration of service contracts.

While I think that the conference bill is deficient in the area of tariffs and service contracts, I am heartened by the fact that the Advisory Commission, established in section 18 of the bill, will be studying each of these issues.

Despite my reservations on these two issues, I believe that the conference bill before the House today is a good bill. Indeed, enactment of a maritime regulatory reform bill has been a long time in coming. One of the major reasons for the past failures, I believe, was the absence of a single unified administration position on maritime reform. That has not been the case with the current administration. Early in the 97th Congress, former Secretary of Transportation, Drew Lewis, successfully argued the case for maritime regulatory reform before the Cabinet council and won. Secretary Dole has continued that effort and has been devoting a great deal of her time and effort to get the bill where it is today. I want to commend the Secretary for her tremendous work on this bill. Certainly the chairman of our committee, WALTER JONES, and our ranking minority member, ED FORSYTHE, as well as the chairman of the subcommittee, MARIO BIAGGI, are all worthy of the commendation of this House for their leadership. Chairman RODINO and Congressman HAMILTON FISH of the Judiciary Committee likewise deserve our commendation for their work on this important legislation.

I urge my colleagues to approve the conference report.

Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. FISH).

Mr. FISH. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the conference report on the Shipping Act of 1984 (S. 47).

This compromise legislation is the product of years of deliberations involving the relevant committees of the Congress, the Department of Transportation (DOT), the Federal Maritime Commission (FMC), and interested nongovernmental parties. A great deal of credit goes to Secretary Dole and her predecessor, Drew Lewis. Many in this House have labored for years on this legislation and we are certainly in their debt: Chairman JONES, and my colleague from New York Mr. BIAGGI; and on our side, the gentlemen from Kentucky (Mr. SNYDER) and from New Jersey (Mr. FORSYTHE). The priority aim of this bill is the revitalization of our merchant marine industry by reinserting certainty and predictability into the process by which the Federal Government regulates international ocean commerce.

The bill specifically identifies prohibited acts and gives the FMC a virtual exclusive role in enforcing those prohibitions. To be sure, we are talking about an antitrust exemption for international ocean carriers. But, at the same time, I am now satisfied that S. 47 contains adequate, procompetitive features. Provisions are contained in this legislation which will protect both those American companies that export and import products and the fundamental interests of American consumers.

To me, the most important procompetitive feature in this legislation is contained in section 5(b)(8). This provision guarantees the right of any member of a conference to take independent action on prices or services upon 10 calendar days notice to the conference. Independent action is the right of a conference carrier to charge a different rate, or institute a different service practice, than that of the rest of the conference. This universal right of independent action is a major step forward, protecting the options of individual carriers and shippers alike.

In addition, S. 47 also contains a modified, general interest standard, fashioned by the distinguished chairman of the Judiciary Committee, PETER RODINO. It is my understanding that the language of this general interest standard is now acceptable to the administration; that is, DOT, and to the carriers. It permits the FMC to seek an injunction to delay or suspend the effectiveness of any conference agreement if it "is likely . . . to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost." See sections 6 (g) and (h).

Another procompetitive provision in this legislation concerns loyalty contracts. A loyalty contract, sometimes referred to as a dual rate contract, is a device used by ocean carriers or conferences to lock in the business of a particular company. Loyalty contracts have been frequently criticized as being anticompetitive exclusive dealing arrangements. In the conference version, the use of loyalty contracts is prohibited unless they otherwise meet the competitive standards of the antitrust scrutiny applicable to exclusive dealing arrangements in other industries.

Finally, section 18 of the bill authorizes the creation of an Advisory Commission that will reexamine the regulatory policies underlying international ocean transportation. The Advisory Commission will come into existence 5¼ years after the enactment of S. 47. Among other things the Commission will make recommendations to Congress as to whether or not the practice of tariff filing, and its accompanying enforcement by the FMC, should be continued. When the House Judiciary Committee considered this legislation last summer, I was an author of an amendment to remove tariff filing and enforcement from the Shipping Act and that amendment was adopted at that time. However, it is no longer contained in this bill. I still retain the view that to use a Federal regulatory agency to enforce and legitimize price fixing agreements and other anticompetitive practices is inappropriate. Plain and simple, American taxpayers money should not be used to underwrite the costs of cartel practices. Hopefully, the Advisory Commission will adopt this same view at a later date.

Again, Mr. Speaker, I feel that the conference version of the Shipping Act is a fair, balanced compromise. I strongly urge the adoption of this conference report.

□ 1510

Mr. SNYDER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Speaker, I rise in support of the conference report on S. 47—the Shipping Act of 1984.

This is important legislation both from a maritime perspective and an antitrust perspective. It recognizes the practical realities of the international maritime industry—such as the conference system and collective pricing agreements. But, at the same time, S. 47 includes numerous features—such as independent action and limitations on the use of loyalty contracts—that are fully consistent with the procompetitive philosophy of our antitrust laws.

This measure continues and expands an antitrust exemption that dates back to 1916. Revision of this statute is necessary because, over the years, there has been an ever-increasing application of the antitrust laws to international shipping serving the United States. In 1961, the Shipping Act was amended—most notably by a clause which provided for disapproval of conference agreements which the Federal Maritime Commission found to be "contrary to the public interest." This "public interest" standard has been interpreted by the Supreme Court to embody the anticompetitive principles of the antitrust laws (*FMC* v. *Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968)). It is this decision, creating what is commonly known as the Svenska test, that has prompted the international ocean carrier industry to seek a legislative clarification of the exact nature of their antitrust immunity.

There are at least four fundamental problems with the current regulatory scheme. First, the system is unpredictable and a conference is never sure whether the Federal Maritime Commission will approve its agreements. Second, lengthy delays in the Commission's decisionmaking process have accentuated this uncertainty. Third, U.S. carriers complain of unequal enforcement of the antitrust laws, to their detriment. Fourth, the regulatory system strains our international relations—our trading partners complain that extraterritorial application of our antitrust laws is an unfair interference with international commerce.

This conference version of S. 47 responds to all of these problems. It eliminates the vague standards of current Commission review, including the "public interest" test. Instead, section 10 specifically lists prohibited acts such as rebating and unfair discriminatory or predatory practices. The bill also sets deadlines for prompt FMC review of conference agreements. Penalties are provided when prohibited conduct occurs.

At the same time, the procompetitive right of independent action has been greatly strengthened—allowing an individual ocean carrier to take separate pricing action on 10 days' notice. The compromise bill also prohibits loyalty contracts that would otherwise violate the terms of our antitrust laws. The general standard for FMC review of conference agreements has been modified so that its language will not recreate the problematic "public interest" test.

In short, this is a balanced compromise. The administration, Transportation Secretary Dole, and the maritime industry strongly support favorable action. I urge my colleagues to adopt the conference report.

Mr. SNYDER. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I rise in support of the conference report on S. 47, which passed the House in the form of H.R. 1878, and which is properly called the Shipping Act. I find myself in the unique position of having studied the problems of maritime regulation from two different perspectives: With principal focus on the health of the carrier industry through the Committee on Merchant Marine and Fisheries, and the antitrust point of view as represented by the membership of the House Judiciary Committee.

While I support the bill before us, as well as its accompanying report, I must express once again the concerns I had while reviewing the bill during its consideration in the House. My principal reservation then involved the requirement that tariffs be filed with the Federal Maritime Commission (FMC) and that they in turn be enforced by that same agency. Though the Judiciary Committee acted to relieve the FMC of this responsibility, it is contained in this compromise bill. Moreover, an amendment which I offered in the Judiciary Committee to restrict the FMC's litigation authority has been watered down somewhat.

I have consistently taken the view that it is inappropriate for a Federal regulatory agency, such as the FMC, to serve as the publisher for trade prices, or tariffs, and then turn around and enforce them on behalf of those it is otherwise obligated to regulate; namely, the international ocean carriers. This is a position I took in supplemental views filed with the report of the Merchant Marine and Fisheries Committee, and when Mr. FISH offered an amendment in the House Judiciary Committee to strike tariff filing and enforcement, I supported him then as well.

The compromise before us deletes the Fish amendment, and reinstates tariff filing and enforcement. I am, of course, well aware of the fact that the American carriers simply would not support any bill if the FMC were unwilling to once again assume what properly should be an industry responsibility. Unfortunately, over time they have apparently become used to the Government doing their work for them, and are understandably unwilling to change things. Though I am convinced that there are sufficient improvements in this legislation to warrant my support, I remain similarly convinced that regulatory agencies, such as the FMC, have no business filling this role on behalf of the shipping industry.

I note, further, that this bill retains some litigation authority for the FMC, a development which I believe is neither justified nor desirable. I do not like to see litigation authority sprinkled among the various agencies of the executive branch, and as a former prosecutor, I can say from experience that litigation is least effective when it is disbursed throughout a bureaucracy.

Under the compromise proposal before us, the FMC retains the right to seek equitable relief against cartel agreements which it believes do not meet the new general standard created in the bill. Moreover, it may represent itself in district court to enjoin conduct which represents a violation of the new act during the Commission complaint process. I am pleased to note that this power does not extend to the Federal courts of appeal without the express consent of the Attorney General of the United States.

As I have said many times, I believe that exceptions to the rule that the Attorney General should control the litigation of the executive branch should be few and far between. I offered my amendment in committee because I did not think that the FMC had carried its burden with regard to establishing the need for an exception in this case. I am still not persuaded, but once again I must say that I believe that such issues as independent action and the deletion of the sunset provision balance the scales. I unsuccessfully argued for the latter during consideration by the Judiciary Committee, and was supported by both the administration and the minority on the committee, ultimately succeeding in the version adopted by the House. Its presence in S. 47 would have undermined the predictability which this bill was designed to provide.

I very much look forward to the future recommendations of the Advisory Commission created under section 18 of the bill, and I note that the conference report requests that recommendations be made with regard to the role of the FMC in the collection of tariff filings and their enforcement. I hope that the Commission will also review the litigation power delegated to the FMC, and consider the effect of this sort of precedent.

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Mr. SNYDER. Mr. Speaker, I have no further requests for time.

Mr. JONES of North Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Speaker, let me thank the chairman of the Merchant Marine and Fisheries Committee and congratulate him and the chairman of the Judiciary Committee for their exceptionally fine work in bringing about this conference report.

I rise in support of the conference report on S. 47, the Shipping Act of 1984.

I have been privileged to participate in the deliberations of this bill before the Committee on the Judiciary. In our role as guardians of the antitrust laws and the consumer and economic interests these laws are intended to protect, we have had a long and hard look at this legislation.

Many of us initially had serious reservations about allowing the broadened antitrust immunity that this legislation confers. The amendments approved by the Judiciary Committee alleviated most of these concerns. I am pleased that the managers of the conference have agreed to these critical amendments. In particular, the conference bill includes a flexible review standard that will allow the Federal Maritime Commission to act against substantially anticompetitive agreements. With this standard, the FMC will have the authority to prevent agreements of the type that it can disapprove today under the "public interest" standard. Although the revised wording of this standard gives ocean carriers the freedom to enter into efficiency or technology enhancing agreements, it gives no carte blanche to eliminate competition.

Indeed, as the bill makes clear in other sections, the Congress has been guided by a need to maintain a minimum level of competition within an international environment in which ocean cartels have the blessing of most other countries. Thus, although conferences may continue under the new act, they must provide for a right of any member to take independent pricing action on 10 days' notice to the conference. And loyalty contracts, which conferences have used in the past to discourage shippers from patronizing nonconference carriers, will no longer be permitted if such arrangements would violate the antitrust laws.

Our success in crafting a compromise bill is suggested by the support this conference report has received from both carrier and shipper groups. Probably none of us who have worked on this legislation is satisfied with every provision, word, and nuance. But we have achieved a responsible and constructive bill that should have a number of substantial benefits. Among these are diminished regulatory costs, an expedited review procedure for agreements that are filed with the FMC, and greater certainty and uniformity in interpretation of the law.

I am pleased to have had an opportunity to participate in the development of this sound regulatory reform legislation. I urge my colleagues to join me in voting to approve the conference report. Of course, the true verdict on this bill will come only after it has been in effect for a number of years. We have high hopes—but we shall remain vigilant in assessing the need for further reform as demonstrated by real-life experience with this regulatory model.

● **Mr. FORSYTHE.** Mr. Speaker, I rise in support of the conference report on S. 47—the Shipping Act of 1984. This conference report was recently approved by the House and Senate conferees after considerable compromise between the two bills previously passed by the respective Houses.

This legislation revises the Shipping Act of 1916 and represents the most important maritime legislation enacted in many, many years. The Congress has been considering revisions to the 1916 Shipping Act for a number of years. There is an extensive record in support of this conference report. Hearings have been held for several years. Last year, this House passed similar legislation by an overwhelming vote. Unfortunately, because of discussion and debate in the other body the bill was not enacted. With this conference report, the differences between the two Houses have now been resolved.

This legislation will continue exemptions from the antitrust laws for certain agreements and activities dealing with international shipping that are subject to regulation by the Federal Maritime Commission. It recognizes that U.S. liner vessel operating companies must function in an environment not totally within their control that is governed by international rate structures and world economic pressures. It allows these liner companies to join together in shipping conferences to establish freight rates and organize shipping activities. Subject to the terms of the legislation, these conferences can operate without the restrictions that might otherwise be involved from the application of the antiturst laws. The legislation also expedites consideration and approval by the Commission of agreements among the liner operators and the shipping conferences. This has been a matter of great concern for the U.S. operators because of the extended delays in obtaining approval of these types of agreements under the current law. The bill has a clearly defined set of prohibited acts and sets forth penalties for violations of these prohibited acts which would be enforced by the Commission under the terms of the Act.

This legislation will be an economic shot in the arm for our liner operating companies. It will provide a means to reduce some of the costs for these operators and that will result in savings to U.S. shippers and, ultimately, U.S. consumers. For example, once a vessel is committed to sail, the expenses of that vessel are fixed. These expenses will be nearly the same whether that vessel is fully loaded or only partially loaded. We have seen figures showing that if a vessel is only 50 percent loaded, that operator would have to charge a shipper over $1,200 per container in order to cover the operator's costs. If that same vessel were fully loaded that charge to the shipper would be reduced to a little over $700 per container. Obviously, it is in the best interests of American shippers, American consumers, and ultimately our Nation's economy to have a shipping policy which encourages high utilization rates of our vessels. This is just one of the many benefits of this legislation.

One key element which was resolved in the discussions of the conferees is the issue dealing with the relationship between the services provided by the vessel operators and the needs of the shippers. This bill provides a mechanism for allowing an operator the right to take independent action from the rates set by a shipping conference in the setting of his shipping rates. This provision of the bill will lead to increased competition among the vessel operators and that, of course, also leads to better prices for the shippers.

It is now time to approve this conference report so that we can send the bill to the President for his signature. We have received indications from the administration that they are ready, willing, and able to approve this bill. In that context, I think it is important to note the great contributions of the former Secretary of Transportation, Drew Lewis, and our present Secretary of Transportation, Elizabeth Dole, in helping to pave the way for enactment of this important legislation. The hard work of these two Secretaries and their staffs as well as the participation of the Federal Maritime Commission, greatly facilitated the development of this legislation. Furthermore, without the efforts of the members and staffs of the four congressional committees involved—the House Merchant Marine and Fisheries Committee, the House Judiciary Committee, the Senate Commerce Committee, and the Senate Judiciary Committee, this conference bill would not be the truly good compromise that it is.

Mr. Speaker, this legislation can be considered among the landmarks in the maritime field. It is long overdue and it will have long-term benefits for a large segment of our merchant marine fleet and some of the associated industries. It must not be viewed, however, as the salvation for the merchant marine. This is only the first step. This country needs a strong merchant marine for national defense, international trade, and domestic economic well-being. What we have today is a shadow of our former great maritime industry. Our shipyards are in dire straits. The graduates of our fine maritime academies are having difficulty finding seagoing jobs. Many of our vessel operators have old, inefficient ships that cannot compete economically with foreign fleets. Essential strategic materials needed to keep our Nation's industrial activities operating come to this country on foreign-flag ships.

But, most importantly, we are losing the capability to support a national defense effort should this country ever find itself again in need of mobilizing any kind of large defense force. We have all heard about the need for expanding vast sums of money to acquire new weapons systems and for deployment of well-trained troops. The irony is that we may not have the ships to carry these weapons and troops away from our shores. If a major conflict were to occur somewhere in the world, we might have to say, "Sorry, we can't get there! You will have to come here!"

I intend to devote my energies to an effort to turn this sad situation around. I hope to develop some legislative initiatives designed to rebuild our merchant marine. This will not be an easy task. It will require a lot of hard work, compromise on all sides, and some commitments from the various parts of the maritime industry, the executive branch, and the Congress.

So, Mr. Speaker, I urge my colleagues to approve the conference report on S. 47 as one major effort in the revitalization of our merchant marine and then to join with me in exploring additional ways to help this industry.●

● **Mr. HUGHES.** I rise to urge support for the conference report on S. 47, the Shipping Act of 1984.

As a member of both the Judiciary and Merchant Marine Committees over the past few Congresses, I have witnessed from its inception the painful progress of this legislation. The fact that we are acting on a conference report today is a real achievement for those who have patiently and persistently worked for sound reform of maritime regulatory law.

Along the way, we have had many concerns and setbacks. But the legislation that has emerged from the conference committee is both sound and pragmatic. It addresses the fundamental concerns of both the carriers who operate the ships and the shippers who need efficient and reliable transportation services. I am pleased to see that the final version contains many of the key provisions of the amended bill reported by the House Judiciary Committee last year. Among these are an approval standard that allows the FMC to act against substantially anticompetitive agreements, a right of each conference member to take independent pricing action on 10 days' notice to the conference, and an advisory commission that will assess the performance of the new regulatory scheme after 5 years of operation. One of the problems that we have battled in the past—protracted regulatory delays in FMC review of agreements—is addressed in section 6 of the bill. The model for expedited review of these agreements is the premerger clearance procedure effectively used by the antitrust agencies in reviewing proposals for takeovers under the antitrust laws. Although the procedure has been somewhat modified to fit the special circumstances of the maritime industry, it offers the FMC an opportunity to implement timely and effective regulatory review that will benefit both the carriers and their customers.

This legislation gives the FMC a specific list of prohibited acts to enforce. And it gives the FMC exclusive authority for enforcing the flexible competitive standard. Thus, we shall have a scheme that should minimize unwarranted delays and fosters the development of a uniform body of law. The challenge is now with the FMC to see that the regulatory mandate is carried out with dispatch and with sensitivity to the policies of the act.

What we need is a pragmatic, but no-nonsense enforcement policy that gives the carriers flexibility in designing joint arrangements that are procompetitive or serve other valid policy interests of the act, but which firmly resists attempts to obstruct unnecessarily constructive competitive forces. That is not an easy task. But I, for one, believe that the FMC under the leadership of Chairman Green will meet this challenge.

The legislation will not leave the performance of the FMC unchecked. Congress will have an opportunity to examine the results of the new regulatory scheme when the Advisory Commission submits its report based on the first 5 years of application of this act.

I am pleased that the hard work of the members of both committees has resulted in this balanced and constructive reform bill. I urge my colleagues to join me in supporting the conference report.●

● Mr. SEIBERLING. Mr. Speaker, I rise in reluctant support of the conference report on S. 47, the Shipping Act of 1984.

When this bill came before the Judiciary Committee last year, I supported several amendments designed to strengthen competition in the maritime industry—including elimination of the Federal Maritime Commission's role in filing and enforcing tariffs, the eventual expiration of the antitrust immunity, and limitations on the use of loyalty contracts. Even with the adoption of these amendments, however, I felt that the bill authorized the continuation of unnecessarily anticompetitive behavior in the ocean carrier industry. I was even less happy with the bill that was ultimately approved by the full House last October.

Basically, my view is that it is time for meaningful deregulation of the maritime industry. We should eliminate the antitrust exemption which ocean carrier cartels now enjoy and which the proposal before us continues.

There is not a business in the country that would not like to be exempt from the antitrust laws. As Adam Smith said, whenever businessmen get together, the first thing they want to do is talk about prices. They want to have freedom from regulation, but at the same time they want to be able to get together and regulate prices and other terms of doing business among themselves. That is a classic dilemma in a free enterprise system, but long ago we decided not to tolerate cartel behavior in most industries. Other transportation industries which have never been permitted the relatively unregulated cartel behavior ocean carriers may engage in have been deregulated in recent years.

Price fixing and division of markets, if practiced by almost any other industry, are per se criminal violations of the antitrust laws, and can result in massive fines and even prison for the perpetrators. But the maritime industry remains free to engage in such practices which would otherwise violate the antitrust laws. And unfortunately, the compromise before us now does little to alter that basic problem.

However, I recognize that this bill is an improvement over the current regulatory system. Three specific provisions contained in the conference report increase the prospects for true competition in the carrier industry: First, a flexible approval standard for the FMC to review and, if necessary, seek to enjoin agreements among ocean common carriers that could be substantially anticompetitive; second, an absolute right of each common carrier that is a member of a conference to take independent pricing action on 10 days' notice to the conference; and third, a study or advisory commission that will review Government regulation of the international maritime industy and make recommendations to Congress as to further legislative change.

I would have perferred that the Department of Justice have a stronger role in attempts to enjoin conduct allegedly in violation of the act. Unfortunately, the compromise removes some of the Department's antitrust jurisdiction over the maritime industry. I would also have preferred that the study commission established in the House bill begin its work sooner than the startup date provided for in the conference report. Furthermore, I think that the measure should have addressed the imbalanced situation facing shippers.

However, despite its flaws and omissions the compromise version of S. 47 is a step in the right direction and thus, as a conferee, I signed the report and will vote for it today on the floor.●

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMTRAK IMPROVEMENT ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 320 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3648.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3648) to improve the cost effectiveness of the National Railroad Passenger Corporation, to authorize appropriations for such Corporation for the fiscal year ending September 30, 1984, and for other purposes, with Mr. BENNETT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Thursday, October 6, 1983, title I was open to amendment at any point.

Are there any further amendments to title I?

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: Page 2, strike out lines 10 through 15, and insert in lieu thereof the following:

(2) in subparagraph (B), by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(C) not to exceed $730,000,000 for the fiscal year ending September 30, 1984; and

"(D) not to exceed $724,000,000 for the fiscal year ending September 30, 1985.".

Page 2, line 17, insert "(1)" after "Sec. 102. (a)".

Page 3, after line 11, insert the following new paragraph:

(2) The amendment made by paragraph (1) shall not apply to any new service initiated during the fiscal year ending September 30, 1984, during the first year of operation of such service.

Page 8, line 4, through page 9, line 8, strike out section 105.

Page 13, after line 12, insert the following new section:

RESUMPTION OF SERVICE

SEC. 111. Section 404(f) of the Rail Passenger Service Act (45 U.S.C. 564(f)), as amended by section 110 of this Act, is further amended by inserting after the first sentence the following new sentence: "Within thirty days after the date of enactment of the Amtrak Improvement Act of 1983, the Corporation shall reinstitute rail passenger service between Tampa, Florida, and Saint Petersburg, Florida, as such service was in operation as of January 1, 1984.".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, the amendment is designed to update title I. This bill was originally considered by the House in October. Certain changes are needed to reflect the passage of time.

This amendment would do four things. First, the reported bill would require Amtrak to maintain rail passenger service between Tampa and St. Petersburg, Fla. To insure that the intent of the original bill is carried out, the amendment would require Amtrak to reinstate this rail service. Once the service was reinstated, the requirement in the reported bill to maintain the rail service would apply.

Second, this amendment would strike section 105 of the bill, which would establish a revolving capital fund for Amtrak. Since the House first considered this bill in October, some concern has been expressed about this provision. In response to that concern, I have agreed to delete this section.

Third, the amendment would provide a fiscal year 1985 authorization for Amtrak of $724 million as requested by Amtrak. The bill currently has a fiscal year 1984 authorization of $730 million. Thus, the proposed fiscal year 1985 authorization is less than the fiscal year 1984 authorization. This reduction is made possible by Amtrak's increasing efficiency.

I know the administration has only requested $680 million for Amtrak for fiscal year 1985. The $44 million authorization request difference reflects a disagreement over how much carryover money, appropriated for other purposes, is available for Amtrak's capital projects in fiscal year 1985.

For example, at the instruction of Congress, and due to the leadership of the gentleman from New York (Mr. LENT) Amtrak has set aside $20 million for construction of the West Side Connection project in New York City. The administration's budget request assumes this money can be used for other capital purposes. Amtrak's request, properly so, assumes this money should be used for its intended purpose.

Last year, as part of the jobs bill, Congress appropriated $80 million for job intensive Amtrak capital projects, mostly on the Northeast corridor. These funds were intended as additional funds to create jobs. However, the administration's request assumes that $20 million of this amount can be used for Amtrak's fiscal year 1985 capital projects. Amtrak's request assumes this money should be devoted to the purposes of the jobs bill, not for Amtrak's regular fiscal year 1985 capital program.

Finally, the administration's request assumes that Amtrak can use $4 million in funding, previously appropriated for purchase of the Northeast corridor, for unrelated capital projects. Since this would require approval through the appropriations process, Amtrak is not assuming use of this money for unrelated fiscal year 1985 capital projects. Thus, Amtrak's request of $724 million for fiscal year 1985 is more appropriate.

Finally, the reported bill establishes cost effectiveness criteria for 403(b) or State-supported trains. According to Amtrak's projections, these criteria should not affect any existing trains. However, some concern has been expressed that the new criteria could adversely affect new 403(b) service scheduled to be initiated during fiscal year 1984. I know the distinguished gentleman from Michigan, the chairman of the full committee, has that concern. This is a legitimate concern because it often takes time for a new service to build up ridership. This amendment would address that concern by providing for a 1-year grace period for new 403(b) service initiated during fiscal year 1984. The new criteria would not apply during the first year of operation, but would apply thereafter. Furthermore, new service initiated after fiscal year 1984 would be fully subject to the new criteria.

I believe this amendment to update title I is acceptable to the minority and I urge its adoption.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I am happy to yield to the gentleman from New York.

Mr. LENT. As I understand it, the first provision of the amendment authorizes Amtrak for fiscal year 1985 at $724 million. This amount was requested by Amtrak in its fiscal year 1985 budget recommendation: is that correct?

Mr. FLORIO. That is correct.

Mr. LENT. This amount also assumes that Amtrak will achieve a revenue to cost ratio of 58 percent?

Mr. FLORIO. The gentleman is correct.

Mr. LENT. I would like to endorse the amendment. This is, indeed, commendable and I support the gentleman's amendment.

Mr. FLORIO. I thank the gentleman.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, let me ask the gentleman if under this bill the corporation has the authority to change routes, abandon some, and create others?

Mr. FLORIO. The gentleman is talking about Amtrak?

Mr. KAZEN. Yes, sir.

Mr. FLORIO. Yes; there is no change in the substantive standards that are used in this reauthorization.

Mr. KAZEN. Because it has come to our attention that there was some study made on some of these routes and that there would be a recommendation made that the line going west, east and west, that goes now on the Southern Pacific tracks from Houston to San Antonio, Del Rio, El Paso, and on out to the west coast, is going to be recommended that it be abandoned and in lieu thereof have the line run from El Paso to Dallas Fort-Worth and down to Houston.

□ 1530

In other words, cutting out the segment from El Paso, Del Rio, San Antonio, Houston. I am asking the gentleman is that possible under this bill without the permission of the Congress.

Mr. FLORIO. If the gentleman will yield back to me, the existing provisions in the law, not this bill, but the Amtrak law provide for periodic modifications in route and service structures in accordance with the formulas that are in the basic law.

I am not familiar with what the gentleman is talking about on that specific proposal but it is not in any way incorporated into this legislation.

Mr. KAZEN. I understand. But before I vote to authorize funds for them I would want some assurances that at least we Members of Congress that are affected would be notified or given an opportunity to have some input.

Mr. FLORIO. There are notifications in the existing structure for those types of modifications that periodically Amtrak is called upon to make.

Mr. KAZEN. I thank the gentleman.

Mr. GONZALEZ. Will the gentleman yield?

Mr. FLORIO. Certainly.

Mr. GONZALEZ. I join my colleague. We share representation of that area. I would like to emphasize that this is an extremely important thing. I cannot visualize any national railroad system that would in any way impede this very historical line, the old Sunset Limited, that would come in from New Orleans, Houston, San Antonio, to El Paso and up the west coast to Los Angeles. It just seems to me, though, the gentleman has explained as far as it is possible that the impact of this authorization legislation is such that it does not address itself to the particular situation.

Mr. FLORIO. That is correct. And as with all of the Members, the committee with oversight responsibility in this area would be happy to inquire and to assist the gentleman in getting some clarification.

Mr. GONZALEZ. I deeply appreciate that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. Florio).

The amendment was agreed to.

Mr. FLORIO. Mr. Chairman, I ask unanimous consent to strike section 103 of the bill, as amended. This provision deals with deferral of Amtrak's deal, and it is dealt with administratively. I understand there is no opposition to this request.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. LENT. Mr. Chairman, reserving the right to object, I wonder if the gentleman could indicate whether the provision he is striking is the debt provision, that is no longer relevant and that was the subject of some discussion in October of 1983 when the House last considered this bill?

Mr. FLORIO. Will the gentleman yield?

Mr. LENT. I yield to the gentleman from New Jersey.

Mr. FLORIO. The gentleman is correct.

Mr. LENT. Mr. Chairman, I thank the gentleman, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. MORRISON OF CONNECTICUT

Mr. MORRISON of Connecticut. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Morrison of Connecticut: Page 13, after line 12, insert the following new section:

SAFETY STUDY

Sec. 111. (a) The General Accounting Office shall undertake a study, in consultation with the National Transportation Safety Board, the Federal Railroad Administration, the Office of Technology Assessment, Amtrak, and representatives of engineers and former employees who were employed as the second person in Amtrak locomotives, of the safety implications of stationing only one person in each locomotive powering regularly scheduled Amtrak passenger trains in the Northeast Corridor.

(b) The General Accounting Office shall report to the Congress the results of the study undertaken under subsection (a) within 9 months after the date of enactment of this Act.

Mr. MORRISION of Connecticut (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MORRISON of Connecticut. Mr. Chairman, this amendment would require the General Accounting Office to study whether the practice of stationing only one person in each locomotive powering regularly scheduled Amtrak passenger trains in the Northeast corridor is a threat to safety.

Until January 1, 1983, Amtrak's Northeast corridor trains were operated by Conrail crews. Every locomotive was staffed by two persons, an engineer and a so-called fireman, who functioned as an assistant to the engineer. At the beginning of 1983, as a result of the Northeast Rail Service Act of 1981. Amtrak took over direct responsibility for supplying its own crews for trains in the corridor. The assistant's position was eliminated, putting 250 individuals out of work and raising serious questions about Amtrak's ability to operate these trains safely.

Except for metroliner and commuter trains, which are designed to allow movement between the passenger and locomotive compartments, no other passenger or freight trains in this country operate without two persons at the head end of the train.

An engineer's job is not easy. In the Northeast corridor, the engineer must be prepared to run the train at speeds of up to 120 miles per hour. Engineers must be prepared to deal with permanent speed restrictions which differ from track to track and change frequently from section to section. Crossings, stop signals, stations, switches, temporary speed restrictions and scheduled and emergency road work must all be negotiated, sometimes in weather conditions that bring all other transportation systems to a halt. At the same time, the engineer is required to keep a forward lookout for possible obstructions, including people, watch the platform while leaving the station and keep the train running on time.

It is important to remember that these trains are operated by human beings, not machines. It is not unusual for engineers to work long, closely spaced shifts that tend to make them less alert. They sometimes get ill or incapacitated and may suffer emotional, financial, and other personal problems that make it difficult for them to give their full attention to their jobs for every moment of every workday.

Until January or last year, each engineer had an assistant, a person to help keep track of temporary orders, signals, and station stops. This assistant also helped the engineer keep an effective lookout, especially when the engineer was distracted or when visibility was affected by conditions, curves in the roadbed or platform location, and be there to help keep him alert or back him up in the event of a health emergency. That engineer is now on his own, apparently without an effective backup system to insure the safety of passengers and the public.

There is certainly evidence that engineers do not always see everything of consequence on the tracks. Two recent accidents demonstrate the point. On February 6, 1983, just a month after Amtrak took over staffing of the trains and began operating with only one person in the locomotive, an Amtrak train hit and killed a man in Pawtucket, R.I. According to newspaper accounts, the train had rounded a curve a quarter of a mile before impact. The engineer did not immediately see the man and his three children who were on the tracks collecting aluminum cans. The group was first spotted not by the engineer, but by a conductor farther back on the train. The conductor pulled the whistle and brake cord, but it was too late to save the father who died while attempting to push his son from the path of the train.

The second incident involved an Amtrak road worker who was hit by an Amtrak train in New Jersey. The conductor did not even find out that he had hit someone until he had arrived at the next station stop.

In response to these tragic events and discussions with Northeast corridor engineers and firemen, I originally prepared amendments which would have required Amtrak to return the second person to the cab. Safety appears to require that result. However, in deference to objectives raised by Amtrak and others that the current situation is not dangerous, I have substituted an amendment for a safety study.

My amendment would require the GAO to study the Safety implications of stationing only one person in the locomotive cab and directs GAO to consult with the National Traffic Safety Board, the Federal Railroad Administration, the Office of Technology Assessment, Amtrak, and representatives of engineers and former employees who had been serving as the second person in the locomotive prior to January 1, 1983.

At a minimum, the study produced by the GAO should include an assessment of the effectiveness of equipment and locomotive design features in protecting passengers and the public from injury in the event of the death or disability of the locomotive engineer and the extent to which stationing a second person in the locomotive would relieve such dangers.

The GAO also should consider the extent to which locomotive design, weather, other duties, fatigue and other human factors limit an engineer's ability to keep an effective lookout and whether stationing a second person in the locomotive would appreciably alleviate such problems.

Finally, the GAO should provide an estimate of the annual cost of stationing a second person in these locomotives.

This is an important issue. Congress should not wait for a major and perhaps tragic accident to occur before it asks what steps were taken to protect the public. I urge my colleagues to support this amendment.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from New Jersey.

Mr. FLORIO. I will be happy to accept the gentleman's request for a study of the safety implications of Amtrak operating these trains without firemen. This is an issue that traditionally is dealt with in the collective bargaining process, but the gentleman raises legitimate, serious questions that should certainly be studied, and I will be happy to accept the amendment.

Mr. LENT. Will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from New York.

Mr. LENT. It is my understanding that the subcommittee will be having safety hearings on a number of issues involving the railroads. At that time we would be happy to have the gentleman's testimony on the firemen issue I am sure.

However, does the gentleman know what the position of Amtrak is on this particular amendment?

Mr. MORRISON of Connecticut. Last year, when I was prepared to offer amendments that would have required the reinstitution of firemen on the corridor and directed Amtrak to bargain with representatives of the former employees, Amtrak objected, arguing that the trains were being safely operated.

In response to what Amtrak had to say, I modified my position and am offering this requirement for a study. I do not have a specific response of Amtrak to this particular proposal, but I do not see how they could in any way be opposed to a thoughtful and careful study of whether or not there is a safety problem, which I do think there is.

Mr. LENT. The fireman was commonly a member of the crew on railroad trains at the time of the steam engine, but with the disappearance of the steam engine the fireman position is no longer relevant.

Mr. MORRISION of Connecticut. Unfortunately, the terminology of the use of the word "fireman" creates that impression. But the truth is that we are talking here about trains traveling in excess of 100 miles an hour, and the fireman is actually an assistant engineer. And the only trains in this country of this nature, of this construction and traveling at this speed which do not have two persons in the cab are the trains in the Northeast corridor, the most heavily traveled passenger route in this country.

The people who do these jobs, the engineers and firemen, have expressed to me great concern about the safety implications and there have been fatalities since the change was made. We should have the GAO do this study and report back so we can clear the air one way or the other.

Mr. LENT. It is my understanding that Amtrak trains are equipped with alerters which are mechanical devices that are designed to immediately stop a train if the engineer does not respond appropriately to its signal. Is the gentleman familiar with that?

Mr. MORRISON of Connecticut. Yes. I am familiar with the alerters and I have discussed their operation with both engineers and firemen at some length. The alerters are designed to give the engineer a low-voltage electric shock if he does not touch metal in the cab sufficiently frequently, thereby indicating he is alert and active. If the engineer, once so alerted, does not reset the device—again, by touching metal—the train is automatically stopped.

These devices are not foolproof, however. The fact is that if an engineer slumps over, having had a heart attack or having fainted, and is in any way touching metal, the alerter will not do its job.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. MORRISON) has expired.

(By unanimous consent Mr. MORRISON of Connecticut was allowed to proceed for 2 additional minutes.)

Mr. MORRISON. The alerter can fail and for that reason it does not guarantee safe operation of the train in the event of an engineer's death or disability.

Beyond that, in other circumstances the amount of time that may elapse before the alerter is activated may be too long to adequately protect passengers and the public.

Mr. LENT. How does the gentleman respond to the fact that, for example, railroads like the Long Island Railroad has operated 430 trains per day without firemen, has done so for over 40 years, and the fact that Amtrak has been running trains without firemen now for 14 months and Amtrak's safety record today is better than when two persons were in the cab?

Mr. MORRISON. Let me deal with those two questions separately.

First, the Long Island Railroad is a commuter route. These routes involve frequent stops and low speeds which rarely exceed 40 to 50 miles an hour, never faster than 60 to 70 miles an hour. Most of the Long Island Railroad equipment is not of the sort that is being used on the Northeast corridor with only one engineer.

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The equipment being used on the Northeast corridor travels both faster and is less accessible to entry from the passenger compartments, unlike both commuter and Metroliner equipment which are designed to allow easy access to the locomotive engineer from the passenger compartment.

As for the accident record, I do not think enough time has passed to conclude that the situation is not going to pose a long-term danger. We do know that, over the past 14 months, there have been at least two fatalities that may be attributed, at least in part, to a lack of visibility for the engineer when there is no help from a second person in the cab.

I think very few would sanction flying airplanes in similar circumstances in this country with only one pilot, yet we are operating trains in which a similar danger exists.

Mr. LENT. Let me just say I am not enthusiastic about the gentleman's amendment, but I want to commend him for watering it down to a study. Under those circumstances I am not going to oppose the amendment.

Mr. MORRISON of Connecticut. I thank the gentleman. I think a study will do us all some good.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. MORRISON).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

TITLE II—MISCELLANEOUS PROVISIONS

EMPLOYEE PROTECTION

Sec. 201. Section 106(c) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1005(c)) is amended by striking out "1984" and inserting in lieu thereof "1985".

AUTHORIZATION OF APPROPRIATIONS

Sec. 202. Section 507 of the Rail Safety and Service Improvement Act of 1982 (96 Stat. 2554) is amended by adding at the end the following new sentence: "There is authorised to be appropriated to the Secretary of Transportation for the Office of the Administrator of the Federal Railroad Administration $12,000,000 for the fiscal year ending September 30, 1984.".

UNITED STATES RAILWAY ASSOCIATION

Sec. 203. (a) Section 201(d)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 711(d)(1)) is amended—

(1) by striking out "five" and inserting in lieu thereof "three";

(2) by striking out subparagraphs (B) and (D); and

(3) by redesignating subparagraphs (C) and (E) as subparagraphs (B) and (C), respectively.

(b) Section 201(d)(2) of such Act is amended by striking out the first sentence.

(c) Section 201(e) of the such Act is amended by striking out "1983" and inserting in lieu thereof "1985".

(d) Section 201(f) of such Act is amended by striking out "Three" and inserting in lieu thereof "Two".

(e) The first subsection (g) of section 201 of such Act is amended by inserting "Finance Committee Functions.—" after "(g)".

(f) The first subsection (h) of section 201 of such Act is amended by inserting "Representatives.—" after "(h)".

(g) The second subsections (g) and (h) of section 201 of such Act are redesignated as subsections (i) and (j), respectively.

UNITED STATES RAILWAY ASSOCIATION AUTHORIZATION

Sec. 204. Section 214(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 724(c)) is amended—

(1) by striking out "and" after "September 30, 1982,"; and

(2) by inserting ", and not to exceed $3,000,000 for the fiscal year ending September 30, 1984" and "September 30, 1983".

NOTICE EXTENSION

Sec. 205. Section 308 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 748) is amended—

(1) in subsection (c)(1) by striking out "1983" and inserting in lieu thereof "1985";

(2) in subsection (c) by adding at the end the following new paragraph:

"(3) No notice of insufficient revenues may be filed under this subsection after the sale or disposition of the interest of the United States in the Corporation under title IV of this Act."; and

(3) in subsection (e)(1) by inserting "or (c)" after "subsection (b)".

CONGRESSIONAL APPROVAL

Sec. 206. (a) Section 401(a)(3) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(a)(3)) is amended to read as follows:

"(3)(A) The Secretary shall implement any plan submitted under paragraph (2) only if such plan is enacted into law in its submitted or in a modified form. The Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate shall attempt to review and hold hearings on proposed legislation which embodies any such plan within 60 calendar days after such plan's submission to the Congress and shall attempt to report such proposed legislation within 120 calendar days after such submission.

"(B) The Secretary may expend funds appropriated for such purpose to implement any plan enacted under subparagraph (A) without prior approval of any committee of the Congress.".

(b)(1) Section 407(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 767(d)) is amended by striking out the second and third sentences and inserting in lieu thereof the following new sentences: "The freight transfer agreements shall be considered finally approved only upon their enactment into law, in the transmitted or in a modified form. The Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate shall attempt to review and hold hearings on proposed legislation which embodies any such freight transfer agreements within 60 calendar days after the transmittal of such agreements to the Congress and shall attempt to report such proposed legislation within 120 calendar days after such transmittal.".

(2) Section 408(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 768(a)) is amended by striking out "neither House of Congress has acted to disapprove the freight transfer agreements within 60 days" and inserting in lieu thereof "the freight transfer agreements have been enacted into law under section 407(d) of this Act".

BENEFIT EXTENSION

Sec. 207. (a) Section 701(a)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797(a)(1)) is amended by striking out "taken under this Act and" and inserting in lieu thereof "taken under this Act or".

(b) Section 701(d)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797(d)(1)) is amended by striking out ", or provide benefits for any individual employee in excess of $20,000," and inserting in lieu thereof a period and the following new sentence: "Such agreement and benefit schedule may not provide benefits for any individual employee in excess of $20,000, except that in the case of an individual employee who has elected to receive benefits under article IV of any benefit schedule prescribed under this section by the Secretary of Labor on December 11, 1981, and who has exhausted such benefits between April 1, 1983, and December 31, 1983, such benefits shall be extended for a period of six months from the date they were exhausted.".

RAILROAD ACCOUNTING PRINCIPLES BOARD

Sec. 208. (a) Section 11161(f) of title 49, United States Code, is amended by striking out "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under this section".

(b) Section 11162(a) of title 49, United States Code, is amended by striking out "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under section 11161 of this title".

(c) Section 11167 of title 49, United States Code, is amended by striking out "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under section 11161 of this title".

(d) Section 11168 of title 49, United States Code, is amended—

(1) by striking out "1981" and inserting in lieu thereof "1984";

(2) by striking out "1982" and inserting in lieu thereof "1985"; and

(3) by striking out "1983" and inserting in lieu thereof "1986".

NONNAVIGABLE WATER

Sec. 209. (a) The property described in subsection (b) of this section is declared to be not a navigable water of the United States within the meaning of the Constitution and the laws of the United States, and the consent of Congress is hereby given to the filling in of, and the erection of permanent structures on, all or any part of such property. The right to alter, amend, or repeal this section is hereby expressly reserved.

(b) The property referred to in subsection (a) of this section consists of the following two parcels of land:

(1) All that piece or parcel of land, containing one hundred and eight acres more or less, situate, lying and being in the city of Jersey City, Hudson County, State of New Jersey, upon or around that certain lot or piece of land known as the Caven Point Area, being more particularly described as follows:

Beginning at a point in the southeasterly end of Caven Point Road, said point being located the following two courses from the intersection of the southeasterly right-of-way line of Caven Point Road with the northeasterly boundary line of the whole tract of land (course numbered 9 in Deed Book 3145, Page 439): (a) Along said line of Caven Point Road south 31 degrees 21 minutes 52 seconds west 359.61 feet to an angle point in the northeasterly right-of-way of Caven Point Road; (b) thence along same line south 52 degrees 42 minutes 47 seconds east 47.22 feet to the proper point of beginning;

thence south 58 degrees 49 minutes 22 seconds east along a line 287.51 feet to a point;

thence south 50 degrees 13 minutes 51 seconds east along a line 460.77 feet to a point;

thence south 13 degrees 06 minutes 47 seconds east along a line 312.39 feet to a point;

thence south 11 degrees 10 minutes 08 seconds east along a line 368.44 feet to a point;

thence north 69 degrees 48 minutes 51 seconds east along a line 328.80 feet to a point;

thence south 04 degrees 42 minutes 41 seconds west along a line 644.45 feet to a point;

thence south 24 degrees 29 minutes 01 seconds west along a line 213.78 feet to a point in the southerly edge of an existing concrete pier (41.30 feet wide);

thence south 44 degrees 26 minutes 38 seconds west along a line (being course numbered 28 in the above mentioned deed) 6.87 feet to a point;

thence north 47 degrees 47 minutes 04 seconds west along a line (being course numbered 29 in the above mentioned deed) 231.00 feet to a point;

thence south 44 degrees 16 minutes 49 seconds west along a line (being course numbered 30 in the above-mentioned deed) 26.34 feet to a point;

thence north 45 degrees 30 minutes 22 seconds west along the northeasterly line of lands now or formerly of the United States Government (Caven Point Marine Base) and the projection of same 1,905.57 feet to a point;

thence north 88 degrees 14 minutes 02 seconds west along a line 1,184.70 feet to a point in the southwesterly boundary line of the whole tract (course numbered 33 in the above-mentioned deed);

thence north 49 degrees 07 minutes 25 seconds west along said boundary line 340.61 feet to a point in the southeasterly right-of-way line of New Jersey State Highway Route 185;

thence along the same several courses and distances as recorded on the right-of-way plans for said Route 185 to the point or place of beginning.

(2) All that piece or parcel of land, containing 18 acres more or less, situate on the northwesterly side of New Jersey State Highway Route 185, more particularly described as follows:

Beginning at a point in the southeasterly right-of-way line of lands now or formerly of Lehigh Valley Railroad Company (National Docks Branch), said point being the intersection of said line with the southwesterly lines (if projected) of lands now or formerly of the United States Government (Caven Point Army Terminal);

thence south 45 degrees 37 minutes 46 seconds east along said southwesterly line of U.S. Government property 774.30 feet to a point in the northwesterly right-of-way line of New Jersey State Highway Route 185;

thence in a southwesterly direction along the several courses and distances along the right-of-way line of said Route 185 to the intersection with the northeasterly line of lands now or formerly of the trustee of the Lehigh Valley Railroad;

thence north 49 degrees 07 minutes 25 seconds west along said line and also along lands now or formerly of the Linden Urban Renewal Association 724.27 feet to a point in the aforesaid southeasterly right-of-way of the Lehigh Valley Railroad Company;

thence north 37 degrees 13 minutes 52 seconds east along the same line 953.84 feet to a point or place of beginning.

NORTHEAST CORRIDOR

SEC. 210. The second to the last sentence of section 704(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 854(a)) is amended by striking out "or reserve for expenditure".

TECHNICAL AMENDMENT

SEC. 211. Section 408(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 768(d)) is amended by striking out "further Federal financing before such date, such sale may be made before such date" and inserting in lieu thereof ", before June 1, 1984, funding from the Federal Government in excess of amounts authorized as of the effective date of the Rail Safety and Service Improvement Act of 1982, such sale may be made before June 1, 1984".

RAILROAD RETIREMENT BOARD

SEC. 212. Section 7 of the Railroad Retirement Act is amended by adding at the end the following new subsection:

"(f) The Board shall not, after the date of the enactment of the Amtrak Improvement Act of 1983, enter into any contract with any carrier or carriers (as defined for the purposes of section 1842(g) of the Social Security Act) to perform the functions set out in section 1842 of the Social Security Act with respect to individuals entitled to benefits as qualified railroad retirement beneficiaries described in such section 1842(g) and shall not, after September 30, 1984, continue any contractual relationship under any such contract.".

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. FLORIO. Mr. Chairman, I ask unanimous consent that the first four committee amendments to title II be considered as read, printed in the RECORD, considered en bloc and agreed to en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objections

The text of the committee amendments referred to is as follows:

Committee amendments: Page 14, line 3, through page 14, line 24, amend section 203 to read as follows:

UNITED STATES RAILWAY ASSOCIATION

SEC. 203. (a) Section 201(d)(2) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 711(d)(2)) is amended by striking out the first sentence.

(b) Section 201(e) of such Act is amended by striking out "1983" and inserting in lieu thereof "1985".

(c) The first subsection (g) of section 201 of such Act is amended by inserting "FINANCE COMMITTEE FUNCTIONS.—" after "(g)".

(d) The first subsection (h) of section 201 of such Act is amended by inserting "REPRESENTATIVES.—" after "(h)".

(e) The second subsections (g) and (h) of section 201 of such Act are redesignated as subsections (i) and (j), respectively.

Page 15, line 20, strike out "$3,000,000" and insert in lieu thereof "$2,500,000".

Page 18, line 1, through line 18, strike out section 207.

Page 19, line 15, through page 23, line 13, strike out section 209.

The CHAIRMAN. The Clerk will report the final committee amendment to title II.

The Clerk read as follows:

Committee amendment: Page 24, after line 7, strike out section 212 and insert in lieu thereof the following new sections:

RAIL SERVICE IMPROVEMENT

SEC. 212. Section 217(f)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 727(f)(1) is amended—

(1) in subparagraph (A) by striking out "$137,000,000" and inserting in lieu thereof "$131,790,000";

(2) in subparagraph (C) by striking out "and" after the semicolon;

(3) in subpargraph (D) by striking out the period and inserting in lieu thereof a semicolon; and

(4) by adding at the end the following new subparagraphs:

"(E) of which not to exceed $4,925,000 shall be appropriated to the Secretary for transfer to the Delaware River Port Authority for the purpose of improving rail service;

"(F) of which not to exceed $210,000 shall be appropriated to the Secretary for transfer to the Department of Transportation of the State of Pennsylvania for 60 percent of the rehabilitation costs for the 5.6 mile Maitland Line off the Conrail main line in Mifflin County, Pennsylvania; and

"(G) of which not to exceed $75,000 shall be appropriated to the Secretary for transfer to the State of New Mexico for a study of the feasbility of establishing a high-speed rail corridor between Santa Fe and Albuquerque, New Mexico.".

NONNAVIGABLE WATER

SEC. 213. (a) The property described in subsection (b) of this section is declared to be not a navigable water of the United States within the meaning of the Constitution and the laws of the United States.

(b) The property referred to in subsection (a) of this section consists of the following two parcels of land:

(1) All that piece or parcel of land, containing one hundred and eight acres more or less, situate, lying and being in the city of Jersey City, Hudson County, State of New Jersey, upon or around that certain lot or piece of land known as the Caven Point Area, being more particularly described as follows:

Beginning at a point in the southeasterly end of Caven Point Road, said point being located the following two courses from the intersection of the southeasterly right-of-way line of Caven Point Road with the northeasterly boundary line of the whole tract of land (course numbered 9 in Deed Book 3145, Page 439): (a) Along said line of Caven Point Road south 31 degrees 21 minutes 52 seconds west 359.61 feet to an angle point in the northeasterly right-of-way of Caven Point Road; (b) thence along same line south 52 degrees 42 minutes 47 seconds east 47.22 feet to the proper point of beginning;

thence south 58 degrees 49 minutes 22 seconds east along a line 287.51 feet to a point;

thence south 50 degrees 13 minutes 51 seconds east along a line 460.77 feet to a point;

thence south 13 degrees 06 minutes 47 seconds east along a line 312.39 feet to a point;

thence south 11 degrees 10 minutes 09 seconds east along a line 368.44 feet to a point;

thence south 69 degrees 48 minutes 51 seconds east along a line 328.80 feet to a point;

thence south 04 degrees 53 minutes 00 seconds west along a line 516.88 feet to a point;

thence south 02 degrees 42 minutes 32 seconds west along a line 931.04 feet to a point;

thence south 04 degrees 42 minutes 41 seconds west along a line 644.45 feet to a point;

thence south 24 degrees 29 minutes 01 seconds west along a line 213.78 feet to a point in the southerly edge of an existing concrete pier (41.30 feet wide);

thence south 44 degrees 26 minutes 38 seconds west along a line (being course numbered 28 in the above-mentioned deed) 6.87 feet to a point;

thence north 47 degrees 47 minutes 04 seconds west along a line (being course numbered 29 in the above-mentioned deed) 231.00 feet to a point;

thence south 44 degrees 16 minutes 49 seconds west along a line (being course numbered 30 in the above-mentioned deed) 26.34 feet to the a point;

thence north 45 degrees 30 minutes 22 seconds west along the northeasterly line of lands now or formerly of the United States Government (Caven Point Marine Base) and the projection of same 1,905.57 feet to a point;

thence north 88 degrees 15 minutes 02 seconds west along a line 1,184.70 feet to a point in the southwesterly boundary line of the whole tract (course numbered 33 of the above-mentioned deed);

thence north 49 degrees 07 minutes 25 seconds west along said boundary line 340.61 feet to a point in the southeasterly right-of-way line of New Jersey State Highway Route 185;

thence along the same several courses and distances as recorded on the right-of-way plans for said Route 185 to the point or place of beginning.

(2) All that piece or parcel of land, containing 18 acres more or less, situate on the northwesterly side of New Jersey State Highway Route 185, more particularly described as follows:

Beginning at a point in the southeasterly right-of-way line of lands now or formerly of Lehigh Valley Railroad Company (National Docks Branch), said point being the intersection of said line with the southwesterly lines (if projected) of lands now or formerly of the United States Government (Caven Point Army Terminal);

thence south 45 degrees 37 minutes 46 seconds east along said southwesterly line of U.S. Government property 774.30 feet to a point in the northwesterly right-of-way line of New Jersey State Highway Route 185;

thence in a southwesterly direction along the several courses and distances along the right-of-way line of said Route 185 to the intersection with the northeasterly line of lands now or formerly of the trustee of the Lehigh Valley Railroad.

thence north 49 degrees 07 minutes 25 seconds west along said line and also along lands now or formerly of the Linden Urban Renewal Association 724.7 feet to a point in the aforesaid southwesterly right-of-way of the Lehigh Valley Railroad Company;

thence north 37 degrees 13 minutes 52 seconds east along the same line 953.84 feet to a point or place of beginning.

AMENDMENT OFFERED BY MR. FLORIO TO THE COMMITTEE AMENDMENT

Mr. FLORIO. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO to the committee amendment:

Page 25, lines 6 through 17, amend the proposed section 212(4) by inserting "and" after "rail service;"; by striking out the quoted subparagraphs (F) and (G); and by adding after the quoted subparagraph (E) the following new subparagraph:

"(F) of which—

"(i) not to exceed $40,000 shall be appropriated to the Secretary for transfer to the State of New Mexico for a study of the feasibility of establishing a high-speed rail corridor between Santa Fe and Albuquerque, New Mexico; and

"(ii) not to exceed $35,000 shall be appropriated to the Secretary for transfer to the State of New Mexico for a study of the feasibility of constructing a rail line for the carriage of coal and other commodities from northwestern New Mexico.".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the committee amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. BROYHILL. Mr. Chairman, reserving the right to object, I have a parliamentary inquiry.

The CHAIRMAN. The Clerk is identifying the amendment. He will read it now.

Mr. BROYHILL. Do we have copies of these amendments on this side?

Mr. FLORIO. I believe so.

The CHAIRMAN. The Clerk will identify the amendment.

The Clerk designated the amendment to the committee amendment.

The CHAIRMAN. Has the gentleman from North Carolina identified the amendment on the minority side?

Mr. BROYHILL. Mr. Chairman, all I am trying to do is find out where we are. This is not the amendment that is at the beginning of title II; this is an amendment at section 212. Is that what we are dealing with?

Mr. FLORIO. This is the amendment——

The CHAIRMAN. It is the amendment to the fifth committee amendment. The Clerk is presenting the gentleman with a copy of it now.

Mr. BROYHILL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey that the amendment be considered as read and printed in the RECORD?

There was no objection.

Mr. FLORIO. Thank you, Mr. Chairman.

Mr. Chairman, the fifth and last committee amendment to title II also needs some updating.

As reported, the committee amendment includes authorizations for certain rail service improvements, all taken from an existing authorization. However, one of the proposed improvements, rehabilitation of the Maitland Line in Pennsylvania, has already been funded, because of the very effective efforts of the gentleman from Pennsylvania (Mr. SHUSTER). Thus, this amendment would delete the $210,000 authorized for this project.

The reported committee amendment also includes a $75,000 authorization to study the feasibility of a high-speed rail line between Santa Fe and Albuquerque, N. Mex. The gentleman from New Mexico (Mr. RICHARDSON) has called to our attention another important need. To meet this need, the amendment would reallocate $35,000 of this authorization to study the feasibility of construction of a rail line to carry coal and other commodities from northwestern New Mexico. This is merely a reallocation. No additional money would be authorized.

Overall, this amendment would reduce the proposed authorizations for rail service improvements by $210,000. I urge its adoption.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman.

Is this amendment the amendment that would reallocate the funds from the Maitland line, so-called?

Mr. FLORIO. Yes. This does not reallocate the funding for that line; this just recognizes the fact that since the last time we dealt with this bill the funding has been approved and this therefore just indicates that this authorization is not required.

Mr. LENT. Is this the so-called New Mexico funding?

Mr. FLORIO. It deals with the concern of the gentleman from New Mexico, as well as the concern of the gentleman from Pennsylvania.

Mr. LENT. I thank the gentleman.

Mr. FLORIO. Mr. Chairman, I yield back the balance of my time.

● Mr. RICHARDSON. Mr. Speaker, when this legislation was being considered by the House Energy and Commerce Committee, I offered an amendment to provide $75,000 to the State of New Mexico to study the feasibility of establishing a high-speed rail corridor between Santa Fe and Albuquerque. New Mexico Gov. Toney Anaya has strongly endorsed this rapid transit proposal, but the State lacks the funds necessary to study whether or not the train would be economically viable. My amendment was approved by the full committee.

The amendment the distinguished chairman of the Energy and Commerce Subcommittee on Transportation, Mr. FLORIO, is offering today at my request, would simply transfer $35,000 of this $75,000 to study the feasibility of constructing a rail line for the carriage of coal and other commodities from northwestern New Mexico. This amendment does not increase or add any cost to the bill.

Mr. Speaker, over the past several years, the Federal Government has spent a great deal of money assisting areas faced with the abandonment of railroads which were no longer making money. This amendment would provide a very small amount of money to determine the potential profitability of a railroad from northwestern New Mexico. Does it not make sense to find out if something will work before it is built instead of spending Federal dollars to bail out a project that proves to be a failure?

There are currently a number of proposals to construct a railroad from the Farmington area in northwestern New Mexico. It is vital that we have an independent body to study these proposals on their merits and determine which plan would be the most beneficial in terms of energy development and the tranportation of coal and other commodities. The potential for rational coal development in this region is great. But the coal cannot be sold without firm transportation commitments. Those commitments, however, cannot be given without the existence of a transportation system.

Mr. Speaker, my home State of New Mexico ranks 43d among the 50 States in per capita income. San Juan County, in northwestern New Mexico, continues to suffer from high levels of unemployment. The jobless rate on the Navajo Nation is staggering ranging anywhere from 50 to 80 percent. Construction of a railroad would have the positive dual affect of increasing employment in the construction and mining industries while also increasing revenues on the reservation through fees from additional coal mining.

This proposed study is strongly supported by the State of New Mexico. In fact, Governor Anaya has sent legislation to the State legislature that would provide $35,000 in State matching funds for the feasibility study.

Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. FLORIO) for his tireless assistance on this issue of great importance to New Mexico. Congressman FLORIO was recently in New Mexico to hold a field hearing on the Staggers Act and agreed that we should provide funding for this study.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FLORIO) to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. ANDREWS of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, may I enter into a brief colloquy with my friend from North Carolina (Mr. BROYHILL)?

I am reliably informed that in Raleigh, N.C., which is in my district and of course the capital of our State, there are two Amtrak passenger trains that come through the Raleigh station; one is about 8 o'clock in the morning and the other, I understand, about 8 o'clock in the evening. The station there stays open 24 hours a day.

I am reliably informed that recently Amtrak agreed, in part, because of money furnished by the State of North Carolina through the Department of Transportation, to add another passenger train which will run from Richmond through Raleigh, Durham, Greensboro, on to Charlotte. That train will pass through Raleigh about noon, I am reliably informed that at about that time that decision was made and we thought we now had this service, Amtrak announced that in order to save money, I presume, the station will no longer be open except about an hour before that 8 o'clock train comes through in the morning; in other words, about 7 to 8, and again from about 7 to 8 in the afternoon.

If that is true, and we have called the Amtrak principal office here in Washington, and they tell us they do not know if that is true or not, that they will try to find out and let us know. But if that is true, it is certainly an example of a ridiculous waste of money through the Amtrak budget here as well as the State of North Carolina—and I presume Virginia is participating as well in helping to finance this 1-year experiment. We would have a train coming through there at noon. If prospective passengers seek to go there at a reasonable hour; 11 or 11:30, whatever; to purchase tickets and secure whatever assistance they might need to board the train; they will not be able to do so because the station is closed.

I would not suppose that you are aware of that?

Mr. BROYHILL. If the gentleman would yield.

Mr. ANDREWS of North Carolina. I yield to the gentleman.

Mr. BROYHILL. I thank the gentleman.

I am certainly not aware of this situation. I am aware of the fact that a train between Charlotte and Raleigh is being planned and that the State of North Carolina would be participating in that experiment.

It would seem to me only logical that the station be opened in order to take care of the needs of passengers at the time the train runs.

Mr. ANDREWS of North Carolina. I would think so, as well.

Mr. BROYHILL. We would be certainly glad to work with you, and I am sure the gentlemen from New Jersey, New York, and others will, to assure that passenger needs are taken care of. If we are going to build ridership on these trains, we have to take care of the needs of the passengers.

Mr. ANDREWS of North Carolina. I appreciate the good work that you and all of those to whom you referred do and I want to support it, but it is difficult to support programs if they are being operated in the fashion I believe this is, and I ask for the gentleman's assistance in straightening out that matter.

I thank the chairman.

☐ 1550

Mr. KAZEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to get into a colloquy with the distinguished chairman of the subcommittee. I notice in the report on page 24, section 404, service changes, where within 30 days after receipt of comments—and this goes to the question that I asked the gentleman when he was in the well a while ago—said that the route changes did not affect the present law.

Yet, I notice section 404 service changes. It says that within 30 days after receipt of comments submitted by the Secretary and the Commission, under paragraph 2 of the subsection, the Board of Directors of the Corporation shall consider such comments and shall submit to the Congress a final proposal setting forth criteria and procedures under which the Corporation would be authorized to add or discontinue routes and services within the national system of inner-city rail passenger service.

Now, the criteria and procedures set forth in such final proposal shall take effect at the end of the first period of 60 calendar days of continuous session of the Congress after the date of submission unless either the Senate or the House adopts a resolution during such period stating that it does not approve such final proposal.

In other words, my interpretation is that before they can change these routes, the Commission, through the Board of Directors will submit to the Congress that recommendation. Am I correct?

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

The gentleman is correct in describing what the procedure is that is followed. What we have tried to do is to not in any way change the substance of law with regard to the process.

But, as the gentleman knows, the legislative veto decision, the so-called Chadha decision that came down, requires the Congress to adjust to that decision. This is our effort to adjust to that decision.

Mr KAZEN. I understand, Mr. Chairman.

The only thing that I wanted to make sure of was that when there is a service that is going to be changed or discontinued that then the Congress will have an opportunity to study that proposal before it is actually put into effect; am I correct?

Mr. FLORIO. The gentleman is correct in accordance with the process that is spelled out as the gentleman just cited.

Mr. KAZEN. Thank you.

Mr. Chairman, the reason I want to be clear on this is because of the situation which I described to the gentleman a while ago where the Sunset Limited train that goes from New Orleans to Houston to San Antonio to Del Rio, to El Paso and then on out to the west coast to San Francisco is now, I understand, in the talking stage of being changed to go from El Paso direct to Fort Worth and Dallas and down to Houston, cutting out that segment from El Paso, Del Rio, San Antonio, and Houston. And we whose districts lie along that route would like to have something to say about it, we would like to have some input and certainly we would not like for it to go into effect without at least having had an opportunity to study the proposal and at least make some recommendations through you, Mr. Chairman, and your committee to the Amtrak Board of Directors.

Mr. FLORIO. The gentleman is correct in his citation of what the process is.

Mr. KAZEN. In other words, then, I can rely on the fact that no change will be made by the Board of Directors of Amtrak unless the Congress is given notice according to this procedure.

Mr. FLORIO. In accordance with the procedures that the gentleman has stated.

Mr. KAZEN. I thank the gentleman.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. BROYHILL

Mr. BROYHILL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Broyhill: Page 16, line 11, through page 17, line 24, amend section 206 to read as follows:

CONGRESSIONAL DISAPPROVAL

Sec. 206. (a) Section 401(a)(3) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(a)(3)) is amended to read as follows:

“(3) The Secretary shall implement any plan submitted under paragraph (2) unless, before the end of the 60-calendar-day period of continuous session of the Congress beginning on the date the plan was submitted, such plan is disapproved by the enactment of a joint resolution of disapproval, the matter after the resolving clause of which is as follows: ‘That the plan submitted by the Secretary of Transportation under section 401(a) of the Regional Rail Reorganization Act of 1973 to the Congress on——, for the sale of the interest of the United States in the common stock of the Consolidated Rail Corporation, is disapproved.’. (The blank space shall be filled appropriately.) For purposes of this subsection—

“(A) continuity of session of the Congress is broken only by an adjournment sine die; and

“(B) the days on which either House is not in session because of adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.”.

(b)(1) Section 407(d) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 767(d)) is amended by striking out the second and third sentences and inserting in lieu thereof the following new sentences: “The Secretary shall implement any freight transfer agreements transmitted to the Congress under this subsection unless, before the end of 60 calendar days of continuous session of the Congress after such transmittal, such freight transfer agreements are disapproved by the enactment of a joint resolution of disapproval, the matter after the resolving clause of which is as follows: ‘That the freight transfer agreements approved by the Secretary of Transportation under section 407(c) of the Regional Rail Reorganization Act of 1973, and transmitted by such Secretary under section 407(d) of such Act to the Congress on , are disapproved.’. (The blank space shall be filled appropriately.) For purposes of this subsection—

“(1) continuity of session of the Congress is broken only by an adjournment sine die; and

“(2) the days on which either House is not in session because of adjournment of more than 3 days to a day certain are excluded in the computation of the period described in this subsection.”.

(2) Section 408(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 768(a)) is amended by striking out “neither House of Congress has acted to disapprove the freight transfer agreements within 60 days” and inserting in lieu thereof “the freight transfer agreements have not been disapproved under section 407(d) of this Act”.

Mr. BROYHILL. Mr. Chairman, could I ask at this time to withdraw the amendment? I thought that all of the amendments were out of the way, and I am apparently proceeding a little too quickly here.

Mr. Chairman, I ask unanimous consent to temporarily withdraw the amendment, so long as I preserve my right to offer the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Florio: Page 15, lines 20 through 22, strike out “and” before “not to exceed”; and insert “, and not to exceed $2,500,000 for the fiscal year ending September 30, 1985” after “September 30, 1984.”

Page 14, line 2, insert “, and $11,100,000 for the fiscal year ending September 30, 1985” after “September 30, 1984”.

Page 18, lines 20 through 23, amend section 208(a) to read as follows:

Sec. 208. (a) Section 11161 of title 49, United States Code, is amended—

(1) in subsection (c)(2), by inserting “, except that no such individual may be paid at a rate which exceeds the rate prescribed for level V of the Executive Schedule” before the period; and

(2) in subsection (f), by striking out “effective date of the Staggers Act of 1980” and inserting in lieu thereof “members of the Board are appointed under this section”.

At the end of the bill, add the following new section:

TECHNICAL CORRECTION

Sec. 214. Section 301(f) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 741(f)) is amended to read as follows:

“(f) Officers.—The officers of the Corporation shall include a chief executive officer and a chief operating officer, who shall be appointed by the Board of Directors and who shall serve at the pleasure of the Board; and such other officers as shall be provided for in the bylaws of the Corporation.”.

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, this amendment is designed to update title II. It contains four provisions.

First, the reported bill, as amended, has a fiscal year 1984 authorization for the U.S. Railway Association of $2.5 million. The amendment would provide a fiscal year 1985 authorization of $2.5 million. I want to make it crystal clear at this point the committee's strong views regarding the continued need for the USRA. USRA was originally set up by Congress to serve as an independent source of information on Conrail. That need still remains. In particular, USRA must be prepared to evaluate for the Congress any proposal submitted by the Department of Transportation for the sale of Conrail.

Second, the reported bill has a fiscal year 1984 authorization for the FRA Office of Administrator of $12 million. This amendment would add a fiscal year 1985 authorization of $11.1 million, as requested in the budget.

Third, the reported bill includes in section 208 a reauthorization for the Railroad Accounting Principles Board. The House in early February passed H.R. 4439, a clean bill to reauthorize the Board. In response to a concern expressed by the Appropriations Committee, H.R. 4439 included a provision limiting the pay of the Board's staff to executive level V. This amendment would add a similar pay limitation to the reauthorization in section 208, thus making section 208 and H.R. 4439, as passed by the House, identical.

Fourth, the amendment includes a technical amendment to restore a section of the Regional Rail Reorganization Act of 1973 inadvertently repealed when the Congress passed a nonsubstantive recodification bill. The section to be restored provides for the officers of Conrail.

This amendment basically updates title II. I urge its adoption.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I would be glad to yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

I intend to make a unanimous-consent request to amend line 3 of the first amendment of the amendments en bloc to change the figure $2.5 million for the USRA authorization to $2.1 million.

I understand the gentleman will not offer any objection.

Mr. FLORIO. I do not offer any opposition. That is the amount of the needed appropriation and in accordance with our understanding. I have no objection to that request, if it were to be made now, it would be fine.

Mr. LENT. Mr. Chairman, I wonder if I would be out of order at this time to make a unanimous-consent request.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LENT. Mr. Chairman, I ask unanimous consent to strike “$2.5 million” in line 3 of the first amendment of the amendments offered en bloc by the gentleman from New Jersey (Mr. FLORIO) and insert in lieu thereof "$2.1 million".

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FLORIO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FLORIO) as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. BROYHILL

Mr. BROYHILL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROYHILL:

Page 16, line 11, through page 17, line 24, amend section 206 to read as follows:

CONGRESSIONAL DISAPPROVAL

SEC. 206. (a) Section 401(a)(3) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(a)(3)) is amended to read as follows:

"(3) The Secretary shall implement any plan submitted under paragraph (2) unless, before the end of the 60-calendar-day period of continuous session of the Congress beginning on the date the plan was submitted, such plan is disapproved by the enactment of a joint resolution of disapproval, the matter after the revolving clause of which is as follows: 'That the plan submitted by the Secretary of Transportation under section 401(a) of the Regional Rail Reorganization Act of 1973 to the Congress on , for the sale of the interest of the United States in the common stock of the Consolidated Rail Corporation, is disapproved.'. (The blank space shall be filled appropriately.) For purposes of this subsection—

"(A) continuity of session of the Congress is broken only by an adjournment sine die; and

"(B) the days on which either House is not in session because of adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.".

(b)(1) Section 407(d) of the Regional Rail Reorganization Act of f1973 (45 U.S.C. 767(d)) is amended by striking out the second and third sentences and inserting in lieu thereof the following new sentences: "The Secretary shall implement any freight transfer agreements transmitted to the Congress under this subsection unless, before the end of 60 calendar days of continuous session of the Congress after such transmittal, such freight transfer agreements are disapproved by the enactment of a joint resolution of disapproval, the matter after the resolving clause of which is as follows: 'That the freight transfer agreements approved by the Secretary of Transportation under section 407(c) of the Regional Rail Reorganization Act of 1973, and transmitted by such Secretary under section 407(d) of such Act to the Congress on .
are disapproved.'. (The blank space shall be filled appropriately.) For purposes of this subsection—

"(1) continuity of session of the Congress is broken only by an adjournment sine die; and

"(2) the days on which either House is not in session because of adjournment of more than 3 days to a day certain are excluded in the computation of the period described in this subsection.".

(2) Section 408(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 768(a)) is amended by striking out "neither House of Congress has acted to disapprove the freight transfer agreements within 60 days" and inserting in lieu thereof "the freight transfer agreements have not been disapproved under section 407(d) of this Act".

□ 1600

Mr. BROYHILL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

(By unanimous consent, Mr. BROYHILL was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from North Carolina (Mr. BROYHILL) is recognized for 10 minutes.

Mr. BROYHILL. Mr. Chairman, this amendment replaces the language that is in the bill found on page 16—section 206.

Under the present law, the administration and the Department of Transportation is charged with the responsibility of working out a sale of Conrail to the private sector. Under the law as it presently exists, such a plan must be submitted to the Congress and would be subject to legislative veto.

As all of us are very well aware, the Supreme Court decision, in the case of Immigration and Naturalization Services against Chadha, declared the legislative veto unconstitutional. So, that provision governing the sale of Conrail must be amended. And what my amendment does is to bring present law—the present legislative provision—within the constitutional framework of the Chadha decision. It provides that there be a two-House disapproval mechanism, which entails Congressional review of the plan and possible disapproval, if that is the way it should go, and a submission of that to the President for his signature. Accordingly, in order to preserve the role of Congress that was originally envisioned in that Act, this amendment simply corrects the constitutional infirmities of the mechanism that is currently in place.

My concern over the language in the bill is it replaces that legislative veto provision with language that goes entirely too far.

Section 206 of the bill provides that Congress must approve a plan to sell Conrail in its submitted or modified form. In other words, this provision would in effect permit amendment of any or every detail of a proposed plan to sell Conrail that is submitted to the Congress.

My concern is that this kind of process is going to have a chilling effect on the proposed sale of Conrail. Prospective buyers are going to be very reluctant to come forward if they are first going to have to negotiate with DOT and then, having gotten an agreement on the details of a plan for the sale of the system, having to come up here to negotiate with 535 Members as to every detail of the plan.

I want to point out to Members who are here and who may be listening back in their offices that what section 206 does is to say that the appropriate committees of the House and the Senate shall—and listen to this—attempt to review and hold hearings on the proposed legislation within 60 calendar days, and shall attempt to report such proposed legislation within 120 calendar days after such transmittal.

Now, there are no requirements whatsoever in section 206 that anything be done. It only has these recommended days in here that are guidelines. There is no definitive timeframe in which Congress must act on a plan that is submitted by the DOT under the language that is in section 206.

I repeat again, the language of this section states that the appropriate committee will only attempt to hold hearings on such plan for a sale within 60 days, and will attempt to report legislation within 120 days. I submit again that any potential buyer is going to be discouraged from consummating a plan with the Secretary, knowing that these uncertainties are out there on the horizon, and will have a chilling effect on any prospective buyers coming forward for the purpose of purchasing Conrail.

This is the result I think that we wish to avoid.

The process, under the language of the bill, is open ended. It is not going to encourage any prompt consideration or final consummation of a sale of the railroad.

I want to point out at this point that the administration is very strongly opposed to this section and strongly objects to this provision and has stated to me, in no uncertain terms, that this language in this bill would make this particular bill a candidate for veto if this bill is passed by Congress in the present form.

Now, we all know that Conrail has been found to be a profitable entity, and thus we have given the green light under present law to the Secretary to sell Conrail as an entity. That was the purpose of the amendments of 1981, it was an attempt to try to preserve Conrail as a system and to avoid having a sale in pieces.

I do not think we ought to jeopardize the efforts of the Secretary of Transportation in her efforts to try to not only keep Conrail together as an entity, but of course to assure that that system is going to be continued to operate at a profit.

I offer this amendment not only on my behalf but on behalf of the gentleman from New York (Mr. Lent). What our amendment attempts to do is to protect the substantial investment, not only in terms of capital but also in terms of operating subsidies, that have been given to Conrail over the years since Conrail was created a number of years ago.

Again, Mr. Chairman, I urge that this amendment be adopted. All this amendment does is to replace the present legislative veto provision that is in the law regarding the sale of Conrail. It replaces that with a mechanism that is constitutional, and replaces the language in section 206 which is going to have a chilling effect on the sale of the system.

Mr. FLORIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think all individuals who are interested in preserving rail service in the Northeast must rise in strong opposition to this amendment. There is mischief afoot here. The amendment would seek to take away Congress ability to review a sale of Conrail. Because the sale of Conrail would have enormous implications, it is essential therefore that we reject this amendment so as to insure that Congress plays a role in that sale process, as they currently do, unequivocably, in the existing law. There is no doubt now that no sale can take place without legislation. The FRA Administrator has indicated that publicly, the Deputy Secretary of DOT has privately to the gentleman from New York (Mr. Lent) and to myself recounted that. There is no doubt about that being the law now; and, therefore, the question is: Why try to change the law to remove the Congress from this whole process?

We simply cannot let the Department of Transportation have carte blanche to do what it wants in this area. DOT tells us to trust them. It is my firm belief that that is not enough.

Under the Northeast Rail Service Act, DOT hired an investment banker to oversee the sales process, as required by the law. After paying the investment banker, Goldman, Sachs, hundreds of thousands of dollars, DOT rejected Goldman, Sachs advice that a public stock offering was the best course of action. Despite that expert opinion, DOT rejected the advice. Yet we are asked to trust DOT.

We have invested over $7½ billion of the taxpayers' money to preserve rail service in the Northeast and Midwest. Finally, as a result of legislation passed 2½ years ago, that investment is beginning to pay off, with profits of over $300 million for Conrail last year.

Incredibly, just when this investment is paying off, the Department of Transportation is considering actions to give the railroad back to those who caused the problem in the first place. The Department is discussing selling Conrail to substantial former owners of the Penn Central. What is even more shocking is that the price proposed by the former Penn Central owners is only $400 million.

That is 1 year's profits for Conrail after we paid the Penn Central over $2 billion for the assets a short time ago, not counting the more than $3 billion we invested to fix up the plant.

Many would doubt that an arm of the Federal Government could be so blind to such a bad deal. Unfortunately, countless news reports suggest the reason for the administration's blindness: they suggest a determination to sell Conrail before the election regardless of the consequences. We are facing the loss of rail service in the Northwest and Midwest and the loss of over 30,000 jobs if the Department succeeds. This is the same DOT that wanted to have a Conrail fire sale 2 years ago.

This is the same Department which refuses to agree that any sale must be approved in legislation passed by the Congress. Yet we are asked to trust DOT.

We have been told previously by DOT that legislation would be needed in any event to implement a Conrail sale. Despite that admission, DOT now opposes specifically requiring implementing legislation before Conrail could be sold. If legislation will be required in any event, why is DOT opposed to saying this up front? What other motive could they have? Do they want to give Conrail back to the Penn Central owners that badly?

Now, DOT says specific legislation would hinder the sale effort. But under current law, a sale is subject to a legislative veto, which we now know is unconstitutional. In my view, the ability of the Secretary to sell conrail was contingent upon the legislative veto. With the striking down of the legislative veto, the Secretary has no power in this area. This current uncertainty, in my view, is more of a hindrance to a sale effort than a clear requirement of specific legislation.

The sale of Conrail is an event of enormous importance.

□ 1610

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. Florio) has expired.

(By unanimous consent, Mr. Florio was allowed to proceed for 5 additional minutes.)

Mr. FLORIO. Mr. Chairman, Congress must have the right to thoroughly review a proposed sale before it can take effect. This amendment would dilute that right. This amendment would allow DOT to give Conrail back to the former Penn Central owners. It must be defeated.

Mr. LEHMAN of Florida. Mr. Chairman, I move to strike the last word. I also would like to thank the minority for yielding at this time to the majority side.

Mr. Chairman, I rise in opposition to the amendment.

As a member and now as chairman of the Transportation Appropriations Subcommittee, I have been working on the Conrail issue for the last 5 years. And, due in large measure to the efforts of the distinguished chairman of the subcommittee on Commerce, Transportation and Tourism (Mr. Florio), I have seen Conrail make a remarkable transformation during that time from being $200 million a year loser to a $300 million a year winner. In the future, many expect Conrail to do even better.

The stakes in selling Conrail are huge—both in dollar terms and in terms of the economic future of the Northeast and Midwest. It is both appropriate and necessary for Congress to carefully review this sale to insure the taxpayers are properly represented.

My basic problem with the Broyhill amendment is that it removes the assurance that Congress will have a role and a voice in this important transaction. If this amendment is adopted, it would be possible for the President to completely cut Congress out of this process.

I know many of you are hearing reassuring words from the administration saying "do not worry, we will consult with you every step of the way." My colleagues should know that the administration made similar commitments to our Appropriations Subcommittee last year—pledging to fully consult on their progress and informing us of their deliberations. Since that time, the Wall Street Journal and the Washington Post have been more informative than the Department of Transportation.

We have been trying without success to get answers on the record to fundamental questions surrounding this sale. Questions Congress has a right to know such as:

What guidelines are being followed concerning service cuts on Conrail lines?

On what basis has DOT decided that the taxpayers can realize more from a sale this year than if the sale were deferred for a year or two?

What minimums or benchmarks have been set for potential offers?

How can we be assured that the administration places higher priority on receiving a proper price for Conrail than on selling Conrail before the election to please those who view Federal ownership as "socialistic"?

How will Conrail's employees and management be properly protected?

How will Federal and State tax implications be regarded in any deal that is struck?

What guidelines are being followed to screen out potential bidders who may be more interested in Conrail as a tax shelter or real estate holder than as a railroad?

Are the DOT officials responsible for these negotiations, many of whom are totally inexperienced in transactions of this sort, getting the best expert advice available and are they using it?

Answers of "trust us," or "we will make the best possible deal" do not satisfy our subcommittee nor should they satisfy this body.

At the moment, there is no basis available for confidence in the administration's negotiators. The public record presents mere generalities to describe how they are going about this sale.

Furthermore, I believe Congress, as the taxpayers' representatives, has an obligation to review any transaction that might be proposed. I do not think any of my colleagues would want to be in a position of having abdicated one's responsibility should this taxpayer-owned railroad be sold too soon and for too little.

I urge a "no" vote on the amendment.

Mr. LENT. Mr. Chairman, I rise in very strong support of this amendment offered jointly by the gentleman from North Carolina and I.

When this Congress put together the Northeast Rail Services Act in 1981, it was contemplated that the Congress would have the right to exercise a two-House veto. But it was the Secretary of the Department of Transportation who was given the exclusive authority to negotiate a sale of Conrail to the private sector. That legislation was the result of months of difficult negotiations between Conrail, rail labor, the Congress, and the then Secretary of Transporation Drew Lewis.

At that time, Conrail was a financial disaster. It was losing a great deal of money daily. It was operating then under substantial Federal subsidies; it was an inefficient railroad; it was a railroad burdened with high labor costs and excess trackage requirements; it was a railroad frustrated by time-consuming abandonment procedures.

□ 1620

The 1981 law empowered Conrail management to abandon trackage with greater ease, to renegotiate its labor protection requirements and streamline its operation.

Those few of us at that time who had faith in Stanley Crane as a railroad executive and confidence in his ability to put Conrail on a profitable basis over a period of time insisted on a provision requiring Conrail's eventual sale to the private sector. In those dark days for Conrail, few in the Congress anticipated the kind of miraculous recovery Conrail would experience under Crane's leadership. In the eyes of many at that time, Conrail was a loser and at best would be sold off only in pieces, cherry-picked to death by various elements of the private rail sector.

But the gentleman from New Jersey (Mr. FLORIO) and I insisted that as part of the package, Conrail must be sold off as an entity if it passed certain profitability tests to be conducted by the U.S. Railway Association. As we all know now, the tests were conducted in 1983 and Conrail passed them with flying colors. Under the terms of the 1981 law, the Secretary is now endeavoring to sell Conrail in one piece as an operating railroad in such a way to insure that vital rail service in the Northeast will be preserved.

Congress made it very clear in that 1981 law what the procedure for the sale of Conrail was. We made it clear that it was the responsibility of the Secretary of Transportation to handle the sale negotiations. We explicitly gave the Secretary that authority.

We gave the Secretary the authority to hire an investment banker to advise the Department as to the best way to sell Conrail. The firm of Goldman Sachs was retained as investment banker by the Secretary, and that firm continues to give financial advice to this day. It has offered DOT several options for sale, including a public offering. DOT has not rejected that advice; it is still a pending option.

But one thing the 1981 law never contemplated was the interjection of the Congress into the sale process, and for very good reason. Any Member of this body who has had any contact with the real world of business and finance, particularly railroad deals, knows that no responsible executive would conclude a most complicated multibillion-dollar purchase agreement with the Department of Transportation knowing that 535 Members of the House and Senate could rewrite the terms, knowing that various committees could hold hearings and, of course, under the glare of kleig lights and cameras play off one Conrail suitor against another.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. LENT. I would be happy to yield to the gentleman from New Jersey.

Mr. FLORIO. Does the gentleman acknowledge that the Department of Transportation has acknowledged that no sale can take place without legislation?

Mr. LENT. That is true, and that is the point that I would make to the gentleman. We are going to need to legislate before a sale can be consummated. That is the gentleman's protection.

Mr. FLORIO. And does the gentleman acknowledge that the amendment that is being offered removes the authority in the legislation?

Mr. LENT. There is a big difference, I would advise the gentleman from New Jersey, in getting technical legislation passed at the end of the negotiations to ratify some provision of the sale. A big difference between that, which was what we contemplated back in 1981, and what the gentleman has included in this bill which would inject the Congress into the Conrail sale negotiations. It is obvious from listening to the gentleman from New Jersey today that he wants Congress to jump into these negotiations with both feet and second-guess the Department of Transportation.

The CHAIRMAN. The time of the gentleman from New York (Mr. LENT) has expired.

(By unanimous consent, Mr. LENT was allowed to proceed for 5 additional minutes.)

Mr. LENT. Now, that 1981 law did contain a provision for a two-House veto. We anticipated that if the DOT were so ill-advised or so unwise as to conclude a deal that offended the senses of Congress, a deal that was outrageous, section 206 provided an outlet for Congress to disapprove of the sale.

That provision, of course, is no longer constitutional because of the ruling in the Chadha case, but as I have just indicated in my colloquy with the gentleman from New Jersey, there will come a time at the end of this negotiation process when Congress will have an opportunity to ratify this sale.

Somehow in 1983, the Committee on Energy and Commerce, for no apparent reason, reversed the original sale procedure when it rewrote section 206 so that as it now stands it would require the approval of both the House and the Senate to any sale agreement in such a way as to put the Congress squarely into the process of determining the terms of the sale.

Mr. Chairman, that approach is totally wrong. That sort of an approach will almost certainly prevent any sale of Conrail as an entity. Section 206 as it now stands is an open invitation to every group to exert its prerogatives to come to Congress to pressure Congress for special provisions or other changes in a purchase agreement.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield at that point?

Mr. LENT. Yes, I would be happy to yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Chairman, the concern that I have is that under the terms of the language which is in section 206, there is no assurance that the Congress would have any opportunity to act on any such recommendation for sale, because all the language says is that the committee shall, and I quote, "attempt to report such proposed legislation within 120 calendar days."

So there is no assurance in this language that any action would take place.

Mr. LENT. Well, certainly the provision in section 206 as it now stands is an invitation to every special interest group in the Nation to come running to pressure Congress for special provisions or other changes in any purchase agreement. Knowing that that threat exists, no thinking business executive is going to get involved in a congressional second-guessing game.

I am convinced that if we do not amend section 206 today, as provided in the amendment offered by the gentleman from North Carolina, the United States is never going to sell Conrail as an entity. What will happen, I fear, and every Congressman in the Northeast ought to be aware, is that instead, Conrail is going to be cherry picked to death, to pieces, by neighboring rail lines.

Mr. Chairman, I strongly urge my colleagues to support the Broyhill-Lent amendment to section 206 and return to the original intent of Congress of 1981.

Mr. SHUSTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment offered by my good friend, the gentleman from North Carolina, and I do so for several reasons.

First of all, Congress has a right to decide whether or not Conrail is going to be sold. It has a right to decide because it was this Congress, as the prepresentative of the people, which made the decision to pass the law which made possible keeping Conrail together, and which made possible Conrail's virtual success.

So this Congress has a right, since there is over $3 billion of the people's money invested, to decide whether or not some proposed sale should be made.

But beyond the right that this Congress should have, this Congress has a responsibility to pass on any sale of Conrail. We must be deeply concerned over whether or not such a sale will break up Conrail. We must be deeply concerned whether such a sale will not only propose to break up Conrail, but much more subtly, much more insidiously, lay the foundation from which Conrail can be broken up in the years ahead.

We have come too far, both the Congress, the Conrail management and the Conrail employees, too far from a bankrupt railroad which seemed doomed to failure, to a success story, and I need not recite that success story here.

☐ 1630

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. When I am finished, I will be happy to yield.

Mr. Chairman, I need not recite that success story here today. We all know of Conrail's success.

The point is that we cannot afford to let any administration make decisions which sow the seeds for possibly destroying Conrail as an entity.

Let me emphasize to my friends on my side of the aisle that we are not talking here just about the Reagan administration, because it is highly possible that any such sale would be consummated after November of this year, and while I know my colleagues and I on my side of the aisle hope that it is the Reagan administration, the facts are that it might be a Hart administration or a Mondale administration. And I say to my friends particularly in the Northeast and I say to my friends on the other side of the aisle that if it is a Hart administration, just how much concern, consideration, and understanding do you think we are going to get for Conrail?

So the issue is not simply the Reagan administration; it is any administration downtown. It is the Congress giving up its right to decide, spending over $3 billion of the taxpayers' money to save Conrail and then turning around and saying to whomever the administration might be: "Go ahead. You make the decision. You decide. We are going to wash our hands of this decision."

So I say to my friends that this Congress has a responsibility to help make that decision.

Finally, I would remind the many Members who joined me in the fight against the mandatory airbag a few years ago of what happened. If the Members will recall, when the administration—at that time it happened to be a Democratic administration— put out the mandatory airbag requirement, I led the fight to support a resolution of disapproval, and we had 60 days in which to get the resolution to the floor of the House to disapprove that mandatory airbag requirement. I had 171 signatures, I had overwhelming support, and we went to the same committee, as it turns out, the Committee on Interstate and Foreign Commerce at that time, and the Members might recall that with overwhelming support, that airbag resolution never saw the light of day. The subcommittee bottled it up. In fact, they did not even vote on it the day the vote was to occur. They hid in the Cloak Room so they did not have a quorum, and that is the way a resolution of disapproval which had the overwhelming support of the Members of this House never even got to the floor.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

(By unanimous consent, Mr. SHUSTER was allowed to proceed for 3 additional minutes.)

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. Let me just finish this before I yield.

So for my friends who say it is good enough to have a 60-day resolution of disapproval, it is good enough to handle it in that fashion, I point to the facts, I point to the evidence, and I say that the very committee we are talking about bottled up such a popular resolution just a few years ago.

So I say, no, this Congress, the Members elected by the people, have a responsibility to deal with this important issue, to decide not only how the taxpayers' $3 billion investment is going to be treated but to decide what kind of a transportation system we are going to agree upon, which in large measure is going to contribute to or help destroy the future of Pennsylvania and the entire Northeast.

So for all those reasons, Mr. Chairman, I urge my colleagues on both sides of the aisle, if they care about transportation revitalization, if they care about the Northeast and the Midwest, to vote to defeat this pernicious amendment that we have before us now.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I am happy to yield to my friend, the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding and I rise in opposition to the Broyhill-Lent amendment and in support of the legislation which has been so ably authored by our colleagues from New Jersey (Mr. FLORIO) and his committee.

As a Member of Congress from the Northeastern United States, I am too fully aware of the impact on our shippers of the decimation of our rail system perpetrated by Conrail over the past decade.

We have witnessed Conrail's indifference to the just concerns of our shippers and to the citizenry of New York State. In my congressional district suffered from Conrail's ripping up of a rail line servicing a number of our municipalities for the purpose of selling the metal for scrap. We have seen Conrail refuse to repair a major rail link over the Hudson River—in fact, the only rail crossing of the Hudson between New York City and Albany—despite legislation being passed by Congress authorizing them to repair and utilize the Poughkeepsie Rail bridge.

All of the Members of Congress from the Northeast have had Conrail tell them time and time again, "since we are not a Federal agency, we do not have to respond to your entreaties," and then come back, hat in hand, asking Congress to pay their bills.

Now, we have legislation before us which calls for appropriate congressional oversight over any sale of Conrail.

Mr. Speaker, the shippers of the Northeast believe that this proposed legislation is certainly just. For, too often, they have seen Conrail ignore the entreaties of the duly elected legislators, and have seen Conrail turn a deaf ear on their just problems.

We in Congress must not allow the future of our rail lines to slip even further out of our control. Over $6 billion of our taxpayers funds have been invested in an effort to salvage rail service throughout the Northeast. It would be incredible to waive any oversight of the final disposition of our taxpayer's investment.

Our shippers are depending upon us, as their elected officials, to insure that our precious and irreplaceable rail system is preserved, for now and for our future. I cannot, therefore, support any proposal which would take that future out of our hands.

Our rail shippers throughout the Northeast have been suffering from inadequate rail service for the past decade. We owe it to them to make certain that their interests are considered in the future rail service for our region. I do not believe that any Federal agency should be empowered with the right to sell any or all of Conrail from under our shippers unless the Congress has the right to review that sale and insure that our Nation's best interests are being protected.

The Broyhill-Lent amendment limits and weakens congressional oversight of the sale of Conrail, allowing a giveaway of the $7 billion Federal investment without congressional approval.

Accordingly, Mr. Speaker, I urge all of our colleagues to join with us in opposing the Broyhill-Lent amendment and in supporting H.R. 3648.

Mr. SHUSTER. Mr. Chairman, I thank my friend, the gentleman from Pennsylvania (Mr. Shuster), and I would say to my friend that it is important that there is bipartisan opposition here to this amendment.

I can understand that the Members, particularly those of us on our side of the aisle, feel a need and a responsibility to a degree to support the administration's position here. Certainly I support the administration's position on many, many issues, but on an issue of this significance and this importance, let us not just in lock step and by knee jerk support the administration, love it though we do. Let us make our own independent judgment on what is best for transportation in America and what is best for the Northeast and the Midwest, and on that basis let us defeat this amendment.

Mr. LENT. Mr. Chairman, I wonder if the gentleman would yield to me for a moment?

Mr. SHUSTER. I am happy to yield to my good friend, the gentleman from New York, and I remind him that we stood together in the fight to preserve Conrail.

Mr. LENT. Mr. Chairman, I appreciate that fact, and I commend the gentleman for his leadership back in 1981. I am just sorry and regretful that the gentleman is not with us today.

I would just like to point out to the gentleman that if this language that is currently in the bill is allowed to stand and is not amended and it has the effect which we anticipate of chilling any prospects for sale of Conrail as an entity, with the result that Conrail has to be broken up in pieces, I wonder how the gentleman's shippers in New York are going to be protected under that set of circumstances.

Mr. SHUSTER. Mr. Chairman, I would respond to my friend by saying that the 1981 act did provide for a congressional veto, which we now know is unconstitutional, but it did therefor clearly provide for congressional involvement.

Now, if somebody is suggesting—and I certainly do not input these motives to my good friend—that by eliminating all of this language, it is just too much trouble and it is too cumbersome to have the Congress involved.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. Shuster) has again expired.

(By unanimous consent, Mr. Shuster was allowed to proceed for 2 additional minutes.)

Mr. SHUSTER. So if indeed there is a chilling effect, if in fact that is true, then it would be just as bad for Congress to have been involved in some other fashion. So you either have to be against the congressional involvement or against congressional involvement, and it seems to me we cannot say it was all right in 1981 to write in congressional involvement but today suggest that somehow congressional involvement would be wrong.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I am happy to yield to my good friend, the gentleman from North Carolina.

Mr. BROYHILL. Mr. Chairman, I think what we are talking about is two entirely different things.

Mr. SHUSTER. No. I would reclaim my time, Mr. Chairman, and say that the bottom line is that we are talking about congressional action on the veto of any sale in 1981 or the approval of any sale now, the difference being largely that the veto we now know is unconstitutional.

I am not saying that the language is perfect in the bill, but I am saying that fundamentally what it does is provide for congressional approval.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I am happy to yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, the gentleman is 100-percent correct in framing the issue. What we are talking about is retaining congressional review, oversight, and ultimate approval, and there is not any question that DOT has acknowledged the fact that approval would be required, and this amendment would effectively take out that ability of Congress to oversee and ultimately approve a sale.

The fact of a chilling of a sale is somewhat ludicrous because negotiations are going on right now. That is in a sense what concerns us. Negotiations are going on, and no one knows what is going on. The chairman of the ICC knows nothing about what is going on, and the chief executive of Conrail knows nothing about what is going on. What we find out as to what is going on and what is verified by the Department of Transportation is that there are other proposals that are floating around. One is the one that we read about in the Washington Post. The substantial former owner of the Penn Central has offered $400 million for this railroad that already has some $7 billion of taxpayers' money invested in it.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. Shuster) has again expired.

(On request of Mr. Lent, and by unanimous consent, Mr. Shuster was allowed to proceed for 4 additional minutes.)

Mr. FLORIO. Mr. Chairman, if the gentleman will yield further, the gentleman is aware of the fact that there is $2 billion worth of tax credits that go with this railroad system. Do we want here in Congress to be able to see that this railroad is sold for a railroad purpose so as to be sure that it is not sold for someone to liquidate or for someone to get the advantage of the tax benefits?

□ 1640

We should have the ability to ultimately approve, as we do in the law now. This amendment, unfortunately, will take that ability away; so the gentleman has framed it very well.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I will be happy to yield to the gentleman from New York.

Mr. LENT. I would just like to point out that the Department of Transportation has not kept the Members of

Congress in the dark. Just on the 28th of February the gentleman from New Jersey and I met with representatives of the Department of Transportation. The gentleman from Michigan (Mr. DINGELL) and the gentleman from North Carolina have also been kept up to date on the progress that has been made in the process of selling Conrail.

The Department is not attempting to circumvent the Congress here. We are kept fully aware. They will meet with anyone in the Congress at any time they want to be brought up to date on the progress or lack of progress on the Conrail negotiations.

Mr. SHUSTER. Mr. Speaker, if I might reclaim my time to respond to the gentleman, I would say that that is not an issue of concern to me.

I agree with the gentleman, and I do not have the same problems with the administration keeping us informed, but I say and I emphasize again, this is not all going to be accomplished by November. We are not just talking about the Reagan administration. We are talking about any administration; the Reagan administration, which many of us hope it is going to be, or the Hart administration, so the concern is not from this Member's point of view criticism of the present Secretary of Transportation. In fact, this Member has the highest regard for the Secretary of Transportation and the people with whom this Member deals down there.

The concern, whatever the administration might be——

Mr. LENT. Well, I share the gentleman's concern, whether it is the Reagan administration, the Mondale administration, or the Hart administration, whatever it might be, we all share that concern; but I think it should be pointed out there is no doubt that the Department of Transportation has made it clear that they intend fully to send any plan consummated to the Congress for review and, very possibly, ratification. That is a very different state of facts from what the gentleman's provision as incorporated by section 206 is.

Mr. SHUSTER. I would respond to my friend that I appreciate their good intentions. I am not sure should there be another administration they would have the same good intentions; but even if they were good intentions and even if they were carried out, never forget what happened to us, and we stood together on the airbag issue, never forget how that we had 60 days to disapprove that resolution and it was bottled up in committee. We never had a chance to work our will and this Congress, this House, has a right to work its will on the issue of the sale of Conrail and the language in the bill now is the only way I know of to provide for that.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from North Carolina.

Mr. BROYHILL. It is for that very point that I oppose the language as it is contained in section 206. The administration should negotiate a sale. There is no assurance in section 206 that that sale would be approved or even considered in committee. So, it seems to me if we want this process to go on, that we should at least adopt my amendment so as to assure that it will go forward.

Mr. SHUSTER. Let me respond to the gentleman, his concern in that there is no assurance that it will be considered in the committee. I offered to the gentleman before I came into the well to offer a perfecting amendment to strike out the words "the committee shall attempt to review and hold hearings" and to require the committee to hold hearings. The gentleman told me that was not good enough.

Mr. BROYHILL. Well, if the gentleman will yield, one Congress cannot tie the hands of another, so there is no assurance with that kind of language that the committee would act.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(At the request of Mr. BROYHILL, and by unanimous consent, Mr. SHUSTER was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL. Mr. Chairman, if the gentleman will continue to yield, the only way that we can have assurance that the committee would act is with so-called expedited procedures. As the gentleman well knows, that kind of language is not in order here in the House, so that is the reason I did not offer it. If I could have, I would have offered expedited procedures to assure that the committee would act and the Congress would have a vote on this. But, unfortunately, because of the rules of the House, I am not able to do that.

Mr. SHUSTER. But certainly the gentleman is not questioning the good faith of the committee when they put in here the most they can put in under the rules, which spells out that they shall attempt to review and hold hearings and, indeed, the distinguished chairman has indicated to me that he would be willing to strike out attempt and say that the committee shall hold hearings, review and hold hearings, if that would satisfy the gentleman.

Mr. BROYHILL. If the gentleman will yield, these are vague terms and they leave in doubt as to how the Congress, or leaves to speculation at least, would review a very complex sales agreement and then enact it into law.

Mr. SHUSTER. By the gentleman's own admission, they are the best terms, the best words we can get. By the gentleman's own admission, we cannot strengthen that language much more.

Mr. BROYHILL. The gentleman may not be aware of this, I offered a compromise to the chairman of the subcommittee, which he turned down, and that is to make it an affirmative approval or a resolution of approval, as opposed to approval of every detail of the plan. He turned that down.

Mr. SHUSTER. Well, of course, what we have before us today is an amendment which would completely gut the ability of this Congress to approve the sale of Conrail, and that I vigorously oppose.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Broyhill amendment.

I think we face a fundamental decision here today that bears directly on the future of freight rail service in the Northeast. Our choice is between voting for the Broyhill amendment which will assure the greatest chance of selling Conrail into the private sector as a single entity versus the Florio provision in H.R. 3648 that virtually guarantees that Conrail will be sold piecemeal.

Let us be clear. The Broyhill amendment seeks simply to return the Congress to the same position we were in after we passed the Northeast Rail Service Act. As you recall, that act directed the Secretary of Transportation to sell Conrail, giving Congress 60 days to disapprove the sale.

The Broyhill amendment would make the minor changes necessary to the law required after the Chadha decision, striking the legislative veto. Thus, Congress would again have 60 days to disapprove any plan submitted by the Secretary of Transportation for the sale of Conrail as an entity.

On the other hand, the language supported by Mr. FLORIO casts a cloud over the whole effort to sell Conrail by putting Congress in the position of approving or disapproving every minute aspect of the proposed sales agreement. Any astute businessman who might be interested in making an offer to purchase Conrail would be foolish to remain interested in acquiring Conrail if the potential buyer was told to negotiate first an agreement with the Secretary knowing full well that negotiations would then have to commence with 535 Members of the Congress.

If the Florio provision remains in the bill, it is likely that any parties who have expressed any serious interest in acquiring Conrail will lose interest and no new parties will demonstrate any interest.

Ultimately this will result in a transfer of Conrail in pieces, thus harming, not helping, rail service in the Northeast.

For this reason I urge you to reject the Florio provision and to support the Broyhill amendment thus assuring that Conrail can be sold as a single entity.

Mr. EDGAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take my full 5 minutes. I just want to commend the gentleman from New Jersey for his leadership on this action.

Mr. Chairman, I rise in support of the committee position on section 206 of the bill and in opposition to the Broyhill-Lent amendment. In effect, the amendment now under consideration would place the issue of the sale of Conrail completely in the hands of Transportation Secretary Dole and the administration. We all know the reality that this session of Congress will be shortened due to the political conventions in the summer and the elections this fall. The proposed amendment would allow any sale of Conrail to go through in 60 days unless blocked by a joint resolution of Congress which could be vetoed by the President.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I thank the gentleman for yielding. The gentleman has raised another important point. We will remove it from this administration and talk about it in terms of the gentleman from Pennsylvania—any administration.

Does anyone seriously think that a Secretary of Transportation would negotiate a sale that would not be approved by the President; so what we have is a situation whereby the Secretary might approve a sale that could be in the objective view of the Members of Congress inappropriate. The Congress would then take action to stop that sale, but that action would be vetoed by the President, whose Secretary agreed to the agreement.

The whole process the gentleman spells out is not as well thought out as it could be.

I appreciate the gentleman's opposition to this amendment.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for his comments.

Clearly, the time constraints and the veto threat imposed by the conditions of the Broyhill-Lent amendment are intended to eliminate any real participation by the Congress in consideration of the sale of Conrail. The administration, of course, does not want Congress to get involved in Conrail negotiations. Ronald Reagan has committed himself to the sale of Conrail to the private sector. This is a Presidential election year. The political incentives for the administration to sell off Conrail on bargain terms to a private railroad before election day are quite obvious.

Only Congress can provide the necessary check to insure that the interests of Conrail workers, the communities served by Conrail, and the broad national interest are protected when the Secretary of Transportation sits down to make a deal on the sale of this now profitable and attractive property. More Conrail track miles are located in Pennsylvania than in any other State in our region. Already, communities in my State are facing a cutoff of essential rail service as a result of Conrail's reorganization under the Northeast Rail Services Act. This is true even though Congress placed several obligations on Conrail to try to preserve essential service under reorganization. How will communities in Pennsylvania and other Northeastern States be protected once Conrail is auctioned off to the highest bidder?

It must also be pointed out the Federal Government has now invested $7 billion in the preservation of Conrail service. In my view, our action to preserve freight rail service in the Northeast is one of our greatest successes in recent years. Countless businesses, jobs, and whole communities have been preserved through our action on this issue. Moreover, Conrail has now proved itself in the marketplace, making record profits in 1983.

But we cannot ignore the enormous Federal investment which we have made in Conrail. The process for recovery of that investment will be a key issue in any negotiations over the sale of Conrail. It would be a disaster for the administration to ignore the investment and the historic Federal commitment to Conrail for the sake of expediency in simply selling off Conrail to the private sector. Yet, this is what I fear will happen if Congress is effectively eliminated from negotiations or approval of the sale of Conrail.

I am not opposed to the sale of Conrail to any buyer so long as we find a way to protect national interests and preserve the commitments to adequate rail service which initially led us to create Conrail. In this regard, it is vital that we in the Congress who have played a crucial role in the creation and management of this corporation over the years have a real input into the terms of approval for any sale of this essential railroad.

I ask my colleagues to vote down the Broyhill-Lent amendment.

● Mr. LAFALCE. Mr. Chairman, I urge my colleagues to vote against the amendment being offered by the gentleman from North Carolina (Mr. BROYHILL).

At issue is the nature of a Conrail sale—whether Conrail is to be sold as an entity or in pieces.

I oppose the piecemeal sale of Conrail and I believe that the bill before us provides the greatest protection against such a sale. The amendment affords the administration the opportunity to sell Conrail in a piecemeal fashion even if Congress opposes such a sale.

Under the provisions of the amendment, the administration is required to submit a proposal for the sale of Conrail to Congress. The proposal would become effective within 60 days unless Congress enacts a resolution of disapproval that is signed by the President. Yet, it is highly unlikely that the President would approve congressional action that is contrary of the recommendations of his Transportation Secretary.

The bill before us requires the Department of Transportation to submit a proposal to sell Conrail as an entity or in a piecemeal fashion to Congress. Hearings must be held, and Congress must pass a bill approving the sale within 120 days. No sale could occur without congressional approval.

I am confident that Congress will not support the piecemeal sale of Conrail. I would hope that the administration will propose selling Conrail as an entity, but we should not take a chance.

I urge my colleagues to oppose the amendment thereby giving Congress the ability to effectively veto the piecemeal sale of Conrail.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. BROYHILL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BROYHILL. Mr. Chairman, I demand a recorded vote and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names.

[Roll No. 38]

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski

Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carper
Carr
Chandler
Chappell
Chapple
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conte
Cooper
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harrison
Hartnett
Hatcher
Hayes
Hefner
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Savage
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Simon
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

☐ 1700

The CHAIRMAN. Three hundred ninety-two Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from North Carolina (Mr. BROYHILL) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Five minutes will be allowed for this vote.

The vote was taken by electronic device, and there were—ayes 147, noes 254, not voting 32, as follows:

[Roll No. 39]

AYES—147

Andrews (TX)
Archer
Badham
Bartlett
Bateman
Bates
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Chandler
Chapple
Cheney
Coats
Coleman (MO)
Conable
Coughlin
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
Dreier
Duncan
Edwards (AL)
Emerson
Erlenborn
Evans (IA)
Fiedler
Fields
Franklin
Frenzel
Gingrich
Glickman
Gradison
Gramm
Green
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Hunter
Hyde
Ireland
Jenkins
Johnson
Kasich
Kazen
Kemp
Kramer
Lagomarsino
Latta
Leach
Leath
Lent
Lewis (CA)
Lewis (FL)
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Marriott
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McEwen
McKernan
Michel
Miller (OH)
Molinari
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Nielson
O'Brien
Oxley
Packard
Parris
Pashayan
Patman
Pease
Petri
Porter
Pritchard
Pursell
Quillen
Roberts
Robinson
Rogers
Roth
Roukema
Schaefer
Schulze
Shaw
Shelby
Shumway
Skeen
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Tauzin
Taylor
Thomas (CA)
Vander Jagt
Vandergriff
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Winn
Wolf
Wortley
Zschau

NOES—254

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bedell
Beilenson
Bennett
Bevill
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Byron
Carper
Carr
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Conte
Conyers
Cooper
Courter
Coyne
Crockett
D'Amours
Darden
Daschle
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Edwards (OK)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Goodling
Gore
Gray
Guarini
Hall (IN)
Hall (OH)
Hamilton
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Hightower
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kennelly
Kildee
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Madigan
Marlenee
Martin (IL)
Martinez
Matsui
Mavroules
McCloskey
McCurdy
McDade
McHugh
McKinney
McNulty
Mica
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patterson
Penny
Pepper
Perkins
Price
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Rodino
Roe
Roemer
Rose
Rostenkowski
Rowland
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sharp
Shuster
Sikorski
Simon
Skelton
Slattery
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

NOT VOTING—32

Ackerman
Berman
Biaggi
Carney
Collins
Corcoran

DeWine
Dixon
Foglietta
Forsythe
Hance
Heftel
Hertel
Kindness
Kogovsek
Livingston
Markey
Mazzoli
McGrath
Mikulski
Nichols
Paul
Pickle
Roybal
Rudd
Sensenbrenner
Shannon
Siljander
Sisisky
Stark
Weaver
Wylie

□ 1710

Mr. **WHITLEY** and Mr. **ROEMER** changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. EVANS OF ILLINOIS

Mr. **EVANS** of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Illinois: At the end of the bill, insert the following new section:

EMPLOYMENT VACANCY FILING

SEC. 214. Section 704(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797c(c)) is amended—

(1) by inserting "(1)" after "VACANCY NOTICES.—"; and

(2) by adding at the end a new paragraph as follows:

"(2)(A) As soon as the Board becomes aware of any failure on the part of a railroad to comply with paragraph (1), the Board shall issue a warning to such railroad of its potential liability under subparagraph (B).

"(B) Any railroad failing to comply with paragraph (1) of this subsection after being warned by the Board under subparagraph (A) shall be liable for a civil penalty in the amount of $1,000 for each vacancy with respect to which such railroad has so failed to comply.".

Mr. **EVANS** of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. **EVANS** of Illinois. Mr. Chairman, today I am offering an amendment to the Amtrak authorization bill which is designed to protect the rights of unemployed railroad workers.

Under section 704 of the Regional Rail Reorganization Act of 1973, Congress insured thousands of railroad workers certain right-of-first hire protections. These preferential hiring protections require the Railroad Retirement Board to maintain a list of unemployed railroad workers in order to promote the placement of those workers who possess the requisite skills and experience in appropriate positions with other railroads.

The railroads, in turn, are required to timely file with the Board any position vacancies for which the railroad intends to accept applications from workers other than the railroad's own employees.

This arrangement should work out well—railroads report the job vacancies to the Board, and the Board forwards to the railroad a list of eligible and capable workers seeking jobs. But there is just one problem: What happens if the railroad fails to report job vacancies to the Board?

Under current law, absolutely nothing happens. The Board has no statutory authority to enforce the reporting requirements Congress so clearly mandated in section 704 of the 3R Act.

My amendment is a simple, straightforward attempt to correct this situation.

It directs the Railroad Retirement Board to issue an official warning to any railroad found guilty of a first violation of the job reporting requirements contained in section 704(c) of the act. Following such a warning, any railroad found guilty of a second or subsequent violation of the law would be subject to a civil fine. This penalty would amount to $1,000 for each job vacancy not reported to the Board.

This amendment is a fair, reasonable solution to a very real problem. The Railroad Retirement Board has informed me that it believes most railroads do comply with the job reporting requirements. If this is so, my amendment will pose no threat or financial hardship to the law-abiding railroads.

But I have evidence, which I have presented to the distinguished chairman of the Commerce, Transportation and Tourism Subcommittee, Mr. FLORIO, that violations of the law have occurred. On such occasions, Congress should not be silent.

We must make it known that when a law is violated, appropriate sanctions will be imposed. If no appropriate enforcement mechanism exists, any law we pass is meaningless.

I urge my colleagues to support this simple, fair, and reasonable amendment in order to insure that the rights Congress awarded unemployed railroad workers are adequately protected.

Mr. **FLORIO**. Mr. Chairman, will the gentleman yield?

Mr. **EVANS** of Illinois. I yield to the gentleman from Illinois.

Mr. **FLORIO**. I thank the gentleman for yielding.

The committee has had an opportunity to look at the gentleman's amendment. It is a very good amendment and we are prepared to accept it.

Mr. **LENT**. Mr. Chairman, will the gentleman yield?

Mr. **EVANS** of Illinois. I yield to the gentleman from New York.

Mr. **LENT**. I thank the gentleman for yielding.

As I understand it, there is currently no penalty imposed for failure to report vacancies to the Railroad Retirement Board. This amendment would for the first time impose a penalty for failure to comply with an existing requirement, is that correct?

Mr. **EVANS** of Illinois. That is correct. The first offense would just merit a warning. The second and subsequent offenses $1,000.

Mr. **LENT**. I thank the gentleman for his explanation.

We have no objection.

Mr. **EVANS** of Illinois. I yield back the balance of my time.

The **CHAIRMAN**. The question is on the amendment offered by the gentleman from Illinois (Mr. EVANS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RAHALL

Mr. **RAHALL**. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAHALL: On page 19, line 6, insert the following after the period:

Such section 11167 is further amended by adding the following at the end thereof: "The Commission is directed to postpone the adoption of the Uniform Rail Costing System (URCS) and continue to use Rail Form A methodology until the Board has developed its cost accounting principles. Such principles must be taken into account by the Commission during development and refinement of URCS."

□ 1720

Mr. **RAHALL**. Mr. Chairman, this amendment is technical in nature to the Railroad Accounting Principles Board reauthorization contained in H.R. 3648.

The Board was originally authorized as part of the Staggers Rail Act of 1980 with a 3-year mandate to develop sound and reasonable railroad accounting principles necessary to determine the adequacy of railroad costs.

However, an appropriation was never provided for the Board and its authorization expired at the end of fiscal year 1983.

Because the work of the Board has become even more important than ever due to the ICC's recent changes in railroad ratemaking procedures, H.R. 3648 would reauthorize the Board for 3 years.

However, the ICC has in the meantime come up with its own version of a railroad costing tool and intends to finalize it this month. This procedure, known as URCS, has some serious flaws.

I note that it was because of our view that the ICC was unable to develop such costing principles on its own in the first place that the Railroad Accounting Principles Board was included in the Staggers Act. The Board would be independent from the ICC and would conduct its work under the auspices of the Comptroller General.

The Board is not only to promulgate railroad costing standards, but also to review what the ICC is doing in this area. However, the Board will not be able to do this if the ICC has already finalized its version.

As such, my amendment would simply require the ICC to postpone URCS until the Board has a chance to review it.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the distinguished chairman of the subcommittee.

Mr. FLORIO. Mr. Chairman, I would just reinforce the point the gentleman has made that this amendment is consistent with the actions of the House just a few weeks ago in voting to reauthorize the Railroad Accounting Principles Board. I think it is consistent with that, and I accept the amendment.

Mr. RAHALL. I thank the gentleman for his comments.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I want to compliment the gentleman on his amendment and to commend those responsible for this amendment to this point. This would allow the new Railroad Principles Accounting Board, which this body has just authorized and reauthorized and appropriated moneys for, to come up with the proper procedures for cost accounting for the railroads and ask the ICC to delay doing the same thing until the Principles Accounting Board can look at the procedure.

I commend the gentleman on his amendment, and I urge my colleagues to vote for it.

Mr. RAHALL. I thank the gentleman for his comments.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from North Carolina.

Mr. BROYHILL. Mr. Chairman, could I also have the attention of the gentleman from New Jersey (Mr. FLORIO)?

It is my understanding that the Commission has under consideration a uniform rail costing system, and what this amendment would do is to delay the final promulgation of that particular rail costing system until the Board has had a chance to make recommendations.

My question is: Is there a requirement in this amendment that the ICC adopt the recommendations of the Board, or merely to take into account the Board's recommendations in the final promulgation of rail costing system?

Mr. RAHALL. In response to the gentleman's question, there is no such requirement in this amendment. It is merely a delay of the uniform rail costing system, the so-called URCS system, until the Board has had a chance to develop sound and reasonable railroad accounting principles.

Mr. BROYHILL. My question is with respect to what is required of the ICC at such time such recommendations are submitted to them.

Is the ICC required to adopt those recommendations in toto, or are they required to take into account the recommendations in the development and refinement of the uniform rail costing system?

Mr. RAHALL. The answer to the gentleman's question is the latter, that they are required to take into account the recommendations of the uniform rail costing system, but it is not a requirement that they be adopted.

Mr. BROYHILL. Can the gentleman shed any light onto the timeframe that would be required to come up with these recommendations? And how much time are we delaying the ICC from taking final action on the rail costing system?

Mr. RAHALL. Well, that is up to the congressional process of providing the moneys for the Railroad Accounting Board. As the subcommittee chairman has mentioned, we have taken that action here on the House side, and now it is dependent upon the Senate action.

Mr. BROYHILL. With those assurances, then, Mr. Chairman, I will withdraw my objection to this amendment and I will support it on those assurances of the gentleman from West Virginia.

Mr. RAHALL. I thank the distinguished gentleman for his support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOLEY: At the end of the bill insert the following new section:

RAIL EMPLOYEE TAXES

SEC. 214. Section 11504(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(3) No part of the compensation paid by a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title to an employee who performs his regular assigned duties as such an employee on a railroad in more than one State, shall be subject to the income tax laws of any State or subdivision thereof other than a State or subdivision thereof described in paragraph (2) of this subsection.".

Mr. FOLEY. Mr. Chairman, the purpose of this amendment is to clarify the intention of the law that railroad workers, transportation workers, should not be subject to multiple withholding unless they are residents of the State withholding or the locality withholding or have 50 percent or more of the mileage of their activity in that State or locality.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I appreciate the gentleman yielding.

Mr. Chairman, we have examined this amendment. As the gentleman has stated, the problem here is that railroad workers are subjected to taxation in more than one State. What this amendment does is attempt to clarify that and to say that the worker will be taxed in his home State.

Mr. FOLEY. That is correct.

Mr. BROYHILL. We have no objection to the amendment.

Mr. FOLEY. I thank the distinguished gentleman.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the distinguished chairman of the subcommittee.

Mr. FLORIO. Mr. Chairman, we accept the amendment.

Mr. FOLEY. I thank the Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. FOLEY).

The amendment was agreed to.

Mr. CARPER. Mr. Chairman, I move to strike the last word for the purpose of having a colloquy with the gentleman from New Jersey (Mr. FLORIO).

Mr. Chairman, I would like to direct this question to the gentleman from New Jersey:

I am concerned about the status of work to be done at the Wilmington, Del., service facility as part of the Northeast corridor improvement program.

Specifically, I am wondering whether funds appropriated to the Wilmington facility will in any way be affected by this legislation.

Mr. FLORIO. If the gentleman will yield, I thank the gentleman for the question and would respond to him that we are working to insure that the moneys that have been authorized will in fact be appropriated so that the moneys can be completed for the entire Northeast corridor project, including the project that the gentleman is concerned about.

Mr. CARPER. I appreciate the gentleman's assurances. So I am to understand that no funds appropriated to the Wilmington facility will be diverted to any project in the Northeast corridor improvement project?

Mr. FLORIO. The gentleman is correct that actions by this committee are in no way jeopardizing the funding of the Northeast corridor project.

Mr. CARPER. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

● Mr. PATTERSON. Mr. Chairman, I rise in support of H.R. 3648, the Amtrak Improvement Act, and I commend the gentleman from New Jersey for his work in bringing this important legislation to the floor.

Although the thrust of this legislation has my full support, I am concerned about one portion of this measure, section 106, which would have a detrimental effect on plans to construct a high-speed rail line between Los Angeles and San Diego.

The proposed Los Angeles-San Diego high-speed rail line will provide substantial economic benefits to southern California. One of the most significant aspects of this project is the strong interest which the private financial community has expressed in funding this enterprise. Section 106 of H.R. 3648 would endanger the California high-speed rail project because private financers would hesitate to invest in an enterprise that is potentially subject to inordinate delays and detailed intervention by the Congress.

Amtrak has indicated strong support for the Los Angeles-San Diego project and is satisfied with the provisions of the existing licensing agreement it has signed with the American High Speed Rail Corp. Amtrak's agreement with AHSRC provides for significant levels of consultation between Amtrak and AHSRC, including at least one Amtrak representative on the AHSRC board, and Amtrak opposes the additional requirements that would be established in H.R. 3648.

At least 14 States, in addition to California, have expressed an interest in high-speed rail projects. If this Nation's first attempt at developing high-speed rail becomes bogged down in extensive congressional intervention, it will set a precedent which could endanger the development of other high-speed rail projects in this country. As a supporter of high-speed rail, I will continue to monitor congressional actions that may affect the progress of these efforts.●

● Mr. SHARP. Mr. Chairman, Amtrak has informed me in recent days of its intention to switch the schedule of the Cardinal train that presently operates on a triweekly basis from New York to Chicago, effective on April 29, 1984. The Cardinal train connects numerous cities in Indiana, including Muncie and Richmond located in the east central part of the state. As a result of the schedule change, passengers in those two cities now will be forced to board the Cardinal at 1:49 a.m. and at 2:50 a.m. at Muncie and Richmond respectively for eastbound trains, and at 2:30 a.m. and at 1:29 a.m. respectively for westbound trains. These inconvenient boarding times will create a tremendous hardship for Indiana citizens, especially the elderly and the less fortunate who are heavily dependent upon public transportation, and will undoubtedly cause Amtrak a loss of ridership in the east central Indiana market.

It is incumbent upon Amtrak to justify this schedule change since it creates a hardship in Indiana where previously none had existed. Lacking sufficient justification, which to date has been the case, it is similarly incumbent upon Amtrak to retain its existing schedule and avoid implementing the new schedule. I will request that Mr. FLORIO's Commerce, Transportation, and Tourism Subcommittee look more fully into this matter to insure that as a passenger rail service, Amtrak is indeed providing the best service for its passengers by implementing this schedule change.●

● Mr. MARKEY. Mr. Chairman, I will be unavoidably absent from today's votes on the Amtrak Improvement Act, H.R. 3648. I regret this; H.R. 3648 is an important and well-crafted piece of legislation. It has been a privilege to work with my good friend JIM FLORIO to see this bill through the Energy and Commerce Committee, and I commend him for his leadership on this issue.

Had I been present for the vote today, I would have voted against the Broyhill amendment. The American people have made a very large investment in Conrail, and any disposition of Conrail must be made carefully, with direct legislative oversight. I would have voted for final passage of the Amtrak Improvement Act.●

The CHAIRMAN. Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BROWN of California) having assumed the chair, Mr. BENNETT, Chairman of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3648) to improve the cost effectiveness of the National Railroad Passenger Corporation, to authorize appropriations for such Corporation for the fiscal year ending September 30, 1984, and for other purposes, pursuant to House Resolution 320, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1730

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3648

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3648, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending that bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE TIME IS NOW TO SIGN DISCHARGE PETITION NO. 8

(Mr. KINDNESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINDNESS. Mr. Speaker, I had sought to participate in the overnight vigil prayer which concluded this morning a little bit before 9 o'clock. My scheduled time was 9 o'clock. I was on the elevator approaching the floor when the proceedings ended this morning; my having returned from Ohio this morning from a commitment there.

I am glad that the proceedings during the course of the night went so well, and I extend my congratulations to all those who participated so stalwartly in the overnight vigil, for what I believe to be one of the important purposes that present issues to this body.

The issue of school prayer is an issue with which we are concerned because it is an issue of freedom: Freedom of speech. I congratulate the gentleman from the State of Washington who spoke before on his effort to deal with a part of the question, but it is only a part.

Censorship of speech is a concept accepted by our society only in very limited circumstances, for very precise national security purposes; for security reasons in prisons, and to shield our children from prayer in school. That is all I can think of, three purposes.

The first article of the Bill of Rights, the first amendment, is supposed to guarantee us the right to speak publicly. It does not provide assurance that others will agree or that others will not express conflicting thoughts. It does not require that others listen or understand, but it does require Government to stay its hand to keep its place and keep its peace; to not interfere with the freedom each of us has to speak our mind as citizens of the United States of America.

What has happened to this God-given right which is confirmed in the Constitution of the United States? The court system has labored long and hard over a period exceeding 20 years to find the right words to excuse or justify the proscribing of prayer as a party of free speech in school settings.

Does the first amendment contain an exception for schools? Does it say that different rules apply in schools and that freedom of speech is allowed on any subject except subjects contained within a prayer? I do not find such a proscription or exception.

There is no reason, although the courts have proceeded far and broadly in their decisions that restrict religious activities and religious freedom when exercised in the school setting. But there is no reason for us in the legislative part of our Government to delay longer. There is no valid reason for any of our colleagues in this House of Representatives to give up the effort to bring the issue of freedom to pray to a vote in this House at this time, if they believe that this freedom should be restored.

I implore and plead with my colleagues to join us in signing Discharge Petition No. 8, which is at the Clerk's desk and which would bring to this House the question of a constitutional amendment dealing with school prayer on an open basis that would allow amendments, that would allow all of the alternatives to be considered. We owe it to the Nation of people who are speaking out today for the return of freedom of prayer in the schools.

The issue with which we are concerned is freedom—freedom of speech. Censorship of speech is a concept accepted by our society only in very limited circumstances: For very precise national security purposes, for security reasons in prisons, and to shield our children from prayer in schools.

The first article of the Bill of Rights, the first amendment is supposed to guarantee us the right to speak publicly. It does not provide the assurance that others will agree, or that others will not express conflicting thoughts. It does not require that others listen or understand. But it does require government to stay its hand to keep its peace, to not interfere with the freedom each of us has to speak our minds as citizens of the United States of America.

But what has happened to this God-given right which is confirmed in the Constitution of the United States? The court system has labored long and hard, over a period exceeding 20 years, to find the right words to excuse or justify the proscribing of prayer as a part of free speech in school settings. Does the first amendment contain an exception for schools? Does it say that different rules apply in schools—and that freedom of speech is allowed on any subject except the subjects contained within a prayer? I do not find such a proscription or exception.

The courts have created the exception and expanded it rather broadly. Perhaps it is not the fault of the courts. Perhaps the particular cases presented to them have been poor or awkward cases in which to find a basis for upholding the first amendment. Perhaps they were lousy cases presented by inept lawyers. Perhaps there are a thousand reasons for the unfortunate trend of court cases which have had the effect of eliminating prayer from public schools.

But there is no reason—no valid reason—for any of our colleagues in this House of Representatives to give up the effort to bring the issue of freedom to pray to a vote in this House, at this time, if they believe that this freedom should be restored.

I would like to take a moment to explain why I introduced House Joint Resolution 100 which provides that "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer."

I have never really understood what the opponents of school prayer are afraid of. Are they afraid that Congress will make Thanksgiving and Christmas Federal holidays? Are they afraid that we will stamp a reference to the Deity on our coins? Are they afraid we will hire chaplains to pray in the House and Senate? Are they afraid schoolchildren will make reference to the Almighty when they pledge allegiance to the flag?

People may argue about the value of prayer in the development of young personalities in schools, but it is not subject to exact measurement. Surely commonsense suggests that it can do more good than harm for children to learn about the customs, practices, and beliefs of other people, including cultural and religious differences, as well as common beliefs and practices. Clearly, the only people who are trying to impose their beliefs on others are those who would prohibit school prayer.

Although I personally doubt that anyone has been psychologically damaged to any serious degree by participating in the observance of prayer, it is important that this proposed amendment makes it clear that no government—Federal, State, or local—can require anyone to participate in prayer. That is not a governmental function any more than requiring a person to refrain from participating in prayer should be.

I simply do not agree that there is not a proper place for prayer in school, and for those who do not agree with me, I would like to give you a good example of exactly what the prohibition on prayer in school means.

When my daughter, Sharon, was in the first grade, Alan Shepard piloted the first manned U.S. space flight. As most of you remember, our first rockets had a tendency to explode on the launch pad or shortly after lift-off. During the flight, teachers in many of the classrooms in Hamilton, asked students if they would like to pray for the safety of Alan Shepard and all those who risked their lives in the service of our country. If those prayers did any damage to the children or to the separation of church and state, no one seemed to notice.

Three years later, when Sharon was in the third grade, President John Kennedy was brutally gunned down in Dallas. Classes were interrupted as the principal of Sharon's school made the shocking announcement. The assassination of President Kennedy was one of the most tragic and revolting events of the past century. Yet as the terrible pall of fear and shock spread, while the Nation waited to hear the fate of our President, teachers in Sharon's school did not dare suggest prayers for his recovery, or for the comfort of his family, because of the 1962 and 1963 judicial decisions to remove prayer from the schools.

The strength of prayer was one of the things we needed most on that awful day. I am sure that many silent prayers were offered in Sharon's school for President Kennedy. It seems to me that allowing the teachers to suggest a group prayer for the President would have done a lot to calm the fears of our children. And I do not think anyone would have quibbled about the acceptability of such a prayer.

It is hard to believe that the Congress has allowed the judiciary to have the final word on a matter of so much importance to so many Americans. This issue does not belong on the court dockets; it belongs in the legislatures.

Contrary to the expressed wishes of a majority of Americans, the school prayer amendment, House Joint Resolution 100, still languishes in the House Judiciary Subcommittee on Civil and Constitutional Rights.

Because the chairman is determined to keep the measure bottled up in the subcommittee, Congressman TRENT LOTT, the House Republican Whip, has filed discharge petition No. 8 to bring the bill before the House for its consideration. If 218 Members of the

House sign the petition, the bill will come before the House. The measure would come to the floor under an open rule, which means that amendments could be offered. If the Senate adopts a version that differs from House Joint Resolution 100, the House may choose to amend House Joint Resolution 100 to bring it in line with the Senate version, or the Senate could decide to accept the House version.

If the discharge petition does not receive the requisite number of signatures, the measure is virtually certain to be held hostage in one subcommittee for the duration of the 98th Congress.

The American people want prayer restored in public schools. The series of court rulings which has driven prayer from the classroom represent a raw power grab and defy commonsense. The time is long overdue for the people to decide the question through their elected representatives.

WOMEN'S HISTORY WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maine (Ms. SNOWE) is recognized for 60 minutes.

Ms. SNOWE. Mr. Speaker, before I begin my statement, I want to offer congratulations to the gentlewoman from California (Mrs. BOXER) for her hard work to make sure that "Women's History Week" was once again a reality which of course is the first week in March, and she is, of course, the primary sponsor of this resolution and I am glad that I was able to assist her in obtaining this special order.

Mr. Speaker, I am pleased to call this special order, today, commemorating Women's History Week. For the past 3 years, Congress has officially recognized the importance of women's historic contributions by designating the first full week of March as Women's History Week. As a cosponsor of the resolution creating Women's History Week, I share in the hope that women's important contributions will be made known to all Americans.

I want to offer my appreciation, especially, to the gentlelady from California, (Mrs. BOXER) for her hard work to make Women's History Week again a reality.

It has been observed that a people deprived of their history lose a sense of their cultural heritage. The omission of women from history textbooks has indeed deprived generations of half their cultural heritage. As Charles Adams, the grandson of Abigail and John Adams, noted in 1876:

> The heroism of females of the Revolution has gone from memory with the Generation that witnessed it, and nothing, absolutely nothing, remains upon the ears of the young of present but the faint echo of an expiring general tradition.

The efforts to listen for those faint voices of historic women who pioneered the way for so many of us have never been stronger. By setting aside this 1 week a year, Congress urges the American people to look back, and to take notice of the women who have made important contributions to the shaping of our Nation as leaders, thinkers, artists, and pioneers. In our continued struggle for equal rights, for fair pay, and for equal educational opportunity and equal employment opportunity, we do well to recall the lasting achievements of women who have gone before us. Women's historic ability to not only challenge the validity of oppressive laws, but also to create meaning, purpose, and dignity in their lives despite legal, social, and economic limitations, provides all Americans with vital examples of courage.

Webster defines courage as: "A quality of mind which enables one to encounter danger and difficulties with firmness and without fear." Ernest Hemingway has more simply stated that: "Courage is grace under pressure."

Whether one goes by Webster's definition or by Hemingway's, our history is enriched with our recognition of the accomplishments of America's many courageous women.

Mr. Speaker, I would like to take this opportunity to call attention to the accomplishments of several very special women from my home State of Maine.

Maine has a long tradition of strong and independent women who have made great contributions to not only the State, but to the country as well, through their literary and artistic contributions, through their determination to exercise their medical and legal skills, and through their political efforts.

Women's resistance to the imposition of dominant and repressive mores has generally resulted in creative new approaches. Maine women have been creatively solving their problems—and thereby changing the world around them—for centuries. For instance, an old legend has it that the Passamoquoddy tribe was founded because a Penobscot woman was feeling stubborn. Her husband-to-be was a Maliseet from the St. John area while her tribe was from the west of Machias. He did not want to live with her people, as was the custom, and she refused to live with his. Finally, she suggested that they pitch their wigwam on the prosperous banks of the St. Croix. The new tribe that followed was reputed to be peaceful and to have lived lives rich with the bountiful harvests from the waters.

Maine has been a creative source in other ways as well. Among writers, Maine's daughters include Harriet Beecher Stowe, famous not only for "Uncle Tom's Cabin," but also "The Pearl of Orr"—her Maine story which is considered among many to be her best.

Another writer, who not only set the tone for realism but whose stories are still sought out almost a century later, is Sarah Orne Jewett. Jewett's collection of Maine stories, "The Country of the Pointed Firs," has been put in the same class as Hawthorne's "Scarlet Letter" and Mark Twain's "Huckleberry Finn." Yet, among how many high school reading lists is she required or even recommended with the zeal that these other two writers are? Jewett is a classic example of a great woman whose contributions to our time have been nearly silenced.

There are so many great writers among the women of Maine that it is impossible to cover them all here. But, any discussion of Maine writers would be grossly incomplete without at least a mention of Edna St. Vincent Millay. Despite the deprivation of a formal education, inaccessible because of poverty, Millay overcame these barriers with her rich imagination and love for stories and poetry. By the time she was 31, she had published three volumes of poetry, and won a Pulitzer prize. Her work, like that of Jewett's and Stowe's, is enjoying a renaissance among readers of classics.

One of the more remarkable documentations among those of women's history in Maine is the diary kept by Martha Moore Ballard. Beginning in 1785, when Mrs. Ballard was 50, the diary continues for 27 years ending just a few weeks before her death at age 77. What makes this diary so interesting in its chronicling of the public occurrences in the everyday life of the Hallowel-Augusta area is Mrs. Ballard's perspective as a physican, nurse, and midwife. She not only delivered 966 babies in this 27-year span, but also chronicles the everyday occurrences which dominated the life of a wife and mother of that time: the daily business of carding cotton, brewing beer, and cutting alders to make a fence. The diary does well to remind us of not only the day-to-day hardships of Maine's pioneering women, but also reminds us of the everydayness of the lives of even those women who were as central to their community as Mrs. Ballard.

There are so many women of strength and independence in the history of Maine. Women who left their home State to find their way into medical and law schools hostile to such pursuits on the part of women. Undoubtedly, it was the persistent challenging by these women of the archaic traditions that might have otherwise dominated them, that paved the way for those of us who have chosen to pursue public service in the State and Federal Government. Particularly, the successful career of Margaret Chase Smith provides a brilliant example to Maine women, and to all women, of what they can achieve in the public sphere.

Margaret Chase Smith, whose tenure in the U.S. Congress exceeds that of any other woman, served in the U.S. House of Representatives from 1940-49, and in the U.S. Senate from 1949 to 1973.

> If I am to be remembered in history,

said Margaret Chase Smith,

> it will not be because of legislative accomplishments but because of an act I took as a legislator in the United States Senate when on June 1, 1950 I spoke in the Senate in condemnation of McCarthyism at a time when the then junior Senator from Wisconsin had the Senate paralyzed with fear that he would purge any Senator who disagreed with him. That speech is known as the declaration of conscience.

But Margaret Chase Smith also earned distinction and the respect of her colleagues for her self-reliance, her firm grasp of the complexities of the Federal budget, and her astounding physical stamina. She worked long and hard to upgrade the position of women in the military. In her early years in the House she won a battle to give women regular status in the armed services rather than Reserve status.

Senator Smith announced her intention to seek her party's nomination for the Presidency in 1964, saying,

> I have few illusions and no money, but I'm staying for the finish. When people keep telling you you can't do a thing, you kind of like to try it.

In the final tally at the convention, Margaret Chase Smith—Maine's favorite daughter candidate—had more delegate votes than anyone else except the GOP nominee himself, Barry Goldwater.

When Senator Smith retired, the Senate was left without a single woman in its ranks.

> I'd hate to leave when there is no indication another qualified woman is coming in,

she said.

> We've built a place here for quality service.

The memory of her important contributions remains to serve as an example for us all.

I am proud to be able to commemorate Women's History Week by calling your attention to some of the special contributions that have been made by women from my State. I hope that recognition of their important accomplishments is never confined to 1 week a year. I also hope that Women's History Week will be a time when we reflect upon the lives of those women whose names we will never know. To imagine what it must have been like to be a pioneer woman facing daily hardships that are inconceivable to us today, or to be a black woman living in slavery gives us an important historical perspective for thinking about our own lives. Although often said, it is no less true today: to know where we are going, we must know where we have been. That is why Women's History Week is so important.

Mr. Speaker, at this time, I yield to Mrs. BOXER, the Congresswoman from California, the prime sponsor of this resolution who has worked so hard to insure that Women's History Week will again be recognized by Congress this year.

Mrs. BOXER. I thank the gentlewoman for yielding.

Mr. Speaker, at this time I would ask that the gentlewoman from Maine (Ms. SNOWE) yield to my colleague from Wisconsin (Mr. MOODY).

Ms. SNOWE. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. MOODY).

Mr. MOODY. I thank the gentlewoman for yielding.

Mr. Speaker, my colleagues and I have gathered together this evening to recognize March 4 to 10, 1984, as Women's History Week. Personally, I view this as far more than a commemorative week; it is an opportunity for all of us to stop and think about the many contributions, both historic and current, made by women throughout the country.

Women have been the focal point of sweeping changes in our social, economic, and demographic patterns. During the 15 immediate post-World War II years, American women bore and nurtured the massive baby boom generation. However, by 1980, more women than men were enrolled in college. Participation of adult women in the labor force has increased from approximately one/third of all women in 1950 to more than half in 1980. The accomplishments of American women are varied and notable. However, some are worthy of special distinction. An ideal example of superior achievement is that of Miss Mabel Raimey, the first black woman to graduate from Marquette University Law School, as well as the first black woman to be admitted by the State supreme court. Miss Raimey is a woman who has first-hand experience with achievement. Her personal struggle to be recognized as an equal in a white, male-dominated world reminds us how far we have come and unfortunately, how far we still must go.

At the age of 14, Miss Raimey was told by her family physician that women were not smart enough to become doctors. She graduated from the University of Wisconsin with an English degree, and was hired to teach in a Milwaukee elementary school. Three days later, someone discovered that she was black and she was dismissed. Three years of night law school at Marquette and graduation followed, the first black woman to do so. Miss Raimey practiced law in the Milwaukee community for over 40 years, accepting clients, black and white, regardless of their ability to pay. Characteristically, she also found the time and energy to work within the community throughout her busy career, in community service and for her church.

I am pleased to say that Miss Raimey will be honored by the National Association of Black Women Attorneys on March 21. Last May, she received recognition from the Black American Law Students Association of Marquette University Law School. Her acceptance speech sums up her perspective:

> Professionally, it was always my intention to serve all people, regardless of race, color, creed or economic abililty, in a fair and just manner.
>
> If my acceptance and completion of law school at Marquette University in the 1920's has inspired or encouraged anyone to enter the field of law, I am pleased.
>
> If any accomplishments that I may have made has had any influence on any young people, I am pleased more.

I am proud that Miss Raimey is a member of the Milwaukee community. Her accomplishments are particularly noteworthy because of the time in which she achieved them, yet we cannot allow them to be in vain. Employed women are still concentrated in relatively few occupations, and although their numbers and proportions in higher paying professional and technical jobs have increased somewhat, their earnings continue to average about 60 percent of men's.

The issues of sex discrimination and pay equity have not left us. In fact, they are pressing questions to be considered by this session of Congress. I urge my colleagues not only to recognize Women's History Week, but to remember the future of American women as well.

□ 1740

Ms. SNOWE. I thank the gentleman for his comments.

Mr. FEIGHAN. Mr. Speaker, will the gentlewoman yield?

Ms. SNOWE. I yield to the gentleman from Ohio.

Mr. FEIGHAN. I thank the gentlewoman for yielding.

Mr. Speaker, I am honored to join Congresswoman BOXER, and my colleagues in the Congressional Caucus on Women's Issues in this special recognition of Women's History Week. Throughout our history, women have not been recognized for their contributions—and the few who have achieved fame have been treated as exceptional. Fannie Hurst's epigram, "A woman has to be twice as good as a man to go half as far" has been and continues to be much too accurate an assessment of the limits our culture imposes on women.

In my community, one organization in particular has been struggling for almost 10 years to change that situation. In 1975, a handful of women's organizations that came together to plan Greater Cleveland's observance of International Women's Year formed a new organization called WomenSpace. WomenSpace was designed to serve as a central clearinghouse of ideas, information and womanpower, and it has met and surpassed the objectives its planners set.

In a few short years, WomenSpace grew to include more than 70 organizations and 700 individual members. It serves as a meeting place for people and groups with widely divergent interests and emphases: From politics to education to social services to employment. It includes the Junior League and the Welfare Rights Organization, the Girl Scouts and 9 to 5. The key to its success has been its ability to identify and meet the emerging needs of women in the Greater Cleveland community.

WomenSpace has brought the energy and resources of its membership to bear on a range of issues vital to women—and to the community. It has provided the organizational home for projects that mobilized public and private resources and agencies concerned with the problems of victims of domestic violence and alcoholism. It has initiated educational and advocacy programs to improve access to nontraditional employment opportunities. And it provides a Helpline that answers the questions and offers moral support to more than 7,000 women and men every year.

WomenSpace is one of the forces that has shaped the recent history of Greater Cleveland. More importantly, it is helping to shape our community's future. If we pay attention to their message, that future will be brighter and horizons will be broader for all of us.

Mrs. SCHROEDER. Mr. Speaker, will the gentlewoman yield?

Ms. SNOWE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentlewoman from Maine and the gentlewoman from California, and I really want to compliment both of them for putting this together.

It is so important that we point out the contribution that women have made in this country. In Colorado this weekend we, too, kicked off National Women's History Week and we are focusing on women as innovators. We had some very, very interesting displays that women have been innovative in.

When you really look at the world and you see some of our failings as human beings, it seems to be that very often we as human beings fail because we are not able very often to identify with other people who are suffering from some kind of social injustice or suffering from war unless we are that specific victim of a social injustice or war.

If you go carefully through the history books, as we in Colorado did as we began to prepare this, we found that one of the interesting things that women have done, and maybe one of the reasons that history has not treated them kind enough, is the fact that they have many, many times been the leaders in this whole area of dealing with social injustice for other people who were victims and dealing with war.

We went back and looked at Anne Hutchison, who was the one who stood firmly and said to the Massachusetts Bay Colony, "We started this country because of religious freedom. You are becoming oppressive just like the poeple that we were fleeing from," and went off and founded her own colony. There she was identifying with the victims of religious persecution.

We saw Mary Goddard, who wanted to participate very much in the beginning of this Republic, and is an innovator even though she could not write the Declaration of Independence. She was innovative enough to print it, and she was innovative enough to get on board early on with this great Republic and see that it had its potential and move it forward.

When you move to probably the most incredible social injustice that this country has ever suffered from, which was slavery, you see women once again in the forefront. You see Harriet Tubman, who put together a very, very ingenious way of making the underground railroad work. She decided that if they had maps, somebody would find them and break the code. So what she did was to write things that the white people thought were just nice little Negro spirituals and, instead, they were the entire key to the underground railroad in code. Since it was in people's heads, no one ever figured it out.

At the other end of the spectrum, we had Harriet Beecher Stowe, who was figuring that this country had to do something about slavery and how could she get people to figure out how very difficult it was to be a slave in this society. She was able to write the book that really captured many white people's imaginations, and for the first time they were able to identify with the victims of slavery and really help the abolition movement in the North.

We have seen women move into mental institutions and help change how we treat mental patients, once again identifying with victims. We have seen women move into prisons and change that whole focus as to how we treat prisoners, once again dealing with people who were victims of social injustice.

We have seen women leading over and over and over the cries for peace, whether it was the very first woman elected to this Congress, Jeanette Rankin, who stood firmly against war, who said that talking about trying to win a war was like talking about trying to win an earthquake, or whether it is the women we now see in England in Greenham Common who are knitting shut the gates and confronting militarism in their own inimitable way, but never forgetting to break for tea. They are leaving home to wage peace rather than to wage war, and I think it is in the tradition of women and what they have done.

So I think women as innovators is a very interesting concept, and especially when you see them as innovators in areas where most of the society has not paid much attention nor have they handed out much credit, and that is in the area of social injustice and in the big issue of peace.

I thank both of my colleagues, and I thank the gentlewoman from Maine for yielding to me to share with you what we have been doing in Colorado during this week.

Ms. SNOWE. I thank the gentlewoman from Colorado for providing some fine examples and illustrations of the courage of women and the pioneering spirit of women throughout our history in this country.

Mr. RAY. Mr. Speaker, will the gentlewoman yield?

Ms. SNOWE. I yield to the gentleman from Georgia (Mr. RAY).

Mr. RAY. I thank the gentlewoman for yielding.

Mr. Speaker, I am pleased to participate this week in National Women's History Week, and I rise today to honor and recognize all women who have contributed to our country's fine heritage—not only on issues of particular concern to them but on matters critical to the entire Nation. Their commitment has extended into the 1980's and, I am glad to say, is ongoing.

In recognizing the contributions of women, the record would be incomplete without mention of Rebecca Latimer Felton, a Georgian and the first woman to serve as a U.S. Senator. Appointed to fill an unexpired term, Mrs. Latimer nonetheless took her seat with grace and honor showing her male colleagues her intelligence, courage, and quick wit. Although her attitudes toward minorities in race and religion were typical of her time, she was a standard bearer for women's rights and a vocal opponent of liquor abuse, child labor, and convict leasing laws. Her social battles and political skirmishes were fought in the open. As a journalist, she wrote a column for the then triweekly Atlanta Journal. As a vocal leader of several groups, she rallied people behind her because they believed in her and her views.

Her most important contribution, I believe, was in paving the way for other women to enter national politics. Not only did she serve admirably, but she was memorialized at the time of her death by an early adjournment of the Senate. When she was first seated, she told the Senators and spectators assembled that they would not regret seating her and that they would welcome women Senators who would come after her. She boldly stated, and I quote: "* * * when the women of this country come and sit with you * * * I pledge that you will get ability, you will get integrity of purpose, and you will get unstinted usefulness."

Her activism on critical issues is something I admire in women today. Not to be defeated by barriers and long years of struggle, I have seen women strive tirelessly toward equality and the concept of equal pay for equal work. I applaud that. I firmly believe in the rights of women in choosing their own paths.

Unfortunately, there are still restrictions on women being able to make their full contribution. In the 1950's women earned an average of 64 cents on the dollar that men earned. Astoundingly, today, that figure has dropped to 60 cents. When a person is worried about the basics, such as child-support payments, tax and retirement restrictions, adequate and affordable child-care facilities, and many others, it is hard to think constructively about broader issues. In order to finally put women on an equal basis, I think the 98th Congress must address these inhibiting factors.

How do we make such substantial improvements in the lives of women which will enable them to make even greater contributions. First, we need to look at statutes which are still not sex neutral and change them so that they do not discriminate against women. I am a cosponsor and advocate of H.R. 2410, Representative SCHROEDER's legislation which addresses this critical problem.

Second, we should examine the lives of many women in this Nation and their special needs. We need to ask these questions: How can tax laws be modified to take into consideration the woman alone with children? The woman who is dependent on her husband's insurance and pension plans only to have it pulled away from her by death or divorce? The woman who wants to balance a career and family? And we will act on these proposals—if there is no other way—one law at a time.

Further, how can industries be encouraged to recognize these special needs of women in the workplace and address them without recourse to a legislative proceeding? It is already documented that firms who offer in-house day-care facilities have found a marked increase in productivity in both men and women alike. I believe that insurance companies should be urged to offer alternate premiums and plans tailored to all the variables in a person's life which are actuarily sound, thus, allowing a person to choose his or her own level of benefits. Here, I would like to applaud Representative HOLT's efforts in this controversial area.

Finally, I think it is time we stopped treating women like a minority or a special-interest group. Women compose 51.3 percent of the population. Politicians trend to call matters of particular interest to them women's issues, limiting the scope of consideration which the problems are due. I am here to say that these are issues which affect our entire Nation, and we should examine all such proposals more closely.

□ 1750

In closing, Mr. Speaker, let me say that I am pleased to serve with such a wonderful group of ladies in the Congress. I am pleased to be surrounded by at least 18 women staff people on my staff.

Ms. SNOWE. Mr. Speaker, I congratulate the gentleman from Georgia (Mr. RAY). I want to thank him for his fine comments and also for citing a number of problems faced by today's women. Hopefully, these are issues that will be addressed by this Congress.

Mr. Speaker, I now am glad to yield to the gentleman from Arizona (Mr. McCAIN).

Mr. McCAIN. Mr. Speaker, this week has been proclaimed Women's History Week. I rise today to pay tribute to the many inspirational women from Arizona whose hard work, dedication, and resolve led to their successes. There is one Arizonian, who most exemplifies these qualities and should be recognized for her outstanding achievements. Mr. Speaker, I am, of course, referring to Sandra Day O'Connor.

Sandra Day O'Connor is the first woman to be appointed to sit on the Highest Court in our Nation. The Chamber of the Supreme Court took on a new dimension with her appointment. The Court's motto: "Equal Justice Under Law," became more than written or spoken words, but visually represented.

Her appointment dramatized the changes that have taken place in every segment of our society. It is interesting to note that, although Sandra Day O'Connor graduated from Stanford Law School in 1952 as a member of the Order of the Coif and Stanford Law Review, she was unable to obtain employment as an attorney. Why? Because law firms would not hire women. One of her first job offers was a position as a legal secretary only. After patient, persistent, and many times frustrating efforts, Justice O'Connor became deputy county attorney in San Mateo, Calif. Today, the outlook for women in the legal profession has significantly improved. Some 50,000 women are pursuing careers as lawyers. They represent about 12 percent of the profession, and the proportion is growing: One out of three students now graduating from law school is a woman.

I salute Justice Sandra Day O'Connor's outstanding years of service as a legislator, judicial officer, and legal representative. Her achievements include that of deputy county attorney in San Mateo County, Calif.; assistant attorney general in Arizona, Arizona State senator from 1969 to 1975; Arizona State majority leader in 1972; Maricopa County superior court judge in Phoenix, Ariz.; and an appointee to the Arizona Court of Appeals.

Not only has Justice O'Connor excelled in her professional working life, but she also raised a family of three children. She has thus demonstrated a woman's capacity to be successful in a career while balancing the responsibilities of a family and homelife.

Again, I want to express my honest esteem and admiration for Justice O'Connor and all the women in Arizona who have enriched our Nation through their knowledge, achievements, and contributions to our society.

Ms. SNOWE. Mr. Speaker, I want to thank the gentleman from Arizona (Mr. McCAIN) for the contribution he has made to this special order. Certainly, as women, we take pride in the fact that Sandra Day O'Connor is the first woman on the Supreme Court. Again I thank the gentleman from Arizona.

I now yield to the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. Mr. Speaker, I thank the gentlewoman from Maine (Ms. SNOWE) for yielding, and I must say that I was really taken by our colleague's remarks about Sandra Day O'Connor.

Those are things that are near and dear to my heart because I, too, graduated from law school in 1960. I was one of two women in my class, and when I went down for five interviews to one of the Wall Street law firms, by the time I got to the sixth interview, the gentleman said to me: "You are terrific, but we are not hiring any women this year."

It is absolutely marvelous that we have progressed, as my colleague has indicated, with the law schools and the number of young women who are in law schools and graduating and becoming associates in firms. There are not many in partnerships, but they are beginning to get there with their period of time in seniority.

But the doors are opening, and it is wonderful that it is occurring.

I congratulate the gentlewoman as well as her comments regarding Justice O'Connor.

Mr. Speaker, I want to start by congratulating the gentlewoman from Maine (Ms. Snowe) and the gentlewoman from California (Mrs. Boxer) for taking the lead in our 1984 celebration of Women's History Week. We who seek to make history must build on the lessons of the past.

Women's history is old and distinguished. But the study and awareness of women's history are very new indeed. It was not until 1981, in fact, that this Congress took note of the contributions of women by declaring a week in March "Women's History Week."

I am proud to report that my city, New York City, is celebrating an entire month of women's history, under the capable direction of the New York City Commission on the Status of Women.

Whether for a week, or for a month, or all year long, we seek to make visible what has been forgotten and neglected. We know that our own mothers and grandmothers were heroines. Through efforts such as this one our sons and daughters will learn, as we may not have learned, how much women—as individuals and as community members—have contributed to our past and our future.

□ 1800

We are still in an era of firsts—the first woman traveled into space since last we observed Women's History Week. Many women in political office and in the professions are the first women to serve their communities in that capacity. It is easy to forget that this country has a rich tradition of pioneering women who paved the way and also easy to forget how they had to struggle to do so.

So Women's History Week is our opportunity not only to recount women's achievements, but to understand what obstacles still stand in the way of all women seeking their rightful place—not behind the throne or behind a great man—but as great shapers of history in their own right. I am delighted to again be taking part in this observance.

Ms. SNOWE. Mr. Speaker, I thank the gentlewoman for participating in this special order and for her excellent statement and her efforts on behalf of women in this country.

Now I yield to the gentleman from New York (Mr. Mrazek).

Mr. MRAZEK. Mr. Speaker, I thank the gentlewoman from Maine and the gentlewoman from California for allowing me to participate in this special order on behalf of Women's History Week.

Mr. Speaker, I would like to take this opportunity to recognize the outstanding achievements of extraordinary women from New York's Third Congressional District. Recognized as America's most distinguished cytologisty, Dr. Barbara McClintock has most recently been awarded the Nobel Prize in medicine for her biological work on "gene jumping."

Dr. McClintock, whose work has been regarded as heretical by many of her colleagues over the years, was hailed by the Nobel Committee as the product of "great ingenuity and intellectual stringency." Her discovery that beads of genetic information in each cell, "can jump like pearls moving mysteriously from one necklace to another," helps to explain how cancer cells may develop, how bacteria can become resistant to drugs, how viruses work and how, by laboratory methods, an ordinarily inherited gene can be mechanically transferred from one living organism to another.

The circumstances surrounding Dr. McClintock's receipt of the Nobel Prize are regarded as unusual in a number of respects. First, the prize was awarded on work that she had done on Indian corn nearly four decades ago. Second, she is the first woman to win an unshared Nobel Prize in physiology of medicine and only the third woman to win the award in medicine. Dr. McClintock succeeds Marie Curie, who won the Nobel award in 1911, and Dorothy Hodgkin, who won the award in 1964, both for medicine.

While her views were perceived as unorthodox for many years, a colleague of hers stated that, "It didn't help that she was a woman." In 1919 at the age of 17, Dr. McClintock enrolled in Cornell University with the intention of majoring in plant breeding but the department would not allow a female major. She instead switched to botany, where she was able to carry on her work on genetics. As a graduate student Dr. McClintock won fellowships and an assistant professorship for her work on genetics of corn, but she was prevented from obtaining a tenured position because she was a woman.

It is fortunate that these setbacks did not deter Dr. McClintock in her pursuit of her studies. The Nobel Prize is just the latest of many awards that have been bestowed upon her. The list includes being the third woman to be elected to the National Academy of Sciences, being awarded the National Medal of Science in 1970, and being the recipient of the MacArthur Foundation fellowship and the Albert Lasker Award, both in 1981.

Marie Curie in 1923 stated that, "the way to progress is neither swift nor easy." I commend Dr. McClintock's dedication and diligence in the study of genetics. At a news conference Dr. McClintock stated:

> I knew what I was doing (many years ago) wasn't acceptable. That was all right. * * * When you know you're right, you don't care. You know sooner or later it will come out in the wash.

I might add that I have had something to do with that Nobel Prize as well, because I was on the maintenance crew of the laboratory where she worked and I mowed the lawn right outside her laboratory during three summers that I was going to college, so in a way I suppose I should share in that award; but I would like to thank the gentlewoman from Maine very much and the gentlewoman from California for allowing me to participate in this special order on behalf of Women's History Week.

Ms. SNOWE. Well, we are certainly pleased that the gentleman did, I say to the gentleman from New York (Mr. Mrazek), and we certainly appreciate the gentleman's sharing with us the background and the history of Dr. McClintock's discoveries and efforts; so I thank the gentleman again for participating in this special order.

Now I yield to the gentlewoman from California (Mrs. Boxer).

Mrs. BOXER. Mr. Speaker, I thank the gentlewoman so much. I again want to thank the gentlewoman for the work she put into organizing this special order. We worked together very well on this and for her dedication to women's rights.

As we stand here recalling some of the experiences that lead us to feel that Women's History Week is important and we hear about the stories of Congresswoman Ferraro and Justice Sandra Day O'Connor, I remember my own story that in 1962 I went to work with an economics degree and studied hard to pass the exam at the New York Stock Exchange to become a stockbroker, got a job in a brokerage firm and was told that I could only really be a secretary there, that I would have to leave and find another job if I was interested in selling securities. I eventually found that job, but the amazing thing at that time was that we really did not question the prejudices. I think that is why such occasions as this are so important, because we are looking back and we are seeing the great accomplishments that women have made to our great Nation. It means that we can set a higher standard for ourselves.

I am particularly proud, Mr. Speaker, because as the author of Women's History Week, I want you to know that the idea of Women's History Week began in my district in Sonoma County 3 years ago and it spread like wildfire across this great Nation, all the way from Maine and other points on the east coast and eventually it worked its way to this Congress where it has passed now for three straight occasions; so we have a time to look at the contributions made by women in this country of every race, every class, every ethnic background, and how they shaped the culture, the politics, the economics of our Nation. For many years women have been fighting for the same basic rights that women are fighting for today; decent housing, food and education for their children, a healthy workplace, economic fairness, and a clean environment.

Women have been working to keep peace in the world and today more than ever as we look around we see that they are the key grassroots organizers and leaders in the ever growing worldwide push for a stable peace, free from the threat of nuclear annihilation.

I am very proud of that and there are many women in my district who worked very hard for that.

Women have contributed really to every great movement in our Nation, yet from kindergarten through college America's children grow up with a really limited notion of this rich history, and it is creating a great big void which Women's History Week is hoping to fill.

I have a list of many women throughout history, going back to 1788, 1804, and all the way through from slaves that have contributed, to people who have fought for women's right to vote and on and on until we get really to this great Congress, where I see women and we see many of them every day striving for equality, justice, and peace on this floor and speaking out for these very important issues, and there are not too many of us, but I think the importance of Women's History Week is this, that if we really open up our minds in this great Nation as to what the women of this country can offer, we will see more of us in the Congress. We will see more of us in the Supreme Court and we will see a fair balance come to this great country.

Finally, in 1984, we saw the equal rights amendment come to this Congress and we saw that it lost by just six votes. I am confident that it will pass, because Women's History Week is not enough. We must dedicate ourselves, not just this week, but every day, to see that equality and justice for women are put into the Constitution.

We need the equal rights amendment. It is a very simple amendment, just a few words, "Equal rights under the law shall not be abridged or denied by the United States or by any State on account of sex."

Appointments are important, but they are not enough. We have to reach out to all the women of this country, not just to a select few, and the ERA is fairness and justice and it will do it.

I will predict, Mr. Speaker, that with the ERA and the Constitution, some day when we look at women making history, when we look back on Women's History Week, we will have endless numbers of women because the opportunity will not have been denied to them.

Again I thank the gentlewoman from Maine for working on this special order with me.

Ms. SNOWE. Mr. Speaker, I want to thank the gentlewoman for her remarks and again commend her for securing the passage of this resolution in the Congress. She is absolutely correct. Women's History Week is to honor those who preceded us and to honor all women in America today and hopefully in the Congress that we will pass legislation to create more opportunities for women and that we share an equal representation at all levels and all segments of society; so I appreciate the contribution the gentlewoman has made and I am pleased that I was able to work with her in providing this special order here this evening.

Ms. OAKAR. Mr. Speaker, will the gentlewoman yield?

Ms. SNOWE. Yes; I am glad to yield to the gentlewoman from Ohio (Ms. OAKAR).

□ 1810

Ms. OAKAR. I certainly want to associate myself with the remarks of both of you and thank you for allowing us to have this special order.

I just want to make a couple of comments about Women's History Week. When we began working for this resolution a couple of years ago some of my colleagues thought it might be on the frivolous side.

The truth of it is that I am a former teacher and that there was very little said in the textbooks of our great country about the contributions of women. Very little, for example, was said about Susan B. Anthony, who gave 50 years of her life, and she herself was put in jail for attempting to vote. She died in 1906, before the Anthony amendment passed in 1920. She herself never had the right to vote, even though she gave 50 years of her life.

And others, like Elizabeth Cady Stanton and some others.

So it is important to remember them and others who have made such a great contribution.

It is also important to remember the women who will never have a book written about them, like my mother and your mother and our grandmothers who were the individuals who believed in fostering the education of their children, many of our immigrant women, many of our black women, who were not afraid to scrub the floors of school buildings and work in somebody's home so that their children would have a decent education.

So often they were heads of households. It is important to remember those unsung heroines as well.

I just hope that our calling attention to 1 week out of the year to commemorate the contributions of more than 50 percent of the population will make our educators who publish these books print more about the contributions of women in society so that all people in this country will look to women as role models in terms of the formation of what is the greatest country in the world.

I want to again commend both of you and thank you for yielding this time to me. I hope that we can bring some of the issues that we are all concerned with, the issues of economic justice and others, to the forefront so that women and men in this country will have a decent quality of life.

Mr. Speaker, I rise in support of House Joint Resolution 422, designating the week of March 5, 1984, as "Women's History Week."

Historically, a woman's role has been defined by her position in the family. While it cannot be denied that the influence of wives and mothers was and is of central importance to our society as a whole, neither can it be denied that therein the influence remains. Even today, in the mideighties women are in great measure looked upon as subordinates. Our voices have been silenced and our ideas fettered. I firmly believe that a chief villian in the unconscious mind-set which perpetuates the myth that women are invisible and inconsequential is the American textbook.

Only in the mid-19th century, with the emergence of suffragism, were women offered a route to social equality. Yet, as we are all well aware, enfranchisement was only realized in 1920 with the 19th amendment. I would venture a guess that the better than half a century battle for the ballot is covered in less than five pages in our history books.

Mr. Speaker, this is but one example of the neglect women have had in American history. Surely, I could cite dozens more, however, as legislators, mothers, and fathers, we have a unique opportunity to correct the inadequacies found in history by supporting this important resolution. We owe it to our youth to give them as much knowledge and guidance as possible. Recognition of the important contributions women like Elizabeth Cady Stanton, Susan B. Anthony, Jean Margaret Gordon, Sister Josephine Marie Papez, Mabel Douglass, the more than 1,000 female pilots of World War II, Emily Dickinson, Louisa May Alcott, Eleanor Roosevelt, and Mary Lyon—to mention but a few—have made certainly will enhance the growth of our Nation. There is no doubt that these women and many more who will remain unsung heroines of our past made a lasting mark in American history.

I hope that every Member of this body joins me in supporting this worthwhile week of recognition.

Thank you, Mr. Speaker.

Ms. SNOWE. I thank the gentlewoman for making a contribution to this special order and for her excellent statement, and again for her underscoring the obvious omission in many of the textbooks and the fact that we need to highlight the contributions made by women in history as well as those women today.

So, again, I thank the gentlewoman for her contribution.

Mr. LEWIS of Florida. Mr. Speaker, will the gentlewoman yield?

Ms. SNOWE. I now yield to the gentleman from Florida.

Mr. LEWIS of Florida. Mr. Speaker, in recognition of Women's History Week—I wish to highlight the contributions of some special women residing in my district who—by their actions and their service to their communities—richly deserve this tribute.

Few women in America have had such a significant impact in the field of agriculture as Mrs. Ruth Wedgeworth.

Upon the sudden loss of her husband in 1938, Mrs. Wedgeworth worked diligently to establish Wedgeworth, Inc., as one of the leading agricultural businesses in the State of Florida. Her work and development of the "celery market" throughout southern Florida clearly establishes her as a respected pioneer in Florida's agricultural growth.

Being the first woman selected as "Citizen of the Year" in 1975 by the Belle Glade Chamber of Commerce, named as "Woman of the Year" by Progressive Farmer magazine, and as director of the board of Florida's First National Bank, Mrs. Wedgeworth's talents and expertise have been appreciated by many.

While her endeavors in the agricultural field are truly remarkable, her dedication to community and church activities merit much recognition. Mrs. Wedgeworth has unselfishly devoted countless hours on the South West Palm Beach County Hospital Board and worked closely with young adults in her local church.

Those who know and love Ruth Wedgeworth believe her dedication and high degree of professionalism can be matched only by the warmth and inspiration which she extends to all. No doubt—Mrs. Ruth Wedgeworth has richly earned recognition during National Women's History Week.

I also want to pay special tribute to Marjory Stoneman Douglas—who has come to be known as Florida's first lady in conservation. Born in 1890, her many talents as author, playwright, editor, reporter, columnist, lecturer, and instructor only begin to describe the energy and vitality of this outstanding environmentalist and Floridian.

Sometimes referred to as the Mother of the Everglades, Marjory spent 4 years gathering material for her famous book "The Everglades: River of Grass," which was published in 1947 as part of the American River Series. Her research involved exploratory trips by canoe, rowboat, swamp buggy, and on foot into the Everglades, a vast wetlands of sawgrass and water.

As one of the original crusaders in support of establishing the Everglades National Park, she was the first person to compile a thorough history, description, and guidebook on the Everglades which included the recent studies and findings of all fields of natural science. Her best selling book was acclaimed by the New York Herald Tribune as "A fabulous book of a fabulous Florida"—and recommended to "all readers concerned with American life and the general relation of man to nature."

Marjory has written many other works, but I believe it is her love and appreciation for the Everglades which has inspired and had such a tremendous effect on new and old residents of Florida and their outlook on this vast wilderness that preserves and protects so much of Florida's natural beauty and wildlife.

If you are in Palm Beach County and turn your radio dial to 1340 AM, Monday through Friday, between 9 in the morning and noon, you will hear the voice of another notable Florida woman, Valerie Aspinwall. As co-owner and program director of WPBR Radio in Lake Worth, Valerie has given much of her time and talent to supporting charitable causes in south Florida.

Valerie cohosts the Palm Beach AM talk show on weekday mornings and at other times allows her station to be used for fundraising for many worthy causes. Through public service announcements and prereserved blocks of time, charitable organizations are able to raise much-needed financial support from the community.

For 9 years, WPBR hosted the first local radiothon as part of the national effort to raise money for leukemia research. For its efforts, the station received the Spirit of Life Award from the City of Hope, the well-known cancer and catastrophic diseases research facility in California.

Recently, the Thrill Speakers, an award-winning debate team from Twin Lakes High School, held their 8-hour annual radiothon on WPBR to raise funds for their travel expenses. These are only two examples of the community-oriented policy Valerie has set for WPBR.

Her own personal commitment to charitable causes includes service on a number of civic boards of directors, including the Palm Beach chapter of the Leukemia Society of America, the Palm Glades Girl Scout Council, the local chapter of Women in Communication and the Sun Festival—a month-long cultural event in Palm Beach County.

Each year Valerie and her husband run an annual golf tournament dinner dance to raise money for leukemia research. Last year the event raised $65,000.

Having been elected Woman of the Year in 1981 by the Palm Beach County Commission on the Status of Women, it is appropriate to recognize Valerie Aspinwall and her achievements during Women's History Week.

AMELIA HOUSTON

For more than 50 years Mrs. Amelia Houston has given unselfishly in support of her community. From early struggles she is now recognized as a major force in such business areas as investments and real estate.

The success she has enjoyed is evident by her many appointments to board of directors, advisory, and steering committees throughout the State of Florida and Nation.

Probably her greatest contributions have been to local government, especially in the area of community support for local law enforcement. It was her steadfast dedication to principles and ideals that enabled her to stave off potential explosive situations during the racially troubled 1960's and 1970's.

She feels, however, that her most significant contributions have been to her church. She has served as president of many church-related organizations and has traveled both nationally and internationally on their behalf.

Nancy Sayler is another remarkable energetic woman in Florida's 12th district. Of all Nancy's achievements, the one I want to bring to your attention is her commitment to developing and implementing a drug abuse prevention program in Palm Beach County.

As a provisional member of the Junior League of the Palm Beaches, Nancy was the first person to collect usable data to evaluate the seriousness of the drug abuse problem in Palm Beach County. From that point, Nancy was instrumental in organizing the GATE-South program, otherwise known as gain awareness through education. This is a nonprofit, community outreach program. It is staffed by trained volunteers and the program has been licensed by the Florida State Department of Health and Rehabilitative Services as a drug education and prevention program. GATE program volunteers work with children, parents, and teachers.

In addition, Nancy has helped to spearhead the chemical people project in Palm Beach County. Her enthusiasm has helped to build an overall community support system that is a network of parents, schools, and the entire community, and provides for a most effective method of combating the drug and alcohol problem.

Nancy's efforts in establishing a workable and successful drug abuse prevention program in Palm Beach County make her worthy of recognition during this important week.

It is an honor to recognize Mrs. Evelyn Blum, who's admirable work in the prevention of child abuse in Palm Beach County is indeed outstanding.

In 1970, Mrs. Blum received the Florida State Mother of the Year Award in recognition of dedicated and unselfish contributions for her community and religious efforts.

As the president of Palm Beach County's Family Service, and admissions chairman for the Nelle Smith Home for Dependent Girls, Mrs. Blum saw an ever-growing need to establish a program which would help to counsel children and parents dealing with the tragic problem of child abuse.

In 1977, Mrs. Blum established Parents in Need, an organization which sought to extend a much-needed hand to those families who desperately sought out support systems. Mrs. Blum has placed a 24-hour "hot-line" in her own home as a means to provide an ever-present shoulder for those who may need help.

Her active participation on Florida's Child Advocacy Board and the Child Abuse Neglect Committee has earned her the much deserved respect of all who are involved with the ever-increasing problem of child abuse.

Last November, Mrs. Blum received Florida's first Eleanor Roosevelt Humanitarian Award.

This honor, given to those who are truly outstanding in their humanitarian efforts, is a fitting award for one as special as Mrs. Blum.

Mrs. Blum, your love and dedication to end the needless suffering which exists in our families today is indeed inspirational.

□ 1820

And in concluding, I would like to say and give praise to all those women who work so hard throughout this great Nation of ours to make it a greater nation and a more wonderful place to live.

Ms. SNOWE. I thank the gentleman for his outstanding statement and sharing with us numerous examples of women who live in his district of Florida who have shown courage and distinction in their own right.

So I appreciate his providing us with that testimony here this evening. I thank the gentleman. Now I would like to yield to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON. I thank the gentlewoman very much. It is a pleasure to join with her this evening in this special order on Women's History Week, and I commend her on her leadership in establishing it.

Mr. Speaker, as the distinguished Connecticut author Harriett Beecher Stowe once commented "* * * women are the real architects of society." I am pleased and proud, as an original cosponsor of the resolution to designate this week beginning March 5 as "Women's History Week" to pay homage to the women from my State who have designed and helped construct the foundation for our country.

Connecticut women are recognized for their endeavors in every field—from the early beginnings of the movement to fight slavery to the fields of education, the literary arts, politics, the labor movement, and civil rights. Some of our Nation's heroines were born and raised in Connecticut, and many of them still reside there.

Connecticut has a particularly long and proud history of women in politics. With 23.5 percent of its State legislature composed of women, it ranks third in the Nation for the percentage of women serving terms of office in State capitols around the country. Former Connecticut Gov. Ella Grasso was the first woman elected Governor of any State in her own right in 1974 and served to inspire other women from around the Nation to run for this office as well. Judicial accomplishments are equally noteworthy, with one women in the Supreme Court, and 11 women serving in the Superior Court system of the State.

Certainly one of the most inspiring women to run for Congress was playwright, author, war correspondent, ambassador, and political activist Clare Boothe Luce. The brilliant Luce distinguished herself in all of these professions, rising to the top in every single one of them.

Recognizing her political talents, GOP leaders in Connecticut convinced her to run for Congress in the district once represented by her stepfather. She campaigned hard, winning the nomination over six opponents and the general election in 1943. Luce's capacity for hard work only enhanced her other qualities. Legislation she introduced included a bill to acknowledge the national responsibility of the United States for the Yalta surrender of Poland to the Soviet Union; two bills to authorize the admission and naturalization of East Indians and Chinese on the same quota percentage as nationals of other countries; a bill to authorize a study of the refugee problem; and a bill to establish a bureau in the Department of Labor to insure workers equal pay for equal work, regardless of race, color, or creed. Her talents helped earn her an ambassadorship to Italy during Eisenhower's administration.

Another distinguished woman Member of Congress from Baltic, Conn., was Chase Going Woodhouse, who served two terms from 1945-47 and 1949-51. She has been described as one of the most dynamic women ever to serve in Congress, as she distinguished herself by her wide range of interests and by her abilities to translate these interests into public policy. Moved by the ravages of inflation that she observed in Germany, she worked long and hard to obtain congressional approval for a plan to establish an International Monetary Fund (IMF). She is also given much credit for the eventual incorporation of the IMF and the International Bank for Reconstruction Development into the United Nations. During her last term in Congress, she sponsored the equal pay bill. After she left Congress, President Truman appointed her special assistant to the Director of the Office of Price Stabilization in recognition of her technical expertise.

All Americans can be especially proud of the contributions of Connecticut women to the antislavery movement. Beginning in 1831, Prudence Crandall from Canterbury enraged the local community by teaching a young black woman in a boarding school. After unsuccessfully establishing a school for other young black girls following this incident, she was publicly humiliated, stoned, and thrown into jail in 1833 for teaching without permission from the local authorities.

One notable black woman from Hartford, Maria Miller Stuart, was the first American woman to speak publicly at an organized informal series of lectures in 1831. A self-educated teacher and writer, she also published many of her works in the early 1830's.

Marion Anderson, who now resides in Danbury, also fought hard for the rights of black women. It is impossible for anyone to forget her stirring concert in 1939, fighting the same battles nearly a century after Prudence Crandall and Maria Stuart, before an audience of 75,000 at the Lincoln Memorial in Washington, D.C. Frequently and painfully the victim of racism, she was denied access to Constitution Hall, prompting the resignation of First Lady Eleanor Roosevelt from the Daughters of the American Revolution (DAR) who sponsored the concert.

One especially prominent business leader, Beatrice Fox Aerbach, is also fondly remembered by Connecticut residents. Serving as president of G. Fox Department Stores in 1938, she did much to protect the American worker, by instituting a 5-day, 40-hour work week, and by the establishment of a fair employment practices agreement. In 1942, her department store was the first major retail store to hire black people for meaningful positions.

These are only a few examples of the extraordinary contributions of women from Connecticut. Having been inspired by their stories, I hope each and every one of us will take some extra time to learn from all they have taught us.

□ 1830

Ms. SNOWE. I thank the gentlewoman for her statement here this evening and for the inspiring accounts that she cited about Connecticut women that reminds me of many of the women in Maine and Maine's history. In fact, the State Legislature in Maine has one of the highest percentage of women serving in the State legislature. And of course we had Margaret Chase Smith, who not only was the first woman to serve in the U.S. Senate and the House of Representatives, but was also the first woman to be nominated by a major political party for the Presidency of the United States.

So I think we share in common distinctions of women. And what reminded me in the citing of the gentlewoman's accounts about women in Connecticut is the fact that many of the battles that were fought long ago we are still fighting today.

So although we may have come a long way, we still have a long way to go.

On behalf of the gentlewoman from California, and myself, I want to thank all the Members here who participated in this Special Order this evening.

● Mr. MORRISON of Connecticut. Mr. Speaker, far too often in this country, the many achievements and contributions of women in our national heritage have gone unrecognized. I am therefore proud to join today with my fellow colleagues in celebrating Women's History Week. During these few days, we set aside time to pause and reflect on the enormous contributions women have made throughout the years.

I would like to share with you some of the notable accomplishments of Connecticut women.

One of the most distinguished women in Connecticut's history was educator Emma Hart Willard, who was born in Berlin, Conn., in 1787. At a time in history when higher education for women was not an accepted idea, Emma Hart Willard pointed out the need for further study in the basic branches of knowledge. She herself wrote some of the tests which were used in the seminary for women which she founded. Emma Willard died on April 15, 1870, and her place in the annals of American education is assured.

Among the most famous of Connecticut women is novelist Harriet Beecher Stowe. A native of Litchfield, the writer lived for a number of years in Kentucky, where she had her memorable encounters with slavery. When Harriet Beecher Stowe's "Uncle Tom's Cabin" appeared in book form in 1852, it created a sensation and sold 300,000 copies in a year. It was this book which stirred the conscience of the people of the North, and which immeasurably advanced the abolitionist movement.

Connecticut is justifiably proud of the achievements of Ella Grasso, former Governor of Connecticut. A member of the State general assembly in the 1950's, Mrs. Grasso served as Secretary of State from 1959 to 1970. During two terms in Congress as Representative from Connecticut's Sixth District, she ably served on the Veterans' Affairs and Education and Labor Committees. In 1974, Ella Grasso was elected Governor of Connecticut—the first woman in U.S. history to fill that office.

Women's History Week is being observed in a number of ways in Connecticut. Several rallies will be staged in New Haven on March 8, International Women's Day, and the Yale University women's studies program will screen the film "Taking Our Bodies Back." In Hartford, the Connecticut Historical Society is opening an exhibit on the contributions of black women to Connecticut's history.

It is my hope that Women's History Week will make us more aware of the importance of women in U.S. history, and will recommit us to the goal of full legal and economic equality for American women.●

● Mr. EVANS of Illinois. Mr. Speaker, I was pleased to join in sponsoring the measure introduced by Mrs. BOXER which designated this week, March 4-10, as Women's History Week, and am grateful for the opportunity to join in this special order.

Many of the women who contributed to the social, political, and industrial growth of America lived and worked in Illinois. Among the millions who devoted their lives to the care of families and the cultivation of the vast Illinois prairie, several deserve special commendation for their leading roles in our Nation's history.

Jane Addams devoted her life to humanitarian causes. She founded the Chicago Social Welfare Center known as Hull House, which served the needs of the thousands of immigrants—our ancestors—who flocked to this country in search of a better life. Addams was a lifelong activist, favoring prohibition and woman's suffrage, and a pacifist during World War I. She remained in the vanguard of social reform until her death in 1935, and we honor her commitment to those less fortunate.

The central interest of 19th century lawyer Myra Colby Bradwell was the freeing of women from legal repression. Long recognized as the Nation's most eminent woman lawyer, her 1869 application for admission to the Illinois bar was denied by the State supreme court on the grounds that she was a woman. When the Illinois Legislature passed an act in 1982 giving all persons, regardless of sex, freedom to select an occupation, Mrs. Bradwell declined to reapply for admission. Finally, in 1890, the State supreme court acted on her original application and admitted her to the bar.

Prudence Crandall, a teacher and abolitionist, is perhaps best known for her unsuccessful attempt to establish a boarding school for young black women in Connecticut. In the wake of that failure in 1842, she and her husband settled on a tract of land in Troy Grove Township in LaSalle County, part of the 17th Congressional District which I have the privilege to represent. There she conducted a school in her home and aided the movement for women's rights.

Civil War hospital worker Mary Ann Bickerdyke moved to Galesburg, also in the 17th Congressional District, with her husband and two sons in 1856. In the spring of 1861 she and other members of the Galesburg Congregational Church were deeply stirred when their pastor described the appalling conditions Civil War soldiers were suffering in southern Illinois. Her selfless care for the wounded, given under the most adverse circumstances and with rudimentary equipment, earned her the nickname "Mother" Bickerdyke.

While I am delighted to speak to the contributions these Illinois women have made to the development of our country, I am once again reminded of the social injustice which makes this special recognition necessary. Had women been considered equal citizens with equal access to the vast opportunities a new nation had to offer, perhaps acknowledgement of their contributions would be considered merely honorary and not necessary.

With the knowledge of this past oversight, it is a travesty that the Congress and State legislatures in this country have yet to make the fundamental correction necessary to prevent future repression. A simple 24-word amendment to the American Constitution would close forever the legal gaps which prevent today's women from assuming their full rights and responsibilities as citizens.

My remarks are meant to commemorate those women, named and unnamed, who have served this great country, and condemn those who seek to prevent the passage of the equal rights amendment, a measure to assure equality for all Americans.●

● Mr. UDALL. Mr. Speaker, in observance of National Women's History Week, I would today like to commemorate Representative Isabella Selmes

Greenway, Arizona's first and only woman elected to the U.S. Congress.

As an early settler in the Arizona Territory, Representative Greenway at times made her living as a homesteader, a rancher, and even as an airline and resort owner. Subsequently serving the entire State in the 73d and 74th Congresses, Representative Greenway demonstrated a sincere desire to serve her constituents as she sought and secured economic relief for Arizona during the depressed years of the 1930's. Perhaps inspired by her schoolchum and lifelong friend Eleanor Roosevelt, Arizonans and Washingtonians alike regarded Representative Greenway as an unintimidated humanist who dedicated herself to serving humanity first. In true pioneer spirit, Representative Greenway paved the way for passage of veterans' benefits legislation, and, after just 2 months in office, initiated programs creating 3,000 new jobs in her home State. An avowed environmentalist, Representative Greenway sat on the Irrigation and Reclamation Committee and the Public Lands Committee, as well as serving Native Americans on the Committee on Indian Affairs. It is no wonder she was overwhelmingly elected to serve a consecutive second term.

That pioneer spirit will long be treasured in the hearts and history of Arizona. It is fitting that such a remarkable woman be remembered and celebrated during National Women's History Week.●

● Mr. OWENS. Mr. Speaker, today we celebrate Women's History Week. The history of women, as with blacks, has long been surpressed. The history books that we learned from ignored both blacks and women. It is for this reason that I take the opportunity to speak about black women whose accomplishments have been so outstanding that their stories have not been lost.

Isabella Baumfree, popularly known as Sojourner Truth, became famous in her lifetime as a preacher, abolitionist, and lecturer. She was born a slave in Ulster County, N.Y., in approximately 1797. She was freed 30 years later by New York State's Emancipation Act of 1827.

Sojourner Truth felt that her name had been given to her by God along with a mission to travel and speak the truth. She traveled as an itinerant preacher and was popular as people believed she had mystical gifts. By the 1830's she had become involved with the abolitionist movement and worked to find housing and work for the escaped slaves who made the trip to the North. During the Civil War she raised money for the Union soldiers, which she distributed in the Army camps.

Harriet Ross Tubman escaped from slavery and became one of the most famous conductors on the underground railroad. Born in Maryland, she died in New York at the age of 93. She was so successful in helping to free slaves that she had a price of $40,000 on her head—and those were not the dollars of today.

Constance Baker Motley became the first black woman appointed as a Federal district court judge in 1966. This accomplishment capped a brilliant career in politics and civil service. Born in the West Indies, she sits in the southern district of New York where she has been chief judge since 1982.

While still a law student at Columbia University, Ms. Motley began working with the NAACP legal defense and educational fund. After graduation she became an associate counsel with the fund, gaining a reputation as a strong defender of civil rights.

There are many other outstanding black women who are remembered in history, but I would like to close by remarking on Lena Horne, a native of Brooklyn. Many of us have been entertained in the last year by "Lena Horne: The Lady and Her Music." I can think of few entertainers who have given so much to the world of theater over the years. Lena Horne began on the chorus line at the Cotton Club in 1933. For over 50 years she has brought joy to people through her music.

It is hard to compare lives dedicated to freeing slaves, bringing justice to the oppressed and entertaining and yet they all share the common thread of making lives better and more complete. It is a pleasure to take this opportunity to celebrate Women's History Week and the many women who have made our lives better.●

● Mr. DELLUMS. Mr. Speaker, the struggle for women's rights is a battle yet to be won. The status of women throughout the Nation and the world leaves much to be desired. While the struggle for women's rights continues, the role that women have played and will continue to play in the shaping of our society and the world is a source of national and international pride.

Women have given leadership even at a time when they lacked political power. Women today still do not possess the political and economic power which men have taken for granted. The commitment of women to a peaceful and livable world, free from oppression, exploitation, and discrimination has been exemplary. This commitment is best expressed today in the relentness battle being waged to make our planet free of nuclear weaponry, and war. The human compassion women display; the diligence with which women have accepted the challenge and pursued social change is unmatched by their male counterparts.

The search for equality will in all likelihood be frustrated if we prove ourselves too weak or for that matter unwilling to accept the monumental challenge which lies ahead. This challenge is one which will require creativity and ingenuity. A careful study of the history of the past 80 years, especially over the past two decades, demonstrates, contrary to prevailing myths, what women can accomplish if the barriers which serve to retard their growth and development are lessened.

The way to eliminate inequality as it relates to women and minorities, is not simply to enact appropriate legislation. We must also commit ourselves to enforcing these laws tirelessly. Discrimination against women in the labor market presists even after 20 years of the Civil Rights Act of 1964. Discriminatory practices by employers, both in the private and public sphere, continues to be a source of national concern in spite of the legislative strides which we have made over the past 20 years. Wage discrimination against women continues to make economic equity impossible.

During the period of the First World War, women began to enter the work force in increasing proportions. As for blacks, the coming of the war opened up employment opportunities which before did not exist. While women's participation in the work force increased, it was not until 1964, however, that women became legally eligible to receive equal pay for equal work. This was made possible through the enactment of the Civil Rights Act of 1964. Title VII of the act, was intended to put an end to discrimination on the basis of sex. But while women constitutes approximately 45.9 percent of the Nations work force today, the salaries which women receive, in comparison to their male counterparts, is much lower. The salary of women is estimated to be somewhere in the region of 65 of 75 percent to that of men. In most of these cases women work side by side with men performing the same if not similar work.

The contribution of women is least recognized by society. Much of the work which women have come to perform outside of the home still today reflects the so-called traditional duties performed imposed on women in the household. One of the main contributors to this negative trend on the job market is our failure to provide training to women comparable to that of men. Our educational system though drastically improved over the past 20 years, has still not grown to the point where women are guaranteed access to equal training in the field of science and technology. For us to move forward in the construction of a fair and just society we must commit ourselves to insuring that all Americans are provided with the training which will permit them to compete in all spheres of the society.

Our Nation today is experiencing tremendous economic difficulty. Women, particularly single women and those of middle and lower income, have come to bear a disproportionate share of the burden associated with these recessionary times. The present administration has been extremely insensitive to the economic plight of women as a group. Inflation, recession, high unemployment, high interest rates are taking their toll upon all Americans, yet the group most affected are women. The attack on entitlement programs unleashed upon the Nation by the Reagan administration has negatively affected women in the severest of ways. The administration is embarking upon a military program that threatens not only destruction of our planet but has had the economic effect of destroying the gains made by women in the 1950's, 1960's, and 1970's. We speak no longer, simply of poverty, today we speak of the feminization of poverty.

As we celebrate Women's History Week, let us move forward with a renewed spirit of commitment to the attainment of social and economic justice for all Americans. Harriet Tubman and Susan B. Anthony, two great champions for human rights and human dignity, would proudly endorse such an agenda. I am convinced that the battle against nuclear madness will be won and women will continue to lead in this battle. I am convinced that as we move forward into 1984, Congress will come to recognize the pressing importance of passage of the Constitution amendment which would, once and for all, give women and men equality in all spheres of our society.●

● Mr. PACKARD. Mr. Speaker, on February 29, I voted in the U.S. House of Representatives to designate the week beginning March 4, 1984, as "Women's History Week." I am pleased to have this opportunity to celebrate and honor the historic contributions of American women during this special order.

This is an appropriate time for Americans across the Nation to study the contributions and influence of American women to all aspects of our society. We cannot possibly do so without gaining a deep appreciation for the cultural, economic, and social role women have played in every sphere of our Nation's life.

It is true that we have much to do before women assume a full rightful leadership role in our society. However, I can point with pride to the accomplishments of women in the 43d District of California who have achieved positions of leadership and distinction, including Mary Casler, mayor of Carlsbad; Nancy Wade, mayor of Vista; Marian Bergeson, assemblywomen; Belinda Blacketer, president of the Saddleback Area Coordinating Advisory Council; and Harriett M. Wieder, chairman of the Orange County Board of Supervisors. Also serving with distinction on various city councils throughout the district are Ann Kulchin, Melba Bishop, Doris Thurston, Pia Harris, Gloria McClellan, Karoline Loester, and the many, many members on local school boards. In addition, I salute the women of my own staff who so ably serve me in my official duties.

I am proud of the work these women do for the quality of life that we are now enjoying in the 43d Congressional District. I am also grateful for the responsible women everywhere working with and for their families every day, who also deserve our appreciation today.●

● Mr. WILLIAMS of Montana. Mr. Speaker, Jeannette Rankin was the first woman elected to the House of Representatives, as the at-large Representative from Montana in 1917. Although JR was elected to office before the passage of the 19th amendment that gave American women the right to vote, JR had successfully worked for suffrage for Montana women, which was granted in 1914.

On April 6, 1917, 4 days after she became the first American Congresswomen, JR voted against the U.S. entry into World War I. During her first term, she sponsored legislation to aid women and children, and she worked for the Federal suffrage amendment. She decided to run for a Senate seat in 1916, but lost.

In 1919, she was a delegate to the Second International Congress of Women, which became the Women's International League for Peace and Freedom. JR became field secretary of the National Consumers' League, and in that capacity she lobbied on Capitol Hill for legislation to improve women's health and working conditions. In 1929, she became a lobbyist and field organizer for the National Council for the Prevention of War. In 1940, she again ran for Congress, this time as representative of the western district. She won this election, and on December 8, 1941, she cast the only vote against America's entry into World War II. As a result, she lost any chance for reelection in 1942.

During the remainder of the 1940's, JR ranched in Montana and traveled abroad to study pacifism. She was especially interested in Gandhi's work, and visited India seven times between 1946 and 1971. During the 1950's, she opposed the cold war and U.S. involvement in Korea.

The Vietnam war provided a new focus for her pacifism. The Jeannette Rankin Brigade was organized in 1967, and demonstrated against the Vietnam war in Washington, D.C., in 1968 when JR was 87 years old. She decided to run for Congress again, but ill health prevented her from doing so. She continued her antiwar activities, and died of a heart attack in 1973.

JR was a Republican who worked for what would today be considered liberal social causes. Her agenda focused on civil rights, equal opportunity, a better life for children and workers, and, her lifelong endeavor, world peace.●

● Mr. CLINGER. Mr. Speaker, I would like to take this opportunity to celebrate National Women's History Week by honoring the women of this country who have made historic contributions to the women's rights movement, and on a much larger scale, America. The names of Lucretia Mott, Elizabeth Cady Stanton, Susan B. Anthony, and countless others leap to mind when one considers the early days of the women's movement, and rightly so. Often overlooked, however, and the numerous unsung heroes of this movement, and it is to these women that I would like to call Congress attention today.

I refer to those women who have not only made substantial contributions to the women's movement, but to their own respective fields of expertise as well. These anonymous contributors come from every walk of life, and by working through such organizations as the American Association of University Women, the National Organization for Women, the Women's League of Voters, and many others, they have made great strides for women in the areas of employment and education.

It is to these anonymous heroes, then, that I join with my colleagues in Congress this week in lauding their efforts and achievements, for without them, America could not have hoped to become as great as it is today.●

● Mrs. HALL of Indiana. Mr. Speaker, I rise to speak in celebration of all women, regardless of race or color. I speak in celebration of our mothers and their mothers and the women who throughout history have given so selflessly of themselves. Because of their sacrifices, because of their blood, their sweat and their tears, we enjoy the bounty of this land.

With deep appreciation for all women that have gone before us, I would like to share with you some of the history of my own heritage via the Bethune Museum and Archives.

The Bethune Museum-Archives, Inc., National Historic Site, the only institution in the United States devoted to the documentation of black women's history, celebrates Women's History Week with the introduction of a kit and traveling exhibition.

"Black Women Organized for Social Change: 1800-1920," describes the local and national efforts of black women to address issues and problems specifically related to their race and to their dual status as females and Afro-Americans. The abolitionist, woman's rights and temperance movements were major priorities before the Civil War. From 1865 to 1920, relief work, institution building, education, woman's rights, child reform, lynching, temperance, and penal reform were key issues. It was through organized self-help activities that black women were able to address some of the most pressing needs of the Afro-American community. This exhibition explores the work of black women in three periods under the following headings.

I. "Black Women in the Antebellum Struggle for Freedom;"

II. "Black Women and Racial Uplift During the Civil War and Reconstruction, 1862-1920;"

III. "Lifting As We Climb: The Solidification of a National Movement, 1880-1920."

The black woman's club movement has been important for several reasons: First, it has been a major instrument in the development of leadership abilities among black women; second, it provided a support network necessary for improving the status of black women in the black community and in the larger American society; third, it functioned as an instrument to articulate the concerns of black women and to structure goals to be achieved by all black people; and fourth, it served as a mechanism for mobilizing black women and men to protest racial segregation and discrimination. Even a cursory perusal of this history reveals that the achievements of the black woman's club movement were indeed monumental. Proper dissemination of this knowledge will help repudiate the age old stereotype of club women sipping tea and socializing.

This exhibit was produced by the Bethune Museum-Archives, Inc., National Historic Site. It is accompanied by an educational kit which may be of great interest to individuals, organizations, and institutions seeking additional information on the important work of black women's organizations.

The kit may be ordered from the Bethune Museum-Archives, Inc., National Historic Site, 1318 Vermont Avenue NW., Washington, D.C. 20005. The cost of each kit is $38.●

● Mr. VOLKMER. Mr. Speaker, I am pleased today to join this special order to celebrate and honor the historic contributions of American women as we celebrate Women's History Week.

I rise today to acknowledge just a few of the many women who have played prominent roles in the history of Missouri, and more specifically in the history of the part of Missouri which is now the Ninth Congressional District.

Indeed, we do not have to walk too far from this Chamber to see the work of one prominent Missouri woman. Visitors to the U.S. Capitol often admire the life-size statue of Abraham Lincoln in the rotunda. It was the work of a Missouri woman—Vinnie Ream, the first woman commissioned by Congress to sculpt a statue.

The two women best known to Missourians from their history books are Sacajawea, an Indian woman who helped guide the Lewis and Clark expedition, and Madame Marie Chouteau, the mother of St. Louis.

Among the other women who influenced Missouri were these who lived in the part of Missouri I now represent:

Ann Hawkins Gentry, of Columbia, the second woman in the United States to be named a postmaster. She served from 1838 to 1865;

Phoebe Apperson Hearst, of St. Clair, was cofounder of the National Congress of Parents and Teachers and was a noted philanthropist;

Dr. Mary Hancock McLean, of Washington, Mo., was the first woman member of the St. Louis Medical Society and was a prominent physician in the early 1900's;

Lucile Mauntel, also of Washington, Mo., who as president of the National Federation of State Garden Clubs held national club honors, and;

Luella St. Clair Moss, the first woman member of the Columbia Board of Education during part of a long career in public service.

Missouri women had a particularly prominent role in establishing the early colleges in the State at a time when the State university would not admit women. Three of these colleges are in my district.

Christian College was incorporated in 1851 and the first seven students to matriculate were women;

Stephens College, also in Columbia, traces its ancestry to the Columbia Female Academy, which held its first session in the fall of 1833, and;

Camden Point Female Academy, established in 1848, later became William Woods College in Fulton.

More recently, many women have been elected to public office in counties and communities in Missouri's Ninth District. These women have served with distinction in offices from country judge to state legislator to mayor.

Among these women of achievement: State Representative Gracia Yancy Backer of New Bloomfield, Presiding judge of the Boone County Court, Norma Robb from Columbia, and former Hannibal Mayor Lillian Herman.

There are—and there were—many other prominent Missouri women whose names time does not permit me to list.

I do want to commend the gentlelady from California, Ms. Boxer, for her efforts in organizing this special order to acknowledge the achievements of women in our country.●

● Mr. REID. Mr. Speaker, a leader, in both large and small situations, is a person who can deal with humanity, a person who works diligently on behalf of others, a person who is sympathetic and, yet, with equal determination, is able to direct others to face their own circumstances and work on their own problems.

Throughout history, we have recognized the contributions of our Nation's leaders. Included in the most-enduring accomplishments are those of grassroots leaders, people who do not necessarily have national birthdays designated for them. Among the most courageous and insightful of these leaders have been women.

Because of this and more, I am both honored and pleased to cosponsor House Joint Resolution 422, "National Women's History Week," and to recount the impact of women on our history, economically, professionally, culturally, socially and politically. With great pride, therefore, I would like to take a moment to review the chronicles to honor the contributions of several notable Nevada women.

Nellie Verrill Davis, at 22 years old, married the founder of the Carson City Daily Appeal. When he became ill, she performed all duties from typesetting to full-time management. Having worked as a special reporter for two legislative sessions, Mrs. Davis bears the distinction of having been the first woman reporter in the West.

Helen Jane Wiser Stewart, who settled the desert wilderness in the southern part of the State, made various contributions to Nevada. For example, she was the first woman elected to the school board and one of the first women in the county to sit on a jury. Mrs. Stewart's son, Will, carried on the tradition of family firsts by helping to establish the town of Las Vegas.

Delphine Anderson Squires, who was the first vice president of the California Congress of Mothers (forerunner of the PTA), organized the first Las Vegas branch of the PTA in 1906. Like Nellie Davis, Mom Squires learned the heart of journalism and publishing when she and her husband, Charles, published and edited the Las Vegas Age, one of the first two newspapers in Las Vegas.

Nevada-born Una Reily Dickerson learned about politics early in her marriage. Her husband, Denver, at 36 years old, became Nevada's youngest Governor. However, Mrs. Dickerson served the public in her own way as Washoe County's law librarian for nearly 30 years. The mother of eight, Mrs. Dickerson was elected as Nevada's first "Mother of the Year" in 1945.

Maude Frazier, a pioneer educator, began her teaching career in the mining camps. She later taught at the served as principal for Las Vegas High

School. In 1921, Mrs. Frazier was Clark County's travelling superintendent of schools. Forty-one years later, at age 81, Mrs. Frazier was appointed Lieutenant Governor, the highest position ever held by a woman in Nevada State government.

Another early settler, Bertha Bishop Ronzone, spent her early married life in the mining camp of Manhattan, Nev. Realizing that the camp needed a store, she borrowed $500 and went into business. Later, she opened Ronzone's in Las Vegas, which, for years, was one of the State's foremost department stores

Medicine was the foundation for Dr. Mary Hill Fulstone's contributions to Nevada. The Eureka-born doctor showed her determination early when she was one of four women in her graduating class from the University of California Medical School in 1918. By 1975, she was the longest-practicing physician in the State of Nevada. In those nearly 60 years of rural practice, she had delivered more than 4,000 babies and performed nearly every task required of a country doctor.

Choosing America as home, Theresa Alpetche Laxalt and her husband, Dominique, left the Basque provinces of the Pyrenees to make northern Nevada their home. After spending years in sheep herding, they established a small hotel-restaurant business in Carson City. With a dream to give all of her children a college education, Mrs. Laxalt worked and made the necessary sacrifices, which brought rewards: one son became an author, one daughter a school teacher, another daughter a nun, and three sons, attorneys. To reflect even greater accomplishment, eldest son, Paul, moved from law into the governorship of Nevada; and, in 1974, he was elected to the U.S. Senate, where he continues to serve Nevada as its senior Senator.

The impact of these women on Nevada's history cannot be forgotten or replaced. Their contributions to the development of our great State continue to live not only in the ideas they shared but also in the courage they demonstrated.●

● Mr. LONG of Louisiana. Mr. Speaker, it has been said that history is largely a chronical of the doings of men as reported by men. Women's History Week is one opportunity to balance the historical record, to weigh the accomplishments and contributions of women on an equal scale of value.

Throughout our history women have been active participants in the development of our distinctly American national character, culture, and institutions. When we identify and honor the countless women who have helped, and are now helping build America, we fill in the gaps which have misled us about the significant role women play in our society.

Every Member of this House can point with pride to women from their States whose efforts and talents have made ours a great Nation. Women's History Week gives each of us an opportunity to do just that. I feel particularly fortunate that my own State of Louisiana can boast of the accomplishments and talents of many of her native daughters, not the least of whom is our own beloved colleague, Congresswoman LINDY BOGGS. LINDY is carrying forward the work begun by two outstanding Louisiana women who were born over a century ago in New Orleans, Jean and Kate Gordon. They were among those courageous Southern women who early espoused the cause of women's rights. In 1896 they founded the ERA Club whose letters stood for "Equal Rights Association." They worked then, as LINDY does now, to bring full participation to American women in the political, economic, and social arenas.

It is appropriate that I pay special homage today to my own mother, Birdie Shumake Long. She was born in 1892 in a tiny log cabin in the Macedonia community, and married my father, Floyd, when she was 20. They lived in a log house in the Five Forks area. He farmed while she peddled vegetables and milk from a buggy to lumber mill people living in the Atlanta area. She also boarded schoolteachers to augment the family income, especially to bring more education and culture to her three children.

My mother struggled to make a living with less than an elementary education, but she knew, and she taught me to know that education was the key to a better life. She hoped for her children and taught us to hope for ourselves. She taught us a respect and a love for learning that enabled us to achieve lives with wider horizons. She died this year, and I miss her greatly. With every year that passes I have a more profound respect for what she was able to accomplish with a minimum of material resources, but with a maximum of love, character, and determination. She, too, was carrying forward the tradition that was embodied in courageous Southern women—since the time of the Civil War—in bearing the responsibilities of holding together, not only families, but communities and society at large.

Our national culture has been enriched by a Louisiana daughter. I point with pride to Mahalia Jackson, a woman whose voice has thrilled millions. She was born in New Orleans in 1911, and began singing in her father's church choir as a young child. She left school after the eighth grade and worked through her teens and young adult years as a laundress and a maid. All the while she continued to sing in church choirs. She was a member of a quintet of singers who traveled to various black churches and were paid out of the silver offerings of the congregations. From these beginnings she rose to become the "Queen of Gospel," and excited the world with what she called a joyful noise unto the Lord. As her fame spread and her earnings increased, she donated a good deal of her time to singing in churches, giving music scholarships, and to fundraising appearances for a variety of causes. Mahalia sang in praise of the Lord, and lived according to His teachings. Today we can still marvel at her glorious voice when we listen to her outstanding recording of the famous gospel song, "His Eye is on the Sparrow."

In addition, I would like to memorialize the life of a woman born in my district who deserves special recognition during Women's History Week. She made a significant contribution in strengthening institutions created to help those in need. Eleanor Laura McMain was born on a farm on the Amite River 17 miles from Baton Rouge, La., in 1866. She dedicated her life to helping others, and was the driving force in founding one of the finest settlement houses in the world, Kingsley House in New Orleans. Eleanor was also instrumental in bringing about passage of the State's compulsory education law, and played a significant role in drafting the charter of the New Orleans Central Council of Social Agencies, the forerunner of the Community Chest. Among her firsts in the field of settlement work in New Orleans were the city's first vacation school, its first free clinic, its first public playground, and a Day Nursery Association. She was a social reformer credited with "taking the harshness out of institutionalism."

An Eleanor McMain Award is a coveted prize for volunteer workers. Once, when she accepted an award, she said, "I have done what I best love to do. I live and share my life with the dear people of the neighborhood."

Mr. Speaker, I am including with my remarks the biography of Eleanor Laura McMain, as follows:

McMain, Eleanor Laura (Mar. 2, 1866-May 12, 1934), New Orleans settlement worker and social reformer, was born on a farm on the Amite River, seventeen miles from Baton Rouge, La. Her father, Jacob West McMain, of Scotch-Irish descent and a strict Presbyterian by upbringing, had given up a flourishing mercantile and shipping business in Philadelphia, Pa., after the death of his first wife and had moved in 1846 to Baton Rouge, where he became a prosperous plantation owner. There he married Jane Josephine Walsh, whose parents, devout Episcopalians, had come to Louisiana from Ireland. Eleanor was their first daughter and the fifth of their eight children. During the Civil War, Jacob McMain served in the Confederate Army and lost most of his substantial fortune. The family returned in 1871 from the wartime refuge where Eleanor had been born to Baton Rouge, and there lived in genteel poverty while McMain served as dean and secretary of Louisiana State University until his death in 1884.

Eleanor McMain attended the Episcopal church and private girls' schools in Baton Rouge and was influenced by her father's strong idealism and intellectual curiosity. For several years after 1886 she served as a governess and teacher and then opened her own private school. She moved with her mother in the mid-1890's to New Orleans. There, in 1899, she entered a training class conducted by the Episcopal-sponsored Free Kindergarten Association, and the next spring became coprincipal of a diocesan kindergarten in a section of the city known as the "Irish Channel." Early in 1901 she accepted the position of head resident of Kingsley House Settlement, a social center, founded the year before, which incorporated the kindergarten and a nearby Episcopal mission.

After a preparatory summer in Chicago during which she took courses at the University of Chicago and studied the settlement movement at first hand at Graham Taylor's Chicago Commons and Jane Addams' Hull House, Eleanor McMain zestfully plunged into what was to be a thirty-year career of social service. In 1902, having reorganized Kingsley House on a nonsectarian basis, she opened the city's first vacation school and, with the cooperation of Dr. Sara Tew Mayo and other physicians, a free clinic. Two years later she inaugurated the first of many playgrounds established over the years by the New Orleans Playground Committee, of which she was an active member. When yellow fever struck the city in 1905 she led a clean-up and education campaign credited with saving the "Irish Channel" from the worst ravages of the epidemic. A neighborhood Anti-Tuberculosis League, her chief interest in 1906, grew to a city-wide organization under the leadership of Kate M. Gordon and others. The year 1909 witnessed the inauguration of a Day Nursery Association (Miss McMain became vice-president) and "Camp Onward," a summer retreat for Kingsley House children. Athletics courses for the blind, dramatics, even a short-lived "Southern School of Social Science and Public Service" (1914-15) were also part of the Kingsley House program. The work grew steadily after the excitement and innovations of these early years, and in 1925 an extensive new center, the gift of a local philanthropist, gave Kingsley House, in Jane Addams' opionion, "the finest settlement plant in the world" (Buell, p. 374). Covering a city block, it included a residents' house, library, auditorium, clinic, day nursery, gymnasium, and trade-school rooms. despite her many duties Eleanor McMain never became just an administrator, but always retained a warm capacity for friendship and a "gift, amounting almost to genius, of taking the harshness out of institutionalism" (New Orleans Times-Picaynune, quoed in Dubroca, p. 158).

Not only Kingsley House but all phases of New Orleans civic life keenly interested Eleanor McMain. In 1905 she founded and became the first president of a Woman's League, representing various New Orleans women's groups, to work for reform on many fronts. One success came in 1910 with the passage of a League-sponsored compulsory education law. As president of the Tenement House Association, formed at about the same time, she publicized the bad conditions unearthed in a 1904 housing survey on which she and a Tulane student had collaborated. She became a director in 1904 of Jean Margaret Gordon's Milne Home for Girls and lent her active and influential support to Miss Gordon's campaigns of 1906 and 1908 to amend the state's laws governing the labor of women and children. In 1921 she helped draft the charter of the New Orleans Central Council of Social Agencies, forerunner of the Community Chest, serving in 1927 as the council's president.

Though essentially a local figure, Miss McMain consciously attempted to connect her work with national and international movements. She was an active member of the National Federation of Settlements and Neighborhood Centers and for six years served on its executive committee. In 1923 she helped spread the settlement idea abroad when, under the aegis of the National Federation, she spent nearly a year in Paris organizing a new settlement house, l'Accueil Franco-Americain, founded by Mme. J. Catlin-Tauffleib, the American wife of a French general. She remained loyal, however, to New Orleans, turning down offers to head the Chicago Commons and other Northern settlements. The wide respect of New Orleans for Eleanor McMain was signalized in 1920 when she was awarded the *Times-Picayune* loving cup for outstanding service to the city; and in 1932 a city high school was named in her honor. Her health began to fail in the early 1930's and by 1932 she was confined to her bed much of the time. She died two years later in New Orleans of a combination of heart ailments and hypertension. After services at Kingsley House and at St. James Episcopal Church in Baton Rouge, she was buried in Magnolia Cemetery in that city.●

● Mr. BERMAN. Mr. Speaker, Women's History Week provides a good opportunity to remember that we do more than celebrate and honor the historic contributions of American women during this time. We also recognize the important and long lasting contributions of women's history to academic and scholastic endeavor.

Across the Nation, colleges and universities participate in this effort in many different ways. History and literature programs introduce the contributions of women into discussions, filling gaps in our study of those disciplines. Meanwhile, scholars delve into the records and documents to gain insights from the woman's perspective. Some of the current issues we face in this House such as the feminization of poverty are not new. This important scholarship may shed new light on some of our most pressing contemporary problems.

This and other study has develop into an exciting academic discipline. A growing number of institutions of higher learning have established women's studies programs which allow students and scholars to explore the different aspects of women's perspective. I am pleased that the University of California at Los Angeles has had a women's studies program since 1969. Programs such as these will provide lasting contributions to the study of women's history and place in society.

I commend my colleague from California, Mrs. Boxer, for organizing this special order. Today we can honor outstanding women who have contributed to our Nation's history. The ultimate effects will be felt when women's history is recognized as an essential part of all history in our schools, at the elementary and secondary level as well as in colleges and universities. Recognizing women's history makes American history richer, vibrant, and living.●

● Mr. DWYER. Mr. Speaker, it is a pleasure for me to rise today and join my colleagues in commemorating Women's History Week, and I commend my colleague Congresswoman Boxer for arranging this special order.

As a cosponsor of House Joint Resolution 422, proclaiming March 4 through 10 as "Women's History Week," I feel that it is especially important for the Nation to set aside this time so that we can all recognize and celebrate the vast contributions women of all races, ages, and cultures have made to American history.

American women have played, and continue to play, a critical role in the economic, cultural, and social spheres of our country. However, their contributions have often been overlooked and undervalued. American women have both provided the foundation of our American lifestyle and been at the forefront of it many progressive social changes. Every woman in America's past has made a contribution to shaping America's future, from homemakers to labor force participants to those who have fought for independence and equal rights to those who have taught, nursed, and pioneered.

American women have not sat on the sidelines of America's future but rather have been important successful participants and it is our responsiblity to highlight these facts so that every young person in America recognizes their rich contribution to his and her future.

Celebrating such noteworthy women as Betsy Ross, Dolly Madison, Harriet Tubman, Susan B. Anthony, Eleanor Roosevelt, Margaret Mead, Sandra Day O'Conner, and Sally Ride, to name just a few, will provide American's young women with valuable role models and encourage them to believe that as women their opportunities are limitless. It is my hope that schools, libraries, and community organizations will take time this week to recognize and celebrate the countless contributions American women have made to our history.●

● Mr. BARNES. Mr. Speaker, on the occasion of Women's History Week, I would like to honor a woman who singlehandedly transformed the way Americans think about the environment: Rachael Carson.

Although she grew up in Springdale, Pa., the well-known marine biologist, ecologist, and writer was a resident of Montgomery County, Md., during her most productive years and died there in 1964. She had an early interest in and love for science and graduated from the Pennsylvania College for Women—now Chatham College—in 1929 with a degree in zoology. Graduate work at Johns Hopkins University led to an M.A. in 1932. In the meantime, Miss Carson had joined the zoology department at the University of Maryland, while writing scientific articles for the Baltimore Sun, teaching part time, and doing independent research.

In 1936, Miss Carson began working at the Bureau of Fisheries—later the Fish and Wildlife Service—as a writer for a series of radio broadcasts. She subsequently was appointed a staff biologist and progressed steadily to the position of editor-in-chief in 1949.

National recognition first came with the publication of an article in Atlantic Monthly entitled "Undersea" which later became the full-length book, "Under the Sea World." Published in 1941, the book was met with critical and scientific acclaim, but limited sales. Plagued by financial obligations due to the responsibility of caring for her mother, her late sister's two daughters, and later a niece's orphaned son whom she adopted, Miss Carson remained in her Government post and earned extra money from magazine pieces, but never gave up on the idea of doing a more substantial work. In 1951, however, "The Sea Around Us" was published and became an immediate best seller. The book described the history, geography, chemistry, and biology of the sea in language for the layman, and reflected Miss Carson's lifetime fascination with the ocean. Its success brought financial freedom and allowed her to resign from the Fish and Wildlife Service and devote herself to writing full time.

Although Miss Carson's next book, "The Edge of the Sea," was less well-received, the publication in 1962 of "Silent Spring" made her name a household word and literally set in motion the environmental movement. The book warned the public about the dangers of pesticides and herbicides and generated attacks from chemical companies, bringing to light an alliance between science, Government, and industry on the question of regulation.

The ensuing public outcry led to a special Presidential advisory committee and eventually the banning and control of many pesticides not previously considered harmful.

Throughout her career, Miss Carson practiced the "reverence for life" of Albert Schweitzer, to whom "Silent Spring" was dedicated. After studying microscopic marine animals in the cottage she bought off the coast of Maine, she would carefully return the tiny creatures to the sea outside her door. Though a very private person, Rachael Carson's philosophy and outlook on the environment continue to gain new audiences and to affect our view of nature.●

● Mr. ECKART. Mr. Speaker, I want to take this opportunity to honor two outstanding Ohio women from my area on this, the occasion of "Women's History Week."

Betsey Mix Cowles, born on February 9, 1810, in Bristol, Conn., devoted her life to improving the lot of blacks, women, and children. She won her greatest recognition and made her most significant contribution as a teacher during a time when few women had entered and gained prominence in the field of education.

Having spent her childhood in Austinburg, Ohio, Betsey became interested in the "infant school" movement and founded such a school at Kinsman, Ohio, in 1832. She was one of the first women to graduate from Oberlin College, at a time when they were admitted to a "ladies' course." Betsey taught in Massillon, Ohio, in 1848, was superintendent of girls' grammar and high schools in Canton, Ohio, in 1850, and named superintendent of schools in Painesville, Ohio in 1858, an unusual position for a woman at that time.

She was a leading figure in the abolition movement, active in the Anti-Slavery Society of Ashtabula County, and took part in the Underground Railroad. In addition, she was a crusader for women's rights and president of the first Ohio Women's Convention at Salem, Ohio, in 1850. A member of the executive committee of the Ohio Women's Rights Association in 1852, she asserted the right of women to be well educated and insisted that they receive equal wages to men for the same work.

Harriet Taylor Upton, born in Ravenna, Ohio, on December 17, 1853, was a political activist for women's suffrage, a noted historian, and was frequently in Washington giving testimony before congressional hearings in the late 1800's, which certainly places her among the first women to do so.

Her father was elected to Congress to fill the seat vacated by James Garfield, which brought Harriet into a lifelong interest in politics. She met Susan B. Anthony in Warren, Ohio, and became fired up by the suffrage movement. Elected treasurer of the National American Women's Suffrage Association in 1840, and president of the Ohio Women's Suffrage Association, she led campaigns in 1912, 1914, and 1916 for ratification of the 19th amendment by the Ohio Legislature. She was vice chairman of the Republican National Executive Committee, one of the first women to hold so high a post.

As a liaison officer for the Ohio Department of Public Welfare, Harriet put into effect reforms at the Madison, Ohio, Home for Soldiers' and Sailors' Widows and also the Girls' Industrial School at Delaware, Ohio. She authored the two-volume series, "A Twentieth Century History of Trumbull County, Ohio," in 1909 and also the three-volume series, "History of the Western Reserve," in 1910.

Her infectious good humor and easygoing platform manner won her the favor of audiences and made her a beloved figure among suffrage workers.

I am happy to join in the celebration of Women's History Week by calling attention to the outstanding accomplishments of two women from the 11th District, Betsey Mix Cowles and Harriet Taylor Upton, both of whom were trailblazers for the issue of women's rights.●

● Mr. MARKEY. Mr. Speaker, one hardly knows where to begin when commending, as part of Women's History Week, the important contributions of American Women over the many years.

Let me, as a Representative from the great Commonwealth of Massachusetts, take some time to note just a few of the many women and events that have made Massachusetts history rich with achievements.

The women of Massachusetts have contributed much to the cultural development of the United States.

Authoress Catharine Maria Sedgwick (1789-1867), a native of Stockbridge, Mass., was the most popular American female novelist prior to Harriet Beecher Stowe and was considered a leader in the movement to produce a native literature. She also was known as a leading writer of historical romance. In 1822, she published "A New-England Tale," a faithful description of the people and hills of her native Berkshire County. Considered to be her finest novel, "Hope Leslie" was a historical romance about 17th century Massachusetts life.

A writer who remains ever popular is Emily Dickinson (1830-1886), who was born in Amherst. Although she rarely left Amherst and was almost a complete recluse much of her life, Emily Dickinson is among the greatest women poets in the English language. Her 1,775 poems are characterized by sensitive rhythms; she chose words with careful discrimination.

Although born in Pennsylvania, authoress Louisa May Alcott (1832-1888) was raised in Massachusetts, living in the Boston and Concord areas. Ms. Alcott, a prolific writer, was a breadwinner for her entire family. Her word pictures of 19th century domesticity were captured in novels such as her best known, "Little Women."

An authoress who used her gift for writing to promote reform causes dear to her was Lydia Maria Child (1802-1880), born in Medford. In 1826, she began the first American periodical for children, "Juvenile Miscellany," and also wrote self-help books such as one entitled, "The American Frugal Housewife." But she is best known for the causes she espoused in an early antislavery book—for which she was ostracized by many—and in an abolitionist gift book. She also wrote a column for a Boston paper advocating greater equality for the sexes.

Many leading suffragettes, feminists, and abolitionists came from Massachusetts. Among some of the leading women in the early feminist chapter of our history: Lucy Stone (1818-1893), born in Coy's Hill, who in 1850 led in calling the first national women's rights convention in Worcester; Maria Weston Chapman (1806-1885), born in Weymouth; and Lucretia Mott (1793-1880), a Nantucket native and also a Quaker minister.

One of the early pioneers of women in medicine in this country, Dr. Marie Elizabeth Zakrzewska (1829-1902), although a native of Germany, did some of her pioneering in Massachusetts. She opened the country's first hospital staffed by women in New York City, and then helped found the New England Hospital for Women and Children in 1862 in Roxbury, a part of Boston. At the time, almost no other hospitals admitted women physicians; she limited the staff of the Boston hospital to women.

An important Massachusetts educator and school administrator, Lucretia Crocker (1829-1886) was a native of Barnstable. In 1872, she was a founder of the Woman's Education Association of Boston, and she worked to improve science teaching and the wider dissemination of scientific knowledge. In 1873, she was the first woman elected to the Boston School Committee, and in 1876 she was elected to that committee's board of supervisors. She is said to have virtually revolutionized science teaching in Boston schools, working for better equipment and technical reference works. She introduced new subjects into the curriculum, including zoology and mineralogy.

Those are just a few of the many important female figures in pre-20th century Massachusetts State history. I dare not even try to mention some of the prime figures of present-day history, for fear of leaving someone out. May it suffice to say there are many.

I would like to mention that Radcliffe College in Cambridge is holding a women's history conference, "Celebrating Women's Lives," March 9 and 10. The conference will honor National Women's History Week and commemorate the 40th anniversary of the Arthur and Elizabeth Schlesinger Library on the History of Women in America.

Mr. Speaker, I am proud to be able to take this opportunity to honor the achievements of women during Women's History Week. Women have moved the course of history in many important ways.●

● Mr. EDWARDS of Oklahoma. Mr. Speaker, this is Women's History Week and I would like to take this opportunity to honor the memory of Alice Robertson, a former Republican Congresswoman from Oklahoma and the second woman ever to serve in the Congress of the United States.

Alice Robertson was a woman of immense talent and dedication. Born to missionary parents in the Creek Nation in what was then Indian territory, she spent much of her life working in the interests of the Indian peoples. She worked for 6 years in the Indian Office in Washington where she was responsible for drafting recommendations which helped defeat a plan to stir an insurrection in the Creek Nation in the hope that it would lead to opening the Creek lands to white settlement. Miss Robertson later taught in various Indian schools and in 1885 was placed in charge of a Presbyterian mission boarding school for girls in Muskogee, Okla. Under her leadership, this school was expanded into a coeducational college which later moved to Tulsa and became the University of Tulsa.

In 1900, Miss Robertson was appointed Federal supervisor of Creek schools. She dedicated herself to this job until 1905 when President Roosevelt appointed her postmaster for the city of Muskogee.

If she had done nothing else, Alice Robertson would deserve recognition for her services during both the Spanish-American War and the First World War. She won honorary membership in the Spanish-American War Veterans and won praise for her efforts to provide food and hot coffee to soldiers who passed through Muskogee.

In 1920, Alice Robertson was elected to Congress from the Second District of Oklahoma as only the second woman ever to be elected to Congress. She returned to Oklahoma when her term expired in 1923.

Alice Robertson continued to work for the people of her State until age and ill health forced her to retire. Her commitment to service and the contributions she made are a reflection of the enormous role women have played in the development and progress of our country. Women's History Week is an important step toward full recognition and appreciation of the vital importance of their contributions.●

● Mr. MAZZOLI. Mr. Speaker, annually, I have cosponsored Women's History Week resolutions, and again in 1984 I join with my colleagues in celebrating and honoring the historical contributions of American women. I am especially pleased to call to the attention of the House achievements of women from Kentucky.

One of these women, remembered nationally and internationally for her contributions, was Ms. Lena Madesin Phillips. Born in Nicholasville, Ky., in 1881, Ms. Phillips worked to fulfill her life-long ambition to become a concert pianist.

However, after an accident which badly damaged the nerves in her right arm, she decided instead to pursue a career in law. And, in 1917 she became the first woman to graduate from the University of Kentucky Law School. During her practice as an attorney, Ms. Phillips became involved in the National Work Council of the Young Women's Christian Association (YWCA).

It was through her work with the YWCA that she realized the need for an ongoing organization to advance the interests of business and professional women, to aid the entry of more women into the professions and to promote cooperation among women. As a result, in 1919 the National Federation of Business and Professional Women's Clubs (NFBPWC) was founded. Nine years later, she established the international branch of this organization.

In addition to these efforts, Ms. Phillips worked to keep the NFBPWC aware of and active in social and feminist issues. She fought to have the federation support the child labor amendment and to promote the organization's involvement in peace movements. She strongly advocated equal pay for women, and in 1933 she supported the equal rights amendment. Lena Phillips continued to take an active role in women's consumer and educational organizations, and she worked to expand the International Federation of Business and Professional Women's Clubs until her death in 1955.

As we recognize the achievements of women during this week, I believe we should include the women who are making their contributions to history today. One such woman is Kentucky's new Governor, Martha Layne Collins. Governor Collins is the only woman Governor in America today and adding daily to the illustrious history of women in America.●

● Ms. MIKULSKI. Mr. Speaker, I am proud to support Women's History Week. The purpose Women's History Week is to begin to correct the omission of women's contributions to American history and to create an awareness of the important roles women have played in every sphere of our Nation's life and history.

Women's History Week is an opportunity to celebrate the contributions and victories of our fore mothers and sisters, and to encourage the pioneer women of today who are making history. Today, women are privileged to have had courageous and strong women role models who opened the doors and to be a part of the new revolution in the history of women that will insure that those doors are permanently open.

My own State of Maryland is celebrating Women's History Week, again, as they have since 1981. Part of that celebration will be paying tribute to the important contributions made by Maryland women. I am very proud to say that Maryland women have accomplished many firsts, including:

Florence Rena Sabin, the first woman elected to the National Academy of Sciences, 1925;

Capt. Grace Hopper, the developer of the computer language COBOL;

Elizabeth Ann Seton, the first native-born U.S. citizen to be sainted;

Angela Bambace, the first woman on the executive board of a major union, the International Ladies Garment Workers' Union, 1960;

Dr. Hattie Alexander, the first woman to head a major medical society, the American Pediatric Society, and the discoverer of a cure for bacterial meningitis in the 1960's;

Helen Delich Bentley, the first woman to head a U.S. regulatory agency, U.S. Maritime Commission, 1960's;

Dr. Helen Brooke Taussig, the first person to develop a successful operation to save "blue babies" with circulation problems, 1945;

I am proud to be the first Polish-American Congresswoman to serve in the U.S. Congress.

Some of women's firsts receive a great deal of publicity—Sally Ride as the first American woman astronaut, Barbara McClintock as the first American woman botanist to receive the Nobel Prize in medicine for her genetics research, and others. These firsts are important because they open doors for other women.

Today, women all over the world live in an unparalleled time of firsts. In one occupation after another, in sports, in governments, in political, and labor organizations, women are making important advances. While many of the first women were tokens in worlds reserved for men, women are now creating solid positions in these areas. I like to think that this epoch of firsts will soon be over—that there will soon be few, if any, things left that women have not accomplished.

The challenges of the 1980's and beyond facing our world, need creative and thoughtful solutions. American women can be leaders and resources in meeting those challenges. Women recognize that no nation can boast of achievement until each member of that nation is equally employed and equally rewarded. Women seek to meet the challenges of the future by first eradicating the negatives in our society today. We will not stop until justice is ours. Truly, "We are here to move history forward."●

● Mr. GREEN. Mr. Speaker, I am pleased to have the opportunity to acknowledge, along with my colleagues, the occasion of Women's History Week. As you are well aware, this week has been proclaimed by Congress as a special week of recognition for all the historical contributions made by American women.

As a member of the New York delegation, I would like to focus my attention on three noted American women born in the State of New York. The first famous foremother, Elizabeth Cady Stanton, led the fight for civil rights as a suffragette and an abolitionist. Ms. Stanton, as president of the National Women's Suffrage Association, began the fight for a woman's right to vote. In the face of adversity she remained committed to her cause. In 1866, she ran for a seat in Congress. Although she received only 24 votes, her commitment and bravery are to be commended. Ms. Stanton's efforts were not confined to that of women's rights. During the Civil War she was an active abolitionist. As a member of the Women's Loyal National League, she submitted a petition with 300,000 signatures on it to the U.S. Senate calling for an end to slavery. She believed the right to vote constituted, not so much an end in itself, but a means to greater equity for all Americans.

Susan B. Anthony, although not a resident of New York, was instrumental to the State's women's movement. She was a close associate of Elizabeth Cady Stanton and like Ms. Stanton, was a dedicated abolitionist. Of all the pre-Civil War activists, Susan B. Anthony was the most deliberate about introducing women to the premise of women's rights. She traveled extensively throughout the State making speeches for the suffragette movement. As the leading suffragette of her day, Ms. Anthony made Seneca Falls the home of the movement.

Elizabeth Ann Seton, America's first native saint, was also from the State of New York. She founded, in the early 1800's, the first American Sisterhood, called Sisters of Charity of Saint Joseph. Also to her credit were the establishement of a school for boys, a society to aid destitute widowed mothers and a school for girls. In 1975, Pope Paul VI held her up as an example of selfless giving and devoted her to sainthood

These are just three of the many forgotten and remembered women who so enriched our heritage in New York State. It is important that throughout the country we set aside this time to pay tribute to all the women who have played such vital roles in the course of human events.

While we must encourage the expansion of programs in schools and colleges which recognize the achievements of these past heroines and the establishment of recognition weeks, we must not run the risk of becoming entrenched in rhetoric. More importantly, we must continue their fights; namely, the elimination of discrimination, improvement in the plight of the destitute, and advancement in securing the futures of all our women. We must not allow the trend in the povertization of women to continue. I thank the gentlewoman from California for giving me the opportunity to participate in this special order and I commend her resolution.●

● Mrs. SCHNEIDER. I am pleased to pay tribute to the memory of Dr. Alice Paul. Alice Paul, best known as the founder of the National Women's Party and author of the equal rights amendment, devoted her entire life to the fight for equal rights for women. Alice Paul and other women of the National Women's Party dared to defy the system in order to liberate women.

Alice Paul blazed the path in viewing woman's rights in terms of national politics. When antisuffragists asked, "Why do you come here and bother us?" Paul's response was "Getting the vote gave us equality in voting, that's all, but not in earning a living or seeing that the laws that govern looking after a family are equal. So I propose that the next step is complete and absolute equality for women under the law * * *." She united women—Republicans, Democrats, Socialists and Progressives alike—around one issue—equality for women.

When Alice Paul came to Washington, D.C., in 1912, she brought new life to the ebbing suffrage movement in the United States. Paul organized dramatic parades and demonstrations, with banner and costumes. The fireworks made her new policy clear—"to hold the party in power responsible for the passage of the national amendment."

Alice Paul was jailed seven times in her life, all for the cause of women's suffrage. The severe treatment of the women jailed drew angry response and national recognition of the suffrage issue. Legislators were reminded about the power of women's votes. Alice Paul and others confronted the political machinery with renewed strength and vigor during the election year of 1920. It was in that year that they were finally victorious; the 19th amendment to the U.S. Constitution was passed and American women had the right to vote.

Alice Paul's commitment to equal rights for women did not end with the victory of 1920. Realizing that most "protective" legislation only furthered discrimination, Paul drafted the equal rights amendment and worked relentlessly for its passage.

What was the driving force within Alice Paul? Why did she pursue her goals with so much perseverance? Perhaps she always knew that "a woman's job is never done" until equal rights for women were won. She dared and believed in the strength of women coming together. She recognized that women had the power to influence the American political process.

Alice Paul has left us a heritage to fulfill and indeed a tradition to follow. Her spirit and perseverance remains our inspiration—we will not give up the fight until equal rights for women in employment and education are a reality.●

GENERAL LEAVE

Ms. SNOWE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

REPEAL SOCIAL SECURITY TAX ON RELIGIOUS ORGANIZATIONS—GIVE CHURCHES THE OPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. Hammerschmidt) is recognized for 20 minutes.

● Mr. HAMMERSCHMIDT. Mr. Speaker, today I am introducing a bill which will repeal the provision of our new social security law which requires employees of nonprofit religious organizations to participate in the social security program.

The ramifications of this mandatory tax reach from deep into our constitutional history to today's society where our Nation's religious organizations are continuing to unselfishly contribute invaluably to the common good and welfare of our people. In the view of many of my constituents, the church tax provision not only would give rise to a series of legal confrontations and conflicts, but more importantly, it breaches our constitutional ideal of separation of church and State.

We have much to learn from the past with regard to church-state relations, and this issue merits our heeding the instruction which we have inherited which clearly reveals the positive results of giving religious organizations a choice in participating in our tax system. It is incumbent upon us to uphold the tradition of tax-exempt status for religious organizations, many of which already participate in social security voluntarily.

I strongly urge my colleagues to repeal section 102 of the Social Security Amendments of 1983, and continue to give churches the option.

H.R. 5016

A bill to repeal the mandatory social security coverage of employees of religious organizations enacted by the Social Security Amendments of 1983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Freedom of Choice Act of 1984".

SEC. 2. REPEAL OF MANDATORY SOCIAL SECURITY COVERAGE OF EMPLOYEES OF CERTAIN RELIGIOUS ORGANIZATIONS.

(a) Exclusion From Definition of Employment.—

(1) 1954 code.—Paragraph (8) of section 3121(b) of the Internal Revenue Code of 1954 (defining employment) is amended by inserting "(A)" after "(8)" and by adding at the end thereof the following new subparagraph:

"(B) service performed in the employ of any religious organization described in section 501(c)(3) which is exempt from income tax under section 501(a), but this subparagraph shall not apply to service performed during the period for which a certificate, filed pursuant to subsection (k) (or the corresponding subsection of prior law) or deemed to have so filed under paragraph (4) or (5) of such subsection, is in effect if such service is performed by an employee that—

"(i) whose signature appears on the list filed (or deemed to have been filed) by such organization under subsection (k) (or the corresponding subsection of prior law),

"(ii) who became an employee of such organization after the calendar quarter in which the certificate (other than a certificate referred to in clause (iii)) was filed (or deemed to have been filed), or

"(iii) who, after the calendar quarter in which the certificate was filed (or deemed to have been filed) with respect to a group described in section 3121(k)(1)(E), became a member of such group,

except that this subparagraph shall apply with respect to service performed by an employee as a member of a group described in section 3121(k)(1)(E) with respect to which no certificate is (or deemed to be) in effect;".

(2) Social security act.—Paragraph (8) of section 210(a) of the Social Security Act (defining employment) is amended by inserting "(A)" after "(8)" and by adding at the end thereof the following new subparagraph:

"(B) Service performed in the employ of any religious organization described in section 501(c)(3) of the Internal Revenue Code of 1954, which is exempt from income tax under section 501(a), but this subparagraph shall not apply to service performed during the period for which a certificate, filed pursuant to section 3121(k) of such Code (or deemed to have so filed under paragraph (4) or (5) of such section 3121(k)), is in effect if such service is performed by an employee that—

"(i) whose signature appears on the list filed (or deemed to have been filed) by such organization under section 3121(k),

"(ii) who became an employee of such organization after the calendar quarter in which the certificate (other than a certificate referred to in clause (iii)) was filed (or deemed to have been filed), or

"(iii) who, after the calendar quarter in which the certificate was filed (or deemed to have been filed) with respect to a group described in paragraph (1)(E) of such section 3121(k), became a member of such group,

except that this subparagraph shall apply with respect to service performed by an employee as a member of a group described in such paragraph (1)(E) with respect to which no certificate is (or deemed to be) in effect;".

(b) Restoration of Section 3121(k).—

(1) In general.—Subsection (k) of section 3121 of the Internal Revenue Code of 1954 shall be deemed to have continued in effect without regard to the amendments made by section 102 of the Social Security Amendments of 1983.

(2) Section 3121(k) limited to religious organizations.—Subsection (k) of section 3121 of the Internal Revenue Code of 1954 (relating to exemption of religious, charitable, and certain other organizations) is amended by adding at the end thereof the following new paragraph:

"(9) Subsection to apply only to certain religious organizations with respect to services performed after December 31, 1983.—

"(A) In general.—With respect to services performed after December 31, 1983, this subsection shall apply only to a religious organization.

"(B) Religious organization defined.—For purposes of subparagraph (A), subsection (b)(8)(B) of this section, and section 210(a)(8)(B) of the Social Security Act, the term 'religious organization' means—

"(i) churches, their ministries, organizations primarily engaged in the promotion of religion, and any organization which is described in section 501(c)(3) by reason of the word 'religious' in such section, and

"(ii) a school operated as an activity of an organization described in clause (i)."

(c) Payment of FICA Taxes Not Taken Into Account.—The payment by an organization of taxes imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954 with respect to service performed after December 31, 1983, and before the date of the enactment of this Act shall not be taken account in determining whether such organization is deemed to have filed a valid waiver certificate under section 3121(k)(1) of such Code (as in effect after the enactment of this Act).

(d) Effective Date, Etc.—

(1) The amendments made by this Act shall apply with respect to service performed after December 31, 1983.

(2) Except to the extent not inconsistent with the amendments made by this Act, section 102 of the Social Security Amendments of 1983 (and the amendments made by such section) are hereby repealed; and the Social Security Act and the Internal Revenue Code of 1954 shall be applied as if such section (and amendments) had never been enacted.●

IMPORTED FISH PRODUCT LABELING ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. Jeffords) is recognized for 5 minutes.

● Mr. JEFFORDS. Mr. Speaker, today I, along with Representatives Mavroules and Studds, am introducing a bill to amend the Food, Drug, and Cosmetic Act to require that any product containing imported fish be labeled to show the country from which the fish was imported.

According to figures from the Commerce Department, the United States imported a record 2.4 billion pounds of edible fish in 1983 at a cost of $3.6 billion. Most of this fish is processed and canned by U.S. companies for retail sales. Under existing law, it is not required that these products be labeled as to the country of origin of any imported fish in the products. They are presented to the consumer as essentially products of the United States.

I feel the U.S. consumer has a right to this information. It is a necessary element in developing personal decisions affecting purchases and product preferences. Today, a consumer is more apt to consider moral and political factors in these decisions than ever before. With regards to fish and fish product purchases, these considerations may include the exporting country's attitudes toward the hunting of marine mammals. Requiring that fish products containing imported fish be labeled as such will assist the consumer in these decisions.

As an illustration, in 1983 the United States imported 2.1 billion and 700,000 pounds of edible fish products from Japan and Norway, respectively. These two countries are two of the three countries that have filed an objection to the International Whaling Commission's proposed 1986 moratorium on commercial whaling. The United States is in support of this moratorium.

There have been efforts on the part of our Government and private individuals to persuade our trading partners to join in this moratorium. These include a restriction of Japan's fishing allocation within our territorial waters under the Fishery Conservation and Management Act and a grassroots boycott of Norwegian fish products. I might add that a number of U.S. fast-food chains have agreed to join in this boycott.

I am encouraged by these actions. I will admit that the extent to which the Government can impose sanctions is limited by a myriad of diplomatic considerations. However, the private consumer can have a significant impact on swaying the policy decisions of this and other countries. This is purely a private choice on the part of the consumer and I feel that this bill with regards to imported fish products is necessary to assist in these decisions.

I urge my colleagues to consider and cosponsor this bill.●

CLOSING THE GENDER-WAGE GAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 5 minutes.

● Mr. FISH. Mr. Speaker, in an effort to reaffirm the principle of equal pay for equal jobs, I am announcing my sponsorship of two bills: the Federal Employee Pay Equity Act, and the Pay Equity Act of 1984.

For too long, women have been paid less than men for comparable work. The most recent Bureau of Labor Statistics figure indicates that women earn an average of 62 cents for each dollar earned by men.

While the wage gap has narrowed slightly in the last year, the change over a 20-year period has been barely noticeable. As the pay gap persists, so does poverty which faces millions of women in the Nation.

The agencies charged with enforcing important protective laws are not fulfilling their obligations. The Equal Employment Opportunity Commission (EEOC), the Department of Labor, the Department of Justice, and the Office of Personnel Management need more direction from Congress.

The Federal Employee Pay Equity Act mandates that the Office of Personnel Management examine and recommend more equitable wage determinations for Federal employees.

This legislation will enable the Congress to monitor closely the wage rates in the Federal Government to insure their equality.

The second bill which I have sponsored will require periodic, detailed reports to the President and Congress by the EEOC, the Department of Labor, the Department of Justice, and the Office of Personnel Management describing the actions taken to enforce Federal laws prohibiting pay discrimination on the basis of sex, race, religion, or national origin.

Without a commitment from the Federal Government, pay inequity will remain a serious problem in our Nation.●

POLICY STATEMENT OF AMERICAN ENTERPRISE INSTITUTE FOR PUBLIC POLICY RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, The American Enterprise Institute for Public Policy Research has issued a policy statement this month by the Committee To Fight Inflation entitled, "We Must Act Quickly to Curtail the Federal Deficit." I agree absolutely with the premise of this distinguished panel.

While I do not agree with each recommendation of the committee, I beleive that we must have bipartisan action immediately to reduce the Federal deficit and to remove the cloud overhanging the current economic recovery.

Politicians who have courage while talking in the cloakrooms or while speaking in their home districts should display the same courage when they return to Washington.

I am inserting the committee's policy statement into the RECORD over the next few days, and I urge each Member of the House to read these inserts carefully and reflect upon the decisions we must make immediately.

[From the AEI Economist, February 1984]

WE MUST ACT QUICKLY TO CURTAIL THE FEDERAL DEFICIT

Inflation slowed markedly in the course of the two recessions of the early 1980's and has remained low thus far in the recovery that began in late 1982. In the twelve months ending in November, for example, the consumer and producer price indexes rose about 3 percent and 1 percent, respectively, compared with increases of 14 percent or more for twelve-month periods ending in mid-1980.

However, the massive federal budget deficits in prospect for coming years, when the economy will be expanding rapidly and using up efficient and hitherto idle productive capacity and manpower, threaten to reignite inflationary pressures and to do other damage. Among the major risks posed by these deficits are (1) crowding out of private investment; (2) interest rates so persistently high that the Federal Reserve will be under severe pressure to abandon the present anti-inflation stance of monetary policy in an effort to bring them down—an effort that would not succeed; and (3) a dollar so persistently strong, and so destructive of jobs in export- and import-competing industries, that Congress will be tempted to enact protectionist legislation of a kind that would contribute to inflation by creating artificially high price and wage levels and that would cripple our foreign trade for the indefinite future.

Every delay in acting to reduce the prospective deficits contributes to the size of the outstanding public debt and the interest charges on it, increases the difficulty of reaching a solution, and magnifies the serious economic risks facing the country.

The Committee to Fight Inflation, a bipartisan group of citizens who have had major governmental responsibilities in the economic and financial area, has issued four policy statements since June 1980. In this new statement we note the need for maintaining the current disinflationary policies of the Federal Reserve, for cutting back rather than expanding barriers to trade and other anticompetitive measures of government, and for acting promptly to curtail the federal budget deficits now in prospect.

These prospective deficits could be narrowed by reducing projected outlays, by raising taxes, or by both. In our judgment both will be required. Moreover, it will be necessary to treat the actions on outlays and revenues as a package, in order to allay the concerns of those who fear that any tax increase would simply relieve the pressure to cut projected spending.

We describe later our own preferences for the tax and spending measures to be included in the package. But judgments on this score will differ, and neither we nor others should expect to see all of our particular preferences honored in the actions actually taken. As we stress below, the important thing is that the deficits be curtailed. And it is essential that action be taken promptly; there will never be a better time than now for attacking the deficit problem.

In the section immediately following we cite the forces that have contributed to the recent abatement of inflation and note the importance of near-term government polices in determining its future course. In the final section we briefly discuss the potential pressures for unduly stimulative monetary policies, including those arising from massive federal deficits; the present budget outlook and the tax and spending changes we recommend; and the role of trade and other economic policies.

Favorable supply developments, including the continuing world-wide glut of oil, have played an important role in the slowing of inflation. Most of the credit, however, must be assigned to the effects of monetary policy on the domestic economy. Growth in total public and private spending has been slowed sufficiently to put substantial downward pressure on rates of increase in wages and prices. The recessions of early 1980 and 1981-1982 were an inevitable byproduct of this process.

Some analysts are now forecasting an inflation rate fluctuating around an average of 5 percent or so in the years ahead, but others already see signs in the pattern and pace of the current recovery of movement to considerably higher levels. In the judgment of this committee, either result would be regrettable.

Unless there is further progress toward reasonable price stability the nation will continue to be plagued by all of the economic uncertainties, inefficiencies, and problems of providing for the future associated with a highly variable price level. Our goal must be to reduce both actual inflation and expectations of future inflation to levels so low that neither is a significant factor in economic decisions.

A 5 percent or 6 percent rate of inflation is not acceptable as a solution. As recently as 1971 the government responded to an inflation rate even lower than that by recourse to mandatory price and wage controls. We must manage fiscal and monetary policies relevant to inflation so as to avoid both inflation and government controls.

For the next year or so, the crucial question is whether the government follows economic policies designed to eliminate the problem of inflation over the long run. If it is to do so it must find the solutions to some political problems relating to the budget and to other aspects of economic policy that are conducive to inflation. A failure to solve these problems would be tragic, because it would mean that the nation had paid a heavy price in lost output and employment over the past three years for nothing more than a brief lull in inflation. It would also mean that the next effort to overcome inflation would be even more difficult and costly—and might therefore have less chance of success.

MONETARY POLICY

If the trend in inflation is to continue downward, the most urgent requirement is that the Federal Reserve avoid excessively stimulative monetary policies. There is, however, a risk that interest rates may rise sharply in the course of the current economic expansion, as growing business and consumer demands for credit collide with the needs of the Federal Government to finance the massive budgetary deficits now in prospect. Under those circumstances the Federal Reserve may well be forced, by political pressure or by an act of Congress, to shift to excessively stimulative policies in an effort to reduce interest rates, abandoning its present anti-inflation stance in the process. Pressure to reduce interest rates may also come through international channels—if, for example, high rates are believed to be greatly increasing the risk of default by developing countries with heavy external debts and thus endangering the whole existing structure of international finance.

These are not the only channels through which the prospective deficits can weaken the chances of overcoming inflation, nor is a resurgence of inflation the only damage the deficits will do. We discuss the problem of the federal budget in broader terms below. Here we will add only the ironic fact that an increase in monetary stimulus for the purpose of holding down interest rates can succeed only temporarily at best. This is because such a policy would create a resurgence of inflationary expectations that in itself would put upward pressures on interest rates.●

UPCOMING ACTIVITIES OF THE SUBCOMMITTEE ON CRIMINAL JUSTICE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

● **Mr. CONYERS.** Mr. Speaker, I would like to take this opportunity to outline for my colleagues the activities planned for the Subcommittee on Criminal Justice during the next 2 months. It may be necessary, because of the unavailability of important witnesses or for other unforeseen circumstances, to adjust this schedule, but I hope the subcommittee will be able to adhere closely to it.

The subcommittee has two major projects well underway and will continue to work on each of them. The subcommittee has held two hearings on H.R. 3498 and related bills to help crime victims. Four more are planned. I hope to be able to begin markup in early April, but whether this is possible will depend in large part upon when the administration sends Congress its proposed legislation to implement recommendations of the President's Task Force on Victims of Crime. The task force issued its final report in December 1982, but the administration's proposed legislation has not yet been forwarded to the Congress. I am informed that it will soon be sent to us.

The second major project involves sentencing practices and procedures. The subcommittee has held two hearings on sentencing reform legislation and one on fine collection methods. Four more hearings on sentencing reform legislation and one more hearing on fine collection have been planned. Markup of legislation on each topic will begin after the hearings on that topic are completed.

In addition to working on crime victim and sentencing practices and procedures, the subcommittee will begin work on several matters that were addressed by the other body during consideration of S. 1762, its omnibus crime bill. The subcommittee is not free, however, to take up any provision in that bill. To begin with, some of the provisions in S. 1762 deal with matters not ordinarily within the jurisdiction of the Committee on the Judiciary. Title VIII of the bill amends statutes like the Labor Management Relations Act, 1947, which is within the jurisdiction of the Committee on Education and Labor. Title IX of the bill amends provisions in title 31 of the United States Code, which are within the jurisdiction of the Committee on Banking, Finance and Urban Affairs. Moreover, the subcommittee does not have jurisdiction over all of the provisions in S. 1762 that are within the jurisdiction of the Committee on the Judiciary. At least four other subcommittees have jurisdiction over parts of the bill. The matters to be taken up by the Criminal Justice Subcommittee come from those provisions over which the subcommittee has jurisdiction.

The matters planned to be taken up concern:

First, arson. The subcommittee will take up H.R. 3783, a bill introduced by our colleague from New York, Mr. BIAGGI, to amend the Federal arson statute. Section 1014 of S. 1762 makes a similar amendment to the arson statute.

Second, banks. Sections 1106, 1107, and 1108 of S. 1762 deal with receiving stolen bank property, bank bribery, and bank fraud. There is no comparable House bill, so I am drafting one that can serve as vehicle for the subcommittee's work.

Third, banking records. Section 1214 of S. 1762, which was added during the floor debate, amends a provision of title 18 of the United States Code regulating the manner in which foreign records are admitted into evidence in order to deal with the use of foreign banks to secret assets. There is no comparable House bill, so I am drafting and will introduce a bill that the subcommittee can use as a vehicle for its work.

Fourth, recording telephone conversations without the permission of all parties to the conversation. This matter came up during the other body's floor debate on S. 1762. I have introduced H.R. 4826, which makes such conduct a misdemeanor, and it will be taken up by the subcommittee.

Fifth, assault. S. 1762 and S. 779—passed late last year—amend Federal laws proscribing assaults against Federal law enforcement officers and other Federal officials. There is no comparable House bill, so I am drafting and will introduce a bill that will serve as a vehicle for the subcommittee's work.

The subcommittee's schedule of planned activities is:

March 8: Hearing on H.R. 4826.

March 14: Hearing on H.R. 3498 and related bills.

March 15: Hearing on H.R. 3498 and related bills.

March 21: Hearing on sentencing reform bills.

March 22: Hearing on H.R. 3498 and related bills.

March 28: Hearing on sentencing reform bills.

March 29: Hearing on fine collection.

April 2: Hearing on H.R. 3498 and related bills.

April 4: Hearing on sentencing reform bills.

April 5: Hearing on H.R. 3783.

April 11: Hearing on assault bill.

April 12: Hearing on sentencing reform bills.

April 25: Hearing on banking records bill.

April 26: Hearing on receiving stolen bank property, bank bribery, and bank fraud bill.

I welcome the view of my colleagues on any of these matters and invite those who are interested to testify at our hearings.●

IMF POLICIES: FACT AND FICTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, the resolution of the international debt problem and the prospects for a sustained worldwide economic recovery depend greatly on the work of the International Monetary Fund (IMF).

In the past 2 years, the IMF has enabled many hard-pressed countries to survive the recession and the debt crisis. It has kept the world trading system functioning. Last year, this Congress demonstrated its confidence in the IMF by voting to join the other 144 IMF member nations in lending additional resources for the IMF's work.

Despite its remarkable record, the IMF's operations are poorly understood. In a recent address to the Economic Club of Chicago, the IMF's managing director, J. de Larosiere, sought to correct some of the misconceptions about IMF adjustment programs, financing, and surveillance. Because his comments address questions that many of our colleagues have asked about the IMF, I ask that excerpts from Mr. de Larosiere's speech, "Current Policies of the IMF: Fact and Fiction," be printed in the RECORD at this time.

[Excerpt From an Address by J. de Larosiere]

CURRENT POLICIES OF THE IMF: FACT AND FICTION

The Fund's resources are a revolving pool of funds which can be made available on a temporary basis to members facing balance of payments difficulties. The purpose is to enable such countries to tackle their problems by means of a policy strategy that is consistent both with strengthening their own economies as well as with the economic well-being of their trading and financial partners. The policy elements that are needed to ensure that this adjustment takes place in an orderly and cooperative way constitute the conditionality that underlies the Fund's lending operations.

One sometimes hears it said that the Fund "imposes" conditions on member countries having recourse to its financing. This notion betrays a basic misconception about the nature of the Fund's relations with its sovereign member states. When a member wants to borrow from the Fund, we work together with the authorities to determine the nature and causes of the economic problems facing the country. And we examine with them the policy options that exist for restoring a viable payments position over the medium term, having regard to the domestic social and political objectives of the member and its economic priorities. The aim of these discussions is to reach agreement on a package of measures—an adjustment program—which constitutes a coordinated attack on the problems they face and which can be supported by Fund financing. Disbursements under a Fund arrangement are linked to performance: if performance does not meet the targets of the program, disbursements are held up until new understandings can be reached. The closeness of relations between the Fund and its member countries and the continuing nature of the association means that negotiations, though they can be difficult, are normally conducted in an atmosphere of mutual understanding and trust. Indeed, such an atmosphere is essential to ensure political commitment on the part of the authorities and the will to implement the program without which no program can succeed.

Another criticism that is sometimes heard about conditionality is that it is unduly harsh and that it has the effect of undermining growth in borrowing countries. In practice, conditionality is no more severe than it has to be in order to meet the essential medium term objective of restoring a viable external payments position. That is not to say conditionality is never tough: it sometimes is, but this will depend upon a number of factors.

First, the seriousness of the country's predicament. Our experience shows that adjustment programs are much easier to implement and proceed far more smoothly when they are undertaken at an early stage of a country's emerging difficulties. Indeed, there are many examples to demonstrate that programs with members are most successful when adjustment is brought about in an orderly way through the timely adoption of corrective measures. On the other hand, when a country postpones adjustments for too long and allows its external payments deficit to reach a level it simply cannot afford to finance, it runs into a financial crisis. It is at this point that foreign financing becomes difficult if not impossible to obtain, and local residents lose confidence in the currency resulting in large-scale capital flight. In these situations adjustment is forced on a country in circumstances that are sometimes socially and politically hard to bear, as well as being disruptive to the economy.

Conditionality will also depend, in part, upon the world trading climate. Clearly, it is much easier for a country to adjust in a dynamic and growing world economy when world markets are buoyant and expanding. Recently, however, these conditions have not existed and debtor countries have had to adjust in conditions marked by depressed commodity prices, a declining volume of world trade, and with protectionist pressures intensifying. These developments have made balance of payments adjustment that much harder for deficit countries since the brunt of that adjustment has fallen on imports. Thus, approximately three quarters of the $40 billion improvement in the combined trade deficit of the non-oil developing countries over the past two years reflects a reduction in imports.

Finally, conditionality will reflect the availability and terms of external financing. Though, in the short term, financing can be substituted for adjustment, in the longer term financing and adjustment complement each other: external flows basically depend upon the confidence of foreign creditors in the quality and security of their investment. Recent experience has shown how financing flows will fall when uncertainties arise about the capacity of borrowing countries to service their debt. Thus, net lending by the commercial banks to the non-oil developing countries fell precipitously in the second half of 1982 and there was no appreciable increase in the other principal components of financing—official flows or direct investment. The contraction of external financing has forced the pace of adjustment. Meanwhile, the dramatic reversal after 1979 in the terms of financing—from a period of negative real rates of interest to high positive real interest rates, as well as a shortening of maturities—has added enormously to the debt service burden and, hence, the task of adjustment confronting borrowing countries.

It is to these areas that we must look for an explanation of why the adjustment facing many debtors has been such an uphill struggle and why growth in the developing world has been set back so seriously in the past two years. What has been the impact of the Fund's conditional lending on growth in program countries and internationally?

For most countries implementing Fund-supported programs, the recent decline in their growth rates occurred before they embarked on that program. The provision of financing by the Fund both directly and indirectly through its catalytic effect have by definition helped such countries to sustain much higher imports and, hence, higher levels of activity than would have been possible without the Fund's support. In addition, the policy elements underlying the programs these countries have introduced with the Fund's help will enhance their growth prospects for the period ahead. Indeed, Fund-supported programs are always geared toward establishing the conditions that will foster sustainable growth over the medium term. Rigorous monetary and fiscal policies are designed to establish an environment of price stability in which growth can flourish. On the "supply side," policies are aimed at providing the right incentives and the flexibility to ensure that capital and other resources are allocated efficiently. This means, in particular, that interest rates, exchange rates, and administered prices must be realistic. It also means that rigidities and controls must be phased out so that flexibility and competition are enhanced.

Of course, the short-term impact of a reorientation of policies along these lines can be painful. This is so primarily because the adjustments typically involve immediate losses in uneconomic sectors while the realization of the benefits in viable sectors is a more gradual process. For example, currency depreciation and the elimination of restrictions can be expected to involve immediate cutbacks in those industries or activities that have been protected; the benefits in the form of expanded activity and output in viable export sectors would normally take longer to accrue. Similarly, cuts in government expenditures or more realistic prices for public services as part of an effort to reduce a fiscal imbalance may involve short-term costs to some sectors while the ultimate benefits resulting from reduced demand pressures and more rational incentives follow with a lag. But these adjustments ultimately pay off. Empirical studies published by the Fund show that countries that have pursued rigorous demand management and flexible exchange rate policies have achieved not only better balance of payments performance but higher growth rates as well.

Recently, concern has been voiced in some quarters that the combined effects of the adjustment efforts now being undertaken simultaneously by a number of major debtor countries could add to recessionary impulses in the world economy and thereby dampen the emerging recovery. Is the process of adjustment, in these circumstances, not self-defeating? In my view, these concerns are misplaced because they are based on an unrealistic analysis of the situation. Those debtor countries that have run into financing difficulties have no alternative but to adjust; any attempt to stay on a more expansionary policy course would lead them nowhere but to more inflation and higher unemployment and, ultimately, into more onerous adjustment later on. Indeed, for some, the existence or imminent threat of a sessation of external financing effectively precluded any such delay. In these conditions, and in the absence of increased external financing, how can it be argued that recovery could somehow be built on the very policies that were responsible for leading these economies into debt crises and recession in the first place? The Fund, because of the limited and temporary nature of its financing, cannot play an anticyclical role that would be sufficient to turn the world economic situation around. It is certainly true that the recovery will be slower than many would like: this reflects the magnitude of the adjustments to be achieved and the limits to the financing available to support it. It does not mean that the adjustment policies are inappropriate but rather that the underlying conditions need to be strengthened. This applies not only to the deficit countries but particularly to the major industrial countries which are the main engines of growth for the world economy. Until the right conditions are in place, there can be no lasting recovery. And it is toward the resumption of sustainable growth and development in the world economy as a whole that the current adjustment strategy must be directed.●

CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1984

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. JONES of Oklahoma. Mr. Speaker, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974, I am submitting to the RECORD a letter to the Speaker advising him of the current level of spending and revenues for fiscal year 1984.

COMMITTEE ON THE BUDGET,
Washington, D.C., March 6, 1984.

HON. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending.

Pursuant to Committee Rule 10, I am herewith transmitting the status report under H. Con. Res. 91, the First Concurrent Resolution on the Budget for Fiscal Year 1984. This report reflects the adjusted resolution of October 25, 1983, and the current CBO estimates of budget authority, outlays, and revenues. The attachment shows the latest estimate for the current level of fiscal year 1984 spending. There remains a small amount of room beneath the budget ceilings: $2,929 million in budget authority and $6 million in outlays.

The procedural situation with regard to the spending ceiling will be affected this year by Section 5(b) of H. Con. Res. 91. As I explained during debate on the conference report on that resolution, enforcement against breaches of the spending ceiling under Section 311(a) of the Budget Act will not apply where a measure would not cause a committee to exceed its appropriate allocation pursuant to Section 302(a) of the Budget Act. In the House, the appropriate 302(a) allocation includes "new discretionary budget authority" and "new entitlement authority" only. It should be noted that under this procedure neither the total level of outlays nor a committee's outlay allocation is considered. This exception is only provided because an automatic budget resolution is in effect and would cease to apply if Congress were to revise the budget resolution for fiscal year 1984.

The intent of the Section 302(a) "discretionary budget authority" and "new entitlement authority" subceiling provided by Section 5(b) of the resolution is to protect a committee that has stayed within its spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 91 were printed in the Congressional Record, June 22, 1983, H. 4326. Adjustments to such allocations made pursuant to Section 2 of House Concurrent Resolution 91, the reserve fund, are reflected in House Reports 98-313, 98-354, 98-381, and 98-439.

The attached table shows where each committee currently stands as to its 302(a) allocation of discretionary budget authority.

With best wishes.

Sincerely,

JAMES R. JONES,
Chairman.

Fiscal year 1984—Comparison of current level and budget resolution allocation by committee

House committee:	*Millions* [1]
Total current level	−$2,929
Appropriations Committee:	
Discretionary	(−2,351)
Authorizing committee—Discretionary action:	
Agriculture	(−677)
Armed Services	(−4)
Banking, Finance, and Urban Affairs	[2](+)
District of Columbia	(...)
Education and Labor	[2](−)
Energy and Commerce	(−192)
Foreign Affairs	[2](+)
Government Operations	(−450)
House Administration	[2](−)
Interior and Insular Affairs	(+4)
Judiciary	[2](+)
Merchant Marine and Fisheries	(+13)
Post Office and Civil Service	[2](−)
Public Works and Transportation	(+150)
Science and Technology	[2](+)
Veterans' Affairs	[2](+)
Ways and Means	(+2,313)
Unassigned (offsetting receipts)	(−2,108)

[1] Current level budget authority committees are over (+) or under (−) their 302(a) allocation.

[2] Less than $500,000.

NOTE.—Detail may not add due to rounding.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1984 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 91

REFLECTING COMPLETED ACTION AS OF MAR. 2, 1984

[In million of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	923,809	853,386	679,600
Current level	920,880	853,380	665,286
Amount under ceilings	2,929	6	
Amount under floor			14,314

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $2,929 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $6 million in outlays for fiscal year 1984, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1984, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., March 5, 1984.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1984 budget (H. Con. Res. 91). This report for fiscal year 1984 is based on our estimates of budget authority, outlays, and revenues using the assumptions and estimates consistent with H. Con. Res. 91.

Since my last report, the Congress has cleared for the President's signature H.R. 4957, increasing the amount authorized to be expended for highway emergency relief, thus increasing the estimated current level of 1984 budget authority and outlays.

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	917,005	850,081	665,286
2. Entitlement authority and other mandatory items requiring further appropriation action	3,724	3,289	
3. Continuing resolution authority			
4. Conference agreements ratified by both Houses	150	10	
Current level	920,880	853,380	665,286
Budget resolution, H. Con. Res. 91	923,809	853,386	679,600
Current level is:			
Over resolution by			
Under resolution by	2,929	6	14,314

Sincerely,

Rudolph G. Penner,
Director.

PARLIAMENTARIAN STATUS REPORT HOUSE SUPPORTING DETAIL, FISCAL YEAR 1984 AS OF CLOSE OF BUSINESS MAR. 2, 1984

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriation and trust funds	535,903	491,993
Appropriations enacted previous session	522,190	499,031
Offsetting receipts	−141,088	−141,088
Enacted this session: Veterans' Compensation and Program Improvements Amendments of 1984 (Public Law 98–223)		145
Total enacted	917,005	850,081
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Child nutrition	417	222
Department of Defense:		
Civilian pay raises	436	422
Military pay raises	1,205	1,169
Retired pay, Defense	133	65
Claims, Defense	63	57
Payment to Foreign Service retirement fund	3	3
Offsetting receipts	3	3
Range improvements	2	1
FUBA	33	33
Medicaid	556	556
Advances to unemployment insurance trust fund	3,932	3,932
Offsetting receipts	−3,932	−3,932
Special benefits:		
Disabled coal miners	20	20
Federal employees	12	12
Social services block grants	25	25
Rehabilitation services and handicapped research	34	28
Guaranteed student loan program	132	
Payment to civil service retirement fund	230	230
Offsetting receipts	−230	−230
Civilian agency pay raises	657	678
Total	3,724	3,289
III. Continuing resolution authority [1]		
IV. Conference agreements ratified by both Houses: Increase contract authority for highway emergency relief (H.R. 4957)	150	10
Total, current level as of Mar. 2, 1984	920,880	853,380
Budget resolution, H. Con. Res. 91	923,809	833,386
Amount remaining:		
Over ceiling		
Under ceiling	2,929	6

[1] Agriculture; Commerce, State, Justice; foreign assistance; Treasury, Postal Service and general government and other selected appropriations are funded under continuing resolution authority (Public Law 98–151) for the full fiscal year and, therefore, are included in the enacted category of this report.

Note.— Detail may not add due to rounding.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Clay (at the request of Mr. Skelton), for today, on account of testifying in court.

Ms. Mikulski (at the request of Mr. Wright), after 3:30 p.m. today, on account of official business.

Mr. Rudd (at the request of Mr. Michel), for today after 3 p.m. and the balance of the week, on account of dental work.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Rogers) to revise and extend their remarks and include extraneous material:)

Mr. Jeffords, for 5 minutes, today.

Mr. Burton of Indiana, for 60 minutes, today.

Mr. Burton of Indiana, for 60 minutes, on March 7.

Mr. Kemp, for 60 minutes, today.

Mr. Fish, for 5 minutes, today.

Mr. Gingrich, for 60 minutes, today.

Mr. Gingrich, for 60 minutes, on March 7.

Mr. Walker, for 60 minutes, today.

Mr. Walker, for 60 minutes, on March 7.

Mr. Mack, for 60 minutes, on March 7.

Mr. Weber, for 60 minutes, on March 7.

(The following Members (at the request of Mr. Schumer) to revise and extend their remarks and include extraneous material:)

Mr. MacKay, for 5 minutes, today.

Mr. Markey, for 5 minutes, today.

Mr. Gonzalez, for 60 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Jones of Oklahoma, for 5 minutes, today.

Mr. Conyers, for 5 minutes, today.

Mr. Mica, for 10 minutes, today.

Mr. Mavroules, for 60 minutes, on March 7.

Mr. Neal, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Bereuter, to revise and extend his remarks, immediately preceding the vote on House Joint Resolution 492.

(The following Members (at the request of Mr. Rogers) and to include extraneous matter:)

Mr. Vander Jagt.

Mr. Bilirakis.

Mr. Kindness.

Mr. Green.

Mr. Rinaldo.

Mr. Lagomarsino in two instances.

Mr. Jeffords.

Mr. Wolf.

Mr. Frenzel in five instances.

Mr. Kasich.

Mr. Corcoran.

Mr. Lent.

Mr. Hyde.

Mr. Sundquist.

(The following Members (at the request of Mr. Schumer) and to include extraneous matter:)

Mr. Nelson of Florida.

Mr. Torres.

Mr. Florio.

Mr. Chappell.

Mr. Ottinger.

Mr. Wilson.

Mr. Panetta.

Mr. Edwards of California in two instances.

Mr. Ford of Michigan in three instances.

Mr. Conyers in two instances.

Mr. Aspin.

Mr. Hamilton.

Mr. Hoyer in two instances.

Mr. Roe.

Mr. Mazzoli.

Mr. Downey of New York in two instances.

Mr. Fauntroy.

Mr. Levine of California.

Mr. Gaydos.

Mr. Gephardt.

Mr. Yatron.

Ms. Oakar.

Mr. Hall of Ohio.

Mr. Wyden in two instances.

Mr. Harrison in two instances.

Mr. Gejdenson.

Mr. Markey.

Mr. Simon in three instances.

Mr. Donnelly.

Ms. Kaptur.

Mr. Brown of California.

Mrs. Burton of California.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee has examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1750. An act for the relief of Apolonio P. Tumamao and others;

H.R. 3655. An act to raise the retirement age for judges of the Superior Court of the District of Columbia and judges of the District of Columbia Court of Appeals; and

H.R. 4957. An act to apportion certain funds for construction of the National System of Interstate and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes.

ADJOURNMENT

Mr. MORRISON of Connecticut. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 7, 1984, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2808. A letter from the Deputy Assistant Secretary of Defense (Military Personnel and Force Management), transmitting the calendar year 1983 report concerning officer responsibility pay, pursuant to 37 U.S.C. 306(f) (94 Stat. 2242); to the Committee on Armed Services.

2809. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Impact of Capital Budget Policy Changes," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

2810. A letter from the Mayor, the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; to the Committee on the District of Columbia.

2811. A letter from the Secretary of Health and Human Services, transmitting a report on the activities of States which have received funds under the preventive health and health services block grant program, pursuant to PHSA, section 1906(b)(6) (95 Stat. 540); to the Committee on Energy and Commerce.

2812. A letter from the Associate Director, Bureau of Educational and Cultural Affairs, U.S. Information Agency, transmitting notification of a proposed waiver of the limitation on foreign travel by a citizen who is financed by grants from the private sector program, pursuant to 22 U.S.C. 2460 (Public Law 98-164, section 207(a) (fiscal year 1984-85)); to the Committee on Foreign Affairs.

2813. A letter from the Acting Deputy Director for Current Information and FOIA Officer, Office of Information, Department of Agriculture, transmitting the Department's annual report of its activities under the Freedom of Information Act, during calendar year 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2814. A letter from the Chairman, Commodity Futures Trading Commission, transmitting the Commission's annual report of its activities under the Freedom of Information Act, during calendar year 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2815. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's annual report of its activities under the Freedom of Information Act, during calendar year 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2816. A letter from the Secretary of Health and Human Services, transmitting the Department's annual report of its activities under the Freedom of Information Act, during calendar year 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2817. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting the annual report for fiscal year 1933 on the Council's activities, pursuant to Public Law 89-665, section 202(b) (94 Stat. 2999); to the Committee on Interior and Insular Affairs.

2818. A letter from the Chairman, Merit Systems Protection Board, transmitting a report on the appeals filed during 1983, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Post Office and Civil Service.

2819. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated February 4, 1982, submitting a report, together with accompanying papers and illustrations, on interim report on Perry Creek, Iowa. The report is in response to a resolution adopted December 8, 1944, and in partial response to a resolution adopted October 10, 1974, by the House Committee on Public Works (H. Doc. No. 98-179); to the Committee on Public Works and Transportation and ordered to be printed.

2820. A letter from the Secretary of Energy, transmitting an interim report on Energy's study of alternative means of financing the construction and operation of all civilian radioactive waste management facilities, pursuant to Public Law 97-425, section 303; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2821. A letter from the Acting Comptroller General of the United States, transmitting a report entitled, "Insights Into Major Urban Development Action Grant Issues" (GAO/RCED-84-55; March 5, 1984); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

2822. A letter from the Secretary of Health and Human Services, transmitting a report on the results of the aid to families with dependent children (AFDC) homemaker/home health aide demonstration program, pursuant to Public Law 96-499, section 966(h) 95 Stat. 802; jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3082. A bill to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes; with amendments (Rept. No. 98-440, Pt. II). Ordered to be printed.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3082. A bill to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes; with amendments (Rept. No. 98-440, pt. III). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHEAT: Committee on Rules. House Resolution 453. Resolution providing for the consideration of H.R. 1652, a bill to amend the Reclamation Safety of Dams Act of 1978, and for other purposes. (Rept. No. 98-613). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 454. Resolution providing for the consideration of H.R. 2133, a bill to amend the Small Business Act. (Rept. No. 98-614). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 455. Resolution providing for the consideration of H.R. 4164, a bill to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes. (Rept. No. 98-615). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNIZO:

H.R. 5026. A bill to amend the Truth in Lending Act to impose a permanent ban on credit card surcharges; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ASPIN (for himself, Mrs. Schroeder, and Mr. Whitehurst):

H.R. 5027. A bill to amend title 10, United States Code, to modify procedures for payment of military retired pay to spouses and former spouses of members of the uniformed services in compliance with court orders; to the Committee on Armed Services.

By Mr. BIAGGI:

H.R. 5028. A bill to amend the Internal Revenue Code of 1954 to make permanent the exclusion from gross income for amounts received under qualified group legal services plans; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Jones of North Carolina, Mr. Forsythe, and Mr. Snyder):

H.R. 5029. A bill to improve certain maritime programs of the Department of Transportation, and for other purposes; jointly, to the Committees on Merchant Marines and Fisheries and the Judiciary.

By Mr. BROOKS (for himself and Mr. Roberts):

H.R. 5030. A bill to amend title 18 of the United States Code and the Adoption Reform Act; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. GIBBONS:

H.R. 5031. A bill to amend the Internal Revenue Code of 1954 to encourage contributions of equipment to postsecondary vocational education programs and to allow a credit to employers for vocational education courses taught by an employee without compensation and for temporary employment of full-time vocational educational instructors; to the Committee on Ways and Means.

By Mr. JEFFORDS (for himself, Mr. Mavroules, and Mr. Studds):

H.R. 5032. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that any product containing imported fish be labeled to show the country from which the fish was imported; to the Committee on Energy and Commerce.

By Mr. LEVITAS:

H.R. 5033. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Appropriations.

H.R. 5034. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Energy and Commerce.

H.R. 5035. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Merchant Marine and Fisheries.

H.R. 5036. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Post Office and Civil Service.

By Mr. McDADE:

H.R. 5037. A bill to require milk handlers to make prompt payment to producers for fluid milk; to the Committee on Agriculture.

By Mr. MICA (by request):

H.R. 5038. A bill to require the registration of deposit brokers with the Securities and Exchange Commission, to require the Federal insuring agencies to better police the funds acquisition activities of newly insured and financially impaired depository institutions, to amend the Securities Exchange Act of 1934, the Federal Deposit Insurance Act, the National Housing Act, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, and Energy and Commerce.

By Mr. MITCHELL (for himself, Mr. Young of Alaska, and Mr. Garcia):

H.R. 5039. A bill to provide matching grants for the retrofitting and operation of certain surplus vessels used for humanitarian purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. NEAL:

H.R. 5040. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. RODINO (for himself, Mr. Fish, Mr. Edwards of California, Mr. Moorhead, Mr. Hughes, Mr. Hyde, Mr. Crockett, Mr. Sawyer, Mr. Lungren, Mr. Feighan, Mr. Mazzoli, Mr. Frank, Mr. Kindness, Mr. Zschau, Mr. Chandler, Mr. Ridge, Mr. Schumer, and Mr. Synar):

H.R. 5041. A bill to promote research and development, encourage innovation, and make necessary and appropriate amendments to the antitrust laws; to the Committee on the Judiciary.

By Mr. SEIBERLING (for himself and Mr. Glickman):

H.R. 5042. A bill to prevent certain acquisitions of major energy concerns and domestic petroleum companies by other major energy concerns; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 5043. A bill to amend the Federal Cigarette Labeling and Advertising Act to prohibit the advertising of any tobacco product on any medium of electronic communication; to the Committee on Energy and Commerce.

By Mr. WALGREN (for himself, Mr. Murphy, and Mr. Kolter):

H.R. 5044. A bill to establish a national coal science, technology, and engineering development program; to the Committee on Science and Technology.

By Mr. HERTEL of Michigan (for himself, Mr. Albosta, Mr. Barnard, Mr. Barnes, Mr. Bates, Mr. Berman, Mr. Bevill, Mr. Biaggi, Mr. Bonior of Michigan, Mr. Britt, Mr. Broyhill, Mrs. Burton of California, Mrs. Byron, Mr. Carr, Mr. Conyers, Mr. Corcoran, Mr. Coyne, Mr. Crockett, Mr. de la Garza, Mr. Dellums, Mr. Dixon, Mr. Donnelly, Mr. Downey of New York, Mr. Durbin, Mr. Dwyer of New Jersey, Mr. Edgar, Mr. Evans of Illinois, Mr. Fauntroy, Mr. Ford of Tennessee, Mr. Frank, Mr. Frenzel, Mr. Frost, Mr. Gore, Mr. Hammerschmidt, Mr. Hansen of Idaho, Mr. Harrison, Mrs. Holt, Mr. Horton, Ms. Kaptur, Mr. Kildee, Mr. Lantos, Mr. Levin of Michigan, Mr. Levine of California, Mr. Lewis of California, Mr. McCain, Mr. MacKay, Mr. Markey, Mr. Matsui, Mr. Mavroules, Ms. Mikulski, Mr. Moody, Mr. Moore, Mr. Morrison of Connecticut, Mr. Owens, Mr. Ortiz, Mr. Panetta, Mr. Patterson, Mr. Pepper, Mr. Ratchford, Mr. Robinson, Mr. Roe, Mr. Simon, Mr. Sisisky, Mr. Smith of Florida, Mr. Stark, Mr. Stokes, Mr. Traxler, Mr. Vandergriff, Mr. Vento, Mr. Weiss, Mr. Wirth, Mr. Wolf, Mr. Wolpe, Mr. Won Pat, Mr. Wortley, and Mr. Wyden):

H.J. Res. 505. Joint resolution designating the week beginning September 23, 1984, as "National Adult Day Care Center Week"; to the Committee on Post Office and Civil Service.

By Mr. LEVIN of Michigan (for himself, Mr. McHugh, Ms. Snowe, Mr. Hyde, Mr. Siljander, Mr. Dixon, Mr. Ratchford, Mr. McGrath, Mr. Levine of California, Mr. Leland, Mr. Gray, Mr. Markey, Mr. Simon, Mr. Downey of New York, Mr. Barnes, Mr. Torricelli, Mr. Owens, Mr. Wortley, Mr. Kolter, Mr. Hughes, Mr. Hertel of Michigan, Mr. Dymally, Mr. Martinez, Mr. DeWine, Mr. Beilenson, Mr. Berman, Mr. Frenzel, Mr. Solarz, Mr. Gore, Mr. Stark, Mr. Heftel of Hawaii, Mr. Savage, Mr. Crockett, Mr. Wolpe, Mr. Bonior of Michigan, Mr. Andrews of Texas, Mr. Towns, Mr. Hance, Mr. Foley, Mr. Evans of Illinois, Mr. Pritchard, Mr. Roe, Ms. Kaptur, Mr. O'Brien, Mr. Stokes, Mr. Carr, Mr. Won Pat, Mr. Dellums, Mr. Lagomarsino, Mr. Horton, Mr. Mitchell, Mr. Patterson, Mr. Hammerschmidt, Mr. Conyers, Mr. Madigan, Ms. Mikulski, Mr. Traxler, Mr. Rangel, Mr. Edgar, Mr. Young of Missouri, Mr. Rodino, Mr. Waxman, Mr. Wilson, Mr. Vento, Mr. Murphy, Mr. Lipinski, and Mr. Thomas of Georgia):

H.J. Res. 506. Joint resolution to designate April 7, 1984, as "World Health Day"; to the Committee on Post Office and Civil Service.

By Mr. SIMON (for himself, Mr. Hoyer, Mr. Clay, Mr. Annunzio, Mr. Barnes, Mr. Pritchard, Mr. Donnelly, Mr. Dymally, Mr. Lagomarsino, Mr. Horton, Mr. Moakley, Mr. O'Brien, Mr. Traxler, Mr. Ratchford, Mr. Volkmer, Mr. Britt, Mr. Oxley, Mr. Miller of California, Mr. Bevill, Mr. Frank, Mr. Smith of Florida, Mr. Leland, Mr. Young of Missouri, Mr. Owens, Mr. Wolpe, Mr. Gonzalez, Mr. Hammerschmidt, Mr. Solarz, Mr. Corrada, Mr. Jacobs, Mr. Roe, Mr. Hawkins, Mr. Kolter, Mr. Mazzoli, Mr. Smith of New Jersey, Mr. Shumway, Mr. Hertel of Michigan, Mr. Wylie, Mr. Vento, Mr. Rangel, Ms. Mikulski, Mr. Andrews of Texas, Mr. McCain, Mr. Luken, Mr. Crockett, Mr. McGrath, Mr. Bryant, Mrs. Holt, Mr. Whittaker, Mr. Wolf, Mr. McNulty, Mr. Stenholm, Mr. Winn, Mr. Frenzel, Mr. Matsui, Mr. Lipinski, Mr. Weiss, Mr. Fish, Mr. de la Garza, Mr. Frost, Mr. Dixon, Mr. Evans of Illinois, Mr. Edgar, Mr. Richardson, and Mr. Forsythe):

H.J. Res. 507. Joint resolution authorizing and requesting the President to issue a proclamation designating the month of January 1985 as "National Cerebral Palsy Month"; to the Committee on Post Office and Civil Service.

By Mr. PACKARD:

H. Con. Res. 270. Concurrent resolution protesting the denial by the International Olympic Committee of accreditation by Radio Free Europe and Radio Liberty correspondents covering the winter Olympic games in Sarajevo, Yugoslavia, urging the International Olympic Committee to grant accreditation to Radio Free Europe and Radio Liberty to cover the Olympic games, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. HALL of Indiana:

H. Res. 456. Resolution recognizing the 66th anniversary of Lithuanian Independence Day; to the Committee on Post Office and Civil Service.

By Mr. LIPINSKI:

H. Res. 457. Resolution urging the U.S. Postal Service to issue a 1985 commemorative postage stamp honoring the 50th anniversary of the transatlantic flight of Capt. Stephen Darius and Lt. Stanley Girenas; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

341. The SPEAKER presented a memorial of the Legislature of the State of California, relative to social security coverage of existing employees of nonprofit organizations; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHAPPIE:

H.R. 5045. A bill for the relief of the Work Training Center for the Handicapped, of Chico, Calif.; to the Committee on Ways and Means.

By Mrs. HALL of Indiana:

H.R. 5046. A bill for the relief of Steve Tandaric; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H.R. 5047. A bill for the relief of Neil R. Fairbanks; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. Stratton.

H.R. 238: Mr. Carney.

H.R. 711: Mr. Hartnett and Mr. Daniel.

H.R. 712: Mr. Burton of Indiana.

H.R. 953: Mr. Courter and Mr. Kemp.

H.R. 1272: Mr. Burton of Indiana.

H.R. 1543: Mrs. Schroeder, Mr. Sunia, and Mr. Akaka.

H.R. 1905: Mr. Mineta and Mr. Traxler.

H.R. 2053: Mr. Chappie and Mr. Shelby.

H.R. 2406: Mr. McCollum.

H.R. 2474: Mr. Kostmayer, Mrs. Burton of California, and Mr. Markey.

H.R. 2567: Mr. Nielson of Utah.

H.R. 2711: Mr. Walker.

H.R. 2837: Mr. Vandergriff and Mr. Kildee.

H.R. 2981: Mr. Lipinski.

H.R. 3105: Mrs. Boxer.

H.R. 3200: Mr. Rinaldo, Mr. Bates, Mr. Mineta, Mr. Howard, Mr. Miller of California, Mr. Bonior of Michigan, Mr. Ratchford, Mr. Dellums, Mrs. Burton of California, and Mr. Edwards of California.

H.R. 3236: Mrs. Schroeder.

H.R. 3884: Mr. Miller of California.

H.R. 3919: Mr. Morrison of Connecticut.

H.R. 3950: Mr. Clay, Mr. Ford of Tennessee, Mr. Vandergriff, Mr. Hughes, and Mr. Evans of Illinois.

H.R. 3990: Mr. Conyers and Mr. Lipinski.

H.R. 4105: Mr. Skelton, Mr. Skeen, and Mr. Lujan.

H.R. 4148: Mr. Fazio and Mr. Matsui.

H.R. 4212: Mr. Clinger, and Mr. Matsui.

H.R. 4264: Mr. Tauke, Mr. Leach of Iowa, Mr. Richardson, Mr. Rose, Mr. Spratt, Mr. Smith of Florida, Mr. Smith of Iowa, and Mr. Bosco.

H.R. 4287: Mr. Martin of North Carolina and Mr. DeWine.

H.R. 4392: Mr. Crockett, Mr. Ratchford, Mr. Vento, Mr. Moakley, and Mr. Jeffords.

H.R. 4402: Mr. Mollohan.

H.R. 4447: Mr. McHugh and Mr. Shannon.

H.R. 4459: Mr. Carney, Mr. O'Brien, Mr. Boehlert, Mr. Lipinski, Mr. Siljander, Mr. Markey, Ms. Ferraro, Mr. Mavroules, and Mrs. Hall of Indiana.

H.R. 4475: Mr. Berman, Mr. Garcia, Mr. Murphy, Mr. Donnelly, Mr. Morrison of Washington, Mr. Daniel B. Crane, Mr. Nowak, Mr. Biaggi, Mr. Bosco, Mr. Frost, Mr. Fuqua, and Mr. Foglietta.

H.R. 4505: Mr. Eckart, Mr. Stark, Mr. Edgar, Mr. Waxman, Mr. Luken, Mr. Hertel of Michigan, Mr. Vento, Mr. McGrath, Mr. Roybal, Mr. Crockett, Mr. Coyne, Mr. Towns, and Mr. Whitehurst.

H.R. 4548: Mr. Mineta, Mr. Gore, and Mr. Minish.

H.R. 4571: Mr. Archer, Mr. Bevill, Mr. Bliley, Mr. Darden, Mr. DeWine, Mr. Hamilton, Mr. Horton, Mr. Jenkins, Mrs. Johnson, Mr. Luken, Mr. MacKay, Mr. McKinney, Mr. Miller of Ohio, Mr. Parris, Mr. Porter, Mr. Russo, Mr. Shumway, Mr. Sikorski, Mr. Simon, Mr. Stenholm, and Mr. Wylie.

H.R. 4605: Mr. Shuster.

H.R. 4659: Mr. Bonior of Michigan, Mr. Eckart, and Mr. Clinger.

H.R. 4707: Mr. McNulty.

H.R. 4784: Mrs. Byron.

H.R. 4788: Mr. Dyson.

H.R. 4813: Mr. Bonker and Mr. Towns.

H.R. 4837: Mr. Bevill, Mr. Bilirakis, Mr. Daub, Mr. Fish, Mr. Frenzel, Mr. Harrison, Mr. Jeffords, Mr. Lagomarsino, Mr. McGrath, Mr. Nichols, Mr. Owens, Mr. Rangel, Mr. Ratchford, Mr. Skeen, Mr. Smith of Florida, Mr. Denny Smith, and Mr. Wyden.

H.R. 4863: Mr. Clarke, Mr. Corrada, Mr. Howard, Mr. Martinez, and Mr. Brown of California.

H.R. 4908: Mr. Sawyer, Ms. Kaptur, Mr. Lehman of Florida, Ms. Mikulski, Mr. D'Amours, Mr. Evans of Illinois, Mr. Annunzio, Mr. Williams of Montana, Mr. Dwyer of New Jersey, Mr. Rahall, Mr. Penny, Mr. Miller of California, Mr. Kildee, and Mr. Mavroules.

H.R. 4969: Mr. Sharp.

H.R. 4973: Mr. Hightower and Mr. Huckaby.

H.J. Res. 95: Mr. Gore.

H.J. Res. 100: Mr. Kemp, Mr. Walker, Mr. Carney, Mr. Robinson, and Mr. Vandergriff.

H.J. Res. 204: Mr. Bennett, Mrs. Vucanovich, Mr. Conable, Mr. Guarini, Mr. Stratton, Mr. Long of Maryland, Mrs. Lloyd, Mr. Stump, Mr. Dowdy of Mississippi, Mr. Evans of Iowa, Mr. Fauntroy, Mr. Bliley, Mr. Brown of California, Mr. Moakley, Mr. St Germain, Mr. Schumer, Mr. Wolf, Mr. Nowak, Mr. Chappell, Mrs. Schneider, Mr. Neal, Mr. Dyson, Mr. Hoyer, Mr. Carper, Mr. Boner of Tennessee, Mr. Bates, Mr. Ackerman, Mr. Foley, Mr. Young of Alaska, Mr. Barnes, Mr. Dwyer of New Jersey, Mr. Dixon, Mr. Pritchard, Mr. Robinson, Mr. Broyhill, Mr. Carr, Mr. Towns, Mrs. Kennelly, Mr. Hertel of Michigan, Mr. Frenzel, Mr. Campbell, Mr. Hansen of Idaho, Mr. Owens, Mr. LaFalce, Mr. Weiss, Mr. Addabbo, Mrs. Holt, Mr. Downey of New York, Mr. Hubbard, Mr. Andrews of North Carolina, Mr. Wortley, Mr. Lagomarsino, Mr. Morrison of Connecticut, Mr. Fascell, Mr. Yates, Mr. McCollum, Mr. Long of Louisiana, Mr. Levine of California, Mr. Frank, and Mr. Martin of North Carolina.

H.J. Res. 272: Mr. Kindness, Mr. Sundquist, Mr. Traxler, Mr. Smith of New Jersey, Mr. Murtha, Mr. Thomas of Georgia, Mr. Darden, Mr. Hatcher, Mr. Fish, Mr. Kostmayer, Mr. Forsythe, Mr. Florio, Mr. Tauke, and Mr. Pepper.

H.J. Res. 309: Mr. Bonior of Michigan, Mr. Bryant, Mr. Corcoran, Mr. Howard, Mr. Kolter, and Mr. Vento.

H.J. Res. 337: Mr. Bliley.

H.J. Res. 344: Mr. Bliley, Mr. Durbin, Mr. Gejdenson, Mr. Jeffords, Mr. Kildee, Mr. Matsui, Mr. McCollum, Mr. Moore, Mr. Ritter, Mr. Rowland, Mr. Tallon, Mr. Tauke, and Mr. Vandergriff.

H.J. Res. 389: Mr. Edwards of California.

H.J. Res. 395: Mr. Rangel, Mr. Wise, and Mr. Wheat.

H.J. Res. 423: Mr. Bryant, Mr. Gejdenson, Mrs. Holt, Mr. Russo, Mr. Britt, Mr. Conte, Mr. Winn, Mr. Ray, Mr. Lowry of Washington, Mr. Scheuer, Mr. Bates, and Mrs. Johnson.

H.J. Res. 442: Mr. Roe, Mr. Horton, Mr. Wolpe, Mr. Hughes, and Mr. Albosta.

H.J. Res. 473: Mr. Alexander, Mr. Edwards of Alabama, Mr. Hammerschmidt, Mr. Smith of New Jersey, Mr. Boner of Tennessee, Mr. Owens, Mr. O'Brien, Mr. Young of Missouri, Mr. Edgar, Mr. Derrick, Mr. Lewis of Florida, Mr. Franklin, Mr. Smith of Florida, Mr. Wolf, Mr. Montgomery, Mr. Kemp, Mr. Dowdy of Mississippi, Mr. Mazzoli, Mr. Volkmer, Mr. Britt, Mr. Flippo, Mr. Brown of California, Mr. Wortley, Mr. Anthony, Mr. Gibbons, Mr. Bates, Mr. Whitley, Mr. Evans of Iowa, Mr. Lagomarsino, Mr. Kolter, Mr. Daub, Mr. Andrews of Texas, Mr. Hillis, Mr. Roe, Mr. Walker, Mr. Tallon, Mr. Hartnett, Mr. Shumway, Mr. Lipinski, Mr. Frenzel, Mr. Akaka, Mr. Moakley, Mr. Heftel of Hawaii, Mr. Thomas of Georgia, and Mr. Conte.

H.J. Res. 499: Mr. Hawkins, Mr. Wolpe, Mr. Fauntroy, Mr. Winn, Mr. Smith of Florida, Mr. Bonior of Michigan, Mr. Howard, Mr. Ford of Tennessee, Mr. Won Pat, Mr. McCloskey, Mr. Edwards of California, Mr. Walgren, Mr. Harrison, Mr. Pritchard, Mr. Edgar, Mr. Gejdenson, Mr. Vandergriff, Mr. Daschle, Ms. Kaptur, Mr. Bates, Mr. Frost, and Mr. DeWine.

H.J. Res. 502: Mr. Annunzio, Mr. Bennett, Mr. Boland, Mr. Boner of Tennessee, Mr. Bonior of Michigan, Mr. Britt, Mr. Brooks, Mr. Carney, Mr. Corcoran, Mr. Crockett, Mr. D'Amours, Mr. Dyson, Mr. DeWine, Mr. Edgar, Mr. Feighan, Mr. Florio, Mr. Frost, Mr. Horton, Mr. Leland, Mr. Levin of Michigan, Mr. Levitas, Mr. Long of Maryland, Mr. McGrath, Mr. McNulty, Mr. Mavroules, Ms. Mikulski, Mr. Owens, Mr. Patterson, Mr. Pepper, Mr. Rangel, Mr. Ratchford, Mr. Regula, Mr. Roe, Mr. Sawyer, Mr. Scheuer, Mr. Simon, Mr. Smith of New Jersey, Mr. Stark, Mr. Won Pat, Mr. Wortley, Mr. Rahall, Mr. Valentine, Mr. Rose, Mr. Martin of North Carolina, Mr. Biaggi, Mr. Jones of North Carolina, Mr. Barnes, Mr. Fazio, Mr. Bateman, Mr. Kolter, Mr. Hertel of Michigan, Mr. Vento, Mr. Bilirakis, Mr. Dwyer of New Jersey, Mr. Porter, Mr. Russo, Mr. Lipinski, Mr. Fish, Mr. Howard, Mr. Williams of Ohio, Mr. Evans of Illinois, Mr. Thomas of Georgia, Mr. Mollohan, and Mr. Levine of California.

H. Con. Res. 253: Mr. Rinaldo.

H. Con. Res. 259: Mr. Fauntroy, Mr. Britt, Mr. Moakley, Mr. Frank, Mr. Foglietta, Mr. Wortley, Mr. Daub, Mr. Frost, Mr. Panetta, Mr. Schumer, Mr. Roe, Mr. Levine of California, Mr. Barnes, Mr Edgar, Ms. Ferraro, Mr. Lehman of Florida, Mr. Lantos, Mr. Kolter, Ms. Mikulski, Mr. Simon, Mr. McGrath, Mr. Owens, Mr. Morrison of Connecticut, Mr. Glickman, Mr. Sikorski, Mr. Hughes, and Mr. Minish.

H. Con. Res. 261: Mr. Bereuter, Mr. Simon, Mr. Corrada, Mr. Jeffords, Mr. Lundine, Mr. Vento, Mr. Edwards of California, Mr. Matsui, Mr. Mineta, Mr. Biaggi, Mr. Evans of Illinois, Mr. de la Garza, Mr. Brown of California, Mr. Frenzel, Mr. Fazio, Mr. Kostmayer, Mr. Hughes, Mr. Wyden, Mr. Lehman of Florida, and Mr. Levin of Michigan.

H. Con. Res. 268: Mr. Ford of Tennessee, Mr. Wolf, Mr. Simon, Mr. Smith of Florida, Mr. Donnelly, Mr. Frank, Mr. Bosco, Mr. McCain, Mr. Applegate, Mr. Siljander, Mrs. Schroeder, Mr. Mavroules, Mr. DeWine, Mr. Roe, Mr. Vandergriff, Ms. Fiedler, Mr. Lewis of Florida, Mr. Swift, Mr. McDade, Mr. Winn, Mr. Archer, and Mr. Richardson.

H. Res. 430: Mr. Bateman, Mr. Bedell, Mr. Berman, Mrs. Boxer, Mr. Clinger, Mr. Conte, Mr. Conyers, Mr. Downey of New York, Mr. Dymally, Mr. Edgar, Mr. Edwards of California, Mr. Fascell, Mr. Feighan, Mr. Frost, Mr. Garcia, Mr. Gejdenson, Mr. Gore, Mr. Gray, Mrs. Hall of Indiana, Mr. Hawkins, Mr. Horton, Mr. Hoyer, Ms. Kaptur, Mr. Kildee, Mr. Kolter, Mrs. Martin of Illinois, Mr. Martinez, Mr. Matsui, Mr. McKinney, Mr. Mrazek, Mr. Neal, Mr. Ortiz, Mr. Ottinger, Mr. Owens, Mr. Rangel, Mr. Ray, Mr. Ratchford, Mr. Richardson, Mr. Savage, Mrs. Schroeder, Mr. Simon, Mr. Solarz, Mr. Towns, Mr. Vento, Mr. Wheat, Mr. Wirth, and Mr. Wyden.

H. Res. 433: Mr. Evans of Illinois.

H. Res. 450: Mr. Howard, Mr. McKinney, Mr. Erdreich, Ms. Kaptur, Mr. Vander Jagt, Mr. Lewis of Florida, Mr. Kostmayer, Mr. Walgren, Mr. Horton, Mr. Ford of Tennessee, Mr. Carr, Mr. Lehman of Florida, Mr. Vento, Mr. Barnes, Mr. Durbin, Mr. Fish, Mr. Conte, Mr. Levine of California, Mr. Lent, Mr. Ackerman, Mr. Weiss, Mr. Daub, Mr. Pepper, Mr. Mavroules, Mr. McDade, Ms. Fiedler, Mr. Fascell, Mr. Levin of Michigan, and Mr. Vandergriff.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3

By Mr. KINDNESS:

(Amendment in the nature of a substitute.)

—Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Bankruptcy Court Amendments of 1984".

TITLE I—BANKRUPTCY JURISDICTION AND PROCEDURE

Sec. 101. (a) Section 1334 of title 28, United States Code, is amended to read as follows:

"(a) Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.

"(b) Notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11 or arising in or related to cases under title 11.

"(c) Nothing in this section prevents a district court in the interest of justice or in the interest of comity with State courts and respect for State law, from abstaining from hearing a particular proceeding arising in or related to a case under title 11. Upon the timely motion of a party in a proceeding based upon a State law claim or State law cause of action, related to a case under title 11 but not arising under title 11 or arising in a case under title 11, with respect to which an action could not have been commenced in a court of the United States absent jurisdiction under this section, the district court shall abstain from hearing such proceeding if an action is commenced, and can be timely adjudicated, in a State forum of appropriate jurisdiction. Any decision to abstain made under this subsection is not reviewable by appeal or otherwise. This subsection shall not be construed to limit the applicability of the stay provided for by section 362 of title 11, United States Code, as such section applies to an action affecting the property of the estate in bankruptcy.

"(d) The district court in which a case under title 11 is commenced or is pending shall have jurisdiction of all of the property, wherever located, of the debtor, as of the commencement of such case, and of all of the property of the estate.".

(b) The heading for section 1334 of title 28, United States Code, is amended to read as follows:

"§1334. Bankruptcy cases and proceedings".

(c) The table of sections of chapter 85 of title 28, United States Code, is amended by amending the item relating to section 1334 to read as follows:

"1334. Bankruptcy cases and proceedings".

Sec. 102. (a) Chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1408. Venue of cases under title 11

"Except as provided in section 1410 of this title, a case under title 11 may be commenced in the district court for the district—

"(1) in which the domicile, residence, principal place of business in the United States, or principal assets in the United States, of the person or entity that is the subject of such case have been located for the one hundred and eighty days immediately preceding such commencement, or for a longer portion of such one-hundred-and-eighty-day period than the domicile, residence, or principal place of business, in the United States, or principal assets in the United States, of such person were located in any other district; or

"(2) in which there is pending a case under title 11 concerning such person's affiliate, general partner, or partnership.

"§ 1409. Venue of proceedings arising under title 11 or arising in or related to cases under title 11

"(a) Except as provided in subsections (b) and (d) of this section, a proceeding arising under title 11 or arising in or related to a case under title 11 may be commenced in the district court in which such case is pending.

"(b) Except as provided in subsection (d) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case to recover a money judgment of or property worth less than $1,000 or a consumer debt of less than $5,000 only in the district court for the district in which a defendant resides.

"(c) Except as provided in subsection (b) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case as statutory successor to the debtor or creditors under section 541 or 544(b) of title 11 in the district court for the district where the State or Federal court sits in which, under applicable nonbankruptcy venue provisions, the debtor or creditors, as the case may be, may have commenced an action on which such proceeding is based if the case under title 11 had not been commenced.

"(d) A trustee may commence a proceeding arising under title 11 or arising in or related to a case under title 11 based on a claim arising after the commencement of such case from the operation of the business of the debtor only in the district court for the district where a State or Federal court sits in which, under applicable nonbankruptcy venue provisions, an action on such claim may have been brought.

"(e) A proceeding arising under title 11 or arising in or related to a case under title 11, based on a claim arising after the commencement of such case from the operation of the business of the debtor, may be commenced against representative of the estate in such case in the district court for the district where the State or Federal court sits in which the party commencing such proceeding may, under applicable nonbankruptcy venue provisions, have brought an action on such claim, or in the district court in which such case is pending.

"§ 1410. Venue of cases ancillary to foreign proceedings

"(a) A case under section 304 of title 11 to enjoin the commencement or continuation of an action or proceeding in a State or Federal court, or the enforcement of a judgment, may be commenced only in the district court for the district where the State or Federal court sits in which is pending the action or proceeding against which the injunction is sought.

"(b) A case under section 304 of title 11 to enjoin the enforcement of a lien against a property, or to require turnover of property of an estate, may be commenced only in the district court for the district in which such property is found.

"(c) A case under section 304 of title 11, other than a case specified in subsection (a) or (b) of this section, may be commenced only in the district court for the district in which is located the principal place of business in the United States, or the principal assets in the United States, of the estate that is the subject of such case.".

(b) The table of sections of chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new items:

"1408. Venue of cases under title 11.
"1409. Venue of proceedings arising under title 11 or arising in or related to cases under title 11.
"1410. Venue of cases ancillary to foreign proceedings.".

Sec. 103. (a) Chapter 89 of title 28, United States Code, is amended by inserting at the end thereof the following new section:

"§ 1452. Removal of claims related to bankruptcy cases

"(a) A party may remove any claim or cause of action in a civil action, other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

"(b) The court to which such claim or cause of action is removed may remand such claim or cause of action on any equitable ground. An order entered under this subsection remanding a claim or cause of action, or a decision not so remanding, is not reviewable by appeal or otherwise.".

(b) The table of sections of chapter 89 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"1452. Removal of claims related to bankruptcy cases.".

Sec. 104. (a) Title 28 of the United States Code is amended by inserting after chapter 5 the following new chapter:

"CHAPTER 6—BANKRUPTCY JUDGES

"Sec.
"151. Designation of bankruptcy courts
"152. Appointment of bankruptcy judges.
"153. Salaries; character of service.
"154. Division of business; chief judge.
"155. Temporary transfer of bankruptcy judges.
"156. Staff; expenses.
"157. Procedures.
"158. Appeals.

"§ Designation of bankruptcy courts

"In each judicial district, the bankruptcy judges in regular active service shall constitute a unit of the district court to be known as the bankruptcy court for that district. Each bankruptcy judge, as a judicial officer of the district court, may exercise the authority conferred under this chapter with respect to any action, suit, or proceeding and may preside alone and hold a regular or special session of the court, except as otherwise provided by law or by rule or order of the district court.

"§ 152. Appointment of bankruptcy judges

"(a)(1) The United States court of appeals for a circuit shall appoint bankruptcy judges for the judicial districts established in chapter 5 of this title which are located within such circuit. Each bankruptcy judge shall be appointed for a term of fourteen years. Bankruptcy judges shall serve as judicial officers of the United States district courts established under Article III of the Constitution.

"(2) Whenever a majority of the judges of any court of appeals cannot agree upon the appointment of a bankruptcy judge, the chief judge shall make such appointment.

"(3) The judges of the district courts for the territories shall serve as the bankruptcy judges for such courts. The United States court of appeals for the circuit within which such a territorial district court is located may appoint bankruptcy judges under this chapter for such district if authorized to do so by the Judicial Conference of the United States under this section.

"(b) The Judicial Conference of the United States shall determine from time to time the number of official duty stations of bankruptcy judges and places of holding court, after considering the recommendations submitted by the Director of the Administrative Office of the United States Courts after consultation with the judicial council of the circuit involved.

"(c) Each bankruptcy judge may hold court at such places within the judicial district, other than the official duty station of such judge, as the business of the court may require.

"(d) With the approval of the Conference and of each of the judicial councils involved, a bankruptcy judge may be designated to serve in any district adjacent to or near the district for which such bankruptcy judge was appointed.

"(e) A bankruptcy judge may be removed during the term for which such bankruptcy judge is appointed, only for incompetence, misconduct, neglect of duty, or physical or mental disability and only by the judicial council of the circuit in which the judge's official duty station is located. Removal may not occur unless a majority of all the judges of such council concur in the order of removal. Before any order of removal may be entered, a full specification of charges shall be furnished to such bankruptcy judge who shall be accorded an opportunity to be heard on such charges.

"§ 153. Salaries; character of service

"(a) Each bankruptcy judge shall serve on a full-time basis and shall receive as full compensation for his services a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title, to be paid at such times as the Judicial Conference of the United States may determine.

"(b) A bankruptcy judge may not engage in the practice of law and may not engage in any other practice, business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of such bankruptcy judge's duties as a judicial officer. The Conference may promulgate appropriate rules and regulations to implement this subsection.

"(c) Each individual appointed under this chapter shall take the oath or affirmation prescribed by section 453 of this title before performing the duties of the office of bankruptcy judge.

§ 154. Division of business; chief judge

"(a) Each bankruptcy unit having more than one bankruptcy judge shall by majority vote promulgate rules for the division of business among the bankruptcy judges to the extent that the division of business is not otherwise provided by the rules of the district court.

"(b) In each district court having more than one bankruptcy judge, the district court shall designate one judge to serve as chief judge. Whenever a majority of the judges of such district court cannot agree upon the designation as chief judge, the chief judge of such district court shall make such designation. The chief judge of the bankruptcy unit shall ensure that the rules of the bankruptcy unit and of the district court are observed and shall ensure that business of the bankruptcy unit is handled effectively and expeditiously.

"§ 155. Temporary transfer of bankruptcy judges

"(a) A bankruptcy judge may be transferred to serve temporarily as a bankruptcy judge in any judicial district other than the judicial district for which such bankruptcy judge was appointed, upon the approval of the judicial council of each of the circuits involved.

"(b) A bankruptcy judge who has retired may, upon consent, be recalled to serve as a bankruptcy judge in any judicial district by the judicial council of the circuit within which such district is located. Upon recall, a bankruptcy judge may receive a salary for such service in accordance with regulations promulgated by the Judicial Conference of the United States, subject to the restrictions on the payment of an annuity in subchapter III of chapter 83 of title 5.

"§ 156. Staff; expenses

"(a) Each bankruptcy judge may appoint a secretary, a law clerk, and such additional assistants as the Director of the Administrative Office of the United States Courts determines to be necessary.

"(b) Upon a determination by the judicial council of the circuit involved that the number of cases and proceedings pending within the jurisdiction under section 1334 of this title within a judicial district so warrants, such judicial council may authorize, with the approval of the Director of the Administrative Office of the United States Courts, the bankruptcy judges for such district to appoint an individual to serve as clerk of such bankruptcy court. The clerk may appoint, with the approval of such bankruptcy judges, and in such number as may be approved by the Director, necessary deputies, and may remove such deputies with the approval of such bankruptcy judges.

§ 157. Procedures

"(a) Each district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district.

"(b)(1) Bankruptcy judges may hear and determine all cases under title 11 and all core proceedings arising under title 11, or arising in a case under title 11, referred under subsection (a) of this section, and may enter appropriate orders and judgments, subject to review under section 158 of this title.

"(2) Core proceedings include, but are not limited to:

"(A) matters concerning the administration of the estate;

"(B) allowance or disallowance of claims against the estate or exemptions from property of the estate;

"(C) counterclaims by the estate against persons filing claims against the estate;

"(D) orders in respect to obtaining credit;

"(E) orders to turn over property of the estate;

"(F) proceedings to determine or set aside preferences;

"(G) motions to lift or modify the automatic stay;

"(H) proceedings to set aside fraudulent conveyances;

"(I) determinations as to the dischargeability of particular debts;

"(J) objections to discharges;

"(K) determinations of the validity, extent, or priorty of liens;

"(L) confirmations of plans;

"(M) orders approving the sale of property not resulting from claims brought by the estate against persons who have not filed claims against the estate; and

"(N) other proceedings affecting the liquidation of the assets of the estate or the adjustment of the debtor-creditor or the equity security holder relationship.

"(3) The bankruptcy judge may determine, on the judge's own motion or on timely motion of a party, whether a proceeding is a core proceeding under this subsection or is a proceeding that is otherwise related to a case under title 11. A determination that a proceeding is not a core proceeding shall not be made solely on the basis that its resolution may be affected by state law.

"(c)(1) A bankruptcy judge may hear a proceeding that is not a core proceeding but that is otherwise related to a case under title 11. In such proceeding, the bankruptcy judge shall submit proposed findings of fact and conclusions of law to the district court, and any final order or judgment shall be entered by distict judge after considering the bankruptcy judge's proposed findings and conclusions and after reviewing de novo those matters to which any party has timely and specifically objected.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the district court, with the consent of all the parties to the proceeding, may refer a proceeding related to a case under title 11 to a bankruptcy judge to hear and determine and to enter appropriate orders and judgments, subject to review under section 158 of this title.

"(d) The district court may withdraw, in whole or in part, any case or proceeding refered under this section, on its own motion or on timely motion of any party, for cause shown. The district court shall, on timely motion of a party, so withdraw a proceeding if the court determines that resolution of the proceeding requires consideration of both title 11 and other laws of the United States regulating organizations or activities affecting interstate commerce.

"§ 158. Appeals

"(a) The district courts of the United States shall have jurisdiction to hear appeals from final judgments, orders, and decrees, and from interlocutory orders and decrees, of bankruptcy judges entered in cases and proceedings referred to the bankruptcy judges under section 157 of this title. An appeal under this subsection shall be taken only to the district court for the judicial district in which the bankruptcy judge is serving.

"(b) An appeal to a district court under subsection (a) of this section shall be taken in the same manner as appeals in civil proceedings generally are taken to the courts of appeals from the district courts.

"(c) The courts of appeals shall have jurisdiction of appeals from all final decisions, judgments, orders, and decrees of the district courts entered under this section.".

(b) The table of chapters of part I of title 28, United States Code, is amended by inserting after the item relating to chapter 5, the following new item:

"6. Bankruptcy Judges.".

SEC. 105. The salary of a bankruptcy judge in effect immediately before the date of the enactment of this Act shall remain in effect until changed as a result of a determination or adjustment made under section 153(a) of title 28, United States Code, as added by this Act.

SEC. 106. (a) Notwithstanding section 152 of title 28, United States Code, as added by this Act, the term of office of a bankruptcy judge who is serving on the date of the enactment of this Act shall expire eight years after the date such bankruptcy judge was last appointed to such office or was continued in office by section 404(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2683), whichever event occurred later.

(b) Notwithstanding section 153(a) of title 28, United States Code, as added by this Act, and notwithstanding subsection (a) of this section, a bankruptcy judge serving on a part-time basis on the date of enactment of this Act may continue to serve on such basis for a period not to exceed two years from the date of enactment of this Act.

(c) Notwithstanding section 152 of title 28, United States Code, as added by this Act, a bankruptcy judge whose term of office is extended by this section shall be deemed, during such term of office, to be appointed under such section 152 as a judicial officer of the district court involved.

TITLE II—OMNIBUS JUDGESHIPS

SEC. 201. (a) The President shall appoint, by and with the advice and consent of the Senate, two additional circuit judges to the Court of Appeals for the First Circuit, two additional circuit judges to the Court of Appeals for the Second Circuit, two additional circuit judges to the Court of Appeals for the Third Circuit, one additional circuit judge to the Court of Appeals for the Fourth Circuit, two additional circuit judges to the Court of Appeals for the Fifth Circuit, four additional circuit judges to the Court of Appeals for the Sixth Circuit, two additional circuit judges to the Court of Appeals for the Seventh Circuit, one additional circuit judge to the Court of Appeals for the Eighth Circuit, five additional circuit judges to the Court of Appeals for the Ninth Circuit, two additional circuit judges to the Court of Appeals for the Tenth Circuit, and one additional circuit judge to the Court of Appeals for the District of Columbia.

(b) In order that the table contained in section 44(a) of title 28, United States Code, will reflect, with respect to each judicial circuit, the changes in the total number of permanent circuit judgeships authorized as a result of subsection (a) of this section, such table is amended to read as follows:

"Circuits	Number of judges
District of Columbia	12
First	6
Second	13
Third	12
Fourth	11
Fifth	16
Sixth	15
Seventh	11
Eighth	10
Ninth	28
Tenth	10
Eleventh	12
Federal	12".

SEC. 202. (a) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the southern district of Alabama, one additional district judge for the district of Alaska, four additional district judges for the central district of California, one additional district judge for the district of Connecticut, three additional district judges for the southern district of Florida, one additional district judge for the middle district of Georgia, one additional district judge for the district of Hawaii, three additional district judges for the northern district of Illinois, one additional district judge for the southern district of Illinois, one additional district judge for the western district of Kentucky, one additional district judge for the western district of Louisiana, one additional district judge for the district of Maryland, one additional district judge for the district of Massachusetts, two additional judges for the eastern district of Michigan, one additional district judge for the northern district of Mississippi, two additional district judges for the southern district of Mississippi, one additional district judge for the eastern district of Missouri, one additional district judge for the district of Montana, three additional district judges for the district of New Jersey, one additional district judge for the northern district of New York, two additional district judges for the eastern district of New York, one additional district judge for the western district of Oklahoma, one additional district judge for the district of Rhode Island, one additional district judge for the eastern district of Tennessee, one additional district judge for the western district of Tennessee, two additional district judges for the eastern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the eastern district of Virginia, one additional district judge for the western district of Washington, and one additional district judge for the district of Wyoming.

(b) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the western district of Arkansas, one additional district judge for the middle district of Florida, one additional district judge for the northern district of Illinois, one additional district judge for the northern district of Indiana, one additional district judge for the district of Massachusetts, one additional district judge for the western district of New York, one additional district judge for the eastern district of North Carolina, one additional district judge for the northern district of Ohio, and one additional district judge for the western district of Washington. The first vacancy in the office of district judge in each of the judicial districts named in this subsection occurring five years or more after the date of the enactment of this Act shall not be filled.

(c) The last sentence of section 2 of the Act of October 20, 1978 (Public Law 95-486; 92 Stat. 1632), shall not apply to the district judgeship for the district of Minnesota and to the district judgeship for the northern district of Ohio, authorized by such section.

(d) In order that the table contained in section 133 of title 28, United States Code, will reflect, with respect to each judicial district, the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c) of this section, such table is amended to read as follows:

"Districts	*Judges*
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	8
Arkansas:	
Eastern	3
Western	1
Eastern and Western	2
California:	
Northern	12
Eastern	6
Central	21
Southern	7
Colorado	6
Connecticut	6
Delaware	3
District of Columbia	15
Florida:	
Northern	3
Middle	9
Southern	15
Georgia:	
Northern	11
Middle	3
Southern	3
Hawaii	3
Idaho	2
Illinois:	
Northern	19
Central	3
Southern	3
Indiana:	
Northern	4
Southern	5
Iowa:	
Northern	1
Southern	2
Northern and Southern	1
Kansas	5
Kentucky:	
Eastern	4
Western	4
Eastern and Western	1
Louisiana:	
Eastern	13
Middle	2
Western	6
Maine	2
Maryland	10
Massachusetts	11
Michigan:	
Eastern	15
Western	4
Minnesota	6
Mississippi:	
Northern	3
Southern	5
Missouri:	
Eastern	5
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	3
New Hampshire	2
New Jersey	14
New Mexico	4
New York:	
Northern	4
Southern	27
Eastern	12
Western	3

“Districts	*Judges*
North Carolina:	
Eastern	3
Middle	3
Western	3
North Dakota	2
Ohio:	
Northern	10
Southern	6
Oklahoma:	
Northern	2
Eastern	1
Western	4
Northern, Eastern, and Western	2
Oregon	5
Pennsylvania:	
Eastern	19
Middle	5
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	8
South Dakota	3
Tennessee:	
Eastern	4
Middle	3
Western	4
Texas:	
Northern	9
Eastern	6
Southern	13
Western	7
Utah	3
Vermont	2
Virginia:	
Eastern	9
Western	4
Washington:	
Eastern	2
Western	6
West Virginia:	
Northern	2
Southern	4
Wisconsin:	
Eastern	4
Western	2
Wyoming	2.”

SEC. 203. (a) Section 371 of title 28, United States Code, is amended to read as follows:

“§ 971. Retirement on salary; retirement in senior status.

“(a) Any justice or judge of the United States appointed to hold office during good behavior may retire from the office after attaining the age and meeting the service requirements, whether continuous or otherwise, of subsection (c) and shall, during the remainder of his lifetime, receive an annuity equal to the salary he was receiving at the time he retired.

“(b) Any justice or judge of the United States appointed to hold office during good behavior may retain the office but retire from regular active service after attaining the age and meeting the service requirements, whether continuous or otherwise, of subsection (c) of this section and shall, during the remainder of his lifetime, continue to receive the salary of the office.

“(c) The age and service requirements for retirement under this section are as follows:

“Attained Age:	*Years of service:*
65	15
66	14
67	13
68	12
69	11
70	10

“(d) The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires under this section.”.

(b) The item relating to section 371 in the table of sections of chapter 17 of title 28, United States Code, is amended to read as follows:

“371. Retirement on salary; retirement in senior status.”.

(c) The amendments made by this section shall apply with respect to any justice or judge of the United States appointed to hold office during good behavior who retires on or after the date of enactment of this Act.

TITLE III—CONFORMING AMENDMENTS

SEC. 301. Section 372(c)(6)(vii) of title 28, United States Code, is amended by striking out “section 153” and inserting in lieu thereof “section 152”.

SEC. 302. (a)(1) Section 604(a) of title 28, United States Code, is amended—

(A) by redesignating paragraphs (15) through (17) thereof as paragraphs (16) through (18), respectively, and

(B) by redesignating paragraph (14), as added by the Court Interpreters Act (Public Law 95-539; 92 Stat. 2043), as paragraph (15).

(2) Section 602(b) of title 28, United States Code, is amended by striking out “section 604(a)(15)(B)” and inserting in lieu thereof “section 604(a)(16)(B)”.

(b) Section 604 of title 28, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively, and

(2) by redesignating subsection (f), as added by the Court Interpreters Act (Public Law 95-539; 92 Stat. 2040), as subsection (g).

SEC. 303. (a) Section 620(b)(3) of title 28, United States Code, is amended—

(1) by striking out “referees,”, and

(2) by striking out “commissioners” and inserting in lieu thereof “magistrates”.

(b) Section 751(d) of title 28, United States Code, is amended by striking out “commissioners” and inserting in lieu thereof “magistrates”.

SEC. 304. (a) Section 631(a) of title 28, United States Code, is amended by striking out “conference” and inserting in lieu thereof “Judicial Conference of the United States”.

(b) Section 631(c) of title 28, United States Code, is amended—

(1) by striking out “of the conference, a part-time referee in bankruptcy or” and inserting in lieu thereof “of the Conference,”, and

(2) by striking out “magistrate and part-time referee in bankruptcy,” and inserting in lieu thereof “magistrate and”.

(c) Section 631(c) of title 28, United States Code, is amended by adding at the end thereof the following sentence: “Notwithstanding any other provision of this chapter or of chapter 6 of this title, a full-time United States magistrate may, with the approval of the Conference, be authorized to serve as a United States bankruptcy judge appointed under section 152 of this title.”.

(d) Chapter 43 of title 28, United States Code, is amended by striking out “conference” each place it appears and inserting in lieu thereof “Conference”.

SEC. 305. (a) Section 634(a) of title 28, United States Code, is amended by striking out “the rates now or hereafter provided for full-time and part-time referees in bankruptcy, respectively, referred to in section 40a of the Bankrupcy Act (11 U.S.C. 68(a)), as amended,” and inserting in lieu thereof “rates determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title”.

(b) The maximum rates for salary of full-time and part-time United Sates magistrates in effect immediately before the date of the enactment of this Act shall remain in effect until changed as a result of a determination made under section 634(a) of title 28, United States Code, as amended by this Act.

SEC. 306. Section 636 of title 28, United States Code, is amended—

(1) by striking “and to involuntarily dismiss an action” from the first sentence of subsection (b)(1)(A) thereof and inserting in lieu thereof “to involuntarily dismiss an action, and, in a case or proceeding under title 11, to involuntarily allow or disallow a claim, a stay, an exemption, a priority, an account, a discharge, or any other application”;

(2) by striking from the first sentence of subsection (c)(2) thereof “shall, at the time the action is filed, notify the parties of their right to consent to the exercise of such jurisdiction.” and inserting in lieu thereof “shall notify the parties in a civil action of the availability of a magistrate to exercise such authority.”; and

(3) by adding at the end thereof the following new subsection:

“(h) For purposes of this section, cases and proceedings filed under section 1334 of this title shall be deemed to be civil actions.”.

SEC. 307. Section 957 of title 28, United States Code, is amended by striking out “district”.

SEC. 308. Section 1360 of title 28, United States Code, is amended—

(1) by striking out “or Territories”;

(2) by striking out “or Territory” each place it appears; and

(3) by striking out “within the Territory” and inserting in lieu thereof “within the State”.

SEC. 309. Section 1930 of title 28, United States Code, is amended by striking out “clerk of the bankruptcy court” each place it appears and inserting in lieu thereof “clerk of the court”.

SEC. 310. Subsections (f), (j), (k), (l), and (m) of section 8339, subsections (b)(1) and (d) of section 8341, and section 8344(a)(A) of title 5, United States Code, are each amended by striking out “and (o)” and inserting in lieu thereof “and (n)”.

SEC. 311. Section 402(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2682), is amended by striking out “shall take effect on April 1, 1984” and inserting in lieu thereof “shall not take effect”.

SEC. 312. Sections 404, 405(a), 405(b), 405(c), 406, 407, and 409 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2683), are repealed.

SEC. 313. (a) On the date of the enactment of this Act there shall be transferred to the appropriate district court of the United States—

(1) cases, and matters and proceedings in cases, under the Bankruptcy Act that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687), other than cases, and matters and proceedings in cases under—

(A) section 77 or chapter IX of the Bankruptcy Act, or

(B) chapter X of the Bankruptcy Act in which a general reference under section 117 of the Bankruptcy Act is not in effect, and

(2) cases under title 11 of the United States Code, and proceedings arising under title 11 of the United States Code or arising in or related to cases under title 11 of the United States Code, that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687).

(b) On the date of the enactment of this Act, there shall be transferred to the appropriate district court of the United States appeals from final judgments, orders, and decrees of the bankruptcy courts pending immediately before such date in the bankruptcy appellate panels appointed under section 405(c) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2685).

Sec. 314. (a) Section 8331(22) of title 5, United States Code, is amended—

(1) by striking out "or under section 404(d) of the Act adding this paragraph",

(2) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) who is serving as a United States bankruptcy judge on the date of the enactment of the Bankruptcy Court Amendments of 1984;",

(3) in subparagraph (B)—

(A) by striking out "transition period" and inserting in lieu thereof "period beginning on October 1, 1979, and ending on the date of enactment of the Bankruptcy Court Amendments of 1984,".

(B) by striking out the period at the end thereof and inserting in lieu thereof "; or", and

(4) by adding at the end thereof the following new subparagraph:

"(C) who is appointed as a bankruptcy judge under section 152 of title 28.".

(b)(1) The first sentence of section 8334(a)(1) of title 5, United States Code, is amended by inserting "and a bankruptcy judge" before the period.

(2) The matter relating to bankruptcy judges in the table set out in section 8334(c) of title 5, United States Code, is amended—

(A) by striking out the following item:

"7............... After January 1, 1970.",

and

(B) by inserting in lieu of the item stricken by subparagraph (A) the following new items:

"7............... January 1, 1970, to December 31, 1983.
"8............... After December 31, 1983.".

(c) Section 8336 of title 5, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l), and

(2) by inserting after subsection (j) the following new subsection:

"(k) A bankruptcy judge who is separated from service, except by removal, after becoming sixty-two years of age and completing ten years of service as a bankruptcy judge is entitled to an annuity.".

(d) Section 8339(n) of title 5, United States Code, is amended by striking out "and before April 1, 1984,".

Sec. 315. The adjustments in the retirement provisions made by this Act shall not be construed to be a "new government retirement system" for purposes of the Federal Employees Retirement Contribution Temporary Adjustment Act of 1983 (Public Law 98-168).

Sec. 316. Section 6301(2)(B)(xiii) of title 5, United States Code, is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", of a bankruptcy judge, or a United States magistrate."

TITLE IV

Sec. 401. Section 105 of title 11, United States Code, is amended—

(1) by deleting the word "bankruptcy" wherever it appears therein; an

(2) by adding at the end thereof the following new subsection:

"(c) The ability of any district judge or other officer or employee of a district court to exercise any of the authority or responsibilities conferred upon the court under this title shall be determined by reference to the provisions relating to such judge, officer, or employee set forth in title 28. This subsection shall not be interpreted to exclude bankruptcy judges and other officers or employees appointed pursuant to chapter 6 of title 28 from its operation.".

Sec. 402. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act, or the application of that provision to persons or circumstances other than those as to which it is held invalid, is not affected thereby.

Sec. 403. (a)(1) Whenever a court of appeals is authorized to fill a vacancy that occurs on a bankruptcy court of the United States, such court of appeals shall appoint to fill that vacancy a person whose character, experience, ability, and impartiality qualify such person to serve in the Federal judiciary.

(2) It is the sense of the Congress that the courts of appeals should consider for appointment under section 152 of title 28, United States Code, to the first vacancy which arises after the date of the enactment of this Act in the office of each bankruptcy judge, the bankruptcy judge who holds such office immediately before such vacancy arises, if such bankruptcy judge requests to be considered for such appointment.

(b) The judicial council of the circuit involved shall assist the court of appeals by evaluating potential nominees and by recommending to such court for consideration for appointment to each vacancy on the bankruptcy court persons who are qualified to be bankruptcy judges under regulations prescribed by the Judicial Conference of the United States. In the case of the first vacancy which arises after the date of the enactment of this Act in the office of each bankruptcy judge, such potential nominees shall include the bankruptcy judge who holds such office immediately before such vacancy arises, if such bankruptcy judge requests to be considered for such appointment and the judicial council determines that such judge is qualified under subsection (c) of this section to continue to serve.

(c) Before transmitting to the court of appeals the names of the persons the judicial council for the circuit deems best qualified to fill any existing vacancy, the judicial council shall have determined that—

(1) public notice of such vacancy has been given and an affirmative effort has been made, in the case of each such vacancy, to identify qualified candidates, without discrimination as to race, color, sex, religion, or national origin,

(2) such persons are members in good standing of at least one State bar, or the District of Columbia bar, and members in good standing of every other bar of which they may be members,

(3) such persons possess, and have a reputation for, integrity and good character,

(4) such persons are of sound physical and mental health,

(5) such persons possess and have demonstrated commitment to equal justice under law,

(6) such persons possess and have demonstrated outstanding legal ability and competence, as evidenced by substantial legal experience, ability to deal with complex legal problems, aptitude for legal scholarship and writing, and familiarity with courts and court processes, and

(7) such persons' demeanor, character, and personality indicate that they would exhibit judicial temperament if appointed to the position of United States bankruptcy judge.

Sec. 404. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) Sections 201 and 202 of this Act shall take effect on January 21, 1985.

H.R. 3020

By Mr. ECKART:

(Elimination of loan authority with respect to economic dislocation resulting from currency value fluctuations, etc.)

—Page 32, strike out line 20 and all that follows through line 21 on page 34.

(Technical amendments relating to elimination of loan authority.)

Page 34, line 22, strike out "Sec. 309." and insert in lieu thereof "Sec. 304.".

Page 35, line 8, strike out "Sec. 310." and insert in lieu thereof "Sec. 305."

Page 35, line 14, strike out "Sec. 311." and insert in lieu thereof "Sec. 306."

Page 36, line 6, strike out "Sec. 312." and insert in lieu thereof "Sec. 307."

Page 36, strike out lines 16 and 17 and insert in lieu thereof the following:

Sec. 308. The amendments made by sections 306 and 307 shall apply to loans granted on the basis of

Page 36, line 23, strike out "Sec. 314." and insert in lieu thereof "Sec. 309."

Page 37, line 13, strike out "Sec. 315." and insert in lieu thereof "Sec. 310."

H.R. 4164

By Mr. ACKERMAN:

—Page 24, line 6, strike out "or" and insert in lieu thereof "and".

By Mr. OWENS:

—Page 24, line 6, strike out "or" and insert in lieu thereof "and".

By Mrs. ROUKEMA:

—Page 92, after line 23 insert the following new paragraph (and redesignate the subsequent paragraph accordingly):

"(16) that none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization; and

Page 92, line 23, strike out "and".

—Page 89, strike out lines 8 through 22 and insert in lieu thereof the following:

"(9) that for each fiscal year, at least 20 percent of the State's allotment for part A of title II pursuant to section 104 shall be used to pay for vocational education programs, services, and activities authorized by section 202—

"(A) for individuals—

"(i) who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward an associate or other degree, but which programs are not designed as baccalaureate or higher degree programs; and

"(ii) who have already entered the labor market, or who have completed or left high school, and who are not described in clause (i); and

"(B) designed to promote State and local economic development and employment training, including—

"(i) retraining individuals whose jobs have been lost or jeopardized by technological or economic change for occupations in which there is a current or projected shortage of workers,

"(ii) training for skilled occupations needed to revitalize businesses and industries that are essential to State or local economic well-being,

"(iii) training for skilled occupations which are needed to attract or otherwise promote entry of new businesses and industries into a State or community,

"(iv) providing entrepreneurship training,

"(v) developing innovative pilot programs for trades, crafts, businesses, and industries experiencing technological change,

"(vi) cooperative vocational education programs and other programs of vocational instruction which support on-the-job training,

"(vii) career guidance and counseling programs designed to assist individuals in developing the necessary skills to move into new and emerging fields and those fields experiencing shortages of trained workers,

"(viii) joint vocational education programs with business and industry designed to train skilled workers for occupations utilizing modern technology, and

"(ix) training or retraining of vocational education instructors through exchange programs between business or industry and the school,

except that the Secretary may allow such reserved funds to be used for other purposes under section 202(a)(1) if the State provides assurances that needs described in this paragraph are being sufficiently addressed through State and local funding and Federal funding to the State under title III of the Job Training Partnership Act;

H.R. 4170

By Mr. PARRIS:

(Amendment to the amendment in the nature of a substitute (offered by the Committee on Ways and Means.)

Page 392, insert after line 24 the following new section:

SEC. 495. AMENDMENT RELATING TO DEDUCTIONS FOR THE PAYMENT OF CERTAIN EXPENSES BY A MEMBER OF A UNIFORMED SERVICE OF THE UNITED STATES, OR BY A MINISTER, WHO RECEIVES A HOUSING OR SUBSISTENCE ALLOWANCE.

(a) IN GENERAL.—Paragraph (1) of section 265 of such Code (denying a deduction for payment of certain expenses relating to tax-exempt income) is amended by adding at the end thereof the following new sentence: "This section shall not apply with respect to any income of a member of a uniformed service (within the meaning given to such term by section 101(3) of title 37, United States Code) in the form of a subsistence allowance or a quarters or housing allowance or to income excluded from gross income of the taxpayer under section 107 (relating to rental value of parsonages)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1982.

Page 187, insert after the item relating to section 494 in the table of contents for title IV the following new item:

"Sec. 495. Amendment relating to deductions for the payment of certain expenses by a member of a uniformed service of the United States, or by a minister, who receives a housing allowance."

EXTENSIONS OF REMARKS

CONGRESSMAN TONY P. HALL URGES NEW COURSE FOR FOREIGN AID

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. DORGAN. Mr. Speaker, our colleague from Ohio, Mr. Hall, recently presented convincing and well-documented testimony before the House Foreign Affairs Subcommittee on International Security on the disturbing increase in our foreign military aid. Mr. Hall persuasively showed that dramatic increases in security aid, coupled with relative declines in development and food aid, have created a dangerous imbalance in our foreign aid program and thereby failed to meet human needs and advance world security.

I share this concern and commend Congressman Hall for his consistent leadership on these issues and for his excellent statement. I wish to include it at this point and recommend that his incisive critique of arms aid and arms sales receive wide attention here in Congress and by the public:

Statement of Congressman Tony P. Hall on Human Needs and World Security

Mr. Chairman, I am honored to have the opportunity to appear before this Subcommittee today to discuss issues relating to international security assistance.

I. RECENT TRENDS IN U.S. FOREIGN ASSISTANCE

Since 1980, U.S. foreign aid has shifted sharply toward military aid and security-related aid under the Economic Support Fund. Military aid has grown by over 100 percent, and total security assistance—military and ESF combined—has grown by 73 percent. In contrast, humanitarian and development aid programs have increased 6 percent, which has been less than the rate of inflation.

In fiscal 1981, a total of $5.3 billion was spent on security assistance, which represented about 50 percent of all foreign aid. In fiscal 1982, the amount spent on security aid jumped to $7.0 billion, or 56 percent of total foreign aid. In fiscal 1983, the total rose to $8.5 billion, or 60 percent of all U.S. foreign assistance.

In the Continuing Appropriations legislation for fiscal 1984, funding for security assistance totalled $9.2 billion, which represented about 63 percent of all U.S. foreign aid.

It is clear that U.S. foreign aid spending has been increasing, and a larger and larger portion of that increase has been for military-related assistance.

Our citizens are rightly concerned about the need to critically examine all areas of Federal spending in order to reduce the massive deficits projected for the next several years. According to most opinion polls, the average American would select foreign aid as a category which deserves special budgetary scrutiny. Yet that citizen might be surprised to learn that the bulk of foreign aid spending is for military purposes.

Currently, the world spends $22 on military purposes for every one dollar it spends on development aid to poor countries. According to the U.N. Center for Disarmament, the money required to provide adequate food, water, education, health, and housing for everyone in the world has been estimated at about $18.5 billion per year. The world spends this much on arms every two weeks. In the developing world, ten times more is spent on arms than on health, education, and welfare combined.

In 1982, over $43 billion worth of arms transfer agreements were concluded by arms selling nations to the Third World. Between 1975 and 1982, the value of these transfer agreements was $236.7 billion. Consider the impact on development if just half this amount, or $118.4 billion, had been channeled to meet basic human needs in the recipient countries.

In 1980, 30 developing countries spent more on their military budgets than on health and education combined. In developing countries today, there is one soldier for every 250 people—and one doctor for every 3,700. Moreover, the military forces in the Third World are often instruments of oppression rather than guarantors of security. Of the 41 military governments identified by the Center for Defense Information as having records of violating their citizens' basic human rights, the United States has supplied arms to 28.

There is, of course, a legitimate need for international security assistance. However, in recent years U.S. foreign aid has emphasized the military component of security assistance to the detriment of the other aspect of the recipient nation's security: the fulfillment of essential human needs. Clearly, hunger, disease, and subhuman living conditions threaten a developing country's stability as much as any real or imagined external military threat.

It is time to reallocate some of the billions of dollars spent on military aid to address basic human needs in the developing world. Certainly, this is as much in our own security interests as in the recipient nation'. It is the human misery in the Third World that gives rise to the instability and conflict into which the United States is increasingly being drawn militarily.

II. THE HUMAN NEEDS AND WORLD SECURITY ACT

In response to the growing imbalance between security and development assistance funding, a bipartisan group of my colleagues and I have introduced H.R. 4440, the Human Needs and World Security Act. This legislation, which enjoys the active support of Bread for the World, has a current total of 65 cosponsors.

The objective of the bill is to reform and to reorder foreign assistance spending priorities. It proposes to cap or freeze spending for security assistance for fiscal 1985, while making modest increases in selected development and humanitarian aid programs.

The Human Needs and World Security Act contains two principal portions. The first part of the bill places an overall cap on military assistance of $6,261,500,000—about $6.3 billion. This reflects the funding in the Continuing Appropriations for fiscal 1984 for the combination of foreign military sales credits, foreign military sales guarantees, grant military assistance, and international military education and training. In addition, the bill places a separate cap on economic support fund (ESF) spending, the second component of security assistance, at the Continuing Appropriations for fiscal 1984 level of $2.9 billion.

The second part of the bill is to provide for small increases over the fiscal 1984 level—as contained in the Continuing Appropriations legislation—for selected humanitarian and development aid programs. The bill provides an increase of $50 million for the United Nations Children's Fund (UNICEF) for the provision of low-cost preventive health measures associated with the "child health revolution" developed by UNICEF and other United Nations agencies. Another $50 million increase is directed to the Agency for International Development's (AID) health care activities for preventive health care, including the provision of safe potable water. The bill directs $40 million for the International Fund for Agricultural Development and $50 million for Title II of the Public Law 480 program. Finally, $10 million is to be provided for the Inter-American Development Bank's program for the Financing of Small Projects and an extra $20 million is directed for the activities of the Peace Corps. The total amount of all the increases for humanitarian and development aid programs is $220 million—less than one dollar for every person in the United States.

III. APPLICATION OF THE PRINCIPLES OF H.R. 4440 TO THE FOREIGN ASSISTANCE REQUESTS FOR FISCAL 1985

The Human Needs and World Security Act proposes a blueprint for reordering foreign aid spending priorities. It represents the direction in which the cosponsors would like to see our foreign aid program head.

The bill H.R. 4440 was originally introduced on November 17, 1983. This, of course, was well in advance of the budget submissions by the Administration for fiscal 1985 funding for foreign assistance. Now that the initial requests for fiscal 1985 are available, I would like to comment on how some of these numbers relate to the principles of the Human Needs and World Security Act.

It should be emphasized that initial budget submissions are a moving target. Such preliminary numbers always are subject to modification.

It also should be kept in mind that H.R. 4440 is based upon the fiscal 1984 amounts in the Continuing Appropriations legislation. It does not take into account supplemental funding for fiscal 1984. At the same time, of course, the initial fiscal 1985 requests by the Administration do not now accommodate possible supplemental spending for fiscal 1985. One should note the likelihood that there will be additional increases in fiscal 1985 as events warrant.

A. Military aid in fiscal 1985.—The Human Needs and World Security Act proposes a cap on military aid in fiscal 1985 of $6,261,500,000—or approximately $6.3 billion. The initial Administration request for military aid for fiscal 1985 is either under or over this cap, depending on which method of accounting you use.

The Human Needs and World Security Act's military aid cap of $6.3 billion does not provide separate caps for MAP, IMET, or the various forms of FMS. Further, there is no earmarking for specific countries.

Matching the military aid components of the $6.3 billion cap with the requests for the same programs in fiscal 1985 reveals that the request is $6,085,400,000—or about $6.1 billion. On the basis of this particular comparison, the fiscal 1985 request for military aid would be $176.1 million under the cap.

However, this comparison does not take into account additional program funding sought in fiscal 1985 that also might be considered military aid. The request seeks $49 million for Peacekeeping Operations (PKO), $5 million for the Anti-Terrorism Program, and $274 million for the FMS Guarantee Reserve Fund. This is an extra $328 million which would bring the total military aid request to $6,413,400,000. This would end up putting the request over the cap by $151.9 million.

It should be noted that the Administration's fiscal 1985 budget request does not include funds for the FMS Guarantees program. These guarantees, which have been off-budget, totalled $4,401,000,000 in the 1984 Continuing Resolution.

In exchange for converting these off-budget loan guarantees into concessional loan or grant aid, it might have been thought that the Administration would seek lower levels of more concessional aid. However, the total of the Guarantee Reserve Fund, Concessional FMS, additional Forgiven FMS, Marketing FMS, and additional MAP comes to $4,473,000,000. This is $72 million more that the equivalent FMS Guarantees funding under the Continuing Resolution for fiscal 1984.

Thus, it can be argued that the more purely military component of security assistance is increased under the Administration's budget submission for fiscal 1985.

The Human Needs and World Security Act seeks to hold the line on increases in military aid, especially in view of the dramatic increases that have taken place over the last three or four years. I would urge the Subcommittee to apply the spirit of H.R. 4440 to the military aid requests for fiscal 1985 that are awaiting your action. A renewed effort should be made to carefully examine which of the requests are truly worthy. In addition, caution is required in analyzing the reality behind balance sheet maneuvering.

B. Economic support fund in fiscal 1985.—As this Subcommittee is aware, there has been controversy in recent years over the actual nature of Economic Support Fund assistance. In the effort to distinguish military and economic foreign aid, some observers prefer to characterize ESF as a component of the economic side of the ledger.

The better distinction is between security and development assistance, rather than between military and economic assistance. From this perspective, ESF is more properly considered an element of overall security assistance.

The Human Needs and World Security Act proposes a cap in fiscal 1985 for ESF at the Continuing Resolution for fiscal 1984 level of $2.9 billion. The principal reason for this separate cap on ESF is to prevent the possible diversion of funds out of ESF and into the more purely military accounts under the alternative approach of a single overall cap on security assistance. That is, an overall cap of $9.2 billion could permit loading up the FMS, IMET and MAP accounts at the potential expense of ESF. For this reason, separate caps of $6.3 billion and $2.9 billion are proposed.

The initial fiscal 1985 request by the Administration for ESF is $3,438,100,000. This figure exceeds the H.R. 4440 cap by $538.1 million.

The largest block of ESF assistance would go to the Near East and South Asia, with $1.6 billion for Israel and Egypt, and $200 million for Pakistan. Sudan is expected to get $120 million. The other large block of ESF is $640.6 million for Central America.

Certainly, some of this funding is appropriate and necessary. Further, the amount for Israel is $60 million below the fiscal 1984 total.

In applying the principles of H.R. 4440, the Subcommittee should examine closely why $538 million more is needed in fiscal 1985. Questions should be raised concerning which of the amounts truly enhance security in the recipient nations and which might have the greatest impact in addressing basic human needs.

There should be a critical investigation of how ESF assistance is used by the countries that receive it. For example, a General Accounting Office report released two weeks ago called attention to the fact that $200 million in aid sent to the Philippines since 1979 has been controlled primarily by Imelda Marcos, the wife of Philippine President Ferdinand Marcos, instead of by the U.S. government. Issues involving the proper control of the money evidently have not been fully resolved. The Philippine case is of special concern is view of the fact that the Administration proposes to increase ESF to that country by $45 million in fiscal 1985.

C. Development assistance in fiscal 1985.—The focus of this Subcommittee is on international security assistance, rather than development assistance. Nevertheless, I would like to comment briefly on how the additional funding proposed by H.R. 4440 for six development-oriented programs compares to the funding levels proposed by the Administration.

For the total of five of the six development-oriented programs intended to be increased by H.R. 4440, the H.R. 4440 totals would exceed the overall Administration requests by $193 million. The request for the Inter-American Development Bank's Small Projects program is not available. However, the earmarking proposed by H.R. 4440 would be $10 million. Therefore, the overall increase needed to bring the six programs up to the levels suggested by H.R. 4440 would not be more than $203 million, compared to the $220 million originally envisioned. While the Administration has recommended some increases, it proposes only $27 million for UNICEF, compared to the $102 million sought by H.R. 4440. This $75 million gap would be the largest increase suggested by the Human Needs and World Security Act.

The programs selected for increases under H.R. 4440 are just six examples of particularly worthy development-oriented expenditures. While there are other meritorious programs that could be chosen, these six are indications of the kind of development-supporting efforts that should receive additional assistance.

IV. TOWARD BUILDING HOUSE SUPPORT FOR A FOREIGN AID AUTHORIZATION BILL

It is clear that there will always be irreconcilable differences in the House of Representatives over funding levels for various foreign aid proposals. Implementation of the Kissinger Commission recommendations for Central America, for example, is bound to provoke a spirited debate.

Any foreign aid bill is controversial by nature, regardless of its merits. There will always be those who contend that any amount of foreign aid is too much. Further, there is the temptation to cast a vote in favor of fiscal conservatism by opposing a foreign aid measure.

Adding to these perennial problems has been the growth in recent years of the military side of the foreign aid ledger. The escalation of military foreign aid while development-oriented foreign aid has remained relatively constant has made foreign aid legislation less attractive to many of its formerly consistent supporters.

Many of our colleagues are finding it difficult to support legislation that emphasizes military aid and gives short shrift to addressing basic human needs in the developing world. Indeed, the difficulty is compounded in those cases where the military aid is sent to governments that can be characterized as repressive.

The fact that already 65 Members have cosponsored H.R. 4440 is a strong indication that there is deep concern in the House about the recent drift of foreign aid priorities. We are hoping that the issues raised by the Human Needs and World Security Act will be addressed by any foreign aid authorization bill that is brought to the House Floor.

V. THE ISSUE OF CONVENTIONAL ARMS TRANSFER LIMITATIONS

Exactly one year ago today I appeared before this Subcommittee in support of legislation I introduced relating to conventional arms transfer limitations. My resolution, H.J. Res. 128, calls for a four-point program to achieve conventional arms limitations.

It urges the Administration to begin preliminary discussions with the Western arms supplying nations and with the Soviet Union to establish limits and guidelines for conventional arms transfers to developing nations. It further calls for talks between the nations selling conventional weapons and those purchasing such weapons. Finally, it urges self-restraint on the part of the United States with respect to selective conventional arms transfers to developing nations, particularly those involving sophisticated technology.

I hope that the Subcommittee will take another look at H.J. Res. 128 and the issues it raises. I would ask the Subcommittee to consider adding a section to this year's foreign aid authorization bill that would express the sense of Congress in support of the development of a coherent and visible conventional arms transfer limitation strategy.

Section 109 of H.R. 2992, the International Security and Development Cooperation Act of 1983, would have changed the reporting date for the annual report on the volume of international arms traffic and required a report on U.S. arms export policies and possible approaches to developing multilateral limitations on arms sales. The committee report to accompany H.R. 2992 outlined the issues requested to be examined by this study. I would urge the Subcommittee to repeat the request for such a study in this year's foreign aid authorization bill and committee report.

One of the criticisms of my proposal to begin talks to resume the Conventional Arms Transfer (CAT) talks with the Soviet Union was that the time was not right for such a dialogue with the Soviets. The lack of progress on the nuclear front was seen as precluding progress on conventional arms transfers.

Now, however, the change in Soviet leadership would seem to offer a new window of opportunity for preliminary discussions about the formal resumption of CAT talks. Indeed, some small movement with respect to conventional arms transfer limitations might encourage progress on the more difficult nuclear issues. We have little to lose, and much to gain, by initiating feelers concerning talks to establish limits and guidelines for conventional arms transfers.

This also would be a good time to raise the issue of conventional arms transfer limitations with our Western allies. For example, the French recently concluded a major arms contract with Saudi Arabia, and the French are reported to be about to commence a very aggressive marketing program for arms to make up for a decline in 1983. We should act now to head-off a renewed arms sale battle with our allies for Third World markets.

VI. CONCLUSION

The time has come to raise questions about the growth of the security assistance component of foreign aid. The chief security threat in the Third World arises from problems of hunger, poverty, and disease. World security may be best served by efforts to address basic human needs in these developing nations.

On behalf of an increasingly significant number of our colleagues, I would urge this Subcommittee to work to restrain the growth of military foreign aid and to critically examine the requests for security assistance submitted by the Administration for fiscal 1985. In addition, the Subcommittee should include provisions in this year's foreign aid authorization bill that address the issue of conventional arms transfer limitations.

Foreign aid can be an important part of our foreign policy, but it needs to be reformed and redirected. Building a consensus and a constituency for foreign aid legislation is never easy, but the task will be even more difficult if the legislation fails to address the growing concern about increasing security assistance and under-emphasized development assistance.●

CULTURAL EXCHANGE: ONE WAY TO LEARN

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SIMON. Mr. Speaker, Igor Moiseyev, director of the State Dance Ensemble of the Soviet Union, recently had a column in the New York Times about cultural exchanges.

This is one way we can improve relations between the United States and the Soviet Union.

After the uncalled for invasion of Afghanistan, the United States cut off virtually all cultural exchanges with the Soviet Union. It was a visible way to protest what was clearly an international wrong. But it was also the wrong way to protest it.

After a visit with some of the top officials of the Soviet Union well over 1 year ago, I contacted the head of the USIA, Mr. Charles Wick, met with him and the top members of his staff about renewing negotiations with the Soviet Union on cultural exchanges. I am pleased that negotiations did get underway, and then the Korean airline tragedy once again caused the total disruption of these negotiations.

What the Korean airline incident proved is that we need more exchanges with the Soviet Union not less, more understanding with them not less.

I urge my colleagues in the House and the Senate to read Mr. Moiseyev's statement.

CULTURAL EXCHANGE: ONE WAY TO LEARN

(By Igor Moiseyev)

MOSCOW.—Up until the end of 1979, cultural ties between the Soviet Union and the United States were strong and developing successfully under an official agreement. In December 1979, the agreement expired. A month later, President Jimmy Carter announced sanctions against the Soviet Union, which included cancellation of negotiations on renewing the treaty and planned visits and expositions by Soviet artists, musicians, actors and dancers—in particular, the exhibition "Treasures from the Hermitage." The idea of renewing cultural contacts was raised by certain people in America last year. But there were new sanctions in September, before negotiations could start.

Cultural life in Moscow is rich and varied, but it could be even richer with tours by visiting American artists. And Americans too have lost something by not being able to see the Hermitage paintings and new performances by the Bolshoi Ballet.

I remember our first concert tour in the United States in 1958. Our company was the first Soviet art group to visit America after the many years of the cold war. From the very first days of our stay, we discovered America for ourselves, and the Americans, Russians for themselves. We were like mutual Columbuses. In the beginning we felt elements of distrust on the part of Americans, but after our first performance their attitude changed abruptly. Each of our concerts ended with scores of Americans inviting us to visit their families.

Concert tours abroad, if they are artistically "full value," assist in deepening mutual enrichment of national dance cultures, their intellectual relationship. American choreographers visited our concerts. They took photographs and studied element of our dances. And I, in turn, saw many interesting productions in America. In this way, we learn from each other. Indeed, there can be no comparison between an "armchair" study of the history and culture of a country with the authentic, live impressions you get from meeting people, from actually seeing them perform their dances. During our tours we acquainted ourselves with America's beautiful folk traditions and with popular American dances being performed by amateurs. For example, we learned about square dancing, and showed it with invariable success at the end of each concert in America.

The language of art, including the language of dance, can surmount the most difficult hurdles, including language barriers. We felt that at each concert, and also when we talked with reporters and viewers. Sometimes, however, it is easier to give a whole concert than answer a few questions. What could we say when someone asked us if Russians used knives and forks to eat dinner or asked if women in the Soviet Union were allowed to wear earrings and wedding rings?

True, there were some unpleasant moments. Sometimes they hurled tear-gas canisters, smoke pots and broken glass onto the stage. But there were times when the attacks against us had a humorous end. For example, people carrying posters would surround some of the halls in which we were performing. But when the concert began, the famous, and now late, impresario, Sol Hurok, an active supporter and organizer of Soviet-American cultural ties for many years, would tell the people: "You've come to picket. Now go and see the concert. I'll let you in free of charge." You should have seen how quickly the picketers dropped their posters, with what pleasure they watched our performances and how warmly they applauded us.

I find it hard to name a country where we would have felt more sincere interest in us and simple human warmth than in the United States. In this respect, there is much in common between our peoples, and I think that is why it was so easy and simple for us to tour America. I remember our performances in the Federal Republic of Germany. Our success was tremendous. One can judge that, at least, by the fact that the curtain was raised 18 times. But success began and ended in the hall. We never so much as drank even a glass of beer with a single German. In America, it was different. Each of our concerts engendered a sea of contacts, of friends who still write us. I can say that almost every member of our company has personal friends in America. And even the forced suspension of cultural contacts between our countries has not extinguished these warm and friendly ties.

Americans ask us in their letters when we will be coming back. We also meet our American acquaintances in other countries, and they put the same question to us, thinking that we are to blame for not performing in America, though it is official America that does not want to have cultural contacts with the Soviet Union.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. FORD of Michigan. Mr. Speaker, I would like to take the opportunity of the Congressional Call to Conscience Vigil for Soviet Jews to once again beseech the Soviet Government to uphold its pledge as a signatory of the Helsinki Final Act. Last year marked the lowest level of emigration in over a decade, although not because most who want to leave have already emigrated, as the Soviets maintain. My fellow Members of Congress, thousands of organizations and countless citizens know otherwise. It is our hope that the Soviet Union, under the leadership of Konstantin Chernenko, will demonstrate some willingness to uphold its pledge to guarantee human rights by reconsidering applications for emigration.

I am particularly concerned about Tatyana Ulanovsky who, along with her ailing mother Raisa, has been denied permission to join her son and only other living relative, Lev, to move to Israel. Tatyana cares for her very ill and bedridden mother in their apartment in Moscow. Both pensioners, Tatyana and Raisa share the thread of hope that they may someday be reunited with Lev.

Lev was permitted to emigrate to Israel in 1979. His mother and grandmother applied in December of 1980. Their first application was pending for over a year before being refused as having insufficient reason to emigrate. Subsequent requests have been continually denied.

I wrote to Secretary Andropov in November of last year requesting more information pertaining to Tatyana Ulanovsky's case; however, I have yet to receive a reply. It is my fervent hope that the new Soviet leadership will bring a renewed commitment to their 1975 promise to deal with requests for family reunification in a "positive and humanitarian spirit."●

CONGRESSIONAL BANKRUPTCY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. EDWARDS of California. Mr. Speaker, I wanted to call to the attention of my colleagues an excellent editorial which appeared in the March 5 edition of the San Jose Mercury News. The editorial examines the need for the Congress to act quickly to enact H.R. 3, the Bankruptcy Improvements Act of 1983. I am sure my colleagues will find it of interest.

The article follows:

[From the San Jose Mercury News, Mar. 5, 1984]

CONGRESSIONAL BANKRUPTCY

Unless Congress acts with uncommon—and unanticipated—speed, the Nation's bankruptcy courts are going out of business at the end of this month, leaving an estimated 700,000 potential bankrupts in legal limbo.

A bill to rescue the bankruptcy courts from extinction is waiting in the House of Representatives. But H.R. 3, by Representative Peter J. Rodino, D-N.J., chairman of the House Judiciary Committee, isn't likely to become law soon. It's being held hostage to partisan in-fighting in Congress, to the Federal judiciary's determination to preserve its traditional pecking order, and to the consumer credit industry's desire to cut its losses.

This is nobody's finest hour.

Congress should enact H.R. 3 promptly and deal with the credit industry's problems later, on their merits and in a non-crisis atmosphere.

As a stopgap, Congress could pass emergency legislation extending the terms of the present 241 Federal bankruptcy judges. But that would perpetuate a makeshift bankruptcy court system that's already being challenged on constitutional grounds.

And it would force literally hundreds of thousands of individuals and corporations to wait still longer for their chance to start over financially.

Clearly, the cleaner way out of this mess is to enact H.R. 3, which puts bankruptcy court judges on a par with the rest of the Federal judiciary by giving them lifetime tenure and guaranteeing that their pay can't be cut.

That's where Congress stumbled in 1978. That year, in an effort to ease the workload of Federal district judges, lawmakers gave the bankruptcy judges broader powers and added responsibilities—and 14-year terms of office with no protection against salary reductions. The 1978 law gave Congress until March 31, 1984, to determine the number of bankruptcy judges and decide which judicial districts should get how many judges.

But on June 28, 1982, the Supreme Court overturned that law, ruling that the bankruptcy judges' expanded powers and responsibilites entitled them to the same tenure and salary protection as other federal jurists. The court gave Congress until October 4, 1982, to remedy this flaw.

Congress missed that deadline and a later one as well, and in the interim federal district judges have managed to keep bankruptcy litigation limping along by referring cases to the existing bankruptcy judges and then ratifying their decisions. The legality of this makeshift system is being challenged; if it's overturned, the rulings now being handed down might be nullified as well.

So what's holding up H.R. 3?

First, the federal district judges are unhappy because the bill creates a new, and separate class of jurists with equal status—and prestige. Second, Republicans and Democrats are circling one another warily on how to divide up new judicial appointments.

Third, and crucially, the consumer credit industry—banks, retailers, credit unions, finance companies and other lenders—wants tougher rules governing personal bankruptcies amended into H.R. 3. Rodino refuses to buy that, but Sen. Bob Dole, R-Kan., chairman of the Senate Finance Committee, has made it clear the Senate won't look at H.R. 3 unless it also toughens up consumer bankruptcy rules. This game of congressional chicken has produced the present stalemate.

Troubled businesses needing to reorganize and wage earners wanting to discharge their debts and start over deserve better than this from Congress.●

THE IMF AND THE "DEBT BOMB"—AND THE LITTLE BOY WHO CRIED "WOLF"

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. DASCHLE. Mr. Speaker, last year this Congress, under heavy administration pressure, passed additional loan quota authority of $8.4 billion for the International Monetary Fund. At the time of that vote, I expressed my conviction that this measure was, in fact, a bailout for the big banks who had made bad business decisions, and wanted taxpayer dollars to bail them out of the mess they themselves had created.

We were told, at the time of this vote, that failure to increase the IMF loaning authority, out of our tax dollars, would cause the imminent collapse of a number of foreign countries' economies, with a resultant worldwide depression. However, a study just released by the Department of Economics at George Mason University dispels these cries of wolf from the international bankers and their cronies within the administration. In this study, authors James Barth and Joseph Pelzman display evidence which clearly implies that the specter of worldwide depression, raised so strongly by the international bankers, was, in fact, so greatly overexaggerated as to be totally misleading.

For my colleagues' information, I would like to place the conclusions of this study into the RECORD at this point.

The document follows:

THE IMF AND THE "DEBT BOMB"—AND THE LITTLE BOY WHO CRIED WOLF

VI. SUMMARY AND CONCLUSIONS

As is now well known, international banks became heavily involved in foreign debt by recycling funds from oil producing countries to non-oil developing countries and the Eastern bloc nations. Historically, this was not a new role for banks nor one that is necessarily bad. It is, however, a role that understandably involves risk and uncertainty. It is no surprise, therefore, that once the debtor countries began having difficulties servicing their external debts attention would be focused on commerical banks. This is especially the case when one realizes that developing countries have relied almost entirely on debt rather than equity financing, with a large portion of the borrowing being short-term and coming from banks. Unlike dividends, interest payments are to be paid in bad times as well as good and unlike long-term debt, short-term debt must be periodically rolled over.

Despite the seriousness of the problem, many of the fears that have been expressed may be based on misleading data. Although the total external outstanding debt of the non-oil developing countries and Eastern European countries is gigantic, most of the debt is concentrated among a relatively few countries. As a result, we agree with Robert E. Weintraub's statement that "there is no aggregate developing-world debt problem" (How Threatening Is The World Debt? Wall Street Journal, May 16, 1983, emphasis added). Furthermore, not all of this debt is as worthless as some imply. The solvency position of U.S. commercial banks is nowhere near as desperate as the standard comparisions of bank debt-to-bank equity ratios indicate. It has also been emphasized that the U.S. banking system need not collapse in the event of defaults. If the Federal Reserve System fulfills its responsibilities as lender-of-last-resort, the banking system will remain intact. Of course, individual banks might fail, but that occasionally happens in a competitive economy under conditions of risk and uncertainty. Even so, however, only shareholders and uninsured depositors will incur losses, and those depositors with deposits of less than $100,000 per account are fully protected by the FDIC.

This particular view is not shared by everyone. The New York Times, for example, recently reported that "senior IMF officials" warned that "if new finanical assistance is not made available, debtor countries could default, setting off a banking crisis" (Leonard Silk, "Monetary Fund Chief Is Firm on Actions to Curb Inflation," New York Times, October 16, 1983, p. 1). But as Weintraub has stated, "under analysis, the threat of widespread bank failures and the collapse of our banking system, is found to be imaginary" (International Debt: Crisis and Challenge, Department of Economics, George Mason University, April 1983, p. 25).

Although the U.S. banking system may not collapse in the event of defaults, U.S. exports would surely suffer; but, this cost must not be exaggerated. Furthermore, the IMF imposed conditions on debtor countries when providing financial assistance, which may exacerbate the adverse effects on U.S. exports.

There may be imperfections in capital markets that justify some intervention by the IMF. Even if this is the case, however, the involvement need not take the form of quota increases. If the problem is only temporary, it would be more appropriate for the IMF to borrow funds in the private capital markets for a specified period of time or to sell off some of its gold holdings. Temporary problems do not require permanent increases in financial resources. The incentives for abuse, unfortunately, are too great when funds are made available permanently.

There is, moreover, a need to be sure that insolvent debtors are not lumped together with illiquid debtors. If so, the day of reckoning is only postponed, not eliminated. At the same time, there will be more calls for further strengthening the international agencies. Once again, statements like the following will be made:

"If the world is to avoid another debacle such as the one that took place in the 1930's, when the monetary system broke down, it is essential that a strong monetary fund be the center of the system" (Jacques de Larosiere, managing director of the IMF, as reported in the New York Times, October 16, 1983, p. 16).

"The economic distress of the poorest nations is a time bomb ticking away". (A. W. Clausen, president of the World Bank, as reported in the Washington Post, September 28, 1983, p. 8. It is then reported that he called on wealthier nations for immediate boosts in foreign aid and contributions to international development institutions.)

Unfortunately, the international debt problem is unlikely to go away soon. Whether or not IMF quotas are increased, the problem will be around for several years, so one has to view the problem in terms of its long-run implications. Once this is done, one quickly realizes that incentives are very important. The way one problem is handled today establishes the rules of the game for future international borrowing and lending. If institutions and countries receive signals that imprudent behavior will be rewarded, then we can expect more of the same. For this reason every attempt should be made not to subsidize irresponsibility.

Finally, whenever greater intervention by the government or an international agency is advocated, it is all too often done during a so-called crisis. When immediacy drives all actions, the risks of doing the wrong things are usually too great, especially when one realizes that exaggeration is all too common during these periods. Furthermore, the burden of proof is not on those who support greater intervention. For these reasons incentives are frequently distorted by policies implemented on the basis of short-run concerns. In the words of Robert E. Weintraub:

"Judicious use of regulations and market forces is required to assure that the risks in country lending are adequatetly recognized by banks without chilling their international lending activities and that adequate provisions are made against mistakes and unexpected events." (International Lending By U.S. Banks: Practices, Problems, and Policies, Department of Economics, George Mason University, August 1983, p. 9.)

VII. POSTSCRIPT

Shortly after the completion of this study the U.S. Congress approved an increase of $8.4 billion in American support for the International Monetary Fund. As a result, an agreement of February 1983 to increase the resources of the IMF by more than $40 billion was virtually assured. Unfortunately, this does not mean that the debt problem has been resolved. Instead, it is likely to be around for many years to come. Given the uncertainty that will prevail during this period and the likelihood of further actions being taken, this study remains relevant and timely. The worse thing that could happen now is for people to believe that there is no longer a problem. As our study clearly indicates, there are extremely important issues that remain to be addressed despite any increased resources of the IMF.●

HAITI, FOREIGN ASSISTANCE, AND HUMAN RIGHTS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. FAUNTROY. Mr. Speaker, last week the Subcommittee on Western Hemisphere Affairs, considered legislation authorizing foreign assistance to countries in the Western Hemisphere. In section 906 of that legislation, certain conditions were placed on assistance to Haiti as they were last year. A number of Members of the Congress have been following events in Haiti in the hope that conditions could be improved. In the last 19 months, the human rights situation in Haiti has not improved and indeed there has been regression. Those of us who have followed events in Haiti closely have tried to deal with the situation in a pragmatic and humane manner. We have tried to influence the Haitian Government in a positive way on the basis of a quid pro quo understanding. That understanding is that if there is progress in human rights, we could then work for the aid and trade which Haiti so badly needs. We have tried to appeal to the best in Haitian nationalism, to the desire to build the Haitian nation. We have tried to insure that the aid sent to Haiti benefits the Haitian people and not solely those who have access to the governmental franchise.

We have conditioned our Nation's aid to Haiti on progress in democratization. However, progress in this area has been absent and indeed the dynamic is clearly backward. Legislative elections were held on February 12, 1984, but they were neither free nor fair. They were a prime example of elections used as external propaganda and not a start or good faith effort at democratization. Indeed the respected Bishop of Jeremie, Willy Romelus, issued a statement on the election over Radio Soleil which I submit for my colleagues:

To the Whole Staff of Radio Soleil, the Bishop of Jérémie présents his best greetings and asks the following message to be broadcast. Everyone's cooperation will deserve my great thankfulness and God's blessings.

Dear Haitian breathren, the purpose of the present broadcast message is the defend truth impartially. In the Gospel according to John 8, 31-32, Jesus said: "If you live according to my teaching, you are truly my disciples; then you will know the truth, and the truth will set you free."

On the other hand, in "THE CHARTER FOR HUMAN PROMOTION," published by the Haitian Episcopal Conference last December, the article 12 stated: "The Government is established by citizen's consent. The voice of the people must be heard like the governing party. The power of the Government originates from the people with which it shares full responsibility. The people demands are honoured in honest election procedures. For every election, each citizen is free to vote for the candidate of his own choice. The voting procedure must be secret in order to allow any citizen complete freedom in his personnal choice of candidate. These conditions are required to save the citizens' rights."

So many things are included in that article! The President mentioned a few ones of them when compaigning for the elections. He said: "The elections will be held honestly, democratically, sincerely and freely." We insisted on saying that: "the citizens should beware not to be misled by false campaign tactics whose purpose should be to confuse and threaten them." Moreover, any candidate who should pretend to be officially appointed or supported or recommended or wished by government officials, should be automatically cancelled. These recommendations given by the President are filled with sound words and the people trusted them.

But when the election day arrived, bluff and falsified tactics were used and many people couldn't use freely their voting privileges. All over Grand'Anse area, people had to face a confused situation, when considering the election procedures and the elected deputies. Every citizen is wondering where this bluff originates, while the (Charter) specifies in article 12, that all state officials should be chosen and mandated by the people. A serious investigation should be required on that matter, even before the names of the elected candidates are published and broadcast.

In order to argue truly on that matter, one has to forget about his own favorite candidate, either elected or not elected. One must consider the wrong way things have been managed. The more and more aware people are reacting to these strange behavior. Effectively, when trying to use voting rights, the citizen is physically attacked. In Moron area for example, a person had a leg broken and many others were beaten and bruised, while in the Charter for Human Promotion it is written: The body and soul of a human being are sacred and must be respected. Treatments such as beatings, whip lashes, rope lashes, jackings, electric shocks, which hurt the human dignity and rights should not be tolerated.

What will be the result of such a behavior upon our country? Such election procedures are creating more and more divisions among our local communities: People from one area are refusing to cooperate with people from a neighboring area. When such occurences happen, people protest to be considered like a simple robot, and they want to assume their full responsibility and take benefit of freedom in speech, opinion and vote.

In Haiti, when it is election time, it should be preferable to seek help from a serious election organization: An organization like ONU could be recommended. Otherwise, there are always problems especially with those who want to make money out of these elections. They do not care whether the country is going along well or not. They care of nothing but making money. Those people should have to be judged and condemned.

All those notices are submitted to you who have a national conscience and are truly searching for what is best for our country.

It has been reported to me that the director of Radio Soleil has been called in by the Government of Haiti in order to silence reports and comments such as provided by the distinguished Bishop. Additionally, a United Press International report of March 5 stated: "Military authorities in Haiti are reported to be holding in custody the only 'independent' candidate in the country's legislative elections this month. Witnesses say the candidate was picked up by authorities as he was drinking coffee with a friend in a restaurant." While these reports are not confirmed, they fit a pattern and practice that has been evident since July of 1982.

In response to this lack of progress, the Subcommittee on Western Hemisphere Affairs mandated that further military assistance would not be provided for Haiti during fiscal year 1984 and fiscal year 1985 except through IMET. This subcommittee action was intended to send a strong message to the Haitian Government that the Congress is dedicated and concerned with the promotion and protection of human rights in Haiti as central to our national interest. Without justice, there can be no genuine stability. This message should not be read as a rejection of the Haitian nation, nor is it reflective of a lack of concern for the poor in Haiti. Our commitment of development assistance, Public Law 480 food assistance, and economic support funds, to Haiti, reflects our concern for the suffering that many of us have seen in Haiti.

Section 906 is a statement of concern and it is hoped that the Government of Haiti would recognize that political relationships are built on reciprocity and the pursuit of national interests. Charades and rhetoric will not substitute for concrete and constructive action. It is my fervent hope that in the next few months it can credibly be stated that the Government of Haiti is making a concerted and significant effort to improve the human rights situation in Haiti, including the establishment of political parties, free elections, and freedom of the press in conformity with section 906.

OIL MERGER RESTRAINTS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SEIBERLING. Mr. Speaker, I am today introducing the "Domestic Petroleum Company Acquisition Act of 1984" which would put to a halt what I see as a dangerous trend in the energy industry—the combination of large and mid-sized domestic oil companies.

One need look no further than today's front page for evidence of such a trend. Standard Oil of California has offered to acquire Gulf Corp. for a record of $13 billion. The proposed merger would create the fourth largest company in the country and a truly dominant force in the Nation's gasoline market. If the merger is completed, the combination would become the No. 1 marketer of brand-name gasoline with a 10.1 percent share of the market. In some States, the share of that market could be over 20 percent.

The proposed Gulf-Socal takeover should be no surprise. Heralding the oil merger trend was the recent conditional approval by the Federal Trade Commission of the acquisition of Getty by Texaco. Until yesterday, the Getty-Texaco merger, amounting to more than $10 billion, constituted the biggest corporate takeover proposal in history. But that record has now been supplanted by Socal's bid for Gulf. If this merger is successful, the combined company will jump into third place in the oil industry lineup, behind Exxon and Mobil and just ahead of Texaco-Getty. And who can say what new combination will be vaulted into the rankings next week. As a headline in today's Washington Post warns: "Merger Mania May Continue."

The lax attitude of the antitrust enforcers and policymakers in the Reagan administration has already invited a host of questionable mergers and antitrust violations. The Reagan administration's previous Assistant Attorney General for Antitrust, William Baxter, said that he would not be troubled if all business in America was controlled by only 100 corporations. And the FTC, when Mobil sought to take over Marathon Oil 2 years ago, consented to the merger with only a limited divestiture of assets. As it turned out, only a private suit stopped that attempted merger.

For the past 3 years, this administration has played "possum" when it came to antitrust, and Wall Street has shown that it knows just how to take advantage of that game. Recently, an advertisement placed by Shearson/American Express in the Wall Street Journal encouraged clients to buy stocks in some mid-sized oil companies proclaiming:

> While the proposed Texaco/Getty merger and the Royal Dutch/Shell buyout are only the latest events in a process of consolidation, they have triggered enormous interest not only in the process itself but concerning who may be next.
>
> This buyout process * * * is rooted in the economics of the oil industry. Buyouts are attractive because they represent a compelling alternative to finding and developing oil from scratch * * * Moreover, there is an element of almost instant gratification.

If this advertisement is any indication, giant mergers in the energy industry are about to become the norm.

That should worry the American people because concentration in such a large and economically powerful industry increases the risk of anticompetitive behavior. The Texaco-Getty takeover, for example, threatens the viability of the independent sector of the industry in California by limiting or denying independent refiners' access to crude oil and pipeline transportation. Getty produces substantially more heavy crude oil than it can refine on the west coast, and Texaco less. In the past, Getty has sold its excess crude to independent refiners, some of which are direct competitors of Texaco. But now, Texaco will be able to transfer crude oil to its own refiners rather than sell it on the open market to its competitors. It should be noted that under the consent agreement with the FTC, Texaco is to continue to offer customers crude oil to the same extent Getty did in 1983. But this is a questionable regulatory solution which is to last for only 5 years.

In the case of Socal and Gulf, a marriage between the two would result in the capture of over 10 percent of the brand-name gasoline market where the market leader today holds just over 7 percent. The merger would make Socal the dominant marketer in 13 States.

Beyond antitrust concerns, I am bothered by the underlying reason for the wave of oil company mergers—the desire to buy existing oil reserves rather than explore for new ones. According to reports, oil industry analysts say that Gulf's ownership of oil and gas reserves is the reason for Socal's interest in the merger. If the merger goes forward, Socal will double its crude oil supply and increase its natural gas holdings by about 50 percent at a price substantially below the cost of exploring for and producing equivalent amounts of petroleum.

For precisely the same reason, Getty was an attractive investment for Texaco. Getty was rich in crude oil, not unlike a number of other smaller oil companies. And Getty was not the first to go. In the last 2 years, United States Steel bought Marathon, Occidental bought Cities Service, and Du Pont bought Conoco. This is the sort of nonproductive financial manipulation which is contributing to the decline in growth of our entire economy. I find it very disturbing. With regard to the energy industry, there is a vital national interest in policies favoring development of new domestic petroleum reserves. Mergers of this kind clearly undermine such policies.

If this nonproductive behavior does become the norm and the curtain goes up on another act of merger mania in the oil business, we will see a substantial lessening of competition and further concentration of economic power in the hands of a small number of oil giants. I do not think we should let that happen and for that reason I am introducing this legislation which imposes restraints on such mergers.

The Domestic Petroleum Company Acquisition Act of 1984, which has been introduced in a similar form by Senator METZENBAUM as S. 2277 in the Senate, would prohibit major oil companies those producing more than an average of 500,000 barrels of crude oil per day from acquiring control of other major oil companies or mid-sized domestic energy concerns (those producing more than an average of 50,000 barrels of crude oil per day). The bill does contain a "failing company" type exemption which would allow such a merger to take place if either of the firms involved would cease to be financially viable in absence of the merger.

In the last Congress, the House of Representatives recognized the threat posed by such mergers and voted to stop the acquisition of Marathon Oil Co. by Mobil Corp. Although that legislation was not adopted by the other body, the U.S. Court of Appeals for the Sixth Circuit upheld the Federal district court order enjoining Mobil from acquiring Marathon on antitrust grounds. The Socal-Gulf merger will be four times as big as the prohibited Mobil-Marathon merger.

Let me make clear that I do not believe that all mergers are bad. Mergers among corporations will continue to have an important role in our economy. However, concentration of corporate power in this country has been traditionally disfavored unless it can be shown that it will result in offsetting benefits to society or the economy. In the case of these oil company mergers, the reserves are already in the United States. There will be no benefit to the consuming public from substituting Texaco ownership of Getty's reserves, or Socal's ownership of Gulf reserves. On the contrary, such a substitution is likely to reduce Texaco's and Socal's incentives to explore and find domestic reserves on their own.

There was no evidence of poor management of Getty, so the merger will not be ridding us of that problem. On the contrary, the only parties sure to benefit are the investment bankers and law firms that advise the companies on how to merge. According to Time magazine, "if the Texaco-Getty deal goes through without hitches, Texaco's financial adviser will earn the largest hourly fee ever paid an investment banker * * * $126,582 an hour."

It is time to send a message to the oil industry, to the business world, and to this administration: Unrestrained mergers between huge companies competing in one of our largest industries suppress the threat of vigorous competition and endanger energy independence, economic pluralism, and productive drive in this country. We can send this message by adopting the legislation I am introducing today.●

MERIT PAY FOR TEACHERS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SIMON. Mr. Speaker, one of the distinguished residents of southern Illinois and distinguished citizens in our country is J. Lester Buford. He once was superintendent of schools in Mt. Vernon, Ill., and is a former president of the National Education Association.

He is now in his mideighties, but that has not slowed him down one whit. He continues to contribute significantly to his community through a program of international understanding, and he recently sent me a letter about the whole question of merit pay for teachers.

The recent task force on merit pay for teachers suggested, among other things, that there should be experiments.

What J. Lester Buford is suggesting here is an experiment.

In order to evoke some additional discussion on the subject, I am inserting in the RECORD his letter to me of January 9.

JANUARY 9, 1984.

Representative PAUL SIMON,
Chairman, Merit Pay Task Force,
Carbondale, Ill.

DEAR PAUL: I have some ideas on merit pay for teachers which I would like to discuss with you at your convenience when you are in Southern Illinois. They follow:

THE ROLE OF THE TASK FORCE

It is my understanding from reading the papers and hearing the news media that the Task Force is to deal with two very important issues in education. They are:

(1) The scholastic achievement of children-pupils-students in the elementary and secondary schools.

(2) Merit Pay—The basis on which it can be put within reach of capable teachers and objectively determined whether it is earned or not, as measured by the scholastic achievement of the girls and boys they teach.

A BIT OF BUFORD PHILOSOPHY

As early as 1955, when I was NEA President, I spoke to many education and civic groups in many of our states emphasizing the importance of teaching and learning. My speeches were sprinkled with sayings which indicated something of my philosophy of teaching. They came to be labeled Bufordisms. I still stand by them. They follow:

I'm a teacher—one by choice;

I'm a teacher—a vital part of my profession;

I'm a teacher—reaping rich rewards;

I'm a teacher—proud to teach . . . !

If in your own opinion you are no more than a "Justa," in whose opinion would you expect to be more?

Together, let's drive into oblivion the "Justas."

Be as pretty as you can.

Do something different once in a while.

All pupils should be held for respectable work, based on ability.

There is great dignity in any legitimate labor that is well done.

It is not so much what one does that determines whether he is a common or skilled laborer; it is HOW he does WHAT he does.

When a child does the best he can with what he has, that's all God expects. You and I have no right to hold for more.

One of the major reasons for the great shortage in the teaching profession is that it has been too easy to enter. Teaching must not be a profession of the "left-overs."

The taxpayers' best bargain is strong teachers adequately paid; tax dollars are wasted on weak teachers—no matter what the salary may be.

Do something for someone else—Right where you are—Right now.

THE REASON FOR SCHOOLS

In these later years, we have lost sight of the fact that schools were established primarily to provide a learning climate and educational opportunities for youth. Parents and patrons no longer know when schools will start or how soon they may close after opening. Board members and teachers too often find themselves adversaries with each body trying to settle the problems by employing outside negotiators whose first concern is not for the boys and girls whose right to an education is being denied them.

THE PREVAILING NEGATIVE ATTITUDE IN EDUCATION

During my lifetime, we have produced men and women who know how to take a good heart out of a dead person's body and put it in a live body with a worn out heart and the patient lives on. We send intelligent, highly trained astronauts into outer space for indefinite periods of time to collect data to be used to make life less difficult for humankind in the years that lie ahead. Yes, we are living in an age when "Miracles are everywhere and every inch of common air throbs a tremendous prophecy of greater marvels yet to be". Even in such an age, leaders in our teachers' organizations tell us there is no way to tell whether any one person with a certificate is a better teacher than any other—that the only measurable differences for pay are the number of college credits one has and the number of years that person has taught. The public rejects that argument and so long as teacher organizations hold to it—the best teachers will be tied to the salary levels of the poorest and the most capable of our young people will in general, not become teachers.

An AP news item out of Washington some days ago has the heading—Task Force Says Try Merit Pay. There was nothing in the body of the article to indicate a belief that real merit pay is possible but there are ample suggestions that it likely won't work. I would like to urge, Paul, that your Task Force forsake such negative thinking about what can't be done for kids to secure and keep strong teachers and embark on the positive and exciting course that leads to something that can be done. I offer the following suggestions:

WHERE TO PUT THE EMPHASIS

Please remember that your first and direct responsibility is to the youth in the elementary and secondary schools in this country—that their chances for scholastic achievement are greatly enhanced when they have capable and devoted teachers who inspire and direct them in the learning process.

It would be those teachers whose pupils live up to their learning potential, as determined by intelligence and achievement tests who would earn merit pay.

PILOT SCHOOLS

Choose Pilot Schools of various sizes, ethnic and economic groups in widespread regions over the U.S. The pupils in these schools would take the same IQ and achievement tests soon after the opening of school. A second achievement test would be administered in the middle of the school term to determine student progress. The final test, the outcome of which would determine the merit pay, if any, for teachers the following year. This test would be given not more than 180 school days after the first test unless made necessary by "an act of God."

THE TESTING PROGRAM

I would hope that Your Committee could work with U.S. Secretary of Education, Bell, to secure and pay for, if necessary, the services of one of our most reputable testing agencies to advise in:

Choosing the tests to be used.

Determining Achievement categories for various IQ levels and the relative scholastic achievement necessary in each category for teachers to receive Merit Pay—the pay above the base salary. It would be paid to any teacher when 65 percent or more of her pupils achieved relatively 5 points or more above their national category average. The following chart shows Merit Pay possibilities:

ACHIEVEMENT OF PUPILS ABOVE NATIONAL NORM ON RELATIVE BASIS

Percent of pupils	Percent merit pay
65	5
70	10
75	15
80	20
85	25
90	30
Above 90	35

GIVING AND SCORING THE TESTS

It is my recommendation that the teacher who knows the pupils best administer the test—following the instructions explicitly—that two parents be present as observers at all testing sessions—that they deliver the completed tests to the administrator's office to be sent to the testing bureau to be scored. That the administration, teachers and observers determine the method of reporting the test results to pupils and parents. Office personnel should record the test results as a part of pupils' permanent records.

Determining Merit Pay for administrators and other personnel, besides classroom teachers, whose primary responsibility is scholastic achievement of pupils:

For system—Superintendent, supervisors, special teachers[1]—the average of all Merit Pay divided by the total number of certificated personnel in system.

Individual schools—Principals, school supervisors, special teachers—the average of all Merit Pay for any one school divided by the total number of certificated personnel in that school.

SOME REASONABLE OUTCOMES TO EXPECT IN SCHOOLS USING PLAN

It would:

Focus attention on the scholastic opportunities offered learners as evidenced by their achievement.

Put Merit Pay within reach of capable and devoted teachers at all IQ levels.

Encourage a closer working relationship between teachers and pupils.

Unify parents, board members, teachers and administrators because their common goal is the scholastic achievement of their children and pupils.

Make more likely the willingness of local taxpayers to support educational tax rate increases.

Please know how anxious I am to go through this material with you. I am sending copies to both Washington and Carbondale.

Sincerely yours,

J. L. BUFORD.●

LIBRARY PROGRAMS NEED ADEQUATE FUNDING

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. FORD of Michigan. Mr. Speaker, I commend to the attention of my colleagues a letter I recently received from Dr. Richard M. Dougherty, director of the University of Michigan Library. His letter articulately outlines the significant impact that Federal funding for college and university libraries under title II of the Higher Education Act has had. Furthermore, it addresses the future needs of academic libraries and why it will be impossible to maintain adequate study and research facilities without continued Federal assistance. As we begin to formulate the budget for fiscal year 1985, I encourage my colleagues to read this letter carefully and to remember the importance of Federal library support.

UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., February 27, 1984.

Hon. WILLIAM D. FORD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: The proposed elimination of all Higher Education Act Title II funding from the Fiscal Year 85 budget could have a crippling effect on future programs for library education and the sharing of research library resources. The history of past Title II awards reveals the significant impact that has been felt in the library community by the infusion of these funds.

The abolition of Title II-C funding would immediately curtail program development in three key areas for research libraries. In the past, program support has been made available for: 1) projects which bring our nation's significant research collections under better bibliographic control, 2) projects which seek to preserve our cultural heritage through microfilming or restoration, and 3) funding to strengthen acquisitions programs at a time when library budgets are being constrained. All three of these areas represent costly efforts which could not be absorbed by individual institutions nor state or local coffers.

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[1] Certified personnel not otherwise included.

The assumption that previous funding through the Title II-C program has sufficiently stimulated the expansion of programs so that state resources could carry on is not realistic. The principle aim for the Title II-C program is much broader in scope than the promotion of cooperation among libraries within state or local networks. Rather, the benefits are much more likely to be between states or reaching nationwide. Therefore, only federal funding can provide the impetus for such programs.

In Michigan we have been fortunate to receive a large grant of over a million dollars from the Title II-C program. These funds were shared among the University of Michigan, Wayne State and Michigan State, and were used to create machine-readable records for over a hundred thousand serial titles. These records have now been input into major national data bases, and made accessible to libraries across the country. The end result of this three year project is the ability to share these rich serial collections with researchers through the U.S.

In 1982 the University of Michigan received funds to establish a preservation and conservation studio. Since a study conducted a few years ago estimated that as many as a million and a half volumes in our collections would be unusable by the year 2000, it is unlikely that we could begin to address this major problem without outside assistance. We are using the funds to focus on the preservation of 19th century materials in the social sciences and are coordinating our preservation activities with those of a major library consortium in order to avoid duplication of effort. Clearly, federal support for the preservation of library collections will be essential in order for collections in U.S. libraries to be available for use in the next century or even before then.

Although our collections may appear to be our most important resource in the library community, the focus in librarianship have changed a great deal in the last ten years alone. Increasingly, information has been distributed in new formats including machine-readable and electronic generated data. The increased complexity of information, the explosion of new publications, and the new skills that are necessary to access critical information all require that libraries be able to hire new professionals with a new depth to their professional education. Without the continuation of fellowship support provided through Title II-B, it is unlikely that library schools will be able to attract and retain qualified students, particularly those from minority groups. As a result, libraries may be faced with increasing difficulty in building their human resources to solve the problems of collection preservation, new bibliographic control mechanisms, and innovative services to library users nation-wide.

I urge you to support the continuation of the Title II programs which are crucial to librarianship and to research libraries.

Sincerely yours,

RICHARD M. DOUGHERTY,
Director, University Library. ●

TRIBUTE TO THE NORTH WIND UNDERSEA INSTITUTE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. BIAGGI. Mr. Speaker, at this time it gives me great pleasure to pay tribute to the North Wind Undersea Institute of City Island, N.Y., for their outstanding achievement in working to preserve the ocean environment and their continuing efforts to develop new ways of protecting and saving endangered marine mammals.

I am extremely proud of the North Wind Undersea Institute because they are based in my home district and because they have done so much on behalf of preserving the beauty and vitality of the ocean environment. Their incredible work with whales has gained international recognition.

The director and curator of the North Wind Undersea Institute is Captain Michael Sandlofer, a professional deep sea diver and designer of whale rescue gear. He is a graduate of the Divers Institute of Technology in Seattle, Wash.; he attended the Massachusetts Maritime Academy; and is a lifelong member of the Explorers' Club. Michael was a former member of the U.S. Navy Counter Insurgency Team during the Vietnam war. In Vietnam, Michael was awarded the Purple Heart, Cross of Gallantry, the National Commendation Medal, and the Navy Unit Commendation Ribbon. Captain Sandlofer has dedicated his life to the preservation of the ocean environment and has been a leader in the area of whale preservation.

On March 13, 1984, the North Wind Undersea Institute will send a whale rescue team led by Captain Sandlofer to the lagoons of Baja, Mexico, Every year the gray whale migrates from the Bering Strait to these treacherous lagoons to have their young. Swift tides often leave wayward youngsters stranded and stuck on the shorelines of Baja. With no way for their mothers to reach them, these stranded calves die of starvation, sunburn, or from predators.

The primary objective of the mission is to test and perfect special equipment designed by the institute to help scientists work with the thousands of whales that become hopelessly stranded on beaches all over the world.

Second, the whale rescue team hopes to find a way to alleviate the humanlike suffering of the young whales by returning them to their mothers by employing a revolutionary new whale harness developed by the institute and made in the Bronx.

Until now, no group has ever made this type of effort to aid beached whales. Although scientists and officials of the Mexican Government are highly concerned about the death toll, gear, and techniques have not been available to deal with the half-ton, 12-foot offspring. The whale harness developed by the institute enables scientists to safely handle a stranded whale and guide the whale gently into deep water without drowning him or burning the whale's skin with tightly bound ropes.

The whale rescue team led by Captain Sandlofer includes: Alexander M. Craig, a professional medical journalist and magazine editor who also acts as public relations coordinator and fund raising director for the institute; Dr. Jay Hyam, a consultant marine veterinarian with the New York Aquarium and the New York Zoological Society; Charles Ising, diver, mechanic carpenter, former U.S. marine; Linda B. Klein, liaison officer with the Representatives of the Mexican Government, an attorney with a prominent Manhattan law firm; Dr. John W. Manlove, the founder and president of the Divers Institute of Technology; John McCarthy, diver and rigger; James Milovich, diver, electrician, radio engineer; Robert Pearlman, diver and explorer, publisher of the Explorer's Club Journal, veteran of several expeditions; and William Rossiter, the founder and president of Whales Unlimited, vice president of the Connecticut Cetacean Society. These 10 men along with the rest of the whale rescue team represent a group of dedicated individuals who share a genuine love for the beauty and magnificence of sea and its creatures.

This whale rescue team is no stranger to heroic rescue efforts. In April 1981, Captain Sandlofer and the whale rescue team became the first group to successfully restore a beached whale to health and return it alive to the sea. In a dramatic 10-day ordeal Captain Sandlofer hand fed the 25-foot, 12½-ton sperm whale squid stuffed with antibiotics. After 8 days "Physty," the nickname given to the brave whale, was on the road to recovery as Captain Sandlofer's emotional, one-to-one approach enabled him to gain Physty's confidence and get the whale to accept food and medication. After 10 days Sandlofer and the rescue team gently guided Physty out into the open sea.

That emotional and miraculous achievement has inspired the institute to pursue new ways to treat and handle stranded whales. The Baja Whale Rescue Expedition represents a new direction in whale-saving techniques because it deals with individual whales in a one-to-one relationship with mankind. If successful, the new equipment would allow scientists to meet the requirements of the Marine Mammal Act of 1972, "for the humane handling, care, treatment, and transportation of marine mammals".

Truly an internationally oriented organization, the North Wind Undersea Institute is planning to send the whale rescue team to Newfoundland following the Baja Expedition to use their new rescue equipment to aid adult humpback whales that get entangled in commercial fishing nets.

I am also especially proud of the institute's service to the Bronx community. Their fascinating museum in City Island has exhibits and facilities to accommodate handicapped and blind people. The institute also is working on a medically approved aquafin designed by North Wind that will enable physically handicapped persons to swim and dive. In addition to the educational services they provide at the museum, the institute is also in the process of creating more educational programs for young people concerning natural history, oceanographic sciences, the preservation of marine mammals, and the dangers of environmental pollution.

The North Wind Undersea Institute is an organization that is dedicated to the preservation of one of man's most precious resources: The ocean and its diverse array of wildlife. They have gained worldwide recognition for their many accomplishments and their upcoming excursion to Baja has attracted international attention. I am confident that these splendid individuals will be successful and that the institute will continue in their efforts to preserve and aid marine mammals. Their efforts to provide assistance and aid to suffering whales and their success in developing gear to safely handle these whales is a clear indication that man can approach the environment in a constructive, positive, and beneficial way.●

NATIONAL CEREBRAL PALSY MONTH

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SIMON. Mr. Speaker, I, along with 60 other original cosponsors, am pleased to introduce today a joint resolution to proclaim January 1984, as "National Cerebral Palsy Month."

Cerebral palsy (CP) is a group of disabling conditions that result from damage to the central nervous system. More than 700,000 Americans have CP and more than 10,000 babies will be born with CP this year. Furthermore, it is estimated that it costs our country $1.6 billion per year in the cost of care for persons with CP—millions more in lost productivity.

Characteristics of CP include an inability to fully control motor function, which may include seizures, spasms, mental retardation, disturbance in gait and mobility, and impairment of sight, hearing, or speech. In addition to physical problems caused by CP, there are many other long-term effects on a cerebral palsied person's life.

Stress and psychological problems often result indirectly from frustration due to physical limitations, overprotectiveness, and hostility. Families are affected, too. Many parents feel guilt, thinking that they may be responsible for their child's CP. And because of the demands on time and money that are required by CP, there may also be resentment toward the afflicted child.

The good news is that many cases of CP can be prevented through good health care before pregnancy, prenatal care, precautions during and immediately following childbirth, and early childhood care. While there are no cures for CP, a lot can be done to help those with CP become more self-reliant and fulfilled. Today, there is effective medication, helpful surgery, mechanical aids, occupational and speech therapy, counseling, and special assistance for families. Scientists, doctors, and therapists are making impressive strides in research, prevention, detection, and treatment. But more can and should be done.

The proclamation of January 1985, as "National Cerebral Palsy Month" would make the public more aware of cerebral palsy. The more we all know about CP, the more we can do to reduce the occurrence of CP and to help those who have CP.●

USBIC REPORT RELEASED

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Ms. KAPTUR. Mr. Speaker, The United States Business and Industrial Council (USBIC) has recently released their report, "White Paper on United States-Japanese Trade." Mr. Keith Wilson, vice president of Government Affairs of Champion Spark Plug Co., from my district in northwest Ohio, was chairman of the USBIC Advisory Task Force on International Trade, which prepared this outstanding report. Excerpts from the introduction of the report follow. I urge my colleagues to carefully consider the crucial message which is being conveyed by these senior corporate executives.

WHITE PAPER ON UNITED STATES-JAPANESE TRADE: FAIR TRADE POLICY NEEDED

The time has come for a thorough review and revision of the country's basic trade policy. Reevaluation and change are made necessary by the radical transformation in international business and trade in recent years. It is imperative that the United States adjust its trade policy to altered world conditions in accord with today's political and economic realities so that the economics interests of the American people are safeguarded.

The United States has long adhered to the ideal of free trade. Unfortunately, the other nations of the world today do not necessarily subscribe to the same concept.

As the USIC Declaration of Policy has stated for some years, the conditions of meaningful free trade today do not exist. These conditions include unrestricted movement of capital investment, convertibility of currencies at freely floating rates, parallel fiscal and monetary policies, and safeguards against exploitation by foreign tax structures or governmentbacked, subsidized, guided or directed monopolies or cartels.

The United States, unfortunately, has accepted what amounts to a one-way or unilateral free trade system, a system which leaves the United States at a disadvantage. This means that the United States has a naive attitude towards our trading partners and industrial competitors. In reality, many of these are trade and industrial adversaries.

Many Americans, including many government officials and members of Congress, think of international trade in the old-fashioned way, as competition between individual companies. The reality, however, is that American companies are in competition with foreign countries, with industries which are guided by their governments. For example, Japanese industries are shifting to new industrial operations with massive capital lent by the Bank of Japan. Japanese railcar makers are selling their products to American cities with government subsidies.

The Japanese are well aware of their increasing dominance. Kenneth B Pyle, writing in the Journal of Japan Studies (1982) said that the report issued by the Comprehensive National Security Group in Japan in 1980 noted that Japan's per capita GNP "will likely overtake that of the United States" and that "the positions of the two economies are being reversed. . . ."

For several years, as evidenced in the statements published in the first section of this report, there has been growing concern about Japan's trade practices and underlying policies. Americans, however, are only beginning to study the methods that Japanese companies employ to seize a large market share in the United States and that the Japanese Government utilizes to exclude many American-made products from the Japanese market.

It is not a handful of products that American manufacturers are concerned about. The flood of imports affects both relatively simple and highly sophisticated industries. There is a rapidly growing belief, therefore, that the United States must study and respond to the overall trade challenge, most particularly from Japan. Danger exists that every sector of the American domestic market will be dominated by imports in the years ahead. Business Week recently (Aug. 29, 1983) warned that the economic recovery and the flood of foreign money into the United States "are masking a trade problem that could turn out to be the economic disaster of the decade." It cited a Data Resources Inc. prediction that the trade deficit "could hit $174 billion by 1990."

In the 1980's, the possibilities for national direction of trade are very numerous—old fashioned tariffs, quotas, technical and administrative barriers, testing requirements, state subsidies, government guidance, preferential purchasing, access to bank credit on special terms, cartels, etc. As a result, no two nations play by the same trade rules.

There are other factors to consider: Our trading partners enjoy their military protection at the expense of the United States taxpayer. Despite this, they are directing national economic offensives against the United States. It is the industrial policy of Japan, for example, to dominate the American domestic market for automobiles, steel, semi-conductors and many other products.

This policy has been in effect since the 1950's and has been spectacularly successful. The United States response to these national economic offensives—virtual economic warfare—has been repeated expressions of dedication to the principle of free trade.

The result of this naive policy on the part of the U.S. Government has been the rapid deterioration of the American economy. The economic deterioration we witness in America today is the result of the U.S. Government's willingness to allow foreign producers to sell their goods in the American market below the cost of production and at far less than their fair market price at home, a practice known as dumping. There is also the reluctance of some Federal officials to enforce the trade laws that are on the books. Instead of clamping down, the U.S. Government usually drags its feet on trade issues and opts for a soft agreement with foreign dumpers, an agreement that is inadequate to deal with the threat to America's basic industries.

Because of this neglect and unwillingness to face the facts, many of America's industries are on the critical list, including automobiles, steel and machine tools. Dennis J. Carney, chairman of Wheeling Pittsburgh Steel Corp., has said "within the next several years, industries such as computers, air frames, telecommunications and space technology could be damaged more than our steel and auto industries are being damaged today."

On September 20, 1982, Industry Week Magazine charged that "A case can be made that Japan is trying to achieve economically what it could not accomplish militarily: a world economic hierarchy with Japan at the apex." It added "It's not implausible that the Japanese are attempting to apply principles of the ancient art of jujitsu to world economics, using its opponents' strengths—the great natural resources, markets, and labor force of the United States—against it. In short, by forging tight alliances—through onshore manufacturing plants, joint ventures, and other arrangements—United States dependence on liaisons with Japanese firms will increase, thus giving Japan the leverage it needs to carry out its economic mission."

Japan's economic offensive is multipronged. Americans have not yet realized that the Japanese are extending their attack on the U.S. domestic market by investing in the low-cost, newly industrializing countries. World Business Weekly (Oct. 19, 1981) reported that "One of Mitsubishi's goals in investing in Singapore was to launch an export drive aimed at the United States and Western Europe." One of its rivals, Hitachi, has 15 plants in less-developed countries. Asahi Chemical Industry has 14 plants outside Japan. These operations pose another serious threat to United States basic industries. Americans also should understand that an additional 32 million tons of steel will be coming from Brazil, Mexico, South Korea, Taiwan, and the OPEC nations of Algeria, Nigeria, Saudi Arabia, and Venezuela by 1985.

Many of the state-owned European companies have bought into American business and industry. It certainly can be argued that the U.S. Government ought not to allow American private enterprise to be overwhelmed by foreign, state-owned industries which are, in effect, dumping their unemployment in the United States, dealing with their social problems by shipping subsidized products to the United States. British Steel is a case in point.

The problem of national economic offensives against the United States should be treated in a way that transcends partisan lines.

It is important to consider how other countries operate. The Comptroller General of the United States issued a report on July 9, 1979 in which he stated that only Japanese firms are certified to build railcars for Japan's railways. The same situation applies in France and Italy. Indeed, French, Italian, and Japanese railways are state owned. Around the world, barriers are put up to keep out American manufacturers, while foreign imports are overwhelming this country.

Americans do not want to go the foreign route by nationalising their industry or the route of industrial guidance or subsidy. But the United States has to take a much harder line against dumping of goods. The current antidumping law is grossly inadequate. Enforcement of countervailing duties also is inadequate. The United States has to restore meaningful international competition by insisting that foreign countries engage in fair trade.

One approach to the problem of unfair trade has been developed by U.S. Senator JOHN C. DANFORTH. He has authored legislation aimed at establishing trade reciprocity. He would withdraw trading privileges in the United States for countries that do not provide Americans with reciprocal market access.

The point has been made that trade restrictions on the part of the United States will invite retaliation. Certainly, that is a point which must be considered. The United States, however, is not waging a trade offensive against Japan and other countries. It simply requests equal access, which it isn't getting. Moreover, the United States taxpayer is underwriting the defense of these countries. And if Japan wanted to retaliate, what would it do? It must have access to American raw materials and foodstuffs. Indeed the Japanese cannot fault Americans for acting so they do not always get the short end of the stick. They know they have the advantage in current trade arrangements.

Only a hard-nosed U.S. trade policy will prevent the total collapse of our basic industries, which are essential to our economic well-being and national security.●

TRIBUTE TO PAUL F. MOHR

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. FORD of Michigan. Mr. Speaker, it is with great pleasure that I call your attention to the fine civic work of one of my constituents. Paul F. Mohr has been serving the city of Taylor for over 30 years and this Saturday, there will be a reception held in his honor. This reception will honor Mr. Mohr for his work with Job's Daughters in Michigan. Paul is presently the associate grand guardian of the International Order of Job's Daughters, Grand Guardian Council of the State of Michigan.

He has served the Lincoln Park Masonic Lodge for over 28 years in many capacities including master in 1964.

During this time, he served as adviser for 18 years for the chapter of the DeMolay with 2 years as dad adviser. He received the Honorary Legion of Honor in 1965 and the DeMolay Cross of Honor in 1978. In 1981 he was awarded the Gold Honor Award from the York Rite.

Paul Mohr has also been a Webelo leader and committee chairman for the Cub Scouts. He also coached and worked with the Taylor, Mich., Little League. Paul and his family have been members of the Southminster Presbyterian Church located in Taylor for 27 years.

Paul's work in the community is an inspiration to us all and I am proud to speak about him today. The city of Taylor is a better place today because of Paul Mohr's efforts.●

SKELTON AUTHORS AWARD-WINNING ARTICLE ON MILITARY LEADERSHIP

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. GEPHARDT. Mr. Speaker, our esteemed Missouri colleague, IKE SKELTON, has received well-earned recognition from the Freedoms Foundation at Valley Forge for his knowledgeable article on military leadership.

We in the House are all aware of IKE's expertise on military personnel matters. Understandably, his article in the Daughters of the American Revolution magazine, "Valley Forge—Who Cares About Valley Forge? or History and American Heritage," is a thought-provoking analysis of the link between military leadership and military history.

I am happy to advise my colleagues that this outstanding article has been awarded the prestigious George Washington Honor Medal for excellence in the category of published works given annually by the board of directors and trustees of Freedoms Foundation.

I urge all of our colleagues to read this thoughtful piece on the relationship between military leadership and our national security; and request that it be inserted in the RECORD at this point.

The article follows:

Valley Forge-Who Cares About Valley Forge? or History And American Heritage

(By Congressman Ike Skelton, Missouri)

(The Bylaws of the National Society emphasize the fields of History. Education, and Patriotism. This coming year's National Theme set by our President General is "... to foster true patriotism and love of country." This reinforces the DAR second objective, taken from George Washington's Farewell Address... "to promote... the general diffusion of knowledge." With these two key goals in mind, the following article stresses the need to study history and to remind our citizenry of our fine, hard-won heritage.)

Sir William Francis Butler, the noted British soldier and author of the last century, once said this: "The nation that will insist on drawing a broad line of demarcation between the fighting man and the thinking man is liable to find its fighting done by fools and its thinking done by cowards."

Sir William's words ring no less true today than they did in that bygone era. Indeed, it would seem even more important today that such a line not be drawn, for today's military leaders face a challenge that is far greater than military leaders have ever faced. The military leader of today must, first of all, have the technical skills to employ effectively the sophisticated weaponry and other equipment which he has at his disposal. Secondly, he must have the ability to manage these assets and the highly-trained, skilled manpower in his command. However, technical and managerial skills alone are not enough to make a military leader. Much more is required to meet the leadership challenges of the future. The military leaders of today and tomorrow must understand the importance of military history—the study of tactics and the strategy through the ages. Congress, which has the constitutional duty to raise and support armies and to provide and maintain a navy, must work with the Armed Services so that our nation can produce military strategists in the tradition of General Douglas MacArthur, General George C. Marshall, and Admiral Chester Nimitz. We need military tacticians who, like General George S. Patton, are students of the history of warfare.

It is said that "... no commander or military historian sufficiently dedicated to his profession could possibly be surprised about any development in warfare, whether it concerns strategy and tactics, methods and weapons, equipment and uniforms, discipline and morale, civilian and political attitudes." A study of history's pivotal battles shows that the great captains—Hannibal, Caesar, Napoleon, MacArthur—were in the debt of outstanding soldiers of the past. Stonewall Jackson's successful Shenandoah Valley campaign resulted from his study of Napoleon's tactics, and, Napoleon, who studied Frederick the Great, once remarked that he thought like Frederick. Alexander the Great's army provided lessons for Frederick, two thousand years before Frederick's time. The Athenian General, Miltiades, who won the battle of Marathon in 491 B.C. also won the battle of El Alamein in 1942; the Macedonian, Alexander the Great, who defeated the Persians at Arbela in 331 B.C., set the example for the Roman victory at Pydna 155 year later; the English Bowmen who won Crecy in 1346 also won Waterloo in 1815; Montgomery, Bradley or MacArthur, who won battles in the 1940's might well win battles a century or so hence. Thus, I believe that every truly great commander has linked himself to the collective experience of earlier generals by reading, studying, and having an appreciation of history.

Now, this doesn't mean that today's soldiers should copy from the past. To the contrary, those leaders who have merely copied from the past have nearly always suffered defeat. While the essence of major tactics can—and must—be learned from the past, the thinking student of military history will learn much more than that. He will learn how to apply his tactics innovatively, in all situations and under all conditions. He will learn how to be flexible and how to adapt rapidly to change.

Our leaders must be students of human nature under war conditions—how men react to discipline, fear, hunger, lack of confidence, and shock; and they must know about the minds and emotions of potential adversaries. Such examples begin with Gideon of the Old Testament who proved to be an early propogandist—spreading stories of his invincibility amongst the enemy Midianites. At night, Gideon's force of a mere 300 men, blowing trumpets and waving torches, caused panic to sweep throughout the Midianite encampment resulting in an easy victory for Gideon. Further, the student of military history must learn a profound respect for things which, like the weather, are beyond his immediate control. When the Germans invaded Russia in 1941 they failed to take into consideration the bitter and devastating winters on the Russian Steppes, which was experienced by Napoleon in the previous century. Thus, those who are aware of the element of fortune in warfare will be better prepared to deal with it when, inevitably, it goes against them, or exploit it when, just as inevitably, it works in their favor.

Don't get me wrong. Our military leaders of the future need to be able to manage the force and to handle the big, expensive and highly technical new weapons. But they should not be bureaucrats—they should be leaders. History teaches that it is difficult to translate technological advances into battlefield successes, that the consequences of new technologies aren't easily predictable in advance, and that even profound technological superiority is not a guarantee of success in combat. Our ability to prevail in any future conflict may depend less on the quality of our weapons than on the theories and strategies through which they are employed.

Above all, our military leaders should have a deep sense of our American Heritage. Recently, I accompanied my youngest son and his boy scout troop to Gettysburg, Pennsylvania, where we toured the scene of that decisive battle of early July, 1863, where General Robert E. Lee and his Confederates engaged General Meade and his federal troops. We walked among the battlefield monuments that stand as reminders of the determined courage of the men from the North and South who fought and died for their respective causes. The scoutmaster graphically told the scouts the details of that historic contest. The climax of the battle is known to history as "Pickett's Charge"—a massive assault by 15,000 Confederate troops across a half mile of open field against the breastworks of the Union ranks. This final attack, which was repulsed, was to be the high tide of the Confederacy. It was remarkable for the courage, daring and heroism of soldiers from both armies. At the end of our lengthy walk through the battlefield, we stood near the monument to General Lee and read a historic marker denoting Pickett's Charge. One young boy, seeing the marker, sarcastically remarked, "Pickett's Charge, who cares about Pickett's Charge?"

The boy's words startled me, for I realized that his standing on the field of one of the greatest and bloodiest battles of our history meant no more to him than standing on a street corner waiting for a school bus. Maybe it was too much to ask that a 12 year old have respect—or admiration—for men who had bravely fought there and had given their "last full measure of devotion" over a century before.

President Abraham Lincoln gave a speech on that battlefield in November 1863, remembered as his historical "Gettysburg Address." He said on that occasion: "The world will little note, nor long remember, what we say here, but can never forget what they did here." Was Lincoln wrong? Have we as a people forgotten those deeds that occurred on that field of battle? Will the glory and heroism of one age always become dim memories to a later generation?

A few years ago, I was a member of a Congressional Delegation that traveled to Vietnam to bring back to the United States the bodies of 14 American fliers who were killed in the Vietnam War. On the way over, we stopped for a few hours in Manila, in the Philippines. I asked to go to the Island of Corregidor, in Manila Bay, as I had a marine friend from my hometown who had been captured there by the Japanese in early 1942 after he and the other defending Americans, who were hopelessly out-numbered, resisted for nearly five terrible months and so delayed the Japanese timetable for the conquest of Southeast Asia. The Air Force accommodated me, and I flew by helicopter to that island fortress. There, I witnessed the grim reminders of that terrible seige—the tunnel that housed our wounded, the bullet-caused pock marks on the concrete fortifications, and the skeletal remains of U.S. Army barracks. I also saw the flagpole where Japanese troops had raised their swords in Banzai shouts as the stars and stripes came down. There on Corregidor, I walked along the paths where bravery, heroism and courage were commonplace during those bleak days in American History. I recalled that as a 10 year old boy in Missouri, I had been glued to the radio, listening, day after day, to the reports of the Americans who held Corregidor against bombardment. The gallant defenders were finally forced to surrender to overwhelming odds in May 1942.

Soon after my return to this country from the Vietnam trip, I had occasion to speak to a high school history class in my home state of Missouri, and recounted my recent trip to them I mentioned my visit to Corregidor, and I asked the class what they knew of that small island. None had ever heard of the name "Corregidor." None in that classroom had any idea of the scores of soldiers and marines who defended the American Flag during those painful days in 1942. I was saddened.

Writing in a religious context, St. Paul of old declared to the Corinthians "we are bought with a price." In a different context, those words apply to us Americans: We, too, have been bought with a great price. The liberties we enjoy, the freedoms, and the prosperity have been bought and paid for by the courage, daring, and faith of the men and women who in every generation have answered their country's call—not only the call to arms, but the call to build and create—the call to develop character and moral ideas in the family and home, in church and school, in office and factory, wherever our people lead their daily lives.

We live under a Constitution that has been a shield of our freedoms since its inception. But there would have been no constitution—not even a United States—had George Washington and his men not withstood the bitter winter encampment at Valley Forge. Would anyone dare say, "who cares about Valley Forge?"

Peace has its victories no less than war. In my hometown of Lexington, Missouri, there stands a statue, the "Madonna of the Trail," erected by the Daughters of the American Revolution in memory of the pioneer mothers who, along with their husbands and children, moved westward into the wilderness during the 1800s. Indeed, the Westward Movement was what made our nation unique. The conquering of the western frontier was a different kind of struggle, a movement without parallel in world history. Nowhere else has an area of equal size been settled in so short a time entirely as a result of quiet courage and initiative of small groups. This achievement gave our people the characteristic of accepting the challenge of new frontiers. Our American heritage is one of challenges met by a determined people. The spirit that charted the course of Democratic government for the world also challenged American men and women to great achievements in the fields of health, science, politics and space as reflected by names like Walter Reed and Clara Barton, the Wright Brothers, and Amelia Earhart, Andrew Jackson and Harry Truman, John Glenn and Neil Armstrong.

We could call the record of our history from our Revolutionary Days at Lexington and Concord to man's first step on the moon and recount the story of America: acts of heroism and devotion mark every generation. The pursuit of freedom and justice has taken our flag to the far corners of the world and beyond—San Juan Hill, Chateau Thierry, Normandy, Inchon, Da Nang. It flew beside buildings at Ellis Island as millions of immigrants journeyed to our shores to escape poverty and political oppression, seeking freedom and opportunity in the land that became the "Last, Best Hope of Mankind." It flew over the courthouses and schools as our forefathers established the greatest system of government and the highest living standard ever seen on this earth.

This is the heritage which you and I have received. It is the heritage which we must transmit to our children. It is not just facts, figures and dates, it is a deeply rooted sense of loyalty to all that has gone before—the challenges, the trials, the stoutheartedness, the victories, the dedication of the past.

"Who cares about Pickett's Charge?"
"Who cares about Corregidor?"

God grant that you and I care—and that our children care, and that our children's children will care. For, if we as a people don't appreciate the greatness of our heritage, the day could come when some youngster might remark: "America, who cares about America?"●

WORDS TO PONDER

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SIMON. Mr. Speaker, recently I had the opportunity to read the book, "Such a Peace: The Roots and Ashes of Yalta," by C. L. Sulzberger.

I have never had the privilege of meeting Mr. Sulzberger who has had a long and distinguished career with the New York Times and has written a number of books.

In the concluding chapter of this excellent book, he has these three sentences which ought to be engraved on the minds of every Member of Congress and every leader in this administration and on the public at large:

> The societies, laws, economies and finances of both major blocs, Moscow's and Washington's, are in a mess. Neither side seems to have any idea save to spend more on weapons and discovering a way of winning the fruits of war without having war itself. A pretty meager dream—and unlikely.

A reading of this book or any reading of any other perceptive look at history suggests that it is much easier to blunder into war than to constructively build a peace, easier to serve the national passion than the national interest.

I hope that as we shape policy we bear in mind these words of wisdom of C. L. Sulzberger.●

CONGRESSMAN BYRON DORGAN DISCUSSES IMPLEMENTATION OF THE HUMAN NEEDS AND WORLD SECURITY ACT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. HALL of Ohio. Mr. Speaker, on February 23, 1984, the gentleman from North Dakota (Mr. DORGAN) and I had the privilege of testifying before the House Foreign Affairs Committee's Subcommittee on International Security and Scientific Affairs. We both spoke in support of the bill we have introduced, H.R. 4440, the Human Needs and World Security Act.

The gentleman from North Dakota has been a consistent leader in efforts to correct the growing imbalance in foreign aid spending between military assistance and development assistance. He has also been at the forefront of those concerned about global hunger. In particular, he has helped to lead the effort to direct emergency food relief to the countries in Africa facing and famine.

As a Representative from a key food-producing State, Mr. DORGAN emphasized to the subcommittee the need for us to share our farm abundance and our impressive agricultural knowledge with the Third World. As he told the subcommittee:

> The Soviets can match us in the arms trade, but they can't hold a candle to us in food production.

Mr. Speaker, I commend Mr. DORGAN's thoughtful analysis and testimony to the attention of my colleagues:

FOREIGN AID WITH A HUMAN FACE AND A REAL SECURITY PAYOFF

(By Byron L. Dorgan)

("Between these two positions is a view that only a limited range of Soviet activities in the Third World pose significant challenges to U.S. interests but that a more effective countervailing capability than now exists must be developed to respond to these activities."—Soviet Policy and the United States Response in the Third World.)

(Patriotism may not be "the last refuge of a scoundrel . . ." but militarism, often disguised as patriotism, is the first refuge of a bankrupt foreign policy.—John B. Oakes in the New York Times, January 9, 1984.)

Only yesterday, President Reagan lamented the waning public support for foreign aid. If I had the President's ear, I would like to tell him that he should not be surprised. I would say that the public will not tolerate overseas aid programs that it cannot understand, that it cannot countenance, and that it cannot pay for.

But the President has already submitted his budget, so I want to raise serious questions about it with you, Mr. Chairman, and members of this Subcommittee. And, I want to commend you for calling a hearing that focuses on an alternative view of foreign aid.

Let me state at the outset that I do not come to deny the value of the right kind of military and economic support funds. Nor do I suggest that we should carry out foreign aid without a sober assessment of Soviet adventurism and world terrorism.

But I do suggest that we soberly analyze the costs and benefits of overseas programs and judge realistically which forms of aid strengthen our foreign partnerships, create lasting security, and touch the lives of the hungry, the ill, and the unschooled.

THE RECENT RECORD IN FOREIGN AID

To gain some insight on spending trends in foreign aid, I asked the Congressional Research Service to prepare a chart showing Multilateral Economic Aid, Bilateral Economic Aid, and Military Aid from fiscal year 1981 to fiscal year 1985. In effect, the appended chart reveals what has happened to foreign aid during the Reagan Administration.

And, the results alarm me. They show spiraling spending in security aid while development and food assistance have hardly risen at all in real terms.

Since 1981, military aid has mushroomed from $3.7 billion to $6.4 billion in the 1985 request: a whopping 73 percent growth.

Likewise, the corresponding period finds the security-related Economic Support Fund jumping 63 percent—from $2.1 billion to $3.4 billion.

On the other hand, development assistance has scored only a 24 percent growth and Public Law 480 Food for Peace programs have eked out only a 10 percent nominal growth. In real terms, the $1.355 billion requested in fiscal year 1985 will actually send less food aid to hungry Africans and Asians than the $1.229 billion Congress appropriated in fiscal year 1981.

From these trends, it's clear how the Administration has responded to questions about Soviet Policy and the United States Response in the Third World, which the Congressional Research Service prepared for your parent committee in 1980.

But, I don't accept the Administration's "military solution." I don't agree that a 73 percent increase in military aid has bought America more security. I don't accept the proposition that a 739 percent growth in the Military Assistance Program has promoted stability in the world.

TROUBLING TRENDS

Many things trouble me about the increasing militarization of foreign aid, but permit me to highlight a few.

First, a military aid emphasis simply will not work. Last year I traveled to several countries in Central America. I witnessed the growing infusions of military aid and the foreboding American military presence. I saw 14-year-old boys armed to the teeth with automatic weapons, ready to serve in crips new uniforms from Sears. Yet, I also saw opulence of the few amidst grinding poverty—with the accompanying hunger, illiteracy, and disease. I do not count myself as an expert on Central America after one visit, but my overwhelming conclusion is that we are fighting the wrong war with the wrong kind of weapons.

What Central America needs, by in large, is not more M-16's, tanks, and attack helicopters, but food, medicine, and education. We are not winning in Central America because we are fighting the wrong war. Only when we attack the roots of conflict in Central America—the poverty and repression—can we expect to promote peace and democracy. I don't discount legitimate security aid. But we must match it by the dozens with economic and food aid and incorporate it into workable overall policy that stresses negotiation over intervention, partnership over unilateralism, and democracy over anti-communism.

Stated differently, an over-emphasis on security and military can work counterproductively.

As arms aid expert Harry J. Shaw has written, the ". . . security assistance program may endanger (security) interests more than likely military threats to the recipient countries." This is because the debt burdens incurred by recipient states may undercut their own economic performance. And, nations receiving Foreign Military Sales credits, such as Israel, the Philippines, and South Korea, carry some of the most severe debt-service burdens in the world.

The liberal extension of military credit also encourages beneficiary nations to purchase more and more arms. This may not only contribute to regional arms races, but also unrealistically raise the expectations of the countries in question. The short-term pay off for the United States may bring hidden long-term problems.

We have also witnessed to our chagrin that the arms supplied abundantly to former unstable allies like Iran and South Vietnam may later be turned against us and our allies—when hostile leaders assume power.

Nor should we forget the domestic impact of foreign aid. With $200 billion deficits looming for years ahead, I cannot justify a $10 billion security aid budget. I agree with others that we can find $1 billion in savings in those accounts. Similarly, the U.S. is three to four times as dependent on trade with the Third World as the Soviet Union. If we do not help engender strong, growing economies in the Third World, we endanger our own economy.

So, Mr. Chairman, I believe that we need to re-examine current policies and aid programs to ensure that they really bring security dividends.

WORLD SECURITY AND HUMAN NEEDS

Responding to these concerns, I have worked with Congressmen Tony Hall and Jim Leach to draft a general alternative to the Administration's fiscal year 1985 foreign aid budget. I want to stress that the specific figures in H.R 4440 were developed before the Administration's budget submission. Nonetheless, I still believe that the principles embodied in the Human Needs and World Security Act are valid and its overall thrust makes good sense.

In essence, what this bill does is to define national security in a more comprehensive way than narrower military-oriented approaches to. In doing so, I believe that we add a dose of realism, pragmatism, and compassion to the foreign aid debate. As Ruth Leger Sivard points out, "the pursuit of international security through national military force has been increasingly costly, in blood, money—and security."

By underscoring that our security and that of our allies depends on strong economies and healthy societies, as well as sufficient defenses, we hope to reverse the alarming and counterproductive march towards a martial foreign aid.

The thrust of H.R. 4440 is to freeze security aid—both military aid and Economic Support Funds at the fiscal year 1984 level in the Continuing Resolution. This will result in about $650 million in savings from the fiscal year 1985 Reagan budget. We then propose to add back about $200 million for proven programs in economic development, health, and food aid.

For one thing, our proposal would boost funding for the International Fund for Agricultural Development to $90 million—or $40 million over the Administration's budget. IFAD is the only international organization that focuses solely on increasing food production in the poorest, food-deficit nations. IFAD has developed innovative programs in such nations as Nepal, Mauritania, Pakistan, and Egypt that will help break roadblocks to agricultural development—as in the allotment of irrigated lands to landless farmers. Despite a GAO-approved track record, the U.S. funding for IFAD proposed for fiscal year 1985 is 9 percent lower than it was in 1981. Clearly, we need to reverse this trend.

Another program that warrants added funding is UNICEF. As a recent Washington Post article pointed out, UNICEF has taken its "child survival revolution" to the place "where the kids are dying." UNICEF's remarkable, four point program to reduce by half the 40,000 children who die each day merits our support and our appropriations. With adequate funding for oral rehydration therapy and related programs, UNICEF can bring hope, health, and life to millions of hungry and diseased children. Our proposal increases UNICEF funding for $102 million in fiscal year 1985—as opposed to the meager $27 million in the Reagan budget.

FOOD FOR PEACE WORKS

Let me also emphasize the need to support adequate funding for the Public Law 480 Food for Peace Program—especially Title II, which provides food aid to nations with food deficits.

Right now, Africa faces the prospect of a continental famine, which already threatens 150 million people in 24 nations identified by the U.N.'s Food and Agriculture Organization. The FAO reports that Africa has an unmet food need today of some 1.3 million tons. In order for this to save lives, about 75 percent of it must reach Africa before June. Experts predict that drought and food shortages could worsen in 1985.

I mention this to show that the fiscal year 1984 funding level for Title II was inadequate to respond to world needs. Now, as Congress debates a supplemental, African leaders wonder whether food and transportation aid will reach their shores in time.

Consequently, I would urge this Subcommittee to increase Title II by at least $50 million over the fiscal year 1984 level of $650,000. As you know the Administration's budget holds fiscal year 1985 funding at the same level. Total Food for Peace funding has not even kept pace with inflation since 1981, which means that we can buy less food in the face of rising emergency food needs.

Food for Peace not only fights famine, it also builds bridges and strengthens our own economy. For example, two of our former adversaries who received Food for Peace assistance, Egypt and Somalia, now work with us as key friends in East Africa and the Middle East. Such voluntary agencies as CARE and the Catholic Relief Services have promptly and efficiently distributed food aid to starving and malnourished Africans in a manner that we can all be proud of. But rising commodity prices and static funding for Title II could threaten their vital work.

BEATING THE SOVIETS WITH THE RIGHT "WEAPON"

I don't think we can ignore the superpower dimension of the African food crisis or other trouble spots in the Third World.

But while we can't leave the Third World playing field to the Soviets, we ought to compete on our own terms—on terms which also benefit developing nations. In a word, we should share our incredible farm abundance and our impressive agricultural knowledge with the Third World and especially, with Africa—the only continent whose food production has actually declined in the last decade. The Soviets can match us in the arms trade, but they can't hold a candle to us in food production. Here's why. . . .

Through the 1960's and 1970's we produced about twice as much wheat as the Soviet Union, which has had to import vast amounts of wheat and other grains to feed its own people. Soviet grain imports for 1983-84 are expected to be 28 million metric tons. In 1982, despite the massive Soviet investments in agriculture, the United States farmer still produced seven times as much as his Soviet counterpart. Even though the Soviets spend six times what we do on farming, they still have to import food for their own population.

It's this food abundance and our food-production know-how that we ought to share in appropriate ways, for sound goals, with developing nations. My point is not that we should shut the door on legitimate security aid to the Third World—because the right kind of security aid can also aid development, as Richard L. Hough has shown in his National Defense University study. But with our worldwide security aid growing by 73 percent and our economic aid by only 16 percent in the past five years, and our food aid actually falling off, I think we have mixed up our priorities and defined national security too narrowly.

In conclusion, I don't see how Africa, for example, can afford to be further militarised when it already has about the same number of soldiers as the U.S. but only one-eighth the number of physicians, barely half our life expectancy rate, and two-thirds of the people consuming less than the recommended national caloric standard.

It seems to me that we can do ourselves and the Third World a favor by returning to a more prudent course: increasing our joint investments in food aid, food production, education, health, and development, while bringing under control the runaway growth in security aid, arms sales, and military spending. I believe that H.R. 4440 would help move us in that direction.

FOREIGN AID BUDGET: FISCAL YEARS 1981–85

	1981 level	1982 level	1983 level	1984 continuing resolution (Public Law 98-151)	1984 supplemental request	1984 revised estimate	1985 request	1985 +/− over 1981	1985 +/− over 1981 (percent)
Multilateral economic aid									
Inter-American Development Bank	$251.5	$221.2	$284.1	$118.4	$92.5	$210.9	$150.5	$−101.0	−40.2
International Bank for Reconstruction and Development	32.8	146.9	126.0	79.7	30.0	109.7	109.7	76.9	234.5
International Finance Corporation		14.4							
International Development Association (IDA)	520.0	700.0	945.0	945.0	150.0	1,095.0	750.0	230.0	44.2
Asian Development Bank	139.6	120.8	131.9	113.2	47.1	160.3	157.3	17.7	12.7
African Development Fund	41.7	58.3	50.0	50.0		50.0	50.0	8.3	19.9
African Development Bank	18.0			18.0		18.0	18.0		
Subtotal, International Financial Institution	1,003.6	1,261.6	1,537.0	1,324.3	319.6	1,643.9	1,235.5	231.9	23.1
International Fund for Agricultural Development			40.0	50.0		50.0	50.0	50.0	
International Organizations	210.4	215.4	229.5	264.2	3.7	267.9	191.8	−18.6	−8.8
Total, multilateral economic aid	1,214.0	1,477.0	1,806.5	1,638.5	323.3	1,961.8	1,477.3	263.3	21.7
Bilateral economic aid									
Development assistance:									
(Agriculture)	635.0	700.0	705.0	715.1	10.0	725.1	772.6	137.6	21.7
(Population)	190.0	211.0	211.0	240.0	5.0	245.0	250.0	60.0	31.6
(Health)	135.0	133.4	133.4	125.0	20.0	145.0	158.1	23.1	17.1
(Education)	101.0	103.6	103.6	116.5	11.0	127.5	188.8	87.8	86.9
(Selected activities)	111.9	137.2	140.3	140.3	38.0	178.3	216.2	104.3	93.2
(Science and technology)	12.0	10.0	10.0	10.0		10.0			
Subtotal, AID functional accounts	1,184.9	1,295.2	1,303.3	1,346.9	84.0	1,430.9	1,585.7	400.8	33.8
American schools/hospitals	20.0	20.0	20.0	30.0		30.0	10.0	−10.0	−50.0
International disaster assistance	73.0	27.0	25.0	25.0		25.0	25.0	−48.0	−65.8
Sahel development program	91.0	93.8	93.8	103.0		103.0	97.5	6.5	7.1
Foreign Service retirement	27.9	33.6	36.5	36.5	3.9	40.4	34.2	6.3	22.6
AID operating expenses	300.6	331.0	353.1	361.5	11.0	372.5	404.1	103.5	34.4
Trade and development program		6.9	10.5	16.3		16.3	21.0	21.0	
International narcotics control	36.0	36.7	36.7	41.2		41.2	50.2	14.2	39.4
Inter-American Foundation	15.8	12.0	12.0	13.0		13.0	12.0	−3.8	−24.1
Peace Corps	105.5	105.0	108.0	115.0	3.0	118.0	124.0	18.5	17.5
Migration and refugee aid	490.7	503.0	395.0	323.0	14.7	337.7	341.5	−149.2	−30.4
African Development Foundation	.5	2.0	2.0	3.0		30.	3.0	2.5	500.0
Africa Policy Initiative							75.0	75.0	
Public Law 480 (food aid)	1,229.0	1,000.0	1,028.0	1,052.0	115.0	1,167.0	1,355.0	126.0	10.3
Housing guarantee reserve					10.0	10.0	10.0	10.0	
Subtotal, development and food aid	3,574.4	3,464.2	3,422.9	3,466.4	241.6	3,708.0	4,148.2	573.8	16.1
Economic support fund	2,104.5	2,926.0	2,962.3	2,903.5	294.5	3,198.0	3,438.1	1,333.6	63.4
Compact of free association							295.5	295.5	
Total, bilateral economic aid	5,678.9	6,390.2	6,385.2	6,369.9	536.1	6,906.0	7,881.8	2,202.9	38.8
Military aid									
FMS credits:									
Forgiven loans	500.0	800.0	1,175.0	1,315.0		1,315.0	2,575.0	2,075.0	415.0
Concessional rate loans							538.5	538.5	
Market rate loans	3,046.2	3,083.5	3,931.5	4,401.3		4,401.3	1,986.5	−1,059.7	−34.8
Military assistance program	110.2	178.5	383.3	510.0	250.1	760.1	924.2	814.0	738.7
International military education and training	28.4	42.0	46.0	51.5		51.5	60.9	32.5	114.4
Peacekeeping operations	25.0	130.0	31.1	46.2		46.2	49.0	24.0	96.0
Antiterrorism program				2.5		2.5	5.0	5.0	
FMS guarantee reserve fund							274.0	274.0	
Total, military aid	3,709.8	4,243.0	5,535.8	6,277.8	250.1	6,536.9	6,413.1	2,703.3	72.9
Total, foreign aid	10,602.7	12,110.2	13,727.5	14,286.2	1,118.5	15,404.7	15,772.2	5,169.5	48.8

Note: For purposes of comparison, all categories of FMS credits are combined. For the period fiscal years 1981–84, FMS market rate loans were "off-budget" items while the fiscal year 1985 request includes such loans as "on-budget."

MRS. COLUMBIA SIGISMONDI REACHES 80 YEARS OF AGE

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. HARRISON. Mr. Speaker, it is my pleasure to rise today in tribute to a remarkable lady, Mrs. Columbia Sigismondi, who will celebrate her 80th birthday on April 4.

She is the very proud mother of seven children, her firstborn when she was only 16. Those children are Samuel R., deceased, a veteran of World War II; Edward E., of Luserne, Pa., also a World War II veteran; Mrs. Sara Sicurella of Follansbee, W. Va.; Mrs. Gertrude Petriliak of the Bronx, N.Y.; Mrs. Andrew Krzeszowski of Philadelphia; Mrs. Amelia Balberchak of Forty-Fort, and Mrs. Dolores Brown of Kingston. Mrs. Sigismondi has 17 grandchildren and 5 great-grandchildren.

Beyond her family responsibilities over the years, Mrs. Sigismondi was active with her husband, a World War I veteran, in the founding of Veterans of Foreign Wars Anthracite Post No. 283 in Kingston, Pa. On March 13, that post will honor Mrs. Sigismondi at a dinner for 50 years of membership. I am sure that honor will be extended in memoriam to her late husband.

It is also worth mentioning, Mr. Speaker, that Mrs. Sigismondi is a great fan of the Philadelphia Phillies and never misses a broadcast of their games.

It is a pleasure for me today, Mr. Speaker, to join with her family, neighbors, and innumerable friends in paying tribute to this outstanding lady.●

FOLLOWING THE TOXIC TRAIL

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. WYDEN. Mr. Speaker, we are confronted daily with news reports of the illegal handling, transportation, and disposal of hazardous waste.

Clearly, we are dealing with people who are not concerned about the risks to public health and safety posed by their actions. They are concerned only with getting rid of waste in the most expeditious and least expensive manner possible—whether that means leaking PCB's from a truck along a highway or dumping toxic waste into public sewers.

It is time Congress got tough: we must beef up enforcement of our hazardous-waste laws and relentlessly pursue those who violate them.

We can do that in the Rescue Conservation and Recovery Act reauthorization by granting law enforcement powers—the power to execute search warrants, make arrests, and protect themselves from bodily harm—to the Environmental Protection Agency's criminal investigators.

This group of highly trained investigators have distinguished themselves in a very short time. However, they all too often lose a good case due to their inability to make arrests on the spot, having instead to rely on local police or U.S. marshals.

Their personal safety is also at risk. My distinguished colleagues on the Energy and Commerce Committee, Chairman JOHN DINGELL and Chairman JIM FLORIO, have been instrumental in highlighting the increasing attraction of organized crime to the illegal waste-disposal business.

The manner in which organized crime operates their waste-disposal business is well known—death threats, firebombing, and violence are their calling cards.

Granting law enforcement powers to EPA criminal investigators is an essential first step toward eliminating these threats.

For the benefit of my colleagues I include a recent editorial from the New York Times on this subject:

ARM THE TOXIC WASTE HUNTERS

Hazardous waste disposal is certainly hazardous. A Chicago man willing to inform on illegal dumpers reports a $5,000 contract on his life. Government agents inspecting property near an Atlanta toxic waste site meet with gunfire. Toxic waste investigators in Seattle say that one of their subjects arranged the firebombing of his former business, trafficked in narcotics and threatened to kill a colleague and stuff his body into a 55-gallon drum.

Agents who venture into that underworld ought to be full-fledged cops authorized to carry weapons, execute search warrants and make arrests. But the Justice Department, citing the need for study, has for more than seven months stalled moves to give them such powers. The issue demands more serious concern.

In October 1982 the Environmental Protection Agency finally created a corps of 23 criminal investigators. That was a modest response to the nation's vast but dimly understood problem with toxic waste dumping. The new investigators, however, distinguished themselves from the start. They currently have 117 active cases and have referred 23 for prosecution.

Without law enforcement powers, the E.P.A. investigators are seriously hampered. They're forced to rely on the local police or U.S. Marshals whenever they face trouble. It's an impractical contstraint. A Seattle agent reports having to follow helplessly while a tank truck leaked its PCB-contaminated cargo for 50 miles along a highway before a deputy sheriff arrived. Having to involve other agencies also jeopardizes secrecy.

The Justice Department blocked any change last year because it wants to write guidelines that will also serve for other agencies seeking law enforcement powers. And indeed, the number of armed Federal agents should not proliferate without control. But E.P.A. argues persuasively that its needs are urgent. Toxic waste dumping isn't just another white-collar crime. It directly threatens the health of millions.

For the short term, the agency requested last July that Justice deputize its agents as special marshals, pending legislation based on guidelines. For no sensible reason, Justice offered to deputize only half the agents.

The denials threaten public safety more than a few dozen more armed Federal agents ever could. Further delay is indefensible.●

TRIBUTE TO EDWARD S. KEAR

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. HARRISON. Mr. Speaker, I rise today to pay tribute to Edward S. Kear, a distinguished citizen of northeastern Pennsylvania, who passed away last January at the end a long and fruitful life.

Born in Milton on January 8, 1901, Edward was the son of the late George W. and Cora Sidler Kear. Edward married the former Elizabeth Yerick, who preceded him in death on April 1, 1975.

In his earlier years, Mr. Kear was a member of the Danville fire police and, as a young man, was affiliated with the Acme Markets in Newark, N.J. and Shamokin, Pa., becoming manager of the Danville store. He had owned grocery stores on Upper Mulberry and Mill Streets in Danville. He was controller of the Follmer Trucking Co. until his retirement.

But apart from his business interests, Edward S. Kear was a citizen of the community. He was chairman of the Montour County Redevelopment Authority, a position he assumed in 1959 and held until his death. A significant accomplishment of that authority was the new apartment complex for the elderly and disabled, on First Street, in the borough of Danville. Fittingly, at a dedication ceremony on November 20, that complex was named in his honor.

Mr. Kear was a member of the Trinity United Methodist Church and, on February 1, 1981, he received a plaque in appreciation for 68 years of service to that church, 42 of them as chairman of its board.

And so it is, today, my honor, Mr. Speaker, to rise to pay tribute to the notable career of Edward S. Kear and, at the same time, to extend my deepest sympathy to his sons, Edward L. Kear of Williamsport and Robert A. Kear of Doylestown, to his four grandchildren, three great-grandchildren, and to his sister, Harriet Morral, who still resides in Danville.

The borough of Danville and, indeed, all of us are better because of the life and contributions of Edward Kear.●

ARMS CONTROL

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. LEVINE of California. Mr. Speaker, I recently received a letter from a distinguished former member of this institution, Jerry Voorhis. He enclosed with it a moving and eloquent plea for arms control which he had written to a local newspaper in his area.

I would like to share his letter with my colleagues. It is a moving example of the wisdom of a man whose public career ended much too soon but whose commitment and contributions to the public have remained a hallmark of his life.

[From the Pomona Progress Bulletin, Oct. 19, 1983]

THE PUBLIC FORUM: PROTESTS "STARK MILITARY MADNESS"

(By Jerry Voorhis, Claremont)

EDITOR, the Progress Bulletin:

I protest. In the name of four billion human beings on planet earth I protest what the leaders of the nations, the governments of the nations, and the war system they support are doing to my planet home, and to the chance of survival of my grandchildren.

I protest the stark military madness that, despite the peoples' determined protests, still stalks the earth. I protest that nations which already possess enough bombs and missiles to kill everyone on earth seven times over still spend seven trillion dollars a year to make more lethal weapons and thus deprive two-thirds of the world's children of the food they need to keep alive.

I protest the utter immortality of an economic system that rewards the manufacturers of heinous weapons to annihilate human life with obscene profits while permitting its farmers, producers of life's basic necessities, to go bankrupt and be forced off the land.

I protest the criminal deception practiced on the people when government leaders talk to them about winning nuclear war—or surviving it—when not a single life in any country can any longer be protected by military means.

I protest because instead of trying to reduce suspicion and tension and strive for peace, government leaders do just the opposite—sow suspicion and hatred of other countries among their people, thus making war more likely.

"Nuclear war is national suicide" so warns the Federation of American Scientists. They could say "world suicide" for no human beings as we now know them could survive such a war.

I therefore protest most of all that governments are preparing to fight such a war instead of bending all their resources, all their efforts, all their God given intelligence to prevent it from happening.

I protest because all over his planet earth God's creatures are violating his basic law of life which is: "Thou shalt love thy neighbor as thyself." In the name of my four billion fellow humans I protest.

USER FEES COST JOBS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. WYDEN. Mr. Speaker, for the last 3 years, the Congress has resisted the proposals for levying waterway user fees, which could deal a devastating blow to this Nation's balanced intermodal transportation system.

In proposing these taxes—and make no mistake about it, user fees are taxes—advocates take a tunnel vision approach to dealing with the critical problem of maintaining our port and waterway infrastructure.

The view that only those who directly use our ports and waterways benefit—and that, therefore, they should be the sole or prime supporters of our waterway system—is so narrow as to defy logic.

Clearly, the benefits of a strong waterway transportation system multiply throughout our economy and are in the national interest. Just as clearly, the burdens of waterway user fees will multiply and spread throughout our economy with the bottom line indicating one clear result: lost jobs.

This fact was recently illuminated in a study sponsored by the same administration that proposes implementing these fees.

The Oregonian, the largest statewide newspaper in Oregon, in a recent article by Eric Goranson, laid out some of the highlights of that study. I would like to share with my colleagues this insightful article, which clearly makes the case that waterway user fees could harm this Nation greatly.

The article follows:

[From the Oregonian]

STUDY FINDS USER FEE WOULD COST NW JOBS

(By Eric Goranson)

Imposition of a 25-cents-per-ton user fee on cargo moving over the nation's docks would result in a loss of 10,113 jobs and a decline in direct and indirect sales of $615.7 million in goods and services, according to a study.

In Oregon, Alaska and Washington direct sales alone would drop by $22.4 million and jobs by 1,530.

Those are some of the conclusions of a study by Bushnell, Pearsall & Trozzo Inc. of Alexandria, Va., for the U.S. Department of Commerce.

The study was done to analyze the economic effects of levying a wateruser charge on U.S., foreign and domestic commerce to finance harbor and deep-draft channel maintenance.

The analysis, aired last week in a congressional hearing, indicated that a user fee would have significantly greater consequences beyond any increase in government revenues. It states: "There would be perceptively negative impacts not only on ports and shipping but on port hinterlands as well. It would mean declines in sales, employment and income. Customs duties collections also would decrease, as would federal, state and local tax collections. Moreover since U.S. exports would suffer to a greater extent than U.S. imports, the user fee would adversely affect U.S. balance of trade."

Employment and sales would decline as a result of less cargo movement into and out of the nation. The fee would increase the cost of goods, pricing the United States out of some overseas markets. Imports also would decline, but to a lesser degree, thus aiding marginal production at some U.S. plants competing against imported goods.

The user fee, based on 1979 cargo movement, would raise $336.9 million in receipts.

The fee would have, by far, the greatest negative impact on Great Lakes ports, followed by those on the Gulf of Mexico, North Atlantic and Pacific Northwest, which includes Alaska, Washington, and Oregon. Trailing are California and South Atlantic ports.

The direct negative impact on Northwest ports alone would result in a sales loss of $4,319,000 and a decline of 358 jobs.

The Northwest hinterland, however, would also be affected, losing $1 million in sales and 1,172 jobs—the second-highest loss of any hinterland region in the nation.

The Northwest would have the second-highest direct sales loss at $22.4 million and third-highest job loss at 1,530, trailing a job loss of 1,761 for the Great Lakes ports and their service area, according to the study.

The Northwest also would lose $37.5 million in income, in $9.56 million in taxes and $780,000 duties because of a drop in imports, while 614,000 fewer tons of cargo would move over Northwest docks.

Because the fee is based on tonnage, it discriminates against Portland and other Columbia River ports, which are heavy shippers of bulk cargo such as grains and importers of steel and cars, according to Thomas F. Zelenka, Port of Portland government relations manager.

According to the study, exports of food and feed grains, oil-bearing crops such as soybeans and other agriculture, forestry and fishery products—some of the major exports in the Northwest—would fall $72 million nationwide, based on import and export figures for 1979.

This compares with total wheat exports alone by Columbia River ports in 1979 of more than $2 billion.

On the positive side the fee would increase federal receipts that would be used to pay for deep waterways improvements. Nationwide, these would total $336.8 million, but be offset by $12 million in less duties and $67.1 million in less taxes.

Administrations dating back to Franklin Roosevelt have urged imposition of water-user fees to help the U.S. Army Corps of Engineers pay for maintaining shipping channels through dredging and providing other services.

The first user fee, an escalating fuel tax on shallow-draft vessel operators, was passed during the Carter administration. President Reagan has pushed hard for both a higher shallow-draft fee and imposition of a deep-draft fee.

Several user fee bills have been introduced since 1981, most of which have pitted shallow-draft ports needing dredging, such as Seattle, which require little federal expenditures.

The Port of Grays Harbor, Wash., is one of the ports opposing a tonnage fee or port-specific user fee. It relies heavily on dredging to keep its channels clear, and officials fear a user fee requiring each port or area to pay for its own dredging would result in shippers diverting cargo to low maintenance ports rather than pay the fee.

Lloyd Anderson, executive director of the Port of Portland, said the study shows that "we shouldn't rush headlong into user fees without understanding the consequences. We should be cautious in establishing any fees to finance public works."●

IN MEMORY OF SAM SCIONE

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mrs. SCHNEIDER. Mr. Speaker, more than 20 years ago, John Kennedy struck a chord in millions of Americans when he told us to ask not what our country can do for us, but what we can do for our country. Last week, I was saddened to hear of the death of a man who put President Kennedy's words into action everyday, Sam Scione of Warwick, R.I.

Sam Scione was one of countless Americans who fought for this country in World War II. As a member of the Marines, Sam himself participated in the cleanup of Nagasaki and Hiroshima. At the time he was one of thousands of War World II veterans who were inadvertently exposed to iodizing radiation.

Upon returning home to Rhode Island, Sam began to develop health problems which could not be explained by medical professionals. He suspected that these symptoms were related to his exposure to radiation in Japan. The easy thing for Sam to do would have been to sit back and complain about the bad card which life had dealt him and to gripe about the lack of medical treatment available.

But Sam was not like that. He was a kind, unselfish man, with an enduring faith in the ability of his country to take care of those who fought to protect its virtues. Sam began to meet with other veterans who had been exposed to radiation in the war, to compare symptoms of illnesses, and to bring their collective plight to the attention of Government agencies. He founded the Rhode Island Chapter of the National Association of Atomic Veterans, an organization dedicated to helping veterans and educating the public about the risks of exposure to radiation. Sam's sense of duty to his fellow citizen was so pervasive that he allowed himself to be subjected to experimental medical procedures to expand the knowledge about treatment for the effects of radiation exposure.

Sam Scione died on February 26, 1984. He leaves behind a loving and devoted wife, Dora, two daughters and a son presently serving in the U.S. Air Force.

Sam Scione bravely risked his life in defense of our democracy. Without the efforts of him and hundreds of thousands of other brave men we would not be debating issues on the floor of the House today. Yet, after returning home, Sam continued to give of himself, to work for a cause in which he believed. I will think of Sam Scione whenever I think of what makes this country great, people ignoring their individual complaints and working together to achieve a common goal to make life better for all.

Mr. Speaker, I would like to thank you for giving me the opportunity to pay tribute to Sam Scione, a devoted family man, an American willing to give freely for his country, and a true friend.●

EXTRAORDINARY MESSAGE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. LAGOMARSINO. Mr. Speaker, as the time approaches for the expiration of the British lease on Hong Kong in 1997, the citizens of Hong Kong have reacted with concern and even panic at the thought the Peoples Republic of China will soon assert its sovereignty over the bustling commercial enclave. Although Peking has recently made some conciliatory gestures toward the future status of Hong Kong, the Chinese in that city are not so easily reassured. A recent editorial in the Press-Courier of Oxnard, Calif., in my district, presents a clear picture of the problems associated with an expanding Communist regime and the economic threat it poses for its neighbors and victims.

EXTRAORDINARY MESSAGE

Hong Kong has an extraordinary message these days for the Third World and for those individuals in the West who still toy with the fraudulent promises of communism.

The city is one of the economic wonders of the world. The small British Crown Colony, about half the size of Rhode Island, is a global hub of finance and commerce. It is Southeast Asia's economic capital and the Asian headquarters for businesses on every continent. Skyscrapers crowd Hong Kong Island and march up Victoria Peak.

The teeming population of 5.5 million, 98 percent of whom are of Chinese origins, is one of the most productive on earth.

Hong Kong citizens are also among the most liberated. Freedom and free enterprise abound. Laissez-faire prevails with minimum regulation, low tax rates and government rewards for investment. Workers in Hong Kong earn more than three times that of their counterparts in mainland Chinese cities. And, of course, Hong Kong's self-made millionaires, whose numbers are astonishing, have no counterparts in all of China.

Indeed, the tiny enclave's giant economy has a role in about 40 percent of China's foreign earnings; China's business transactions with Hong Kong amount to more than $6 billion annually. Hong Kong even serves as a go-between for more than $300 million in unofficial trade between Taiwan and the Chinese mainland.

Hong Kong's spectacular boom, which has been augmented since the end of World War II by thousands of refugees from China, has come into a state of fearful suspense; the years of freedom are numbered.

The British, who have held administrative control over the tiny appendage for 141 years, must surrender jurisdiction when their lease expires in 1997.

China has proclaimed its firm intention to assert sovereignty over Hong Kong on that date certain, ruling out any British presence. Intermittent Sino-British negotiations to define the status of the colony before and after annexation by China have gone nowhere.

The uncertainty in Hong Kong is beginning to assume the proportions of panic, even if the day of reckoning is still 13 years away.

The ever-growing fear is that the future takeover by China, in whatever guise, will end individual freedom and confiscate all personal wealth. Stock prices have fallen even as the price of gold has soared. Hong Kong's largest banks are having to ration their clients to a maximum of $2,000 in U.S. currency as depositors frantically seek safety for their savings.

Wealthy Hong Kong residents and younger professionals are calculating whether they have two or five years before they have to leave for Taiwan, Singapore, Canada, Australia or the United States.

Observers report a flight of capital from Hong Kong of at least $6 billion. Taiwan's economists estimate that $30 billion in capital will leave Hong Kong before the communist takeover. Taipei hopes to attract Hong Kong capital with new free-trade zones and other incentives.

Taking note of all this, Peking recently made its first conciliatory gesture toward Hong Kong. Only days before a resumption of Chinese-British negotiations on Hong Kong's future, the eighth to date, an authoritative Chinese magazine, Outlook, suggested that Hong Kong would become a special administrative zone of China, and not be annexed as a province.

Except for defense and foreign affairs, it would be self-governing and would retain its social and economic system.

Even more impressive, Chinese Premier Zhao Ziyang told a New York luncheon recently that China would allow Hong Kong to retain its capitalistic economic system and autonomous local government after the British lease expires.

Such pragmatism must be welcomed, as it represents a generally acceptable compromise for all concerned. The problem is that so many of Hong Kong's citizens fled China and they are not easily assured by Peking; they know too much from personal experience.

It would appear, therefore, that Hong Kong's hemorrhage of human and material resources will continue. Hong Kong's unfolding tragedy proclaims anew the bankruptcy of Marxism.●

HAL SCHRAM—THE ONE AND ONLY MICHIGAN "SWAMI"

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. VANDER JAGT. Mr. Speaker, In the world of sportswriting, great names are readily recalled—Grantland Rice, Red Smith, Arch Ward, just to name a few. Many reach national acclaim. In Michigan, Hal Schram did not and has not reached national acclaim as a sportswriter—but he was good, darn good, and he is not only a household word in Michigan sports circles—especially high school athletics—but he is our Grantland Rice, Red Smith, and Arch Ward rolled into one.

For over 40 years, Hal Schram served the Detroit Free Press as its expert on high school sports. And, what an expert he turned out to be.

But perhaps an even greater insight into this man, who now at 65 is retiring from the Free Press, is that Hal Schram was legally blind as a boy. He grew up in the Michigan School for the Blind in Lansing. Only a miraculous operation at Johns Hopkins Hospital in Baltimore restored some of his sight and allowed him to become a newspaperman.

Joe Falls, another great nationally known sportswriter with the Detroit News, earlier this year wrote of his dear friend Hal Schram. I am proud to insert that wonderful feature story on Hal Schram in the RECORD. I do so not just to honor Hal, but to present the contributions and great influence that this man had on thousands and thousands of young high school athletes. Yes, the Detroit Free Press was fortunate to have Hal Schram. But, far more importantly, the State of Michigan high school athletic world reaped the real benefits.

As Joe Falls wrote:

For 30 years this man served the high schools of Michigan with complete devotion. It didn't matter if they were from the inner city, Thumb, Upper Peninsula, Grand Rapids, Muskegon, Flint, downriver, or in the Manistee Forest—he treated them all the same. He treated them with respect. He was a man without motive. All he cared about was doing an honest job.

[From the Detroit News, Jan. 25, 1984]

SPORTS BIG LOSER AS ONE AND ONLY SWAMI RETIRES

(By Joe Falls)

The order went in for two scrambled eggs, bacon, toast and pineapple on the side.

This was about one o'clock yesterday afternoon in Angie's Restaurant on Van Dyke between 11 and 12 Mile. This is where The Swami eats breakfast.

Now that he's a man of leisure, he doesn't have to hurry through his days.

"I don't know what you call it—breakfast, lunch, brunch . . . but this is the time I eat," The Swami said.

The waitress brought his food, plus a pot of hot tea and two glasses filed with ice. Nobody had to tell her. She knew The Swami always had a pot of hot tea and two glasses of ice.

The Swami likes iced tea with his breakfast, lunch or brunch, even if he has to reach out carefully to find the glass on the table.

The Swami doesn't see too well and doesn't want to embarrass himself by knocking the glass over. He kind of gropes around these days. He has lost the entire vision in his right eye—that was the good one—and he's got about 15 to 20 percent in the left eye. That was always the bad one.

"Hey," he said, "I've got no complaints. This could have happened to me 25 or 30 years ago when I was trying to raise my kids. That'd been a bummer if I couldn't have taken care of them.

"I'm very lucky that my one good eye held out as long as it did. They went in there seven times to fix it and that's asking an awful lot for one eye to take."

Hal Schram was legally blind as a boy. He grew up in the Michigan School for the Blind in Lansing. Only a miraculous operation at Johns Hopkins Hospital in Baltimore restored some of his sight and allowed him to become a newspaperman.

Now, at 65, he is retired from the Free Press and his problems are with him again. He's got a TV set in his room but seldom turns it on. He listens to the games.

He said: "I like the radio. I like a Jay Roberts on WJR. I like his all-night music. I'm going to listen to the hockey game tonight. Can you imagine that—me sitting home listening to those bums on the radio?"

The Swami never did see too well, but he got by.

His son, Jim, who is now 38, would sit at his side in the press box in Jenison Field House or at Crisler Arena and he'd whisper to his dad: "No 33 made the basket—Tim Jones. The foul was on No. 7—Willie Brown.

They made a great pair, and now that The Swami is retired, life will never be the same for any of us around here. Hal Schram brought more honor to this business of newspapering than any sports writer this state has ever known.

He never covered the World Series or the Super Bowl or the Kentucky Derby. He never knew what it was like to fly to the West Coast with the Detroit Lions or sign in at the press hut at the Masters golf tournament in Augusta.

The only pro team he ever covered was the Detroit Cougars soccer team in 1968—"the old Glentoren Cock N' Hens from Ireland," The Swami recalled.

"I once went to Minneapolis for speed skating but as I was putting some drops in my eyes on the plane, the plane hit an air pocket and there went the eye drops. I couldn't see a thing until I could get to a druggist in Minneapolis."

His beat took him to Redford St. Mary or River Rouge or Detroit Chadsey and no man was ever happier with his lot in life than the Swami.

That's because there was only one Swami, and he was known far and wide for his great love of the high schools. He did more to give these kids and their coaches recognition than any man who ever called himself a sports writer. I found the hardest part of leaving the Free Press was leaving The Swami.

My finest moments as a sports writer were spent with him. It might have been in the lobby of the Olds Hotel in Lansing or the banquet room at the Kellogg Center in East Lansing or in the press room at Crisler Arena in Ann Arbor. It was always the same. Everybody knew The Swami. Everybody loved The Swami. All you had to do was stand there next to him and all kinds of people—young, old, white, black, tall, short, skinny, fat—would come up to him and say how glad they were to see him again, and they'd start shaking his hand and smile from ear to ear. Then they'd see you standing there and they'd shake your hand, too, because any friend of The Swami's was a friend of theirs.

For 40 years this man served the high schools of Michigan with complete devotion. It didn't matter if they were from the inner city, Thumb, Upper Peninsula, Grand Rapids, Muskegon, Flint, downriver or in the Manistee Forest—he treated them all the same. He treated them with respect. He was a man without motive. All he cared about was doing an honest job.

Hal started the high school ratings in Michigan. He formed the Free Press All-State coaches' panel. He gave us his "Top Ten" games on Friday. And—most of all—he gave us those "Peerless Prognostications."

He never made much dough.

"I made enough to get by," he said, "I was always able to keep my kids in shoes and see to it that they went to a decent school. You really can't expect too much more out of life.

"But I have enjoyed every moment of it. They told me when I got started that my life would be eight hours of work, eight hours of sleep and eight hours of fun. They were wrong. It's been eight hours of sleep and 16 hours of fun."

They're honoring The Swami tonight at a party at the Polish Century Club, and the only hope is that nobody asks him how he's doing at the harness tracks these nights. There go 30 minutes of your life. He goes out three or four nights a week and bets a few bucks. He can't see the horses anymore but he can hear the calls and they stimulate him like nothing else in his life.

The Swami still dabbles around in the Free Press sports department. He goes in on Tuesday and Friday nights, riding in on the SEMTA bus and then conning somebody into driving him home.

He takes some high school games on the phone, carefully typing them out on a piece of paper. He can't see what he types but it doesn't matter. All the numbers, all the facts, all the letters, all the words, are in the right place.

How can the Free Press be so smart to keep him around?

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. CORCORAN. Mr. Speaker, due to my absence from the House, I was not present and voting on March 1 when the House considered legislative business. Had I been present, I would have voted in the following way:

On passage of House Resolution 446, committee funding resolution, "nay."

On the Bethune substitute to H.R. 3050, Rural Electrification Act of 1936 Amendments, "yea."

On the motion to recommit H.R. 3050 with instructions that the committee consider amendments to insure the continued financial integrity of the fund in such a way to avoid any increase in the national debt or interest rates, or and decrease in the availability of credit, "yea."

On final passage of H.R. 3050, "yea."●

CLEAN WATER ACT AGREEMENT

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SNYDER. Mr. Speaker, I wish to call to my colleagues' attention events relating to regulatory reform, the Clean Water Act, and the spirit of cooperation needed to make government work.

It is well known that many Federal regulatory programs have grown well beyond the intent of Congress and are seriously infringing on private rights and State responsibilities and are unnecessarily and adversely affecting economic opportunities. Regulatory reform has had bipartisan support because of the broad public demand for efficient and effective government.

One such program which was widely recognized as needing reform is the so-called section 404 program under the Clean Water Act which regulates discharges of dredged and fill material in navigable waters. It is administered by the Army Corps of Engineers. In pursuit of reforming a burdensome regulatory process, the Army issued new regulations in July 1982. Those regulations were challenged in a lawsuit filed in December 1982 by 16 environmental groups.

After lengthy negotiations a settlement has been reached. The environmental groups have acclaimed it as providing all the necessary enviromental protections and the Army assures us that all the regulatory reform principles of efficient and effective management have been maintained.

Mr. Chairman, I believe this is truly good news. It tells me that if disagreeing parties can come together in a spirit of constructive compromise, the alarming trend toward confrontation and litigation can be reversed. It seems seems to me that the environmental groups need to better recognize the positive, efficiency-producing aspects of regulatory reform. At the same time, the Federal agencies need to better recognize and respond to the legitimate concerns of envirnonmental groups.

I wish to commend all the parties involved: The environmental groups, the government representatives, and the intervenors for demonstrating that the system can work to the mutual advantage of many diverse interests.

Assistant Secretary of the Army Bill Gianelli and his staff have demonstrated clearly that regulatory reform can be achieved without diminishing environmental safeguards. I urge the Army to proceed apace with its reforms, continuing to incorporate adequate environmental safeguards. The public deserves no less.●

PERFECTLY LEAR

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. LEVINE of California. Mr. Speaker, I rise to bring to the attention of my colleagues an inciteful article from last Sunday's Washington Post, describing just a few of the marvelous qualities of a man I am pleased to call my friend, Norman Lear.

Norman is one of those few people who does not shrink from his principles and who spends both countless hours and significant resources to accomplish noble goals. The Post captured some of Norman's talent in Tom Shales' excellent article on Sunday.

I insert the article in the RECORD at this point, and I commend it to my colleagues.

The article follows:

PERFECTLY LEAR: THE MAN WHO CHANGED TELEVISION BRINGS A MESSAGE FOR THE 1980's

(By Tom Shales)

Television can't be all bad if Norman Lear is coming back to it, and he is. The producer and writer who set the agenda for TV in the '70s with "All in the Family," "Maude," "Mary Hartman, Mary Hartman," "The Jeffersons" and "One Day at a Time" officially ends a five-year absence from series TV this Tuesday night on ABC, when his new comedy, "a.k.a. Pablo," makes its ebullient debut.

Lear has projects under way at other networks, too, and tonight he appears on a taped NBC special as one of the first seven inductees into "The Television Academy Hall of Fame," which honors broadcasting trailblazers, living and dead. Lear is the only living honoree born after 1920; he will be 62 in July. "I felt like the kid on the block," he says of the event, he still has the zip and bravado of the kid on the block, too. Lear's citation praises him for, among other things, "paying much more than lip service to the values that made America great."

During his absence from weekly TV, Lear added to his empire, acquiring Embassy Pictures and renaming his domain Embassy Communications. He has a mansion in manicured Brentwood, Calif., an attractive activist family and millions in income from reruns of his hit shows. You'd think that this man would need the aggravation of weekly TV like a hole in the hot tub.

But he does need it. That's part of what makes Norman Norman. When he returned to work in Embassy Television's little corner of the Universal lot there was a palpable aura of nervous danger. Norman was back.

"From my point of view, I didn't leave anything," Lear says. "There's a thing on my wall, it's Aristotle's definition of happiness: 'The exercise of your vital abilities along lines of excellence in a life that affords them scope.' I thought that was the best piece of philosophy I'd ever read. I would assess my vital ability to be communicating, and that's one-on-one or writing and then getting that out to 30 million people via television or 20 people in a little theater, whatever it is."

Putting together People For the American Way, a group formed to counter what Lear sees as threats to freedom by the Moral Majority and others of that ilk, was "an enormous exercise in communicating," Lear says. He compares it to making a miniseries. The effort included a poorly rated TV special, "I Love Liberty."

On this particular morning in Washington, after a Capital Hill huddle with Mark Hatfield, whose reelection bid Lear will support this year, Lear meets with Tony Podesta, executive director of People For the American Way. When they part Lear gives Podesta a big hug. Not a Hollywood hug; a sincere hug. Lear is a hugger. If he could, he would hug the whole world. And expect to be hugged in return.

"I looked at motion pictures, and spent a few months there because we had in the interim bought Embassy," Lear says, "and I liked that well enough but I'm too impatient after years in television. It takes four to six years to get any movie going—any movie going—and that's an exercise in patience, not vital abilities. Patience is not my vital ability. Where else but in television can you have an idea as a dramatist that you're excited about on the first of October and then share it with 30 million people in the middle of December?"

For good luck, Lear did the opening studio-audience "warm-up" for the first two taped episodes of "Pablo." He hadn't walked onto a TV soundstage for this purpose in six years. "It felt exactly the same," he says. "I thought, 'Oh, wait—this man at 61 is walking a little differently, his voice sounds a little different, something is different.' But it didn't feel different.

"It felt terrific."

Television, however, is not the same. It has grown more breakneck and cutthroat, and network executives have leaner and hungrier looks. ABC ordered only six episodes of "Pablo," Lear notes, "despite the fact that it's supposed to be a big deal that I was coming back to television and everything else. Five years ago that would have been 13 shows. Four years before that it might have been 22 shows. Now it's six. And you know that if it's not rating well, the decision to jettison the whole show is probably made after two or three ratings come in. So God forbid anything should be an acquired taste. There's no chance for the public to acquire a taste because they yank it so quickly. There are no villains at the networks; that's just the name of the game."

Lear sees this mania for instant success as symptomatic of a national attitude, not just a television predicament. "As a result of America's fixation with, and obsession with, short-term thinking, everything suffers," he says. "In every business, we innovate less and experiment less because of the need not to diminish a current profit statement but to have one that exceeds the last. Wherever we look.

"The pressure is to deliver quickly. Television is very, very interesting in terms of its profile in this sense. Since ratings relate directly to dollars, when we look at television we are looking at a medium that the country observes in terms of how it makes money *half-hour by half-hour.* No other industry in America, if you look at ratings as dollars, is watched as closely in terms of how many dollars it's making. Half hour by half hour, seven days a week, 18 hours a day. I mean, that's an incredible statistic. So to those network program executives, the need to deliver a winner Tuesday night at 8 o'clock is the paramount thing on their mind. And that's antithetical to risk-taking and innovation."

Lear reiterates that he does not see "villains" in those executive suites, many of them occupied by baby moguls many years Lear's junior. But still . . .

"I think we now have a generation of network program executives that were weaned on television; it may be the first generation weaned 100 percent on television," Lear says. "My fear about these young people who were weaned on television and now are responsible for all those choices is that they don't know human behavior from television behavior, because they have seen so much television behavior.

"So, that's a change."

Upon being elected to the TV Hall of Fame, this is what Norman Lear said about the future of television:

My hope for the future of television is that it will take itself as seriously as it is taken, that the time will come when all of us, all of us including networks, will look to our creative and our human instincts to create and to program, instead of following the dictates of flow charts, and research, and overnight ratings, and the pursuit of instant success.

They cheered that. And Norman looked surprised by the cheers. He shouldn't have been.

Not everyone will cheer Lear's return to television. Because his domestic comedies threw out the burnt-pot-roast plots for social realism, Lear was regularly attacked by one pressure group or another. When Maude had an abortion, a good deal of hell broke loose. The Rev. Jerry Falwell is among those who have characterized Lear as a corrupter of American decency, and People For the American Way has made a point of citing Falwell in its warnings about imperiled civil liberties.

Lear does not like to talk about those who hate him.

"Falwell has called me the greatest enemy of the American family in our generation," he says after a contemplative pause, "and I find that just too difficult to take seriously.

It seems to me that the bulk of what we've done is a celebration of family. They're all families that hang together, they all love one another, they go through the ordeal of life but they come out on the other side of that ordeal connected. Together. And so it's hard to take these people seriously. I don't think there are that many. That's a hard-core far-right with religious-moralistic overtones."

Lear sees "a.k.a. Pablo" as another affirmation of family and its importance in American and human life. Superficially the story of a young Mexican-American comedian (played by Lear discovery Paul Rodrigues)—a character not modeled after Freddie Prinz, Lear says—"Pablo" is really the story of how the young man's success affects his large family in good ways and bad. In a time when meanstreak comedies seem to be proliferating ("Buffalo Bill," "Empire"), Lear's positivism is refreshing.

"The heart of the show is dealing indirectly with everybody's need for connection and belonging," Lear says. "My feeling is that everybody is going to want to be a member of that family. Who wouldn't want to be surrounded by 15 people who cared for you that much? All of us, four billion people walking the face of the planet, are aching for that. And some few have it. And here they are.

"I think there's a great hunger—everybody uses the word 'nostalgia'—for the past. The greatest part of that hunger is for that large family. We read a good deal about the disintegration of the nuclear family and so forth. Quite true. When I was a kid, the vestige of that large family still existed. We had maybe a dozen huge events that mirrored the size of the family. And then, in my lifetime, that vanished. And the telephone and the airplane that were supposed to have made the world smaller, really made the world a helluva lot larger.

"Because you dip in and out of each other's lives by plane. So Thanksgiving is an afternoon, where 30 years ago, or 50 years ago, if you had to travel three days to get there, you spent four days before you traveled three days to get home again. Now we dip in and out and it's over. In the Mexican culture, they still have large families; they're still intact. They may live across the street or down the street, some of them, but they're basically together a great deal."

Lear says the program will also be about that much-investigated topic of the '80s, The Media (shudder when you say that, pardner). Paul Rivera, a.k.a. Pablo, goes on "The Merv Griffin Show" in one episode and makes jokes about members of his family. He's a huge hit until he gets home and finds not all members of the family amused. He returns to the show to apologize and is goaded into getting laughs at his family's expense all over again.

"And he gets a little merciless," Lear says. "Because I've wondered for years, all of those Phyllis Dillers and Joan Riverses and Alan Kings talking about wives and children—what do the wives and children and husbands feel about all of this? And what gives these comedians the right to make specious and sometimes derogatory jokes about members of families, and what's happening at home through all of that?"

"Pablo" went through a long gestation before making it to production. At one point it was actually considered as a vehicle for the footloose Suzanne Somers, who was under contract to Embassy. If it had been "a.k.a. Suzanne," or whatever, it would have been a show about a woman who played a dumb blond on TV but knew this was compromising her womanhood in real life. This never came about, but then when Lear saw Rodrigues performing in a club, he said to himself, as he now recalls it, "Oh boy, what an opportunity to do that show!" He is just the sort to say "oh boy" to himself.

Another Lear project has even more to do with mass media: "Good Evening, He Lied," a series in development for NBC about a young Harvard MBA who arrives at a sleepy TV station determined to rev it up into competitive hysteria. At any cost. Also in development at NBC is Lear's "P.O.P.," which stands for P. Oliver Pendergast, a character to be played by the Oscar-nominated Charles Durning. Pendergast, says Lear, is "another hunk of my father that wasn't in Archie." Not that Lear's father was a bigot; just that some of Archie Bunker's mannerisms were taken from Lear's memory of his own dad. Durning will play "an utterly charming, mildly larcenous salesman who could sell s— on a stick for lollipops, which was my father's favorite way of describing himself," Lear says.

A two-hour Lear movie, "Heartsounds," from a 1981 novel by his first cousin's wife Martha W. Lear, will star Mary Tyler Moore and James Garner, be shot in May and air next season on ABC. And Lear is also peddling what he calls a "bawdy restoration comedy" titled "The Education of Harry Bellair," written by playwright Terrence McNally ("The Ritz") and originally developed for Showtime, a pay cable network, but not picked up for production. CBS recently said no to it as well.

Lear has commitments for two CBS projects but he's still angry with the network for the clumsy and rude way it canceled "Archie Bunker's Place" last season. Carroll O'Connor, the brilliant actor who made Archie a national institution, wanted to continue with the program and entreated Lear to return and revitalize it personally. "I could not say no to my company and to Carroll, and we did have a plan, a new way to go," says Lear.

Wedding bells for widower Archie? "No. A May-December romance, a younger woman coming into his life. But no, they were not going to get married; *that* was the network plan. The network thought that that's what should happen and I convinced them otherwise. But they really didn't let us know they were not going to pick it up. They allowed me to talk with them and give them thoughts and they had already decided they were not going to go with it. CBS didn't handle it well."

A Lear show on ABC seems a little incongruous. He hasn't been represented on that network since the short-lived. "Hot l Baltimore" in 1975. Lear says ABC executives were alarmed that, except for an opening teaser scene, the title character of "Pablo" does not appear until the very end of the first act of the premiere. They pleaded with him to adjust that.

"One could have made a lot of mistakes listening to them," Lear says. "By the same token, any of them can raise questions or register complaints that make you think a little deeper, and suddenly, as a result of somebody's innocent question or idle remark, you change something and make it infinitely better. That happens all the time."

A good man. A fair man. A *rich* man. But a man who hasn't lost links with the real world in which people work, struggle and worry about making ends meet. Lear's ends are in no danger of not meeting, but then he doesn't seem the worrying type anyway. He is not worried about possibly tarnishing his golden reputation with new shows that people may compare unfavorably to the old. He'll take his chances. "Of course it crosses my mind," he says, "but if you're sufficiently busy, you don't think about it. And I am sufficiently busy."

The sufficiently busy Norman Lear, his parallel furrows of facial wrinkles allying themselves for a confident smile, also declares, "I wake up every morning of my life hopeful, and I believe in the possible." Norman, you are quite a guy. Consider yourself hugged.●

CENTRAL AMERICAN THREAT REAL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I am constantly amazed and appalled by those who view the events in Cuba and Nicaragua as benign and having no impact on U.S. security interests in the region. I believe a recent editorial in the Press-Courier of Oxnard, Calif., in my district, describes in very clear terms the potential threat for the United States of any further spread of Communism in the region.

Central American Threat Real

Sen. William Proxmire, the suavely populist Democrat from Wisconsin, recently reassured an audience that none of the countries in Central America could pose any threat to the United States.

By implication, Sen. Proxmire was suggesting that Americans had little to fear, and perhaps no special reason even to care, if some or all of the seven Central American nations went communist.

We could not help but be reminded of the identical argument put forth a quarter of a century ago when revolution engulfed another small Latin country—Cuba.

How could a poor nation of 10 million persons pose any threat to a nuclear-armed superpower? And why worry about a seemingly popular revolution against a corrupt dictator and a semi-feudal social structure?

Now, at the 25th anniversary of Fidel Castro's revolution, is an apt time to ponder what has happened in Cuba and to consider what implications the Cuban experience may have for Central America.

To state the most obvious truths first, Cubans, under Castro have obtained neither the material plenty they were promised nor the political freedoms many must have imagined the revolution would bring.

Castro, far from being the benevolent Robin Hood described in the pages of the New York Times, turned out to be a thorough-going totalitarian presiding over a police state.

A quarter century of communist rule in Cuba has long since wrecked the island's economy. Cuba survives on the dole—roughly $14 million per day in Soviet aid, making it proportionately one of the most heavily subsidised countries on earth.

Basic necessities—food, staples, clothing and shoes, among them—are still rationed 25 years after "liberation." Political dissent is rewarded with prison or worse, and a vast police and security apparatus keeps watch on virtually every family and every citizen.

So disillusioned have Cubans become that nearly one in five has left the island and many more would do so if they could.

Given all this, is it really possible for anyone to argue credibly that victory for Castroite revolutionists in Central America would somehow benefit even the poor in those countries?

But Cuba is more than just a hard-scrabble prison for its people. More ominously for the United States, it is also a strategic Soviet beachhead in the Western Hemisphere, an advanced base bristling with arms and serving as a staging area for further revolution in the Americas.

Castro would describe it thus, with pride. Why should it be so difficult for the Sen. Proxmires of this country to see that any new Cubas created—Nicaragua, for example—will only serve to extend the attacks on Washington's allies and interests in Latin America?

Could a pro-Cuban, pro-Soviet El Salvador or Guatemala threaten the United States directly? Of course not. Nonetheless, Cuba is a strategic bone in America's throat. Its agents and arms spread revolution in Latin America and beyond.

Cuba's Army serves as surrogate Soviets in such places as Ethiopia, Angola, the Congo, Mozambique, South Yemen and Nicaragua. And, of course, Cuba serves as a base for Soviet military forces permanently stationed 90 miles from American shores.

Recognizing what Cuba has become should inoculate Americans against any apathy on Central America. Castro is betting that the Bill Proxmires, especially those in Congress won't grasp the lesson until it is too late.●

JOHN PAUL HAMMERSCHMIDT FOR THE VFW CONGRESSIONAL AWARD

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. McEWEN. Mr. Speaker, today the Veterans of Foreign Wars honors our colleague, John Paul Hammerschmidt, for his outstanding service to our Nation.

As a pilot in the China-Burma-India theater during World War II, John Paul was awarded the Distinguished Flying Cross four times, the Air Medal five times, and three battle stars. His service reflects the high traditions of America's servicemen and women and their commitment to freedom.

Upon his election to the 90th Congress in 1967, John Paul was one of the newest members of the Arkansas delegation. Today he is the dean of this delegation and serves on the Committee on Public Works and Transportation and the Committee on Veterans Affairs.

Mr. Speaker, for the last 16 years, the gentleman from Arkansas has served this body and the Nation honorably. As ranking member of the Veterans Affairs Committee, its Subcommittee on Hospitals and Health Care, and as a member of the Subcommittee on Compensation, Pension and Insurance, John Paul has worked tirelessly to enhance the quality of benefits and services for America's veterans. He has been very effective in shepherding legislation through our committee along with our chairman, Sonny Montgomery.

Mr. Speaker, John Paul is widely regarded as a forceful advocate for Veterans' Rights and a strong national defense. His service and commitment to America reflects the very spirit of our country and all that is good and just. I wish him my most heartfelt congratulations, and wish to commend the Veterans of Foreign Wars for its selection of such a fine American.

Thank you.●

FAMILY TRADITION

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. DONNELLY. Mr. Speaker, there are few things as classically and as wholesomely American as the successful small business, begun with little more than hard work and ambition, passed from generation to generation, and evolving into a focal point of its community.

One such business in the 11th District of Massachusetts is Walsh's restaurant of North Quincy, and I would like to take this opportunity to offer a word of salute as it marks its 50th anniversary.

Michael J. Walsh opened his business at the height of the depression and kept it going in the first few difficult years by using part of the building as a sign painting shop and by handling advertising for Hire's root beer.

The restaurant began to flourish when the nearby Fore River Shipyard and other nearby heavy industries went back to work to equip the Nation for World War II.

From that day to this, Walsh's was intent on serving the area's working people and their families. Michael Walsh wanted to build a business his family could be proud of and his neighbors' families would be glad to patronize. He refused to operate the sort of gimmicky, fast buck restaurant that would be out of place in its neighborhood.

His sons and daughters became a part of the business. Son Andrew returned to operate the restaurant after receiving a master's in philosophy from Fordham University, serving as an Army officer in the Korean war, and later as a special agent with the FBI. Like his father, he believes it is the duty of a businessman to make a contribution to the community at large. He has served as president of the Quincy Rotary Club and the Quincy Symphony Orchestra, and director of the South Shore Chamber of Commerce.

Three of his children, Andrew, Jr., Margaret, and Peter, have joined the business, carrying on the tradition laid down by their grandfather and their father.

During the past half century, the Walsh name—in both the restaurant and the family—has grown into an important part of the North Quincy community.●

DANNY GALANTI, HUMANITARIAN, HONORED IN UNION, N.J.

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. RINALDO. Mr. Speaker, I wish to commend the Phil Portnoy Association for awarding its 12th Annual Humanitarian Award to Donanto "Danny" Galanti of Union, N.J. Mr. Galanti exemplifies the spirit of charity and compassion toward the severely handicapped.

Danny Galanti is one of New Jersey's most successful businessmen, and his work at New Jersey's ports contributes significantly to the economy of the State and to the number of jobs that the waterfront provides. His efforts in promoting world trade in New Jersey are well known and highly respected in the business world.

While carrying on these responsibilities, Mr. Galanti nevertheless has done an extraordinary job in giving his time and resources to many worthwhile causes. Along with his wife, Barbara, Danny Galanti has been an active fundraiser for Camp Fatima, which sponsors education programs, training, and social activities for the handicapped. It is one of New Jersey's oldest and most respected programs for the handicapped. Mr. Galanti has been a major benefactor of Camp Fatima, and by his generous example, he has encouraged others to support this worthwhile program spearheaded by Sister Ann Dominic of St. Michael's School in Union, N.J.

For many years, Danny Galanti has also been active with the Columbian Civic and Social Club and the Prospect House which helps rebuild the lives of individuals who have experienced severe personal problems. Young people who come from broken homes, or who find their lives shattered by drugs and crime have benefited from Danny Galanti's support for Father Flanagan's Boys Town.

I also want to compliment Danny Galanti for his generous support of cancer research. He has been a benefactor of the Sloan Kettering Institute in New York, one of the Nation's foremost cancer research centers. In addition, Danny Galanti has aided the Leukemia Society of New Jersey and the Mental Health Association of Essex County.

In receiving the Portnoy Association's award, Danny Galanti joins other distinguished citizens of Union Township who are previous award winners. They include Mrs. Genevieve DiVenuto, Pat Patricco, Sister Ann Dominic, Bubby Koby, Mrs. Marie Sevell, and Tom Tedeshi. They are the kind of citizens who have helped to make Union, N.J., an All-America City; a community in which people care about each other and work for the common good.

With much personal satisfaction, I congratulate Danny Galanti for his outstanding achievements in helping the handicapped. Union Township is proud to have Danny Galanti, his wife Barbara, and their children, Donna and Patricia, as residents of the community.●

CONGRESSIONAL SALUTE TO THE HONORABLE GEORGE TUNIS COBB OF LINCOLN PARK, N.J., ESTEEMED SUPERINTENDENT OF PUBLIC WORKS, DISTINGUISHED CITIZEN, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. ROE. Mr. Speaker, on Friday, March 9, the residents of Lincoln Park, my congressional district and State of New Jersey will gather in testimony to the outstanding public service rendered to our community, State, and Nation by a most distinguished citizen and good friend, the Honorable George Tunis Cobb, whose standards of excellence throughout his lifetime are applauded by all of us who have had the good fortune to know him.

As George Cobb retires from his esteemed office of superintendent of the department of public works of the Borough of Lincoln Park where has has served with distinction for over three decades, I know that you and our colleagues here in the Congress will want to join with me in extending deepest appreciation to George and share great pride in the success of his achievements with his good wife Grace, their daughter Ami Jo, son-in-law Anton Maldavanji, and grandchildren Aurora, Antol, and Christina.

Mr. Speaker, our honoree George Cobb was born in Lincoln Park and attended local schools. In November 1942 he enlisted in the U.S. Army and we are deeply appreciative of his service to our country in the armed services during World War II.

We are especially proud of George's diligence, dedication and expertise in the vanguard of the founding of the road department of the Borough of Lincoln Park and the agency's performance record as this integral part of municipal government expanded and developed into the present highly prestigious department of public works.

It is interesting to note that prior to his career pursuits in public works programing for the Borough of Lincoln Park in 1950, George had enrolled as a fireman in 1941, dog warden in 1946 and joined the police department in February 1947.

One need only look at the substantive progress and accomplishments of the department of public works throughout the Borough of Lincoln Park during his 34-year tenure to realize the magnificence of the contribution that George and his colleagues have made to the quality of life for the people of Lincoln Park. As each one of us stands up at his testimonial dinner in tribute to his good deeds, sincerity of purpose and friendship, we are indeed proud to have had him on the team. He has played an important role in the achievement of government in his chosen field of endeavor. We applaud his knowledge, training, hard work and personal commitment that has enabled him to attain the fullest confidence and strongest support of the people of our community.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people and as George Cobb retires his official office of public trust I appreciate the opportunity of seeking this national recognition of his contribution to our people and our people's estate. Professionals like George serve as the bulwark of strength in the day-by-day challenges of government in meeting the needs of our people. For a job well done, there is no doubt that he has truly enriched our community, State and Nation. We do indeed salute an esteemed superintendent of public works, distinguished citizen and great American—the Honorable George Tunis Cobb of Lincoln Park, N.J.●

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND SELF-SUFFICIENCY ACT OF 1983

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. DE LA GARZA. Mr. Speaker, last week, by an overwhelming and thoroughly bipartisan vote, this House approved H.R. 3050, a bill to help keep the Rural Electrification Administration's revolving fund on a stable and self-sufficient basis in the years ahead. I do not intend today to repeat in detail the arguments made by those of us in both parties who supported the bill. But I do want to lay out for the record one clear and simple fact which I think even critics of the bill will confirm.

The basic fact involves the $7.9 billion in notes which the REA revolving fund had been scheduled to pay back to the Federal Financing Bank beginning in 1993. As the House knows, the bill we passed states that instead of paying this money to the Federal Financing Bank, the revolving fund will convert the notes into equity capital. This will automatically make the money involved available for continued lending to qualified rural cooperatives.

Every borrower who owes money on an REA loan will continue to owe the money and will continue to repay the full principal and interest. Nobody who owes money to the Government will be excused from the need to repay what he owes, in full.

It is correct to say that under the bill we passed, the $7.9 billion involved will not be repaid to the Federal Financing Bank in cash on the original scheduled. But by keeping the money in the REA revolving fund, we avoid the need for future lending by the bank to the fund, or future direct appropriations. And the bottom line is that this money has not been forgiven in the usual and general meaning of that word. It remains an asset of the U.S. Government. And every penny will be repaid by borrowers.

I hope that whether any individual agrees or disagrees with the bill, we can all agree on a factual account of what has been done.●

A TRIBUTE TO AN ALL-AMERICAN WINNER, CHRISTINE CURTIN

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. LENT. Mr. Speaker, it is always inspiring to hear stories of personal accomplishment and success about America's youth. Today, I would like to take this opportunity to recognize a young woman from the Fourth Congressional District of New York, whose exceptional achievement in the field of sports symbolizes the potential and determination of our youth.

Christine Curtin of Bellmore, Long Island, has been selected as one of the 1983 National High School Track All-American Award winners for her outstanding performance in the 3,200-meter run. Her performance in this difficult track event was tops in the United States. This award is a distinguished honor for Christine, then a high school junior at Mepham High School in Bellmore. She was one of nearly 1 million young men and women who competed in the All-American Awards program sponsored by the American Textile Manufacturers Institute in cooperation with the National High School Athletic Coaches Association. These students from 15,000 high schools competed in meets at the local level and went on to compete in State meets across the country. Christine and the other final award winners were selected from the top 10 percent in chosen events in 1983 State meets.

Christine's sacrifice, hard work, and dedication in successfully achieving her goal deserves the highest commendation.

I ask my colleagues in the House of Representatives to join me in congratulating this All-American winner, Christine Curtin, for her outstanding achievement, and her parents and her coach for their encouragement and support during Christine's training and competition over the past year.●

BROKERED DEPOSITS

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. MICA. Mr. Speaker, today I am introducing legislation that has been requested by a number of concerned people in my congressional district. I offer this bill as an alternative to the rule proposed by the Federal Deposit Insurance Corporation (FDIC) and Federal Home Loan Bank Board (FHLBB) but moreover, as an invitation for frank and open public discussion of this issue. At the outset, I want to express my willingness to come to a fair and equitable solution to a legitimate problem that is currently being addressed by the proposed FDIC and FHLBB regulations.

The passing of Garn-St Germain Act in 1982 resulted in the increased competition of financial institutions and subsequently the search for new sources of funds for their deposits. The use of brokerage intermediaries by both large and small financial institutions has increased dramatically.

A deposit broker locates investors willing to purchase certificates of deposit and other insured accounts offered by banks and thrift institutions throughout the country. The investor desires the highest return on an investment while the financial institution need funds to maintain lending, liquidity, and other investment activity. Many credit unions, banks and thrift institutions use brokerage intermediaries to place funds.

The FHLBB and the FDIC are concerned that poorly managed and structurally weak financial institutions misuse brokered funds by using them to extend their operations beyond the time when the institution would have otherwise been forced to close. Also, some recently formed institutions may have expanded faster than they are able to prudently invest. Additionally, the activities of certain brokerage firms have not been subject to oversight by the Securities and Exchange Commission (SEC) as a result of unclear Federal securities laws governing the status of deposits as securities. In response to these problems, in January 16, 1984, the FHLBB and FDIC approved a proposed rule for publication in the Federal Register which allows for public comment until March 8. According to the proposed rule, effective October 1, 1984, brokers would be restricted to placing a total of $100,000 in federally insured deposits in any one financial institution. Many feel that this rule would effectively close down the businesses of deposit brokers.

The bill I am introducing today is intended to do the following: First, the bill requires persons in the business of brokering deposits to register with the Securities and Exchange Commission (SEC). Second, the bill provides that Federal insurance of deposits will not to be denied simply because a registered broker is used. Third, this measure would provide an added safeguard to Federal insurance funds by granting the FDIC and FHLBB the authority to restrict the use of brokers by new or financially impaired financial institutions.

Again, I offer this bill as one possible alternative to the proposed FDIC and FHLBB regulation with a request for appropriate hearings and debate. Additionally, a number of my colleagues have contacted the Chairman of the FHLBB to suggest that final action on the proposed regulations be deferred until comments on alternative proposals for curbing abuses are published and the Congress has had time to discuss and analyze this issue fully. There may be other alternatives to the bill I introduce today and I am certainly open to comments from all parties interested in this important issue.

Thank you.●

NATIONAL ENDOWMENT FOR ARTS AND HUMANITIES REAUTHORIZATION

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Ms. OAKAR. Mr. Speaker, on February 21, the House reauthorized the National Endowment for the Arts and Humanities. I was delighted to support this important legislation. The soul and character of a society is defined by the nature of its culture, by the level of its art. We often hear pronouncements that ours is becoming a sick society. Indeed, we can all find evidence to support such a view. Fortunately, we can also find evidence to demonstrate that ours is also a healthy, inquisitive, creative society. Greater Cleveland is certainly a good place to look for signs of vitality in American culture and society.

Cleveland, in many ways, is representative of our country as a whole. We have a rich cultural mosaic, with citizens whose heritage spans the globe. The finest examples of ancient, traditional, and contemporary art can be found in the Cleveland Art Museum, which recently completed yet another wing to its building complex. A block away, the Cleveland Orchestra continues its more than half century tradition of bringing the works of classic composers to life with a mastery that is unsurpassed anywhere in the world.

Those who enjoy theater have a variety of plays to choose from at any given time of the year—the Cleveland Playhouse, the Great Lakes Shakespeare Festival, the Karamu House, the theaters at the Playhouse Square entertainment complex and other facilities regularly stage new productions as well as those plays that have become timeless.

The Cleveland Opera and Cleveland Ballet insure Ohioans an opportunity to enjoy local productions in those superb disciplines as well.

Local universities, the Cleveland Institute of Art and the Cleveland Institute of Music provide instruction for the next generation of artists and performers, not to mention the development of an informed and sensitive public.

I could go on—Greater Cleveland and northeast Ohio are indeed blessed with a dazzling variety of cultural institutions—those I have just mentioned as well as many others. Those I mentioned all have an important thing in common: they all receive support from either the National Endowment for the Acts or the Endowment for Humanities. None of them are exclusively supported by these endowments—the people of northeast Ohio are generous in their support of the arts—but all receive assistance from these two valuable programs. Most of the assistance, by the way, is in the form of challenge grants.

We must encourage those elements in our society that contribute to its health and for that reason I was happy to support the Reauthorization of the National Endowments for the Arts and Humanities and I look forward to enjoying the cultural activities that this legislation makes possible.●

RECOGNIZING THE AMERICAN ASSOCIATION OF RETIRED PERSONS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. WOLF. Mr. Speaker, last summer the Amrican Association of Retired Persons began a yearlong celebration in observance of the organization's 25th anniversary. Since the association was founded in 1958 by Dr. Ethel Percy Andrus, AARP has grown to 15 million older Americans. In the Commonwealth of Virginia, there are over 73 local AARP chapters with close to 300,000 members in a State with an elderly population of more than 1 million.

To recognize the significant contributions of this organization, Virginia Governor Charles S. Robb proclaimed February 22, 1984, as American Association of Retired Persons Day in the Commonwealth. I would like to add my best wishes to the hundreds of 10th District citizens who are members of this outstanding organization and to express my appreciation for their dedication to community service and to fostering a positive image of aging.

The Governor's proclamation follows:

CERTIFICATE OF RECOGNITION

By virtue of the authority vested by the Constitution in the Governor of the Commonwealth of Virginia, there is hereby officially recognized: American Association of Retired Persons Day.

Whereas, the Commonwealth of Virginia has been enriched by the contributions of its older citizens; and

Whereas, every citizen should have the life-long opportunity to develop and use personal abilities to provide services to family, friends, neighbors, and the community; and

Whereas, The American Association of Retired Persons (AARP), the national nonprofit community service organization with a membership of nearly 15 million that has represented the interests of all older Americans for 25 years, is now celebrating its silver anniversary; and

Whereas, The American Association of Retired Persons has provided opportunities for older Americans to achieve independence, dignity, and purpose in their lives through educational and service programs offered by local AARP chapters and units of retired teachers; and

Whereas, the local AARP chapters and national members have helped improve the quality of life in Virginia in keeping with the AARP motto, "To Serve, Not To Be Served";

Now, therefore, I, Charles S. Robb, Governor, do hereby recognize February 22, 1984, as American Association of Retired Persons Day in the Commonwealth of Virginia, and I call this observance to the attention of all our citizens.

CHARLES S. ROBB,
Governor.●

ROTH SEEKS TO COUNTER PROTECTIONIST PRESSURES

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. FRENZEL. Mr. Speaker, our colleague, Senator BILL ROTH of Delaware, has written a thoughtful article on trade protectionism which was printed in the Journal of Commerce of March 6.

Senator ROTH, long a congressional leader on trade matters, has again provided some clear and rational thinking on a question of great importance. I commend his article, which follows, to my colleagues.

ROTH SEEKS TO COUNTER PROTECTIONIST PRESSURES

(By Sen. William V. Roth, Jr.)

From autos to undergarments, from wine to roses, more and more foreign products are the target of election-year protectionist pressures. If Congress caves in to these pressures, the primary source of new manufacturing and agricultural employment in this country—our export trade—could be severely threatened.

The most flagrant example of the swelling protectionist tide is the proposed "domestic content" legislation, which would effectively limit imports of foreign cars by requiring that cars imported in large numbers be constructed mostly from U.S.-made parts. If this bill, the various import quota proposals, or any of the other pending import-restricting measures is enacted, other nations will retaliate by closing their borders to U.S.-made products. You can count on it.

The United States is already facing retaliation for our efforts to protect the specialty steel industry, even though this action was taken through accepted international procedures. The European Community plans to respond to the new U.S. speciality steel quotas by restricting imports of U.S. chemicals, sports equipment, plastics and burglar alarms. Normally, however, such retaliation is rare when multilateral trade rules are followed. If Congress were to throw down the protectionist gauntlet and enact import restrictions that fly in the face of international trade rules, the retaliation against American products, and the cost in lost jobs for Americans, could be devastating. American farmers and industrial workers whose jobs depend on the export of their products will have to pay the penalty for our shortsightedness.

Those who support protectionism attempt to justify their narrow, especial-interest outlook with appeals to loftier values: the need to halt the "deindustrialization" of our economy, for example, or the preservation of certain industries that are critical to our national security and economic strength. But no less an authority than Charles Schultze, the former chairman of the Council of Economic Advisors, demolished the "deindustrialization" myth last October when he noted that the United States was one of only three advanced industrial nations in which manufacturing employment actually rose during the 1970s. Manufacturing output also increased in this country—admittedly at a slower rate than in Japan, but more rapidly than in Germany or in Europe as a whole. During the same period, exports of U.S. manufactured goods doubled. And although manufacturing was hit hard by the recent recession, it has rebounded at an impressive rate: 16.8 percent during 1983, while the gross national product was rising at a rate of only 7.7 percent.

Equally spurious is the hue and cry for congressional action to prevent critical U.S. industries from literally folding under the onslaught of foreign products. Domestic laws are already on the books to prevent such a situation. And besides, this is basically a scare tactic.

The most often-cited example, the steel industry, is indeed shrinking as the demand for steel declines due to changing consumer preferences, such as the trend to smaller cars and the increasing use of aluminum and plastics. At the same time, however, the industry is spending more than $2 billion a year to modernize its production facilities. This kind of investment would not be made by an industry on the verge of going under; in fact, an analysis by Data Resources Inc. projects an average annual rise in domestic steel output of about 6.9 percent through 1986, and a 23.3 percent increase for 1984. Steel is an industry in transition, not termination.

The same picture holds for the automobile industry, which has made the adjustment to a changed market and is now well into the process of modernization. Investments in new technology were in the neighborhood of $24 billion between 1981 and 1983. The fact of the matter is that imports are not driving these industries to extinction; they are driving them to become world-class competitors, in the best tradition of American free enterprise.

Although based on false claims, the protectionist pressures are real, and the dangers they pose go beyond even the risk of a major trade war. Widespread protectionist sentiment limits our ability to remain a leader of the international trading system. The same is true in other countries. We face the danger of a world trade leadership vacuum.

And this is the worst possible time for a leadership vacuum. The last round of international trade negotiations left many key issues unresolved, including rules for agricultural trade and better agreements on how and when import restraints might be justified to "safeguard" domestic industries. The General Agreement on Tariffs and Trade, which governs most international trade, does not deal with trade in services or adequately address investment issues. High technology trade, including government "industry targeting," also requires attention. World trade leadership is urgently needed if we are to achieve agreement on these issues.

We should not be discouraged by the fact that many trade issues have yet to be resolved internationally. The world economy today is characterized by rapid and constant change—the appearance of new products and services and rapidly shifting comparative advantage between countries. In this dynamic environment, international trade agreements, both tariff and non-tariff, become quickly outdated. For example, the United States may agree to a balanced trade deal, obtaining concessions equal to those it gives; but the emergence of new products can lessen the value of past concessions by our trading partners and unbalance the agreements. In this way, static trade agreements become "unfair", giving rise to protectionist pressures.

The answer to this dilemma is not to abandon U.S. leadership of the multilateral trading system by enacting new import restrictions or unilateral trade laws. The rapid pace of economic change argues instead for a strong U.S. commitment to a dynamic, and nearly continuous, multilateral trade negotiating process. This is the way to assure that we receive reciprocal benefits for our trade concessions. It is the best way to create new jobs through trade expansion.

Our national memory is short. Just 50 years ago, we were in the midst of the Great Depression, made worse by the trade-chilling impact of restrictive tariff policies. If we choose the protectionist path a second time in this century, the result surely will be the same. Let's reject protectionism now, and get to work on strengthening the international trading system. American jobs are at stake, and time is precious.●

RECEPTION IN HONOR OF MORRIS CUNNINGHAM

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. FORD of Tennessee. Mr. Speaker, I, along with several of my Midsouth colleagues in the House and the Senate have the distinct pleasure of hosting a reception this evening in honor of our long time friend Morris Cunningham, who retired December 31, 1983, after 30 years as Washington bureau chief for the Memphis Commercial Appeal.

We all salute the tremendous job he has done over his many years in Washington. Morris has been both accurate and faithful in reporting the latest news from the Nation's Capitol to the Commercial Appeal readers throughout the midsouth. The paper, Tennessee's largest, circulates in west Tennessee, east Arkansas, and northern Mississippi.

The 12 hosts for the reception will be Senators HOWARD BAKER, JIM SASSER, DALE BUMPERS, DAVID PRYOR, JOHN STENNIS, and THAD COCHRAN and Representatives ED JONES, HAROLD FORD, BILL ALEXANDER, JAMIE WHITTEN, TRENT LOTT, and G. V. MONTGOMERY.

Morris Cunningham submitted the following articles to the Commercial Appeal as a farewell to his many readers who followed his Washington report. I would like to share this fascinating account of the highlights of his career with the Members of the House:

WASHINGTON.—I will take into retirement many memories. . . .

Touring government facilities at Oak Ridge in a raging Summer thunderstorm, that seemed highly symbolic, about two hours after President Truman's announcement, Aug. 6, 1945, that the U.S. had exploded an atomic bomb over Hiroshima. . . . Later revisiting Oak Ridge and seeing at an experimental laboratory the horrible genetic effects of radiation on mice.

President Eisenhower's response when he was asked if he ever would take up smoking again. "Well," he said. "I'll say this: I'll never quit again."

The momentary fear as the crowd surged forward in the night and the stones and other missiles struck Gov. George Wallace's departing motorcade, after his speech at Frederick, Md., two days before Wallace was shot and gravely wounded in a shopping center at Laurel, Md.

Going with Frank Ahlgren, the editor of this newspaper, to the Oval Office to visit President Johnson, Secretary of State Dean Rusk and Robert McNamara . . . The reception Johnson (then Vice President) gave at his home for newly appointed Sen. H. S. "Hub" Walters (D-Tenn.) . . . Many other associations with Johnson, including Capitol luncheons featuring Sen. Allen Ellender's famed Louisiana shrimp gumbo. . . . Shrimp feasts Mississippians here often sponsored . . . Cookouts at the Washington home of Sen. James O. Eastland (D-Miss.) . . . Eastland's many courtesies and confidences and the scoops he provided.

The tension at the Pentagon during the 1962 Cuban missile crisis, and the smiles that suddenly appeared on the faces of officials near midnight. I later learned the joy came from reports Soviet ships headed for Cuba had turned back, averting a menacing confrontation.

The hectic activities in Bobby Kennedy's Justice Department during the days leading to the admission of James H. Meredith to Ole Miss, and the hints that the Kennedys were talking secretly to Gov. Ross Barnett—since confirmed by transcripts I found in the JFK Library in Boston.

Larry Speakes, then an assistant White House press secretary, telling me two days before Richard Nixon resigned that Nixon would have quit that particular day if it had not been for some developments on Capitol Hill that caused him to change his mind.

The relaxed good humor and hospitality of Bobby Kennedy and his family at breakfast and at swimming parties for reporters at his Hickory Hill home near McLean, Va.

A month in Europe in 1959 pursuing stories about Mid-Southerners, including interviews with Mid-South servicemen stationed in Berlin, and my surprise at the calmness of Berliners at a time when headlines in Washington and other distant cities were heralding another "Berlin crisis."

Suffering through Gov. Frank Clement's "Oh, how long" speech at the 1956 Democratic National Convention in Chicago, and the frustration of being unable to obtain a pass to the convention floor during the balloting for the vice presidential nomination which three Tennesseans sought—Clement, Estes Kefauver, and Albert Gore, Jr.

The 1951 National Governors Conference in legally dry Gatlinburg, Tenn., and the extraordinary—and unlawful—steps that were taken by state officials and employes to make certain the visiting governors and guests had plenty of liquor.

Attending a luncheon at the Hermitage Hotel in Nashville with Sen. Kenneth D. McKellar (D-Tenn.) and Crump organization leaders in late 1947 at which it was decided the organization would not support Sen. Tom Stewart (D-Tenn.) for re-election.

Being in the House of Representatives March 1, 1954, when four Cuban fanatics shot up the place, wounding five House members, including the later Rep. Clifford Davis (D-Tenn.).

Covering the arguments before the Supreme Court in the original school desegregation cases in 1953, the court's decision in 1954, and the "with all deliberate speed" order in 1955, plus the many developments that followed.

Working secretly with state-employed special investigator Harry Avery for more than a year in an investigation that led to the indictments in 1946 of 28 persons, including all three members of the Tennessee state licensing board for naturopaths, and the 1947 legislature's swift passage of a law banning the practice of naturopathy in Tennessee.

The personal satisfaction when—after having covered the story for two years—President Eisenhower cancelled the Dixon-Yates deal—which called for a private power combine to build a power plant in West Memphis to supply power to TVA in Memphis. The Supreme Court later labeled it an illegal arrangement.

But there was even greater satisfaction when newly inaugurated Gov. Frank Clement followed up on a series of articles I had written and persuaded the Tennessee legislature to approve reforms in the administration and financing of the State's mental institutions in 1953.

This memoir would not be complete without recalling the inherent kindness of Rep. Robert A. 'Fats' Everett (D-Tenn.); a truly big man; the genial good humor of Rep. Clifford Davis (D-Tenn.); the talent of Rep. Wilbur Mills (D-Ark.) and his success in besting alcoholism, and the warm letter of appreciation that Sen. John L. McClellan (D-Ark.) dictated to me a few hours before he died.

I'll never forget Gov. Jim McCord's quick wit, and his friendship with State Atty. Gen. Roy Beeler, who, like McCord, was a great story-teller. A high point of my stint in Nashville was riding from Nashville to Knoxville one night in a car with the two and being regaled by their stories. Early on the morning of his defeat for renomination in the August 1948 primary, I visited McCord in his office in the Capitol. "Morris," he said, "Roy Beeler was in here awhile ago. My defeat had him feeling mighty bad. You know," he said, his eyes twinkling, "I think I cheered him up."

And then there was the memorable flight from Nashville to Biloxi in a Tennessee Air National Guard DC-3 with Clement, then State Adj. Gen. Joe Henry, a fearful flier, and others. En Route Clement left his seat, strode up to the pilots' compartment, and closed the door. Moments later both pilots emerged, and standing in front of Henry very ostentatiously began putting on parachutes.

"Wh-what's going on?" Henry asked.

"The governor's insisting on flying the plane, so we're bailing out," one of the pilots replied.

Minutes later the pilots were back at the controls, the plane had been taken off of automatic pilot, and Clement was back in the cabin, enjoying his joke.●

SYSTEMS AND APPLIED SCIENCES CORP.

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. HOYER. Mr. Speaker, just 5 short years ago, my former colleague, Gladys Noon Spellman, rose to address this Chamber regarding an "American dream come true." Mrs. Spellman was speaking of an organization called the Systems and Applied Sciences Corp., a Washington area business. She called SASC "a shining example of how our Government can assist private industry in its fledging state and then stand aside when the fledging can fly on its own."

It is now my pleasure to report to you, Mr. Speaker, and to my colleagues, that this firm, which operates in the Fifth Congressional District in Maryland which I represent, has fulfilled every prophecy of Mrs. Spellman's and has surpassed even the ambitious expectations of its owners and employees.

Systems and Applied Sciences Corp. was organized as a minority small business firm under the protective wing of the U.S. Small Business Administration's 8(a) program. While it commenced operations in the design and implementation of complex, sophisticated computer software systems, I was surprised and delighted to learn recently that the company now is building state-of-the-art computer hardware and software systems not only for the Federal Government, but for other impressive customers.

The company is under contract with the Army to provide a communications system control element, a system controller for tactical communications in contingency and battlefield environments. The firm also has multimillion dollar contract with the People's Republic of China to build a sophisticated Landsat satellite ground station to be used for earth resources exploration. Since 1978, when it had only 150 employees, the company has grown with amazing speed, to a current level of 900 employees and projected sales in 1984 of $55 million.

Behind this remarkable success story is a unique and dynamic style of management. SASC's coowners and principal officers, Porter L. Bankhead and Sherad K. Tak, have demonstrated a tremendous ability to win new business and contracts and then to staff these projects with the right people. Results and achievements are recognized and rewarded, and consequently the firm has a truly dedicated and expert corps of employees. The firm has a depth of management most business would envy.

Mr. Speaker, I am pleased to be able to come before this body and, once again, recognize the tremendous success of the Systems and Applied Sciences Corp. SASC is an excellent example of how the Federal Government and the free enterprise system can work together to assure successful business development. The Government and its private customers surely will continue to receive the considerable benefits of the firm's expertise now that SASC is a full-fledged member of the business community.●

CELEBRATING 100 YEARS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. YATRON. Mr. Speaker, on March 30, 1984, Mr. Oliver H. Renninger, will celebrate his 100th birthday. There is a great deal to celebrate in Mr. Renninger's life. He served in the Signal Corps of the U.S. Army, which was initially the Army's air arm. In 1908, Mr. Renninger was sent to Fort Myer, Va., to assist Wilbur and Orville Wright in demonstrating their airplane to Government officials and other interested parties. It was in 1908, when the world's first fatal airplane accident occurred at Fort Myer. Lt. Thomas E. Selfridge died after a plane in which he was riding, piloted by inventor-aviator, Orville Wright, fell to the ground when its propeller broke.

Lieutenant Selfridge served in the Army Signal Corps with Mr. Renninger. Mr. Wright, who escaped serious injury, returned with his brother, Wilbur, the following year and successfully flew the plane on a 10-mile course from Fort Myer to Alexandria and back. U.S. military aviation had begun and Mr. Oliver H. Renninger, to my knowledge, is the only living person who helped with that great event.

Mr. Renninger presently lives at the Lebanon Veterans's Home and Hospital in Lebanon, Pa. As Oliver Renninger's family and friends join together to pay tribute to him and to mark a century of achievement, I know that my colleagues will join me in offering our best wishes to Mr. Renninger for a joyous celebration on the 30th of a truly remarkable life.●

KNIGHT-RIDDER B-1 SERIES UNFAIR TO PROGRAM, PEOPLE

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. KASICH. Mr. Speaker, Recently, much attention was given to an article by Mr. Frank Greve, of Knight-Ridder newspapers. Entitled, "Selling the B-1," the article by Mr. Greve was not really news, but an assault On the B-1B program. Mr. Greve, known for his antidefense stands, basically put together an assortment of inaccuracies, unsubstantiated accusations, and outright fabrications to attack the B-1B.

As the recently recertified B-1B program continues to be under cost and ahead of schedule, I was pleased to see the editorial carried in the Dayton, Ohio Journal Herald. This editorial correctly labeled the Knight-Ridder effort" a smear job."

I commend to my colleagues the text of the Dayton Ohio Journal Herald editorial, "Knight-Ridder B-1 Series Unfair to Program, People."

KNIGHT-RIDDER B-1 SERIES UNFAIR TO PROGRAM, PEOPLE

We're just one voice crying out in the wilderness, but the Knight-Ridder Newspapers' series on the B-1 bomber was advocacy journalism on its worst behavior.

Even if it had all been labeled "opinion"—as it should have been—its conclusions are subject to challenge as just plain wrong.

The *Akron Beacon Journal*, in an editorial following the series, made this statement: "In the past three years alone, the cost of the updated version of the B-1 has doubled to more than $200 million each. The government, nevertheless, is going ahead with plans to buy 100 of the bombers . . ."

It was within that same time frame that *The Journal Herald* editorial page staff explored the B-1B costs and strategic role with the program's managers here at Wright-Patterson Air Force Base. We started out as frankly skeptical, but eventually concluded that the B-1 is a vital component of the nation's defense and that costs can be controlled effectively and responsibly.

We received from Gen. Lawrence Skantze, then commander of the Aeronautical Systems Division here, a personal pledge that the B-1 would be "brought in" at or below cost.

Skantze is now Air Force vice chief of staff in Washington. We would be interested to see how the *Beacon Journal* and other Knight-Ridder papers handled his news conference Thursday in which he reaffirmed that the projected cost for the B-1B remains at $20.5 billion. That's right where it was three years ago and includes research and development, ground support equipment and spare parts.

There are still legitimate differences of opinion which could be discussed, such as whether the manned bomber is a relic of the past or still an important element in our defense capability. We think the weight of evidence is clearly on the side of the modern manned bomber.

What is troubling about the Knight-Ridder articles is that criticism of the B-1 came from shadowy "sources" dealing not in facts and figures but innuendo and suggestion. The writers took it from there, leaping from one speculation to another with irresponsible abandon.

It was a smear job. If some of the governmental targets—Ohio Sen. John Glenn, for example—were to do a number like that on Knight-Ridder, the editorialists would be screaming "McCarthyism!" in a second.

For instance, Rockwell International, prime contractor for the B-1B, gets it in the neck for lobbying for the contract, for defending its numbers and then for having officals who contributed funds to the Republican campaign. In what kind of fantasy world is a company supposed to behave differently?

We would be the last to argue that national defense is above debate. We would be the first to resent an accusation that we defend Wright-Patterson AFB programs because of the region's economic stake in the work.

But we have tried in the past few years to bring some balance and perspective to public policy questions on defense, though it's a lot less exciting than breathless suggestions of scandal and corruption in high places.

When our approach pays off is in some increased understanding of the connecton between Washington penny-pinching on defense and crashes of aging B-52s or losses in Lebanon of outmoded A-6 and A-7 naval aircraft.

We have provided forums to Gen. James P. Mullins, commander of the Logistics Command, and Lt. Gen. Thomas H. McMullen, Aeronautical Systems Division commander, both at Wright-Patterson, to explain their work and why they believe the nation is increasingly vulnerable to Soviet aggression.

They do not pretend their commands can operate without human error, some waste, some fraud and some political meddling. But that should not and does not discredit their work or that of thousands of other service people and civil servants.

There are legions of dedicated men and women working for the defense of the country. They are not regimented tools of selfish interests. They are not shadowy "sources." They are identifiable, quotable and available to anyone who still cares about objectivity and the quest for truth.●

VOLUNTARISM KEY TO THE SUCCESS OF THE LIVER ORGAN TRANSPLANT FUND

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SUNDQUIST. Mr. Speaker, I would like to call to the attention of my colleagues a worthwhile project that is taking place in Memphis, Tenn.

Last April, Elyse Waldheim and Mary Clouse, both wives of retired military officers, called on the transplant coordinator at the University of Tennessee for the health sciences for the purpose of making cash donations to the medical fund of 2½-year-old Adrianne Broderick, who desperately needed a liver transplant. In addition, Adrianne needed the $80,000 that was required for her name to be put on the list for a donor liver. At that particular time, CHAMPUS considered the surgery experimental, so Adrianne was not covered by insurance.

While discussing this matter with the UT coordinator, the two women realized the need for a tax-exempt fund, whereby tax deductible contributions can be made to a special patient or to a general fund for patient and family support. This tax-exempt fund would also save the patient from paying gift tax on money given directly to the individual.

After further deliberating over the thought, the ladies approached the La Sertoma Club of Memphis about sponsoring such a fund. The club in Memphis is a chapter of the international organization which is made up of wives of Sertoma members. Because the purpose of the organization is "Service to Mankind," the name Sertoma was derived. The club has been active in various civic interests over the years including funding college educations for graduates of Memphis Boys Town, Handicapped, Inc., and the Sertoma Speech and Hearing Foundation.

The formulation and organization of the transplant fund, under the direction of the club received volunteer service from various members of the Memphis community. As a matter of fact, everything from office space and furniture to telephone bills were donated or paid by individuals. Without "voluntarism" this project would have never gotten off the ground.

I, as the Seventh District Congressman from Tennessee, was asked to cut the ribbon at the grand opening of the liver organ transplant fund on June 10, 1983. Since that time 11 patients have been helped with fundraising or other means of support. The fund does not solicit patients, but helps those who are referred by UTCHS or LeBonheur Children's Medical Center. I might add, the fund is not limited to helping patients at the two Memphis hospitals, but is limited, however, to recognized transplant centers.

The transplant fund has made a profound impact on Memphis and surrounding communities. In fact, Memphis City Mayor Dick Hackett and Shelby County Mayor Bill Morris jointly proclaimed September 24, 1983, as Community Awareness Day for the liver organ transplant fund. This proclamation brought together volunteers from all segments of the community to work toward the continued success of the project.

Finally, I might add that the members of the club have one wish and goal: Since they are strictly a support group and have nothing to do with research, they would like to see both private and government insurers begin to cover all liver transplants, the same as kidney, so as to preclude further need for the organization. Until then the liver organ transplant fund will continue to make it possible for many persons stricken with terminal liver disease to receive a lifesaving transplant.●

MAKING AMERICA WORK AGAIN

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. GREEN. Mr. Speaker, I take this occasion to call a recent book to the attention of my colleagues "Making America Work Again," by J. Morton Davis, president of the investment banking firm of D. H. Blair & Co.

In the brief time I have, it is difficult to make clear the full range of Mr. Davis' work, which tackles many of the most difficult and contentious issues confronting this country. But I should make it clear that Mr. Davis does not pretend to offer easy solutions. Indeed, he says:

> A true revitalization program will require some drastic and painful policies. It cannot afford the political expedient of shoring up troubled industries like autos and steel, which keep raising prices anyway, or of subsidizing the inefficiencies of mismanaged or failing companies. It means exposing us to foreign and domestic competition by phasing out tariffs and import quotas that benefit a few unions but drag down productivity and generate inflation. It means overhauling (not completely eliminating) regulation in order to set priorities determined by government, rather than by several agencies, each with different goals that put industry under crossfire. The Government should set its own priorities when there are conflicts between, say, energy and environment. . . .

Each of us may well have some disagreements with Mr. Davis on specific aspects of his proposals, but each of us will be stimulated by reading this important, thought-provoking work by a distinguished leader of our financial community.●

A CRACK IN THE PAC ATTACK

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. FRENZEL. Mr. Speaker, the following article is from the March 3 edition of the Detroit News. It needs no editorial embellishment.

BRODHEAD'S PAC ATTACK UNDER FIRE

(By Richard A. Ryan)

WASHINGTON.—Former Congressman William Brodhead of Michigan, a key figure in a nationwide campaign against Political Action Committee (PACs), is active in a Detroit PAC that distributes money to political candidates.

He said he sees no conflict, calling PACs "perfectly legal and proper."

Brodhead, a Detroit Democrat who served eight years in Congress, declined to seek reelection in 1982. A major reason he cited for giving up his seat was the task of raising money for costly House campaigns and the necessity to rely on PACs for much of the funding.

PACs are formed by organizations such as corporations, labor unions, and other groups of like-thinking people to financially support political candidates they think—or hope—will reflect their positions. In the 1982 elections, PACs contributed more than $86 million to congressional candidates.

When he left Congress, Brodhead said raising money from PACs was "corrupting and demeaning" and that if the same money exchanged hands in any profession other than politics "it would be (criminally) indictable."

While neither donor nor recipient openly acknowledges that the money is given to influence votes, Brodhead said, "it's all unspoken. But everyone understands."

However, early this year Brodhead, now a Detroit attorney, was named treasurer and one of seven voting members of a PAC organized by his law firm, Plunkett, Cooney, Rutt, Watters, Stanczyk & Pedersen.

The firm's PAC, Brodhead said, "is a tiny, inconsequential" group that distributes $4,000 to $5,000 annually. The money is raised from the firm's 93 lawyers and is distributed to local candidates, mainly Democrats in recent months.

Because of his outspoken opposition to PACs, Brodhead was sought out of Common Cause, a national public interest lobbying organization in Washington, as the principal player in a nationwide advertising campaign to reduce what it considers to be PACs' growing influence in politics.

For that campaign, he is one of five former members of Congress who appear on a five-minute television spot; one of two on a two-minute spot, and the only former congressman in a one-minute radio spot.

In each of the three Common Cause spots, Brodhead says, in part, regarding PACs:

"Why do you think that the biggest, smartest brightest business people in America are raising millions of dollars, tens of millions of dollars, to give to members of Congress? They're trying to buy votes."

Brodhead's outspoken opposition to PACs angers many of his former colleagues who consider it hyprocritical of him to rail against PACs when he accepted their money as a congressman and is now an officer in his law firm's PAC.

In a telephone interview from his home in the Detroit suburb of Franklin, Brodhead said he sees no conflict between the national advertising campaign and his role as a PAC treasurer.

"I'm not saying now, and do not say, that people shouldn't participate in PACs," he said. "There is nothing wrong with participation in PACs.

"I'm not trying to cast aspersions on people who (do) participate. I'm not saying people who are involved in PACs are crooks. And I'm not saying that congressmen who accept contributions from PACs are doing anything wrong.

"The only point that I'm making is that I think the situation has gotten out of hand. There is too much of it. And Congress ought to be looking at some restrictions on it."●

POW/MIA INFORMATION

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. KINDNESS. Mr. Speaker, on the other side of the Mall, near the Lincoln Memorial, a black granite wall bears the names of the men and women who gave their lives in Southeast Asia. Those whose names are marked by a star, 2,490 of them in all, have yet to be accounted for and this fact is most disturbing.

As the over 100,000 signatures of concerned Americans, obtained by the Vietnam Veterans Vigil Society and presented to you recently, indicate, we have waited long enough to hear about the fate of American POW/MIA's. We cannot rest until we find answers to our questions about these Americans.

On Thursday, February 23, our colleague, Doug Applegate, introduced a resolution in which the Congress goes on record demanding a full accounting of Americans missing in Southeast Asia. This is an important step toward achieving a full accounting of these Americans.

This is not a partisan matter, as a close look at the supporters of this resolution indicates, and I urge my colleagues in this House to support the effort to account for Americans missing in Southeast Asia by supporting House Joint Resolution 489.●

JUSTICE HINGES ON A STAPLE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. HYDE. Mr. Speaker, a triumph of form over substance is embodied in the so-called exclusionary rule whereby evidence may not be considered in a criminal trial if, in the judgment of the court, it was illegally obtained.

A trial should be an inquiry into the guilt or innocence of the accused, and not rise or fall on the issue of whether or not "the constable has blundered."

Of course, illegal searches and seizures must be discouraged. The question is whether freeing an obviously guilty criminal because evidence against him is ruled inadmissible due to procedural flaws in its acquisition really accomplishes its purpose. Certainly the community is not protected under the exclusionary rule.

I bring to my colleagues' attention a vivid and illuminating account by James J. Kilpatrick which appeared in the February 16 edition of the Chicago Sun-Times, and commend it to your careful study.

[From the Chicago Sun-Times, Feb. 16, 1984]

JUSTICE HINGES ON A STAPLE

(By James Kilpatrick)

The badly burned body of Sandra Boulware, 29, was found in a vacant lot in the Roxbury section of Boston on the morning of Saturday, May 5, 1979. She had been murdered. Almost five years later the U.S. Supreme Court is struggling with the case of the man found guilty of killing her.

The case offers one more example of the "exclusionary rule" in action. This is the procedural rule, supported by 80 years of high court opinions, that says certain evidence against a defendant must be excluded from a jury's consideration.

Such evidence is inadmissible if it has been obtained in violation of a defendant's Fourth Amendment right to be protected against unreasonable, unwarranted or unlawful search and seizure.

In the Boston case, the profound question of constitutional law boils down to this: Were two pieces of paper stapled together? These are the facts. You decide if justice is being served.

The young woman had been beaten, bound with wire and set on fire before she died. Police investigation led to a boyfriend by the name of Osborne Sheppard. The cops brought him in on Saturday afternoon, read him his Miranda rights and questioned him about his movements on the night in question. Detective Peter J. O'Malley became convinced that a search of Sheppard's home on Deckard St. might turn up some damning evidence.

O'Malley needed a search warrant. The only warrant form that could be found at the station house was a form for drug busts. O'Malley scratched out "controlled substances" at one point and tried to adapt the form to the case at hand.

Then O'Malley took a separate piece of paper, and here he described the place to be searched and the things to be seized (wire, blood samples). He went to a magistrate and established probable cause to believe that a warrant should issue.

The magistrate tinkered a little more with the form, but he neglected to cross out "controlled substances" at another place in the warrant. He then handed the detective the two pieces of paper—signed warrant and O'Malley's statement—and the cops went off to Deckard St.

There they found wire that matched the wire on the victim's body. They found blood samples that matched her blood. They found earrings and items of clothing that were identified as hers. All this was admitted as evidence at Sheppard's trial. He was found guilty and sentenced to life.

But then a motion was made for a new trial on the ground that the evidence had been obtained under an illegal warrant: The two pieces of paper had not been stapled together. The Supreme Judicial Court of Massachusetts agreed with this contention and ordered that the defendant either be freed or tried anew. The Commonwealth appealed. The case was argued before the Supreme Court last month.

The warrant was in fact defective. It was a mishmash of wrong terms and unreferenced data. Which is more important, form or substance? Without the evidence, the Commonwealth may have no case against Sheppard. But if the evidence was admissible, the guilty verdict stands.

Common sense says the evidence was properly admitted in the first place, but common sense and Supreme Court decisions are not necessarily the same thing.●

ACTION NEEDED ON CYPRUS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. BILIRAKIS. Mr. Speaker, the House subcommittees of the Foreign Affairs Committee recently began the hearing and mark up process of the foreign aid bill. In the progress of this process, something most unusual happened. The Subcommittee on Europe and the Middle East did not mark up the foreign aid for Cyprus, Greece, and Turkey, leaving these three nations to be discussed at a later time.

While most Members of the House would take little note of this action, I am thankful for the opportunity to comment and clarify certain matters that cloud the issue of the eastern Mediterranean, since congressional offices have been flooded with literature on the subject.

Let us, therefore, examine certain facts that play an important role in this delicate issue.

In 1974, Turkey invaded the sovereign and independent nation of Cyprus. The later justification for this so-called intervention was to defend the rights of the Turkish-Cypriot minority. And in carrying out this action, Turkey claimed one-third of another nation, set up a puppet government, imported citizens to colonize the acquired area, changed the currency and destroyed major religious and cultural monuments. This is something that we might parallel with the Soviet invasion of Afghanistan. The only exception is that this invasion was indirectly financed by the United States with the military assistance that Turkey receives, as a loyal NATO ally.

And if all this wasn't enough, after maintaining a divided nation for 10 years, the Turkish-occupied section declared itself to be an independent and separate state. This action, though, was condemned throughout the world, including by our own government, which also called for rescission of this action. The only nation to recognize this unilateral declaration of independence was the manipulating power of Turkey—the creator of this false nation.

I believe that the time has come for the U.S. Government to send a clear message to Turkey and tell her President, the Prime Minister, and the people that some sort of action must be taken. Ten years have passed since the invasion of Cyprus and we have not seen any real progress. If we do not force the issue, I am afraid that things will remain at the status quo, if not further deteriorate.

It is ironic that the literature that has been circulating has stressed the fact that the Turkish-Cypriot leader, Mr. Denktash, has come forth with certain proposals for a settlement. The fact that the President of Cyprus, Mr. Kyprianou, has continually made efforts and worked through the U.N. channels has somehow been overshadowed and even overlooked.

We all know of the military importance of Turkey and certainly want to keep her as an ally. I do, though, believe that some sort of sanctions must be placed on Turkey, so that we can force action on the Cyprus problem.

In keeping with the U.N. resolutions, we must press for the removal of all foreign troops from Cyprus, push the two ethnic communities into dialog and work for a free united Cyprus. In order to bring these goals around, we might consider placing conditions on the military aid to Turkey or some sort of other measure.

We cannot, though, allow matters to remain as they are any longer. The time for action has come. To accept the actions of the past decade would be to condone the policies of Turkey.●

SENATE—*Wednesday, March 7, 1984*

(Legislative day of Monday, March 5, 1984)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, here we are—100 Senators like a great symphony orchestra with incredible potential and a complex score. We do not make music if all use the same instrument or play the same notes. That would be unbearable boredom and no one would listen. Diversity is the essence of harmony. Nor do we produce music by throwing our instruments at each other or by playing louder than the other, or when each tries to solo or when we ignore the conductor.

Help us Lord, to seek relationships which blend efforts and guarantee music that will edify and inspire. Save us from discord that grinds and grates and grieves. Help each of us to follow the score of his conscience under Thy direction as the maestro so we may make beautiful music together. In the name of Him whose mission is to unite all things. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE CHAPLAIN'S PRAYER AND CASS WALKER

Mr. BAKER. Mr. President, once again, I commend our Chaplain for his prayer this morning. I am constantly amazed at the originality and energy of his presentations. As I have said somewhat facetiously on previous occasions, sometimes I am inclined to ask him for equal time, but I do not. They are always stimulating prayers and they are very good. I commend him for that. One of these days, they should be collected together and stand as a tribute to his skill.

I am trying hard to resist telling a story, Mr. President, but I must, I am afraid. When he spoke of playing according to the score of our conscience, I am reminded of an old friend of mine who still lives in Knoxville, Tenn. His name is Cass Walker, and he runs a chain of grocery stores. He has an evening TV show where he spends most of his time talking about politics and a few minutes or seconds talking about a No. 7 can of cling peaches in heavy syrup, which makes it advertising, I suppose. He ran for the city council once and the night before the election, he said:

> Now, tomorrow is election day and I want you to go to the polls and vote for old Cass. I want you to search your conscience and vote for Cass if your conscience says to. But if your conscience says not to, I want you to argue with your conscience.

So when the Chaplain says consult your conscience before you play the score, I wish to have a voice in that and urge my colleagues to give me equal time.

SENATE SCHEDULE

Mr. BAKER. Mr. President, with that irreverent response to the Chaplain's prayer, which I deeply appreciate, I note that after the time for the two leaders has expired, there is an order now for three Senators to be recognized on special orders of not to exceed 15 minutes each, then a period for morning business until 11:30 if need be.

At 11:30, Senators should be reminded that the Senate will go into executive session for the purpose of considering the nomination of Mr. Wilson to be Ambassador to the Vatican. There is a time limitation of 1 hour of debate on that measure and a rollcall vote is anticipated on that nomination. So Senators should be mindful of the fact that there may be a rollcall vote at 12:30 or thereabouts.

Following the disposition of the Wilson nomination, Mr. President, the Senate will resume legislative session and recommence debate on the prayer amendment, which is the pending and unfinished business.

Mr. President, I do not anticipate a late day today. Once again, we shall ask the Senate to remain in session as long as there is a need for time for Senators to speak, but the leadership on this side anticipates that would not run beyond or at least not very much beyond the regular recess hour of 6 or 6:30 p.m. We will be in session tomorrow, Mr. President, and if we have not finished the prayer amendment, and I hope we have—I cannot in all candor say I expect that—then we shall be on it tomorrow, too.

Once again, let me say we will be in session on Friday. It may be that Friday will not be a very busy day and if we have not passed the amendment, I hope we could adjourn the Senate by midafternoon on Friday so the Senators could catch the last plane out for wherever they go on weekends, to their respective States to transact business as we are all called upon to do almost every weekend.

ORDER FOR SENATOR LUGAR TO CONTROL MAJORITY TIME ON WILSON NOMINATION

Mr. BAKER. Mr. President, I am advised that at the request of the chairman of the Committee on Foreign Relations, today Senator LUGAR will manage the Wilson nomination on this side. Since the order provides that the time is under the control of the chairman of the committee, at his request, I ask unanimous consent that the control of the time on this side be transferred to the distinguished Senator from Indiana (Mr. LUGAR).

The PRESIDING OFFICER (Mr. RUDMAN). Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. President, I may have an additional statement to make today, but it will be on the prayer amendment if I do. I am prepared to yield back my time. I see no Senators seeking additional time. I offer it to the minority leader if he wishes.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous, order, the Democratic leader is recognized.

Mr. BYRD. Mr. President, I thank the majority leader for offering the time.

I think I shall retain my order time, which I shall not use unless a Senator wishes time. So I yield back the leadership time.

Mr. BAKER. I yield back my leadership time, Mr. President.

RECOGNITION OF SENATOR WILSON

The PRESIDING OFFICER. Under the previous order, the Senator from California (Mr. WILSON) is recognized for not to exceed 15 minutes.

BODYGUARDS FOR DICTATORS

Mr. WILSON. Mr. President, on more than one occasion I have expressed dismay that matters as important as those which deal with American foreign policy have not enjoyed the kind of bipartisan support or even the kind of bipartisan earnest consideration that indeed they should. Some matters are simply too important to be reduced to the kind of partisan exercise in which we in this Chamber and others all too often engage. For that reason I was greatly heartened, Mr. President, when, after laboring for many months, the National Bipartisan Commission on Central America produced virtually unanimous agreement upon the recommendations they proposed the United States follow with respect to the severe problems confronting us and our neighbors in Central America.

Mr. President, I think we all agree that the effort they made was one worthy of the magnitude of the challenge that we face. In Central America today there is a serious threat to the independence and liberty of the neighbors of Nicaragua. The risks which exist in that important region, in which there are vital American interests threatened, are so great that it has caused economic deterioration, it has caused a degree of anxiety for which there is full justification.

Mr. President, it is incumbent upon us who are privileged to serve in this body and others who would undertake a serious discussion of the problems in the policy that should be guiding the United States with respect to Central America to do so with the utmost care.

It is for that reason, Mr. President, that I am taking the time of the Senate today to publicly address a question that I have addressed privately to a colleague. My friend from Colorado, Senator HART, has recently made the statement, and apparently made it repeatedly, that American troops are being provided by this administration as bodyguards to dictators in Central America. I first read the statement in the Washington Post. Later I saw the Senator make the statement on television. That has occasioned my letter to him asking what evidence he has for his statement. I have asked him to identify specifically who the dictators are to whom these bodyguards are being provided and what specific evidence he has that American troops are being used in this fashion.

That is not an implication, Mr. President. It is an expressed statement. There is no question the Senator made the statement. Presumably, he had full knowledge of those whom he intended to identify as being dictators. I feel the charge is so serious that he really must make clear to the American people who it was he had in mind and what evidence he has to substantiate the charge. The American people deserve no less. It is a serious charge, one that tends to undermine confidence, one that, very frankly, could be characterized as character assassination of those, whomever he means, whom he has chosen to identify as dictators.

Mr. President, I think all of us who are privileged to serve in the Senate have at one time or another found ourselves in the heat of public debate. For that reason we should perhaps, all of us, be human enough to understand and to accord a certain latitude to others who find themselves in that situation and engage in excessive metaphor. Mr. President, I think the charge, unless it can be substantiated with evidence, exceeds the tolerable bounds even of campaign hyperbole. I am still waiting for the Senator to respond. I wrote to him Friday. I advised his staff, knowing of his busy schedule, we would afford some time to allow the Senator to make reply. He has not done so. I think he owes not me but all the American people whatever evidence he may have. Indeed, if he has no evidence, I think he owes a proper explanation. If the explanation is simply that he is engaged in campaign hyperbole, I think we need to know that so the charge may be laid to rest as to what it is, insofar as I am aware, and that is a charge lacking any foundation, lacking in evidence. It is too serious a charge to simply ignore.

For that reason, Mr. President, I hope that Senator HART, and others who have felt that the problems facing us and our neighbors in Central America are of sufficient importance to warrant our travel to that troubled region, would take the opportunity as early as he can to advise the American people whether in fact he has evidence or, if in fact he has not, to make clear that he has not.

Mr. President, unless there is another Senator waiting to address the Chair, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **PROXMIRE.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is ordered.

RECOGNITION OF SENATOR PROXMIRE

The **PRESIDING OFFICER.** The Senator from Wisconsin is recognized under a special order for a period not to exceed 15 minutes.

ALLEGATIONS OF SOVIET CHEATING AND THE FUTURE OF NUCLEAR ARMS CONTROL

Mr. **PROXMIRE.** Mr. President, nothing, but nothing, is as important a responsibility for Members of Congress as the achievement of peace in this nuclear world. A nuclear war would certainly end our existence as a free nation. Possibly it would finish the human race. No informed and responsible person opposes arms control. The only debatable issue is how far arms control should go and how to achieve it. So what is holding up arms control? Far and away, the biggest objection by American citizens against pushing to a prompt and comprehensive nuclear arms limitation agreement goes something like this: "We can't trust the Russians. They will cheat, lie, and deceive. If we make an agreement, we will keep it. They will not. So it will be unilateral disarmament on our part. Result: under a comprehensive arms control agreement the Russians will achieve military supremacy."

Of course, those who accept this view must also accept the full consequences of no nuclear arms limitations. How would they stop a nuclear war? They must place their full reliance on our ability to deter a Russian attack by staying ahead in the nuclear arms race. Maybe we can do that. Maybe we cannot. But assume we can; then what are the consequences of an unrestricted, all-out nuclear arms race? Obviously there is a cost. Several months ago, the Congressional Budget Office estimated that we will spend $450 billion over the next 6 years on nuclear weapons, including the missiles, submarines, and planes necessary to deliver them, even if we win agreement to all of the arms control initiatives we have advanced. Of course, a more comprehensive limitation on nuclear arms—that is, a freeze on the development and deployment of all nuclear weapons—would sharply reduce this cost. But if we fail to negotiate any agreement, the all-out, no-limitation nuclear race could cost us hundreds of billions more.

Far more important than the cost of a continued all-out nuclear arms race is the sharply increased prospect of a nuclear war that would come from the onrushing technology. Even a limited arms control agreement could have some advantage. At least it might help steer the advancing technology into the production of more stable and survivable weapons that would not have to be fired on the first suspicion of any enemy attack. Limited arms control might also direct weapons toward defensive instead of offensive missions. But any arms control agreement must assume that we can negotiate verification measures that will require both sides to keep the agreement. If the Russians cheat on a limited agreement and build hair-trigger weapons, or secretly convert their defensive nuclear weapons to an offensive posture, we could be just as seriously endangered as if they cheated on a nuclear freeze agreement.

Now, let us not kid ourselves. Any sovereign nation may cheat on any agreement they make, if they can get away with it. The Russians have almost certainly cheated on the biological warfare treaty. In fact, the Senate has passed a Proxmire resolution calling on the President to renegotiate that treaty and push for a strict compliance provision. We should have learned from that treaty not simply the obvious—that the Russians will cheat when they can get away with it—but that we must have compliance features in our treaties that provide for verification for challenging any evidence of violations, and for renunciation of the treaty if the other side fails to keep the agreements.

Mr. President, there is no reason why those of us who advocate a comprehensive nuclear freeze agreement should not welcome evidence of Russian cheating on treaties. Assume the evidence stands up. Assume we are convinced that, indeed, the Russians repeatedly cheated and violated the treaties. What does it tell us? First, we should determine whether "cheating" was a difference in interpretation of ambiguities in the treaty. Was there an interpretation that would have permitted the Soviets to take the action which we construe as cheating, but which they can properly defend as compliance? Is there evidence of cheating that has given the Soviet Union any significant advantage? And how significant is the advantage that the Russians achieved? Does it give them a nuclear capability that puts the United States at a military disadvantage, however slight?

Charges of Soviet cheating should carry two messages: First, what can we do in the future agreements to provide a system of compliance that will prevent such cheating? Second, is there anything necessary for us to do to prevent any adverse consequences from the cheating?

Mr. President, it will never be easy dealing with the Russians. We are not dealing with Mother Teresa or Mahatma Ghandi. We are dealing with tough, ruthless, hard-bitten ideologues who live and die by a Marxian bible that tells them that the world revolution by force and violence is the wave of the future. But there is one saving grace. We are dealing with a nation and a government which, like us, will lose everything in a nuclear war. In a nuclear war, they will be finished, dead, through—and they know it. They also know that an unrestrained nuclear arms race surely moves us closer and closer to the precipice. So they have every reason to agree to a comprehensive nuclear arms limitation that will end the arms race. Yes, indeed, we need the toughest kind of verification, and we must never rest in enforcing the compliance provisions. Nuclear arms limitations—strict and comprehensive—provide the only way to peace and survival.

NEITHER TOO STRONG NOR TOO WEAK

Mr. PROXMIRE. Mr. President, there is a curious contradiction in the arguments raised by opponents of the Genocide Convention. Using the best debate tactics of the "negative" team, they have accused this treaty of being both too strong and too weak at the same time.

They have argued that this human rights treaty would override State prerogatives, cause Americans to be tried abroad, and result in America being hauled before the World Court for propaganda purposes.

Yet at the same time they argue that the treaty is virtually impotent, that it has no strong enforcement mechanism to prevent the occurrence of genocide and that its impotence is demonstrated by the fact that no cases have ever been raised before the World Court.

Mr. President, it seems to me that this may be a great debate tactic but the Genocide Convention cannot be too strong and too weak at the same time. So which is it?

Neither.

The Genocide Convention is not a panacea for the world's human rights ills and has never purported to be. In reality, it is a carefully drafted, very narrow document that attempts to define one of the most heinous crimes known to man and provide that all nations ratifying this treaty will punish its violators in accord with their own constitutional and legislative process.

We have specific experience with treaties that have had no real enforcement mechanisms—such as the Geneva Conventions for the Treatment of Prisoners of War—which made great strides in protecting basic health and welfare of prisoners. And their only enforcement mechanism is the moral force of world opinion.

Mr. President, when will we stop yielding to an array of contradicting arguments and begin to listen to reason?

We have the opportunity to change our record of opposition to this humanitarian document and return to consistency in upholding the sanctity of human life.

This is a treaty that has been supported by every Republican and Democratic administration from Harry Truman's administration to date. The Reagan administration has not taken a position as yet. But I am still hopeful that they may. There are some indications that they will support the treaty. The American Bar Association supports the treaty enthusiastically—and aggressively, I might add.

Every religious group—Protestant, Catholic, Jewish—supports the treaty. The only groups opposing the treaty are the far-off, right-wing groups, Ku Klux Klan, the Liberty Lobby, John Birch Society, the groups that by and large are seriously discredited.

Mr. President, I do hope that at long last we can take up this treaty, which has been pending for more than 30 years, and act on it.

Ratification of the Genocide Convention is essential if we are to prevent the existing blemish on our human rights' record from becoming a scar. I urge my colleagues to join me in its endorsement.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 11:30 a.m., with statements therein limited to 3 minutes each.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DENTON). Without objection, it so ordered.

RELIGIOUS LIBERTY AND THE AMERICAN TRADITION

Mr. EAGLETON. Mr. President, few, if any controversies in the present era have remained so persistently before the U.S. Congress as the 1962 and 1963 Supreme Court rulings which declared unconstitutional teacher-led prayer and Bible reading in the public schools. Past debates have been exhaustive and often acrimonious. Today's will probably be no different. This is ironic because the first amendment to the Constitution was intended to prevent us from wading into these troubled waters. It was written to prevent Government from debating and deciding faith, belief and spiritual convictions—subjects to which go to the deepest wellsprings of our being. It was written because governments of the past had "shackled men's tongues to make them speak only the religious thoughts that Government wanted them to speak, and to pray to the God that Government wanted them to pray to."[1] The first amendment's clause prohibiting "establishment of religion" was written as much to protect religion from dilution and degradation by Government as it was to protect religious minorities.

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[1] *Engel v. Vitale,* 370 U.S. 421 at 435 (1962).

I oppose the two constitutional amendments of school prayer that have been reported out of the Judiciary Committee because I have a profound respect for the judgment of the Framers that a wall of separation between church and state best insures that religious freedom in America will flourish. If only we could easily and fully appreciate their wisdom, gained through bitter experience.

ORIGINS OF THE SEPARATION DOCTRINE

From the beginning of our history, debates raged about the proper relationship between church and state. In Europe, government sponsorship of religion had led to successive waves of civil strife; that same system was transplanted in many parts of colonial America. A glimpse at some of the colonies recalls for us a part of our history we tend to forget.

Pennsylvania's government, led by Quaker William Penn, provided religious toleration to those who "confessed and acknowledged the one Almighty and Eternal God" and allowed only Christians to vote. The Puritans of New England set up their own prescribed beliefs as the only road to salvation. New Jersey gave religious liberty only to Protestants.

The South had its own brand of exclusivity: people could be fined for nonattendance at Anglican worship and in some areas, Jews were totally ostracized. In Virginia, the Anglican Church functioned as an arm of the government until 1785; denial of the Trinity was punishable; Unitarians could be declared unfit parents; and Roman Catholics were excluded and burdened with legal disabilities. Georgia provided freedom of conscience except to Catholics—who were even barred from public office, and the Anglican Church became the established church.

By the time of the Revolutionary War, there were established churches in at least 8 of the 13 former colonies and established religions in at least four of the other five.

These turbulent beginnings provided a powerful impetus for constitutionally protecting religious diversity. Although religion was not mentioned in the original Constitution—it was thought that the Federal Government should have no control over the subject—the several States called for a religious liberty amendment during ratification. James Madison, most responsible for the amendment's passage, placed the privacy of conscience in an exalted position:

> The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate . . . Above all are they to be considered as retaining an equal title to the free exercise of religion according to the dictates of conscience.[2]

Thomas Jefferson, author of Virginia's religious liberty statute which became the Nation's model, believed that religion consisted in "the inward persuasion of the mind." He recognized that private conscience was sufficiently tender that religious liberty could not be secured under the patronage of the State. Jefferson opposed the introduction of Government support even if it were all religious. "Hands-off," he argued, was the only acceptable policy. Thus, the concept developed—though the nomenclature came later—of "building a wall between church and State." The first amendment, embodying this principle, is an eloquent manifesto of the sanctity of the human mind and spirit.

RELIGION IN PUBLIC SCHOOLS

If a religious difference necessitated strict separation between the Government and the church in early American life, such separation is even more compelling today, for our religious composition makes us a vastly more diverse people than were our forefathers. The argument for separation is especially strong with respect to the public schools—one of the surest ways the State can impose its will. It is for this reason that the Supreme Court has been loathe to permit schools to pursue any activity considered as having a religious purpose. The Supreme Court's hallmark opinions make it clear that an important measure of religious freedom is whether it can be meaningful exercised by all. I undertake a brief review of them because I believe that the Court has correctly interpreted the original meaning behind the first amendment. I stand behind the Court's interpretations, and reject present efforts to nullify them.

The first significant case setting forth a definitive interpretation of the establishment clause—which did not apply to the States until 1940—was the 1947 Supreme Court case of Everson against Board of Education. The Court found that it was permissible for a school board to reimburse parents' costs for transporting their children to private and parochial schools. The Court enunicated a doctrine of neutrality between church and state. "The 'establishment of religion' clause of the first amendment," the Court ruled, "means at least this: Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another." Thus, the first amendment did not forbid provision of governmental benefits to all its citizens without regard to their religious belief—there was a "public purpose" served by the program.

Just 1 year later, the case of McCollum against Board of Education held that the first amendment did not permit religious training during noninstructional periods on public school premises by privately-paid teachers. Justice Frankfurter's concurring opinion holds special significance to the present debate for two reasons. First, he articulated the importance to a democracy of keeping educational and religious missions separate:

> Designed to serve as perhaps the most powerful agency for promoting cohesion among a heterogeneous democratic people, the public school must be kept scrupulously free from entanglement in the strife of sects.

Second, he rejected the notion that "optional" religious activities in the schools could ever be truly "voluntary:"

> That a child is offered an alternative may reduce the constraint; it does not eliminate the operation of influence by the school in matters sacred to conscience and outside the school's domain. The law of imitation operates, and non-conformity is not an outstanding characteristic of children. The result is an obvious pressure upon children to attend.

Consistent with its principle of Government "neutrality" with respect to religion, the Supreme Court held, in the 1952 case of Zorach against Clausen, that schoolchildren who so desire could leave school premises during the day for religious worship and education. This "released-time" program represented Government accommodation to the free exercise of religion in a way that did not violate the "wall of separation."

This brings us to the two school prayer cases themselves, which the constitutional amendments before us are intended to overrule.

Until the Supreme Court decided Engel against Vitale (1962), New York schoolchildren began their day by reciting in unison: "Almighty God, we acknowledge our dependence upon Thee and we beg Thy blessings upon us, our parents, our teachers, and our country." Out of a deep concern for protecting religion, the Court declared that recitation of this prayer, written by the State Board of Regents, violated the establishment clause. It did not matter that the prayer was nondenominational, nor that students could choose to remain silent. Any Government influence over prayer is proscribed. The Court believed that the historical antecedents of the establishment clause taught that: "governmentally established religions and religious persecutions go hand in hand," and that "union of Government and religion tends to destroy Government and to degrade religion." Even though State composition of a prayer may seem a mild form of Government entanglement compared to the encroachments 200 years ago, the Court cautioned, in words we should note today: "[I]t may be appropriate to say in the words of James Madison: '[I]t is proper to take alarm at the first experiment on our liberties.' "

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[2] 2 Writings of James Madison 183-91 (1901).

School District against Schempp, decided a year later, challenged Bible reading and recitation of the Lord's Prayer as daily morning exercises in the public schools. The Court propounded a test for determination of establishment clause violation, still followed today, which looks to "the purpose and the primary effect of the enactment." As with Engel, no different result would obtain if the individual students could choose not to participate. Nor would it have mattered to the Court if this religious exercise were considered only a minor encroachment on the first amendment, for "[t]he breach of neutrality that is today a trickling stream may all too soon become a raging torrent."

I believe the constitutional amendments considered today represent at least a "trickling stream," slowly eroding our traditional concept of religious liberty, and as implemented across the country, could well result in a "raging torrent" against individual freedom and mutual respect for religious diversity.

PRESIDENT REAGAN'S AMENDMENT

The President's proposed constitutional amendment would directly overrule Engel and Schempp. It would sanction religious exercise in the schools, rejecting Justice Frankfurter's admonition to "keep [the public schools] scrupulously free from entanglement in the strife of sects." It would cause deep division among families in the schools. It would give school officials power to regulate a student's manner of religious expression. It rejects the immutable fact that "voluntary" religious practices among impressionable children will always contain an element of compulsion.

Senator THURMOND's last minute addition to the proposal, that the Government shall not "compose" the words of prayer, does not preclude a teacher or school official from selecting a particular prayer which has already been composed. For instance, the 24-year-old son of a State Governor could no longer write his State's public school prayer—as was done in Alabama a few years ago—but he—or his father or an Alabama State teacher—could pluck a prayer from a favorite collection of prayers.

It is ironic that this constitutional amendment, paraded under the banner of "proreligion," will actually weaken our religious liberty. Inevitably, when the Government peddles religion, it advances it for some but inhibits it for others. It can also render religion virtually meaningless for still other segments of the population. As conservative commentator James J. Kilpatrick wrote about the President's amendment:

> One problem with institutional prayer parallels the problem often encountered with institutional food. The group prayers that would be sanctioned by this amendment would be canned peas—bland, innocuous, inoffensive recitations, perfunctory rituals devoid of spiritual meaning. Heartfelt prayer demands something more.

SENATOR HATCH'S AMENDMENT

Silent prayer or meditation, some suggest, is the answer because there the individual can truly contemplate private thoughts in a way that is personally meaningful. Senator HATCH's constitutional amendment seeks a compromise, between restoring audible prayer and the prohibition of any prayer at all. But I have serious problems with both the structure, and more importantly, the intent, of his proposal.

The amendment combines two very disparate concepts into one measure. It calls for silent meditation or prayer and it provides for "equal access" for student religious groups. As one editorial writer put it: "Apples and oranges may be sold by some grocers in a common package; dissimilar constitutional concepts should not be." Nonetheless, both sections on their own, are objectionable.

As to the amendment's first section, prayer, even if silent, is not one of the functions of Government. Any group exercise, including silent prayer, requires a teacher to prescribe the time, manner and place of meditation or prayer. Our school officials presently have no power to regulate a student's manner of religious expression, but under Senator HATCH's proposal, they would be authorized to promulgate rules "determining the propriety of [religious] gestures, rituals, and ornaments" for use during prayer periods. Such silent moments which endorse prayer, become officially sponsored prayer, transforming the Government into an "instrument of religion."

The Supreme Court has never ruled on silent meditation or silent prayer and the lower Federal courts have produced conflicting opinions. The test usually employed to determine whether these statutes violate the establishment clause is whether the legislative history reveals a secular purpose, whether the statutory language is secular and, how the statute would likely operate.

The more recent statutes of this type have been held unconstitutional, and usually on the first of these grounds: the legislative intent was found patently to "reintroduce prayer in public schools." In one case from New Jersey, a Federal district court found that in addition to a transparently religious legislative history, the silent meditation statute, as implemented in some schools, required students to assume a posture for a particular religion: to stand up, and either bow heads or close eyes. If school officials get this "religious" about a statute calling for strict silence, one wonders what they would do with one authorizing prayer.

The Hatch proposal violates at least two parts of the three-part test developed by the courts. First, the proposal's legislative history would be suspect: the Judiciary Committee report on the amendment states that the proposal is "to restore discretion to State or local authorities to structure a religious exercise" in a public schoolroom "* * * it is intended that the government be authorized to sponsor such [silent] prayer * * *" Second, the proposal's operation would be problematical (and even chaotic), given the scant guidelines contained in its language.

Because Senator HATCH's State-sponsored prayer would be silent, the conflict it presents is perhaps not quite as obvious as with oral, unison prayer proposed by the President. But I believe the principle is no different, and that the potential consequences are similarly troubling.

The Hatch amendment's "equal access" section is uncharted territory. It calls for public schools—at any level, including elementary—to allow voluntary student groups free access to the use of school facilities. The provision seeks to prohibit school officials from barring student gatherings on the basis that they want to discuss religion or to worship. The Supreme Court has upheld the equal access policy in the 1981 case of Widmar against Vincent, but only in the context of the university. Although the Court emphasized the importance of the age and maturity of the students—intimating that equal access may not apply to lower school grades—this is not clear, and lower courts disagree. Etching such an uncertain policy into the granite of a constitutional amendment is tremendously unwise.

I support Senator HATFIELD's equal access version, chiefly because it is legislation and not a constitutional amendment, and thus can more adequatley contain the necessary safeguards concerning implementation. For instance, in addition to limiting application to only secondary schools, the amendment should also make explicit that meetings should: be confined to noninstructional periods so that they are not disruptive of class; occur only where an open forum already existed (that is, a school is not obligated to provide one); and, avoid opening the campus to outside groups or speakers. The Hatfield bill explicitly contains these elements.

Because the Hatch proposal does not provide answers to these questions, a broad interpretation of the equal access section could overturn the Supreme Court in McCollum, barring clergy-run religious instruction programs on public elementary and secondary school campuses.

CONCLUSION

Amending the Constitution is serious business; it is not done casually or capriciously. Our Constitution has been amended only 26 times in the 196 years since its adoption, and 10 of those amendments were the Bill of Rights, adopted in 1791. We only amend the Constitution where there is a clear need to either provide an essential governmental procedure or to protect a vital substantive right. I have argued, for instance, that the protection of human life is a vital matter necessitating a constitutional amendment overturning the Supreme Court case of Roe against Wade.

No such compelling case has been presented with respect to prayer. Let us remember that what was "taken out of the schools" was State-sponsored, teacher-led prayer. Individual prayer has never been prohibited by any court at any time. The free exercise clause of the first amendment guarantees the right of individual school children and teachers to pray as their conscience dictates in school as in other places.

Church-state issues are among the most volatile that Congress considers. Legislating or amending the Constitution in an area that so closely turns on our own subjective beliefs, religious upbringings, and moral principles are bound to arouse our most deeply held feelings. But I hope that passion does not cloud reason, nor invite false charges. People of equally fervent faith can disagree on these subjects. I happen to be a Roman Catholic, and yet I rejected the recent proposal on tuition tax credits which would have provided reimbursement from Federal revenues to parents of private (mostly parochial) school children. That aids religion. By the same token, I have recently spoken out against taxation of churches, in the context of the 1983 Social Security Amendments, which for the first time in our history, impose a tax on religious institutions. That burdens religion. I believe my views on school prayer are consistent with these positions—all seeking to preserve the "wall of separation."

America is a religious country. Its very origin sprang from the quest of diverse people from distant lands to seek a new world that promised religious freedom. But our country has survived, indeed thrived, as a unified nation because it elevated the privacy of thoughts and beliefs beyond the reach of Government. The proposed amendments violate this historical legacy by permitting Government intrusion into a realm sacred to the family and to the church.

James Madison, as I have said, made much of the religious conscience of Americans. McCollum against Board of Education, believed by constitutional scholars to be the best incorporation of Madison's conception of the separation doctrine, contains a phrase that summarizes the perspective I have sought to impart today: "[T]he first amendment rests on the premise that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere."

May we heed these words as we deliberate over whether to put the force of Government behind prayer in the public schools. For the foregoing reasons, I urge my colleagues to vote against the proposed amendments.

Mr. BAKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is concluded.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, the Senate will now go into executive session to consider the nomination of William A. Wilson, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

The clerk will state the nomination.

DEPARTMENT OF STATE

The legislative clerk read the nomination of William A. Wilson, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

The PRESIDING OFFICER. The time for debate on this nomination is limited to 1 hour to be equally divided and controlled by the Senator from Indiana (Mr. LUGAR) and the ranking minority member of the Committee on Foreign Relations or their designees.

At the conclusion of debate or the yielding back of time, the Senate will proceed to vote on the nomination.

The Chair recognizes the Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself as much time as I may require.

I rise today in support of the nomination of Bill Wilson to be Ambassador to the Holy See. I believe that Bill Wilson will be an excellent emissary of the United States to the Vatican. Indeed, in this instance, we have good reason to know that Bill Wilson will do a good job, because he has been doing an outstanding job as personal envoy of the President to the Vatican for the past 3 years.

The nomination on which we are voting upon today is the culmination of a long process, a process which will result in the fact that Bill Wilson will no longer be only a representative of the President, but of the United States. As our Ambassador to the Holy See, he will be subject to the advice and consent of the Senate, just as is any other Ambassador.

I am aware that it is just this aspect of the nomination which has caused concern on the part of some Americans. Some Americans have expressed a deep and important concern that in naming an Ambassador to the Vatican, the United States will be eroding the strong separation which has existed between church and state in our Nation. I obviously do not share that concern about this nomination, but I do believe that it is a significant concern and one to which eloquent and forceful testimony has been given.

The Senate Foreign Relations Committee heard testimony not only from Mr. Wilson, but also from a number of groups favoring and opposing the nomination. Eight major religious and civil rights organizations testified at that hearing against the nomination. In addition, the hearing record was open to written testimony that any individual or group wished to submit for the committee's consideration.

The fact is that after nearly 3 weeks upon which to deliberate upon this testimony, the committee voted to confirm Mr. Wilson by a vote of 14 to 1. I believe that this vote, and the vote which we will take on the Senate floor today, indicates that the great majority of Senators are prepared to go forward with this nomination. We will not do so out of lack of concern for the proper relationship between church and state. We will do so because we believe that this nomination will be good for U.S. diplomacy and security, and that it will not jeopardize the broad separation of church and state.

Nothing more follows from this nomination. This is not the first step toward an erosion of the historical separation of church and state. In short, this is not a precedent; it is an action which stands on its own. In taking this step, we will join 107 other nations which currently send ambassadors to the Vatican. We will deal with the Vatican in a manner consistent with its enormous influence in political, economic, and moral issues around the world.

For these reasons, I am hopeful that my colleagues today will give strong support to the nomination of Ambassador Wilson.

Mr. President, I would add, supplementary to my opening statement, that the Vatican is a sovereign State. It is in a position analogous to religious States such as Israel, Saudi Arabia, and others. It is worth noting, as was noted in our committee deliberations, that the Queen of England is also head of the Anglican Church and a head of state. We recognize England and Israel and Saudi Arabia diplomatically. We do not attempt to erode the principle of separation of church and state through that recognition. We recognize also that the Holy See has wide influence and unique access to areas of great interest to the United States, specifically Eastern Europe, Central America, and Africa. The Holy See is not only an observer or moral guide but, as a matter of fact, the Vatican takes an active diplomatic role in international political issues. A recent example is the papal mediation in the Beagle Channel dispute between Argentina and Chile, a problem which for 100 years had defied resolution.

Over the past 2 years, the President of the United States, the Vice President of our country, the Secretary of State, and other Cabinet officers have had audiences with the Pope. Every President of the United States in recent memory has visited the Pope as a head of State. Our representatives to the Vatican handle a constant flow of requests from the State Department and other executive departments, from Senators, Congressmen, and others in Government who wish to see the Pope or other Vatican officials to discuss matters relating to their areas of interest.

In addition to geographical and strategic issues, the Vatican is heavily involved in issues spanning immigration policy, refugee resettlement, food and medicine distribution, and the interests range across a whole list of vital interests to the United States. Most recently, the events in Poland and Lebanon come strongly to mind.

Mr. President, in looking at this nomination, it is important to note that the late chairman of the House Foreign Affairs Committee, Clement Zablocki, introduced legislation to repeal the prohibiton against legations to Rome on June 30 of last year, 1983. That legislation in the House had bipartisan cosponsorship from 26 members of the Foreign Affairs Committee, a majority of that committee on both sides of the aisle. I introduced a companion bill in the Senate on August 3, and my legislation had bipartisan cosponsorship from 23 Senators at that time. I attached this legislation to Senate bill 1342, the State Department authorization bill, on September 22. It was the third amendment considered on that day, and consideration of that bill went on and off for a period of about 4 weeks.

I mention this because the thought has come that the issue arose in a hasty manner, and I simply point out that the issue was before us for at least a period of approximately a month.

In the midst of this consideration opponents to my amendment had a national press conference on Capitol Hill on October 5, and final passage of S. 1342 did not occur until October 20, a day on which the Senate considered 29 additional first degree amendments and had ample opportunity to rescind any previous action. The Senate-House conference met on the State Department bill on November 1, 2, 3, 8, and 10, and after discussion of the Senate amendment the House receded and accepted the Senate position. The State Department bill returned to both the Senate and the House. The Senate passed the conference report on November 18. No question was raised by any Senator about the Vatican amendment during the consideration of that conference report. The President signed the bill November 22.

At each step along the way, my office at least at minimum issued notice to the press about the progress of the legislation and my own participation in forwarding that legislation, and I took part in a number of media interviews discussing the subject and the merits as I saw them.

During the month of December, the President considered, amidst widespread press speculation, whether to proceed to establish formal diplomatic relations with the Holy See. He took the step to bring about those relationships on January 10, 1984. Ambassador Designate Wilson's nomination papers arrived at the Senate on January 27 and we have been discussing it in the Foreign Relations Committee ever since, until the time of formal consideration in the business meeting and the confirmation vote of 14 to 1.

I take the liberty of putting all of this as a matter of record because I think the issue is important to take time to consider.

Mr. President, I yield the floor to my distinguished colleague, the Senator from Rhode Island (Mr. Pell).

Mr. PELL. Mr. President, I wish to voice support for the nomination of William Wilson to be Ambassador to the Vatican, and thereby to express my support for the President's decision to create this post.

Under international law, the Vatican has long been considered a sovereign political entity, and most governments around the world are represented by ambassadors there. Since the late 1930's, six American Presidents have maintained personal representatives to the Holly See; and I find it highly appropriate that this U.S. post should be elevated to the same status as the representatives sent to the Vatican by over 100 other nations.

With regard to the important separation Americans seek to maintain between church and state, it should be emphasized that the President will be accrediting an ambassador to the Vatican not in its capacity as a religious entity, but as a political entity. Meanwhile, there will be substantial benefits to American foreign policy. Having conducted relations with East European governments under trying circumstances for several decades, Vatican officials represent a remarkably sophisticated body of knowledge and insight on East-West relations. To enhance the status of our representative at the Vatican will enhance our access to this valuable resource.

For these reasons, Mr. President, I am pleased to support this nomination.

Mr. LUGAR. I would like to yield 5 minutes to the distinguished Senator from Oregon to make a statement on this nomination.

The PRESIDING OFFICER. The distinguished Senator from Oregon.

Mr. HATFIELD. I thank the distinguished chairman and the managers of the bill for yielding the time.

Mr. President, I have almost without exception, I believe—I say "almost" because I always like to give myself a little protection—voted for the confirmation of the nomination of Presidential nominees to the executive branch of Government. I distinguish that record from the standpoint that I have voted against two Supreme Court nominees offered by the President of the United States for confirmation. But, for those whom he has selected to execute and implement his policies, I have supported Democratic Presidents and Republican Presidents.

I regret to have to rise today to oppose and to indicate my intention to vote against this confirmation.

This is far more than a confirmation question, because today we are really establishing a new policy of our Government in sending a person of ambassadorial rank to the Holy See.

I rise to oppose this nomination for two basic reasons. First, I hold a very fierce belief in the separation of church and state, based, in part, I suppose, on my own heritage. My religious forbears were victimized by a religious organization then existing in the Massachusetts Bay Colony known as the Puritans, who had established such a demand for conformity that the Jews, the Quakers, and the Baptists were driven out. I, therefore, recognize what happens when we attempt to politicize a religious institution. That is one of the reasons why we have the establishment of the separation of church and state in our American Constitution.

Second, I rise to oppose this confirmation because I have a deep respect for the Roman Catholic Church. I think when we stand here in the Senate and say that we are sending an ambassador, a political representative, to a church, and that is what the Holy See is; it is a church, we are making a grave error. The Pope is not a politician. If I were a Roman Catholic, I would react negatively to those who demean the Pope's status as a spiritual, religious man, a man who is addressed as His Holiness, by talking of him in terms of a politician. You cannot have it both ways. You cannot say we are violating church and state separation because the Pope is a political leader, and then say the Vatican, the Holy See, is a political entity.

I view His Holiness, Pope John Paul II, as one of the great spiritual leaders of this generation. Where he may be involved in matters dealing with political issues, he is doing so in order to act out his religious commitment. He is not acting in the role of a politician. He still is the head of a religious organization, and he still is a religious, spiritual leader.

We all are called in our religious faith, in the Judeo-Christian faith, to act out our faith in our various and sundry walks of life. We are supposed to be the light, the salt, the leaven that permeates and influences the environment in which we work and live.

That is the call of every Christian. Therefore, whenever one is involved in a social action, or in a political action, or in an economic action—that, I believe, is true with Pope John Paul II—one is merely exemplifying, manifesting his loyalty to Jesus Christ and not his loyalty to any political economic, or social doctrine.

So I view this issue both from the standpoint of the constitutional separation of church and state, because the Holy See is a church, and because we should not be sending a political representative to politicize that church.

I have no objection to having observers in the Vatican. I think that is perfectly legitimate. But I resent the implication that we are politicizing the Roman Catholic Church and making it a political institution by this very action. We are looking on the Pope as a political leader of the world. He is a religious leader, and that is it—period. He is not a political leader. His influence in political affairs is an inevitable consequence of his living out his religious commitment. That political effect is a fallout; it is a secondary unintended matter. It is not a primary matter with Pope John Paul II.

So, for those two reasons, I regret that I have to oppose my good friend from Indiana and my good friend from Rhode Island, as managers of the bill. Also, I hate to have to stand here and oppose my President on this issue, but I feel very strongly about it from those two points of view, and I merely want to share those points with my colleagues.

Mr. LUGAR. Mr. President, I yield time to the distinguished Senator from North Carolina. How many minutes will the Senator require?

Mr. EAST. How many minutes will the Senator require? I would appreciate it if I could have in the vicinity of 10 minutes. I realize the time restrictions under which the Senator is working. I should like to have 10 minutes; 15 at the outside. I do not know how many Senators are here to speak in opposition, and that is what I am doing. I should like somewhere between 10 and 15 minutes, if that is suitable to the managers of the bill.

Mr. LUGAR. Mr. President, I inquire how much time remains on our side.

The PRESIDING OFFICER. Thirteen minutes and seven seconds.

Mr. LUGAR. We have 13 minutes remaining. Mr. President, I yield 10 minutes to the distinguished Senator from North Carolina, and then perhaps we can work from there.

Mr. EAST. Yes, that will be adequate. I thank the chairman, and I shall move along quickly.

Mr. President, I, too, wish to voice opposition to the confirmation of the nominaton by the President of Mr. Wilson as Ambassador to the Vatican.

I had no objection to the legislation that lifted the ban to allow the President the option of deciding that. I think it is a matter of Executive power. Under the separation of powers, he ought to have that prerogative.

The issue now before the Senate, on which we must advise and consent, is as to whether it is a sound idea to send an Ambassador to the Vatican. In my judgment, it is not, and I wanted to make sure that I could make my position clear on the RECORD as to what is the nature of my opposition.

First, I am convinced, of course, that this nomination will be confirmed. I think it is a close one. I believe that reasonable minds and fairminded people could disagree, obviously, on this particular matter, as they do on many other matters that come before this body. Let me state briefly why I am opposed to it.

First, I think Senator HATFIELD has raised a very critical and decisive and determinative question: that the great contribution that the Papacy makes to the world today is spiritual and moral persuasion. I think the current Pope has done an exemplary job in doing that. I fear that in politicizing the relationship at the highest level at the Vatican, we may tend, unwittingly, to minimize the great spiritual persuasion that he brings into the world and simply reduce him to another political entity.

I think it is clear that, barring the presence of the Vatican in that small piece of territory in Italy, we would not be recognizing it. So, in effect, what we are doing is to give political status at the highest level to what is fundamentally a spiritual entity. I am troubled with that. I do not think it is a good precedent, and it would demean the impact of the great moral leadership that the Papacy has given to the West and to the world in general.

I wish to make the record clear, lest the record have any doubt on this matter and by my silence I be misunderstood. This evidences, my opposition to the appointment of an Ambassador to the Vatican, absolutely no hostility to Roman Catholicism. To the contrary, I would probably describe myself, as a non-Catholic, as a fellow traveler.

First of all, I have already indicated my profound admiration for the Pope. I do not think this is a matter of separation of church and state, which is not even mentioned in the Constitution. It is a red herring. I think it is a matter of soundness of policy and again because of my great admiration for the Pope I am afraid we demean it by reducing him and what he represents to basically a political level.

I also point out in terms of my personal affinities for the great contribution of the Catholic Church to the West and to America in particular. My favorite magazine is National Review, which is edited by William F. Buckley, Jr., who is my favorite journalist, who in turn is a Roman Catholic.

If I could handpick the President of the United States, which my opponents need not be alarmed, as I am not in a position to do so, I felt for a number of years my first choice, with all due respect to our distinguished colleagues in this Chamber, would have been a former Senator from New York by the name of James Buckley, who is a Roman Catholic and was elected as a member of the Conservative Party of the State of New York to the Senate and served with great distinction in this body and is currently head of the Voice of America. I would handpick James Buckley as President of the United States for reasons which I do not have the time to elaborate upon here.

I think again that would attest to my deep sympathy for the great contribution of the Catholic Church, the Catholic heritage, Catholic values, and Catholic tradition to the Western heritage.

I think a great author in the post-World War II period is Russell Kirk, who wrote "The Conservative Mind," published in 1953. Russell Kirk is a Catholic. It is a great book, and if you have not read it I commend it to you.

Another great author, and of whom I am an admirer, is Cardinal Midzenty.

The memoirs of Cardinal Midzenty, who suffered under Communist totalitarianism in Hungary, is one of the great classics in the post-World War II period—it is superior to Whitaker Chambers' "The Witness"—to show the nature of the great conflict of our time between the spiritual values of the West and the totalitarianism of the Soviet Union. The memoirs of Cardinal Midzenty is one of the great classics of our time, and I think there is a good chance that the Catholic Church in time will elevate him to sainthood.

I yield to no one in my admiration for Mother Theresa, and I often do oppose abortion on demand as a form of birth control. I think it is morally wrong. And sometimes I have supporters in North Carolina and elsewhere who disagree with me on the abortion issue. I always remind them I am on the same side as Mother Theresa, so my position cannot be all bad. I think she stands as one of the great moral pillars in the West and I am delighted to count myself on her side on that great issue as well as many others.

So it goes. You could go back in history to the great writings of St. Augustine, the City of God, and as a former professor of political theory, I think it is the classic work on the relationship between church and state and the great spiritual reserve from which he poured is a part of the great Catholic heritage of the Judeo-Christian tradition of the West.

So interestingly, what I am coming down to saying is, it is because of the great spiritual contribution the Catholic Church, the Catholic heritage to the West and to this country, in particular, I think we risk seeing it demeaned and lessened, ironically, by according it a political state just as we would an Ambassador to England or to France or to wherever.

So I wish to make it clear that is the basis of my objection.

Ambassador Wilson, I think, is a man of eminent integrity and qualification. That is not my objection to him. So my objection is not one rooted in any personal objection to Ambassador-designate Wilson, nor is it rooted in any hostility of any type to the Catholic Church or the Catholic heritage. To the contrary, I am a great admirer of it and indeed, as I say, would go so far as to call myself a fellow traveler.

What I deeply fear, as Senator HATFIELD so eloquently and properly pointed out, is that in making this fundamentally a political relationship we demean, we lessen the potential moral persuasion of the papacy and all of the other great Catholic leadership that we find in the world today.

Mr. President, I suspect my time has expired, so I shall cease and desist. But I did want the record to show the nature of my opposition.

I thank the Chair and I thank the managers of this bill, the distinguished Senators from Indiana and Rhode Island, for allowing me the opportunity to speak. Thank you.

Mr. LUGAR. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Five minutes.

Mr. LUGAR. How much time remains on the opposition side?

The PRESIDING OFFICER. Twenty-eight minutes.

Mr. LUGAR. Mr. President, I yield myself 3 minutes, as we wait for other Senators to arrive who wish to speak on this issue.

The Constitution of the United States charges the President of the United States with the conduct of foreign affairs. Recognition is an executive prerogative.

Even in 1867 Congress did not dispute the constitutionality of recognition. It merely withheld at that point funding for the support of a mission and that situation was rescinded by action which Congress took last year.

The Vatican is recognized by 107 other nations. I make this point because the Vatican and the incumbent Pope have not been passive in their desire to play a role in diplomacy.

I suspect it is inaccurate to describe this recognition as demeaning the Pope in any way, when, as a matter of fact, the Vatican has actively sought recognition from many other nations, and this is the reason that that list of countries recognizing the Vatican has risen to 107, with considerable acceleration during the modern period.

Mr. President, I make one further point, and that is that during committee deliberations considerable discussion occurred about interpretation of the first amendment to the Constitution of the United States, which says, "Congress shall make no law respecting an establishment of religion."

The first amendment did not proclaim a wall of separation between church and state. This phrase is often attributed to Thomas Jefferson, as a metaphor, undoubtedly instructive in many instances but of questionable applicability here.

It seems implausible that diplomatic recognition of a sovereign foreign entity can be construed as an establishment of religion in this country by even the most imaginative observers.

The Supreme Court has established a three-part test for first amendment questions, essentially for (*a*) action to be constitutionally permissible it must have a secular purpose; (*b*) must neither advance nor inhibit religion; and (*c*) must neither necessarily tangle government with religion or foster sectarian divisiveness.

Clearly, this has been an area of debate and discussion on which honest men and women can differ, but the committee has come down strongly with the thought that this activity is still constitutionally permitted, after very thorough recognition of first amendment cases that have come before the Supreme Court of the United States.

Mr. President, I understand that additional Senators are headed to the Chamber to speak on this issue.

So, for the moment, I shall ask for a quorum call.

The PRESIDING OFFICER. On whose time?

Mr. LUGAR. On the time of the Senator from Rhode Island.

Mr. PELL. Mr. President, I ask unanimous consent that the quorum call be charged to my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, the Senator from Rhode Island has very generously indicated that he would be willing to yield some time on his side for the benefit of additional speakers. Under those circumstances, I would yield now to the Senator from Rhode Island to recognize and yield time to the distinguished Senator from Alaska.

Mr. PELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. KASTEN). Twenty-seven minutes.

Mr. PELL. I yield to Senator MURKOWSKI the time that he needs.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Senator from Rhode Island, Senator PELL, and the Senator from Indiana, Senator LUGAR. I appreciate the opportunity for the time being made available.

Mr. President, I rise to speak on behalf of the nomination of William Wilson to be Ambassador to the Holy See. I believe it is clear to all of us that Pope John Paul has dedicated himself to the cause of world peace. From Poland to the tip of South America the Pope has brought an element of stability and hope to the many troubled regions of the world. It is because of his influence and impact that it is in the interests of this country to have full diplomatic relations with the Holy See.

Mr. President, we are not recognizing a particular religion, but instead are enhancing a diplomatic avenue for the advancement of peace and stability in the world. Over 100 nations have seen that close ties with the Holy See are in their own self-interest and the interest of the world as a whole.

Opponents of this concept and this nomination contend that it violates America's historic adherence to the separation of church and state as embodied in the first amendment of the Constitution. Although popular discussions frequently utilize the Jeffersonian metaphor of "wall of separation between church and state," the Supreme Court's reading of the clause has never approached that degree of absoluteness. To quote the Court, "judicial caveats against entanglement must recognize that the line of separation, far from being a wall, is a blurred, indistinct, and variable barrier depending on all the circumstances of a particular relationship." Indeed, it can be argued that it is neutrality that the Constitution mandates, not separation.

I also want to note a parallel between U.S. diplomatic relations with the Vatican and the situation in England. The Queen of England is in fact, head of the Anglican Church. The United States also recognizes her as titular head of state of the United Kingdom. Thus, there is a precedent for the recognition granted the Holy See by President Reagan.

Opponents also express their concern that we are bestowing special status on the Catholic Church. Yet it is not apparent to this Senator how this move involves the United States in religious activity. The principal objection that must be avoided, such as sponsorship and financial support, are not visible.

The aim of establishing diplomatic relations with the Holy See is not to advance religious causes, but to advance U.S. foreign policy interests around the globe. The purpose and effect of full diplomatic relations with the Holy See is indeed secular in nature.

In conclusion, Mr. President, with the state of international relations as tense as they are now, I believe we must make better use of the Pope's influence as a mediator of international crises. To do otherwise is to fail to utilize all the tools of the diplomatic trade which are within our grasp.

Mr. President, I thank the Senator from Rhode Island for yielding time, and I would defer now to Senator Pell.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to my distinguished colleague from Rhode Island, Senator Pell.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. PELL. I yield 2 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, this is not the first time that the U.S. Senate has debated the question of whether or not the United States should be represented in the Papal City. In 1847 this precise issue was before the Senate. There was a slight difference in emphasis at that time because in 1847 the Papal States were a substantial nation, some millions of people and with significant territory.

But many of the aspects of that debate are similar to the dabate today. It might be instructive for Senators to read the letter of instruction written by the Secretary of State, James Buchanan, and addressed to Jacob L. Martin, who was to occupy the position of our first diplomatic representative in Rome as the Chargé d' Affaires of the United States.

Mr. President, I ask unanimous consent that a copy of Secretary Buchanan's letter, written on behalf of President Polk in 1847, be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> There is one consideration which you ought always to keep in view in your intercourse with the Papal authorities. Most, if not all the Governments which have Diplomatic Representatives at Rome are connected with the Pope as the head of the Catholic Church. In this respect the Government of the United States occupies an entirely different position. It possesses no power whatever over the question of religion. All denominations of Christians stand on the same footing in this country—and every man enjoys the inestimable right of worshipping his God according to the dictates of his own conscience. Your efforts therefore, will be devoted exclusively to the cultivation of the most friendly civil relations with the Papal Government, and to the extension of the commerce between the two countries. You will carefully avoid even the appearance of interfering in ecclesiatical questions, whether these relate to the United States or any other portion of the world.

Mr. MATHIAS. Mr. President, I make the point of order that a quorum is not present.

The PRESIDING OFFICER. To whose time will the quorum call be charged?

Mr. PELL. Mr. President, to my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. PELL. I am happy to yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I hardly know how to express myself on an issue as delicate as this because I think that one's vote on this could very easily and probably will be misconstrued. My vote on this does not relate to the Vatican or the Catholic Church. My vote is in defense of the Constitution.

Mr. President, I have grave concerns about sending an ambassador to the Vatican—the Vatican upgrading the status of its delegate to the United States. I do not think the world is going to come to an end because we have decided to do this. But I do think it erodes a constitutional prohibition against the establishment of a religion. We, along with only a very few nations have zealously and steadfastly provided our peoples total religious freedom. The United States, at least until this time, has been a veritable oasis in the desert for religious freedom in the refusal to abrogate the Constitution of the United States in establishing a religion or making any moves toward establishing a religion.

I cannot see how I can be consistent in my grave concerns about mandating prayer in schools and public institutions, and at the same time remain silent as we spend public funds to recognize a religion. I believe Thomas Jefferson would soundly and justifiably condemn me if I remained silent.

So, Mr. President, I really believe that we are about to commit an error. I can tell you that it causes me considerable pain to say this, but one must take a stand if one really believes in religious freedom for all religions, all denominations, for all time.

Mr. President, may I ask unanimous consent to have printed in the Record an editorial from the Christian Science Monitor on this issue.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

No to Vatican Envoy

> From the early days in the colonizing of what now is the United States of America, mankind's yearning for religious freedom has been a powerful motivator. It was a principal reason the Pilgrims set sail for the New World, founding at Plymouth in 1620 the first permanent English-speaking settlement after Jamestown. Their decision was to require enormous faith and sacrifice: The first winter half of the little settlement succumbed.
>
> As the colonies grew, concern continued that there be no nationally establish reli-

gion. When the fledgling nation passed the 10 original amendments to its Constitution, the first began: "Congress shall make no law respecting an establishment of religion . . .," a constitutional basis for the principle of separation of church and state.

The effect of this principle would be violated if the U.S. were to establish formal diplomatic ties with the Vatican. Now moving through Congress is a bill which would make such a link possible for the first time since 1867, when Congress forbade the spending of U.S. funds on a diplomatic mission to the Vatican. In moves that have political overtones in this pre-election year, the measure is expected to gain congressional approval, and President Reagan has let it be know he would appoint an American ambassador.

This is regrettable. Athough the Vatican is a separate state, it primarilly houses the central governing establishment of a religion. Establishing formal diplomatic relations with the Vatican thus would give clearly favored treatment of one religion: No similar diplomatic relations could be establish with representatives of any other religion.

Moreover, a governmental U.S.-Vatican relationship would breach the wall separating church and state, which the early settlers of the U.S. and their descendants wisely strove so tenaciously to protect.

This issue is fundamental to the U.S. and should be above politics. Both Congress and the President should reconsider their planned action.

Mr. FORD. Mr. President, I have closely followed the debate over the question of whether the United States should diplomatically recognize the Vatican. It is a difficult issue because I believe there are merits to the arguments of both those who favor and those who oppose such an exchange of ambassadors.

I rise today in opposition to such an exchange not because of any concern about the qualifications of the man nominated to be U.S. Ambassador, but because of the larger issues involved. A number of questions remain unanswered about this diplomatic effort, and that bothers me.

There is no doubt that the Pope is an influential and honorable international figure. And certainly the Vatican is an excellent source of international information. I can understand the arguments of those who say diplomatic relations with the Vatican could be a useful foreign policy tool.

However, we must not forget that serious attention must be paid to the long-valued policy of separation of church and state. Furthermore, this impending action could be seen as advancing one religious denomination over another.

Quite frankly, I feel that the whole matter of full diplomatic recognition of the Vatican has been handled so quickly that these two questions have not been thoroughly addressed—and they must be.

We have in place now a regularized relationship with the Vatican that is working well. Why change it?

Mr. THURMOND. Mr. President, the nomination of Mr. William A. Wilson to the U.S. Ambassador to the Holy See was submitted by President Reagan to the Senate on January 26, 1984, and referred to the Committee on Foreign Relations the same day. The committee has reviewed both the qualifications of the nominee and the propriety of establishing full diplomatic relations with the Holy See.

Mr. Wilson's personal qualifications for an Ambassadorship are, without question, exemplary. Mr. Wilson has served his Nation with distinction and proved himself to be an exceptionally qualified diplomat.

No one may effectively dispute the fact that the Holy See plays an important and active role in international affairs. The Vatican justifiably commands much influence and respect throughout the world.

While I have serious doubts about the wisdom and necessity of establishing full diplomatic relations with the Vatican, it is within the broad foreign policy authority given to the President under the Constituion to make this policy change. The President having made that decision, the Senate is now called upon to consider the qualifications of Mr. Wilson to carryout these important diplomatic responsibilities in a capable, responsible manner. Since there is no doubt of his fitness for this office, I shall support the confirmation of his nomination.

Mr. GRASSLEY. Mr. President, I must admit that I was a little concerned when on January 10 of this year, the U.S. Department of State announced that it had established full diplomatic relations with the Vatican. I was concerned because of the special nature of the Roman Catholic Church and I was worried that this new relationship could raise problems with other religions.

My concern was eased somewhat when the State Department stressed that diplomatic relations would be with the political administration of Vatican City and not the Roman Catholic Church.

The President has been given authority to take this important step through an amendment to the State Department authorization bill which repealed a law barring full diplomatic relations. In accordance with a longstanding Senate tradition, Mr. Wilson has appeared before the Senate Committee on Foreign Relations for a hearing on his appointment.

I was very pleased to note that Mr. Wilson's availability in providing testimony allowed congressional oversight for the first time on U.S. representation at the Vatican. As my colleagues are probably aware, since 1867 Presidents have appointed personal envoys with less than full diplomatic powers to represent the interests of the United States.

The world has changed in many ways since 1867 and 1984 promises to be a year in which the Vatican will play a more vital and constructive role in the theater of world diplomacy. Some 106 nations have already appointed Ambassadors to the Vatican. So should the United States.

I support the President's decision and action in appointing Mr. Wilson to be U.S. Ambassador. It is now up to the Senate to make its decision on this matter.

Mr. JEPSEN. Mr. President. I must oppose the Senate confirmation of William Wilson to be Ambassador to the Vatican.

I want to make clear that my vote in no way is a reflection or criticism of Mr. Wilson nor is it questioning his competency and qualifications.

Rather, this is a protest vote, a way of registering my disapproval of what I consider the abuse of the legislative process.

I am disturbed over the fact that no hearings were held on the provision to repeal the 1867 prohibition against the use of funds to support a diplomatic mission to the Vatican. Hearings should have been held first because of the great deal of concern among Americans about the constitutional question of recognizing what is essentially a religious state.

Most U.S. Presidents since 1939 have sent personal or special representatives to the Vatican. I support this recognition and approach. Absent hearings, I do not feel this should be changed.

Again, I should emphasize that my vote should be seen in this light and this light only.

Mr. LEVIN. Mr. President, the question before us today is not whether the United States should have diplomatic relations with the Vatican, but whether the Senate should consent to the appointment of William Wilson. The former question was resolved last year, and it is now time to consider the President's appointment.

I concurred in the legislation adopted in the Senate on September 22, 1983, to formalize the relationship with the Vatican. It is recognized as a sovereign state by most countries of the world, and has sovereignty over territory. The United States has had formal diplomatic relations with the Vatican in the past, and has maintained unofficial ties to the Vatican for decades.

I am a strong believer in the separation of church and state. Recognition of the Vatican under these circumstances, however, does not violate that principle.

But, the question today is not whether the Congress acted wisely last year, although it is my conviction that it did, but whether Mr. Wilson is qualified for the position to which he has been appointed. It is on this question that I join my colleagues today in voting in favor of Mr. Wilson.

PROTECT RELIGIOUS FREEDOM

Mr. CRANSTON. Mr. President, this has been a bad week in the U.S. Senate for the Constitution—and for religious freedom.

In every nation throughout recorded history, the principal threat to religious freedom has come from the government then in power.

The threat has sometimes taken the form of discrimination against or outright extirpation of one or another form of religion.

At other times the threat has come in the form of government favoritism of one religion over others.

In all cases, government meddling in religious matters ultimately tended to undermine all religions—those the government ostensibly sought to favor no less than those it sought to exclude.

The framers of our Constitution, with profound historical knowledge and deep political and religious insight, understood all that.

In consequence they set up in the first amendment a defensive wall, a rampart between church and state, protecting all religions, religious practices and religious feelings against the government—against government's benign manipulation or pernicious intrusion, equally.

Yet twice so far this week the Senate has been asked to turn its back on the wisdom of the Founding Fathers and to jeopardize religious freedom in Amercia.

On Monday we began debate on a school prayer amendment to the Constitution, an amendment I strongly oppose because I believe with all my heart and soul that no government—I do not care whether its the Federal Government, State government, or a school district—no government should be given the power to define prayer and to determine where and when and by whom prayer should be said.

And now today the Senate has been called upon to establish full diplomatic relations with the Vatican through the confirmation of an Ambassador to the Holy See.

Once again the Reagan administration has stepped out of line by going over the line that the first amendment draws between church and state.

And one wonders about motivation.

There have been charges, in the case of the administration's aggressive advocacy of the school prayer amendment, of election-year piety; charges that the administration may be pandering to voters who mistakenly believe that the Supreme Court has prohibited prayer in schools and that we need a constitutional amendment to restore it.

And suspicions have been voiced—in the Catholic press as well as in general circulation media—that the administration's appointment of William Wilson was intended more as a punishment of American Catholic bishops than as a reward to the Vatican.

With formal relations established between the Vatican and the White House, the apostolic delegate would become a nuncio, a diplomat fully accredited by the U.S. Government.

Sources cited by a Catholic publication say the Reagan administration believes this would allow it to use the Vatican to rein in the U.S. Catholic bishops who have been major critics of the administration's foreign policy—specifically its stand on arms control, the nuclear freeze and Central America.

I do not know if these reports are true. But true or not, I cannot vote for Mr. Wilson's confirmation.

It is not that I respect Mr. Wilson or Pope John Paul II less, but that I respect the Constitution—and the total freedom of the American Catholic Church.

Mr. PELL. Mr. President, I yield back the remainder of my time.

Mr. LUGAR. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Two minutes remain on the side of the Senator from Indiana.

Mr. LUGAR. I yield those 2 minutes to the distinguished Senator from California (Mr. WILSON).

Prior to that, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Mr. President, I thank the distinguished Senator from Indiana.

In this brief time, I could not begin to do justice to the merits of the nominee for this post. Today on this floor, the Senate is debating an issue, which, if it cannot be decided, is not worthy of debate. It is.

As to the nominee, his credentials are impeccable. He is well prepared to assume the role as Ambassador of the United States to the Holy See. He has been serving as the personal representative of the President of the United States to the Vatican for the past 2 years. He has been tireless in that service.

He knows well the importance of representing American policy as it is formulated by our Government to the Holy See. That is his function. He is well qualified to perform it.

He is a man of impeccable character, of long service to this country in a variety of capacities. I commend to my colleagues this nomination. Mr. Wilson will serve us well as our Ambassador to the Holy See.

I thank the Chair. I thank my friend from Indiana.

Mr. LUGAR. Mr. President, I yield back the time on this side.

The PRESIDING OFFICER. All time has been yielded back.

The question is, Will the Senate advise and consent to the nomination of William A. Wilson to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See?

On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Illinois (Mr. PERCY) is necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BAUCUS), and the Senator from Missouri (Mr. EAGLETON) would vote "yea," and the Senator from South Carolina (Mr. HOLLINGS) would vote "nay."

The PRESIDING OFFICER (Mr. HUMPHREY). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 81, nays 13—as follows:

[Rollcall Vote No. 31 leg.]

YEAS—81

Abdnor
Andrews
Armstrong
Baker
Bentsen
Biden
Boren
Boschwitz
Bradley
Byrd
Chafee
Chiles
Cochran
Cohen
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Garn
Goldwater
Gorton
Grassley
Hatch
Hawkins
Hecht
Heflin
Heinz
Huddleston
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
Melcher
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Wilson
Zorinsky

NAYS—13

Bingaman
Bumpers
Burdick
Cranston
East
Ford
Hatfield
Helms
Jepsen
McClure
Metzenbaum
Pryor
Weicker

NOT VOTING—6

Baucus
Eagleton
Glenn
Hart
Hollings
Percy

So the nomination was confirmed.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, may I say to my colleagues and especially the Senator from Connecticut, who is in the Chamber, that a regular more-or-less monthly meeting with the leadership on both sides of the aisle in both Houses with the Secretary of State is still going on in my office, and I wonder if the Senator from Connecticut or any other Senator would object if we had an additional brief period for the transaction of routine morning business, say not past 1:30 p.m.

Mr. WEICKER. Fine.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be an additional period now for the transaction of routine morning business to go no later than 1:30 p.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I believe there is a messenger at the door, and I yield so the Chair may admit him.

MESSAGES FROM THE HOUSE

At 1:04 p.m., a message from the House of Representatives was delivered by Mr. Berry, one of its reading clerks, announcing that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 47) entitled "An Act to improve the international ocean commerce transportation system of the United States."

The message also announced that the House had passed the following measures in which it requests the concurrence of the Senate:

H.R. 1426. An act for the relief of Philip Harper

H.R. 3648. An act to improve the cost effectiveness of the National Railroad Passenger Corporation, to authorize appropriations for such Corporation for the fiscal year ending September 30, 1984, and for other purposes

H.R. 4835. An act to authorize funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in Krakow, Poland

H.J. Res. 492. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture

H.J. Res. 493. Joint resolution making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984,

H. Con. Res. 264. Concurrent resolution authorizing the rotunda of the Capitol to be used for a ceremony on March 15, 1984, commemorating the anniversary of the birth of President Andrew Jackson.

Mr. BAKER. Mr. President, might I inquire of the Chair if among the messages brought in just now are two supplemental appropriation bills?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. The supplemental for low-income energy assistance; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Could the Chair inform me of the title of the second one?

The PRESIDING OFFICER. A joint resolution making urgent supplemental appropriations for the Department of Agriculture.

Mr. BAKER. I thank the Chair.

Mr. President, I have been requested by the distinguished chairman of the Appropriations Committee to request that both of these matters be held at the desk. I will ask unanimous consent that they be held at the desk.

I am also advised by another Senator that there will be an objection to that.

So Senators may have a full opportunity to act as they may wish on the request that I shall put, I will not now make that request, but I wish to notify Senators who may hear me in their offices or elsewhere that in a moment I shall make that request on behalf of Senator HATFIELD and if there is an objection they should come to the Chamber by, say, 1:15 p.m. and be prepared to make that objection.

Now, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD HOUSE JOINT RESOLUTION 492 AND HOUSE JOINT RESOLUTION 493 AT THE DESK

Mr. BAKER. Mr. President, there are two supplemental appropriations resolutions at the desk, I believe, House Joint Resolution 492 and House Joint Resolution 493. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, after consultation with the distinguished chairman of the Committee on Appropriations (Mr. HATFIELD), on his behalf, I ask unanimous consent that those matters be held at the desk pending further disposition.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, the time for the transaction of morning business, I believe, has expired, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Morning business is closed?

The PRESIDING OFFICER. That is correct. Morning business is closed.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Benson Scotch of my staff be granted the privilege of the floor throughout the day today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOLUNTARY SCHOOL PRAYER

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate the unfinished business.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A joint resolution (S.J. Res. 73) proposing an amendment to the Constitution relating to voluntary school prayer.

The Senate resumed consideration of the Senate joint resolution.

Mr. BAKER. Mr. President, the Senate's debate on a constitutional amendment allowing prayer in public schools and other public buildings is entering its third day today.

The debate, I believe, has been constructive and illuminating, and it may be useful now to restate the central purpose in urging such an amendment and our recent progress in framing an amendment that will attract the support—I hope—of the necessary two-thirds majority of the Senate.

Our purpose is to neutralize the antireligious bias in America's public schools which has flowed from a series of court decisions over the past two decades. This bias has resulted in the effective prohibition of any religious activity in our public schools, and thus constitutes a serious infringement of the right to the free exercise of religion as guaranteed by the Constitution's first amendment.

Sponsors and proponents of a constitutional amendment on school prayer seek only to dissolve this prohibition and remove this infringement. We do not wish to establish a State religion. We do not wish to coerce students into any religious practice. We do not wish the State to prescribe either the form or the substance of public prayer or any other religious activity. We simply wish to restore the right to the free and voluntary exercise of religion in our public schools and other public buildings.

We wish to make clear that those students who wish to engage in vocal prayer in school may do so. We wish to make clear that students who wish to pray silently in school may do so. We wish to make clear that students who wish not to pray in school may not be coerced into doing so.

Much of yesterday was spent in consultations to address the concerns and accommodate the constructive suggestions of a number of Senators who wish to see these rights clarified and who wish to see the Constitution properly amended for this purpose.

Emerging from these deliberations was the draft amendment I presented for the Senate's consideration yesterday afternoon. The heart of that amendment provides that:

> Nothing in this Constitution shall be construed to prohibit individual, group vocal or silent prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose or mandate the words of any prayer to be said in public schools.
>
> The authorization by the United States or any State of equal access to the use of public facilities by voluntary religious groups shall not constitute an establishment of religion.

Again, Mr. President, our purpose here is to render the State a neutral party in the free exercise of religion, rather than have the State compel or forbid that exercise in any public facility.

The new language is specific in its intention that prayer is a right to be exercised or not exercised voluntarily, that if it is exercised the form of prayer may be vocal or silent, and that the decision to pray or not to pray is the sole decision of the student and not the State.

This new and more specific language has resolved the concerns and won the support of some Senators since yesterday. It is my hope, Mr. President, that we may bring this matter to a final vote sooner rather than later.

I look forward to the continuation of the important debate today, and my confidence grows by the hour that we can reach an accord that will satisfy the concerns of Senators while guaranteeing a most precious right of American citizens.

May I say in closing, Mr. President, that I wish to reiterate what I said on the opening day of this debate. It is not my purpose as majority leader to truncate this debate nor to restrict the access of any Senator to the floor for whatever reasonable time he or she may require in debating this issue. It is not my purpose to restrict or impede the wishes of any Senator to offer an amendment. It is my desire to pass an amendment that guarantees neutrality by the State in the matter of religious observances in public institutions.

I am not wedded to these words, Mr. President. I am willing to hear and consider others. But I am committed to the fundamental principle. The fundamental principle is that the State should have no authority to prescribe religion or to proscribe religion and that it should be absolutely neutral.

Mr. President, I yield the floor.

The **PRESIDING OFFICER.** The Senator from Vermont.

Mr. LEAHY. Mr. President, during the course of certain debates in this body, you can look steadfastly at the Constitution of the United States and what you see is quite clearly the faces of your own children. The debate below us deals with the history and the meaning of the first amendment and, yes, we must think clearly about the rights of individuals and the rightful powers of Government and where the line should fall between the two.

But when I rise to talk about State-sponsored prayers in our public schools, frankly, mostly what I think about are my own children. As parents, my wife and I have made religion and prayer an important part of our family life and an important part of our children's upbringing. That is very similar to what our parents did with us. But I think the Supreme Court was right to bar organized prayers in public schools, and I oppose efforts to reverse its decision, because there is no way to reverse the most important fact about religion in American life—that it is a private matter, it is practiced freely by a free people and beyond the pressures and persuasions of Government.

We have often heard in the past, and will undoubtedly hear again and again during each day of this debate, that the Court has broken with the intent of the Framers, who were God-fearing men, men who read the establishment clause narrowly and would never have approved of writing the doctrine of separation into the school curriculum.

But the argument that the Supreme Court has strayed from the purposes of the first amendment does not square with history. Religious diversity, which is dependent upon religious liberty, has only thrived because we have never permitted Government-sponsored religion. We have enjoyed national unity despite our tradition of religious diversity only because no one religion can claim official status and thereby threaten any other religion.

Freedom of religion underlies and promotes other free expression values under the first amendment. The absence of religious coercion in our national history has promoted a true flowering of diverse beliefs.

Any involvement of government in the how, what, and when of prayer should raise questions for all Americans, even members of religions whose numbers are very large. The Constitution presumes the right of individual conscience, and officially-sponsored religion could bring unbearable pressure on those who seek their own religious choice, particularly impressionable young people.

Before us in this debate on school prayer are at least three proposals to amend the Constitution to restore what the proponents call the "fundamental right to practice one's religious faith without restraint, as guaranteed by the free exercise clause of the first amendment."

Mr. President, each of these proposals restores what was never taken away. It is giving us back something that we never lost.

Each Member of this body and each inhabitant of this Nation is free to practice his or her religion without restraint. Probably no other country in the world gives such total freedom to practice one's own religion as does the United States. But, unfortunately, it is the wish of some to have the Government direct that practice. And that direction will, in itself, restrain the very freedoms the proponents say they are out to protect.

Mr. President, we should practice religion because we want to, not because the Government tells us to. That is really what is at issue.

The pending business today is Senate Joint Resolution 73, the Reagan-Thurmond proposal to restore spoken prayer in the classroom.

It does not require public prayer. It simply states that nothing in the Constitution shall prohibit individual or group prayer in schools or other public institutions. The religious content of the prayers that are allowed is not specified. No particular form of prayer is designated. Frankly, that is one of the amendment's great selling points. It is as vague as it possibly could be. I can only speak of the home that my wife and I have made for ourselves and our children. There is nothing at all vague about the way we pray to God. There is nothing vague in the church liturgy we observe and believe. There is nothing vague about the values and beliefs our religion has given us. There is nothing vague about the prayers we offer in church or at home or privately in the midst of everyday life every day of our life.

But if there is to be prayer in my children's schools, I have a lot of questions about what that prayer is going to be. Will my children have the right to have their prayers recited, since the prayer is to be vocal? Will they have the right to have recited the prayers that they are taught to say at home and in church? As part of the deal to have their prayers recited, if that is what is agreed to, will they have to observe someone else's prayers even though those may be different than those they say at home? Will there be a committee of children to draft a prayer that will offend no one? Or will some Government bureaucrats select a prayer from a list of governmentally-approved prayers?

I do not ask these questions lightly. It is a very serious issue to me. I care very, very much about the specific content of the prayers that are offered in my own family. I think my children would be very surprised to learn that a different prayer offering was somehow a triumph of their fundamental right to practice religion without restraint. I can imagine the questions they would have when they found the school board or the Government was telling them to say different prayers than their own parents and their own church had taught them.

This is a very, very serious issue to me as a parent. The issue comes down very specifically to this: Somebody else is going to tell my children how to pray.

We can discuss a whole lot of things that affect other people. We can talk about a railroad that we may finance in one part of the country. We can talk about a waterway in another part of the country. We can talk about a farm program in another. But I know of no issue in the nearly 10 years I have been in the Senate that hits home as directly as this one.

I see us talking now about having the Government interfere with what I consider the closest, most personal ties I have had with the members of my own family.

When my children were first growing up, we lived near a parochial school in Burlington, Vt. I sent them to that school. I sent them there and paid tuition for one primary reason—the prayers in that school were the same prayers we said at home and at church.

Religion means a great deal to us, and I knew it would be furthered there. They are not going to a fine public school in the Washington, D.C. area. I have no idea what kind of a prayer would be offered there if this amendment were adopted and ratified. I am not going to accept the idea that my children are going to be there and taught prayers different from those we teach at home.

Mr. President, at some point we are going to have to wake up in this country. We should not turn over to to the Government every single aspect of our life. At some point we are going to have to realize we have the major responsibility for our own children, for our own family.

I was brought up to believe that my responsibility as a parent would be the same responsibility my parents took with me, to teach the difference between right and wrong, to teach basic manners, hopefully some healthy habits, although at times I suspect my parents perhaps dispaired in that, as I sometimes do myself. I do have a great deal more respect for the problems they had in raising three Leahy children of a generation ago now that I am raising three myself. But the other thing we were taught was that our religious values and our religious practices began at home.

It was instilled in us at home. It started with our baptism day and carried straight through. We were directed to those elements of our religious life that would further our church and, where available, religious schools. That was a part of our religious life as a family and as a church and those institutions related thereto. This was one area certainty in the Leahy family, when I was growing up in Vermont, where we were taught respect to our country. We were taught respect to the laws and institutions of our country. But we were also taught that our religious life was separate and apart, that our religious life was us, our family, our church, and our church institutions. These were sacred, and apart. These were separate.

I grew up in Vermont as part of a minority religion. The majority of the people in the State of Vermont also protected our rights. We knew that we were always protected as though we were the greatest of majorities. I would not want that any different today for me, for my children, for my children's children, or for anyone else.

We come from many places and many cultures. To see the spires of this capital city or the spires of my boyhood hometown of Montpelier, Vermont's capital, is to grasp in one sweep of the eye the richness and diversity and characterizes our religious life.

I cherish that diversity. I love and honor the ritual that makes my own religion meaningful to me, but at the same time I fully understand that the same ritual cannot possibly mean the same thing to people who worship God in a different way.

Well, say the proponents of this amendment, we live in an egalitarian society, rooted strongly in democracy. Let the students choose a prayer, presumably by majority rule. This is what the authors of Senate Joint Resolution 73 call the essence of religious freedom. But the word "freedom" has not evolved in a vacuum. Nealry two centuries of legal history have made it clear that an important measure of freedom is whether its exericse impinges on the rights of others.

And to make the record quite clear on this point, let me stress that I am talking not only about religions that are numerically a minority, but also about members of the largest religions or denominations who dissent from the decision of a majority about which prayers should be offered in the schools or how the offering should be made.

The first amendment surely protects true religious minorities, but just as fundamentally, it protects the right of any religious believer, minority or majority, to pray without the guidance or interference of Government. It makes prayer the close connection between the believer and the believer's God—not a close connection between the believer and the believer's government.

The reflexive views of many school prayer amendment supporters on the nature of the first amendment was clearly revealed by one of them in debate on this issue here earlier this week. He referred to a trip a noted professor had taken to Tunisia. The professor had been struck by the sense of religious tolerance there. But he said he would not have expected the Tunisians to change their religious customs because of his presence there. Likewise, he reflected, minorities in this country should also be tolerant. And the strong implication was that the minority in America should be tolerant of the majority culture and customs.

The problem with the Senator's homily is that no one has the right to treat minority Americans like visitors here, grateful for the tolerance of the majority, and well advised not to assert their rights too loudly.

What is remarkable about the United States is that we do have an enormous number of shared customs and observances that cut across religious, ethnic, and cultural lines and which can be enjoyed fully by every member of our society. Our national holidays, our folklore, our music, our patriotism, our humor, our optimism—all of these qualities are tireless generators of shared experience. In none of these experiences are some Americans visitors in their own country, where other Americans represent the majority.

It is just to avoid that kind of division that the Supreme Court acted in 1962 to keep Government out of the business of declaring which prayers are official and which religions preferred. Far from needing prayers in school to cement our sense of unity, amending the Constitution to allow officially sanctioned prayers will surely dilute, not strengthen that unity.

And the proposition that the prayer would be voluntary should reassure no one. Teachers have a special duty with the very young. They are the trustees and delegates of the community and its parents to pass on not only knowledge, but the spirit that makes that knowledge live. Children look up to teachers as special people and hate to disappoint them. When a teacher leads an exercise—either prayer, or a discussion of an important chapter in a schoolbook—the average child will want very much to participate. An order from a parent to excuse himself or herself is a problem for the child, whether it is followed or not.

Think of the impossible situation that a child is put in following peer pressure—the schoolteacher is there, and so the authority is there. Peer pressure is a part of the school scene. It will guarantee that voluntary school prayer will never be voluntary.

Senate Joint Resolution 73 is designed to promote the practice of prayer, but no law in the United States is needed to allow prayer, and no law can ever mandate reverence for God. No Supreme Court ruling prevents any public school pupil from praying whenever the spirit moves him or her to do so.

Let us not forget that true individual voluntary prayer has always been allowed—has never been forbidden. It is allowed today. It was allowed the day of the Supreme Court decision. It was allowed the day before, and it will be allowed tomorrow.

I agree with the proponents on at least one point. Our schools should help promote the highest moral and ethical values of our society, as well as develop character and citizenship. But it is nothing short of tragic to make the outcome of this challenge to our schools depend on whether teachers can lead their students in organized prayer. Prayer is an important sacrament to most religious people. But if the gift of prayer is not given by parents and religious leaders, school prayer will come too late and be too little. If prayer is already part of a child's life, for many parents someone else's prayer in school is too much.

Think for a moment of that. If we have so shirked our responsibility as parents that by the time our children go to school, we have not made prayer an integral part of their life, do we really think someone else is going to do it?

If, indeed, we have fulfilled our responsibility as parents, do we want somebody else now to step in and perhaps suggest that the way we were doing it was wrong, and they will tell our children how to practice their religion?

Let us talk about what does belong. What does belong in public schools is the teaching of the common core values—honesty, decency, compassion, patriotism, fairness, respect for the rights of others—that are shared by people of all denominations and moral people with no formal affiliation to a religious organization.

There is strong support for courses that teach about various religions such as Judaism, Christianity, Hinduism, Buddhism, as well as the development of religious thought in different cultures throughout history.

It will not advance religion or morality in this country to politicize worship. Every ill of the young is attributed to the want of prayer in the schools—sex, drugs, pornography, violence, and disrespect for elders. It may be that schools should share in some of the blame for these scary trends, but I am deeply offended by those who focus on the need to pray in schools and little attention on the schools themselves.

Yes, we should roll up our sleeves and address all of the problems that threaten the future of our children. We need prayer to help us find the right answers. We need the help of God, but we do not need the Government to help us or our children to find God.

The subject of school prayer is a complex one, and before I conclude my thoughts on Senate Joint Resolution 73 I think it is important to emphasize and reemphasize the nub of the problem: the official Government sponsorship.

There are problems concerning religion and the schools that I think can be dealt with by Congress. There is concern that religious clubs or groups are not given equal access to school facilities during noninstructional hours.

If a school has a forum open to all clubs, the phrase, "all clubs" should include religious clubs. And if those clubs choose to pray during a meeting, that is their private business. I would support legislation to provide for equal access in school with open forums, providing it had sufficient safeguards to prevent misunderstanding or misuse by those whose intent was to bring official prayer back to the classroom.

But Senate Joint Resolution 73 is not one of the problems that should be dealt with by Congress because its very purpose is to restore Government sponsorship to prayer. Prayer in school will aid neither prayer nor school. The proposal before us will have the certain effect of harming the quality of free religious expression under our Constitution.

Mr. President, I am 43 years old. Throughout my life I found one of the greatest consolations in life, in public and private life, is the ability to be able to go off by myself, or with my family, or with others of similar beliefs, and pray.

It is a tradition deeply rooted in our family. It is one that I shared with my own parents throughout my life, with my mother and brothers and sisters who prayed a month ago today when my father died. And it was a fact that within moments of the time that he drew his last breath a month ago we were able to be there together and pray as a family, offering the same prayers that we had done as children and that my parents had offered as children, prayers that held us so closely together. My children were also there. I felt sure the tradition was being passed on.

Mr. President, I wonder how much those same prayers would have meant to me had they not developed through our family in a voluntary fashion of a deep sense of reverence and belief in our God but instead had been part of my life because a government entity had made them part of my life. I think they would not have been anywhere near as much and certainly the comfort that we have derived then and the comfort we derive each day since then would not have been there.

So, Mr. President, as a parent and as a Senator I must object to Senate Joint Resolution 73. I will not and cannot support it, and I hope my fellow Senators will not.

Mr. President, in my statement on Senate Joint Resolution 73, I probably gave one of the longest speeches that I have given in 10 years in the Senate. It is one of the very few times that in a speech in the Senate I refer to my own personal feelings and to my own personal beliefs. It is one of the things that normally do not have to become part of the political world that we live in.

Certainly, I have always felt that my own religious beliefs are mine, mine alone, and really not anyone else's, just as the religious beliefs of the distinguished Presiding Officer and other distinguished Senators here are theirs and no one else's.

I made this exception today and referred to matters that I still find most painful. I do it, Mr. President, because I think this issue is so extraordinarily important. This issue goes way beyond some of the campaign sloganeering, which may show up on either side. It is an issue that deserves full and complete debate, and I commend the distinguished majority leader and I commend the distinguished Senator from Connecticut for already laying out clearly that this will be intended as a debate, a full and complete debate, not just an attempt to either force a vote or force the withholding of a vote, and I think they both do the country a great service in making sure that that happens.

But I would hope that every Senator, with very, very busy schedules, would pause for a moment, pause for much longer than a moment, and think of about what is at issue here. We vote on big issues and we vote on little issues in the Senate. We should stop and think for a moment that we are only 100 who have the great responsibility to 235 million Americans. What we could do in this vote is to send a signal that we are willing to turn our backs on a 200-year tradition grounded in our Constitution because we go beyond the right of individual, voluntary school prayer, without ties to State authority. This is already allowed, and no one has ever suggested that it be changed, and no one has ever suggested that it be taken away. But do we really want to go into the question of which Government entity will establish what the prayer will be?

We are a great, good nation because we allow diversity, because we allow people to have that very private part of their life. Their communion with their own God is one thing that every one of us, rich or poor, powerful or unknown, can always hold. We can always know that is ours—ours alone. It belongs to nobody else. It is our conscience, our soul, our relationship with God. Let us not take a giant step to change that, no matter how well-intentioned it is.

We know that we each have unparalleled and untrammeled freedom of individual religion today, whether we are in the minority or in the majority in our religious beliefs.

Let us not tamper with that. Let us not take anything that may say that some day you or I or anybody else in this country will be told by Government how he or she will practice their religion.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I thank the distinguished Senator from Vermont for the depth of his comments. They come from a man of obvious deep faith and a man of extraordinary knowledge on matters constitutional and governmental. They show clearly the level of the debate, a level which has been totally maintained within this Chamber by both sides of the argument.

The point which he makes is the one which I think needs emphasis. I asked the question on the floor of the U.S. Senate yesterday and was told that I would receive an answer today. I will continue to ask the question every day and during every moment of debate. I want somebody to tell me where it is in this country that an individual child or an adult cannot pray. I continually hear it said by the proponents of the amendment and those on the outside who favor their cause, that the purpose of the amendment is to cure a situation whereby children cannot pray in our schools. I want to know where a child cannot pray in a school. Under the present Constitution, under the present case law, under the present laws of this Nation, no individual child can be prohibited from praying in school—so, tell me where in this country such a situation occurs, because if somebody can tell me where the child is that is being so prohibited, I will be the first one to initiate a suit on his or her behalf.

Now, what is prohibited is an organized exercise, is a group activity, is a governmental activity that embodies the saying of a prayer. That is prohibited. But let us make it clear again and again that right now in the United States, prayer is voluntary. However its voluntary nature is removed by this amendment. Under Senate Joint Resolution 73, prayer becomes organized activity.

Mr. HATCH. Will the Senator yield on that point? I think the Senator is making a good point. But is the Senator aware, for example that in the State of New York teachers were ordered to stop kindergarten students from voluntarily saying grace before their meals, on their own initiative? That was upheld by the second circuit court of appeals. That is how far this has gone.

Mr. WEICKER. Senator, any child and any adult has the right as an individual to pray anyplace, any time, anywhere in this Nation.

Mr. HATCH. Not according to the second circuit court of appeals, among other courts.

Mr. WEICKER. As the Senator is well aware, schools are violating the law of the land by disregarding the Supreme Court decisions that have already been rendered and, quite frankly, they are liable for doing that.

Mr. HATCH. That is why we are trying to amend the law of the land.

Mr. WEICKER. Senator, if indeed somebody is violating the law by denying to a child the right to stand up and say a prayer, then that person is clearly in violation of the law as it now stands.

What is sought by this amendment is a group activity; is an organized activity.

Somebody said to me, "Well, it will only be for 90 seconds," as if this were some sort of a numbers game. I do not care if it is 1 second, 90 seconds, or 1 minute. The principle is large and the principle is that today all of us enjoy total religious freedom, the ability to find our own way to God.

It is said, "Well, obviously the same rules do not apply to children as apply to adults." That is not the way the Constitution of the United States is written. The Constitution does not address the matter of age. We are all the same in the eyes of that document. And in the sight of that document, we have the right today to pray anywhere, any time, in any manner that we see fit.

Now, if there are those instances where that right is being denied, then, as I have said earlier, I would be the first to instigate the legal action to restore to that individual his or her rights.

Mr. HATCH. If the Senator will yield again, and I do not mean to interrupt the Senator's good remarks, but it seems to me when a child cannot bow his or her head and say grace on his or her own initiative before lunchtime in a school, according to the second circuit court of appeals, that is an interference with that child's right to practice religion.

Mr. WEICKER. What was the situation that the Senator describes? Will he identify it?

Mr. HATCH. The case?

Mr. WEICKER. Yes.

Mr. HATCH. Let me look that up; I will provide it to the distinguished Senator.

Mr. WEICKER. Is the Senator referring to the Stein against Oshinsky case?

Mr. HATCH. Yes, Stein against Oshinsky.

Mr. WEICKER. Mr. President, this case from New York State has long been controversial because school prayer advocates say it is typical of the way courts have overreacted to the school prayer decision. In this case parents were suing the school board to reinstate the practice of prayer during midmorning breaks among kindergarten students. In this school district teachers apparently led children in a short prayer recitation during the morning. The school district tried to stop the practice of reciting the prayer and was thus the defendant in the case. Parents who wanted to reinstate the prayer were the plaintiffs. The court ruled against the parents.

Critics have also said that the court failed to deal with the question of what was the teacher's role. Advocates of the parental position said that it was really a voluntary prayer. However, it is difficult to see how a 5-year-old child could engage in voluntary prayer.

It appears that all the children recited the same prayer under the direction of the teacher.

That is not an individual standing up and reciting their own prayer or their own feelings.

Again, I repeat, the problem is there is no case where any individual has been denied the right to pray, and there is no situation where an individual can be denied that right and not be subject to the laws of this Nation.

What is sought to be achieved, and I repeat, is not just prayer on the part of the individual, but rather, organized prayer. This is where the bone of contention lies.

And it is stated in the revised amendment. Let me get a copy of the new amendment, which I might add, come so thick and fast it is hard to keep up with them. And it troubles me to know the Constitution of the United States is going to be altered with amendments that are devised in a half hour's time and then brought to the floor.

The amendment now reads:

> "(1) Nothing in this Constitution shall be construed to prohibit individual, group vocal or silent prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose or mandate the words of any prayer to be said in public schools.
>
> (2) The authorization by the United States or any State of equal access to the use of public facilities by voluntary religious groups shall not constitute an establishment of religion."

Again, the difficulty lies in the matter of the form of the prayer. I find, insofar as my children are concerned—and I have children that range 4, 5, 18, 22, 24—is that I do not want my children to be taught an innocuous prayer. I do not want them to pray in silence. I like my good friend from Vermont, very definitely believe in the role of religion within the family. I want my children to pray out loud and in the manner in which my family participates in our chosen religion.

So here in this amendment, which might be innocuous to the secular activity of our Nation, which is governmental and political, is extremely objectionable when taken in an ecclesiastical sense.

Maybe you can satisfy yourselves as to what is good from a political point of view, but you cannot satisfy my religious beliefs. That is why the Framers of the Constitution kept these two matters apart.

Do you want to know what happens when the Government gets into religion and trys to interpret religion? Well, there was great joy among many of the proponents of this amendment when the Supreme Court handed down its decision in the Pawtucket case relative to the creche being displayed in that city. But I would suggest to my friends on the other side of this issue, you better read that decision and see what it says. If you happen to be a Christian, I think you will find it very objectionable.

Why very objectionable? Do you know why the display is permitted by the Supreme Court? Let me read some of the language and see how it makes a Christian feel.

> We are satisfied

This is the majority opinion.

> that the city has a secular purpose for including a crèche, that the city has not impermissibly advanced religion, and that including the crèche does not create excessive entanglement between religion and government.
>
> Even the traditional, purely secular displays extant at Christmas, with or without a crèche, would inevitably recall the religious nature of the holiday. The display engenders a friendly community spirit of good will in keeping with the season.
>
> The crèche may well have special meaning to those whose faith includes the celebration of religious masses, but none who sense the origins of the Christmas celebration would fail to be aware of its religious implications. That the display brings people into the central city, and serves commercial interests and benefits merchants and their employees, does not, as the dissent points out, determine the character of the display.

So the display is allowed not on religious grounds, but because it is a secular exhibit. This case is the ultimate judicial determination as to the commercialization of Christmas.

That should make everybody feel good. It is a commercial event. It is tradition. The Court likened it to an art display. That really makes me wonder. The focal point of my religion is allowed to take place because it is a commercial event. It is like an art display.

That is not what I am going to teach my children. That is the reason why Government should not be in this business of religion. There is nothing you can do in order to make prayer innocuous that will satisfy the requirements that I impose on myself and my children. Indeed, the more innocuous and the more politically acceptable in the secular sense, the more objectionable from a religious point of view.

It was well stated by someone other than myself that by the time we are through with all this we are going to have a "To Whom It May Concern" prayer. That is what is being fashioned in the majority leader's office. A prayer broad enough, so that if it is a "To Whom It May Concern" prayer we will get enough votes to pass it on the floor of the U.S. Senate.

Ask yourself the question again and again during the debate, where is it today that someone cannot stand up and pray in their own way to their own God, as an individual? The answer is no place. As soon as this amendment is passed, then that ultimate and that total freedom will be something less because at that stage of the game there will be a time when you can do it only in a way that is permissible to the Government.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. WEICKER. I yield.

Mr. BUMPERS. Perhaps this should be directed to the distinguished floor manager, the Senator from Utah. I saw in either the Wall Street Journal or the New York Times this morning that some kind of an amendment or consensus was supposed to be in the making to change this to make it more agreeable to everyone. One of the suggestions was dealing with the last sentence.

Before we do that, I want to ask the Senator a question. With the permission of the Senator from Connecticut, may I direct this question to the Senator from Utah?

Mr. WEICKER. Yes.

Mr. BUMPERS. This amendment says, "Nothing in this Constitution shall be construed to prohibit individual, group vocal, or silent prayer in public schools or other public institutions."

Every headline in the country talks about the prayer in school amendments. It seems to me that there is something much more involved here than a prayer in school, but I want to find out from the authors and the writers of this amendment.

What does that embrace, public institutions?

Mr. HATCH. The language would encompass any public institution.

Mr. BUMPERS. Does that include the Capitol Building of the United States?

Mr. HATCH. I belive it would.

Mr. BUMPERS. Would it include this Chamber of the U.S. Senate?

Mr. HATCH. It certainly could.

Mr. BUMPERS. Just before "public institutions," it says, "Nothing shall be construed to prohibit individual or group prayer in public schools or other public institutions." What if the Reverend Moon comes into this Chamber with a delegation of 100 people and says, "I want to suspend your debate on whatever you happen to be debating. We choose to have a little devotion service here, in the Senate Chamber."

Would there be anything the Senator could think of that could keep him from doing that?

Mr. HATCH. Yes.

Mr. BUMPERS. What would that be, Senator?

Mr. HATCH. The rules of the Senate and the text of the amendment.

Mr. BUMPERS. The Rules of the Senate would be in conflict with the Constitution.

Mr. HATCH. If I could continue, we allow public prayer in this Chamber every day we are in session by the chaplain.

Mr. BUMPERS. My example is if the Reverend Moon wants to come into this Chamber and hold a devotional service. My question is, which is superior, the Constitution of the United States or the rules of the Senate?

Mr. HATCH. The rules of the Senate would apply as long as they were not inconsistent with the Constitution.

Mr. BUMPERS. Does the Senator not suspect that the Reverend Moon would want to meet him at the courthouse on that issue?

Mr. HATCH. He might, but he would not prevail.

Mr. BUMPERS. Let me ask a second question.

What if Reverend Moon goes into the classroom in Charleston, Ark., which happens to be my hometown, with a population of 1,500. What if the Reverend Moon walks into the math class and tells the teacher, "I want you to suspend teaching mathematics here for a few minutes because my group and I choose to pray." This says that no group shall be prohibited from praying in public schools. It does not say the students, it does not say anything about voluntary prayer or devotions among students in a particular school. It says you may not prohibit any group from praying in any public school. What would keep the Reverend Moon from holding a devotional service in that classroom?

Mr. HATCH. What language is the Senator reading?

Mr. BUMPERS. It is still the first sentence, "Nothing in this Constitution shall be construed to prohibit group prayer in public schools."

Mr. HATCH. The amendment, as presently written, does not mandate anything. The decision would be up to the State or local community involved. They could act or establish rules for any public school or other institution at their discretion. Nothing in Senate Joint Resolution 73 would change that.

Mr. BUMPERS. I am just using the Reverend Moon as an example. What about any local priest or anybody else who wanted to walk in and hold a devotion service?

I am reading literally the first sentence of this proposed amendment. I am not a constitutional scholar. I am just a lawyer and consider myself a defender of both my faith, which is Methodist, and of the Constitution. But I do not see anything in this sentence that would prohibit any of those people from walking into the schools in my home town and holding a devotion. I want the Senator to tell me why they cannot.

Mr. HATCH. The amendment as it is written would simply remove any constitutional obstacle to voluntary prayer. If the school board decides that such prayers are a bad idea, they would be exactly as free to exclude prayers in schools as they are now. They could permit prayer, permit prayer on occasion, or prohibit prayer. It would be their decision.

Unlike at present, State and local school boards would also be free to permit voluntary prayer. That is a power now denied them. They could also prohibit prayer. There is nothing in this amendment that says that States or local school boards are required to allow voluntary vocal prayer in schools. They could do it if they chose to, but nothing requires them to.

Mr. BUMPERS. Mr. President, the Senator is saying the school board can prohibit prayer under this amendment?

Mr. HATCH. They can. It will make it possible for the States to determine whether or not there will be prayer in the schools, whether or not those prayers will be vocal, silent, or anything else.

Mr. WEICKER. Would the Senator yield?

Mr. BUMPERS. Yes, Mr. President.

Mr. HATCH. The States and localities would be able to determine their own policy.

Mr. WEICKER. Is the Senator telling this Chamber that the first amendment right of the Constitution now becomes a State's rights matter in the country?

Mr. HATCH. I am saying that the States and local school districts will have the authority to make their own decisions on school policy.

Mr. WEICKER. No longer is religious freedom something which is national, but something which is decided State by State?

Mr. HATCH. No, Mr. President. Religious freedom will remain national; it will simply be defined differently than the Senator prefers.

Mr. WEICKER. Mr. President, this very process is what led to the enactment of the first amendment, the fact that various States had established certain religions and it was the disestablishment process, mainly highlighted by the statute of religious freedom in Virginia, that led to the first amendment in the Constitution of the United States. Even after the first amendment was passed, States continued to hold onto their established religions, my State of Connecticut being one, congregationalist. They went on to disestablishment soon thereafter.

Let me point to another thing, having to do with the question the Senator from Arkansas asked. I want to make sure I was correct in hearing the response.

In his hypothetical of a prayer meeting on the Senate floor, the Senator from Utah indicated that Senate rules would prevail over the Constitution of the United States. Am I correct?

Mr. HATCH. I stated that Senate rules would prevail if not inconsistent with the Constitution.

Mr. WEICKER. Article VI of the Constitution states:

> The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Is the Senator telling me that we could require a religious test as we enter the well to take our oath as a matter of Senate rule?

Mr. HATCH. Of course not, Mr. President.

Mr. WEICKER. Does the Senator think the Constitution would prevail there?

Mr. HATCH. Yes, of course.

Mr. WEICKER. If it would prevail there, why would it not prevail in the other example?

Mr. HATCH. Mr. President, I was asked how this amendment would apply. This amendment, as written, would allow the determination as to whether or not there will be school prayer, whether or not it will be vocal prayer, and so forth, to be determined by the local school district.

To use the Senator's example, if Rev. Moon wanted to walk on this floor and have a prayer and the Senate rules prohibited anybody from doing that except the Senate Chaplain or his guest chaplain, the Senate rules apply. There is nothing in this amendment that would force prayer on anybody or any institution without their consent.

Mr. BUMPERS. This is a public institution and that is what this refers to. It says you cannot prohibit anybody from praying in any public institution.

Mr. HATCH. If the Senate made the decision they were going to pray on the Senate floor, they could do this now. We do it now. We have a prayer every morning. This was recently upheld by the Court in Marsh against Chambers.

Mr. BUMPERS. Mr. President, I was referring to adding to the Chaplain's prayer by inviting the Rev. Moon in.

Mr. HATCH. I guess the Senate could do that, if it chose. We allow all faiths to deliver the prayer in this Chamber.

Mr. BUMPERS. It is not a question of whether we are going to invite him or not. The Senator is writing into the Constitution that we cannot keep him out.

Mr. HATCH. That is clearly not so.

Mr. BUMPERS. Mr. President, we shall refer to that a little later. Let me ask an additional question.

Mr. HATCH. The Senator should read the amendment. It explicitly says "Nothing in this Constitution shall be construed to prohibit. That does not mean the Constitutional mandates anyone's right to require prayers, contrary to the will of the Senate or a school district. The decision is at their discretion. Senate Joint Resolution 73 merely eliminates any constitutional barriers to them permitting prayer.

Mr. BUMPERS. Did the Senator not say a moment ago that no school board can mandate or prohibit prayer in the local schools? Did he say the school board could not do that?

Mr. HATCH. No. The school boards can either prohibit or mandate prayer, at least to the extent students choose to participate.

Mr. BUMPERS. They could mandate prayer or not mandate prayer under this amendment?

Mr. HATCH. That is right. They could allow prayer or disallow prayer under this amendment.

Mr. BUMPERS. Mr. President, would the Senator please tell me what language in this amendment gives them the right to prohibit prayer? He is telling me the school board can say there will be no prayer in our schools under this amendment. I want to read the language here that will——

Mr. HATCH. Local school boards in a constitutional sense can do anything they want to in the absence of any specific constitutional prohibition.

Mr. BUMPERS. Do not talk about being able to do what they want to do that is legal or illegal. The Senator said that any school can prohibit prayer if they want to. They can permit it or not permit it.

Mr. HATCH. That is correct.

Mr. BUMPERS. Now, I want the Senator to tell me the language in this amendment that gives them the right to prohibit.

Mr. HATCH. The amendment expressly says "nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions." It says "nothing in this Constitution." This leaves the question as to whether there shall be school prayer up to the local or State authorities. Such authorities, as opposed to the Constitution, could prohibit prayer.

There is no way that this can be construed to allow anyone to come in and disrupt a school or other public gathering or other public institution contrary to the rules or policies of that public institution. There is no way that that is so.

Mr. BUMPERS. As I said a moment ago, I am just a country lawyer. If the school board in my hometown says, unanimously, five-zip, that there will be no praying in that school and I take them to court and point out to the court that the amendment to the Constitution we are about to adopt says nothing in this Constitution shall be construed—that means you cannot interpret anything in the Constitution—to prohibit group prayer in public schools, how is the school board going to answer that?

Mr. HATCH. I might repeat that school administrators and State authorities, under the Constitution, have a right to do what they want in the absence of constitutional restrictions, not vice versa.

Mr. BUMPERS. I am telling the Senator I am reading this language as clearly as I believe a first-grade student could read it.

Mr. HATCH. I think the Senator is reading it exactly like a first-grade student.

Mr. BUMPERS. It says nothing in this Constitution shall be construed, which is the same thing as interpreted. In other words, we are saying to the Supreme Court, you may not interpret any single line, sentence, word, paragraph or anything else in this Constitution as prohibiting prayer by any individual or group in the public schools of this Nation.

What I want to know is how on earth do you interpret this to say that a school board can prohibit prayer in the school?

Mr. HATCH. Because the premise of the Constitution is that the States, unlike the Federal Government, can take action unless they are prohibited from doing so. They are free to set school policies, including prayer, unless they are prohibited from doing so. Nothing in this amendment prohibits them, as opposed to prohibiting the Constitution, on this matter.

There are no restrictions on them. All we are saying in this amendment is that nothing in the Constitution will be construed to prohibit individual or group prayer. There are no restrictions on State and local officials. It is not couched in that manner.

Mr. WEICKER. I wonder if the Senator will yield for a question?

Mr. HATCH. In other words, the Constitution does not prohibit prayer; local officials remain free to do so or not do so.

Yes, I yield.

Mr. WEICKER. I repeat my earlier question to the Senator. How, under present day case law or constitutional law, is an individual prohibited from saying prayer in school at the present time? Would the Senator cite the case law or the appropriate article of the Constitution where an individual is prohibited from praying?

Mr. HATCH. The issue is voluntary prayer, individual voluntary prayer is prohibited.

Mr. WEICKER. We are not going to generalize now. This erudite body, of which the Senator is a Member, cannot permit itself, during a debate as serious as this, a generalization that might be popularly accepted among the 80 percent out there that claim to say they want school prayer. Again, I ask you for the case law or the appropriate section of the Constitution which prohibits individual prayer in the schools.

Mr. HATCH. I do not know of any case that does precisely that.

Mr. WEICKER. There is not any. There is no case law, there is no article in the Constitution. So why——

Mr. HATCH. Let me just ask——

Mr. WEICKER. No. Why do we have this constitutional amendment before us?

Mr. HATCH. I do not know of any specific case that says precisely that somebody cannot bow his or her head where they want to, but that is irrelevant. I do, however, know many cases that have prohibited voluntary group prayer in the schools.

Mr. WEICKER. Does the Senator have a case citation on that?

Mr. HATCH. Not immediately.

Mr. WEICKER. There is none. There is none.

Mr. HATCH. That is not true.

Mr. WEICKER. Is not the object of this exercise to permit for group prayer under the auspices of the Government?

Mr. HATCH. Excuse me?

Mr. WEICKER. Is that the object of the amendment, to permit for group prayer within a governmental entity or under the auspices of the Government?

Mr. HATCH. I think that is one of the objects. The principal object is to permit voluntary school prayer; that is now prohibited by the law. As far as private, individual prayer, I do not know of any case that precisely prohibits such prayer, but that is irrelevant. If you talk in terms of voluntary prayer, I can cite many cases on that.

Mr. WEICKER. In other words, the Senator has a case that says that an individual—which is the true voluntary test—cannot stand up and recite prayer?

Mr. HATCH. As far as voluntary school prayer, the law says students cannot pray voluntarily in schools.

Mr. WEICKER. There is no case on the books and there is nothing in the Constitution or the laws of this Nation which prohibits an individual, at his or her own volition, from reciting prayer anyplace, anywhere, any time.

Mr. HATCH. We are talking about two different things. The Senator is talking about covertly reciting a prayer to oneself.

Mr. WEICKER. Right.

Mr. HATCH. Other than cases such as Stein against Oshinsky?

Mr. WEICKER. That is right.

Mr. HATCH. I am talking about voluntary school prayer in groups. That is prohibited.

Mr. WEICKER. School prayer?

Mr. HATCH. That is right. That is prohibited.

Mr. WEICKER. In other words, as a group. Is a public school an arm of the Government?

Mr. HATCH. It seems to me that the distinguished Senator from Connecticut is saying is that a student can already pray in the schools so who needs an amendment. Now, that is a little bit like saying that a prisoner in the Gulag Archipelago can pray any time he wants to; in that sense, anybody, of course, can pray if he is not caught. Of course, a person can pray wherever he wants to, if nobody finds out. To pray, however, voluntarily in groups in public schools is prohibited under present law. I might add I know many cases where even silent prayer, the most personal and individual form of prayer, has been outlawed.

Mr. WEICKER. Then, does the Senator have a case in hand where an individual rose in a public place or in a public school, recited a prayer and action was taken against that individual?

Mr. HATCH. Yes.

Mr. WEICKER. I know of no such case.

Mr. HATCH. Well, I will just cite several cases relating in Duffy against Las Cruces Public Schools for example:

> A Federal district court held unconstitutional a New Mexico statute prescribing a period of silence "for contemplation, meditation, or prayer" at the beginning of each school day. The court found the statute's "pre-eminent purpose" to be "to establish a devotional exercise in the classrooms of New Mexico public schools" and said that the inclusion of the terms "contemplation" and "meditation" was no more than "a transparent ruse meant to divert attention from the statute's true purpose." The court enjoined the school district not only from implementing the minute of silence as authorised by the State statute but also from conducting "any exercise of a kind or nature similar to the minute of silence" authorised by the State statute.

Mr. WEICKER. I ask the Senator——

Mr. HATCH. Let me cite some more cases. The Senator asked me to do so.

Mr. WEICKER. I asked you to cite me a case where it was an individual, not a State statute——

Mr. HATCH. What do you think that is? How can a purely private, individual action be found unconstitutional?

Mr. WEICKER. Not a State statute which was found unconstitutional.

Mr. HATCH. Oh, no.

Mr. WEICKER. Not a State statute, not a school board ruling, but a case where an individual recited a prayer—an individual recited a prayer and was prevented from doing so. Tell me where it has occurred.

Mr. HATCH. The students in Duffy cannot meditate. They cannot have a moment of silence. They cannot bow their heads.

Mr. WEICKER. My children and your children can meditate and pray. They can do it audibly. They can do it silently. However, it cannot be Government sponsored. That is the real issue with which we are dealing.

Mr. HATCH. If you are talking about a case where a student, on his own volition, offers a personal, nondisruptive prayer, I do not know of any case that says he cannot do that. How can such an action ever be unconstitutional if the Government is not involved? Maybe, creative legal minds will bring a suit before long.

Mr. WEICKER. Let us not talk about what is going to happen. Do not you think students pray in school just prior to their exams? I will bet there are prayers all over the room. Do not you think that somebody sitting in the dugout, in a baseball game, is not doing some praying about getting a hit or making a catch?

Mr. HATCH. Rosey Grier recently told me that he used to pray for everybody's health before a football game; I suspect everybody does pray in that way. But what we are talking about here is whether they can do so openly, voluntarily, and if they wish, in structured groups. The Supreme Court says "no."

Can they meditate? Can they have a period of silent prayer? Can they bow their heads in unison? Can they say the Lord's prayer together? Can they do anything insofar as praying is concerned in our public schools? Can the States enact a statue that allows them? The answer is no.

If you want to take the case and say, "Is the Government forbidding ORRIN HATCH's son from praying that he can make a better grade in his math test, prior to that test, by simply bowing his head, closing his eyes, and doing so?" the answer is no. The Government has not yet gone that far, but give it time. That is irrelevant, however.

You cannot have voluntary group prayer in the schools under any circumstances.

To answer your question again, I do not know of any case that says that a student cannot pray, while in math or history class, or pray that nobody gets hurt in a basketball game. That is hardly the issue here, however.

Mr. WEICKER. The minute this occurs, it no longer becomes voluntary. In other words, prayer becomes sponsored in some fashion as to its form. Let me ask the Senator this question——

Mr. HATCH. Surely.

Mr. WEICKER. We do not want to be too hard on our brethren across the way—the Supreme Court. Certainly, it has been part of the rhetoric of my colleague and those that are alined with him philosophically over the years.

Does the Senator like the latest Supreme Court decision on the Pawtucket case?

Mr. HATCH. I do like that decision.

Mr. WEICKER. It is a very good case. But that is the same body—the Supreme Court—that rendered decisions that the Senator finds objectionable. Should we spend our time on the Senate floor examining the Supreme Court docket and, whatever we like, we accept, and whatever we do not like, we go after? I do not understand how this works itself out.

Mr. HATCH. I guess we can all differ on various cases.

I do say that the courts should not be writing legislation and overturning long-established constitutional principles. When it does that, I am very critical.

I doubt that the distinguished Senator from Connecticut likes the Grove City case very much.

I do not mean to condemn the Court, but I do think it is wrong for them to ignore the first 150 years of this country's history and, unilaterally overturn long-established policies relating to voluntary prayer in public schools in more than 40 States. What we want to do is restore the earlier constitutional understanding.

It is time for both the majority and minority to be tolerant of each other.

Mr. WEICKER. Let us go to the next topic just for a minute, because it is one that I hear time and again, about the large majority that wants State prayer.

I thank God that the Supreme Court of the United States, and later Congress, showed no tolerance for the racial discrimination that was the tradition of this country for over 100 years—when the majority wanted it. It was the Court that said no. It is not consistent with the Constitution.

Mr. HATCH. The Court was wrong.

Mr. WEICKER. When the majority of this country wanted to discriminate against the retarded and disabled——

Mr. HATCH. Will the Senator yield?

Mr. WEICKER. No. Let me finish. You raised the fact that the majority wants State prayer.

Sometimes it takes leadership and it takes courage from our courts. The courts of the United States have been the last refuge for the minorities of this Nation. It has not been the gutless politicians on this floor, or in the White House, or over in the House. No. The courts have been the last refuge of the minorities. They show the courage some of the rest of us do not.

Mr. HATCH. I do not think that is necessarily true.

Mr. WEICKER. You speak for the majority on this issue. The majority wants the equal rights amendment in the country. The majority is satisfied with the abortion laws that are written in this country. Do you want to go along with the majority on those issues?

You have deeply held feelings, but you do not use the argument as to the majority in these instances. The majority means nothing. It is what we develop through our constitutional system. That is what is important.

Mr. HATCH. If the Senator would yield——

Mr. WEICKER. I will yield in 1 minute.

Mr. HATCH. On that point——

Mr. WEICKER. The fact is that in matters of racial discrimination, the majority wanted racial discrimination for over 100 years in this Nation. The majority wanted to discriminate against the retarded and disabled. Were it not for the courts of this land and subsequent congressional action, children like my son, who are retarded, would be in some dark corner of an institution.

The fact is that the majority supported slavery in this country. It was the courts that knocked it down and it was finally Congress that came along afterward and changed the law. You talk about the history of this Nation, and the subject we discuss here? The history of this Nation supports exactly what the Court did because the Court saw the mischief that religion can cause.

It is not a national football league franchise that they are fighting over in Lebanon. It is various religious factions that cannot accommodate to each other; that want to control the Government. The dying that goes on in Northern Ireland—religious factions are causing that dying. That is also history that preceded the founding of this Nation, whether it was the Catholics being murdered in England, whether it was Covenanters in Scotland, the Huguenots in France, Waldenses in Italy—that was the very history that gave birth to religious freedom in this Nation.

What if this constitutional amendment had been written 50 years ago or 75 years ago? Does the Senator think it would have been as innocuous as it is now? It certainly would not have been. We would have had prayer. We would have had prayer by constitutional amendment 50 or 75 years ago, and it would have been a Protestant prayer, and it would have been a Christian prayer, and it would have been a spoken prayer.

The times change, but the Constitution does not.

That is what is at issue here.

There is a rush to judgment even now of constitutional amendments that have come from the Judiciary Committee without even any up-or-down vote in that committee. Now we have gone further and some met in a backroom here yesterday for 1 hour to scribble something on a piece of paper for debate, combining several concepts to make the amendment winnable. That defies——

Mr. HATCH. Mr. President, will the Senator yield?

Mr. WEICKER. I will be glad to yield the floor in 1 minute.

That defies the tradition, the practice, and the principles of this Nation.

The fact remains, and the Senator knows it, that today we enjoy the greatest possible religious freedom in this Nation. Oh, it is not the way the Senator would like to have it. Maybe it is not the way some people wish to have it.

I understand, for example, that reference has been made to the decline in morality in our schools. In fact, many give it as the reason we now need prayers in school.

However, I ask you, was it the kids who broke into the Watergate? Was it the children who led us into Vietnam? Was it the kids who have violated our landscape with toxic waste?

If you want to know where the deficiencies in morality are, look to our generation, not theirs.

I want, as the Senator from Utah wants, a nation of religious commitment and faith. But there is no one answer to faith and there never has been in the course of history. In fact, the minute we try to improve upon the Creator is exactly when we get into trouble.

The minute the Spaniards tried to improve upon religion, they began their Inquisition. And Madison set it forth very clearly in his remonstrance on the religious tax in Virginia, when he argued against a tax to be imposed for the propagation of the Christian religion. He said it is only one small step from that to the Inquisition, one small step on the career to intolerance.

And that is what I fight against here today. In the course of this amendment, which to some may seem very small and very innocuous, I find the first step on a career of intolerance.

As I have said many times before, and I now say to the Senator, when I am asked to define what the first amendment of the U.S. Constitution is: It is not a matter of definition for our generation, within the contours of religion as we understand it today; it is to allow any person at any time throughout the course of the world, until there is no more world, to espouse whatever their faith happens to be. And, yes, that certainly starts in the schools and, indeed, if there is a place that the exercise of freedom has to be the freest, it is at that point. But that is precisely what we enjoy today under the existing Constitution.

I say to the Senator, one of the reasons, in a historical sense, that I feel as strongly about this matter as I do, relates to the Senator's faith, a faith that was persecuted in this Nation.

Mr. HATCH. The Senator is right.

Mr. WEICKER. I do not think any of us were proud of that chapter in our Nation's history.

The most disappointing part of this Supreme Court decision yesterday, and I accept the decision——

Mr. HATCH. As we all do.

Mr. WEICKER. I am not going to try to overturn it by a constitutional amendment even though I am disappointed as to how it demeans my faith. The other disappointing part of the decision was, however, at the very end of the decision. The following statement was made:

> The Court has acknowledged that the "fears and political problems" that gave rise to the Religion Clauses of the 18th century are of far less concern today. We are unable to perceive the Archbishop of Canterbury, the Vicar of Rome, or other powerful religious leaders behind every public acknowledgment of the religious heritage long officially recognized by the three constitutional branches of government.

I interpret the Court as saying we are exempt from history.

I ask the Senator: How long ago was it that the act of persecution of the Mormons took place in the United States? How long ago was it?

Mr. HATCH. It still exists in some ways.

Mr. WEICKER. It was just a short time ago.

Mr. HATCH. Yes.

Mr. WEICKER. How long ago?

Mr. HATCH. The majority of it occurred around 1847.

Mr. WEICKER. 1847, more than a half century after we had the first amendment to the Constitution of the United States in place, after we had the disestablishment of the churches in the various States, after Madison and Jefferson were long in their graves, after all of that, and yet despite the first amendment, the people of this Nation did what they did to the members of the Mormon faith.

We are not exempt from history in the year 1984. We will never be exempt from the lessons of history.

And that is why that first amendment has to stand as it is today without any dilution whatsoever.

I thank the Senator for his courtesy.

Mr. HATCH. I thank the Senator.

Mr. President, I think the Senator misconstrued what I was saying about the majority and the minority. I would be the last to say the majority was always right. What I did say was that the majority and minority in this country by the Constitution have to be mutually tolerant. I believe in that. I think it should be.

What I am saying on this particular issue is that it is time for the minority—a distinct minority—to demonstrate greater tolerance of the deeply felt, strongly held views of the majority.

What we have in this country today, as a result of the Supreme Court decisions, is a neutrality between religion and irreligion, not between religious denominations. That is contrary to more than 150 years of prior constitutional history.

I think George Washington was right in his Farewell Address when he stressed the importance of religion to a country's freedoms.

The distinguished Senator and I are not very far apart in much of what he says, particularly when he talks about the Supreme Court.

That does not mean that I agree with every decision that they render. With regard to the Pawtucket decision, I do not agree in every respect with the way it is written. I think some of the language is deficient. I think some of the bases for it could be better articulated. But I do agree with the result. I do not think that it is going to hurt anyone in this country, whether they be Jew, gentile, Christian, non-Christian, Muslim, or whatever, to have a Nativity scene placed in a Christmas context. Nor do I believe it is going to hurt anyone in this country to sing Christmas carols that might have the name of Jesus Christ in them. As a matter of fact, I think it might provide uplift for many people in this country to do that.

Similarly, I guarantee the Senator no one is going to be hurt by being able to voluntarily pray in the public schools. It might even be uplifting for some.

The gentleman from Connecticut should not tell this Senator, who sits as chairman of the Subcommittee on the Constitution and has sat through endless hearings on this issue, that we have not spent adequate time debating these matters, trying to resolve them in a manner that will be consensus-building. Do not tell me that, because I have spent too much time on this and know better.

Mr. WEICKER. If the Senator would yield, all I said to the Senator was that these came to the floor without a vote. I made no comment on the work of the Senator.

Mr. HATCH. They came to the floor on a 14 to 3 vote.

Mr. WEICKER. 14 to 3 vote for what?

Mr. HATCH. To report the bill to the floor.

Mr. WEICKER. With no recommendation.

Mr. HATCH. That is true; without recommendation. That was the consensus. The committee voted 14 to 3 to establish a national debate on this issue. The fact is they were formally reported by a 14 to 3 vote in the Judiciary Committee; both of these amendments were.

I have done my best to resolve this issue. I feel very deeply, just as deeply as the distinguished Senator from Connecticut feels on his side of this issue, that we need to correct the Supreme Court decisions. I have taken the time and effort and have sat through the hearings, considered alternative proposals, and worried and agonized about it; but I have taken time to bring this constitutional amendment to the floor of the U.S. Senate for its consideration. This is the way to resolve this matter.

The gentleman might feel differently about correcting the Court if the immediate decision was the Dred Scott decision. In that decision, they decided that blacks were not "persons" under the Constitution.

Mr. WEICKER. How about Brown against Board of Education?

Mr. HATCH. Now, that is one of the best decisions. But it only occurred 80 years after the ratification of the 14th amendment.

The Supreme Court in Engel and Abington wrongly transformed the mandate of the first amendment from Government neutrality among religions to neutrality between religion and irreligion.

Mr. WEICKER. What is the Senator's definition of irreligion?

Mr. HATCH. The view of those who do not believe in any religious point of view.

Mr. WEICKER. But I think history is very clear that the Founding Fathers meant that our Government, in terms of its laws, should not force either religion or nonreligion or any branch of religion on its people. I think that is very clear. Every document on this point, show that it was their entire purpose; that we would not impose religion on our people.

Mr. HATCH. The first 150 years of this country, it basically stood for three principles——

Mr. WEICKER. All I want to know from the Senator is are we going to—as I have heard articulated in one of the interview shows just held on this matter lately, Christianize America? What is that term? I do not understand it.

Mr. HATCH. Well, of course, I do not subscribe to that point of view. Nothing I have said could suggest otherwise.

I have no desire to have any religious view take precedence. I only desire to see that the principles of those first 150 years are restored.

Mr. WEICKER. Which includes no religions.

Mr. HATCH. Which includes no state religion, no preferential treatment for any religion, no establishment of any religion.

Mr. WEICKER. Is that what the Senator is looking for?

Mr. HATCH. Well, I would think that would be an improvement. But this particular amendment does not do all that. This amendment does not go back to the prior status quo in all those respects. All this amendment simply does is clarify that school prayer will again be allowed.

Mr. WEICKER. This debate started when I asked the Senator to cite to me a case where an individual was not allowed to pray in school.

Mr. HATCH. If the Senator would let me finish my remarks, I would appreciate it. I will relinquish the floor to him when I am finished.

Senate Joint Resolution 73 says:

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.

It is only a recognition that school prayer is not to be constitutionally prohibited. It leaves the decision up to the State and localities to determine whether or not they want to allow it.

Mr. WEICKER. What is the Senator's definition of school prayer?

Mr. HATCH. Let me continue, please. The significance of the public opinion polls criticized by my colleague is that they demonstrate that the Supreme Court unilaterally altered our Constitution in 1962 and 1963 not in response to evolving notions of church-state relations by the American people, but in response to its own notions of what it thinks public policy should be.

Now, the distinguished Senator from Connecticut believes that they were correct in making those determinations. I would disagree with both the substance and propriety of those decisions.

One of the things I respect, among many, about the distinguished Senator from Connecticut is that he feels very deeply about these things and he argues very strongly and articulately for his point of view; he does a very credible job in doing so. That does not mean he is right; it does not mean I am right, either. But I respect that.

I have stood side by side with him fighting for the handicapped, the Job Corps, and a variety of other initiatives. There are some things we disagree on where we cannot stand side by side. But I do respect the fact that he is willing to come to the floor, uphold his particular position on these matters, and be willing to go through the fire to stand up for what he believes is correct.

Well, I think I am a little bit that way, too. I have stood here on this floor by myself from time to time and had to take on the whole U.S. Senate, rightly or wrongly. Sometimes I was able to prevail; sometimes I have not been able to.

Mr. WEICKER. Senator, let us be precise. I said abortion as the laws of this country are now written. That is not abortion on demand.

The PRESIDING OFFICER. Does the Senator yield?

Mr. HATCH. I will be happy to yield to my colleague for a question. What I am saying is this: To my knowledge, this is the first itme the prayer issue has never come to the floor in the form of a constitutional amendment following the committee process. I believe it is the first time.

I would like to restore authority over school prayer to State and local officials who can deal with this issue at least as effectively and harmoniously as the Federal courts.

I would like to restore a sensible balance between the right of willing students to voluntarily pray and objecting students not to participate. I would like to reverse what many have described as the establishment of the religion of secularism in our public schools.

I would like to reassert America's heritage as one Nation under God, and restore the proper balance between the establishment and free exercise clauses of the first amendment.

I do not believe this amendment is the perfect or ideal constitutional amendment, but I do believe it is a dignified and responsible amendment. I believe it is a reasonable approach to a difficult and persistent controversy in our society.

Maybe I am wrong, but I believe that if majorities and minorities are mutually tolerant, both will win. The majority will learn respect for the minority; the minority will learn that, although they are different, their differences are tolerated and accommodated. That is not a bad education for either side.

We differ on this issue. I have to admit the Senator makes some points that are valuable. There is sincerity and feeling on his side of the issue as there is on this Senator's side. I respect him for his feelings and I hope he will respect those of us who have our own strong feelings on this matter.

Mr. WEICKER. Let me say this to the Senator from Utah. I have the utmost respect for him. Our disagreement on the issues is well-known. He presents his side of the case in an eloquent, articulate and dignified way. I have no problems at all, personally or officially, with somebody in the ring who is fighting well and hard. He does all of that.

In a lighter vein, however, the Senator might be interested in a telegram I received this morning which shows another side of the coin. A very important truth was revealed to me this morning, and I thought the Senator from Utah might like to share this lighter moment with me during the course of the debate.

I received the following telegram addressed to Senator WEICKER, from Elmhurst, Ill.

> You are doing a great job. Keep up the good work. Have room for you and yours. Your pal, Satan.

The significance of this is that for many of us, it finally resolves the question once and for all of where Satan is. He is in Elmhurst, Ill. [Laughter.]

That means that those of us in Washington, Connecticut, et cetera, need have no fear, so long as Satan stays in Elmhurst, Ill.

But as long as we do keep our humor in this matter, no ill can come from this kind of a debate, though I do confess that the introduction of religion into a political campaign, which we have seen undertaken by the President during the last 48 hours, makes me uneasy indeed. I think it should be clearly spelled out that the positions of the various Senators or the Members of the House; the positions of the Republicans and Democrats on this matter, are not criteria for determining whether these men and women are fit to serve in their various capacities. I am sure what the Founding Fathers meant in article 6 when they said no religious test shall be required was not just a matter of law de jure, but was also a matter of law de facto. Who wants to be the first to apply a religious test?

Again, one brief comment and then I intend to yield the floor.

School prayer. I want to disabuse another misconception or smoothing over of the real meaning of what we are talking about.

School is another word for government—government. Is there anybody who cares to dispute that public school is government? In private schools they may pray. It is in the public schools that we are talking about. That is government. Does it sound better, then, if I say government prayer? How about selling this constitutional amendment as government prayer? How far do you think you would get?

It is the intentional use of that word school which is meant to gloss over what is really at issue. At issue is not prayer in school. What is at issue is school prayer. There is the distinction. Not one case has been cited by the proponents of this amendment which prohibits prayer in school by an individual. At issue in this amendment is school (government) prayer.

The other, feel good word, as I will call it is voluntary. That is supposed to make it more acceptable. When you are a 5-, 6-, or 7-year-old child and everybody bows their head, you bow yours. If everybody keeps quiet, you keep quiet. If everybody stands up, you stand up. There is nothing voluntary about it in a practical sense. And there certainly is nothing voluntary, as was explained to me the other day during one of these discourses on the amendment, when I was told that those who do not want to do it can go out of the room.

There is nothing voluntary about that. So let us get to the heart what is involved here—voluntary and school. Let us substitute government for school and let us see how the Nation cuddles up to that.

Then, on the subject of voluntary, we have voluntary prayer today. What is sought here is involuntary—a quick moment, albeit brief—when all of a sudden, the individual does not lay claim to his own religious destiny.

The question was asked of me, "But it is only 90 seconds. That is a very, very small period of time, is it not?" But, Mr. President, the principle is great and it is that principle which we fight for here, on the floor, today.

I would like to make one last comment, on the matter of nonreligious or irreligious, or whatever. I think I know most of my colleagues here on the Senate floor. I do not know what their respective faiths are, but I believe I am correct in saying that most are deeply religious men and women who espouse both sides of this issue. The last major debate on this issue took place between Senator Sam Ervin, who took the position that has been enunciated by Senator LEAHY, myself, Senator BUMPERS, and others, and Senator Dirksen, who was on the other side of the issue with Senator BAKER, Senator HATCH, and others. So let us get rid of the notion of who is for religion and ascribing anything less than a high motive to those who have differing points of view. I am sworn to uphold the Constitution of the United States against all enemies, foreign and domestic as I believe the oath reads.

I am not familiar with the Constitution of the Soviet Union and I do not want to hear it repeatedly dragged out in this debate. I try to speak as best I can, and that is really not adequate, for the fact that my children, just as I have been permitted to do, will find their own way to their Creator.

Mr. President, I yield the floor.

Mr. MURKOWSKI. Mr. President, during the past week I have listened carefully to the thoughts of my colleagues, my constituents, and my conscience. Certainly the matter of prayer in school is one of complexity and troubles me a great deal.

I personally support the right of any student who wishes to pray in school being allowed the freedom to do so. Prayer and the recognition of a Supreme Being is an important part of our lives and our Nation's history. Yet, Mr. President, I also support the right of any student not wishing to participate in school prayer. In general, Americans have expressed overwhelming support for some form of school prayer. The law as it now stands does not allow students to join together in organized prayer. If we are to allow students who wish to join in prayer that right, we must certainly change the law.

Mr. President, one of the premises on which our Constitution was founded is that each person is guaranteed the right to worship and believe, as they desire, without governmental direction. Religious expression cannot and should not be dictated by Federal, State, or local government, including school boards, administrations, or teachers. The President's proposed amendment which is before us today would be voluntary and prohibit the State and Federal Government, and the schools themselves, from composing the words of the prayer to be given. I applaud this prohibition.

But because of the posture of this legislation, we will likely find ourselves voting either aye or nay on the President's proposal, that is, for or against organized prayer in school. It is uncertain whether we will be addressing any of the other amendments on this issue. Our vote will therefore be interpreted as either for or against prayer. Really, Mr. President, the dilemma we face is how to give students who wish to pray in school the right to do so, and at the same time protect the rights of those who do not wish to participate. We appear to be faced with the dilemma of requesting that those opposed to school prayer be tolerant of the majority of Americans who favor it.

Mr. President, I believe our Constitution provides the protection for all people and a way will be found to insure the rights of those in opposition to school prayer.

This pending legislation does not institute school prayer in this country. Instead, it provides the vehicle, as our forefathers planned, to lay this amendment before the citizens. By requiring any proposed amendment to the Federal Constitution be ratified by at least 38 States we provide the opportunity for the people's mandate to be carried out.

If the President's proposal should become a part of the U.S. Constitution, our State will have the option of adopting a policy on school prayer. This is the democratic option our Federal Constitution guarantees.

Mr. President, it is my prayer that the actions we take in this body are done with the help of divine guidance.

Mr. KASTEN. Mr. President, I rise in support of Senate Joint Resolution 73 and I hope my colleagues will join me in taking this rare opportunity to restore the right of students to pray in public schools.

Congress has struggled with this issue time and again since the Supreme Court handed down its ruling over 20 years ago barring school prayer. Last year, the Senate indirectly addressed this issue during consideration of the debt limit extension, only to become caught up in a legislative quagmire. It is my hope that we can address this issue directly at last, and act in the interest of all Americans.

Mr. President, our country was founded upon the principles of religious liberty and freedom of speech. Some of our earliest settlers came to this land in pursuit of religious freedom and many followed in years to come to escape religious persecution and to take sanctuary in this free Nation. Until the Supreme Court ruling in 1961, religious freedom was something that millions in this Nation could take for granted as a constitutional right. But since the landmark ruling, the courts have deemed otherwise and we have witnessed a gradual erosion of our religious liberties.

In 1961, the Supreme Court Justices ruled that the New York Board of Regents could not compose or prescribe a prayer to be recited to New York public school students. Well enough, but then came the Stein versus Oshinsky ruling which prohibited the recitation of these simple words:

"God is great, God is good,
And we thank him for our food."

and

"Thank you for the world so sweet,
Thank you for the food we eat,
Thank you for the birds that sing,
Thank you God, for everything."

I find it absurd that these innocuous, nondenominational phrases could be deemed unconstitutional or offensive to some individuals. But the ultimate threat to our remaining liberties was cast when the courts ruled that prayers were completely prohibited in the classroom.

I think we should stop and reflect on what has been happening here. We have been extending broader rights to groups who wish not to participate in religious activities or nondenominational prayer. But what have we done to protect those who wish to exercise their right to free expression and religious liberty? We have been gradually chipping away at this group's rights in order to protect the others.

Do the courts really believe that people expressing their religious beliefs are exempt from the guarantees of the Constitution? And can we as representatives of all the people ignore this breach of justice? If not, then, can we consciously stand by and allow this discrimination to continue?

I am convinced that there is not one of us here today in the U.S. Senate who would impose religious participation requirements on any individual. And I find it equally implausible that any one of us would knowingly deny Americans the right to exercise religious liberties.

We should protect the rights of those who choose not to participate in public school prayer, as many Senators have convincingly argued. On that point, we have done very well. But I do not believe that we should do so at the expense of those who do wish to exercise their religious freedoms. We have an obligation to respect the rights of all Americans—not just select groups. and that is exactly what Senate Joint Resolution 73 would do.

This legislation was carefully crafted to address the rights of all individuals on the school prayer issue. First, it reaffirms the right to participate in school prayer for those who choose. Second, it specifies that no one can be required to participate in school prayer, for those who do not want to pray or participate in these activities. Finally, it prohibits the United States or States from composing or prescribing any prayers that will be said in public schools, insuring that student prayers are truly voluntary.

Mr. President, some Americans prefer not to participate in religious activities or school prayer. These individuals are protected under Senate Joint Resolution 73 and their rights have been reinforced through numerous judicial decrees. Now let us take the long-overdue action necessary to restore rights for those who do choose to pray and let us remove the uncertainties that have been created for them through the judicial rulings in this area.

I hope that my colleagues will lend their support to this amendment and act to reverse the precedents which have discriminated against millions of Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I am advised that no other Senator is seeking to speak on the pending business this afternoon. Therefore, I ask unanimous consent that there now be a period for the transaction of routine morning business, not past 4:15 p.m., under the same terms and conditions as last ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPEAL OF JOSEF BEGUN

Mr. PERCY. Mr. President, I want to bring the attention of my colleagues to a recent, unusual appeal to the Soviet Union for the release of Josef Begun, the Jewish mathematician and Hebrew teacher who was given a 12-year sentence by a Soviet court last October for so-called "anti-Soviet agitation and propaganda."

The broad-based appeal was made by more than 30 international law experts from 7 countries who met in Washington in January. They gathered under the auspices of the International Human Rights Law Group, in cooperation with the American Jewish Committee's Jacob Blaustein Institute for the Advancement of Human Rights, the American Bar Association's International Human Rights Committee, and the American Association for the Advancement of Sciences. They signed a letter to the Procurator-General of the Soviet Union seeking repeal of the harsh sentence against Begun. They sent a long, well-reasoned memorandum outlining the fact that the sentence violates the Soviet Union's own laws as well as international law.

The Soviets are solemnly bound by international agreements to respect freedom of emigration and civil and political rights. If they refuse to adhere to international law, then their own domestic law expressly allows defendants at trial certain rights. The Soviets' Code of Criminal Procedure provides for an open trial, a fair trial, the right of a witness to counsel and to call witnesses in his defense, and the duty of a judge to impose a sentence proportionate to the alleged offenses. In Josef Begun's case, absolutely none of these rights or duties was respected by the Soviet court which handed down the terribly harsh sentence.

The Procurator-General of the Soviet Union is empowered to review the Begun sentence and dismiss it as a violation of law. It is important that he knows that we, in the Senate, believe that the sentence imposed on Josef Begun was wrong and that it should be repealed. I ask unanimous consent that major portions of the letter and memorandum submitted by the international law experts to the Soviet Procurator-General be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

International Human
Rights Law Group,
Washington, D.C., February 22, 1984.

Alexander M. Rekunkov,
Procurator General,
Ulitsa Pushkinskaia, Moscow, U.S.S.R.

Dear Esteemed Procurator General: Pursuant to the provisions of Article 23 and 25 of the statute of the Union of Soviet Socialist Republics of the Procuracy and of Article 371 of the Code of Criminal procedure, I am forwarding to you a memorandum and petition involving the prosecution of Yosif Ziselevich Begun, who was found guilty on October 14, 1983 by the Regional Court of Vladimir, R.S.F.S.R., of a violation of the provisions of Article 70 of the Criminal Code of the R.S.F.S.R. The judgment of the Regional Court was upheld by the Supreme Court of the R.S.F.S.R. on or about January 20, 1984.

With the exhaustion of judicial remedies provided under Soviet Law, it is our understanding that the Procurator General of the Union of Soviet Socialist Republics is vested with the authority to vacate judgments of convictions and to provide remedial relief in cases in which an injustice has been committed by Soviet authorities or where there has been a violation of the norms of Socialist legality.

The International Human Rights Law Group, a nongovernmental organization which has been granted consultative status by the United Nations and which has appeared in that capacity before various United Nations Agencies in connection with the violations of human rights in diverse countries, recently convened a working session of legal scholars in the field of Soviet and International Law to review the judicial proceedings regarding Dr. Begun. His case has attracted international attention because of the succession of questionable penalties imposed upon him for alleged violations of Soviet Law, namely, the imposition of two years internal exile for "parasitism" after he had been discharged from his previous position as a mathematician but nonetheless worked as a teacher of the Hebrew language, not at all a "parasitical" activity; a two year sentence of confinement in a prison for violating "passport restrictions" when he resumed residence with his family in his native city of Moscow; and, most recently, a sentence to confinement for seven years and to five years of internal exile for having in his possession and distributing "anti-Soviet literature in the form of open letters, appeals, statements, lectures," an activity taken by Dr. Begun as a means of securing redress of what he perceived to be unjust treatment by Soviet authorities.

The legal scholars reviewed all of the materials available to them regarding Dr. Begun's conduct and the proceedings of the Soviet courts. Based upon their analysis of the applicable Soviet and International Law, they have concluded that there is a substantial basis for vacating the judgment against Dr. Begun in accordance with Article 379 of the Code of Criminal Procedure, as well as upon the basis of Article 12 of the International Covenant on Civil and Political Rights, Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination and the Helsinki Final Act which is specifically declared to be binding upon the Union of Soviet Socialist Republics by President Leonid Brezhnev.

At their direction, I am forwarding to you their request that you exercise your power to protest the judgment of the Vladimir Regional Court of October 14, 1983 and the decision of the Supreme Court of the R.S.F.S.R. on appeal and that either the judgment be vacated or that your office take other remedial action to relieve Dr. Begun of the sentence imposed upon him and to authorise the approval of the request he made in 1971 for permission to emigrate from the Soviet Union to Israel.

Respectfully yours,
David Carliner, *Chairman.*

Endorsements of the Memorandum Submitted in the Case of Yosif Z. Begun

The following is the typed list of the attached signatures endorsing the Memorandum Submitted in the Case of Yosif Z. Begun to the Procurator General of the U.S.S.R., the Esteemed Alexander M. Rekunkov.

Institutions are given for identification purposes only.

Page One:

Catherine E. Bocksor—Attorney, firm of Bocskor and Newdelman.

Irwin Cotler—Professor of Law, McGill University, Visiting Professor, Harvard Law School.

Ellen Bass—Covington and Burling, Counsel to the International Human Rights Law Group.

Graham Zellick—Professor of Public Law, University of London.

Daniel Jacoby—Avocat a la Cour d'Allee de Paris, Secretaire General de la Federation Internationale des Droits de l'Homme.

David Ruzié—Professeur de droit international public, ancien Doyen de la Faculté de Droit de l'Université Réne déscartes (Paris V).

Yoram Dinstein—Yanowicz Professor of Human Rights and Rector, Tel Aviv University (Israel).

L.C. Green—University Professor, University of Alberta, Canada.

John Carey—New York lawyer, member in 1983 of the United Nations Subcommission on Prevention of discrimination Protection of Minorities.

David Carliner—Chairman, International Human Rights Law Group.

Page Two:

Sidney Liskofsky—Program Director, the Jacob Blaustein Institute for the Advancement of Human Rights.

G. Sacerdoti—Professor of International Law, University of Bergano, Italy.

Anthony D'Amato—Professor of International Law, Northwestern University School of Law.

Nina Shea—Attorney, Program Director, International League for Human Rights.

Thomas Buergenthal—Dean, American University School of Law, Washington, D.C.

Rita E. Hauser—Attorney, Stroock, Stroock and Levan.

Richard B. Lillich—Professor, University of Virginia School of Law.

Page Three:

Gorge Carpiso—Professor of Constitutional Law, Mexico.

Richard Bruce Bilder—Professor of Law, University of Wisconsin Law School.

Hurst Hannum—Executive Director, Procedural Aspects of International Law Institute.

Yirmiyahu Shiran—Research Fellow, Russian Research Center, Tel Aviv University.

John Lawrence Hargrove—Director of Studies, American Society of International Law.

Amy Young—Executive Director, International Human Rights Law Group.

Roger Clark—Professor of International Law, Rutgers University.

Theodor Meron—Professor of International Law, New York University.

Excepts From the Memorandum

The purpose of the present petition is to express our concern over the proceedings before the Vladimir Regional Court and their implications for constitutional guarantees of individual rights in the USSR as well as for the implementation of internationally recognised human rights and freedoms and to request the Procurator General to vacate the conviction of Dr. Begun and to order his release from confinement. We set forth below the grounds for our request.

When considering the case of Iosif Z. Begun, the Procuator General will be called upon to determine the legality and the appropriateness of the judgment rendered by the Regional Court of Vladimir. We wish to draw your attention to three main areas in which the court of first instance in our view misapplied the law and erred in evaluating the factual circumstances:

(A) The misapplication of Article 70 of the Criminal Code of the RSFSR;

(B) The failure to respect Soviet constitutional and international guarantees accepted by the USSR of fundamental freedoms of the individual;

(C) The failure to observe Soviet procedural legal standards pertaining to the rules of evidence and fair trial.

A. THE MISAPPLICATION OF ARTICLE 70 OF THE CRIMINAL CODE

Article 70 of the Criminal Code of the RSFSR should be considered inapplicable in cases where a person exercises his inalienable right to free expression. The scope of this essential right in relation to Article 70 is defined in legal norms (see below), not treated by the trial. We believe that Dr. Begun acted within his Soviet constitutional as well as internationally guaranteed, human rights to free expression when he wrote and made known his thoughts on issues of great personal and intellectual interest to him, and that Article 70 should have been so construed as applied to Begun's conduct.

Apart from the above considerations, conviction under Article 70 of the Criminal Code of the RSFSR is contingent upon proof that the accused is responsible for "slanderous fabrications which defame the Soviet state and social system" and for agitation and propaganda carried on "for the purpose of subverting or weakening the Soviet government". The Criminal Code and its official commentaries make it clear that both criteria, the objective and the subjective, must be established beyond doubt in order to render Article 70 applicable.

Neither the allegation that the materials prepared or circulated by Begun was slanderous nor Begun's anti-Soviet intent within the meaning of Article 70 was proved in the proceedings before the trial court. The court failed to examine these cardinal points, but instead focused only on the question of whether the materials had been in the possession of or orginated with the accused. Proof that Begun possessed or originated the materials, in itself, obviously does not establish a violation of Article 70, absent proof that they were slanderous or motivated by an anti-Soviet intent. No evidence was offered at the trial to show that the alleged actions or the seized literature were of a slanderous nature within the meaning of Article 70.

The basic flaw in the proceedings represented by the failure to adduce evidence relating to the key elements of the crime renders the judgment *ipso facto* illegal and subject to annulment.

B. CONSTITUTIONAL AND INTERNATIONAL GUARANTEES OF FUNDAMENTAL FREEDOMS OF THE INDIVIDUAL

The case of Iosif Ziselvich Begun also should have been considered by the trial court in the light of substantive rights and freedoms guaranteed to every individual and to ethnic minorities by the Soviet Constitution and by applicable international standards of human rights which the Union of Soviet Socialist Republic has undertaken to make part of its legal system and to observe scrupulously. The Soviet Union has ratified the International Covenant on Civil and Political Rights, the UNESCO Convention Against Discrimination in Education, the International Convention on the Elimination of All Forms of Racial Discrimination and has signed the Helsinki Final Act in which these standards are enunciated. It has also repeatedly upheld, in the United Nations and elsewhere, the Universal Declaration of Human Rights.

In this respect, the judgment of the court of first instance is deficient. It clearly is in violation of the guarantees of freedom of speech, freedom of the press, freedom of assembly, and freedom to hold meetings and public demonstrations, contained in Article 50 of the USSR Constitution. It also is in clear violation of Article 19 of the International Covenant on Civil and Political Rights, which states that everyone has the right to freedom of opinion and expression; this right includes "freedom to hold opinions without interference" and to "seek, receive and impart information and ideas of all kinds, regardless of frontiers . . . through any media." Any restrictions and limitations on this right must be prescribed by law and construed restrictively. Under no circumstances may they amount to a denial of the right. The guaranty of the freedom of expression is highly relevant to the question whether the act imputed to the accused contained the elements of a crime, a question which the trial court had the duty to consider pursuant to Article 222 of the RSFSR Code of Criminal Procedure. The fact that the court was unconcerned with this important right and that it did not deal with the issue constitutes a serious defect which makes the judgment subject to scrutiny and reversal by the Procurator General.

The conclusion by the trial court that interest in, attention to, and free discussion of the condition of a national minority in the Union of Soviet Socialists Republics constitute a punishable offence conflicts with the freedom of expression and communication and also with the specific guarantees which both the Soviet Constitution (Article 36), the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the UNESCO Convention Against Deicrimination in Education afford to persons belonging to ethnic, religious or linguistic minorities. Under these guarantees (e.g., Article 27 of the International Covenant on Civil and Political Rights), persons belonging to such minorities may not be denied the right, in community with other members of the group, to enjoy their own culture, to profess their own religion, or to use their own language.

The notion (apparently entertained by the court of first instance) that a communication by an individual to the United Nations Commission on Human Rights, to the United Nations Educational, Scientific and Cultural Organisation, or to other international bodies with recognised competence to receive communications from individuals is contrary to Soviet law, clearly violates the international obligations of the Government of the USSR not to inhibit the exercise of functions which these bodies exercise by preventing the submission of complaints by aggrieved persons and organisations. This mandate must be respected by all agencies of the Soviet State, whether administrative or judicial. Soviet participation in each of these international bodies assures the Soviet Government the opportunity to refute any allegations in individual communications that may be untrue. This power should suffice to protect the interests of the Soviet government without the need to limit the right of individuals to bring their complaints before international bodies.

The same is true of the suggestion that an appeal to the follow-up conference of the countries which signed the 1975 Final Act of the Conference on Security and Cooperation in Europe might be unlawful and punishable as a criminal offense. The Helsinki Final Act, which the Soviet Union has accepted as a binding obligation proclaims the right of the individual to know and act upon his rights and duties in the human rights field. This right is supported by several legal entitlements of every individual: to claim rights and freedoms recognized in his country's national constitution and laws, as well as the Universal Declaration of Human Rights and the pertinent international instruments; to take non-violent action in defense of recognized rights and freedoms; and to engage in communication with others, with a view to contributing to more effective implementation of international human rights standards.

The principal additional points of the appeal were:

(1) The failure to observe prescribed legal standards pertaining to the rules of evidence and fair trial;

(2) The failure to arrive at a legal, well-founded judgment;

(3) The violation of the right to an open and public trial;

(4) The denial of the right to a defense, including the right to call witnesses and present evidence at trial;

(5) The failure to conduct a complete and objective analysis of the circumstances of the case and to respect the presumption of innocence of the accused; and

(6) The excessive, disproportionate and illegal punishment Begun received.

CONCLUSION

On the basis of all the foregoing, it is submitted that the judgment which has taken effect against Begun should be vacated in accordance with Article 379 of the Code of Criminal Procedure on the basis of all grounds stated in Article 342 of the Code of Criminal Procedure (and set forth in extenso in Articles 343, 344, 345, 346 and 347) which are comprised within the circumstances and arguments set forth herein:

(1) the one-sideness or incompleteness of the inquiry or of the preliminary or judicial investigation;

(2) the lack of correspondence of the court's findings set forth in the judgment and the factual circumstances of the case;

(3) the substantial violation of the criminal procedure law;

(4) the incorrect application of the criminal law;

(5) the lack of correspondence of the punishment assigned by the court with the gravity of the crime or the personality of the convicted person.

For the above reasons, and in the name of justice and legality, we respectfully ask the Procurator General of the USSR to exercise his power under the USSR statute on the Procuracy, Arts. 23 and 25 and Article 371 of the Code of Criminal Procedure of the RSFSR, to protest the judgment of the

Vladimir Regional Court of October 14, 1983, and the decision of the Supreme Court of the RSFSR on appeal from the aforementioned judgment and to vacate the judgment. Alternatively, the Procurator General of the USSR is requested to take whatever other action in this matter the interests of justice may require.

SECRETARY SHULTZ

Mr. LEAHY. Mr. President, Secretary Shultz is very busy these days looking for people to blame for the foreign policy problems facing the administration. I can understand his frustration. Mismanagement and poor planning have been coming back to haunt the State Department. Last week, the Senate minority leader provided the Senate with a strong and correct statement on the situation in Lebanon, and I congratulate him for taking the lead on this issue.

In seeking to deflect attention from the failure in Lebanon, the Secretary is attacking the Congress—for what? Did we withhold funds? No. Did we tie the President's hands with a time constraint? No; we gave him 18 months, 18 months. In fact, the majority of Members of Congress were willing to completely ignore and abrogate the War Powers Act to make sure the issue would not even come back to us until after both the congressional and Presidential election. I think that time is still not up.

There was indeed bipartisan concern that the administration's policy in Lebanon was headed for disaster. There was also a political concern expressed to the President by his own pollsters. Why? Because the policy did not hold water. No amount of optimistic reports, no amount of money, could make it work. When the Secretary tries to blame Congress for his troubles, either in Lebanon, or in El Savador, my colleagues need to be aware of what is going on here.

I want a foreign policy that is going to succeed. A well-developed policy will receive bipartisan support in Congress. There certainly will not be that support if there is a knee-jerk reaction to well-thought-out statements like those of Senator Byrd that tried to point out where some of the problems are, a statement really which seeks and reaches out for people within the administration and Congress to come together and try to solve what are otherwise going to become unsolvable problems.

It is time Secretaries of State understand that the days of one-man shows in foreign policy are over. Feeble attempts at shifting the blame for our foreign policy difficulties are not going to change the fact that Congress will speak out when it sees mistakes being made.

MESSAGES FROM THE HOUSE

At 1:04 p.m., a message from the House of Representatives was delivered by Mr. Berry, one of its reading clerks, announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 47) entitled "An act to improve the international ocean commerce transportation system of the United States."

The message also announced that the House had passed the following bills and joint resolutions in which it requests the concurrence of the Senate:

H.R. 1426. An act for the relief of Philip Harper.

H.R. 3648. An act to improve the cost effectiveness of the National Railroad Passenger Corporation, to authorize appropriations for such Corporation for the fiscal year ending September 30, 1984, and for other purposes.

H.R. 4835. An act to authorize funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in Krakow, Poland.

H.J. Res. 492. A joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

H.J. Res. 493. A joint resolution making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984.

The message further announced that the House had agreed to the following concurrent resolution in which it requests the concurrence of the Senate:

H. Con. Res. 264. A concurrent resolution authorizing the rotunda of the Capitol to be used for a ceremony on March 15, 1984, commemorating the anniversary of the birth of President Andrew Jackson.

ENROLLED BILL SIGNED

At 3:44 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 47. An act to improve the international ocean commerce transportation system of the United States.

HOUSE MEASURES REFERRED

The following House measures were read the first and second times by unanimous consent and referred as indicated:

H.R. 1426. An act for the relief of Philip Harper; to the Committee on the Judiciary.

H.R. 4835. An act to authorize funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in Krakow, Poland; to the Committee on Foreign Relations.

H.J. Res. 492. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture; to the Committee on Appropriations.

H.J. Res. 493. Joint resolution making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984; to the Committee on Appropriations.

HOUSE MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times and places on the calendar, by unanimous consent:

H.R. 3648. An act to improve the cost effectiveness of the National Railroad Passenger Corporation, to authorize appropriations for such Corporation for the fiscal year ending September 30, 1984, and for other purposes.

HOUSE MEASURE HELD AT THE DESK

The following concurrent resolution was held at the desk pursuant to the order of March 6, 1984:

H. Con. Res. 264. Concurrent resolution authorizing the rotunda of the Capitol to be used for a ceremony on March 15, 1984, commemorating the anniversary of the birth of President Andrew Jackson.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2739. A communication from the Acting Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided the Berlin Magistrate, October through December 1983; to the Committee on Armed Services.

EC-2740. A communication from the Acting Assistant Secretary of Defense for Manpower, Installations, and Logistics transmitting, pursuant to law, a report on the effects of competing for guard and firefighting services in DOD by performance under contract; to the Committee on Armed Services.

EC-2741. A communication from the Chairman of the Export-Import Bank transmitting, pursuant to law, a report on a guarantee of a loan by American Express International Banking Corp. to finance the purchase by Turkey of U.S. mining equipment; to the Committee on Banking, Housing, and Urban Affairs.

EC-2742. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to provide for operation and maintenance of certain fish propagation facilities in the Columbia River Basin; to the Committee on Commerce, Science, and Transportation.

EC-2743. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to improve the management and efficiency of the Coast Guard; to the Committee on Commerce, Science, and Transportation.

EC-2744. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize commutation to enlisted members of the Coast Guard Reserve of rations; to the Committee on Commerce, Science, and Transportation.

EC-2745. A communication from the Administrator of the Energy Information Administration transmitting, pursuant to law, a report on the design and development of an energy consumption survey of the manufacturing industries; to the Committee on Energy and Natural Resources.

EC-2746. A communication from the Secretary of Energy transmitting a draft of proposed legislation to repeal personnel restrictions applicable to the Department of Energy; to the Committee on Energy and Natural Resources.

EC-2747. A communication from the Chairman of the National Energy Extension Service Advisory Board transmitting, pursuant to law, the fifth annual report on the Nationwide Energy Extension Service Program; to the Committee on Energy and Natural Resources.

EC-2748. A communication from the Assistant Secretary of the Army for Civil Works transmitting, pursuant to law, a report on a survey for protecting Salt Bayou Road, Louisiana; to the Committee on Environment and Public Works.

EC-2749. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on reactor safeguards; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-564. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

"SENATE JOINT RESOLUTION No. 40

"Whereas, the Chesapeake Bay is recognized as the largest and most valuable estuary in the United States and as a national treasure; and

"Whereas, the United States Environmental Protection Agency Chesapeake Bay Program has determined after seven years of study that the continued viability of the Chesapeake Bay is threatened by overenrichment from nutrients and the accumulation of toxic materials from both point and nonpoint sources; and

"Whereas, the states of Maryland, Virginia and Pennsylvania have worked cooperatively with the EPA in the conduct of the Chesapeake Bay Program to identify and evaluate strategies to correct overenrichment of the Chesapeake Bay, and have pledged to work together to ensure the long-term viability of the Bay; and

"Whereas, the states of Maryland, Virginia and Pennsylvania have also developed programs to improve soil conservation and to combat the runoff of nutrients and toxicants from farmland and animal wastes, and to control sedimentation and stormwater; [and

"Whereas, in his 1984 State of the Union Address, the President of the United States lent his support to Congressional efforts to meet the concerns hereinbefore expressed, for which support the General Assembly commends him;] now, therefore, be it

"Resolved by the Senate of Virginia, the House of Delegates concurring, That the General Assembly of Virginia hereby requests the Congress and President of the United States to expeditiously enact and sign S. 431 and H.R. 2817, which would amend the Clean Water Act to provide for continuation of the Chesapeake Bay Program, maintain an EPA Chesapeake Bay Office and provide grants to the Chesapeake Bay states to implement management mechanisms to improve the quality of the Bay; and, be it

"Resolved further, That Congress and the President are encouraged to enact and sign legislation which would create a national program of technical and financial assistance to address pollution from urban, residential and agricultural nonpoint sources; and, be it

"Resolved further, That Congress and the President are requested to appropriate the necessary funds for these purposes; and, be it

"Resolved finally, That copies of this Resolution be sent by the Clerk of the Senate to the President of the United States, the Director of the United States Environmental Protection Agency, and to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia delegation to the Congress of the United States in order that they may be apprised of the sense of this General Assembly."

POM-565. A concurrent resolution adopted by the Senate of the Commonwealth of Kentucky; to the Committee on Finance.

"CONCURRENT RESOLUTION

"Whereas, the American steel industry has engaged in extraordinary self-help efforts including the commitment of millions of dollars to modernization and the reduction of employment cost; and

"Whereas, foreign steel imports now account for approximately twenty percent (20%) of the steel consumed in the United States; and

"Whereas, the American steel and coal industries, and those particularly in Kentucky, are suffering from painfully high levels of unemployment which result in large measure from foreign steel imports; and

"Whereas, most steel entering the United States is unfairly traded because it is dumped, subsidized or the beneficiary of targeted foreign government development assistance; and

"Whereas, United States trade laws have been ineffective in stemming the tide of unfairly traded foreign steel; and

"Whereas, unfair trade in steel is the single most serious threat to the survival of a healthy industry in Kentucky and in the United States; and

"Whereas, the American steel industry produces industrial material which is essential to the United States economy and necessary to our national defense; and

"Whereas, the steel industry is an important part of the Kentucky economy, providing employment for thousands of the Commonwealth's residents; and

"Whereas, the American steel industry and Kentucky's coal mining industry are linked by an important and mutually beneficial customer-supplier relationship;

"Now, therefore,

"Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

"SECTION 1. That the Commonwealth of Kentucky urges Congress to support the Fair Trade and Steel act of 1983 which limits imports of foreign steel to not more than fifteen percent (15%) of American steel consumption for a period of at least five (5) years; and

"SECTION 2. That a copy of this resolution be sent to each member of the Kentucky delegation to Congress, each member of the Congressional Steel Caucus, the presiding officers of each House of Congress, and the President of the United States."

POM-566. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Finance.

"SENATE JOINT RESOLUTION No. 8

"Whereas, approximately seventy-nine percent of all parents obligated by court order to pay child support make no payments after four years, approximately fifty percent of all marriages end in divorce, and approximately thirty percent of all children born in this country are illegitimate; and

"Whereas, although child support laws fall within the jurisdiction of each state, child support enforcement often requires legal action across state borders, subjecting such enforcement to cumbersome legal procedures, interstate reciprocity and the incompatability of state laws; and

"Whereas, the problem of interstate enforcement has been recognized for thirty years and is still a major stumbling block to developing effective child support programs; and

"Whereas, in our highly mobile society, interstate enforcement is crucial in the struggle to stop absent parents from evading their duties of child support; and

"Whereas, the Uniform Reciprocal Enforcement of Support Act, which was adopted by all states in 1955, has historically been the major force to achieve uniform interstate enforcement of child support orders; and

"Whereas, the several states have adopted various amendments to the Uniform Act or dropped whole sections in the adopted version, effectively weakening enforcement and closing many avenues for prosecution; and

"Whereas, the American taxpayer has been forced to take on the enormous burden of supporting many children abandoned by one or both parents which could be assumed by absent parents with enactment of strong enforcement legislation at the federal level; and

"Whereas, such legislation would offer financial, social, and medical benefits to numerous children across our country, as well as fostering in families a sense of parental responsibility, heritage, and self-esteem; and

"Whereas, one of the most effective means of collecting current and past-due child support is with the use of a court order which requires the payment of support by an employer out of the obligated parent's wages; and

"Whereas, such wage assignment laws on the state level are ineffective on an interstate basis; and

"Whereas, several proposals are pending before the Congress of the United States which would establish a uniform national system of wage assignment to enforce child support orders; now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring, That the General Assembly of Virginia memorializes the Congress of the United States to establish at the earliest feasible date a national wage assignment law to facilitate collection of child support; and, be it

"Resolved further, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, to the President of the

United States Senate, and to members of the Virginia delegation to the Congress of the United States."

POM-567. A resolution adopted by the City Council of Falls Church, Va., favoring legislation which will fully protect municipalities and other special purpose units of government from liability under Federal antitrust laws; to the Committee on the Judiciary.

POM-568. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Veterans' Affairs.

"SENATE JOINT RESOLUTION No. 17

"Whereas, National Cemeteries are, and of right ought to remain, places of honor set aside for the burial of the nation's veterans; and

"Whereas, it is fully in keeping with the sacrifices which America's veterans have made for their country in peace and war, at home and abroad, that those laid to rest in National Cemeteries should be buried with dignity; and

"Whereas, in October, 1983, it came to the attention of the public that not all veterans being buried in National Cemeteries were being treated with the dignity which they merited; and

"Whereas, it was reported in the press that far from being interred with dignity, some veterans were being buried naked or wrapped in sheets, in plastic bags and cardboard boxes; and

"Whereas, at least one such burial has been reported to have occurred in the National Cemetery at Quantico, Virginia; and

"Whereas, such burial practices are repellent to Virginians and to all Americans; now, therefore, be it

"Resolved by the Senate of Virginia, the House of Delegates concurring, That the Congress of the United States is hereby memorialized to ensure that the United States Veterans Administration takes appropriate actions to guarantee that veterans being buried in all National Cemeteries are interred with the dignity, respect, and gratitude which they, as veterans, have earned from the people of the nation which they have served; and, be it

"Resolved further, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Virginia delegation to the Congress of the United States, and to the Administrator of the United States Veterans Administration in order that they may be apprised of the sense of the General Assembly of Virginia in this matter."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS (for himself, Mr. STENNIS, Mr. ABDNOR, and Mr. DECONCINI):

S. 2393. A bill to amend title 39, United States Code, to codify in permanent law the authority under annual appropriation acts for Postal Service security personnel to exercise the powers of special policemen on postal property, to provide penalties for the violation of regulations governing postal property, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 2394. A bill to amend the Internal Revenue Code of 1954 to provide a credit for the purchase of child restraint systems used in motor vehicles; to the Committee on Finance.

By Mr. DENTON:

S. 2395. A bill to amend the Freedom of Information Act to provide for the protection from disclosure of records related to terrorism and foreign counterintelligence; to the Committee on the Judiciary.

By Mrs. HAWKINS:

S.J. Res. 255. Joint resolution to designate the month of May 1984 as "Older Americans Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself, Mr. STENNIS, Mr. ABDNOR, and Mr. DECONCINI):

S. 2393. A bill to amend title 39, United States Code, to codify in permanent law the authority under annual appropriation acts for Postal Service security personnel to exercise the powers of special policemen on postal property, to provide penalties for the violation of regulations governing postal property, and for other purposes; to the Committee on Governmental Affairs.

PROTECTION OF POSTAL PROPERTY

Mr. STEVENS. Mr. President, today I am introducing legislation which would authorize Postal Service personnel and cooperating local law enforcement officers to make arrests for crimes committed against the U.S. Postal Service in their presence and on U.S. Postal Service property, and to provide penalties for such crimes.

At present, although the Postal Service has authority to adopt needed regulations governing the use and protection of its property, there is no permanent legislation which provides criminal sanctions for violation of their rules. In fact, if it were not for language added yearly to appropriations bills, the Postal Service and local law enforcement personnel would not have the power to make arrests even if crimes are committed in their presence.

The need for permanent legislation was created by the transfer in 1971 of a significant number of Federal properties to the U.S. Postal Service by the Postal Reorganization Act of 1970. As I said, the need has been dealt with on a year-to-year basis by provisions contained in the annual appropriations bills. As a general principle, general legislation should not be attached to appropriations bills. Nevertheless, there are occasions when circumstances warrant such legislation. But, this is not one of them.

This measure should have been dealt with some time ago and is long overdue. There exists in permanent law somewhat similar language protecting Federal properties under the jurisdiction of the General Services Administration and, in fact, protected the Postal Service properties prior to the Postal Reorganization Act of 1970.

The U.S. Postal Service has a postal security force which administers regulations and protects Postal Service property. Since the need to protect properties under the jurisdiction of the Postal Service is permanent and a continuing one, the provisions which have been contained in annual appropriations acts should be codified in permanent form amending title 39, United States Code. The difficulties and uncertainties which have marked consideration of appropriations bills during the last several years have served to underscore the need for permanent legislation.

This bill will also increase the maximum penalties that a court may impose for conviction of a violation of these rules from $50 and 30 days to $500 and 6 months. Even so, these penalties still keep these crimes in the petty offense category. This particular section has not been changed since 1948 and certainly needs to be brought up to date.

Enactment of this legislation is needed to enable the U.S. Postal Service to carry out its permanent responsibilities to protect postal property and personnel under their charge and control. In closing, I am pleased to point out that no additional appropriations or outlays would be required as a result of enactment of this legislation.

By Mr. INOUYE:

S. 2394. A bill to amend the Internal Revenue Code of 1954 to provide a credit for the purchase of child restraint systems used in motor vehicles; to the Committee on Finance.

CREDIT FOR PURCHASE OF CHILD RESTRAINT SYSTEMS

● Mr. INOUYE. Mr. President, today I am introducing legislation which would amend the Internal Revenue Code of 1954 in order to provide a tax credit for families who purchase approved child restraint systems for use in motor vehicles.

My proposal, which is modeled after that in the State of Hawaii, would provide such a credit for the amount equal to the cost incurred by the taxpayer during the taxable year in which the qualified restraint system is purchased.

Statistics have recently been brought to my attention which indicate that injuries have now replaced infectious diseases as the leading cause of death and disability among younger Americans. For example, half of all Americans aged 1 to 14 who died in 1983 will have died from injuries sustained in car and bicycle accidents, fires, falls, drowning, and the ingestion of toxic substances. The U.S. Department of Transportation recently informed me that although child safety seat use has increased from 13 percent in 1979 to almost 29 percent presently, their investigations have indicated that only in about 15 percent of the cases, where tethered seats are being used, were they correctly attached. Further, for nontethered restraints, in only approximately 60 percent of the time that they are being used are they being used correctly. This is in spite of the fact that we now know that if properly restrained, over 50 percent of the children who died in automobile accidents would have been saved, and 65 percent would have been less severely injured.

The National Transportation Safety Board reported that in the years 1978 through 1982, nearly 3,400 child passengers under 5 years of age were killed in traffic accidents, and more than 250,000 were injured.

I am aware that a number of States have recently enacted legislation requiring the use of child restraint mechanisms and, further, that today 42 States and the District of Columbia have enacted such laws. The measure which I am proposing today would, in my judgment, actively complement the State-oriented effort.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR PURCHASE OF CHILD RESTRAINT SYSTEMS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by adding at the end thereof the following new section:

"SEC. 44I. PURCHASE OF CHILD RESTRAINT SYSTEM.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the costs incurred by the taxpayer during such taxable year in purchasing a qualified child restraint system for any child of the taxpayer.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD RESTRAINT SYSTEM.—The term 'qualified child restraint system' means any child restraint system which meets the requirements of section 571.213 of the Code of Federal Regulations.

"(2) CHILD RESTRAINT SYSTEM.—The term 'child restraint system' has the meaning given to such term by section 571.213 of the Code of Federal Regulations.

"(3) CHILD.—The term 'child' has the meaning given to such term by section 151(e)(3).

"(c) LIABILITY FOR TAX.—The amount of the credit allowed by subsection (a) for any taxable year shall not exceed the amount of the tax imposed by this chapter for such taxable year reduced by the sum of the credits allowable under a section of this part having a lower number or letter designation than this section (other than the credits allowable by sections 31, 39, and 43).".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 44H the following new item:

"Sec. 44I. Purchase of child restraint system.".

(2) Subsection (b) of section 6096 (relating to designation of income tax payment to Presidential Election Campaign Fund) is amended by striking out "and 44H" and inserting in lieu thereof "44H, and 44I".

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1983.●

By Mr. DENTON:

S. 2395. A bill to amend the Freedom of Information Act to provide for the protection from disclosure of records related to terrorism and foreign counterintelligence; to the Committee on the Judiciary.

FREEDOM OF INFORMATION ACT AMENDMENTS

● **Mr. DENTON.** Mr. President, today I introduce legislation to amend and improve the Freedom of Information Act (FOIA) by providing a specific exemption from disclosure for information related to terrorism and foreign counterintelligence. The legislation also deletes a current provision of 5 U.S.C. 552 that requires the release of segregable portions of a record to an FOIA requester.

On December 10, 1981, FBI Director William Webster testified before the Subcommittee on the Constitution of the Senate Judiciary Committee. He described, in detail, cases in which hostile foreign intelligence services, members of terrorist groups, and others have used the FOIA to identify FBI informants and frustrate FBI investigations.

As early as 1979, Judge Webster revealed that, for that year alone, he knew of 125 cases where individuals refused to provide the FBI with information because of fears that their names would be released under an FOIA request.

I firmly believe that, in order to more effectively deal with terrorists and foreign intelligence operatives, who are increasingly sophisticated in their intelligence-gathering methods and who rejoice at the ease with which they are able to obtain sensitive information in our open, democratic society, we need to close some loopholes in the law that allow them access to information that they should not have. Additionally, such requests have a chilling effect on informants who fear exposure through information released under the FOIA. Those informants have become hesitant about cooperating with our law enforcement agencies.

Last year, when we were considering other amendments to the FOIA, I advised my colleagues on the Judiciary Committee that the Senate and House would need to act very soon to protect highly sensitive information gathered for foreign counterintelligence purposes. In some cases, the response to an FOIA request amounts to acknowledgement by the FBI that a file exists on a specific subject. As a result, hostile intelligence services are put on notice that an investigation is underway or has taken place.

The bill also addresses the problem of segregability. As the law stands now, records requested under the FOIA must be reviewed line by line to determine releasability. That type of review frequently requires the release of often seemingly innocuous information within a document, which, when pieced together with other information, could conceivably be the piece of information a hostile intelligence-gathering team needs to complete its mosaic.

The time has come to stop what amounts to giving help to terrorists and hostile foreign intelligence services through provisions in a law that was never intended to be used for that purpose. I ask for the support of my colleagues in amending those provisions.●

By Mrs. HAWKINS:

S.J. Res. 255. Joint resolution to designate the month of May 1984 as "Older Americans Month"; to the Committee on the Judiciary.

OLDER AMERICANS MONTH

● **Mrs. HAWKINS.** Mr. President, I rise to introduce a Senate joint resolution to designate the month of May as Older Americans Month.

It has become our tradition in Congress to designate May as Older Americans Month to recognize the valuable contributions of the elderly to our country.

The elderly are the fastest growing segment of America's population. Today, one in nine Americans is a senior citizen. By the turn of the century, that figure will be one in six. This demographic shift will have a powerful impact on our society.

Often, we in Congress concentrate only on the problems of the elderly, such as the increasing need for housing or long-term medical care. Certainly, these issues must be addressed but, surprisingly, at a given time, less than 5 percent of America's elderly are confined to institutions. Most senior citizens lead active and productive lives, and most own and maintain their own homes. Older Americans today are better educated, healthier, and more financially secure than ever before. To quote Oliver Wendell Holmes, who at the age of 90 was an adviser to the President, "To be 70 years young is sometimes more hopeful than to be 40 years old."

Our President is a senior citizen. Many Congressmen are senior citizens. Some of our most beloved stage and screen stars, such as Lena Horne, Katharine Hepburn, and Bob Hope, are senior citizens. Other great Americans who have done some of their finest work after the age of 65 include: Noah Webster, who wrote his monumental dictionary at age 70; "Grandma" Moses, an important American artist; and Benjamin Franklin, who at the age of 81 effected the compromise that brought the Constitution into being.

These accomplishments are proof of the great potential of our Nation's elderly. We must recognize the contributions of all our elderly, not just the well known. Senior citizens from all walks of life make valuable contributions to such important programs as ACTION, VISTA, SCORE, the Foster Grandparent program, and many other volunteer programs. Programs for the senior citizens in this country could not survive without the thousands of senior volunteers who contribute to their success. In return, this employment provides the greatest opportunity for continued self-reliance and independence for the elderly.

The ability and willingness of the elderly to continue to work and contribute to the quality of American life is very encouraging. They are more independent, more active in the work force and in volunteer service, and more politically influential than in the past. Nevertheless, we must assure that our retirement, health, employment, and housing programs are flexible enough to adapt to this changing population. Our Nation's elderly should be regarded as a vast resource of experience and expertise.

During Older Americans Month, we should reflect on the fact that the wisdom of age is a gift that money cannot buy and one that we must be careful not to squander.

So this May, as we honor older Americans, not only should we honor and pay tribute to them, but we should also reaffirm our commitment to protecting their purposeful participation in our society—which is what truly gives meaning to life.●

ADDITIONAL COSPONSORS

S. 1329

At the request of Mr. RANDOLPH, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1329, a bill to extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat, and for other purposes.

S. 1816

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 1816, a bill to amend the Textile Fiber Products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products.

S. 1992

At the request of Mr. BENTSEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

S. 2099

At the request of Mr. JEPSEN, the names of the Senator from Illinois (Mr. PERCY), the Senator from Arkansas (Mr. PRYOR), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of S. 2099, a bill to delay for 2 years the mandatory coverage of employees of religious organizations under social security.

S. 2102

At the request of Mr. ROTH, the name of the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 2102, a bill to charter the National Academy of Public Administration.

S. 2145

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 2145, a bill to amend the Fair Labor Standards Act of 1983 to facilitate industrial homework, including sewing, knitting, and craftmaking, and for other purposes.

S. 2295

At the request of Mr. QUAYLE, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 2295, a bill to amend title 23, United States Code, to provide that for purposes of determining the minimum allocation paid to any State, the amount of taxes treated as paid into the highway trust fund with respect to gasohol and certain methanol and ethanol fuels shall be determined as if such fuels were taxed as gasoline.

S. 2304

At the request of Mr. BOSCHWITZ, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 2304, a bill to enhance U.S. food aid, restore the competitive position of the United States in agricultural export markets, and for other purposes.

S. 2358

At the request of Mr. PROXMIRE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2358, a bill to prohibit the U.S. Synthetic Fuels Corporation from making new awards of financial assistance before the comprehensive strategy (as set forth in the Energy Security Act) is approved.

S. 2374

At the request of Mr. STAFFORD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2374, a bill to extend the authorization for 5 years for the low-income home energy assistance program, for the community services block grant, and for the Head Start program, and for other purposes.

SENATE JOINT RESOLUTION 97

At the request of Mr. BOSCHWITZ, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE JOINT RESOLUTION 211

At the request of Mr. BURDICK, the names of the Senator from Illinois (Mr. DIXON), the Senator from Iowa (Mr. JEPSEN), the Senator from South Carolina (Mr. THURMOND), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of Senate Joint Resolution 211, a joint resolution designating the week of November 18, 1984, through November 24, 1984, as "National Family Week."

SENATE JOINT RESOLUTION 215

At the request of Mr. THURMOND, the names of the Senator from Iowa (Mr. JEPSEN), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of Senate Joint Resolution 215, a joint resolution to designate the week of April 23-27, 1984, as "National Student Leadership Week."

SENATE JOINT RESOLUTION 244

At the request of Mr. DOLE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of Senate Joint Resolution 244, a joint resolution designating the week beginning on May 6, 1984, as "National Asthma and Allergy Awareness Week."

SENATE JOINT RESOLUTION 254

At the request of Mr. LUGAR, the names of the Senator from Connecticut (Mr. WEICKER), the Senator from North Dakota (Mr. ANDREWS), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of Senate Joint Resolution 254, a joint resolution to designate the month of October 1984 as "National Down's Syndrome Month."

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing relating to the Child Nutrition Act of 1966.

Specifically, the hearing will focus on the special supplemental food program for women, infants, and children (WIC).

The hearing will be held on Thursday, March 15, 1984, at 10 a.m. in 328-A, Russell Senate Office Building.

For further information, please contact Tom Bonsy or the committee staff at 224-6901 and 224-2035, respectively.

SUBCOMMITTEE ON NUTRITION

Mr. DOLE. Mr. President, I wish to announce the Subcommittee on Nutrition of the Committee on Agriculture, Nutrition, and Foretry has scheduled a hearing to receive testimony regarding the reauthorization of certain child nutrition programs and provisions of S. 1913.

The hearing will be held on Monday, March 12, 1984, at 2 p.m. in room 328-A, Russell Senate Office Building.

For further information, please contact the committee staff at 224-2035.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. LUGAR. Mr. President, I wish to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition and Forestry has scheduled an oversight hearing with respect to the Commodity Futures Trading Commission.

The hearing will include, but not be limited to: First, Contract approval process; second, contract rule changes; third, studies mandated by the Futures Trading Act of 1982; fourth, role of the States in prosecution of "off-exchange" commodity fraud; fifth, procedures for statutory disqualification of registrants; and sixth, temporary licensing provisions.

The hearing will be held on Thursday, March 15, 1984, at 1:30 p.m. in room 328-A, Russell Senate Office Building.

For further information, please contact the Agriculture Committee staff at 224-0014 or 224-0017.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Rules and Administration will hold a hearing on Wednesday, March 21, 1984, to receive testimony on S. 1676, to provide that polling and registration places in Federal elections be accessible to the elderly and handicapped. The hearing will begin at 10:30 a.m. in SR-301, Russell Senate Office Building. Senators or other interested persons who wish to testify or to submit written statements for the hearing record should contact the staff of the Rules Committee at 202-224-3449.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 7, to receive testimony on the use of polygraphs for counter intelligence purposes in the Department of Defense.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON TACTICAL WARFARE

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Tactical Warfare of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 7, at 2 p.m., to receive testimony on Navy and Marine Corps programs.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 7, at 2 p.m., to receive testimony on regional security assistance.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 7, to hold a hearing on labor rates and distribution in defense contracts.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON BUDGET AUTHORIZATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on the Budget Authorization of the Select Committee on Intelligence be authorized to meet in closed session on Wednesday, March 7, to consider the fiscal year 1985 intelligence budget.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 7, in order to receive testimony concerning the following nominations:

Sarah Evans Barker, of Indiana, to be U.S. district judge for the southern district of Indiana.

Harry L. Hupp, of California, to be U.S. district judge for the central district of California.

Edward J. Garcia, of California, to be U.S. district judge for the eastern district of California.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET STATUS REPORT

● **Mr. DOMENICI.** Mr. President, I hereby submit to the Senate a status report on the budget for fiscal year 1984 pursuant to section 311 of the Congressional Budget Act.

Since my last report, the Congress has cleared for the President's signature H.R. 4957, increasing the amount authorized to be expended for highway emergency relief, thus increasing the estimated current level of 1984 budget authority and outlays.

The report follows:

[Report No. 84-6]

REPORT TO THE PRESIDENT OF THE U.S. SENATE FROM THE COMMITTEE ON THE BUDGET, STATUS OF THE FISCAL YEAR 1984 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 91

REFLECTING COMPLETED ACTION AS OF MARCH 5, 1984

[In millions of dollars]

	Budget authority	Outlays	Revenues
Second budget resolution level	922,125	852,125	679,600
Current level	921,564	854,067	665,286
Amount remaining	561	0	0

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $561 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $0 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measure that would result in revenue loss exceeding $0 million for fiscal year 1984, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.●

FARM CREDIT CRISIS

● **Mr. SASSER.** Mr. President, as many of my colleagues are painfully aware, farmers across the country continue to struggle with the difficulties of a major credit crisis in the farm economy. The policies and attitudes of the Farmers Home Administration under this administration have played a central role in this crisis. Farmers have had to take the administration to court on numerous occasions in efforts in insure that FmHA carries out its statutory mandate to assist economically strapped farm producers.

I would like to bring to the attention of my colleagues illustrative language from one such case, a case which will dramatically impact FmHA practices across the country. I am referring to Coleman against Block, a class action suit brought by nine North Dakota farmers. These farmers alleged that FmHA had refused to allow the farmers' applications for deferment of loans, that FmHA had terminated funds to farmers for necessary living and operating expenses, and that FmHA had subjected farmers to a biased and unconstitutional appeals process. This pattern of allegations is a familiar one to many of my colleagues who represent FmHA borrowers, since we have witnessed an increased emphasis on commercial procedures by FmHA officials over the past few years, with less and less consideration being given to helping maintain the family farm.

The Coleman opinion points out that this marks a shift from the objectives and goals of our Government programs dealing with farm credit. These programs had their origins in the Resettlement Administration, FmHA's forerunner, established in 1935 to help farm families retain their land despite drought and depression. These Federal loan programs were built upon over the years to bolster the credit of nearly all farm operations, farm-related businesses, and rural towns and communities.

Despite the past history of farm credit assistance and the clear legislative intent behind such programs, this administration has struck off on a disastrous course in dealing with agriculture credit. Nowhere has this been more clearly illustrated than in FmHA's recent track record in handling liquidations and foreclosures, the center of the Coleman controversy. Farmers Home has been making unilateral decisions to liquidate all of a farmer's security without informing the borrower of his right to appeal the liquidation decision. FmHA county supervisors have attempted to persuade delinquent farmers to voluntarily liquidate, again without mentioning the borrowers' right to appeal. Only after this request for a voluntary liquidation has not progressed does FmHA first inform the borrower of the appeal possibility. In other words, the farmer is asked to put himself on the auction block and left to wonder what will happen if he does not voluntarily liquidate. Only after this scenario has been played out, do FmHA officials bother to tell the borrower, "By the way, this decision to liquidate can be appealed."

If this strikes you as more than a little unfair, you are not alone. The court in Coleman noted that such a system does "not comport with basic procedural due process considerations." The court also noted the opinion handed down in Gamradt against Block which touched on the unfairness that permeates the liquidation stage of FmHA procedures. Not only is this type of foreclosure process patently unfair, it undermines the basic tenets behind our farm credit programs.

Again, I turn to the Coleman decision, where the opinion points out, "The FmHA program, is, after all, a program addressed to helping a farmer who needs help." For myself and many other Senators from a farm State, this is the basic goal of FmHA loan programs. However, this administration has either lost sight of this underlying truth or has simply chosen to ignore it in their dealings with farm borrowers. The opinion goes further to underscore this basic premise behind FmHA activities in noting that "FmHA has a twofold duty—to assist a special group who needs help, and then, to protect the investor (the United States)."

What the court is clearly indicating in this last passage is that FmHA's primary responsibility is to help farmers. Again, this should come as no surprise to those of us concerned with the economic well-being of our farmers. Yet, this appears to be news to an administration which has emphasized commercial foreclosure procedures to the detriment of farm borrowers. The Coleman court addressed the administration's priorities by emphasizing,

> In some circumstances, such as the liquidation of chattel liens, commercial procedures are not quite appropriate to meet the charitable obligation (of FmHA).

Mr. President, it saddens me that our citizens must turn to a court of law to be told that they, as FmHA borrowers, are entitled to receive notice of FmHA liquidation and foreclosure decisions, and a chance to be heard and present evidence before a FmHA county supervisor acts to liquidate their mortgages and freeze their incomes. But such is the state of affairs under this administration.

While the informal hearing called for in Coleman assures farmers of some procedural protection in their dealings with FmHA, the Coleman decision cannot deal with the basic causes of the present farm credit crisis. The House already has acted on farm credit legislation to address the current emergency under the leadership of my good friend, Congressman Ed Jones. The administration's opposition to this legislation has forestalled consideration of similar legislation by the Senate. It is my hope that Mr. Reagan will stop pushing farmers into the courthouse searching for relief which should originate from the White House.

In closing, I again urge my colleagues to come to the assistance of farmers across this country through speedy enactment of emergency farm credit legislation.●

UNIFORM DRINKING AGE OF 21 YEARS

● Mr. LUGAR. Mr. President, an excellent editorial appeared in Purdue University's student newspaper, the Exponent, on February 21. The editorial, written by Chris Maloney of the Exponent Editorial Board, endorses the concept of legislation to establish a uniform national drinking age of 21 years. The editorial is a strong indication that thoughtful young people see considerable merit in such legislation. Indeed, a recent poll revealed that 58 percent of young people 18 to 20 years of age support the idea of a national 21 year drinking age.

I commend this editorial to the attention of my colleagues and ask that the full text be inserted in the Record.

The article follows:

Uniform Drinking Age of 21 Years

Sen. Richard Lugar, R-Ind., has authored a bill which would establish a national minimum drinking age of 21.

The bill, which recently passed the House Energy and Commerce Committee, is proper insofar as it provides a definite national standard—something that is sorely needed.

Much of the epidemic of drunken driving and the deaths that so sadly accompany it can be traced to a large extent to teenagers running from state to state in order to avoid drinking ages. Here in Indiana, it is common for people under 21 to make the trip over the Ohio border to bars and liquor stores. With a set national standard, this all-too-frequent problem could be avoided.

In much the same way, the problem of varying maximum speed limits was dealt with in the early '70s. It ended the discrepancies and inconsistencies evidenced in the states and established a definite national standard of 55 mph.

While the standardization of the drinking age nationwide is prudent, it is difficult to necessarily embrace setting the age at 21. Even in the face of shocking statistics (Lugar says an estimated 40 percent of driving accidents are due to teenage drinking), the question of an individual's rights is hardly mentioned.

At age 18, every male is eligible to serve and die for his country. Yet, while he carries this enormous responsibility of representing and possibly dying for his fellow citizens, he cannot sit in a bar in a majority of the states of the country and have a beer.

Most proponents of raising the drinking age disregard this argument by pointing to the nation's police powers as well as the shocking statistics. While the statistics are indeed shocking and the states do have police power to do something about them, the internal inconsistency in raising the age without talking of similarly adjusting the draft age is silly.

The epidemic of drunken driving cries out for action on the national level. Lugar's bill is, at least, a step on the proper course, but we must be careful not to trample individual rights on the road to safer highways.●

THE GLITTER HAS RETURNED TO BEING MILITARY BRASS

● Mr. GOLDWATER. Mr. President, it is hard to pick up a newspaper, particularly one printed here on the eastern seaboard, that one does not see in it some derogatory remarks about our military.

An Associated Press story, appearing in the Hartford Courant on February 28, so puts the lie to the harassment of our military that I am going to ask that it appear in the RECORD following my remarks.

Serving as I do as chairman of the Air Force Academy Board of Visitors, I can attest to the truth of the extremely large number of applicants that we are getting for all of the academies. In addition, these applicants are coming from the top of their classes. When young people, with their lives in front of them want to be of service to their country, it does not quite hold to the belief of some of our left wing editors that the military is somehow inherently evil and is incapable of a salutary effect on our Nation.

I ask to have this article printed in the RECORD.

The article follows:

[From the Hartford (Conn.) Courant, Feb. 28, 1984]

THE GLITTER HAS RETURNED TO BEING MILITARY BRASS

WEST POINT, N.Y.—Uncle Sam wants to spend $151,000 on your college education. Interested?

More people than ever before are, but getting admitted to one of the four American service academies is also harder than ever before. The glitter is back on being a military officer.

Despite declining enrollments at many colleges, applications are running higher than usual at the United States Military Academy here and at the Naval, Air Force and Coast Guard academies.

West Point, for example, is receiving applications for the Class of 1988 from more students with better combined academic and extracurricular records than in any of the previous 179 classes, said Col. Manley E. Rogers, the director of admissions.

Beyond their qualifications, even simple numbers tell a lot. More than 14,000 young men and women will start the application process at West Point this year, the most ever except when the Class of 1980, the first to accept women, applied in 1976. The applicants will compete for 1,400 places in a class from which about 900 will graduate as Army second lieutenants.

By the time they graduate, the U.S. government will have spent more than $151,000 on each cadet—for class work, mandatory athletics, summer military training and the $6,000 annual pay. In return, graduates will give at least five years to the Army. Most will make it a career.

At the Naval Academy in Annapolis, Md., 13,572 people applied and 1,358 were accepted for the Class of 1987, said Dennis Boxx, an academy spokesman.

At the Coast Guard Academy in New London, Conn., the Class of 1987 had 6,956 applicants for 251 openings, and 92 percent of those entering were in the top fifth of their high school class.

In Colorado Springs, Colo., 1,449 students entered the freshman class at the Air Force Academy last summer, 89 percent of whom had been in the top fifth of their high school class, said Lt. Col. Larry Thacker, director of admissions. The class was drawn from 12,481 applicants, the most ever, he said.

Rogers said fundamental factors were responsible for the recent increase in applications. He cited three reasons:

Vietnam is over. As memories fade of the divisive Vietnam War, students from a younger generation are again embracing traditional views of military careers.

Patriotism is back in style. Rogers said the country's mood has shifted back to one of pride in its military.

Costs. Private colleges are struggling to keep tuition and other charges within reach, Rogers said, while West Point offers a free, quality education with military pay and a guaranteed job upon graduation.●

THE ENGLISH LANGUAGE ISSUE

● Mr. HUDDLESTON. Mr. President, since I introduced the constitutional amendment to make English our official language, the national debate on this issue has quickened. The issue has captured the interest of thousands of people across our great country, and organized efforts are underway to alter our mad rush toward becoming a bilingual society.

The prestigious publication, English Around the World, recently printed an article on this very important problem. I ask that the article be printed in the RECORD.

The article follows:

UNITED STATES: MOVING TOWARD A BILINGUAL SOCIETY?

(By Gerda Bikales)

It is one of the great ironies of history: people all over the world are making sacrifices to learn English, the language widely recognized as the key to opening the doors of opportunity; yet, at the same time, unprecedented resistance has developed to the acceptance of English in the world's largest English-speaking country.

To highlight the extent of disaffection that has befallen the language commonly believed to be the official language of the United States, one need only point to the headline-making controversy that developed recently when the Mayor of Elizabeth, N.J. issued orders to City Hall personnel that they speak English on the job. Mayor Thomas Dunn, a liberal Democrat who has held this office for 18 years, was immediately threatened with law suits charging violations of the civil rights of his employees, and with political retaliation from the city's large Hispanic population.

The conflicts erupting in today's headlines have been a long time in the making. Briefly, they were created by the confluence of several disparate trends:

A decade of record immigration.

Rejection by minorities of the "melting pot" ideal as a model for their adjustment to the American mainstream.

A more stagnant economy, in which even mastery of English no longer assures upward mobility.

The use of language criteria to define minority status.

A new government role in funding bilingual/bicultural education in the public schools, and foreign language voting ballots.

Understandably, the advocates of bilingual education and of voting materials in foreign languages deny that their position implies any rejection of English or of American culture. They argue that teaching academic subjects in the student's home language allows him to progress at grade level, and in fact teaches him English better than the more traditional methods. The point is frequently made that children in bilingual programs also learn to take pride in their heritage, which helps them to become more self-assured and encourages them to stay in school.

Bilingual education is also presented as the solution to the problem of better foreign language instruction in public school, a good way to provide the country with a corps of highly literate foreign language speakers.

Other advantages are also claimed for bilingual programs. By law, special efforts must be made to reach out to the parents of the bilingual students, and to involve them in school affairs and policy-making. It is argued that this promotes parent participation in the community and cooperation between school and home.

A similar explanation is offered to justify voting in other languages—people are more likely to register, vote and participate in politics if they can do so in the language they know best.

Unfortunately, the parents who enthusiastically lobby for bilingual-bicultural education for their youngsters seem to have been promised more than the school system can presume to deliver. The parents are led to believe that their children can effectively master English, learn to understand the American system, fit well into American society, and still retain their full ethnic loyalties and cultural understanding.

This is really a false hope, bound to be dashed. The school can not serve as a hot house to preserve the culture and loyalties of origin, in an environment that demands adjustment and change. To the extent that the school succeeds at all in this questionable objective, it sets up painful conflicts and confusions that interfere with the student's integration into the new society.

A mass of empirical evidence points to serious weaknesses in the bilingual education method, when compared to other methods of instructing children who don't speak English. After years of testing, the best that can be said unequivocally is that bilingual education is yet to prove itself.

Virtually nothing is known about the quality of assimilation of bilingual program participants. This is a much needed area of investigation, one that is yet to attract the interest of serious researchers, or the dollars from government funding agencies.

The American people had no input into the series of government decisions that gradually brought about wider acceptance of foreign languages in official situations. Resentment against government support of rival foreign languages, popularly perceived as a mechanism for weakening the strongest tie that unites a culturally diverse people, has been very high but nearly invisible until recently. Despite the low level of public support for these programs, the bilingual interests have been on a successful offensive that saw their budgets and their influence in Congress grow steadily. In early 1983, they felt secure enough to put on a conference, right in the nation's capital, destined to be remembered as a milestone in the history of language use politics in America. The conference, sponsored by the consortium of bilingual interests known as the National Association for Bilingual Education, was held under the overall theme of "Bilingualism: In the National Interest." The quantum leap from "bilingual education" to "bilingualism" was a high risk act of bravado that at first went unnoticed, and is only now being questioned by an emerging countermovement to protect English as the common heritage of all the American people.

The movement for the maintenance of the nation's monolingual character received its impetus with the introduction, in 1981, of a Constitutional Amendment to make English the official language of the United States. Senator S. I. Hayakawa, who introduced the Amendment, was somewhat taken aback by the intensity of the popular enthusiasm that greeted his proposal. Some journalists were clearly bemused by the notion of an English Language Amendment, but people all over the country clamored for a chance to help pass it.

In time, Senator Hayakawa came to see the need for a national organization that would channel citizen support into a purposeful movement to protect English from further erosion. Upon his retirement from the Senate, he helped found U.S. English, a national membership organization working for legal protection for the language that history gave us. The Washington-based group has experienced rapid growth since it opened its door early in 1983, and has already been involved in several successful campaigns, most notably the current initiative drive in San Francisco to restore English-only ballots. This November, the San Francisco initiative will provide a first opportunity for voters in that area to express their feelings on the subject of multi-lingual voting ballots, though the outcome will have no practical effect, since the federal law mandating this practice can only be changed by Congress.

Unlike the "Americanization" movements of the late nineteenth and early twentieth centuries, today's English language advocacy is neither nativistic nor isolationist. Dr. Hayakawa, considered the spiritual "father" of the movement for the protection of English, is himself an immigrant of Japanese ancestry. He has attracted to the leadership of U.S. English people with strong ties to other linguistic and cultural traditions. They recognize that America today is part of an interdependent world, in which a knowledge of foreign languages is a personal asset and a valuable resource to the nation.

U.S. English stresses the importance of teaching foreign languages to English-speaking youngsters, and supports legislation to fund better foreign language instruction at every level in the school curriculum. It appeals to a more cosmopolitan, more traveled, better educated, and certainly more tolerant America than had been the case in prior periods of our history when English had been at issue.

As president of U.S. English, I am often asked to speculate on the future of English in the United States. Can we avoid the development of an American "Quebec," and all its implied confrontations? Will we continue to spawn ever larger language ghettos, separated and alienated from the American mainstream? Are language politics doomed to divide this once cohesive nation?

I have no crystal ball that can supply ready answers. The outcome will ultimately be affected by several interrelated but quite unforeseeable factors; among them, I would cite future immigration flows, economic opportunity, and the legal status of English as the ones of most immediate relevance.

It seems to me that there is no reason to panic, but that the time for mindless laissez-faire in the area of language policy is now well behind us. The time has come to firmly assert ourselves in defense of the language that unites us, and to reject those unfortunate policies that tend to pull us apart.

History will judge us by how courageously we respond to this assignment.●

WOMEN'S HISTORY WEEK

● Mr. SARBANES. Mr. President, it is a great honor for me to join with my colleagues in commemorating this week as "Women's History Week." The contributions that women have made to our country are finally being given the recognition that they so profoundly deserve. It is my hope that we can focus our attention, not only on the innumerable contributions of the past, but also on the future—on the challenges which we must face to achieve equality for all of our citizens.

As we in Maryland celebrate our 350th anniversary, we can look back with pride on the enormous contributions that women have made to our State and to our country over the centuries. From Margaret Brent, who, in 1648, became America's first woman lawyer and landholder, to Harriet Tubman, who saved thousands of lives during the Civil War through the famous underground railroad; from Henrietta Szold, the founder of Hadassah, the Women's Zionist Organization of America, to Dr. Helen Taussig, who became, in 1945, the first person to develop a successful operation to save blue babies, Marylanders can take pride in the vital role that women have played in molding our State's history. For three and a half centuries, women have forged their way into the forefront of every aspect of American life.

Maryland will observe "Women's History Week" through seminars, workshops and other activities in schools, public libraries and community organizations. The focus of our celebration this year is on the changing roles of women, women and work, and women's issues of the future. I would like to commend the Maryland Commission for Women and the Maryland Department of Education, and especially Jill Moss Greenberg and Linda Shevitz for making "Women's History Week" a success in our State.

The past decades have seen major progress in the effort to secure equal rights under the law. The Reagan administration's policy, however, has been to attempt to dismantle the gains that have been made in recent years, and to oppose the passage of the equal rights amendment. This policy underscores the need to redouble the effort to see that this landmark legislation is enacted.

It is, then, in this spirit of hope for the future that we celebrate "Women's History Week." Let us take this opportunity to reaffirm our commitment to the women of this Nation, and let us face the challenge of securing full equality for all of our citizens.●

ORDERS FOR THURSDAY

Mr. BAKER. Mr. President, I have consulted, through staff, with the minority leader, who indicates his agreement with the requests which I am about to put. I will now put them.

ORDER FOR RECESS UNTIL 10:30 A.M.

I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. BAKER. I further ask unanimous consent that after recognition of the two leaders tomorrow, under the standing order, four Senators be recognized on special orders, not to exceed 15 minutes each, as follows, and in the following order: Senator DENTON, Senator PROXMIRE, Senator BENTSEN, and Senator SASSER.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the execution of the special orders tomorrow, a period for transaction of routine morning business be provided, to extend no later than 12 noon, with statements limited therein to not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 10:30 a.m.

After the recognition of the two leaders under the standing order, four Senators will be recognized on special orders.

After the execution of the special orders, there will be a period for the transaction of routine morning business until 12 noon, or earlier, if there is no further requirement for morning business.

At that time, Mr. President, the Senate will resume consideration of the unfinished business, which is Senate Joint Resolution 73, the so-called prayer amendment.

Mr. President, I expect that the Senate will be in session tomorrow on more or less normal working hours. I do not anticipate a late session tomorrow. Once again, the leadership on this side will provide whatever time Senators may require to continue the debate on the pending measure. I do not anticipate that tomorrow will be a late day.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, it is now almost 4 p.m. I thought we would be in session longer than this, but I have no takers. I believe we have done all that we can do today.

Therefore, I move, in accordance with the order just entered, that the Senate stand in recess until 10:30 a.m. tomorrow.

Thereupon, at 3:54 p.m., the Senate recessed until tomorrow, Thursday, March 8, 1984, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate March 7, 1984:

DEPARTMENT OF STATE

William A. Wilson, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Wednesday, March 7, 1984*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Help us, O God, to use our words in ways that edify the human spirit and bring understanding between people. We admit that we are too often harsh in our judgments and we use words that can be divisive and cause enmity. As we seek to promote justice and truth, may our words speak of Your love to us and bring healing to individuals and to the divisions that separate one from another. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 4194) entitled "An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McClure, Mr. Domenici, Mr. Wallop, Mr. Warner, Mr. Johnston, Mr. Ford, and Mr. Metzenbaum to be the conferees on the part of the Senate.

The message also announced that the Vice President, pursuant to the provisions of section 194(a) of title 14 of the United States Code, appoints Mr. Packwood, Mr. Trible, Mr. Hollings, and Mr. Dodd as members, on the part of the Senate, of the Board of Visitors to the U.S. Coast Guard Academy.

The message also announced that the Vice President, pursuant to the provisions of section 4355(a) of title 10 of the United States Code, appoints Mr. McClure, Mr. Johnston, Mr. Levin, and Mrs. Hawkins as members, on the part of the Senate, of the Board of Visitors to the U.S. Military Academy.

The message also announced that the Vice President, pursuant to the provisions of section 9355(a) of title 10 of the United States Code, appoints Mr. Stevens, Mr. Huddleston, Mr. Goldwater, and Mr. Exon as members, on the part of the Senate, of the Board of Visitors to the U.S. Air Force Academy.

The message also announced that the Vice President, pursuant to the provisions of Public Law 96-453, appoints Mr. Packwood, Mr. Stevens, Mr. Inouye, and Mr. Moynihan as members, on the part of the Senate, of the Board of Visitors to the U.S. Merchant Marine Academy.

The message also announced that the Vice President, pursuant to the provisions of section 6968(a) of title 10 of the United States Code, appoints Mr. Hatfield, Mr. Hollings, Mr. Jepsen, and Mr. Sarbanes as members, on the part of the Senate, of the Board of Visitors to the U.S. Naval Academy.

OUR COUNTRY A MOSAIC OF CULTURES AND RELIGIONS

(Mrs. HOLT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HOLT. Mr. Speaker, yesterday, in addressing the House on the subject of school prayer, I referred to the United States as "a Christian nation."

I apologize for the use of a narrow and exclusionary term which does not represent my true feelings. It would be an error for anybody to describe our great, free country in terms that indicate favored status to one religion.

I was thinking of the religious heritage of our country and the Judaic-Christian history that is the foundation of our respect for the rights of the individual.

Our great country is a mosaic of cultures and religions, and we live together in freedom and harmony because we respect the right of every American to his own religious beliefs. Our laws must embody that respect, and statements by public officials should never violate that high principle.

Mr. Speaker, my Christian faith does not cause me to believe that my religion should be given favored status in public policy. In fact, my faith leads me to respect the religious freedom we cherish. I hope you will forgive me.

THE MANDELA FREEDOM RESOLUTION

(Mr. CROCKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROCKETT. Mr. Speaker, I wish to remind my colleagues of House Resolution 430, the Mandela freedom resolution, introduced by Congressmen Pepper, Fish, Leach, and myself, and which now has over 79 cosponsors. This measure is intended to put the House on record urging the South African Government to unconditionally release Nelson Mandela and his wife, Winnie Mandela. The Mandelas have been held by the South African Government for more than 20 years for their part in the antiapartheid movement in that country. We are asking our colleagues who have not done so to become cosponsors of the Mandela freedom resolution.

Mr. Speaker, over the past several days, we have seen indications that the Government of South Africa is mounting a major new international campaign to project to the world a "reformist" image. Last Thursday, the South African Government released from 16 years of imprisonment the cofounder of the Southwest African People's Organization (SWAPO) Herman Toivo ja Toivo. And this week, we learned that the South African Government is considering the release of Nelson Mandela, one of the most important black South African nationalist leaders, after 21 years in prison.

But I caution my colleagues not to be misled by South Africa's new campaign of "disinformation" and propaganda. The offer to release Nelson Mandela is conditioned that Mr. Mandela voluntarily surrender his South African citizenship and agree to spend the rest of his life in the tribal "homeland" of Transkei, thus giving implicit sanction to the South African Government's policy of exiling all of its majority black population.

South Africa, through these actions, is responding to urgent domestic and international pressures for swift, peaceful, and basic governmental changes, changes which are desperately needed within that country if a violent revolution is to be forestalled.

Mr. Speaker, I urge my colleagues to join with us as cosponsors of the Mandela freedom resolution, and make known their commitment to that timely and peaceful change in South Africa.

A SHORTAGE OF MINING ENGINEERS

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, recently I stood before you to stress the impor-

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

tance of mining and resource preparedness in protecting and preserving this country.

Today I would like to reemphasize the need for preparedness and energy independence. To reach this secure place, however, we must devote greater efforts to education and research.

At present we are experiencing a shortage of mining engineers. This deficiency directly affects the growth and productivity of the mining industry, an industry that is vital to the security of this Nation.

By strengthening our commitment to higher education we must constantly seek out ways to reinforce: The instruction of qualified students, the research of new technologies, and the improvement of industry performance.

Through the efforts of the Mining and Mineral Resources Research Institutes program such industry goals are attainable.

Thirty-one of these institutes strategically located in universities and colleges provide the principal source of trained technical manpower needed in the mining industry.

As a cosponsor of H.R. 4214, which continues Federal support of these institutes, I am confident that we will generate the necessary qualified personnel and information to develop and strengthen this Nation's natural resources and its security.

THE BITTER END

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, George Shultz, the Secretary of State, has functioned in this administration as the bitter end, devising policies which go wrong and sticking with them long after their failure is obvious.

Yesterday, Secretary Shultz chose to harangue members of the Appropriations Subcommittee on Foreign Operations, stating, "I really don't understand you people." Mr. Shultz shouted during questions to him about U.S. policy in El Salvador.

He went on to say: "There are problems there, we all know that. And what you're telling me now is that you want to just walk away."

And that, in a nutshell, Mr. Speaker, is the problem with George Shultz. It is more than people he does not understand. It is policymaking itself.

It is not a question of walking away, Mr. Secretary; it is a question of correcting an error, a commonsense strategy of survival which this administration, in its conduct of foreign policy, so clearly lacks.

The American people have had enough of Mr. Shultz' bitter end. What we now want are better policies.

□ 1510

COST ACCOUNTING STANDARDS

(Mr. LUNDINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNDINE. Mr. Speaker, in 1970, Congress created a Cost Accounting Standards Board in the legislative branch to develop cost accounting standards to bring uniformity and consistency to cost accounting on negotiated defense contracts over $100,000. The Board operated from 1970-80 and issued 19 standards which are still in effect today. However, since the Cost Accounting Standards Board is no longer functional, there is no entity of Government currently charged with the responsibility for issuing any new standards which might be needed, amending existing ones, or interpreting or granting exemptions or waivers from them.

The Deputy Under Secretary of Defense for Acquisition Management based on a recent ruling from the Justice Department has circulated a concept paper to establish the cost accounting function within the Defense Department. I am concerned about this proposal and believe it is tantamount to putting the fox in charge of the chicken coop. Such an arrangement may well lend itself to potential abuse. At a time when we are trying to bring defense costs under control, it would not be wise to give the Defense Department this authority. If there is need to reactivate the cost accounting function, it should be housed in an independent body of Government, not inside the Defense Department.

The only way we are going to ultimately bring defense contracting costs under control and avoid horrendous cost overruns on defense contracting is if we focus on issues like cost accounting standards. I urge my colleagues to join with me in doing so in the weeks ahead.

JUSTICE IS AS REMOTE AS EVER IN EL SALVADORAN MURDERS

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, nearly 4 years have passed since the murder of four American churchwomen in El Salvador, two of whom were from the city of Cleveland. Justice in this case is remote as ever. Those of us who have followed the case, and urge a vigorous investigation, have been struck by the lack of cooperation and resolve on the part of our Government and the El Salvadoran officials to bring a successful trial.

Over time it has become clear that a coverup is being pursued instead of justice. The fact that the State Department insisted on classifying Judge Harold Tyler's report on this case strengthens the impression of a coverup.

A March 3, 1984, article which I will submit later in the RECORD, by Stephen Kinser in the New York Times, contains a shocking account from a former El Salvadoran Government official about the case of the murdered American churchwomen. The official maintains that the highest level of the El Salvadoran Government is aware of who ordered the killings, but has been conducting a coverup from the very beginning to protect friends and family members.

Mr. Speaker, these are the people that our taxpayers are supplying all this money to and that Mr. Shultz wants to protect in terms of the efforts of giving more and more military assistance to El Salvador.

Mr. Speaker, I think it is time to stop funding these individuals who are involved in the coverup and involved in so many killings of their own people. I do not believe the American people want their tax dollars to be used to kill people.

DEFENSE SPARE PARTS PROCUREMENT ACT

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, today I am introducing on behalf of the Investigations Subcommittee of the House Armed Services Committee a bill to be known as Defense Spare Parts Procurement Act.

This bill has been in the making now for more than a year and, as we are all painfully aware, has come about because of many reports documented through the American media citing exorbitant prices which have been paid for some military items in the spare parts area.

The committee has held numerous hearings and our staff has made a number of visits to discuss this matter with procurement offices at military bases throughout the country. The resulting bill which I am introducing today we hope will respond and, when implemented, will serve to correct many of these matters which have been of much concern to the Defense Department and contractors alike and most certainly to the American people.

In a recent hearing before the full Armed Services Committee, I stated that, when reductions are made by this Congress in the 1985 military authorization bill, a portion of those reductions would come about because of the perception which the American people share that needed improvements must be made in contracting procedure for spare parts and other military purchases.

I am hopeful that this bill will receive the support of our Defense agencies and of the Defense contractors as well and that we may pass it within the timeframe of the 98th Congress.

WHO DOES NOT WANT VOLUNTARY SCHOOL PRAYER TO COME TO THE FLOOR FOR CONSIDERATION?

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, right now at this moment the Senate is debating the school prayer amendment and they will be voting on that matter either today or tomorrow or very shortly. Yet, here in the House of Representatives, we are not able to have that matter reported out of committee and brought to the floor of the House for consideration.

Mr. Speaker, this has always been considered the peoples' House, and whether we agree or disagree with a particular issue, it is the place where the people can express their will. We ought to be debating, considering, and voting on the matter of school prayer.

There are few issues on the minds of the American people that are more important at this time, and many of us fail to understand why this matter cannot be brought to this floor for consideration.

Mr. Speaker, at this time I would hope to offer a unanimous consent request asking for consideration of the voluntary school prayer constitutional amendment on this House floor. Now, I know Mr. Speaker, you have ruled that in order to make this request I have to have permission of both the minority, the Republican leadership and the Democratic leadership on the majority.

I have talked to Mr. MICHEL, the Republican leader, and he has given permission for us to do this. I am now asking, Mr. Speaker, if you or other Members of the Democratic majority would give us this permission to go ahead and offer this unanimous consent and let us get this issue down here and debate it and vote on it.

Mr. Speaker, I hear no response. Apparently, the Democratic majority leadership does not want us to consider this. I do not understand it, and I do not think the American people understand why we cannot at least consider it. This is what we are here for.

I guess it is obvious who does not want this matter to come to the floor.

PROPOSED STEEL MERGER IS NECESSARY AND VITAL

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, I am today calling on the Justice Department, Republic Steel and the LTV Corp., to work toward an agreement that would reverse the Justice Department's objection to a recently proposed merger between the two companies. As a member of the congressional steel caucus, and with many constituents who are employed by the steel industry, I realize how vitally important it is for our domestic steel industry to be both strong and competitive.

Steel industry analysts agree that the only long-term solution to the industry's problems is for it to become more efficient. Companies need to consolidate operations in order to lower their product's prices.

It has frequently been suggested that the steel industry is reluctant to make necessary changes. Republic Steel and LTV stand ready to make such a change. Yet, the Justice Department has blocked this action.

Our steel industry is in crisis: Plants are idled, thousands or workers are unemployed, and foreign imports are rising. Every day my office receives letters from steelworkers and their families. They are fearful for their future. Many are afraid that their steel plant will be the next to close.

At the same time, America is increasingly relying on imported steel for its domestic needs. This is a dangerous situation both economically and strategically. It cannot be allowed to continue.

If American steel is to compete in the global market it must again become efficient and strong. Mergers of this type are vitally needed. They must be allowed to occur.

LORTON DRUG ABUSE

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, as a member of the Select Committee on Narcotics Abuse and Control, I trust that each of you has been reading the Washington Post series on drug use and the ease with which drugs are being smuggled into Lorton, the District of Columbia Corrections Department prison in southern Fairfax County.

If the Post series is an accurate representation, the District of Columbia Government is closing its eyes to this very serious situation.

There is no use kidding ourselves that our local, State, and Federal jails and prisons are free of drugs. We know better, from the searches that keep coming up with literally bushel baskets filled with marihuana and other illegal drugs.

But for the District of Columbia Corrections Department officials to declare that there is no "epidemic" of drug use at Lorton is ludicrous.

Random urinalysis tests of inmates show that drug use within the confines of Lorton is rampant.

And for District of Columbia officials to take the position that turning a blind eye to smuggling is one way to avoid unrest is intolerable.

The ease with which Lorton inmates can acquire drugs obviously is known by at least one judge, who has made it clear he will not send a convicted felon with a history of drug use to Lorton for fear that the drug use will continue.

And it appears that a vast quantity of the marihuana, cocaine, PCP, and the like, is being smuggled directly from the district into Lorton by visitors who freely engage in the thriving underworld drug market in the Nation's Capital.

A Federal report on Lorton, released just last month, acknowledged that the prison complex's drug surveillance program needs to be overhauled.

The report, which was requested by myself, Representative FRANK WOLF and Senators JOHN WARNER and PAUL TRIBLE, said the drug surveillance program ranged from random monthly checks at one facility to no checks at all at another.

As far as I am concerned, the issue will not go away for the people of Fairfax County until Lorton is closed and the District of Columbia houses its own prisoners.

But until that day comes, I insist that the authorities at the very least take whatever steps are necessary to dry up the supply of drugs inside Lorton.

This insistence leads me to call on the select committee to begin hearings as soon as possible on drug usage and drug smuggling by inmates at Lorton, and for the committee to call District of Columbia officials to account for the practices that allow this situation to exist.

□ 1520

EARNING YOUR KEEP

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the United States has always been a country willing to help those who cannot help themselves. Unfortunately, in recent years we have not only been willing to help the needy, we have also helped the greedy.

Today, I am introducing legislation to establish mandatory workfare programs for able-bodied food stamp recipients. Various forms of mandatory workfare have been before Congress now for a number of years and the President is strongly behind them.

I can think of no reason why an able-bodied person should not be required to earn the benefits he or she receives from the American taxpayer. Present law prohibits workfare from being required of persons under 18 or over 60, the mentally and physically disabled, and several other categories. My bill would not change these exceptions.

I strongly believe that the American people would welcome this reform. The work ethic has made our country what it is, and our Government should promote that "earn your keep" philosophy at all times.

ANTIFRAUDULENT ADOPTION PRACTICES ACT OF 1984

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, yesterday my colleague, Mr. BROOKS of Texas, introduced the Antifraudulent Adoption Practices Act of 1984. I am a cosponsor. This bill, with its companion legislation introduced by Senator BOB DOLE of Kansas in the other Chamber, represents a vital protection for those who run the risk of being victimized by fraudulent adoption practices.

Hundreds of heartbreaking adoption fraud cases, many involving individuals in my district, are taking place every day. Recently, Mr. John Grubbs, police chief of Chase, Kans., contacted me and others in an effort to investigate alleged adoption frauds taking place in Kansas as well as more than 20 other States. These couples were defrauded of thousands of dollars upon the promise of adoption services that were not fulfilled. A full-scale investigation is now underway to determine the extent of this problem and to seek repayment and justice to the victimized couples.

The bill we have introduced accomplishes three primary objectives; it would create a series of Federal criminal statutes that are designed to first, prohibit fraudulent acts in connection with the offer or performance of adoption services; second, prohibit the payment of compensation over and above expenses for adoption services performed, by limiting this compensation to fees of a State licensed adoption service, attorneys, and doctors providing assistance in connection with an adoption; and third, providing civil remedies in the U.S. district courts for adoptive parents and birth mothers who are defrauded.

Mr. Speaker, I want to emphasize that this bill in no way is intended to prohibit or discourage the availability of adoption resources outside of State-licensed adoption agencies. Instead, it establishes much needed protection now nonexistent for prospective adoptive parents.

The elation of adopting parents who, after waiting so long for a child, finally are able to adopt a child is not easily matched. In turn, the heartbreak and despair that accompanies a fraudulent adoption also is not easily matched. I look forward to working with my colleagues and others in an effort to end these tragedies. I encourage some cosponsors along with the legislation introduced by Chairman BROOKS and myself.

SIGN DISCHARGE PETITION NO. 8 NOW

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, the other evening during our extended discussion about the need for a constitutional amendment on school prayer, we made constant reference to the fact that Members of this body needed to sign Discharge Petition No. 8 in order to force that amendment to the House floor.

I am pleased to say that yesterday, following that extended discussion, the number of people signing that discharge petition more than doubled, and now nearly 100 Members of Congress have signed that discharge petition. We are nearly half way to the goal of getting that bill onto the floor as a result of the discharge petition route.

I hope that those Members of Congress who have not yet signed Discharge Petition No. 8 will do so so that we can begin that movement in the very near future. If they do not sign the discharge petition, I assure them that they will be hearing from constituents throughout the country making that request of them because this is something that the American people are very much attuned to at this point and very much requesting this House to begin action on.

RELIGIOUS TEST TO SPEAK OUT ON PUBLIC ISSUES?

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, the Baltimore Sun this morning carried an article about Speaker O'NEILL's criticism of President Reagan's support of school prayer. In that article, the following words appeared:

> The Speaker criticized President Reagan for supporting the prayer amendment while he rarely goes to church.

I find that attack particularly offensive. It was also made recently by former Senator George McGovern.

I think it is high time that Democrats put aside such type of tactics. I do not know how often President Reagan goes to church on Sunday, no more than I know how often anyone in public life goes to church. It is none of my business, frankly, and it is none of the Speaker's business.

I recall, for instance, that Abraham Lincoln, perhaps our most deeply religious President, was largely unchurched. If the Speaker and Senator McGovern are suggesting that we have a religious test to determine who can speak out on public issues, certainly they misunderstand and misinterpret our Constitution.

Mr. Speaker, you may very well keep your Sunday observances according to the dictates of your conscience, and the rest of us would do well to do the same. We do not need anyone else to tell us how often we should go to church.

Mr. Speaker, I believe an apology is owed to the President of the United States.

LINE-ITEM VETO CONSTITUTIONAL AMENDMENT

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, while the battle of the budget rages, and on the deficits as well, the line-item veto constitutional amendment legislation remains unattended to and without an effort to bring it to the floor of the House.

I would like at this time to offer a request for unanimous-consent to call up the constitutional amendment on the line-item veto, a budget control mechanism, so that we on the floor of the House can debate that vital issue. The Speaker of the House has ruled that in order for this unanimous-consent request to be honored that clearance be obtained from both the minority desk and the majority leadership desk.

I have cleared this with the minority leadership. I now ask if there is anyone empowered on the majority side to grant, to assent, to that unanimous-consent request, and I so request it.

I did not think I would hear a response. I do not hear a response. Therefore, I must conclude, as we have time and again from the well of the House, that the reason that the line-item veto, a budget control/deficit control mechanism, has not been argued on the floor of the House in full debate is because the Democratic leadership has seen fit to reject its coming to the floor.

Mr. Speaker, I, myself, will make every conceivable effort to impress upon my colleagues the need for the

American people to have a full view of the debate on line-item veto.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3795

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 3795.

The **SPEAKER** pro tempore (Mr. Gaydos). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LEBANON UNDER SYRIAN CONTROL WOULD BE CATASTROPHIC

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the decision earlier this week by Lebanese President Amin Gemayel to abrogate the May 17 agreement causes me deep concern. I fear it will bring about two consequences which are clearly not in our best interests. First, it will strengthen Syria's hand in Lebanon, and second, it poses a threat to the security of Israel.

The May 17 agreement was seen, especially by the United States, as the key catalyst which would bring about peace in Lebanon. It was based on a call for all foreign troops to be withdrawn and for the Lebanese Government and armed forces to assume control over their own destiny. The fact is that Israel did honor its end of the agreement, and began the withdrawal process. The other fact is that Syria fundamentally did not. Further as more Israeli soldiers left—the U.S. marines in the peace-keeping force there to oversee the withdrawal became the targets of violence.

Our marines are now offshore and that is good. Yet this does not mean the crisis has passed. It is vital that we continue to actively support the full independence of Lebanon and to the extent that reaffirming or support of Israel aids in that objective we must do so. To have Lebanon fall under Syrian control would be catastrophic and must be averted.

☐ 1530

THE DEMOCRAT COMMERCIAL DESCRIBING THE DEFICIT AS "REPUBLICAN"

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, this morning I saw the first airing of the Democrat commercial describing the national deficit as being a "Republican deficit," and as I sat there, I was reminded that for the last 20 days Republicans have stood in the well of this House asking the Democrat leadership for permission to ask unanimous consent for bringing up a balanced budget amendment.

So, Mr. Speaker, I would like to offer a unanimous-consent request calling for consideration of an amendment to require a balanced Federal budget.

The Chair has ruled that in order to make this request, I must have the clearance of the majority and the minority leaderships. The request has been cleared by the Republican leadership, and I would now yield to a spokesman from the Democrat leadership for appropriate clearance.

Mr. Speaker, I hear no response, and I think that that silence speaks much more strongly to the American people than that commercial that we saw this morning talking about the deficit and describing it as a "Republican deficit."

CALENDAR WEDNESDAY

The **SPEAKER** pro tempore. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

VOCATIONAL-TECHNICAL EDUCATION AMENDMENTS OF 1984

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 455 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 455

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4164) to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes. The first reading of the bill shall be dispensed with, and all points of order against the consideration of the bill for failure to comply with the provisions of clause 2(l)(6) of rule XI and section 401(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one and one-half hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5(a) of rule XXI and section 401(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendment as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The **SPEAKER** pro tempore. The gentleman from Massachusetts (Mr. Moakley) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes for purposes of debate only to the gentleman from Ohio (Mr. Latta), and pending that I yield myself such time as I may use.

Mr. Speaker, House Resolution 455 is the rule providing for the consideration of H.R. 4164, the Vocational-Technical Education Amendments of 1984. It is an open rule, providing 1½ hours of general debate. The resolution makes in order the committee amendment in the nature of a substitute as an original bill for the purpose of amendment, and provides that each section shall be considered as read.

There are several waivers of points of order in this rule, Mr. Speaker. The first waiver is of the 3-day layover rule for committee reports. Although the committee ordered the bill reported on February 29, the report was not actually filed until Monday, March 5. Since the printed copy of the report has not been available for the required 3 days, the waiver of rule 11, clause 2 (l) 6 is necessary.

Mr. Speaker, points of order are also waived under section 401(a) of the Congressional Budget Act—the requirement that authorizations for loan and contract programs must carry a provision limiting such authority to the amount provided in advance in appropriation acts. Although various provisions of the bill and the committee substitute violate this section of the Budget Act, the Committee on Education and Labor intends to offer a floor amendment curing the violations. On that basis, the Committee on the Budget has no opposition to this technical waiver.

House Resolution 455 also provides a waiver of clause 5 of rule 21 to allow consideration of the committee substitute. That rule prohibits appropriations in legislative bills. Although the appropriations for vocational educational programs have already been enacted, various provisions of the bill redirect the use of funds previously appropriated for another purpose and thus could be construed as a reappropriation. However, such waivers are routine and noncontroversial in the case of bills of this type. Indeed, it would be impossible to make any changes in any multiyear funding programs without a technical violation of the rule.

Mr. Speaker, upon conclusion of consideration of the bill, one motion to recommit with or without instructions would be in order.

Mr. Speaker, H.R. 4164 is a bill that extends and rewrites the Vocational-Education Act of 1963. The legislation would continue basic State grants as the primary means of delivering vocational-education programs for persons at secondary, postsecondary, and adult levels. H.R. 4164 offers States a broad range of purposes for which basic grants may be used. However, H.R. 4164 would still maintain current law that earmarks 30 percent of its basic grant for serving disadvantaged and handicapped students, and 15 percent for postsecondary and adult vocational programs. In addition, a new provision specifies that 5 percent of the basic grant must be spend on programs to overcome sex bias and provide support services for women participating in vocational courses.

H.R. 4164 also creates two new State programs. The first program provides grants to States to train persons in high technology fields with participation from private industry. The second program makes funds available for adult training, retraining, and employment development. In order for States to receive these funds an application must be filed detailing the States' goals for vocational education and providing assurances that funds will be properly used. These funds would then be distributed to areas that are economically depressed and areas that have a high rate of unemployment.

H.R. 4164 would guarantee that the Federal Government have a continuing role in assisting the States, and would allow those who desire to obtain educational and occupational skills to become productive members of the American work force. Finally, H.R. 4164 would authorize such sums as may be necessary for all of its components and makes all of the authorizations permanent.

Mr. Speaker, I wholeheartedly support this bill. The reauthorization of the vocational educational programs is important in efforts to expand the quality of training for skilled workers and to improve access to job training programs for the handicapped and disadvantaged.

Mr. Speaker, I urge support of House Resolution 455 so that we may proceed to the consideration of this important legislation.

☐ 1540

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the statements just made by the gentleman from Massachusetts concerning the valid and many waivers that we have in this bill and I will not go over them, but I have to wonder myself why this bill is being rushed through even when the proponents of the bill admitted before the Rules Committee yesterday that it might benefit by the adoption of certain amendments.

Mr. Speaker, there are a couple of provisions in this rule which should be noted

First [illegible] waiving the 3-day layover requirement, because the printed committee report was not available until yesterday. While there may be a few bills that need to be rushed through the House, I do not think this is one of them. In the Rules Committee yesterday, even the proponents of this bill admitted that this bill might benefit by the adoption of certain amendments.

In addition, Mr. Speaker, for those Members who are concerned about Budget Act waivers, this rule does waive section 401(a) of the Budget Act in order to protect both the bill and the committee amendment.

Section 401(a) of the Budget Act prohibits the consideration of any measure which provides new contract authority unless such authority is limited to amounts provided in advance in appropriation acts. Mr. Speaker, there are provisions in this bill which provide contract authority not clearly subject to the appropriation process. However, the chairman of the Budget Committee sent a letter to the Rules Committee yesterday, stating that he understands that the Committee on Education and Labor intends to offer a floor amendment curing the Budget Act violations. Based on that understanding, he did not oppose this Budget Act waiver.

Mr. Speaker, this rule also waives the rule which prohibits appropriations on legislation. This bill includes provisions which affect the authorization of programs for fiscal year 1985. Appropriations for vocational education have already been appropriated under forward funding provisions for that year. This bill would allow some of these previously appropriated funds to be used for a new purpose, and technically this constitutes an appropriation on legislation.

Mr. Speaker, there are a few things about this bill which should be noted. The chart in the committee report shows authorization levels moving from approximately $1.1 billion in 1985 to $1.5 billion in 1989. I am advised that the appropriation for the current fiscal year is only $738.6 million. The numbers in the Congressional Budget Office cost estimated represent a huge increase over current funding levels.

Yesterday in the Rules Committee, it was stated that the bill itself authorizes such sums as may be necessary, and that the actual cost of this bill will not be nearly so large as the Congressional Budget Office projected in the committee report just printed. I am a little concerned about whether the right hand knows what the left hand is doing. At a time when this Nation is already running a very large deficit, we certainly cannot afford the huge cost increases projected in the committee report.

Mr. Speaker, at the time of the Rules Committee meeting, the administration provided a policy statement, strongly opposing this bill. The administration notes that this bill continues the program complexity and unnecessary administrative burdens of the current Federal vocation education program which have been widely criticized.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 455 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4164.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4164) to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes, with Mr. Jones of Tennessee in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Kentucky (Mr. Perkins) will be recognized for 45 minutes and the gentleman from Pennsylvania (Mr. Goodling) will be recognized for 45 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. Perkins).

Mr. PERKINS. Mr. Chairman, I yield myself 13 minutes.

☐ 1550

Mr. Chairman, tomorrow we will have an opportunity to vote for a bill that will make a major contribution to a more skilled, productive work force, the Vocational-Technical Education

Amendments of 1984. This bill, H.R. 4164, revises and continues the Vocational Education Act of 1963, the primary Federal program assisting States in providing vocational education and training programs for persons of all ages.

The Vocational Education Act of 1963 has been in effect now for just over 20 years, and we have much to show for our efforts in this area. Since 1963:

Enrollments have increased from 4 to 16 million students at present;

Expenditures have increased from $285 million in 1973 to over $7 billion today; and

The number of area vocational schools has expanded from 600 in 1963 to 9,000 today.

The passage of that act in 1963 was a wise decision by the Federal Government, and our expenditures for these purposes have been paid back many times over in terms of increased earnings and taxes paid by better trained citizens.

The bill before us today, H.R. 4164, builds upon that foundation.

This legislation has three major themes:

First, to help States modernize their vocational programs to address changes in technology and the labor market;

Second, to continue to provide access to training for groups with special needs; and

Third, to emphasize the training needs of adults.

For all of its components, the bill authorizes such sums as may be necessary for fiscal year 1985 and each succeeding fiscal year. This open-ended authorization will permit the Congress to annually determine, through the appropriations process, an adequate funding level for these programs.

To assist States in updating programs, the bill establishes a new initiative—grants to States to train persons in high technology fields, through partnerships with industry. In addition, the legislation authorizes a new national program to demonstrate successful cooperative ventures between employers and educational institutions. Finally, the bill continues the national effort to obtain and disseminate information on occupational trends and requires greater involvement of business and labor in program planning.

Most importantly, the bill leaves half of each State's basic grant unencumbered by any reservations of funds, so that each State has the flexibility to address its own priorities for updating programs. If we were to tie down every dollar in the bill—as many people wanted to do for the best of reasons—States would not be able to modernize basic vocational programs for all people.

Let me emphasize, however, that H.R. 4164 reaffirms strongly the Federal commitment expressed in the current law to providing access to vocational programs for persons with special needs. As in current law, each State would be required to spend 10 percent of its basic grant for programs for handicapped individuals and 20 percent for disadvantaged and limited-English-proficient individuals. The bill also adds a reservation of 5 percent within the basic grant that must be spent on programs to overcome sex bias and to provide support services for women participating in vocational courses.

A third emphasis of the legislation acknowledges the shifts in population toward older workers and the greater need for adult retraining due to economic changes. Not only does H.R. 4164 continue the 15-percent set-aside within the basic grant for postsecondary and adult vocational programs, but it also establishes a new State grant program, with a separate authorization, for adult training, retraining, and employment development. Many of these programs will be provided through community colleges, for dislocated workers, unemployed adults, and others. The legislation also establishes a new national demonstration program of model centers for vocational education for persons age 55 or older.

Other parts of the bill extend the separate program for consumer and homemaking education and provide aid for career guidance and counseling services through a new separate authorization of appropriations. The Secretary of Education would continue to receive 5 percent of the funds appropriated for national research and program improvement activities.

The bill also seeks to encourage greater coordination between vocational education and other education and training programs, such as the Job Training Partnership Act.

Mr. Chairman, the Committee on Education and Labor has worked hard to fashion a bipartisan package that will carry vocational education into the future. We voted out this bill by a vote of 32 to 4, which shows this broad support.

This was not a simple process. We conducted many days of hearings, over a 3-year period, to prepare for this reauthorization. We spent many hours in markup, trying to strike a balance between the need to identify Federal goals and priorities, through such mechanisms as set asides of funds, and the need to allow States enough flexibility to address their own particular training priorities. We weighed the need to focus attention on groups with special needs against the need for States to update their programs.

I believe H.R. 4164 achieves the proper balance in all these areas. I urge you to join with me in supporting this legislation.

In conclusion, let me state that, unfortunately, the committee report was filed before we could add cosponsors who had called in the last few days and I would like to take a moment to thank the following Members who would have cosponsored H.R. 4164 if they could: JOSEPH GAYDOS, MIKE LOWRY, BOB MCEWEN, and DENNIS HERTEL.

Let me also commend highly Mr. GOODLING, our ranking member on the subcommittee, for all of his work on this bill. He has made many solid contributions to this legislation.

I would also like to thank all the members of the Subcommittee on Elementary, Secondary, and Vocational Education for all their hard work on this bill: Mr. FORD, Mr. BIAGGI, Mr. ANDREWS, Mr. MILLER of California, Mr. HAWKINS, Mr. CORRADA, Mr. KILDEE, Mr. WILLIAMS of Montana, Mr. BOUCHER, Mr. ACKERMAN, Mrs. BURTON of California, Mr. HAYES, Mr. GOODLING, Mrs. ROUKEMA, Mr. GUNDERSON, Mr. BARTLETT, Mr. PACKARD, Mr. CHANDLER, Mr. NIELSON of Utah, and Mr. TAUKE.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. First of all, Mr. Chairman, I want you to know, and everyone else to know, as I said in the subcommittee, that I think the bipartisan leadership which you provided on this bill is certainly one of the outstanding things we have seen not only in our committee but in the Congress, and you need to be commended for that.

But I have asked you to yield in order that we may complete a colloquy.

The committee has already included provisions in the bill which would allow the acquistion and operation of communications and telecommunications equipment for vocational education programs under the basic State grant. Mr. Chairman, can we assume that it is the intent of this legislation that the Secretary of Education may also encourage the utilization of telecommunications technologies for vocational education projects under the authority granted by the national programs title of this bill?

Mr. PERKINS. Yes, that would be a reasonable and correct assumption. In particular, section 305(b) of title III, national programs, states that—

> The Secretary is authorized to use funds made available under section 104(c)(4) . . . for national program improvement activities designed to assist and strengthen the vocational education programs and supportive services of States and eligible recipients assisted under the Act.

Telecommunications programs would qualify as a fundable activity under these national program provisions.

Mr. GUNDERSON. I thank the gentleman for his clarification.

Mr. GAYDOS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Pennsylvania (Mr. Gaydos).

Mr. GAYDOS. Mr. Chairman, I wish to take this opportunity to commend the full committee chairman, No. 1, for his tenaciousness and his foresight in this legislation, and I would like to apologize on record that because of a mishap in my office we were unable to be cosponsors on this legislation.

Mr. Chairman, of all the things in H.R. 4164 to commend it to the House of Representatives, the most commendable is the way it would have vocational-technical education move ahead to meet the future, which is characteristic of the Committee on Education and Labor under the gentleman from Kentucky.

My specific reference is to the new authorization level of $1.5 billion, and to the creation of incentives to establish training for high technology occupations and to expand training for adults who are unemployed or working but in need of retraining.

This approach is critical to industrial America, including the Pennsylvanians I represent, whose jobs, educational tax base and communities are under dual assault: by dumped and subsidized industrial products, and by technology advances that tend to pare work forces.

Both must be dealt with, and H.R. 4164 deals with the march of technology, which is the only part of the problem within its scope.

Another Pennsylvanian, Ben Franklin, put it more forcefully than this when he said, "Look before you, or you will find yourself behind."

H.R. 4164 is a farsighted proposal, and I urge its adoption.

Again I want to commend the chairman for his handling of the bill and the hearings that were so time consuming, and I want the record to show that this is not the first year, and I hope not the last year, that he is going to put time in on this very sensitive subject matter.

Mr. PERKINS. Let me assure my colleague from Pennsylvania (Mr. Gaydos) that I hope I am here with him many, many, many more years.

But sometimes we all run into technicalities that prevent us from sponsoring a bill or being a joint sponsor like we did in this case. But in truth and reality, the gentleman from Pennsylvania (Mr. Gaydos) was a cosponsor of the legislation and he contributed immensely to the writing of the legislation. We are all proud of the gentleman for his efforts in helping this bill to the floor.

□ 1600

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the ranking minority Member, the gentleman from Illinois (Mr. Erlenborn).

Mr. ERLENBORN. Mr. Chairman, I rise in qualified support of H.R. 4164, the Vocational-Technical Education Amendments of 1984. The issues raised in this legislation are important to the Nation and the action taken by the Members of this body in the next 24 hours will determine whether Congress will use this act to revitalize a major component of our skill development system or merely continue the status quo with a few cosmetic changes.

The reauthorization of Federal funding for vocational education provides an opportunity for Congress to help shape the quality of the Nation's work force in the latter part of the 20th century and beyond. Vocational education, which I support, could be a catalyst for improvement and modernization as the United States competes in an increasingly complex economic world.

But H.R. 4164 in its present form cannot accomplish those goals because, although its basic premises were good, it has acquired excess baggage in the legislative process. The bill dilutes the impact of the Federal dollar and perpetuates the status quo in vocational education, a status quo which is not keeping up with our Nation's employment training needs.

I have five major areas of concern with H.R. 4164:

Use of Federal funds for maintenance of outmoded programs;

The change to a permanent authorization;

The adoption of the Ackerman amendment on general use of funds;

The inability of certain small entities to comply with provisions of the 2-year local plan;

The inadequacy of funding for postsecondary and adult training.

Let me elaborate on each of these. First, maintenance of existing programs. Rather than targeting scarce Federal resources for program improvement, retraining of adults, acquisition of technologically advanced equipment and closer cooperation with business and industry, H.R. 4164 instead allows use of Federal dollars for a myriad of other purposes—including maintenance of outmoded programs.

One of the Federal Government's most important responsibilities in education is to provide leadership. Funding seven percent of the Nation's total budget for vocational education so that the questionable status quo can be maintained is not leadership. That is my major, fundamental disagreement with H.R. 4164.

The committee erred when it added "* * * where necessary, maintain existing vocational-technical education programs," to the bill's statement of purpose. I plan to support an amendment by my colleague from Pennsylvania (Mr. Goodling) to correct this situation. In a related issue Mrs. Roukema attempted to improve H.R. 4164 through an amendment which would have targeted a portion of vocational education funds for priority purposes. Despite bipartisan support and the endorsement of the American Vocational Association, she failed. I hope that she will succeed in the House.

Second, the permanence of the authorization. I object to the concept of a permanent authorization for H.R. 4164. Congress must fulfill its responsibility to oversee such important and complex programs, and an authorization for a maximum of 5 years would allow for both program continuity and periodic review and revision. I plan to support the Bartlett-Perkins amendment which will correct this situation.

Third, the Ackerman amendment. H.R. 4164 permits wide discretion in the use of funds under the basic State grant portion of the bill. However, with the adoption of the Ackerman amendment in full committee, H.R. 4164 would allow funds to be used for any educational purpose, thus risking the loss of any focus on vocational skill training. My colleague from Wisconsin (Mr. Gunderson) will offer an amendment to strike this unwise language.

Fourth, the 2-year local plan. While I support closer cooperation with the Job Training Partnership Act whenever feasible, certain small entities may be unable to comply with this and some other provisions in the 2-year local plan. I believe that otherwise eligible recipients should be exempted from these provisions and that is why I will work for the passage of the second Gunderson amendment, which addresses this issue.

Fifth, postsecondary and adult training. Because our Nation's most pressing employment training needs are in the areas of postsecondary and adult vocational education, a higher level of funds should be earmarked for those purposes.

Given the current realities of the Federal budget, I believe that Federal dollars should be allocated to programs which respond to the Nation's most pressing employment training needs, as well as to those which provide modernization, improvement, and leadership in vocational education.

Using the amendment process, it is my hope that we can reshape the bill so that it merits the support of the full House. I urge my colleagues to support the amendments. I have outlined. I am confident that we can help reshape a national work force trained in relevant skills for the end of this century and beyond.

Mr. GOODLING. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in strong support of H.R. 4164, the Vocational Technical Educational Amendments of 1984, and before indicating what is in the bill, I would like to say that this bill has been under consideration for more than a year; and we certainly owe an awful lot of people a lot of credit.

The staffs on both sides worked very well together not only with Members but with every person, every organization, every group that is connected and concerned with this piece of legislation.

And I want to thank the chairman because he gave us the opportunity to move ahead; Mr. WILLIAMS and Mr. KILDEE were also very active in this whole deliberation and this lengthy proceeding that we had to bring about this legislation as well as Mr. GUNDERSON, Mr. JEFFORDS, and others who helped us to shape this bill and who will offer amendments to try to further improve it.

So it has been a real interesting and rewarding kind of experience because of the bipartisan effort involved.

I would like to mention to the people who are here and those who may be listening back in the offices, just exactly what it is we started out to do.

We realized that we have a good program and we realized that we are coming into a new era; we realize that many people are presently laid off and will never have their former jobs available again. When we began this process, we knew we had a big retraining job to do.

So we started out with the idea that we spent many years focusing on access for special populations and doing a good job and providing such access, but now we recognized the need to emphasize program quality, because if you do not have quality, access is not very important.

So we said that we would like to assist the States to improve the quality of instruction; meet student and employer needs for labor or market oriented programs; to expand, improve, and, in language that will be offered tomorrow, sustain programs of proven effectiveness; improve effectiveness in vocational technical education, develop new programs in order to meet the needs of our Nation's existing and future work force for marketable skills, and assist in affording ready access to high quality education to individuals at all ages and at all levels of ability.

As I indicated, our emphasis was going to be on quality. We still think we have a quality program that we are offering to the Members of the House.

We discovered that as we moved in subcommittee and in full committee that we really did have to go back to some of the set-asides for access, only because those people who would be affected were worried that perhaps parts D, E, and F under title II of H.R. 4164 in the original bill would somehow not be funded and therefore the groups that they were most concerned about would not get that kind of money. We wanted to bring everybody together to fight for the appropriation, so that no one could sit idly by and say "We will automatically get our 10 percent or 15 percent, or 20 percent, or whatever it may be."

So I think what we have come up with, Mr. Chairman, is a finely tuned program which will deal with both access and quality. I want to emphasize, finely tuned, because if it gets slightly out of tune it will become way out of tune, I can assure you.

In addition, the committee adopted amendments that were designed to improve coordination with the other major Federal job training programs; particularly JTPA. We are trying to make sure that job training and skill development programs will be coordinated.

Now I would be the first to admit the bill is not perfect. There will be a few amendments that will be offered that will improve it, but I think on the whole we have made real strides in updating the whole vocational education program, updating the training programs that will be available in this country, to prepare us for the year 2000 and thereafter.

I will talk tomorrow, when I have some time, about some of the objections that I just received from the administration. I find them very interesting, because a number of the things they are objecting to are the very things they sent up in their original bill last year.

Mr. PERKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Thank you, Mr. Chairman.

I rise in strong support of H.R. 4164.

This bill has been carefully drafted in such a way that States will continue to be able to give vocational education services, to expand these services, and maintain and improve these services.

This bill was subject to over 50 days of hearings, excellent hearings in which members of the committee had the advantage of hearing people from all over the country: We heard those who deliver the services, those who receive the services, and those who are responsible for funding their portion of vocational education in the various States.

□ 1610

I want to commend particularly the gentleman from Pennsylvania (Mr. GOODLING). We had the advantage of his expertise, his wisdom and his cooperation in drafting this bill. He and the gentleman from Kentucky (Mr. PERKINS) really have spent just countless hours in putting together a bill that will affect the future of this country for many years.

We right now are on the cutting edge of technological change in this country. And it is important that we put together a bill that will meet the needs of that technological change.

In my own city of Flint, Mich., where we have had the highest unemployment since the Great Depression we see today, working together, General Motors with the local school board, with the intermediate school board, and with the local community college to provide training for this real technological revolution which is taking place in the automobile industry.

And I have contacted these people in industry and education, regarding this bill. They are excited about this bill. They feel this bill will give even greater tools to help retrain those workers and train people to enter into the work force.

So I want to commend those who have put together this bill. We have a good bill. We have a bill that reflects the fact that we do have certain Federal constituencies. We have in some set-asides for these Federal constituencies and yet we have maintained the flexibility which the various States need in delivering these services. I think that the balance in these set-asides has been very carefully drafted, very carefully worked upon with the wisdom of people in that committee and the wisdom of the community outside of Congress which helped us put these set-asides together.

It is for that reason that I think that we should keep this careful balance intact.

Again, I urge support of H.R. 4164.

Mr. GOODLING. Mr. Chairman, I yield 7 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, it has been nearly 1 year since the release of the report of the President's Commission on Excellence in Education, entitled "A Nation at Risk." That report, which has been followed by at least five other major reports, has created shock waves throughout the country, with a call from the public for needed reforms and, if necessary, a restructuring of our education system.

We in Congress have tried to play our role, but our actions have been limited to resolutions expressing good intentions.

Today, we have before us an opportunity where we can make a difference. The Federal Government does play a significant role in vocational education and it is our privilege to direct that role so that we can provide guidance and leadership to the States and schools that receive the dollars we send to them. This bill before us indeed is a singular opportunity to reshape Federal priorities.

I voted against this bill in committee because I believe, in its present form, it fails to take advantage of a singular opportunity to reshape Federal priorities and mechanisms to embolden vocational education by directing our human and financial resources to meet the employment needs of the future—not the past.

What has unfortunately been overlooked throughout the consideration of this bill is that it has a great relevance to the emerging national debate evolving from the challenge of rapid-paced technology and the displaced workers from the contraction of industrial sector.

Mr. Chairman, as a member of the Subcommittee on Economic Stabilization, I have closely attended to the implications of these industrial dislocations. In addition, as the ranking minority member of the Labor-Management Subcommittee, I have heard sufficient testimony as to the need for retraining of displaced workers.

We must wait for another time to debate the merits of whether we need new programs to address these problems.

What I wish to point out is that we have here a measure that provides them with an ideal vehicle to strengthen a critical link in our attempt to become competitive: A work force that possesses the skills that are relevant to the needs of the economy.

Dr. Pat Choate, the highly respected senior policy analyst for TRW, Inc. and one of the authoritative voices in this debate states it quite succinctly:

> In the debate over how to generate economic growth and strengthen the competitiveness of U.S. industry, one critical means of restoring productivity growth often is overlooked: Improving the quality of the performance of the American work force.

To do this, we must start with our existing programs. I quote from testimony provided before the Subcommittee on Economic Stablization by the Urban Institute:

> The Federal role which emerges from this debate must evolve realistically from the programs and institutions already in place, and full advantage should be taken of the lessons of past experience. I would summarize those lessons of past experience as emphasizing that there are substantial benefits to be gained from rationalizing existing programs and institutions of Federal assistance to industry. Much can be accomplished without chartering a new Federal role, and much can be done through reallocation, rather than expansion, of available budgetary resources.

Mr. Chairman, I will offer an amendment to this bill that will provide for such a "reallocation" within existing budgetary resources, and it will do so in a way that will not only meet our industrial retooling needs, but will also further the purposes of vocational education and the Federal role which, according to the bill itself is: "To strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity."

My amendment does this by responding to a deficiency that has been oft-stated.

A report to the President by the Business-Higher Education Forum:

> The nation's education and training institutions are responding too slowly to the central role they must play in revitalizing the American economy . . . Linkages between educators, training systems and employers are weak . . . If the nation's education and training institutions are to play the role they must, major changes will be requested.

Those who wrote this report should know what they are talking about. They include the presidents and chancellors of eight major universities, including Harvard's Derek Bok and Notre Dame's Theodore Hesburgh as well as executives from leading corporations, such as Ford Motor Co. Chairman Philip Caldwell.

These changes must take place at the State and local level, but, at the Federal level, we can and should provide leadership and establish broad policy goals and incentives within which successful programs can flourish. Indeed, if we do not set such priorities, we are failing to address the primary purposes by which the continued expenditure of millions of Federal dollars on vocational education is justified.

I will not at this point go into further exposition about my amendment except to say that I present a proposal with which I believe both sides of the aisle can agree. It addresses our pressing economic needs without calling for a new expensive program and by furthering the purposes of an existing one.

I urge my colleagues to put aside the coalition politics that, throughout consideration of this bill, has inhibited progress, blocked fresh ideas, and frozen us in the rigidity of past practices. Let it not be said of us that we ignored the lessons of experience and failed a generation.

I yield back the balance of my time.

□ 1620

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 4164, the Vocational Technical Education Act, which would extend and improve Federal vocational education programs.

For over 65 years, the Federal Government has provided support and leadership in the improvement and modernization of State and local efforts in vocational education. Currently, over 16 million students participate in vocational education classes ranging from the more traditional consumer and homemaking programs to training in high technology skills. While only 10 percent of vocational education funding emanates from the Federal Government, this influx of money has consistently provided the incentive for a shift toward skills training in emerging technologies, increased access for women, handicapped and minorities, and an upgrading of quality across the gamut of course offerings.

The Vocational Education Act has been a successful mechanism for motivating evolution in programs at the State and local level to address the changing needs of the job market. H.R. 4164 continues this mechanism under a framework which will streamline administration of the act while promoting access for all populations. I am pleased with the compromise reached by the Education and Labor Committee which will preserve existing allocations of funding for handicapped and disadvantaged students, while instituting a new reservation of funds for sex equity purposes. In addition, H.R. 4164 retains the requirement that 15 percent of all State funds be used for programs at the postsecondary level—a vital provision for dealing with the training needs of the adult population.

Mr. Chairman, in Puerto Rico this year over $12 million in Federal vocational education funds will be spent for programs to increase the technical skills of the student population. This training will contribute greatly to each student's ability to find employment upon graduation in a field which requires hands on experience. The workhorse of the vocational program on the island is the basic program—funded at a level of $34 million through Puerto Rico funds. With these moneys the Puerto Rico Department of Education has established quality programs at eight vocational high schools and four area vocational centers, and provided a variety of vocational programing, including industrial vocational training to 18,712 students in 30 occupations, vocational agricultural training to 5,700 students, and health professions training to over 2,000 students. Federal moneys allocated through the Vocational Education Act will provide access to these programs for disadvantaged and handicapped students and will provide the engine for innovation which would otherwise not be financially within the reach of the State.

Mr. Chairman, I am also very pleased that H.R. 4164 includes authority for the bilingual vocational training program, which is intended to prepare persons of limited English-proficiency to perform adequately in a work environment. This section authorizes a National program for demonstration projects, bilingual vocational instructor training, and the development of instructional materials, methods, and techniques. Testimony from the U.S. Department of Education on this program indicated that participants in bilingual vocational training programs have experienced reduced unemployment rates, increased job earnings and increases in the rate of labor force participation. This program has been highly successful and has continuously out performed other vocational training and employment training programs in placements of participants. Bilingual vocational training has maintained an excellent record throughout its years of existence, and rightly deserves to be continued under this Vocational Education Act extension.

Mr. Chairman, I am highly supportive of H.R. 4164 as reported out of the Education and Labor Committee. I want to commend our chairman, Mr. Perkins for his fine work on this bill and for his untiring efforts on behalf of this program. I urge my colleagues to join me in support of H.R. 4164 and to continue the Federal presence in vocational education.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. Mr. Chairman, about a year ago, while I was touring one of the vocational schools in my district, something very strange happened. An instructor asked if he could talk to me in private. Agreeing to his request, we stepped into a room and closed the door. The instructor began explaining, "What we are doing here is very difficult. On the one hand, the instruction program we just showed you will teach students to operate and service equipment that will result in the loss of jobs to certain individuals in our community. Yet, we have been asked by business to provide this assistance. On the other hand, we must also have the training programs to retain those employees losing their jobs for other skills in today's work force." That, my friends, properly sums up the challenge of vocational education in the 1980's.

The bill we are considering today H.R. 4164, the Vocational Technical Educational Amendments Act of 1984, represents the initiation of a new direction in the Federal role in vocational education. Historically, the original Federal participation in vocational education began in 1917 with the enactment of the Smith-Hughes Act providing grants to the States to promote agriculture, home economics, trade, and industrial education. This basic role continued unchanged until the enactment of the Vocational Educational Act of 1963. This landmark legislation dramatically changed the Federal role in that it targeted specific groups to be eligible for Federal vocational education funds. Further, amendments in 1968 and 1976 created funding set asides for the handicapped and disadvantaged as well as for particular programs and postsecondary vocational education.

Today, vocational education has become the largest growing sector of education. Enrollment has increased 100 percent in the last 10 years and is now between 16 and 17 million students. In addition, almost half of all students in grades 10 through 12 participate in vocational education programs.

The legislation we are now considering is a modified version of the bill which was first considered by the Education and Labor Committee. That bill represented a significant new departure from the traditional Federal role in vocational education. While maintaining consistency in the Federal effort to insure access, the original version of H.R. 4164 expanded the role to promote both quality and new training initiatives. New titles were provided which would develop an industry-education partnership for training in high-technology occupations and adult training, retraining, and employment development.

Education and Labor Committee action on the legislation, however, has produced a delicate compromise between the new emphasis on training for the future and the traditional Federal role of insuring access. Set asides for special populations—such as the disadvantaged, handicapped, English language deficient, and sex equity—have been increased from 30 percent to 35 percent, while postsecondary education will receive 15 percent.

Special note, however, should be taken of the new directions this bill will provide for the Federal role in vocational education in training and retraining to provide skills for the work force of tomorrow.

In particular, two of these new initiatives were developed as a result of ideas put forth by vocational educators within my district in western Wisconsin. Two amendments were adopted in committee which will substantially enhance the ability of vocational education both to provide up-to-date training and to reach the people it is intended to help.

First of all, the act will now allow States to use their basic State grant for the acquisition of equipment for programs in the operation and servicing of high-tech equipment. These expensive programs which require substantial outlays to implement; one educator indicated that the introduction of a robotics program alone required an investment of $350,000.

In addition, H.R. 4164 will substantially increase the reach of vocational education by allowing the States to use the State grant for the acquisition and operation of communications and telecommunications equipment. All areas of the Nation will benefit from this provision, as vocational education will be able to reach more and more students through modern communications equipment.

We have also made important strides in our efforts to reduce the burden of paperwork on our local education agencies (LEA's). Specifically, we have reduced some of the reporting and planning requirements which force a significant number of our local districts to drop out. These improvements include:

First, controlling the vocational education data system (VEDS) requirements by reinstating language requiring only sampling methodology—rather than actual statistics—thus easing the burden on localities. While further steps are necessary to reduce the VED's burden, this is a significant step.

Second, provisions were added which would eliminate the reporting requirements of small programs LEA's to Job Training Partnership Act (JTPA) entities. The original reporting requirements of the act would have overburdened small districts and the State will now have the opportunity to designate those small programs which should and will not have to report.

Third, finally, an amendment which I will offer will reduce the requirements for the submission of a 2-year plan by small LEA's. Similar to the above JTPA provisions, the adoption of this provision will further eliminate the burden of planning and reporting placed on localities.

Overall, we have attempted to strike a balance by developing a bill with two principal objectives. First, to provide the opportunities and emphasis for training and retraining in today's society which includes high technology. Unquestionably, our society is rapidly changing and with it the jobs and skills each of us must have to prosper. Recent studies indicate that the average person entering today's job market will have four different career—careers, not jobs—during their lifetime.

A modernized Federal Vocational Education Act is essential to respond to these needs at the secondary and postsecondary levels. Clearly, there is a legitimate Federal role in providing leadership for vocational education. Our job is not simply to provide funding without some form of guidance and direction. If that is the case, we should simply eliminate the 10-percent Federal contribution and let the State and localities fund the entire effort.

Our second objective is to provide a vocational education mechanism which is administratively feasible and unburdensome. As above, we have undertaken efforts to reduce the planning and reporting requirements on our LEA's. While further steps are necessary, we have made progress toward this goal.

The future we must seek in vocational education is now clear. In particular, two important commentators in our country have reached significant conclusions about the important role education will play in our changing society. Social forecaster John Naisbitt, in his book, Megatrends, concludes that our education system is "moving from the short-term considerations of completing our training at the end of high school or college to lifelong education and retraining." Additionally, Lane Kirkland, president of the AFL-CIO, has stated that one-fourth of those presently laid off will never get their old jobs back, regardless how much the economy improves; they have been replaced by technology.

An important challenge exists for our Nation in the coming years regarding both education and the ability of our society to provide the skills necessary to keep our economy prosperous. H.R. 4164, the Vocational Education Act reauthorization takes an important step toward providing a leadership role for the Federal Government in this effort.

Mr. PERKINS. Mr. Chairman, I yield 3 minutes to our distinguished colleague, the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, I rise in favor of this legislation and also to commend the members of the subcommittee and the distinguished gentleman from Kentucky, the chairman of the subcommittee and the full committee for the considerable effort exerted in the development of this legislation. H.R. 4164 addresses a wide array of issues in vocational education and does so in a way that insures quality as well as equity. Vocational education plays a pivotal role in our educational and economic systems, and H.R. 4164 secures the future well-being of thousands of school-age and adult vocational students around the country.

For the remainder of my statement I will confine myself to those provisions in H.R. 4164 which affect handicapped students in vocational education. Before I address particular issues I would like to express my sincere thanks to my distinguished colleague from New York (Mr. BIAGGI), as well as my distinguished colleague from California (Mr. MILLER), for their invaluable assistance and leadership toward insuring that special needs populations, including handicapped individuals, were dealt with equitably in H.R. 4164.

The status of handicapped students in vocational education has improved steadily in recent years. This progress can be attributed directly to a number of provisions in the Vocational Education Act that provide incentives to local educational districts and agencies for mainstreaming handicapped students and stimulate State and local allocations toward handicapped vocational education. In recent years the number of handicapped students in vocational education has increased dramatically and just as importantly the number of handicapped students being educated alongside their handicapped peers has increased to the point where now 74 percent of the handicapped students in vocational education are enrolled in regular vocational education classes.

At the same time that handicapped enrollment has increased due to provisions in the Vocational Education Act, the State and local allocations matching the Federal funds have increased dramatically as well, to the point where the non-Federal to Federal ratio increased from $2.10 to $1 in 1979-80, to $3.96 to $1 in 1981-82. I am happy to note that those provisions in the Vocational Education Act which have resulted in this progress have been retained and strengthened in H.R. 4164.

H.R. 4164 reaffirms the rightful place of handicapped students in vocational education. Each handicapped person completing a vocational education program and finding employment becomes a contributing member to society and a taxpayer. Because it is estimated that one person's removal from dependency saves $6,000 to $10,000 in supplemental income support, improving the standing of handicapped students in vocational education works to everyone's advantage.

H.R. 4164 is a fair bill. It is a thoughtful, well-crafted piece of legislation and I support it unequivocally.

H.R. 4164 contains a number of other provisions that improve the standing of handicapped students in vocational education. One provision that I am particularly proud of promotes the participation of severely handicapped students. Despite the overall progress of handicapped students in vocational education, the current participation of those individuals experiencing severe handicaps is sorely lacking. Given the proper amount of support and making use of a new generation of prosthetic aids, the prospects of severely handicapped individuals to learn and use vocational skills are favorable given the opportunity to participate. H.R. 4164 provides vocational educators with the opportunity to allow severely handicapped students to achieve and participate equitably.

H.R. 4164 encourages the elimination of bias against handicapped individuals in comprehensive programs of career guidance and counseling, and insures that the State and local plans' progress reports evaluate the effectiveness of programs addressing the needs of handicapped students. It also insures that the President's Council assesses the vocational needs of handicapped students and that the National Center for Research in Vocational Education conducts applied research on special needs population concerns.

The participation of handicapped students in vocational education has improved steadily but it is by no means optimal. H.R. 4164 strengthens the standing of handicapped students, but more still needs to be done. In future legislative efforts, it is my hope that Congress will take steps to improve vital areas of personnel training, curriculum development, and applied research. Funding these activities invariably yields the progress and student achievement that all educators desire.

□ 1630

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the bill we are considering today, H.R. 4164, the Vocational-Technical Education Amendments of 1984. Vocational education is a system that is established to serve people from all social and economic levels of our society. It is a highly decentralized system with a mission to prepare people for work. Today this system provides training and education for over 16 million Americans.

As an example of the type of programs that are provided through vocational education, I call this body's attention to an article in the March issue of Reader's Digest. It is entitled, "The School That Teaches Real Life," and describes a breakthrough program in vocational training in Brattleboro, Vt. As part of the curriculum at the Brattleboro Union High School's Vocational Center, students operate a restaurant, Le Cordon Bleu, train as police and firefighters and serve as an auxiliary of volunteers for these services, provide help for the handicapped and elderly of the community through a student-run human services program, and build $40,000 to $60,000 three-bedroom houses from the ground up—one every 2 years. Eighty-five percent of Brattleboro's juniors and seniors take at least one vocational course, with many taking several. The vocational enrollment is up 100 percent from 1970 and at least one-third of the school's vocational students plan to go on to higher education. This is a program that operates with the strong support of the community because they understand that it affects their children, their future workers, and their future customers. The director of the center, William Dennen, adds that the community is trying to attract more industry, and trained workers will help achieve that goal. In the Brattleboro community, vocational education provides those trained workers. I use this only as an illustration of how the programs we are discussing in this bill can have a long-lasting affect not only on the individuals who participate in them, but on the community in which they live.

H.R. 4164 continues the long history of Federal leadership in vocational education. The Federal Government has had a varying, but constant, role in providing vocational education over the course of the past 67 years. We have gone from earmarking funds for specific occupational fields, to preparing individuals for employment in all occupations not requiring a college degree.

Concern for those individuals with special labor market needs has been heightened during the years of this program's existence. Vocational education enrollment of the handicapped, disadvantaged, and limited English proficient is now almost 20 percent of all the individuals served under vocational education programs. The Federal funds for vocational education have grown from $51 million in 1963 to the current level of $738 million, while in the same period of time, State and local expenditures for vocational education have been leveraged from a little more than $200 million to about $7 billion. The overall enrollment in vocational education in those same years has quadrupled. Clearly, the Federal role has spurred the growth of vocational education in this country, and has given us a significant base upon which the program for the 1980's, the 1990's, and the years beyond can be built.

As a nation, we are now facing concerns generated by increasing technology, rapidly changing labor markets, rising mobility of the labor force, retraining requirements for displaced workers and those who choose to change or upgrade their occupation (as many of us will do at least four times during our lifetime), shifting industrial bases, enlarging foreign competition and pressing economic concerns. All of these factors require that we have Federal policy which emphasizes program improvement rather than maintenance. Federal funding should encourage the development of vocational education programs that will meet the constantly evolving nature of the labor market and aid those who encounter special problems in the work force, including women and youth. The vocational education program we enact must meet those challenges, or we have failed.

The Vocational-Technical Education Amendments of 1984, H.R. 4164, move in the directions that I have suggested. Of particular note are those provisions in the bill that provide a role for the business community, and that coordinate the Job Training Partnership Act [JTPA] with these programs, so that greater cohesiveness between these programs and the needs of the labor market can be achieved. The bill includes two new programs calling for an industry-education partnership for training in high technology occupations, and a program for adult training, retraining, and employment development.

Funds under the first program are to be coordinated with JTPA to avoid duplication of effort and to assure maximum utilization of resources. In addition, these funds can be used for apprenticeship programs. A business and industrial match is required for receipt of funds under this program, something that was suggested in testimony as a way to encourage collaboration between vocational education and employers.

The adult training, retraining and employment development program also contains requirements for coordination with JTPA. Specifically, the State board must consult with the State job training coordinating council established under JTPA so that there is no duplication of effort between the two programs at the State level. Additionally, at the local level, the State board is to adopt procedures that encourage coordination between eligible recipients at the local level and the appropriate administrative entity for the service delivery area so that integrated training can be provided for workers in need of assistance.

Efforts to assure coordination between the Job Training Partnership Act, the business community and the vocational education program are also provided for generally in the bill. The State advisory council established in the bill requires that a majority of its membership be private sector representatives. Both the 2-year State and local plans must be reviewed by the respective State and local entities established under JTPA, and comments from either are forwarded with the plans when they are submitted for approval. The State plan must also be reviewed by the State council for consistency with the labor market needs of the State. The planning cycle established under this bill coincides with that under JTPA, to further insure coordination and collaboration. Further, members of the State job training coordinating council and the private industry councils must be given consideration for selection as representatives on the State advisory council.

A conduit for business and labor to affect the overall curricula and competency offerings in vocational education is provided through the establishment of a limited number of technical committees at the State level. These committees are to develop inventories of skills to be used by the State board to define state-of-the-art model curricula. In this way the type and level of knowledge and skills needed for entry, retention and advancement in occupational areas can be incorporated into the programs offered throughout the State based on the advice of these committees. This provision is yet another way the bill requires greater coordination with the needs of business and the work place.

Provisions for a greater business role, attention to the needs of the labor market and coordination with the Job Training Partnership Act are critical to the future success of vocational education programs. One finding of a study detailed in the report, "Education for Tomorrow's Jobs," was that good vocational education programs were often distinguished by their close ties with business. Vocational education programs that have higher economic and occupational benefits generally also have closer and effective relationships with employers. The success of vocational education programs depends in large part on their ability to respond and adapt to the changing economy and local conditions. The report recommended that mechanisms and incentives should be established to induce educators and employers to work together. Without the interaction of the business and industry community in an area, these programs are operating in a vacuum.

This bill represents a substantial effort to direct vocational education programs into a substantial role in the provision of occupational training and education for the future. There is room for further improvement, and I expect that several amendments to be offered by my colleagues will move the bill more toward addressing the challenges I raised earlier. I urge all of you to support passage of this bill, especially if the amendments offered by my Republican colleagues on the Education and Labor Committee are adopted. All of our efforts should be not only to support a basic system of vocational education, but to redirect some of the activities so that even greater results and benefits are incurred by the participants of these programs, and the communities in which they live.

Mr. PERKINS. Mr. Chairman, I yield 4 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to urge my colleagues to support the reauthorization of the Vocational Education Act reported by the Education and Labor Committee. I would particularly commend the chairman of the committee for his leadership in this area over the years, and the hard work of the committee in moving this bill so expeditiously.

Since 1963, the Federal vocational education program has provided invaluable hands-on training to millions of youths and adults. This reauthorization comes at a particularly opportune time. The economy is changing in some fundamental ways and workers need to adapt quickly. H.R. 4104 focuses greater attention on modernizing vocational education programs, provides training for special populations such as the disadvantaged and the handicapped, and creates new sections for high-technology training programs and for adult training and retraining.

Mr. Chairman I wanted to be sure that my colleagues were aware of a new demonstration program authorized in the legislation to fund centers to train and retrain workers age 55 and older. The model centers idea, and language to sharpen the focus of the act on the special needs of older workers, was originally incorporated in a bill I introduced and which many of you cosponsored. I particularly want to thank my colleagues Mr. Biaggi and Mr. Goodling for offering this legislation in the form of amendments to the reauthorization bill.

The need for a special program for older workers is clear. It is estimated that by the year 2000, the number of persons age 55 and older will increase by 19 percent. As policy makers, we must begin to consider the implications of a population that is not only living longer, but an increasing proportion of those whom want to work longer. At the same time, older workers are facing a formidable set of obstacles peculiar to their age: Obsolete job skills; lack of skills; attitudes on behalf of employers; lack of job search skills; and employer discrimination in hiring, especially when that older worker must be trained. Unless those obstacles are removed, these citizens will suffer and our Nation will lose a tremendous resource of human talent.

It is my hope and I know it is his and that of the committee that this $5 million demonstration program will be just the beginning of a nationwide awakening to the needs and talents of older workers. Vocational education as the chairman knows, has been a great source of opportunity for young students and young workers. Now we have an opportunity to broaden that source, open that door, and provide new opportunities for those who have built the industrial base of America, but now go without work. Mr. Chairman I urge strong support for this important reauthorization.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. RATCHFORD. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Chairman, I wish to take this opportunity to compliment the distinguished gentleman from Connecticut for the amendment supporting retraining for the elderly. I think the gentleman is to be complimented, and it is a very useful amendment, and I hope that it is funded.

Mr. RATCHFORD. I thank the chairman for his generous comments.

□ 1640

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. Bartlett).

Mr. BARTLETT. I thank the gentleman for yielding this time to me.

Mr. Chairman, as this Congress considers the reauthorization of vocational education, we have an opportunity to improve the quality of the Nation's work force and to develop the skills needed to compete successfully in an increasingly complex economic world. We can still correct some of the flaws that are in H.R. 4164. It seems to this gentleman that those flaws must be corrected if this House is to improve vocational education.

So, therefore, Mr. Chairman, I rise to oppose H.R. 4164 in its present, and I emphasize "in its present form." With so much support for educational improvement that we have seen in 1983 and 1984, it seems ironic that this House would pass or consider a bill that would not make those improvements. The fundamental flaw of H.R. 4164 as presently drafted is that on the one hand we would continue to use vocational education funds to try to do everything and to maintain the status quo in vocational education whether or not those curriculums are related to improving the education of persons who would enter the State work force.

I cite 28 permited activities in part A alone, including programs that are responsive to labor market demands, programs of planned sequential vocational programs between secondary and postsecondary, work-study programs using Federal funds, Federal funds for research, curriculum, vocational education personnel, residential facilities, and indeed, one provision would provide for the provision of stipends.

On the other hand, we continue to harness with paperwork and with regulations those States and school districts, with techniques and with data collection, and yet leave completely open any improvement in curriculum.

All is not bleak in this bill. This bill does make some improvements, and I would credit those improvements to the chairman of the Committee on Education and Labor and the ranking minority member, the gentleman from Pennsylvania (Mr. Goodling) of the Subcommittee on Elementary, Secondary and Vocational Education, for their bipartisan efforts which have done a good bit to improve this bill during the markup. Through their efforts, we have made changes at the committee level which will accomplish goals in vocational education and, at the same time, make H.R. 4164 more acceptable to the Members of this House.

Two improvements which come to mind are: First, the change in the authorization level from $1½ billion to such sums as may be necessary; and second, the targeting, which I support, of specified percentages for special populations such as handicapped and disadvantaged, which is in the current law.

The first change is a step toward more fiscally responsible authorization, and the second helps the Federal Government fulfill our responsibility for equal access to special populations.

Despite these improvements, there are still major areas which need to be addressed, and I would outline for this body the amendments that should be made, indeed must be made, if this bill is to improve vocational education.

First, to change the authorization period from a permanent authorization to a maximum of a 5-year authorization, and I will be offering that amendment.

Second, to insure that Federal funds are used for the national goals of program improvement and modernization, rather than simply maintaining programs. Perhaps the cruelest hoax of all is that in the original bill as endorsed by the American Vocational Association we limited the use of Federal funds to enhancement and to improvement, and then the committee amended that bill to include maintenance of programs. I will be offering, or others perhaps will offer an amendment that would reinstate the provisions of the original bill to emphasize program improvement and program enhancement and not program maintenance.

We need to have an amendment to make it possible for small programs to benefit from Federal funds by exempting them from requirements which are more applicable to the large programs, and then hopefully we will be able to pass the Roukema amendment, the targeting of funds for postsecondary and adult training and retraining, increasing the use of those funds to a minimum of 20 percent for postsecondary, and I would note for this House and commend the gentlewoman from New Jersey, that the original bill as adopted by the American Vocational Association and recommended to this House contained a 30-percent requirement—a 30-percent requirement—for postsecondary, and indeed every study and every report and every analysis of vocational education in this country has said that we can do a better job at the postsecondary level, at the community college level, and I commend the gentlewoman from New Jersey for taking this issue of targeting and of assistance for those persons who are seeking training and skills for the 1970's and 1980's, bringing that to the consideration of this House.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Chairman, I rise in support of H.R. 4164, the Vocational-Technical Education Act of 1983. I would like to commend the distinguished gentleman from Kentucky (Mr. PERKINS) for his dedication and tireless efforts as chairman of the Committee on Education and Labor to form a strong bipartisan coalition in support of vocational education. As a cosponsor of H.R. 4164 and a member of the committee, it has been my privilege to work with Mr. PERKINS to insure that we strengthen our commitment to vocational education and to move our programs forward to meet new challenges.

During hearings held by the Education and Labor Committee in my district last fall, students, parents, vocational teachers, and school administrators throughout southwest Virginia emphasized the importance of vocational education programs in preparing today's students and workers to meet the needs of Virginia and the Nation in the years ahead. Moreover, they stressed that immediate action must be taken to improve and update vocational education and training. Technological innovation is rapidly changing the character of American industry and the nature of available jobs. Few vocational areas are untouched by computers, automation, and other innovations.

I believe that H.R. 4164 provides the tools necessary to expand, improve, and modernize vocational education programs to meet our increasingly complex vocational needs. The effect of technology and automation on our industrial base is so great that vocational education in many cases has been unable to keep pace with the new technologies used in todays marketplace. Many job training programs are in need of being updated to reflect the changes resulting from the increased use of advanced electronics, microcomputers, and new information systems. Instruction programs in almost all occupational fields need new equipment as well as updated curricula.

For this reason, I am pleased that H.R. 4164 includes a special program to assist State education departments in purchasing modern, high-technology equipment so that students can receive hands-on training with the equipment they will find in industry. The creation of this program is an important step forwarding modernizing vocational-technical education centers and providing relevant job training.

It is also appropriate that this legislation encourages involvement by members of the local community in vocational programs. If vocational education is to assist students entering the job market, we must look to community business leaders for guidance on the skills they seek in new employees.

In my State of Virginia, the Federal Vocational Education Act provides approximately $17 million annually to county and city school systems. These funds suppplement a substantial investment of State and local dollars and make possible many of the innovative projects undertaken at our vocational-technical centers.

Thousands of students in my district receive vital job training and counseling through vocational education programs in their local schools. These vocational education programs prepare students for an increasingly technically oriented job market by providing a broad range of courses relevant to the needs of Southwest Virginia businesses and industries.

Vocational education is the fastest growing program in education today, with a national enrollment of more than 17 million students. In Virginia alone, some 285,000 high school students are enrolled in vocational education courses, including 160,000 in direct occupational training, 65,000 in consumer and homemaking education and 60,000 in industrial arts. Many thousands of adults are also benefiting from vocational-adult education programs which are particularly important in retraining unemployed workers.

Federal support for vocational education is a wise investment in America's economic futrue. I, therefore, urge my colleagues to support H.R. 4164 so that both young people and older workers will have the opportunity to receive the training needed for jobs in today's growing technical fields.

□ 1650

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Chairman, I shall be brief. I rise in support of this bill. I think it is something we should do.

Vocational education deserves a good deal of emphasis, and I felt when the Nation at Risk report was issued, it was somewhat neglected as far as emphasis was concerned. So I am glad to be a participant in the particular bill.

I was a cosponsor of a bill which the administration put forward, and I am pleased to see that some of the provisions of that bill have been incorporated in H.R. 4164, particularly the term, "such sums," which I think is fiscally more responsible than the billion and a half which we did not have.

There were also some set-asides to the disadvantaged and the handicapped which are incorporated in H.R. 4164.

I thank the committee chairman, the gentleman from Kentucky (Mr. PERKINS), and the ranking minority member, the gentleman from Pennsylvania (Mr. GOODLING), for incorporating those two features of the other bill into H.R. 4164.

I am disappointed that the Roukema amendment was defeated in committee. The Roukema amendment was to put 20 percent set-aside in postsecondary for emphasis on the economic aspects of the bill. The gentlewoman has come up with a good amendment, 20 percent to replace partially the 30 percent which was taken out of this bill. I intend to support that strongly because I think it would greatly enhance the vocational education approach.

The other amendment I would like to see is to reduce or remove the Ackerman amendment, No. 29 on the list of uses for which money can be put in this bill. I think it is far too fractured. I think there are too many activities. I think we are not getting to all the relevant areas of vocational education, and we have too many ways to dissipate the money. I would like to see the Ackerman amendment stripped from the bill. That will be offered, I understand, by the gentleman from Wisconsin (Mr. GUNDERSON).

If those two amendments are passed, I will be an enthusiastic supporter of the bill. I may vote for it without those two amendments, but those two amendments would materially improve the bill.

Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GOODLING), and I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. TAUKE.)

Mr. TAUKE. Mr. Chairman, after a 3-year absence from the Committee on Education and Labor, it is indeed a pleasure to be back on that committee working with distinguished Members like the gentleman from Kentucky (Mr. PERKINS) and the gentleman from Pennsylvania (Mr. GOODLING) in putting together good legislation to meet the education needs of the Nation.

I believe very strongly that we do need a strong vocational education program. I think we need that program for two fundamental reasons. First, individual citizens in our Nation are entitled to those kinds of skills for their personal growth; second, the Nation needs to have individuals who possess vocational skills because the Nation requires those kinds of skills for its future economic growth.

It seems to me, however, that the bill that is before us is not a bill that was fashioned in order to meet national goals or national needs. Instead, it was a bill that was fashioned in order to meet the needs of a variety of individual groups.

Now, meeting the needs of a variety of those individual groups is in and of itself something that is worthwhile, and in fact the goals of most of those individual groups are in and of themselves good, but together they do not a national vocational education program or policy make. And that, in my judgment, is the failing of this piece of legislation.

We have 10 percent of the vocational education funds that will be spent in the country in this bill, yet we try to make 90 percent of the policy. Let us just look at the basic State grant program, as outlined in this measure. Over 56 percent of that basic State grant program is set aside. Five percent of this basic State grant is set aside for national programs, including a vocational education data system, an occupational information system, the President's Council on Vocational Education, and so on. Up to 1 percent of the money is to be used for Indian vocational education programs; 10 percent is to be used for the handicapped; 20 percent for the disadvantaged; 15 percent for postsecondary; and 5 percent for sex equity, including day care and including $75,000 for a full-time sex equity coordinator.

Each of those set-asides in and of itself can be justified, and certainly all of them are or can be justified on the basis of the worthy goals involved.

But the fact of the matter is when we take all of those individual set-asides and put them together, we do not have a good national vocational education policy. This bill, as a result, loses its thrust, and the great needs that we have for improving the skills of our work force in order to meet the great needs for tomorrow are bypassed.

In addition to the set-aside problem, we also have a problem with planning and bureaucracy requirements. For example, we put together a State advisory council. We ask that there be three basic kinds of groups represented on the State advisory council, and then the membership must include a whole variety of subgroups, including women experienced in employment, individuals who know special educational needs, individuals representative of the general public, people who are knowledgeable about the poor and the disadvantaged, representatives of public institutions and State economic development agencies, someone experienced in guidance counseling, a representative of the JTPA State Job Training Coordinating Council, a representative of the agency responsible for administration of vocational rehabilitation programs, and representatives of all those educational institutions in the State conducting vocational educational training programs.

I guess the point is that all these representatives are wonderful people. All of the groups should be heard from. But we put all that together and we do not have a good State advisory council. We put too much regulation and too much control from the Federal level in this measure, and in my judgment we have in a sense overlooked the forest for all the trees.

Everything in here is well intentioned. It is good in and of itself, but together it does not constitute a strong national vocational educational policy.

So, Mr. Chairman, for that reason I am reluctant to support the measure as it is presently constituted.

Mr. PERKINS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Chairman, we are today considering H.R 4164, the Vocational-Technical Education Amendments of 1984, and I support very vigorously this fine piece of legislation.

Mr. Chairman, as a Member from a State that has suffered the ravages of unemployment, I am very concerned that our Nation maintain a strong and vital vocational education system that will provide our young people and displaced workers with the skills needed for tomorrow's jobs.

I have seen firsthand what a good vocational education program can contribute. In January, I led the Northeast-Midwest Congressional Coalition's Task Force on Employment and Training, which I cochair, on a tour of the Polaris Joint Vocational Center in Middleburg Heights, Ohio. The center, which is located in my district, provides training in a wide variety of skills to young and old and men and women. It is a valuable resource in Greater Cleveland where training opportunities are essential.

Mr. Chairman, I am pleased to join in supporting initiatives to improve vocational and technical education like H.R. 4164. Vocational and technical education require strong Federal financial support. This Federal help is needed for personnel, curriculum, and leadership development. Vocational and technical education is vital for our Nation's security and economic wellbeing.

Moreover, a strong program is required if a new initiative of the coalition's task force on employment and training is to be successful. I am referring to the Individual Training Account Act of 1984 (H.R. 4832) which was introduced by myself, Mr. DURBIN, Mr. BOEHLERT, and members of the task force in early February. The bill is part of an effort to help prepare workers for the major changes occurring in the America workplace. We are seeing these changes right now. Over the past few years, hundreds of thousands of workers have been laid off from jobs to which they will never return.

The key to the reemployment of many of these people is to provide them with advanced skills for new jobs. The Individual Training Account Act would provide the means of acquiring these skills by giving workers the money to pay for retraining. The ITA would be a self-financing, voluntary program that would encourage businesses and individuals to establish training accounts in worker's names to which small contributions would be made up to a total of $4,000 to be used in case of involuntary unemployment.

Since the money could only be used for training, a strong vocational and technical education program is essential for the individual training accounts to be a success.

Mr. Chairman, these two programs go hand-in-hand. I would urge my colleagues to take a serious look at the Northeast-Midwest Coalition's ITA legislation after we have passed H.R. 4164 and to join in its adoption.

Mr. PERKINS. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I rise in support of H.R. 4164, and I would like to use this time to voice an urgent plea to my colleagues on the other side of the aisle who have expressed concern about the so-called Ackerman amendment.

□ 1700

I think that the bipartisan spirit which has brought this bill to this point and the bipartisan support which so much of the bill enjoys should be extended to that part of the bill which moves toward maximum flexibility and maximizing the opportunities for adaptation.

We are in a period of transition and all of us agree, we are all together in agreement on the proposition that this bill will help to strengthen the American economy, that this kind of program will help to strengthen the American economy. We cannot strengthen the American economy unless we recognize that the American economy is in a state of change at a rate which is far more rapid than ever before, that things are happening very rapidly, and therefore the jobs which we think are going to be there tomorrow may not be there. Overnight certain kinds of skills become obsolete and the only thing that you can do to plan for this kind of rapidly changing economy is to maximize your own flexibility in adapting to those changes.

The so-called Ackerman amendment attempts to maximize this kind of flexibility by stating that the vocational training offer should integrate academic subjects with vocational subjects, should move in the direction of giving maximum opportunity to the teachers, the administrators and private industry people, whoever is involved in planning vocational education in a given State, would have the opportunity to make the adaptations necessary.

The computer is upon us and practically every aspect of our lives is now being affected by the computer. Industry is in every respect bowing to the computer. Those industries in America which are doing best and which promise to offer the most in the future are those industries which are able to integrate high technology components into their regular routines.

We do not have the pushbutton factories that some people predicted years ago. There are not Ph. D.'s running factories pushing buttons. What is happening is that particular kinds of work within factories are having high technology injected into that particular activity, so that you have welders using computers partially in the process of welding. You have certainly the whole drafting department of every major manufacturing concern, the drafting department, the mechanical drawing, all of that is now being taken over with computers, not taken over fully, but the people doing the drafting must use computers also.

You have computers that are able to deal in three dimensions. You have holography being introduced in connection with computers. All of this requires skills that we do not know really how to prepare or train for.

Recent studies have shown that there are two sides of the brain. The right side of the brain is the side we are quite unfamiliar with. The left side we are quite familiar with and most of our training in our academic institutions is geared toward the right side of the brain, the rote learning, the abstract reasoning, a number of things that we teach in school are directed to the left side of the brain, but the right side of the brain where spatial relationships are important, where the rapidity of integration of a number of factors take place, the creative side of the brain, the side of the brain where the mind and the muscles, the coordination between all the muscles and the nerves in the mind takes place, we do not know much about that. We have not that much training in that area.

It might be discovered that people who do welding or sheetmetal work or a number of other kinds of things, the repair of highly specialized kinds of machinery, certainly people in the finance industries and in the various clerical industries need a certain kind of training. We should not rule that out.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WILLIAMS of Montana. Mr. Chairman, I yield 1 additional minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. In conclusion, Mr. Chairman, what I am saying is that I would like for those who have mind sets already against the kind of expansion, the kind of flexibility, the kind of freedom that will be permitted, not more regulation, but less regulation, not laundry lists of kinds of jobs that must be dealt with, but leaving it open to the people who are going to be fashioning the new vocational education efforts at the school level in concert with private industry and in concert with administrators, let us not take away their flexibility. Let us not take away their opportunity to adapt to meet the needs of industry, which are changing rapidly every day, and we are all quite aware of the fact that those needs are changing. Let us allow the tax dollars that are going to be spent in this effort to be used to their maximum potential in the process of meeting the needs of our changing American industry.

Mr. GOODLING. Mr. Chairman, I yield myself 30 seconds, merely to say in response to Congressman OWENS that I understand his concern. I believe we have already taken care of that concern in the bill. We already have indicated that the flexibility is there. The integration of academic and vocational skills is a part of the bill.

The concern on this side is that it could be used, it could conceivably be used only for general education and then you would eliminate what we are really talking about, the whole vocational education possibility. That is why many on both sides have to oppose it, including, I might say, some people in New York who called us about this particular provision.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. PURSELL).

Mr. PURSELL. Mr. Chairman, I want to congratulate both the majority and the minority committee members and staff for an outstanding bill, H.R. 4164.

I do have some reservations about the set aside, but be that as it may, the question I want to address to the Chairman here, if he would answer a question, in the previous act, the act that we are going on now, it is very clear that young people have an opportunity to train in the field, in the setting of the corporate world or in small business.

I just want to make sure myself that this bill allows that to take place, rather than the institutional setting, which I think may not have the priority in my mind as to where a young person can get those training skills adaptable in our current transition.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. PURSELL. Yes, I am happy to yield.

Mr. GOODLING. In the basic grant, that is covered as well as in all the adult programs, keeping in mind, of course, there is an age requirement that we have to be concerned about; but yes, it is in both the basic grant and also in all the adult programs.

Mr. PURSELL. I want to thank the gentleman from Pennsylvania.

I think it is important and it should be a reminder to the Members that these three training programs are not only for adults who have been displaced in the automobile field, but particularly in small business.

I think the future for jobs, for young people, whether they be black or white or minority, for young people it is in the small business world, where a small business person can take a young individual, whether they be disadvantaged or need retraining or starting fresh out of high school, the opportunity to learn some skills and develop a one-on-one relationship in a small business setting.

I think the future of training, the future development of skills is with the small business community. I hope we do not overlook that and think that we are going to retrain masses of individuals in the corporate factories that are no longer hiring large numbers of people; so I just wanted to remind the committee that the small business community really should be the focal point of this piece of legislation for the future.

Mr. WILLIAMS of Montana. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. OWENS. Mr. Chairman, I just would like to respond to the discussion of the Ackerman amendment by saying that the line between general education and vocational education will eventually be erased completely. The gentleman spoke a minute before about small business and training people for small business, skills to fit into small business. They would need people who have maximun flexibility, the kind of people who can do many kinds of things, including communication skills, for example.

I think if we were introducing this bill as a brand new bill, a brand new program, with no established history and no set of people out there, associations, teachers' unions, and all kinds of people out there who will guard the interests of the vocational interest program, they will take care of guaranteeing that the vocational education program will never be wiped out or be raided by the general education field. That is about the only guarantee we can really hope for. Any other kind of differences, any other kind of fine line we draw is going to be quickly erased. Either we erase it and understand that it has no relevance or we will not be giving the kind of assistance to industry that we want to give.

Mr. GOODLING. Again, Mr. Chairman, I yield myself 30 seconds, just to say that all the concerns expressed in

Mr. ACKERMAN's amendment are already a part of the bill and also one-third of all the money in the basic grants is targeted to special populations, so I think we have pretty well taken care of all his concerns in the legislation.

Mr. Chairman, at this time I yield to my colleague, the gentleman from Pennsylvania (Mr. GEKAS), who has a question, I believe, he would like to ask.

☐ 1710

Mr. GEKAS. I appreciate the gentleman yielding.

I just wanted to ask my colleague from Pennsylvania a parochial question. That is, what is the attitude of, for instance, the Department of Education in this field from Pennsylvania?

Mr. GOODLING. We had a letter from Secretary Wilburn and he indicated that they are very much in favor of the legislation and they hope that we will successfully move it.

Mr. GEKAS. That is the only reason I wanted to enter into this colloquy, to put that on the RECORD.

I thank the gentleman for yielding.

Mr. WILLIAMS of Montana. Mr. Chairman, I yield myself 3 minutes.

Mr. WILLIAMS of Montana. Mr. Chairman, the Federal agenda in education, rather in vocational education is not new in America. The first act was passed more than half a century ago; in fact, 67 years ago.

During that time the Federal Government's agenda in vocational education was and has been, as it has been with all of education, to provide access and equity. The Federal Government's agenda has not included, except incidentally, the lifting of education quality. We have primarily, only with a few exceptions, left that to the States and localities where perhaps it has rightfully belonged.

So to those Members of Congress and those citizens who perhaps understandably have questions about the many set-asides and the considerable focus that is expressed in this bill with regard to special populations, which is expressed in most education legislation which sets aside significant sums of money for special populations, I would say that that has been the Federal agenda and that has been the limit of what the Federal Government has been asked to do.

The question comes: Should the Federal Government be involved in trying to lift the quality of education in this country and in a major way? If so, then we can get away from as many set-asides as we now have, or at least we can add significant new impetus, focus, and perhaps dollars, perhaps dollars to our legislation.

But for now, as long as the Federal Government is limited primarily to the role of access and equality, it means we are going to have set-asides and we are going to have what some refer to as redtape, because we do need to know whether or not the special populations are being served.

Mr. Chairman, today, as we begin our consideration of H.R. 4164 which amends the Vocational Education Act of 1963, I want to share with my colleagues some of my views on this important bill.

Vocational education represents one excellent example of the linkage between our Nation's educational delivery system and the world of work. Vocational education enables America's youth to gain essential knowledge and skills about productive work while concurrently addressing local and State labor market needs. It provides training in agriculture, office occupations, and medical careers; it is responsive to the need to supply trained aviation mechanics to Atlanta, dental technicians to Spokane and offset printing technicians to Missoula. Vocational education has the capacity to not only train adult displaced workers and displaced homemakers but to also guide youngsters toward more realistic career objectives.

Vocational education also represents an excellent example of the effective expression of natinal priorities. It is true that education is primarily a State and local responsibility. But there is, and has long been, a Federal responsibility as well. Consequently, issues relating to access and equity, to insuring our national economic health, and to providing for an adequate national defense represent Federal concerns. These Federal concerns are translated into practical actions by the provision of Federal assistance to State and local vocational education efforts. In addition to these traditional Federal concerns, there is a clear need to insure that citizens' tax dollars are well and efficiently spent.

H.R. 4164 represents an appropriate response to these Federal concerns. It also represents an effort to maintain the necessary dynamic tensions that are critical to the future growth of the vocational education system. This bill clearly does not maintain the status quo. It addresses the access and equity needs of all, not just some and it retains support for program quality as well, for without the one, the other is meaningless.

I introduced a number of amendments to the bill in committee and while I regard all of them as important, I do not have time to review each of them. However, I do want to briefly mention the intended effects of some of these amendments, which are to:

Provide for coordination with the Job Training Partnership Act to avoid costly duplication of training efforts and to insure maximum utilization of vocational education funds. Let me add that this coordination with the Job Training Partnership Act in no way alters responsibility for vocational eduation; it still rests with the legally determined State education board or agency;

Encourage development of innovative models to link vocational education with employment by awarding grants or contracts to employers or to recognized labor organizations who want to work with the State board to develop ways that vocational education students can better acquire advanced level skills needed to make the transition from school to productive employment; and

Provide for direct participation of business and organized labor in assisting the State board in planning and technical assistance efforts in order to insure that vocational education curricula are as current as possible.

These changes represent bipartisan efforts by committee members and responsible efforts by private sector representatives to address the emerging educational and industrial and individual needs of the next decade. I commend Chairman PERKINS for his leadership and I appreciate the help and cooperation offered by so many as we work to create a vocational education bill that addresses the needs of today as well as the concerns of tomorrow.

Mr. Chairman, I have no additional requests for time, and on this side I am prepared to yield back the balance of our time.

Mr. GOODLING. Mr. Chairman, I would merely take 30 seconds to again say that despite some problems in the bill I think it is a good bill. I think some of the critics of the committee's work place too much emphasis on what they consider to be funding of the status quo in vocational education.

The entire thrust of the bill, the new programs for modernization, equipment pools, adult retraining and industry/education partnerships for high-tech programs, as well as the committee's views expressed in the committee report, undermine any notion that this bill continues the status quo.

Rather, I feel the bill provides appropriate flexibility to State and local officials in establishing their own priorities when at the same time demanding a more precise and meaningful planning process.

● Mr. FRENZEL. Mr. Chairman, today we are to consider H.R. 4164—the Vocational Technical Education Amendments of 1984.

The vocational education program is a splendid program. Its past record of success and its continued, fine offerings in training and other assistance for our youth and special populations, are to be highly commended. Money invested in this program helps to insure a better future for both the students and our Nation as a whole.

The vocational reauthorization bill before us is not perfect. It could have included more specific authorization levels and guidelines for the Appropriations Committee. Further, the bill appears to continue the program complexity and unnecessary administrative burdens of the current Federal vocational education programs.

However, it is my hope that this bill can be improved on the House floor with appropriate amendments. Inspite of the bill's shortfalls reauthorization of the vocational education program is a must. I urge support for H.R. 4164 and at the same time I urge the Appropriations Committee to exercise responsible budgeting when determining the actual funding levels for vocational education.●

● Mr. FORD of Michigan. Mr. Chairman, I rise in strong support of H.R. 4164, the Vocational-Technical Amendments of 1984. This bill continues and expands the 65-year-old Federal commitment to leadership and assistance for vocational education. In this time of rapid technological and economic change, our Nation needs more than ever to support a program which will help prepare people of all ages to perform productively in the workplace. A highly trained workforce is an important key to an efficient and competitive economy. This program will help provide the education and training needed. Individuals who are educated to fill the jobs that exist can enjoy the dignity and self sufficiency of employment. This bill will help to reduce unemployment by aiding the growth of our economy and by preparing individuals to hold jobs, particularly in new and emerging industries and technologies.

I am proud to serve as the ranking majority member of the Subcommittee on Elementary, Secondary and Vocational Education of the Committee on Education and Labor which produced this bill. I would like to commend my chairman, the gentleman from Kentucky (Mr. PERKINS), and the ranking minority member of the subcommittee, the gentleman from Pennsylvania (Mr. GOODLING), for their tireless efforts and leadership in bringing this bill to fruition. This bill is the product of 59 days of oversight and legislative hearings on the vocational education programs which have extended over a period of 3 years. The bill also reflects the best traditions of the Education and Labor Committee in the broad bipartisan effort that has gone into its formulation.

This bill represents a balance between two essential Federal roles in the support of vocational education. On the one hand, it preserves the commitment to insure that the vocational education programs serve the special populations who are in greatest need of vocational education and who have been inadequately served by the programs in the past. These special populations include the disadvantaged, students of limited English proficiency, and the handicapped. In specific, the bill continues the existing setasides in the State grant programs of 10 percent for programs for the handicapped and 20 percent for programs for disadvantaged and limited-English proficient individuals.

On the other hand, the bill provides flexible support for State and local vocational education programs to enable these programs to be improved and modernized so that they can provide higher quality vocational education to all students.

One aspect of the bill's commitment to equity for previously unserved or underserved populations is a new setaside of the basic State grant of 5 percent of the funds for activities designed to overcome sex bias and to provide support services for women in vocational education. This new setaside along with provisions such as providing a minimum of $75,000 for a full-time State sex equity coordinator represent a historic breakthrough in Federal policy for vocational education. They are an important first step in recognizing the need to provide vocational education for women across the entire spectrum of vocations.

The sex equity setaside will enable States to make grants for support serives such as child care for women in vocational education. In my own district, there exists a program that provides an excellent example of the kind of program that could be supported. The downriver campus of Wayne County Community College in Taylor, Mich., offers a child care training program. This program not only offers an excellent curriculum to prepare child care workers but it also has as its training site a day care center in the school facility. Thus, students and staff at the campus have day care services available and students in the child care training program receive the most realistic and practical training and experience in child care.

The bill also establishes two new State vocational education programs. The first will provide grants to States to support training in high technology occupations. It requires that 50 percent of the cost of such programs come from non Federal sources and that one-half of the non-Federal share come from participating businesses. This new program is an innovative effort to create an effective partnership between employers and vocational education, particularly in the emerging high technology fields.

The second new State grant program authorizes assistance by the States in training, retraining and the development of employment opportunities for adults. This program will be particularly important to a State such as Michigan where large numbers of workers previously employed in low-skill manufacturing jobs are in urgent need of training to upgrade their skills to enable them to compete for the available jobs which require higher levels of skill and to enable them to again become productive breadwinners.

I am particularly pleased that this bill continues two provisions of current law to insure that appropriate participation of proprietary institutions in vocational education. The first is section 202(a)(20) of the bill which permits the basic State grant to be used for the "provision of vocational education through arrangements with private vocational education institutions . . . where such private institutions can make a significant contribution to attaining the objectives of this act and can provide substantially equivalent preparation at a lesser cost, or can provide equipment or services not available in public institutions." I would urge the Secretary and the States in implementing this provision to adopt measures of cost that reflect for purposes of comparison the actual costs of providing vocational preparation in proprietary institutions and nonprofit institutions.

The second provision relating to proprietary schools is the inclusion on the State Advisory Council on Vocational-Technical Education of "representatives of secondary and postsecondary educational agencies and institution in the State (including private nonprofit and proprietary institutions). . . ." I would hope that the States would make every effort to include appropriate representation of proprietary schools on their State advisory council.

This is an excellent bill, and I urge my colleagues to support it.●

● Mr. RIDGE. Mr. Chairman, I rise in support of H.R. 4164, "The Vocational-Technical Amendments of 1984." The concept of vocational education is a simple one; it is designed to prepare people—young people, middle-aged people and older people—for gainful employment. Indeed to some, vocational training is the only way to turn an unmarketable skill into a meaningful career.

Those of us representing cities and States in the Northeast know all too well the devastating effects in our districts of the mass exodus of industries from the Northeast to the Sunbelt. The coal miner or the steel worker who, after years of dedicated work, suddenly finds his skill to be unmarketable when the plant where he worked is forced to close. Not only is this a great financial crisis, it is an emotional one as well.

I applaud the members of the Education and Labor Committee for devising three new categories for the program—high technology, adult education, and career guidance. Career guidance, in particular, is an extremely important ingredient to any successful education program. Until this legislation, it has been sadly overlooked and neglected.

Mr. Chairman, there are few programs that reach as wide a constituency as this one does. Numerous individuals have taken advantage of this vocational training to achieve career goals that would otherwise have been beyond their reach. In addition, this legislation addresses the need to assist States in modernizing their programs, updating their instructors, and assuring access to those who are handicapped, disadvantaged or otherwise traditionally underserved.

This vocational education legislation encourages greater cooperation between the private sector and educational institutions to meet the country's industrial and technological needs. Moreover, it prepares this nation to overcome a projected shortage of skilled workers along with the progressive aging of the U.S. labor force in order to meet head-on the worldwide challeges of technological superiority and production efficiency.

Mr. Chairman, although I am convinced that the basic promises of this bill are good and admirable, I must voice my concern regarding the permanence of authorization. The responsibility of Congress is to oversee important programs such as this one; however, a permanent authorization program prohibits continuity and periodic review and revision.

By placing a limit on this authorization, we can achieve these vital goals of programs oversight, and more importantly we can act as a responsible body truly concerned about our fiscal accountability and about vocational education.●

● Mr. DASCHLE. Mr. Chairman, I would like to commend Mr. Perkins of Kentucky and Mr. Goodling of Pennsylvania for introducing H.R. 4164, "The Vocational Technical Amendments of 1984."

This bill was developed through many months of work by the American Vocational Association, American Association of Community and Junior Colleges, and the State Directors of Vocational Education. Because of these collaborative efforts and the unified approach by diverse groups within vocational education, this bill deserves our undivided attention and wholehearted support.

H.R. 4164 provides for the modernization, improvement, and expansion of our vocational programs so that students may be trained in methods and on equipment most like that used by business and industry. At the same time, the bill sets aside out of the basic State grant funds for handicapped and disadvantaged individuals, sex equity services, and programs and adult training and retraining.

H.R. 4164 recognizes those areas common to all States where vocational training will make a positive difference in a State's economy and also contribute to the well-being and future earning power of the students served. The problems of youth unemployment, adults in need of retraining and upgrading and improvement of the economic development capacity of a particular local or State are three of those areas emphasized in the bill.

Because of the flexibility incorporated into H.R. 4164, States can use Federal vocational funds to address their own unique needs and priorities and still maintain State and local control when carrying out Federal purposes. Thus, the needs of rural or highly populated cities or areas of the country where there is a high concentration of special needs students or minority students can be met.

In my own State of South Dakota, the Indian population constitutes nearly 10 percent of the total population. H.R. 4164 will help us to meet the needs of Indian people through its provision of 1 percent of its total appropriation for vocational education programs for Indians. In addition, this legislation makes it clear that tribal colleges are eligible to apply for State vocational education funds.

The Education and Labor Committee did an outstanding job of balancing the ideas submitted through testimony by many different groups on the Federal purposes of vocational education and the needs of our Nation for skilled workers. The provision of H.R. 4164 reported out by the committee should be preserved as the bill moves through the entire legislative process. Concepts such as a sole State board for vocational education and set-asides not exceeding those established by the committee will help States to focus on their vocational education needs in a less fragmented, more unified manner.

I strongly urge my colleagues to support H.R. 4164 as written. The overall goal of strengthening the skilled work force of our Nation during the 1980's and 1990's is clear, and can be accomplished through passage of H.R. 4164.●

● Mr. ALBOSTA. Mr. Chairman, I rise in strong support today of H.R. 4164, Vocational Technical Education Amendments, because I believe this legislation revises and extends many important vocational education programs.

I believe this legislation contains important Federal assistance to help students pursue avenues and acquire the tools for productive and satisfying work careers. I believe this legislation will enhance the quality of our current vocational education programs, as well as begin the development of new programs and services in this field. H.R. 4164 provides the necessary skills training so that individuals can compete in the job market and make a positive contribution to a productive economy.

I believe vocational education is an important part of the overall education field and should be closely coordinated with other education programs to produce quality education at all levels in all areas. I believe the passage of this bill will greatly assist in this effort and I strongly urge my fellow colleagues to support the passage of H.R. 4164.●

● Mr. CLAY. Mr. Chairman, I rise in support of H.R. 4164, the Vocational-Technical Education Amendments of 1984.

Mr. Chairman, this bill extends and revises the Federal Vocational Education Act of 1963 which is the principal Federal program aiding States in providing vocational education programs for persons at the secondary, postsecondary, and adult levels.

Let me first of all define vocational education programs as defined in the Federal regulations, vocational education programs are defined as organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment or for additional preparation—upgrading and retraining—for a career requiring other than a baccalaureate or advanced degree.

Mr. Chairman, vocational education programs are not only important but necessary. This is an important bill if we believe in the fundamental premise that a variety of educational experiences, not just a classical academic education will be provided to our Nation's children.

Mr. Chairman, this bill will extend the benefits which have been enjoyed by millions of Americans already. As a result of Federal vocational education legislation, the following has been made possible:

First, enrollments in vocational programs have increased from 4 million students in 1963 to 16 million today;

Second, in addition to the 11,000 other types of institutions offering vocational programs, the number of area vocational schools has grown from 600 in 1963 to 9,000 today; and

Third, the Federal contribution to these programs has encouraged State and local support far in excess of the Federal investment.

The issue here is that public education is a basic right for all and not just a privilege for a few.

The bill continues the three existing set-asides in the State grant program as required under current law.

This legislation continues the State grant set-asides of 10 percent for the handicapped, includes 20 percent for the disadvantaged and limited English proficient individuals, and 15 percent for postsecondary and adult programs.

In addition, the bill requires a further set-aside equal to 5 percent of the State grant for activities designed to overcome sexual bias and provide support services for women in vocational education.

Mr. Chairman, we must continue to show Federal support for those Americans who, for whatever reason, cannot go on to higher education and provide opportunities for them to become useful and productive citizens. The broader question which we should consider, in response to my colleagues who contend that the bill costs too much, do we pay now, or do we pay later?

The Smith-Hughes Act of 1917 began this movement by providing a framework for young people who wanted "hand on" experiences or who desired to enter the "world of work" upon graduation from high school. Throughout the existence of the Federal involvement in vocational education, it has helped many Americans in the acquisition of skills which will lead to more satisfying and productive lives.

If the assumption is that investment in individuals and preparation for the world of work will lead to productivity in society, then it is clear to me that Federal, State, and local officials have a legal and moral obligation to appropriately plan and provide vocational competence and participation in the job market to all students in accord with their needs, abilities, and interests.

We have an obligation to give each individual in our public schools an opportunity to earn his or her passport and achieve a just and satisfying life.

Mr. Chairman, vocational education opportunity is an important and necessary component in a rapidly changing technological society that offers hope and opportunity for our Nation's most treasured resource.

Mr. Chairman, I would strongly urge my colleagues to vote in favor of this bill.●

● Mr. MARKEY. Mr. Chairman, I speak in support of H.R. 4164 to extend and reauthorize Federal vocational education programs authorized under the Vocational Education Act. Vocational education is very important for this country, and H.R. 4164 contains important sex equity requirements that would help overcome sexual bias and provide support services for women in vocational education.

The new legislation aims to increase the number of women in vocational education programs and to help them enter higher paying, nontraditional fields.

Even though the Vocational Education Act was revised in 1976, sex discrimination in vocational education still exists. It is incumbent upon Members of Congress to address this situation. An important step is an element of H.R. 4164 that would set aside 5 percent of State grant funding for activities to reduce sex discrimination.

Without the sorely needed equal rights amendment, and with Supreme Court decisions such as one last week that crippled title IX, it is more important than ever that Congress put teeth into programs and laws that aim for equity for all. H.R. 4164 is one such bill.●

● Mr. BIAGGI. Mr. Chairman, I rise to join with my colleagues in support of H.R. 4164, the vocational-technical education amendments. As a cosponsor of this legislation and as a member of this committee, I wish to commend our distinguished Chairman Carl D. Perkins, for the bipartisan leadership he has exhibited in steering this bill through its consideration at both the subcommittee and the full committee.

This bill before us today continues the present State grant program under existing law which has been central to generating leadership at the State and local levels of government in vocational education. While Federal expenditures only represent less than 10 percent of the total amount of national expenditures for vocational education, this money has not only been critical to generating non-Federal resources for Federal programs—but more importantly, has been essential for assuring equal access to educational opportunity for our special-needs populations. These populations include the economically disadvantaged, the limited-English speaking, the handicapped, and women.

H.R. 4164 provides for a permanent authorization of these programs which have been in place since 1963. It continues the existing set-asides required under current law. These include 10 percent of funds for the handicapped, 20 percent for the disadvantaged and limited-English speaking, and 15 percent for postsecondary and adult education programs.

I am pleased that this bill also recognizes the fact that despite clear Federal mandates to address sex equity issues in vocational education, this bill assures this will occur by establishing a new 5-percent set-aside to provide program support and services to women in vocational education. While I would have hoped that the existing vocational education network would have been able to adequately address questions of sex equity without this set-aside—clear out hearings which we have been holding for the past 3 years—have shown otherwise. I believe that while this new 5-percent provision will help to meet many of the current criticisms in the program, it is incumbent upon not only this committee but the local educational agencies and community-based organizations, as well as State agencies, to monitor the implementation of this provision to assure that the intent of Congress in this matter will be carried out.

We have provided greater flexibility to States by eliminating the current program requirement that a State spend 80 percent of its funds on instructional services and no more than 20 percent on supportive services and program improvement. We have provided new programs for States which will promote leadership in the area of high technology. A recent Bureau of Labor Statistics report projected the 10 most occupations in demand within the next two decades—all except for one of these occupations were linked to high-technology training. Clearly, it is our responsibility to foster the growth of training programs in this area in order to adequately respond to manpower demands into the next decade.

In order to target resources to demand, H.R. 4164 also continues the current 5 percent reserve requirement for research in vocational education and requirements for a vocational education data system and an occupational information system. In addition to the maintenance of ongoing research and data collection efforts, the bill also requires a new emphasis within the research allocation by creating equipment grants, cooperative employer-employee demonstration programs, and a new $5 million authorization for model vocational education centers for older persons.

As the author of this provision, I am pleased that this provision represents a first-time commitment to addressing the special training needs of older persons through the vocational education system. The model education centers created in this bill are based on legislation authored by our colleague Bill Ratchford, in his bill, H.R. 1096, which has been the subject of two hearings before our committee.

Specifically, the need for increased training programs for older workers or individuals who seek to reenter the work force is significant. Unemployment hits this segment of the working population especially hard. Statistics show that older workers receive little benefit from Federal employment and training programs. Even under CETA—participants over 55 only represented a maximum of 9 percent of the total number of program participants in any one year. The only other job training and retraining program is the 3-percent set-aside established under the Job Training Partnership Act, which has the capacity to generate training programs which could serve as models for other similar employment and training initiatives, such as this one.

Finally, this legislation continues the Federal commitment to guidance and counseling services and establishes a 2-year planning cycle for States. I am also pleased that H.R. 4164 acknowledges the importance of improved linkages with the Job Training Partnership Act by requiring local plans to coordinate with the administrative entity established under JTPA.

I am pleased that the committee also adopted a package of amendments that I offered to strengthen the visibility of programs for the handicapped. This package addresses some of the deficiencies in H.R. 4164 as introduced and assures that the handicapped and their advocates have a voice in the programs and policymaking activities provided for under this bill. I wish to thank my colleague, Austin Murphy, who is chairman of the Select Education Subcommittee, of which I am also a member, for his own leadership in this area and to assuring that the needs of the handicapped are met through vocational education programs.

Mr. Chairman, on the whole, I believe this bill merits the strong support of this House and I urge favorable consideration of H.R. 4164.●

Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

Mr. WILLIAMS of Montana. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Hayes) having assumed the chair, Mr. Jones of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4164) to strengthen and expand the ecomomic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. WILLIAMS of Montana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill, H.R. 4164.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today by the gentleman from North Carolina (Mr. Broyhill).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE NEED TO REAUTHORIZE THE SUPERFUND

(Mr. FLORIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FLORIO. Mr. Speaker, this past Monday's New York Times carried a news item revealing the Reagan administration's plans to dismantle the Nation's environmental laws if the President is reelected to a second term. These plans lend great urgency to our efforts to reauthorize the Superfund program this year and I would urge my colleagues to keep them in mind as the House proceeds to reauthorize this vital program.

We simply cannot afford to run the risk that our efforts to clean up the Nation's abandoned hazardous waste sites will fail after the election. We have a bipartisan consensus in the Congress to act this year, and we must act. We cannot afford to see the return of the era of Anne Gorsuch and Rita Lavelle.

According to the New York Times, Christopher DeMuth, head of the Office of Management and Budget's deregulatory efforts, has composed a "wish list" agenda for the President's next term and sent it to the Cabinet Council on Economic Affairs. Among other items, DeMuth recommends that the administration "replace the Clean Air and Clean Water Acts and related environmental laws." In their place, he wants to enact laws which emphasize the costs to business of protecting our environment and abandon all standards designed to prevent pollution of our drinking water, air, and land.

Of all the environmental programs, Superfund may be the one that has suffered the most under the current administration and could suffer the most in the future. Only six abandoned hazardous waste sites have been cleaned up so far, nearly 4 years into a 5-year program.

The legislation I have introduced—H.R. 4813—will not only insure the funding and authority we need to complete the cleanup job, it will set standards and schedules for EPA action that will protect the program against even the most determined Reagan administration onslaught. I urge my colleagues to join with me now in cosponsoring H.R. 4813 so that we can reauthorize Superfund this year.

Mr. Speaker, I am including in the Record the following New York Times article:

Deregulation for a 2d Term

Washington.—Deregulation may be stalled, but it's not over—at least in the hopes of the Reagan Administration. Christopher C. DeMuth, the Office of Management and Budget's regulatory chief, has composed a wish-list of what a re-elected Administration's regulatory agenda might look like. He prepared it for the Cabinet Council on Economic Affairs last December, but it has only now come to light.

Among other things, Mr. DeMuth recommended that the Administration "replace the Clean Air and Clean Water Acts and related environmental laws with laws that emphasize economic incentives rather than mandatory Federal standards"; rewrite the Food, Drug and Cosmetic Act "to permit consideration of costs and health benefits," and abolish the Interstate Commerce Commission and the Federal Energy Regulatory Commission "while reserving some standby regulatory authority for price regulation in true monopoly markets."

Mr. DeMuth would also rewrite securities laws "to focus exclusively on disclosure of basic financial information," and he would "eliminate restrictions on insider trading and tender offers."

Mr. DeMuth said in an interview last week that the proposals were received "quite enthusiastically." He stressed, however, that the list should be seen as a working paper, not a final agenda.

IMPACT OF DEFENSE SPENDING ON THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Green) is recognized for 60 minutes.

Mr. GREEN. Mr. Speaker, I would like to thank my distinguished colleague from Massachusetts for joining me in taking these special orders today on the impact of defense spending on the economy.

The figures are painfully familiar to us all—$313.4 billion in budget authority requested for fiscal year 1985, up 18 percent in current dollars from this year's $265.3 billion. Military outlays for fiscal year 1985 total $272 billion, which is 29.4 percent of the entire fiscal year 1985 Federal budget. But even if one were to accept the sacrifices in our economy—with a projected fiscal year 1985 deficit of $180 billion—to build up our "national security," one would have to question how our defense moneys are being spent. As a February 9 New York Times editorial pointed out: "How much?" is less important a question than "For what?"

The answer to both questions is quite disturbing. For despite the efforts of this Congress to eliminate waste in defense spending through warranties, competitive bidding, and independent testing, we are still spending too much and getting too little. An analysis of spending priorities shows that the cuts which are being made are coming from operations and maintenance, without concurrent cuts in procurement. In 1984, for example, Congress reduced the administration's defense request from 11 percent real growth to a level estimated between 4 and 5 percent in real dollars. Congress did this not by canceling any major weapons, but by a "stretch out" procurement schedule which will haunt us in the future and by cuts in operations and maintenance and personnel which haunt us already.

If we look at the chart on Priorities Within the Military Budget, which illustrates investment versus operations spending, the overall picture becomes clear. The fact is that most of the spending increases since January 1981 have been concentrated in "investment accounts"—procurement, R&D and Milcon—at the sacrifice of operations and maintenance and personnel. Not only do cuts in O&M and personnel often lead to future spending pressures, but they have led us already to a weakened state of readiness—recent denials by the Defense Department notwithstanding.

I would like to enter in the RECORD a summary of a report on "Spending for a Sound Defense" by the Committee for National Security and William Kaufmann of MIT. In this report, two explanations are given for the unfortunate attractiveness of O&M cuts: One, cuts in these accounts show up as immediate savings while cuts in procurement may stretch over a number of years; and two, the military services prefer to protect their money for new equipment and instead cut back on training or spare parts inventories.

Bear with me as I read you two quotes from the report which I think are critical:

> This is one of the clearest examples of how the politically easiest cuts can damage U.S. national security. However unglamorous, adequate funding for operations and maintenance is absolutely necessary to ensure adequate readiness.

And

> The current underfunding of O&M means that, when the inventories of new weapons begin to accumulate, either the defense budget will have to be increased well beyond what the Reagan Five Year Defense Plan now proposes in order to provide the necessary funds, or the U.S. will end up with forces equipped with new hardware that will not be genuinely combat-ready.

What will it take to alert the Defense Department, and as it falls on our shoulders, this Congress, to the dangerous trend that is developing? Will it take another humiliating episode like the Iranian helicopter fiasco with even greater loss of life?

Our course is clear. We must send a message to the Defense Department that the pace of weapons accumulation must be slowed and funding for redundant weapons systems must be eliminated. We cannot afford to fund parallel weaponry so that the Army, Navy, and the Air Force can all independently fight a war. The MX missile program must finally be halted, not only because it does not have a survivable basing mode, but also because the proposed Trident II or D-5 missile promises to provide the same accuracy as the MX from a virtually invulnerable basing mode on Trident submarines. We cannot afford to continue purchasing Navy vessels for a 600-ship Navy if those ships are going to end up sitting in port, without parts and without competent personnel.

There is one statement in the Committee for National Security's report which should be emblazoned above the Pentagon doors: "Throwing money at a problem is no substitute for planning." Until we learn that lesson, we shall continue to get "less bang for more bucks."

This is not a new phenomenon and it certainly is not something that will eventually go away. The trend was already there in the last Congress, which only made "down payments" on many weapons systems in the fiscal year 1983 appropriations legislation. But we knew even then the bills would eventually come due. The Pentagon will not be able to pay all these bills. The economy will not be able to support these bills. The public cannot afford such bills.

In a January 1983 Op-Ed piece for the New York Times, I wrote:

> The sad fact is that the Administration and the Pentagon simply have failed to make choices among these many systems. Unless Congress now insists upon choices . . . there will be serious consequences.

I concluded then and I conclude now that:

> The current defense program is dangerous both to the United States economic well-being and future defense. Congress must face up to that reality.

SPENDING FOR A SOUND DEFENSE: ALTERNATIVES TO THE REAGAN MILITARY BUDGET

Since taking office, the Reagan Administration has embarked on a massive military build-up: the latest budget asks for $305 billion in budget authority ($264.4 billion in outlays) for FY1985, and $1.9 trillion for the next five years. That level of spending will never be approved. The issue now is not whether cuts will be made, but how much will be trimmed and from what programs.

The significance of these cuts for U.S. national security will depend on where they are made. To encourage a discussion that focuses on policy choices and their consequences—and not simply on the quickest or easiest cuts—the Committee for National Security (CNS) commissioned defense budget expert William W. Kaufmann of M.I.T. to prepare alternative FY1985 defense budgets. Each of the two proposals reflects a somewhat different assumption about the threats facing the United States, but both would result in substantial savings over the Reagan Administration proposals.

One alternative would result in savings of $28 billion in budget authority in FY1985, while the second is $35 billion below what the Administration requests. Over five years, the first plan would save $196 billion in budget authority; the second would yield savings of $238 billion. Each alternative provides for balanced forces, fully funded and manned, including the money necessary for operation and maintenance (O & M).

No major changes are proposed for U.S. force structure, with the exception of abandoning the chimerical goal of a 600-ship Navy for which no realistic mission or necessity ever existed. The first alternative budget does provide for the additional combat-ready ground forces necessary to meet U.S. commitments, as conventional force levels are more sensitive to changes in threat assessments. What distinguishes these budgets from the Administration's proposals is, above all, a slowing of the pace of modernization, and the elimination of funding for redundant weapons systems.

A "PRESENT DANGER" BUDGET

This budget reflects the assumption, which appears frequently in Reagan Administration policy statements, that the world is in a particularly unsettled and dangerous condition. The Reagan Administration, at least rhetorically, has vastly expanded the number of threats the U.S. must prepare for, and also adopted a much more assertive approach to doing so. The Administration has promulgated the doctrine of "horizontal escalation," whereby U.S. forces could meet Soviet or Soviet-proxy actions in one area by responding in another, presumably more vulnerable area. A 600-ship Navy, which would be prepared to take the war to the enemy through assaults on the Soviet coast, is a conspicuous part of this more assertive strategy.

By contrast, the "Present Danger" Budget, while accepting the Reagan assertion that these are parlous times, proposes to respond through a more coherent planning process that would provide combat-ready forces for NATO and the Middle East, with sufficient capabilities left over to meet emergencies in Northeast Asia and the Caribbean.

This budget's special features include significant cuts in procurement—the MX, B-1B bomber, and AH-64 Apache helicopter programs are cancelled, for example—and cutbacks in the Navy to return it to its more traditional roles. Budget increases would be provided to modernize the National Guard and the Reserves and to buy additional fast sea-lift ships to ensure that the U.S. would be ready to meet contingencies in all parts of the world. The Reagan Administration proposes to spend to much for the wrong weapons to pursue the wrong goals. The world may indeed be a dangerous place, but there are better ways to go about achieving U.S. national security needs.

A BUDGET FOR "PRUDENT DEFENSE"

Not all of the Reagan Administration's rhetoric about looming threats to U.S. security has been reflected in specific programs to meet those challenges. In particular, in spite of talk about the need to respond quickly to Soviet or Soviet-inspired aggression in many areas, the actual Reagan proposals do not reflect the same urgency. Otherwise, more money would be allotted (as it is in the CNS "Present Danger" Budget) to bring the Reserves and the Guard up to genuine combat-readiness. The second CNS alternative budget thus represents a more efficient version of the actual Reagan program. This "Prudent Defense" Budget incorporates the savings achieved by the first budget, and then, by not spending the additional funds the first alternative proposes for increasing U.S. readiness beyond the Administration's requests, achieves further savings. (Neither budget brings large immediate savings in outlays: (1) because each contains full funding for O & M to ensure that the hardware the U.S. does purchase is truly combat-capable, and (2) because savings from cuts in procurement are only gradually realized.)

CONCLUSIONS

These two budgets are offered in the hope of providing a framework for the inevitable—and desirable—debate on how the FY 1985 budget will be cut. Both budgets offer substantial savings, although neither proposes radical changes in U.S. force structure which could achieve more dramatic reductions. These proposals have been put forward to show that significant savings can be achieved within the traditional confines of the defense budget debate. We offer these proposals as an illustration of how the defense budget might be reduced or redesigned without compromising national security.

Summary of CNS alternative budgets

- Strategic and theater forces:
  - Present danger:
    - Cut MX.
    - Cut B-1B bomber.
    - Cut 100 F-15 interceptors.
    - Reduce "Star Wars" and ballistic missile defense research funds.
    - Cut binary chemical weapons.
    - Cut land-attack SLCM's.
  - Prudent defense:
    - Cut MX.
    - Cut B-1B bomber.
    - Cut 100 F-15 interceptors.
    - Reduce "Star Wars" and ballistic missile defense research funds.
    - Cut binary chemical weapons.
    - Cut land-attack SLCM's.
- Naval Forces and lift:
  - Present danger:
    - Cut 2 carrier battle groups.
    - Cut 2 Navy air wings.
    - Don't reactivate 4 battleships.
    - Trade new F-14's for equal number of F-18's.
    - Trade AV-8B's for F-18's.
    - Trade 50 C-5Bs for 32 fast sealift ships.
  - Prudent defense:
    - Cut 2 carrier battle groups.
    - Cut 2 Navy air wings.
    - Don't reactivate 4 battleships.
    - Trade new F-14's for equal number of F-18's.
    - Trade AV-8B's for F-18's.
    - Trade 50 C-5Bs for 32 fast sealift ships.
- Conventional forces:
  - Present danger:
    - Spend $6 billion to modernize Army and Air Forces Reserves.
    - Stretch out Patriot and Bradley AFV procurement.
    - Trade new F-15's for equal number of F-16's.
  - Prudent defense:
    - Don't spend additional funds on Reserves.
    - Stretch out Patriot and Bradley AFV procurement.
    - Trade new F-15's for equal number of F-16's.
- Savings for fiscal year 1985:
  - Present danger:
    - $28.1 billion in budget authority; $5.4 billion in outlays.
  - Prudent defense:
    - 35 billion in budget authority; $8.8 billion in outlays.
- Savings over next 5 years (fiscal year 1985-89):
  - Present danger:
    - $196 billion in budget authority; $80.7 billion in outlays.
  - Prudent defense:
    - $238.5 billion in budget authority; $116.2 billion in outlays.

NOTE: This study was prepared by the Committee for National Security in consultation with William W. Kaufmann of MIT. A copy of the full study is available from CNS.

I yield to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, as one who is committed to achieving an effective and efficient defense capability to protect our Nation, I am pleased that my colleagues, Messrs. GREEN and MAVROULES, have called for this special order for a bipartisan examination of our defense budget. I want to call attention today to our defense priorities and the way we spend our defense dollars. Only through thoughtful analysis of the facts can we restore our military security, establish a credible defense posture and enhance the value we derive from the growth in defense allocations.

Let me first be clear on one point. President Reagan has played an essential leadership role, the first in many years, by drawing public attention to the long neglected needs of our national security. He forcefully and clearly illustrated and spoke out about the dimension of neglect that existed in U.S. military preparedness throughout the post-Kennedy era. In 1980 he pledged to the American people that he would close the window of vulnerability in our defenses. It is to the President's credit that he has been working hard to make good on that pledge. However, we must guard against allowing the pendulum to swing back too far. My comments today are intended not as criticism of our defense objectives, but as a constructive contribution to the public policy debate—a debate, the purpose of which is to sustain public support necessary to sustain a strong and effective defense policy.

We in Congress have a duty to ask ourselves: Are we truly making America safer? Unfortunately, even today, at a time when military spending is the budget's fastest growing item, the answer is, to a large extent, no.

Three years ago I warned against a ticking time bomb ready to explode. I was referring to the astounding growth of a new set of what I call "defense entitlement" costs, for which the bills will come due throughout the coming decade. The biggest bills for weapons approved in 1981, 1982, and 1983 will not fall due until the second half of the decade and beyond. I warned that, in its well-meaning effort to improve our defenses, Congress was ignoring the growing problem of uncontrollable future growth in defense spending. "Defense entitlement" means that, once new weapons systems are initiated, they take on a life of their own just like many of the runaway Great Society programs created in an earlier decade but paid for by today's taxpayers. With gathering momentum, once set in motion, these elaborate, staggeringly expensive weapons programs force expenditures in future years.

In the process a new constituency is formed for each weapons program. As the weapon moves from the drawing board to the production line of a defense plant—as the weapon takes shape—installment payments from the Pentagon grow bigger and bigger. One need not be a defense expert to know that most major weapons systems end up costing considerably more than was initially anticipated during their research and development stages.

In fact, the Congressional Budget Office has estimated that current DOD weapons programs may be underfunded by as much as $69 billion over the next 5 years, even excluding inflation. Too often, the net effect is that Congress ends up throwing tax dollars at the problem without considering the economic ramifications or without even applying sound military doctrine consistent with our global responsibilities.

The result is not only an increase in the Nation's deficit, but also encouragement of waste on the part of the Defense Department, when an expensive weapon becomes seemingly entitled to funding.

This is why the procurement component of the defense budget is growing so rapidly. Yet, does this mean America is defended in the best possible manner? The disturbing answer is no. Because, while Congress spends vast, open-ended sums of money on certain elaborate weapons systems, the real heart of our military deterrence—operations and maintenance—is neglected.

In fact, Congress has been shortchanging defense spending in the operations and management budget. That means manpower, training, ammunition and other essential components of readiness capability.

It is deeply disturbing to me that readiness is such a weak link in U.S. defenses. For a number of reasons, including deep overall defense budget cuts during the 1970's and Pentagon budget strategies shortchanging readiness in favor of new weapons, U.S. readiness for combat degenerated to alarmingly low levels from 1975 to 1980. [Heritage Foundation Backgrounder, No. 267]

According to recent analysis by the Heritage Foundation, in 1980 less than 40 percent of all divisions, air squadrons, and ships were fully or substantially combat-ready. In 1982, combat readiness improved to 51 percent. Yet we still are a long way from full preparedness. Our conventional forces must be ready to fight if they are to constitute a credible deterrent and an effective tool to defend our vital national interests and to keep the peace. But readiness is losing out to other defense budget items.

A ready force must meet four criteria: First, its weapons and equipment must be in good working order; second, it must be well stocked with the necessary combat and support equipment; third, it must be manned with adequate numbers of personnel to use weapons effectively; and fourth, its personnel must be well trained, commanded and motivated.

Yet, stock of spare parts—essential to the operation of weapons and equipment—remain inadequate, even with increased funding. Radios, generators, bridging equipment, bomb racks—and hundreds of other items needed to win wars—are often in short supply. [Heritage Foundation Backgrounder, No. 267]

Yet, even as readiness lags behind, it is the operation and maintenance part of the budget—on which readiness depends—that falls victim to poorly planned defense spending policy. This is true because, when the relatively uncontrollable defense spending items are held sacrosanct, the controllable items suffer. Outlays for prior year contracts and obligations—namely, the expensive defense entitlement programs—can rarely be restrained. Therefore, it is more easily controllable accounts, like operations and maintenance, which face cutting by Congress. The temptation to cut readiness before weapons programs is all the greater because spending on readiness takes place in the year Congress appropriates for it while weapons spending is projected over a period of many years into the future. Cutting or scaling back on readiness is therefore easier—it is a quick fix that robs our defenses at the expense of big-ticket projects.

Am I advocating that we stop funding major weapons systems? Of course not. What I am advocating is that we give priority ranking to weapons systems, understanding the spending limitations and strains on future budgetary decisions. Far from hampering our defense capability, this will, in fact, improve it—by freeing up funds for the vital and too often neglected job of upgrading training, supply, replacement parts and the host of other items that place our military forces in a true state of readiness—readiness to defend our Nation, and to keep the peace which all mankind cherishes.

□ 1730

Mr. GREEN. I thank the gentlewoman for her participation. Certainly she has been one of those who very early on in the recent cycle of increases of defense spending has called attention to the imbalance in the program between weapons procurement and operations and maintence. I think many of the things that she predicted and warned this House about have unfortunately come to pass.

Mrs. ROUKEMA. Well, again, your leadership here this evening is not only timely, but it is essential for an intelligent debate on the whole budget process this year.

Mr. GREEN. I thank the gentlewoman.

Mr. MAVROULES. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I ask the gentleman to yield only for the purpose of congratulating the gentlewoman from New Jersey (Mrs. ROUKEMA) for the marvelous presentation. And I thank her for her assistance and taking part with the gentleman from New York (Mr. GREEN) and myself this evening.

Mrs. ROUKEMA. I thank the gentleman.

Mr. GREEN. Mr. Speaker, I think there is no Member of this House who knows all the details of the defense budget better than my colleague from New York, the distinguished chairman of the Defense Appropriations Subcommittee, Mr. ADDABBO. I am honored to call on him.

Mr. ADDABBO. I thank the gentleman for yielding. I wish to commend the gentleman in the well, the gentleman from New York (Mr. GREEN) and the gentleman from Massachusetts (Mr. MAVROULES) for bringing this Special Order to the attention of the House at this stage as we start our hearings on defense appropriations and the Armed Services Committee starts moving relative to their markup on the authorization part of the bill.

Also it becomes very important that we open these discussions as the Budget Committee is setting the various caps on spending ceilings.

We had waited long with bated breath for some word from the Pentagon, some realistic word from them as to new priorities, because they know what the deficit is, they know what the feelings of the American public is as far as those deficits. They look at the entire budget and reductions and all the social services and yet, stand and sit entranced as far as the Defense Department spending is concerned.

Mr. Speaker, there are three things very certain about life right now. And that is death, taxes, and the defense budget must be and will be cut.

Mr. Speaker, my Subcommittee on Defense Appropriations in 1983 reduced the budget by over $23 billion. After the Defense Department said it could not be cut, we reduced it. And the Congress approved those reductions, up to $23 billion, without cancelling one weapon.

In the 1984 appropriation, we reduced by over $14 billion. Again, without cutting out one weapons system. That is not to say that we did not try, because there are many weapons systems within defense spending which are not needed. Some that I would like to have, but again, will not meet defense and will not be cost effective in any way.

This 1985 defense appropriation can also be reduced and must be reduced and will be reduced as I said. Hopefully, hopefully, the Pentagon will come forward with its priorities. For if it does not, my subcommittee will do it. If they do not do enough on it, the Congress will do it.

□ 1740

If we do not do enough on the floor, you will see 2 or 3 or 4 percent cuts across the board, which is not the best way to do it. We should look at the individual weapon systems and buy that which is absolutely needed. We cannot afford "like to have"; we can only afford "need to have."

Mr. Speaker, there are many points that we will be carefully reviewing in our defense appropriations. But there are many sobering facts before we get to it. I wish my colleagues will look at—the fact that we spent $2 trillion in the last 40 years for defense appropriations, and now are going to be asked to spend $1.7 trillion in the next 5 years.

There is waste, there is much unneeded weaponry in the defense budget. And, hopefully, the Congress will carefully review it and will make the proper reduction so that we can go to the American people with a proper defense bill and not a defense spending bill.

Mr. Speaker, I would like to present some very sobering statistics concerning overall defense spending.

It took Congress over 40 years to appropriate $2 trillion for national defense.

In the next 5 years (fiscal years 1985-89), in only 60 months, the Pentagon plans to request over $1.9 trillion in new budget authority for national defense.

In the past 5 years (fiscal years 1980-84), Congress has appropriated over $1 trillion for defense while still reducing the administration's defense requests by more than $35 billion.

In 1982, we achieved a national debt of over $1 trillion. It is projected that this same national debt will increase to over $1.8 trillion in fiscal year 1985, and interest on this debt will cost in excess of $164 billion.

According to the administration's own budget projections, the budget deficit will amount to $180 billion in fiscal year 1985, and will amount to a cumulative total of over $800 billion in the next 5 years—fiscal years 1985-89. The Congressional Budget Office (CBO) estimates that the administration's 5-year cumulative deficit is understated and will exceed $1.1 trillion due mainly to less optimistic long-run economic assumptions, mainly interest.

These deficit projections will weigh heavily on the ability of the Federal Government to finance all the Federal programs at their current projected levels in the outyears. In fact, at the request of the President, a bipartisan group of Members of Congress was formed to begin talks with the administration in an effort to trim the total budget deficits projected for the next 3 fiscal years. It appears there is a consensus that reduced defense budget requests will have to contribute to this budget deficit reduction effort.

Let us look at the amounts appropriated in the annual Department of Defense Appropriations Acts which exclude the funds made available for military construction and Department of Energy nuclear warhead programs.

Since fiscal year 1980, the Congress has provided an 82-percent increase in appropriations made available for defense through fiscal year 1984.

The administration projects that appropriation requests for the Defense appropriations bill activities will reflect a 38-percent increase over the next 5-year period—fiscal years 1985-89—resulting in total budget authority requests of $1.7 trillion. The Congress will, of course, have to evaluate these requests and determine if the overall and yearly increases are reasonable, achievable, and affordable in light of current and projected economic conditions.

Of the totals for the national defense functions, the fiscal year 1985 defense budget estimates for those items included in the annual Department of Defense appropriation bill are $292.2 billion in budget authority and $254.1 billion in outlays. These budget estimates represent an increase of $43.2 billion, or 17.3 percent, in budget authority which equates to about a 12.8 percent real growth, and an increase of $29.1 billion in outlays over fiscal year 1984.

The Congressional Budget Office estimates that the total budget authority requested by the administration for defense in fiscal year 1985 is understated by $5 billion, and over the fiscal years 1985-89 timeframe, a total of $94.4 billion in additional budget authority would have to be added to the President's February budget projection to carry out the administration's defense program. The reason for this needed adjustment is that CBO predicts higher inflation rates than the administration.

Also, CBO estimates that national defense outlays will increase by 29 percent from fiscal year 1985 to fiscal year 1987, while budget authority will increase by only 24 percent. This is the result of bills now coming due on past weapons systems procurement decisions.

All these figures point to the fact that the procurement decisions made by Congress during the past several years, and to be made with regard to the fiscal year 1985 budget, will result in substantial outlays for the next several years. In addition, if CBO inflation projections are correct, these outlay estimates could be greatly understated. Outlays, of course, impact directly on the budget deficit projections which deficits are estimated to range between $170 and $180 billion for fiscal years 1986 and 1987. Congress must curtail defense spending this fiscal year and in future fiscal years in order to reduce these deficits.

Congress must be concerned with the procurement "bow wave" for all the services as major new weapons systems come on line. The fiscal year 1985 defense budget requests show a 14-percent increase in the operation and maintenance accounts, while the procurement accounts reflect a 25-percent increase, and the RDT&E accounts reflect a 27-percent increase. The operation and maintenance accounts will have to continue to compete for funds with the growing investment accounts in the outyears.

To put this in perspective, the Air Force portion of the procurement budget request for fiscal year 1985 amounts to 45 percent of the total which is accounted for mostly by the large sums requested for weapons programs such as the B-1 bomber and the MX missile. The amount included in the fiscal year 1985 budget for the B-1 bomber alone is greater than the total of any one of the Army procurement appropriation accounts, and is more than twice the total requested for Army ammunition, and three times the total requested for all Marine Corps procurement.

The question occurs—can we afford these large expenditures for sophisticated weapons such as the B-1 bomber, and what effect will these expenditures have on readiness?

Perhaps a more even real growth rate for defense could be achieved.

In February of this year, CBO stated that a 3-percent real growth in defense spending will save $202 billion in budget authority, and $145 billion in outlays between fiscal years 1985 and 1989.

The fiscal year 1985 impact of this approach would reduce budget authority by $26 billion, and outlays by $8 billion.

A 5-percent real growth rate annually, according to CBO, would achieve savings of $92 billion in budget authority and $78 billion in outlays over the next 5 years.

The 5-percent approach would reduce budget authority by $20 billion, and outlays by $7 billion in fiscal year 1985.

The critical problem is, what specific programs and systems should be cut or eliminated to obtain these needed reductions in defense spending? Some of the questions that need to be answered are as follows:

First, should Congress reduce active duty end-strength requests and eliminate some of the personnel increases requested?

Second, should force structure be held to a constant level and not increase present air wings or carrier task force levels?

Third, should Congress limit the military pay raise to 3.5 percent, effective January 1, 1985, which is the level proposed for Federal civilian employees?

Fourth, should Congress continue with the B-1 bomber and the MX missile? and

Fifth, how can the defense airlift requirement be most efficiently satisfied?

I cannot stand here today and tell you what is the best approach to reduce the defense budget. I have my own ideas, and additional program reductions will be revealed as our budget examinations progress during this year.

However, I can tell you that Congress must reduce the budget deficits projected for the next 5 fiscal years.

Defense will have to share in this deficit reducing effort.

The budget authority totals being requested by the administration for fiscal year 1985 and projected for the 5 fiscal years through fiscal year 1989 could be understated by as much as $94 billion.

The large defense outlays needed in the outyears to pay for the weapons systems currently purchased could adversely affect readiness.

Congress must terminate some high-cost, nice to have defense programs if we ever hope to achieve the economies and spending balances we all seek.

Mr. GREEN. Mr. Speaker, I want to thank my colleague, the gentleman from New York, for his contribution.

I want to thank not only those who have joined me in my special order this afternoon, but also those who will be joining my colleague, the gentleman from Massachusetts (Mr. MAVROULES), on his special order on the same subject.

HOW MUCH DEFENSE IS ENOUGH?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MAVROULES) is recognized for 60 minutes.

GENERAL LEAVE

Mr. MAVROULES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MAVROULES. Mr. Speaker, the gentleman from New York and I have taken this time this afternoon to focus the attention of this body and the American public on the defense budget and its impact on the economy.

I want to say at the outset that I am pleased that the gentleman is joining me in the spirit of bipartisanship as we define the relationship between the Nation's massive arms buildup and the precarious position in which the economy finds itself today. I commend the gentleman for his leadership role here today, as well as for his longstanding commitment to see to it that this Nation spends its defense dollars as responsibly and wisely as possible.

Providing for the common defense and promoting the general welfare are the concerns of every American, of every political stripe. It is thus a bipartisan issue.

So, in the same spirit of bipartisanship that brought the gentleman from New York and myself together today, we invite all our colleagues to participate in the discussion this afternoon.

At serious question today is our military readiness.

All week long we have heard reports in the print and electronic media of our Armed Forces' lack of preparedness—their seeming inability to wage war in defense of the Nation with their extravagantly costly, new weapons purchases.

And then there is the deficit. Nothing makes this discussion on the defense budget more urgent today than the nightmare of monster deficits. Expected to average around $200 billion for the rest of the 1980's, the deficit threatens to form an economic thunderhead that will soak this country in so much red ink that another recession would be inevitable, and more Americans would lose their jobs.

Our economic recovery would be stillborn.

And we would be hard pressed to meet our commitments to aid those Americans truly in need.

Asking for a 13-percent increase in defense spending for fiscal 1985, the current arms buildup aggravates this problem.

Referring to this buildup, Rudolph Penner, the Director of the Congressional Budget Office, recently gave the Armed Services Committee a thumbnail sketch of the impact of deficit financing on the economy.

"To the extent," he said of the arms buildup, "that it is financed by borrowing, the cost falls heavily on private capital formation and tends to be at the expense of future economic growth and living standards."

Strapped as we are by a limited amount of money, a huge national debt to pay off, and a governmental operation to keep going, the Congress has some very difficult decisions to make this year. We have got to choose among competing concerns. Fundamentally, we have got to reorder our national priorities, mindful of our budget constraints.

And we have got to insure that no area of the budget escapes our scrutiny, including spending for the national defense.

We cannot afford sacred cows.

Having said all this, however, it should remain clear that the national security is Government's first responsibility to its people. We should not seek to cut defense spending merely for the sake of cutting.

But, as the number of alternative defense budgets we have been hearing about indicates, we can cut the administration's budget request—and still provide the Nation with the capability to meet its military mission.

Eternal vigilance comes at a high price, which we must never fail to meet. But we can meet it. And we can meet it more responsibly, more effectively and more economically than we are today.

One example was offered earlier this week. The Committee for National Security released an analysis of the Reagan defense plan and offered two alternatives to it.

Prepared by the noted defense strategist, William W. Kauffman, each of the alternatives comes in at significantly lower defense spending levels than the administration's—after an analysis of the threats facing the Nation.

One would save $28 billion in fiscal 1985 and, over 5 years, $196 billion. The other would save $35 billion in the next fiscal year, and $238 billion over the next 5 years.

Earlier this week, Mr. Green and I distributed an executive summary of this report, believing that it is a useful document and comes at a time when we must look with great care at the defense budget.

This report focuses on mission, in order to limit the cost of the national defense. But needless to say, there are a number of internal reforms we can make in the way we select, develop, purchase, and operate military hardware that would realize great savings as well.

Hard questions must be asked about the way we now meet our commitment to national security.

For instance, must we develop weapons just because there exists the technology to develop them? Does laser technology mean we must have a ballistic missile defense?

Do we have to gold plate the weapons we have on line—seeking a marginal technical advance at best, at a disproportionately high price?

Does the allen wrench, the same that we can pick up for 12 cents at a local hardware store, really have to cost the Pentagon $9,606?

And what about Congress? Could we realize a defense savings if we were not compelled, during times of economic difficulty, to view the defense work being done in our own home districts as mini-job programs—if we could concentrate solely on meeting national security needs?

We certainly can—and we must—spend our defense dollars more wisely. Throwing globs of money at national security problems is a poor substitute for proper planning and effective management. And there is a strong case to be made that bloated defense budgets tend to undermine our legitimate national security concerns.

I was reminded of this in a letter I received last week from the Business Executives for National Security. The letter concluded with a quote from President Eisenhower, defining what security meant to him as he was about to leave office.

"There is no safety in arms alone," Eisenhower said. "Our security is the total product of our economic, intellectual, military, and moral strength."

The current defense buildup does not honor this wisdom.

I shall include the text of the letter with my remarks, as it bears on our discussion this afternoon:

> Dear Congressman Mavroules: Business Executives for National Security, Inc., the nation's only non-partisan business trade association monitoring national security issues, has carefully examined the proposed Fiscal Year 1985 defense budget. We laud the objective of strengthening America's defenses. Like all Americans, the business community has always been willing to make necessary sacrifices to provide for our common defense. But defense spending should be weighed for need and cost effectiveness just as carefully as other forms of spending are weighed. Will all of the $313 billion requested for this year's national defense spending enhance our national security? Will it do so in the most economical manner possible?
>
> Our most serious reservation regarding the defense budget is the absence of a well-elaborated national security strategy to base that budget upon. As business executives, we would like to see a clearly-articulated defense strategy, with strategic priorities linked to spending priorities. The United States has not conducted such a full-scale review of U.S. defense needs and the forces necessary to meet them in over a generation. This new budget continues a decades-long trend of attempting to address dozens of independent defense missions without prioritizing our commitments or force capabilities. We are also concerned that Congressional participation in the budget planning process is neither timely nor adequate. Congress does not have access to DoD's central budget planning documents, like the Five-Year Defense Plan. Instead, Congress annually receives an enormous, complex "fin-

ished product" budget, unrelated to strategy or missions, from which only occasional line items can be explored fully.

Absent both strategic/spending priorities and thorough Congressional oversight, an overall rise of 18%—to $305 billion—in DoD's budget authority, is extremely disconcerting. So are a number of specific items within the budget. In this latter category, for example, we note an $8.2 billion request, the largest single procurement item in the budget, for the B-1 bomber program. This comes despite last year's Congressional skepticism about the B-1's cost, despite upgraded B-52 capabilities, and despite the impending introduction into the U.S. arsenal of a new generation of "stealth" bombers early in the 1990's. We would also like to see a fuller explanation of the assumptions behind the $1.8 billion request for Strategic Defense Initiatives, (the so-called "Star Wars" concepts)—currently unobtainable technologies which, by Under Secretary Delaurer's estimates, will cost "in the trillions." We question Navy plans for a nuclear warhead for its standard anti-aircraft missile. Last year, the Deputy Chief of Naval Operations for Strategic and Theatre Nuclear Warfare told Congress the Navy has not yet "come to grips" with how to use this weapon. In other words, the Navy is requesting millions of dollars for a weapon which, after five years of research and development, still lacks a plausible scenario for use. Similarly, the Air Force is requesting $5 billion for the MX missile, a weapon system which still has not been realistically tested.

For a year, the business community has been inundated with reports of overpriced spare parts purchased by the Pentagon. This budget continues a trend toward a very large and growing share of budget dollars going into weapons costs—now over 50% of the budget—as well as into operations and maintenance funds. We trust that the Department will work to insure that these dollars are well spent by actively supporting measures to increase the level of competition in contracting and to identify more spare parts that can be competitively bid. We also expect that DoD will diligently carry out the will of Congress with respect to the independent testing and evaluation of weapons. Recent histories of poor performance levels and large cost overruns on such weapons as the Army's M-1 tank, Bradley fighting vehicle, the AEGIS system, and the Divad gun do not bode well for the future operational utility of this equipment.

Above all, DoD must be sensitive to the fact that the deficit levels associated with the overall federal budget are simply unacceptable to most American businesses. Defense expenditures, a rapidly growing part of that overall budget, must be brought under better control if there is to be progress in trimming deficits. The United States cannot afford to repeat the dangerous fiscal mistake of the 1960's—embarking upon a major military spending program without financing it through current revenues. "Two hundred billion dollar deficits as far as the eye can see" and continuing high interest rates represent an imminent threat to the economic dimension of our national security.

President Eisenhower, before leaving office, wrote that ". . . There is no safety in arms alone. Our security is the total product of our economic, intellectual, moral and military strengths." We ask that Congress join the President and the Defense Department in establishing our strategic priorities, reforming military procurement practices, and developing a balanced program of budget cuts—including appropriate defense spending cuts—to insure the real security of which President Eisenhower so eloquently spoke.

Sincerely,

——— ———.

THE PEACE-TIME MILITARY BUILDUP

The Reagan administration's $1.9 trillion arms buildup represents the largest buildup since World War II.

Looking at the chart, in constant 1985 dollars, we see that in 1946 defense outlays stood at $323 billion.

During the height of the Korean war, they stood at $225 billion. During the height of the Vietnam war, at $256 billion.

Today, during peacetime, the proposed 1985 defense budget is $264 billion in outlays. Current defense plans indicate that it will be $20 billion higher in fiscal 1986, and reach $330 billion in outlays by 1989—or 20 percent higher than at the peak year of the Vietnam war when 500,000 American troops were in combat overseas.

Department of Defense outlays, fiscal years 1945-89

[In billions of constant 1985 dollars]

Year:	*Amount*
1945	614
1946 (World War II demobilization)	323
1947	97
1948	71
1949	76
1950	74
1951	115
1952	209
1953 (height of Korean war)	225
1954	211
1955	182
1956	176
1957	180
1958	176
1959	179
1960	178
1961	181
1962	195
1963	198
1964	197
1965	179
1966	198
1967	234
1968 (height of Vietnam war)	256
1969	249
1970	229
1971	208
1972	194
1973	177
1974	174
1975	174
1976	168
1977	171
1978	172
1979	179
1980	184
1981	192
1982	207
1983	223
1984	242
1985	264
1986 [1]	287
1987 [1]	307
1988 [1]	320
1989 [1]	330

[1] Estimate.

Source: Department of Defense, including 1986-89 estimates.

The second chart, outlining shifts in Federal Budget priorities, shows that defense spending is taking an increasing share of the pie and that other areas of the budget are being cut to accommodate this growth.

In fiscal 1980, national defense cost about 23 cents of every Federal dollar. Other programs, excluding defense and entitlements, cost then about 41 cents of every dollar.

In fiscal 1985, the request is that over 29 cents of every dollar go to defense. Domestic programs, other than entitlements, slip to 30 cents however.

The projection for fiscal 1989 continues this trend of rapid growth. Close to 35 cents will go to national defense and another 5 cents will be knocked off the domestic portion of the budget.

PROJECTED SHIFTS IN BUDGET PRIORITIES

[Percent share of budget]

	Fiscal year—			
	1980	1984	1985	1989
Function:				
National defense	23.2	27.8	29.4	34.6
Other programs	41.3	31.4	30.0	25.0
Social security and medicare	26.4	28.1	28.1	29.7
Net interest	9.1	12.7	12.5	10.7

These increases in defense spending are largely attributable to the administration's ambition to modernize our strategic nuclear forces and spend on other big ticket items in the procurement and research and development accounts.

It is more than interesting to note that, while these investment accounts are increasing—from 37 percent of the defense budget in fiscal 1980 to 50 percent in fiscal 1985—the accounts to operate and maintain our weapons is decreasing.

The third chart, describing priorities within the defense budget, shows this trend. Investment accounts are increasing faster than operational accounts—raising some questions we must answer about the state of our military readiness, and suggesting that the Reagan administration underestimated the cost of its arms buildup.

Shortchanging O&M is a cosmetic that disguises significant defense spending increases down the road.

THE QUESTION OF FAIRNESS

The current arms buildup is having the unpleasant effect of shortchanging, as well, nondefense, domestic programs essential for the economic security of the Nation.

Consider the price of trading off our domestic programs in favor of some weapons programs.

One B-1 bomber costs about $200 million, about the same cost it would take to allow the work incentive program, funded last year at $270 million, to continue.

Reactivating one battleship costs us $423 million, more than enough to allow for funding of the community services block grants, which amounted to $305 million last year.

And the list goes on, showing the sacrifices we are making in energy conservation, education, food and nutritional services, training and employment, and public works programs in order to fund the administration's defense buildup.

In all, the fiscal 1985 budget requests represents a slash in domestic programs of $9.2 billion below the level required to maintain the services funded in fiscal 1984.

While we are providing for the common defense—and doing a poor job of it—we are not now promoting the general welfare.

A more responsible defense budget could achieve both national goals.

BUDGET SHIFTS IN 4 YEARS TO THE MILITARY

[Dollars in millions]

	Fiscal year—		Percent change
	1981 outlays	1985 outlays	
National defense	$159,710	$272,040	+70
Energy supply	5,298	1,606	−70
Energy conservation	729	410	−44
Conservation and land management	1,191	323	−73
Recreational resources	1,597	1,502	−6
Pollution control and abatement	5,170	4,171	−19
Ground transport—highways, mass transit	17,090	18,631	+9
Community development	5,036	4,788	−5
Elementary, secondary and vocational education	7,104	7,144	+1
Higher education	6,792	7,188	+6
Training and employment	9,241	4,910	−47
Consumer and occupational health and safety	1,042	1,168	+12
Food and nutritional assistance	16,205	17,090	+5
Veterans education, training and rehabilitation	2,254	1,325	−41
Hospital and medical care for vets	6,965	9,597	+38
General revenue sharing	5,140	4,574	−11

THE RELATIONSHIP OF THE DEFENSE BUDGET TO FEDERAL SPENDING

How can anyone deny that the current $1.9 trillion defense buildup will not have a significant impact on the economy and fuel the deficit?

But the impact, if you can believe it, will be far greater than the administration's numbers would indicate.

The Congressional Budget Office estimates that the administration is lowballing the cost of the buildup by about $5 billion in fiscal 1985 and about $95 billion over the next 5 years. CBO says that the culprit is the administration's overly optimistic, low inflationary growth rate.

Franklin Spinney, a cost analyst at the Pentagon, points to other pressures on the defense budget, inflating it.

Future procurement costs, he believes, are unrealistically low, and the funds needed to operate and maintain the Armed Forces have been routinely underestimated, he says.

Spinney concludes that, in order for it to achieve its objectives, the current defense plan would have to be funded annually at a 9-percent real growth rate over the next 5 years.

If, however, we hold to last year's growth rate of 5 percent, Spinney says we will have a shortfall of $185 billion between requested defense programs and the money needed to fund them.

DEFENSE SPENDING IS VEERING OUT OF CONTROL

Defense spending is veering out of control. This is another inflationary pressure on the defense budget.

Last year's budget authority, to put it simply, is this year's untouchable. It is extremely difficult to cut a program already authorized, as all of us know.

The Office of Management and Budget now estimates that the share of national defense spending that is uncontrollable and untouchable has risen from 27.2 percent in 1980 to 35.8 percent in 1985.

This trend encroaches on future defense planning decisions that may have to be made to meet a changing world situation in the future. In effect, it is tying our hands—mortgaging the options of future defense planners, as the budget analysis by the Committee for National Security states.

Clearly, defense spending, as currently planned, is bound to pick up steam, further exacerbating the deficit.

DEFENSE SPENDING AND DEFICITS

The rapid defense spending growth we have witnessed affect our chances for sustaining the current period of economic recovery, to the extent that it contributes to the deficit.

Even the administration's chief economists puts a point on this fact of life.

"The things that raise the deficit," says Martin Feldstein, the Chairman of the Council of Economic Advisors, "are defense spending, interest on the national debt and the tax reduction."

Defense spending fuels the deficit. And the deficit is also being used to finance the administration's amibitious defense program. If the military portion of the fiscal year 1985 budget request only represented the same percentage as it did in fiscal 1980, military spending would be about $70 billion lower. This would reflect around a 40-percent cut in the 1985 deficit.

The fastest growing area of the budget, defense spending cannot be offset by cuts in nondefense areas of the budget, which have already been trimmed to the bone. Thus, it is imperative that, in our search for further budgetary savings, we look to the defense budget.

DEFENSE SPENDING AND JOBS

To the extent that Federal dollars spent on defense fuel the deficit and threaten to bring on another economic downturn, jobs, too, are threatened.

It is misleading to say that the defense budget creates jobs and that cuts there would cost jobs. The defense budget is not a countercyclical aid program.

Pentagon dollars largely employ the highly skilled work population—engineers, technicians, computer operators, and scientists. And even this work is now being threatened by the increasingly capital intensive nature of defense production.

These dollars do not employ the hard-cored unemployed, those who tend to be unskilled or semiskilled.

Moreover, defense dollars do not create as many jobs as would be created if the money were spent in the public nondefense or private sectors. Last year's CBO publication, Defense Spending and the Economy, discloses that each $10 billion spent on defense purchases would create 40,000 fewer jobs than spending the same amount on nondefense purchases elsewhere would create.

How many more could we employ, for example, if we forego production of the MX missile?

For every billion dollars spent on MX missile production, 29,402 jobs are created, according to an analysis by the New York based council for economic priorities.

All other alternatives would create more jobs for the same $1 billion:

We could create 30,899 in the housing sector; 38,819 for our deteriorating railroads; the same amount in energy conservation programs; about the same amount in public utilities; 45,397 jobs for mass transit.

If Congress is anxious about keeping the people back home employed, there certainly are better ways.

TOWARD A RESPONSIBLE DEFENSE BUDGET

There are a number of reforms we can undertake to insure that we spend the American taxpayer's hard-earned money wisely in the interest of national security. They range from the establishment of an independent weapons testing office, to improved oversight on spare parts purchases, to a clear-headed, cost-conscious redefinition of the mission of our Armed Forces.

With respect to the last item, the Committee for National Security shows us one useful way to redefine the military mission and realize a savings. I will include a summary of the study with my remarks:

SPENDING FOR A SOUND DEFENSE: ALTERNATIVES TO THE REAGAN MILITARY BUDGET

Since taking office, the Reagan Administration has embarked on a massive military build-up: the latest budget asks for $305 billion in budget authority ($264.4 billion in outlays) for fiscal year 1985, and $1.9 trillion for the next five years. That level of spending will never be approved. The issue now is not whether cuts will be made, but how much will be trimmed and from what programs.

The significance of these cuts for U.S. national security will depend on where they are made. To encourage a discussion that focuses on policy choices and their consequences—and not simply on the quickest or easiest cuts—the Committee for National Security (CNS) commissioned defense budget expert William W. Kaufmann of

M.I.T. to prepare alternative fiscal year 1985 defense budgets. Each of the two proposals reflects a somewhat different assumption about the threats facing the United States, but both would result in substantial savings over the Reagan Administration proposals.

One alternative would result in savings of $28 billion in budget authority in fiscal year 1985, while the second is $35 billion below what the Administration requests. Over five years, the first plan would save $196 billion in budget authority; the second would yield savings of $238 billion. Each alternative provides for balanced forces, fully funded and manned, including the money necessary for operation and maintenance (O&M).

No major changes are proposed for U.S. force structure, with the exception of abandoning the chimerical goal of a 600-ship Navy for which no realistic mission or necessity ever existed. The first alternative budget does provide for the additional combat-ready ground forces necessary to meet U.S. commitments, as conventional force levels are more sensitive to changes in threat assessments. What distinguishes these budgets from the Administration's proposals is, above all, a slowing of the pace of modernization, and the elimination of funding for redundant weapons systems.

A "PRESENT DANGER" BUDGET

This budget reflects the assumption, which appears frequently in Reagan Administration policy statements, that the world is in a particularly unsettled and dangerous condition. The Reagan Administration, at least rhetorically, has vastly expanded the number of threats the United States must prepare for, and also adopted a much more assertive approach to doing so. The Administration has promulgated the doctrine of "horizontal escalation," whereby U.S. forces could meet Soviet or Soviet-proxy actions in one area by responding in another, presumably more vulnerable area. A 600-ship Navy, which would be prepared to take the war to the enemy through assaults on the Soviet coast, is a conspicuous part of this more assertive strategy.

By contrast, the "Present Danger" Budget, while accepting the Reagan assertion that these are parlous times, proposes to respond through a more coherent planning process that would provide combat-ready forces for NATO and the Middle East, with sufficient capabilities left over to meet emergencies in Northeast Asia and the Caribbean.

This budget's special features include significant cuts in procurement—the MX, B-1B bomber, and AH-64 Apache helicopter programs are cancelled, for example—and cutbacks in the Navy to return it to its more traditional roles. Budget increases would be provided to modernize the National Guard and the Reserves and to buy additional fast sea-lift ships to ensure that the United States would be ready to meet contingencies in all parts of the world. The Reagan Administration proposes to spend too much for the wrong weapons to pursue the wrong goals. The world may indeed be a dangerous place, but there are better ways to go about achieving U.S. national security needs.

A BUDGET FOR "PRUDENT DEFENSE"

Not all of the Reagan Administration's rhetoric about looming threats to U.S. security has been reflected in specific programs to meet those challenges. In particular, in spite of talk about the need to respond quickly to Soviet or Soviet-inspired aggression in many areas, the actual Reagan proposals do not reflect the same urgency. Otherwise, more money would be allotted (as it is in the CNS "Present Danger" Budget) to bring the Reserves and the Guard up to genuine combat-readiness. The second CNS alternative budget thus represents a more efficient version of the actual Reagan program. This "Prudent Defense" Budget incorporates the savings achieved by the first budget, and then, by not spending the additional funds the first alternative proposes for increasing U.S. readiness beyond the Administration's requests, achieves further savings. (Neither budget brings large immediate savings in outlays: (1) because each contains full funding for O&M to ensure that the hardware the United States does purchase is truly combat-capable, and (2) because savings from cuts in procurement are only gradually realized.)

CONCLUSIONS

These two budgets are offered in the hope of providing a framework for the inevitable—and desirable—debate on how the fiscal year 1985 budget will be cut. Both budgets offer substantial savings, although neither proposes radical changes in U.S. force structure which could achieve more dramatic reductions. These proposals have been put forward to show that significant savings can be achieved within the traditional confines of the defense budget debate. We offer these proposals as an illustration of how the defense budget might be reduced or redesigned without compromising national security.

But, in the meantime, I would like to mention a reform in which I have great interest, and which bears on why we vote on certain items in the defense budget.

This particular reform, which would broaden the Nation's economic base beyond any uncomfortable reliance on defense spending that may exist today, anticipates the day when the defense budget will be cut back to a more responsible level—when contracts would be canceled and workers displaced.

Imagine what it would be like if we did not have to look over our shoulders at the jobs picture back home before casting our votes on defense items?

At present that is hard to do, especially when the economy is performing weakly. But if we had a planned economic conversion program in place, we could remove the pork barrelling concerns from our votes on what should be national security issues.

PLANNED ECONOMIC CONVERSION

Financial planners suggest that deeper defense cuts are prevented essentially by two economic facts of life.

First, we are inclined to vote for defense programs if it means we can keep a plant open and our constituents employed.

Second, during a time of high unemployment, we are reluctant to kill programs that mean jobs in the district.

Both of these problems could be surmounted if Congress were to enact planned economic conversion legislation that would give communities, now dependent on defense contracts or nearby military installations, economic alternatives to the Pentagon.

Such legislation, like my own, or the gentleman from New York's (Mr. Weiss) would provide communities with advance notification, up to a year when possible, of contract cancellations or base closings.

It would also provide alternative planning and job retraining grants, and temporary income aid to the affected community and work force.

More important, it need not require more Federal spending, mindful of the deficit problem. It need not mean more red ink to blot the Nation's balance sheets.

Similar to the way the defense industry is compensated for a lost contract, the money covering the cost of the economic conversion program would come from previously appropriated funds for the contract in question.

My particular bill (H.R. 4805) sets a threshold of eligibility for the program of contracts of $10 million or more, thereby limiting the program to instances of severe economic dislocation.

According to figures prepared for me by the CBO, the program would cost about $1 million per cancellation of a $10 million contract—a modest cost to save jobs and communities. And again, the money would come from previously appropriated funds, not new funding requests.

Sometimes we in this body are subjected to a difficult choice, when we vote on defense items: jobs or peace.

If we had an economic conversion program to fall back on, however, we could be voting for jobs and peace, for economic security and national security.

A planned economic conversion program would reform the way we think about the defense budget and its relationship to the economy. And so doing, it would certainly lead us as a body toward passing more responsible defense budgets.

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At this point I would like to yield to the gentleman from California (Mr. Brown).

Mr. BROWN of California. I thank the gentleman very much for yielding at this point.

Mr. Speaker, I am pleased to participate in this special order on defense spending. I congratulate my two colleagues, Representative Nick Mavroules and Representative Bill Green for providing the leadership and inspiration for this discussion.

Mr. Speaker, I will focus my remarks on defense spending in space. The accelerated growth in this area concerns me greatly. Just to provide some perspective, it is interesting to note that the Department of Defense now spends more on space than the National Aeronautics and Space Administration. Unlike the NASA budget, which has remained essentially level over the last few years, the DOD budget for space-related programs has grown considerably. The fiscal year 1985 budget for DOD space-related activities is roughly $9 to $10 billion compared to NASA's $7 to $8 billion budget.

The President's strategic defense initiative calls for a 5-year $25 billion research program on the feasibility of space based ballistic-missile defense (BMD). This is the "Star Wars" program the President announced last year. Cost of deploying space-based BMD would be staggering according to Dr. Richard DeLauer, Under Secretary of Defense for Research and Engineering, and would amount to at least $500 billion.

Mr. Speaker, cost alone does not drive defense policy. But we should not sink hundreds of billions into programs that will not work, or are not in our national security interest. I am not arguing against research—we have been conducting research on ballistic-missile defense for over 20 years and should continue to do so. However, the accelerated research program the President is calling for is beyond what is needed to protect U.S. national security requirements. Furthermore, we will spend billions of dollars for the unique privilege of abrogating the best and only arms control treaty we have. I am referring to the 1972 antiballistics missile (ABM) Treaty negotiated and ratified under the Nixon administration which provides the framework for limitations on strategic nuclear weapons. Without the ABM Treaty, we may as well throw arms control out the window.

Mr. Speaker, my colleagues and I will elaborate on this discussion later this month in a separate special order on the weapons race in space. We will examine the antisatellite issue, ballistic-missile defense, and the ABM Treaty. I invite my colleagues who are concerned about these issues to join with me in that discussion.

Mr. MAVROULES. Let me thank the gentleman from California (Mr. BROWN) for his participation and contribution in this special order.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. I thank the gentleman for yielding, and I commend the gentleman from Massachusetts for this special order today.

Mr. Speaker, America faces a twin threat to her security and prosperity. The first—the Soviet monolith—is well known to us through its dramatic and unconscionable actions in places like Afghanistan and the Sea of Japan. The second threat, Mr. Speaker, is the very real prospect of economic ruination brought on by reckless and unaffordable defense increases and exploding Federal deficits.

BUSINESS EXECUTIVES FOR NATIONAL SECURITY

A national trade association representing the defense interests of America's 13 million businesses has written to me that "two hundred billion dollar deficits as far as the eye can see and continuing high interest rates represent an imminent threat to the economic dimension of our national security." Indeed, while we spend a higher percentage of our GNP on defense than any of our Western allies or Japan, we are last in productivity growth, last in fixed investment, and last in growth of manufacturing capital.

We must not allow ourselves to become so obsessed by threats from without that we destroy ourselves from within. America can afford a strong national defense and a thriving, competitive economy. But the former must be built on the latter. If our economic foundation collapse under the weight of outsized defenses expenditures, then we have abdicated our responsibility to provide for the security of our citizens.

Expensive, dangerous, and unnecessary weapons systems like the MX missile and the B-1 bomber do far more to deplete our national resources than they do to protect our vital interests. Right now, our most vital interest is a competitive, robust economy—based on sound fiscal practices and prudent, cost-effective military spending. President Reagan's defense budget—with its emphasis on procurement over readiness, its impending bow wave effect, and the astronomical deficit levels it insures—is a giant step in exactly the wrong direction.

To restore our Nation to a healthy financial margin of security and close the economic window of vulnerability opened by these deficits, we must rein in defense spending immediately. President Dwight D. Eisenhower as the gentleman from Massachusetts pointed out—no stranger to Soviet subterfuge—warned the Nation a generation ago:

> There is no safety in arms alone. Our security is the total product of our economic, intellectual, moral, and military strengths.

If Ike and his wisdom have been expelled from the White House, then we must find a place for him here in Congress. The threat is a very real one and the time is very short. Very simply put, the defense budget must be reduced.

□ 1800

Mr. MAVROULES. I thank the gentleman for his contribution.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. MAVROULES. I yield to my friend, the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding and I commend him for taking this very timely special order.

Mr. Speaker, 40 years ago today I was in England getting ready for the invasion of Normandy. I spent 3 years overseas as an officer in the U.S. Army. I know a little bit about war from the GI's point of view and from the top planners' point of view, and I have been through it all. I guess my record stands for itself.

I still stand for a strong national defense and for being willing to fight for freedom, but that is not what this defense issue is about. Every Member of this House is dedicated to the defense of the United States of America. We took an oath of office to the same end. But this defense budget today is full of immense expenditures for weapons systems that are of marginal value at best.

The B-1 bomber is a classic example. Last week and the week before I put in the CONGRESSIONAL RECORD three articles by Frank Greve, a reporter for Knight-Ridder newspapers, who did an absolutely brilliant job of exposing how the military-industrial complex that President Eisenhower warned us against manipulates the Congress, manipulates the executive branch, takes the money that the taxpayers have voted for huge programs, and spreads it around the country so practically every Member of Congress has some defense contract for a particular weapons system in his district.

The result is congressional support and Presidential support for the B-1 bomber which the Commander of the Strategic Air Command, Gen. Richard Ellis, upon retirement, proclaimed publicly was an unnecessary weapons system, one that was obsolete technologically, and worse yet, caused the diversion of funds from the Stealth bomber, which we really will need as a follow-on bomber to the B-52, which is presently still viable as a launching platform for air-launched cruise missiles.

What did the Department of Defense do, in a kind of unholy alliance with the contractor to put that program across? First of all, they hoodwinked and deceived the Secretary of Defense himself, who started out being opposed to the B-1 bomber. They appointed a special board, so-called technical review board, of people who General Burke, the general in charge of this project, selected as being biased toward the B-1 bomber. They would not even let people like General Ellis in the door to present their point of view, so the result was obviously stacked.

Deceit and conflicts of interest have become a way of life at the Pentagon, and the result is the expenditure of billions of taxpayers' dollars for dubious or marginal weapons systems, of which the B-1 is perhaps the most egregious example, $40 billion for a weapons system that will be obsolete before the last plane runs off the assembly line.

Furthermore, North American Rockwell, Rockwell International, has so rigged the assembly line that the last year will be the biggest year of production, thereby creating immense pressure to continue to produce more planes so that we will not put 60,000 people out of work in their factories and subcontractors.

This is one of the problems I have. The MX is another one equally egregiously expensive. The two additional nuclear aircraft carriers is another example. We could go on and on. Yet the Department of Defense says today that our state of readiness is worse than it was 3 years ago.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman for yielding.

Mr. Speaker, I simply wanted to reinforce the point the gentleman from Ohio was making with respect to the B-1 and the Stealth bomber. The fact of the matter is that the Stealth technology has proceeded sufficiently far that the Air Force withdrew its request for the first generation of air-launched cruise missiles before the completion of that program as originally scheduled in order to replace them with Stealth technology air-launched cruise missiles.

So obviously the technology is coming along very rapidly, and yet in terms of the manned bomber program it is taking a back seat so that everyone involved with the B-1 bomber can have their day at the trough before we move on with the Stealth, which does represent a much superior technology.

Mr. SEIBERLING. If the gentleman will yield further, that is bad enough, but it is only money, and while at a time of tremendous deficits money is extremely important and we must save every dollar that we do not have to spend for this kind of purpose, there is an even worse aspect of it. That is in some of the programs that the gentleman from California (Mr. Brown) referred to, and that is the way-out technology, the antisatellite technology, and then beyond that the "Star Wars" technology. I do not need to add anything to what was said.

That represents a tremendous threat to the stability of the nuclear balance. It also represents a technological arms race that is going to get rapidly out of hand. Once we deploy the antisatellite weapon, nobody knows how we can possibly monitor it after that. When we get to the Star Wars technology, I have seen scientists' estimates that the cost of that will range as high as $2 trillion in 1984 dollars, and for a program that scientists tell us cannot possibly give us a fail-safe defense.

Today a student came into my office from my district, one of a group of students in a new movement called Campuses to End Nuclear War. I have on a button that he gave me. It says: "First Strike You're Out." If there is ever a first strike, we are all dead.

Yet what is the concept for the future that our President holds for us?

□ 1810

The concept is that in the year 2000, instead of having gotten rid of nuclear weapons and moving toward general disarmament, his concept is that we will have a Star Wars defense of antisatellite weapons and X-ray lasers and all kinds of new gadgets which will only accelerate our dangers and aggravate our condition.

What kind of vision is that to hold before the youth of America? What would Franklin Roosevelt or Dwight Eisenhower or John F. Kennedy or Harry Truman have done with their leadership that they had as President of the United States? Would they have held that out as a vision toward our youth, or would they have used that forum and used that power to imaginatively move and reach out toward the Soviet Union and other potential nuclear powers and say, "Let's sit down and reason together and get rid of this terrible threat that is hanging over all mankind?"

I cannot believe that those great national leaders would have let that kind of vision be before the youth of our country. And, believe me, if we really want to know why there is disillusionment among our youth and the feeling that nothing matters, it is not the fact that there is no formal school prayer; it is the vision of the future that they have as a future of destruction for them and all of their fellow men and women.

So I suggest that the President of the United States needs to rethink his approach and, instead of holding out the vision of technology races and the Star Wars vision, give us a vision of leadership leading us to a world of disarmament and no nuclear weapons.

I would just like to say one other thing. The President was quoted last year by a friend of his, in response to a discussion they had on nuclear war, as saying, "Could it be that we are heading toward Armageddon? The Bible says there will be an Armageddon someday."

That shocked me to the core because it reveals that the President was looking on his own role as a spectator rather than a shaper of events, and I suggest to the Members that our role in Congress, if the President is going to abdicate his responsibility for constructive, creative leadership, toward disarmament, is going to have to be to assume that responsibility.

Mr. Speaker, I commend the gentleman from Massachusetts (Mr. Mavroules) for having taken on that responsibility himself, and I commend my colleagues for participating.

Mr. MAVROULES. Mr. Speaker, I thank the gentleman from Ohio (Mr. Seiberling) for his contribution and participation. The gentleman hits a very vital chord when he talks.

If we do not act responsibly this year, as I indicated in the charts before, in 1989, at least under the projected increases put forth by the administration, 35 cents of every dollar will go for defense.

I do not think there is one among us who does not want a good, decent, viable national security. Of course we want that. But the point is that we do not have to pay $220 million per airplane when we can build one a lot less expensively and just as effective.

Mr. Speaker, before I yield to the gentleman from Oregon (Mr. AuCoin), I am going to yield to the gentleman from California (Mr. Levine).

Mr. LEVINE of California. Mr. Speaker, I am pleased to participate in this special order on defense spending. Incredibly, with the budget deficit climbing out of sight, the Reagan administration has asked for a whopping $313 billion in budget authority for defense for fiscal year 1985. This is an increase of $48 billion over fiscal year 1984. At the same time, however, the administration continues on its course of cutting critical social programs for the poor, the needy, and the elderly.

It is important to focus on the size of our defense budget, but it is just as important, and maybe more so, to concentrate on how our defense dollars are being spent. How many times have we all shuddered at reports of an expensive weapon system failing test after test, or at the unbelievable price paid for a spare part?

I think we all would agree that we must improve the way that we buy our weapons. Many in the Military Establishment share that view as well. Within the Pentagon, growing numbers of military officers and civilian analysts are beginning to voice their concerns about the current system. And, inside the Congress, the military reform caucus is addressing these same issues.

Today I will focus my remarks on a defense issue but one which will save American taxpayers money and save American soldiers' lives—warranties on defense products. Section 794 of the fiscal year 1984 defense appropriations bill requires that contractors provide guarantees that their weapons once built and deployed, will perform according to their specifications. It is intended to assure our Armed Forces that the weapons they are given will work as they expect them to.

Warranties will result in significant savings to the taxpayer, despite claims to the contrary by some in the Pentagon and the big defense contractors. One only needs to look at the contract recently signed between the Air Force and the General Electric Co. to illustrate this point. In its negotiations with GE to produce engines for its F-15 and F-16 fighters, the Air Force was able to obtain broad company warranties. In his official statement, Air Force Secretary Verne Orr said:

> Our primary purpose in conducting this competition was to encourage the contractors to produce and deliver to the government a quality product, at a price the taxpayer can afford, that does not require frequent removal, repair or replacement.

The Air Force has since estimated that the warranties it has negotiated in this contract will save taxpayers as much as $3 billion over the lifespan of the engines.

Some opponents to defense warranties argue that military hardware is fundamentally different from commercial products. They claim that consumer goods are made from proven technology while military equipment is generally on the cutting edge of technological innovation. They say that, as a result, there is no assurance that military hardware will work as expected. They also claim that warranties will stifle innovation and make defense contractors less willing to stretch the state of the art.

These charges are untrue. The warranty law simply requires that before new weapons are deployed on the battlefield, their producers and the Pentagon must first guarantee that they will actually work in battlefield conditions. The Pentagon's "build now, test later" policy has resulted in the waste of billions of taxpayers' dollars as the Pentagon scrambles to fix weapons already in the hands of our soldiers.

Those of us who support warranties do not want to place any unreasonable restraints on our defense industry. The warranty law gives the Secretary of Defense the option of exempting any weapon from the warranty requirements for reasons of national security or cost effectiveness.

It is up to the contractor and the Pentagon to determine which aspects of a weapon's performance can be warrantied. We can only expect a company to warrant that which is reasonable, and guarantee that the weapon will actually do what the contractor and the Pentagon claim.

Our Armed Forces deserve the best, most reliable weapons we can design and build. There is no excuse for anything less. The American taxpayer has the right to know that every effort is being made to eliminate wasteful spending from our military budget.

Mr. Speaker, at the same time Secretary Weinberger was telling the Congress that he was "absolutely" working to implement the warranty law, the administration called for its repeal in the fine print of its budget request. It is unfortunate that we in the Congress are now forced to focus our efforts on fighting repeal rather than on working to implement the law fairly and effectively.

Many of us have received telegrams and letters asking that we support or oppose the administration's repeal attempt. I would like to share with my colleagues a message I received from Mr. Bob Hollingsead, president of Hollingsead International, Inc., of Santa Fe Springs, Calif., which states the case opposing repeal very eloquently and succinctly. I ask unanimous consent to include that letter at this point in the CONGRESSIONAL RECORD.

[Mailgram]

FEBRUARY 27, 1984.

Hon. MEL LEVINE,
U.S. House of Representatives,
Washington, D.C.

As a supplier of avionic support for Department of Defense products, we hope you will not, repeat not, vote for repeal of section 794 of the Department of Defense Appropriation Act. Hollingsead International, Inc., has been providing a strong guarantee for our products, whether they are for commercial or for military use. We believe it is incumbent upon any supplier to guarantee effectiveness of his product. We believe prime contractors are hiding behind the permissiveness of past regulations and the results have been disastrous, not only for our country, but for small businesses who have boundless imagination to solve product problems that are beyond the realm of the primes. A case in point is the way we were able to solve a serious problem relating to naval aircraft. The only way we could force our entry into the defense market was to offer to provide R&D, plus testing and manufacturing at our own cost, which came to in excess of $350,000.

Can you see a prime contractor offering to spend that kind of money on its own to prove that a system it is proposing will work according to requirements? The fact is we still do not have a contract and we are still being bucked by the majors despite our system having been proven effective through more than 1,500 hours of fleet testing.

"Promised" performance and "actual" performance is widely different and, in our opinion, that difference is unjustified. Systems are being sold on the basis of "promising the moon . . ." and guaranteeing nothing.

BOB HOLLINGSEAD,
President, Hollingsead International.

Mr. Speaker, the warranty law provides our Armed Forces with the assurance that their weapons will work as intended. And, it provides our taxpayers with the assurance that their defense dollars are wisely spent. Considering that the administration's latest budget request targets nearly 30 cents of every dollar for defense, those points of reliability and savings cannot be ignored.

I appreciate the opportunity to take part in this special order and urge my colleagues to redouble all of our efforts to scrutinize the way in which our defense dollars are being spent.

Mr. MAVROULES. Mr. Speaker, I now yield to my friend, the gentleman from Oregon (Mr. AUCOIN).

Mr. AuCOIN. Mr. Speaker, I appreciate the gentleman's yielding, and I want to join my colleagues in expressing our appreciation to the gentleman from Massachusetts (Mr. MAVROULES) for arranging this special order and calling attention to this very real problem.

Mr. Speaker, I ask every Member of the Congress to ask himself or herself this question: If we continue our present disastrous course of runaway military spending, what will be the major economic activity in the United States when our Nation is twice as old as it is today?

Will it be agriculture, electronics, computers? No, nothing so productive.

Will it be arms, as some would suggest? No, not even that.

Mr. Speaker, it will be debt service. We will be a nation of interest payers.

Other nations will be producing products, earning foreign exchange, making better lives for their people.

The United States will be sending money around the circles. Citizens abroad will shake their heads at the thought that the United States was once the world's greatest economic power.

Does this sound farfetched? Believe me, it is not.

In the President's budget—I use the term loosely because he seems to be saying he does not support it—the deficit is 21 percent of outlays. Interest is 12 percent of outlays. This may sound tolerable, if unpleasant. But the fact is, we are now paying interest on the relatively modest deficits of the past. But today the deficit is climbing like a saturn rocket. If we continue on our present course, it will be an entirely new ball game—a new world but not a brave one.

If we continue on our present course, over the next 5 years we will incur as much debt as the we have incurred in the entire two centuries of our national history. That's an acceleration rate of 40 to 1.

If this deficit acceleration continues, it will only take 31 years before interest equals our entire present government budget.

Is this so bad? Will not the economy expand and render these interest payments affordable?

Not the way we are going. Under current economic policies, real economic growth has been essentially zero. Sometimes it is slightly negative; other times it is slightly positive. Basically, we have a go-nowhere economy bumping along the bottom. So, fantastic as it may sound, the danger of interest payments comparable to our present entire government budget is a very real danger.

But the dangers of deficits are not only in the long term. They are right around the corner.

Consider credit availability. It is not that much of a problem today, because we are still in the tail end of a recession, and private demand for credit remains low because businesses are not yet expanding on a massive scale. But if the recovery continues, demand for credit will rise and the crunch will hit.

Government will be sopping up half the available credit just to pay the present deficit. Business and consumers will have to fight over what is left. Credit will become both scarce and expensive. Loans, for those who can get them, will be sickeningly expensive. Many Americans will have to pay cash or do without. And that will be the end of the recovery.

Already, Government borrowing is devastating our exports. The predicted negative trade balance this year is about $70 billion. This imbalance has cost us about 1,700,000 jobs, added to unemployment compensation, deprived us of revenue, and so the dismal cycle goes.

So much for the problem. What can we do about it?

Now is the time to strike the deficit—to drive a stake into its heart. If this is not the right time, with the economy on an upswing, when will the right time ever come?

Mr. Speaker, I want to be clear about one thing. Deficit reduction will not be pleasant. In the short term, it will be very, very painful. We can do a great deal to apportion the pain fairly, but we cannot make it go away. I do not enjoy saying this, but we have to stop pretending we can lose weight on a banana-split diet. It has not worked, and it will not work. No politician enjoys bearing evil tidings. But the evil reality is there, and it will stay there until we turn and confront it. We were not sent here by our constituents to duck an issue just because it is painful.

What can be done?

Rightwingers say cut domestic spending, keep defense spending up, and pray. Liberals say cut defense and raise domestic spending. Both are scared to death to mention tax increases.

Mr. Speaker, I say both the rightwingers and the liberals are about one-third right.

The rightwingers are correct when they say we need to hold the line on domestic spending. For my part, last year I voted for $36.6 billion less in nondefense spending than President Reagan sought. I voted against more than half of the spending measures to come before us. I did not do so with any zest or glee. Many of these programs do good, constructive work, and I personally support them. If we could afford them, we should have them. I hope that some day we will be able to afford them. But if we do not keep our domestic belt tight for now, we are going to find ourselves affording less and less but borrowing more and more.

The rightwingers are also correct when they call for restraining the increases in entitlement programs. This, too, will be painful. But these have mushroomed 450 percent over the past decade and now constitute 43 percent of all Federal spending. We cannot continue to give them ever-larger pieces of an ever-smaller pie. If, for example, we were to scale back entitlement increases and tax indexing by 2 percent per year, we would gain a $158 billion spending reduction over 5 years.

Both sides are wrong on the question of revenue. You cannot have outlay without income. Closing tax loopholes could give us about $75 billion per year. I recognize this is easier said than done. Whenever you mention tax reform, the special interests scream bloody murder. They bring their powers of campaign contribution to bear in a very big way. But we need to close the loopholes nevertheless.

The liberals are correct when they call for defense spending cuts. After a year on the Defense Appropriation Subcommittee, there is no doubt in my mind that this can be done and leave us more secure as a result.

The Secretary of Defense does not like the idea. He has a very firm grip on the idea that he wants a very firm grip on the taxpayer's wallet. He sometimes asks what we who call for less spending would give up. He asks if we want to surrender Europe, Japan, Central America, and so forth.

In some of these areas, surrender is exactly what the United States is doing, although the Secretary appears not to realize it. By supporting every corrupt dictatorship to come down the pike, we are giving communism a boost it could never get on its own. A little bit of carefully administered economic aid would go a lot farther than expensive military solutions alternatives.

But let us set that aside. I will tell the Secretary where he can cut. He can begin by cutting out entire missions that serve no national security purpose.

Chief among these is the what is known as time-urgent hard-target kill capability, or prompt counterforce capability.

These obscure tongue-twisting terms are the drivers behind such weapons as the MX ICBM, the Trident II SLBM, and the Pershing II IRBM. The total cost of these weapons is well over $50 billion.

We do not need them. We are better off without them. The idea of hitting hard targets quickly is a delusion.

Unless we strike first which we say we will not, we will never be able to destroy Soviet ICBM's in their silos, because the Soviets will launch them before our missiles arrive. We will not be able to destroy Soviet leadership, because unless they are fools they will be constantly moving around and we will not know where they are. So what are these time-urgent hard targets these missiles are supposed to hit? They do not exist.

But these weapons are effective at one thing: a preemptive, disabling first strike on the Federal budget. At that mission, they are magnificent.

There are other major programs for which the mission is at best uncertain. The C-17 outsize airlifter, for example. This is probably going to be about a $30 billion program. It would indeed be nice to have. But does it justify its cost? I think not.

Then there are the weapons that serve a legitimate mission, but do it more expensively than the alternatives. Chief among these is the B-1B bomber; a $27 million program worth a good deal less.

Now there are those who say you can not get at the deficit by cutting defense. For example, they say, the Trident II missile is a $23 billion program, but only one-tenth of that is in the budget we consider this year, and of that one-tenth only a fraction is to be actually spent during fiscal year 1985.

What a copout. Of course, we will not get the full saving from a defense cut in 1 year. But this year we are paying for the programs we decided to buy in past years. And a few years down the road we will be paying for the programs we decide to buy today. That is why we need military spending cuts now.

Make no mistake about it: when we start a military program, we create a bow wave with which we will have to live for many years. Lack of instant gratification is no excuse for not doing the right thing.

The economic survival of our Nation demands that bad defense programs, defense programs that do not add to national security, and defense programs that do not pull their weight be cut—not down the road, not in a few years, not when somebody else will have to bear the responsibility, but now.

□ 1820

Mr. MAVROULES. Mr. Speaker, let me thank our friend, the gentleman from Oregon (Mr. AuCoin) for sharing with us his insightful views on defense matters.

Mr. Speaker, I am pleased and privileged to yield to my colleague, the gentleman from California (Mr. Panetta), one of the most brilliant members on the Budget Committee.

Mr. PANETTA. Mr. Speaker, I thank the gentleman for yielding this time. I also want to commend the gentleman for taking this time on the special order to try to discuss this tremendous challenge that is facing the Congress and the country in trying, frankly, to provide not only for the national security, but also for our economic security.

As a member of the Armed Services Committee, I know that the gentleman is interested in protecting our national security. The gentleman has worked toward that end.

I also know the gentleman is interested in protecting our economic security, because the fact is that the two go hand in hand. You cannot have one without the other. We cannot have national security without protecting our economic strength and we certainly cannot protect our economic strength without having national security. The two go hand in hand.

The danger today is that the deficits that are overwhelming our budgets through the next decade will undermine the resources that are available in order to provide for our national security.

We are talking about annual deficits that CBO now projects in the vicinity of almost $300 billion a year by the end of this decade and if we have a recession, the likelihood is that those deficits could increase even higher.

We are going to be paying with the amount that we receive on revenues at that point, we are only going to be able to afford defense, social security, and interest payments and everything else we are going to have to borrow to pay for; so the reality is that we cannot tolerate that kind of crisis and expect at the same time that we are going to meet our national security needs.

There is no big mystery here about what we are dealing with. What is driving the deficits today? Listen to Martin Feldstein:

> Deficits today are being driven by defense increases, by our loss of revenues due to the tax cut, and by interest payments.

I know there is plenty of blame to go around for the deficits that we have here and I agree that administrations in the past both are to blame to some extent and both parties are to blame for where we are with regard to the deficits.

But what is driving the deficit today? That is what we need to focus on. It is three areas. It is defense. It is interest payments and it is loss of revenues as a result of the tax cut.

The nature of the budget allows you only so many areas to turn to if you are serious about reducing the deficit. Thirty percent of the budget today goes for defense. Forty-six percent goes for entitlements. Ten to 12 percent goes for interest payments on the debt. That is almost 85 percent of the Federal budget in just those three areas alone.

So if you are serious about reducing the deficit, you have to control the growth of defense. You have to control the growth of entitlements and you have to raise sufficient revenues to pay the bills.

We cannot afford to blank check any area of the Federal budget. That is a reality. Any time we hand a blank check to anybody, all we are asking for is waste and ineffective management, and that is what is happening to some extent at the Defense Department.

So for those reasons, I think our goal has to be: No. 1, to control deficits; second, to control the growth in the defense budget, and in doing that, I think ultimately we will not only provide for our national security, but more important, we will provide for our economic security.

I thank the gentleman for giving me this time.

Mr. Speaker, I rise to join my colleagues in discussing the impact of defense spending on the economy, and would like to commend the gentleman from Massachusetts (Mr. MAVROULES) for organizing this timely debate.

Each of us approaches the much debated deficit problem with a set of assumptions which reflect as much as anything else how we view the role of the Federal Government and its ability to provide for our Nation's well-being. While there is considerable disagreement as to what ought to be done, there is virtual unanimity with respect to the need to contain burgeoning budget deficits.

Just as the blossoming of the cherry trees heralds the arrival of spring to Washington, so the parade on Capitol Hill of economists and economic authorities with their dire forecasts marks the opening of the budget season. One need not be an expert, however, to recognize that annual deficits on the order of $200 billion threaten to cripple the nascent economic recovery. What is at issue, of course, is how to tackle this problem—a job which requires the thoughtful examination of what are admittedly unpalatable choices.

Any serious deficit reduction will require revenue changes, to be sure, but it will also require spending restraint. Continuing a trend begun in 1981, the President's fiscal year 1985 budget proposes a record $313.4 billion in budget authority for defense programs—an increase of $48.1 billion—or 18.1 percent—over the current level. In the face of this extraordinary commitment of our national resources, it is essential that we examine the President's request in the context of overall budget considerations. With this objective in mind, I would like to proceed by examining three issues central to the defense budget debate:

First, how has defense spending contributed to the deficit?

Dr. Martin Feldstein, the Chairman of the President's Council of Economic Advisers, analyzed this question in a Wall Street Journal article last year in which he blamed the growth of the Federal deficit on higher defense spending, lower taxes, and larger interest payments on the national debt. "The question is, how did this deficit grow from approximately 2.3 percent of the GNP in 1980 to 4.2 percent of the GNP in 1988?" asked Dr. Feldstein. He went on to conclude that over the years 1980 to 1988, social security and medicare "will have no net effect" on this growth in the deficit, because both are financed by payroll tax receipts which are scheduled to rise even faster than benefits. Other domestic spending programs have been cut so deeply in the past 3 years that this sector will provide an actual reduction in the deficit-to-GNP ratio.

By contrast, Dr. Feldstein continued, projected growth in defense spending will add 2.4 percent to the deficit-to-GNP ratio by 1988, while the administration's tax cuts will add 1.7 percent and higher interest payments on the national debt an additional 1 percent.

Central to this discussion is, of course, the relationship between deficit and economic health. In recent months, to be sure, we have enjoyed moderate interest rates, low inflation, and relatively strong economic growth. These trends have prompted some debate over the near-term economic effects of deficit spending.

Against this rosy backdrop, however, such prominent administration officials as Martin Feldstein and David Stockman have begun to sound alarms about the impact of excessive deficit spending in the years to come. These authorities and other leading analysts point to large deficits as the source of a host of long-term ills—including high interest rates, large foreign trade deficits, and sluggish business investment.

We are already beginning to feel the effects of Government borrowing in crowding out private borrowers and triggering higher real interest rates. Huge capital inflows from abroad have, so far, tempered the rise in interest rates. Should these foreign holdings be withdrawn, interest rates can be expected to skyrocket. In the meantime, the annual trade deficit is expected to top $100 billion by the end of the year. Reflecting concern over these trends, the stock market is down almost 100 points since its high of last year.

Second, what have we gained from increased military spending?

In debating the President's fiscal 1985 defense program, it is essential that we stop to assess the measure of security we are gaining from our increased commitment to military spending. As I am sure my colleagues recall, in 1980 candidate Reagan repeatedly decried the poor state of preparedness of our Armed Forces. But despite more than $600 billion in defense spending during the first 3 years of the Reagan administration, the Pentagon recently concluded that there had been a significant decline in our combat readiness. In fact, that review reportedly shows that the number of Army units ready for combat dropped 25 percent during the 3-year period, with smaller declines also registered in the readiness of Air Force and Navy units.

This startling disclosure underscores a profound shift in defense budget priorities. Simply, while the overall rate of defense spending has increased dramatically, the rates of increase among individual defense accounts have varied markedly. Spending on so-called investment accounts—weapons development and procurement—will have risen as a share of the total defense budget from 37.2 percent in 1980 to 50 percent in 1985. In contrast, spending on military personnel and operations and maintenance accounts have fallen as a percentage of the total military budget in order to accommodate increased spending on new weapons. In his fiscal year 1985 budget request the President proposes spending $141.6 billion for the development and procurement on new weapon systems, including in excess of $13.2 billion for just the B-1B bomber and MX missile programs.

What is at risk is not only our ability to field an effective fighting force, but our ability simply to service the new and increasingly complex weapon systems entering our arsenal. In short, we are swapping today's preparedness for tomorrow's hardware. Congress has in turn contributed to this problem by failing to cancel marginal weapon programs while seeking reductions in the President's defense spending requests.

Compounding this dilemma are a number of factors, not the least of which is wasteful Pentagon spending practices. The General Accounting Office has concluded after a number of exhaustive reviews that millions of dollars are wasted each year on poorly designed or insufficiently tested military programs. As you know, much national attention has focused of late on shocking examples of waste and fraud in defense programs—including a celebrated case in which the Navy reportedly paid $110 for diodes that should have cost 4 cents. Yet congressional attempts to legislate reform, such as requiring defense contractors to provide warranties on their products, have encountered stiff opposition from the White House as well as the Pentagon.

The Director of the President's budget office, David Stockman, focused on this problem in 1981, when he pointed to what he described as a swamp of waste as large as $30 billion within the Pentagon. This assessment was recently expanded upon by the President's Private Sector Survey on Cost Control—the Grace Commission—whose cost-cutting recommendations include a formula for eliminating $92 billion from future defense budgets.

Third, is the present rate of defense spending consonant with our spending priorities?

Clearly the President's proposed defense buildup must be taken in the context of unprecedented reductions in a broad range of vital social programs. Proponents of the current build-up are quick to point out that defense spending is less than one-third of the entire Federal budget—its lowest share since the 1950's. Their contention is, of course, that there is room for defense spending to grow without forcing a tradeoff with domestic spending.

However, the urgent need to address the deficit problem forces us to examine all Federal expenditures from the standpoint of what can be done to contain spending. To be sure, no part of the Federal budget—including defense—has an automatic right to a certain share of the total. But it is important that we keep in mind the magnitude of current defense spending. The President's budget proposes spending 11 times as much on defense as on education, training, employment, and social services combined. To examine individual defense programs in relation to other Federal programs provides a startling perspective on current defense spending: Cancellation of one B-1B bomber—$209 million—would allow the work incentive program to continue for another year. Likewise, cancellation of one DDG-51 destroyer—$1.3 billion—would allow restoration of medicaid cuts.

Mr. Speaker, the choice of appropriate levels of defense spending essentially is a question of priorities, reflecting assessments of the legitimate requirements for national security and the importance of alternative uses of resources. We must recognize that pouring billions into ill-conceived defense programs will not make the United States invincible any more than pouring money into ineffective welfare programs will make poverty disappear. We do not promote national security by showing the Russians how fast we can spend money.

If we are to insure the long-term health of our economy we must come to grips with the deficit issue, which in turn requires that we act now to hold expenditures. In proceeding, we must never lose sight of the fact that the Federal budget is meant to promote the general welfare of all citizens. We must work instead to establish an equitable balance in Federal spending.

I appeal to all my colleagues to join in this effort.

Mr. MAVROULES. Mr. Speaker, I thank the gentleman very much.

I yield to my friend and colleague, the gentleman from Ohio (Mr. ECKART).

Mr. ECKART. Mr. Speaker, I thank my friend, the gentleman from Massachusetts, for giving us this opportunity this evening.

I would like to touch on a couple points that some of my previous colleagues have raised in the course of their discourse. There is no doubt in the minds of each and every single one of us that what we face today is a truly international economy. Three out of four, approximately, of the goods used in international and national manufacturing today come to these shores as a result of having traveled long distances. They are imports, and each one of those imports travels through difficult sealanes and over complicated airwaves.

Thus, the economy, the very economic well-being of this Nation, is dependent to a great degree on our ability to have good relations with a wide range of other nations; yet in the course of extending to some of our friends and allies this economic opportunity that we present to them here, they turn their backs on us when we ask them to pay their fair share of that defense burden. Every barrel of oil that the country of Japan receives comes through the protection of U.S. taxpayers. The growth of the West German economic machine has been shielded and protected since World War II courtesy of the American taxpayers.

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We see that our NATO allies spend only about 2.4 percent of their GNP and we spend dramatically in excess of 6 percent, the consequences of which are that our NATO allies are forced or have the opportunity, I should say, to spend a dramatically larger share of their GNP on defense, because they benefit from that umbrella of protection, if you will, that we extend to them.

The baby in swaddling clothes that our economic allies once were 35 or 40 years ago now is a 200-pound adult. Let me quote President Eisenhower when he left the White House. He said, and I quote: "The reduction of U.S. strength in Western Europe should be initiated as soon as the European economies are restored."

I think that few will argue that the economies of our Western European allies are not now fully restored and, in fact, they are contributing to the economic problems of this Nation with the dumping of goods and services here, forcing Americans out of work. Yet they do not pay their fair share.

The failure of our friends to bear their fair share of the military burden not only jeopardizes the security of the United States but their security as well.

Two other short points that I would like to make. What we have witnessed during the course of this administration, something that my friend from Massachusetts has worked very hard at trying to overcome, is the phenomenon known as gold plating. These gold platings of weapons systems have come at the expense of operation and maintenance, at the expense of ammunition, at the expense of spare parts and at the expense of readiness.

We have just seen a report published which shows that after these tremendous increases in defense spending we have less readiness among some of our Army units today than we had before. And, more importantly, as a result of the Long Commission report we have found that the bureaucracy of the Pentagon has become more stilted and more stifled. We no longer have an effective chain of command.

The second piece that my friend from Massachusetts has focused on earlier, and I want to rise in support of him, is the whole phenomena of these cost plus contracts that drive the engine of cost overruns, for which under any other department, under any other form of our National Government, would be viewed as a national scandal.

My father tells me that people went to jail during World War II for these kinds of cost overruns that we now encourage and accommodate in our current defense budget.

Let us talk a little bit about warranties. I just bought a new car a few months ago and I get a 50,000-mile, 5-year warranty on that new car. Yet we cannot get a 6-month guarantee on these brandnew jet engines. Yet through the work of our two friends from New York and Massachusetts we put in important warranty language in the last DOD budget.

What do we see again? Snuck in the back door, in fine print this big, this administration seeks to repeal the very same warranty language that our friends fought so hard for to insure that the American taxpayers would get what they paid for when we buy the tools that we need for our fighting forces to adequately defend the interests of the free world.

This gold plating and the warranty requirements, a refusal to extract a meaningful commitment from our allies to help pay for that wonderful umbrella of protection that we hold over every single one of their economic opportunities, that we use to put American workers out of work in my district and my friends' districts, I think does not raise the question of a lack of patriotism or sincerity about what we feel about national defense but goes to the essence of the question that if you do not believe you solve any problem by throwing money at it, the Pentagon ought not to be excused from that criteria as well.

I think that my friends from New York and Massachusetts have done the country and the Congress a service. We are going to have lots of opportunities to pick up on their suggestions. I urge my friends to take a close look at this DOD budget to find out what they are undoing with what we tried to do with warranties.

We have a lot to learn. I think the administration can be helpful and I thank my friend for his diligence and his efforts in this regard.

Mr. MAVROULES. I thank the gentleman. We have a lot to learn, but we also have an awful lot to offer, and we hope to do that in the coming months.

I thank my colleague.

Mr. BEDELL. Mr. Speaker, will the gentleman yield?

Mr. MAVROULES. I yield to my dear friend from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Speaker, I would like to commend my colleagues for arranging for us to have the time today to begin an earnest discussion of this year's defense budget and its relation to our country's growing deficit problem. I am pleased to participate in this special order because I believe it will contribute positively to our debate on both the DOD authorization and appropriation bills later this year.

Let me say at the outset that I am firmly in support of a U.S. defense capability that is second to no other power and a defense capacity that will permit us to respond both effectively and flexibly to any crisis that could affect or threaten our's and our allies' national security. Nevertheless, in an era of $200 billion deficits, I refuse to believe that the administration's request for $305 billion in budget authority for fiscal year 1985 cannot be trimmed in a manner that will not jeopardize U.S. security. Clearly, the administration's plans to spend more than $1.89 trillion on defense and defense-related items over the next 5 years must be questioned. Otherwise, I fear we, the Congress, may well contribute to pose an even greater threat to our national security—that of an overheated defense economy that saps the ultimate strength of our Nation, a robust, creative, and healthy national economy that is responsible to the needs of its people.

Yesterday, the Committee for National Security presented an alternative defense budget that would serve to save the American taxpayer more than $28 billion in budget authority this year and approximately $196 billion in budget authority over the next 5 years. While I am sure the suggestions they offer will not be well received at the Pentagon, I believe they merit serious consideration by those of us in Congress.

Included in the committee's strategic and tactical recommendations are calls for cutting the MX missile, the B-1B bomber, the Star Wars and ballistic missile defense and submarine lauched cruise missiles (SLCM's). In my opinion, each of these recommendations should be implemented for two reasons. First, they offer us real budgetary savings but more importantly, they offer an opportunity to better guarantee our Nation's security into the 1990's and beyond.

Four item costs cause us to concentrate less on readiness needs.

The MX missile remains a missile without a mission. There can be no doubt that this awesome weapons platform serves no purpose other than the initiation of nuclear hostilities in a first-strike attack. When approved last year, the administration informed us that MX represented a package deal—packaged with the Midgetman—that would permit us the opportunity to negotiate deep reductions to safer levels in both the U.S. and Soviet nuclear arsenals. Well, today, there are no ongoing nogotiations, the MX continues in its production cycle and we know that the Soviets are now conducting tests on two similar silo-busting ICBM's. Is this arms control? Does MX contribute to U.S. or allied national security? Can we really expect the Soviets to negotiate reductions when we insist upon having a monopoly on silo killing missile systems? In my view, the answer to each of these questions is a resounding no and I want to assure each of you of my commitment to the cancellation of MX once and for all.

The B-1B bomber represents yet another waste of taxpayer dollars. B-1B proponents are quick to tell us of the aging B-52 fleet and of B-1B's being on cost and on schedule. The Pentagon informs us that the we shall only buy 100 B-1B's a cost to the taxpayer of $28.3 billion and, that the Pentagon will cancel B-1B production in fiscal year 1986—the same year in which B-1B production will be peaking. Who are they kidding? As a former small businessman, I can tell you that you never cancel any program during its peak production year. The economies of scale dictate that you move on to take advantage of reduced costs through greater production. So, just how many B-1B's do we intend to buy? 100? 150? 250? or, shall we replace B-52's on a 1-for-1 basis and end up purchasing 272 B-1B's.

Star Wars represents yet another fantasy of the Reagan administration. In his fiscal year 1985 budget, the President has requested that we approve $2 billion for the strategic defense initiative and upon more careful examination, we discover that he intends to spend more than $24 billion on such systems over the next 5 years. These moneys are intended to be research and development only and are alleged to be in support of a Pentagon decisionmaking process. Once again, who are we kidding? This system flies in the face of the only arms control agreement we have successfully negotiated and could cost anywhere between $100 and $500 billion. One Pentagon official even suggested the unmentionable cost of $1 trillion; $1 trillion. Think of how much more wisely those funds could be spent elsewhere.

Finally, I believe we must move as expeditiously as possible to cancel the further development and deployment of submarine launched cruise missiles, if for no other reason than both ours and the Soviets inability to verify them as nuclear or nonnuclear. We must keep in mind that more than 50 percent of the U.S. population lives within range of Soviet SLCM's. Would it not be better to reach a quick moratorium on their further development and possible deployment than it would be to engage in yet another aspect of the arms race. The answer is a simple yes.

Mr. Speaker, I serve on the Agriculture Committee, and the staff of the Budget Committee testified before us just within the last 2 weeks that their projections indicate that by 1989 four items in the budget, defense, social security, medicare and interest will absorb essentially 100 percent of all of our revenues. Social security and medicare are financed by social security payments.

What that statement says is that according to their predictions, by 1989, if we exclude social security payments, defense and interest will absorb roughly 100 percent of all Government revenues, leaving nothing for all of the rest of it.

Mr. Speaker, I do not see how we could have any statement that would more clearly point out the importance of our addressing this problem if we are going to have a sound economy.

I am pleased to tell you that within the next few weeks we hope to bring before the House some legislation that has come before our Small Business Committee that will address the waste in small-parts purchases. I urge my colleagues to help in this matter. It will be one step we can take to help bring this spending under control.

I also urge us to look at these major weapons systems which I believe should be properly justified before we decide that we are going to spend that kind of money for those particular items.

I thank the gentleman very much.

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Mr. MAVROULES. I thank the gentleman for his contributions and participation. I am delighted my colleague from New York (Mr. WEISS) is able to be here, personally. He had sent along a statement before. He is very conscientious and I am delighted to yield to my friend.

Mr. WEISS. I thank my distinguished colleague.

Mr. Speaker, how could it be that the United States, world leader in industrial production after World War II, now suffers from a decrepit infrastructure and the decline and collapse of key industries?

The reason, I submit, is the misconception endorsed by the present administration that spending for defense encourages economic growth. Perhaps the only positive outcome of the current deficit crisis has been a growing realization by many Americans that our economic future has been mortgaged for a military budget so enormous as to defy description. The Director of the Congressional Budget Office, Rudolph Penner, recently told the House Armed Services Committee that Federal deficits fueled by record defense expenditures will dampen future growth and lower standards of living. The Reagan administration's unprecedented and unwarranted military buildup foreshadows an economic debacle on a scale which we have not yet seen.

But excessive expenditures and high deficits are only part of the story. Hearings I chaired in 1982 focused attention on the economic consequences of the growing military budget. These include the fact that production focused on defense creates nothing of value for consumers or producers and the fact that increased productivity is sacrificed when more and more resources are devoted to military purposes. In other words, not only are the dollars in the military budget unavailable for other uses, but the added benefits that commonly result from civilian production are not realized. Moreover, study after study has shown that expenditures for defense create significantly fewer jobs than comparable spending in the civilian sector.

These factors indicate that military spending is more than a drain on the Treasury. It represents a structural flaw in the American economy that contributes to the progressive decline of American industries in relation to foreign competitors. Previously these trends had been understood on an industry-by-industry basis. But it is becoming clear that defense spending provides a systemic explanation for the decay of our infrastructure and the failure to compete effectively abroad.

The military budget's oppressive drag on the economy suggests the urgent need for a national plan for conversion to civilian production. The vast production resources used up in the arms race would, if applied to the civilian economy, encourage productive development on a national scale, reversing the dangerous decline of key industries that we are now experiencing.

I have introduced legislation, H.R. 425, aimed at planning for such a conversion process. H.R. 425 seeks to stabilize the economy at both the national and local levels. Nationally, it would contribute to a long-awaited economic renewal. And on the community level, it would avoid the severe dislocations that could devastate localities which rely heavily on defense contracts for their livelihood. Similarly oriented legislation introduced by Representative MAVROULES, H.R. 4805, is aimed at achieving these same goals.

It is essential that planning for economic conversion take place now, despite a growing military budget, since there are always isolated shifts in defense spending that expose communities to risk. But more importantly, it can take as long as 2 years to plan production operations for new products. Starting now means sparing ourselves the time, expense, and human costs that would result from postponing this planning until military spending cuts are enacted.

And finally, planning for economic conversion provides us with an important glimmer of hope in the fight to end the arms race. The fact that millions of Americans rely on defense spending for their livelihood creates a presumption in favor of the continued stockpiling of arms—arms which every day inch us closer to the brink of destruction. By providing an alternative to defense spending, economic conversion insures that we are not locked in to an unwarranted defense buildup for economic reasons. It creates an opening through which we can approach safety—and prosperity—in the nuclear age.

Interest in economic conversion is snowballing throughout the country at the present, and rightfully so. By acknowledging the links between issues of economic renewal and peace, we create a real opportunity to address both these issues. I urge my colleagues to join me in support of H.R. 425 and H.R. 4805, both of which can lead us toward a more secure and prosperous future for our Nation.

● Mr. DOWNEY of New York. Mr. Speaker, sound national defense does not come cheap. But today we are not getting sound national defense. We are getting immense military spending, which is an entirely different thing.

The massive increase in military spending can be illustrated in many ways. Here are two examples:

We have never fully recovered from the damage done to our economy by the Vietnam war. Yet the military budget authority requested for the coming fiscal year is, even after adjusting for inflation, 20 percent above that of the peak year of Vietnam.

Throughout the 1970's, discretionary outlays—those expenditures under the direct control of Congress—were about evenly split between defense and all civilian programs combined. In the first years of the Reagan administration, defense went to half again as much as civilian programs. Now the administration proposes to take it to double the level of civilian programs.

Ironically, such an extreme militarization is self-defeating even on its own terms. If this administration is allowed to have its way, our educational system will be ravaged to such a degree that we will no longer even have the educated population base necessary for a modern military machine, let alone for competition in the world commercial arena.

Moreover, we are not buying more security with our dollars. We are buying less security. Because of this administration's insane, mindless emphasis on counterforce capability—a fault I admit the previous administration shared although to a much lesser degree—we are now closer to nuclear conflagration than at any time in two decades.

Mr. Speaker, we can spend less money and get more security. It is about time we did it.●

● Mr. OBERSTAR. Mr. Speaker, this special order occurs at an opportune time. The people of the United States want and expect Congress to impose significant, badly needed rational restraint on uncontrolled, excessive military spending.

The interest of the Members participating in tonight's order demonstrates the determination of many of us in this House to achieve that result, save the Treasury billions of dollars, cut the Federal deficit, and reduce the threat of nuclear conflict.

This House is the hope of the people of this Nation who want to see Congress reorder national priorities and end the drain on the Federal Treasury caused by the levels of military spending proposed by President Reagan.

The people deserve a reallocation of spending priorities, including a transfer of Federal spending from military to human services programs.

I sense among our colleagues the overwhelming hope that the House Budget Committee will provide us with a first budget resolution this spring which will begin the process of reducing the administration deficits and restrain military spending. While nonbinding, the first budget resolution this year will signify the extent to which this House is willing to restrain the excessive and wasteful military spending, a major cause of Federal deficits.

I have written to Chairman JONES to urge aggressive action by the committee in allocation of spending priorities for fiscal 1985. If the House is to begin the process of reducing the Federal deficit significantly and of ending the unaffordable and wasteful military buildup projected by the President over the next 5 years, the Budget Committee should propose limits on defense spending that reflect military needs and economic reality, and not a budget resolution which offers a compromise budget reduction which concedes too much in the way of military spending increases.

If the first budget resolution is not fiscally tough, each successive step in the budget process will, I am afraid, result in increases in military spending. Unless the House is extremely firm in the first budget resolution, the prospect for a responsible level of military spending in fiscal 1985 will fade.

President Reagan has proposed an increase of $50 billion in budget authority and $38 billion in outlays from the estimated 1984 levels. Under the President's 5 year budget plan, military spending would increase from $314 billion in 1985 to $456 billion in 1989. The 5-year spending total would be $1.9 trillion. At the same time, the Congressional Budget Office estimates that Federal deficits will total $1.1 trillion over the same period assuming continuation of current administration policies.

Under the administration budget proposals, defense spending will rise from 6.6 percent of GNP in 1984 to 7.8 percent in 1989.

Defense spending in 1989 in real dollars would be 29 percent higher than at the peak of the Vietnam war.

The administration proposes real growth of 12 percent in budget authority and 10 percent in outlays. The growth in budget authority in fiscal 1985 would be three times the real increase provided by Congress in 1984. The administration figure is so unreasonably excessive that it must have been selected in order to insure that the figure ultimately approved by Congress will be consistent with what the administration actually believes is necessary. It is my hope that, at the end of this process, Congress will have done more than cut a wildly excessive 12-percent increase to only 5 or 6 percent, an amount beyond both our needs and means.

The Congressional Budget Office estimates that maintaining military spending at present levels, adjusting only for inflation, would produce a saving in budget authority of $34 billion and outlays of $11 billion in fiscal 1985 alone. Holding defense spending constant over the period 1985-89 would save $356 billion in budget authority and $241 billion in outlays. Even allowing for a 3-percent increase over the same period would provide savings of $202 billion in authority and $145 billion in outlays.

The budget resolution must provide for drastic reductions in the military spending increases not only in fiscal 1985 but in the succeeding years in order to insure that the military does not in effect stretch out spending to avoid actual reductions in aggregate spending. With sharp reductions in spending increases, the first budget resolution can provide the only meaningful incentive to persuade the Pentagon and its contractors to undertake serious and successful efforts to reduce waste in defense contracting and to act now to avoid the apparently inevitable cost overruns plaguing major weapons systems.

In 1984, Congress failed to achieve one of the most effective means of cost control through cancellation of unnecessary and costly weapons systems. As a long time opponent of the MX missile and the B-1 bomber, I would view cancellation of both of these systems as an efficient and commendable means of reducing budget authority by over $13 billion in fiscal 1985. Through cancellation, we would insure that the expenditures are more than merely deferred.

A strict limit on military spending growth may provide the House the additional impetus which it needs to cancel the MX missile.

The President has proposed real growth at an average annual rate of 6.7 percent during the period 1985-89. As a minimum, the House should limit the growth to one-third of that amount during the 5-year period, and impose either a freeze on military spending or allow growth of only 1 percent in fiscal 1985. Any further increases in military spending must be conditioned on significant reductions in the Federal deficit, the imposition of strict quality and cost controls on military contracts, and the enactment of tax reform legislation to insure a more equitable distribution of the costs of financing the military budget and other components of Federal spending.

We must take the great opportunity at hand to cut waste from military spending, to eliminate unneeded weapons systems, reduce the Federal deficit, alleviate upward pressures on real interest rates and restore investor confidence.

I thank the gentleman from New York and the gentleman from Massachusetts for the invitation to participate in tonight's special order. I hope that in short order the House will have translated tonight's speeches into action—that the proposals offered tonight will help formulate the military budget adopted by Congress between now and October 1.●

● Mr. SMITH of Florida. Mr. Speaker, I want to thank the Members who have taken this special order. As we work on the fiscal year 1985 budget, we must ask some hard questions about all spending programs but especially about defense.

In 1979 we spent about $125 billion on defense, and we thought we were safe. In 1984 we were told by the President that the world is safe, and we are spending $250 billion for defense.

Does this mean that we will be spending $500 billion in 1989? When will we know for certain that what we are spending for defense is enough? When will we be able to rely upon the veracity of the requests and recommendations of our military leaders? What is safe? There are over 10,000 weapons capable of massive destruction on each side. Do we need to spend more to perpetuate that kind of safety? There must be a better term.

Are we tossing away billions on hardware while neglecting other important programs such as readiness? Monday's Washington Post contained a very disturbing article about the state of our readiness and sustainability. The article noted that 25 percent fewer Army units are certified as ready for combat than there were in 1980. The number of combat-ready Air Force units fell by 15 percent since 1980. All this has occurred in the face of a doubling of defense outlays in the last 5 years.

The state of readiness and sustainability illustrates the problem that we face in trying to reduce funds for defense. In the short run, the best way to decrease spending is to reduce personnel and readiness costs. We cannot do this. If we do this without looking at and reaching decisions on major weapons systems, we run the risk of introducing costly weapons without having the men to operate them or the munitions to use with them.

If we are to achieve real savings in defense—over a period of years—without affecting adversely our ability to meet an immediate threat. Congress must look at major weapons systems, how they fit into overall national defense strategy, and whether they in fact are necessary. Such a review is all the more incumbent when we consider that, according to CBO, the Pentagon consistently has underestimated the cost of major weapons systems, and we consistently have purchased weapons systems that do not work well when procured.

If we do not reach a consensus this year on what must be funded in defense and what is not necessary for our national security, then we never will control defense spending and the deficit.

I hope that this discussion today is only the beginning of a major debate on how we determine our legitimate national security interests, the military programs needed to protect those interests, and from where the money will come to pay for this security.

One thing, however, remains clear. We do not have the $305 billion that the President has requested. We did not have last year's $250 billion. Consequently, we have huge deficits. These deficits may pose ultimately as great—or perhaps even greater—a threat to our national security than the weapons of war.●

● Mr. DONNELLY. Mr. Speaker, I commend my colleagues NICK MAVROULES and BILL GREEN for organizing this special order on defense spending, and I thank them for providing me the opportunity to participate. This discussion is particularly timely as the House Budget Committee meets to develop a budget resolution for fiscal year 1985.

For fiscal year 1985, the President has requested $305 billion in budget authority and $264.4 billion in outlays for defense. This is an 18 percent increase over last year, and would surpass Pentagon spending for any year since the end of World War II, including the peak spending years of the Korean and Vietnam wars. The President's request is consistent with the pattern of defense spending since he took office. The defense share of Federal outlays has grown from 23.6 percent in 1980 to 29.4 percent projected for 1985. The administration anticipates that under its budget, fiscal year 1989 outlays will constitute 34.5 percent of the Federal budget.

The Federal deficit has also grown substantially during the Reagan administration. In fiscal year 1982, the deficit was $110 billion. In fiscal year 1985, according to the Congressional Budget Office, the deficit will be $195 billion, and by fiscal year 1987 it will be $248 billion. There is a consensus among economists who have testified before the House Budget Committee in recent months that the deficits are a threat to long-term growth, increased capital formation, and a balanced recovery, the very things Ronald Reagan promised would occur should he be elected. That the President recognizes the danger posed by the deficit is apparent in this excerpt from his inaugural address:

> For decades we have piled deficit upon deficit, mortgaging our future and our children's future for the temporary convenience of the present. To continue this long-term trend is to guarantee tremendous social, political, and economic upheaval.

A major cause of these dangerous and unprecedented deficits is the Reagan defense buildup. Dr. Martin Feldstein stated in testimony before the House Budget Committee last October that—

> The things that raise the deficit are defense spending, interest on the national debt, and the tax reduction. The thing that has reduced the deficit has been the decline in domestic spending, excluding social security.

In contrast with the increased defense share of Federal outlays since 1981, domestic spending has fallen by 1.5 percentage points of GNP. As testimony before the House Budget Committee Task Force on Entitlements, which I chair, has thoroughly documented, the share of the Federal budget going to low-income programs, the means-tested entitlements, continues to decline. Since fiscal year 1981, their share of the Federal budget has gone from 14 to 10.5 percent Defense is thus the only major spending program growing significantly in real dollars.

The President's fiscal year 1985 budget continues the pattern that has dominated his military planning throughout the military buildup. This pattern has dangerous implications both for national security and for the budget. Mr. Reagan seeks major increases in spending for "hardware," $141.6 billion, or 45 percent of the entire budget, for weapons procurement and research and development, and puts less emphasis on spending for maintenance, readiness, personnel, and training.

As a result of the Pentagon's well-documented inability to control costs and accurately project inflation rates on purchases, this spending on hardware is virtually uncontrollable. This problem is compounded by the fact that Defense Department projections of future weapons costs are seriously underestimated, as DOD budget analyst Franklin Spinney domonstrated in his recent testimony before the House Budget Committee. According to Mr. Spinney, DOD claims that the cost of producing weapons systems in the future will be significantly lower due to what they call the learning curve. As workers learn how to produce a particular system, they produce more efficiently and the unit cost goes down. The learning curve has yet to materialize: costs of producing most weapons systems have increased, not decreased. DOD's unwarranted optimism about the learning curve, combined with their equally optimistic inflation rates, have led to serious miscalculation of the true cost of the defense buildup. According to Spinney, if defense increases are limited to 5 percent annually inflation for the next 5 years, the shortfall due to inaccurate cost projections will be nearly $200 billion.

As weapons spending rises and cost projections for the future prove unrealistic, the pressure to spend more on defense will increase, exacerbating the effect on the deficit. Thus any deficit reduction effort must address not only the sum total of defense spending, but the manner in which defense dollars are allocated and spending priorities determined. Again, I commend my colleagues for sponsoring this special order, and I look forward to working with them to develop responsible alternatives to current defense spending policy.●

● Mr. FORD of Michigan. I rise to join my colleagues in focusing attention on the impact of the Reagan administration's peacetime military spending budget on the economy. I would like to thank the gentleman from Massachusetts and the gentleman from New York for reserving this special order to give us this opportunity to discuss this important issue.

As we are well aware, the President's budget for fiscal year 1985 includes budget authority of $313.4 billion for military spending—an inflation-adjusted increase of 13 percent over the appropriations level for the current fiscal year. In real terms, this request is larger than the military budget of the United States at any time during either the Korean or Vietnam wars. During fiscal year 1985, military spending will account for nearly 30 cents of every dollar of Federal spending. At the same time, President Reagan is proposing domestic spending cuts totaling $9.2 billion for the next fiscal year.

The Pentagon again is requesting huge increases in funding for the procurement of weapons systems—25 percent above the already high fiscal year 1984 level. Recent reports have indicated that readiness programs such as fuel and spare parts have suffered during the Reagan military spending increases and that actual combat readiness has declined over the past 3 years. This increase in procurement spending is also troublesome because once a project is in the production pipeline, it is nearly impossible to halt the future purchase of that weapons systems. A further escalation in spending for new weapons systems will necessitate even larger increases in military spending in future years. Furthermore, computations in the Reagan budget are based on an overly optimistic inflation rate of 5 percent per year through fiscal year 1987 while prices of military hardware have traditionally increased much more than the national rate of inflation.

While the Congress contemplates reductions in the massive buildup of military spending, the Reagan administration has refused to outline areas where this funding could be reduced. It will be left to the Congress to pare the administration's request to a more realistic level. I am disappointed that the Pentagon again is seeking funding for procurement of binary chemical weapons—the only weapons program which was dropped from the administration's request on the floor of the House last year.

In addition, while all bilateral negotiations with the Soviets on reducing the threat of nuclear war have been suspended, the administration is seeking a massive increase in the nuclear armaments of the United States. The President's budget includes $5 billion for the MX missile, including $2.9 billion for the purchase of 40 missiles; $465 million for development of the "Midgetman" single warhead missile; $8.2 billion for the B-1B; $1.79 billion for the 12th Trident submarine; and $456 million for 93 Pershing II missiles and $571 million for ground-launched cruise missiles, both to be deployed in Western Europe. This excessive buildup combined with the administration's reluctance to make serious efforts at achieving an arms control agreement with the Soviet Union has resulted in increased international tensions and a further escalation of the arms race between the United States and the Soviet Union.

Each additional dollar in military spending is one more dollar added to the national debt. We cannot continue to require our grandchildren to pay for the Reagan administration's military buildup. Just as defense spending will increase dramatically under the President's budget plan, the annual Federal budget deficit will continue to total nearly $200 billion per year. The nonpartisan Congressional Budget Office recently estimated that the deficit under the administration's plan will be $186 billion in fiscal year 1985 and $233 billion in fiscal year 1987. Members on both sides of the aisle agree that military spending is one area which must be reduced to help lower the deficit to more manageable proportions.

If the Federal deficit is not reduced by scaling back the military spending request of the administration, high interest rates will choke off the recovery in interest-sensitive industries such as housing construction and automobile production. Without substantial deficit reductions, real interest rates—nominal interest rates minus inflation—will remain at an excessively high level and result in an overvalued dollar which makes imports cheap and our exports expensive. The artificially high value of the dollar has eliminated thousands of jobs in the manufacturing sector of our economy and resulted in record high trade deficits.

In my home State of Michigan the Pentagon spent only $119 per capita during fiscal year 1983 compared to the national average of $539. In addition, during the 30-year period from 1951 to 1981, military procurement spending in Michigan fell by nearly 30 percent. These patterns are sure to be repeated during the current fiscal year. While other areas of the country, particularly the South and the West will continue to benefit from the Reagan military buildup, Michigan and other States in the Midwest will receive only minor benefits from the Pentagon budget. It is clear that a portion of the savings from the military budget should be shifted to employment and training programs that will benefit workers in the Midwest who have lost their jobs during the recent recession.

It is clear that the Reagan administration's budget request for Pentagon spending must be reduced. I urge my colleagues on the Budget Committee to make substantial cuts in the President's request in the first budget resolution. While the United States is faced with record high deficits and reduced funding for important social programs, military spending simply cannot be increased by 18 percent.●

● Mr. DURBIN. Mr. Speaker, I appreciate the opportunity to address one of the most pressing issues facing the country—the impact of defense spending on the economy—in a bipartisan effort.

As Congress begins its consideration of the fiscal year 1985 defense budget, we cannot ignore that the budget only perpetuates the existing imbalances within the defense budget between the development of new weapons systems and the maintenance of those we already have. If the Congress were to adopt the President's budget, we would be committing the country to the development of new weapons systems without sufficient resources either to staff or maintain them. For example, the Defense Department is seeking a 25-percent increase in procurement funds for next year, but only a 15-percent increase for operations and maintenance and 9-percent for personnel. Moreover, the share of the budget allocated to new weapons, research and military construction has risen from 37 percent in 1980 to 50 percent next. This shift in the spending allocations makes the defense budget that much more difficult to cut as Congress is clearly reluctant to stop the funding of weapon systems that have already commenced.

Evidence of this imbalance is clear in the military today. After 3 years of the administration's unprecedented peacetime military buildup, all Americans must question the wisdom of our defense spending patterns when an Army major remarks that "The Russians would much rather see the Army of 1980 coming down the road than the Army of today." Further, following $332 billion of buildup, there are 25 percent fewer Army units certified as ready for combat than in 1980.

A similar imbalance exists not only within the DOD budget, but also in spending allocations within the budget. I would agree that we need to insure a prudent defense for our country. However, I believe that the administration's proposals are excessive and even harmful to the economy. Its fiscal year 1985 request is $48.1 billion higher than the fiscal year 1984 level—a 13-percent real increase. If the administration continues its defense spending as planned, spending levels will be 29 percent higher than in 1968, the peak year of the Vietnam war when 500,000 troops were engaged in combat.

The Congress cannot cut even more funds from nondefense discretionary spending when 70 cents out of every dollar of discretionary spending already goes to defense. As deficits soar out of control, it is clear that we will have to make some cuts, despite Secretary Weinberger's claims to the contrary. It would be wise for the Defense Department to cooperate with the Congress in offering advice on where those cuts can best be made.

A third imbalance created by our recent defense policies is our trend toward a defense buildup on the one hand and the lack of progress in arms control talks on the other. At the present time, we are not engaged in any formal arms control talks with the Soviets, and feelings of mistrust and coldness are at their highest since the Cuban missile crisis. At the same time, we are engaged in our biggest peacetime military buildup. As Members of Congress, we cannot help but wonder if we are sending the wrong signal to the Soviets and the rest of the world.

Although progress toward ironing out these imbalances will be difficult to achieve in the coming months, I urge my colleagues to continue to work together in a bipartisan effort to make as much progress as possible.●

● Mrs. ROUKEMA. Mr. Speaker, as one who is committed to achieving an effective and efficient defense capability to protect our Nation. I am pleased that my colleagues, Messrs. GREEN and MAVROULES, have called for this special order for a bipartisan examination of our defense budget. I want to call attention today to our defense priorities and the way we spend our defense dollars. Only through thoughtful analysis of the facts can we restore our military security, establish a credible defense posture and enhance the value we derive from the growth in defense allocations.

Let me first be clear on one point. President Reagan has played an essential leadership role, the first in many years, by drawing public attention to the long neglected needs of our national security. He forcefully and clearly illustrated and spoke out about the dimension of neglect that existed in U.S. military preparedness throughout the post-Kennedy era. In 1980 he pledged to the American people that he would close the window of vulnerability in our defenses. It is to the President's credit that he has been working hard to make good on that pledge. However, we must guard against allowing the pendulum to swing back too far. My comments today are intended not as criticism of our defense objectives, but as a constructive contribution to the public policy debate—a debate, the purpose of which is to sustain public support necessary in building a strong and effective defense policy.

We in Congress have a duty to ask ourselves: Are we truly making America safer? Unfortunately, even today, at a time when military spending is the budget's fastest growing item, the answer is, to a large extent, no.

Three years ago I warned against a ticking time bomb ready to explode. I was referring to the astounding growth of a new set of what I call "defense entitlement" costs, for which the bills will come due throughout the coming decade. The biggest bills for weapons approved in 1981, 1982, and 1983 will not fall due until the second half of the decade and beyond. I warned that, in its well-meaning effort to improve our defenses, Congress was ignoring the growing problem of uncontrollable future growth in defense spending. "Defense entitlement" means that once new weapons systems are initiated, they take on a life of their own just like many of the runaway "Great Society" programs created in an earlier decade but paid for by today's taxpayers. With gathering momentum, once set in motion, these elaborate, staggeringly expensive weapons programs force expenditures in future years.

In the process a new constituency is formed for each weapons program. As the weapon moves from the drawing board to the production line of a defense plant—as the weapons take shape—installment payments from the Pentagon grow bigger and bigger. One need not be a defense expert to know that most major weapons systems end up costing considerably more than was initially anticipated during their research and development stages.

In fact, the Congressional Budget Office has estimated that current DOD weapons programs may be underfunded by as much as $69 billion over the next 5 years, even excluding inflation. Too often, the net effect is that Congress ends up throwing tax dollars at the problem without considering the economic ramifications—or without even applying sound military doctrine consistent with our global responsibilities.

The result is not only an increase in the Nation's deficit, but also encouragement of waste on the part of the Defense Department, when an expensive weapon becomes seemingly entitled to funding.

As a recent example of a defense entitlement which ballooned in cost and yet ended in failure, consider the Army's new Sargeant York air-defense gun. It was designed to shoot down planes and helicopters by firing at whirring blades. This weapon was conceived in 1973 and today is tagged with a bill of $4.2 billion. However, Defense Week newsletter recently reported that the first production model ignored all the targets it was supposed to shoot down, and instead accurately zeroed in on the exhaust fan of a nearby latrine.

This is why the procurement component of the defense budget is growing so rapidly. Yet, does this mean America is defended in the best possible manner? The disturbing answer is no. Because, while Congress spends vast, open-ended sums of money on certain elaborate weapons systems, the real heart of our military deterrence—operations and maintenance—is neglected.

In fact, Congress has been shortchanging defense spending in the operations and management budget. That means manpower, training, ammunition and other essential components of readiness capability.

It is deeply disturbing to me that readiness is such a weak link in U.S. defenses. For a number of reasons, including deep overall defense budget cuts during the 1970's and Pentagon budget strategies shortchanging readiness in favor of new weapons, U.S. readiness for combat degenerated to alarmingly low levels from 1975 to 1980. (Heritage Foundation Backgrounder, No. 267)

According to recent analysis by the Heritage Foundation, in 1980 less than 40 percent of all divisions, air squadrons, and ships were fully or substantially combat ready. In 1982, combat readiness improved to 51 percent. Yet we are still a long way from full preparedness. Our conventional forces must be ready to fight if they are to constitute a credible deterrent and an effective tool to defend our vital national interests and to keep the peace. But readiness is losing out to other defense budget items.

A ready force must meet four criteria: First, its weapons and equipment must be in good working order; second, it must be well stocked with the necessary combat and support equipment; third, it must be manned with adequate numbers of personnel to use weapons effectively; and fourth, its personnel must be well trained, commanded and motivated.

Yet, stocks of spare parts—essential to the operation of weapons and equipment—remain inadequate, even with increased funding. Radios, trucks, generators, bridging equipment, bomb racks—and hundreds of other items needed to win wars—are often in short supply. One estimate notes that the Armed Forces today have on hand only 42 percent of necessary "combat sustainability items." And, shockingly, even with full funding of President Reagan's budget requests, the United States would still fall 21 percent short on ammunition requirements. (Heritage Foundation Backgrounder, No. 267)

Naval readiness of submarines, aircraft carriers and battle group escorts dropped from an average of 71 percent in fiscal year 1981 to 67 percent in fiscal year 1982. Even as new weapons systems are built, their technological complexity means they will cost more to maintain at full readiness. CBO, for example, estimates support costs to maintain a battalion of the new M-1 tanks will be 41 percent higher than for a battalion of the older M-60A1 tanks. Similar statistics apply to the new Bradley armored personnel carrier. (Heritage Foundation Backgrounder, No. 267)

Yet, even as readiness lags behind, it is the operation and maintenance part of the budget—on which readiness depends—that falls victim to poorly planned defense spending policy. This is true because, when the relatively uncontrollable defense spending items are held sacrosanct, the controllable items suffer. Outlays for prior year contracts and obligations—namely, the expensive defense entitlement programs—can rarely be restrained. Therefore, it is more easily controllable accounts, like operations and maintenance, which face cutting by Congress. The temptation to cut readiness before weapons programs is all the greater because spending on readiness takes place in the year Congress appropriates for it—while weapons spending is projected over a period of many years into the future. Cutting or scaling back on readiness is therefore easier—it is a quick fix that robs our defenses at the expense of the big-ticket projects.

Am I advocating that we stop funding major weapons systems? Of course not. What I am advocating is that we give priority ranking to weapons systems, understanding the spending limitations and strains on future budgetary decisions. Far from hampering our defense capability, this will, in fact, improve it—by freeing up funds for the vital and too often neglected job of upgrading training, supply, replacement parts and the host of other items that place our military forces in a true state of readiness—readiness to defend our Nation, and to keep the peace which all mankind cherishes.●

H.R. 5053 NUCLEAR POWERPLANT STANDARDIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BROYHILL) is recognized for 60 minutes.

● Mr. BROYHILL. Mr. Speaker, I am pleased to join distinguished colleagues on both sides of the aisle today in introducing the "Nuclear Powerplant Standardization Act of 1984."

There is a growing bipartisan consensus in America, Mr. Speaker, for comprehensive reform of the existing licensing and regulatory process for nuclear powerplants. The basic framework for that process has not been overhauled since it was first established by the Atomic Energy Act of 1954. At that time, nuclear technology was in its infancy, and we had little practical experience with nuclear power generation.

Today, however, there are 83 nuclear powerplants licensed to operate in America, more than in any other country in the world, and nuclear power now supplies 13 percent of this Nation's electricity needs. Approximately 50 additional plants are scheduled to come on line by the end of this decade.

Clearly, nuclear power has developed into an extremely important energy source for America. But it is equally clear that the nuclear licensing and regulatory process has not kept pace with the development of this energy source. As President Reagan said in his statement on nuclear power issued on October 8, 1981, "Nuclear power has become entangled in a morass of regulations that do not enhance safety but that do cause extensive licensing delays and economic uncertainty." Secretary of Energy Donald Hodel has said that "The current regulatory process no longer serves the best interests of the public, the regulator, or private industry." The views of the Reagan administration on the need for nuclear licensing reform are shared by the bipartisan Nuclear Safety Oversight Committee, appointed by former President Carter, and by the Nuclear Regulatory Commission's ad hoc committee for review of nuclear reactor licensing reform proposals.

Recognizing this need for reform, both the Nuclear Regulatory Commission and the Department of Energy have submitted comprehensive licensing reform proposals to Congress (H.R. 2511 and H.R. 2512, respectively). In the other body, Senator MITCHELL, a minority member of the Subcommittee on Nuclear Regulation, has prepared and circulated a draft comprehensive licensing reform proposal. Senator SIMPSON, chairman of that subcommittee, has long supported comprehensive nuclear regulatory reform. Due to the leadership of Senators MITCHELL and SIMPSON, action in the other body on this issue appears imminent.

In the House, Mr. Speaker, both the Interior Committee and the Energy and Commerce Committee have held hearings on nuclear licensing reform proposals. We heard extensive testimony from the administration, the Nuclear Regulatory Commission, the utilities, and environmentalist organizations.

Mr. Speaker, the "Nuclear Powerplant Standardization Act of 1984," which my colleagues and I are introducing today, seeks to respond to the concerns expressed at those hearings. This bill is true bipartisan compromise legislation which we believe draws from the best of the licensing reform proposals submitted to date.

As the short title of this bill would suggest, the primary purpose of this legislation is to encourage the use of standardized nuclear powerplant designs and to foster the regulatory stability and predictability necessary to support standardized designs. Mr. Speaker, as Nuclear Regulatory Commission Chairman Nunzio J. Palladino has testified, use of standardized designs can improve nuclear plant safety. Chairman Palladino states:

> From a safety standpoint, repeated use of standard designs could materially improve construction practices and quality assurance. In addition, experience gained at a standard plant would be relevant to operating personnel, equipment, and procedures at like standard nuclear powerplants. This could lead to more effective maintenance of key safety components and could improve overall operations. Moreover, standardization could make it easier for the NRC to ensure that plants are built and operated safely. This would enable NRC staff resources to be employed more effectively and efficiently.

Additionally, Mr. Speaker, standardized plants could improve the economics of designing and constructing nuclear powerplants. Those vendors and engineers who design nuclear plants could concentrate resources on fewer designs. Furthermore, preapproval of such designs would allow safety reviews to occur prior to a utility making a substantial investment in plant construction. The time and expense necessary to construct a plant would be significantly reduced, all to the benefit of the Nation's electricity consumers.

Other countries, such as France, Canada, Japan, and West Germany, have utilized standardized plant designs and have thereby received enormous benefits. For example, just this past week, Canada offered to finance and construct a 630-megawatt nuclear plant—only 70 miles from Maine's border—for the exclusive purpose of supplying electricity to New England.

How is it that Canada can build a nuclear plant for $1.3 billion in 6 years, when—on our side of the border—such a plant can cost at least twice as much and takes twice as long to build? A major reason is that Canada utilizes a standardized nuclear plant design, and I believe it is time the United States followed suit. It is truly pathetic that our ratepayers must pay Canada to build nuclear plants to supply us with electricity. Canada already exports electricity to America valued at $1.2 billion (Canadian). Nicholas Patterson, an Ottawa economic consultant, estimates that Canada's electricity exports to the United States could double by 1986 and redouble by 1990.

Meanwhile, on our side of the border—in New Hampshire, for example—the Seabrook Nuclear Station No. 1 is only 85 percent complete after 7½ years of construction, and is now estimated to cost $4.6 billion. Furthermore, many analysts predict that Seabrook 2—about 26 percent complete—will be scrapped completely—even though the region clearly needs that power. Canada—with its standardized plant design—is apparently able to fill that need, but at what cost to our energy independence and to our balance of trade? At what price will our ratepayers be forced to pay for this foreign electricity in the future?

Congress should respond quickly to the clear desire of the regulators, the regulated, and the people of this country and adopt legislation which encourages the development of American standardized plant designs. If enacted, the bill which we introduce today will accomplish that goal.

Mr. Speaker, hardly a day goes by that we do not read or hear about canceled or mothballed nuclear plants, cost overruns, and licensing delays. The impact on our Nation's ratepayers is enormous. Electric rate increases of 25 to 50 percent or more are reportedly looming in 9 States due to excess costs at 14 nuclear plants scheduled for completion in the next few years. We do not contend that all of these excess costs are attributable to the current nuclear regulatory morass, but we do believe that Congress has the obligation to reexamine a 30-year-old regulatory process which—according to the regulators as well as the regulated—significantly contributes to the costs of nuclear plant construction and the resultant increase in consumer electricity prices.

We urge our colleagues to study this issue and to join us as cosponsors of this vital legislation.

Mr. Speaker, I include in the RECORD at this point a summary of the major provisions of the bill:

SUMMARY OF THE MAJOR PROVISIONS OF THE NUCLEAR POWERPLANT STANDARDIZATION ACT OF 1984

SECTION 101. APPROVAL OF STANDARDIZED DESIGNS

Section 101 adds a new section which would direct the Nuclear Regulatory Commission to develop an approval process for standardized designs. The design approval would be utilized in subsequent NRC licensing proceedings. The standards and criteria necessary to approve a standardized design would be a matter appropriately left to Commission discretion and expertise. Under current NRC regulations, vendors are allowed to seek approval of preliminary or final designs, but such approvals are not binding on the Commission. Thus, there is little incentive for vendors to develop, and utilities to utilize, standardized designs because of the existing uncertainty of the approvals.

Under the new law, design approvals would remain valid for ten years, and could be renewed for additional ten year periods. To promote regulatory stability and encourage the development of standardized designs, determinations made in design approval proceedings would be adhered to unless there is a compelling reason to change the design. The need to change designs would be reviewed in design approval amendment proceedings. Design approval amendment proceedings could be initiated directly by the Commission or upon petition by any other party.

SECTION 102. EARLY SITE APPROVAL

Section 102 adds a new section which would direct the Nuclear Regulatory Commission to develop a process for approving a site before an application to build and operate a nuclear plant is filed. Site approval would be utilized in subsequent NRC licensing proceedings. Under existing regulations, the results of Staff's review of potential sites prior to the filing of construction applications are not binding.

Site approvals would remain valid for ten years, and could be renewed for additional ten year periods. The standards and criteria necessary to approve a site would be a matter left to Commission discretion and expertise.

SECTION 103. CONSTRUCTION AND OPERATING LICENSES

Section 103 amends section 185 to provide a license to both construct and operate a nuclear power plant. A utility would be able to obtain such a license if its application demonstrates that the utility's management is competent and that the plant will be constructed and operate in conformity with the application, the provisions of the Atomic Energy Act, and the Commission's rules and regulations. The application must include an essentially complete design. Under current law, a utility litigates technical issues in a two-step licensing process. This provision would eliminate the duplication of detailed environmental and safety reviews. By eliminating this duplication, utilities will submit the information necessary for effective and meaningful public participation at the earliest phase of the licensing process before permission to construct is granted.

At least nine months before commencing operation, the utility must notify the Commission of the proposed date for commencement of operation. The public is then given an opportunity to file written objection to the commencement of operation and request a hearing. The Commission would determine whether there is good cause for hearing and who should be admitted as a party in the hearing, and designate the issues appropriate for adjudication. The standards for the issues to be designated for hearing are designed to ensure that the hearing will be used to resolve important and material disputes of fact which could not have been raised at an earlier stage in the licensing process, and not for purposes of delay.

SECTION 104. MODIFICATION OF REGULATORY REQUIREMENTS

Section 104 adds a new section which instructs the Nuclear Regulatory Commission to adopt regulations setting forth criteria to govern all additions, deletions and modifications to Commission regulatory requirements. These regulations are to require a systematic, centralized and documented review of the benefits and costs associated with proposed changes in regulatory requirements. New or modified regulatory requirements would become effective by Commission rule, regulation or order.

This provision would promote the stable and certain regulatory environment necessary to encourage the development and use of standardized designs. Predictability and consistency are prerequisites for uniformly high safety standards

SECTION 105. FINALITY OF PREVIOUSLY RESOLVED ISSUES

Section 105 simply enables the Commission to resolve a factual dispute once, and not have to continually relitigate the same factual issue in a number of separate proceedings.●

● Mr. MOORHEAD. Mr. Speaker, I am pleased to join a bipartisan group of colleagues in introducing legislation entitled "The Nuclear Powerplant Standardization Act of 1984." We recognize the important benefits to be realized from the development and use of standardized designs.

The laws governing the licensing and regulation of commercial nuclear reactors have not been changed since enactment of the Atomic Energy Act of 1954. As a result, the current process for regulating nuclear power does not work in the best interests of either the public or the industry. The industry's and its regulator's resources are being diverted from important safety related work. There is an uncertain and unstable regulatory environment. The licensing process fails to maximize the effectiveness of public participation. New or modified safety requirements are imposed without regard to cost and the impact on overall safety.

The time is ripe for licensing reform. There are 83 plants currently in operation and over 40 more plants under construction. Existing and nearly completed plants represent an investment of billions of dollars and are essential to our national economic growth. However, due in large part to current regulatory uncertainty, utilities are being faced with the excruciating choice between abandoning nuclear construction projects or continuing to invest in these projects without any assurance that the plants will ever operate.

Regulatory uncertainty will also force utilities to rule out the possibility of nuclear power as a source of new generating capacity, even though consumers will face unnecessarily high electric rates as a result. The time necessary to build and license a nuclear powerplant doubled over the last decade and now exceeds 12 years. This exceeds the period in which demand and costs can be predicted with any degree of accuracy, and therefore makes rational planning impossible.

The nuclear industry's current problems are not solely attributable to the Federal Government's regulation of nuclear power. However, legislation can amend the licensing laws to promote improvements in the construction and operation of nuclear powerplants. The public will benefit from reforms which encourage standardization, a more effective application of industry and NRC resources, more meaningful public participation and the reduction of unnecessary costs.

To this end, we are introducing this legislation. This bill draws from the strengths of the comprehensive legislative proposals submitted by the Department of Energy and Nuclear Regulatory Commission, and responds to the concerns expressed by all parties at the hearings held by the Energy Conservation and Power Subcommittee last fall. It also reflects the results of Office of Technology Assessment's recently completed study entitled "Nuclear Power in an Age of Uncertainty," which evaluated the future of nuclear power in this country and the problems now besetting the nuclear industry. The bill is a compromise measure which focuses on the legislative reforms necessary to encourage regulatory stability and the development and use of standardized designs.

Standardized designs will promote safety by concentrating the resources of designers, engineers, and vendors on a few improved designs, and by stimulating standardized programs of construction practice and quality assurance. It will also facilitate the sharing of construction and operating experience within the industry, which will in turn promote improved performance. To the extent certainty is introduced into the regulatory process, the utilities will benefit by being able to make reasoned decisions concerning the viability of nuclear power as a future source of electric energy.

Mr. Speaker, the current lull in the growth of demand for electricity will not continue indefinitely. The excess generating capacity which currently appears to exist may well vanish in a few years now that our economy has returned to a healthy growth rate. Utilities in rapidly growing areas will order new generating capacity.

Realistically there are only two fuels available to meet our future electric needs—coal and uranium. Alternative sources, such as solar, are unable to deliver the amounts of electrical energy necessary to drive our economy. However, few utilities would now consider nuclear reactors to be a reasonable choice. As reported in the OTA report:

> [T]he pressures arising from virtually continuous interactions with contractors, NRC, the PUC's, financial institutions, and perhaps lawsuits by opponents, make nuclear power far more burdensome to a utility than any other choice . . . nuclear power has become entangled in a complex web of such conflicting interests and conditions that matters are at an impasse.

The Federal Government must act if nuclear power is to remain a viable option.●

● Mr. CORCORAN. Mr. Speaker, I am pleased today to join Congressman JAMES T. BROYHILL and several of our colleagues from both sides of the aisle in introducing the Nuclear Powerplant Standardization Act of 1984.

Nuclear licensing reform legislation is needed for four reasons. First, the existing licensing process diverts the resources of the nuclear industry and its regulators from important safety-related activities; second, the existing licensing process creates an uncertain and unstable regulatory environment; third, the existing licensing process fails to maximize the effectiveness of public participation; and fourth, the existing licensing process imposes new or modified safety requirements without any systematic analysis of cost effectiveness or the impact on overall safety.

I would like to mention in particular five provisions of this legislation which merit our support. First, section 101 would authorize and direct the Nuclear Regulatory Commission to develop an approval process for standardized designs. Second, section 102 would authorize the NRC to develop a process for approval of a site for a nuclear plant before an application to build and operate a nuclear plant is filed. Third, section 103 enables a utility to apply for a license to both construct and operate a nuclear plant. Fourth, section 104 instructs the NRC to adopt regulations setting forth criteria to govern all additions, deletions and modifications to Commission regulatory requirements. Finally, section 105 provides that the NRC need not consider factual issues which have been resolved in other Commission proceedings.

The need for nuclear licensing reform is evident from a recent case in Illinois. Chicago-based Commonwealth Edison recently had its application to operate the Byron plant flatly rejected. This facility cost over $3.3 billion and is nearly completed. The application was denied because two subcontractors had inadequately documented their compliance with certain safety requirements. This action was deemed warranted despite the licensing board's acknowledgment that no construction deficiencies had been identified. Although all anticipate that the plant will eventually be allowed to operate, this recent action could delay the startup of the Byron facility at a cost of $10 million a month.

The Byron case contrasts dramatically with another Commonwealth Edison nuclear plant that was placed into service 11 years ago. Both the Zion and Byron facilities have two pressurized water reactors of approximately the same size, were designed by the same architect/engineer, originated from the same manufacturer, and were built by the same contractor. The Zion plant was placed into service in 1973 after a 52-month construction period at a cost of $600 million. ComEd estimates the cost of its Byron facility to be $3.3 billion and is expected to be placed into service after a 92-month construction period. Accounting for inflation, the Byron facility cost ComEd approximately $2.3 billion more than the Zion facility. Of course, when I refer to costs that ComEd has to bear, it is really Illinois ratepayers served by ComEd who are being forced to pay for these excessive delays. Excessive delay means increased cost—cost that Illinois consumers end up paying. ComEd attributes the largest percentage of these increased costs to Nuclear Regulatory Commission regulatory action.

Mr. Speaker, I believe that the legislation I am joining in introducing today represents a reasonable approach to nuclear licensing reform. I believe that it strikes the proper balance between reasonable cost and adequate safety, and I urge its prompt consideration by the Congress.●

FTC CREDIT PRACTICES RULE APPROVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, congratulations to the Federal Trade Commission are in order, for the FTC has approved the credit practices trade regulation rule. This rule abolishes certain unconscionable practices on the part of creditors and will prove to be of great value in improving fairness in creditor-debtor transactions.

It is extremely difficult to strike a balance between the needs of creditors, who have a right to collect loaned funds from their debtors, and debtors, who must be protected from unscrupulous practices. But the FTC rule does just this. The rule achieves a workable compromise between competing considerations, to the benefit of all. I applaud the Commission's action.

This regulation provides significant improvement on many fronts. Generally, the rule eliminates the use of the cognovit or judgment clause that has proven harmful to consumers in the past. It also limits the ability of creditors to take security interests in certain household goods. Under the final rule, pyramiding of late charges will no longer be permitted, and creditors will be required to provide cosigners with clear explanations of obligations incurred.

The FTC has determined that the use of a cognovit, or confession of judgment clause will be considered an unfair practice. A cognovit clause is one which severely limits the consumer's right to be notified of or contest a judgment because in a cognovit clause, the consumer agrees to judgment in the creditor's favor before any litigation is instituted. Prior to the FTC's ruling, cognovit clauses could be invoked regardless of the debtor's reason for missing a payment. And if invoked, judgment would automatically be entered against the debtor, sometimes causing a lien on the property of the debtor without notification. The Commission has found that consumers cannot reasonably avoid the injury caused by this type of legal device. As of March 1, 1985, cognovits will be impermissible in consumer credit contracts, as will warrant of attorney clauses.

The new rule also prohibits outright wage assignments. Loan agreements may not contain clauses providing for payment directly from the debtor's employer unless the debtor has the absolute right to end the arrangement, the deduction is considered part of a preauthorized payment plan, or the assignment is one of wages already earned. This represents a victory on the part of consumers. Previously, consumers would unknowingly agree to an assignment provision, need the money for an emergency situation, and then be unable to cancel the wage assignment no matter what the circumstances were. This practice is certainly unfair and, under the new guidelines, will be completely eliminated.

Security interests on goods put up for collateral are to be restricted, and with good reason. Before the advent of this rule, creditors could take a security interest in every item in a consumer's personal possession. The FTC had received reports of creditors seizing the entire contents of a household, right down to the kitchen gadgets. Such goods are rarely worth much from a financial standpoint, and creditors know that. Such practices are directed toward the debtor's mental state, not toward loan repayment, and will be prohibited. Lenders will be able to take security interests only in specified household goods. The Federal Trade Commission recognized the necessity of allowing security interests in credit agreements while preventing lenders from taking unfair advantage of consumers and modified current law to achieve that goal.

Additionally, the pyramiding of late charges will be prohibited as a matter of Federal law. Pyramiding occurs when the consumer makes one late payment on an installment contract and pays the amount owed, not including the late fee, to the creditor. In subsequent payments, if the consumer continues to pay the regular amount due on the contract, a late fee is continually assessed because the payment is short the amount of the original late fee. As of the date this ruling goes into effect, March 1, 1985, pyramiding of charges will no longer be permitted.

Last, the final rule requires cosigners to be fully informed of the obligation incurred by cosigning a loan. Legal aid attorneys have estimated that only 20 percent of all cosigners understand the nature and extent of their liability. This new rule avoids misunderstanding by insuring that cosigners will be notified of the consequences of cosigning a loan agreement and so benefits all parties to a credit agreement.

I am pleased that the Federal Trade Commission has acted so fairly in enacting this rule. This rule should clear up the unconscionable activities in this area and be welcomed by both lenders and borrowers. The enactment of the credit practices rule will definitely have a positive impact on the way credit transactions are conducted in this country. Under the FTC Act, the Federal Reserve Board and the Federal Home Loan Bank Board are required to consider whether to adopt a comparable rule for banks and savings and loan institutions. I heartily encourage both agencies to do so as soon as possible. This final rule is the culmination of many hours of hard work and careful thought and should be applicable to all credit issuers.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BILIRAKIS (at the request of Mr. MICHEL), for today and the balance of the week, on account of official business.

Mr. CLAY (at the request of Mr. SKELTON), for today, on account of testifying in court.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. BROYHILL, for 60 minutes, today.

Mr. WALKER, for 60 minutes, on March 8.

Mr. GINGRICH, for 60 minutes, on March 8.

Mr. MACK, for 60 minutes, on March 8.

Mr. WEBER, for 60 minutes, on March 8.

(The following Members (at the request of Mr. MAVROULES) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FASCELL, for 5 minutes, today.

Mr. RAY, for 30 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mr. JEFFORDS.

Mr. GREEN.

Mrs. ROUKEMA in two instances.

Mr. BADHAM.

Mr. PHILIP M. CRANE in two instances.

Mr. CHENEY.

Mr. BEREUTER.

Mr. KASICH.

Mr. GILMAN in three instances.

Mr. BLILEY.

Mr. PURSELL.

Mr. PACKARD.

(The following Members (at the request of Mr. MAVROULES) and to include extraneous matter:)

Mr. GAYDOS.

Mr. FRANK.

Mr. HOYER.

Mr. GEJDENSON.

Mr. HAMILTON.

Mr. MARKEY.

Mr. STARK.

Mr. OTTINGER.

Mr. RICHARDSON in four instances.

Mr. FLORIO.

Mr. DOWNEY of New York.

Mr. RANGEL in two instances.

Mr. COELHO.

Mrs. BURTON of California.

Ms. OAKAR in three instances.

Mr. MATSUI.

Mrs. SCHROEDER.

Mr. HAWKINS in two instances.

Mrs. BYRON.

Mr. CONYERS.

Mr. SHANNON.

Mr. MCNULTY in two instances.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 47. An act to improve the international ocean commerce transportation system of the United States.

ADJOURNMENT

Mr. WEISS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 42 minutes p.m.), the House adjourned until Thursday, March 8, 1984, at 11 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the first, second, third, and fourth quarters of calendar year 1983 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1983

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Fuqua		1/7	United States				8,363.66				8,363.66
	1/8	1/12	New Zealand	725.05	540.00	7.27	5.42	230.49	171.67	962.81	717.09
	1/13	1/15	Australia	256	253.79			53.65	52.99	309.65	306.78
	1/15	1/17	Singapore	575.40	280.00	22.89	11.11	39.18	19.02	637.47	310.13
	1/17	1/21	Tokyo	165,880	715.00	14,335	59.87	20,583	86.25	200,798	861.12
	1/21		United States								
Lujan		1/7	United States				8,363.66				8,363.66
	1/8	1/12	New Zealand	725.05	540.00	7.27	5.42	230.49	171.67	962.81	717.09
	1/13	1/15	Australia	256	253.79			53.65	52.99	309.65	306.78
	1/15	1/17	Singapore	575.40	280.00	22.89	11.11	39.18	19.02	637.47	310.13
	1/17	1/21	Tokyo	165,880	715.00	14,335	59.87	20,583	86.25	200,798	861.12
	1/21		United States								
Walker		1/7	United States				8,363.66				8,363.66
	1/8	1/12	New Zealand	725.05	540.00	7.27	5.42	230.49	171.67	962.81	717.09
	1/13	1/15	Australia	256	253.79			53.65	52.99	309.65	306.78
	1/15	1/17	Singapore	575.40	280.00	22.89	11.11	39.18	19.02	637.47	310.13
	1/17	1/21	Tokyo	165,880	715.00	14,335	59.87	20,583	86.25	200,798	861.12
	1/21		United States								
Young of Missouri		1/7	United States				8,363.66				8,363.66
	1/8	1/12	New Zealand	725.05	540.00	7.27	5.42	230.49	171.67	962.81	717.09
	1/13	1/15	Australia	256	253.79			53.65	52.99	309.65	306.78
	1/15	1/17	Singapore	575.40	280.00	22.89	11.11	39.18	19.02	637.47	310.13
	1/17	1/21	Tokyo	165,880	715.00	14,335	59.87	20,583	86.25	200,798	861.12
	1/21		United States								
McCurdy		1/7	United States				8,363.66				8,363.66
	1/8	1/12	New Zealand	725.05	540.00	7.27	5.42	230.49	171.67	962.81	717.09
	1/13	1/15	Australia	256	253.79			53.65	52.99	309.65	306.78
	1/15	1/17	Singapore	575.40	280.00	22.89	11.11	39.18	19.02	637.47	310.13
	1/17	1/21	Tokyo	165,880	715.00	14,335	59.87	20,583	86.25	300,798	861.12
	1/21		United States								
Poore		1/7	United States				8,363.66				8,363.66
	1/8	1/12	New Zealand	725.05	540.00	7.27	5.42	230.49	171.67	962.81	717.09
	1/13	1/15	Australia	256	253.79			53.65	52.99	309.65	306.78
	1/15	1/17	Singapore	575.40	280.00	22.89	11.11	39.18	19.02	637.47	310.13
	1/17	1/21	Tokyo	165,880	715.00	14,335	59.87	20,583	86.25	200,798	861.12
	1/21		United States								
Ketchum		1/7	United States				8,363.66			8,363.66	
	1/8	1/12	New Zealand	725.05	540.00	7.27	5.42	230.49	171.67	962.81	717.09
	1/13	1/15	Australia	256	253.79			53.65	52.99	309.65	306.78
	1/15	1/17	Singapore	575.40	280.00	22.89	11.11	39.18	19.02	637.47	310.13
	1/17	1/21	Tokyo	165,880	715.00	14,335	59.87	20,583	86.25	200,798	861.12
	1/21		United States								
Branscome		1/7	United States				8,363.66			8,363.66	
	1/8	1/12	New Zealand	725.05	540.00	7.27	5.42	230.49	171.67	962.81	717.09
	1/13	1/15	Australia	256	253.79			53.65	52.99	309.65	306.78
	1/15	1/17	Singapore	575.40	280.00	22.89	11.11	39.18	19.02	637.47	310.13
	1/17	1/21	Tokyo	165,880	715.00	14,335	59.87	20,583	85.25	200,798	861.12
	1/21		United States								
Davis		1/7	United States				8,363.66				8,363.66
	1/8	1/12	New Zealand	725.05	540.00	7.27	5.42	230.49	171.67	962.81	717.09
	1/13	1/15	Australia	256	253.79			53.65	52.99	309.65	306.78
	1/15	1/17	Singapore	575.40	280.00	22.89	11.11	39.18	19.02	637.47	310.13
	1/17	1/21	Tokyo	165,880	715.00	14,335	59.87	20,583	86.25	200,798	861.12
	1/21		United States								
Dugan		1/7	United States				8,363.66				8,363.66
	1/8	1/12	New Zealand	725.05	540.00	7.27	5.42	230.49	171.67	962.81	717.09
	1/13	1/15	Australia	256	253.79			53.65	52.99	309.65	306.78
	1/15	1/17	Singapore	575.40	280.00	22.89	11.11	39.18	19.02	637.47	310.13
	1/17	1/21	Tokyo	165,880	715.00	14,335	59.87	20,583	86.25	200,798	861.12
	1/21		United States								
Harvey		1/7	United States				8,363.66				8,363.66
	1/8	1/12	New Zealand	725.05	540.00	7.27	5.42	230.49	171.67	962.81	717.09
	1/13	1/15	Australia	256	253.79			53.65	52.99	309.65	306.78
	1/15	1/17	Singapore	575.40	280.00	22.89	11.11	39.18	19.02	637.47	310.13
	1/17	1/21	Tokyo	165,880	715.00	14,335	59.87	20,583	86.25	200,798	861.12
Holmfeld		1/7	United States				8,363.66				8,363.66
	1/8	1/12	New Zealand	725.05	540.00	7.27	5.42	230.49	171.67	962.81	717.09
	1/13	1/15	Australia	256	253.79			53.65	52.99	309.65	306.78
	1/15	1/17	Singapore	575.40	280.00	22.89	11.11	39.18	19.02	637.47	310.13
	1/17	1/21	Tokyo	165,880	715.00	14,335	59.87	20,583	86.25	200,798	861.12
	1/21		United States								
Krebs		1/7	United States				8,363.66				8,363.66
	1/8	1/12	New Zealand	725.05	540.00	7.27	5.42	230.49	171.67	962.81	717.09
	1/13	1/15	Australia	256	253.79			53.65	52.99	309.65	306.78
	1/15	1/17	Singapore	575.40	280.00	22.89	11.11	39.18	19.02	637.47	310.13
	1/17	1/21	Tokyo	166,880	715.00	14,335	59.87	20,583	86.25	200,798	861.12
	1/21		United States								
Taylor		1/7	United States				8,363.66				8,363.66
	1/8	1/12	New Zealand	725.05	540.00	7.27	5.42	230.49	171.67	962.81	717.09
	1/13	1/15	Australia	256	253.79			53.65	52.99	309.65	306.78
	1/15	1/17	Singapore	575.40	280.00	22.89	11.11	39.18	19.02	637.47	310.13
	1/17	1/21	Tokyo	165,880	715.00	14,335	59.87	20,583	86.25	200,798	861.12
	1/21		United States								
Committee total					25,043.06		118,160.84		4,619.02		147,822.92

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON FUQUA, Chairman, Feb. 15, 1984.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Fuqua		5/26	United States				2,496.00				2,496.00
	5/27	6/1	France	5,816.40	786.00	2,195.13	296.64	700.26	94.63	8,711.79	1,177.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
Harkin		5/26	United States				1,248.00				1,248.00
	5/26	5/29	France	2,908.20	393.00	2,195.13	296.64	700.26	94.63	5,803.59	784.27
	5/29	6/3	Israel		500.00						500.00
	6/3	6/4	Germany								
Young of Missouri		5/26	United States				2,496.00				2,496.00
	5/27	6/1	France	5,816.40	786.00	2,195.13	296.64	700.26	94.63	8,711.79	1,177.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
Mineta		5/26	United States				2,496.00				2,496.00
	5/27	6/1	France	5,816.40	786.00	2,195.13	296.64	700.26	94.63	8,711.79	1,177.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
Carney		5/26	United States				2,496.00				2,496.00
	5/27	6/1	France	5,816.40	786.00	2,195.13	296.64	700.26	94.63	8,711.79	1,177.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
Lowery		5/26	United States				2,496.00				2,496.00
	5/27	6/1	France	5,816.40	786.00	2,195.13	296.64	700.26	94.63	8,711.79	1,177.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
Poore		5/26	United States				2,496.00				2,496.00
	5/27	6/1	France	5,816.40	786.00	2,195.13	296.64	700.26	94.63	8,711.79	1,177.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
Ketcham		5/26	United States				2,496.00				2,496.00
	5/27	6/1	France	5,816.40	786.00	2,195.13	296.64	700.26	94.63	8,711.79	1,177.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
Tate		5/26	United States				2,,496.00				2,496.00
	5/27	6/1	France	5,816.40	786.00	2,195.13	296.64	700.26	94.63	8,711.79	1,177.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
Jeffery		5/26	United States				2,496.00				2,496.00
	7/27	6/1	France	5,816.40	786.00	2,195.13	296.64	700.26	94.63	8,711.79	1,177.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
Williams		5/26	United States				2,496.00				2,496.00
	5/27	6/1	France	5,816.40	786.00	2,195.13	296.64	700.26	94.63	8,711.79	1,177.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
Taylor		5/26	United States				2,496.00				2,496.00
	5/27	6/1	France	5,816.40	786.00	2,195.13	296.64	700.26	94.63	8,711.79	1,177.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
Crossfield		5/26	United States				2,496.00				2,496.00
	5/27	6/1	France	5,816.40	786.00	2,195.13	296.64	700.26	94.63	8,711.79	1,177.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
Holmfeld		5/26	United States				2,496.00				2,496.00
	5/27	6/1	France	5,816.40	786.00	2,195.13	296.64	700.26	94.63	8,711.79	1,177.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
Irons		5/26	United States				2,496.00				2,496.00
	5/27	6/1	France	5,816.40	786.00	2,195.13	296.64	700.26	94.63	8,711.79	1,177.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
Schwartz		5/26	United States				2,496.00				2,496.00
	5/27	6/1	France	5,816.40	786.00	2,195.13	296.64	700.26	94.63	8,711.79	1,177.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
Branscome		5/26	United States				3,672.00				3,672.00
	5/27	6/2	France	6,806.760	917.00	2,195.13	296.64	700.26	94.63	9,702.15	1,308.27
	5/31	5/31	Switzerland			24.44	11.49			24.44	11.49
Cancellation fee			Hungary					3,031.08	72.74	3,031.08	72.74
McGrath	6/16	6/20	El Salvador	877.50	222.16	4,306.88	1,090.35	102.89	26.05	5,286.77	1,338.56
Committee total					13,822.16		48,677.07		2,798.60		65,297.83

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON FUQUA, Chairman, Feb. 21, 1984.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
AMENDED REPORT ON 3D QUARTER FOR 1983											
China Delegation, Aug. 15–26, 1983:											
Delegation expenses in China							2,488.09		355.50		2,843.59

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Lebanon Delegation, Sept. 23-26, 1983:											
Delegation expenses in Cyprus									160.87		160.87
Individual travel:											
Battista, Anthony R.	8/21	8/26	Italy	353,250	225.00					353,250	225.00
	8/26	8/27	France	795	100.00					795	100.00
Committee total					325.00		2,488.09		516.37		3,329.46

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MELVIN PRICE, Chairman, Feb. 22, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John T. Myers	11/20	11/23	Germany		228.00						228.00
	11/23	11/25	England		206.00						206.00
	11/25	11/27	Germany		184.00						184.00
	11/27	11/28	Belgium		79.00						79.00
	11/28	12/2	Italy		320.00						320.00
	12/2	12/5	Spain		225.00						225.00
Transportation							[3] 3,185.00				3,185.00
Hon. Jamie L. Whitten	11/20	11/23	Germany		228.00						228.00
	11/23	11/25	England		206.00						206.00
	11/25	11/27	Germany		184.00						184.00
	11/27	11/28	Belgium		79.00						79.00
	11/28	12/2	Italy		320.00						320.00
	12/2	12/5	Spain		225.00						225.00
Transportation							[3] 3,185.00				3,185.00
Robert B. Foster	11/20	11/23	Germany		228.00						228.00
	11/23	11/25	England		206.00						206.00
	11/25	11/27	Germany		184.00						184.00
	11/27	11/28	Belgium		79.00						79.00
	11/28	12/2	Italy		320.00						320.00
	12/2	12/5	Spain		225.00						225.00
Transportation							[3] 3,185.00				3,185.00
Kathleen R. Johnson	11/26	11/28	Japan		351.00		23.00				374.00
	11/29	12/21	U.S. territories		1,725.00		6,342.88				8,067.88
Edward E. Lombard	12/3	12/6	Brazil		225.00						225.00
	12/7	12/10	Kenya		150.00						150.00
	12/10	12/14	Italy		348.00		4,401.58				4,749.58
Keith F. Mainland	11/20	11/23	Germany		228.00						228.00
	11/23	11/25	England		206.00						206.00
	11/25	11/27	Germany		184.00						184.00
	11/27	11/28	Belgium		79.00						79.00
	11/28	12/2	Italy		320.00						320.00
	12/2	12/5	Spain		225.00						225.00
Transportation							[3] 3,185.00				3,185.00
Richard N. Malow	10/3	10/5	England		150.00						150.00
	10/5	10/10	France		438.00						438.00
	10/10	10/15	Hungary		380.00				182.35		562.35
	10/15	10/16	Germany		76.00		2,213.00				2,289.00
Mark Murray		12/12	United States		75.00						75.00
	12/12	12/13	Costa Rica		75.00						75.00
	12/13	12/15	Honduras		192.00						192.00
	12/15	12/16	Costa Rica		75.00		687.50				762.50
Terry R. Peel		12/12	United States		75.00						75.00
	12/12	12/13	Costa Rica		75.00						75.00
	12/13	12/15	Honduras		192.00						192.00
	12/15	12/16	Costa Rica		75.00		692.20		36.00		803.20
Edwin F. Powers	11/30	12/4	Barbados		424.00						424.00
	12/4	12/6	Grenada		200.00						200.00
	12/6	12/8	St. Lucia		180.00		1,053.70				1,233.70
Donald E. Richbourg	11/20	11/23	Germany		228.00						228.00
	11/23	11/25	England		206.00						206.00
	11/25	11/27	Germany		184.00						184.00
	11/27	11/28	Belgium		79.00						79.00
	11/28	12/2	Italy		320.00						320.00
	12/2	12/5	Spain		225.00						225.00
Transportation							[3] 3,185.000				3,185.00
William E. Schuerch	12/11	12/15	Honduras		384.00						384.00
	12/15	12/16	Costa Rica		75.00						75.00
	12/16	12/18	El Salvador		150.00		1,059.85				1,209.25
Committee total					12,300.00		32,398.71		218.35		44,917.06
SURVEYS AND INVESTIGATIONS STAFF											
Albert J. Boudreau	10/15	10/28	Germany		1,013.00		2,522.52		149.28		3,684.80
	10/28	11/4	Belgium		553.00						553.00
	11/4	11/9	Netherlands		390.00						390.00
	11/9	11/14	England		540.75						540.75
	11/14	11/17	Norway		363.00						363.00
	11/17	11/18	England		103.00						103.00
Telford C. Brock, Jr.	10/15	10/25	Germany		750.00		2,189.00		19.90		2,958.90
	10/25	10/27	England		231.75						231.75
	10/27	10/29	Netherlands		136.50						136.50
	10/29	11/1	Spain		187.50						187.50
	11/1	11/4	Italy		312.75						312.75
	12/4	12/8	Korea		436.50		2,437.66		18.57		2,892.73
	12/8	12/12	Japan		476.50						476.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas E. Crosson	10/15	10/31	Germany		1,289.75		2,560.40		176.29		4,026.44
	10/31	11/4	Belgium		335.75						335.75
	11/4	11/9	Netherlands		370.50						370.50
	11/9	11/14	England		540.75						540.75
	11/14	11/17	Norway		363.00						363.00
	11/17	11/18	England		103.00						103.00
John M. Garrity	11/27	12/10	Germany		1,017.00		1,973.00		19.20		3,009.20
C. Dale Hamilton	10/15	10/25	Germany		750.00		2,189.00				2,939.00
	10/25	10/27	England		231.75						231.75
	10/27	10/29	Netherlands		136.50						136.50
	10/29	11/1	Spain		187.50						187.50
	11/1	11/4	Italy		312.75						312.75
	12/4	12/8	Korea		436.50		2,437.66		27.40		2,901.56
	12/8	12/12	Japan		476.50				22.62		499.12
Jack G. Perrigo	11/27	12/10	Germany		1,017.00		1,973.00		23.16		3,013.16
Richard D. Hallford	10/15	10/25	Germany		750.00		2,189.00		9.75		2,948.75
	10/25	10/27	England		231.75						231.75
	10/27	10/29	Netherlands		136.50						136.50
	10/29	11/1	Spain		187.50						187.50
	11/1	11/4	Italy		312.75						312.75
	12/4	12/8	Korea		436.50		2,437.66		29.62		2,903.78
	12/8	12/12	Japan		476.50						476.50
E. A. Rogner	11/27	12/10	Germany		1,017.00		1,973.00		19.72		3,009.72
John A. Van Wagenen	12/4	12/8	Korea		436.50		2,437.66		22.12		2,896.28
	12/8	12/12	Japan		476.50						476.50
Committee total					17,524.00		27,319.56		537.63		45,381.19

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Accompanied Secretary of the Army John C. Marsh for much of trip to review military operations and missions with commanding general Army, Europe; commanding general, Berlin; various division and local unit commanders; and with NATO officials and foreign military commanders. Activities included reports from U.S. Ambassador to Germany, Arthur Burns, in Bonn; U.S. Ambassador to Great Britain, Louis, in London; U.S. Ambassador to NATA Abshire, in Brussels; U.S. Ambassador to Italy Rabb, in Rome; and U.S. Ambassador to Spain Enders, near Madrid. Reviewed operations and readiness at the East German border and at various theater deployment and supply centers, missile sites, and intelligence facilities in Central European and Mediterranean areas. Transportation provided by Government-owned aircraft. Rate reflects equivalent 1st-class commercial cost when traveling without the Secretary.

JAMIE L. WHITTEN, Chairman, Feb. 23, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
NORTH ATLANTIC ASSEMBLY MEETINGS											
White, Justus P., Jr.	10/1	10/4	Netherlands	920.40	312.00					920.40	312.00
	10/5	10/7	Germany	675.99	261.00					675.99	261.00
	10/7	10/11	Austria	9,728.40	536.00					9,728.40	536.00
	10/11	10/13	Switzerland	482.15	230.00					482.15	230.00
Transportation, Department of the Air Force							1,489.60				1,489.60
Transportation, Department of State (commercial).							670.00				670.00
VISIT TO EL SALVADOR											
Montgomery, Cong. G. V.	10/11	10/12	El Salvador	296.25	75.00					296.25	75.00
	10/12	10/14	Honduras		150.00						150.00
Transportation, Department of the Army							3,829.31				3,829.31
Stump, Cong. Bob	10/11	10/12	El Salvador	296.25	75.00					296.25	75.00
	10/12	10/14	Honduras		150.00						150.00
Transportation, Department of the Army							3,829.31				3,829.31
Schuler, Robert E.	10/11	10/12	El Salvador	296.25	75.00					296.25	75.00
	10/12	10/14	Honduras		150.00						150.00
Transportation, Department of the Army							3,829.31				3,829.31
JOINT VETERANS AFFAIRS COMMITTEE DELEGATION TO EUROPE AND MIDDLE EAST											
Stump, Cong. Bob	10/28	10/29	Germany	199.12	76.00					199.12	76.00
	10/29	10/30	Greece	6,928	75.00					6,928	75.00
Transportation, Department of the Air Force							4,585.35				4,585.35
Hopkins, Cong. Larry J.	10/28	10/29	Germany	199.12	76.00					199.12	76.00
	10/29	10/30	Greece	6,928	75.00					6,928	75.00
Transportation, Department of the Air Force							4,585.35				4,585.35
Hutto, Cong. Earl	10/28	10/29	Germany	199.12	76.00					199.12	76.00
	10/29	10/30	Greece	6,928	75.00					6,928	75.00
Transportation, Department of the Air Force							4,585.35				4,585.35
Dyson, Cong. Roy	10/28	10/29	Germany	199.12	76.00					199.12	76.00
	10/29	10/30	Greece	6,928	75.00					6,928	75.00
Transportation, Department of the Air Force							4,585.35				4,585.35
Ortiz, Cong. Solomon P.	10/28	10/29	Germany	199.12	76.00					199.12	76.00
	10/29	10/30	Greece	6,928	75.00					6,928	75.00
Transportation, Department of the Air Force							4,585.35				4,585.35
Steffes, Peter M.	10/28	10/29	Germany	199.12	76.00					199.12	76.00
	10/29	10/30	Greece	6,928	75.00					6,928	75.00
Transportation, Department of the Air Force							4,585.35				4,585.35
Delegation expenses in Greece							63.62		831.32		894.94
Delegation expenses in Germany							291.53				291.53
MILCON VISIT TO PACIFIC											
Won Pat, Cong. Antonio B.	12/15	12/19	Philippines	4,201.50	300.00				13.00	4,201.50	313.00
Transportation, Department of the Air Force							11,897.73				11,897.73
Transportation, Department of the Air Force (commercial).							469.00				469.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
[illegible], Paul L.	12/15	12/19	Philippines	4,201.50	300.00					4,201.50	300.00
Transportation, Department of the Air Force							11,897.73				11,897.73
Transportation, Department of the Air Force (commercial).							2,299.62				2,299.62
INDIVIDUAL COMMITTEE TRAVEL											
Badham, Cong. Robert E	12/22	12/26	Germany	831	375.00					831	375.00
	12/26	12/29	England	144.84	206.00					144.84	206.00
Transportation, Department of the Army (commercial).							4,111.00				4,111.00
DELEGATION TO EUROPE											
Leath, Cong. Marvin	11/28	12/3	Germany		408.98						408.98
Transportation, Department of the Army (commercial).							3,281.00				3,281.00
Stump, Cong. Bob	11/28	12/3	Germany		408.98						408.98
Transportation, Department of the Army (commercial).							3,281.00				3,281.00
DELEGATION TO LEBANON											
Mavroules, Cong. Nicholas	11/11	11/14									
Byron, Cong. Beverly B	11/11	11/14									
Martin, Cong. David O'B	11/11	11/14									
Britt, Cong. Robin C	11/11	11/14									
Lally, John F											
Cofer, Williston B	11/9	11/14									
Barrett, Archie D	11/9	11/14									
Fleshman, Wm. T	11/9	11/14									
Boyum, Ray (Official House Reporter)	11/11	11/14									
Transportation, Department of the Navy (commercial/staff).							4,500.00				4,500.00
Transportation, Department of the Air Force							136,899.20				136,899.20
Delegation expenses					784.28				90.23		874.51
Committee total					5,703.24		220,151.06		934.55		226,788.85

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used enter amount expended.

MELVIN PRICE, Chairman, Feb. 1, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Robbins, Anthony	12/3	12/7	West Germany		460.00						460.00
	12/8	12/10	Denmark		156.00						156.00
	12/10	12/15	France		576.00						576.00
Commercial air fare							4,352.00				4,352.00
Clough, John M.	12/3	12/7	West Germany		460.00						460.00
	12/8	12/10	Denmark		156.00						156.00
	12/10	12/15	France		576.00						576.00
Commercial air fare							4,125.00				4,125.00
Whitney, Claire	12/3	12/7	West Germany		460.00						460.00
	12/8	12/10	Denmark		156.00						156.00
	12/10	12/14	France		384.00						384.00
Commercial air fare							3,675.00				3,675.00
Barrett, Michael	12/3	12/7	Germany		368.00						368.00
	12/8	12/9	Denmark		156.00						156.00
	12/10	12/13	France		288.00						288.00
Commercial air fare							3,681.60				3,681.60
Frandsen, Richard	12/3	12/7	Germany		368.00						368.00
	12/8	12/9	Denmark		156.00						156.00
	12/10	12/15	France		384.00						384.00
Commercial air fare							3,464.00				3,464.00
Nelson, David	10/15	10/21	Hong Kong		588.00						588.00
	10/21	10/27	Taipei, Taiwan		552.00						552.00
	10/27	11/1	Hong Kong		490.00						490.00
Commercial air fare							2,414.20				2,414.20
Sims, Stephen F.	10/15	10/21	Hong Kong		588.00						588.00
	10/21	10/27	Taipei, Taiwan		552.00						552.00
	10/27	11/1	Hong Kong		490.00						490.00
Commercial air fare							2,414.20				2,414.20
Christy, James	10/15	10/21	Hong Kong		588.00						588.00
	10/21	10/27	Taipei, Taiwan		552.00						552.00
	10/27	10/31	Hong Kong		392.00						392.00
Commercial air fare							2,693.76				2,693.76
Committee total					9,896.00		26,819.76				36,715.76

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN DINGELL, Chairman, Feb. 8, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Romano L. Mazzoli, MC	11/27	11/29	Switzerland		230.00		142.81				372.81
	11/29	12/5	Italy		700.00		46.75		72.13		818.88
	12/5	12/7	Switzerland		230.00		142.81				372.81
	12/7	12/10	Italy		375.00						375.00
Commercial transportation							4,432.00				4,432.00
Arthur P. Endres, Jr., staff	11/27	11/29	Switzerland		230.00		142.81				372.81
	11/29	12/4	Italy		594.00		464.71		72.13		1,130.84
	12/4	12/7	Switzerland		345.00		142.81				487.81
	12/7	12/10	Italy		375.00						375.00
	12/10	12/13	England		544.00		245.20				789.20
Commercial transportation							4,201.00				4,201.00
Peter Regis, staff	11/27	11/29	Switzerland		230.00		142.81				372.81
	11/29	12/4	Italy		594.00		464.71		72.13		1,130.84
	12/4	12/7	Switzerland		345.00		142.81				487.81
	12/7	12/10	Italy		375.00						375.00
	12/10	12/13	England		544.00		245.20				789.20
Commercial transportation							4,201.00				4,201.00
Garner J. Cline, staff	11/27	12/10	Switzerland		1,610.00		576.29				2,186.29
	12/10	12/13	England		544.00		245.20				789.20
Commercial transportation							3,686.83				3,686.83
Peter J. Levinson, staff	12/4	12/8	Switzerland		575.00		189.74				764.74
Commercial transportation							1,541.00				1,541.00
Committee total					8,440.00		21,396.49		216.39		30,052.88

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER W. RODINO, JR., Chairman.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
The following is a list of additional expenditures for the 4th quarter 1983 report:											
Hon. Sam M. Gibbons	12/1	12/3	Czechoslovakia						14.17		14.17
	12/3	12/5	Austria						17.48		17.48
	12/12	12/15	Turkey						62.81		62.81
Hon. James R. Jones	12/1	12/3	Czechoslovakia						14.17		14.17
	12/3	12/5	Austria						17.48		17.48
Hon. Barber B. Conable, Jr.	12/1	12/3	Czechoslovakia						14.17		14.17
	12/3	12/5	Austria						17.48		17.48
	12/12	12/15	Turkey						62.81		62.81
Hon. Bill Frenzel	12/1	12/3	Czechoslovakia						14.17		14.17
	12/3	12/5	Austria						17.48		17.48
	12/12	12/15	Turkey						62.81		62.81
Frank C. Phifer	12/1	12/3	Czechoslovakia						14.17		14.17
	12/3	12/5	Austria						17.48		17.48
	12/12	12/15	Turkey						62.81		62.81
John Hardt	12/1	12/3	Czechoslovakia						14.17		14.17
Graciela P. Sullivan	12/1	12/3	Czechoslovakia						14.17		14.17
	12/3	12/5	Austria						17.48		17.48
	12/12	12/15	Turkey						62.81		62.81
Thelma J. Askey	12/1	12/3	Czechoslovakia						14.17		14.17
	12/3	12/5	Austria						17.48		17.48
	12/12	12/15	Turkey						62.81		62.81
Committee total											612.58

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Feb. 17, 1984.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2823. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes and a separate similar request for fiscal year 1986, pursuant to 31 U.S.C. 1110; to the Committee on Armed Services.

2824. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-115, "D.C. Government Comprehensive Merit Personnel Act of 1978/Career, Excepted, and Educational Service Employees Reduction-in-Force Protection Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2825. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-114, "Closing of Public Alleys in Square 372 Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2826. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-113, "D.C. Government Comprehensive Merit Personnel Act of 1978/Collective Bargaining Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2827. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend programs under the Runaway and Homeless Youth Act, and for other purposes; to the Committee on Education and Labor.

2828. A letter from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting the semiannual report on its performance evaluation activities, pursuant to Public Law 91-518, section 305(1) (93 Stat. 541; 95 Stat. 693); to the Committee on Energy and Commerce.

2829. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of major defense equipment sold commercially under a contract to the Government of the United Kingdom (Transmittal No. MC-13-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

2830. A letter from the Secretary of Energy, transmitting the annual report on the high-level liquid nuclear waste management demonstration project at the Western New York Service Center, West Valley, N.Y., pursuant to Public Law 96-368, section 4; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Science and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. OTTINGER:

H.R. 5048. A bill to authorize appropriations for the Department of Energy for civilian applications for fiscal years 1985 and 1986, and for other purposes; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Science and Technology.

By Mr. BILIRAKIS:

H.R. 5049. A bill to amend title II of the Social Security Act to reduce, from age 70 to the retirement age, the age beyond which deductions on account of an individual's outside earnings will no longer be made from such individual's benefits; to the Committee on Ways and Means.

By Mr. BREAUX (for himself and Mr. Forsythe):

H.R. 5050. A bill to extend until October 1, 1986, the authority and authorization of appropriations for certain programs under the Fish and Wildlife Act of 1956; to the Committee on Merchant Marine and Fisheries.

H.R. 5051. A bill to give permanent effect to the provisions of the Fishermen's Protective Act of 1967 relating to the reimbursement of U.S. commercial fishermen for certain losses incurred incident to the seizure of their vessels by foreign nations; to the Committee on Merchant Marine and Fisheries.

By Mr. BREAUX (for himself and Mr. Forsythe) (by request):

H.R. 5052. A bill to provide for the operation and maintenance of certain fish propagation facilities constructed in the Columbia River Basin, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

By Mr. BROYHILL (for himself, Mr. Shelby, Mr. Moorhead, Mrs. Lloyd, Mr. Winn, Mr. Murphy, Mr. Lujan, Mr. Corcoran, Mr. Dannemeyer, and Mr. Ritter):

H.R. 5053. A bill to amend the Atomic Energy Act of 1954 to encourage the development and use of standardized plant designs and improve the nuclear licensing and regulatory process; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 5054. A bill to amend the Food Stamp Act of 1977 to require State agencies to carryout a workfare program applicable to households participating in the food stamp program; to the Committee on Agriculture.

By Mr. CHENEY (for himself and Mr. Udall):

H.R. 5055. A bill to establish a federally declared floodway for a section of the Colorado River below Hoover Dam; to the Committee on Interior and Insular Affairs.

By Mr. COELHO:

H.R. 5056. A bill to amend the Federal Communications Act of 1934, as amended, to further define the scope of the equal opportunities requirement imposed on licenses, to provide that equal opportunities includes the provision by any licensee of equal time without charge to a candidate for public office, if that candidate's clearly identifiable voice or picture is used or incorporated into any paid political advertisement on behalf of any other candidate for the same office which uses for this purpose broadcasts or recordings of the proceedings of the House of Representatives, and for other purposes; to the Committee on Energy and Commerce.

By Mr HOWARD (for himself and Mr. Snyder) (by request):

H.R. 5057. A bill to establish in the Department of Transportation the Office of Associate Deputy Secretary of Transportation; to the Committee on Public Works and Transportation.

H.R. 5058. A bill to amend the Natural Gas Pipeline Safety Act of 1968, as amended, and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal year 1985 and 1986; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. KASTENMEIER:

H.R. 5059. A bill to amend the Equal Access to Justice Act, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVITAS:

H.R. 5060. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Armed Services.

H.R. 5061. A bill to terminate certain authority of the judicial branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on the Judiciary.

H.R. 5062. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on the Post Office and Civil Service.

H.R. 5063. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Ways and Means.

By Mr. NICHOLS (for himself, Mr. Hopkins, Mr. Kazen, Mr. Stump, Mr. Mavroules, Mr. Martin of New York, Mr. Ray, Mr. Kasich, Mr. Britt, Mr. Stratton, and Mr. Daniel):

H.R. 5064. A bill to amend title 10, United States Code, to provide for more cost effective and efficient purchases of spare parts by the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. WEBER:

H.R. 5065. A bill to amend the Internal Revenue Code of 1954 to repeal the requirement for filing returns regarding payments of remuneration for services in certain cases; to the Committee on Ways and Means.

By Mr. WOLF:

H.R. 5066. A bill to amend title 5, United States Code, to reform the merit pay system by providing for a performance management and recognition system for certain Federal employees, to require the establishment of performance appraisal systems for employees covered by the performance management and recognition system, to increase flexibility in management of senior executives and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BADHAM:

H.J. Res. 508. Joint Resolution designating the week beginning June 11, 1984, as "National Scuba Week"; to the Committee on Post Office and Civil Service.

By Mr. BONER of Tennessee (for himself, Mr. Badham, Mr. Nelson of Florida, Mr. Florio, Mr. Reid, Mr. Roth, Ms. Snowe, and Mr. Corrada):

H. Con. Res. 271. Concurrent resolution expressing the sense of the Congress that the President should urge the Canadian Government to discontinue its practice of imposing taxes on travel literature imported from the United States; to the Committee on Foreign Affairs.

By Mr. NEAL:

H. Con. Res. 272. Concurrent resolution expressing the sense of the Congress that the President of the United States stress to the People's Republic of China the importance the American people attach to religious freedom, and to strongly urge that Government to release from prison the five Roman Catholic priests reportedly being held on religious related charges; to the Committee on Foreign Affairs.

By Mr. ADDABBO:

H. Res. 458. Resolution to require the Committee on Foreign Affairs of the House of Representatives to investigate the murders of U.S. citizens in El Salvador; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. COELHO introduced a bill (H.R. 5067) for the relief of John M. Gill, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 516: Mr. Bliley.

H.R. 1016: Mr. Evans of Illinois.

H.R. 1415: Mr. Martin of North Carolina, Mr. Neal, and Mr. Ireland.

H.R. 1905: Mr. Cheney.

H.R. 2053: Mr. Lehman of California and Mr. Won Pat.

H.R. 2927: Mr. Harkin, Mr. Kemp, and Mr. MacKay.

H.R. 3282: Mr. Dwyer of New Jersey.

H.R. 3575: Mr. Wise.

H.R. 3827: Mr. Frost, Mr. Hawkins, and Mr. Moakley.

H.R. 4075: Mr. Archer.

H.R. 4080: Mr. Downey and Mrs. Kennelly.

H.R. 4243: Mr. Towns, Mr. Bateman, Mr. Seiberling, Mr. Levin of Michigan, Mr. Stokes, Mr. Kostmayer, Mr. Jacobs, Mr. Eckart, Mr. Ritter, Mr. Smith of Florida, and Mr. Hughes.

H.R. 4272: Mr. McCain, Mr. McEwen, Mr. Stokes, Mr. Mineta, Mr. Kolter, Mr. Walgren, Mr. Vander Jagt, Mr. Harrison, Mr. Wolf, and Mr. Ridge.

H.R. 4273: Mr. McEwen, Mr. Stokes, Mr. Mineta, Mr. Walgren, Mr. Vander Jagt, Mr. Harrison, and Mr. Wolf.

H.R. 4274: Mr. McEwen, Mr. Stokes, Mr. Mineta, Mr. Vander Jagt, Mr. Yates, Mr. Harrison, Mr. Walgren, Mr. Wolf, and Mr. Ridge.

H.R. 4360: Mr. Gephardt, Mr. Oberstar, Mr. Markey, Mr. Rodino, Mr. Bates, Mr. Dellums, Mr. Daschle, Ms. Ferraro, Mr. Matsui, Mr. Weaver, Mr. Fazio, Mr. Traxler, Mr. Albosta, Mr. Kogovsek, Mr. Beilenson, Mr. Downey of New York, Mr. Mineta, Mr. Gore, Mrs. Boxer, Mr. Morrison of California, Mr. Edwards of California, Mrs. Hall of Indiana, Mr. Stark, Mr. Barnes, Mr. Levine of California, Mr. Gejdenson, Mr. Weiss, Mr. Hughes, Mr. Gaydos, Mr. Dixon, Mr. Carr, and Mr. Perkins.

H.R. 4440: Mr. Clinger, Mr. Evans of Illinois, Mr. Panetta, and Mr. Roybal.

H.R. 4447: Mr. Leach of Iowa, Mr. Richardson, and Mr. Swift.

H.R. 4548: Mr. Badham and Mr. English.

H.R. 4553: Mr. DeWine.

H.R. 4571: Mr. Bedell, Mr. Gray, and Mr. Hughes.

H.R. 4677: Mr. Edgar.

H.R. 4747: Mr. Long of Louisiana and Mr. Studds.

H.R. 4813: Mr. Hawkins, Mrs. Hall of Indiana, Ms. Ferraro, Mrs. Boxer, and Mr. Hughes.

H.R. 4832: Mr. Bedell and Mr. Evans of Illinois.

H.R. 4853: Mr. Fauntroy, Mr. Frank, Mrs. Hall of Indiana, Mr. Gray, Mr. Owens, Mr. Lehman of Florida, Mr. Mazzoli, Mr. Pepper, Mr. Dixon, Mr. Towns, Mr. Stokes, and Mr. Clay.

H.R. 4865: Mr. Vandergriff and Mr. Gore.

H.R. 4877: Mr. Andrews of Texas, Mr. Boner of Tennessee, Mr. Gradison, Mrs. Hall of Indiana, Mr. Hayes, Mr. Hertel of Michigan, Mr. Howard, Mrs. Kennelly, Mrs. Martin of Illinois, Mr. McDade, Mr. McNulty, Mr. Morrison of Connecticut, Mr. Sundquist, Mr. Wheat, and Mr. Wilson.

H.R. 4895: Mr. Fauntroy, Ms. Mikulski, Mr. Rangel, Mr. Crockett, Mr. Owens, Mr. Berman, Mr. Anderson, Mr. Jeffords, Mr. Lagomarsino, and Mr. Frost.

H.R. 4907: Mr. Leach of Iowa, Mr. Sensenbrenner, Mr. Applegate, Mr. Rogers, Mr. Mitchell, Mr. Schumer, Mr. Traxler, Mr. Ratchford, Mr. Bevill, Mr. Nichols, Mr. Corrada, Mr. Olin, Mr. Solarz, Mr. Yates, Mr. Stokes, Mr. Smith of Florida, Mr. Davis, Mr. Eckart, Mr. Luken, Mr. Dwyer of New Jersey, Mr. Simon, Mr. Crockett, Mr. Frost, Mr. Lagomarsino, Mr. McCain, Mr. Horton, Mr. Sunia, Mr. Wyden, Mrs. Johnson, Mr. Richardson, Mrs. Hall of Indiana, Mr. LaFalce, and Mr. Hyde.

H.R. 4937: Mr. Hutto.

H.R. 4988: Mr. DeWine.

H.R. 5044: Mr. Murtha, Mr. Rahall, and Mr. Gaydos.

H.J. Res. 243: Mr. Daniel B. Crane, Mr. Hammerschmidt, Mr. Nichols, Mr. Vandergriff, and Mr. Weber.

H.J. Res. 330: Mr. Anthony, Mr. Applegate, Mr. Bateman, Mr. Brown of California, Mr. Broyhill, Mr. Chappie, Mr. Clarke, Mr. Conte, Mr. Corcoran, Mr. Daniel B. Crane, Mr. Crockett, Mr. Emerson, Mr. Ford of Tennessee, Mr. Hammerschmidt, Mr. Hawkins, Mr. Hefner, Mr. Jones of Tennessee, Mr. McDade, Mr. Marriott, Mr. Martin of North Carolina, Mr. Murtha, Mr. Price, Mr. Pursell, Mr. Roberts, Mr. Roemer, Mr. Savage, Mr. Skelton, Mr. Smith of New Jersey, Mr. Beilenson, Mr. Biaggi, Mr. Bonior of Michigan, Mr. Coelho, Mr. Conyers, Mr. de la Garza, Mr. Donnelly, Mr. Foglietta, Mr. Foley, Mr. Gramm, Mr. Gore, Mr. Gray, Mr. Hance, Mr. Heftel of Hawaii, Mr. Hoyer, Mr. Kazen, Mr. Markey, Mr. Mavroules, Mr. Panetta, Mr. Pepper, Mr. Rangel, Mr. Rodino, Mr. Stenholm, Mr. Walgren, and Mr. Wirth.

H.J. Res. 389: Mr. Minish, Mr. Evans of Illinois, Mr. Whitehurst, and Mrs. Boxer.

H.J. Res. 394: Mr. Feighan.

H.J. Res. 423: Mr. Darden, Mr. Schaefer, Mr. Olin, and Mr. McKernan.

H.J. Res. 442: Mr. Conte, Mr. Shumway, Mr. McHugh, and Mr. Lundine.

H.J. Res. 472: Mr. Chappie, Mr. Hammerschmidt, Mr. Akaka, Mr. Biaggi, Mr. Long of Louisiana, Mr. Hopkins, Mr. Dwyer of New Jersey, Mr. Horton, Mr. Roe, Mr. Darden, Mr. Towns, Mr. Levin of Michigan, Mr. Weiss, Mr. Frost, Ms. Mikulski, Mr. Daub, Mr. Moody, Mr. Wolpe, Mr. Downey of New York and Mr. Lagomarsino.

H.J. Res. 487: Mr. Bedell, Mr. Bliley, Mr. Boehlert, Mr. Chappell, Mr. Emerson, Mr. Erdreich, Mr. Hammerschmidt, Mr. Lowery of California, Mr. Lungren, Mr. Reid, Mr. Tauzin, Mr. Traxler, Mr. Wilson and Mr. Young of Florida.

H. Con. Res. 217: Mr. Mrazek and Mr. Matsui.

H. Con. Res. 218: Mr. Mrazek and Mr. Matsui.

H. Res. 424: Mr. Kemp and Mr. Vandergriff.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3795: Mr. Jones of Tennessee.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3020

By Mr. McKERNAN:

—Page 29, after line 5, insert the following new section:

"Sec. 222. (a) Not later than February 28, 1985, the Small Business Administration shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, a report of a study conducted by such Administration with respect to loans guaranteed under subsection (a) of section 7 of the Small Business Act, having a principal amount of less than $50,000, and made during 1983 and 1984.

"(b) The report shall include—

"(1) the aggregate number and dollar amount of such loans,

"(2) the size characteristics of the recipients of such loans, including such characteristics as numbers of employees, gross annual receipts, and net worth, and

"(3) the costs (including costs of lending institutions) of making and administering such loans.

"(c) The report shall analyze—

"(1) the effectiveness of the guaranteed loan program under section 7(a) of the Small Business Act for businesses with fewer than 20 employees and needing loans of less than $50,000, and

"(2) shall evaluate alternative ways to reduce the cost of making and administering loans to such businesses, including (but not limited to)—

"(A) the feasibility and cost to the treasury of having the Small Business Administration absorb a portion of the fixed costs of making and administering loans to such businesses, and

"(B) establishing local independent nonprofit entities which would be provided funds by the Small Business Administration for making loans to such businesses.

"(d) The report may include any recommendations that the Small Business Administration may have for improving access by such businesses to its loan programs.".

H.R. 4164

By Mr. BARTLETT:

—Page 4, lines 7 and 8, strike out "to expand, improve, and, where necessary, maintaining existing" and insert in lieu thereof "to expand and improve".

Page 17, lines 18 and 19, strike out "expanding, and, where necessary, maintaining" and insert in lieu thereof "expanding, and, where permitted in section 413(4), maintaining".

Page 87, strike lines 16 through 21, and insert in lieu thereof "(4) that the programs, services, and activities funded in accordance with the uses specified in section 202 are designed to expand or improve the quality of vocational education programs, or to initate new programs of high quality, and that funds made available to eligible recipients shall not be used to maintain existing programs, services, and activities without substantial change, except—(A) for those designed to meet the special needs of the handicapped, the disadvantaged, individuals of limited English proficiency, or of women; (B) for those designed to meet the urgent training, retraining, and upgrading needs of adults described in paragraph (9)(B); and (C) where the State board has made a finding in each such instance with respect to such program (after consulting with the State council) that such assistance is necessary to maintain the quality or continuation of a program of demonstrated effectiveness;".

By Mr. GOODLING:

—Page 4, lines 7 and 8, strike out "to expand, improve, and, where necessary, maintain existing" and insert in lieu thereof "to expand and improve".

Page 17, lines 18 and 19, strike out "expanding, and, where necessary, maintaining vocational education programs" and insert in lieu there of "and expanding vocational education programs, an sustaining existing vocational education programs of proven effectiveness,".

Page 87, line 19, strike out "programs," and all that follows through line 21, and insert in lieu thereof, "programs and to initiate new programs of high quality;".

By Mr. GUNDERSON:

—Page 23, strike out line 13 and all that follows through line 11 on page 24.

Page 23, line 11, insert "and" after the semicolon; and on line 12 strike out "; and" and insert in lieu thereof a period.

—Page 97, after line 3, insert the following new subsection:

"(e)(1) Eligible recipients providing relatively few vocational education programs, services, and activities funded with limited total Federal and State funds may, as determined by the State board, be exempt from the requirements of this section.

"(2) Each State board shall identify the appropriate criteria for determining such exemption in its State plan.".

Page 93, line 5, strike out "Any" and insert in lieu thereof, "Except as provided in subsection (e), any".

By Mr. JEFFORDS:

—Page 97, strike out line 5 and all that follows through line 4 on page 98, and insert in lieu thereof the following:

"AMENDMENTS TO STATE PLAN

"Sec. 421. (a) When changes in program conditions, labor market conditions, funding, or other factors require substantial amendment to an approved State plan, the State board, in consultation with the State advisory council, shall submit amendments to such State plan to the Secretary. Any such amendments shall be subject to review by the State job training coordinating council, and the State advisory council on vocational-technical education.".

Page 98, line 5, strike out "(2)" and insert in lieu thereof "(b)".

Page 101, strike out line 12 and all that follows through line 11 on page 102, and insert in lieu thereof the following:

"AMENDMENTS TO LOCAL PLAN

"Sec. 423. (a) When changes in program conditions, labor market conditions, funding, or other factors require substantial amendment to an approved local plan, the eligible recipient or group of recipients, in consultation with any appropriate advisory council, shall submit such amendments to the State board.".

Page 102, line 12, strike out "(2)" and insert in lieu thereof "(b)"; and on line 19, strike out "(b)" and insert in lieu thereof "(c)".

Page 3, in the table of contents, strike out the item related to section 41 and insert in lieu thereof the following:

"Sec. 421. Amendments to State plan.".

Page 3, in the table of contents, strike out the item related to section 421 and insert in lieu thereof the following:

"Sec. 423. Amendments to local plan.".

Page 8, lines 1 and 2, strike out "and progress report".

Page 22, line 19, strike out "and the progress report under section 423".

Page 69, strike out lines 1 and 2, and insert in lieu thereof "the evaluation (pursuant to section 422); and".

Page 88, lines 4 and 5 strike out "and the progress report" and insert in lieu thereof "(and amendments thereto)".

Page 103, lines 7 and 8, strike out "or a progress report approved in accordance with section 421(c),".

Page 100, lines 13 and 14, strike out "and of annual progress reports,".

Page 70, lines 23 and 24, strike out "and the progress reports".

Page 85, line 14, insert "(and amendments thereto)" after "plans".

Page 93, line 12, insert "(and amendments thereto)" after "plans".

Page 17, line 16, strike out "421(c)," and insert in lieu thereof "421(b),".

Page 25, line 11, strike out "421(c)" and insert in lieu thereof "421(b)".

Page 27, line 24, strike out "412(d) and 421(c)" and insert in lieu thereof "411(b) and 421(b)".

Page 32, line 11, strike out "421(c)" and insert in lieu thereof "421(b)".

Page 38, line 3, strike out "421(c)," and insert in lieu thereof "421(b),".

Page 81, line 2, strike out "plan," and insert in lieu thereof "plan (and amendments thereto)".

Page 104, line 13, strike out "421(c)" and insert in lieu thereof "421(b)".

H.R. 4170

By Mr. FRANK:

(Amendment to the amendment in the nature of a substitute offered by the Committee on Ways and Means)

—Page 877, strike out line 18 and everything that follows thereafter through line 6 on page 912 and insert in lieu thereof the following:

SEC. 721. RESTRICTIONS ON USE OF SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS.

(a) Limitations on Use of Small Issues for Acquisition of Land.—Subsection (b) of section 103 (relating to industrial development bonds) is amended by adding at the end thereof the following new paragraph:

"(15) LIMITATIONS ON USE OF SMALL ISSUES FOR LAND ACQUISITION.—

"(A) In general.—Paragraph (6) shall not apply with respect to any obligation issued as part of an issue if—

"(i) any portion of the proceeds of such issue are to be used (directly or indirectly) for the acquisition of land (or an interest therein) to be used for farming purposes, or

"(ii) 35 percent or more of the proceeds of such issue are to be used (directly or indirectly) for the acquisition of land not described in clause (i) (or an interest therein).

"(B) Exception for first-time farmers.—

"(i) In general.—If the requirements of clause (ii) are met with respect to any land, subparagraph (A) shall not apply to such land, but only to the extent expenditures (financed with the proceeds of the issue) are not in excess of $300,000.

"(ii) Acquisition by first-time farmers.—The requirements of this subparagraph are met with respect to any land if—

"(I) such land is to be used for farming purposes, and

"(II) such land is to be acquired by an individual who is a first-time farmer, who will be the principal user of such land, and who will materially and substantially participate on the farm of which such land is a part in the operation of such farm.

"(iii) First-time farmer.—For purposes of this subparagraph, the term 'first-time farmer' means any individual if such individual has not at any time had any direct or indirect ownership interest in land which in acreage exceeds 15% of the average size of all farms within the county where the land (financed with the proceeds of the issue) is located as reported in the most current Census of Agriculture prepared by the U.S. Department of Commerce Bureau of Census and which is part of a farm in the operation of which such individual materially participated. For purposes of this subparagraph, any ownership or material participation by an individual's spouse or minor child shall be treated as ownership and material participation by the individual.

"(iv) Farm.—For purposes of this subparagraph the term 'farm' has the meaning given such term by section 6420(c)(2).".

(b) Aggregation of Small Issues for Single Project.—Subsection (b) of section 103 (relating to industrial development bonds) is amended by adding at the end thereof the following new paragraph:

"(16) AGGREGATION OF ISSUES WITH RESPECT TO SINGLE PROJECT.—For purposes of paragraph (6), 2 or more issues described in that paragraph, part or all of which are to be used with respect to a single building, an enclosed shopping mall, or a strip of offices, stores, or residences

"(A) using substantial common facilities, and

"(B) not located in a targeted area as defined in paragraph (18)(D) of this subsection.

shall be treated as 1 issue (and any person who is a principal user with respect to any of such issues shall be treated as a principal user with respect to the aggregated issue).".

(c) Prohibition on Use of Small Issues for Certain Owner-Occupied Professional Buildings.—Subsection (b) of section 103 (relating to industrial development bonds) is amended by adding at the end thereof the following new paragraph:

"(17) NO PORTION OF BONDS MAY BE ISSUED FOR CERTAIN OWNER-OCCUPIED PROFESSIONAL BUILDINGS.—

"(A) In general.—Paragraph (6) shall not apply to any obligation issued as part of an issue if any portion of the proceeds of such issue is to be used for the acquisition, construction, reconstruction or improvement of a facility where

"(i) the facility is owned, directly or indirectly, by one or more professionals;

"(ii) any portion of the facility is occupied and controlled (directly or indirectly) by such professional on a regular, continuous basis; and

"(iii) such occupancy and control is in connection with the practice by such professional of his or her profession.

"(B) Indirect ownership and occupancy.—For purposes of subparagraph (A), a facility will be considered owned indirectly by a professional, or occupied and controlled indirectly by a professional, if the owner of the facility, or any person who occupies and controls any portion of such facility, is:

"(i) One or more members of a professional's family, as defined in section 267(c)(4), but only if such family members own directly or indirectly more than 50 percent of such facility;

"(ii) A corporation more than 50 percent in value of the outstanding stock of which is owned, directly or indirectly, by or for professionals;

"(iii) A partnership more than 50 percent in value of the capital interest or the profits interest of which is owned, directly or indirectly, by or for professionals;

"(iv) A trust more than 50 percent in value of the corpus or the income of which is owned, directly or indirectly, by or for professionals.

For purposes of this subparagraph, the principles under section 267(c) (other than paragraph (3)) shall apply to determine the constructive ownership of stock in a corporation, an interest in a partnership or the corpus or income of a trust.

"(C) Professional.—For purposes of this paragraph, the term professional means an individual or group of individuals whose principal activity is the licensed practice of law or accounting.".

(d) Limitation on Aggregate Amount of Small Issue Bonds.—Subsection (b) of section 103 (relating to industrial development bonds) is amended by adding at the end thereof the following new paragraph:

"(18) Limitation on aggregate amount of small issue bonds issued during any calendar year.—

"(A) In general.—Paragraph (6) shall not apply to any obligations issued as part of an issue if the aggregate amount of obligations issued pursuant to such issue, when added to the aggregate amount of obligations which

"(i) have been previously issued during the calendar year by the State in which the issuer of such obligations is located or by any other issuer in such State, and

"(ii) are treated as obligations described in subsection (a) solely by reason of the application of paragraph (6) of this subsection exceeds such State's small issue bond limit for such calendar year.

"(B) Small issue bond limit defined.—For purposes of this paragraph, the small issue bond limit applicable to any State for any calendar year shall be an amount equal to the greater of (i) $95 multiplied by the State's population; (ii) $200,000,000; or (iii) the aggregate volume of obligations issued in the State during the calendar year 1983 which are described in subsection (a) solely by reason of the application of paragraph (6) of this subsection. For purposes of this subparagraph, the aggregate volume for each State during the calendar year 1983 shall be determined by utilizing the statements required to be submitted to the Secretary by paragraph (2) of subsection (1), and on or before March 31, 1984 the Secretary shall publish for each State the aggregate volume of obligations issued in such State during calendar year 1983 which are described in subsection (a) solely by reason of the application of paragraph (6) of this subsection.

"(C) Refunding issues and issues for facilities located in targeted areas.—Subparagraph (A) shall not apply to—

"(i) any obligation which is issued to refund another obligation to the extent that the face amount of such obligation does not exceed the face amount of the refunded obligation, or

"(ii) any obligation substantially all of the proceeds of which are used with respect to facilities located in a targeted area.

"(D) Targeted area defined.—

"(i) In general.—For purposes of subparagraph (C), the term 'targeted area' means an area composed of 1 or more contiguous census tracts in which 70 percent or more of the families have income 80 percent or less of the median family income for the statistical area in which such census tracts are located.

"(ii) Statistical area defined.—For purposes of this subparagraph, the term 'statistical area' means—

"(I) a metropolitan statistical area as defined by the Director of the Office of Management and Budget,

"(II) in the case of a census tract not within a metropolitan statistical area, a county, or

"(III) in the case of a census tract not within a metropolitan statistical area or a county, an area designated by the Secretary of Housing and Urban Development to be the equivalent of a county.

Any determination required under this subparagraph shall be made on the basis of the most recent decennial census for which data are available.

"(E) Certain obligations not considered previously issued.—Any obligation described in subparagraph (C) will not be considered previously issued during the calendar year for purposes of subparagraph (A)(i).

"(F) Population.—For purposes of this subparagraph, determinations of the population of any State (or issuring authority) shall be made with respect to any calendar year on the basis of the most recent census estimate of the resident population of such State (or issuing authority) published by the Bureau of the Census before the beginning of such calendar year.

"(G) Allocation of small issue bond limit among issuing authorities.—

"(i) Local government share.—The amount of the small issue bond limit applicable to any State which shall be allocated to governmental units (other than a State agency) authorized to issue obligations described in paragraph (6) within such State shall be the 1983 local government share.

"(ii) Large city-county minimum share.—In the case of any city with a population of 50,000 or more or any county with a population of 100,000 or more, the amount of the small bond issue limit applicable to the State in which such city or county is located which shall be allocated to such city or county shall be the 1983 large city-county minimum share.

"(iii) State agency share.—The amount of the small issue bond limit applicable to any State which shall be allocated to a State agency authorized to issue obligations described in paragraph (6) shall be the amount of such limit reduced by the 1983 local government share.

"(iv) 1983 local government share defined.—For purposes of this paragraph, the term '1983 local government share' means the amount which bears the same ratio to the small issue bond limit applicable to any State as—

"(I) the sum of the face amounts of all issues described in paragraph (6) which were issued by units referred to in clause (i) with respect to such State in calendar year 1983, bears to

"(II) the sum of the face amounts of all issues described in paragraph (6) which were issued in such State in calendar year 1983.

"(v) 1983 large city-county minimum share defined.—For purposes of this paragraph, the term '1983 large city-county minimum share' means an amount which is not less than 50 percent of the amount which bears the same ratio to the 1983 local government share as—

"(I) the sum of the face amounts of issues described in paragraph (6) which were issued by all the issuing authorities located within such city or county in calendar year 1983, bears to

"(II) the sum of the face amounts of all issues described in paragraph (6) which were issued by all issuing authorities (other than State agencies) in such State in calendar year 1983.

"(vi) Local issuers other than large cities or counties.—In the case of any State to which clause (ii) applies, the amount of the small issue bond limit applicable to such State which shall be allocated to issuing authorities other than a State agency or any city or county described in such clause (ii) shall be determined by the State. The sum of the amounts so determined with respect to all such issuing authorities shall not exceed—

"(I) the 1983 local government share, reduced by

"(II) reduced by the 1983 large city-county minimum share.

"(vii) State may provide for different allocation.—A State may, by law enacted after the date of the enactment of this paragraph, provide a different formula for allocating the small issue bond limit among the issuing authorities in such State and the manner in which any transfer or reallocation of any portion of such limit under clause (ix) shall be accomplished.

"(viii) Interim authority for governor.—

"(I) In general.—The Governor of any State may proclaim a different formula for allocating the small issue bond limit among the issuing authorities in such State or the transfer or recapture of any portion of such limit.

"(II) The authority provided in subclause (I) shall not apply after the earlier of the first day of the first calendar year after 1984 during which the legislature of the State met in regular session or the effective date of any State legislation described in clause (vii) and enacted after the date of the enactment of this Act.

"(ix) Special rules.—

"(I) Special rule where state has more than 1 agency.—If more than 1 agency of the State is authorized to issue obligations described in paragraph (6), all such agencies shall be treated as a single agency.

"(II) Special rule for determining population of and calculating allocation to large counties.—For purposes of this paragraph, the determination of the population of a county and the computation and allocation of the 1983 large city-county minimum share with respect to any county shall be made without taking into account any city with a population of 50,000 or more located within such county.

"(III) Transfer of limit by local issuer.—Any issuing authority (other than any State agency) may agree to reduce the amount of the limit allocated to such authority under clause (i), (ii) or (vi) at the request of any other issuing authority and the limit which is otherwise applicable pursuant to this subparagraph, with respect to such other issuing authority may be increased by an amount equal to the amount of such reduction.

"(IV) Recapture by state.—If the sum of the face amounts of any issues described in paragraph (6) which were issued by any issuing authority (other than a State agency) in any calendar year is less than the amount allocated pursuant to clause (i), (ii), or (vi) with respect to such authority, the State may provide that the amount of the limit which is otherwise applicable to such authority pursuant to such clause shall be reduced by an amount equal to the excess of such amount over such sum and that the limit which is otherwise applicable pursuant to clause (i), (ii), or (vi) with respect to any other issuing authority shall be increased by an amount equal to the amount of such reduction.".

SEC. 722. REPEAL OF SUNSET FOR SMALL ISSUES.

Paragraph (6) of subsection 103(b) (relating to exemption for small issues) is amended by deleting subparagraph (N) and redesignating subparagraph (O) as subparagraph (N).

SEC. 723. PROHIBITED USES OF TAX-EXEMPT BONDS.

Use of Tax-Exempt Bonds Prohibited for Skyboxes, Airplanes, Gambling Establishments, Etc.—Subsection (b) of section 103 (relating to industrial development bonds) is amended by adding at the end thereof the following new paragraph:

"(19) NO PORTION OF BONDS MAY BE ISSUED FOR SKYBOXES, AIRPLANES, GAMBLING ESTABLISHMENTS, ETC.—Paragraphs (4), (5), (6), and (7) shall not apply to any obligation issued as part of an issue if any portion of the proceeds of such issue is to be used to provide any airplane, skybox or other private luxury box, any facility primarily used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises.".

SEC. 724. TAX EXEMPTION DENIED WHERE OBLIGATION DIRECTLY OR INDIRECTLY GUARANTEED BY FEDERAL GOVERNMENT.

Subsection (h) of section 103 (relating to certain obligations must not be guaranteed or subsidized under an energy program) is amended to read as follows:

"(h) OBLIGATION MUST NOT BE GUARANTEED, ETC.—

"(1) IN GENERAL.—An obligation shall not be treated as an obligation described in subsection (a) if such obligation is federally guaranteed.

"(2) FEDERALLY GUARANTEED DEFINED.—For purposes of paragraph (1), an obligation is federally guaranteed if—

"(A) the payment of principal or interest with respect to such obligation is guaranteed (in whole or in part) by the United States (or any agency or instrumentality thereof),

"(B) such obligation is issued as part of an issue and a significant portion of the proceeds of such issue are to be

"(i) used in making loans the payment of principal or interest with respect to which are to be guaranteed (in whole or in part) by the United States (or any agency or instrumentality thereof); or

"(ii) invested (directly or indirectly) in federally insured deposits or accounts, or

"(C) the payment of principal or interest on such obligation is otherwise indirectly guaranteed (in whole or in part) by the United States (or an agency or instrumentality thereof).

"(3) EXCEPTIONS.—

"(A) CERTAIN INSURANCE PROGRAMS.—An obligation shall not be treated as federally guaranteed by reason of—

"(i) any guarantee by the Federal Housing Administration, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, the Farmers Home Administration, the Veterans' Administration, or the Small Business Administration,

"(ii) any guarantee of student loans, or

"(iii) any housing assistance payments or payments under any annual contributions contracts by the Department of Housing and Urban Development.

"(B) DEBT SERVICE, ETC.—Paragraph (1) shall not apply to—

"(i) proceeds of the issue invested for a temporary period (whether or not the temporary period has been waived for purposes of the arbitrage regulations) until such proceeds are needed for the purpose for which such issue was issued,

"(ii) investments of a bona fide debt service fund,

"(iii) investments of a reserve which meet the requirements of subsection (c)(4)(B),

"(iv) investments in obligations issued by the United States Treasury, or

"(v) other investments permitted under regulations.

"(C) EXCEPTION FOR HOUSING PROGRAMS.—

"(i) IN GENERAL.—Except as provided in clause (ii), paragraph (1) shall not apply to—

"(I) an obligation described in section 103(b)(4)(A) (determined without regard to whether or not the obligation is an industrial development bond), or a public housing program obligation under section 11(b) of the United States Housing Act of 1937

"(II) a qualified mortgage bond (as defined in section 103A(c)(1)), or

"(III) a qualified veterans' mortgage bond (as defined in section 103A(c)(3)).

"(ii) EXCEPTION NOT TO APPLY WHERE OBLIGATION INVESTED IN FEDERALLY INSURED DEPOSITS OR ACCOUNTS.—Clause (i) shall not apply to any obligation which is federally guaranteed within the meaning or paragraph (2)(B)(ii).

"(D) LOANS TO, OR GUARANTEES BY, FINANCIAL INSTITUTIONS.—Except as provided in paragraph (2)(B)(ii), an obligation which is issued as part of an issue shall not be treated as federal guaranteed merely by reason of the fact that the proceeds of such issue are used in making loans to a financial institution or there is a guarantee by a financial institution.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) TREATMENT OF CERTAIN ENTITIES WITH AUTHORITY TO BORROW FROM UNITED STATES.—To the extent provided in regulations prescribed by the Secretary, any entity with statutory authority to borrow from the United States shall be treated as an instrumentality of the United States. Nothing in the preceding sentence shall be construed as treating the District of Columbia or any possession of the United States as an instrumentality of the United States.

"(B) FEDERALLY INSURED DEPOSIT OR ACCOUNT.—The term 'federally insured deposit or account' means any deposit or account in a financial institution to the extent such deposit or account is insured under Federal law by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the National Credit Union Administration, or any similar federally chartered corporation.

"(5) CERTAIN OBLIGATIONS SUBSIDIZED UNDER ENERGY PROGRAM.—

"(A) IN GENERAL.—An obligation to which this paragraph applies shall be treated as an obligation not described in subsection (a) if the payment of the principal or interest with respect to such obligation is to be made (in whole or in part) under a program of the United States, a State, or a political subdivision of a State the principal purpose of which is to encourage the production or conservation of energy.

"(B) OBLIGATIONS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to any obligation to which paragraph (1) of subsection (b) does not apply by reason of—

"(i) subsection (b)(4)(H) (relating to qualified hydroelectric generating facilities), or

"(ii) subsection (g) (relating to qualified steam 'generating or alcohol' producing facilities).".

SEC. 725. MISCELLANEOUS INDUSTRIAL DEVELOPMENT BOND PROVISIONS.

(a) ARBITRAGE RESTRICTIONS APPLY TO EXEMPTIONS NOT CONTAINED IN INTERNAL REVENUE CODE OF 1954.—Paragraph (1) of section 103(m) (relating to obligations exempt other than under this title) is amended by adding at the end thereof the following new sentence: "In the case of an obligation issued after January 1, 1984, such obligation shall not be treated as described in this paragraph unless the requirements of section 103(c) are met with respect to such obligation. For purposes of applying such requirements, a possession of the United States shall be treated as a State.".

(b) EXPANSION OF TAX-EXEMPT BOND FINANCED PROPERTY REQUIRED TO BE DEPRECIATED ON STRAIGHT-LINE BASIS.—

(1) IN GENERAL.—Subparagraph (C) of section 168(f)(12) (relating to limitations on property financed with tax-exempt bonds) is amended to read as follows:

"(C) EXCEPTION FOR PROJECTS FOR RESIDENTIAL RENTAL PROPERTY.—Subparagraph (A) shall not apply to any recovery property which is placed in service in connection with projects for residential rental property financed by the proceeds of obligations described in section 103(b)(4)(A).".

(2) CONFORMING AMENDMENT.—Paragraph (12) of section 168(f) is amended by striking out subparagraph (D) and by redesignating subparagraph (E) as subparagraph (D).

(c) DEFINITION OF RELATED PERSONS IN THE CASE OF PARTNERSHIPS.—Paragraph (13) of section 103(b) (relating to exception where bond held by substantial user) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, a partnership and each of its partners (and their spouses and minor children) shall be treated as related persons.".

(d) REQUIREMENTS RELATED TO ARBITRAGE.—Section 103 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) REQUIREMENTS RELATED TO ARBITRAGE.—

"(1) IN GENERAL.—An issue of industrial development bonds shall not be treated as described in subsection (a) unless such issue satisfies the requirements of paragraph (2). Such requirements shall be in addition to the requirements of subsection (c).

"(2) ACQUIRED PURPOSE OBLIGATIONS YIELD CANNOT EXCEED BOND YIELD BY MORE THAN 1.125 PERCENTAGE POINTS.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph only if the excess of—

"(i) the effective rate of interest on any acquired purpose obligation provided under the issue, over

"(ii) the yield on the issue is not greater than 1.125 percentage points.

"(B) EFFECTIVE RATE OF INTEREST.—

"(i) IN GENERAL.—In determining the effective rate of interest on any acquired purpose obligation for purposes of this paragraph, there shall be taken into account the following items:

"(I) underwriting discount, and

"(II) compensation for services relating to the issuance of the bonds rendered by lawyers, accountants, rating agencies, printers, the trustee of the issue, and fiscal agents or financial advisors.

"(ii) SUBSEQUENT ADMINISTRATIVE COSTS NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), there shall not be taken into account any amount paid to reimburse the issuer for

"(I) its costs (including anticipated future costs) related to a program pursuant to which the bonds are issued (including a reasonable allowance for overhead),

"(II) costs of carrying, servicing or repaying the bonds or an acquired purpose obligation, and

"(III) any financing fee received by the issuer of the bonds.

"(C) YIELD ON THE ISSUE.—For purpose of this subsection—

"(i) the yield on the issue shall be determined on the basis of the issue price (within the meaning of section 1232(b)(2)),

"(ii) any amount paid to any person, including the issuer of the bonds or lenders using the proceeds of the bonds to make a loan to third parties, as compensation for insurance, security, liquidity, or other assurance of timely payment provided to the bonds or to an acquired purpose obligation by such person, provided the present value of all such amounts is less than the present value of the bond interest reasonably expected to be saved as a result of all such payments, shall be treated as interest on the bonds, and

"(iii) in determining the effective rate of interest on an acquired purpose obligation and the yield on the bonds, it shall be assumed that the maturity will include the term of any reasonably anticipated refinancing with obligations described in subsection (a).

"(3) Exceptions.—Paragraph (2) shall not apply to:

"(A) any issue with an aggregate face amount of $2,500,000 or less,

"(B) any issue described in subsection (b)(4)(A) (concerning residential rental property) or a public housing program obligation under section 11(b) of the United States Housing Act of 1937, and

"(C) any issue if, prior to the issuance of the bonds, the issuer establishes, to the satisfaction of the Secretary, that the items described in paragraph (2) do not reflect an effort to divert arbitrage to any party.".

(e) Residential Rental Property May Be in Mixed Use Structure.—Paragraph (4) of section 103(b) (relating to certain exempt activities) is amended by adding at the end thereof the following new sentence: "For purposes of subparagraph (A), any property shall not be treated as failing to be residential rental property merely because part of the building in which such property is located is used for purposes other than residential rental purposes.".

(f) Increase in Amount of Capital Expenditures not Taken Into Account Where There Is Urban Development Action Grant.—Subparagraph (I) of section 103(b)(6) (relating to aggregate amount of capital expenditures where there is urban development action grant) is amended—

(1) by striking out "$10,000,000" and inserting in lieu thereof "$15,000,000", and

(2) by adding at the end thereof the following new sentence: "This subparagraph shall not apply unless the amount of the urban development action grant equals or exceeds 5 percent of the total capital expenditures on the facilities with respect to which the action grant has been made.".

(g) Public Approval Requirement in the Case of Public Airport.—If—

(1) the proceeds of any issue are to be used to finance a facility or facilities located on a public airport, and

(2) the governmental unit issuing such obligations is the owner or operator of such airport,

such governmental unit shall be deemed to be the only governmental unit having jurisdiction over such airport for purposes of subsection (k) of section 103 of the Internal Revenue Code of 1954 (relating to public approval for industrial development bonds).

SEC. 726. EFFECTIVE DATES.

(a) Small Issue Bond Limit.—The amendment made by section 721(d) shall apply to obligations issued after December 31, 1984.

(b) Expansion of Property Financed With Tax-Exempt Bond Required To Be Depreciated on Straight-Line Basis.—

(1) In general.—Except as otherwise provided in this section, the amendments made by section 725(b) shall apply to property placed in service after December 31, 1983 to the extent such property is financed by the proceeds of an obligation (including a refunding obligation) issued after October 18, 1983.

(2) Exceptions.—

(A) Construction or binding agreement.—The amendments made by section 725(b) shall not apply with respect to facilities the original use of which commences with the taxpayer and—

(i) the construction, reconstruction, or rehabilitation of which began before October 19, 1983, or

(ii) with respect to which a binding contract to incur significant expenditures was entered into before October 19, 1983.

(B) Refunding.—

(i) In general.—Except as provided in clause (ii), in the case of property placed in service after December 31, 1983, which is financed by the proceeds of an obligation which is issued solely to refund another obligation which was issued before October 19, 1983, the amendments made by section 725(b) shall apply only with respect to the basis in such property which has not been recovered before the date such refunded obligation is issued.

(ii) Significant expenditures.—In the case of facilities the original use of which commences with the taxpayer and with respect to which significant expenditures are made before January 1, 1984 the amendments made by section 725(b) shall not apply with respect to such facilities to the extent such facilities are financed by the proceeds of an obligation issued solely to refund another obligation which was issued before October 19, 1983.

(C) Facilities.—In the case of an inducement resolution or other comparable preliminary approval adopted by an issuing authority before October 19, 1983, for purposes of applying subparagraphs (A)(i) and B(ii) with respect to obligations described in such resolution, the term "facilities" means the facilities described in such resolution.

(c) Other Provisions Relating to Tax-Exempt Bonds.—

(1) In general.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply to obligations issued after the date of enactment of this subtitle.

(2) Obligations invested in federally insured deposits.—Clause (ii) of section 103(h)(2)(B) of the Internal Revenue Code of 1954 (as amended by this subtitle) shall apply to obligations issued after April 14, 1983.

(3) Exceptions.—

(A) Construction of binding agreement.—The amendments made by this subtitle shall not apply to obligations with respect to facilities the original use of which commences with the taxpayer and—

(i) the construction, reconstruction, or rehabilitation of which began before October 19, 1983, or

(ii) with respect to which a binding contract to incur significant expenditures was entered into before October 19, 1983.

(B) Facilities.—Subparagraph (C) of subsection (b)(2)(A) shall apply for purposes of subparagraph (A) of this paragraph.

(d) Provisions of This Subtitle Not To Apply to Certain Property.—The amendments made by this subtitle shall not apply to any property (and shall not apply to obligations issued to finance such property) if such property is described in any of the following paragraphs:

(1) Any property described in paragraph (5), (6), or (7) of section 102(g) of this Act.

(2) Any property described in paragraph (3) of section 216(b) of the Tax Equity and Fiscal Responsibility Act of 1982.

(3) Any solid waste disposal facility described in section 103(b)(4)(E) of the Internal Revenue Code of 1954 if—

(A) a State public authority created pursuant to State legislation which took effect on June 18, 1973, took formal action before October 19, 1983, to commit development funds for such facility,

(B) such agency issues obligations for such facility before January 1, 1987, and

(C) expenditures have been made for the development of such facility before October 19, 1983.

(e) Determination of Significant Expenditure.—

(1) In general.—For purposes of this section, the term "significant expenditures" means expenditures which equal or exceed the lesser of—

(A) $15,000,000, or

(B) 20 percent of the estimated cost of the facilities.

(2) Certain grants treated as expenditures.—For purposes of paragraph (1), the amount of any UDAG grant preliminarily approved on or before April 4, 1983, shall be treated as an expenditure with respect to the facilities for which such grant was so approved.

By Mr. PARRIS:

(Amendment to the amendment in the nature of a substitute offered by the Committee on Ways and Means)

—Page 655, insert after line 24 the following new section:

SEC. 495. AMENDMENT RELATING TO DEDUCTIONS FOR THE PAYMENT OF CERTAIN EXPENSES BY A MEMBER OF A UNIFORMED SERVICE OF THE UNITED STATES, OR BY A MINISTER, WHO RECEIVES A HOUSING OR SUBSISTENCE ALLOWANCE.

(a) In General.—Paragraph (1) of section 265 of such Code (denying a deduction for payment of certain expenses relating to tax-exempt income) is amended by adding at the end thereof the following new sentence: "This section shall not apply with respect to any income of a member of a uniformed service (within the meaning given to such term by section 101(3) of title 37, United States Code) in the form of a subsistence allowance or a quarters or housing allowance or to income excluded from gross income of the taxpayer under section 107 (relating to rental value of parsonages).".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1982.

Page 461, insert after the item relating to section 494 in the table of contents for title IV the following new item:

"Sec. 495. Amendment relating to deductions for the payment of certain expenses by a member of a uniformed service of the United States, or by a minister, who receives a housing allowance.".

EXTENSIONS OF REMARKS

DAVID STUART OF MARYLAND

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Wednesday, March 7, 1984

● Mr. MATHIAS. Mr. President, to be recognized for one's accomplishments at the age of 50 or 60 or even 70 is a great honor, but for someone to be singled out for high honors at the tender age of 18 is as wonderful as it is rare. Yet this is just what has happened to David Stuart, an 18-year-old Maryland student who has received a $128,000 MacArthur Foundation award for his work on mysterious hieroglyphics of the lost Mayan civilization.

David, who lives in Silver Spring is the youngest person ever to receive this award. His achievement is a source of great pride to all Marylanders.

It is amazing when anyone—regardless of age—can elicit meaning from mysterious and seemingly inscrutable stone carvings. But David Stuart had published a paper entitled "Some Thoughts of Certain Occurrences of the T565 Glyph Element at Palenque" in 1979 when he was only 13 years old. Such an accomplishment can only be described as extraordinary.

David is an inspiration—not only to his peers—but to those of us who are much older and not always wiser.

Mrs. Mathias and I want to congratulate David on his extraordinary achievement. We tremble to think what he may have accomplished by the time he reaches the ripe old age of 21.

Mr. President, I ask that the article from the Washington Post of February 15, 1984, which enumerates David's extraordinary achievements be inserted in the Record.

The article follows:

David Stuart: At 18, Youngest of the Fellows

(By James Conaway)

Exactly a week ago an 18-year-old student of archeology, a junior fellow at Dumbarton Oaks, was sitting with friends, playfully discussing the MacArthur Foundation awards, those behemoths of money and cultural distinction that may be the American equivalent of the Nobel Prize. "They're sort of a myth, you know," says David Stuart.

The next day he received a call from Chicago, home of the foundation, telling him that he had become part of the myth—the youngest person to receive one. "They told me outright. My reaction was fairly standard; surprise."

Stuart's underwhelmed sense of decorum is almost as remarkable as the award itself. He doesn't seem to realize that whatever he may accomplish in the future, this may well be his epiphany.

When he was 8, his father took him prowling among Mayan ruins on the Yucatan peninsula. That early, eventually consuming interest has brought Stuart $128,000 worth of recognition.

"It was an eye-opening experience," he says, of the archeology, not the money. "I had never stayed in a foreign country before. That affects an 8-year-old kid."

It made him a serious student of the Maya at age 9. He published several papers before he graduated from high school, including one, in 1979, called "Some Thoughts of Certain Occurrences of the T565 Glyph Element at Palenque."

Stuart is short and stocky, with a beard and steel-rimmed spectacles that make him look at least a month older than he really is. He wears worn brown cords and a faded shirt of L.L. Bean provenance, good comfortable attire for studying stone monuments upon which Central American ancients disport themselves.

For a prodigy, he is remarkably accessible.

"Come on downstairs," he says, after encountering a reporter unexpectedly in the relicky shadows of the museum. "We can talk until the others come."

The "others" include more reporters. This one points out that Stuart could buy a Porsche, if he wanted one. He doesn't.

"I'll probably use the money to go to college. I have a few names." Harvard, Yale, the University of Texas and Tulane, all with good pre-Columbian studies programs. He's old enough to go now, of course, but Stuart has what he calls "other obligations"—the fellowship at Dumbarton Oaks to study Mayan inscriptions, and a book about the subject, which he is writing with his father and some other scholars.

He has no idea how the MacArthur Foundation came to consider him; however, he knows two other archeologists in the same field who have received the grants.

That summer in Mexico, Stuart and his father, George Stuart, an archeologist for the National Geographic Society, examined stelae, the stone tablets or monuments covered with undeciphered characters; the young Stuart drew pictures of them. "I got interested in those weird carvings. I read every book I could get my hands on." He was, remember, 8 at the time. He went back the next summer, to Palenque, close to the Guatemalan-Mexican border.

Stuart was born in the District. He moved with his family to Chapel Hill, N.C., as a small child; the family returned here five years ago, and lives in Silver Spring. Stuart has two older brothers and an older sister. He made mostly A's at Bethesda-Chevy Chase High, in spite of the fact that the Mayans were always distracting him.

"Sometimes there was a conflict, when I was writing one paper for school, and another for a conference."

At 16, he delivered the paper at Princeton on autosacrifice among Mayan kings, published with the title, "The Iconography of Blood in Classic Period Maya Rulership."

"Self-mutilation," he says, "that sort of thing. It's the most talked about thing in the inscriptions. They slashed their ears, tongues or penises, legitimizing their rule by displaying their own blood. It's pretty graphically represented in the glyphs."

He never had much interest in sports. His friends weren't interested in archeology, but that doesn't seem to bother him. He has no overriding interests, other than archeology.

"I have to figure out what to do with the money, I guess. I haven't gotten a check or anything."

He shares an office in the basement of Dumbarton with two other young scholars who sit through the interview, trying mightily to concentrate on their tomes. Stuart leads the reporter back upstairs, where silent guards in otherwise deserted corridors seem to watch for some sign of juvenile misconduct.

"This is a great place to study," Stuart says, moving on silent jogging shoes into the pre-Columbian room. He points to a slab of embellished stone.

"This is the panel I've been working on. It represents a high nobleman. The dates are here"—he points to what look like dog biscuits in stone—"corresponding to something like June 6, 741 A.D. An important year. This figure was a sort of lieutenant to the King. He's holding a ceremonial bar, a badge of high rank, with deity heads at each end."

He and his fellow archeologists can understand roughly half of the hieroglyphics, he says. "There's a real possibility that someday we maybe able to read them all."

His father is currently pursuing stelae in Mexico. "He was pretty excited when I told him about the award. I couldn't get his full reaction over the telephone."

Stuart turns back to the mounted panel; beyond it lies the floral profusion of the Dumbarton Oaks gardens.

"It always helps to be aware of another culture, of the basic differences. It makes you look at your own more objectively."

Asked about ultimate ambition, Stuart says, "I'll keep doing what I'm doing now. Just working along."●

COMMUNITY NURSING CENTERS ACT OF 1984

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Ms. OAKAR. Mr. Speaker, last month, I joined Congressman Ron Wyden of Oregon in introducing the Community Nursing Centers Act of 1984 to provide medicare and medicaid coverage for community nursing center services. This important legislation will make health care services more accessible to the elderly, poor, and disadvantaged, reduce costs, and point the way toward the types of reforms needed in our health care delivery system. Our bill recognizes the value of nurses as skilled providers of health care services.

Today, some 750,000 people are on waiting lists to enter nursing homes. Some are diabetics, who need regular monitoring of their blood sugar, urine, and diet. Some are minor stroke victims who need periodic blood pressure tests and medication to control hypertension. Many of these people could live independently if they could get the regular health care attention they need.

Other patients with similar conditions avoid institutionalization, but must seek their needed services from the only covered providers available to them—physicians in outpatient hospitals. Such limited options inconvenience patients and promote inefficiency in our system of health care delivery. But there is a better way.

Nurses can provide many health care services as well as doctors can and less expensively. And, they can provide it in the community, thereby helping to prevent needless institutionalization. The bill would establish community nursing centers as alternates to more expensive hospitals, nursing homes, and intermediate care facilities. It would expand the options for the elderly seeking health care. And it would lower the cost of that care.

Initially, CNC's would operate through existing visiting nurses associations and through local nursing components of public health departments. Such organizations, according to Health Care Financing Administration studies, are proven providers of lower cost medicare services. Adding further to their cost-efficiency, CNC's would operate under a prospective reimbursement system; and they would serve only limited, well-defined areas to avoid duplication of services.

I commend the American Nurses Association for their dedicated support of this bill and similar legislation introduced in the Senate by Senators INOUYE, PACKWOOD, and DECONCINI. It is my hope that my colleagues in the House will support and consider cosponsoring H.R. 4865.

Thank you, Mr. Speaker.●

THE FIRST WORLD QUADRATHALON

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. RICHARDSON. Mr. Speaker, I want to take this opportunity to share with my colleagues news of a unique sporting event planned for the western New Mexico community of Grants. On March 24 and 25, the city of Grants will host the first annual Mount Taylor winter carnival. The carnival will kick off with 20 and 5 kilometer cross country ski loppet races on March 24. On March 25, the carnival will continue with the First World Quadrathalon Championship. The quadrathalon is a 50-mile race from the city of Grants to the 11,389-foot peak of Mount Taylor and back again—bike, foot, skis, and snowshoes. Mr. Speaker, I hope my colleagues will take the time to read more about this exciting sports event.

FIRST MOUNT TAYLOR WINTER CARNIVAL

GRANTS, N. MEX.—Consider the event.

The First World Quadrathalon. A fifty mile relay and individual race that climbs 5,000 feet from Grants, New Mexico to the peak of 11,389 ft. Mt. Taylor and back down again.

A cyclist covers the first 13 miles and 1800 ft up along the steep and winding Lobo Canyon. A runner picks up the baton and runs through six miles of alpine forest at over 8,000 ft above sea level. A cross country skier takes the handoff and races five miles through deep snow amid the ponderosa pines to the mountain saddle between Mt. Taylor and its sister peak, La Mosca. There, a snowshoer makes the final assault to the top of New Mexico's eleventh highest peak.

Then they reverse the order and come back down to the finish line in Grants.

The Quadrathalon is a unique sporting event akin to the famous "Ironman" triathalons. But the event itself and its location are firsts in the sporting world.

Consider the participants.

Though the race will doubtless draw contestants from throughout the southwest, a core of racers will come from this recreation enthused mining and mountain community. One local team is the Langenberg family, led by the 70-year-old patriarch, Jose Vilches of Spain. Vilches is a former professional cyclist who still holds speed records set more than forty years ago. He will ride the 13-mile, 1800 ft. first leg of the race and will negotiate the winding road down in the final leg.

His grandson, Richard Langenberg, a 19-year-old DJ will make the run through the heights below Mt. Taylor.

Family friend, Brad Triplehorn, will ski the third leg before handing off to Richard's father Tom. He will climb to the top of Mt. Taylor, turn around and begin the race back down again.

Consider a different kind of Ironmen. Women to be exact. Romie Triplehorn and three other local women make up one of two all-women teams to tackle the mountain.

Now consider the location.

High in the western New Mexico desert, the Quadrathalon will begin in Grants, the once self-proclaimed "Pittsburgh of the uranium industry". Grants has reeled under the declining uranium market, but the people of this town have always looked to the resources around them to lift the economy and the spirit of the community.

The stately peak of Mt. Taylor provides the latest backdrop for the spirit of this community.

The Quadrathalon will be held in conjuction with the University of New Mexico's ski team sponsored cross country loppet. The loppet is a pair of 20 and 10 kilometer races that draws university, junior and other amateur skiers from across New Mexico.

The loppet is scheduled for March 24 with the Quadrathalon to follow on the 25th.

Entry information for the loppet and the Quadrathalon is available at the Mt. Taylor Winter Carnival, 823 Roosevelt, Grants, New Mexico, 87020, Telephone 505/285-6604.●

H.R. 4795—DELAYED FUNDS AVAILABILITY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. FRANK. Mr. Speaker, recently I introduced H.R. 4795. This legislation allows banks to place a maximum 4 business day hold on checks deposited by customers. In the case of Government issued checks, a maximum of a 1 business day hold would be allowed.

The problem of delayed funds availability is not a new one. In September 1978 the Federal Reserve Board, with the cooperation of the American Banker's Association, formed the Delayed Funds Availability Task Force in order to study the problem. New York and California have passed delayed funds availability legislation and many other States, including my home State of Massachusetts, are considering this type of legislation. Although I support the State's efforts to address this problem. I believe that national legislation is necessary and as you know there are several bills pending in both the House and the Senate.

Banks now put holds on customer's checks anywhere from 1 to 15 days and in some cases longer. During this time customers are unable to use this money. Banks however, once they receive provisional clearance on the deposited check, can use this customer's money to cover their reserve requirements and for investment. According to the Federal Reserve 98 percent of all checks deposited in American banks receive provisional clearance within 48 hours. Banks argue that they need the additional time to insure that the checks receive final clearance. According to a study quoted by the Delayed Funds Availability Task Force only 0.67 percent of all checks deposited in banks do not receive final clearence. It is important to remember that banks are able to use customer's money throughout the hold period, when the funds are unavailable to the customer.

Let us consider the 0.67 percent of checks that do not receive final clearance. As I said, banks receive provisional clearence on most deposited checks within 48 hours. A very sophisticated procedure exists that involves machine readable magnectic tape and a high speed courier system. This procedure whisks the checks through the Federal Reserve System. However, when a bank decides not to honor a check, the return trip through the system takes much longer. A returned check has to travel through the same route, only this time the check is processed by hand and travels back through the Federal Reserve System via the postal system. So legitimately, in those rare cases when a check is not good, it can take several days for that check to work its way through the system. The Delayed Funds Availability Task Force has come up with a possible solution to this problem that is being tested within the Dallas Federal Reserve region. The early results are encouraging. It appears that technology does exists that would speed up the time it takes for banks to know whether or not a check is good.

Mr. Speaker, the purpose of my bill is to allow customers access to their money as soon as reasonably possible. It is simply unfair that banks have access to this money, and make a profit from this money, at the expense and inconvenience of customers. It is particularly unfair for low-income people who tend not to have a lot of excess money available in the first place.●

GROVE CITY COLLEGE AGAINST BELL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. HOYER. Mr. Speaker, Tuesday's rulings by the Supreme Court in the Grove City College case is not merely a disappointment for those of us who support equal educational opportunities for women but a stinging indictment against the present administration for the lack of a national policy against sex discrimination. The Supreme Court, in a decision remarkable for its complete disregard of congressional intent, ruled that title IX of the Education Amendments of 1972 prohibits sex discrimination only in the specific program that receives Federal aid, not in the entire institution. The ruling implicitly acknowledges that present Federal laws are inadequate to render women equal in the education systems of this Nation.

The practical result of the Court's decision is that women may be discriminated against and institutions that discriminate on the basis of sex may continue to receive Federal funds. It is a major setback but not solely for women. It is a setback for the citizens of a nation that has yet to come to terms with the true meaning of equal justice under the laws for all. I thought we had reached a point in history where we acknowledged that equity and excellence in education are indivisable. The Supreme Court, in a case strongly argued by lawyers on behalf of the administration for a narrow reading of a law intended to be broad in its scope, established different spheres for the children of this Nation.

The status of equal rights for women has not yet attained the heights necessary to invoke a strict scrutiny of invidious forms of discrimination as the Justices apply in cases involving racial discrimination. The remedy is simple. Pass the equal rights amendment.●

BUDGET PROPOSALS FAIL WORKER HEALTH, SAFETY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. GAYDOS. Mr. Speaker, the administration's budget proposals for fiscal 1985 for OSHA, MSHA, and NIOSH reflect a lessening of the Federal commitment to the occupational safety and health of 60 million American workers.

OSHA

With respect to OSHA, the administration has requested the sum of $217.8 million, or what would appear to be an increase of $5.2 million over the 1984 appropriation of $212.6 million. But this is not even a stand-still budget as the Congressional Budget Office current policy provides for $223.7 million or $5.9 million more than the administration's request. Currently, OSHA has under consideration standards for asbestos, benzene, butadiene, ethylene dibromide, ethylene oxide, formaldehyde, and others. But this is a mere scratching of the surface. Last fall the subcommittee conducted hearings with respect to 116 substances for which OSHA had evidence of possible health and safety hazards to workers. At the current snail's pace that OSHA is operating with respect to promulgating safety and health standards, the number of workers who currently are at risk raises serious concerns.

To properly address these concerns would warrent an OSHA budget many times larger than its current budget but at the very least it should be funded for fiscal 1985 at the bare minimum of $223.7 million.

MSHA

The administration's budget proposal for fiscal 1985 for MSHA of $150.4 million is $1 million less than the 1984 appropriation of $151.4 million. This reduction is completely unjustified.

The administration's proposal calls for the elimination of 156 authorized positions, but more specifically, 64 of these would be coal mine inspectors. While it is true that the recession has had a serious impact on the mining industry in that many mines have been either closed or are working less hours, the fact remains that already this year there have been 17 coal miners killed as compared to 8 for the comparable period in 1983.

The improvement in the basic economy will certainly result in the reopening of many of these mines and there certainly is no reason to reduce MSHA's inspection force.

Accordingly, MSHA should be funded as a minimum for fiscal 1985 at the Congressional Budget Office current policy figure of $157.4 million.

NIOSH

The administration's budget proposal for fiscal 1985 of $56.4 million is a reduction of $8.5 million from the 1984 appropriation. This is reflected in the administration's request to terminate funding the Educational Resource Centers (ERC's).

The administration has consistently endeavored to phase out the ERC's but fortunately the Congress has disregarded the administration's request.

The ERC's are located at major public and private universities and use a multidisciplinary approach to train occupational safety and health professionals, such as physicians, nurses, industrial hygienists, and so forth. During the past year, 700 graduate degrees were granted pursuant to ERC training programs and another 12,000 occupational safety and health professionals benefited from continuing educational courses.

The administration has contended that support for the ERC's should come from the private sector, but to date this just has not happened.

The American worker needs the benefits of these health professionals and to eliminate funds for their training would allow the workplace hazards to the safety and health of the American worker to continue unabated.

Accordingly, these ERC's should be funded for fiscal 1985 and NIOSH should be funded at the Congressional Budget Office current policy figure of $68.3 million.●

WOMEN IN HISTORY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mrs. SCHROEDER. Mr. Speaker, in 1776, Abigail Adams wrote to her husband exhorting him to remember women.

> I long to hear that you have declared an independency—and by the way in the new code of laws it will be necessary for you to make I desire you would remember the ladies.

At the very inception of our Nation, women called for liberty, justice, and the pursuit of happiness. In 1984, women are still crying out for equal treatment in American society.

American history was made by great and ordinary men and women who turned a weak newborn Nation into the richest and most powerful on Earth. A large debt is owed to the mothers who built new homes and a new Nation as they pioneered West, and to the spirit of women like Susan B. Anthony who pulled women into the political life of the country.

On July 9, 1979, I rose in the House to announce a minutewomen series for July's legislative session. The minutewomen series focused on the women who have been so important in the founding, pioneering, and industrial and cultural development of America.

As a result of that series I received numerous letters expressing support for that series.

A schoolteacher from California wrote: Thank you for raising the social and political consciousness of the children of Wilson School.

The University of California at Santa Cruz wrote that the minutewomen series had been a valuable addition to their resources.

We must pay tribute to the women in our history: The more people know about the role women played in history the fewer questions, and objections, there will be on the equality of women. Our foremothers have by example shown that there can be no question as to women's right to equal treatment—socially, politically, and before the law.

Once again I commend to you American women and once again I desire you not to forget the ladies.●

ALL AMERICAN WOMEN DESERVE THANKS AND RECOGNITION FOR THEIR CONTRIBUTIONS TO THE SHAPING OF THE UNITED STATES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. STARK. Mr. Speaker, I join my colleagues in commemorating the week of March 4, 1984, as Women's History Week.

I am very pleased to see this week set aside to recognize the accomplishments and contributions of American women in the shaping of our great Nation. While a small number of women stand out in American history as movers and shakers, many, many more who helped lay the groundwork of the American way of life go unrecognized. Today, I salute the women of this country and especially the women of the Ninth District of California.

I am proud to say that the idea to set aside a week to reflect on the history of women originated in California. The education task force of the Sonoma County Commission on the Status of Women introduced a countywide observance in 1977 and the idea spread quickly around the country, culminating in a 1982 joint proclamation designating March 7 to 13, 1982, as National Women's History Week. 1984, then, is the third year in which we join to respectfully salute American women.

Indeed American women deserve a spot in the limelight. Women are conspicuously absent from history texts written largely about men. The woman's viewpoint—the woman's experience—was not documented in a man's world, except for an occasional mention in the footnotes. Only in the past two decades has the woman's role begun to be examined, as scholars turn to diaries, legal records, censuses and letters to unearth information easily obtainable if the subject is male. Few people wrote about women. It took pioneering feminists to break the male grip on recognition and prominence. Through the years, other women have taken their lead and have carved a place for women in the national consciousness.

Women's History Week is a product of the determination and perserverance of American women to establish their importance in the shaping of our Nation. Every year, Women's History Week brings about a plethora of seminars, workshops, presentations, film series, parades, art shows, and scholarly analyses to raise the national awareness of how much women have contributed to our society. In my district of Alameda County, schoolchildren have studied women in history, and presented school pageants and parades in commemoration of these women.

This sort of examination of the women's "place" in our history serves not only to define the identity of today's American women, but also to provide a firm foundation for continuing to enrich America. By ferreting out the facts of the American female's experience we not only gain an understanding of where we have been, but also of where we are going. The continuing study of women's contributions to America is producing a broader, all-inclusive interpretation of U.S. history that neither ignores nor spotlights women, but paints a complete picture.

During this week we must take time to remember the women who have made America strong—mothers, sisters, and daughters who worked alongside fathers, brothers, and sons every step of the way in carving a nation out of a wilderness. The women of America continue to enrich our Nation, more today than ever in our history as they move onward in the long battle for equality. To further propel that movement, we must step back to reflect upon all we have reaped from the efforts of American women. For without them, the United States might have never united, never survived civil war, never become a world leader. To the women of America, we owe great thanks—and recognition.●

SOUTHERN ILLINOIS' CIVILIZED VOICE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Ms. OAKAR. Mr. Speaker, I would like to bring to my colleagues' attention a little gem that appeared in the Wall Street Journal of March 6, 1984, on one of the most thoughtful and genteel Members of the House, Paul Simon of Illinois.

Paul will be leaving the House at the end of this Congress, either to serve in the U.S. Senate from Illinois or to return to private life. The Wall Street Journal article reminds us of the Simon legacy to this Chamber. At a time when others are raising their voices, Paul is the voice of civility and genuineness. Through his weekly newsletter, Paul expresses many of the older values that are so lacking in public discourse today, yet are so important for a democracy. What is more, Paul writes the columns himself on his battered manual Royal typewriter.

The following is the article which appeared in the Wall Street Journal:

[From the Wall Street Journal, Mar. 6, 1984]

Has a Traditionalist Found the Keys to the Senate?

(By Dennis Farney)

"I am writing this column on a manual typewriter," Rep. Paul Simon rather defiantly announced to his constituents one day last May. "Everything I write is on a manual typewriter."

Then, as happens so often with this thoughtful Illinois Democrat, his weekly newsletter broadened out into a graceful little essay—this time on the value of tradition, of things that endure. From the demise of the manual typewriter—the last American manufacturer has just stopped making them—Mr. Simon turned to Congress' long-running debate over whether to preserve the Capitol's West Front or modernize it behind slabs of new marble. He concluded:

"There are some things that should not constantly be changed. . . . I like to see handsome old buildings preserved. I dislike seeing an ancient, sturdy tree cut down. And I want to hold onto this old typewriter.

"I want progress, but provide it for me gently."

The essay was typical of the weekly newsletters Rep. Simon, a country newspaperman before coming to Congress, has been writing for nearly a decade now. They've helped earn the 55-year-old legislator a reputation as one of the most authentic, and thoughtful, members of the House. In an age when more and more members speak through ghostwriters and computerized form letters, this quiet man with the battered Royal stands out from the crowd.

He writes—and thinks—his own stuff. And he uses his newsletter not to trumpet himself but to discuss broad philosophical issues.

In 1982, proponents of the Equal Rights Amendment, raging against an Illinois legislature that had refused to ratify it, spattered the state capitol with animal blood. Representative Simon, himself a strong ERA backer, wrote that they should instead have "congratulated" archfoe Phyllis Schlafly on her victory and perhaps even "sent her a symbolic loaf of bread." In their angry protest, he wrote, they "failed to recognize something that is fundamental in our society, that self-restraint is essential for a free system to function."

When University of California hecklers forced United Nations Ambassador Jeane Kirkpatrick to abandon a speech, Representative Simon saw a parallel to a Reagan administration decision to deny visas to two Cuban philosophers who had tried to attend a U.S. conference. "There are some people who do not understand what the United States stands for—and they are people who should know better," he wrote. "Some are students . . . and some are government officials.

"What they have all forgotten is that the United States stands for freedom."

And, upon the 20th anniversary of Martin Luther King's march to Washington, Mr. Simon used his column to ruminate upon an age-old question: Can morality be legislated?

"Morality is a higher standard than the law's standard," he wrote. "But it is not beyond the law's influence. We have seen dramatic evidence (in declining racial prejudice since 1963) that the law does bear upon our actions as citizens, and also upon our opinions. The law changes our conduct, and the change in our conduct often changes our hearts."

The man behind these columns is a little like the manual Royal he so appreciates: durable, dependable and down-to-earth. But, as an admirer of the late Hubert Humphrey and the late Illinois Sen. Paul Douglas, he is also an idealist. And if, as is sometimes observed of him, he comes across as something of a Boy Scout, this is understandable. Both of his parents were Lutheran missionaries.

His friend, Illinois Representative Dick Durbin, claims to have once heard him say "damn." Other friends wonder about this. One recalls the time a huge truck jackknifed, dead ahead, as Mr. Simon rode in a car, dictating a letter into a tape recorder.

When the tape was eventually played back, the strongest expletive to be heard was "by George!"

But the gentlemanly exterior masks the heart of a crusader. In the early 1950s, as editor of the Troy Tribune in southern Illinois, he fought vice and political corruption. Later, as a state legislator and lieutenant governor, he compiled a reformer's record.

The congressman's columns are almost invariably charitable, finding some good in almost everyone. Yet it is possible to get Paul Simon angry. Periodically, he rails against the "monstrous" Reagan tax cut of 1981. And Representative Simon, author of a book on Abraham Lincoln, boiled over when President Reagan nominated a Texas professor named Melvin E. Bradford to head the National Endowment for the Humanities. For Prof. Bradford, among other pronouncements, had written an article accusing Abraham Lincoln of "dishonesty," "calculated posturing" and behavior "sufficient to impeach."

"The University of Dallas may be able to tolerate Melvin E. Bradford," Representative Simon wrote. "That is their problem. But the nation should not promote him to a sensitive and responsible position."

Prof. Bradford's nomination was eventually withdrawn. But, even today, mention his name and the Simon hackles rise. "It was a terrible article!" he exclaims, still unforgiving.

The column reflects some of Representative Simon's abiding interests, and one of the strongest is in reviving New Deal-type public-works projects. What is the sense of paying welfare, he has asked repeatedly over the years, when there are trees to be planted, historic buildings to be restored, roads to be repaired? "There is a host of things that need to be done in our society, but instead of doing them we are paying many people to sit home and do nothing," he wrote a year ago. "Not good for them and not good for our country."

But much of what he does, as writer and as legislator, is neither "liberal" nor "conservative." It's simply a human response to something he has heard or read.

Thus he read one day of six-year-old Etan Patz, who left home to catch the school bus—and vanished, never to return. Aroused, the congressman found that although the FBI computer network listed stolen cars, it didn't list missing children. Working with Florida Republican Senator Paula Hawkins, one of the Senate's staunchest conservatives, the Congressman helped get this changed in the Missing Children Act of 1982. Now he is working to establish a national missing-children hot line.

"I'm a generalist," he says. That's one reason he decided this year to seek the Senate seat once held by his old hero, Paul Douglas. In the compartmentalized House, it is hard to speak out on, say, Central America, if your committee is Education and Labor. "But in the Senate," he says, "I'll be able to speak on anything I like."

Paul Simon may or may not make it there. He faces a tough, four-candidate primary this month and, should he win it, an equally tough race this fall. But it's a safe bet that if he does go to the Senate, his faithful Royal will go with him.●

VETERANS HEALTH ISSUES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. RICHARDSON. Mr. Speaker, I wish to draw my colleagues attention to an editorial that recently ran in, the New Mexican, a daily newspaper in my congressional district. The editorial points out that while the agent orange legislation recently passed by the House of Representatives does not go far enough toward compensating two generations of veterans whose health problems are linked to exposure of the chemical defolient—it represents a start. As cosponsor of the House bill, I feel it is time to raise the public's awareness and recognize the responsibility we face as a nation in compensating our military personnel who have suffered health problems from exposure to agent orange. I hope my colleagues will take the time to read this thoughtful piece:

Help at Last

The House of Representatives last week took Congress' first, limited step toward compensating two generations of veterans whose health problems are linked to military service. At issue are the herbicide Agent Orange used during the Vietnam War and radioactivity from open-air atomic testing.

A compromise bill, now awaiting action in the Senate, seeks to set up a compensation and death benefit program for veterans diagnosed as suffering from a limited number of diseases caused by the herbicide or radioactivity. The funding is intended to offer limited relief until the federal Center for Disease Control completes a study in 1987 or 1988 on the possible links between Agent Orange and later health problems.

In acting before the final reports are in, Congress put humanity ahead of procedure, responding to the stories of suffering told by veterans whose injuries are most probably the result of our government's ignorance.

For the Veterans Administration, the annual expenditure on the program—increasing slowly from $4.7 million this year to $5.4 million in fiscal 1988—would be a tiny addition to an agency budget that now exceeds $25 billion a year.

Although the amount of funding is small, however, the bill has important symbolic value to the former GIs who for years have battled the VA to compensate them.

Under the measure, disability or death benefits would be permitted for veterans who served in Southeast Asia during the Vietnam War and who subsequently suffered from chloracne, a skin disorder; cancerous tumors of soft tissue; or a rare liver disease.

The VA has recognized only chloracne, which is related to teen-age acne, as being "causally related" to Agent Orange exposure.

Some 50 million pounds of Agent Orange were sprayed on jungle areas of Vietnam between 1961 and 1969 to deprive enemy troops the protection of dense foliage. The main ingredient of the herbicide is a chemical which contains dioxin, a contaminant that is strongly suspected to cause cancer in humans.

The bill also assists the estimated 230,000 veterans who may have been contaminated by radiation while they witnessed open-air atomic tests in the 1940s and '50s or served as occupation troops in the atom-bombed Japanese cities of Hiroshima and Nagasaki after World War II.

While the legislation does not go far enough, it is a signal to veterans that, finally, someone is listening.●

WOMEN'S HISTORY WEEK

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. LEWIS of California. Mr. Speaker, many diverse women have left their indelible mark on the pages of history. Unfortunately, oftentimes their contributions and accomplishments have been given inadequate emphasis or have ever been ignored by historical chronologists. Today I would like to rectify the neglect somewhat. In this regard, I commend to you some of the pioneering women of California who boldly and courageously helped bring a fledgling Nation into the 20th century. From the brutal winters of the High Sierras to the serene beaches of Balboa, these women left a remarkable legacy of accomplishment.

In October 1846, blizzard conditions stranded a group of men, women and children in the Donner Pass—the High Sierra passage between Nevada and California. For 4 months they struggled against starvation; 25 of the 35 women survived the terrible ordeal to eventually find their way to California. The embodiment of their tenacious spirit can be found in the women who followed them.

The discovery of gold helped settle California. However, had it not been for the keen eye of Elizabeth Jane Wimmer, nothing might have panned out for James Marshall and John Sutter. Wimmer grew up near the gold fields of Georgia and knew gold when she saw it, unlike many of the would-be miners in California. Marshall brought her a rock which, after being washed, shined very bright. Mrs. Wimmer determined that it was indeed gold. Thus, the California gold rush was launched by a woman.

The pioneering women lost no time in pursuing their interests and talents. More often than not, women started businesses with little more resources than sheer determination. For example, Freda Ehrman turned her culinary skills into profit. With 20 acres of olive trees and her secret pickling recipe she became the "Mother of the Ripe Olive Industry" in California. Her back porch enterprise was eventually transformed into a modern plant. Ellen Browning Scripps, whose story is one of rags to riches, was the foundation of the Scripps newspaper dynasty. At 91 she founded Scripps College in Claremont, Calif. Kara Smart Root became one of the leading poultry producers in California, amassing a small fortune along the way. She was the first female member of the California State Poultry Association and lectured on poultry as a vocation for women.

Women turned their energies toward the improvement of health care. The San Francisco Children's Hospital, originally called Pacific Dispensary for Women and Children, was founded in 1875 by Dr. Charlotte Blake Brown and Dr. Martha Bucknell. The hospital's goal was to further women in medicine. The hospital established an all female board of directors which still exists today. The first nurses training program west of the Rocky Mountains was instituted there in 1880.

In my own district, Mrs. Kemper Campbell was a pioneer in the field of law. Residing in Victorville, Calif., until her death in 1980, she worked tirelessly to further women in law. She graduated valedictorian of the class of 1913 from the University of Southern California School of Law. The first woman to be appointed a deputy district attorney in California, she was instrumental in securing the right of women to sit on juries. Mrs. Campbell was a noted author and professor of medical jurisprudence. She taught torts and real property at USC for 4 years and medical jurisprudence at Loma Linda University for 30 years. At the age of 76 she embarked on a literary career and published four books. At the age of 86 this remarkable woman reactivated her career in the practice of law. Her good works will benefit all for years to come.

Audiences were graced with the talents of San Francisco-born Isadora Duncan and Lark Ellen Yaw. Isadora redefined dance. Shirking the traditional ballet skirt and shoes, she donned a Grecian toga and danced her way barefoot into the lives and hearts of many admirers. Lark Ellen's career began at 14. Her clear soprano voice delighted listeners for many years.

The palatial home of William Randolph Hearst, San Simeon, was based on the beautiful designs of architect Berkeley Julia Morgan. She collaborated with the newspaper mogul on his grandiose plans and instituted those that were architecturally sound. The mansion remains a tourist showcase.

Charting the world was Harriet Chalmers Adams Howe. Her geographic travels took her to all corners of the globe. In 1925 she established the Society of Women Geographers.

A women of many pursuits, Harriet Strong was a leading feminist and environmentalist. She was the first female member of the Los Angeles Chamber of Commerce. On the side she accumulated a fortune by growing walnuts and pampas grass and by patenting new methods of irrigation flood control.

The landscape of California was enhanced by Kate O. Sessions, a pioneering horticulturalist. Through her efforts hundreds of exotic trees and plants were introduced in California. Pruning shears ever in hand, she is fondly referred to as the "Mother of Balboa Park."

These women's talents, achievements, and perseverance cannot be discounted with a mere footnote in the annals of history. We owe them more than that. In light of this, it is my privilege to commend them to the U.S. House of Representatives.●

OBSERVATIONS ON THE ELECTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 7, 1984, into the CONGRESSIONAL RECORD:

OBSERVATIONS ON THE ELECTION

At this early stage in the presidential campaign, my impression is that the election could be influenced by the voters' answer to a basic question which has divided Americans down through history: What is the proper role of government in the nation's affairs? Should government only be a policeman, or should it promote the general welfare as well?

How the voters gauge the role of government, whether as a force for good or for bad, may be the key issue of the election. The reason is President Reagan's success in persuading many Americans that "government is not the solution to our problem . . . [but] the problem," and that government is no longer needed to protect the "little guy." At least since the New Deal, most Americans have looked on government as a means of promoting fairness and equality of opportunity. The President has turned this view around, arguing that injustice and economic oppression come from government, and that things will be much better for the average person if he can get government off his back and free himself from bureaucrats and red tape. This skepticism about government does not extend to the military, for whose sake domestic programs are being cut back. Thus, Mr. Reagan's approach has been to strip government of its capacity to solve or respond to domestic problems, while building up the military.

This theme will be played out as the candidates debate the "fairness issue." Critics will charge that Mr. Reagan's program favors the wealthy and powerful but hurts the average and disadvantaged. They will attack his program on the grounds that government must continue to promote fairness as it has since the New Deal. They will support an active role for government, maintaining that government alone is able to enforce fairness in a complex and competitive society. For his part, the President will run against government even though he is its most prominent embodiment. His refrain will be a familiar one. Government causes unfairness, so it should be passive, except in military matters.

The polls always reveal an American public split on the proper role of government in the nation's affairs. They suggest that Americans have an anti-government attitude and invariably want to cut government spending overall. Yet they also suggest that Americans approve of most domestic programs, want more money for education and the environment, and reject cuts in expensive programs like social security, medicare, and aid to the poor. Despite the President's denunciation of government, I am not able to sense any clear change in the public's ambivalent feelings.

Another feature of this election will be the growing participation of women, blacks, and Hispanics. The strength of these groups will be tested, but it is already apparent from the candidates' deference, the pattern of their appearances, and their handling of "special interest" issues that women, blacks, and Hispanics are becoming dynamic forces in politics. Related to this trend is the continued growth of cultural diversity. Americans are trying to differentiate themselves more than ever from their fellow citizens, with separate neighborhoods, distinct values, and varied lifestyles. Victory may go to the candidate who can increase his support, not at the expense of his opponent, but by appealing to non-voters in the nation's many "subcultures."

As the candidates barnstorm across the country, I have a hunch that the voters and the news media will be pressing the question, "How are you going to finance your programs?" Some politicians are committed to redistributing wealth, but they are reluctant to ask the voters to foot the bill. Other politicians are committed to more defense spending and more international initiatives than they are prepared to ask the voters to support. Neither group is willing to match resources with policies.

One feature of the election is beginning to worry me. I sense both too great an emphasis on racial distinctions and a polarizing tension within an electorate sharply divided along lines of income. The polls are showing quite clearly that the President's style of leadership tends to cause Americans to cluster by economic class, with the upper-income groups more positive toward him and poorer groups more critical of him. The polls also show a racial division, with blacks and Hispanics tending rather strongly to be against the President. Most of our recent national elections have not resulted in voters splitting down the middle on old-fashioned lines of race and wealth, but I am afraid that this election may be an exception. If so, it probably will work in favor of Mr. Reagan's opponent. On the other hand, the President has shown that he can pull votes from the lower end of the economic scale by appealing to patriotism and other traditional values. I see the candidates struggling mightily for votes at the center of the political spectrum.

My own contacts with Hoosiers have uncovered for me another important feature of this election. The voters seem to be approaching it in an upbeat, optimistic mood, feeling that the present is as good as the recent past and that the future will be better still. If the voters generally are more positive about government, politics, and the nation itself, their buoyant feeling surely will work to Mr. Reagan' advantage. There is a sense in which time will be a major issue in the election. The President will focus the voter's attention on today's conditions. Are people better off now than they were four ago? His opponent will focus the voter's attention on the future situation. Who is going to be hurt because of the huge budget deficits?

My guess is that a few months from now, as we come down to the final weeks of the campaign and weigh all the factors which influence the outcome of a presidential election, we will be saying, "It is going to be close." There is one thing that we know to be true. The electorate is volatile, particulary the middle-class voters. The relationship between these voters and the candidates seems to be more tentative than permanent, and it can be altered by persuasion or changes in circumstance.●

WOMEN'S HISTORY WEEK

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. PACKARD. Mr. Speaker, on February 29, I voted in the U.S. House of Representatives to designate the week beginning March 4, 1984, as "Women's History Week." I am pleased to have this opportunity to celebrate and honor the historic contributions of American women during this special order.

This is an appropriate time for Americans across the Nation to study the contributions and influence of American women to all aspects of our society. We cannot possibly do so without gaining a deep appreciation for the cultural, economic, and social role women have played in every sphere of our Nation's life.

It is true that we have much to do before women assume a full rightful leadership role in our society. However, I can point with pride to the accomplishments of women in the 43rd District of California who have achieved positions of leadership and distinction, including: Mary Casler, mayor of Carlsbad; Nancy Wade, mayor of Vista; Marian Bergeson, assemblywoman; Belinda Blacketer, president of the Saddleback Area Coordinating Advisory Council; and Harriett M. Wieder, chairman of the Orange County Board of Supervisors. Also serving with distinction on various city councils throughout the district are Ann Kulchin, Melba Bishop, Doris Thurston, Pia Harris, Gloria McClellan, Karoline Koester, and the many, many members on local school boards.

I am proud of the work these women do for the quality of life that we are now enjoying in the 43d Congressional District. I am also grateful for the responsible women everywhere working with and for their families every day, who also deserve our appreciation today.●

MURDERED AMERICAN CHURCHWOMEN

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Ms. OAKAR. Mr. Speaker, nearly 4 years have passed since the murder of four American churchwomen in El Salvador. Justice in this case is as remote as ever. Those of us who have followed the case and urged a vigorous investigation, have been struck by the lack of cooperation and resolve on the part of El Salvadoran officials to successfully bring the case to trial, to resolve the questions and punish the guilty. Over time, it has become clear that a coverup is being pursued, instead of justice. The fact that the State Department insisted on classifying Judge Harold Tyler's report on the case strengthens the impression that of a coverup.

A March 3, 1984, article by Stephen Kinzer in the New York Times contains a shocking account from a former Salvadoran Government official about the case of the murdered American churchwomen. The official maintains that the highest level of the El Salvador Government is aware of who ordered the killings but has been conducting a coverup to protect friends and family members. I include excerpts from the article, "Death Squads in El Salvador: Ex-Aide Accuses Colleagues," be printed in the RECORD.

These are serious charges that must be resolved. I support an official investigation into this matter so that the American people can draw their own conclusions about the kind of people we are dealing with in pursuing our El Salvador policy. If the suspicions are confirmed, the likelihood of success is remote. If suspicions are dissolved, the atmosphere for success will be improved. In view of the crying need for justice, not to mention the already large investment made by our taxpayers, the question of who ordered the murders of Ita Ford, Maura Clark, Dorothy Kazel, and Jean Donovan must be answered. Delay and excuses are no longer acceptable. We must stop using taxpayers' money to fund the same individuals who may have been involved in a coverup of the murders of our own Americans citizens. Stop the abuse of taxpayers' money now. Stop the military assistance to El Salvador.

The following is an excerpt from the article by Stephen Kinzer:

FORTY STICKS OF DYNAMITE ARE PRELUDE TO EXILE

Colonel Majano lost political ground continually through 1980, and most of the leftists in the Government, including two key junta members, were forced from office. At one point, Colonel Majano ordered the arrest of Mr. d'Aubuisson on charges of plotting a coup, but Mr. d'Aubuisson was quickly released through the effort of Defense Minister Garcia.

As Colonel Majano drove near the Salvadoran Institute for Agrarian Reform on Nov. 11, 1980, a bomb made from 40 sticks of dynamite exploded just after his car passed. This assassination attempt was carried out by squads working for Mr. d'Aubuisson, the former official said.

Two weeks after the car-bomb attack, six members of the executive committee of the leftist Democratic Revolutionary Front were kidnapped and killed, an action the former military official said was also carried out by squads working for Mr. d'Aubuisson. In mid-December, Colonel Majano was finally forced to leave the junta. He fled into exile soon afterward.

The Salvadoran was in a sensitive Government post when the four American churchwomen were killed in El Salvador on Dec. 2, 1980. He said his post gave him the opportunity to watch a cover-up develop. American officials familiar with circumstances at that time confirmed that the Salvadoran was well situated to see the inner reaction of the Government to the killings.

He said the murder of the churchwomen was "an unusual case" that did not involve Mr. d'Aubuisson or what he described as "the normal structure."

"National guardsmen at the airport spotted the women, and they radioed for instructions," he said, speaking matter-of-factly and chain-smoking American cigarettes. "Two of the women were coming from a conference of Maryknoll nuns in Managua, Nicaragua, and the other two were known as suspicious.

"The word came down to eliminate them. It came from Col. Oscar Edgardo Casanova, who was in charge in that zone."

Salvadoran and American officials have said there is no evidence to suggest the five national guardsmen accused of killing the churchwomen were acting on orders. But critics, including relatives of the women, have expressed doubt that a crime of this magnitude would have been carried out spontaneously.

Colonel Casanova is a cousin of General Vides Casanova, then chief of the national guard and how Minister of Defense. Oscar Edgardo Casanova is now commander of the Salvadoran Army's Second Brigade, stationed at the western city of Santa Ana. He was transferred from La Paz, where the murders took place, weeks after the women were killed. His transfer was part of a shake-up that the former official said was principally designed to provide a pretext for protecting the women's killers.

According to the Salvadoran, the transfers sent a message to soldiers that they would be protected if they were implicated in crimes of violence.

He said Colonel Casanova's involvement in the killing of the churchwomen was known to several people at high levels of the Salvadoran Government.

"The men who did the killing have been promised that they will be freed through the judicial system, which means that they can never be put on trial again," the former official said. "If they don't name Casanova, they will get out of jail as soon as it is feasible."●

THE NICARAGUAN ELECTIONS: ANYTHING BUT DEMOCRATIC

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, the ruling junta of Nicaragua has gained a great deal of media publicity here in the United States with their announcement that they will hold elections in 1985. Many people have heralded this event as justification of the Sandinista's claims that a democracy exists in Nicaragua. Liberal apologists overlook the brutality and repression that has been practiced by the Sandinista regime and cite the upcoming elections as evidence of their intentions to democratize the control of the country.

What many people ignore, however, either innocently or by design, is the fact that the upcoming elections, if they can be called that at all, will be little more than a consolidation of Sandinista control of the Government. The Nicaraguan elections will bear little resemblance to democratic elections as we have come to know them here in the United States, mainly because the media is controlled almost exclusively by the ruling party, as is the military and the Government itself. The leaders of the Sandinista regime have made abundantly clear that although other candidates may be allowed to run, the junta alone will be directing the election: The electoral rules will be arbitrarily determined by the Sandinistas since there exists no constitution.

A recent statement by Sandinista Minister of Defense Humberto Ortega reveals the Government's real intentions with regard to next years elections:

> The elections are meant to improve the revolutionary power, but not to raffle off who has that power, because the people, through their vanguard, the Frente Sandinista de Liberacion Nacional (FSLN) and its national directorate, have the power.

No change in power or in the political structure will be allowed to occur as a result of the elections. The Sandinistas have no intention whatsoever of relinquishing their stranglehold on the people of Nicaragua. A recent editorial in the New York Times by Arturo Jose Cruz, a member of the ruling junta and Nicaraguan Ambassador to the United States until he resigned in dissent, clearly outlines what the promised elections portend for the country of Nicaragua. I recommend that my colleagues take a few moments to read his informative and insightful remarks.

[From The New York Times, Jan. 27, 1984]

SANDINISTA DEMOCRACY? UNLIKELY

(By Arturo Jose Cruz)

WASHINGTON.—The Sandinista Government has announced its intention to hold elections in 1985. Nicaraguans will vote for a president, a vice president and a legislature to be entrusted with the task of writing a constitution. Unfortunately, this is not good news for advocates of democracy: There are signs that the Sandinistas are not interested in a genuine electoral contest but in a farcical vote that will give a veneer of legitimacy to their de facto Government.

The Sandinistas' hold on the Government was established early on. At the hour of revolutionary triumph in July 1979, they decided against outright one-party rule. Instead, in order to calm domestic and international opinion, they chose to form a pluralist junta. (The first junta included members of the Sandinista front and representatives from other sectors of the broad alliance. I was a member of the second junta, formed in early 1980.) As it turned out, however, the junta's powers—it was supposed to act as head of state and Government—were only nominal. In fact, the Sandinista front retained these powers for itself.

From the beginning, the Sandinistas were the dominant revolutionary faction, key actors in the triumph of an insurrection by a broad coalition of groups. They were clearly the source of all political power—the brokers who would put the Government together as the country emerged from revolutionary chaos—and they should have been content with that.

Instead, they were determined to take over the full functioning of the Government, running Nicaragua from their own party headquarters. From the beginning, a Government minister was important only if he was also a commissar in the ruling party. This arrangement belied all democratic principles and the concept of a broad-based alliance that was originally meant to provide the foundations for both the junta and the cabinet. Such is the system the Sandinistas seem to want to prolong with the new electoral law.

In the five years since the triumph, the revolutionary Government has continued to talk about pluralism, but this is a token gesture that does nothing to change the real nature of the regime. The original revolutionary Government was called a "Government of National Reconstruction": It was expected to preside over a transition, leading Nicaragua out of the destruction caused by civil war into a state of nomalcy. This first phase was to be completed as soon as possible, so that the people could be given the opportunity to freely choose the type of Government they wished—and from then on we hoped to elect our authorities regularly.

A constituent assembly could have been elected as early as 1982, with a view to having a constitution ready before the 1985 elections. That did not happen, however—and now the Sandinistas are putting the cart before the horse, scheduling presidential and legislative elections although we have no constitution. There are no visible guarantees that the electoral process will be conducted under fair conditions. Nor has the Sandinista front given any assurances that it is willing to surrender public power if it happens to lose.

Indeed, the revolutionary commanders' statements about the voting process foreshadow a mockery of elections. The Sandinistas are determined to exclude leading dissident personalities like the former guerrilla leader Edén Pastora Gomez and former junta member Alfonso Robelo Callejas, who is also the leader of an important political party. Under these constraining conditions, citizens with a sense of self-esteem will be neither candidates nor voters, and I expect that large numbers of people will stay away from the polls.

Our erstwhile liberators, the Sandinistas, are becoming addicted to power. Having gallantly faced bullets in battle, they are now resorting to phony balloting—just as our right-wing dictators did in the past. If they go on like this, they will soon completely lose the trust of their fellow citizens.

I am one of those Nicaraguans who was initially hopeful—albeit cautiously so—about the Sandinistas' first apparent gestures toward democracy. But I am disappointed by their electoral proposals, and I fear that their intentions are not good.

It might not, however, be too late for them to regain the people's trust by showing their sincerity and taking concrete steps to establish genuine democracy in Nicaragua—including provisions for truly open

elections supervised by an international organization. Most important, the Sandinistas must fully separate the party from the state. Unless they do, only fools and opportunits will take next year's election seriously.●

CHEMICAL WEAPONS, AGAIN

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. GEJDENSON. Mr. Speaker, today I rise to bring to the attention of my colleagues an editorial concerning chemical weapons that appeared in the Hartford Courant on February 13, 1984. This article is an important reminder that Congress must continue to communicate to this administration our view that nerve gas is an unacceptable and immoral weapon that should not be part of the U.S. arsenal.

The issue of chemical weapons production is one that has been of special concern to a great number of my colleagues over the last several years. It has been through our united efforts that we succeeded in deleting the funds for nerve gas production from the fiscal year 1984 defense authorization and appropriation bills. Regrettably, our fight is not yet over. As my colleagues know, the President has once again requested that Congress lift the moratorium on chemical weapons established by President Nixon in 1969. For fiscal year 1985 the President has requested $117 million to create a new and more deadly generation of nerve gas weapons.

We have recently learned that Iraq may well be using chemical weapons in its war against Iran. The media has taken its cameras into the hospitals where patients suffering from the effects of exposure to nerve gas chemicals lie dying or severely mutilated. This unfortunate episode clearly and sadly demonstrated the brutal and barbaric nature of these weapons. Even more frightening, opponents of nerve gas have argued that since chemical weapons are easier and less costly to produce, this weapon could easily proliferate among the poorer nations. This fear has now become reality in the Iraq-Iran war.

I feel that instead of urging Congress to end the moratorium on nerve gas production, the President should be working with the Soviet Union to formulate a comprehensive ban on these senseless weapons. The new Soviet leader, Konstantin Chernenko, has relayed his willingness to discuss chemical weapons reductions. It is important that the United States take advantage of this opportunity and negotiate an arms control agreement.

To begin producing a new line of nerve gas weapons would seriously jeopardize any chances we may now have to negotiate a comprehensive ban on nerve gas weapons and add a new and horrifying dimension to an already escalating arms race.

I ask my colleagues to read this article and prepare themselves to join together again to delete funds for chemical weapons procurement from the fiscal year 1985 defense bill.

[From the Hartford (Conn.) Courant, Feb. 13, 1984]

CHEMICAL WEAPONS, AGAIN

The U.S. House last year rejected a proposal to produce nerve gas, and approval in the Senate could be gained only with the vote of Vice President George Bush, who broke a tie. A conference committee turned thumbs down, giving the administration its only major weapons system defeat of 1983.

But that didn't discourage the Pentagon, and chemical weaponry is again on the agenda on Capitol Hill. The proposed fiscal 1985 federal budget earmarks money to build facilities to make two new chemical weapons, a bomb and an artillery warhead. They would be the first chemical weapons built since 1969, when President Richard M. Nixon stopped production.

This country and the Soviet Union signed the 1925 Geneva Protocol, which prohibits the use of chemical weapons in war, and a 1972 treaty that rules out first use of chemical or biological weapons. There's good reason for those restraints; the weapons are barbaric devices that no civilized nation would use.

The Pentagon contends that a U.S. chemical weapons threat is needed to deter Soviet chemical attacks until the weapons can be verifiably banned by a bilateral agreement. The presumption that the Soviets would wage chemical warfare on any Western nation strains credulity, and the controversy about a proposed U.S. chemical arms capability renders any conceivable deterrent effective almost laughable.

That's not to say that a U.S.-Soviet treaty to eliminate chemical weapons isn't needed. It is needed, to prevent a senseless new kind of arms race. Diplomacy toward that end is where this country should be putting its energies, not in trying to push chemical weapons production through Congress again. A decisive rebuff by both the Senate and House could deliver that message this year.●

LEGISLATION TO MAKE PERMANENT TAX EXEMPTION FOR PREPAID LEGAL PLANS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation that would make permanent the tax-free status of employer-sponsored legal plans in order to preserve legal services to families and individuals. These legal plans assist individuals in such areas as will drafting, guardianships and family law matters—to bankruptcy and purchasing a new home. I also wish to note at the outset that companion legislation has been introduced in the Senate—S. 2080—by Senator BOB PACKWOOD of Oregon.

Begun in 1971, employer-sponsored legal plans have witnessed a dramatic growth. According to the National Resources Center for Consumers of Legal Services, since 1975 the number of these employee-related plans has grown from 75 to 700 today. In the same period, the number of individuals who have benefited from these plans has increased from zero to 10 million in 12 years.

The costs associated with providing this exemption to employers has been minimal on the Federal Government. According to the Joint Committee on Taxation, the revenue loss associated with this provision in the Tax Code was $20 million in 1982.

Specifically, my bill seeks to make permanent section 120 of the Internal Revenue Code, which, since 1976, exempts from taxation the value of services provided through employer-sponsored legal plans if offered on a nondiscriminatory basis. Additionally, funds used to hold contributions for such qualified group plans are also tax-exempt under section 501(c)(20) of the code. Since both of these provisions expire on December 31 of this year, my bill would make them permanent.

The Federal Government has long provided incentives to creating increased access to prepaid legal service plans. In 1973, Congress amended the Taft-Hartley Act to allow the use of employee benefit trust funds to provide legal services.

In addition to its role in encouraging the growth of prepaid legal service plans, Congress established the Legal Services Corporation in 1974, which sought to assure equal access to justice under the law for the poor of this Nation. The role of the Corporation in providing legal services to those who have no other avenues with which to secure their rights has been commendable. Notwithstanding the substantial budget cuts in the Corporation budget since 1981, I am heartened that in this fiscal year, Congress has increased the LSC budget by $35 to $276 million. As the author of legislation to assure continued client eligibility in LSC-supported programs by repealing the revised regulations of November 30, 1983.

This bill, H.R. 4659, enjoys bipartisan support with 58 cosponsors to date. Passage of H.R. 4659 would serve to complement this bill that I am introducing today by assuring access to legal services to those who also have need for these services but are not provided such programs through their employer.

The Tax Reform Act of 1976 established the exemptions which this bill seeks to make permanent. Section 120 was reauthorized in 1981 for an additional 3 years. The reason for the temporary provision is that Congress sought to learn if, in fact, such a provision would stimulate the growth of plans without costing excessive revenues. I believe the numbers now confirm our belief that these provisions must be made permanent.

The net cost to the Federal Government is due to the fact that these plans are expensive—quite the contrary. The typical program averages less than $100 a year per employee. The bulk of the cost is associated not with the prepayment, and the advance arrangements which are provided on a group basis are central to the lost costs and efficiency of these plans. Thus, people under these plans seek legal help at an earlier point in the process, when the time and energy required on the part of the service provider is less than it would be if the client sought legal advice and counsel at a later point in the process when the problem could be more complex and required added time and resources to resolve.

In my own State of New York, the impact of this program has reaped benefits to many segments of the working population. According to Thomas J. Mackell, an attorney in Queens County who has been providing these services since 1975, and who is a former Queens County district attorney:

> Practically every college campus now has a legal service program for their students. Every principal city in the state has a number of law firms involved in this service. All civil service employees in the State and in New York City service have such programs. The county employees in Nassau and Suffolk and parts of Westchester counties have such programs. New York State has been one of the principal areas of growth for group legal services.

In sum, Mr. Speaker, I believe there is ample evidence to justify this provision being made a permanent part of our Tax Code and I urge timely passage of this legislation.●

AN OPPORTUNITY FOR GROWTH

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. RICHARDSON. Mr. Speaker, I had the opportunity recently to address a joint session of the New Mexico State Legislature. I had the privilege of outlining some of my thoughts and suggestions on a variety of issues affecting New Mexicans and our Nation. Mr. Speaker, I ask unanimous consent that my address be reprinted in the CONGRESSIONAL RECORD.

AN OPPORTUNITY FOR GROWTH

I am deeply honored by your kind invitation to be here with you today. May I initially express my heartfelt appreciation to many of you who have generously provided your assistance to me this past year on numerous state and Federal projects strengthening New Mexico's future.

And may I also take this opportunity to renew my pledge of a year ago to work closely with you and to put all of my resources at your disposal in behalf of our shared goals for the common good of all our citizens.

Only a few short months ago it was precisely that sort of common effort that made a major difference in the lives of a great many of our fellow citizens when Washington tried to balance the budget on the backs of 100,000 New Mexicans with policies that would have shut down their rural health clinics. We fought the bureaucrats every step of the way. And with your assistance, I drafted and introduced legislation reversing the administration's policy, got it passed by both houses of Congress, and signed into law. Let me reassure you today, in the strongest possible terms, that the doors of those rural health clinics will remain open.

In these difficult economic times those of us who have been entrusted with the grave responsibility of addressing the people's needs and concerns have a special obligation to see that some measure of justice and fairness is insured in the way our resources are allocated and in the way our Government does its work.

You who represent the people of New Mexico in this great legislative chamber are, without question, closest to the people. It is you who have a unique grassroots knowledge of the diverse and special conditions in your communities and neighborhoods.

And it is you especially who can eloquently testify that it has been the States and the cities and the communities that have borne the brunt of the Federal budget cutbacks brought about by a deficit out of control.

I am confident you have also sensed there is a growing unease across New Mexico about the immense size of the deficits. There are those who today focus solely on an improved national economy and who, mistakenly, believe deficits are a problem for tomorrow. They are not.

They affect a young Santa Fe couple who are unable to finance their own home—today.

And they affect a carpenter who wants to build that house—today.

They frustrate the meatpacker in Farmington who is unable to expand and hire new workers—today.

Having criss-crossed over 10,000 miles of New Mexico this past year, after holding over 100 town meetings, I can assure you people are concerned about those deficits. And my five professionally staffed congressional field offices across New Mexico are working tirelessly to assist those New Mexicans who have been hurt by the economic consequences of those deficits.

The future growth of New Mexico is on the line and that line is the bottom line of the Federal budget.

While small business makes up nearly 50 percent of our national work force, it plays a far greater role in our State of New Mexico. And it is small business that can provide 80 percent of the new jobs we will need in the years ahead.

But how can New Mexico's small businessmen and women, whether they be in Carlsbad or Gallup, or Farmington or Santa Fe, possibly invest and expand and hire new workers when current administration economic policies keep interest rates sky-high with a "borrow now, pay later" philosophy that keeps piling debt on top of debt at a rate faster than any time in our history.

Current economic policies have sent our Federal budget rolling out of control and it is painfully evident that both large and small communities across New Mexico are paying a heavy price.

Last year's economic news from Washington was grim. Expected reports for the years ahead are even gloomier. We ended up this past fiscal year with a staggering deficit of nearly $200 billion. If we stay the course on our current economic path, nearly $2 trillion will be added to the national deficit by the end of the decade. That is intolerable and unacceptable. Two-thirds of all available credit will be snapped up by the Federal Government. The scramble for the scarce amount remaining will inexorably keep interest rates in the clouds. It is unacceptable because New Mexico cannot grow under the weight of deficits of that enormity.

It is unacceptable for our leaders to tell us not to worry about their deficits, that they will decline at some future point. That is like a fireman telling people trapped in a burning building not to worry because it is sure to rain some day. When a truck is speeding toward the edge of a cliff, it doesn't need more time, it needs a change in direction.

And it is also unacceptable for those on Capitol Hill who only a few short years ago were the principal architects of a flawed economic game plan which produced this deficit crisis to now disown accountability. Twenty months ago they were proud of their participation. Today they plead for political courage from the rest of us to rescue the Nation.

I am part of a select group in the House of Representatives which for many months has been exploring new ways to redirect the nation's energies toward investment and growth and to redeem America's promise of equal and expanding opportunity.

Our ultimate goal is to balance the budget—to match Government revenues when the economy is at full employment with Government expenditures.

We believe we can reach that goal in the next four years by moving steadily to bring the deficit under control. Our target for that effort is to cut the 1988 budget deficit by between $150 billion and $200 billion. That total saving will result from lower spending and lower interest costs as well as from increased tax revenues. And we can do it through actions that are fair and sacrifices that are mutual.

Such actions will not be painless or easy to achieve. But there are four initiatives we believe we can take to put our Nation on a sound fiscal footing enabling it to grow and prosper by correcting the basic imbalance between our spending and tax policies.

First, we need to replace our present tax code with a new simplified fair tax. There is simply no way to repair the present tax code—it is a codification of concessions to special interests, with tax breaks for the wealthy and the clever—and tax bills for the rest of us. There are nearly 100 major personal and business loopholes worth more than $250 billion this year. And tax evasion costs us more than $80 billion a year. It is neither fair nor moral for a millionaire to pay less in taxes than a working class family making under $20,000 a year. Under the fair tax plan there will be a simple, progressive tax with a limited number of rates. The corporate and top individual rates would be the same, but both would be lower than now.

Deductions for home mortgage interest, charitable contributions, State and local income, and real property taxes would be retained.

Second, we need comprehensive legislation to control medical costs. If present trends continue, our national bill for health care will soon take a greater share of our gross national product than our investments in education and defense combined. Medicare spending for hospitalization, $3 billion in 1967, will top $50 billion in 1985. Unless expenditures are cut by 30 percent or its revenues raised by 43 percent, it will go into the red by 1990. The legislation we propose will control health costs by improving the efficiency of the health care delivery system, by limiting the reimbursements doctors and hospitals can receive for the services they perform, by encouraging consumers to participate in health maintenance organizations and to choose knowledgeably among competitive medical plans. But our primary focus must be on improving efficiency in the health care industry.

Third, we need a thoroughgoing examination of all entitlement programs. We propose a full-scale review of entitlement payments—similar to the 1983 reassessment of the social security system. We must closely examine whether automatic cost-of-living adjustments compensate for inflation or induce it. And we must determine whether the well-to-do receive more than their fair share of the Nation's protection—whether they be in retirement benefits or farm price support arrangements. It's no wonder we have today the most expensive farm program in the Nation's history. Under the controversial payment-in-kind program, a large corporate California farmer was recently paid $1 million not to plant wheat—in a field that was under water! And that same farmer then had the nerve to request that the Department of Agriculture pay more money to drain that very same field. We must find better ways to bring the benefits of those who receive entitlements into line with their genuine needs.

Fourth, we need a top-to-bottom review of our national security and defense needs. There has been no such complete reexamination since the early days of the Kennedy administration. As a result—while we assume that a steady 3 to 5 percent, real, annual increase in defense spending can assure strength and stability—we are now buying arms without plan, spending without a sense of our long-range military mission and needs.

We should be ready to appropriate every dollar needed to protect the interests of the United States, to support our friends, to advance the cause of freedom and to promote the prospects of peace. But we should not spend a dollar more than necessary to meet those goals. Above all, we must seek ways to make arms control a force not only for stability between the superpowers but for savings in the defense budget as well.

I believe enactment of a fair tax, medical cost controls and entitlements and defense reassessment plans can achieve our deficit program if we begin now. And we must begin now.

Or all of us will soon be leading lesser lives in a lesser land of enchantment.

While we must, of course, rethink our ideas in the days ahead, let us resolve never to retreat from our ideals of years past.

Our twin goals must be to keep America the undisputed, number one, economic power in the world and to raise the standard of living and improve the quality of life of every American.

Beyond this there is the call to each of us to reach for new standards of excellence—excellence in personal effort, excellence in the quality of our society, and excellence especially in our trusteeship of the peoples' needs.

There is much we can do to achieve these objectives, but in the final analysis the quality of our society depends on each one of us.

We must promise to renew our determination to square our Nation's policies and priorities with the ideals of our founding documents.

That is a promise I invite you to join with me in redeeming for ourselves, for our State, and for our Nation.

It is a task worthy of the best efforts of us all.

Godspeed! And thank you very much.●

SENIOR CITIZENS TAX IMPROVEMENT ACT

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mrs. BYRON. Mr. Speaker, this week I introduced H.R. 5015, legislation to amend the Internal Revenue Code by allowing the Internal Revenue Service to waive or reduce estimated tax penalties for elderly and retired people where there is "reasonable cause" to do so. My bill is modeled after S. 2257 introduced by my distinguished colleague in the Senate, Senator Nancy L. Kassebaum.

The bill I have introduced seeks to provide some measure of relief to the estimated 300,000 elderly taxpayers who are forced to pay $40 million in tax penalties each year because of their inability to understand the complexities of the estimated tax provisions of the Federal Tax Code.

Senior citizens shift from wage earner to retired status and their taxable income from pensions, dividends, and interest is not subject to withholding. Many older persons with very modest incomes are unaware that the Internal Revenue Service requires them to make a declaration of estimated tax and pay regular, quarterly tax payments. After these older Americans file their annual tax returns and pay their fair share of taxes, the IRS automatically hits them with an unexpected and substantial tax penalty for failure to comply with the estimated tax requirements.

Unfortunately, the Internal Revenue Service currently has no authority to waive these tax penalties for elderly persons who are clearly innocent of any intention to evade taxes. The bill I have introduced, the Senior Citizens Tax Improvement Act, would remedy this unfair situation by giving the IRS enough flexibility to waive or reduce these estimated tax penalties for elderly or retired taxpayers where there is reasonable cause.

I urge the Members of the House to join me in pressing for enactment of this bill to assist our senior citizens.●

NATIONAL SCUBA WEEK

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. BADHAM. Mr. Speaker, today I am submitting a joint resolution to designate the week beginning June 11, 1984 as "National Scuba Week." Underwater diving with a scuba, known as a self-contained underwater breathing apparatus, is one of the country's fastest growing family sports with the number of divers totaling over 2½ million. Scuba diving can be done anywhere in the world in both fresh water and salt water and can be used for special purposes such as scientific experimentation, underwater photography as well as for recreational activity.

Nearly 100,000 people are employed in the scuba industry as instructors, manufacturers or in some other ancillary capacity. The industry generated $600 million in revenues in 1983.

Capt. Jacques Cousteau, on June 11, 1943, was the first to test the Aqua-Lung. Since that time Captain Cousteau and many others in the scuba industry have opened up our underwater world through educational television programs of their exploration. Now, millions of people are able to enjoy the experience of scuba diving themselves. Scuba is now a year round, around the clock activity with night diving during the summer months and ice diving during the winter months.

I would like at this time to ask my colleagues to join me in cosponsoring this joint resolution proclaiming the week of June 11, 1984, as National Scuba Week. In addition, I request permission, Mr. Speaker, to have the following remarks by Capt. Jacques Cousteau printed in the Record.

The material follows:

Hon. Robert E. Badham,
Longworth House Office Building,
Washington, D.C.

Dear Congressman Badham: It was with great delight that I learned you would sponsor a resolution in the House of Representatives for a National SCUBA Diving Week or Day.

Recognition of SCUBA diving in the United States would be the culmination of a dream that began on the morning of my birthday, June 11, 1943. It was then that I realized my lifelong ambition to be able to survive under water with a totally self-contained underwater breathing apparatus. This automatic compressed air Aqua-Lung was the result of many years of design and struggle. My initial test dive took place at Villa Barry in a sheltered cove away from the eyes of the Italian Occupation troops.

Since that time of concealment and great secrecy, the crew of the Calypso and I have explored the oceans of the world. As we have traveled, I have attempted to convey to large audiences my fascination with, and concern for the sea. We are greatful that a great number of people, through the Cousteau Society, have gone beyond seeing this new dimension of the world through our eyes and the television screen, to actually experiencing SCUBA diving themselves.

Forty one years later, SCUBA diving is now accepted as a safe and exhilarating sport. It is also one of the country's fastest growing family sports with over 2½ million Americans participating in underwater recreational diving. They seek their new world in oceans, lakes, rivers or quarries. SCUBA diving has become an around the clock, year round sport with ice diving in the winter and night diving in the summer.

From the manufacturers of SCUBA diving equipment, to the firms who certify the instructors, who in turn instruct diving safety to their students, a National SCUBA Diving Week would increase the stature of an already highly regarded sport.

The recreational aspect of sport diving also has other significance in time of world turmoil. It is a strategic underwater system for man to utilize protective defensive tactics.

Again Congressman Badham, the Cousteau Society and I are truly pleased and grateful for your efforts in sponsoring this resolution.

Best regards,

Capt. Jacques-Yves Cousteau.

H.J. Res. —

Designating the week beginning June 11, 1984, as "National Scuba Week"

Whereas underwater diving with a self-contained underwater breathing apparatus, known as scuba diving, is one of the country's fastest growing family sports;

Whereas scuba divers in the United States number two and one-half million;

Whereas close to 100,000 people are employed in the scuba industry in instruction, manufacturing, and other related capacities;

Whereas $600,000,000 in revenues were generated in 1983 by the scuba industry;

Whereas scuba diving can be done anywhere in the world in both fresh water and salt water and can be used for special purposes, such as underwater photography and scientific experimentation, as well as for recreation;

Whereas the public's awareness of scuba diving has increased greatly through the research and educational pursuits of Jacques Cousteau; and

Whereas June 11 is Jacques Cousteau's birthday and also the day on which Captain Cousteau first tested the Aqua-Lung in 1943: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 11, 1984, is designated as "National Scuba Week". The President is requested to issue a proclamation calling upon government agencies and the people of the United States to observe that week with appropriate ceremonies and activities.●

ILLEGAL DISPOSAL OF HAZARDOUS WASTES

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. FLORIO. Mr. Speaker, yesterday I introduced H.R. 5002, a bill amending the Resource Conservation and Recovery Act's criminal provisions. The purpose of this amendment is simply to clarify that the reach of RCRA criminal provisions extends to anyone who knowingly and illegally disposes of hazardous waste. This clarifying amendment may be necessary because a recent Federal court decision in New Jersey dismissed indictment against two plant supervisors who routinely ordered the illegal disposal of hazardous wastes. Although the court's decision, in my view, is based on a strained and highly technical interpretation of the statute, I believe it is imperative that Congress restate its original intent and make clear that RCRA's criminal provisions are not to be interpreted in a way that lets midnight dumpers off the hook.

The Justice Department has appealed the district court's ruling and I am hopeful that the third circuit court of appeals will reverse the district court decision and render my amendment unnecessary. However, in the event that the third circuit fails to overturn this decision, I believe we cannot afford to allow this potential loophole to remain. Consequently, I will attempt to secure a legislative correction during this session of Congress.●

LOS ANGELES COUNTY JOB TRAINING PLAN RAISES POLICY QUESTIONS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. HAWKINS. Mr. Speaker, just 5 months ago, the Job Training Partnership Act became fully effective after a 1-year transition period. The act represented the culmination of strong bipartisan support in both the House and Senate to continue Federal programs to train economically disadvantaged individuals for unsubsidized employment. This new law established a partnership which involves the business community, local elected officials, States, and the Federal Government. All of these parties have a stake in the partnership and must not shirk their responsibilities or assume greater authority than mandated in the law if this program is to succeed.

For these reasons, the Subcommittee on Employment Opportunities which I chair, recently conducted an oversight hearing in Los Angeles, Calif., to look into Los Angeles County's reported use of Federal job training funds to offset county welfare costs.

The Los Angeles County plan has targeted its Job Training Partnership Act funds almost solely on general relief recipients to the exclusion of other needy individuals in the service delivery area. Critics question whether Los Angeles County is serious about providing meaningful job training or simply trying to reduce its welfare rolls by frustrating general relief recipients to the point where they leave the county or stop applying for benefits.

With Federal job training funds at a premium in recent months, those of us responsible for creating the program must question whether these funds are being used as a means to reduce non-Federal expenditures rather than creating a viable job training program which will ultimately enable needy individuals to obtain unsubsidized employment. Training welfare recipients is indeed a laudable goal provided the training is done in a manner consistent with the law and not just as a means to reduce welfare costs. Moreover, if the training is not meaningful, these general relief recipients will be forced to return to public assistance which results in wasted Federal training moneys.

Last November, the employment development department for the State of California conducted an investigation into the Los Angeles County plan. While the State's investigation concluded that the plan did not violate JTPA by targeting employment and training opportunities to an identified segment of the eligible population, it apparently did not focus on whether others were being excluded from training. Moreover, testimony at the February 14 hearing in Los Angeles raised some additional issues which I believe were not adequately investigated by the State.

For the benefit of my colleagues, my constituents, and those interested in an effective job training program, I would like to submit for the record a letter which I recently sent to Mr. Kay Kiddoo, director of the employment development department, as a followup to the Los Angeles hearing.

We, in the Congress, have a responsibility to see that Federal job training funds are spent in a manner consistent with the law. My subcommittee will continue its vigorous oversight to insure that these job training programs are implemented and carried out in a manner that reflects both the letter and spirit of the law.

U.S. House of Representatives,
Committee on Education and Labor, Subcommittee on Employment Opportunities,
Washington, D.C., February 28, 1984.

Mr. Kay Kiddoo,
Director, Employment Development Department, State of California, Sacramento, Calif.

Dear Mr. Kiddoo: The recent hearing of the Subcommittee on Employment Opportunities in Los Angeles raised a number of concerns with respect to the Los Angeles County Job Training Partnership Act plan. I do not believe that these issues were adequately addressed by the Employment Development Department at the time the Los Angeles County plan was approved or in the response to the complaint against Los Angeles County filed with the Employment Development Department by the Western Center on Law and Poverty.

The testimony and documentation presented to the Subcommittee at its February 14 hearing call into question whether the Los Angeles County program is in compliance with the Job Training Partnership Act.

MAINTENANCE OF EFFORT

In its explanations of the Los Angeles County plan, the County states its intent to use Federal JTPA funds to offset County welfare costs. In a January 6, 1984 memorandum to the Board of Supervisors, County Administrative Officer Harry Hufford describes the intended program benefit: "By utilizing a portion of the allocated Job Training Partnership Act funds, the County has avoided the expenditure of County General Funds that would have otherwise been spent for public assistance." . . . "We projected that implementation of the program would save the County $4.0 million based in part on the fact that Job Training Partnership Act (JTPA) funds could be used for some of the participant stipends." This stated intent appears to be in direct violation of Section 141(b) which requires JTPA funds to be in addition to funds which would otherwise be expended in the absence of the JTPA monies.

TARGETING/SUBSTANTIAL SEGMENTS

The Los Angeles County plan focuses on the General Relief population which represents only 3-5 percent of the total eligible population. Only 14 percent of the funds are available to serve all other non-General Relief adults. Section 141(a) of the Job Training Partnership Act requires Service Delivery Areas to "make efforts to provide equitable service among substantial segments of the eligible population." It appears that the Employment Development Department's review of the Los Angeles County plan only addressed whether identified segments of the eligible population were being served at all, not whether the plan satisfied the requirement under the Act for equitable service. By no stretch of the imagination can the plan be viewed as providing equitable service when it concentrates service on only 5 percent of the eligible population while serving the remaining 95 percent of the adult population with only 14 percent of the funds. Moreover, it appears that the County has chosen to serve particular groups—including youth, older workers, minorities, etc. from within the General Relief population, not from the eligible population as a whole.

NON-SDA PARTICIPANTS

Because it is attempting to serve the entire county-wide General Relief employable population under its JTPA grant, the Los Angeles County plan indicates that 39 percent of the participants will reside outside the Los Angeles County Service Delivery Area. Section 141(e) authorizes only "limited exceptions" to the residency requirement for participation in employment and training activities funded under Title II. Los Angeles County's substantial deviation from the residency requirement goes far beyond the intent of the law. With funds for training already substantially reduced from the level available to the County in prior years, it is unclear what justification can be offered for using these limited funds to serve residents of other Service Delivery Areas.

PLACEMENT RATE

The Los Angeles County plan projects a placement rate of only 32.4 percent. This rate is substantially below the national target of 50.4 percent. Testimony presented to the Subcommittee indicates that this low target is as much a result of the quality and duration of training being provided as it is an indication of the characteristics of the target group. It is not clear what standards the Employment Development Department utilized to approve such a substantial deviation and whether these standards were applied to other Service Delivery Areas in the State. In addition to the question which the placement rate raises with respect to the Employment Development Department's approval, the Subcommittee is concerned that such a low placement rate will undermine public support for the program.

I am raising these concerns with you at this time because I believe they must be taken into consideration in monitoring the current plan and in reviewing plans which will be put forward for the 1984/85 program year. The Job Training Partnership Act gives the Governor authority to disapprove a job training plan which "does not comply with a particular provision or provisions of this Act or of regulations of the Secretary under this Act." Unless the states are willing to exercise the authority granted to them under the statute to assure compliance with the Act, the program will soon fall into chaos and disrepute. To prevent such a disastrous result from occurring, I am prepared to seek whatever legislative and other remedies are necessary to assure proper enforcement of the Act and to achieve an equitable and effective Federal job training program.

Sincerely,

Augustus F. Hawkins,
Chairman.●

A NEW EMPHASIS NEEDED ON FEDERAL AID TO EDUCATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. CONYERS. Mr. Speaker, a year ago the President's own National Commission on Excellence in Education reported:

> Our nation is at risk. * * * (W)hile we can take justifiable pride in what our schools and colleges have historically accomplished and contributed to the United States and the well-being of its people, the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and a people.

The Commission report revealed that 23 million adults are functionally illiterate, having difficulty reading and comprehending everyday materials such as newspapers. Thirteen percent of all 17-year-olds also are functionally illiterate, including approximately 40 percent of minority youth. Today's high school students, on the average, are achieving lower test scores than students had achieved 25 years ago. In international comparisons of student achievement, American students have performed badly, never finishing first or second on a battery of major tests and winding up last on several.

Despite declining educational performance and the growing numbers of uneducated youth, the Reagan administration has attempted each year to cut Federal funds for education. Two years ago, for example, the administration proposed a 31 percent cut, but was blocked by Congress. This year the administration has proposed major cuts in student financial aid and loans for higher education. Overall, its proposed educational budget is at the same level as the previous year, but far below what is needed to restore the purchasing power the programs lost during the past 3 years. What is needed is a new emphasis on Federal support for education to eliminate illiteracy, build job skills, and generate the ideas and the inventions that an improved quality of life requires.

The two articles that follow examine the impact of cuts in Federal education funds as well as proposals to reverse the educational decline. The first is an excerpt from "A Children's Defense Budget for Fiscal Year 1985" published by the Children's Defense Fund in Washington, D.C. The second is an excerpt from an interview with Metro Washington magazine of Mary Hatwood Futrell, the new president of the National Education Association. The articles follow:

A Children's Defense Budget—An Analysis of the President's Fiscal Year 1985 Budget and Children

QUALITY SCHOOLING IS NOT AVAILABLE FOR ALL CHILDREN IN AMERICA

An estimated 13 percent of American 17-year-olds are functionally illiterate. Approximately 3.6 million children are struggling to stay in school despite limited proficiency in English. Without help, many fail. Some 2 million handicapped children lack the specialized educational services they need to learn.

Minorities and females continue to face discrimination in the classroom. Surveys by the League of Women Voters found that among the eight categories of vocational education programs, three (agriculture, technical, and trade/industrial) were dominated by males and four (health, consumer/homemaking, occupational home economics, and office occupations) by females. Black students are still almost twice as likely to fall behind in school as white students and twice as likely to drop out. Almost one in four black students drops out of high school permanently; of those still in school, one in three is behind at least one grade level by the time he is 18. Black students are also likely to be mislabeled in school: during the school year 1979-80, a black student was 3.2 times as likely to be in a class for the educable mentally retarded as a white student, but only half as likely to be in a class for the gifted and talented.

The effective use of the newest classroom tools—computers—is limited to the very few. According to a study conducted at the University of Minnesota, "low-income, female, and rural students are especially disadvantaged in receiving computer experiences and computer literacy in school. Computer programming enrollment remains primarily limited to males attending computer-rich schools in large cities."

In the three annual budgets submitted to Congress since he took office, President Reagan has urged budget cuts and rescissions in federal education programs amounting to $9.6 billion. He has consistently attacked compensatory education for disadvantaged students, education for the handicapped, and bilingual and vocational education. Although Congress has rejected the administration's proposals and has actually increased funding for these programs by a modest amount, federal education programs have lost ground to inflation. From fiscal years 1980 to 1984, federal funding for education declined in real dollars by 21.5 percent. Programs that were underfunded and inadequate before President Reagan took office have become more so during his tenure. Millions of children are still going without the assistance of federal education programs that they need to help them learn.

Fewer students receive compensatory education.—The Title I compensatory education program has helped millions of poor and minority students to overcome their problems in reading and mathematics. Numerous studies commissioned by the Department of Education have demonstrated Title I's effectiveness. Even at its peak in the 1981-82 school year, when Title I served almost 5.9 million children, the department stated that only about one-half to two-thirds of all children who needed compensatory education services were being helped. Moreover, the number of children in poverty has grown dramatically in the last three years as a result of the administration's economic policies. Thus, the number of children eligible for Title I services has also grown.

Few secondary students had access to the program. The department estimated that less than one-fifth of those participating in Title I were in junior or senior high school. This is true even though numerous national reports in the last few years demonstrate a definite need for compensatory education for this age group, particularly for urban minority students.

In 1981 Congress replaced Title I with Chapter I of the Education Consolidation and Improvement Act. By fiscal year 1983, the program's funding level when adjusted for inflation had declined by over 20 percent. Inflation on top of earlier budget cuts has wreaked havoc on Chapter I programs in many school districts. In a survey conducted by the Children's Defense Fund during the summer of 1983, 32 states reported serving fewer children in the 1982-83 school year than in the previous year. Thirteen states reported eliminating certain kinds of Chapter I programs entirely, including math, secondary, and preschool programs.

Reduced services for handicapped children.—Inadequate funding has plagued education programs for handicapped students ever since the Education for All Handicapped Children Act (P.L. 94-142) was created in 1975. Although the law authorizes the federal government to contribute up to 40 percent of the per pupil cost of educating a child to offset the excess cost of educating a handicapped child, the actual contribution has never exceeded 12 percent. As a result, the quality and scope of the services, particularly of supportive services, provided to handicapped children under the program have been inadequate. Many secondary schools provide few if any services for handicapped students, resulting in a disproportionately high drop-out rate for these children.

Urban schools especially harmed.—The education block grant, Chapter Two of the Education Consolidation and Improvement Act, combined 28 separate education programs and had a devastating impact on the nation's largest urban school districts, which educate about half of America's minority youth. The Emergency School Aid Act, which provided financial assistance to school districts undergoing desegregation, was one of the largest education programs consolidated in the block grant. Of the total funds appropriated to the individual programs in fiscal year 1981, almost 30 percent went to Emergency School Aid. Under the block grant, financial commitment to desegregation almost vanished. According to a survey by the American Association of School Administrators, less than 6 percent of the school districts surveyed spent funds on desegregation, and the average grants totaled only $871 per school district. Nationwide, less than 5 percent of the block grant funds were spent on desegregation programs.

VOCATIONAL AND HIGHER EDUCATION PROGRAMS

The administration's proposals include:

Reducing the Federal effort in vocational education.—In a change from past years, the administration is not proposing to consolidate the vocational and adult education programs and to cut their funding. Instead, the administration proposes a "simplified and consolidated" vocational education grant to the states funded at its current level. Past budget cuts combined with inflation would mean a significantly reduced federal effort in vocational education. In the past this has meant that programs for historically underserved populations suffer the most. The proposed elimination of various substantive requirements in the Vocational Education Act would mean almost eliminating state and local efforts on behalf of sex equity and disadvantaged students.

Reducing Federal programs for disadvantaged college students.—The administration once again is attempting to reduce financial support for special tutorial programs for disadvantaged college students (TRIO). The administration's proposal would cut funding for TRIO in half and require participating educational institutions to provide matching funds. Obviously, if institutions are unwilling or unable to provide this match, students at these schools will suffer.

Restructuring Federal financial assistance for post-secondary students.—The administration would eliminate the Pell Grant, Supplemental Grants, and State Incentive Grants. The administration has dubbed this a "self-help" proposal, but it would actually provide students 9 percent less money. Moreover, students would be expected to provide at least $500 or 40 percent of their educational expenses, whichever is greater. This will be a significant barrier for poorer students and may cause them to drop out of school.

Freezing the Guaranteed Student Loan Program for post-secondary students.—The administration claims an increase in funding for the Guaranteed Student Loan Program (GSL) of almost $600 million. This increase is due to the drop in interest rates in fiscal year 1983, not to program expansion. That fiscal year the GSL program cost $700 million less than the amount appropriated. Those funds were carried over in fiscal year 1984 and reduced the necessary appropriation from $2.9 billion to $2.26 billion. Without any carryover funds from fiscal year 1984, the federal appropriations must cover the full cost of the program—again about $2.9 billion. Although the administration assumes a slight increase in the number of students participating in the GSL program (about 3 percent) and in the size of the loans (one-third of 1 percent), its legislative proposals would thus result in a decrease in the number of students eligible for the program and in a "savings" for fiscal year 1985 of $221.5 million.

NEA'S FUTRELL TRUMPETS TRIUMPH FOR TEACHERS, CHILDREN AND SCHOOLS

The newly elected President of the NEA was talking about the politics of education. As she looks at the political agenda for the 1984 Presidential elections, she sees the issue of educating our children towering above all our problems, including unemployment, inflation, welfare, healthcare, transportation, housing and defense. According to Futrell, up until the Presidential election fever started, education, teachers and the children were relegated to the background, and there was no strong platform on this issue.

The Reagan Administration, according to Futrell, has a myopic, almost totally negative platform on education. For the last three years, the Administration has been on a binge of budget trimming of the educational and social programs to the bare bones. As a result the American people are now facing a dilemma of scuttling the ship of democracy built for free enterprise and glued together by an educated society, or to make it navigable by strengthening our education system.

CURRICULUM, TEXTBOOKS AND DISCIPLINE

"As a classroom teacher, I know the number of staff in a school, the quality of curriculum, the textbooks, whether we have new seats, how much money we pay the teachers, 5-or-6-hour workday, the teacher retirement plan, whether we have adequate air conditioning—all these things depend upon political decisions," says Futrell.

MERIT PAY

Futrell thinks that the merit pay-system advocated by President Reagan has been proven unworkable in the past. During the Great Depression, the merit pay was introduced and then reverted back to the single-salary scale for teachers. During the 60s, merit pay was resurrected in some 25 to 30 school systems across the country, but it failed miserably ending up in administrative snags and legal quagmire.

"The merit pay system has never worked in the past. The main reason for its failure is that the teachers themselves were not involved in the process. It is resurrected as a political panacea for curing the ills of our educational system neglected by administration after administration since Depression.

"The President is trying to change his political image. He is selecting an issue that will catapult him as the Party candidate who is pro-excellence in education. Other than that President Reagan has no plan," says Futrell.

MASTER TEACHER PLAN AGAINST CAREER LADDER PLAN

Reagan is trying to divide the education community with his non-policies on education, claims Futrell. "The President, if he is sincere, must sit with the local, state and Federal government leaders as well as education leaders and teachers and union heads in order to forge a dynamic education policy for the entire nation."

Futrell questions the integrity of the President by referring to his insensitivity to the 36 recommendations contained in the April 26 report titled "A Nation at Risk" submitted by his own education department and Education Secretary Terrel Bell. "Yet the President is going to push the tuition tax-credit. Then he turns around and cuts the 1984 budget for education by $2 billion, hurting the education of minorities, the women, the American Indians, the migrants, the disadvantaged children including the Black and inner-city school aged population across the nation."

According to Futrell, educational systems of 47 out of 50 states are in financial trouble, and hundreds of local jurisdictions are bent upon eroding the school budgets by pushing for ill-reputed Proposition 13-type referendums on legislations.

REACTIVE ADMINISTRATION

"They talk about educational excellence while the national average of teacher salary for a beginning teacher is just $12,700. The brightest and the brilliant students won't come to teach if this is the best offer we can make to the prospective teacher.

"Make the profession attractive and competitive. Instead of the Administration being 'pro-active to education,' let them come up with a positive action plan to improve the schools and teaching. The Federal Government is now reactive. Leadership in education must come from the Federal Government," declares Futrell.

"Because Education is the foundation of everything we do, the roots of our progress, be it in medicine, science, business, arts and humanities are all imbedded in our education system. Even our welfare and health care programs are intertwined with our educational structure which is controlled by political decisions.

"So, we as citizens of a democracy must try to influence the powers for positive action in order to support progressive legislation for education. Let us help elect pro-education people to our elected bodies," Futrell asserted.

THE FUTURE OF THIS NATION

"I have to fight for the next generation to give them a better chance in life. That's how you continue to grow, build your future.

"I am helping teachers. Yet to come into the profession and not to teach the young minds without imbibing the knowledge and skills they need for future is a criminal negligence on our part, the teachers. If you don't live for the future, then what are you living for? My future is living for the coming generations."

"High quality education is a valuable commodity. You have to pay high price too for this commodity. That's why we have to network with whites, women, rich, poor, the rural and the urban populations to strive toward a better quality education made available to our future nation builders, and protect them from the vagaries of anti-education politicans. The legacy of a democratic country is based on an educated people.

"We are looking at a future, where the present jobs will disappear tomorrow. Women are going to be a larger segment of the workforce. Also, the minorities will be half of the work force. The low-birthrate and longevity of the present population due to better health care portend an older workforce.

"I think our future leadership in all areas of life including politics will not necessarily be determined by numbers, but the quality of intellect, by brain power.

"We cannot ignore the resources in the cities. Kids are human capital. Those kids are going to be vitial for our nation building. But the question of the hour is 'Can't we afford the best education to our children?'

"I put a lot of faith in children They are going to make the decisions when I hit 60. The leaders of the future must reflect the composition of our society, which is multi-racial, multi-ethnic, multi-cultural and multi-background. In other words, we live to draw from all parts of our society," Futrell stated.●

THE 75TH ANNIVERSARY OF SOUTHERN WESTCHESTER YM-YWHA

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. OTTINGER. Mr. Speaker, I would like to bring to the attention of my colleagues an institution in my district which I feel is worthy of recognition. The Young Men's and Women's Hebrew Association of Southern Westchester County, N.Y., is celebrating its 75th year of communal service in the city of Mount Vernon, N.Y., on March 18, 1984.

The YM-YWHA has contributed greatly to the total recreational, social, educational, and cultural programs of its community. It has made its services available to all, regardless of race, creed, or national origin, although the agency's primary function is to serve the Jewish community. It has thus provided opportunity for group experience in Jewish living.

This milestone institution has furthered individual growth and development based on the needs and interests of persons of all ages through creative activity. Also included in its accomplishments has been the provisions for training citizenship in a democracy. It provides democratic group experience under competent and qualified leadership.

Therefore, I would like to join with the people of Westchester in offering my congratulations to this organization and the initiatives which have been manifested by this highly significant achievement.●

WHO SAYS REAGAN'S A SHOO-IN?

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. COELHO. Mr. Speaker, I am pleased to insert into the RECORD an excellent op-ed article by Pamela Harriman.

In last Sunday's Washington Post, Pamela Harriman, who chairs an organization familiar to all House Democrats, "Democrats for the 80's," flatly rejects today's conventional wisdom that says Ronald Reagan is assured of reelection. She correctly points out that Mr. Reagan's standing in public opinion surveys is very low based on historical trends and that his policies have alienated millions of Americans who plan to vote in November. "Do the American people," Mrs. Harriman asks, "really want Ronald Reagan to have a second term when he will not have to face the voters again—and he can follow his ideology and his instincts with little or no restraint?"

I hope that all Members will take a moment to read this article and that you will share it with your constituents. Its words reinforce something that I have known for quite some time—that Pamela Harriman has served our country and the Democratic Party very well for many years.

[From the Washington Post, Feb. 19, 1984]

WHO SAYS REAGAN'S A SHOO-IN?

(By Pamela C. Harriman)

As the Democrats begin the process of picking a presidential nominee, there is a widespread assumption that the exercise is probably futile and that Ronald Reagan is nearly certain of reelection. "[T]he president enjoys a relatively high standing in most public opinion polls and is optimistic about his reelection chances," Lou Cannon wrote in the Post the morning after the unsurprising announcement that Reagan was running again. But in view of the plain facts, this optimism is wholly unjustified, either as a matter of history or in terms of the present situation.

There is nothing commanding about the Reagan performance against potential Democratic nominees in the Gallup Poll. That performance is weaker than similar match-ups involving incumbent presidents in the first weeks of any of the last five presidential campaigns.

In the January 1984 Gallup survey, Reagan tied with both Walter Mondale and John Glenn. By contrast, Jimmy Carter was 29 points ahead of Reagan at this point four years ago. In February 1976, Gerald Ford was 9 points ahead of Hubert Humphrey, who appeared to be the strongest of the likely Democratic nominees. In both cases, of course, the incumbent lost. And in the case of Lyndon Johnson, who led Richard Nixon by 12 points in the January 1968

Gallup ratings, the incumbent withdrew during the early primaries.

The two most recent landslides were both foreshadowed by impressive margins in polls at the start of the election year. In a January 1964 race against Barry Goldwater, Lyndon Johnson held a 57-point advantage—yes, he was an incredible 57 points *ahead*. At the same time in 1972, Mr. Nixon was ahead of George McGovern by 15 points, with another 11 percent of the voters supporting the presumed third-party candidacy of George Wallace, and everyone understood where most of his votes would go if Wallace decided against an independent campaign. By this standard, the best Reagan can hope for is not a landslide, but a squeaker.

This year, the Republicans sometimes cite polling data, but only if they can look at it selectively. They point to Reagan's relatively high approval rating, which in reality may measure more whether people like him than whether they will vote for him next November.

No incumbent in modern history with so modest a showing as Reagan's in the Gallup trial heats has ever been reelected. Indeed, so far, in 15 Reagan-Mondale matchups, Mondale has clearly prevailed in three and the rest have been tied—they fell either way within the statistical margin of error. Let me put the numbers in perspective: in last month's Gallup survey, George McGovern was doing better against Reagan than Reagan was doing against Jimmy Carter in January of 1980.

The Carter administration, of course, suffered from the slow and finally fatal political hemorrhage of the hostage crisis; and Carter became the prisoner of uncertain events abroad. But the Reagan administration has Lebanon, the festering war in Central America, and a new cold war with the Soviets. Flash points that could suddenly flare into crises now surround the globe. At a deeper level, Americans sense the president's ideological rigidity, and they fear its effects in foreign policy.

Still the Republicans claim economic recovery; won't it persuade the country to vote for four more years? Yet there is also a new interest rate crunch, a record deficit, and the threat of another recession. What if the administration's calculus is off a few degrees and that recession comes in September instead of December? In any case, the polls also show that Americans already think that the present selective recovery, which has hardly touched much of our industrial heartland, is a temporary election-year phenomenon.

Obviously, none of this means that Democrats are sure to win, but it does point to the very reasonable prospect that Reagan can lose. The outcome will depend on the campaign, on how directly Democrats confront Reagan's policies and how effectively we convey our own alternatives, on whether we speak to the concerns of the vast segments of America scorned by this administration—women, minorities, environmentalists, the poor and the middle class to whom the president offers such social issues as prayer in the schools as a substitute for a secure future.

My guess is that too many of us who live in Washington are mesmerized or confused by Reagan's smile, his glibness, his ease of manner. These are formidable assets, but they have not brought him any significant lead in the polls and they cannot solve the continuing failure of his policies.

With some justified confidence, Democrats can approach this campaign and raise this question: Do the people really want Ronald Reagan to have a second term when he will not have to face the voters again—and he can follow his ideology and his instincts with little or no restraint?●

IN TRIBUTE TO THE 20TH ANNIVERSARY OF THE SACRAMENTO COUNTRY DAY SCHOOL AND THE 90TH BIRTHDAY OF ITS FOUNDER, MRS. ALICE MADELEY MATTHEWS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. MATSUI. Mr. Speaker, I would like to take this opportunity to recognize and honor the 20th anniversary of the Sacramento Country Day School and the 90th birthday of its founder, Mrs. Alice Madeley Matthews. On March 16, 1984, the Sacramento Country Day School will hold a special ceremony to celebrate its second decade of service to the Sacramento community and to honor the 90th birthday of Mrs. Matthews, whose tireless efforts and dedicated service has played an integral role in the school's success.

Born in Sacramento in 1894, Alice Matthews has consistently made valuable contributions to the enrichment of our community. She helped author the book, "Vanishing Victorians," in an effort to draw public attention to the preservation of these historical landmarks. In addition to Mrs. Matthews' role in the restoration of Sacramento's victorians, she is recognized as a longtime supporter of community concerts and a member of the Daughters of the American Revolution.

Among Mrs. Matthews' most notable achievements is her role in the establishment of the Country Day School. Throughout its 20 years of existence, Country Day School has held a highly respected reputation and has been recognized as an outstanding academic institution providing educational enrichment to children, kindergarten through 12th grade. I am proud to say that my son Brian has had the opportunity to attend this unique school.

I would like to congratulate both Alice Madeley Matthews and the Country Day School for their outstanding record of service and for their contributions to the Sacramento community. I am sure that my colleagues will join me in extending best wishes to them on this noteworthy occasion.●

THE DEFENSE NUCLEAR AGENCY MERITORIOUS CIVILIAN SERVICE MEDAL AWARDED TO OUTSTANDING FEDERAL EMPLOYEE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. RICHARDSON. Mr. Speaker, in a recent ceremony at Kirtland Air Force Base in Albuquerque, N. Mex., the Defense Nuclear Agency Meritorious Civilian Service Medal was posthumously awarded to Mrs. Alic G. Lucero. Mrs. Lucero was a truly exceptional Federal employee who left a legacy of hard work, personal commitment, and extraordinary achievement.

Mr. Speaker, Mrs. Lucero distinguished herself by exceptionally meritorious service to her country as Inventory Manager for the Limited Life Component Exchange Program, Logistics Directorate, Field Command, Defense Nuclear Agency. Through her expertise, dedication, and management, the total inventory of the U.S. War Reserve Weapons was maintained in readiness.

I want to point out to my colleagues that Mrs. Lucero had many achievements and was always searching for ways to save the taxpayers money. For example, Mrs. Lucero developed an innovative protocol for retiring nuclear weapons, saving over $1.5 million in material costs for the Departments of Energy and Defense.

Mr. Speaker, Mrs. Lucero will be remembered not only for her numerous exceptional accomplishments, but also for her dedication and sense of personal responsibility to her work and her nation.●

COLORADO RIVER FLOODWAY PROTECTION ACT

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. CHENEY. Mr. Speaker, I am today introducing legislation to improve the efficiency of the management of the Colorado River. The Colorado is a major natural resource for the seven Colorado River Basin States, including my home State of Wyoming. The legislation I am introducing will allow the existing Colorado River reservoir system, in which billions of dollars have been invested, to function efficiently in maximizing the water storage in the system. In that sense, the legislation is a water resources conservation measure.

The legislation, entitled the "Colorado River Floodway Protection Act," formally designates a floodway for the Colorado River between Hoover Dam and the U.S. border with the Republic of Mexico. Within the designated floodway, an area required to accommodate part of unusually high river flows, the legislation provides that most forms of future Federal financial assistance to persons and development will be prohibited.

My interest in this legislation originated in the high water conditions on the Colorado River in 1983. The Committee on Interior and Insular Affairs, on which I serve, held two full days of field hearings on these problems in September, 1983. At these hearings, it became clear that there had been significant encroachment in the floodway of the Colorado River below Hoover Dam since that dam was designed and built.

Since the basic purpose of the river reservoir system is to store water in order to satisfy the interests of many different river users, it is important that requirements for flood control space (that is, empty space in the reservoirs) be rationally related to the multiple purposes served by the reservoir system. Encroachments on the floodway of the river, limiting its use, may lead to requests for broadened flood control requirements to substitute for the flow accommodation and dam safety protection potential of the floodway.

The Colorado River is perhaps the most highly regulated river in the United States. The Federal Government is by far the largest landowner in the area which would be affected by this bill. And finally, the seven Colorado River Basin States have made multibillion-dollar investments in the river reservoir system, a system which would be made more efficient by this bill. For these reasons, it seemed appropriate to introduce legislation to deal with the specific management issue presented by encroachment on the Colorado River Floodway.

The legislation I am introducing will preclude Federal assistance for future encroachments in the floodway, thus limiting incentives for development in this high hazard area. The floodway boundaries were chosen to accommodate the existing Corps of Engineers flood control regulations for Hoover Dam, with appropriate adjustments for high flows on downstream tributaries and watersheds. The choice of the exisiting Corps of Engineers flood control regulations for the upstream element of the floodway was based in significant part on the fact that the Corps of Engineers had only recently completed an exhaustive review of these regulations and concluded that on balance they best served all of the varied interests of users of the river.

I think it is important to be clear about certain features of the bill, which is modeled in significant part on the Coastal Barrier Resources Act, Public Law 97-348. First the bill does not alter in any way the existing legal authority of various agencies, particularly the Department of the Interior and the Department of the Army (Corps of Engineers), to regulate the Colorado River and its reservoir system. If changes in river regulation are necessary or desirable, they can be made after the bill is enacted in precisely the same manner in which they can be made under existing law. Second, the bill does not impose any legal limitations on private development of any kind. If it is enacted, private development will be able to occur exactly as it does today. Third, the legislation provides a series of "grandfather" provisions for existing residents and development, and therefore applies essentially prospectively.

I am pleased that my colleague from Arizona, Morris Udall, the chairman of the Committee on Interior and Insular Affairs, has agreed to join in cosponsoring this legislation. I believe the legislation is very much in the interest of all seven of the Colorado River Basin States, I look forward to working with my colleagues to develop the legislation, which is a significant first step in dealing with the problem of high water on the Colorado River.●

IN HONOR OF THE 75TH ANNIVERSARY OF THE NAACP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. RANGEL. Mr. Speaker, the National Association for the Advancement of Colored People (NAACP) is celebrating the 75th anniversary of its founding as an organization on the frontline of the struggle for the rights of the oppressed.

The NAACP grew out of a meeting of 60 prominent persons, black and white, who were outraged over the inhumane treatment of black citizens in America. Since that gathering in 1909, the NAACP has grown to a membership of more than one-half million individuals in 2,277 branches, youth counsels, and college chapters across the United States.

As the Nation's oldest civil rights organization, the NAACP's effort have been to the benefit of all Americans, not just blacks. Its list of accomplishments is extensive. As we recognize the diamond jubilee of the NAACP this year, it is a celebration of past accomplishments and of their continuing path toward freedom. And that is celebration we can all participate in.

The NAACP's first major victory came in the case of Guinn against United States which declared the Oklahoma grandfather clause unconstitutional. Other noteworthy legal achievements include Nixon against Herndon, which involved Texas white primaries; Buchanan against Warley, a Louisville segregation case; the cases of Corrigan against Buckley, Hansberry against Lee and McGhee against Sipes, which involved restrictive residential convenants; and the noted Brown against Board of Education, which began the desegregation of the Nation's public schools.

As in the past years, the NAACP is as firm today in its commitment for racial equality as its founders were in 1909. Most recently, the organization led the successful fight for the extension of the Voting Rights Act of 1965. It also vigorously opposed the Reagan administration's attempt to reverse a 12-year policy of denying tax exemption to schools that practice racial discrimination.

When recognizing some of the key leaders of the NAACP efforts, names such as Thurgood Marshall, W.E.B. Dubois, Ida Wells-Barnett and James Weldon Johnson come to mind. And let us not forget one of the stalwarts of the NAACP—the late Roy Wilkins, a man who dedicated 46 years, 22 as executive director, to the organization in its fight for human dignity and racial equality. To honor Mr. Wilkins with a commemorative gold medal for his life's work would be to pay tribute to him and the NAACP.

The years have provided long and hard battlegrounds for the NAACP, but the war is still to be won. We are grateful to the NAACP for being that vital defender of social justice, and we must congratulate its members and leaders who have sustained the organization and its efforts all these years. I know they will continue the pursuit to make this country a better place for all Americans to live.●

CONGRATULATIONS TO CHRISTOPHER MONTANARO AND OXFORD HILLS HIGH SCHOOL

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Ms. SNOWE. Mr. Speaker, a 17-year-old resident of my congressional district has won top honors in one of the most prestigious scholastic science competitions in our country.

Earlier this week, Christopher Montanaro, a senior at Oxford Hills High School at South Paris, Maine, was chosen winner of this year's Westinghouse Science Talent Search. More than 14,281 high school students prepared exhibits in the competition, which is designed to discover and develop scientific and engineering ability among high school seniors.

Special commendation goes to Westinghouse, which has sponsored the competition for the past 43 years and has underwritten college scholarships for the winners. The search has been very successful in recognizing our promising scientists. Since 1972, five winners of this talent search have subsequently been awarded Nobel prizes.

The winning project this year was developed while Chris was taking part in a research project at Jackson Laboratory in Bar Harbor, one of the Nation's foremost private research facilities. His winning entry explained the structure of genetic material responsible for a key enzyme in fat metabolism and could provide a clue to inherited differences in how individuals break down fats.

Chris is among 1,100 students at Oxford Hills High School and has been a member of the school's math team, which won top State honors last year and was also recognized in competition among schools in the New England States.

The school has won numerous math and science awards in the last year. When the U.S. Department of Education undertook a search last year for the outstanding math and science teachers in the Nation, one of the two award winners from Maine was Neil Tame, the chairman of the Oxford Hills Mathematics Department.

The teachers at the school make an extra effort to encourage and work with students like Chris who show promise.

I congratulate Chris and want to recognize all those who gave him encouragement and support in his superb effort.●

DEFICIT IS LIKE A LOADED GUN

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. DOWNEY of New York. Mr. Speaker, the chairman of the Federal Reserve, Paul Volcker, said in a recent Budget Committee hearing that the huge deficit is like a "loaded gun" threatening the economic recovery. Chairman Volcker said that the timing of the effort to reduce the deficit was critical. An immediate cut of $50 billion would, in his estimation, be an impressive start, a clear signal that we are prepared to deal with the deficit.

The Democratic Members of the House are prepared to make that start. We have acted decisively. The Ways and Means Committee has approved a tax bill that will produce $50 billion in revenue over the next 4 years, largely by closing loopholes and curbing abuses in tax transactions. We achieved these tax reforms in a way which will have a minimal impact on middle class and working people. We have restored some measures of justice to the tax system that was so badly ravaged by the Reagan tax giveaway.

Mr. Speaker, we have taken to heart Chairman Volcker's admonition to act quickly and decisively. It is now time for the administration to respond and to consider [illegible] measures which we have proposed to reduce the deficit, such as [illegible] defense spending. In the measures we have taken that "loaded [illegible] and clicked on the safety.●

CONFRONTING THE PROBLEM OF YOUTH UNEMPLOYMENT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. HAWKINS. Mr. Speaker, I have introduced legislation to combat one of the most serious problems currently facing our Nation: the problem of high youth unemployment. The size and scope of this problem not only creates immense difficulties for our economy today, but also, it will contribute to what may amount to a national catastrophe in future years. The phenomenon of unemployed youth in today's labor force will carry forward to higher rates of adult unemployment. In order to secure the future of this great Nation, we must successfully solve the problem of youth unemployment.

Current statistical data indicate that this problem is, indeed, a serious one. During January of this year, for example, 1,479,000, or 20.5 percent of the teenage labor force was unemployed. In other words, approximately one out of every five teenagers who actively searched for employment was unsuccessful. For the black community, the problem is much worse, 47.9 percent, or approximately one out of every two teenagers who actively searched for employment was unable to find it. With respect to the overall teenage jobless rate, not only is it twice the rate of the total civilian labor force, but also, jobless teens accounted for over 17 percent of the unemployed. Undeniably, a serious, painful problem in employing young Americans does exist.

Youth unemployment cannot be dismissed as a result of normal cyclical fluctuations in our economy. By no means an ephemeral phenomenon, jobless rates for youth have been steadily increasing since the early 1950's. Overall youth unemployment has risen from 11 percent in 1954 to 20.5 percent in 1984. For the white teenage jobless, the rate has climbed from 13 percent to 16 percent during this period. For black teens, the unemployment rate has skyrocketed from 16 percent in 1954 to a dismal 47.9 percent 30 years later. Consequently, finding a solution to youth unemployment will be dependent largely on explaining why such a rapidly diverging gap between white and black youth unemployment occurred during the past three decades.

In addition to the argument, refuted above, that the youth unemployment problem is a temporary one produced by cyclical fluctuations in our economy, there are four other widely held explanations or causes for the problem of youth unemployment. Two deal with the demand side of the economic argument: minimum wage coverage and a decrease in unskilled or low skill entry level jobs. The other two causes are supply related: an increase in the youth age population and inadequate skills, education, and motivation possessed by youth. While all of these factors may have some impact on the dimensions of the problem, only one can adequately explain the diverging unemployment rates of white and minority youths.

Much has been written about the baby boom cohort and its impact on the economy. The argument, simply stated, is that as the baby boom generation enters the job market, its large number creates an oversupply of labor and, as a result, higher unemployment. While this may partially explain the situation of the late 1960's and early 1970's when the baby boom cohort reached teen age, it does not explain the current continually rising rates of teenage joblessness. But most importantly, this interpretation does not explain why the black to white youth unemployment gap widened by 31 percentage points from 1954 to 1984.

A similar argument on the demand side suggests that a steady decline in the availability of unskilled or low skill entry level jobs can explain much of the youth unemployment. With the advent of self-service gas stations, for example, and more capital intensive manufacturing methods, youth are no longer able to find traditional low skill, entry level jobs. However, existing data suggests that as the traditional areas decline, other areas, most notably the service sector of our economy, are increasing. The fast food industry, to name one example, is a major employer of youth which continues to expand. Also, it is important to point out that youth were never employed in large numbers in those basic industries which are currently in decline. Thus, while the lack of jobs is a problem, it is not the sole explanation for the youth unemployment problem.

The more important aspect of the lack of jobs for youth is the fact that the employment opportunities that do exist are not readily accessible to a

young person searching for work. These employment opportunities may exist outside the community in which many youth reside, and thus are impossible for them to reach. This factor is of particular significance to youth in low-income families, who are most likely not to have access to personal transportation.

A third explanation of the youth unemployment problem is the use of federally imposed minimum wage standards. According to this view, rising minimum wage standards have made it unattractive to hire youth who possess no skills and, therefore, must be trained while on the job. Creating a subminimum wage, it is concluded, would entice employers to offer job opportunities and training to youth because of the perceived lower cost.

In "Youth Employment and Public Policy," Richard Freeman, noted Harvard economist, argues that the impact of any subminimum wage would be significantly less than its proponents suggest. According to Freeman, most studies have found that a 10-percent increase in minimum wage would likely reduce youth employment by 1 to 4 percentage points. While this does imply that a reduction in the minimum wage would modestly lower youth unemployment rates, it would also raise the level of youth labor market participation. Because the overall effect on youth unemployment would be greatly offset, Freeman concludes that recent increases in the minimum wage have probably increased the youth unemployment rate by no more than 3 percentage points. Given the steadily increasing rate of youth joblessness over the past three decades and the current 48 percent black youth unemployment rate, lowering the minimum wage would have an insignificant effect on youth joblessness.

Furthermore, there are several other problems with the subminimum wage proposal. First, the concept does not address the important factor of job availability. If a subminimum wage exists but there are no available jobs in the area, youth still will be unemployed. Second, there is no evidence to suggest that employers will provide training to improve the long-term employment prospects of youth. Two programs currently on the books, the Targeted Jobs Tax Credit, and section 14b of the Fair Labor Standards Act, which allows payment of lower than minimum wages for certain youth activities, have not been utilized extensively since their enactment. If employers have not used these mechanisms to offset the cost of employing unskilled youths, then why would a subminimum wage, which is premised on the same assumptions, be more effective? Finally, and most importantly, the entire concept of microeconomic incentives to hire youth does not explain the immense divergence in jobless rates between white and minority youth.

The fourth and most frequently cited explanation of youth unemployment, inadequate skills, education and motivation possessed by youths, is widely considered to be the key to the youth employment problem. In fact, it is the only explanation that begins to explain the 30-year divergence in jobless rates of white and minority youth. According to this view, high youth unemployment is a direct result of the unwillingness of employers to hire inadequately trained and educated youth who do not possess the proper level of motivation. Today's youth, it is asserted, do not possess the communicative or computational skills necessary to succeed in the workplace.

A variety of sources support this contention. The National Commission on Excellence in Education found that 13 percent of all 17-year-olds are functionally illiterate. In another study conducted by the Department of Defense, 7.2 million young adults, or 28 percent of the young adult population, are reading below the eighth grade level. According to Ellwood and Wise in "Youth Employment in the Seventies: Changing Circumstances of Young Adults," once a youngster leaves school, the highest level of education reached is strongly associated with employment, regardless of sex or age. Notably, less than 20 percent of the 17-year-old black male dropouts work, and virtually none of the comparable females work. With dropout rates for all youth, and minorities in particular, increasing over the past few years, it is no wonder that youth unemployment rates are rising.

The strongest evidence for this hypothesis, however, comes from the employers themselves. In a survey conducted by the Center for Public Resources, employers cited the inadequacy of entry academic and work readiness skills as the primary problem of new workers. Companies indicated that they were spending millions of dollars for remedial training that should have been spent in high school. In another survey conducted in 1978 by the Vice President's Task Force on Youth Employment, one respondent lamented:

> Yes; I have vacancies, and sometimes I give a kid who looks mature a break. But frankly, I just can't take the risk. I can't find enough kids who can read or write. Preposterous as that sounds, it's true * * * We can train people, but we can't teach reading or writing.

This clear, undeniable link between success in school and success in the labor market holds the key to the youth unemployment problem facing our Nation today.

The legislation that I have introduced entitled the Youth Incentive Employment Act, H.R. 5017, utilizes this close relationship between success in school and success in the labor market to combat the youth unemployment problem. Under this proposal, funds are targeted for areas experiencing high rates of youth unemployment to provide part-time employment during the school year and full-time employment during the summer to economically disadvantaged youth between the ages of 16 and 19 who agree to resume or maintain attendance in secondary school or an alternative education program and work toward acquiring a high school diploma or its equivalent. Participants would be employed under strict supervision in public agencies, private nonprofit organizations and by private for-profit employers, and would have to maintain satisfactory performance at school and at the worksite. These employment opportunities would allow youth to obtain the basic education, training, and motivation needed to improve their long-term employment prospects.

The act is based on the successful implementation of a 30-month demonstration project mandated by Congress as part of the Youth Employment Demonstration Projects Act of 1977. This youth incentive entitlement pilot project involved 76,000 youth on 17 project sites across the country from 1978 to 1980. An extensive analysis of the program by the Manpower Demonstration Research Corporation found that: employment in the target areas increased 67.5 percent over what it would have in the absence of the program, employment increased most dramatically for black youth by bringing their employment rates up to the level of their white counterparts, school enrollment among the target population was 4.8 percent higher as a result of the program, and the school dropout rate declined by 12 percent during the existence of the program. The impressive success of this program justifies the use of the school-to-work employment incentive approach as an appropriate and effective response to the youth unemployment problem.

While some existing programs provide training opportunities for youth, they are unable to address the youth employment problem in a comprehensive manner. The Job Training Partnership Act, for example, severely restricts use of funds for work experience, which is essential to developing the requisite skills necessary to succeed in the job market. Although the vocational education program does provide some work experience, it only affects in-school youth. Consequently, dropouts cannot benefit. Also, because all students are eligible, there is no guarantee that those who need the experience most will get it. Finally, neither program addresses the problem of the lack of jobs in specific areas. In destitute urban areas and depressed rural areas, jobs are scarcely available for adults, much less youth. Without accessible employment opportunities, work experience is impossible.

I am confident that as the chosen leaders of contemprary America, we have not forgotten that in each and every young American resides the future of this great Nation. Without the benefit of experience as a responsible, productive member of our society during their youth, our future could be in serious peril. After a careful analysis of a myriad of programs and ideas, I am convinced that the Youth Incentive Employment Act is the most comprehensive, cost-effective way to solve the youth unemployment problem. In fact, it is one of the only programs to receive careful scrutiny during the planning, implementation, and postimplementation phase. The Youth Incentive Employment Act is a much-needed investment in our Nation's future. I urge my colleagues to support it.●

DEATH SQUADS IN EL SALVADOR

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. SHANNON. Mr. Speaker, last Saturday, the New York Times ran an extensive story based on interviews with a former Salvadoran official, who had served at the highest level of the security police in El Salvador. With Senator PAUL TSONGAS, I met with this official prior to the newspaper interviews. Given the nature of his charges against the Salvadoran Government and security police, he is an unusual source. He is the first officer with experience in the highest levels of the Salvadoran Government to accuse fellow officers publicly of violent crimes.

I commend this very extensive story based on interviews with the officer to my colleagues. It is a fair summary of details from my discussion with him, and confirms my general impression of his credibility.

The article follows:

[From the New York Times, Mar. 3, 1984]

DEATH SQUADS IN EL SALVADOR: EX-AIDE ACCUSES COLLEAGUES

(By Stephen Kinzer)

A former Salvadoran military official has implicated high-ranking Salvadoran officials and civilians in acts of terrorism, including Roberto d'Aubuisson, a leading candidate for El Salvador's presidency.

The former official, who has served at the highest level of the security police in El Salvador, has given members of Congress extensive information on what he says are the inner workings of Salvadoran death squads, how and why they were formed, who directs and pays them and who selects their victims.

THE SALVADORAN'S CHARGES

He is believed to be the first officer with experience in the highest councils of the Salvadoran Government to accuse fellow officers publicly of violent political crimes.

It was not possible to obtain independent verification of the accusations by the officer, who asked to remain anonymous because of fear of reprisal. But a United States Senator who interviewed him says he will seek an investigation of the charges and a Congressman says he is confident of the former official's veracity.

These were among his charges:

The network of death squads in El Salvador was shaped by leading Salvadoran officials, including Col. Nicolás Carranza, chief of the Treasury police, and former Minister of Defense Jose Guillemo García, and is still directed by senior officials.

The man who organized and continues to direct the squads is Mr. d'Aubuisson, a former army officer.

Mr. d'Aubuisson continued to receive a military salary through the late 1970's despite official accounts that he had been dismissed from the army.

Money for rightist terror in El Salvador comes from Salvadoran exiles living in the Miami area.

Government officials routinely ordered the police and soldiers to stay out of areas where political murders were about to take place and that they helped assassins get to refuges in neighboring Guatemala.

Veterans of Nicaragua's deposed national guard were used in some killings carried out by Mr. d'Aubuisson's squads.

Minister of Defense Eugenio Vides Casanova is personally directing a cover-up in the slayings of four American churchwomen in 1980 and that his cousin, a colonel, ordered the murders.

I WOULDN'T WANT TO BE HIS PRISONER

The officer making these charges was interviewed by the New York Times at a small hotel in the southern United States. He was known by journalists working in El Salvador in the late 1970's. Congressional staff members and Central America specialists who have interviewed him at length recently said they were confident of his credibility.

In his interviews with The Times, he portrayed himself as a supporter of the Salvadoran Government and a vigorous opponent of the guerrilla insurgency that has enveloped his country.

One of the two members of Congress who has met with him, Senator Paul E. Tsongas, Democrat of Massachusetts, said he was taken aback by the man's strong promilitary sentiments.

"Given the things he was saying, I expected some kind of liberal humanitarian," Senator Tsongas said. "That I found was one tough military veteran. I wouldn't want to be his prisoner."

The former official said he feared that if Mr. d'Aubuisson won the election on March 25, his presidency might provoke a break between the United States and the Salvadoran Government, thereby possibly aiding the insurgent guerrillas. He expressed no sympathy for even the moderate left, calling the Christian Democrats Communist-oriented and corrupt and declaring that they were as great a threat to the country as Mr. d'Aubuisson and Colonel Carranza. He said he considered Mario Zamora, the Christian Democratic leader who was assassinated in early 1980, to have been "a Marxist agent who guided Christian Democratic youth into the hands of the guerrillas."

The former official said he had known Mr. d'Aubuisson for many years and considered him an "anarchic psychopath." He said he feared the "uncontrollable violence" would consume El Salvador if Mr. d'Aubuisson was elected President, and that this fear was one of the factors that led him to divulge closely held secrets.

Senator Tsongas said he would press the Senate Foreign Relations Committee, of which he is a member, to investigate each of the man's many charges about the involvement of the Salvadoran Government in acts of terror.

Representative James M. Shannon, Democrat of Massachusetts, who has also met with the Salvadoran, said he was confident of his veracity.

"He knew things that only someone who had access to the high command would know," Representative Shannon said. "He has the names and facts to substantiate what a lot of people have been saying."

Both Senator Tsongas and Representative Shannon are critics of the Reagan Administration's policy in Central America.

Other people familiar with the Salvadoran and his allegations said he had been known for his differences with Mr. d'Aubuisson. They said he might also be motivated by indications that young people close to him, possibly including relatives, may be developing ties to terror groups.

In interviews, the former official spoke several times of the number of Salvadoran youths who he said were being turned into members of death squads after joining Mr. d'Aubuisson's political coterie.

Allegations that death squads in El Salvador are tied to high military officers have been made before and have been cited by some Congressional critics of the Reagan Administration's policy in El Salvador.

In recent months the Administration has made new appeals to Salvadoran leaders to press for an end to death squad activity. Vice President Bush and Secretary of State George P. Shultz have both visited El Salvador to present the Administration case, and both said they were convinced the Salvadoran Government was making a serious effort to curb political violence.

The Salvadoran military command has publicly denounced the death squads, and military leaders have denied allegations that they are connected to violent acts.

"The death squads must disappear forever to prove our determination to combat them and our faith in the democratic process," Defense Minister Vides Casanova said in November. "All Salvadorans must oppose and denounce them so they will not only be illegal but condemned by everyone."

But according to the Salvadoran now sharing information with members of Congress, General Vides Casanova and other important Salvadoran officers have ordered or covered up acts of political violence.

He said he had personal knowledge of these crimes because his Government post had put him in direct contact with top military leaders. He said his office had regularly received sensitive information detailing the officers' participation in violence and that his agents sometimes monitored the development of assassination plots formulated by officers.

The present structure of rightist terror in El Salvador, according to the former official, grew out of the power struggle that erupted between reformist and conservative military factions in 1979.

After the October 1979 military coup, leftists gained a foothold in the Government and formed a loose alliance with reformist officers led by Col. Arnaldo Majano, a member of the revolutionary junta. Rightists led by Defense Minister Garcia and Colonel Carranza, then his deputy, were alarmed at this alliance.

Their campaign to outmaneuver Colonel Majano and force him and his allies from the Government, according to the Salvadoran, secretly included a series of terrorist acts. Rightist officers, he said, hoped to destabilize the country and create conditions for a countercoup.

"Garcia and Carranza asked d'Aubuisson to establish the Broad Nationalist Front with the object of supporting the armed forces and destabilizing Colonel Majano, who was becoming a problem for them," the Salvadoran said evenly. "He did a good job organizing street rallies and took on the task of eliminating people."

Mr. d'Aubuisson was supposedly out of the army at this time, but according to the former official he was secretly still receiving a salary. In fact, he said, Mr. d'Aubuisson actually received a substantial raise in his military pay during the time he was organizing the death squads in late 1979.

"Garcia and Carranza gave him their most suitable men in each part of the country for his squads," the Salvadoran said. "The goal was to make it seem that the revolutionary junta was incapable of governing, to create chaos so they could push Majano out."

Colonel Majano was the target of sustained attacks from the right during his 14 months on the junta because of his support for land redistribution, nationalization of the banks and civilian control of the military. He is now in exile and reportedly lives in Mexico.

The former military official said he had direct knowledge of the participation of Mr. d'Aubuisson, General Garcia and Colonel Carranza in the process of selecting death squad victims, many of whom have been trade unionists, student leaders, peasant organizers and others considered potentially sympathetic to the left.

He said many of the men who carried out killings or kidnappings understood that they were acting on Government orders and that such a conclusion was reasonable because the police were cleared from the scene before assaults and full opportunities for escape were provided.

GUATEMALA IS CALLED SCHOOL AND REFUGE

Mr. d'Aubuisson is known to have gone to Guatemala regularly during 1979 and 1980, and according to the former military official, he was in contact there with Mario Sandoval Alarcon and Leonel Sisniega Otero, the two leaders of the ultraright National Liberation Movement, a Guatemalan political party that has been linked to political violence. The National Liberation Movement was formed in the early 1950's with the help of the Central Intelligence Agency to overthrow the leftist Government of Jacobo Arbenz Guzman, who fell from power in a C.I.A.-backed coup in June 1954.

According to the Salvadoran, Mr. d'Aubuisson and his men moved freely between El Salvador and Guatemala. In many cases, he said, assassins would drive directly from the scene of a murder in El Salvador to an airstrip where they would board a private plane for Guatemala.

Guatemala is the only country in Central America with a long history of death squad activity, and the former official said Mr. d'Aubuisson went there to learn how rightist squads were run. Trips to Guatemala after killings were also thought to protect the killers from possible private reprisals and from questioning by Salvadoran agencies not involved in the plots.

He said the Guatemalan Government was not fully aware of the extent of these ties and was not a party to the activities of the d'Aubuisson group, although its intelligence agencies were aware that Mr. d'Aubuisson was active there.

In Guatemala, the former military official said, Mr. d'Aubuisson met regularly with a small group of wealthy Salvadoran exiles determined to oust the Majano faction from the Government and repeal the legal changes that had cost many of them much money and positions of political influence. Members of this group regularly provided names of people they wanted killed, he said, and paid Mr. d'Aubuisson to carry out their wishes.

"These exiles now operate out of Miami and still have the same relationship with the squads," he said. "With Carranza now head of the Treasury police, there is no problem."

According to the Salvadoran, the two most stunning political murders of early 1980 in El Salvador, those of Mario Zamora and Archbishop Oscar Arnulfo Romero, were both planned and carried out by Mr. d'Aubuisson with money from exiles in Guatemala and under the protection of General Garcia and Colonel Carranza. At this time, the former official said, Mr. d'Abuisson did not have a reliable team of Salvadoran killers and used veterans of Nicaragua's deposed national guard as triggermen for both assassinations.

The killing of Mr. Zamora, an outspoken activist who was a spokesman for young leftists in the Christian Democratic Party and who held a Cabinet post under the revolutionary junta, happened when Mr. Zamora was engaged in a public feud with Mr. d'Aubuisson. Mr. Zamora was killed by a squad that broke into his home on the evening of Feb. 23, 1980.

Mr. Zamora's brother Ruben has become a leading spokesman for the Salvadoran revolutionary movement. He has said he believes Mr. d'Aubuisson helped plan his brother's murder.

A month after the Zamora killing, Archbishop Romero was slain while saying mass at a hospital chapel in San Salvador.

"As for the case of the Archbishop, d'Aubuisson simply ordered it after meeting with exiles in Guatemala," the former official said. "He formed the teams, his men followed the Archbishop to learn his habits and he picked the four men who carried out the operation and the eight others who made up the security group."

40 STICKS OF DYNAMITE ARE PRELUDE TO EXILE

Colonel Majano lost political ground continually through 1980, and most of the leftists in the Government, including two key junta members, were forced from office. At one point, Colonel Majano ordered the arrest of Mr. d'Aubuisson on charges of plotting a coup, but Mr. d'Aubuisson was quickly released through the efforts of Defense Minister Garcia.

As Colonel Majano drove near the Salvadoran Institute for Agrarian Reform on Nov. 11, 1980, a bomb made from 40 sticks of dynamite exploded just after his car passed. This assassination attempt was carried out by squads working for Mr. d'Aubuisson, the former official said.

Two weeks after the car-bomb attack, six members of the executive committee of the leftist Democratic Revolutionary Front were kidnapped and killed, an action the former military official said was also carried out by squads working for Mr. d'Aubuisson. In mid-December, Colonel Majano was finally forced to leave the junta. He fled into exile soon afterward.

The Salvadoran was in a sensitive Government post when the four American churchwomen were killed in El Salvador on Dec. 2, 1980. He said his post gave him the opportunity to watch a cover-up develop. American officials familiar with circumstances at that time confirmed that the Salvadoran was well situated to see the inner reaction of the Government to the killings.

He said the murder of the churchwomen was "an unusual case" that did not involve Mr. d'Aubuisson or what he described as "the normal structure."

"National guardsmen at the airport spotted the women, and they radioed for instructions," he said, speaking matter-of-factly and chain-smoking American cigarettes. "Two of the women were coming from a conference of Maryknoll nuns in Managua, Nicaragua, and the other two were known as suspicious.

"The word came down to eliminate them. It came from Col. Oscar Edgardo Casanova, who was in charge in that zone."

Salvadoran and American officials have said there is no evidence to suggest the five national guardsmen accused of killing the churchwomen were acting on orders. But critics, including relatives of the women, have expressed doubt that a crime of this magnitude would have been carried out spontaneously.

Colonel Casanova is a cousin of General Vides Casanova, then chief of the national guard and now Minister of Defense. Oscar Edgardo Casanova is now commander of the Salvadoran Army's Second Brigade, stationed at the western city of Santa Ana. He was transferred from La Paz, where the murders took place, weeks after the women were killed. His transfer was part of a shake-up that the former official said was principally designed to provide a pretext for protecting the women's killers.

According to the Salvadoran, the transfers sent a message to soldiers that they would be protected if they were implicated in crimes of violence.

He said Colonel Casanova's involvement in the killing of the churchwomen was known to several people at high levels of the Salvadoran Government.

"The men who did the killing have been promised that they will be freed through the judicial system, which means that they can never be put on trial again," the former official said. "If they don't name Casanova, they will get out of jail as soon as it is feasible."

KILLINGS SAID TO FOSTER MURDER AS WAY OF LIFE

The former official said that the January 1981 killing of José Rodolfo Viera, who headed the land redistribution program that many wealthy Salvadoran landowners bitterly opposed, was carried out by men working for Mr. d'Aubuisson. He described the two men who have been accused in the killing, Capt. Eduardo Alfonso Avila and Lieut. Isidro López Sibrián, as "integral members of the d'Aubuisson gang."

Mr. Viera was killed together with two American labor advisers as they were dining at the San Salvador Sheraton. Lieutenant

López Sibrián remains on active duty, and Captain Avila is "under the jurisdiction of a judge" while charges that he left the country illegally are investigated.

The political party Mr. d'Aubuisson now heads, the Nationalist Republican Alliance, emerged out of the Broad Nationalist Front as a vehicle for candidates in the 1982 election in El Salvador. Mr. d'Aubuisson became president of the Constituent Assembly after the 1982 election and is now the Nationalist Republican Alliance candidate for President.

According to the former official, Alliance money is routinely used to pay both campaign expenses for Mr. d'Aubuisson's presidential bid and expenses of death squads under his control.

"He formed them and he runs them," the Salvadoran said of Mr. d'Aubuisson and the death squads. "Campaign contributors in Miami know that their money is going for both purposes, campaigning and killing."

Because Mr. d'Aubuisson's squads have operated with such impunity, the former official said, many Salvadorans have followed his example and taken to murder as a way of resolving political grievances, personal quarrels or financial disagreements.

"Violence is consuming the country," he said. He said the example of Mr. d'Aubuisson had led "to a geometric increase in murders" over the last few years. People see that all they have to do is go out and shoot someone and nothing will happen to them, he said.

"Young people who want to do something for the country and for some reason are attracted to d'Aubuisson," he continued, "go to his office and ask what they can do to help. Someone gives them a gun and the name of someone to kill.

"It reaches the point where his hitmen get bored and ask him what operation they are going to carry out today. So he sends them out to kill a professor or throw a bomb at some union leader."

He asserted that José Napoleón Duarte, the Christian Democratic leader and the party's presidential candidate in the election this month, was told while he was serving as Provisional President in 1981 that Colonel Casanova was the man who ordered the killing of the American churchwomen. But he said Mr. Duarte chose not to act on the information for fear that doing so might produce a violent reaction.

Mr. Duarte has said he tried vigorously to pursue the case but was stymied by the military and a timid judiciary.●

VERMONT VOC ED: CONTRIBUTING TODAY AND PREPARING FOR TOMORROW

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. JEFFORDS. Mr. Speaker, the House is currently debating H.R. 4164, the Vocational-Technical Education Amendments of 1984. In my floor statement, I referenced an article in the March issue of Reader's Digest that describes an exemplary vocational education program in Brattleboro, Vt. I would like to share the complete text of this article with other Members of this House.

[From Reader's Digest, March 1984]

THE SCHOOL THAT TEACHES REAL LIFE

(By Al Morgan)

There is no other restaurant quite like Le Cordon Bleu in semi-rural Brattleboro, Vt. It is open just two days a week, five months of the year. It serves meals only between 10:30 a.m. and 1 p.m., makes no profit, and completely changes staff midway through each meal! The menu ranges from lobster Newburg and coq au vin to salade orientale, grinders and tacos—all at the lowest prices in town.

Operated by students of Brattleboro Union High School's Vocational Center, Le Cordon Bleu is part of a breakthrough program in vocational training. For decades this kind of instruction has been in the backwater of American education—a place where yountsters with no plans for college learned the rudiments of car repair or cabinet-making and then graduated into the workaday world, often with the barest of prospects. Last year 1.4 million U.S. high-school graduates—nearly 50 percent of the total graduates—did not go on to college. In the Brattleboro area, where predominantly blue-collar families earn an average income below $17,000, the figure was 60 percent.

But Brattleboro's graduates are better prepared than most:

Law enforcement and fire-fighting are taught by local police and fire departments, sometimes right at the station house. Students learn by doing, and they provide a trained auxiliary of volunteers—as well as a labor pool for future openings.

A student-run Human Services Program supervised by professionals, provides help for handicapped and elderly people. A nursery school also operates three days a week—charging $6 per child per week—and some senior students are working as teacher aides in the elementary school.

Building-trades students actually build $40,000-$60,000 three-bedroom houses from the ground up—one every two years. Architectural students design the house, horticultural students landscape the grounds, the electricians install wiring, the plumbers handle plumbing, the carpenters do the framing and the interior-decorating classes do the decorating.

Once a job is finished, professionals on a building-trades advisory board inspect the work to be sure it's done right. Nine finished houses are scattered around Brattleboro; the tenth is nearing completion.

Business students operate a simulated paper-products company with corporate assets worth a million dollars. They order goods, check inventories, handle correspondence, ship products and balance the books—and by the end of each term, have made the company either a success or a failure.

ONE-MAN CRUSADE

"This is a community program in the very broadest sense," says William Dennen, the school's present vocational director. "We want these kids to learn to be a part of their community and to contribute to it."

Such training has been evolving since 1965 when the town was offered state funding toward a vocational-education center. At that time the high school had only three vocational courses—auto repair, printing and agriculture—and they tended to be a dumping ground for students with academic problems. "Vokie" was a term of derision.

This angered Edward Perkins, who had been teaching agriculture since 1961. Perkins felt the right vocational program would benefit all students—even those going on to college. So he urged school administrators to add a new building to house the center. But many people felt the budget had already reached the breaking point.

Launching a one-man crusade, Perkins buttonholed local business and community leaders, and began speaking at church, civic and other gatherings. "Look," he told the Rotary Club, "I'm not talking in the abstract. I'm talking about you children, your future workers, your future customers, and in some cases, all three." Finally placed on the ballot, the issue passed handily. In 1972 the new vocational center opened for business, with Perkins as director.

Previously, vocational enrollment had been restricted to non-college-bound students. Perkins persuaded school administrators to open the program to all juniors and seniors. Today 85 percent of Brattleboro's upperclassmen take at least one vocational course—many take several. This is an important turnaround in teaching circles, which is one of the reasons that educators from across the country visit Brattleboro throughout the year, taking ideas back home to their own schools. Moreover, Brattleboro's vocational enrollment is now up 100 percent from 1970, and at least one-third of the school's 630 vocational students plan to go on to higher education.

From the first, the secret of the program's success has been community involvement. Brattleboro's Police Benevolent Association and American Legion Auxiliary award scholarships to outstanding vocational students. Representatives from all the trades serve on a 22-member advisory committee. "This gives the community a stake in what we're doing," says Dennen, who succeeded Perkins last fall after serving seven years as his assistant.

Contractor Guy Brunton has been on the committee almost from the start. Like other members, Brunton participates in a school work-release program; he and other builders accept building-trades students for on-the-job training and grade their performance. He has also hired many graduates. "I find they're about three years ahead of where I was when I was their age," he says.

PAY-AS-YOU-GO

The instructors bring skill and excitement to their jobs. Typical is Bob Lanoue, a former executive chef who heads the Cordon Bleu program. If you walk past Lanoue's kitchen before the restaurant is open, you might think you were overhearing a locker-room pep talk just before the season's big game.

"Lamb!" says Lanoue, who often talks in exclamation points. "There's a lot of money in lamb! But you have to know what you're doing with it!" Thirty-one students are clustered around the butcher block next to the big, sleek, stainless-steel gas ranges, and Lanoue has spread out the day's menu. "Steak!" he says. He gives the word an almost reverent inflection. "What can I tell you about steak?" He then proceeds to tell his students a great deal about steak.

One by one, Lanoue goes through every item on the menu. He discusses cooking, preparing and serving. Then comes a long pause. "And now . . . today's chef is—" a teasing smile plays across Lanoue's face—"Becky!"

Becky Sue Ameden, a bubbly 17-year-old, breaks into a delighted giggle as Lanoue crowns her with a tall, white chef's hat. It is a daily coronation, and both Lanoue and the students savor it as they would a perfect cheese soufflé.

The kitchen staff, some fresh from algebra and French classes, put on white jackets; waitresses change out of blue jeans into dresses, or skirts and blouses. Outside in the dining room, chamber music plays softly on the stereo. The candle-lit tables are set with linen cloths and napkins. At 10:30 the first customers—faculty, students and the public—drift in.

At 11:20 a bell rings, ending one class period and starting another. A new group of students rushes in and takes the white jackets from the outgoing students, who head for English or history. The customers will be unaware of any change except, perhaps, for having a new waitress.

Unless a problem develops, Lanoue is present only as an observer. He grades each student's performance, and the next day gives critiques. In their class work, students learn to make a variety of dishes—including 35 soups and 17 different kinds of pie, cake and pudding. They learn how to buy meat and season it, cook it and serve it. They learn which herb goes with which dish and why. They prepare the menus, purchase all the food, decide how to make leftovers attractive—and then balance the books each week.

With the receipts from the restaurant, Lanoue's program pays its own way. So does the building-trades program. Bob Karg, a former carpenter who is the building-trades instructor, still remembers talking to his first class when he took over the program in 1972: " 'Up to now you made bookends and ashtrays in shop,' I told them. 'Starting today you are an important part of a project that costs $60,000.' " Karg smiles. "I think they call that motivating."

NANCY'S BUMMERS

Job skills are only part of the workaday world. Two years ago home-economics teacher Nancy Finck created an "Independent Living" course to familiarize students with the problems of getting along in the real world. "We're going to pair off," Finck told her students. "Some of you will get 'married,' others will find a 'roommate.' And some of you will set up 'batchelor quarters.' "

In their make-believe roles, the students go through want ads, visit the state employment office and, with the cooperation of local employers, compose *real résumés* and apply to *real* companies for *real* jobs. They even have real job interviews. Those who get "married" decide whether both partners will work; they also learn to shop intelligently, budget their income, buy a car (if they can afford it), purchase insurance, file income-tax returns. Bankers explain all about car and home loans. Real-estate agents explain down payments, leases, closing procedures and title searches.

"I heard about the course and thought it would be fun to get married, pay bills and have children," says Ian Diamondstone, explaining why he was attracted to the course. "My 'wife' and I bought a two-family house. We also bought a sports car and some other things. By the end of the third week, we were $70,000 in debt and already having trouble meeting our bills. My mother said this *was* what real life is all about.

Like life itself, the course, dishes up little surprises—"Nancy's Bummers," as the students call the small cards, distributed at random: "Your car has been totaled!" "You lost your job!" or perhaps even "You just won $25,000 in the state lottery!"

The students must change plans, adjust, cope. Sometimes they make surprising discoveries. Inevitably, two longtime sweethearts got "married" as their class role; they later realized they were completely incompatible. "We didn't agree on anything," the female partner said. They held their class-marriage together for the course, but their real-life romance dissolved.

Many students come out of the class with a new appreciation for the problems their parents face. "My folks and I talk about family matters much more than we used to," says Martha Kerylow. "And this helps me in my classwork—to see my parents working out some of the same problems that we're wrestling with in class."

SPUR TO GROWTH

Director Dennen now hopes to move into adult vocational programs as well. Many of Brattleboro's adult workers, he says, have the same career-training needs as the students. "There are new jobs and new machines out there," Dennen says. "Machines that a lot of us don't know how to use. Our community is trying to attract more industry, and trained workers will help achieve that goal."

In a state high on mottos, one sticks indelibly in Dennen's mind. A phrase of Ben Franklin's, it was burned into a long piece of Vermont wood and for years hung in the office of Edward Perkins. It said simply: "He that hath a trade, hath an estate." That thought is impressed upon every student who passes through Brattleboro's vocational-training program.●

GROWING BUDGET DEFICITS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. GREEN. Mr. Speaker, I would like to share with my colleagues the outstanding article from the March 5, 1984 New York Times by Leonard Silk entitled "Growing Budget Deficits." I think that the article is informative and readable regardless of one's views on taxes or deficits.

The article follows:

GROWING BUDGET DEFICITS

(By Leonard Silk)

The deficit in the Federal budget, which has emerged as a prime issue in the 1984 election campaign, looks like a familiar problem but it's really a new one. The deficit is likely to keep widening for years to come, even if the economy continues to grow toward full employment.

The nation is now facing a built-in, or structural, deficit—one that will persist whether the business cycle is swinging up or down—unless something is done to slow the growth of Federal spending or to increase the growth of tax revenues or both.

Data Resources Inc., a private economic-research organization, has found that Federal spending priorities and tax laws are now set so that total outlays are likely to grow 12 percent a year for the rest of this century while tax revenues increase only 11 percent a year.

That difference of one percentage point translates into staggering sums of money. Building from the Administration's projected budget deficit of $180 billion for the fiscal year 1985, those rates of increases in spending and revenues imply a deficit of $325 billion in 1989 (the same estimate made by the Congressional Budget Office for that year), $757 billion in 1995 and a shade under $1,500 billion in 2000.

Those future deficits should be viewed in the context of the growth of national output and inflation.

SPENDING PROGRAMS EXPAND

Nevertheless, the great majority of economists consider the deficits far too large and fear they are likely to disrupt the growth of the economy by putting upward pressure on interest rates and, if monetary policy were to permit it, by stepping up inflation.

The structural deficit is rooted in President Reagan's tax-cutting program and military buildup. But the deficit predicament also reflects the growth of Federal entitlement programs such as Social Security, Federal civilian and military pensions and Medicare, as well as the rapid increase in Federal interest payments.

The interest drain, in turn, is due both to the growing national debt and to higher interest rates paid to finance that debt.

There are Democratic fingerprints as well as Republican on the structural deficits, however. The Democrats went along with the President's three-year plan of income tax cuts and even proposed the permanent indexation of taxes to inflation, scheduled to start in 1985. That idea was introduced by Representative Dan Rostenkowski, the Democrat who heads the House Ways and Means Committee, and the White House and the Republicans readily agreed with him.

Indeed, as the Economic Recovery Tax Act of 1981 moved toward enactment, a kind of bidding war broke out between Republicans and Democrats, with members of both parties competing to provide tax breaks for special interest groups. The Administration-supported Kemp-Roth bill, which proposed a 30 percent cut in individual income taxes, was trimmed to 25 percent, but various tax breaks were added. The overall outcome was legislation that cost appoximately what the President had proposed in the first place: $750 billion of tax cuts spread over five fiscal years—1982 through 1986.

The recession of 1981-82 certainly aggravated the Federal budget deficit by reducing tax revenues and requiring increased spending on unemployment benefits and other social programs. The deficit, less than $58 billion in the fiscal year 1981, moved up to $110.6 billion in 1982 and then to $195.4 billion in 1983. Of the latter deficit, about half was cyclical—due to the downward swing of business activity.

THE CURRENT YEAR'S OUTLOOK

Despite the economy's solid growth, the deficit expected in fiscal 1984, which ends next Sept. 30, is still nearly $184 billion, and the Reagan Administration is projecting more than $800 billion in deficits for the coming five years. The Congressional Budget Office's "baseline" projection, which assumes that military spending authority will grow by 5 percent a year after adjustment for inflation, shows the deficit swelling by $1,268 billion during 1985-1989.

Admittedly, a billion dollars does not buy what it once did, but the budget deficits have swollen in proportion to the national economy. During the last four years of the 1940's, under President Truman, the ratio of the deficit to the gross national product, the nation's total output of goods and services, was roughly zero, (There was even a net budget surplus of almost $1 billion for the 1946-49 period.)

During the 1950's, for two years under President Truman and the rest under President Eisenhower, the budget deficits were four-tenths of 1 percent of the gross national product. Under Presidents Kennedy and Johnson, that ratio doubled, to about eight-tenths of 1 percent. During the 1970's, under Presidents Nixon, Ford and Carter, the deficits more than doubled again, to 1.9 percent of the G.N.P.

A COMPARISON WITH 1930'S

During President Reagan's four-year term—giving him responsibility for the budgets from fiscal 1981 through 1984—the deficits have averaged 4.2 percent of the gross national product. The deficits for fiscal 1983 and 1984—$195 billion in 1983 and, according to the Reagan Administration's forecast, $180 billion in 1984—average 5.4 percent of the G.N.P.

That 5.4 percent, easily a postwar record, is appreciably higher than Federal deficits ran during the Great Depression. In 1933, President Roosevelt's first year in office and the depth of the Depression, the Federal deficit was 4.7 percent of the gross national product. In 1939, as the Depression was ending, the deficit was 4.3 percent of the G.N.P.

Rudolph G. Penner, a Republican who is director of the bipartisan Congressional Budget Office, contends that, as the nation's economy moves upward and the "cyclical" deficit disappears in the coming five years, the Federal deficit will be converted to a purely "structural" deficit. Even if the economy achieves the rough equivalent of full employment—which is how an unemployment rate of only 6.5 percent is regarded—the deficit will exceed $300 billion, assuming that existing laws and spending projections prevail.

GROWTH OF MILITARY SPENDING

Military spending is the budget's fastest-growing item. The Congressional Budget Office projects an increase in national defense outlays from $235 billion in 1984 to $419 billion in 1989. But outlays on entitlements and other mandatory programs are also scheduled to grow significantly. Social Security, according to Mr. Penner's office, will rise from $173 billion this year to $243 billion in 1989, and Medicare will nearly double from $64 billion to $120 billion in 1989. Other entitlements will also climb, from $162 billion now to $208 billion in 1989.

Interest payments to finance the national debt have risen rapidly and could rise explosively if the debt keeps climbing and interest rates stay high. In 1975 those interest payments cost the Government $23.2 billion, net. In 1980 they had nearly doubled to $42.6 billion, and in the present fiscal year they will total $108.2 billion.

The Congressional Budget Office estimates that by 1989 net interest payments will climb to $219 billion—appreciably more than last year's total deficit—if rates decline only slightly and if something is not done to curb the growth of deficits. Every percentage-point rise in interest rates would add $30 billion more to the deficit by 1989.

RESULTS OF TAX LEGISLATION

On the revenue side, the main cause of structural deficits has been President Reagan's Economic Recovery Tax Act of 1981, which gave Americans across-the-board cuts in income tax rates of 5 percent in October 1981, 10 percent in July 1982 and 10 percent in July 1983, totaling $463 billion over the fiscal years 1982 to 1986. The tax act also cut business taxes by about $150 billion enlarged Individual Retirement Accounts and Keogh plans and cut the tax rates on capital gains.

Murray L. Weidenbaum, the Reagan Administration's first chairman of the Council of Economic Advisers, who has returned to his professorship at Washington University in St. Louis, commented recently: "The Administration might have been better off if it had agreed to the early compromise suggested by key Congressional leaders to make the third installment of the tax cut contingent on progress in reducing the deficit. That would have obviated the 'bidding war,' which resulted in various new tax loopholes being opened up."

Although tax legislation the following year offset about 22 percent of the 1981 tax cuts, mainly by tax increases on business, Mr. Weidenbaum noted that the Treasury's share of national income declined from 21 percent in 1981 to 19 percent in 1983.

A SUBSTANTIAL CONTRIBUTION

"A 2-percentage-point drop may not sound like much," he said, "but let us remember that that 2 percent of a $4 trillion economy is $80 billion a year. That could generate a substantial contribution to the national pool of private savings to finance economic growth."

While a large majority of economists, both conservative and liberal, accept that logic, not all do. Milton Friedman, a senior fellow at the Hoover Institution, says, "The ills that are attributed to deficits do not derive from deficits as such but rather from the high level of Government spending."

Some economists maintain that efforts to deal with the deficit will do more harm than good, especially if closing the gap is done by raising taxes. Norman B. True, a former Under Secretary of the Treasury under Mr. Reagan and a "supply side" economist, says that if Congress does not cut spending it is likely to raise taxes, "and I'm confident that, if it does so in the near future, it will do so in ways that will be maximally destructive of continued economic progress."

Another of the supply-siders, those who seek to stimulate the production of goods, is Paul Craig Roberts, formerly Assistant Secretary of the Treasury. He accuses David A. Stockman, director of the Office of Management and Budget; Paul A. Volcker, chairman of the Federal Reserve Board; Bob Dole, chairman of the Senate Finance Committee, and Martin S. Feldstein, the present chairman of the Council of Economic Advisers, of "going out of their way to create hysteria over the deficit" in order to "maneuver the President into a situation where he will have to accept higher taxes."

VIEWS OF OTHER ECONOMISTS

Besides supply-siders such as Mr. Ture and Mr. Roberts, a small group of so-called "post-Keynesian" economists, such as Prof. Alfred Eichner of Rutgers University, believe that the budget deficits should be accepted as necessary to stimulate the economy toward a return to full employment.

Most Keynesian economists, however, believe that the projected structural deficits are much too large and are likely to be inflationary if they persist or, by putting intense pressure on interest rates as the economy approaches full employment, to retard growth and bar the way to full employment and economic stability.

Some economists who oppose raising taxes to reduce the deficits argue that higher taxes would only tempt Congress to spend still more money. But tax cuts have reduced the yield of the Federal tax system from 21 percent to 19 percent of the gross national product under President Reagan, and yet the share of Government spending in the national economy has been rising. In 1980, President Carter's last year in office, spending equaled 21 percent of the G.N.P. In 1983 it rose to 24 percent.

This raises doubts about the contention of some conservatives, including President Reagan himself, that the most important reason for reducing taxes is to stop the growth of Government spending.

CHANGE IN SPENDING PATTERN

To be sure, there has been what Mr. Feldstein calls "a remarkable revolution" in Government spending—that is, in its composition. Social Security benefits are now, he says, "at least temporarily, taking a smaller share of G.N.P." and "all domestic spending other than Social Security and Medicare has already declined significantly as a share of G.N.P. and is expected to decline further in the coming years."

By contrast, the share for military spending is rising. It has gone from 5.2 percent of the gross national product in 1980 to 6.7 percent now and is expected to rise to 7.8 percent by 1989. Intense debate centers on whether Mr. Reagan's planned military buildup is too rapid. He is asking for an 18 percent increase in military spending in current dollars—a 13 percent increase in inflation-adjusted dollars—for the fiscal year 1985.

So the Federal budget deficits grow relentlessly, with spending on a track to grow about 12 percent a year and revenues set by the tax laws to grow about 11 percent a year, and it has become clear that something has to give.

Recovery and economic growth cannot redress the balance. The figures seem to dictate that either spending, whether military or social, must be reined in or tax revenues must be raised. With military pressures so strong and with political support for entitlement programs so great, the "give" at this point seems more likely to come on the revenue side. This year's election campaign, however, may provide a different answer.●

HALL OF HEROES

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. KASICH. Mr. Speaker, with the national media preoccupied by spare parts horror stories, I wish to call attention to some real work being done by the Navy in making progress in solving the spare-parts problem. While there is no single solution to the spare-parts problem, I feel the Navy, in particular their new competition advocate general Comdr. Stuart Platt, should get credit for moving in the right direction.

With this in mind, I commend to my colleagues a portion of the February 18 Jack Anderson column.

Hall of Heroes

Standing up to Defense contractors to save the taxpayers money is heroic work in my book. Commodore Stuart Platt, recently named the Navy's competition advocate general, deserves recognition. Platt has already accomplished the following feats:

Saved taxpayers $45 million by bargaining a guidance system for a ship from $48 million down to—are you ready?—$3 million.

Obtained a pledge from one of the Navy's biggest computer contractors to share spare-parts information at the risk of its own monopoly.

Reached an agreement with major contractors, including Pratt & Whitney and Sikorsky Aircraft, to purchase spare parts directly from the manufacturers, avoiding costly "pass-through" charges.

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URGENTLY NEEDED LIFE INSURANCE LEGISLATION

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. HUBBARD. Mr. Speaker, I have received an excellent letter from my friend and constituent, George E. Burnette, of Estate & Planning Services, Inc., in my hometown of Mayfield (Graves County), Ky. In George Burnette's February 22, 1984, letter to me, he urges the Congress to quickly enact legislation that is essential to the life insurance industry.

I am certain my colleagues will be interested in the letter, which follows:

ESTATE & PENSION SERVICES, INC.,
Mayfield, Ky., February 22, 1984.

Hon. CARROLL HUBBARD,
Washington, D.C.

DEAR CONGRESSMAN HUBBARD: Congress adjourned before Thanksgiving without enacting tax legislation essential to the insurance industry and its 150,000,000 policyholders. This is particularly frustrating since essential agreement had been reached regarding the life insurance provisions (Title II of H.R. 4170 in the House and S. 1992 in the Senate). Enactment was prevented by matters unrelated to insurance.

It is an unfortunate reflection on the legislative process that sees "stopgap" tax legislation expire on December 31, 1983, leaving all insurance companies unable to finalize budgets, uncertain as to how to price products and unable to advise certain policyholders on the tax status of their contracts.

While I primarily represent the Connecticut Mutual Life Insurance Company I can assure you that this is an issue on which all insurance companies agree. It is imperative that this situation be resolved quickly.

1. The Stark/Moore agreement was hammered out by Congressional members, staff and industry representatives over many months. H.R. 4170 and S. 1992 are the compromise documents on which all agree.

2. The revenue level of $2.9 billion called for in H.R. 4170 is already too high and should not be increased.

3. Stalemate has many detrimental fallouts, including the inability of any company to budget, price and design products.

4. Insurance agents are unable to advise many of our policyholders on the tax implications of their contracts, thus adding uncertainty to individual's and families' financial planning.

Legislative relief is needed immediately—separate from other tax legislation if necessary.

We appreciate your support on this legislation and urge you to seek prompt and favorable action on H.R. 4170 by your colleagues.

Thank you for your valuable assistance.

Sincerely,
GEORGE E. BURNETTE, *ChFC, CLU,*
333 East Broadway.●

H.R. 4103, THE CABLE TELECOMMUNICATIONS ACT OF 1983

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. BLILEY. Mr. Speaker, H.R. 4103, the Cable Telecommunications Act of 1983, is one of the most important pieces of consumer legislation to be considered by the House in the 98th Congress. This bill, which I cosponsor with more than 80 of my colleagues, would create a new Federal policy for cable television. It would preserve legitimate local regulation of cable, preserve existing franchises, and at the same time, chart a course for the future which will allow cable television to become a vigorous and effective competitor in the fast-growing information marketplace.

The sad fact is that cable television has been viewed by many cities as a golden cash cow, a panacea which would provide a seemingly endless number of services to city residents while at the same time fattening city coffers with franchise fees.

Consumers have suffered from this attitude.

Consumers have suffered because cities have required cable companies to provide facilities and services that the marketplace does not want and cannot support. Cable consumers, who primarily subscribe to their local systems in order to obtain alternative programing such as movies, sports, and 24-hour news, are forced to foot the bill for excess, unused channels; to pay for expensive facilities and dedicated channels to provide public access programing that almost no one watches; and to subsidize costly institutional networks that have no customers. A recent study by the National Economic Research Associates demonstrated that these unnecessary frills required by cities can add up to 30 percent to the price paid by consumers for cable telvision service.

Consumers suffer because cities extract franchise fees from cable operators beyond the limit currently set by Federal law. Although the FCC is empowered to grant a waiver of the Federal limit, a study by the National Cable Television Association indicates that more than 72 percent of the cities extracting franchise fees beyond the limit have not attempted to obtain such a waiver. I suspect that the reason they have not sought Federal permission is the certainty that the FCC would deny their requests. Those franchise fees, of course, come directly from consumers' pocketbooks.

Consumers suffer because the current hodgepodge of municipal regulation and widespread municipal one-upmanship robs the industry of the stability that it needs to attract investment capital in order to sacrifice short-term profit for long-term community service.

H.R. 4103 is a delicate balance of the legitimate interests of the cable industry and the legitimate interests of local government. The ultimate beneficiary of the bill will be consumers.

For example, the bill extablishes the right of cities to determine who initially gets a cable franchise and what kind of cable system it will be. In this way, cities represents consumers' interests by picking the best system.

Where this process already has taken place, the consumer interest is protected by grandfathering all existing franchise commitments relating to the provision of cable facilities and services. In many cities, however, local governments have overstepped their legitimate bounds and extracted commitments from cable operators wanting to go in business in those towns to provide things totally unrelated to cable television. For example, the franchise in Sacramento, Calif., calls for the cable operator to plant 20,000 trees in the city parks. There is no reason why a cable consumer should have to pay for municipal projects unrelated to cable television. Accordingly, the bill would prohibit cities from extracting such commitments in new franchises, and would not grandfather those types of extraneous, expensive commitments in existing franchises.

Although specific, cable-related commitments are expressly grandfathered and rendered subject to enforcement by cities, the bill recognizes that strict compliance with franchise provisions will not always be in the consumer interest. And, it recognizes the precarious environment in which cable systems operate as a locally regulated entity in competition with other video technologies not subject to the same regulation. Accordingly, the bill insures that full compliance with franchise contracts will be administered under contract law. Specifically, the bill provides that strict compliance with franchise provisions may be modified or excused in the event of a significant change in circumstances which would render performance by the cable operator impracticable. This concept is recognized in the restatement of contracts and is included as a provision in the Model Uniform Commercial Code. This incorporation of contract law into the administration of franchises will guarantee operators the flexibility they need to identify consumer needs and demands and respond to them quickly. It will help assure the best possible service to consumers at the lowest possible cost.

H.R. 4103 would also bring necessary stability to the cable industry through the establishment of Federal standards for franchise renewal. Under the bill, cable operators who have lived up to their franchise commitments and who plan to improve service to their communities are entitled to franchise renewal. The Federal standards would preserve the crucial oversight role of local government, but at the same time would encourage cable operators to make substantial investments in their systems by allowing them a reasonable expectation of remaining in business. Without such an expectation, and without the stability it brings, cable operators have the financial incentive to pursue short-term profit maximization rather than long-term investment. Consumers benefit two ways: Local governments make sure that only the operators who live up to their promises can continue to provide service, while those who do live up to their promises will be encouraged to invest in improvements.

The bill also adds a corollary protection. Municipal acquisition of cable systems is permitted after franchise expiration, but only if the city acquires the system at fair market value. Without this essential protection, cities would have the incentive to deny franchise renewal, obtain the system through condemnation or at distressed sale price, and turn around and sell it at fair market value, reaping windfall profits. This situation may be good for city bank accounts, but it is bad for consumers. H.R. 4103 would remedy this situation.

Finally, H.R. 4103 performs an additional service to cable consumers. In markets where there is a diversity of video programing already available, defined under the bill as the ability of consumers to receive at least four televisions signals, including each of the three networks, local regulation of the cost of basic cable service is removed after a transition period. This provision recognizes that the marketplace is a more effective check on prices than any governmental entity. It puts the question of whether cable television will be the competitive choice solely on those who ought to make that decision. Under H.R. 4103, the success of cable television as a competitor will be determined by consumers.

I urge my colleagues to support H.R. 4103.●

AIRPLANE ENGINE NOISE STANDARDS MUST BE MAINTAINED

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. GINGRICH. Mr. Speaker, over 7 years ago, the Federal Aviation Administration required all U.S. airlines to bring their four-engine fleets into compliance with FAR Part 36 Aircraft Noise Standards before January 1, 1985. In addition, all foreign carriers were put on notice that their aircraft would have to meet essentially the same standard.

The principal reason for mandating these noise standards was to begin to provide relief to those people living around, or working at, airports where aircraft noise is a painful daily problem.

As the Congressman whose district includes the Atlanta Hartsfield International Airport, the second busiest in the world, I know full well how people suffer from airplane noise. I am also personally knowledgeable about airplane noise since I live only a mile and a half from the airport.

It is my understanding that foreign governments and foreign companies are being urged by a U.S. airport operator to ask for special treatment in this area. They are being urged to seek an extension of 3 years of the noise standard deadline.

Mr. Speaker, I believe this is wrong and I will oppose any move, whether it be administrative or legislative, to grant waivers. I do this for two reasons.

First, people living around, or working at, airports deserve and need the relief that the quieter, retrofitted engines on airplanes would provide. Specially granted waivers would mean an increase in noise for tens of thousands of people. Also, if certain carriers were given exemptions, it would be much harder to deny others exemptions.

Second, any waiver of the noise standard deadline would not be just for those carriers that have either already come into compliance with the noise standard or are on schedule to come into compliance. These carriers have already spent millions of dollars to bring their fleets into compliance. Specially granted waivers would make the principle of equal application of the law to all a ridiculous joke.

I would like to praise Secretary of Transportation Elizabeth Dole and Secretary of State George Shultz for their consistent efforts to make sure all carriers, both domestic and foreign, are treated alike.

I commend my colleague, Congressman NORM MINETA, chairman of the Subcommittee on Aviation in the Committee on Public Works and Transportation Committee, for his firm stand in support of strong aircraft engine noise standards. I will join with Mr. MINETA in making sure these noise standards are not waived.●

AIME ALL-INSTITUTE ANNUAL MEETING

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. McNULTY. Mr. Speaker, I was privileged to be invited to address the AIME All-Institute program at its 113th annual meeting in Los Angeles, Calif., on the topic "Basic Materials Industries in Transition: Outlook I." The AIME is the professional association of mining engineers, petroleum engineers, and metallurgical professionals and brings together these concerned men and women annually to hear papers on topics of widespread industrial interest. In the belief a better public understanding is needed so that a more rational national copper policy can be put into place I place in the RECORD a copy of my remarks, which were read by a legislative aide as with the House of Representatives in session I was necessarily unable to deliver my comments in person.

A copy of my speech follows:

REMARKS BY CONGRESSMAN JAMES F. McNULTY, JR.

The American copper production system is in a period of rapid and challenging transition. The men and women connected with copper have today more reason than ever to know that we participate in a world economy with production and consumption of a fungible commodity. The elements of supply and demand in a private market that we all learned about in school have been challenged by puzzling and obscure influences of international politics and diplomacy, the impact of which have brought about the most serious period of adversity in living memory. The industry faces the greatest challenge in its history and unless a number of short- and long-term corrective actions are undertaken, our nation stands to lose its future supply of this vital strategic mineral.

We should be aware that the world price of copper today is 64 cents a pound, the lowest in real terms in this century. If prior downturns in copper were at worst bad colds, what we face today is nothing less than severe pneumonia. Like that killer disease, concerted action and prompt action is necessary, or the patient is going to be lost.

This is not a parochial or a merely regional concern: the fundamental issue is whether our country is to have a domestic copper industry and is a fundamental issue that concerns everyone in this country. In my view, a $4 billion industry that is, by global standards, the most efficient and technologically advanced in the world, is worth saving. In my view America is not well served to see the jobs and profits connected with copper extraction and refining transferred to the Southern Hemisphere. Unfortunately this process has been underway for a decade but now is clearly accelerating.

Overproduction in developing nations today continues to increase the world supply and new increases in free world copper mine production capacity are planned to be added in the next four years.

It is in the nature of a free enterprise economy as it matures that competition of other commodities induce changes in manufacturing procedures and the quest for new markets and new uses can never stop. No government policy can substitute for the creativity and resourcefulness of industry leaders in finding those new applications. Unless that occurs, little that we in government do will matter a great deal.

But those holding office in Congress and the Executive Branch have their responsibilities and at the very least, we should expect of ourselves the establishment of policies that serve the national interest and advance the economic and national security of our country.

Such a program is attainable and it is time, indeed it is well past time, to put it into place. Such a program which I shall call a copper agenda has to address the issues of fair competition and it ought to examine the manner in which the largest consumer of goods and services in the United States—the federal government—is mindful of the potential uses of copper.

While fair competition may mean many things to many people, we do not see it in practice today in the American copper economy because the copper industry in the United States and Canada stand virtually alone in the world as copper industries based on private ownership and only in the United States and Canada have the producers of copper born the full burden of the lowest price level for copper this century.

If the Administration and the Congress are to move on the copper agenda, we have to understand the role played by international factors and especially by the lack of market discipline on the part of Third World copper producers. The overiding fact of today's world copper market is overproduction in the face of declining or weak world consumption.

This is not merely a byproduct of the nationalizations of Chile, Zambia and other nations in the past. The problem today is that multilateral development banks through a misguided sense of mission to assist the efforts of less developed nations to improve their lot—no matter what. And this policy has backfired.

Last year, along with a good number of my colleagues on Capitol Hill, I raised questions about the wisdom of World Bank participation in the expansion of the Cananea, Sonora Mexico copper mine and smelter. Eventually the World Bank canceled its participation.

In November I learned that the Inter-American Development Bank was going to assist CODELCO, the Chilean copper giant, with a $268 million loan. This time, with focused attention from lawmakers of both chambers and parties, the Administration took the commendable step of registering U.S. opposition to the loan. It was approved nevertheless.

In January I learned Zambia has under consideration a $70 million loan application for new efforts to expand and modernize. The World Bank has told me Zambian officials know their ore bodies will be depleted in 15 to 20 years and they must increase their copper revenues to allow the economic diversification needed to benefit their largely agricultural population. I cannot but wonder at this analysis. How will the people of Zambia benefit from copper prices of 64 cents a pound? Would they not be better off to wait until the international copper market has recovered? And if the Zambians take a narrow, short term view I wonder of the wisdom of international development bankers who should know better: Zambian mines lost more than $300 million in 1981 and 1982. Encouraging even more dependence on copper exportation seems the height of irresponsibility and it should be stopped. At the beginning of February, 23 of my House and Senate colleagues joined me in asking the Secretary of the Treasury to register U.S. opposition to this new loan proposal. The Secretary advises me the Bank may decide the matter in mid-March. I hope my worst fears are not realized.

The low price of copper and weak demand would lead one to expect that copper mine capacity would be trending down but apparently this is not happening. According to a well respected world survey, at the end of 1983, world mine capacity at 8,461,000 short tons was actually up slightly from the 8,415,000 tons at the same point in 1982. A 2 percent growth in additional capacity is planned in 1984 and more than 4 percent growth is planned in the following three years. It is especially noteworthy that 90 percent of the idle capacity in the world at the end of 1983 is to be found in the United States and Canada. Chile and Peru have *no* idle mine capacity and will add 100,000 short tons of capacity this year.

Workers in the American copper belt with whom I have spoken do not understand American support and American participation of our "shoot yourself in the foot" school of international finance. I don't either.

Our economy cannot afford to set a new record each year for copper importation. We should not allow Chile or any other foreign producer to use the large, unrestricted U.S. market to shoulder the consequences of their production increases that cannot be consumed in the world market.

A copper agenda has several parts.

I will continue to press for legislation to establish an environmental equalization tariff that recognizes the fact that American producers must come to market after having added 10 to 15 cents per pound to their production costs to comply with environmental laws.

I fully support the petition filed in January by 11 major American copper producers before the International Trade Commission calling for import restrictions.

I will continue my endeavors to insist upon a more responsible Administration policy toward the multilateral development banks when they are considering loan applications from foreign copper producers.

I will support the provision under study by the House Ways and Means Committee that would break new ground in the imposition of tariffs and quotas when countervailing duties may be awarded for upstream subsidization.

I will continue to press for a solution to an extraordinarily unsettling development in southeastern Arizona. Large smelter expansions are underway at Cananea and Nacozari in the state of Sonora. Both facilities are close to the international border. Aside from the implications that these major expansions hold for the international oversupply of copper, there is a serious environmental concern as well—the construction is proceeding without any plan for the installation of sulfuric acid recovery plants. Without acid plants, these two smelters upon completion will emit two to three times as much sulfur dioxide as the cumulative emissions of Arizona's smelters combined when the 1987 EPA target is reached.

I shall continue to urge purchase of copper for the national strategic stockpile. That stockpile now stands at 29,000 tons, less than 3 percent of the Federal goal of 1 million tons. Off budget funding is available and there is no evident reason why as much as 200,000 tons could not be added forthwith.

One new use of copper which offers a ray of hope is the possible application of copper in our nuclear waste terminal storage program. I am encouraged that the Department of Energy has reversed its previous position and will not study copper as a canister material. Studies in Canada and Sweden have shown copper to be, at least tentatively, highly competitive with other metals under consideration. The method of storage that is safest is the one I shall support and it is incumbent upon the Administration in its testing program to determine the most suitable metal for the very long term—and a fair-minded testing program is certainly appropriate.

So we in government need to get on with the business of doing what we can to restore a measure of health to the American copper industry. I am encouraged by the efforts most large copper producers have made internally to pare overhead costs and to establish leaner and more effective management. As our international competitors have shown us, the world of the future will require streamlined operations, aggressive marketing, and a comprehending public policy.

I am further encouraged to see increasing spots of understanding here and there in Washington of the problems of this industry and some desire to move toward more coherent policy in the future.

We need a healthy copper industry, as a nation and as a world power.

Whether we're able to retain a healthy copper industry is not as certain as is our national need. The industry has demonstrated its durability in past transitions and I have to believe that its men and women have not lost that quality. It will be sorely tested in the near term.

But working together we can make a difference and to that course I am pledged.

Thank you.●

ECONOMIC RECOVERY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, the economy has made a remarkable recovery under the guidance of the Reagan administration. But you might not have realized it if your only source of information had been the nightly news programs of the three major television networks.

That is the conclusion following a recent survey by the Institute for Applied Economics. The president of the institute, Holmes M. Brown, in an article in the Wall Street Journal of March 6, 1984, presents some accounts of the networks turning glowing reports into gloomy reviews of the Nation's dramatic economic advances of the Reagan administration.

When the Nation's unemployment was slashed from 10.7 to 8.2 percent in 1 year—when 4 million new jobs were created in 1983—network news shows made brief references to the encouraging news, and then swung into lengthly negative reports on these positive gains by focusing on those still seeking work.

When figures revealed a marked improvement in the inflation rate, a network analyst followed the brief announcement of the improvement with a feature story on unemployment. When it was noted that food prices were lower, a network economist quickly predicted food prices would rise soon because of bad weather.

Reports of tremendous improvements in factory output and industrial capacity barely touched upon by network newsmen, were followed by long-winded stories which presented a negative review of those positive gains.

Mr. Holmes sums up the article with this noteworthy observation of the 6-month survey:

> The economic news was good in the second half of 1983. The coverage on network television was still in recession.

Mr. Speaker, I include Mr. Brown's article in the CONGRESSIONAL RECORD.

How TV Reported the Recovery

(By Holmes M. Brown)

The national economy improved dramatically during 1983—but you might not have realized it if your only source of information has been the nightly news programs of the three major television networks.

How did the networks manage to turn the good news into bad news? According to a recent survey by the Institute for Applied Economics, the transposition was done by concentrating on the pockets of recession within the overall recovery, thereby implying that behind the good news of falling inflation and rising employment there were black clouds of economic misery.

SIX-MONTH SURVEY

When the sea change in economic news occurred in 1983, one might have expected that the networks would follow their practice during the recession of concentrating on the economic news and substantiating it with human-interest stories. To find out, the Institute for Applied Economics helped conduct a six-month, seven-night-a-week survey of the three major networks. We examined three key questions concerning network performance:

Did the networks fully report the news of the economic recovery?

Did the networks bias their reporting to play down the positive impact of the economy?

Did the networks use negative case studies to detract from the generally positive economic news?

Unemployment fell to 8.2 percent in December 1983 from 10.7 percent a year earlier. Total employment grew by four million during 1983.

On July 8, the Labor Department announced a drop in unemployment. CBS reported that while the Labor Department said the figures didn't justify claims of a true economic recovery, the president's top economist was calling the unemployment figures a new milestone in the business upturn. Dan Rather's coverage undercut the credibility of the administration's interpretation of the statistics. Reporter Ray Brady emphasized there were 1,250,000 jobless people seeking only 350,000 available jobs, and focused on worsening unemployment in certain industrial states. The entire emphasis of the report was on those who remained out of work—not on those who were returning to work.

In October, unemployment continued to fall, this time to 8.7 percent from 9.1 percent a month earlier, the lowest rate in 20 months. The three industries hit hardest by the recession—construction, mining and manufacturing—all showed improvement.

On Nov. 4, ABC stated that the unemployment drop was the result of many jobless Americans ending their search for work. The overall interpretation was that the "news is not as good as it sounds." Again the focus was not on the enormous number rehired, but on those yet to be rehired. ABC then implied that the Reagan administration's economic policy was a complete failure, and that there was a "chorus of demands that the government develop a national industrial policy" for which ABC turned to Democratic presidential candidates for their views. The news report that began with a 0.4-percentage-point drop in unemployment concluded: "With so many factory workers unemployed, political pressure for an industrial policy will continue to grow."

In November, unemployment dropped sharply to 8.4 percent from 8.7 percent a month earlier, the lowest level in two years. In just two months, the total of unemployed Americans dropped well over a million.

ABC used the Dec. 2 unemployment announcement to focus on those left behind by the recovery. Although the November unemployment figures in 45 of the 50 states were down, ABC did a story that began, "Now those unemployment figures again; it's here in the Midwest that unemployment is most severe." They located two upper-middle-class men who had been unemployed for 1½ years and focused on their experiences, with a story that lasted more than four minutes. A story that began with a 0.3-percentage-point drop in unemployment ended in complete despair and talk of suicide.

Another major positive statistic during the time of the study was the increase in the gross national product. In the third quarter, it grew at a robust 7.7 percent inflation-adjusted annual pace, surprising even the most optimistic economists.

NBC reporter Irving R. Levine, on Oct. 22 when the GNP boost was announced, delivered one of the most negative stories of the survey. The report focused on "pockets of poverty where recovery is still just a dream," undercutting President Reagan's economic policies and their relationship to the recovery. Mr. Reagan was shown saying "virtually every sector of the economy . . . is expanding, creating new hope in a more secure future." Mr. Levine focused on the limited areas where things were getting worse, stating that "beyond small programs to retain workers, the administration is closing its eyes to regions bogged down in recession and sees no need to alter its economic policy."

Inflation continued to abate during the year. The producer price index grew by only 0.6 percent in 1983, the smallest increase in 20 years.

In July, the inflation rate for the first half of 1983 was announced at only 2.9 percent, a sharp decline from 3.9 percent a year before. CBS followed this news with a story featuring economist Pierre Rinfret, who said: "We kept the country in recession for three years, we've created unemployment as high as 13 million people, we idled most of the factories in this country, and put most of industry flat on its back. If you can't beat inflation with that, you can't do anything.

Food prices were also reported down, but that good news was also immediately countered by another economist who forecast that the weather was about to push prices back up. When inflation was rampant, television news regularly featured segments in supermarkets. Now that inflation was under control, there were no such segments. On July 28, Dan Rather reported: "Many people argue that any time inflation stays down, there's good news. Some other argue, yes, but the way you get it down matters, and if it stays down too much for too long the wealthy benefit disproportionally." Mr. Rather went on to relate a story about union work contracts, the ultimate implication given that bringing inflation under control—the biggest single political issue in the country months ago—was somehow, now that it had been accomplished, bad news, not good.

Factory output increased 6.5 percent during the year, according to the Federal Reserve Board—the best performance in seven years.

On July 15, ABC reported that factory production has risen a remarkable 1.1 percent in June from May. Anchor Max Robinson gave the announcement one sentence, and immediately followed it with the statement: "However, the economic changes triggered by the recession continued." ABC then ran a lengthy story on the troubles and the closing of a plant at International Harvester, a company beset by management and financial troubles for years.

PLANTS AND EQUIPMENT

Industrial capacity has increased a full 10 percent since the recession began. One of the last stages of recovery is expanded investment in new plants and equipment. On Dec. 9, CBS reported on a Ford Motor Co. official who said that $168 million was to be spent to improve the auto maker's Rouge Steel Plant—despite fear that the plant would be closed. This positive news announcement was immediately followed by a Ray Brady story focusing on the reluctance of others to invest in new equipment, and describing it as "the shadow which darkens the 11-month-old economic recovery."

During the entire period of the study, there were 4 to 15 economic-statistics stories a month. Nearly 95 percent of these statistical reports were positive. However, of the 104 economic stories of an in-depth or interpretative nature that were aired during this period on the three network evening news shows, 89—or 86 percent—were primarily negative.

The economic news was good in the second half of 1983. The coverage on network television was still in recession.●

OUR AGING U.S.-FLAG FLEET

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. **ANDERSON.** Mr. Speaker, with the release of the administration's fiscal year 1985 budget request, I was disappointed to see once again our merchant marine being shortchanged. In the budget request there is virtually nothing that would encourage the construction of new U.S.-flag ships. As of January 1983, of the 541 ships in the U.S.-flag privately owned fleet, 254 were over 20 years of age.

In a recent article published in the February 16, 1984, edition of the Journal of Commerce, Robert R. Frump described some of the shocking conditions that exist on our older U.S.-flag ships and the efforts by the Coast Guard to enforce safety regulations. I quote from the article:

> Sixty-five men have died over the last 3½ years in sinkings and other accidents aboard World War II-era American merchant vessels.

Fifteen vessels—all of World War II vintage, including 13 T-2 tankers—have been cut up in the year since the *Marine Electric*, an aging American merchant ship, sank off the coast of Virginia on February 12, 1983, carrying 31 seamen to their deaths.

Here is a description of the merchant ship *Penny*:

> The last profitable voyage of the 41-year-old *Penny* began in October, after it nearly sank at dockside in Tampa, Fla., when a sounding rod dropped into a ballast tank punched through the bottom.

Union officials related the rest of the story:

> On sea trials with the Coast Guard, the captain of the *Penny* ordered, "Anchors aweigh." And the anchor parted from its chain and sank to the bottom of the bay.
>
> Later, a fire in the engine room caused one of the ship's engineers to sound the general alarm. But nothing happened. No alarm sounded. The batteries on the alarm, designed to warn the crew and officers of danger, were dead.
>
> The port representative then ordered the *Penny's* officers to hoist a new anchor on board at a time when the chief engineer believed the ship's old generators could not stand the strain. The anchor was hoisted; the generators failed.
>
> In addition, the *Penny's* propeller was bent and she could only move forward at eight knots.

The article also gives us the example of the 38-year-old *California:*

> In Norfolk, Coast Guard Commander Gary Johnson withdrew the vessel's safety certificate after his inspectors found a foot-long hole in the hull 12 feet below the waterline.
>
> It was caused by an accumulation of years and years of rust, Mr. Johnson said. It was a case of general wastage of the hull.

The kinds of conditions described in the article make a sad commentary on the state of our merchant marine. Will our seamen continue to be subject to the dangers of these kind of "rust-buckets"? We can only hope that the Coast Guard will continue to pursue a vigorous campaign to enforce vessel safety regulations. But aside from enforcing safety regulations, we need a national policy to rejuvenate our decrepit merchant fleet. This can only be done if the administration is willing to develop a comprehensive maritime policy that will encourage the construction of new ships for the U.S. merchant marine. The time for implementing such a policy is long, long overdue.●

WOMEN'S HISTORY WEEK

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mrs. **BURTON** of California. Mr. Speaker, it is an honor for me to participate in the commemoration of Women's History Week. For far too long, our written history has systematically ignored the impact women have made on world events. I welcome this opportunity to pay tribute to the many contributions women have made to our society and to share with my colleagues the accomplishments of a few San Franciscans.

One of San Francisco's most cherished landmarks is the Coit Tower, which is a beautiful memorial to the firefighters who fought the devastating blaze that nearly destroyed San Francisco in 1906. Coit Tower was constructed with funds bequeathed to the city by Lily Hitchcock Coit, who devoted many years of her life to efforts which helped San Francisco become one of America's most beautiful cities.

Donaldina Cameron, who lived from 1859 to 1968, spend 40 years struggling to protect orphans and other children in our Asian community, particularly in Chinatown, from involuntary servitude in the households of the wealthy.

The dean of American newspaper woman, Annie Laurie, began her illustrious career in San Francisco. She was an acclaimed drama critic and investigative reporter taking on issues such as the plight of lepers and the deplorable conditions of public health hospitals. She subsequently became a well-known novelist in the early 1900's.

The people of San Francisco elected their first woman member of the board of supervisors in 1921. Margaret May Morgan provided her constituents distinguished representation for 5 years; 43 years later, the majority of the top-elected officials in the city are women.

Isadora Duncan, the world renowned dancer, was born in San Francisco in 1877. Her pioneering techniques and her spirit of artistic freedom have inspired generations of artists. She and many other women are symbols of the fertile mind and the free spirit. I congratulate them and those who will follow in their footsteps.●

ROUKEMA CONGRATULATES LOCAL ROTARY CLUB ON SILVER ANNIVERSARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mrs. **ROUKEMA.** Mr. Speaker, I rise today to ask that my colleagues join me in congratulating the Wyckoff-Midland Park Rotary Club on its silver anniversary and to commend Edward J. Van Duzer for his service as past president.

We are all aware of the fine work this fraternal organization undertakes in an effort to assist our community. The Rotary Code of Ethics clearly states that the purpose of this organization is to encourage service by every Rotarian in personal, business, and community life; to encourage the development of a wide circle of friendship as an opportunity for service, as well as an aid for success; and to instruct each Rotarian to view his occupation as an opportunity to serve society.

When four men met in Chicago in 1905 and organized Rotary, I doubt very much whether they realized the importance of the role this organization would play in the future of America. Not only does it promote high standards in the business community and work for the advancement of international understanding, but the Rotary has also undertaken the role of community improvement.

The Rotary has been in the forefront of meeting the needs of fellow human beings through voluntarism. Rather than relying on the Federal Government to shoulder the burden for those less fortunate, the Rotary has taken an active part in identifying the needs of the communities it serves and has planned ways to meet their needs. The Rotary has helped develop a partnership between religious, civic, business, labor, and professional leaders, as well as Government officials, to serve the elderly, the needy, the sick.

The Wyckoff-Midland Park Rotary, which has been active in community service since 1959, will continue in the forefront assisting its neighbors and leading the community in improvement of the quality of life. Mr. Speaker, the members of this local Rotary are part of an organization that boasts more than 874,000 members in 154 countries. Because of the voluntarism undertaken by these community leaders throughout the United States and around the world, there truly is a "brotherhood of man."●

AID POPULATION PROGRAMS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. BEREUTER. Mr. Speaker, because of my great respect for my colleague, SANDER M. LEVIN's knowledge of AID programs, through experience gained as assistant administrator of that agency, I think it is important to share this gentleman's letter responding to a recent Evans and Novak column that discussed U.S. supported population programs.

The letter follows:

AID's POPULATION PROGRAM IN CENTRAL AMERICA

Rowland Evans and Robert Novak [op-ed, Feb. 22] criticize the Agency for International Development's support of population programs in El Salvador. I was assistant administrator of AID from 1977-1981, and offer these points:

In 1977, AID promulgated regulations to ensure that every recipient of a sterilization procedure through AID indicated in an informed, verified manner a voluntary desire to participate.

AID-funded programs were required to provide potential recipients with birth-control alternatives other than sterilization, and AID personnel were instructed to avoid setting targets for the number of voluntary sterilization recipients.

After reviewing all the available documents, I am persuaded that in El Salvador and elsewhere, this administration has implemented, with vigor equal to its predecessor's, AID regulations on the voluntary nature of the sterilization programs funded by AID.

AID inquired into the charges in the Christian Science Monitor article, referred to in the Evans and Novak column, that Salvadoran officials used pressure on potential sterilization recipients, and found the charges were not accurate; it has asked an independent team to inquire into them.

The Evans and Novak article attacks "continued U.S. support during the Reagan administration for population control programs that regard people, not inadequate economic development, as the cause of poverty."

But the issue is not population programs versus economic development. A major rationale of AID programs is that high population growth rates can slow down economic development and that there are various causes of poverty. To say that high growth rates in the number of people in a nation are irrelevant to their socioeconomic development is just as myopic as to say that the single factor of high population growth rates is the major cause of poverty.

Rowland Evans and Robert Novak write that while "Reagan at home preaches supply-side economic growth, bureaucrats at the State Department and the Agency for International Development practice population control." Both far-left and far-right opponents of population assistance embrace a form of economic determinism. The far left urges that the only real issue in developing nations is economic equity. The far right say all that really matters is general economic growth (in the private sector).

According to The Wall Street Journal, the Population of Central American countries has almost doubled in less than 25 years and will likely increase to 37 million by the year 2000; nearly half of Central America's population is under 15. Says a physician in the Guatamalan Ministry of Health: "It is a dangerous situation that too many people refuse to see."

The Evans and Novak column refers to efforts of some opponents of abortion to oppose the recommendations of the Kissinger Commission because of its position in support of population funding. Since 1973, AID has been under a congressional prohibition against funding abortion programs. Both in the Carter and Reagan administrations, AID has endeavored faithfully to implement that prohibition.

Under these circumstances, efforts to entangle the abortion issue with questions relating to the level of AID support of population and family planning programs (or the issue of leadership of the US delegation to the World Population Conference in Mexico City) are misinformed shortsighted.

SANDER M. LEVIN,
U.S. Representative.●

THE SILVER VOICE OF THE DETROIT TIGERS

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. PURSELL. Mr. Speaker, Ernie Harwell, the silver voice of the Detroit Tigers, is beginning his 25th season with the Tigers.

Those of us who are avid Tiger fans have great respect and admiration for Ernie Harwell. We wish him our very best.

Sports writer Bill McGraw of the Detroit Free Press has written the following historical article on Ernie Harwell:

ERNIE HARWELL'S 25TH SEASON BROADCASTING DETROIT TIGERS GAMES

LAKELAND, FLA.—Some years, when Ernie Harwell broadcasts the first ball game of the season, he welcomes his still-freezing fans in Michigan with a "Happy New Year" greeting and some words from the Bible's Song of Solomon:

"For, lo, the winter is past, the rain is over and gone; The flowers appear on the earth; the time of the singing of birds is come, and the voice of the turtle is heard in our land."

Harwell is uncertain what salutation he will use at 1:15 Tuesday afternoon on WJR (760-AM) radio, when the Tigers play the Red Sox in the first game of spring training.

He won't brag about it, but this game carries more significance than just another opening day in the Grapefruit League. It marks the first broadcast of Harwell's 25th season in Detroit. In all that time, he has missed one game—in 1968, when he attended his brother's funeral. Over the years, he's piled up some impressive statistics:

On June 29, Harwell is scheduled to do his 4,000th regular-season show.

Since 1960, the Tigers are 2050-1874 with Harwell behind the mike.

For a quarter century, Harwell, 66, has been the friendly, witty, intelligent voice known to millions of Midwestern listeners. In southeast Michigan, more than 928,000 persons tuned him in during a typical evening game last summer, a rating survey showed.

No Tiger broadcaster has done it longer, not Ty Tyson or Harry Heilmann, Van Patrick or Dizzy Trout. No other local play-by-play man has been considered such a valuable city resource. Nobody else from Detroit radio has been elected to baseball's Hall of Fame. Harwell made it in 1981. When Reggie Jackson sees Harwell around the batting cage, he calls him "Hall-of-Famer."

Thanks to Harwell, we know the bases loaded can mean "instant runs;" that a called third strike means a batter "stood there like the house at the side of the road," and foul balls are grabbed by "an upperdeck outfielder from Dearborn Heights."

Thanks to Harwell, we have learned countless fascinating bits of baseball trivia, culled from his years as a collector and historian. His volumes of papers, books and photos are in the Detroit Public Library's Burton Collection.

Thanks to Harwell, many a newcomer around Tiger Stadium has found a new friend.

"I can't think of anyone more patient and tolerant than Ernie," said Paul Carey, since 1973 Harwell's on-air partner. "He makes it so easy for me. He's so consistent day in and day out. Not only in his broadcasting, but in his personality."

Harwell says he feels a two-way communication with his audience.

"I think they've given me back a lot of affection, warmth and love that I probably didn't deserve," he said.

The highlight of Harwell's Detroit career is the seventh game of the 1968 World Series. But the Tigers have burdened Harwell with some bad teams and many dull moments. The 1975 Tigers, for instance, lost 102 games and finished 37½ games out. That's when a broadcaster must use his skill most.

"You have to fight a ho-hum attitude because you know this game doesn't mean anything in the standings," said Harwell.

"I try to approach it that every game is different, and every game is a challenge to you as an individual. You've got to react to what happens on the field, just like a player.

"My father was an invalid in Atlanta when I was kid and I knew how much ball games meant to him. There are a lot of people out there who are interested in this game even though it's between two bottom teams. Maybe some little kid's just getting interested in baseball, really gung-ho about the game."

Harwell worked in Atlanta, Brooklyn, New York and Baltimore before coming to Detroit for "a better business proposition." At first some people were critical of his style, he recalled.

"They felt I was a 'Hessian,' sort of a professional announcer. Maybe I wasn't rooting enough for the Tigers as they would want. My feeling was always I was a reporter—it was a prerogative of the fan to root and not mine . . . Nobody is going to approve of every style. If you please everybody, maybe you don't have any style."●

HONORING EDDIE ALBERT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. TORRES. Mr. Speaker, over the years, I have had the distinct honor and pleasure to know and work with Eddie Albert. I came to know Eddie in the early 1970's when Plaza de la Raza, a cultural arts center in East Los Angeles, was in its developing stages.

Eddie was born on April 22, 1908, to Frank and Julia Heimberger in Rock Island, Ill. He attended schools in Minneapolis, Minn., and graduated from Central High School. He also attended the University of Minnesota from 1927 to 1929. Eddie served in the U.S. Navy during World War II, attaining the rank of lieutenant. On December 5, 1945, Eddie married his lovely wife, the former Maria Margarita Guadalupe Teresa Estella Castilla Bolado y O'Donnell. Eddie and Margo have two children, Edward and Maria, and two beautiful granddaughters, Thais, age 3, and Mia, age 1.

Mr. Speaker, Eddie is recognized around the world as one of the top actors of both the stage and screen. He began his career in the performing arts in Minneapolis, Minn., in 1933 where he paid his school expenses at the University of Minnesota by singing at amateur nights and helping manage local theaters. He later joined a trio called "The Threesome" and performed on radio and on stage in Chicago, St. Louis, Cincinnati, and New York. He also formed a radio act with Grace Bradt called "The Honeymooners—Grace and Eddie."

Eddie made his Broadway debut as Bing Edwards in "Brother Rat" on December 16, 1936, and subsequently appeared as Leo Davis in "Room Service" (1937); Antipholous in "The Boys from Syracuse" (1938); Horace Miller in "Miss Liberty" (1949); the title role in the pre-Broadway tryout of "Reuben Reuben" (1955); took over from David Wayne as Jack Jordan in "Say, Darling" (1958); and succeeded Robert Preston as Harold Hill in "The Music Man" (1960).

Eddie made his motion picture debut in "Brother Rat" (1938) and in 1955, was nominated for an Oscar by the Academy of Arts and Sciences for his role in "Roman Holiday." Eddie was again nominated in 1972 for an Oscar by the Academy for his role in "The Heartbreak Kid." Eddie also appeared in "The Longest Yard" (1974) and in "Airport '79—Concorde" (1979). Eddie has also appeared in many television programs including his starring role in "Green Acres" (1965-71) and "Switch" (1975-78). He also appeared in several other television programs including "Studio One" (1948-57) and "The Outer Limits, Show of Shows."

Mr. Speaker, in addition to his exemplary theatrical work, in 1963, Eddie was a Special World Envoy of "Meals of Millions" a philanthropic project which makes nutritious meals at low cost available to the underprivileged around the world. In 1974, Eddie participated in the World Food Conference in Rome and served as a director of the U.S. Commission on Refugees. Eddie is also a member of the board of directors of the Film Council and Alaska-Pacific University. He is a trustee of the National Parks and Recreation Service and a member of the Planning Board of the Congressional Office of Technology Assessment. Eddie also serves as a member of the Consumer Advisory Council of the U.S. Department of Energy and as the chairman of the Eddie Albert World Trees Foundation.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Eddie Albert, and thanking him for his years of entertaining work and unselfish contributions to our country.●

POTENTIAL VETO OVERRIDE VOTE OF THE WATER RESOURCES RESEARCH ACT, S. 684

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. McNULTY. Mr. Speaker, as many of my colleagues know, on February 21, 1984, the President vetoed S. 684, the Water Resources Research Act. I sponsored the companion measure, H.R. 2911. Senator ABDNOR, the Senate sponsor, has been promised that the Senate will take up the override of the veto when the Senate completes consideration of the school prayer issue. In turn, we in the House will act on the override as quickly as possible.

Today, in anticipation of floor action, Senator ABDNOR has sent out a letter of support for the override effort with the signatures of 21 colleagues from his side of the aisle. Senators MOYNIHAN and DECONCINI are sending a similar letter of support for the override with a good number of their minority colleagues signing on.

Today, we on the House side have also sent a strong endorsement to our colleagues for the water research institutes and ultimately, for the veto override.

Mr. Speaker, the intent of the bill is to authorize an ongoing program of water research institutes in each State at a land grant university or other educational institution. The Secretary of the Interior is authorized to make grants to the institutes, but only after careful review of their proposed research projects. In addition the Secretary must establish procedures for a continuous review of the institutes and terminate funding for those which fail. Funds will initially be matched on a $1 to $1 basis with this later changing to $1 of Federal money for every $2 non-Federal. The Secretary is also authorized to make matching grants to other institutes, foundations, firms, individuals, and State and local governments for similar purposes.

A transfer of Federal water desalinization plants to Roswell, N. Mex., and Wrightsville Beach, N.C., is also authorized. These plants will be utilized to research brine water purification and the costs/benefits of various desalting processes and products. This transfer is crucial because funding for the plants was not included in last year's Department of the Interior budget. The communities are ready to take them.

Finally, the bill provides funding for technology transfer, an integral and vital part of this entire effort. While the institutes funnel research results to the community, they will also learn current research needs.

Although institutional research is not new, the bill does add a new direction and accountability measures that were unknown in the past. First created in 1964 and subsequently authorized through 1982, the institutes were not authorized in 1983. Through the years, the institutes' studies have yielded considerable research and educational gains at favorable costs/benefits.

I would like to have the following reprinted in support of the veto override:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 7, 1984.

DEAR COLLEAGUE: Please think about S. 684, the Water Resources Research Act. We are some of the 77 co-sponsors of the companion bill, H.R. 2911. Both bills passed both bodies by unanimous voice vote but now the bill has been vetoed.

Senator Abdnor has led an effort to override. He and we were surprised by the veto because the authorized monies were reduced from $60 million to $36 million per year on advice that the smaller figure would be satisfactory. The bill continues a program that has been contributing to the country since 1964. It supports one water research institute at a land grant university in every state. The new version has much tougher requirements for state matching funds and the program has provided important innovation in an area which is now little short of a national crisis.

The Senate may be acting on the bill shortly and may override. We urge you most strongly to join us in passing the bill again for the national interest and to continue the solid track record of the past.

The program has been untouched by partisan considerations; it will remain so. The bill makes sense and we urge your support of the veto override.

Sincerely yours,

James F. McNulty, Jr.
Thomas S. Foley.
Marcy Kaptur.
Bill Emerson.
William F. Clinger.
Pat Williams.
Dante B. Fascell.
Hank Brown.●

A CONGRESSIONAL SALUTE TO HON. DONALD E. WILSON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. ANDERSON. Mr. Speaker, on March 23 the council and citizens of the city of Torrance, Calif., will be recognizing the Honorable Donald E. Wilson on his retirement after 16 years of dedicated public service to the city of Torrance.

A graduate of UCLA with a doctorate of education, Don has been active in Torrance and the surrounding area for many years. He is a fourth generation educator, a naval officer, and also an ordained minister of the Church of Christ. He is a previous member of the Torrance Unified School Board of Education, and is presently the director of teacher education at USC.

Dr. Wilson has been a councilman during a period of considerable growth in the city of Torrance. As councilman, Don has served on the following city council subcommittees: finance; recreation and community development; charter review; citizen development and enrichment; employee relations and department organizations; community planning; public safety; downtown Torrance; oil; coastal plan; horse; civil service; and public works.

Besides his work as an educator and councilman, Don has always actively supported measures designed to protect and preserve the environment, including regulations for limiting hillside growth and reductions in density for multidwelling residential areas. He has long been an advocate of interagency cooperation and has participated in the Southern California Association of Governments, the California Coastal Commission, the Independent Cities Association, as well as numerous activities connected with city-school relationships.

In short, Mr. Speaker, Donald E. Wilson is a man with many accomplishments. I know the people of Torrance will miss having Donald in the public arena.

My wife, Lee, joins me in congratulating Don Wilson on a job well done. We have always deeply respected and admired him and, although we will miss his leadership, we know he is deserving of a hard-earned retirement.●

LEGISLATION TO PROMOTE COAL RESEARCH

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. WALGREN. Mr. Speaker, I am introducing legislation today, along with several of my colleagues from Pennsylvania, to establish a 5-year national coal science, technology, and engineering development program. This legislation, designed to complement bills introduced by Congressman Rahall and Senator Byrd, arises out of the clear need to accelerate the development of technologies which will promote the use of coal in an environmentally acceptable manner.

America's greatest hope for achieving independence from foreign oil supplies lies in our vast supply of coal resources. Coal is an abundant, inexpensive, and domestic solution to our energy needs, with reserves sufficient to power the Nation for several hundred years.

Yet, despite the promise of coal, its potential continues to go unrealized. Eastern coals are especially valuable because of their high heating value. Yet they are underused because of high levels of sulfur and ash. The coal industry is in one of its worst depressions, with unemployment as high as 48 percent in the western Pennsylvania area.

Certainly it is in the national interest to encourage research into new methods of using coal in environmentally acceptable manners. My legislation addresses this need in two ways:

First, it provides a stable level of funding for coal research. After the oil embargo of a decade ago, the Government made a strong commitment to funding coal research. But since then, as oil prices have leveled off and public pressure has eased, the present administration has repeatedly reduced requests for the Federal coal research program. Despite great progress made in research in the late seventies, we have seen little in terms of commercialization of these new technologies.

While Congress has acted each year to restore the administration's funding cuts, the constant uncertainty about the future of funding has made effective coal research difficult, if not impossible. Last year's funding request for coal research reflected a 90-percent cut from 1981 levels. While this year's budget reflects some progress, coal research is still down significantly from the level set by the Congress last year. More specifically, President Reagan proposes to cut coal liquefaction by 52 percent, surface coal gasification by 59 percent, fuel cells by 68 percent, and MHD by 41 percent.

As a consequence of these repeated funding cuts, coal research has been uncoordinated and focused on the short term, neglecting the more extensive long-term research necessary to develop technology and transfer it to industry. By providing a stable level of funding over a 5-year period, and requiring a 5-year plan by the Department of Energy, this legislation takes the necessary first step in encouraging new methods of utilizing coal.

The second area addressed by my legislation is what has become known as the "gap" in technology development. As the president of the Synthetic Fuels Corp. recently recognized in testimony before the Congress, there is a "gap between the assistance available from the Department of Energy for basic research and that available from the Synfuels Corp. for the commercial production of synthetic fuels." He went on to comment that this gap would become a critical problem for the second and third generation technologies expected to be developed within the decade. Authority to address this gap is required now for some advanced technologies, particularly in the direct liquefaction area.

When the Reagan administration came to office, the Government suddenly withdrew from any role in demonstrating technology or establishing proof of concept of new and advanced technologies. With the SFC restricted to funding commercial projects which have been adequately demonstrated, and the DOE limited to basic research, it was left to private industry alone to fill in the middle. With falling oil prices, industry has not been able to demonstrate new technologies so they could qualify for SFC funding.

I believe it is unrealistic to expect private industry to finance demonstration projects costing tens of millions of dollars when the expected product would not be competitive with $29 per barrel oil. When oil prices rise again, we will need these technologies to be ready for full-scale commercial development.

My legislation addresses this gap by providing for a cost-sharing program between Government and industry for project engineering development. Upon application by industry, the Assistant Secretary for Fossil Energy could make awards in order to establish proof of concept and produce developed processes and coal systems in any of 13 areas.

Legislation to address the problems associated with coal research is important to our economy, to our environment, and to our national security.

The text of my legislation follows:

H.R. 5044

A bill to establish a national coal science, technology, and engineering development program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as the "National Coal Science, Technology, and Engineering Development Act of 1984".

FINDINGS AND PURPOSES

Sec. 2. (a) The Congress makes the following findings:

(1) There is significant potential for the vast domestic coal resources of the United States to play an increasingly important role in the Nation's energy future. There coal resources, in particular peat and anthracite coal, have been and remain greatly underutilized.

(2) Increased coal use is dependent upon establishing a foundation in coal science that will be the basis for all activities leading to process and engineering development and the commercial application of advanced technologies and systems that are consistent with the Nation's environmental goals.

(3) An inadequate foundation in coal science, process science, and engineering development is limiting current efforts to exploit the Nation's vast coal resources.

(4) There must be an accelerated and focused effort to develop and introduce into the marketplace improved and advanced technologies that limit the emissions of sulfur dioxide, nitrogen dioxides, toxic trace elements, and particulate matter which result from coal utilization. Such efforts must include a broad range of technology options that include pre- and post-combustion treatment, along with combustion modifications, and new and improved utilization technologies to limit sulfur and nitrogen oxide emissions. Waste solid and liquid treatment and disposal must be considered in these technologies to avoid negative environmental impacts.

(5) Current environmental control capabilities must be improved by reducing capital and operating costs and preserving and improving the overall availability of coal-fired powerplants.

(6) Changes in the domestic economy and changes in environmental requirements, coupled with rapid changes in the supply and price of oil and gas resources, have created significant economic disincentives which preclude the private sector from sustaining a stable long-term research and development program that will enhance expanded coal use. In recent years, both private and Federal support for coal-related research and development has declined substantially. If allowed to continue, this decline could limit the future availability of coal which can be utilized in an environmentally acceptable manner.

(7) Coal research and development programs in universities and industry tend to focus on the short term due to the lack of adequate funding and tend to be focused on projects with a near-term payback. As a consequence, these efforts generally do not include the more extensive longer term research necessary to develop significant technological improvements or breakthroughs which can enhance the utilization of the Nation's vast coal reserves in an environmentally acceptable manner.

(8) The current thrust of the ongoing Federal coal research and development program is too diverse and is not directed to establishing proof of concept of new and advanced technologies and systems at an engineering-scale size in a timely fashion. This has constrained the timely transfer of technology which, in turn, has constrained the expanded use of coal.

(9) A credible and productive Federal coal research and development program must be defined and sustained for any years. Such a program must be adequately funded, insulated from short-term political and market fluctuations, sufficiently broad in scope to produce results, and executed in cooperation with both the university community and the private sector.

(10) It is in the national interest for the Federal Government, through its energy technology centers and research contracts with industry and universities, to play a leadership role in accelerating coal science, technology, and engineering development, and to accelerate the development of more efficient and cost-effective conventional and advanced coal utilization and emission control technologies.

(b) The purposes of this Act are to—

(1) promote and significantly expand the use of the full range of the coal resources of the Nation in an environmentally acceptable manner by accelerating research and development in basic coal science and the development and commercial application of more efficient and cost-effective coal utilization technologies and systems; and

(2) expand federally sponsored research and development in a manner that permits a comprehensive, totally integrated, and clearly focused coal research and development program to be implemented in cooperation with the university community and the private sector by establishing a national coal science, technology, and engineering development program.

ESTABLISHMENT OF PROGRAM

Sec. 3. (a) The Secretary of Energy is directed to carry out a national coal science, technology, and engineering development program as provided in this Act. The program shall be administered by the Assistant Secretary for Fossil Energy through the energy technology centers.

(b) The national coal science, technology, and engineering development program shall consist of the following three research and development programs:

(1) The coal research program as provided in section 4.

(2) The process science and engineering research program as provided in section 5.

(3) The engineering development program as provided in section 6.

COAL RESEARCH PROGRAM

Sec. 4. (a) The purpose of the coal research program shall be to conduct research, for all coal ranks, that seeks an in-depth understanding of coal structure and process chemistry. The program, which shall be conducted in a manner that recognizes the unique physical and chemical properties of each individual rank of coal, shall be directed toward the understanding of how pollutant species are bound in the coal molecule and how such species can be efficiently and effectively removed.

(b) The coal research program shall be—

(1) performed by the energy technology centers, the national laboratories, the university community, and the private sector; and

(2) administered by the Assistant Secretary for Fossil Energy through the energy technology centers.

PROCESS SCIENCE AND ENGINEERING RESEARCH PROGRAM

Sec. 5. (a) The purpose of the process science and engineering research program shall be to conduct research that is applicable to all coal ranks and that recognizes each individual rank of coal, in the following areas:

(1) Coal preparation.—Development of new processes that pulverize coal to extremely fine particles, allow for separation of ash and pyrite particles from the coal, and remove ash, pyrite, and organic sulfur to levels consistent with environmental and equipment uses.

(2) Specification fuels.—Development of ready-to-use and fully characterized transportable coal fuels (for example, coal liquid mixtures) that are suitable for use in various equipment such as boilers, furnaces, and combustion engines. These fuels are to be economically competitive with oil and gas.

(3) Precombustion cleanup.—Development of new and improved technologies that can clean coal-derived gaseous and liquid fuels prior to use, particularly gas streams at high temperatures, and remove deleterious materials that create pollutants or adversely impact equipment usage. Such technologies shall include necessary supporting analytical and control equipment.

(4) Postcombustion cleanup.—Development of new and improved processes that will remove sulfur, nitrogen, toxic trace elements, and ash constituents that result in deleterious emissions. Emphasis shall be given to those processes that are regenerable and will reduce the quantity and improve the quality of disposable byproducts associated with sulfer dioxide scrubbing systems. This effort shall include improvements in state-of-the-art scrubbers to increase system availability and reduce costs. Emphasis shall also be given to processes that can reduce nitrogen oxide emissions and capture particulates and to combined processes for multiple pollutant removal.

(5) Utilization processes.—Improvement, modification, and development of new processes and equipment that will permit utilization of coal or coal-derived fuel such that pollutant formation and release is well below environmental limits and the resulting integrated system is cost competitive both in terms of capital costs and operational costs. Technologies to be pursued include—

(a) direct combustion of coal for utility, industrial, commercial, and residential applications;

(B) magnetohydrodynamics (MHD);

(C) atmospheric and pressurized fluidized-bed combustion;

(D) other combustion (in situ) pollution control technologies;

(E) fuel cells;

(F) diesel engines; and

(G) gas turbines, using environmental acceptable liquids from coal.

(6) Instrumentation and control.—Reduction of system operating costs and improvement of system availability by developing new sensors and control systems that will enhance the commercial application of coal utilization technologies and systems.

(7) Solids transport.—Reduction of capital and operating costs associated with coal and coal-solids handling by developing a detailed fundamental knowledge of the movement of solids.

(8) Supporting research and development.—Characterization of the various liquids and solid wastes generated by the use of coal, development of processes that will assure the disposal of such wastes in an environmentally acceptable manner, and development of processes that facilitate the cost-effective recovery of raw materials from coal utilization wastes. Materials research shall be conducted to ensure that advanced process concepts can be supported with available engineering materials.

(b) The process science and engineering research program shall be—

(1) performed by the energy technology centers, the national laboratories, the university community, and the private sector; and

(2) administered by the Assistant Secretary for Fossil Energy through the energy technology centers.

ENGINEERING DEVELOPMENT PROGRAM

Sec. 6. (a) The purpose of the engineering development program shall be to carry out projects under subsection (b), by making grants to eligible applicants, in order to establish proof of concept and produce developed processes and coal systems.

(b) The Secretary of Energy, working through the Assistant Secretary for Fossil Energy, shall make grants to eligible applicants for any one or more of the following projects:

(1) constructing and operating a fine coal preparation and cleaning process facility of no more than 500 tons per day capable of testing both physical and chemical coal cleaning devices and processes;

(2) retrofitting and testing an oil-fired boiler of at least 100 MWe (megawatts electricity) using deeply, physically, or chemically cleaned coal, or any combination of such types of cleaned coal;

(3) demonstration a regenerable flue gas desulfurization system of at least 50 MWe;

(4) demonstrating a combined SOX (sulfurdioxide)/NOX (nitrogen oxides) removal system of at least 50 MWe;

(5) conducting and testing a retrofit of in-boiler sulfur control technology of at least 50 MWe,

(6) demonstrating an atmospheric fluidized bed combustion system of at least 100 MWe;

(7) demonstrating a repowering application of a pressurized fluidized bed combustor of from 50 to 100 MWe;

(8) demonstrating a repowering application of combined cycle coal gasification of from 50 to 100 MWe;

(9) developing and testing a coal-fueled gas turbine in a second generation combined-cycle system of at least 50 MWe;

(10) developing and testing an industrial-scale coal-fueled gas turbine suitable for industrial congeneration of at least 5 MWe;

(11) testing a utility phosphoric acid fuel cell system using coal-derived gas at a size of 10 to 50 MWe;

(12) demonstrating engineering feasibility of magentohydrodynamics (MHD) technology at a size of 10 to 50 MWe; and

(13) demonstrating an advanced coal liquefaction process of at least 5 to 10 tons of coal per day.

(c) The engineering development program shall be administered by the Assistant Secretary for Fossil Energy through the energy technology centers. A grant may be made under this section only upon application by an eligible applicant at such time, in such manner, and containing such information as the Assistant Secretary for Fossil Energy deems necessary.

(d) A grant made under this section may be used to pay for only a portion of the total cost of an approved project, in an amount deemed appropriate by the Assistant Secretary for Fossil Energy.

(e) An "eligible applicant" under this section means any entity other than a Federal Government entity.

FIVE-YEAR PLAN

Sec. 7. (a) As a part of the national coal science, technology, and engineering development program, the Secretary of Energy, with the cooperation of the Assistant Secretary for Fossil Energy, shall prepare a five-year national coal science, technology, and engineering development research plan. The plan shall include—

(1) identification and definition of the near- and mid-term opportunities for expanding the use of coal in the industrial, electric utility, and other sectors of the economy;

(2) a detailed description of the specific activities which have been, or will be, developed by the Department of Energy to address these opportunities and carry out the mandates of this Act;

(3) a statement and explanation of specific priorities and objectives, timetables for achieving such objectives, and a research strategy for achieving such objectives and the mandates of this Act; and

(4) a detailed description of the resource requirements for the implementation of the plan, and a description of the manner in which those resources will be deployed.

(b) The plan shall be submitted by the Secretary of Energy to the President and the appropriate committees of Congress within six months of the date of enactment of this Act.

ANNUAL AND FINAL REPORTS

Sec. 8. (a) At the end of each of the five fiscal years beginning after the date of enactment of this Act, the Secretary of Energy shall submit an annual report to the President and the appropriate committees of the Congress. The report shall include a detailed description of the national coal science, technology, and engineering development program and activities undertaken for that fiscal year, and the achievements and progress toward the objectives defined in the five-year plan pursuant to this Act.

(b) Within 90 days of the end of the fifth fiscal year beginning after the date of enactment of this Act, the Secretary of Energy shall submit to the President and the appropriate committees of Congress a report identifying the achievements of the program, and identifying and defining further research needs and opportunities for promoting the expanded use of coal.

AUTHORIZATIONS

Sec. 9. (a) There are authorized to be appropriated to the Secretary of Energy for the coal research program for fiscal years beginning after September 30, 1984, $75,000,000, to be available to the Secretary through fiscal year 1989.

(b) There are authorized to be appropriated to the Secretary of Energy for the process science and engineering program for fiscal years beginning after September 30, 1984, $200,000,000, to be available to the Secretary through fiscal year 1989.

(c) There are authorized to be appropriated to the Secretary of Energy for the engineering development program for fiscal years beginning after September 30, 1984, $500,000,000, to be available to the Secretary through fiscal year 1989. ●

EQUAL ACCESS TO JUSTICE ACT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. KASTENMEIER. Mr. Speaker, today I am introducing a bill to extend the Equal Access to Justice Act (title II, Public Law 96-481). Most of the act expires on September 30, 1984. This act, which increases access to justice for small businesses and individuals, expands the liability of the United States for attorneys fees and related expenses when it loses an adversary adjudication or a civil action. Although the act has been in effect since October 1, 1981, fee awards have been very minimal—approximately 75 awards totaling less than $3 million. Part of the problem has been ambiguity in the statute, some of which have resulted in narrower interpretations of the statute. The bill I am introducing will clarify many of the confusing areas of the law and expand liability under certain circumstances.

A hearing will be held by the Subcommittee on Courts, Civil Liberties and the Administration of Justice commencing at 10 a.m. on Wednesday, March 14, in room 2226 of the Rayburn House Office Building. I welcome any written comments which Members or other interested persons may wish to submit. My bill is a starting point, and whether revised or not, will hopefully be conferenced with a similar, though not identical, bill (S. 919) in the other body.●

THE CONTINUING TRAGEDY: NORTHERN IRELAND

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. GILMAN. Mr. Speaker, on March 17, millions of Americans will be participating in the revelry and the warmth that characterizes our celebration of St. Patrick's Day. The parade down New York's Fifth Avenue, the greeting cards, and the traditional wearing of the green have become as much American traditions as they are Irish. The American people have maintained a true friendship and close fellowship with the Irish people for 200 years. Our Nation is home for over 8 million Irish Americans.

However, these festivities mask the continuing tragedy and violence in Northern Ireland. The truth of the troubles is lost in the happiness of the day. Northern Ireland continues to be the source of much heartache, sadness, and sorrow as the conditions in that part of the Emerald Isle worsen.

Since the early 1920's the people of Northern Ireland have lived apart from the rest of the island—not geographically, but in spirit, nationality, and economic hardship. We have watched from afar the partition of the island of Ireland, and the rending of the spirit of these people. We have seen the turmoil, which is a way of life in Northern Ireland, continue to turn family against family, brother against brother, and friend against friend. Even in our own Nation that struggle has turned people against each other as we seek a solution to this misery.

Many Americans realize that violence has become a way of life in Northern Ireland. On the television screens we see scenes of bombings, terrorist attacks, and all out warfare which bring the message of tragedy home. Yet many Americans do not understand that violence is not the cause of the tragedy. Economic, social, political and historical factors compound the basic religious divisions that have brought Northern Ireland to the front page in the news, and to the forefront of tragedy.

What many Americans must know is that the discrimination against Catholics continues to drive a rift into the Irish society. Catholics in Northern Ireland suffer an incredibly high unemployment rate—31.3 percent in the Newry area. But unemployment is not a Catholic problem alone—there are over 112,000 people out of work in Northern Ireland, and the prospects of improvement are bleak. During the past decade, efforts were made to bring investment and hope to Northern Ireland and American firms were eager to locate in Northern Ireland. However, many of the American firms fell into the same patterns of discrimination that already existed in Northern Ireland, and the Catholic population did not feel the positive effects of the investment of American firms.

And the Northern Irish have suffered under the lack of civil rights and the suspension of the most basic rights that Americans have come to take for granted—the right to a jury trial, for example.

With the tragic hunger strikes of 1981, the world turned its attention to the Northern Ireland situation. This dramatic gesture resulted in the loss of life, and made the world realize that the conditions in Northern Ireland were deplorable. The grimness of the prisons, and the violations of human rights caused the prisoners to sacrifice their lives for the cause. We know that this sacrifice was just one in the long history of the Irish people—a history frought with tragedy and sorrow.

In the American Congress, the issue of Northern Ireland is of major concern and importance. Many of us have been working to express our concerns to the State Department, and to the Government of Great Britain and Northern Ireland.

It was distressing to learn within the past few days that after extensive deliberation and after repeated statements of opposition from Irish Americans and the Ad Hoc Committee on Irish Affairs, that the Short Bros. Corp. in Northern Ireland received a contract from our own Air Force. Short Bros. has been known to be a firm with a less than satisfactory employment record, and yet our Air Force and the U.S. Government approved the contract.

Though our efforts have been frustrating at times, we recognize that we must continue to try to make the Northern Irish issue an important foreign policy concern for our Nation. The forthcoming visit to Ireland by President Reagan is an encouraging action in that direction.

As we approach St. Patrick's Day celebrations, let us hope and pray that the future will hold peace, tranquility and justice for the Irish people. I hope that the American people can continue their special friendship and bond to insure that the Irish people can look forward to the harmony and peace that they have been waiting so long for.●

HONORING MARGO ALBERT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. TORRES. Mr. Speaker, I would like to bring to the attention on my colleagues an individual that I have come to know and admire for many years. Margo Albert, an actress, singer, and dancer who has delighted international audiences for nearly 50 years, is a person that is deserving of recognition today.

Margo was born Maria Margarita Guadalupe Teresa Esteila Castilla Bolado y O'Donnell, May 10, 1920, to Emilio Bolado and Maria Castilla de Bolado in Mexico City, Mexico. Margo married her husband of 38 years, Eddie Albert, on December 5, 1945. Margo and Eddie have two children, Edward and Maria. They also have two lovely granddaughters, Thais, age 3 and Mia, age 1.

Margo made her stage debut at the age of 10, singing and dancing at community affairs and at the Mexico Theater in Los Angeles, Calif. She later made her New York City debut as Miriamne in "Winterset" and subsequently appeared as the Baroness in "Masque of Kings" and Bella Manigham in "Angel Street" in Mexico City.

At the age of 15, Margo appeared as Carmen Brown in the film "Crime Without Passion," and has since performed in "Rumba," "Robin Hood of El Dorado," "Viva Zapata," "From Hell to Texas," and "Who's Got the Action?" Her most famous role on the silver screen was in 1937 in "Lost Horizon."

On radio, Margo has performed on the "Camel Hour" and during World War II she was selected by the U.S. Government to make a series of goodwill shortwave broadcasts to South America. Margo has also appeared on numerous television programs including the Ed Sullivan Show, the Steve Allen Show, the Wagon Train, the Westinghouse-Desilu Playhouse, the Chevrolet Show, and the Schlitz Playhouse.

In addition to performing worldwide, Margo has been involved in many civic activities. In 1974, Margo was appointed Commissioner of Social Services for the city of Los Angeles by Mayor Tom Bradley and was a founding member of Plaza De La Raza, a cultural arts center in East Los Angeles, Calif. Margo has been the guiding spirit and patron for this unique Hispanic cultural center and today she serves as a member of the board of directors of Plaza De La Raza. Margo is also a member of the board of directors of the public television station KCET in Los Angeles and the Bella Lewitsky Dance Foundation. She is a member of the Hispanic-American Arts task force of the National Endowment for the Arts, the Presidential Hispanic Task Force on the Arts and Humanities and the Arts Education Awards Committee of the Rockefeller Brothers Fund. Margo has also served as the co-chairperson of the California Arts Council and the Los Angeles Bicentennial Committee.

Mr. Speaker, Margo Albert's record as an actress and as a leader in her community shows a desire to bring joy and comfort to people everywhere. I ask my colleagues to join me in thanking Margo for her contributions to the betterment of our communities throughout the country.●

JET NOISE AND EQUITY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1984

● Mr. MINETA. Mr. Speaker, we often express our concern in this House over the discriminatory treatment sometimes suffered by our U.S. companies as they compete with foreign companies. We deplore those instances in which foreign companies secure preferential treatment from their governments to the disadvantage of U.S. companies.

Yet we now face a new and ironic twist in that distressing story: Foreign governments and foreign companies are being urged by a U.S. airport operator to seek preferential treatment not from their own governments but from the U.S. Government, preferential treatment that would be impractical, and therefore, unusable to virtually all their U.S. competitors.

It should be very clear that it is bad enough that U.S. companies sometimes suffer these inequities at the hands of foreign governments. The thought that they might suffer such treatment at the hands of their own government is an outrage.

The specific issue at hand is the regulation of jet noise by the U.S. Government. In 1976, the Federal Aviation Administration required all four-engine jets operating at U.S. airports to comply with existing noise standards (FAR 36 stage 2) by January 1, 1985. The Congress, in the Aviation Safety and Noise Abatement Act of 1979, chose to change some of the other provisions and deadlines in FAA noise regulation, but the Congress rejected any change in this four-engine rule and deadline. Furthermore, in section 302 of that act, the Congress expressly insisted that foreign carriers operating at U.S. airports be subject to the same compliance requirements as U.S. carriers. The Congress is, therefore, on record in law as opposing and prohibiting preferential treatment for foreign carriers with respect to jet noise regulation.

Carriers were given 8 years notice—from 1976 to 1985—that they would have to comply, and most carriers have acted responsibly and taken the steps necessary to achieve compliance, sometimes at considerable expense. Many U.S. carriers already comply. Virtually all U.S. carriers have taken the steps necessary to achieve compliance by the January 1, 1985, deadline. And all U.S. carriers have submitted plans to FAA showing how they can and will achieve compliance by that date.

After all that good effort and expense by U.S. carriers, it would be highly inequitable to exempt from the noise regulations and the lists of compliance the few straggling carriers, mostly foreign, who have chosen to do nothing and to challenge the regulations rather than to comply with them. If we were to tolerate such exemptions, we would be exempting a few foreign carriers from the regulatory costs U.S. carriers have borne, and we would, therefore, be giving preferential treatment and a competitive advantage to those few noncomplying carriers.

Because such exemptions would not only harm U.S. citizens living around our airports, but also would competitively disadvantage our U.S. carriers who have already borne the costs of compliance, such exemptions are adamantly opposed by the organization which represents most U.S. air carriers: the Air Transport Association of America.

Nevertheless, the airport operator for Miami has recently sought from FAA a 3-year exemption for all international flights in and out of Miami from the four-engine jet noise rule. Efficient utilization of aircraft would preclude the use of the exemption by virtually all U.S. carriers; it would be used primarily by foreign carriers, particularly by several Latin American carriers. We would thus be in the position of having relieved those foreign carriers of a regulatory burden which we have imposed on U.S. carriers.

A number of arguments have been raised on behalf of this exemption request, and Members should be aware of the fact.

First, the argument is made that the U.S. requirement will impose an economic hardship on these foreign carriers. However, U.S. carriers have borne those costs and found compliance quite feasible; I see no reason why foreign carriers should not be expected to make equal efforts. These carriers had 8 years notice. Many who are now seeking relief on grounds of economic hardship used that 8-year period not to take steps to comply but to actually go out and buy, at dramatically reduced prices, the very noncomplying aircraft they now seek to have exempted. They got, first, the economic advantage of having obtained the aircraft a great deal cheaper than their U.S. competitors often did, and now they want the second advantage of exemption from compliance costs already borne by most U.S. carriers. And they would call that double-dip favoritism economic hardship.

Second, the argument is made that the increases in jet-noise impact resulting from these exemptions would harm only the greater Miami area. I fear, however, that the damage would not be so easily contained. If it were to grant exemptions at Miami, the U.S. Government would have exempted all U.S. operations of a number of countries, countries for which Miami is the only U.S. destination of their carriers. Other countries whose carriers serve other U.S. cities will not sit idly by: They will insist that in exempting the fleets of Peru, Colombia, and so on, we have discriminated against other countries, many of which are our allies and with whom we have considerable foreign policy interests. The United States will then have little basis for insisting that some countries may have exemptions and others may not. The likelihood is that noisier, noncomplying foreign four-engine jets would soon be serving a large number of U.S. airports from a large number of foreign countries.

Third, the argument is made that, without these noncomplying aircraft now providing for some of the movement of passengers and cargo in and out of Miami, that important commerce will simply not be provided. That argument is simply preposterous. With that commerce in the interests both of the United States and of the Latin American countries, with long lists of carriers eager to provide that lucrative service in complying aircraft, and with a variety of low cost used complying aircraft and other remedies available to carriers which do not now have complying aircraft, there is no question that ending service by noncomplying aircraft will not end the air service itself. The present cargo and passengers will continue to be transported, but it will be in quieter aircraft.

And fourth, the argument is made that we ought to allow the relevant regulation by the International Civil Aviation Organization (ICAO), to govern, and that ICAO does not require noise compliance until January 1, 1988. The flaw in this argument is basic: There is no ICAO rule or regulation requiring noise compliance by 1988 or by any other date. There is simply a resolution, adopted by ICAO over U.S. opposition, expressing the hope that member nations would refrain from having their own noise compliance requirements at least until 1988. The ICAO resolution, in and of itself, would not require anybody to quiet any aircraft at any time.

Mr. Speaker, many Members have expressed concern to me that exemptions of this type might be granted either administratively or legislatively. I have assured them that, because of the considerable inequity which would be suffered by U.S. carriers who have done what they had to do to achieve compliance, and for other reasons as well, I would adamantly oppose such exemptions, whether administrative or legislative. And I am very much encouraged by the strong and consistent stand taken on this issue by Secretary Dole at the Department of Transportation and by Secretary Shultz at the Department of State. They have certainly made every effort to treat all carriers alike and to make sure that foreign carriers and foreign governments are well aware of the U.S. Government's longstanding position requiring compliance by all carriers as a condition of using U.S. airports.

In this regard, the Members may be interested in my recent letter to Secretary Shultz on this issue:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, D.C., March 7, 1984.

Hon. GEORGE P. SHULTZ,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: It is my understanding that in recent civil air negotiations between the governments of the United States and Peru, the representatives of Peru raised the issue of the Federal Aviation Regulation Part 36 Aircraft Noise Standards as they pertain to the 1985 compliance deadline for 4-engine aircraft. It is also my understanding that Peru was seeking relief from the deadline for some of their aircraft. And it is also my understanding that the U.S. response was one of no sympathy for such relief.

My concern is that as January 1, 1985, draws nearer, other foreign governments will bring the issue of the compliance deadline for 4-engine aircraft to the negotiating table. It is my very strong view that the U.S. negotiators should continue to refuse to entertain any attempts to overturn or to evade by exemption the 1985 compliance deadline. U.S. negotiators should continue to tell their foreign counterparts that the deadline for compliance is a matter of U.S. law and that there is no latitude for negotiation in this area.

If the foreign governments raise the possibility of an exemption granted by the Federal Aviation Administration to the compliance deadline, they should be informed in no uncertain terms of the long-standing policy of no exemptions. There has been and continues to be no reason to believe that exemptions from FAA are a real possibility. All actions and statements by the Federal Aviation Administration, the Department of Transportation, and the Department of State have been unequivocal on the issue of exemptions.

I commend the efforts to date of the executive agencies to make clear to petitioners for exemptions that none will be forthcoming and that such petition efforts will be in vain. I expect the agencies to continue their policy of no exemptions, as well as to continue their efforts to make U.S. government's policy in this area widely known and understood.

Beyond regulatory exemptions, it has recently come to my attention that some foreign governments are now being led by persons outside the U.S. government to believe that efforts toward compliance should not be undertaken because legislative relief may be forthcoming. In this context, I want you to be aware of my views as Chairman of the Subcommittee with legislative jurisdiction over this matter. I neither intend for nor expect the Subcommittee on Aviation or the Congress to take any legislative action to relax or extend the compliance deadline. I, as Chairman of the Subcommittee on Aviation, will continue to vigorously oppose any efforts to obtain legislative or regulatory relaxation of these long-standing requirements.

I oppose legislative and regulatory exemptions, first, because retiring these aircraft or reengining them is one of the most effective means available to bring relief to U.S. citizens adversely affected by aircraft noise. The aircraft in question are mainly Boeing 707's and DC-8's, the noisiest subsonic commercial aircraft in existence, as well as the farthest out of compliance with the noise standards. The millions of U.S. citizens who must live day in and day out with aircraft noise have since 1976 been looking forward to the day when these aircraft will be made quieter or removed from service. If some airlines were granted exemptions, it would be that much more difficult to deny others. This would mean an increase in noise for U.S. citizens, contrary to the purpose and intent of the U.S. policy, law and regulation. Such exemptions would represent a terrible injustice for the U.S. citizens impacted by aircraft noise.

A second reason I oppose legislative or regulatory relief from the compliance deadline is that such relief would be terribly unfair to all the airlines which have already spent millions of dollars to bring their fleets into compliance. To grant relief to those airlines who have simply delayed replacement of reengining in the hopes of a legislative or regulatory or exemption would make a mockery of the principle of equal application of the law to all. The airlines which believe in the spirit and letter of our nation's laws should not be penalized because a handful of others now want special and underserved consideration.

It should be noted that nearly all U.S. airlines will be in compliance by the deadline, and that much of the pressure for exemptions to the deadline is coming from foreign carriers. At a time when our government is constantly fighting the unfair, anti-competitive and discriminatory practices inflicted upon our airlines by foreign governments, the U.S. government should not aid and abet these practices by granting exemptions to foreign carriers from laws and standards to which we expect U.S. airlines to adhere.

Seven years ago, the FAA by regulation required all U.S. carriers to bring their 4-engine fleets into compliance with FAR Part 36 Aircraft Noise Standards, and put all foreign carriers on notice that their aircraft using U.S. airports would have to meet essentially the same standard. In the Aviation Safety and Noise Abatement Act of 1979 the Congress specifically required and reemphasized in law that we did not want foreign carriers left unregulated when U.S. carriers had to bear the burdens of compliance with the noise regulations (Section 302 of ASNA). FAA promptly amended the regulations to specifically include foreign aircraft using U.S. airports, as it had originally said it would do. Thus, these foreign carriers have been on notice for the past seven years that they would have to comply, and for the past four years have been specifically subject to U.S. regulations requiring their compliance, by the end of this year.

There has been no question that they would have to comply and that those requirements would not be altered over time. The Conference Report on the Aviation Safety and Noise Abatement Act of 1979 stated with respect to the deadlines for compliance, "This legislation is intended to be the final resolution of this issue, except for extraordinary and unanticipated circumstances." There is nothing extraordinary or unanticipated in today's circumstances with respect to these standards or with respect to the airlines seeking exemptions. Frankly, there is simply no excuse for non-compliance on January 1, 1985, given the fact of longstanding notice of these requirements and given the fact that virtually all U.S. carriers have found it quite feasible to achieve compliance.

The argument has been made that the cost of compliance is inordinately high and that economic conditions in the airline industry make compliance a financial hardship. I do not find these to be valid arguments. First, many of the aircraft in question were acquired at distress-sale prices because they did not comply with the noise standards. The extremely low cost for which the aircraft were acquired assumed that additional sums would have to be spent so that the aircraft would comply or that they would have a more limited long-term usefulness.

Second, the economic conditions in the airline industry have not had a detrimental impact only on those carriers that own these non-complying aircraft. The airlines that have recognized their responsibilities to obey the laws and regulations have had to live in the same economic environment as those who now want exemptions. It should also be noted that many of the carriers that are reported to be seeking exemptions serve international markets in which the fares and rates charged to U.S. consumers are among the highest in the world.

Again, I applaud our government's stance in the negotiations with Peru. I also applaud the government's long-standing and continual efforts to make clear to other governments the United States' policy and law in this area. As we get closer to January 1, 1985, I expect that our government will be required to continue to take a firm stand on this issue in negotiations, as well as step up its "educational" efforts.

Finally, if this issue continues to come up in bilateral negotiations, I urge U.S. negotiators to continue to inform their counterparts that this is simply not an issue for discussion or negotiation. If you would find it helpful, feel free to let them know of my views in my capacity as Chairman of the Subcommittee with jurisdiction in this area.

Again, thank you for your consideration.

Sincerely,

NORMAN Y. MINETA,
Chairman, Subcommittee on Aviation.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 8, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 9

9:00 a.m.

Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1985 for the Department of Defense, focusing on the air breathing deterrent program.
SR-222

9:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Federal Railroad Administration, Department of Transportation, and to review rail safety activities.
SR-253

Judiciary
Security and Terrorism Subcommittee
To hold oversight hearings on the activities of the Drug Enforcement Administration.
SD-226

Small Business

To hold hearings on S. 2084, to prohibit the Small Business Administration from denying financial assistance to a small business solely because its primary operation concerns the communication of ideas.

SR-428A

Joint Economic

To hold hearings on the employment/unemployment statistics for February.

SR-325

10:00 a.m.

Finance

Health Subcommittee

To hold hearings to review capital financing under the medicare program's existing provision for reasonable cost reimbursement.

SD-215

10:30 a.m.

Armed Services

Manpower and Personnel Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1985 for the Department of Defense, focusing and active duty and civilian manpower.

SD-232A

MARCH 12

9:30 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Commerce and the International Trade Commission.

S-146, Capitol

10:00 a.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold oversight hearings to review proposed budget requests for fiscal year 1985 for fossil and acid rain research programs of the Department of Energy.

SD-366

2:00 p.m.

Agriculture, Nutrition, and Forestry

Nutrition Subcommittee

To hold hearings on S. 1913, to increase Federal school meal reimbursements under the National School Lunch and Child Nutrition Acts, and on proposed legislation authorizing funds for programs of the child nutrition program.

SR-328A

Armed Services

Tactical Warfare Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense, focusing on Air Force tactical programs.

SR-222

2:30 p.m.

Finance

International Trade Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the U.S. International Trade Commission, U.S. Customs Service, and the Office of the U.S. Trade Representative.

SD-215

MARCH 13

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Education, departmental management, salaries and expenses, Office of Civil Rights, and Office of Inspector General, all of the Department of Education.

SD-116

Armed Services

Strategic and Theater Nuclear Forces Subcommittee

To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1985 for the Department of Defense, focusing on the sea-based deterrent modernization programs.

SR-232A

9:30 a.m.

Banking, Housing, and Urban Affairs

To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.

SD-538

Labor and Human Resources

Aging Subcommittee

To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73), focusing on title V, community services employment provisions.

SD-430

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense, focusing on research and engineering programs.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Panama Canal Commission, and the St. Lawrence Seaway Development Commission, Department of Transportation.

SD-138

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Business meeting, to resume markup of S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95), and other pending calendar business.

SD-406

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings on S. 2300, to authorize civilian procuring agencies to enter into multiyear contracts when such contracts are determined to be in the Government's best interest.

SD-342

10:30 a.m.

Judiciary

Juvenile Justice Subcommittee

To resume hearings on S. 2014, proposed Missing Children's Assistance Act, focusing on the reauthorization provisions for juvenile justice assistance.

Room to be announced

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for multilateral development banks.

S-126, Capitol

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Surface Mining, Department of the Interior, and the U.S. Holocaust Memorial Council

SD-138

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Postal Service, and the Office of Personnel Management.

SD-124

Armed Services

Tactical Warfare Subcommittee

To hold closed hearings to receive testimony on the Joint Surveillance and Target Acquisition Radar System (JSTARS), and on the Joint Tactical Missile System (JTACMS).

SR-222

Labor and Human Resources

Labor Subcommittee

Business meeting, to mark up S. 1227, to improve the single-employer pension plan termination insurance program created in 1974 by title IV of the Employee Retirement Income Security Act (ERISA).

SD-430

2:30 p.m.

Judiciary

Immigration and Refugee Policy Subcommittee

To hold hearings on proposed legislation authorizing funds for the Immigration and Naturalization Service, Department of Justice.

SD-226

MARCH 14

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommmittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including elementary and secondary education, education block grants, and impact aid.

SD-116

Labor and Human Resources

To hold hearings on pending nominations.

SD-430

9:30 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Communications Commission, District of Columbia Courts, and the U.S. Courts of Appeals.

S-146, Capitol

Energy and Natural Resources

Energy and Mineral Resources Subcommittee

To hold hearings on S. 1770, to extend the lease terms of Federal oil and gas lease numbered U-39711.

SD-366

Judiciary

To hold hearings on S. 40, to place restrictions on the retail sale of motor fuel by refiners and dealers.

SD-226

Judiciary

Security and Terrorism Subcommittee

To hold oversight hearings on the activities of the Federal Bureau of Investigation, Department of Justice.

SD-562

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 2085, to extend authority through fiscal year 1988 for the Secretary of Agriculture to recover costs associated with cotton classing services to producers, H.R. 3960, to designate specified lands in North Carolina as wilderness and wilderness study areas as additions to the National Wilderness Preservation System, H.R. 4198, to designate certain lands in the State of Vermont for inclusion in the National Wilderness Preservation System, H.R. 3921 and S. 1851, bills to establish additional wilderness areas in the White Mountain National Forest in New Hampshire, and H.R. 3578 and S. 1610, bills to establish certain wilderness areas in Wisconsin.

SR-328A

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Executive Office of the President, and the Advisory Commission on Intergovernmental Relations.

SD-124

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold oversight hearings to review U.S. Coast Guard polar icebreaking operations.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Business meeting, to resume markup of S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95), and other pending calendar business.

SD-406

Governmental Affairs

Intergovernmental Relations Subcommittee

To hold oversight hearings on the Office of Management and Budget circular A122, to restore use of Federal funds for lobbying by contractors and grantees.

SD-342

Labor and Human Resources

To resume hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.

SD-430

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-192

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Inspector General, Agency for International Development, General Accounting Office, and the Inter-American Foundation.

S-126, Capitol

Judiciary

To hold hearings on pending nominations.

SD-226

2:30 p.m.

Armed Services

Sea Power and Force Projection Subcommittee

To hold closed hearings on proposed legislation authorizing funds for fiscal year 1985 for the Department of Defense, focusing on U.S. Naval strategy.

SR-232A

MARCH 15

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including Vocational and Adult Education, Education for the Handicapped, and Rehabilitation Services and Handicapped Research.

SD-116

• Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Architect of the Capitol.

S-128, Capitol

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review the Child Nutrition Act (Public Law 89-642), focusing on the special supplemental food program for women, infants, and children (WIC).

SR-328A

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense, focusing on spare parts procurement and acquisition management.

SD-192

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Fish and Wildlife Service, Department of the Interior.

SD-138

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Civil Aeronautics Board.

SD-124

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on restoring classroom discipline in public schools.

SD-430

Select on Indian Affairs

To hold hearings on S. 1979, to confirm and define the boundaries of the Southern Ute Indian Reservation in Colorado, and H.R. 3376, to declare that all Federal right, title, and interest in specified lands are held in trust by the United States for the Makah Indian Tribe, Washington, and to declare such lands be a part of the Makah Indian Reservation.

SD-538

1:30 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold oversight hearings on the activities of the Commodity Futures Trading Commission.

SR-328A

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Export-Import Bank.

S-126, Capitol

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Treasury.

SD-124

Select on Indian Affairs

To hold hearings on S. 2184, authorizing funds for fiscal years 1985, 1986, and 1987 to strengthen tribal governments and to promote economic and social self-sufficiency of native Americans.

SD-538

MARCH 16

9:30 a.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold oversight hearings on proposed budget request for fiscal year 1985 for conservation and renewable energy programs of the Department of Energy.

SD-366

Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax proposals, including S. 146, S. 1332, S. 1768, S. 1809, and S. 2080.
SD-215

Special on Aging
To hold hearings to review physician payment options under medicare.
SD-628

MARCH 19

2:00 p.m.

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Oceanic and Atmospheric Administration, Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Bureau of Government Financial Operations, Bureau of the Public Debt, Bureau of the Mint, and U.S. Savings Bonds Division, all of the Department of the Treasury.
SD-124

MARCH 20

9:00 a.m.

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, college housing loans, and educational research and training activities overseas.
SD-116

9:30 a.m.

Environment and Public Works
Transportation Subcommittee
To resume oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).
SD-406

Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, focusing on the impact of the amendment on social security.
SD-226

Labor and Human Resources
Labor Subcommittee
To hold hearings on termination of overfunded defined benefit pension plan and reversion of assets to plan sponsors.
SD-430

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73).
SD-628

10:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Peace Corps.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Council on Environmental Quality, and the Environmental Protection Agency.
SD-124

Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Library Services and Construction Act.
SR-485

1:30 p.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for foreign assistance programs.
S-126, Capitol

2:00 p.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Navajo Hopi Relocation Commission, and the Institute of Museum Services.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of the Treasury, U.S. Postal Service, and general government programs.
SD-124

Armed Services
Military Construction Subcommittee
To hold joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
SR-222

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings to review proposed budget requests for fiscal year 1985 for energy research programs of the Department of Energy.
SD-366

Select on Intelligence
Budget Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1985 for the intelligence community.
S-407, Capitol

MARCH 21

9:00 a.m.

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including special institutions, Howard University, the National Institute on Education, education statistics, bilingual education, and libraries.
SD-116

Commerce, Science, and Transportation
To hold hearings on the nomination of William Evans, of California, to be a member of the Marine Mammal Commission.
SR-253

Labor and Human Resources
To hold hearings on pending nominations.
SD-430

9:30 a.m.

Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

10:00 a.m.

Agriculture, Nutrition, and Forestry
To hold oversight hearings on the implementation of the food stamp program.
SR-328A

Appropriations
District of Columbia Subcommittee
To resume oversight hearings on activities of the District of Columbia Parole Board.
Room to be announced

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Highway Administration, and the Office of the Secretary of Transportation.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Federal Procurement, Office of Management and Budget, and the U.S. Customs Service, U.S. Secret Service, Bureau of Alcohol, Tobacco, and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.
SD-124

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:30 a.m.

Rules and Administration

To hold hearings on S. 1676, to establish guidelines to assure that registration and polling place facilities used for Federal elections are rapidly accessible to handicapped and elderly individuals.

SR-301

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service.

SD-192

Armed Services

Military Construction Subcommittee

To continue joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.

S-126, Capitol

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold hearings on S. 1329, to provide financial assistance to States for wetlands conservation.

SD-366

3:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Commodity Credit Corporation, Foreign Agricultural Service, Office of International Cooperation and Development, and the provisions of Public Law 480.

SD-192

MARCH 22

9:00 a.m.

Office of Technology Assessment

The Board to hold a general business meeting.

S-207, Capitol

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on S. 1855, S. 1861, and S. 2292, bills to provide for continued access by the Federal Government to land remote sensing data from satellites (Landsat).

SR-253

Environment and Public Works

Transportation Subcommittee

To resume oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).

SD-406

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.

SD-192

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Veterans' Administration.

SD-124

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Minerals Management Service, Department of the Interior, and the National Gallery of Art.

SD-138

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on S. 2217, to exempt segments of the Interstate Highway System from the tandem trailer and large truck requirements of the Surface Transportation Assistance Act of 1982 if these segments are incapable of safely accommodating the larger vehicles.

SD-106

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings to review the educational needs of native Hawaiian children.

SD-430

Labor and Human Resources

Family and Human Services Subcommittee

To hold hearings on proposed legislation authorizing funds for Head Start programs.

SD-562

2:00 p.m.

Armed Services

Military Construction Subcommittee

To continue joint hearings with the Committee on Appropriations Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.

S-126, Capitol

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold oversight hearings to review proposed budget requests for fiscal year 1985 for nuclear energy programs and nuclear waste activities of the Department of Energy.

SD-366

MARCH 23

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Health and Human Services.

SD-116

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the National Transportation Safety Board.

SD-138

Armed Services

Military Construction Subcommittee

To continue joint hearings with the Committee on Appropriations' Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.

SR-222

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on proposed legislation authorizing funds for adult education assistance.

SD-430

MARCH 26

9:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Dennis R. Patrick, of the District of Columbia, to be a Member of the Federal Communications Commission.

SR-253

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommitte

To hold hearings on proposed legislation authorizing funds for fiscal years 1987, 1988, and 1989 for the Corporation for Public Broadcasting.

SR-253

Labor and Human Resources

Aging Subcommittee

Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).

SD-430

2:00 p.m.

Finance

To hold hearings to review the Social Security Advisory Council's recommendations on medicare trust solvency.

SD-215

MARCH 27

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Health and Human Services, including the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health.

SR-428A

9:30 a.m.

Banking, Housing, and Urban Affairs

To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.

SD-538

Commerce, Science, and Transportation

Business meeting, on pending calendar business.

SR-253

Labor and Human Resources

To hold oversight hearings on U.S. relations with the International Labor Organization.

SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Navy aircraft of the Department of Defense.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1947 and S. 2183, bills to designate certain lands in the Great Smoky Mountains National Park as wilderness.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Farmers Home Administration, Department of Agriculture.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Bureau of Indian Affairs, Department of the Interior.
SD-138

MARCH 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.
SD-116

Commerce, Science, and Transportation
To hold hearings with the National Ocean Policy Study on S. 2324, to insure that all Federal activities directly affecting a State's coastal zone will be fully consistent with that State's coastal management plan.
SR-253

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.
SD-106

9:30 a.m.
Appropriations
Defense Subcommittee
To hold open/closed hearings to review Salt II violations.
SD-192

Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of State, and U.S. Information Agency.
S-146, Capitol

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 2115, to exempt participants in the executive exchange program from the Federal Criminal Code provision prohibiting employees and officers of the executive branch from receiving outside income, and S. 2262, to establish a Federal pay schedule for the police forces of the Washington National Airport and Dulles International Airport.
SD-342

MARCH 29

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings in closed session on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration, to be followed by open hearings.
SR-253

Labor and Human Resources
Aging Committee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for shipbuilding programs of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Interior, and the Bureau of Mines, Department of the Interior.
SD-138

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-124

MARCH 30

9:00 a.m.
Appropriations
Labor—Health and Human Services—Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including Human Development Services.
SD-116

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings on U.S. participation in the International Energy Program.
SD-366

Finance
Health Subcommittee
To hold hearings to review the implementation of section 2175, to increase the efficiency of the medicaid program administration by allowing States to implement innovative approaches to providing care, and to enable States to receive waivers of certain programmatic requirements in order to implement these approaches, of Public Law 97-35.
SD-215

APRIL 3

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 3

9:00 a.m.
Appropriations
Labor—Health and Human Services—Education, and Related Agencies Subcommittees
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:30 a.m.

Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 910 and H.R. 559, bills to permit the Securities and Exchange Commission to assess civil penalties for trading in securities while in possession of material nonpublic information.
SD-538

10:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Air Force aircraft programs of the Department of Defense.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Aviation Administration, Department of Transportation.
SD-138

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.
SD-430

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (Family Planning).
SD-562

2:00 p.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 4

9:00 a.m.

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:30 a.m.

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Bureau of Investigation, Department of Justice, the Federal Trade Commission, and the Office of U.S. Trade Representative.
S-146, Capitol

Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 through 1989 to carry out the provisions of the Paperwork Reduction Act (Public Law 96-511), to reduce Federal paperwork requirements and duplications, and consolidate statistical policy activities with information management in the Office of Management and Budget.
SD-342

10:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for manpower programs of the Department of Defense.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Interstate Commerce Commission.
SD-138

Veterans' Affairs
To hold hearings to review veteran's health programs.
SR-418

2:00 p.m.

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 5

9:00 a.m.

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control, and the Alcohol, Drug Abuse and Mental Health Administration.
SD-116

9:30 a.m.

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the inertial confinement fusion program of the Department of Energy
SD-366

10:00 a.m.

Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City loan program), Department of the Treasury.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Endowment for the Humanities, and the Economic Regulatory Administration, Department of Energy.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Maritime Administration, Department of Transportation
SR-253

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for low-income energy assistance and Head Start programs.
SD-430

2:00 p.m.

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 6

9:30 a.m.

Finance
International Trade Subcommittee
To hold hearings on S. 50 and S. 1672, bills to streamline trade relief procedures and make trade relief more accessible to small businesses.
SD-215

10:00 a.m.

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review the use of the media in drug abuse education.
SD-430

APRIL 9

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1278, to provide for a program of megnetohydrodynamic research, development, and demonstration with respect to the production of electricity, and S. 1925, to establish a national coal science, technology, and engineering program within the Department of Energy.
SD-366

APRIL 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, Policy Research, and Departmental Management, Salaries and Expenses.
SD-116

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2362, to revise certain provisions of the Mineral Lands Leasing Act of 1920, focusing on limitation on authority with respect to merger parties.
SD-366

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Taft-Hartley Act.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for space programs of the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Coast Guard.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for fossil energy research and development programs of the Department of Energy.
SD-138

APRIL 11

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 521 and S. 1924, bills to establish a criminal background check of individuals whose employment may bring them into contact with institutionalized children.
SD-226

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

Environment and Public Works
Regional and Community Development Subcommittee
To hold oversight hearings on certain activities of the Tennessee Valley Authority, focusing on the cost of TVA power purchased by the Department of Energy.
SD-406

Labor and Human Resources
To resume oversight hearings on certain activities of the Legal Services Corporation, focusing on past and present policies at the Corporation, including political activity.
SD-430

APRIL 12

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Army modernization programs of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the strategic petroleum reserve, and the naval petroleum reserves.
SD-138

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meetings, to mark up proposed legislation authorizing funds for programs of the Library Services and Construction Act.
SD-430

APRIL 24

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1985 for intelligence programs of the Department of Defense.
S-407, Capitol

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstrations projects).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Geological Survey, Department of the Interior.
SD-138

APRIL 25

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on child sexual abuse.
SD-226

APRIL 26

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Nation-

al Guard and Reserve units of the Department of Defense.

SD-192

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.

SD-124

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Smithsonian Institution.

SD-138

Labor and Human Resources

Family and Human Services Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Public Health Services Act, focusing on title XX (adolescent family life demonstration projects).

SD-430

APRIL 30

2:00 p.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Supreme Court, and the Arms Control and Disarmament Agency.

SD-146, Capitol

MAY 1

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the joint weapons program of the Department of Defense.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.

SD-138

Labor and Human Resources

Family and Human Services Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).

SD-430

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.

SD-138

MAY 2

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.

SD-138

Veterans' Affairs

Business meeting, to mark up proposed legislation authorizing funds for veteran's health benefit programs.

SR-418

MAY 3

9:30 a.m.

Labor and Human Resources

To hold hearings on S. 2117, to establish the national vaccine-injury compensation program as an elective alternative remedy to judicial action for vaccine related injuries.

SD-562

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.

SD-192

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for U.S. territories.

SD-138

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.

SD-124

Labor and Human Resources

Family and Human Services Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).

SD-430

MAY 7

10:00 a.m.

Appropriations

HUD—Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.

SD-124

MAY 8

10:00 a.m.

Appropriations

HUD—Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.

SD-124

Labor and Human Resources

Family and Human Services Subcommittee

Business meeting, to consider proposed legislation authorizing funds for programs of the Public Health Service Act, including title X (family planning), and title XX (Adolescent Family Life Act).

SD-430

MAY 9

10:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

Veterans' Affairs

To hold hearings on veterans' compensation programs.

SR-418

MAY 15

9:30 a.m.

Labor and Human Resources

Labor Subcommittee

To hold hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.

SD-430

MAY 17

9:30 a.m.

Labor and Human Resources

Labor Subcommittee

To resume hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.

SD-430

MAY 22

9:30 a.m.

Labor and Human Resources

To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.

SD-430

MAY 23

10:00 a.m.

Veterans' Affairs

To hold oversight hearings on the interagency agreement between the Veterans' Administration and the Department of Defense, focusing on sharing and supply and procurement policies.

SR-418

JUNE 13

10:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

JUNE 19

9:30 a.m.

Labor and Human Resources

To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.

SD-430

JUNE 20

9:30 a.m.

Labor and Human Resources

To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.

SD-430

CANCELLATIONS

MARCH 15

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for local rail service assistance programs of the Department of Transportation.

SR-253

SENATE—*Thursday, March 8, 1984*

(Legislative day of Monday, March 5, 1984)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL J. EVANS, a Senator from the State of Washington.

Mr. EVANS. The prayer this morning will be presented by the Rabbi Theodore Levy of the Temple Society of Concorn, Syracuse, N.Y.

PRAYER

The Rabbi Theodore S. Levy, Temple Society of Concorn, Syracuse, N.Y., offered the following prayer:

O Eternal Presence whom some call God and others by different names, but which mean the same thing—as we enter these hallowed Senate walls we pause for a moment of self-scrutiny. As our Nation's Senatorial representatives let us attempt to reach just a little higher from where we are to where we ought to be. Some among us may call it communion while others call it prayer and yet we all know it means the same thing—aspiration.

All that we earnestly ask in this moment of prayer is that You accept our thanks for giving us the privilege of serving the people of our great Republic. Let us remember Lord of all Senators that we are at best blunderers in our service to this Nation. All too often we are content to be merchants of dead yesterdays when we should be guides into unborn tomorrows. Too often we have placed conformity on old traditions above the curiosity of new ideas. So we ask You, O Lord, to again, grant us the privilege of helping to make this world a better place to live because we have been afforded the opportunity to use your gifts of mind and heart wisely.

May we through this Senate's efforts attempt to free all humanity from fear, disease, hunger, homelessness and exploitation and enable us to create a world in which the exercise of conscience and the guarantee of humanities' unalienable rights can be respected and expected.

Let us never forget that in order to fashion a better world each of us must be able to see in every human being a child of the same God who is heir of the same destiny and may we once and for all recognize that there is only one man on Earth and his name is All Men. There is only one woman on Earth and her name is All Women. There is only one child on Earth and that child's name is All Children.

Heal us, O Lord, and we shall be healed. Save us, O Lord, and we shall be saved. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 8, 1984.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL J. EVANS, a Senator from the State of Washington, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. EVANS there upon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the acting majority leader, the Senator from Indiana.

EXPRESSION OF GRATITUDE TO OUR GUEST CHAPLAIN

Mr. LUGAR. Mr. President, I am certain I express the gratitude of all of our colleagues for the beauty of the invocation this morning delivered by Rabbi Levy. It is a pleasure, especially because of the close ties the rabbi has with the staff of our colleague from Utah, Senator ORRIN HATCH.

As Senators may know, Rabbi Levy's daughter is on Senator HATCH's staff, and Senator HATCH has had great interest in the work of Rabbi Levy.

It is a special pleasure to have you, sir, in this Chamber this morning.

GOOD ECONOMIC NEWS

Mr. LUGAR. Mr. President, I wish to take a few minutes of the leader's time to comment on the reports of the remarks made by the Chairman of the Federal Reserve Board yesterday. They are characteristic of remarks that he has made on previous occasions. He reiterated yesterday that he saw the economy of this country as very strong, and Chairman Volcker mentioned that strength in a number of ways.

And surprisingly enough, perhaps immediately after Chairman Volcker's remarks on this occasion to the U.S. League of Savings Institutions, the stock market fell nearly 13 points early in the session.

The Wall Street Journal's commentary on Chairman Volcker's remarks pointed out that bond prices tumbled widely and even suggests that the commodity market was "Volckerized," meaning that commodity prices also fell based on the hardy news that the Chairman presented.

I comment on this phenomenon because again and again throughout the past few months surely Members of the Senate and people all around the country have been confused as to why reports of good news almost inevitably bring reactions in the stock market, the bond market, the commodity markets, and within the councils of people of great sagacity in finance to sell and for indexes to fall.

Most persons would point out that the relationship is about this way: That if in fact, the economy is very strong, businessmen will want to borrow more money, to hire more people, to create new jobs, and to create new plants and facilities. But when private business people go into credit markets for that new money, they will find the Federal Government is already there belly up to the loan window crowding out these aspirations. That is to say competition for resources between the Federal Government borrowing to provide for the deficits and businessmen will drive interest rates up. So this theory goes, that as interest rates go up, the aspects of housing in this country and people attempting to get credit for cars, washing machines, and what have you, will become more dismal and then we will topple over again into a recession.

So, each of these ripples of good news sometimes seems to have this sort of effect.

Mr. President, I suggest this morning that there at least is a countervailing theory of equal import. Honest men and women can differ in this country how they want to analyze circumstances. I think that there is a case to be made that good news really is good news. It is important that more people are being hired, that 4 million jobs were created in the country last year, and that more individuals are making money and paying taxes on that money. It is important that businesses are seeing profits expand, and from those profits they are gaining additional sources of capital. Thus, they do not have to approach the banks of this country and they do not have to borrow. They simply are making the money to create new jobs and new plants.

I think that it is a fact that both parties in this country have been after this job creation idea for quite a while. Much of our debate in the Senate touches upon the full employment theme. We are making very real headway, and that is good news.

As a matter of fact, it may very well be that deficits will come down as we are more successful, as the good news finally leads to further Federal revenues.

Mr. President, I suggest one of the least watched aspects in the economy right now is what is actually occurring in terms of Federal revenues and Federal expenditures, opposed to our preoccupation with what will occur on projections for the future or the budget for fiscal 1985.

What is occurring now I think can be seen in the 3 months of the fiscal year that we have already experienced; namely, October, November, and December 1983. In those 3 months Federal revenues were up by $13 billion. That is as most of us in this Chamber thought it should be. We have a more prosperous economy. People are paying more taxes, both individually and as businesses. Revenues are up $13 billion. Expenditures in those 3 months were up only $4 billion, which is quite a bit of control over the rate of growth of expenditures. To put it in a context I think we can all understand: For the first quarter of the fiscal year the deficit came down by $9 billion through the activities in a vital economy.

I suggest, Mr. President, that it is a reasonable assumption that if we were to progress through the next three quarters of the year in a similar fashion, the deficit would fall by approximately $3 billion a month through this growth in our economy.

I find that very encouraging. I make these comments this morning because I suspect there ought to be some voices in the country that say it does count, that people are coming back to work. It is important that they are now in a position to pay taxes to provide revenues. It is important that those revenues are cutting deficits and that financial markets ought to be watching that, too. Financial markets ought to be watching the degree of control of expenditures which is happening now, not in the hereafter or in the projections, but in the current operations of Government.

I make these comments because the distinguished majority leader, Senator BAKER, and the distinguished majority whip, Senator STEVENS, are at the White House again. They are visiting about the problems of the budget of the future. They are working with the President on the paring of deficits. They are doing a number of things which I believe will be encouraging to Americans. And even as they work on the future, the policies we have adopted in the past are heading to strong results in jobs, in profits, in new modernization, in new capitalization, and, as a matter of fact, in new revenues and in the cutting of deficits.

I would hope that when the distinguished Chairman of the Federal Reserve Board reports in the future what I believe is an accurate summary; namely, that the economic news is good, some bull spirits in the markets might react with a good bit more joy. I would hope that the stock market might go up and that the bond markets might follow.

Finally, Mr. President, I would say that there are tough decisions ahead of us. One of the problems, I suppose, in the coverage of one good piece of economic news after another, is that the media, trying to be evenhanded and fairminded about all of this, may feel almost a compulsion to say, "On the other hand." In short, if there is a report that unemployment is coming down, someone might not want to leave it just at that. Someone might want to report, "But, on the other hand, over in a particular sector of our economy things are not so good." Or if one reports that revenues are coming into the Federal Government, one could say, "On the other hand, in the future it might not look so hot."

In short, we have become so evenhanded we may have missed the forest and the trees and the whole business. We have good news in our economy. We have positive aspects in relation to every other economy of the world. We have clearly the strongest, most dynamic potential of any nation going.

I take these moments simply to mention that from the floor of the Senate of the United States one Senator is very optimistic about 1984 and about 1985, and for that matter, about the future. Provided that we must keep our eye on the bottom line of what is required to spur initiative and ambition and new jobs and new investment and a boldness to pursue strong economic growth without worrying that reporting of that strength might lead to adverse consequences in the markets.

Mr. President, I have no need for further time. If there is anyone on our side of the aisle who wishes to utilize a portion of my time, I would yield. Seeing no takers of that situation, I would be happy to yield the balance of my time to the distinguished minority leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the distinguished acting majority leader. I do not need any additional time just now.

HAPPY BIRTHDAY SENATOR RANDOLPH

Mr. BYRD. Mr. President, I would take just a minute or two to call attention to the fact that today is my senior colleague's birthday. He is 82 years young today. We had a little reception last night for him. I express appreciation on behalf of my wife and myself and I am sure for Senator RANDOLPH—and he will speak for himself if he desires—that the majority leader came and made some fine comments. I thank the majority leader. The Senate President pro tempore and the majority whip were there, the Secretary of the Senate, the Sergeant at Arms, and the Secretary to the majority, and a goodly number of Senators on both sides, a total of 54 Senators were there. That was very pleasing to me.

My colleague and I have served together in this body 25 years, 2 months, and 5 days. Now, he has been a Senator longer than I have been. He was sworn in immediately after his election to an expired term and he became a Senator immediately. I became a Senator on the 3d of January following the November election. Although he was a Senator, I was not, so we did not actually serve together during that 7 or 8 week period. But we have served together the length of time that I have indicated, following my own swearing in.

I have said many times—many, many times—that if every Senator were as thoughtful and considerate and understanding and cooperative as is my senior colleague, the leadership, whether it be as the majority leader or as minority leader, would be a much, much easier task.

I congratulate JENNINGS RANDOLPH today. He is a remarkable man at 82. He would appear to be younger than I appear to be. And he has a spirit that never will be the spirit of 82 years. It will, instead, always be the spirit of age 28.

He is well liked by every Member of this body. I do not know of any Senator on either side of the aisle who does not like JENNINGS RANDOLPH. I cannot pay the same tribute to myself. But he is a remarkable man and always considerate.

Tennyson said that we are a part of all that we have met. So JENNINGS RANDOLPH will always be a part of all of us

The Senate Chaplain also came last night. He sang a song for us. I have been listening to his prayers for a little while, and he has been very kind to me in my own family sorrow. I did not know that he is an accomplished singer. He sang "Amazing Grace." I wish, on the record, to compliment him, and thank him and his nice wife for coming to that reception in honor of Senator RANDOLPH's birthday.

Mr. LUGAR. Will the Senator yield?

Mr. BYRD. I yield to the acting Republican leader.

Mr. LUGAR. Mr. President, I simply wanted to comment that every Member of this body who attended the reception was deeply warmed by the spirit of that occasion. you were most gracious to invite us. It was a special pleasure to see you and your distinguished colleague from West Virginia there together in that beautiful spirit.

Mr. BYRD. Thank you.

Mr. LUGAR. We are grateful to you.

Mr. BYRD. I thank the Senator for his kind remarks.

I close with a poem to Senator RANDOLPH. I am not a poet, but this poem would seem to be appropriate.

Count your garden by the flowers,
Never by the rains that fall;
Count your days by the sunny hours,
Not remembering clouds at all.

Count your nights by stars, not shadows;
Count your life by smiles, not tears;
and on this beautiful March morning,
count your age by friends, not years.

Mr. President, I have no further requirement for my time. I yield back to the acting majority leader.

Mr. LUGAR. Mr. President, I have no further requirement. Does the Senator from Alabama request time?

Mr. DENTON. Mr. President, it is my understanding that the Senator from Wisconsin has requested that, due to an earlier engagement, he and I swap from my being the first speaker to my being the second speaker. That is agreeable to me.

Mr. PROXMIRE. Let me say to the Senator, I will not use all my time. I will be happy to yield him at least 5 minutes, and perhaps more than that, so that he will have more time. I am grateful to him for permitting me to go forward.

Mr. LUGAR. Mr. President, I will reserve the remainder of the leader's time.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

CAN WE TURN OFF A NUCLEAR WAR ONCE IT STARTS?

Mr. PROXMIRE. Mr. President, a major nuclear war between the two superpowers would destroy both countries as organized societies. The greatest catastrophe in human history? Absolutely. The nuclear winter with the environmental after-effects now predicted by scientists might end life on Earth for all mankind. What have we done to prevent this? Ninety-nine percent of our preventive efforts have concentrated on building a nuclear deterrent—so powerful and invulnerable that an attack on us by the Soviets would be suicide. We have developed such an immense power on both sides to deter the other sides from launching a planned, premeditated attack that it is unlikely—very unlikely—such an attack will ever take place.

Does that mean that, thanks to deterrence, that superpower nuclear war will not occur? No, indeed. It means that it will not come from a planned, unprovoked strike aimed at destroying the other side or at achieving world domination. Neither superpower will launch a nuclear war. And yet I firmly believe that unless we stop the arms race a nuclear war is likely within the next 20 years and eventually it is inevitable. Why? Because our present policies permit the easy and rapid proliferation of nuclear weapons. Within 10 or 20 years, 15 or more nations will have the capability of launching a nuclear war.

Indeed, the national security expert for the New York Times reported on Sunday that by the year 2000, 31 nations will have nuclear arsenals.

As time goes on the number able to start such a war will increase. Eventually, unless we change our policy a nuclear war will certainly occur.

So how should we stop it? First, of course, we should take every step we can to halt the spread of nuclear weapons. We should flatly prohibit the export of any nuclear materials or equipment to any country if those materials or that equipment could be used, however indirectly, to make nuclear weapons. How can we do this? We have the international machinery in place. We have a nonproliferation treaty that requires signatories to submit to international inspection to determine if nuclear equipment or materials have been diverted to weapons use. We should sell no nuclear goods to countries refusing to sign the treaty. We should make this antiproliferation policy the prime, the No. 1 priority of our foreign and military policy. We should invoke the sternest possible penalty against any American citizen responsible in any degree for such exports. But this is just the beginning. We should use our full economic power against any nation that exported nuclear materials or equipment to another nation. That power should include total trade sanctions. That means we should refuse to permit any American goods to be sold to such a nation. We should flatly refuse to buy any goods from such a nation. As the No. 1 trading country of the world such American action could have great force. In view of the relatively minor economic value of nuclear exports and the major trade role played by the United States all over the world, such a policy could effectively stop nuclear proliferation.

But let us face it. The genie is out of the bottle. The know-how is now international. The materials and equipment have already spread to many countries. A tough, truly effective nonproliferation policy is unlikely to win the necessary support in this country. So we can expect that the number of nuclear armed countries in the world will increase. What does this mean? It means we can expect a nuclear war to break out—not between the superpowers but between other countries. In the next few years, thanks largely to American and French nuclear exports, you can expect a nuclear war to break out between India and Pakistan or Syria and Israel or Argentina and Brazil or between a number of other countries. Then what? Then such a war could very quickly involve other nonsuperpower nations that would feel threatened and would be tempted to use their nuclear arsenal to eliminate the threat. At some point either the United States or the Soviet Union might be tempted to try to stop this catastrophic spread of death and destruction. How do we intervene to stop a nuclear war without using nuclear weapons? And if we use nuclear weapons how do we protect our homeland from retaliation? And would not retaliation endanger the lives of millions of Americans? If both superpowers abstain, a nuclear war involving other nations could, according to the best scientific expertise available, have an appalling effect on the environment of the rest of the world including the advent of a nuclear winter that could devastate all countries including abstaining powers—Russia and the United States. How could we stop it? How could we turn it off, once the nuclear devices begin to explode? The first action would be to find a way to cooperate with the Soviet Union to stop the war. Conceivably our two countries—the two superpowers—would have to threaten and perhaps actually agree to use part of our nuclear arsenal against one or both of the warring parties to end the nuclear—nightmare. Even after a retaliation, small powers such as Iran or Libya, with such concerned superpower action, would run the risk of immensely destructive retaliation. Such an action seems shocking to us now. We have concentrated all of our fear and hatred and hundreds of billions of dollars of military buildup against a single potential adversary—the Soviet Union. Yet it is very possible that the only way we could stop the most likely kind of a nuclear war—a war not involving the superpowers—would be for us to work with our prime adversary. We would work with the U.S.S.R.—not out of trust but because neither power would have any alternative that would permit survival.

THE GENOCIDE CONVENTION—MORE THAN A GAME

Mr. PROXMIRE. Mr. President, as this Olympic year proceeds I cannot help remember the 1972 Olympics in Munich. The unhappy memory of the killing of 12 Israeli athletes clouds the thrill and challenge for which the Olympics should be known. The 1984 summer Olympic games in Los Angeles brings the problem closer to home.

In this Olympic year, the U.S. attention to the need for international support and cooperation among governments has sharpened. The organizational challenge of the Olympics, an event that symbolizes international unity, brings home the importance of such unity.

Yet, in this year of unity, what seems to go unnoticed is the fact that a world treaty calling for international cooperation has remained unsupported by this Government now for 35 years.

The treaty I refer to is the Genocide Convention. This international agreement seeks to protect our most basic human right, the right to live.

The human race deserves a safeguard on their lives, no matter to what national, ethnic, racial, religious, or even athletic group they belong. The Genocide Convention is such a safeguard. The ratification of this treaty would make the threat of premeditated mass murder an international crime.

Let us join the 92 other nations who see the fundamental importance of the Genocide Convention. We can take threat and fear out of our daily lives as well as international events like the Olympics by ratifying this great treaty.

Mr. President, I am happy to yield the remainder of my time to the Senator from Alabama.

RECOGNITION OF SENATOR DENTON

The **ACTING PRESIDENT** pro tempore. Under the previous order, the Senator from Alabama (Mr. DENTON) is recognized for not to exceed 15 minutes.

Mr. DENTON. I thank the Chair.

ECONOMIC CONSEQUENCES OF FOREIGN POLICY FAILURES

Mr. DENTON. Mr. President, today's contemporary debate finds me compelled to emphasize that our Government, especially the Congress, and our people do not understand sufficiently that the success or failure of our foreign policy has had, is having, and will have, direct consequences for our domestic economy, and therefore for our domestic welfare.

The economic costs to date, the costs of our foreign policy failures, have not been publicized. Indeed, only a few of the costs have been totted up by researchers so far.

I bring up the relationship between failed foreign policy and economic losses because there is a relationship between failures in foreign policy and the lack of sufficient Armed Forces, or the lack of understanding and will regarding their use or possible use. This matter impacts on decisions pending about budget deficits, possible cuts to the defense budget, and urgent developments in the Mideast and in Latin America.

It is my strong belief that Congress is in need of some comments on those subjects other than the kind that I have heard or read so far.

The drastic deterioration in the protection of our vital national interests around the world because of the growing difficulty of developing foreign policy has become so acute as to require that we in Congress do some things differently, and not do some things that we have been doing. I had not expected developments to reach such a dire stage, but the press of events now compels me to begin without delay and without the degree of preparation I would have preferred to apply to my efforts to contribute to the debate.

I shall not be able, in the time allotted to me today, to address fully all the points I would propose to address. In the coming days and weeks, therefore, I shall be testifying here and before appropriate committees on several occasions to develop more fully my opinions and my recommendations on the subject of our foreign policy and related matters.

It seems to me, Mr. President, that Congress has become so wrapped up in debates about specific details of foreign and defense policy that it has lost sight of the whats, the whys, and the hows of developing a national security policy in the first place. In our infatuation with felling trees, we have forgotten to consider the need to have the forest.

Mr. President, Congress has lost its sense of responsibility, its sense of what its function is in foreign policy, and is, in that confusion, causing this Nation to suffer more than any other single cause.

In my view, the forest requires some recognition before our Nation loses, through failures in foreign policy, further security, export trade, access to raw materials and other essential imports, not to mention the strategic security losses that we are suffering. These failures in foreign policy are, I maintain, caused principally by the Congress.

I shall develop the heretofore uncounted costs and deal with the changes required for survival in a series of speeches.

The most needed change is that we must realize that our enemies are playing hardball. Under such circumstances, our diplomacy can win only if we have the power to back it up. Stalin, when asked about the opposition of the Catholic Church, laughed and said, "How many divisions does the Pope have?"

Perhaps it was the case 100 years ago that debates within the Congress, between the Congress and the executive branch, indeed within the country as a whole, were solely internal matters of little concern to foreign states of greater power than our own. That is no longer the case today, when what happens in the Halls of Congress, in our internal deliberations, is instantly known to the entire world and when, indeed, it constitutes an essential part of the information that other nations consider when they make their own foreign policy decisions.

If we have learned anything from the history of our foreign policy as a nation, it should be that our internal divisions are exploited by our adversaries, and that the more our divisions are formalized, the more foreign states deal with factions rather than with our Nation as a whole. Never has that been more true or more costly than today.

During the Vietnam war, there was an undoubted effort by the North Vietnamese and their allies to exploit a substantial segment of American opinion, extending even to divisions in Congress, to their own advantage. They were not entirely unsuccessful in that effort. Since then, and until today, we see efforts by our enemies to feed and encourage movements in our country that are otherwise well intentioned and sincere but that serve Soviet goals.

As Senator TOWER put it in his remarks to the Budget Committee on the 5th of March, "In the recent past, more often than not, congressional intrusion [in the arms control process] has played the foil to United States negotiating positions while the Soviets wait stoically for further United States concessions at the bargaining table."

Today, it can be argued, and I believe validly, that the struggle for El Salvador and for Central America is being waged primarily in the Halls of Congress. Unless things change, the struggle will be lost, as was Vietnam's struggle, in the Halls of a Congress whose Members yielded populistically and partisanly or ignorantly to the breezes blown by a biased and dead-wrong media.

Another urgently needed change is re-achieving the recognition of the need for national unity, of bipartisanship in foreign policy.

In earlier times, we talked about politics stopping at the water's edge, by which we meant that our internal debates and discussions did not extend to the actual implementation of foreign policy. Now it is clear that politics do not stop at the water's edge—that is, domestic politics—and that the effort to implement a policy is accompanied by continuing and presumptuous debate.

In my view, it was the war in Vietnam that produced that situation. We have accepted ongoing debate as the normal thing, forgetting that not only Members of Congress, but other people as well, can and do easily become participants in the debate, taking their key from our own statements. A major result is that we conduct debates from ignorance, for partisan purposes, rather than trying to advise and consent on foreign policy originated by the executive department, which is mandated and informed so as to enable it to originate policy.

We fought and won World War II because we were united behind a goal and because our debates about how to reach that goal were conducted properly. We probably would not have had to fight that war had we listened to the words of Churchill, which are as applicable today as they were then. He said:

> Each man hopes that if he feeds the crocodile enough, the crocodile will eat him last. And all of them hope that the storm will pass before their turn comes to be devoured.
>
> But I fear—

He said:

> I fear greatly this storm will not pass. It will roar ever more loudly. It will spread to the north, it will spread to the south.

Winston Churchill's words are true today as we watch the map turn red around the world, as we watch the hypocrisy or the ignorance or the populism of those who will not look the crocodile in the eye. We are failing again to listen to his words and the cost will be fantastic if we do not deal properly with the crocodiles now while we can do it cheaply. I am sure that the means by which we deal with it can be peaceful as far as the United States is concerned, if we but deal properly and promptly. I am just as certain that they cannot be bloodless for us if we do not deal properly and promptly.

Following World War II, our leaders in the Senate were determined that our Nation should not again be victimized by the kinds of internal disagreement and dissension that characterized the prewar period. Thus, great statesmen like Senator Vandenberg and Senator Connelly determined that our foreign and defense policy should be "bipartisan" and that "politics should stop at the water's edge." For Vandenberg to do that was an act both of wisdom and dedication. The spirit of bipartisanship and unity continued until we were sundered by the Vietnam war, and bipartisanship was espoused by Democrats as well as Republicans. I commend to my colleagues in the House and in the Senate the example of the Senate during the Eisenhower Presidency, when Lyndon Johnson was the exemplar of bipartisanship in foreign policy.

None of this is meant to say that debate and full examination of the issues, contention and disagreement, are unhealthy or unwise. On the contrary, they are the stuff of democracy, essential to our national health and welfare. We need to recall, however, that debate is not an end in itself. It has a higher purpose, to make possible the formulation and execution of effective policies in the national interest. There comes a time when debate must give way to decision and exhortation, give way to execution. We have become enamored of the process of debate and have neglected its product: policy, unified policy.

Senator TOWER remarked on Tuesday, in testimony before the Committee on the Budget, that the Congress has assumed many executive functions but that the taxpayers should be paying only for one executive branch. History should illustrate for us that one executive branch is plenty, and that it is useful to have checks and balances upon it. If Congress is also acting in an executive capacity, as has been increasingly the case, then there is duplication of the executive function and elimination of the proper checks and balances upon the power of the executive that, of course, destroys the cornerstone of our constitutional system.

I do not say that Congress should not play a role in foreign and defense policy. We are mandated to play such a role in the appropriation of funds, the making of laws, and in the Senate's unique power to provide advice and consent.

What has happened, however, Mr. President, is that we have moved beyond advising and consenting to devising and dissenting. We have attempted to assume executive branch functions and have thereby given rise to the unseemly, unworkable, and intolerable spectacle of a subcommittee chairman in the House giving orders to the Secretary of State, of a shouting contest between our Secretary of State and Members of the House who know as much about the information and intelligence that he has on matters of State as they do about who is going to play left field for the Washington Senators when they are recreated.

People are referring to the phenomenon that some have referred to as "536 Secretaries of State." Unfortunately, the system does not work when we try to do it that way. You might as well try running your automobile on orange juice.

The situation reminds me, and has reminded me since Vietnam, of the Washington Redskins trying to play Vassar, if Vassar were still not co-ed, and every time Theismann says "hut" and the ball is snapped, the left tackle and the right end say, "Hey, Joe, you shouldn't have called student body right; you should have called zig-zag pass left." Since Vietnam, we have been defeated in every foreign policy issue of major importance confronting this Nation because of that kind of disunity. The Redskins could not beat Vassar that way, and we did not beat a little country called North Vietnam because of that same insane lack of bipartisanship and of a common purpose of serving the interests of this Nation.

If in the case of Lebanon the executive branch is being attacked for losing a war that it never intended to fight, and which the Congress had prohibited it from fighting, then we must recall that in Vietnam the executive branch was condemned for winning a war that it began with the overwhelming support of the Congress.

Granted, the executive made errors in that war, but make no mistake, we did win that war in the military sense. I was there, and I know. But the Congress apparently concluded that we did not want to have won the war so we proceeded to lose, or give away, the peace. Many loyal Americans endured too much, too many young Americans gave their lives for high ideals that, when the chips were down, were not understood, appreciated, or supported by enough Members of Congress to sustain victory or come close to matching the honor of our personnel in the armed services.

The message of congressional actions vis-a-vis Vietnam was not lost on the rest of the world. There is little question that the demonstration of indecision and the inability to define and adhere to a policy has had consequences throughout the world. Four Presidents pledged we would maintain the freedom of the South Vietnamese. The world heard that. When we copped out, not only the bloodbath following the disgrace in Vietnam took place, but Cambodia and Laos were also lost to communism. Even costlier effects began in Africa, Afganistan, the Middle East, and Latin America. In all these regions we are paying the price of a perception by our adversaries that the United States is unable to act in its own interests, much less act in the interests of anyone else.

There are real costs from our inability to define and adhere to a foreign policy, costs in dollars and cents and in the welfare of our people. In my view, the debacle in Vietnam was one cause of the overly precipitate increase in oil prices that took place in 1973. Some people may argue that it was the 1973 Middle East war, but I submit that one major cause of that war was the perception that the United States would not, under pressure, act firmly to fulfill its commitment to its ally.

Many of my colleagues will, I think, recall that those perceptions were in part correct, that we fulfilled our commitments only with difficulty and with disagreements among ourselves and with our allies in Europe. In any case, the OPEC members would have never considered tripling oil prices at a time when the United States was perceived as strong, united, and determined. A price rise was justified but not that much, that fast.

I watched 72 ships rotting off of the Port of Jidda because the Saudis could not import the goods they bought with that rapid profit. They did not need it that fast; we did not need that much hurt; they would not have done it had we not copped out in Vietnam. And I am a friend of Saudi Arabia and had something to do with the approval of the AWACS sale.

The Department of Energy has examined the cost of the foreign policy failure that produced the oil price increase, and I ask my colleagues to read this. For every 1 percent of gross national product that the national oil bill increased, the gross national product declined by approximately 1.3 percent, the rate of inflation increased by 0.7 percent, and unemployment increased by 0.4 percent. For the 1970's, we paid a price of $40 billion to $50 billion every year in constant 1972 dollars because of rising energy prices. We suffered an additional 2 to 3 percentage points of inflation, and lost 1 to 2 million jobs per year. At least one-quarter of our decline in productivity growth and one-half of the decline in real fixed investment is attributable to rising energy costs. We have paid a heavy price, indeed, for our failure to conduct an adequate foreign policy.

The costs I have just talked about are just those which are totted up. They probably do not begin to extend to the full multiplier effect of the increase in energy prices. And those losses have not been publicized, nor are they understood by our business-industrial community. If they were, our business leaders would not be so bent on cutting our defenses, for an inadequate defense is part of the reason for the lack of success of our foreign policy.

There are other costs as well for the loss of access to resources and to markets. We are a nation whose GNP is heavily dependent on trade, about 17 percent of it. I believe I am correct in saying that is one of the largest foreign trade sectors in the world, larger even than that of Japan. We cannot afford, then, to see trading markets and partners closed to us, as has been the case in Southeast Asia, in Africa, in Afghanistan, indeed in Latin America, and replaced perhaps by trading partners such as the Communist nations which are capable only of borrowing and consuming, not of repaying or providing value in kind. Nor can we afford unfair trading practices by partners contemptuous of our will to redress the unfairness.

Let us consider an example. From time to time, the Congress becomes very concerned about southern Africa because of the racial policies of the Government of South Africa and that regime's actions toward its neighbors, which I do not agree with to the degree that they are wrong. Many of us are apparently willing to cut our ties, to abandon the effort to define and conduct a policy in the national interest in favor of no policy at all. Yet we have over $6 billion of trade with southern Africa. It is a region that contains immense deposits of strategic minerals that are vital to industrial economies such as ours: The platinum group, 86 percent of world reserves; manganese, 53 percent; vanadium, 64 percent; chromium, 95 percent, and cobalt, 52 percent, as well as a dominant part of world gold and diamond output and an internationally significant output of coal, uranium, copper, and other minerals.

The point of that economic importance is not that we should abandon efforts to produce a rational and moral solution to the problems in the region. It is that we cannot simply rely upon our own simplistic and culturally relativistic definitions of what is right and wrong. We must formulate and adhere to a policy that promotes both our moralistic goals and our economic goals. I could make the same kind of an argument for the Philippines, where we have a similar, although less severe, problem with agreeing on an effective policy.

If our country is to survive, if we are to be able to define, conduct, and stay with coherent foreign and national security policies that serve our national interests, then we in the Congress have got to work together and with, not against, the executive branch, and in spite of, not because of, the fact that this is an election year. We need more cooperation and more respect, less competition with the executive department as it attempts to originate foreign policy in this Nation's interest.

At the signing of the Declaration of Independence, Benjamin Franklin said, "We must all hang together, or assuredly we shall all hang separately." What he said was true then, and it is true now.

In conclusion, Mr. President—for today—we now face a multiplicity of critical problems that must be carefully considered and effectively addressed. I intend to appear on the floor regularly to talk about them. They include the situation in the Middle East, where the continuing instability and external interventon threaten access to a resource that is vital to the survival of the free world. They include the defense budget, a matter that, as Senator TOWER pointed out, we are considering on the basis of "expediency and affordability" rather than of the visible threats and long-term security requirements. There is no price to be placed on the No. 1 requirement of any government—that is, for its people to survive, and the interests by which its people's freedom is provided to survive. You start from that, and then you work out the rest of the budget. You provide for the common defense and then you promote the general welfare. These issues include the situation in Central America, where a real and immediate threat has been ignored or submerged in debate that tends to be partisan, and even theological, rather than considered and pragmatic.

We must come to grips with those and other issues lest we fail to fulfill our obligations to our constituents and our mandate under the Constitution to provide for the common defense and to "secure the blessings of liberty to ourselves and our posterity."

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

U.S. POLICY IN LEBANON

Mr. SASSER. Mr. President, I have noted the debate being conducted over the past several days with regard to the cause of the failure of U.S. policy in Lebanon, and I note with some dismay that the Secretary of State is attempting to place the blame on Congress for the failure of the administration policy in Lebanon.

I must say this is no surprise. This administration seems psychologically incapable of accepting the responsibility for its own actions.

I applaud the efforts of the minority leader, my distinguished friend and colleague from West Virginia, Senator BYRD, for his response which was appropriate, in my view, to this unwarranted accusation that Congress shared responsibility for the failure of U.S. policy in Lebanon.

Mr. President, a cursory reading of history and a review of the facts leading up to the placement of U.S. forces in Beirut would have indicated that this policy was fatally flawed from the outset.

The Secretary of State has suggested that anyone, however, who doubted the wisdom of the administration's approach in Lebanon has, as he said, "totally taken the rug out from under U.S. interests," in that area.

Mr. President, there is more at stake here than simple blame laying. One is forced to the conclusion that this policy that placed our U.S. forces in Beirut must have indeed been very fragile if it could not survive debate here in Congress, and I might say that at the conclusion of that debate the President and the administration were given precisely what they asked for and that was an 18-month period under the War Powers Act to keep U.S. Marines in Lebanon.

But here there is a fundamental constitutional issue involved. When we debated the War Powers Act and its relation to the roll of our Marines in Lebanon, we discussed the roll of Congress in making that decision. The farmers of the Constitution understood the pressures and temptations that would operate on the Commander in Chief, our President, and they ascribed to Congress, and thereby through Congress to the American people, the roll of deciding whether our troops would be committed to a sustained combat or sustained war. In furthering that principle in a modern age, Congress passed, and the President signed into law, the War Powers Act.

As everyone in this body surely knows by now, it does not limit the President's ability to respond quickly to an emergency. Looking at James Madison's notes from the constitutional convention over 200 years ago, we know that article I, section 8, was revised to allow an emergency response. Congress was given the power, not to "make" war, but to "declare" war. The Constitution, and later the War Powers Act, thus give the President the right to respond quickly, and then Congress, fulfilling its constitutional obligation, has the right to deliberate any long-term American military commitment. The President's authority to engage our troops in protracted hostilities is clearly limited, by the Constitution and by the War Powers Act.

When Congress carries out the powers ascribed to it by law in furtherance of the Constitution, the issues are discussed and they are publicly aired. The opinion of the people is sought. In a free society, there is going to be disagreement, and that is inevitable.

I hope that disagreement and public discussion will always be inevitable in this country. I shudder to think of a United States where all controversial decisions would be made by Executive fiat. Congress has not only the right, but also the responsibility, to give voice to differing views.

I doubt that there is any substantial disagreement at all on the desired ends of U.S. policy in Lebanon. It is peace and security for the nations of that region. The contention arose, I submit, on the best means for encouraging that result.

The impulse to stifle dissent is a powerful one for any leader. History has shown what can happen when a people allows its voice to be silenced. Any foreign policy or military objective abroad should be sufficiently clear and constructive to withstand the pressure of debate and analysis. If it is not sufficiently clear and constructive, the people are going to know it. But, alas, that was not the case with the administration's policy in Lebanon. There was little or no public understanding of what that policy ought to be, and well that might be the case because this administration never clearly and fully defined the mission of U.S. troops, U.S. Marines in Beirut, nor did it clearly define what U.S. policy was to be or more specifically how U.S. policy was to be implemented in that area.

It is a sad thing now to read that the Secretary of State is attacking Congress and attempting to blame the failed policy of the administration in Lebanon and indeed in other areas of the Middle East on Congress.

It is my hope and belief that a spirit of bipartisanship and cooperation can be reestablished with regard to our policies in the Middle East. A consensus may indeed be possible, if, by consensus, the administration does not mean to insist on universal accord with whatever it chooses to do.

Our goals and commitments in the region require our full deliberative powers, not irresponsible blame laying.

I submit to the administration and to the Secretary of State that there is decade upon decade upon decade of experience in foreign policy residing in both bodies of Congress and it might be well for this administration to tap some of that experience, expertise, and seasoned judgment before embarking on adventures that appear to be ill thought out, and when these poorly constructed policies then fall apart I think either the Secretary of State or the administration ill-serve the American people when they come to Congress and attempt to lay the blame here.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business with statements therein limited to 5 minutes each.

U.S. POLICY IN LEBANON

Mr. BENTSEN. Mr. President, I want to add my voice to the rising chorus of indignation at the recent remarks of Secretary Shultz suggesting that Congress is somehow to blame for this administration's misguided adventures in Lebanon.

Actually, Mr. President, it is my feeling that the administration's Lebanon withdrawal was inspired by the wisdom of W. C. Fields who once suggested: "If at first you don't succeed, try, try again. Then quit. There's no use being a damn fool about it."

After more than a year of trying, after more than 250 dead marines, after it became clear that the Lebanese Army had become totally ineffective, the administration finally decided to quit. And they were right.

But now we have the Secretary of State suggesting that it was wrong to quit; the administration did not really want to do it, but the Congress made them do it.

I can understand why, as a primary author of a failed policy, the Secretary of State would be looking for scapegoats Certainly it is easier to blame Congress than to blame the Druze Militia; or President Gemayel; or the Syrians; or the Shias. Why? Because when you blame Congress the implication is that everything would be all right—we would have succeeded—if Congress had not become involved.

Mr. President, you do not have to be an expert in the Middle East to understand that the prognosis for our policy in Lebanon was poor from the outset. I consistently voted against keeping our marines in Lebanon—but I was also voting in the minority. It was not Congress that pulled those marines out. It was the administration. I stood on the floor of the Senate and said, "Let's not make this a partisan issue. American marines are being killed. The Middle East is important. But please, Mr. President, tell us what purpose is being served by our presence at the airport. Tell us what we are trying to achieve in Lebanon."

I do not believe Congress ever got a satisfactory answer to those questions. Perhaps because satisfactory answers did not exist.

It seems to me that Secretary Shultz is going to need the Congress—Democrats and Republicans—in the months ahead. He has some very big issues brewing in places like Central America—and the administration is taking a pretty hard line with the Congress. The Secretary will be talking to the

Intelligence Committee later this afternoon, and I think he is going to want our support—our bipartisan support.

When we place the problem of Lebanon in the context of our overall foreign policy process, it is difficult for me to understand why Secretary Shultz wants to scapegoat the Congress. Perhaps he should have blamed American public opinion. After all, Mr. President, poll after poll showed that the American people opposed keeping our marines in Lebanon and failed to understand what our policy was in that country. I am sure all the Lebanese press reported those polls. I am sure the Syrians read them. But I do not see the Secretary standing up and saying the American people are to blame for our failure in Lebanon.

The fact is that the people were right. The Congress was right. And finally the administration was right when it decided—it was not forced, it decided on its own—to get the marines out. Or perhaps I should say we were correct to redeploy our troops to the fleet.

That so-called redeployment was no failure, Mr. President. The failure was the conception and execution of the administration's policy toward Lebanon. And I fail to see how even Mr. Schultz can blame Congress for the fundamental inability of his department to propose and execute policies that serve our national interest in this vital area of the world.

E-COM POSTAL RATES

Mr. STEVENS. Mr. President, on Monday, I commented on the recent recommendation for increasing E-Com postal rates. I want to again stress how important it is that we look to the future and allow the Postal Service to enter into the 20th century technologically and not hamper it with unduly high rates.

Some organizations seem to need prodding to keep abreast of modern changes and practices. Here is a case of a public agency trying to move into the 20th century and the regulatory process seems bent on holding it back. It is imperative that we look to the future, not only for those who use the mails extensively, but for the general economic well-being of the Nation.

I was pleased to receive a copy of a letter from Moe Biller, president of the American Postal Workers Union, AFL-CIO, to the USPS Board of Governors on this issue. It points out the negative impact on E-Com if the recommended rates are accepted. I ask unanimous consent to have reprinted at the end of my remarks the entire text of Mr. Biller's letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN POSTAL WORKERS
UNION, AFL-CIO,
Washington, D.C., March 2, 1984.

BOARD of GOVERNORS,
U.S. Postal Service,
Washington, D.C.

DEAR GOVERNORS: The American Postal Workers Union, AFL-CIO is gravely concerned by the recent Opinion and Recommended Decisions on E-COM rates handed down by the Postal Rate Commission. We strongly urge you to remand the recommendations back to the Commission for reconsideration.

The drastic price recommendations are a shocking blow against E-COM, a service whose full development and growth has actually been deterred because of uncertainties as to whether or not the Postal Service will be able to continue this sort of electronic mail service. Actually, if the Rate Commission permitted the rates for E-COM to remain relatively reasonable now that its existence is an accepted fact, it certainly would have a tremendous potential for modern postal business.

I can only concur with Commissioner James H. Duffy's dissenting opinion that "Saddling E-COM users with an instantaneous 160 percent premium over First Class letter rates would destroy E-COM as a viable service." Furthermore, it would appear that the "unbundled theory" artificially increases E-COM rates by 50 percent "on the basis of conjecture rather than the true costs they impose on the postal system."

The precipitious price increase to 67 cents for a two-page E-COM letter can only serve to undermine the growth of this important and vital postal service.

We at the American Postal Workers Union again strongly exhort the Board of Governors not to accept the Commission's price recommendations but to remand their decision for appropriate review.

Sincerely,

MOE BILLER, *President.*

S. 2395—FREEDOM OF INFORMATION ACT AMENDMENTS

Mr. DENTON. Mr. President, I ask unanimous consent that the text of the bill which I introduced yesterday, S. 2395, a bill to amend the Freedom of Information Act to provide for the protection from disclosure of records related to terrorism and foreign counterintelligence, be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 552 of title 5, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon;

(3) by adding after paragraph (9) the following new paragraph:

"(10) related to the investigation of terrorism or concerned with foreign counterintelligence operations."; and

(4) by striking out the second sentence thereof.

SENATOR RANDOLPH: BUILDER AND PEACEMAKER

Mr. MATSUNAGA. Mr. President, I rise to express my best wishes and highest regard for the senior Senator from West Virginia on the occasion of his 82d birthday.

The Good Lord has blessed JENNINGS RANDOLPH with a long and productive working lifetime and he has made the utmost of that gift. Our country has been the bountiful recipient of his labors on this Hill dating back to the historic first 100 days of Franklin Delano Roosevelt's first term. While he has observed a lot of history in the years since then, he also has contributed greatly in shaping the course of national events for the better. Much has been made of his material legislative accomplishments in the way of public works, both in the House during the 1930's and over the last quarter century in this Chamber. But he has ministered to more than our material needs and aspirations, Mr. President. With imagination and persistence, he has pioneered innovative instruments for overcoming hostilities, both foreign and domestic, which threaten our well-being and even our existence as a society. He has been both builder and peacemaker.

He advanced the concept of a peace agency in the Federal Government nearly 50 years ago and toiled for 27 years to give the vote to 18-year-olds. He was first to propose in 1943 that those of us deemed old enough to give our lives in defense of our country are mature enough to participate in our Government through the vote. He offered this simple proposition to 11 Congresses until it was finally accepted with the 26th amendment in 1971. I am proud to be his partner in legislation now before us to establish a U.S. Academy of Peace and Conflict Resolution, surely the greatest public works project of his career. The franchise for the young and an institution for the arts and sciences of peace: These are the roads and bridges for binding our Nation together across the generational chasms and worldwide animosities of the human condition, even as JENNINGS' public works have brought the American people closer together in a physical sense over the last half century.

JENNINGS has turned his hand to many tasks: Teacher, writer, university dean, magazine editor, transportation executive. But his greatest contributions have been those he has made while in our midst: As a legislative builder and healer, ministering to both the material needs and highest spiritual aspirations of our people across this great land of ours.

He has but this second session of the 98th Congress remaining since he has announced his retirement. The gift I would like to present to JENNINGS on his last birthday as a U.S. Senator, with the concurrence of the majority leader who is also retiring at the end of this session, is passage of S. 564, the bill to establish a U.S. Academy of Peace, now pending on the Senate Calendar, belated as it may be.

In the meantime, I wish him many happy birthdays in the years to come. May the blessings of happiness and good health continue to be his. As we say, JENNINGS, in the Pacific paradise where I come from—hauloi la hanau, happy birthday!

JUSTICE IS DEAD WRONG

● Mr. PERCY. Mr. President, one of the hottest topics in recent years has been that of reindustrialization—the need to revitalize American industry and make it competitive again.

The issue came to the fore because of the perception that the United States was slipping as an economic power. Our basic industries, we learned, were no longer world leaders. In many areas of economic competition, we had become second-rate participants.

You all know the story. We had failed to keep pace. U.S. management, obsessed with short-term gains, had neglected the future. Our plants were becoming obsolete, our equipment and technology outmoded. Our workers were overpaid and becoming less productive. And, Government, instead of helping, was adding to our woes.

Most of us sitting here today were participants in that debate—seeking to discover the reasons behind our economic erosion and searching for the course of action that would reverse the trends that carried with them severe and unacceptable consequences.

We found that there were no magic solutions, no panaceas, no overnight remedies. Instead it became clear that to escape our plight we had to stop living in the past, face reality, and become more competitive.

By now, one would assume that message was clear to all. Yet, in examining the recent decision by the Justice Department to challenge the LTV-Republic Steel merger, one has to wonder.

At issue here is more than just the merger of two companies. At stake is the survival of one of the Nation's largest industries and all that that implies. We are talking about thousands of jobs—about the economic future of big and small communities where those jobs are located—about the impact on other industries—and about the eventual cost to the American consumer. We are also talking about a radical shift in our Nation's trade policy and about our ability to maintain our defense capabilities.

It is no secret that the American steel industry is in desperate shape. While most of the country suffered through a recession during 1982 and 1983, the steel industry was experiencing its worst period since the Great Depression. In the last 2 years, the industry has lost more than $6 billion, while running at about 50 percent of capacity. Plants have been closed and more than 40 percent of the industry's work force has been laid off. Many of those plants will never reopen. Most of those jobs will never return.

Much time could be spent in trying to point a finger of blame at who or what caused this mess. Certainly, we could find fault both with labor and management for past mistakes. Unfortunately, such an exercise would do little to correct the situation.

We cannot change history, but we can address the present and try to improve the future.

We know that if this industry is to survive—if it once again is to become a viable part of our economy—its companies must become competitive. And, when I say competitive, I mean on an international basis.

For that is the fact of life today in steel. We are no longer the king of the hill. 30 years ago, U.S. firms accounted for more than half of the world's entire steel output, when only 31 other nations even made steel. Today, 85 countries are steel producers while the U.S. share of world production has slipped to a meager 10 percent.

More to the point, what was once an isolated domestic market has now become part of an integrated world market. It is also a market in which foreign producers have become the price setters because of low-wage labor, new low-cost sources of raw material and modern state-of-the-art facilities, often built with Government financing. And, if these advantages were not enough, the same overseas producers have shown no reluctance to sell below cost in order to gain a foothold or increase their share of the U.S. market.

Last year, 1 out of every 5 tons of steel sold in the United States was produced overseas. In some of the higher profit product areas, the percentage of the market dominated by imports was considerably higher—reaching even as high as 50 percent.

The impact of this change was and is enormous. An increasing number of U.S. steel facilities are no longer capable of producing at a competitive cost in this world market. Because of the massive increase in imports, and the severe price pressure created by foreign producers, American steel firms are unable to generate the revenues necessary to modernize and become more efficient. The result has been a vicious cycle, which—without some dramatic action—threatens the long-term survival of our integrated steel producers.

This is the reality that the Justice Department has chosen to ignore in its recent action. For how else can one define a decision based on the premise of eliminating imports from Japan and Europe and dismissing the potential of increased imports from Third World nations in assessing the domestic marketplace.

Quite frankly, the Department's logic mystifies me. To begin with, their premise behind discounting the Japanese and European imports is based on the current quota agreements with the EEC and some alleged voluntary restraint by Japan. However, the EEC agreement is a temporary one scheduled to expire at the close of 1985—unless, of course, the Europeans should abrogate it before that date.

Ironically, the European producers are using this respite to restructure their own steel industry to meet the challenge posed by Third World and Japanese producers. The restructuring involves a series of rationalization agreements and mergers which have been approved by the European Coal and Steel Community Commission. The aim is to effectuate cost reductions and capital expenditure savings of precisely the kind that LTV and Republic are seeking in their proposed marriage.

The Japanese voluntary restraint notion appears even more ephemeral. Nothing has been negotiated or signed. In fact, as a March 6 Washington Post article points out, there is little Japanese restraint. In January, Japan's share of the American market was up 6.6 percent and according to a spokesman for the Japan Iron and Steel Exporters' Association, "The trend of Japanese increases will continue because there is an increase in demand in the United States." I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. SAID TO SET DEADLINE FOR PROGRESS IN TRADE TALKS WITH JAPAN

(By William Chapman)

TOKYO, March 4.—With time running short, the United States and Japan are in disagreement on an unusually large number of volatile trade issues and the Reagan administration is showing signs of impatience, according to U.S. officials.

The reason for haste, these officials say, is the American presidential campaign, which the Reagan administration believes will feature charges from Democrats that Washington has been too patient with Japan. The administration is said to hope for specific promises that would ward off those charges and has fixed late March and April as time limits.

The issues in dispute range from perennials such as beef and citrus imports to new ones involving high technology and international finance.

In about a dozen cases, the United States is asking Japan to tear down both old and new import barriers and other restrictions and is warning, after a year-long policy of cautious patience, that action on them must be taken soon.

Vice President Bush and U.S. Trade Representative William Brock are described as becoming impatient with the pace of several negotiations that have been under way Reagan's state visit here in November. Bush is scheduled to visit Japan in May and pursue talks on trade issues.

Bush and Brock "are sensitive to charges that Japan is protectionist and that we are letting them get away with it," said one U.S. source familiar with the talks. He noted that almost all of the issues pending at the time of Reagan's visit with Prime Minister Yasuhiro Nakasone "are still on the table." Nine days ago, Beryl W. Sprinkel, Treasury undersecretary for monetary affairs, gave Japan's Finance Ministry a month's time to prepare specific plans for liberalizing this country's capital markets in response to a pledge made during Reagan's state visit.

Wednesday, U.S. Ambassador Mike Mansfield called on Foreign Minister Shintaro Abe to complain of the slow pace in bilateral trade talks and to call for a settlement of the beef and citrus import issue by March 31. Such demands contrast with the pattern of more than a year during which the Reagan administration pressed Japan privately to negotiate a number of issues but made a few public complaints about the rate of progress.

One U.S. official said recently that policy could be traced back to a decision Reagan made in February 1983 to adopt a softer approach and cease berating the Japanese government whose new prime minister, Nakasone, had promised to make changes beneficial to the United States.

Reagan sided then, the source said, with a State Department view that Japanese cooperation would improve "if you stopped beating them on their heads over grapefruit juice and defense budgets."

The policy was followed in Reagan's state visit and a series of subcabinet meetings that were arranged to follow up on pledges of cooperation made at that time. Since then, one specific agreement has been reached—renewal, under more favorable terms, of a pact under which Nippon Telephone and Telegraph, the government telecommunications monopoly, would buy more foreign goods.

The Japanese government has promised several changes to meet American demands, including some that would liberalize slightly its capital markets. The United States, as Sprinkel emphasized, does not consider those changes sufficient and the pledges on several other disputes are either modest or as yet ambiguous.

The United States already has given up some bargaining ground on the long-standing dispute over agricultural imports. Last month, an official said, it agreed to abandon its insistence that Japan agree to total liberalization of those imports under a fixed timetable.

Instead, the two countries are now bargaining over a new agreement raising the import quotas on beef and citrus products and they are very far apart.

In the case of beef, for example, the United States wants an annual increase of 10,000 metric tons a year in the Japanese quota. The Japanese government, facing strong opposition from its powerful farm bloc, is offering an increase of only 4,200 metric tons. According to U.S. officials, Japan also has refused to discuss until later in the year a wide-ranging American request to lower tariffs on about 300 items, including about 15 on which the United States is placing heavy emphasis. The major category is paper and wood products.

One of the more volatile issues is a plan by the Ministry of Trade and Industry to place a 15-year limit on any company's rights to protect its computer software and to require compulsory licensing of any company's system whose public disclosure is deemed in the Japanese public interest.

Large American software companies consider this change a threat to their business designed to help Japanese software makers catch up.

The issue has brought heavy industry pressure on the Reagan administration to force Nakasone to intervene in opposition to the ministry's plan.

"If this software issue goes sour, there is a real potential for trade friction," said one U.S. official.

He said if the ministry's plan is upheld, Japanese software will face civil lawsuits in the United States and it could possibly end the protection that Japan's companies enjoy under American copyright laws.

The United States is also objecting to one Japanese ministry's attempt to limit the amount of foreign ownership in any company selling the so-called value-added networks, links between computer systems.

The American position is that there should be no limit on foreign ownership while Japanese officials have talked of limiting that ownership to 20 or 50 percent of a company.

Both the computer software and value-added networks issues are especially irritating to U.S. negotiators because they represent protectionist barriers in new fields, not old ones that have been discussed before.

One U.S. official described them as areas in which Japan is preparing to take "enormous steps backward."

Mr. PERCY. Mr. President, it should also be noted that the Japanese and the Third World producers, for some time now, have selectively targeted those portions of the U.S. market offering the greatest profit margins. Thus while tonnage shipped to the United States may remain static from one period to the next, the product mix may differ radically. This sort of marketing was most apparent in the case of drilling pipe before that market collapsed early last year. At one point imports accounted for one-half of what was then the highest profit item in the U.S. market.

The most glaring and perhaps most dangerous error in the Department's logic, however, lies in its evaluation of the Third World import threat. In the past 10 years, while U.S. steel production capacity dropped, effective world steel-producing capacity has risen by 20 percent. Almost all of that increase has occurred in the so-called Third World. In nation after nation, we have seen steel capacity created that far exceeds the particular country's own needs. In almost every case, the target of this excess capacity has been the U.S. market, which historically has been the least protected in the world.

As a result—notwithstanding the supposed restraints on Japanese and European producers—import competition is now more intense than it ever was. The only thing that has changed is the cast of characters. We now have new players, such as South Korea, Brazil, Mexico, and Taiwan.

In the first 8 months of 1983, for example, South Korea's exports to the United States surpassed those of every country except Japan and Canada. Meanwhile, Brazil's exports to this country in the same period were exceeded only by Japan, Canada, and Korea. Incidentally, it's estimated that South Korea, which has plans to add significantly to its capacity, now exports almost two-thirds of its steel production.

In total, the so-called less developed countries accounted for 44 percent of U.S. steel imports last year, up from 9 percent as recently as 1975. All of which merely proves that our efforts to fix quotas have not limited foreign competition but merely rearranged it.

Not only can one question the logic of the Department in reaching its decision but its facts as well. Take its position on the area of carbon and alloy sheet steel—which is where it determined the merger would produce market concentration. The Department claimed that imports were—quote—not so great—unquote—and that import penetration for these products has been declining in recent years.

Given the fact that the Department's opposition to the merger is based in large part upon its rejection of the argument that EEC and Japanese imports continue to discipline U.S. producers of these products, those are critical claims.

But, if you look at the figures, you find that import penetration for cold- and hot-rolled steel has been rising rapidly in the past 2 years—increasing by 50 percent for each product. More important, the surge continued in late 1983, despite the recently negotiated EEC quotas and the purported restraint of the Japanese.

Imports of hot-rolled sheet accounted for more than 22 percent of domestic consumption in the final 3 months of the year, and cold-rolled sheet imports took 18 percent of that market. As you can see, far from being on a declining trend, imports of these products have been soaring.

If imports were not a factor, as the Justice Department claims, one would have expected a sharp rise in sheet prices charged by U.S. producers, given the strong recovery in the auto sector. Yet, despite continued inflation in their costs, U.S. producers were unable to gain a price increment. While enjoying a 26-percent increase in shipments, American producers had to scrap to match the actual price realizations of the previous year.

Why? The answer is obvious. Falling import prices and rising import shares continued to place heavy pressure on

U.S. producers' prices, despite their rising costs and increasing capacity utilization.

If imports are not a factor, then why did the U.S. Labor Department certify over 172,000 steelworkers for trade adjustment assistance last year.

I suspect that the Justice Department looked too hard at LTV and Republic's ranking as 3rd and 4th largest in the U.S. industry and paid too little attention to the fact that they rate no better than 17th and 21st in terms of world steel producers.

This is a merger that when proposed was hailed as a progressive step forward for the industry. At the time, no one stepped forward to object. No other company in the industry called foul. Labor did not cry out to stop it. Economists did not raise their voice in protest.

Quite the contrary. Each of these groups, along with many in government, urged its approval and speedy implementation.

This is not a Wall Street merger, designed to enrich anyone's pockets. It is a merger born of necessity. Standing alone, the two companies face an uncertain future with the prospects of becoming increasingly less competitive. By combining their operations, however, they have the opportunity to create a new steel company that would be stronger, more efficient, and able to compete in the new world market.

I think it is important to note that, in seeking this solution to their problems, both companies took the position of trying to help themselves. They did not come whinning and begging—looking for handouts—asking someone else to save them. Instead, they made an attempt to stand on their own two feet and shape their own destiny.

The companies have claimed that substantial savings would be achieved if they are given the go-ahead. The Justice Department disputes these assertions. But it is hard to see how significant economies would not result if the two were to combine their facilities and their operations. Certainly, some credence should be granted to a company like LTV's Jones & Laughlin Steel which became the industry's productivity leader following a previous merger that many doubted could work.

If mergers like this are not to be allowed, what is the alternative? The suggestion by Justice—of trading plants and raw material sources, along with informal operating agreements—hardly seems practical. It is also difficult to see how such an approach would result in less collusion than the merger supposedly would have.

No. What Justice did, whether by intent or accident, is to give the industry a strong push down the road toward protectionism. And, if it travels that road, how many others will follow it?

Is this our much heralded industrial policy? Is this the future that we want for American industry? And, if so, are we prepared to live with the consequences?

I think it is time we asked ourselves those questions. I think it is time we asked Justice the same questions. We owe the answers not only to the steel industry, but to the American people as well.

Finally, Mr. President, I ask that an editorial which appeared on March 5, 1984, in Business Week, entitled "Justice Is Dead Wrong," be printed in the RECORD.

The editorial follows:

JUSTICE IS DEAD WRONG

> A lot of economists argue that U.S. antitrust policy should start reflecting the international character of such important—and troubled—industries as steel and autos. But evidently the Justice Dept. has not been listening. Antitrust chief J. Paul McGrath announced recently that Justice opposes a merger between Republic Steel and LTV's Jones & Laughlin Steel and will probably oppose one between U.S. Steel and the steel business of National Intergroup. To survive, the U.S. steel industry must move toward increasing its productivity and competitiveness in an unprotected world market. But if it follows Justice's lead, the industry will, in fact, turn backward—toward a more diminished ability to compete and an even greater dependence on a protected domestic market. This is bad for steel, and given the far-ranging implications for other troubled industries, it is bad public policy.
>
> Only the courts can decide the legal merits of Justice's claims. But its economic reasoning is seriously flawed. The department holds that consolidating the four companies would produce unwarranted market concentration in some products. To reach this conclusion, Justice rejects the argument that imports substantially dilute market concentration. Justice is wrong about this. In addition, McGrath went on to tell the steel industry how to operate—something he knows nothing about and has no legal power to dictate.
>
> Opposition to some given level of concentration in any industry rests on the assumption that large producers could dictate prices or other conditions to the market. But given the level of foreign imports, and their possible future growth, can anybody seriously claim that these mergers would permit the larger companies to set market terms? Explicit in Justice's reasoning was the assumption that extensive protection will be a permanent part of the U.S. steel industry; indeed, McGrath virtually invited the industry to make sure that is the case. With protection assured, Justice maintains, imports would offer little competitive threat to the U.S. industry, and mergers that increase concentration should be blocked.
>
> The serious problem is that the U.S. steel industry should be moving away from protection, which only encourages companies to delay essential restructuring. U.S. Steel Corp. Chairman David M. Roderick made the case for merger: "In the end, America will maintain more of its steelmaking capability by consolidating some of these companies than we will if we look back to laws that were passed in 1890 or 1914 and ignore the international world of steel as it exists in 1984." ●

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, as I understand the situation, the time for the transaction of routine morning business was provided, but without limitation. Is that correct?

The **PRESIDING OFFICER.** That is true.

Mr. BAKER. Will the Chair inquire if there is further morning business?

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

VOLUNTARY SCHOOL PRAYER

The **PRESIDING OFFICER** (Mrs. KASSEBAUM). Under the previous order, the clerk will report the unfinished business.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 73) proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

The Senate proceeded to consider the joint resolution.

Mr. BAKER. Madam President, the process of amending the Constitution is one of the most elaborate and least employed rituals in our democratic system.

Ratification of a constitutional amendment requires the consent of two-thirds of the Senate, two-thirds of the House of Representatives, and three-fourths of the States of the Union.

As a result, we only amended the Constitution 26 times in the past 200 years, and the first 10 of those amendments—the Bill of Rights—were ratified en bloc in the 1790's.

The 16 constitutional amendments ratified since then have ranged from the reach of Federal judicial power to the voting rights of 18-year-old Americans, have dealt with the abolition of slavery, the imposition of a Federal income tax, the popular election of Senators, and women's suffrage among the other important matters addressed in the constitutional form.

This history of relatively rare revision is a powerful testament to the original brilliance and enduring strength of our national charter. In total, 16 of the Constitution's 26 amendments have to do with the guarantee of civil and political rights, and the full extension of those rights has quite properly been the major business of the constitutional amendment process.

It is not my purpose, Madam President, to encumber the Constitution with excess verbiage, but I fear we have reached the point where a 27th amendment is necessary to reinforce the 1st.

The first amendment guarantees to Americans the right to the free exercise of religion and of speech. But the series of court decisions on prayer in public schools has nullified that right as far as tens of millions of schoolchildren are concerned.

The time has long since come to restore that right. Our former colleague, Everett Dirksen, among many others, began this restoration effort some 20 years ago, and it is time we finished that work in this debate. It is time we amended the Constitution to reestablish the right of voluntary prayer in public schools and other public buildings.

Amending the Constitution is a rare and difficult and important enterprise, in which frivolous and transient matters have no place. But religious freedom is not frivolous. "The fervent prayer of a righteous man availeth much." The right to pray is as fit a subject for constitutional protection as any this country has ever considered, and I hope we will grant that protection without further delay.

Mr. MATHIAS. Madam President, the Senate is engaged in the consideration of Senate Joint Resolution 73, a proposed amendment to the Constitution to permit the State and Federal Governments to institute programs of prayer in the public schools and in other public institutions of our Nation. The Committee on the Judiciary reported this proposed amendment to the Senate without recommendation. I continue to believe that that was a mistake and that the committee has failed in its obligations to the Senate. Those obligations include the responsibility to examine meticulously and to debate thoroughly any change in our national charter. After such careful inquiry, the Judiciary Committee should have made a full and complete report to the Senate.

That report should have included a recommendation to adopt or to reject Senate Joint Resolution 73. Instead, to my regret, the Judiciary Committee has chosen to avoid its responsibility. It has forwarded this proposed amendment to the Senate without recommendation. The amendment is accompanied by a report that I can only characterize as superficial. It will be of little use to any Senator who is seriously concerned about the ways in which the amendment would, if adopted, change our society. The uncertainties about the meaning of this amendment have not been examined. The ramifications of its adoption have not been explored. The far-reaching transformations that it may work upon our first amendment liberties have not even been addressed.

Since the Judiciary Committee has failed to give this proposal the critical scrutiny it deserves, that lengthy and difficult task now devolves to this Chamber. I can, I believe, claim to know something about the task required and I can assure my colleagues that it will not be easy.

I was a Member of the other body, serving on the Judiciary Committee at the time the Becker amendment was debated there. That, too, was an amendment to the Constitution on the subject of prayer in the school. It was proposed shortly after the Supreme Court decisions which gave rise to the controversy. The House Judiciary Committee gave that proposal close and careful examination. That examination required 18 days of hearings during the 2d session of the 88th Congress resulting in many volumes of printed records and transcripts. It required many evenings of study of American history and American constitutional law. It required, in short, the comprehensive study which Senate Joint Resolution 73 ought to have, but which it has never received.

My own experience in the intensive inquiry into the school prayer issue occasioned by the Becker amendment left me with the firm conviction that no constitutional amendment should be enacted with respect to school prayer. Such proposals reflect a violation of historic American values. Such proposals are in no sense conservative. Such proposals are, in fact, radical. They invite us to repudiate our traditional policy of separation of church and state, a policy which is inextricably woven into the fabric of our Republic. They beckon us down a detour from the road of American history. Senate Joint Resolution 73 is, in this respect, indistinguishable from its predecessors, which 10 previous Congresses have refused to endorse. This proposal deserves the same fate.

I will not attempt, in these brief remarks, to discuss in depth any of the questions that we must address in our debate on Senate Joint Resolution 73. I will simply list some of the most salient issues before us. I suggest to Senators that we will not be prepared to cast an intelligent vote on this proposal until each of these issues has been thoroughly debated.

First, we must understand what is the status quo. Are the children in public schools in fact, forbidden to pray? If so, who is stopping them? Has God really been banished from our classrooms? If so, what is the omnipotent force that has achieved such a feat?

One of the main tasks before us is to dispel the fog and confusion about the question of prayer in the public schools, a controversy that has generated more loose talk and unsupported assertions than almost any other issue I have encountered in a quarter century of service in the Congress of the United States.

Second, we must understand what this amendment would do. It will, its proponents claim, bring prayer back into the public schools. Leaving to one side the question of whether prayer has ever been removed from the public schools, we must examine this claim very carefully. I believe we will conclude that this amendment would authorize the States, or local governments, to institute a program of State-sponsored prayer, not only in schools—not only in schools—but in other public institutions—in libraries, in museums, in city halls, in firehouses, in police stations.

We must examine what is meant by the term "prayer," in the context of this amendment. I suppose every Senator has a personal mental image of what this term means. Every one of us has an idea of what sort of activity will be authorized in the Nation's schoolrooms if we amend the Constitution along the lines suggested by this proposal. I suggest that our individual mental images may be just a bit out of focus. I think many of my colleagues will be surprised to learn what they will bring into the classroom—and, or course, into the library, the museum, the city hall—when they authorize the State to sponsor "prayer."

Third, we must understand what effect this amendment might have on our society. The proponents paint a rosy picture. It must be comforting to believe that the institution of State prayer in our schools will cure all the ills which beset public education; that it will strengthen the family, the State, and organized religion besides. Buy we must look behind this upbeat image and examine the dark underside of a society in which the province of government and the province of religion are mixed and muddled.

We would find a society which few of us would really prefer to the current situation. We would find a society in which religious factions contend for power on every local school board, on every county council, in every State legislature. We may even find a society in which children are taught that prayer is an anemic verbal formula, a set of platitudes reduced to the least common denominator, rather than the rich and rewarding spiritual experience that many of us know it to be.

We will certainly find a society in which children of families belonging to religious minorities are ostracized, singled out, and pressured to conform to the religious practices of the majority. And, despite the claims of the proponents of this amendment that these questions should be left to the States and localities, we will find a society in which the Federal Government will inevitably be drawn into the conflict among sects that will permeate our public life.

Finally, Madam President, we must understand more fully the important principles that this amendment seeks to repudiate. We must understand the role which the establishment clause of the first amendment has played, not as a restriction on or an impediment to religious expression, but as a guarantee of religious liberty. We must come to a more profound appreciation of the fact that our Nation has been a haven for all faiths precisely because it has steadfastly refused to become the exponent of any one faith. We must consider why it is that, almost alone among peoples, Americans of literally hundreds of different religious creeds—many of which first developed in our own fertile soil—today live together in harmony and peace. We must decide whether the U.S. Senate ought to take the first step away from the path of religious liberty and diversity, and down a very different road.

Part of this last task requires us to go back to the source. We must study the words and actions of the framers of our Constitution, and of the Members of the First Congress, which approved the first amendment, and sent it to the States for ratification. Certainly the speeches and writings of the principal author of the establishment clause, James Madison, will be of paramount importance. We will need to test the assertion of my friend, the Senator from Utah, that Senate Joint Resolution 73 is consistent with the framework of religious freedom envisioned by Madison. We will also need to consider the events of our later history, especially the Civil War and the adoption of the 14th amendment, and explore their effect on the original meaning of the establishment clause. I believe that this historical study will underscore that approval of Senate Joint Resolution 73 would mark a radical departure from our most cherished national traditions.

As I reviewed some of the historical sources in preparation for this debate, I encountered one episode from our Nation's early days that may be instructive. It is an incident referred to in the President's message transmitting the school prayer amendment proposal and which is repeated in the report on Senate Joint Resolution 73. But these documents tell only part of the story, and we should hear it all.

On June 28, 1787, the Constitutional Convention was in session in Philadelphia. The Convention was not making progress. It was mired in controversy over the balance of powers between the States and the new National Government. The arguments of the partisans of the various positions were becoming more heated, longer, and more repetitive. As that session of the Convention opened, Luther Martin, coincidentally from Maryland, took the floor to resume his discourse that had already occupied the entire proceedings of the previous day. Madison, in his Journal, noted that Martin spoke "with much diffuseness and considerable vehemence." On that June morning, the prospects did not look bright for the project of forging a new Union to replace the Articles of Confederation.

It was at this point that the elder statesman of the Convention, Benjamin Franklin, made his famous motion: That each session of the Convention should be opened with a prayer. Franklin's plea, part of which is reproduced in the report of the Judiciary Committee, was eloquent. I am sure that neither the authors of the report, nor the President of the United States, intended to rewrite the script of history. But it is misleading to assert, as the report does, that "prayer has been part of our public assemblies" since Franklin's request was made.

That assertion implies that the Convention agreed to Franklin's motion. But that is not what happened. The framers of the Constitution, that remarkable assemblage of men who produced our Nation's fundamental charter, never put the motion for prayer to a vote. And the reason Franklin's motion was not agreed to should be instructive to us all.

The Convention greeted Franklin's request with a variety of objections. These are summarized by Carl Van Doren in his book "The Great Rehearsal," from which I quote:

> An unsupported legend has grown up about Franklin's proposal and its effect on the Convention. The facts appear to be simple. Sherman seconded the motion. Hamilton and several others expressed a variety of opinions. To begin prayers now, so late in the session, might cause talk, and lead the public to suspect that there was trouble behind the closed doors. It was not the Quaker custom to have prayers at political gatherings, and this was Philadelphia. Among the delegates were members of various Protestant denominations—Quaker, Episcopalian, Presbyterian, Methodist, Baptist—and Roman Catholics.

Benjamin Franklin was a wise man; the Constitutional Convention benefited greatly from his wisdom. But in this instance, the other delegates were wiser by far. This was an assemblage riven by deep divisions, embarked on a difficult journey, with dozens of conflicting ideas about the best route to take. The differences among the delegates were not only political, but religious as well. No attempt to fix upon one prayer that would be acceptable to all could possibly succeed. Franklin's proposal, far from encouraging a sense of unity of purpose, could only aggravate the conflicts that were already crippling the Convention.

As is often the case in this body, one delegate to the Convention tried to paper over the disagreement with a compromise. Here is what Madison reported about that plan:

> Mr. Randolph proposed, in order to give a favorable aspect to the measure, that a sermon be preached at the request of the Convention on the Fourth of July, the anniversary of Independence; and thenceforward prayers, &c., to be read in the Convention every morning. Doctor Franklin seconded this motion. After several unsuccessful attempts for silently postponing this matter by adjourning, the adjournment was at length carried, without any vote on the motion.

Today, 197 years later, we seem to be speaking the same lines on a different stage. In 1984, our Nation is incomparably more diverse in its religious beliefs than it was in 1787. The unity that some would seek in a single, State-sponsored prayer system—or even in 50 systems in the 50 States—is more illusory than ever.

Madam President, the challenges which our Nation faces today are daunting. We are up against budget and trade deficits of staggering proportions, deficits which threaten the prosperity of our own country, and the financial health of every other nation in the world as well. Wars are raging—fierce, bloody, calamitous wars—in half a dozen spots on the globe, in several of them our Nation's involvement is much too close for comfort. Looming over all is the threat of thermonuclear extinction, and the unsurpassingly difficult task of negotiating a way out of the spiraling nuclear arms race.

Our people are deeply divided over how best to deal with these perplexing problems. Like our predecessors in Philadelphia that summer so long ago, we must sometimes be tempted to lay these conflicts to one side, and to embrace the idea of state-sponsored prayer as a panacea that will, somehow, heal the divisions among our people, and allow us to move forward in unity. The President of the United States seeks to play the role of Franklin, calling on us to adopt his prayer amendment. My friend, the Senator from Utah and my friend the majority leader, like Randolph in Philadelphia, are waiting in the wings with their compromises.

I hope we are as wise in this case as the delegates were in Philadelphia. We should listen carefully to the proposals to amend the Constitution to provide for prayer in schools and other public institutions. We should examine them with care. And we should reject them.

Mr. BAKER. Madam President, with reference to the remarks of the Senator from Maryland (Mr. MATHIAS), I have never been compared to Randolph or Hamilton, let alone Franklin.

Mr. MATHIAS. That was Edmund Randolph.

Mr. BAKER. Not Jennings Randolph?

Mr. MATHIAS. No

Mr. BAKER. I am grateful for the comparison.

I must say that I have always contended—and this is something I will not elaborate on extensively at this point—that one of the elements of the brilliance of the Constitution—design for the Republic is not only its clarity and directness on most issues but also its studied imprecision on others. It is that very imprecision that has permitted us to evolve a body of law by judicial interpretation and by statute that has accommodated our representative system to changing circumstances over the past few hundred years plus.

I have an idea that all the delegates to the Constitutional Convention might be amazed to find not only the formal document but especially its interpretation by courts who have turned their loving gaze on it since it was first created. But it is a living document and will continue to change, as it should, as time goes by.

Madam President, I thank the distinguished manager on this side for permitting me to make this statement and the distinguished Senator from Connecticut, who is in the Chamber, and I yield the floor.

Madam President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HATCH. Madam President, in order to clarify any confusion on the pending constitutional amendment, Senate Joint Resolution 73, let me summarize once more what this amendment does and does not achieve. My discussion yesterday with our distinguished colleague from Arkansas (Mr. BUMPERS) leads me to believe that there are a great many misconceptions about the objectives of the President's proposal.

The purpose of Senate Joint Resolution 73 is to overturn the decisions of the Supreme Court in its Engel and Abington decisions in 1962 and 1963 and restore the right of local communities to permit public school prayer. These decisions interpreted the establishment clause of the first amendment to prohibit even voluntary exercises in school prayer by students. As I pointed out in my opening statement on Monday, these decisions adopted an understanding of the first amendment sharply at odds with its traditional understanding, and overturned the laws of more than 40 States. In the place of a conception of the first amendment directed toward insuring governmental neutrality among religious denominations and particular religious points of view, the Court substituted a conception in which an absolute and unbridgeable wall of separation was established between the church and all expressions of religious values.

What is perhaps most important is understanding what Senate Joint Resolution 73 would not do. The proposed amendment reflects a responsible effort to balance the deeply felt need by a substantial number of the American people to restore public school prayer, with the equally important need to fully protect the rights and sensitivities of religious minorities.

First, Senate Joint Resolution 73 would not establish any entitlement in any individual or group to require or to participate in public school prayer. Despite the suggestions of the Senator from Arkansas, nothing in this proposal would authorize Rev. Sun Myung Moon or any other religious leader, or any individual, to demand prayer in any public school. The decision on whether to allow prayer, and what form of prayer to allow, would be solely within the discretion of the appropriate school authorities and State of local officials. Such individuals could restore the opportunity for prayer; they could restore an occasional opportunity for prayer; or they could refuse to allow any opportunity whatsoever for prayer. There would be no uniform, constitutional mandate of any sort.

The Senator from Arkansas is confused in his reading of the proposed amendment. The fact that "nothing in this constitutional amendment shall be construed to prohibit voluntary school prayer * * *" does not mean that local officials are without authority to prohibit such prayer. In other words, the dismantling of constitutional obstacles to prayer is not the equivalent of imposing an affirmative obligation to allow prayer on the part of local officials or school authorities. Under our Constitution, State governments, unlike the National Government, are generally free to do what they choose, in the absence of any constitutional prohibition. No such prohibition on any State action is contained in Senate Joint Resolution 73 relating to the decision on whether to allow school prayer.

To respond again to the particular illustration repeatedly raised by the Senator from Arkansas, neither Reverend Moon nor anyone else could demand the opportunity to pray on the Senate floor or in any public school for the simple reason that Reverend Moon does not set policy in any of these institutions. And of course that would apply to any other religious leader or anybody else in the same manner. Policy in these institutions would be set by the same individuals who presently set policy in these institutions. Senate Joint Resolution 73 would not alter this in the slightest. All that Senate Joint Resolution 73 would do is increase the options values to the administrators of these institutions by allowing them, if they chose, through normal and proper channels, to allow voluntary prayer. Absolutely nothing would compel Reverend Moon or any other church to be accommodated any more than is the case in the absence of this amendment.

Second, Senate Joint Resolution 73 does not require any student to participate in a prayer opportunity that may be provided by local school authorities. As the second sentence of the proposal makes clear, "no person shall be required by the United States or by any State to participate in prayer." Every student would have the right to participate or not participate in prayer and, if they choose the latter, are entitled to be reasonably accommodated by the school in their decision. Indeed, I believe that such authorities must accommodate the nonparticipating student in any reasonable way designed to minimize his burdens in choosing not to participate.

Third, Senate Joint Resolution 73 has no applicability to the meaning of the establishment clause outside of the relatively narrow area of prayer in public schools and other public institutions. The amendment does not seek to resolve any other first amendment controversy outside of this ambit.

Finally, Senate Joint Resolution 73 is explicity in its prohibition upon the State drafting or composing the actual language of any prayer to be recited. The State would be precluded from being involved in the business of authoring any statement of reverence or devotion.

Madam President, let me also respond briefly to statements made by two other distinguished Members of this body. The Senator from Connecticut (Mr. WEICKER), who has played such an energetic role in this issue, has repeatedly challenged me and other advocates of this amendment to point to any court decision outlawing a genuinely individual exercise in prayer. As I indicated yesterday, I am unable to do this. I am unable to do this largely because it is impossible to do this by virtue of the Senator's own definitions. The Senator is unpersuaded by cases in which the courts have stricken down purely voluntary prayers; he is unpersuaded by cases in which the courts have stricken down silent prayer, the most individual and personal expression of prayer possible; and he is unpersuaded by cases in which the courts have stricken down student-initiated prayer. The Senator wants me to give him cases in which wholly individual prayers have been ruled unconstitutional—prayers in which students pray to themselves for better grades or prayers in which members of the student body pray for a team victory in basketball. Of course, I cannot point to court decisions of this sort. The Constitution, by its very character, is a limit on State action, on public action, on governmental action. I can only point to cases in which such action has been involved; else, there could be no conceivable constitutional controversy.

Of course, the Government cannot outlaw a student praying to himself when he or she chooses. That point is irrelevant. Although the Senator from Connecticut did not seem to understand my point yesterday, this is the equivalent of saying that prisoners in Siberia cannot be prevented from praying for their salvation whenever they choose. The Senator's point is the equivalent to saying that the State cannot mind read. So what? The issue as the Senator knows is voluntary prayer, voluntary group prayer, voluntary group prayer accommodated by school authorities. That is the issue we are debating here.

Let me also clarify once more for the Senator from Connecticut the point of my observation that there are substantial majorities of the American people who favor a constitutional amendment relating to voluntary prayer. Never have I used that as the sole justification for this amendment. I am quite in agreement with the Senator from Connecticut that matters of public policy—in particular matters of constitutional policy—should not be determined by public opinion polls. Especially in complex areas, one cannot boil down controversies to a one-sentence poll question. The significance, however, of the polls on this issue is twofold: First, they make clear that the consensus of values—religious values—that has always been at the foundation of this Nation, and which motivated the drafting of the establishment clause, remains in this country today. In other words, the Supreme Court's decisions in Engel and Abington, in sharply altering the longstanding interpretation of the establishment clause, cannot be defended on the basis of evolving public opinion, or changing American values. In short, the Supreme Court altered the meaning of the Constitution, not in response to changing modern perspectives, but out of their own policy preferences. This is not the appropriate means by which our Constitution ought to be amended; second, the public opinion polls make clear that there is a consensus in this country in support of school prayer that is, by no means, limited to members of majority-religious groups. In fact, such support spans the political, the cultural, and the religious spectrum. Whatever difference in attitudes there are among the American people on this issue—and the degree of consensus is remarkable—this difference is not easily perceived on the basis of religious affiliation.

Thus, Madam President, I wish to make clear once more that I am not urging support for Senate Joint Resolution 73 or any other proposal on the basis of a "nose count" among the American people, but am only suggesting that the existence of overwhelming majorities in support of the proposed amendment is instructive in demonstrating, first, the asbolute indefensibility of the Supreme Court reinterpreting the meaning of the Constitution in this area; and second, the fact that religious majorities and minorities are no more or no less disposed for or against the proposed amendment.

Let me now respond briefly to the remarks of two other colleagues yesterday. First, let me respond to the distinguished Senator from Missouri (Mr. EAGLETON) who has commented on the so-called equal access provision of my proposed constitutional amendment (S.J. Res. 212). Although this measure is not now before this body, let me simply emphasize to my friend that his criticisms of this provision were largely based upon a misunderstanding similar to that of the gentleman from Arkansas. The equal access provision of that amendment are not mandatory; they are not affirmative obligations. What that measure simply says is that "nothing in the Constitution" shall prohibit any school policy of equal access to the use of school facilities by religious and nonreligious, voluntary student organizations. There would be no requirement at all that any school, in fact, adopt such a policy. They would simply be protected from constitutional challenge, if they chose to do so. While constitutional barriers to equal access would be eliminated, there would be no affirmative requirement that any district adopt an equal access policy or any other internal policy. That is an important point and I believe that it mitigates many of the concerns raised by my friend from Missouri.

This Senator does not favor, either in the area of voluntary prayer or equal access, that the Constitution or the Federal Government mandate any uniform national policy. I strongly believe that the State and local governments ought to be making decisions in these areas, whether or not this Senator is in agreement with those decisions. That was my attitude in last year's debate on the proposed "human life federalism amendment" which I introduced along with the Senator from Missouri. Instead of a single national policy being imposed rigidly and inflexibly upon the entire country in highly divisive areas of social policy, let us restore decisionmaking authority to the people themselves through their State and local officials. I am at least as confident in their ability to resolve conflicts and accommodate competing interests and respond to unique local circumstances as I am of that of the Federal courts.

Finally, let me respond to the distinguished Senator from Vermont (Mr. LEAHY), my friend and colleague on the Subcommittee on the Constitution. Although he was kind enough not to refer to me by name, he was clearly referring to me in his condemnation of a statement to the effect that religious minorities ought to be tolerant of majorities because when we Americans are abroad we are expected to be tolerant of majority cultures and religious views abroad. That is not a statement that I would agree with, and not one that I believe I have said.

What I was doing rather was quoting from what I believe remains a thought-provoking observation by the former dean of the Harvard Law School, Erwin Griswold. Because it is such a perceptive statement, let me offer it in full again and call it to the attention of my friend from Vermont:

> When the prayer is recited [in public school], if [the dissenting] child or his parents feel that he cannot participate, he may stand or sit, in respectful attention, while the other children take part in the ceremony. Or he may leave the room. It is said that this is bad, because it sets him apart from other children. It is even said that there is an element of compulsion in all this—what the Supreme Court has called an "indirect coercive pressure upon religious minorities to conform." But is this the way it should be looked at? The child of a nonconforming or minority group is, to be sure, different in his beliefs. That is what it means to be a member of a minority. Is it not desirable, and educational, for him to learn and observe this, in the atmosphere of the school—not so much that he is different, as that other children are different from him? And is it not desirable that, at the same time, he experiences and learns the fact that his difference is tolerated and accepted? No compulsion is put upon him. He need not participate. But he, too, has the opportunity to be tolerant. He allows the majority of the group to follow their own traditions, perhaps coming to understand and to respect what they feel is significant to them.
>
> Is this not a useful and valuable and educational and, indeed, a spiritual experience for the children of what I have called the majority group [as well]? They experience the values of their own culture; but they also see that there are others who do not accept those values, and that they are wholly tolerated in their nonacceptance.
>
> [D]oes the fact that we have officially adopted [religious] toleration as our standard mean that we must give up our history and our tradition? The Moslem who comes here may worship as he pleases, and he may hold public office without discrimination. That is as it should be. But why should it follow that he can require others to give up their Christian tradition merely because he is a tolerated and welcomed member of the community.

No long ago, I was in Tunisia, a country in which the overwhelming majority of the people are Moslem. While there, I expected to comply with their laws and customs. They are a tolerant people, and did not seek to compel me to participate in any of their

> religious observances. But it would have seemed most inappropriate to me to have taken advantage of this tolerance and to have sought to interfere with their customs simply because they were not mine.
>
> In a country which has a great tradition of tolerance, is it not important that minorities, who have benefited so greatly from that tolerance should be tolerant too, as long as they are not compelled to take affirmative action themselves, and nothing is done which they cannot wait out, or pass respectfully by, without their own personal participation, if they do not choose to give it?

In other words, Madam President, I was quoting from a distinguished scholar of constitutional law, not for the purpose of suggesting that any citizen in this country was to be treated as a foreigner—hardly—but to demonstrate that school prayer could be a broadening and educating experience insofar as understanding other people and learning to respect and accommodate their differences. It was also to demonstrate that there is such a thing as a distinctly Western culture—a Judeo-Christian, liberal culture—that deserves to be respected and tolerated and accommodated to the same extent as other cultures and other religious perspectives.

The school prayer issue is an agonizingly difficult one. Because it is so sensitive an area, and one in which misunderstandings seem to arise far too easily, I appreciate the opportunity to clarify some of the matters involved in yesterday's debate. I wish to make clear to my colleagues that I respect the sincerity and deeply felt nature of their convictions on this issue, and hope that they feel similarly. Despite what may seem to be wide differences on the merits of the proposal before us, I believe that there is far more shared agreement on the values of our Constitution than there is difference. I hope that a difficult debate can be made slightly less difficult if each of us take special care to avoid simple statements and generalizations. The importance of the issues involved here require nothing less.

Mr. President, I understand the distinguished Senator from Iowa is here. I will now yield to him.

The PRESIDING OFFICER (Mr. HECHT). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank the Senator from Utah for yielding. I appreciate his comments. I am sorry I was not in the Chamber to listen to all of his remarks.

Mr. President, I want to express my gratitude for his leadership as chairman of that very important subcommittee, for helping to get this issue to the floor. I was involved a year ago with so many of the negotiations that he had to work out or refine this issue. His leadership was particularly helpful at that point or this issue would not even be where it is today.

I think all Americans should be grateful for his assistance in this area.

Mr. President, today we continue in earnest a historical debate which I hope will result in the restoration of our first civil right, freedom of religion, and the right to exercise that freedom in our Nation's schools and other public buildings. This debate marks the culmination of two decades of efforts to restore the first amendment to the Constitution of the United States to the meaning intended by its authors.

The first amendment to the Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." For nearly two centuries this right to exercise one's religious belief was protected. But with the Supreme Court's decisions in Engle against Vitale and Abington against Schemp in 1961 and 1963, respectively, an assault on religious freedom began to undermine the very basis of our society. Today, it is necessary for Congress to step in and restore to the people of the United States a right that they possessed until 20 years ago. In receiving the support of two-thirds of both Houses of Congress and three-fourths of the States, Senate Joint Resolution 73, would return the first amendment to its intended meaning.

The issue we are faced with today is not merely the question of whether prayer shall be allowed in public classrooms but one which reaches into the depths of why this Nation was founded and the rich heritage that we as Americans have today. It is of little wonder that the first individual freedom the framers of our Bill of Rights dealt with was in regard to religious freedom. The establishment clause was originally intended to serve two basic functions: First, to prevent the establishment of a national religion or church and second, to prevent Congress from interfering with those States which has established churches of their own.

Many in our Nation have been guided into believing that our Constitution was put up as a wall between the church and state. This is a grave error. The first amendment was intended so that individuals would have the freedom to express their beliefs in every aspect of life. An individual's religious beliefs cannot be excluded from the educational system because it is a part of that individual's education, or of the formation of that person's character, judgments, and personality.

From the Constitutional Convention until the Supreme Court's decisions of Engel against Vitale and Abington against Schemp, children had gathered in prayer at the beginning of school days and Congress has been opened with prayer even to this very day. What drive caused these men to instill the first amendment into the Bill of Rights and to acknowledge God each day at the beginning of Congress? Was it not the fact that these men believed in the guidance of God and the power of prayer? Are we simply to deny and throw out the window our heritage and the freedoms therein and become a nation that is not unlike any other? A nation, a government, should reflect the people that live in it. Is this decision to be made only by a minority of legislators or is it not right to let the people of the community decide whether or not their children should have the right to voluntarily pray in their classrooms?

Mr. President, I note in some of the news reports and public statements of opponents of school prayer a portrayal of this measure as some sort of aberrational effort by radicals to impose upon America's young people a particular religious belief and force them to engage in group prayer. It is therefore worthy of note that one of the most vocal advocates of voluntary school prayer was the father-in-law of our present majority leader, the late Senator Everett M. Dirksen of Illinois.

Senator Dirksen, who served with great distinction and honor as the minority leader of this body, considered the failure to pass a constitutional amendment similar to this one to be one of the greatest shortcomings of his political career. I have often thought that Senator Dirksen would look with great pride at the successes of Senator BAKER. I have often thought that Everett Dirksen should be with us to see the Senate return to the constitutional efforts he worked so hard to achieve. But I have also thought about what has happened in our country since Everett Dirksen lost that battle and we lost his eloquence.

In the 14 years since Everett Dirksen's death, more than 50,000 of the "gallant men" he spoke of lost their lives in Vietnam only to see that nation conquered.

In the 16 years since his death, drug abuse has become rampant in our society, and the use of cocaine has become so socially acceptable that there have been allegations of its use by Members of Congress.

One-third of the pregnancies in this country today end in an abortion. The taking of innocent human life, it seems, has become a socially acceptable means of birth control.

The President of the United States was shot and seriously wounded by a sick young man to impress a movie actress, and the would-be assassin was subsequently found "not guilty by reason of insanity."

The concrete barricades in front of the White House and State Department and the security measures outside the Senate Chamber at this very moment are a constant reminder that

America and its values are under attack.

While I do not suggest that all that has transpired is the result of the Supreme Court's taking prayer to God out of the classroom, I do believe that there is a link between the removal of religious belief and practice from our educational institutions and the diminution of our society's moral strength. More importantly, Mr. President, I believe that the framers of our Constitution knew this and believed that acknowledging the supremacy of God was the best way to preserve the supremacy of the people over the Government. I believe that this interest was that the framers wanted to protect by the first amendment as they wrote the Bill of Rights a couple of years after the signing of the Constitution.

The experience of the framers was of 18th century Europe, where the church had become an arm of the state and the people, in turn, became servants of Caesar. This corruption of church and state caused Thomas Paine to write in "The Age of Reason":

> All national institutions of churches appear to me no other than human inventions, . . . set up to terrify and enslave mankind, and monopolize profit."

Mr. President, in many ways this debate is centuries old. It is as basic as the question: "Who is Lord? God, or Caesar?"

The framers of our Constitution saw the corruption of the churches of Europe and the way in which they were used as instruments of the state to control the people. Because of this, they sought to forever guard against the domination of Caesar and that was the purpose of the first amendment. But when the Supreme Court altered the meaning of the first amendment to prohibit voluntary participation in public prayer in schools, it took the first step back to the days of Lord being Caesar, and the people his servants. I regret that subsequent lower court decisions have taken even greater steps to this end and created a chilling effect on religious freedom. Today, the notion that the state is the servant of the people and that the state has only those powers delegated to it by the people is derided as somehow being "quaint" or "impractical."

Mr. President, the very purpose of the Pilgrim's immigration to the shores of this vast continent was to find a place where they could practice their religion free of harassment by the state. Today, the United States, a nation founded for the purpose of religious freedom, jails the fathers of students in Nebraska's Christian schools because they will not submit to certification by the state. Today, the very words of the first amendment, which were intended to insure the free exercise of religion, are twisted in some ways to deny religious freedom or, if not to deny religious freedom, to deny all aspects of practicing that religious freedom as it might suit individuals' desires.

The framers were for the most part religious men. Most of those early people shared what we today would call Judeo-Christian values. The Declaration of Independence and the Constitution of the United States reflect their deep belief and values. In the "Age of Reason," revolutionary leader Thomas Paine wrote:

> I believe in the equality of man; and I believe that religious duties consist in doing justice, loving mercy and endeavoring to make our fellow creatures happy.

One can see the thoughts of Paine in the words of the Preamble to the Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal. That they are endowed by their Creator with certain inalienable rights. That among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers, from the consent of the governed.

Again, Mr. President, I remind my colleagues that the first amendment states that:

> Congress shall make no law respecting an establishment or religion, or prohibiting the free exercise thereof.

It does not state that:

> The right of the people to engage in voluntary prayer may be denied in any facility supported in whole or in part by public funds.

For if it did, we would not even be able to have prayer in this very Chamber we speak in today. But that is, in effect, the way the first amendment has been rewritten by the courts as far as it relates to most public buildings, particularly the classroom.

Mr. President, I am a believer in the power of prayer. Accordingly, I would hope that at some time during the school day my own children, if they wished to, would have the opportunity to voluntarily acknowledge through prayer their belief in and dependence upon God without having that opportunity dampened, discouraged, or prohibited by the State or by teachers, and that they could do that orally if they wanted to.

The decision of the Supreme Court on Monday in Lynch against Donnelly, et al. is a positive step toward restoring the first amendment's historical meaning. But this decision in no way makes constitution amendment unnecessary for it stops short of reversing the Abington and Vitale cases. The Court could not reverse its prior holdings without similar facts being presented to it.

But as the Chief Justice just Monday points out in that Lynch opinion, the first amendment does not require a "wall of separation" between church and state. This is a "useful metaphor," he says, but not an accurate depiction of the constitutional requirements. Again in the Lynch case, the Chief Justice points out:

> The day after the first amendment was proposed, Congress urged President Washington to proclaim "a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts, the many and signal favours of Almighty God."

Furthermore, quoting prior Supreme Court decisions, the Chief Justice stated that it "has never been thought either possible or desirable to enforce a regime of total separation . . .".

Indeed, Mr. President, it seems clear that prayer in the public schools never was a violation of the Constitution, and the court decisions concluding it was in error. However, the 5-to-4 margin of the decision demonstrates that religious freedom is still fragile. Congressional action is needed in order to restore the first amendment to its original intent.

I share the concerns which some of my colleagues have expressed about the peer pressure that may be visited upon some students who do not wish, for whatever reason, to enage in prayer in school. But I stress to them that this unjustified pressure should not have the opposite effect—of prohibiting prayer by the State merely because of adolescent sensitivities.

There are, it seems to me, two questions that Senators should ask themselves in voting on this measure. An affirmative answer to either of them should cause them to vote in favor of Senate Joint Resolution 73. The first question is whether or not prayer should be allowed in the public schools? The second question is whether or not the Constitution, as intended, permits voluntary prayer in public schools? I believe the answer to both of these questions is an unequivocal yes. But even if my colleagues doubt the wisdom of prayer in the schools, they should vote in favor of this resolution as the first step to restoring the Constitution to its intended meaning.

Mr. President, I believe the people in this Nation to not want to throw prayer out of the public school system. The precedent of prayer has been firmly rooted in the history of our Nation. I do not believe the framers gave the power to the courts to alter the original meaning of the Constitution without the approval of the States. I believe, for principle's sake, that we as legislators need to pass this bill out of Congress so that the people of this great Nation may decide, as a majority, to either allow prayer in or out of the schools.

We need to allow the people to once again govern themselves on an issue as paramount as this one, the right to voluntarily pray in a public classroom.

Five judges should not be allowed to change the history and tradition of this country.

Mr. President, in closing I commend to my colleagues the words of our first President, Gen. George Washington, who wrote in 1789:

> The liberty enjoyed by the people of these States of worshipping Almighty God . . . is not only among the choicest of their blessing, but also of their rights.

Mr. President, since I was yielded the floor by the Senator from Utah, I say to him that I have completed my statement and yield back.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, the issue of prayer is not trivial. To hundreds of Oregonians who have called my office, this is an issue of heartfelt importance. But as Senator DANFORTH so eloquently stated on the Senate floor, the religious groups who oppose Senate Joint Resolution 73 also are acting out of deep conviction, and I happen to be one such person.

The central question in this debate as I see it is simply:

How can we adequately protect the right of our people to be free from having an alien religious practice forced upon their children by governmental action, but at the same time allow them to freely exercise their own religion without government hostility. In my view, Senate Joint Resolution 73 fails to measure up to this crucial standard.

Objections to the pending prayer amendment that I wish to comment on:

First, I think if you look at the pending prayer amendment you will find that amendment looks to the State, to the teacher, and to the school board to initiate, orchestrate, structure, and organize prayer or religious activity in our public schools.

Second, the pending prayer amendment fundamentally alters the careful balance in the first amendment between the free exercise clause and the prohibition against the establishment of religion. When our Constitution was established, no other nation provided so carefully to prevent the combination of the power of religion with the power of the national government. According to Professor Malone of the University of Virginia, the preeminent scholar of Jefferson who has authored a six-volume study on the third President, entitled "Jefferson and His Time," the intolerance of religious leaders when they obtain political power was a driving force behind the first amendment. And history has proven Jefferson to be correct. Where government sponsors, initiates, and dominates in matters of religion, there is stagnation, monolithic church institutions, and little creativity. Where government stays neutral and benevolently accommodates the religious expressions of all, religion flourishes and a vitality is evident in the healthy diversity of religious practices. In my view, there is nothing wrong with the first amendment as it is presently written. Let us abstain from enacting wholesale alterations in its language that could do serious damage to the religious liberties that we all hold so dear.

Third, the pending prayer amendment violates another central premise of the first amendment, and that is that government should be prohibited from favoring certain religions at the expense of others. According to Professor Cord of Northeastern University, who has been sharply critical of the Supreme Court's decisions on the establishment clause, "daily Bible reading and the recitation of the New Testament's Lord's Prayer elevates the Christian religion into a legally preferred status forbidden by the first amendment."

He further notes that:

> A prayer amendment which is so openended as to constitutionally sanction all group prayer in public schools clearly departs from our first amendment heritage. It excludes no prayers. Those that are exclusively Christian, exclusively Catholic, exclusively Jewish, exclusively Atheistic, and so on would be given constitutional protection. In essence, the content of public school prayer would become a political football for local jurisdictions. If this is what returning God to our public schools really entails, I would suspect that many proponents of the prayer amendment would want no part of it.

The primary thrust of these objections to Senate Joint Resolution 73 apply as well to other constitutional amendments that are being floated around as potential compromises. Let me reiterate again. There is nothing wrong with the first amendment in its present form. It has served us well. While we may individually disagree on various Supreme Court decisions from time to time let us pause carefully before we fundamentally alter the balance that already exists. In my view, there is no overwhelming defect that demands a constitutional remedy.

What is really behind the school prayer controversy, we might legitimately ask.

In the 1962 landmark decision of Engel against Vitale, the U.S. Supreme Court ruled that the recitation of prescribed nondenominational prayer by government officials violated the first amendment's protection against the establishment of religion.

In language that echoed the warnings of Madison, Justice Black noted that the first amendment "rested on the belief that a union of government and religion tends to destroy government and to degrade religion."

In his opinion, Justice Black wrote that:

> The establishment clause thus stands as an expression of principle on the part of the founders of our Constitution that religion is too personal, too sacred, too holy, to permit its "unhallowed perversion" by a civil magistrate.

Since that decision, the Supreme Court's ruling has been claimed for the deteriorating quality of public education, for the breakdown of the American family, for the decay in moral principles, and abdication of governmental institutions to the norm of secular humanism.

In articulating its support of the President's prayer amendment the editors of Christianity Today wrote:

> By no means do we wish the school to replace the church and the home as the primary source of religious instruction to the young. But no one denies that the American public school plays a decisive role in transmitting culture in our society. It is to the degree a person thinks religion is important that he will be unwilling for this crucial influence upon the young of our nation to be totally divorced from religious influence.
>
> Moreover, we dare not teach our youngsters that religion is a purely private affair that does not affect public life. Religion deals with one's ultimate commitments and, if genuine, affects every area of life. It is important, therefore, to see that the state is not the highest authority. Like every other aspect of human life, the state, too, is subject to a higher divine law of righteousness and justice.
>
> Pluralism in America does not mean or require that our government must root out every vestige of religion from public life.

In his 1964 dissent in Abington against Schempp, Justice Stewart noted that the total absence of religious exercises in public schools places religion at a state created disadvantage. It is viewed not as state neutrality, "but rather as the establishment of a religion of secularism."

Prof. Nathan Glazer views the school prayer drive as a defensive reaction of the conservative heartland that is seeking to keep traditional values in a preferred position in our public schools. These proponents reject the very notion of "value-free education." When strict separationists seek to confine all religious expression to the church and to the home, enormous tension is created in our political process and in our schools. As the distinguished Luther Pastor Richard Neuhaus summarized in a 1981 address to the Harvard City Club:

> If our only choice is between the militant fundamentalism of the Moral Majority and the militant secularism of the American Civil Liberties Union, the outlook is not encouraging.

There is an alternative, S. 815. But there is a better alternative. The first amendment to the U.S. Constitution sets limits on the ability of government to promote, establish, and inculcate religious beliefs in public school students—but it sets no limit on student-initiated prayer or religious discussion during noninstructional time periods. Instead of concentrating upon a school prayer amendment, I urge my colleagues to devote their energies to rooting out ridiculous barriers that have been erected to forbid voluntary meetings of students who seek to meet and pray in nondisruptive ways.

A growing number of Federal courts have expanded the prohibitions on the sponsorship by the state of religious activity in public schools to encompass equal access policies adopted by school boards as well as student requests to meet on their own time before or after school hours for prayer, devotional reading or religious discussions. These prohibitions are hostile to the rights of religious expression and, in my view, violate the free speech rights of students.

In the Lubbock School Board case, 23 Senators joined with me in filing a friend of the court brief asking the Supreme Court to grant a hearing and reverse the decision. In that brief, we argued that:

> Neither legislation nor a constitutional amendment is required to permit a school to open its facilities for all appropriate student-initiated and student-managed activities including, if the students wish, religious activities. The Constitution already so provides. The Establishment, Free Exercise and Free Speech clauses of the First Amendment require treatment of such activities in a neutral manner. Consequently, public schools properly may allow students equal access to school facilities for voluntary, extra-curricular, religious speech and assembly.

As the original sponsor of equal access legislation that was introduced on September 17, 1982, I want the Senate to know that I am adamantly opposed to the idea of including equal access language in a constitutional amendment for it undercuts the very heart of my legislation. A student's right to gather together with others for prayer and religious discussion is inherent in the first amendment right now. It comes under the protections of free speech and the freedom of association when an open forum is established by the school. Including this language in a constitutional amendment will significantly reverse the progress that has been made in pending litigation and puts a stamp of approval behind the logic of Brandon and Lubbock opinions. Instead of ill-conceived constitutional amendments, let us proceed to a simple statute that provides a judicial remedy to aggrieved high school students.

Some 26 Senators have joined me in offering Senate bill 815 which would make clear that secondary school students have the right to meet voluntarily during noninstructional time periods for prayer or devotional reading. S. 815 has united a number of Senators who differ on constitutional amendments that permit school sponsored prayer or statutory approaches which deny jurisdiction to Federal courts to decide school prayer cases. But the sponsors of S. 815 agree that the Constitution does not allow our public schools to be hostile to religion.

S. 815 also has the support of religious groups that have opposed school prayer amendments such as the National Council of Churches, the Joint Baptist Committee and Americans United for Separation of Church and State. Moreover, companion legislation introduced in the House by Congressman Bonker will be considered by the House Education and Labor Committee in the very near future. In short, S. 815 can pass this Congress and provide a reasonable solution to the school prayer controversy.

The focus of S. 815 is on student-initiated religious activities instead of the government inculcation of religious belief. Given the strong bipartisan support that this bill has received in the Senate, I urge the Senate to approve S. 815.

Mr President, I send to the desk a copy of S. 815, with modifications, and ask that it be printed in the Record at this point.

There being no objection, the bill, as modified, was ordered to be printed in the Record, as follows:

S. 815

That this Act may be cited as the "Religious Speech Protection Act of 1984".

Sec. 2. (a) Any individual aggrieved or adversely affected by a violation, or by the enforcement of this Act may bring a civil action in the appropriate district court of the United States for such equitable or declaratory relief as may be appropriate.

(b) The district courts of the United States shall have jurisdiction of actions brought under this Act without regard to the amount in controversy.

(c) Each district court of the United States shall provide such equitable relief, including injunctive or declaratory relief, as may be appropriate to carry out the provisions of this Act.

(d) It shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine such case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge), who shall then designate a district or circuit judge of the circuit to hear and determine the case.

(e) In any action commenced pursuant to this Act, the Court, in its discretion, may award to the prevailing party a reasonable attorney's fee as part of the costs.

Sec. 3. It shall be unlawful for a public secondary school receiving Federal financial assistance, which generally allows non-school sponsored groups of students to meet, to discriminate on the basis of the religious content of the speech at such meetings if—

(1) the meeting is voluntary and student initiated;

(2) there is no sponsorship of the meeting by the school, the government or its agents, or employees; and

(3) no activity which is in and of itself unlawful is permitted.

Sec. 4. Nothing in this Act shall be construed to permit the United States or any State or political subdivision thereof to (1) influence the form or content of any prayer or other religious activity, (2) require any person to participate in prayer or other religious activity, or (3) extend public funds beyond the cost of providing the meeting space for student initiated meetings.

Sec. 5. As used in this Act, the term "secondary school" means a public school which provides secondary education, as determined by State law, except that such term does not include any education provided beyond grade 12.

Sec. 6. The provisions of this Act shall supersede all other provisions of Federal law that are inconsistent with the provisions of this Act.

Mr. **HATFIELD.** Mr. President, the thing that concerns me at this point in time is that—not that I own a bill that I introduce; I recognize it becomes the property of the Senate—I have not had any consultation with those who have taken the initiative to add this to the constitutional amendment.

Now, notwithstanding that—and I cannot hang any major objection to that action being taken on the basis that I had not been consulted—let me say that I refrained from raising this bill or the content of this bill at this time because I felt that the Senate ought to have an opportunity to deal with the issue of a constitutional amendment procedure. It was also felt that it might undermine the possibility of that constitutional amendment being passed by raising this other issue on equal access.

I accommodated that request. I refrained from offering that. Then I awaken to the fact that that has been offered and combined, fused, linked to the constitutional amendment.

Now it is more than, again, let me emphasize, whether or not this was done with or without my consent or whether or not I was acting in good faith to refrain from raising this on my own volition. But I think it raises confusion on what has been clarified as it relates to public universities and colleges. Let me explain.

We have had a case that went to the Supreme Court in which students who had asked to use public university facilities for religious purposes had been denied the right to use such facilities. That case was taken to the U.S. Supreme Court, and the U.S. Supreme Court ruled in the Widmar case that once a public university or a college had established the right of student to voluntarily organize and use public facilities for student associations of camera clubs, drama clubs, music clubs, or whatever else, that the same university that established the right of forum could not dictate the content of the forum and, therefore, students would be denied their constitutional right to use those same facilities for religious purposes that they could use for every other purpose. Now the Court has ruled on that.

What I attempted to do in S. 815 was merely to apply that same constitutional right that has been extended to university students in public institutions to students at the secondary level.

Now, again, by raising this matter and linking it to a constitutional amendment can create confusion that perhaps the Supreme Court ruling is not sufficient and now we have to go the constitutional route to guarantee those same students in public institutions, even though we are now addressing secondary institutions, the rights that have already been established by the Supreme Court for university students.

And we have a lot of that activity going on now.

We have Canterbury clubs on university campuses, which is Episcopalian; we have Westminister clubs, which is Presbyterian; we have Wesleyan clubs, which is Methodist; we have the Newman Club, which is Roman Catholic; we have the Hillel Society, which is Jewish; and we have the Campus Crusade for Christ, which is a parachurch organization. We have many such groups today that are legitimately and without question operating functions and activities on college campuses.

Now, all of a sudden along comes this constitutional amendment that wants to set up a prayer program for the secondary-elementary school students and S. 815, which deals with the Widmar case, is now being added to the constitutional amendment. It could do nothing but create questions and raise confusion.

So those who think they are promoting religious activity, those who think they are promoting the possibility of spiritual renewal by some kind of civil religion in our public schools, ought to realize that they are also raising some serious questions and confusion among those activities that are now in place and functioning without question in our public universities.

So I oppose the constitutional amendments—all of them—that relate to school prayer, whether it is silent meditation or anything else. It is all part of our civil religion, not spiritual, Biblical faith.

And I do not think it is going to get anybody into Heaven or any place else in the hereafter. And merely because they get goosebumps when they hear Kate Smith sing "God Bless America" or when they pledge allegiance to one nation under God or somehow they go through a ritualistic prayer in schools, they confuse that as being the spiritual sinew of America, the spiritual strength of America. I think that is pretty superficial and not at all in concert with what I feel is Biblical faith that is a foundation of my own religion. And I am not asking the schools to do something for my children that I am not willing to do at home.

I had one lady that spoke to me on my last visit to Oregon. She was very irate because she found out that I did not support the school prayer amendment. She said, "I believe my child should have the right to start every day with prayer." I said, "I do, too, and you ought to start him right at home before he leaves for school."

That is where you start the student day with prayer, in the home, and if the child wants to start his day in school with a classroom prayer, that is still his right. The Supreme Court did not rule voluntary prayer out of the school. It only spoke to the question of prescribed prayer, and the Supreme Court was absolutely right. On the idea that somehow in order to pray we have to go through some form of formality, prayer is of the heart and not of the mouth to begin with. One can even pray standing in the center of the U.S. Senate, without kneeling, without folding your hands, without closing your eyes or breathing a word. You pray out of your heart. That is what every student can do every day in the schools in America. There is no way to enforce any other system.

I commend the Senator from Connecticut who leads the battles here day after day. Sometimes I agree with him and sometimes I do not. He is right on target with this. I commend him for the effort he is extending. He is a foremost defender of our Constitution and our constitutional rights. I would like to associate myself with him in this matter.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, it may shock some people to know that many of our children are breaking the law today. In many schoolrooms across America, classes are opened with prayer or devotional readings. Yet, by decree of the Supreme Court, this is unconstitutional. It is unconstitutional to pray out loud in class. It is unconstitutional to post the Ten Commandments in a classroom. It is unconstitutional to read the 23d Psalm as a devotional exercise.

Given this state of events, I must begin by stating that my personal preference is that an amendment such as Senate Joint Resolution 73 not be needed. I would prefer that the Constitution had been interpreted correctly all along. Unfortunately, however, that is not the case. Therefore, as an original cosponsor of the amendment before us today, I stand firmly in support of a return to the original religious freedoms that our Founding Fathers intended. For 170 years, since our Nation's beginning, individual communities and States had the option of incorporating prayer or religious readings into their children's daily life at school. Then, in 1962, the Supreme Court reviewed a case from New York which challenged a prayer that had been sanctioned by the New York State Board of Regents. That prayer read:

> Almighty God, we acknowledge our dependence upon Thee and we beg Thy blessings upon us, our parents, our teachers, and our Country.

By a 6-to-1 majority, the Supreme Court ruled that this prayer constituted an establishment of religion, thus opening the gates for a series of decisions which, instead of protecting religious freedom, have persistently hammered away at it.

This decision marked a sharp departure from the traditions of this country. At the time of the Engel against Vitale ruling in 1962, tremendous diversity existed in the practices in schoolrooms across the country. With regard to prayer, in one State, it was required, while an additional 17 permitted it; 23 States had nothing on the books to either allow or disallow prayer while 9 States prohibited it completely. The same multitude of options existed with regard to Bible reading. It is very clear that significant regional traditions and sensitivities were important in determining appropriate State law and practices. What might have been considered right for Californians may have been wrong for Oklahomans. Despite this 170-year-old history of diversity and religious freedom, the Supreme Court began, in the 1960's what appears to be an assault on our liberties.

In a stream of decisions, the Court has declared that vocal prayer, devotional readings, and simple acknowledgements of God are no longer allowed in the classroom. Thus we find the contradictions of today: the Senate, the House of Representatives, and the Supreme Court all open their sessions with prayer, but children are prohibited the same. Children recite the Pledge of Allegiance which calls us "One Nation, Under God," yet for 5 to 7 hours a day, they are required to ignore that God. Coins carried in our pockets state what has become our National motto, "In God We Trust"—and the same motto is in the Senate Chamber—and yet such trust has been pushed behind closed doors and limited severely in its expression.

What was the Court's rationale for these broad prohibitions? In short, the

Justices said that for any State to allow publicly funded schools to have any religious activity in the classroom was establishing a religion. Unfortunately, however, the first amendment does not read: "States shall make no law respecting an establishment of religion (period)." It reads:

> Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof. . .

Not only did Engel against Vitale mark a sharp departure from the traditions of the many States, but it also marked the continuance of a sharp departure from the traditional understanding of the first amendment and its appropriate application.

Our forefathers were most wise in the composition of the first amendment. In order to assure an appropriate balance, a two-pronged test was created. Laws must not establish or prohibit religious expression. Implicit in these words was an understanding that the acknowledgement of, and reverence for a Creator are a part of this Nation's heartbeat. Yet, our forefathers also understood very clearly the dangers of having a nationally imposed religion. Thus, the delicate balance of the first amendment was born. For over 17 decades, it has protected us from a national religion or any Federal prohibitions on religious expression.

The error of the Supreme Court is two part. First, they have emphasized the first portion of the amendment—the so-called establishment clause—the detriment of the free exercise clause. In the wake of Engel, Bible reading, the Lord's Prayer, and the posting of the Ten Commandments have all been ruled an establishment of religion. Taking the Supreme Court's lead, State and lower Federal courts have found the distribution of Gideon Bibles to be unconstitutional and, even more alarming, student initiated prayer and Bible reading groups on secondary school premises have also been held to be unconstitutional.

The second error of the Supreme Court as represented in Engel is the application of the first amendment to State law. As noted earlier, the amendment does not read, "States shall make no law" but "Congress shall make no law." When the first amendment was ratified by the States in the 1780's, 6 of the 13 States had State-established religion(s). Surely, if those States had thought that this language was intended to prohibit them from exercising their religious rights, they would never have ratified the first amendment. In fact, Madison even offered language to make the first amendment applicable to State law, but it was defeated in the Senate, thus ruling out this interpretation of the first amendment. Through the language of the 14th amendment, however, the Supreme Court now applies the first amendment to State law, extending judicial power far beyond the delicate balance created by the founders.

Today we have an opportunity to take a small but significant step in returning the proper balance to the first amendment's protections of religious liberty. Clearly the status quo is out of step with the will of the American people. In a Gallup poll taken in September of last year, 82 percent of all Americans polled indicated they had heard of the existence of a constitutional amendment to permit voluntary prayer in public schools. Of those who were aware of the amendment, 81 percent favored its passage. There are many, many Americans who resent the Supreme Court's prohibition of prayer in the classroom. But there are even more who resent the fact that the Supreme Court is even making such decisions for their children, community, State, and the entire country. The amendment before us today is a modest one. It would allow—but not mandate—vocal prayer by an individual or group in any public building, including schools.

In response to the fears of religious tyranny by the States, this amendment prohibits any State composed prayer from being used in the classroom. Religious diversity is acknowledged and protected. In addition, no student or any other individual in a public place can be compelled to participate in prayer. We have simply returned the option of an acknowledgment of our Creator in schools and other public buildings back to the American people.

Should we fail to enact this, Mr. President, I am concerned about where the current judicial trends will take us. I mentioned earlier the case which would prohibit students from gathering during off-school hours for prayer and Bible study. It is astounding that lower courts have thus far ruled against this activity simply because it is on school property. Key clubs, varsity clubs, honor societies, and other clubs may meet in school facilities before and after school, yet those meetings which are religious in nature are prohibited from taking place. Surely this is going too far. Rather than protecting religious freedom, this kind of interpretation of the first amendment has moved toward discrimination against religious expression by singling it out and prohibiting it.

In conclusion, I wish to read a letter I received today from a woman in Lawton, Okla. She writes:

> DEAR SENATOR NICKLES: I am writing concerning the "Prayer in School issue" going before the Senate March 6th. I am a concerned parent who wishes to see prayer put back in our public schools. The need was especially brought to my attention last week when two teenagers from our youth group at church were praying over their lunch in the school cafeteria and the principal told them they would have to stop . . .

Mr. President, this letter demonstrates the confusion and fear that exists today among school officials, parents, students, and teachers about what has been allowed by the courts and what has been outlawed. Let us take a major step in returning religious liberty to its proper place in America. I urge my colleagues to listen to those they represent and vote in favor of Senate Joint Resolution 73.

Mr. SIMPSON. Mr. President, I want to take a few moments to join in this debate and to urge the passage of Senate Joint Resolution 73, the voluntary school prayer amendment. This one goes back a long way for me for my own dear father, Milward L. Simpson, stood right here on this floor in the U.S. Senate with his fellow Senator, Everett Dirksen, and 20 years ago cosponsored the original school prayer amendment. My dad and Ev Dirksen worked very hard on that one and here we are once again addressing the issue presented to us two decades ago. We are all aware that the amendment was necessitated by the U.S. Supreme Court decision which ruled that voluntary prayer would be "inconsistent" with the separation of church and state as is required by the first amendment. In those 1962 and 1963 decisions, the Supreme Court created a prohibition against the recitation of prayer or the reading of Bible verses in public schools. I really do honestly believe that those decisions—far from protecting any constitutional values—instead created severe obstacles to the free exercise of religion and freedom of speech which I think we must restore. This is an opportunity to reaffirm our heritage.

I remain absolutely and totally convinced that our Nation's founders and certainly the framers of the first amendment would be absolutely stunned by the modern interpretation of the Constitution on this particular issue. Never did they intend to forbid any form of public prayer, nor did they ever intend to deny the Nation's schoolchildren the right to pray. Obviously the majority of American citizens support the concept of allowing their children voluntary prayer to be offered during the school day. There is nothing sinister in the procedures we are seeking—what we will be doing by passage of this amendment is simply expressing our sentiment that this amendment be submitted on to the people of the United States for them to demonstrate their support or their opposition to this amendment. The amendment under consideration today would not in any way require local school boards to organize prayer in classrooms. Nor would it require any student to participate in prayer. It would simply correct the Supreme

Court decision and give an opportunity to affirm a belief in God in the context of the daily activities of schoolchildren.

I must share with you that one of my strongest and most persistent constituents on this issue is my extraordinary and remarkable mother—a woman of rare grace and intellect. She observed my father's diligent efforts along with those of Senator Dirksen and became enamored of the cause. One of her first suggestions—nay admonitions—to her newly elected Senate son was simply "I want you to continue the good work of your father and Everett Dirksen on prayer in schools. You will, won't you?" You might imagine that my response was swift and positive—just as it has been for all 52 years with that remarkable lady.

So you may imagine that I do take a keen interest in the debate and would hope that we would soon be prepared to vote on the issue. There is not one person in this body who is not fully aware of how his vote will be cast on that issue—just as is the case with so many of the "social issues" that confront us. I hope that a constitutional majority of my colleagues will join in affirming a common belief that voluntary, nondemoninational prayer should be permitted in our public schools.

I urge my colleagues to support this measure and I am very proud to participate in the activities which will lead to passage of this constitutional amendment.

Mr. BENTSEN. Mr. President, as a strong and consistent supporter of school prayer, I am proud to join the distinguished chairman of the Judiciary Committee and many of my colleagues in the belief that Senate Joint Resolution 73 provides the most effective way to reinstate school prayer while assuring that our children can pray, according to their own beliefs, without interference from the Federal Government.

Senate Joint Resolution 73 would propose an amendment to the U.S. Constitution allowing voluntary school prayer. It would overturn Supreme Court decisions taken in the early 1960's that had the effect of outlawing prayer. This amendment would enable State and local jurisdictions to decide whether or not they want voluntary school prayer. At the same time it would prohibit mandatory worship and keep the Government out of the business of writing prayers.

I want to emphasize, Mr. President, that the language of this amendment does not force anyone to pray. Tolerance and mutual respect are integral parts of Senate Joint Resolution 73. We who support it do not mandate prayer—we simply state that American children shall have the opportunity to pray aloud in their schools if they desire to do so.

I recognize, Mr. President, that many Americans oppose this legislation on constitutional grounds and raise the issue of separation between church and state. As one who was brought up with school prayer, I do not see how voluntary prayer curtails our freedom or violates the Constitution. Quite the opposite: I believe the freedom to pray should be an integral part of our democracy, and it is for that reason that I suggest we amend the Constitution to clarify the right of our children to pray in school.

Mr. GORTON. Mr. President, I wish to take this opportunity to discuss and to outline a proposed alternative to the joint resolution seeking to amend the Constitution of the United States with respect to prayer, to put that proposal in the RECORD, and to seek comments by my colleagues and the general public on that subject.

I will not be introducing it at this point as a formal amendment to the business which is before the Senate but simply as something which may be reduced to a formal amendment depending on the comment and the response which is elicited by it.

I should preface a reading of my proposal, Mr. President, by saying that the distinguished majority leader, the Senator from Tennessee, after a discussion of this general subject with myself and my friend from New Hampshire, Senator RUDMAN, asked whether we would work on a proposed constitutional amendment which would be in some respects somewhat broader than that proposed by the President in the sense that it dealt with an equality of access or opportunity or an accommodation for the discussion of religious ideas in the schools, but in another sense much narrower than that proposed by the President in that it would continue the prohibition against any specific State-sponsored or ordered prayer.

The Senator from New Hampshire and I have each worked on that diligently. I must say that what I am about to enter into the RECORD is not at this point a proposal from the Senator from New Hampshire, although he is considering it and has made constructive suggestions in connection therewith.

Without further ado, Mr. President, the entire language of a proposed constitutional amendment to be substituted for the joint resolution which is on the floor at the present time would read as follows:

> The accommodation by the United States or by any State of the religious speech of any person not acting under the color of Federal or State law, on the same basis as other lawful speech, shall not constitute an establishment of religion.

Mr. President a number of concerns have been expressed by thoughtful Members debating both sides of the joint resolution before us at the present time. The proponents of the resolution base their agrument, I think, on two separate lines of reasoning. The first is that the Founding Fathers of this country and the draftsmen of the first amendment to the Constitution of the United States were quite comfortable with prayer in public places and under public auspices, that it was quite clear that prayer in public schools, even prayer sponsored or drafted or mandated by school authorities, did not seem to them to be inconsistent with the first amendment to the Constitution of the United States.

They, therefore, argued that to a very significant degree the passage of the joint resolution currently before this body would restore the status quo as it existed prior to 1947 or to some other date and thus is in complete consistency with the views of those who wrote the Constitution of the United States.

The other thread of their argument depends less on history than it does on a deeply felt criticism on the part of many people of the United States who believed that the way in which the first amendment is currently interpreted by courts of the United States and/or the way in which those interpretations are enforced, in fact, by school districts and by other public bodies which fear extensive litigation has a net result of causing the State and the Government to be actively hostile to religion and particularly to the free exercise of the religious ideals of a majority of the American people.

I believe that there is a good deal of merit in both of those arguments, but there is also great force behind the arguments of the opponents to the present constitutional amendment, first, questioning the historic basis of the proponents arguments, by pointing out that very profound differences between the situation in the United States today, even the circumstances of this debate, and what was in fact the social and political situation in the United States in 1787 and for that matter immediately after the adoption of the 14th amendment.

Second, the opponents feel that any approach of this sort tends very strongly to the genuine establishment of a majoritarian religion to the great embarrassment and exclusion of members of unfavored groups who nonetheless are students in public schools or pay for the maintenance of other public institutions and public places.

Yet it seems to me that the debate between the two sides or the gulf between the two sides may not be quite as deep as it has seemed to be. It appears to me that both seek primarily that religion be treated equally with other forms of free speech, that the

Government neither promote religion in a broad sense or a particular sectarian form of religion in the narrow sense but at the same time that it not discriminate against the expression of religious ideas.

It is fascinating and not entirely a coincidence that on Monday last at the very beginning of this debate the Supreme Court of the United States once again in Lynch against Donnelly dealt with the creative confrontation, I may describe it, between the free exercise clause and the establishment clause of the first amendment, in dealing with a Christmas display owned and produced by the City of Pawtucket, Rhode Island, which included a crèche. As is so often the case, the Supreme Court decided that controversy by a vote of 5 to 4 and in spite of the length of the opinion and of the dissent in that case, it is very, very difficult not only to tell what impact the decision of the Court has beyond Christmas displays which include some religious symbolism but even whether it can be safely applied to another and slightly different crèche scene on some public property at Christmas.

The majority of the Court did, however, include in its opinion the following language, which I should like to quote.

> Nor does the Constitution require complete separation of church and state; it affirmatively mandates the accommodation, not merely tolerance, of all religions and forbids hostility toward any.

Parenthetically, Mr. President, I may say that one of the key words in the proposal which I have just made is "accommodation," the precise word used by the majority of the Supreme Court in describing what the attitude of the United States and the several States should be toward religion.

Not only does the Lynch case indicate a situation in which that kind of accommodation was held to be not violative of the establishment clause of the first amendment by a narrow majority of the Supreme Court, so also that accommodation was illustrated last year in Marsh against Chambers in which our U.S. Supreme Court sustained the practice of the State of Nebraska in employing members of the clergy as official legislative chaplains to give opening prayers in sessions of Nebraska's State Legislature.

In the Lynch case last Monday, again, the Supreme Court majority summarized a long line of cases dealing with the establishment clause by saying, and again I quote:

> In our modern, complex society whose traditions and constitutional underpinnings rest on and encourage diversity of pluralism in all areas, an absolutist approach in applying the Establishment Clause is simplistic and has been uniformly rejected by the Court.

Yet it is always safe to say that it is easy to perceive a significant minority, at least, on the Supreme Court, and a majority in some cases, as having applied a simplistic and absolutist approach to the separation of church and state in at least a number of such controversies.

The net result has been, even in connection with the favorable decisions like that in Lynch against Donnelly a high degree of absence of predictability, as those Court decisions are attempted to be applied to specific situations, by State governments, by local governments, and by school districts across the United States. That lack of predictability has frequently, has on a multitude of occasions, resulted in a certain degree of a chilling effect on Government officials who would like to accommodate religious speech on a basis equal to that of other forms of speech.

It is not difficult to see how this can take place in the mind of a local public official when one looks back 30 or more years at a comparison of two Supreme Court decisions, Zorach against Clauson and McCollum against the Board of Education.

In 1948, in the latter case, the Court struck down a program in Illinois pursuant to which classrooms were turned over to religious instructors who could instruct volunteer students of their own faith or of a seeking nature in particular religious doctrine. But 4 years later, in 1952, in the Zorach case, the Court sustained a New York City program pursuant to which students were released from school during the schoolday to leave the school ground, presumably across the street, and go to religious centers for precisely the same kind of religious instruction or, for that matter, devotional exercises.

Scholars, ever since, have questioned whether these cases constitute a distinction without a difference in terms of the establishment clause under the first amendment. If legal scholars, constitutional legal scholars, can question this distinction, it is not hard to imagine that local school boards certainly lack a degree of clarity as to what forms of action on their parts will be permissible in this and other similar areas as a free exercise of religion or as free speech as against being prohibitied, as being an establishment of religion.

The net result in the real world, Mr. President, is that overwhelmingly school boards avoid the possibility of offending the establishment clause to the detriment of both free speech and the free exercise of religion.

The amendment which I proposed here, still hesitantly, because I wish for as much criticism and comment on it as I can solicit, is to remove that chilling effect by recognizing that in accommodating religious speech on the same bases as other lawful speech, the establishment clause of the first amendment of the Constitution of the United States is simply not offended.

Many considerations went into the drafting of this proposal in the form in which I have laid it before you here today. Even in the course of this week, after I began to direct my attention to this proposal, it has, I may say, gone through a substantial number of drafts, well up into two digits.

The distinguished majority leader, Senator BAKER, placed into the RECORD on Tuesday evening one rather long and detailed form which attempted to combine the best features of the resolution which is before this body and the counterproposal by the distinguished Senator from Utah (Mr. HATCH). A day later, with some work by the Senator from New Hampshire and myself, that proposal had become even longer and even more detailed. It had moved from being an appropriate constitutional provision to being perhaps an appropriate statute and perhaps a bill of lading, certainly something far too detailed in my view to place in the Constitution of the United States.

Since then we have sought increasingly to reach the same goals with relatively simple and, I may say, constitutional language.

We start by recognizing that private religious speech is to be accommodated on the same basis as other lawful speech. This amendment, in so doing, would avoid the flaw of earlier proposals which could easily have been construed, and which in some cases were designed, to elevate religious speech to a stature above and different from that of other lawful speech protected by the first amendment.

If religious speech is to be accommodated on the same basis as other forms of speech, it too would be subject to restrictions relating to content which is inconsistent with social peace and good; that is to say, no one should be allowed, under the guise of religious speech, to bring obscenity into the classroom. Nor should anyone be permitted to engage in an activity which, while using public property on the same basis as those whose speech is not religious in nature, might nevertheless be considered to be a danger to the public health and safety.

By including in this proposal the phrase "not acting under color of Federal or State law," the proposed amendment makes clear that no one who could be considered to represent the State could claim to be entitled to the accommodation by the State on the same basis as others.

There will be no teacher-led required or mandated prayer under this proposal; no posting of the Ten Commandments in the classroom; and issues relating to various forms of State and Federal aid to religious education would be decided on the same basis as they are decided at the present time.

The proposed amendment is written so as to clarify the application of the establishment clause to a private citizen's exercise of his or her right to free speech.

Again, and this is in common with the joint resolution which is before us for debate at the present time, it does not mandate any action by the State.

It does not relieve a school board or other public body of the State from complying with its own State laws and its own State constitution.

In my own State of Washington, for example, the State constitution is much more rigid in prohibiting religious exercise, observances, or the like, in public schools, or in prohibiting the use of any tax moneys that can help religious organizations directly or indirectly, than is the first amendment to the Constitution of the United States.

As a general proposition, nothing in this amendment—and I suspect nothing in any of the other amendments which are being discussed on the floor of the Senate at the present time—would undermine those State constitutional provisions. Each State, therefore, would be allowed to implement this amendment to the maximum extent permitted by the first amendment to the Constitution of the United States, but would not be required to do so unless, and this is an important "unless," unless or except to the extent that this change in scope or expanse of the establishment clause might be interpreted by courts of the United States in the future to expand the nature of the constitutional protections under the first amendment granted to the people of the United States by the free exercise clause itself.

We are all conscious of the fact that, in almost every case involving questions of religion, the most difficult question before the Supreme Court of the United States is where the free exercise clause ends and the establishment clause begins. It is my view that in many of the decisions of the Supreme Court and in the opinions, the consistent opinions, of many more individual members of the Supreme Court, that the line has been drawn so rigidly as to limit the free exercise clause in order to make more paramount the establishment clause itself.

It is certainly possible that some kinds of activities which now are prohibited or which are arguably prohibited would become constitutionally protected by the free exercise clause with the passage of this joint resolution amending the Constitution of the United States.

I wish to give one example. My colleague in the House of Representatives, Congressman Pritchard, in answering one of the many calls which has come to his office on this subject in the course of the last week, was informed by a woman that her daughter, a high school student in Seattle, Wash., was a member of a religious youth group which, from time to time during lunch hour, on the lawn of the high school, got together to say prayers and/or to discuss religion. The correspondent with Congressman Pritchard reported that when school authorities discovered what was going on they forbade it and told this woman's daughter that under the Constitution students could not enter into such a collective activity even on the lawn of the school.

This woman informed Congressman Pritchard that this was true even though that school, under the requirements of free speech, allowed similar meetings by a student gay rights activist organization.

I must say that I find that action on the part of school authorities to be dubious under present constitutional protections for the free exercise of religion and free speech. I find it dubious even under the constitutional precedents of the State of Washington, itself. It seems to me, however, that were we to pass this constitutional amendment which I have presented here this afternoon, very clearly, that kind of activity would become protected by the first amendment to the Constitution of the United States, if indeed it is not already, and that the clarity which would be added to the requirements imposed on school boards and other public bodies would make arbitrary distinctions of the nature which I have just described much less likely to take place.

To this point we have found roughly 16 States in addition to the State of Washington which apparently have State constitutional prohibitions pursuant to which there would be no change in actual practice as a result of the adoption of this amendment, unless those State constitutional provisions were changed or unless the Supreme Court of the United States expanded the scope of the free exercise clause which exists as part of the first amendment at the present time.

Next, because religious or other speech is treated equally by this proposal to change the Constitution, it is highly unlikely that abusive practices will occur. Some elements in the President's proposal either directed or implied that there were no time restrictions or content restrictions which could be imposed on the kind of activity authorized by it.

At this point, Mr. President, as I close my remarks, it is probably appropriate at least to begin an outline of what changes would result from the adoption of this amendment in present practices which have been mandated by the Court and in what areas in which the wall of separation of church and state has been used to prevent the activity that that wall would remain intact. That is to say what kind of activities would still constitute an establishment not protected by this proposal.

Clearly permitted, pursuant to this constitutional amendment, would be the provision of a moment of silence for either prayer or any other kind of thinking activity on the part of students in public schools.

Also permitted or accommodated, assuming that the States and school boards wished to do so, would be a period of time during which any child could, on a totally voluntary basis, state a prayer.

In that connection, I am convinced that the equality provisions would not even permit the teacher to call on the same student every day and thus always have a Catholic prayer, a Jewish prayer or a Baptists prayer, or the like. But this would be truly on an equal opportunity basis and as long as no student were forced to participate whatsoever, there could, in fact, be oral prayer, not mandated, not directed, and not suggested by any official person, including the teacher, in the public schools.

The same would apply, of course, to a vocal grace before meals in schools.

Clearly, this constitutional amendment would, in my view, remove the distinction to which I spoke between the decisions in Zorach against Clauson and McCollum against Board of Education. In fact, the schools could be opened up on an equal basis to courses on religion which were totally open, totally voluntary, and not required in any fashion whatsoever. But no public entity, no school board, no school could restrict that kind of opening to only one preferred religion or a handful of preferred religions. It would be open to any sect, any kind of religious instruction for which there was any demand in the school, for which recruits could, in fact, be found.

Finally, and the last example that I have at the present time, is that the courts have prohibited school districts from accepting donations and then distributing Gideon Bibles to their students. That prohibition would continue. But as long as the school was open to the distribution of free books by any potential donor, the school board would not be able to say, "But Bibles cannot be among those free books." It would be secular in nature. If they opened to one sect that was proposing to distribute books, they would have to open the distribution to any other lawful material.

On the other hand, this would not change present law with respect to devotional prayer and Bible reading led by or at the direction of the school board, the teacher, or any other public official. Since that would be under color of Federal or State law, it would remain a prohibited establishment of religion. Any kind of compulsory instruction which affects religious belief would still violate the establishment clause and perhaps the the free exercise clause as well because it would, of course, be under the color of law.

As I have already said, wall plaques posted in the schools bearing the Ten Commandments or any other specifically religious message would similarly be prohibited.

The design of this proposal, Mr. President, is to enhance, to deepen and protect the constitutional rights of the free exercise of religion which was granted by the Founding Fathers at the time at which the first amendment was written and to make certain that the accommodation by the United States or by any governmental body of free speech which happens to be religious in nature, when they are not acting under color of law or in any official capacity, on the same basis or under the same objective rules of free speech, is simply not an establishment of religion.

Mr. President, I am convinced that this truly will provide for neutrality on the part of the States between those who are religious and those who are not and among various religious ideas; that it is pluralistic; that it is in the finest American tradition, that it will speak to the deeply felt needs of literally tens of millions of citizens throughout this country; that it will in no way tend to the establishment of religion or to the detriment of minorities, each of whom will have exactly the same rights as the majority group in any community in the United States.

This is a profoundly felt issue. This is a sharply debated issue. It is such because there are strong feelings on both sides. I do not imagine for a moment that I can settle that debate or that I can come up with something to which all parties will agree, but it does seem to me that this removes most of the sharpest and most legitimate criticisms of the proposal which is before us at the time, that it reaches the goal of true neutrality and equality, that the accommodations in it are not only consistent with but most supportive of free speech and the free exercise of religion in the United States.

I hope that there are a number of Members in addition to myself, who felt unable to vote for the resolution which is before us at the present time, who will be able to support this proposal or some proposal similar to this which reaches its goal if we have failed to do so after constructive debate and over the yearning of many of its citizens to be able to express religious ideas in the same fashion that we can express political ideas and exercise their rights of free speech in other areas.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, we have canvassed on this side and find that we are unable to ascertain the requirement for time to speak on the pending business which is the unfinished business.

I have now been advised by the minority leader that he has no request for the moment.

I expect the Senate to be in session a while longer today as I will explain in a moment and, of course, Members who may wish to put statements in the Record in connection with the unfinished business by unanimous consent could do so.

So I am prepared now to ask the Senate to go off the resolution for the moment and to create another period for the transaction of routine morning business.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business until not later than 4 p.m. today in which Senators may speak for not more than 15 minutes each with the exception of the distinguished minority leader against whom no limitation of time will apply.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House insists upon its amendment to the bill (S. 64) to establish the Irish Wilderness in the Mark Twain National Forest, Mo., disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. Udall, Mr. Seiberling, Mr. Weaver, Mr. Huckaby, Mr. Whitley, Mr. Volkmer, Mr. Young of Alaska, Mr. Marlenee, and Mr. Emerson as managers of the conference on the part of the House.

The message also announced that the House has passed the bill (S. 979) to amend and reauthorize the Export Administration Act of 1979, with an amendment; it insists upon its amendment to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. Fascell, Mr. Hamilton, Mr. Yatron, Mr. Solarz, Mr. Bonker, Mr. Ireland, Mr. Mica, Mr. Barnes, Mr. Wolpe, Mr. Gejdenson, Mr. Berman, Mr. Roth, Ms. Snowe, Mr. Bereuter, Mr. Solomon, and Mr. Zschau; and Mr. Hutto, Mrs. Byron, and Mr. Courter (solely for consideration of section 109 of the House amendment); and Mr. Gibbons, Mr. Jones of Oklahoma, and Mr. Frenzel (solely for consideration of those provisions of sections 6, 9, and 29 of S. 979 which are within the jurisdiction of the Committee on Ways and Means), as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4194) to extend the expiration date of section 252 of the Energy Policy and Conservation Act; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. Dingell, Mr. Sharp, and Mr. Broyhill as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, without amendment:

S. 2354. An act to rename the River of No-Return Wilderness in the State of Idaho as the "Frank Church-River of No Return Wilderness."

ENROLLED BILL SIGNED

The Secretary reported that on today, March 8, 1984, he had presented to the President of the United States the following enrolled bill:

S. 47. An act to improve the international ocean commerce transportation system of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

H.J. Res. 454. A joint resolution honoring the contribution of blacks to American independence.

By Mr. HATFIELD, from the Committee on Appropriations, without amendment:

H.J. Res. 493. A joint resolution making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 130. A resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom to Barney Clark, to be presented to his family in his memory.

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment and an amendment to the title and with a preamble:

S.J. Res. 70. A joint resolution to designate the week beginning April 17, 1983, as "National Building Safety Week."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 203. A joint resolution designating the week beginning April 8, 1984, as "National Mental Health Counselors Week."

S.J. Res. 210. A joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 211. A joint resolution designating the week of November 18, 1984, through November 24, 1984, as "National Family Week."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 215. A joint resolution to designate the week of April 23-27, 1984, as "National Student Leadership Week."

S.J. Res. 217. A joint resolution to authorize and request the President to designate the week of May 6, 1984 through May 12, 1984, as "Senior Center Week."

S.J. Res. 237. A joint resolution to designate the week of November 25, 1984, through December 1, 1984, as "National Home Care Week."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 239. Designating the week of October 21 through October 27, 1984, as "Lupus Awareness Week."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 241. A joint resolution to authorize and request the President to issue a proclamation designating May 6 through May 13, 1984 as "Jewish Heritage Week."

S.J. Res. 252. A joint resolution to designate May 25, 1984, as "Missing Children Day."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Sarah Evans Barker, of Indiana, to be U.S. district judge for the southern district of Indiana; and

Edward J. Garcia, of California, to be U.S. district judge for the eastern district of California.

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Lt. Gen. Ernest D. Peixotto, U.S. Army, to be placed on the retired list, Maj. Gen. Max W. Noah, U.S. Army, to be lieutenant general, Lt. Gen. James H. Merryman, U.S. Army, to be placed on the retired list, Maj. Gen. Louis C. Wagner, Jr., U.S. Army, to be lieutenant general, Brig. Gen. Ronald K. Nelson, U.S. Marine Corps Reserve, to be major general, Brig. Gen. Jerome G. Cooper, U.S. Marine Corps Reserve, to be major general, Lt. Gen. Donald Rosenblum, U.S. Army, (age 54) to be placed on the retired list, Maj. Gen. Charles D. Franklin, U.S. Army, to be lieutenant general, Lt. Gen. Robert L. Wetzel, U.S. Army, to be reassigned in the grade of lieutenant general, Lt. Gen. Paul S. Williams, U.S. Army, to be reassigned in the grade of lieutenant general, Lt. Gen. Sinclair L. Melner, U.S. Army, (age 55) to be placed on the retired list, Maj. Gen. Thomas D. Ayers, U.S. Army, to be lieutenant general, and Lt. Col. Robert L. Stewart, U.S. Army, to be colonel. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Navy there are 119 appointments from the Naval Reserve to the grade of captain and below (list begins with Ray S. Cunsunji), in the Air Force there are 36 appointments to the grade of captain (list begins with Charles W. Beadling), in the Army there are 5 permanent promotions to the grade of colonel and below (list begins with Robert W. Thompson), in the Navy and Naval Reserve there are 16 permanent appointments to the grade of commander and below (list begins with Robinson L. Russell), and in the Navy there are 321 promotions to the grade of captain (list begins with Lloyd E. Allen). Since these names have already appeared in the Congressional Record and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk appeared in the Record of February 22, February 28, and March 1, 1984, at the end of the Senate proceedings.)

By Mr. GARN, from the Committee on Banking, Housing and Urban Affairs:

John A. Bohn, Jr., of California, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 1985.

The above nomination was reported from the Committee on Banking, Housing and Urban Affairs with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee on the Senate.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

Capt. John D. Bossler, National Oceanic and Atmospheric Administration, as Director of the Charting and Geodetic Services, National Oceanic Service, National Oceanic and Atmospheric Administration, in the grade of rear admiral (upper half).

Sidney Lewis Jones, of Maryland, to be Under Secretary of Commerce for Economic Affairs.

The above nominations were reported from the Committee on Commerce, Science, and Transportation with the recommendation that they be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee on the Senate.

Mr. PACKWOOD. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably a nomination list in the Coast Guard which was printed in the Congressional Record of February 28, 1984, and, to save the expense of reprinting it on the Executive Calendar, I ask that the list lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated.

By Mr. LEVIN (for himself, Mr. Cohen, Mr. Durenberger, Mr. Cranston, and Mr. Moynihan):

S. 2396. A bill to amend the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 to provide for a national voluntary reunion registry, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY:

S. 2397. A bill to establish a program to provide part-time school year and full-time summer employment to economically disadvantaged youth who are pursuing further education or training leading to meaningful unsubsidized employment; to the Committee on Labor and Human Resources.

By Mr. McCLURE (by request):

S. 2398. A bill to repeal personnel restrictions applicable to the Department of Energy; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON (for himself, Mr. Stafford, Mr. Riegle, and Mr. Dodd):

S. 2399. A bill to expand the scope of the prohibition of discrimination against qualified handicapped persons by recipients of Federal financial assistance; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY:

S. 2400. A bill to amend the Internal Revenue Code of 1954 to safeguard taxpayer's rights; to the Committee on Finance.

By Mr. DURENBERGER:

S. 2401. A bill to require the provision of compensation for the additional direct costs incurred by State and local governments in complying with intergovernmental regulations promulgated under significant Federal laws, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MATSUNAGA:

S. 2402. A bill to direct the Attorney General to study the problems of indigent, elderly immigrants who wish to return to their home countries but cannot afford to pay the transportation costs to do so; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 2403. A bill to declare that the United States holds certain lands in trust for the

Pueblo de Cochiti; to the Select Committee on Indian Affairs.

By Mr. BUMPERS (for himself and Mr. PRYOR):

S. 2404. A bill to require the Secretary of Agriculture to make indemnity payments to owners and operators of farms for damages arising from actions taken by personnel of the Army Corps of Engineers at the W. G. Huxtable Pumping Station in the State of Arkansas during May and June of 1983 to regulate the flow of the St. Francis River; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 2405. A bill to amend part C of title IV of the Social Security Act to provide for grants to States for programs to promote the training and employment of individuals receiving aid to families with dependent children; to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. CHAFEE, Mr. SYMMS, Mr. MOYNIHAN, Mr. BURDICK, Mr. BOREN, Mr. HOLLINGS, and Mr. SARBANES):

S.J. Res. 256. Joint resolution designating March 21, 1984, as "National Single Parent Day;" to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. INOUYE and Mrs. HAWKINS):

S.J. Res. 257. Joint resolution designate the period July 1, 1984, through July 1, 1985, as the "Year of the Ocean;" to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr COHEN, Mr. DURENBERGER, Mr. CRANSTON, and Mr. MOYNIHAN):

S. 2396. A bill to amend the Child Abuse Prevention and Treatment and Adoption Act of 1978 to provide for a National Voluntary Reunion Registry, and for other purposes; to the Committee on Labor and Human Resources.

VOLUNTARY REUNION REGISTRY

● Mr. LEVIN. Mr. President, I have been deeply touched by the problems of adopted persons who seek, for a number of valid reasons, to learn more about their own history and, in some cases, attempt to make contact with their birth parents and/or siblings or other relatives. The separation of twins and triplets in past years was more the norm rather than the exception. The need for these individuals to have access to information which may affect their own health and influence their own family decisions is clear. But at the same time, I also recognize the feeling of birth parents who choose not to communicate with offspring they separated from in past life.

The issue of facilitating such reunions is sensitive and touches the hearts of all parties involved. This action must be dealt with with care, thoughtfulness, and compassion. Under present conditions, a unilateral search by either the adopted offspring or the birth parent can lead to sudden meetings for which the other party involved is unprepared.

I believe that the legislation which I am introducing today, along with Senators COHEN, DURENBERGER, CRANSTON, and MOYNIHAN deals with these emotions in a careful and sensitive way. The proposal is designed to avoid intrusion into the life of either party and to avoid a violation of constitutional privacy rights. The bill does not involve the opening of sealed records. Additionally, there would be no infringement of States' rights—access to State information would not be required.

The proposal provides for the establishment of a 3-year demonstration program whereby biological parents and adult adoptees, and biological siblings or other biological relatives of adult adoptees, and long-term runaways may, under appropriate circumstances, be voluntarily located through a centralized network. Participation would be strictly voluntary and mutual consent is required before any reunion could be facilitated. In other words, applicants must independently make contact with the center in order for a reunion to be facilitated.

Additionally, the Secretary of Health and Human Services is authorized to create, by grant to or contract with public or private nonprofit agencies or organizations, a computerized clearinghouse to facilitate mutual-interest reunions. The legislation contains provisions making it unlawful for information contained in the clearinghouse to be disclosed for unintended purposes.

I would like to emphasize the fact that under my proposal, no action could be taken by the clearinghouse unless or until both the adult adoptee and his or her birth parent, sibling, or other relative has independently made contact with the center. Communication between interested parties takes place only when there is independent contact with the clearinghouse.

Although a few States have implemented registries, State registries cannot fully carry out the task for the simple fact that many adoptees are born in one State and adopted in another. The birth parent willing to be in a State registry, would enter his or her identifying information in the State of birth, while the adoptee would often enter his or her information in the State of adoption. Additionally, many adoptions are recorded improperly, in some cases the place of birth is even allowed to be changed. And of course, many States do not have such registries at all.

The anticipated cost of this program is minimal—expected not to exceed $500,000 during first year implementation, and future costs are expected to be far less. These costs are expected to be offset by the reasonable fees which are to be paid by the applicant.

This legislation does not contain a sweeping new idea. It is similar to the reunion and matching files that presently exist within various adoptee-birth parent groups, for example, Emma Vilardi's International Soundex Reunion Registry of Carson City, Nev., Jean Paton's Orphan Voyage of Cedaredge, Colo., and Search Triad, Inc. of Litchfield, Ariz., headed by Karen Tinkham. These organizations support this legislation because a national clearinghouse under Federal supervision would, on a far more comprehensive basis inform, coordinate, and expedite the reunions of those persons who wish to be reunited. More importantly, it would insure the necessary confidentiality of the clearinghouse and lessen the time, money, and frustration presently incurred by all persons desiring to find each other.

Mr. President, members of my staff have been involved in extensive research, surveying search groups, interviewing individuals of the medical and legal professions, reviewing case studies, and personally screening hundreds of individuals who are searching for, or have located, relatives. Additionally, the Governors of the States that now have reunion registries support the concept of a national registry.

The various studies reviewed during this research revealed some startling and significant facts. A preliminary Los Angeles study determined that 89 percent of the birth parents they surveyed wanted reunion with their adopted children when grown, if the offspring so desired. Fifty percent of the birth parents continued to experience feelings of "loss, pain, and mourning" over the child they relinquished.

A Queens College study revealed that adult adoptees searching for their natural parents are not motivated by "dissatisfaction and disaffection with his or her adoptive family relationships"—the reasons they gave for seeking their parents ranged from the need for more medical information to a desire to establish one's identity.

Mr. President, I would like to share the remarks of a young woman who wrote to me and whom my staff interviewed relative to the adoptee/birth parent search issue. She is a 37-year-old professor, formerly of a university in Connecticut, and she has been searching for her birth mother for 9 years:

> Had I surrendered a child for adoption, I know I would always secretly wonder what had happened to her, if she were alive, if she were well, if she had found a good home. I would wonder what she looked like, what sort of person she had become. I would wonder if she wondered about me. Sociological research done over the last ten years indicates that my projections were not unfounded. The overwhelming majority of women who give up children for adoption are disturbed by these questions all their lives. Many are even haunted by guilt. This is a chapter in their lives that never has an ending. They can never put their thoughts to rest. If only I could speak to the woman who gave me life I could tell her how happy I am; I could tell her about the wonderful people who adopted me and the joy she

> brought into their lives. And for my part, I could see her, discover the secret of my origin, know the country from which my ancestors came, the story that is my history. I could reenter the bond of life that links all other people. I would see a blood relative—until my daughter was born, I could never discern my features in the face of another, and again and again since my son's birth people have asked me "who does he look like?" I want to know the answer. For nine years I have been searching. Under our present laws, the search is difficult, frustrating and time consuming. It is often expensive, as well. I worked for two years with a young man searching for his biological parents and when he finally found them, learned that his birth mother and he had both gone to the same adoption agency for information within months of each other and were denied help. Each was assured that the other would not want to know and would suffer from knowledge or contact! We cannot but question why this myth is being perpetuated in the face of direct refutation, personally in this case or more broadly in the face of sociological studies of hundreds of involved parties.

Mr. President, I would also like to bring to the attention of my colleagues excerpts from a letter I received January of this year from Thomas J. Bouchard, Jr., Professor of Psychology, Director, Minnesota Study of Twins Reared Apart:

> Because of my work with twins reared apart conducted at the University of Minnesota, I have been contacted by parties interested in the passage of the national reunion registry proposed by Senator Levin.
>
> I have, over the last five years, worked with a large number of twins who were separated early in life and who have experienced adult reunions. The vast majority of these reunions have been monumentally positive experiences for the individuals involved, and in no case has a pair of twins reported that they wish the reunion had not happened. This is not to say that there has never been any emotional turmoil; there has been in some cases. I should mention that my own experience with these twins has resulted in a dramatic change in attitude on my part regarding the ethics of facilitating such reunions. Prior to carrying out my research, I would have, at best, been more neutral to the idea.
>
> There is no doubt in my mind about the great value of this registry. As Senator Levin points out, a national registry operated by the Department of Health and Human Services would be far more effective and would be a sensible and humane solution to a difficult problem.
>
> I strongly support the passage of this bill. It strikes me as just the kind of activity in which the federal government should participate. It involves an activity that neither individuals nor individual states can carry out in any effective manner. Participation in this activity is voluntary, and reasonable fees for the service should cover most of the expenses. In addition, such a registry would meet a real human need.

In closing, I leave you with the words of one of my constituents from Burton, Mich., who, in a letter written to me a few weeks ago, revealed:

> I am an adult adoptee. I am one out of eleven children surrendered for adoption. I have been trying to find my siblings but have not had any luck whatsoever. . . . please see that we can have a siblings' bill passed. There is quite a bit that adult adoptees have to go through. I am still in search for all of my siblings.

Mr. President, if either the birth parent or adoptee, siblings, or other birth relatives do not seek to know the identity of the other—so be it. But if both want reunion, why not facilitate it. In an age of rootlessness, the search for knowledge of one's own identity certainly should not be squelched now by the simple absence of a voluntary reunion registry.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Adoption Identification Act of 1983".

SEC. 2. The Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is amended by adding at the end thereof the following:

"TITLE III—VOLUNTARY REUNION REGISTRY DEMONSTRATION PROGRAM

"PURPOSE

"SEC. 301. It is the purpose of this title to provide for the establishment of a demonstration program whereby biological parents and adoptees, and biological siblings or other biological relatives of adoptees, and estranged family members including family members estranged as a result of social upheaval, or runaways may, under appropriate circumstances, be voluntarily located through a centralized network.

"DUTIES OF THE SECRETARY

"SEC. 302. (a) The Secretary of Health and Human Services (hereinafter referred to as the 'Secretary') is authorized, in accordance with the provisions of this title, to establish, by grant to or contract with public or private nonprofit agencies or organizations, a voluntary identification system.

"(b) The Secretary shall submit to the Congress an annual report of all activities carried out under this title. The report shall include the following:

"(1) The number, nature, recipients, and amounts of grants made or contracts entered into under this title.

"(2) The total amount of fees collected.

"(3) The number of applications submitted by biological parents, adoptees, siblings, or other biological relatives.

"(4) The number of searches ending in a successful match.

"VOLUNTARY REUNION REGISTRY

"SEC. 303. (a) The voluntary reunion registry authorized under this title shall operate so as to provide a centralized nationwide capacity, utilizing computer and data processing methods, and shall provide that—

"(1) participation shall be voluntary by all parties involved;

"(2) (A) a biological parent, an estranged family member, or an adoptee over the age of twenty-one may initiate the locating process by submitting an application to the agency or organization operating the system; and

"(B) a sibling or other biological relative of an adoptee or an estranged family member may also initiate the locating process whenever—

"(i) the biological parent of an adoptee or an estranged family member is deceased or his or her whereabouts are unknown;

"(ii) the biological parent of an adoptee or an estranged family member has consented in writing to the initiation of the locating process; or

"(iii) under such other circumstances as the Secretary may determine to be appropriate after taking into consideration the privacy rights and interest of all parties who may be affected;

"(3)(A) such application will be processed in an attempt to match the parent, sibling, or other biological relative and the adoptee or estranged family member; and

"(B)(i) if one subject or more than one subject is located through the computer identification system, additional research and interviewing shall be undertaken in order to attempt to determine conclusively whether the subjects match; and

"(ii) specific followup activities established by the Secretary and designed, to the maximum extent feasible, to protect the confidentiality and privacy rights and interests of all parties shall be carried out; and

"(4) records pertaining to any individual which are maintained in connection with any program or activity assisted under this title shall be confidential and not be disclosed for any purpose without the prior written, informed consent of the individual with respect to whom such record is maintained; and

"(5) reasonable fees, established by taking into consideration the costs of services provided for individuals under this title and the income of such individuals, will be collected for all services provided under this title.

"(b) The voluntary Reunion Registry may include the operation of a similar statewide identification computer system in a State which chooses to participate in the voluntary Reunion Registry and agrees to provide—

"(1) necessary coordination with the voluntary identification system provided for in subsection (a) of this section;

"(2) such financial participation as the Secretary may prescribe by the State; and

"(3) the establishment of standards and procedures for the operation of the statewide system which are consistent with those provided for in this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 304. There are authorized to be appropriated to carry out this title $1,000,000 for the fiscal year 1984, and such sums as may be necessary for each of the succeeding two fiscal years.".●

By Mr. KENNEDY:

S. 2397. A bill to establish a program to provide part-time school year and full-time summer employment to economically disadvantaged youth who are pursuing further education or training leading to meaningful subsidized employment; to the Committee on Labor and Human Resources.

YOUTH INCENTIVE EMPLOYMENT ACT

● Mr. KENNEDY. Mr. President, I join with my good friend and colleague, Representative AUGUSTUS F. HAWKINS, chairman of the House Subcommittee on Employment Opportunities, in responding to the alarmingly high rate of unemployment among young people in this country by introducing in the Senate a companion bill to the Youth Incentive Employment Act that Congressman Hawkins introduced in the House on March 5, 1984.

I want to commend my distinguished colleague in the House, Congressman Gus Hawkins, for the leadership he has shown on one of the most critically important problems facing our Nation—the unconscionable levels of unemployment among our youth.

The bill I am introducing in the Senate today is based on a highly successful pilot project that operated in 17 low-income areas around the country, including in Boston for over 2 years. During that period, 20,000 teenagers living in poverty communities were guaranteed a job as long as they agreed to complete their high school education.

The results of that program were dramatic: 56 percent of those eligible to work took jobs; employment increased dramatically for black youth; good jobs in the private sector were created when wage subsidies were offered; and school attendance increased and dropout rates declined.

The bill I am introducing today builds on that record. It is targeted particularly to youth with education deficiencies, and offers part-time or full-time jobs in the summer as an inducement for these young people to maintain satisfactory attendance and performance in high school, as alternative education program leading to a high school equivalency degree or a remediation or training program. Under this act, $2 billion would be authorized for fiscal year 1985 to subsidize employment for approximately 1,000,000 participants.

While we have had some good economic news lately, the unemployed have very little to cheer about. Over 9 million men and women still cannot find a job, and an estimated 1.5 million are too discouraged to continue their search for employment. The news for their sons and daughters is even grimmer, 20.5 percent, or one out of five, of all teenagers are out of work. Unemployment among Hispanic youth stands at 30 percent, and one of every two black teens, 50 percent is jobless.

The administration has responded to this crisis by abolishing all of the very successful jobs programs that were created in 1977: The young adult conservation corps—abolished; the youth entitlement program—abolished; the youth community conservation and improvement program—abolished; and the youth employment and training program—abolished.

The youth of our Nation deserve better, and while the Job Training Partnership Act earmarks 40 percent of title II program funds for youth, it severely limits opporunities for work experience. There are early indications that the young people most in need—high school dropouts and those with serious educational deficiencies are not being served. These young people want and need jobs. That is what this youth incentive program is all about. If enacted, this legislation will correct the administration's neglect of our young people who are now further handicapped by its policies. The highly successful youth incentive project proved that our young people want to work and given the opportunity have a valuable contribution to make. I urge my colleagues to help our young people contribute to our future by supporting the enactment of the Youth Incentive Employment Act.

Mr. President, I ask that a copy of the summary and the entire text of the Youth Incentive Employment Act be printed in the Record.

The summary and bill follow:

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Youth Incentive Employment Act".

PURPOSE

Sec. 2. It is the purpose of this Act to provide part-time employment during the school year and full-time employment or part-time employment combined with training during the summer months to eligible youths who enter into a commitment to actively and diligently pursue further education and training.

ELIGIBLE YOUTH

Sec. 3. (a) An individual may qualify to be an eligible youth for purposes of participating in programs under this Act if such individual—

(1) is 16 to 19 years of age, inclusive, at the time of assignment to a worksite;

(2) is economically disadvantaged;

(3) is not employed;

(4) resides in the service delivery area of the administering entity; and

(5) has entered into a commitment to pursue further education or training under subsection (b).

(b) For the purpose of qualifying under subsection (a)(5), an individual shall sign a written commitment with the administering entity by which the individual agrees—

(1)(A) to maintain or resume attendance in a secondary school for the purpose of obtaining a high school diploma;

(B) to maintain or resume attendance in an alternative education program conducted by a local educational agency or community-based organization for the purpose of obtaining a certificate of high school equivalency;

(C) to attend a program of remedial education which meets standards approved by the local educational agency; or

(D) to attend a program of skill training approved by the administering entity;

(2) to equal or exceed the attendance and performance standards of the program in which the individual is enrolled pursuant to paragraph (1); and

(3) to equal or exceed the attendance and performance standards at the worksite to which the individual is referred for employment under this Act.

(c) The priorities for selection among eligible youth established by the youth incentive employment plan under section 6(a)(1) shall give priority to youths with documented educational deficiencies.

(d) An individual's status as an eligible youth shall be terminated upon a finding by the administering entity, after an opportunity for a hearing, that the individual has failed to comply with the terms of the individual commitment under subsection (b).

QUALIFYING EMPLOYMENT

Sec. 4. (a) Funds provided under this Act shall be used for the purpose of establishing and assisting programs which provide eligible youth with—

(1) part-time employment during the regular school year, not to exceed 20 hours per week;

(2) part-time employment, during the months between regular school years, which is combined with remediation, classroom instruction, or on-the-job or apprenticeship training; and

(3) full-time employment for a period of at least 8 weeks during the months between regular school years, not to exceed 40 hours per week.

(b) Funds provided under this Act may be used—

(1) to pay up to 100 percent of (A) the wages and benefits, and (B) the costs of any employer-provided instruction and training of an eligible youth during the first six months of qualifying employment described in subsection (a); and

(2) to pay up to 75 percent of (A) the wages and benefits, and (B) the costs of any employer-provided instruction and training of an eligible youth during any succeeding months of such qualifying employment.

(c) Funds provided under this Act may not be used to pay any portion of the wages and benefits of any individual—

(1) for full-time employment during the months between the regular school year with a for-profit institution or organization unless such employment is a continuation of employment with that employer during the regular school year; or

(2) if the employer has failed to develop or to enforce attendance and performance standards consistent with the youth incentive plan provisions adopted under section 6(a)(4).

GENERAL REQUIREMENTS FOR RECEIPT AND RESTRICTIONS ON USE OF FUNDS

Sec. 5. (a) In order to obtain funds under this Act to provide eligible youth with qualifying employment, an administering entity shall—

(1) develop and submit to the Secretary a youth incentive employment plan in accordance with section 6; and

(2) provide, from other Federal or State sources, or from local public or private sources, not less than 20 percent of the cost of programs conducted under this Act in each program year, which may be provided in cash or in-kind.

(b) Of the funds provided under this Act to an administering entity for any program year—

(1) not less than 70 percent shall be expended for—

(A) wages and benefits for qualifying employment under section 4; and

(B) child care, transportation, or other supportive service expenses for individuals engaged in such employment;

(2) not more than 15 percent shall be used for the cost of administering programs under this Act; and

(3) any remainder shall be used for worksite supervision, supplies, training aids, and alternative or remedial education expenses.

YOUTH INCENTIVE PLAN

SEC. 6. (a) Each administering entity which desires to obtain funds under this Act shall submit to the Secretary a youth incentive plan which shall include—

(1) procedures for selecting among and allocating priorities to eligible youth for participation in qualifying employment and for selecting employment, training, and education programs which will enable such youth to obtain meaningful unsubsidized employment upon completion of participation in the program;

(2) provisions to ensure coordination with, and to avoid duplication of, services and assistance made available under the Job Training Partnership Act, the Vocational Education Act of 1963, and the Adult Education Act;

(3) a description of arrangements made with local educational agencies (A) for the establishment and enforcement of attendance and performance standards with respect to education programs for eligible youth participating in qualifying employment, and (B) for the development of flexible class schedules to permit such participation during the regular school year;

(4) a description of arrangements made with private nonprofit organizations, including community-based organizations, for the establishment and enforcement of attendance and performance standards with respect to alternative education programs for eligible youths conducted by such organizations;

(5) a description of arrangements for the development and enforcement of attendance and performance standards with respect to eligible youth on the worksites at which they are engaged in qualifying employment;

(6) provision for outreach services and programs to encourage participation in qualifying employment by eligible youths who are school drop-outs, as well as by in-school youths;

(7) assurances that special efforts will be made to recruit youth from families receiving public assistance, including parents of dependent children who meet the age requirement of this Act;

(8) a description of any arrangements made with labor organizations to enable youths to enter into apprenticeship training as part of employment provided under this Act.

(b) No youth incentive plan under subsection (a) shall be submitted to the Secretary unless—

(1) the plan has been approved by the appropriate chief elected official or officials for such area;

(2) the plan has been approved by the private industry council for the service delivery area; and

(3) the plan has been submitted for review and comment to the State job training coordinating council and includes, or is accompanied by—

(A) any comments on the plan made by such council; and

(B) to the extent such comments contain suggestions with which the plan does not conform, an explanation of the reason for the nonconformence.

(c) The Secretary shall approve any plan which is submitted in compliance with the requirements of this Act and shall not disapprove any such plan except after notice and opportunity for a hearing to the administering entity.

SPECIAL CONDITIONS

SEC. 7. (a) The Secretary shall provide financial assistance under this Act only if he determines that the activities to be assisted meet the requirements of this section.

(b) No funds for employment under this Act shall be used to provide public services through a nonprofit organization, association, or institution, or nonprofit private institution of higher education or any other applicant, which were previously provided by a political subdivision or local educational agency in the area served by the project or where the employment and training takes place, and no funds will be used under this Act to provide such services through such an organization or institution which are customarily provided only by a political subdivision or local educational agency in the area served by such project or where the employment and training takes place.

(c) The Secretary shall determine that the activities assisted under this Act—

(1) will result in an increase in employment opportunities over those opportunities which would otherwise be available;

(2) will not result in the displacement of currently employed workers (including partial displacement such as reduction in the hours of nonovertime work or wages or employment benefits);

(3) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(4) will not substitute jobs assisted under this Act for existing federally assisted jobs;

(5) will not employ any youth when any other person is on layoff from the same or any substantially equivalent job by the employer to whom the youth would be assigned; and

(6) will not be used to employ any person to fill a job opening created by the act of an employer to whom a youth is assigned in laying off or terminating employment of any regular employee, or otherwise reducing the regular work force not supported under this Act, in anticipation of filling the vacancy so created with a youth to be supported under this Act.

(d) The jobs in each promotional line will in no way infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public services not subsidized under this Act and no job will be filled in other than an entry level position in each promotional line until applicable personnel procedures and collective-bargaining agreements have been complied with.

(e) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under the program for which an application is being developed for submission under this Act, such organization shall be notified and shall be afforded a reasonable period of time prior to the submission of the application in which to make comments to the applicant and to the Secretary.

(f) Funds under this Act shall not be used to provide full-time employment opportunities (1) for any person who has not attained the age with respect to which the requirement of compulsory education ceases to apply under the laws of the State in which such individual resides, except (A) during periods when school is not in session, and (B) where employment is undertaken in cooperation with school-related programs awarding academic credit for the work experience, or (2) for any person who has not attained a high school degree or its equivalent if it is determined, in accordance with procedures established by the Secretary, that there is substantial evidence that such person left school in order to participate in any program under this Act.

(g) Appropriate efforts shall be made to ensure that youths participating in programs, projects, and activities under this Act shall be youths who are experiencing severe handicaps in obtaining employment, including but not limited to those who lack credentials (such as a high school diploma), those who require substantial basic and remedial skill development, those who are women and minorities, those who are veterans of military service, those who are offenders, those who are handicapped, those with dependents, or those who have otherwise demonstrated special need, as determined by the Secretary.

(h) The Secretary is authorized to make such reallocation as the Secretary deems appropriate of any amount of any allocation under this Act to the extent that the Secretary determines that an administering entity will not be able to use such amount within a reasonable period of time. Any such amount may be reallocated only if the Secretary has provided 30 days' advance notice to the administering entity of the proposed reallocation, during which period of time the entity may submit comments to the Secretary. After considering any comments submitted during such period, the Secretary shall notify the entity of any decision to reallocate funds, and shall publish any such decision in the Federal Register. Priority shall be given in reallocating such funds to other areas within the same State.

(i) All activities assisted under this Act, pursuant to such regulations as the Secretary shall prescribe, shall provide appropriate counseling and placement services designed to facilitate the transition of youth from participation in the project to (1) permanent jobs in the public or private sector, or (2) education or training programs.

(j) Earnings and allowances received by any youth under this Act shall be disregarded in determining the eligibility of the youth's family for, and the amount of, any benefits based on need under any Federal or federally assisted programs.

WAGE PROVISIONS

SEC. 8. Rates of pay under this Act shall be no less than the higher of—

(1) the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938;

(2) the State or local minimum wage for the most nearly comparable employment;

(3) the prevailing rates of pay, if any, for occupations and job classifications of individuals employed in the same or similar positions by the same employer to whom a youth is assigned, except that—

(A) whenever the administering entity has entered into an agreement with the employer and the labor organization representing employees engaged in similar work in the same area to pay less than the rates provided in this paragraph, youths may be paid the rates specified in such agreement;

(B) whenever an existing job is reclassified or restructured, youths employed in such jobs shall be paid at rates not less than are provided under paragraph (1) or (2), but if a labor organization represents employees engaged in similar work in this same area, such youths shall be paid at rates specified in an agreement entered into by the appropriate administering entity, the employer, and the labor organization with respect to such reclassified or restructured jobs, and if no agreement is reached within thirty days after the initiation of the agreement procedure referred to in this clause the labor organization, administering entity, or employer may petition the Secretary, who shall establish appropriate wages for the reclassified or restructured positions, taking into account wages paid by the same employer to persons engaged in similar work;

(C) whenever a new or different job classification or occupation is established and there is no dispute with respect to such new or different job classification or occupation, youths to be employed in such jobs shall be paid at rates not less than are provided in paragraph (1) or (2), but if there is a dispute with respect to such new or different job classification or occupation, the Secretary, shall within 30 days after receipt of the notice of protest by the labor organization representing employees engaged in similar work in the same area, make a determination whether such job is a new or different job classification or occupation; and

(D) in the case of projects to which the provisions of the Davis-Bacon Act (or any Federal law containing labor standards in accordance with the Davis-Bacon Act) otherwise apply, the Secretary is authorized, for projects financed under $5,000, to prescribe rates of pay for youth participants which are not less than the applicable minimum wage but not more than the wage rate of the entering apprentice in the most nearly comparable apprenticeable trade, and to prescribe the appropriate ratio of journeymen to such participating youths.

AUTHORIZATION AND ALLOCATION OF FUNDS

SEC. 9. (a) There are authorized to be appropriated for allocation to administering entities for programs under this Act, $2,000,000,000 for fiscal year 1985 and such sums as may be necessary for each succeeding fiscal year.

(b)(1) After reserving the amount required for allocation under subsection (c), the remainder of the amount appropriated under subsection (a) for any fiscal year, shall be allocated among administering entities that have in effect an approved youth incentive plan under section 6 as follows:

(A) One-third of such remainder shall be allocated among such entities on the basis of the relative number of economically disadvantaged youth in the service delivery area of such an entity as compared to the number of such youths in the service delivery area of all such entities.

(B) One-third of such remainder shall be allocated among such entities on the basis of the relative number of unemployed in the civilian labor force residing in the service delivery area of such an entity as compared to the number of such unemployed residing in the service delivery areas of all such entities.

(C) One-third of such remainder shall be allocated among such entities on the basis of the relative excess number of unemployed individuals who reside in the service delivery area of such an entity as compared to the total excess number of unemployed individuals in the service delivery areas of all such entities.

(2) For the purpose of paragraph (1)(C), the term "excess number" means the number which represents the number of unemployed individuals in excess of 6.5 percent of the civilian labor force in the service delivery area.

(c) The Secretary shall reserve 2 percent of the amount appropriated under subsection (a) for any fiscal year for allotment among Native American eligible entities. Such amount shall be allotted among such entities on an equitable basis, taking into account the extent to which regular employment opportunities have been lacking for long-term periods among individuals within the jurisdiction of such entities.

PAYMENTS AND EXPENDITURES

SEC. 10. (a) Amounts allocated under section 9 to an administering entity for a service delivery area shall be paid to the grant recipient for that area.

(b) Beginning with fiscal year 1986 and thereafter, appropriations for any fiscal year for programs and activities under this Act shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.

(c) Funds obligated for any program year may be expended by each recipient during that program year and the two succeeding program years and no amount shall be deobligated on account of a rate of expenditure which is consistent with the job training plan.

(d)(1) Appropriations for fiscal year 1985 shall be available both to fund activities for the period between October 1, 1984, and July 1, 1985, and for the program year beginning July 1, 1985.

(2) There are authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this subsection for the transition to program year funding.

ADMINISTRATIVE AND ENFORCEMENT PROVISIONS

SEC. 11. To the extent consistent with the provisions of this Act, the following provisions of the Job Training Partnership Act shall apply to the programs conducted under this Act as if such programs were conducted under the Job Training Partnership Act:

(1) section 141, relating to general program requirements, except for subsections (g), (k), and (p);

(2) section 143, relating to labor standards;

(3) section 144, relating to grievance procedure;

(4) section 145, relating to prohibiting Federal control of education;

(5) section 162, relating to prompt allocation of funds;

(6) section 163, relating to monitoring;

(7) section 164, relating to fiscal controls and sanctions, except for subsections (a) and (b);

(8) section 165, relating to reports, recordkeeping, and investigations, except for subsection (c);

(9) section 166, relating to administrative adjudication;

(10) section 167, relating to nondiscrimination;

(11) section 169, relating to administrative provisions;

(12) section 170, relating to use of services and facilities; and

(13) section 171, relating to obligational authority.

REPORTS

SEC. 12. (a) The administering entity shall report to the Secretary of Labor quarterly concerning the youth incentive projects authorized under this Act. Including in such reports shall be findings with respect to—

(1) characteristics of participants enrolled at the time of the report;

(2) the cost of providing employment opportunities to such youths;

(3) the degree to which such employment opportunities have caused out-of-school youths to return to school or others to remain in school;

(4) the number of youths provided employment in relation to the total which might have been eligible;

(5) the kinds of jobs provided such youths and a description of the employers—public and private—providing such employment; and

(6) the degree to which on-the-job or apprenticeship training has been offered as part of the employment.

(b) The Secretary shall compile the reports submitted under subsection (a) and shall submit a summary of the findings to the Congress in the annual report for employment and training programs required by section 169(d) of the Job Training Partnership Act.

DEFINITIONS

SEC. 13. As used in this Act—

(1) The term "administering entity" for any service delivery area means the entity selected to administer the job training plan for that service delivery area pursuant to section 103(b)(1)(B) of the Job Training Partnership Act.

(2) The term "appropriate chief elected official or officials" has the meaning provided such term by section 103(c) of the Job Training Partnership Act.

(3) The term "community-based organization" has the meaning provided such term by section 4(5) of the Job Training Partnership Act.

(4) The term "economically disadvantaged" means an individual who (A) receives, or is a member of a family which receives, cash welfare payments under a Federal, State, or local welfare program; (B) has, or is a member of a family which has, received a total family income during the 6-month period prior to certification (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or (ii) 70 percent of the lower living standard income level; (C) receives, or is a member of a family which receives, food stamps pursuant to the Food Stamp Act of 1977; (D) is a foster child on behalf of whom State or local government payments are made; or (E) is a handicapped individual whose own income meets the requirements of clause (A) or (B), but who is a member of a family whose income does not meet such requirements.

(5) The term "grant recipient" means, for any service delivery area, the entity selected as the grant recipient pursuant to section 103(b)(1)(B) of the Job Training Partnership Act.

(6) The term "local educational agency" has the meaning provided such term by the Vocational Education Act of 1963.

(7) The term "Native American eligible entity" means any Native American Indian tribe, band, or group on a Federal or State

reservation, the Oklahoma Indians, and any Alaska Native village or group (as defined in the Alaska Native Claims Settlement Act), having a governing body.

(8) The term "private industry council" means any council established in accordance with section 102(a) of the Job Training Partnership Act.

(9) The term "qualifying employment" means employment which meets the requirements of section 4 of this Act.

(10) The term "Secretary" means the Secretary of Labor.

(11) The term "service delivery area" means any service delivery area established in accordance with section 101 of the Job Training Partnership Act.

(12) The term "State job training coordinating council" means any council established pursuant to section 122 of the Job Training Partnership Act.

SUMMARY: YOUTH INCENTIVE EMPLOYMENT ACT

Purpose.—To provide employment opportunities for unemployed economically disadvantaged youth as an incentive for such youth to remain in or return to school to improve their long-term employment prospects.

Eligibility.—Youths may participate in the Youth Incentive Employment Program if they are: (1) not employed; (2) age 16-19; (3) economically disadvantaged (family income of 70% of the Bureau of Labor Statistics lower living standard).

Participating youths must agree to maintain minimum attendance and performance standards in an educational program leading to a high school diploma or its equivalent or in a remedial education program or approved training program.

Type of employment.—Eligible youth may be placed on worksites operated by public agencies, private non-profit organizations or private for-profit employers. Eligible employment may be part-time employment not to exceed 20 hours per week during the school year, part-time employment combined with remediation or training during the summer months, or full-time summer employment of not more than 40 hours per week for at least 8 weeks.

Wage subsidy.—Eligible employment may be subsidized up to 100% for the first six months of any eligible youth's employment with an employer; the subsidy declines to 75% for any employment with the same employer for more than six months.

Full-time employment during the summer may not be subsidized with a private for-profit employer unless such employment is a continuation of employment for an eligible youth during the school year.

Wages.—Wages paid to an eligible youth must be at least minimum wage or the rate of pay for similar employment by the same employer.

Administration.—Funds will be provided by the Secretary of Labor to service delivery areas under the Job Training Partnership Act (local political jurisdictions or combinations of jurisdictions designated by the Governor to administer employment and training services). Subsidized employment under the Youth Incentive Employment Act must be reviewed and approved by the Private Industry Council and local elected official(s) for the service delivery area.

Fund allocation.—Funds will be allocated among eligible jurisdictions on the basis of a formula taking into account unemployment and the number of economically disadvantaged youth.

Authorization.—The Act authorizes the appropriation of $2 billion for fiscal year 1985 and such sums as may be necessary thereafter. At this level of funding, approximately 1 million eligible youth could be served.●

By Mr. McCLURE (by request):

S. 2398. A bill to repeal personnel restrictions applicable to the Department of Energy; to the Committee on Energy and Natural Resources.

REPEAL OF PERSONNEL RESTRICTIONS

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to repeal personnel restrictions applicable to the Department of Energy.

Mr. President, this draft legislation was submitted and recommended by the Department of Energy, and I ask unanimous consent that the bill, and the executive communication which accompanied the proposal from the Secretary of Energy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303 of the Supplemental Appropriations Act, 1982 (Public Law 97-257) and the item entitled "Administrative Provisions, Department of Energy" and its heading "DEPARTMENT OF ENERGY" in chapter VII of the Supplemental Appropriations Act, 1983 (Public Law 98-63; 97 Stat. 328) are repealed.

SEC. 2. The final proviso in section 101(g) of the Continuing Appropriations for Fiscal Year 1983 (Public Law 97-276) and the final proviso in section 101(f) of the Continuing Appropriations for Fiscal Year 1983 (Public Law 97-377), both concerning Department of Energy employment levels, are repealed.

THE SECRETARY OF ENERGY,
Washington, D.C., March 2, 1984.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is proposed legislation "[t]o repeal personnel restrictions applicable to the Department of Energy."

BACKGROUND

The Department of Energy currently is required by Public Law 97-257 and Public Law 98-63 to employ not less than a certain number of employees in the following four areas:

Office	Original floor	Fiscal year 1984 floor	Fiscal year 1985 floor
Assistant Secretary for Conservation and Renewables	352	352	352
Conservation R&D	154	154	154
State and local conservation	180	180	180
Assistant Secretary for Fossil Energy	754	715	715
Headquarters	150	150	150
Pittsburgh Energy Technology Center	280	280	280
Morgantown Energy Technology Center	250	250	250
Economic Regulatory Administration	450	[1]305	450
Office of Fuels Conversion	40	[1]27	40
Energy Information Administration	490	490	490

[1] Full-time equivalent Federal employees, all other figures are full-time permanent Federal employees.

In addition to these personnel floor restrictions, Public Law 97-276 and Public Law 97-377 prohibit the Department from taking any action that "would result in a significant reduction of the employment levels for any program or activity below the employment levels in effect on September 30, 1982."

PURPOSE OF THE LEGISLATION

The purpose of this proposed legislation is to restore the ability provided by permanent law to tailor personnel strength to mission requirements by repealing extraordinary legislation mandating minimum personnel levels in selected offices within the Department and imposing employment reduction restrictions.

More specifically, the proposed legislation would repeal section 303 of the Supplemental Appropriations Act, 1982 (Public Law 97-257) and the item entitled "Administrative Provisions, Department of Energy" and its heading "Department of Energy" in chapter VII of the Supplemental Appropriations Act, 1983 (Public Law 98-63) which impose the personnel floors. In addition, this proposed legislation would repeal the final proviso in section 101(g) of the Continuing Appropriations for fiscal year 1983 (Public Law 97-276) and the final provison in section 101(f) of the Continuing Appropriations for fiscal year 1983 (Public Law 97-377).

DISCUSSION

Management reform is a priority issue throughout the Federal extablishment. The Office of Management and Budget is directing a six-year management improvement effort entitled Reform 88, which has identified a number of areas where significant gains in Government efficiency and cost effectiveness can be expected. The President's Private Sector Survey on Cost Control, also known as the Grace Commission, made many specific recommendations for cost savings in its 1983 report. In addition, the Energy Research Advisory Board and the White House Science Council looked at ways to improve the effectiveness of the Department's field offices and laboratories. In response to these various recommendations, we are undertaking a number of management initiatives which should result in savings of $47.5 million in fiscal year 1984 and $96.0 million in fiscal year 1985. The attainment of these savings will reduce the need for new budget authority.

The personnel floors and employment reduction restrictions are inconsistent with these Federal efforts to cut costs through increased efficiency in Government operations; they require us in certain areas to hire and retain people in specific jobs whether or not there is work for them. This can result in a clear waste of the taxpayer's money. In the face of our concerted efforts to reduce Federal spending and budget deficits, these personnel floors and employment reduction restrictions are counterproductive.

In addition, the personnel floors and employment reduction restrictions reduce my ability to manage the resources of the Department as efficiently as possible by: restricting the flexibility to allocate staff to respond to changing workload demands; prohibiting improved manpower utilization or restructuring of the workforce to achieve economies, which would reduce staff levels below the statutory floors; and restricting the use of innovative and less costly methods of accomplishing the workload, for example by the use of temporary employees or contracting out specific, nongovernmental functions.

Of particular importance is the fact that after September 30, 1984, the personnel floor applicable to the Economic Regulatory Administration (ERA) must increase by 145 full-time equivalents, an increase unparalleled by any increase in workload or responsibilities. This result occurs because Public Law 98-63 modified the floors for ERA established in Public Law 97-257 only for fiscal years 1983 and 1984.

Repeal of the personnel floors and employment reduction restrictions would be consonant with the Administration's desire to assure the American people that their tax dollars are not being expended needlessly. Repeal would in no way harm the Department's ability to accomplish its mission; the programs affected by the personnel floors have proposed funding and staffing levels in the fiscal year 1985 budget request which will accomplish program objectives and be consistent with the President's national energy policy objectives.

A similar personnel restriction affecting the Department is found at section 311 of Public Law 98-146, and we will be forwarding to Congress proposed legislation to eliminate that restriction as well.

COST AND BUDGET DATA

Enactment of this legislative proposal would save approximately $21 million in personnel costs in fiscal year 1985 from the personnel levels mandated by Public Law 97-257 and Public Law 98-63.

For the reasons cited in this letter, I strongly recommend that the Congress enact the enclosed proposed legislation, thereby reducing waste and inefficiency in Government.

The Office of Management and Budget advises that enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

Donald Paul Hodel.●

By Mr. CRANSTON (for himself, Mr. Stafford, Mr. Riegle, and Mr. Dodd):

S. 2399. A bill to expand the scope of the prohibition of discrimination against qualified handicapped persons by recipients of Federal financial assistance; to the Committee on Labor and Human Resources.

Mr. CRANSTON. Mr. President, as a principal author of the Rehabilitation Act of 1973 and the author of subsequent amendments that strengthened the provisions in section 504 of that act prohibiting federally assisted programs and activities from discriminating against qualified handicapped persons, I am today introducing a bill, S. 2399, to amend section 504. I am very pleased that Senator Stafford, himself a principal author of section 504 and a great champion of handicapped Americans, as well as Senators Riegle and Dodd, who have such a strong commitment in this area, are cosponsoring this measure.

The basic purpose of our bill is to overturn the very restrictive limitations that the Supreme Court placed on the scope of section 504's coverage last week. In the case of Consolidated Rail Corporation against Darrone—Conrail—which was decided on February 28, 1984, the Court stated that the restrictive interpretation that it gave the words "program or activity" in Grove City College against Bell, a case decided that same day, will apply to section 504. As a consequence, where Federal assistance to a corporation, State or local government agency, or other entity is for only a particular program or activity, the recipient will be prohibited from discriminating against qualified handicapped persons only in terms of that particular program or activity. In all the rest of the recipient's programs and activities, it would be free to discriminate unjustly.

Where it is not clear whether Federal assistance is going to only one or more particular, identifiable programs or to a wide range or all of its programs and activities, there will be a great deal of uncertainty and confusion—and much litigation—as to the precise extent to which section 504 applies.

Mr. President, I and certain of my colleagues in the Congress submitted amicus briefs in the Grove City College and Conrail cases, in which we urged that the statutes involved be broadly interpreted. Joining me on the brief in the Grove City College case in August were Senators Dole and Packwood; also with me on the brief in the Conrail case were Senators Dole, Hatch, Kennedy, Pell, Stafford, and Weicker. A number of Members of the House of Representatives were on each brief. I do not believe that, under section 504, businesses, schools, cities, or other entities receiving Federal support should ever be seen as consisting of various watertight compartments denominated as programs and activities, with only those compartments into which Federal-aid dollars have been placed being required to treat handicapped persons fairly. That approach will not come anywhere near to achieving as fully as we wish the goal of breaking down the attitudinal and physical barriers that can unfairly deprive handicapped persons of the rights and opportunities that should be each American's due.

I believe that section 504 should be available to the maximum extent to insure that recipients of Federal assistance deal fairly and reasonably with disabled individuals who are seeking to participate more fully in our society and in the activities of our commercial, professional, recreational, social, and governmental institutions. Over the past decade, we have made substantial progress in opening the doors of opportunity for Americans with serious disabilities, and in the process we have seen more clearly that these individuals have great abilities, energies, talents, aspirations, and sensitivities.

Now is not the time to acquiesce in a setback. It is the time to regain lost ground and to move ahead, as our amendment would make it possible to do.

Mr. President, I would like to note that the two cases I cited earlier were not total losses from the perspective of handicapped individuals. There were some very significant, positive aspects of the decisions in those cases. For example, in the Grove City College case, the Court upheld the concept that Federal educational grants to a college's students constitute Federal assistance to the college.

Especially significant, in the Conrail case the Court held—as my colleagues and I had urged and as I had been insisting for the last 6 years since the Trageser case was wrongly decided—that under section 504 the prohibition against discrimination in employment is not limited to cases in which the primary objective of Federal assistance is to provide employment. At issue here was whether section 505(a)(2) of the Rehabilitation Act—which was added by a 1978 amendment that I authorized—in making available with respect to section 504 violations the remedies, procedures, and rights set forth in title IV of the Civil Rights Act of 1964, also made applicable to section 504 the provisions of section 604 of the Civil Rights Act that limit the employment-practice applicability of title IV itself to those cases "where a primary objective of the Federal assistance is to provide employment." Consistent with congressional intent and the purposes underlying section 504 and the provisions of section 505(a)(2) making available the title IV "remedies", the Court held that the section 604 limitation was not made applicable.

I was extremely delighted with that result. It holds the promise of providing handicapped individuals with the important employment protections that the Congress has intended. But, it can only achieve that goal fully if the devastating, narrowing effects of Grove City College on the scope of section 504 are reversed, and that is what our introduction of this bill today signifies it is our firm intention to achieve.

CONSEQUENCES OF THE GROVE CITY COLLEGE CASE F, TITLE IX

Mr. President, as I indicated at the outset, I was one of the three Senators who initially joined in the amicus brief filed last August in the Grove City College case arguing against the position urged by the Reagan administration that the scope of coverage of title IX be greatly narrowed in many instances. That position, adopted by the Supreme Court, would substantially undermine the effectiveness of title IX as a tool in eliminating sex discrimination in educational institutions.

Because of my very strong concerns about this issue, I have joined in cosponsoring the legislation, S. 2363, introduced last week by my good friend from Oregon (Mr. PACKWOOD), to reverse the Grove City College case as it affects title IX. I would like to take a few moments here to discuss the impact that this decision would have, if allowed to stand, on the pursuit of equal educational opportunities for women.

Mr. President, it is fair to say that before title IX was enacted, discrimination against women was widespread at virtually every level in education. Women were excluded from admission to publicly supported institutions, barred from certain courses of study, and denied equal access to financial aid and a full range of educational opportunities. Negative stereotypes prevailed to limit the protential career choices of many female students. Educational counselors routinely steered female students away from male-dominated fields, irrespective of the aptitudes, abilities, or desires of those students. In 1972, Congress acted to bring an end to this invidious discrimination. The legislative history of title IX leaves little doubt that it was intended to be a broad, remedial statute, aimed at bringing an end to sex discrimination at all levels of the educational system.

Over the past 12 years, steady progress was made in the struggle to overcome the barriers and prejudices that had served to deny women equal access to educational opportunities. Women have made gains in virtually every area and our society has been greatly enriched by the contributions made by women as they have entered new fields in increasing numbers.

Yet, with the Grove City College decision, this decade of progress can swiftly be reversed. As the dissenting opinion of Mr. Justice Brennan observed, after last week's decision, a school that received major assistance through its financial aid office would be free to discriminate in a wide variety of ways. Such a college, Justice Brennan noted, "would be free to segregate male and female students in classes run by its mathematics department." The aspirations and dreams of a new generation could be crushed and destroyed by a resurgence of the old prejudices and stereotypes.

It is clear that this decision, unless overturned by congressional action would greatly set back the efforts of this Nation to seek to provide equal educational opportunities to all. Under title IX, the doors of our educational institutions have, for the first time, truly been opened wide to women seeking educational advancement. We cannot allow those doors to be slammed shut again.

CONSEQUENCES UNDER TITLE VI

Mr. President, although I have focused primarily upon the implications of these Supreme Court actions on title IX and section 504, I am just as vitally concerned about the implications of the Grove City College decision for the protections against discrimination based on race, color, or national origin afforded by title VI of the Civil Rights Act.

Title VI is one of the cornerstones of our civil rights laws. It prohibits discrimination on the basis of race, color, or national origin under any program or activity receiving Federal financial assistance.

Application of the principle of Grove City College to title VI will be a tremendous set back for a society that has made great strides toward putting racism and bigotry behind it. It will prevent the Federal Government from protecting—under title VI—members of racial and ethnic groups, and language minorities as well, from being excluded from and denied a wide range of opportunities and benefits provided by Federal aid recipients. The possible erosion of the rights of the members of these groups in education programs alone, especially at the elementary and secondary school levels, presents a critical need for swift and decisive action by the Congress.

OMNIBUS APPROACH

Mr. President, because of the concern shared by many of us in the Congress about the effects of Grove City College on the scope of protection under section 504, title IX and title VI, a broad coalition of civil rights, women's, and disability organizations is working with us to devise a single omnibus measure for all three areas. I am closely in touch with this coalition and with other Senators interested in this approach. I think that such a unified measure is the best way to remedy the problems the Grove City College case has raised, and I fully expect to be an original cosponsor of that measure and dedicate myself to its enactment.

Thus, I wish to make clear that I do not view the bill we are introducing today as the last word on dealing with the problems I have discussed with respect to section 504—from the standpoint of either legislative strategy or the various technical issues involved in negating the effects of Grove City College on the scope of section 504. Rather, it is the first word of this particular chapter in the long and arduous effort we began 12 years ago to protect the civil rights of handicapped individuals.

Our introduction of this bill today is intended to stand as a symbol of the importance that we attach to regaining lost ground and continuing the fight to insure that handicapped individuals are afforded the right we should all have—and the right that is a basic hallmark of citizenship—to participate fully in our society.

Mr. President, I ask unanimous consent that the text of our bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504 of the Rehabilitation Act of 1973 is amended by striking out "receiving" and all that follows through "conducted" and inserting in lieu thereof "conducted by any recipient of Federal financial assistance or".

By Mr. GRASSLEY:

S. 2400. A bill to amend the Internal Revenue Code of 1954 to safeguard taxpayers' rights; to the Committee on Finance.

TAXPAYERS' PROCEDURAL SAFEGUARD ACT

Mr. GRASSLEY. Mr. President, I rise to introduce a measure to set forth new requirements for levy and seizure of property and other taxpayer protections. This legislation will be the centerpiece for the hearings of my Subcommittee on Oversight of the Internal Revenue Service on March 19.

In my view, it is important to examine specific segments of IRS procedures to be certain they are both effective and fair to taxpayers. While very few taxpayers are subject to the levy and seizure provisions, they are among the most sweeping powers available to a Federal agency. We have the responsibility to be certain that they are exercised with restraint and that citizens are certain of their rights.

My bill lengthens the period during which a taxpayer must pay a deficiency after notice and demand by the service from 10 to 30 days. A more detailed explanation of a taxpayer's remedies on receipt of notice and demand is also required by my bill. This bill also increases the amount of a taxpayer's wages and salary that is exempt from levy, and it prohibits the IRS from levying if the cost of selling the asset exceeds the asset's fair market value or the liability the Service is attempting to satisfy. New procedures are outlined for the release of a levy and I have inserted restrictions on unwarranted subsequent levies.

This legislation also provides for review of jeopardy levies and assessments.

Taxpayers have frequently complained of the Service's abrogation of installment sales agreements. Barring any dramatic increase in a taxpayer's economic fortunes, this bill provides better protection for taxpayers who have installment agreements with the IRS.

If the IRS provides a taxpayer with inaccurate written advice, my bill abates the portion of the deficiency which is based on incorrect information. The bill also requires the IRS to advise taxpayers that oral advice from the Service is not binding on them in subsequent litigation.

This legislation also contains new rules for the conduct of taxpayer interviews, so a citizen knows what to expect when questioned by the IRS. Also, it stresses the importance of arranging an interview at a location convenient to the taxpayer.

Also, this legislation requires the ombudsman to be a Presidential appointee, outlines his or her specific duties, and gives the ombudsman certain taxpayer relief powers in specific situations.

Finally, my bill enables a taxpayer to appeal an administrative lien and it provides a taxpayer with a cause of action against the Service for wrongful lien or levy.

To assemble the provisions of this bill, I have worked with taxpayers and taxpayer advocate groups throughout the Nation. Many of these provisions will need further refinement and some may be rejected as unnecessary or ineffective in achieving their purpose. It is my hope that our hearing will highlight the strengths and weaknesses of this effort and uncover new solutions to many of the problems I have addressed.

By Mr. DURENBERGER:

S. 2401. A bill to require the provision of compensation for the additional direct costs incurred by State and local governments in complying with intergovernmental regulations promulgated under significant Federal laws, and for other purposes; to the Committee on Governmental Affairs.

INTERGOVERNMENTAL REGULATORY RELIEF ACT OF 1984

● Mr. DURENBERGER. Mr. President, today I am introducing the Intergovernmental Regulatory Relief Act of 1984. The purpose of this bill is to grant State and local governments needed relief from the burden of myriad costly Federal regulations and at the same time to prevent future cost shifting to the States when Congress legislates to achieve a Federal purpose. This legislation will produce relief in two ways: By reimbursing State and local governments for additional direct costs they incur in complying with new major Federal rules and regulations and by requiring a reduction in the existing regulatory burden.

The premise of the bill is simple: If Congress passes legislation to pursue a national purpose, the Federal Government should pay the full costs of achieving it. Under our current system, Congress need not face the full costs of implementing legislation it passes, because it is able to shift a considerable amount of costs onto State and local governments through the regulatory process. Congress permits itself to engage in an incomplete cost-benefit calculus. The result is predictable. Benefits loom large when compared to partial costs only, and we pass laws to do laudable things while leaving State and local governments to pick up a large part of the bill.

Not only is this fiscally irresponsible, it encourages vague and ambiguous legislation. Increasingly, we have passed laws that resemble more statements of policy than tight legal prescriptions. This practice in turn leaves extraordinary discretion to the bureaucracy and the courts in divining congressional intent. When congressional intent is interpreted to increase greatly the total cost of implementing the law, Congress has little incentive to clarify its intent, since many of the additional costs are shifted onto State and local governments.

After leaving his post as Secretary of the Department of Health, Education, and Welfare, Joseph Califano put his finger on the problem when he wrote that Congress wants "to have its cake and eat it too" on the intergovernmental regulation issue by responding to social problems without bearing the costs. It is time to put an end to this unsavory practice. If we want the credit for solving social problems, we must state our objectives clearly and vote openly to spend scarce Federal dollars to pay for the solution.

The Intergovernmental Regulatory Relief Act of 1984 is simple in its design. It requires Federal reimbursement for all additional direct costs incurred by States and their local governments in complying with any new Federal rule or regulation. In addition, it establishes a 10-year schedule of relief to reduce the existing regulatory burden. This schedule requires the Federal Government to reduce the existing regulatory burden either by a phase-in of reimbursement for additional direct costs of existing regulations, by a phased-in reduction of the regulatory requirements themselves, or by a combination of the two. If such relief is not forthcoming, the bill provides that no Federal agency or court shall enforce the unreimbursed regulation.

The other important provision of the bill is a requirement that the President prepare an annual report estimating total additional direct costs incurred by State and local governments in complying with major Federal rules and regulations. This report will serve two important functions. It will provide detailed cost estimates upon which to base reimbursement payments. It will also provide Congress with the ability to evaluate the total costs of achieving Federal purposes when State and local governments act in concert with the Federal Government under Federal law.

Mr. President, the Advisory Commission on Intergovernmental Relations has recently completed a voluminous study on this whole question of intergovernmental regulation. The study documents the growth of Federal regulation of State and local governments and explains the pernicious effects it has had. It concludes that:

> Although the specific programs imposing major fiscal and administrative costs vary greatly from one jurisdiction to another, most States, cities, and counties have been strained by the combined weight of the new Federal intergovernmental regulations taken as a whole.

To cite but one example of cost shifting through Federal regulations, consider the finding of a study prepared by the Urban Institute that examined just six Federal regulatory programs in a sample of seven cities and counties. The study concluded that the annual federally mandated costs for these six programs alone ranged from a total of $6.00 to $51.51 per capita. For a State of the size of my own, this means the Federal regulatory burden may run somewhere between $25 million and $209 million a year for a mere six regulations. This, I suspect, is just the tip of the regulatory iceberg. The Advisory Commission on Intergovernmental Relations has identified more than 35 major Federal regulatory statutes implemented by thousands of pages of rules in the Federal Register aimed at or implemented by State and local governments.

I cannot overstate the insidious nature of this creeping Federal intrusion on State sovereignty. Let me just take a few minutes to chart its evolution and trace the effects. Traditionally, Federal grants-in-aid have been considered voluntary contracts between State or local governments and the Federal Government. In exchange for Federal assistance, the recipient government would agree to do certain things. Typically the conditions placed on the use of Federal assistance were policies directly related to the expenditure of the funds that Congress felt were in the national interest. Over time, however, the cooperative and voluntary nature of the contractual quid pro quo was transformed into a mechanism of Federal extortion.

Throughout the 1960's and 1970's, State and local governments became increasingly dependent on Federal aid. As a percent of State and local expenditures, Federal grants increased from 15.3 percent in 1965 to a peak of 26.8 percent in 1978. While this dependence has lessened somewhat during the Reagan administration, Federal grants still comprised almost 22 percent of total State and local expenditures in 1983.

With increased State and local dependence has come increased Federal strings. Not only did Congress tighten the conditions within the scope of grant activities themselves, the 1970's saw the proliferation of new types of conditions, two of which illustrate the point. These two types of regulations are characterized by the Advisory Commission on Intergovernmental Relations as crosscutting requirements and crossover sanctions—restrictions on State and local activities that fall outside the scope of the grant.

Crosscutting requirements—sometimes called generally applicable requirements—are requirements imposed on grants across the board to control recipient actions in a wide variety of areas. In other words, the grant has become the lever—some would say club—used by the Federal Government to coerce State and local governments into behaving as it desires in activities totally unrelated to performance of the grant. A total of some 36 across-the-board requirements dealing with various socioeconomic issues, as well as an additional 23 administrative and fiscal policy requirements, were identified in a recent Office of Management and Budget inventory. The effect of crosscutting requirements is dramatic and once States and local governments become dependent on Federal aid, they have little choice but to conform with new Federal mandates.

Crossover sanctions are similar in nature. These are Federal sanctions that impose Federal fiscal sanctions in one program area or activity to influence State and local policy in another specific area. The receipt of funds in one area becomes contingent upon specific performance in another. For example, under the Clean Air Act areas not in attainment with national ambient air quality standards may loss eligibility for wastewater treatment grants.

What has happened is clear. As State and local governments became more and more dependent on Federal largess, the Federal partner found itself in an increasingly stronger bargaining position. Each year, Congress could extort further voluntary concessions from the State or local party to the contract, and in the process, shift a mounting portion of the costs of Federal policies onto their shoulders.

The Federal grant system has evolved into nothing less than a contract of adhesion. Current grants-in-aid have the suspicious look about them of standardized contracts in which an entire universe of behavior outside the scope of the original agreement becomes subject to terms of the contract. The common law has long recognized that such standardized contracts of this nature are easily used by a party with strong bargaining advantages to control the activities of a weaker party and has not favorably viewed such agreements as truly voluntary.

In spite of this, the courts have persistently maintained the fiction that Federal grants constitute voluntary contracts. This judicial doctrine, however, is based upon precedent that evolved six decades ago, before the entangled web of Federal regulations had enveloped Federal grants—a time when the very limited grant-in-aid system could more accurately have been characterized as voluntary and cooperative.

But Mr. President, even if one maintains the fiction that the Federal grant system is truly voluntary, he is left with a pitifully anemic notion of federalism if virtually any sort of condition attached to Federal assistance can be regarded as permissible. We do not expect—nor indeed do we even permit—individuals to forgo basic constitutional liberties in the terms of a voluntary contract. Neither should Congress exhibit such hubris in demanding, on a take-or-leave-it basis, that State governments give up fundamental aspects of their sovereignty as a condition of receiving Federal aid. This is not cooperative federalism, it is coercive federalism.

The Intergovernmental Regulatory Relief Act of 1984 is based on the findings and recommendations of the Advisory Commission on Intergovernmental Relations. Let me just quote these for the record:

> ACIR finding: The Commission finds that many governmental regulations impose substantial costs on State and local governments and constitute a major source of intergovernmental tension and conflict. Furthermore, the lack of adequate resources may seriously undermine successful program implementation and delay or obstruct attaining important national goals.
>
> ACRI recommendation: The Commission recommends that Congress establish a system that guarantees full Federal reimbursement to State and local governments for all additional direct expenses legitimately incurred in implementing new Federal statutory mandates, including costs imposed by Federal direct order mandates, crosscutting requirements, partial preemptions, and provisions enforced by crossover sanctions. The Commission further recommends that the legislation establishing such a system specify that no State or local government be obligated to carry out a Federal statutory mandate that does not fulfill this requirement.

The legislation I am introducing today does not address all of the problems presently confronting our Federal system. Indeed, it does not resolve the fundamental problems posed by the two types of regulations to which I just alluded. It does represent an important beginning, however. Over the coming weeks, I intend to introduce two additional bills aimed at federalism reforms. One will address the technical questions of writing and managing Federal regulations on State and local governments. The other will go to more fundamental questions of State/Federal relations in the areas of Federal preemption of State laws and direct Federal orders that come both in the form of legislation and court decisions.

With these three bills, I hope to rekindle the federalism debate and to elevate it above the budgetary politics in which the President's new federalism initiative of 2 years ago was conceived and aborted. Federalism reforms are essential to the continued strength and vigor of our system of government. But, such reforms must begin with first principles and with institutional changes derivative of these principles. Only then will it be possible to design swaps and turnbacks of programs and responsibilities to achieve a major reordering of the Federal system. The legislation I am introducing today starts us down the path to reform.

Mr. President, I ask unanimous consent at this time that the text of Intergovernmental Regulatory Relief Act of 1984 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Regulatory Relief Act of 1984".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) Federal regulation of State and local governments has become increasingly extensive and intrusive in recent years;

(2) such regulation has, in many instances, adversely affected State and local governments by placing excessive fiscal burdens on such governments;

(3) such excessive fiscal burdens have weakened the foundation of the Federal system of government; and

(4) a lack of adequate fiscal resources to carry out necessary Federal regulation of State and local governments has delayed and obstructed the achievement of Federal goals.

(b) Therefore, it is the purpose of this Act to establish procedures to—

(1) assure that the Federal Government pays the total amount of additional direct costs incurred by State and local governments in complying with any intergovernmental regulation which takes effect on or after the date of enactment of this Act;

(2) assure that the burden on State and local governments resulting from compliance with intergovernmental regulations in effect before the date of enactment of this Act is reduced to the minimum level consistent with achieving major national objectives; and

(3) assure that the Federal Government ultimately pays the total amount of additional direct costs incurred by State and local governments in complying with intergovernmental regulations.

DEFINITIONS

SEC. 3. For purposes of this Act, the term—

(1) "additional direct costs" means the amount of costs incurred by a State or local

government solely in complying with an intergovernmental regulation promulgated pursuant to a Federal law concerning a particular activity which is in excess of the amount that such State or local government would be required to expend in carrying out such activity in the absence of such law, except that such term does not include any amount which a State or local government is required by law to contribute as a non-Federal share under a Federal assistance program;

(2) "compliance reforms" means market oriented procedures to replace or supplement strict governmental monitoring and enforcement activities, including the establishment and enforcement of penalties for noncompliance with Federal regulations that reflect the degree of such noncompliance, and the establishment of procedures to permit compliance with State or local regulations in lieu of compliance with Federal regulations;

(3) "Director" means the Director of the Office of Management and Budget;

(4) "economic incentives" means the process of making price corrections in the marketplace through governmental fees or subsidies that encourage or discourage activities in accordance with public policies;

(5) "Federal agency" has the meaning given to the term "executive agency" in section 6501 (3) of title 31, United States Code;

(6) "Federal assistance" means any assistance provided by a Federal agency in the form of grants, loans, loan guarantees, property, cooperative agreements, or technical assitance to State and local governments or other recipients, except that such term does not include direct cash assistance to individuals, contracts for the procurement of goods or services for the United States, or insurance;

(7) "intergovernmental regulation" means a regulation promulgated by a Federal agency that requires a State or local government to take certain actions or requires State or local governments to comply with certain specified conditions in order to receive or continue to receive Federal assistance and which requires the termination or reduction of such assistance if such government fails to comply with such conditions;

(8) "local government" has the same meaning as in section 6501(6) of title 31, United States Code;

(9) "marketable rights" means the process for allocating scarce resources through the establishment of rights that can be traded or sold among bidders, rather than through the distribution of resources through the issuance of permits by a Federal agency;

(10) "performance standards" means the criteria or goals that must be attained to comply with a Federal regulation, and does not include a detailed specification of the means of compliance;

(11) "significant law" means any Federal law which is likely, in the judgment of the Director of the Congressional Budget Office, to result in total additional direct costs to all State and local governments of $100,000,000 or more in any fiscal year, or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government;

(12) "small government" means a government of a city, county, town, village, school district, or other special district established under State law which has a population of less than fifty thousand;

(13) "special provisions for small governments" means requirements for small governments contained in an intergovernmental regulation which are different from the requirements included in such regulation for other governments, and includes simplified compliance methods designed to reduce administrative burdens on small governments and reduced standards and modified compliance mechanisms which are proportional to the capabilities of small governments to comply with such regulation; and

(14) "State" means each of the several States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

TITLE I—REVIEW OF INTERGOVERNMENTAL REGULATIONS

REPORT REQUIRED

SEC. 101. (a) Not later than thirty days after the date on which the President transmits a budget for a fiscal year to the Congress pursuant to section 1105 of title 31, United States Code, the President shall submit to the Congress a report specifying and evaluating the economic costs, noneconomic costs, and additional direct costs which have been incurred or which will be incurred by State governments and local governments in complying with intergovernmental regulations during the most recently completed fiscal year, the fiscal year in progress, and the first two fiscal years immediately succeeding the fiscal year in progress.

(b) Each report required under subsection (a) shall include—

(1) a list of each intergovernmental regulation in effect during each fiscal year for which the report is made and a citation of statutory and administrative authority for each such intergovernmental regulation;

(2) an estimate, for each such intergovernmental regulation, of—

(A) the total amount of economic costs, noneconomic costs, and additional direct costs that have been incurred or will be incurred in each such fiscal year by the government of each State and all local governments in such State in complying with such regulation in each such fiscal year; and

(B) the ratio (stated as a percentage) which the total amount of additional direct costs that have been incurred or will be incurred by all local governments in a State in complying with such regulation in each such fiscal year bears to the total amount of additional direct costs that have been incurred or will be incurred by the government of such State and all local governments in such State in complying with such regulation in such fiscal year;

(3) an estimate, for each such intergovernmental regulation, of the economic and noneconomic benefits that will be provided in each such fiscal year to each State government and all local governments in such State as a result of compliance with such regulation during each such fiscal year;

(4) recommendations for changes in laws and regulations that will reduce the costs specified pursuant to paragraph (2), or that will achieve a more favorable balance between the benefits specified pursuant to paragraph (3) and the costs specified pursuant to paragraph (2); and

(5) proposals for legislation, and a statement of planned administrative actions, to implement the recommendations specified pursuant to paragraph (4).

(c) In preparing the report required by subsection (a), the President shall consider the potential for reducing costs incurred by State and local governments in complying with intergovernmental regulations through the promulgation of intergovernmental regulations which use means such as performance standards, special provisions for small governments, marketable rights, economic incentives, compliance reforms, and simplified procedures to certify the compliance of Federal assistance recipients with Federal requirements.

PROCEDURES FOR PREPARATION OF REPORT

SEC. 102. (a) The President may delegate to the Director or to the head of any other Federal agency the responsibility for preparing the annual report required by section 101.

(b) In carrying out the provisions of this title, the President, the Director, or the head of a Federal agency to which a delegation is made under subsection (a), shall, after providing public notice and an opportunity for comment in accordance with section 553 of title 5, United States Code, prescribe standards to be used by Federal agencies in estimating the costs of compliance with, and the benefits provided by, intergovernmental regulations administered by such agencies. Such standards may be revised from time to time to reflect changes in relevant economic and social circumstances and advances in pertinent branches of knowledge.

(c) The standards prescribed under subsection (b) shall provide, to the extent possible, for—

(1) uniform categories of costs of compliance with, and benefits provided by, intergovernmental regulations;

(2) methods to be used by Federal agencies in compiling the information required to be submitted under subsection (d) which shall be designed to—

(A) minimize the costs that will be incurred by the State and local governments and the Federal assistance recipients from which such information will be collected; and

(B) ensure the collection of reasonably accurate information in a form that will be useful to States in complying with section 204(c);

(3) methods for preventing disclosure of information about individuals or businesses the confidentiality of which is protected under Federal law;

(4) procedures to be followed by Federal agencies in reporting the information required to be submitted under subsection (d); and

(5) such other procedures and guidelines as may be necessary for the implementation of this title.

(d) Each year, at a time prescribed by the President, the Director, or the head of the Federal agency to which a delegation is made under subsection (a), the head of each Federal agency which administered any intergovernmental regulation during a fiscal year for which a report is required under section 101, shall prepare and submit to the President, the Director, or such agency head, a report setting forth, for each such regulation, the information required to be included for such regulation in the report required under section 101.

TITLE II—COMPENSATION OF STATE AND LOCAL GOVERNMENTS FOR ADDITIONAL DIRECT COSTS

COMPENSATION REQUIRED

SEC. 201. (a) A Federal agency or a court of the United States shall not require State governments or local governments to comply with, in any fiscal year, any intergovernmental regulation which takes effect on or after the date of enactment of this Act and which is promulgated pursuant to a significant law unless provisions of law have been enacted which provide a sufficient amount of funds for such fiscal year to reimburse such governments for the total amount of additional direct costs that will be incurred by such governments in complying with such regulation during such fiscal year.

(b)(1) For the fiscal year ending on September 30, 1987, and each of the succeeding fiscal years, a Federal agency or a court of the United States shall not require State governments or local governments to comply with, in any fiscal year, any intergovernmental regulation which took effect prior to the date of enactment of this Act and which was promulgated pursuant to a significant law unless—

(A) provisions of law have been enacted which provide an amount of funds to reimburse such governments for the additional direct costs that will be incurred by such governments in complying with such regulation in such fiscal year which is equal to or in excess of the amount described in paragraph (2) for such fiscal year;

(B) provisions of law have been enacted revising the significant law under which such regulation was promulgated, and such revisions will result in the reduction of such additional direct costs for such fiscal year by an amount equal to or in excess of the amount described in paragraph (2) for such fiscal year;

(C) administrative actions have been taken which will result in the reduction of such additional direct costs for such fiscal year by an amount equal to or in excess of the amount described in paragraph (2) for such fiscal year; or

(D)(i)(I) provisions of law have been enacted which provide an amount of funds to reimburse State and local governments for such additional direct costs for such fiscal year which is less than the amount described in paragraph (2) for such fiscal year;

(II) provisions of law have been enacted revising the significant law under which such regulation was promulgated, and such revisions will result in the reduction of such additional direct costs for such fiscal year by an amount which is less than the amount described in paragraph (2) for such fiscal year; or

(III) administrative actions have been taken which will result in the reduction of such additional direct costs for such fiscal year by an amount which is less than the amount described in paragraph (2) for such fiscal year; and

(ii) the sum of the amounts described in divisions (I), (II), and (III) of clause (i) with respect to a fiscal year is equal to or in excess of the amount described in paragraph (2) for such fiscal year.

(2) The amounts referred to in paragraph (1) for the fiscal year ending on September 30, 1987, and each of the succeeding fiscal years are as follows:

(A) FISCAL YEAR 1987.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 10 percent.

(B) FISCAL YEAR 1988.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 20 percent.

(C) FISCAL YEAR 1989.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 30 percent.

(D) FISCAL YEAR 1990.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 40 percent.

(E) FISCAL YEAR 1991.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 50 percent.

(F) FISCAL YEAR 1992.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 60 percent.

(G) FISCAL YEAR 1993.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 70 percent.

(H) FISCAL YEAR 1994.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 80 percent.

(I) FISCAL YEAR 1995.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 90 percent.

(J) FISCAL YEAR 1996 AND SUCCEEDING FISCAL YEARS.—An amount equal to the product of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in such fiscal year multiplied by 100 percent.

(c) For purposes of this section, the total amount of additional direct costs that will be incurred by State governments and local governments in complying with an intergovernmental regulation in any fiscal year shall be the total amount of such costs for such regulation estimated by the Director of the Congressional Budget Office in the report required under section 202 for such fiscal year.

REPORT BY THE DIRECTOR OF THE CONGRESSIONAL BUDGET OFFICE

SEC. 202. (a) For each fiscal year in which an intergovernmental regulation promulgated pursuant to a significant law will be in effect, the Director of the Congressional Budget Office shall prepare and transmit to the President and the Congress a report specifying, for such fiscal year and each of the two fiscal years succeeding such fiscal year, an estimate of the total amount of additional direct costs that will be incurred by State governments and local governments in complying with such regulation in each such fiscal year.

(b) In preparing each report required by subsection (a), the Director of the Congressional Budget Office shall consider the estimates of additional direct costs for a fiscal year resulting from compliance with an intergovernmental regulation which are specified in the report submitted by the President under title I during the fiscal year preceding such fiscal year.

(c) The Director of the Congressional Budget Office shall transmit each report required by subsection (a) for a fiscal year to the President and the Congress by September 1 of the fiscal year preceding such fiscal year.

IMPLEMENTATION

SEC. 203. For each fiscal year in which an intergovernmental regulation promulgated pursuant to a significant law will be in effect, the Chairman of the committees of the Senate and the House of Representatives having legislative jurisdiction over such significant law shall propose, to an appropriate bill or resolution providing funds for such fiscal year, an amendment containing provisions to appropriate funds to reimburse State governments and local governments for the additional direct costs incurred in complying with such regulation. The amount of funds proposed to be appropriated by such amendment shall be equal to or in excess of the amounts described in subsection (a), subsection (b)(1)(A), or subsection (b)(1)(D) of section 201, as the case may be.

PROCEDURES FOR REIMBURSEMENTS TO STATE AND LOCAL GOVERNMENTS

SEC. 204. (a)(1) The head of each Federal agency which administers an intergovernmental regulation promulgated pursuant to a significant law shall pay to each State government in each fiscal year the amount determined pursuant to this section to reimburse the State government and local governments in the State for the additional direct costs incurred by such governments in complying with such regulation in such fiscal year.

(2) A State government which receives payments under this section for reimbursement for additional direct costs incurred in complying with an intergovernmental regulation in any fiscal year shall pay to each local government in the State the amount determined pursuant to this section to reimburse such local government for the additional direct costs incurred by such local government in complying with such regulation in such fiscal year.

(b) The total amount to be paid to a State to reimburse the government of the State and local governments in the State for additional direct costs incurred by such governments in complying with an intergovernmental regulation in any fiscal year shall equal an amount which bears the same ratio to the total amount for reimbursement of additional direct costs for all State governments and local governments described in subsection (a), subsection (b)(1)(A), or subsection (b)(1)(D)(I) of section 201, as the case may be, with respect to such regulation for such fiscal year, as the total amount of additional direct costs with respect to such regulation which is specified in the report submitted by the President under title I for such fiscal year for such State government and local governments in such State for such fiscal year bears to the sum of the total amounts of additional direct costs with respect to such regulation which are specified in such report for all State governments and all local governments for such fiscal year.

(c)(1) The total amount to be paid by a State government to local governments in such State to reimburse such governments for additional direct costs incurred by such governments in complying with an intergovernmental regulation in any fiscal year shall be equal to the product of the amount paid under subsection (b) to such State with respect to such regulation for such fiscal year multiplied by the ratio determined by the President for such State with respect to such regulation for such fiscal year pursuant to section 101(b)(2)(B).

(2)(A) A State government which receives payments under this section to reimburse local governments in the State for the additional direct costs incurred by such governments in complying with an intergovernmental regulation in any fiscal year shall pay to each such local government an amount equal to the product of—

(i) the total amount determined under paragraph (1) with respect to such regulation for such fiscal year, multiplied by

(ii) the ratio (stated as a percentage and estimated by the State in accordance with subparagraph (B)) that the total amount of additional direct costs incurred by such local government in complying with such regulation in such fiscal year bears to the total amount of additional direct costs incurred by all local governments in such State in complying with such regulation in such fiscal year.

(B) Each State government which receives payments under this section for any fiscal year shall provide by law for the estimation of the amount of additional direct costs incurred by each local government in such State in complying with an intergovernmental regulation for which such payments are received. In providing for the estimation of such costs, the State shall establish procedures and methods for the estimation of such costs which are reasonably related to the actual additional direct costs incurred by such governments in complying with such regulation in such fiscal year.

EFFECT OF SUBSEQUENT ENACTMENTS

Sec. 205. No law enacted after the date of enactment of this title shall supersede the provisions of this title unless such law does so in specific terms, referring to this title, and declares that such law supersedes the provision of this title.

TITLE III—MISCELLANEOUS

COST ESTIMATES

Sec. 301. Section 403(c) of the Congressional Budget Act of 1974 is amended by striking out "$200,000,000" and inserting in lieu thereof "$100,000,000".●

By Mr. MATSUNAGA:

S. 2402. A bill to direct the Attorney General to study the problems of indigent, elderly immigrants who wish to return to their home countries but cannot afford to pay the transportation costs to do so; to the Committee on the Judiciary.

IMMIGRANT REPATRIATION STUDY ACT

Mr. MATSUNAGA. Mr. President, many immigrants who came to work in the United States, a country built upon the contributions of generations of immigrants, are now elderly, impoverished, and alone. Many of these immigrants would like to return to their countries of origin to be reunited with their families and culture but are unable to pay the transportation costs to do so. Mr. President, today I am introducing legislation which would direct the Attorney General to study the problems of these indigent, elderly immigrants who wish to return to their home countries.

In my State of Hawaii more than 126,000 laborers migrated from the Philippines to Hawaii between 1907 and 1946. Many have already returned to their homeland. Many have died; nearly all of the survivors are now retired. The youngest of them have reached 55 years of age. Most of these immigrants have spent their working years in Hawaii without the support of family ties.

Many of these lonely, aging Filipinos look forward to returning to their homeland. Their extended families in the Philippines welcome back their aged members and provide them with love and care that are so essential to their mental, physical, and emotional well-being in their later years. The retiree is able to be reunited with not only his extended family, but his church and associations in the Philippines, where there is not the language and cultural barriers that exist for immigrant Filipinos in Hawaii.

In 1975, Father Jaime S. Neri, a Catholic priest, almost single-handedly, boldly undertook to address the needs of such Filipino retirees. With the support of his parishioners and the Hawaii State government, Father Neri was able to arrange for the return to the Philippines of a group of 41 men, ranging in age from 65 to 85, most of them lonely bachelors or widowers. This successful repatriation program is known as Balik-Bahay, meaning homecoming in the Filipino language.

An important aspect of the Balik-Bahay program is that it not only provides for a better quality of life for the retiree, it also affects considerable savings in American taxpayers' dollars.

As Father Neri has repeatedly stated to the Social Security Administration in his effort to federalize his Balik-Bahay program, repatriation of many of the retired beneficiaries at Government expense would result in savings to the American taxpayer. Most of the men seeking repatriation are receving supplemental security income (SSI) benefits while they remain in Hawaii. In 2 years, from 1975 to 1977, the Balik-Bahay program saved the State and Federal Government a total of $74,000. This saving came from the cessation of SSI, food stamp, medicare, and medicaid payments and housing subsidies for these individuals. In 1979, it was estimated that more than $10,000 a month of public taxpayer costs were being saved by the departure of the 41 men who had already been sent home to the Philippines.

For example, a 74-year-old bachelor was sent home in January 1979. It was costing the Hawaii Department of Social Services $1,084 a month to maintain him in a nursing home. Now, back with relatives in the Philippines, and with his U.S. social security check—(earned legally through long years of labor)—of $236 a month, he lives comfortably. His monthly social security check translates into about 1,650 pesos and is more money than the local physician makes.

This humanitarian and tax-saving program to help immigrants who desire to return home to rejoin their families has been successful in repatriating over 70 elderly Filipinos to the Philippines from Hawaii. The Balik-Bahay program, now known as REPATRIA, is presently extending its services to Alaska, Washington, and California. Over the years this program has been in operation, its main stumbling block has been the cost of transportation. Many immigrants have been assisted in reestablishing contact with their families in the Philippines and are eager to return but cannot pay the plane fare.

Mr. President, my bill would direct the Attorney General, through the Commissioner of the Immigration and Naturalization Service to conduct a study to determine how many elderly, indigent immigrants in the United States wish to return to their native countries. The study would examine the costs and benefits of a Federal program to finance the transportation costs of returning such immigrants to their native countries and the options for financing such a program. In addition, the advantages and disadvantages of requiring the Federal Government to insure, through certification by an appropriate agency of the home country, that a repatriated immigrant's health and welfare will be protected would be examined. Finally, the use of the Balik-Bahay program as a model for a similar Federal program or the expansion of the program with Federal funding would be explored.

Congressman EDWARD ROYBAL of California has introduced identical legislation in the House of Representatives. I urge the Senate Judiciary Committee to give this legislation favorable and expedited attention, for here is a rare proposal, indeed, which will do a lot of good for a lot of people and which at the same time will relieve the American taxpayer of some of his burden.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Immigrant Repatriation Study Act".

Sec. 2. The Congress finds that—

(1) many immigrants who came to work in the United States years ago are now impoverished and alone; and

(2) many of these immigrants wish to return to their native countries to be reunited with their families and homeland culture but cannot afford to pay the transportation costs to do so.

Sec. 3. (a) The Attorney General, through the Commissioner of the Immigration and Naturalization Service, shall conduct a study of and recommend solutions for the problems of elderly, indigent immigrants in the United States who wish to return to their native countries but cannot afford to do so. In such study the Attorney General shall determine—

(1) the number of immigrants in the United States who are elderly and indigent and who wish to return to their native countries;

(2) the costs and benefits of a federal program to finance the transportation costs of returning such immigrants to their native countries, including an estimate of the financial consequences to the Federal Government from (A) the termination of benefits to which the repatriated immigrants would no longer be entitled, such as supplemental security income, food stamps, medicaid, medicare, and housing subsidies, and (B) the continuation of benefits to which such immigrants would continue to be entitled, such as social security retirement pay and disability pay;

(3) the options for financing such a program;

(4) the advantages and disadvantages of requiring the Federal Government to ensure, through certification by an appropriate agency of the home country, that a repatriated immigrant's health and welfare will be protected upon return to his or her home country; and

(5) whether and to what extent the Balik-Bahay repatriation program in the State of Hawaii should be used as a model for a similar Federal program or should be expanded in Hawaii with Federal funding.

(b) Within twelve months after the date of enactment of this Act, the Attorney General shall report to Congress the results of the study under this section, including the Attorney General's findings and recommendations.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2403. A bill to declare that the United States holds certain lands in trust for the Pueblo de Cochiti; to the Select Committee on Indian Affairs.

CERTAIN LANDS HELD IN TRUST FOR PUEBLO DE COCHITI

● Mr. DOMENICI. Mr. President, since the fall of 1981, I have been working with the Pueblo de Cochiti on a land claim that can only be settled legislatively. Because I am now convinced of the legal and moral claims represented by the Pueblo de Cochiti, I am today offering legislation to restore the 25,000-acre Santa Cruz Spring tract to the Pueblo de Cochiti.

The Santa Cruz Spring tract is a significant part of the Pueblo's aboriginal homeland. This tract is now a portion of the Jemez Division of the Santa Fe National Forest. In 1744, the Indians of Cochiti formally purchased this land for the sum of 1,500 pesos. There is evidence that the Pueblo de Cochiti's title to this land was fraudulently purchased in 1805 by a non-Indian. Because of the purported fraud, there is now essentially a question of the title to the land now held by the Sante Fe National Forest.

The Pueblo de Cochiti has been a party to efforts to reclaim their land in a New Mexico State district court. Sufficient evidence had not been available to substantiate the Pueblo's claim. In 1979, however, Prof. William Taylor discovered relevant documents in the archives of the Audencia in Guadalajara, Mexico. The documents support the Pueblos' claim of "paper title" to the subject lands. The Pueblo's court fight could not be reopened because of the doctrine of res judicata on the question of title.

While I view the archealogical find to be supportive, I do not view it as the basis for this claim. The Spanish documents simply give further credence to the Pueblo's long-standing claim to the tract of land in question. Another significant link in this claim to ownership is the fact that the United States attempted to purchase this same land for several Pueblo's use—including Cochiti—in the 1930's under the Federal Emergency Relief Acts of 1933 and 1935. The land so purchased—88,000 acres—became national forest land where the title has remained since. Today, I am joining the Pueblo de Cochiti's 200-year-old claim.

I want my colleagues to know that the Pueblo de Cochiti should be commended for their fair and patient approach to resolving the potential disputes with current Forest Service grazing permittees. The Pueblo has successfully negotiated generous purchases of all existing permits. In addition to cash settlements at market value, the Pueblo has promised to extend grazing rights of current users and their families until the death of the permittee or 30 years from enactment, which ever is later. The spouse or children may assume the permit for the balance of the 30-year period by simply notifying the Pueblo and the Bureau of Indian Affairs.

With Senate concurrence, we would be doing what is fair and just. My bill protects any legally existing rights-of-way, mining claims, grazing permits and water rights. We are also careful to insure public and governmental rights to all interests related to the Cochiti Lake project on a portion of the lands declared to be in trust by my bill. Thus, we protect public access to recreational sites maintained by the United States and access to parcels of land owned by private parties. Any dispute in boundaries would be settled by a cadastral survey to be conducted by the Secretary of the Interior—with any correction to be published in the Federal Register.

Mr. President, I am satisfied that with my bill we will be correcting an historic inequity with the Pueblo de Cochiti.●

By Mr. BUMPERS (for himself and Mr. PRYOR):

S. 2404. A bill to require the Secretary of Agriculture to make indemnity payments to owners and operators of farms for damages arising from actions taken by personnel of the Army Corps of Engineers at the W. G. Huxtable Pumping Station in the State of Arkansas during May and June 1983 to regulate the flow of the St. Francis River; to the Committee on Agriculture, Nutrition, and Forestry.

COMPENSATION OF CERTAIN FLOOD DAMAGES

● Mr. BUMPERS. Mr. President, today I am joined by my colleague, Senator PRYOR, in introducing a bill that will compensate for the damage caused by an unfortunate flood disaster created by the Army Corps of Engineers, and suffered by farmers served by the W. G. Huxtable Pumping Station near Marianna, Ark., during May and June 1983. Not only did these farmers suffer through the horrendous drought of 1983, but they also suffered through this equally devastating manmade flooding disaster which preceded the drought and resulted in the loss of nearly 15,000 acres of already planted wheat, rice, milo, cotton, and soybeans; the loss of 100 colonies of honeybees; the loss of projected crops on 5,000 acres they were prevented from planting; and the loss of several structures. However, because of the immunity enjoyed by the corps from liability for damage caused by floods related to corps projects—Flood Control Act of 1928, 33 U.S.C. 702c—these farmers have no real source for relief. They have nowhere else to turn but Congress and it is for this reason that we are introducing this bill.

The W. G. Huxtable Pumping Station, dedicated in 1977, was constructed for the purposes of regulating the flow of the St. Francis River and preventing flooding on the flat, fertile Arkansas Delta land in this eastern Arkansas area. The Huxtable Pumping Station, with its 10 pumps, has the capacity for pumping 13,000 cubic feet per second at a static head of 6 feet and can reduce water levels in the St. Francis River landside of the station to approximately 175 feet above sea level. Prior to 1980, the practice of the Army Corps of Engineers, which operates the pumping station, was to begin pumping when the water level reached 177 feet and continue pumping until the water level was reduced to 175 feet. In 1980, the corps changed its pumping policy to begin pumping at 180 feet in an effort to conserve fuel, and this policy was in effect when the unfortunate events in May and June 1983 took place. The farmers served by the pumping station were not aware, however, of the change in pumping policy.

During May 1983, the area served by the pumping station experienced severe amounts of rainfall. On May 12, the No. 1 pump at the pumping station unexpectedly went down and the No. 10 pump went down the following day. Not knowing the cause of these freak accidents, and fearing even greater damage, the District Engineer for the Memphis Corps District ordered a complete shutdown of all 10 pumps. This shutdown, coupled with the change of policy, led to the rapid rise of water elevations to 189.5 feet, some 4.5 feet above the minimum protection level of 185 feet, and 2.7 feet higher than the level would have been—from corps calculations—had all 10 pumps been working and the old pumping policy been in place. In the flat Arkansas Delta farmland, this additional water spread far and wide, and its effect was devastating to the farmers.

An Army Corps of Engineers investigation determined that the failure of the two pumps was due to a faulty operation decision by the corps personnel at the pumping station. It is unfortunate that this operation decision caused such widespread damage, and even more unfortunate that these farmers who were damaged have no real relief available. The Memphis District Corps of Engineers has been most cooperative and forthright in investigating this incident and in dealing with the farmers who were damaged, and I commend them for that.

This bill will provide a fund of $2 million to indemnify those farmers who suffered damages. The Secretary of Agriculture would be required to hold a hearing in Marianna, Ark., to determine eligibility, and those farmers who lost crops or structures or who were prevented from planting as a direct result of this Government-caused flood would be eligible for indemnification. This indemnity process will be concluded within 180 days after the funds are appropriated.

Mr. President, this is an important measure and we do not take this action lightly. These farmers have $2 million in crop and other property losses caused by a flood arising out of acts by agents of the U.S. Government. The Government is immune from liability and the farmers have nowhere else to turn. This legislation is the only avenue of relief for them. It is our hope that the committee will act quickly on this measure and that Congress will enact it into law.●

● Mr. PRYOR. Mr. President, I am pleased to join with my colleague from Arkansas, (Mr. BUMPERS), in introducing this legislation. This bill will give us the mechanism to correct a serious injustice that occurred last spring when the actions of a Federal agency resulted in economic losses and hardship to farmers in eastern Arkansas. I would emphasize, Mr. President, that this disaster occurred through no fault of private citizens.

It is appropriate to relate to my colleagues some of the background information that is necessary to understand why.

The Huxtable Pumping Plant was authorized by Congress and construction was completed in the mid-1970's by the Army Corps of Engineers. Its purpose was to help alleviate flooding in the eastern part of Arkansas. At the time of its construction it was one of the largest projects of its nature in the Nation. It has been a tremendous asset to the agricultural community in eastern Arkansas.

Last spring, Mr. President, this plant was operated at reduced capacity and eventually shut down for several hours during a critical period of heavy rainfall. The resultant flooding of farmland, which would not have occured otherwise, devastated hundreds of cropland acres laden with winter wheat.

Mr. President, this bill simply establishes an administrative procedure that will allow these parties to have a hearing in Marianna, Ark. If either the Government or an individual citizen wishes to appeal the findings of the administrative law judge, then such an appeal can be made in the Federal District Court for the Eastern District of Arkansas. The bill also provides an authorization of appropriations of $2,000,000 to pay claims that are found to be justified.

The bill is fairly simple, Mr. President, and I hope the Senate will pass it in the very near future. It only seems fair and equitable to provide these farmers and other persons with a forum to determine just what happened, and if the Government contributed to the problem, then providing the necessary funds to pay the claims that occurred.●

By Mr. HATCH:

S. 2405. A bill to amend part C of title IV of the Social Security Act to provide for grants to States for programs to promote the training and employment of individuals receiving aid to families with dependent children; to the Committee on Finance.

WORK INCENTIVE BLOCK GRANT ACT

● Mr. HATCH. Mr. President, today I am introducing the "Work Incentive Block Grant Act," which I believe will put the WIN program on a sound institutional basis by defining the roles of Federal and State governments more clearly, by giving States the administrative flexibility to do the job, as well as by increasing the degree of coordination with business and other training activities.

The work incentive (WIN) program was enacted in 1967 to assist recipients of aid to families with dependent children (AFDC) in preparing for and finding jobs. This is a most worthy purpose. It is clear, however, that the WIN program has not lived up to everyone's expectations. In a report of the General Accounting Office issued on June 21, 1982, it was found that of 4.1 million adults receiving AFDC benefits, only 20 percent were enrolled in WIN programs. Of these, only 14 percent were employed 6 to 18 months later. Of all WIN participants who found jobs, only half attributed their success to their participation in WIN.

Mr. President, this disappointing track record is not an argument to abandon a Federal effort to assist AFDC recipients to become independent, taxpaying citizens. It is a reason why I believe reform is desperately needed in the WIN program.

AFDC is one of our Nation's largest entitlement programs. The fiscal year 1985 budget request is $7.1 billion. This income maintenance program will continue to drain our resources until we can successfully address the causes of welfare dependency in the first place. The work incentive program, properly amended, has great potential for being an effective sister program to the Job Training Partnership Act in providing essential training opportunities for AFDC recipients.

First, the bill I am introducing, the Work Incentive Block Grant Act, will rescue WIN from a bureaucratic no-man's land and clearly define the responsibilities of Federal and State governments. Currently, WIN is jointly administered by the Departments of Health and Human Services and Labor. The bill I am proposing will vest complete responsibility for the WIN program with the Department of Health and Human Services, since it also administers all the other aspects of the social security and AFDC programs.

Second, planning for local labor market placement of WIN participants has been done sporadically, mainly because under current law, planning is done at the Federal level. This system is simply inadequate for a program for which the purpose is to assist welfare recipients to obtain regular employment.

The new structure for WIN suggested by my bill will permit States to design their own training and employment preparation programs to meet the specific needs of their own clients and potential employers. Under the Work Incentive Block Grant Act, States will be required to submit a plan for the rendering of WIN services throughout the State. States may also, if they wish, merge all or part of their

WIN allotment with their allotment under the Job Training Partnership Act in order for JTPA to increase training opportunities for the State's AFDC recipients.

Finally, the current WIN program has not emphasized the coordination with business that is essential for a Government-assisted training program to be responsive and effective. There has been little, if any, input from business regarding the adequacy of training curricula or the availability of jobs in various occupations.

The Work Incentive Block Grant Act mandates the States to consult with the private industry councils (PIC's) established by the Job Training Partnership Act. Such cooperation could vastly improve the quality of WIN's programs in every State and result in greater numbers of AFDC recipients who both obtain jobs and keep them. Such cooperation with the JTPA PIC's will also serve to coordinate the WIN program with other State and local efforts to assist the economically disadvantaged, including not only JTPA, but also the State educational system, the Employment Service, community-based organizations, and private industry. Costly duplication and conflict can be avoided.

The performance of the WIN program has not justified its continuation, much less its augmentation in funding. I believe, however, that the reforms I have suggested will go a long way toward making the WIN program viable and cost effective. We can transform WIN into a program enhancing the dignity, moral autonomy, and independence of AFDC recipients. We can reduce the expensive and seemingly everlasting load of AFDC entitlements on the taxpayers. We should seize the opportunity to do so. I urge my colleagues to join me in sponsoring this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Work Incentive Block Grant Act".

SEC. 2. (a) Part C of title IV of the Social Security Act is amended to read as follows:

"PART C—STATE WORK INCENTIVE PROGRAMS FOR RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN

"PURPOSE

"SEC. 430. The purpose of this part is to promote the establishment, by any State with a State plan approved under section 402, of a work incentive program (hereafter in this part referred to as a 'State program') to furnish incentives, opportunities, and necessary services to individuals receiving aid under such plan in order to promote (1) the employment of such individuals in the regular economy, and (2) the training of such individuals for work in the regular economy, thus restoring such individuals and their families to independence and to useful roles in the community. It is expected that individuals participating in a State program established under this part will acquire a sense of dignity, self-worth, and confidence which will flow from being recognized as a wage-earning member of society and that the example of a working adult in these families will have beneficial effects on the children in such families.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 431. (a) There is authorized to be appropriated to the Secretary of Health and Human Services (hereafter in this part referred to as the 'Secretary') for the fiscal year 1985 and each succeeding fiscal year $500,000,000 to make grants to States in accordance with this part.

"(b)(1) Of the sums appropriated pursuant to subsection (a) to carry out the provisions of this part for any fiscal year—

"(A) an amount of not more than 15 percent shall be expended by the Secretary to administer the program of grants established under this part for such fiscal year, and

"(B) an amount of not less than 85 percent shall be alloted to States with a State program approved under this part for such fiscal year in accordance with the formula described in paragraph (2).

"(2) The total amount available for allotment to States under paragraph (1)(B) for a fiscal year shall be allocated in accordance with a formula under which each such State receives an amount that bears the same ratio to such total as the average number of individuals in such State who, during the month of January last preceding the beginning of such fiscal year, were registered pursuant to section 402(a)(19)(A) bears to the number of individuals in all such States who, during such month, were so registered.

"(c) The Secretary shall make payments to a State from its allotment under subsection (b)(2) in accordance with section 6503(a) of title 31, United States Code.

"(d) A State may transfer any portion of its allotment under this part for any fiscal year for use under part A of title II of the Job Training Partnership Act for such fiscal year. Amounts so transferred shall be used to provide training under such part to individuals registered pursuant to section 402(a)(19)(A) of this Act and shall not affect the computation of the State's allotment under such part but shall otherwise be treated as if they were paid to such State under such part. The State shall promptly inform the Secretary of any transfer made by such State under this subsection.

"(e) In carrying out the purposes of this part a State may make grants to, or enter into agreements with, public or private agencies or organizations (including Indian tribes with respect to Indians on a reservation).

"(f) Payments to a State from its allotment for any fiscal year must be expended by the State in such fiscal year or in the succeeding fiscal year.

"(g) No portion of any allotment made to a State under this part may be used to pay for the administrative costs incurred by a State in administering a program established under this part.

"USES OF GRANTS

"SEC. 432. (a) A State to which an allotment is made under this part shall use such allotment to maintain a State work incentive program for individuals who are required to register pursuant to section 402(a)(19)(A).

"(b)(1) A State program shall include—

"(A) a program placing as many such individuals as is possible in employment, which may include intensive job search services and participation in group job search activities,

"(B) a program utilizing on-the-job training positions,

"(C) a program of institutional and work experience training for those individuals for whom such training is likely to lead to regular employment, and

"(D) a program of testing, counseling, and referral that is designed to promote the participation by individuals in activities included in the State program that are most likely to lead to regular employment.

"(2) To the extent practicable and where necessary, State programs established under this part shall include program orientation, basic education, training in communications and employability skills, work experience, institutional training, on-the-job training, job development, and special job placement and followup services, required to assist participants in securing and retaining employment and securing possibilities for advancement.

"(c) Amounts allotted to a State under section 431(b)(2) may be used to pay, to any member of a family participating in employment training under a State program, allowances for transportation, child care, and other costs incurred by such family member, to the extent that such costs are specified in the employability plan developed for such member in accordance with section 433(a)(2)(F) and are necessary, and directly related, to the participation by such member in such training.

"(d) None of the funds made available under this part may be used to provide public service employment for any individual registered pursuant to section 402(a)(19)(A) for a State program established under this part or for the payment of wages to any such individual.

"APPLICATION

"SEC. 433. (a) Any State desiring to receive a work incentive block grant under this part for a fiscal year shall submit an application to the Secretary at such time as the Secretary prescribes. Such application shall—

"(1) designate an entity to administer the State program established by such State under this part; and

"(2) provide assurances that—

"(A) such program will operate in each political subdivision of the State in which there is a significant number of individuals who have attained age 16 and are receiving aid to families with dependent children;

"(B) efforts will be made to—

"(i) operate such program in political subdivisions other than those described in subparagraph (A), or

"(ii) provide transportation for individuals residing in such political subdivisions to subdivisions of the State in which such program is in operation;

"(C) the present level of employment services available under the authority of State law to recipients of aid to families with dependent children will not be reduced as a result of the operation by such State of a State program approved under this part;

"(D) the entity designated to administer such program will utilize the services of each private industry council (as established under the Job Training Partnership Act) to identify and provide advice on the types of jobs available or likely to become available in the service delivery area of such council and will not conduct, in any area, institutional training which is not related to jobs of the type which are, or are likely to become, available in such area;

"(E) the chief executive officer of such State will make every effort to coordinate the State program established under this part with activities provided by private industry councils in the State under the Job Training Partnership Act;

"(F) there will be developed for each individual registered for the State program pursuant to section 402(a)(19)(A) an employability plan which—

"(i) describes the education, training, work experience, and orientation that such individual needs to complete in order to enable such individual to become self-supporting, and

"(ii) specifies the amount (if any) of the allowance payments authorized by section 433(c) that should be made to such individual in order to enable such individual to complete such program;

"(G) the entity designated to administer the State program will promptly report to the agency administering or supervising the administration of the State plan approved under section 402(b) any refusal without good cause to accept employment or to participate in an activity conducted under such program by an individual registered for such program pursuant to section 402(a)(19)(A);

"(H) any costs incurred by the State in administering the State program will be paid for with funds other than funds provided to the State by the Federal Government; and

"(I) no individual registered for the State program pursuant to section 402(a)(19)(A) will participate in activities conducted under any State program established under this part for periods totalling more than two years.

"(b) An application submitted pursuant to subsection (a) shall be accompanied by a statewide operational plan which shall prescribe how the State program will be operated at the local level, and shall indicate (1) for each area within the State, the number and type of positions which will be provided for training and for on-the-job training, (2) the manner in which information provided by the private industry council under the Job Training Partnership Act for any such area will be utilized in the operation of such program, and (3) the particular agency or organization which will be responsible for each of the various activities and functions to be performed under such program.

"(c) The Secretary shall approve or disapprove any State application made under this section within 45 days after receipt of the application.

"STATE REPORTS AND AUDITS

"Sec. 434. (a) Each State shall prepare reports on its activities carried out with funds made available under this part. Reports shall be in such form, contain such information, and be of such frequency (but not less often than every two years) as the State finds necessary to provide an accurate description of such activities, to secure a complete record of the purposes for which funds were spent, and to determine the extent to which funds were spent in a manner consistent with the purposes of this part. The State shall make copies of the reports required by this section available for public inspection within the State and shall transmit a copy to the Secretary. Copies shall also be provided, upon request, to any interested public agency and each such agency may provide its views on these reports to the Congress.

"(b) Each State shall, not less often than every two years, audit its expenditures from amounts received under this part. Such State audits shall be conducted by an entity independent of any entity administering activities funded under this part, in accordance with generally accepted auditing principles. Within 30 days following the completion of each audit, the State shall submit a copy of the audit to the legislature of the State and to the Secretary. Each State shall repay to the United States amounts ultimately found not to have been expended in accordance with this part, or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this part.

"(c) The provisions of section 6503(b) of title 31, United States Code, shall apply to grants made to States under this part.

"REPORT BY SECRETARY

"Sec. 435. The Secretary shall report annually to the Congress on work incentive programs established under this part. Each report shall include an evaluation of the effectiveness of such programs in achieving the purposes of this part and their impact on and relationship to related programs.".

(b)(1)(A) Section 402(a)(8)(A)(iv) of the Social Security Act is amended by striking out all beginning with "(but" and ending with "and (3)).

(B)(i) Section 402(a)(19)(A) of such Act is amended to read as follows:

"(A) that every individual (other than an individual determined by the State agency to fall within any reasonable category established by the State with respect to individuals to whom the requirements of this subparagraph shall not apply) shall be referred by such agency to, and as a condition of eligibility for aid under this part, shall register for a community work experience program established under section 409, a work incentive program established under part C of this title, or a program established under part A of title II of the Job Training Partnership Act, and for employment search (not to exceed eight weeks in total in each year);".

(ii)(I) Section 407 (b)(2)(C)(i) of such Act is amended by striking out "he is exempt under such section by reason of clause (iii) thereof or".

(II) Paragraph (2) of section 409(b) of such Act is repealed.

(C) Section 402(a)(19)(C) of such Act is repealed.

(D) Section 402(a)(19)(D) of such Act is amended by striking out "by section 432(d) (2) or (3)" and inserting in lieu thereof "in accordance with section 432(b)(1)(C)".

(E) Section 402(a)(19)(F) of such Act is amended in the matter preceding clause (i)—

(i) by striking out "(and for such period as is prescribed under joint regulations of the Secretary and the Secretary of Labor)";

(ii) by striking out "Secretary of Labor under section 433(g)" and inserting in lieu thereof "State agency administering or supervising the administration of the State plan, pursuant to a report made to such agency in accordance with section 433(a)(2)(G)";

(iii) by striking out "under a" and inserting in lieu thereof "in the"; and

(iv) by striking out "by part C with respect to which the Secretary of Labor has determined his participation is consistent with the purposes of such part C" and inserting in lieu thereof "in such State under part C".

(F) Section 402(a)(19)(G) of such Act is amended—

(i) by striking out "section 432(b) (1), (2), or (3)" each place it appears and inserting in lieu thereof "section 432(b)(1)";

(ii) by striking out "in accordance with the order of priority listed in section 433(a),";

(iii) by striking out "certify to the Secretary of Labor" and inserting in lieu thereof "refer to the entity designated to administer the work incentive program of such State";

(iv) by striking out "the Secretary of Labor" each place it appears and inserting in lieu thereof "such entity"; and

(v) by striking out "section 433(b)" and inserting in lieu thereof "section 433(b) and section 433(a)(2)(F)".

(G) Section 402(a)(19)(H) of such Act is amended by striking out "section 432(b) (1), (2), or (3)"and inserting in lieu thereof "section 432(b)(1)".

(2) Section 403(c) of such Act is amended by striking out "section 432(b) (1), (2), or (3)" and inserting in lieu thereof "section 432 (b)(1)".

(3)(A) Section 407(b)(2)(A) of such Act is amended by striking out "be certified to the Secretary of Labor" and inserting in lieu thereof "register".

(B) Section 407(b)(2)(C)(i) of such Act is amended by striking out "he is exempt under such section by reason of clause (iii) thereof".

(C) Section 407(c) of such Act is amended by striking out all beginning with "no action is taken" through "pursuant" and inserting in lieu thereof "the parent is not registered (after the 30-day period referred to in subparagraph (A) of subsection (b)(2)) in accordance with the requirements of".

(D) Section 407(d)(1) of such Act is amended by striking out "the" the second place it appears and inserting in lieu thereof "a".

(E) Section 407(e)(1) of such Act is amended by striking out "the work incentive program established by part C" and inserting in lieu thereof "a work incentive program established under part C".

(4) Section 409(b)(2) of such Act is repealed.

(C) The amendments made by this act shall apply to fiscal years beginning after September 30, 1984.●

By Mr. THURMOND (for himself, Mr. Chafee, Mr. Symms, Mr. Moynihan, Mr. Burdick, Mr. Boren, Mr. Hollings, and Mr. Sarbanes):

S.J. Res. 256. Joint resolution designating March 21, 1984, as "National Single Parent Day"; to the Committee on the Judiciary.

NATIONAL SINGLE PARENT DAY

Mr. THURMOND. Mr. President, I rise today to introduce, on behalf of myself, Senators Chafee, Symms, Moynihan, Burdick, Boren, Hollings, and Sarbanes, a joint resolution which would designate March 21, 1984, as "National Single Parent Day."

The purpose of this legislation is to honor the 14 million single parents living in our country today. Recent census figures indicate that single parents head nearly a quarter of all families in the United States with children under the age of 18.

Mr. President, single parents—those parents who are widowed, divorced, never married, or separated—have displayed, and continue to display a great deal of strength and courage in raising their children alone.

While I recognize the importance of two-parent families, I believe it is appropriate to acknowledge the dedication of those single parents who work hard to maintain strong family units.

Mr. President, the recent discussion on education in this country has heightened our awareness, I believe, of the great need for love and discipline in the home. We cannot rely on our schools to raise our children for us. Single parents are working very hard to provide proper homes for their children. They deserve our support, and I believe they rightfully deserve a day named in their honor.

Mr. President, I therefore send this resolution to the desk and urge the support of my colleagues.

By Mr. STEVENS (for himself, Mr. Inouye, and Mrs. Hawkins):

S.J. Res. 257. Joint resolution to designate the period July 1, 1984 through July 1, 1985 as the "Year of the Ocean"; to the Committee on the Judiciary.

YEAR OF THE OCEAN

Mr. STEVENS. Mr. President, I send to the desk a joint resolution to designate the year beginning July 1, 1984 and ending July 1, 1985 as the "Year of the Ocean."

Americans have always been dependent upon the ocean for food, transportation, recreation, and national security. In recent years, our country has developed an even greater reliance upon the resources of the ocean. We have come to depend upon the ocean and coastal zone for the extraction of fossil fuels and mineral resources, for the placement of facilities to generate energy, for waste disposal, and for fishery resources.

Extensive utilization of our marine resources has subjected the ocean environment to an increasing amount of stress. We should recognize that America is the steward of the ocean resources bordering our Nation. It is our responsibility to match increased uses of marine resources with increased vigilance of the well-being of the marine environment.

I am introducing this joint resolution today in recognition of the President's proclamation of the exclusive economic zone on March 10 of last year.

The year of the ocean program will expand American public awareness and knowlege of the importance of the ocean and its resources. It will promote a sense of stewardship among ocean organizations and industries for the ocean and its resources, and it will foster a partnership between Government and private industry for the wise use and management of ocean resources.

Now is the time to seek solutions to some of our pressing problems in marine resource management. The year of the ocean program can help our Nation to carefully examine its ocean problems and opportunities, and define issues and priorities as we move toward the next century.

Mr. President, I urge the Senate to become actively involved in expressing congressional support for the year of the ocean.

Mr. President, I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 257

Whereas the oceans are the major source of the waters on planet Earth providing an essential link in the chain of human existences;

Whereas the ocean environment provides us with a wealth of products and services but is increasingly subject to stress caused by population growth, economic development, placement of energy-related facilities, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of living marine resources;

Whereas America is the steward of the resources of the ocean and coastal regions that border our Nation and this stewardship entails a responsibility to match our increased uses of marine resources with an increased vigilance of the well-being of the marine environment;

Whereas it is important to educate Americans as the users of ocean products and the beneficiaries of our ocean heritage, to the role the world ocean plays in our lives;

Whereas a Year of the Ocean will be used to expand public awareness and knowledge of the importance of the ocean and its resources;

Whereas it is fitting and proper that "Ocean Day" be the first day of celebration during the "Year of the Ocean"; now, therefore, be it *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, now, therefore, be it that July 1, 1984 to July 1, 1985, be designated "Year of the Ocean", and the President is requested to issue a proclamation calling upon the people of the United States to observe such celebration with appropriate activities.

ADDITIONAL COSPONSORS

S. 508

At the request of Mr. Laxalt, the name of the Senator from Virginia (Mr. Warner) was added as a cosponsor of S. 508, a bill to exempt entities receiving financial assistance from the Rural Electrification Administration from fees under the Federal Land Policy and Management Act of 1976.

S. 627

At the request of Mr. Packwood, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 627, a bill to authorize the establishment of a national scenic area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of its objective, and for other purposes.

S. 769

At the request of Mr. Stafford, the name of the Senator from Oregon (Mr. Packwood) was added as a cosponsor of S. 769, a bill to amend the Clean Air Act.

S. 815

At the request of Mr. Hatfield, the names of the Senator from Mississippi (Mr. Stennis), and the Senator from Indiana (Mr. Lugar) were added as cosponsors of S. 815, a bill to provide that it shall be unlawful to discriminate against any meetings of students in public secondary schools and to provide the district courts with jurisdiction.

S. 1145

At the request of Mr. Denton, the name of the Senator from Pennsylvania (Mr. Heinz) was added as a cosponsor of S. 1145, a bill to recognize the organization known as the Catholic War Veterans of the United States of America, Inc.

S. 1925

At the request of Mr. Byrd, the name of the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 1925, a bill to establish a national coal science, technology, and engineering development program.

S. 2083

At the request of Mr. Armstrong, the name of the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 2083, a bill to amend the Internal Revenue Code of 1954 to exempt from Federal income taxes members of the Armed Forces of the United States who die as a result of hostile action.

S. 2102

At the request of Mr. Roth, the names of the Senator from Alabama (Mr. Heflin), the Senator from Georgia (Mr. Nunn), and the Senator from West Virginia (Mr. Byrd) were added as cosponsors of S. 2102, a bill to charter the National Academy of Public Administration.

S. 2307

At the request of Mr. Boschwitz, the name of the Senator from South Dakota (Mr. Abdnor) was added as a cosponsor of S. 2307, a bill making a supplemental appropriation to carry out title II of Public Law 480.

SENATE JOINT RESOLUTION 210

At the request of Mr. Trible, the name of the Senator from Virginia

(Mr. WARNER) was added as a cosponsor of Senate Joint Resolution 210, a joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education."

SENATE JOINT RESOLUTION 222

At the request of Mr. LAUTENBERG, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of Senate Joint Resolution 222, a joint resolution designating the month of June 1984 as "Student Awareness of Drunk Driving Month."

SENATE JOINT RESOLUTION 223

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Joint Resolution 223, a joint resolution relating to the rehabilitation of shelters for the homeless.

SENATE JOINT RESOLUTION 225

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont (Mr. LEAHY), and the Senator from Alabama (Mr. DENTON) were added as cosponsors of Senate Joint Resolution 225, a joint resolution designating the month of March 1984 as "National Eye Donor Month."

SENATE JOINT RESOLUTION 226

At the request of Mr. KASTEN, the names of the Senator from North Carolina (Mr. EAST), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Idaho (Mr. MCCLURE) were added as cosponsors of Senate Joint Resolution 226, a joint resolution to renounce the 1945 Yalta agreement.

SENATE JOINT RESOLUTION 235

At the request of Mr. PELL, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Oklahoma (Mr. BOREN), the Senator from North Dakota (Mr. BURDICK), the Senator from New York (Mr. D'AMATO), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. PRYOR), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maryland (Mr. SARBANES), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 235, a joint resolution to authorize the Law Enforcement Officers Memorial Fund, Inc., to establish a National Law Enforcement Heroes Memorial.

SENATE JOINT RESOLUTION 237

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 237, a joint resolution to designate the week of November 25, 1984, through December 1, 1984, as "National Home Care Week."

SENATE JOINT RESOLUTION 240

At the request of Mr. INOUYE, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Joint Resolution 240, a joint resolution relating to the 40th anniversary of the liberation of Rome.

SENATE JOINT RESOLUTION 241

At the request of Mr. D'AMATO, the names of the Senator from Tennessee (Mr. SASSER) and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 241, a joint resolution to authorize and request the President to issue a proclamation designating May 6 through May 13, 1984, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 244

At the request of Mr. DOLE, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from California (Mr. CRANSTON), the Senator from Illinois (Mr. DIXON), the Senator from Ohio (Mr. GLENN), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of Senate Joint Resolution 244, a joint resolution designating the week beginning on May 6, 1984, as "National Asthma and Allergy Awareness Week."

SENATE JOINT RESOLUTION 247

At the request of Mr. HUMPHREY, the names of the Senator from New Jersey (Mr. BRADLEY), the Senator from Florida (Mr. CHILES), the Senator from Illinois (Mr. DIXON), the Senator from Montana (Mr. MELCHER), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Senate Joint Resolution 247, a joint resolution to designate March 25, 1984, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 252

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 252, a joint resolution to designate May 25, 1984, as "missing Children Day."

At the request of Mrs. HAWKINS, the names of the Senator from Utah (Mr. HATCH), the Senator from Connecticut (Mr. DODD), and the Senator from California (Mr. WILSON) were added as cosponsors of Senate Joint Resolution 252, supra.

SENATE CONCURRENT RESOLUTION 86

At the request of Mr. HEINZ, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of Senate Concurrent Resolution 86, a concurrent resolution expressing the sense of the Congress regarding the persecution of members of the Baha'i religion in Iran by the Government of Iran.

SENATE RESOLUTION 122

At the request of Mr. MOYNIHAN, the names of the Senator from Connecticut (Mr. DODD), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of Senate Resolution 122, a resolution expressing the sense of the Senate that the President should reduce imports of apparel so that imported apparel comprises no more than 25 percent of the American apparel market.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the names of the Senator from Florida (Mrs. HAWKINS), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 335

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of Senate Resolution 335, a resolution calling on the Office of Management and Budget to withdraw its proposed revisions to Circular A-122.

AMENDMENTS SUBMITTED

SCHOOL PRAYER AMENDMENT

DIXON AMENDMENT NO. 2782

(Ordered to lie on the table.)

Mr. DIXON submitted an amendment intended to be proposed by him to the joint resolution (S.J. Res. 73) proposing an amendment to the Constitution of the United States relating to voluntary school prayer; as follows:

On page 2, beginning with line 6, strike out all through line 11 and insert in lieu thereof the following:

"SECTION 1. Nothing in this Constitution shall be construed to prohibit individual or group silent prayer or silent reflection in public schools. No person shall be required by the United States or by any State to participate in such prayer or reflection. Neither the United States nor any State shall compose any prayer or encourage any particular form of prayer or reflection.

"SECTION 2. The authorization by the United States or any State of equal access to the use of public facilities by student voluntary religious groups shall not constitute an establishment of religion."

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES AMENDMENTS

DOMENICI (AND OTHERS) AMENDMENT NO. 2783

(Ordered referred to the Committee on Labor and Human Resources.)

Mr. DOMENICI (for himself, Mr. MELCHER, and Mr. ANDREWS) submitted an amendment intended to be proposed by them to the bill (H.R. 2751) to amend the National Foundation on the Arts and Humanities Act of 1965, and for other purposes; as follows:

On page 8, beginning with line 25, strike out all through line 14 on page 9 and insert in lieu thereof the following:

SEC. 14. (a)(1) To the extent of the availability of funds for such purpose, the Secretary of the Interior is authorized to—

(A) enter into a thirty-year agreement with the College of Santa Fe, Santa Fe, New Mexico, to provide educational facilities for the use of, and to develop cooperative educational/arts programs to be carried out with the postsecondary fine arts and museum services programs of, the Institute of American Indian Arts administered by the Bureau of Indian Affairs; and

(B) conduct such activities as are necessary to improve the facilities used by the Institute of American Indian Arts at the College of Santa Fe.

(2) The provisions of this subsection shall take effect on October 1, 1984.

(d)(1) The Secretary of the Interior, acting through the Bureau of Indian Affairs, is directed to conduct a study for the purpose of determining the need, if any, for a museum facility to be established on the grounds of the College of Santa Fe for the benefit of the Institute of American Indian Arts, the feasibility of establishing such museum, and the need or desirability, if any, to establish any such museum in close proximity to the facilities currently being used by such Institute at the College of Santa Fe.

(2) On or before February 1, 1985, the Secretary of the Interior shall report the results of such study, together with his recommendations, to the Congress.

(3) Should the study recommend establishment of a museum, and should the College of Santa Fe be selected as the best site, any agreement entered into by the Secretary of the Interior for construction of such museum shall contain assurances, satisfactory to the Secretary, that appropriate lands at the College of Santa Fe will be available at no cost to the Federal Government for the establishment of a museum facility.

● **Mr. DOMENICI.** Mr. President, section 14 of H.R. 2751 has direct bearing on the future of the Institute of American Indian Arts in Santa Fe, N. Mex. While I agree with the intent of section 14, which is to stabilize the relationship of the institute with the College of Santa Fe, I cannot agree with the creation of a new entitlement. My amendment, therefore, provides for a 30-year agreement subject to the availability of funds. This is the manner in which many long-term leases are currently negotiated, and will allow good-faith agreements to be reached for the sharing of a campus by the College of Santa Fe and the Institute of American Indian Arts (IAIA).

The Bureau of Indian Affairs has already invested in the improvement of facilities. My amendment preserves the intent of the House of Representatives in authorizing necessary improvements in the facilities used by IAIA. We are also in agreement that cooperative educational/arts programs be carried out.

While the House version provides for museum facilities in Santa Fe, N. Mex., for the benefit of IAIA, my amendment provides for a close study of this matter. There is some dispute about the best location for such a museum; that is, whether such a museum should be located near the plaza in downtown Santa Fe, near a high-use shopping center, at its traditional and long-known location, or at the campus location. Rather than provide for such a museum in Santa Fe, with no further specifics, I would prefer having more factual information available with specific recommendations on its location. Such a recommendation would take into account such vital factors as the relative weights between marketing student art and teaching museum skills. Santa Fe is a well known art center, and the location question could well serve to further Santa Fe's reputation by an intelligent decision about the best showcase for Indian art. Indian students would also benefit from increased sales and public reaction to their work. I have no doubt that Santa Fe would be the best location, but I do not know what the best use would be for the existing museum, what the specific ties of a museum are to teaching art, what relationship should exist between existing art galleries and an Indian art museum, and other important considerations that would maximize available resources while advancing Indian art.

In the event that the mandated study recommends that the College of Santa Fe be the final location, my amendment provides that the Secretary of the Interior shall obtain assurances that lands at the College of Santa Fe be available at no cost to the Federal Government.

The stabilization of the IAIA and its art and culture program deserve attention after its move 4 years ago to the College of Santa Fe. The generosity of the College of Santa Fe in providing a good home for IAIA deserves to be rewarded with a commitment that the college can rely upon. Renovation is an ongoing need, and the museum question should be settled at the earliest possible date. My amendment accomplishes these purposes.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. COHEN. Mr. President, I wish to announce that the Senate Oversight of Government Management Subcommittee will hold a hearing on S. 2300, the Civilian Agency Multiyear Contracting Act of 1984, on Tuesday, March 13, at 10 a.m., in room 342 of the Dirksen Senate Office Building.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources on Friday, March 30, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building. The subject of this oversight hearing is the U.S. participation in the international energy program.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Mr. David Doane of the committee staff at 224-7144.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE

MR. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, March 8, at 2:30 p.m., to mark up H.R. 4072, a bill to provide for an improved program for wheat, and related proposals.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 8, to receive testimony on the President's strategic defense initiative in review of the fiscal year 1985 Defense authorization bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON PREPAREDNESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Preparedness of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 8, to hold an open hearing to be followed by a closed hearing in order to receive testimony on readiness trends in the Department of Defense.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy Conservation and Supply of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 8, to hold a hearing to consider H.R. 3169, a bill to amend the Energy Policy and Conservation Act to facilitate commerce by the domestic renewable energy industry and related service industries.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 8, at 3 p.m., to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE CONGRESSIONAL AWARD—SENATOR RANDOLPH SUPPORTS VITAL YOUTH ACTIVITY AND COMMENDS RECIPIENTS OF GOLD MEDALS

● Mr. RANDOLPH. Mr. President, on January 31, 11 young Americans received Congressional Award gold medals from Senate Minority Leader ROBERT C. BYRD and House Minority Leader BOB MICHEL. The Congress through the Congressional Award program recognizes the initiative, achievement, and excellence of young persons ages 14 through 23 who accomplish high goals in voluntary public service and personal development activities. This recognition is accomplished by presentation of a bronze, silver, or gold Congressional Award. The program is nonpartisan and is funded entirely by the private sector.

These 11 young people are the first to have earned this award. These individuals represent five congressional districts in Minnesota and Illinois and have each given at least 400 hours of volunteer service to their communities and an additional 400 hours of time in self-development activities.

From the Eighth Congressional District of Illinois, represented by Representative DAN ROSTENKOWSKI, the awardees were:

Jose Berrios, of Chicago, Ill., has given more than 4,000 hours to the beautification of his community. Jose has taught over 1,000 youths to recognize and improve their skills in the arts. Under his supervision, young people worked on a summer mural project for the Lathrop Boys' Club entitled, "Youth Involvement," which required 320 hours of his time. While 85 percent of his peers dropped out of school, Jose excelled and won a scholarship to art school.

Reynaldo Colon, of Chicago, Ill., is employed by the Chicago Boys' Clubs as group work specialist after volunteering for them for more than 7 years at the Logan Square Boys' & Girls' Club. Reynaldo has conducted food drives, organized a Halloween party for children and a Valentine ball for senior citizens. He assisted police in organizing the Youth Community Council, a delinquency prevention program that serves as a positive role model in a gang-infested area.

Arthur Conn, of Chicago, Ill., overcame a broken home and a rough neighborhood and made himself a role model for youth in the same situations. Arthur spent his time as a street worker, counseling youth and getting others involved in sports and beautification projects. He also counseled pregnant teenagers. He tutored elementary school children and worked with senior citizens.

Virgil Jenkins, of Chicago, Ill., has been active in the Chicago Boys' Clubs. He raised thousands of dollars for the Lathrop Boys' Club program and because of his leadership skills he was chosen to participate in the international exchange program in 1981 which took him to Great Britain. Virgil still coaches the volleyball team and counsels teenagers at the Boys' Club, even though he works 8 hours a day and studies graphic arts 3 hours every evening. Among the activities he organized for his community was a series of talent shows to help young people gain self-confidence talents.

John O'Donnell, of Chicago, Ill., has volunteered his time in the Police Scout Explorer program and as an assistant adviser to the 43d Ward Democratic organization. He has worked at the annual 14th District Christmas party for underprivileged children, a senior citizen picnic, and raising canned goods for the needy. John plans to continue his community service with a career in law enforcement.

Encarnacion Roldan, Jr., of Chicago, Ill., has worked as a volunteer with the Boys' Clubs, Big Brothers and Outward Bound organizations. Another activity in which Encarnacion has engaged is Project UNIFY (using neighborhood involvement for youth), a coalition of neighborhood organizations which provides one-on-one support and guidance to young persons.

From the Second Congressional District of Minnesota, represented by Representative VIN WEBER, the awardees were:

Scott Iverslie, of Willmar, Minn., who became a Big Brother and gave his time to a boy who felt forsaken after his parents were divorced. For his personal development, Scott chose to learn a unique skill: taxidermy. He not only became an expert taxidermist, he taught the subject to others.

Paul Taunton, of Willmar, Minn., organized a camping trip to the northern Minnesota wilderness and was involved in Big Brothers and various athletic pursuits.

Peter Taunton, also of Willmar, went to Colorado and climbed a 13,500-foot mountain. He was active in national racquetball competition and volunteered time in Big Brothers.

From the Fifth Congressional District of Minnesota, represented by Representative MARTIN SABO, the awardee, was:

Harlan Prine, of Minneapolis, Minn., a troubled teenager, used the structure of the Congressional Award program to improve his life. In voluntary public service, he devoted numerous hours to civic groups. Harlan worked as an intern in the office of a State senator where he helped draft legislation to bar unauthorized changes to the Great Seal of the State of Minnesota. He also worked as a part-time chef at a hotel and learned video taping and editing.

And from the Seventh Congressional District of Minnesota, represented by Representative ARLAN STANGELAND, the awardee was:

Lynnette Fadness, of Bemidji, Minn., has devoted more than 540 hours to working with handicapped children. Last Christmas she raised money to buy toys for these children and gave up her Christmas vacation to spend time with them. In personal development she learned public speaking. Lynnette became so proficient she was invited to speak on radio and television about teenage drug abuse, the handicapped and other community issues. As a student at Bemidji High School she was predicted to drop out. But when she heard of the Congressional Award she set for herself a series of goals that would earn her a gold award.

The Congressional Award operates through volunteer councils in congressional districts. In our State of West Virginia, Ms. Elaine Sherman of Wheeling was appointed as president of the First District Congressional Award Council by Representative ALAN MOLLOHAN.

Other Members of Congress who have appointed council presidents are:

Senator MALCOLM WALLOP—James A. Helzer.

Representative JAMES J. HOWARD—Frank Arlinghaus, Jr.

Representative DAN ROSTENKOWSKI—Marvin Wortell.

Representative MARTIN FROST—Michael Lunceford.

Representative ROBERT H. MICHEL—Robert Lehnhausen.

Representative VIN WEBER—Terry Anderson.

Representative JAMES L. OBERSTAR—Rod Determan.

Representative AUSTIN J. MURPHY—Charles E. Baily.

Representative WILLIAM H. GRAY III—Bernard Watson.

Representative CHARLES HAYES—Jacqueline Vaughn.

These private sector leaders volunteer their time in our behalf to encourage the youth of their districts to become outstanding young citizens through volunteer and personal development activities. The Congressional

Award works in cooperation with existing youth agencies.

At the awards ceremony, it was my privilege to present Mr. John Burns, chairman, Boys Clubs of America Board of Directors, with the National Voluntary Leadership Award for Boys Clubs of America's efforts to bring the Congressional Award to their membership.

The board of directors of this program has accepted the congressional mandate to make the award available to all young Americans. Mr. W. Clement Stone, founding chairman, and Mr. John G. McMillan, chairman, are to be commended for their leadership in this vital activity to stimulate youthful leadership and achievement.

The Congressional Award is making a positive difference in our communities and the lives of our Nation's young people. Many of our colleagues are already actively involved in bringing this program to their young constituents. Senator MALCOLM WALLOP and Representative JAMES J. HOWARD were presented with honorary "Gold" awards for their sponsorship of the Congressional Award enabling legislation.

It has been my privilege to actively participate in the creation and development of the Congressional Award. I urge Members of the Senate and House of Representatives to become involved in this worthy cause.●

TWENTY-ONE IS YOUNG ENOUGH

● Mr. LAUTENBERG. Mr. President, since the issuance of the report of the Presidential Commission on Drunk Driving last November, there have been several legislative initiatives to implement its recommendation regarding a uniform minimum drinking age.

On February 7, I introduced the Uniform Minimum Drinking Age Act of 1984, S. 2263. Two similar bills have been introduced in the House of Representatives. These bills, like my own, would withhold Federal highway assistance from those States refusing to comply with a uniform standard. This is the same mechanism used to enforce the 55-mile-per-hour speed limit and to require access for tandem trailers on our Nation's highways. The House bills and S. 2263 implement the recommendation of the Presidential commission.

Recently, Mr. President, an excellent article appeared in the press regarding this important issue. Ellen Goodman explores the case for a uniform minimum age of 21. I commend this article for my colleagues' attention and ask that it be reprinted in the RECORD at this point.

The article follows:

21 IS YOUNG ENOUGH

(By Ellen Goodman)

BOSTON.—At some point in the late 1960s, when thousands of young men were being drafted to fight in Vietnam, the country became embarrassed about the checkerboard of laws that ruled the lives of 18-, 19- and 20-year-olds. A young man was old enough to die for his country but not old enough to vote in it. A Marine could return from the Mekong Delta and then get carded at his home-town bar.

In that climate, support grew for a uniform age of responsibility. In 1971 the voting age was lowered to 18, and in the next few years many states lowered the drinking age to 18.

In retrospect, it seems odd that we simply accepted the draft as the baseline, the duly designated point of adulthood. Instead of raising the military age, we lowered everything else to match it. We were embarrassed about the wrong thing.

Nevertheless, we allowed 18-year-olds to drink legally and openly. Soon the lethal combination of alcohol and gasoline, drinking and driving, inflamed the fatality statistics. In New Jersey, for example, when they lowered the drinking age in 1973 from 21 to 18, the number of highway deaths of people under 21 tripled. On the average, teen-agers have been 2½ times as likely as the average driver to be in an accident involved with alcohol.

Gradually, states have been raising the drinking age again and watching the accident rates go down. Today only four states still allow 18-year-olds to buy all kinds of alcohol. In 11 states the drinking age is 19, in six it is 20, and in the rest 21.

But there are still a number of different laws coexisting side by side, border by border. This patchwork, as the President's Commission on Drunk Driving pointed out, becomes an absolute incentive to drink and drive. In Spokane, Wash., for example, 19-year-olds have to drive if they want to drink. They have to drive to the strip of waiting bars over the border in Idaho. And then they have to drive home.

Now there are two bills wending their way through Congress that would establish a national drinking age of 21. Last week one sponsored by Rep. James Florio (D-N.J.) passed a House committee. Some have opposed this legislation as an example of federal intrusion. But surely the border traffic in search of a six-pack is a kind of interstate commerce.

The need for uniformity seems obvious. But there is a legitimate controversy about raising the age barrier again. For openers, there is nothing magical about the number 21. If we were concerned solely with safety, we could reasonably ban the sale of booze to anyone under 22 or 25. On the other hand, we could forget about drinking and raise the driving age to 21—an idea that appeals to me enormously as the parent of a 15-year-old.

More important, there is the notion of a single age of responsibility. Isn't it rather insulting to tell a bona-fide voter that he or she isn't old enough to belly up to the bar?

I see the contradiction. Yet despite all the talk about a single age of adulthood, there are all sorts of uneven laws regulating the uneven process of maturity. Today, in many states, you can become "emancipated" from your parents by becoming a parent, even at 15. In most states you can get married with parental consent before you can vote. On the other hand, you cannot become a member of the House of Representatives until you are 25 or a U.S. senator until you are 30.

In this case, the dangers warrant raising the drinking age. The number 21 is no more or less than a familiar compromise figure. Even the 18-, 19- and 20-year-olds seem to accept it. In the recent Gallup poll, they favored a federal drinking age of 21, by 58 to 38 percent.

I have no illusions that we'll stop young people from drinking entirely. Nor will we stop them from lying about their age—although perhaps we can raise the lying threshold from 16 to 19. Yet it's been estimated we can save 1,250 lives each year with a new minimum age, and that's worth a try.

What, then, of the person convinced that any 18-year-old who can die for his country ought to be able to drink in it? Tell him that 18 is much, much too young to die for the country.●

CAMP AGAWAM CELEBRATES 65TH ANNIVERSARY

● Mr. COHEN. Mr. President, I would like to take a moment to pay tribute to a special boys camp which is celebrating its 65th anniversary in Crescent Lake, Maine—Camp Agawam.

Camp Agawam was established 65 years ago by the Mason family and has become one of the best known summer camps in the State. The camp offers individual instruction in a number of activities such as archery, baseball, sailing, tennis, and photography. Some 1,500 alumni, hailing from 35 States and 8 foreign countries, have enjoyed developing both skills and close friendships among the directors, staff, and fellow campers at Camp Agawam.

The camp takes special pride in its carefully selected counselors and its safety and health record. Also, parents of campers and alumni fund a week-long free camping experience for 60 Maine boys who otherwise would not be able to afford to attend the summer camp.

Throughout the years, Camp Agawam and the Mason family have provided an atmosphere that helps young men develop physically, mentally, and spiritually. I congratulate the Mason family on its 65 years of camping success.●

HUMANE TREATMENT OF ANIMALS

● Mr. PELL. Mr. President, I should like to share with my colleagues a poem written by Virginia Louise Doris of Pawtucket, R.I., about the need for humane treatment of laboratory animals.

As a consponsor of S. 657, legislation to amend the Animal Welfare Act to insure the proper treatment of animals, I want to note that her poem was inspired by the concepts of this humane legislation.

I ask that the poem be printed in the RECORD.

The poem follows:

In Service to Humanity

What makes the Hippocratic Oath divine?
The pawns we buy and sell,
The experiments that burn, the blades that shine,
The wounds we leave, the "findings" we tell?

Are these the glories, holiest Art,
The memorials that adorn us best,
Or but our triumph's meanest part,
Where pitiless prowess stands confessed?

We take the creatures that Heaven supplies
For life's long battle with Disease,
Taught by centuries need to prize
Our innocent weapons, even these.

But heed! When Science drops her shield
Its moral shelter proved in vain
And bares her cruel-ethic arm to wield
The sad, needless ministry of pain!

When hovering o'er the fount of life,
She folds her heaven-annointed wings,
To plunge within the glittering knife
That searches all its crimson springs!

God lent his sentients light and air,
And waters open to the skies;
Man locks him in a laboratory lair,
And wonders why his victim dies.

In vain our pleading tears are shed,
In vain we rear the sheltering pile
Where Art weeds out from cage to cage
The sacrifices we planted by the mile!

And mark! the humane paths reveal
The blasoned truth we hold so dear:
To guard is holier than to heal,
The shield is nobler than the spear!

Composed by: Virginia Louise Doris, 5 February 1984.●

PRESIDENT HONORS MALCOM RANDALL

● Mrs. HAWKINS. Mr. President, I would like to bring to my colleagues' attention the outstanding accomplishment of one of my constituents—Malcom Randall. Mr. Randall recently received the Presidential Rank Award from President Reagan. He is the director of the Gainesville, Fla., VA Medical Center and the medical district covering the medical facilities in Florida. This dedicated VA career executive received the Presidential Rank Award—the highest recognition given Federal executives—from President Reagan during recent White House ceremonies. Reagan told Randall and other recipients that they are "the people who are responsible for making our Government work."

Presidential Rank Awards are given each year to senior Federal executives who show sustained, extraordinary accomplishment in management of the programs of the U.S. Government. Award recipients are nominated by their respective agencies and chosen by a panel of distinguished private sector business managers and educators. Mr. Randall was the VA's only nominee.

The award consists of a plaque and a $20,000 check. It is authorized under the 1978 Civil Service Reform Act, which stresses compensation of Government employees based on performance.

Mr. Randall has been with the VA since 1946. He helped open the Gainesville VA Medical Center in 1967, and has been its only director. He has served 5 years as chairman of the VA chief medical director's advisory council, and recently was elected to the prestigious National Academy of Sciences Institute for Medicine. He also serves as professor of health and hospital administration in the University of Florida College of Health and Related Professions.

Mr. President, I am very honored to have Malcom Randall as one of my constituents. And I am very proud to know that we have such a distinguished Federal executive working in the State of Florida and that his achievements have been recognzied nationally. I most certainly wish him the very best for continued success in the future and thank him for his service.●

GREEK AND AMERICAN DEMOCRACY

● Mr. LAUTENBERG. Mr. President, I am pleased to join in cosponsoring Senate Joint Resolution 247, a resolution to designate March 25, 1984, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The philosophy of democracy and the blueprint for our Republic are rooted in the Greece of old, but the spirit and dedication that made our Nation great in this century came from peoples like those in modern Greece. We all can be proud of our shared commitment to independence and democratic government.

March 25, 1984, is an appropriate day to designate for purposes of celebration, because 163 years ago, that day marked the beginning of the modern Greek struggle for independence from the Ottoman Empire. There were at that time Greeks highly placed in commerce, administration, and even diplomatic service of the Ottoman Empire. Others dominated the religious, cultural, and educational activities of Christians within the Empire. But there were, too, the poorest of Greek peasants, struggling against a repressive and exploitive government. Those who wanted to better their lives looked for change. Those who had that better life looked for independence.

By 1821 the Greeks could draw on their own ancient traditions and philosophy for inspiration, much as the American Revolution and then the French Revolution did a few decades before. They could do so because a Greek educator, Adamanios Korais, republished many of those Greek classics and added lengthy introductions written in a refined vernacular that married the ancient Greek language with centuries of customary usage to form modern Greek. As the consciousness of the Greek people continued to rise, revolutionaries like Rhigas Pheraios and secret groups like the Philike Hetairia, a society of the merchant class, inspired and organized the Greek people. This national awakening exploded into open rebellion in 1821 and sustained the struggle for a decade.

The events of 1821 in Greece and throughout that part of the Ottoman Empire were significant for other European states. The balance of power in the Near East was an immediate concern, but the flame of nationalism burned deep into Central and Eastern Europe in the decades after the Greek struggle. It spreads still throughout the world in our century.

American citizens, like many others, sent moneys and supplies to aid the Greek, and even some volunteers. Many recognized then that the Greek struggle was similar to our own. We both had gained an appreciation of our uniqueness as Americans or Greeks and we both demanded control of our own affairs.

Americans and Greeks have both experienced serious challenges to our states and to our commitment to democracy since our birth as modern nation-states. But it is clear that neither of our peoples are prepared to accept anything less than independence and democratic government. The hundreds of thousands of Americans of Greek descent can particularly appreciate our shared heritage, but independence and democracy are the birthright of all Americans.

I urge my colleagues to join in designating March 25 "A National Day of Celebration of Greek and American Democracy."●

MICHIGAN WOMEN'S COMMISSION CELEBRATES 15TH ANNIVERSARY

● Mr. LEVIN. Mr. President, we recently celebrated the 164th birthday of Susan B. Anthony, the 19th century activist who lead the fight for women's rights and the abolition of slavery.

This week, March 4-10, has been designated as National Women's History Week and set aside as a special time for schools and communities to recognize and celebrate the lives of women of all races, ages, cultures, ethnic traditions, religions faiths, and ways of life.

I would like to take this opportunity, in the spirit of those two occasions, to honor the 15th anniversary of the Michigan Women's Commission. The Michigan Women's Commission was created by Public Act I of 1968 and charged with the following mandate:

Stimulate and encourage throughout the State the study and review of the status of women in this State;

Strengthen home life by directing attention to critical problems confronting women as wives, mothers, homemakers, and workers;

Recommend methods of overcoming discrimination against women in public and private employment and in civil and political rights;

Promote more effective methods to enable women to develop their skills; continue their education and be retrained;

Make surveys and appoint advisory committees in the fields of, but not limited to, education, social services, labor laws and employment rights, family relations, an volunteer services; and

Secure appropriate recognition of women's accomplishments and contributions to the State of Michigan.

This mandate established the framework for the commission and identified those areas in which its work is focused.

During the last 15 years, the Michigan Women's Commission has addressed a wide range of issues. For the past 5 years, priorities have fallen under the broad umbrella of economic survival. To set the framework for the overall emphasis on economic survival, the Commission developed the goal:

> To increase the power and influence of majority and minority women of all ages in the public and private sector with regard to their economic condition.

This goal is being achieved through programs and legislative initiatives. Several programs have been enacted in Michigan to better the status of women. A conference entitled "Getting Smart in the 80's" focused on four major concerns of women in the work force; job entry, survival on the job, expanded mobility, and financial management. The conference was a great success and fine example of the commission's ability to identify a need and work toward a solution.

Further, the Michigan Women's Commission has conducted two major research projects which have resulted in significant legislation to benefit Michigan women.

The first, "Domestic Assault," began in 1976 with a series of public hearings to define the scope of the problem in Michigan. The commission then published "Domestic Assault—A Report on Family Violence in Michigan," which is still recognized and requested as one of the Nation's leading publications in the area of domestic violence.

In 1978 the commission began its work on "Friend of the Court" reform, the agency which enforces court orders on child custody, support, and visitation. The commission is particularly proud that its report and recommendations were used as the basis for the child support enforcement initiatives undertaken in 1983 by the Federal Government.

I recognize, support, and applaud the work of the Michigan Women's Commission. I should like to honor this 15th anniversary by thanking executive director, Margaret Cooke of East Lansing and her staff, JoAnn Moore, Julie Barnes, and Gladys Benefield. I would also like to personally recognize the commissioners, Bernadine Denning, chair, Detroit; Yolanda Alvarado, Okemos; Louis Cramton, Midland; Patricia Curran, Lansing; Betty Davis, South Haven; Geraldine DeFant, Marquette; Nan Frost, Albion; Charleen Knight, Detroit; Mary Elizabeth Low, East Lansing; Georgia McGhee, Grand Rapids; Veronica New, Auburn Heights; Virginia Nordby, Ann Arbor; Barbara Ort-Smith, Haslett; Maxine Repas, East Lansing; Patricia Sanderson, Birmingham; Tessie Sharp, Flint; Connie Tarran, Rochester; Julie Whitepigeon, Kalamazoo; and Sharon Wills, Holly; and wish the commission continued success.●

OPPOSITION TO THE PROPOSED SALE OF STINGER MISSILES TO JORDAN

● **Mr. D'AMATO.** Mr. President, I rise today to voice my vehement opposition to the proposed sale of Stinger missiles to Jordan, an act which would only contribute to the further destabilization of the Middle East, a region of vital strategic importance to the United States. The transfer of these advanced missiles to Jordan would pose a direct threat to the security of Israel, our only ally in that turbulant region, and seriously alter the Arab-Israel military balance.

The administration has notified Congress of its intent to sell 1,613 Stinger antiaircraft missiles and launchers to Jordan. I oppose this proposal and will work to block the sale of these advanced weapons to the Jordanians. The Stinger, a shoulder launched antiaircraft missile system, has been utilized by our own forces for less than 3 years. Because it can be operated by a single individual, the Stinger is an ideal terrorist weapon. A single warhead fired from the Stinger has the capability of destroying a civilian aircraft. Despite certain stipulations contained in the proposed sale, we cannot afford to ignore the possibility that these weapons could fall into the hands of terrorists, including the PLO. No safeguards can prevent this from happening.

Proponents of the sale argue that possession of the Stinger, in some way, would enhance Jordan's defensive position in the event of attack by Syria. The facts do not support this contention. Today, Syria maintains a ground attack force of approximately 270 aircraft. Thus, in the event that the sale were to go through, the Jordanians would have six missiles per plane.

Once in the hands of the Jordanian army, the Stinger could be used just as easily against Israeli aircraft. Let us not forget that, prior to 1967, Jordan promised not to move American supplied M-48 tanks into the West Bank. This promise was broken. As soon as the 1967 war began, the Jordanians ordered the tanks to cross the Jordan River in clear violation of their agreement with the United States.

In addition, the sale of Stinger missiles to Jordan would only increase the likelihood that the sophisticated technology of this advanced weapon will be diverted to the Soviets. Thus, the supply of Stinger missiles would not only serve as a direct threat to the security of Israel, but to the United States as well.

The proposal confirms earlier reports that the administration was preparing to sell advanced weapons to King Hussein. Such a sale would substantially enhance the offensive capabilities of this Arab State which remains hostile to Israel. Despite speculation that the King might eventually agree to participate in the Camp David process, Hussein remains adamant in his refusal of direct negotiations with Israel.

King Hussein has placed a high priority on increasing the Jordanian arsenal which already includes a wide assortment of Soviet-supplied arms. Such an enhancement would clearly provide the Jordanians with a war machine which would exceed by far that nation's legitimate security needs.

Some have argued that the sale might somehow entice King Hussein to join in the Camp David peace process. I would remind these individuals that, during the discussions which proceeded the AWAC's sale, a similar suggestion was put forward with respect to Saudi Arabia. Despite the sale of that aircraft system, a sale which I adamently opposed, the Saudis have remained as intransigent as ever on the subject of peace.

The linkage of participation in the peace process with the possibility of advanced arms sales is not in the interest of the United States and should be rejected. Instead of furthering the cause of peace in the Middle East, such a policy would exacerbate the tensions which already exist in this region. While I would welcome King Hussein's direct participation in the Camp David process, it is important that the United States refrain from negotiation on the basis of an arms package agreement.

For these reasons, I opposed the development of a Jordanian Rapid Deployment Force which would have transferred huge amounts of arms to Jordan.

During the first session of this Congress, I joined as an original cosponsor of Senate Resolution 72 which confirms the U.S. commitment to Israel and expresses objection to the sale of arms to Jordan. I remain opposed to the sale of Stinger missiles to Jordan and will work to defeat this proposal.●

MISSILES IN EUROPE

● Mr. BOSCHWITZ. Mr. President, recently I read a provocative article in the New York Times Magazine entitled "Drawing the Line in Europe." The author, Mark Helprin, recently returned from a year's stay in Italy, where he observed firsthand the controversy over the deployment of cruise and Pershing II missiles in Europe.

Whatever one's views may be concerning his conclusions, I believe anyone with a keen interest in this important subject will find it worthwhile to read Mr. Helprin's comments. Accordingly, I ask that they be printed in the Record.

The article follows:

[From the New York Times Magazine, Dec. 4, 1983]

Drawing the Line in Europe

(By Mark Helprin)

On a hot and cloudless day in Rome not long ago, I went into a nondescript parliamentary annex on the Via degli Uffici del Vicario. After passing through a cordon of guards, metal detectors and bulletproof doors, I found my way to the offices of the Radical Party, where I paid 35,000 lire (about $21.50) for a map and a small booklet. An hour and a half later, I made another contact, this time with a man who discussed with me the information in the documents I had received, and went on to describe some of the finer points they had not covered. I then knew, after an easy morning's work, the location, type, kilotonnage and means of protection down to unit names and the number of men assigned to protect each installation of every single one of the 1,166 nuclear warheads, artillery shells, mines and demolition charges in Italy.

The Radicals' purpose in divulging this kind of information, in a country where terrorism is not unknown, was to frighten the people living near the sites that were named, and thereby provide a focus for the press in the struggle to mobilize opposition to the stationing later this month of American cruise missiles at Comiso, in Sicily. If the party might ride the wave of publicity to increase its minuscule and decreasing vote share, so much the better for it and for Marco Pannella, its demagogic leader.

The technique of generating fear by encouraging rapt attention to local nuclear weapons facilities has been used by groups with varying motives in places as diverse as Amarillo, Tex.; Romulus, N.Y.; Greenham Common, in England; Schwäbisch Gmünd, in Germany, and Comiso. It is one of the tactics in a major confrontation between the West and the Soviet bloc, a multiyear crisis in slow motion that for want of a better name has been called the Euromissile Crisis, and will probably take its place in history beside the Berlin blockade of 1948 and the Cuban missile crisis of 1962.

Some years ago, the Soviet Union embarked upon a program of intermediate-range missile replacement and expansion. There are now approximately 950 Soviet intermediate-range ballistic-missile warheads (not including 750 in SS-20 reloads) targeted on Western Europe. This is in addition to the already large number of Soviet strategic warheads, which themselves easily offset existing French and British nuclear weapons. The response of the North Atlantic Treaty Organization has been to try to negotiate away all intermediate-range missiles, and, failing that, to set out 572 warheads of its own—the cruise and Pershing 2 missiles now being installed.

Moscow has been portraying the American and European reaction to the Soviet Union's deployment of SS-20 intermediate-range ballistic missiles as the first step in a final military confrontation that will lead to the annihilation of the world. In the words of Leonid M. Zamyatin, a senior adviser to Yri Andropov: "Listen, we are racing against an atomic catastrophe." Statements like these are meant to fuel and flatter the Europeans antinuclear movements, which do not see the installation of Pershing 2 and cruise missiles as a separate and limitable action. They react to the 500 or so American weapons (though not the SS-20) as if they were fighting all weapons, the idea of war itself, and the certain destruction of the world.

The Soviet case rests upon two assertions and their corollaries: that nuclear parity in Europe already exists and will be destroyed by the introduction of non-Soviet missiles; and that, because of its speed and accuracy, the Pershing 2 has the attributes of a first-strike weapon and will force the Russians to adopt a launch-on-warning strategy that would be destabilizing and dangerous.

If these assertions were true, then the American missiles would be, as the Russians maintain, a provocation rather than a response. But neither is true. Rather, they are false arguments proferred to alienate European electorates from European governments. By playing stridently upon the kind of domestic political debate that it does not itself tolerate within its own boundaries, the Soviet Union creates the potential for dividing the United States from Europe on the crucial issue of maintaining European defenses. It represents the crisis of the Euromissiles as primarily a military question, when it is fundamentally a political struggle. That it is not a military question becomes clear when considering the efforts to portray it as such.

The Soviet Union's first version of parity included counting all the NATO systems capable of delivering nuclear weapons, whether or not they were assigned to do so. At the same time, it pointedly ignored Warsaw Pact systems unless they were specifically assigned to deliver nuclear charges. After the breathtaking asymmetry of this approach failed to go over at the Geneva Intermediate Nuclear Force talks, the Soviet Government retreated to its current position, which is that American missiles in Europe create a basic imbalance, because they threaten the Soviet homeland while the SS-20 threatens only Europe. (One might not think that this argument would move European antimissile protesters, but apparently it does.)

America's responsive offer to abandon deployment if the Russians will abandon the SS-20 (the Zero Option) has been spurned because the Russians maintain that they need the SS-20 to balance the 162 French and British nuclear missiles targeted upon European Russia.

Why about 450 SS-20's and SS-4's with at least 950 warheads are needed to offset 162 French and British missiles with approximately 300 warheads will probably always remain a mystery of Soviet accounting. But as "nuclear entertainment" this pales beside the falsity and brilliance of the underlying Soviet premise. For, while the Russians are eager to credit the West's intermediate-range missiles with strategic capabilities (i.e., the ability to strike the Soviet homeland) they are strangely unwilling to credit their own strategic missiles with intermediate capabilities.

When this contradiction is identified, it becomes very clear that the Soviet long-range arsenal may already have compensated for the French and British missiles because it has capacities in excess of the requirements for its strategic mission.

If all the missiles—American, British and French—that can reach the Soviet Union are compared with all the Soviet missiles that can respond, the Russians come out far in the lead. Various permutations (all missiles versus only those Soviet missiles that can reach the United States; including the SS-20; not including the SS-20, etc.) suggest the same truth: Both before and after the full American Euromissile deployments, the Soviet Union will have enjoyed and will continue to enjoy an often decisive quantitative advantage over all combinations of its opponents—in delivery vehicles, warheads and throw weight. So much for the question of parity.

The Pershing 2 will cut the Soviet Union's warning time in half—from 16-20 minutes to 8-10 minutes—and it has the accuracy to inflict a blow against its command and control systems. Because of this, the Soviet Union receives a great deal of support, both in the United States and in Europe, for its contention that the Pershing 2 is potentially a first-strike weapon that will force it into a perilous launch-on-warning strategy.

But lack of warning time does not imply the necessity for a launch-on-warning policy. Soviet ballistic-missile submarines, which are capable of launching a variety of missiles close to the three American coasts, and which can reach American command and control centers in only a few minutes, have not forced the United States to adopt such a policy. And since when has the idea of a first strike involved merely the destruction of command and control, leaving intact stingers without a head—and suicidally precluding any possibility of halting further exchanges? Were a full-scale attack to follow the destruction of command facilities, it would either be launched too late to prevent retaliation or it would have to be launched in advance. Thus the situation in regard to warning time would revert to what obtained before the Pershing 2. Furthermore, 108 low-yield single-warhead missiles are of little moment relative to Soviet command and control (which is subdivided into 300 launch-control centers for fixed land-based missiles alone) and meaningless in the face of the more than 2,350 Soviet ICBM's and submarine-launched ballistic missiles.

Far more important than that, if the Soviet Union were genuinely afraid of an American first strike it would keep a substantial number of its ballistic-missile submarines on station at any one time, since these are the only weapons that might insure against such a possibility.

In light of the naval limitations the Soviet Union must endure—the ability to reach the open sea only through choke points, NATO emphasis on surface antisubmarine warfare, and 122 American and British attack submarines suitable for hunting the 80 Soviet missile submarines—one would presume that

Soviet naval commanders would deploy more than an average of 12 to 15 missile-carrying vessels at sea, less than 18 percent of their total capacity.

They don't, perhaps because the Kremlin knows American capabilities and judges the American character better than many Americans, or perhaps because it was permanently impressed when the United States refrained from taking full advantage of its early nuclear monopoly. For whatever reason, the Russians are not afraid of an American first strike: If they were, they would alter their operational procedures accordingly. The first-strike argument is a canard.

Of what value is the military advantage the Soviet Union enjoys in missilery, and of what value would it be to the West if the situation were reversed? Even when factors such as reliability, accuracy, command and control, mission suitability, force structure and geography are considered, there is no way to provide an exact comparison of forces that are largely asymmetrical. It is a case of net and trident versus sword and shield, and there are so many variables and imponderables that, given the arsenals in dispute, it is possible to see only a rough equality (although trends are easier to observe). In fact, the determination is so rough and there is so much latitude to it that no deployments the size of those at issue can really alter the overall balance as far as it can be meaningfully assessed.

Why, then, if the first-strike and parity arguments are specious, and if the actual military utility of these deployments is marginal, has the Soviet Union put its SS-20's in place, and why has NATO insisted on balancing them out?

The answer is very clear: The Euromissile crisis is not a military crisis. It is a political crisis, par excellence, that many in the West wrongly perceive as a military face-off, confrontation, escalation, what have you, and that the Soviet Union is using to its best advantages as it fishes in the political waters of the West.

Like the Berlin blockade of 1948 and the Cuban missile crisis of 1962, it is an immensely important test of will, but it is several orders of magnitude safer. Unlike either of its two major predecessors, it is unfolding in slow motion, it has no geographical center, and there is no threatened point of contact. Whereas the two others were measured in months and days, this one has taken place over years. Berlin and Cuba were potential flashpoints for the engagement of the military forces of the two superpowers, but here there is no such threat. Here the only threat lies in occasional calculated Soviet allusions to an apocalypse, and their eager reception in the West during a period of intense millenialism.

But, beyond that, what specific issue, such as Berlin or Cuba, brings the two countries to an impasse that may result in a physical confrontation such as an American invasion force ready to attack Soviet missile sites in Cuba in 1962, or Soviet troops ready to fire on any convoy that might have tried to force its way to Berlin in 1948?

None. The United States has been very careful not to pressure the Russians in Afghanistan or Poland, and they in turn have made it clear that they will delve into our hemisphere only via proxy. They and the United States have a well-defined idea of the spheres of influence each claims, and areas of open competition in Asia, Africa and the Middle East are carefully subdivided and shared in a pavane that is far more delicate than anything the great powers knew in their rush to expansion during the age of imperialism. The matter of the missiles in Europe is strictly separable from, does not impinge upon and is not affected by competition in other parts of the world.

For example, the widespread perception that American intervention in Grenada somehow intensified or militarized the situation in Europe did move opinion against the intermediate nuclear-force missiles. But other than that, the Grenada intervention has had no more effect on European security than massive American intervention in Vietnam had on the flowering of détente, or massive Soviet intervention in Afghanistan has had on American willingness to abide by (if not ratify) the SALT II Treaty.

In short, the superpowers have been far more successful in regulating and compartmentalizing their competition than many people realize, and the crisis of the Euromissiles is an extension of this in that it is first and foremost a political struggle.

Treated as a political rather than a military crisis, it becomes a great deal more manageable. Consider, for example, what might have happened had the West followed the inclinations of the German Green Party or the British Campaign for Nuclear Disarmament when NATO made its 1979 decision to negotiate with the object of avoiding deployment and to deploy if the negotiations failed. The Soviet Union would have been entirely free to expand its arsenal of SS-20's. But by insisting on their right of response, the NATO allies have deeply influenced the Soviet position.

Originally, the Russians had not been willing to destroy the missiles they might withdraw. Now, they have offered to do so. Originally, they had not been willing to limit the numbers of SS-20's in Asia. Now, they may do so. Originally, the numbers were entirely up to them, which meant that they were going to set up, permanently, at least 250 European-targeted SS-20's. Now, they have offered to limit the number to 120. For years, they based their negotiation position on the need to counter French an British strategic missiles. Now, they have hinted that they may drop this important pillar of their argument.

In adjusting their demands, they themselves have been following a two-track policy—retreating on the one hand, while fomenting dissent on the other and continuing to insist that they will accept no new allied missiles at all. They have left all roads open. They can continue to modify their positions, or they can hold out, probably with the object of bringing down NATO governments that support deployment. They will most likely choose the former, because the forces in the West that they must depend upon to achieve the latter have been neither strong enough nor reliable enough to warrant the gamble. Although they are probably heartened by things such as the German Social Democrats' virtual defection from the Western camp, they are sober enough to know that opposition to American deployments is likely to be kept in check if only because of the irony with which it is burdened.

For, had there not been several million protesters in the streets over the last few years, had there not been too many opposition parties willing to leverage themselves into power by offering to accommodate two Eastern bloc definitions, and had the West not been irresolute and indecisive in asserting its interests and its claim to fairness, there would now be in Europe no intermediate-range missiles at all, or at least there would have been an agreement on their stringent limitation.

I believe, however, that unlikely as it may now seem after years of frightening propaganda in service of the Soviet negotiating position, an agreement (or stabilization) will come. It will be a great surprise for anyone who has honored the Soviet desire that we view the Euromissile crisis as a military confrontation, because military confrontations usually do not end in this fashion. And it will be a shock for those who only of late have begun to think about nuclear weapons and so have an unjustifiable illusion of rapid acceleration. But it will be entirely comprehensible if one has insisted, despite a great deal of pressure from terrified unilateralists, upon seeing the Euromissiles as a matter of politics.

To see the Euromissiles as a matter of politics will indeed be difficult for any one who is convinced that independently developing technologies have pushed the arms competition out of control and into a dive. It is true that evolving technology brings destabilizing advances (such as pinpoint guidance systems) which make a first strike easier. But stabilization is regained in evolving responses (such as putting a greater percentage of missiles at sea or in hardened mobile launchers) which make a first strike more difficult. Russian public diplomacy calls attention to the first half of this process, but not to the second.

And, like anyone with something suspect to sell, the Russians have been urging the potential buyer to focus on the results of what they are hawking rather than on the mechanism itself. When we oblige them, as we did with our recent television epic about the horrors of nuclear war, we do no service to the cause of peace, since such spectaculars are designed not so much to alert people to the existence of danger as to scare them into following the quickest way out—which is not necessarily the best way out, or any way out at all. One would do better not to yell, "Fire!" in a crowded theater, even if it is burning, but rather to find which exits are really open, and leave the place as calmly as one came in.

Hoping that its underlying strategy of intimidation will pay off at the last moment in parliamentary votes of no confidence and barricades across the boulevards, the Soviet Union may have decided to walk away from the Geneva intermediate-nuclear-force talks. After all, if the Russians have a chance of succeeding on the cheap, just by theater, why should they not try, especially since they have come so far already via that route? They may even compound the theatrics by announcing that they are beginning to deploy a new generation of missiles in Eastern Europe, as close as possible to the skittish Germans. Little matter that they have begun to do this already, replacing older FROG and Scud missiles with SS-21's, SS-22's and SS-23's and that by September of this year there were already 30 SS-21's in place, going in at the rate of four a month. The impact on public opinion will be tremendous.

But it will not be tremendous enough to keep the Russians away from the talks for very long, because in a prolonged absence coupled with new deployments the Russians would risk shifting the crisis to the genuinely dangerous condition they have thus far merely been simulating, and the uncertain political benefits would hardly be commensurate with that risk.

Furthermore, the Atlantic alliance has surprising strengths that rise from unexpected quarters, and the Russians have had their eyes on these quieter developments even as they have been cheering the simultaneous movement toward capitulationism. And presumably they know that, in fostering German neutralism, they are encouraging German reunification, something far more dangerous to them than half a dozen smoothly functioning NATO's stacked one upon the other.

Western strengths, however, are more positive than just the ability to provoke Soviet caution with the specter of German reunification. The alliance is evolving, diverse and often surprising. For example, Italy, which is usually perceived as militarily ineffective, politically weak and virtually neutralized by its huge Communist Party, has been leading Europe through the present crisis with the confidence appropriate to a country on the rise. It led in selecting a site for the cruise missiles, pulling the Germans and British after it, and it has been a pillar of stability in regard to public acceptance of the deployment and in providing diplomatic support.

This is because Italy is on the rise (its gross national product is rapidly approaching that of Britain) and it may be that the presence of such a large Communist contingent provides the country with an omnipresent and refreshing reminder of the logic of alliance and the value of resolution. Because it is protected by a magnificent border that Napoleon drew across the highest ridges of the Alps, by the existence of Yugoslavia and by the vigorous military forces that the Radical Party so carefully catalogues, Italy enjoys excellent defensive circumstances. It is relatively isolated from the main theaters of European conflict, in which Germany is the battlefield and Paris is the objective. This has given it detachment sufficient for it to identify and appreciate the political underpinning of the Euro-missile crisis.

I believe that the rest of the countries that have undertaken to deploy the Pershing 2 and cruise missiles, and the neighbors that share their anxieties, will shortly follow the Italian model—which is to say that their people will lose interest in the issue, the women will unchain themselves for the gates at Greenham Common, and the opposition will preoccupy itself with other matters. Although the Italian position anticipates future developments because of special conditions peculiar to Italy, and though these are not replicable in other countries, their effects can be duplicated by different forces that will exert the same influences. What the Italians have in geography, the Germans may eventually discover with the passage of time. What the Italians have in rising national confidence, others may soon discover as the Soviet Union fails to carry out threats based on false arguments.

Despite the several millions who recently took to the streets in northern Europe, the "hot autumn" was a good deal less hot than it was supposed to have been. And despite the majorities in the opinion polls that often express disapproval of any missiles whatsoever, there is a strong political pattern in Europe that is a much better indication of things to come than are polls or street demonstrations.

Unlike their counterparts in the opposition, who are pressured by ambition to run with momentary tides, politicians in power are responsible to history. It is no surprise, therefore, that the governments of the alliance strongly support its current measured response to the SS-20. But there is something beyond that. The Governments of Britain, Germany and Italy—the three principals in deploying the missiles—won election on the platform of deployment, and in all cases (including Italy, where the voting share of the left declined) won it decisively. A further pattern—more surprising, more reassuring—emerges when taking into account the political coloration of this trend. The conservative governments of northern Europe surprise no one in recalling the lessons of Munich. But it is rather a shock to realize that, with one exception (Andreas Papandreou's Panhellenic Socialist Union), the ruling Socialist parties of southern Europe are operating according to the same principles.

Not only Italy, Spain and Portugal, but also France, the cornerstone of Europe and the odd man out, are firmly Atlanticist on this issue. Indeed, it is hard to say whether the two most eloquent spokesmen for the intermediate-nuclear-force deployment are Margaret Thatcher and Helmut Kohl, or Bettino Craxi and François Mitterand. I think the honor goes to the two Socialists, if only for the contrast, and for the reaction that they have undoubtedly engendered within the Kremlin. Furthermore, Mr. Mitterand, perhaps because he is French, speaks with a certain assuredness, asserting in a speech last month that, while the East is deploying arms, the West is deploying pacifists.

Europe is neither as volatile nor as mutable as is commonly thought. The Poles are still firmly within the Soviet orbit, the Germans are not led by the Greens, and although things may look much different now, underneath they are very much the same as they were before the present millenialist panic. What we have seen is a temporary departure from normal circumstances.

A weak economy and an especially vigorous Soviet political campaign have combined, and have shaken not the political foundations of Europe, but its surface. There is a limit to how long the Russians can sustain a political offensive that is based on the false premise that it is a military crisis (unless they actually transform it into a military crisis, which is doubtful), and even if that political drive can somehow be prolonged, the first real improvement in the European economies will dry it up like the midsummer sun burning away the mist.

Like all crisis, the Euro-missile crisis will leave scars. In this case, the propaganda will tell. A small but significant portion of the Western publics has learned to analyze the challenges before it with no means other than fear. For some, fear has become a valid foundation for judgment. This is dangerous not only to the extent that it allows for political manipulation, but because judgments based on fear are most often devoid of subtlety and resolve—two qualities that will be very useful in the years to come, especially if they are to be had in tandem.

The vast majority of anti-missile protesters are moved by the desire to protect the sanctity of human life. They wish, first and foremost, to prevent a nuclear catastrophe. If they continue to operate according to the dictates of fear, to invite manipulation, to reject the necessity of balance and resolve in the question of arms, and rashly to demand a quick and impetuous exit from the system that has been the guarantor of peace in Europe for 40 years, they may well elicit from the Soviet Union the kind of adventurous interference that will degenerate into exactly what they had intended to avoid.●

RECOGNIZING JERUSALEM: ISRAEL'S CAPITAL

● **Mr. QUAYLE.** Mr. President, the United States has no closer ally in the Middle East than Israel. In that region only Israel enjoys true democracy. In that region only Israel is truly Western.

It is a country that has always had to struggle to survive and whose survival is tied to the destiny of an entire faith, an entire culture, an entire people. In this struggle, the United States has always lent support. Our Government has generously extended economic and military assistance. Millions more have been sent by private citizens. Our military, diplomatic, and intelligence ties have been close.

And yet for all this closeness, our diplomatic corp still refuses to recognize what all the world knows about Israel—that its capital is Jerusalem. Indeed, on this issue, our Government ironically continues to act as though Israel does not yet fully exist, that the status of its capital—a city of utmost significance to the legitimacy of Israel—is a matter to be decided in negotiations with nations that are currently at war with the very notion of an Israeli state.

To correct this, Senator MOYNIHAN proposed a bill last fall, S. 2031, that called for moving the U.S. Embassy in Israel from Tel Aviv to Jerusalem. Today I join as a cosponsor of that bill.

The reasons for supporting the bill have been argued on the Senate floor and were repeated again last month before the Senate Foreign Relations Committee in hearings concerning S. 2031. Five points, though, deserve emphasis.

First, our current policy of withholding recognition of Jerusalem as Israel's capital has its origins in a condition—the military division of the city between Jordanian and Israeli forces—that is no longer present. Indeed, in 1948 it seemed logical to consider Jerusalem's status to be open to negotiations since Israeli possession was contested by Jordanian troops who refused to leave. This condition, however, ended in 1967 when Israel took full control of the city.

Second, Israel will never surrender its administration of Jerusalem either to an Arab or an international entity. Even the State Department privately concedes this point.

Third, contrary to some officials, consistency has little to do with our current Jerusalem policy. In fact, our refusal to station an ambassador in Israel's capital puts our diplomatic relations with Israel on a plane occupied by unfriendly governments such as Afganistan. Nor does current practice support the notion that our policy is based on the uncertain status of Jerusalem. Consider: We currently station our East German Ambassador in the divided city of Berlin.

Fourth, although we are attempting to get moderate Arabs to negotiate with Israel, we tempt them to hold both us and the Israelis in contempt by denying what Jerusalem's true status is. Thus, last summer when the State Department attempted to station our nominee to be Ambassador to Kuwait—a career foreign service officer named Brandon H. Grove, Jr.—the Department was forced to announce that Kuwait had refused him because he had previously served in the American Consulate General in Jerusalem. Yet, the State Department continues to argue that we must keep our diplomatic legation in Jerusalem at the consular level to placate regional opinion. In this vain hope we have the worst of both worlds.

Finally, the State Department's assumption that we will lose credibility as a fair dealer of interests in the Middle East if we recognize Israel's capital is itself unsound. The thought here is that because Israel's adversaries would like to negotiate over Jerusalem's status, we must back such negotiations to be fair. Fairness, however, must be even handed. Are we willing to back negotiations over the status of territories Israel's neighbors currently consider settled but Israel does not? Is the status of the Golan Heights or of the Gaza Strip open to negotiations? Here the State Department's answer is an embarrassing no.

Implicit to each of these points, of course, is that Jerusalem is Israel's capital and is recognized as such. It is no accident that reference works such as Encyclopedia Americana identify Jerusalem as Israel's capital. Nearly 75 percent of the city's population is Jewish. The city is Judaism's most holy city—not a place of interest for Jews merely to pilgrimage to, but the living cener of their faith, of their identity as a people. Only under Israeli rule have all pilgrimaging faiths been well served. Israel has been administering the city now for nearly 20 years.

Certainly, some will argue that Senate action to move the U.S. Embassy to Jerusalem would be provocative, that it might raise constitutional questions since the Constitution gives the President the power to receive and recognize ambassadors. To the first point we need but to ask one question. What chance do we have to successfully negotiate any lasting peace in the Middle East if we are unwilling to recognize the most fundamental truths about the region and are frightened to take even small risks to assure our friends of them and to make them clear to their adversaries?

As for the Constitution, both practice and legal precedent have spoken and much more loudly than the State Department's most recent words. Certainly, no significant legal case yet has been decided that states that the President's power to receive ambassadors implies an explicit power to dictate whether or not the United States will have diplomatic legations or where they will be. Indeed, in practice it has been Congress that has exercised this power. Thus, in 1867 it voted to end U.S. relations with the Vatican and the Executive obeyed. Nor did the Executive refuse Congress legislative directive of 1979 to reopen several consulates or most recently when Congress struck the 1867 anti-Vatican provisions.

All of this, then, brings us back to the original question, should the United States recognize Jerusalem as the capital of Israel. Clearly, I believe the answer is yes and that the time and place for the United States to offer this answer is the 98th Congress. I therefore join Senator MOYNIHAN as a cosponsor of his bill.●

LOOKIN' GOOD

● Mr. PRYOR. Mr. President, today I joined with Fred Wertheimer, president of Common Cause, in a press conference releasing the March-April issue of Common Cause which includes an excellent article entitled "Lookin' Good," by Florence Graves.

This article examines the use of taxpayers funds for public relations activities of defense contractors. This article presents a disturbing insight into Pentagon spending that benefits private rather than public interests. Ms. Graves, who wrote an excellent investigative report 2 years ago on use of tax dollars for lobbying by defense contractors, has performed a great service and has presented information that should receive the attention of every Senator.

I ask that my statement at this morning's conference and the article from Common Cause magazine be printed at this point in the RECORD.

The materials are as follows:

STATEMENT BY SENATOR DAVID PRYOR

First of all, I want to commend Common Cause for bringing to the attention of the public an example of one more way our tax dollars are being wasted in the Department of Defense. Florence Graves' article is a fine investigative piece outlining instances—all too common—in which our tax dollars are being spent to polish the corporate image of defense contractors.

Some of you may remember that I first became involved in the issue of government contracting soon after I was elected to the Senate. The more I looked into the subject, the more I became concerned about the millions of taxpayer dollars which were being wasted each year on useless studies that weren't even read—and worse still, in the case of the Department of Defense—costly weapons that didn't work or weren't needed.

I became convinced that we were simply throwing money at the Pentagon to give the illusion of a strong defense. We weren't setting priorities or demanding performance. In turn, the Pentagon was channeling this money so quickly into the hands of the defense contractors that there was no way to insure that it was being properly spent. The honest truth is that the "system" at the Pentagon is such that it does not operate in a way that rewards people who disapprove expenditures by defense contractors. On the contrary, there is pressure on these individuals to approve these expenditures as quickly as possible, get those new weapons built—and then, all too often, we see these same people going to work immediately for defense contractors.

These factors are why I introduced legislation to put an independent inspector general in the Pentagon, to establish an independent weapons testing office, and to put more restrictions on the use of outside consultants and contractors.

As several of you might recall, two years ago I proposed an amendment to the Defense Appropriations Bill which was passed by the Senate, and later dropped in conference, to prohibit contractors from charging their lobbying costs against the cost of a defense contract. We had seen example after example—many of which were brought to light by another article by Florence Graves in the Common Cause magazine—of Pentagon officials being wined and dined, or taken on goose hunts, and the expenses of these trips later being buried in the costs of the contracts the contractors eventually received.

Even though that amendment never became law, in response to these efforts, the Department of Defense has revised its regulations in an effort to address the problem.

I would still like to see some permanent statutory language on this problem just as I would like to see a clear, permanent, comprehensive, statutory prohibition against the expenditure of tax dollars for public relations activities. It is up to the Congress to clearly define what it means by public relations—and lobbying—so that the prohibition can not be withdrawn or modified without Congressional action.

Also, I intend to renew my legislative efforts to transfer the auditors of the Defense Contracting Agency over to the Inspector General's office in order to enforce this prohibition. I first proposed such a transfer which the Congress acted on my legislation to establish the office of inspector general at the Department of Defense. In the IG's office the auditors will be armed with more ogranizational independence and be subject to more Congressional oversight.

Along this same line, I would point out that I, along with several of my colleagues, am involved in efforts to assure adequate adult resources by increasing the number of auditors.

All of these pieces of legislation are part of my efforts to insure that our defense dollars are used wisely. I'm not trying to kid you and say that we can save enough off the cost of a PR campaign in the major daily newspapers to build a new bomber. Nor am I saying that the defense contractors should not be allowed to undertake public relations campaigns. However, I am saying that it is their stockholders who should pay for this advertising and public relations—not the American taxpayer.

Cutting down on such use of defense dollars is just one more way to ensure that our defense dollars truly do go for defense.

Lookin' Good

(By Florence Graves)

Sperry Corp., the $5 billion a year global manufacturing firm, wanted to help correct some common misimpressions about the behavior of multinationals.

Controversies surrounding worker rights, product safety and the environment have made multinational corporations a favorite target of corporate critics. Officials at Sperry wanted to set the record straight.

So Sperry, which makes electronics equipment for the government's defense and space programs, had its chief executive officer get on the phone to editors from some of the most prestigious publications in the U.S. and abroad. He called to personally invite them or their representatives to the first of three symposia, this one aimed at airing a topic of great concern to Sperry: "The Changing Environment for International Enterprise."

Twenty speakers, including George Ball, former U.S. ambassador to the United Nations, joined 49 journalists at the first symposium, held in Rye, N.Y. in 1977. The journalists—representing AP, Reuters, Forbes, The New York Times, The Wall Street Journal, Scientific American, The Economist, Le Monde and many others—were favored with complete transcriptions of the sessions they attended.

Next Sperry printed up a 20-page booklet based on the symposium and sent it off to European and U.S. media and to key Sperry customers. Later the company published the full proceedings in two volumes, enclosed them in a heavy cardboard case, clipped a message from the chairman to the front and mailed 10,000 copies of the whole business to foreign and domestic media; foreign corporations, universities and governments; chairmen and presidents of the Fortune "1,000"; Members of Congress; business schools and libraries.

In the wake of the first successful symposium, Sperry hosted a second in 1978—this one at Sperry's conference center in St. Paul de Vence, France—then a third, again in Rye, in 1980.

As PR News, an industry newsletter that regularly features "case studies" of successful PR efforts, later reported, all this hard work and attention to detail paid off—in "excellent media coverage" and "greatly strengthened contacts with top level editors."

All this might elicit a yawn from those of us who didn't get a chance to fly to France and philosophize—if it weren't for a troublesome footnote. Sperry, which does a portion of its business with the government (23.5 percent in 1983); says it billed the government for a portion of the symposia costs as part of its "overhead expenses."

Unfortunately, neither Sperry's total PR costs, nor the portion it bills to the government, is a matter of public record because it is considered proprietary information. Did the three symposia cost, say, hundreds of thousands of dollars? "We prefer to keep budgets to ourselves," says Edward Cheatham, director of corporate public relations for Sperry.

Like hundreds of other companies that do business with the Pentagon, Sperry is simply taking advantage of a longstanding policy that allows contractors to bill the government for many PR related expenses. No one knows how much money the Pentagon—or other federal agencies, for that matter—pay for corporate public relations campaigns.

However, an investigation by Common Cause Magazine, based in part on documents obtained under the Freedom of Information Act, reveals that over the years taxpayers have been footing the bill for untold millions—perhaps billions—of dollars for corporate public relations activities.

Common Cause Magazine has also learned that on at least four occasions between 1963 and 1977 the Pentagon considered changing its policy to prohibit contractors from billing for some of the public relations expenses, but on each occasion decided to continue allowing the practice.

In 1962 Congress, by significantly strengthening a Pentagon rule, prohibited contractors from billing taxpayers for most advertising costs. And Defense Secretary Caspar Weinberger—following a 1981 story in Common Cause Magazine—clamped down on the then prevalent practice of allowing contractors to bill the agency for lobbying costs. But "public relations," which some government officials have argued pose similar public policy problems, was not affected by these reforms.

A successful attempt to close this loophole at the Pentagon would have sweeping implications for the rest of the federal government. While the Defense Department is responsible for the majority of the billions spent for federal contract work, virtually all federal agencies, notably the National Aeronautics and Space Administration (NASA), hire private firms to provide goods and services. Currently there is no government-wide rule prohibiting contractors from billing an agency for a portion of their PR-related expenses; should the Defense Department take steps to impose restrictions, the rest of the government—as was the case when the Pentagon took action on the lobbying issue—would be under pressure to follow suit.

THE BIG PAYOFF FOR PR

Why should the average taxpayer care if contractors incorporate PR costs in their government billings?

Critics point to two issues—the close relationship much PR has to lobbying and to advertising, and the sheer amount of money involved.

Public relations can encompass everything from grinding out press releases and preparing fancy brouchures and publications to launching national multimedia publicity campaigns. The usual goal is to "enhance" the company's image and, in the long run, to sell more products.

Sophisticated public relations also can be aimed at strengthening a company's presence in Washington, where significant buying decisions are made. Seen in this light, public relations—like lobbying and advertising—can be another tool in a company's overall marketing strategy.

Both Pentagon policymakers and many of the department's contractors argue that PR is a normal part of doing business and thus it makes perfect sense to incorporate PR as an overhead expense in billing the government. Many, however, would argue that the defense business is not a normal business. In a number of cases the government is virtually the only customer. In other cases, the contractor is the only seller. Fancy PR campaigns impose an extra, unnecessary cost on the already pricey hardware the Pentagon buys.

Congress used similar reasoning when it decided in 1962 to bar contractors from billing their advertising costs to the government. ((The three exceptions are ads to recruit, to buy scarce items needed to perform a contract or to sell contract-related surplus goods.) But Congress never took up the issue of public relations costs per se.

Controversy over public relations expenses came to a head at the Pentagon when Boeing Co. won a case in 1973 establishing its right to collect a portion of the $100,000 it billed the Pentagon in connection with its 50th anniversary, along with other public relations-related expenses.

The anniversary dated back to 1966, when Boeing threw a celebration in Seattle attended by a cast of national and international corporate and political luminaries—among them the late Henry Luce, founder of the Time-Life magazine empire; the late Sen. Henry Jackson, and then Secretary of the Air Force Harold Brown.

Among the expenses billed in part to the government was $80,329.27 for producing, copying and distributing 110 prints of a movie tracing Boeing's history.

Then there was the little matter of refurbishing an historical display. It seems a wing in the Museum of History and Industry in Seattle is named after P.G. Johnson, a one-time president of Boeing. On the eve of Boeing's 50th anniversary, it housed models of almost every airplane the company produced, and 11 of those models needed sprucing up for the celebration (there went $1,755); draperies, faded by the sun, needed to be replaced ($1,915.40).

Another $9,828 was spent to charter an airplane to shuttle guests between San Diego and Seattle (five major airlines reportedly were on strike at the time); and $1,963.87 was spent for printing and mailing banquet invitations and for printing place cards for the 500 or so guests, whose $55 per couple entrance fees hadn't covered these costs.

Pentagon officials say the government probably didn't pay the entire $100,000 but instead paid a portion based on the percentage of the business Boeing did with the department at the time.

The only reason we know about all this is because the expenses are detailed in publicly available documents; information about specific expenses contractors charge the government typically aren't available to the public.

How did the Boeing celebration become the subject of controversy? The Defense Contract Audit Agency (DCAA), an arm of the Pentagon responsible for auditing contractors' expenses, told Boeing it didn't think taxpayers should help pay for the company's anniversary celebration.

The auditors, who are responsible for watching taxpayer dollars, argued the anniversary costs and other costs in question were really advertising expenses, which Congress in 1962 said taxpayers shouldn't pay for. Boeing, however, argued that these costs were related to public relations and therefore were allowable.

The company appealed its case to a quasi-legal body called the Board of Contract Appeals, which consists of administrative judges who settle disputes between defense contractors and the government.

In 1973 the appeals board finally sided with Boeing and said that it should be allowed to charge a significant percentage of the PR costs in question to the government. This was a victory not only for the giant aerospace company but for all defense contractors—and a major loss for taxpayers.

Thanks to the Boeing case and a series of policy decisions made by the Pentagon between 1963 and 1977, the door has been left open for defense contractors who want to charge many of their public relations expenses to the taxpaying public.

THE MEDIA GET THE MESSAGE

Critics of current policy don't question whether contractors should engage in PR efforts. They do, however, question the extent to which taxpayers should support image building campaigns that have little or nothing to do with building an effective weapons system to enhance national security. This question seems particularly important in light of a defense budget that has soared to a record $258 billion, and with government deficits looming at $195 billion.

Nobody begrudges a company whose stockholder and officers believe an investment in PR pays off ultimately in increased sales and profits. Whether it really accomplishes anything or not, PR is considered an integral part of most major corporations' long range marketing plans, and these costs are reflected in the price of their products.

Most defense contractors would argue that their public relations expenses should be reflected in their prices, too, as a normal cost of doing business, and some Pentagon policymakers agree.

But if the Pentagon isn't interested in cracking down on PR expenses, Congress may be. Sen. David Pryor (D-Ark.), who in 1981 proposed legislation to put the brakes on contractors' practice of billing the government for their lobbying costs, says, "Taxpayers should not pay for the PR activities of defense contractors. If Pentagon officials will not take action to stop this practice, Congress will."

No one knows for sure today exactly how many millions of dollars defense contractors spend on public relations, or what share of those millions get passed on to taxpayers.

But you can get some idea of the dollar amounts that have been involved in the past: More than 20 years ago a Navy procurement official who tried to get the Pentagon brass to put some limits on PR costs wrote that contractors were charging millions of dollars in PR-related expenses. If they were spending millions of dollars on PR in the early 60s, we can theorize they are spending many more millions today.

Here's another indication: An auditor's memorandum to the inspector general of the National Aeronautics and Space Administration obtained by Common Cause Magazine reveals that in 1979 Rockwell International's Space Systems Group had a contract with a New York PR firm for $401,000, the cost of which was being allocated to government contracts.

In addition, the memorandum stated, Rockwell had another four separate contracts totaling $1.5 million with the same firm. The memo stated that the company was hired to "implement the public communications program" of Rockwell's Space Systems Group during one four-month period in 1979. (In the wake of the NASA probe, Rockwell reevaluated the contracts. Rockwell spokesperson Don Poland now says the company went ahead with only two of the four contracts totaling $1.5 million, and they were paid for out of company profits. However, Poland says the company did claim approximately $264,000 of the fifth contract as overhead against government contracts. What kinds of activities were involved? At press time Rockwell wasn't saying.)

A check of 25 major defense contractors reveals that each has one and in some cases three or four PR firms on retainer, according to one industry directory. Almost every major defense contractor also has a public relations or public information department, some of which have multimillion-dollar annual budgets, according to industry figures.

Recent statistics gathered by the International Association of Business Communicators also show PR is a big and increasingly expensive business. Between 1979 and 1981, the association found, communications and public relations budgets of businesses and associations increased overall more than 49.5 percent; between 1981 and 1983 PR budgets increased 30 percent.

Before the 1973 ruling in the Boeing case and a subsequent Pentagon ruling affirming the company's right to charge the Pentagon for a number of public relations expenses, auditors had greater license to question contractor costs they believed were essentially the same as advertising.

The Boeing case, in other words, sanctioned government reimbursement of a host of promotion and public relations types of expenses, from certain costs associated with anniversary celebrations to fancy brochures and special publications and films. In addition to the image building expenses approved for Boeing's 50th anniversary celebration, the Board of Contract Appeals said taxpayers should also foot part of the bill for a range of Boeing's other expenses concerned with public relations. The list makes interesting reading—here are just three of a number of items:

ITEM—$96,409.83 (FOR FOREIGN PUBLIC RELATIONS)

Boeing had lined up several foreign public relations representatives to distribute news stories, photographs and TV film to the press, to maintain information and photo files, to arrange press interviews and to track any publicity generated by such activities. For example, news releases and photos of the lunar orbiter, various stages of the Saturn program and Boeing's 50th anniversary were provided to these foreign PR firms.

ITEM—$51,544.23 (TO DISTRIBUTE BOEING MAGAZINE)

The magazine was distributed to civilian and military government officials, foreign government offices, press, radio and TV representatives; schools and libraries; subcontractors; airlines; travel bureaus; aviation associations and others. Distribution of the magazine to Boeing employees was already considered a reimbursable cost because contractors are rountinely permitted to charge the government for activities designed to improve or maintain employee morale. In this case, auditors questioned the wisdom of having taxpayers also pay for others to get the magazine. (The magazine has subsequently been discontinued.)

ITEM—$1,428 (IN DUES) (TO THE PUBLIC AFFAIRS COUNCIL)

This group is described as a "national movement to encourage the business community to become properly involved" with things like "better government" and "corporate citizenship." (It recently launched a media campaign extolling the virtues of political action committees.)

* * * * *

The decision to allow Boeing's expenses came within three months of another precedent setting decision made by the Board of Contract Appeals in 1973.

In this case, a defense contractor named Aerojet-General persuaded the administrative judges to rule in its favor in another dispute with the Defense Contract Audit Agency auditors. The auditors said they believed taxpayers should not be paying for the costs of several brochures, the printing and distribution of the company's magazine to non-employees and the salaries of employees doing the company's public information and public relations work.

All told, the auditors had thrown out $146,189 in questionable expenses, saying these costs were in effect "advertising" expenses, which Congress had made clear in 1962 taxpayers should not have to pay for. Aerojet argued the costs in question were not advertising but public relations, and thus could be charged to contracts.

Again, the administrative judges agreed with the contractor, saying these costs clearly were not advertising in the traditional sense of the word. They were, instead, public relations costs. And since neither Congress nor the Pentagon had ever said taxpayers shouldn't pay for PR, the administrative judges said, the government should pay up.

Here are some of the costs the judges said the taxpayer should help pay for:

ITEM—$7,010 (TO PRINT THE AEROJET INDUSTRIAL BOOSTER)

As the name implies, this magazine was designed for "people interested in the company, the things we are doing in support of the government's programs. . . ." About 8,000 copies were distributed to government officials, reporters, and research and educational institutions. The auditors maintained that the indirect effect of the publication was to sell Aerojet and its products to government officials and therefore it should be considered unallowable advertising.

ITEM—$2,950 (TO PREPARE AND PRINT BROCHURES)

In addition to a brochure profiling the company, these costs included 2,000 copies of a brochure explaining the company's "good citizenship" campaign, which was designed to increase the knowledge and participation of Aerojet employees in politics. The campaign apparently was so impressive that other companies and the headquarters of the political parties wanted details.

The company also prepared a brochure containing a speech titled "The Uncommon Man in a Free Society," which was given by Aerojet-General's president when he was awarded an honorary university degree. Copies were sent to the university, to personal friends of the president and the news media.

ITEM—$105,000 (FOR SALARIES AND RELATED ADMINISTRATIVE COSTS OF EMPLOYEES ENGAGED IN PUBLIC RELATIONS, MEDIA RELATIONS AND COMMUNITY RELATIONS)

The Board of Contract Appeals may have made a logical argument when it maintained that advertising and public relations are not the same. Others, however, including the auditors, argued that when Congress rejected most advertising costs, it also meant costs for public relations, described by one former auditor as "the kissing cousin of advertising."

But the Board of Contract Appeals said if Congress had meant to ban PR, it "would, or should, have done so."

And since Congress didn't define advertising, the board did it for them. Its definition, however, is a very narrow one. To be considered advertising—whether on radio or TV, in direct mail or window displays—the message has to be intended to sell the contractor's products. The contractor also has to have control over the form and content of what will appear, the medium in which it will appear and when it will appear. That left as billable expenses a wide range of PR activities—even though their ultimate goal might be to help sell the company's products.

The Pentagon policymakers were not obligated to accept this narrow definition of advertising. If at any time over the past 20 years the Pentagon felt taxpayers shouldn't be paying for PR costs, it could have developed a policy to disallow them without waiting for Congress or anyone else to act. But instead, on four different occasions, the Pentagon rejected attempts to broaden the definition of advertising to include many PR costs.

The pitfalls of the Board of Contract Appeals' definition are readily apparent. For example, when a contractor takes out an advertisement on television or in a magazine or newspaper, it can't charge the cost to the taxpayer, but when it sends press releases and film clips to hundreds of media outlets—to give just one example—hoping for (and in many cases getting) favorable publicity, the taxpayer could well be asked to pick up a part of the tab.

Take the case of Grumman Corp., a major defense contractor, with government-related sales in fiscal year 1983 of $2.04 billion. According to "case study #1798" in PR News, a trade newsletter, Grumman, one of the nation's largest producers of carrier-based aircraft, had a major PR problem: It seems that with gigantic deficits looming, and defense spending soaring, the 1,100-foot-long, 92,000-ton, nuclear-powered, "Nimitz class" aircraft carrier was getting some bad press. It has been called both a "sitting duck" and a "boondoggle."

Since carrier-based aircraft need carriers in order to make life complete, the company decided a public education program was needed. It hired a media service to distribute a prepared editorial extolling virtues of the aircraft carrier to 2,000 weekly and daily newspapers within a 50-mile radius of the top 50 population centers. It also distributed film to 1,143 cable stations within a 35-mile radius of the top 100 population centers.

In the words of PR News, the Grumman editorial, captioned "Aircraft Carriers . . . Versatile Symbols of Peace" was "lucid and powerful." The editorial acknowledged that the aircraft carrier cost billions, but "it is a cost we can't afford not to pay."

Grumman received 93 newspaper clippings, says PR News, indicating that Grumman's message may have reached 10 to 12 million people. In addition Grumman mailed a copy of the editorial to every Member of Congress. The editorial was also included in a special publication published by the media service that went to every print medium in the U.S. dailies, weeklies, monthlies, trades, magazines and college newspapers.

Grumman was aware that its 14-minute film Sea Legs, a depiction of operations aboard a carrier, was too long to get picked up by commercial TV stations, reported PR News. So Grumman sent program directors a letter describing the "extraordinary footage" and offered them free of charge a three quarter-inch videocassette of the film. PR News said 228 requests came in, a 20 percent response, "with the best markets well represented." Furthermore, "10 important stations" requested more Grumman material.

Although some might argue that the ultimate—albeit indirect—purpose of Grumman's expenditures was to sell the aircraft carrier, and therefore the effort was advertising, Bob Harwood, director of Grumman's media relations, says the campaign was public relations, and thus was charged to the company's overhead and passed on in part to the Pentagon.

Harwood maintains that the cost of this particular campaign was about $7,525 (the film footage was already on hand). However, he acknowledges that meanwhile Grumman has a public relations department which does a wide variety of PR-related activities, including producing audiovisual shows and films, writing and producing brochures and so forth.

Since the majority of Grumman's business is with the U.S. government, a sizable portion of it with the Pentagon, a good portion of its public relations expenses are probably allocated to government contracts.

In an interview with Common Cause Magazine, Fred Newton, assistant director of policy and plans at the Defense Contract Audit Agency, was given the facts of the Grumman case as a hypothetical example. Asked how DCAA auditors would handle this kind of promotion expense, Newton reluctantly conceded that while auditors might challenge the campaign as advertising, they would have a hard time making it stick.

Why shouldn't PR costs be considered part of reimbursable overhead expenses?

The Pentagon allows contractors to charge an appropriate portion of most normal business expenses to their contracts. For example, when Rockwell builds the B-1 bomber, the cost of the bomber includes more than just the costs of steel and wire. Rockwell must maintain offices and support services—secretaries, janitors, officers, etc., and if the contractor didn't include some of these overhead costs in its contracts, it eventually would go broke. After all, in the marketplace at large, consumers pay for overhead costs when they purchase any product.

But here's where some believe the logic of the Pentagon's policy breaks down: In the case of consumer items, the manufacturer is usually selling in a competitive marketplace. If the company spends too much money on salaries or electricity—or public relations—it will have to charge so much it won't be able to compete with more efficient producers. In a competitive environment, manufacturers have built-in incentives to keep their overhead costs as low as possible.

Gordon Adams of the Center on Budget and Policy Priorities says "Defense business is not normal business."

"We're talking about companies whose intimacy with the federal government gives them a stranglehold over a piece of the tax dollar. There's only one buyer, and since in terms of total dollars only 6 percent of the contracts are publicly advertised and competitively bid, there's only one seller for most of these products."

So, Adams concludes, defense contracting is "not a commercial market. The relationship between contractors and the Department of Defense is the world's funniest form of capitalism. Anybody who calls it capitalism is fooling you. It's a sort of government-subsidized socialism for wealthy contractors."

Therefore, Adams argues, when it comes to defense contracting, public relations expenses are not a "normal cost" of doing business.

At least one Pentagon official disagrees. John Kendig, director of cost, pricing and financing, argues that public relations, which he defines as activities designed "to enhance the image of a company," are a "legitimate expense" for contractors to charge to government contracts. Public relations, he says, is different from advertising because instead of selling a product a company is selling its image.

"Public relations, as far as I'm concerned, is something all businesses . . . must engage in in order to communicate to the community they become part of. You just have to keep good public relations."

But why should the taxpayer pay for Boeing or Rockwell or any other contractor to enhance its image? Because, he says, the companies are being responsive to the public. "Does the public really want to know about the companies? If the public really wants to know about the companies, I suggest that it's got to be a legitimate business expense."

Kendig says it's important to understand that in most cases 100 percent of the overhead costs, including public relations expenses, are not passed on to taxpayers. For example, if a contractor does 50 percent of its business with the government, theoretically it may charge only 50 percent of its public relations and other allowable overhead costs to the Pentagon, depending on the company's method of allocating overhead and the kinds of contracts it has with the Pentagon.

But since a number of defense contractors do a major portion of their business with the government, those costs can be significant: In fiscal year 1983, for example, about 93 percent ($2.04 billion) of Grumman Corp.'s sales were government-related. In 1982, almost 74 percent ($5.5 billion) of McDonnell Douglas' sales were government related, and so were 63 percent ($2.2 billion) of Martin Marietta Corp.'s.

THE LOSING BATTLE

Back in 1961, when Congress debated whether or not to strengthen rules governing contractors' advertising expenses, one argument was similar to what the Pentagon's Kendig says about PR costs—that advertising is a normal cost of doing business which should be reimbursed by the government. But former Sen. Howard Cannon (D-Nev.) argued then, ". . . these are millions this country can't afford," pointing to an estimated $500 million annual tab for defense contractors' advertising. "It represents a barnacle on the hull of our defense economy which impedes our progress and makes it inefficient and wasteful," he said.

That was almost 23 years ago, at a time when budget deficits were much smaller, and the amount of money spent on defense not nearly as controversial as it is today.

Congress agreed with Cannon and every year has reaffirmed in legislation its belief that most advertising costs should not be borne by the taxpayer. But although Congress decided to prohibit the practice it left open a loophole. Because Congress failed to define advertising, Pentagon policymakers and contractors were left to define it themselves.

In 1963, LeRoy J. Haugh, a Navy procurement official, wrote a memorandum, recently obtained by Common Cause Magazine, informing Pentagon officials that contractors were trying to classify as public relations many activities which he believed were the equivalent of advertising. "A tailor-made incentive has been created for commercial contractors to follow a consistent pattern of classifying as public relations costs many cost elements which would appear to be in the nature of unallowable advertising costs," Haugh wrote.

"Costs claimed by defense contractors as 'public relations' costs now aggregate many millions of dollars per year and it is becoming increasingly more difficult" for auditors to question these costs, Haugh continued, adding that the Pentagon should come up with more specific guidance.

This was the first of four times the Pentagon had the opportunity to clamp down on public relations costs and refused to do so. Despite warnings from an internal study committee that the door was left open for contractors to compete "for the public eye and ear through 'unpaid media' [read public relations]," the Pentagon failed to take action.

In 1965, publicity surrounding public relations expenses charged to the government by the Aerospace Corp. gave the Pentagon another chance to turn off the spigot. This time the request came not from a procurement official but from then Secretary of Defense Robert McNamara.

Congressional hearings held at the time examined questions surrounding the management policies and fiscal controls at Aerospace Corp., a not-for-profit corporation established in 1960 under the sponsorship of the Air Force.

Among other things, the hearings revealed that Aerospace Corp. was paying a New York public relations firm a $2,000 monthly retainer (plus expenses) and in three and a half years had spent more than $1.1 million on a public relations/public information department staffed by 16 employees.

In addition the company's Washington office said public relations was one of its three primary responsibilities.

Neither Congress nor the Secretary of Defense liked what they heard. In fact, concern over these kinds of expenses led Secretary of Defense McNamara to ask the Pentagon policymakers to determine whether these expenses ought to be limited. The Pentagon again failed to prohibit contractors from charging the costs of some of their image building campaigns to the government.

Still the case was not closed. In 1970, apparently still very concerned about public relations costs, the Defense Contract Audit Agency prepared a special study on defense contractors' PR expenses, presumably the first and only such study of its kind. The study revealed that the 37 contractors studied (there are thousands) were spending millions of dollars in public relations activities, and because guidance was so foggy on which of these expenditures was allowable, auditors were letting some contractors charge such expenses while refusing to let others. DCAA recommended that the Pentagon try one more time to issue specific guidance on public relations costs. DCAA was concerned that contractors were charging millions in publicity costs designed to "publicize or promote the contractor, his products or his achievements."

The Pentagon again refused to deal with the issue, saying most public relations costs were already prohibited by rules governing entertainment, contributions and advertising.

But that decision didn't stop the auditors from questioning public relations types of costs charged by contractors, contending they were really advertising. Finally, two contractors, Boeing and Aerojet-General, appealed their separate cases to the Board of Contract Appeals, arguing that public relations and advertising were not the same thing.

After the board came down on Boeing's side, the issue once again went to the Pentagon's policymakers. It was their fourth opportunity to clamp down on PR costs. Instead, in 1977, they decided to side with the board and adopt a highly restrictive definition of what constituted advertising expenses.

The head of the Defense Contract Audit Agency at that time, Frederick Neuman (not to be confused with Fred Newton) was clearly alarmed by the Pentagon's latest decision. In a letter obtained by Common Cause Magazine, Neuman wrote that "in my view, this is the wrong route to take . . . The need for specific coverage on public relations is becoming increasingly crucial. Contracting officers and auditors must make decisions on the allowability of contractors' efforts to enhance or otherwise promote their corporate image, production capabilities, engineering knowhow, and other activities designed to influence, even though indirectly, the government and others to procure weapon system products and related services by the company."

So where do we go from here? DCAA's Fred Newton said in an interview that because the area of PR versus advertising costs is still "complex," the agency would welcome some clarification in order to "facilitate the audit function."

Newton says the Pentagon Comptroller has asked DCAA to identify audit problems and to make recommendations for resolving them. He says DCAA is considering making another recommendation to the Pentagon regarding public relations costs.

One recommendation he is toying with would place a ceiling on the amount of PR costs a contractor could charge to the government.

But as one former DCAA official explained, DCAA probably shouldn't be optimistic. "They've already been told, 'no'—'Hell no'—four times."

ON THE ROAD WITH ROCKWELL

In the old days, "public relations" meant issuing an occasional press release and gladhanding representatives of the press and the community.

But if you want an idea of how ambitious corporate PR can get in these far more sophisticated times, consider a 1977 campaign sponsored by Rockwell International, perhaps best known as builder of the B-1 bomber and the space shuttle, including its main engines.

The goal was to reach "a variety of publics," to quote from PR News, an industry newsletter. How to reach such diverse groups as civic leaders, the media, government officials, customers and stockholders (present and potential) with one big message: Rockwell is a "modern and people-oriented organization"?

The strategy: develop a traveling, 23-minute, slide-film-and-sound show with elements that could be added or subtracted to reflect a given audience's concerns.

Several months in the making, the multimedia presentation was built around Rockwell's activities in space and featured original footage of the Apollo moon landing. To quote once more from PR News, one goal of the show was to persuade audiences of the "excellence of [Rockwell's] products and services and use of advanced technology in its automotive, aerospace, electronics and general industries businesses."

Eventually the show package was sent on the road to five major U.S. cities and "scores" of other communities across this country, Canada and Europe for viewing by a wide variety of audiences. Some showings were personally hosted, according to PR News, by Rockwell's chairman.

A great deal of preparatory work went into each showing. Company tip sheets explained how local Rockwell officials could attract reporters, interest workers and reach out to the community. One Rockwell package even included souvenir glider kits for the kids. Accompanying materials on the space program were packaged for distribution to local high school teachers—along with a plug for student attendance.

As far as PR News was concerned, the campaign paid off. "'Everyone went away excited about the company's history making growth and progress,'" went one editorial quoted by the newsletter. And in one town the mayor and other local officials took out an ad in the local paper thanking Rockwell for its thoughtful effort.

Queried by Common Cause Magazine, Rockwell spokesperson Don Poland claimed it would be difficult to resurrect Rockwell's accounting records—which he says are stored for sake keeping in caves outside Pittsburgh—and he did not know offhand whether the government paid for part of the PR blitz.

When it was pointed out that under current Pentagon policy it would seem legitimate to bill the department for some of the costs, Poland refused to speculate.●

SUPPORT FOR INCREASED FOOD ASSISTANCE FOR AFRICA

● Mr. D'AMATO. Mr. President, I rise this afternoon to express my strong support for an increase in U.S. food assistance for Africa. Today, 24 of the 31 African nations are in the throes of a devastating drought. More than 150 million Africans live in the drought-affected region. The magnitude of the disaster is enormous. Thousands of men, women, and children are dying each day while millions more face death from starvation in the near future. There are increasing reports of parents abandoning their children because they have nothing to feed them.

The current drought has served to exacerbate the food shortages in Africa, which have resulted from an inadequate distribution system, declining food production, and armed conflict. Mr. President, during this past January, my distinguished colleague from Missouri traveled to eight drought-stricken African nations. Upon his return, Senator DANFORTH wrote the following article which appeared in the Washington Post, describing his impressions of the current situation.

Mr. President, I request that the full text of that article, entitled "Africa: Does Anybody Really Care?" appear in the RECORD.

Mr. President, because of my concern over the tragic situation which has developed in Africa, I joined as a cosponsor of S. 2307, legislation providing $150 million in emergency food assistance for the starving people of

Africa. The urgency of this proposal requires that we take immediate action. I would urge my colleagues to support this critical legislation and adopt it without delay.

Thank you, Mr. President.

The article follows:

[From the Washington Post, Jan. 25, 1984]

Africa: Does Anybody Really Care?

(By John C. Danforth)

Politicians argue about the extent of hunger in the United States, but for Africa there can be no debate. No food has reached the drought-stricken, guerrilla-plagued settlement of Changanini in Mozambique since November. The people are eating leaves from the trees, roots and cashew nuts, and the results of such a diet are predictable. One need not be a physician to diagnose starvation: emaciated bodies, distended bellies, discolored hair and haunting eyes are symptoms anyone can recognize. As of last week, such infrequent aid as has arrived from international donors was sporadic and unsupervised. Unlike the Thailand-Cambodia border of 1979, volunteers from organizations such as CARE, Catholic Relief Services or World Vision had not yet arrived.

Elsewhere in Africa, the combined efforts of donor countries and private voluntary organizations have averted widespread starvation in a desolate landscape. A three-year drought in the Sahel has created what might be the setting for an Ingmar Bergman movie. One drives for miles through a land with no ground cover and scattered scrub trees to the dust-shrouded village of Mafré. No rain has fallen for more than a year. No crop has been produced. Once the villagers owned 300 head of cattle. Now they own six. Of 40 families that lived in Mafré several years ago, only five remain. They are hanging on with cash and in-kind gifts sent by relatives who have gone to the hard-pressed city of Dakar in search of jobs. One of the most generous statements I ever heard was made to me by Mafré's village elder: "We don't have much to offer, but you are welcome to stay the night."

In the immediate future, conditions in Africa can only get worse. Even in the unlikely event that drought in the Sahel were broken immediately, it would be months before a new crop could be harvested. In the meantime, the United States, always generous with food aid, will be called upon to do more. Mozambique must be addressed as an immediate crisis, requiring on-sight personnel and a systematic effort to get food to the hungry on a predictable schedule. The administration's expected request for a supplemental appropriation to increase food aid to Africa should be acted on by Congress on a priority basis. While any call for more spending will be subjected to careful scrutiny in light of our budgetary difficulties, a relatively modest increase in our commitment to Africa can help that continent survive the present crisis.

But what of the long run? Food aid can meet a crisis. It can keep people alive who otherwise would perish. It can sustain refugees in Sudan or help Senegal survive a drought. But food aid, by itself, does not help countries become self-sufficient. It does not help them solve the long-term problem of feeding growing populations on land that, by any standard, is unproductive. When traveling in Africa, one looks for some light at the end of what appears to be an endless tunnel of food dependency. There is an occasional glimmer.

In Somalia, a team from the University of Wyoming is working on new methods of growing sorghum in an arid climate. The team believes that production can be doubled by relatively modest changes in the timing and density of planting. In Senegal, a major international effort has begun to irrigate the Senegal River basin. Many expressed to me the need for more research into improved seeds suitable for dry-land agriculture and for better extension services to educate African farmers in new techniques. While flying at a low altitude over Somalia, it appeared to these untrained eyes that much could be done to bring under production fertile but undeveloped river valleys.

To develop Africa's resources and move it toward self-sufficiency would require long-term commitments by donor countries, and would be far more expensive than shipping in food aid. Irrigation is especially costly; however, in places such as Senegal it offers the best hope of increased production. But the only alternative to development assistance is a continent that will forever live from hand to mouth and forever be dependent on the generosity of others.

America's own budget difficulties have forced us to question all forms of government spending, including development assistance. Unfortunately, this budgetary restraint has resulted in a deep cut in our commitment to the one program that has been the most help in developing countries and through which we can best leverage contributions from other donor nations; the World Bank's International Development Association.

My own view is that development assistance for Africa should be increased, but that it should not be squandered. Whatever investment we intend to make in Africa could easily be wasted by spreading our resources too thin on a host of minor projects in a host of unpromising countries. It would be better to target our efforts—to do a few things well.

A key to effective targeting is to concentrate our development assistance on a limited number of countries that would make the best use of our investment.

After gaining independence in the past quarter of a century or so, some African countries looked to the east, adopting the Soviet model of state farms and collective farms with no meaningful role for the individual farmer. As Somalia and Mozambique are beginning to realize, such a model has not worked in the Soviet Union and it cannot work elsewhere. While I do not believe that food aid should be conditioned on the political or economic philosophy of the recipient, development assistance is a different matter.

To offer food to hungry people is a matter of principle. To offer development assistance to a country whose own policies discourage production is to pour water into the sand. For the sake of food production, and not to make a philosophical point, America should direct development assistance to those countries whose governments do not control farming.

Finally, a practical, budget-conscious American might ask, "Why bother about Africa?" Why spend a dime on a continent so far away when we have our own problems right here at home? The answer, I think, has to do with who we are and how we perceive ourselves as a country. America is more than a place to hang your hat. It represents a value system most of use believe in very strongly. That value system has to do with the worth of human beings, whoever they are, wherever they are. We believe that lives are worth saving, that our fellow humans must be fed. But it is not enough to profess this belief. We must act on it.●

EXEMPTION FROM SOCIAL SECURITY TAXATION

● Mr. **PRYOR.** Mr. President, I rise today to express my support of S. 2099, legislation introduced by Senator Roger Jepsen, to delay for 2 years the mandatory participation of employees of religious and apostolic organizations in the social security system.

Under prior law, nonprofit organizations were covered under social security on an optional basis. Social security coverage for employees of such organizations was provided in cases where the organizations waived their right to exemption from social security taxation. Current law mandates social security coverage for such employees.

Ministers and members of religious orders, as under prior law, are required to participate, and are considered self-employed for purposes of social security, unless the individual files for an exemption on the grounds of conscientious or religious opposition. Members of religious orders who have taken a vow of poverty are covered under social security as employees if their orders have chosen to be covered.

Since enactment of the 1983 amendments, I have heard from many Arkansans concerned about the effects this legislation will have upon churches. On December 14, 1983, the Finance Committee held a hearing on social security coverage of employees of religious organizations. The testimony received by the committee on this issue reflects a genuine concern by some religious organizations that there may be some serious constitutional issues involved in mandating the payment of FICA taxes by religious organizations. In addition, there are serious concerns about the ability of individuals employed by these organizations to pay the self-employment FICA tax, an alternative to current law which has been proposed.

Mr. President, the April deadline for filing of quarterly social security taxes by most religious organizations is fast approaching. Yet we have not conclusively resolved the many problems associated with the issue.

It is clear that this is a controversial and complex issue. While S. 2099 does not offer a final solution, it will provide the time we need to closely examine the issues involved and, hopefully, come up with an equitable and acceptable solution. I urge prompt enactment of this measure.●

UNITED STATES-TAIWAN RELATIONS

● Mr. **D'AMATO.** Mr. President, like many Americans I have been a close observer of developments in the relationship between the United States and the Government of the island of Taiwan. The health of this relationship, though plagued by significant redefinition and uncertainty, is important to our Nation's interests in Asia.

Our trade involvement with Taiwan has also experienced uncertainty and redefinition. Despite a deep commitment by both parties to produce a mutually beneficial economic interaction, there have been concerns about maintaining equitable levels of import/export traffic. I am pleased to note that the people of Taiwan are showing a renewed and vigorous interest in the purchase of American products.

Taiwan trade representatives recently completed a nationwide "Buy American" trip throughout our country. Individuals and businesses in 23 States, including constituents of mine in New York, finalized transactions that will deliver over $600 million worth of American products to Taiwan. I believe this is a solid step in the direction of strengthening equitable and beneficial trade relations between the United States and Taiwan. I am gratified that Taiwan, which stands as our Nation's sixth largest trade partner, is demonstrating a commitment to enhancing the role of American products in their import programs.

Mr. President, I ask that two articles detailing the recent visit of the Taiwanese trade mission be printed in the Record at this point.

The articles follow:

[From the Journal of Commerce, Nov. 14, 1983]

NEW YORK STATE GETS CONTRACTS FROM TAIWAN

(By Barbara Aarsteinsen)

Taiwan, as part of its eighth "Buy-American" campaign, has signed contracts for over $35 million worth of industrial products from manufacturers in New York state.

The purchases came during the last leg of an estimated $600 million cross-country buying spree in 28 cities in 23 states over the past month and a half.

A 63-member special procurement mission representing the Taiwanese government and Taiwanese businesses finalized transactions in New York City with International Telephone & Telegraph Corp., Westinghouse Electric Corp., General Electric Co., Hugo Neu & Sons International Sales Co., Metco Inc., Davidson Co. and Mitsubishi International Corp.

Acquisitions included power circuit breakers, instrument tubing fitting and valves, plasma frame spray equipment, transformers, potassium chloride and steel scrap.

At the outset the mission had planned to spend $7 million in New York, but the ante was upped when the members arrived in the United States.

At its earlier stops, the group also concluded contracts with Hewlett-Packard, R. J. Reynolds Tobacco Co., a subsidiary of R. J. Reynolds Industries Inc., Caterpillar Tractor, Phillip Morris, American Cotton Shippers Association, Whirlpool Corp., and Ingersoll-Rand, among others, for the purchase of electrical machinery, tools, metals, chemicals, and a variety of agricultural goods such as soybeans, cotton, grains and citrus products.

The seven previous missions, which began in 1978, bought some $5.9 billion worth of U.S. goods—$3.2 billion going to industrial products and $2.7 billion to agricultural products. About $425 million was purchased in New York state.

As the United States' seventh-ranked trading partner, Taiwan imported $4.37 billion in U.S. goods in 1982 and some $2.5 billion during the first half of this year. Total exports to the United States for the first six months of 1983 reached $5.9 billion.

[From the Oil Daily, Nov. 14, 1983]

TAIWAN PURCHASES COAL PLANT GEAR DURING UNITED STATES TRIP

(By Gene Smith)

New York.—The Republic of China signed up for some $35 million of industrial goods from manufacturers in the Empire State at a formal ceremony in the New York Hilton Hotel here last week.

This was the eighth trade mission from Taiwan since 1978. Headed by Wu Mei-Tsun, vice minister of economic affairs, the 63-member delegation was committed to the purchase of some $600 million of American commodities and industrial products on a cross-country buying spree in 28 cities in 23 states.

Unlike prior missions, the latest tour did not buy any coal, but it did purchase a variety of equipment from American manufacturers as supplemental gear for the modernization program of Taiwan Power Co., the state-owned electric utility. The shopping list this time was split roughly between $500 million for agricultural products and the balance for industrial goods.

The utility's New York shopping list included spare parts for the main turbine, protective relays for its 345-kilovolt transmission line, circuit breakers and a transformer.

The suppliers read like a listing from "Who's Who" and included such blue chip companies as International Telephone and Telegraph Corp., General Electric Co., Westinghouse Electric Corp. and Mitsubishi International Corp.

In its previous seven buying missions, the Taiwanese had made purchases of more than $425 million within New York State.

Taiwan Power's list for this latest tour included purchases of backup equipment in California, Oregon, Texas, Illinois and Oklahoma, as well as New York.●

CHRISTOPHER MONTANARO WINS WESTINGHOUSE SCIENCE COMPETITION

● Mr. MITCHELL. Mr. President, earlier this week a young man from my State of Maine was named first-place winner of the national Westinghouse science competition. Christopher Montanaro has made a lot of people proud: His parents, his friends and fellow students at Oxford Hills High School in South Paris, Me.—and, beyond these, people all over the State. We who represent Maine in the Congress share in that pride.

Chris' numerous achievements—he is a superb math and science student, a good athlete and an accomplished musician—are all the testimony necessary to the roles that family and school can and should play in the development of productive and creative members of society. Such values are important whatever the level of natural talent and promise a young person starts out with. We must improve and expand the educational and social environment in which all of our children are expected to develop their full potential.

In that regard, I commend to everyone's reflection something Chris said the other day to a newspaper reporter. "When I've had doubts about my abilities, my parents put the idea in my head that I was as good as anyone else—not better, not worse," he said. "Parents plant many seeds in their children—then wait for enough fertilization. All these seeds need is a good environment in which to grow."

I congratulate Chris Montanaro on his splendid accomplishments, his goals and his outlook. And I also pay special tribute here to his parents and the teachers who helped him along the way.●

ORDER OF BUSINESS

Mr. BAKER. Mr. President, let me state that I do not expect further action on the prayer amendment today. There are a number of absentees from the Senate and necessary absences on official business in most cases.

We will continue on this measure next week when the Senate reconvenes on Monday.

It is not the intention of the leadership on this side to ask the Senate to be in tomorrow for the same reason we are going out early today; that is, a great number of Senators are not here who are necessarily absent as a part of a delegation to an international conference.

Mr. President, the request I am about to put I believe has been cleared by the minority leader and I will state it at this time.

ORDERS FOR MONDAY, MARCH 12, 1984

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, March 12, the reading of the Journal be dispensed with, that no resolutions come over under the rule, that the call of the calendar be dispensed with, and that following the recognition of the two leaders under the standing order there be special orders in favor of the distinguished Senator from Wisconsin (Mr. Proxmire) and the distinguished Senator from Hawaii (Mr. Inouye) for not to exceed 15 minutes each, to be followed by a period for the transaction of routine morning business not to exceed 1 hour in length with Senators permitted to speak therein for not more than 10 minutes each, provided further that the morning hour be deemed to have expired.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BAKER**. I thank the Chair.

ORDER FOR ADJOURNMENT UNTIL MONDAY, MARCH 12, 1984

Mr. **BAKER**. Now, Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 noon on Monday next.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. **BAKER**. Now, Mr. President, I have some other matters that are cleared for action by unanimous consent on my side and I invite the minority leader's attention to three measures, a House message on S. 820, a House message on H.R. 2809, Calendar Order No. 448, which is H.R. 2174 together with a budget waiver to accompany that matter, and I ask the minority leader if he is prepared to consider all or any portion of that list.

Mr. **BYRD**. Mr. President, there is no problem on this side with any or all of the agreed items.

Mr. **BAKER**. I thank the Senator.

AUTHORIZATION FOR APPROPRIATIONS UNDER THE EARTHQUAKE HAZARDS REDUCTION ACT OF 1977

Mr. **BAKER**. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 820.

The **PRESIDING OFFICER** laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 820) entitled "An Act to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

TITLE I—EARTHQUAKE HAZARDS REDUCTION PROGRAM

Sec. 101. (a) Section 7(a) of the Earthquake Hazards Reduction Act of 1977 is amended by adding at the end thereof the following new paragraph:

"(5) There are authorized to be appropriated to the Director, to carry out the provisions of sections 5 and 6 of this Act, for the fiscal year ending September 30, 1984, $3,705,000, and for the fiscal year ending September 30, 1985, $6,096,000.".

(b) Section 7(b) of such Act is amended by striking out "and" after "1982;" and by inserting "; $35,524,000 for the fiscal year ending September 30, 1984, and $37,300,200 for the fiscal year ending September 30, 1985" before the period at the end thereof.

(c) Section 7(c) of such Act is amended by striking out "and" after "1982;" and by inserting "; $25,800,000 for the fiscal year ending September 30, 1984; and $28,665,000 for the fiscal year ending September 30, 1985" before the period at the end thereof.

(d) Section 7(d) of such Act is amended by striking out "and" after "1982;" and by inserting "; $475,000 for the fiscal year ending September 30, 1984; and $498,750 for the fiscal year ending September 30, 1985" before the period at the end thereof.

(e) Section 7(e) of such Act is amended by striking out "1982 and" and by inserting in lieu thereof "1982," and by inserting "September 30, 1984, and September 30, 1985," before "there are authorized".

TITLE II—FIRE PREVENTION AND CONTROL

Sec. 201. Section 17 of the Federal Fire Prevention and Control Act of 1974 is amended by adding at the end thereof the following:

"(e) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, to carry out the purposes of this Act, there are authorized to be appropriated—

"(1) $15,720,000 for the fiscal year ending September 30, 1984, and $20,983,000 for the fiscal year ending September 30, 1985; and

"(2) such further sums as may be necessary in each of the fiscal years ending September 30, 1984, and September 30, 1985, for adjustments required by law in salaries, pay, retirement, and employee benefits incurred in the conduct of activities for which funds are authorized by paragraph (1) of this subsection.

The funds authorized under this subsection shall be in addition to funds authorized in any other law for research and development at the Fire Research Center of the National Bureau of Standards.".

Sec. 202. Section 15 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2214), is further amended by striking the words ", the Secretary of Defense," where such appears in subsections (b)(2), (c), (e)(1)(A), and (f).

Sec. 203. It is the Sense of the Congress that special recognition should be made of volunteer fire companies for their contribution to the public safety, accomplished in the highest traditions of the American voluntary spirit, and offering proof that locally based, nonfederally sponsored efforts provide the American people with outstanding service.

Amend the title so as to read: "An Act to authorize appropriations for the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 for fiscal year 1984 and fiscal year 1985, and for other purposes.".

● Mr. **GORTON**. Mr. President, I am pleased to rise in support of S. 820, the reauthorizations of the Earthquake Hazards Reduction Act and the Federal Fire Prevention and Control Act.

Senate bill S. 820, as amended by the House, would authorize appropriations in fiscal years 1984 and 1985 to four Federal agencies—Federal Emergency Management Agency, U.S. Geological Survey, National Science Foundation, and National Bureau of Standards—to continue their activities in the national earthquake hazards reduction program. It would also authorize appropriations in fiscal years 1984 and 1985 to the U.S. Fire Administration and the National Fire Academy to continue their fire prevention and control activities.

In 1977, the Congress established the national earthquake hazards reduction program to provide a comprehensive, integrated national program to reduce losses of life and property resulting from earthquakes. The Congress recognized that earthquakes pose perhaps the greatest single-event natural hazard faced by the Nation. An earthquake can:

Affect hundreds of thousands of square miles;

Cause damage to property measured in the tens of billion of dollars;

Cause loss of life and injury to tens of thousands of persons;

Disrupt the social and economic function of the affected area—and, potentially, the entire Nation.

The Congress recognized that losses and disruption to the individual, community, State, and the Nation caused by earthquakes could be reduced substantially through the development and implementation of earthquake hazard reduction measures.

The Congress directed the Federal Government to provide a central focus for leading, coordinating, and conducting earthquake research, hazard mitigation, and disaster preparedness. The four Federal agencies that receive appropriations under the act carry out principal responsibilities for the reduction of losses caused by earthquakes.

The dome-building eruption now underway at Mount St. Helens volcano, which scientists fear may be accompanied by an explosive blast, is being closely monitored with seismographic networks supported in part by appropriations authorized under the Earthquake Hazards Reduction Act.

Scientists at the U.S. Geological Survey Cascades Volcano Observatory, Vancouver, Wash., and the University of Washington, Seattle, are watching for changes in the level and intensity of earthquake activity under the volcano that may signal a change in eruptive activity. These networks are supported by the U.S. Geological Survey, which receives authorization for earthquake hazards reduction program funds under this bill.

Research supported by funds authorized under the Earthquake Hazards Reduction Act is directed toward an understanding of why earthquakes occur in Washington State and other seismically active areas of the United States. This research has provided valuable insights into the potential for, and consequences of, future earthquakes in the Puget Sound area, and elsewhere. The research is also helping to unravel how earthquakes and volcanic activity are related, in Washington State and across the Nation.

Fire is also a major cause of property damage, injury, and death in the United States. While fire is primarily a State and local concern, the role of the Federal Government in the prevention and control of both residential and commercial fires remains an issue of significant national importance.

Funding under the Federal Fire Prevention and Control Act supports a variety of crucial activities.

At the U.S. Fire Administration, funding under the act supports the fire data collection system, public education programs, research and testing of improved firefighting equipment and tools, and projects in residential fire prevention. At the National Fire Academy, fire service personnel from across the Nation are trained in everything from the handling of hazardous waste to arson detection.

The authorization of funds for programs directed at the twin disasters of fire and earthquakes is vital to the health and safety of citizens across the country. I ask my colleagues to join me in supporting these important programs.●

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the action by which the Senate did concur in the amendments of the House of Representatives.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL FISH AND WILDLIFE FOUNDATION

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2809.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate numbered 1, 2, and 3 to the bill (H.R. 2809) entitled "An Act to establish a National Fish and Wildlife Foundation.".

Resolved, That the House agree to the amendment of the Senate numbered 4 to the aforesaid bill with the following amendment:

In lieu of the matter inserted by said amendment, insert: October 1, 1984, and on page 3, line 4, strike out "1983," and insert: 1984,

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the action by which the motion was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I now ask unanimous consent that the Chair lay before the Senate Calendar Order No. 639, which is Senate Resolution 275, a budget waiver to accompany H.R. 2173.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 275) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2173.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of H.R. 2173. Such waiver is necessary because H.R. 2173, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations. This bill was sent from the House of Representatives to the Senate and was referred to the Senate Committee on the Judiciary on May 11, 1983. Even with the eight-day extension allowed by the Budget Committee to report out new authorizing legislation, there was not sufficient time for the Judiciary Committee to take responsible action prior to the deadline.

The budget waiver will allow Senate consideration for H.R. 2173 which reauthorizes the Administrative Office of the United States Courts to contract for drug treatment services, and drug abuse monitoring services for probationers and parolees for fiscal years 1984 through 1986.

H.R. 2173 authorizes the appropriation of $5 million for fiscal year 1984, $5.5 million for fiscal year 1985, and $6 million for fiscal year 1986.

CONTRACT SERVICES FOR DRUG DEPENDENT FEDERAL OFFENDERS ACT

Mr. BAKER. Mr. President, I ask unanimous consent that the Chair lay before the Senate H.R. 2173.

The PRESIDING OFFICER (Mr. MATHIAS). The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2173), to amend the Contract Services For Drug Dependent Federal Offenders Act of 1978 to authorize additional appropriations to carry out such act.

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 2173) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there are two nominations on today's Executive Calendar which are cleared on this side for action by unanimous consent. They are the nominations of Bessie Boehm Moore, of Arkansas, to be a member of the National Commission on Libraries and Information Science; and John G. Keane, of Illinois, to be Director of the Census.

Could I inquire of the minority leader if he is in a position to clear either or both of those nominations?

Mr. BYRD. Mr. President, to answer the distinguished majority leader's inquiry, both items have been cleared on this side.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering these two nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

The assistant legislative clerk read the nomination of Bessie Boehm Moore, of Arkansas, to be a member of the National Commission on Libraries and Information Science.

Mr. BUMPERS. Mr. President, I have had the privilege of working with Bessie Moore for many years. She served in a dozen capacities as a consultant and board member to various Arkansas library commissions, both before and after, as well as during, my tenure as Governor of Arkansas. I can attest to the respect she commands in the academic community in my State and elsewhere. For example, the American Library Association recently chose her as an honorary member in recognition of her services to libraries, especially in the area of legislation. She received a certificate of special recognition for more than five decades of service to libraries by the White House Conference on Libraries and Information Service. She is currently serving as Vice Chairman of the National Commission on Libraries and Information Services, having been first appointed to the Commission by President Nixon and reappointed by Presidents Johnson, Carter, and Reagan. She has also represented the United States abroad on several occasions.

But her talents are not confined to library administration. She has had a distinguished career as a teacher, serving as a guest lecturer at the School of Library Sciences at Louisiana State University since 1976. She began her school teaching career in 1916 when she taught her first class in Pine Bluff, Ark. She has served in many education positions in my State since, and for 17 years was executive director of the Arkansas State Council on Economic Education.

I should add that Bessie Moore has also excelled as a business person, having served on a major bank board and having owned her own successful business in Little Rock. It is with great pleasure then, that I rise in support of her nomination for reappointment to the National Commission on Libraries and Information Service. She has served on the Commission with distinction, and it is a real tribute that she has been reappointed so many times. I am confident that she will continue to serve with distinction on this important Commission.

Mr. PRYOR. Mr. President, Dr. Bessie Moore is being confirmed by the Senate for reappointment to the National Commission on Libraries and Information Science. Her term will expire in 1988.

These are the facts of our deliberation, but what I want to point to is the intangible quality of Dr. Bessie Moore—her undying commitment to education, libraries, and information systems throughout the past half century. In Arkansas her name is synonymous with public service and dedication to duty and responsibility.

Dr. Moore has been an NCLIS member for the past 13 years and Vice Chairman for most of that time. She has served on every major commission on libraries and came to Washington for the White House conference from 1977 to 1980.

Arkansas has long been familiar with Dr. Moore's service. In fact, she has served under nine Governors of the State, and I was one of those. I should say that I had the honor of serving along with Bessie Moore, side by side, and all of us in my administration knew that when she said something she meant it. We also knew that when she told us to do something we had better do it. And we did.

This is a big day for Arkansas and our library systems, but it is also a day of accomplishment for information systems throughout the country. We are again to benefit from Dr. Moore's expertise and professional insight. But, more important than that, we will again benefit from her compassion and understanding of our need to know and to share information.

I could go on at length about the number of awards and distinctions that have come Dr. Bessie Moore's way over the years. These are well-documented and familiar to anyone in the field of library science. She was woman of the year in Arkansas for 1952 and Arkansas Citizen of the Year in 1978.

We are all fortunate to have Dr. Bessie Moore still in service to the public. I salute her contributions as a librarian and as a human being, and I congratulate the Senate in reaffirming her appointment.

The **PRESIDING OFFICER.** Without objection, the nomination is considered and confirmed.

DEPARTMENT OF COMMERCE

The assistant legislative clerk read the nomination of John G. Keane, of Illinois, to be Director of the Census.

The **PRESIDING OFFICER.** Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order to move at this time to reconsider the nominations en bloc.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BAKER. Mr. President, I now so move.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, the distinguished Senator from Washington (Mr. GORTON) will arrive on the floor, I am told, at about 3:30 p.m., after another meeting which he is attending in the building.

What I proposed to do at this time was to ask the minority leader if he is prepared to go forward with his statement on the history of the Senate and if, at 3:30 p.m., he might be agreeable to yielding to the Senator from Washington so the Senator from Washington might make a brief statement.

Mr. BYRD. Mr. President, I am ready to proceed, and I will be happy to yield to the Senator from Washington at any point that he come in the Chamber.

Mr. BAKER. Mr. President, I would also propose, if the minority leader is agreeable, as we have done in the past, and as I always do without hesitation, to ask unanimous consent that when he finishes his statement on the history of the Senate that the Chair automatically place the Senate in adjournment pursuant to the order just entered.

Mr. BYRD. That would be a very good arrangement.

ORDER FOR ADJOURNMENT

Mr. BAKER. Mr. President, I am grateful to the minority leader for agreeing to conduct the business of the Senate this afternoon in this manner.

I now, therefore, ask unanimous consent that when the distinguished minority leader concludes his remarks on the history of the Senate and so signifies to the Chair that the Chair then, pursuant to the order previously entered, place the Senate in adjournemt until the hour of 12 noon on Monday next.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BAKER. I thank the minority leader for his cooperation and assistance. I now yield the floor.

Mr. BYRD. Mr. President, I wish to thank the majority leader for his accommodations today and as he has accommodated me so many times in the past. The thanks flow—I suppose that is east from here rather than west.

Mr. BAKER. Mr. President, I thank the minority leader. It is a measure, I think, of our mutual trust of each other that we have found this to be a most suitable way to conclude the activities of the Senate. I have absolute confidence in the minority leader. And he would protect me and I would protect him if any extraneous business was transacted except for that which is contemplated of the most routine type. But I have absolute confidence that he will do that and have absolutely no hesitation in making the request that I did today and previously.

Mr. BYRD. Mr. President, the distinguished majority leader reflects not only his own viewpoint and feeling in that regard, but he has expressed quite factually and truthfully my feeling toward him in that respect.

Mr. BAKER. I thank the minority leader.

Mr. MATSUNAGA. Will the Senator yield?

Mr. BYRD. I yield to the Senator from Hawaii.

Mr. MATSUNAGA. I thank the minority leader for yielding.

Mr. BYRD. I thank my cheerful friend from Hawaii. He was in the hospital a while back, and he sent me flowers. It should have been the other way around.

(Remarks by Mr. MATSUNAGA at this point in connection with the introduction of legislation are printed earlier in today's RECORD.)

Mr. BYRD. Incidentally, Mr. President, I shall relinquish the floor to any Senator who wishes to have it. If I do so, I ask unanimous consent that no interruption of my speech be shown in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. This is my 66th recitation on the U.S. Senate, which began 4 years ago this month.

THE UNITED STATES SENATE AND WOODROW WILSON, 1913-1920

Mr. BYRD. Mr. President, 1913 was a very important year for the Senate. I devoted my last talk to the Seventeenth Amendment to the Constitution, ratified that year, providing for direct popular election of senators. Nineteen Thirteen also brought dramatic changes in the composition of the Senate, in relations between the Congress and the president, and in the nature of actual legislation passed.

On November 5, 1912, Woodrow Wilson, the liberal Democratic governor of New Jersey, defeated the Progressive party candidate Theodore Roosevelt, and the Republican candidate, incumbent William Howard Taft, to become the first Democratic president in sixteen years. Not only was there a Democrat in the White House after a long hiatus, but, for the first time in twenty years, there were Democratic majorities in both the Senate and the House.

The campaign of 1912 had been fought principally between Roosevelt and Wilson. Roosevelt's "New Nationalism" platform envisioned a strong central government to control and regulate business and to legislate social reform, while Wilson's "New Freedom" proposed a restoration of competition and free private enterprise by destroying the special privileges that permitted monopolies to exist. Wilson considered monopolies to be irredeemably evil, whereas Roosevelt believed they were not harmful as long as they were controlled by Federal law. While the New Freedom triumphed to the extent of Wilson's election, a broader spirit of reform and liberalism prevailed. Even Eugene Debs, the Socialist candidate, received almost a million votes that November. When on March 4, 1913, Wilson, long-faced, idealistic, self-confident, and eloquent, preachy, overbearing, and self-righteous, took his oath, the swelling tide of reform had finally reached the highest councils of government.[1]

No one who had read Wilson's writings could have doubted that he would initiate a new system of presidential leadership. Ever since his years as a graduate student at Johns Hopkins University, where he prepared a dissertation on congressional government, he had been impressed by the lack of leadership in the presidential-congressional system. Roosevelt's success in arousing public opinion and bludgeoning Congress into action had convinced Wilson that within the presidency there lay power sufficient for effective leadership, and he was determined to use it more effectively than had his predecessors. Indeed, Wilson's strengthening and extension of the presidential powers constituted perhaps his most lasting contribution to American political practice. These changes began with his relationship to Congress.

During Wilson's first years in office, relations between the White House and the Congress underwent a drastic change. Roosevelt had fought Congress and had often gone over its head to the people to force action, but he was never able to establish the primacy of his office over the conservative leadership in the legislature. Taft had shied away from even contesting for dominance. Wilson tried a different tack. A strong believer in party government, he decided to work through and with his party in Congress. Moreover, he conceived of himself as the leader of his party, as the only leader who could speak for it and the country. Therefore, he felt personally charged with the sponsorship of important legislation; and for the first time in many years the executive formulated a complete legislative program and worked closely with committee chairmen in giving body to it.

Wilson's methods of dealing with the Congress were, at first, spectacularly successful; but they succeeded in large measure because of the peculiar circumstances that prevailed during his first administration. Unlike his immediate predecessors, Wilson did not have to contend with opposition from such mighty figures as Joe Cannon in the House or, in the Senate, the powerful Nelson Aldrich, the last of the "Senate Four." Also, because of the rupture among Republican progressive and regular factions, the Democrats had a handsome majority of over 150 votes in the House during the critical first two years of the Wilson administration. In the Senate, most of the Democrats were able, responsible, and progressive, as eager as Wilson himself to give the administration early successes. The young progressive group of Democratic senators constituted a virtual galaxy of stars: Joseph T. Robinson of Arkansas, who, as I indicated the other day, sat at this desk; Henry F. Ashurst of Arizona, Thomas J. Walsh of Montana, William Hughes of New Jersey, Henry F. Hollis of New Hampshire, Robert L. Owen of Oklahoma, and Atlee Pomerene of Ohio. Even the older, more conservative Democratic leaders in the Senate, like Furnifold M. Simmons of North Carolina, Thomas S. Martin of Virginia, John H. Bankhead of Alabama, and William J. Stone of Missouri, signified their readiness to follow the President.[2]

Another reason for Woodrow Wilson's success with the Congress was his strong Democratic leader in the Senate. He was John Worth Kern, a progressive from Indiana, and I'd like to say a few words about him since he was one of my predecessors in the post of Democratic leader. The Democrats knew that they had captured the presidency, the House, and the Senate by a stroke of luck; that stroke was the split in the Republican party which they feared might soon heal. To remain in office, the Democrats had to demonstrate their abilities while they had the opportunity. It was essential, therefore, that the progressive Democratic majority in the Senate work closely with the new president to enact as much of his program as possible before the next election, and it was essential that they find the right man to lead them.

Late in February 1913, thirty of the fifty-one Senate Democrats, almost all of them progressives, met at the home of Tennessee Senator Luke Lea on Massachusetts Avenue to decide on their candidate for the leadership. Kern was their choice. He is unique in the history of the Senate, for no other member has been called to the leadership of the majority after only two years of service. Kern had come to the Senate in 1911 at the age of sixty-two. But there were several good reasons for his selection. Above all, these Democrats wanted a leader known nationally as a progressive in complete harmony with the party's campaign platform and with the incoming president's program. Kern was both, for although he was a newcomer to the Senate, he was widely known in state and national Democratic circles. Second, with such a meager majority, when the defection of just three Democrats might wreck the party program, nothing was more important than for the leader to display infinite tact. This, along with ineffable patience, Kern possessed in great measure.[3]

Senator Kern convened the caucus frequently during 1913 and 1914, and held the party together throughout the intense floor debates on the Underwood tariff, the Federal Reserve

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[1] Footnotes at end of article.

Act, and the Federal Trade Act, winning enactment of all three of these pillars of the first Wilson administration. Senator Kern needed every ounce of patience and tact that he possessed to hold his troops in line. I shall now move on to discuss the battles and personalities with which he had to contend during the four years of his leadership which were crowded as never before with constructive legislation. Unfortunately, Kern's leadership was abruptly ended in 1917 when he was defeated for reelection by a slim margin after just one term.

The first item on Wilson's legislative agenda was to smash the system of privileged tariff protection that Republicans had been strengthening since 1861. On the day of his inauguration, Wilson called a special session of the new 63rd Congress, and on April 8, he came to the Capitol in person and delivered a short message before a joint session of Congress. It was a dramatic move—not since John Adams had a president appeared personally before the legislative branch. Wilson wanted the members of the Congress to see for themselves, he said, that he was a real person, "not a mere department of the government hailing Congress from some isolated island of jealous power." He wanted them to think of him as a colleague in the great work of tariff reform they were about to undertake. The following day, he came again to the Capitol and held the first of many conferences with Democratic leaders. Thus Wilson not only asserted his personal leadership but also focused the attention of the Nation on Congress.[4]

The tariff bill, introduced in the House by Alabama's Oscar Underwood, bore Wilson's imprint. It constituted a sharp and historic reversal of all previous tariffs, lowering the average rates by about 29 percent, putting scores of every day items on the free list so their cost to consumers would drop, and all but ending the principle of protection. Anticipating a decrease in customs receipts of about $100 million because of the lower rates, the House Ways and Means Committee added a provision for a graduated income tax. Drafted by Representative Cordell Hull of Tennessee, a leader in the struggle for tax reform, it was the first income tax under the Sixteenth Amendment, which had been ratified several months earlier. Although exemptions were high and the graduated surtax was low, the measure was of great importance.

The Underwood bill easily passed the House on May 8 by an impressive vote of 281 to 139, but ran into trouble in the Senate when the expected hordes of lobbyists—so numerous, said Wilson, that "a brick couldn't be thrown without hitting one of them"—went to work on members. Wool and sugar lobbyists, spokesmen for the cotton manufacturers, citrus fruit growers, and others were bombarding senators with resolutions, petitions, and appeals. Public attention focused on the Senate. Would the Democrats betray party pledges as they had done during the passage of the Wilson-Gorman and Payne-Aldrich bills, by surrendering to the lobbyists and rewriting the measure in the interests of the manufacturers?[5]

Wilson refused to wait for an answer. In a dramatic maneuver that gave fire and daring to his leadership, the president struck first. On May 26, he issued a statement denouncing the "industrious and insidious" lobby. "It is of serious interest to the country," he declared, "that the people at large should have no lobby and be voiceless in these matters, while great bodies of astute men seek to create an artificial opinion and to overcome the interests of the public for their private profit."

Reaction to Wilson's sensational statement was at first unfavorable, especially in the Senate, where Democrats feared he had overplayed his hand. In a move calculated to embarrass the administration, Republican Senator Albert Cummins of Iowa proposed the appointment of a special committee to investigate the lobby. The Democrats, of course, could not object; and when Senator Robert La Follette of Wisconsin suggested that all senators disclose their own property holdings that might in any way be affected by tariff reductions, no senator dared publicly protest. What had begun as a political maneuver soon became a sweeping investigation into the activities of private interests in behalf of legislation.

The results of Wilson's maneuver turned out to be more favorable than even he had hoped. The press and the public supported him. Each senator came before the special lobby committee and dutifully told how many shares of coal or steel stock or acres of sugar land he owned. Albert Fall of New Mexico, for example, revealed that he owned cattle, horses, sheep, and coal lands. And Senator Henry F. Lippitt of Rhode Island, long a foe of reduced tariffs on fabrics, admitted that he had extensive holdings in textile mills in New England. Under this glaring spotlight, the pressure of the lobbyists and the opposition of protectionist senators quickly wilted.[6]

Led by Furnifold Simmons of North Carolina, chairman of the Finance Committee, the Democrats triumphed and on September 9, by a vote of 47 to 37, passed the revised tariff bill. Observers could hardly believe what they saw. Instead of yielding to the anti-reform sentiments of manufacturing interests, the Senate had actually effected a general reduction of the House-passed Underwood rates. The House conferees accepted most of the Senate amendments and the revised bill was approved by the House on September 30 and by the Senate on October 2, 1913.[7]

There was no doubt about the significance of Wilson's victory in the tariff fight. Whether the Underwood tariff would actually reduce the cost of living was less important than the fact that the Senate had proved itself free of shackling alliances with special privilege and capable of concerted, positive action. This victory firmly established Wilson's dominance in the Democratic party. It was fortunate for him that events turned out as they did, for another and more important struggle was in progress between the president and the Congress. This was the President's campaign to free the Nation's banks and businessmen from monopolistic control. It was a battle in which Wilson needed all the support he could find.[8]

No objective stood higher on the Democratic agenda than banking and currency reform. Everyone, including bankers and businessmen, recognized the need for a reorganization of the system, in place since the Civil War, that was rapidly becoming less able to meet the needs of an industrialized nation. But there was little agreement on what its replacement should be. In the House, the Democratic-sponsored reform measure called for a system of decentralized federal reserve banks. It had the warm support of the president and was introduced by Carter Glass of Virginia, a gentlemanly but irascible little man weighing about one hundred pounds. It immediately met with protests from Southern Democratic agrarian spokesmen demanding more radical change.

During the summer of 1913, Wilson and his advisors moved from crisis to crisis. No sooner had they consolidated Democratic support in the House behind the Federal Reserve bill, placating those within the party who would go farther, than a storm of abuse arose from bankers, businessmen, and their spokesmen in Congress. All denounced the Federal Reserve bill as socialistic, theoretical, and vicious. Despite their objections, the bill passed the House in September. Wilson then felt he could relax, for prospects for prompt action by the Senate seemed bright. The outlook darkened suddenly, however, when three Democrats on the banking Committee—James O'Gorman of New York, James Reed of Missouri, and Gilbert Hitchcock of Nebraska—bolted their party and upset the president's legislative timetable. Their reasons for dissenting varied. Hitchcock's opposition stemmed from the fact that he was himself a banker and spokesman for the banking industry and from his resentment at the administration's patronage policies in Nebraska. Reed bolted because Wilson would not appoint his candidate as postmaster of Kansas City. Wilson finally named Reed's man. And O'Gorman, a Tammany Hall man, wanted to teach the president that he should not attempt to coerce the Senate.[9]

The Republican-Democratic coalition that remained in control of the Banking Committee insisted on holding a long series of new hearings, which proceeded at a leisurely pace throughout September and October. Wilson was furious. He worked almost constantly with his leaders in the Senate, urging and pleading, even threatening to go to the people if the obstructionists persisted in blocking the bill. His party leaders were as indignant as he, but they were helpless.

The situation suddenly changed in mid-November 1913, when O'Gorman and Reed, the one intimidated and the other satisfied, surrendered. The bill was reported out and floor debate began at once. The Democratic leadership was determined to see the bill enacted before Christmas. The Senate passed the measure, 54 to 34, on December 19. Four days later, the president signed his hard-earned Christmas present.[10]

The creation of the Federal Reserve System was the crowning achievement of the 63rd Congress and, indeed, of the first Wilson administration. Despite the conservative attack in the Senate, its basic structure—twelve Federal Reserve banks, privately controlled, regulated and supervised in the public interest by the Federal Reserve Board—still remains. It proved to be a significant reform of the very heart of the American economy. It destroyed the control of money and credit by a few banks centered on Wall Street, created a more flexible and sound currency, and permitted a planned supervision of banking reserves to meet the country's needs.

Wilson had promised, in his New Freedom program, to destroy monopoly and restore free competition. Not until the middle of November 1913, however, with the Underwood bill passed and the Federal Reserve bill safely on its way to passage in the Senate, did he focus on details. On November 20, he began a long series of conferences with Democratic leaders in the House and Senate, asking their views and requesting their recommendations. In January 1914, for the fifth time, the president addressed a joint session of Congress to outline his ideas for a new anti-trust act. The anti-trust measures advocated by Wilson were embodied in a series of bills introduced in the House by Representative Henry Clayton of Alabama. A measure introduced by James Covington of Maryland provided for an interstate trade commission to supplant the old Bureau of Corporations. The predictable objections arose from many quarters: from small businessmen who wanted a stronger trade commission; from progressives who thought the Clayton bill too weak; from Southern Democrats and agrarians who wanted to smash the trusts completely; and from labor unions who wanted to be exempted from the "combinations in restraint of trade" provisions of Clayton's measure.

The forces on both sides argued in the House and Senate throughout the summer of 1914, but, finally, in August, the Senate passed the Federal Trade Commission bill by a bipartisan vote of 53 to 16. The House agreed a month later and the measure became law September 10.[11]

In the meantime, Wilson seemed to lose interest in the Clayton Act, which was being seriously weakened in the Senate. Supporters in the Senate felt they had been cut adrift with the result that one after another of the bill's strong provisions were amended into innocuousness. "When the Clayton bill was first written," said Senator Reed, "it was a raging lion with a mouth full of teeth. It has degenerated to a tabby cat with soft gums, a plaintive mew, and an anemic appearance. It is a sort of legislative apology to the trusts, delivered hat in hand, and accompanied by assurances that no discourtesy is intended." Wilson was finally moved to complain that Senator Charles Culberson of Texas, chairman of the Judiciary Committee, had made the bill "so weak that you cannot tell it from water." But he did not act to restore any of the bill's former force before its passage in October.[12]

With the passage of the Clayton Antitrust Act, Wilson considered his program of economic reform complete. Few progressives in the Senate, however, agreed with him, and such groups as agrarians and organized labor still pressed for passage of a host of measures to commit the federal government to further social and economic reform. To the disappointment of his Democratic allies in the Senate, the president refused to support their bills for long-term rural credits, refused to support woman suffrage—claiming that it should be left to the states—and gave no help to a child-labor bill, declaring that such interference in the affairs of industry was unconstitutional.

The degree to which Wilson outraged progressive sentiment in the Senate did not become apparent until June 1914 when he forwarded his nominations for the Federal Reserve Board. Progressives were shocked and astonished at the list of conservative bankers and businessmen. "Why, it looks as if Mr. Vanderlip"—who was president of the National City Bank of New York—has selected them," exclaimed one progressive Republic senator. Insurgent anger in the Senate centered on two of the nominees—Thomas Jones and Paul Warburg. A former trustee of Princeton University and a close friend of Wilson, Jones was one of the owners of the so-called "Zinc Trust" and a director of International Harvester Company, then under state and federal indictment for being an illegal combination. Warburg was a partner in Kuhn, Loeb and Company, one of the great Wall Street banking houses.[13]

In reply to Senate attacks on his friend Jones, Wilson addressed a public letter to the Senate Banking Committee, defending Jones and explaining that he had become a director of International Harvester to help bring that corporation into conformity with the law. Jones appeared before the committee, however, and affirmed that he had not gone on the board to reform it. Consequently, the Banking Committee refused to approve Jones' nomination and Wilson, much embarrassed, asked him to withdraw. Warburg, insulted by the senatorial opposition, at first refused to appear before the committee. Finally the president persuaded him to swallow his pride. He appeared and the Senate confirmed his appointment. The incident ended there, but the most startling aspect of the Jones-Warburg affair was Wilson's reaction and the way he came forward as champion of big business.[14]

A week after the Jones-Warburg affair ended, the outbreak of war in Europe diverted the Nation's attention to other matters. The confusing developments abroad proved a godsend to the Democrats during the ensuing 1914 congressional campaign. Their most important asset was the continued disruption within Republican ranks, with Roosevelt and the Progressives making one last effort to establish themselves as a major party. In spite of many advantages, the Democrats made a poor showing in the November 3 elections. Defeat in 1916 seemed almost certain. While they picked up six important Senate seats, the Democrats lost fifty seats in the House.

Although the movement for reform appeared moribund on that November 1914 election day, in fact the process was but temporarily halted. But before I complete that story, I shall turn to events more portentous for the immediate future of the American people: those in the realm of foreign affairs.

"It would be the irony of fate if my administration had to deal chiefly with foreign affairs," Wilson had remarked to a Princeton friend just before he went to Washington. As it turned out, fate was not only ironic, but also cruel, for the new administration had to cope with foreign problems of such a magnitude as had not confronted the Nation since the early years of the nineteenth century.[15]

Wilson and his Secretary of State, William Jennings Bryan, began their foreign policy early in 1913 on a high note of idealism, which most Democrats and progressives in Congress applauded. Bryan quickly negotiated conciliation treaties with twenty-nine countries, providing for six-month or year-long "cooling off" periods during which it was hoped antagonisms would evaporate. Signatories agreed to refer disputes to investigatory commissions and to refrain from going to war or increasing armaments until receiving the commissions' reports. "No one except Bryan," complained one of the dissidents, Senator Henry Ashurst, "believes that his treaties will preserve the peace." But, nevertheless, the Senate ratified twenty of them.[16]

Wilson's idealism gradually took on a stern, crusading, self-righteous tone. What historian Arthur Link has dubbed Wilson's "Missionary Diplomacy" led to United States intervention in Japan and Latin America which increased anti-American sentiment around the world, and led to many stormy confrontations in the Senate over foreign policy. These struggles, however, paled in comparison to the devastating global war that confronted the administration and strained its relations with the Senate to the snapping point.

The start of the Great War in Europe came as a sobering surprise to most Americans, but despite divided sympathies, Congress, like the President, at first viewed it as none of America's affair and supported strict neutrality. Wilson narrowly won reelection in 1916 with the peace theme "He Kept Us Out Of War." Democrats maintained control of the Senate but divided the House seats almost evenly with the Republicans, so that a few progressives and independents would hold the balance of power in the new Congress.

Following the election, Wilson made fruitless efforts to find a way to end the European conflict. After hours of thought, he decided on the course he believed would best serve the United States and the world. And on January 22, 1917, there occurred another "first" in the Senate's history as the President decided to come to the Capitol to make his plans known in an address to the Senate. Not since the earliest days of the Republic had a president addressed the Senate in such intimate terms, including it so closely in foreign policy formulation. Might he come up to the Hill to address them and tell them what was on his mind? Wilson asked this of the senators in a letter on January 21. Of course, they consented.

The president arrived at one o'clock. He wanted to address only the Senate, but he found the chamber packed to the walls with curious House members who crowded in to watch. He was to speak in open, not executive session, and the galleries were filled to overflowing, too. The president entered with an escort of five senators, led by Senator William Stone of Missouri, chairman of the Foreign Relations Committee. He spoke with great feeling for half an hour of his personal formula for peace—"peace without victory" and without indemnities and annexations, and an international organization after the war to safeguard a lasting peace. When he was finished, there was enthusiastic applause from the Democratic side of the aisle. From the Republican side came silence. Senators La Follette, Moses Clapp of Minnesota, and Carroll Page of Vermont were the only Republicans to applaud the president. La Follette, in fact, called the address "the greatest message of a century." As we shall see, these were probably the last kind words La Follette ever had to say for Woodrow Wilson. The two men were about to become bitter enemies.[17]

Most Americans supported Wilson's idealism. But on January 31, Germany stunned the Nation and the president by announcing the resumption of unrestricted submarine warfare. On February 3, without warning, Germany sank the U.S.S. *Housatonic*. Wilson broke diplomatic relations; a decision the Senate endorsed on February 7. On February 26, Wilson asked Congress for authority to arm merchant ships. When opposition arose, Wilson released the text of an intercepted dispatch from the German foreign secretary, Alfred Zimmermann, to the German minister in Mexico proposing the return of Texas, New Mexico, and Arizona to Mexico if Mexico would join Germany in war against the United States. The note, which aroused a wave of anti-German hysteria, changed peace advocates into supporters of war overnight and carried the Armed Ship Bill through the House on March 1 by a vote of 403 to 13. When the president pressed for the Senate's approval, however, a group of a dozen adamant non-interventionists, led by La Follette and George Norris of Nebraska, launched a historic filibuster.

The filibuster began on March 2, 1917, when the Armed Ship Bill arrived in the Senate. Only the day before, the Zimmermann note had been released to the public. Emotions ran high, with public sympathy overwhelmingly on the side of passage. Floor leadership of the bill was placed in the hands of Gilbert Hitchcock because William Stone, chairman of the Foreign Relations Committee, announced he would not support it. Such influential opposition guaranteed a tense situation from the outset. Both supporters and opponents knew that the bill must pass in less than forty-eight hours or die with the end of the session.[18]

The galleries were packed with spectators eager to watch the expected fireworks. William Kirby, of Arkansas, led off for the opponents, fiercely denouncing the bill and its supporters in an impassioned peroration. Debate continued furiously through the 2nd of March, but after midnight Hitchcock and his majority permitted a recess until ten o'clock in the morning, when the speeches resumed. Senator Stone, in the longest speech of the filibuster, talked for four hours against the bill. That would not have been long in terms of recent filibusters, I would say. Hourly the situation grew more embittered as Hitchcock repeatedly asked in vain for unanimous consent to fix a time for a vote. There was no recess that night. Both administration Democrats and regular Republicans were eager to force the bill through, and by persuasion and invective sought to silence the unsubmissive minority.

Ties were loosened, nerves tightened, and tempers grew short.

It still happens around here once in a while.

The cloakrooms were cluttered with senators seeking brief naps.[19]

The same has happened in our own time.

Through the last night on which the Congress could meet, the tiresome speeches went on. At one-thirty in the morning, a conference report on agricultural appropriations unexpectedly came before the Senate, and Asle Gronna of North Dakota insisted upon talking at length on the subject of wheat. At three a.m., nine senators were in the chamber while Gronna read seemingly endless statistics about grain. In the meantime, other senators shouted with laughter in the Democratic cloakroom over a page's imitations of the filibusterers.[20]

Indignation mounted as the hope of voting on the measure grew slimmer. At three-twenty in the morning, Joseph Robinson, on behalf of the frustrated majority, read a manifesto signed by seventy-five senators declaring that if a vote could be taken they would pass the bill. Opposing senators declared that theirs was a right for full discussion of a measure which might plunge the Nation into war. Norris spoke at length on the rights of the minority to discuss a measure thoroughly. And to prove his point, he read from the 1885 doctoral dissertation of the president himself in which Wilson had written, "It is the proper duty of a representative to look diligently into every affair of government and to talk much about what he sees."[21]

Strange words from the past. We hear them echoed today. As we listen to those Members who criticize Congress for its participation in foreign affairs, we find that Congress, in years past, certainly did not hesitate to inject itself into international relations and did not hesitate to debate at length such a subject matter.

As the early morning hours passed, the filibuster took on a new form. The administration majority took up an obstructionist stance. They knew that La Follette hoped to be the last speaker on the issue and that he had prepared a major address for the occasion. Realizing that the filibuster would succeed, angry Democrats determined to extract a measure of revenge from La Follette by denying him an opportunity to speak before the crowded galleries. First, Senator Owen talked for a time; then Hitchcock took the floor. La Follette was furious. He fumed in his seat, drumming on his desk, and chewing furiously at an unlit cigar. Senators who had been breakfasting came back to the chamber to enjoy the Wisconsinite's discomfort.

At ten-thirty that morning, the president arrived in the President's Room—the beautiful room adjacent to this chamber—to sign the bills that would come from Congress in its last hours. He sat barely fourteen feet from La Follette, separated by a wall, over there to my left, as the Wisconsin senator, whom he had come to hate for his opposition, broke into Hitchcock's speech again and again, trying to speak. Hitchcock unconcernedly talked on. Hitchcock, in fact, talked on until noon, when the Senate adjourned *sine die*. Four minutes later, Woodrow Wilson faced Chief Justice Edward Douglas White and took the oath of office for the second time.[22]

Wilson had appeared calm as he took the oath of office, but he was nearly shaking with anger over the defeat in the Senate. Shortly after taking the oath, he issued a stinging statement, in which he lashed out at the dissidents. "A little group of willful men, representing no opinion but their own," Wilson raged, "have rendered the great government of the United States helpless and contemptible." Taking their cue from the president, the public, inflamed by war hysteria, took up the attack on the filibusterers. Almost unanimously, the major papers in the country condemned all who had helped kill the Armed Ship Bill, with particular emphasis on La Follette and Stone. The *New York Times* called them "perverse and disloyal obstructionists," while the *New York World* said they were "pusillanimous wretches who had denied their country's conscience." The *New York Herald* predicted that their names would "go down in history bracketed with Benedict Arnold." The *Hartford Courant* called them "political tramps." "Should be driven from public life" was the sentiment of the *Portland Free Press*.[23]

"Rolls of Dishonor," inscribed with the names of the "willful men" appeared everywhere. The senators singled out for the full force of the popular fury included Republicans Moses Clapp of Minnesota; Asle Gronna; John Works of California, who, at seventy was voluntarily ending his Senate career; Albert Cummins; and, of course, the ringleaders, La Follette and Norris; and Democrats Stone; James Vardaman of Mississippi; William Kirby; Harry Lane of Oregon; and James O'Gorman. Others, like William Kenyon of Iowa, were occasionally added to the list, usually over their vehement denials of complicity. Public condemnation of the group was unrestrained. In Oregon there was a recall movement to unseat Lane. Students at the University of Illinois hanged La Follette in effigy. Long-scheduled speeches to be given by the senators who had filibustered were canceled by indignant organizations.

Senators apparently spoke in those days, as Senators today do, before special interest organizations.

The Tennessee House called the filibuster "contemptible and little short of treason." The Kentucky senate voted a resolution referring to "un-American, disloyal, unpatriotic, traitorous, and cowardly senators," condemning their "outrageous action" as "unmanly, unpatriotic, un-American, unparalleled, and unwarranted." Citizens of Mississippi sent to Senator Vardaman a large iron cross weighing forty pounds and inscribed "Lest the Kaiser Forget." Residents of Jonesboro, Arkansas sent to Kirby thirty pieces of silver, declaring that "if Judas Iscariot earned his so have you."[24]

Never before had a filibuster so stirred the public mind. Popular opinion strongly supported the president. The situation in the Senate had become intolerable. In his bitter speech of denunciation, Wilson had suggested a way out of the tangle. "The remedy? There is but one remedy," he declared. "The only remedy is that the rules of the Senate shall be so altered that it can act." Wilson angrily called the Senate of the new 65th Congress into extraordinary session on March 5 and demanded it amend its rules so that it would be able to act and "save the country from disaster."[25]

I do not think that would be very well received in this day—the President calling the Senate into session and demanding that it amend its rules.

Its rules, in some respects, do need to be amended; but I doubt that any Senate in recent years would take lightly such instruction from any President of the United States.

After scenes of high drama, the adoption of the Senate's cloture rule was itself singularly undramatic. The Senate convened in special session while the press still rang with denunciations of its rules. On March 8, a bill providing for cloture was introduced by the Democratic floor leader, Thomas S. Martin. The provision permitted the limitation of debate by two-thirds of those present and voting two days after sixteen senators submitted a cloture motion. Thereafter, each senator could speak for only one hour on the bill and all amendments and motions affecting it, and could introduce an amendment only by unanimous consent. Since I have discussed at length the passage and significance of the cloture measure in a previous talk, I need only note here that, after only six hours of debate, the cloture rule, known as Rule 22, a rule so significant in the Senate's history, passed by a vote of 76 to 3. Only Lawrence Sherman of Illinois, Gronna, and La Follette voted against it.[26]

Meanwhile, the new Secretary of State Robert Lansing—the neutralist Bryan had resigned—advised the president that he could arm the ships by an executive order, without congressional approval, and Wilson promptly took that step, also calling both houses of the 65th Congress to meet in special session on April 16. On March 16, German submarines sank three American ships with heavy loss of life. As the torpedoing continued, Wilson pushed up the date of the convening of Congress to April 2.

On that day, the Capitol filled with excited crowds; some frantically urging continued neutrality, others arguing for war. In the crush, a pacifist and his wife lunged angrily at militant Senator Henry Cabot Lodge but were pulled away. At eight thirty in the evening, Wilson somberly addressed the joint session, asking for a war declaration against Germany to make the world "safe for democracy." Against the continued opposition of La Follette and Norris, the Senate on April 4 adopted the war resolution, 82 to 6, and at a little after three in the morning of Good Friday, April 6, the House concurred. It was a night filled with drama. Many congressmen wept openly as American neutrality ended.[27]

There followed the passage of a stream of war legislation, beginning with appropriations of $4 billion for the Army and Navy and a selective service bill. The Anti-Saloon League, which was working hard for a constitutional amendment to ban the use of alcoholic beverages, persuaded Congress to protect the morals of the new draftees by prohibiting the sale of such beverages at or near Army camps. Next, they used the emergency to secure a ban on the use of foodstuffs necessary to the war effort in the manufacture of distilled liquors. Finally, on December 18, 1917—adding to their arguments a shrill condemnation of distillers and brewers of German descent—the League prevailed on Congress to go all the way and adopt the Eighteenth Amendment, prohibiting the manufacture, transportation, or sale of alcoholic liquors in the United States.

Congress passed the War Revenue Act, the Trading With The Enemy Act, and supported the creation of a host of boards, such as the War Industries Board, to help the United States increase its efficiency and aid the war effort. At the same time, several acts, urged by the administration and supported by the fervent patriotism and anti-German feeling of a great majority of the American people, broke sharply with the benign atmosphere of political tolerance of freedom of dissent of the Progressive period. Paralleling the emergency controls on business, they seriously abridged civil liberties and traditional American rights. I will not discuss them at length because they were passed readily by the inflamed Senate with little controversy, but will simply mention the Espionage Act and the Sedition Act, which led to the arrests of so many pacifists, conscientious objectors and dissidents of every stripe in the heightened hysteria following the Bolshevik Revolution.

From time to time throughout the war, French and British leaders came to Washington and visited Congress to reinforce the feeling of partnership. On May 1, 1917, Marshall Joffre, the hero of the Battle of the Marne, was escorted to the presiding officer's rostrum in the Senate by the Republicans' chief spokesman of foreign relations, Senator Henry Cabot Lodge. Wearing scarlet breeches, the French military leader, acknowledging the senators' cheers, shouted, "I do not speak English," and, waving his cap, cried, "Vivient les Etats Unis!" [28]

As the conflict in Europe neared an end, Wilson's uncompromising determination to handle foreign affairs himself and impose on the world his idealistic vision of an enduring peace headed him on a collision course with the Senate. On January 8, 1918, he delivered a stirring address to the 65th Congress, boldly outlining fourteen points as a basis for a moral peace that would be "just and holy." People of liberal persuasion in America and the allied countries supported Wilson's Fourteen Points with enthusiasm, but many Republicans and militants in Congress were skeptical. To Lodge, who with nationalistic loyalty, had generally supported Wilson's war measures, most of the Fourteen Points sounded like "mere words and general bleat about virtue being better than vice." Democratic Senator Charles S. Thomas, an earthy sixty-eight-year-old pioneer from Colorado, commented that Wilson was being "bushwacked." Nevertheless, the president hewed to his course, promising in another eloquent message to Congress on February 11 that the peace would include "no annexations, no contributions, no punitive damages." [29]

This speech only further aggravated those who doubted the wisdom of Wilson's course. Soon Lodge and other Republicans openly broke with him, demanding Germany's unconditional surrender. "The thing to do," Lodge insisted, "is to lick Germany and tell her what arrangements we are going to make." With the fall congressional elections approaching, Wilson recognized the need to unite as much of the country as possible behind him. Seeing the danger if the Republicans took control of Congress, he openly appealed to the voters to return Democratic majorities to both houses. It was a serious mistake. Furious Republicans took it as an attack on their patriotism as well as a violation of the wartime truce on politics. In November 1918, the Republicans won the House by fifty seats and the Senate by two seats, and, as victors, they were in an unforgiving mood. On the eve of the war's end, Wilson had lost the Congress, and with it his goal of a strongly united Nation. [30]

Wilson aroused another storm of criticism from the Senate by announcing that he would personally attend the peace conference in Paris. No other president had ever left the country while in office. Even more arrogantly from the Senate's point of view, the president asserted that he would take with him a peace commission that would include not a single Senator. Overnight, Wilson's popularity in Congress plummeted, and it was said that he did not have twenty friends left here. Wilson discounted the angry feelings of the Representatives and Senators. "Congress," he said, "has a brainstorm, but as soon as I am on the high seas they will recover." But he was wrong. The Senate would not easily recover from this affront to its prerogatives. Wilson got a very chilly reception when he addressed the opening of the last session of the 65th Congress on December 2, 1918, and an even frostier send-off when he left for Europe two days later. [31]

The president's chief problem lay in his unduly narrow view of the constitutional powers of the Senate regarding treaties. His whole opinion of the Senate, in fact, was low. "Bungalow minds" and "pygmy minds" were favorite terms of his when referring to Members of Congress. To Wilson, advice and consent meant that the Senate should give its advice and consent after the completed pact had been laid before it, not while the pact was in the process of negotiation. And, indeed, this was the procedure ordinarily followed with routine treaties. Wilson was legally correct, but politically unwise. Ordinary procedure would not suffice this time. This was not an ordinary treaty. As the president himself had repeatedly said, this was the charter of a new world order. Wilson sailed off under the delusion that, when the Senate was presented with an accomplished fact in peace making, it might grumble but it could do nothing else but surrender. He was to find himself badly mistaken. [32]

The European leaders at the peace conference at Versailles ripped apart Wilson's Fourteen Points and agreed to his idea of a League of Nations only after he had given in to innumerable compromises that made a shambles of his hopes for a just and lasting peace. In February 1919, before leaving Paris for a brief trip back to the United States to tell the American people about the terms being hammered out, Wilson cabled an invitation to the Senate Foreign Relations Committee to dine with him on his return. He also asked them to hold off all discussion until he had an opportunity to explain the League Covenant's provisions to them. Not all senators complied, but Henry Cabot Lodge grudgingly did. His grumbling turned to fury when he learned that Wilson, having secured his silence, was planning to land in Boston and address a mass meeting to present his own views. He raged to a friend, "As he is the President of the United States, of course I accepted the invitation to the dinner. I should not have thought of doing otherwise. I also felt, as a gentleman and man of honor, that having accepted the invitation to dinner I should comply with his request not to discuss the terms of the League as set forth in the draft of the committee, until after the dinner. The president, however," Lodge sputtered, "does not seem to look at it in the same way, and is going to land in Boston, my own city, and there address a great mass meeting which is all arranged for while I am reduced to silence because I wish to observe what I think is required of an honorable man." [33]

Wilson's cunning maneuver only exacerbated the hard feelings between himself and Senator Lodge and served to steel Lodge's resolve to oppose the president every step of the way. I have discussed Senator Lodge often before in my talks on the Senate, but I would like to take a close look at him at this juncture, in his sixty-eighth year, because the fight over the League was very much a fight between two very strong personalities—those of Lodge and Wilson. Beginning his twenty-sixth year in the Senate, Lodge was slim, natty, and cantankerous, with curly gray hair and a trim white mustache and beard. With the Republicans back in power, Lodge was not only majority leader but chairman of the Foreign Relations Committee, positions in which he was certain to tangle with the president.

Years before, as editor of the International Review, Lodge had accepted an article sent in by a Princeton University senior who never before had published an article in a non-college magazine. The article was entitled "Cabinet Government in the United States" and the author was young Woodrow Wilson. It was the last kind act Lodge would ever undertake for the Princetonian. Many believed Lodge was jealous of the success of the younger man; that he was infuriated by the fact that before Wilson took office, Senator Lodge, with a Ph.D from Harvard, had been "the scholar in politics" but that afterward he was only "a scholar in politics." Woodrow Wilson, in fact, is the only president ever to earn a Ph.D. The senator referred to the president as "shifty," and believed that Wilson was thinking steadily of a third term for himself. The president believed Lodge wanted to remodel the League in his own image and gain his party's nomination for the presidency in 1920. Neither made any attempt to hide his hatred of the other.[34]

Senator Lodge, though he felt betrayed by the president, went to the dinner at the White House on February 26. It was a gala affair held in the state dining room. At the table, where Mrs. Wilson was the only woman present, the conversation avoided the matter that was on the minds of the diners. Afterwards, however, in the East Room, the grave topic emerged. Recollections of what followed vary depending on the mood of the guest. Lodge claimed, "The president answered questions for two hours about the draft of the . . . League . . . , and told us nothing. He did not seem to know it very thoroughly and was not able to answer questions . . ." On the other hand, Representative John Rogers said that the president was never "so human or so attractive" as he was that night, and that he answered every question, "easy or difficult, as fully as possible and with apparent candor."[35]

Two days later, still seething with anger, Lodge delivered his first major attack on the League from the Senate floor pointing out that its covenant did not recognize the Monroe Doctrine, did not protect the United States from League interference in such internal matters as tariff and immigration politics, and would make the Nation responsible for helping to guarantee the territorial integrity and independence of every country in the world. The League was an idealistic panacea, Lodge claimed, that could never take the place of a concrete and detailed peace settlement. He wanted, "fact, details, and sharp, clear-cut definitions." He was worried that the United States was being drawn by "glittering delusions, through specious devices of supernational government, within the toils of international socialism and anarchy." He spoke in measured tones, often sarcastically, but without raising his voice. He calmly wove together arguments already advanced by bitter foes of the treaty like Senators William Borah of Idaho, James Reed, Miles Poindexter of Washington, and Philander Knox of Pennsylvania to make a cogent argument condemning the League to a slow death. Softly he told his colleagues, "What I ask, and all I ask, is consideration, time, thought . . . . We cannot reach our objects by a world constitution hastily constructed in a few weeks in Paris in the midst of the excitment of a war not yet ended." And he ended: "That which I desire above everything else, that which is nearest to my heart, is to bring our soldiers home. The making of a League of Nations will not do that . . . . What is it that delays the peace with Germany? Discussions over the League of Nations; nothing else."[36]

Lodge had begun an assault on the League that was steady and telling. Senator Knox, who called the League "a plan to strangle and crush us," and Senator Sherman, who likened it to a "Pandora's box of evil," were among those who, within the next few days, let loose a flood of oratory against the League and its sponsor. In the meantime, Lodge was busy behind the scenes. Early on the morning of Sunday, March 2, he received a visit at his home from Senator Frank Brandegee, the irascible Connecticut senator who had led the cross-examination of Wilson at the February dinner. Brandegee, Borah, Knox, Hiram Johnson of California, and a few others were known as "the irreconcilables," or "bitter enders"; men opposed to the treaty no matter what shape or form it might take. Knox was known as the "brains" of the group; Brandegee as the "tongue"; Johnson as the "noise"; Borah as the "soul." Brandegee was disturbed by the lengthy defense of the League uttered in the Senate the day before by Senator Porter McCumber of North Dakota. He told Lodge that some declaration should be made without delay "to the effect that a League of Nations, such as it was understood was to be proposed . . ., could not pass the Senate." When he suggested to Lodge that they get the signatures of "more than one third of the Senate" to the statement, Senator Lodge was, in his own words, "very much struck by the proposition." "Brandegee," Lodge said, "had no difficulty in convincing me of its essential and even vital importance." The two men hastened to the home of Senator Knox who agreed to draft the resolution.[37]

Throughout Monday, March 3, Lodge, Knox, Brandegee, and Albert Cummins scurried through the corridors of the Capitol securing signatures—Harry S. New of Indiana, George Moses of New Hampshire, J. W. Wadsworth, Jr. of New York, Boies Penrose of Pennsylvania, Hiram Johnson, Medill McCormick of Illinois, Albert Fall—until the names of thirty-nine Republicans were appended to the document. "We did not think it desirable to ask any Democrats to sign," Lodge explained. "We knew there were Democratic senators opposed to the League, but we did not wish to involve or embarrass them . . ."[38]

At two minutes past midnight on March 3, 1919, just prior to the adjournment of the 65th Congress, Lodge arose in the Senate. One reporter claimed his hand was shaking as he held the "Round Robin" resolution he wished to offer. "Mr. President," he said, "I desire to take only a moment of the time of the Senate. I wish to offer the resolution which I hold in my hand, a very brief one . . ." While brief, the resolution was a remarkable slap in Wilson's face. It called the League, "in the form now proposed" unacceptable to the United States and urged that it be separated from the peace treaty and carefully reconsidered after "negotiating peace terms with Germany." The purpose of the Round Robin was twofold. Lodge intended the resolution to signal the president that the League and the peace treaty must be separated if the latter were ever to pass the Senate, and, secondly, to let the Peace Conference in Europe know that "the President was not the only part of the government necessary to the making of a treaty . . ."[39]

President Wilson was unmoved. On the eve of his departure for Paris, he boasted to the world that when the treaty was brought back the "gentleman on this side will find the covenant not only tied to it, but so many threads on the treaty tied to the covenant that you cannot dissect the covenant from the treaty without destroying the whole vital structure." He held the senators opposing him, particularly Lodge, to be "contemptible . . . narrow . . . selfish . . . poor little minds that never get anywhere but run round in a circle and think they are going somewhere . . . I cannot express my contempt . . . If I said what I think about those fellows in Congress, it would take a piece of asbestos two inches thick to hold it."[40]

On his return to Paris, Wilson secured changes in the covenant along the lines that Lodge had sought. The treaty was signed at Versailles on June 28, 1919, and Wilson headed home, hopeful that the changes would satisfy his opponents in Congress. On July 10, 1919, President Wilson entered the Senate chamber to the cheers of the gallery and applause from the Democratic side of the aisle. He carried a bulky copy of the treaty under his arm. Despite the clear warnings of a storm ahead, he felt confident: the Senate had never rejected a peace treaty before.

Senator Lodge, as chairman of the Foreign Relations Committee, escorted the president to his seat. In delivering the treaty that he had hammered out into the hands of the Senate, Wilson gave a moving speech. "The stage is set, the destiny disclosed," he told the senators. "We cannot turn back. We can only go forward, with lifted eyes and freshened spirit to follow the vision. It was of this that we dreamed at our birth. America shall in truth show the way. The light streams upon the path ahead, and nowhere else." The twelve to fifteen extreme isolationist "irreconcilables," headed by Senators La Follette, Borah, Johnson, Poindexter, and Reed were unmoved. Lodge and the Republicans who favored ratification after changes to protect American interests were impassive. Only the Democrats, who, save for a few with mild reservations, supported Wilson, applauded with enthusiasm.[41]

The president was asking, actually demanding, that the Senate accept the treaty "his" treaty, with no reservations, no changes. His imperious attitude only angered the Republicans, and many Democrats, too, before him. They were not going to be a "rubber stamp" for the president. A cartoon in the Chicago Tribune depicted the president, holding a copy of the League, standing before a bird, labeled "The Senate," on a perch. Wilson was trying to make the bird say "O.K.," but the bird refused. Upon closer examination, the recalcitrant bird turned out to be an eagle, and the caption read "It doesn't happen to be a parrot." The senators had no intention of mimicking the president. Their pride and the Senate's stature were at stake.[42]

Wilson's words had hardly faded away and the door closed behind him when Senator Lodge moved to refer the treaty to the Foreign Relations Committee which he headed. At that moment, the light that the president had seen upon the path ahead flickered and grew dim. The League was doomed.

The Foreign Relations Committee was composed of seventeen senators: ten Republicans and seven Democrats. When, two months earlier, the Republicans gained control of the Senate and Lodge became chairman of the committee, he had gone to great pains to see to it that the newly appointed members of his committee were not too kindly disposed toward the League. In fact, of the four new Republican places, two went to "irreconcilables" Moses of New Hampshire and Johnson of California and two to strong "reservationists" Warren Harding of Ohio and New of Indiana. "Irreconcilables" Borah, Brandegee, Knox, and Fall of New Mexico were already on the committee. Of the ten Republicans, only Porter McCumber had not signed the Round Robin denouncing the League. Gilbert M. Hitchcock of Nebraska was the ranking Democrat, but as a parliamentary tactician he was no match for the Wily Lodge. The deck was heavily stacked against the League.

Lodge began his committee hearings by reading aloud the entire text of the 268-page treaty and the convenant. The task took him two weeks, his voice droning on in a committee room entirely empty save for one clerk who had to take down what he said. After that, the committee called witness after witness to paint black pictures of what the League would do to the formerly free and independent United States. Obviously, Lodge was stalling. He realized that the public sentiment of the United States seemed strong for ratification, and he was playing for time so that he and his lieutenants could try to change their minds. While Lodge was holding hearings, the enemies of the League flooded the Nation with anti-League propaganda financed by Andrew Mellon, the Pittsburgh banker, and his colleague Henry Clay Frick, the coal and steel baron.[43]

In the grim heat of August, Lodge prepared to make his first speech since the treaty had been submitted to the Senate. On August 12, he spoke for nearly two hours. If he had wondered whether the campaign to convert the American people to his views was working, he received ample and gratifying proof from the galleries. They were packed with representatives from women's organizations and a contingent of veteran Marines from Chateau-Thierry, who had just passed in review before the president. They hung on Lodge's every word, and frequently interrupted him with applause. Lodge's speech was tailor-made for a patriotic audience.

> You may call me selfish, conservative, or reactionary, or use any other harsh adjective you see fit to apply."

He cried,

> "but an American I was born, and American I have remained all my life. I can never be anything else but an American, and I must think of the United States first, and when I think of the United States first in an arrangement like this I am thinking of what is best for the world, for if the United States fails the best hopes of mankind fail with it. I have never had but one allegiance—I cannot divide it now. I have never loved but one flag and I cannot share that devotion and give affection to the mongrel banner invented for the League . . .[44]

The shouts of the Marines echoed through the chamber as Lodge finished his dramatic peroration. Not for years had the Senate heard such loud applause. When Senator John Sharp Williams of Mississippi replied for the administration, he was loudly hissed.

The president, meanwhile, had been conferring with individual senators, hoping to move them into his own camp. As the summer wore on it was clear that he was making little headway. Though in poor health, he began to talk of taking his cause to the people on a cross-country tour. He asked Senator James Watson of Indiana, "Where am I on this fight?" and Watson replied, "Mr. President, you are licked. There is only one way you can take the United States into the League of Nations." "Which way is that?" asked the president. "Accept it with the Lodge reservations." Fire came into the president's eyes and he said, "Lodge reservations? Never! Never! I'll never consent to adopt any policy with which that impossible name is so prominently identified." As Watson left the White House, the president's last words rang in his ears: "I'll appeal to the country."[45]

On September 3, 1919, Wilson's train pulled out of Union Station. His trip would take him 9,981 miles, almost to the Canadian border; almost to the Mexican. In twenty-seven days, with twenty-six major stops, and with at least two rear-platform speeches a day, he would visit every state west of the Mississippi except four. As he began his historic trek, the public responded with apathy, but, as he proceeded, the warmth of his receptions increased. He was on his way home, with a half-dozen speeches left on his schedule, when, after a speech in Pueblo, Colorado, he collapsed, and was rushed back to Washington gravely ill. On October 2, he was felled by a stroke that paralyzed his left side and placed his life in danger for several weeks.[46]

Meanwhile, on September 10, a week after Wilson left town, Lodge reported the treaty to the Senate with four reservations to the League's covenant and a total of forty-five amendments to the rest of the instrument. It was obvious to all that Wilson would never accept them. Lodge found himself in a difficult position. As party leader, he had to try to hold the three Republican factions in the Senate together long enough to defeat the League and amend the treaty. All three—the strong reservationists, the mild reservationists, and the irreconcilables—would have to vote together to assure the success of any motion, but they did not. The Democrats and about fifteen mild reservationists voted down one after another of the forty-five amendments and sent the treaty back to the committee. On November 6, Lodge presented it again, with no amendments but with fourteen reservations, known as the Lodge Reservations, which the Senate accepted.

The sick president was urged to compromise. Gilbert Hitchcock, who had become acting Democratic leader after Thomas Martin died on November 12, had the unenviable job of going to the White House to say clearly to Wilson that the Democrats could not raise even a majority of the Senate votes for ratification without reservations, let alone the necessary two-thirds. He was shown into the bedroom where the president lay propped up in bed. The president's awful appearance, especially his long white beard, shocked the Democratic leader. He falteringly got out his opinion that the Lodge reservations must be accepted. Otherwise it would be impossible to get the United States into a League of any kind.

"It is possible! Is it possible!" the president gasped.

"Mr. President, it might be wise to compromise . . ." Hitchcock started to say.

"Let Lodge compromise!" said the president.[47]

Hitchcock was shown out. But the senator was back on November 17. The Senate would vote in the next few days on the treaty. Couldn't the president, he asked, agree to some small changes? The reply was that there could be no amendments, no reservations. "Better," said the president, "a thousand times to go down fighting then to dip your colors to dishonorable compromise." He dictated a short letter for Hitchcock to take back to his Democratic colleagues. It read in part: "I trust that all true friends of the treaty will refuse to support the Lodge reservations."[48]

Two days later, at noon on November 19, the last day of the first session of the 66th Congress, with the galleries packed and long lines standing outside in the corridors, the vote on the treaty was about to be taken. The Nation was weary of debate. The senators were weary of debate. Several days earlier, Senator Ashurst of Arizona, a Democrat, had loudly objected to further palaver. Further talk, he said, was just "making mud pies." "For God's sake," he cried, "let us all keep our mouths shut and vote, vote and only vote." The galleries had erupted in applause. Still, five and a half hours were consumed in more debates on the 19th. As evening came, cries of "Vote", "Vote", "Vote", arose from all over the chamber. Spectators in the crowded galleries sat in tense silence as the roll was called. Dutiful Democrats, almost to a man, followed their president's bidding and voted with the irreconcilables to defeat the treaty with the Lodge reservations, 39 to 55. The next vote, for the treaty with only five of the reservations, was also negative, 41 to 51. Finally, there was a third vote—for the treaty with no reservations. That measure was defeated 38 to 53. As the final vote was taken, Senator Claude Swanson of Virginia, a Democrat, turned to Lodge and pleaded: "For God's sake, can't something be done to save the treaty?" "Senator, the door is closed," replied Lodge. "You have done it yourselves." That night, Borah, Lodge, Brandegee, Reed, and other opponents of the League celebrated their victory at the home of Republican Representative Nicholas Longworth, who was married to Theodore Roosevelt's daughter Alice. Senator Warren Harding's wife cooked the scrambled eggs.[49]

The door was indeed closed but it was not locked. The immediate reaction to the Senate's rejection was almost nationwide consternation and regret. When a public demand arose for Wilson and Lodge to compromise their differences and allow the United States to join the League, with reservations, Wilson refused, releasing a statement from his sickroom suggesting that the voters decide the issue in the 1920 presidential election, which, he said would be a "great and solemn referendum." A bipartisan move in the Senate reopened the debate early in 1920, but it did little good. When the irreconcilables threatened to defect from the Republican party and produce an election-year split such as had occurred in 1912, Lodge gave in to their demand not to relent on his original reservations. Wilson, in turn, sent messages insisting on ratification of the treaty without the Lodge reservations. In the stalemate produced by the two unyielding enemies, the treaty went down to a second, and final, defeat on March 19, 1920, failing to receive the necessary two-thirds margin by a vote of 49 to 35. The door was now shut and locked. The League was, said Lodge, "as dead as Marley's ghost."

The election of Republican Warren Harding dashed Wilson's hope that the people's verdict in the fall presidential election would reopen the treaty question. Harding announced in his inaugural, "We seek no part in directing the destinies of the world" and, turning his back on the League, retreated, in Wilson's embittered words, into "sullen and selfish isolation." (On July 2, 1921, a congressional joint resolution finally officially ended the war with Germany and Austria-Hungary.)[50]

While the Nation was absorbed in the fight over the League, 1919 slipped into 1920 and the "Roaring Twenties" dawned—the era of the bootlegger and the speakeasy and the hip flask, the Bull Market, the Florida land boom, Al Capone, Fatty Arbuckle, F. Scott Fitzgerald, the flappers, jazz, and the Stutz Bearcat. The Nation, lacking executive direction from the invalid in the White House and without much guidance from Congress, was lurching from war to peace. The armistice was followed by rapid demobilization and by the abrupt ending of most of the war agencies and their emergency measures. Senator Albert Cummins of Iowa and Representative John J. Esch of Wisconsin quickly introduced legislation that became known as the Transportation Act to achieve the progressive movement's last unfulfilled goals for the control of the railroads. Other progressive-supported measures followed, including the establishment of the federally owned Merchant Fleet Corporation, and the Federal Power Commission to license the building, operation, and regulation of hydroelectric projects on waters in the public domain. Finally, with women already able to vote in twenty-three states, Congress approved the Nineteenth Amendment, which became part of the Constitution in time for women in every state to vote in the 1920 presidential election.

The Democrats nominated James M. Cox, governor of Ohio, as their candidate. The Republicans chose Senator Warren G. Harding, a cheerful and gregarious man whose handsome chiseled features, silver hair, and dark eyebrows conveyed to many an image of what a president ought to look like. The voters rejected Wilson's plea to make the election a referendum on the League. They were beguiled by Harding's "Back to Normalcy" and "America First" appeals. On election day, they gave Harding a landslide victory, matched by sweeping congressional triumphs that gave the Republicans majorities of 167 in the next House and 22 in the Senate.

A new day was dawning. In my next address, I will take a look at what the "Normalcy" promised by the new president was really like, and how the Congress and the new president got along after their stormy years from 1913 to 1920.

In closing, however, I would like to finish the story of Senator Lodge and President Wilson, because rarely has personal animosity had so powerful an effect on national, indeed international, events.

Inauguration day, March 4, 1921 dawned clear and windy. President Wilson was lifted into a car for the drive to the Capitol with president-elect Harding. When they arrived, Wilson went to the President's Room, right outside this chamber, where, as I mentioned earlier, he had sat while Senator La Follette raged a few years earlier. He signed the last bills of the 66th Congress which would in a few minutes be adjourning. He was looking down at his desk. Someone touched him on the arm to indicate that the committee from both houses had arrived to ask permission to adjourn. "This committee begs to inform you that the two houses have completed their work and are prepared to receive any further communications from you," said a sharp, dry voice, at the head of the committee.[51]

The voice was that of Senator Henry Cabot Lodge. For a moment, an aide feared the president was going to say something violent, something terrible, but Wilson's face froze and, without looking at Lodge, he said, "I have no further communication." He turned his head and stared off into thin air, refusing to look at Lodge, who silently bowed and left.[52]

Wilson did not wait to see Harding take the oath of office, but left for the house in Washington on "S" Street that he had bought for his retirement. There he lived in semi-seclusion, cast aside by Americans as thoroughly as was his dream for the League. On February 3, 1924, he died.

Senator Lodge, who would die ten months later, was named to the committee to represent Congress at Wilson's funeral. When Lodge returned home that evening, he found a handwritten note awaiting him. It was a request from Mrs. Wilson: ". . . realizing that your presence would be embarrassing to you and unwelcome to me I write to request that you do not attend." At a little after noon on the day of the funeral it was announced that Senator Lodge, suffering from a sore throat, would not be able to attend.[53]

Mr. President, I ask unanimous consent to have printed in the RECORD footnotes to the United States Senate and Woodrow Wilson, 1913-1920.

There being no objection, the footnotes were ordered to be printed in the RECORD, as follows:

FOOTNOTES TO "THE UNITED STATES SENATE AND WOODROW WILSON, 1913-1920"

[1] Alvin Josephy, Jr. *The Congress of the United States.* New York: 1975, p. 320.

[2] Arthur Link. *Woodrow Wilson and the Progressive Era, 1910-1917.* New York, 1954, p. 35.

[3] Claude Bowers. *The Life of John Worth Kern.* Indianapolis: 1918, pp. 283-376.

[4] Link, pp. 35-36; *New York Times,* April 10, 1913.

[5] Evans Johnson. *Oscar W. Underwood.* Baton Rouge: 1980, pp. 197-202; *Congressional Record,* 63rd Congress, 1st sess., p. 1327; Link, p. 41; Oscar Underwood. *Drifting Sands of Party Politics.* New York: 1931, pp. 171-238.

[6] Link, p. 41; Josephy, p. 320; Senate Judiciary Committee, "Maintenance of Lobby to Influence Legislation," 63rd Congress, 1st sess.

[7] *Senate Journal,* 63rd Congress, 1st sess. pp. 182-203.

[8] Link, p. 43.

[9] Link, pp. 50-51; *New York Times,* September 19, 1913; *Congressional Record,* 63rd Congress, 1st sess., pp. 5111-5127; *New York Times Magazine,* November 16, 1913.

[10] Link, pp. 51-52; *Congressional Record,* 63rd Congress, 2nd sess., pp. 1468-1493.

[11] Josephy, pp. 321-322; *Congressional Record,* 63rd Congress, 2nd sess., pp. 13285-13319.

[12] *New York Times,* September 29, 1914; Link, pp. 72-74.

[13] *Boston Advertiser,* May 6, 1914; Link, p. 77.

[14] *New York Times,* July 24, 1919; Link, pp. 77-78.

[15] Ray S. Baker. *Woodrow Wilson: Life and Letters.* New York: 1927-1939, Vol. IV, p. 55.

[16] Josephy, p. 323.

[17] Washington Star, January 22, 1917.

[18] Franklin Burdette. *Filibustering in the Senate.* Princeton: 1940, p. 118.

[19] *Congressional Record,* 64th Congress, 2nd sess., pp. 4714-4783; *New York Times,* March 3, 1917; Thomas Ryley. *A Little Group of Willful Men.* New York: 1975, pp. 94-104.

[20] *Congressional Record,* 64th Congress, 2nd sess., pp. 4858-4919; *New York Times,* March 4, 1917.

[21] *Congressional Record,* 64th Congress, 2nd sess., pp. 4858-4919; Burdette, p. 120.

[22] *Congressional Record,* 64th Congress, 2nd sess., pp. 5012-5013; *New York Times,* March 5, 1917; Ryley, pp. 104-131.

[23] *New York Times,* March 5, 1917; Ryley, pp. 133-134.

[24] Burdette, pp. 122-123; *New York Times,* March 6-9, 1917; Ryley, pp. 1332-1335.

[25] Ryley, pp. 3-4; *New York Times,* March 5, 1917.

[26] *Congressional Record,* 65th Congress, special session, pp. 19-48; Ryley, pp. 146-148; Burdette, pp. 127-129.

[27] *Congressional Record,* 65th Congress, 1st sess., pp. 419-447; Josephy, p. 326.

[28] *Congressional Record,* 65th Congress, 1st sess., pp. 1610-1640.

[29] *Congressional Record,* 65th Congress, 3d sess., pp. 677-681, 1928-1950; Josephy, p. 328.

[30] Josephy, p. 329; William Widenor. *Henry Cabot Lodge and the Search for an American Foreign Policy.* Berkeley: 1980, pp. 281-287.

[31] Josephy, p. 329; Gene Smith. *When the Cheering Stopped.* New York: 1964, pp. 35, 53.

[32] Thomas Bailey. *Woodrow Wilson and the Great Betrayal.* New York: 1945, pp. 50-51.

[33] Karl Schriftgiesser. *The Gentleman From Massachusetts: Henry Cabot Lodge.* Boston: 1944, pp. 312-313.

[34] Smith, p. 55; John Garraty. *Henry Cabot Lodge.* New York: 1953.

[35] Schriftgiesser, pp. 314-315.

[36] *Congressional Record,* 65th Congress, 3d sess., pp. 4520-4528.

[37] Schriftgiesser, pp. 314-315.

[38] Schriftgiesser, p. 318.

[39] *Congressional Record,* 65th Congress, 3d sess., p. 4974; Widenor, p. 315; Schriftgiesser, pp. 318-319.

[40] Schriftgiesser, p. 319-320; Smith, p. 56; Bailey, p. 12.

[41] *Congressional Record,* 66th Congress, 1st sess., pp. 2333-2411.

[42] Bailey, p. 4.

[43] Schriftgiesser, pp. 333-336; Bailey, pp. 78-79.

[44] *Congressional Record,* 66th Congress, 1st sess., pp. 3778-3809.

[45] Smith, p. 59; Bailey, p. 76.

[46] Schriftgiesser, pp. 340-341; Smith, pp. 60-65.

[47] Smith p. 114; Bailey, pp. 177-178.

[48] Smith, p. 120; Bailey, p. 185.

[49] *Congressional Record,* 66th Congress, 1st sess., pp. 8767-8810; Schriftgiesser, p. 346; Bailey, pp. 187-194.

[50] *Congressional Record,* 66th Congress, 3d sess., p. 4565-4604; Josephy, p. 331; Smith, p. 149.

[51] Smith, pp. 184-186.

[52] *Ibid.*

[53] Smith, pp. 249-252.

Mr. BYRD. Mr. President, I yield the floor.

PROGRAM

(The following program was stated earlier in the day and is printed at this point in the RECORD by unanimous consent:)

Mr. BAKER. Mr. President, on Monday next the Senate will convene at 12 noon. After the recognition of the two leaders under the standing order, Senator PROXMIRE and Senator INOUYE will be recognized on special orders of not to exceed 15 minutes each, to be followed by a period for the transaction of routine morning business of not longer than 1 hour in length in which Senators may speak for not more than 10 minutes each, to be followed by the resumption of the debate on the unfinished business, which is Senate Joint Resolution 73, the school prayer amendment.

Mr. President, I hope that we can complete action on the prayer amendment next week. There are a number of amendments that have been discussed and analyzed and examined by Senators on both sides of the aisle. I continue to hope that we can find a consensus position that will permit the Senate to go forward promptly to consider a prayer amendment and to dispose of it.

The leadership on this side will examine the situation further on Monday when we reconvene and I will try to have a further announcement about the schedule for next week at that time.

Mr. BYRD. What about next Tuesday?

Mr. BAKER. Tuesday, Mr. President, of next week I am told has a certain and special political significance for my friends and colleagues across the aisle. It is Super Tuesday so-called and it may be that we all should engage in a little prayer that day but in any event, Mr. President, I anticipate that there may be a number of Senators who will be absent that day because of primaries in their own States.

The minority leader points out that there may be people on that Tuesday who want and need prayer more than we will. But that is probably further than a Republican ought to go into a Democratic situation.

Mr. President, as I said earlier I will try to analyze the situation the first of the week and confer with the minority leader and have a further announcement to make about the schedule for next week. I would expect, however, that most of the week will be devoted, if not all the week devoted, to the prayer amendment. I hope we can finish it next week. If we cannot we will continue with it until we do.

ADJOURNMENT UNTIL MONDAY, MARCH 12, 1984

The PRESIDING OFFICER (Mr. SPECTER). Under the previous order, the Senate stands adjourned until 12 noon Monday next.

Thereupon, at 4:30 p.m., the Senate adjourned until Monday, March 12, 1984, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 8, 1984:

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Bessie Boehm Moore, of Arkansas, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1988.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF COMMERCE

John G. Keane, of Illinois, to be Director of the Census.

HOUSE OF REPRESENTATIVES—*Thursday, March 8, 1984*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, as You give Your blessing to us, so nurture us and cause us to grow in our spiritual awareness. May Your word of truth encourage us to seek truth; may Your forgiveness toward us cause us to forgive; may Your mercy toward us cause us to be merciful; may Your reconciling love to us cause us to be reconcilers and healers; and may Your words and actions to bring understanding between peoples, cause us to say and do the things that make for peace. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. **GEKAS**. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The **SPEAKER**. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **GEKAS**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 350, nays 25, answered "present" 7, not voting 51, as follows:

[Roll No. 40]

YEAS—350

Addabbo
Akaka
Alexander
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Cheney
Clarke
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conte
Conyers
Cooper
Courter
Coyne
Craig
Crane, Daniel
Crockett
D'Amours
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
Donnelly
Dorgan
Dreier
Duncan
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foley
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harrison
Hartnett
Hatcher
Hayes
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Jones (OK)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Perkins
Petri
Pickle
Price
Pritchard
Pursell
Quillen
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rogers
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Spence
Spratt
Staggers
Stangeland
Stenholm
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zschau

NAYS—25

Chappie
Coats
Coughlin
Dickinson
Durbin
Edwards (OK)
Emerson
Evans (IA)
Frenzel
Gejdenson
Harkin
Hawkins
Jacobs
Lipinski
Miller (OH)
Mitchell
Penny
Roberts
Roemer
Sabo
Schroeder
Sikorski
Solomon
Walker
Young (AK)

ANSWERED "PRESENT"—7

Anderson
Dixon
Dymally
Horton
Levine
Seiberling
St Germain

NOT VOTING—51

Ackerman
Albosta
Applegate
Bereuter
Bethune
Bilirakis
Boland
Chappell
Clay
Collins
Corcoran
Crane, Philip
Dowdy
Downey
Foglietta
Ford (MI)
Forsythe
Franklin
Goodling
Hall (OH)
Hance
Heftel
Jones (NC)
Jones (TN)
Kemp
Kindness
Markey
Marriott
Martin (IL)
McCurdy
McKinney
Moody
Mrazek
Ottinger
Paul
Pepper
Porter
Rahall
Ritter
Rose
Roth
Rudd
Savage
Shannon
Simon
Sisisky
Stark
Stokes
Vander Jagt
Wilson
Wright

☐ 1110

Mr. **BRYANT** and Ms. **FERRARO** changed their votes from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

☐ 1120

PERMISSION TO LIST COSPONSORS OF H.R. 4170

Mr. **ROSTENKOWSKI**. Mr. Speaker, I ask unanimous consent that Mr. Jones of Oklahoma, Mr. Ford of Tennessee, and Mr. Jenkins be listed in the Congressional Record as cosponsors of H.R. 4170.

The **SPEAKER**. Is there objection to the request of the gentleman of Illinois?

There was no objection.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

DESIGNATING RIVER OF NO RETURN WILDERNESS IN IDAHO AS THE FRANK CHURCH RIVER OF NO RETURN WILDERNESS

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2354) to rename the "River of No Return Wilderness" in the State of Idaho as the "Frank Church—River of No Return Wilderness," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the significant contributions and the tireless efforts of Frank Church in the establishment and designation of the River of No Return Wilderness in the State of Idaho, the "River of No Return Wilderness" established by the Act of July 23, 1980, Public Law 96-312 (94 Stat. 948) shall hereafter be known as the "Frank Church—River of No Return Wilderness".

SEC. 2. The Secretary of Agriculture is hereby authorized to take such actions as may be necessary to implement the provision of this Act.

Mr. UDALL. Mr. Speaker, I ask for the passage of this legislation, as amended by the Senate.

Mr. Speaker, there is an existing wilderness area in the State of Idaho which is known as the River of No Return Wilderness. The Senate bill, introduced by the delegation from Idaho, would rename this wilderness area the Frank Church River of No Return Wilderness, in honor of former Senator Church, who is now gravely ill.

I know of no objection to the bill.

● **Mr. SEIBERLING.** Mr. Speaker, I rise in strong support of S. 2354, which renames the "River of No Return Wilderness" in Idaho the "Frank Church—River of No Return Wilderness." This is especially appropriate legislation because it honors one of the Nation's premier wilderness champions by naming after him an area in his home State in which he played a singular role in establishing.

Mr. Speaker, few of us here today were in Congress in April 1963 when Senator Frank Church was floor manager during Senate consideration of the Wilderness Act, but history shows that Senator Church led the charge for Senate passage of the bill and was a key figure in defeating several weakening amendments during Senate debate of the measure. It is important to note that among the areas that would have been designated wilderness by the Senate bill were the Idaho and Salmon River Breaks Primitive Areas in central Idaho, areas which form the core of the present River of No Return Wilderness. However, before final enactment of the Wilderness Act in 1964, the primitive areas were downgraded in House-Senate conferences from wilderness to wilderness study status, and the opportunity for wilderness designation was temporarily lost.

But Frank Church did not rest. Due to complications in the wilderness review process, the River of No Return area was not again presented for congressional consideration until the late 1970's, when he introduced new legislation to designate the area as wilderness. In the interim, Senator Church had enhanced his reputation as one of the Nation's foremost wildland conservationists by securing enactment of legislation to protect numerous areas nationwide, including the spectacular Sawtooth, Hells Canyon and Gospel-Hump Wilderness Areas in Idaho. But it was perhaps for the central Idaho lands encompassed in the River of No Return Wilderness that Senator Church saved his utmost efforts. As the Senator said of the area during Senate floor debate on the bill and conference report:

> This superlative region of the Rocky Mountains is what Idahoans mean when they refer to our State as "God's country." For me, and for countless other people, the Salmon River—the famous River of No Return—has become a symbol of life. Yesterday is a part of the river which we have already run; it is gone forever. Tomorrow is always unknown, a part of the river which lies around the next bend, obscured by the roar of the next set of rapids, and hidden from sight by the towering cliffs of the canyon . . . I have always believed that Idaho is big enough to leave some of the public land alone, as a refuge for fish and game, to protect our watersheds, and as sanctuary for those who, from time to time, feel the need to get away from it all. . . .
>
> That, to me is what the battle for the River of No Return Wilderness is really all about. It is a fight to preserve for all time a part of the vanishing American frontier. . . .
>
> As one who has spent many happy days amidst the mountains and streams of this wild region of Idaho, I can think of no finer patrimony for our grandchildren than to leave this region in the same untamed condition in which it was left to us by the Creator.

And Frank Church did just that during his final term in Congress. Undaunted by the fact that his reelection was fast approaching and that a large wilderness might cost him a few votes, but secure in the knowledge that he was right and the bulk of the citizens of Idaho, as well as those people nationwide, supported him, Senator Church tirelessly held hearings, negotiations markups and other meetings to help insure passage of his wilderness dream. In the end, the Nation was made much wealthier through the preservation of a magnificent 2,239,000 acre wilderness, the largest, by far, in the lower 48 States.

I note that section 2 of the bill authorizes the Forest Service to take such actions as may be necessary to implement Congress intent in passing S. 2354. In this regard, I would hope and expect that the Forest Service would recognize Senator Church's interest and dedication to the area by documenting the Senator's efforts in any maps and informational literature which may be published about the wilderness, posting plaques at prominent entry points into the wilderness, and availing itself of such other opportunities as may arise to commemorate Senator Frank Church's role in establishing what is doubtless one of the Nation's premier wilderness areas.

Mr. Speaker, each generation has its own rendezvous with the land. Senator Frank Church has been a leader for over 20 years of a nationwide movement to set aside public land natural areas as wilderness, our country's highest form of land dedication. The establishment of wilderness areas and leaving them in an untrammeled condition for the benefit of those generations unborn is truly a measure not only of the man, but also of a civilized and free society. So, without a doubt, the legislation before us today is most appropriate and perhaps even overdue.●

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The **SPEAKER.** Is there objection to the request of the gentleman from Arizona?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 64, IRISH WILDERNESS ACT OF 1983

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 64) to establish the Irish Wilderness in Mark Twain National Forest, Mo., with House amendments thereto, and agree to the conference asked by the Senate.

The Clerk read the title of the Senate bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Arizona? The Chair hears none, and appoints the following conferees: Messrs. UDALL, SEIBERLING, WEAVER, HUCKABY, WHITLEY, VOLKMER, YOUNG of Alaska, MARLENEE, and EMERSON.

EXPORT ADMINISTRATION ACT AMENDMENTS OF 1983

Mr. BONKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 979) to amend and reauthorize the Export Administration Act of 1979, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Washington?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I most likely will not object, but I would just like the gentleman from Washington to explain exactly what has happended as far as the bill that we passed in the House, and what we are doing here today.

Mr. BONKER. If the gentleman will yield, the motion is for the purpose of substituting the House bill for the Senate 979, which will give us a basis upon which we can appoint conferees for the Export Administration Act.

Mr. SOLOMON. Further reserving the right to object, Mr. Speaker, does the gentleman have any idea when we might go to conference? Has a conference date been set?

Mr. BONKER. If the gentleman will yield further, we have been assured that the conferees will meet promptly, I would imagine sometime early next week.

Mr. SOLOMON. And the Speaker intends to appoint the conferees today?

Mr. BONKER. That is the purpose of the motion.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Export Administration Act Amendments of 1984".

FINDINGS

SEC. 2. Section 2 of the Export Administration Act of 1979 is amended—

(1) by striking paragraph (6) and inserting in lieu thereof the following:

"(6) Uncertainty of export control policy can inhibit the efforts of American business and work to the detriment of the overall attempt to improve the trade balance of the United States."; and

(2) by adding at the end of the section the following new paragraphs:

"(10) The transfer of national security sensitive technology and goods to the Soviet Union and other countries where actions or policies are adverse to the national security interests of the United States, has led to the significant enhancement of Soviet bloc military-industrial capabilities, thereby creating a greater threat to the security of the United States, its allies, and other friendly nations, and increasing the defense budget of the United States;

"(11) Availability from foreign sources of goods and technology to destinations proscribed for national security purposes by the United States is a fundamental concern of the United States and should be eliminated whenever possible;

"(12) Imports that contribute to the excessive dependence of the United States, its allies, or countries sharing common strategic objectives, on energy resources, and other critical resources from potential adversaries can be harmful to those countries' mutual and individual security;

"(13) It is important that the administration of export controls imposed for national security purposes give special emphasis to the need to control exports of goods and technology which could make a contribution to the military or economic potential of any country or combination of countries which would be detrimental to the national security of the United States.".

DECLARATION OF POLICY

SEC. 3. Section 3 of the Export Administration Act of 1979 is amended—

(1) in paragraph (3), by striking out the period after "commitments" and inserting in lieu thereof "or common strategic objectives.";

(2) in paragraph (7), by striking "every reasonable effort" in the second sentence and inserting in lieu thereof "reasonable and prompt efforts", and by striking "resorting to the imposition of controls on exports from the United States" in the second sentence and inserting in lieu thereof "imposing export controls";

(3) in paragraph (8), by striking "every reasonable effort" in the second sentence and inserting in lieu thereof, "reasonable and prompt efforts", and by striking "resorting to the imposition of export controls." at the end of the paragraph and inserting in lieu thereof "imposing export controls.";

(4) in paragraph (9), by inserting "or common strategic objectives" after "commitments" each time it appears; and

(5) by adding after paragraph (11) the following:

"(12) It is the policy of the United States to encourage other friendly countries to cooperate in restricting the sale of goods and technology that can harm the security of the United States.

"(13) It is the policy of the United States to sustain vigorous scientific enterprise. To do so involves sustaining the ability of scientists and other scholars freely to communicate their nonsensitive research findings by means of publication, teaching, conferences, and other forms of scholarly exchange.

"(14) It is the policy of the United States to encourage countries who are allies of the United States to minimize their dependence on imports of energy resources and other critical resources from potential adversaries. Multilateral controls on exports of critical energy equipment and technology and promotion of other appropriate measures such as the development of alternative supplies can play an important role in the achievement of this objective. It is further the policy of the United States to minimize strategic threats posed by excessive hard currency earnings derived from such energy and critical resource exports by countries with policies adverse to the security interests of the United States.

"(15) It is the policy of the United States, particularly in light of the Soviet massacre of innocent men, women, and children aboard KAL flight 7, to maintain the policy instituted after the Soviet invasion of Afghanistan of disallowing United States exceptions to the COCOM list for the Union of Soviet Socialist Republics.".

GENERAL PROVISIONS

SEC. 4. Section 4 of the Export Administration Act of 1979 is amended—

(1) in subsection (a) by striking paragraph (2) and inserting in lieu thereof the following:

"(2) Validated licenses authorizing multiple exports, issued pursuant to an application by the exporter, in lieu of an individual validated license for each such export, including, but not limited to the following:

"(A) A distribution license, authorizing exports of goods to approved distributors or users of the goods in countries other than countries to which exports are controlled pursuant to section 5(b) of this Act. The Secretary shall grant the distribution license primarily on the basis of the reliability of the applicant and foreign consignees with respect to the prevention of diversion of goods to proscribed destinations, and in doing so shall have the responsibility of determining, with the assistance of all appropriate agencies, the reliability of applicants and their immediate consignees. Such determination shall be based on appropriate investigations of each applicant and periodic reviews of licensees and their compliance with the terms of licenses. Factors such as the applicant's products or volume of business, or the consignees' geographic location, sales distribution area or degree of foreign ownership, which may be relevant with respect to individual cases, shall not be determinative in creating categories or general criteria for the denial of applications or withdrawal of licenses;

"(B) A comprehensive operations license, authorizing exports and reexports of technology and related goods, including items on the list of militarily critical technologies developed pursuant to section 5(d) of this Act, from a domestic concern to and among its subsidiaries, affiliates, or other approved consignees that have long-term, contractually defined relations with the exporter. The Secretary shall grant the license to manufacturing, laboratory, or related operations on the basis of approval of the exporter's system of control, including internal proprietary controls, applicable to the technology and related goods to be exported rather than approval of individual export transactions. The Commissioner of Customs, in cooperation with the Secretary periodically, but not less frequently than annually, shall perform audits of these licensing procedures to assure their integrity and effectiveness.";

(2) by adding at the end of subsection (a) the following: "In no case may a distribution license or a comprehensive operations license be used in connection with exports to proscribed destinations.";

(3) in subsection (b), by striking "commodity" each time it appears, and by striking "consisting of any goods or technology subject to export controls under this Act." and inserting in lieu thereof "stating license requirements for exports of goods and technologies to all destinations to which such exports are controlled under this Act.";

(4) in subsection (c), by striking "significant" and inserting in lieu thereof "comparable", and by inserting after "those produced in the United States," the following: "so as to render the controls ineffective in achieving their purposes,";

(5) by adding at the end of subsection (c) the following: "In complying with the provisions of this subsection the President shall give strong emphasis to bilateral or multilateral negotiations to eliminate foreign availability. The Secretary and the Secretary of Defense shall cooperate in the gathering and assessment of information relating to foreign availability, including the establishment and maintenance of a jointly operated computer system."; and

(6) by striking subsection (f) and inserting in lieu thereof the following:

"(f) NOTIFICATION OF THE PUBLIC: CONSULTATION WITH BUSINESS.—(1) The Secretary shall keep the public fully apprised of changes in export control policy and procedures instituted in conformity with this Act with a view to encouraging trade. The Secretary shall meet regularly with representatives of a broad spectrum of enterprises, labor organizations, and citizens interested in or impacted by export controls, on the United States export control policy and the foreign availability of goods and technology.

"(2) In carrying out the provisions of this Act, the Secretary shall consult on a continuing basis with the advisory committees established under section 135 of the Trade Act of 1974.

"(g) STUDY ON THE DELEGATION OF LICENSING AUTHORITY.—The Secretary of Commerce shall conduct a study to determine the feasibility of permitting International Trade Administration district offices to review and issue validated export license applications for those categories of goods and technology identified by the Secretary as nonsensitive which are to be exported for use in any COCOM country, Australia, or New Zealand. The Secretary shall report the results of the study by November 1, 1984, to the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Foreign Affairs.".

NATIONAL SECURITY CONTROLS

SEC. 5. Section 5 of the Export Administration Act of 1979 is amended—

(1) by inserting after the first sentence of subsection (a)(1) the following: "This authority includes the power to prohibit or curtail reexports of such goods and technologies and the transfer of goods or technologies within the United States to embassies and affiliates of countries to which exports of these goods or technologies are controlled.";

(2) in subsection (a)(2), by striking "(A)", and by striking paragraph (B) in its entirety;

(3) in subsection (a)(3), by striking the last sentence;

(4) in subsection (b) by inserting after "as", the following: "whether its policies are adverse to the national security interests of the United States,";

(5) in subsection (c), by striking "commodity" in paragraph (1) and by striking paragraph (3) and inserting in lieu thereof the following:

"(3) The Secretary shall review the list established pursuant to this subsection at least once each year in order to carry out the policy set forth in section 3(2)(A) and the provisions of this section, and shall promptly make such revisions of the list as may be necessary after each such review. The Secretary shall publish notice of each annual review in the Federal Register before he begins such review, provide opportunity for comment and submission of data, with or without oral presentation, by interested Government agencies and other affected or potentially affected parties during such review, and publish any revisions in the list, with an explanation of the reasons therefor, in the Federal Register. The Secretary shall further assess, as part of such review, the availability from sources outside the United States, or any of its territories or possessions, of goods and technology comparable to those controlled under this section.";

(6) in subsection (d)(2), by striking "and" at the end of subparagraph (B), by adding "and" at the end of subparagraph (C), and by inserting after subparagraph (C) a new subparagraph (D), as follows:

"(D) goods (i) which would extend, complete, maintain, or modernize a process line employed in the application of a militarily critical technology, or (ii) the analysis of which would reveal or give insight into a United States military system and would thereby facilitate either the design and manufacture of that system or the development of countermeasures against that system,";

(7) in paragraph (2) of subsection (d), by inserting after "possessed by" the following: "or available in fact from sources outside the United States to";

(8) in paragraph (4) of subsection (d), by striking "October 1, 1980" and inserting in lieu thereof "January 1, 1985";

(9) in paragraph (5), by striking "The" and inserting in lieu thereof "Items on the"; by striking "commodity", and by inserting "and subsection (f)" after "subsection (c)".

(10) in paragraph (6) of subsection (d) by striking "subsection" and inserting in lieu thereof "section";

(11) by adding at the end of subsection (d) a new paragraph (7) as follows:

"(7) The establishment of adequate export controls for militarily critical technology and keystone equipment shall be accompanied by suitable reductions in the controls over the products of that technology and equipment.";

(12) in paragraph (1) of subsection (e), by striking "a qualified general license" and inserting in lieu thereof "the multiple validated export licenses described in section 4(a)(2) of this Act; and in the same paragraph by striking "a" after "in lieu of" and inserting in lieu thereof "an individual";

(13) by striking paragraphs (3) and (4) of subsection (e) and inserting in lieu thereof the following:

"(3) The Secretary shall require only a general license in lieu of a multiple or individual validated license under this section for the export of goods or technology to countries party to a multilateral agreement, formal or informal, to which the United States is a party, or to countries party to a comparable bilateral agreement with the United States, if the export of such goods or technology is restricted pursuant to such multilateral or bilateral agreement, unless the goods or technology are included on the list of military critical technologies developed pursuant to subsection (d) and included on the control list as provided for under subsection (d)(5) of this section, in which case the Secretary may require a multiple or individual validated license.

"(4) The Secretary, subject to the provisions of subsection (l), shall not require an individual validated export license for replacement parts which are exported to replace on a one-for-one basis parts that were in a commodity that has been lawfully exported from the United States.

"(5) The Secretary shall periodically review the various special licensing procedures, taking appropriate action to increase their utilization by reducing qualification requirements or lowering minimum thresholds, to combine procedures which overlap, and to eliminate those procedures which appear to be of marginal utility.";

(14) in paragraph (1) of subsection (f), by inserting after "The Secretary, in consultation with" the following: "the Secretary of Defense and other";

(15) in paragraphs (1) and (2) of subsection (f), by striking "sufficient" each time it appears and inserting in lieu thereof "comparable";

(16) in subsection (f), by striking paragraph (3) and inserting in lieu thereof the following:

"(3) The Secretary shall make a foreign availability determination under paragraph (1) or (2) on his own initiative or upon receipt of an allegation that such availability exists from an export license applicant. The Secretary shall accept the applicant's representations made in writing and supported by evidence, unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information. Determination of foreign availability by the Secretary may include but not be limited to consideration of the following factors: cost, reliability, the availability and reliability of spare parts and the cost and quality thereof, maintenance programs, technical data packages, backup packages, durability, quality of end products produced by the item proposed for export, and scale of production.";

(17) in subsection (f), by adding a new paragraph (7) as follows:

"(7) The Secretary shall make a foreign availability determination under paragraph (1) upon request of the appropriate technical advisory committee established by subsection (h)(1) of this section. The Secretary shall treat the representations of the technical advisory committee in the manner provided in paragraph (3).";

(18) in paragraph (4) of subsection (f), by striking "take steps to initiate" and inserting in lieu thereof, "actively pursue";

(19) by striking subsection (g) and inserting in lieu thereof the following:

"(g) INDEXING.—In order to ensure that requirements for validated licenses and multiple export licenses are periodically removed as goods or technology subject to such requirements becomes obsolete with respect to the national security of the United States, regulations issued by the Secretary may, where appropriate, provide for annual increases in the performance levels of goods or technology subject to any such licensing requirement. The regulations issued by the Secretary shall establish as one criterion for the removal of goods or technology the anticipated needs of the military of countries to which exports are controlled for national security purposes. Any such goods or technology which no longer meets the performance levels established by the regulations shall be removed from the list established pursuant to subsection (c) of this section unless, under such exceptions and under such procedures as the Secretary shall prescribe, any other department or agency of the United States objects to such removal and the Secretary determines, on the basis of such objection, that the goods or technology shall not be removed from the list. The Secretary shall also consider, where appropriate, removing site visitation requirements for goods and technology which are removed from the list unless objections described in this subsection are raised.";

(20) in paragraph (1) of subsection (h), by adding after "Departments of Commerce, Defense, and State" the following: ", the intelligence community,";

(21) in paragraph (2) of subsection (h), by striking "and" at the end of paragraph (C), by striking the period at the end of subparagraph (D) and inserting in lieu thereof a comma and the following: "and (E) any other questions relating to actions designed to carry out the policy set forth in section 3(2)(A) of this Act.";

(22) by striking paragraph (6) of subsection (h);

(23) in subsection (i), by striking paragraph (3);

(24) in subsection (i)(4), by striking "(4)" and inserting in lieu thereof "(3)", and by striking "pursuant to paragraph (3)" and inserting in lieu thereof "by the members of the Committee.";

(25) in subsection (i), by adding new paragraphs (4), (5), and (6) as follows:

"(4) Agreement to accord the current multilateral agreement treaty status.

"(5) Agreement to improve the International Control List and minimize the approval of exceptions to that list, strengthen enforcement and cooperation in enforcement efforts, provide sufficient funding for COCOM, and improve the structure and functions of the COCOM Secretariat by upgrading professional staff, translation services, data base maintenance, communications and facilities.

"(6) Agreement to strengthen COCOM so that it functions effectively in controlling export trade in a manner that better protects the national security of each participant to the mutual benefit of all.";

(26) by striking subsection (j) and inserting in lieu thereof the following:

"(j) Commercial Agreements With Certain Countries.—(1) Any United States firm, enterprise, or other nongovernmental entity which enters into any agreement with any agency of the government of a country to which exports are restricted for national security purposes, which calls for the encouragement of technical cooperation and is intended to result in the export from the United States to the other party of unpublished technical data of United States origin, shall report the agreement with such agency with sufficient detail to the Secretary.

"(2) The provisions of paragraph (1) shall not apply to colleges, universities, or other educational institutions, except where the unpublished technical data involve a technology identified by the Secretary of Defense as a militarily critical technology.

(27) in subsection (k), by adding after "with other countries" the following: ", including those countries not participating in the group known as the Coordinating Committee,", and by adding at the end thereof the following: "In cases where such negotiations produce agreement on export restrictions comparable in practice to those maintained by the Coordinating Committee, the Secretary shall treat exports to countries party to such agreements in the same manner as exports to members of the Coordinating Committee are treated.";

(28) by striking subsection (l) and inserting in lieu thereof the following:

"(l) Diversion to Military Use of Controlled Goods or Technology.—Whenever there is reliable evidence, as determined by the Secretary, that goods or technology which were exported subject to national security controls under this section to a country to which exports are controlled for national security purposes have been diverted to an unauthorized use or consignee in violation of the conditions of an export license, the Secretary for as long as that diversion continues—

"(A) shall deny all further exports to or by the party or parties who divert or conspire to divert any goods or technology subject to national security controls under this section to an unauthorized use or consignee regardless of whether such goods or technology are available to that country from sources outside the United States; and

"(B) may take such additional steps under this Act with respect to the party or parties referred to in subparagraph (A) as he determines are appropriate in the circumstances to deter the further unauthorized use of the previously exported goods or technology.

"(2) As used in this subsection, the term 'diversion to an unauthorized use or consignee' means the use of United States goods or technology to design or produce or maintain or contribute to the design, production, or maintenance of any item on the United States Munitions List, or the transfer of United States goods or technology to any consignee or end user engaged in or contributing to such design, production, or maintenance, or the military use of any item on the COCOM list."; and

(29) by adding the following new subsections:

"(m) Security Measures.—The Commissioner of Customs, in consultation with the Secretary and the Director of the Federal Bureau of Investigation, shall provide advice and technical assistance to persons engaged in the manufacture or handling of goods or technology subject to controls under this section to develop security systems to prevent violations or evasion of controls imposed under this section.

"(n) Recordkeeping.—The Secretary, the Secretary of Defense, and any other department or agency consulted in connection with a license application or revision of a list of controlled commodities, goods, or technologies, shall make and keep records of their respective advice, recommendations, or decisions, including the factual and analytical basis of the advice, recommendations, or decisions.

"(o) National Security Control Agency.—To assist in carrying out the policy and other authorities and responsibilities of the Secretary of Defense under this section, there shall be established within the office of the Under Secretary of Defense for Policy a National Security Control Agency. The Secretary of Defense may delegate such of those authorities and responsibilities, together with such ancillary functions, as he may deem appropriate to the Agency.

"(p) Exclusion for Agricultural Commodities.—This section does not authorize export controls on agricultural commodities, including fats and oils or animal hides and skins.

"(q) Controls on Exports to Certain Nuclear Power.—(1) Notwithstanding any other provision of this section, the President shall require an individual validated license for export of United States goods or technology, or by persons subject to United States jurisdiction, the ultimate destination of which is a country possessing nuclear weapons, unless such country is a member of the North Atlantic Treaty Organization or Israel or has ratified and is in full compliance with the requirements of the Nuclear Non-Proliferation Treaty.

"(2) The President may waive this requirement with regard to specific exports or classes of exports to such country if he certifies to Congress in writing that—

"(A) such country, or any of its agents or representatives, for the preceding twelve-month period has not obtained or endeavored to obtain United States goods or technology, or exports directly or indirectly from persons subject to United States jurisdiction, in violation of this Act, the Arms Export Control Act of 1976, or the Atomic Energy Act of 1954, or any rules and regulations issued pursuant to any of these Acts;

"(B) such export or class of exports cannot be used to contribute to the ability of such country to manufacture, employ, or enhance the capability or effectiveness of, nuclear weapons or the real or potential delivery systems of such weapons;

"(C) such export or class of exports cannot be used to contribute to the ability of such country to manufacture, employ, or enhance the capability or effectiveness of real or potential antisubmarine warfare systems;

"(D) such export or class of exports cannot be used to contribute to the ability of such country to manufacture, employ, or enhance the capability or effectiveness of real or potential electronic warfare systems;

"(E) such export or class of exports cannot be used to contribute to the ability of such country to manufacture, employ, or enhance the capability or effectiveness of real or potential intelligence gathering systems; and

"(F) it is in the national security and foreign policy interests of the United States that this requirement be waived, particularly that such waiver will not be detrimental to the security of our allies.

Any waiver of this paragraph shall remain in effect for not more than one year from the date of the President's certification to the Congress as provided for by this subsection and may be renewed for subsequent one-year periods should the President at the time of such renewal make the certification to the Congress as required by this subsection. The President may rescind such waiver at any time.

"(3) The provisions of this subsection shall apply only to exports to such countries which are also controlled by validated licenses pursuant to this section for export to group Y countries as defined by the Export Administration regulations.".

FOREIGN POLICY CONTROLS

Sec. 6. Section 6 of the Export Administration Act of 1979 is amended—

(1) by inserting after the first sentence of paragraph (1) of subsection (a) the following: "Whenever the authority conferred by this section is exercised with respect to a country, the President is also authorized to impose controls on imports from that country to the United States if he determines and reports to the Congress, in advance of imposition of such controls, that such controls are consistent with the international obligations of the United States, including the General Agreement on Tariffs and Trade.";

(2) by adding at the end of paragraph (1) of subsection (a) the following new sentence: "The President may not, under this section, prohibit or curtail the export or reexport of goods, technology, or other information in performance of a contract or agreement entered into before the date on which the President notifies Congress of his intention to impose controls pursuant to subsection (e) of this section on the export or reexport of such goods, technology, or

other information to the intended destination or under any validated license or other authorization issued under this Act.";

(3) in paragraph (2) of subsection (a) by striking "one year" each place it appears and inserting in lieu thereof, "6 months";

(4) by striking subsection (b) and inserting in lieu thereof the following:

"(b) Criteria.—The President may impose, expand, or extend export controls under this section only if he determines that—

"(1) such controls are likely to achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls;

"(2) such controls are compatible with the foreign policy objectives of the United States, including the effort to counter international terrorism, and with overall United States policy toward the country which is the proposed target of the controls;

"(3) the reaction of other countries to the imposition or expansion of such export controls by the United States is not likely to render the controls ineffective in achieving the intended foreign policy purpose or counterproductive to United States foreign policy interests;

"(4) such controls will not have an extraterritorial effect on countries friendly to the United States adverse to overall United States foreign policy interests;

"(5) the cost of such controls to the export performance of the United States, to the competitive position of the United States in the international economy, to the international reputation of the United States as a supplier of goods and technology, and to individual United States companies and their employees and communities, taking into account the effects of the controls on existing contracts, does not exceed the benefit to United States foreign policy objectives; and

"(6) the United States has the ability to enforce the proposed controls effectively.";

(5) by amending subsection (c) to read as follows:

"(c) Consultation With Industry.—The Secretary in every possible instance shall consult with and seek advice from affected United States industries and appropriate advisory committees established under section 135 of the Trade Act of 1974 before imposing any control under this section. Such consultation and advice shall be with respect to the criteria set forth in paragraphs (1) through (6) of subsection (b) and such other matters as the Secretary considers appropriate.";

(6) by striking subsection (e) and inserting in lieu thereof the following:

"(e) Consultation With Congress.—(1) The President in every possible instance shall consult with the Congress before imposing any export control under this section. Except as provided in section 7(g)(3) of this Act, the President shall not impose, expand, or extend such controls until he has transmitted to the Congress a report specifying—

"(A) the purpose of the controls;

"(B) the determinations of the President with respect to each of the criteria set forth in subsection (b) and the bases for such determinations;

"(C) the nature and results of any alternative means attempted under subsection (d), or the reasons for imposing, extending, or expanding the control without attempting any such alternative means; and

"(D) whether the President is also exercising the authority to control imports as authorized by subsection (a), and if the President is not exercising such authority, an explanation of the reasons therefor.

"(2) Such report shall also indicate how such controls will further significantly the foreign policy of the United States or will further its declared international obligations. To the extent necessary to further the effectiveness of such export control, portions of such report may be submitted on a classified basis, and shall be subject to the provisions of section 12(c) of this Act. Such report shall at the same time it is submitted to the Congress also be submitted to the General Accounting Office for the purpose of assessing the report's full compliance with the intent of this subsection.

"(3) In the case of an extension of controls occurring at a 12-month interval after the initial imposition or expansion of controls, such report shall be submitted in writing. In the case of an extension of controls at a 6-month interval following the submission of a written report, such report need not be in writing but shall be presented by the Secretary in testimony before the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Foreign Affairs.";

(7) in subsection (f), by striking the period at the end of the first sentence and inserting in lieu thereof a comma and "or on donations of items intended to meet basic human needs such as food, educational materials, seeds and hand tools, medicines and medical supplies, water resources equipment, clothing and shelter materials, and basic household supplies.", and by striking the last sentence and inserting in lieu thereof the following: "This subsection shall not apply to any export control on medicine or medical supplies or food, except for donations of such items as those listed in the first sentence of this subsection, which is in effect on the date of enactment of the Export Administration Act Amendments of 1984.";

(8) in subsection (g), by inserting "(1)" after "Foreign Availability.—", and by adding at the end of the subsection the following new paragraphs:

"(2) Prior to any extension of controls pursuant to paragraph (2) of subsection (a), the President shall evaluate the results of his actions under paragraph (1) of this subsection and shall include the results of that evaluation in his notification to Congress pursuant to subsection (e).

"(3) In the event that the President's efforts under paragraph (1) are not successful in securing such cooperation during a 6-month period when controls imposed under this section are in effect, in the subsequent 6-month period, if such controls are extended, the Secretary shall take into account the foreign availability of goods or technology subject to controls. If the Secretary affirmatively determines that a good or technology is available in comparable quantity and comparable quality from sources outside the United States to countries subject to such controls so that denial of the license would be ineffective in achieving the purposes of the controls, then the Secretary shall issue a license for the export of such goods or technology during the period of such foreign availability. The Secretary shall remove such goods or technology from the list established pursuant to subsection (k) if he determines such action is appropriate.

"(4) In making a determination of foreign availability under paragraph (3) of this subsection the Secretary shall follow the procedures specified in section 5(f)(3) of this Act."; and

(9) by striking "commodity" in the first sentence, and by striking the second sentence of subsection (k) and inserting in lieu thereof "The Secretary shall clearly identify on the control list which goods and technical data and countries or destinations are subject to which types of controls under this section.".

SHORT SUPPLY CONTROLS

Sec. 7. Section 7 of the Export Administration Act of 1979 is amended—

(1) in subsection (d)(2)(B) by striking out "concurrent" and inserting in lieu thereof "joint";

(2) by striking subsection (j);

(3) by striking in the second sentence of paragraph (1) of subsection (e) "5" and insert in lieu thereof "10";

(4) in paragraph (1) of subsection (i), by striking "validated" in the first sentence and inserting in lieu thereof "export";

(5) by redesignating paragraphs (2), (3) and (4) as paragraphs (3), (4) and (5), respectively, and inserting the following new paragraph:

"(2) To the maximum extent practicable, the Secretary shall utilize the multiple validated export licenses described in section 4(a)(2) of the Act in lieu of a validated license for exports under this subsection.";

(6) in paragraph (4) of subsection (i) by striking paragraph (A) and inserting in lieu thereof the following:

"(A) lumber of American Lumber Standards Grades of Number 3 dimension or better, or Pacific Lumber Inspection Bureau Export R-List Grades of Number 3 common or better;";

(7) by striking subsection (j) and inserting in lieu thereof the following:

"(j) Effect of Controls on Existing Contracts.—Any export controls imposed under this section shall not affect any contract to export entered into before the date on which controls are imposed, including any contract to harvest unprocessed western red cedar (as defined in subsection (i)(4) of this section) from state lands, the performance of which contract would make red cedar available for export. For purposes of this subsection, the term 'contract for export' includes, but is not limited to, an export sales agreement and an agreement to invest in an enterprise which involves the export of goods or technology."; and

(8) the amendment made by subsection (7) shall apply to export controls in effect on the date of the enactment of this Act and export controls imposed after such date.

PROCEDURES FOR PROCESSING EXPORT LICENSE APPLICATIONS

Sec. 8. Section 10 of the Export Administration Act of 1979 is amended—

(1) by striking out "60" each place it appears and inserting in lieu thereof "40";

(2) by striking out "90" each place it appears and inserting in lieu thereof "60";

(3) by striking out "30" each place it appears and inserting in lieu thereof "20";

(4) by inserting in paragraph (3) of subsection (f) after "the policies set forth in section 3 of this Act which would be furthered by denial," the following: "what if any modifications in or restrictions on the goods or technology for which the license was sought would allow such export to be compatible with controls imposed under this Act, and which officers and employees of the Department of Commerce who are familiar with the application will be made reasonably available to the applicant for con-

siderations with regard to such modifications or restrictions, if appropriate,";

(5) by striking paragraph (1) of subsection (g) and inserting in lieu thereof the following:

"(1) Notwithstanding any other provision of this section, the Secretary of Defense is authorized to review any proposed export of any goods or technology, whether by single or by multiple license, to any country to which exports are controlled for national security purposes, or where the Secretary of Defense, in consultation with the Secretary, determines on the basis of reliable evidence that goods or technology controlled pursuant to section 5 of this Act are likely to be diverted to proscribed destinations. Whenever the Secretary of Defense determines that the export of any such goods or technology will prove detrimental to the national security of the United States by making a significant contribution to the military potential of any such country the Secretary of Defense shall recommend to the President that such export be disapproved.";

(6) in paragraph (2) of subsection (g), in the second sentence, by striking the following: "to any country to which exports are controlled for national security purposes";

(7) in paragraph (2) of subsection (g) by inserting after the first sentence the following: "If the Secretary and the Secretary of Defense are unable to concur on the types and categories of transactions or on any proposed export of goods or technology which should be referred to the Secretary of Defense for review, the matter shall be referred to the President for resolution."; and

(8) by adding at the end thereof the following:

"(k)(1) Beginning 180 days after the date of enactment of this subsection and every 6 months thereafter, the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate a report listing in 2 sections—

"(A) all applications the processing of which was completed during the preceding 6 months and which required a period longer than the period permitted by this section before notification of a decision was sent to the applicant, and

"(B) all applications which have been in process for a period longer than the period permitted by this section and upon which final action has not been taken.

"(2) Each listing shall identify—

"(A) the application case number;

"(B) the value of goods covered by the application;

"(C) the country of destination;

"(D) the date the application was received by the department;

"(E) the date on which the Secretary granted or denied the application;

"(F) the date the notification was sent to the applicant; and

"(G) the total number of days which elapsed between receipt of the application in acceptable form and the cut-off date of the report, or the date that notification of decision was sent, whichever is earlier.

"(3) For an application which was referred to other agencies, the listing shall also include—

"(A) the agencies to which referral was made;

"(B) the date or dates of referral; and

"(C) the date or dates recommendations were received from these agencies.

"(4) For an application referred to any other agency which has taken a period longer than the period permitted by this section to provide its recommendations, the listing shall also include—

"(A) the office responsible for processing the application and the position of the officer responsible for the office; and

"(B) the period required for processing by the office.

"(5) The report shall also provide an introduction which contains (A) a summary of the number and value of applications listed by length of process delay beyond the period permitted by this section (0-15 days; 16-30 days; 31-45 days; 46-60 days; more than 60 days delay), and (B) a summary by country of destination of the number and value of applications requiring more than 60 days to process.".

VIOLATIONS

Sec. 9. Section 11 of the Export Administration Act of 1979 is amended—

(1) by inserting in subsection (a) after "violates" the following: "or conspires to or attempts to violate";

(2) by striking in paragraph (1) of subsection (b) "exports anything contrary to" and inserting in lieu thereof "violates or conspires to or attempts to violate";

(3) by inserting in paragraph (1) of subsection (b) after "benefit of" the following: "or that the destination or intended destination of the goods or technology involved is", and by striking "restricted" and inserting in lieu thereof "controlled";

(4) by adding at the end of paragraph (1) of subsection (b) the following new sentence: "For purposes of this subsection, a country to which exports are controlled for national security purposes is one identified pursuant to the determinations made in accordance with section 5(b) of this Act.";

(5) by inserting after paragraph (2) of subsection (b) the following new paragraphs:

"(3) Whoever possesses any goods or technology with the intent to export them contrary to this Act or any regulation, order, or license issued thereunder shall be subject to the penalties as provided in subsection 11(a), except for a national security violation which would be subject to the penalties as provided in section 11(b)(1).

"(4) Nothing in this subsection or subsection (a) shall limit the power of the Secretary to define by regulations violations under this Act.";

(6) in subsection (c), by striking out "head" and all that follows through "thereof" and inserting in lieu thereof "Commissioner of the United States Customs Service of the Department of the Treasury (and officers or employees of the Service specifically designated by the Commissioner)";

(7) by adding at the end of subsection (c) the following new paragraphs:

"(3) In addition to any other authority under this Act, the Secretary may revoke or suspend the authority to export of any person convicted of a violation of any other provision of Federal law arising out of the export of goods or technology prohibited by or under this Act.

"(4) (A) Any person who violates any national security control imposed under section 5 of this Act, or any regulations, order, or license issued pursuant thereto may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe.

"(B) Except as otherwise provided by law, any person who violates any regulation issued pursuant to a multilateral agreement, formal or informal, to control exports for national security purposes, to which the United States is a party, may be subject to such controls on the importing of goods or technology into the United States as the President may prescribe only if—

"(i) negotiations with the government or governments, party to the multilateral agreement, with jurisdiction over the violation have been conducted and been unsuccessful in restoring compliance with the regulations of the multilateral agreement;

"(ii) the President, subsequent to the failure of such negotiations, has notified such government or governments and the other parties to the multilateral agreement of any proposal to subject the person violating the regulations to specific controls on the importing of goods or technology into the United States upon the conclusion of 60 days from the date of such notification; and

"(iii) a majority of the parties to the multilateral agreement (excluding the United States) prior to the expiration of such 60 day period, have expressed to the President concurrence in the import controls or have abstained from stating a position with respect to the proposed controls.

"(5) The President may provide by regulation standards for establishing levels of civil penalty as provided in this subsection based upon the seriousness of the violation, the culpability of the violator, and the violator's record of cooperation with the government in disclosing the violation.";

(8) by inserting in subsection (e) after "subsection (c)" the words "or any amounts realized from the forfeiture of property interest or proceeds forfeited pursuant to subsection (g)", and by inserting after "refund any such penalty" the words "imposed pursuant to subsection (c)";

(9) by striking out the second sentence of subsection (f) and inserting in lieu thereof "In any such action with respect to enforcement of section 8, the court shall determine de novo all issues necessary to the establishment of liability;

(10) by redesignating subsection (g) as subsection (i) and inserting the following new subsections:

"(g) Forfeiture of Property Interest and Proceeds.—(1) Whoever has been convicted of a national security export control violation under subsection (a) or (b) shall, in addition to any other penalty, forfeit to the United States—

"(A) any of his interest in, security of, claim against, or property or contractual rights of any kind in the goods or tangible items that were the subject of the violation;

"(B) any of his interest in, security of, claim against, or property or contractual rights of any kind in tangible property that was used in the export or attempt to export that was the subject of the violation; and

"(C) any of his property constituting, or derived from, any proceeds obtained directly or indirectly as a result of such violations.

"(2) The procedures in any criminal forfeiture under this section, and the duties and authority of the courts of the United States and the Attorney General with respect to any criminal forfeiture action under this section or with respect to any property that may be subject to forfeiture under this section, are to be governed by the provisions of section 1963 of title 18, United States Code.

"(h) Prior Convictions.—No person convicted of a violation of section 793, 794, or 798 of title 18, United States Code, section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778), shall *be eligible at the discretion of the Secre*tary, to apply for or use any export license for a period for up to ten years from the date of conviction. Any outstanding export license in which such person has an interest may be revoked at the discretion of the Secretary at the time of conviction."; and

(11) by striking "or" after "(d)," in subsection (i) as redesignated, and inserting after "(f)" the following: ", (g), or (h)".

ENFORCEMENT

Sec. 10. Section 12 of the Export Administration Act of 1979 is amended—

(1) in subsection (a), by inserting "(1)" after "General Authority.—";

(2) in subsection (a), by striking "the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and", and inserting in lieu thereof "a district court of the United States,";

(3) in subsection (a), by striking out "head" and all that follows through "thereof)" and inserting in lieu thereof "Commissioner of the United States Customs Service of the Department of the Treasury (and officers or employees of the Service specifically designated by the Commissioner), except with respect to section 8, and the Secretary of Commerce only with respect to section 8";

(4) by adding at the end of subsection (a) the following new paragraphs:

"(2) An officer of the United States Customs Service of the Department of the Treasury or other person authorized to board or search vessels who has reasonable cause to suspect that any goods or technology have been or will be exported from the United States in violation of any Act governing exports may—

"(A) stop, search, and examine, within or without his district, a vehicle, vessel, aircraft, or person, on which or whom he has reasonable cause to suspect there are any such goods or technology, whether by the person in possession or charge or by, in, or upon such vehicle, vessel, aircraft, or otherwise;

"(B) search, wherever found, any package or container in which he has reasonable cause to suspect there are any such goods or technology;

"(C) seize and secure for trial any such goods or technology on or about vehicle, vessel, aircraft, or person, or in such package or container.

"(3)(A) An officer of the United States Customs Service of the Department of the Treasury or other person authorized to board or search vessels may, while in the performance of, and in connection with, official duties, make arrests without warrant in the enforcement of the provisions of any Act governing exports. The arrest authority conferred by this subsection is in addition to any arrest authority under other laws.

"(B) If such officer or person has reasonable cause to suspect that any goods or technology have or would have been exported from the United States in violation of any Act governing exports, the officer or person shall refer such matter to the Secretary of the Treasury, or his designee, or the Attorney General for civil or criminal action, respectively, in accordance with this section.";

(5) in the first sentence of paragraph (3) of subsection (c), by striking out "department or agency with enforcement responsibilities under this Act" and inserting in lieu thereof "United States Customs Service of the Department of the Treasury (and officers or employees of the Service specifically designated by the Commissioner)"; and

(6) by inserting in subsection (c)(3): ", including information pertaining to subjects of ongoing investigations," after "enforcement of this Act" in the first sentence; and by adding at the end thereof, the following: "The Secretary shall consult on a continuing basis with the Attorney General, the Commissioner of Customs, and the heads of other departments and agencies which obtain information subject to this paragraph to facilitate the sharing of such information.".

ANNUAL REPORT

Sec. 11. Section 14 of the Export Administration Act of 1979 is amended—

(1) by inserting "AND QUARTERLY" after "ANNUAL" in the section heading; and

(2) by adding at the end thereof the following:

"(d) Foreign Availability Report.—The Secretary and the Secretary of Defense shall jointly prepare and transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives quarterly reports on the operation and improvement of the Government's ability to assess foreign availability, including but not limited to training of personnel, use of computers, and utilization of Foreign Commercial Service Officers, and on the operation and improvement of the Government's efforts to eliminate foreign availability, including but not limited to bilateral and multilateral negotiations.

"(e) Report on Export to Proscribed Countries.—The President shall include in each annual report a detailed report which lists every license during the year approved under the provisions of this Act for exports to countries to which exports are controlled by multilateral agreement, formal or informal, to which the United States is a party. Such report shall specify to whom such license was granted, the type of goods or technology exported, and the country receiving such goods or technology.

"(f) Report on Domestic Economic Impact of Exports to Proscribed Countries.—The President shall include in each annual report a detailed description of the extent of injury of United States' industry and the extent of job displacement caused by United States' exports of goods and technology to controlled countries to which exports are controlled by multilateral agreement, formal or informal, to which the United States is a party. This report shall also include a full analysis of the consequences of exports of turnkey plants and manufacturing facilities to such countries which are used by such countries to produce goods for export to the United States or to compete with United States products in export markets.".

UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION

Sec. 12. (a) Section 15 of the Export Administration Act of 1979 is amended—

(1) by inserting "ADMINISTRATIVE AND" before "REGULATORY" in the caption;

(2) by designating the matter following "Sec. 15." as subsection (b);

(3) by inserting after "Sec. 15." the following:

"(a) The President shall appoint, by and with the advice and consent of the Senate, an Under Secretary of Commerce for Export Administration who shall carry out all functions of the Secretary of Commerce under this Act which were delegated to the office of the Assistant Secretary of Commerce for Trade Administration prior to the effective date of the Export Administration Act Amendments of 1984 and such other functions as the Secretary may prescribe. The Secretary of Commerce shall designate three Assistant Secretaries of Commerce to assist the Under Secretary in carrying out such functions."; and

(4) by adding after subsection (b) as redesignated the following new subsection:

"(c) If the Secretary proposes to alter regulations issued pursuant to this Act he shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives on the intent and rationale of such alterations. Such report shall evaluate the cost and burden to United States exporters of the proposed regulations relative to any enhancement of licensing objectives. The technical advisory committees authorized under paragraph (h) of section 5 of this Act shall be consulted in the development of or alterations to regulations issued under this subsection. The concepts and procedures defined by regulations in existence as of June 29, 1983, with respect to sections 4 and 5 of this Act, shall remain in effect unless the Secretary determines, on the basis of a body of reliable evidence, that specific change is necessary to enhance the system's ability to prevent diversions endangering the national security or to streamline the licensing and paperwork burden on exporters and their distributors.".

(b) Section 5314 of title 5, United States Code, is amended by inserting "Under Secretary of Commerce for Export Administration," before "and Under".

(c) Section 5315 of such title is amended by striking out

"Assistant Secretaries of Commerce (8)."

and inserting in lieu thereof

"Assistant Secretaries of Commerce (10).".

REVIEW AND COMMENT BY THE SECRETARY OF DEFENSE AND THE SECRETARY OF STATE

Sec.13. Section 15 of the Export Administration Act of 1979 is amended by adding the following new sentence at the end thereof: "Any such regulations issued to carry out the provisions of section 5, or of section 4(a) for the purpose of administering the provisions of section 5, may be issued only following submission for review and comment to the Secretary of Defense, the Secretary of State, and such other departments and agencies as the Secretary considers appropriate.".

DEFINITIONS

Sec. 14. Section 16 of the Export Administration Act of 1979 is amended—

(1) by striking paragraph (4) and inserting in lieu thereof the following:

"(4) the term 'technology' means technological or technical data, and shall include information or know-how of any kind that can be used or adapted for use in the design, production, manufacture, repair, overhaul, processing, engineering, development, operation, maintenance, or restoration of goods or commodities, including computer software. Information or know-how may take tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or take an intangible form, such as training or technical services;";

(2) in paragraph (3), by inserting after "article," "natural or manmade substance,"; and

(3) by redesignating paragraph (5) as paragraph (8), and by inserting the following new paragraphs:

"(5) the term 'export of goods' means—

"(A) an actual shipment or transmission of goods out of the United States, or

"(B) an actual shipment or transmission of goods, or portions thereof, originally exported from the United States to any destination other than that indicated to the appropriate United States authority as the initial destination of the goods at the time of the original export from the United States;";

"(6) the term 'export of technology' means—

"(A) an actual shipment or transmission of technology out of the United States;

"(B) any release of technology of United States origin in a foreign country; or

"(C) any release of technology in the United States with the knowledge or intent that it will be shipped or transmitted to a foreign country;"; and

"(7) the term 'United States' means the States of the United States, its commonwealths, territories, dependencies, possessions, and the District of Columbia, including foreign trade zones and the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act;".

OFFICE OF STRATEGIC TRADE

Sec. 15. The Export Administration Act of 1979 is amended by adding at the end thereof the following new section:

"OFFICE OF STRATEGIC TRADE

"Sec. 25. The President shall submit to the Congress, not later than March 15, 1985, a proposal to create an Office of Strategic Trade. In developing his proposal, the President shall take into account, among other things, the need for better coordination of export licensing responsibilities and procedures, improved enforcement of this Act and other laws that provide authority to impose controls on exports, strengthening traditional representation of the United States in the Coordinating Committee for Multilateral Export Controls (COCOM), thorough monitoring and analysis of data relating to technology and technological transfer, evaluation of technological changes that are relevant to the export licensing process, and more effective liaison with the business community and others affected by the export licensing process.".

SMALL BUSINESS ASSISTANCE

Sec. 16. Section 10 of the Export Administration Act of 1979 is amended by adding at the end thereof the following new section:

"(k) Small Business Assistance.—Not later than 120 days after enactment of this subsection, the Secretary of Commerce shall develop and transmit to the Congress a plan to assist small businesses in the export licensing application process. The plan shall include, among other things, arrangements for counseling small businesses on filing applications and identifying goods or technology on the control list, proposals for seminars and conferences to educate small businesses on export controls and licensing procedures, and the preparation of informational brochures.".

AMENDMENT TO INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT

Sec. 17. Section 203(a)(1) of the International Emergency Economic Powers Act (50 U.S.C. 1202) is amended—

(1) by striking out "and" at the end of paragraph (A);

(2) by inserting "and" at the end of paragraph (B); and

(3) by adding the following new paragraph:

"(C) impose controls on exports of goods or technology from United States companies, or their subsidiaries or licensees operating outside the United States;".

AUTHORIZATION

Sec. 18. Section 18 of the Export Administration Act of 1979 is amended by striking paragraph (1) of subsection (b) and inserting in lieu thereof:

"(1) $11,610,000 for each of the fiscal years 1984 and 1985, and".

TERMINATION DATE

Sec. 19. Section 20 of the Export Administration Act of 1979 is amended by striking out "March 30, 1984", and inserting in lieu thereof "September 30, 1989".

AMENDMENT TO MAGNUSON ACT

Sec. 20. Clause (viii) of section 201(e)(1)(E) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1821(e)(1)(E)) is amended by inserting "fishery" before "matters".

TERRORISM

Sec. 21. Section 6 (i) of the Export Administration Act of 1979 is amended to read as follows:

"(i)(1) Countries Supporting International Terrorism.—The Secretary and the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at least 30 days before any license is approved for the export of goods or technology valued at more than $7,000,000 to any country concerning which the Secretary of State has made the following determinations:

"(A) Such country has repeatedly provided support for acts of international terrorism.

"(B) Such exports would make a significant contribution to the military potential of such country, including its military logistics capability, or would enhance the ability of such country to support acts of international terrorism.

"(2) Any such determination which has been made with respect to a country under paragraph (1) of this subsection may not be rescinded unless the President, at least 30 days before the proposed rescission would take effect, submits to the Congress a report justifying the rescission and certifying that—

"(A) the country concerned has not provided support for international terrorism, including support or sanctuary for any major terrorist or terrorist group in its territory, during the preceding six-month period; and

"(B) the country concerned has made explicit assurances that it will not support acts of international terrorism in the future.

"(3) A determination under paragraph (1) of this subsection with respect to any country which was made prior to January 1, 1982, and which was no longer in effect on the date of enactment of this paragraph, shall be reinstated upon the expiration of 90 days after the date of enactment of this subsection unless the President submits a report containing the certification described in paragraph (2) with respect to that country within such 90-day period.".

ADMINISTRATIVE PROCEDURE

Sec. 22. Section 13 of the Export Administration Act of 1979 is amended by adding at the end thereof the following:

"(c) Procedures Relating to Civil Penalties and Sanctions.—(1) In any case where a civil penalty or other civil sanction (other than a temporary denial order or a penalty or sanction for a violation of section 8) is sought under section 11 of this Act, the charged party is entitled to receive a formal complaint specifying the charges and, at his request, to contest the charges in a hearing before an administrative law judge. Prior to such hearing the charged party may submit a response to the complaint, including briefs and other supporting materials. The charged party and the Government may present and cross-examine relevant witnesses. With the approval of the administrative law judge, the Government may present evidence in camera in the presence of the charged party or his representative. The charged party may agrue orally his case in recorded proceedings before the administrative law judge who shall then make his findings of fact and conclusions of law in a written decision which shall be referred to the Secretary. The Secretary shall, in a written order, affirm, modify, or vacate the decision of the administrative law judge within 30 days after receiving it. All material submitted to the administrative law judge and the Secretary and all the recorded proceedings constitute the administrative record for purposes of review by the courts.

"(2) The proceedings described in paragraph (1) shall be concluded within a period of 1 year after the complaint is submitted unless the administrative law judge extends such period for good cause shown.

"(3) The order of the Secretary shall be final, except that the charged party may file an appeal within 15 days in the United States Court of Appeals for the District of Columbia and such court may stay an order of the Secretary under which a civil penalty or other sanction would be imposed. In an appeal filed under this paragraph, the court shall set aside any finding of fact for which the court finds there is not substantial evidence in the record and any conclusion of law which the court finds to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, except that such court shall not have authority under this paragraph to review any action, finding, or determination pursuant to section 3, 4(c), 4(d), 4(f), 5(b), 5(d), 5(e), 5(f), 5(g), 5(h)(6), 5(k), 5(n), 6(b), 6(c), 6(d), 6(f), 6(g), 6(h), 6(j), 7(d), 7(e), 7(g) (1) and (2), 7(h), 7(i)(2), 9(b), 9(c), 10(f)(4), 10(g), 10(h), 10(i), or 12(c) of this Act.

"(d) Appeals From the Imposition of Temporary Denial Orders.—(1) In any case where necessary in the public interest to prevent an imminent violation of this Act or any rule or regulation thereunder, the Secretary may issue a temporary denial order without a hearing and such order may be effective no longer than 60 days unless renewed in writing by the Secretary for additional 60-day periods in order to prevent an imminent violation. A renewal may be granted only after notice and an opportunity for a hearing is provided.

"(2) A temporary denial order shall define the imminent violation and state why the order was granted without a hearing. The person or persons subject to the issuance or renewal of such an order may file an appeal with an administrative law judge who shall, within 10 working days after the appeal is filed, recommend that it be affirmed, modified, or vacated. Parties may submit briefs and other material to such judge. The administrative law judge's recommendation shall be made to the Secretary who shall either accept, reject, or modify it by written order within 5 working days after he receives it. The temporary denial order shall be affirmed only if it is reasonable to believe that the order is required in the public interest to prevent an imminent violation of this Act or any rule or regulation thereunder. All materials submitted to the administrative law judge and the Secretary shall constitute the administrative record for purposes of review by the Courts.

"(3) An order of the Secretary affirming, in whole or in part, the issuance of a temporary denial order may be appealed within 15 days to the United States Court of Appeals for the District of Columbia. Such court shall have jurisdiction to issue an order vacating the Secretary's order if it finds that the Secretary's order is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, except that such court shall not have authority under this paragraph to review any action, finding, or determination pursuant to section 3, 4(c), 4(d), 4(f), 5(b), 5(d), 5(e), 5(f), 5(g), 5(h)(6), 5(k), 5(n), 6(b), 6(c), 6(d), 6(f), 6(g), 6(h), 6(j), 7(d), 7(e), 7(g) (1) and (2), 7(h), 7(i)(2), 9(b), 9(c), 10(f)(4), 10(g), 10(h), 10(i), or 12(c) of this Act.

"(e) Appeals from License Denials.—A determination by the Secretary to deny a license pursuant to section 10(f) of this Act may be appealed by the applicant to an administrative law judge who shall have the authority in a proceeding under this paragraph to determine only whether the item sought to be exported is in fact on the control list. Such proceedings shall be conducted within 90 days. Any determination by an administrative law judge under this subsection and all materials filed before him in the informal proceeding shall be reviewed by the Secretary who shall either affirm or vacate it in a written decision within 30 days. The Secretary's written decision under this subsection shall be final and is not subject to judicial review. Subject to the limitations provided in section 12(c) of this Act, the Secretary's decision shall be published in the Federal Register.

"(f) Appointment of Administrative Law Judges.—Any person who, for at least two of the ten years immediately preceding the effective date of this section has served as a hearing commissioner of the Department of Commerce, shall be considered as qualified for selection and appointment as an administrative law judge with the same status as if such appointment had been made under section 3105 of title 5, United States Code.

"(g) Definition.—For the purpose of subsections (c), (d), and (e), the term 'Secretary' means the Secretary of Commerce or the Secretary of the Treasury, as appropriate.".

AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961

Sec. 23. Section 502B of the Foreign Assistance Act of 1961 is amended (1) by striking the word "Committee" the first place it appears in paragraph (2) and inserting in lieu thereof "Committees"; and (2) by inserting after the words "Foreign Relations" the first place it appears the phrase "and Banking, Housing, and Urban Affairs (when licenses are to be issued pursuant to the Export Administration Act of 1979)".

EXPORT OF HORSES

Sec. 24. The Act of March 3, 1891 (46 U.S.C. 466a and 466b) is amended by adding at the end thereof the following:

"Sec. 3. (a) Notwithstanding any other provision of law, no horse may be exported by sea from the United States, or any of its territories and possessions, unless such horse is part of a consignment of horses with respect to which a waiver has been granted under subsection (b).

"(b) The Secretary of Commerce, in consultation with the Secretary of Agriculture, may issue regulations providing for the granting of waivers, permitting the export by sea of a specified consignment of horses, if the Secretary of Commerce, in consultation with the Secretary of Agriculture, determines that no horse in that consignment is being exported for purposes of slaughter.

"(c)(1) Whosoever knowingly violates this section or any regulation, order, or license issued hereunder shall be fined not more than five times the value of the consignment of horses involved or $50,000, whichever is greater, or imprisoned not more than 5 years, or both.

"(2) The Secretary of Commerce, after notice and opportunity for an agency hearing on the record, may impose a civil penalty not to exceed $10,000 for each violation of this section or any regulation, order, or license issued hereunder, either in addition to or in lieu of any other liability or penalty which may be imposed.".

RESTRICTIONS ON THE EXPORT OR RETRANSFER OF CERTAIN NUCLEAR COMPONENTS

Sec. 25. Notwithstanding any other provision of law, the United States Nuclear Regulatory Commission shall not license for export, and the Secretary of Energy shall not approve the retransfer of, any nuclear component, item, or substance which the Commission has determined, under section 109 of the Atomic Energy Act of 1954, to be especially relevant from the standpoint of export control because of its significance for nuclear explosive purposes if such export or retransfer is to any non-nuclear-weapon state, within the meaning of the Treaty on the Non-Proliferation of Nuclear Weapons (done at Washington, London, and Moscow on July 1, 1968), unless such state maintains International Atomic Energy Agency safeguards on all of its nuclear facilities and such export or retransfer is under the terms of an agreement for cooperation arranged pursuant to section 123 of such Act, except that—

(1) the prohibition contained in this section shall not apply beginning on a date 60 days after the President—

(A) determines and so states in an Executive order that withholding the export or retransfer of such component, item, or substance would be seriously prejudicial to the national security of the United States; and

(B) submits to the Congress a report setting forth such determination, together with his reasons therefor; and

(2) nothing in this section shall preclude the licensing for export or the approval of retransfer of graphite contained in fabricated non-nuclear commercial products or up to 25 kilograms of heavy water per year to any country for medical or non-nuclear enduses.

RESTRICTIONS ON THE EXPORT OF NUCLEAR TECHNOLOGY

Sec. 26. Notwithstanding any other provision of law, the Secretary of Energy shall give no authorization under section 57 b. of the Atomic Energy Act of 1954 to engage, directly or indirectly, in the production of any special nuclear material in any non-nuclear-weapon state, within the meaning of the Treaty on the Non-Proliferation of Nuclear Weapons (done at Washington, London, and Moscow on July 1, 1968), unless such state maintains International Atomic Energy Agency safeguards on all of its nuclear facilities and such production is under the terms of an agreement for cooperation arranged pursuant to section 123 of such Act, except that the prohibition contained in this section shall not apply beginning on a date 60 days after the President—

(a) determines and so states in an Executive order that withholding the authorization of such production would be seriously prejudicial to the national security of the United States; and

(b) submits to the Congress a report setting forth such determination, together with his reasons therefor.

AUTHORIZATION OF CERTAIN AGREEMENTS FOR COOPERATION

Sec. 27. (a) Section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) is amended—

(1) in subsection b., by inserting ", except as provided in subsection d.," after "approved and"; and

(2) by amending subsection d. to read as follows:

"d. the proposed agreement for cooperation (if arranged pursuant to subsection 91 c., 144 b., or 144 c., or if entailing implementation of section 53, 54 a., 103, or 104 in relation to a reactor that may be capable of producing more than five thermal megawatts or special nuclear material for use in connection therewith) has been submitted to the Congress, together with the approval and determination of the President and together with a Nuclear Proliferation Assessment Statement prepared by the Director of the Arms Control and Disarmament Agency, when required by subsection 123 a., and referred to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, and in addition, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, but such proposed agreement for cooperation shall not become effective unless authorized by law.".

(b) Section 130 a. of such Act (42 U.S.C. 2159(a)) is amended—

(1) in the first sentence—

(A) by striking out "123 d."; and

(B) by striking out ", and in addition, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate,"; and

(2) in the proviso thereto, by striking out "and if, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c. of this Act, the other relevant committee of that House has reported such a resolution, such committee shall be deemed discharged from further consideration of that resolution".

(c) The amendment made by subsection (a) shall apply to any agreement of cooperation which is described by such amendment and which was entered into after the date of enactment of this Act.

CONTROLS ON AGRICULTURAL COMMODITIES

Sec. 28. (a) Section 6 of the Export Administration Act of 1979 is amended—

(1) by adding at the end of subsection (a)(1) the following: "The President may impose or propose to extend export controls under this section on agricultural commodities, other than in connection with the prohibition or curtailment of all exports, in accordance with the procedures set forth in subsection (1) and the other requirements of this section"; and

(2) by adding at the end thereof the following:

"(1) Agricultural Commodities.—(1) If the President imposes export controls or proposes to extend export controls which have been imposed, on any agricultural commodity to carry out the policy set forth in subparagraph (B) or subparagraph (C) of paragraph (2) or paragraph (7) or (8) of section 3 of this Act, the President shall immediately transmit a report on such action to the Congress, setting forth the reasons therefor in detail and specifying the length of time the controls are proposed to be in effect which may not exceed 6 months.

"(2) In the case of export controls imposed by the President—

"(A) if the Congress, within 60 days after the date of its receipt of the report under paragraph (1), adopts a joint resolution pursuant to paragraph (4) approving the imposition of export controls, then such controls shall remain in effect for the period specified in the report, for 6 months after the close of the 60-day period, or until terminated by the President, whichever occurs first; or

"(B) if the Congress, within 60 days after the date of its receipt of such report, fails to adopt a joint resolution approving such controls, then such controls shall cease to be effective upon the expiration of such 60-day period.

"(3) In the case of export controls proposed to be extended—

"(A) if the Congress adopts a joint resolution approving a proposed extension of export controls prior to the expiration of the applicable period described in paragraph (2)(A) or this subparagraph, then such controls shall be extended for the period specified in the report, for 6 months after the date of enactment of the joint resolution of approval, or until terminated by the President, whichever occurs first; or

"(B) if the Congress fails to adopt a joint resolution approving a proposed extension of controls prior to the expiration of the applicable period described in paragraph (2)(A) or subparagraph (A) of this paragraph, then such controls shall cease to be effective upon the expiration of the applicable period.

"(4)(A) For purposes of this paragraph, the term 'resolution' means only a joint resolution the matter after the resolving clause of which is as follows: 'That, pursuant to section 6(1) of the Export Administration Act of 1979, the President may impose, expand, or extend export controls as specified in the report to the Congress on .', with the blank space being filled with the appropriate date.

"(B) On the day on which a report is submitted to the House of Representatives and the Senate under paragraph (1), a resolution with respect to such report shall be introduced (by request) in the House by the majority leader of the House, for himself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such a report is submitted, the resolution shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session.

"(C) All resolutions introduced in the House of Representatives shall be referred to the Committee on Foreign Affairs and all resolutions introduced in the Senate shall be referred to the Committee on Banking, Housing, and Urban Affairs.

"(D) If the committee of either House to which a resolution has been referred has not reported it at the end of 30 days after its introduction the committee shall be discharged from further consideration of the resolution or of any other resolution introduced with respect to the same matter.

"(E)(i) A motion in the House of Representatives to proceed to the consideration of a resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(ii) Debate in the House of Representatives on a resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to move to reconsider the vote by which a resolution is agreed to or disagreed to.

"(iii) Motions to postpone, made in the House of Representatives with respect to the consideration of a resolution, and motions to proceed to the consideration of other business shall be decided without debate.

"(iv) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a resolution shall be decided without debate.

"(v) Except to the extent specifically provided in the preceding provisions of this subparagraph, consideration of a resolution in the House of Representatives shall be governed by the Rules of the House of Representatives applicable to other resolutions in similar circumstances.

"(F)(i) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(ii) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours, to be equally divided between and controlled by, the majority leader and the minority leader or their designees.

"(iii) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(iv) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

"(G) In the case of a resolution described in subparagraph (A), if prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to the same matter from the other House, then—

"(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

"(ii) the vote on final passage shall be on the resolution of the other House.".

(b) Section 7(a)(1) of such Act is amended by adding at the end thereof the following: "The President may impose, expand, or extend export controls under this section with respect to agricultural commodities only as provided in section 6(1).".

AUTHORIZATION FOR CUSTOMS SERVICE

Sec. 29. (a) There are authorized to be appropriated to the United States Customs Service, Department of the Treasury, to carry out the purposes of the Export Administration Act of 1979, $12,000,000 for each of the fiscal years 1984 and 1985.

(b) The Commissioner of Customs shall notify the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives at least 90 days prior to taking any action which would—

(1) result in a significant reduction in force of employees other than by means of attrition,

(2) eliminate or relocate any office of the United States Customs Service,

(3) eliminate any port of entry,

(4) reduce the number of employees assigned to any office of the United States Customs Service or any port of entry, or

(5) reclassify or reassign employees of the United States Customs Service from traditional commercial functions.

STUDY BY THE SECRETARY OF AGRICULTURE

Sec. 30. The Secretary of Agriculture is directed to submit to Congress a report on the status of Federal programs relating to the barter or exchange of commodities owned by the Commodity Credit Corporation for materials and products produced in foreign countries. This report shall include details of any changes necessary in existing law to allow the United States Department of Agriculture to fully implement any barter program and shall be submitted within 90 days of enactment of this Act.

POLICY ON NUCLEAR NONPROLIFERATION

Sec. 31. It is the sense of the Congress that the President should take immediate action to—

(1) confer on an urgent basis with other nuclear suppliers, as a first step toward achieving a new worldwide consensus on nuclear transfers, regarding tightening restrictions on dangerous nuclear trade through measures which include—

(A) establishing, while discussions on a new regime for nuclear trade proceed, a temporary worldwide moratorium on transfers of enrichment and reprocessing equipment and technology, even at the experimental level, to sensitive areas, including the Middle East and South Asia;

(B) limiting the size of all research reactors transferred, eliminating the use of high enriched uranium in such reactors, and obtaining the return of spent research reactor fuel to the country of origin;

(C) extending the list of sensitive nuclear equipment, including components and dual use items, whose export the suppliers only permit under safeguards, with public recording of all sales of such items;

(D) making nuclear transfers only to nations which have accepted full-scope safeguards; and

(E) imposing established sanctions in the event of violation of safeguards;

(2) develop with other members of the International Atomic Energy Agency (hereafter in this section referred to as the "IAEA") a strong and effective program for the improvement of the IAEA safeguards regime, specifically considering the practicality of—

(A) extending the concept of full-scope safeguards to mean safeguards on all nuclear materials, equipment, and facilities within a nonnuclear-weapon state whether or not such materials, equipment, and facilities have been formally declared to the IAEA;

(B) increasing the quality and quantity of IAEA inspections;

(C) publishing inspection reports; and

(D) extending and upgrading surveillance and containment measures;

(3) formulate a clear United States policy on enhanced international retrictions on dangerous nuclear trade and on improving the international safeguards regime, and use all feasible leverage to induce others to adopt similar policies;

(4) call for a prompt reevaluation of world nuclear energy policy, culminating in a conference in order to agree upon ways both to reduce security concerns and to strengthen the nonproliferation regime; and

(5) reaffirm United States policy to cooperate with other countries, particularly in the developing world, to assist them in meeting their energy needs, with nonnuclear energy alternatives considered on an equal basis with nuclear energy in providing such cooperative assistance.

MEMBERSHIP OF THE FEDERAL RESERVE BOARD OF GOVERNORS

Sec. 32. Since, small business, by Small Business Administration standards of measurement, accounts for 98 per centum of all United States businesses, and

Since, 60 per centum of all new jobs are created by firms with 500 or fewer employees, and

Since, small business bankruptcies in 1982 totaled nearly 66,000, due in large part to high interest rates, and many other firms closed down without filing for bankruptcy, and

Since, our agricultural industry, including 3,000,000 farmers, is heavily dependent upon credit, and

Since, neither of these sectors has direct representation on the Federal Reserve Board, which establishes our national monetary policy, and

Since, the growth of our national economy depends on the health of the small business and agricultural sectors; Now, therefore, be it

Stated that it is the sense of the Senate that the President should nominate to the next vacancy on the Federal Reserve Board of Governors a person of demonstrable experience in small business or agriculture.

CRUDE OIL COMMISSION

Sec. 32. (a)(1) There is established a Presidential Advisory Commission to Study the Export of Crude Oil (hereinafter referred to as the "Commission") composed of seven members appointed by the President. No person shall be appointed who has, or is a member of a company or organization which has, any direct monetary interest in domestic or foreign oil exploration, production, transportation, importation or exportation.

(2) The President shall designate from among the members a Chairman and Vice Chairman. Vacancies in the membership of the Commission shall not affect the power of the remaining members to execute the functions of the Commission and shall be filled in the same manner as the original appointments.

(3) Members of the Commission shall be appointed not later than 60 days after the date of the enactment of this Act and shall serve for the life of the Commission. Members appointed to the Commission shall take office upon the date of their appointment.

(b) The Commission shall—

(1) undertake a comprehensive review of the issues and related data concerning exports of crude oil, particularly Alaska North Slope crude oil, at free market levels, under current prohibitions, and at levels of 50,000 barrels per day, 200,000 barrels per day, and 500,000 barrels per day, including, but not limited to—

(A) the effect of such exports on the energy and national security of the United States and its allies;

(B) the role of such exports in United States foreign policymaking, including international energy policymaking;

(C) the impact of such exports on employment levels in the maritime industry, the oil industry, and other industries;

(D) the impact of such exports on the average consumer;

(E) the impact of such exports on Federal Government revenues and expenditures;

(F) the effect of such exports on incentives for oil and gas exploration and development in the United States; and

(G) the legal impediments to such exports, particularly section 7(d) of the Export Administration Act of 1979;

(2) develop, after consulting with appropriate State and Federal officials and other persons at the discretion of the Commission, findings, options, and recommendations regarding the export of oil, particularly Alaska North Slope crude oil, which shall be made to the President not later than January 1, 1985; and

(3) undertake additional related tasks and make interim reports of its activities and recommendations as the President may determine necessary.

(c)(1) The Commission may make appropriate rules respecting its organization and procedures, except that no recommendation shall be reported from the Commission unless a majority of the Commission assents.

(2) The Chairman of the Commission may appoint and compensate staff personnel, without regard to the provisions of title 5, United States Code, government appointments in the competitive services, and the provisions of chapter 51 and subchapter 111 of chapter 53 of such title, relating to classifications and the General Schedule pay rates.

(3)(A) Subject to paragraph (B), the members of the Commission may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Commission.

(B) Any member may decline the reimbursement of expenses.

(4) the Commission is authorized to—

(A) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, and

(B) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission to the extent or in such amounts as are provided in appropriation Acts.

(5) The Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information which the Commission considers useful in the discharge of its duties. All departments, agencies, independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

(6) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(d)(1) The Commission shall submit a final report to the President not later than January 1, 1985, concerning the findings, options, and recommendations it develops with respect to the matters described in subsection (b).

(2) The Commission shall terminate within 30 days following the submission of the final report.

(e) In response to the Commission's report, the President shall develop recommendations on the export of crude oil, particularly on the advisability of retaining section 7(d) of the Export Administration Act. He shall submit the Commission's report and his recommendations to Congress not later than March 1, 1985.

(f) There are authorized to be appropriated in any fiscal year such sums as may be necessary to carry out the provisions of this section.

(g) Except where inconsistent with this section, the provisions of the Federal Advisory Committee Act shall apply to the Commission.

WHEAT IMPROVEMENT ACT OF 1984

Sec. 33. It is the sense of the Senate that the following should be enacted by the Congress:

"TITLE II—WHEAT

"Sec. 201. This title may be cited as the 'Wheat Improvement Act of 1984'.

"TARGET PRICES

"Sec. 202. Section 107B(b)(1)(C) of the Agricultural Act of 1949 is amended by striking out '$4.45 per bushel for the 1984 crop, and $4.65 per bushel for the 1985 crop' and inserting in lieu thereof '$4.38 per bushel for the 1984 crop, and $4.38 per bushel for the 1985 crop'.

"1984 AND 1985 WHEAT ACREAGE REDUCTION AND DIVERSION PROGRAMS

"Sec. 203. Section 107B(e) of the Agricultural Act of 1949 is amended by—

"(1) striking out in the first sentence of paragraph (1)(A) 'subparagraph (B)' and inserting in lieu thereof 'subparagraphs (B), (C) and (D)';

"(2) adding at the end of paragraph (1) the following new subparagraphs:

"'(C) Notwithstanding any previous announcement to the contrary, for the 1984 crop of wheat the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) and (ii) a diversion program as described under paragraph (5) under which the acreage planted to wheat for harvest on the farm would be limited to the acreage base for the farm reduced by a total of 30 per centum, consisting of a reduction of 20 per centum under the acreage limitation program and a reduction of 10 per centum under the diversion program. As a condition of eligibility for loans, purchases, and payments on the 1984 crop of wheat, the producers on a farm must comply with the terms and program. The Secretary shall permit all or any part of the reduced acreage under the acreage limitation program and diversion program to be devoted to hay and grazing. The closing date for signup in such programs shall not be earlier than March 30, 1984.

"'(D) For the 1985 crop of wheat, the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) and (ii) a diversion program as described under paragraph (5) under which the acreage planted to wheat for harvest on the farm would be limited to the acreage base for the farm reduced by a total of not less than 30 per centum, consisting of a reduction of not more than 20 per centum under the acreage limitation program and a reduction of not less than 10 per centum under the diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of wheat, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and diversion program. The Secretary shall permit all or any part of the reduced acreage under the acreage limitation program and diversion program to be devoted to hay and grazing.';

"(3) adding at the end of paragraph (4) the following: 'For the 1984 and 1985 crops of wheat, in making the determination specified in the preceding sentence the Secretary shall treat land that has been farmed under summer fallow practices in the same manner as such land was treated by the Secretary for purposes of making such determination for the 1983 crop of wheat.'; and

"(4) inserting at the end of paragraph (5) the following: 'Notwithstanding the foregoing provisions of this paragraph, the Secretary shall implement a land diversion program for the 1984 crop of wheat under which the Secretary shall make crop retirement and conservation payments to any producer of the 1984 crop of wheat whose acreage planted to wheat for harvest on the farm is reduced so that it does not exceed the wheat acreage base for the farm less an amount equivalent to 10 per centum of the wheat acreage base in addition to the reduction required under paragraph (2), and the producer devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the wheat acreage base under this sentence. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under the preceding sentence. The diversion payment rate shall be established by the Secretary at not less than $3 per bushel, except that the rate may be reduced up to 10 per centum if the Secretary determines that the same program objective could be achieved with the lower rate. The Secretary shall make not less than 50 per centum of any payments under this paragraph to producers of the 1984 crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determination of performance. If a producer fails to comply with a land diversion contract after obtaining an advance payment under the preceding sentence, the producers shall repay the advance immediately and, in accordance with regulations issued by the Secretary, pay interest on the advance. Notwithstanding any previous announcement to the contrary, in carrying out a payment-in-kind acreage diversion program for the 1984 crop of wheat in addition to the land diversion program required under this paragraph, the Secretary shall make available to producers compensation in kind at a rate equal to not less than 85 per centum of the farm program payment yield. Notwithstanding the foregoing provisions of this paragraph, the Secretary shall implement a land diversion program for the 1985 crop of wheat under which the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of wheat whose acreage planted to wheat for harvest on the farm is reduced so that it does not exceed the wheat acreage base for the farm less an amount equivalent to not less than 10 per centum of the wheat acreage base in addition to the reduction required under paragraph (2), and the producer devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the wheat acreage base under this sentence. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under the preceding sentence. The diversion payment rate shall be established by the Secretary at not less than $3.00 per bushel, except that the rate may be reduced up to 10 per centum if the Secretary determines that the same program objective could be achieved with the lower rate. The Secretary shall make not less than 50 per centum of any payments under this paragraph to producers of the 1985 crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determination of performance. If a producer fails to comply with a land diversion contract after obtaining an advance payment under the preceding sentence, the producer shall repay the advance immediately and, in accordance with regulations issued by the Secretary, pay interest on the advance. Notwithstanding any previous announcement to the contrary, in carrying out a payment-in-kind acreage diversion program for the 1985 crop of wheat in addition to the land diversion program required under this paragraph, the Secretary shall make available to producers compensation in kind at a rate equal to not less than 85 per centum of the farm program payment yield.'.

"ADVANCE PAYMENTS

"SEC. 204. Section 107C of the Agricultural Act of 1949 is amended by—

"(1) inserting in subsection (b)(1)(B) '(except that for the 1984 crop of wheat, the Secretary shall make available)' after 'may make available', and

"(2) striking out in subsection (c)(4) '1983 crops of wheat,' and inserting in lieu thereof '1983, 1984, and 1985 crops of wheat, and the 1983 crops of'.".

DROUGHT ASSISTANCE

SEC. 34. It is further the sense of the Senate that a program for drought assistance should be enacted by the Congress.

EFFECT ON OTHER ACTS

SEC. 35. Section 17 of the Export Administration Act of 1979 is amended by adding at the end thereof the following new subsection:

"(e) AGRICULTURAL ACT OF 1970.—Nothing contained in this Act shall be construed to modify, repeal, supersede, or otherwise affect the provisions of the last sentence of section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3).".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BONKER

Mr. BONKER. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BONKER: Strike all after the enacting clause of S. 979, and insert in lieu thereof the text of the House-passed bill, H.R. 3231, as follows:

SHORT TITLE

SECTION 1. Titles I and II of this Act may be cited as the "Export Administration Amendments Act of 1983".

TITLE I—AMENDMENTS TO EXPORT ADMINISTRATION ACT OF 1979

REFERENCE TO THE ACT

SEC. 101. For purposes of this title, the Export Administration Act of 1979 shall be referred to as "the Act".

VIOLATIONS

SEC. 102. (a) Section 11(b) of the Act (50 U.S.C. App. 2410(b)) is amended by inserting after paragraph (2) the following new paragraphs:

"(3) Any person who conspires or attempts to export anything contrary to any provision of this Act or any regulation, order, or license issued under this Act shall be subject to the penalties set forth in subsection (a), except that in the case of a violation of an export control imposed under section 5 of this Act, such person shall be subject to the penalties set forth in paragraph (1) of this subsection.

"(4) Any person who possesses any goods or technology—

"(A) with the intent to export such goods or technology in violation of an export control imposed under section 5 or 6 of this Act or any regulation, order, or license issued with respect to such control; or

"(B) knowing or having reason to believe that the goods or technology would be so exported;

shall, in the case of a violation of an export control imposed under section 5, be subject to the penalties set forth in paragraph (1) of this subsection and shall, in the case of a violation of an export control imposed under section 6, be subject to the penalties set forth in subsection (a).

"(5) Any person who takes any action with the intent to evade the provisions of this Act or any regulation, order, or license issued under this Act shall be subject to the penalties set forth in subsection (a), except that in the case of an evasion of a foreign policy or national security control, such person shall be subject to the penalties set forth in paragraph (1) of this subsection.".

(b) Section 11(c) of the Act is amended by adding at the end thereof the following new paragraph:

"(3) An exception to any order issued under this Act which revokes the authority of a United States person to export goods or technology may not be made unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate are first consulted concerning the exception.".

(c) Section 11(e) of the Act is amended by inserting "or any property interest or proceeds forfeited pursuant to subsection (f)" after "subsection (c)".

(d) Section 11 of the Act is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

"(f) Forfeiture of Property Interest and Proceeds.—Any person who is convicted of a violation of an export control imposed under section 5 of this Act shall, in addition to any other penalty, forfeit to the United States (1) any property interest that person has in the goods or technology that were the subject of the violation or that were used to facilitate the commission of the violation, and (2) any proceeds derived directly or indirectly by that person from the transaction from which the violation arose.".

(e) Section 11(h) of the Act, as redesignated by subsection (d) of this section, is amended by striking out "or (f)" and inserting in lieu thereof "(f), or (g)".

ENFORCEMENT AUTHORITY

Sec. 103. Section 12(a) of the Act (50 U.S.C. App. 2411(a)) is amended—

(1) by inserting "(1)" immediately before the first sentence; and

(2) by adding at the end thereof the following new paragraphs:

"(2) The Secretary may designate any officer or employee of the Department of Commerce to do the following in carrying out enforcement authorities under this Act:

"(A) Execute any warrant or other process issued by a court or officer of competent jurisdiction with respect to the enforcement of the provisions of this Act.

"(B) Make arrests without warrant for any violation of this Act committed in his or her presence or view, or if the officer or employee has probable cause to believe that the person to be arrested has committed or is committing such a violation.

"(C) Search without warrant or process any person, place, or vehicle on which, and any baggage in which, the officer or employee has probable cause to believe there are goods or technology being exported or about to be exported in violation of this Act.

"(D) Seize without warrant or process any goods or technology which the officer or employee has probable cause to believe have been, are being, or are about to be exported in violation of this Act.

"(E) Carry firearms in carrying out any activity described in subparagraphs (A) through (D).

"(3)(A) Notwithstanding any other provision of law, the authority of customs officers with respect to violations of this Act shall be limited to (i) inspection of or other search for and detention and seizure of goods or technology at those places in which such officers are authorized by law to conduct such searches, detentions, and seizures, and (ii) any investigation conducted prior to such inspection, search, detention, or seizure. Upon seizure by any customs officer of any goods or technology in the enforcement of this Act, the matter shall be referred to the Department of Commerce for further investigation and other appropriate action under this Act.

"(B) In conducting inspections of goods and technology in the enforcement of this Act, the United States Customs Service shall limit those inspections to goods and technology with respect to which the Customs Service has received specific information of possible violations of this Act, and shall not conduct random inspections which would result in the detainment of shipments of goods or technology that are in full compliance with this Act.

"(C) Notwithstanding any other provision of law, not more than $14,000,000 may be expended by the United States Customs Service in any fiscal year in the enforcement of export controls.

"(4) All provisions of law relating to the seizure, forfeiture, and condemnation of articles for violations of the customs laws, the disposition of such articles or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subsection or section 11(f) of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this subsection or section 11(f) of this Act; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for the purposes of this subsection and section 11(f) of this Act, be exercised or performed by the Secretary or by such persons as the Secretary may designate.".

FINDINGS; DECLARATION OF POLICY

Sec. 104. (a)(1) Section 2 of the Act (50 U.S.C. App. 2401) is amended in paragraph (3) by striking out "which would strengthen the Nation's economy" and inserting in lieu thereof "consistent with the economic, security, and foreign policy objectives of the United States".

(2) Section 2 of the Act is further amended by adding at the end thereof the following:

"(10) It is important that the administration of export controls imposed for foreign policy purposes give special emphasis to the need to control exports of goods and substances hazardous to the public health and the environment that are banned or severely restricted for use in the United States, which exports could affect the international reputation of the United States as a responsible trading partner.".

(b) Section 3 of the Act (50 U.S.C. App. 2402) is amended by adding at the end thereof the following:

"(12) It is the policy of the United States to sustain vigorous scientific enterprise. To do so requires protecting the ability of scientists and other scholars freely to communicate their research findings by means of publication, teaching, conferences, and other forms of scholarly exchange.

"(13) It is the policy of the United States to control the export of goods and substances banned or severely restricted for use in the United States in order to foster public health and safety and to prevent injury to the foreign policy of the United States as well as the credibility of the United States as a responsible trading partner.".

TYPES OF LICENSES

Sec. 105. Section 4(a)(2) of the Act (50 U.S.C. App. 2403(a)(2)) is amended to read as follows:

"(2) Licenses authorizing multiple exports, issued pursuant to an application by the exporter, in lieu of a validated license for each such export, including but not limited to the following:

"(A) A qualified general license, authorizing exports of goods for approved end uses.

"(B) A distribution license, authorizing exports of goods to approved distributors or users of the goods.

"(C) A project license, authorizing exports of goods or technology for a specified activity.

"(D) A service supply license, authorizing exports of spare or replacement parts for goods previously exported.

"(E) A comprehensive operations license, authorizing exports of goods or technology between and among a domestic concern and foreign subsidiaries, affiliates, vendors, joint venturers, and licensees of that concern which are approved by the Secretary.".

NATIONAL SECURITY CONTROLS

Sec. 106. (a)(1) Section 5(a)(1) of the Act (50 U.S.C. App. 2404(a)(1)) is amended by inserting after the first sentence the following new sentence: "The authority contained in this subsection includes the authority to prohibit or curtail the transfer of goods or technology within the United States to embassies and affiliates of countries to which exports of such goods or technology are controlled under this section.".

(2) Section 5(a)(1) is further amended by inserting "the Secretary of State, the Secretary of the Treasury, the United States Trade Representative," in the last sentence after the phrase "the Secretary of Defense,".

(b) Section 5(b) of the Act is amended by adding at the end thereof the following new sentence: "No authority or permission to export may be required under this section before goods or technology are exported in the case of exports to a country which maintains export controls on such goods or technology cooperatively with the United States, except that the Secretary may require an export license for the export of such goods or technology to such end users as the Secretary may specify by regulation. The Secretary may also by regulation require any person exporting any such goods or technology otherwise subject to export controls under this section to notify the Department of Commerce of those exports.".

(c) Section 5(b) of the Act is further amended—

(1) by inserting "(1)" immediately before the first sentence; and

(2) by adding at the end thereof the following:

"(2) The export of goods and technology to the People's Republic of China should be subject to no greater restriction under this Act than the export of goods and technology to any friendly nonaligned country.".

(d) Section 5(e) of the Act is amended by adding at the end thereof the following:

"(5) The export of technology and related goods subject to export controls under this section, including items on the list of militarily critical technologies developed pursuant to subsection (d) of this section, shall be eligible for a comprehensive operations license which would authorize, over a period of years and to countries other than those described in section 620(f) of the Foreign Assistance Act of 1961, multiple exports and reexports between and among a domestic concern and foreign subsidiaries, affiliates, vendors, joint venturers, and licensees of that concern which are approved by the Secretary.

"(6) The export to countries other than those described in section 620(f) of the Foreign Assistance Act of 1961 of goods and technology subject to export controls under this section shall be eligible for a distribution license or other licenses authorizing multiple exports. The Secretary shall periodically monitor exports made pursuant to such licenses in order to insure compliance with the provisions of this Act.".

(e) Section 5(g) of the Act is amended—

(1) in the second sentence by striking out "by the latest such increase" and inserting in lieu thereof "by the regulations"; and

(2) by inserting after the first sentence the following: "The regulations issued by the Secretary shall establish as one crite-

rion for the removal of goods or technology from such license requirements the anticipated needs of the military of countries to which exports are controlled for national security purposes.".

(f) Section 5(k) of the Act is amended—

(1) by inserting ", including those countries not participating in the group known as the Coordinating Committee," after "other countries"; and

(2) by striking out "section 3(9)" and inserting in lieu thereof "paragraphs (9) and (10) of section 3".

(g) Section 5 of the Act is amended by adding at the end thereof the following new subsection:

"(m) Goods Containing Microprocessors.—Export controls may not be imposed under this section on a good solely on the basis that the good contains an embedded microprocessor, if such microprocessor cannot be used or altered to perform functions other than those it performs in the good in which it is embedded. An export control may be imposed under this section on a good containing such a microprocessor only on the basis that the functions of the good itself are such that the good, if exported, would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States.

"(n) Nuclear Exports.—Notwithstanding section 17 of this Act or any other provision of law—

"(1) no license may be issued under this Act for the export to a nonnuclear-weapon state of goods or technology which are to be used in a nuclear production or utilization facility, or which, in the judgment of the Secretary, are likely to be diverted for use in such a facility;

"(2) no authorization to engage, directly or indirectly, in the production of any special nuclear material in a nonnuclear-weapon state may be given;

"(3) no license may be issued for the export to a nonnuclear-weapon state of component parts or other items or substances especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes; and

"(4) no retransfer to a nonnuclear-weapon state of any goods, technology, special nuclear material, components, items, or substances described in paragraphs (1), (2), and (3) may be approved;

unless the country to which the goods, technology, components, items, or substances will be exported or retransferred, or in which the special nuclear material is to be produced, maintains International Atomic Energy Agency safeguards on all its peaceful nuclear activities. The restrictions contained in the preceding sentence shall apply to any decision made after August 1, 1983, to issue a license described in paragraph (1) or (3), to give an authorization described in paragraph (2), or to approve a retransfer described in paragraph (4). The restrictions contained in this subsection shall not apply in a particular case if the President determines by Executive order that to apply the prohibition in that case would be seriously prejudicial to the achievement of United States nonproliferation objectives or would otherwise jeopardize the common defense and security and if, at least 60 days before the export, retransfer, or other activity authorized is carried out, the President submits that Executive order, together with the reasons for his determination, to the Congress.".

COORDINATING COMMITTEE

Sec. 107. Section 5(i) of the Act (50 U.S.C. App. 2404(i)) is amended by adding at the end thereof the following:

"(5) Agreement to improve the International Control List and minimize the approval of exceptions to that list, strengthen enforcement and cooperation in enforcement efforts, provide sufficient funding for the Committee, and improve the structure and function of the Secretariat of the Committee by upgrading professional staff, translation services, data base maintenance, communications, and facilities.

"(6) Agreement to coordinate the systems of export control documents used by the participating governments in order to verify effectively the movement of goods or technology subject to controls by the Committee from the country of one such government to the territory of the country of any other such government or to any other country.

"(7) Agreement to establish uniform, adequate criminal and civil penalties to more effectively deter diversions of items controlled for export by agreement of the Committee.

"(8) Agreement to increase onsite inspections by national enforcement authorities of the participating governments to insure that end users who have imported items controlled for export by agreement of the Committee are using such items for the stated end uses, and that such items are, in fact, under the control of those end users.

"(9) Agreement to strengthen the Committee so that it functions effectively in controlling export trade in a manner that better protects the national security of each participant to the benefit of all participants.

"(10) Agreement to provide for the imposition and enforcement of export sanctions by the governments participating in the Committee against the Soviet Union or any other country if the Soviet Union or other country commits violent acts against unarmed civilians of another country.".

FOREIGN AVAILABILITY

Sec. 108. (a) Section 5(f)(1) of the Act (50 U.S.C. App. 2404(f)(1)) is amended by inserting after the second sentence the following new sentence: "For purposes of the preceding sentence, the term 'detrimental to the national security of the United States' means likely to result in a significant reduction in the military capabilities of the United States or likely to result in a significant advance in the military capabilities of countries to which the goods or technology involved are controlled under this section."

(b) Section 5(f)(4) of the Act (50 U.S.C. App. 2404(f)(4)) is amended by striking out the first sentence and inserting in lieu thereof the following: "In any case in which export controls are maintained under this section notwithstanding foreign availability, on account of a determination by the President that the absence of the controls would prove detrimental to the national security of the United States, the President shall take the necessary steps to conduct negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability. If, within 6 months after the President's determination, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period described in the preceding sentence for an additional period of one year if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States.".

(c) Section 5(f)(3) of the Act is amended to read as follows:

"(3) With respect to export controls imposed under this section, in making any determination of foreign availability, the Secretary shall accept the representations of applicants unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, and intelligence information.".

(d)(1) Section 5(f)(5) of the Act is amended to read as follows:

"(5) The Secretary shall establish in the Department of Commerce an Office of Foreign Availability which shall be under the direction of the Assistant Secretary of Commerce for Trade Administration. The Office shall be responsible for gathering and analyzing all the necessary information in order for the Secretary to make determinations of foreign availability under this Act. The Secretary shall make available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate at the end of each 6-month period during a fiscal year information on the operations of the Office during that 6-month period. Such information shall include a description of every determination made under this Act during that 6-month period that foreign availability did not exist, together with an explanation of that determination.".

(2) Section 5(f)(6) of the Act is amended by striking out "Office of Export Administration" and inserting in lieu thereof "Office of Foreign Availability".

(e) Section 5(f) of the Act is amended by adding at the end thereof the following new paragraph:

"(7) The Secretary shall issue regulations with respect to determinations of foreign availability under this Act not later than 6 months after the date of the enactment of the Export Administration Amendments Act of 1983.".

(f) Section 5(h)(6) of the Act is amended by striking out "and provides adequate documentation" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "the technical advisory committee shall submit that certification to the Congress at the same time the certification is made to the Secretary, together with the documentation for the certification, in accordance with the procedures established pursuant to subsection (f)(1) of this section. The Secretary shall investigate the foreign availability so certified and, not later than 90 days after the certification is made, shall submit a report to the technical advisory committee and the Congress stating that (A) the Secretary has removed the requirement of a validated license for the export of the goods or technology, on account of the foreign availability, (B) the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, or (C) the Secretary has determined on the basis of the investigation that the foreign availability does not exist. To the extent necessary, the report may be submitted on a classified basis. In any case in which the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, the President shall take the necessary steps to conduct such negotiations with the governments of the appropriate foreign countries. If, within 6 months after the Secretary submits such report to the Congress, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period described in the preceding sentence for an additional period of one year if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States.".

MILITARILY CRITICAL TECHNOLOGIES

Sec. 109. Section 5(d) of the Act (50 U.S.C. App. 2404(d)) is amended by striking out paragraphs (4) through (6) and inserting in lieu thereof the following:

"(4)(A) The Secretary and the Secretary of Defense shall complete the integration of the list of militarily critical technologies into the commodity control list not later than April 1, 1985. The integration of the list of militarily critical technologies into the commodity control list shall be completed with all deliberate speed, and the Secretary and the Secretary of Defense shall report to the appropriate committees of the Congress, before April 1, 1985, any circumstances which would preclude the completion of the integrated list by that date. Any disagreement between the Secretary and the Secretary of Defense as to whether a good or technology on the list of militarily critical technologies should be integrated into the commodity control list shall be resolved by the President not later than November 1, 1984. Such integrated list shall include only a good or technology with respect to which the Secretary finds that countries to which exports are controlled under this section do not possess that good or technology, or a functionally equivalent good or technology, and the good or technology or functionally equivalent good or technology is not available in fact to such a country from sources outside the United States in sufficient quantity and of comparable quality so that the requirement of a validated license for the export of such good or technology is or would be ineffective in achieving the purpose set forth in subsection (a) of this section, except in the case of a determination of the President with respect to goods or technology under subsection (f)(1) of this section. The Secretary and the Secretary of Defense shall jointly submit a report to the Congress, not later than April 1, 1985, on actions taken to carry out this subparagraph.

"(B) The General Accounting Office shall evaluate the efforts of the Secretary and the Secretary of Defense to integrate the list of militarily critical technologies into the commodity control list, and the feasibility of such integration. In conducting such evaluation, the General Accounting Office shall determine whether foreign availability was used as a criterion in developing the commodity control list pursuant to subparagraph (A) and whether the completed list reflected the intent of the Congress in enacting this subsection. In conducting such evaluation, the General Accounting Office shall have access to all information relating to the list of militarily critical technologies. Not later than April 1, 1985, the General Accounting Office shall submit a detailed report to the Congress on the results of the evaluation conducted pursuant to this subparagraph.

"(C) The Secretary and the Secretary of Defense, in integrating the list of militarily critical technologies into the commodity control list pursuant to subparagraph (A), shall consider mechanisms to reduce the list of militarily critical technologies.

"(5) The Secretary of Defense shall establish a procedure for reviewing the goods and technology on the list of militarily critical technologies at least annually after the integrated list is completed pursuant to paragraph (4)(A), for the purpose of removing from the list of militarily critical technologies any goods or technology that are no longer militarily critical. The Secretary of Defense may, after the integrated list is so completed, add to the list of militarily critical technologies any good or technology that the Secretary of Defense determines is militarily critical. If the Secretary and the Secretary of Defense disagree as to whether any change in the list of militarily critical technologies by the addition or removal of a good or technology should also be made in the commodity control list, the President shall resolve the disagreement not later than 3 months after the change is made in the list of militarily critical technologies.

"(6) The Secretary of Defense shall, not later than April 1, 1985, report to the appropriate committees of the Congress on efforts by the Department of Defense to assess the impact that the transfer of goods or technology on the list of militarily critical technologies to countries to which exports are controlled under this section has had or will have on the military capabilities of those countries.".

CRITERIA FOR FOREIGN POLICY CONTROLS; CONSULTATION WITH OTHER COUNTRIES; REPORT TO CONGRESS

Sec. 110. (a) Section 6(b) of the Act (50 U.S.C. App. 2405(b)) is amended to read as follows:

"(b) Criteria.—When imposing, expanding, or extending export controls on goods or technology under this section, the President shall consider whether—

"(1) the intended foreign policy purposes of the proposed controls can be achieved through negotiations or other alternative means;

"(2) the proposed controls are compatible with the foreign policy objectives of the United States and with overall United States policy toward the country to which exports are to be subject to the proposed controls;

"(3) the proposed controls will have an adverse effect on the economic or political relations of the United States with other friendly countries;

"(4) the proposed controls will have a substantial adverse effect on the export performance of the United States, on the competitive position of the United States in the international economy, on the international reputation of the United States as a reliable supplier of goods and technology, or on the economic well-being of individual United States industries, companies, and their employees and communities;

"(5) the United States has the ability to enforce the proposed controls effectively;

"(6) the proposed controls are likely to achieve the intended foreign policy purpose; and

"(7)(A) the good or technology, or a similar good or technology, is available in sufficient quantity from sources outside the United States to the country to which exports are to be subject to the proposed controls, or (B) negotiations have been successfully concluded with the appropriate foreign governments to ensure the cooperation of such governments in controlling the export of such good or technology to the country to which exports are to be subject to the proposed controls, except that the preceding provisions of this paragraph shall not apply if the President determines that the proposed controls are necessary to further efforts by the United States to counter international terrorism or to promote observance of internationally recognized human rights.".

(b) Section 6 of the Act is amended—

(1) by redesignating subsections (d) through (k) as subsections (e) through (l), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) Consultation With Other Countries.—Before export controls are imposed under this section, the President should consult with the countries with which the United States maintains export controls cooperatively, and with such other countries as the President considers appropriate, with respect to the criteria set forth in subsection (b) and such other matters as the President considers appropriate.".

(c) Section 6(f) of the Act, as redesignated by subsection (b)(1) of this section, is amended to read as follows:

"(f) Consultation With the Congress.—(1) The President may impose, expand, or extend export controls under this section only after consultation with the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(2) Following consultation with the Congress in accordance with paragraph (1) and before imposing, expanding, or extending export controls under this section, the President shall submit to the Congress a report—

"(A) indicating how the proposed export controls will further, significantly, the foreign policy of the United States or will further its declared international obligations;

"(B) specifying the conclusions of the President with respect to each of the criteria set forth in subsection (b), and any possible adverse foreign policy consequences;

"(C) describing the nature, the subjects, and the results of the consultation with industry pursuant to subsection (c) and with other countries pursuant to subsection (d);

"(D) specifying the nature and results of any alternative means attempted under subsection (e), or the reasons for imposing, expanding, or extending the controls without attempting any such alternative means; and

"(E) describing the availability from other countries of goods or technology comparable to the goods or technology subject to the proposed export controls, and describing the nature and results of the efforts made pursuant to subsection (h) to secure the cooperation of foreign governments in controlling the foreign availability of such comparable goods or technology.

The concerns expressed by Members of Congress during the consultations required by this subsection shall be specifically addressed in each report submitted pursuant to this paragraph.

"(3) To the extent necessary to further the effectiveness of the export controls, portions of a report required by paragraph (2) may be submitted to the Congress on a classified basis, and shall be subject to the provisions of section 12(c) of this Act.

"(4) In the case of export controls under this section which prohibit or curtail the export of any agricultural commodity, a report submitted pursuant to paragraph (2) shall be deemed to be the report required by section 7(g)(3) of this Act.".

(d) Section 6(l) of the Act, as redesignated by subsection (b)(1) of this section, is amended by striking out "(f), and (g)" and inserting in lieu thereof "(e), (g), and (h)".

EFFECT OF CONTROLS ON EXISTING CONTRACTS AND LICENSES

SEC. 111. (a) Section 6 of the Act (50 U.S.C. App. 2405), as amended by section 110 of this Act, is further amended by adding at the end thereof the following new subsection:

"(m) **EFFECT OF CONTROLS ON EXISTING CONTRACTS AND LICENSES.**—Any export controls imposed under this section shall not affect any contract to export entered into before the date on which such controls are imposed or any export license issued under this Act before such date. The preceding sentence shall not apply in a case in which the export controls imposed relate directly, immediately, and significantly to actual or imminent acts of aggression or of international terrorism, to actual or imminent gross violations of internationally recognized human rights, or to actual or imminent nuclear weapons tests, in which case the President shall promptly notify the Congress of the circumstances to which the export controls relate and of the contracts or licenses affected by the controls. Any export controls described in the preceding sentence shall affect existing contracts and licenses only so long as the acts of aggression or terrorism, violations of human rights, or nuclear weapons tests continue or remain imminent. For purposes of this subsection, the term 'contract to export' includes, but is not limited to, an export sales agreement and an agreement to invest in an enterprise which involves the export of goods or technology.".

(b) Section 7 of the Act (50 App. 2406) is amended by adding at the end thereof the following new subsection:

"(k) **EFFECT OF CONTROLS ON EXISTING CONTRACTS.**—Any export controls imposed under this section shall not affect any contract to export entered into before the date on which such controls are imposed, including any contract to harvest unprocessed western red cedar (as defined in subsection (i)(4) of this section) from State lands, the performance of which contract would make the red cedar available for export. For purposes of this subsection, the term 'contract to export' includes, but is not limited to, an export sales agreement and an agreement to invest in an enterprise which involves the export of goods or technology.".

(c) The amendment made by subsection (a) shall not apply to export controls imposed before the date of the enactment of this Act. The amendment made by subsection (b) shall apply to export controls in effect on the date of the enactment of this Act and export controls imposed after such date.

EXEMPTION FROM FOREIGN POLICY CONTROLS

SEC. 112. (a) Section 6(g) of the Act (50 U.S.C. App. 2405(g)), as redesignated by section 110(a)(1) of this Act, is amended to read as follows:

"(g) **EXCLUSION FOR FOOD, MEDICINE, OR MEDICAL SUPPLIES.**—This section does not authorize export controls on food, medicine, or medical supplies. This section also does not authorize export controls on donations of goods intended to meet basic human needs. It is the intent of the Congress that the President not impose export controls under this section on any goods or technology if he determines that the principal effect of the export of such goods or technology would be to help meet basic human needs. This subsection shall not be construed to prohibit the President from imposing restrictions on the export of medicine, medical supplies, or food under the International Emergency Economic Powers Act. This subsection shall not apply to any export control on medicine, medical supplies, or food, other than donations, which is in effect on the effective date of the Export Administration Amendments Act of 1983. Notwithstanding the preceding provisions of this subsection, the President may impose export controls under this section on medicine, medical supplies, food, or donations of goods in order to carry out the policy set forth in paragraph (13) of section 3 of this Act.".

(b) Section (h) of the Act (50 U.S.C. App. 2405(g)), as redesignated by section 110(b)(1) of the Act, is amended—

(1) by designating the existing text of section (h) as paragraph "(1)"; and

(2) adding at the end thereof the following:

"(2) The President shall evaluate the results of his actions under paragraph (1) of this subsection by the end of the first 6-month period of controls imposed under this section and shall report the results of that evaluation to Congress by the end of such 6-month period.

"(3) In the event that the President's efforts are not successful in eliminating foreign availability during the first 6-month period when controls imposed under this paragraph are in effect, the Secretary shall thereafter take into account the foreign availability of goods or technology subject to controls. If the Secretary affirmatively determines that a similar good or technology is available in sufficient quantity from sources outside the United States to countries subject to such controls so that denial of the license would be ineffective in achieving the purposes of the controls, then, the Secretary shall issue a license for the export of such goods or technology during the period of such foreign availability. The Secretary shall remove such goods or technology from the list established pursuant to subsection (l) if he determines such action is appropriate.

"(4) The Secretary shall make a determination of foreign availability on his own initiative or upon receipt of an allegation that such availability exists from an export license applicant. The Secretary shall accept the applicant's representations made in writing and supported by clear and convincing evidence, unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information.

"(5) Paragraph (3) of this subsection shall not apply in a case in which export controls are imposed under subsections (i), (j), or (k) of this section.

"(6) The Secretary shall promulgate regulations establishing procedures for carrying out this section.".

FOREIGN POLICY CONTROLS AUTHORITY

SEC. 113. (a) Section 6(a)(1) of the Act (50 U.S.C. App. 2405(a)(1)) is amended to read as follows: "In order to carry out the policy set forth in paragraph (2)(B), (7), (8), or (13) of section 3 of this Act, the President may prohibit or curtail the exportation from the United States of any goods, technology, or other information produced in the United States, to the extent necessary to further significantly the foreign policy of the United States or to fulfill its declared international obligations. The authority granted by this subsection shall be exercised by the Secretary, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the United States Trade Representative, and such other departments and agencies as the Secretary considers appropriate, and shall be implemented by means of export licenses issued by the Secretary.".

(b) Section 6(a) of the Act is further amended by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) Any export control imposed under this section shall apply to any transaction or activity undertaken with the intent to evade that export control, even if that export control would not otherwise apply to that transaction or activity.".

(c) Section 6 of the Act, as amended by sections 110 and 111 of this Act, is further amended by adding at the end thereof the following new subsection:

"(n) **EXPANDED AUTHORITY TO IMPOSE CONTROLS.**—(1) In any case in which the President determines that it is necessary to impose controls under this section—

"(A) with respect to goods, technology, other information, or persons other than that authorized by subsection (a)(1) of this section; or

"(B) without any limitation contained in subsection (c), (d), (e), (g), (h), or (m) of this section,

the President may impose those controls only if the President submits that determination to the Congress, together with a report pursuant to subsection (f) of this section with respect to the proposed controls, and only if a law is enacted authorizing the imposition of those controls. If a joint resolution authorizing the imposition of those controls is introduced in either House of Congress within 30 days of continuous session after the Congress receives the determination and report of the President, that joint resolution shall immediately be referred to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives. If either such committee has not reported the joint resolution at the end of 30 days of continuous session after its referral, such committee shall be deemed to be discharged from further consideration of the resolution.

"(2) For purposes of this subsection, the term 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress, having received on   a determination of the President under section 6(n)(1) of the Export Administration Act of 1979 with respect to the export controls which are set forth in the report submitted to the Congress with that determination, authorizes the President to impose those export controls.', with the date of the receipt of the determination and report inserted in the blank.

"(3) For purposes of this subsection—

"(A) continuity of session is broken only by an adjournment of the Congress sine die, and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.".

(d) The amendments made by subsections (a), (b), and (c) of this section shall not apply to export controls imposed under section 6 of the Act before the date of the enactment of this Act which are extended in accordance with such section 6 on or after such date of enactment.

CRIME CONTROL INSTRUMENTS

Sec. 114. (a) Section 6(k)(1) of the Act (50 U.S.C. App. 2405(k)(1)), as redesignated by section 110(b)(1) of this Act, is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this Act, any determination of the Secretary—

"(A) of what goods or technology shall be included on the list established pursuant to subsection (l) of this section as a result of the export restrictions imposed by this subsection shall be made with the concurrence of the Secretary of State, or

"(B) to approve or deny an export license application to export crime control or detection instruments or equipment shall be made in concurrence with the recommendations of the Secretary of State submitted to the Secretary with respect to the application pursuant to section 10(e) of this Act,

except that if the Secretary does not agree with the Secretary of State with respect to any such determination, the matter shall be referred to the President for resolution.".

(b) The amendment made by subsection (a) shall apply to determinations of the Secretary of Commerce which are made on or after the date of the enactment of this Act.

REIMPOSITION OF EXPORT CONTROLS

Sec. 115. (a) Section 6 of the Act, as amended by sections 110, 111, and 113 of this Act, is further amended by adding at the end thereof the following new subsection:

"(o) Extension of Certain Controls.—Those export controls imposed under this section which were in effect on February 28, 1982, and ceased to be effective on March 1, 1982, September 15, 1982, or January 20, 1983 (except those controls with respect to the 1980 summer Olympic games), shall become effective on the date of the enactment of this subsection, and shall remain in effect until 1 year after such date of enactment. At the end of that 1-year period, any of those controls made effective by this subsection may be extended by the President in accordance with subsections (b) and (f) of this section.".

(b) Section 6(j) of the Act, as redesignated by section 110(b)(1) of this Act, is amended by adding at the end thereof the following new sentence: "Any such determination which has been made with respect to a country may not be rescinded unless the President first submits to the Congress a report justifying the rescission and certifying that the country concerned has not provided support for international terrorism, including support for groups engaged in such terrorism, for the preceding 12-month period.".

(c) The amendment made by subsection (b) shall apply with respect to any export control made effective by the amendment made by subsection (a).

PETITIONS FOR SHORT SUPPLY CONTROLS

Sec. 116. (a) Section 7(c)(1)(A) of the Act (50 U.S.C. App. 2406(c)(1)(A)) is amended to read as follows:

"(c) Petitions for Monitoring or Controls.—(1)(A) Any entity, including a trade association, firm, or certified or recognized union or group of workers, which is representative of an industry or a substantial segment of an industry which processes metallic materials capable of being recycled (i) with respect to which an increase in domestic prices or a domestic shortage, either of which results from increased exports, is or may be a substantial cause of adverse effect on the national economy or any sector thereof or on a domestic industry, and (ii) with respect to which a significant increase in exports is or may be a substantial cause of adverse effect on the national economy or any sector thereof or on a domestic industry, may transmit a written petition to the Secretary requesting the monitoring of exports or the imposition of export controls, or both, with respect to such material, in order to carry out the policy set forth in section 3(2)(C) of this Act.".

(b) Section 7(c)(1)(B) of the Act is amended—

(1) in clause (i) by striking out "and" after "supply,"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof ", and (iii) that the criteria set forth in paragraph (3)(A) of this subsection are satisfied.".

(c) Section 7(c)(1) of the Act is further amended by adding at the end thereof the following:

"(C)(i) For purposes of this subsection, the term 'substantial cause' means a cause which is important and not less than any other cause.

"(ii) Before March 1, 1984, the Secretary shall issue regulations, in accordance with section 553 of title 5, United States Code, which define the operative terms contained in section 3(2)(C) of this Act and in this subsection, including but not limited to the following: 'excessive drain', 'scarce materials', 'serious inflationary impact of foreign demand', 'domestic shortage', 'increase in domestic prices' and 'increase in the domestic price', 'representative of an industry or a substantial segment of an industry', 'domestic industry', 'specific period of time', 'national economy or any sector thereof', 'significant increase in exports', and 'adverse effect'.".

(d) Section 7(c)(3) of the Act is amended to read as follows:

"(3)(A) Within 45 days after the end of the 30-day or 45-day period described in paragraph (2), as the case may be, the Secretary shall determine whether to impose monitoring or controls, or both, on the export of the material which is the subject of the petition, in order to carry out the policy set forth in section 3(2)(C) of this Act. In making such determination, the Secretary shall determine whether—

"(i) there has been a significant increase, in relation to a specific period of time, in exports of such material;

"(ii) there has been a significant increase in the domestic price of such material or a domestic shortage of such material and exports are a substantial cause of such domestic price increase or domestic shortage;

"(iii) exports of such material are or may be a substantial cause of adverse effect on the national economy or any sector thereof or on a domestic industry; and

"(iv) monitoring or controls or both are necessary in order to carry out the policy set forth in section 3(2)(C) of this Act.

"(B) The Secretary shall publish in the Federal Register a detailed statement of the reasons for the Secretary's determination pursuant to subparagraph (A) of whether to impose monitoring or controls, or both, including the findings of fact in support of that determination.".

(e) Section 7(c)(6) of the Act is amended to read as follows:

"(6) If a petition with respect to a particular material or group of materials has been considered in accordance with all the procedures prescribed in this subsection, the Secretary shall not consider any other petition with respect to the same material or group of materials which is filed within 6 months after final action on the prior petition has been completed.".

(f) Section 7(c) of the Act is further amended—

(1) by striking out paragraph (8) and redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively;

(2) by amending paragraph (8), as redesignated by paragraph (1) of this subsection, to read as follows:

"(8) The authority under this subsection shall not be construed to affect the authority of the Secretary under any provision of this Act other than this section."; and

(3) by adding at the end thereof the following:

"(10) Notwithstanding subsection (a) or (b) of this section, no action in response to an informal or formal request by any entity described in paragraph (1)(A) of this subsection to impose controls on or monitor the export of metallic materials capable of being recycled shall be taken under this section except pursuant to this subsection. The Secretary, in any other case, may not impose controls on or monitor the export of metallic materials capable of being recycled unless the Secretary makes the determination required by paragraph (3)(A) of this subsection with respect to such controls or monitoring and complies with paragraph (3)(B) with respect to that determination.".

(g) Section 13(a) of the Act is amended by striking out "section 11(c)(2)" and inserting in lieu thereof "sections 7(c)(1)(C)(ii) and 11(c)(2)".

DOMESTICALLY PRODUCED CRUDE OIL

Sec. 117. Section 7(d) of the Act (50 U.S.C. App. 2406(d)) is amended—

(1) in paragraph (1) by striking out "unless" and all that follows through "met" and inserting in lieu thereof "subject to paragraph (2) of this subsection";

(2) in paragraph (2)(A) by striking out "makes and publishes" and inserting in lieu thereof "so recommends to the Congress after making and publishing";

(3) in paragraph (2)(B)—

(A) by striking out "reports such findings" and inserting in lieu thereof "includes such findings in his recommendation"; and

(B) by striking out "thereafter" and all that follows through the end of the sentence and inserting in lieu thereof "after receiving that recommendation, agrees to a joint resolution approving such exports on the basis of those findings which is thereafter enacted into law."; and

(4) by adding at the end thereof the following:

"(4) Notwithstanding the provisions of section 20 of this Act, the provisions of this subsection shall expire on September 30, 1987.".

REFINED PETROLEUM PRODUCTS

SEC. 118. Section 7(e)(1) of the Act (50 U.S.C. App. 2406(e)(1)) is amended in the first sentence by striking out "No" and inserting in lieu thereof "In any case in which the President determines that it is necessary to impose export controls on refined petroleum products in order to carry out the policy set forth in section 3(2)(C) of this Act, the President shall notify the Congress of that determination. The President shall also notify the Congress if and when he determines that such export controls are no longer necessary. During any period in which a determination that such export controls are necessary is in effect, no".

AGRICULTURAL EXPORTS

SEC. 119. (a) Section 7(g)(3) of the Act (50 U.S.C. App. 2406(g)(3)) is amended by amending the second sentence to read as follows: "If the Congress, within 60 days after the date of its receipt of such report, does not adopt a joint resolution approving such prohibition or curtailment, then such prohibition or curtailment shall cease to be effective at the end of that 60-day period.".

(b) The third sentence of section 7(g)(3) of the Act is amended by striking out "30-day" and inserting in lieu thereof "60-day".

LICENSING PROCEDURES

SEC. 120. (a) Section 10(c) of the Act (50 U.S.C. App. 2409(c)) is amended by striking out "90" and inserting in lieu thereof "60".

(b) Section 10(f)(2) of the Act is amended—

(1) by inserting "in writing" after "inform the applicant"; and

(2) by striking out ", and shall accord" and all that follows through the end of the paragraph and inserting in lieu thereof a period and the following: "Before a final determination with respect to the application is made, the applicant shall be entitled—

"(A) to respond in writing to such questions, considerations, or recommendations within 30 days after receipt of such information from the Secretary; and

"(B) upon the filing of a written request with the Secretary within 15 days after the receipt of such information, to respond in person to the department or agency raising such questions, considerations, or recommendations.".

(c) Section 10(f)(3) of the Act is amended—

(1) in the first sentence—

(A) by inserting "the proposed" before "denial" the first two places it appears; and

(B) by striking out "denial" the third place it appears and inserting in lieu thereof "determination to deny the application"; and

(2) by inserting after the first sentence the following new sentence: "The Secretary shall allow the applicant at least 30 days to respond to the Secretary's determination before the license application is denied.".

(d) Section 10 of the Act is amended—

(1) in the section heading by adding "; OTHER INQUIRIES" after "APPLICATIONS"; and

(2) by adding at the end thereof the following new subsections:

"(k) CHANGES IN REQUIREMENTS FOR APPLICATIONS.—Except as provided in subsection (b)(3) of this section, in any case in which, after a license application is submitted, the Secretary changes the requirements for such a license application, the Secretary may request appropriate additional information of the applicant, but the Secretary may not return the application to the applicant without action because it fails to meet the changed requirements.

"(l) OTHER INQUIRIES.—(1) In any case in which the Secretary receives a written request asking for the proper classification of a good or technology on the commodity control list, the Secretary shall, within 10 days after receipt of the request, inform the person making the request of the proper classification.

"(2) In any case in which the Secretary receives a written request for information about the applicability of export license requirements under this Act to a proposed export transaction or series of transactions, the Secretary shall, within 30 days after receipt of the request, reply with that information to the person making the request.

"(m) Not later than 90 days after enactment of this subsection, and not later than the end of each 3-month period thereafter, the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives, and to the Committees on Banking, Housing and Urban Affairs and on Foreign Relations of the Senate, a report listing all applications completed during the preceding 90 days which required more than 60 calendar days of processing before notification of a decision was sent to the applicant, and all applications not yet decided which have been in process more than 60 calendar days. With regard to each such application the report shall identify (1) the application case number, (2) the value of the goods or technology to which the application relates, (3) the country of destination of the goods, (4) the date on which the application was received by the Secretary, (5) the date on which the Secretary granted or denied the application, (6) the date on which the notification of approval or denial of the application was sent to the applicant, (7) the total number of days which elapsed between receipt of the application, in its properly completed form, and the earlier of the last day of the 3-month period to which the report relates, or the date that notification of the Secretary's decision on the application was sent, and (8) if the application was referred to other departments or agencies, a list of those departments or agencies, the dates on which the application was so referred, and the dates on which recommendations were received from each such agency or department. If more than 30 days elapses after referral of an application before any such department or agency submits its recommendations on such application to the Secretary, the report shall also list the divisions or offices within such department or agency responsible for processing the application. Each report shall also include a summary of the number of applications, and the value of the goods or technology involved in the applications, grouped according to the number of days before action on the applications was completed, as follows: 60-75 days, 76-90 days, 91-105 days, 106-120 days, and over 120 days. The report shall also include a summary by country of destination of the number of applications, and the value of the goods or technology involved in the applications, on which action was not completed within 60 days.".

TECHNICAL AMENDMENTS

SEC. 121. (a)(1) Section 7(i)(1) of the Act (50 U.S.C. App. 2406(i)(1)) is amended in the last sentence by inserting "harvested from State or Federal lands" after "red cedar logs".

(2) Section 7(i)(4)(A) of the Act is amended to read as follows:

"(A) lumber of American Lumber Standards Grades of Number 3 dimension or better, or Pacific Lumber Inspection Bureau Export R-List Grades of Number 3 common or better;".

(b) Section 17(a) of the Act (50 U.S.C. App. 2416(a)) is amended by striking out "Nothing" and inserting in lieu thereof "Except as otherwise provided in this Act, nothing".

(c) Section 17 of the Act is further amended by adding at the end thereof the following:

"(f) AGRICULTURAL ACT OF 1970.—Nothing in this Act shall affect the provisions of the last sentence of section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3).".

(d) Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) is amended by striking out "(f)" and inserting in lieu thereof "(g)".

AUTHORIZATION OF APPROPRIATIONS

SEC. 122. (a) Section 18 of the Act (50 U.S.C. App. 2417) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 18. (a) REQUIREMENT OF AUTHORIZING LEGISLATION.—(1) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out the purposes of this Act may be obligated or expended only if—

"(A) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of the Export Administration Amendments Act of 1983; or

"(B) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

"(2) To the extent that legislation enacted after the making of an appropriation to carry out the purposes of this Act authorizes the obligation or expenditure thereof, the limitation contained in paragraph (1) shall have no effect.

"(3) The provisions of this subsection shall not be superseded except by a provision of law enacted after the date of the enactment of the Export Administration Amendments Act of 1983 which specifically repeals, modifies, or supersedes the provisions of this subsection.

"(b) AUTHORIZATION.—There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

"(1) $24,600,000 for each of the fiscal years 1984 and 1985, of which for each such fiscal year $15,000,000 shall be available only for enforcement, $2,100,000 shall be available only for foreign availability assessments under subsections (f) and (h)(6) of section 5 of this Act, and $7,500,000 shall be available for all other activities under this Act; and

"(2) such additional amounts for each such fiscal year as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

TERMINATION OF AUTHORITY

SEC. 123. Section 20 of the Act (50 U.S.C. App. 2419) is amended to read as follows:

"TERMINATION DATE

"SEC. 20. The authority granted by this Act terminates on September 30, 1985.".

HOURS OF OFFICE OF EXPORT ADMINISTRATION

SEC. 124. The Secretary shall modify the office hours of the Office of Export Administration of the Department of Commerce on at least four days of each workweek so as to accommodate communications to the Office by exporters throughout the continental United States during the normal business hours of those exporters. The Secretary of Commerce shall conduct a study to determine the feasibility of using computer terminals located at ports and other points of exit from and entry into the United States in order to facilitate relevant agency interaction and to reduce delays in the issuance of export licenses under the Export Administration Act of 1979.

TITLE II—EXPORT PROMOTION PROGRAMS

REQUIREMENT OF PRIOR AUTHORIZATION

SEC. 201. (a) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out any export promotion program may be obligated or expended only if—

(1) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of this Act; or

(2) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

(b) To the extent that legislation enacted after the making of an appropriation to carry out any export promotion program authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) For purposes of this title, the term "export promotion program" means any activity of the Department of Commerce designed to stimulate or assist United States businesses in marketing their goods and services abroad competitively with businesses from other countries, including but not limited to—

(1) trade development (except for the trade adjustment assistance program) and dissemination of foreign marketing opportunities and other marketing information to United States producers of goods and services, including the expansion of foreign markets for United States textiles and apparel and any other United States products;

(2) the development of regional and multilateral economic policies which enhance United States trade and investment interests, and the provision of marketing services with respect to foreign countries and regions;

(3) the exhibition of United States goods in other countries;

(4) the operations of the United States Commercial Service and the Foreign Commercial Service, or any successor agency; and

(5)(a) establishment of a cooperative program, on a demonstration basis with the Department of Transportation, consistent with provisions of this Act, the International Aviation Facilities Act, the Federal Aviation Act of 1958, and United States foreign policy goals to:

(i) initiate technical assistance programs with the aviation authorities of other governments; and

(ii) initiate programs to assist United States firms in their efforts to export aerospace products and services. Such programs may include, but are not limited to:

(A) use of United States firms in technical assistance programs initiated with foreign governments;

(B) assisting United States firms to prepare and submit proposals to foreign governments or foreign aviation concerns;

(C) providing technical consultation and project management assistance to United States firms once foreign governments or aviation concerns have awarded contracts to United States firms; and

(D) assisting United States private sector civil aviation entities to develop training programs, by providing Federal Aviation Administration safety information, educational material, and advice.

(b) the Secretary shall report to the Congress not later than April 30, 1985, on the implementation of this program making recommendations on the advisability of its continuation and expansion to involve other sectors of the economy and Federal departments or agencies.

AUTHORIZATION OF APPROPRIATIONS

SEC. 202. There is authorized to be appropriated for each of the fiscal years 1984 and 1985 to the Department of Commerce to carry out export promotion programs $100,458,000.

BARTER ARRANGEMENTS

SEC. 203. (a) The President shall, not later than one hundred eighty days after the date of the enactment of this Act, submit to the Congress a contingency plan for the promotion of exports of agricultural commodities through the bartering of surplus agricultural commodities produced in the United States for petroleum and petroleum products, and for other materials vital to the national interest, which are produced abroad, and make recommendations as to the feasibility of implementing such bartering.

(b) Notwithstanding any other provision of law, the President is authorized—

(1) to barter stocks of agricultural commodities acquired by the Government for petroleum and petroleum products, and for other materials vital to the national interest, which are produced abroad, in situations in which sales would otherwise not occur; and

(2) to purchase petroleum and petroleum products, and other materials vital to the national interest, which are produced abroad and acquired by persons in the United States through barter for agricultural commodities produced in and exported from the United States through normal commercial trade channels.

(c) The President shall take steps to insure that any barters described in subsections (a) and (b)(1) and any purchases authorized by subsection (b)(2) safeguard existing export markets for agricultural commodities operating on conventional business terms from displacement by barters described in subsections (a), (b)(1), and (b)(2).

TITLE III—SOUTH AFRICA

SHORT TITLE

SEC. 301. This title may be cited as the "United States Policy Toward South Africa Act of 1983".

SUBTITLE 1—LABOR STANDARDS

ENDORSEMENT AND IMPLEMENTATION OF FAIR EMPLOYMENT PRINCIPLES

SEC. 311. Any United States person who—

(1) has a branch or office in South Africa, or

(2) controls a corporation, partnership, or other enterprise in South Africa,

in which more than twenty people are employed shall take the necessary steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, those principles relating to employment practices set forth in section 312 of this Act are implemented.

STATEMENT OF PRINCIPLES

SEC. 312. (a) The principles referred to in section 311 of this Act are as follows:

(1) Desegregating the races in each employment facility, including—

(A) removing all race designation signs;

(B) desegregating all eating, rest, and work facilities; and

(C) terminating all regulations which are based on racial discrimination.

(2) Providing equal employment for all employees, including—

(A) assuring that any health, accident, or death benefit plans that are established are nondiscriminatory and open to all employees, whether they are paid a salary or are compensated on an hourly basis; and

(B) implementing equal and nondiscriminatory terms and conditions of employment for all employees, and abolishing job reservations, job fragmentation, apprenticeship restrictions for blacks and other nonwhites, and differential employment criteria, which discriminate on the basis of race or ethnic origin.

(3) Establishing equal pay for all employees doing equal or comparable work, including—

(A) establishing and implementing, as soon as possible, a wage and salary structure which is applied equally to all employees, regardless of race, who are engaged in equal or comparable work;

(B) reviewing the distinction between hourly and salaried job classifications, and establishing and implementing an equitable and unified system of job classifications which takes into account such review; and

(C) eliminating inequities in seniority and ingrade benefits so that all employees, regardless of race, who perform similar jobs are eligible for the same seniority and ingrade benefits.

(4) Establishing a minimum wage and salary structure based on a cost-of-living index which takes into account the needs of employees and their families.

(5) Increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs, including—

(A) developing training programs that will prepare substantial numbers of blacks and other nonwhites for such jobs as soon as possible, including—

(i) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of employees, and

(ii) creating on-the-job training programs and facilities to assist employees to advance to higher paying jobs requiring greater skills;

(B) establishing procedures to assess, identify, and actively recruit employees with potential for further advancement;

(C) identifying blacks and other nonwhites with high management potential and enrolling them in accelerated management programs;

(D) establishing and expanding programs to enable employees to further their education and skills at recognized education facilities; and

(E) establishing timetables to carry out this paragraph.

(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health, including—

(A) providing assistance to black and other nonwhite employees for housing, health care, transportation, and recreation either through the provision of facilities or services or providing financial assistance to employees for such purposes, including the expansion or creation of in-house medical facilities or other medical programs to improve medical care for black and other nonwhite employees and their dependents; and

(B) participating in the development of programs that address the education needs of employees, their dependents, and the local community.

(7) Recognizing labor unions and implementing fair labor practices, including—

(A) recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity;

(B) refraining from—

(i) interfering with, restraining, or coercing employees in the exercise of their rights of self-organization under this paragraph,

(ii) dominating or interfering with the formation or administration of any labor organization, or sponsoring, controlling, or contributing financial or other assistance to it,

(iii) encouraging or discouraging membership in any labor organization by discrimination in regard to hiring, tenure, promotion, or other condition of employment,

(iv) discharging or otherwise disciplining or discriminating against any employee who has exercised any rights of self-organization under this paragraph, and

(v) refusing to bargain collectively with any organization freely chosen by employees under this paragraph;

(C) allowing employees to exercise rights of self-organization, including solicitation of fellow employees during nonworking hours, allowing distribution and posting of union literature by employees during nonworking hours in nonworking areas, and allowing reasonable access to labor organization representatives to communicate with employees on employer premises at reasonable times;

(D) allowing employee representatives to meet with employer representatives during working hours without loss of pay for purposes of collective bargaining, negotiation of agreements, and representation of employee grievances;

(E) regularly informing employees that it is company policy to consult and bargain collectively with organizations which are freely elected by the employees to represent them; and

(F) utilizing impartial persons mutually agreed upon by employer and employee representatives to resolve disputes concerning election of representatives, negotiation of agreements or grievances arising thereunder, or any other matters arising under this paragraph.

(b) The Secretary may issue guidelines and criteria to assist persons who are or may be subject to this subtitle in complying with the principles set forth in subsection (a) of this section. The Secretary may, upon request, give an advisory opinion to any person who is or may be subject to this subtitle as to whether that person is subject to this subtitle or would be considered to be in compliance with the principles set forth in subsection (a).

ADVISORY COUNCILS

Sec. 313. (a) The Secretary shall establish in South Africa an Advisory Council (1) to advise the Secretary with respect to the implementation of those principles set forth in section 312(a), and (2) to review periodically the reports submitted pursuant to section 314(a) and, where necessary, to supplement the information contained in such reports. The Advisory Council shall be composed of ten members appointed by the Secretary from among persons representing trade unions committed to nondiscriminatory policies, the United States Chamber of Commerce in South Africa, and the South African academic community, and from among South African community and church leaders who have demonstrated a concern for equal rights. In addition to the ten appointed members of the Advisory Council, the United States Ambassador to South Africa shall be a member of the Advisory Council, ex officio.

(b) The Secretary shall establish in the United States an American Advisory Council to make policy recommendations with respect to the labor practices of United States persons in South Africa and to review periodically the progress of such persons in carrying out the provisions of section 311 of this Act. The American Advisory Council shall be composed of 11 members appointed by the Secretary from among qualified persons, including officers and employees of the Department of State, the Department of Commerce, the Department of Labor, and the Equal Employment Opportunity Commission, and representatives of labor, business, civil rights, and religious organizations. The Secretary shall publish in the Federal Register any recommendations made by the American Advisory Council under this subsection.

(c) Members of the Advisory Council in South Africa and of the American Advisory Council shall be appointed for 3-year terms, except that of the members first appointed, three on each Council shall be appointed for terms of two years, and three on each Council shall be appointed for terms of one year, as designated at the time of their appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

(d) The United States Ambassador to South Africa shall provide to the Advisory Council in South Africa the necessary clerical and administrative assistance. The Secretary shall provide such assistance to the American Advisory Council.

(e) Members of the Advisory Council in South Africa and of the American Advisory Council shall serve without pay, except that, while away from their homes or regular places of business in the performance of services for the respective Councils, members of the Advisory Councils shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

ENFORCEMENT; SANCTIONS

Sec. 314. (a) Each United States person referred to in section 311 of this Act shall submit to the Secretary (1) a detailed and fully documented annual report on the progress of that person in complying with the provisions of this subtitle, and (2) such other information as the Secretary determines is necessary.

(b) In order to insure compliance with this subtitle and any regulations issued to carry out this subtitle, the Secretary—

(1) shall establish mechanisms to monitor such compliance, including onsite monitoring with respect to each United States person referred to in section 311 of this Act at least once in every two-year period;

(2) shall make reasonable efforts within a reasonable period of time to secure such compliance by means of conference, conciliation, mediation, and persuasion;

(3) shall, in any case in which the Secretary has reason to believe that any person has furnished the Secretary with false information relating to the provisions of this subtitle, recommend to the Attorney General that criminal proceedings be brought against such person; and

(4) may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpena the attendance and testimony of witnesses and production of all books, papers, and documents relating to any matter under investigation.

(c) The Secretary shall, within ninety days after giving notice and an opportunity for a hearing to each United States person referred to in section 311 of this Act, make a determination with respect to the compliance of that United States person with the provisions of this subtitle and any regulations issued to carry out this subtitle.

(d)(1) Any United States person with respect to whom the Secretary makes a determination under subsection (c) or (f) of this section either that the person is not in compliance with this subtitle or any regulations issued to carry out this subtitle, or that the compliance of the person with this subtitle or those regulations cannot be established on account of a failure to provide information to the Secretary or on account of the provision of false information to the Secretary, may not export any goods or technology directly or indirectly to South Africa.

(2)(A) In addition to the penalties set forth in paragraph (1), the Secretary may impose upon any United States person subject to those penalties—

(i) if other than an individual, a fine of not more than $1,000,000, or

(ii) if an individual, a fine of not more than $50,000.

(B)(i) Any officer, director, or employee of a United States person subject to the penalties set forth in subparagraph (A), or any individual in control of that United States person, who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation involved and (ii) any agent of such United States person who knowingly and willfully carried out such act or practice, shall be subject to a fine, imposed by the Secretary, of not more than $10,000.

(C) A fine imposed under subparagraph (B) may not be paid, directly or indirectly, by the United States person committing the violation involved.

(D) The payment of any fine imposed under this paragraph shall be deposited in the miscellaneous receipts of the Treasury. In the event of the failure of any person to pay a fine imposed under this paragraph, the fine may be recovered in a civil action in the name of the United States brought by the Secretary in an appropriate United States district court.

(3) Any United States person who exports any goods or technology in violation of paragraph (1) of this subsection shall, in addition to any other penalty specified in this subtitle, be fined, for each such violation, not more than five times the value of the exports involved or $50,000, whichever is greater, or imprisoned not more than five years, or both. For purposes of paragraph (1) and this paragraph, "goods" and "technology" have the same meanings as are given those terms in paragraphs (3) and (4) of section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415).

(e) The Secretary shall issue an order carrying out any penalty imposed under paragraph (1) or (2) of subsection (d).

(f)(1) The Secretary shall, at least once in every two-year period, review and, in accordance with subsection (c), make a redetermination with respect to the compliance of each United States person referred to in section 311 of this Act with the provisions of this subtitle and any regulations issued to carry out this subtitle.

(2) In the case of any United States person with respect to whom the Secretary makes a determination under subsection (c) or paragraph (1) of this subsection either that the person is not in compliance with this subtitle or any regulations issued to carry out this subtitle, or that the compliance of the person with this subtitle or those regulations cannot be established on account of a failure to provide information to the Secretary or on account of the provision of false information to the Secretary, the Secretary shall, upon the request of that person and after giving that person an opportunity for a hearing, review and redetermine that person's compliance within sixty days after that person files the first annual report pursuant to subsection (a) of this section after the negative determination is made.

(g) Any United States person aggrieved by a determination of the Secretary under subsection (c) or (f) of this section may seek judicial review of that determination in accordance with the provisions of chapter 7 of title 5, United States Code.

(h) The Secretary shall submit an annual report to the Congress on the compliance of those United States persons referred to in section 311 of this Act with the provisions of this subtitle.

REGULATIONS

Sec. 315. (a) The Secretary shall, after consulting with the Advisory Councils established pursuant to section 313 of this Act, issue such regulations as are necessary to carry out this subtitle. Such regulations shall be issued not later than one hundred and eighty days after the date of the enactment of this Act. The Secretary shall establish dates by which United States persons must comply with the different provisions of this subtitle, except that the date for compliance with all the provisions of this subtitle shall not be later than one year after the date of the enactment of this Act.

(b) Before issuing final regulations pursuant to subsection (a), the Secretary shall publish in the Federal Register the regulations proposed to be issued and shall give interested persons at least thirty days to submit comments on the proposed regulations. The Secretary shall, in issuing the final regulations, take into account the comments so submitted.

WAIVER OR TERMINATION OF PROVISIONS

Sec. 316. (a) In any case in which the President determines that compliance by a United States person with the provisions of this subtitle would harm the national security of the United States, the President may waive those provisions with respect to that United States person if the President publishes each waiver in the Federal Register and submits each waiver and the justification for the waiver to the Congress and if the Congress enacts a joint resolution approving the waiver.

(b) Upon a written determination by the President that the Government of South Africa has terminated its practice of systematic racial discrimination and allows all the people of South Africa, regardless of race or ethnic origin, to participate fully in the social, political, and economic life in that country, the provisions of this subtitle and any regulations issued to carry out this subtitle shall cease to be effective.

SUBTITLE 2—PROHIBITION ON LOANS AND IMPORTATION OF GOLD COINS

LOANS TO SOUTH AFRICA

Sec. 321. (a) No bank operating under the laws of the United States may make any loan directly or through a foreign subsidiary to the South African Government or to any corporation, partnership, or other organization which is owned or controlled by the South African Government, as determined under regulations issued by the Secretary. The prohibition contained in this subsection shall not apply to loans for educational, housing, or health facilities which are available to all persons on a totally nondiscriminatory basis and which are located in geographic areas accessible to all population groups without any legal or administrative restriction.

(b) The prohibition contained in subsection (a) of this section shall not apply to any loan or extension of credit for which an agreement is entered into before the date of the enactment of this Act.

GOLD COINS

Sec. 322. No person, including any bank operating under the laws of the United States, may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the South African Government.

ENFORCEMENT; PENALTIES

Sec. 323. (a) The Secretary, in consultation with the Secretary of the Treasury and the Secretary of Commerce, shall take the necessary steps to insure compliance with the provisions of this subtitle, including—

(1) issuing such regulations as the Secretary considers necessary to carry out this subtitle;

(2) establishing mechanisms to monitor compliance with the provisions of this subtitle and any regulations issued pursuant to paragraph (1) of this subsection;

(3) in any case in which the Secretary has reason to believe that a violation of this subtitle has occurred or is about to occur, referring the matter to the Attorney General for appropriate action; and

(4) in any case in which the Secretary has reason to believe that any person has furnished the Secretary with false information relating to the provisions of this subtitle, referring the matter to the Attorney General for appropriate action.

(b)(1) Any person, other than an individual, that violates section 321 or 322 of this Act shall be fined not more than $1,000,000.

(2) Any individual who violates section 321 of this Act shall be fined not more than $50,000, or imprisoned not more than five years, or both.

(3) Any individual who violates section 322 of this Act shall be fined not more than five times the value of the krugerrands or gold coins involved.

(c)(1) Whenever a person other than an individual violates section 321 or 322 of this Act—

(A) any officer, director, or employee of such person, or any natural person in control of such person, who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

WAIVER BY PRESIDENT

Sec. 324. The President may waive the prohibitions contained in sections 321 and 322 of this Act for a period of not more than one year if the President determines that the Government of South Africa has made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life in that country and toward an end to discrimination based on race or ethnic origin, if the President submits any such determination, and the basis for the determination, to the Congress, and if the Congress enacts a joint resolution approving the determination.

SUBTITLE 3—INVESTMENT IN SOUTH AFRICA

PROHIBITION

Sec. 331. The President shall, not later than 90 days after the date of the enactment of this Act, issue regulations prohibiting any United States person from making any investment in South Africa. For purposes of the preceding sentence, the term "investment" means—

(1) establishing or making a loan or other extension of credit for the establishment of a business enterprise in South Africa, including a subsidiary, affiliate, branch, or office in South Africa; and

(2) investing funds in an existing enterprise in South Africa, including making a loan or other extension of credit, except that this paragraph shall not be construed to prohibit—

(A) an investment which consists of earnings derived from an enterprise in South Africa established before the date of the enactment of this Act and which is made in that enterprise; or

(B) the purchase of securities on a securities exchange.

The President may issue such licenses or orders as are necessary to carry out this section.

ENFORCEMENT; PENALTIES

Sec. 332. (a) The President shall take the necessary steps to insure compliance with the regulations issued pursuant to section 331, including establishing mechanisms to monitor compliance with such regulations. The President may also hold hearings, issue subpenas, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpena the attendance and testimony of witnesses and production of all books, papers, and documents relating to any matter under investigation.

(b)(1) Any United States person, other than an individual, that violates the regulations issued pursuant to section 331 of this Act or any license or order issued under this subtitle shall be fined not more than $1,000,000.

(2) Any individual who violates the regulations issued pursuant to section 331 of this Act or any license or order issued under this subtitle shall be fined not more than $50,000, or imprisoned not more than five years, or both.

(c)(1) Whenever a United States person violates the regulations issued pursuant to section 331 of this Act or any license or order issued under this subtitle—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the United States person committing the violation itself.

TERMINATION OF PROHIBITION

Sec. 333. If the President determines that the Government of South Africa has made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life in that country and toward an end to discrimination based on race or ethnic origin, the President shall submit that determination, and the basis therefor, to the Congress. The regulations issued pursuant to this subtitle, and any license or order issued under this subtitle, shall terminate upon enactment of a joint resolution approving such determination.

Subtitle 4—General Provisions

COOPERATION OF OTHER DEPARTMENTS AND AGENCIES

Sec. 341. (a) Each department and agency of the United States shall cooperate with the Secretary in carrying out the provisions of this title, including, upon the request of the Secretary, taking steps to insure compliance with the provisions of this title and any regulations issued to carry out this title.

(b) The Secretary may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out the Secretary's functions under this title.

DEFINITIONS

Sec. 342. For purposes of this title—

(1) the term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term "Secretary" means the Secretary of State;

(3) the term "South Africa" includes the Republic of South Africa; any territory under the administration, legal or illegal, of South Africa; and the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, and Venda; and

(4) a United States person shall be presumed to control a corporation, partnership, or other enterprise in South Africa if—

(A) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 per centum of the outstanding voting securities of the corporation, partnership, or enterprise;

(B) the United States person beneficially owns or controls (whether directly or indirectly) 25 per centum or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(E) the United States person has authority to appoint a majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(F) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

APPLICABILITY TO EVASIONS OF TITLE

Sec. 343. (a) Subtitle 1 of this title shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of subtitle 1 of this title or any regulations issued to carry out that subtitle.

(b) Subtitle 2 of this title shall apply to any bank operating under the laws of the United States, or to any other person, who or which undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of subtitle 2 of this title or any regulations issued to carry out that subtitle.

(c) The regulations issued pursuant to subtitle 3 of this title shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of those regulations.

CONSTRUCTION OF TITLE; SEVERABILITY

Sec. 344. (a) Nothing in this title shall be construed as constituting any recognition by the United States of the homelands referred to in section 342(3) of this Act.

(b) If any provision of this title or the application of this title to any person or circumstance is held invalid, neither the remainder of this title nor the application of that provision to other persons or circumstances shall be affected thereby.

TITLE IV—SOVIET UNION

GOLD COINS

Sec. 401. No person, including any bank operating under the laws of the United States, may import into the United States any gold coin minted in the Soviet Union or offered for sale by the Government of the Soviet Union.

ENFORCEMENT; PENALTIES

Sec. 402. (a) The Secretary, in consultation with the Secretary of the Treasury and the Secretary of Commerce, shall take the necessary steps to insure compliance with the provisions of section 401, including—

(1) issuing such regulations as the Secretary considers necessary to carry out section 401;

(2) establishing mechanisms to monitor compliance with the provisions of section 401 and any regulations issued pursuant to paragraph (1) of this subsection;

(3) in any case in which the Secretary has reason to believe that a violation of section 401 has occurred or is about to occur, referring the matter to the Attorney General for appropriate action; and

(4) in any case in which the Secretary has reason to believe that any person has furnished the Secretary with false information relating to the provisions of section 401, referring the matter to the Attorney General for appropriate action.

(b)(1) Any person, other than an individual, that violates section 401 of this Act shall be fined not more than $1,000,000.

(2) Any individual who violates section 401 of this Act shall be fined not more than fives times the value of the gold coins involved.

(c)(1) Whenever a person violates section 401 of this Act—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

APPLICABILITY TO EVASIONS OF TITLE

Sec. 403. This title shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of this title or any regulations issued to carry out this title.

COOPERATION OF OTHER DEPARTMENTS AND AGENCIES

Sec. 404. (a) Each department and agency of the United States shall cooperate with the Secretary in carrying out the provisions of this title, including, upon the request of the Secretary, taking steps to insure compliance with the provisions of this title and any regulations issued to carry out this title.

(b) The Secretary may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out the Secretary's functions under this title.

DEFINITION

Sec. 405. For purposes of this title, the term "Secretary" means the Secretary of State.

The SPEAKER. The question is on the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. Bonker).

The amendment in the nature of a substitute was agreed to.

The SPEAKER. The Senate bill was ordered to be read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

□ 1130

APPOINTMENT OF CONFEREES ON S. 979

Mr. BONKER. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 979, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Washington? The Chair hears none, and appoints the following conferees: Messrs. Fascell, Hamilton, Yatron, Solarz, Bonker, Ireland, Mica, Barnes, Wolpe, Gejdenson, Berman, and Roth, Ms. Snowe, and Messrs. Bereuter, Solomon, and Zschau;

Solely for section 109 of the House amendment, Mr. Hutto, Mrs. Byron, and Mr. Courter; and

Solely for those provisions of sections 6, 9, and 29 of S. 979 which are within the jurisdiction of the Committee on Ways and Means, Messrs. Gibbons, Jones of Oklahoma, and Frenzel.

PERMISSION FOR SUBCOMMITTEE ON NATURAL RESOURCES, AGRICULTURE RESEARCH AND ENVIRONMENT OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Natural Resources, Agriculture Research and Environment of the Committee on Science and Technology be permitted to sit while the House is operating under the 5-minute rule.

This request has been cleared by the committee's ranking Members, and the subject of the hearing is UNESCO oversight.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DOES HART HAVE HEART?

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, of late there has been talk about something called the compassion gap. I am not sure I know what it means. The only gap developing out there is the one between Gary Hart and the rest of the field.

Senator Hart's voting record on civil rights is among the best in the Senate. His voting record on seniors issues is among the best in the Senate. He made women's issues a central theme in his candidacy. I prefer to judge a person on their actions, their record. On that score, Senator Hart has nothing to answer for.

Senator Hart is also the only candidate, including the incumbent President, to show compassion for the unemployed by proposing bold, creative new ideas for dealing with unemployment and industrial stagnation. One million more Americans are unemployed today than when Reagan took office. Millions more were unemployed at some time during the present administration.

Hart proposes to get them back to work. That is compassion.

THE MX HAS STRUCK OUT

(Mr. BATES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, an important issue is coming back before the House, the MX missile, a provocative, expensive weapons system that should not be used as a first-strike weapon and cannot be used as a second-strike weapon. Therefore, it seems to me the MX has struck out.

The President has not achieved progress in arms control, using MX as leverage, as he indicated. The vote has continued to narrow on approval of this expensive system from a 53-vote margin to a 13-vote margin, and the last approval was by only a 6-vote margin.

Mr. Speaker, now is the time to reduce the deficit and defeat the MX.

LOOPHOLE OF THE WEEK

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, all American households are now struggling with their Internal Revenue Service tax forms. At the same time, recent polls show that Americans believe the Federal income tax is the most unfair tax of all. And with good reason. The Tax Code contains more than 100 major loopholes, totaling more than $250 billion this year. For instance, major corporations last year received more in tax breaks than they paid in taxes. Individuals earning more than $200,000 a year have seen their tax burdens cut by one-third, but the effective tax rate on the average American has increased by 50 percent. We also know tax evasion runs rampant—to the tune of $81.5 billion in 1981. There are an unprecedented 57,869 cases in the Tax Court.

Today, several Members of this body will sketch a set of ideas for tax reform. In future weeks, we will highlight a "Loophole of the Week" to build our case for tax reform.

Restoring the faith of the American people in our tax system can be summed up in three words. Close tax loopholes.

TAX REFORM THROUGH ELIMINATION OF LOOPHOLES

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, I am pleased to have the opportunity to participate in the effort today to highlight inequities in our corporate and individual tax systems.

As a member of the Ways and Means Committee, I spearheaded a movement last November to amend H.R. 4170, the Tax Reform Act of 1984 to raise $33 billion over 3 years to meet Congress fiscal year 1984 budget resolution revenue target. In addition to raising revenue, the purpose of the amendment was to restore some of the progressivity in the Tax Code that was eroded by President Reagan's 1981 tax giveaways. Although H.R. 4170 did not reach the floor, I and other Members of Congress have contributed substantially to the debate over the need to act expeditiously to stem our skyrocketing budget deficits in a manner that distributes the tax burden equitably among all taxpayers.

At my request, the Joint Tax Committee prepares an annual study of the effective tax rate for corporations. The 1983 study was released last November showing that corporate America's share of the overall U.S. tax burden continues to decline and that wide disparities in effective tax rates exist among industries.

During subsequent 1-minute speeches, I will discuss the finding of the corporate tax study commissioned by me and Congressman Dorgan and certain tax loopholes that have eroded the historical and voluntary character of our Tax Code.

DISCRIMINATION ALLEGED AGAINST NORTHERN IRELAND RECIPIENT OF AIR FORCE CONTRACTS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, last Friday the Department of the Air Force awarded two contracts worth over $150 million to Short Bros. Ltd. of Northern Ireland as part of the EDSA program. I rise today to formally protest this action.

For almost a year, I and others, in Congress have worked to bar Shorts from getting the contract because of their proven record of discrimination against Catholics. They are Northern Ireland's largest employer, yet only 5 percent of their work force is Catholic. This despite being located in Belfast with 38 percent Catholics.

This contract should never have been awarded the way it was. We should have had a written commitment for Shorts that they would strictly comply with the Fair Employment Act. As an extra protection, the

Air Force should have agreed to monitor Shorts compliance. This was not done and that was wrong.

Therefore, I am circulating a letter to Secretary Weinberger to insist these conditions be met before the contract is formally executed. There will be at least 600 jobs from this contract. They belong to both communities in Northern Ireland as both certainly need them. If they do not, then American tax dollars will be used to subsidize continued discrimination rather than for meaningful economic development.

□ 1140

DESIGNATING MAY AS NATIONAL PHYSICAL FITNESS AND SPORTS MONTH

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, today I have introduced a joint resolution requesting the President to designate May as National Physical Fitness and Sports Month.

We all have many issues that we are involved in, some for political reasons, some for constituent reasons, and some for reasons of a personal nature. I chair the Maryland Commission on Physical Fitness, because it is an issue that I believe in very strongly. I have introduced this resolution because it is an issue I believe in very strongly. One out of every two adults in our country is a regular participant in exercises and sports.

We have just seen the completion of the Olympics in Sarajevo. We are about to become caught up in the fervor of the Olympics in Los Angeles. The Olympics are for those who achieve at the highest level. The National Physical Fitness and Sports Month is for the rest of us.

I hope my colleagues will join me in supporting this worthwhile endeavor.

RESOLUTION CALLING ON VATICAN TO EXCHANGE AMBASSADORS WITH ISRAEL

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, today it was reported that Pope John Paul has sent special envoys to Syria and Lebanon in an effort to cool the conflict that is devastating Lebanon and destabilizing the entire Middle East. I applaud this decision and hope that it helps set the stage for a broader peace effort.

But, Mr. Speaker, I remain concerned by the Vatican's failure to exchange Ambassadors with Israel. In the past, the Vatican has engaged in informal diplomatic exchanges and consultations with Israel, but it has failed to pursue formal diplomatic ties. This ongoing refusal to extend formal diplomatic relations with Israel weakens the Vatican's ability to act as a mediator in the region, and it weakens the position of moderate Arab States that have chosen to recognize Israel.

I have introduced a resolution in this House, which calls on the Vatican to exchange Ambassadors with Israel, because I believe that the Vatican can be a forceful and effective advocate for dialog and accommodation in the Middle East. Formal diplomatic recognition of Israel would be a small—but significant—step toward that goal, and it would help foster peace and stability in the Middle East and increased harmony among all peoples of all faiths throughout the world.

THE COURTS HAVE GONE TOO FAR ON SCHOOL PRAYER

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, as is usually the case when we consider amendments to our Constitution, we discover in the course of debate how complex, how subtle, how difficult the job is.

So it is with school prayer.

The power of prayer is not at issue. I believe it more powerful than an idea whose time has come.

The moral purity of Members of Congress is not an issue. We are as human as the people we represent. As an old poker player and backsliding Methodist, I am living testimony to that.

There are some legitimate questions at issue.

Have the courts gone so far in their adherence to the principle of separation of church and state that they have violated the companion principle of religious freedom?

I believe that the courts have gone too far in the past 20 years.

Just look at the New York case where a school principal ordered his teachers to stop kindergarten children from voluntarily saying grace before meals and was upheld by the courts.

I believe that voluntary prayer was allowed for and anticipated by our forefathers, is still the law, and we ought to make that clear to the courts and the American people.

On the other hand, do we want government prayer? No. Do we want mandatory prayer? No. Do we want political prayer? No. Or school prayer on a mimeograph sheet? No.

I, like every Member, am trying to sail the ship of state into the calm waters between these two rocky shoals. It is not easy.

The courts have gone too far. We must not make the same mistake.

THE PAY EQUITY ACT OF 1984

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, today I am introducing a bill, with a number of cosponsors, which is important to the working women of this Nation. This legislation, the Pay Equity Act of 1984, will encourage pay equity in the private sector and reinforce the Federal Government's responsibility to protect employees in this Nation from illegal pay discrimination.

Mr. Speaker, the poorest person in the country is a woman over 65. For them, it is a catch-22 situation. If you are paid in a manner which is not fair when you are younger, you are bound to be poorer when you are older.

Today, women now earn 61 cents for every dollar men earn. Four-fifths of all women who work are in a handful of traditional jobs: Nursing, teaching, clerical, library sciences, where by virtue of the fact they are female-dominated, they are paid less. The value of their work is not properly compensated.

In the State of Washington, for example, a recent study showed that any profession that was 70 percent female-dominated was paid 20 percent less than what men make.

Thus far, the Federal Government has made little effort to enforce pay equity laws. The present administration has come out against the principles which underlie pay equity.

Furthermore, the Equal Employment Opportunity Commission is not providing proper guidance to employers who may require assistance in restructuring their own pay systems. The Commission has taken a literal leave of absence from this issue.

This legislation complements a bill I introduced on January 23, H.R. 4599, the Federal Employees' Pay Equity Act of 1984, and is supported by more than 25 of my colleagues in the House, as well as various advocate organizations.

As chair of the Post Office and Civil Service Subcommittee on Compensation and Employee Benefits, I will be conducting a hearing on my legislation on April 3, at 10 a.m., in room 311 of the Cannon House Office Building.

BAHA'IS IN IRAN

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, I would like to take this opportunity to speak about one of the more blatant instances of human rights abuses in the world today—the persecution of the Baha'is in Iran.

The persecution of this religious group is one of the most glaring examples of the oppressive nature of the Ayatollah Khomeini's regime. Baha'is have been singled out by the Ayatollah as adherents of a heretical Islamic sect. More than 150 have been executed since 1979, most of them leaders of the Baha'i community. In June 1983, 17 Baha'is were hanged, including three teenage girls, despite pleas on their behalf by the international community.

Even more insidiously, Baha'is are treated as second-class citizens in Iran. Young children are often expelled from school. Baha'is are not permitted to attend Iranian universities simply because of their religious beliefs. More recently, all Baha'i organizations have been banned in Iran, and participation in them has been made a criminal act. The only recourse offered to Baha'is by the Shiite Muslims is conversion, an option few have chosen to exercise.

The opening line in every Muslim prayer says, "in the name of God, the most compassionate, the merciful." Despite this profession of faith, the Iranian Government under Khomeini shows no compassion or mercy where the Baha'is are concerned.

Our Government has spoken out a number of times against the persecution of Baha'is in Iran, though our influence over the Iranians is clearly very limited. We must strengthen our efforts to work with the international community, to speak out against religious oppression in Iran.

APPOINTMENT OF CONFEREES ON H.R. 4194, EXTENDING EXPIRATION DATE OF SECTION 252 OF ENERGY POLICY AND CONSERVATION ACT

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4194) to extend the expiration date of section 252 of the Energy Policy and Conservation Act, with the Senate amendment thereto, insist on disagreement to the Senate amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Michigan? The Chair hears none and, without objection, appoints the following conferees: Messrs. DINGELL, SHARP, and BROYHILL.

There was no objection.

PRAYER AND FAITH ARE PRIVATE MATTERS

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SEIBERLING. Mr. Speaker, one of the wisest acts of our Nation's Founding Fathers was their determination, embodied in the Constitution's first amendment, to keep government out of religion. As a result, we have been spared some of the terrible conflicts that have torn other nations apart, where different religious groups have tried to use government to advance their particular religion to the detriment of others. One hardly needs to cite some of the places in the world where such conflicts are raging today.

If the American people were ever to be hoodwinked into abandoning the wise principle of separation of religion and government, we will be starting down a long road, whose end could well be disaster for both religious tolerance and religious freedom. Unfortunately, the President's effort to promote a school prayer amendment is the entering wedge that could pry open the door the Founding Fathers so wisely closed.

I was brought up to believe that prayer is essentially a private act, most meaningfully performed either alone or within a family or religious group seeking a shared spiritual experience. I try, in my personal practice of the Christian faith, to follow the teachings of Jesus. I often recall the following words of Jesus from the New Testament:

> When you pray, do not pray in public as the Pharisees do, to be seen of men. But when you pray, go into your closet and pray to your Father in secret. And your Father, who seeth in secret, will reward you openly.

Every schoolchild can pray to God at any time. I personally believe that a minute of silence at the start of school class does not conflict with the first amendment. All it does is to assure each child a minute, free of distractions, in which he or she is free to pray, if he or she chooses to do so. I have favored and will support a congressional resolution stating the sense of Congress that this does not constitute impermissible Government involvement in religion. Beyond that, I am not prepared to go.

Mr. Speaker, the March 1 issue of the Akron Beacon Journal contained an outstanding article by David Cooper, the associate editor, on the school prayer issue. Mr. Cooper outlines the tremendous role that the first amendment has played in protecting religious freedom and avoiding religious strife throughout our Nation's history. He goes on to say:

> Mr. Reagan's attempt to authorize organized, state-sponsored prayer in the public schools would nibble away at a precious freedom. Who will write the official prayer for this or that public school district? And how much will each child who chooses not to take part in the sanctioned, organized prayer services, be ostracized for standing aloof because of the child's or its parents' religious beliefs.
>
> Those are dangers, and they ought to be understood, even by the fundamentalist preachers who have been egging on Mr. Reagan in this area. A school system that can authorize a prayer the fundamentalists would accept can also authorize one they would view as anathema. Religion is personal, and springs from within, not from a school board or its duly-appointed prayer-writers.

Mr. Cooper then quotes distinguished conservative writer George Will, who points out that the use of the power of government to prescribe prayers for children, who are also required by law to be present, is the antithesis of freedom of religion. He writes as follows:

> George Will, a conservative writer who favored Mr. Reagan's election strongly, noted recently that there are 16,214 public school districts in this country, all of which will have to decide whether to have organized prayers and if so, what kind of prayers if the President's constitutional amendment is passed.
>
> "The issue," Mr. Will added, "is not really voluntary prayers for individuals. The issue is organized prayers for groups of pupils subject to compulsory school attendance laws."

Mr. Speaker, I could not better conclude these remarks than by quoting the concluding remarks of Mr. Cooper's brilliant article:

> The route this President has chosen involves a majority, government, writing prayers to impose on a minority, public school students. De Tooqueville would call that a step toward tyranny, no matter how innocent it may seem.

The full text of Editor David Cooper's article follows.

[From Akron (Ohio) Beacon Journal, Mar. 1, 1984]

RELIGION AND THE OVAL OFFICE

(By David B. Cooper)

It is odd how issues and public debate can change.

Just 24 years ago, Americans considered a presidential candidate, John F. Kennedy, who labored under the perceived stigma of his religion.

Kennedy was Catholic, and the idea of a Pope in the Vatican calling the shots at the White House if Kennedy became president was still in 1960 a deeply ingrained fear among many Americans.

It was only through the frank candor of his discussion with Baptist preachers in Houston during the campaign that the candidate was able to persuade many that, for him, religion was a private matter that would not directly affect his actions as president.

Now, less than a quarter-century later, we have a President, Ronald Reagan, who makes religion a very public matter and who would pass a constitutional amendment making prayer very much a matter of government concern.

Whether or not the President is a devout and religious man is not an issue—or at least it should not be. A president's religiosity ought to be a private matter for him and his beliefs and conscience. We are probably better off if a President has some sense of the divine, however he personally defines that for himself.

But this President has gone farther than any in memory in seeking not only to pro-more religion but to promote what seems to be a particular view.

Mr. Reagan was asked about his comments and actions in a recent interview with Knight-Ridder Newspapers. Some of the things he said are unsettling, coming from a President, such as:

"I've been a history buff for a number of years. If you look back at the fall of any empire, any great civilization, it has been preceded by their forsaking their gods. And for a country that started as ours has, and with a belief that we are a nation under God, I have sensed that this hunger (for a kind of spiritual revival in this country) is because we have, under the guise of the First Amendment, things of that kind, we have strayed from that. And I don't want to be another great civilization that began its decline by forsaking its God."

Asked later if he was not advocating a specific religion, a Christian gospel, as a "man in a non-sectarian office," Mr. Reagan replied:

"Yes. But may I recall at the lighting of the Christmas tree that I said on that birthday of the man from Galilee—that there are those in our land who recognized Him as a prophet or a great teacher—but a man, and just a teacher. And there are others of us who believe that He was of divine origin and the Son of God. And whichever, we celebrated His birthday with respect for the man."

Mr. Reagan's beliefs might be merely of passing interest were it not for proposals he has been pushing such as the prayer-in-the-schools amendment, and tuition tax credits for private and church schools. Of those two, the former is a far more serious matter and one that could over time impinge on very basic American freedoms.

Mr. Reagan may have one view of the proper role of the presidency and the state toward religion. Others have had far different views than his.

For example, Tom Paine, an early and articulate advocate of American independence, wrote: "As to religion, I hold it to be the indispensable duty of government to protect all conscientious professors thereof, and I know of no other business which government hath to do therewith."

President Ulysses S. Grant said in a speech in Des Moines in 1875: "Leave the matter of religion to the family altar, the church, and the private school, supported entirely by private contributions. Keep the church and the State forever seperate."

Perhaps the keenest student of America, and our freedoms, was Alexis de Tocqueville, the French writer, whose "Democracy in America" is still a classic work on the underpinnings of American liberty and success.

After his travels through the United States in 1831 and 1832, he noted in his great book: "In France I had almost always seen the spirit of religion and the spirit of freedom marching in opposite directions. But in America I found they were intimately united and that they reigned in common over the same country."

Why was this so, de Tocqueville asked himself. Being Catholic himself, he asked priests in this country.

"They all attributed the peaceful dominion of religion in their country mainly to the separation of church and state," de Tocqueville wrote. "I do not hesitate to affirm that during my stay in America I did not meet a single individual, of the clergy or the laity, who was not of the same opinion on this point."

De Tocqueville was no agnostic or non-believer. In fact, he thought that Christianity had much to do with public morality in America, and the sense of fair play that he understood fashioned public debate and action for social good.

While de Tocqueville believed fiercely in the value of American democracy, he warned against the tyranny of the majority. "I am not so much alarmed at the excessive liberty which reigns," he said, "as at the inadequate securities which one finds there against tyranny."

And, writing later in his book: "If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority."

Religious liberty, for which our early Americans fought and died, is two-fold: The freedom to practice the religion of one's choice, free from interference by the state; and the freedom from religious statism as it was known in Europe prior to the rush to American shores.

Mr. Reagan's attempt to authorize organized, state-sponsored prayer in the public schools would nibble away at a precious freedom. Who will write the official prayer for this or that public school district? And how much will each child who chooses not to take part in the sanctioned, organized prayer services be ostracized for standing aloof because of the child's or its parents' religious beliefs?

Those are dangers, and they ought to be understood, even by the fundamentalist preachers who have been egging on Mr. Reagan in this area. A school system that can authorize a prayer the fundamentalists would accept can also authorize one they would view as anathema. Religion is personal, and springs from within, not from a school board or its duly-appointed prayer-writers.

George Will, a conservative writer who favored Mr. Reagan's election strongly, noted recently that there are 16,214 public school districts in the country, all of which will have to decide whether to have organized prayers and if so what kind of prayers if the President's constitutional amendment is passed.

"The issue," Mr. Will added, "is not really voluntary prayers for individuals. The issue is organized prayers for groups of pupils subject to compulsory school attendance laws."

Virtually every major religious denomination, including the Southern Baptist Convention, most of whose members are fiercely committed to religious liberty, has gone on record opposed to any action, such as the President's proposal, that would overturn the U.S. Supreme Court's decision prohibiting religious exercises in the public schools authorized or sponsored by the state.

Last weekend, in his radio program, Mr. Reagan made another appeal for support for his amendment, claiming the Supreme Court's ruling "forbids our children saying a prayer in school."

He was wrong. Children are not prohibited from praying in school. As the Southern Baptist Convention noted, "The Supreme Court has not held that it is illegal for any individual to pray or read his or her Bible in public schools."

Any school student may pray silently in school at any time. Prayer has not been outlawed in the public schools, only religious activites organized or authorized on a group basis.

Prayer and faith are private matters. So is the particular type of religion one chooses to embrace or not to embrace.

Ronald Reagan might do the country and its youngsters far more good by encouraging individual prayer, as is now permitted in the public schools, than by injecting religion into the decisions of government.

The route this President has chosen involves a majority, government, writing prayers to impose on a minority, public school students. De Tocqueville would call that a step toward tyranny, no matter how innocent it may seem.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4098

Mr. LELAND. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 4098.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEBANON

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, a week ago Monday, the Washington Post featured an interesting news analysis on page 1.

"The departure of U.S. Marines from Lebanon," the Post told its readers, "is likely to be seen throughout the Middle East as a symbol of America's impotence and the abandonment of its commitment to an ally."

Now, there are some who say that the Post is Washington's "Bible." And, as befits Scripture, the Post has neatly divided the history of America's Lebanon policy into B.C. and A.D.

B.C.—before we cut and ran—only conservatives prophesied that a pull-out would be a Jimmy Carter-sized humiliation that would strengthen the hands of Syria and the Soviet Union.

The liberals scoffed. Lebanon is not worth the commitment, they told the talk shows. Pull out now, they wrote on the editorial pages.

Now, A.D.—after defeat—they are the first to cry out against the disastrous consequences of the very policy that they forced on the Reagan administration.

Do not these Jeremiahs realize that they brought the walls down themselves?

No, George Shultz should not resign. But he might as well resign himself to the carping and whining of the small-time "Shultzes" here on Capitol Hill. Because they continue to blame him for their failure.

I guess you could say, Mr. Speaker, that last week's editorial page wisdom is today's front page folly.

SHORT'S OF BELFAST

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I was distressed to learn this week that our Air Force has awarded more than $150 million in new contracts to Short Brothers Ltd. of Northern Ireland, a corporation with a known record of discrimination against the Catholic minority in Northern Ireland.

The Ad Hoc Committee on Irish Affairs, led by my esteemed colleague, Mario Biaggi, protested the proposed contract to Short Brothers, and urged the Air Force to reconsider this option. Short Brothers will be manufacturing 18 new aircraft for the European distribution system, which is designed to give our Air Forces stationed in Europe greater combat readiness.

While I fully support improved readiness for our Armed Forces, we should not be "ready" at the expense of discriminatory employment practices against the Catholic population of Northern Ireland. For too long, our Nation has turned its back on this minority. Economic and social discrimination in Northern Ireland is still perpetuated with no end in sight.

We are writing to Defense Secretary Caspar Weinberger to urge him to insure that affirmative action measures are undertaken to protect job opportunities for the minority Catholic population in connection with this Air Force contract. With regard to the 600 jobs which will be opening up because of this contract, we hope that the Short Brothers company will not discriminate and will be conscientious in hiring and training some of the Catholic population which has been suffering so severely from high unemployment.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2474

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 2474.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

VOLUNTARY SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of a private, nondenominational voluntary school prayer constitutional amendment.

The gentleman from Ohio (Mr. Seiberling) has just indicated he would favor and support that legislation. The Chair has ruled that in order to make this request I must have the clearance of the majority and minority leaderships.

The request has been cleared by the minority. The Democrat majority leader last week objected to the precipitous nature of this request. But I submit that it is not necessary that we do it at this moment. I would settle for clearance to consider this matter next week or even next month.

So I would now yield to a spokesman for the majority to indicate that approval.

I hear no response, Mr. Speaker, and I think that should make it clear to the American people who stands in the way of consideration of a voluntary school prayer amendment, and that is the Democratic leadership of this House, who continues to persist in their objections.

CONSTRUCTION DIFFERENTIAL SUBSIDY PROGRAM FOR SHIPBUILDERS

(Mr. McKERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKERNAN. Mr. Speaker, today I am introducing legislation to reauthorize and fund the construction differential subsidy program for our Nation's shipbuilders.

I believe it is about time that Congress realized our merchant marine, our fourth arm of defense, is in a deplorable state. Only 3.5 percent of the goods that are shipped into and out of this country are shipped on U.S. vessels. That is less than what is shipped on Soviet vessels into and out of this country.

The U.S. merchant marine is now ranked 11th in the world. Shipbuilding employment is down 71 percent, and a recent joint study by the Navy and the Maritime Administration concluded that our present shipyard mobilization base would be insufficient in time of crisis.

Mr. Speaker, neglecting our shipbuilding base as we have embarked on our defense buildup over the last few years has been shortsighted. My legislation is a step in the direction of correcting our past policies.

LEGISLATION REQUIRING UNMARRIED MINOR PARENTS TO STAY WITH THEIR PARENTS OR LEGAL GUARDIANS

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, our current Federal welfare laws are notorious for the ways they help to disrupt the families of recipients. For example, the Government actually encourages minor unmarried parents to move away from home by providing substantially higher welfare benefits if they do so.

In Wisconsin, for instance, if a 16-year-old girl in a three-person welfare family has a baby, but remains at home with her parents, the family gets $99 per month more in AFDC benefits. But if that young mother moves away from home, all of a sudden she gets $436 per month in AFDC, plus food stamps, housing aid, and energy assistance.

In effect, Uncle Sam is saying to these girls, "We'll give you all sorts of benefits, coming to you directly. All we ask is that you have a baby, don't marry the father, and move away from the guidance and supervision of your parents."

Mr. Speaker, I am introducing legislation today which will require unmarried minor parents to stay with their parents or legal guardian in order to receive welfare benefits, except in special cases.

With the help of Senators Moynihan and Dole, similar legislation has already passed the committee level in the other body. We must act here in the House also to bring this much-needed reform into effect. I urge my colleagues to join me in support of this bill.

VOLUNTARY SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I rise in support of the school prayer amendment but also urging and asking that you agree to allow this body to vote on that issue.

Reasonable men and women can differ as to what it shoud be and how it should be and if it even should be, perhaps. But I think that no one should be able to differ with the fact that this body, the Congress of the United States, and more particularly the House of Representatives, should have the opportunity to work its will.

I think that if you give this matter your serious consideration you will acknowledge that although you may vote no on this issue, that the Congress deserves an opportunity to consider it.

So I would ask you personally, Mr. Speaker, to change your mind and permit this body to vote on the school prayer amendment.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, 32 States of this Union have already petitioned Congress for a balanced budget amendment to our Constitution. Two more are required to force this body to act. Therefore I believe it is time now that this body act.

Mr. Speaker, as chairman of the Congressional Leaders United For a Balanced Budget, I would hope to offer a unanimous consent request calling for consideration of an amendment to require a balanced buget. The Chair has ruled that in order to make this request I must have the clearance of the majority and the minority leaderships. I have clearance from the minority leadership.

I would now yield to a spokesman of the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American citizens who stands in the way of a balanced budget for this Congress: the Democratic leadership of this House.

LINE ITEM VETO

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I think it is acknowledged across the country today that we must find some means of getting our budgetary practices under control, that the deficit levels are too high and we have got to find ways of dealing with that deficit.

There are a variety of tools available for that. One of those tools is a line item veto.

It has been suggested by many Presidents in the past, it has been suggested by many economists as a way in which we could begin to get some control of the deficit problem.

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At the very least this House should debate the issue. We ought to take a look at line item veto and at least have it out here on the floor and consider it. I do not care how Members vote; they can vote any way on the issue, but we ought to at least give the American people a debate on the issue and a vote on the issue.

We have not had an opportunity to do that. So at this point I would like to call up by unanimous consent the line item veto question.

The Chair has ruled that in order to make the request, I have to have the clearance of the majority and minority leaderships. And I can assure the Chair that the minority leadership has cleared this for consideration on the floor.

I would now be glad to yield to any spokesman for the majority who can give clearance for the line item veto to come before us.

Once again, for the 22d day in a row, there is no response.

Mr. Speaker, I think that again makes it clear it is not we on the minority side that are standing in the way of doing something about deficits; the problem is on the majority side, on the Democratic side of this Congress, and I think they need to be held accountable for that red ink that their new TV ads are showing, spewing across the country. The red ink did not start with the Republicans; the red ink started with the majority leadership in this Congress.

THE SPEAKER'S ATTACK ON PRESIDENT REAGAN'S RELIGIOUS PRACTICES

(Mr. HARTNETT asked and was given permission to address the House for 1 minute.)

Mr. HARTNETT. Mr. Speaker, you may recall that yesterday's newspapers reported that the Speaker had said that in his opinion the President did not attend church often enough.

Our colleague, Mr. LUNGREN of California, appalled by this unprecedented attack on a President's religious practices, suggested that the Speaker owes the President of the United States an apology.

I am not aware that such an apology has been made.

So I am today calling upon the Speaker of the House to apologize to the President, to this House and to the American people for making derogatory and unfair remarks about the religious practices of the President.

It is nobody's business, Mr. Speaker, where or when the President or any other American decides to worship.

I share with many of my colleagues a feeling a dismay and amazement that the Speaker could have said such a thing and not apologized for it.

VOCATIONAL-TECHNICAL EDUCATION AMENDMENTS OF 1984

The SPEAKER pro tempore (Mr. KILDEE). Pursuant to House Resolution 455 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4164.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4164) to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes, with Mr. PEASE, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, March 7, 1984, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 4164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Vocational-Technical Education Amendments of 1984".

The CHAIRMAN pro tempore. Are there any amendments to section 1?

Mr. GOODLING. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the remainder of H.R. 4164 is as follows:

AMENDMENTS

SEC. 2. The Act of December 18, 1963 (Public Law 88-210) is amended by striking out all after the enacting clause and inserting in lieu thereof the following:

"SHORT TITLE; TABLE OF CONTENTS

"SECTION 1. This Act may be cited as the 'Vocational Education Act of 1963'.

"TABLE OF CONTENTS

"Sec. 1. Short title; table of contents.

"TITLE I—PURPOSE; AUTHORIZATION OF APPROPRIATIONS; AND ALLOTMENTS

"Sec. 101. Statement of purpose.

"Sec. 102. Authorization of appropriations.

"Sec. 103. Requirements for receipt of allotments.

"Sec. 104. Allotment of appropriations.

"TITLE II—STATE PROGRAMS

"PART A—BASIC STATE GRANTS

"Sec. 201. Basic grants.

"Sec. 202. Use of funds from basic grants.

"PART B—CONSUMER AND HOMEMAKING EDUCATION

"Sec. 211. Consumer and homemaker education grants.

"Sec. 212. Use of funds from consumer and homemaker education grants.

"Sec. 213. Information dissemination and leadership.

"PART C—COMPREHENSIVE CAREER GUIDANCE AND COUNSELING PROGRAMS

"Sec. 221. Grants for career guidance and counseling.

"Sec. 222. Use of funds from career guidance and counseling grants.

"Sec. 223. Information dissemination and leadership.

"PART D—INDUSTRY-EDUCATION PARTNERSHIP FOR TRAINING IN HIGH-TECHNOLOGY OCCUPATIONS

"Sec. 231. Findings and purpose.
"Sec. 232. Authorization of grants.
"Sec. 233. Use of funds.

"PART E—ADULT TRAINING, RETRAINING, AND EMPLOYMENT DEVELOPMENT

"Sec. 251. Findings and purpose.
"Sec. 252. Authorization of grants and uses of funds.
"Sec. 253. Coordination with the Job Training Partnership Act.

"TITLE III—NATIONAL PROGRAMS

"Sec. 301. Vocational education data system.
"Sec. 302. Occupational information system.
"Sec. 303. President's Council on Vocational-Technical Education.
"Sec. 304. National Center for Research in Vocational Education.
"Sec. 305. State equipment pools and program improvement.
"Sec. 306. Cooperative employer-education demonstration programs.
"Sec. 307. Model centers for vocational education for older persons.
"Sec. 308. Bilingual vocational education programs.

"TITLE IV—GENERAL PROVISIONS

"PART A—STATE ADMINISTRATIVE RESPONSIBILITIES

"Sec. 401. Functions of the State board.
"Sec. 402. State advisory council on vocational-technical education.

"PART B—PLANNING AND APPLICATIONS

"Sec. 411. Two year State plan and application.
"Sec. 412. State plan.
"Sec. 413. State application.
"Sec. 414. Two-year local plan.

"PART C—EVALUATION AND REVIEW

"Sec. 421. Progress report and State plan amendments.
"Sec. 422. Program evaluation.
"Sec. 423. Local progress report and amendments to local plan.

"PART D—FEDERAL ADMINISTRATIVE RESPONSIBILITIES

"Sec. 431. Administrative costs; payments, maintenance of effort.
"Sec. 432. Withholding of funds; judicial review.

"PART E—DEFINITION OF TERMS

"Sec. 451. Definitions.

"TITLE I—PURPOSE; AUTHORIZATION OF APPROPRIATIONS; AND ALLOTMENTS

"STATEMENT OF PURPOSE

"SEC. 101. (a) It is the purpose of this Act (1) to assist the States to improve the quality of instruction and meet student and employer needs for labor market-oriented programs, (2) to expand, improve, and, where necessary, maintain existing vocational-technical education programs, (3) to develop new programs in order to meet the needs of our Nation's existing and future work force for marketable skills, and for skills needed in the work of the home, and (4) to assist in affording ready access to high-quality vocational education to individuals of all ages, and at all levels of ability and education, in all communities of a State.

"(b) In order to accomplish the purpose stated in subsection (a), this Act authorizes assistance to the States to enable them to assist institutions of all types, including comprehensive high schools, general high schools, area vocational schools, community, technical, and junior colleges, and others—

"(1) to design programs of vocational education that prepare individuals for employment (including self employment) in the current and projected labor market, and to cooperate with the private sector of the economy to make these programs pertinent to the technology and practices of the workplace;

"(2) to assist women, the disadvantaged, the handicapped, individuals of limited English proficiency, and minorities to take full advantage of vocational education and opportunities for employment, through programs and services to meet their special needs;

"(3) to improve the academic foundations of vocational students in mathematics, science, written and verbal communication, and to aid in the application of newer technologies (including the use of computers) in terms of employment or occupational goals;

"(4) to build a capacity to deliver vocational education services and to train, retrain, and upgrade employed and unemployed workers in new skills for which there is a demand in that State or employment market, through a variety of special programs designed with the advice or cooperation of employers (including related instruction for apprenticeship training programs);

"(5) to assist the most economically depressed areas of a State to raise employment and occupational competencies of its citizens;

"(6) to improve the effectiveness of consumer and homemaking education in preparing both males and females for the work of the home, to better utilize the resources of home economics for community outreach to special populations, and to reduce the limiting effects of sex-role stereotyping on occupations, job skills, levels of competency, and careers; and

"(7) to assist the States to utilize a full range of supportive services, special programs, and guidance counseling and placement to achieve the basic purposes of this Act.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 102. (a) There are authorized to be appropriated such sums as may be necessary for fiscal year 1985 and for each succeeding fiscal year to carry out part A of title II and title III.

"(b) There are authorized to be appropriated such sums as may be necessary for fiscal year 1985 and for each succeeding fiscal year to carry out part B of title II.

"(c) There are authorized to be appropriated such sums as may be necessary for fiscal year 1985 and for each succeeding fiscal year to carry out part C of title II.

"(d) There are authorized to be appropriated such sums as may be necessary for fiscal year 1985 and for each succeeding fiscal year to carry out part D of title II.

"(e) There are authorized to be appropriated such sums as may be necessary for fiscal year 1985 and for each succeeding fiscal year to carry out part E of title II.

"(f) There are authorized to be appropriated such sums as may be necessary for fiscal year 1985 and for each succeeding fiscal year for the purposes of section 303.

"(g) There are authorized to be appropriated such sums as may be necessary for fiscal year 1985 and for each succeeding fiscal year for the purposes of section 306.

"(h) There are authorized to be appropriated such sums as may be necessary for fiscal year 1985 for each succeeding fiscal year for the purposes of section 307.

"(i) There are authorized to be appropriated such sums as may be necessary for fiscal year 1985 and for each succeeding fiscal year for the purposes of section 308.

"(j) There are authorized to be appropriated such sums as may be necessary for fiscal year 1985 and for each succeeding fiscal year for the purpose of making grants to State councils to carry out section 402.

"(k) There are authorized to be appropriated such sums as may be necessary for fiscal year 1985 and for each succeeding fiscal year for the purpose of assisting States in—

"(1) preparing the two-year plan and application required by section 411;

"(2) preparing the State plan amendments and progress report required by section 421;

"(3) the collection of data required by this Act for planning and reporting purposes; and

"(4) conducting the program evaluations required by section 422.

"REQUIREMENTS FOR RECEIPT OF ALLOTMENTS

"SEC. 103. In order to receive any allotment under section 104, a State shall—

"(1) designate or establish a State board and establish a State council in accordance with part A of title IV;

"(2) have an approved State plan and an approved State application under part B of such title; and

"(3) not have failed to comply with part C of such title and with the other provisions of this Act.

"ALLOTMENT OF APPROPRIATIONS

"SEC. 104. (a)(1) Subject to subsection (b), each amount appropriated under section 102 which is available (after deduction of the amounts required to be reserved by subsections (c) and (d) of this section) for parts A, B, C, D, and E of title II and sections 411, 421, and 422 shall be allotted among the States as follows:

"(A) Each State shall be allotted for each such part an amount which bears the same ratio to 50 per centum of the amount available for such part as the product of—

"(i) the population aged fifteen to nineteen inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made; and

"(ii) the State's allotment ratio (as determined under paragraph (2)),

bears to the sum of the corresponding products for all the States.

"(B) Each State shall be allotted for each such part an amount which bears the same ratio to 20 per centum of the amount available for such part as the product of—

"(i) the population aged twenty to twenty-four, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made; and

"(ii) the State's allotment ratio,

bears to the sum of the corresponding products for all the States.

"(C) Each State shall be allotted for each such part an amount which bears the same ratio to 15 per centum of the amount available for such part as the product of—

"(i) the population aged twenty-five to sixty-five, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made; and

"(ii) the State's allotment ratio,

bears to the sum of the corresponding products for all the States.

"(D) Each State shall be allotted for each such part an amount which bears the same ratio to 15 per centum of the amount available for such part as the sum of the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under subparagraphs (A), (B), and (C) for such year.

"(2)(A) For the purposes of paragraph (1) of this subsection, the allotment ratio for any State shall be 1.00 less the product of—

"(i) 0.50; and

"(ii) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

"(B) Notwithstanding subparagraph (A)—

"(i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and

"(ii) the allotment ratio for Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall be 0.60.

"(C) The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the three most recent consecutive fiscal years for which satisfactory data are available.

"(D) For purposes of this paragraph, the term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

"(E) For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available.

"(b)(1) If the sum of any State's allotments under subsection (a) for any fiscal year is less than $200,000, each of such State's allotments shall be ratably increased to the extent necessary to increase such sum to $200,000. The total of the increases thereby required shall be obtained by proportionally reducing the allotments to each of the remaining States, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than $200,000.

"(2) If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the program for which such amount has been allotted, the Secretary shall make such amount available for reallotment. Any such reallotment among other States shall occur on such dates during the same year as the Secretary shall fix, and shall be made on the basis of criteria established by regulation. No funds may be reallotted for any use other than the use for which they were appropriated. Any amount reallotted to a State under this subsection for any fiscal year, shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of its allotment for the year in which it is obligated.

"(c) From the sums appropriated pursuant to section 102(a) to carry out part A of title II and title III for any fiscal year, the Secretary shall reserve an amount equal to 5 per centum of such sums. From the amount so reserved, the Secretary shall—

"(1) transfer an amount, not to be less than $3,560,000 but not to exceed $5,000,000 in any fiscal year, to the National Occupational Information Coordinating Committee (established pursuant to section 302);

"(2) use an additional amount of not less than $6,000,000 in any fiscal year for the National Center for Research in Vocational Education (established pursuant to section 304);

"(3) use an amount of not less than $3,000,000 in any fiscal year for the program of State equipment pools authorized by section 305(a); and

"(4) use the remainder of the amount so reserved for other programs authorized under title III.

"(d)(1) From the remainder of the sum appropriated pursuant to section 102(a) to carry out part A of title II and title III for any fiscal year (after deduction of the amount reserved pursuant to subsection (c)), the Secretary is authorized to reserve an amount approximately equivalent to the amount determined under paragraph (2), but not in excess of 1 per centum of such remainder, for the purpose of providing vocational education programs to eligible Indians through Indian tribes and through the Bureau of Indian Affairs.

"(2) The amount determined under this paragraph is an amount which bears the same ratio to the sum appropriated pursuant to section 102(a) to carry out part A of title II and title III for the fiscal year as—

"(A) the population aged fifteen to twenty-four, inclusive, of eligible Indians bears to

"(B) the total population of all the States aged fifteen to twenty-four, inclusive.

"(3)(A) From the amount so reserved, the Secretary is directed, upon the request of any eligible Indian tribe, to enter into a contract or contracts with the tribal organization of any such Indian tribe to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the purposes of this Act. Any such contracts shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act. Programs under such contracts shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934, which are relevant to the programs administered under this subsection.

"(B) From any remaining funds reserved pursuant to paragraph (1), the Secretary is authorized to enter into an agreement with the Assistant Secretary of the Interior for Indian Affairs for the operation of vocational education programs authorized by this Act in institutions serving eligible Indians, and the Secretary of the Interior is authorized to receive these funds for those purposes.

"(C) The Bureau of Indian Affairs shall expend an amount equal to the amount made available under this paragraph to pay a part of the costs of programs funded under this paragraph. During each fiscal year the Bureau of Indian Affairs shall expend no less than the amount expended during the prior fiscal year on vocational education programs, services, and activities administered either directly by, or under contract with, the Bureau of Indian Affairs. The Secretary and the Assistant Secretary of the Interior for Indian Affairs shall jointly prepare a plan for the expenditure of funds made available and for the evaluation of programs assisted under this paragraph. Upon the completion of a joint plan for the expenditure of these funds and the evaluation of the programs, the Secretary shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs.

"(4) Programs funded under this subsection shall be in addition to such other programs, services, and activities as are made available to eligible Indians under part A of title II and other provisions of this Act.

"(5) For the purpose of this subsection—

"(A) the term 'eligible Indian' means any individual who is eligible to receive educational benefits as an Indian from the Bureau of Indian Affairs;

"(B) the term 'eligible Indian tribe' means any Indian tribe which is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934; and

"(C) the term 'Act of April 16, 1934', means the Act entitled 'An Act authorizing the Secretary of the Interior to arrange with States or territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes', enacted April 16, 1934 (48 Stat. 596; 25 U.S.C. 452-457).

"(e) Notwithstanding any other provision of this section, the sum of any State's allotments under this section for any fiscal year shall not be less than the total amount of payments made to the State under allotments determined under this Act for fiscal year 1984. Any amount necessary for increasing the sum of the allotments of certain States to comply with the preceding sentence shall be obtained by ratably reducing the sums of the allotments of the other States, but no such sum shall be thereby reduced to an amount which is less than the total amount of payments made to the State under allotments determined under this Act for fiscal year 1984.

"TITLE II—STATE PROGRAMS

"PART A—BASIC STATE GRANTS

"BASIC GRANTS

"SEC. 201. From the sums allotted to States for this part pursuant to section 104, the Secretary is authorized to make grants to States to assist them in funding vocational education programs, services, and activities carried out by State boards and eligible recipients to achieve the purposes of this Act, in accordance with the requirements of this part and parts A, B, and C of title IV.

"USE OF FUNDS FROM BASIC GRANTS

"SEC. 202. (a) Grants to States under this part shall be used, in accordance with State plans (and amendments thereto) approved under sections 411(b) and 421(c), for any or all of the following activities—

"(1) initiating, improving, expanding, and, where necessary, maintaining vocational education programs that are responsive to labor market demands or are designed to keep obreast of technological changes, including high-technology programs involving an industry-education partnership (such as apprenticeship training programs), as described in part D;

"(2) providing professional development programs for instructors, which include in-service training and opportunities to receive state-of-the-art industry experience;

"(3) vocational education programs and services for populations having special needs (such as the disadvantaged, the handicapped, individuals with limited English proficiency, teenage parents, students seeking to enter jobs traditional for the opposite sex, and displaced homemakers);

"(4) postsecondary and adult vocational education programs and related services for out-of-school youth and adults, which may include upgrading the skills of (A) employed workers, (B) workers who are unemployed or threatened with unemployment as a result *of technological change or industrial dislocation, (C) workers with limited English proficiency, and (D) displaced homemakers and single heads of households, as described in part E of this title;*

"(5) strengthening the institutional base of vocational education, by modernizing curricula, providing up-to-date instructional equipment and materials, improving local and State planning, updating the skills of the instructional and guidance staff, and similar means;

"(6) the design and implementation of planned sequential vocational programs between the secondary and postsecondary levels of education;

"(7) special courses and teaching strategies designed to teach the fundamental principles of mathematics and science through practical applications which are an integral part of the student's occupational program;

"(8) personnel assigned to work with employers and eligible recipients in a region to coordinate efforts to ensure that vocational programs are responsive to the labor market and supportive of apprenticeship training programs;

"(9) vocational student organization activities carried out as an integral part of the secondary and postsecondary instructional program;

"(10) prevocational programs;

"(11) collection and dissemination of data, and dissemination of information regarding vocational education opportunities;

"(12) special vocational education programs and supportive services including—

"(A) work-study programs,

"(B) cooperative vocational education programs, on-site learning experiences, and programs linking apprenticeship and vocational education in which on-the-job and related instruction are required,

"(C) related instruction for apprentices,

"(D) technical education,

"(E) research programs,

"(F) curriculum development,

"(G) vocational education personnel training (including preservice and inservice training),

"(H) activities to assist in overcoming sex bias and sex stereotyping,

"(I) construction of, equipment for, and operation of residential vocational-technical schools for students at least fifteen years of age who require a residential facility in order to benefit from vocational education,

"(J) special exemplary and innovative programs designed to demonstrate effective methods of achieving one or more of the purposes of this Act,

"(K) special and innovative programs to provide vocational education for individuals with limited English proficiency,

"(L) activities to facilitate the involvement of the handicapped (including the severely handicapped) in vocational education programs (including the elimination of architectural barriers, and the adaptation and purchase of special equipment), and

"(M) other support services and activities designed to carry out the purposes of this Act;

"(13) career counseling and guidance authorized by part C of this title;

"(14) construction of area vocational-technical education school facilities;

"(15) support of full-time personnel to implement section 401(c)(2);

"(16) the provision of stipends, which shall not exceed reasonable amounts as prescribed by the Secretary by regulation, for students entering or already enrolled in vocational education programs who have acute economic needs which cannot be met under work-study programs;

"(17) placement services for students who have successfully completed vocational education programs (including special services for the handicapped and cooperative efforts with rehabilitation programs);

"(18) industrial arts programs which will assist in meeting the purposes of this Act;

"(19) day care services for children of students in secondary and postsecondary vocational education programs;

"(20) provision of vocational education through arrangements with private vocational education institutions, employers, and community-based organizations (as defined in section 4 of the Job Training Partnership Act) where such private institutions can make a significant contribution to attaining the objectives of this Act and can provide substantially equivalent preparation at a lesser cost, or can provide equipment or services not available in public institutions;

"(21) subject to the provisions of section 431(a), the costs of administration and supervision of vocational education programs and services by eligible recipients, and of State administration of the State plan;

"(22) the cost of planning, evaluation, and reporting required by the two-year local plan under section 414 and the progress report under section 423;

"(23) entrepreneurship programs consistent with the purposes of this Act;

"(24) encouraging and entering into consortia with other States where such efforts would result in cost savings and improved effectiveness, particularly for curriculum development, personnel development, and research;

"(25) the acquisition of high-technology equipment for programs in the operation and servicing of such equipment;

"(26) the acquisition and operation of communications and telecommunications equipment for vocational education programs;

"(27) activities designed to encourage students, especially those in economically depressed areas (including inner cities), to remain in school;

"(28) magnet vocational school programs; and

"(29) vocational education programs for secondary students which provide for:

"(A) the integration of academic and vocational programs, including the use of problem-solving approaches in vocational programs to teach and reinforce higher order analytical, reasoning, decisionmaking, and other skills in mathematics, science, English, and social studies;

"(B) systematic training and experience to ensure that all students possess an understanding of all aspects of economic enterprises, including planning, finance, production techniques, management, community relations, and other technical, political, economic, and communication skills;

"(C) equal access to populations having special needs and such additional services as are necessary for such populations to successfully complete programs under this paragraph; or

"(D) student involvement in production or provision of goods or services needed for community social and economic development, based on community needs assessments conducted with the full involvement of students.

"(b) No funds shall be used for the purposes specified in subsection (a)(16) unless the State board first makes a specific finding, in each instance, that funds available for such purpose are necessary because of inadequate funding of other programs providing such assistance or similar activities, or due to the fact that other services in the area are inadequate to meet the needs.

"PART B—CONSUMER AND HOMEMAKING EDUCATION

"CONSUMER AND HOMEMAKING EDUCATION GRANTS

"SEC. 211. From the sums allotted to States for this part pursuant to section 104, the Secretary is authorized to make grants to States solely to assist them in conducting consumer and homemaking education programs. Such programs may include (1) instructional programs, services, and activities that prepare youth and adults for the occupation of homemaking, and (2) instruction in the areas of food and nutrition, consumer education, family living and parenthood education, child development and guidance, housing, home management (including resource management), and clothing and textiles.

"USE OF FUNDS FROM CONSUMER AND HOMEMAKING EDUCATION GRANTS

"SEC. 212. (a) Grants to any State under this part shall be used, in accordance with State plans (and amendments thereto) approved under sections 411(b) and 421(c)—

"(1) to conduct programs in economically depressed areas;

"(2) to encourage participation of traditionally underserved populations;

"(3) to encourage the elimination of sex bias and sex stereotyping;

"(4) to improve, expand, and update programs with an emphasis on those which specifically address needs described under paragraphs (1), (2), and (3); and

"(5) to address priorities and emerging concerns at the local, State, and national levels.

"(b) Grants for the purposes set forth in subsection (a) may be used for—

"(1) program development and improvement of instruction and curricula relating to managing individual and family resources, making consumer choices, managing home and work responsibilities, improving responses to individual and family crises, strengthening parenting skills, assisting aged and handicapped individuals, improving nutrition, conserving limited resources, understanding the impact of new technology on life and work, applying consumer and homemaking education skills to jobs and careers, and other needs as determined by the State; and

"(2) support services and activities designed to ensure the quality and effectiveness of programs, including demonstration of innovative and exemplary projects, community outreach to underserved populations, application of academic skills (such as reading, writing, mathematics, and science) through consumer and homemaking education programs, curriculum development, research, program evaluation, development of instructional materials, teacher education, upgrading of equipment, teacher supervision, and State administration and leadership, including activities of the student organization.

"(c) Not less than one-third of the Federal funds made available to any State under this section shall be expended in economically depressed areas or areas with high rates of unemployment for programs designed to assist consumers and to help im-

prove home environments and the quality of family life.

"INFORMATION DISSEMINATION AND LEADERSHIP

"SEC. 213. The State board shall ensure that the experience and information gained through carrying out programs assisted under this part is shared with administrators for the purpose of program planning. Funds available under this part shall be used to assist in providing State leadership qualified by experience and preparation in home economics education.

"PART C—COMPREHENSIVE CAREER GUIDANCE AND COUNSELING PROGRAMS

"GRANTS FOR CAREER GUIDANCE AND COUNSELING

"SEC. 221. From the sums allotted to States for this part pursuant to section 104, the Secretary is authorized to make grants to States to assist them in conducting career guidance and counseling programs authorized by this part.

"USE OF FUNDS FROM CAREER GUIDANCE AND COUNSELING GRANTS

"SEC. 222. (a) Grants to any State under this part shall be used, in accordance with State plans (and amendments thereto) approved under sections 412(d) and 421(c), for programs (organized and administered by certified counselors) designed to improve, expand, and extend comprehensive career guidance and counseling programs to meet the career development, vocational education, and employment needs of vocational education students and potential students. Such programs shall be designed to assist individuals—

"(1) to acquire self-assessment, career planning, career decisionmaking, and employability skills (including skills to help individuals seek, find, and keep jobs);

"(2) to make the transition from education and training to work through placement, followup, and follow-through activities;

"(3) to maintain marketability of current job skills in established occupations;

"(4) to develop new skills to move away from declining occupational fields and enter new and emerging fields, such as those in high-technology areas and those occupational fields experiencing skill shortages;

"(5) to develop midcareer job search skills and to clarify career goals based on new information about themselves and the labor market; and

"(6) to obtain and use information on financial assistance for postsecondary and vocational education, and job training.

"(b) Comprehensive programs of career guidance and counseling under this part shall encourage the elimination of sex, age, handicapping condition, and race bias and stereotyping, provide for community outreach capability, seek to enlist the collaboration of the family, the community, business, industry, and labor and shall be accessible to all segments of the population, including women, minorities, handicapped, and economically disadvantaged. These programs shall consist of—

"(1) instructional activities and other services at all educational levels to help students with the skills described in paragraphs (1) through (6) of subsection (a); and

"(2) services and activities designed to ensure the quality and effectiveness of comprehensive career guidance and counseling programs and projects assisted under this part, such as counselor education (including education of counselors working with individuals with limited English proficiency), training of support personnel, curriculum development, research and demonstration projects, experimental programs, instructional materials development, equipment acquisition, and State and local leadership and supervision; and

"(3) projects which provide opportunities for counselors to obtain firsthand experience in business and industry, and projects which provide opportunities to acquaint students with business, industry, the labor market, and training opportunities (including secondary educational programs that have at least one characteristic of an apprenticeable occupation as recognized by the Department of Labor or the State Apprenticeship Agency in accordance with the Act of August 16, 1937, known as the National Apprenticeship Act, in concert with local business, industry, labor, and other appropriate apprenticeship training entities, designed to prepare participants for an apprenticeable occupation or provide information concerning apprenticeable occupations and their prerequisites).

"(c) Not less than 20 per centum of the sums made available to a State under this part shall be used for programs designed to eliminate sex, age, and race bias and stereotyping under subsection (b) and for activities to ensure that programs under this part are accessible to all segments of the population, including women, the disadvantaged, the handicapped, individuals with limited English proficiency, and minorities.

"INFORMATION DISSEMINATION AND LEADERSHIP

"SEC. 223. The State board shall ensure that the experience and information gained through programs assisted under this part is shared with administrators for the purpose of program planning. Funds available under this part shall be used to assist in providing State leadership qualified by experience and knowledge in guidance and counseling.

"PART D—INDUSTRY-EDUCATION PARTNERSHIP FOR TRAINING IN HIGH-TECHNOLOGY OCCUPATIONS

"FINDINGS AND PURPOSE

"SEC. 231. (a) The Congress finds that—

"(1) shortages of technicians in high-technology fields are adversely affecting the Nation's productivity, its competitiveness in world markets, defense capability, and economic health; and

"(2) the Nation's vocational education system can make a major contribution in meeting the need for trained technicians and skilled workers in these fields, particularly through partnerships between vocational agencies and institutions and private business and industry.

"(b) It is therefore the purpose of this part—

"(1) to provide incentives for business and industry and the vocational education community to develop programs to train the skilled workers needed to produce, install, operate, and maintain high-technology equipment, systems, and processes; and

"(2) to ensure that such programs are relevant to the labor market and accessible to all segments of the population, including women, minorities, handicapped, and economically disadvantaged.

"AUTHORIZATION OF GRANTS

"SEC. 232. From the sums allotted to States for this part pursuant to section 104, the Secretary shall make grants to the States to carry out industry-education partnership training programs in high-technology occupations in accordance with this part.

"(b) Grants to any State under this part shall be used, in accordance with State plans (and amendments thereto) approved under sections 411(b) and 421(c) which contain assurances to the Secretary that—

"(1) funds received under this part will be used solely for vocational education programs designed to train skilled workers and technicians in high-technology occupations (including programs providing related instruction to apprentices) and to the maximum extent practicable, shall be utilized in coordination with the Job Training Partnership Act to avoid duplication of effort and to ensure maximum effective utilization of funds under this Act and the Job Training Partnership Act;

"(2) except as provided in subsection (c), not less than 50 per centum of the aggregate costs of programs and projects assisted under this part will be provided from non-Federal sources, and not less than 50 per centum of such non-Federal share of aggregate costs in the State will be provided by participating business and industrial firms;

"(3) programs and projects assisted under this part will be coordinated with those assisted under part A, and to the maximum extent practicable (consistent with the purposes of programs assisted under part A), supportive services will be so organized as to serve programs under both parts; and

"(4) programs and projects assisted under this part will be developed with the active participation of the State council established pursuant to section 402.

"(c)(1) The business and industrial share of the costs required by subsection (b)(2) may be in the form of cash or of in-kind contributions (such as facilities, overhead, personnel, and equipment) fairly valued.

"(2) The Federal share of such costs shall be available equally from funds available to the States under this part and from funds allotted to the States under part A of this title.

"(3)(A) A State may designate funds available under section 305(a) in lieu of all or part of the non-Federal share of costs as required by subsection (b)(2), except that such funds may not be used for any business or industrial share of costs.

"(B) If an eligible recipient demonstrates to the satisfaction of the State that it is incapable of providing all or part of the non-Federal portion of such costs as required by subsection (b)(2), the State may designate funds available under part A of this title or funds available from State sources in lieu of such non-Federal portion.

"USE OF FUNDS

"SEC. 233. (a) Funds made available to the States by grants under this part may be used solely for the establishment and operation of programs and projects described by section 232(b) and for—

"(1) necessary administrative costs of the State board and of eligible recipients associated with the establishment and operation of programs authorized by this part;

"(2) training and retraining of instructional and guidance personnel;

"(3) curriculum development and the development or acquisition of instructional and guidance equipment and materials;

"(4) acquisition and operation of communications and telecommunications equipment and other high-technology equipment for programs authorized by this part; and

"(5) such other activities authorized by this title as may be essential to the successful establishment and operation of programs and projects authorized by this part, including activities and related services to ensure access of women, minorities, the handicapped, and the economically disadvantaged.

"(b) In approving programs and projects assisted under this part, the State board shall give special consideration to—

"(1) the level and degree of business and industry participation in the development and operation of the program;

"(2) the current and projected demand within the State or relevant labor market area for workers with the level and type of skills the program is designed to produce;

"(3) the overall quality of the proposal, with particular emphasis on the probability of successful completion of the program by prospective trainees and the capability of the eligible recipient (with assistance from participating business or industry) to provide high quality training for skilled workers and technicians in high technology; and

"(4) the commitment to serve all segments of the population, including women, minorities, the handicapped, and the economically disadvantaged (as demonstrated by special efforts to provide outreach, information, and counseling, and by the provision of remedial instruction and other assistance).

"(c)(1) Expenditures for administrative costs pursuant to subsection (a)(1) may not exceed 10 per centum of the State's allotment for this part in the first year and 5 per centum of such allotment in each subsequent year.

"(2) Funds made available under this part may not be used for the purpose of providing job placement or stipends.

"PART E—ADULT TRAINING, RETRAINING, AND EMPLOYMENT DEVELOPMENT

"FINDINGS AND PURPOSE

"SEC. 251. (a) The Congress finds that—

"(1) technological change, international competition, and the demographics of the Nation's work force have resulted in increases in the numbers of adult workers who are unemployed, who have been dislocated from industries, or who require training, retraining, or upgrading of their skills,

"(2) many women entering and reentering the paid labor market are disproportionately employed in low-wage occupations and require additional training,

"(3) many adults cannot gain access to or benefit fully from vocational education due to their limited English proficiency, and

"(4) these needs can be met by vocational education programs that are responsive to the needs of individuals and the demands of the labor market.

"(b) It is the purpose of this title (1) to provide additional financial assistance to the States to enable them to expand and improve vocational education programs designed to meet urgent needs for training, retraining, and employment development of adults who have completed or left high school and are preparing to enter the labor market, or who already are in the labor market, in order to equip them with the competencies and skills required for productive employment, and (2) to ensure that such programs are relevant to the labor market needs and accessible to all segments of the population, including women, minorities, handicapped, individuals with limited English proficiency, workers fifty-five and older, and the economically disadvantaged.

"AUTHORIZATION OF GRANTS AND USES OF FUNDS

"SEC. 252. (a) From the sums allotted to States for this part pursuant to section 104, the Secretary shall make grants to the States for funding programs, services, and activities authorized by this part.

"(b)(1) Grants to States under this part may be used, in accordance with State plans (and amendments thereto) approved under sections 411(b) and 421(c), for—

"(A) vocational education programs, services, activities, and employment development authorized by section 202 which are designed to meet the needs of—

"(i) individuals who have graduated from or left high school and who need additional vocational education for entry into the labor force;

"(ii) unemployed individuals who require training to obtain employment or increase their employability;

"(iii) employed individuals who require retraining to retain their jobs, or who need training to upgrade their skills to qualify for higher paid or more dependable employment;

"(iv) displaced homemakers and single heads of households who are entering or reentering the labor force;

"(v) employers who require assistance in training individuals for new employment opportunities or in retraining employees in new skills required by changes in technology, products, or processes; and

"(vi) workers fifty-five and older;

"(B) short-term programs of retraining designed to upgrade or update skills in accordance with changed work requirements;

"(C) education and training programs designed cooperatively with employers, such as—

"(i) institutional and worksite programs, including apprenticeship training programs (or combinations of such programs) especially tailored to the needs of an industry or group of industries for skilled workers, technicians, or managers, or to assist their existing work force to adjust to changes in technology or work requirements; and

"(ii) quick-start, customized training for workers in new and expanding industries, or for workers for placement in jobs that are difficult to fill because of a shortage of workers with the requisite skills,

"(D) building more effective linkages between vocational education programs and private sector employers (through a variety of programs including programs where secondary school students are employed on a part-time basis as registered apprentices with transition to full-time apprenticeships upon graduation), and between eligible recipients of assistance under this Act and economic development agencies and other public and private agencies providing job training and employment services, in order to more effectively reach out to and serve individuals described in subparagraph (A);

"(E) cooperative education programs with public and private sector employers and economic development agencies, including seminars in institutional or worksite settings, designed to improve management and increase productivity;

"(F) entrepreneurship training programs which assist individuals in the establishment, management, and operation of small business enterprises;

"(G) recruitment, job search assistance, counseling, remedial services, and information and outreach programs designed to encourage and assist males and females to take advantage of vocational education programs and services, with particular attention to reaching women, older workers, individuals with limited English proficiency, the handicapped, and the disadvantaged;

"(H) curriculum development, acquisition of instructional equipment and materials, personnel training, pilot projects, and related and additional services and activities required to effectively carry out the purposes of this part; and

"(I) related instruction for apprentices in apprenticeship training programs.

"(2) In making grants under this part, the Secretary shall require each State, in its State plan (or an amendment thereto), to give assurances satisfactory to the Secretary that such grants will be utilized for programs that—

"(A) are designed with the active participation of the State council established pursuant to section 402;

"(B) make maximum effective use of existing institutions, are planned to avoid duplication of programs or institutional capabilities, and to the fullest extent practicable are designed to strengthen institutional capacity to meet the education and training needs addressed by this part,

"(C) involve close cooperation with and participation by public and private sector employers and public and private agencies working with problems of employment and training and economic development; and

"(D) where appropriate, involve coordination with programs under the Rehabilitation Act of 1973 and the Education of the Handicapped Act.

"COORDINATION WITH THE JOB TRAINING PARTNERSHIP ACT

"SEC. 253. (a) States receiving grants under this part shall include in the State plan (pursuant to section 411(c)(7)) methods and procedures for coordinating vocational education programs, services, and activities funded under this part to provide programs of assistance for dislocated workers funded under title III of the Job Training Partnership Act.

"(b)(1) The State board shall consult with the State job training coordinating council (established under section 122 of the Job Training Partnership Act) in order that programs assisted under this part may be taken into account by such council in formulating recommendations to the Governor for the Governor's coordination and special services plan required by section 121 of such Act.

"(2) The State board shall also adopt such procedures as it considers necessary to encourage coordination between eligible recipients receiving funds under this part and the appropriate administrative entity established under the Job Training Partnership Act in the conduct of their respective programs, in order to achieve the most effective use of all Federal funds through programs that complement and supplement each other, and, to the extent feasible, provide an ongoing and integrated program of training and services for workers in need of such assistance.

"TITLE III—NATIONAL PROGRAMS

"VOCATIONAL EDUCATION DATA SYSTEM

"SEC. 301. (a) The Secretary shall maintain a national vocational education data system, using uniform definitions prescribed by the Secretary and using sampling techniques to ensure as simplified a system as possible. Any State receiving assistance under this Act shall cooperate with the Secretary in supplying information required to maintain and update such a system, and shall comply in its reports with the information elements and uniform definitions prescribed by the Secretary.

"(b) In maintaining and updating such system, the Secretary shall endeavor to the fullest extent feasible to make the system compatible with the occupational information system (established pursuant to section 302), with the vocational education data system authorized under section 161(a) of this Act (as in effect on the date preceding the date of enactment of this Act), and with

other systems developed or assisted under part E of title IV of the Job Training Partnership Act. The Secretary shall be responsible for the operation of the system and for updating the data annually.

"(c)(1) In carrying out the responsibilities imposed by this section, the Secretary shall cooperate with the Secretary of Labor in implementing section 463 of the Job Training Partnership Act to ensure that the data system operated under this section is compatible with and complementary to other occupational supply and demand information systems developed or maintained with Federal assistance.

"(2) The Secretary shall take such action as may be necessary to secure data at reasonable cost concerning enrollments by program, program completion, placement and followup, staffing, and expenditures in relation to the principal purposes of this Act. Such data shall include information concerning the participation of special populations, including women, the disadvantaged, the handicapped, individuals of limited English proficiency, and minorities, and shall be collected by appropriate sampling techniques which will ensure an accurate depiction of participation rates for such special populations in the vocational education system. The Secretary, in consultation with the Congress, shall determine the number and types of vocational education institutions to be sampled, the methodology to be used, group sample sizes, appropriate breakdown analyses of such groups, and the frequency with which such studies under this section are to be conducted.

"OCCUPATIONAL INFORMATION SYSTEM

"SEC. 302. (a) There is established a National Occupational Information Coordinating Committee which shall consist of the Assistant Secretary for Vocational and Adult Education, the Commissioner of the Rehabilitative Services Administration, the Director of the Office of Bilingual Education and Minority Language Affairs, and the Administrator of the National Center for Education Statistics of the Department of Education, the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training of the Department of Labor, the Undersecretary for Small Community and Rural Development of the Department of Agriculture, the Assistant Secretary for Economic Development of the Department of Commerce, and the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics). Such Committee, with funds available to it under sections 102 and 104, shall provide funds, on an annual basis, to State occupational information coordinating committees and shall—

"(1) in the use of program data and employment data, improve coordination and communication among administrators and planners of programs authorized by this Act and by the Job Training Partnership Act, employment security agency administrators, research personnel, and personnel of employment and training planning and administering agencies (including apprenticeship training agencies) at the Federal, State, and local levels;

"(2) develop and implement, in cooperation with State and local agencies, an occupational information system to meet the common occupational information needs of vocational education programs and employment and training programs at the national, State, and local levels, which system shall include data on occupational demand and supply based on uniform definitions, standardized estimating procedures, and standardized occupational classifications;

"(3) conduct studies on the effects of technological change on new and existing occupational areas and the required changes in knowledge and job skills; and

"(4) assist State occupational information coordinating committees established pursuant to subsection (b).

"(b) Each State receiving assistance under this Act shall establish a State occupational information coordinating committee composed of representatives of the State board, the State employment security agency, the State economic development agency, the State job training coordinating council, and the agency administering programs under the Rehabilitation Act of 1973. Such committee shall, with funds available to it from the National Occupational Information Coordinating Committee established pursuant to subsection (a), implement an occupational information system in the State designed to meet the needs for the planning and operation of programs of the State board assisted under this Act and of the administering agencies under the Job Training Partnership Act.

"PRESIDENT'S COUNCIL ON VOCATIONAL-TECHNICAL EDUCATION

"SEC. 303. (a) There is hereby established the President's Council on Vocational-Technical Education (hereinafter in this section referred to as the 'Council'). The Council shall consist of not less than fifteen members appointed by the President, who shall serve at the pleasure of the President and for such terms (including initial terms of varying length) as the President shall determine during the President's own term in office. The members of the Council shall be individuals who are nationally prominent, at least a majority of whom shall be representatives of the private sector of the economy, including individuals engaged in industry, agriculture, business, organized labor, and in high-technology fields. The remaining members shall be individuals with broad experience in education (including vocational education) and economic and human resources development, at least one of whom shall be a member of the National Commission for Employment Policy (established under part F of title IV of the Job Training Partnership Act), and one shall be a member of the Federal Committee on Apprenticeship. The Chairperson of the Council shall be selected by the President. The Council shall meet not fewer than six times each year at the call of the Chairperson. A majority of the members of the Council shall constitute a quorum (but a lesser number may conduct hearings on behalf of the Council), and recommendations may be made, or other actions taken, only by a majority of the members present.

"(b) The Council shall—

"(1) assess the occupational needs of the Nation with respect to occupations requiring less than a baccalaureate degree;

"(2) identify ways to encourage a cooperative effort between the private sector of the economy and vocational-technical education;

"(3) examine and evaluate the needs of vocational-technical education programs for updated equipment, curricula, competent staff, and other components necessary to prepare students and train and retrain workers for the workplace;

"(4) assess the vocational education needs of the handicapped and the level of participation of the handicapped in vocational education programs;

"(5) develop and make appropriate recommendations designed to meet the needs and goals described in clauses (1), (2), (3), and (4); and

"(6) advise the President, the Congress, and the Secretary with respect to the implementation of this Act and the Job Training Partnership Act, and policies needed to expand and improve vocational-technical education programs (and apprenticeship programs) in order to build a coordinated capacity to adequately prepare America's work force for employment.

"(c) Subject to such rules and regulations as may be adopted by the Council, the Chairperson is authorized to—

"(1) prescribe such rules and regulations as may be necessary for conducting the business of the Council;

"(2) appoint and fix the compensation of such personnel as the Chairperson considers necessary (including not to exceed five professional personnel), and appoint (with the approval of the Council) a Director, who shall be the chief executive officer of the Council and perform such duties as are prescribed by the Chairperson;

"(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

"(4) accept voluntary and uncompensated services of professional personnel, consultants, and experts, notwithstanding any other provision of the law;

"(5) accept in the name of the United States and employ or dispose of gifts or bequests to carry out the functions of the Council under this section;

"(6) enter into contracts and grants and make such other arrangements and modifications, as may be necessary;

"(7) conduct such hearings, studies, and research activities as the Council deems necessary to enable it to carry out its functions under this section;

"(8) use the services, personnel, facilities, and information of any department, agency, or instrumentality of the executive branch of the Federal Government and the services, personnel, facilities, and information of State and local public agencies and private agencies and organizations, with the consent of such agencies, with or without reimbursement therefor; and

"(9) make advance, progress, and other payments necessary under this section without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529).

"(d) Upon request made by the Chairperson of the Council, each department, agency, and instrumentality of the executive branch of the Federal Government is authorized and directed to make its services, personnel, facilities, and information available to the greatest practicable extent to the Council in the performance of its functions under this section.

"(e) The Council shall make a report of its findings and recommendations to the President, the Congress, and the Secretary every second year, and may make such interim reports and recommendations as it may consider desirable. The Council may include in such reports its evaluation of the status, progress, and needs of vocational education (including recommendations for Federal legislation and appropriations), and such report or reports shall include any minority, dissenting, or supplementary views submitted by any member of the Council.

"NATIONAL CENTER FOR RESEARCH IN VOCATIONAL EDUCATION

"SEC. 304. (a)(1) The National Center for Research in Vocational Education established pursuant to this Act (hereinafter in this section referred to as the 'National Center') shall continue to be operated with funds made available under this Act.

"(2) The Secretary shall provide support for the National Center through an annual grant for its operation. The National Center shall be a nonprofit entity associated with a public or private nonprofit university which has made, or which is prepared to make, a substantial financial contribution toward its establishment. The Secretary shall, on the basis of solicited applications, designate the entity to be the National Center once every five years, acting with the advice of a panel composed of individuals appointed by the Secretary who are not Federal employees and who are recognized nationally as experts in vocational education administration and research.

"(3) The National Center shall have a Director, appointed by the university with which it is associated, and shall be assisted by the advisory committee under subsection (c).

"(b) The National Center shall have as its primary purposes the design and conduct of research and developmental projects and programs, including longitudinal studies, which extend over a period of years (with such supplementary and short-term activities through other grants and contracts as the Director may choose to undertake consistent with the purpose of this Act). Such projects, programs, and activities shall be conducted by the National Center directly and through subcontracts (subject to the availability of appropriations therefor) with other public agencies and public or private institutions of higher education. The National Center shall—

"(1) conduct applied research and development on problems of national significance in vocational education at the secondary, postsecondary, and adult levels (including those associated with special needs populations such as women, the disadvantaged, the handicapped, individuals with limited English proficiency, and minorities);

"(2) provide leadership development through an advanced study center and inservice education activities for State and local leaders in vocational education;

"(3) disseminate the results of the research and development projects funded by the Center;

"(4) develop and provide information to facilitate national planning and policy development in vocational education;

"(5) provide technical assistance to programs serving special populations, including the handicapped and individuals with limited English proficiency;

"(6) act as a clearinghouse for information on contracts or grants made by the States to carry out research, curriculum, and personnel development activities and on contracts or grants made by the Secretary pursuant to this title;

"(7) work with States, local educational agencies, and other public agencies in developing methods of planning and evaluating programs, including the followup studies of individuals who complete the program, as required by section 422, so that such agencies can offer vocational education programs which are more closely related to the types of jobs available in their communities, States, and regions; and

"(8) after consultation with the National Commission for Employment Policy, report annually to the Congress, the Secretary of Education, and the Secretary of Labor on the extent, efficiency, and effectiveness of joint planning and coordination under this Act and the Job Training Partnership Act.

"(c) The Secretary shall appoint an advisory committee which shall advise the Secretary and the Director with respect to policy issues in the administration of the National Center and in the selection and conduct of major research and demonstration projects and activities of the National Center. The advisory committee shall meet at the call of the Secretary at least three times annually at the site of the National Center. The advisory committee shall consist of not more than twelve members, who shall not be employees of the Federal Government, who shall include—

"(1) two members designated by the university with which the National Center is associated;

"(2) at least one member selected from individuals nominated by national organizations representing State and local education administrators and teachers;

"(3) one member who is an individual recognized nationally for work in the field of vocational education research;

"(4) one member who is the owner, chief executive officer, or senior manager of a private business or industry which employs skilled workers and technicians in high-technology occupations;

"(5) one member who is an individual recognized nationally for work in the field of labor market economics;

"(6) one member who is recognized nationally for work in curriculum in vocational education;

"(7) one member who represents organized labor;

"(8) one member who is an individual recognized nationally for work with individuals with limited English proficiency in the field of vocational education;

"(9) one member who is an individual recognized nationally for work in guidance and counseling in the field of vocational education; and

"(10) one member who is an individual recognized nationally for work with the handicapped in the field of vocational education.

"STATE EQUIPMENT POOLS AND PROGRAM IMPROVEMENT

"SEC. 305. (a) From funds made available to carry out this section, the Secretary is authorized to develop and implement a program of competitive grants to State boards for the operation of State programs involving the loan of high-technology, state-of-the-art equipment to eligible recipients for use in local vocational education programs. The Secretary shall determine the appropriate amount of any grant. No State may qualify for more than two consecutive years for a grant under this section.

"(b) The Secretary is authorized to use funds made available under section 104(c)(4), in addition to funding the other programs authorized by this title, for national program improvement activities designed to assist and strengthen the vocational education programs and supportive services of States and eligible recipients assisted under this Act. The Secretary may carry out such activities through contracts (subject to the availability of appropriations therefor) or grants with private organizations, firms, and individuals, and through grants to or contracts with public agencies and public and private institutions of higher education. Such activities may involve—

"(1) research and development;

"(2) curriculum development programs;

"(3) career guidance and counseling programs;

"(4) vocational education personnel training programs (including the award of fellowships for graduate-level leadership development); and

"(5) such other kinds of activities as the Secretary may deem desirable to carry out the purposes of this Act.

"(c) In carrying out program improvement activities authorized by this section, the Secretary may award solicited and unsolicited grants and contracts. These awards shall include—

"(1) a program of small grants to such entities as individual researchers, community colleges, and State advisory councils;

"(2) requests for proposals consistent with the objectives of this section; and

"(3) the funding of proposals initiated in the field.

"(d) To the extent feasible in making awards, grants, and contracts under subsections (b) and (c), the Secretary shall require recipients to contribute a minimum of 10 per centum of the costs of the project funded, which contribution may be in the form of cash or in kind.

"(e)(1) The Secretary shall institute measures designed to ensure that program improvement activities carried out under this section represent a coordinated effort to improve the quality of vocational education.

"(2) The Secretary shall include in the report made pursuant to section 422(c) a summary of activities funded under this section, together with an appraisal of their contributions to the improvement and expansion of vocational education.

"COOPERATIVE EMPLOYER-EDUCATION DEMONSTRATION PROGRAMS

"SEC. 306. (a) From funds made available to carry out this title, the Secretary is authorized to develop and implement innovative models for linking vocational education with employment through grants and contracts which—

"(1) are established and operated by employers or consortia of employers, or recognized labor organizations or building trades councils, in cooperation with State boards and eligible recipients in two or more States;

"(2) demonstrate ways in which vocational education and the private sector of the economy can work together effectively to assist vocational education students to attain the advanced level of skills needed to make the transition from school to productive employment;

"(3) provide transitional worksite job training for vocational education students which is related to their occupational goals and closely linked to classroom and laboratory instruction provided by an eligible recipient;

"(4) provide placement services in occupations which the students are preparing to enter;

"(5) where practical, involve projects (such as the rehabilitation of public schools or housing in inner cities or economically depressed rural areas) that will benefit the public; and

"(6) provide access for populations having special needs (such as women, the disadvantaged, the handicapped, individuals with limited English proficiency, and minorities) and which support efforts to ensure that occupations are not sex-stereotyped.

"(b) Funds under this section may be used for institutional and on-the-job training, any supportive service authorized by this Act, and such technical and other assistance as may be required. Such programs may be operated on a school-year or year-long basis, or during summer months, and be of such duration as the Secretary may specify in accordance with the characteristics and objectives of the program and the program participants. Not less than 25 per centum of the cost of the demonstration programs authorized by this section shall be provided by the recipient of the grant or contract, and such share may be in the form of cash or in-kind contributions, including facilities, overhead, personnel, and equipment fairly valued.

"(c) Not later than one year after the date of enactment of the Vocational-Technical Education Amendments of 1984, the Secretary of Labor and the Secretary of Education shall develop and implement a plan for greater coordination between vocational education programs and apprenticeship training programs. Linkages between such programs shall be established relating to apprentice-school programs, and preapprenticeship programs, and program evaluation and performance standards (particularly with respect to apprenticeship training and programs of related instruction). The Secretaries shall establish such other collaborative and cooperative efforts as are considered feasible and appropriate.

"MODEL CENTERS FOR VOCATIONAL EDUCATION FOR OLDER PERSONS

"SEC. 307. (a) The Secretary shall establish a model grant program to establish and operate model centers to focus greater attention on the special vocational education needs of older persons and to promote employment opportunities for older persons in accordance with this section.

"(b) Any eligible recipient which desires to receive a grant from the Secretary under this section shall submit an application to the Secretary in such form and at such times as the Secretary may require. Such application shall—

"(1) describe the manner in which the center will be established and operated;

"(2) contain an estimate of the cost for the establishment and operation of the center; and

"(3) include such other information as the Secretary of Education determines to be necessary to assist him in carrying out his functions under this section.

"(c) Any center established and operated by an eligible recipient under this section shall—

"(1) provide training or retraining to update older persons' skills, prepare such individuals for new careers when their skills have been rendered obsolete by technological advances, and promote employment through training or retraining in areas of job potential in growth industries utilizing new technologies;

"(2) provide assistance for later-life career changes, with special emphasis on the needs of older persons who are displaced homemakers;

"(3) provide information, counseling, and support services to assist older persons in obtaining employment;

"(4) encourage providers of vocational education, including community colleges and technical schools, to offer more job training opportunities targeted to or easily accessible to older persons; and

"(5) promote training of paraprofessionals in gerontology and geriatrics.

"(d) Any center established and operated by an eligible recipient under this section shall provide services under subsection (c) to older persons, and shall give priority consideration to those older persons who—

"(1) need skills for entering or reentering the job market;

"(2) are unemployed and need to be retrained for a new career;

"(3) have not recently been in the work force and need to upgrade present skills;

"(4) are entering the work force for the first time; and

"(5) need training for new high-technology jobs.

"(e) Any grant made by the Secretary under this section shall not exceed $400,000 for any fiscal year.

"(f) The Secretary shall establish and operate a national clearinghouse within the Department of Education to provide State and local governments, and interested organizations and individuals with information concerning centers established under this section and their programs.

"(g) For purposes of this section the term 'older person' means an individual fifty-five years of age or older.

"BILINGUAL VOCATIONAL TRAINING PROGRAMS

"Sec. 308. (a)(1) From the sums made available to carry out this section, the Secretary is authorized to make grants to and to enter into contracts with appropriate State agencies, local educational agencies, postsecondary educational institutions, private nonprofit vocational training institutions, and other nonprofit organizations specially created to serve individuals who normally use a language other than English, for bilingual vocational education and training for individuals with limited English proficiency to prepare such individuals for jobs in recognized occupations and new and emerging occupations. Such training shall include instruction in the English language to ensure that participants in such training will be equipped to pursue such occupations in an English-language environment. The Secretary may also enter into contracts with private for-profit agencies and organizations for bilingual vocational education and training programs.

"(2) Grants and contracts under this subsection may be used for—

"(1) bilingual vocational training programs for individuals who have completed or left elementary or secondary school and who are available for education in a postsecondary educational institution;

"(2) bilingual vocational education and training programs for individuals who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing manpower needs, expand their range of skills, or advance in employment; and

"(3) training allowances for participants in bilingual vocational training programs.

"(b)(1) From the sums made available to carry out this section, the Secretary is authorized to make grants to and to enter into contracts with State agencies and public and private nonprofit educational institutions and to enter into contracts with private for-profit educational institutions to assist such entities in conducting training for instructors of bilingual vocational education and training programs.

"(2) Grants and contracts under this subsection may be used for—

"(A) preservice and inservice training for instructors, aides, counselors, or other ancillary personnel participating or preparing to participate in bilingual vocational training programs; and

"(B) fellowships and traineeships for individuals participating in preservice or inservice training.

"(3) The Secretary may not make a grant or enter into a contract under this subsection unless the Secretary determines that the applicant has an ongoing vocational training program in the field in which participants will be trained and can provide instructors with adequate language capabilities in the language other than English to be used in the program.

"(c)(1) From the sums made available to carry out this section, the Secretary is authorized to make grants to and to enter into contracts with State agencies, educational institutions, and appropriate nonprofit organizations, and to enter into contracts with private for-profit organizations and individuals, to assist in the development of instructional and curriculum materials, methods, or techniques for bilingual vocational training.

"(2) Grants and contracts under this subsection may be used for—

"(A) research in bilingual vocational training;

"(B) training programs to familiarize State agencies and training institutions with research findings and with successful pilot and demonstration projects in bilingual vocational education and training; and

"(C) experimental, developmental, pilot, and demonstration projects.

"(d)(1) Any eligible entity which desires to receive a grant from the Secretary under subsection (a), (b), or (c) shall submit an application to the Secretary in such form, at such times, and accompanied by such information as the Secretary may require. Such application shall provide that the activities and services for which assistance is sought will be administered by or under the supervision of the applicant.

"(2) An application pursuant to subsection (a) shall (A) set forth a program of such size, scope, and design as will make a substantial contribution toward carrying out the purposes of this section, and (B) be submitted to the State board or agency under section 401 for review and comment. Any such comments shall be included for submission to the Secretary.

"(3) An application pursuant to subsection (c) shall set forth the qualifications of staff responsible for any such program.

"(4) An application pursuant to subsection (b) shall—

"(A) describe the capabilities of the applicant, (including vocational training or education courses offered by the applicant, accreditation, and any certification of courses by appropriate State agencies);

"(B) describe the qualifications of principal staff responsible for any program under subsection (b); and

"(C) describe minimum qualifications for individuals participating or to participate in any program, describe the selection process for such individuals, and the projected amount of the fellowships or traineeships, if any.

"(5) Prior to making grants or contracts under subsection (a) or (b), the Secretary shall consult with the State board or agency under section 401 to ensure an equitable distribution of assistance among populations of individuals with limited English proficiency within the State.

"(6) The Secretary may approve an application for assistance under this section only if the application meets the requirements set forth under this section. An amendment to an application shall, except as the Secretary may otherwise provide, be subject to approval in the same manner as the initial application.

"(e)(1) The Secretary shall administer programs under this section in consultation with the Secretary of Labor.

"(2) Programs of bilingual vocational education and training under this section in the Commonwealth of Puerto Rico may provide for the needs of students of limited Spanish proficiency.

"(3) The Secretary of Education, in consultation with the Secretary of Labor, shall gather and disseminate information concerning the status of bilingual vocational education in all geographic regions and shall evaluate the impact of bilingual vocational education on occupational shortages of skilled workers, the unemployment or underemployment of individuals with limited English proficiency, and the ability of such individuals to acquire sufficient job skills and English language skills to fully contribute to the economy. The Secretaries shall annually report their findings to the President and the Congress.

"(f)(1) For each fiscal year, not less than 65 per centum of sums appropriated for the purposes of this section shall be available only for grants and contracts under subsection (a).

"(2) For each fiscal year, not less than 25 per centum of the sums appropriated for the purposes of this section shall be available only for grants and contracts under subsection (b).

"(3) For each fiscal year, not less than 10 per centum of sums appropriated for the purposes of this section shall be available only for grants and contracts under subsection (c).

"TITLE IV—GENERAL PROVISIONS

"PART A—STATE ADMINISTRATIVE RESPONSIBILITIES

"FUNCTIONS OF THE STATE BOARD

"SEC. 401. (a) Any State desiring to participate in the programs authorized by this Act shall, in a manner consistent with State law, designate or establish a State board or agency which shall be the sole State agency responsible for the administration, or for the supervision of the administration, of such programs. The responsibilities of the State board shall include—

"(1) coordination of the development, submission, and implementation of the State plan and any amendments thereto (pursuant to sections 412 and 421), and the State progress report and evaluation (pursuant to sections 421 and 422); and

"(2) the development and coordination of policies designed to ensure that programs funded under this Act are consistent with the intent and purposes of the Act and with the State plan approved under such section;

"(3) consultation with the State council established pursuant to section 402, and other appropriate agencies, groups, and individuals involved in the planning, administration, evaluation, and coordination of programs funded under this Act; and

"(4) convening and meeting as a State board (consistent with State law and procedure for the conduct of such meetings) at such time as the State board determines necessary to carry out its functions under this Act, but not less than four times annually.

Except with respect to those functions set forth in the preceding sentence, the State board may delegate any of its other functions involved in the administration of this Act to one or more State agencies, as it may consider appropriate.

"(b) Each State board shall include a description of any delegation of its functions under paragraph (1) in its State plan, or amendments to such plan, submitted to the Secretary.

"(c)(1) Any State desiring to participate in the programs authorized by this Act shall provide such personnel as may be necessary for State administration of programs under this Act in accordance with State law.

"(2) Any State desiring to participate in the programs authorized by this Act shall assign at least one full-time individual who shall work on a full-time basis in assisting the State board to fulfill the purposes of this Act by—

"(A) gathering, analyzing, and disseminating data on the adequacy and effectiveness of vocational education programs in the State in meeting the education and employment needs of women (including preparation for employment in technical occupations, new and emerging occupational fields, and occupations regarded as nontraditional for women), and on the status of men and women students and employees in such programs;

"(B) reviewing vocational education programs (including career guidance and counseling) for sex stereotyping and sex bias, with particular attention to practices which tend to inhibit the entry of women in high-technology occupations, and submitting (i) recommendations for inclusion in the State plan and the progress reports of programs and policies to overcome sex bias and sex stereotyping in such programs, and (ii) an assessment of the State's progress in meeting the purposes of this Act with regard to overcoming sex discrimination and sex stereotyping;

"(C) reviewing proposed actions on grants, contracts, and the policies of the State board to ensure that the needs of women are addressed in the administration of this Act;

"(D) developing recommendations for programs of information and outreach to women concerning vocational education and employment opportunities for women (including opportunities for careers as technicians and skilled workers in technical fields and new and emerging occupational fields);

"(E) providing technical assistance and advice to local educational agencies, postsecondary institutions, and other interested parties in the State, in expanding vocational opportunities for women; and

"(F) assisting administrators, instructors, and counselors in implementing programs and activities to increase access for women (including displaced homemakers and single heads of households) to vocational education and to increase male and female students' enrollment in nontraditional programs.

"(3) From the funds allotted to carry out part A of title II and notwithstanding section 413(a)(14), each State shall reserve not less than $75,000 in each fiscal year to carry out this subsection.

"(4) For the purpose of this subsection, the term 'State' means any of the fifty States or the District of Columbia.

"(d) Each State board, in consultation with the State council, shall establish a limited number of technical committees to advise the council and the board on the development of model curricula to address State labor market needs. Technical committees shall develop an inventory of skills that may be used by the State board to define state-of-the-art model curricula. Such inventory will provide the type and level of knowledge and skills needed for entry, retention, and advancement in occupational areas taught in the State. The State board shall establish procedures for membership, operation, and duration of such committees consistent with the purposes of this Act. The membership shall be representatives of (1) employers from any relevant industry or occupation for which the committee is established; (2) trade or professional organizations representing any relevant occupations; and (3) organized labor, where appropriate.

"(e) The imposition of any State rule or policy relating to the administration and operation of programs funded by this Act (including any rule or policy based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State imposed requirement.

"STATE ADVISORY COUNCIL ON VOCATIONAL-TECHNICAL EDUCATION

"SEC. 402. (a) Any State which desires to participate in programs under this Act for any fiscal year shall establish a State advisory council on vocational-technical education, appointed by the Governor or in the case of States in which the members of the State board are elected (including election by the State legislature), by such board. The membership of the State council shall be at least fifteen individuals, shall be broadly representative of citizens and groups within the State having an interest in vocational education, and shall consist of—

"(1) representatives of private sector employment who shall constitute a majority of the membership of the State council and who shall be—

"(A) representatives of business, industry, and agriculture in the State, including owners of such enterprises and chief operating officers or personnel officers of governmental employers;

"(B) officers or individuals nominated by recognized State labor organizations or building trades councils; and

"(C) other private sector personnel who have substantial management, policy, or training responsibilities for employment or for employment training programs of private enterprises, trade associations, or organized labor;

"(2) individuals who have special knowledge and qualifications with respect to the special educational and career development needs of special populations (including women, the disadvantaged, the handicapped, individuals with limited English proficiency, and minorities) who shall be—

"(A) women with background and experience in employment and training programs, and who are knowledgeable with respect to the special experiences and problems of sex discrimination in job training and employment and of sex stereotyping in vocational education, including women who are members of minority groups and who have, in addition to such background and experience, special knowledge of the problems of discrimination in job training and employment against women who are members of such groups;

"(B) individuals who have special knowledge, experience, or qualifications with respect to the special educational needs of physically or mentally disabled persons; and

"(C) individuals representing the general public, including individuals representing

and knowledgeable about the poor and disadvantaged;

"(3) one or more individuals representing public agencies and institutions and State economic development agencies;

"(4) an individual who has special knowledge and qualifications with respect to vocational guidance and counseling;

"(5) at least one individual who has special knowledge and qualifications with respect to apprenticeship training programs who shall be a representative of the State apprenticeship council in a State with such a council;

"(6) one or more individuals representing the State job training coordinating council established under the Job Training Partnership Act;

"(7) a representative of the agency responsible for the administration of vocational rehabilitation programs (under the Rehabilitation Act of 1973); and

"(8) representatives of secondary and postsecondary educational agencies and institutions in the State (including private nonprofit and proprietary institutions) which shall include equitable representation of secondary and postsecondary agencies and institutions, including, where appropriate, community, technical, and junior colleges which conduct vocational education programs eligible for assistance under this Act.

In selecting individuals under paragraphs (1), (2), and (3) to serve on the State council, due consideration shall be given to the appointment of individuals who serve on a private industry council or the State job training coordinating council under the Job Training Partnership Act, and no more than 50 per centum of the appointments made to the council under paragraph (1) may be representative of any one group under subparagraph (A), (B), or (C) of such paragraph.

"(b)(1) Business, industry, and agriculture representatives on the State council shall include appropriate representation of small business and minority business firms. Such representatives shall be appointed after consultation with business organizations, trade associations, and professional associations, one of which shall be a general purpose business organization in the State.

"(2) The State shall ensure that there is appropriate representation on the State council of women, the handicapped, racial and ethnic minorities, and major geographic regions of the State.

"(c) The State shall certify the establishment and membership of the State council to the Secretary prior to the beginning of any fiscal year in which the State desires to receive a grant under this Act.

"(d) A member of the State council representing the private sector shall serve as chairperson. The State council shall determine its own procedures, staffing, and the number, time, place, and conduct of meetings, except that it shall hold at least one public meeting each year at which the public is given an opportunity to express views concerning vocational education programs in the State.

"(e) Each State council shall—

"(1) meet with the State board or its representatives during the planning year to advise on the development of the State plan;

"(2) advise the State board and make reports to the Governor, the business community, and general public of the State, concerning—

"(A) policies the State should pursue to strengthen vocational education (with particular attention to programs for the handicapped); and

"(B) initiatives and methods the private sector could undertake to assist in the modernization of vocational education programs;

"(3)(A) evaluate at least once every two years (i) the vocational education program delivery systems assisted under this Act, and under the Job Training Partnership Act, in terms of their adequacy and effectiveness in achieving the various purposes of each of the two Acts, and (ii) the adequacy and effectiveness of the Federal, State, local, and private efforts to strengthen and improve vocational education in the State, and (B) advise the Governor, the State board, the State job training coordinating council, the Secretary, the Secretary of Labor, and the general public of the State of its findings and recommendations;

"(4) comment on the reports issued by the State job training coordinating council under section 122(b) of the Job Training Partnership Act;

"(5) provide such technical and other assistance to the advisory councils established by eligible recipients as may be requested; and

"(6) be authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable it to carry out its functions under this Act, and to contract for such other services as may be necessary to carry out its evaluation functions independent of programmatic or administrative control by other State boards, agencies, or officials.

"(f)(1) From the sums appropriated to carry out this section, the Secretary shall, subject to the provisions of the following sentence, make grants to State councils, from amounts allotted to such councils in accordance with the method for allotment contained in section 104, to carry out the functions specified in this section, and shall pay to each State council an amount equal to the reasonable amounts expended by it in carrying out its functions under this Act in such fiscal year, except that no State council shall receive an amount exceeding $225,000 or an amount less than $125,000. In the case of Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the Secretary may pay the State council in each such jurisdiction an amount less than the minimum specified in the preceding sentence if he determines that the State council can perform its functions with a lesser amount.

"(2) The expenditure of these funds is to be determined solely by the State council for carrying out its functions under this Act, and may not be diverted or reprogramed for any other purpose by any State board, agency, or individual. Each State council shall designate an appropriate State agency or other public agency, eligible to receive funds under this Act, to act as its fiscal agent for purposes of disbursement, accounting, and auditing.

"PART B—PLANNING AND APPLICATIONS

"TWO-YEAR STATE PLAN AND APPLICATION

"SEC. 411. (a)(1) Any State desiring to receive funds under this Act shall submit to the Secretary, during the fiscal year 1985 and during each second fiscal year occurring thereafter, a State plan and application for vocational education (in one document) for the two fiscal years succeeding each fiscal year in which the State plan and application are submitted.

"(2) The Secretary, in consultation with the Secretary of Labor, is authorized and directed to coordinate planning activities under this part to ensure that such activities are synchronized with such comparable activities conducted under the Job Training Partnership Act at the earliest possible date after the date of enactment of the Vocational-Technical Education Amendments of 1984.

"(b) The State plans and applications shall be submitted to the Secretary by May 1 preceding the beginning of the first fiscal year for which such plan is to be in effect. The Secretary shall approve, within sixty days, each such plan and application which is formulated in accordance with sections 412 and 413 and which meets the requirements of such sections, and shall not finally disapprove a State plan except after giving reasonable notice and an opportunity for a hearing to the State board.

"(c) Such document shall be considered to be the general application required to be submitted by the State for funds received under this Act for purposes of the provisions of section 435 of the General Education Provisions Act.

"TWO-YEAR STATE PLAN

"SEC. 412. (a)(1) In formulating the State plan, the State board shall meet with and utilize the State council, established pursuant to section 402 of this Act.

"(2) The State board shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the State board's response shall be included with the State plan.

"(3)(A) Not less than sixty days before submission of the State plan to the Secretary under subsection (d), the State board shall submit the proposed State plan to the State Job Training Coordinating Council under the Job Training Partnership Act for review and comment. Such comments and the State's response shall be included with the State plan when submitted to the Secretary. The Secretary shall consider such comments in reviewing such plan.

"(B) Not less than sixty days before submission of the State plan to the Secretary, such plan shall be submitted to the State Advisory Council. If such Council finds that the final State plan does not meet the labor market needs of the State, the Council may file its objections with the State board. The State board shall respond to any objections of the State Advisory Council in submitting such plan to the Secretary. The Secretary shall consider such comments in reviewing the State plan.

"(b) In developing the two-year State plan, each State shall (1) make a thorough assessment of (A) the current and projected demands for general and specific occupational skills which reflect the State labor market needs, (B) the needs of students (including adults) served or proposed to be served, and (C) the capability of existing secondary and postsecondary vocational education programs and institutions to meet those needs, and (2) state the changes and improvements required in vocational education to fulfill the purposes of this Act, and the options for implementing these improvements.

"(c) Each such plan shall be based upon the kinds of assessments described in subsection (b), and shall—

"(1) define the role and expected outcomes of vocational education in various institutional settings and at different educational levels—

"(A) which shall include information concerning (i) positive terminations (including placement in jobs, continuation of education or training, enlistment in military service, and attainment of employment skills), and (ii) within-State program measures; and

"(B) which may not be so construed as to be inconsistent with section 432 of the General Education Provisions Act.

"(2) set forth goals to be achieved during the two-year period of the plan which will help to ensure that vocational education programs assisted under this Act—

"(A) are designed and implemented with the assistance of employers and address the demands of the job market and changing content of jobs in the area they serve;

"(B) are designed to meet the needs of students for career and vocational guidance and counseling;

"(D) utilize up-to-date curricula, equipment, and instructional materials, are conducted by instructional personnel who are abreast of technological advances in their field, and are relevant to the methods, tools, and technologies of the workplace;

"(E) are designed to increase the technological literacy of students and improve their academic foundations in mathematics and science by creating a better understanding of the operating principles and applications of modern technology;

"(F) address the needs for training and retraining of workers to help them adjust to technological change and to retain or find employment in the contemporary labor market;

"(G) help economically depressed areas increase the supply of skilled workers and technicians required for economic revitalization;

"(H) are accessible to and meet the needs of women, the disadvantaged, the handicapped, minorities, and individuals of limited English proficiency;

"(I) whenever feasible, contribute to strengthening the institutional capability of vocational education through such means as (i) upgrading the capabilities of area vocational-technical education schools to train technicians and skilled workers and to provide training and retraining for workers, and (ii) building integrated curricula and programs which span and link secondary and postsecondary programs and institutions; and

"(J) are consistent with the other purposes of this Act set forth in section 101;

"(3) describe progress the State has made in achieving the goals set forth in each State plan subsequent to the initial State plan and in achieving the goals set forth in paragraph (2) of this subsection.

"(4) describe the progress it expects to make toward achieving the purposes of this Act during the two-year period of the State plan;

"(5) describe the methods and strategies the State will employ to reach the goals set forth pursuant to paragraph (2) and describe the kinds of vocational education programs, projects, and services it intends to assist under the State plan, including support for unified statewide efforts in research, personnel development, teacher education, and curriculum development;

"(6) set forth the criteria the State board will use in approving plans of eligible recipients and allocating funds made available under this Act to such recipients, which shall ensure that States will allocate more Federal funds to eligible recipients in units of local government which are economically depressed (including both urban and rural units) or which have high unemployment, as determined by the State;

"(7) describe the methods proposed for the joint planning and coordination of programs carried out under this Act with those conducted under the Job Training Partnership Act;

"(8) describe the methods for coordinating apprenticeship training programs and vocational education;

"(9) describe the measures to be taken to ensure that vocational education programs, services, and activities assisted under this Act will take into account the findings of program reviews and evaluations carried out pursuant to section 422;

"(10) address the needs for vocational education programs at State correctional facilities;

"(11) describe the methods proposed for coordinating programs carried out under this Act with programs of adult basic education under the Adult Education Act, as may be appropriate;

"(12) describe the methods proposed for coordinating programs under this Act with those conducted under subpart 1 of part B of chapter 1 of the Elementary and Secondary Education Act of 1965 and under part A of chapter 1 of such Act; and

"(13) outline the measures to be taken to bring about a better articulation of vocational education programs at various levels of education and among various types of institutions, and to eliminate unnecessary duplication of vocational education and related occupational training programs.

"STATE APPLICATION

"SEC. 413. The State application submitted pursuant to section 411 shall provide assurances—

"(1) that the State will provide such methods of administration as are necessary for the proper and efficient administration of the Act;

"(2) that the State board will cooperate with the members of the State council in ensuring their active participation in the planning process, in accordance with this Act;

"(3) that Federal funds made available under this Act will be so used as to supplement the amount of State and local funds available for uses specified in the Act, and in no case to supplant such State and local funds;

"(4) that the programs, services, and activities funded in accordance with the uses specified in section 202 are designed to expand or improve the quality of vocational education programs, to initiate new programs of high quality, or where necessary, to maintain programs;

"(5) that the State will provide such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to eligible recipients under this Act);

"(6) that the State has instituted policies and procedures to ensure that copies of the State plan and the progress report and all statements of general policy, rules, regulations, and procedures will be made available to the public;

"(7) that in compiling data necessary for planning, evaluating, and reporting on vocational education programs, the State board will use the nationally uniform definition and information elements which have been developed pursuant to section 301 (and in compiling such data shall include information on enrollment, retention, program completion, and placement of special populations, including women, the disadvantaged, the handicapped, individuals of limited English proficiency, and minorities, to be collected by use of appropriate sampling techniques to ensure an adequate depiction of participation rates for such special populations in the vocational education system, and to be determined by the Secretary, in consultation with the Congress, with decisions concerning the number and types of vocational education institutions to be sampled, the methodology to be used, group sample sizes and appropriate breakdown analyses of such groups, and the frequency of such studies to be conducted);

"(8) that programs, services, and activities for handicapped individuals funded under this Act are consistent with any State plan submitted pursuant to the Rehabilitation Act of 1973 and the Education of the Handicapped Act;

"(9) that for each fiscal year, at least 15 per centum of the State's allotment for part A of title II pursuant to section 104 shall be used to pay for vocational education programs, services, and activities authorized by section 202 for—

"(A) individuals who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward an associate or other degree, but which programs are not designed as baccalaureate or higher degree programs; and

"(B) individuals who have already entered the labor market, or who have completed or left high school, and who are not described in subparagraph (A);

"(10) that programs of research, personnel development, and curriculum development shall be funded to further the goals identified in the two-year State plan (except that this requirement shall not be construed to mandate funding in each area for each fiscal year);

"(11) that for each fiscal year, at least 80 per centum of each State's allotment for part A of title II pursuant to section 104 shall be allocated among eligible recipients to carry out plans approved under sections 411 and 423;

"(12) that for each fiscal year, at least 20 per centum of each State's allotment for part A of title II (pursuant to section 104) will be expended only to pay not more than 50 per centum of the cost of programs, services, and activities to meet the needs of disadvantaged individuals and individuals with limited English proficiency in vocational education programs, except that—

"(A) such sums may be expended only if such services and activities exceed the recipient's per-pupil expenditure for regular services and activities, and

"(B) sums reserved under this paragraph may only be allocated among the eligible recipients by the State board pursuant to an approved plan under section 413 and in proportion to:

"(i) the number of disadvantaged individuals served in vocational education programs by such recipient in the previous year; and

"(ii) the number of individuals with limited English proficiency served in vocational education programs by such recipient in the previous year;

"(13) that for each fiscal year, at least 10 per centum of each State's allotment for part A of title II (pursuant to section 104) will be expended only to pay not more than 50 per centum of the cost of programs, services, and activities for handicapped individ-

uals to benefit from vocational education programs, except that—

"(A) such sums may be expended only if such services and activities exceed the recipient's per-pupil expenditure for regular services and activities, and

"(B) sums reserved under this paragraph may only be allocated among the eligible recipients by the State board pursuant to an approved plan under section 413 and in proportion to the number of handicapped individuals served in vocational education programs by such recipient in the previous year;

"(14) that for each fiscal year at least 5 per centum of each State's allotment for part A of title II (which shall include sums reserved under section 401(c)(3)) shall be expended, in an equitable manner, only—

"(A) for State and local grant programs and activities administered by the State sex equity coordinator and designed to eliminate sex bias and stereotyping in vocational education programs, and

"(B) for grants administered by eligible recipients for support services for individuals participating in vocational education programs under this Act, including, but not limited to, dependent-care services and transportation;

"(15) that for each fiscal year, expenditures for career guidance and counseling from allotments for parts A and C of title II will not be less than the expenditures for such guidance and counseling in the State for the last fiscal year funded under section 134(a) of the Vocational Education Act of 1963 as in effect on the day before the date of enactment of this Act; and

"(16) that the vocational education needs of those identifiable segments of the population that are significant in State unemployment have been thoroughly assessed, and that such needs are reflected in and addressed by the State plan.

"TWO-YEAR LOCAL PLAN

"Sec. 414. (a) Any eligible recipient desiring to receive assistance under this Act shall, according to requirements established by the State board, submit to the State board a two-year plan, covering the same period as the State plan, for the use of such assistance, formulated with the active participation of an advisory council established pursuant to subsection (c). The State board shall determine requirements for local plans, except that each such plan shall—

"(1) contain an assessment with respect to the demands for occupational skills described in section 412(c);

"(2) set forth the specific goals the plan is designed to attain based upon an assessment of the status of vocational education in the area served, and describe the relationship of those goals to achieving the purposes of this Act as set forth in section 101 (with particular emphasis on programs for the handicapped);

"(3) describe the vocational education programs, services, and activities proposed to be funded under the plan;

"(4) describe how the vocational education programs, services, and activities proposed to be funded under the plan reflect the views and recommendations of the advisory council established pursuant to subsection (c);

"(5) describe the coordination and joint planning with the appropriate administrative entity within the affected service delivery areas under the Job Training Partnership Act that occurred in the development of the plan to avoid duplication of effort and to ensure maximum utilization of funds under this Act and the Job Training Partnership Act;

"(6) describe the methods proposed for coordinating programs carried out under this Act with programs of adult basic education under the Adult Education Act, as may be appropriate;

"(7) contain such suggestions as the recipient may wish to make concerning ways in which the State and the State board can more effectively utilize funds made available under this Act, or utilize other resources to assist eligible recipients in planning and implementing programs that will better achieve the purposes of this Act; and

"(8) provide such information as the State board reasonably may require to carry out its functions under this Act.

"(b)(1) Each such local plan shall also be submitted, not later than sixty days before submission to the State board, to the appropriate administrative entity or entities under the Job Training Partnership Act for review and comment. Such comments and the response by the local eligible recipient shall be included with the local plan when submitted to the State board. These comments shall be considered when local plans are reviewed by the State board.

"(2)(A) Eligible recipients providing relatively limited vocational education programs, services, and activities funded by State and Federal funds may, as determined by the State board, be exempt from the requirements of paragraph (1).

"(B) Each State board shall identify the appropriate criteria for determining such exemption in its State plan.

"(c) The State board may utilize funds under this Act to encourage regional planning among eligible recipients.

"(d)(1) The advisory council required for purposes of this section shall be appointed by the eligible recipient and shall consist of—

"(A) representatives of the private sector, who shall constitute a majority of the membership of the advisory council and who, if present in the community, shall be (i) owners of business concerns or chief executives or chief operating officers of nongovernmental employers (including agricultural enterprises), (ii) officers of or individuals designated by recognized State and local labor organizations or appropriate building trades councils, and (iii) other private sector personnel who have substantial management, policy, or training responsibility in private business, trade associations or organized labor (including, where possible, at least one individual who has special knowledge and qualifications with respect to apprenticeship training programs who shall be a representative of the local joint apprenticeship committee in a locality with such a committee);

"(B) representatives of public employers and of institutions and organizations that are not eligible recipients but provide job training for residents of the community or area, economic development agencies, and the public employment service; and

"(C) representatives of groups concerned with equal education and employment opportunities for women, the disadvantaged, individuals with limited English proficiency, and the handicapped.

"(2) The chairperson of the advisory council shall be selected from among the members who represent the private sector.

"Part C—Evaluation and Review

"PROGRESS REPORT AND STATE PLAN AMENDMENTS

"Sec. 421. (a) Each State having a State plan approved under section 411(b) shall submit to the Secretary by March 1 of the second fiscal year and every two years thereafter, when such plan is in effect, a progress report. When changes are necessary in the State plan, a State shall submit by May 1 preceding the fiscal year of operation, amendments to its State plan.

"(b) The progress report required by this section shall be made available to the State job training coordinating council (established under section 122 of the Job Training Partnership Act), and the general public at the same time it is submitted to the Secretary, and such report shall—

"(1) describe and present evidence showing the progress made under the State plan toward achieving the goals set forth under section 412; and

"(2) describe the problems encountered and the changes to be made in the goals and strategies approved in the State plan, together with the reasons therefor.

"(c)(1) The progress report shall include dissenting or supplementary views submitted by the State advisory council on vocational-technical education, together with any comment the State board may choose to make.

"(2) The Secretary shall approve, within sixty days of submission, the State plan amendments which meet the requirements of this section, unless such amendments propose changes that are inconsistent with the requirements and purposes of this Act. The Secretary shall not finally disapprove such amendments except after giving reasonable notice and an opportunity for a hearing to the State board.

"PROGRAM EVALUATION

"Sec. 422. (a) In order to assist local educational agencies and other eligible recipients receiving funds under this Act to plan and operate the best possible programs of vocational education, each State board during the two-year period of the State plan shall—

"(1) arrange a program review each year of at least 20 per centum of the eligible recipients within the State receiving funds under this Act, which reviews shall be conducted by teams which include individuals who are engaged in the type of work for which students are being prepared and shall evaluate:

"(A) the planning and content of the program;

"(B) the curriculum, qualification of teachers and counselors, equipment, and instructional materials;

"(C) the effect of the program on the subsequent work experience of graduates;

"(D) the effectiveness of the program in addressing the needs of the handicapped; and

"(E) such other factors as are determined to affect program operation and relevance to labor market needs;

"(2) gather and analyze data to determine the extent to which the vocational programs are achieving the goals set forth in the plan, and the extent to which eligible recipients have improved their capacity to achieve the purposes of this Act as set forth in section 101; and

"(3) gather and analyze data relating to outcomes of programs assisted under this Act in terms of the extent to which program completers—

"(A) find employment in occupations in which the skills acquired in vocational education programs are utilized or participate in further education;

"(B) demonstrate knowledge and skills necessary and common to occupationally specific and nonoccupationally specific programs;

"(C) are considered by their employers to be well trained and prepared for employment as a result of their vocational education,

which data may be gathered by use of statistically valid samples.

"(b) The Secretary shall assist States in evaluating the status and progress of vocational education in achieving the purposes of this Act, and activities designed to provide such assistance shall include—

"(1) an analysis of State plans and of annual progress reports, and of the findings of evaluations conducted pursuant to subsection (a), with suggestions to State boards for improvements in planning or program operation;

"(2) an information network on the results of research in vocational education, the operation of model or innovative programs, successful experiences in the planning, administration, and conduct of vocational education programs, advances in curriculum and instructional practices, and other information useful in the improvement of vocational education; and

"(3) a series of longitudinal studies initiated every five years (beginning within six months after the enactment of this Act) to determine the outcomes of vocational education for a national sample of students.

"(c) The Secretary shall submit a report every two years to the Congress on the status of vocational education in the Nation, including a summary of the program evaluations conducted pursuant to this section and conclusions drawn therefrom regarding progress toward meeting the goals and purposes of this Act, together with such recommendations as the Secretary may wish to make.

"LOCAL PROGRESS REPORT AND AMENDMENTS TO LOCAL PLAN

"Sec. 423. (a)(1) Each eligible recipient or group of recipients having an approved two-year plan under section 414 shall also submit to the State board proposed amendments to the local plan when needed and a progress report, in the second fiscal year and every second fiscal year thereafter, prepared with the active participation of its advisory council. Such report shall—

"(A) describe the progress made under the local plan toward meeting the needs identified, and in attaining the goals set forth in the approved plan required by section 414(a) (with particular emphasis on the handicapped);

"(B) describe any problems encountered and changes in goals and strategies proposed to be made in its approved plan, and the reasons therefor;

"(C) describe the findings of any program review conducted pursuant to section 422, and describe the measures to be taken to implement recommendations; and

"(D) include a certification by the chair of the advisory council that the council has participated in formulating the report, together with such comments as the council or any member thereof may choose to make.

"(2) The State board shall not approve funding for a local plan under this section for any year (after the initial year of funding under this Act) unless it finds that the amendments propose changes that are consistent with the purposes and requirements of the Act, and with the two-year State plan approved by the Secretary (including any amendments thereto).

"(b) The State board shall give reasonable notice and opportunity for a hearing to any eligible recipient which is dissatisfied with its final action with respect to approval of plans (or amendments thereto) or allocation of funds under this Act.

"PART D—FEDERAL ADMINISTRATIVE RESPONSIBILITIES

"ADMINISTRATIVE COSTS; PAYMENTS, MAINTENANCE OF EFFORT

"Sec. 431. (a) The Secretary shall pay to each State, for any fiscal year for which such State has a State plan approved in accordance with section 411(b) or a progress report approved in accordance with section 421(c), the amount of its allotment or allotments under section 104 from appropriations made to carry out this Act, except that from such allotment—

"(1) a State shall not expend for the cost of State administration of the State plan an amount in excess of 50 per centum of such cost; and

"(2) payments by the State to eligible recipients (in accordance with plans approved under section 414) for the costs of administration of vocational education programs shall not exceed 50 per centum of such cost.

"(b)(1) No payments shall be made under this Act for any fiscal year to a State unless the Secretary determines that the fiscal effort per student or the aggregate expenditures of such State for vocational education for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for vocational education for the second preceding fiscal year.

"(2) The Secretary may waive the requirements of this subsection for one fiscal year only, upon making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the applicant to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources.

"WITHHOLDING OF FUNDS; JUDICIAL REVIEW

"Sec. 432. (a) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State board, finds that—

"(1) the State plan or amendments thereto approved under section 411(b) or section 421(c) has been so changed that it no longer complies with the provisions of this Act; or

"(2) in the administration of the State plan or of programs conducted pursuant to it there is a failure to comply substantially with any such provision,

the Secretary shall notify such State board that no further payments will be made to the State under this Act (or, further payments to the State will be limited to programs under or portions of the State plan not affected by such failure) until satisfied that there will no longer be any failure to comply. Until so satisfied, the Secretary shall make no further payments to such State under this Act (or shall limit payments to programs under, or portions of, the State plan not affected by such failure).

"(b) A State board which is dissatisfied with a final action of the Secretary under this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which action is based, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set aside such action, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his action. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall, unless specifically ordered otherwise by the court, operate as a stay of the Secretary's action.

"(c)(1) If any eligible recipient is dissatisfied with the final action of the State board or other appropriate State administering agency with respect to approval of its local plan, such eligible recipient may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State board or other appropriate State administering agency. The State board or such other agency thereupon shall file in the court the record of the proceeding on which the State board or such other agency based its action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the State board or other appropriate administering agency, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the State board or such other agency to take further evidence, and the State board or such other agency may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the State board or other appropriate administering agency or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(d)(1) The Secretary shall prescribe and implement rules to assure that any hearing conducted under section 453 of the General Education Provisions Act in connection with funds made available from appropriations under this Act shall be held within the State of the affected unit of local government or geographic area within the State.

"(2) For the purposes of paragraph (1)—

"(A) the term 'unit of local government' means a county, municipality, town, township, village, or other unit of general government below the State level; and

"(B) the term 'geographic area within a State' means a special purpose district or other region recognized for governmental purposes within such State which is not a unit of local government.

"PART E—DEFINITION OF TERMS

"DEFINITIONS

"SEC. 451. As used in this Act:

"(1) The term 'administration' means activities of a State necessary for the proper and efficient performance of its duties under this Act, including supervision, but does not include curriculum development activities, personnel development, technical assistance, or research activities.

"(2) The term 'apprenticeship training program' means a program registered with the Department of Labor or the State apprenticeship agency in accordance with the Act of August 16, 1937, known as the National Apprenticeship Act, which is conducted or sponsored by an employer, a group of employers, or a joint apprenticeship committee representing both employers and a union, and which contains all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices.

"(3) The term 'area vocational-technical education school' means—

"(A) a specialized high school used exclusively or principally for the provision of vocational education to individuals who are available for study in preparation for entering the labor market;

"(B) the department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to individuals who are available for study in preparation for entering the labor market;

"(C) a technical institute or vocational school used exclusively or principally for the provision of vocational education to individuals who have completed or left high school and who are available for study in preparation for entering the labor market; or

"(D) the department or division of a junior college or community college or university operating under the policies of the State board and which provides vocational education in no less than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if, in the case of a school, department, or division described in subparagraph (C) or this subparagraph, it admits as regular students both individuals who have completed high school and individuals who have left high school.

"(4) The term 'career guidance and counseling' means those programs (A) which pertain to the body of subject matter and related techniques and methods organized for the development in individuals of career awareness, career planning, career decisionmaking, placement skills, and knowledge and understanding of local, State, and national occupational, educational, and labor market needs, trends, and opportunities, and (B) which assist them in making and implementing informed educational and occupational choices.

"(5) The term 'construction' includes construction of new buildings and acquisitions, and expansion, remodeling, and alteration of existing buildings, and includes site grading and improvement and architect fees.

"(6) The term 'cooperative education' means a method of instruction in vocational education (A) whereby individuals who, through written cooperative arrangements between the school and employers, receive vocational instruction and related on the job training by alternation of study in school with a job in any occupational field, and (B) whereby work periods and school attendance (i) are planned and supervised by the school and employers so that each contributes to the student's education and to his or her employability, and (ii) may be on alternate days, weeks, or other time periods.

"(7) The term 'curriculum materials' means instructional and related or supportive material in any occupational field which is designed to strengthen the academic foundation and prepare individuals for employment at the entry level or to upgrade occupational competencies of those previously or presently employed in any occupational field, and appropriate counseling and guidance material.

"(8) The term 'disadvantaged' means individuals (other than handicapped individuals) who have academic or economic handicaps and who require special services and assistance in order to enable them to succeed in vocational education programs.

"(9) The term 'economically depressed area' means an economically integrated area within any State in which a chronically low level of economic activity or a deteriorating economic base has caused such adverse effects as (A) a rate of unemployment which has exceeded by 50 per centum or more the average rate of unemployment in the State, or in the Nation, for each of the three years preceding the year for which such designation is made, or (B) a large concentration of low-income families, and for which such designation for the purposes of this Act is approved by the Secretary as consistent with these and such other criteria as may be prescribed, and with the purposes of this Act.

"(10) The term 'eligible recipient' means a local educational agency or a postsecondary vocational educational institution.

"(11) The term 'general purpose business organizations' means organizations which admit to membership any for-profit business operating within the State or an area of the State.

"(12) The term 'handicapped', when applied to individuals, means individuals who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired individuals, or individuals with specific learning disabilities, who by reason thereof require special education and related services, and who, because of their handicapping condition, cannot succeed in a regular vocational education program without special education assistance or who require a modified education program.

"(13) The term 'high technology' means state-of-the-art computer, microelectronic, hydraulic, pneumatic, laser, nuclear, chemical, telecommunication, and other technologies being used to enhance productivity in manufacturing, communication, transportation, agriculture, mining, energy, commercial, and similar economic activity, and to improve the provision of health care.

"(14) The term 'industrial arts education program' means those education programs (A) which pertain to the body of related subject matter, or related courses, organized for the development of understanding about all aspects of industry and related courses, including learning experiences involving activities such as experimenting, designing, constructing, evaluating, and using tools, machines, materials, and processes, and (B) which assist individuals in the making of informed and meaningful occupation choices or which prepare them for entry into advanced trade and industrial or technical education programs.

"(15) The term 'limited English proficiency' has the meaning given such term in section 703(a)(1) of the Education Amendments of 1978.

"(16) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program.

"(17) The term 'low-income family or individual' means such families or individuals who are determined to be low-income according to the latest available data from the Department of Commerce.

"(18) The term 'postsecondary educational institution' means an accredited institution legally authorized to provide postsecondary education within a State, or any postsecondary educational institution operated by or on behalf of any Indian tribe which is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934.

"(19) The term 'private vocational training institution' means a business or trade school, in any State, which (A) admits as regular students only individuals who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution; (B) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; (C) has been in existence for two years or has been specially accredited by the Secretary as an institution meeting the other requirements of this subsection; and (D) is accredited (i) by a nationally recognized accrediting agency or association listed by the Secretary pursuant to this clause, or (ii) if the Secretary determines that there is no nationally recognized accrediting agency or association qualified to accredit schools of a particular category, by a State agency listed by the Secretary pursuant to this clause, or (iii) if the Secretary determines that there is no nationally recognized State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed and composed of individuals specially qualified to evaluate training provided by schools of that category, which committee shall prescribe the standards of content, scope, and quality which must be met by those schools and shall also determine whether particular schools meet those standards. For the purpose of this paragraph, the Secretary shall publish a list of nationally recognized accrediting agencies or associations and State agencies which he determines to be reliable authority as to the quality of education or training afforded.

"(20) The term 'school facilities' means classrooms and related facilities (including initial equipment) and interests in lands on which such facilities are constructed. Such terms shall not include any facility intended primarily for events for which admission is to be charged to the general public.

"(21) The term 'Secretary' means the Secretary of Education.

"(22) The term 'small business' means for-profit enterprises employing five hundred or fewer employees.

"(23) The term 'State' means, any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(24) The term 'State board' means a State board designated or established for the administration of vocational education in the State in accordance with section 401.

"(25) The term 'State council' means the State advisory council on vocational-technical education established in accordance with section 402.

"(26) The term 'vocational student organizations' means those organizations for individuals enrolled in vocational education programs which engage in activities as an integral part of the instructional program. Such organizations may have State and national units which aggregate the work and purposes of instruction in vocational education at the local level.

"(27) The terms 'vocational-technical education' and 'vocational education' mean organized educational programs which are directly related to the preparation of individuals in paid or unpaid employment in such fields as agriculture, business occupations, home economics, health occupations, marketing and distributive occupations, technical and emerging occupations, industrial arts, and trades and industrial occupations, or for additional preparation for a career in such fields, and in other occupations, requiring other than a baccalaureate or advanced degree and vocational student organization activities as an integral part of the program; and for purposes of this paragraph, the term 'organized education program' means only (A) instruction (including career guidance and counseling) related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training, and (B) the acquisition (including leasing), maintenance, and repair of instructional equipment, supplies, and teaching aids; but the terms do not mean the construction, acquisition, or initial equipment of buildings, or the acquisition or rental of land.".

CONFORMING AMENDMENTS

SEC. 3. (a) The Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended—

(1) in section 4—

(A) by striking out "section 195(10)" in paragraph (14) and inserting in lieu thereof "section 451(16)";

(B) by striking out "section 195(11) of the Vocational Education Act of 1963" in paragraph (23) and inserting in lieu thereof "section 1201(h) of the Higher Education Act of 1965"; and

(C) by striking out "section 195(1)" in paragraph (28) and inserting in lieu thereof "section 451(27)";

(2) in section 122—

(A) by striking out paragraph (8) of subsection (a); and

(B) by striking out "section 105(d)(3)" in subsection (b)(7)(B) and inserting in lieu thereof "section 402(e)(2)";

(3) in section 427(a)(1), by striking out "section 104(a)(1)" and inserting in lieu thereof "section 401(a)";

(4) in sections 463(a), 464(a)(1), and 464(c), by striking out "section 161(b)" and inserting in lieu thereof "section 302(a)";

(5) in section 472, by striking out "National Advisory Council on Vocational Education (established under section 162" in subsection (a) and inserting in lieu thereof "President's Council on Vocational-Technical Education (established under section 303"; and

(6) in section 473—

(A) by striking out "National Advisory Council on Vocational Education" in paragraph (7)(A) and each place it appears in paragraph (7)(B) and inserting in lieu thereof "President's Council on Vocational-Technical Education"; and

(B) by striking out "section 162" and inserting in lieu thereof "section 303".

(b) Section 703(a)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3223(a)(8)) is amended by striking out "section 122(a)(4) and part J".

(c) Section 104 of the Vocation Education Amendments of 1968 is amended by striking out "October 1, 1977" and inserting in lieu thereof "the effective date of the Vocational-Technical Education Amendments of 1984".

TRANSITION PROVISIONS

SEC. 4. (a) States and other recipients of financial assistance under the Vocational Education Act of 1963 may expend funds received under such Act in order to—

(1) conduct planning for any program or activity authorized under such Act as amended by the Vocational-Technical Education Amendments of 1984; and

(2) conduct any other activity considered necessary by the recipient to provide for an orderly transition to the operation of programs under such Act as amended by the Vocational-Technical Education Amendments of 1984.

(b) On the effective date of this Act, the personnel, property, and records of the National Advisory Council on Vocational Education shall be transferred to the President's Council on Vocational-Technical Education established under section 303 of this Act.

EFFECTIVE DATE

SEC. 5. (a) The provisions of this Act shall be effective for fiscal years beginning on or after October 1, 1984, except that the authority of the Secretary to prescribe regulations and the responsibility of States to submit State plans under the Vocational Education Act of 1963, as amended by this Act, is effective upon the enactment of this Act.

(b) No later than ninety days after the date of the enactment of this Act, the Secretary shall prescribe regulations under the Vocational Education Act of 1963, as amended by this Act.

AMENDMENT OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PERKINS: Page 17, after line 2, insert the following new section:

"AUTHORITY TO MAKE PAYMENTS

"SEC. 105. Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

Page 2, in the table of contents, after the item related to section 104 insert the following new item:

"Sec. 105. Authority to make payments.

Mr. PERKINS. Mr. Chairman, this is an amendment suggested by the Committee on the Budget. It simply makes clear that all contract and payment authority contained in the bill is subject to appropriations. This was always our committee's intention and therefore we have no problem at all in offering this amendment and urging its adoption.

Mr. GOODLING. Mr. Chairman, would the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Kentucky (Mr. PERKINS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JEFFORDS: Page 97, strike out line 5 and all that follows through line 4 on page 98, and insert in lieu thereof the following:

"AMENDMENTS TO STATE PLAN

"SEC. 421. (a) When changes in program conditions, labor market conditions, funding, or other factors require substantial amendment to an approved State plan, the State board, in consultation with the State advisory council, shall submit amendments to such State plan to the Secretary. Any such amendments shall be subject to review by the State job training coordinating council, and the State advisory council on vocational-technical education."

Page 98, line 5, strike out "(2)" and insert in lieu thereof "(b)".

Page 101, strike out line 12 and all that follows through line 11 on page 102, and insert in lieu thereof the following:

"AMENDMENTS TO LOCAL PLAN

"SEC. 423. (a) When changes in program conditions, labor market conditions, funding, or other factors require substantial amendment to an approved local plan, the eligible recipient or group of recipients, in consultation with any appropriate advisory council, shall submit such amendments to the State board."

Page 102, line 12, strike out "(2)" and insert in lieu thereof "(b)"; and on line 19, strike out "(b)" and insert in lieu thereof "(c)".

Page 3, in the table of contents, strike out the item related to section 421 and insert in lieu thereof the following:

"SEC. 421. Amendments to State plan.

Page 3, in the table of contents, strike out the item related to section 423 and insert in lieu thereof the following:

"SEC. 423. Amendments to local plan.

Page 8, lines 1 and 2, strike out "and progress report".

Page 22, line 19, strike out "and the progress report under section 423".

Page 69, strike out lines 1 and 2, and insert in lieu thereof "the evaluation (pursuant to section 422); and".

Page 88, lines 4 and 5, strike out "and the progress report" and insert in lieu thereof "(and amendments thereto)".

Page 103, lines 7 and 8, strike out "or a progress report approved in accordance with section 421(c),".

Page 100, lines 13 and 14, strike out "and of annual progress reports,".

Page 70, lines 23 and 24, strike out "and the progress reports".

Page 85, line 14, insert "(and amendments thereto)" after "plans".

Page 93, line 12, insert "(and amendments thereto)" after "plans".

Page 17, line 16, strike out "421(c)," and insert in lieu thereof "421(b),".

Page 25, line 11, strike out "421(c)" and insert in lieu thereof "421(b)".

Page 27, line 24, strike out "412(d) and 421(c)" and insert in lieu thereof "411(b) and 421(b)".

Page 32, line 11, strike out "421(c)" and insert in lieu thereof "421(b)".

Page 38, line 3, strike out "421(c)," and insert in lieu thereof 421(b),".

Page 81, line 2, strike out "plan," and insert in lieu thereof "plan (and amendments thereto)".

Page 104, line 13, strike out "421(c)" and insert in lieu thereof 421(b)".

Mr. JEFFORDS (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. JEFFORDS. Mr. Chairman, during subcommittee consideration of the bill H.R. 4164, the Vocational-Technical Education Amendments of 1984, an amendment was adopted that placed the local and State plans on 2-year cycles commensurate with the planning cycle under the Job Training Partnership Act. In addition, the plans are to contain information regarding the expected outcomes of the programs conducted under the authority of this act, and after the first plan, to describe the achievements of such programs.

Considering these committee amendments, it does not appear reasonable to require State and local recipients to file progress reports in the off-years. To the extent that the 2-year plans now contain an assessment of the accomplishments of the programs, progress reports are no longer reasonable or necessary. To require them is to add paperwork and reporting burdens that I do not believe anyone in this House supports.

The amendment I am offering eliminates only the requirement of the State and local progress reports, and references thereto. It does not eliminate the authority to conduct program reviews under section 422 of the act. Instead, this amendment allows reporting of the achievements made under vocational education programs to be described in the 2-year plan without the additional paperwork of separate progress reports.

State and local recipients of funds still have the authority to amend their approved 2-year plans should changes occur in program conditions, labor market conditions, funding, or other factors. The procedures for approval of plan amendments is retained as well.

I urge my colleagues to support this amendment. In doing so, paperwork and reporting requirements under the bill are reduced, without sacrificing information regarding the accomplishments of vocational education programs.

Mr. PERKINS. Mr. Chairman, will the distinguished gentleman from Vermont (Mr. JEFFORDS) yield to me?

Mr. JEFFORDS. I would be happy to yield to the Chairman.

Mr. PERKINS. These amendments eliminate the requirements for States and local recipients of funds to submit 2-year progress reports. State and local districts would still be required, however, to submit 2-year State and local plans. I support these amendments since they are meant to simplify and will simplify the paperwork burden.

Mr. JEFFORDS. I appreciate the Chairman's comment.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

I compliment the gentleman from Vermont for the amendments and we accept the amendments on this side.

Mr. JEFFORDS. It is not my intention to take any more time other than to say that these just prevent unnecessary paperwork in the offyear between the planning cycles so we can spend more time taking care of our young people's educational problems than we do the Federal bureaucracy's.

The CHAIRMAN pro tempore. The question is on the amendment of the gentleman from Vermont.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GAYDOS

Mr. GAYDOS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GAYDOS:

Page 68, after line 12, insert the following new section:

"DEMONSTRATION CENTERS FOR THE RETRAINING OF DISLOCATED WORKERS

"SEC. 309. (a) From funds available to carry out this section, the Secretary is authorized to establish one or more demonstration centers for the retraining of dislocated workers in order to demonstrate the application of general theories of vocational education to the specific problems of retraining displaced workers.

"(b) Any demonstration center under this section shall—

"(1) arrange for retraining programs for dislocated workers which would—

"(A) lead to employment in suitable jobs,

"(B) generate a skilled workforce for emerging technologies and service industries,

"(C) overcome any basic educational disabilities, and

"(D) utilise the full range of existing educational institutions with their disparate educational goals and resources;

"(2) provide for suitable career counseling and job placement services, including assistance in problems of resettlement when appropriate;

"(3) seek resources for the costs of counseling and retraining for dislocated workers and the unemployed;

"(4) promulgate information on retraining for dislocated workers and the unemployed;

"(5) act as liaison among the various educational institutions, the State occupation information coordinating committee, municipal agencies, labor unions and private industry in the region; and

"(6) assist in the establisment of additional retraining centers, as approprate.

Page 3, in the table of contents after the item related to section 308 insert the following new item:

"SEC. 309. Demonstration centers for the retraining of dislocated workers.

Page 8, after line 6, insert the following new subsection:

"(1) There are authorized to be appropriated such sums as may be necessary for fiscal year 1985, and for each succeeding fiscal year for the purposes of section 309.

□ 1210

Mr. GAYDOS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Chairman, I see no objection to the amendment. The amendment creates a separate permanent authorization of appropriations of such sums and from any sums appropriated directs the Secretary of Education to fund one or more demonstration centers on retraining dislocated workers.

We see no objection to it.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Chairman, I have no objections to the amendment with the understanding that I have with the gentleman from Pennsylvania (Mr. MURTHA) that, as a matter of fact, it will not come out of the pot for the rest of the program; it will come out of a different pot, a new pot.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. I thank the gentleman for yielding.

If I could just ask a question of the chairman of the full committee.

Mr. Chairman, do you understand that this would take care of an area like Johnstown which has probably the highest unemployment in the entire country?

Mr. PERKINS. Mr. Chairman, will the gentleman yield,

Mr. GAYDOS. I yield to the gentleman from Kentucky.

Mr. PERKINS. As well as eastern Kentucky, Newark, N.J. New York City, and places like that.

Mr. MURTHA. I thank the gentleman.

Mr. JEFFORDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Murtha amendment authorizes the Secretary of Education to establish demonstration centers for the retraining of dislocated workers. Arguments against this are several:

First, there is a dislocated workers program under the Job Training Partnership Act, funded at $223 million for fiscal year 1984. The Secretary can retain one-fourth of this funding for discretionary programs. For the 9-month transition period, $23.5 million is available for these purposes. Sixteen grants have already been awarded. In 1983, 44 grants were awarded which totaled approximately 52 projects, with an expenditure of $27.5 million.

Second, the activities authorized under the Job Training Partnership Act include: Job search assistance; job development; training in job skills; supportive services including commuting assistance and financial and personal counseling; pre-layoff assistance; relocation assistance; and programs conducted in cooperation with employers or labor organizations to provide early intervention. This amendment does not authorize activities that are significantly different from those under the JTPA.

Third, under the Comprehensive Employment and Training Act, one 2-year demonstration project was funded, and six 1-year programs were funded over the period from September 1981 through September 1983. Over $10 million was spent to fund these demonstration projects. Data from these projects are now becoming available, including information regarding the educational needs of the participants and the types of services most useful to meet their needs.

Fourth, this amendment will diffuse the focus of dislocated workers programs, especially being housed in the Department of Education rather than the Department of Labor. There is no provision for coordination or collaboration with the Department of Labor in establishing these projects. Instead, there is great potential for duplication of facilities and services with the adoption of this amendment. Further, with scarce resources, programs that would dilute the effect of existing programs are hard to justify.

Fifth, part E, title II under the bill before us today is entitled "Adult Training, Retraining and Employment Development." Activities authorized under this part are: Short-term programs of retraining designed to upgrade or update skills in accordance with changed work requirements; institutional and worksite programs tailored to needs of employers for skilled workers or assist the existing work force to adjust to changes in technology or work requirements; quick-start customized training; building effective links between vocational education programs and private sector employment; cooperative education; entrepreneurship; recruitment, job search assistance, counseling, remedial services, and information and outreach programs; and curriculum development, acquisition of instructional equipment and materials, personnel training, pilot projects, and related and additional services and activities. Again, this amendment is not calling for additional types of activities that are not already incorporated into the bill. Further, the amendment is not tied into the adult training part of the bill, but rather under national programs, diffusing its effect even more, and placing greater demands on a relatively small pot of money.

Sixth, rather than add authorization for yet another dislocated workers program, there are already at least 23 separate Federal programs addressing the issue, support for the funding of part E under this bill, and for the dislocated worker program under the JTPA should be coordinated. Including the language of this amendment undermines the funding efforts for the other programs.

Seventh, vocational education program funding is used as matching money under the dislocated workers program under JTPA. Rather than diverting these resources from coordinated activities to meet the needs of these workers, this amendment would scatter these efforts.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GAYDOS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUNDERSON: Page 97, after line 3, insert the following new subsection:

"(e)(1) Eligible recipients providing relatively few vocational education programs, services, and activities funded with limited total Federal and State funds may, as determined by the State board, be exempt from the requirements of this section.

"(2) Each State board shall identify the appropriate criteria for determining such exemption in its State plan.

Page 93, line 5, strike out "Any" and insert in lieu thereof "Except as provided in subsection (e), any".

Mr. GUNDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GUNDERSON. Mr. Chairman, throughout the consideration of H.R. 4164, the Vocational Technical Education Amendments Act of 1984, we have made constructive efforts to make Federal vocational education administratively feasible. In particular, we have attempted to reduce the burden of too much planning and reporting on small programs and local education agencies (LEA's).

Already we have adopted provisions in the bill to employ sampling methodology for the statistical surveys required under the vocational education data system (VEDS) and to eliminate reporting requirements of small program LEA's to their local Job Training Partnership Act entities. In addition, we adopted an amendment earlier today which deletes the bill's requirements that State and local recipients submit progress reports every 2 years.

Today, I am offering an additional amendment which will eliminate the 2-year plan requirement for small program LEA's. It is important to note that the criteria for determining this exemption will be determined by each State vocational education board in its State plan. In other words, no arbitrary dollar figure has been chosen to define a "small program," but each State itself will determine which plans should be exempt based upon their own particular situation.

The need for our efforts to reduce the paperwork burden on our local education agencies is quite evident. In my own State of Wisconsin, the past reporting and planning requirements have caused a significant withdrawal of secondary districts from Federal vocational education. Specifically, prior to the adoption of the VED's and other requirements in 1976, 308 secondary districts particpated in the program. Last year, only 181 Wisconsin districts continued to participate under the Federal program laden with VED's and other requirements.

In addition, Wisconsin attempted to initiate a new pooling program in which secondary students would be permitted to attend postsecondary institutions. Originally, 31 districts indicated an interest in participation, but 18 immediately dropped out when they were notified of the VED's requirements.

Finally, Federal grants in Wisconsin range from a high of $1.5 million in Milwaukee to a low of $285 in Manawa for a word processing system for seven students. In my own district, many schools received grants of $500 or less. It is inconceivable that these small programs will continue to participate if we do not ease the paperwork burden they have been required to carry under earlier law; it is simply not economical.

We have taken positive steps to remedy these problems in H.R. 4164, although further improvements may be necessary, and I urge your support.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I am happy to yield to the distinguished chairman.

Mr. PERKINS. I thank the gentleman for yielding.

Let me state that we have no objection to this amendment. As we see it, it will reduce paperwork and should be adopted.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Chairman, we would be very happy to accept any amendment that will reduce paperwork.

Mr. GUNDERSON. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. GUNDERSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

Amendment offered by Mr. BARTLETT: Page 6, strike out line 13 and all that follows through line 22 on page 7, and insert in lieu thereof the following:

"SEC. 102. (a) There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1985 through 1989 to carry out part A of title II and title III.

"(b) There are authorized to be appropriate such sums as may be necessary for each of the fiscal years 1985 through 1989 to carry out part B of title II.

"(c) There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1985 through 1989 to carry out part C of title II.

"(d) There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1985 through 1989 to carry out part D of title II.

"(e) There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1985 through 1989 to carry out part E of title II.

"(f) There are authorized to be appropriated such sums as may be necessary for fiscal years 1985 through 1989 for the purposes of section 303.

"(g) There are authorized to be appropriated such sums as may be necessary for fiscal years 1985 through 1989 for the purposes of section 306.

"(h) There are authorized to be appropriated such sums as may be necessary for fiscal years 1985 through 1989 for the purposes of section 307.

"(i) There are authorized to be appropriated such sums as may be necessary for fiscal years 1985 through 1989 for the purposes of section 308.

"(j) There are authorized to be appropriated such sums as may be necessary for fiscal years 1985 through 1989 for the purpose of making grants to State councils to carry out section 402.

"(k) There are authorized to be appropriated such sums as may be necessary for fiscal years 1985 through 1989 for the purpose of assisting States in—

Mr. BARTLETT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to my distinguished chairman.

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Chairman, we have no objection to this amendment making the bill a 5-year bill instead of a permanent authorization. The amendment was not offered in the full committee. If it had been we would have accepted it there.

But we feel that it will be good to look at the effectiveness of the bill 5 years in the future. And therefore we accept the amendment.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Chairman, I offered an amendment in committee which in part would have included this amendment. I was on such a good roll that I did not want to risk it, so I withdrew this part in committee. I am happy to support it now. I think it is just good sense.

Mr. BARTLETT. I thank the gentleman.

Mr. CARPER. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Delaware.

Mr. CARPER. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment. While I strongly support the reauthorization of the vocational education program, I believe that the kind of review that the adoption of this amendment will mean in the years ahead for this program is appropriate.

I congratulate the gentleman for proffering this amendment.

Mr. BARTLETT. I thank the gentleman for his support.

I thank particularly the chairman for his support of this amendment and support of the ability of the House to review vocational education on a periodic basis and to not have a permanent authorization.

In particular, I would take this opportunity to thank the chairman with whom I work. I know we have our disagreements on some aspects of the bill, but I thank him for his bipartisan spirit in improving this bill and in preparing a vocational education bill that, hopefully, will serve to benefit the students of this country.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. BARTLETT).

The amendment was agreed to.

□ 1220

AMENDMENT OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OWENS: Page 24, line 6, strike out "or" and insert in lieu thereof "and".

The CHAIRMAN. The gentleman from New York (Mr. OWENS) is recognized for 5 minutes in support of his amendment.

Mr. OWENS. Mr. Chairman, I ask unanimous consent to withdraw the amendment. I will return to it.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GOODLING. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOODLING. Mr. Chairman, I am sorry that I missed what just happened. Could the Chair inform me?

The CHAIRMAN. The gentleman from New York (Mr. OWENS) offered an amendment and then asked unanimous consent to withdraw the amendment.

Mr. GOODLING. I thank the Chair.

AMENDMENT OFFERED BY MRS. ROUKEMA

Mrs. ROUKEMA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. ROUKEMA: Page 92, after line 23 insert the following new paragraph (and redesignate the subsequent paragraph accordingly):

"(16) that none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization; and

Page 92, line 23, strike out "and".

Mrs. ROUKEMA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. ROUKEMA. Mr. Chairman, I offer this amendment that addresses a serious potential conflict of interest.

Briefly stated, my amendment proscribes funds authorized by this bill from being used to purchase equipment, including computer software where that purchase provides financial benefit to any organization—or its affiliate—which represents the interests of the purchasing entity or its employees.

In other words, if you are in any way associated with the people who make the purchased equipment, you cannot profit from the sale of the equipment for any reason—be it testing, marketing, evaluating, recommending, or anything. It is particularly important that this be addressed in this bill because we are providing large sums under this bill for the purchase of new equipment, as provided specifically under section 202(a)(5).

I emphasize that my amendment is applicable to any organization engaged in such an arrangement whether it be representative of the school boards, the administrators, the financial officers, or the teachers.

Let us take an example: Suppose the National School Boards Association entered into an arrangement with a textbook publisher whereby the NSBA allowed that publisher to put the NSBA's seal of approval on all of its textbooks. In return, the NSBA would receive a share of the royalties from the sale of those textbooks. The NSBA, of course, is not now doing this, but this is the kind of abuse that my amendment would help prevent.

Now you could logically ask why this amendment seems necessary. The need for this prohibition became apparent with the announcement that the National Education Association (NEA) has entered into a contractual arrangement with a private computer systems firm, under which educational computer software producers submit their products for the NEA's review. If approved, the software is included in a catalog that is then sent directly to NEA members. The approved products are listed in the catalog as "NEA Teacher Certified." Purchases are then made from the catalog and all profits derived from the marketing service is split between the private firm and the NEA's National Foundation for the Improvement of Education.

A key word in my amendment is affiliate. Webster's defines this word as: "a company effectively controlled by another or associated with others under common ownership or control". It is essential that this word be included to avoid the possibility of an organization using one of its affiliates as a vehicle to receive a share of the profits.

My amendment would not inhibit organizations from performing needed services or providing worthy products to their members, as long as it did not inure to their financial benefit. The amendment would not apply where the organization was merely trying to recover its costs in producing the products or services.

I believe it is essential that the Congress go firmly on record as being opposed to such arrangements where a financial benefit is borne of a potential conflict of interest and we must prohibit the funds we appropriate from benefiting them. Not to do so sets a dangerous precedent. I urge the support of my amendment.

Mr. GOODLING. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentlewoman for yielding.

Mr. Chairman, I rise in strong support of the gentlewoman's amendment. It seems to me that any time we are dealing with legislation where there is any question that there could be a conflict of interest, we should not err on the side of wrong but, as a matter of fact, on the side of right, and make very sure that that could not happen.

I commend the gentlewoman for offering her amendment.

Mrs. ROUKEMA. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. KILDEE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, while I am sure that the intent of this amendment is laudatory in trying to get at something that may be a problem, I am concerned about a situation that may arise when school districts do get involved in a consortium and do produce materials, including software, and find themselves limited then by this amendment; because while the explanation talks only about profits, in the wording of the amendment the words say "* * * results in a direct financial benefit to any organization * * *."

Now, suppose the intermediate school district and the local school district and the local community college put together a retraining program, as they are doing in my county, for displaced General Motors employees, and in putting it together they do develop materials. In order to reduce their financial cost, which then is a financial benefit, they will produce these materials, which may be used then by the various school districts.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I can see absolutely no way that counsel could interpret this wording as applying to the situation, as long as they are not financially benefiting from the sale.

Mr. KILDEE. They will benefit, because were they to purchase this elsewhere, the cost would be much more.

The reason for entering the consortium, I would assume, in producing these materials, is to reduce the financial burden, which is a financial benefit.

I have to take the language of the gentlewoman's amendment, not the language of her explanation.

Mrs. ROUKEMA. If the gentleman would yield further, I think it could be clear in the legislative history of this bill what the definition of financial benefit is.

A financial benefit is a profit. And I think the clear intention of conflict of interest and controlling a marketplace is explicit in this language, and it would not at all apply to any such consortium that is recouping its costs.

Mr. KILDEE. The very purpose of entering into a consortium, perhaps, and producing material is to reduce the cost, and no matter how much——

Mrs. ROUKEMA. Well, reducing the cost is not financial benefit.

Mr. KILDEE. If I may retrieve my time here, it would seem to me that that is a financial benefit. That is the purpose for producing these materials, that they want to keep down costs, and no amount of report language can take away the direct language in the amendment.

Mrs. ROUKEMA. If the gentleman from Michigan will yield, I believe that the colloquy in which we have just engaged has amply clarified the intention of Congress here, and that there would be no question as to the interpretation of the financial benefit.

Mr. KILDEE. This is my 19th year in legislative work, and I would perfer to have language in the law, not a get well card between two Members.

Mrs. ROUKEMA. May I ask the gentleman if he does not agree, however, that there is potential for great conflict of interest in the arrangement such as I have described?

Mr. KILDEE. I think I prefaced my remarks by saying that I think the gentlewoman's intentions are laudatory. I think her language is deficient.

Mrs. ROUKEMA. Well, I do not think the language is deficient, and I think the colloquy amply clarifies the true intention of the Congress in this respect.

□ 1230

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the gentlewoman offered this amendment in the committee and it was rejected by the committee. At that time she mentioned a particular transaction that was bothering her. The gentlewoman mentioned in the committee this NEA Foundation providing software research for course material. Does the gentlewoman have any other instance in mind that this amendment is intended to reach?

Mrs. ROUKEMA. Not to my knowledge. I have known that there are associations that recoup their costs of creation of instructional materials, but I have no other instances.

Mr. FORD of Michigan. Well, I am puzzled by that answer because I am informed that the New Jersey Association of School Boards receives about 50 percent of its resources from the same kind of effort, examining and certifying course materials for the schools throughout New Jersey.

Would you expect that they, if they add a nominal charge to recoup their costs that that should be prohibited?

Mrs. ROUKEMA. Yes, absolutely.

If the gentleman had heard the earlier part of my statement, I specifically identified any such organizations as representing school boards, finance officers, administrators, if they are engaged only for purposes of creating instructional materials and one way or another they recoup their costs, that is one thing. But to have a financial benefit to themselves or to any affiliate would be proscribed.

Yes, if that is happening in New Jersey, and I doubt that it is, but if it is in New Jersey or in Michigan or in Pennsylvania, indeed, then it should be proscribed, and Federal funds should not further those purposes.

Mr. FORD of Michigan. Well, the gentlewoman's amendment does not talk about Federal funds, really; it talks about anybody, it is pretty vague, as a matter of fact.

Mrs. ROUKEMA. That is under this act.

Mr. FORD of Michigan. It is rather loosely drawn until the gentlewoman identified a particular organization with a particular activity that you were aiming at. I was really puzzled at what the gentlewoman was trying to do.

Now the gentlewoman indicates to me that that is the only one you can think of, and it seems to me that we are rushing out to legislate on a problem that has not yet emerged as a problem and it not likely to.

I suggest to the gentlewoman, however, that I am familiar enough with what education professionals under the aegis of higher education groups, school board associations, teachers' organizations, interdisciplinary organizations are undertaking to meet the challenge of providing new software for this ever growing and rapidly growing computer use in the school system.

Each individual school or each little individual group of teachers is not capable of doing that themselves, and these organizations can pool their resources. They have professionals with the experience and knowledge in the field develop this material and then say, "Here it is if you would like to use it, we will charge you a nominal cost and if you want to get it produced someplace else, that is all right too."

I know of none of these people who are copyrighting any of this material. They are not producing a copyrighted or protected product that can only be purchased from them, and when you use the word "affiliated" it really confuses me because you are talking about the NEA, and I wonder if you mean to suggest that the separate foundation, separately established is an affiliate.

Is that what the gentlewoman means? What does the gentlewoman mean by an affiliate?

Mrs. ROUKEMA. I will repeat Webster's Dictionary definition of affiliate. Before I do that, however, let me go to two points that you have made.

Mr. FORD of Michigan. Well, if the gentlewoman would answer my question and then get your own time, I would appreciate it.

Mrs. ROUKEMA. All right.

The affiliate is very clear, both in legal terminology and in layman's terminology. The NEA, contrary to what has been printed previously, and what the newspapers have reported, has said that this is not an affiliate and therefore would not apply to them.

It is not our purpose here to determine that legal question, but if it indeed is proved to be an affiliate, then this amendment would apply to the NEA arrangement.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. Ford) has expired.

(By unanimous consent, Mr. Ford of Michigan was allowed to proceed for 3 additional minutes.)

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. If it is not an affiliate, but I must say that according to their own literature, and according to the newspaper, its name is associated with the NEA, its board is appointed by the NEA, and the address is the same. But it is not our purpose here to decide the legal question of the affiliation.

Mr. FORD of Michigan. Well, I do not want to argue the legal status of the foundation, that is a legal argument. I do not know how familiar the gentlewoman is with the multitude of problems we get with that. The tax bills around here have to deal with it all the time.

I would think that by the gentlewoman's definition of an affiliate, the Ford Foundation is an affiliate of the Ford Motor Co., and the Rockefeller Foundation is an affiliate of the Rockefeller family fortune, and that is patently ridiculous. If that were the case, they would not be able to operate as they do as a foundation at the present time.

I think that the way in which you use the affiliate is really meaningless, and with all due respect to Mr. Webster, Black's Law Dictionary, a little bit closer I suppose to authority when you are talking about legal definitions, says, and I quote:

> Affiliate signifies a condition of being united, being in close connection, allied or attached as a member or a branch.

Now, I think that is what you believe these separate foundations are, and I suggest to you that they are not. Mr. Chairman, for the record, I would like to insert into the Record a letter received by Chairman Perkins on February 28 from the National Education Association after the public discussion of the gentlewoman's concern over their particular activity:

February 28, 1984.

Hon. Carl D. Perkins,
Chairman, Education and Labor Committee, House of Representatives, Washington, D.C.

Dear Chairman Perkins: Thank you for the request for information and the opportunity to briefly highlight the position of the National Education Association on the issues raised in the recent Washington Post article dealing with computer software in education.

The essential facts are as follows:

NEA's Educational Computer Service program is a service to our members and the public schools and is designed to improve the quality of software available for schoolroom use. NEA has assisted teachers in developing quality standards and assists in identifying teacher reviewers to examine software voluntarily submitted by developers.

Fees from the software review and sales by Cordatum are used, (1) to pay individual teachers for their time in reviewing the software; (2) to reimburse Cordatum for its investment; and (3) when and if the program is successful, to provide a royalty to the National Foundation for the Improvement of Education, a separate, nonprofit foundation created over a decade ago by the NEA, which provides grants to teachers for educational research projects. NEA does not nor will it receive one penny from the project.

The National Education Association makes no decisions about purchasing computers, computer software, or any other supplies for any school anywhere, nor does it intend to.

The National Education Association does not and will not sell software to schools. Cordatum does, but schools, teachers, and anyone else may purchase "Teacher Certified" software through any and all normal commercial sources. There are no exclusive distribution rights in existence or intended.

I hope these facts clarify the questions raised.

Sincerely,

Gary D. Watts.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think it is very clear what the gentlewoman from New Jersey wants to do, she wants to add a provision that will prohibit conflict of interest situations from occurring where there is a monetary benefit to an organization that is recommending the purchase of equipment, including software by teachers or by the schools employing teachers.

Now, my friend from Michigan (Mr. Ford) might like to get into this fine argument about what is or is not an affiliate. I do not think it really makes any difference. I think the situation is quite clear: Whether the NEA gets a dime directly or not is not the issue; the conflict of interest issue can and does still exist.

When they create an organization to carry out their purposes, they call it the NEA Foundation, and then they recommend the purchase of equipment that will result in profit to that organization, one that is carrying out their purposes.

Now, if that is not a conflict of interest, I do not think any of us knows what a conflict of interest is.

□ 1240

I am a bit surprised that my friends on the other side who say yes, they want to prohibit a conflict of interest but this does not do it, are opposed to the amendment rather than suggesting modifications or further amendments that would carry out the purpose of prohibiting the conflict of interest.

I think it ought to be our purpose as legislators not to argue what Black's Law Dictionary says, not to argue about what it is that the NEA is doing, whether it is direct or indirect benefit to the agency or to the association. I think it is our job as legislators to view the situation and say, "Does this look like what we say it is?"

As my friend from Michigan is so fond of saying, it if walks like a duck, if it talks like a duck and it quacks like a duck, it might be a duck. I think that is what this is. It looks like conflict of interest, it smells like conflict of interest, and it very well is, in my opinion, and I think most people would agree, a conflict of interest.

Mr. FORD of Michigan. I suspect the gentleman's interpretation would be different if it was NRA instead of NEA.

Mr. ERLENBORN. Did the gentleman ask for me to yield to him?

Mr. FORD of Michigan. Yes.

Mr. ERLENBORN. I would be happy to yield to the gentleman from Michigan briefly.

Mr. FORD of Michigan. I would just like to correct one thing that the gentleman said. There is no NEA foundation involved in the gentlewoman's problem. It is called the National Foundation for the Improvement of Education. It is not a new foundation that was created for this purpose. It has been in existence for more than 10 years. It has been repeatedly approved by the Internal Revenue Service as a separate and distinct foundation apart from any and all of the representational activities of the NEA, and that is the only way they can retain their tax-free status.

Mr. ERLENBORN. I thank the gentleman for his contribution. Let me say that sounds very much like some Member of Congress setting up a scholarship fund for his kids to go to school and then allowing contributions to go to that and then saying, "No, I am not getting anything. That is a scholarship fund."

The fact that it inures to the benefit and carries out the purposes of the funding organization should be what is important, rather than its name. That is the question here. Is this foundation established by the NEA? Is it carrying out the purposes of the NEA? Is the NEA inducing schools, through the teachers, to make decisions to purchase equipment that will then result in a financial profit to the foundation that is carrying out these purposes?

If these things are true, and I do not know whether they are or not, I am not investigating them, from what the gentlewoman tells me they are true, I would say it sounds like, it smells like a conflict of interest to me and I think we all ought to try to find the language that would stop that kind of conflict.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I would be happy to yield to my chairman, the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Chairman, let me ask the gentleman if the gentlewoman from New Jersey had any particular situation in mind when this language was prepared, where someone had committed graft or anything along that line?

Mr. ERLENBORN. Let me answer the gentleman.

Mr. PERKINS. And if so, who was out of line and committed graft?

Mr. ERLENBORN. Mr. Chairman, I refuse to yield any further. I wish to reclaim my time.

Mr. CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. Erlenborn) has expired.

(By unanimous consent, Mr. Erlenborn was allowed to proceed for 2 additional minutes.)

Mr. ERLENBORN. Mr. Chairman, I will let the gentlewoman answer that question, but let me say my understanding is that during the hearings this situation of the NEA and its foundation that was profiting by these sales was revealed, and the gentlewoman thought that this amendment would be directed to that and other like situations if they cropped up.

I will be happy to yield to the gentlewoman from New Jersey.

Mr. PERKINS. Let me state that that statement made by the gentleman from Illinois is not true. Nothing like that was brought up at any hearing anywhere along the line.

Mr. CHAIRMAN pro tempore. The gentleman from Illinois has the time.

Mr. ERLENBORN. I would ask that that come out of his time, not mine.

I yield to the gentlewoman from New Jersey (Mrs. Roukema).

Mrs. ROUKEMA. I thank the gentleman for yielding.

Mr. Chairman and chairman of the committee, I would like to bring us back to the central issue that I have raised here.

The gentleman from Kentucky has asked if I am implying graft. No, I am not implying graft. But when a front page article in the Washington Post indicates that there is a potential conflict here, and when documents from the NEA itself indicate that, indeed, there is a 50-percent cut on the profits of the sales of software equipment in an arrangement they have with a private corporation, that markets this software, then I have to say to myself, "Hey, wait a minute." We are writing up a bill where there are millions of dollars that are going to be spent on the purchase of new equipment to indeed upgrade our badly failing vocational education system.

I say, therefore, that we should not be permitting any such arrangements to develop, flourish, and multiply.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. Erlenborn) has again expired.

(By unanimous consent, Mr. Erlenborn was allowed to proceed for 2 additional minutes.)

Mr. ERLENBORN. Mr. Chairman, I will be happy to yield briefly to the chairman, the gentleman from Kentucky.

Mr. PERKINS. The gentlewoman well knows that anytime we have ever had an allegation anywhere, alleging that there has been fraud, we have thoroughly investigated it. We thoroughly investigated a situation like that in the gentlewoman's own district, but never have we had, by innuendo or otherwise, any allegations along that line against the NEA or any other organization.

But let me ask the gentlewoman, what is wrong? I think I can see a lot wrong with the language, but what is wrong with a professional organization demonstrating equipment before schools or anyone else? If it is NEA, fine. I know the gentlewoman would not want the Government of the United States to go about demonstrating equipment. In many instances, in some sections of the country, the schools would not have the most modern and up-to-date equipment but for the professional organizations.

Mr. ERLENBORN. I will not yield to the gentleman any further, so I might reclaim my time.

Let me answer the gentleman. First, the issue arose during full committee markup and not during a hearing as I indicated earlier in my remarks. Nobody from this side of the aisle talked about fraud or graft. Those are the gentlemen's words, sir. You can eat them. You can do with them what you want.

Let me answer the gentleman's question of what is wrong with a professional organization demonstrating or endorsing a product? I would say nothing, if they did not profit by that endorsement, directly or indirectly. That is the issue. You try to frame the issue in a way that it sounds so innocent. I have, and I am certain the gentlewomen from New Jersey has, no objection to any professional organization making endorsements as long as they do not profit from that endorsement. If they withhold their endorsement from one product and give it to another, and they profit by that decision, that should not be allowed and it certainly should not be allowed with the use of Federal funds.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment. I will not take but 1 minute.

Mr. Chairman, first let me state that the language in the gentlewoman's amendment not only would prohibit any profit. I see nothing wrong with that. But the amendment goes much further.

□ 1250

It would prohibit any professional organization from even recovering any cost. If it shipped some equipment into a school and they decided later on that they did not want it, I would think that the school should be permitted to recover the cost of shipping that equipment into the school. But the gentlewoman's language clearly prohibits that, and that is what we are objecting to over here.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I do want to point out that if that were what my amendment did, I, too, would oppose it, but it is clearly designed and very carefully worded to refer to financial benefits for such an organization or its affiliate. It does not—I repeat, does not—prevent consortiums or any local groups from producing educational equipment or instructional equipment and recouping the cost of that investment.

It is only where there is financial benefit.

So I do not believe that this amendment can in any way be interpreted in the way the gentleman has just described. Again, repeating the very helpful colloquy that I had with the gentleman from Michigan (Mr. KILDEE), I think the congressional intent is perfectly clear.

Mr. PERKINS. Mr. Chairman, let me ask the gentlewoman a question. Does the gentlewoman admit that, as her amendment is presently written, it would prohibit the recovery of cost?

Mrs. ROUKEMA. No. No, I do not want to prohibit that, and I do not find anything in the amendment that would prohibit that. We are talking about financial benefit, not the recovery of cost.

Mr. PERKINS. Well, we would like to know how the gentlewoman would define "benefit" then.

Mrs. ROUKEMA. Profit.

Mr. PERKINS. That is where we think you are all wrong in your analysis of the amendment.

Mrs. ROUKEMA. Profits. I would define it as profits. A financial benefit is a profit.

Mr. PERKINS. That means that you are going to prohibit the cost of demonstration, I mean if the equipment is not purchased.

So, Mr. Chairman, we are opposed to the amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Kentucky (Mr. PERKINS) has expired.

The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. ROUKEMA).

The question was taken; and on a division (demanded by Mr. ERLENBORN) there were—ayes 13, noes 11.

RECORDED VOTE

Mr. PERKINS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 173, not voting 55, as follows:

[Roll No. 41]

AYES—205

Anderson
Andrews (TX)
Archer
Aspin
Badham
Barnard
Bartlett
Bateman
Beilenson
Bennett
Bereuter
Bethune
Bevill
Bliley
Breaux
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Carper
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Courter
Craig
Crane, Daniel
Daniel
Darden
Daub
DeWine
Dickinson
Dicks
Donnelly
Dreier
Duncan
Durbin
Eckart
Edwards (AL)
Emerson
English
Erlenborn
Feighan
Fiedler
Fields
Fish
Florio
Foley
Frank
Franklin
Gekas
Gingrich
Glickman
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hightower
Hiler
Hillis
Holt
Hopkins
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Jones (OK)
Kaptur
Kasich
Kemp
Kramer
Lagomarsino
Latta
Leach
Leath
Lent
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lowry (WA)
Lujan
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
Mazzoli
McCain
McCandless
McCollum
McDade
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Miller (CA)
Miller (OH)
Minish
Molinari
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Neal
Nelson
Nichols
Nielson
O'Brien
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Petri
Porter
Pritchard
Pursell
Quillen
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Rostenkowski
Roth
Roukema
Rowland
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Skeen
Skelton
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stratton
Studds
Stump
Sundquist
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Whitehurst
Whittaker
Williams (MT)
Wolf
Wortley
Wylie
Yates
Young (AK)
Young (FL)
Zschau

NOES—173

Addabbo
Albosta
Alexander
Andrews (NC)
Annunzio
Anthony
Applegate
AuCoin
Barnes
Bates
Bedell
Berman
Biaggi
Boehlert
Boggs
Boner
Bonior
Bonker
Borski
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Carr
Clarke
Clay
Coleman (TX)
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
D'Amours
Daschle
Davis
de la Garza
Dellums
Dingell
Dixon
Dorgan
Dowdy
Dwyer
Dymally
Dyson
Early
Edgar
Edwards (CA)
Evans (IA)
Evans (IL)
Fazio
Ferraro
Ford (MI)
Ford (TN)
Fowler
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gonzalez
Gore
Gray
Guarini
Hall (IN)
Hall, Ralph
Harkin
Harrison
Hawkins
Hayes
Hefner
Hertel
Howard
Hoyer
Hubbard
Jacobs
Jones (NC)
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Lipinski
Lloyd
Long (LA)
Luken
Lundine
MacKay
Martinez
Matsui
Mavroules
McCloskey
Mikulski
Mitchell
Moakley
Mollohan
Murphy
Murtha
Natcher
Nowak
Oakar
Oberstar
Obey
Olin
Ottinger
Owens
Patman
Pease
Penny
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rodino
Roe
Rose
Roybal
Russo
Sabo
Scheuer
Schumer
Seiberling
Sikorski
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Solarz
Spratt
St Germain
Staggers
Stokes

Swift
Tauke
Torres
Torricelli
Towns
Traxler
Vandergriff
Vento
Walgren
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (OH)
Wirth
Wise
Wolpe
Wright
Wyden
Yatron
Young (MO)

NOT VOTING—55

Ackerman
Akaka
Bilirakis
Boland
Bosco
Broomfield
Chappell
Coelho
Collins
Corcoran
Crane, Philip
Dannemeyer
Derrick
Downey
Edwards (OK)
Erdreich
Fascell
Flippo
Foglietta
Forsythe
Frenzel
Gibbons
Hall (OH)
Hance
Hatcher
Heftel
Horton
Johnson
Jones (TN)
Kindness
LaFalce
Long (MD)
Markey
Marriott
McCurdy
McKinney
Mineta
Moody
Morrison (CT)
Mrazek
Patterson
Paul
Pepper
Rudd
Savage
Shannon
Siljander
Simon
Sisisky
Stark
Synar
Udall
Weber
Wilson
Winn

☐ 1310

The Clerk announced the following pairs:

On this vote:

Mr. Paul for with Mr. Jones of Tennessee against.

Mr. Dannemeyer for with Mr. Mineta against.

Mr. Siljander for with Mr. Morrison of Connecticut against.

Mr. Winn for with Mr. Hance against.

Mr. Philip M. Crane for with Mrs. Collins against.

Mr. Corcoran for with Mr. Horton against.

Mr. Rudd for with Mr. McKinney against.

Mr. Marriott for with Mr. Pepper against.

Mrs. LLOYD, Mr. GORE, Mrs. SMITH of Nebraska, and Mr. WOLPE changed their votes from "aye" to "no."

Messrs. BEVILL, SKELTON, BEILENSON, CHENEY, ECKART, STUDDS, GLICKMAN, BARNARD, ROSTENKOWSKI, VOLKMER, and JENKINS changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

TECHNICAL AMENDMENTS OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer a group of technical amendments.

The Clerk read as follows:

Amendments offered by Mr. GOODLING: Page 27, line 24, strike out "412(d)" and insert in lieu thereof "411(b)".

Page 42, line 1, strike out "411(c)(7)" and insert in lieu thereof "412(c)(7)".

Page 71, line 25, strike out "413(a)(14)" and insert in lieu thereof "413(14)".

Page 90, line 23, strike out "413" and insert in lieu thereof "411".

Page 91, line 21, strike out "413" and insert in lieu thereof "411".

Page 93, line 11, strike out "(c)" and insert in lieu thereof "(d)"; and on line 15, strike out "412(c)" and insert in lieu thereof "412(b)".

Page 94, line 5, strike out "(c)" and insert in lieu thereof "(d)".

Page 60, line 12, strike out "model".

Page 102, line 8, strike out "chair" and insert in lieu thereof "chairperson".

Mr. GOODLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The **CHAIRMAN** pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. I do not believe there is any objection to these technical amendments, Mr. Chairman.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Kentucky.

Mr. PERKINS. We have no objection on this side, Mr. Chairman.

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in support of the continuation of the Federal role in our Nation's vocational education system. Vocational education has been an important part of Nebraska's educational system since 1917. And, while the Federal contribution is relatively small, the support Federal funds have given to Nebraska has been the key to a strong and diverse State program.

The importance of vocational education programs to Nebraskans is most clearly demonstrated by the level of support for voc-ed that comes from local expenditures. More than 80 percent of the funding for secondary vocational education programs in Nebraska comes from local government; this is strong support for a program important to our future.

Nebraska has been a leader in developing effective voc-ed programs. In fact, the director of cooperative education in Nebraska testified, by invitation, on the reauthorization of the Vocational Education Act. I consider the Nebraska cooperative education program a shining example of the partnership between business and education that is so important for successfully building a population of skilled and able workers.

Cooperative education offers many advantages to developing partnerships between schools and businesses. This includes the opportunity for industry to serve in an ongoing advisory capacity to provide educators with the real facts of successful business practices.

Employers often comment on cooperative education students' lower absenteeism rates, higher retention capabilities, and enthusiastic productivity. In the rapidly changing world of today, it is difficult for schools to keep up with changing technology because of the high cost of equipment. Through cooperative education, students get the opportunity to train on up-to-date equipment not otherwise available in the school.

Under the legislation we are considering today, the Department of Education may fund model projects that bring together vocational education programs and industries to insure that instruction is relevant to the labor market and smooth the transition from graduation to employment. The Department should look at Nebraska's program when developing these model projects for cooperative education.

Mr. Chairman, passage of this legislation today is important for our future as a nation. The investment we make in education today will be paid back with interest tomorrow. A nation of citizens with skills and training of their choice is a strong nation and this legislation will help provide the tools for the training of all Americans.

The **CHAIRMAN** pro tempore. The question is on the amendments offered by the gentleman from Pennsylvania (Mr. GOODLING).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUNDERSON: Page 23, strike out line 13 and all that follows through line 11 on page 24.

Page 23, line 11, insert "and" after the semicolon; and on line 12 strike out "; and" and insert in lieu thereof a period.

Mr. GUNDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The **CHAIRMAN** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GUNDERSON. Mr. Chairman, we have spent weeks and perhaps even months in our subcommittee and in our full committee trying to deal with the proper role of vocational education. We have tried to put together what we consider the best bill possible to meet the challenges of the 1980's, to adapt and move the vocational education program in a way that it will be able to meet the challenges of the 1980's in the high-tech area and the retraining area, yet providing the basic concerns about access for the disadvantaged, the handicapped, and others.

Mr. Chairman, we are perhaps dealing with one of the key amendments in this entire debate because we are going to decide this afternoon, in the next few minutes, whether vocational education funds ought to be used for vocational education or whether they ought to be used for everything under the Sun, whatever anybody might like.

Present law allows your basic State grant of about $665 million each year, dispersed among the States, dispersed among our local secondary and postsecondary schools, to be used for 19 different functions in vocational education. Under our expansion and in the committee we have expanded that from 19 functions to some 29 different functions, from the basic education of vocational education programs to development of the professionals, population with special needs, upgrading the skills of our adults and our out-of-school youth, institutional-based curriculums, coordination of programs between secondary and postsecondary programs, math, science, and many other areas.

All of these areas, I think, for the most part are good. The problem comes with what is known as section 29 of the basic State grant. This particular section is almost an all-inclusive section saying if you have not included funds for me yet, we are going to give you the money under this particular section.

□ 1320

This is only one of 29 different options, but under the bill any State could use just this 29th option. Then, all of a sudden, we would find that all of our vocational education funds in this country could be used simply for providing basic education to secondary, not postsecondary, but secondary students.

Listen to the words of this particular section:

> We provide vocational education programs for secondary students with integration of academic and vocational programs * * * and other skills in math, science, English and social studies.

If that is not basic education, what is?

Again, we are not talking about postsecondary, we are only talking about the high school student. Then we go on in part B of section 29 and we say we will allow funds for the systematic training and experience in all economic enterprises including, and get this, community relations, other technical, political, economics, and communication skills. You read what that means folks.

Ladies and gentlemen, what we, in essence, are doing is authorizing under the basic State grant the use of funds in some vocational training program in some high school in this country to teach people how to participate in politics. Do you think vocational funds ought to be used for that? I do not believe they should.

Then we go on to section D of the particular proposal. It says we will also provide funding for student involvement and production and provision of goods or services needed for community, social development, based on assessments conducted by the students.

In other words, we will allow money to go into our high schools for students to go out and do a survey as to what they think ought to be done for social development in their community and we will allow the vocational education funds to be used for that particular program.

I do not think there is any of us believe vocational education funds ought to be used for that particular purpose.

When we considered this bill in subcommittee and full committee, we recognized a need for upgrading basic education skills, to allow an adult or a student to be able to participate in vocational education.

That is why we took section 7, which allows special courses and teaching strategies designed to teach the fundamental principles of math and science if an integral part of the student's occupational program.

In other words, if you need to learn math or science to run a computer or to get into some other high-technological area that you are going to have the option to do so under this particular provision, but you are not going to be able to do so just for the sake of basic education gains.

That is why many of us have been concerned in full committee and here on this floor, in a bipartisan fashion, as to what happens with this particular amendment. That is why the American Vocational Education, which has worked so hard and long on this issue, has come out with a letter in support of my amendment to delete these particular funds.

They say:

> The vocational education community is very concerned with the provisions of item 29 in section 202. It is recognized that the provisions are not mandated and are simply permissive. However, this item sends a signal to State and local education agencies that Federal vocational education funds may be used for a vast array of academic activities.

It goes on.

The basic premise that we are going to decide in this amendment, Mr. Chairman, after all the work and hours put in a bipartisan fashion on both sides of the aisle, is whether or not we are going to allow vocational education funds to be used for vocational education programs.

Mr. OWENS. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, the explanation we have just heard is a gross distortion of the intent of the section which was offered by my colleague, Mr. ACKERMAN of New York, in committee, and passed by the committee. In the wisdom of the committee this section was relevant.

It is addressing itself to concerns which have been voiced by people who are very close to what is happening in vocational education in this country at this particular time.

Large numbers of students in the inner city are in vocational education classes, large numbers of teachers in the inner city are teaching those classes, large numbers of parents are watching those children who participate in those courses.

There is a lot of hostility toward vocational education as it is presently taught because of the way it is taught now. The training received by a student is often of no use; it is obsolete even before the student graduates.

One of the reasons it is obsolete is because the kind of equipment used is usually equipment that is outdated by the time the youngsters get out of school.

The inability of the school board of education to supply updated equipment is a major problem.

Therefore, it becomes necessary to have some vehicle and some means to receive training which is going to be relevant beyond the particular pieces of equipment and particular facilities that are available to practice on.

For example, none of us will dispute the fact that computers are going to be very important in American industry; whether you are talking about manufacturing or any kind of occupation, computers will be important.

Therefore, training in computers will be important. Computer literacy is a fundamental part of training for the use of computers.

Yet, the basic problem with computers is that one must learn how to read the manuals and learn how to follow instructions when you are dealing with computers.

The particular computer that a school may happen to be fortunate enough to own at a particular time youngsters are being trained may be obsolete shortly after that youngster is out of school. So they do not want to train anybody focusing on one particular computer.

Therefore, you want to use the manual, to teach students to understand, review and be able to use the manuals of a large number of computers.

You may have a class, in other words, which is focusing on the reading of manuals and reading is really the discipline that is involved. You are learning how to read computer manuals.

The teacher of that class may be a reading teacher. Nevertheless, if the course is designed by the vocational education department, if the people who are providing the vocational education are the ones who determine that that kind of activity is needed in order for the youngster to really get a relevant education with respect to the use of computers, then we are saying you need this provision to guarantee that that will be permitted; not mandated, but permitted.

We are providing an option, an option that is implied throughout the legislation but not clarified enough.

And the people who work in this field said it is not clarified enough; they want guarantees that we will no longer be giving our students training for dead-end jobs; we will no longer be preparing students for a two-track system.

Vocational education is viewed as education within the lower part of a two-track system today because of the way it is taught. If you are teaching a youngster to be a technician in editing in some kind of radio or television studio, they want a technician who can also read; a technician who can also revise a 15-minute speech into a 12-minute speech. They do not need a creative writer to do that; they want a technician capable of doing that along with doing other things. Therefore he has to have more training in English.

It is not absurd to talk about communication skills and English skills.

There are a number of organizations who are supporting this bill. We should take note of the fact that it is supported by the Center for Community Change; the Children's Defense Fund; the American Federation of State, County, and Municipal Employees, AFL-CIO; Service Employees International Union, AFL-CIO; the Mexican American Legal Defense Fund; the National Council of La Raza; the Project on Equal Education of the NOW Legal Defense Fund; the United States Student Association; the National Urban League; the Rural Coalition; the Rural Housing Coalition; the Office of Church and Society, the United Church of Christ; the Union of American Hebrew Congregations; the National Coalition of Title I Chapter 1 Parents; the Women's Equity Action League (WEAL); the NAACP Legal Defense and Education Fund, Inc.; and the Center for Law and Education.

A number of organizations are concerned about the fact that education is becoming a two-track system in the areas where the most vocational education is offered and they want to make vocational education more relevant.

I think industry would be the first to tell you they need people who know how to read and apply their skills of reading, their skills of math to a particular set of vocational tasks.

The change is taking place so rapidly this is absolutely necessary.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the amendment.

Let me see if I can take the emotion out of this issue and put it in its proper perspective.

First of all, every activity that the gentleman from New York spoke about can be done in the other 28 items that are listed in the bill already.

□ 1330

Second, we have already in this bill set aside for special populations 35 percent of all of the State grants—35 percent has already been set aside for access purposes.

And then on top of that when you must consider the largest educational item that we budget in the Congress of the United States. It is chapter 1, which is funded at $3.48 billion. Again an access kind of expenditure.

So we have already done everything that the gentleman from New York has talked about in this piece of legislation.

The AVA's letter was referred to. Let me just read one other paragraph from that letter:

> Vocational educators believe that while item 29 under the basic grants is intended to be permissive. It will disperse the limited federal dollars to a variety of new purposes and state and local education agencies may have a tendency to seek to use these limited federal dollars for more purposes than can possibly be achieved.

But let me again emphasize that everything that the gentleman from New York is concerned about we took care of in the other 28 permissible activities. Let me again say that the whole access question is included in the 35 percent setaside. So I believe that there should be no fear about access. Access has been provided.

I hope that all will vote for the amendment.

Mr. PACKARD. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I will not take 5 minutes, but I think the point has been made and ought to be emphasized that if we take the limited funds from vocational education and earmark it for remedial reading and for remedial math and for other academic programs, we have simply diluted the funds that we have worked so hard to get for genuine vocational education programs.

It would be a tragic mistake to dilute these funds and allow them to be used in a variety of places for remedial purposes when there are other programs for those purposes.

These funds are carefully targeted and to further target them to the point where there is no discretionary funds left to the schools, I think, would be a grave mistake.

And certainly we ought not to use these funds to do the things that the gentleman from New York has indicated to improve the reading skills so that they can read manuals.

If, by the time they reach the point where they are in secondary vocational ed programs, if they have not learned to read the manuals, then they ought to enroll in the programs where we have other targeted funds and programs to correct that problem. Certainly let us not use vocational education money, which is so desperately needed in areas of training and retraining and preparing these young people for job skills. We ought not to use them in the academic areas.

Thank you, Mr. Chairman, and I yield back the balance of my time.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the Ackerman amendment is unnecessary to assure academic skill enhancement of secondary students because:

A delicate balance already exists in H.R. 4164 which assures the integration of academic and vocational skills for secondary and postsecondary vocational education programs. For example; one of the statements of purpose of the bill is to "improve the academic foundations of vocational students in mathematics, science, written and verbal communication, and to aid in the application of newer technologies * * * ." (title I—section 101 B(3)), also No. 7 under section 202—Use of Funds from Basic Grants lists—"special courses and teaching strategies designed to teach the fundamental principles of mathematics and science through practical applications which are an integral part of the student's occupational program" as a permissible activity.

Nothing is gained by the Ackerman amendment which includes, as a permissible activity for secondary students only, programs which provide for higher-order analytic reasoning, decisionmaking, and other skills in mathematics, science, English, and social studies. At best it would be duplicative, at worst it would upset the balance that currently exists and could possibly divert scarce resources from vocational programs into academic programs.

The Ackerman amendment is unnecessary to assure equal access to special populations for secondary students because:

There are already permissible activities programs to insure equal access for special needs populations. For example, No. 3, under section 202—Use of Funds from Basic Grants—includes "vocational education programs and services for populations having special needs such as the disadvantaged, the handicapped, individuals with limited English proficiency, teenage parents and students seeking to enter jobs traditional for the opposite sex, and displaced homemakers" and No. 12 under section 202 again reemphasizes permissible activities which include special vocational education programs and supportive services including—(H) activities to assist in overcoming sex bias and sex stereotyping, special and innovative programs to provide vocational education for individuals with limited

English proficiency, and (L) activities to facilitate the involvement of the handicapped, including the severely handicapped in vocational education programs which shall include the elimination of architectural barriers, and the adaptation and purchase of special equipment.

Thirty percent of title II for State programs is set aside to assist special populations. The equal access provision under the Ackerman amendment would duplicate the provisions already in place in H.R. 4164. The Ackerman amendment further diffuses the already over-extended scope and purpose of H.R. 4164.

There were serious concerns during the hearings on H.R. 4164 that the large number of permissible activities in the bill were too extensive and that too much was trying to be included in view of the limited Federal funds which make up the total of vocational education dollars. Many asked for a better focusing of the Federal investment which can be accounted for and measured through the ability of the system to meet clearly established indicators for effective performance. Instead of following that advice, the full committee unwisely included the Ackerman amendment which increases the number of allowable activities and further dilutes the bill's purpose.

Instead of trying to add more and more language in order to attempt to make sure that nothing is left out, the language in the permissible activities should be reduced to focus on a few of the most important Federal purposes.

Mr. BIAGGI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we know the intent of the bill and it has served very satisfactorily since its creation.

The amendment of the gentleman from New York (Mr. Ackerman), I think, takes a proper approach to a very serious problem. If we were to delete his amendment we would be left with a two-track system, which would, in my judgment, not serve the best interests of those who would opt for voc-ed.

In order to supplement and compliment their endeavors it is critical, in my judgment, to develop their academic pursuits as well.

I went to a high school and I graduated with a general diploma. But in the process I also took an automobile mechanics course.

The language that would remain if this effort would have been in place then, I would have found myself in the position to be opting for automobiles courses or the academic.

Happily, we are in a position to pursue it on a two-track basis. In the end we wound up with a general diploma which permitted me to go forward into education.

I understand the nature of the attempt to delete, but I think it would have a negative impact on the entire educational system. Clearly, if we are talking about those who are interested in voc-ed, and they seem to be increasing in number, because there is a more realistic attitude toward education.

Then we should reject the Gunderson amendment. We are not all born to be professors and doctors and the like. And not all people aspire to have college degrees. There are many people who like to work with their hands and be creative and apply themselves to the skills.

But just to develop those skills in the absence of developing the normal academic skills that one would need in regular everyday social intercourse, I think, would be an error.

□ 1340

And certainly we would be remiss if we supported that thinking.

So I urge my colleagues to contemplate the nature of this amendment. By voting for this amendment, you relegate a certain segment of the student population who are really going to the vocational skills and the trades, you relegate them to a truncated education. They will not have the academic skills to deal on a day to day basis with life. I urge my colleagues to listen carefully and understand the nature of this effort, even though you are not on the Education and Labor Committee, understand the impact the Ackerman provision will have, not simply on a minority community or a poor community, but everywhere across the country. It would induce or give incentive to students who might like to go into the trades and pursue the vocational education path. But if you eliminate the academic, they will be inhibited from pursuing the opportunity that this legislation has traditionally given and given well, and they will just have to pursue the normal course which will be in contravention of their own personal ambitions.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Gunderson amendment.

Mr. Chairman, we have had two speakers on the other side of the aisle in support of the Ackerman amendment and opposed to the Gunderson amendment. The points that both of them make about the need for teaching remedial reading or math, along with vocational education, are very valid points.

In the other 28 subsections of the bill, the 29th being the Ackerman amendment, the other 28 provide, among those permissible purposes, academic training in conjuction with vocational education.

Now, the problem with the Ackerman amendment is that as it addresses the question of remedial math or English or other academics, it does it in a free-standing fashion not tied to vocational education. In other words, this being one of the permissible activities, it is unlikely that all the money would go to this, but whatever portion of the money goes to this section that is used for free-standing remedial academic teaching is taking money away from vocational education.

Now, we do have other programs. We do have other funds available for this academic training. The question we have before us is: Are we going to adopt the Gunderson amendment to keep this bill a vocational educational bill, or are we going to turn it into a general aid to education bill? I submit we do not want to do the latter.

We only contribute about 7 percent of the funds that are spent on vocational and technical education from the Federal level. Those 7-percent dollars are dear, they are meant to go in a way that makes change and improves vocational and technical eduction. To divert them to general academic training without any tie to a vocational program would be criminal, it would be just to wipe out the good that we can do with this kind of legislation. That is why the American Vocational Association is opposed to the Ackerman amendment and supports the Gunderson amendment, and I hope the Members will all vote for it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. Gunderson).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. ROUKEMA

Mrs. ROUKEMA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Roukema: Page 89, strike out lines 8 through 22 and insert in lieu thereof the following:

"(9) that for each fiscal year, at least 20 percent of the State's allotment for part A of title II pursuant to section 104 shall be used to pay for vocational education programs, services, and activities authorized by section 202—

"(A) for individuals—

"(i) who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward an associate or other degree, but which programs are not designed as baccalaureate or higher degree programs; and

"(ii) who have already entered the labor market, or who have completed or left high school, and who are not described in clause (i); and

"(B) designed to promote State and local economic development and employment training, including—

"(i) retraining individuals whose jobs have been lost or jeopardized by technological or economic change for occupations in which there is a current or projected shortage of workers,

"(ii) training for skilled occupations needed to revitalize businesses and industries that are essential to State or local economic well-being.

"(iii) training for skilled occupations which are needed to attract or otherwise promote entry of new businesses and industries into a State or community,

"(iv) providing entrepreneurship training,

"(v) developing innovative pilot programs for trades, crafts, businesses, and industries experiencing technological change,

"(vi) cooperative vocational education programs and other programs of vocational instruction which support on-the-job training,

"(vii) career guidance and counseling programs designed to assist individuals in developing the necessary skills to move into new and emerging fields and those fields experiencing shortages of trained workers,

"(viii) joint vocational education programs with business and industry designed to train skilled workers for occupations utilizing modern technology, and

"(ix) training or retraining of vocational education instructors through exchange programs between business or industry and the school, except that the Secretary may allow such reserved funds to be used for other purposes under section 202(a)(1) if the State provides assurances that needs described in this paragraph are being sufficiently addressed through State and local funding and Federal funding to the State under title III of the Job Training Partnership Act;

Mrs. ROUKEMA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. ROUKEMA. Mr. Chairman, I offer an amendment that will establish and promote an objective of this bill that is of the highest priority: an increase in the relevance of vocational education programs to the actual demand for skills in the workplace.

This amendment promotes this objective by increasing the required expenditure of State basic grant funds under part A of the bill for adult and postsecondary education programs from 15 to 20 percent and requires that these funds be spent for programs designed to promote economic development and employment training. The amendment states clearly defined activities which would satisfy the requirement, including such important activities as training for skilled occupations needed to revitalize businesses and industries cooperative education, on-the-job training, and joint vocational education programs with business and industry designed to train skilled workers for occupations utilizing modern technology.

There is a waiver for States whose adult/postsecondary education activities are already meeting its economic development and employment training needs through State or local funding or title III of the Job Training Partnership Act.

Mr. Chairman, throughout the public policy debate on revitalization of our economy, dislocation of our work force and training for rapid-paced technological change, one underlying consideration remains: Regardless of what policies are established to revitalize our industries, they will accomplish nothing if we do not have the work force with the relevant skills to begin with. Over and over, employers say to me that the best training is "on the job."

As has been stated by Dr. Pat Choate, one of the foremost experts in the area of human resources:

> In the debate over how to generate economic growth and strengthen the competitiveness of U.S. industry, one critical means of restoring productivity growth often is overlooked: improved the quality of the performance of the American work force.

Mr. Chairman, this is exactly the purpose of the amendment. It addresses a deficiency which has existed within the Federal role in vocational education from the beginning: a failure to establish priorities and goals. Since the Federal Government provides less than 10 percent of the total funding for vocational education, this is indeed the most important function it must serve.

But listen to what the highly regarded National Institute of Education, in a 1981 report, concluded:

> Encouraging change and improvement in the Nation's vocational education enterprise is a key purpose of Federal policy, but the Vocational Education Act lacks effective provisions for achieving this objective.

This bill, however, does little more than maintain the status quo.

My amendment takes a modest step forward. I wish we could do more. It entails a greater role for the business community and other private sector elements, and was clearly endorsed 2 years ago when we restructured the Federal job training programs through the Job Training Partnership Act. Despite some differences, the JTPA and vocational education share the same objective of preparing individuals for a productive, economically self-sufficient role in our society.

A recent report issued by the National Research Council did an indepth analysis of the vocational education system. This report, entitled "Education for Tomorrow's Jobs" clearly states the need:

> The vocational education programs that have higher economic and occupational benefits generally also have close and effective relationships with employers. Students who participate in supervised work programs once they are in school tend to fare better once they graduate and work on their own.

An excellent example is customized on-the-job training where a good portion of the education is received at the job site from the employer who, in turn, hires the trainee once he or she has successfully completed training. A similar form of customized training involves State and local economic development agencies which work with employers who are either contemplating moving into an area or are already there but have precise training needs due to expansion or diversification plans.

A number of States are already taking an active lead in such activities, with funding from their own treasuries and from the businesses and industries which are benefiting from them. For example, in Georgia, the Georgia Industry and Trade Department will review the training needs of a company considering locating in the State and will actively work to provide a trained work force. Just recently, an outside company established a $90 million plant in Georgia, which now employs 900 people, all trained through the cooperative efforts of the Georgia Industry and Trade Department and the State vocational education agency.

In Illinois, the High Impact Training Service is designed to serve existing industries in the State. It is considered to be a part of the regular, ongoing adult and vocational education program, which is tailored to individual industries. The program is delivered by the local community college centers or through the local vocational high schools and provides about 1,000 to 1,500 people with new jobs each year.

The CHAIRMAN pro tempore. The time of the gentlewoman from New Jersey (Mrs. ROUKEMA) has expired.

(By unanimous consent, Mrs. ROUKEMA was allowed to proceed for 3 additional minutes.)

Mrs. ROUKEMA. In my own State of New Jersey, we have a strong cooperative education program whereby students 16 years or older are provided academic instruction in school and receive on-the-job training through part-time employment in business and industry. Last year, 898 cooperative education programs served over 14,000 students throughout New Jersey through these programs.

There are success stories in virtually every State, but, clearly, more needs to be done. While such creative efforts continue to grow in some States, we are exercising no leadership at the Federal level to encourage or nurture them.

This amendment takes 20 percent of the State basic grant and says to the States: You must spend this in these priority areas. Remember that this is only 20 percent of an effort that, in its entirety, makes up less than 10 percent of the entire system. With the need for greater employability among those entering or adjusting to today's economy, my amendment is indeed a modest effort.

I emphasize that my amendment stills leaves 45 percent for the State to spend in its own discretion among the myriad of allowable uses authorized under section 202(a).

My amendment increases the amount required for adult and postsecondary education activities because the bill presently fails to address the need expressed in the committee's hearings for more funds in this area. Indeed, this bill originally included a 30-percent requirement for adult/postsecondary.

In supporting this 30-percent requirement, Dr. Gene Bottoms of the American Vocational Association informed the subcommittee just last month that a recent AVA survey of 600 local districts and community colleges found that 75 percent had to restrict enrollment for adults, 50 percent were offering fewer night and afternoon classes, and 49 percent were offering fewer courses and programs for retrained adults. In Mr. Bottoms' own words: "And many more report long waiting lists in those programs where there are job demands."

Clearly this modest 5-percent increase is mandated by the demographics of our Nations' work force. The growth of that work force will slow dramatically in the next 20 years so that today's adults will constitute over 90 percent of the work force in the year 1990 and over 75 percent in the year 2000. In addition, the core of the work force—those aged 25 to 44—will expand from 46 percent of the work force in 1980 to over 56 percent in 1990. The point is that we need to focus more efforts on this group now and we cannot adequately do it with the meager amount already in the bill.

Yet, this amendment was rejected in committee, not because of opposition to the priorities it establishes, but because of political struggle among the various interest groups served by this bill. I fully agree with the need to insure access to these programs by the various so-called special populations—the handicapped, the economically disadvantaged, the displaced homemaker, those with limited English-speaking proficiency. Insuring access for those groups should indeed be a Federal priority, and my amendment does not take one dollar away from the amounts reserved in the bill to insure that access.

Though the amount reserved in the bill for adult/postsecondary programs has somehow been linked to the amounts reserved for special population access, they serve entirely different purposes. My amendment does not deal with access or special populations. It concerns the nature and quality of the programs that will serve those special populations and all others served by the vocational education system.

Indeed, I have recently been informed by the Association of Community College Trustees that the community colleges are already serving the so-called special populations in greater proportions than the set-asides in the bill provide for those groups. Over one-half of all handicapped students enrolled in postsecondary education are enrolled in community colleges. Similarly, over 50 percent of all black students and over 36 percent of all Hispanic students are enrolled in community colleges.

In addition, it has been asserted that the bill already addresses the needs expressed in my amendment because of the existence of parts D and E of the bill, which require a separate appropriation.

I remind the Members that the interests of the so-called special populations were also at one time addressed in a separate portion of the bill. However, it was realized that the portion of the bill that will receive all or most of the funds is the State basic grant in part A. Consequently, those special population needs were moved back into the State basic grant as a set-aside to insure funding.

I too believe that part A will get most, if not all of the funds, and that is why I am not willing to assume that there will be anything left for parts D and F within existing budget ceilings.

In conclusion, I urge my colleagues not to let this opportunity pass without taking a bold step to fill the void in Federal leadership in vocational education. We can address the current deficiencies in the system through leadership, though the encouragement of change and improvement. If we do not act today, we have ignored the lessons of experience and failed a generation.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if we had plenty of money, I can understand the gentlewoman's argument for a worthy cause. All of these set-asides, they could be increased if we had more money, but we do not have those funds.

In 1980, we were spending $781 million. Today in this program in 1984, we have $735 million, much less in 4 years, not considering inflation. Over a period of years we have worked out some set-asides within the basic grants: 10 percent for the handicapped; 20 percent for the disadvantaged; 15 percent for the adults and postsecondary; and 5 percent for women.

We have spent hours and hours in committee and talking to these various groups about their set-asides. The handicapped this year wanted their set-aside increased. They pleaded for a larger set-aside. It would have been nice if we could have said yes. The disadvantaged wanted their set-aside above 20 percent. It would have been nice again if we could have said yes, but we could not because we do not have as much money today as we had 4 years ago.

The postsecondary programs are receiving 15 percent in this bill. Mrs. ROUKEMA, in her statement on the floor yesterday, made this statement, and I read from the CONGRESSIONAL RECORD, page 4780 the bottom paragraph on the right:

> Mr. Chairman, I will offer an amendment to this bill that will provide for such a "reallocation" within existing budgetary resources * * *

Now, if we give the postsecondary a 5-percent increase, what are we doing to the handicapped and the disadvantaged? We are leaving them out throughout the country, and we are just tearing down many worthy programs throughout this Nation.

Let me say that the vocational education people had an increase in the bill, but after they understood the limitation on the funds, and so forth, they are no longer pressing for this set-aside. The community colleges in the Nation are no longer pressing for this set-aside. Let me say to the membership in this body that this issue is at the heart of the bill. We have brought before this branch an excellent bill, and I do not think any of us want to see it torn down.

Let me tell what is wrong with the gentlewoman's argument: If the States want to increase that set-aside, the States have the right to increase that set-aside, the 15 percent is just a minimum.

Why does Mrs. ROUKEMA want to destroy that flexibility? If her State needs to do it, certainly her State can increase it to 20 percent. But I am of the opinion that if you contact your area schools and your vocational schools that you will get a flat answer "no" on this amendment, all the way across the board.

Now, the 15 percent set-aside for postsecondary is just a minimum, and let me repeat again that New Jersey or any other State can go higher if they want, and many States, I am glad to state, do go higher. But why usurp the authority of the States to make this decision?

The people on my left have always made that argument, in every bill that I have been sponsoring over a period of years—educational bills.

The CHAIRMAN pro tempore. The time of the gentleman from Kentucky (Mr. PERKINS) has expired.

(By unanimous consent Mr. PERKINS was allowed to proceed for 5 additional minutes.)

Mr. PERKINS. So, if the States want to do that, they have a perfect right under the present law and many States do. But why should the gentlewoman reach into the Appalachian area of West Virginia and tell them they must tear up programs in that State, by making it mandatory, by shifting limited funds around?

□ 1400

We do not know the needs of the State of West Virginia or the State of Wyoming or Iowa, except the people who have come before the committee, and they have, for all practical purposes, opposed this amendment.

The bill already has an increased focus on postsecondary programs. The bill, in addition to the 15-percent set-aside, creates a new program with its own open-ended authorization again for adult training and retraining. It creates another new program for high technology. The majority of this training will be done through the community colleges. So if the Congress feels this is an important area, and I would like for them to feel that way throughout the United States, we can target dollars for this purpose only through these new programs of grants to the States.

With the set-asides already in the bill for disadvantaged, handicapped, postsecondary, and sex equity, 50 percent of the basic grant is reserved for specific purposes already. There are very good reasons for increasing all of these set-asides, if we had the funds, but we all know we do not have them and are not going to get them. Therefore, we cannot afford to reserved more of the basic grant, or there will be no flexibility left within the basic grant for States to meet their own needs to modernize their own programs. I would think the people who are sponsoring this amendment would be the last to think about destroying the flexibility of the States to modernize their own programs.

The economic development purposes in the Roukema amendment are already reflected throughout the bill in the basic grant, in the adult retraining section, in the new program for training in high-technology occupations. To set aside more for these activities would duplicate what is already in the bill.

The amendment would increase paperwork and administrative complexity. States will have to monitor and verify that local recipients are using these only for the nine activities listed in the set-aside.

Mr. Chairman, let me say in conclusion that we should not disappoint the handicapped whom we held back, and they made a good case for increasing their set-aside, and the disadvantaged. We would be tearing up programs here. I do not think any of us want to do this.

If the State of New Jersey or any other State wants to increase the postsecondary set-aside, they can do it at the State level because they know how they want to utilize these funds. We do not know.

Let me say again that the vocational people nowhere along the line, not even the community colleges, are pushing this bill. They wanted it at one time, but they knew that we could not increase the set-asides for the disadvantaged and the handicapped without destroying the flexibility of the rest of the money in the State and leave enough money to modernize the programs, which is what those basic grants are for.

It would be my hope that the Members in this Chamber would vote overwhelmingly against this amendment. Again, if we had the funds, fine. But why do you want to squeeze somebody to death in the corner when there are no funds, when the State could go ahead and do it anyway? If the State of New Jersey wants to do what you want to do here in this amendment, they have that right.

I would suggest again that we vote down this amendment.

Mr. ERLENBORN. Mr. Chairman, I rise in support of the Roukema amendment.

Mr. Chairman, let me first of all call the attention of the committee to the fact that the original bill introduced by my friend, the gentleman from Kentucky, who just spoke, had a 30-percent set-aside for postsecondary education. It was with the action of the subcommittee that that was reduced to 15 percent, which happens to be the figure in law today.

So this represents an adherence to the status quo. Let me also make a point that I made in committee when my friend, the gentleman from Kentucky, says if you put 5 percent more into postsecondary and adult education you are taking it away from the handicapped, from the disadvantaged. I pointed out to him then, and maybe he did not hear me, but there are handicapped, there are disadvantaged, who will take advantage of postsecondary and adult education. So we are not taking it away from them.

We have two different types of set-asides in this bill that are not to be equated one with the other. One is for access, and that is for the handicapped, the disadvantaged, and for sex equity. Those funds are directed to constituent populations, and these funds set aside are meant to give them access to these programs at whatever level.

The other set-aside is what we are talking about here, and that is the division between elementary and secondary vocational and technical education and adult and postsecondary. It is quite true that when the Federal Government got involved in vocational and technical education, almost all of it was at the elementary and secondary level. Times have changed, and it has been recognized by many States.

There are a good number of States who are devoting well over 20 or 25 or 30 percent. As a matter of fact, my own State of Illinois, over 50 percent of their funds go to postsecondary and adult. Some of the other States are devoting 15 percent or less.

I guess what we see here is that some States have to be pulled, kicking and screaming, into the modern 20th century. We all know that the challenge of today is the retraining of the displaced worker. We all know that today people do not learn a skill in elementary school or high school and then practice that trade for a lifetime. That is not modern society. A lot more of our need today exists in the postsecondary and adult education field.

All we are asking here is a modest increase, not the 30 percent that the gentleman had in his bill initially.

Mr. PERKINS. I did not write that bill; I introduced that bill on behalf of the American Vocational Association, and the Association of Community and Junior Colleges, in order to have a free and full discussion of their proposal.

Mr. ERLENBORN. A modest increase to 20 percent that would help in these States that have not seen the changes in the world, help to redirect some of their vocational and technical funds into the areas of greatest need.

What this bill should be, and we have been trying to make that point in committee and here today, is a way to give guidance for constructive change in vocational and technical education. It should not be a protection of the status quo. It should not just be refunding of old programs. If we are going to do anything with the limited resources that we have that can really be effective, it will be to be a catalyst for change in the directions that we see are necessary for the health of our economy and for the retaining particularly of our adult displaced workers.

That is what this is all about and I think the gentlewoman's amendment is a modest step toward that kind of change, rather than just protecting the status quo. I would hope that her amendment would be adopted.

□ 1410

Mr. HAWKINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it seems to me that the proponents of this amendment have reversed themselves in the last 15 minutes. In the previous amendment offered which was approved, unfortunately, the argument was raised that section 29 was unnecessary because all of the activities provided in that section could be done in previous sections.

There is certainly some merit in that argument, although very, very thin. But at least the point was made that those were activities that were already covered. Now, in this amendment they reverse themselves and say that despite the fact that we have a Job Training Partnership Act, despite the fact that we have a program for the displaced worker, and despite the fact that we have a program for those who are concerned about high technology or other programs which the proponents of this amendment have generally opposed in terms of funding on the basis that that would increase the deficit, despite the existence of those programs, they now are trying to obtain an additional requirement or an additional reallocation of a limited number of dollars for a program they say is to promote the very things which they are not willing to support under these other programs. It seems to me that there is a sense of inconsistency involved in that.

Now, the point is raised that the handicapped and the disadvantaged can take advantage of the program if this amendment is adopted. I think that illustrates a certain amount of unreality about what is happening in education today. Most of the handicapped and the disadvantaged that I know of—and I think this is fairly true every place—do not even reach the postsecondary level. Fifty percent of them have fallen out before they even get near the end of high school.

So we are talking about individuals who are not going to take advantage of this if we are going to take money away from them under other programs.

The other day some of the representatives of the community colleges in my district called me and asked me why I was taking money away from the community colleges. They had interpreted this as doing that. When I explained to them what the situation was, they thoroughly understood and certainly advised me not to support this amendment.

So I believe that what we have present here is an idea that is not even supported by the groups for which it is really intended. This amendment would upset, as I understand it, after looking at it very carefully, the balance that has been reached through the legislative process after weeks and weeks of struggle between the chairman of our committee and the members of the Committee on Education and Labor who have tried to convince the various groups to come together and to be satisfied with a reasonable amount and leave something for somebody else.

One of the first things I have learned in politics was that it is all right to make one person angry with you at a time, but don't make everybody angry at the same time. This amendment is not going to satisfy anyone because it is taking money away from other groups. It is taking money away from the handicapped, the disadvantaged, and the other groups which have agreed to a balance, have made a sacrifice to agree to a balance. And now we have an amendment which is being discussed on the floor which would really be upsetting and divisive in its impact.

I think it certainly is unwise, and it certainly goes in the opposite direction. I think it reverses the earlier arguments of those who are sponsoring this amendment. I think it is a very dangerous departure because it will mean that we will again begin fighting or promoting this type of internal battling among the groups in the field of education that need additional money and not merely the juggling of the moneys from one program to another.

For that reason, Mr. Chairman, I think, from the sense of being intellectually honest and morally responsible to the groups that need the money the most, that we should reject this amendment.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. HAWKINS) has expired.

(On request of Mr. PERKINS, and by unanimous consent, Mr. HAWKINS was allowed to proceed for 2 additional minutes.)

Mr. PERKINS. Mr. Chairman, will the gentleman yield to me?

Mr. HAWKINS. I yield to the chairman of the committee.

Mr. PERKINS. Mr. Chairman, I feel that we should clear up some of the statements that the gentleman from Illinois (Mr. ERLENBORN) and I made in connection with the disadvantaged and the handicapped.

As regards the set-aside in the bill for disadvantaged and handicapped persons, I would like to ask the gentleman if they do not operate differently than the postsecondary set-aside. For disadvantaged and handicapped, the set-asides have to be used for specific services to those groups, and the Federal set-aside dollars only pay for one-half the excess cost of providing vocational education to these students. Moreover, funds under these two set-asides must be distributed to the local recipients on the basis of the numbers of such students served. So these dollars track the disadvantaged and handicapped students down to the local level; is that correct?

Mr. HAWKINS. The gentleman is absolutely correct.

Mr. PERKINS. And then the postsecondary set-aside, to the contrary, can be used for general support of postsecondary and adult programs, and there is no excess cost requirement and the dollars are not tracked down to the individual student; am I correct?

Mr. HAWKINS. The gentleman is absolutely correct.

Mr. PERKINS. I do not know whether the gentleman from Illinois (Mr. ERLENBORN) is over there, but I want him to hear this.

Mr. ERLENBORN. Mr. chairman, will the gentleman yield?

Mr. PERKINS. I will ask the gentleman to wait just a moment. I am asking this of the gentleman from California.

So it is incorrect to argue that increasing the postsecondary set-aside will also benefit disadvantaged and handicapped students and can be counted against their set-asides. We have no guarantee of that. The postsecondary funds could be used to generally improve a postsecondary program and may not provide any special services to the disadvantaged and handicapped.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. HAWKINS) has again expired.

(By unanimous consent, Mr. HAWKINS was allowed to proceed for 3 additional minutes.)

Mr. PERKINS. Mr. Chairman, will the gentleman yield further?

Mr. HAWKINS. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, moreover, the general support for postsecondary programs will not count at all toward the excess cost of serving these students with special needs.

I am asking the gentleman from California, am I correct?

Mr. HAWKINS. Mr. Chairman, the gentleman is absolutely correct. I think the mere wording of the amendment itself reveals the difference.

This amendment, among other things, is designed to promote State and local economic development and employment training, and that means high technology training and the other things that are really beyond the reach of the handicapped and the disadvantaged.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. It seems to me that we are getting into exotic types of activities and we are forgetting the fact that the handicapped and the disadvantaged who would be robbed by this amendment will still be left out where they have usually been, and that is just completely ignored.

Mr. Chairman, I now yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding.

If I understand the point being made by the two gentlemen, I think I am going to have to disagree with it. It sounds to me as though the gentleman is saying that if the State compromises with this and allocates 20 percent to postsecondary—let us say it goes to junior colleges——

Mr. HAWKINS. Twenty percent or more.

Mr. ERLENBORN. Or more. If they do that, no part of that can be counted as going to the disadvantaged or for sex equity.

My point is this: If they have a program for access to the junior college for the disadvantaged or the handicapped or they have a sex equity program, that is part of the 20 percent because it is going to the junior college, but it is also counted for the other set-asides because it is going for those specific programs.

Now, I understand the gentleman from Kentucky and the gentleman from California are saying whatever goes to the junior college cannot be counted for the disadvantaged or for the handicapped, and I just do not think that is true. Now, is that really what the gentleman means?

Mr. HAWKINS. The gentleman from California was saying that from a technical point of view the gentleman is right. From a practical point of view, the disadvantaged and the handicapped are not those who are going to be served basically in postsecondary.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. The idea that the money is taken away from their programs on the theory that they are going to benefit from the money as well as anyone else in the postsecondary program is purely visionary and is not practical.

☐ 1420

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield further?

Mr. HAWKINS. Yes, I will yield.

Mr. ERLENBORN. Is it the gentleman's experience that junior colleges and community colleges fail to provide programs for the disadvantaged and the handicapped and they refuse to participate in those programs?

Mr. PERKINS. Mr. Chairman, will the gentleman yield to me?

Mr. HAWKINS. I yield to the gentleman from Kentucky.

Mr. PERKINS. The gentleman is a good hand to try to make a bear look like a goat, to my way of thinking at times; but before the disadvantaged or the handicapped can be counted in any junior college or community college, they would have to be tracked down and identified. Now, postsecondary schools do not work that way.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mrs. ROUKEMA, and by unanimous consent, Mr. HAWKINS was allowed to proceed for 3 additional minutes.)

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I would like to go back to another aspect of the gentleman's point, because it is not my intention, nor do I want to take anything away from those special populations through this amendment.

I want to correct one think. There is not one dollar taken from the set-asides already in the bill through my amendment from those set-asides for special populations, not one dollar; but the point of the question about how this money will be used to benefit special populations at postsecondary, if my figures are correct, and we indeed have gotten them from the Association of Community Colleges, 50 percent of all handicapped students are enrolled in community colleges. Fifty percent of all black students are enrolled in community colleges, and 36 percent of all Hispanic students.

Now, the numbers may be disputed slightly, but I think the point has to be made that postsecondary education enhances the opportunities of all these groups.

In a letter of March 2 from the Association of Community Colleges, it speaks to the same point, which says:

> The community colleges which are now giving at least half of the advanced skilled training given by the nonprofit system of education already are serving the special populations in greater proportions than the special population set-asides would represent.

Now, we may disagree as to the best way to serve the needs of those special populations, but I do not want anybody in this body to accuse me or anyone in support of this amendment of taking $1 away from the handicapped or in any way diminishing their opportunities. Indeed, I feel their opportunities are greater.

Mr. PERKINS. Mr. Chairman, if the gentleman will yield further, that is exactly what the gentlewoman's amendment does.

Mr. HAWKINS. Mr. Chairman, if I may reclaim my time, my position is not an accusation against the gentlewoman personally, but it is pretty obvious mathematically that if you increase the amount, the percentage of a base, that you thereby diminish that base; therefore you take away from the rest of them who are left there. Unless you are going to increase the aggregate amount, it is pretty obvious that all you are doing is reallocating moneys that are authorized and there is no way that you can possibly say that you are not taking it away from somebody, unless you are willing to support putting more money into that pool from which these various groups can be drawn. Otherwise, mathematically—and I assume the mathematics of the gentlewoman was good in school and that she can reason with me—that you merely are reallocating moneys; that is all you are doing.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent, Mr. HAWKINS was allowed to proceed for 1 additional minute.)

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I simply want to say, Mr. Chairman, we are not changing the base. The base is the same. The percentage of the set-aside——

Mr. HAWKINS. That is the point I am making. The gentlewoman is not changing the base. If you were changing the base, I would agree with the gentlewoman 100 percent, but you are not enlarging the base.

Mrs. ROUKEMA. The handicapped get their 10 percent, their set-aside, the same base.

Mr. HAWKINS. Ten percent of less money, though.

Mrs. ROUKEMA. No, no, that is not the case.

Mr. HAWKINS. Well, I do not know. I had calculus and the gentlewoman's mathematics is different than what I had.

I submit the question to the House.

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I think it is important that this House have the opportunity to examine precisely what this amendment does and to clarify for all the Members of the House that, in fact, the Roukema amendment is a targeting amendment for the purpose of targeting funds for the future of handicapped students and disadvantaged students and women, and it is not a set-aside comparable to the set-aside for special populations elsewhere in the bill.

Indeed, the gentlewoman's amendment would require the same set-asides to apply for special populations in postsecondary programs as in secondary programs.

The amendment improves the use of Federal funds for vocational education for, in short, all groups: the handicapped, the disadvantaged, for women and for all groups, by making a commitment to provide that Federal funds be used in a targeted way to improve the vocational education of this Nation; so I rise in support of the gentlewoman's amendment.

The amendment addresses not one, but two serious inadequacies which exist in the bill. First, as has been discussed on the House floor, the amendment would target more funds for postsecondary education—for postsecondary—and the training and retraining of adults, from 15 to 20 percent.

Now, it is not just the gentlewoman from New Jersey who is saying this, but study after study has concluded that vocational education is more effective at the postsecondary level than at the secondary level. Those include the vocational education study conducted by the National Institute of Education and others.

The amendment of the gentlewoman is not just out of the air. In fact, the original bill as proposed and endorsed by the American Vocational Association requested not 20 percent, not 15 percent, but 30 percent to be used in postsecondary.

I quote from Dr. Gene Bottoms' testimony on November 1 1983 when he said on behalf of the American Vocational Association:

> The emphasis on advanced level preparation through programs extending from the last 2 years of high school through 2 years of postsecondary education represents an additional dimension of vocational education. This bill seeks to give more emphasis to postsecondary and adult programs without taking away from the emphasis on secondary programs. The bill calls for at least 30 percent of the basic State grant to go to postsecondary and adult programs.

That is the testimony of the American Vocational Association, testifying not just for 20 percent, but for 30 percent to be used for postsecondary; so vocational educators, both in the area of the handicapped and the disadvantaged and others, would acknowledge all across this Nation that a minimum of 30 percent should be used in postsecondary.

If we are to improve the occupations and the futures of students and of adults in this country, the gentlewoman would merely increase it to 20 percent.

The second part of the gentlewoman's amendment, I believe, is equally important and this House should understand it and be aware of it, because one of the most pressing needs of this Nation in 1984 is the training and retraining of adults who have lost their jobs due to advances in technologies or changing economic conditions. That includes to begin to focus directly on displaced workers and displaced homemakers.

I would ask this House to read the amendment and not just what is said about the amendment, but the amendment would say in its precise language, it would set purposes and target at least 20 percent to be used to retrain individuals whose jobs have been lost by technological change, for training for skilled occupations needed to revitalize businesses, to attract or otherwise promote entry of new businesses, to promote entrepreneurship training, for innovative pilot programs, for trades, crafts, businesses, and industries experiencing technological change.

In short, the Roukema amendment deserves our support as we look to the future, as we say that at least 20 percent, and it should be more, but at least 20 percent of vocational education funds should be used to meet the national need of displaced workers.

So this is a vote for the future. It is a vote for displaced workers, for displaced homemakers, for those millions of Americans who are in need of training and retraining to cope with an increasingly complex society. Those workers would ask us today to vote for their futures and to vote for an emphasis on training and retraining for modernization and the new technology skills.

I thank the gentlewoman for her amendment.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

□ 1430

In response to what the gentleman said, he characterized the amendment in one way, I would characterize it another way. This is a vote to remove discretion for the expenditure of vocational education funds from the State agency and bring it back to Washington and put it in the hands of the Secretary.

The gentleman touched on the second part of the gentlewoman's amendment and it is really very nice sounding language. But it is the most mischievous part of her amendment because at the present time, all of the arguments about 15 or 20 percent is not really that relevant to begin with because the average spent by the States for the most recent year for which data is available for postsecondary vocational education, adult education was 27 percent. They are already spending on the average much more than the gentlewoman's amendment would require.

As the gentleman from Illinois pointed out, 50 percent of their money is, by virtue of a decision made out in Illinois, spent in postsecondary education institutions with a 15-percent setaside. How can they do that?

Very simple: The same way as my State gave postsecondary education 44 percent of its money. The 15 percent that is presently in the law merely says you will give them not less than 15 percent and if you decide in the wisdom of your local judgment that you want to allocate more of your resources to postsecondary and adult vocational education, you go ahead and do so; that is a judgment for you.

The gentlewoman turns that on its head, under the guise of doing something extraordinary, which, as the gentleman from California has indicated, is not new, innovative, or different than legislation already on the books, which we would like to have some help on that side to finance.

It really makes it sound as if what you are doing is asking the States to give more attention to the displaced worker, for example. That is not what you are doing at all.

What you are saying to the States is that you will take 20 percent of your money and set it aside and not as in the past have your own judgment as to what kind of institutions to put that in, where in your State you want to put it, and how you are going to spend it, but you will set it aside for the following nine specific purposes. That is where she enumerates all of this nice sounding language that is attractive to all of us. My district has more disadvantaged workers than any congressional district in the country.

I think it is cruel to suggest to my constituents that somehow the adoption of this amendment is going to help those people more than they are being helped now. It is indeed going to cripple the ability of the State to do the fine job it has been doing under very adverse circumstances.

If you look at the very end of her amendment, after listing the nine very detailed specific ways in which you can use this money, as distinguished from the discretion that the States had before, she attempts to recover from having shifted all of this power away from the local people by saying, "except that the Secretary * * *"—what Secretary? The Secretary of Education sitting down the street here in Washington—"may allow such reserve funds to be used for other purposes under section 202(a)(1) if the State provides assurance * * *"—to whom? To the Secretary down the street—"that the needs as described in this paragraph are being sufficiently addressed through State and local funding."

She does not say to the State agencies that ever since 1963 have had liberty to administer these funds as they deemed most appropriate for the time and place that they represent, that she wants them to focus attention on this. She says you will either do this or our Secretary will not give you the money.

Now you will cut off the money to any State that has any institution that cannot satisfy, any community college that cannot satisfy the bureaucrats in the U.S. Office of Education that they have met all of these requirements, so that that State can get its money because the State is the delivery system for the money.

The State vocational education board is the decisionmaking body. They are State-selected people who know best, much better than anybody sitting down the street in the Office of Education.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. FORD) has expired.

(By unanimous consent Mr. FORD of Michigan was allowed to proceed for 2 additional minutes.)

Mr. FORD of Michigan. They know best what the current and anticipated needs for training and education are in their State. I think that it falls with ill grace, particularly on my ears, coming from that side of the aisle, to hear the people who have been espousing this adminstration's argument for getting the Federal Government out of education decisions, arguing for moving the decisionmaking to the State level—adopt block grants, they say; give the money to the States, and let them spend it the way they want. If that is a good idea, what is wrong with it in a program where we have been doing that for 21 years?

We have been doing it for 21 years and it has worked. Why do you want to change it?

And, finally, keep this in mind: With the set-asides already in the bill, with the level of 15 percent, 50 percent of the money that is going to the State is already set aside in these categories. And what really happens, if you add some more on with the gentlewoman's amendment, is you set even more of the money aside and outside of the discretionary judgment of the State.

I can predict to this House that if her amendment passes, in 10 minutes there will be an amendment offered on the floor to do the same thing for the handicapped. Do you want to vote against giving the handicapped more money?

Then 10 minutes later, we will have another amendment to do more for disadvantaged children. Do you want to vote against them?

We will end up saying to the State, "Well, we were going to give you some money, as we have been giving you in the last 21 years, but we have decided that you don't know what you are doing out there and we know better in Washington, and we think the Secretary of Education would do a better job running your schools than you do."

I submit that that is almost heresy on that side of the aisle with the positions clearly set forth by the Heritage Foundation for this administration, and so slavishly adhered to in the first 3 years of this administration, to now be abandoning all pretense of trusting the States to handle their own education matters.

I ask that the House vote this amendment down.

Mr. GOODLING. Mr. Chairman, I rise to strike the requisite number of words.

First of all, I would like to commend California and Kentucky and Michigan, and say shame on Pennsylvania and New Jersey and six other States because California, Kentucky, and Michigan are spending way beyond the 15 percent for postsecondary education. Kentucky is spending 25.8 percent.

Probably part of that has something to do with the way statistics are counted. I would imagine that it is difficult to separate adult education from postsecondary education that would happen to include young people of secondary age.

Having said that, let me put into perspective where we are today and how we got here.

It is true when we introduced the original bill that we eliminated set-asides as such, and we designed parts D, E, and F, which, as a matter of fact, would carry out these special programs and probably do more for those people than existing programs do now.

However, those who are used to the set-aside feared that there would not be the necessary appropriations to carry out parts D, E, and F, and so they came back to us and insisted that their set-asides be put back into the bill. In fact, in one of our meetings we got to the point where we had 110 percent of the funds set aside. As the gentleman from California said about math, my math could not conceive how you set aside 110 percent of 100 percent.

So we said to those groups, if you do not insist on increasing the disadvantaged set-aside to double the amount they presently get, if you do not insist on increasing the set-aside for handicapped to double what they get, and if we include a set-aside for sex equity of 5 percent, we would then in a compromise spirit submit a 15 percent rather than a 30-percent set-aside for postsecondary education.

□ 1440

That is how we got to this point. We included the 30-percent sit-aside for postsecondary programs originally simply because all of the testimony that we had from State education offices indicated that the waiting list was on the postsecondary level.

Now that means postsecondary, that does not necessarily mean community colleges; that means any person who dropped out of the school and is now in one of the adult education programs, anybody who is in a community college, et cetera.

So it was in this spirit of harmony and this spirit of trying to hold this piece of legislation together that we then came up with the 5-percent set-aside for sex equity, 10-percent set-aside for handicapped, 20-percent set-aside for disadvantaged, and 15-percent set-aside for postsecondary; all the same as in the current legislation with the exception of sex equity, which is an addition.

As I said when I started, I merely take this time to make sure that all of the Members understand how we got to this point and how we established the set-asides where they are. It was a negotiating process that went on for hours and hours and hours, not only with Members, but a negotiating process that went on with every group, every organization, every person that would be somehow affected by this piece of legislation.

I yield back the balance of my time.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think that the gentleman from Pennsylvania has laid out exactly what the procedure was by which we arrived at the various set-asides put together in the vocational education bill.

There was a new set-aside added this year sponsored by myself and other members of the committee to make sure that there was access to these programs by women, recognizing the traditional problems that we have had in vocational education with respect to access of women to various programs which have been offered within the vocational education curricula.

In so doing that, we did strike a compromise. We struck a compromise with those representing the disadvantaged, the handicapped, higher education, and others so that we could provide for that set-aside.

Now with this amendment, what we are doing is we are coming in and asking for an additional set-aside of 5 percent. I think the gentlewoman is correct that this would not necessarily adversely affect those populations, but what it does is I think it fails to recognize, as those organizations do, the different parts of their populations.

Get vocational education at different levels of our educational establishment.

What this does is provide a greater tilt toward the postsecondary portion of the educational establishment and, at the same time, not enlarge the amount of money, which was the point made by Mr. Hawkins, as to fully fund those programs that are already there.

So obviously this 5 percent must come out of some program's hide because the money is simply not there. And I think that that is why we are opposed to this. We think we have provided set-asides for access to these programs, recognizing that some of these populations take part of these programs at the postsecondary level; some of the populations, the disadvantaged, handicapped, women, and others, will take advantage of these programs at the secondary level. That is an important split.

If you want to tilt it, as the gentleman from Texas has suggested, because of studies that have been done, I do not think you want to do it necessarily by robbing the available money that is still left in the system for that traditional split. That is what is wrong with this amendment. It is not that it goes out and attacks one of the interest groups. But what it, in fact, does is change the split where vocational education is in fact offered.

I think we ought to honor that as a compromise. The supporters of the original efforts, I understand, are supporting this compromise so we will be able to provide access to these programs; we will be able to retain the split between programs offered at the high school or secondary level, if you will, and those offered at postsecondary.

And I would hope that the Members of the House would vote down this amendment.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

I am aware that our distinguished chairman, the distinguished ranking member and some others have worked out an understanding; a gentleman's agreement on exactly how to distribute the set-asides, and I respect all of them. They are our leaders in this particular bill. But they have not bound this Congress, or the rest of us on the committee to that particular compromise agreement.

Let us, Mr. Chairman, understand what we are doing: The Federal role in vocational education is not to dictate everything. No one is suggesting that. If we were going to do that, we would be much more specific than we are. Likewise, the role of the Federal Government is not to fund vocational education in and of itself; we only give 7, 8, 9, 10 percent of the total amount of money spent for vocational education, hardly enough to justify us going in with major mandates.

What we are suggesting is the Federal role in vocational education always has been, always should be, a leadership role. We provide a small amount of money and through that we provide leadership. In 1963, 1968, and the 1970's, when we reauthorized vocational education, the major emphasis in each and every reauthorization was access, access for the handicapped, access for the disadvantaged, access for the special populations. That was right, that was correct, and we justified and defended what they did.

The problem is that in 1984, the reauthorization purpose is to meet the challenge of the high-tech postindustrial society that we are moving into.

Each and every Member who comes from our urban areas, from our Midwest, from our Northeast, the areas of traditional high industrial output, today rested in high unemployment ought to be very supportive of this particular amendment, because we are saying, let us make sure we have funds in there for the adult retraining necessary to provide new permanent jobs or to maintain skills necessary for the high-technology society.

Those who might come from the South, the Sun Belt, where the industry seems to be moving, you ought to be for this amendment, because without this amendment, you are not going to have the ability to have your vocational schools meet the challenges of training your population for the needs in new industry in your particular area. Remember what Lane Kirkland of the AFL-CIO said about a year ago, when he said about one-fourth of the people unemployed in this country will never be called back to work; because they have been laid off, not as a result of the downturn in the economy, but they have been replaced by technology.

John Nesbitt, who authored "Megatrends" wrote in his book that we are going in education from a point of finishing education at the high school or college level to ongoing, continuing education throughout our entire life.

That is what this bill is about; it is about retraining the adult society for the needs of a high-tech society in which we are embarking.

That is what this amendment is about, to send that small leadership signal, that in the reauthorization of 1984, we want our States and our local governments to put a little bit more emphasis on adult training and retraining.

I yield back the balance of my time.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I assure you I will not take 5 minutes. I rise to join my colleagues in support of H.R. 4164, the Vocational Technical Amendments of 1984, and in opposition to the amendment offered by the gentlewoman from New Jersey (Mrs. Roukema).

As a member of the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor, I would first like to compliment my distinguished chairman, Carl D. Perkins, and the ranking minority member of the subcommittee, the gentleman from Pennsylvania (Mr. Goodling), for their outstanding leadership in bringing about an equitable bipartisan measure which deserves the support of every Member of this body.

Ever since 1917 with the passage of the Smith-Hughes Act the citizens of our Nation have benefited tremendously from vocational education. Today, over 16 million students are taking advantage of vocational education programs to obtain educational and occupational training necessary to excell in our high competitive society. In 1976 when this body passed other amendments to the Vocational Educational Act, one primary goal was to insure access and equity for groups with special needs, groups such as the disadvantaged, the handicapped, and those with limited English proficiency. H.R. 4164 strengthens that effort. It continues the current set-aside of funds within the basic grant provisions of the act by requiring 20 percent of those funds be set aside for disadvantaged and limited-English proficient individuals, 10 percent set aside for those individuals with handicaps. In addition, a new and necessary set-aside of 5 percent has been created to address sex equity concerns and provide program support and services to women in vocational education.

Mr. Chairman, with disadvantaged and minority youth comprising a greater percentage of school enrollments, the need to insure continued attention to their needs, in these times of budgetary restraint and limited resources, is one that we cannot ignore. Unfortunately, while I would have liked to have more funds set aside for these populations, the realities of our current fiscal situation dictate that we utilize our resources in the most practical and equitable manner available.

I am concerned about what will happen to the 70,000 people in my district who are currently unemployed and some who are trying to get into the various vocational training programs today.

Some are disadvantaged and never had a real opportunity to complete a high school education. When the issue was discussed in committee, I expressed concern about the access to educational opportunities for people who are now outside, like many of the disadvantaged, the handicapped, those with limited English proficiency. It is true that in Illinois, the State which I come from, approximately 50 percent of the money is spent for educational purposes but nevertheless, these people are locked out even with the benefit of that 50 percent.

The set-asides found in H.R. 4164, are both equitable and practical and were reached with great compromise among the special population groups they address. In considering additional set-asides, the Committee on Education and Labor recognized that even though programs that fund postsecondary and adult programs are without a doubt worthy and necessary, so are programs that meet the needs of the handicapped, the disadvantaged and those with limited-English proficiency. With the limited appropriations that we have to work with for vocational education, any increase in a set-aside for postsecondary and adult programs would have to be extracted from other types of equally worthy programs, an action which I and the committee, by rollcall vote, felt ill-advised.

I want to hear somebody explain to me how, without putting more money into the program, how you can increase the postsecondary and adult program set-aside by 5 percent and not affect the amounts set aside for the handicapped, the women, and yes, for the disadvantaged. It cannot help but deprive them of the opportunity to have access to the programs.

Another thing that particularly bothers me, there is no mention in the amendment about the ways in which funds set aside are to be used in the continuation of programs that are provided by unions and other labor organizations. I mentioned this the other day during our committee markup of

H.R. 4164. The amendment continues to mention schools and businesses, but it does not say anything about the involvement of labor and the programs such organizations have been providing.

I want to close, Mr. Chairman, by saying that the provisions in the bill as they currently stand, are both practical and equitable improvements to the current Vocational Education Act. I therefore encourage all Members of this Chamber to support its passage and oppose any attempt to unravel the carefully crafted percentages already written into the legislation.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

I do not want to take issue with what the gentleman said, but I do want to make sure that the gentleman understands that the bill is filled with the areas that the gentleman mentioned, cooperation between labor and management and labor training, all of those programs that the gentleman mentioned.

The bill has page after page of references to those areas. I want to make sure the public is not confused.

Mr. HAYES. Mr. Chairman, if I may continue by saying, the gentlewoman mentioned nine specific ways for which her set-aside amendment is to be spent. And it does not mention any involvement at all of any labor organization.

Mr. GOODLING. I am not talking about the gentlewoman's amendment, I am talking about the bill itself.

Thanks to the gentleman from California (Mr. Hawkins) there is reference after reference after reference in this bill about linking apprenticeships and vocational education, on-the-job training, all those kinds of things that the gentleman mentioned.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. Roukema).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bartlett: Page 4, lines 7 and 8, strike out "to expand, improve, and, where necessary, maintaining existing" and insert in lieu thereof "to expand and improve".

Page 17, lines 18 and 19, strike out "expanding, and, where necessary, maintaining" and insert in lieu thereof "expanding, and, as permitted in section 413(4), maintaining".

Page 87, strike out lines 16 through 21, and insert in lieu thereof the following: "(4) that the programs, services, and activities funded in accordance with the uses specified in section 202 are designed to expand or improve the quality of vocational education programs, or to initiate new programs of high quality, and that funds made available to eligible recipients shall not be used to maintain existing programs, services, and activities without substantial change, except—

"(A) for those designed to meet the special needs of the handicapped, the disadvantaged, individuals of limited English proficiency, or of women;

"(B) for those designed to meet the urgent training, retraining, and upgrading needs of adults described in paragraph (9)(B); or

"(C) where the State board has made a finding in each instance with respect to any such program, service, or activity (after consulting with the State council) that such assistance is necessary to maintain the quality of or to continue a program of demonstrated effectiveness;".

Mr. BARTLETT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTLETT. Mr. Chairman, now that it is getting about halfway through the afternoon, it seems to this Member that with this amendment we get to the heart of the message today and to the heart of the use of Federal funds. This amendment says that Federal funds ought to be used in this Nation to improve vocational education for the next 5 years, rather than to continue to fund those old outmoded status quo programs, which without this amendment, H.R. 4164 would continue to do.

This amendment, Mr. Chairman, would restore the original wording of the vocational education proposal, the original wording as proposed and endorsed by the American Vocational Association and other groups, the original wording which would restore the concept that Federal funds should be used to expand and to improve vocational education, but that local funds, State and school district funds, should be used to maintain or to sustain those programs on a regular basis.

I have included in this amendment, Mr. Chairman, some very carefully constructed exceptions to that rule so that for the exceptions of handicapped and disadvantaged and adult retraining and other programs as the State board might allow, they might permit an exception, but only on an exception basis.

Mr. Chairman, Federal funding accounts for not 100 percent, not 50 percent, not 20 percent, but Federal funding accounts for only 7 percent of all funds expended nationwide for vocational education.

This Congress is faced with increasingly scarce Federal resources and we in Congress must ask ourselves today what the purpose of Federal funding ought to be in vocational education.

The American Vocational Association has asked itself that. Vocational educators have asked themselves that. Other organizations and the National Institute of Education have asked themselves that. And the conclusion is that Federal funds should be used for the modernizing of vocational education, for the improvement, for the expansion, but not for the maintenance of old programs.

The role of the Federal Government in vocational education is closely tied to its role in other education areas. And that role is twofold. Simply put: No. 1, the Federal role is that of leadership, improvement. And No. 2, the Federal role is to assume responsibility to insure access for special populations. And this amendment would restore that appropriate Federal role in both cases.

These roles extend to vocational education, and in the case of leadership, this translates to this amendment and to program improvement and modernization.

This is not an insignificant issue, Mr. Chairman. One is tempted to think that schools would naturally use Federal funds to improve vocational education and their programs on their own but unfortunately, that has not been the case.

According to every study that has been on vocational education which should have, but did not in all cases, guide the committee and guide this Congress, according to the vocational education study by the National Institute of Education, for example, they said:

> Only a small percentage of all funds—

Only a small percentage—

> spent at the local level go for program improvement purposes. Most funds are reported primarily as expenditures for maintaining vocational education programs.

Now if this Congress cares about improving vocational education, as I know it does, it is essential that we focus and target this bill for the improvement.

I would submit that maintenance of the status quo is not an acceptable use of scarce Federal dollars. And it was not just the National Institute of Education, also high school, the Carnegie Foundation study, and Mortimer Adler's Paideia report, all concluded the same thing.

Federal funds without this amendment would continue to be used for the status quo, to be used in what are too often outmoded and outdated programs. This bill, with this amendment, would cause those programs to be updated, to be modernized, to be brought into 1984 for improvement in modernization. That is not a new idea. This is not the Bartlett amendment. This amendment takes the precise wording of the original bill of the original sponsors of the original bill proposed by the American Vocational Association and other groups. The concept was endorsed without a dissent by the house of delegates of the American Vocational Association. In fact, when it was introduced, the bill, H.R. 4164, did not include maintenance of existing programs as a permissible use of Federal funds.

That wording, Mr. Chairman, was added—that wording, to maintain the status quo—was added in committee. And, Mr. Chairman, the committee erred.

The vocational educators, the principals, the superintendents, the students were right and the committee was wrong.

Maintenance of stagnant programs is not an acceptable or productive use of Federal funds in vocational education.

Now the amendment is not absolute. This Member has included some exceptions. Exceptions for programs meeting the needs of special populations including the handicapped, disadvantaged, limited English proficiency and women. And programs to meet the urgent training and retraining of certain adults, and for programs of demonstrated effectiveness as certified by the State board.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. BARTLETT) has expired.

(By unanimous consent, Mr. BARTLETT was allowed to proceed for 1 additional minute.)

Mr. BARTLETT. Mr. Chairman, we must return to the original version of the bill. We must set out to improve vocational education on the House floor today for this country and for the rest of this century. And not to merely maintain the status quo of outmoded vocational education programs.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, someone has great vision on my left. This is a great way to dream up legislation so that in a few years there will not be the demand for the Federal dollars and to cap this program off.

This amendment strikes out the authority in the bill for States to use funds to continue existing programs and instead allows funds to maintain programs only when the State grants a waiver of this prohibition on a case-by-case basis.

□ 1500

Now, I do not feel that we should take all of the control away from the vocational schools, the local school boards in the country. This is the first time amendments of this type have ever been offered by my friends here on the left, and if this amendment is adopted, a State would have to make a determination in every case that the program is serving a special population or adults and that such assistance is necessary to maintain the quality of the program. And we all know this would be cumbersome. It would be a cumbersome administrative process, and it would result in a lot more paperwork.

This amendment could give States undue control over local programs and curriculums if the State chose to be heavy handed in the way it enforced this provision or granted this waiver.

The amendment would permit a waiver to be granted only to programs which serve groups with special needs or adults. This would severely hamstring local programs that may be effective in serving all types of students or secondary programs.

Now, many poorer school districts or institutions in economically depressed areas simply will not be able to continue without the Federal dollar. That is the real objection now to this amendment. It would not make sense for these areas to establish new programs with Federal funds if they cannot keep what is already there. Many persons would be forced out of training programs.

Now, the Federal dollar is particularly important in maintaining programs for disadvantaged and the handicapped students. Federal dollars make up 25.8 percent of the total outlays for disadvantaged students and 30.4 percent for handicapped.

And let me say, this amendment has not been well thought out. I know the people on my left do not want to eliminate these programs. And that would be what they would be doing. It is difficult to draw the line between what constitutes expanding or improving an existing program versus maintaining such a program. To prohibit use of funds for maintaining programs would simply result in States using a different title or doing some way, they would have to, to continue with any semblance of present programs.

Now, we all know that we want to spend the money for innovative programs. That is left in the discretion of the States. That goes down to the local level. That is the idea. The Federal dollar creates the incentive. But for programs of the disadvantaged and the handicapped. And many legislatures are not meeting and will not meet, and in many legislatures this year funds have been omitted. And I would say to you that we do not want to destroy. I would say that we will destroy hundreds and hundreds of programs, destroy the effectiveness of those programs throughout the United States, if we say we cannot maintain any existing programs.

Vocational education has come a long ways. And in the areas that you are going to affect by this amendment, you have a waiting list of 3,000 and 1,000 and 2,000 people practically all over the country. And I say to you if this amendment is not thrown out. I do not feel any of us will be gullible enough to think that we will support a program that wants to destroy the good programs that we have.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Bartlett amendment.

Mr. Chairman, I think it bears repeating, although it has been said many times on the floor today, that the Federal role in vocational education is specific and limited. Only 7 percent of the total funds spent on vocational and technical education comes from the Federal Government. And it has, as I say, a specific and limited purpose, and that is to encourage improvement, to encourage the creation of new programs, to extend existing programs that are effective.

Now, that is not my conclusion. I would like to read to you from the vocational education study, a final report, publication No. 8, issued by the National Institute of Education. As most of us know, the National Institute of Education was created by the Congress within the Department of Education to be a research arm for education at the Federal level and to make recommendations as to improving education generally across the board.

Here is what the National Institute says in this report:

> Encouraging change and improvement in the Nation's vocational education enterprise is a key purpose of Federal policy, but the Vocational Education Act lacks effective provisions for achieving this objective. The law intends Basic Grant funds to be used preferentially to extend and improve programs rather than to maintain them.

Now, there is a proposed change in the law from what is being described in this document. In the committee bill that proposal is to devote funds to the maintenance of existing programs, to change the basic thrust of the Vocational and Technical Education Act.

The gentleman from Texas is offering a change, as well. He wants to reinforce the current purpose of Vocational and Technical Education Act and to see that our Federal role is defined as one of leadership and one for promoting change.

The National Institute of Education goes on with a few other comments. They say:

> Only a small proportion of all funds spent at the local level go for program improvement purposes.

Again, in another section, they say:

> Less than one-half of all reported program improvement and supportive services funds are spent for program improvement purposes.
>
> About half of the reported expenditures of Federal funds for activities and services authorized under subpart 3 are aimed at improvement. The largest single expenditure

of these funds, about one-third, is for guidance and counseling services, which should not be counted as program improvement.

In another section they say:

> The requirement to give priority to applicants proposing new programs for new and emerging occupations has not operated as intended.

So there is a very strong recommendation from the National Institute of Education created and funded by this Congress to give us advice as to what to do. Very strong recommendations. And the committee bill as it now is on the floor goes in exactly the opposite direction.

I think that we should adopt the Bartlett amendment to not only reiterate what the current law states but also to improve on it and make it more effective.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, I know that the gentleman is aware that it is not just the National Institute of Education that has said these things, but it is vocational educators from all over the country. Indeed, I have a quote here from the testimony of the National Advisory Council on Vocational Education, which concludes, in their conclusion, in their words: In general, available Federal funds should be limited to the following uses: First, program improvement; second, program leadership; third, expansion of existing programs of high quality; and fourth, establishment of new programs to meet new skill training needs.

The gentleman is saying that this amendment in restoring the original words of the bill would speak out for and improve the program of vocational education students around this country for the future, as well as for the present.

Mr. ERLENBORN. The gentleman is correct, of course. And let me make this one last observation, and then I will be happy to yield to my chairman.

When I came to this Congress some 20 years ago, I used to hear a lot of political rhetoric about the Republican Party being the party of status quo and all the bright ideas were alleged to come from the other side of the aisle. It seems to me that over the years there has been a change in the roles, to whatever extent those assertions were true in the old days about our party. It is obvious that it is the Democratic Party, it is that side of the aisle, that is the party of status quo. They want to protect things, not only the way they are today——

The CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. ERLENBORN) has expired.

(By unanimous consent, Mr. ERLENBORN was allowed to proceed for 2 minutes.)

Mr. ERLENBORN. They not only want to protect things as they are today, they seem to want to turn them back several decades and have no improvement in such things as vocational education.

We are here to provide leadership. We have an opportunity with this act to provide leadership for change, to make certain that vocational and technical education meets the needs of today and not just to protect the status quo.

Mr. PERKINS. Mr. Chairman, will the gentleman yield to me for a compliment?

Mr. ERLENBORN. I will be happy to yield to my colleague, the gentleman from Kentucky.

☐ 1510

Mr. PERKINS. Let me say to my distinguished colleague that I do not know of an individual in this Congress that represents his district better than the gentleman from Illinois (Mr. ERLENBORN).

According to my sources, you represent the second richest district in the United States of America, and I think if I represented a district that had all that wealth, that I would entertain some of your views at least. I want to compliment the gentleman for representing that district like he does.

Mr. ERLENBORN. Well, I thank the gentleman. Let me point out we also in my district and in the State of Illinois, have been leaders in vocational and technical education. The junior college system began with a junior college, the first in the country, that was started in Joliet, Ill., now represented by our colleague, GEORGE O'BRIEN, but at one time represented by myself.

Illinois devotes more of their resources to education generally, and to vocational and technical education and that is why we are a successful State economically, because we have educated our people and trained them and brought them into the 20th century instead of trying to keep them on the farm, like they do in Kentucky.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment.

Mr. Chairman, in ordinary times or in good times perhaps this amendment might get a higher degree of acceptance on my part. But certainly not in these times. Some districts in most need right now, in the depth of this economic dislocation which we are still going through in my State, need those Federal dollars just to maintain, in many instances, their programs.

The State of Michigan is making some recovery, but it is still not good. The State dollars 3 years ago were cut drastically, and two different times in 1 year, the education budget was cut. Local millage has not been able to keep up with this. The local tax base has dwindled and dwindled as businesses would close in Michigan, and as people would leave Michigan. As a matter of fact, just in the last month the tax authorities in my city reduced the taxes tremendously on the Fisher Body plant in Flint, because the Fisher Body plant has announced it is closing.

So, at the very time when they are struggling to maintain programs, you offer an amendment like this. It just does not make sense.

Then you give some escape clause saying you can go to the State with your hat in hand, begging for some type of an exemption, but you are going to a State that is bereft of funds itself. To personalize this a bit, when the legislature did show its courage, and vote for a tax which I would have voted for too, then you find Members of the party representing the other side of the aisle, out successfully recalling two Senators who had shown courage.

Some are trying to recall the Governor, a former Member of this body, for trying to just maintain some programs.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from California.

Mr. PACKARD. It is a curious argument, I find, where you claim that the schools are too broke to be able to implement new, or modernized technology in training, and then still propose that we give them more and more money to perpetuate their obsolete training programs.

It would appear to me that the way to improve what your concerns are would be to at least earmark some of the Federal funds, they still have about 93 percent of their total funding for vocational ed coming out of the States, not out of the Federal Government. It would appear to me that the Federal funds could certainly be used to help modernize their training methods.

Mr. KILDEE. Before you build a second floor, you have to make sure you have your foundation and your first floor. So we have to make sure that we maintain. Certainly we want to improve, and we are doing some improvement, but that is very often scattered throughout the State.

Three years ago, had this amendment been offered then, it would have been even more outrageous then. Three years ago, at the very same time when Michigan needed vocational education more than any other time in history, Dave Stockman and his shop was cutting Federal funds and we were losing funds on the State level.

We have to maintain, we have to improve, and we have to expand and add new programs. But to say that if you have a period where you are just hanging on in maintaining programs, that you cannot do that with Federal funds, that does not make sense. We want to do both, but we have to keep our foundation and our first floor intact before we can go on to the second floor.

Mr. EVANS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Illinois.

Mr. EVANS of Illinois. I thank the gentleman for yielding.

Mr. Chairman, there is no more important task for our Government than to help those of its citizens who want to work to find work. In my district in west central Illinois, unemployment this year is rising, not falling. Due to our rapidly changing economy, thousands of my constituents who once had secure, productive jobs will never have those same jobs to go back to.

These people do not want handouts. But they do want retraining in marketable skills that will allow them to once again become productive members of the great American work force. Retraining and adult education courses throughout my district have lengthy waiting lists. The vocational-technical education amendments before us today will give these displaced workers a chance. It will improve and expand training opportunities in our public schools and community colleges, such as Black Hawk College in Moline, Ill. There are currently 6,385 students in the career and vocational education program at Black Hawk College, with an average age of 30. Over 1,000 such students graduated or completed their training programs last year.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. Kildee) has expired.

(On request of Mr. Evans of Illinois, and by unanimous consent, Mr. Kildee was allowed to proceed for 2 additional minutes.)

Mr. EVANS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I again yield to the gentleman from Illinois.

Mr. EVANS of Illinois. Mr. Chairman, it is popular these days to denigrate Government and to discourage Americans from looking to their Government for help. But I believe that we have an obligation to provide our fellow citizens with an opportunity to contribute to our economic well-being. With the challenge we are facing from our trading partners and competitors abroad, we need every well-trained and productive American worker we have got.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for the past 2 years I have had the privilege of serving on the Education and Labor Subcommittee with my good friend and colleague from Texas, and I do not believe in all that time that we have ever had to actually go to the floor in disagreement on a particular amendment, but I have to tell my friend that today I simply disagree with his amendment and I need to stand up and make that statement in agreement with our chairman.

The reason for that, folks, may be for a little bit of a perspective that I come from a small, rural area with a lot of small schools. But I think it is more important than that, because what we have tried to do in this bill is two things: As I have said, we have tried to put together a vocational education bill that meets the vocational education needs of the 1980's, but at the same time we have tried to do so in a way that is administratively feasible.

I would like to give a little case history from the State of Wisconsin and from my own congressional district. We have 89 different high schools in my congressional district; 40 of those high schools are not participating in the Federal vocational education program, because of the rules, regulations and paperwork.

And all we are trying to do with this particular amendment, if the gentleman from Texas were successful, is to say, we will give you some money and 1 year to set up a new program. But then we are going to pull that money out from underneath you in year No. 2 and it is up to you.

Now how many of us realistically have not heard our local officials say, "Please, please, please do not start a program and then pull the funding out from underneath us in year 2." Oh, yes, you can get it in year 2 if you want to go to the State board and appeal to them under the gentleman's amendment, but is that really what we want?

□ 1520

I have a particular school in the State of Wisconsin that gets $285 from the Federal voc-ed program for a word processing system. Now, realistically are we going to tell them, "We are going to give you that once and then, folks, we are not going to be involved at all to help the small schools, try to provide some semblance of computer education?"

We had all kinds of testimony at our hearings, and you can quote whoever you want to quote who happens to be on your side with philosophical arguments, but I will tell my colleagues, there was witness after witness who came before our subcommittee and said, "Please, do not force us year in and year out to change the title of a program, to play Mickey Mouse with the program, so we can say we have a new program when, in essence, we are still trying to provide that basic vocational education."

If vocational education is important, it is not important for just one person or one group of students in 1 year. If a school district ought to have a program in 1 year, they ought to have it in years 2, 3, 4, and 5 if it is a good program.

All we are saying in this law as we have it today is that we are going to allow them, under unique circumstances, to maintain that program. The gentleman from Pennsylvania is going to offer an amendment if this one goes down in defeat, and I understand it is agreed to by the chairman, which clarifies even more so exactly how we use that maintenance funding. But to say we cannot use it at all, folks, is to again play the game our local officials do not want us to play, catch and bait, give them the catch 1 year, the bait, and then withdraw it.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr GUNDERSON. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Chairman, it seems to me that since 93 percent of the funds come from the State and only 7 percent from the Federal Government, what is necessary to maintain existing programs should easily come out of that 93 percent. Those who are opposing the amendment offered by the gentleman from Texas, Mr. Bartlett, seem to say that we need 100 percent of the funds, all of the Federal and all of the local funds, just to maintain existing programs.

Now, part of that 7 percent might be needed. There is an allowance in the Bartlett amendment. It says in subparagraph (c) where the State board has made a finding in each instance with respect to any such program or service that such assistance as necessary to maintain the quality of or to continue a program of demonstrated effectiveness. So if they do have demonstrated, effective programs that they need Federal money to maintain them or to expand them, that money will be available. What we are saying is that a good part of that 7 percent ought to go for improvements.

Mr. GUNDERSON. Let me respond to that in two ways.

First of all, the gentleman talks about the option of going before the State vocational board, appealing to them to use the funds for maintenance. I am going to tell the gentleman something: It is going to cost a school superintendent more in parts of the State of Wisconsin to drive to Madison for a day to appeal before the State vocational board and drive home again then they are going to get in the Federal vocational grant.

Mr. ERLENBORN. Tell them to use the telephone.

Mr. GUNDERSON. The second problem is this: Sure, State funds, local funds, may be 93 percent of the total funding for vocational education nationwide, but what the gentleman is suggesting is that we are going to have separate accounting procedures where these small schools are then going to have to be able to prove to their States and subsequently to the Federal Government that they have used all their 93 percent.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. GUNDERSON) has expired.

(By unanimous consent, Mr. GUNDERSON was allowed to proceed for 2 additional minutes.)

Mr. GUNDERSON. What the gentleman is asking them to do is set up a complicated accounting system to be able to prove that they are only using State or local funds for continuing that program, and that all their Federal programs have come into some new system.

That gets back to this whole VEDS system type of nightmare that has caused school after school—let me give you an example.

In Wisconsin we had 303 districts participating in the Federal vocational education program until we came up with this VEDS system, and now we only have 181. We have had a cut of almost 50 percent of our schools in the State of Wisconsin because of that complicated paperwork, and I know the gentleman from Illinois does not want to insist that paperwork continue just to provide basic vocational education.

Mr. ERLENBORN. Mr. Chairman, if the gentleman will yield further, I would just like to make the observation that in this political season we have had a few caucuses and primaries, and for those of you who are trying to protect the status quo, I would like to point out that the obvious front runner who wanted to protect the status quo is not doing so well against the fellow who is calling for change and improvement.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, I confess to a bit of surprise to this gentleman, whom I respect a great deal, because he has long been an advocate for an emphasis on new technologies, and indeed new equipment and new software and new hardware.

I would just inquire of the gentleman as to his example of his school district which has a $285 expenditure of Federal funds in vocational education, would he propose that that school district use that $285 to pay 2 weeks or 10 days of a teacher's salary, to pay 1 month of a lighting bill to maintain the program, or would he propose that they be permitted, indeed required, to use that Federal $285 to buy that new piece of equipment that was going to teach that youngster how to compete in 1989 or 1990 or 1991, or would he have that $285 just thrown into the regular pot for a continuation of the status quo?

Mr. GUNDERSON. I would be happy to respond to the gentleman.

Here is what I do not want to happen, and we have to deal with reality on the floor of the House of Representatives. The reality is that that little school today has a word processing vocational education program. Under the gentleman's amendment, they could not use this money for a word processing program next year, so what they would do is, they would have to come up with a word computer technology program, create a new program so they could continue the fund.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to urge a yes vote on the Bartlett amendment.

The Bartlett amendment would remove maintenance of outmoded, stagnant vocational education programs as a permissible use of Federal funds.

As indicated, Federal funds account for only 7 percent of the funds expended nationwide for vocational education. In an era of scarce Federal resources, Federal funds should be used to improve and modernize vocational education, not just to maintain the status quo.

The Bartlett amendment will help insure Federal leadership in employment training while making careful exemptions for programs in the following important categories:

Programs serving special populations, including the handicapped, disadvantaged, persons of limited English proficiency, and women,

Programs for the urgent training and retraining of certain adults, and

Programs of demonstrated effectiveness as certified by the State board.

Vote for Federal leadership in vocational education and program improvement and modernization.

Vote for the Bartlett amendment.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, one of the arguments that has been used on the floor here today I have some difficulty, as I know the gentleman from Utah has, understanding. Indeed, it is those districts so described by the gentleman from Michigan, it is those districts who are most in need and have the most displaced workers and unemployment that need this amendment for modernization.

Indeed, I have gone through my file and discovered some letters from many of those districts, including a letter from Flint, Mich., from the Carmean-Ainsworth Community Schools, addressed to this gentleman on February 2, 1984, in support of the original bill. That school district in Flint, Mich., would tell us that the bill, referring to the original bill before it was amended, is dramatically different from current law in that it is designed to assist States and local communities such as ours to modernize vocational education for the remainder of the 1980's and 1990's.

"The Federal purposes," says Flint, Mich., "have been narrowed so that a focus is now on modernizing for high technology."

Mr. KILDEE. If the gentleman will yield, the original bill the gentleman is referring to called for $1.5 billion. At that, I think maybe we could distribute that money a lot better, but the gentleman is talking about the original bill, as was that letter from a school district near Flint, Mich.

Mr. BARTLETT. If the gentleman will yield further, the letter from Flint, Mich., did not mention the amount of money. It did mention very strongly the need to modernize vocational education programs and use Federal funds to do so, as did a letter from Farmington, W. Va., as did a letter from Medina County, Ohio.

The point that this gentleman would make is that it is those districts most in need of training and employment opportunities that should support this amendment the most strongly.

□ 1530

Mr. PACKARD. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I would like to make a comment on the proposal before us. A majority of the jobs of 5, 10, or 15 years ago are obsolete today, and on the flip side of that coin a majority of today's jobs did not exist 5, 10, or 15 years ago. If we fail to upgrade the vocational training processes in this country, then we simply are wasting our resources by training people for jobs which do not exist, and when we fail to train them for jobs that do exist, we simply pass this responsibility on to industry and business.

The object of this bill is not to give lip service to vocational education, and it is certainly not to give the impression that we have a commitment with only a token effort. I think we are all, on both sides of the aisle, sincerely interested in providing a bill that will prepare tomorrow's generation for the jobs of today and tomorrow.

Modern technology demands that we modernize our training, and one of the tragic commentaries on these studies recently on excellence in education coming from the private sector is that we have not adequately prepared our students for the jobs of today with modern technology, and when we fail to do that then they have to pick it up.

We find the military and industry and business have constantly had to retrain those that we have put out into the marketplace. I do not believe that we are getting our money's worth when we put $1 billion or more into a vocational education program and do not encompass with that a remodernization of our equipment, methods, and processes as we continue in providing them the funds.

Mr. Chairman, I think that it is extremely important, whether it be through this amendment or some other amendment, that we make it possible and even a requirement that we modernize our vocational education system.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I am happy to yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

Time is growing late, but this gentleman would just remind the Members, as the gentleman is saying, that this is not an original idea, that the whole purpose of improving vocational education is what this bill should have been about all along, and was in the beginning. It was endorsed by the National Governors' Association when they said, to stimulate the development of new and innovative programs, improve the quality of vocational education through better trained teachers or upgraded materials; by the U.S. Chamber of Commerce when they spoke of improving the quality of instruction; and today there is a new urgency to shifting the emphasis for the needs of a rapidly changing society. We have the National Tool & Machine Association, and we have letters here from Nebraska, from Iowa, and from Texas.

Indeed, I know the gentleman understands this and is saying that this is not an idea that is somehow unique or different or radical. It is the idea that was in the original bill, and we ought to be concerned about those students of today as they become the workers of tomorrow.

Mr. PACKARD. Mr. Chairman, I certainly encourage the Members of the House to approve the amendment.

Mr. HAWKINS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we use this word "change" I think without even giving much thought to it. Everyone has somehow developed this idea or this obsession with change. But the fact is that despite technological advances, there are not going to be many people in technology in the future. Most of the people will still be in basic occupations for which they should be trained.

We should not give some sort of exotic meaning to change and ignore the fact that we need a basic steel industry and we need a basic rubber industry, and we certainly should protect the automobile industry. We need to be dignifying many of the occupations that many of us would look upon as being very common. I think it is good to have a good waiter for a change sometimes. It is good to have a cook. It is good to have someone who knows what the cook is doing back in the kitchen. It is good to have individuals who perform some of the ordinary services.

These are some of the occupations of the future that are going to have to be dignified, and individuals will be going into them with pride. I see no particular reason why, for example, as this amendment does, if change is good, we should exempt the special needs of the handicapped, the disadvantaged, the individuals with limited English proficiency, or women.

If change is good, then the activities in which these groups would be ordinarily employed should certainly be changed more than the others, it would seem to me.

I think the amendment is an attempt to do something that sounds good but, unfortunately, is just simply not practical.

What do we mean by "improvement"? Who is going to say what improvement is? That seems to change from one generation to another.

The amendment would also make it necessary for a local vocational education system to demonstrate effectiveness in terms of an existing program. I think the amendment is not too carefully thought out. Those who seek the change are simply going to confuse the issue and provide eventually a field of education for the elite and not for the common people of this country, the ones upon whom we must depend. I do not agree with this idea that everyone is going to get into some exotic profession and that we have got to overlook the ordinary and common ones that would be handicapped by this amendment. I believe they should be given careful thought, and for that reason, before the amendment is developed in terms of influencing American education, I think we should just simply vote it down.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. HAWKINS) has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. BARTLETT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARTLETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 60, noes 313, not voting 60, as follows:

[Roll No. 42]

AYES—60

Archer
Badham
Bartlett
Bateman
Bereuter
Bliley
Burton (IN)
Chappie
Cheney
Crane, Daniel
Dannemeyer
DeWine
Dickinson
Dreier
Edwards (AL)
Erlenborn
Fields
Gingrich
Gramm
Hillis
Holt
Hunter
Kramer
Latta
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Martin (NY)
McCain
McCandless
McCollum
McEwen
Moorhead
Nielson
O'Brien
Packard
Parris
Ridge
Robinson
Roukema
Schulze
Shaw
Skeen
Smith, Denny
Smith, Robert
Solomon
Spence
Stump
Vander Jagt
Vucanovich
Walker
Whittaker
Wolf
Wortley
Wylie
Young (FL)
Zschau

NOES—313

Addabbo
Akaka
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Bethune
Bevill
Biaggi
Boehlert
Boggs
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Byron
Campbell
Carper
Carr
Chandler
Chappell
Clarke
Clinger
Coats
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Daniel
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Evans (IA)
Evans (IL)
Fazio
Feighan
Ferraro
Fiedler
Fish
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hightower
Hiler
Hopkins
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
Lagomarsino
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levitas
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lowry (WA)
Luken
Marlenee
Martin (IL)

Martin (NC)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McGrath
McKernan
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Owens
Oxley
Panetta
Pashayan
Patman
Patterson
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Rinaldo
Ritter
Roberts
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Snyder
Solarz
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stratton
Studds
Sundquist
Swift
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (MT)
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (AK)
Young (MO)

NOT VOTING—60

Ackerman
Albosta
Aspin
Berman
Bilirakis
Boland
Broomfield
Carney
Clay
Coelho
Collins
Conable
Corcoran
Crane, Philip
D'Amours
Derrick
Downey
Erdreich
Fascell
Foglietta
Forsythe
Frenzel
Gekas
Gibbons
Hall (OH)
Hance
Hansen (UT)
Hartnett
Heftel
Horton
Jones (TN)
Kemp
Kindness
LaFalce
Leach
Levine
Lewis (CA)
Lundine
MacKay
Markey
Marriott
McCurdy
McHugh
McKinney
Ortiz
Ottinger
Paul
Pepper
Rudd
Savage
Shannon
Simon
Stark
Stokes
Synar
Waxman
Williams (OH)
Wilson
Winn
Wirth

☐ 1550

Messrs. CRAIG, LIVINGSTON, SIKORSKI, ROWLAND, SHARP, EVANS of Iowa, FISH, BETHUNE, BEILENSON, COATS, GREGG, and HILER changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING: Page 4, lines 7 and 8, strike out "to expand, improve, and, where necessary, maintain existing" and insert in lieu thereof "to expand and improve".

Page 17, lines 18 and 19, strike out "expanding, and, where necessary, maintaining vocational education programs" and insert in lieu thereof "and expanding vocational education programs, and sustaining existing vocational education programs of proven effectiveness,".

Page 87, line 19, strike out "programs," and all that follows through line 21, and insert in lieu thereof, "programs and to initiate new programs of high quality;".

Mr. GOODLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. MAVROULES). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PERKINS. Mr. Chairman, will the gentleman yield to me?

Mr. GOODLING. I am happy to yield to my chairman.

Mr. PERKINS. The gentleman's amendment is adding the words "and sustaining existing vocational education programs of proven effectiveness"; am I correct?

Mr. GOODLING. The gentleman is correct.

Mr. PERKINS. Can the gentleman assure us that he is not bringing about more paperwork on the part of the localities and the vocational schools?

Mr. GOODLING. Mr. Chairman, what we have done is to rely on the local plan in the legislation that must be submitted by the local district.

Mr. PERKINS. I want to make sure we are not adding to the paperwork of the local vocational schools.

Mr. GOODLING. The answer to your question is it would not add additional paperwork. It is part of the local plan that must be submitted to the State, and the State certainly would approve any effective program unless it is so suspicious that they would, of course, have to turn it down. So there would be no additional paperwork. It is just part of their plan which they submit to the State board.

☐ 1600

Mr. PERKINS. Well, do I understand the gentleman that this amendment does not mean that any school districts have to submit a lot of data or paperwork to a state?

Mr. GOODLING. That is right.

Mr. PERKINS. Mr. Chairman, with those assurances, we accept the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 120, after line 17, insert the following new section:

SEC. . It is the sense of the Congress that effective vocational education programs are essential to our future as a free and democratic society; that such programs are best administered by local communities, school boards, and community colleges where the primacy of parental control can be emphasized with a minimum of Federal interference; and that as a means to strengthening vocational education and training programs, nongovernmental alternatives promoting links between public school needs and private sector sources of support should be encouraged and implemented.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Let me say to the distinguished gentleman from Pennsylvania (Mr. WALKER) that this is one of the most sensible amendments in my judgment that has been offered all day long insofar as local control is concerned. We all believe in local control and we accept this amendment.

Mr. WALKER. I thank the gentleman. You have obviously cast suspicion on me on my side of the aisle, but I thank the gentleman very much.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, we have no objection to the amendment.

Mr. WALKER. I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

● Ms. KAPTUR. Mr. Chairman, I rise today to urge my colleagues to pass H.R. 4164, the Vocational-Technical Education Act Amendments of 1983. Today, vocational education programs are a major component of employment training. Furthermore, according to a business poll conducted last fall among senior executives of Fortune 500 companies, 85 percent of those executives felt that trade and technical schools will become more important in this Nation's educational system. The results of these programs not only provide jobs creation for individuals, but also contribute to economic growth and development in our communities.

A recent study conducted in Ohio showed that students with three or more vocational credits in high school had an 83 percent participation rate in the labor force compared to 68 percent for those who took no vocational education. In 1983, over 57 percent of the Ohio students in grades 11 and 12 were enrolled in vocational education courses. There were over 360,000 students in post-secondary adult vocational education and over 7,600 students in various apprentice programs. Vocational programs served approximately 268,000 disadvantaged students and 68,000 handicapped persons. In one school system in my district alone, 1,600 students take part in vocational training and 400 of those are classified as disadvantaged or handicapped. Owens Technical College, the second largest State technical college in Ohio and located in the Ninth District, has seen its enrollment increase 40 percent over the last 4 years. It is obvious to be that there continues to exist a growing demand for these extremely important educational programs in our country.

Although vocational education is only part of the answer to solving our unemployment problems, it is making significant contributions to training individuals for available job opportunities. Vocational education can provide the necessary worker retraining and adult and youth training so vital to our Nation as it faces the challenge of a changing economy and rapidly developing new technologies.

The role of the Federal Government in vocational education has several purposes. It enables States to offer comprehensive programs that help people to obtain and retain employment. It enhances the earnings potential of those workers. It attempts to insure equal opportunity for all individuals to participate and achieve in vocational education and training. And it improves the States' abilities to plan and use all of their resources available for vocational education. Although Federal support for vocational training is small when compared to State and local expenditures, it is one of the oldest forms of Federal aid to education. The Vocational Education Act of 1963, which is being reauthorized and extended today, not only provides general grants to the States to continue this support of vocational training, but also maintains set-asides specifically aimed at assisting the disadvantaged, handicapped, limited English speaking, and women to take full advantage of vocational preparation for good jobs.

Those in vocational education have been able to work with business, labor, and government to meet the training needs of the workplace. I am pleased that this concept has been incorporated into this bill. Federal support and leadership are necessary to maintain growth and coordination of efforts in this field. I call on this body to renew our commitment to vocational education.●

● Mr. CONTE. Mr. Chairman, as a cosponsor of H.R. 4164, I am pleased to rise in support of this vocational education reauthorization bill.

I believe it responds to the National Institute of Education report of vocational education, which concluded that the current Federal program tries to do too much with too little.

This bill should make it possible for the Federal program to do more, and make the achievement of the program's goals more attainable.

It is important that the Federal Government does not back away from the goals that Congress has set for the program. The recent National Academy of Science report, "Education for Tomorrow's Jobs," hit it right on the head when it said that it is the responsibility of the public education system to prepare every young person, upon graduation from high school, for employment, further study, or both. All too often now, students graduate prepared for neither.

The report also said that vocational education suffers from being conferred generally lower status than academic education, particularly at the high school level, and it went on to make a number of recommendations to improve that status and the quality of the programs provided through vocational education.

As a former vocational education graduate myself, and a machinist by trade, I belive it would be wrong to ignore the recommendations of this report.

As with education in general, we must strive for the educational excellence that will permit vocational education to carry out the important tasks we have assigned it. It is, after all, vocational education that forms the cornerstone of training for future jobs, and for the skills needed by the Nation.

How much more sense it makes to educate students in skills they will use through life, rather than to wait until those students have hit the streets and then try to provide intensive job training at a much higher cost.

I believe this bill will provide important Federal incentives to encourage the public schools to fulfill their responsibilities in skills training.

In addition, the bill maintains the Federal commitment to the handicapped and the disadvantaged. There was some initial concern in this regard, and I am pleased that this was taken care of during the committee's consideration of the bill.

As with education in general, we cannot back away from our commitment to providing access and mainstream education to people who would otherwise face special barriers. In fact, we must continue to press forward to finish the job that we started over the past two decades.

But, as the report of the National Commission on Excellence in Education indicated, we must also press forward on promoting excellence in education. The challenge facing all education is to maintain and improve the progress we have made over the past two decades in improving access to our educational system while promoting the quality of the system as a whole.

There is no choice but to redouble our efforts, and I am satisfied that this bill does both.

In addition, the bill creates two new programs, the first to provide training in high technology fields through partnerships with industry, and the second to provide for adult retraining.

Both of these are of importance in my State and in my congressional district.

With respect to national activities, I would encourage the department to continue with the special programs they have been developing with respect to areas of special shortages, like machining, tool and die, and metal working.

All in all, I think this is a good bill. The people who ought to know what is needed most in vocational education have had a hand in drafting the bill, and I do not think we can take their judgments lightly.

I urge my colleagues to support the bill.●

● Mr. ACKERMAN. Mr. Chairman, I rise in strong support of H.R. 4164, the vocational education technical amendments. This measure is the result of bipartisan cooperation and the commitment of every member of the Committee on Education and Labor.

H.R. 4164 strikes a critical balance between the needs of the business community and the needs of the student population. On the one hand, the act creates the necessary mechanisms for technological innovation in vocational education; on the other hand, it increases the access to such programs for special-needs populations. It is a monumental leap in the right direction to earmark 5 percent of the State-grant authorization to sex-equity programs, since sex stereotyping is rampant in vocational education programs throughout this country. Until the time when we can add an equal rights amendment to our Constitution, we must take special care to insure that these funds are used with the equity that Congress has envisioned. In addition, the set-asides for the disabled and disadvantaged will enable countless students to get the education that has historically been denied to them. These provisions are the result of negotiations between many groups that have a marked desire to improve the quality and access to vocational training. I commend Chairman PERKINS for his efforts to draw up and move this package which affirmatively impacts on vocational education.

In addition, I strongly believe that paragraph 29 of section 202(a) should not be eliminated. This provision permits State use of Federal funds to support programs which more adequately serve the long-range needs of vocational students. In England, a recent international forum on job training concluded that "schools should serve their Nations' economy through broad rather than specialized education. Stress would be on communication—reading, writing, computing, listening, analyzing and thinking." The participants went on to say that it was desirable to change the direction of vocational education and avoid the dismal experience of earlier examples, which merely taught young people skills that were already, or soon to be, obsolete. It is the intention of paragraph 29 to do what 40 experts from academia, government, industry, and labor in the United States, Britain, Canada, Australia, and Sweden suggested. This provision would simply permit the States to assist localities to develop programs which integrate traditional vocational education with the training in basic skills necessary to compete in a continually changing job market.●

● Mr. LUNDINE. Mr. Chairman, I rise in strong support of H.R. 4164, the Vocational-Technical Education Amendments of 1984. This legislation represents a thoughtful updating of Federal vocational education law and addresses important concerns such as adapting to high-technology occupations and improved cooperation between vocational education and the private sector.

If we are going to improve our standard of living, the key component has to be more effective utilization of our human resources. This legislation makes vocational education programs more responsive to the increasingly complex demands imposed on our Nation's economy. A well-trained work force is vital to our ability to succeed in the international marketplace. Modern industries, as we have seen, can transfer their operations abroad to low-wage countries except in cases where our work force possesses the skills that are absolutely required to make products and to perform services.

This bill represents a major commitment to the importance of vocational education in attacking the problem of structural unemployment and increasing the future productivity of our work force. This will help strengthen and expand the economic base of our Nation.

I am pleased that the Vocational-Technical Education Amendments of 1984 recognize both the need to upgrade vocational education programs and the need to assure access for the handicapped and the disadvantaged as well as provide for overcoming sex bias in vocational education. I am opposed to further set-asides which would disproportionately limit options available to State and local decisionmakers.

I support this bill because it seems to me that improving vocational education in American is a key element to achieving our long-term goal of economic success.●

● Mr. MINISH. Mr. Chairman, I rise in support of the Vocational-Technical Education Amendments of 1984, H.R. 4164.

The bill before us today is important because it continues to expand the opportunities that Americans now enjoy through vocational programs. Since the Vocational Act originally became law in 1963, Federal support for vocational education has contributed to the significant increase in the number of institutions teaching vocational ed and therefore the number of students able to study it.

Of particular importance, the existence of this legislation has helped enable groups with special needs to participate in vocational and technical education programs. This bill maintains the current law which requires States to expend 10 percent of its basic grant money for vocational programs for handicapped persons. I feel that these programs have made a positive difference in the lives of many and they should be continued.

Today, individuals with special needs are vitally involved in all walks of life—in the work force, at home, and in public affairs. The contributions which those with handicaps make to our country are great, and it is important that the Federal Government maintain our commitment to this group.

Mr. Chairman, I would like to commend the Committee on Education and Labor for their fine work in crafting this bill. As I have already stated, the section reauthorizing programs for handicapped persons is of particular concern to me. However, other sections are also significant. For instance, I applaud the committee's inclusion of a new program for training in high-technology occupations.

I therefore commend H.R. 4164 to all my colleagues and call upon them for their support to help insure the bill's expeditious passage.●

● Mr. MINETA. Mr. Chairman, I rise today to remind my colleagues of a vision which our country embarked on almost 70 years ago. In 1917, the Congress acknowledged the importance and crucial need for Americans to have an opportunity to obtain training and skills applicable to the labor market by approving the Smith-Hughes Act establishing a Federal program of vocational education. During the past 67 years, vocational and technical education programs in this country have continually improved. These programs have trained workers and citizens, which America can be proud.

The Federal role has served as the catalyst in the exciting growth and sophistication of vocational and technical programs in States all across our country. An example of the effectiveness of Federal involvement can be cited by the increase in the enrollment of these programs in the years since Congress passed the Vocational Education Act of 1963. Today there are 16 million people who are participating in vocational and technical programs.

The Vocational-Technical Education Amendments of 1984 would update and improve the program currently in existence. My colleague from Kentucky, Mr. PERKINS, the Members who serve on the Education and Labor Committee, and its fine staff are to be thanked for their untiring efforts in producing such a comprehensive piece of legislation as the one before us today.

With the increase in service and information jobs, along with the necessary retraining that will be needed in the coming decades for our country's work force, the Vocational-Technical Education Amendments of 1984 will help America to meet those challenges.

There are some innovative and timely ideas in the Vocational-Technical Education Amendments of 1984 which include addressing the need for training in the high-technology field utilizing private-public partnerships, adult retraining and employment development, and a set-aside designed to prevent sexual bias and overcome sexual stereotyping in vocational education.

By supporting this bill, Congress will restate its commitment to the concept of vocational and technical education programs. Also, we will be declaring our interest in allowing States and localities the necessary flexibility in designing programs specific to their area.

Mr. Chairman, I am hoping that my colleagues will join me in supporting H.R. 4164, the Vocational-Technical Education Amendments of 1984, and that this legislation will act as the impetus for local, State, and private sector endeavors providing for equal access programs designed to train and produce a strong American work force.●

● Mr. McEWEN. Mr. Chairman, as a cosponsor of H.R. 4164, the vocational-technical education amendments, I rise in strong support of this vital legislation. This measure amends and extends the Vocational Education Act of 1963 and will provide the necessary funding to meet the goals set forth by the programs.

Congress has recognized that it is in the national interest to insure that vocational education programs are of sufficient scope and quality to meet skilled workforce requirements. Vocational education has been one of the most successful efforts ever undertaken by the Federal Government in cooperation with the States and local communities.

Historically, Federal involvement in vocational education has been in response to national needs—the move from an agricultural to an industrial economy, the support of national defense efforts, post-war economic adjustment, and training to overcome foreign competition. The need for vocational education has never been greater than it is today.

Our Nation is being challenged. It is being challenged by the Japanese in the automobile industry, by the South Koreans in the steel industry, and by the Germans in the machine tool industry.

Technology is rapidly transforming many occupations, including health care, energy production, food processing, construction, and the building, repair, and maintenance of sophisticated scientific, educational, and industrial equipment.

To meet this challenge, we need new capital to invest in the modernization of our businesses. We must also, however, invest in the skilled human capital to run the machinery of our Nation. The development of human capital takes longer and requires greater planning and foresight, but it is equally important.

The training of a skilled labor force requires close partnership, not only among all levels of government, but between vocational educators and the private sector. This "partnership for excellence" is equally dependent. Neither can get along without the other.

Vocational education requires the involvement and expertise of business and labor in the planning and design of its programs in order to assure high quality and relevance. In turn, vocational schools provide the pool of skilled and semiskilled workers from which business and industry can draw to meet its ever increasing needs for new technologically literate workers.

Eighty percent of all new jobs are in small business, many in high-tech areas. Most of these smaller firms do not have the capacity or time to mount full-scale training programs. Vocational education must fill this need.

Our vocational education program has been successful in meeting the challenges of the past. The action by the House to provide increased funding and encourage the expansion and improvement of vocational programs is a step toward addressing today's challenge. I am pleased that the House has reaffirmed its commitment to vocational education in America.

I urge my colleagues to support this important and worthwhile effort.●

● Mr. MORRISON of Connecticut. Mr. Chairman, I rise in support of H.R. 4164, the Vocational-Technical Education Amendments of 1984.

At the outset, Mr. Chairman, I want to commend the distinguished gentleman from Kentucky (Mr. Perkins) and other members of the Education and Labor Committee for their leadership in bringing this legislation to the floor. At a time of deepening national concern over such issues as structural unemployment, national productivity, and the Nation's economic base, this legislation represents a sound investment to develop America's human resources.

Mr. Chairman, in spite of the problems which exist in vocational education programs, we cannot deny that the Vocational Educational Act remains one of the most successful Federal programs of aid to education. Since its modest beginnings in 1917 as the Smith-Hughes Act, the program has stimulated increased State and local expenditures for vocational training, growth in student enrollments in vocational programs, and increased opportunities for special populations to acquire the skills needed in the labor market. In my own State of Connecticut, State and local expenditures for vocational education average about $11 to every $1 of Federal support and our latest figures show that over 211,000 students are enrolled, about 51 percent of them females.

Overall, the bill before us today makes a significant statement about the future needs of this country and about issues which are important to this Nation. H.R. 4164 recognizes that work force demographics are changing, and that new efforts will have to be mounted to accommodate the needs of dislocated workers, women reentering the work force, and older workers. In order to maintain our competitive edge and prepare a work force skilled in the use of new technologies, we must renew our efforts to modernize vocational education and design programs which are responsive to labor market demands. Staggeringly high rates of unemployment found in our cities, which fall particularly hard on our minority youth, demand that we reaffirm our commitment to insuring equity and access to vocational training programs, and retain a strong national emphasis to serve the disadvantaged, handicapped, and those with limited English proficiency.

I also want to express my strong support for those provisions of H.R. 4164 which strengthen and expand efforts to overcome sexual bias and stereotyping in vocational education. Females have traditionally been underrepresented in vocational programs which provide the skills leading to higher paying jobs. In Connecticut, the average wage of female graduates from vocational-technical schools in 1978 was $3.64 compared to $4.12 for men. And we know that there is a growing trend of women as the sole family wage earners. Without the training and skills to bring these women into higher paying jobs, we commit many women and children to a never-ending cycle of poverty. In addition, national statistics show that women are entering the workplace in record numbers; by the end of the decade, Connecticut projects that women will comprise over 50 percent of the State's labor force. Without training women in traditional trades, as well as emerging fields in high technology, our national labor pool will be hard pressed to take on and respond to our economic needs. Clearly, then, we must strengthen our efforts to eliminate sexual discrimination in training opportunities; without these efforts, the talents of 50 percent of our work force will be underutilized to the economic detriment of this country.

We have seen steady, albeit slow, progress since 1976 when vocational education first addressed the issue of sexual bias in training programs. Connecticut now devotes resources far in excess of those mandated by current law for programs to eliminate sexual bias, and these efforts are beginning to pay off. For instance, in the State's area vocational-technical schools, female enrollment has more than doubled since 1976. Women have been exposed to occupational fields previously closed to them; they are moving from the traditional female trades such as cosmetology and health to carpentry, plumbing, and the other trades, and there has been a significant increase of women enrolled in drafting. Connecticut has also taken a leadership position in providing for the special needs of displaced homemakers. The State currently has in place over 10 separate programs which offer a wide variety of approaches to aid women entering or reentering the job market. Recent efforts focus on recruiting minority women and women with limited English-speaking proficiency, providing short-term training in fields where women are traditionally underrepresented, and offering guidance, counseling, and other support services such as day care, so critical to the success of women entering the work force. Although the State has made progress in these areas, it is clear that increased efforts are required in order to break through the traditional barriers which women have faced. I believe that the new and strengthened provisions of H.R. 4164 will aid in that process.

Mr. Chairman, I know that the bill before us is not perfect by any means; but it does represent the efforts of a strong coalition of those committed to improving vocational training available to the youth and adults in this country. Because H.R. 4164 provides the encouragement needed to continue these important efforts, I am pleased to support it.●

● **Mr. DAUB.** Mr. Chairman, I rise today in strong support of the Federal Government's continued commitment to our Nation's vocational education programs. Vocational education is education for employability, which is vital in our economy as we respond to the continually changing workplace. Our vocational education graduates offer society specialized skills that are necessary to meet the needs of today's job market. National studies have shown that the unemployment rate of vocational education graduates is considerably below the national average. In addition, studies indicate that graduates from vocational programs are more apt to receive and be satisfied with their first jobs.

Our national economy depends on a qualified and well-trained work force for continued economic growth. It is in our national interest to support a growing vocational educational program to meet any shortages in trained workers. An employability gap of sorts exists when the job openings listed in the want ads fail to match the skills of those persons looking for employment. The labor market is continuing to shift, and this gap could continue to grow if our Nation's educational programs do not provide the specific training needed to fill these occupations.

The Federal Government's role in supporting vocational education has always responded to the changing needs of our country; first, as our Nation moved from an agricultural to an industrial economy, and today, as we respond to a new age of specialized technology.

Today, our vocational education programs reach out to many populations such as secondary students entering the labor force upon graduation as well as displaced workers who are returning to the labor force. These are programs that merit our strongest endorsement.●

● **Mr. DIXON.** Mr. Chairman, I would like to express my support for the Vocational Education Act. There is a growing realization of the need to relate education to work, specifically with growth in technology and the importance of technical training and skills to compete in the world marketplace.

In my own city of Inglewood, there is a venture to develop a machinist program for students beginning at the junior high school level and continuing through the senior year of high school. The overall goal is to provide a curriculum for students that will focus on the development of a strong academic background with the skills, proficiencies, and insights necessary for career planning in an ever-changing technological field.

The program is currently sponsored by the city of Inglewood, the Inglewood Unified School District, and several community corporations such as Northrop, Rockwell, TRW, and Gannett Outdoor Co. It is specifically these types of cooperative ventures which the Vocational Education Act seeks to foster.

I encourage support for this act, so that block grants may continue and endeavors such as these can receive the necessary support to begin these activities.●

● **Mr. ROTH.** Mr. Chairman, the reauthorization of the Vocational Education Act offers us a good opportunity to improve Federal assistance to States in numerous areas: the modernization of vocational and technical programs; the training and retraining of adults; the provision of services useful to the handicapped and disadvantaged; and the development of partnerships between industry and education.

As we consider the Vocational Education Act, I would like to bring forth four timely guidelines to keep in mind.

First of all, flexibility should be preserved so that States can handle their unique challenges smoothly and successfully.

Next, data and reporting requirements should be kept to a minimum. We, perhaps better than others, know that paperwork eats up valuable time, energy, and money.

Third, local and State leadership should be defended. Local recipients of funding know best the nuts and bolts in vocational education programs and thus should have control over those programs.

Lastly, cooperation between the private business sector and educational institutions should be encouraged. Largely due to the recently enacted jobs training partnership program, coordination with the private sector has become indispensable. Only by knowing what employers really want in employees can our vocational and technical schools prevent mismatches and shortages of critical skill in the workplace.

After careful review and discussion, I believe that the current legislation is the best possible compromise to sufficiently address these guidelines. Reauthorizing the Vocational Education Act would help to insure that vocational education continues to teach our young people the skills needed in an economy fast becoming dependent on light manufacturing, services, and the compilation and dissemination of information. In addition, the legislation would help the unemployed and displaced workers who must acquire newer skills in order to remain productive members in our communities.

I wish to commend my colleagues on the Education and Labor Committee for seeking the advice and cooperation of State and local vocational education groups. Furthermore, I encourage all my colleagues to carefully reflect upon the above guidelines and then cast your vote in favor of reauthorizing the Vocational Education Act.●

● **Ms. SNOWE.** Mr. Chairman, I appreciate having this opportunity to express my support for H.R. 4164, and measures contained within it recognizing that equal opportunity and pay equity in the job market begins with equal job training opportunity.

Vocational education programs provide a sure way to channel women into higher paying, nontraditional fields. Although the 1976 amendments attempted to eradicate sex-based inequities in the types of job training programs individuals were channeled into, those amendments fell far short of their goals. One of the major reasons they fell short is that they lacked the targeting of funds to correct specific problems creating the inequities. The inclusion of such targeting, through set-asides, gives this bill the real chance of addressing and eradicating sex-based job training inequities.

For example, in 1978, 2 years after the 1976 amendments were passed, 72 percent of all women were still being channeled into traditional women's jobs—jobs which already employ 80 percent of all working women and which are notoriously low-paying. Because there have been no positive changes in the program since 1976—or 1978—toward correcting the stereotyping of women and their employment opportunities, we have no reason to believe that the situation has improved.

H.R. 4164 contains set-asides crucial to monitoring and insuring women's access to nontraditional job training. We must have this equal access to job training if we are to truly have equal opportunity in the job market. by setting aside minimal funds to insure sex equity in vocational education, this bill finally puts teeth into what we have intended vocational rehabilitation programs to do for the past 8 years.

I urge my colleagues to support H.R. 4164.●

● **Mr. RAHALL.** Mr. Chairman, I rise in strong support of H.R. 4164, the Vocational-Technical Education Amendments of 1984.

In West Virginia, more than 150,000 students were enrolled in vocational education programs during fiscal year 1983. During the year, 70,611 high school students were enrolled in secondary vocational programs and 1,051 post-high-school students were also served. I am pleased to report that this program has been a success. The job placement rate for graduates of secondary programs was approximately 76 percent. It is interesting to note that more than 66 percent of the

State's secondary students were enrolled in vocational programs during 1983.

With respect to postsecondary and adult programs, during 1982-83, 28 local educational agencies in West Virginia conducted adult preparatory classes and served 3,341 students with an additional 1,128 adults served as postgraduates through secondary programs.

There is no doubt in my mind that the bill we are considering today will further the fine tradition of the West Virginia vocational education program. I commend the chairman of the Committee on Education and Labor, CARL PERKINS, for his tireless efforts on behalf of this most important program. As such, I urge my colleagues to support H.R. 4164.●

The **CHAIRMAN** pro tempore. Are there other amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The **CHAIRMAN** pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. MAVROULES, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4164) to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes, pursuant to House Resolution 445, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER** pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The **SPEAKER** pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER** pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. **PERKINS**. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 373, noes 4, not voting 56, as follows:

[Roll No. 43]

AYES—373

Addabbo
Akaka
Alexander
Anderson
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Barnard
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coleman (MO)
Coleman (TX)
Conable
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erlenborn
Evans (IA)
Evans (IL)
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
Kramer
Lagomarsino
Lantos
Latta
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Lungren
Mack
Madigan
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Penny
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stratton
Studds
Stump
Sundquist
Swift
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOES—4

Badham
Bartlett
Crane, Daniel
Shumway

NOT VOTING—56

Ackerman
Albosta
Andrews (NC)
Bilirakis
Boland
Broomfield
Carney
Clay
Coelho
Collins
Corcoran
Crane, Philip
D'Amours
Derrick
Downey
Erdreich
Fascell
Foglietta
Forsythe
Frenzel
Fuqua
Gekas
Gibbons
Hall (OH)
Hance
Hartnett
Heftel
Horton
Jones (TN)
Kindness
LaFalce
Leach
Luken
Lundine
MacKay
Markey
Marlenee
Marriott
McCurdy
McKinney
Ortiz
Ottinger
Paul
Pease
Pepper
Quillen
Rudd
Shannon
Simon
Stark
Stokes
Synar
Williams (OH)
Wilson
Winn
Wirth

☐ 1620

Mr. **LIVINGSTON** changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the Vocational Education Act of 1963 to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PEASE. Madam Speaker, I just missed the last vote. Had I been here, I would have voted "aye" on final passage of H.R. 4164.

PERSONAL EXPLANATION

● **Mr. ALBOSTA.** Mr. Speaker, I was absent for the recorded vote on the Bartlett amendment to H.R. 4164. Had I been present for this vote, I would have voted "no."

Mr. Speaker, I was absent for the recorded vote on final passage of H.R. 4164. Had I been present for this vote, I would have voted "yes."●

GENERAL LEAVE

Mr. KILDEE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4164, the bill just passed.

The **SPEAKER** pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4164

Mr. KILDEE. Madam Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4164, the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make such other technical and conforming changes as may be necessary to reflect the action of the House in amending the bill, H.R. 4164.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEGISLATIVE SCHEDULE

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Madam Speaker, I have asked to address the House for the purpose of receiving the schedule for the coming week.

Mr. WRIGHT. Madam Speaker, will my friend, the gentleman from Mississippi, yield?

Mr. LOTT. I would be glad to yield to the distinguished majority leader.

Mr. WRIGHT. Madam Speaker, I am pleased to respond.

We do not anticipate a scheduled program at all tomorrow. We will not even be in session if our unanimous-consent request following this colloquy is agreed to. We will adjourn today to go over to Monday next.

We have completed the legislative business for this week.

On Monday, the House will meet at noon in a pro forma session, permitting all committees of the House to work.

On Tuesday, we will have suspensions, and postpone votes on them until all debate on suspensions has been concluded. There will be votes on suspensions on Tuesday, March 13.

Thus far, we have scheduled on the calendar for consideration under suspensions of the rules the following bills:

H.R. 3614, to strike a gold medal to honor Harry S. Truman; House Joint Resolution 394, a gold medal honoring Lady Bird Johnson; and H.R. 3240, a gold medal to the widow of Roy Wilkins.

Following the suspensions and the votes on the suspensions, we hope to take up H.R. 3020 small business authorizations, under an open rule, with 1 hour of general debate. We would hope to have the rule and general debate completed Tuesday afternoon so that we might resume consideration of that bill and complete its consideration on Wednesday.

Mr. LOTT. So that our Members who may be preparing to leave right away would know about this, based on what the gentleman just said, it is not anticipated at this point, then, that there would be any votes on the small business authorizations, but there could be on the suspensions?

Mr. WRIGHT. That is our expectation, that there would be votes on the motions to suspend the rules, which would come at the end of consideration of all of those bills.

And then we would take up the small business authorizations. We might have a vote on the the rules. But if nobody demands it, then a voice vote would suffice.

We would hope to come back, then, on Wednesday and complete the small business authorizations, if it is possible that we can do so.

We meet at 3 o'clock on Wednesday. On Thursday we will meet at 10:30.

On Thursday, March 15, we will convene early, at 10:30, and recess to receive the Prime Minister of Ireland. The Prime Minister will speak to us on that day, 2 days prior to St. Patrick's Day, in a joint session.

Then the House will consider H.R. 1652, Reclamation Safety of Dams Act amendments, an open rule, with 1 hour of debate; and one other bill, H.R. 2133, to increase small business competition in Federal procurement process. That bill would come under an open rule, with 2 hours of debate. We would expect only to do the rule and general debate.

We would have no session on Friday, March 16.

We make the usual reservation, of course, that conference reports may be brought up at any time, and any further program will be announced later.

Mr. LOTT. I would like to inquire of the majority leader, on Thursday, the House will meet at 10:30, and then recess to receive the Prime Minister of Ireland. Do we know what time we might be reconvening after we receive the Prime Minister?

Mr. WRIGHT. We expect to come back in at 1 o'clock on Thursday afternoon, after the Prime Minister's address.

Mr. LOTT. I noted that bankruptcy legislation is not on the schedule at this time, but I had understood that the Speaker had indicated, and through other sources, that there would be an attempt made for the Rules Committee to take that matter up early next week, and that possibly that would be considered on the floor next week.

Could the gentleman enlighten us on what is planned in that regard?

Mr. WRIGHT. Well, as I think the gentleman from Mississippi is aware, negotiations have been ongoing for some time in an effort to arrive at some mutually acceptable basis of addressing this bankruptcy question which, in any event, must be addressed before the end of this month.

We do hope that we may have an agreement among the interested parties in order that they might go to the Rules Committee as early as Tuesday and seek a rule, but that is not certain. Of course, we did not think it appropriate to schedule the bill without some evidence that that would be possible.

If it is possible, of course, we would like to take that bill up and dispose of it and get it behind us.

Mr. LOTT. So it is possible that the bankruptcy legislation would be considered on the floor of the House next Wednesday or Thursday?

Mr. WRIGHT. Possible. Far from certain.

Mr. LOTT. In which case, the legislation now listed, I presume, would be postponed until the next week, or some subsequent date. Just so that our colleagues would be on notice that there is a possibility that bankruptcy legislation will be considered Wednesday or Thursday of next week.

Mr. WRIGHT. I think that is a prudent observation. There is that possibility, though it is far from certain. While we see some light at the end of the tunnel, we have not really reached the point where we can safely schedule it yet.

If it becomes possible to schedule it next week, then it would be our expectation to move that on ahead, since it is on a short-time fuse.

Mr. LOTT. I thank the gentleman.

ADJOURNMENT TO MONDAY, MARCH 12, 1984

Mr. WRIGHT. Madam Speaker, I ask unanimous consent that when the

House adjourns today it adjourn to meet at noon Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. LUNGREN. Madam Speaker, reserving the right to object, could the gentleman tell me, under my reservation, whether there is any expectation—we hear rumors, but whether there is any expectation—that we might have the Rules Committee deal with immigration so that it might be ready for floor action in the near future?

Mr. WRIGHT. Yes, there is that expectation, if the gentleman will yield. There is that definite plan—not next week. Well, I could not even forecast that we would be prepared to ask for a rule from the Rules Committee next week. I would like that very much, if we could. That is in the same general state that the earlier described bill, the bankruptcy bill, is in. We still have some negotiations, through the means of which we are attempting to eradicate thorny problems that exist. In any event, we surely do expect to bring the immigration legislation before the House in the near future.

Mr. LUNGREN. Further reserving the right to object, I wonder if the gentleman could tell us whether there is any intention at any time in the future to deal with the insanity defense bill which passed out of our committee last fall.

Mr. WRIGHT. I am not certain that a meeting has been scheduled in the Rules Committee with respect to that bill. I cannot address myself to it knowledgeably. I do not know whether a rule has been requested by the chairman and, if so, whether the Rules Committee has scheduled hearings on the legislation.

Mr. LUNGREN. Further reserving the right to object, as the gentleman knows, we had a very interesting discussion for many hours on one of the constitutional amendments that is pending before the Judiciary Committee, the school prayer amendment.

Can the gentleman enlighten us as to whether any decision has been made by the leadership that this bill might move anywhere in the near future so that we might expect it to be on the floor?

Mr. WRIGHT. If the gentleman would yield, I can assure the gentleman emphatically that the leadership has no plan to block or obstruct the movement of that proposed constitutional amendment to the floor. If that constitutional amendment should be reported by a committee, it will be scheduled immediately. If it should be subject to a successful discharge petition, of course, it would be scheduled immediately.

I think it quite possible that proponents of that legislation may be waiting to see what the other body does. Obviously, if the other body should fail to muster the two-thirds necessary to pass it as a constitutional proposition, then it would be nonavailing for the House to take it up.

On the other hand, if it should prevail in the other body, then it, by all means, would be one of those things that should be considered in the House.

Mr. LUNGREN. Further reserving the right to object.

Mr. WRIGHT. We have no disposition to let it just die on the vine without Members having a chance to work their will, if indeed it musters the two-thirds vote that is required in the other body.

Mr. LUNGREN. Further reserving the right to object, and in that same line, in the event that the school prayer amendment garners the two-thirds vote needed in the Senate, and discharge petition No. 8 were successful, which is to bring the rule up, and that rule were to be adopted, is it the intention of the leadership that schedules things to then schedule the school prayer amendment as would be allowed under that rule?

Mr. WRIGHT. Absolutely. If the discharge petition were to come in this hypothetical situation, with a requisite number of signatures, thus discharging the committee from consideration of the legislation, the leadership would not prevent its coming, and in fact would facilitate its coming, to the House floor in response to the manifest will of a majority of the Members.

Mr. LUNGREN. Further reserving the right to object, Discharge Petition No. 8, to which I refer, directs a rule to be brought to the floor for voting, and my question is: If that rule were brought to the floor and adopted, would the leadership be of the mind then to bring the actual substantive amendment to the floor to be considered under that rule, or would the leadership still allow it to sit in subcommittee and committee awaiting action by the committee?

Mr. WRIGHT. I do not anticipate any circumstance under which the leadership would desire in any way to delay consideration of that amendment. If the committee were to request the privilege of holding markup sessions, not just hearings, but markup sessions, in an effort to perfect language which members of the committee would consider for any reason more prudent, or better, or wiser, then I would imagine, still speaking to a hypothetical set of circumstances, that the leadership would attempt to respond affirmatively to the request of the committee, but would put the committee on notice that it had only so many days, and not a great many at that, in which to produce a version upon which the Members could express their will.

Mr. LUNGREN. I thank the gentleman for his comments. I would just suggest that it is unfortunate that that particular amendment, which apparently has the overwhelming support of the American people, does not apparently have the same attention in this House from the leadership as does the equal rights amendment which was considered here in rather quick fashion. Because of that, and many other things have not been considered out of our committee, I must feel constrained to object, and I do object.

Mr. WRIGHT. Would the gentleman withhold his objection while I might respond?

Mr. LUNGREN. I will happy to withhold.

Mr. WRIGHT. I think the gentleman really would recognize that there was a distinction with regard to the equal rights amendment in that it had come from the committee. Beyond that, I think that the gentleman will recognize that there was a distinction in that it had once passed the House by the requisite two-thirds majority. Beyond that, I think the gentleman will recognize the reality that the leadership did not particularly do that measure any favor by scheduling it in such a hurry, because it went down to a defeat in the sense that it failed to muster the two-thirds necessary to move forward as a constitutional amendment.

I recall, also, the gentleman may recall, that 1971—I believe it was in November of that year, perhaps it was in another month—in any event, that was the year, we did consider a constitutional amendment on the subject of school prayer. I voted for it; I spoke for it; I was for it: I am for it. It passed by a majority, but failed by some 28 votes to muster the two-thirds necessary for a constitutional amendment.

To schedule a constitutional amendment for consideration, at a time when it did not have the two-thirds support necessary for its passage as a constitutional amendment, probably is no favor to the proposition in the amendment.

I speak to the gentleman not in the sense that I am now speaking in behalf of the leadership, but as an individual, as one Member of this Congress, when I say that I would like for some such amendment to be fashioned that could attain the two-thirds majority and passed. But my wishing that does not make it so, and I think the gentleman will recognize that it would not be any favor, save a political favor, to people who want to get on record, it would not be any favor to the basic proposition that the gentleman seeks to advance.

I would appreciate it if the gentleman would reconsider and withhold his objection to the dispensing with Calendar Wednesday, since it is, after all, just a kind of a token question.

Mr. LUNGREN. Further reserving the right to object, I appreciate the observations of the gentleman. He obviously has been here longer than I. In 1971, I was just getting out of law school. There are Members of this House, I believe, who were in high school in 1971.

Mr. WRIGHT. I was a child prodigy. I would like the gentleman to understand.

Mr. LUNGREN. The point I am saying is that I do not think it is too much to expect to at least have us revisit that issue once a decade. I do not think that is requiring too much, and I appreciate the gentleman's concerns and his support for it. I just wish we had such visible support in this House that we would act with the dispatch that we have seen with the equal rights amendment.

As I might suggest to the gentleman, as he mentioned, the equal rights amendment had one shot, and it came around for a second shot. In the meantime, the school prayer amendment has had no opportunity to be heard on the floor, nor has the balanced budget constitutional amendment. Nor, obviously, has the line-item veto amendment, and many other things.

I understand all the good wishes of the gentleman, and he is very eloquent in expressing his good wishes, and I think the gentleman downplays the influence he has in this House with respect to what is scheduled and what is not scheduled. I would just hope that he would join us in this effort to get this school prayer amendment to the floor.

If it fails, that means the will of the people is not here, but we should not hide the will of the people behind darkened closets or a lack of hearings as we have seen for the last number of years on that particular issue.

Further reserving the right to object, I yield to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. I thank the gentleman for yielding.

First of all, I would like to commend the very distinguished majority leader for, as always, helping educate both this House and the country, and I found his statement of Monday, March 5, entitled, "The Majority Leadership Does Not Obstruct Consideration of the School Prayer Amendment," helpful, and indeed, a statesmanlike position, and I felt his commitment as he said at that time, and I quote:

> A constitutional amendment is far too important a matter for such cavalier treatment. No Member of either side of the aisle really expects that the majority leader, or any responsible leader of the House, would bring a constitutional amendment, something so permanent and pervasive a part of our whole body of law before the House on such a moment's notice without due process, and without previous notification of the entire membership.

I found that to be a tremendous step forward from the process which, obviously, the gentleman from Texas did not participate in, but which, apparently, last fall brought ERA to the floor without due process, or due notification, or without enough time.

I just want to ask the gentleman, because today I think he is being extremely helpful in this process, there are two plausible ways you could help: One would be, of course, to sign the discharge petition, which would be a small, but an important token of commitment. The other would be to simply announce that in the near future, on a bipartisan basis, we would set up a time for hearings, and a time for reporting out, and a time for bringing to the floor four or five key issues, which I think could be negotiated between the two sides.

At that point, all of these other things would cease; we would not object to Calendar Wednesday; the House could go on in the comity which the humor and the competence of the gentleman from Texas always leads us toward. That would be such a small step toward good government.

I just wondered if the gentleman from California might yield to the distinguished majority leader, if he might not care to make a commitment to that kind of bipartisan effort. To have a constructive legislative calendar throughout the spring.

□ 1640

Mr. LUNGREN. Further reserving the right to object, I would be happy to yield to the gentleman from Texas if he would accept the yield.

Mr. WRIGHT. I certainly would not want to endorse a destructive schedule for the rest of the spring and, of course, I do hereon and herewith unequivocally, unalterably, forever and eternally endorse the proposition of constructive programs for the spring, summer, fall, and winter.

The gentleman from Georgia does me great honor by suggesting that I possess such enormous power as to move the rock which reposes in the Chair of certain committees.

I would have to suggest to the gentleman that while a majority leader in the hierarchy of the House may be the equivalent of a bishop, the chairman of the Committee on the Judiciary is at least an archbishop, and it is somewhat difficult for the majority leader of the House to schedule legislation which has been rightly referred under the rules to that committee, which has not been reported by that committee.

Of course, I am not in a position to guarantee the gentleman at this moment that any of those proposals he has suggested will be scheduled at a given time. But I have given the assurances earlier, which I think the gentleman heard and was privy to, having been present in the Chamber at the time I gave them, and this speaks not for me alone but for Speaker O'NEILL, with whom I have discussed the matter, who has told me, who has told the press publicly in my presence not once but more than once, that he has absolutely no disposition to thwart or to obstruct the consideration of this proposed constitutional amendment, and that if it should come to the House in the regular process that he will do nothing to retard its being considered on the House floor.

I think I would say for myself, and I think I can say for the leadership, that if it were the subject of a successful discharge petition it would come to the House floor.

Mr. LUNGREN. Further reserving the right to object, I would make one observation, and that is that in the religion to which I belong we have bishops and archbishops and with as much respect as we have for them, we do not confer upon them the recognition of infallibility and that probably is a good lesson for us to follow about the archbishop of the various committees we have here.

The concern that we have is that these things be taken up. I appreciate the gentleman telling us that he will not obstruct if we have a discharge petition. Of course, that begs the question because under the rules he cannot obstruct if we have a discharge petition, but we appreciate knowing that we will be within the rules.

I am also struck by the gentleman's comment that Calendar Wednesday is merely a token. Calendar Wednesday is a procedure that is allowed under the rules so that the possibility of tyranny of rule by a small group might be overcome. The fact that the various chairmen on the majority side cannot find a single significant piece of legislation to bring forward Wednesday after Wednesday is a very sad commentary with respect to our committee system.

Mr. BURTON of Indiana. Madam Speaker, will the gentleman yield?

Mr. LUNGREN. Further reserving the right to object, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Madam Speaker, I just have one question to ask the distinguished majority leader, who equates himself with a bishop and the chairmen of the committees as the archbishops of this House.

Since the gentleman is so firmly in favor of the voluntary prayer amendment, and since the gentleman is a bishop, if not an archbishop in this House, would he use his power and prestige and enthusiasm to help acquire the necessary signatures on the discharge petition to bring this issue to the floor, and would the gentleman lead that charge, Mr. Majority Leader, by signing it yourself?

Mr. WRIGHT. When the time comes, that question will be answered. It will be answered by my action at a time and in a way that I would arrange and control, rather than in response to someone's question.

Mr. WEBER. Madam Speaker, will the gentleman yield?

Mr. LUNGREN. Further reserving the right to object, I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

I thank the gentleman from Texas for being generous with his time, and I wonder if he would consider one additional question. I wonder if he can help resolve this matter for me, because from time to time over the last few weeks we have heard certain rumors regarding the intentions of the majority leadership with regard to C-Span coverage of the proceedings of the House of Representatives. In fact, members of the news media have inquired with regard to that of several Members this week.

I wonder if the distinguished majority leader could tell us: Does the majority have any intention of trying to submit changes in the House rules that would affect the ability of the American people to view the proceedings of the House on C-Span?

Mr. LUNGREN. Further reserving my right to object, I would be happy to yield to the gentleman from Texas for a response.

Mr. WRIGHT. If the gentleman wants my personal opinion, I think C-Span is a magnificent instrument of enlightenment. It is a device by which the public is made aware of the proceedings and the legislative process. I am delighted that it has attained as much popularity as it has. I endorse it. I am in favor of it.

I would not be in favor of doing anything to do away with C-Span. I am not aware of any plans to expand its coverage. I understand there are questions regarding committees and things with which I am not really familiar and, therefore, I would ask not to comment at this time on questions with regard to committee coverage because I am not as familiar with it as I ought to be.

I have no personal knowledge of anything of the type that the gentleman is discussing, and it would be my personal view—I think the gentleman made reference to the rules of the House—that there would be no effort to amend the rules of the House save in the orderly process in which they are normally amended at the beginning of a Congress. I know of no other plan than that.

Mr. WEBER. I thank the gentleman for his response.

The **SPEAKER** pro tempore (Mr. GONZALEZ). Is there objection to the request of the gentleman from Texas?

Mr. LUNGREN. Mr. Speaker, I object.

The **SPEAKER** pro tempore. Objection is heard.

FREEDOM OF INFORMATION DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 434) to designate March 16 every year as "Freedom of Information Day," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. FRANKLIN. Mr. Speaker, reserving the right to object, I do not object, but I would simply like to state for the record that the minority has no objection to the legislation being considered.

● **Mr. GILMAN.** Mr. Speaker, I rise in strong support of House Joint Resolution 434 that designates March 16 of this year as "Freedom of Information Day." No other right guaranteed by the U.S. Constitution is as treasured as the free access to information. The right to know has been a fundamental democratic principle since the days of our Founding Fathers.

We, as Americans, oftentimes take for granted our cherished freedoms. Daily, we express our views on the economy, foreign policy, public officials, and various other political, cultural, and social affairs. Our societal habits are a reflection of our rights to freedom of expression. If these rights to information were abolished, our American society as we know it would vanish.

The first amendment embodies the rights that mark the basic difference between a free and a Communist society. The right of an individual to know and seek information must and will always be upheld in the United States. We must never allow these freedoms to be taken away from the people. Unfortunately, it is only after one loses something that it is truly appreciated. I hope that we Americans realize how truly fortunate we are to be free and that we understand the importance of defending those rights.

Accordingly, in recognition of the anniversary of the March 16 birth of one of our Founding Fathers, James Madison, who staunchly supported the necessity of respecting the rights of the individual, please join me in support of House Joint Resolution 434.●

● **Mr. WIRTH.** Mr. Speaker, House Joint Resolution 434, authorizes the President to proclaim March 16, 1985, as National Freedom of Information Day.

This day marks the anniversary of James Madison's birthday. Mr. Madison, our fourth President and father of the Bill of Rights, is the American most responsible for many of the constitutional freedoms we enjoy today, in particular freedom of speech and the press.

What Mr. Madison understood, and what we often take for granted, is the importance of free speech, free press, and the value of information in a democratic society. He envisioned a society in which the American people could be truthfully informed about their Government, thus able to enjoy what he called a peculiar freedom to scrutinize the bureaucracy. He believed that through encouragement of interaction of the press and people, the Government would become more responsive to the people.

His idea was considered radical in his day. Today, however, it is hard to imagine not being afforded these freedoms in our society. Yet, because many Americans have never known any other way of life, they do not recognize how important the freedom of information is to the preservation of their other freedoms guaranteed by the Constitution.

A National Freedom of Information Day would serve as a reminder to the American people and the rest of the world the vital role these liberties have played in shaping this country.

Moreover, it is important to recognize that the freedom of speech and press mean more than just being able to express one's thoughts. They are catalysts that spark a flow of information. This is the most fundamental right of an American—the right to a free and robust marketplace of diverse and antagonistic ideas.

My resolution would establish a National Freedom of Information Day to honor both the man James Madison, and the principles for which he stood. I urge you to support this resolution.●

Mr. FRANKLIN. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 434

Whereas a fundamental principle of our Government is that a well-informed citizenry can reach the important decisions that determine the present and future of the Nation;

Whereas the freedoms we cherish as Americans are fostered by free access to information;

Whereas many Americans, because they have never known any other way of life, take for granted the guarantee of free access to information that derives from the First Amendment to the Constitution of the United States;

Whereas the guarantee of free access to information should be emphasized and celebrated annually; and

Whereas March 16 is the anniversary of the birth of James Madison, one of the Founding Fathers, who recognized and supported the need to guarantee individual rights through the Bill of Rights: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 16 of each year is designated as "Freedom of Information Day", and the President is authorized and requested to issue a proclamation calling upon Federal, State, and local government agencies and the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

AMENDMENT OFFERED BY MRS. HALL OF INDIANA

Mrs. HALL of Indiana. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Hall of Indiana: In the resolve clause on page 2, line 3, strike "of each year" and insert in lieu thereof ", 1985".

The **SPEAKER** pro tempore. The question is on the amendment offered by the gentlewoman from Indiana (Mrs. Hall).

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To designate March 16, 1985, as 'Freedom of Information Day'."

A motion to reconsider was laid on the table.

NATIONAL EYE DONOR MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 225) designating the month of March 1984 as "National Eye Donor Month," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. FRANKLIN. Mr. Speaker, reserving the right to object, I do not object, but I would simply like to inform the House that the minority has no objection to the legislation being considered.

● **Mr. GUARINI.** Mr. Speaker, I am privileged to be the sponsor of a resolution to designate March 1984 as "National Eye Donor Month." I urge my colleagues to give their full support to its companion measure, Senate Joint Resolution 225, when it is brought before the House of Representatives today.

Designating March 1984 as "National Eye Donor Month" will provide a needed impetus to humanitarian efforts to eliminate blinding diseases and restore sight to the visually impaired. Human eye tissue which is donated at death is used in medical research into the causes and treatments of blinding diseases. It is also used in highly successful cornea transplant operations. Unfortunately, inadequate supplies of eye tissue have hampered progress in medical research and have prevented thousands of people from experiencing the wonder of sight.

Each year, many thousands of Americans suffer from impaired vision caused by congenital defects, injuries, infections and diseases. For most of these people, cornea transplant surgery can significantly improve or restore their sight. In my State of New Jersey alone, over 150 transplant operations are performed annually.

Yet thousands of people are unable to benefit from this miracle of modern medicine because enough corneal tissue is not available. In New Jersey, the monthly waiting list sometimes numbers as many as 25 people.

During "National Eye Donor Month," we hope to publicize the services of the 93 eye banks across the country which coordinate the nationwide distribution of donated human eye tissue for use in medical education, research, and cornea transplants. More importantly, however, we hope to highlight the urgent need for more eye donations and encourage others to offer the gift of sight to those who cannot see.

Accordingly, I urge you to support Senate Joint Resolution 225 when it is voted upon today.●

Mr. FRANKLIN. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 225

Whereas one million four hundred thousand Americans suffer from serious disorders of the eye, many of which can be eased by the efforts of eyebanks;

Whereas eyebanks in the United States have grown from a single institution in 1944 to ninety-three in 1984;

Whereas eyebanks have sought to encourage research into the prevention and treatment of eye disease and injury in the United States;

Whereas some one hundred and fifty thousand Americans have had their vision restored and twenty-two thousand to twenty-five thousand such operations are performed annually in the United States; and

Whereas increased national awareness of the benefits of eye donations has lent impetus to expanded research activities, and helps Americans affected by blinding diseases: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March 1984, is designated as "National Eye Donor Month", and the President is authorized and requested to issue a proclamation calling on all citizens to join in recognizing this humanitarian cause with appropriate activity.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1650

NATIONAL SOCIAL WORK MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 112) to proclaim the month of March 1984, as "National Social Work Month," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. FRANKLIN. Mr. Speaker, reserving the right to object, I do not object, but I would simply like to inform the House that the minority has no objection to the legislation being considered.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 112

Whereas a productive and rewarding life for all of our citizens is a major goal of our Nation; and

Whereas for millions of people in our society adverse economic and social conditions create severe stresses and an inability to cope with life situations' and

Whereas countless numbers of Americans through accidents, birth, or illness develop physical, emotional, and mental impairments; and

Whereas professional social workers are advocates for sound and humane public policies and services; and

Whereas professional social workers are in the vanguard of the forces working to provide protection for children and the aged, the reduction of racism and sexism and the prevention of the social and emotional disintegration of individuals and families; and

Whereas professional social workers constitute the largest group of professionals engaged in the treatment and recovery of those individuals who have become emotionally and mentally ill; and

Whereas in recognition of professional social workers continuing efforts to provide the opportunities for a life of accomplishment, dignity, and purpose for all people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of March 1984, as "National Social Work Month", and calling upon the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CORRECTIONAL OFFICERS WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 132) to designate the week beginning May 6, 1984, as "National Correctional Officers Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. FRANKLIN. Mr. Speaker, reserving the right to object, I do not object, but I would simply like to inform the House that the minority has no objection to the legislation being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 132

Whereas American correctional officers who work in our jails and prisons are currently responsible for the containment and control of over six hundred thousand prisoners;

Whereas correctional officers must protect inmates from violence while encouraging them to develop skills and attitudes that can help them become productive members of society following their release;

Whereas the morale of correctional officers is affected by many factors, and the public perception of the role of correctional officers is more often based upon dramatization rather than factual review;

Whereas good job performance requires correctional officers to absorb the adverse attitudes present in confinement while maintaining themselves as professionals in order to have their actions appreciated and accepted by the public at large;

Whereas the American Association of Correctional Officers will be holding its annual convention May 6–12, 1984; and

Whereas the attitude and morale of correctional officers is a matter worthy of serious congressional attention: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 6, 1984, hereby is designated "National Correctional Officers Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

GENERAL LEAVE

Mr. FRANKLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today by the gentleman from North Carolina (Mr. BROYHILL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

UNITED STATES COMBAT READINESS THREATENED BY DEFICIENCIES IN OPERATIONS AND MAINTENANCE

(Mr. BOUCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, as the Congress begins its consideration of President Reagan's proposed defense budget for fiscal year 1985, one of our primary objectives must be to upgrade the combat readiness of America's Armed Forces.

Without highly motivated, well-trained, and properly equipped military personnel, our ability to defend U.S. interests in distant lands will be threatened. Our defense planning and the 1985 defense budget should reflect this priority. Although some Members of Congress are calling for a greater emphasis on the procurement of highly sophisticated and very expensive nuclear weapons systems, it is apparent that we cannot neglect the importance of upgrading the state of our combat readiness.

Recent congressional oversight hearings have revealed alarming deficiencies in our military preparedness posture. In testimony before the House Armed Services Committee on March 1, 1984, Air Force Gen. John T. Chain stated that our Nation's airlift capability falls critically short of planned requirements. General Chain's comments largely confirms recent newspaper reports which indicate that there has been a 15-percent decline in the number of combat-ready Air Force units since 1980.

In testimony before the same House committee, Gen. Fred K. Mahaffey, Deputy Chief of Staff for Operations and Plans for the U.S. Army, revealed that similar problems face the Army. General Mahaffey maintained that in response to a conventional attack against Western Europe, the Army could deploy ony six divisions within 10 days. Current NATO commitments require the United States to deploy 10 divisions within 10 days.

In addition to discussing our deployment deficiencies, General Mahaffey warned the Congress that the Army has a serious shortage of ammunition, spare parts, medicine, and even cold weather clothing. These glaring deficiencies in military preparedness and supplies must be corrected if the United States is to maintain a strong national defense which can serve as a deterrent to aggression worldwide.

The implications of inadequate funding for the Operations and Maintenance function of the defense budget are not confined to our troops' state of combat readiness. The failure to fund adequately operation and maintenance activities also has the potential of diminishing the value of weapons systems. For example, to realize the full potential of the M-1 tank, we must insure that our troops are properly trained in its use and that an adequate supply of spare parts is available in the event of breakdowns. Without proper funding for military operations and maintenance, weapons like the M-1 tank will be of diminished value on the battlefield.

To insure that our defense policies reflect the need for an improved state of combat readiness, including the airlift and sealift capabilities which can provide for the rapid deployment of troops and equipment, Congress last year approved a $4 billion increase in the Defense Department's fiscal year 1984 budget for operations and maintenance. I strongly supported these increases, and I am pleased that President Reagan's budget for fiscal year 1985 proposes to increase operation and maintenance by $10 billion over 1984 levels. This increase, when combined with the increase approved by Congress last year, should insure that progress is made in upgrading readiness and sustainability of our Armed Forces.

The defense of freedom, in America and around the world, demands that our troops have the training, motivation, supplies, ammunition, and transportation capabilities to fight on abbreviated notice in remote areas of the world. Meeting this challenge will require a sustained commitment to funding the operations and maintenance needs of the Department of Defense.

THE FAIR TRADE IN STEEL ACT OF 1984

(Mr. GAYDOS asked and was give permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GAYDOS. Mr. Speaker, with imported steel constituting 26 percent of the U.S. market in January, the steel caucus today introduced an improved steel quota bill called the Fair Trade in Steel Act of 1984.

The improvement was achieved not by raising the quota level, which remains at 15 percent and keeps this the most open major market in the world, but by imposing more stringent and enforceable modernization requirements on the American steel industry. Another improvement is a clause dealing with the importation of iron ore.

These improvements bring together the United Steel Workers of America and the major companies of the American steel industry. They now both stand in unified and unqualified support of the act.

As Bethlehem Steel Chairman Donald Trautlein testified to the executive committee this past Tuesday, there must be a world rationalization of gross world overcapacity, and it "should not be (entirely) on the backs of American workers and American industry."

In the words of Acting President Lynn Williams of the U.S.W.A., "the Government should act promptly to see that the sacrifice (of pay cuts) has not been in vain." Steel, he noted, is an internationally traded commodity for which the market mechanism has long since broken down. In my view it has been circumvented and distorted by subsidy, dumping and Government ownership.

Most of the steel that accounts for the 1 foreign ton in 4 that is used here is made under Government ownership, or it is subsidized to be competitive, or it is dumped to increase or maintain market share.

Certain nations, not yet challenged under our trade law, showed gross increases in U.S. markets share in 1983 as the world's traditional major producers were disciplined by application of the laws against subsidy and dumping.

Canada is one such nation, Mr. Speaker. We took well over 50 percent of every ton of steel Canada exported in 1983, and we took 17 percent of their total production. If the January figures hold, 1984 will see Canadian steel exports here rise by 56 percent over 1983.

Other such nations include South Korea, Taiwan, Brazil, Mexico, Venezuela, and South Africa. They will be dealt with in subsequent remarks on the bill. But all are sustaining their industries out of the American market, which is the only open, big one in the world.

As Mr. Trautlein said, the rationalization of all of this overcapacity will fall on the backs of American workers, American industry, and the American economy unless something changes. And, Mr. Speaker, this most generous quota bill would change it.

PROPOSED TRIPLING OF SECURITY ASSISTANCE IN EL SALVADOR A MATTER OF PROFOUND CONCERN TO THIS HOUSE

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. OBERSTAR. Thank you, Mr. Speaker.

The House will soon consider the proposal of the President to vastly escalate the level of U.S. support for military spending in El Salvador; the proposed almost tripling of military assistance in the country of El Salvador should be a matter of very profound concern to the House of Representatives.

The House Foreign Affairs Subcommittee on the Western Hemisphere began the process just recently of imposing some restraints on that request for increased military assistance.

The subcommittee rejected the request for additional funds in the current fiscal year. While approving $132 million for fiscal 1985, the subcommittee voted to provide that assistance only after the House and Senate have approved a joint resolution approving Presidential certification of congressionally imposed conditions.

This procedure will put some teeth into the human rights certification process which it has lacked over the past 3 years.

In 1981, Congress authorized military aid on the condition that President Reagan certify that the Government of El Salvador had made progress in reducing atrocities by rightwing death squads, prosecuting the murderers of four American churchwomen and two American labor officials, and in attempting to negotiate a resolution of the conflict within El Salvador.

The 1981 law, however, did not require congressional approval of the Presidential certification.

President Reagan has repeatedly certified that the conditions had been met despite overwhelming evidence to the contrary.

Every 6 months, the President would make the certification; the aid would continue. One had to wonder if there were any circumstances under which the President would not certify progress. The death squads continue to terrorize the country; the murders of the religious women go unpunished; American support for the military continues to flow.

The system of allowing the President to certify without requiring further action made a mockery of the certification process.

If we do have a strict mechanism for review of military assistance, one of two situations will occur. Either there will be significant progress in reduction of violations of human rights and we can approve such aid, or, as is more likely, the human rights abuses will continue, economic conditions will worsen, and Congress will not accept a certification that goes counter to reality.

Without strengthened congressional review of the certification process approved by the Western Hemisphere Subcommittee, and without immediate substantial human rights progress, there is no chance that I would vote for a cent increase in either economic or military aid or continuation of any financial assistance to El Salvador other than funds to provide hunger relief and medical care to the victims of the civil war.

Furthermore, I believe that this House should refuse to vote additional military assistance for El Salvador under any conditions until after the Presidential elections in El Salvador—until after we know whether that aid might be going to the most violent and most repressive elements of the Salvadoran rightwing.

ORDER OF BUSINESS

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that I may be allowed to take my special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

NONE DARE CALL IT TREASON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, "Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them comfort." That is what the U.S. Constitution has to say about treason. It is concise and easy to understand. Yet, there are those in American corporations and even in our Government, who apparently do not believe there is a place for that passage in modern times, and that it does not apply to them—I disagree.

The United States is suffering from a massive hemorrhage of its vital technology. As a result of mistaken licensing, weak enforcement, and illegal Soviet bloc activities, the United States is literally being siphoned of its sensitive materials. In this technology trade game, there is an obvious winner and an obvious loser—the Soviet military machine is the winner—America's national security and the free world are the clear losers.

In 1982, the CIA reported the following information:

> A multifaceted Soviet acquisitions program has allowed the Soviets to—
>
> First, save hundreds of millions of dollars in research and development costs, and years of R&D development leadtime.
>
> Second, modernize critical sectors of their military industry and reduce engineering risks by following or copying proven Western designs, thereby limiting the rise in their military production costs.
>
> Third, achieve greater weapons performance than if they had to rely solely on their own technology.
>
> Fourth, incorporate countermeasures to Western weapons early in the development of their own weapon programs.

Let us look at some specific examples where the United States has willingly handed over sensitive materials to our enemies.

The United States and Western Europe supplied the Soviet Union with more than $1.5 billion worth of automotive production equipment and technology to help them build the Soviet Kama truck plant. Large numbers of military-specification trucks were produced there in 1981. Those trucks are now being used by Soviet forces in Afghanistan and by Soviet military units in Eastern Europe opposite NATO forces. How does it feel to know that U.S. technology is at work in the Soviet effort to suppress the Afghan freedom fighters?

Another case where the United States was prepared to adhere to an enemy, by giving them comfort, was in the proposed export of millions of dollars' worth of bulletproof vests to Syria. I personally became involved in this case, writing to Secretary of Commerce Baldrige to protest the planned export. While it is encouraging to report that the export license has been canceled, in Secretary Baldrige's reply he stated:

> The clothing to Syria is subject to antiterrorism foreign policy controls if the U.S. content of a shipment is valued at $7 million or more.

In this particular case however, the corporation involved was able to get around these controls by submitting separate reexport applications which independently did not reach $7 million. What is to stop greedy corporations, who may be willing to sacrifice our Nation's security for some big bucks; what is to stop them from getting around U.S. foreign policy controls if they file separate amounts less than $7 million? Does this mean that the vests would have been sent if they were valued at only $2 million? I believe there should be no monetary limit when it comes to the security of America. Thorough scrutinization should not just take place if the exports exceed $7 million. If a proposed export only cost $1, but could be used by our enemies against us, that export should be denied. We need to reduce that $7 million guideline to zero dollars. Cutting off your nose to spite your face never had a more serious meaning.

Another recent case makes you wonder just whose approving our export licenses. Wang Laboratories recently refused to sell more than $4 million worth of computer equipment to a firm in India that offered to pay with a Yugoslav letter of credit drawn on a bank in Liechtenstein. I commend Wang Laboratories for having the insight to detect this Soviet attempt to gain access to Western technology. The ridiculous part to this story is that the Commerce Department approved the export license and Wang could have legally completed the sale.

There are several other examples that seem to run roughshod over all possible commonsense. It is imperative that immediate action be taken to correct America's policy of assisting the Soviet Union.

For these reasons, I am cosponsoring and strongly supporting a bill introduced by Congressman BILL MCCOLLUM. H.R. 2281 would unify export administration functions of the United States within the Office of Strategic Trade. The office would be made up from those who already are responsible for various segments of our export policy, including the Department of Commerce, the Department of State, the Department of Defense, the Department of Energy, the Department of the Treasury, the Central Intelligence Agency, and the National Aeronautics and Space Administration. Besides setting up an Office of Strategic Trade to effectively deal with security related exports, the bill would impose strict penalties on those who would violate the act. One such penalty would assess a fine of $1 million or five times the value of the exports involved, whichever is greater, on anyone in violation of the act.

This is one step Congress could take immediately to stop the mass exodus of high-tech materials to our enemies—and it is something Congress should do now.

Sir John Harington seemed to capture the essence of current American policy when he said in the 16th century:

> Treason doth never prosper: what's the reason? For if it prosper, none dare call it treason.

American corporations may prosper from the sale of technology to the enemies of the United States, but in the long run the results will prove to be disastrous. Western corporations have a responsibility to see that they control their exports. An individual of the United States is charged with espionage or treason when they assist the Soviets in obtaining technology, which, in the hands of the Soviets, can be considered detrimental to our national security. The same practice should be applied to corporations.

It was once said by Sir Edward Coke:

> Corporations cannot commit treason, nor be outlawed nor excommunicated, for they have no souls.

While the corporations themselves may not have souls, the men who run the corporations do. These men should be made to answer to all inappropriate sales and should be treated as any other traitor if they are found guilty of giving comfort to the enemy.

Some will argue that if we do not supply technology to the Soviets, someone else will. This may be true, but it still is no excuse for helping the Soviet Union in their goal of world domination. It is possible that in the future, American troops will be called on to fight against a Soviet tank developed and manufactured with American know-how and parts.

Why has nothing been done to stop this flow of technology from the West to the East? Why are we permitting the Soviet Union to gain any military advantage at our expense? Why have not corporations and Government officials worked out solutions to this wreckless export policy? Could it be because none dare call it treason?

□ 1700

ORDER OF BUSINESS

Mr. RAY. Mr. Speaker, I ask unanimous consent to give my special order out of turn.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

DOLLIE HORTON: BLACK GEORGIAN OF THE YEAR

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. RAY) is recognized for 30 minutes.

Mr. RAY. Mr. Speaker, it gives me great pleasure today to pay special tribute to a Third District Georgian who was recently accorded the distinction of being named as Black Georgian of the Year.

I refer to my friend, Mrs. Dollie Horton, of Fort Valley, Ga., who received this prestigious award at the seventh annual conference of the statewide Committee on the Life and History of Black Georgians. Mrs. Horton was one of four outstanding Georgians who were duly honored at the annual awards banquet in Atlanta.

Having known firsthand the significant and lasting contributions that Mrs. Horton has made throughout the years to the civic, social, religious, and academic life of her community, I can attest that she is most deserving of this honor.

Mrs. Horton is an outstanding graduate of Fort Valley State College, an institution steeped in black history and tradition and one that is known for the notable accomplishments of its graduates in many diverse career fields. Following graduation, Mrs. Horton served Fort Valley State with distinction for over 15 years in many different capacities, including director of public relations.

For the past 2 years, Mrs. Horton has embarked on a new and rewarding career in the broadcasting industry and is presently owner and operator of WXKO Radio in Fort Valley, Ga. Through superb programing and management, her station has consistently provided Peach County and middle Georgia with excellent community services in the field of radio broadcasting, music, and news reporting.

It is fitting that this honor, bestowed upon Mrs. Horton, came at a time when we were observing Black History Month across the Nation. This observance, traditionally held during the month of February, was instituted by Dr. Carter G. Woodson in 1926. The black history movement was launched by Dr. Woodson to emphasize the influence of black citizens upon American history and to applaud and document their accomplishments.

Inasmuch as the theme of this year's observance centers around black Americans and their struggle for excellence in education, it is exceedingly appropriate that Mrs. Horton was so honored, particularly in view of her exemplary involvement and unswerving devotion in promoting the cause of higher education.

Mrs. Horton's successful business venture is not only indicative of her ability, expertise, and energy, but is also a credit to the equal status of all women in today's business world.

I salute Mrs. Horton and her supportive family, including her husband, Cornelious, and two sons, Al and Rod. Mrs. Horton is indeed a credit to her community, her State, and this Nation.

WHY "DEAD ON ARRIVAL"?

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I thank the Chair for recognizing me.

We want to take a few minutes to talk about what did and did not happen in the Capitol this week and what could have happened under more aggressive and more responsive leadership to achieve the things the American people are interested in.

I guess in many ways the tone of this week's failure is set by the U.S. News & World Report editorial of March 12 entitled, "Why 'Dead on Arrival'?":

> It's unthinkable that the House of Representatives should squander 1984 without getting together with the Senate on anticrime legislation, but infighting and the fractured bureaucracy on Capitol Hill could bring about that result.
>
> This would not be anything new. Congress has been trying unsuccessfully for some 20 years to modernise the U.S. Criminal Code—to make it uniform and effective. While Congress twiddled its thumbs, violent crimes increased by 54 percent between 1972 and 1982 alone. Every 25 minutes now in the U.S. there is a murder, every 59 seconds a robbery, every 9 seconds a burglary.

The U.S. News & World Report editorial goes on to say:

> Passage should be achievable in the House, but the bill was pronounced by William J. Hughes, chairman of Judiciary's Crime Subcommittee, "dead on arrival" as a package—chiefly because different parts of a comprehensive measure have to be parceled out to several of the multifarious House subcommittees.
>
> Despite Hughes's derisive comment, there's still no reason why the Senate and house should not push the different parts to agreement as separate bills. This should be possible, since most of the arguments have already been thoroughly chewed over. Let the key measures be tackled first, then the more divisive bits and pieces. But some progress is increasingly urgent, because, as Mr. Reagan has fairly demanded: "Shouldn't we have the right as citizens of this great country to walk our streets without being afraid?"

Now, I think that the U.S. News editorial really summarizes and focuses on a range of problems which affect us across the board.

Do you want a balanced budget and a constitutional amendment to require a balanced budget? It is locked up in the Judiciary Committee.

Do you want a crime package to make America safer? It is locked up in the Judiciary Committee.

Do you want a school prayer amendment that will allow your children to pray? It is locked up in the Judiciary Committee.

In fact, we find out that, for narrow political reasons, the Judiciary Committee is the graveyard of the American people's wishes and dreams. The Judiciary Committee is the centerpiece by which the liberal Democratic leadership kills legislation that it is afraid to vote on.

Now, we are going to see, I believe, in the next few weeks, how fast the liberal leadership can move when it wants to, because recently there was a Supreme Court decision unfavorable to big labor. Big labor promptly called and within 24 hours, the chairman of the Judiciary Committee, the gentleman from New Jersey (Mr. RODINO), promptly introduced the bill and we now have word that that Judiciary Committee may bring the bill to the floor without any hearings, without any markup, without any consideration, and they bring it to the floor as part of a bankruptcy package, because they want to.

□ 1710

It is important to make this clear. The very distinguished majority leader, the gentleman from Texas (Mr. WRIGHT) this afternoon came out and discussed with us that he would like to do certain things. I believe he might.

Mr. CRAIG. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will be glad to yield to the gentleman from Idaho.

Mr. CRAIG. I appreciate the gentleman yielding. Let me thank the gentleman from Georgia for taking out this special order to give an overview of the things that have and have not happened here in the Congress in the last week.

The gentleman referred to the Judiciary Committee as a graveyard, and specifically referred a moment ago to the balanced budget amendment, a constitutional amendment, that is currently in that committee and is not receiving any consideration or hearings.

I would like to bring into perspective for this body what is not happening here in the House at the direction and the design of the leadership of this House, and yet what is happening in the other body at this time on that very important issue of a constitutional amendment for a balanced budget.

The subcommittee of the Judiciary Committee in the other body is currently holding hearings on that most important issue, and not only holding hearings on it but with the assurance that it will be brought to the floor for the Members of that body to vote on.

The reason that is being done is consistently over the years through the late 1960's and early 1970's, 65 to 75 percent of the American public, when polled about the importance of bringing revenues and expenditures into balance here in the U.S. Congress, have said, with high percentages, that they believe that this Congress should and can balance its budget. And that if it could not, it should be so required through a constitutional amendment.

I and others have been extremely active in the past month to not only encourage this body but to give assurance to the American public that there is movement underway so that sometime in the near future not only will this body take action, but the States of our Nation, as they should under article V of the Constitution, will be given an opportunity to debate and to ratify this most critical issue.

As we all know, at this time when we look at the budget considerations that are underway for fiscal year 1985, we have a group that is meeting to attempt to deal in some part with a $185 billion deficit, calling it a downpayment, if you will. But they are offering no assurance whatsoever to the American public that there will be placed in the law and in the Constitution of this country for once and for all parameters that will restrict this body to bring revenues and expenditures into line so that we can be assured that there will not be a continuing hemorrhage year after year, decade after decade, of the Treasury of this country, forcing upon the taxpayers of this country and the capital base of this country a continual drain of its revenue to be funneled through the Government and not to allow the private sector the opportunity to expand its base and to create the kinds of jobs, get the rate of inflation under control and the types of interest rates that we know are so critical and essential.

As a result of that, this week this Congress, Members of this Congress, through an organization known as Congressional Leaders United for a Balanced Budget have taken a new course. They, recognizing the power of the Constitution and the second portion of article V of the Constitution which says that if the Congress fails to act, as Madison so wisely saw in the latter days of the Constitutional Convention in Philadelphia, that the States and the citizens may at some time have to force this body to act in behalf of a majority of the people of this country. I am referring to that action which is now currently going on in our States to petition this Congress through the petition process to force our body to act in a responsible way to bring forth an amendment for State consideration. We now have 32 States and CLUBB, as an organization which my colleague from Georgia has been an active participant in, is encouraging States like California that have placed the issue on the ballot, States like Vermont that are currently considering it through the legislative process, States like Washington and Montana that are now viewing an initiative process, States like Kentucky that are considering it once again through the legislative process, to bring that issue to final consideration before this body, to force the leadership of this House to stand up and be recognized as they well ought to be and not to hide behind the mechanism of the Judiciary Committee, to bring to this body for debate and for final State consideration that all-important constitutional amendment to balance our budget.

A strong and consistent majority of the people of this country, year after year, decade after decade, have asked us to do just that. And while we continually wrestle with a budget that is clearly out of control, when this body must stand up and admit to the American public that it no longer has control over the budget process, it is continuing to deny the ultimate process itself, and that is a binding constitutional amendment that will place the parameters around the budget process, that will say to the Members of Congress: "You shall bring revenue and you shall bring expenditures into line, and only under special circumstances will you be given the luxury to deficit spend."

I once again thank my colleague from Georgia for bringing about this special order to discuss what has gone on in the Congress this week. But, more importantly, what has not gone on. And to also recognize that as we stand here as a body, failing to do what is our duty to respond to, that the States of this Nation are responding as they should, to not just encourage, but in a final process say you will act and you will act responsibly in consideration of that balanced budget.

I not only encourage my colleagues to recognize what goes on around them in the States of this Nation but to encourage the Judiciary Committee to be as responsible as it is charged to be to bring forth that amendment for the ultimate debate here to the floor, to respond as our colleagues across the rotunda have responded in holding those hearings and bringing forth that most important issue.

I again thank my colleague.

Mr. WEBER. Will the gentleman yield?

Mr. GINGRICH. I am delighted to yield to the gentleman from Minnesota, a leader of the Weber group.

Mr. WEBER. I thank the gentleman for his high praise. I would like to compliment the gentleman from Idaho for the leadership he has shown on the balanced budget issue.

I just wonder, since your effort is gaining more support outside the Congress than within it, if you can describe for us a little bit the kind of support that we see at the grassroots level and in the States for a balanced budget amendment, because I do not think you can give that message to this body too often. They seem somehow insulated from what the average American wants and hopes for.

Can the gentleman explain to us a little bit about the grassroots support at the State level for the balanced budget constitutional amendment?

Mr. CRAIG. I appreciate my colleague for bringing that most important point up.

It is kind of like the issue of school prayer. In poll after poll, decade after decade, 65 to 75 percent of the American public has said to this body, "We want you to bring in balance your revenue and your expenditures. We feel it is ultimately critical that you do so to keep this economy on track and to provide not only our children with a future and an opportunity, but not to saddle them with the kind of perpetual debt that we are ultimately doing in the processes that we incur."

Let me cite an example. The State of California, one of the largest if not the largest State in our Nation, after proposition 13 a couple of years ago, some of the people out in California said never again would the citizens of the State of California put through an initiative drive that in some way might limit the ability of the citizens of the State of California to expend revenue and/or to tax. And yet just 2 weeks ago my colleague in the other body, Senator PETE WILSON, who is a chairman of CLUBB on the Senate side, our colleague here in the House, BILL DANNEMEYER, filed in California 606,000 signatures by citizens who said, "We want our legislature in California to respond by petitioning the Congress of the United States to bring forth that balanced budget amendment."

In my State of Idaho it has consistently been the case, 75 to 80 percent.

I was talking this afternoon with my colleague from Montana, RON MARLENEE, who has just completed a survey out there. He will be cochairing an intitiative drive in the State of Montana to bring forth that most critical amendment. There in his State 75 percent of the citizens are saying to the Congress of the United States, "Be responsible. Do what you should do that is fiscally right for our Nation and for your citizens, and especially for our young people: Balance the budget."

□ 1720

I appreciate my colleague bringing up this point. If there is something as an issue in this country that you can say a very, very large majority have consistently agreed to, it is that issue, and that issue alone.

I thank my colleague.

Mr. GINGRICH. I yield to the gentleman from Minnesota.

Mr. WEBER. I think this is a very important point about the behavior of the House and particularly the Democratic leadership of the House that is illustrated by this case of the balanced budget and something else that has taken place in the Congress at this very time.

As the gentleman from Idaho pointed out, public opinion surveys have over a long period of time showed overwhelming public support for a balanced budget constitutional amendment.

Furthermore, public opinion surveys show and have shown consistently that when asked how the budget should be balanced, the overwhelming majority of the American people say cut spending. Only a tiny, tiny percentage of the people, usually less than 10 percent, say they would favor balancing the budget by increasing taxes.

So we have this seeming consensus among the American people that we ought to balance the budget and we ought to balance it through spending cuts.

What is the reaction of the Democratic leadership of the House of Representatives to this overwhelming consensus among the American people? They reject the balanced budget amendment, they reject spending cuts and what are they preparing to do? They are preparing to serve up a bill that would raise taxes on the American people by $50 billion. I think if anything illustrates how far out of touch this House of Representatives and its Democratic leadership are with the thinking of the average American person, it is this inconsistency and this insistence on approaching our problem solely through increased taxes on working Americans to the exclusion of spending cuts and the exclusion of the balanced budget constitutional amendment.

I thank the gentleman in the well for yielding.

Mr. GINGRICH. I would like to make a point about the tremendous work being done by the gentleman from Idaho, which is that, and correct me if I misunderstood this, it is the stubbornness and the narrowness and the obstruction of the liberal Democratic leadership which forces you to go out to the country to be able to do your job in this House, that literally it is the liberal Democratic leadership that stops you from being able to do what the people of Idaho are begging for and therefore you are literally forced to go out across the country in order to try to bring people in America to understand that only by getting their voice to Washington, can they ever get anything done.

Can the gentleman share with us, because I know he told me in private, the feeling he has, having come here to be an effective participant in the House to discover how much of it is strangled by the liberal Democratic leadership.

Mr. CRAIG. I thank my colleague for making that point. I suspect that all of us who serve in this body during our times of running for public office, have told our constituents and electorate there are certain things we would accomplish for them, and based on what we have told them, on those issues we have been elected and we have been asked to serve.

It has been our charge to come to this city and to this body for the purpose of attempting to effect change. One of the things that I have consistently stood for, not only in my State but here, and certainly my colleague in the well from Georgia and others have stood for the same thing; that is fiscal responsibility.

After watching what this body failed to do in late summer of 1982 when we had an opportunity to bring forth a responsible document, by that I am referring to a balanced budget amendment to send out to the States for ratification, we failed to do that; I did just exactly what my colleague from Georgia referred to, coming out of frustration, coming out of an inability to effect change in this body, I recognized, as others here recognize, that our Founding Fathers provided a unique opportunity when this body would fail to act; that there were those outside this body who could in fact act to change the thrust and the direction that this Congress was taking.

And I am referring to that second half of the article 5 of the Constitution which says that State legislative bodies may petition for change.

Choosing that route, frustrated, stopped here by a Committee on the Judiciary and a leadership that simply ignored their responsibility and their charge to be constitutionally aware of the concerns of the citizens of this country, the organization of CLUBB, which I have been a participant in and responsible in founding with a good many others here, has chosen to go outside the body, because we simply have had to do so, to go to our friends, our colleagues in elective bodies around this Nation and say, "We need your help because we cannot effect change here because the leadership of this body will not allow that kind of responsible change to come about."

Thank goodness, we have a citizenry in this country that recognizes from time to time what is so obviously clear, and that is that if we continue to spend with massive deficit approaches, if we continue to tax at ever-increasing amounts and place that burden on the middle income group of America, if we continue to extend decade after decade out into the future, unbelievably burdensome debt that will ultimately be the responsibility of our children and our grandchildren, we will spell for this country economic disaster.

In that frustration I have had to turn to my colleagues not in this body, but across this Nation in State legislature after State legislature and citizens who would come forth to sign the petitions to create the initiative drives to force legislative bodies at State levels to respond.

So we have had to leave this House, and leave this body to create the initiative that will ultimately bring this body into compliance and allow the citizens of this country what they so desperately wish.

Mr. GINGRICH. Let me make a point because it is a point that the gentleman from Idaho has made that is so central to what is going on, that it is worth dwelling on for a minute.

The Founding Fathers in writing the Constitution had the foresight to recognize that there might be moments in American history when a political gang would seize power in the legislature and would prevent the American people from getting their way; that the Founding Fathers in writing the Constitution understood there are times in history when a group out of touch with the country but controlling the mechanisms of power, would stop changes the American people want.

And therefore the Founding Fathers provided a safety valve, a way for the American people to express their frustration and their anger and their desires so that even though the power bosses and the big brokers might not want to allow the American people to have their way, the Constitution gives them a way to reach out and force the liberal leadership in Washington to listen to the rest of the Nation. And in that sense what the gentleman from Idaho is doing is exactly in the constitutional tradition of James Madison.

So I would like to yield to my good friend from Florida who is making a mark as clearly the most informed and influential freshman ever to serve on the Budget Committee.

Mr. MACK. I thank the gentleman for yielding and I thank the gentleman for those comments.

I want to compliment the gentleman from Idaho. It was not too many months ago that we held a conference in Baltimore where a group of us got together and said you know, we need to be looking at different ways to solve the problems of the country, we need to be asking ourselves, What are things we could be doing differently to try to impact what happens here in this Congress? The interesting thing is that I look back on that, hearing the frustration that was voiced by so many Members and also hearing a commitment though as we left those 2½ days in Baltimore to come back here, a commitment to say that we are in fact going to become involved in a process that brings about change.

It is really encouraging to me to look and see that the individual Members who voiced their frustration and who said that they were making a commitment to bring about change, then individually went out on their own and establishing different methods to impact what happens in this House. I think you are to be commended for taking on this project and getting as many people involved, not only as Members of the House but also in the Senate.

Mr. GINGRICH. I yield to the gentleman from Idaho.

Mr. CRAIG. I thank my colleague. I not only appreciate the tremendous leadership and effort that he has put forth, not only my colleague from Florida; my colleague from Georgia, in that which we discuss here tonight; in the context of a constitutional debate, one of the most unique and beautiful things about our country is that our forefathers were so wise to recognize that there might come a time when change was cried out for and that change could be brought about in a peaceful and reasonable fashion.

□ 1730

Nations change rather dramatically from time to time. But this Nation in its change since the 187 years of the history of that Constitution has changed in a peaceful fashion, not in a violent way, not through revolution in a violent sense, or with guns, but through the very kinds of things we wish to accomplish here through the mechanism that our great country and our Founding Fathers recognized.

And I appreciate my colleague for the leadership he has provided in this area, not only in speaking out for change, but in working to implement and move the vehicles that will allow that change to come about.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

I think the gentleman from Idaho raises an important point, but I think it is also worth pointing out that at various times in American history the institution of the Congress has, in a very real sense of the word, become corrupted, because the leadership of the House or the leadership of the Congress, has abused the rules.

So, although we do indeed have the mechanisms for achieving change in a nonviolent manner, there are times when the people have to exert an extraordinary impact and literally foment a political revolution within, of course, the rules of our system to force change on an unwilling House of Representatives and an unwilling Congress.

It seems to me, as we look at issues like the balanced budget constitutional amendment, the school prayer amendment, crime legislation, a whole series of measures that have brought support from the American people, but get not even a hearing in the House of Representatives, that we may be at such a time today.

I thank the gentleman.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be delighted to yield to the gentleman from California, who over the last few weeks I think has been increasingly recognized as the leading spokesman for anticrime measures in the House.

Mr. LUNGREN. I thank the gentleman for extending me this opportunity.

I would just like to go back to something the gentleman mentioned a few minutes ago which deals with the ability of some legislation to get to the floor rather quickly, while others languish.

It might be interesting to note that the Judiciary Committee, upon which I serve, has not had any hearings on the question of school prayer, for instance, this Congress. Nor did it in the previous Congress, nor did it in the Congress before that.

And that means that at least for the 6 years I have been here, we have turned no attention to that.

The other day I asked our distinguished chip, Mr. Lott, who served on the Judiciary Committee, before he went to the Rules Committee, and before we got here, whether it was discussed while he was there. And to his knowledge it was never allowed to be discussed before the full committee.

So that action has been so slow in moving. The balanced budget constitutional amendment has not been discussed seriously in the committee this year. And so we have those key type issues not even being given an opportunity to be discussed.

But, as the gentleman suggested, when a particular special interest is affected it can move quite rapidly. The gentleman mentioned a recent Supreme Court case. In fact, it was the National Labor Relations Board against Bildisco and Bildisco. That particular decision came out on the 22d of February. Later that day, literally within hours, a bill had been introduced by the distinguished chairman of the Judiciary Committee, Mr. Rodino, and two of his Democratic colleagues, Mr. Seiberling and Mr. Feighan, that would radically change that opinion.

Now, I am not one who thinks we ought not to revisit that particular subject matter because that is a rather delicate one. It deals with the question of the abrogation of collective bargaining agreements by means of someone filing for bankruptcy under chapter 11, and the question of whether it has been dealt with in the proper fashion.

But the point I would like to make is this: That falls in the overall category of bankruptcy legislation.

Well over a year ago, a year and a half ago, the U.S. Supreme Court told us that the current law with respect to the bankruptcy courts, the establishment of those courts themselves, was unconstitutional. It has given us two, I believe three extensions upon which we must act, after which they will allow that unconstitutionality to render those courts null and void, which throws us into a constitutional crisis.

A year ago February in the Judiciary Committee we did pass out a bill to deal with the question of the courts. At the same time, we refused to deal with another subject matter that is contained within this overall area which has to do with the credit aspects of the bankruptcy law of 1978. There is a question about the continued viability of credit unions if we do not address that question.

That bill, although it has had hearings, has never been passed out of the subcommittee or the full committee.

Yet, as we stand here this day, there are discussions going on and have been going on on the Democratic side with respect to the Rules Committee, to finally allow H.R. 3, the bankruptcy court law that has languished for 13 months to be considered perhaps next week, as long as they will also allow the credit aspect bill, which I think is appropriate since it has hearings. But as a leverage to allow that to happen, there is going to be a rule fashioned, as I understand it, to allow H.R. 4908, the one which deals with the concerns of the Labor unions, that was only introduced on the 22d of February, that has never had any hearings, that has not been considered in a subcommittee, that has not been considered in a full committee, and all it does is overturn a U.S. Supreme Court decision that was of two aspects. One which was a 9-to-0 decision, meaning the liberal as well as the conservative elements of the court decided that that was appropriate, that is what the law was in terms of their interpretation. And the second part, upon which there was some controversy, a 5-to-4 decision, and upon which I think and many of us think there ought to be some adjustment.

But instead of our seriously considering a question that has been decided by the court on a 9-to-0 vote before a committee and a subcommittee and having hearings and attempting to work out a reasonable accommodation for the attempting to work out a reasonable accommodation for the legitimate concerns of the unions and the legitimate concerns of management, we are going to have that presented to us in a total package as part of a package that must go forward, if we are to avoid a constitutional crisis.

So when we hear the very sweet and eloquent words of the majority leader, Mr. WRIGHT, earlier on this floor, that we should of course let these things go through the committee process, and we do not want to bring up school prayer on this floor precipitously, those words somehow ring hollow when we see how quickly legislation can be brought up if a particular special interest contacts the leadership of the Democratic Party.

The fact that thousands of people were here on the Capitol steps praying that we might have consideration of the school prayer issue, the fact that literally hundreds of thousands of letters and telephone calls are coming in over the last 3 weeks on this issue, the fact that 80-some percent of the American people want us to act on it, evidently is not enough to move the Judiciary Committee, or to move the majority leader to sign a petition to get it on the floor. Yet a simple phone call from the major labor unions of the United States to the leadership of the Democratic Party is enough to move a bill from its inception to floor consideration in less than 3 weeks.

As much as I think we ought to visit the question that was really brought up by the Bildisco case, it seems to me that priorities ought to be established here. And that if the orderly process is necessary for the constitutional amendments that the overwhelming percentage of the American people want, it also ought to be considered in a case where we are going to overturn a 9-to-0 decision by the Supreme Court that just took place 3 weeks ago.

Mr. GINGRICH. Let me ask the gentleman from California several questions because he serves on the Judiciary Committee and he is a student of that process and I think he could inform all of us and enlighten all of us.

First of all, does your committee meet so frequently in full committee that you cannot get the work done? Is it a problem that despite long hours of meetings you are just not able to produce the bills?

Mr. LUNGREN. No; if the gentleman would yield further, I would suggest that we have plenty of time to work on many different issues. In fact, our agenda has not been jammed packed over the last several months. We have sufficient time to deal with those issues.

I would say this, if we moved with just a quarter of the dispatch that was shown in serving up the equal rights amendment in the latter days of the first session of this Congress, we could move this legislation that the great majority of the American people are evidencing through every poll and every informal conversation that Members have in their districts.

□ 1740

So, in a short answer to the gentleman, no, we are not overworked on that committee. We have plenty of time to work. And if we wish to address ourselves to it, I see no reason why these things could not be brought to the floor in short order.

Mr. GINGRICH. Let me ask a second question. I detect something here coming from you as a junior Republican which sounds remarkably similar to what I heard the distinguished majority leader, Mr. WRIGHT of Texas, say a few moments ago.

When we tried to ask Mr. WRIGHT, "Why are these bills not coming to the floor?" and would he bring them to the floor, he ended up, as I understood him to finally be saying, that it is Mr. RODINO of New Jersey, the chairman of the Judiciary Committee, who is the cork in the bottle, if you will; that it is Mr. RODINO of New Jersey who is personally blocking all of these things. And he made a specific reference that, while he may be bishop, Mr. RODINO is also an archbishop and, therefore, Mr. RODINO has some real power.

Is it your experience that if Mr. RODINO of New Jersey, the chairman of the committee, wanted to bring these bills out, they could come out?

Mr. LUNGREN. Well, if the gentleman will yield further, it is my experience that if the Democratic leadership wished the bills to come out, from TIP O'NEILL on down, they would come out.

The best evidence I can give the gentleman is the fact that at the beginning of this Congress, in Mr. O'NEILL's address to us when he was reelected as Speaker, he said that House Joint Resolution 1 was going to be the equal rights amendment. And then it languished for approximately 10 months. Then immediately it was brought up in subcommittee, it was forced through subcommittee, forced through committee on a very short procedure. Those of us in a minority position who asked for a couple of extra days in which we could file our dissenting views or additional views were denied that opportunity because we had to have the committee report printed right away.

We then went to the end of that week, we were told by whoever was the acting leader at that time at the end of that week that it would not be brought up, that is, the equal rights amendment would not be brought up the following week.

We came back, and that Monday we are told that not only would it be brought up but no committee report would be available. In fact, there was a question whether a committee report would ever be printed for the purpose of informing the Members, for the purposes of them making their decision, and we were also told that it was going to be brought up on the Suspension Calendar in which we were allowed 20 minutes on each side to debate the issues and no amendments were allowed.

During those 40 minutes, as you will recall, the Speaker had at least 5 minutes, in which he informed us in very emphatic terms that one of the discretions that he allows to himself and that he exercises is that to schedule legislation.

So the gentleman is absolutely right that if these things were of a priority nature to the Democratic leadership, they would be here; and if in fact they were not resisting attempts to bring it here to the floor, they would be here.

Lastly, I would mention one thing on this. If one were to look at the philosophical makeup of the Subcommittee of Civil and Constitutional Rights, to which virtually every amendment except the balanced-budget constitutional amendment is sent in our committee, one can readily see that the handwriting is already on the wall. There is virtually no opportunity for us to get those votes through because if you look at the people who were there, they have already taken positions against the particular amendments to which the gentleman addresses his question. That and the fact that even if you show up and persuade the majority of the Members there that they should vote it out, the old proxy vote will defeat you every time. And the American people, I would hope, would have opportunities to come here and watch committee and subcommittee deliberations and see that we work, unfortunately, from a position of uninformed judgment as opposed to informed judgment in dealing with these crucial issues, because what happens is that the Members who are not there are voted by proxy time and time again, overturning the decisions of those people who are informed.

Mr. GINGRICH. You are referring to what some Members call ghost voting, when the ghost sort of votes without the person materializing.

Mr. LUNGREN. Well, ghost voting is illegal on the floor of the House. And, in fact, under our rules now, it would be grounds for censure, reprimand and even expulsion. That is how serious we consider it on the floor of the House. But it is allowed in committee and subcommittee, and that is an inconsistency that we must address ourselves to very shortly.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

Mr. Speaker, I would just like to get back to the first question that the gentleman raised, and that is that maybe the committee might be too busy or they do not have enough time, and I would just like to indicate for the record that this is the 48th day since Congress reconvened since January 23, and only 23 of those days have been working days. And after only 12 days in this session, we had to adjourn for 11 full recess days.

Now, the other thing is that the Speaker has only scheduled 134 days of work in 1984. If you take away the 51 Mondays and Fridays in which we usually seem to be in a pro forma nonworking session, that means that we have less than 67 working days remaining this year.

Now, that brings up several points: Either a number of these pieces of legislation that we feel so strongly about are totally being ignored by the leadership or there is something very inefficient about the way we go about doing business here.

The second thing is to just kind of follow along with your comments about ghost voting or proxy voting. We had our fourth—notice that, mind you, we had our fourth—meeting of the Post Office and Civil Service Committee yesterday, fourth meeting, and we had a vote on, in essence, a markup for the budget resolution which will be taken up sometime a little bit later this month. There are 15 Democrats on the committee, of which there were 9 ghost votes, 9 proxy votes, and I was wondering to myself why was I there debating this issue when, actually, we outnumbered, in person, the committee activity; but as soon as the vote came about, all of a sudden these ghosts appeared and voted.

I guess the third item that kind of brings all of this together—we talked about the balanced budget amendment earlier, we talked about is the workload too great that we cannot get these things out of committee, we have talked about the fact about the ghost voting—the other item is that this committee now that has met four times got a 15-percent increase in its budget for this year. We are only going to be here 134 days and we actually increased the budget for this committee. I find this just incredible that this would happen.

The interesting thing is, the claim is that, since some of the Republicans—Mr. DANNEMEYER and myself—objected to the request that they made for an increase in their budget, now they are going to have to string out a report that they are trying to put together and refuse to, instead of reducing the travel arrangements that are apparently being made in this election year, all of those dollars apparently are going to be increased and used. I mean the whole thing has totally gotten out of hand. We are spending more money for less activity for people who do not come to committees to vote, who appear there as ghosts, and we are working less days. It just does not seem to make sense to me.

I appreciate the gentleman allowing me this time.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman from Georgia for yielding.

Mr. Speaker, I think we are touching on and talking around a really central problem here and we should spend a little time on this.

Public opinion polls for years have shown a steady, steady decrease in support for this institution among the American people. In other words, the regard with which the American people hold the Congress of the United States as an institution is very, very low, I think probably the lowest it has ever been since modern public opinion polling came into its own as a science.

We as Members of Congress, I think, understand that and see it in our day-to-day activities back in our districts as we hold town meetings and we talk to our constituents. There is a great frustration that we are not getting anything done, we are not acting on the people's agenda, and people do not understand why we are unable to get anything done.

We have been talking here for the last few minutes about a number of ways in which, in my judgment, the Democratic leadership of this House of Representatives literally plays a shell game with the American people so that accountability is totally avoided and the American people are frustrated and bewildered as to why the people's House cannot act on items that are on their agenda.

For instance, the gentleman from Georgia made reference to the fact that the distinguished majority leader this afternoon mentioned that the committee chairmen are, in his words, archbishops who should be able to control the process.

Well, the Speaker and the majority leader say it is in the hands of the committee chairmen, and the committee chairmen say it is in the hands of the Speaker, and when you actually have action taking place in the committees themselves, or are supposed to, as the gentleman from California (Mr. LUNGREN) just pointed out, the deck is stacked. The Democratic Party has more than their requisite proportion of members on the committee. They are able to ghost vote members who are not even present. So the committee process is stacked.

In order to try to bring something out of the committee and onto the floor, we are told that we could go through the avenue of the discharge petition. Indeed, we are moving a discharge petition right now on the school prayer amendment. But the discharge petition is conveniently kept secret by the rules of the House so that a Congressman's constituents never really know if he has actually signed that discharge petition or not.

We are told now frequently that this is not the time of the year for us to bring up these matters on the floor of the House because work is taking place in the committees of the House. Later on this year we are going to be told, "Well, now we cannot bring those items up because there is too much work to be done on the floor of the House."

In all of these ways, the activities of the Democratic leadership of the House seek to prevent the American people from understanding exactly why it is that we do not secure action on any of these issues, and so they are left with a faint sense of bewilderment about the actions of a parliamentary body.

There is no real confusion in our minds, I think, about why we do not act on these items in the House of Representatives. The reason we do not act is because the Democratic leadership does not want us to. And that is a simple fact that we have to continue to drive home to the American people as they ask us time and again why it is that we cannot act on school prayer or a balanced budget or any of the other items.

□ 1750

I think just to conclude on this point, the reason I think it is so important is because the people's confidence in this institution is a very important matter. When the actions of the majority, in this case a Democratic majority, serve to erode public confidence in the institution of the Congress of the United States, that is destructive of the whole process, and I believe it is encumbent on us to try and bring that message home to the American people.

Mr. GINGRICH. Before I yield to the gentleman from California, let me say that everyone should recognize that the gentleman from California (Mr. HUNTER) on Monday night achieving something which has never before been done in the entire history of this House, which was have an entire night of special orders on a topic.

Even during the Vietnam war, we only had something like 4 hours or 4½ hours at any one time and I think it was probably for people who genuinely want the peoples' House to reach out to the people, for people who genuinely want the House of Representatives to be seen by the American Nation, there has probably never been more intense news media coverage of action in this House than the coverage which occurred on Tuesday, because of the brilliant and energetic and enthusiastic work of the gentleman from California.

So, it is a very great honor for me to yield to the gentleman, and I look forward to your comments.

Mr. HUNTER. I thank the gentleman for yielding and I know we can get him some more time.

I just wanted to say we have been bringing up how important some of these measures are to the American people, and I noticed in the New York Times in an article which is entitled "In Order To Regain Crucifixes, Polish Students Hold Sit-In." And it starts off:

> Agriculture students took over their state-run college here today, demanding that crucifixes be put back in their classrooms. Police had sealed off the road leading to the college, and there were seen, and journalists saw, over half a dozen olive-drab trucks of the riot police heading that way from Warsaw.

In Poland, children and college students are facing literally the armed might of the state in trying to preserve the presence of God in the classroom, and here we have tried to bring up the school prayer amendment for many years. I understand the last time it came up was 1971, and because of the liberal Democrat leadership in this House, we have not been successful.

One other thing I would like to bring up, that I think needs to be pointed out concerning the crime bill, is that the crime bill which has been passed out of the Senate, and which should be brought up in this House, and of which the Democrat leadership again said is dead on arrival, is extremely important to the American people.

This bill, and I would hope that the gentleman from California (Mr. LUNGREN) would come down and talk about this bill a little bit, because this bill has some very important aspects which means literally life and death to people in this country.

For example, the bill, as I understand it, would change the bail situation to a situation in which a criminal is not necessarily released or an accused criminal, a defendant is not necessarily released based solely on his ability to return back to the court or to give a certain amount of money and pledge so that he can return to the court. We know he is going to return.

But bail would also be based on his danger to the community. His danger to other people living in the community. This is so important, because here you have people living in a community who because a drug seller or a murderer or a person who has committed any of a number of crimes, because he has a certain amount of money, or because he is able to purchase that particular bond that is needed, will be, if he can guarantee if he will show up again, and if the court is satisfied that he will show up in court again, may be released and may be exposed to that community again.

The people who live in that community may be faced with more violent acts because this crime bill has not been passed. This is an extremely important aspect to the crime bill.

As I understand, it would also affect the exclusionary rule, and the exclusionary rule is so important, because again, you can have a person who has committed a crime, who has hurt people, has perhaps sold narcotics, and yet, because the police acted in a manner that a court, sitting sometime later and with great time to deliberate, deems not to have been reasonable, not to have been in compliance with the fourth amendment of the Constitution, the evidence against that individual will be thrown out of court.

The fact that the person has sold drugs, or has harmed other people will not be the determinant factor in that case. I would like to ask the gentleman from California (Mr. LUNGREN) if this is not, I would like to ask him to comment on these two aspects of the crime bill.

Would you comment briefly on the bail reform part. The part that means that a person who is a danger to the community will have that fact used as a determinant of whether or not he gets released on bail as well as the fact that he may have property and may be able to bail himself out.

Mr. GINGRICH. I yield to the gentleman from California for purposes of his response.

Mr. LUNGREN. I thank the gentleman for yielding.

The subject matter that goes under the general rubric of bail reform specifically deals with the area that the gentleman has suggested. That is, the actual dangerousness of the individual to the community would be taken into consideration by the judge as opposed to what is now the standard, which is that you consider only whether or not that person is likely to return for his next legal appointment, essentially following his arraignment and so forth, showing up in court.

The studies that have been done, in fact, the study was done in the District of Columbia about 5 years ago which showed that the greatest number of crimes were committed by a relatively small number of people. In other words, they refer to it as recidivists. Many of those people committed crimes while they were already out on bail, on their own recognizance or a small amount of bail being set for previous crimes.

In fact, the study seemed to suggest that if you could target in on the smaller number of individuals who are the tremendous repeat offenders, you would drastically drive down the number of crimes being committed in a particular jurisdiction. That is the first point.

The second point is, many judges today do take into consideration dangerousness, but they cannot do it directly, so they do it indirectly, and they say well the fact that the person has committed this type of a crime indicates that he may be scared about the particular penalty attached to him, so he is less likely to appear.

What it requires is that many of our judges deal in mental gymnastics, and in some cases perhaps, stretch themselves a little bit from where they would actually apply the law. I would not call it necessarily a legal subterfuge, but it is certainly a legal fantasy. To the extent that this would bring truth back into the system, and to the extent it would bring protection back into the system of those people who would be subject to criminal acts by those others who have from the prior activities shown themselves to be dangerous in the community, it is something that we ought to do. Something that we ought to do as soon as possible, and yet, we have not been able to move that in our committee. That is one of just 42 points of the President's comprehensive crime package that was sent to the Congress a year ago, after which the President had all of us down there that have anything to do with the crime issue in the Cabinet Room, right next to his Oval Office, and which he asked us to please act on it.

He said I recognize those of you in the House may have to deal with it in bits and pieces instead of as a comprehensive package, fine. The Senate the very next day had a meeting of all its Members, the Senate Judiciary Committee, on how they would deal with this issue. They have brought every single piece of that package to the floor of the Senate and it has passed out. We have dealt with maybe 2 or 3 of those elements. We have never dealt with the major elements in a comprehensive package and bail reform is one of those we have not acted on.

Mr. HUNTER. If the gentleman from Georgia would continue to yield, what the gentleman from California is telling me, if I understand him correctly, is that for judges in cases in which judges apply the law strictly and bail is based solely on the guarantee of return to the court, and is not based on the dangerousness of the criminal, in those cases, and presume there are cases in hundreds of courts and in hundreds of situations throughout America today in many communities where this is happening, then you are telling me that there are people who are very dangerous. People who are out among the general community and will be among the general community and will be continued to be turned back to the general community until this law is passed. Is that right?

Mr. LUNGREN. If the gentleman would yield futher, I do not think there is any doubt about that. That fact of the matter is, that many judges who are strictly construing the law as it now exists, even if they are convinced that the individual before them is a danger to the community; is a repeat offender, has a record of it, gives every evidence that he is going to do that between now and the time that his next hearing date comes up, as long as that judge is also convinced that that person will return, that he is law-abiding to the extent that he will return despite the fact that he will commit crimes between then and now, he in good conscience, probably has to let that person go.

□ 1800

So then the society is the one that is subjected to the actions of that individual pending the opportunity for that individual to come back and be heard at the next hearing for that first offense.

Mr. HUNTER. If the gentleman would yield further, simply to close, America will be made a safer place if those dangerous people are denied bail based on the danger that they pose to society, but that is not going to happen until the Democrat leadership of this House changes the status of this bill from what they said earlier, which was "Dead on Arrival," to "Alive and Doing Well," and passes it.

Is that what is bound up here?

Mr. LUNGREN. If the gentleman will yield further, one point I would like to make is that there are some Members on the Democratic side who share our views and would love to get that legislation here but, unfortunately, the leadership on the Democratic side which they have put in place for the entire Congress have decided for one reason or another it will not come here.

There have been statements that this is too "controversial" for us to deal with. They have said that about the school prayer amendment, they say it about the balanced budget amendment, they say it about the death penalty, they say it about the question of bail reform, they say it about the exclusionary rule, they say it about a whole host of things that most people, if you would talk with them in your town hall meetings, would say, "Yes, that is controversial, Mr. Congressman, or Madam Congresswoman, but that is what I elected you to deal with."

I did not think that this was supposed to be the Chamber of noncontroversial activity; that somehow we are protected against dealing with any issue that might be of some controversy. In fact, some would suggest that the degree of pay that we get would reflect the stress of a job in which you take on controversial issues rather than noncontroversial issues.

It just seems to me if we are not the body that deals with controversial issues, where are those issues to be fought out? In the street?

Mr. GINGRICH. Would the gentleman from California reflect on this for a second?

If I am understanding correctly what our two distinguished colleagues from California have just developed, it is accurate to say that every day that the crime bill is bottled up by Mr. O'Neill and Mr. Wright and Mr. Rodino that people in America, literally, are being hurt; that there are people who are being mugged, there are people who are being the victims of armed robberies, there are even on occasion people who are being sold hard drugs, and there are people who are, on some rare occasions, being killed.

Is it accurate to say that if these reforms were in place that the best expert testimony we have is that innocent people would be somewhat better off? Is that a fair statement?

Mr. LUNGREN. If the gentleman will yield further, that is a fair statement, although we should point out that the Federal jurisdiction is far less in terms of violent crimes than the State and local jurisdiction. They do have some jurisdiction. We would protect them to that extent, but even more importantly, the Federal system is oftentimes looked to be the local systems, by the States, as an example of what they ought to do. If we will not allow a change in the exclusionary rule on the Federal level, if we will not engage in bail reform which allows us to consider the dangerousness of the community, that has a tremendous weight with respect to what local jurisdictions allow and what States allow in their legislatures in their final decision.

Finally, the gentleman mentioned drugs. As we all know, drugs are becoming more and more prevalent with respect to its influence on all sorts of crimes, and particularly violent crimes. One jurisdiction that probably has a greater responsibility than any other is the Federal jurisdiction. In that case, where we do not have bail reform and where we do not have change in forfeiture of assets, we are allowing drug dealers to get out and ply their dirty trade around this entire country in some cases; and second, we are allowing them to get out and flee this country because a million dollar bail is nothing to a big drug dealer, and we have instances where they have fled this country when we have just hit them with what is available already.

Mr. GINGRICH. The gentleman is a very distinguished attorney and serves on the Committee on the Judiciary, and I am just a history teacher, so I would like to try to reduce this to a level that I would better be able to explain in the classroom.

In your professional judgment, based on the hearings you have attended and the witnesses you have heard, are there literally people in America suffering today or who will suffer tomorrow who might not be suffering if we pass this bill?

Mr. LUNGREN. Absolutely.

Mr. GINGRICH. So, in effect, in closing my particular special, what we have just heard is that the liberal Democratic leadership of this House is consciously or unconsciously permitting increased cocaine trade, permitting increased violent crime, permitting bail rules which leave more violent criminals out on the street, and literally tomorrow America will be a little less safe.

We hear a lot about compassion. I guess what we are asking for is compassion for the innocent grandmother who does not want to have her purse snatched. We are asking for compassion for the young lady walking to her car in a dark parking lot who does not want to be raped. We are asking for compassion for the eighth grader who should not be buying hard drugs.

We are saying that a compassionate, concerned, liberal Democratic leadership would report out the criminal reform measures that would allow the American people to be a little safer, that would allow them, as the President said:

> Shouldn't we have the right, as citizens of this great country, to walk our streets without being afraid?

And in the future, for as long as this criminal reform bill is locked up by Mr. Rodino, the chairman of the committee, and Mr. Wright, the majority leader, and Mr. O'Neill, the Speaker, every time a citizen is afraid, they might think about who in politics and government is making it possible and indeed necessary for them to be afraid.

I think the point we are trying to drive at is that a mature, responsible, fair leadership on the liberal Democratic side would offer a schedule by which the major bills the American people want come to the floor of the House and have a fair chance to be voted up or down. I hope that if the American people come to understand that their will is being stopped, their dreams are being destroyed by the liberal Democratic leadership, that they will make their feelings felt.

WHAT HAS AND HAS NOT BEEN DONE SINCE JANUARY 23

The SPEAKER pro tempore (Mr. Ray). Under a previous order of the House, the gentleman from Florida (Mr. Mack) is recognized for 60 minutes.

Mr. MACK. Mr. Speaker, while it is my intention to talk about what has been done or what has not been done during the period of time since January 23, I think it would be helpful to continue with this discussion. I would ask my colleagues if they would become involved in a discussion expanding the points that they have raised about this crime bill package that basically has not been brought forward.

The area that I think might be most appropriate to expand it to would be a discussion of the insanity plea. Here it is almost 3 years since there was an attempt on the President's life where we have not seen anything done in that 3-year period.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. MACK. I would be glad to yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

Mr. Speaker, I am not a member of that committee, or an expert, by any means, on the insanity defense, but before we conclude our discussions on the specific items here, I would like to make a point that has not been made thus far in the discussion.

This revision of the Federal Criminal Code, these items, are not items that have just popped up very recently and been sprung on the Congress of the United States. As I understand it, Federal anticrime legislation, revision of the United States Criminal Code, has been in the works for 18 years. It passed the Senate of the United States not on a bitterly divided vote, but on a 91-to-1 vote, meaning that Members of both parties in that body had come to some agreement about the principles through which to revise the United States Criminal Code.

So what do we have? We have a very serious problem involving people's lives, people's safety, the safety of their children in their schools, a drug problem, a mounting problem in this country involving the safety and security of the American people.

We have an 18-year effort to deal with that problem, culminating in a consensus vote by the U.S. Senate of 91 to 1 on an approach to dealing with that problem, and what is the response of the liberal leadership of the House of Representatives? They arrogantly declare that "Dead on Arrival."

If there is anything that indicates how far out of touch the liberal leadership of the Democratic House of Representatives is from the American people, it is their response to the culmination of that 18-year effort to enact stronger laws to protect the American citizen. I think that should be made clear.

Mr. MACK. I would just like to raise this point: You say 18 years, maybe 20 years. Maybe there is something being done here. Are we going to have this bill here on the floor in the next several weeks? Maybe there has been some work done on it.

□ 1810

I know that we have talked about this before. I have only been here a little over a year now, and I cannot believe that there has not been some legislation that is not being prepared to bring to the floor of the House to discuss the issue here in this body.

Mr. WEBER. Mr. Speaker, if the gentleman will yield further, I have been here a little longer than the gentleman. I have been here now a little over 3 years. I have seen no action on this in the 3 years that I have been here, nor have I seen any action on bankruptcy reform, nor have I seen any action on immigration reform.

We once managed to dynamite loose the balanced budget amendment over the objections of Speaker O'NEILL and the liberal leadership of the House and bring that to the floor for a vote, but that was, unfortunately, killed by the Democratic leadership. And I have seen no action on school prayer.

The sad thing is that it is not just the gentleman who has been here a little over a year or this gentleman who has been here a little over 3 years, but gentlemen who have been here for 10 years and 20 years tell the same story of a liberal leadership of this House of Representatives blocking action on the people's agenda.

I think it is only going to be through an understanding on the part of the American people as to where accountability and responsibility lies that we are going to be able to change that.

Mr. Speaker, I thank the gentleman for yielding.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. MACK. I am glad to yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, with respect to the question of history that the gentleman addressed a moment ago, there was a bipartisan commission that was established about 20 years ago, that reported back 18 years ago. It was called the Brown Commission under the direction of Pat Brown, the then-Governor of the State of California, the father of Jerry Brown, the other Governor Brown of the State of California. The cochairman of that commission was Roman Hruska, the then-ranking Republican in the Senate on the Judiciary Committee.

That recommendation was sent to a number of successive Congresses, and in fact my first tour of service here 6 years ago began with service on the Criminal Justice Subcommittee. We spent 2 full years dealing with that. We held something like 153 separate days of hearings, working on markups and voting, and so forth, and we got it past the subcommittee. We finally got it past the committee. We had it passed out of the committee, and we never had time to have it scheduled on the floor. By "we" I mean the leadership. They evidently never thought it was important enough for us to address on the floor.

Mr. MACK. Now, when was that?

Mr. LUNGREN. That would have been in the years 1981 and 1982. Excuse me, it was 1979 and 1980.

Then in the following Congress, we again dealt with it. We again pushed it and then finally got it out, and again nothing happened on the floor of the House because it was never scheduled for consideration. So the Reagan administration——

Mr. MACK. Excuse me just a minute. One could come to the conclusion that that was a charade, I mean after all of that work?

Mr. LUNGREN. Well, I would hope not. I spent a good deal of time trying to do it. It was not a charade on the part of those of us who worked on the subcommittee and then brought it forward. But it was extremely frustrating never to have that product dealt with on the floor.

Now, that was the Criminal Code reform. The reason we need a reform of our Criminal Code is, contrary to the situation found in many State codes, we have never had a full codification of the Federal criminal laws. What it is is merely an accumulation of all the laws that started way back at the beginning of the Republic, and up to the present time. We have never brought them into total conformity.

So as a result, we have some criminal laws dealing with some subject matters that everyone would agree are not as serious as others, and yet the penalties are not appropriate. In other words, one is considered more serious, even though objectively one would say it was a lesser offense.

We also have the situation where we have some inconsistent penalties that are available. We also have a situation in which we have definitions that seem to be contradictory.

In other words, this is the Federal system which should be the example for the States, and in fact we pass laws that tell the States what to do all the time and we give them money so that they can do it better with a little direction from Washington. But many times the States have come up with codifications that are more modernized than what we have.

So that was the attempt. It was a bipartisan attempt. It never worked. So this administration said, "Look, I guess that is not going to work. The House of Representatives is never going to move on it, so let's instead have a comprehensive criminal law package that doesn't necessarily completely recodify the entire criminal law code but does a number of things."

There were 42 major things it was to do, including many of the things the gentleman has talked about here. One major thing that we really had bipartisan support on in previous Congresses was sentencing reform. The sentencing laws that now prevail on the Federal level are a joke, because what happens is, after you have been convicted of a crime, you then have a sentencing date given to you by the judge. For that sentencing hearing, certain information is given to the judge, and then he sets the sentence.

Now, most people think that sentence means something, but only the judges know it does not, the people before the judge know it does not, and the attorneys know it does not, because within about 180 days after that person has been sentenced, he then goes before a hearing of the U.S. Parole Commission. That U.S. Parole Commission then sets a new sentence with a preliminary termination date for his sentence. Then after he has served between one-third and one-half of that new presumed sentence, he goes to another meeting before the Parole Commission, and they then decide what his actual sentence is going to be.

So what happens is the Federal judges try to anticipate what the Parole Commission is going to do with the recommendation they make. They do not sentence based on what they think the guy is going to get; they sentence on what they think is going to influence the Parole Commission. The Parole Commission really does not have any obligation to pay any attention to them.

The other point is that the Parole Commission does not have an opportunity to look at the victims of the crime itself, and so we need something to do what we call truth in sentencing. That is the problem we have in terms of that element of the total package.

So that is another thing that we have tried to do. We have had bipartisan support on that in previous Congresses within the committee, but we have never been able to get that to the floor as a part of the total package. So, as I have suggested to the gentleman before, we have had bipartisan support of different levels, but the leadership of this House refuses to allow those bipartisan efforts to go forward and in some ways confuses it when they send it to the committees because of the way we have certain jurisdictions, and the net result is that the good-faith efforts of many Members go to naught because we are never allowed to act.

I think that is a terrible tragedy. If one would look at what happened in the Senate, it obviously had bipartisan support because it passed, 91 to 9. Democrats and Republicans worked together. Senator KENNEDY and Senator BIDEN worked on a number of different things, and they sent it over here to us on the subcommittee level. We have worked together, and HAL SAWYER has worked with BILL HUGHES. We have tried to get some things through. But in terms of the total package, we have not been able to make a real dent in it because either that Speaker, or the chairman of the Judiciary Committee, or the other Members who schedule things on this floor will not allow us to deal with them when I think the American people want us to deal with these issues.

Mr. MACK. Is that the same piece of legislation that we have heard it said that it has arrived here dead on arrival? Is that the same piece of legislation people have been referring to around here as being "dead on arrival"?

Mr. LUNGREN. Well, the total package was referred to, and the President, when he addressed us in the Cabinet Room, acknowledged that in the House we wanted to deal with it differently than they would in the Senate, that we might pick it apart in pieces, but we would act on it. The Senate deals with things in bigger sections than perhaps we do. But there was the hope that we would deal with the total package. It was thought we would deal with the total package at some point in time and have it sent to it.

I might say that the Criminal Code reform bill—and I am talking about the old reform bill we had before—is still ostensibly before the Criminal Justice Subcommittee headed by JOHN CONYERS of Michigan, and as far as I know, there is no indication that is going to go anywhere. That is one of the real problems we have.

The comprehensive package, if there is a comprehensive package in terms of the reform bill, the codification, that is in the Criminal Justice Subcommittee, and unfortunately, I do not think that is ever going to see the light of day. Certain pieces of the President's package have been dealt with, but in total it has not been dealt with, and it has been very, very difficult and frustrating for many of us on that committee.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. MACK. I am glad to yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I appreciate the gentleman's yielding because I know that it is his special order. But I was in my office sorting my mail, and I could not help but capture many of the comments, and I just want to say to my colleague in reference to some of his suggestions that we have not moved crime legislation, that I chair the Subcommittee on Crime.

I took over the chairmanship just in the 97th Congress, so I served for some 3 years. It has been a very active committee. I came to the Congress, having been a former prosecutor. I went on the Subcommittee on Crime for a couple of years, found it was unproductive, and moved off, even though my major interest was moving crime legislation and dealing with the problems that I share with my colleague in the well.

□ 1820

I want to just say to my colleague that "Dead on Arrival" refers to the packaging.

Let me refresh my colleague's recollection of what happened in the 97th Congress. On our committee, HAL SAWYER is the ranking Republican. He is a former prosecutor, a most distinguished attorney, a great prosecutor, a lawyer's lawyer by any definition, and he and I have an excellent working relationship.

We have turned out a slew of legislation. More bills have come out of that subcommittee, I would say, in well over a decade. For instance, in the 97th Congress, we turned out about 12 bills. Six were signed into law, including a modification of the posse comitatus law. That came out of our subcommittee, working with CHARLIE BENNETT on the Armed Services Committee, and it was a good measure. It has made a difference in our law enforcement efforts. That came out of the House of Representatives.

I might say that that came out really over the objections of the administration, because the Department of Defense would not agree with that. As my colleague who serves on Defense well knows, it became a turf battle and they were very resistant to that. It was something they did not want to involve themselves in.

Let me make the point. We sent individual bills, because that is how we work. We have four different subcommittees of the Judiciary that work on crime legislation. We sent different bills to the House, including the justice assistance bill and the forfeiture bill, to which reference has been made, and sentence reform, dealing with drug cases was part of that package. Antitampering was very important. That was part of that package.

The Senate put it into a package, one package, tacked on the Senate side the so-called drug czar, and my colleague knows what happened. It was vetoed by the President because of the drug czar. Two years' work of our subcommittee went down the drain because of packaging.

Mr. MACK. Mr. Speaker, let me reclaim my time.

I understand apparently the terminology "dead on arrival" is related to the package, but I think the thing that is hard for the American people to understand and, frankly, hard for me to understand, is that after some

18 or 20 years of working on some major pieces of legislation dealing with crime, it does not seem to have been addressed.

Mr. HUGHES. I say to the gentleman, if he will yield further, it is being addressed.

Now, the President talked about child pornography. The House passed a major child pornography bill. It came out of our subcommittee. It is in conference. We are going to work out the differences in conferences on that bill.

The Justice Assistance Act is one of the major provisions in the crime package. We passed that back in May and the Senate has had that legislation since May of last year.

Part of the President's crime package was antitampering. Well, that was pulled out of the package before it was sent over because we passed that as a separate measure, the gentleman knows, in the 98th Congress, and the President has already signed the antitampering bil. That is a major crime initiative that the House passed.

We passed again forfeiture. If the gentleman will yield further, we just passed forfeiture out of our committee, and while the gentleman from California and I may have some differences over a very minor provision in that legislation, it is a major bill. We should have had the forfeiture provisions 2 years ago. We would have if it were not that they were vetoed as part of a package.

When a major bill, like the omnibus crime control bill comes to the House of Representatives, it is split among five committees of the Judiciary and about seven full committees. It has to go to Ways and Means, Energy and Commerce, Government Operations has some jurisdiction. I mean, the jurisdiction is spread over so many committees that you have a lot of minefields to deal with, and even if you were able to get it through, you know, the full House—which is so remote because of the way we are structured in the House of Representatives—you face the problem that one provision that could be controversial is tacked on as we try to work out our differences could bring the whole load down.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. MACK. I am glad to yield.

Mr. LUNGREN. I would just like to respond to the gentleman by saying that I agree that the gentleman's subcommittee has worked diligently and passed out a number of pieces of legislation. The gentleman has enumerated a number of them.

I do think it is unfair to suggest that the President is at fault for vetoing a package that I know was compromised in good faith by the gentleman, but if the gentleman will remember, it was in the last hours of that session when we throw a lot of things together and the lateness of the hour is used as leverage to get some things that otherwise would not be passed upon by the President.

That was the problem with the drug czar aspect of it. Frankly, even though I thought we might take a shot at it, I think the drug czar aspect of it was wrong and the drug czar bill that is up before us for consideration, that the administration has bought off on this year, is in some ways very different than that, but I would just suggest that there are a number of substantial changes to the Criminal Code which do not go to a specific subject matter, such as antitampering, but rather go to the process, that are of the guts of the reform the administration is attempting to bring about. One of them would be a resurrection of the death penalty as an appropriate provision for certain crimes.

Another one would be the entire sentencing reform structure. We have not had the sentencing reform bill up before the committee to this point.

Another would be bail reform, that according to the chairman of the Judiciary Committee by a public statement is too controversial for us to deal with.

Another would be the exclusionary rule. I know the gentleman has some feelings on some of these and would support some, if not all of them; but the point is if we judge the statements that have been made publicly by the chairman and members of the leadership, we will never have an opportunity to ever deal with those issues that are of extreme importance in a whole slew of substantive issues; that is, the question of the exclusionary rule, we will deal with drug dealers, we will deal with muggers, we will deal with people involved in all sorts of crimes. It has to do with the actual procedure dealing with all the Criminal Code, and that is what the frustrating thing is.

Those are major reforms that I will grant are controversial, but I do not think any one person or any one philosophical bent ought to be so powerful in this House that the gentleman and I, who may have agreement on them, cannot even have the opportunity to vote on them, or if we vote on them, have no ready assurance that they will be brought to the floor for our consideration. That is the frustrating part.

Mr. HUGHES. Mr. Speaker, will the gentleman yield to me?

Mr. MACK. I am glad to yield.

Mr. HUGHES. I share the gentleman's frustration.

I want to say to the gentleman, I think he knows that I support a modification of the exclusionary rule.

I happen to support imposing the death sentence in select instances.

I happen to support habeas corpus reform; but the gentleman knows that we are on the horns of a dilemma. We need a major new forfeiture bill and sentence reform dealing with drug traffickers.

Right now the maximum fine for class 1 violators is $25,000. I mean, that is ludicrous. These are people that are putting up $10 million in bail money.

Now, I have a choice. We have a package that has come here which contains 40 different provisions. I have 10 of those provisions. Now, I could either spend my 2 years putting those 10 provisions together in a package and send it to the Judiciary and have it held in Judiciary until the other subcommittees report to the Judiciary, or else I can report individual bills and get forfeiture and sentence reform and antitampering and child pornography over to the Senate, the other body, in individual bills and we can pass some legislation or take our chances on a package.

I think it would be improvident for me to package all the 10 provisions that come to the Subcommittee on Crime in one package and send it to the Judiciary to be held until all the other four committees report their provisions, because my colleague from California knows that we are not going to see those committees report some of those provisions.

Mr. LUNGREN. Mr. Speaker, if the gentleman will yield further, I understand the gentleman's frustration. I am even more frustrated, because I am a member of the minority party. My party does not control this. My party does not schedule legislation. My party does not have all the chairmanships. My party does not decide to which subcommittees these things are going to go. That is the only thing.

If we had begun work, if the entire Judiciary Committee had been dedicated, as the gentleman is, toward at least dealing with every single element of the President's package, which was sent to us over a year ago, we then would at least have an opportunity to take shots at those on the floor of the House. If they cannot stand the test of time, if they cannot stand up there in daylight and get a majority vote, so be it; but the problem is, in this House things are lost in the crevices of committees and subcommittees.

So it is not directed at the gentlemen there, but the gentleman has to admit that the gentleman's party controls this place and decides where these things go and decides how many committees and subcommittees we are going to have and so his frustration is my frustration, but mine is squared over what the gentleman has right now.

Mr. HUGHES. Mr. Speaker, if the gentleman will yield further, I suspect that if the gentleman's party were in power, we would still have problems with jurisdiction. It just seems to be the nature of the beast around here.

I came here 9 years ago to try to change the jurisdictional structure of this body, and I want to tell my colleague, every time I turn around we are creating a new select committee.

Mr. LUNGREN. Well, if the gentleman will yield further, if the gentleman would like to act by unanimous consent to make us the majority party, we will see if we can overcome that problem.

☐ 1830

Mr. HUGHES. At the instance of Democrats and Republicans, I might say.

Mr. MACK. If I might reclaim my time, I thank the gentleman.

Mr. HUGHES. I thank the gentleman for being so generous.

Mr. MICHEL. Will the gentleman yield?

Mr. MACK. I will be glad to yield to the minority leader.

Mr. MICHEL. I want to commend the gentleman for carrying on the dialog that I have been listening to over in my office here on a very important matter in which we are all interested.

I want to apologize for asking the gentleman to yield, however, for quite another subject matter that really ought to be brought to the attention of the House, even though we will shortly adjourn for the week and will not reconvene until next Monday.

I was rather distressed this morning when I read the story having to do with the confirmation proceedings that were discussed in the other body and particularly the reference that was made to files that were taken from the House, or at least dispatched from the House to the other body for consideration in that body in these confirmation proceedings.

Not that they do any particular damage one way or another, but it struck me that there may very well have been a violation of the rules of the House.

It is my understanding in checking this out that on the date of February 27, 1984, the chairman of the Subcommittee on Human Resources of the Committee on Post Office and Civil Service, the gentleman from Michigan (Mr. ALBOSTA), was asked by Senator METZENBAUM, or at least there was an exchange of correspondence here. The Senator wrote the chairman and said:

> DEAR MR. CHAIRMAN: The Senate Judiciary Committee will soon be conducting hearings on the nomination of Edwin Meese III to be Attorney General, and I would be interested in your providing me with any information you may have received during your investigation last year which bears upon Mr. Meese's fitness and qualifications to serve in that position.
>
> In particular, I would appreciate your forwarding copies of any such materials constituting or relating to:
>
> (1) A "file of exotic campaign proposals labeled 'Ed Meese'" which, according to the July 9, 1983 edition of the Washington Post, were found in the file of White House Chief of Staff James A. Baker III in the archives of the Hoover Institute at Stanford University.
>
> (2) "(B)riefing books," "hostages," "domestic issues" and "Carter topics", which, according to the August 13, 1983 edition of the Washington Post, were references contained in an "archivist's index" of a "Meese file" located at the Hoover Institute.
>
> (3) An anticipated "October Surprise," as reported in the July 15, 1980 edition of the Washington Star.
>
> Your assistance is greatly appreciated.
>
> Sincerely yours,
>
> HOWARD M. METZENBAUM,
> *U.S. Senator.*

Apparently the chairman of the committee, without any contact with minority members of either the full committee or the minority committee on his own volition saw fit to dispatch committee files to the other body.

There was a memo, however, from the chairman to members of the subcommittee dated March 7, 11:40 a.m., in which he says:

> As you may recall, the Guidelines adopted by the Subcommittee on July 14th, require that we "report for the use of other Committees information which may warrant their consideration in regard to other laws. . . ." In accordance with the Guidelines we have responded to the request of a member of the Senate Judiciary Committee for information and documents for use in Judiciary Commitee proceedings as reflected in the attached correspondence.
>
> I have just been informed that Senator Howard Metsenbaum will be including in the public record of the hearings on the confirmation of Mr. Edwin Meese for the position of Attorney General, four documents that were obtained by the Subcommittee during its inquiry into the potentially unauthorized transfer of documents and information from the Carter Administration during the 1980 election campaign. These documents are copies of documents sent to Mr. Meese during the campaign of 1980 concerning information and documents from sources within the Carter Administration or Campaign whose release appears not to have been authorised. I have been informed that these copies will accompany written questions submitted by Senator Metzenbaum to Mr. Meese today.
>
> Since they may be released by the Senate today from custody of the Congress, I am informing all Members of the Subcommittee about that use and potential release.

Now, as I read rule XI, clause (2)(e)(2) I read the following:

> All committee hearings, records, data, charts, and files shall be kept separate and distinct from the Congressional Office records of the Member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto, except that in the case of records in the Committee on Standards of Official Conduct respecting the conduct of any Member, officer, or employee of the House, no Member of the House (other than a member of such committee) shall have access thereto without the specific, prior approval of the committee.

It is not altogether unique for one committee of the House to give another committee of the House information which they desire provided, of course, that there is this agreement among the committee members to do so. It does not, however, provide for the distribution of this material to any kind of committee in the other body. The rule specifically provides that committee records are the property of this House. That is solely a housekeeping rule for ourselves.

I think it is rather ironic that the Human Resources Subcommittee of the House Post Office and Civil Service Committee, using the Ethics in Government Act to investigate the Carter briefing paper episode in the first place then should find itself party to a violation of House rules of this nature, and I just thought we had to bring this to the attention of the Members of the House in this official forum, frankly, because had we had any indication that this was going to be taking place we surely would have alerted our subcommittee members to file a complaint with the chairman or to advise him of the House rule which just prohibits the transportation of that hearing record over to the other body without any kind of action by either the committee or the House.

I would think generally speaking it would take action by the House as a whole to do that, particularly since it is written in our rules.

Mr. HUNTER. Will the gentleman yield?

Mr. MACK. I yield to the gentleman from California.

Mr. HUNTER. Is the gentleman saying that these documents were sent over to the other body in violation of House rules?

Mr. MICHEL. Yes; they were.

Mr. HUNTER. When did the Republican leader discover all of this?

Mr. MICHEL. It was quite by accident this morning when I was reading the story covering those proceedings that I obviously learned that the line of questioning was prompted by a hearing record that was conducted, or an investigative record, whatever it was, or proceedings that took place as a result of House employees carrying on that kind of an investigation.

Mr. HUNTER. Does the Republican leader have any suggestion of disciplinary consideration of action that the House should take or could take?

Mr. MICHEL. As I indicated, it is not really all that critical in those proceedings. As I said, it is not that, it is not with that in mind that I raise this subject. But it is a clear violation of House rules, and particularly when a subcommittee chairman of this House is found guilty of violating the rules it seems to me particularly unusual that when talking about ethics in Government and who is responsible for violating them that we ought to raise the issue.

Now, certainly there ought to be some admonishment, and I would think when the committee members themselves find out what has taken place they will certainly exercise their own judgment and responsibilities.

Mr. MACK. Let me just make sure I understand. Is this the same group and the same committee that was investigating the supposed question having to do with how the Carter administration briefing papers got into other hands?

Mr. MICHEL. That was the whole subject under discussion, and it was my feeling all along that that was a very ill-advised venture at the time, that it was going to lead to no good end, and raised the question with the chairman of that subcommittee early on. And it was only then, after going through the timely expense, and dispatching people all around the country, that he had to obviously come to that conclusion likewise, that it led to a dead end.

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And then to have those proceedings, as I said, transported to the other body in violation of House rules, I think ought not to go unnoticed.

Mr. MACK. Then if I understand correctly then the other body made those documents public.

Mr. MICHEL. Oh, yes. There again, you see, you have got the other body making decisions for which only House Members ought to be responsible and that just opens up a kettle of worms that we ought not to let go any further.

Mr. MACK. I yield to the gentleman from Minnesota.

Mr. WEBER. If I understand correctly, this seems to me to be a really ironic and in many ways incredible set of circumstances here now.

For months, literally that subcommittee and the chairman of the committee the gentleman from Michigan (Mr. ALBOSTA) seemed intent if I might say so, on finding ways of embarrassing the President and we saw headlines in the newpapers in this community and around the Nation of potentially embarrassing information that this subcommittee supposedly was going to ferret out about the President of the United States.

Now what we are finding out, if I understand the distinguished Republican leader correctly, is not only have they found nothing at all that is embarrassing to the President of the United States, but we find that that subcommittee chairman, himself, is in violation of the Rules of the House of Representatives; is that correct?

Mr. MICHEL. That is exactly right.

Mr. WEBER. I thank the gentleman from Florida for yielding. That is an incredible set of circumstances, it does damage to our process because people read stories about the President, they think, you know, where there is smoke there is probably fire. Though there is absolutely nothing wrong here.

To have actually violated the rules of the House in the course of an action designed primarily to embarrass the President of the United States, I think is reprehensible. I wonder if I could ask the gentleman from Illinois, the distinguished Republican leader, is this the sort of action, since we were apparently investigating the President for things that never happened, is this the sort of activity that should require some investigation of a housekeeping nature on the part of the Congress?

Mr. MICHEL. Well, it is obviously a breach of the rules and when one is found in that position here in the House, usually we either bring it to the attention of the Ethics Committee or directly to the floor. The formal Ethics Committee is to investigate the ethical behavior of our Members and of course you know we had earlier in the year quite an extensive hassle over doctoring of the hearing record and Members having words put in the public record that where not theirs, or a distorted-by-design kind of record for which we did not really get all that good an answer in the end.

There were those who were guilty, at least one staff person who I think lost his position as a result of it, but in the end it did injury and harm to sitting Members on our side, frankly, to have their own record so distorted maliciously and by design. That is why we had that rather extensive discussion on that subject matter, because if we are going to go about trying to set any kind of example here and then find ourselves in violation of good ethical behavior and particularly the rules, then it seems to me we ought to correct that situation.

Mr. MACK. I will gladly yield to the gentleman from California.

Mr. HUNTER. As I understand it, what the distinguished Republican leader is saying is that papers, documents were illegally obtained to prove that documents were illegally obtained? And what he is saying is that we apparently have not only a mole in the Reagan campaign but we apparently have a mole, the mole that Mr. ALBOSTA was referring to, somewhere in the House of Representatives also.

Mr. MICHEL. Speaking of moles, I think there were moles all along in the Carter campaign that just led to all the trouble in the first place. That was not our design, that was not our problem, that was theirs.

It is rather embarrassing to find in public disclosure that all this big hulabaloo had nothing to do with what we were surreptitiously gaining by deceit and design; it was frankly one of those voluntarily contributed things by those who frankly were out to undermine their own Presidential campaign.

If all the truth were known, that is exactly what happened here. Of course here it leads to another act which frankly ought to be—those responsible ought to be reprimanded for what they have done.

Mr. HUNTER. As the gentleman who represents the home district of Mr. Meese, I think that we can derive from this disclosure and this revelation is that the Senate should move ahead, they should confirm this extraordinary gentleman to the position that the President has appointed him and we should discontinue this search which really has been a search for nothing that has been going on and been conducted by a committee of this House for a number of months now.

Mr. MICHEL. And obviously an attempt, if the gentleman will yield further, any attempt simply for outright blatant political reasons to muddy up the record as best they can over there in the other body is what distresses me, and I am certainly troubled when it is the result of a clear violation of our rules in the first place for those documents to have been given to the other body.

I thank the gentleman very much for his yielding.

Mr. MACK. Thank you.

I yield back the balance of my time.

SCHOOL PRAYER, PRAYER VIGIL AND RESULTING RESPONSES AND THE LEADERSHIP OF PRESIDENT REAGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. WEBER) is recognized for 60 minutes.

Mr. WEBER. Mr. Speaker, this was in many ways an historic week in the U.S. House of Representatives, in terms of the support that was engendered for the school prayer constitutional amendment.

Among the activities that took place this week were an all night session of the Congress of the United States, the House of Representatives demonstrating support for the voluntary school prayer amendment; that all night session was organized by our colleague from California, (Mr. HUNTER) and really in many ways was a historic session of the House both in terms of getting a number of Members to participate in an all night session and because of the subject matter.

At the same time as we were doing that, there was an all night prayer vigil that took place within the Capitol, preceded by a prayer meeting out in the rain on the West Front steps of the Capitol attended by thousands of people showing their dedication on this issue.

I think the results of this campaign on behalf of school prayer are being felt around the Capitol. And as I talk to Members on the Senate side we find literally thousands of letters, telegrams, and phone calls coming into those offices urging support for the voluntary school prayer amendment.

Mr. Speaker, we owe much thanks on this subject to the leadership, I think, of President Reagan on this critical issue. He has in many ways been a heroic leader on the issue of school prayer and he continued his strong support for that issue in a speech to the National Association of Evangelicals. In that speech he talked about what he views as the spiritual revival taking place in the country, he talked about the basic values the American people hold dear and he talked about specific public policy issues that have a distinct moral dimension; he talked about abortion, he talked about pornography, he talked about the school prayer issue; public policy issues that have a distinct moral dimension to them.

I could point out on all of these issues that the President's opponents, those remaining, Mr. Mondale, Mr. Hart, Mr. Glenn, take quite the opposite point of view. Nonetheless the President has never even attacked his opponents for their stand on abortion, school prayer, gay rights or what have you; much less engaged in any kind of an attack on his opponents' personal, moral, and religious behavior.

In view of that fact I want to bring to the attention of the House again tonight what I consider to be genuinely unfortunate comments earlier this week by Speaker O'Neill with regard to the President.

The day after the President's speech to the National Association of Evangelicals, a remarkable speech, very well received by the audience, I might say, the Speaker engaged in a vicious personal attack on the President of the United States, not on his stance on issues but on his personal religious behavior.

According to the Washington Post, the Speaker is quoted as saying about the President: "There is a man that doesn't go to church and he talks about prayer," O'Neill said.

Further quoting: "They ought to put a chapel up at Camp David so he can go."

Mr. Speaker, I consider that to be a really low level in the rhetoric of the House of Representatives and breaking an unwritten rule about American politics.

What the President has been doing on the issue of school prayer and other issues of this type is talking, yes, about the spiritual and moral dimensions of American life and of a number of public policy issues that have distinct moral and spiritual dimensions.

The President has not been talking about the personal religious beliefs of any Member of Congress or of any of his political opponents. In the House of Representatives here if any of us were to get up and take the well and comment in any way on the religious practices of any Member of the House of Representatives, we would be universally condemned on both sides of the aisle for doing so. That is taboo in American politics. You do not talk about a man's personal religious habits.

And when the Speaker of the House of Representatives, the second highest independently elected official in our land, the elected leader of the Democratic Party in the country, chooses to take a specific personal attack on the President of the United States, not because of his stands on moral issues, but because of his personal religious practices, I think that that is reprehensible, I think it is vicious and I think the Speaker owes this institution, as well as the President, an apology.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WEBER. I am pleased to yield to the gentleman from California.

Mr. HUNTER. I thank the distinguished gentleman for yielding.

I join with him in requesting that the Speaker apologize to the President of the United States. The remark that the gentleman made to the effect that no Member in this body would say that type of thing about another Member is reflected in what happened the other night in the all night special order on school prayer when the great Representative from Maryland (Mrs. Holt) made a statement to the effect that this Nation is a Christian nation. There was some dissatisfaction expressed that she had said that. And she came back on the floor the next day and stood up and said, "I am sorry. I did not have a written text. And that is not exactly what I meant."

And she apologized, not only to the House, but to the entire Nation because she had said that, which really was a fairly innocent statement. It was very early in the morning. She had gotten up at something like 4 o'clock in the morning to come down here to speak extemporaneously. She made a very slight slip and yet it was so important to her to come back out on the House floor the next day and apologized for it.

The idea that the President of the United States should go and attend a church with several hundred other people with all of the dangers attendant that type of action wherever the President speaks to a group, the group is asked to stay seated so he can leave first, so that his security people can move him out and especially in light of the unfortunate attempt on his life that was made, special precautions have to be taken.

It was revealed the other night by the gentleman from Oklahoma (Mr. Edwards) at an event at which the President was speaking, that that embarrasses the President very much to have everybody else remain seated while he leaves.

Here is a gentleman who is very sensitive to other people. And the idea that somehow he should come in with all the security apparatus of the White House into a church and make the people of that church move aside to that the security people can stand in front of them and around them and sit with them while they are attempting to listen to a sermon, for the Speaker of the House to suggest that President Reagan should do that to prove that he is a religious man is absolutely ridiculous.

Mr. WEBER. I think the gentleman makes an excellent point.

But you know it has actually been worse than that. It is not just that the President would have to go out by himself and make everybody sit there and wait while he left. It is not only that he would have to be accompanied by a number of Secret Service agents that would disrupt the atmosphere of any religious celebration, but since the attempted assassination of the President, the security around the President has been tightened considerably. And people going to church with the President would actually be called upon individually to walk through a metal detector on their way into church right now because of the Secret Service's requirements for protecting the life of the President.

So, I think it is more understandable that the President says, look, it is not reasonable for him to subject regular parishioners at a church to that kind of inconvenience where they would have to walk through a metal detector, observe the services in a room circled with Secret Service agents, and then sit there and wait while the President left afterward for his safety sake.

It seems more than reasonable to me that he would not subject other parishioners to that kind of inconvenience.

I yield back to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I think what he has said basically answers the entire question. I think that our President manifests his faith in the efforts that he has made to protect the unborn in this Nation, to allow our children to pray—apparently that is something the children can do in Poland. They apparently cannot put up crosses or the tanks will roll. But I think that our President has expressed and manifested his faith in

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ways far beyond what simply going into a church would accomplish.

Mr. WEBER. I think the gentleman is right.

And I will not take more of the time of the House this evening except to just repeat my point.

There are some things that are very important to understand in American politics and some unwritten rules that are very important to continue.

As the gentleman from California pointed out, Mrs. Holt from Maryland, one of the really outstanding leaders of the House of Representatives came to the House floor to apologize to this institution and to the country for really what amounted to nothing more than a slip of the tongue.

Why? Because as a genuine national leader she understands the importance of maintaining that principle of separation of church and state. We are a Christian people and we are a nation of Judeo-Christian values, but to use that phrase, "We are a Christian nation," implies something that goes over that line and would be offensive to non-Christian people who were also good Americans.

And Mrs. Holt understood that and quickly rectified it because it is important to maintain that set of principles and that system of values.

I certainly hope that the Speaker understands that he has violated an equally important principle of conduct in American politics by launching a personal attack on the religious practices of the President of the United States.

We do not want that to start happening in congressional districts around the country where challengers start challenging the religious beliefs and religious practices of the incumbent Member of Congress. We do not want that to start happening on the Senate side. We do not want Gary Hart and Walter Mondale to start comparing church attendance records with one another or questioning each other's theology.

The Speaker has opened the door to that kind of politics by specifically criticizing the President on his religious practices. And I believe that the Speaker should take a page out of the book our colleague from Maryland (Mrs. Holt) and apologize to the institution, to the Nation and to the President.

I thank the gentleman from California for his comments.

I yield back the balance of my time.

H.R. 5075—METHANOL POLICY ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Broyhill) is recognized for 60 minutes.

● Mr. BROYHILL. Mr. Speaker, today I am introducing the Methanol Policy Act of 1984. I am pleased to be joined by several of my colleagues from the Committee on Energy and Commerce: Mr. Ottinger, Mr. Dannemeyer, Mr. Wyden, Mr. Corcoran, Mr. Swift, Mr. Bryant, and Mr. Sharp. I wish to especially applaud Mr. Ottinger for his hard work and dedication to the methanol issue and to the formulation of this bill.

It is imperative for the Federal Government to actively encourage the use of alternative transportation and industrial fuels to lessen our dependency on foreign oil. Such a fuel, available today, is methanol. Methanol is an organic compound which is widely used as a chemical solvent and in the production of a broad range of industrial chemical products. Although most of the world's current methanol capacity is based on surplus natural gas, methanol can be produced from a variety of other raw materials, including coal, petroleum, and biomass.

Methanol has real advantages over conventional fuels used in transportation and industrial applications. As a transportation fuel, it is currently being used in both public and private fleets in California with encouraging results. I am equally excited about the significant environmental advantages being experienced. Methanol burns cleaner and at a lower temperature than gasoline or diesel fuels, producing less nitrogen oxides, and negligible particulate and hydrocarbon emissions. This means improved health for the American people and hope for areas such as southern California and Houston, which experience a great deal of smog caused by automobile-related pollutants.

This bill complements H.R. 4975, a bill which I joined in introducing on February 29 with members of the Committee on Energy and Commerce and members of the Committee on Ways and Means. That bill would place methanol made from natural gas on an equal tax basis with other fuels. The passage of H.R. 4975 is the crucial first step in our effort to encourage the use and distribution of methanol on a widespread basis.

I feel that the bill I am introducing today is the vital next step in this effort. We must educate the American people on methanol and send a message that we, as lawmakers, will not tolerate indefinite dependence on OPEC, or indefinite smog in our cities from tailpipe and smokestack pollution.

I would like to briefly summarize the provisions of the Methanol Policy Act of 1984:

Summary of Methanol Policy Act of 1984

FEDERAL PASSENGER CAR PILOT PROGRAM

One thousand executive agency vehicle purchases made during fiscal year 1985 must be of methanol-powered vehicles.

DOE must conduct studies of these vehicles and issue annual reports to Congress.

FEDERAL ACQUISITION OF METHANOL-POWERED VEHICLES

Executive agencies shall acquire methanol vehicles in the following manner:

At least 10 percent of all automobiles acquired in fiscal year 1988;

At least 20 percent of all automobiles acquired in fiscal year 1989;

At least 35 percent of all automobiles acquired in each fiscal year thereafter.

Such acquisitions need not be made if the Secretary of Energy determines by rule that the pilot program demonstrated substantial increases in costs or vehicle emissions compared to non-methanol vehicles.

URBAN METHANOL BUS PILOT PROGRAM

During fiscal year 1985, the U.S. Environmental Protection Agency (EPA) shall purchase five methanol-powered buses for testing in an urban setting.

INTRACITY BUS REQUIREMENT

After September 30, 1987, all grants to transit authorities for purchasing new intracity urban buses must be used for methanol-powered buses.

This requirement takes effect unless the Administrator of EPA makes the same determination as outlined above for passenger cars.

The Federal Government pays all incremental cost associated with this requirement.

TURBINE AND BOILER DEMONSTRATION PROGRAM

EPA shall administer a program to study the use of methanol in stationary turbines and boilers and conduct demonstration projects.

INTERAGENCY COMMISSION ON METHANOL

EPA and DOE shall cochair an interagency commission to coordinate Federal efforts to promote the use of methanol.

REGULATORY CHANGES

The Administrator of EPA shall promulgate changes in certification requirements so that methanol-powered vehicles will be treated comparably with gasoline-powered vehicles with respect to obtaining engine certification.

The Administrator of EPA shall promulgate rules to determine the quantity of methanol fuel which is equivalent to one gallon of gasoline for purposes of determining appropriate corporate average fuel economy.

This comprehensive approach to the encouragement of methanol use covers both mobile and stationary sources. It provides no subsidies, however. It merely spurs a somewhat dormant market, which then should advance on its own. From an environmental standpoint, I want to especially point out the intracity bus requirement. If, over a number of years, we can replace our urban buses, which are now diesel powered, with methanol-powered vehicles, the environmental benefits to our cities will be enormous. No more clouds of black smoke as the bus pulls away from the stop. It is also important to point out that the Federal Government pays 80 percent of the cost of new city buses, and 50 percent of the operation and maintenance costs, so we are not trying to tell local transit authorities what to do with their local funds. Under this bill, the Federal Government would also pay all incremental costs associated with purchasing methanol buses, costs which we expect to disappear after just a few years.

I urge my colleagues to look carefully at this legislation, and to join us in guaranteeing a decreased dependence on foreign oil and a cleaner environment by advancing methanol use.●

● Mr. OTTINGER. Mr. Speaker, today I join my colleague from North Carolina (Mr. BROYHILL) in introducing legislation which could significantly further our Nation's energy independence. The Methanol Policy Act of 1984 is designed to promote the use of methanol, an alcohol fuel which can be produced domestically from natural gas, coal, and biomass, to be used in transportation and utility applications.

Methanol, while not a panacea, offers the United States a host of benefits too good to pass up. Methanol promises improved air quality and a reliable and domestically produced oil substitute. It can be produced with currently available technologies at a price competitive with gasoline. It also can be burned more efficiently than gasoline, and offers forward-thinking auto companies a chance to jump ahead of Japanese manufacturers.

Methanol offers a near-, mid-, and long-term energy option. Currently, methanol is produced from natural gas to be used primarily in industrial chemical products. This same methanol, with the addition of cosolvents and lubricants, can be used in cars and buses today. In fact, autoracers have been using methanol for years because of its superior safety and performance characteristics.

One of the most promising near term markets for methanol appears to be in the utility field. Methanol offers a clean-burning substitute for coal in large powerplants and a viable alternative to imported oil. Methanol has important implications for areas where utilities have been forced to close down turbines or boilers, or operate them at reduced load levels, to avoid noncompliance with air quality standards. For example, Southern California Edison has found that methanol used in a 44.5 MW power boiler can produce a 50- to 60-percent reduction in NO_x emissions compared to both natural gas and No. 2 fuel oil. The utility also found that such facilities could be altered to operate on methanol at a reasonable cost, with existing technologies.

Soon methanol will be readily and routinely produced from coal. Only a few months ago Tennessee Eastman began operation of a commercial-sized coal-to-methanol plant, the first in the United States. Although originally to be used in chemical applications, this methanol proved to be price competitive with methanol from natural gas, and Tennessee Eastman is selling it in the blend market. Obviously, our severely depressed coal industry stands to benefit greatly from a thriving coal-to-methanol market.

In the long term, methanol from biomass and agricultural wastes will be available to assure a reliable, domestically produced environmentally benign energy resource. Exciting research advances are being made in methanol production from biomass both in the Federal and private sectors, both here and abroad. While currently uneconomic, methanol from biomass holds future promise as supplies of natural gas and coal dwindle.

The legislation we introduce today seeks to encourage the use of methanol in the transportation sector, including automobile, bus, and aviation use, and in the utility sector, including stationary turbine and industrial boiler use. While methanol is bound to break into these markets sooner or later, I believe our Nation is entitled to the benefits—such as improved air quality—sooner, rather than later. Thus, this bill seeks to break the "chicken and egg" cycle which characterizes the barrier to its widespread use as a fuel. The problem is this: Automobile manufacturers are hesitant to mass produce methanol-powered cars until they are sure consumers can find methanol at their neighborhood gas station. Would-be producers, distributers, and retailers of methanol are hesitant to move ahead until they are sure consumers can buy methanol-powered cars at prices comparable to gasoline-powered cars.

The Methanol Policy Act of 1984 encourages the following:

1. METHANOL USE IN AUTOMOBILES

Methanol use in automobiles is desirable for a number of reasons. The potential to improve air quality—especially in cities where dirty air is primarily from auto use—is substantial. The Environmental Protection Agency has reported that methanol use in automobiles can reduce the emission of nitrogen oxides by an average of 50 percent, and completely curtail the emission of particulate matter, heavy organics, and sulfur-bearing compounds. The EPA reports that vehicles designed for methanol use may be 25 to 30 percent more efficient than gasoline-powered vehicles. Additionally, auto manufacturers who move ahead with mass production of methanol-powered vehicles may gain an edge over Japanese manufacturers who are moving quickly into the production of methanol-powered vehicles.

During fiscal years 1985-87, the bill requires the Secretary of Energy to coordinate and monitor the use of 1,000 methanol-powered vehicles by the Federal Government, in order to gain experience in the use of such vehicles. Based on the pilot program, this legislation requires the Federal Government to begin purchasing methanol-powered vehicles, on a sliding scale, after September 1984. The Federal Government stands to benefit from improved fuel economy from methanol use. The Bank of America, which operates a large methanol-powered fleet, has reported fuel cost reductions per mile of approximately 10 percent compared to gasoline vehicles. Additionally, the Federal purchase of methanol-powered vehicles can begin to break the "chicken and egg" situation mentioned above, by assuring auto manufacturers at least a limited market for methanol-powered vehicles, and methanol producers at least a limited methanol demand.

2. METHANOL USE IN BUSES

The EPA reports that buses which operate on methanol may emit an average of 50 percent fewer nitrogen oxides and 90 to 100 percent less smoke and particulate matter. The lack of particulates allows the use of catalytic converters to reduce other emissions, such as hydrocarbons and carbon monoxide, as well. Conventional diesel buses are unable to use converters, due to system fouling by particulates. Clean methanol buses are bound to attract new support for public mass transportation. Additionally, EPA shows that methanol may increase the energy efficiency of a diesel-type bus engine by 5 to 10 percent.

The Methanol Policy Act of 1984 directs the EPA to purchase five methanol-powered buses with which to conduct performance and emissions testing in urban settings. After September 1987—assuming EPA test results are favorable—any buses purchased with Federal funds (excluding school buses) would have to be methanol powered. Currently, Federal funds pay for about 80 percent of the purchase price of State and local transit buses, as well as a significant portion of maintenance and operating costs. Given this fact, it seems only fair that the taxpayers, who finance these buses, are entitled to environmentally clean buses if available.

3. METHANOL USE IN UTILITY BOILERS AND TURBINES

A major component of air pollution is caused by industrial boilers burning coal and petroleum fuels. Overfiring methanol in these boilers may promote a continued, environmentally acceptable use of these fuels. It may also substitute for jet fuels and diesel widely used by electric utilities to provide peaking capacity. The substitution of methanol in such turbines may reduce emissions and maintenance costs, increase efficiency, and provide stable fuel costs over the long term. The use of methanol would have immediate benefits in areas where utilities are operating below capacity to meet emission limits.

The legislation requires EPA to conduct studies and limited demonstration projects of methanol use in utility applications. Southern California Edison has done limited testing with methanol in both boilers and turbines and has come to the conclusion that methanol is suited perfectly for either application. The utility was impressed by methanol's performance and low emissions, however, determined that it was uneconomic to convert existing capacity to methanol. In this legislation, the EPA is directed to look at methanol use in utility applications from a perspective of least cost emissions control technology to meet Clean Air Act goals, as well as the changing economics of methanol use. Also, EPA would be directed to undertake testing—with participation by interested utilities—of methanol use in overfiring boilers burning clean methanol over a dirtier conventional fuel such as oil or coal, and advanced turbine technologies which have been developed by the Department of Energy.

The Methanol Policy Act of 1984 also establishes an Interagency Methanol Commission, which would study, evaluate, and report on a number of methanol issues including methanol as an aviation fuel, in fuel cells, pipeline transportation, and other issues. The Interagency Methanol Commission would be responsible for coordinating Federal methanol activities, and would establish and solicit advice from a private sector advisory panel. Both the panel and the Commission would terminate after a final report is issued in September 1989.

Another important aspect of this legislation is a section dealing with the treatment methanol-powered vehicles recieve under certain Federal programs such as EPA vehicle certification and the corporate average fuel economy (CAFE) standards. Presently, methanol-powered vehicles compete at a disadvantage with gasoline-powered vehicles since EPA Federal emissions test procedures (FETP) are written for gasoline and diesel-powered vehicles. The EPA has already begun to remedy this situation, and this legislation bolsters their efforts. The corporate average fuel economy standards also presents a problem for methanol-powered vehicles. Currently, fuel economy standards are calculated on a mile-per-gallon basis. However, methanol has half the energy content of gasoline. Therefore, it takes 2 gallons of methanol to drive as far as 1 gallon of gasoline, and CAFE understates by half the energy efficiency of a methanol-powered vehicle. If CAFE were adjusted to an energy content rather than a volumetric basis, as this bill directs, the production of methanol-powered vehicles would actually aid auto manufacturers in meeting CAFE, since 1 Btu of methanol can be burned more efficiently than 1 Btu of gasoline.

I might note that because of this difference in energy content between 1 gallon of methanol and 1 gallon of gasoline, methanol as a motor fuel is taxed twice as much as gasoline on a cost per mile basis. I have cosponsored separate legislation, H.R. 4975, to correct this inequity, with Representatives HEFTEL, BROYHILL, WYDEN, MARTIN, CAMPBELL, THOMAS, and SHARP. I urge the Ways and Means Committee to move expeditiously on this legislation.

Methanol appears to offer our Nation a significant solution to many of our energy and economic problems, and I believe it is appropriate for Government to take the lead in fostering its use. The Methanol Policy Act of 1984 authorizes a total of $26,500,000 over 5 fiscal years, and I suggest that the cost is minimal when compared to the potential benefits. I urge my colleagues to cosponsor this legislation.●

● Mr. CORCORAN. Mr. Speaker, I am pleased today to join Congressman JAMES T. BROYHILL and several of our Energy and Commerce Committee colleagues from both sides of the aisle in introducing the Methanol Policy Act of 1984.

This legislation would encourage the production and utilization of methanol through the implementation of a modest Federal program whose cost would be $26.5 million over 5 years. The program would focus on encouraging the utilization of methanol-powered vehicles by Federal agencies. The Federal Government has one of the largest motor vehicle fleets in the world. This legislation would also encourage the use of methanol-powered buses that are subsidized by the Federal Urban Mass Transit Administration.

I am particularly interested in this legislation because it would encourage the utilization of high sulfur coal, such as that mined in Illinois. The use of methanol would provide an alternative market for high sulfur coal. This is particularly important in view of current efforts by some in the Congress to enact a stringent acid rain control program, a program which would be especially devastating to the Illinois coal industry as well as to Midwest utility ratepayers such as those in Illinois. I spoke out on this issue at last Monday's acid rain field hearing in Chicago by the Energy and Commerce Committee's Subcommittee on Health and the Environment.

Mr. Speaker, I recommend this legislation as an appropriate Federal approach to promote the use of a fuel that has no negative environmental consequences and can provide an alternative market for high sulfur coal such as that mined in Illinois.●

IMMIGRATION INEQUITIES NEED TO BE CORRECTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, we take great pride in the fact that our Nation is a nation of immigrants—men and women who made their way to our shores for a better way of life and for the freedoms they did not have in their mother countries.

Our Immigration and Nationality Act has been amended many times to make its regulations more just and equitable. Public Law 89-236, for example, repealed the national origins quota concept as a system for selecting immigrants to the United States and substituted a ceiling on Eastern Hemisphere immigration on a first-come, first-served basis, within various preference categories, and a 20,000 limit per country. Public Law 94-571 further amended the Immigration and Naturalization Act to apply the seven-category preference system, as well as the 20,000-per-country limit, to the Western Hemisphere as well as the Eastern Hemisphere. Public Law 95-412 contained the two ceilings in a single worldwide ceiling of 290,000 with a single preference system.

Some foreign nationals are inadvertently still being discriminated against, despite the new limitations. Ireland, for example, was the mother country for millions of our "new seed" immigrants in the last century. These hardworking men and women helped make our Nation great.

Ireland used 6,328 immigrant visas in fiscal 1964 and only 746 for fiscal 1982. And. as far as we know, this reduction was not voluntary. When we realize that since 1820, over 4,692,856 immigrants have come from Ireland, we begin to get a sense of the problem. It seems that the natives of countries highly favored by the national origins quota system almost by definition are more apt to have ancestors buried here than close relatives who can petition for their entry. Because so many Irish came so long ago, the preference quota system—brother or sister of a U.S. citizen for example—rarely applies.

In 1965, we were assured that upon passage of the new immigration amendments, all nationalities would be treated on an equal footing. History has taught us otherwise. Thousands of deserving immigrants are unable to qualify for visas under the new law and immigration from those countries has dwindled considerably.

Therefore, I have introduced legislation to correct this inequitable situation which has gone on for too many years, and urge my colleagues to extend their bipartisan support.●

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GREATER OVERSIGHT NEEDED ON CONGRESSIONAL TRAVEL

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Hughes) is recognized for 60 minutes.

● Mr. **HUGHES**. Mr. Speaker, the subject of foreign travel by Members of Congress has come under increasing scrutiny and criticism by the news media, as well as members of the general public.

That scrutiny has raised issues about whether some of the itineraries are as justifiable as they can be, or if the goals of certain trips might be accomplished by some other, less expensive, means.

Some of that criticism is unwarranted and based on exaggerations. Other criticism is unwarranted and based on exaggerations. Other criticism, however, does point out the need for us to do a better job policing ourselves.

Accordingly, I have today introduced an amendment to the rules of the House governing foreign travel. Specifically, my resolution would require all foreign travel to be approved by a roll call vote of the committee authorizing the trip. Each trip proposal would have to be accompanied by a detailed itinerary, a statement of the anticipated public benefits from the trip, a certification that the mode of travel is the lower cost reasonably available, and a justification for each person on the manifest.

The implementation of my proposal would make foreign travel decisions a part of our committee voting records, which would have to be justified at election time as with any other vote. I believe that this plan would give much greater credibility to those trips which are deemed worthwhile and justified.

At the same time, this legislative review would make more likely the disapproval of trips which may be unnecessary, unjustifiable, or of only marginal value.

Mr. Speaker, we would not approve the expenditure of millions of dollars for any other Government activity without some formal legislative review, and congressional travel, which has an aggregate cost in the millions, should be no exception.

My proposal represents a workable and responsible way to exercise oversight on our own practices, establish our own accountability for travel decisions, and permit worthwhile and productive travel to take place under prescribed rules.●

INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Fascell) is recognized for 5 minutes.

● Mr. **FASCELL**. Mr. Speaker, last year the Congress enacted a major new initiative in the war against drugs. Section 1003 of the State Department Authorization Act, more commonly known as the "Gilman-Hawkins Amendment," after its major sponsors, is an important effort to let other nations know we mean business in fighting illicit narcotics production and trafficking. It also requires the executive branch to report annually on the worldwide illicit drug situation in a comprehensive and detailed manner, and to consult with the Congress on U.S. efforts to combat the entry of illicit drugs into the United States. The legislation further requires that the substance of these consultations be printed in the Congressional Record.

On February 23, 1984, the House Foreign Affairs Committee's task force on international narcotics control held a hearing with five executive branch witnesses to review the required annual report. I would like to commend my colleagues Ed Feighan and Ben Gilman, cochairmen of the task force, for taking prompt action to hold this hearing.

Pursuant to subsection (f) of section 1003 of Public Law 98-164, I am including in today's Record the testimony of the executive branch witnesses on this important issue.

Testimony of Assistant Secretary DiCarlo, Bureau of International Narcotics Matters

Mr. Chairman, the Committee has received copies of the Department's International Narcotics Control Strategy Report, in accordance with P.L. 98-164 which was adopted last November. Given the length of that report, and the number of witnesses consulting with the Task Force at this hearing, I will limit my opening statement to a brief review of the major findings in the report. My remarks are organized in terms of the information requirements of the law.

A. OVERVIEW OF FINDINGS

Status: First, we were asked to provide an assessment of the status of narcotics production and trafficking. The first chapter of the report includes preliminary worldwide production estimates for calendar year 1983, and reports on key program developments in source countries. Each country report also includes a status assessment on production and trafficking in illicit narcotics.

The preliminary estimates of the Production Subcommittee of the National Narcotics Intelligence Consumers Committee indicate that gross cultivation of opium, marijuana and coca increased in 1983 in the principal growing regions which supply the U.S. market.

But, these reports also show that eradication levels increased in several key countries, and that seizures also increased, as did the amount of hectarage taken out of cultivation through government bans, crop substitution programs and enforcement activities. Moreover, the available data show that local demand is increasing rapidly in many source countries. Thus, in some countries, the amount available for export did not change, or did not change as much as the increase in cultivation. Moreover, there were declines in gross cultivation of opium poppy in Pakistan, Thailand and Laos.

The report provides production estimates for the years 1981 through 1985, and provides NNICC estimates on imports through 1982. Analysts are continuing to study these preliminary 1983 estimates on production levels and the implications for trafficking and consumption. The NNICC Committee anticipates having its report on 1983 production and import estimates completed by June.

It should be noted that the data suggest important changes within markets. For example, the four-year downward trend in Pakistani opium poppy cultivation continued, but indications are that opium cultivation increased by perhaps one-third in Afghanistan, while heroin refining also increased.

The Production Subcommittee's assumption is that gross coca cultivation increased in 1983 in Peru and Bolivia, as well as in Colombia, for which we have better data, but the available information does not currently permit a reliable projection on the two larger producers. However, our information also indicates that this increased production results, at least in part, from the maturing in 1983 of bushes which were planted during peak price years, three to five years ago. Today, prices are down at every link in the cocaine trafficking chain; the indication is that there has been over-production of leaf and coca derivatives; there is increased consumption of coca paste; and, traffickers in South America are aggressively establishing new or larger markets in Europe and elsewhere.

The preliminary NNICC data continue to show an upward trend in cannabis cultivation in Mexico and Jamaica, while Colombian cannabis cultivation in 1983 has apparently returned to about the 1981 levels.

U.S. Assistance: Second, we were asked to provide details on the various kinds of U.S. assistance provided to narcotics source countries. This report illustrates how the Department proposes to allocate $41.2 million in foreign assistance funds in fiscal year 1984 for drug control programs, and the proposed allocation of $50.2 million in fiscal year 1985. These sections cross-reference relevant activities of the U.S. Agency for International Development, the Drug Enforcement Administration, other U.S. agencies, and international organizations. Also reported are data on allocations under general U.S. assistance categories and data on loans by international development banks.

Impact of U.S. Assistance: Third, we were asked to provide an assessment of the impact of U.S. assistance on narcotics control. The public report we have submitted focuses upon narcotics-related assistance. Departmental assessments of the overall impact of non-narcotics assistance fall into three categories, which are not necessarily exclusive: first, that other U.S. assistance does not impact, negatively or positively, on the country's narcotics control decisions or performance; second, that such assistance positively affects the overall disposition and capability of the country to cooperate with U.S. drug control objectives; and third, that, in some cases, a termination of U.S. assistance for narcotics policy reasons would impact negatively on the country's disposition to control illicit drugs, notwithstanding the first or second factors.

In general, the economic and other non-narcotic assistance does and should continue to affect positively each recipient country's disposition to cooperate with the United States in achieving progress in illicit drug control. But, there are specific implications associated with various kinds of assistance, and impacts differ. Given the time constraints of producing a report in early February in response to complex legislation adopted in mid-November, the sensitivity of the subject, the need for more information from some countries, and the difficulty of analyzing this information, much of which is classified, we have provided an analysis of the impacts of narcotics related U.S. assistance. The Department plans to submit a classified report and respond to further questions on this matter in a later hearing.

Plans, Programs and Timetables: Fourth, we were asked to comment on the development of plans, programs and timetables for narcotics control. Some governments have adequate, countrywide narcotics control strategies; others have strategies for specific target areas (including the strategies required under program agreement with INM and AID); others have little more than goals and objectives. On balance, planning has improved.

Legal and Law Enforcement Measures: Fifth, we were asked to assess the adequacy of the legal and law enforcement measures taken by various countries relative to narcotics control. Some countries like Burma and Malaysia have very strict penalties for narcotics violations; some like Pakistan have just adopted new laws designed to enhance enforcement; others are still considering changes; and a few have an inadequate legal base for law enforcement. In sum, this is an indequate legal base for law enforcement. In sum, this is an area in which we think there has been considerable improvement in recent years.

Accomplishments: Sixth, we were asked to provide imformation on accomplishments in narcotics control for the various source countries. There was substantial progress in 1983. The Pakistanis suppressed opium production in the Malakand agency; a development assistance program which is linked to narcotics control was initiated in the Gadoon-Amazai area; and the Pakistanis expanded their actions against heroin laboratories. Agreements on a crop control program were signed with Bolivia in August, 1983. Peru began coca eradication in the Upper Huallaga Valley. Colombia intensified its manual eradication efforts and disclosed plans for testing herbicide eradication for both coca and marijuana. The Government of Italy pledged $40 million to the United Nations Fund for Drug Abuse Control, for coca control-related development projects in South America. The Mexicans, who reported a significant expansion in opium eradication, collaborated effectively on a herbicidal eradication program in Belize. The specific gains (or reverses) associated with each country's effort to cope with narcotics production and/or trafficking are noted in the country reports.

Planned Reductions: Seventh, we were asked to provide estimates of the planned reductions achievable in narcotics production by the producing countries defined in the statute. Generally speaking, our report shows that these countries are projecting reductions in one or more categories: cultivation, refining, or trafficking. These reductions vary from country to country, and category to category.

Nature of the Problem: Eighth, we were asked to provide an assessment of the nature of narcotics production. While coca prices at the farmgate declined in South America, farmers continued high levels of production, both to attempt to keep their gross incomes at previous levels and also out of need to harvest maturing coca bushes which had been planted during the peak price years. Mexican growers were planting crops in more inaccessible, higher altitudes, and fields larger than previously seen have been spotted recently.

Opium production continued to decline in Pakistan, but increased significantly in Afghanistan which continued to supply Pakistani heroin laboratories. While Colombian traffickers are now cultivating more coca leaf, to enhance their dominant position as refiners, Bolivian traffickers are sending less of their paste to Colombia and are now refining it into cocaine base or cocaine and routing their contraband through Argentina, which is also becoming an important final stage refiner of cocaine. Colombian traffickers are believed to be responsible, at least in part, for opening new marijuana fields in Venezuela, and new production activity in Brazil.

Factors Affecting Production: Ninth, we are asked to provide an assessment of the various factors affecting production. The principal factors are price, climate, demand, and government action. Parallel with our intensified diplomatic initiatives, perhaps the most salient local factor driving narcotics control actions in 1983 was domestic drug abuse in the producing countries, followed by broadening recognition of the adverse effects of an uncontrolled drug trade on a country's economic and political stability.

Increasing demands for narcotics to satisfy expanding domestic drug abusing populations are also keeping production levels up. As explained in more detail in the country reports, the stimulus for farmers and traffickers to continue cultivation, production and trafficking is economic. Even with depressed prices at the farmgate, growers can frequently earn more from growing narcotics crops than from traditional agriculture. Overall, fears of disrupting local economies and political stability continue to work against narcotics control efforts, while domestic drug abuse, economic disruption, international pressures, the involvement of political insurgencies in the narcotics trade, and the penetration of organized political systems by traffickers worked to promote such control efforts.

Methodology: Tenth, we are asked to report on the methodologies used to project reductions in production. The report provides details, by country, of the various methodologies used, including negotiated agreements on levels of eradication to be achieved. We are working with other agencies and governments to improve both forecasting and monitoring capabilities in the field. Throughout these reports, there are caveats and footnotes reporting on the multiple assumptions underlying the estimates.

Resource Requirements: Eleventh, we are asked to provide an estimate of additional resources needed to achieve planned reductions. The response is largely written in terms of projected 1985 levels of INM assistance, which are reflected in our proposed budget and program plan. This document has been made part of the Department's report.

SUMMARY

In sum, this report shows again that there are no simple or easily obtained answers to all of the questions about the impacts of drug abuse, drug trafficking and control programs.

While we have a broad knowledge of the social, political and economic environments of these countries, and a base of detailed information on narcotics production and trafficking, we have understandable difficulties in measuring the extent of current cultivation and projecting the effectiveness of control programs, just as we have difficulty in predicting the precise impacts of either drug trafficking or drug abuse on local economies or populations, or measuring economic dislocations, or analyzing domestic drug abuse and demand.

Yet, while some observations may lack statistical precision, we know from our discussions with officials in these countries, and from our own assessments, that adverse social, political and economic impacts are creating an improved environment for negotiating control agreements. No nation is really invulnerable to the problem of drug abuse, and, those nations which engage in our indulge narcotics production and trafficking ultimately pay a price that is greater than the temporary benefits they are thought to realize.

Moreover, we can assess and see the benefits of those control programs which we have assisted.

These improved program efforts and the growing recognition in source countries that the liabilities of narcotics trafficking and drug abuse are outweighing the benefits are the basis for our belief that more can and will be accomplished.

ERRATA

Two changes should be noted in the complete International Narcotics Control Strategy Report submitted to Congress.

Page 4: In the section discussing the Western Hemisphere, the first paragraph on Mexico should conclude: The preliminary estimate is that the net availability of Mexican heroin in the United States in 1983 was 1.41 metric tons, the same approximate level as in 1981, but higher than the estimate for 1982 (1.39 metric tons).

Page 17: The Department has submitted, as part of the INCSR, the FY 1985 budget and program plan for INM, which contains regional strategies as well as details on country programs. To avoid duplication, the regional strategies which the text on page 17 indicates as appearing at the start of each chapter of country reports now appear in the separate budget document.

Page 28: The data table for Belize should be changed to read:

	1984	1983	1982	1981
Cultivation:				
Cannabis (mt)	(1)	700	250	850
Cannabis (ha)	(1)	620	100	....
Eradication:				
Cannabis (ha)	(1)	592.5	91	0
Arrests		722	620	543

[1] The amount of cultivation and production of cannabis in 1984 and 1985 will depend, in large part, on the continued success of aerial eradication operations, i.e., it is possible that the number of fields planted could decrease significantly after spraying operations in 1984.

Page 40: The seizure data is reported in kilograms for cocaine and metric tons for marijuana.

Page 93: The correct footnote explaining "arrests" is #4. The correct footnote explaining "marijuana seizures" is #5. Marijuana seizures are in metric tons.

INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT TO COMMITTEE ON FORFIGN RELATIONS, COMMITTEE ON FOREIGN AFFAIRS

(Prepared by Bureau of International Narcotics Matters, Department of State)

I. INTRODUCTION

The Department of State's International Narcotics Control Strategy Report has been prepared in accordance with the provisions of Sec. 481, Foreign Assistance Act, as amended by P.L. 98-164. As required by law, the Department of State and the Departments of Justice, Defense, Treasury, and Health and Human Services, as well as the Agency for International Development, are prepared to meet with members of the Committee on Foreign Relations and the Committee on Foreign Affairs to review worldwide illicit drug production and the policy, programs and role of the United States Government in combating the entry of illicit narcotic and psychotropic drugs and other controlled substances into this country. This report has been prepared in primary consultation with the Drug Enforcement Administration and other offices and agencies.

This report consists of the following sections:

I. Introduction.

II. Summary Assessment:

A. 1983 Production Estimates.

B. 1983 Program Developments.

III. Review of the International Program.

IV. 1984-85 Program Strategy and Budget (summary).

V. Regional Strategies and Country Reports.

Submitted with and made part of this report is the Congressional Presentation of the Bureau of International Narcotics Matters (INM) which provides detail on regional and country strategies, budgets and programs.

II. SUMMARY ASSESSMENT

A. 1983 production estimates

The National Narcotics Intelligence Consumers Committee has developed, through its production subcommittee, preliminary estimates on illicit narcotics production in calendar year 1983. As further information is received from posts and the intelligence community, these data will be revised and published in the 1983 NNICC narcotics intelligence estimate.

The 1982 data and preliminary estimates for 1983 are:

[In metric tons]

	1982	1983
Opium		
Southwest Asia:		
Afghanistan	250-300	400-575
Iran	400-600	400-600
Pakistan	50-75	45-60
Total	700-975	845-1235
Southeast Asia:		
Burma	600	600
Laos	50	35
Thailand	57	35
Total	707	670
Mexico	16	17
Opium total	1,423-1,698	1,532-1,922
Coca leaf (illicit)		
Bolivia	39,000-44,000	39,000-44,000
Peru	36,000	36,000
Colombia	5,000	12,800
Total	80,000-85,000	87,800-92,800
Marijuana		
Colombia	9,000-11,000	12,500-15,000
Mexico	750	700-1,400
Jamaica	1,750-2,500	2,460
Belize	250	620
Total	11,750-14,500	16,280-13,480
Hashish		
Afghanistan	150	250
Lebanon	600	700
Morocco	60	60
Pakistan	220	220
Total	1,030	1,230

Much of the production data in this report should be considered preliminary, some even speculative, and most should be considered as data for which attempts are being made at improvement and refinement.

B. Program developments

A significant development in 1983 was the continued escalation of domestic drug abuse and drug-related problems. Country reports show that domestic drug abuse increased, as a problem and as a government concern which could influence narcotics control decisions, in virtually every growing region and source country. For example, Colombia, which is concerned about the rapidly-expanding problem of youths smoking "basuco," held a national drug abuse prevention conference in September. In Pakistan, where there were no reported heroin cases in 1980, the estimate in 1983 was over 100,000 heroin addicts.

Western Hemisphere

The Government of Mexico increased its opium poppy and cannabis eradication efforts in 1983 in response to efforts by traffickers to expand, camouflage and diversify cultivation. The Mexican Attorney General's Office reports that the U.S. assisted program eradicated 2,472 hectares of opium poppy, compared to 1,211 hectares in 1982, and 2,674 hectares of cannabis compared to 886 hectares in 1982. The preliminary estimate is that the net availability of Mexican heroin in the United States in 1983 was 1.42 metric tons, approximately the same as the 1981 level (1.41) but higher than 1982 (1.39).

The Governments of Belize and Mexico, with United States support, joined in a cooperative effort to eradicate over one thousand, two hundred acres of cannabis in a 13-day operation in October.

The Mexican and United States governments collaborated at year's end in testing a high performance agricultural spray airplane (the Thrush fixed wing aircraft) and a new spray boom which promises more effective spraying patterns at higher altitudes and speeds.

The Government of Bolivia signed four agreements in August 1983, which have the long-term objective of reducing that country's coca cultivation to levels needed for legitimate purposes. The agreements include U.S. assistance in crop eradication, in developing police strike forces to establish law and order in the Chapare growing region, and to establish a system for managing the licit coca production industry. The indications are that Bolivian coca production increased by an undetermined amount during 1983, and that Bolivian traffickers are trying to capture more of the market profits, by increasingly refining more Bolivian coca leaf into paste and base for direct sales, rather than shipping the raw product to Colombia for processing and export.

The Government of Colombia announced it will undertake a pilot program in 1984 to test various methods of eradicating coca bushes and cannabis plants. Colombia has steadily increased its manual eradication and seizures of both coca leaf and marijuana, and their derivatives, utilizing equipment and other resources provided by the U.S. Government. Colombia continues to be the major supplier of cocaine and marijuana to the United States.

The U.S. supported interdiction program has been increasingly effective over the past three years. In 1981, the Colombian interdiction program succeeded in seizing 3,310 metric tons of marijuana, a 345 percent increase over 1980, and 66.4 million units of methaqualone, a 380 percent increase. In 1982, Colombian officials seized 3,409 metric tons of marijuana, 41 million units of methaqualone, as well as 881 kilograms of cocaine. The authorities also shut down 277 cocaine laboratories. In 1983, the Colombians seized 3,934 metric tons of marijuana, and 2,800 kilograms of coca leaf, while manually eradicating 1,981 hectares of coca leaf and 1,048 hectares of cannabis cultivation.

The Government of Peru began eradicating coca bushes in mid-1983, pursuant to an assistance agreement with the U.S., and estimates that eradication will expand from 703 hectares in 1983 to 4000 hectares in 1984. The indication is that coca production expanded in 1983, in part a result of bushes maturing which had been planted in earlier years. Peruvian seizures of cocaine, coca paste and base in 1982 were down from 1981 levels, but seizures of dried coca leaf rose sharply from 26,781 kilograms to 85,454 kilograms, and 178 jungle-based cocaine labs were destroyed, compared to 53 in 1981. For 1983, the Peruvians also destroyed 87 laboratories and seized 85,500 kilograms of leaf, 110 kilograms of cocaine, and 4,290 kilograms of coca paste.

The Government of Jamaica expanded its cannabis eradication program from 221 hectares to 350 hectares in 1983. The Government has announced its intention to support a broader enforcement effort, including passage of new laws against illicit air strips. The U.S. Government has offered to assist in a control program.

The USG's Latin American regional program has included: enforcement assistance to Belize, which has participated in a joint cannabis eradication program with the Government of Mexico; assistance to the Government of the Bahamas to increase the mobility of its anti-narcotics forces; training and maintenance assistance to the Haitian Navy's fleet of patrol vessels for a series of surveillance actions in the Windward Passage, a key trafficking route between Colombia and the U.S.; establishment of a telex link between selected Caribbean and Central American countries and the Coast Guard for the passage of vessel trafficking intelligence to the U.S. authorities; and provision of limited telecommunications, vehicular, and other equipment to Costa Rica for use in anti-drug activities. Many of the Caribbean countries have received INM-funded training through DEA and/or U.S. Customs.

The Government of Italy announced in November, 1983, a pledge of $40 million over five years to the United Nations Fund for Drug Abuse Control, primarily to support coca control programs in South America. The Italian contribution significantly increases the UNFDAC budget, and it marks a much-needed involvement by the United Nations in the effort to control production of cocaine.

Southwest Asia

Over half of the heroin entering the U.S. originates as opium in Southwest Asia. Pakistan is considered to be the key to that trade, as an opium producer, a heroin refiner, and a transshipment point for other Southwest Asia opium. The Government of Pakistan has reduced opium cultivation to 45-60 metric tons (1983), continuing the decline from the peak of 800 metric tons in 1979. The Pakistani government has extended its ban on opium production into previously uncontrolled or marginally controlled areas. In late 1981, the Pakistani government eradicated opium poppy by forceful action in the Buner area of the Northwest Frontier Province (NWFP) the first such effort in a so-called "merged" area—and repealed the action in 1982. In January, 1982, the GOP seized a heroin processing laboratory in the Northwest Frontier Province—overcoming armed tribal resistance—and, since December 1982, tribal leaders have directed the closing of 41 heroin laboratories in the Khyber Agency, after meetings with government officials.

The understanding with Pakistan is that it will enforce the poppy ban in "merged areas" where developmental assistance is provided. The Government of Pakistan has reiterated its commitment to enforce its ban on opium cultivation, specifically in the Malakand Agency where an INM-funded integrated rural developmental project is being implemented, and, in the Gadoon-Amazai area where the Agency for International Development has begun a narcotics-related development program. It is estimated that the Gadoon-Amazai project area accounted for about half of the 1982/83 opium poppy production. Pakistan has also accepted restrictive poppy clauses which commit the government to keep USAID project areas free of opium poppy. Overall, a combination of drought, low prices, government pressure, and a U.S.-assisted alternative crop program have reduced Pakistani opium production from an estimated 75-125 metric tons in 1981 to an estimated 50-75 metric tons in 1982, and to 45-60 metric tons in 1983.

Turkey continues to be effective in controlling diversion from its licit opium cultivation, and controlling against illicit opium cultivation; the United States and other donors support Turkey's effort to prevent refining and transshipment of illicit narcotics from Southwest Asia.

Southeast Asia

The Thai Government began sizable military operations in January 1982, against the principal opium trafficking group on the Thai-Burmese border, the Shan United Army, and in 1983 continued the pressure against illicit drug trafficking groups with permanently deployed, narcotics targetted military companies. These actions have disrupted trafficking and refining activities. The Thai Government has also been effective in reducing the availability of precursor chemicals used in converting opium to heroin. However, these chemicals are increasingly available from other sources in the region. The Thai have begun, with United States assistance, Civilian-Police-Military command projects to curtail cultivation as part of a program of transitional assistance to selected villages.

The Burmese government reports increased opium seizures (6 metric tons) and manual opium poppy crop destruction (equivalent of 44 metric tons) including eradication in areas where the Burmese Communist Party is involved in trafficking. In 1983, the Burmese conducted operations in northern areas against traffickers, and destroyed 9 heroin laboratories.

III. REVIEW OF THE INTERNATIONAL PROGRAM

Department of State: Role and responsibilities

Role: The responsibility for international narcotics control, conferred upon the President by Section 481 of the Foreign Assistance Act and upon the Secretary of State by Executive Order, has been delegated to the Assistant Secretary of State for International Narcotics Matters (Authority No. 145, February 4, 1980). This function was assigned to the State Department because the United States believes that narcotics control is a matter of government responsibility under international treaties that should be dealt with as a matter of international obligation and concern.

The international narcotics control program is one of five parts of the Administration's program to reduce the drug abuse problem in the United States. The program also includes: education and prevention; treatment and rehabilitation; law enforcement; and research. The overall program, which features the personal leadership of the President, Vice President Bush, Secretary Shultz and the Attorney General, is coordinated through two Cabinet Councils, and pursues government-wide objectives set forth in the Federal Strategy for Prevention of Drug Abuse and Drug Trafficking.

INM Programs: the responsibilities and programs of the Bureau for International Narcotics Matters (INM) include: policy development and program management; diplomatic initiatives; bilateral and multilateral assistance for crop control, interdiction and related enforcement activities in producer and transit nations; narcotics-related development assistance; technical assistance for demand reduction; training for foreign personnel in narcotics enforcement and related procedures; and coordination of international efforts with domestic drug abuse strategies. INM is responsible for negotiating, implementing, monitoring and terminating narcotics control agreements with other governments.

Goals and Objectives: The Department's primary narcotics goal is to reduce the flow of illicit drugs from their sources to the United States. All of the heroin and cocaine, and most of the marijuana and other illicit drugs consumed in the United States are of foreign origin. The worldwide supply of heroin, cocaine, marijuana and other drugs is so great and trafficking channels to the United States so diverse that major interdictions and even crop eradication, when achieved in only one or two producing areas, have caused only temporary declines in availability. The Bureau's program strategy is predicated on the ultimate objective of simultaneously controlling cultivation and production in all key geographic sectors of illicit drugs exported to the United States, so that significant and lasting reductions in availability are achieved. The Bureau places its highest priority on crop control in source countries and its second priority on interdiction of drugs as they move from producing areas through transit countries to the United States.

Strategy: The major drug producing countries are parties to international conventions which obligate them to control the production and distribution of illicit drugs. The Bureau's international strategy is based on encouraging and, where necessary, assisting these countries to meet their responsibilities for reducing cultivation, production, and trafficking in illicit narcotics within their borders. The strategy includes the following activities:

Diplomatic initiatives which: clarify the importance of narcotics control as a bilateral foreign policy issue; seek agreements on controlling narcotics; underline the threat posed by illicit drugs to other countries as well as the United States; seek an upgrading of the foreign policy priority assigned to narcotics control; secure the participation by other governments in funding and otherwise supporting international narcotics control projects; and improve the international environment for operations by United States agencies engaged in international narcotics control;

Bilateral assistance to selected governments whose expertise or resources are insufficient to enable them to take effective measures to meet their treaty obligations to control illicit drugs;

Multilateral assistance through the United Nations Fund for Drug Abuse Control and other regional and international agencies and organizations;

Participation in international organizations: to supplement our bilateral diplomatic initiatives with producer and transit nations; to demonstrate the global nature of illicit drug trafficking; and to enlist other governments in diplomatic and financial support of international narcotics control projects, both bilaterally and multilaterally;

In cooperation with the Drug Enforcement Administration, Customs Service, and Coast Guard, provision of training to foreign narcotics control personnel designed to improve and expand foreign enforcement efforts, and achieve self-sufficiency in interdiction; and

Demand reduction technical assistance programs which: alert other governments and community leaders to the societal threat posed by illicit drug abuse; seek to decrease demand in producing countries which serves as a local incentive to illicit cultivation; and enhance U.S. efforts to obtain narcotics control agreements by demonstrating concern for deleterious effects in other countries.

Coordination and Cooperation: The Department of State and specifically INM cooperate with various U.S. agencies, especially with the Drug Enforcement Administration, as well as the Agency for International Development, U.S. Customs, U.S. Coast Guard, the National Institute on Drug Abuse, and other units within the Departments of Agriculture, Justice, Treasury, Commerce, Defense and Transportation to halt the flow of narcotics into the United States. In addition to cooperation on country programs, this cooperation and coordination takes many forms, including joint participation in: the Cabinet Council on Legal Policy and its Working Group on Drug Supply Reduction; the Cabinet Council on Human Affairs and its Working Group on Drug Abuse Health Issues; international task forces formed by these working groups; the National Narcotics Border Interdiction System and South Florida Task Force; the Oversight Working Group meetings of the White House Drug Abuse Policy Office; intelligence meetings; and coordination meetings with DEA.

INM works closely with DEA throughout the world, with emphasis on collaboration in Latin America, Southwest and Southeast Asia. In addition to their direct responsibilities for technical assistance, casebuilding and other investigatory activities DEA agents work with INM narcotics coordinators in assessing the nature and degree of the drug problem, and in working with host government law enforcement agencies on planning and implementing action strategies.

The Agency for International Development has funded a rural development project in Peru's Upper Huallaga Valley, has approved a development project for

Pakistan's Gadoon-Amazai area, and is prepared to implement development projects in Bolivia, in accord with the 1983 agreement on a coca control plan. INM has been involved in the planning of these projects, just as AID assisted in the design of INM's Malakand project in Pakistan.

The United States Information Agency, in coordination with INM, seeks to inform the peoples of the three major growing regions, with special current emphasis on Peru, Bolivia and Colombia, about the major efforts underway to reduce U.S. drug abuse and to curtail domestic cultivation of marijuana.

Training: Crop control must be supported by a strong enforcement effort, and the Department cooperates with governments on the development of local police and customs capabilities to enforce domestic laws against trafficking. INM funds international narcotics training provided by DEA and Customs. From FY 1971 to FY 1982, approximately 24,580 foreign officials participated in courses designed to increase their operational skills and build institutions.

Intelligence: The Department of State is both an important collector of narcotics intelligence information and the primary consumer of finished narcotics intelligence on policy-level international narcotics developments. The Department took the lead in pressing the National Foreign Intelligence Board (NFIB) agencies to expand their narcotics intelligence roles. the Department has been a long-time advocate of closer coordination between NFIB collectors and U.S. law enforcement organizations which collect foreign narcotics information in the performance of their narcotics duties. The Department has particularly sought enhanced coordination of these activities under the guidance of the Director of Central Intelligence.

Diplomatic Initiatives: Drug abuse affects all nations from the poorest to the wealthiest, countries which produce and traffic in drugs, and those which are only consumers of drugs. Historically, the U.S. Government has borne much of the costs of international control programs. The U.S. funds bilateral narcotics control projects in Mexico, Peru, Bolivia, Colombia, Brazil, Ecuador, Thailand, Burma, Pakistan and Turkey, as well as projects in key transit nations in the Caribbean such as Belize, the Bahamas, and Haiti, among others. The United States narcotics control strategy includes diplomatic initiatives to achieve greater participation by and program coordination with other governments; the United States is urging these nations to assist through narcotics control programs and through direct economic assistance to producer countries.

The United States is encouraging larger contributions as well as an increase in the number of donors, and also seeks a higher foreign policy priority for narcotics control.

INM, with explicit support from Secretary Shultz, has held discussions with Governments in Canada, the South Pacific, Europe, the Middle East and Japan, to seek greater international narcotic control efforts from them, both bilaterally and through international organizations. As noted, the Government of Italy has pledged $40 million to UNFDAC, primarily to support coca control projects in South America. Norway and *Sweden* have also indicated interest in supporting development programs to achieve coca control.

International Organizations: United Nations agencies monitor and apply controls on the flow and use of narcotic and psychotropic substances, and coordinate multilateral efforts to control production, trafficking and abuse. Since its founding in 1971 with United States sponsorship, the United Nations Fund for Drug Abuse Control (UNFDAC), has been a vehicle for multilateral implementation of narcotics control and demand reduction programs.

The United States addresses the international narcotics problem in the United Nations General Assembly, the Economic and Social Council, the Commission on Narcotic Drugs (which is the U.N. policymaking body on drug matters), and other U.N. organs. In addition to UNFDAC, these include the International Narcotics Control Board (INCB), the World Health Organization (WHO), and the Division of Narcotic Drugs (DND). In 1982, the Commission on Narcotic Drugs adopted a long-term global strategy and a basic five-year action plan, which calls for enhanced, expanded efforts by UNFDAC, DND and the INCB.

Recent U.S. emphasis has been on encouraging European involvement in coca control programs in South America; UNFDAC is actively promoting an Andean control project in response to an ECOSOC resolution in 1982.

Several countries earmark portions of their UNFDAC contributions for specific projects, including the Federal Republic of Germany (Pakistan); Norway (Burma); Sweden (Afghanistan, Pakistan and Laos); and, Australia (Burma and Thailand). The United States also earmarks portions of its UNFDAC contribution for projects in key narcotics producing countries, particularly source countries in Latin America. The United States remains disappointed by the number of countries undertaking bilateral narcotics control programs. The Federal Republic of Germany and Australia are the only other significant sponsors of bilateral projects.

Other Actions: Other units within State, Treasury and Justice also have drug-related concerns, including off-shore haven banking, such as the banking practices of the Cayman Islands which have permitted almost unimpeded movement of narcodollars. DEA, the FBI and Customs have conducted successful, long-term investigative actions against illegal cash flows. The State and Justice Departments, in consultation with other U.S. law enforcement agencies, are actively exploring with various Caribbean countries the possibility of concluding agreements such as mutual legal assistance and extradition treaties to strengthen bilateral cooperation on law enforcement matters, including the sharing of financial information. U.S. efforts to obtain financial information from the Netherlands Antilles, for example, will be enhanced by the Treaty on Mutual Assistance in Criminal Matters, concluded between the United States and the Netherlands, and made applicable to the Antilles.

IV. 1984–85 PROGRAM STRATEGY

Fiscal year 1985 Budget: The highlight of the proposed fiscal year 1985 budget is the substantial expansion of funds for crop eradication programs, reflecting program initiatives begun in fiscal year 1983 and anticipated in fiscal year 1984. The program allocations for fiscal year 1984 are shown in an attached summary.

Latin America: Particular attention has been focused on Colombia, which in 1983 produced most of the marijuana imported into the U.S., and exported up to three-fourths of the cocaine consumed in the United States. The fiscal year 1985 budget assumes that a large-scale marijuana eradication program will have been successfully negotiated with the Colombian government in fiscal year 1984. The fiscal year 1985 budget request anticipates continuing the program implemented in fiscal year 1984.

Similarly, the fiscal year 1985 budget for Bolivia assumes further implementation of the agreements concluded in August 1983 for an eradication program designed to reduce Bolivia's coca cultivation to levels required for legitimate purposes. The increased fiscal year 1984 budget was predicated on implementing a program of voluntary eradication, followed if necessary by mandatory, government eradication. Control of excess registered cultivation and total elimination of non-registered cultivation would occur in stages. The total effort includes a related rural development program funded by USAID.

The Bureau continues to provide aviation and technical support of the successful Mexican program to control narcotics production.

Implementation of the U.S.-supported crop control program in Peru was not begun until April 1983, and 703 hectares were eradicated in that year. Peruvian officials have given assurances that the crop control program will be sustained; the expectation is that 4,000 hectares will be eradicated in 1984. The Bureau continues to support the anti-narcotics enforcement efforts of Peruvian agencies.

For fiscal year 1985, INM's Latin American regional program will continue to focus upon targets of opportunity to support crop control and interdiction efforts. Assistance could include provision of telecommunications equipment, aircraft services, and commodity support.

Southwest Asia: The Pakistanis have eradicated opium poppy in the Malakand Agency, where crop control is linked to an INM development assistance program, and are committed to enforcing their ban on production in the Gadoon-Amazai area, where an Agency for International Development narcotics-related project was initiated in 1983. Planning was also begun on developing programs for the Dir area, and the Pakistanis announced the extension of their ban and new narcotics laws into the tribal areas. The Bureau continue commodity and training assistance to Pakistan narcotics enforcement agencies to upgrade their capabilities.

INM provides funds to the Turkish National Police and the Jandarma to upgrade the transportation, communications, equipment and training needed to combat drug refining and trafficking.

Southeast Asia: INM supports crop control related development assistance projects in areas of Thailand where there is a firm commitment to cease production of opium and Royal Thai government efforts to enforce these commitments. In 1985, INM will support cultivation control projects in 20 village clusters under Civilian-Police-Military commands. Crop control funds will also support the annual opium survey, and an extension training program. In 1985, the North Thailand Border Security and Development project will attempt to consolidate the previous years' gains of the border enforcement project by providing support for the economic and infrastructure development of the village located in the project area. Other U.S. assistance will support RTG anti-narcotics enforcement activities on the Thai-Malaysian border, and will incorporate assistance to Thai Customs.

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U.S. assistance to Burma in 1985 will cotinue transportation and communications support to increase the ability of Burmese military and police enforcement agencies to survey poppy growing areas, to engage in crop destruction, to interdict narcotics shipments, and to control opium production. Other Activities: INM funds training for foreign law enforcement officials, which is provided by DEA and/or U.S. Customs, at Federal training sites or in foreign counties. The objectives are to support INM's country and international objectives by assuring the availability of trained manpower to implement host government control programs, and to assist foreign governments in achieving self-sufficiency in narcotics controls.

Technical assistance in demand reduction is provided through a variety of channels, including direct INM assistance with a priority on aiding producer government in controlling domestic demand and internal drug problems. Other channels include support for regional and international demand reduction projects, participation in international agency programs and fora, provision of materials, conduct of special demand reduction training programs, and providing linkage between U.S. national and international demand reduction efforts.

Europe and International Organizations: The United States narcotics control strategy includes diplomatic initiatives to achieve greater participation by and program coordination with other governments, particularly in Europe. Heroin and illicit pharmaceuticals have for some years been abused by Europeans at levels comparable to United States abuse rates and cocaine abuse is reportedly increasing. The United States strongly encourage narcotics control initiatives and program assistance to producing and transit countries.

Considerable diplomatic and program assistance coordination with the Europeans continues to be conducted through international organizations, particularly organs of the United Nations. The United Nations Fund for Drug Abuse Control has been a major multilateral vehicle for enforcement, supply reduction, and demand reduction programs. In countries such as Thailand, Burma, and Pakistan, UNFDAC is engaged in income-substitution efforts which complement and supplement USG projects and objectives. Emphasis was given by UNFDAC in 1982-83 to generate support for a coca control program in the Andean region in response to a resolution passed by the United Nations General Assembly.

V. REGIONAL STRATEGIES AND COUNTRY REPORTS

This section contains individual chapters for: Latin America, The Caribbean, Southeast Asia, Southwest Asia, and Africa.

Each chapter begins with a regional strategy, and summaries of INM and other programs in specific countries, followed by country reports which respond to the major requirement of Public Law 98-164.

Country reports

For purposes of these country reports, the major requirements of the Act have been categorised as follows:

Status Assessment

(1) Status Assessment of Narcotics Production/Trafficking.

(2) Current U.S. Assistance.

(3) Impact of U.S. Assistance on Narcotics Control.

(4) Country Plans/Timetables for Narcotics Control.

(5) Adequacy of Legal and Law Enforcement Measures.

(6) Accomplishments.

Analysis of Production

(1) Nature of Problem (production/refining/use).

(2) Factors Affecting Production.

(3) Planned/Projected Reductions in Production & Refining.

(4) Methodology Used in Estimating Reductions.

(5) Additional Assistance Required.

The definitions used in developing this report include:

"Major Producing Country" is defined by the statute to mean any country which cultivates or refines five or more metric tons of opium or opiate derivatives, or five hundred or more metric tons of coca leaf or coca derivatives, or five hundred or more metric tons of cannabis or its derivatives. (Derivatives are expressed in equivalents, e.g., 500 KG of heroin equals 5 MT of opium, and 1 mt of cocaine equals 500 MT of coca leaf.)

"Major Trafficking Country" has been defined by the Department to mean those countries which tranship five or more metric tons of opium or opiate derivatives, or five hundred or more metric tons of coca leaf or coca derivatives, or five hundred or more metric tons of cannabis or its derivatives.

The analysis of production is reported only for "major producing" countries. Also, estimates of additional assistance required are provided only for "program countries" which includes those countries currently receiving INM narcotics related assistance. A few other countries which INM considers as having a significant role in the U.S. narcotics situation are also included in the report.

Data estimations

This annual report contains a variety of data on cultivation, refining, trafficking and consumption of illicit narcotics, and also data on eradication, seizures, land taken out of production, and other phenomena. These data have been provided by the National Narcotics Intelligence Consumers Committee, U.S. Embassies, and foreign government agencies.

Yields and other production factors can vary from country to country. For example, opium production varies from 8-10 KG per hectare in Mexico to as high as 18 per hectare or higher in Pakistan. Coca yields vary from 1 MT of leaf per hectare in Peru and Columbia to 1.6 MT in Bolivia. Columbia has higher yields per hectare for marijuana than some other countries.

While the problems of measurement and assessment are manifold, the lack of credible, current survey data is particularly acute with respect to coca leaf cultivation and cocaine production. Not only are there the general problems of trying to estimate production in South American source countries, there are needs to identify the size of and consumption rates for both traditional coca chewing and the increasing coca paste abusing populations—who create a local demand that helps sustain production, but, whose habits can reduce the amount of end product available for trafficking to the United States.

An attempt has been made to "account" for the production in a few countries—starting with cultivation and then subtracting for seizures of raw product; amounts refined; seizures of refined products; local demand/consumption of raw product; local demand for refined products; amounts shipped to other countries; amounts seized en route or at U.S. borders; and, finally, from the remainder, estimating the net amount available for consumption in the United States.

The available data generally do not permit empirical analyses. A given country may have acceptable estimates on cultivation, yield, and refining, but the available data on local demand may be of such poor quality as to put the whole assessment at risk. In many countries, the initial estimate of cultivation may be little more than an assumption based upon educated guesses.

In sum, the effort here has been to provide the Congress with "the best estimate available."

Efforts to improve data and analysis

In 1984, INM will support narcotics surveys for major source countries supplying illicit narcotics to the United States.

In 1983, a Subcommittee on Production was formed under the auspices of the National Narcotics Intelligence Consumers Committee. The intention is that this group, utilizing the latest available narcotics intelligence, will make periodic updates to the annual NNICC estimates, and, by concentrating its focus on production, improve U.S. monitoring and knowledge of trends in international narcotics production. The Subcommittee was used to produce many of the projections in this report.

Impact of United States assistance on the narcotics problem

This portion of the country reports focuses on U.S. narcotics-related assistance provided under authority of the FAA Sections 481/482 or by the Agency of International Development in projects with so-called "poppy" or "coca" clauses. Departmental assessments of the overall impact of other U.S. assistance fall into three views, not necessarily mutually exclusive. These are that U.S. non-narcotics assistance; (1) does not impact, negatively or positively, on the country's narcotics control decisions or performance; (2) affects positively the overall disposition and capability of the country to cooperate with U.S. drug control objectives; and (3) in some cases, that regardless of (1) and (2), a termination of U.S. assistance for narcotics policy reasons would impact negatively on the country's disposition to control illicit drugs.

In general, the economic and other non-narcotic assistance does and should continue to affect positively each recipient country's dispostion to cooperate with the United States in achieving significant progress in illicit drug control. It is assumed that the Congress may wish to explore in some detail specific implications and impact of assistance. The Department will be prepared, therefore, to respond to additional questions on the impact of U.S. non-narcotics assistance on the narcotics problem in the consultative process envisaged in Subsection (f) of the amendment to P.L. 98-164. Should this involve sensitive matters of foreign policy, Congress or the Department may wish to convoke executive sessions.

Other Dangerous Drugs

This annual report, in keeping with the emphasis of the Congress concerning production of heroin, cocaine, and marijuana, concentrates on those major illicit drugs. However, INM, DEA and other agencies who carry out the international program of the U.S. Government are also concerned with the importation of other dangerous drugs.

The NNICC estimate is that the overall supply of illicit dangerous drugs (stimulants, depressants, hallucinogens) declined from 3.34 billion dosage units in 1981 to 3.03 billion dosage units in 1982.

Clandestine laboratories in this country supply all of the PCP, nearly all of the methamphetamine, and about 80 percent of the amphetamines consumed in the United States, the latter augmented by some smuggling from Mexico.

The bulk of the illicit methaqualone and counterfeits are smuggled from Colombia, and to a lesser extent, Canada. Within the past two years, the international community has significantly increased regulatory controls regarding the manufacture and distribution of methaqualone. These actions have resulted in a shortage in the amount of bulk powder available for processing. Colombia has imposed import controls, and the People's Republic of China and Austria have agreed to curtail production and impose export controls on the base substance, while Switzerland, an important transit country, has imposed import/export controls. All of these actions are the result of U.S. diplomatic initiatives.

The NNICC reports that an important new phenomenon is the growing problem of drugs of legitimate pharmaceutical origin produced in Mexico and diverted into the United States.

Internationally, the U.N. Commission on Narcotic Drugs, in concert with the World Health Organization, has the function of identifying and recommending the scheduling of drugs, i.e., the controls over licit narcotics and psychotropic substances.

Statement of Gary D. Liming, Deputy Assistant Administrator for Intelligence and Chairman, National Narcotics Intelligence Consumers Committee on Worldwide Drug Production Estimates

Mr. Chairman and members of the House Foreign Affairs Committee Task Force on International Narcotics Control, I appreciate the opportunity to discuss the development of illicit drug production estimates for the International Narcotics Control [INC] Strategy Report. I appear here today in a dual capacity, first as the Deputy Assistant Administrator for Intelligence, Drug Enforcement Administration [DEA], and second as the Chairman of the National Narcotics Intelligence Consumers Committee [NNICC]. The NNICC has been producing annual estimates concerning the foreign production of illicit drugs and their movement into the United States since 1978. In addition, the NNICC Subcommittee on Production Estimates actively assisted the Department of State in the development of estimates included in the first INC Strategy Report and will continue to support the development of future reports.

The 1983 INC Strategy Report represents the best estimates available at this time concerning crop cultivation, yield, eradication and other drug removals in each area. The estimates were developed as an extensive cooperative effort by the Department of State, the NNICC, U.S. Embassies and foreign governments. The embassies submitted reports in response to a questionnaire disseminated by the Department of State Bureau of International Narcotics Matters [INM]. The country reports represent a collection of information available at the field level from all sources, including the host government. In addition, members of the NNICC Production Estimates Subcommittee provided existing estimates and developed independent assessments based upon data supplied by participating agencies. These assessments were then used to cross-check and supplement field reports and to provide INM with data on denied areas such as Iran and Afghanistan where no country input was possible. Finally, the NNICC Production Estimates Subcommittee reviewed all input and recommended the final estimates.

The resulting INC Strategy Report is noteworthy in that it is the first comprehensive collection of data from all drug source countries based upon a consistent time frame and content. The bulk of the information provided by the U.S. Missions was well-prepared, thoughtful and accurate insofar as data were available. Nevertheless, it should be noted that much of the production data in the report, as noted therein, "should be considered preliminary, some even speculative, and most should be considered as data for which attempts are being made at improvement and refinement." A large part of the problem is inherent in the process of estimating illicit drug activities. Other problems are unique to the INC Strategy Report because of the required reporting schedule.

The INC Strategy Report estimates are based upon many of the same data and methodologies which are used to develop the Narcotics Intelligence Estimate [NIE], an unclassified national assessment produced by the NNICC on an annual basis. The NIE allows the 11 agencies with an interest in narcotics intelligence to speak with one voice on the production and use of illicit drugs.

DEA has chaired the NNICC and performed a central role in the development of its annual estimates since 1978. Other organizations represented on the NNICC include the Department of State [INM]; Department of Defense; Federal Bureau of Investigation [FBI]; Internal Revenue Service [IRS]; National Institute on Drug Abuse [NIDA]; U.S. Customs Service; U.S. Coast Guard; and the White House Drug Abuse Policy Office. The Central Intelligence Agency [CIA] and the National Security Agency [NSA] participate as observers.

Since mid-1981, long-term initiatives have been undertaken to improve both the accuracy of data available to the NNICC estimation process and the quality and balance of the resulting estimates. As a result of these intiatives, in 1982 we developed our first reliable estimate of the amount of acreage dedicated to cannabis cultivation in the primary source area, Colombia. Other similar efforts in data collection are being implemented or planned wherever possible. In 1983, the NNICC Production Estimates Subcommittee, representing DEA, INM and CIA, was established to review current production estimates and act as a clearinghouse for new data. In addition, major refinements continue to be made in the methodology used for the NIE.

Nevertheless, the basic problem with the NIE has been and continues to be an insufficient amount of accurate information in many areas because of the covert and illicit nature of the activities being estimated, host government inability to collect and record accurate data, denied access or a range of other problems. The estimates developed for the INC Strategy Report are affected by many of these same factors. These obstacles will continue to affect the quality of estimates concerning illicit drug production and trafficking in foreign countries, although gradual improvements are continually being made.

The validity of the data for our estimates is determined, to a great extent, by the method of collection. Collection resources vary from area to area. For example, the use of human intelligence sources prevails in Southwest Asia; therefore, estimates depend largely on limited observations in Afghanistan and Iran, which are denied areas. In Iran, estimates are dated and probably inaccurate. In Afghanistan, estimates are based upon limited human intelligence samplings and the wide range of the estimate (400 to 575 metric tons) is indicative of our confidence level. We do have reasonable confidence in our estimates concerning production in Pakistan, but at this point Pakistani production represents less than 10 percent of the total output in the region.

Even with a high priority and a good host government relationship, collection is often extremely difficult in major production areas. Central government authority is weak in many of these locations. In the Golden Triangle, for example, one-half to two-thirds of Burma's production of approximately 600 metric tons of opium occurs in Burmese Communist Party [BCP] controlled areas of the eastern and northern Shan State which lie beyond the Rangoon Government's reach. Moreover, the military stalemate between the Burmese Government and the Communist rebels indicates that opium production in those areas will continue unchecked. Likewise, the heroin refineries in the Golden Triangle are largely concentrated along the Thailand/Burma border in locations outside governmental control and run by well-armed insurgent forces and trafficking organizations.

Problems, such as rough terrain, lack of communications systems and inadequacy of host government resources, also limit our collection capabilities. For example, none of the estimates concerning coca cultivation in Peru or Bolivia are based on current, systematic surveys using acceptable statistical sampling techniques or modern aerial technology. The capability exists for conducting such surveys, but they are both time and resource intensive. Both Bolivia and Peru, as well as many other drug source countries, have limited resources and funding available to maintain current data on acreage under cultivation.

Data concerning the availability of drugs to world markets is also affected by the lack of accurate drug abuse data within the respective countries. In most cases, estimates of local consumption are based on "official" host government figures. In Asia, as well as other areas, countries tend to minimize their abuse problem and consistently underestimate their abuse population. Burma, for example, lists only 7,500 addicts when realistically the number should probably be much higher, given the proximity to production areas and distribution routes, high availability and low prices. Hong Kong claims only 45,000 to 50,000 addicts, when twice that number are believed to exist.

Finally, although past activities can be measured with some degree of success, it is difficult to project future activities with a high degree of certainty. Production, eradication, seizures and arrests are not static from year to year and are significantly affected by changes in government, governmental policy, weather and enforcement emphasis. In Asia, for example, the single most important factor concerning production is the weather. The 1979 and 1980 opium harvests in the Golden Triangle were reduced to approximately 200 metric tons (less than one-third of subsequent harvests) because of drought conditions. Since the drought years, the Golden Triangle has enjoyed three bumper opium crops. The importance of Southwest Asian heroin on the international market is largely relative to weather conditions in the Golden Triangle.

Traditional weaknesses in data and inconsistency in methodology are exacerbated by the early reporting date required by Public Law 98-164. The requirement for an annual report concerning the previous fiscal year to be submitted to Congress by February 1 is impossible to meet if we are to make full use of all data which are normally used in developing estimates. A major component of the data base, especially as it concerns eradication, arrests and seizures, is derived from host government statistics which are not available by U.S. Government fiscal year, but are available by calendar year. Because we must report on a calendar year basis, the February 1 deadline does not allow sufficient time for full collection, transmittal and analysis of year-end data. This problem could largely be corrected by changing the reporting date to March 15 when most calendar year data are available.

In conclusion, I will note that the most significant developments highlighted in the INC Strategy Report are perhaps the increased initiatives being undertaken by governments around the world to reduce their drug abuse and production problems. Many of these initiatives are related to greater awareness by foreign governments of their own internal drug abuse problems, an awareness which will be heightened by continued refinement of our knowledge concerning the worldwide drug situation.

Thank you for this opportunity to summarize the key elements involved in the development of intelligence estimates for the INC Strategy Report. We welcome the active involvement of the Congress in the efforet to reduce the supply of illicit drugs from foreign sources, and we will continue to do everything possible to provide the information necessary to support the decision making process. I shall be pleased to answer any questions you or other members of the Committee Task Force may have.

Statement of Richard A. Derham, Assistant Administrator, Program and Policy Coordination for Agency for International Development

Mr. Chairman, I am Richard A. Derham, Acting Assistant Administrator for Program and Policy Coordination in the Agency for International Development. It is a pleasure to appear before you today to update you on our efforts to reduce production of illicit narcotics overseas.

A.I.D. is acutely aware of its responsibilities to help reduce the cultivation of illicit narcotics that affects 15 million Americans who use cocaine and 500,000 American users of heroin.

A.I.D. continues to play an important role in support of the President's Federal Drug Abuse Strategy. We work closely with State/INM as part of the overall U.S. strategy in coordinating our activities to ensure a proper response to the problem of narcotics cultivation in countries where we have programs.

Eliminating the production of narcotics is, in part, a development problem. Large scale cultivation of illicit drugs takes place in developing countries usually by farmers who are extremely poor. In general, there is no one crop that can provide a viable economical alternative to those farmers who have traditionally produced narcotics. Efforts at reducing the production of narcotics are further complicated by the remoteness of the growing areas and the strength of local social and cultural traditions.

The Gilman Amendment, Section 126 of the Foreign Assistance Act, instructs A.I.D. to "give priority consideration to programs which would help reduce illicit narcotics cultivation by stimulating broader development opportunities."

We continue to evaluate our approaches to the problem of narcotics production in the developing world. We have an A.I.D. Narcotics Policy Coordinator who works with the regional bureaus to insure our program addresses the narcotics issue. We also have a new Director of Strategic Studies, Martin Howell, whose first project is to review A.I.D. activity in the narcotics reduction area. He will review our current course of action and make recommendations on possible enhancements to our existing efforts and identify new avenues by which to attack the problem.

I would like to come to you today with stories of A.I.D.'s instant success in increasing the income of the rural poor and reducing the production of narcotics. However, development is a long term effort and quick results are seldom achieved. Long term success in reducing the produciton of narcotics requires basic changes in the economic behavior of the regions where narcotics are produced. Long term success not only requires a commitment to that change, but a realization that is cannot be accomplished over night.

The successful implementation of enforcement and eradication efforts is a sine qua non for the success of an income substitute effort. Prerequisite for a successful program include the firm commitment of the host government to suppress narcotics cultivation coupled with its ability to project its influence into narcotics cultivation areas; without these, there is very little likelihood that U.S. assistance will result in any significant reduction of illicit drug production in any given country. Where eradication efforts are underway, A.I.D.'s development expertise can provide alternate crops, fertilizer, irrigation systems, and other resources to encourge enforcement of existing bans by host government authorities and acceptance of eradication by residents of the affected areas. The following countries are major producers of opium or coca in which A.I.D. has a presence.

PAKISTAN

In late FY 1983 the $20 million Gadoon-Amazai Area Development project as initiated, covering approximately half the current poppy cultivation area of the country. Poppy cultivation is well integrated in the local society, which is resource poor, and not self-sufficient in basic food grains. Poppies are grown in marginal land and there are a few obvious crop alternatives. Providing alternative sources of income will be a major undertaking, requiring significant investment in infrastructure, institutional development and human resources.

With this project, A.I.D. enters a new phase in its support of the poppy eradication policies of the U.S. and the Government of Pakistan, in which specific development programs may be directly linked to specific enforcement activities. Phase I of the Gadoon-Amazai project will produce immediate and highly visible benefits such as roads, potable water systems, school repairs and construction. It will also involve programs to increase production of wheat and provide seed and fertilizer to farmers. Phase II will involve long-range projects such as development of off-farm employment opportunities.

A.I.D. also assisted the Government of Pakistan in preparing a Special Development and Enforcement Plan for the opium producing areas for presentation at the December 1983 meeting of the Pakistan Consortium in Paris. The presentation was designed to enlist other donors in the narcotics control effort, and a number of multilateral and bilateral donors indicated they may become involved. The plan is designed to eradicate existing poppy cultivation throughout the Northwest Frontier Province and to prevent its resurgence or introduction into non-producing areas.

A.I.D. is a member of the U.S. Embassy Narcotics Coordinating Committee in Islamabad which acts to ensure a responsive and coordinative U.S. efforts. We currently have "poppy" clauses in agricultural, irrigation, rural electrification and energy projects. The A.I.D. mission has a full time narcotics project management officer who ensures that all projects in our portfolio contribute to narcotics reduction efforts to the maximum extent possible. Finally, we have worked with and will continue to offer assistance to INM in its-Malakand-area project.

THAILAND

Thailand's production of opium is limited. A.I.D. administers one project in Thailand that is indirectly related to achieving narcotics reduction objectives. The Mae Chaem Watershed Development project contains a "poppy" clause to prevent narcotics producers from obtaining development benefits, but it is primarily designed to increase income and access to social services for the residents of the watershed in Northern Thailand. The project is also intended to reverse environmental damage to the area caused by improper use of the areas resources. The total funding level of the project is $10 million and $3.1 million remains to be obligated. It is too early to evaluate impact of the project on narcotics production from Thailand.

BURMA

We do not currently have any A.I.D. programs in Burma. Moreover, preparation of a narcotics-related development project still seems premature in light of the Burmese interests in interdiction of narcotics traffic and suppression of opium production—activities that are the proper domain of State/INM. In addition, the poppy growing region is inaccessible and the safety of American personnel would not be certain.

Should an appropriate narcotics-related development project be found, A.I.D. would give it serious consideration. We will continue to discuss the situation in Burma with State/INM.

BOLIVIA

In Bolivia, A.I.D. is embarking on a new corp substitution effort in conjunction with an INM eradication program. The U.S. Government and Government of Bolivia entered into a Five-Year Coca Crop Control project in August 1983. Internal Bolivian political difficulties prevented the issuance of a decree creating the Bolivian agency responsible for narcotics-related development projects until mid-January. The Secretariat for the Development of the Bolivian Tropics is now in place and the way is clear for implementation of the five-year, $14.4 million Chapare Regional Development Project. The development project is supplemented by $20 million in infrastructure loans tar-

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geted for Chapare region. These loans will contain "coca" clauses to prevent benefits from flowing to coca growers.

The Chapare Regional Development Project will provide credit for both local agribusiness and to Chapare farmers cooperating with the INM-assisted coca eradication program. The availability of credit should help expand production and promote markets for commercial livestock, agricultural and forestry products from the Chapare Region.

PERU

A.I.D. and INM are engaged in an effort to reduce production of coca in the Upper Huallaga region of the Peruvian high jungle. The A.I.D. Upper Huallaga Area Development Project began in 1981. The project is providing a wide range of services to farmers in the region including alternative crops in the region such as rice, cocao, citrus fruits and coffee. Extension agents travel the valley providing farmers with improved methods. Agricultural credit is provided at self-sustaining rates to farmers who participate in INM's eradication efforts. The project is also providing roads and potable water systems to residents of the valley.

The GOP's budget constraints have resulted in a lack of counterpart funds, which in turn has slowed procurement of needed goods and services. Recently, the security situation in the valley has deteriorated. some farmers cooperating in the eradication effort have been killed. The estimate from sources in the field is that the project goals have been set back a year.

We remain dedicated to reducing production of coca and in providing alternative sources of income to farmers in the region. We look forward to continued discussions with INM on the most appropriate responses to the needs of the coordinated effort and to continued cooperation in achieving our shared goals.

I would be happy to answer any questions you may have at this time.

STATEMENT OF MATTHEW HENNESEY, ACTING DEPUTY ASSISTANT SECRETARY, DEVELOPING NATIONS, U.S. DEPARTMENT OF THE TREASURY

Mr. Chairman. I am pleased to appear before the Task Force on International Narcotics Control and to participate in the hearings you are conducting this morning. For five years, the Treasury Department has worked closely with the Department of State in identifying development assistance programs, including those of the multilateral development banks, which have an impact on illicit narcotics-producing regions of the world. A description of those programs has been included in the most recent inter-agency reports on these matters which, I understand, are being made available to the members of the Task Force.

At the outset, I would like to emphasize that the multilateral development banks are developmental institutions. Their basic purpose is to help promote economic growth and development in borrowing member countries. For this reason, although their activities are not specifically directed at narcotics control, they can have a very helpful corollary effect.

Let me begin by outlining very briefly the level and the nature of the assistance that has been provided by the multilateral development banks to some of the illicit narcotics-producing regions since 1975. I would also like to give you an idea of the levels of lending that are now under consideration for funding future projects in those regions. These levels of future funding are not firm. They are subject to change as the banks go through their project appraisal process. The information is taken from listings of projects appearing in operational summaries which are published monthly by the banks.

Mexico has been the largest single recipient of this assistance. Since 1975, its narcotics-producing regions have received $2,367.5 million in loan commitments with an additional $952 million currently under consideration for other projects in the pipeline. I want to emphasize that these figures do not represent multilateral development bank lending totals for the entire country. They apply only to those lending programs which affect specific states which have been identified as including illicit narcotics-producing regions. In the case of Mexico, these states include, among others, Chiapas, Chihauhua, Durango, Guerrero, Hidalgo, Oaxaca, Jalisco, Sonora, Sinoloa, and Veracruz.

Other recipients of relatively large amounts of lending are Peru, Thailand, and Pakistan. Peru, which has very important sources of coca, has received $536.5 million in loan commitments to its narcotics-producing regions since 1975. Another $40.0 million is being considered for projects which will have an economic impact in Amazonas, Apurimac, Ayacucho, Cajamarca, Cuzco, and other departments which have been specifically identified as producers of illicit narcotics. Thailand, which has regions particularly well-known as a source of opium, has received $297.5 million in loans for those regions from the multilateral development banks with $136.1 in additional funds programmed for other projects. Pakistan, another significant source of illicit drugs, has already received $267.5 million in loans to its narcotics-producing regions and is expected to receive an additional $142.0 million for loans now under consideration by the banks.

The figures for loans affecting drug-producing regions in other borrowing countries are included in a summary that I have appended to this statement. The overall totals for all the countries involved is $4,199.6 million in loans already committed since 1975 and another $1,678.6 million in loans which are included in the monthly operational summaries of the banks. It should be kept in mind that in some instances a portion of loan proceeds may have been utilized in areas outside these regions; but, by and large, the figures are as close as we can come to estimating the overall flow of development assistance to the drug-producing regions. Almost all of the loans are for agriculture or agricultural-related purposes. This could include loans for integrated rural development, those for credit programs in the agricultural sector and those for construction or reconstruction of irrigation works.

To the extent they have disbursed, these loans have all had a positive economic impact on drug-producing regions of the borrowing countries. It is fair to conclude as well, I believe, that they have helped efforts directed at reducing or at least holding down the rate of increase of illicit narcotics production.

The fundamental objective of the multilateral development banks is to promote greater economic growth and development in their borrowing member countries. Individual projects are selected on the basis of their economic viability. The critical factors are the highest economic rate of return and a calculation of the benefits that can be achieved for the largest number of people. Agricultural projects, in particular, are designed to increase production levels and to provide larger employment opportunities for poor people in rural areas. It seems to me that programs of this kind cannot help but have a very positive effect on other efforts to control the production of illicit narcotics.

However, there are some limitations on what can be done in support of the control programs. These limitations are well-known to members of the Task Force, I am sure. To cite one example, the income generated by a poppy crop in Thailand is substantially higher than the income that could be generated by other crops that might be substituted in the same environment such as fruits and vegetables. Moreover, the margins of profitability in the opium trade are very wide and they could easily absorb significant increases in producer prices and still compete very effectively with substitute crops. Finally, in many instances, the poppies are grown by politically disaffected people or by insurgency groups who do not have security of tenure on the land they are cultivating. All of these factors could have very large implications for the success of crop substitution proposals.

In the countries we are talking about today, agricultural projects located closer-in and in relatively more populated areas would presumably have higher rates of return and benefit more people than projects in the remote and more thinly-populated narcotics-producing areas. Obviously these are factors which have to be taken into account when loan applications are made to the mutilateral development banks. We all agree, I believe, that the banks should continue to take these factors into account when they carry out their appraisals of project proposals.

To sum up, Mr. Chairman, over the past five years the multilateral development banks have committed substantial amounts of funding for projects located in illicit narcotics-producing regions. It is difficult to make a direct linkage between the implementation of any one of these projects and the success of specific programs to control or curtail the production of illicit narcotics. At the same time, I do believe that the banks help the overall situation in those regions very materially by increasing the range of economic opportunities and by providing alternative forms of employment.

The multilateral development banks have every reason to support strongly increased efforts to control illicit narcotics production. As important agents for development, they seek to draw people into the licit economies of their borrowing member countries. They cooperate with each other and with other international agencies such as the United Nations Fund for Drug Abuse Control.

The Treasury Department has always encouraged these programs in the past. We are prepared to cooperate fully in the future, with both other parts of the Executive Branch and the Committees of the Congress.

MULTILATERAL DEVELOPMENT BANKS ASSISTANCE TO ILLICIT NARCOTICS PRODUCING COUNTRIES

The following chart lists the total amount of loans in the agricultural sector, approved and proposed through 1983, funded by the MDBs in narcotics growing regions of the main producing countries.

[In millions of dollars]

Country	Approved [1]	Proposed
Afghanistan:		
IBRD	43.0	
ADB	1.5	
Subtotal	44.4	
Bolivia:		
IBRD	38.0	13.0
IDB	50.2	34.0
Subtotal	88.2	47.0
Burma:		
IBRD		12.0
ADB	25.0	
Subtotal	25.0	12.0
Colombia:		
IBRD	235.0	51.0
IDB	138.7	95.0
Subtotal	373.7	146.0
Iran: No proposed loans in source areas.		
Jamaica:		
IBRD	33.0	15.1
IDB	41.9	40.0
Subtotal	74.9	55.1
Laos:		
IBRD		32.0
ADB	5.9	
Subtotal	5.9	32.0
Lebanon: No proposed loans in source area.		
Mexico:		
IBRD	1,626.0	450.0
IDB	741.5	502.0
Subtotal	2,367.5	952.0
Morocco:		
IBRD	76.0	115.4
AFDB	42.4	
Subtotal	118.4	115.4
Pakistan:		
IBRD	210.7	92.0
ADB	56.8	50.0
Subtotal	267.5	142.0
Peru:		
IBRD	160.0	40.0
IDB	376.5	
Subtotal	536.5	40.0
Thailand:		
IBRD	255.5	137.1
ADB	42.0	
Subtotal	297.5	137.1
Bank totals:		
IBRD	2,677.2	957.6
ADB	131.2	50.0
AFDB	42.4	
Grand total	4,199.6	1,678.0

[1] Approved loans date from April 1975 to December 1983.

STATEMENT OF DR. LAWRANCE J. KORB, ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER, INSTALLATIONS AND LOGISTICS, DEPARTMENT OF DEFENSE

INTRODUCTORY COMMENTS

Mr. Chairman, other members of the Task Force, I am pleased to appear before your panel to state the role of the Defense Department in curbing drug trafficking. We in Defense are very appreciative of the long-standing interest and support that the ranking minority Task Force member, Mr. Gilman, has provided to our drug abuse programs over the years. And, Mr. Smith has been active as both a member and guest of a number of other investigative and oversight panels examining our interdictive role. I am also pleased that Mr. Reid has joined this issue. His standing interest in the criminal implications of drug trafficking is well-known.

OUTLINE OF STATEMENT

In my statement, Mr. Chairman, I would like to cover four topics:

First, the changes in the law that have only recently allowed for more DoD participation.

Second, the types of assistance that DoD can provide and the costs involved in terms of readiness as well as budgetary considerations.

Third, I will cover our involvement in Operation BAT, recognizing that the full Committee conducted a study of the Bahamian situation in October 1983.

CLARIFYING THE POSSE COMITATUS DOCTRINE

Military assistance, whether under the auspices of PL 98-164 (State Department Authorization Act) and, more specifically, Section 1003, or other authorities, was better defined in December 1981 when the President signed PL 97-86, clarifying the Posse Comitatus Act (codified at 18 USC 1385). The changes added a new chapter to Title 18 of the US Code, giving DoD a new role in combating the entry of illicit drugs into the United States.

The law specifies major constraints on military assistance to drug enforcement.

Our assistance must be "passive" and "indirect".

Our support is based upon requests from the civilian law enforcement agencies—we do not take major initiatives in civilian enforcement activities.

These limitations will become clearer as I outline the allowable types of assistance.

Section 371 of Title 18 authorizes DoD to share information which is collected during routine military operations with qualified Federal, state, and local law enforcement officials.

The Secretary of Defense may, under Section 372 make facilities and equipment available to such officials.

While Section 375 bans direct participation of military personnel in drug enforcement arrest and seizure activities, Section 374 allows for personnel assistance under certain conditions.

Military personnel may be used to operate and maintain loaned equipment used for controlling air and sea traffic.

And, under emergency conditions, military personnel may provide bases of operations for Federal law enforcement officials outside the land area of the United States (I will discuss the Defense Department activities in the Bahamas later on.)

Finally, all assistance provided by DoD is subject to reimbursement considerations.

TYPES OF MILITARY ASSISTANCE

Having stated the authorities behind the expanded Defense role in drug enforcement, I would like to illustrate how law and policy operate in fulfillment of our responsibilities.

DoD provides assistance to drug interdiction efforts in addition to its in-house drug abuse prevention programs.

Interdiction has three components, each of which has a special meaning for Defense.

Detection and surveillance constitute the principal interdictive assistance functions of DoD. This activity is clearly passive and indirect, therefore posing no conflict with either the statute, or Congressional intent found in the legislative history to PL 97-86.

Interception—Having located a suspect, effective interdiction requires the means to intercept it. Here DoD's role is largely limited to the provision of certain types of equipment, largely aircraft. However, the Navy, which is exempt from Posse Comitatus, complies as a matter of policy. Under Coast Guard direction, it has used force to stop certain suspect vessels on the high seas. The use of violent force, I hasten to add, is limited to stateless vessels or to prior arrangements with the flag nation of the suspect vessel. Also, the Navy vessel must be acting under the maritime law enforcement authority of the Coast Guard.

Arrest and seizure—DoD plays no role in this area of interdiction—with the sole exception mentioned above regarding Navy use of force on the high seas.

At this juncture, Mr. Chairman, I would like to cover specific types of assistance. To aid this effort, I have appended tables of assistance from each of the military departments to this statement, and will summarise them for you.

Over the past fiscal year, the Army, Navy and Air Force have provided nearly $6 million of help to all levels of the drug enforcement community, with the great part going to Federal agencies. For all services, more than 90 percent of all requests for assistance were approved, with disapprovals very closely monitored by my staff.

Generally such disapprovals involve requests which would violate the law—such as a request for military police to patrol a civilian park.

The major Defense systems engaged in drug enforcement activities include:

Navy E-2C "Hawkeye" surveillance aircraft with active and reserve crews which patrol the East and West Coasts, the Gulf Coast and the Southwest border.

Navy P-3 anti-submarine warfare aircraft from reserve and active forces fly well off shore covering Caribbean approaches and Atlantic trafficking lanes.

The Air Force, too, rigorously committed itself in fiscal year 1983 to the drug effort:

35 AWACS missions were flown at a non-reimbursable cost of nearly $800,000, while 55 B-52 sorties were also made.

22 C-130 missions were also launched, largely in the Gulf area.

Third, in the Bahamas, 650 helicopter missions, leading to seizures of more than $250 million of drugs, were flown in seven months.

In all, the Air Force provided 762 missions, or thousands of flight hours, at a non-reimbursable cost of more than $1 million.

The Army has been more active in lending equipment:

Four state-of-the-art Blackhawk helicopters and four Cobras have been loaned to the Customs Service.

AREAS OF DEPLOYMENT

Security requires that I discuss the geographical deployment of military assistance in generalities, Mr. Chairman, but I am always prepared to provide you with detailed information in a protected forum. In brief, the deployments can be summarily presented as follows:

DoD provides military personnel to the six regional centers of the National Narcotic Border Interdiction Systems.

Coast Guard law enforcement teams are deployed with individual ships or flotillas operating along U.S. coastlines or in Latin and South America. Together, ship as well as Navy installation radars guard the Yucatan and Windward passages. Mobile Marine Corps radars are provided when available on request along our borders. And, in Key West and the Gulf, Navy hydrofoils are engaging traffickers.

Balloon-borne radars, called "aerostats," guard the Flordia coast and approaches from Cuba and the Bahamas.

Backing up this already impressive array of equipment and surveillance aircraft is DoD's commitment to future strategy developments.

Along land-locked borders, we have deployed Army, Navy, and Marine Corps aircraft, to monitor potential incursions from Mexico.

Also of great importance is the effort made by my staff to bolster cooperation with state and local law enforcement officials as well. To date, my staff has met with many Law Enforcement Coordinating Committees and U.S. Attorneys to explain DoD assistance policies. Such meetings have been held in Maine, New York, Virginia, North Carolina, Florida, Tennessee, Oklahoma, Mississippi, Louisiana and California.

My intention, Mr. Chairman, is to demonstrate the Defense Department assets and assistance in all forms make a difference in the effectiveness of the air drug interdiction program. Regrettably, however, although seizures have risen sharply since we have joined the drug battle, there is reportedly more trafficking, growing geometrically against our efforts. The American market demand for illicit drugs provides a powerful incentive for domestic and foreign criminal elements.

OPERATION BAT (BAHAMAS AND TURKS): PART OF DOD'S ZONE DEFENSE

Although Section 1003 of the State Department Authorization Act (PL 98-164) does not apply directly do DoD, our support to the drug enforcement agencies acting under this law may be characterized as an "outer zone" or secondary defense. Our assistance becomes important when other in-country methods to prevent crop cultivation and distribution overseas fail. But the "outer zone" defense also pertains where a country becomes so overrun that it is unable to cope—this is the case in the Bahamas where DoD is assisting DEA.

In January 1983, I sent my Principal Deputy to the Bahamas to investigate complaints of faltering communications equipment and poor aviation assistance. Within thirty days after that visit, I sent a DoD Military Evaluation Team to do a complete survey of all needs; they were told to prepare an assistance package for DEA.

By May, an Air Force special operations warfare unit was operating on site with Navy assistance. A communication plan was completed by the end of the summer, with the State Department agreeing to procure ground communications equipment by December. The Defense Department, and especially the Air Force, Mr. Chairman, has responded to the Bahamian situation in a manner consistent with the finest, wartime traditions:

The Air Force made far-reaching adjustments in training scheduling to avoid an adverse impact on readiness.

Dedicated Air Force crews worked around the clock to keep the unit available despite significant hardships and the operational inefficiencies of operating far from the home station.

And, on January 9, 1984, three Air Force members made the supreme sacrifice when they along with a DEA agent and Bahamian police officer were killed in an aviation accident.

Mr. Chairman, the Defense Department remains unwavering in its commitment, and has programmed a replacement for the helicopter lost during a mission.

I know that the Task Force on International Narcotics Controls is also interested in DoD activities to protect American military personnel overseas. I would like to add that the status of Forces Agreements (SOFA) in NATO, bilateral accords elsewhere, and the imperative of sovereignty govern our conduct in this regard. The host nations, often operating with DEA, develop strategies which reach to the protection of American service people. However, we have been asked to assist DEA and host governments in South Korea and Greece and, under the law, are able to do so. Within DoD, of course, our drug abuse prevention program is extensive, costing $76 million in FY 83 during which time there were also 51,000 non-judicial punishments and 6,000 courtmartials for drug abuse offenses.

SUMMARY

In closing, Mr. Chairman, I wish to reiterate DoD's support of the drug enforcement community. In this regard, I have organized at Department level our own Task Force on Drug Enforcement, headed by a highly respected Army Lieutenant General. His mandate is to assure me, the Secretary of Defense, and the President, that we are doing all that is feasible in this area. He and his staff are always available for consultation with Members, committees and staffs of Congress.

What we ask in return is recognition of the need for us to balance requests for assistance with budgetary restraint, readiness implications, and national security mission imperatives.

Thank you for the privilege to appear before the Task Force, Mr. Chairman. I would be pleased to take questions from any of the distinguished Task Force members.

TABLES OF MILITARY ASSISTANCE FOR FISCAL YEAR 1983

U.S. ARMY

I. Major areas of deployment

A. Southwest U.S.—Aircraft and radar units.

B. Southeast U.S.—Aircraft for on-shore and off-shore surveillance.

II. Types of support (approved requests)

	Number	Total costs	Reimbursable	Paid
A. Facilities use	46	$1,200	$1,200	$1,200
B. Information	84			
C. Equipment (2 denied)	37	80	NA	
D. Mission support (aircraft, NNBIS personnel) (6 denied)	27	156,000	9,000	9,000
E. Training (2 denied)	37	40	NA	
F. Personnel (1 denied)	1			
G. Maintenance of loaned aircraft	NA	329,000	329,000	329,000
1. Border Patrol				
2. U.S. Customs Service		60,000	60,000	44,000
Total		546,320	399,200	383,200

III. Summary requests

Total, 252; approved, 232; denied, 11; pending, 9.

PROJECTIONS FOR FISCAL YEAR 1984

U.S. NAVY

Northeast—Aerial surveillance.

Southeast—Aerial and maritime surveillance.

Bahamas and Caribbean—Facilities; aerial, maritime surveillance; Coast Guard boarding party support; installation radars.

Southwest—Border Patrol.

Far West—Aerial and maritime surveillance.

II. Types of support—Aviation

Atlantic forces: E-2C, OV-10D, P-3/S-3.

Pacific forces: E-2C/B, OV-10D, P-3/S-3.

Reserve forces: P-3.

AVIATION SUMMARY

FY 1983: 3,000 flight hours were flown; $4 million incremental costs were incurred.

OTHER

Loan and training in the use of spare equipment.

Temporary custody of prisoners at Naval Air Station (NAS) Guantanamo Bay, Cuba while awaiting transportation.

Escorting/towing vessels seized by the Coast Guard.

Maintaining lookout for suspect vessels identified by the Coast Guard.

Use of shore-based air-search radars to detect and track suspicious aircraft. This amounted to over 1,000 hours in FY 83, mostly at NAS, Guantanamo Bay.

Providing personnel to help man the National Narcotics Border Interdiction System (NNBIS) regional centers.

Making available rifle and pistol ranges for agent proficiency training and "burn" pits to destroy illicit contraband.

Providing logistic support and replenishment at sea for Coast Guard ships.

U.S. AIR FORCE

I. Major areas of deployment

A. Southwest US (TX-OK-Western Gulf).

B. Southeast (off-shore coast, FL, Gulf-coast).

C. Bahamas and Caribbean.

II. Types of support

Aviation	Missions	Costs	Reimbursement	Paid
A. E-3 (AWACS)	35	807,000	NA	
B. B-52 (Busy observer)	55	(¹)	NA	
C. UH-IN (OPSBAT)	650	142,000	NA	
D. C-130	22	(¹)	NA	
Total	762	949,000	NA	

¹ Unavailable.

IT IS TIME FOR A FAIR EMPLOYMENT CODE FOR U.S. BUSINESSES IN SOUTH AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. SOLARZ) is recognized for 5 minutes.

● **Mr. SOLARZ.** Mr. Speaker, recently the House adopted legislation which I had introduced which would require U.S. businesses in South Africa with more than 20 employees to follow a fair employment code that would bar discriminatory treatment of employees based on their race or national origin.

During the debate on the Export Administration in the Senate, Senator HATCH inserted into the RECORD a report which attempted to show that the fair employment code in my legislation, which is modeled on the Sullivan code and the European Economic Communities' fair employment code, far exceeded existing U.S. labor law and practices.

To clarify this issue, I asked the American Law Division of the Library of Congress to prepare an analysis of my legislation and U.S. law and labor practice. Today I am inserting this report into the CONGRESSIONAL RECORD so that my colleagues will understand that the policies embodied in title III of the Export Administration Act, are indeed based on U.S. labor law and practice with two modifications necessitated by South Africa's policy of apartheid. In South Africa, the influx law and the Group Areas Act require blacks to obtain government passes to be able to travel or even seek work outside of the homelands to which the government has assigned all blacks regardless of where they were born.

Another argument, raised by opponents of the House legislation imposing mild sanctions upon the Government of South Africa until that nation makes progress in eliminating the evil of apartheid, is that black trade unions in South Africa are unhampered but in fact mass dismissals of strikers and arrests of organizers and trade union leaders are commonplace events in South Africa. Congressman HOWARD WOLPE, the outstanding and well-informed chairman of the House Subcommittee on Africa, explained the plight of black trade unionists to Senator HATCH last January.

Again, those who favor no action to indicate our Nation's abhorrence of apartheid claim that American businesses, particularly those who have signed the voluntary Sullivan code, have uniformly performed in the most exemplary manner in providing equal pay, employment, and advancement opportunities for their black workers. Reverend Sullivan, the author of the fair employment code first established in 1977, has twice testified before the Congress that only a mandatory fair employment code, such as the one passed by the House, will insure that all South African black employees of U.S.-controlled firms are treated justly. Sullivan testified, for instance, that in 1982 half of the Sullivan signatories in fact gave the code only lip-service.

Finally, let us remember that since 1978, the Congress has required the Department of State to evaluate whether South African firms wishing to receive Export Bank loans are making progress toward implementing a fair employment code—based on the Congressman Evans amendment to the Export Bank Reauthorization Act of 1978. Thus, the State Department has some experience in monitoring employment practices.

Mr. Speaker, because of the extreme importance of the issue of apartheid, I ask that the full text of the American Law Division report be inserted. I urge my colleagues concerned about the need for racial justice in South Africa to continue to support the enactment of the modest economic sanctions and fair employment code contained in the House version Export Administration Act so that those blacks and whites working for peaceful change in South Africa will know that the United States, the world's foremost democracy and champion of human rights has not forgotten them.

LABOR STANDARDS FOR U.S. EMPLOYERS IN SOUTH AFRICA UNDER H.R. 3231, 98TH CONGRESS

This report sets forth a review of the labor standards provisions of Title III of the proposed "Export Administration Amendments Act of 1983," as passed by the House of Representatives on October 31, 1983, H.R. 3231, 98th Cong., 1st Sess. (1983). Title III is individually captioned the "United States Policy Toward South Africa Act of 1983." This review focuses on the analysis prepared by Labor Policy Association, Inc., on January 30, 1984 entitled "Special Memorandum: XII-I, Re: Analysis of Title III of H.R. 3231—the Export Administration Amendments Act of 1983." (Reference will be made to the foregoing analysis as "LPA Analysis"; references to H.R. 3231 will be to "the bill" or "the proposed bill.")

It is stated by the LPA Analysis that the labor standards in Title III of H.R. 3231 are inconsistent with U.S. law and practice in several important respects. On the other hand, the House Foreign Affairs Committee report accompanying the bill stated that the labor standards principles would not require a different or higher standard of behavior for U.S. employers in South Africa than required for U.S. employers in the United States. H.R. Rep. No. 257, Pt. 1, 98th Cong., 1st Sess. (1983). These specific points of contention are set forth in the remainder of this report.

1. Section 312(a)(1): Desegregation in Employment Facilities. It is noted in the LPA Analysis that there is no inconsistency between this section and U.S. law.

2. Section 312(a)(2): Equal Employment. The LPA Analysis notes that, in general, there is no inconsistency between this provision and U.S. law. It is stated, however, that section 312(a)(2)(A) differs from U.S. law "because it requires that any health, accident or death benefits be open to all employees, both salaried and hourly," and that under U.S. law distinctions may be based on salaried or hourly status.

The language of the bill actually provides that benefit plans must be "nondiscriminatory and open to all employees, whether they are paid a salary or are compensated on an hourly basis" (emphasis added.) Although U.S. law permits distinctions based on hourly or salaried status, such distinctions are not permitted where such status is accorded in a racially discriminatory manner. Under one U.S. discrimination case, for example, the employer granted paid vacation to salaried employees, all of whom were white, but granted no vacations to hourly employees, the great majority of whom were black. The court found that the employer had discriminated against the black hourly paid employees because of race. *Williams* v. *Yazoo Valley/Minter City Oil Mill*, 469 F. Supp. 37, 52 (N.D. Miss. 1978). The actual language used in H.R. 3231 appears to incorporate this doctrine by requiring nondiscriminatory benefit plans; distinctions based upon hourly salaried status would not be permittted if those distinctions were based upon race. The bill does not appear to bar nondiscriminatory distinctions based on hourly or salaried status.

3. Section 312(a)(3). Equal Pay for Equal or Comparable Work. The LPA Analysis states that this section, which requires equal pay for all employees doing equal or comparable work, is in direct conflict with U.S. law. Reference is made to the Equal Pay Act of 1963, to the Supreme Court's decision in *County of Washington* v. *Gunther*. 452 U.S. 161 (1981), and to the District Court's decision *AFSCME* v. *State of Washington* (D. Wash., Dec. 14, 1983). These cases, however, dealt with the question of pay classifications based on sex rather than race. Defendants had argued that the equal pay for equal work standard of the Equal Pay Act limited pay claims under Title VII. It was not contended that pay differentials based on intentional racial discrimination were involved.

Moreover, in *County of Washington* v. *Gunther*, the Supreme Court did hold that the prohibition of sex-based wage discrimination in Title VII of the Civil Rights Act is not restricted to claims of equal pay for equal work, but extends to claims that lower wages were paid to females because of intentional sex discrimination, even though no member of the opposite sex held equal but higher paying jobs. In short, the Court held that Title VII prohibits an employer from paying lower wages to females in jobs that are comparable but not equal to jobs held by males, where part of that differential in pay is attributable to intentional sex discrimination. The sole issue resolved by the Court in *Gunther* was that failure to satisfy the "equal pay for equal work" standard of the Equal Pay Act (29 U.S.C. § 206(d)) could not in itself preclude a proceeding for discrimination under Title VII. In other words, an employer who intentionally paid women a lower wage for jobs which were comparable in worth to different jobs held by men would not violate the Equal Pay Act, since the jobs were not equal. That employer, however, would violate Title VII, which makes it unlawful for any employer to discriminate against any individual with respect to compensation because of sex (29 U.S.C. § 2000e-2).

The Court in *Gunther* did not deal with the claim of comparable worth, but did permit the claimants to attempt to prove by direct evidence that their wages had been depressed because of international discrimination "consisting of setting the wage scale for female guards, but not for male guards, at a level lower than its own survey of outside markets and the worth of the job warranted." 451 U.S. at 166.

In the light of this background, the principles embodied in the proposed bill appear to be consistent with U.S. law. The bill would require the employer to establish equal pay for all employees doing equal or comparable work. As the Supreme Court has indicated in Gunther, U.S. employers are barred by Title VII from discriminatorily establishing systems of unequal pay for work of equal or comparable worth. The proposed bill clearly indicates that its equal pay standard means equal pay without regard to race. The bill requires:

(A) establishing and implementing, as soon as possible, a wage and salary structure which is applied equally to all employees, regardless of race, who are engaged in equal or comparable work;

(B) reviewing the distinction between hourly and salaried job classifications, and establishing and implementing an equitable and unified system of job classifications which takes into account such review; and

(C) eliminating inequities in seniority and ingrade benefits so that all employees, regardless of race, who perform similar jobs are eligible for the same seniority and ingrade benefits (emphasis added). Employers are thus required, under both existing U.S. law and under the proposed bill, to refrain from classifying or compensating employees in such a way that the differential in compensation for work of equal or comparable value is based upon the race of their employees.

It is further noted by the LPA Analysis that the bill "requires that employers review the distinction between hourly and salaried job classifications, and implement an equitable and unified system of job classification. This would result in government intervention in the evaluation and classification of employees which is directly contrary to the Equal Pay Act." As a full review of the proposed language indicates, the employer is required to develop a wage and salary structure "which is applied equally to all employees, regardless of race;" in addition, the employer must review the distinction between hourly and salaried employees and take that review into account in classifying jobs; and must eliminate inequities in seniority and ingrade benefits that are based on race. The obligation established by the bill would appear to be substantially the same as an employers obligation under U.S. law to refrain from practices which "discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment, because of such individual's race * * *" or which "limit, segregate, or classify his employees * * * in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race * * *". 29 U.S.C. § 20003-2(a).

In summary, it is unlawful under U.S. law, and would be unlawful under the proposed bill, for an employer intentionally to classify employees on an hourly and salaried on the basis of race; to establish discriminatory job classifications or to pay black employees at a lower wage scale than the worth of their jobs would warrant; or to maintain a seniority or ingrade benefits system that discriminates on the basis of race.

4. Section 312(a)(4): Minimum Wage Related to Cost of Living. The LPA Analysis states the H.R. 3231 "would require that minimum wage and salary structure be based upon a cost-of-living index".

It is clear that U.S. employers are subject to the statutory minimum wage established by the Fair Labor Standards Act of 1938. This minimum was initially set at 25 cents per hour in 1938 and has been gradually increased statutorily by Congress in successive amendments to its present rate of $3.35 per hour, effective January 1, 1981. 29 U.S.C. § 206(a)(1). The rate has been increased statutorily by Congress in response to increases in the cost-of-living index and the inflation rate, but has not been indexed to any rate.

The proposed bill adapts this principle to South Africa by requiring establishment of "a minimum wage and salary structure based on a cost-of-living index which takes into account the needs of employees and their families." (emphasis added). The bill does not mandate a specific minimum wage, as does U.S. law, and does not mandate periodic increases in such a rate. It does require employers to take employee needs into account in setting wages.

5. Section 312(a)(5): Increase in Representation of Blacks in White Collar Positions. Section 312(a)(5) mandates "increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs." The bill suggests several methods of accomplishing this goal, including training, recruiting, education, and time tables. It is stated by the LPA Analysis that this provision "exceeds U.S. law by requiring affirmative action in all circumstances."

It should be noted that the bill does not use the term "affirmative action" and does not impose numerical goals, percentage goals, or quotas. It should also be noted, moreover, that a substantial number of large U.S. corporations are subject to the affirmative action requirements of Executive Order 11246 in connection with government contract work.

6. Section 312(a)(6). Improve the Quality of Life Outside the Work Environment. This section, as noted in the House Report, does not correspond to U.S. labor law.

7. Section 312(a)(7): Recognition of Labor Unions and Implementation of Labor Practices. It is noted by the LPA Analysis that section 312(a)(7)(A), which establishes organizational rights, is virtually identical to the provisions of section 7 of the National Labor Relations Act (NLRA) (29 U.S.C. § 157). The Analysis also notes that the practices enumerated in section 312(a)(7)(B) (i)-(v) are nearly identical to the employer unfair labor practices found in section 8(a) of the NLRA (29 U.S.C. § 158(a)).

It is stated, however, that section 312(a)(7)(C) of the bill "represents a substantial departure from U.S. law" insofar as it permits reasonable access to employer premises by nonemployee union organizers. As the LPA Analysis itself notes, U.S. labor law does permit union access if there are no other "available channels of which will enable it to reach the employees through reasonable efforts." In *NLRB* v. *Babcock and Wilcox*, 351 U.S. 105, 112 (1956), the Supreme Court held that an employer may validly post his property against nonemployee distribution of union literature if reasonable efforts by the union through other available channels of communication will enable it to reach the employees with its message * * *." The Court also stated that "when the inaccessability of employees makes ineffective the reasonable attempts by nonemployees to communicate with them through the usual channels, the right to exclude from property has been required to yield to the extent needed to permit communication of information on the right to organize. 351 U.S. at 172.

The language of the bill is therefore substantially similar to existing U.S. law as interpreted by the Supreme Court. The bill provides for reasonable access at reasonable times, while U.S. law permits the National Labor Relations Board to order access if no reasonable alternatives are available. The right of access by nonemployees to an employer's premises under the proposed bill is therefore subject to the requirement of reasonableness, just as under U.S. law. Although the provision is not found in the NLRA, it would appear to be consistent with the policy of the Act.

Moreover, the hearing record accompanying the proposed bill contains testimony supporting the need for reasonable access and noting the difficulty often encountered by workers in gaining access to representation information:

> These provisions * * * provide for avenues of communication which are an essential prerequisite to the realization of self-organization rights. These provisions of the Solarz bill are particularly important in a country like South Africa where access to black townships may be denied union organizers, thus making recruitment at the workers' homes particularly difficult, and emphasising more the need for contact at the work place which is provided for by the Solarz bill. It has long been recognised in the West that communication at the work place is particularly important in connection with the right of workers to freely organise. This is especially true in South Africa.

Prepared Statement of William B. Gould, Professor of Law, Stanford Univ. Law School, in U.S. Corporate Activities in South Africa, Hearings and Markup before Subcomms. of Comm. on Foreign Affairs 146, 97th Cong., 2d Sess. (1982).

It is also stated that section 312(a)(7)(D) exceeds the requirements of the NLRA by demanding those covered take steps to insure "recognizing labor unions and implementing fair labor practices including * * * allowing employee representatives to meet with employer representatives during working hours without loss of pay for purposes of collective bargaining, negotiation of agreements, and representation of employee grievances."

Under the NLRA, payment of employees for time spent in serving as union representatives on matters directly relating to the bargaining unit is a mandatory subject of bargaining, as is the payment of wages for time spent in bargaining sessions by employee members of a union negotiating team. See Fed. Reg. of Emp. Svc. §§ 59:54 (1979). This means that a union may bargain to impasse and engage in concerted activity over such demands. Moreover, the NLRA expressly states in section 8(a)(2) "an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay." Thus, while official time for union representation is not expressly mandated by the NLRA, unions are permitted to strike to obtain that benefit, and employers are not penalized for granting it.

In the context of South Africa, moreover, the hearing record accompanying the proposed bill (set forth above) indicates that "communication at the work place is particularly important in connection with the right of workers to freely organize. This is especially true in South Africa."

The proposed bill, in section 312(a)(7)(E), provides for "regularly informing employees that it is company policy to consult and bargain collectively with organizations which are freely elected by the employees to represent them." It is objected that "there is no similar notification requirement under the NLRA absent a finding of an unfair labor." The LPA Analysis notes, however, that one of the conventional remedies ordered by the NLRB in unfair labor practice cases has been the requirement that the respondent post notice that it will cease and desist from the unfair labor practice in question. This type of notice, in response to an unfair labor practice finding, is only one of the many posting-of-notice requirements presently applicable to U.S. employers under existing labor and employment discrimination statutes. Employers must post notices of minimum wage, overtime, equal pay and child labor requirements under the Fair Labor Standards Act (29 C.F.R. § 516.4); safety and health requirements under the Occupational Safety and Health Act (29 U.S.C. § 657(c)(1)); nondiscrimination requirements under title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e-10); and age discrimination provisions (29 U.S.C. § 627).

Federal contractors must post notice under Executive Order 11246, (41 C.F.R. § 60-1.41); the Vietnam Veterans Readjust-

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ment Assistance Act of 1974 (41 C.F.R. § 250.4); the Rehabilitation Act of 1973 (41 C.F.R. § 60-741.3); the Davis-Bacon Act (40 U.S.C. § 276a(a)); the Walsh-Healey Act (41 C.F.R. § 50-201.1); and the Service Contract Act of 1965 (29 C.F.R. § 4.6(e)). Most employers are also subject to state laws requiring posting of notice of workers compensation, unemployment insurance benefits, and other state labor laws.

In light of the wide variety of requirements imposed on U.S. companies by U.S. legislation, it may be argued that the notice-posting requirements imposed by the proposed bill do not appear to impose a higher standard than domestic law. Moreover, it may be noted that notification by affected employers is one of the few available means of communicating the relevant provisions U.S. laws to South African employees who otherwise may have little or no access to those provisions.

It is also stated in the LPA Analysis that the notification requirement "can be read as requiring continuous bargaining or consultation notwithstanding the terms of a collective bargaining agreement." It is difficult to see how this requirement could be read into the language of the bill, since the bill's language simply tracks the language of proposed section 312(a)(7)(B)(v), under which employers must refrain from "refusing to bargain collectively with any organization freely chosen by employees under this paragraph." This language in turn is based on section 8(a)(5) of the NLRA. 29 U.S.C. § 158(a)(5).

It is also stated that "the obligation to consult and bargain under Section 312(a)(7)(E) "is with all 'organizations which are freely elected by employers to represent them.'" (emphasis in original). It should be noted that the underscored word "all" does not appear in language of the bill. The language of section 312(a)(7)(E) does not require bargaining with all organizations, but instead merely requires employers to "inform" employees that it is company policy to comply with the statutory requirements to consult and bargain collectively with elected employee representative organizations.

Finally, it is stated that section 312(a)(7)(F) of the bill would require that "employers and employee representatives select impartial persons to resolve election, grievance, negotiation or other disputes." It should be noted that the proposed language actually requires "utilizing impartial persons *mutually agreed upon* by employer and employee representatives to resolve disputes concerning election of representatives, negotiation of agreements or grievances arising thereunder, or any other matters arising under this paragraph." (Italic added).

As the underscored language indicates, the appointment of impartial persons to resolve disputes is subject to the consent of both parties. This impartial dispute resolution provision is clearly consensual process open to the parties as a substitute for international litigation under the enforcement provisions of the Act. The U.S. national labor policy with respect to grievance arbitration is set forth in section 203(d) of the Taft-Hartley Act:

> Final adjustment by a method agreed upon by the parties is hereby declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective-bargaining agreement. 29 U.S.C. § 173(d).

This policy is congruous with the requirement of the proposed bill to utilize neutrals mutually agreed upon by the parties to resolve disputes. The scope of the dispute resolution procedure proposed in the bill also includes representation and negotiation disputes, in view of the fact that the bill does not include the administrative and judicial enforcement mechanisms available under U.S. law.

In summary, a review of the labor standards established by Title III of H.R. 3231 permits the argument to be made that the bill does not require a different or higher standard of behavior for U.S. employers in South Africa than required for U.S. employers in the United States. As the foregoing discussion has indicated, each provision of the labor standards could be said to have a related provision in U.S. law. The following requirements of the bill are found in U.S. law:

(A) Desegregation of employment facilities;

(B) Equal employment;

(C) Equal pay;

(D) Minimum wage;

(E) Increasing minority representation in higher jobs; and

(F) Labor union representation.

In virtually every respect, the requirements of the proposed bill appear to be weaker and more limited than the comparable requirements of U.S. law. The bill does not provide the elaborate administrative enforcement procedures available through the National Labor Relations Board, the Equal Employment Opportunity Commission, or the Department of Labor. While U.S. discrimination law covers age, sex, national origin, and religion, the provisions of the proposed bill are confined to discrimination on the basis of race. It can therefore be argued that, on balance the proposed bill would not impose a higher standard on U.S. employers in South Africa than on domestic employers.

VINCENT E. TREACY,
Legislative Attorney,
American Law Division. ●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. BOLAND (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. FRENZEL (at the request of Mr. MICHEL), for today after 12 o'clock, on account of official business.

Mr. MCKINNEY (at the request of Mr. MICHEL), for today and balance of the week, on account of illness in the family.

Mr. HORTON (at the request of Mr. MICHEL), for today after 12 o'clock, on account of official business.

Mr. BROOMFIELD (at the request of Mr. MICHEL), for today after 12 o'clock, on account of official business.

Mr. WINN (at the request of Mr. MICHEL), for today after 12 o'clock, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANKLIN) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS of Oklahoma, for 60 minutes, March 14.

Mr. BROYHILL, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. GILMAN, for 60 minutes, March 15.

(The following Members (at the request of Mrs. HALL of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RAY, for 30 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. HUGHES, for 5 minutes, today.

Mr. MOLLOHAN, for 60 minutes, on March 13.

Mr. FASCELL, for 5 minutes, today.

(The following Members (at the request of Mr. HUGHES) to revise and extend their remarks and include extraneous material:)

Mr. SOLARZ, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HAWKINS, and to include extraneous material notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $1,818.85.

(The following Members (at the request of Mr. FRANKLIN) and to include extraneous matter:)

Mr. WILLIAMS of Ohio.
Mr. RITTER in two instances.
Mrs. SMITH of Nebraska.
Mr. YOUNG of Florida.
Mr. MARLENEE.
Mr. MCGRATH in two instances.
Mr. FRENZEL.
Mr. GEKAS.
Mr. BEREUTER.
Mr. LOTT.
Mr. COUGHLIN.
Mr. DREIER of California.
Mr. FORSYTHE.
Mr. SHUSTER.
Mr. LUJAN.
Mr. SMITH of New Jersey in three instances.
Mr. CLINGER.
Mr. HYDE.
Mrs. ROUKEMA.

(The following Members (at the request of Mrs. HALL of Indiana) and to include extraneous matter:)

Mr. RANGEL in two instances.
Mrs. BURTON of California.
Mr. SKELTON.
Mr. MONTGOMERY.
Mr. LANTOS.
Mr. ANTHONY.
Mr. TORRICELLI.
Mr. GUARINI in two instances.
Mr. LEHMAN of California.
Mr. HOYER.

Mr. WIRTH in two instances.
Mr. DINGELL.
Mr. DONNELLY.
Mr. ACKERMAN.
Mr. LAFALCE.
Mr. MINISH.
Mr. BORSKI.
Mr. SISISKY.
Mr. OWENS.
Mr. BOUCHER.
Ms. KAPTUR.
Mr. COLEMAN of Texas.
Mr. WEISS.
Mr. SOLARZ.
Mr. DASCHLE in 10 instances.
Mr. JACOBS.
Mr. ROSE.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on March 7, 1984, present to the President, for his approval, bills of the House of the following title:

H.R. 1750. An act for the relief of Apolonio P. Tumamao and others;

H.R. 3655. An act to raise the retirement age for judges of the Superior Court of the District of Columbia and judges of the District of Columbia Court of Appeals; and

H.R. 4957. An act to apportion certain funds for construction of the National System of Interstate and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes.

ADJOURNMENT

Mr. HUGHES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, March 12, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2831. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's annual report on the total number of applications for conditional registration of pesticides, covering fiscal year 1983, pursuant to the act of June 25, 1947, chapter 125, section 29 (92 Stat. 838); to the Committee on Agriculture.

2832. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's "Preliminary Report to Congress on Training for Operators of Municipal Wastewater Treatment Plants," as required by House Report 98-264; to the Committee on Appropriations.

2833. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the central files function at the Naval Shipyard, Puget Sound, Wash., pursuant to 10 U.S.C. 2304 nt (Public Law 98-342, section 502(b) (98 Stat. 747)); to the Committee on Armed Services.

2834. A letter from the Secretary of the Air Force, transmitting a further report February 6, 1984 on the inertial upper stage (IUS) which addresses the unit cost breach incurred in exceeding its baseline unit cost by more than 25 percent, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

2835. A letter from the Secretary of Defense, transmitting supplemental information to the Department's report of March 1, 1984 concerning fiscal year 1983 congressionally authorized direct and indirect hire personnel employed in support of military functions, pursuant to Public Law 97-252, section 601(a); to the Committee on Armed Services.

2836. A letter from the Auditor, District of Columbia, transmitting a report of his office entitled, "Review of the District of Columbia General Hospital's Procurement Operation," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

2837. A letter from the Secretary of Education, transmitting the Department's concluding volume of the school finance study, "Federal Education Policies and Programs: Intergovernmental Issues in Their Design, Operation and Effects," pursuant to Public Law 95-561, section 1203(f); to the Committee on Education and Labor.

2838. A letter from the Secretary of Health and Human Services, transmitting a report on the health consequences of using alcoholic beverages, pursuant to 42 U.S.C. 290aa-4 (PHSA, section 505(a) (97 Stat. 178)); to the Committee on Energy and Commerce.

2839. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed manufacturing license agreement for the production in Pakistan of various high explosive projectiles for the Pakistan Army, pursuant to AECA, section 36(d) (90 Stat. 743); to the Committee on Foreign Affairs.

2840. A letter from the Director, Defense Security Assistance Agency, transmitting information on all outstanding letters of offer to sell any major defense equipment for $1,000,000 or more and a listing of all letters of offer for major defense equipment valued at $1,000,000 or more that were accepted as of December 31, 1983, pursuant to AECA, section 36(a) (90 Stat. 740; 94 Stat. 3134) and section 26(b) (92 Stat 740) (E.O. 11958); to the Committee on Foreign Affairs.

2841. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on its activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2842. A letter from the Administrator, Panama Canal Commission, transmitting a report on the Commission's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2843. A letter from the chairman, U.S. Merit Systems Protection Board, transmitting a report on the Board's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2844. A letter from the Director, ACTION, transmitting a report on ACTION's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2845. A letter from the Director, Equal Employment Opportunity Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2846. A letter from the Director, Equal Employment Opportunity Commission, transmitting the 1983 report on the Commission's compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2847. A letter from the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, transmitting a report on the committee's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2848. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on its activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2849. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the 1983 annual report on the Board's compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2850. A letter from the Solicitor, U.S. Commission on Civil Rights, transmitting a report on the Commission's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2851. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a report on the proposed plan for the use and distribution of Indian judgment funds awarded in the Docket 363 series before the U.S. Claims Court, pursuant to Public Law 93-134, sections 2(a) and 4; to the Committee on Interior and Insular Affairs.

2852. A letter from the Acting Secretary, Smithsonian Institution, transmitting a copy of the National Society of the Daughters of the American Revolution's "Annual Proceedings of the Ninety-Second Continental Congress," pursuant to the act of February 20, 1896, chapter 23, section 3; to the Committee on the Judiciary.

2853. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to extend the voluntary insurance program provided by section 7 of the Fishermen's Protective Act of 1967, until October 1, 1987, pursuant to 31 U.S.C. 1110; to the Committee on Merchant Marine and Fisheries.

2854. A letter from the Acting Secretary of the Navy, transmitting a supplemental report February 16, 1984, on the southern California area offshore zones along the United States in which oil or gas drilling would cause appreciable impact on naval operations, pursuant to Public Law 98-94, sections 1260(b); jointly, to the Committee on Armed Services and Interior and Insular Affairs.

2855. A letter from the Chairperson, Architectural and Tranportation Barriers Compliance Board, transmitting the Board's annual report on its activities, including compliance activities under the Architectual Barriers Act of 1968, pursuant to Public Law 93-112, section 502(g) and 502(h)(3); jointly, to the Committee on Education and Labor and Public Works and Transportation.

2856. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the application of regulations or orders for the protection of safeguards information for the quarter ending December 30, 1983, pursuant to AEA, section 147e. (94 Stat. 788); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2857. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the operation and maintenance of certain fish propagation facilities constructed in the Columbia River Basin, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

2858. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 37, United States Code, to authorize a commutation to enlisted members of the Coast Guard Reserve when messing facilities or rations in kind are not available during inactive duty training, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Merchant Marine and Fisheries and Armed Services.

2859. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to improve the management and efficiency of the Coast Guard, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Merchant Marine and Fisheries, Armed Services, the Judiciary, and Veterans' Affairs.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3678. A bill to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure; with an amendment; referred to the following committees, for a period ending not later than April 12, 1984, for consideration of the designated portions of the amendment: Committee on Agriculture, for title XII; Committee on Interior and Insular Affairs, for sections 603 and 1105, title XII, and such portions of sections 851, 857, and 1154 as relate to the programs and activities of the Bureau of Reclamation; Committee on the Judiciary, for section 1165; and the Committee on Merchant Marine and Fisheries, for titles I and XIV, and sections 605, 1114, 1116, 1122, and 1123 (Rept. No. 98-616, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 5068. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. ANTHONY:

H.R. 5069. A bill to direct the Secretary of Agriculture to provide for the mandatory inspection of domesticated rabbits slaughtered for human food; to the Committee on Agriculture.

By Mr. BEDELL:

H.R. 5070. A bill to amend the Internal Revenue Code of 1954 to clarify the treatment of leases between family members for purposes of the special estate tax valuation of certain farm, et cetera, real property; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Jones of North Carolina, Mr. Forsythe, Mr. D'Amours, Mr. Davis, Mr. Foglietta, Mr. Bateman, Mr. Donnelly, and Mr. McKernan):

H.R. 5071. A bill to define the criteria and procedures for the permanent admission of vessels built with construction differential subsidy into the domestic coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. BIAGGI:

H.R. 5072. A bill to amend title XVI of the Social Security Act to require the Secretary of Health and Human Services, when notifying a beneficiary (or former beneficiary) of a previous overpayment of SSI benefits and requesting repayment thereof, to inform such beneficiary of his or her right to seek a waiver of such repayment or to negotiate a plan for making such repayment at a reduced rate; to the Committee on Ways and Means.

By Mrs. BOXER (for herself and Mr. Edwards of California):

H.R. 5073. A bill to amend title 10, United States Code, to provide standards for the Government's rights to technical data produced by contractors under defense contracts and to establish a mechanism to safeguard contractor rights in proprietary data while making such data available for competitive reprocurements; to the Committee on Armed Services.

By Mr. BREAUX (for himself and Mr. Forsythe):

H.R. 5074. A bill to authorize appropriations to carry out section 7 of the Anadromous Fish Conservation Act during fiscal year 1985; to the Committee on Merchant Marine and Fisheries.

By Mr. BROYHILL (for himself, Mr. Ottinger, Mr. Dannemeyer, Mr. Wyden, Mr. Corcoran, Mr. Swift, Mr. Bryant, and Mr. Sharp):

H.R. 5075. A bill to amend the Energy Policy and Conservation Act to improve energy efficiency, to reduce U.S. dependence on foreign oil, and to improve the environment through the use of methanol, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CLINGER (for himself and Mr. Kostmayer):

H.R. 5076. A bill to designate certain areas in the Allegheny National Forest as wilderness and recreation areas; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. COLEMAN of Texas (for himself and Mr. Wright):

H.R. 5077. A bill to authorize payments to States for supplementary educational services for immigrant children; to the Committee on Education and Labor.

By Mr. DORGAN:

H.R. 5078. A bill to permit States to exercise regulatory jurisdiction over intrastate railroad abandonments; to the Committee on Energy and Commerce.

By Mr. EVANS of Iowa:

H.R. 5079. A bill to amend title 38, United States Code, to modify the minimum active-duty service requirements for entitlement to veterans' benefits; to the Committee on Veterans' Affairs.

By Mr. EVANS of Iowa (for himself, Mr. Leach of Iowa, Mr. Tauke, Mr. Smith of Iowa, Mr. Harkin, and Mr. Bedell):

H.R. 5080. A bill to designate the Veterans' Administration Medical Center in Iowa City, Iowa, as the "Darwin Lee Judge Veterans' Administration Medical Center"; to the Committee on Veterans' Affairs.

By Mr. GAYDOS (for himself, Mr. Murtha, Mr. Regula, Mr. Hillis, Mr. Applegate, Mr. Annunzio, Mr. Bevill, Mr. Borski, Mr. Clinger, Mr. Corcoran, Mr. Coughlin, Mr. Dyson, Mr. Eckart, Mr. Edwards of Alabama, Mr. Foglietta, Mr. Gekas, Mrs. Hall of Indiana, Mr. Hance, Mr. Harrison, Mr. Horton, Mr. Howard, Ms. Kaptur, Mr. Kolter, Mr. Kostmayer, Mr. Lipinski, Mr. McCloskey, Mr. Mollohan, Mr. Murphy, Mr. Nowak, Mr. Oberstar, Mr. Pease, Mr. Perkins, Mr. Price, Mr. Quillen, Mr. Rahall, Mr. Roe, Mr. Schulze, Mr. Shelby, Mr. Shuster, Mr. Smith of New Jersey, Mr. Snyder, Mr. Torres, Mr. Towns, Mr. Vander Jagt, Mr. Walgren, Mr. Williams of Ohio, Mr. Wilson, Mr. Wise, Mr. Yatron, Mr. Erdreich, Mr. O'Brien, Mr. Ford of Michigan, Mr. Coyne, Ms. Mikulski, Mr. Dingell, Mr. Tallon, Mr. McEwen, Mr. Kildee, Mr. Luken, Mr. Long of Maryland, Mr. Russo, Ms. Oakar, and Mr. Ritter):

H.R. 5081. A bill to reduce unfair practices and provide for orderly trade in certain carbon alloy, and stainless steel mill products, to reduce unemployment, and for other purposes; to the Committee on Ways and Means.

By Mr. LEACH of Iowa:

H.R. 5082. A bill to amend the joint resolution relating to U.S. participation in the United Nations Educational, Scientific, and Cultural Organization; to the Committee on Foreign Affairs.

By Mr. LEHMAN of California:

H.R. 5083. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Tuolumne River in California as a component of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. WIRTH (for himself, Mr. Waxman, Mr. Ottinger, Mr. Florio, Mrs. Collins, Mr. Scheuer, Mr. Markey, Mr. Wyden, Ms. Mikulski, Mr. Leland, Mr. Walgren, Mr. Eckart, Mr. Richardson, Mr. Sikorski, Mr. Bates, Mr. Udall, Mr. D'Amours, Mr. Dixon, Mr. Berman, Mrs. Boxer, Mr. Levine of California, Mr. Martinez, Mr. Fazio, Mr. Matsui, Mr. Dymally, Mr. Miller of California, Mr. Stark, Mr. Dellums, Mr. Lantos, Mr. Mitchell, Mr. Bonior of Michigan, Mr. Hawkins, and Mr. Vento):

H.R. 5084. A bill to amend the Clean Air Act to provide for the control of hazardous air pollutants from stationary and mobile sources; to the Committee on Energy and Commerce.

By Mr. ALEXANDER (for himself, Mr. Martin of North Carolina, Mr. Vander Jagt, Mr. Moore, Mr. Schulze, Mr. Flippo, Mr. Nelson of Florida, Mr. Hance, Mr. Fowler, Mr. Jenkins, Mr. Shuster, Mr. Hefner, Mr. Anthony, Mr. Ford of Tennessee, Mr. Gray, Mr. Spence, Mr. Duncan, Mr. Quillen, Mr. Jones of North Carolina, Mr. Roemer, Mr. Mitchell, Mr. Campbell, Mr. Young of Alaska, Mr. Dowdy of Mississippi, Mr. Boner of Tennessee, Mr. Philip M. Crane, Mr. Montgomery, Mr. Darden, Mr. Daniel B. Crane, Mr. Rowland, Mr. Hartnett, and Mr. Dorgan):

H.R. 5085. A bill to amend the Internal Revenue Code of 1954 to eliminate the double tax on dividends, to allocate corporate income tax revenues for payment to qualified registered voters, and for other purposes; to the Committee on Ways and Means.

By Mr. LEVITAS:

H.R. 5086. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Foreign Affairs.

H.R. 5087. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Government Operations.

H.R. 5088. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on the Judiciary.

H.R. 5089. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Public Works and Transportation.

By Mr. LUJAN (for himself and Mr. Udall):

H.R. 5090. A bill to amend the Land and Water Conservation Fund Act of 1965 and the National Historic Preservation Act to include certain provisions related to the conversion of these funds to trust funds; to the Committee on Interior and Insular Affairs.

By Mr. McKERNAN:

H.R. 5091. A bill to authorize appropriations for the maritime construction differential subsidy for fiscal year 1985, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Ms. OAKAR (for herself, Mr. Hoyer, Mr. Leland, Mr. Moody, Mr. Kastenmeier, Mr. Stark, Mr. Oberstar, Mr. Frank, Mr. Barnes, Mr. Stokes, Mr. Corrada, Mr. Wolpe, Mr. Weiss, Mr. Markey, Mr. Won Pat, Mr. Mitchell, Mr. Torres, Mr. Lowry of Washington, Mr. Ford of Tennessee, Mr. Fazio, Mr. Boner of Tennessee, Mr. Fish, Mr. Hawkins, Mr. Williams of Montana, Mr. Evans of Illinois, Mr. Frost, Mr. Ratchford, Mr. Edwards of California, Mrs. Schneider, Mr. Crockett, Mr. Studds, Mrs. Burton of California, and Mrs. Hall of Indiana):

H.R. 5092. A bill to require periodic, detailed reports to the President and the Congress by the Equal Employment Opportunity Commission, the Secretary of Labor, and the Attorney General describing actions taken to enforce Federal laws prohibiting discrimination in compensation on the basis of sex, race, religion, color, or national origin and to reaffirm the provisions in Federal law which declare that equal pay should be provided for work of equal value; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. PETRI:

H.R. 5093. A bill to amend part A of title IV of the Social Security Act to prohibit AFDC payments to unmarried minor parents who are living away from home; to the Committee on Ways and Means.

By Mr. RANGEL (for himself and Mr. Shannon):

H.R. 5094. A bill to amend the Internal Revenue Code of 1954 to revise and extend the targeted jobs credit; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. Bosco, Mr. Boehlert, Mr. Crockett, Mr. Downey of New York, Mr. Edgar, Mr. Edwards of California, Mr. Fish, Mr. Mitchell, Mr. Rahall, Mr. Mollohan, Mr. Nowak, Mr. Roe, Mr. Stokes, and Mr. Towns):

H.R. 5095. A bill to amend the Internal Revenue Code of 1954 to provide a rollover of the gain on stock of an employer sold to certain employees, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. Mitchell, Mr. Clay, Mr. Collins, Mr. Dixon, Mr. Ford of Tennessee, Mr. Gray, Mr. Hawkins, Mr. Hayes, Mr. Towns, Mr. Fauntroy, and Mr. Stokes):

H.R. 5096. A bill to amend the Internal Revenue Code of 1954 to provide for the nonrecognition of gain on sales and exchanges of capital assets when the proceeds are reinvested in certain minority investment funds; to the Committee on Ways and Means.

By Mr. REID (for himself and Mrs. Vucanovich):

H.R. 5097. A bill to allow advertising of any State-sponsored lottery, gift enterprise, or similar scheme; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. TORRICELLI:

H.R. 5098. A bill to promote the dissemination of biomedical information through modern methods of science and technology and to prevent the duplication of experiments on live animals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TOWNS:

H.R. 5099. A bill to amend the Bilingual Education Act; to the Committee on Education and Labor.

By Mr. UDALL (by request):

H.R. 5100. A bill authorizing appropriations to the Executive Director, U.S. Holocaust Memorial Council, for services necessary to perform the functions of the U.S. Holocaust Memorial Council; to the Committee on Interior and Insular Affairs.

By Mr. WALGREN (for himself and Mr. Brown of California):

H.R. 5101. A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1984 and 1985, and for related purposes; to the Committee on Science and Technology.

By Mrs. BYRON:

H.J. Res. 509. Joint resolution to authorize and request the President to designate May 1984 as "National Physical Fitness and Sports Month"; to the Committee on Post Office and Civil Service.

By Mr. CARR (for himself and Mr. Leland):

H.J. Res. 510. Joint resolution declaring the week of May 7 through May 13, 1984, as "National Photo Week"; to the Committee on Post Office and Civil Service.

By Mr. FORSYTHE (for himself, Mr. Jones of North Carolina, Mr. Breaux, Mr. Pritchard, Mr. Hoyer, Mr. Smith of Florida, Mr. Bateman, Mr. Edwards of California, Mrs. Schneider, Mr. Akaka, Mr. Carney, Mr. Weaver, Mr. Roe, Mr. Lagomarsino, and Mr. Thomas of Georgia):

H.J. Res. 511. Joint resolution designating the 1-year period beginning July 1, 1984, and ending June 30, 1985, as the "Year of the Ocean," and the first day of such year as "Ocean Day"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ:

H.J. Res. 512. Joint resolution to designate October 1984 as "National Down's Syndrome Month"; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Florida:

H.J. Res. 513. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HUGHES:

H. Res. 459. Resolution to amend the Rules of the House of Representatives to establish additional conditions with respect to official travel of Members and employees of committees; to the Committee on Rules.

By Mr. YOUNG of Florida:

H. Res. 460. Resolution to reaffirm the use of our national motto on coins and currency; to the Committee on Banking, Finance and Urban Affairs.

H. Res. 461. Resolution to reaffirm the use of the phrase, "Under God," in the Pledge of Allegiance to the flag of the United States; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

342. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Kentucky, relative to a limit on foreign steel imports; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOSCO:

H.R. 5102. A bill for the relief of James F. and Shirley M. Silva and Walter F. and Mary L. Stuart; to the Committee on the Judiciary.

By Mr. KOGOVSEK:

H.R. 5103. A bill for the relief of Jose Alemparte; to the Committee on the Judiciary.

By Mr. LOWRY of Washington:

H.R. 5104. A bill for the relief of Frederick Paul and Aileen Paul; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1249: Mr. Durbin.

H.R. 1376: Mr. Kogovsek, Mr. Evans of Illinois, Mr. Ortiz, Mr. Bateman, and Mr. Daniel.

H.R. 1476: Mr. Martin of North Carolina.

H.R. 1918: Mr. Bryant.

H.R. 2063: Mr. Dellums, Mr. O'Brien, Mr. Olin, and Mr. Sensenbrenner.

H.R. 2127: Mr. Dymally.

H.R. 2441: Mr. Clinger and Mr. Crockett.

H.R. 2837: Mr. Coelho and Mr. Donnelly.

H.R. 2977: Mr. McCain, Mrs. Holt, Mr. Alexander, Mr. Bethune, Mr. Levitas, Mr. Seiberling, Mr. Pickle, Mr. Slattery, Mr. Feighan, Mr. Green, Mr. Spratt, Mr. Hartnett, Mr. Whitehurst, Mr. Lent, Mr. Loeffler, Mr. Molinari, Mrs. Johnson, Mr. Hayes, and Mr. Wheat.

H.R. 3406: Mr. Price.

H.R. 3876: Mr. Harkin, Mrs. Lloyd, Mr. Ford of Tennessee, Ms. Mikulski, Mrs. Hall of Indiana,, Mr. Bereuter, Mr. Derrick, and Mr. Matsui.

H.R. 4095: Mr. Bedell, Mr. Horton, Mr. Hughes, and Ms. Kaptur.

H.R. 4097: Mr. Waxman, Mr. Lantos, Mr. Durbin, Mr. Aspin, Mr. Markey, Mr. Eckart, Mr. Bedell, Mr. Gore, Mr. Fazio, Mr. Ford of Tennessee, Mr. Biaggi, Mr. Feighan, Mr. Ortiz, and Ms. Oakar.

H.R. 4098: Mr. Mrazek, Mr. Goodling, Mr. Hayes, Mr. Dwyer of New Jersey, Mr. Howard, Mr. Neal, Mr. Kildee, Mr. Rose, Mr. Olin, Mr. Daniel B. Crane, Mr. Wortley, and Mr. Minish.

H.R. 4103: Mrs. Burton of California, Mr. Dorgan, Mr. Glickman, Mr. Howard, Mr. Kogovsek, Mr. Rose and Mr. Stratton.

H.R. 4134: Mr. Bereuter, Mr. Coleman of Missouri, Mr. Fazio, Mr. Matsui, Mr. Roberts, and Mrs. Smith of Nebraska.

H.R. 4284: Mr. Simon, Mr. Daub, Mr. Smith of Iowa, Mr. Sensenbrenner, Mr. Skelton, and Mr. Whittaker.

H.R. 4285: Mr. Bedell, Mr. Daub, Mr. Sensenbrenner, Mr. Simon, Mr. Smith of Iowa, Mr. Skelton, and Mr. Whittaker.

H.R. 4286: Mr. Bedell, Mr. Daub, Mr. Sensenbrenner, Mr. Simon, Mr. Smith of Iowa, Mr. Skelton, and Mr. Whittaker.

H.R. 4287: Mr. Applegate and Mr. Pickle.

H.R. 4356: Mr. Mavroules.

H.R. 4366: Mr. Evans of Illinois.

H.R. 4377: Mr. Eckart.

H.R. 4402: Mr. Olin and Mr. Sabo.

H.R. 4467: Mr. Miller of Ohio.

H.R. 4500: Ms. Snowe.

H.R. 4540: Mr. Albosta, Mr. Kolter, Mr. Edgar, Mr. Wise, Mr. Howard, Mr. Donnelly, Mr. Applegate, and Mr. Nowak.

H.R. 4548: Mr. Dicks and Mr. Smith of Florida.

H.R. 4571: Mr. Bartlett, Mr. Swift, and Mr. Winn.

H.R. 4599: Ms. Ferraro, Mr. Hoyer, Ms. Snowe, Mr. Moody, Mr. Edwards of California, Mrs. Kennelly, Mr. Gray, Mr. Leland, Mr. Kastenmeier, Mr. Stark, Mr. Oberstar, Mr. Frank, Mr. Barnes, Mr. Stokes, Mr. Corrada, Mr. Wolpe, Mr. Weiss, Mr. Markey, Mr. Won Pat, Mr. Torres, Mr. Lowry of Washington, Mr. Ford of Tennessee, Mr. Fazio, Mr. Boner of Tennessee, Mr. Williams of Montana, Mr. Evans of Illinois, Mr. Frost, Mr. Ratchford, Mr. Crockett, Mr. Studds, Mr. Owens, and Mr. Bates.

H.R. 4600: Mr. Staggers.

H.R. 4760: Ms. Snowe.

H.R. 4769: Mr. Edwards of California, Mr. Rangel, Ms. Mikulski, and Mr. Schumer.

H.R. 4813: Mr. Edwards of California.

H.R. 4832: Mr. Ridge, Ms. Snowe, Mr. Coelho, Mr. Skeen, Mr. Sensenbrenner, Mr. Gingrich, Mr. Wortley, and Mr. McKernan.

H.R. 4877: Mr. Albosta, Mr. Brown of Colorado, Mr. Hall of Ohio, Mr. Martin of New York, and Mr. Sensenbrenner.

H.R. 4878: Mr. Mitchell, Mr. Mollohan, Mr. Crockett, Mr. Rangel, Ms. Kaptur, Mr. Frank, Mr. Wilson, Mr. Simon, Mr. Williams of Ohio, Mr. Weiss, Mr. Gaydos, Mr. Fields, Mr. Brown of California, Mr. Rahall, and Mr. Applegate.

H.R. 4901: Mr. Hertel of Michigan.

H.R. 4908: Mr. Gray, Mr. Edgar, Mr. Russo, Mr. Matsui, Mr. Savage, Mr. Kogovsek, Mr. Traxler, Mr. Young of Missouri, Mr. Dicks, Mr. Studds, Mrs. Boxer, Mr. Perkins, Mr. Lundine, Mr. Addabbo, Mr. Brown of California, Mr. Bonker, Mr. Price, Mrs. Kennelly, Mr. Carr, Mr. Bedell, Mr. Waxman, Mr. Ford of Michigan, and Mr. Davis.

H.R. 4935: Mr. Gekas.

H.R. 4936: Mr. Gekas.

H.R. 5000: Mr. Frenzel and Mr. Siljander.

H.J. Res. 59: Mr. Sikorski.

H.J. Res. 133: Mr. Sunia, Mr. DeWine, Mr. Mrazek, Mr. Wilson, and Mr. Kolter.

H.J. Res. 174: Mr. Ackerman, Mr. Addabbo, Mr. Garcia, Mr. Dicks, Mr. Dixon, Mr. St Germain, and Mr. Andrews of North Carolina.

H.J. Res. 200: Mr. Wolpe, Mr. Boner of Tennessee, Mr. Williams of Ohio, Mr. Mrazek, Mr. Dowdy of Mississippi, Mr. McCloskey, Mr. Martin of New York, Mr. Livingston, Mr. Anthony, Mr. Lowry of Washington, Mr. Siljander, Mr. Sisisky, Mr. Martin of North Carolina, Mr. Lungren, Mr. Rinaldo, Mr. Fascell, Mr. Hatcher, Mr. Neal, Mr. Vander Jagt, Mr. Reid, Mr. Wheat, Mr. Moore, Mr. Berman, Mr. Pashayan, Mr. Lipinski, Mr. Boehlert, Mr. Akaka, Mr. Moody, Mr. Archer, Mr. Udall, Mr. Wise, Mr. Howard, Mr. Biaggi, Mr. Bedell, Mr. Darden, Mr. Richardson, Mr. Sikorski, Mr. McEwen, Mr. Wolf, Mr. Hyde, Mr. Gradison, Mr. Gregg, Ms. Snowe, Mr. Sabo, Mr. Young of Florida, Mr. Studds, Mr. Garcia, Mr. Spence, Mr. Hartnett, and Mr. Courter.

H.J. Res. 243: Mr. Carney, Mr. Hansen of Idaho, Mr. Hatcher, Mr. Lewis of California, and Mr. Martin of North Carolina.

H.J. Res. 322: Mr. Hammerschmidt and Mrs. Martin of Illinois.

H.J. Res. 389: Mr. Hughes.

H.J. Res. 415: Mr. Anderson, Mr. Anthony, Mr. Barnes, Mr. Boner of Tennessee, Mr. Carper, Mr. Daub, Mr. de la Garza, Mr. Early, Mr. Foglietta, Mr. Foley, Mr. Gephardt, Mr. Gingrich, Mr. Gramm, Mr. Gray, Mr. Hayes, Mr. Kildee, Mr. Lipinski, Mr. Marriott, Mr. Moore, Ms. Oakar, Mr. Reid, Mr. Ritter, Mr. Roybal, Mr. St Germain, Mr. Savage, Mrs. Schneider, Mr. Siljander, Mr. Stump, Mr. Synar, Mr. Thomas of Georgia, Mr. Valentine, Mr. Weaver, Mr. Wolpe, and Mr. Wyden.

H.J. Res. 435: Mrs. Hall of Indiana, Mr. Wortley, and Mr. McEwen.

H.J. Res. 455: Mr. Daschle.

H.J. Res. 463: Mr. Lipinski, Mr. Andrews of Texas, Mr. Coyne, Mr. Corrada, Mr. Kolter, Mr. Goodling, Mr. Beilenson, Mrs. Holt, Mr. Edgar, and Mr. Hughes.

H.J. Res. 476: Mr. Wilson, Mr. Corrada, Mr. Daniels, Mr. Panetta, Mr. Long of Louisiana, Mr. Crockett, Mr. Levin of Michigan, Mr. Lowry of Washington, Mr. Broomfield, Mrs. Lloyd, Mr. Horton, Mr. Hartnett, Mr. Frank, Mr. Rinaldo, Mr. Thomas of Georgia, Mr. Ford of Michigan, Mr. Kolter, Mr. Neal, Mr. Whitley, Mrs. Schneider, Mr. Shelby, Mr. Bedell, Mr. Hughes, Mr. Hansen of Utah, Mr. Lehman of California, Mr. Lipinski, Mr. de la Garza, Mr. Fish, and Mr. Albosta.

H.J. Res. 487: Mr. Hughes, Mr. Ireland, Mr. Mineta, Mr. Neal, Mr. Patterson, Mr. Ritter, and Mr. Seiberling.

H.J. Res. 489: Mr. Bliley, Mr. Kildee, Mr. Gregg, Mr. Tauke, Mr. Matsui, Mr. MacKay, Mr. Conte, Mr. Lent, Mr. Durbin, Mr. Porter, Mr. Bedell, Mrs. Martin of Illinois, Mr. Davis, and Mr. Walker.

H.J. Res. 499: Mr. Wyden, Mr. Fazio, Mr. Forsythe, Mr. Lowery of California, Mr. Ratchford, Mr. Florio, Mr. Matsui, Mr. Markey, Mr. Owens, Mr. Waxman, Mr. Chappie, Mrs. Boxer, Mr. Lewis of Florida, Mr. McNulty, Mr. Dixon, Mr. Carney, and Mr. Conyers.

H. Con. Res. 236: Mr. Leland, Mr. Lewis of Florida, Mr. McCain, Mr. McKinney, Mr. Rinaldo, Mr. Sabo, Mr. Shelby, Mr. Studds, Mr. Ackerman, Mr. Edwards of California, and Mrs. Boxer.

H. Con. Res. 239: Mr. Schaefer, Mr. Clinger, Mr. Morrison of Connecticut, Mr. Oberstar, Mr. Yates, Mr. Fish, Mr. Conte, and Mr. Roe.

H. Res. 392: Mr. Levin of Michigan, Mr. Mineta, Mr. Howard, Mrs. Burton of California, Mr. Weaver, Mrs. Martin of Illinois, Mr. Fascell, Mr. Ottinger, Mr. Wolf, Mr. McCloskey, Mr. Frost, Mr. Simon, Mr. Roybal, Mr. Akaka, Mr. Coelho, Mr. Williams of Montana, Mr. McNulty, Mr. Sabo, Mr. Barnard, Mr. Panetta, Mr. Long of Louisiana, Mr. Edgar, and Mrs. Vucanovich.

H. Res. 433: Mr. Traxler, Mr. Stangeland, and Ms. Snowe.

H. Res. 450: Mr. Frost, Mr. Wilson, Mr. Seiberling, Mr. Lowery of California, Mr. Wyden, Mr. Ratchford, Mr. Glickman, Mr. Scheuer, Mr. McHugh, Mr. Richardson, Mr. Downey of New York, Mr. Smith of Florida, Mr. Ritter, Mr. Bedell, and Mr. O'Brien.

[Listed only in the Record pursuant to a unanimous-consent request]

H.R. 4170: Mr. Jones of Oklahoma, Mr. Ford of Tennessee, and Mr. Jenkins.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4098: Mr. Leland.

AMENDMENTS

Under clause 6 of rules XXIII, proposed amendments were submitted as follows:

H.R. 3

By Mr. SENSENBRENNER:

—On page 6, line 8, strike out "$69,500" and insert in lieu thereof "$65,800".

—Page 14, strike out lines 13 through 19, and insert in lieu thereof the following:

Sec. 11. (a) Section 371(a) of title 28, United States Code, is amended by inserting "(other than a bankruptcy judge)" after "judge of the United States".

(b) Section 371(b) of title 28, United States Code, is amended by inserting "(other than a bankruptcy judge)" after "judge of the United States".

Sec. 12. (a) Section 372(a) of title 28, United States Code, is amended by inserting "(other than a bankruptcy judge)" after "judge of the United States" each place it appears.

(b) Section 372(b) of title 28, United States Code, is amended by inserting "(other than a bankruptcy judge)" after "judge of the United States".

Page 15, line 1, strike out "Sec. 12." and insert in lieu thereof "Sec. 13.".

Page 15, strike out line 4 and all that follows through line 2 on page 16, and insert in lieu thereof the following:

Sec. 14. (a) Section 376(a)(1)(A) of title 28, United States Code, is amended by inserting ", except that such term does not include a bankruptcy judge" before the semicolon.

(b) Section 376(a)(2)(A) of title 28, United States Code, is amended by inserting "(other than a bankruptcy judge)" after "section 451 of this title".

Page 16, strike out line 3 and all that follows through the matter preceding line 12 on page 23.

Page 47, after line 6, insert the following:

Sec. 43. (a) Section 8331(1) of title 5, United States Code, is amended by inserting ", other than a judge appointed under section 152 of title 28 to the bankruptcy court" after "section 451 of title 28".

Page 47, line 7, strike out "Sec. 43. (a)" and insert in lieu thereof "(b)".

Page 47, line 20, strike out "(b)" and insert in lieu thereof "(c)".

EXTENSIONS OF REMARKS

BROYHILL URGES LEGISLATIVE VETO ALTERNATIVE FOR REGULATIONS

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. LOTT. Mr. Speaker, last Wednesday, February 29, our distinguished colleague from North Carolina (Mr. BROYHILL), the ranking Republican on the Energy and Commerce Committee, testified eloquently before the Rules Committee on the need for an alternative to the legislative veto for all Federal regulations. His testimony was part of an ongoing series of hearings being conducted by our committee to determine the impact of the Supreme Court decisions in INS against Chadha declaring the legislative veto unconstitutional, and to explore possible solutions to the void that has been left by the apparent invalidation of some 200-plus legislative veto statutes.

Mr. Speaker, our colleague from North Carolina has observed how particularly vulnerable and helpless we have been left by Chadha with respect to control over the independent regulatory agencies, the so-called fourth branch of Government, which promulgate regulations of broad reach having the force and effect of law. He suggests that the time has come to pass a comprehensive regulatory reform bill that will not only improve the internal accountability of our regulation process, but will give the Congress final say on regulations by having approval authority, with the President, over major regulations, and possible disapproval authority for nonmajor regulations. The gentleman goes on to specifically endorse the provisons of H.R. 3939, the Regulatory Oversight and Control Act, which I originally introduced on September 30 of last year with a Republican leadership group including the gentleman from North Carolina. The measure now has some 77 House cosponsors and has been supported by the U.S. Chamber of Commerce and the National Federation of Independent Business.

Mr. Speaker, at this point in the RECORD I include the full text of the gentleman's statement and commend it to the reading of my colleagues. It not only contains an excellent description of H.R. 3939, but an eloquent rationale for its enactment as well. The statement follows:

REMARKS OF THE HONORABLE JAMES T. BROYHILL BEFORE THE COMMITTEE ON RULES

I would initially like to thank the chairman and members of the committee for the opportunity to testify this morning on the response of Congress to the Supreme Court's ruling in Chadha. It is a pleasure to be here.

The urgent need for comprehensive regulatory reform legislation is something we all recognise. As the Federal bureaucracy continues to grow, so does the number and complexity of Federal regulations. It is estimated that the cost of Federal regulation on the economy amounts to more than $100 billion a year. Unnecessary or duplicative regulation inhibits economic growth and enhances inflationary pressures. If an economic recovery is to be truly achieved, the system of regulation must be simplified and made more efficient.

As we all know, regulations issued by independent and executive agencies have the full force and effect of law. The implications of this are enormous. Congress has given this "fourth branch" of Government, as it is often called, the authority to promulgate regulations which can apply to entire industries across the board—from small business to large conglomerates—and can reach into matters of State concern and even override State statutes.

To ensure regulations of such magnitude are designed in a way that is consistent with congressional intent, we must have a mechanism to review and, if necessary, control whether they will take effect. The legislative veto device gave Congress that ability. It was a quick and simple way for Congress to check the exercise of the unbridled authority of regulatory agencies. It was an effective tool to ensure agency accountability and responsiveness to the Congress.

The Supreme Court's decision in Immigration and Naturalization Service against Chadha has effectively eliminated any further use of legislative veto. The Court's strict construction of the bicameral and presentment requirements of the Constitution ignores the needs of a modern and complex Federal Government. It is somewhat ironic that now, without the veto device, appointed officials can issue regulations which have the effect of law, while the elected Congress, with the constitutional role of lawmaker, is powerless to review those regulations in a timely fashion.

Accordingly, it is critical that Congress act expeditiously to fill the void that has been left by this decision and to resume our proper role of overseeing the regulatory activities of these agencies.

It is for this very important reason that I am here today to express my strong support for Congressman Trent Lott's bill, H.R. 3939, the Regulatory Oversight and Control Act, of which I am a cosponsor.

H.R. 3939 contains a "hybrid" review mechanism. It provides that "major rules," which by definition have a substantial economic impact, cannot take legal effect until expressly approved by Congress. All other rules can take effect without congressional involvement, unless Congress intercedes and expressly disapproves them.

Meaningful congressional review of regulations, which would have a substantial impact on the economy, is best accomplished by means of an approval process. Regulations which could lead to a substantial increase in costs for consumers, or could have an adverse effect on competition, the environment, or the public health or safety are properly within the purview of Congress, as lawmakers, to review and approve.

Under this type of approach, a regulation is treated as a "recommendation" of the agency, developed after careful consideration by the agency with expertise in the area in question. Congress would still be utilizing the expertise of regulatory agencies, but would simply be able to review its regulatory "end product," before it can take the force and effect of law.

Congress would be given a fixed time period in which to review the regulation and pass a joint resolution approving its substance. Expedited procedures are provided to ensure prompt and timely consideration of these resolutions. These procedures will lend certainty to those in the industry who are potentially subject to the requirements of the regulation. Additionally, such procedures prevent delay and hasten the point at which the rule can take effect.

When signed by the President, or passed by a two-thirds majority of the Congress, the regulation could then take the full force and effect of law.

This type of process would be constitutional, since it satisfies the constitutional requirements of bicameralism and presentment, enunciated by the Supreme Court in the Chadha decision.

One criticism that has been voiced in opposition to the approval process is that enactment of a joint resolution approving the substance of a regulation will shield that regulation from judicial review under the Administrative Procedure Act (APA). This criticism is without merit for two reasons.

First, as a matter legal interpretation, the joint resolution of approval does not enact the text of the regulation itself into law. It simply indicates congressional approval of the regulation's substance.

Secondly, section 807(b) of H.R. 3939 explicitly states:

"The enactment of an appropriate resolution approving a major rule shall *not* be construed to create any presumption of validity with respect to such rule and shall not affect the review of the rule under chapter 7 of title 5, United States Code." (Italic added.)

This language leaves little doubt as to the continued ability of the courts to review regulations after they are approved by Congress.

On this issue, I would like to submit a legal memorandum prepared by the Congressional Research Service which confirms this analysis.

The effect of the Supreme Court's decision in Chadha was to alter the delicate balance that was struck between the Congress and the regulatory agencies made possible by legislative veto. The approval process will correct that "imbalance" and will reestab-

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

lish the status quo that existed before veto was found to be unconstitutional.

Now that the President must necessarily be involved in the legislative review process, an approval device more closely tracks what a disapproval device previously accomplished—placing Congress in control of the review of regulatory activities.

Under H.R. 3939, regulations which are not of the "major" type can take effect, unless Congress acts to disapprove them within a specified time frame. These regulations would have, by definition, less of an impact on the economy, consumers or the environment. Again expedited procedures are included to ensure the timely consideration of disapproval resolutions. In the context of a disapproval procedure, expedited procedures are key to a smooth and efficient review process.

Some criticism has been voiced that the generic review procedure for all agency regulations will impose a large workload on Congress. The answer to this criticism is threefold.

First, a hybrid scheme, such as that contained in H.R 3939, will not impose an unworkable burden since affirmative action by Congress would only be required for those regulations which would have a substantial impact. It has been estimated that roughly 50 major rules are issued a year by independent and executive agencies. All other regulations will take effect without congressional action.

When a regulation has the potential of having a substantial effect on the economy, Congress, in carrying out its constitutionality prescribed legislative responsibilities, should have a significant role to play in determining that regulation's effectiveness.

Second, absent a legislative review device, Congress would be saddled with the endless task of designing legislation which sets forth specific and detailed policy directives to regulatory agencies. Such an alternative makes no use of the developed expertise of the agency and transforms Congress into the regulator.

Third, section 301 of H.R. 3939 creates a regulatory review calendar in the House providing for the orderly consideration of approval and disapproval resolutions.

Mr. Chairman, my remarks here this morning have focused primarily on the need or a quick congressional response to the Chadha decision. As important as this is, a legislative review device such as the approval mechanism, will not be, in and of itself, enough. There is still an overriding need for comprehensive regulatory reform legislation to ensure full agency accountability and responsiveness. The Chadha decision came at a time when the momentum in Congress to act on regulatory legislation was ever increasing. That urgency continues to exist.

It is well recognized that the reform of internal agency procedures for rulemaking, and the enactment of such reforms into statutory law, will improve the wisdom of the regulatory end product.

H.R. 3939 does much to accomplish that goal. It requires agencies to conduct regulatory analyses of major rules and the alternatives which were considered. This will help to ensure that the most cost effective approach is selected. H.R. 3939 requires agencies to publish a semiannual regulatory agenda listing rules it intends to promulgate, amend or repeal. Provisions are also included in the bill which provide for systematic review of existing regulations by agencies, and make reforms to the rulemaking process to provide greater notice and opportunity for public comment.

One topic that will be discussed and examined at length today is the appropriations process. As I stated on the floor during the special order on legislative veto, in June, 1983:

"Without the authority to reverse executive decisions on agency rulemakings, Congress could well become increasingly frustrated with their lack of ability to ensure that congressional intent is followed through the use of limiting language on appropriations measures. The House rule which makes this avenue of approach practically impossible may well become a deeply regretted one by its proponents."

H.R. 3939 addresses this problem. As you know, the current House rule prevents the offering of limitation amendments to appropriations bills, unless a motion to rise from the Committee has been defeated. H.R. 3939 would amend this rule to permit such amendments with respect to nonmajor rules which have not been considered by the House or which have been considered but the resolution had not been enacted into law within the specified review period. Using the appropriations route would be a "last resort" under H.R. 3939. This procedure expressly defers to the authorizing committees and protects the proper input of the Senate and the President.

In general, Mr. Chairman, I believe legislative review and regulatory reform provisions contained in H.R. 3939 to be, on balance, not only a sensible and workable approach, but also one that responds well to the void left by the Chadha decision.

I am hopeful that it will be considered by the Congress expeditiously.

Thank you.●

WINSTON AND JOSEPHINE HALL—THEY WEATHERED THE STORMS AND THEN REPORTED THEM

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. DASCHLE. Mr. Speaker, only rarely these days does a story about human dedication, perseverance, and steadfastness reach us like the one I wish to share with my colleagues today. It is a story about Winston and Josephine Hall, two longtime residents of Mobridge, S. Dak., who, for the past 42 years, while working, respectively, in the Postal Service and in the local newspaper, have also, eight times a day, every day for those 42 years, faithfully recorded weather conditions in the Mobridge area and transmitted them to the National Weather Service.

Winston, at age 75, now feels that it is time to ease up, so he and Josephine will, after this winter, no longer be recording the weather. But a tribute to them has been written by Don Whitman of the National Weather Service, which fully outlines the dedication of these two remarkable people. I would like to join the National Weather Service and the citizens of Mobridge in offering my sincerest admiration and deepest appreciation to these two wonderful people, and wish them many more years of happy, useful activity. The weather may continue to be the same around Mobridge, but we will be missing something when the Halls stop reporting it. Thank you for your years of service.

The article follows:

Stand beside the river at Mobridge, S. Dak., most any day—summer or winter—and chances are you'll see Winston Hall, at 75, holding his rendezvous with the wide Missouri. From spring, when the ice breaks up, until winter, when it freezes, Winston swims. Here the water is clear and cold—winding its way from the high country of Wyoming and Montana to its meeting with the Gulf of Mexico in South Louisiana. In Winter Winston skates—often four or five miles a day.

An uncommon routine by an uncommon man. But not out of character. People here are pioneers, with a history of heartiness and a spirit of accomplishment. They adapted as they came; and they assumed ruggedness and attitudes to match the country.

It was the Dakotas that attracted the Halls—Winston's parents. They knew people already there, and they came from England to settle near their friends in this brand new land of untold opportunity. It was 1911, Winston was 2½; the Indian lands were opened to white settlers; and a newly built railroad bridge spanned the river.

They first came to Philadelphia and their South Dakota friends met them. They travelled together, by rail to Sioux City, Iowa, then by wagon from Sioux City across the Indian territory to Mobridge. Winston remembers. And those first impressions were indelibly written in his mind. The thunder and lightning were so intense! Much more violent than he'd known in England.

"It was indeed a lustier land to which the settlers had come," says Sauer, as he wrote about the settlements in North America, "A land of hotter summers and colder winters, of brighter and hotter sun and more tempestuous rain." Such could be said about Dakota.

Many were afraid, and they stayed behind. The land was too level; there were too few friendly trees; and the shade and water too scarce.

The adventurous, the curious, the hearty eased into it. They followed the familiar rivers, searched out the openings, and built their homes. They adapted. Houses were built of sod instead of logs; cow chips and twisted grass fueled the fires; and wells were dug with pick and shovel.

In all probability, they didn't come to farm. They expected to make money in almost any other way but farming. The threat of starvation, however, made farming a necessary but unplanned adaptation.

There are great extremes, most certainly. It gets hot in Mobridge—hitting the 100-degree mark plenty of times; and it gets cold—often dropping to minus-20. Usually it's windy.

Weather isn't just a topic of conversation. It's life-giving and it's life-taking. It demands a healthy respect at least.

They came to Mobridge where the river is wide. Here it bends gently around the city—now home for nearly 5,000 people—before flowing into Oahe Lake, one of the many stop-go-stop-go reservoirs on the upper Missouri.

On the other side—the west bank—lie the Standing Rock and Cheyenne River Indian Reservations—and the grave of Sitting Bull.

It is here the High Plains begin. Really begin. And here, weather is the starting subject in lots of conversations. Physiologists say the climate is healthy, that it forces the body to exercise its natural powers of adaptation. Maybe so. And maybe people, like water flowing through subterranean strata, assume the characteristics of their surroundings.

As the years came and went, the boy, Winston, became a man. Some times were good—others not so good. It was during a not-so-good-time in 1939 that Winston and brother, Willis, began taking weather observations for the (then) Weather Bureau.

They took over a job already started, and succeeded six others who, each in his own time, observed the weather from 1911 (the year Winston came to South Dakota) until 1939. Each 3 hours—8 times in every 24—they recorded the weather at Mobridge, and gave the information to the weather office at Bismarck, N.D. It was a precious commodity, and they made the only observations in the vast prairie between Bismarck and Pierre. The agreement was in Willis' name, and the income—about 25-cents for each observation—was a welcome addition to the family's income.

By 1941, Winston had married the girl next door, Josephine. Josephine's father worked in the rail post office and after transferring from Minneapolis, rode the trains out of Mobridge to sort the mail. Josephine and Winston had been childhood sweethearts, and their marriage was no surprise.

As newlyweds, Winston and Josephine took over the observations completely. Money was scarce, and Willis had other things to do. Every three hours, on the dot, the Mobridge observation was sent to Bismarck.

Then, in 1942, with the world at war, Winston and Josephine decided he should join the Army Air Corps. With money borrowed for a train ticket, Winston went to Omaha to sign up; and Josephine went about earning dollars to repay the loan.

But the Mobridge weather observations didn't end when Winston went to war. Josephine kept the watch, along with a little help from some high school girls who lived with her. There were other accomplishments too, results of efforts that took a real pioneering spirit. In Winston's absence, Josephine learned to fly an airplane; she taught weather observations to pilots; she worked as a rural mail carrier—and she paid the loan that bought Winston's train ticket! And a particularly frustrating incident with the Army is recalled. Winston submitted their original marriage license as evidence that Josephine was entitled to an allotment. The Army lost it. Eventually, with the help of other evidence, the allotment came through. But the marriage license was never recovered.

From 1942 until 1945, Winston was away—serving as a weather observer in the Army Air Corps. Then, in 1945, the war was over! Winston came home!

The years that followed were growing years—maturing years. And the Halls faithfully observed the weather; built careers—he with the post office, she with the newspaper; they reared children; and their lives, like the river, were gently bent around Mobridge. They adapted to the extremes and the averages. They waded drifts to measure 81 inches of snow during the Winter of 1949-50; sweltered in the 110-degree temperature of August 9, 1947; and shivered when it hit 31 below zero on February 16, 1958. Josephine had already recorded 37 below in 1943 when Winston was away.

Then—Christmas Eve, 1982—a perturbation in the flow of life: Right after Winston finished the 9 p.m. observation, a heart attack! A fast trip to Bismarck for help! The midnight observation was missed that night, but by 3 a.m., the data was flowing again. Josephine saw to it, and once more kept the watch while Winston was away.

The bypass surgery was successful, and by mid-January, Winston was back home, taking observations.

But then it was time to ease up. After 42 years of marriage and 42 years of recording weather every 3 hours, it was time to get a full night's sleep. Winston and Josephine asked to be replaced.

Replacements aren't easy to find in Mobridge—or elsewhere for that matter. Once an observer is found, equipment has to be moved, holes dug, concrete poured, trenches for cables. And before it could be done, the Mobridge winter began. The 137-day frost-free season had ended.

Winston and Josephine understood. And they volunteered to record another winter's weather—to keep the data flowing until a move could be made in the spring.

The Mobridge community is not unaware of Winston's and Josephine's contributions. To show their appreciation, the City Commission plans a "Winston Hall Day". Most of the Commissioners were school-age when Winston first took observations—and they remember. They've heard he's giving up the watch soon, and they want to honor him.

Maybe the stark realities of the High Plains does bring strength to its inhabitants. Maybe extremes of climate cushion life's other ripples. Whatever strengthened them, Winston and Josephine steadfastly weathered the storms of life and locale, faithfully recording the latter for the many who need to know.

Best wishes, Winston and Josephine; it's time to get a little rest.●

WOMEN'S HISTORY WEEK

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mrs. HOLT. Mr. Speaker, the State of Maryland is entering its 350th year of history this month, yet it is only comparatively recently that women's names have begun to be listed in the Maryland Manual as Members of Congress, State senators, and delegates to the Maryland General Assembly, judges, and county and local officials. I could honor these outstanding contemporary Maryland women during Women's History Week but I chose instead to call attention to the many women who go unlisted in Maryland history but without whose support as mothers and wives, the men listed in the annals of my State's history would have found it hard to function as public servants as well as they did. As President Reagan said in his proclamation on March 2,

> Women who work in the traditional roles of mothers and homemakers continue to be the wellspring of our Nation's strength, helping us to maintain our social and spiritual values. They have fostered unity and stability in our families, which are the cornerstone of American life.●

REMARKS OF BRUCE C. VLADECK, PRESIDENT, UNITED HOSPITAL FUND OF NEW YORK, BEFORE THE NEW YORK CITY CONGRESSIONAL DELEGATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. RANGEL. Mr. Speaker, each year, the United States Hospital Fund of New York sponsors a breakfast for the New York City Congressional Delegation. This year, President Bruce C. Vladeck of the United Hospital Fund of New York reported on "Health and Health Care in New York City: How Are We Doing?"

I believe his remarks will be of interest to all my colleagues because they will provide them with a better understanding of the problems that face our large inner hospitals. I urge all my colleagues to read Mr. Vladeck's remarks. The text of his report follows:

HEALTH AND HEALTH CARE IN NEW YORK CITY: HOW ARE WE DOING?

It is the tradition, as I have come to understand it, of the United Hospital Fund that each year we sponsor a breakfast meeting with members of our Congressional delegation. One of the ceremonies attendant on that tradition is that the President of the United Hospital Fund makes a presentation summarizing health care issues, trends, and developments in New York City. I am very pleased to be able to participate in the continuation of that tradition and very honored to have the opportunity to be before you today.

In particular, it is my great personal pleasure to distribute to you the 1984 edition of Health and Health Care in New York City: Local, State, and National Perspectives. This important chartbook represents the dedicated, conscientious, and creative work of the Fund's planning and research staff. I can confidently say that it comprises the single most complete compilation of important demographic and health care data available on a timely basis about New York City and its health system. My remarks to you today will focus on this new reference volume. I will identify very briefly for you some of the most significant highlights in the rather substantial quantity of important information contained in the book. Perhaps more importantly, however, I want to call to your attention many of the things that are not in the book, and say a few words about why they are not, and why it is important that in future years we be able to include them.

Indeed, my major theme this morning is this: We all recognize the absolutely central importance of health to the well-being of any community, and we all know how vital a community's health services system is in contributing to our citizen's health. Yet we know relatively little about people's health status or about the ways in which the health system is meeting or failing to meet health care needs. We know that the health care system is extremely expensive, and becoming more so, and we are all increasingly concerned about finding ways to economize in the provision of health services in this era of extreme budgetary constraint and unprecedented federal deficits. But we don't know very much about what we are getting for our health care dollars, how wisely or importantly we may be spending them, or how they might be better distributed to more productively improve the health of people. Not knowing what we do not know frustrates us in our effort to design more rational policies and programs, and to more effectively oversee the expenditure of public funds. Not knowing also creates a very significant danger that, as we are forced to economize, we may reduce the availability of some of the more useful things the health services system does while perpetuating some of the more wasteful.

To paraphrase our Mayor, it is important that any sector of society, and especially one so important, so large, and so visible, continually ask itself the question, "How are we doing?" More important, we should be able to provide some plausible answers. If you asked the question, "How are we doing?", about health and health care in New York City in January of 1984, we can provide some interesting and even encouraging *partial* answers. But at least part of the answer has to be: We don't really know very well.

Learning to ask the right questions is a key first step in measuring our success. The traditional indicators of health status—life expectancy and infant mortality—capture important results of medical interventions, but they do not measure the ability of our health care system to alleviate disability, discomfort, or anxiety—the most common causes for seeking medical attention. Our aim in providing health care is not only to prolong life, but also to ensure more active and productive lives. There are few ways to measure the degree to which our health care system succeeds on this front. At least part of the problem is that we don't know what constitutes "doing well."

Let me give some examples. Examining a common indicator of health status, we find that New Yorkers are living longer, as are people throughout the United States. A white female born in New York City in 1980 can expect to live 77.1 years, or six years longer than she might have expected to live had she been born in 1950. Also encouraging is the fact that the difference in life expectancy between white and non-whites in the City has shrunk rather dramatically over the last three decades, especially for females. We like to think that at least part of this improvement is attributable to the effects of our health care system, and it probably is, although we have no way of saying for sure.

What we do know for sure is that, because people are living longer, there are substantially more old people. In 1960, just over 800,000 New Yorkers, or about 10 percent of the City's population, were 65 or older. The number of persons over 65 now exceeds 950,000, and represents 13.5 percent of a smaller total population. We know, of course, that older people suffer more illness and are more susceptible to a range of debilitating, chronic diseases. We also know that there has been a dramatic expansion in the supply of services to older people in this City, as there has been throughout the country. Between 1978 and 1981, the number of cases served by certified home health agencies in New York City involving persons 65 and over increased by 32 percent, for example. But we have absolutely no data on the prevalence of disability or functional limitations in the population as a whole or in the particularly vulnerable part of that population that is elderly.

Thus, we have no systematic way of knowing whether we have expanded services quickly enough to meet the needs. We also don't know whether the people most in need of services are those most likely to get them, or whether people are getting the right kinds of services. For more than a decade, we have known, for instance, that there are many people in nursing homes who could be taken care of in outside institutions.

The demographics all suggest that the need for care among older people can only increase very substantially in the years ahead, a phenomenon that causes considerable trepidation among those responsible for budgetary forecasting in government agencies at all levels. But it's very hard to project accurately the future need for services or expenditures when you don't know very well how much of the need is being met by existing programs.

Similar kinds of uncertainties surround our hospital system. In recognition of a very widespread perception that New York City was excessively supplied with general hospital facilities, the number of hospitals in the City has been reduced by fully 40 percent since 1960. The number of beds—a far more sensible measure of capacity—has been reduced by about 13 percent. Yet, because the population has diminished, the ratio of beds to population has remained pretty much constant. At the same time, medical-surgical occupancy rates in the City's hospitals are, by any measure, extremely high. New Yorkers make greater use of inpatient hospital care than do people elsewhere in the United States. If we ask the question, "How are we doing?", in terms of the appropriate degree of hospital capacity, the argument is as to whether we are shrinking fast enough, but plausible arguments can be made on either side.

When the Health Systems Agency (HSA) says that we have a thousand too many acute care beds in the city, almost all of them in Manhattan, administrators of Manhattan hospitals respond with some bewilderment. Their medical-surgical services are running at capacity most of the time, and many patients must wait unreasonably long periods for elective surgical admissions. The HSA counters by showing that lengths of stay in New York City continue to exceed the national average by 20 percent or more, with the suggestion that if lengths of stay were reduced, fewer beds would be needed. Yet no one really knows why lengths of stay in New York City are so long. It may well have something to do with the disproportionately large amount of medical education that takes place in New York City and its hospitals. It may have something to do with the poverty of the City's population; the proportion of the population that is poor in the City is at least a third higher than the national average. It may have something to do with the extraordinarily large proportion of New Yorkers who live alone. Or maybe it is because of the lack of adequate alternatives for care for hospitalized patients. But we really just don't know.

A final example, again from the hospital side. As I'm sure you're all aware, many of us in New York City have devoted considerable energy over the last year or so to a continuing debate about appropriate levels of capital expenditure for hospital modernization. Yet that debate has had to proceed in the absence of good data about capital productivity in hospitals, good economic models of hospital capital utilization—or even any very strong consensus on how much an adequate hospital physical plant should cost.

There is a very profound and important paradox here, one that is not often explicity mentioned, that needs to be made explicit. The undeniable advances in medical care that have occurred, in New York City as elsewhere, over the last two decades clearly can be attributed in considerable degree to the enormous public investment we have made over that period of time in biomedical research. For all the concerns expressed from time to time about administrative and budgetary issues, no one can seriously question the proposition that the National Institutes of Health represent one of the proudest undertakings of any government at any time.

We are all beneficiaries of the public investment in basic and clinical biomedical research in which this nation has led the world throughout the post-World War II period. Yet we know remarkably little, when you get right down to it, about the organizations, institutions, and insurance programs that transmit and deliver the fruits of this incredibly successful enterprise to the consumers and patients—the real payoff. We know that we are expending enormous sums for health care, now approaching 11 percent of our gross national product. We know that Medicare is the fastest growing domestic program in the Federal budget, and that its current method of financing will collapse before the end of the decade unless significant changes are enacted. We know that the burden of year-to-year increases in the Medicaid budget has caused the traditionally generous government of New York State to seriously constrain Medicaid eligibility to the point where we in New York City are now covering fewer people than we did in 1976. We know that no enterprise which annually absorbs in excess of 350 billion dollars can be perfectly efficient or without waste.

Yet as we seek to economize on health care, and particularly public expenditures for health care, we are eager to do so without jeopardizing the very real progress we have made in the last two decades, only a fraction of which we are really able to measure. Quite frankly, we just don't know enough to really proceed rationally in many of these areas.

In periods of budgetary stringency, statistics and research are, of course, the first items to be cut. In health care, however, we may well have been cutting off our noses to spite our faces. Since the Federal fiscal year 1981, we have increased expenditures for Medicare and Medicaid by almost 50 percent, while reducing expenditures for health care statistics and research by more than 35 percent. We have not conducted a national survey of nursing home care since 1977, despite every indication that there will be growing demand in this area. The General Accounting Office reports that we literally do not know how many nursing homes there are in the United States.

In a period of enormous technological explosion, we have all but discontinued direct Federal support of research in health care technology assessment. We have made enormous investments of time and effort in developing data systems for program administration—in Medicaid's MMIS, in Medicare claims files, in private insurance systems—

but we have yet to figure out how to make the information contained in those systems adequately available to researchers while protecting legitimate concerns for confidentiality. For an organization committed to data collection, statistical analysis, and research in health services, as the United Hospital Fund is, it may always sound somewhat self-serving to argue for greater public expenditures for research activities, even if the organization, like ours, has never been the recipient of Federal research support.

Institutionally, we propose to put our money where our mouth is, and devote an increasing proportion of our relatively limited resources to our research and data activities. There is, in our view, no better way in which we can serve the long-term interests of the voluntary hospitals who comprise our membership. If you think the problems at the national level are severe, ponder this: In New York, we don't even really know the problem. We are currently unable to answer a most critical—and basic question: How much money was expended for health care services in New York City last year? I hope that by next year we will be able to give you the answer, although that of course will only be the start of an important and overdue process.

There is a certain mystery and sense of excitement about navigating in the dark. There is something to be said for undertaking policy innovation even in the absence of detailed knowledge of the results that innovation is likely to produce. But to be so ignorant when ignorance is a function of resources and will, not technology, is really at least a little bit shameful. Let me conclude by proposing the following. It seems to me only reasonable that you, as legislators, and we, as citizens, ought to expect of ourselves the following: If we propose major changes in the way essential services are provided to people in serious need we should at least make a simultaneous commitment that five years from now, we will know the impact of those changes. It seems to me irresponsible to do any less.●

WOMEN'S HISTORY WEEK

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. COUGHLIN. Mr. Speaker, on the occasion of "Women's History Week," I believe it is appropriate to applaud the women's movement for its hard work and hard-won victories and for Congress to renew its commitment to women's rights.

The women's movement has been an effective and significant force in altering and erasing some of the social attitudes which have prohibited women from playing an equal role in our society since the founding of this Republic. When we look at the accomplishments of our country, we can't help but notice the impact that women have had on those achievements. Take, for example, the recent space shuttle flight by astronaut Sally Ride.

The challenge today is to defend these gains and to keep moving forward. Despite the progress of the women's movement, women are a long way from achieving economic or social equality. Equality is still a goal, not a fact, for women who are more than half of our population.

I believe now more than ever before the equal rights amendment must be ratified. Here women are in 1984, still unequal in that most basic of documents, the U.S. Constitution. The ERA is needed to enshrine in the Constitution the moral value judgment that sex discrimination is wrong and to insure that all States and the Federal Government review and revise their laws and official practices to eliminate discrimination based on sex.

Our social and economic institutions must respond adequately to all women—those who choose the responsibilities of homemaking, those who choose a career, and those who choose to combine homemaking with a career. Our goal must be to guarantee that all choices are available to all women and that our laws and institutions do not obstruct women in making their choices.

While I believe the single most effective step Congress can take to insure equity for women is to ratify the ERA, we must not wait for the lengthy amendment process to conclude before moving to correct specific laws that presently discriminate against women.

Federal laws that deny women retirement security in the form of their spouse's pensions or their own IRA's, that impede their economic independence through inadequate day-care assistance, that burden them with an unfair share of taxes as single parents, and that exclude displaced homemakers from hiring incentive programs must be recognized as the serious forms of economic discrimination they are. Congress must demonstrate greater sensitivity to these issues by enacting corrective legislation which has been introduced and is awaiting our consideration.

However, the issue affecting women which should be of most immediate concern to Congress is the Supreme Court's ruling last week that title IX of the Education Act is limited only to those educational programs or activities which are directly funded by the Federal Government. This narrow interpretation needs to be reversed and we must lend our support to a bill introduced by our colleague, Mrs. SCHNEIDER, which clarifies Congress intent in adopting title IX. I am cosponsoring this legislation (H.R. 5011) and I urge others to do so in an effort to make clear to the courts that title IX should apply to all programs or activities within any educational institution that receives any form of taxpayer support.

The Federal Government must not support discrimination in any facet of education, whether it be in admissions, scholarship programs, faculty hiring and promotion, professional staffing, and pay scales. If we permit discrimination in the educational arena, then we nurture its growth in other areas such as employment and economic opportunities.

Since its inception, title IX is a law which has made a difference. It has assisted women in making great strides in the educational field where they are earning more masters and doctoral degrees and their enrollment in vocational, dental, veterinary, medical, and law schools has increased dramatically. We cannot afford to take a step backward by weakening title IX and reneging on our commitment to equal educational opportunity for all.

In conclusion, I believe Congress must take the lead in addressing the needs of women. We must fill in the gaps between the American dream of equality for all and the American reality of equality for all.●

THE RESEARCH ACCOUNTABILITY ACT

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. TORRICELLI. Mr. Speaker, today, I am introducing the Research Accountability Act. The purpose of this bill is to correct the longstanding deficiency in the way this country manages its biomedical research enterprise. While we spend billions of dollars annually for research, there is no way that scientists can readily and economically find out what has been done before, so as to avoid performing duplicative research. The Research Accountability Act will serve both the scientific community and the taxpayer, and will result in more productive, efficient and innovative research.

The legislation stipulates that the National Library of Medicine, an arm of the National Institutes of Health, shall make available to all of the Nation's medical libraries the full text of published research results using modern information technology. It further provides for the establishment, within the facilities of the National Library of Medicine, a National Center for Research Accountability, staffed by specialists in the biomedical information sciences, who would conduct a full-text literature search prior to the funding of grant proposals involving the use of live animals. This provision is restricted to live animal research, because it continues to be the research method of choice, in addition to the fact that there is deep public disquiet over the duplication of experiments on live animals.

Mr. Speaker, the problem of duplicative and redundant biomedical research is not new. The National Library of Medicine, an arm of the National Institutes of Health, has existed, under various names, since 1836. Today, on its computerized facilities, the National Library of Medicine disseminates bibliographic information and sometimes a brief abstract, but then the serious researcher must find the full-text documents. This often requires a farflung search reaching to seven regional medical libraries across the Nation. This search is often so frustrating and time consuming that it is sometimes referred to as "the paper chase," and only as a last resort does the Library provide the documents to the scientist.

Mr. Speaker, to add to the difficulty, published scientific literature doubles every 10 to 15 years. It has reached such massive proportions that no individual scientist could devote the necessary time to finding what has been done, currently or historically. In fact, the huge volume of biomedical information is so vast that neither grant reviewers nor the funding agencies can readily find out what has been done before, not even in specialized fields.

While the initial cost of this new technology would be significant, the investment would be very cost effective. Vast sums of money would be saved over all of the ensuing years. It is estimated that with the elimination of wasteful, duplicative experiments, the savings would be more than enough to pay for the required technology.

It makes no sense for our Government to go on spending billions of dollars annually for biomedical research, while it is virtually impossible for scientists to find out what has already been done. Figures are hard to come by, but the following will provide some indication of present expenditures. The annual appropriation for the National Institutes of Health alone is now over $4 billion annually. According to an internal National Institutes of Health memorandum, 55 percent of this money is spent for animal research—for a total of over $2 billion. According to an article that appeared in the Washington Post on March 19, 1983, a total of $4 billion is spent annually for animal research by all Federal agencies.

The acute nature of the problem can be illustrated by the fact that cancer research alone, which uses large numbers of animals, is published in 1,500 journals worldwide. Also, as reported in Science in 1972 (178:471-9), 25 to 50 percent of all scientific publications are never used. Thus, while billions of dollars are being spent for biomedical research, the results are not reaching the scientific community. It is this situation at which the Research Accountability Act is directed.

The bill would not affect ongoing research. It would become operative only with new grant applications. Furthermore, it is not aimed at experiments in which a researcher or team of researchers wish to confirm the results of experiments performed by another. Rather, the bill is addressed to widespread duplication and redundancy of the kind of experiments which appear in great quantity.

Since the modern technology is now at hand, this legislation, for the first time, gives the Congress and the American people the opportunity to address this enduring problem of efficient, cost-effective, full-text biomedical data storage and retrieval. Solving it will require the expertise of the high-tech biomedical information sciences, supplied by specialists from both inside and outside Government.

This bill will create the most modern, up-to-date, medical library in the world capable of providing our scientists, researchers, teachers, and students with almost instantaneous references and information; and would eliminate the tragic duplication of experiments on live animals.

I encourage my colleagues in the House to support this legislation.●

WOMEN'S HISTORY WEEK

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. WEISS. Mr. Speaker, it is my pleasure to participate in the special order commemorating Women's History Week, arranged by our colleague from California (Ms. BOXER).

The period of time that we designate each year as Women's History Week serves as a lesson in American history. On various occasions during the course of the year, we honor individuals who have contributed substantially to society. Yet it is still necessary to dedicate a separate week to commemorate women because our history books are incomplete. If history has taught us anything it is that we can learn from our past. We can learn that women and men are equally capable of contributing to our national growth and development. New York City women, for example, have made outstanding achievements as leaders in their fields and in the larger community. I will mention just three of these women.

In the medical profession, the Nation's first woman to receive a degree was Elizabeth Blackwell. In 1854, she opened her own dispensary which she later expanded into the New York Infirmary for Indigent Women and Children, the Nation's first hospital staffed by women serving women. Dr. Blackwell was truly an inspiration to women of the times, as her good friend, Florence Nightingale, had been to her.

In the arts, Sculptor Gertrude Vanderbilt Whitney is a prime example of a successful woman who had to overcome tremendous odds. After New York's Metropolitan Museum of Art rejected her work in 1929, she founded her own museum in Greenwich Village which she also used as a gallery for young artists. Among her works is the famous statue of Peter Stuyvesant at Stuyvesant Square in Manhattan. Unfortunately, social biases and common practices in the world of art still prevent women artists from receiving their share of the rewards and recognition bestowed upon artists of merit.

Politics is another area where women's interests have been traditionally strong despite their limited opportunities. If there is one woman who exemplifies women's aspirations for a full life in politics it is New York's Eleanor Roosevelt. As an early leader of the civil rights movement of the mid-1900's, she became one of the strongest champions of minority rights. It was largely because of Eleanor Roosevelt that the issue of civil rights for black Americans received a hearing by her husband, President Franklin D. Roosevelt. Another of her achievements, as a delegate of the United States to the United Nations, was the U.N. passage of the Universal Declaration of Human Rights in December 1948. Her innumerable accomplishments have left an indelible mark on American history.

These are but a few of the many women who have made significant contributions to our country. On this occasion I pay tribute to all American women. I urge that we take advantage of this opportunity to reflect upon their accomplishments as well as the enormous potential of American women to help shape the future of this Nation.●

WOMEN'S HISTORY WEEK

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. DURBIN. Mr. Speaker, while I am pleased to be part of a special order honoring the achievements of American women, I am especially delighted with the opportunity it presents me to talk about one of the great women in American history—Mother Jones.

Mary Jones lived 100 rich, tumultuous years and her final resting place is in the Union Miners Cemetery, located in Mount Olive in the 20th Congressional District of Illinois.

She was known as the Miners' Angel but was more widely known as Mother Jones, a particularly poignant title. In a life that knew tremendous tragedy, Mary Jones watched in 1867 as her husband and then all of her children succumbed to yellow fever. She later lost all of her possessions in the Great Chicago Fire of 1871.

With little education and only her skills as a seamstress to support her, Mother Jones could easily have lived out her days in obscurity. But her hard times gave her a natural empathy for those who were in trouble and as the American labor movement emerged in the declining years of the 19th century, she was attracted to it.

Soon she found herself on the front lines. In the coalfields of West Virginia, Pennsylvania, Colorado, and Illinois, wherever miners stood together and fought for their rights, one would find Mother Jones.

An impassioned speaker, she could galvanize the courage of men and women in the face of tremendous adversity. Lives were literally at stake and, quite often, lives were lost.

Such an occasion was October 12, 1898, in Virden, Ill. A long, bitter strike was underway at a local coal mine. The operators, as was the tactic in those times, were importing strikebreakers by special train. From around the area, union miners gathered to support their brothers. And on this day, violence erupted. When it was over at least 12 people were dead, including 7 union miners.

Some of those men were from Mount Olive and their bodies were returned for burial. But those who controlled the local cemetery decreed that strikers did not deserve burial in the community's cemetery.

In response, the miners developed their own cemetery, the Union Miners Cemetery, and there buried the victims of what is still known as the Virden Massacre.

While Mother Jones was not present that day in Virden, she was a familiar figure to the miners of central Illinois and had worked during their long strike to cement solidarity. She was impressed with the sacrifice of these men and asked to be buried alongside them when she died.

When her 100 years came to an end in 1930, her wish was honored. Today, a large monument to Mother Jones and the organized labor movement stands atop her grave. More than 50 years after her death, when her name is more associated with a magazine than a cause, people still make a pilgrimage to this small town with the cemetery on its outskirts.

The explanation is simple. Mother Jones' fighting spirit, her commitment to working men and women survives. It can be said of her, as was written of another labor legend, Joe Hill, that:

> In every mine and mill, where workers strike and organize, you will find Mother Jones. Where working men and women are out on strike, Mother Jones is at their side.

Her life, her example, her courage reach out across generations to inspire and reinforce the ongoing struggle for justice and equality in America.

And as long as there are people struggling for equality of opportunity, as long as there are rights denied, as long as workers are exploited, as long as people work together to right these wrongs, the spirit of Mother Jones will live on.●

PROTECTING SSI BENEFICIARIES FROM ALLEGED OVERPAYMENTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation that would protect the poorest of our citizens from overzealous repayment policies by the Social Security Administration in the event of an alleged overpayment of benefits.

As a result of current procedures of the Social Security Administration, many poor people are often deprived of their SSI checks for months and even years.

My bill would mandate that SSI beneficiaries—or former beneficiaries—be informed of their right under the law to seek a waiver of repayment of an overpayment—or of their right to negotiate a repayment that is within their means.

At present, the current repayment policies are both cruel and illegal and force these individuals into a position of fighting for benefits that are rightful theirs. Specifically, the law states that if an overpayment occurs that is not the fault of the beneficiary, that person can seek a waiver of repayment. SSI regulations further state—20 CFR section 416.570—that adjustments to overpayments can be made by withholding a part of any check.

The actual policy of SSA is that, if the beneficiary does not notify SSA within 30 days of receipt of a notice of overpayment—SSA withholds the entire SSI check until repayment is accomplished. This policy is in clear violation of the regulations. My bill would require that each notice of overpayment specify to each SSI beneficiary that they can repay in stages.

According to the Brookdale Center on Aging and the Institute on Law and Rights of Older Adults, the majority of these SSI claimants do not make any effort to adjust the monthly loss and are simply thrust into destitution when their entire check is withheld. Further, the Institute notes that the attitude of local SSA officials is that current procedures are fair because if an individual complains enough, an adjustment will be made.

The basic fact of the matter is, Mr. Speaker, that SSI recipients are often too sick, too feeble or unable to make decisions about their rights in these types of matters. Further, if they have limited English-speaking capabilities, a notice of repayment would pose a substantial barrier to understanding—and acting upon their right to their benefits.

Mr. Speaker, since 1974, the SSI program has provided a floor of income for those aged, blind and disabled citizens that in many instances, would have no other source of income. Today, 52.1 percent of SSI recipients are 65 or older and receive an average benefit of $314 for an individual and $472 for a couple. In addition to the 1.548 million elderly SSI recipients, there are 77,356 blind and 2.231 million disabled recipients. All of these individuals have unique problems that make understanding an overpayment of their SSI benefits unnecessarily burdensome. I believe that my legislation will assure that they are advised of their rights and that they are not illegally denied the benefits that they are entitled to. This is a simple administrative measure which I believe makes a great sense and urge my colleagues to join me in supporting it.

For the benefit of my colleagues, I am including the text of this bill in the RECORD for their consideration:

H.R. 5072

A bill to amend title XVI of the Social Security Act to require the Secretary of Health and Human Services, when notifying a beneficiary (or former beneficiary) of a previous overpayment of SSI benefits and requesting repayment thereof, to inform such beneficiary of his or her right to seek a waiver of such repayment or to negotiate a plan for making such repayment at a reduced rate

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1631(b) of the Social Security Act is amended—

(1) by inserting ", in a manner consistent with paragraph (3)," after "Secretary" in the second sentence of paragraph (1);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph:

"(3)(A) When notifying any individual that more than the correct amount of benefits has been paid for any period with respect to such individual and requesting repayment of the amount of the resulting overpayment, the Secretary shall clearly inform such individual of his or her right to seek a waiver of any adjustment or recovery of such overpayment or to negotiate a repayment plan which will permit the adjustment or recovery of such overpayment to be made at a reduced rate, or in reduced amounts, consistent with such individual's ability to repay.

"(B) In determining under the second sentence of paragraph (1) the extent to which an individual should be granted a waiver of the adjustment or recovery of an overpayment or the extent to which such an adjustment or recovery should be made at a reduced rate or in reduced amounts, as described in subparagraph (A) of this paragraph (whether or not such adjustment or recovery would be made from benefits payable under this title), the Secretary shall take into account such individual's age, education, literacy, physical and mental condition, and ability to comprehend instructions, the languages spoken by such individual, and such other factors as may bear upon the part which such individual played in the overpayment and upon such individual's ability to repay the amount due as well as the factors referred to in the second sentence of paragraph (1).".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to overpayments made, and notifications made with respect to previous overpayments, on or after the date of the enactment of this Act.●

MINORITY INVESTMENT TAX ACT OF 1984

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. RANGEL. Mr. Speaker, today, I am introducing H.R. 5096, the Minority Investment Tax Act of 1984 (MITA). This legislation is designed to encourage the development of a viable minority business community. This bill results from Congressman MITCHELL's and my desire to provide the necessary tax incentives to encourage investment in businesses owned and operated by socially and economically disadvantaged individuals.

In general, MITA provides for the deferral of the capital gains tax when a taxpayer elects to use the proceeds to purchase stock from a qualified minority investment fund company. The qualified investment fund company is similar to a mutual fund company. However, the minority investment fund is required to invest proceeds in minority firms as defined within section 8(d) of the Small Business Act. Under section 8(d), generally, a small business concern is defined as a for-profit business enterprise, whether a corporation, partnership, or other business entity of which 51 percent or more is owned by a socially and economically disadvantaged individual. Socially and economically disadvantaged individuals are persons who have been subject to racial or ethnic prejudice in cultural bias because of their identity as a member of a group without regard to their individual qualities and who have been unable to compete in the free enterprise system due to diminished capital and credit opportunities as compared to others in the same business area.

During recent tax debates, it was successfully argued that lower taxes on capital are essential to meet the economic challenges of the 1980's to provide greater business and job opportunities. The provisions of MITA are an attempt to provide a creative solution to the economic challenges of the 1980's.

Although MITA consists solely of tax incentives, its components are designed to fit into an overall economic revitalization and development program for minority businesses. I recognize that such a program requires a massive Federal commitment, combined with a national goal of providing the minority business community with an opportunity to have a meaningful stake in the "American Dream." This bill is no substitute for existing Federal minority business development programs. Instead, MITA complements these programs by providing minority businesses with a mechanism to attract and retain investment capital.

Recent discussions concerning aid to minority businesses have focused on proposals which solely address the debt needs of these socially and economically disadvantaged businesses. Although debt capital proposals are beneficial, they fail to provide a mechanism in which minority businesses can attract investment capital to start new enterprises or expand and increase existing production.

It has been argued that since the passage of two tax bills, the Revenue Act of 1978 and the Economic Recovery Tax Act of 1981, the risk-taking climate for investors has improved. In August 1982, the General Accounting Office issued a comprehensive report on the venture capital industry. A significant finding of the report concerning investment activity was:

> Venture capitalists believe the growing availability of venture capital is a direct result of, first, reducing the capital gains tax from 49 to 28 percent in 1978; second, relaxing pension trust fund capital rules in 1979; and third, further reducing the capital gains tax for individuals from 28 to 20 percent in 1981. These changes have created incentives for risk-taking not seen in the United States since 1969.

Despite these tax incentives, minority businesses have not experienced a dramatic increase in the availability of venture capital. While the vast majority of businesses were benefiting from the improved climate of risk-taking entrepreneurial activity, most minority businesses were left out.

The minority community, very simply, suffers from a lack of capital. While we all know this to be true, it must be understood how this fact translates into the business world and creates, from the onset, a negative "cycle" for minorities wishing to enter business.

The cycle, very simply, goes something like this:

First. Because of the lack of ownership capital (equity), minority entrepreneurs tend to enter industries with very low capital barriers.

Second. Because these industries are most competitive, the chances for success are of low probability.

Third. Because minority firms typically have a smaller equity base than other firms in these competitive industries, their chances for success are even lower.

Fourth. Because of these disadvantages, the failure rate of minority firms in these industries is higher than the norm.

Fifth. Because the failure rate is high, it creates (or maintains) the negative image of minority businesses held by many potential investors which is, of course, reinforced by existing social bias.

Sixth. Because of this negative image, prejudice is displayed (stereotyping), resulting in less capital availability for all minority firms regardless of the industry in which they are engaged.

Seventh. Less investment capital for minority firms starts the cycle all over again.

The issue, then, is, how do we break this cycle? Obviously, some additional mechanism must be devised to get more equity capital to minority business. I believe that MITA will contribute to breaking the negative cycle for minority businesses. The major provisions of MITA are as follows:

Nonrecognition of capital gain when proceeds are reinvested in minority investment capital funds. In general, MITA provides for the deferral or nonrecognition of capital gains taxes when the proceeds from the sale of capital assets are reinvested in a qualified minority company.

DEFINITIONS

Capital assets are defined by sections 1221 and 1231(b) of the Internal Revenue Code.

Qualified minority company means any small business concern (within the meaning of section 3 of the Small Business Act) if such a small business is registered under the Investment Company Act of 1940 and such small business is described in section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

I believe that this bill provides the minority business community with the mechanism to get more equity capital. I trust that this legislation will receive the early and favorable attention of Congress.●

A TRIBUTE TO RON BROOKS

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. GUARINI. Mr. Speaker, I would like to report the activities of a tremendously courageous high school student whose name is Ron Brooks.

Ron has gained the love and admiration of thousands of individuals in

New Jersey because he is wrestling with the problems of life in more ways than one. Because he was born with feet where his knees should have been, Brooks is a double amputee. However, it has not stopped him from being a member of the Green Dragon Junior Varsity wrestling team at Brick Township High School in Ocean County.

Ron's accomplishments have been referred to me by a Jersey City native, Michael F. Vuocolo, who is among the thousands of readers of the following article by Joe Zedalis, Asbury Park Press staff writer, which appeared in the paper on January 31, 1984:

WRESTLER STRIVES FOR LIFE AS JUST "ONE OF THE GUYS"

There are many things Ron Brooks could ask for. Many requests he could make.

He has just one simple want in life—to be treated like anyone else.

Yet in many instances it is a request that will go unfulfilled.

Ron Brooks is a special person. And not just because of the birth defect that left him with only the upper third of his legs.

But, at least on the wrestling mat, Brooks gets his wish. He is an equal. He is admired by his comrades and adversaries because of what he can do, and not what he can't.

Brooks was born with his feet where his knees should have been. A decision was made later to amputate the feet to allow the use of prosthetic devices.

Brooks uses artifical limbs and a wheelchair to maneuver around school and home, where he is under the guardianship of Richard and Marie Froumy.

During practice sessions and matches, however, he uses his hands to propel his body.

"His disability does not get in his way at all," said Brick head wrestling coach Tom Webber. "He participates as hard as everyone else. He's a very proud boy."

And it is the fact that Webber informed Brooks prior to the season that he would receive no special treatment in the wrestling room that made the 17-year-old junior happiest of all.

"All I ask for is basic understanding," Brooks said. "I don't want people to feel sorry for me. If I want anyone to feel anything for me, I want people to feel proud that they could have me wrestle for them, with them.

"I love wrestling. It's the only sport I can participate in other than wheelchair basketball. But I've faced the fact that I'm not a great basketball player in a wheelchair. I'm working at it though."

That desire to work has made him a real part of the team at Brick High School.

"He'll do things until I ask him to stop," Webber explained. "The other day we were running in the hallways. He took off on his hands and went as far as he could."

"We're pleased to have him here," Webber added. "He's a real inspiration and he gets along real well with everyone."

Brooks transferred to Brick High School from Central Bucks High School East in Buckingham, Pa.

Upon his enrollment at Brick, Dave Vivino, a former football coach who is the chairman of the guidance department, informed athletic director Jim Rochford of Brooks' interest in wrestling. Rochford then relayed the message to Webber.

"I sat down with Ron and started talking about wrestling and he was really excited," said Rochford, himself a wrestling official. "We in the physical education department have a deep sense of appreciation for the handicapped. They are no longer pushed aside. Wrestling is a great sport for the handicapped and after Sykes (Tom Sykes of Red Bank Catholic, an amputee who won a state championship in 1974) the novelty has worn off.

"As for Ronny, he's just a tough person to dislike. He is a great supporter of sports with tremendous school spirit."

Brooks made his debut in a Brick Township uniform Dec. 16 at the Neptune Classic.

In his first varsity match, wrestling at 98 pounds he was pinned by Todd Thompson of Manalapan.

And as he left the mat, Brooks received a hearty round of applause from the fans in attendance.

"I thought to myself for a second, what are these people clapping at?" Brooks explained. "For a second I thought, gee, I go out on the mat like everybody else. And I wonder to myself what is it, are they clapping for me or for somebody that has no legs?"

"I try to wrestle to the best of my ability and it can be very difficult at times," he admitted. "My leverage on the mat is sometimes at a very poor quality because I only have my hands to wrestle with. My legs, I can't use."

Brooks recorded his first win as a Green Dragon Dec. 7 on the junior varsity level. Wrestling against Long Branch, Brooks won by forfeit.

"It was my first win but I was disappointed that it was a forfeit," Brooks said afterward. "I really wanted to wrestle pretty badly."

Naturally, his arsenal of moves is somewhat limited because of the leverage he mentioned earlier and balance.

"I love to hit the cradle," he said proudly. "I really love that cradle."

"The important thing is that I enjoy myself. If you're not enjoying it when you go out on the mat you'll destroy yourself."

"As important as winning and losing is to Ronny, participating is the big thing," Webber explained. "He may not be the greatest wrestler, but he's one heck of a human being."

Since I have been in Congress I have been more exposed to the problems of those who are handicapped or disabled and are striving so much to remove the obstacles that they have been forced to carry.

About 2 years ago at 4 a.m. outside the White Castle restaurant in Jersey City, I met two young men who were wheeling their way across the United States in a program during International Year of the Handicapped. The program called Continental Quest had the wheelchair users propel their chairs over hills and dales and through America's mountains and valleys to prove that they could travel under their own capacity from the Pacific to the Atlantic Oceans.

These two men, Philip Carpenter and George Murray, have both earned my salute. Their accomplishments came to my attention again when I was asked to serve last year with a committee of interested individuals who are working to make the Statue of Liberty and Ellis Island barrier free.

The committee has just completed their recommendations which will allow people like Ron Brooks and Phil Carpenter and George Murray to visit America's historic shrines which stand for freedom in all areas.

This committee is now undertaking the job of making similar recommendations on Ellis Island in time for the 100th anniversary of our fair lady in the harbor, which will be in 1986.

One of the poignant recommendations made by the committee was to have a 5-foot replica of the Statue of Liberty in the lobby so that the blind could feel the features and outline of this shrine that they could not see.

Ron Brooks has earned the salute of those who know him and love him in New Jersey and Buckingham, Pa. Now he will be known to the hundreds of thousands of individuals who will have contact with this CONGRESSIONAL RECORD.

Ron Brooks is determined to make it. He is an individual with high ideals which are best described in the few lines written by Carl Schurz:

> Ideals are like stars. You will not succeed in touching them with your hands; but, like the seafaring man, you choose them as your guides, and, following them, you will reach your destiny.

Ron Brooks has the courage outlined by Ralph Waldo Emerson when he wrote:

> Have the courage not to adopt another's courage. There is scope and cause and resistance enough for us in our proper work and circumstance.

Ron Brooks has the courage outlined by Winston Churchill when he wrote:

> Courage is the first of human qualities because it is the quality which guarantees all the others.

He has the character expressed by Henry Frederic Amiel, who said:

> It is not what he has, nor even what he does, which directly expresses the worth of a man, but what he is.

He has the determination of John Fico, who wrote:

Dear God,
The little plans I tried to carry through
Have failed
I will not sorrow
I'll pause a little while,
Dear God,
And try, again, tomorrow.

He has faith because he believes the most important thing is in the depth of his being, which keeps him going in face of untoward circumstances.

He has the thankfulness as expressed in the art of thanksgiving in the words of Wilfred Peterson:

> In thanking God for inspiration by trying to be an inspiration to others and living each new day to the fullest.

Most of all, Ron Brooks as a member of his high school wrestling team has experienced the achievement expressed by Booker T. Washington, who wrote:

> Success is to be measured not so much by the position that one has reached in life as by the obstacles which he has overcome while trying to succeed.

I must pay special tribute to the school officials, namely Chris Cook, coach of the Brick Memorial High School, for having tremendous love for this young man, who was joined by Dave Vivino, and athletic director Jim Rochford, who took a special interest in Ron when he transferred from Central Bucks High School in Pennsylvania to the Ocean County community.

I would like my colleagues in the House of Representatives to join me in this tribute to Ron Brooks, and all those who work with youth who inspire, encourage, teach, and enable them to overcome obstacles to attain their goals.●

NATURAL GAS—THE CONSUMER MOVEMENT BECOMES A REBELLION

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. DASCHLE. Mr. Speaker, on a recent trip back to my State of South Dakota, I had the opportunity to meet with a number of my constituents in a forum on intolerably rising natural gas prices. I was also privileged to have as my guest at that meeting our colleague, Dick Gephardt, the prime sponsor of the Natural Gas Consumer Relief Act.

At that meeting, which was attended by over 300 of my constituents, we heard example after example of the hardships that spiraling natural gas costs, coupled with a hard winter, have had on people in South Dakota. In the past 5 years, natural gas prices have risen by over 90 percent in western South Dakota, as gas producers violate the spirit of the current law by regarding the price ceilings mandated in the 1978 Natural Gas production Act as price floors. This, coupled with the mistaken judgment of the utilities in entering into "take or pay" contracts with indefinite price escalator clauses, and the proproducer slant of the administration's Federal Energy Regulatory Commission, has produced an intolerable situation in natural gas bills to the consumer.

So it was with considerable interest that I read the March 4 column by Washington Post columnist Colman McCarthy, in which still another example of the hardships caused by these out-of-control prices. I commend this article to my colleagues as yet more evidence that this Congress needs to take action now on providing natural gas consumer relief.

THE GAS BILL REBELLION: FIRED UP OVER DECONTROL

(By Colman McCarthy)

In early 1981, Philip Frazeur, 69, a retired metalworker in Griswold, Iowa, had an anxious hunch that his small fixed income would be endangered by the coming Reagan economic policies. One way to save money and brace himself, he figured, was to lower the natural-gas heating bill for his seven-room home.

With the kind of diligence that is respected in this farm country of western Iowa, Frazeur went on an insulation binge. He insulated the foundation of his house from the first floor to the dirt line. He weatherized the attic to almost zero heat escape. He installed insulation around all the doors and on all the storm windows. In an upstairs bedroom, he took out an entire window.

Spending more than $400 short-term toward a long-term goal of saving thousands, Frazeur says, "I thought this would be a sure way to get a smaller fuel bill."

He now knows better. Looking through his past bills the other day and reading off the figures when I phoned him, Frazeur said that "somewhere along the line, I've been getting ripped off."

His bills tell the story. For January 1975, he was charged $48 per hundred cubic feet of gas. For January 1980, he was charged $62 per hundred cubic feet. In January 1984, the cost was $104 per hundred cubic feet. In nine years, he decreased consumption by 50 percent, while his bill increased by more than 100 percent.

Frazeur, a giving man who volunteers two days a week at a Griswold senior citizens meals program, has been married 46 years. The youngest of his three children is in college. He is neither a sympathy-seeker nor a whiner. But the pattern of using less and paying more has stunned him. Soon, he says disbelievingly, he and his wife are "going to have to make a choice between utilities and food. I never thought it would come to this."

Nor did many others. Six years after Congress began to decontrol natural gas prices, no one except the wealthy has been immune from the less-for-more utility bill assault. Unlike the hungry and homeless, who are not easily tracked because they are beyond the sightlines of the government's counting system, bill-payers are visible. Figures are kept.

Griswold, Iowa, is everywhere. Between November 1978 and May 1983, post-decontrol increases have been measured by the federal Energy Information Administration. The average residential price increases in six cities are typical: Detroit, 122 percent; Los Angeles, 257 percent; Miami, 94 percent; Minneapolis, 133 percent; Seattle 74 percent; Washington, 102 percent. The average for 25 major cities was 134 percent.

Behind the numbers are stories of citizens whose heat bills are higher than their mortgage payments. Citizens are trapped. Heat, as basic to life as eating, has become an unaffordable luxury. In 1983, according to the Citizen-Labor Energy Coalition, 300,000 families were disconnected because they lacked money to pay gas bills.

The coalition is in a position to know the depths of the suffering. Since 1978, it has rallied citizens into one of the nation's largest protest movements. On Feb. 23 it came to Congress with 3 million signatures. Nearly all the signers were people like Philip Frazeur demanding relief. With politicians being praised for their "organization skills," here is organizing that matters: 3 million signatures gathered one by one when local coalition members went door to door canvassing gas customers. Those who say the consumer movement is dead are right: The movement has become a rebellion.

The gas bill rebels—homeowners and businessmen who are the major bloc of ratepayers—are seeking federal legislation to give consumers the price protection they obviously haven't had since the last federal law. The proposed Natural Gas Consumer Relief Act would prevent further decontrols scheduled for Jan. 1, 1985, under the Natural Gas Policy Act of 1978. The legislation would also roll back price ceilings and keep controls on what is called "old" gas.

With 170 House and Senate cosponsors, as well as the support of more than 200 national consumer, energy and labor groups, the legislation's main opponents are Ronald Reagan and major oil companies. The two are standing tall, while the Philip Frazeurs are flat on their backs.●

PROPOSED BANKRUPTCY COURT ACT OF 1984 (H.R. 3)

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Ms. KAPTUR. Mr. Speaker, it is urgent that the House move expeditiously to consider H.R. 3, legislation to provide for the appointment of bankruptcy judges under article III of the Constitution. In the absence of timely congressional action, the bankruptcy courts will not be able to function after March 31, 1984. The consequences of no congressional action will severely impact the lives of thousands of people throughout the country.

I am inserting in the Congressional Record the following letter from a constituent, Mr. Patrick McGraw of Toledo, Ohio, who served as the liquidation trustee in the Bell & Beckwith bankruptcy proceedings. As Mr. McGraw points out, the outcome of this legislation is critical for many individuals such as those who are affected by the Bell & Beckwith case.

Mr. McGraw's letter follows:

Fuller & Henry,
Toledo, Ohio, January 30, 1984.

Re Proposed Bankruptcy Court Act of 1984 (H.R. 3).

Hon. Marcy Kaptur,
House of Representatives Washington, D.C.

Dear Congresswoman Kaptur: Some 7,000 individuals, most residents of your District, were victims of the collapse in February 1983 of Bell & Beckwith, an 85-year-old stock brokerage firm based in Toledo. On February 10, 1983, I was appointed trustee in the proceedings to liquidate Bell & Beckwith under the Securities Investor Protection Act of 1970.

The principal objective of those of us responsible for the liquidation proceedings has been to make whole the customers of the failed brokerage, as fully and promptly as possible under the Securities Investor Protection Act of 1970. This process is being significantly slowed and made more expensive by Congress' failure to deal with the status of the nation's bankruptcy court system in the wake of a June, 1982 United States Supreme Court decision (*Northern Pipeline Construction v. Marathon Pipe Line Co.*, 458 U.S. 50).

Legislative action is needed prior to April 1, 1984 in order to avert an aggravation of the many problems arising in the wake of the 1982 decision, and possibly even to prevent a complete paralysis of the entire bankruptcy system. Congress should proceed, without further delay, to enact H.R. 3 (co-sponsored by Chair Rodino and ranking minority member Fish of the House Judiciary Committee). The effect of H.R. 3 will be to convert the existing 241 bankruptcy judge slots to 227 tenured judicial positions under Article III of the Constitution.

The 95th Congress passed the first comprehensive bankruptcy legislation since 1898, the Bankruptcy Reform Act of 1978. As a part of this milestone legislation, bankruptcy courts were given broadened powers to resolve disputes "related" to pending bankruptcy cases. For example, disputes with third parties over ownership interests in property, as well as other situations involving claims of the bankruptcy estate against third parties or claims by third parties against the estate, now all could be resolved efficiently before a single tribunal, the local bankruptcy court. At the same time, the rights of affected parties to have bankruptcy court decisions reviewed in United States District Courts and higher courts were preserved.

The 1978 legislation made many other changes in the nation's bankruptcy laws. Some of these changes continue to be controversial, and indeed there may be a need for remedial legislation. For example, the 1978 law significantly expanded the range of exemptions available in many personal bankruptcies, under which debtors are entitled to retain certain limited amounts of property during and after bankruptcy. Such provisions have been subject to criticism by representatives of creditor interests.

In a similar vein, creditor-interest representatives have advocated further legislation which would have the effect, if enacted, of requiring many individual debtors to submit involuntarily to five-year debt repayment plans, in lieu of complete discharges of their indebtedness. Attempts continue to be made to attach pro-creditor legislation as riders to bills introduced to cure the urgent constitutional problem raised by the 1982 Supreme Court decision.

Under the 1978 Act, the United States Bankruptcy Courts were held to be "Article I" courts. In other words, their existence was thought to derive from the power of Congress, under Section 8 of Article I of the Constitution, to establish "* * * uniform laws on the subject of bankruptcies throughout the United States", rather than as part of the judicial branch envisioned by Article III. The main attribute of the bankruptcy courts constituted by the 1978 Act precluding them from being considered Article III courts is the 14-year term of office the statute provides for bankruptcy judges—whereas Article III of the Constitution prescribes that members of the federal judiciary "shall hold their offices during good behavior"; or, in other words, for life unless impeached.

The June, 1982 Supreme Court decision in essence held the 1978 legislation unconstitutional, at least insofar as it allowed "related" cases—not merely bankruptcy proceedings per se—to be heard by non-Article III courts. Although the justices were split several ways in the 1982 case, with no one opinion commanding five votes, an underlying rationale may have been that the framers of the Constitution intended to have entirely independent, tenured federal judges decide lawsuits between adversary parties, and that it is not within the power of Congress to provide otherwise, even in cases "related" to bankruptcies.

The Northern Pipeline decision created a situation requiring further action by Congress. Recognizing the impact its decision inevitably would have, the Supreme Court stayed the effectiveness of its ruling until October 4, 1982, noting that "this limited stay will afford Congress an opportunity to reconstitute the bankruptcy courts or to adopt other valid means of adjudication, without impairing the interim administration of the bankruptcy laws." The justices later extended this deadline through December 24, 1982.

Unfortunately, Congress was not able to meet even the extended deadline. Congress' inability to agree on a timely solution reflected continuing controversies over other bankruptcy-law issues, including proposals to roll back provisions of the 1978 Reform Act and to make other changes in debtor/creditor rights and relationships. As of December 25, 1982, the United States District Courts adopted an "Emergency Rule" by which they have attempted, on a temporary basis, to step into the legislative void. The Emergency Rule in effect constitutes the bankruptcy courts as adjuncts of the Article III district courts, at least for purposes of handling so-called "related" cases.

Predictably, the Emergency Rule has been criticized and attacked with various arguments, especially an argument that the Emergency Rule is itself unconstitutional judicial legislation in violation of the constitutional separation of powers. As a matter of fact, several lower court judges have written opinions questioning the validity of the Emergency Rule. Fortunately, at least for those of us in Toledo, in April, 1983, the United States Court of Appeals for our judicial circuit in Cincinnati held that the Emergency Rule is not unconstitutional. Since the Supreme Court itself has not ruled on this point, however, any lawyer whose client's interest might be served thereby remains free to argue that the Emergency Rule is invalid. It is at least questionable whether the Emergency Rule—or legislation patterned after it—would survive a Supreme Court test.

Certain "transitional" provisions of the 1978 Bankruptcy Reform Act expire on April 1, 1984. In addition to the questions and problems which have existed and now exist, continued Congressional inaction past April 1 may draw into question the ability of the bankruptcy courts to function at all; indeed there are those who believe that the Treasury simply will be without authority even to pay bankruptcy judges after March 31 in the absence of legislation.

What may in fact appear to be merely legal complexities and technicalities have far greater significance. In the Bell & Beckwith proceedings, time and again over the last year, the Trustee has been confronted by legal arguments to the effect that the bankruptcy court here was without jurisdiction in view of Northern Pipeline. These types of issues were pressed with particular persistence by several Las Vegas interests, including the huge Summa Corporation (owned by the Estate of Howard Hughes), attempting to obtain from us concessions with respect to the Landmark Hotel-Casino, the largest single asset of the Bell & Beckwith estate. There is no question but that the existence of these issues both delayed the sale and caused added cost to the estate.

While there is no way to measure the effect precisely, it is my belief that legal issues flowing from Northern Pipeline already may have increased the cost of the Bell & Beckwith estate by several hundred thousand dollars in added litigation expense, settlements and other costs, such as interest, occasioned by delays. Depending upon the ultimate results of the liquidation, these unnecessary additional costs have the potential, of course, to directly impact the finances of Toledoans. On the other hand, to the extent such costs ultimately may be borne by the Securities Investor Protection Corporation, the fund maintained by that corporation for the protection of investors throughout the country will have been needlessly diminished. In addition, the litigation of issues traceable to Northern Pipeline has caused and has the potential in the future to continue causing significant procedural delays, to the possible detriment of a customer or other creditor with a claim still pending.

The Bell & Beckwith case is but one bankruptcy proceeding—albeit a large one which affects the financial security of many residents of your District. Thousands of proceedings are pending thoughout the country, including many personal bankruptcies. As of April 1, 1984, there will be no action by any bankruptcy judge anywhere in the country which will not be potentially subject to challenge. For example, any creditor anywhere might even argue that any bankruptcy judge is without power to discharge any individual debtor.

There are a variety of actions which could be taken by Congress—any one of which would be infinitely superior to continued inaction—but there is one clearly right solution: H.R. 3.

H.R. 3 deals directly with the constitutional problem raised by the Northern Pipeline decision, by conferring Article III status on the bankruptcy courts.

Proposals to reduce the bankruptcy courts to subordinate arms of the district courts would represent a regression to unnecessarily complicated procedural patterns prevalent prior to 1978 and, moreover, would not necessarily lay completely to rest questions as to the validity of the system under the Constitution.

Proposals simply to extend the April 1 deadline at best only promise to prolong still further the present highly unsatisfactory state of affairs for no legitimate reason. (I would suggest that, under the circumstances, it would be irresponsible for members of either political party to attempt to stall this matter until 1985 in hopes of being in a stronger position to have their way next year.)

Special interest efforts to attach proposals for other changes in the bankruptcy laws to a bill dealing with jurisdiction of the bankruptcy courts should be resisted; such other changes are entitled to be voted up or down by the people's representatives, but they ought to stand or fall on their own merits; controversies surrounding them should not be permitted to hold hostage action urgently needed to cure the Northern Pipeline problem.

Thank you for entertaining my views with respect to this important subject. I would be pleased to discuss this matter with you, any of your colleagues or any appropriate Congressional staff members at any time.

Very truly yours,

PATRICK A. MCGRAW.●

GOVERNORS BACK FUNDING OF APPALACHIAN REGIONAL COMMISSION

HON. FREDERICK C. BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. BOUCHER. Mr. Speaker, during the recent conference of the National Governors Association, the Governors of the 13 Appalachian States unanimously adopted a resolution opposing President Reagan's proposal to abolish the Appalachian Regional Commission and calling on Congress to appropriate $319.5 million in fiscal year 1985 for ARC activities. The Governors believe that this is the amount needed to effectively implement the development plan Congress requested in 1981, and I strongly support their request.

Since its creation in 1965, the Appalachian Regional Commission has served as a catalyst for the development of the basic public facilities necessary for industrial development and commercial expansion. The dramatic economic growth experienced in the Appalachian region during the 1970's was largely the result of ARC funded initiatives.

Through the Appalachian Regional Commission, a relatively small Federal investment is returned many times over in terms of an improved economy, new jobs for unemployed workers, improved health facilities, higher local tax revenues and an enhanced standard of living. Although much has been accomplished, much remains to be done, and with unemployment still ranging as high as 30 percent in the Appalachian region, we simply cannot afford to forgo the economic growth which a continuation of the ARC will provide.

Unfortunately, President Reagan does not understand the value of the ARC, and his budget proposal included no funding for this vital program. The Governors of the Appalachian States have spoken out strongly and eloquently in opposition to the President's proposal and in support of ARC funding in 1985, and I insert the Governor's resolution at this point in the RECORD.

RESOLUTION OF THE GOVERNORS OF THE APPALACHIAN REGIONAL COMMISSION

Whereas, the Congress over the years has shared our concern about the special problems of Appalachia and our view that ARC effectively addresses these problems; and

Whereas, we Governors of the Appalachian States in December 1981 unanimously responded to a Congressional request with a precise program "for an orderly completion of ARC efforts;" and

Whereas, our recommendations to Congress noted that "the work of ARC is not complete . . . that ARC is one program that works . . . and shifts power from Washington to the States so that national priorities can be adapted to the real needs of the States and communities;" and

Whereas, ARC has continued to be effective since 1981 despite a recession that disproportionately hit the still fragile economy of Appalachia and despite an annual ARC funding level of less than 45 percent of the 1980 appropriations; and

Whereas, ARC effectiveness even in these difficult circumstances shows more clearly than ever that ARC is indeed, as we have previously stated, "a model of how the system ought to work in this country," and is worthy of consideration for continued and wider use; and

Whereas, substantial critical unmet needs, as described in our 1981 Report to Congress, still exist and in some cases have increased as a result of the impact on the Region of national economic conditions;

Therefore, be it resolved:

1. We, the Governors of the thirteen Applachian States, strongly reaffirm our commitment to the Appalachian Regional Commission and urge the passage of authorizing legislation consistent with our recommendations.

2. Noting that the fiscal year 1985 budget proposal we have submitted to the Congress calling for funding of $319.5 million is inadequate to fully address the needs that remain unmet in Appalachia, we urge appropriation of the full amount of this request.

3. In light of the proven effectiveness of the ARC process in shifting power from Washington to the States and in accomplishing its goals, we encourage the Congress to carefully consider the use of this process on a wider scale.

4. We pledge to continue to give top priority to the achievement of these objectives.

APPALACHIAN GOVERNORS

Harry Hughes, Maryland—States' Co-Chairman;
George C. Wallace, Alabama;
Joe Frank Harris, Georgia;
Martha Layne Collins, Kentucky;
William A. Allain, Mississippi;
Mario M. Cuomo, New York;
James B. Hunt, Jr., North Carolina;
Richard F. Celeste, Ohio;
Dick Thornburgh, Pennsylvania;
Richard W. Riley, South Carolina;
Lamar Alexander, Tennessee;
Charles S. Robb, Virginia; and
John D. Rockefeller IV, West Virginia.●

END THE EXPLOITATION OF FOREIGN SERVICE SPOUSES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. LANTOS. Mr. Speaker, Marlene Eagleburger is a thoughtful woman of remarkable talents and abilities, who has served as the wife of an ambassador and is fully qualified to serve as an ambassador herself. In yesterday's Washington Post she reminded us of the exploitation long endured by foreign service spouses.

I would like to share with my colleagues in the House her serious and insightful comments and an editorial from the Post which supports those views. The legislation Marlene Eagleberger calls for is long overdue.

"MRS. FOREIGN SERVICE" DESERVES TO BE PAID TOO

(By Marlene Eagleburger)

Americans love a bargain. The U.S. government gets the biggest bargain in town when the Department of State hires a married person for the Foreign Service. Since the days of Ben Franklin, wives have been expected (read required) to carry out representational duties while serving abroad at an embassy or consulate. (The Department of State representation as those activities whose purpose is furthering abroad the interests of the United States.)

Until 1968, the wife was rated in her husband's Efficiency Report as to her talents, enthusiasm, language facility, ability to deal with other people, etc., in addition to helping the embassy further the interests of the United States. If a Foreign Service officer had the good judgment to marry a bi- or trilingual "Perle Mesta" there would be no stopping the officer—an ambassadorial assignment was surely in the cards.

This situation was accepted without much grumbling. When there was complaint, it usually was the result of the outrageous demands imposed by some ambassador's wife. One of the stories that still floats around the corridors of the department is of the ambassador's wife who decided that embassy wives should have a "natural, all-American" look. The word went out—no wife could go to the local beauty salon to have her hair done (the all-American part), and no wife would wear a girdle (the natural part).

I must admit to a chuckle as I tell the incident, but it is with an undertone of disbelief that 1) such an order could be issued, and 2) that anyone would pay the least attention to it I don't want to give the impression that all or most of the wives resented this situation because this would be false. In observing the wives at an embassy in the early '60s (I was an unmarried employee), I found that wives were, for the most part, an enthusiastic, talented and dedicated group who believed they were not only helping their husbands, but also helping to further the interests of the U.S. government.

But times change, and so in 1972 the Department of State issued a directive to all overseas posts stating that spouses (wives out, spouses in) no longer were expected to participate in any representational activities. Sounds good. Yes, representation on the part of spouses was no longer required, but everyone knew that the work still had to be done. The directive got the department off the hook, but, with few exceptions, spouses carried on with their representational responsibilities.

The time has come to pay spouses in the Foreign Service for their representational work abroad. This is not a new concept—some 30 countries already pay some kind of compensation to spouses serving abroad, among them Japan, Austria, Italy and Yugoslavia. Spouses who choose to do representation are doing a job for the U.S. government and should be compensated for it.

The spouses teach English to foreigners, give speeches, radio and television interviews in local languages, participate in educational, health and social welfare organizations and arrange cultural events to enable foreigners better to understand American values. Contact with host and third-country citizens is crucial in creating an accurate portrayal of U.S. life.

And then there is "entertainment." An important part of an officer's job is getting to know not only the officials of the host country but third-country citizens as well. This is done most easily in the relaxed atmosphere of dinners and/or luncheons in the officer's home. Friendly relationships are formed, views and information on foreign policy are exchanged and, it is hoped, mutual trust and understanding are developed. It always amazes me, even after 20 years "in" the Foreign Service, that people outside the Foreign Service look upon this part of Foreign Service life as glamorous and exciting. In reality it is 80 percent plain hard work. First of all, there is the question of money.

There are those in this town who would have Americans believe that the U.S. government spends a great deal of money on the State Department's "whiskey fund." If only that were true. The truth is that other than the ambassador, an officer serving abroad receives an average representation allowance of $989.50 per year. When this sum is exhausted, guess who picks up the tab for the government? The Foreign Service family. It is one thing to give a party for friends every few months. But in the Foreign Service, dinners, luncheons, etc. are weekly business—the business of the U.S. government.

Recognition of the multidimensional role of the Foreign Service spouse in advancing American interests was emphasized by the establishment of the annual Avis Bohlen Award by Pamela Harriman. One ambassador recommended a candidate for the award by stating: "The contacts she made through her activities often opened the door to opinion leaders the embassy had unsuccessfully attempted to reach before. I was able to converse with the most virulent anti-American activist because his wife praised the candidate's integrity and sincerity. In an unprecedented tribute to a Foreign Service spouse, the foreign minister gave a farewell luncheon for the candidate because of her role in improving host country relations."

There is another side to the compensation issue, and that is recognition of a job done. One can argue that it is incorrect to judge a person's contribution by the amount of money earned. Maybe. But who would seriously debate that in today's world, and in today's America, the size of one's salary denotes worth? Many Foreign Service spouses trying to breach the bulwarks of U.S. private industry have no work/salary history at all, or a work/salary history that keeps repeating itself because of frequent overseas postings.

Most employers don't know much about the Foreign Service, and what they think they know is usually wrong. Representation to the uninitiated conjures up in most minds the stereotype cookie-pusher, cocktail-circuit scene. While an employee in the Foreign Service, I attended a dinner here and someone asked what I did. When I told him I was in the Foreign Service, the comment was, "I didn't realize that they took women in the Foreign Legion." I will admit that since the hostage situation in Iran and the increasing activity of terrorists, our name recognition has improved—but not much more.

A group of Foreign Service spouses are taking a compensation proposal to Congress for consideration and, we hope, implementation. The proposal is: a supplementary allowance of up to 40 percent of the employee's salary be paid for a spouse who agrees to carry out representational responsibilities abroad that further the interests of the United States.

This proposal offers the Foreign Service spouse a choice. If a spouse so chooses, he or she can sign a contract with the embassy to perform certain specified representational duties. For a full-time commitment, a spouse would receive the 40 percent. If, on the other hand, a spouse could only devote part time to representational work (perhaps there are small children to care for), the percentage would be reduced. It has also been proposed that an oversight committee be set up—including representatives of all groups assigned to the embassy—to review performance. Upon request by a spouse, a report of performance would be given to the spouse at the end of the posting. This report could provide a work/salary history that would assist in gaining late employment in the United States.

The adoption of this proposal would lessen the strain on family unity and substantially increase the morale and performance of our people serving overseas, while at the same time providing real benefits to the government and the taxpayers.

It would not wholly compensate spouses for their loss of income, lack of career opportunities, or disruption of family life, but it would offer a valuable incentive for the family to remain in the Foreign Service. Most important, the "two for the price of one" mentality that now exists would be abolished and the Foreign Service spouse would finally get the recognition so well deserved and so long denied—that of a professional in the service of the United States.

DIPLOMATS WITHOUT PAY

We publish on the opposite page today a piece of special pleading whose essence we heartily endorse. It is a proposal to compensate the spouses (mostly wives) of American diplomats for the overseas "representational duties"—meals, social and cultural events, community activities involving ties with foreign officials or citizens—that many of them now shoulder to their country's profit while they profit personally not at all.

It used to be the common practice—and in some quarters it still is—for wives to do unpaid social/business duty, cheerfully or at least stoically, for the sake of their husbands and their husbands' careers. But the women's movement changed a lot of that: vital matters of equality and dignity began to receive the attention they deserve. In no walk of American society is the transition complete or fully successful. In the Foreign Service, special problems have arisen from the long tradition of a diplomatic spouse's representational service and from the difficulty of women's pursuing their own careers in their husbands' posts abroad.

In the State Department, the idea dies hard that no one would join the Foreign Service if he or she did not expect the spouse to tag along and be a good sport. By the early 1970s, however, the department had started warming to women's and family issues: a woman diplomat no longer had to resign if she married, and a spouse no longer was rated on her social performance or was formally obligated to perform. Subsequently, the government accepted a responsibility to ease some of the financial burden of a wife's deciding not to accompany her husband overseas. Part-time embassy jobs, with "creditable service" for career status and retirement, were opened up for, now, some 2,000 spouses. The department now lists 275 "tandem couples" in which both partners are in the federal service abroad.

In 1980 it became possible for an ambassador to pay a diplomat's spouse for the direct costs of representation she performed on her own. But that still leaves unpaid the extensive and vital voluntary service of diplomatic wives. It is for these women that Marlene Eagleburger is now proposing a method of compensation. Its details may need work. But it is past time for the U.S. government to stop exploiting a whole class of women and to pay them for the work they perform.●

FIVE-YEAR EXTENSION FOR TARGETED JOBS TAX CREDIT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. RANGEL. Mr. Speaker, today, I am introducing H.R. 5094 which would extend the targeted jobs tax credit (TJTC) for 5 more years. The existing credit expires at the end of 1984. Thus, early congressional action is critical to the future of this effective program which provides tax incentives to employers who hire the structurally unemployed. On three separate occasions since its original enactment in 1978, Congress has voted to extend the program. I urge my colleagues to join me once again in renewing the targeted jobs tax credit.

The TJTC was enacted in 1978 to encourage employers to hire individuals with special employment needs. Prior to 1978, the tax law contained provisions giving tax credits to employers for simply expanding their employment rosters, regardless of whom they hired. This general program proved to be very expensive and provided no incentive to hire persons from groups with extremely high unemployment rates. Wisely, Congress decided in 1978 to encourage employers to hire from targeted groups. These groups have remained generally unchanged and include vocational rehabilitation referrals, economically disadvantaged youth, economically disadvantaged Vietnam-era veterans, SSI recipients, general assistance recipients, economically disadvantaged cooperative education students, economically disadvantaged ex-convicts, eligible work incentive employees, involuntarily terminated CETA employees, and qualified summer youth employees. As is readily apparent, the credit encourages employers to "take a chance" on one of these persons regardless of the associated higher training costs and employment risks.

In 1981, the TJTC was extended for 1 year and changes were made to prohibit "retroactive" certifications. In

1982, the TJTC was extended for 2 years. This program works and encourages employers to hire persons that they otherwise would not. The TJTC deserves a congressional reprieve from these continuous short-term extensions. My TJTC extension legislation last Congress, which unfortunately, was not adopted, made the credit permanent. While that is still my wish, the legislation I introduce today extends the credit for 5 years.

The President's fiscal year 1985 budget provides a 1-year extension. This indicates the Treasury has recognized the credit's effectiveness as an easily understood, simple, private enterprise stimulus. However, the disadvantaged and handicapped within the targeted groups, the numerous community action and welfare organizations that promote the credit to potential employers, and the employers themselves need the certainty that an at least 5-year extension provides. Without a long-term extension, this credit cannot and will not reach maximum efficiency and will eventually die. No program can endure piecemeal, short-term extensions.

The legislation I introduce today contains perfecting amendments to the TJTC. One raises the wage base to $10,000 in order to encourage the credit's usage by higher paying industries. In addition, to more closely adhere to economic reality, the credit would be amended to cover persons making 80 percent of the Bureau of Labor Statistics' lower living standard. Other technical clarifications are contained in the bill to prevent possible unintended results.

The credit is cost effective to the Government. As even a casual familiarity with the targeted groups indicates, the great majority are receiving Government assistance. Putting these people on a payroll eliminates the Government subsidy to the targeted person. Of course, the employed person also pays taxes into the system. As I understand it, the National Commission for Employment Policy currently has under review an actual study of specific targeted group employees that substantiates the cost effectiveness, and in fact, minimal overall revenue loss, of the TJTC.

In closing, I would like to raise two other issues that I know have concerned many Members. It is my hope that the credit will be used by employers to vigorously screen and question potential employees to ascertain their inclusion in a targeted group. This behavior is exactly what the credit encourages and more employers need to do this vigorous screening.

Last, it is my understanding that certain States have effectively discouraged utilization of the credit by requiring extremely burdensome, "up front" income proof from potential targeted persons. I, and many other Members, hope that it is possible to develop an eligibility criteria evaluation system that is not so burdensome as to destroy the effectiveness of the program. This is particularly important in light of the disadvantaged and handicapped persons to be served by the TJTC. It is my understanding that the Department of Labor is working along those lines with interested groups to insure the program is utilized by those it is intended to help. It is again my hope that a satisfactory solution can be reached so that overly burdensome, "up front," documentation is not necessary.

In summary, the TJTC has proven to be an effective stimulus for employers to hire from these hard-to-employ groups. I urge all my colleagues to cosponsor my initiative, as many have done in the past, and to work for a rapid 5-year extension of the program.●

ESTATE TAX REFORMS

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. BEDELL. Mr. Speaker, I am today introducing legislation designed to uphold the intent of the Congress when it enacted important estate tax reforms in 1976. The reforms were designed to assure that family farms and businesses continue to be operated by the members of a decedent's family.

Under section 2032A of the Internal Revenue Code, family farms may be valued for estate tax purposes under a special use valuation method. This method allows a farm to be valued at its productive value, rather than its generally higher fair market value. The lower valuation reduces the tax due on the estate accordingly. In order to qualify for this special use valuation, the farming enterprise must be actively farmed by a relative of the deceased for at least 10 years following the decedent's death.

Section 2032A has been important in allowing many farm heirs to preserve the family farm. Prior to enactment of the provision, some heirs found that they had to sell a part of an inherited farm in order to pay the estate taxes, or they found themselves saddled with significant debt as a result of having to satisfy the estate tax liability.

The larger estate tax was particularly unfair because in many cases the high value assigned to the land was a reflection more of speculation and inflation, rather than the land's ability to generate an income for a farm family. By some estimates, application of the special use valuation method has resulted in the valuation of farms for estate tax purposes at from 30 percent to 70 percent below their true fair market value.

Unfortunately, although section 2032A has been perhaps the most direct action taken by the Congress to preserve the family farm, it has apparently failed to gain the favor of the Internal Revenue Service. In fact, since the provision's enactment in 1976, the IRS, through a series of narrow interpretations and administrative rulings, has sought to limit the scope and availability of section 2032A.

For example, the IRS initially ruled that a farm estate is ineligible for special use valuation if the farm had been rented on a cash rather than crop share basis by the decedent to a member of the decedent's family during the decedent's retirement years. Fortunately, in response to considerable public and congressional criticism, the IRS reversed its positions on that issue in 1981.

The legislation I am introducing today is an attempt to reverse yet another IRS effort to undermine the intent and applicability of the special use provision.

The Internal Revenue Service currently holds that if an heir rents—on a cash basis—his or her interest in a farm to a relative, even though that relative is a "qualified heir" under section 2032A, then the farm estate cannot qualify for the special use valuation. However, the IRS apparently would allow a farm rented by one family member to another—provided the other is a qualified heir—to qualify for the special use valuation if the rental agreement was on a crop share basis.

Mr. Speaker, it is my contention that the IRS's distinction between crop share and cash rent agreements among relatives is an arbitrary distinction that undermines the intent of the special use provision and ignores what is common practice in the transfer of a farm from one generation to the next. Moreover, in my opinion the ruling ignores language in section 2032A which states quite clearly that the property shall qualify for special use valuations so long as it is "used for a qualified use by * * * a member of the decedent's family" and "there was material participation by * * * a member of the decedent's family in the operation of the farm * * *."

Often, when a retired farmer dies and leaves the family farm to his children, one of the children remains on the land and actively farms and manages the operation. The other siblings usually are content to rent their share of the farm back to the brother or sister who continues to farm. The heirs then have the choice of renting the property on a cash or crop share basis. However, many prefer to rent on a cash basis because of the simplicity of this type of rental arrangement and the fact that those family members who have left the farm frequently have little interest in or knowledge about its day-to-day operations. Some of these nonfarming relatives would prefer to sell their interest rather than rent it on a crop-share basis, and such a sale could threaten the farm's eligibility for the special use valuation.

The legislation I am introducing today would make clear that an heir could rent his or her interest in a farm to a family member on either a cash or crop-share basis—as long as the family member who rented the land was a qualified heir—without risking the loss of that farm property qualifying for the special use valuation.

Mr. Speaker, I believe that approval of this legislation would go a long way toward assuring that all farms which continue to be operated by a family member remain eligible for the special use valuation, as intended by the Congress, and I urge its prompt consideration.

The text of the legislation follows:

H.R. 5070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 2032A(c) of the Internal Revenue Code of 1954 (relating to tax treatment of dispositions and failures to use for qualified use) is amended by adding at the end thereof the following new sentence: "For purposes of subparagraph (B), any use of the qualified real property by a member of the qualified heir's family pursuant to a lease shall be treated as use by the qualified heir."

(b) The amendment made by subsection (a) shall apply with respect to the estates of decedents dying after December 31, 1976.●

A TRIBUTE TO MAYOR PAUL AMICO

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. GUARINI. Mr. Speaker, a well-deserved testimonial dinner honoring Mayor Paul Amico, of Secaucus, is being planned for Saturday, March 24, 1984, in Scheutzen Park, North Bergen, N.J.

Mayor Amico, a very dear and personal friend of mine, has efficiently and most successfully led the town of Secaucus to its present position of wealth and prosperity. While this tribute is paid to Mayor Amico, I believe it is most important to relate the following information in order that all those involved get the full impact of Mayor Amico's leadership:

Over the past two decades, Secaucus, N.J., has made unprecedented progress. Although located in the heart of the Nation's most highly urbanized region, Secaucus stands out as a community that possesses modern and extensive municipal services while maintaining low and stable taxes. Its streets are safe and clean; its homes well-kept. Owning a home in Secaucus has proven to be a wise investment, as evidenced by their high resale value. Moreover, major corporations have found that it is good business sense to locate their operations in Secaucus.

But 20 years ago, it would not have been possible to make such laudatory comments about this community. Attractive homes and nationally known firms now stand where pig farms once were.

Modern commercial structures have replaced burning dumps and mosquito-infested marshlands. In the old days, the mere mention of Secaucus would trigger a tirade of derisive and derogatory remarks.

Secaucus' transformation from Hudson County's standing joke to its crowning jewel was not the result of any accident or quirk of fate. Rather the prosperity that the town has enjoyed for the past 20 years is the produce of the untiring efforts and exceptional talents of its Mayor Paul Amico who recently marked his second decade as the community's chief executive.

Paul Amico is a reflection of all that is good in the American dream and symbolizes those values that make the United States such a great nation. Born in New York's Lower East Side and the son of Italian immigrants, Amico and his family relocated in Secaucus when the future mayor was only 6 years old. Young Amico was enrolled in the local school system and soon earned considerable repute on the local baseball diamonds.

But the pleasures of sport were soon subordinated by young Paul, who was always willing to apply his efforts to increase his family's income. Indeed, self-discipline and the propensity for hard work, traits that would make his later successes, were already evident in this young man. At age 12 he was employed at Marra's Drug Store and was not loathe to take on any other odd jobs that might come his way.

Possessing an admirable blend of ambition and enterprise, Paul started to work for a local diner at age 17, and within 8 years, so thoroughly mastered the business that he opened his own eatery. Good business sense and hard work transformed the diner into a well-known establishment that was noted for its excellent food and superior service. But World War II interrupted Paul Amico's career as a restaurateur when he entered the U.S. Army, quickly rising to the rank of staff sergeant.

With the war's conclusion, he returned to Secaucus and reopened his diner. Although economic necessity dictated that he interrupt his formal education, Paul Amico proved to be a classic example of the self-made man. Embracing a credo of continual self-improvement his diner became even more successful. In addition, wise real estate investments, which were indicative of his foresight, allowed Paul to retire from business at age 43.

Although financially secure, he was not content to sit back. Instead, he applied the same determination and dedication to civic affairs. His efforts were soon rewarded when he was elected to a term on the municipal council. Five years after his first stint in public office, the voters of Secaucus rewarded Paul Amico's exceptional abilities by electing him as their mayor. This past November, he was reelected to his 11th consecutive 2-year term as the town's chief executive.

True to character, Paul Amico has totally committed himself to serving the people of Secaucus. Although he receives only a nominal salary for his enormous responsibilities, he is a full-time, 7-day-a-week mayor, who is always available to any citizen, regardless of their partisan affiliation. Through the years Mayor Amico has dedicated himself to the steady improvement of his community and is generally recognized as the driving force in Secaucus' municipal government.

Under his leadership the town has enjoyed 20 years of efficient, businesslike, scandal-free government. He has taken the initiative in upgrading the community in every conceivable area. A thoroughly modern educational system, a new municipal government center, expanded recreational programs, and a complete sanitary sewage system are just a few of the many monuments to Mayor Amico's leadership and foresight.

In the end, those who praise the town of Secaucus are ultimately paying tribute to Mayor Paul Amico.

Mayor Amico is married to Jean Amico, his wife of 10 years, and when he married Jean he automatically became a father and grandfather. They have two sons, Dr. Albert Cassazza, M.D., of Connecticut, and Robert Cassazza, of Florida, and their eight grandchildren are: Joanne, Holly Rose, Asher, Robert, Jr., Aimee, Karen, Albert, Jr., Susan, Peter, and Jennifer.

Well done, Paul Amico. I feel certain that George Bernard Shaw had you in mind when he wrote:

> Life in no brief candle to me. It is a sort of splendid torch which I have got hold of for the moment, and I want to make it burn as brightly as possible before handing it on to future generations.

I am sure that all of my colleagues here in the House will join me in this well-deserved salute to Mayor Paul Amico, who indeed has expressed his love for the community he has represented for so many years.●

SPIRIT OF SCOUTING AT OSCEOLA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● **Mr. SKELTON. Mr. Speaker, within the district that I represent in Missouri, the Boy Scout camp at Osceola is located. This camp, on the banks of the Osage River, has provided the opportunity for many western Missouri Boy Scouts to grow and to learn leadership. The honorary scouting organization, Mic-O-Say, is a strong integral part of that camp and Boy Scouts in our area. A lawyer in Kansas city who, years ago, was a fellow Scout with me at Osceola, delivered an address to Scout leaders that reflects the spirit of scouting at Osceola, eastern Kansas and western Missouri. Thus, I offer this address of Sidney L. Willens to the Members.**

ADDRESS OF SIDNEY L. WILLENS

When Myron Chaffee asked me to speak I asked my longtime and cherished friend, "What can a Jackson County lawyers tell Johnson County Scout Leaders?"

Give us food for thought," he replied.

I hope I don't give you indigestion.

But maybe you'll easily swallow and digest a single belief.

When all is said and done there can be no more meaningful purpose, or even excuse, for adults to occupy space on this earth than to assist children and youth; to provide them with opportunity and guidance which will inspire them to grow, develop and achieve the maximum of their potential.

I know of no other youth-serving organization that does more to accomplish *that* purpose than the Boy Scouts of America.

I know of no other organization that does more to help volunteers to accomplish *that* purpose than the Boy Scouts of America.

Like a profit-making business, the Boy Scouts of America is no better than the people who rum it.

The people who lead the Boy Scouts of America are volunteers . . . coached by paid workers called Scout Executives.

Volunteers and professional scouters offer a blend of leadership unmatched anywhere in the world.

The value to an adult, such as myself, in receiving this blend of leadership during youth may be illustrated by a letter I wrote earlier this year to a wife whose husband I hope all of you had the good fortune to know . . . Wallace "Pappy" Grube, a public school teacher whose Mic-O-Say name was Chief Lone Star.

FEBRUARY 13, 1979.

MRS. WALLACE GRUBE,
Kansas City, Mo.

DEAR MAMMY: When I returned to the City I leaned of your loss as well as mine.

I don't suppose there has been any human being quite like Pappy. His long and continuous leadership on the Banks of the Osage River provided a link with the past and future. Those of us who camped in yesteryear returned to the H. Roe Bartle Reservation knowing Pappy would know our names and know our history.

One night many years ago and just prior to a tribal ceremony I happened on the trail to the Point and there was Pappy telling a story to young Mic-O-Say braves soon to become warriors. There in the old council ring Pappy was talking about a young scouter-turned-lawyer-turned civic activist. Lo and behold, Pappy was talking about me. Later when I asked Papply now he remembered so much about me he replied, "I keep track of all my boys."

Sure enough, Pappy would be the envy of the CIA. He kept secrets well. Pappy's love for boys and men who shared with him the spirit of scouting was the basis for his excellent memory of seemingly small happenings of the past. I marveled at his retention.

I guess what I am saying, Mammy, is that I lost a chunk of myself when I learned the Heavenly Scoutmaster took Pappy . . . . . Bartle, Modlin, Hammontree, Henion, Kirkland, Lukens, Thresher and, of course, George Charno, Sr., whose son and I practice law together today. . . all of them are gone. But those of us over 50 still had Pappy and now he is gone. But as his widow you must know and I must remind you that Pappy's influence was probably as great or greater than any of those cherished souls.

Pappy was truly a lone star.

Sincerely,

SIDNEY L. WILLENS.

The value to an adult inspired in youth by leaders such as Chief Lone Star lies in memories that *sensitize*.

Those of you who inspire youth know your sensitivities are being given to those who are younger and weaker. They, in turn, transmit your teachings to a third generation.

In a society undergoing a decline in sensitivity to brutality, beauty and civility, the Boy Scouts of America stands in the forefront of the battle for standards and good taste.

Scout leaders, you cannot by yourselves re-sensitize society but it cannot be done without you.

The battle to win the minds of youth never ends. The battle ground is a scout meeting room, an overnight hike, a camping program away from home.

In the 1940s volunteer and professional scout leaders captured the minds of kids with battle plans that would be the envy of the Pentagon.

Today those plans are still in place. In the Scouting program you enjoy the weapons to shape the spirit of boys to make them believe in themselves.

Today personnel managers, plumbers, carpenters, doctors, lawyers, judges, bankers, clergymen, salesmen, and professors still share a common belief that Scouting years ago taught us to believe, really believe. *Believe in ourselves.*

The violent and drug-addicted youth I have represented in 28 years of law practice enter the criminal justice system without believing in themselves. They come from a subculture untouched by the Scouting program.

Whether young criminal defendants live in Jackson County slums or Johnson County suburbs, the subculture *desensitizes* them. Their insensitivity makes it tough for all of us inside the criminal justice system, including Judges, to get these young people to *experiences*-such as jail confinement—which would traumatize the rest of us.

Suburban youth may not appear as regularly before our Courts as a youth from the slums. It is not there is no delinquency in the suburbs, or that these children have no problems. But they have families and in the Kanza District 300 Cub leaders and 350 Scout leaders who teach them to believe in themselves. You divert kids from a subculture that leads to criminal behavior.

The 2000 Cubs and Scouts of the Kanza District's 28 Cub Packs and 28 Scout Troops may never tell you of YOUR value to them just as an unknown convict in a federal penitentiary never learned of his influence over my client who I will call Jimmy Jones.

Jimmy joined the Air Force at 18. Police arrested him frequently. Jimmy was mad at the world.

The Air Force sent Jimmy to Alaska where he murdered a soldier. An Air Force psychiatrist called Jimmy insane when he fired the fatal shot. Eight months later at Jimmy's court-martial in Texas the same Air Force psychiatrist called Jimmy sane meaning, of course, that Jimmy was sentenced to prison for life instead of a mental hospital for treatment.

When Jimmy entered federal prison at 19 he could barely read or write.

Eight years later in 1965 Jimmy scribbled a writ of habeas corpus to federal Judge John W. Oliver who appointed me to represent Jimmy.

In April 1965 a hearing opened in federal court here. The Air Force psychiatrist, then stationed in Germany and brought to Kansas City at my request, took the witness stand. I sprang on him information I had gathered by telephone from ex-soldiers who participated in that Texas court-martial eight years earlier.

"Tell the truth. Tell the truth," I yelled at the psychiatrist. He turned pale on the witness stand. He broke down. Here is what he said.

"I wasn't about to get on the witness stand in that court-martial and say Jimmy was mentally ill and then he would get acquitted and get sent to a mental hospital for a couple of months and then get out and kill someone, maybe me. I changed my mind and said he was criminally responsible for his act because I wanted to keep him in prison the rest of his life."

The case was over. The Secretary of the Air Force reversed the murder conviction of Jimmy Jones.

Jimmy was 27 years old when he was released from federal prison.

Today Jimmy, 41 years old, is a university graduate and a newspaper reporter.

How did an 18-year old convicted murderer who could barely read or write become a professional writer?

"I spent eight years in prison," Jimmy told me. "I met an older man on the inside who inspired me. After I learned to know myself, I began to teach myself."

Jimmy said the older man taught him to believe, really believe in himself.

"It was a one-on-one relationship," Jimmy told me. "In a two-man cell it couldn't be any different."

What did Jimmy's cellmate do for Jimmy in less than eight years that nobody else accomplished—in 18 years?

That older man ignited a spark in Jimmy that he didn't know he had.

The Boy Scouts of America provides men and women such as you an opportunity to light fires in the hearts and minds of boys.

The Boy Scouts of America permits you to teach boys that it is in the essence of the nature of human beings to compete, if not with others, at least with themselves.

By helping a boy earn his Eagle rank, or his Order to the Arrow, or his Mic-O-Say, you show him how to CURE failure. By improving his performance, the boy is learning to probe deeper into his own spirit and he is finding new enthusiasm he never knew he had just as Jimmy found the spark that was lost in him.

Kanza District leaders, you are participating in a unique program. There is none like it anywhere and if I had my way I would have Juvenile Courts all over this country sponsor a Boy Scout troop.

The Scouting program offers a kind of professional leadership for adults and youth to blend together in a one-on-one relationship that means when you teach a kid how to tie a square knot you are showing him more than how to get his Tenderfoot Rank.

The Scouting program says don't talk . . . demonstrate.

The Scouting program says an ounce of application is worth a ton of abstraction.

Once the boy is taught he CAN DO it, the need for telling the man he SHOULD DO it is gone.

Performance teaches boys to believe in themselves forever.

The belief will remain with them forever whether they know it or not.

Volunteer Scout Leaders of the Kanza District. . . . You are immortal already whether you know it or not.●

ADMISSION OF SUBSIDY-BUILT VESSELS INTO COASTWISE TRADE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. BIAGGI. Mr. Speaker, I am offering today an amendment to the Merchant Marine Act of 1936 that will restrict the authority of the Secretary of Transportation to admit vessels built with construction differential subsidy into the coastwise trade. Specifically, this bill requires that three determinations be made before the Secretary permanently releases subsidized vessels from their obligation to operate exclusively in the foreign trade.

First, the Secretary must determine after full Administrative Procedure Act procedures that the existing fleet of vessels is inadequate to serve the trade. Most of us on the Merchant Marine Committee are concerned that the wholesale admission of CDS-built tankers will create vast overtonnaging in the trade and thereby destroy the tanker market. This is bad for maritime employment, bad for our shipbuilding base, and bad for existing operators who, in reliance on the continuing shield of the Jones Act, have invested hundreds of millions of dollars in vessel construction and maintenance. It is essential, therefore, that the Secretary determine as a matter of fact that a vessel which seeks transfer to the domestic trade is needed there.

Second, the Secretary must determine that the applicant cannot find employment for its CDS vessel in the foreign trade over a meaningful period of time. The whole point of the subsidy is to enable the vessel to compete in the foreign trade. The Merchant Marine Act is, in part, designed to assure an adequate fleet to carry this country's foreign commerce. It would defeat the purpose of the subsidy to allow these vessels into the domestic trade. Moreover, I believe that it is fundamentally unfair to the existing coastwise fleet to allow an investor to operate in the foreign trade in times of profit, and then to offer it the shelter of the domestic trade when that investment begins to turn sour. Accordingly, the amendment requires applicants for transfer to abide the ordinary cyclical downturns in the shipping industry: only if the vessel is unemployable for periods in excess of the cycle should transfer even be considered. I want to stress, however, that the applicant's financial position is not and should not be a determinative factor.

Finally and most important, my bill blocks the transfer of CDS vessels to the coastwise trade unless the Secretary of Transportation, along with the Secretary of the Navy, determines that the national security would not be adversely affected by such a transfer. The Merchant Marine Committee has noted with alarm the current trend toward the extinction of the militarily critical small tanker. The unlimited admission of the large CDS tankers would simply acclerate this trend by requiring the scrapping of small- and medium-sized tankers, some new and some old. These handy size tankers are precisely the best suited for military transportation purposes in the event of hostilities. Therefore, it is necessary and appropriate that the Secretary of the Navy have an effective voice in the decision to admit any CDS vessel to the domestic trade.

The bill I am introducing would not withdraw from any vessel the privilege of operating in the domestic trade. It is time, however, to close the door and protect a broader range of interests.

I believe that this amendment is in the best interests of the American merchant marine, and I hope it will be favorably considered.●

DEFICITS AND THE RECOVERY—THE CASE FOR DOING SOMETHING NOW

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. DASCHLE. Mr. Speaker, in the past few weeks, as could have been predicted, the administration's much ballyhooed deficit down payment talks have broken down to the point where there is increasingly less likelihood that anything substantive will come out of them. While it might prove satisfying to engage in some finger pointing and blame assigning, as a result of this breakdown, I for one am not feeling any great glee over the situation.

This is true particularly because it is becoming more and more apparent that unless significant reductions are made in projected deficits, the current spasm of economic recovery will prove to be short lived, due primarily to rising interest rates and consequent difficulty in investing and exporting activities.

Two articles from the March 4 edition of the Washington Post spell out very clearly these dangers. The first, by columnist Bart Rowen, shows the bipartisan consensus that deficits in fact do matter, while the second by staff writer Jane Seaberry capsulizes what the current recovery really is, and how fragile it can rapidly become. As responsible Members, of both the Republican and Democratic parties, in both the House and the Senate, attempt to come to grips with this problem, I would commend these two articles to my colleagues as valuable background.

The articles follow:

ECONOMIC IMPACT—REAGAN WAITS, RED INK FLOWS

(By Hobart Rowen)

It makes no difference to President Reagan who tells him to cut the deficit. In the space of 48 hours last week, he shot down not only economic adviser Martin S. Feldstein and Fed Chairman Paul A. Volcker, but also a modest proposal by Senate budget chief Pete Domenici (R-N. M.), a warning by the Republican director of the Congressional Budget Office, Rudolph Penner, and a bipartisan plea for action by the National Governors' Conference to stem the red-ink hemorrhage.

According to senior Republican senators, Reagan serenely continues to resist a tax increase, secure in the belief—which is probably a delusion—that the deficits won't turn out to be as bad as they are forecast to be. And, in any event, he figures the economy will look good right through Election Day.

Then, Reagan's friends suspect, he sees himself coming to grips with any problem that does exist after a resounding vote of confidence in November. He could even buy something of a tax increase in 1985—label it simplification or reform.

"It's just like one of his B-movies, with a happy ending," says a skeptic familiar with the scenario.

But like most B-movies, the plot doesn't hang together. Reaganites, like Treasury Secretary Don Regan, who talk of making huge new savings in non defense expenditures are whistling in the dark. Both Budget Director David A. Stockman and CBO's Penner tell him so.

The economic recovery, such as it is, could peter out next year and make a deficit-reduction program risky. The longer Reagan dallies, the harder it will be to set the economy on a smooth course. If a Democrat should win the presidency, he could be inheriting the biggest domestic economic crisis since the Great Depression.

Reagan has also ignored the sober warnings that come from the international side—not only from friendly heads of state in Europe and Japan, but from World Bank President A. W. Clausen and IMF Managing

Director Jacques de Larosiere, who are certain that the American deficit will impede recovery and worsen the international debt crisis in the Third World. Higher interest rates would wipe out the painfully achieved "adjustments" that some of the debtor countries have made through enforced austerity programs.

What all of these people, from different vantage points, are telling Reagan is that expenditure cuts alone won't solve the deficit problem—he also needs a tax increase.

Despite a growing economy, federal tax revenues aren't increasing because of Reagan's supply-side tax cuts, and the indexation starting next year in the personal income tax table will emphasize the trend. Meanwhile, outlays, as Michael Leavy of The Conference Board has pointed out, are propelled upward by the huge increase in defense, and the escalating interest payments on the national debt.

Calls for deficit reduction by any Democrat, including the several Democratic presidential candidates, are scornfully brushed aside by the Reagan team with the comment that these suggestions lack credibility, because in times gone by Democrats favored deficit financing.

The notion that somehow it's false or phony for Democrats to be worried about the huge deficit is just one more political ploy. If there is a role reversal to be remarked here, it is Reagan's stubborn refusal to deal with the deficit, despite his long history of plugging deficit reduction, ad nauseum.

But, as the CBO has pointed out, in all American history there never has been a deficit of the current and prospective magnitude, whether measured in dollars or in percentages of the national economy. A year ago, the CBO, under director Alice Rivlin, a Democrat, estimated a $284 billion deficit for 1988, and said that was "cause for alarm."

This year, her Republican successor, Penner, puts the figure at $339 billion for fiscal 1989, and adds: "So the risks are the same [as last year], but the time to deal with them has been shortened by 12 months."

Listen again to Penner: "The government is on a course for which our country's history provides no charts." That's why the Democrats have become deficit-conscious.

"It borders on Greek tragedy to endanger the otherwise positive prospects for the U.S. economy by see-no-evil, hear-no-evil, speak-no-evil budget policies," said Democratic economists Walter W. Heller and George L. Perry.

After looking at Penner's estimates, key Senate Republicans have come to the conclusion that the notion of a $100 billion "down payment" on the deficit over a three-year period is like spitting in a bucket. Penner believes that $100 billion has to be shaved from the deficit this year, and the three-year "down-payment" must be a minimum of $200 billion, a proposal endorsed by a number of Democrats.

Volcker has suggested a $225 billion deficit reduction—$50 billion the first year, $75 billion the second, and $100 billion the third.

But the prospects are bad. A key Republican senator said: "There may be a 50-50 chance of getting the $100 billion package out of [the appropriate] committees. But the proposal has political terminal cancer."

What's the bottom line? My conclusion is that we are now in danger of becoming a banana republic.

You think that's an exaggeration?

Here it is in more polite language from Alan Greenspan, former chief economic adviser to President Ford, and one of the nation's most eagerly-consulted business economists:

"This ominous [debt] situation parallels that in those less developed countries where debt burdens have outstripped economic growth, forcing borrowing simply to meet interest payments . . . Thus some combination of outlays growing slower and taxes growing faster than nominal GNP is required just to keep the ratio to the deficit to GNP constant."

But try to tell it to Reagan.

Economic Gain Is "Lopsided," Experts Warn

(By Jane Seaberry)

While government statistics have been giving out good news—lower unemployment, moderate inflation and stronger growth—two prominent government economists were warning last week that the economic expansion is lopsided and, therefore, fragile.

Their point was that while most sectors of the economy are benefiting from economic growth, some industries and sections of the country are suffering, largely because of high interest rates caused by the huge federal budget deficits.

Economists predicted last year that the economy might be skewed by high interest rates, and now they say results have begun to come in that confirm their expectations. Exporters and companies competing with imports, as well as companies engaged in long-term heavy business investment, are not sharing in the benefits of the recovery, they say.

Their predictions were underscored recently when the government reported record merchandise trade deficits for all of 1983 and for January. The U.S. merchandise trade deficit, which hit a record $69.4 billion last year, swelled during January to a record $9.5 billion, partly as a result of a poor showing by the export sector.

Warnings of a "lopsided" recovery are being used to bolster the argument for serious deficit-reduction efforts soon.

"The recovery is not very balanced," Federal Reserve Chairman Paul A. Volcker told the National Governors' Association at its winter meeting last week. Some industries are being hurt by the influx of imports, and exporters "are not doing well," Volcker said.

In addition, because of the deficits, future long-term investment needed to sustain the economy's expansion is doing poorly, Volcker said.

"In the near term, large deficits affect the character of the economic recovery," Martin S. Feldstein, chairman of the Council of Economic Advisers, said Monday. He said a lopsided expansion is "a riskier recovery, a recovery that's more fragile."

On Wednesday, Feldstein warned that "the dollar has appreciated in the face of enlarged budget deficits" and that "the most direct and obvious effect of the strong dollar has been the decline in exports and the rise in imports."

The increase in the merchandise trade deficit "represents substantial damage to American exports and to those firms that compete with imports from abroad," Feldstein continued.

In addition to the loss of some jobs, "there are also long-term adverse consequences as American firms relocate plants abroad and develop overseas sources of supply for components previously purchased in the United States," he said.

President Reagan, however, in an address on Friday, decried "pessimists" who have been "sounding a new alarm" about the trade deficits. He said a strong dollar results from confidence in U.S. currency, the nation's low rate of inflation and incentives to invest in American assets.

"Yes, we have a trade deficit," Reagan said. "But this is not entirely new."

Reagan said the United States had a trade deficit in almost every year between 1790 and 1875, "when our economy grew into one of the largest and strongest in the world."

Reagan said that the purchase of imports by Americans will help other nations pull out of their recessions, and they in turn will begin to buy U.S. goods.

In many ways, the recovery has moved along normally, starting with a surge in consumer purchases followed by more business investment. During the first year of a recovery imports usually grow faster than exports as more workers make more money and are able to buy goods.

However, as the trade imbalance worsens, the dollar generally falls, increasing exports and stabilizing the recovery.

But the United States is in the second year of the current recovery and the trade deficit is getting worse, largely because interest rates resulting from the budget deficits have stayed high, and so has the dollar exchange rate.

Many economists expect the merchandise trade deficit to top $100 billion this year.

For several months economists have been predicting a fall in the dollar because of the trade deficit, and recently the dollar has faltered slightly against major European and Japanese currencies. However, it has yet to see a sustained decline, largely because interest rates have remained high compared with those in other countries.

Economists point out that the strong dollar isn't the only restraint on exports; recessions in countries that buy U.S. goods, as well as the higher prices and lower quality of some American products, also contribute.

However, Feldstein and Volcker emphasized the strength of the dollar, caused in part by the deficit, in talking about a lopsided expansion.

They also stressed the need for successful negotiations between bipartisan representatives of Congress and the administration to reduce the deficit.

Economists say that while the impact of the trade deficit already is being felt, the effects from reduced long-term investment will not be seen until next year.

Jerry Jasinowski, chief economist for the National Association of Manufacturers, testifying last week before Congress, said that "the economy has been characterized by a series of imbalances, most notable reflected in the tight-loose combination of monetary and fiscal policy. This has been reflected in unusually high real interest rates, the persistent overvaluation of the dollar, the increasing trade deficit and the sectoral distribution of capital spending, which has been concentrated in equipment at the expense of structures."

While the recovery is normal in most respects, Jasinowski said, the large budget deficits coupled with tight monetary policy to reduce inflation will lead to "a skewed economic performance.

"While capital spending for equipment is going like gangbusters, slower spending for physical plant will mean an unbalanced capital formation picture by 1985," Jasinowski said.

"In 1983, current dollar spending on producer durables grew by 4.8 percent, while spending on nonresidential structures declined by 7.4 percent," Jasinowski said. "In 1984-85 this trend is likely to continue, even as the economy reaches a higher level of capacity utilization, with the result that in the long term the recovery in capital investment will be somewhat lower than normal."

Many business purchases, analysts say, are in lower-cost goods such as trucks and computers. However, many analysts argue that investment in large plants and heavy equipment may become less significant as the economy becomes more services-oriented and makes use of new technology.

In addition, the economy has not yet reached a high enough level of capacity utilization to warrant investments in major plant expansions, economists said. Instead, industry is buying computers and other equipment to make existing plants more efficient. As economic growth proceeds, businesses may feel more compelled to make long-term investments, several economists said.

"I don't agree with the tone" of the term "lopsided," said Alan Murray, an economist with Citicorp Information Services. But, he said, "You can't dispute the facts. Exports are rising, but imports are rising faster . . ."

"The economy is lopsided in one area," said Edward Friedman, senior economist with Chase Econometrics. "With exports it's totally one-way."

However, Friedman is among those who point out that the decline in exports can be blamed largely on the worldwide recession that has discouraged traditional customers for U.S. goods. "For every $1 decline in exports, 59 cents is due to lower exports to Latin America," Friedman remarked.

The poor export picture is likely to continue for a year or two, Friedman said. Even if the dollar began declining tomorrow it would take at least a year to retrieve lost markets, he said.●

LOOPHOLE OF THE WEEK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Ms. KAPTUR. Mr. Speaker, Justice Oliver Wendell Holmes said that "taxes are the price we pay for a civilized society." But taxes do not only finance programs that civilize a society, taxes should also be a measure of a society's progress and its commitment to fairness. By that measure, the administration's changes in the Federal Tax Code have sent our system of financing the Government hurtling back toward the dark ages. And the American people know it. Recent polls show the American people believe the Federal income tax is the most unfair tax of all. The actions needed to restore the integrity of the Federal Tax Code, and to restore the faith of the American people in the Federal tax system, can be summed up in three words. Close tax loopholes.

The proliferation of tax loopholes has created a tax system that falls, well, short of any standard of worth. The Tax Code contains more than 100 personal and business loopholes that total more than $250 billion this year. Because of loopholes, the Federal tax system does not meet the standard of fairness. Individuals or corporations with the same incomes or profits often pay dramatically different amounts of taxes. For example, a study by the Joint Committee on Taxation found that while the chemicals and investment industries had roughly the same pretax income, the chemicals industry's rate was a negative 17.7 percent while the rate for investment companies was a positive 21.9 percent.

Loopholes also have undermined the progressivity of the tax system. If a wealthy individual or a corporation receives a tax break, someone has to pay for the loss in revenues. That person often turns out to be the average or low-income taxpayer. Thus, while corporations received more in tax breaks last year than they paid in taxes, and while the effective tax rate paid by individuals earning more than $200,000 a year dropped by more than a third since 1978, the effective tax rate on the bottom half of the population increased by more than 50 percent since 1978.

Further, as we grapple with our tax forms, we find that the system is extremely complex. Loopholes have turned the Tax Code into a maze of rules and exceptions that spans more than 2,000 pages. We should not have to rely on accountants or tax lawyers to figure how much we owe in taxes. Nor should we harbor suspecions, often justified, that others are paying less than we are simply because they are able to take advantage of the Tax Code's preferences. Paying taxes should not be a game, but an obligation fairly shared by us all.

Revenues should also be raised in a manner most consistent with economic productivity and job creation. While this objective has often been the rationale for the establishment of new tax loopholes, the recent failure of supply side economics demonstrates that tax incentives are not an effective way to promote economic growth. For example the 1981 Tax Act established huge depreciation tax breaks designed to increase corporate capital spending. Instead of an increase, however, for the first time since World War II, capital spending declined 2 years in a row.

Other cogent arguments have been raised against the use of tax incentives to promote economic development. First, it is an inefficient approach because it inevitably subsidizes at least some business decisions that would have been made in the absence of any tax break. Second, it encourages paper entrepreneurism with businesses focusing their time on obtaining tax breaks instead of productive activity. Third, in practice, differential tax rates on businesses often lack any underlying justification. Some businesses pay their fair share, such as automobiles, pharmaceuticals, and electronics, while others are subsidized—the effective 1982 tax rate on the aerospace, chemicals, financial institutions, and insurance industries was less than zero—and it is by no means clear that society is the net beneficiary. One could argue that the best tax incentive approach would be no incentives at all, such as the tax neutral approach in Japan.

A final standard that a tax system must be held up to is whether it raises enough revenues to finance necessary Government activities. Closing tax loopholes is not the sole answer to the problem of the Federal deficit but, coupled with appropriate spending reductions, it is part of the answer.

We need a Tax Code that taxes individuals and corporations of equal incomes equally.

We need a Tax Code that adheres to the principle of the ability to pay.

We need a Tax Code that is simple.

We need a Tax Code that is most consistent with economic growth.

We need a Tax Code that raises enough revenue for the Government to meet its obligations.

Closing tax loopholes would work toward all of these objectives. Comprehensive reform must be the ultimate objective. We must close loopholes and create a simple and fair system with lower marginal tax rates. This is the heart of the Bradley/Gephardt "fair tax" approach. One characteristic that sharply distinguishes their bill from other comprehensive reform proposals is that it maintains a progressive rate structure. Such a structure should be continued not only because it is consistent with the worthy ideal of taxing based on the ability to pay, it is also needed to counteract the increased reliance on regressive taxes such as the social security tax.

Other interim approaches to closing loopholes deserve consideration. A tax expenditure budget, for example, would highlight their excessive cost. Another would be to apply sunset provisions to tax loopholes.

The "Loophole of the Week" effort will attempt to help demonstrate the need for comprehensive reform of the tax system. Today we sketch many of the broad principles related to the issue of closing tax loopholes. In future weeks, we will focus on the undesirability of specific loopholes. I urge my colleagues to join us in this effort.●

H.R. 4103 WILL PROTECT CONSUMERS FROM HIGHER CABLE FEES

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. RITTER. Mr. Speaker, in the upcoming months, the House Energy and Commerce Committee will consider H.R. 4103, the Cable Telecommunications Act of 1983. One of the issues surrounding this legislation is the percentage of annual gross revenue cities may charge cable operators for a cable franchise. The FCC rules permit cities to receive as much as 3 percent of an operator's gross annual revenues. H.R. 4103 goes further by allowing cities to receive as much as 5 percent of the annual gross revenues for the franchise. Some cities are seeking revenue levels higher than those permitted in H.R. 4103. In their desire to raise general revenue from cable television, such cities do not take into account the impact that higher franchise fees have on consumers. It is the consumer who must eventually pay the cost of such franchise fees.

Today, I am inserting into the CONGRESSIONAL RECORD an article from the Wall Street Journal which discusses a survey by the National Cable Television Association pertaining to franchise fees. H.R. 4103 attempts to strike a balance between not only the concerns of cable operators and cities, but also with the legitimate concerns of consumers. I urge my colleagues to give careful consideration to the impact that excessive franchise fees have on consumers and to support efforts such as H.R. 4103 to hold down such fees.

The article follows:

[From the Wall Street Journal, Feb. 15, 1984]

FCC Probes Charges That Cable-TV Firms Face Improper Fees

WASHINGTON.—The Federal Communications Commission is investigating charges that some cities are charging cable-television companies high franchise fees without a required waiver from the agency.

FCC rules say that cable companies can be charged as much as 3 percent of their gross annual revenue, without the commission's permission, for the right to lay coaxial cables on city property, but that fees of more than 3 percent require the agency's review.

No specific cities are targets of the investigation, according to commission officials, and it's unclear how extensive it will be.

The commission began its inquiry last week after learning of a survey by the National Cable Television Association. The trade group claims that more than 8 percent of the 812 cable systems it contacted are being charged the higher franchise fees without the commission's knowledge. If the association's findings are an accurate measure of the nation's 5,800 cable-system operators, it means the companies and their subscribers are being overcharged millions of dollars. The association estimates that cable operators paid $150 million in franchise fees in 1983.

The Senate passed a bill last June governing contracts between local governments and cable companies, and members of the House Commerce Committee are working on a similar measure. Cable-association officials are negotiating with representatives of the National League of Cities and the U.S. Conference of Mayors in an effort to strike a compromise that would shape the legislation. The city groups have rejected an earlier compromise that formed the basis for the Senate bill.●

HOW WE HARM OUR ADVANCED INDUSTRIES

HON. DOUG K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. BEREUTER. Mr. Speaker, Nero fiddled while Rome burned. Unfortunately, the same situation seems to apply to this country—at least with respect to our policies on the export licensing of high technology goods.

Recently we learned that business persons traveling overseas have had their personal computers seized, a biproduct of the "Operation Exodus" program designed to prevent the flow of high technology to the Soviet block, Washington Post, February 18, 1984. That is just another example of how we shackle business, further eroding our international competitiveness and trade balance, without any improvement in our national security. If we do not act soon to abolish this foolish course of conduct, the economic damage to our Nation may be irreversible.

Robert Samuelson's recent article entitled "How We Harm Our Advanced Industries" gives an excellent description of the damage that this export control philosophy is doing to our Nation's high technology industries. I encourage all of my colleagues to read this article, which follows, and join me in an effort to bring reason and balance to our Nation's export licensing program. We will not be acting a moment too soon.

The article follows:

[From the Washington Post, March 7, 1984]

How We Harm Our Advanced Industries

(By Robert J. Samuelson)

After last year's $60 billion trade defict, the last thing you would expect are new restrictions on exports. Look again: The government is suggesting tighter controls over high-technology exports. Computer and electronics firms are outraged.

Anyone interested in "industrial policy" should study this brawl. Because the proposal aims to curb the flow of technology to the Soviets, the furor seems a classic confrontation between commercial and national-security interests. Actually, it shows how we unintentionally harm our most advanced industries.

The idea of an industrial policy is to smooth the transition from old industries to new. As a practical matter, this involves adjusting to growing worldwide competition. But we cling to outmoded and exaggerated ideas of how much we can control global commerce and technology. And from these mistaken views flows a series of isolated actions that, collectively, make the shift from old to new industries more difficult.

No one intends this result, but that's what happens. Trade protection in the steel and auto industries probably has worsened their condition. For example, although protection has raised auto industry profits by permitting higher new car prices (up about 40 percent between 1980 and 1983), the same high prices dampen consumer demand and employment. Even the industry's restored profitability may vanish into higher labor costs.

The hampering of growth industries is equally unintended. The Commerce Department proposed the new export rules because it fears—reflecting Pentagon anxieties—that high-technology products with possible military uses are being diverted to the Soviet bloc. No one favors this, nor does anyone contest the centerpiece of existing controls: the requirement for licenses on sales of sophisticated gear to communist nations.

But now Commerce wants to tighten controls on exports to noncommunist nations. These are handled primarily under "distribution" licenses, which enable firms to ship continuously to overseas distributors without getting permission for each sale. Because most high-technology industries export heavily—exports were one-quarter of the computer industry's 1982 sales of $36 billion—the distribution license is widely used.

Commerce estimates that about 700 exporters have these licenses covering roughly 22,000 overseas distributors. Most of these are wholly owned sales subsidiaries of U.S. parent companies, but others are foreign wholesalers and foreign firms that incorporate U.S. equipment into their products: For example, a U.S. computer might be used in a French factory automation system.

The rules would require buyers in countries except for NATO members, Japan, Australia and New Zealand to pledge that they would not re-export high-technology equipment without U.S. approval. And there would be restrictions on U.S. exporters shipping directly to customers designated by overseas distributors.

Computer firms say that the many small changes would have a disastrous effect. Privately, one major company thinks that 25 percent of its non-NATO customers wouldn't sign the re-export pledge. Another firm, Data General, says two-fifths of its exports ($284 million in 1983) might be jeopardized; foreign firms using U.S. computers in their products will substitute machines from Germany, Japan, France and Britain, Data General adds.

Consider a French firm using Data General computers for its CAT scanner, an expensive medical device. The French company faces possible U.S. disapproval of some exports. "Since he's got out computer designed into this product cycle, he'll be forced to comply," said J. B. Stroup of Data General. "But when he redesigns, he'll design us out."

Whatever the reliability of industry estimates—they may be inflated to impress Commerce—efforts to control exports for foreign policy purposes inevitably provoke a backlash. Foreigners resent being told what they can do with what they buy. Americans would, too. Their moral: don't become dependent on U.S. products. In Britain, the leading computer firm (ICL) warns of America's "growing technological imperialism."

Thus, our government puts our companies at a disadvantage. Sales lost to foreign firms have the perverse effect of eroding American economic and technological strength. And it is probably a pointless sacrifice. If you were going to ship a computer illegally to the Soviet Union, would you hesitate to sign a statement that you wouldn't?

Our unhappy experiences with export and import controls spring from the misconception that we can deny the emergence of global markets. Keeping out low-priced foreign steel might protect the U.S. steel industry, for example, but it wouldn't protect the industry's customers. These firms—appliance and machinery manufacturers—simply would become more vulnerable to imports made with the less expensive foreign steel.

Likewise, the global diffusion of new commercial technologies limits the ability of U.S. export controls to keep innovations from the Soviets. The proliferation of supply sources makes control impossible. As a practical matter, all we can deny the Soviets are the most advanced technologies whose uses are heavily military. Our allies simply will not accept anything else.

But the prevailing philosophy is to restrict anything that might be of military use; existing rules require licensing for the simplest personal computers, which are now available worldwide. Our best defense is the Soviets' commercial isolation. Just because they can buy new technology does not mean they can assimilate it quickly; what advances technology in the West are competitive pressures for new products and lower costs—a process that is literally foreign to the Soviets.

The economic implications of these attitudes are sobering. Even under favorable circumstances, mature industries such as steel and autos cannot provide future economic growth and jobs. The markets are growing slowly or declining; advances in technology will mean that fewer workers will be able to satisfy this stagnant demand. Only new industries can assure job growth.

We need to rethink the outmoded assumptions that impair this shift. Most industrial-policy advocates propose programs to "manage economic change." We don't need to create new programs but to replace the old ideas that are doing so much harm.●

THE 10 BEST LEGISLATORS

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mrs. BURTON of California. Mr. Speaker, I would like to bring the following article to the attention of my colleagues. The article appeared in Jack Anderson's "50 Plus," and it highlights 10 outstanding legislators in the House and Senate who have worked to address the needs of our Nation's elderly.

[From 50 Plus, March 1984]

THE TEN BEST LEGISLATORS

(By Peggy Simpson with Helene Brooks)

SILVIO CONTE—REPUBLICAN REPRESENTATIVE OF MASSACHUSETTS, 62

The straightforward, cigar-smoking Conte is a Republican congressional leader who not only supports but fights for social-welfare programs targeted for extinction under the Reagan administration. (He once referred to budget director David A. Stockman as "the young slasher.") As ranking Republican on the House Appropriations Committee, he was the key strategist in preserving the jobs program for the elderly under the Older Americans Act. When Congress voted money for the program, Reagan vetoed the bill. Conte was crucial in persuading Congress to overturn the President's veto. In addition, he keeps his eye on governmental excess. He consistently tries to cut back, for example, on the size of the police force patrolling the Capitol building and its environs. Ridiculing the size of the force—two police for every member of Congress—Conte said, "We ought to have a workman's compensation fund in case they trip over each other and get hurt."

MARY ROSE OAKAR—DEMOCRATIC REPRESENTATIVE OF OHIO, 44

Oakar stubbornly keeps the pressure on the House Democratic leadership and the Reagan Republicans about what she calls the "feminization" of poverty—referring to the numbers of women over 65 who live below or near the poverty level. Her proposals for reform of the social security system were to permit income-sharing as a way to increase benefits for women who earned low wages throughout their working years. In another notable skirmish on Reagan's early proposals to cut back Medicare health benefits, she won House approval to reallocate $5 billion from Defense Department funds to the Medicare program. Choosing an election year, Oakar invested her political muscle in an issue that had maximum emotional appeal. During the debate on the amendment she told colleagues: "You have a choice between our older and disabled people in the country and the price of another cost overrun of a helocopter." She was also instrumental in stemming the cutbacks for the three million elderly women who subsisted only on the minimum social security benefit, proving to the discomfort of the Reagan administration that they were not "double-dippers" and that cutback of this sort would cause dramatic economic pain.

EDWARD M. KENNEDY—DEMOCRATIC SENATOR OF MASSACHUSETTS, 52

Washington's best-known spokesman for liberalism, Sen. Kennedy is a champion of comprehensive health-care programs and hospital cost-control plans. He is a defender of virtually all programs that have helped the poor and the elderly. At a time when many of his Democratic colleagues were intimidated by the Reagan successes, he shaped a bipartisan coalition to thwart the most severe budget cuts in the human resources areas in 1981. His staff has always been considered excellent—one of the most knowledgeable in Congress—which helps him articulate and move issues forward. Kennedy is a member of the Judiciary Committee and is the ranking Democrat on the Labor and Human Resources Committee.

CHARLES B. RANGEL—DEMOCRATIC REPRESENTATIVE OF NEW YORK, 53

As fourth-ranked Democrat on the House Ways and Means Committee, Rangel is a potent champion of the country's core income-security and health-care programs. He has been a leader in hospital cost containment fights and the battle for tax credits for dependents—not just for children but for any dependent, regardless of age. This would include elderly parents or other relatives. As chairman of the Ways and Means Oversight Committee, Rangel helped modify a loophole in the law that allowed corporations to place huge amounts of money into tax-free pension accounts for their highly paid professional employees. He is also the highest ranking black legislator ever to serve in the House Democratic leadership; last year he became a deputy majority whip.

WARREN RUDMAN—REPUBLICAN SENATOR OF NEW HAMPSHIRE, 52

A fiscal conservative who voted with Reagan on most of his budget cuts and tax increases, Rudman nonetheless has carved out a role as an unconventional freshman Republican not easily sterotyped. The junior senator, known for being well informed in the high-technology aspects of defense, chooses waste in the military budget as one of his consistent targets. A member of the Defense Appropriations Subcommittee, Rudman wants the U.S.A. to buy cheaper, less complex weapons that are easier to maintain. The bill passed through Appropriations in 1982. Another achievement: Rudman was a primary defender of the federal program for legal sevices for the poor and elderly, which the Reagan administration tried to eliminate.

DANIEL PATRICK MOYNIHAN—DEMOCRATIC SENATOR OF NEW YORK, 57

Arrogant and occasionally bombastic, Moynihan nevertheless remains one of the most effective advocates for domestic social-welfare programs under fire from conservatives. He was one of the heavyweight members of the social security reform commission; moreover, as one of the Reagan administration's most militant foes, he was an outspoken critic on social security cutbacks in 1981. Instrumental in working out the compromise that led to social security reform in 1983, he issued a set of recommendations which suggested saving the system with a combination of tax incentives and benefit restraints. Moynihan plays a similar influential role as ranking member of the Senate Finance Committee on all federal health and retirement issues.

ROBERT DOLE—REPUBLICAN SENATOR OF KANSAS, 61

Dole has developed a giant-killer's reputation as chairman of the Senate Finance Committee, making him a formidable obstacle for the Reagan administration, the business community and social-welfare groups. However, he is equally known as a superb negotiator. Key feats: keeping the heat on the Reagan White House to forge a compromise with Democratic congressional leaders to rescue the financially troubled social security system, and pushing through a $97 billion tax hike in 1982. His most significant accomplishment: he persuaded Reagan to back a 25 percent cut in Medicaid, food stamps and nutrition programs over three years, in place of the 30 percent originally proposed in the 1981 tax bill.

JOHN HEINZ—REPUBLICAN SENATOR OF PENNSYLVANIA, 45

As chairman of the Senate Aging Committee and a key moderate on the tax-writing Senate Finance Committee, Heinz is credited with considerable behind-the-scenes influence. Holding a seat on the National Commission on Social Security Reform, he proposed a successful amendment in committee to begin raising the retirement age and cut benefits slightly in the year 2000 as a way to help save the system. By ordering up federal studies on the devastating impact of the cutbacks of social security disability recipients (most of whom are middle-aged or older) and by holding public hearings in spring 1983, he has built a foundation for legislative reversals of the most damaging cutbacks, particularly those affecting the mentally disabled. Perhaps his strongest achievement is in the area of removing employment barriers to the elderly. Heinz was a strong backer to eliminate mandatory retirement laws and persuaded the Finance Committee to agree to end financial penalties imposed on social security recipients who continue to work after reaching 65.

PATRICIA SCHROEDER—DEMOCRATIC REPRESENTATIVE OF COLORADO, 44

With little fanfare, Schroeder educated her colleagues and the country about the plight of middle-aged and older women who had followed their military and foreign-service husbands around the globe—and then found themselves, upon divorce, bereft of tangible job skills and any share of their retirement income as well. As Schroeder puts it, "Poverty is just a man away." Co-chairman of the Congressional Caucus on Women's Issues, Schroeder put together a coalition that included the New Right's "pro-family" lobby to push through reform laws which vastly expand the pension rights of these women.

HENRY WAXMAN—DEMOCRATIC REPRESENTATIVE OF CALIFORNIA, 44

Despite less than a decade in Congress, Waxman has won a reputation as an innovative, relentless crusader for the nation's core health-care programs for the poor and elderly. He has also been a contant champion for clean air. He won a classic confrontation over the Clean Air Act, voting against the relaxation of standards of fuel emissions on automobiles. As chairman of the Health Subcommittee of the House Energy and Commerce Committee, Waxman led the (ultimately unsuccessful) fight to contain hospital costs during President Carter's years. A member of the Select Aging Committee, he helped amend a new Medicare payment policy. He is a leader in the efforts for improving long-term nursing care, better housing and nutrition. He worked diligently to strengthen the health warnings on cigarette packages, although the bill has not yet passed. Waxman is the co-author of legislation to abolish mandatory retirement for federal employees and to raise the retirement age in the private sector from 65 to 70.●

THE EMPLOYEE STOCK OWNERSHIP ACT OF 1984

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. RANGEL. Mr. Speaker, on behalf of Mr. Bosco and myself and 11 cosponsors, today I am introducing the Employee Stock Ownership Act of 1984. The bill, which makes a number of changes in the tax laws which unintentionally impede the creation and growth of employee stockownership plans (ESOP's), is identical to legislation introduced in the other body by Senator RUSSELL LONG.

ESOP's are tax-qualified plans under which employer stock is held for the benefit of employees. The stock, which is held by one or more tax-exempt trusts, may be acquired through direct employer contributions or with the proceeds of a loan to the trust(s). Specific amounts of stock are earmarked for each eligible worker and are held in trust usually until the employee retires, dies, or leaves for some other reason. At that time, the employee or his heirs receives the stock and can retain it or sell the stock at market value.

The ESOP phenomenon has grown out of the ideas of Louis O. Kelso, a San Francisco-based lawyer. Prior to 1974, there were only a handful of ESOP's. In that year ESOP's first received congressional approval with the passage of the Employee Retirement Income Security Act (ERISA). In 1975, Congress enacted legislation that made possible the development of a whole new type of ESOP financed entirely through corporate income tax credits.

Federal encouragement of ESOP's has also included loans and loan guarantees. More recently, the Small Business Development Act of 1980 included a provision encouraging the Small Business Administration to provide financing for both ESOP companies and for employee organizations seeking to acquire an ownership interest in their employer. In the Economic Recovery Tax Act of 1981, certain modifications to the tax credit based ESOP were enacted, designed to broaden its availability. Today there are over 5,000 ESOP's in existence. The legislation I am introducing builds on existing incentives and contains a comprehensive program of changes to the Tax Code to further encourage the growth of ESOP arrangements. In summary the bill:

Eliminates the disincentive under present law for owners to transfer a business to employees; capital gain taxation would be deferred in sale of stock of ESOP's to the same extent as sales of stock to other companies;

Promotes ownership income by providing a tax deduction to ESOP companies for the amount of cash dividends that they pay on stock held in their ESOP's, provided the dividends are either distributed currently to employees or used to repay an ESOP loan;

Provides incentives to institutional lenders to extend loans to ESOP companies; lenders could exclude from income 50 percent of the interest received on loans to ESOP companies, provided the loan proceeds are used to finance an ESOP's acquisition of company

Encourages direct investment in companies with a substantial degree of employee ownership by reducing the capital gains tax on investments in majority ESOP-owned companies;

Treats gifts and bequests to ESOP's in the same manner as gifts and bequests to private foundations; and

Permits a subchapter S corporation to establish an ESOP.

Employee ownership provides workers who make our economy succeed with an opportunity to share meaningfully in its success. While ESOP's may provide retirement benefits, they also provide an incentive for corporations to structure their financing in a way that employees can gain an ownership stake in the firms for which they work. That is, ESOP arrangements provide incentives for business financing to be structured in a creative way so that more Americans will have a chance to accumulate capital.

A key characteristic of the American economy has been its ability to tap the initiative of private individuals and corporations. However, a byproduct of our free market system has been the concentration of wealth in the hands of the few. In 1976, for example, the Joint Economic Committee found that 50 percent of the market value of individually owned corporate stock in America was held by just 0.5 percent of the population; 72 percent was owned by a mere 6 percent of the population.

By the end of this century, the Nation's pool of productive capital will increase by an esimated $2 to $5 trillion. I believe one of our national challenges is to develop ways this newly created wealth can be spread among our citizens. The Joint Economic Committee concluded in its 1976 annual report:

> America must provide a realistic opportunity for more U.S. citizens to become owners of capital, and to provide an expanded source of equity financing for corporations, it should be made national policy to pursue the goal of broadened capital ownership.

Finding new ways to broaden capital ownership is not simply a matter of economic equity. A substantial body of research suggests that companies with employee owners are likely to be more productive and more profitable than those without. For example, a 1981 survey of 229 ESOP companies by the Journal of Corporation Law at the University of Iowa School of Law found that while other companies' productivity was declining during the 1975-79 period, productivity in ESOP companies was increasing. In addition, one-third of the companies surveyed reported reduced employee turnover and improved quality of work. These and other findings suggest, just as the company with employer ownership will have an advantage over a conventionally owned competitor, so too will the U.S. economy enjoy a competitive advantage with policies and programs supportive of widespread employee ownership.

Also, ESOP arrangements can help foster better relations between management and labor by helping create a more widespread unity of interest. Stockownership by employees—both management and rank-and-file employees—can help create a workplace in which issues are resolved more constructively and can be a powerful force for promoting trust.

The idea of widespread economic opportunity is deeply engrained in America. Yet, our economy and the workplace is changing rapidly. Ours is a more capital-intensive economy. American workers today are not the same as American workers 100 years ago, or 50 or even 20 years ago. Today, the right to earn a living involves more than the right to work and the right to a wage. The means of production have changed; thus, the nature of economic opportunity should also change. A critical objective must be to improve the quality of economic opportunity. Providing incentives for broadened capital ownership is an integral element.

Just prior to his death, Senator Hubert Humphrey spoke of the "twin pillars of our economy." He said,

> I recognize that capital, and the question of who owns it and therefore reaps the benefit of its productiveness, is an extremely important issue that is complementary to the issue of full employment. I see these as twin pillars of our economy: Full employment of our labor resources and widespread ownership of our capital resources. Such twin pillars would go a long way in providing a firm underlying support for future economic growth that would be equitably shared.

Mr. Speaker, I encourage my colleagues to join with me in cosponsoring the Employee Stock Ownership Act of 1984. ESOP's and this bill suggests a positive, forward looking approach to increasing America's abundance and simultaneously increasing the economic security and power of workers. In introducing the bill in the other body, Senator Long explained his support for expanded capital ownership this way:

The American people need and deserve a chance to own a stake in the U.S. economy—an economy of their own making. It is time to acknowledge the important role of the individual in our capital-intensive economy, and provide working Americans with access to ownership of the productive capital with which they work.

ESOP's financing is not a panacea for all the problems of the economy or of the workplace. It suggests a new direction, a new approach. If widespread capital ownership is to become a reality, a wide array of policies and programs that will work toward that end must be adopted. Changes in tax policy alone will not be sufficient. But the provisions in this bill represent needed building blocks.

What follows is the text of the bill and a section-by-section outline.

H.R. 5095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Stock Ownership Act of 1984".

SEC. 2. NONRECOGNITION OF GAIN ON STOCK SOLD TO EMPLOYEES WHERE QUALIFIED REPLACEMENT PROPERTY ACQUIRED.

(a) In General.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1954 (relating to nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1041. SALES OF STOCK TO EMPLOYEES.

"(a) Nonrecognition of Gain.—

"(1) In General.—If—

"(A) qualified securities held by the taxpayer for more than 1 year are sold by the taxpayer to an employee stock ownership plan (as defined in section 4975(e)(7)) or to a tax credit employee stock ownership plan (as defined in section 409A), or to an eligible worker-owned cooperative, and

"(B) within the qualified period, qualified replacement property is purchased by the taxpayer,

then the gain (if any) from such sale shall, at the election of the taxpayers, be recognized only to the extent that the amount realized on such sale exceeds the cost to the taxpayer of such qualified replacement property.

"(2) Election.—The election under paragraph (1) shall be made by filing with the Secretary a statement (in such manner as the Secretary may by regulations prescribe) of such election not later than the last day prescribed by law (including extensions thereof) for filing the return of the tax imposed by this chapter for the taxable year in which the sale occurs.

"(b) Definitions; Special Rules.—For purposes of this section—

(1) Qualified securities.—The term 'qualified securities' means employer securities (as defined in section 409A(1))—

"(A) which are issued by a domestic corporation, and

"(B) with respect to which the taxpayer's holding period is more than 1 year.

"(2) Eligible worker-owner cooperative.—The term 'eligible worker-owned cooperative' means any organization to which part I of subchapter T applies—

"(A) a majority of the membership of which is composed of employees of such organization,

"(B) a majority of the shares of which are owned by employees,

"(C) a majority of the board of directors of which is elected by the members on the basis of 1 person 1 vote, and

"(D) a majority of the earnings and losses of which are allocated to members on the basis of—

"(i) patronage,

"(ii) capital contributions, or

"(iii) some combination of clauses (i) and (ii).

"(3) Qualified period.—The term 'qualified period' means the period which begins 3 months prior to the date on which the sale of qualified securities occurs and which ends 12 months after the date of such sale.

"(4) Qualified replacement property.—The term 'qualified replacement property' means any security (as defined in section 165(g)(2)) issued by a domestic corporation—

"(A) which does not, for the taxable year in which such stock is issued, have passive investment income (as defined in section 1362(d)(3)(D)) in excess of the limitation set forth in section 1375(a)(2), and

"(B) the equity capital of which (determined on the date on which such security is purchased by the taxpayer) does not exceed $10,000,000.

"(5) Controlled corporations.—In the case of an issuing corporation which is a member of a controlled group of corporations (as defined in section 1563(a)(1)), the equity of all members of such controlled group shall be treated, for purposes of paragraph (1)(A), as the equity capital of such issuing corporation.

"(6) Stock acquired by underwriter.—No acquisition of stock by an underwriter in the ordinary course of his trade or business as an underwriter, whether or not guaranteed, shall be treated as a purchase for purposes of subsection (a).

"(7) Equity capital.—The term 'equity capital of a corporation' means the excess of—

"(A) the sum of—

"(i) the money of such corporation, plus

"(ii) the aggregate adjusted basis in property of such corporation, over

"(B) the amount of indebtedness of such corporation (other than indebtedness to shareholders).

"(c) Basis of Qualified Replacement Property.—The basis of the taxpayer in qualified replacement property purchased by the taxpayer during the qualified period shall be reduced by the amount of gain not recognized solely by reason of the application of subsection (a). If more than one item of qualified replacement property is purchased, the amount of reduction applicable to any item of such property shall be determined by multiplying the total gain not recognized by reason of subsection (a) by a fraction the numerator of which is the cost of such item of property and the denominator of which is the tatal cost of all such items of property.

"(d) Statute of Limitations.—If any gain is realized by the taxpayer on the sale or exchange of any qualified securities and there is in effect an election under subsection (a) with respect to such gain, then—

"(1) the statutory period for the assessment of any part of such gain shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribed) of—

"(A) the taxpayer's cost of purchasing qualified replacement property which the taxpayer claims results in nonrecognition of any part of such gain,

"(B) the taxpayer's intention not to purchase qualified replacement property within the qualified period, or

"(C) a failure to make such purchase within the qualified period, and

"(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment."

"(b) Conforming Amendments.—

(1) Section 1223 of such Code (relating to holding period of property) is amended by redesignating paragraph (13) as paragraph (14) and by inserting after paragraph (12) the following:

"(13) In determining the period for which the taxpayer has held qualified replacement property (within the meaning of section 1041(b)) the acquisition of which resulted under section 1041 in the nonrecognition of any part of the gain realized on the sale of qualified securities (within the meaning of section 1041(b)), there shall be included the period for which such qualified securities had been held by the taxpayer."

(2) Subsection (a) of section 1016 of such Code (relating to adjustment to basis) is amended—

(A) by striking out "and" at the end of paragraph (24),

(B) by striking out the period at the end of paragraph (25) and inserting in lieu thereof ", and", and

(C) by adding at the end thereof the following new paragraph:

"(26) in the case of qualified replacement property, the acquisition of which resulted under section 1041 in the nonrecognition of any part of the gain realized on the sale or exchange of any property, to the extent provided in section 1041(c)."

(3) The table of sections for part III of subchapter O of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 1041. Sales of Stock to Employees."

(e) Effective Dates.—The amendments made by this section shall apply to sales of securities in taxable years beginning after the date of enactment of this Act.

SEC. 3. DEDUCTIBILITY OF CERTAIN DIVIDEND DISTRIBUTIONS FROM EMPLOYEE STOCK OWNERSHIP PLANS.

(a) Deduction.—Section 404 of the Internal Revenue Code of 1954 (relating to deductions for employer contributions to an employees' trust) is amended by adding at the end thereof the following new subsection:

"(k) Dividends Paid Deductions.—In addition to the deductions provided under subsection (a), there shall be allowed as a deduction to an employer the amount of any dividend paid in cash by that employer during the taxable year with respect to the stock of the employer if—

"(1) such stock is held on the record date for the dividend by a tax credit employee stock ownership plan (as defined in section 409A) or an employee stock ownership plan (as defined in section 4975(e)(7)), and

"(2) in accordance with the plan provisions—

"(A) the dividend is paid in cash to the participants in the plan, or

"(B) the dividend is paid to the plan and is either—

"(i) distributed in cash to participants in the plan not later than 60 days after the close of the plan year in which paid, or

"(ii) applied by the plan to the repayment of a loan (as described in section 404(a)(10)) incurred for the purpose of acquiring stock of the employer."

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

SEC. 4. EXCLUSION OF INTEREST ON LOANS USED TO FINANCE ACQUISITION OF EMPLOYER SECURITIES BY AN ESOP.

(a) In General.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items excluded from gross income) is amended by redesignating section 132 as section 13 and by inserting after section 131 the following new section:

"SEC. 132. INTEREST IN CERTAIN LOANS USED TO ACQUIRE EMPLOYER SECURITIES.

"(a) In General.—Gross income does not include 50 percent of the interest received by a bank (within the meaning of section 581), an insurance company to which subchapter L applies, or a person actively engaged in the business of lending money on a securities acquisition loan.

"(b) Securities Acquisition Loan.—For purposes of this section, the term 'securities acquisition loan' means a loan all of the proceeds of which are used by an employee stock ownership plan (within the meaning of section 4975(e)(7)) to acquire employer securities (within the meaning of section 409A(1)) for the plan."

(b) Conforming Amendment.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 132 and inserting in lieu thereof the following:

"Sec. 132. Interest on certain loans used to acquire employer securities.

"Sec. 133. Cross references to other Acts."

(c) Effective Date.—The amendments made by this section shall apply to loans extended after the date of the enactment of this Act.

SEC. 5. REDUCTION IN CAPITAL GAINS TAX WITH RESPECT TO SALES OF STOCK IN EMPLOYEE-OWNED CORPORATIONS.

(a) Reduction in Amount of Net Capital Gain Included in Income of Individuals.—Subsection (a) of section 1202 of the Internal Revenue Code of 1954 (relating to deduction for capital gains) is amended to read as follows:

"(a) In General.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(1) 80 percent of the qualified corporate gain of the taxpayer for such taxable year, plus

"(A) such net capital gain, over

"(B) the qualified corporate gain of the taxpayer for such taxable year."

(b) Reduction of Alternative Capital Gain Tax Rate for Corporations.—Subsection (a) of section 1201 of such Code (relating to alternative tax for corporations) is amended—

(1) by strking out "plus" at the end of paragraph (1), and

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) a tax of 10 percent of the qualified corporate gain of the taxpayer for the taxable year, plus

"(3) a tax of 28 percent of the excess (if any) of—

"(A) such net capital gain, over

"(B) the qualified corporate gain of the taxpayer for the taxable year."

(c) Definitions and Special Rules.—Part I of subchapter P of chapter 1 of such Code (relating to treatment of capital gains) is amended by adding at the end thereof the following new section:

"SEC. 1203. DEFINITIONS AND SPECIAL RULES RELATING TO QUALIFIED CORPORATE GAIN.

(a) Qualified Corporate Gain.—For purposes of this part, the term 'qualified corporate gain' means the net capital gain of the taxpayer for the taxable year resulting from the sale or exchange of qualified securities of employee-owned corporations.

"(b) Definitions.—For purposes of this section—

"(1) Qualified securities.—The term 'qualified securities' means any shares of stock which have been held by the taxpayer for at least 3 years.

"(2) Employee-owned corporation.—The term 'employee-owned corporations' means any domestic corporation—

"(A) not less than 50 percent of the total value of shares of all classes of stock of which is owned by, or on behalf of, qualified employees of such corporation, and

"(B) not less than 50 percent of the qualified employees of which own, or are the beneficiaries of, such shares of stock.

"(3) Qualified employee.—The term 'qualified employee' means an employee of the corporation who is not an officer or a member of the board of directors of the corporation.

"(c) Special Rules.—For purposes of this section—

"(1) Time for determining whether a corporation is an employee-owned corporation.—The determination of whether a corporation is an employee-owned corporation shall be made at the time the qualified corporate gain is realized after taking into account the sale or exchange described in subsection (a).

"(2) Controlled groups.—

"(A) In General.—In the case of a corporation which is a member of a controlled group, all members of such group at any time during the calendar year shall be treated as one corporation for such calendar year.

"(B) Controlled group defined.—Persons shall be treated as members of a controlled group of such persons would be treated as a single employer under subsection (b) or (c) of section 414.

(3) Stock attribution rules.—The rules of section 318 shall apply for purposes of determining employee ownership of stock.

"(4) Stock held by qualified plans.—All shares of stock of the employer held by an employees' trust described in section 401(a) which is maintained by a corporation shall be considered as owned by qualified employees of the corporation."

(d) Conforming Amendments.—

(1) Subsection (e) of section 170 of such Code (relating to contributions of ordinary income and capital gain property) is amended—

(A) by striking out "40 percent (28/46 in the case of a corporation)" in paragraph (1)(B) and inserting in lieu thereof "the applicable percentage", and

(B) by adding at the end thereof the following new paragraph:

"(5) Applicable percentage defined.—For purposes of paragraph (1), the term 'applicable percentage' means—

"(A) in the case of taxpayer other than a corporation—

"(i) whose charitable contribution consists of qualified securities of employee-owned corporation (within the meaning of section 1203), 20 percent, or

"(ii) whose charitable contribution consists of other property, 40 percent, or

"(B) in the case of a corporation—

"(i) whose charitable contribution consists of such qualified securities, 10/46, or

"(ii) whose charitable contribution consists of other property, 28/46."

(2) The table of section for part I of subchapter P of chapter 1 of such Code is amended by inserting after the item relating to section 1202 of the following new item:

"Sec. 1203. Definitions and special rules relating to qualified corporation gain."

(e) Effective Date.—The amendments made by this section shall apply to sales, exchanges, and contributions made after the date of the enactment of this Act in taxable years ending after such date.

SEC. 6. ASSUMPTION OF ESTATE TAX LIABILITY BY ESOP RECEIVING EMPLOYER SECURITIES.

(a) In General.—Subchapter C of chapter 11 of the Internal Revenue Code of 1954 (relating to miscellaneous estate tax provisions) is amended by adding at the end thereof the following new section:

SEC. 2210 LIABILITY FOR PAYMENT IN CASE OF TRANSFER OF EMPLOYER SECURITIES TO AN EMPLOYEE STOCK OWNERSHIP PLAN.

"(a) In General.—If—

"(1) a qualified amount of employer securities—

"(A) are acquired by an employee stock ownership plan for the decedent,

"(B) pass from the decedent to such a plan, or

"(C) are transferred by the executor to such a plan, and

"(2) the executor elects the application of this section and files the agreement described in subsection (e)(1) before the time prescribed by section 6075(a) for filing the return of tax imposed by section 2001 (including extensions thereof),

then the executor is relieved of liability for payment of that portion of the tax imposed by section 2001 which an employee stock ownership plan is required to pay under subsection (b).

"(b) Payment of Tax by Employee Stock Ownership Plan.—

"(1) In general.—An employee stock ownership plan—

"(A) which has acquired a qualified amount of employer securities from the decedent, or to which such securities have passed from the decedent or been transferred by the executor, and

"(B) with respect to which an agreement described in subsection (e)(1) is in effect,

shall pay that portion of the tax imposed by section 2001 with respect to the taxable estate of the decedent which is described in paragraph (2).

"(2) Amount of tax to be paid.—The portion of the tax imposed by section 2001 with respect to the taxable estate of the decedent that is described in this paragraph is equal to the lesser of—

"(A) the excess of—

"(i) the tax imposed by section 2001 with respect to such taxable estate, over

"(ii) the tax imposed by section 2001 with respect to such taxable estate determined by excluding employer securities from the gross estate of the decedent, or

"(B) the tax imposed by section 2001 with respect to such taxable estate reduced by the sum of the credits allowable against such tax.

"(c) Installment Payments.—If—

"(1) the executor of the estate of the decedent (without regard to this section) may elect to have the provisions of section 6166 (relating to extensions of time for payment of estate tax where estate consists largerly of interst in closely held business) apply to payment of that portion of the tax imposed by section 2001 with respect to such estate which is attributable to employer securities, and

"(2) the plan administrator files the agreement described in subsection (e)(2),

then the plan administrator may elect, before the time prescribed by section 6075(a) for filing the return of such tax, to pay all or part of the tax described in subsection (b)(2) in installments under the provisions of section 6166.

"(d) Guarantee of Payments.—Any employer—

"(1) whose employees are covered by an employee stock ownership plan, and

"(2) who has entered into an agreement described in subsection (e)(2) which is in effect,

shall guarantee the payment of any amount such plan is required to pay under subsections (b), including any interest payable under section 6601 which is attributable to such amount.

"(e) Agreements.—The agreements described in this subsection are as follows:

"(1) A written agreement signed by the plan administrator consenting to the application of subsection (b) of the plan.

"(2) A written agreement signed by the employer whose employees are covered by the plan described in subsection (b) consenting to the application of subsection (d).

"(f) Definitions.—For purposes of this section—

"(1) Qualified amount of employer securities.—The term 'qualified amount of employer securities' means an amount of employer securities the value of which equals or exceeds that portion of the tax imposed by section 2001 with respect to the taxable estate of the decedent which is described in subsection (b)(2).

"(2) Employer securities.—The term 'employer securities' has the meaning given such term by section 409A(1).

"(3) Employee stock ownership plan.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7).

"(4) Plan administrator.—The term 'plan administrator' has the meaning given such term section 414(g)."

(b) Exemption From Tax on Prohibited Transactions.—Subsection (d) of section 4975 of such Code (relating to exemptions from the tax on prohibited transactions) is amended—

(1) by striking out "or" at the end of paragraph (14),

(2) by striking out the period at the end of paragraph (15) and inserting in lieu thereof ", or", and

(3) by inserting after paragraph (15) the following new paragraph:

"(16) any transaction in which employer securities are transferred to an employee stock ownership plan and the plan (or the employer on behalf of the plan) pays that portion of the decedent's estate tax described in section 2210(b)(2)."

(c) Conforming Amendments.—

(1) Section 2002 of such Code (relating to liability for payment of estate tax) is amended to read as follows:

"SEC. 2002. LIABILITY FOR PAYMENT.

"Except as provided in section 2210, the tax imposed by this chapter shall be paid by the executor."

(2) The table of sections for subchapter C of chapter 11 of such Code is amended by adding at the end thereof the following:

"Sec. 2210. Liability for payment in case of transfer of employer securities to an employee stock ownership plan."

(3) Section 6018 of such Code (relating to estate tax returns) is amended by adding at the end thereof the following new subsection:

"(c) Election Under Section 2210.—In all cases in which subsection (a) requires the filing of a return, if an executor elects the application of section 2210—

"(1) Return by executor.—The return which the executor is required to file under the provisions of subsection (a) shall be made with respect to that portion of estate tax imposed by subtitle B which the executor is required to pay.

"(2) Return by plan administrator.—The plan administrator (as defined in section 414(g)) shall make a return with respect to that portion of the tax imposed by section 2001 which the employee stock ownership plan is required to pay under section 2210(b)."

(4) Subsection (j) of section 6166 of such Code (relating to cross references) is amended by adding at the end thereof the following new paragraph:

"(6) Payment of estate tax by employee stock ownership plan.—For provision allowing plan administrator to elect to pay a certain portion of the estate tax in installments under the provisions of this section, see section 2210(c)."

(d) Effective Date.—The amendments made by this section shall apply to those estates of decedents which are required to file returns on a date (including any extensions) after the date of enactment of this Act.

SEC. 7. CERTAIN CONTRIBUTIONS TO ESOP TREATED AS CHARITABLE CONTRIBUTIONS.

(a) In General.—Subsection (c) of section 170 of the Internal Revenue Code of 1954 (defining charitable contribution) is amended by inserting after paragraph (5) the following new paragraph:

"(6) A tax credit employee stock ownership plan (as defined in section 409A) or an employee stock ownership plan (as defined in section 4975(e)(7)) but only if—

"(A) such contribution or gift consists exclusively of employer securities (within the meaning of section 409A(l));

"(B) such contribution or gift is allocated (over a period not in excess of three plan years) pursuant to the terms of such plan. to the employees participating under the plan in a manner consistent with section 401(a)(4);

"(C) no part of such contribution of gift is allocated under the plan for the benefit of—

"(i) the taxpayer or decedent,

"(ii) any person related to the taxpayer or decedent under the provisons of section 267(b), or

"(iii) any other persons who owns more than 25 percent in value of any class of outstanding employer securities under the provisions of section 318(a);

"(D) such contribution or gift is made only pursuant to the provisions of such tax credit employee stock ownership plan or such employee stock ownership plan;

"(E) such plan treats such employer securities as being attributable to employer contribution; and

"(F) no deduction under secton 404 and no credit under section 44G is allowed with respect to such contribution or gift."

(b) PERCENTAGE LIMITATIONS.—Subparagraph (A) of section 170(B)(1) of such Code (relating to percentage limiations for individuals) is amended—

(1) by striking out "or" at the end of clause (vii),

(2) by inserting "or" at the end of clause (viii), and

(3) by inserting after clause (viii) the following new clause:

"(ix) a tax credit employee stock ownership plan or an employee stock ownership plan (as defined in section 4975(e)(7)),".

(c) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 2055 of such Code (relating to transfers for public, religious, and charitable uses) is amended—

(A) by striking out "or" at the end of paragraph (3),

(B) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; or", and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) to a tax credit employee stock ownership plan (as defined in section 409A) or an employee stock ownership plan (as defined in section 4975(e)(7)) but only if the requirements of section 170(c)(6) are met."

(2) Subsection (a) of section 2522 of such Code (relating to charitable and similiar gifts) is amended—

(A) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; or", and

(B) by adding at the end thereof the following new paragraph:

"(5) a tax credit employee stock ownership plan (as defined in section 409A) or an employee stock ownership plan (as defined in section 4975(e)(7)) by only if the requirements of section 170(c)(6) are met."

(3) Section 415 of such Code (relating to limitations on benefits and contributions under qualified plans) is amended by adding at the end thereof the following new subsection:

"(l) CHARITABLE CONTRIBUTIONS.—The limitations provided under this section shall not apply with respect to any contribution or gift described in section 170(c)(6) if the requirements of section 170(c)(6) are met."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

SEC. 8. EMPLOYEE STOCK OWNERSHIP PLANS PERMITTED FOR S CORPORATIONS.

(a) IN GENERAL.—Subparagraph (A) of secion 1361(c)(2) of the Internal Revenue Code of 1954 (relating to certain trusts permitted as shareholders of certain small business corporations) is amended by adding at the end thereof the following new clause:

"(v) A trust which is a part of a tax credit employee stock ownership plan (as defined in section 409A) or an employee stock ownership plan (as defined in secton 4975(e)(7)). For purposes of subsection (a), stock distribution from such plans shall be disregarded."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of enactment of this Act.

SEC. 9. RECAPTURED OR REDETERMINED EMPLOYEE PLAN CREDITS USED TO REDUCE CONTRIBUTIONS REQUIRED UNDER EMPLOYEE STOCK OWNERSHIP CREDIT.

(a) IN GENERAL.—Subparagraph (A) of section 48(n)(4) of the Internal Revenue Code of 1954 (relating to adjustments in case of recaptured employee plan credit) is amended by inserting "or section 44G(c)(1)(B)" after "paragraph (1)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

THE EMPLOYEE STOCK OWNERSHIP ACT OF 1984—SECTION-BY-SECTION OUTLINE

Section 1.—Cites the title of the bill.

Section 2.—Provides for deferral of taxation of capital gain on a sale of stock to an ESOP if the proceeds of the sale are reinvested in other (small business) stock. Under present law, when the owner of a business sells or liquidates his company, he must pay capital gain tax on the proceeds. However, if ownership of that business is transferred to another company in exchange for stock in that company, the owner's tax liability is deferred until such time as that stock is sold. The bill provides "rollover" mechanism whereby the owner of a business can sell to his employees and enjoy the same tax deferral as is now provided by the tax-free exchange provisions of present law.

Section 3.—Provides a tax deduction to ESOP companies for the amount of cash dividends that they pay on stock held in their ESOP, provided the dividends are either distributed currently to employees or used to repay an ESOP loan. Deductibility is limited to those dividends paid on ESOP stock held for employees. And because such dividends would be deductible at the corporate level, they would not qualify for the $100 partial exclusion from income ($200 on a joint return) under current law.

Section 4.—Permits banks, insurance companies or other institutional lenders to exclude from income 50 percent of the interest received on loans to ESOP companies, provided the loan proceeds are used to finance an ESOP's acquisition of company stock.

Section 5.—Reduces the capital gain tax on investments in majority ESOP-owned companies. The capital gains exclusion is increased (from 60 percent to 80 percent) for investments that are held for at least three years in companies in which 50 percent of the stock is held by at least 50 percent of the non-management employees. Thus, the effect would be to reduce the maximum rate of tax on net capital gains on such investments from 20 percent to 10 percent.

Section 6.—Amends estate tax procedures to permit an estate to transfer its tax liability to an ESOP by transferring an equivalent amount of stock to the ESOP. Present law permits an extension of time for payment of estate tax where an estate consists largely of an interest in a closely-held business. Under the provision, liability for estate tax could be assumed by an ESOP in return for a transfer from the estate of stock of an equal value, provided that the sponsor company guarantees to pay the tax over the same period that would have been available to the estate under Internal Revenue Code Section 6166.

Section 7.—Provides that gifts and bequests to ESOPs would be treated under the tax laws the same as gifts and bequests to private foundations. Under the provisions, an ESOP would be treated as a charitable organization for income, gift and estate tax purposes, provided donated stock is not allocated to the donor, family members of the donor and 25 percent shareholders. (The provision would entail no revenue loss since contributions to charitable organizations are already exempt from tax and profits from donated income-producing property are generally accumulated tax-free within such organizations.)

Section 8.—Permits a Subchapter S corporation to establish an ESOP. Under current law, such a corporation could not due to the general prohibition against the stock of such corporations being held in trust. The bill provides an exception in the case of ESOP trusts. Also, stock distributed from ESOP sponsored by such corporations would be disregarded in determining the number of shareholders.

Section 9.—Permits recaptured ESOP investment tax credits to be used to reduce contributions to payroll-based tax credit ESOPs. Under tax credit ESOP plans, companies receive tax credits (as well as deductions) for their contributions. Tax credit ESOPs were enacted in 1975 and since 1976 companies have been able to reduce their future contributions to such plans by the amount of any recaptured credits. In the Economic Recovery Tax Act of 1981, Congress decided to switch the tax credit ESOP from one based on investment to one based on payroll. In making that switchover, however, no provision was made for the offset of payroll-based ESOP credits with credits claimed but recaptured under preexisting investment credit ESOP provisions.●

PRESIDENTIAL RECRUITING AND APPOINTMENT PROCESS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. WEISS. Mr. Speaker, a recent study of the Presidential recruiting and appointment process conducted by the National Academy of Public Administration has produced some interesting and timely ideas worthy of further discussion.

The report, titled "America's Unelected Government: Appointing the President's Team," was compiled by National Academy President J. Jackson Walter, former Civil Service Chairman John W. Macy, Prof. G. Calvin Mackenzie, and research editor Bruce Adams.

I would like to share with my colleagues a column written by Mr. Macy for the New York Times which brings forth some of the ideas developed in the study.

The text of that column, published on February 9, 1984, follows:

[From the New York Times, Feb. 9, 1984]

CANDIDATES, DISCUSS APPOINTEES NOW

(By John W. Macy)

MCLEAN, VA.—We will vote in November not only for a Presidential candidate we think we know, but, in effect, for 3,000 people we don't know—the men and women he will appoint if he wins.

How can we be expected to know the candidates' choices when they themselves don't know? There is no central talent bank to draw upon—even political parties don't keep lists. The ranks of campaign supporters might yield 3,000 who want a high Government job, but faithful followers may lack the skills essential to keep Government wheels turning.

So every four years the election constitutes a collective act of faith that our candidate somehow will find qualified officials. In fact, no President in recent history has had his players in place until months after inauguration. Richard M. Nixon, Jimmy Carter and Ronald Reagan openly complained about the difficulty and delays in populating their Administrations. This is no way to run a democracy.

Candidates would have us believe Government is run by issues and ideas, but primarily it is run by men and women. We must make it easier for able individuals to accept the sacrifices necessary to leave comfortable private life for public service. Congress, for example, should end the link that keeps certain executive branch salaries parallel with Congressional salaries. We should simplify unnecessarily confusing and restrictive blind-trust laws. Financial-reporting requirements should be made uniform across the Government and less data should be asked.

Presidential appointees are not just extensions of their chief. Unelected, often unknown to the press and public they bring to their work a personal history and leave an imprint, at the least by interpreting regulations and forming a staff that sets a pace and direction of its own. Sometimes appointees overshadow their Presidents, and outlast them—for example, Henry A. Kissinger and Paul A. Volcker. The winner this November may appoint as many as three Supreme Court justices, setting the Court's course for a generation.

Appointments are also symbolic. When President Reagan appointed a dentist as Secretary of Energy, we knew that the Federal role in energy was being de-emphasized. When Mr. Reagan names his friends Edwin Meese 3d and William P. Clark to high Cabinet posts, no words are needed to express his Administration's position on litigation and natural resources.

Since the nation lacks a permanent talent pool, every President has been embarrassed because he didn't know some appointees well enough and reluctantly has had to come to their defense. Sometimes it's not personal mischief but a sharp disagreement on basic policy that's to blame. After Mr. Nixon appointed Walter J. Hickel as Interior Secretary, he learned to his dismay that Mr. Hickel had developed a private agenda at odds with the Administration's.

Voters and candidates in England, West Germany, Italy and many other parliamentary democracies are spared these uncertainties. Each country has a "shadow government" waiting to take portfolios if they win a majority. Everyone knows their names and reputations. Our national experience, by contrast, enshrines sudden acquaintanceships.

The National Academy of Public Administration has surveyed White House personnel chiefs from the Truman through Reagan Administrations. All of us official "headhunters" agreed with Dan Fenn, special assistant to President John F. Kennedy for personnel, that each President was reduced to choosing his team by a process he calls "bogsat"—"a bunch of guys sitting around a table." "Bogsat" is, more often than not, an innocent form of cronyism—getting trusted friends together who themselves are not interested in public office but are willing to suggest able people they know.

To better prepare their candidates, political parties should maintain permanent, up-to-date talent banks of qualified possible office-holders. The parties should designate a staff to begin transition preparation when a candidate is nominated. The Office of Management and Budget should be authorized to prepare briefing papers for incoming Administrations that identify all the steps formally required to make a Presidential appointment; no such O.M.B. guidelines exist. A President-elect should draw more heavily on the career civil service when making appointments.

But first things first: We can ask candidates to think about their top appointees. Let the Democratic contenders tell us who their various Cabinet secretaries might be. And Mr. Reagan should tell us about the composition of a second-term team.●

EUROPEAN PARLIAMENT PROTESTS U.S. UNITARY TAXATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. FRENZEL. Mr. Speaker, printed below is a resolution passed by the European Parliament on October 27, 1983, which protests unitary taxation laws which have been passed by a number of States as being contrary to the spirit of double taxation treaties currently in effect, as well as discriminating against European-based companies which have operations in the United States. A statement by European Parliament Member Michael Welsh, United Kingdom, follows that resolution and explains the European position.

The Europeans are dead right. Unitary taxation is unfair. I will continue my effort to try to persuade those States, including my own, which have passed this kind of law to reverse them. It is ironic that States would pass unitry tax laws which discourage new foreign investment. Not only do they risk losing existing investment, and jobs, but they have slammed the door on new business investment which all of them claim to be seeking.

It is bad enough that States pass inequitable unitary tax laws, but it is pure folly that States shoot themselves in their "jobs" foot as well.

The Secretary of the Treasury will report late this fall on alternatives available to the Federal Government on control of unitary tax system. I await his report with great interest.

EUROPEAN COMMUNITIES—EUROPEAN PARLIAMENT: WORKING DOCUMENTS, 1983-84

The European Parliament motion for a resolution tabled by Mr. Welsh, Mr. Gautier, Mrs. Gredal, Mr. Lange, Mr. Moreau, Mr. Blumenfeld, Mrs. Moreau, Sir Fred Catherwood, Mr. Provan, Mr. Spencer, Mr. Tyrrell, Mr. Delorozoy and Mrs. Veil for entry in the Register pursuant to Rule 49 of the Rules of Procedure on taxation of companies by American States.

A. Noting that a number of American States have adopted a world wide system of taxing companies on an imputed percentage of their profits known as Unitary Tax, effectively taking profits earned outside the USA,

B. Aware that the US Supreme Court has accepted the legality of such a system for domestic US corporations,

C. Concerned that this decision may be taken to extend to American companies with subsidiaries in Europe and the American subsidiaries of Community based companies,

1. Considers that the principle of Unitary Tax is contrary to the spirit of the various double taxation treaties and discriminates unfairly against European based companies with operations in the United States.

2. Regrets that the United States Administration did not file an Amicus Curiae Brief in the Supreme Court case of Container Corporation of the US vs. California Trustees which would have enabled the position of overseas Companies to be clarified.

3. Urges the Administration to give full hearted support to legislation before the Congress which would exempt overseas Companies from this discriminatory form of tax.

4. Urges the Commission to instruct its Delegation in Washington to continue to press this matter which can only damage relations between the Community and the United States to the detriment of their mutual economic and political interests.

5. Believes that failure by the administration and Congress to act in this way would justify the suspension of the double taxation treaties by the Member States.

6. Instructs its President to forward this resolution to the President of the Commission, the Head of the US Mission to the European Communities and the Chairman of the Delegation of the US Congress to the European Parliament.

RE. UNITARY TAXATION—PRESS STATEMENT OF MICHAEL WELSH, MEMBER, EUROPEAN PARLIAMENT (UNITED KINGDOM)

Mr. Michael Welsh, Member of the European Parliament for Lancashire Central (UK) addressed the Government Operations Committee of the National Conference of State Legislatures on behalf of the Parliament and presented the text of a Resolution re-iterating European concern about the increasing incidence of Unitary Tax legislation by American States.

Mr. Welsh said that the Unitary Tax issue was a major irritant in relations between the United States and the European Community at a time when their economic interdependence was growing rapidly. European investment in the United States amounts to $61,000 million, 60 percent of all foreign direct investment, and U.S. investment in the EEC amounted to $78,000 million or 35 percent of all direct investment abroad. Representations had been made at every level of the Federal Government starting with the President and the Congress, and we have yet to hear of any senior officer of the Administration or member of the Congress who was prepared to make a defense of Unitary Tax. They would acknowledge that it was wrong, but would then say it was a question of States' rights and therefore "very difficult." Under those circumstances European opinion regarded the establishment of the working group on Unitary Tax under the chairmanship of Secretary Regan with a certain degree of skepticism. The European Parliament had sent him to Washington to talk to State Legislators because they recognized that this was where the decision-making power lay; if the States could be persuaded not to pass unitary tax bills the problem would quickly disappear.

No one was disputing the right of States to decide how they would tax their corporate citizens, but it was the essence of democracy that rights must be exercised with discretion, paying due regard to the wider implications, and with proper respect for the rights of others.

Unitary tax dearly infringed a basic principle of tax practice, namely that the same benefit should not be taxed twice. Yet under the Unitary Tax system one company was taxed in California on income of $46 million a year when it had reported a loss for Federal Tax purposes of $255 million. A leading British Bank with 0.01 percent of its worldwide income attributable to California had 1.16 percent of worldwide income apportioned to its California operation and its tax bill amounted to 97.5 percent of its federal taxable income.

The system was arbitrary, discriminatory and unfair, especially as there was no accepted standard method of worldwide reporting. As a consequence the United States was in breach of its international obligations. As far as the United Kingdom was concerned, the U.S. Senate removed Article a (4) from the UK/US Taxations Convention after it had been considered by the House of Commons. The Treaty was ratified only after Government Ministers confirmed that they had received categoric assurances from the Administration that legislation to avert the use of Unitary Taxation would be introduced. It was difficult to see how international trade and commerce could be conducted in an orderly fashion if long established rules could be upset at the whim of a single partner. The Europeans could hardly be expected to make a separate taxation treaty with each individual state.

In the third place, Mr. Welsh believed that those states applying Unitary Taxes were already losing out in terms of foreign investment. Recently the London Chamber of Commerce had to cancel a trade and investment trip to Florida. Out of fifty companies intending to go, only six wished to do so once they heard that the State had adopted Unitary Tax. We could cite other examples where major corporations had decided not to locate manufacturing plants in Unitary Tax States.

Everyone appreciated the need to find relatively painless means of raising revenue but it was legitimate to ask if the interests of the people of the States concerned were best served when long term job creative investment was sacrified to short term revenue gain.

Finally, Mr. Welsh said that in his view, retaliation by European states against U.S. companies would be inevitable if the situation could not be satisfactorily resolved. The European Parliament Resolution especially referring to this, had been signed by over 230 members representing all ten member States and every shade of political opinion—it was an unusual demonstration of unanimity. Unitary Tax had been condemned by the OECD, the UN, Canada and Japan and had been the subject of numerous direct representations by heads of Government.

"If the United States is unable or unwilling to respond to this crescendo of protest, we will inevitably have to take action to defend ourselves—if you like, to assert our own "States rights". This would mean the imposition of similarly arbitrary systems of taxation on American companies operating abroad affecting their profitability and their investment potential. Such a development would be bad for trade, bad for the economy, bad for jobs and very very bad for international relations. I appeal to this Committee to make a recommendation to all its Members to drop or repeal all pending and existing Unitary Tax legislation. By so doing they will have removed the need for panels, federal legislation and Supreme Court cases and will have demonstrated the responsibility and maturity of judgement which we, their friends, have a right to expect. The State Legislatures have the power to make a significant contribution to U.S./European understanding to promote international trade and prosperity, to speed recovery and increase employment on both sides of the Atlantic. I am here on behalf of my Parliamentary colleagues throughout the European community ask you to use the power today."●

PAINTINGS NOT PART OF MONEY-SAVING PICTURE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. OWENS. Mr. Speaker, the following article by Mike Causey appeared in the Washington Post on February 15, 1984. Although expenditures for portraits may seem to be a drop in the deficit bucket, the continuation of the practice of painting portraits represents a rather callous disregard for those who are suffering as a result of program cutbacks in the name of deficit reduction.

PAINTINGS NOT PART OF MONEY-SAVING PICTURE

The Department of Energy, which plans to save money by eliminating 700 jobs over the next fiscal year, has approved an $11,250 contract for a New York artist to paint a 4-by-5-foot portrait of Secretary Donald P. Hodel.

Energy has budgeted $10,000 for the painting. There is another $450 in the contract to pay for the artist to visit Hodel and see what he looks like, and another $800 to frame the work.

When the paint is dry, Hodel's portrait will hang beside those of other Energy Department chiefs, including the Department's first secretary, James R. Schlesinger.

Schlesinger's portrait also hangs in the Pentagon (he was Defense secretary from 1973 to 1975), and he may even rate one at the CIA building, where he was once the director of central intelligence.

The Department of Energy, of course, is not the only department that has hired—or will hire—somebody to capture the likeness of the boss on canvas.

Most departments have commissioned artists to paint the bosses, because all cabinet-level officers are entitled to have their pictures painted at the expense of taxpayers.

The practice isn't new. In 1935, according to the General Services Administration, Harold Ickes, Interior secretary under President Franklin D. Roosevelt, had his own portrait done.

Out of fairness, and so that the walls wouldn't appear to be so bare, Ickes also commissioned portraits for most of the Interior secretaries who preceded him in the office. Instant tradition!

Treasury Secretary Joseph W. Barr also rated a portrait, although his term of office lasted only from Dec. 21, 1968, to Jan. 20, 1969, when President Lyndon B. Johnson left office.

GSA and other independent agencies, in keeping with the noncabinet status, usually go with color photographs of their directors or administrators. While not as imposing, the pictures run about $10,000 less than the going rate for cabinet officer paintings.

Maybe the Grace Commission on government spending cutbacks could amend its lengthy report to include a money-saving recommendation that Uncle Sam buy or borrow a big camera to use on future cabinet officers as they come and go.

President Jimmy Carter tried to put a stop to the practice of portrait sitting early in his administration by ordering cabinet officers to settle for photographs. But some did and some didn't and by 1979, nobody seemed to be paying any attention to the edict.●

TECHNIQUES OF DECEPTION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. HAWKINS. Mr. Speaker, of the many time bombs I see ticking away as we enter the fourth year of the Reagan administration, one potential explosion that causes me a great deal of concern is the administration doubletalk and lack of support for civil rights law enforcement.

As the saying goes, "you cannot judge a book by its cover"; and in this case, we should not take for granted that what the President says is "the whole truth and nothing but the truth"!

When you take a dispassionate, factual look at the civil rights record of the Reagan administration, as Mr. James Nathan Miller does in the February issue of the Atlantic Monthly, the truth becomes perfectly clear. Despite what President Reagan and his chief officials say to the contrary, this administration has launched an all out attack on the fundamental concept of equality under the law.

I hope my colleagues will read with care Mr. Miller's article, as it is a case study of the sheer disregard this administration has for civil rights enforcement, and also a well-documented example of how a President can successfully deceive the public about issues of great importance.

The public deserves to know what its top elected official stands for and what specific policies are or are not supported. This thoughtful article goes a long way in shedding some light on one particular issue.

The article, "Ronald Reagan and the Techniques of Deception," by James Nathan Miller, follows:

[From the Atlantic Monthly, February 1984]

RONALD REAGAN AND THE TECHNIQUES OF DECEPTION

(By James Nathan Miller)

On January 8, 1982, the U.S. Treasury and Justice Departments announced that the Reagan Administration was about to reverse an eleven-year-old policy in the field of civil-rights enforcement. The announcement set off a nationwide explosion of protest, and over the next ten days Ronald Reagan and his top aides produced a confusing series of explanations of the reversal, some of them contradictory. As the truth about the announcement began to emerge, grave questions about the President's personal credibility arose. Civil-rights leaders say the incident was just the first to come to public notice in a pattern of "astonishing misrepresentation" of Reagan's civil-rights policies. The facts behind this charge throw light on a much larger issue: the techniques Ronald Reagan has been using to explain his presidency to the electorate.

In the late 1950s, when the federal government began desegregating the nation's public schools, southern segregationists responded by setting up private, all-white academies that they hoped would be immune from government integration orders. But these schools were heavily dependent on what was in effect a government subsidy—the tax exemption they received as nonprofit, charitable institutions. In 1970, the Nixon administration dealt the academies a heavy blow by giving the Internal Revenue Service the authority to cancel the exemption of any private school that violated the civil-rights laws by practicing segregation.

Though segregationists fought hard to quash the order to the IRS (one of their main arguments was that a tax-collecting agency had no right to enforce social policy), they got nowhere. Congress refused to rescind the order, and the courts ruled that using the tax system to enforce federal laws was perfectly proper. Between 1970 and 1982, more than a hundred private schools lost their exemptions. But their supporters continued to fight, and a year after Reagan was elected President, the Supreme Court agreed to hear their argument.

That was what triggered the Administration's announcement, which said that when the case came before the high court, the Justice Department would argue against the policy that it had successfully defended for eleven years. It would now claim that the IRS lacked the authority to cancel a private school's tax exemption. Why? Because, said Administration spokesmen, a tax-collecting agency has no right to enforce social policy.

Almost immediately, vigorous protests were heard from civil-rights groups, lawyers, Republicans and Democrats in Congress, even the two main associations of private schools. At the Justice Department, half the legal and administrative staff of the Civil Rights Division signed a letter of protest. The criticisms were mainly of two kinds. Some protesters said that the announcement proved that, for the sake of a political alliance with the far right, President Reagan was permitting anti-civil-rights groups to set his civil-rights policies. Others said that, given past court decisions on the matter, the Administration's position would inevitably be rejected by the Supreme Court. (Sixteen months later, in a forcefully worded 8-to-1 decision, the Court did reject it.)

As the objections poured in, Reagan and his aides began what one White House source later called "a salvage operation." It consisted of several artful explanations, the first from the President. He said that he was "unalterably opposed to racial discrimination in any form" and that the objections to the change in policy were the result of "misunderstandings" and "misperceptions" of the reason for it. Actually, he said, he believed the IRS should be allowed to cancel tax exemptions. But he had been forced to rescind the authority, because it involved "a procedure that we thought had no basis in law." He then suggested a new way out of the problem. Congress should rewrite the law to make it clear that the IRS could cancel exemptions. That would enable him to reverse the reversal he had announced the week before.

The second attempt to take the heat off the President came a couple of days later. White House counselor Edwin Meese III told The New York Times that the President had not been told until late on January 7 or early on January 8, the day of the announcement, about the new policy; through an administrative mix-up, said Meese, he himself had okayed it without approval from the President.

Then came a third explanation, again from Reagan. "I'm the originator of the whole thing," he said, but he admitted that the matter had been badly handled. He would never have reversed the policy if he had realized that the Supreme Court was about to consider it. "I didn't know there was a legal case pending," he said.

What, then, is the truth of the matter? In late January, a copy of a memo from a White House aide to the President was leaked to the press. The memo bore a scribbled notation in the President's handwriting that appeared to contradict all three of the previous explanations. The memo had been written several weeks before the Administration's announcement. It summarized a letter that had been sent to Reagan by Representative Trent Lott, a conservative Republican from Mississippi who was one of the leaders of the fight to get the IRS tax-exemption authority killed. His letter had outlined a way to do it. Calling the President's attention to the fact that the issue was about to go before the Supreme Court, Lott had suggested that the Administration intervene in the case on the side of those who wanted to curtail the authority of the IRS. In the margin of the memo was Reagan's scribbled notation: "I think we should."

But that was not the end of the President's misrepresentations in the matter. Five months later, during a talk Reagan gave at a predominantly black high school in Chicago, someone in the audience asked him what was the last major political decision he had made that hadn't worked out as he had expected. He could think of one example, he said, that was a "beaut"—his decision in the IRS case. "This is the first time," he told them, "that anyone's ever publicly asked me to try and explain what I was doing." He had made the decision, he said, because "I was under the impression that the problem of segregated schools had been settled, and maybe I was wrong. I didn't know there were any court cases pending." Then he added a remarkable afterthought: "I've had to answer some of your questions with figures of what I claim are facts. Don't let me get away with it. Check me out. Make sure that what I told you checks out and is true. . . . Don't be the sucker generation." (When reporters tried to take him up on this challenge by submitting further questions through the White House press office, principal deputy press secretary Larry Speakes refused to accept them. "Don't try to pick me apart on these mistakes again" was all he would say.)

Which brings us back to the charge by civil-rights leaders that Reagan had been pushing his civil-rights policies with a campaign of "astonishing misrepresentation." The President denies it. It is he, he says, who has been the victim of a campaign of misrepresentation. "A pretty good hatchet job has been done on us," he says. "I'd have perfect confidence in our chances with black voters if we could get the truth to them.

What is the "truth" he wants blacks to know? An analysis of the Administration's major speeches, congressional testimony, and press-conference statements on civil rights shows Reagan to have expressed the greatest pride in what he says he has done in six civil-rights areas: (1) reversing previous federal policies on both the forced busing of schoolchildren and the imposition of racially determined job quotes; (2) desegregating schools through means other than busing; (3) protecting minorities' voting rights; (4) punishing criminal violations of the civil-rights laws; (5) cracking down on discrimination in housing; and (6) appointing blacks to high Administration jobs.

What exactly has Reagan done on these fronts? Leaving aside for the moment the first item on the list, here are the claims he has made in each area, along with the facts.

School desegregation.—In a speech last July to the National Council of Negro Women, Reagan asserted that his Administration has been "aggressively combating segregation in schools." As proof, he cited, without elaboration, two pieces of evidence. First: "We have authorized for filing three school-desegregation cases, more than were authorized by the previous Administration during the first thirty months in office." This seemingly straightforward twenty-four-word sentence contains three carefully crafted semantic deceptions.

First, did Reagan actually file more school-desegregation cases than Carter? No. He filed only one, and Carter filed two.

Second, why then did Reagan say he had filed more cases than Carter? He didn't say so—he just seemed to. What he actually said was that three suits had been "authorized" for filing. What does this mean? When I put this question to William Bradford Reynolds, the assistant attorney general in charge of the Justice Department's Civil Rights Division (to whom the White House press office had referred me for all my questions on enforcement matters), he said that before the President made the speech the Justice Department had notified two schools that it was planning to file suits against them. Reynolds told me this three months after the speech. When I asked Reynolds if he had yet filed the remaining two suits, he would admit only that the suits were "authorized" for filing. He also refused to say when he would file them or to identify the two schools involved.

Third, had Carter, like Reagan, merely authorized filings, without filing the suits? No. Carter had actually filed the two suits. Then why did Reagan say he had "authorized" them? Reynolds answered the question this way: Carter couldn't have filed them without first authorizing their filing; therefore, the sentence was "absolutely accurate." (Here's another version of the same one-up-on-Carter claim, this one from a speech last July by Attorney General William French Smith to The Conference Board [a business-research group]: "The Department has authorized for filing a total of three new school-desegregation suits. For people who keep such records, that is one more than the Carter Administration compiled during the comparable period.")

The second piece of evidence that the President cited to support his claim of aggressive action in school desegregation pertained to the single case that this Administration actually had filed. He said, "The Justice Department . . . has recently taken action against one state, charging discrimination in its higher-education system." He did not provide the details that follow.

When Reagan took office, the U.S. Department of Education was under a 1980 federal-court order to accelerate its attempts to force the state of Alabama (among others) to desegregate its dual system of predominantly white and predominantly black colleges. The negotiations with Alabama had been dragging on for several years, with no results, and the court said that if no agreement was reached by May 15, 1981—four months after Reagan's inauguration—the Administration must prepare either to cut off all federal education funds to Alabama or to take the state to court. The Reagan Administration did neither. Instead, it asked the judge to grant it a further delay. The judge pushed the deadline back seven more months. But it wasn't until last July—a year and a half after the second deadline—that the Justice Department took Alabama to court. Ralph Neas, head of the Leadership Conference on Civil Rights, comments: "This is the first President I know of who claims he's taking aggressive action when he obeys a court order to stop dragging his feet."

Voting rights.—In 1982, Congress passed a toughly worded extension of the 1965 Voting Rights Act. The measure represented a major triumph for civil-rights groups, which had managed to fend off a concerted effort by anti-civil-rights forces and the Reagan Administration to extend the law in emasculated form. Yet when Reagan signed the extension, he claimed that its passage represented a triumph for his Administration as well. Here are the facts behind this claim.

The Voting Rights Act is widely regarded as the toughest and most effective piece of civil-rights legislation ever passed by Congress. (Since 1965, it has revolutionized politics in the South by doubling black registration overall and increasing it tenfold in some districts.) What makes the act so effective is that it not only outlaws discriminatory voting rules (literacy tests, gerrymanders, etc.) but also gives a specific agency—the Justice Department—both the responsibility for preventing these practices and extraordinary powers to act on that responsibility.

The law says that *every* voting district with a past history of discrimination must submit *every* proposed change in its balloting procedures—from major redistrictings down to such minor matters as changes in polling hours—to the department's Civil Rights Division for review. And it gives the department power to veto any changes, out of the thousands submitted to it each year, that it views as discriminatory.

These policing powers were what opponents of the act wanted to weaken. They proposed two amendments—one that would make it much harder for the department to prove that voting rules were discriminatory, and the other to reduce substantially the number of districts obliged to submit their changes for review.

What position did the President take on these amendments? At first he refused to take any position, saying that he was studying the problem. His neutrality enabled civil-rights forces to score a smashing victory in the House of Representatives, which rejected the amendments and sent the bill to the Senate by the landslide margin of 389 to 24. Then, shortly after the House action, the President stepped into the fight. Calling the House version "pretty extreme," he urged the Senate to adopt the two amendments. He also authorized his two top voting-rights enforcement officials, William French Smith and William Bradford Reynolds, to lobby for the amendments, and he backed them up by threatening to veto the bill if it was passed without the amendments.

But the President soon realized that his position was setting him up for a major political defeat. The Senate Republican leadership refused to support the amendments he wanted, sixty-five senators signed up as cosponsors of the House version, and even the conservatives on the Judiciary Committee who had wanted to weaken the bill began backing away from the amendments. The showdown came on May 3, 1982, when one of the most influential Republicans on the Judiciary Committee, Robert Dole, of Kansas, held a press conference and announced his support of a clarifying "compromise" amendment designated to end the stalemate. The amendment (which had been okayed by civil-rights leaders, since it did nothing to weaken the bill) was bitterly opposed by Smith and Reynolds. Dole's announcement was, in effect, an ultimatum to the President—if he did not reverse himself, he would take a shellacking from his own party. Within an hour of Dole's announcement, the President withdrew his opposition to the bill.

A month later, when the bill reached the President's desk (backed by a veto-proof Senate vote of 85 to 8), Reagan invited an incredulous group of civil-right leaders to the White House to share credits with him for its passage. His remarks featured a glowing description of the right to vote as "the crown jewel of American liberties," and he unblushingly told his guests—most of whom knew first-hand about his attempts to weaken the bill—that "this legislation proves our unbending commitment to voting rights."

In addition to giving himself credit for the passage of the bill in unweakened form, Reagan now claims credit for tough enforcement of it. In a speech last August to the American Bar Association (ABA), he declared, "The Department of Justice has reviewed twenty-five thousand proposed electoral changes under the Voting Rights Act [and has] objected to a hundred and sixty-five on the basis of racial discrimination."

What the President did not say was that the act requires the department's lawyers to make the reviews and the objections enumerated; they would be violating the law if they did not do so. Moreover, the sections of the law requiring these actions are the ones Reagan called "extreme" and sought to weaken; if he'd had his way, both the number of reviews and the number of objections would have been substantially smaller. Finally, the 165 changes that the Justice Department objected to out of the 25,000 submitted to it represent a drastic reduction in the rate of objections. From 1965 until Reagan took office, the department had vetoed 2.4 out of every 100 changes it examined. The figures the President cited show a veto rate of .7 changes per 100—a decrease of 71 percent.

Criminal litigation—In his speech to the ABA, Reagan said that in his first thirty months in office the Justice Department had filed more than a hundred cases charging criminal violations of citizens' civil rights. (Most of them involved police brutality.) "That's not just a respectable number," he said, "it's substantially more than any prior Administration during a comparable period." But the President was carefully to cite statistics on only one part—the less important part—of the department's litigation work. To understand the reason for this selectiveness, consider the strange legal history of the figures the President cited.

During the century following the Civil War, the federal government possessed only one legal weapon with which it could protect the civil rights of blacks: the criminal laws. But they were an exceedingly limited weapon, usable almost exclusively in cases of physical violence. For example, the government could file a criminal suit if a black was physically prevented from entering a voting booth, but it was powerless to move against any of the nonviolent techniques, such as poll taxes, that were often used to keep blacks from voting.

Indeed, the four main techniques that were used for a century to keep blacks in an inferior position—educational segregation, housing bias, job discrimination, and restrictive voting rules—were all beyond the reach of the criminal laws. The impotence of criminal laws in these areas is what led to the Brown v. the Board of Education of Topeka decision and to the watershed civil-rights statutes of the 1960s—the Fair Housing Act, the Equal Employment Opportunity Act, the Voting Rights Act, and so forth. These laws were the triumph of the civil-rights movement, finally allowing government lawyers to move beyond "physical abuse" and get at the pervasive peaceful methods of oppressing blacks.

Blacks have seen these laws as their principal hope for achieving equality with whites. Moreover, since their passage, violence toward blacks has substantially decreased (and state and local protection of blacks' rights has substantially improved), which has made federal enforcement of the criminal laws even less important in the overall scheme of things. "We've come a long way on that score," says William L. Taylor, head of the Center for National Policy Review, a Washington civil-rights group. "Violence is no longer the central problem. Today, the critical measure of any Administration's civil-rights enforcement is its record in civil cases—housing, jobs, and all the rest." (One measure of the need for stronger enforcement is that although it is now illegal to refuse to sell or rent a house to a person on the basis of race, 2 million blacks and Hispanics are refused housing each year solely because of their race, according to Department of Housing and Urban Development estimates. Other estimates put the figures at twice as high.)

What President Reagan mentioned in his speech was the number of criminal cases filed during his first thirty months. In this category he is a bit ahead of the Carter Administration: 101 cases were filed by Carter, 114 by Reagan—an increase of 13 percent. But in total cases filed, criminal and civil, Reagan is well behind Carter: 225 cases for Carter, 156 for Reagan—a 31 percent decrease. And if civil cases are considered alone, the decrease under Reagan is a precipitous 66 percent (124 cases filed by Carter, 42 by Reagan).

Fair-housing enforcement.—Reagan also told the ABA that he was rigorously enforcing the fair-housing laws and that, to make future enforcement even tougher, he had just sent Congress a new housing bill with "real teeth." But civil-rights groups say that he has virtually abandoned housing enforcement and that his housing bill is far weaker than the one they have been pushing in Congress, with strong bipartisan support. What are the facts behind these claims of Reagan's? The merits of Reagan's housing bill cannot yet be judged, since it is brand-new and has not been subjected to the scrutiny of committee hearings. But evidence is available to support the charge that Reagan has not been enforcing the present housing law.

At a press conference last July, a reporter asked William Reynolds why the Administration had filed only two fair-housing suits during its first two and a half years. Reynolds replied, "Well, that again is some more misinformation. . . . We actually have filed nine housing cases—as compared, by the way, to eight housing cases that were filed in 1980, the comparable period of the prior Administration." Although the reporter's figure was wrong, his error is insignificant compared with the errors in Reynolds's reply.

First, Reynolds suggested that a twelve-month period under Carter was comparable to a thirty-month period under Reagan. Second, Carter filed twelve housing suits in 1980, not eight, whereas Reagan filed six suits during his first thirty months, not nine. Third, the cases Carter filed were in no way comparable to those Reagan filed. Beginning in 1979, Carter's Justice Department began a new policy in fair-housing enforcement, abandoning its former practice of bringing a large number of randomly selected suits—some legally important, some insignificant—and instead concentrating its legal resources on a small number of nationally significant, precedent-setting cases. As soon as Reagan took office, the department abandoned this policy and resumed the scatter-gun approach. Thus, qualitatively, Reagan was even further behind Carter than the numbers indicate. He averaged only one randomly selected case every five months, whereas Carter's average was one significant case every month. Finally, if Reynolds had given his listners the figures for the truly comparable periods—the first thirty months of each Administration, when both were bringing randomly selected cases—the comparison would have reflected even more unfavorably on Reagan: forty-six cases filed by Carter, six by Reagan—an 87 percent drop.

(In a 1982 speech to the Southern Christian Leadership Conference, Reynolds said tht under Reagan the Justice Department's civil-rights litigation activity had "outstripped that of the prior Administration . . . in virtually every area of civil-rights enforcement" and that everyone who claimed otherwise hadn't looked up the facts. "Nowhere," he said, "have those engaging in such political rhetoric invoked the record." When I invoked the record by citing the figures on his housing litigation and asking him how he could have been so wrong in such an important area, he had no answer beyond that he would look into the matter and provide me with an explanation. As subsequently relayed to me by his public-relations man, the explanation was, "Apparently he was confusing something in his own mind.")

Presidential appointments.—In his ABA speech, Reagan said, "We are committed to appointing outstanding blacks, Hispanics, and women to judicial and top-level policy-making positions in our Administration. . . . In our first two years we appointed more women to top policy posts than any Administration before us." What do the facts show about these claims?

Last year, on the basis of a five-month study of the 980 presidential appointments that Reagan had made in his first two and a half years, the U.S. Civil Rights Commission issued a comparison of his appointments of women and members of minorities with those of Jimmy Carter. Meticulously separating the recipients into groups by race and sex, and the appointments into types of jobs (Cabinet posts, judgeships, ambassadorships, etc.), the analysis showed that in thirty-three of the categories, minority and female appointments had declined proportionately since Reagan took office; in only eight categories had they risen. Here are the comparative percentages in three of the categories the President singled out for mention in his speech: Carter 22.1 percent, Reagan 3.3 percent in appointments of blacks and Hispanics to the judiciary; Carter 15.1 percent, Reagan 8.3 percent in appointments of women to the judiciary; Carter 22 percent, Reagan 8 percent in appointments of women in all posts.

In evaluating this record of anti-civil-rights actions, we need to keep in mind that the examples were taken not from a list provided by the President's critics but from his own enumeration of the accomplishments of which he is proudest—the actions he says he's confident would win him support among blacks "if we could get the truth to them."

What do we make then, of a President who assures us that he is "unalterably opposed to discrimination in any form" but orders his Justice Department to argue in favor of giving tax subsidies to schools that discriminate; who takes credit for the passage of a law that he lobbied against; who claims commitment to the appointment of minorities and women but brings about a drastic reduction in such appointments; and who says that he has been waging a campaign of aggressive litigation to enforce the civil-rights laws at the same time that he has staged a retreat from their enforcement on all significant fronts?

I can think of three factors that are helping Reagan to get away with these deceptions—all of which, I believe, also help to explain how Reagan has been getting away with similar deceptions in foreign policy and in other areas of domestic policy. The first is the brilliant use he has made of what might be called his "decoy issue," the issue that is first on his list of civil-rights accomplishments; his opposition to busing and job quotas. With many opinion polls showing that he has a majority of the public behind him on this question, he waves the issue before his audiences the way a magician waves his left hand to distract his audience while his right hand goes under the table for the rabbit.

Observe, for instance, the battle Reagan has been waging against the U.S. Civil Rights Commission, the only government agency that seems to have noticed how he has pulled back from enforcement. Reagan has been carrying on an offensive against the commission, with the aim of firing its independent-minded commissioners and replacing them with his own appointees.

But he has conducted this offensive in such a way as to make it appear that he is solely concerned with busing and quotas. In his ABA speech, for instance, the longest discussion of the civil-rights issue—and the section for which he reserved the headline-making language—was the following defense of his Civil Rights Commission nominees: "They don't worship at the altar of forced busing and mandatory quotas. They don't believe you can remedy past discrimination by mandating new discrimination. . . . But these fine Americans are under fire. My nominating them supposedly compromises the independence of the commission. Well, forgive me, but that's pure hogwash." (That evening, the "pure hogwash" quote was the featured snippet from the speech on ABC and NBC network news broadcasts.)

Civil-rights leaders gnash their teeth in frustration at the success the President has been having with this technique. They say the public has no idea that their main complaint is about Reagan's systematic dismantling of the enforcement mechanism. No matter how much they try to explain it, they say, the public seems convinced that the argument is strictly over busing and quotas.

The malleability of the news media when confronted by these public-relations techniques has been the second factor enabling Reagan to get away with his deceptions. Out of ignorance or timidity, the media have failed to challenge him. For example, when Reynolds, "confusing something," presented incorrect figures on Reagan's and Carter's fair-housing cases, he did so before a roomful of White House reporters. Not one of them questioned him on where the figures came from, nor did any subsequent report mention the deception.

Finally, Reagan has made skillful use of the manipulative techniques of Hollywood. Employing an array of acting and script-writing clichés—the self-deprecating joke; the heartwarming anecdote; the boyish grin; the look of principled determination; even, on occasion, the catch in the voice and the hint of a tear in the eye—he has cast himself in the classic Hollywood role of the embattled Honest Politician, a role that was most memorably played by his friend Jimmy Stewart, in Mr. Smith Goes to Washington.

Note, for instance, the President's response to a question on his civil-rights policies put to him during a White House meeting last February with Washington, D.C., television anchormen. Would he comment on "an apparent continuing perception among a number of black leaders that the White House continues to be, if not hostile, at least not welcome to black viewpoints?"

"I'm aware of all that," Reagan began, "and it's very disturbing to me, because anyone who knows my life story knows that long before there was a thing called the civil rights movement, I was busy on that side."

This seemingly artless statement is actually a masterful piece of stage setting. The first key phrase is "my life story," which established the form of what was to come. Specifically, it allowed Reagan to move the discourse out of the form he is least comfortable with—a discussion of the facts, in this case the facts of his civil-rights record—

and into the form he handles best: a dramatic narrative based on unverifiable material about his personal life.

The second is "long before there was such a thing as the civil-rights movement," which shifted the locus of his comments to a time and place so far removed from present-day Washington that nobody among his listeners—indeed, nobody in Washington but the President himself—could know whether the plot was fact or fiction.

So skillfully did this first sentence of Reagan's reply segue into a flashback that when he started the second sentence he was addressing the anchormen in the past tense: "As a sports announcer, I didn't have any Willie Mays or Reggie Jacksons to talk about when I was broadcasting major-league baseball. The opening line of the Spalding Baseball Guide said, 'Baseball is a game for Caucasian gentlemen.' And as a sports announcer I was one of a very small fraternity that used that job to editorialize against that ridiculous blocking of so many fine athletes and so many fine Americans from participating in what was called the great American game."

From there he went immediately to a second flashback, in which he faded into the even more remote past and introduced his parents. "God bless them, my father and mother, both long gone now, but I can remember when I was only that high and one of the all-time great motion-picture classics, Birth of a Nation, came to our town. In our household my father simply announced that no member of our family would see that picture because it was based on the Ku Klux Klan. And to this day I have never seen that great motion-picture classic."

Reagan has a copious supply of such memories. (Significantly, they tend to refer to activities and attitudes so noncontroversial that they would not offend even a conservative hard-liner.) His father, he says, once slept in a car "during an Illinois blizzard" rather than stay at a hotel that barred Jews. The only thing his parents were intolerant of was intolerance. When he played football in college, his "closet teammate and buddy" was a black.

To the best of my knowledge, no member of the press has ever asked Reagan what relevance these ramblings have to the criticism of his policies by civil-rights leaders. (They might be intended as replies to charges that he's a racist, except that civil-rights leaders have scrupulously avoided such charges.) Regardless of their relevance, the anecdotes have unquestionably had an impact on the general public. Richard Wirthlin, the President's pollster, has remarked that the main "anomaly" of Reagan's standing in the public-opinion polls has been that his personal popularity ratings have remained consistently high, even when his job-performance ratings have been low. The reason seems clear. Through his mastery of storytelling techniques, he has managed to separate his character, in the public mind, from his actions as President. This most anti-civil-rights of postwar Presidents has succeeded in making a large part of the electorate want to believe that he's not anti-civil rights. This achievement represents a transfer of a specific show-business objective—the willing suspension of disbelief—to politics. He has, in short, mesmerized us with that steady gaze.

Since so few reporters and political writers have learned to cope with this new form of political discourse, the voters have been given little help in separating the truth from its opposite in what the President tells them. The best advice one can offer to both press and public is the suggestion Ronald Reagan himself gave to the students in Chicago right after delivering two whoppers in a row: "Don't let me get away with it. Check me out. Don't be the sucker generation."●

IMPACT OF H.R. 4170 ON AGRICULTURE AND RURAL DEVELOPMENT

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mrs. SMITH of Nebraska. Mr. Speaker, yesterday I had the opportunity to appear before the House Rules Committee and testify on the procedure under which the House will consider the Tax Reform Act of 1984, H.R. 4170. I pointed out to the committee the adverse impact certain provisions of this legislation would have on agriculture, rural development, student loans, and farm and ranch estates. Particularly injurious to States like Nebraska are the proposed restrictions on tax-exempt industrial development bonds. I asked the Rules Committee to allow amendments to perfect those provisions. I also requested an opportunity to eliminate from the bill the proposal to freeze the scheduled reduction in the estate and gift tax top rate until 1988.

My testimony before the committee follows:

Statement of Hon. Virginia Smith Before the House Rules Committee, March 7, 1984, Regarding H.R. 4170

Mr. Chairman, thank you for the opportunity to testify today on the rule for the Tax Reform Act of 1984.

I believe that this bill is generally a good bill in that it is a step in reducing the growing national deficit. However, as with most bills Congress considers, this bill could be improved.

I am here today to urge the Rules Committee to allow amendments on the Industrial Development Bond provisions of the bill and the estate and gift tax freeze provisions. Both provisions would strike another blow to the farm economy which is already reeling from the impact of high interest rates, high production costs, and low or nonexistent profits.

I oppose the action taken by the Ways and Means Committee to restrict severely the use of Industrial Development Bonds and other tax-exempt bonds in Nebraska. This opposition is shared by many small town bankers across my state, the Republican Governors' Association, the Nebraska Unicameral Legislature, and others.

The IDB provisions in this bill will destroy state and local economic development programs, rental housing programs, pollution control, transportation, health, student loan and job creation efforts, and will undermine state and local prerogatives to solve the problems of their communities. This action comes too soon after the enactment of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) which imposed far-reaching restrictions on IDBs. These TEFRA provisions have already resulted in a reduction of more than 50 percent in small issue IDB volume in 1983.

The availability of tax-exempt bonds is especially important to Nebraska farmers and ranchers. Bankers have told me that the loan program in Nebraska has been very important in the establishment or continuance of many agriculture operations. First year figures from the Nebraska Investment Finance Authority show that Nebraska is succeeding in getting agriculture loans to farmers who really need assistance. The Authority distributed 200 loans totalling $11 million. The average age of borrowers was 29, the average net worth, $107,000, and the average loan was $55,000. Nebraska is clearly not abusing the IDB program.

This kind of lower interest rate financing is vital to farmers during this time of high interest rates. The Nebraska farm economy is in deep trouble right now. Farmers and ranchers are having trouble obtaining conventional financing just to begin planting for this season. They are already mortgaged to the hilt. To take away this valuable tool for financing at this time would expose the farm economy to greater danger.

I have also heard from a development organization in my District which represents 14 rural counties and 66 local elected officials. They view the IDB program as one of the last tools available to them to encourage expansion and development of job opportunities. They believe that any loss to the Treasury from the tax exemption for the bonds will be offset by increasing the tax base, and decreasing the need for social program increases.

The per capita cap now in the bill especially discriminates against low population, sparsely populated states like Nebraska. Also, this cap has the effect of pitting communities and projects against one another in the competition for authority to issue tax exempt bonds, with the final allocation decisions ultimately made at the state level. The cost of obtaining credit in Nebraska is higher than the national average and we have a large agriculture loan program. Because of this, the tightening of the arbitrage restrictions would also hit us particularly hard. Bond counsel for the Nebraska Investment Finance Authority informs me that the letter of credit needed to issue "aggie bonds" in Nebraska uses up 90 percent of the allowable limit on arbitrage. So, under this legislation, no bonds could be issued.

This legislation would also damage the Nebraska Higher Education Loan program. Access to higher education in Nebraska is greatly assisted by guaranteed student loans. Many Nebraska banks make such loans but are dependent upon a secondary market to purchase and service the loans. Most banks in Nebraska will cease lending to financially needy students without a secondary market which meets their specific needs. The tax-exempt bond issues of the Nebraska Higher Education Loan program have provided a secondary market for Guaranteed Student Loans. Congress has already taken steps to prevent the issuance of excessive amounts of student loan bonds through Public Law 98-79 which requires the U.S. Department of Education to review and approve each student loan bond issue. Thus, including student loan bonds in the cap is unnecessary.

For these reasons, I urge the Committee to allow an amendment to change the restrictions on IDBs. I favor an amendment to delete the proposed per capita state cap in the bill, retain the existing law arbitrage rules for IDBs and student loan bonds, and delete the proposed restrictions contained in the Committee bill on the use of bond proceeds for land acquisition. Also, the first time farmer provision should be changed to allow a more favorable exemption for children of farmers and ranchers. The provision allowing funds only for new equipment for first time farmers is also impractical. The last thing a new farmer needs is brand new, high-cost equipment—they can get along fine with used equipment, especially if they are just starting up.

Mr. Chairman, I also favor allowing an amendment to strike the freeze on the reduction in the estate and gift tax top rate.

Among the many tax changes that has gone into effect for 1984 is the reduction in the estate and gift tax top rate from 60 percent to 55 percent. This legislation would repeal the reduction of 1984 and freeze the top rate at 60 percent until 1988.

I believe this is ill-timed and bad tax policy.

First, many farmers, ranchers, and small businessmen have altered their estate plans in reliance on the tax provisions enacted in 1981. To require them, as this amendment would, to revise their estate plans again within two years would be costly and would further the cynical attitude which many businessmen have developed after nearly a decade of almost continuous major revisions of the tax code.

Second, this amendment is bad tax policy because it could result in more estate and gift taxes on highly successful closely held and family businesses than their owners could afford without disposing of the businesses. Estate and gift taxes often place a unique burden on farmers, ranchers, and small businessmen. To be an economically viable unit, a family farm or ranch will often have to include from three-quarters of a million to several million dollars of liquid assets, and it is often not feasible or practical to sell off a portion of the farm or ranch to pay estate taxes because doing so would leave a unit which is too small to be economically viable.

In 1981, Mr. Chairman, the Committee on Ways and Means, in their report on the Tax Incentive Act of 1981, said this about reducing the top tax rate for estate and gift taxes:

"In order to help prevent forced sales of closely held and family businesses from occurring in order to pay estate and gift taxes, the committee believes that the maximum rates of estate and gift taxes should be reduced from 70 to 50 percent."

I think that was a wise judgement at that time and I think it holds true today. It is clear from this statement that the amendment could cause the forced sale of farms or ranches in order to pay estate taxes. This hits farm and ranches particularly hard because of the low rate of return on farm and ranch assets, many farmers and ranchers cannot affort to provide a fund for estate tax liabilities through insurance or otherwise.

Another reason why this amendment would be bad tax policy is that it would discourage productive use of assets. The existence of estate taxes with high rates encourages individuals to structure their affairs in ways which are motivated by tax minimization, not by attempts to find the most profitable use of their assets. I believe that people should be encouraged to utilize their assets to maximize the rate of return, not to avoid estate taxes.

Furthermore, this delay would cause many people to have to change their plans, it will create confusion, and all for a very small amount of revenue. The trouble it would cause is just not worth the revenue gain for Uncle Sam.

Again, I urge the Committee to allow me to offer an amendment to strike the provision of H.R. 4170 which freezes the scheduled reduction in the estate and gift tax top rate until 1988.

Mr. Chairman, I appreciate this opportunity to testify and urge your committee to grant a rule allowing the House to work its will on these two important issues.●

IN TRIBUTE TO STANLEY ENGEL

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. WILLIAMS of Ohio. Mr. Speaker, it is my pleasure to honor here a man of outstanding character and talent—Mr. Stanley Engel of Youngstown, Ohio. On March 11, 1984, Mr. Engel's achievements will be recognized by the Youngstown Zionist District at their 25th annual KFAR silver scholarship fund dinner. He will be presented with the Justice Louis D. Brandeis Award as well as the KFAR scholarship plaque.

Mr. Engel could not be more deserving. His long history of service to the Youngstown community began when he graduated from the Ohio State University school of social administration. In 1943, he was named executive director of the Tri-State Jewish Welfare Council. While in that capacity, he also served as an associate field representative of the Council of Jewish Federations and Welfare Funds. From there he went on to become the executive director of the Youngstown area Jewish federation.

In that position, he has provided the leadership and foresight that sustains the federation to this day. Drawing from his inspiration, the federation grew to provide for all sectors of the Youngstown Jewish community. He spearheaded the development of the Jewish Family and Children Service, the Jewish Community Center, the Jewish Community Relations Council and the Annual Jewish Federation Campaign.

The federation's most recent development is Heritage Manor, a 72-bed facility that provides health and social services to the Jewish aging. While working with Stanley on this project, I came to truly appreciate his expertise and determination to "get the job done." Such perserverance and dedication is characteristic of all of his efforts.

Mr. Engel's service has not only benefited the Jewish community but the city of Youngstown as a whole. He was a member of the inter-racial committee which preceded the major's human relations committee, a past executive secretary of the Youngstown Fair Employment Practices Committee, and a member of the Ohio Fair Housing Committee.

Throughout his lengthy and esteemed career, Stanley Engel has sought to improve the quality of life of the Youngstown community. He has never relented in his pursuit of excellence. He provides a shining example of what an individual can achieve through dedication and personal commitment. Stanley Engel has left an indelible mark on Youngstown's history and his contributions to society will long be remembered.●

THE PICTURES TELL THE GRUESOME STORY OF TERRORISM

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. YOUNG of Florida. Mr. Speaker, the aftermath of a terrorist attack is a gruesome sight and never has it been made more clear than this morning when the New York Times and the Washington Post both carried front page pictures of an elderly woman, slumped over dead in her seat on an Israeli passenger bus following the explosion of a Palestinian bomb.

While the number of terrorist organizations and the political factions they represent continue to grow and as these groups become better organized and funded, the result of their attacks remains the same. Innocent bystanders—men, women, and children—are murdered so that a small group of terrorists can make a political point. Last year alone, more than 898 international terrorist incidents were reported by the State Department, the largest number ever recorded. Almost 1,300 individuals were injured and more than 600 were killed in these attacks.

The American people cannot be lulled into believing that these attacks only occur against people in other nations, because half of all international terrorist incidents take place against U.S. citizens abroad and here in our Nation. While New York and Washington are most frequently the target of terrorists, all U.S. cities are susceptible.

The United States and the American people will continue to be the major target of terrorist attack until our Nation commits itself to getting tough with terrorists. We must begin a program whereby we identify, investigate, and infilltrate suspected terrorist groups and their accomplices operating within the United States and against American citizens abroad so that we can seek out and eliminate this single greatest threat to world peace today.

I, for one, am tired of opening my morning newspaper to read about the death and injury of innocent people at the hands of cowardly terrorist bands. And I am especially incensed this morning to see on the front page a picture of someone's mother and grandmother who was the latest victim of international terrorism.●

LAND AND WATER CONSERVATION AND HISTORIC PRESERVATION TRUST FUNDS

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. LUJAN. Mr. Speaker, today I take pride in jointly introducing with my good friend and colleague, Mo UDALL, the chairman of the Committee on Interior and Insular Affairs, a bill designed to convert the existing and popular land and water conservation fund and the historic preservation fund to trust funds.

At different times in the past, the Congress established these two funds for the purpose of preserving land resources and making them available for public use and recreational enjoyment, and for preserving our historical heritage. Nearly all of the funding—over $1 billion is credited to these two funds and is available for appropriation annually—is drawn from Outer Continental Shelf receipts. The philosophy has been that as the Nation depletes its nonrenewable oil and gas reserves, a part of the value gained from that exploitation should be dedicated to reinvestment for public benefit in the form of purchasing and preserving other important resources—to assure the preservation of important parts of America's natural and historical heritage.

Through the years, the Congress has appropriated a major portion of the money which has been deposited into these two funds, and the expenditure of these appropriations has resulted in major accomplishments in the preservation of our natural and historical heritage. However, the appropriation levels have not always matched the deposited income, and consequently there currently exists in these two funds, a substantial unappropriated balance—approaching $5 billion.

This bill provides for two principal new features in the future operation of these two funds. First, the utilized unappropriated balances would be invested at all times so as to gain interest. The interest would be deposited in the funds and would add to their balances. By this manner, the funds' unappropriated balances, as they sit unappropriated, would not continue to lose their purchasing power due to the influences of inflation, as has been the case in the past. The bill provides that the Congress may still appropriate annually, amounts equal to that which comes into each fund, as well as the interest amount accrued over the previous year. The length of time which income continues to be deposited to the funds is extended to 1991—an extension of 2 years for the land and water conservation fund and 4 years for the historic preservation fund. The growing unappropriated balances in the funds are off limits to appropriation other than as just indicated, and thereby constitute a principal base that will continue to be invested, bringing in new interest income which will build the base even bigger, and on and on.

The second new feature of the funds' operation is that when the Outer Continental Shelf and other income terminates in 1991, thereafter the only part of the funds's unappropriated balances which can be used for appropriation is the interest income. By that date it is likely that the annual interest generation by the funds' base could be over $1 billion for the land and water conservation fund and possibly as high as $200 million for the historic preservation fund. Of course the final dollar balance outcome at this 1991 date will be very significantly influenced by the appropriations levels and the interest rate of return which has previously occurred to this point in time So the most important intended result of this bill is that both of these funds will, by the beginning of the next decade, hopefully be able to perpetuate themselves indefinitely without the continued infusion of other outside Federal funds, such as the Outer Continental Shelf receipts, and they should still generate enough revenue by their own reinvestment operations to satisfy the needs of the two funds to acquire, develop, and protect our Nation's natural and historic resources heritage.

This bill treats both the land and water conservation fund and the historic preservation fund in the same manner, but their operation as separate and independent funds continues, as has always been the case.

Mr. Speaker, while there are already existing trust funds established by Federal law, I believe this bill provides for these two existing funds to convert to a more true and pure trust fund concept than any other such Federal fund. This is due principally to the incorporation of the principle of working toward a corpus which becomes sacrosanct in its protection from any use except for reinvestment, whereinafter the interest generated therefrom is the only money available for appropriation and use.

Mr. Speaker, this idea has been discussed a fair amount through past years by numerous individuals and institutions. But there are two particular individuals who have contributed a great deal toward causing this bill to materialize, and they deserve appropriate recognition. Back in 1979, Mr. John Dane of the Interior Department's heritage conservation and recreation service produced a very helpful discussion document on this subject. More recently, Mr. Charles Howell III, the commissioner of the Department of Conservation for the State of Tennessee, has been a forceful and persuasive advocate of a comprehensive natural resources trust fund. This bill being introduced today draws heavily on the work and dedication of these two individuals.

Mr. Speaker, I believe this bill embraces one further and very important step toward securing the protection of the great natural and historic heritage of our Nation. I hope it will stimulate some thinking and discussion among my colleagues and the citizens of the Nation who are concerned about the preservation of our great natural and historic heritage. It is well time that we move further and more forcefully in that direction.●

NATIONAL WOMEN'S HISTORY WEEK

HON. CHARLES ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. ROSE. Mr. Speaker, in honor of Women's History Week, I would like to share with you the achievements of a few of North Carolina's esteemed women, both from the past and present.

North Carolina has a long history of women involved in education. The University of North Carolina, which was actually closed during the political power struggle which took place after the Civil War, owes its existence to the determination and devotion of one woman. Cornelia Phillips Spencer, a scholar and noted friend of the university, used her resources as a journalist and respected member of the community to influence the State legislature to reopen the university, which they did in 1875.

Elizabeth Avery Colton was another crusader for higher education in North Carolina. When she discovered through personal experience that many of the South's so-called women's colleges were actually preparatory and finishing schools that were only masquerading as colleges, she published her own study of women's colleges and distributed it to girls who were graduating from high school. Her study enraged quite a few college leaders, but in the end, women's schools were upgraded and earned much better reputations.

North Carolina has produced several fine women authors. Mary Bayard Devereux Clarke, who published under the pseudonym, Stuart Leigh, was a 19th century author, poet, and editor. She was loyal to the Confederacy, and had many patriotic poems published during the Civil War. When her husband, a Confederate soldier, was jailed after the war, she used her literary talents to support her family.

Another fine novelist was Frances Christine Fisher Tiernan, who wrote under the pen name, Christian Reid. She penned 45 books before her death in 1920, including novels about genteel southern families and several travel novels.

Women have played a big part in North Carolina's moral and political growth. Social worker Kate Burr Johnson, who was appointed North Carolina Commissioner of Public Welfare in 1921, was the first woman to head a major North Carolina department and the first woman in the United States to bear the title of commissioner of public welfare for a State. She was a member of the executive committee of the Child Welfare League of America, and also worked to improve prison conditions and to eliminate cruelty to prisoners on chain gangs in North Carolina.

Bringing electricity and other modern conveniences to rural North Carolina was another job women played a part in accomplishing. Women such as Dr. Mary Martin Sloop, a country doctor, and Margaret Hood Caldwell, who also was concerned with youth issues, played major roles in helping modernize rural North Carolina.

North Carolina can thank Harriet Morehead Berry for its fine road system. She was secretary of the North Carolina Good Roads Association, which was founded in 1902. In 1921, she helped write the successful bill which authorized the funding and construction of a statewide highway system. The Raleigh News and Observer gave Miss Berry credit for one of the most stupendous pieces of legislation in the history of the State. . . . It was her bill in the beginning, and it was her indefatigable work that held the general assembly in line until it had voted.

Elizabeth Dole, the current Secretary of Transportation, is a native of North Carolina. Before being sworn in as the country's eighth Secretary of Transportation in February 1983, she was a staff assistant to the President, a former Federal Trade Commissioner, and a former staff assistant to the Assistant Secretary of Health, Education, and Welfare. She earned her law degree and her master's degree in education and government at Harvard University.

In the political arena, North Carolina's Seventh District has many women who have been elected to public office. Beth Finch is a former mayor of Fayetteville. She was the first woman to head the city. There are eight women mayors in office now: Edith Greene, Bolton; Sarah N. Blackwell, Cerro Gordo; Mildred Boney, Leland; Ida Mae Mintz, Bolivia; Sonia Stevens, Calabash; Frances Kanoy, Sunset Beach; LeDane W. Bullington, Ocean Isle; and Zelna Davis, Linden. Two of the district's five county commission chairman are women: Karen Gottovi of New Hanover County, and Virginia Thompson of Cumberland County.

The New Hanover County National Organization of Women recently honored four local women. Augusta M. Cooper received the lifetime achievement award for her work with civil rights and social work, and especially for her concern with equality for all people, regardless of sex or color. Carolyn "Sue" Houston received the Community Involvement Award for her work against a local coal terminal and oil refinery, and her involvement in local education and the League of Women Voters. Thea Hagepanos received the Outstanding Feminist Award for her work with the equal rights amendment and with candidates supporting feminist issues. She is also an actress, and has put together several feminist theater pieces by women authors. She has also written several respected books on fundraising. Last but not least, Mrs. John Dee Baker received the award for personal development. Mrs. Baker is a magistrate in Wrightsville Beach, a two-time president of the Business and Professional Women's Club, and is involved in the chamber of commerce in the outreach and human relations area.

These are only a few of the outstanding women from North Carolina. Their achievements have helped make the quality of life better not only for women, but for all of us.●

JOHN PAUL HAMMERSCHMIDT RECEIVES VFW CONGRESSIONAL AWARD

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. MONTGOMERY. Mr. Speaker, I would like to share with my colleagues the moving remarks of the Honorable John Paul Hammerschmidt of Arkansas as he was honored on March 6, 1984, with the Veterans of Foreign Wars Congressional Award, that organization's highest honor.

The text of the Congressman's speech follows:

REMARKS BY HON. JOHN PAUL HAMMERSCHMIDT

Commander Olson, madam president of the auxiliary, distinguished leaders, leaders of the Veterans of Foreign Wars of the United States, ladies and gentlemen.

Receipt of this prestigious award is a high honor: One to be cherished. I accept it in full knowledge that it comes by no means from my efforts alone—but from the efforts of a multitude of my colleagues, past and present—who share our belief that veterans of this Nation's wars are a very special citizenry, who have earned and deserve the program of benefits, enacted for them by a grateful people, through their Representatives in the Congress of the United States.

To receive the Congressional Award from such an organization as the VFW is especially meaningful, for during all of my nearly 18 years in the Congress, we have walked side-by-side.

Your positions on veterans and defense issues have been consistently realistic yet firm, and it has been an honor to fully associate myself with the stands you have taken on many, many occasions.

Together, we have seen veterans' programs vastly improved.

And often, our Nation has been helped to stand tall around the world by your resolute posture that our time-honored freedoms and liberty can only perservere when our national leaders can speak from a position of strength and confidence.

It has been a welcome duty to have labored in these vineyards with you. To be singled out for this honor because of that labor, is high praise indeed.

Mr. Commander, when you appeared before the Veterans' Affairs Committee this morning to present the annual legislative program of the VFW, you brought to our attention the priorities of a very responsible organization. You did so in calm, deliberate and forceful words. In my opinion you reflected great credit on the VFW and its auxiliary.

The resolutions you described, the legislation you recommended, and the improvement in veterans' programs which you advocated were reasonable and responsible, and I congratulate you for your presentation.

One position you advocated is worthy of special note: I want you to know that I completely share your hope that the position of Administrator of Veterans' Affairs will be elevated to Cabinet rank where it belongs. Chairman Sonny Montgomery of the House Veterans' Affairs Committee and I will work with you toward the accomplishment of this objective.

Mr. Commander, it has been our privilege for a number of years to hear the voice-of-democracy winner at these annual congressional dinners.

No one who recognizes the great blessing of our country's heritage could hear the voice of those winners without being very moved, and without being reminded again and again that the future of our country is in good hands.

Tonight was no exception. And as congratulations are extended to the winner of this year's competition, so also are congratulations bestowed on the VFW for sponsoring this excellent program.

The young men and women on this rostrum tonight are prime disciples of good citizenship and love of nation. It is a privilege to share this platform with them.

In this Nation's efforts to assist veterans and their dependents, the VFW has played a pivotal role.

Today, over two million, six hundred thousand of these individuals receive compensation because of service-connected disability.

Another one and a half million needy, disabled war veterans or their survivors receive pensions.

Over a half million Vietnam veterans are still going to school under the GI bill.

About a million, four hundred thousand veterans will receive medical inpatient care this year.

And eighteen and a half million outpatient visits will occur in VA facilities.

When these figures and the events which generated them are considered, the conclusion is quickly reached that this Nation cares, and cares mightily, about those twenty-eight million men and women who have as their common denominator the fact that they served this nation well and honorably in times of national peril.

In this connection, I am pleased to note that the VFW and I are in complete agreement on a number of vital veterans' issues:

We both believe in an equitable and good VA budget.

We both believe that benefits for service-connected disabled veterans, their dependents, and survivors must be very high on our list of national priorities.

We both believe that needy disabled veterans must be entitled to pensions, that they are entitled to dignity and that they must never be relegated to welfare rolls.

We both believe that this Nation must maintain a medical care program for veterans that is second to none and that so-called mainstreaming is the very opposite of what we will do and should do.

We both believe in the maintenance of veterans' preference in public employment as a bulwark of the veterans' benefit structure.

In short, Mr. Commander, we both believe that the total program for veterans and their dependents that the VFW, other great veterans' organizations, and the Congress have evolved over these many years is the conscience of our Nation and that it must be, should be and will be maintained and defended with every ounce of our mutual strength.

There are, of course, those who say it costs too much. And there is some truth in what they say. It does cost too much, just as there have been too many wars. But, the veterans of those wars did not intend to become casualties and did not intend to need the benefits that a grateful nation has provided for them.

For my part, it is a badge of honor to have long been among those who deeply believe that good veterans' programs ought to be preserved, protected and improved—deserving substantial priority over other Federal programs and needs not nearly so high on the moral agenda of our Nation.

Those veterans' programs are—in my view—a stark example of the costs of war which continue long after the hostilities cease.

This is not only a fact of life—it is recognition of a simple national truth that ought to be the hallmark of all that we do in Veterans' Affairs.

It will be my continuing purpose to pursue that noble objective. And with the spirited assistance of the Veterans of Foreign Wars, I expect that our success will continue.

For this Nation is a good Nation—one that reaches out, even to the stars, to do what is right. Sometimes, it appears that we move too slowly, and sometimes it seems we wait too long.

However, in the final analysis, that is a price of representative government. But the ultimate result is what counts and I have supreme confidence that, in the end, we will do what is right and what is just.

Mr. Commander, one could not be, and ought not be, the recipient of your Congressional Award without commenting upon the VFW position on national defense and national security.

In this connection, I count Mr. George Bush, a former colleague in the Congress and now Vice-President of the United States, as a dear friend.

The Vice-President often says that from their position of leadership, the President and he must view the world not as they would wish it to be, but as it really is. In my view, the President and Vice-President couldn't be more right.

The world is imperfect in a vast number of ways. But it is not imperfect as to the United States of America wanting to avoid war while honor still breathes.

It is not imperfect because our Nation does not understand the horror of war or because our Nation seeks to impose its will on other nations, for it does not.

The world is not imperfect because we spend vast sums on national defense, in fact, the opposite is true.

Purely and simply, our Nation arms itself because that is the only language understood by the aggressors and bullies of the international community.

To such potential adversaries, peace through strength speaks louder than the voices of those who despair at the thought of war.

No one understands this better than those who have marched into futile battle.

No one understands it better than those peace-loving people in times past who, although keeping to themselves, ignored defense, and then could only watch liberty being trampled by unspeakable tyranny.

Undoubtedly, it has been their extreme sorrow to leave a footnote to history that had their nations been militarily prepared to resist that tyranny, the trampling could have been deterred, or as a last resort, repelled by a strong defense.

And so it is, Mr. Commander, that I reaffirm my alliance with the VFW on such matters. You and your Members know more than most, the truth of which I speak. You have seen war firsthand, and you abhor it.

But you know, too, that our country must be militarily alert and militarily strong if it is to deter those who would destroy our way of life, inhibit our dreams of a better tomorrow, and who would undermine the spirit of independence and freedom that is the very foundation of the American Nation.

On the issue of a strong and alert America.

On the issue of a vigilant American military presence at home and abroad.

On the issue of sacrifice—if sacrifice we must—to keep America as the bulwark of freedom-loving countries everywhere.

The VFW has spoken eloquently and without reservation.

Your voices and your convictions are very clear. I hear those voices and I share those convictions.

That such a voice and such a conviction would honor me, by the presentation of your annual congressional award, is praise in the extreme, for which I am deeply appreciative. And of course, it goes without saying that I have never been more proud of my long-time membership in the VFW that I am this very special night.

And now my good friends, let me conclude by repeating a quotation from the distinguished and splendid administrator of Veterans' Affairs. I know that each of you share with Harry Walters and me the basic truth that "America is number one because of her veterans."

Thank you—one and all.●

WILLIAMSPORT HIGH SCHOOL BASKETBALL

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. GEKAS. Mr. Speaker, rolling out a red carpet is an honor bestowed on dignitaries around the world. It is only appropriate that in Williamsport, Pa., a city in my district, a red carpet is rolled across the basketball court every week for the Williamsport Millionaires, for they are true dignitaries in high school basketball. The Millionaires finished their regular season with a stunning 25 to 0 record and are headed for the playoffs with an almost complete assurance of becoming the next class AAAA division champions.

The devoted and gifted athletes that make up the Millionaire team are led by head coach Pete White and assistant coaches Lynn Datres and Larry Moore. This team has brought magic to the Williamsport area through their agility, speed, and grace on the court which has filled their gymnasium and thrilled fans countless times. I would like to join with my constituents in congratulating the team and coaching staff for completing an impressive season and in wishing them the best of luck in the playoffs.●

TOWNS CREATES NEW $70 MILLION BILINGUAL ED PROGRAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. TOWNS. Mr. Speaker, today I introduced the bilingual education amendments of 1984. This bill will create a new $70 million bilingual education program. In examining the rationale for this legislation, I believe that it is important to review the role of the Federal Government in education.

For years, this Nation debated the question of Federal aid to education. The proponents of Federal aid to education took the position that many States were actually denying educational opportunities and educational equity to certain schoolchildren, and that therefore the Federal Government should assume the role of protector of the educational and constitutional rights of all children in this regard.

In 1968, Congress applied this protector role to linguistic minority children. Title VII, of the Elementary and Secondary Education Act, was instituted with the express purpose of providing equal educational opportunities for these children. At that time, bilingual education was seen as the best method of increasing English language skills while providing an appropriate education for limited English proficient students. The 1974 Supreme Court decision, Lau against Nichols, underscored the need for protecting the educational and constitutional rights of linguistic minorities.

My bill speaks to the needs of the special populations of limited English proficient students. For too long, we have assumed that the recipients of bilingual education are a monolithic population. However, we must recognize that there are gifted and talented students, handicapped students, and students in need of vocational training who are enrolled in bilingual education programs. Bilingual education needs to be expanded to meet the needs of these students.

This legislation would encourage teachers who desire to specialize in bilingual education to also specialize in one of several areas: Vocational education; adult education; gifted and talented education; special education; education technology; literacy; and math and science education.

A special projects section creates a grants program to promote bilingual education in the five areas of gifted and talented education, special education, vocational education, adult literacy, and math and science education. My bill also authorizes new studies to examine the effectiveness of some programs in the above areas as well as studies to evaluate the impact of bilingual education on new linguistic minority groups, primarily refugee children.

While I will fully support the reauthorization of bilingual education with the retention of native language instruction, I believe that it is critical that the bilingual education meet the needs of all children. I am hopeful that my amendments will be included in the House education and labor reauthorization bill when it is reported to the House later this year. I feel that the special projects component will help to fill an existing void of service to certain populations of linguistic minority children.●

PETER EUSTIS—FIRST CITIZEN OF PORTSMOUTH, VA.

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. SISISKY. Mr. Speaker, every year the Portsmouth, Va., Moose Lodge No. 898 chooses a First Citizen of Portsmouth. The recipient of the award is Mr. Peter Eustis, who has been named "First Citizen of Portsmouth for 1983," and a wonderful citizen he is.

Mr. Eustis is a retired senior vice president and secretary of Virginia Chemicals and a longtime community leader. Mr. Eustis first came to Portsmouth in 1946. For nearly 40 years, he has served the community through various civic groups and organizations.

Mr. Eustis was major-firms-division chairman for the Portsmouth Area United Way in 1981, general campaign chairman in 1982, and president of the fund drive in 1983. He is a member of the area legislative committee for the Hampton Roads Chamber of Commerce and the national legislative committee for its Portsmouth council.

He has also been a member of the Portsmouth Rotary Club for 12 years and will become president in July. In addition, Mr. Eustis is the chairman of both the city's port and industrial commission and the industrial development authority. He is a past president and a current board member of the Portsmouth Industrial Foundation.

The remarkable list of Mr. Eustis' positions does not end here. He is on the board of directors and the executive committee of the Virginia Orchestra Group and is a director of the Norfolk State University Foundation. Mr. Eustis is also a founder and current chairman of the Tidewater Health Coalition, an organization of businessmen, hospital representatives, and physicians formed to provide initiative and leadership in an effort to control increased costs of medical care without damaging the quality of service.

Mr. Speaker, I am sure you agree that this list is an impressive array of public service. Peter Eustis, First Citizen of Portsmouth, is a shining example of a citizen extraordinaire, and I commend him.●

UNFAIR TRADE PRACTICES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. DINGELL. Mr. Speaker, for some time, the Energy and Commerce Oversight and Investigations Subcommittee has been investigating the unfair trade practices of foreign companies doing business in the United States. Most recently, we have pursued the illegal "counterfeiting" of American brand name goods by companies operating out of foreign countries. The subcommittee has just released its report "Unfair Foreign Trade Practices, Stealing American Intellectual Property: Imitation Is Not Flattery." This report highlights a few of the countless unfair actions taken against American businesses, workers, and consumers.

In two cases which have been called to our attention, North American Foreign Trading Company against Mannics and North American Foreign Trading Company against Santron, an American company sought to resolve separate disputes involving defective goods shipped by the Taiwanese companies. The parties had agreed by contract to arbitrate the disputes in New York under the rules of the American Arbitration Association. During the proceedings, the Taiwanese companies were represented by counsel, presented evidence, and even counterclaims, which were denied. In each case the arbitrator awarded damages to North American.

The two arbitration awards were subsequently reduced to two separate judgments in the Supreme Court of the State of New York. Demands for payment of the judgments were ignored by the Taiwanese companies, resulting in North American having to pursue legal action in Taiwan to collect payment. Under the provisions of the Taiwan Relations Act, such judgments are supposed to be accorded full faith and credit in Taiwanese courts. However, in one of the two cases (Santron), although the Taiwanese lower court found that the judgment was enforceable, the Taiwanese appellate court found that the U.S. award was not in accordance with Taiwanese law and, therefore, unenforceable.

Full faith and credit has little meaning if one party can determine whether or not a judgment should be enforced. Certainly, American companies should be on notice that contracts with Taiwanese may be unenforceable where Taiwanese companies do not maintain assets in the United States. Perhaps a cure for this problem would be to require such companies to post a bond to do business in our country.

An equally alarming situation resulted in the Mannics case, in which the Taiwanese company liquidated its assets in Taiwan to avoid payment of the judgment. Taiwanese authorities then permitted Mannics to resume its business under a different name, at the same address, and with the same principals in charge. This artifice, tacitly endorsed by Taiwanese officials, is little short of outright fraud and deceit.

It is my intention to have my Oversight and Investigations' staff investigate these cases to determine if legislative changes are needed to protect effectively American companies doing business with Taiwan.●

REDUCE CONGESTION AT NATIONAL AIRPORT

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. SHUSTER. Mr. Speaker, Washington National Airport is one of the most congested airports in America, and one of the few over which the U.S. Government has direct control.

Recently there have been situations in which passengers have had to wait for over an hour to get their bags, purely because of bunched up arrivals that caused a serious overload for the baggage areas.

As a member of the Aviation Subcommittee, I believe we have a responsibility to address this issue. Accordingly, I have introduced legislation which would ease congestion at National Airport by reducing the number of flights. Specifically, H.R. 4987 prohibits nonstop flights of commercial aircraft between Washington National Airport and any point more than 600 miles away from the airport.

While I am not wedded to these precise numbers, it is my intent to use this legislation as a basis for focusing on the problem. Something should be done, and I believe the Aviation Subcommittee and the Congress has a responsibility to do it. Both Dulles and Baltimore-Washington Airports provide alternatives and those alternatives should be more fully used.●

STATES SHOULD TAKE OVER INTRASTATE RAIL ABANDONMENTS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. DORGAN. Mr. Speaker, the rush to abandon railroad branch lines continues to plague the many rural areas and local economies of our country. The railroad companies are reshaping our vast freight transportation network to fit their own design. They are closing the arteries and blocking the veins which help keep the heart of our rural economy alive.

And the Interstate Commerce Commission stands by doing nothing to stop it.

For that reason, I am introducing today a bill which will enable interested States to gain more authority over the future of transportation within their borders. My bill permits any State which chooses to take jurisdiction over intrastate rail abandonments. Currently jurisdiction over all abandonments rests with the ICC. And, therein lies the problem.

The ICC has served notice that the interests of shippers, consumers, even the public at large are dwarfed by the interests of the railroad companies. It is eager to approve any abandonment proposed by a railroad.

The ICC has set criteria for their opposition to rail abandonments which boggles the mind. It says that any branch line which does not give to the company at least a 22.3-percent annual return on its investment can be abandoned. This figure is not met by the combined rail operations of any major rail company in America, and probably not by any branch line. It ignores the loss of business caused by line deterioration, as the railroad defers maintenance on lines slated for extinction. It ignores the income derived from the enormous mineral-rich tracts given land grant railroads for building and maintaining the lines. It ignores the cash windfall bestowed on the rail companies through the 1981 tax law, which helped the holding companies increase their dividends, reduce their long-term debt, increase their investments in energy and lumber subsidiaries, and diversify their operations.

When one of our Northern railroads asks for an abandonment in the Northern States, the ICC does not ask how they can justify an abandonment when they just paid $1.3 billion for a natural gas company without taking out long-term debt. When another railroad proposes an abandonment in the South, the ICC does not investigate whether its parent corporation could have used its money to maintain and improve railroad service, rather than to purchase one of the largest barge carriers in the country.

The ICC is required by statute to certify that the public necessity and convenience are met when approving an abandonment application. Yet, the ICC does not even give the public a chance to present a case before it speeds approval through.

In fiscal year 1963, for example, the ICC decided upon 109 non-Conrail abandonment cases. Oral hearings were permitted in only four. Predictably, only two abandonments were denied.

It is time we voided the legal fiction that the ICC has jurisdiction over rail abandonments. The ICC has shown itself unwilling to assume the responsibilities of protecting the public when considering abandonments. It has turned over jurisdiction to the railroad companies.

I propose, instead, that we return jurisdiction to the States.

States, through their public service boards and commissions, have experience in addressing issues of intrastate economics. They know the histories of the railroad lines, and what they have meant to local communities. They understand how to assess future prospects, and how to balance economic interests. And, they have a legacy of regulating railroad abandonments.

The States had jurisdiction over intrastate abandonment and construction until 1920. Concern was raised at that time that multiple state proceedings would inhibit speedy construction of needed new lines. The hearing record shows only one voice speaking about rail abandonments, that of Charles Elmquist, then president of the National Association of Railroad and Utility Commissioners. Mr. Elmquist asked the Congress:

> Suppose you were to give to the Interstate Commerce Commission the power to act exclusively upon the question of abandonments. What would be the practice? What protection are you giving to the shipper or the farmer or to any other man who has built along that line of railroad upon the promise of getting future service? Are you going to send an examiner from Washington up along the line to examine that case? He knows nothing about the local conditions. He has no responsibility or he owes no responsibility to those people. He has not the same direct interest in the welfare and the development of that particular section of the State as the State commission.

Mr. Elmquist's eloquent questions of yesterday have been given answers today. He was unerringly correct: the ICC does not protect farmers or shippers. It does not know anything of local conditions, nor does it attempt to find anything out.

The ICC was given jurisdiction over intrastate abandonments in the 1920 amendments to the Interstate Commerce Act, despite Mr. Elmquist's warnings. It was given this authority as an afterthought, put in during conference proceedings. The issue in those days was rail construction, and Congress thought the one national commission would expedite the creation of more rail service. The issue today is rail abandonment, and the one national commission has become a willing partner in the rapid loss of service we are seeing now.

Some would say that placing jurisdiction over intrastate abandonments is interference in interstate commerce. It is not. Ample precedent exists within regulation of electricity, natural gas transmission, cable television, telephones, and other public services. States have the right and responsibility to regulate economic activities within their boundaries. Such an activity is the operation—or the abandonment—of an intrastate branch line. Congress, of course, can remove jurisdiction from the States, and Congress did so in 1920. My bill would simply reverse the process.

Some would argue that the States are not equipped to handle the complicated questions involved in an abandonment. The States are so equipped. Many States, as part of their normal activities, make informed, expert determinations on abandonment cases. If they find an abandonment is against the best interests of a State, they use their findings to appeal to the ICC, usually to no avail.

Further, the question of whether States can adequately accept jurisdiction over intrastate rail abandonments is not at issue in my bill. States will resume jurisdication only if they choose to do so, and only if they certify that they have procedures which are fair to all interested parties. The ICC will retain jurisdiction where States do not opt for this authority.

The ICC now resembles a puppet, with the railroads pulling the strings. Let us stop this sideshow, and leave the States to decide their own economic futures.●

HOUSE ORDERS AMTRAK SERVICE TO PINELLAS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. BILIRAKIS. Mr. Speaker, I am delighted with the action by the House in giving approval to H.R. 3648, the Amtrak Improvements Act of 1984, because this legislation will force the National Railroad Passenger Corporation to restore its train service to St. Petersburg and Clearwater, Fla.

Not only is Amtrak under a House mandate to restore the train service it cut off February 1, it is ordered to do so within 30 days—or will be if the Senate concurs.

This action is vital because it serves to reassert congressional authority over the actions of the Amtrak Board of Directors. As many of you here know, the Amtrak board—at the urging of President W. Graham Claytor—took advantage of the Congress between-sessions break in January to stop the train service from Tampa to St. Petersburg and Clearwater.

And it took that step, knowing full well the Amtrak Improvements Act, as approved by the full Energy and Commerce Committee, contained specific language barring such a service cutback.

So, the House has asserted itself and let Amtrak officials know, once and for all, they cannot fly in the face of the wishes of the people's representatives who want to see service maintained to those areas where it is needed—needed and vital.

For that, I am grateful. And I know the residents of Clearwater and St. Petersburg are grateful.●

USAF CONTRACT A DISGRACE

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. McGRATH. Mr. Speaker, on many occasions, I have stood in this well to decry abuses of human rights and officially sanctioned discrimination against the Catholic minority in Northern Ireland. A decision of the U.S. Air Force announced last Friday shows that my comments and those of many of my colleagues have gone unheeded at the highest levels of our Government.

Over $150 million in U.S. Government contracts were awarded to Short Brothers, Ltd., a Belfast firm with a longstanding and well-documented record of discriminatory hiring practices against Catholics. The proportion of Catholic workers employed by Short Brothers is approximately one-eighth the proportion of Catholics residing in the Belfast area.

Our Government had a perfect opportunity to seek redress of the bigotry against Catholics by including specific assurances in the Air Force contract to guarantee an affirmative action plan. This chance to contribute to a peaceful resolution to the problems in Northern Ireland has been disregarded. By requiring recognition of the rights of Catholics to equal employment opportunity through the contract award, we would have been upholding the very principles of religious freedom and tolerance we are sworn to uphold as Members of the U.S. Congress.

I am extremely upset over the insensitivity of the White House, the State Department, the Defense Department, and other officials responsible for the contract award. Their continued failure to recognize the shameful abuses of basic rights in Northern Ireland allows the situation in that torn nation to fester.

The unheralded cries for help from those who live under the constant threat of terrorism will leave those who seek peace to resort to extreme solutions. Once again, we have failed to seize a great opportunity to promote reconciliation.●

ANGELO PAPPAS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. DONNELLY. Mr. Speaker, I would like to call my colleagues' attention to the heroic efforts of a constituent and friend, Angelo Pappas, of Quincy, Mass., who is seeking to make contact with his family in the closed country of Albania. Angelo escaped from Albania at the age of 16 in 1951. He and his family lived in the persecuted Greek minority in southern Albania, which today numbers about 400,000 people. I cannot state for certain the exact size of the Greek minority in southern Albania because the Government of Albania maintains strict control over travel within their isolated country, and intercepts correspondence originating from, or destined for, members of the Greek minority. Angelo Pappas has been unable to make contact with his family in Albania for over 30 years. Even the Greek Government, which has diplomatic relations with Albania, is constantly frustrated in its attempts to gain information about family members of Greek citizens from Albanian authorities. In the face of this tremendously difficult and tragic situation, it would be easy to lose heart, and give up the hope of ever establishing contact with one's family in the Greek minority in Albania. Angelo Pappas, however, has not given up hope, and pursues every avenue that may one day reunite him with his family. Last December he came to Washington for meetings at the State Department and Greek Embassy. Mr. Pappas returned to Washington in late January for a hearing on human rights violations in Albania called by the House Subcommittee on Human Rights and International Organizations. I commend Angelo Pappas for his tireless determination, and hope his prayers will soon be answered.●

WILD AND SCENIC PROTECTION FOR THE TUOLUMNE RIVER

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. LEHMAN of California. Mr. Speaker, today I am introducing legislation to designate 83 miles of the Tuolumne River as part of the National Wild and Scenic Rivers System. As a longtime supporter of California water projects from New Melones to Auburn Dam, I did not make this decision lightly. However, as the Congressman representing the district containing the entire stretch of river proposed for wild and scenic status, the time for me to act is now. Either the last remaining stretch of the lower Tuolumne River Canyon will be developed or it will remain as it is.

As I have often said in advocating water projects, "the rafters do not need all of the rivers in California—there must be room for other values." This logic applies equally to water and power developers and the Tuolumne River Canyon is a prime example of one place where development interests have had it all their way. Multiple uses such as fishing, family camping, and river rafting could be destroyed if the Tuolumne is dammed.

In the words of one of my local constituents: "Saving the Tuolumne is more than just an exercise in maintaining the river rafting business, it is an act of environmental harmony and respect."

Mr. Speaker, the bill I am introducing today addresses two important questions: First, preservation of a magnificent western river, and, second, equity for the county of origin.

With its headwaters high in Yosemite National Park, the Tuolumne River lies almost entirely within its namesake county. To date, however, none of the vast water resources originating in this county are controlled by Tuolumne County. In 1913, Congress enacted the Raker Act which granted land to San Francisco to build the Hetch-Hetchy project to supply water and power to the bay area. In 1949, Don Pedro Dam was built for the benefit of Turlock and Modesto Irrigation Districts and San Francisco. With five existing hydro facilities, the Tuolumne River is already working hard to produce 2 percent of California's total energy supply, to provide 8 percent of the State's drinking water, and to irrigate 300,000 acres of farmland. Seventy percent of the Tuolumne River's hydroelectric potential and 98 percent of potential water development is already utilized.

Over the last century, the Tuolumne River has been working for thousands of Californians, but not for Tuolumne County itself.

The bill I am sponsoring will both protect the main stem of the Tuolumne River, but would not preclude small hydro development on the tributaries where Tuolumne County could at long last benefit in some small way from the water resources within its own boundaries.

Mr. Speaker, there are already several bills before Congress to protect the Tuolumne River. Senators CRANSTON and WILSON support wild and scenic status for the "T," as does the majority of the California House delegation. My bill is a compromise which would preserve the main stem of the Tuolumne and lend equity to hydro development in Tuolumne County. Real compromise over the Tuolumne River is possible, but time is running out.●

TRIBUTE TO ROBERT E. TRUMBULE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. HOYER. Mr. Speaker, I wish to take this opportunity to pay tribute to Robert E. Trumbule, an outstanding citizen of Maryland and of my district. I am sad to report to you his passing on February 4, 1984. His dedication toward work, family, and friends was certainly unrivaled.

At the time of his death, Bob was a specialist for the Library of Congress on the environment. His main area of concern was acid rain, and during the last 2 years of his life, Bob spent a great deal of time on this issue, as he was deeply concerned about the effects on the environment—not only on the Washington area, but on the entire Nation.

Bob was quite active in his community politically. A former president of the Hyattsville City Council, Bob served from May 1981 through May 1983. He was the leader in the movement for placing sections of Hyattsville on the national historical register. Bob was quite instrumental in revitalization efforts for the corridors along Route 1.

Not restricting his efforts to politics, Bob was also very active in civic activities. Bob was a Boy Scout leader for many years. His belief in physical fitness was exhibited through his coaching of high school wrestling and other youth group activities.

Bob was a man who always gave 100 percent of himself. His dedication, energy and enthusiasm surged to the forefront of each project with which he involved himself. These qualities earned him the sincere respect of the community and of his many colleagues.

Mr. Speaker, Robert Trumbule was a fine man, and his contributions to his coummunity, his humor and his spirit will long be remembered. I know my colleagues would want to join me in sending heartfelt condolences to his family on this sad occasion.●

INTERNATIONAL WOMEN'S DAY

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, today is International Women's Day; last week we learned that the Federal Government is not required to enforce equity in education. Instead of redoubling our efforts to achieve the full legal and economic equality of women in American society, we are carving away the elementary legal protections women had finally achieved. I find this appalling.

In Grove City against Bell, the Supreme Court crippled title IX of the 1972 Education Amendments by accepting the Reagan administration's narrow reading of the law. The Court ruled that title IX does not bar sex discrimination by a school as a whole, but affects only those departments or programs which receive Federal money. This reverses the interpretation that three previous administrations have given to the 12-year-old law, and leaves millions of women and girls with virtually no protection against discrimination in most areas of education.

Education is supposed to be the great equalizer. Eve Hendricks knows that. As sex equity consultant to Connecticut's Department of Education, Ms. Hendricks travels throughout the State fighting for equal educational opportunities for girls, and a lot of what she sees worries her. Girls from all classes and backgrounds she says, "still believe in Cinderella. They are in training for AFDC and displaced homemakers."

She believes that being able to find work outside the home is not only important to a woman's self-esteem, it is a matter of sheer survival. "Most women are just one man away from welfare."

Eve Hendricks is concerned about differential career education and especially about the fact that boys in Connecticut average 3.86 years of high school math compared to a 3.64-year average for girls. She tells girls to "make a list of all the jobs you can't get if you don't know math, then think again about your choice of courses."

Connecticut males still score 50 points higher in math on the SAT, but the situation was improving thanks to title IX. In 1982-83, males averaged 489 on the SAT math component and females averaged 443. This was an important 3-point gain for girls.

People often link title IX and sports, and sports are often dismissed as expensive, extracurricular fluff. But we are only beginning to understand the implications of the traditional exclusion of women from athletics. Most people are now aware that exercise is an ingredient to health, and that since healthy mothers help make babies healthy, it is doubly important that girls receive solid training in physical education.

Evidence is now coming in that the types of games girls were playing while boys were involved in sports put girls at a life-long disadvantage. Participation in team sports with complex sets of rules develops aptitudes for certain forms of mathematics, and grooms one for the types of "games" that are played in the corporate boardroom and elsewhere in public life.

Since passage of title IX, the participation of girls and women in athletics has increase by 600 percent—compared to an 80-percent increase by boys and men. Women are physically and psychologically healthier. "Women now leave school," according to Eve Hendricks, "with a stronger sense of self."

Judith Berman Brandenburg, associate dean of Yale College, has a different vantage on the importance of title IX. Since passage of the law, Yale has established a committee which revised the university's grievance procedures and wrote separate procedures for cases of alleged sexual harassment. As title IX coordinator for Yale College, Dean Brandenburg has received more than 200 requests for copies of Yale's new grievance documents to be used as a model by other institutions.

Title IX, according to Dean Brandenburg, gave students the confidence that they were entitled to nondiscriminatory treatment. Orientation materials which every incoming student received discussed title IX's protections. This law carried the authority of the Federal Government and served as a reminder to good spirited schools that equity was not optional. Dean Brandenburg believes that Grove City against Beil undermines all of this. "Anything and everything is called into question."

Most American women work because they must. They are paid 59 cents for every $1 earned by men and they are increasingly being ghettoized in dead-end jobs. Education is one of the ways out. Last year 413 of my colleagues in the House of Representatives joined me in approving a resolution which opposed the administration's plan to limit the application of title IX. The Supreme Court ignored this roar of support and argued that Congress did not intend a broad reading for title IX.

It is imperative that the Congress immediately pass legislation to not only put the teeth back into title IX but to also protect title VI and the Rehabilitation Act of 1973. That Federal protections from discrimination in education should be weakened and removed rather than strengthened and extend is, as I have said, appalling.●

NATIONAL DOWN'S SYNDROME MONTH

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. SOLARZ. Mr. Speaker, it is my great pleasure today to introduce a joint resolution to designate the month of October 1984 as "National Down's Syndrome Month."

Down's syndrome occurs in 1 out of every 800 births. It is, at present, an incurable genetic disease characterized by mental retardation and a variety of often severe physical handicaps. For years, Down's syndrome carried the stigma of being a hopeless impediment to a meaningful and productive life. In fact, early literature on children with Down's syndrome indicated that their development plateaued by age 5.

The past 15 years, however, have brought a revolution in terms of discovering the potential for individuals with Down's syndrome. Extensive medical advances have enabled treatment of many of the physical problems associated with the condition, and infant stimulation programs being taught to new parents of babies with Down's syndrome, have increased intellectual development far beyond previous expectations.

This resolution would be an extremely important step forward for our Nation's Down's syndrome victims. It is designed to increase awareness and appreciation for the special needs of this courageous segment of our society. I am hopeful that House Joint Resolution 512 will contribute to the education and acceptance of sufferers of Down's syndrome, and I urge my colleagues to join as cosponsors of this legislation, which was introduced at the urging of the National Down's Syndrome Parents Congress, an exemplary organization of parent groups.●

BORDER SCHOOL DISTRICTS FACE HARDSHIP

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. COLEMAN of Texas. Mr. Speaker, the Nation's border school districts face a hardship not encountered anytime before in their existence. In 1982, the Supreme Court overturned a law promulgated by the Texas State Legislature regarding the children of immigrant persons. The Supreme Court said that the State is responsible for the education of such children. As a former member of the Texas House of Representatives, I understand what my former colleagues in the State government intended when they passed the now unconstitutional statute attempting to exclude from education the children of undocumented workers because they were aware of the costs involved, approximately $3,000 per student.

The ruling by the Supreme Court did not resolve the original problem, the question of where the responsibility lies in paying for the education of these children. This legislation, which would provide $500 per immigrant student, would finally establish an answer. This legislation also provides that no State may receive more than 1.5 percent of the amount that the State receives under the Vocational Rehabilitation Act. Thus, this State and the Federal Government assume the responsibility together. This is only fair, especially when you consider the tragic state of the economies of border regions today and the admitted failure of the Federal Government to prevent illegal immigration.

There is another reason that we have introduced this legislation. This bill already has been agreed to by the Congress. In the Supplemental Appropriations Conference Report on Labor, Health and Human Services, and Education, the Congress approved $30 million for funding for school districts with children of undocumented aliens in attendance. However, the administration, with its "new emphasis on education," is trying to block this funding. In fiscal year 1984 continuing resolution (Public Law 98-151) the Congress appropriated and authorized the emergency immigrant education assistance program. The program was authorized through title V of the Vocational Rehabilitation Act amendments, H.R. 3520, which passed the House in September. After the Congress had adopted the continuing resolution, the President signed the bill into law. Now, however, the administration has decided to impound the $30 million for the program, and has done so without reporting its actions to Congress. While administration spokesmen argue that the funds were not properly authorized, the recission is a clear act of contempt for the legislative process and disconcern for the border school districts which are bearing a cost they cannot afford.

In midst of the worst economic recession, the devaluation of the peso, and the devastation of the border economies of this Nation, a Supreme Court ruling has threatened the existence of many of our Nation's school districts. In my home State of Texas, there are more than 29,000 immigrant students in our school system. In my own district of El Paso, the Ysleta School District, one of 10, is facing the harsh reality that it will be forced to lay off teachers in order to support the tremendous costs of educating the additional 652 children of undocumented workers. In the wake of the administration's publication of the study, "A Nation at Risk," that they would propose to deny funding to some of the poorest school districts in the country, and allow for these districts to be further decimated, is inconceivable and unacceptable.

I ask my colleagues to join with the majority leader and myself and support this bill. The legislation would establish the funding for fiscal years 1985, 1986, and 1987. This is necessary to express the concern of the Congress, and establish this program as a long-term assistance program to assist these underfunded, disadvantaged school districts which have been singled out for unfair treatment.

This bill would cost the Federal Government approximately $30 million per year, fiscal years 1985 through

1987. This cost will only be of minor aid to these border school districts, but it is better than no aid at all. The aid in this package will pay for one-sixth the costs the States must bear in educating these children. While some may argue that we cannot afford to spend this kind of money when confronting the enormous deficits for the next 3 years, I cannot agree. By providing this funding, we are giving these school districts the chance to survive, by not giving this aid, we will allow them to wither away. Those are our options. We can either invest in the future over the long-term, and thus enhance the creation of a productive society along our Nation's borders, or we can simply ignore the problem, placing the burden on the States, and down the road, placing even further burdens on the Federal, State and local governments, by forcing each to care for those who cannot care for themselves. The price of ignorance will far outweigh the cost of this program.

The bill follows:

H.R. 5077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Immigration Education Act of 1984".

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "immigrant children" means children who were not born in a State and who have been attending schools in any one or more States for less than three academic years.

(2) The terms "elementary school", "local educational agency", "secondary school", "State", and "State educational agency" have the meanings given such terms under section 198(a) of the Elementary and Secondary Education Act of 1965.

(3) The term "elementary or secondary nonpublic schools" means schools which comply with the applicable compulsory attendance laws of the State and which are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(4) The term "Secretary" means the Secretary of Education.

AUTHORIZATIONS AND ALLOCATION OF APPROPRIATIONS

SEC. 3. (a) There are authorized to be appropriated for each of the fiscal years 1985, 1986, and 1987, such sums as may be necessary to make payments to which State educational agencies are entitled under this Act and payments for administration under section 4.

(b)(1) If the sums appropriated for any fiscal year to make payments to States under this Act are not sufficient to pay in full the sum of the amounts which State educational agencies are entitled to receive under this Act for such year, the allocations to State educational agencies shall be ratably reduced to the extent necessary to bring the aggregate of such allocations within the limits of the amounts so appropriated.

(2) In the event that funds become available for making payments under this Act for any period after allocations have been made under paragraph (1) of this subsection for such period, the amounts reduced under such paragraph shall be increased on the same basis as they were reduced.

STATE ADMINISTRATIVE COSTS

SEC. 4. The Secretary is authorized to pay to each State educational agency amounts equal to the amounts expended by it for the proper and efficient administration of its functions under this Act, except that the total of such payments for any period shall not exceed 1.5 per centum of the amounts which that State educational agency is entitled to receive for that period under this Act.

WITHHOLDING

SEC. 5. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirements of any provision of this Act, the Secretary shall notify that agency that further payments will not be made to the agency under such Act, or in the discretion of the Secretary, that the State educational agency shall not make further payments under such Act to specified local educational agencies whose actions cause or are involved in such failure until the secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under such Act, or payments by the State educational agency under such Act shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

STATE ENTITLEMENTS

SEC. 6. (a) The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1985, 1986, and 1987 for the purpose set forth in section 7.

(b)(1) Except as provided in paragraph (3) and in subsections (c) and (d) of this section, the amount of the grant to which a State educational agency is entitled under this Act shall be equal to the product of (A) the number of immigrant children enrolled during such fiscal year in elementary and secondary public schools under the jurisdiction of each local educational agency described under paragraph (2) within that State, and in any elementary or secondary nonpublic school within the district served by each such local educational agency, multiplied by (B) $500.

(2) The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, and in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this Act, is equal to—

(A) at least 500; or

(B) at least 5 per centum of the total number of students enrolled in such public or nonpublic schools during such fiscal year; whichever number is less.

(3)(A) The amount of the grant of any State educational agency for any fiscal year as determined under paragraph (1) shall be reduced by the amounts made available for such fiscal year under any other Federal law for expenditure within the State for the same purpose as those for which funds are available under this Act, but such reduction shall be made only to the extent that (i) such amounts are made available for such purposes specifically because of the refugee, parollee, asylee, or other immigrant status of the individuals served by such funds, and (ii) such amounts are made available to provide assistance to individuals eligible for services under this Act.

(B) No reduction of a grant under this Act shall be made under subparagraph (A) for any fiscal year if a reduction is made, pursuant to a comparable provision in any such other Federal law, in the amount made available for expenditure in the State for such fiscal year under such other Federal law, based on the amount assumed to be available under this Act.

(c)(1) Determinations by the Secretary under this section for any period with respect to the number of immigrant children shall be made on the basis of data or estimates provided to the Secretary by each State educational agency, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

(2) No such determination with respect to the number of immigrant children shall operate because of an underestimate or overestimate to deprive any State educational agency of its entitlement to any payment (or the amount thereof) under this section to which such agency would be entitled had such determination been made on the basis of accurate data.

(d) Whenever the Secretary determines that any amount of a payment made to a State under this Act for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this Act, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

SEC. 7. (a) Payments made under this Act to any State may be used in accordance with applications approved under section 8 for supplementary educational services and costs, as described under subsection (b) of this section, for immigrant children enrolled in the elementary and secondary public schools under the jurisdiction of the local educational agencies of the State described in section 6(b)(2) and in elementary and secondary nonpublic schools of that State within the districts served by such agencies.

(b) Financial assistance provided under this Act shall be available to meet the costs of providing immigrant childern supplementary educational services, including but not limited to—

(1) supplementary educational services necessary to enable those children to achieve a satisfactory level of performance, including—

(A) English language instruction;

(B) other bilingual educational services; and

(C) special materials and supplies;

(2) additional basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

(3) essential inservice training for personnel who will be providing instruction described in either paragraph (1) or (2) of this subsection.

APPLICATIONS

SEC. 8. (a) No State educational agency shall be entitled to any payment under this Act for any period unless that agency submits an application to the Secretary at such time, in such manner and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

(1) provide that the educational programs, services, and activities for which payments under this Act are made will be administered by or under the supervision of the agency;

(2) provide assurances that payments under this Act will be used for purposes set forth in section 7;

(3) provide assurances that such payments will be distributed among local educational agencies within that State on the basis of the number of children counted with respect to such local educational agency under section 6(b)(1), adjusted to reflect any reductions imposed pursuant to section 6(b)(3) which are attributable to such local educational agency;

(4) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this Act without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

(5) provide for making such reports as the Secretary may reasonably require to perform his functions under this Act; and

(6) provide assurances—

(A) that to the extent consistent with the number of immigrant children enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of these children secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children;

(B) that the control of funds provided under this Act and the title to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer such funds and property; and

(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such elementary or secondary nonpublic school and of any religious organization; and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds.

(b) The Secretary shall approve an application which meets the requirements of subsection (a). The Secretary shall not finally disapprove an application of a State educational agency except after reasonable notice and opportunity for a hearing on the record to such agency.

PAYMENTS

SEC. 9. (a) Except as provided in section 3(b), the Secretary shall pay to each State educational agency having an application approved under section 8 the amount which that State is entitled to receive under this Act.

(b) If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 8(a)(6), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this Act. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981.●

LONG ISLAND WATER CORP.—100 YEARS OF SERVICE

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. McGRATH. Mr. Speaker, on March 22, the Long Island Water Corp. will commemorate its 100th anniversary in ceremonies at its main office in Lynbrook, N.Y. I want to take this opportunity to congratulate the corporation for its long record of fine service to the people of southeastern Nassau County.

A hundred years ago on March 27, John Lockwood and his business partners filed a certificate of incorporation giving life to the Queens County Water Co., the purpose of which was "* * * to supply * * * pure and wholesome water from wells sunk into the ground."

In the past century much has changed, including the name of the company, but today the Long Island Water Corp. is still supplying pure and wholesome water to its customers. Today, the company provides service to 70,000 customers in a 43-square-mile area.

The history of the Long Island Water Corp. is one of ups and downs, crisis and even occasional controversy, but in 1984 the company is a successful, well-managed, modern water utility which has demonstrated concern for the people it serves.

The company's primary water source is still its main plant in Hewlett, which was first opened in 1893, but which, of course, has been modernized since then. That plant was designated last December as an American water landmark by the American Waterworks Association.

The Long Island Water Corp. is currently the 19th largest investor-owned water utility in New York State, the third largest in New York State, and the largest in the Nassau-Suffolk County region of Long Island. From its 24 pumping stations, 38 well systems, and 162 wells in the town of Hempstead, the company provides an average of 28 million gallons of water daily to its 70,000 customers, which include parts of 16 fire districts.

It is amazing to realize that wells were dug and countless miles of pipe laid without the use of modern, mechanized equipment. Simply, the company was built by hard work, and it remains a successful company because of the continued hard work and dedication of its employees. On this occasion they deserve the recognition and appreciation of the thousands of people in Nassau County whose quality of life they have enhanced.●

FREEDOM OF RELIGION OR FREEDOM FROM RELIGION?

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. DREIER of California. Mr. Speaker, no one can doubt the wisdom of our Founding Fathers. There collective genius and farsighted intuition set the guidelines for governing a republic that in 200 years has become the most blessed nation on Earth. These men shared more than wisdom, they shared a deep personal commitment to God and a keen awareness of his powers and graciousness. I do not believe that these points are a coincidence. It is unfortunate then, that we have digressed to a point where we need to take time on the floor of the House to bring attention to the fact that our Government—through the court system—has taken upon itself to prohibit giving thanks to God for his blessings in schools or at official public gatherings.

The Constitution was drafted to give it timeless relevance. Its provisions were constructed loosely for interpretation at later dates to fit future developments. The basic principle of the document was to give the most freedom possible to the citizens of the new nation. Basic freedoms were spelled out in the Bill of Rights. The first provision states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." There are two ironies in the modern controversy surrounding this issue.

The first is that for too long too much attention has been paid to the first part of the clause. Too many groups are busy looking for a hidden meaning in a prayer said at a public function or in a school, hoping to find a subversive effort to establish a state religion. This is nonsense. Offering thanks to God does not mean you are endorsing any one religion over another. What about the constitutional rights of all Americans to free speech and the exercise of religion? Why was there a need to choose the rights of one group over the rights of another?

The second irony is that at no point has Congress been involved in this issue. Only now is there pressure to react to something imposed by the Federal courts. When the court system involved itself in this issue, it completely disenfranchised all Americans. For years the courts of this Nation stayed away from issues whose proper arena of debate was the elected legislature of the people—whether Federal, State, or local. Then, 20 years ago the Supreme Court moved in. It told the American public that their children could no longer pray in public schools. Lower courts ran with this decision and applied it to many irrelevant cases: Can astronauts recite prayers in a federally owned spacecraft? Can the Pope say mass on Federal property? Can a city government sponsor a nativity scene? The mere fact that the courts were in a position to involve themselves in this issue is an infringement on our congressional right to represent our constituents' wishes. It is time that we reasserted our interest in this issue. It is unfortunate that we have to do so, but necessary.

The Senate will take up the amendment in the near future. But that is only the first step. In order for their action to mean anything we too will have to take it up. I read an article in a recent publication out in my district that suggested the Speaker would never allow this amendment to the Constitution to come to the floor for one reason: pass or fail, it's a no-win situation for him. The reasoning goes that if the bill fails, his Democratic allies will be on record as having opposed it. If it passes, the Speakers leadership will be called into question. This is ridiculous.

This movement has bipartisan support. And why should it not—over two-thirds of the American public support it. Why could the Democrat leadership have any reasons for not wanting the American people to have their way on this particular amendment?

I support the President's efforts to push a constitutional amendment to allow school prayer. I also support efforts to bring this amendment to the floor of the House for consideration. I urge my colleagues to join me in signing the discharge petition.

When the American people swear in a new President, he must promise to preserve, protect, and defend the Constitution. We then call upon God to help him in this effort. When Congress begins its business each day, we do so with a prayer. Can anyone here imagine the reaction of our Founding Fathers if they knew their words had been construed to keep children from saying a prayer in school? We are one nation under God. Why deny anyone their constitutional right to thank Him for the blessings He has bestowed on us?●

STEPHAN LoIACONO

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. TORRICELLI. Mr. Speaker, I rise today to honor and praise one of New Jersey's proudest citizens, Stephen LoIacono of Lodi. In his rich lifetime, from his emigration from Sicily to building a successful business in New Jersey, he has touched thousands of people and improved the quality of life for us all.

Stephen LoIacono's name is held in the highest esteem throughout the community. Whether in church or the community services to which he gives his time and resources, Stephan LoIacono sets a standard for public service and understanding rarely matched. As a national officer in UNICO, his charity and concern have gained him admiration nationwide.

Perhaps his greatest contribution, and indeed his legacy, is his personal mission on behalf of the orphans of his hometown of Corleone, Sicily. After visiting in 1959, Stephan was shocked by the poor conditions these neglected children experienced. Ever since then, he has led a fundraising campaign to provide and maintain a decent home for the Pia S.S. Salvator Croce orphans.

Stephen LoIacono's undying commitment to his fellow people and all his neighbors has made our community, and those overseas, a better place to live. I am honored to be a friend of Stephan LoIacono and to call him one of New Jersey's favorite sons.●

SILVER ANNIVERSARY OF BAIS YAAKOV ACADEMY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. ACKERMAN. Mr. Speaker, it is with great pleasure that I rise today to draw the attention of my colleagues in this Chamber to the forthcoming silver anniversary celebration of Bais Yaakov Academy of Queens on Sunday, March 11, 1984.

Currently serving 560 students from throughout my district and borough, Bais Yaakov Academy is the only all-girls elementary school under Jewish auspices in Queens County. Its integrated Hebrew and general studies curriculum, instructed by a dedicated faculty and supervised by a caring administration, imbues its students with a balanced love for scholarship and humanity, coupled with a sense of pride in their ancestry and heritage.

In particular, Mr. Speaker, I note the special enrichment programs designed by Bais Yaakov to welcome approximately 100 youngsters who have recently come to our shores as refugees from behind the Iron Curtain and Iran. These efforts reflect the school's genuine concern for the dignity of strangers, and for their quest to provide their children with the cultural and religious opportunities of which they have been deprived.

Thus, Mr. Speaker, Bais Yaakov Academy subscribes to the highest ideals of the Constitution and of Judaism, and thereby serves as a true ethical model for its students.

However, in celebrating a quarter century of growth and achievement under the capable leadership of Rabbi Moshe Neuman, the school's dynamic principal, Bais Yaakov also pays tribute to the pillars of the institution and its founders.

Heading the list of honorees is Daniel Sukenik, the school's president, whose name has become synonymous with that of Bais Yaakov. Mr. Speaker, for 25 years Dan Sukenik and his family have participated in and contributed to every facet of the institution, and have helped write a glorious chapter in the annals of Jewish education in Queens. Thus, for Dan Suskenik, reaching this milestone is an affirmation of a belief that, in the words of British educator Anna Jameson:

> The true purpose of Education is to cherish and unfold the seed of immortality already sown within us; to develop, to their fullest extent, the capacities of every kind which God who has made Man has endowed us.

Similarly, the other distinguished honorees, each a prominent member of our community, have given selflessly to the development of Bais Yaakov, and have served as leaders and trustees of the academy ever since the day it opened its doors: Paul Atlas, the first president of the institution; Hershel Gluck, a ranking officer for 15 years; Irving Schonbrun, vice president for over a decade; and Uri Weiderman, current vice president of Bais Yaakov. Their labor of love is engraved on every fiber of this outstanding educational entity. Finally, Mr. Speaker, I wish to salute the assistant principal for general studies, Sarah Bergman, who has helped maintain the highest standards of education within the school.

I ask all of my colleagues to join me in extending congratulations, best wishes, and mazal tov to all the honorees and to the Bais Yaakov Academy.●

INSPECTION OF RABBIT MEAT

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. ANTHONY. Mr. Speaker, I have introduced legislation today to provide for the mandatory inspection of domesticated rabbits slaughtered for human food. This bill is designed to put the rabbit meat industry on the same regulatory and inspection basis as the poultry industry.

Arkansas is the No. 1 poultry producing State in America. We have a small but promising rabbit meat industry in the State as well. Domesticated rabbit meat is a major food source in many countries, particularly in Europe. At the present time, rabbit processors must pay user fees for inspection services to receive certification from USDA in order to sell their products to Federal agencies. This requirement also exists for the poultry industry, but their inspection services are provided by USDA at no cost to the industry.

Another great potential market may be the export of frozen rabbit meat to countries where the demand is currently greater than in the United States. Great strides have been made in poultry exports in recent years, although the industry is currently hurting from subsidized foreign competition.

Equity demands that our domestic rabbit industry should have as much assistance in achieving its potential as has the poultry industry. I urge the speed considerations of this bill by our colleagues in the Agriculture Committee.●

THE PRESIDENT'S LAWYER'S LAWYER

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. HYDE. Mr. Speaker, among the many talented and dedicated public servants who contribute so much to make our Government work, Theodore B. Olson surely ranks near the top of any such list.

As legal counsel to the Attorney General, his impact and influence is profound, although not many people ever hear about him or the function in the Department of Justice that he performs so well.

The New York Times of March 7, 1984, has an article featuring Mr. Olson which I commend to my colleagues attention.

WHEN THE PRESIDENT'S LAWYER NEEDS A LAWYER

(By Leslie Maitland Werner)

WASHINGTON, March 6.—When the President has a legal question, on anything from his authority to invade Grenada to his right to appoint or remove an official, it is likely to land on the desk of his lawyer, who is, of course, the Attorney General.

Where it goes from there is less widely known, although the route is parallel. It goes to the lawyer for the President's lawyer, the Assistant Attorney General who serves as legal counsel.

"The Attorney General is the statutory officer from whom the President seeks legal advice," said Theodore B. Olson, who has served as legal counsel since President Reagan took office. "The office of legal counsel advises the Attorney General in his role as adviser to the President."

The job has presented Mr. Olson with a rich panoply of issues. His own informal list includes 138 major topics, among them: school prayer, Central Intelligence Agency operations, the Freedom of Information Act, the War Powers resolution, the death penalty, legal issues in the Soviet downing of a Korean aircraft, the equal rights amendment, terrorism and the appointment of a Vatican Ambassador.

WIDE ARRAY OF PROBLEMS

"It's the most exciting array of legal subjects you could compile," Mr. Olson said in an interview in his office, a room whose clutter of lawbooks and files, some spilling from tables and chairs onto the floor, seems to illustrate the sort of research he must do.

Working with three deputies and 16 attorney advisers, he also provides legal opinions for heads of executive branch agencies, advising them on constitutional problems.

"The consequences of what we do are so widespread, it's important to be careful, thorough, and sensitive to the ramifications of each situation," said Mr. Olson, who is a boyish 43 years old. "I need to hear the advocates on both sides of a case. You want vigorous debate. The people in my office are encouraged to argue with me until they drop."

He said he had no idea whether most were Democrats or Republicans but knew they were excellent lawyers, capable of being "generalists." They include four or five former Supreme Court clerks, about 10 former Federal court clerks and numerous editors of law reviews, he said, noting that he gets about 100 resumés for each job opening.

His predecessors include numerous Federal judges, among them Associate Supreme Court Justice William H. Rehnquist, and former Attorney General Nicholas deB. Katzenbach.

Mr. Olson, a former partner in Gibson, Dunn & Crutcher, the same Los Angeles law firm as Attorney General William French Smith, grew up in California. He attended the Boalt Law School of the University of California at Berkeley, also the alma mater of Edwin W. Meese 3d, the Presidential counselor who has been nominated to succeed Mr. Smith.

In his 16 years of private practice, Mr. Olson represented numerous news media clients, including The Los Angeles Times, Metromedia and the National Broadcasting Company. He also served as chairman of Lawyers for Reagan in California and then came to the Justice Department at Mr. Smith's request.

Along with his wife and two children, Mr. Olson says he has come to love this part of the country and, unlike Mr. Smith, is not sure that he is ready to move back West. The Olsons live in Great Falls, Va. He says his 13-hour days at the Justice Department begin by 6 A.M., so that he can work before telephones start ringing.

In describing the challenges of his position, Mr. Olson said it was necessary to "try to separate legal analysis from policy questions," an approach that has resulted in a number of situations where his view differed from Administration policy.

Mr. Smith, in fact, has often been known to say, referring to Mr. Olson, "If we can get it past the Iron Duke, we can get past anyone."

ADVICE ON BOB JONES CASE

Most notably, for example, Mr. Olson had advised against the Administration's decision to switch the Administration's decision to switch the position usually adopted by the Justice Department regarding the right of private schools that discriminate to tax exemptions, a decision that was widely criticized as an effort to undermine civil rights progress.

"I thought we should not take the position we took in the Bob Jones case," he recalled. "I thought the case had moved too far. Both what had happened in the courts and in Congress had solidified the past position and I thought the Supreme Court would sustain it."

The highest court ultimately upheld his reasoning and rejected the Administration position that the Congress had not granted the Internal Revenue Service the authority to deny tax exemptions to discriminatory private schools.

"All you can do is give your legal opinion, your best legal analysis to the policy makers so they can understand the issues and options, and then let them make the decisions," Mr. Olson said, when asked whether he was distrubed at the department's decision to ignore his warnings.

Mr. Olson also advised aginst the department's advocating before the Supreme Court the position that Mr. Reagan had taken in his campaign, supporting the legislative veto mechanism. Several previous Administrations had argued that legislative vetoes, when one or both houses of Congress veto an executive branch decision or action, were unconstitutional, but the Republican platform had already endorsed them when the Justice Department was required to take a position before the high court.

"I came to the conclusion that legislative vetoes were unconstitutional, and we had to take that positon in the courts and with Congress," Mr. Olson said.

LEGISLATIVE VETO STAND

"The Attorney General recognized it might make us unpopular, but he understands the legal basis for the decision," he added. "Then we had to convince others in the Administration that this had to be our opinion. It was a difficult one to make people understand. But it's important to recognize that this had to do with the power of the President, and that the President, as guardian of the Presidency, must protect the institutional power of the office.

His view, which the department adopted before the Supreme Court, was sustained when the Court ruled that such vetoes violate the Constitution, which requires Congress to act in both Houses and then submit its action to the President for his veto or approval.

Now, with Mr. Smith leaving, it is not clear how long Mr. Olson will remain with the department, although he insists he has no immediate plans to move on before the end of the term. He maintains, in fact, that his one decision on leaving is the one that he made when he arrived.

"I've always said I'd leave if anything conflicted with my principle," he said. "You can't want the job so much that you'd stick with it, if something happened that you couldn't live with. The only way to have a job like this is to be emotionally willing to quit."●

TRIBUTE TO FATHER EDWARD J. O'KEEFE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. SMITH of New Jersey. Mr. Speaker, I rise this afternoon to recognize the dedication and achievements of an outstanding citizen of my community, Father Edward J. O'Keefe. I have known Father O'Keefe for many years. This weekend, I am very pleased to have the opportunity to join with hundreds of my friends and neighbors in celebrating to investiture of Father O'Keefe to the position of monsignor in the Roman Catholic Church.

Father O'Keefe, son of the late John J. and Mary Forde O'Keefe, is a native of Medford, Mass. His sister, Mrs. Timothy J. McCauley, still resides in this Boston suburb.

A member of the Boston College class of 1935, Father O'Keefe began his priestly studies for the diocese of Trenton in September 1936 at St. Mary's Seminary in Baltimore, Md. Five years later, he was ordained a priest by the Most Reverend William A. Griffin, Bishop of Trenton.

Father O'Keefe's first assignment took him to Holy Angel's Church in Trenton where he was an associate to my friend, Monsignor Michael P. McCorristin, present pastor of St. Anthony's Church in Trenton. Father O'Keefe remained at Holy Angel's Church until September 12, 1947, when Bishop Griffin assigned him as chaplain of St. Michael's Children's Home in Hopewell.

His next assignment was in 1949, when Father O'Keefe was appointed pastor of St. Mary's Church in Alpha, N.J. He remained there until August 30, 1967, when he was installed as pastor of the Church of Our Lady of Sorrows in Mercerville.

Mr. Speaker, you can well imagine the thousands of people over a span of nearly 43 years who have been counseled and consoled by Father O'Keefe. But in addition to his priestly duties in those parishes he has served, Father O'Keefe has been an active and loyal member of our community in Mercer County.

Father O'Keefe is past chaplain of the Hamilton Township Knights of Columbus Council 6213. He remains an active member and chaplain of the Mercer County Federation of Holy Name Societies. This activity, working with hundreds of Holy Name members in our county, must certainly keep Father O'Keefe a very, very busy man.

Mr. Speaker, I want to thank you for this opportunity to speak of an individual who, in giving his all for church, family, and friends, has inspired all of those who know and love him. In his new position of monsignor, Father O'Keefe has been recognized by the church as the inspiring leader that he has been for all of us for so many years. Congratulations, Monsignor O'Keefe, and keep up the good work.●

RECOGNIZING WOMEN'S HISTORICAL CONTRIBUTIONS

SPEECH OF

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. CARR. Mr. Speaker, through America's history, women with different talents, goals, and concerns have helped to shape our Nation's development in every sphere of life. Women have made significant contributions to the arts; have been responsible for major scientific discoveries; and have lead numerous movements to insure the rights of millions of Americans. And as 44 percent of our Nation's work force, women have been and continue to be a major force in our economy.

Yet throughout our Nation's history, women's contributions have been consistently ignored or undervalued. Women's lives have been overlooked in the majority of our historical documents including the calendar published by the Capitol Historical Society. The Historical Society calls its calender a "record of the progress of a nation and its people." But within this record, which notes historical events on 365 days, the 1984 calander mentions women's contributions on only 8 days.

This lack of recognition is not due to lack of historically noteworthy events. For example, the first American novel, "The Power of Sympathy" was published by a woman, Sarah Wentworh Morton on January 22, 1789. The first postmaster of Baltimore, appointed March 3, 1775, was a woman, Mary Catherine Goddard. On November 16, 1776, Margaret Corbin became the first woman soldier of the Revolutionary War.

In view of Women's History Week, and the significant contributions by women to our Nation's history, the Capitol Historical Society's calendar must record the contributions of all the people who shape the progress of this Nation. Today, I am inserting into the RECORD several additional calendar events and a selected bibliography of women's history. I call upon my colleagues to join me in requesting that the Capitol Historical Society grant women the historical recognition they deserve.

CALENDAR DATES

January 6, 1759: Martha Dandridge Custis of Virginia, is married to George Washington.

January 22, 1789: Mrs. Sarah Wentworth Morton, published "The Power of Sympathy," the first American novel. In Boston.

January 29, 1752: Mary Terpin, first American-born nun, took her religious vows, becoming Sister St. Martha.

March 3, 1775: Mary Katherine Goddard was appointed Baltimore's first Post Master.

March 6, 1783: Martha Washington quickly made two hairnets for General Knox to keep his wig neatly restrained during battle.

March 31, 1776: In a letter to her husband John Adams, Abigail Adams suggested he "remember the ladies" when drafting the new Constitution.

April 16, 1767: Anne Catherine Green took over the publication of the Maryland Gazette after the death of her editor husband.

April 26, 1777: Sybil Ludington, a 16-year-old "female Paul Revere" rode through her town in New York alerting soldiers of approaching British Troops.

May 20, 1772: Dolly Madison was born Dorothea Payne.

June 2, 1796: Amelia Simmons published the first American cookbook.

June 13, 1789: Mrs. Alexander Hamilton gave a dinner party for George Washington and introduced her guests to ice-cream.

June 7, 1780: Hannah Ogden Caldwell was shot by a British Soldier causing the outraged citizenry to drive the Tories out of Trenton, New Jersey.

June 17, 1775: Abigail Adams and her young son sat atop a hill in Boston to watch the Battles of Charleston and Bunker Hill.

June 28, 1778: Molly Pitcher carried water to the thirsty American Soldiers at the Battle of Monmouth.

June 29, 1778: Molly Pitcher was commissioned a sergeant after taking her mortally wounded husband's place at battle.

July 2, 1776: New Jersey was the first colony to grant suffrage to women.

August 22, 1762: The first American woman newspaper editor, Ann Franklin, assumed her duties on the Newport Mercury in Rhode Island.

August 24, 1774: Birthday of first American-born Saint, Elizabeth Bayley Seton.

September 15, 1794: James Madison married Dolley Payne on the "most fortunate day of [his] life."

September 27, 1784: America's first Law School in Connecticut was established under Judge Reeves—a fighter for more legal rights for married women.

October 1, 1785: Elizabeth Clark Bodly purchased 213 acres of wilderness and doled out first lot to the Methodist Episcopalian Church in Port Elizabeth, New Jersey.

October 24, 1774: Penelope Barker organized 51 women to sign a statement in support of the Continental Congress's protest of tea tax.

October 25, 1764: Wedding day of Abigail and John Adams.

November 16, 1776: Margaret Corbin took over her deceased husband's cannon post and became the first woman soldier of the Revolutionary War.

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SHORT BROS.: AMERICAN SUPPORT FOR DISCRIMINATION

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. BORSKI. Mr. Speaker, I am strongly opposed to the decision by the Air Force to award more than $150 million worth of new contracts to Short Bros., Ltd., of Belfast.

Catholics suffer widespread employment discrimination in Northern Ireland. One of the worst examples of this prejudice is British-owned Short Bros.—the largest employer in Northern Ireland—which hires Catholics for less than 5 percent of its work force.

Despite many promises during the contract process, Short Bros. has not shown any substantive improvement through its affirmative action program to reverse it history of employment discrimination against Catholics.

High unemployment contributes greatly to the problems of Northern Ireland, and I firmly believe that the United States should help to alleviate the economic problems in order to promote peace in that troubled region. But this contract will not assist in the economic development of Northern Ireland if Short Bros. continues to exclude a substantial portion of the population from sharing in the benefits of this contract.

I am speaking today of justice in America as much as I am speaking of justice in Northern Ireland. If employment discrimination of this kind were occurring in this country, and the company were giving lip service to improvement, then we would take steps to effect change. In the Short Bros. case, however, the U.S. Air Force is tolerating, if not subsidizing, the discrimination.

If we are to maintain our own integrity here in America, then we cannot use a double standard that requires fair employment practices for American companies but not foreign companies. That is hypocritical.

I call on the U.S. Air Force to specify hiring standards for Short Bros. so that economic development in Northern Ireland will provide fair opportunities for all the citizens of Northern Ireland. Without such standards, the United States must accept its share of the responsibility for the continuing strife in Northern Ireland.●

HONORING DONALD HOCK

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. RITTER. Mr. Speaker, on Tuesday, March 6, 1984, the Exchange Club of Allentown honored Donald Hock with its annual Citizenship Award. I had the pleasure of extending to Donald Hock my congratulations on receiving this coveted award. Don Hock is an extraordinary individual who is a good American and an example for us all. I would like to share with my colleagues the remarks I made on behalf of Donald Hock.

My remarks follow:

> It is my high honor to join with the many friends and associates of Donald Hock upon receiving the 1984 Allentown Exchange Club's Citizenship Award.
>
> Few individuals have given so much to promote their nation, city and community as you have. Your contributions range from serving as a two term mayor of Allentown, Pennsalvania to heading up the Cancer Society's fund-raising drives to teaching Bible Class at St. Paul's Lutheran Church. In all that you do, Don, you add a personal touch with your wit, charm and dedication that makes any association with you a pleasure.
>
> On this occasion, it also is my pleasure to pay tribute to an organization that you have been associated with for over four decades. The Exchange Club of Allentown has been dedicated to serving the Lehigh Valley and its citizens from community involvement to promoting fraternity and friendship. In a time when many feel that our cities and communities are fragmenting, Exchange Club members help to form the foundation and spirit of our community and make our area a better place in which to live. The Exchange Club's annual recognition of an individual for their efforts in promoting good citizenship is a prime example of your desire to help further the ideals and principles that have helped make our nation great. Membership on Exchange Club is an honor unto itself, however, to be recognized by the membership for outstanding contributions to the community is an honor few men receive. This is why I am particularly pleased and honored to join with Donald Hock's many friends and associates in paying tribute to him on this occasion.
>
> I know that the City of Allentown has been made a much better place in which to live because of the year's that the Mayor's office was occupied by Don Hock. Don, you share the distinction of being one of the few Mayors to be elected to successive terms. Your efforts to bring better government to the people of Allentown is something those of in elected capacities can be proud of. And, your efforts to continue this service to his fellow citizens, even after retirement, speaks eloquently about the type of person you are.
>
> Therefore, it is my high honor to send the congratulations and best wishes on behalf of myself and the United States Congress to Donald Hock on receiving the 1984 Allentown Exchange Club Citizenship Award. These remarks are being placed in the Congressional Record of this day.●

THE TAX CODE AS INDUSTRIAL POLICY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. LAFALCE. Mr. Speaker, the administration claims that we do not need an industrial policy. Well the fact is that we already have an industrial policy, in fact we have lots of them. The problem is they are incoherent and ineffective, totally lacking in any overall strategy. Perhaps the best example of this is the Tax Code.

Our tax system is an inconsistent hodgepoge of subsidies to different industries that makes little sense. For example, the tax system imposes the lowest effective tax rates on service industries, which are largely sheltered from international competition, and the highest effective tax rates on manufacturing industries, which are subject to fierce international competition. In 1982, the airline industry paid a 16-percent effective tax rate, utilities paid a 9-percent effective tax rate, and commercial banks paid a 2-percent effective tax rate. In contrast, the automobile industry paid a 48-percent effective tax rate, the pharmaceutical industry paid a 36-percent tax rate, and the electronics industry paid a 29-percent tax rate.

In addition, we give away these subsidies through the tax system free of charge, without holding the recipients in any way accountable for their use. For example, we gave tax incentives to the steel industry to modernize aging and inefficient plant and equipment, yet the funds were used by United States Steel to buy Marathon Oil.

Further, these subsidies do not show up in the budget, where they would be subject to public view and scrutiny. They are hidden away, off budget, easily subject to the lobbying of the most powerful interest group rather than what makes the most sense from the standpoint of public policy.

For the sake of our industrial competitiveness, as well as fairness and fiscal prudence, we should move to a tax system that eliminates most of the existing loopholes and simplifies the Tax Code. And we should move toward adopting a coherent industrial strategy for the Federal Government which would tie together tax policy with the many other Federal policies affecting industrial performance.●

PENNSYLVANIA WILDERNESS ACT OF 1984

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. CLINGER. Mr. Speaker, since the passage of the Eastern Wilderness Act of 1974, the designation of wilderness areas in the Allegheny National Forest has been a topic of seemingly endless debate, 10 years later, the time for resolution is now.

As the elected Representative of the four counties that include the only national forest in Pennsylvania, I have a particular interest in Federal legislation affecting my constitutents. With the valuable assistance of Representative PETER KOSTMAYER and his staff, we have crafted, on the basis of extensive discussions and negotiations, a fair and evenhanded compromise between local interests and national concerns. We believe the legislation will garner the support of the Pennsylvania delegation.

The Pennsylvania Wilderness Act provides for two land-use designations of various areas in the Allegheny National Forest, based upon the surveys of potential wilderness areas in the roadless area review and evaluation II (RARE II). The act designates seven islands on the Allegheny River as the Allegheny Islands Wilderness, 363 acres, and a much larger plateau section of northern hardwoods called the Hickory Creek wilderness area, 9,400 acres. The bill also proposes an Allegheny national recreation area, 23,100 acres, which is comprised of areas identified, and generally depicted in RARE II, as Cornplanter, Tracy Ridge, and Allegheny Front. The northern part of the Allegheny Reservoir in the Allegheny National Forest is also included in the national recreation area.

Special provisions have been drafted into the legislation to deal with the problem of oil, gas, and mineral (OGM) rights beneath RARE II areas by private owners. The problem of ownership by split estates is not unique to the Allegheny National Forest; many national forests were first established in the Eastern United States by the acquisition of only surface rights by the Federal Government. Because wilderness by its very definition is an area substantially untouched by mankind, there should be reasonable assurances that a wilderness designation will protect these values now and in the foreseeable future.

The bill authorizes a modest sum, $2 million, to acquire the OGM rights beneath Hickory Creek. All subsurface rights beneath the Allegheny Islands are already owned by the Federal Government. Consolidating the split ownership of both the surface and subsurface rights will greatly alleviate the burdens upon the Forest Service in administering Hickory Creek in accordance with the objectives and purposes of the Wilderness Act.

Other RARE II areas have been touted for wilderness designation in the past. However, sufficient revenues are not available to purchase OGM rights with the consent of the owners. This legislation proposes an alternative land-use designation for three areas surveyed under RARE II and part of the Allegheny Reservoir by the establishment of an Allegheny National Recreation Area (ANRA).

The Secretary of Agriculture is directed to formulate management plans for the ANRA that maximize recreation opportunities and protect fish, wildlife, and water-quality values. At the same time, oil and gas exploration and development may take place in a manner that minimizes damage on or alteration to the environment.

The language in the bill does not specifically address two concerns that were brought to my attention by my constituents. The first concern involves timber management and recovery on wilderness areas and NRA's. It is my understanding that the Wilderness Act permits timber recovery in the case of insects, disease, and forest fires. NRA designation also permits utilization of natural resources when in accordance with the purposes of the act. The second concern is trapping. Trapping is a form of hunting that is specifically authorized in wilderness areas and the ANRA. It is my strong intention that these concerns will be clarified and addressed in the legislative intent of the bill during the course of House deliberations.

One final issue remains that this bill does not address: soft- versus hard-release language. The passage of many wilderness bills in this Congress have been delayed over the difference of philosophy on the release-language provision between the two bodies. The Pennsylvania wilderness area does not address this particular question but leaves its resolution to a national forum. The legislation's present form is sufficiently perfected to meet the concerns of the Commonwealth of Pennsylvania without further delay over the release-language question. Prompt passage of the Pennsylvania Wilderness Act is a realistic aspiration during the short number of working days left in the 98th Congress, if the leadership in the House and Senate can overcome this final hurdle.●

INTERNAL REVENUE SERVICE: INCOMPETENT OF THE MONTH AWARD NO. 2

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. MARLENEE. Mr. Speaker, this is my second incompetent of the month award. As with my first award, which appeared in the CONGRESSIONAL RECORD of November 16, 1983, the recipient is the Internal Revenue Service.

This award is presented for harassment, stubbornness, and neglect. In this instance, the IRS claimed a taxpayer owed them $7,205.14 despite the taxpayer's having provided the IRS with a canceled check substantiating the payment. The IRS sent threatening notices for over 3 months, all the while adding interest charges. The IRS made the error and caused needless anxiety and caused the taxpayer needless expense.

I find it interesting that the IRS immediately assumes a taxpayer is wrong and immediately starts to bill interest and penalty charges. But what happens to the taxpayer who is aggrieved by the IRS?

An example is one of my constituents who was owed $427,329 by the IRS. The check was several months late in coming. Did the IRS pay interest? Did the IRS have to face a penalty? Obviously not. But isn't it time that we thought about this possibility? Perhaps if the IRS had to face the same consequences it forces on the taxpayer, the IRS might be more responsive and slower to pull the trigger on the taxpayer.●

VOLUNTARY PRAYER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. JACOBS. Mr. Speaker, it is proper to note what our Lord had to say about audible versus silent voluntary prayer, to wit:

> 5. And when thou prayest, thou shalt not be as the hyprocrites are: for they love to pray standing in the synagogues and in the corners of the streets, that they may be seen of men. Verily I say unto you, They have their reward.
>
> 6. But thou, when thou prayest, enter into thy closet, and when thou has shut thy door, pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly.
>
> 7. But when we pray, use no vain repetitions, as the heathen do: for they think that they shall be heard for their much speaking.
>
> 8. Be not ye therefore like unto them: for your Father knoweth what things ye have need of, before ye ask him.
>
> 9. After this manner therefore pray ye: Our Father which art in heaven, Hallowed be thy name.

10. Thy kingdom come. Thy will be done in earth, as it is in heaven.
11. Give us this day our daily bread.
12. And forgive us our debts, as we forgive our debtors.
13. And lead us not into temptation, but deliver us from evil: For thine is the kingdom, and the power, and the glory, for ever. Amen.—Matthew, chapter 6, verses 5-13.●

THE NEED FOR YEAR OF THE OCEAN AND OCEAN DAY CELEBRATIONS

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. FORSYTHE. Mr. Speaker, the year of the ocean and ocean day are both part of a nonpartisan effort to focus attention on the Nation's aquatic and marine resources. While many of us use products that are derived from the sea, transported over the sea, or produced using the resources from the sea, we are not always vigilant in maintaining the health of the marine environment necessary to continue production and use of ocean resources. A year dedicated to increasing our understanding of the ocean will foster a greater awareness of our need to live in harmony with the ocean in order to fully reap the benefits the ocean can provide us all.

I believe that a comprehensive, long-range national oceans policy is central to realizing the potential of the world ocean and the benefits to be derived from oceanic and coastal development. We are entering a new frontier in oceans policy. The third wave civilization—according to noted futurist, Alvin Toffler—will include revolutionary changes and innovations in oceans policy.

While some approach this new decade in oceans policy with alarm and fear, I look at the coming age with optimism—and as an era of opportunity. We will be faced with a spectrum of challenges and issues, ranging from those related to the termination of U.S. involvement with the Law of the Sea Treaty—to the appropriate institutional framework to carry out a national oceans policy—to the use of oceans as receptacles for man's ever growing volumes of wastes.

To undertand the future we must first go back to the 1950's and 1960's when this Nation focused primarily on oceans programs dealing with scientific research and development. In 1966, Congress enacted the landmark Marine Resources and Engineering Act. The renowned Stratton Commission—named after its visionary chairman, Julius A. Stratton—was a product of this act. In response to its legislative mandate, the Commission investigated an array of marine problems—ranging from preserving our coastal shores and estuaries, to effectively using the vast resources that lie within, and below the sea. The recommendations of the Commission laid the groundwork for the large ocean agenda of the 1970's, and thus began what has been termed, the "oceanic crusade."

In the 1970's, we saw the creation of NOAA—an agency devoted to the oceans and atmosphere. The 1970's also produced an explosion of marine and coastal legislation. The Coastal Zone Management Act, the Marine Mammal Protection Act, the Clean Water Pollution Control Act, the Ocean Dumping Act, the Fisheries Conservation and Management Act, the Outer Continental Shelf Lands Act, and the National Ocean Pollution Planning Act—are all products of the 1970's. We also saw the enactment of a multitude of single-purpose laws designed to deal with particular resource problems—and a shift in our ocean and coastal activities toward management, regulation, and control of ocean and coastal uses.

Things are different in the 1980's. The dreams of the 1970's have been replaced by the realities of the 1980's. Today, we have found there is a limit to many of our natural resources. We now recognize that the agricultural base in this Nation is shrinking at an alarming rate—and one need only remember the statistics on oil and mineral imports to become painfully aware of the finite nature of our resources.

The issue of limited resources is not a one-nation issue. It is an issue that will eventually confront every country on Earth. Third world nations, which have not yet realized their full economic potential, and have not yet identified the full range of their resources, will soon find that the population demands in their countries—and indeed throughout the world—will force the land to yield up its resources.

Increasingly, man will turn to the sea for food, minerals, and energy. The inevitable trend toward ocean exploitation has, in fact, already begun. The advent of 200-mile exclusive economic zones, is a reflection of each nation's realization that its land-based resources are limited.

It is of primary importance that we acknowledge the economics, untapped potential of the world ocean and its role in human fulfillment and survival. A comprehensive, national oceans policy is integral to realizing this potential.

Ocean day and year of the ocean are celebrations designed to reawaken Americans to the benefits and potential uses of the ocean as a resource. In Washington, D.C., and in cities and towns all over the country, activities are being planned in which the general public can participate and enjoy the benefits of the ocean. In some cases, traditional events conducted in communities will fit into the celebration theme. In other cases, new celebration activities will be encouraged in recognition of the day of the ocean.

The continuing need to strike a balance between marine resource development goals and protection has raised new issues concerning how we manage our oceans. One very important part of the management of ocean and coastal resource use must include the participation of the general public. They are the ones who will pay the cost of mismanaged, abused, and destroyed resources. The year of the ocean and ocean day present an opportunity to involve the public in discussions on the future of the nation's ocean resources and the role we each must play.

A nonprofit Year of the Ocean Foundation has been established to provide communication between ocean users, to initiate ocean events, and to inform the public about the oceans. The foundation is designed to foster consideration of major ocean issues by many organizations. The activities during the year of the ocean and coordinated by the foundation will help the Nation carefully examine its ocean problems and opportunities and help define issues and priorities as the U.S. moves toward a new era of greater ocean potential and development.●

URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF AGRICULTURE, 1984

HON. FREDERICK C. BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1984

● Mr. BOUCHER. Mr. Speaker, I rise to commend my colleagues for approving House Joint Resolution 492, an urgent supplemental appropriations bill to provide $150 million to 18 African nations facing severe drought and famine.

The funding provided by this legislation, which is $60 million more than was requested by the administration, is in keeping with America's proud tradition of sharing its rich agricultural abundance with the neediest among us. The crisis facing most of sub-Saharan Africa is acute. It is estimated that hunger in that region touches the lives of 150 million people daily, making this a human calamity of unmatched proportions. Let us hope that the generosity we express here today will serve as an example to other industrialized nations throughout the world.

In the coming weeks and months, the United States should also join with private relief agencies in making improvements to the African transportation network. The failure of available foodstuffs to reach many Africans is a major aspect of this tragedy, and I believe that the United States should take such steps as are appropriate to insure that our food aid reaches those for whom it is intended.●

HOUSE OF REPRESENTATIVES—*Monday, March 12, 1984*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
March 8, 1984.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, March 12, 1984.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Almighty God, as we speak to what we believe, and act on what we know, so help us see those things that are our common heritage. May we hold fast to those truths that give purpose to our lives and may we ever seek to understand the motivations of others. Fill our hearts with understanding and kindness, and compassion that we will live with all people in peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2173. An act to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to authorize additional appropriations to carry out such Act.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 4 to the bill (H.R. 2809) entitled "An act to establish a National Fish and Wildlife Foundation."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 820) entitled "An act to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes."

EMOTIONALISM HIDING REAL PROBLEMS OF THE COUNTRY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the continuing tragedy of this election year is the President's unwillingness to think that the deficit is a problem. The stalemate in the budget talks between the leadership of this House and the President again is because of the White House's unwillingness to say that defense spending and tax reform are issues to be debated; they are "hands-off," in their view.

The deficits continue to pile up, and the President gets on television and says that anybody that is not for his defense budget is not a patriot. Second, if you are against the school prayer amendment, there is something religiously wrong with you.

Mr. Speaker, I support the prayer issue, but I feel the President's emotionalism is hiding what the main issues in this campaign are, and that is, the reality that we have to deal with these problems.

WHO STANDS IN THE WAY OF LINE-ITEM VETO?

(Mr. McCANDLESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCANDLESS. Mr. Speaker, at this time, I would hope to offer a unanimous-consent request calling for consideration of a line-item veto constitutional amendment.

The Chair has ruled that in order to make this request, I must have the clearance of the majority and minority leadership. This request has been cleared by the minority leadership. I would now yield to a spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of the line-item veto and cutting Federal spending: The Democrat leadership of this House.

WHO STANDS IN THE WAY OF THE SCHOOL PRAYER AMENDMENT?

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. Mr. Speaker, again this week the Senate, the other body, will be debating the President's school prayer amendment, and it would be my intention at this time to offer a unanimous-consent request through which we could bring that school prayer amendment to the floor of the House.

Once again, we have achieved the agreement of the minority leadership, and I would be most anxious to yield to a spokesman from the majority leadership at this time to bring that school prayer amendment to the floor.

Hearing none, and not frankly expecting any, it is again clear to us that the Democratic majority is blocking action on this request.

I would like to take one additional moment, though, to respond to our colleague from New Mexico (Mr. RICHARDSON) who spoke a few minutes ago: The President has never, in all his discussion on the school prayer issue, attacked the religious motives of anybody who disagrees with him on the school prayer issue.

That new low in American politics has unfortunately been left to Speaker O'NEILL, Senator McGovern, and others who have chosen to ignore the public policy issue involved, and launch a specific attack on the President's religious practices.

I certainly hope that our colleague from New Mexico, and I hope that the Speaker and others, will move away from those tactics and recognize that school prayer, regardless of what one may think about it, is a legitimate public policy issue, and not an attack on anyone's personal religious practices.

BUDGET DEFICIT

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, every day we have heard people on both sides of the aisle talk about the need to address the problem of deficits, and just a moment ago, we had the opportunity to listen to my colleague from New

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mexico (Mr. RICHARDSON) talking once again about the need to address the question of deficits.

I would like to bring this into perspective, though. We seem to want to point fingers at the President and not to ourselves. Again, I have mentioned both sides of the aisle, and I frankly was a little bit encouraged earlier this year because we did hear members of the Democratic Party talking about the need to reduce the size of the deficit. So, with a great deal of hope, I read through an article that was recently in the CONGRESSIONAL RECORD which indicated that five House committees have now brought forward their recommendations for the budget this year.

In the first one, the House Agriculture Committee refused to go along with anything the President suggested to reduce agricultural costs. The House Interior Committee actually increased the expenditures in the budget over what the President suggested by $701 million.

The House Education Committee suggested adding $14.2 billion to the President's proposal. The House Veterans' Committee suggested an additional $400 million to the President's proposal, and the House Civil Service Committee, on which I serve, came forward also with an increase of $1.5 billion to this spending in the Federal Government.

Once again, I think it ought to be clear, and that is why I would hope to offer today a unanimous-consent request calling for consideration of the amendment to require a balanced budget.

The Chair has ruled that in order to make this request, I must have clearance from both the majority and the minority leadership. Well, the minority leadership has given me that clearance. I would now yield to a spokesman from the majority for their approval.

Hearing none, I think it should be clear who is standing in the way of this proposal; that is the Democratic leadership of the House.

□ 1210

MILLSAPS COLLEGE, JACKSON, MISS.

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● **Mr. MONTGOMERY.** Mr. Speaker, the March 1984 issue of Money magazine contained an article entitled, "Ten Top Colleges at Bargain Prices." The magazine listed these schools because of their high academic standards and relatively low costs.

I am very pleased to say that one of the colleges listed was from Mississippi. Millsaps College is located in Jackson and has long been known throughout the South as a quality institution. I am glad it is now also receiving national recognition.

I want to share with my colleagues Money magazine's comments about Millsaps College:

MILLSAPS COLLEGE, JACKSON, MISS.

(Tuition: $4,500; total costs: $7,275; enrollment: 1,250; receiving financial aid: 71 percent; average aid award: $3,887; and average need met: 95 percent.)

Millsaps, founded in 1892, is a regional college (96 percent of the students are Southerners) with a growing national reputation, partly because nearly 40 percent of the alumni go on to graduate school. Especially successful: the premed and prelaw programs. Millsaps has exceptional departments as well in business, fine arts and music. The campus is within the city limits of Jackson, one of whose famous residents the college recently honored with the Eudora Welty Chair of Southern Studies. The first all-white school in Mississippi to integrate voluntarily (in 1965), Millsaps now has a 6 percent minority enrollment. An overseas semester at Oxford is popular with juniors, who this year can visit Brad Chism 1982, the fourth Rhodes scholar from Millsaps.●

HIGH TECHNOLOGY RESEARCH AND SCIENTIFIC EDUCATION ACT OF 1983: SHINING THE ECONOMIC BUCKLE FOR THE FROST AND SUN BELTS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 5 minutes.

● **Mr. MOAKLEY.** Mr. Speaker, the New England Council, Inc., unique in its role as the only association representing a wide range of business interests, has deep roots in the New England region. Recently, the council extended its influence far beyond the region to promote the High Technology Research and Scientific Education Act, legislation I cosponsored in the House and which was introduced in the Senate by Senators DANFORTH and BENTSEN.

Jeanne Campbell, the council's vice president, gave several speeches in north and south Texas to various educational and business groups.

A few weeks prior to that, the council conducted briefings on the bill in Washington for congressional staffs from the Northeast, and in Washington and Boston for New England business leaders. On Friday, February 24, Tom Bryan, who serves as chairman of the Committee on Capital Availability for Research and Development and is a first vice president at the Bank of Boston, represented the council at hearings before the Senate Finance Committee's Subcommittee on Taxation and Debt Management. Several other association and corporate executives also testified on behalf of this bill. All these and other efforts, no doubt, played a significant role in garnering numerous cosponsors for the bill.

I applaud the council's industry and efforts to reach beyond New England to gain support for legislation that holds enormous economic promise for all regions of the Nation.

Ms. Campbell's presentation was covered by several Texas newspapers, both large and small, and is reflective of the council's practice of generating grassroots support outside of Washington while maintaining an effective lobbying presence in the Capitol.

I would like to insert in the RECORD one of the articles which featured Ms. Campbell. The story, which appeared in the February 16 edition of the Granbury Tablet, makes a persuasive argument for this vital legislative initiative and I hope will prompt additional cosponsors among my colleagues from other regions of the Nation.

The article follows:

[From the Granbury Tablet, Feb. 16, 1984]

NEW ENGLAND LOBBYIST TOUTS HIGH TECH LEGISLATION

Granbury and all of North Texas got a firsthand glimpse last week of the exciting new economic wave . . . high technology. Texas is probably already third behind California and Massachusetts in this exotic, silicon chip-oriented field, but few lay people have yet focused on how important it is that America maintain its lead over the fast-charging Germans and Japanese.

Jeanne Campbell, Vice President of the New England Council, Inc. was in Texas for talks at the University of Texas at Arlington and elsewhere to make the case for the hot-bed of high-tech which New England has become. A consummate enthusiast for her region, Ms. Campbell also articulately emphasized the urgent need "for cooperation between the private sector, the government, and higher education if foreign competition is to be held at bay."

The former college professor also previously worked on Capitol Hill for the Chairman of the Ways & Means Committee and for Congresswoman Margaret Heckler who is now Secretary of Health and Human Services under President Reagan.

She was particularly persuasive in arguing for quick action on "The High Technology Research and Scientific Education Act of 1983." "This one bill in effect puts a high-shine on the economic buckle for both the Frost and Sun Belts by making possible greater help for high tech basic industries and the educational community as well."

She told reporters, after addressing the group of 300 community leaders, educators, and students in Arlington, that "Senator Lloyd Bentsen of Texas and New Englander James Shannon are co-sponsoring the bill in the Congress." Benefits of the bill to all regions of the country rather than to just certain sections were emphasized by Campbell.

"Two key provisions of the measures (H.R. 4475 and S. 2165) address major roadblocks to this country's continued technological leadership. The bill makes permanent the research and development tax credit, scheduled to expire at the end of 1985."

She further pointed out that U.S. corporate research efforts had declined relative to those of foreign countries prior to 1981 when the tax credit was enacted.

"The credit simply must be made permanent for business to make long-range (3 to 5 years) plans for accelerated R&D," said Campbell, adding that the legislation strongly encourages multi-year projects in all industries.

Campbell, who calls herself a typical "Washington Lobbyist," proved she is probably much more effective than the ordinary such advocate when she drew sustained applause in extolling the enormous gain in incentives the legislation would give to corporations to make grants for basic research.

"This bill, the most important high-tech legislation in the 98th Congress, improves incentives for corporate donations for state-of-the-art equipment to colleges and universities."

"Most university labs have equipment that is 20 or 30 years old and simply too outdated to conduct the basic research which provides the underpinning of scientific knowledge necessary for technological innovation in a constantly expanding field."

"Actually," she said, "Texas and New England are just two of many regions that are proud of our heritage of educational excellence. This bill goes a long way toward insuring that our educational and business leaders, working together, can stay on the cutting edge in the world market place."

In addition, the bill narrows and clarifies the definition of eligible uses that qualify for the credit and extends its use to start-up companies.

Campbell who visited several North Texas cities last week, works as an officer in the New England Council, Inc. This is a nonprofit corporation representing some 1,400 businesses throughout the six-state N.E. Region. It is the only such corporation representing a specific region or geographical area in the country. She emphasizes in the case of this Bentsen-Shannon bill, however, that the entire country will benefit immeasurably, not just her area.

The charismatic high-tech advocate was visiting with friends in Granbury and attended the Friday evening affair in celebration of our new regional magazine, Granbury! Subsequently she went on to San Antonio and Trinity University for another session with policy makers in South Texas.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Britt) is recognized for 5 minutes.

● Mr. BRITT. Mr. Speaker, I missed the vote taken as part of a 5-minute rollcall on rollcall No. 36, final passage of the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act, H.R. 3050. Had I been present, I would have voted "yea."●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Mack) to revise and extend their remarks and include extraneous material:)

Mr. Gingrich, for 60 minutes, on March 13.

Mr. Weber, for 60 minutes, on March 13.

Mr. Walker, for 60 minutes, on March 13.

Mr. Mack, for 60 minutes, on March 13.

(The following Members (at the request of Mr. de Lugo) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Montgomery, for 5 minutes, today.

Mr. Moakley, for 5 minutes, today.

Mr. Britt, for 5 minutes, today.

Mr. Gonzalez, for 60 minutes, today.

Mr. Garcia, for 60 minutes, on March 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend their remarks was granted to:

(The following Members (at the request of Mr. Mack) and to include extraneous matter:)

Mr. Lewis of California.

Mr. Petri.

Mr. Corcoran.

Mr. Bilirakis.

Mr. Williams of Ohio.

(The following Members (at the request of Mr. de Lugo) and to include extraneous matter:)

Mr. Scheuer.

Mr. Wilson.

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in five instances.

Mr. Montgomery.

Mr. Mazzoli.

Mr. Natcher.

Mrs. Byron.

Mr. Vento.

Mr. Berman.

Mr. Markey.

ADJOURNMENT

Mr. de LUGO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 13, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2860. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 2 years, pursuant to 31 U.S.C. 1110; to the Committee on Agriculture.

2861. A letter from the Director, Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority, pursuant to Public Law 93-344, section 1014(e) (H. Doc. No. 98-180); to the Committee on Appropriations and ordered to be printed.

2862. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for increased participation by the United States in the International Development Association, and for participation by the United States in the Inter-American Investment Corporation, pursuant to 31 U.S.C. 1110; to the Committee on Banking, Finance and Urban Affairs.

2863. A letter from the Auditor, District of Columbia, transmitting copy of a report entitled, "Review of the Washington Convention Center Construction Cost," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

2864. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Toxic Substances Control Act, as amended, for 2 years, pursuant to 31 U.S.C. 1110; to the Committee on Energy and Commerce.

2865. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Clean Air Act, as amended, for 2 years, pursuant to 31 U.S.C. 1110; to the Committee on Energy and Commerce.

2866. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to extend certain provisions of the Safe Drinking Water Act, as amended, for 2 years, pursuant to 31 U.S.C. 1110; to the Committee on Energy and Commerce.

2867. A letter from the President and Chief Executive Officer, Federal Home Loan Mortgage Corporation, transmitting a report on the Corporation's compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act) during 1983, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2868. A letter from the Deputy Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide that the costs of certain investigation activities by the Bureau of Reclamation shall be reimbursable, pursuant to 31 U.S.C. 1110; to the Committee on Interior and Insular Affairs.

2869. A letter from the Director, Administrative Office of the U.S. Courts, transmitting information on its 15 positions in grades GS-16, 17, and 18 as of December 31, 1983, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

2870. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriations for environmental research, development, and demonstration for fiscal years 1985 and 1986, pursuant to 31 U.S.C. 1110; to the Committee on Science and Technology.

2871. A letter from the Deputy Administrator, Veterans' Administration, transmitting a report on sharing of medical facilities and exchange of medical information for fiscal year 1983, pursuant to 38 U.S.C. 5057; to the Committee on Veterans' Affairs.

2872. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend title I of the Marine Protection, Research, and Sanctuaries Act, as amended, for 2 years, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES:

H.R. 5105. A bill to amend title 18, United States Code, to make certain robberies and burglaries involving controlled substances a Federal offense; to the Committee on the Judiciary.

By Mr. VENTO (for himself, Mr. Barnes, Mr. Bates, Mr. Boland, Mr. Bonior of Michigan, Mr. Brown of California, Mrs. Burton of California, Mr. D'Amours, Mr. Dymally, Mr. Eckart, Mr. Edgar, Mr. Evans of Illinois, Mr. Fauntroy, Mr. Fazio, Mr. Florio, Mr. Ford of Michigan, Mr. Frank, Mr. Frost, Mr. Garcia, Mr. Gilman, Mr. Hertel of Michigan, Ms. Kaptur, Mr. Lehman of Florida, Mr. Matsui, Mr. Miller of California, Mr. Mitchell, Mr. Molinari, Mr. Morrison of Connecticut, Mr. Oberstar, Mr. Ortiz, Mr. Ottinger, Mr. Owens, Mr. Penny, Mr. Ratchford, Mr. Roe, Mr. Sabo, Mr. Sikorski, Mr. Stokes, Mr. Waxman, Mr. Weaver, Mr. Won Pat, and Mr. Hayes):

H.J. Res. 514. Joint resolution entitled: "Hazardous Substances 'Right to Know' Resolution"; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1031: Mr. Hawkins.

H.R. 1244: Mr. Shaw.

H.R. 2109: Mr. Rangel.

H.R. 2753: Mr. Rinaldo.

H.R. 3856: Mr. Shannon.

H.R. 3989: Mr. Roberts.

H.R. 4146: Mr. Evans of Illinois.

H.R. 4287: Mr. Kasich.

H.R. 4404: Mr. Wortley.

H.R. 4427: Mr. Brown of Colorado.

H.R. 4459: Mr. Feighan.

H.R. 4622: Mr. Morrison of Connecticut.

H.R. 4772: Mr. Lowry of Washington and Mr. Bliley.

H.R. 4788: Mr. Bateman.

H.J. Res. 59: Mr. Penny.

H.J. Res. 327: Mr. Gregg.

H.J. Res. 437: Mr. Alexander, Mr. Anderson, Mr. Barnes, Mr. Boland, Mr. Bonior of Michigan, Mr. Borski, Mr. Breaux, Mr. Brown of California, Mr. Broyhill, Mr. Burton of Indiana, Mr. Chandler, Mr. Chappie, Mrs. Collins, Mr. Conyers, Mr. Corrada, Mr. Davis, Mr. de la Garza, Mr. Derrick, Mr. Dowdy of Mississippi, Mr. Dymally, Mr. Dyson, Mr. Edgar, Mr. Fauntroy, Mr. Feighan, Mr. Fish, Mr. Florio, Mr. Frenzel, Mr. Hansen of Utah, Mrs. Hall of Indiana, Mr. Hefner, Mr. Heftel of Hawaii, Mr. Hertel of Michigan, Mr. Kasich, Mr. Leach of Iowa, Mr. McCain, Mr. McCollum, Mr. McEwen, Mr. McGrath, Mr. McHugh, Mr. McNulty, Mr. Madigan, Mr. Mineta, Mr. Moakley, Mr. Murphy, Mr. Ottinger, Mr. Patterson, Mr. Pritchard, Mr. Rangel, Mr. Reid, Mr. Ritter, Mr. Roberts, Mr. Savage, Mr. Scheuer, Mr. Shelby, Mr. Staggers, Mr. Stangeland, Mr. Stump, Mr. Sunia, Mr. Udall, Mr. Weaver, Mr. Wheat, Mr. Wilson, Mr. Winn, Mr. Wolf, Mr. Yates, Mr. Yatron, Mr. Young of Alaska, Mr. Biaggi, Mrs. Lloyd, Ms. Ferraro, Mr. Lantos, Mr. Ratchford, Mr. Vento, Mr. Wyden, Mr. Erdreich, Mr. Wise, Mr. Ford of Tennessee, Mr. Hammerschmidt, Mr. Shumway, Mr. Tauke, Mr. Wortley, Mrs. Schneider, Mr. Bilirakis, Mr. Coats, Mr. Hutto, Mr. Fuqua, Mr. Chappell, Mrs. Byron, Mr. Shaw, Mr. Anthony, Mr. Barnard, Mr. Akaka, Mr. Rudd, Mr. Daschle, Mr. Coelho, Mr. Andrews of Texas, Mr. Ortiz, Mr. Dellums, Mr. Wylie, Mr. Gekas, Mr. Smith of New Jersey, Mr. Broyhill, Mr. Matsui, Mr. Applegate, Mr. Dorgan, Mr. Bryant, Mr. Packard, Mr. Moorhead, Mr. Sam B. Hall, Jr., Mr. McKernan, Mr. Beilenson, Mr. Bates, Mr. Campbell, Mr. DeWine, Mr. Bedell, Mr. Carper, Mr. Coyne, Mr. Daniel, Mr. Donnelly, Mr. Flippo, Mr. Gore, Mr. Hall of Ohio, Mr. Carr, Mr. Emerson, Mr. Early, Mr. Bennett, and Mr. Dicks.

PETITIONS, ETC.

Under clause 1 of rule XXII,

321. The SPEAKER presented a petition of Hon. Paul C. Moreno, et al, Austin, Tex., relative to the Simpson-Mazzoli Immigration Reform Act; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3020

By Mr. OLIN:

—Page 32, line 13, strike out "is authorized to make $100,000,000 in direct loans" and insert in lieu thereof "shall not enter into any loans, guarantees, or other obligations or commitments".

—Page 32, strike out line 20 and all that follows down through line 21 on page 34, and redesignate succeeding sections (and references thereto) accordingly.

—Page 34, strike out line 22 and all that follows down through line 7 on page 35, and redesignate succeeding sections (and references thereto) accordingly.

SENATE—*Monday, March 12, 1984*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Praise ye the Lord. Praise God in His sanctuary: praise Him in the firmament of His power.

Praise Him for His mighty acts: praise Him according to His excellent greatness.

Praise Him with the sound of the trumpet: praise Him with the psaltery and harp.

Praise Him with the timbrel and dance: praise Him with stringed instruments and organs.

Praise Him upon the loud cymbals: praise Him upon the High sounding cymbals.

Let everything that hath breath praise the Lord. Praise ye the Lord.—Psalm 150.

Amen.

RECOGNITION OF THE MAJORITY LEADER

The **PRESIDENT** pro tempore. The majority leader is recognized.

Mr. **BAKER**. I thank the Chair.

(Mr. **DANFORTH** assumed the chair.)

SENATE SCHEDULE

Mr. **BAKER**. Mr. President, it might be well to restate the program for today which was placed in the RECORD as the last item of business on Thursday.

First of all, Members will recall that the Senate, as we usually do at the end of the week, adjourned rather than recessed on Thursday, so this is a new legislative day. However, on Thursday we entered a unanimous-consent order that provided that the usual preliminaries pursuant to an adjournment would be dispensed with, and they included the reading of the Journal, and that order also provided that no resolution could come over under the rule, provided that the call of the calendar would be dispensed with, and provided also that the morning hour be deemed to have expired, which has procedural significance that most Members will recognize.

Mr. President, after the two leaders are recognized under the standing order this morning, special orders have been granted in favor of two Senators, Senators PROXMIRE and INOUYE, to be followed by a period for the transaction of routine morning business for not more than 1 hour in length in which Senators may speak for not more than 10 minutes each.

Mr. President, that means then that sometime probably at 1:30 or thereabouts the Senate will resume consideration of the unfinished business, which is Senate Joint Resolution 73, the prayer amendment.

Mr. President, the Senate today enters its second week of debate on that resolution. I began the debate by announcing my sponsorship of the same resolution which was approved by the Senate in 1970, which was the Dirksen prayer amendment, essentially. The Committee on the Judiciary reported a slightly different amendment with an accompanying committee amendment.

Mr. President, since that time there have been a number of meetings by Members away from the floor of the Senate—I started to say private meetings, but these were reported so lavishy in the press that I think they would not deserve the description of private meetings—in an effort to see if there was a body of agreed language that might be offered in some manner under the rules of the Senate that would hasten our consideration of this matter and appeal to a majority of the Senate in the constitutional sense, which requires two-thirds of the quorum of the Senators present to approve a constitutional amendment and send it to the House of Representatives.

But I have reached the place, Mr. President, where, having spent a week on general debate, if I may be so generous as to so characterize it, that we may waste more time trying to compromise than we would trying to deal with the issue at hand.

I am reminded that we now, in general terms, have the issue of vocal versus silent prayer. There is an amendment for each, for vocal or silent prayer as an option, which is the essence of another proposal. There are amendments dealing with equal access for religious groups, as well as secular groups in public places, particularly public schools. There is a proviso currently being discussed about setting aside separate and equivalent accommodations for silent meditation or prayer, as well as vocal prayer. And there are reformulations of a constitutional amendment dealing with this issue, such as that proposed by Senator GORTON, which is elegant in its sparcity of language and appeals to the constitutional senses, perhaps, as much as anything that we have seen.

But my point, Mr. President, is that we still have a number of laudable, worthwhile, serious, and important variations on this theme that have not yet been fully ventilated and on which there is not yet general agreement within the Senate. There are no doubt other, perhaps dozens of other amendments that may be offered at one time or another. And may I urge Senators now to do as I have tried to do this week, and that is, as a serious proposal is put forward, put it in the RECORD so other Senators can read it, their staffs can examine it, and constitutional experts and others around the country may understand it.

We no longer automatically print amendments, even if they are offered for printing, which was a wise decision since we were threatened with an inundation of paperwork. But it is entirely appropriate to put such thoughts, such proposed amendments, in the RECORD so that members can examine them. And I urge Senators to do that. Senator GORTON did that on Thursday, I have done it previously, and I encourage other Members to do the same.

Mr. President, all of these observations are in preparation for saying that I am where I was when I began. I am not seeking a religious advantage for any group. I am not trying to establish a religion. I am simply trying to make the state neutral in matters of religion, especially in our public schools.

I have no pride of authorship in anything that I have proposed. I am not going to embrace quickly any proposal until I have had time to hear it and examine it and to observe the debate.

But, Mr. President, at some point the Senate must do its business, because the Constitution enjoins on us the heavy positive responsibility of dealing with issues of this sort no matter how emotional—and, by the way, and parenthetically, I said at the beginning I wanted to try to deemotionalize this debate. I think I did so in spades. As a matter of fact, there were few speakers last week. We did not have many takers. So we have accomplished that, anyway.

But, Mr. President, I do not propose to try to cut off any Senator. The leadership on this side does not pro-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

pose to file for cloture as long as we are doing important and significant business; that is, as long as we are going about the business of considering, examining, and voting on amendments. There will be no effort by the leadership on this side to cut off those amendments. I may vote against them, there may be a motion to table, or whatever, but my point is that the leadership on this side has—and, incidentally, I would almost bet I speak for the leadership on both sides when I say that there is no desire to cut off any Senator who wishes to contribute to this important debate.

The minority leader, of course, will speak for himself.

Mr. President, my goal is to get on with the business at hand, to try to work our way through the amendment process. While it may not be likely that we could put together agreed language, one thing is for sure: the Founding Fathers were inspired indeed when they provided that we would work our will under the Constitution of the United States, even in matters affecting that Constitution.

While negotiations may be endless, the Senate will sooner or later produce a product.

So, Mr. President, I hope Members will go forward with their amendments and we can get votes on them. I am willing to provide whatever time, within reason, indeed, necessary to make sure that we examine all proposals regarding a constitutional amendment, and finally reach the place where the Senate may speak with one voice and work its will on this matter.

Mr. President, I had the opportunity to discuss these matters on the telephone with the distinguished Senator from Connecticut (Mr. WEICKER), and with the distinguished occupant of the Chair (Mr. DANFORTH). So they are not taken by surprise by anything I have said.

Once again, what I would propose to do is to forbear on the cloture motion even though we are in our second week of debate, if we can get on with the business of amendment in order that the Senate may work its will on this issue. There is no desire on the part of the leadership to speed this thing up unduly or to act with great haste on this issue, an issue that must be dealt with carefully.

I believe we will be all week on this matter. I suppose that will be the case. If we have to go into next week, we will go into next week.

Mr. President, that is my situation today. I thought I might explain that point of view to Members at the beginning of this day's session.

Mr. President, I am afraid I may have gone over my time under the standing order. If I have, I apologize to the minority leader and the Senate.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the minority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

The majority leader did not transgress on my rights in any way. I am certain that all of us are interested in his comments with respect to the work for the rest of the week. We thank him.

A LONG DAY'S JOURNEY INTO LIGHT

Mr. BYRD. Mr. President, the March 12 edition of the Washington Post contains a very informative article on the state of the coal industry in southern West Virginia and Virginia. The article is entitled, "Area Coal Country Faces Long Day's Journey Into Light."

In a clear and straightforward manner, the article describes the economic forces that affect the coal industry and the communities that depend upon the industry. In particular, the article discusses the tremendous competitive pressures that control the price and production of coal—including the existence of foreign suppliers, the level of transportation rates, and the high value of the American dollar as compared to other currencies.

The author of the article concludes that the coal industry has a long way to go before it returns to prosperity. As an extractive, raw material industry, coal always lags behind any economic improvement that occurs in the general economy. Some of the coal operators forced out of business in the past 3 years will be unable to come back even if conditions improve. They are primarily the smaller, independent producers.

I hope that my colleagues will read the article, as it provides some helpful insights into the workings of this critical basic industry.

I ask unanimous consent that the article be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 12, 1984]

AREA COAL COUNTRY FACES LONG DAY'S JOURNEY INTO LIGHT

(By John M. Berry)

NORTON, VA.—The Eastern coal industry has begun a long, slow climb out of the recession depths it hit last year, but some parts of it may never be the same again.

Here in southwestern Virginia, where in several counties coal completely dominates the economy, many mines are still working only two or three days a week or are shut down entirely. Much of the coal mined is destined for export or for making coke for the steel industry, and both markets remain deeply depressed.

Demand for steam coal for electric utilities is stirring again, but many of the inquiries coming in are from utility buyers seeking six- or nine-month deals to carry them past a possible United Mine Workers strike when the current contract expires Oct. 1.

Unemployment rates in the seven Virginia coal counties still range upward to nearly 19 percent, and some local officials say the true figures are higher because some unemployed workers have simply stopped looking for jobs that are not there. The statewide figure for January was only 6 percent.

In nearby West Virginia, which was even harder hit by mine layoffs last year, the picture is much the same. Employment gains have been larger, but jobless rates in two coal counties, Wyoming and McDowell, were nearly 23 percent in January.

The National Coal Association predicted last month that U.S. coal exports, which fell sharply last year, probably won't regain their 1982 level of 105 million tons until well into the 1990s. Even then, exports of the metallurgical, or "met," coal, which is used principally in the steel-making process and is the staple of this area, are expected to be lower than in 1982.

About half of 1982 coal exports—52 million tons—moved through Norfolk and other Virginia ports. Last year, such exports through Virginia ports dropped by one-third, to about 35 million tons, under the combined weight of the recession in Europe; increased competition from South African, Polish and Australian coal; higher rail transportation charges, and an extraordinarily high value for the U.S. dollar on foreign exchange markets.

Executives of coal companies in the region, confronted by foreign buyers with threats to buy elsewhere unless prices are lowered, are gloomy about export prospects. They can do little about the value of the dollar or the rail charges, which are now completely deregulated.

And as A. Denny Ellerman, executive vice president of the National Coal Association notes, the price of coal loaded for shipment at the mine is already lower in real terms than it was in 1976.

Some "met" coal prices have fallen between $7 and $12 a ton in the past year to the $35-to-$40 range, depending on the quality of the coal.

"The tonnage is down and on top of that the price is going down," says Eustice Frederick, a senior vice president of Consolidation Coal Co., who oversees mines employing about 2,000 people, less than half the normal Consol work force in the southern Appalachian region.

"Last year was supposed to be the 'survival' year. Get through '83 and it was supposed to get better. Well, I've seen ups and downs but nothing this dramatic. I've never seen both tonnage and prices fall at the same time," he says. "A lot of the smaller operators are waiting it out or they have gone broke. There are a lot of Chapter 11 [bankruptcy] sales around here."

Other parts of Consol's West Virginia operations, in the northwestern part of the state, produce steam coal for utilities rather than "met" coal, and their production is picking up, company officials say. But the outlook for "met" coal is no better than flat.

Consol's Bishop mine, a 1-million-ton-a-year operation that is its only one in Virginia, is shut down. Another is under development, but there currently is no market for its output, either.

In 1982, West Virginia mines trailed only those of Kentucky in bituminous coal output, producing nearly 130 million tons. Virginia ranked fifth that year, with just over 40 million tons.

Last year, Virginia production fell to between 33 million and 35 million tons, the state's Division of Mines and Quarries estimates, and current levels of production are probably lower than that. Only 634 coal mine licenses have been issued so far this year, down from more than 1,000 in 1982, says Harry Childress of the division's Big Stone Gap Office.

Many of the closed mines are small operations whose owners don't have the size or resources of a Consol—a subsidiary of Conoco that in turn is owned by DuPont—and therefore cannot wait out a depressed market.

"You know the small mines are going out," says Michael Quillen, president of Paramount Mining Corp., a former private company now largely owned by W.R. Grace & Co. and Hanna Mining Corp. "It's still a very serious situation here. Most people outside the area are not aware of how bad it is."

Quillen says some mines are again working a full five-day week, including those of Paramount, which employs about 475 people. But that is down from about 600 in 1982, and there is little prospect of any recalls, as a sign at the entrance of Paramount's offices outside this town warns visitors.

The companies that are doing the best in Virginia are those, like Paramount and Westmoreland Coal Co., that in recent years have been able to switch their production emphasis from metallurgical to steam coal. In the last two years, Quillen says, Paramount went from a 65-to-35 split favoring the higher-priced, higher-energy-content "met" coal to a 65-to-35 split favoring steam coal.

"Met coal had always been the most profitable, and we mined the steam coal primarily for cash flow. But the export market for 'met' became so competitive that we just could not compete. We realized that we had to cover more of our fixed costs with utility contracts for steam coal," Quillen says.

Philadelphia-based Westmoreland has made a similar switch over the last seven years, according to spokesman Steve Anderson. Seventy percent of Westmoreland's output used to be "met" coal; now it's 80 percent steam and, bucking the region's trend, production actually rose slightly last year compared with 1982.

The steady payroll of Westmoreland, which employs about 1,700 people at 14 mines in Virginia, including the Bullitt Mine near Appalachia, has propped up the entire economy of that corner of Wise County.

Farther north in towns such as Pound, the squeeze has been severe, while Appalachia and nearby Big Stone Gap have been hurt much less.

B.J. Dotson, president of the Big Stone Gap Bank and Trust Co. and head of Dotson Chevrolet, says, "Basically, how the coal industry goes, so goes the area. Westmoreland has done well and we've had very few layoffs around Big Stone Gap."

As a consequence, sales at his own car dealership did not take a nose dive during the recession, Dotson points out "I don't mean to say it has been great. It just has not fluctuated like it did nationally," he says.

Not every company has the option to switch from producing 'met' coal to steam coal because of the nature of their coal reserves. Consol's holdings in the area are almost entirely the hgher-quality 'met' coal, which carries a premium price because of its higher energy content. It is regarded by its partisans as the "highest quality coal in the world."

However, utilities won't pay that premium to use it in their boilers and coal companies generally aren't willing to take the loss associated with selling it for that use. Of course, some slightly lower grades of coal can be sold for either use depending on market conditions.

Farther east, in Richlands in Tazewell County, Vernon Reed, chairman of the Virginia Coal Council, also talks gloomily about market prospects. Several years ago, when the world's steel industry was booming, there were sales of Virginia "met" coal on the spot market at more than $80 a ton, he recalls. Now steel is a worldwide disaster, batteries of coke ovens needing "met" coal have been closed because of falling demand and environmental regulations, and former foreign customers have found other suppliers.

"I know one fellow selling coal to Japan for $29.50 a ton," says Reed. "He's selling other coal at higher prices, but he's doing that to kick out a few extra tons. Get 10 people doing that and you've got trouble."

The problem is that coal in Virginia and nearby West Virginia is not cheap to mine. Reed says the average coal seam in the area is only 34 inches high, and it can be expensive to extract.

To cut costs, many Japanese buyers turned to lower grades of coal, particularly from Australia and British Columbia, where they invested in the mines.

"Some of those tons that were loss, it's unlikely they will ever be replaced," Reed says. He cites the example of United Coal Co. of Bristol, Va. which recently dropped a contract with a foreign buyer. "The said they couldn't afford any longer to take the lost."

Reed believes that "down the road, we may have to seek different markets" for the high-quality 'met' coal, perhaps, with utilities—for use in new boilers specifically designed to use the higher-energy-content coal—or in other industries. His organization plans a conference on the subject later this year.

A common thread running through all conversations with coal men in the region is anger at the railroads serving the area, Norfolk Southern and the CSX lines. Rates for carrying coal from the area to Norfolk or Hampton Roads and loading it on board a ship generally are about $15 a ton, and the rail lines have refused to cut them in order to try to boost foreign sales.

"The railroads said reducing the rate may not improve the volume. Maybe they are half right," shrugs Reed. "But the coal companies feel they can't continue to take the burden of the full cut in prices."

Says Consol's Frederick, "Somewhere along the way, the railroads have to get the message that we are selling coal under a total price concept" and that a foreign buyer is concerned only with the price he pays for coal delivered where he needs it.

For their part, the railroads maintain their prices are reasonable. Last June, when the Interstate Commerce Commission deregulated rates for carrying coal intended for export, it argued. "The railroads will not be able to price export coal beyond the reach of foreign countries except at ruinous cost to themselves. Because we expect the carriers to act rationally, it simply is not reasonable to forecast a decrease in the amount of coal exported as a result of this exemption."

The National Coal Association's Ellerman says his group's coal demand forecast assumes that a substantial number of the nuclear-powered electric generating plants now nearing completion will come on line during the remainder of the decade, but that, after 1990, most new generating plants will be coal fired. Meanwhile, foreign demand for steam coal will continue to rise, too.

"It's hard to forecast U.S. exports because we really are the residual supplier in that market," Ellerman observes. "In a sense, we are like OPEC. The price of coal out of Norfolk does what the price of Saudi crude out of Ras Tanura does." That is, if another exporter can beat the Norfolk price, he can sell his coal and the U.S. coal industry has to absorb the drop in demand.

South Africa and certainly Poland can undercut the United States in the European market, while a huge mine complex being developed in Colombia by Exxon Corp. will soon be a major new factor.

"Colombia can take over as much of the market as they want," Ellerman says.

An economist by training, Ellerman points out that the industry's real problem is an excess of capacity worldwide. During the 1960s, the industry was "dying" and production capacity shrinking. As a result, prices began to rise and then quadrupled in the wake of the oil price surge in 1974. That year, coal prices on the spot market soared and then were built into the industry's wage structure in the UMW contract negotiated that year.

In addition, new environmental and safety regulations forced the industry to internalize some costs that it had not borne in the past.

Despite the increase in production costs, there were still substantial profits to be made. New investment poured into coal, often from companies and individuals who had no previous association with the industry. Some of the investors brought with them better management tools and new ideas, and grabbed market share away from the old-line companies.

"The newer entrants are knocking out other companies, and there is a lot of turmoil in the industry. The newer mines are more willing to commit production for longer periods and are more willing to vary quantities" in line with the buyers' needs, Ellerman says.

Today, there is a 15 percent to 20 percent excess production capacity that simply rules out any real price increase, he believes.

"You can't fund an industry that is more competitive, and there is no shortage of coal reserves to mine. We may have continuing declines in real prices, or constant real prices," he predicts. "The spot market may never revive."

That blunt talk about excess capacity, competition and price prospects is vividly reflected in the continuing economic problems in this part of Virginia. Not only are coal's woes hurting the area, but the very presence of coal makes it all but impossible to bring in other sources of jobs.

Paramount Mining's Quillen is also head of the Duffield Development Authority, a three-county cooperative effort to create an industrial park in Duffield in Scott County. The only companies in the park so far, he says, are coal-related.

Even companies making products for or selling to the industry prefer to locate outside the mountainous coal field area—say around Bristol or Abingdon—where interstate highways are close at hand and flat land does not command astronomical prices. In addition, wage rates for many skilled workers are not influenced by the scales set in the UMW contract. And good housing is scarce, particularly for well-paid executives.

"We are a most restricted, one-source economy, and we're in a struggle down here," Quillen declares.

Adds Vermon Reed, "There are proud people around here, and they are fairly resourceful. But everything is coal or coal-related. If coal doesn't prosper, no business can do well."

Prosperity for coal, at least in Virginia and southern West Virginia, looks to be a long way off.

Mr BYRD. Mr. President, does my colleague from Wisconsin require any additional time?

He indicates he does not desire additional time.

Mr. President, I yield back the remainder of my time.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

WHAT IS WRONG WITH PRAYER IN THE PUBLIC SCHOOLS?

Mr. PROXMIRE. Mr. President, why not permit prayer in the public schools? Note that I ask why not "permit"—not mandate, not order, not require, but "permit." If children want to say grace at meal time at school, why not let them? If the principle decides to open school convocation with the request that the children bow their heads for a minute of silent prayer, what is wrong with that? If a teacher decides to let each child who wishes to do so to lead the class—one child, one prayer each day—for a minute, will this hurt our society? As one who attended a boarding high school for 5 years in which there was compulsory attendance at each meal—three meals a day with a prayer delivered by the headmaster or a senior teacher, as one who was required to attend chapel every single night of the week at that high school—7 days per week and twice on Sunday—and as one of the very few Catholics who was attending that school where every prayer was delivered by a Protestant, I can tell you that I still cherish those prayers and I never heard a prayer left the shadow of a whisper of a scar on my childish psyche. Lots of other things did. At high school there was a full share of bullying and teasing and of the usual childish cruelty that all of us suffer at one time or another in school. But prayer—a bad influence? You have to be kidding. Every prayer I have ever heard from whatever source has been good for my soul. After all what do prayers do? They talk to our conscience. And what do they tell us? They tell us to be kind and gentle and loving. They teach us to help others. They teach us to forgive our enemies, and to try to understand those who disagree with us. I have yet to hear a prayer that urged violence or hatred or cruelty or that demeaned or belittled another group.

Now I do not argue that prayer in school will restore the character of Americans. It will probably have little, if any, effect on drug or alcohol addition in schools. Its effect in reducing hatred, cruelty, and discrimination and intolerance may be slight. But if only a small proportion of our children hear a prayer, that makes their consciences a little more tender. If just a few learn the joy of forgetting self and helping others, if the tolerance level improves just a touch, we will be a better country.

And these are some of the positive benefits of prayer. There are others. If praying has evil or harmful consequences, I would like to hear what they are.

Mr. President, in the course of this debate there has been much talk of the constitutionality of permitting prayer in the public schools. Why do opponents of permitting school prayer argue that it is unconstitutional? They base their argument on a Supreme Court decision. They contend that the Constitution is whatever the Supreme Court at any time says it is. Certainly the Court deserves our attention and respect. But if ever there were a body whose opinion is subject to change it is the Court, and if ever there were a document subject to change it is the Constitution. The Founding Fathers were exceedingly wise. But they would be among the first to agree that they were not infallible. They provided that the Congress and the State legislatures could amend the Constitution.

Over the years elected Federal and State legislators have done exactly that a number of times, often greatly improving the Constitution in the process.

Would anyone argue that we did not immensely improve on the work of the Founding Fathers by amending the Constitution to outlaw slavery?

Would an amendment to permit—and again I stress "permit"—school prayer improve or demean the Constitution? Mr. President, the very heart of our Constitution is the guarantee of freedom for Americans, especially the freedom of expression.

Certainly, our communities should be free, if they wish to do so, to provide communication through prayer in our public schools. The constitutional amendment would still leave a series of very tough obstacles in the path of those who wish school prayer.

Individual States may wish to prohibit prayer in the public schools as Wisconsin has done for more than 100 years. Even if the States permit prayer, the decision would still be a local decision. The community or the individual school could say yes or no. And finally, if the Federal Government passes the proposed amendment and the States permit prayer in the schools and the local community decides they want to go ahead with prayer and the school principle and school board affirms the decision, the final decision would be up to the children to attend or join in the voluntary prayer or silent prayer.

Certainly, Mr. President, in a country that cherishes freedom and especially freedom of expression above all, we should not have the Federal Government butting into every community in America to deny the right to exercise what to many Americans is the most fundamental freedom of all—the right to provide community prayer—freely and voluntarily.

LET US GET SERIOUS ABOUT PROLIFERATION OF NUCLEAR WEAPONS

Mr. PROXMIRE. Mr. President, in the New York Times of November 26, 1983, Daniel Poneman, who wrote "Nuclear Power in the Developing World," criticizes President Reagan for weakening America's ability to slow the spread of nuclear weapons to other countries. Poneman contends the President should "discriminate"; that is, not provide nuclear materials or equipment to countries that:

First, reject nonproliferation accords;

Second, assert the right to conduct peaceful nuclear explosions; and

Third, covertly pursue programs to acquire nuclear weapons material.

In this Senator's judgment, such mild restraint is much too little. Let us face it. Nuclear war or nuclear terrorists' activities represent the most serious threat this old world has ever confronted. We have virtually ignored this threat. We have acted as if a planned, premeditated attack by the U.S.S.R were the only real nuclear threat. It is not. Far from it. What is the most likely way a nuclear war will start? Think about it. If we step back, take a deep breath and think about it, the most unlikely—I said unlikely, least likely—initiation of a nuclear war is a planned, premeditated first strike by either superpower against the other. If the Soviet Union should attack this country with nuclear weapons, we could and almost certainly would promptly obliterate them. Both countries would be dead. Both would lose. They know it. We know it. The odds that it will not happen are overwhelming.

The chances that a nuclear war might come from an error—a computer error, a human mistake—are more likely, but the odds are against that kind of accident, too. And yet there is a better than even chance that, some time in the next 10 or 20 years, a nuclear war will break out, and once it does, no matter how it breaks out, it will be very hard, indeed, to stop until civilization is entirely destroyed.

If neither superpower starts such a war how could it begin? Simple. At this moment, six countries—the two superpowers, England, France, China, India—and maybe a seventh—Israel—have the power to wage nuclear war. Five or six others are hard at work developing the nuclear war-making capacity. And within a few years, others may get into the race for nuclear weapons. With all this in mind, consider what a ridiculous posture we have pushed ourselves into. By far the least likely prospect of nuclear war comes from a planned, premediated attack from the Soviet Union, and yet virtually all our efforts to stop nuclear war go into preventing this single and least likely cause of nuclear war.

The next least likely nuclear war threat comes from a nuclear accident, and we are moving to reduce that threat too. The Defense Department assures us that, at least on our side, it will not happen. But with hundreds of fallible human beings so close to the nuclear trigger and with reliance on computers and other mechanical contrivances that can and do malfunction, we need every bit of fail-safe protection we can get. In all fairness, our Defense Department and the President are well aware of this problem and have worked to provide us with systems that cannot absolutely guarantee that there will be no war by accident, and they have devoted time and resources to substantially reduce that risk.

That leaves nuclear proliferation as the prime threat to our country. If that makes you breathe more easily, it should not. Indeed, if the risk of nuclear attack by the Soviet Union is one in a hundred, the risk of a nuclear war developing over the next several years from Iran or Libya or Argentina or South Africa or some other relatively small country is better than ever. And here is why our policy of selling nuclear equipment and materials to other countries is so outrageously dangerous. It is criminal. Mr. President, can you think of a worse crime than promoting the most likely threat of nuclear war?

This is not a time for a pussycat, pantywaist attack on proliferation. Here is one area where we do not have to concern ourselves with Soviet cooperation. The Soviets in this one respect have behaved with far greater restraint and wisdom than have we. And for obvious reasons. Do they want to provide nuclear arms to their own Communist world? Are you kidding? They certainly do not want to aid and abet the nuclear arsenal of Red China. Even less do they wish to give the East German Government or the Hungarian or Polish Government the means to equalize a Russian attack aimed at keeping their puppets in line. We may not like those Russian motives for stopping nuclear proliferation behind the Iron Curtain, but we certainly should like the results.

Now, on the other hand, what are we doing to stop the spread of nuclear arms in the non-Communist world? Answer: nothing. In fact we are promoting it. Poneman simply calls on us to stop the promotion. I would go much farther. I would have this country not only refuse to provide any nuclear materials or equipment to any country that failed to agree to the nuclear nonproliferation treaty, but I would have us stop all trade—that is right, all trade—at once with any other country that sold nuclear materials or equipment to any country that refused to sign the nonproliferation treaty. I say that with full knowledge of how far reaching such a proposal would be. Some will ask, is it worth the sacrifice of possibly losing some of our trade—if in return we stop the spread of nuclear weapons? Of course we should. But would such a sanction work? Should we risk losing trade to reduce the risk of destroying civilization? Yes, yes, yes.

Mr. President, this country is the most important trading country on Earth. At this time, trade in nuclear materials and equipment is strictly penny-ante stuff. Given the choice between trade with the United States and selling nuclear equipment or materials, no country now selling nuclear equipment would continue to do so.

Mr. President, I ask unanimous consent that the article to which I have referred by Mr. Peneman be printed at this point in the Congressional Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Minneapolis Star, Dec. 5, 1983]

Myopic Nuclear-Exports Policy

(By Daniel Poneman)

Cambridge, Mass.—President Reagan is weakening America's ability to slow the spread of nuclear weapons to other countries. He has allowed nuclear exports to go to the most threatening nations without obtaining in return a single open commitment to foreswear nuclear explosives. This encourages an open season in nuclear trade that could unravel the global consensus against nuclear proliferation.

Argentina, India and South Africa refused to accept international inspection over all their nuclear activities. Yet the administration promised India that if necessary the United States would supply spare parts for the Tarapur atomic power station. It allowed West Germany to send Argentina 143 tons of American-produced heavy water, useful in plutonium production. It authorized American companies to bid on a service contract for a nearly complete South African reactor.

Why? Economically, Reagan wants to support the ailing American nuclear industry. Politically, the administration argues that exports provide leverage that can help prevent trading partners from acquiring nuclear arms.

Neither reason is persuasive. The nuclear industry's economic woes are too great to be solved by pandering to foreign nuclear programs, with grave national security implications for us.

As for leverage, the United States has gained little for its concessions. Some officials hint at hidden provisos, but if they exist they must be weighed against the bad precedent set by the apparent rewards for intransigence. Ultimately, appeasement only encourages Non-Proliferation Treaty parties to follow the pugnacious examples of treaty rejectionists.

The president's myopic policy comes at a particularly bad time. A decade ago, when the atom promised prosperity and energy independence, governments had a vested interest in protecting their nuclear power programs from foreign embargoes.

But Three Mile Island, the global nuclear power moratorium and the stabilization of oil prices shattered the attraction of billion-dollar reactor purchases in debt-ridden nations. Now nations can pursue nuclear arms options without concern for alienating the sellers of unwanted reactors.

Meanwhile, technological capabilities to produce nuclear weapons increase dangerously. India has tested a nuclear explosive. Pakistan is building a uranium enrichment plant. South Africa is already producing enriched uranium.

Argentina has nearly completed a plutonium reprocessing plant and has announced that it too can enrich uranium. Rivalry with Argentina has spurred Brazilian nuclear efforts. Nuclear trade between these and other developing nations could widely promote nuclear weapons capabilities.

Within a few decades, know-how might be so dispered that only self-interest will stand between polticial leaders and nuclear weapons. While time remains, Washington should use its technological leverage to obtain strong commitments, and encourage its allies to do the same.

Further, the Non-Proliferation Treaty must be enforced if it is to continue to impose high political costs upon nations that violate its principles.

Discrimination may be the solution. President Jimmy Carter at first generally restricted nuclear exports, even to the Europeans and Japanese. That alienated the allies indispensable to any comprehensive non-proliferation effort.

Though recently he has proposed greater restraint, Reagan generally has allowed nuclear exports, even to those most opposed to non-proliferation efforts.

General policies are clumsy. Since discrimination is unavoidable—one either treats equals differently or unequals similarly — a sound basis for distinguishing among countries is essential. Discriminating between developed and developing countries offends many. But it is reasonable to discriminate against nations that reject non-proliferation accords, assert rights to conduct peaceful nuclear explosions or covertly pursue programs to acquire nuclear weapons material.

This country's 1978 Non-Proliferation Act supports such discrimination. The administration's preference to sidestep the act has prompted the recent package of measures in both House and Senate requiring the president to bar nuclear exports to Argentina, India and South Africa.

It is also reasonable to discriminate in favor of countries that foreswear nuclear weapons. Indeed, Non-Proliferation Treaty parties are legally entitled to "the fullest possible exchange" of nuclear information.

The present indiscriminate nuclear promotion may lead the West's crippled nuclear industries recklessly to sell dangerous technologies abroad to stave off financial failure. That would squander the still-significant technological leverage that can be used to persuade states without nuclear weapons to accept non-proliferation pledges. It could also undermine the Non-Proliferation Treaty, the bulwark of lasting hope against the spread of nuclear arms.

ANTI-SEMITISM: OFFICIAL POLICY OF U.S.S.R.

Mr. PROXMIRE. Mr. President, recently, I received a publication from the Union of Councils for Soviet Jews, entitled "Anti-Semitism:" Official Policy of U.S.S.R.

Their concern rests with an article in the Communist Party's daily paper, Pravda, which officially denounces the entire Jewish community.

The president of the UCSJ said:

> The official attack forebodes dangerous times for Jews living in the Soviet Union. And it is clear that the Soviet government is using this latest article to test the Western response. We call for the Western governments to protest this official policy of anti-semitism.

Within the United States today, there exists a sympathetic and essential protest against the oppression of Soviet Jews by their homeland. Unfortunately our diplomats are hindered in assisting this grassroots protest movement. Our hand is weak in dealing with the Soviets.

Mr. President, we have an international climate which firmly underscores the need for the United States to regain the high moral ground in our competition with those who wish us ill. We have yielded this ground all too cavalierly by asserting that our record speaks for itself. It is a luxury that we cannot afford if our diplomats are to speak out, and speak out forcefully, against the repressive actions of closed, totalitarian societies.

The United States should be on the offensive, holding the feet of the Soviet Union to the fire to live up to their pledges on human rights, instead we spend our time apologizing for our record on ratification of human rights treaties.

Why do we continue to supply others with a club with which to beat us?

Ratification of the Genocide Convention, which declares the murder and serious mental or physical harm of a racial, ethnic, or religious group a crime punishable under international law, would allow us to reassert our undeniable commitment to human rights.

In order to effectively reverse the plight of the Soviet Jews, we must come to the negotiating table with "clean hands." Endorsing this treaty will enable us to do so.

FEDERAL HAZARDOUS WASTE DISPOSAL SITES

Mr. PROXMIRE. Mr. President, I am pleased to introduce today a bill that would address the serious dangers posed by unmonitored, uncontrolled Federal hazardous waste disposal sites.

There are 517 uncontrolled hazardous waste sites in this country which are not monitored by the Environmental Protection Agency (EPA). These sites are located in every State and in nearly every congressional district. What makes these potentially dangerous sites different from other hazardous waste sites? All are owned or operated by the Federal Government.

Although the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), better known Superfund, and other pollution control laws requires uniform compliance by federally and privately owned facilities, procedural noncompliance by Federal sites is rampant. Our own Federal Government knowingly disregards the intent of the Superfund law.

The Department of Justice and EPA have a longstanding blanket policy of never taking court action against noncomplying Federal agencies. Agencies maintaining hazardous waste facilities have no incentive to rectify site deficiencies or negotiate seriously with either agency.

Regulatory authorities have rendered themselves powerless to compel compliance by administrative or judicial action. For example, the EPA and the Department of Defense have a memorandum of understanding releasing EPA from cleanup responsibility for hazardous waste spills on DOD sites. These sites number in the hundreds.

Several examples of Federal facilities releasing hazardous waste because of the lack of compliance with Superfund come to mind. In Tennessee, the Department of Energy's Oak Ridge Laboratory has leaked 2.5 million pounds of toxic mercury into nearby waterways over the past 30 years. Chromium and trichloroethylene have leached into the soil at U.S. Air Force missile plants in Tucson, Ariz., endangering 60 city wells. In Colorado, experts estimate the cost of cleanup from hazardous waste releases at the U.S. Army's Rocky Mountain Arsenal may cost up to $2 billion.

Mr. President, let us not underestimate the severity of this problem. These sites are so dangerous that if they were included on Superfund's national priority list, 40 of the top 100 would be Federal sites.

The potential danger to the American public of these 517 unmonitored Federal hazardous waste sites underscores the need for congressional action. The goals of this legislation are simple and straightforward. Superfund would be amended so that federally owned or operated hazardous waste sites are treated equally with privately owned sites. In addition, the bill establishes a process to insure the effective compliance by Federal sites with Superfund.

Reauthorization of Superfund is soon to be introduced in the Senate. I believe that my bill would complement and enhance this reauthorization by specifically addressing the serious dangers posed by unmonitored, uncontrolled Federal hazardous waste disposal sites. I urge my colleagues to support this effort.

I ask unanimous consent that that will be appropriately referred and that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

APPLICATION OF CERCLA TO FEDERAL AGENCIES

SECTION 1. Section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following at the end thereof: "The Administrator may enter into interagency agreements under section 116 with any such department, agency, or instrumentality. Unless such an interagency agreement is reached within the time periods specified in section 116, in addition to undertaking response action under section 104, the Administrator shall take action under section 106 or under this section against any such department, agency, or instrumentality in the same manner and to the same extent as the Administrator is authorized to take such actions against a nongovernmental entity.".

PROCEDURES APPLICABLE TO FEDERAL AGENCIES

SEC. 2. Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new section at the end thereof:

"PROCEDURES APPLICABLE TO FEDERAL AGENCIES

"SEC. 116. (a) Whenever the Administrator receives notice from any person (including any notice under section 103(a)) of any release or substantial threat of a release (other than a Federally permitted release) of—

"(1) a hazardous substance, or

"(2) any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare,

from a vessel or facility owned or operated by the United States, the Administrator shall immediately publish notice of such release or threatened release in the Federal Register. Promptly following the enactment of this section, the Administrator shall publish notice in the Federal Register of all such releases or threatened releases from any vessel or facility owned or operated by the United States concerning which the Administrator received notice before the date of the enactment of this section.

"(b) The Administrator shall establish a special Federal Agency Hazardous Waste Compliance Docket which shall contain each notice published under subsection (a) for a release or threatened release, and notice of each subsequent action taken by the Administrator under this Act with respect to each such release or threatened release. Such docket shall be available for public inspection at reasonable times.

"(c) Immediately following receipt of any notice of a release or threatened release required to be published under subsection (a), the Administrator shall notify the department, agency, or instrumentality concerned and request the head of such department, agency, or instrumentality to enter into negotiations with the Administrator regarding the action to be taken under this Act with respect to the release.

"(d)(1) Not later than two hundred and seventy days after receipt of any notice of a release or threatened release required to be published under subsection (a), the Administrator shall publish in the Federal Register a detailed proposal for expeditiously taking action under this Act with respect to the release or threatened release. The proposal shall be accompanied by either a proposed interagency agreement regarding such action or a detailed explanation of the reasons why no such agreement has been developed. Any interested person may submit written comments respecting such proposed agreement to the Administrator and to each other concerned department, agency, or instrumentality of the United States.

"(2) After consideration of comments submitted under paragraph (1) and after final agreement between the Administrator and the other department, agency, or instrumentality concerned, but not later than ninety days after the date of publication of the proposal under paragraph (1), the Administrator shall either—

"(A) publish a final interagency agreement regarding the action to be taken under this Act with respect to the release involved, or

"(B) take action as provided in subsection (e).

An interagency agreement under this section shall include specific cost estimates of the actions to be taken and specific proposals and timetables for obtaining the necessary budgetary authority.

"(3) At any time before the expiration of the ninety-day period referred to in paragraph (2), the department, agency, or instrumentality concerned may request, and the Administrator may grant, an extension of such ninety-day period for an additional ninety days. A second ninety-day extension may be granted by the Administrator for good cause where a request is submitted before the expiration of the first extension.

"(e)(1) If no interagency agreement is reached under subsection (d) within the time period (or extended time period) established under the subsection, upon the expiration of such time period (or extended time period) the Administrator shall promptly take appropriate action under section 104, 106, or 107 of this Act with respect to the release involved.

"(2) In any instance in which the Administrator finds it necessary to protect public health and the environment, the Administrator may take action under the Act with respect to a release to which this section applies prior to the expiration of the time periods set forth in subsection (d) for reaching interagency agreement.

"(f) Commencing one year after the date of the enactment of this section, and each year thereafter, the Administrator shall submit to the Congress a report on the progress in reaching interagency agreements under this section, the specific cost estimates and budgetary proposals involved, a brief summary of the public comments regarding each proposed agreement, and a description of the instances in which no agreement has been reached. With respect to instances in which no agreement has been reached within the required time period, the Administrator shall include an explanation of the reasons why no agreement was reached.".

CITIZEN SUITS

Sec. 3. Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new section after section 116:

"CITIZEN SUITS

"Sec. 117. (a) Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on his own behalf—

"(1) against any person (including (A) the United States, and (B) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any requirement which has become effective pursuant to this Act; or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator.

Any action under paragraph (1) of this subsection shall be brought in the United States district court for the district in which the alleged violation occurred. Any action brought under paragraph (2) of this subsection may be brought in the United States District Court for the District of Columbia. Such district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such requirement, or to order the Administrator to perform such act or duty as the case may be.

"(b) No action may be commenced under subsection (a)(1) of this section—

"(1) prior to sixty days after the plaintiff has given notice of the violation—

"(A) to the Administrator;

"(B) to the State in which the alleged violation occurs; and

"(C) to any alleged violator; or

"(2) if the Administrator or State has commenced and is diligently prosecuting a civil or criminal action in a court of the United States or a State to require compliance with such requirement.

In any action in a court of the United States referred to in paragraph (2), any person may intervene as a matter of right.

"(c) No action may be commenced under subsection (a) of this section prior to sixty days after the plaintiff has given notice to the Administrator that he will commence such action. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation. Any action respecting a violation under this Act may be brought under this section only in the judicial district in which such alleged violation occurs.

"(d) In any action under this section the Administrator, if not a party, may intervene as a matter of right.

"(e) The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedures.

"(f)(1) As used in this section, the term 'person' has the meaning provided by section 101(21), but no person which is an agency of the United States (other than the Administrator) may bring an action under this section against any other department, agency, or instrumentality of the United States.

"(2) Notwithstanding any other provision of law, the Attorney General shall not represent the Administrator of the Environmental Protection Agency in any action under this section. The Administrator may appoint attorneys employed by the Environmental Protection Agency or enter into contracts with attorneys who are not officers or employees of the United States, to represent the Administrator in any such action.

"(g) Nothing in this section shall be construed to restrict any right which any person (or class of persons) may have under any other provision of this Act, under any other statute, or under any other Federal or State rule of law to seek enforcement of any requirement of this Act or any other relief, including relief against the Administrator or against any Federal or State agency.".

FEDERAL AGENCY SITES

Sec. 4. Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "(a)" after "105." and by adding the following at the end thereof:

"(b) Not later than ninety days after the date of the enactment of this subsection the President shall publish a schedule for including on the national priority list under subsection (a)(8)(B) facilities which are owned or operated by departments, agencies or instrumentalities of the United States and which present a risk or danger to public health or welfare or the environment. Such facilities shall be included on such list in the same manner and subject to the same criteria as facilities which are owned or operated by other persons.".

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSFER OF SPECIAL ORDER OF SENATOR INOUYE TO SENATOR DIXON

Mr. DIXON. Mr. President, I understand that a special order was assigned to my colleague (Mr. Inouye).

The PRESIDING OFFICER. The Senator is correct.

Mr. DIXON. Mr. President, I am advised that he will not be using this time. I ask unanimous consent that I may have several minutes for the making of a short statement and the introduction of a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARMERS HOME ADMINISTRATION ABUSES

Mr. DIXON. Mr. President, on March 1, I spoke on the Senate floor of serious abuses by Illinois Farmers Home Administration employees. It has been revealed that some Farmers Home Administration employees have purchased farmland. After first acting in their official capacity for the agency and turning down loan requests from farmers who intended to purchase the same land.

Today I am introducing legislation, along with Senators Percy, Huddleston, Melcher, and Jepsen, that would prohibit this type of activity. This legislation would prohibit Farmers Home Administration employees who act upon, or review, an application made by a farmer for the purchase of a particular parcel of real estate from purchasing interest in that parcel for 5 years.

Mr. President, even the appearance of a conflict of interest on the part of a public official erodes confidence in a public agency. We must make certain that the American farmer does not lose confidence in public agencies that were established to address the critical problems in American agriculture.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1986) is amended—

(1) by designating the first, second, and third sentences as subsections (a), (c), and (d), respectively; and

(2) by inserting after subsection (a) (as designated) the following new subsection:

"(b) No officer or employee of the Secretary who acts upon or reviews an application made by any person under this Act for a loan to purchase land may acquire, directly or indirectly, any interest in such land for a period of five years after the date on which such action is taken or such review is make.".

Mr. DIXON. Mr. President, I yield back whatever time for the special order, my colleague (Mr. Inouye) had and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. DIXON. I am glad to withhold.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 1 hour, with statements therein limited to 10 minutes each.

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Gorton). Without objection, it is so ordered.

SCHOOL PRAYER

Mr. DANFORTH. Mr. President, in the past week I have noticed something quite remarkable that has happened in my office with respect to telephone calls coming into the office. Whereas a week or so ago, almost 100 percent of the phone calls that came in on the school prayer issue were in favor of a constitutional amendment, in the past few days a shift has occurred and now it is probably somewhere in the neighborhood of 50-50.

Last Thursday, we had 186 phone calls in favor of the constitutional amendment and we had 187 against the constitutional amendment. Friday, I do not know what the exact count was, but it certainly was not unanimous.

I think what is happening here is that the people who are in opposition are beginning to be heard from, and particularly the church people in opposition to the proposed school prayer amendment are beginning to be heard from.

Mr. President, the following American religious bodies have taken formal positions in opposition to the school prayer amendment:

The American Lutheran Church, Church of the Bretheran, American Baptist Churches in U.S.A., Episcopal Church, First Church of Christ Scientist, Baptist Joint Committee on Public Affairs, Friends Committee on National Legislation, Lutheran Church in America, American Lutheran Church, Lutheran Church Missouri Synod, National Council of Churches of Christ, National Council of Jewish Women, Seventh Day Adventists, Unitarian Universalists, Union of American Hebrew Congregations, United Church of Christ, United Methodist Church, and the Progressive National Baptist Convention.

Now, Mr. President, these are not just a few fly-by-night organizations, nor do they necessarily represent what some detractors of churches would call the liberal wing of the churches. The Southern Baptist Convention and the Lutheran Church Missouri Synod tend to be fairly conservative, and they have come out against the proposed constitutional amendment on school prayer.

Why is this? What is their reason for opposition? I think there are at least three reasons why they are opposed.

First, the churches of this country, many of them, believe very strongly in the fundamental principle of separation of church and state. And they believe that the proposed constitutional amendment breaks down the barrier between church and state.

Second, they believe in their own religious traditions. They do not think that just anything goes as a matter of religion. They believe in their faith, what they are taught on Sunday mornings and during the rest of the week, and they do not want their religious traditions watered down by school boards or by any other Government officials.

Third, they believe that the religious development of their children is the responsibility of the home and the family and the church and they do not want to yield that responsibility to some schoolteacher they have never known before and they do not know what the schoolteacher believes in. And, therefore, church people are beginning to think about the proposed amendments and church people are beginning to get in touch with Members of the Congress. The word is going out in the pulpits across America that this is not something which is good for religion in America but it is something that waters down religion in America.

Mr. President, I am an inadequate spokesman for the churches. All I can do is state as a matter of fact the depth of their feelings against these amendments. But the churches will be able to speak for themselves. And they will speak for themselves because, Mr. President, tomorrow at noon on the center steps of the east front of the Capitol there will be a meeting of church people. That meeting will include the denominations I have mentioned before and possibly some others. They will have an opportunity there to state their case of why they are opposed to the constitutional amendment.

But, also, Mr. President, I received today a letter from a man I went to law school with by the name of David L. Grove from Philadelphia, a member of the law firm of Montgomery, McCracken, Walker & Rhoads. The letters says, in part:

> As a contemorary of yours at Yale Law School (Class of 1962) and President of a suburban Philadelphia public school board, I would like to express my support and gratitude for your opposition to the "school prayer amendment". Having been a school board member for nine years, I believe I have a good understanding of the day-to-day functioning of public schools. In my view, it would not be possible for any school district to have a non-coercive period of prayer or meditation (a not-too-subtle euphemism) at the beginning of a school day.

Perhaps it is my Quaker persuasion which leads me to believe that all people, including public school students, have more than adequate opportunities for prayer and meditation in their daily lives without the necessity of setting aside time during the school day for group exercises in prayer and meditation. My belief in this regard leads me inevitably to the further belief that the true object of those supporting the "school prayer amendment" is to give religious prayer a governmental sanction. This, of course, is exactly what our principle of separation of church and state has always been intended to avoid.

Mr. President, I ask unanimous consent that this letter be printed in full in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Montgomery, McCracken,
Walker & Rhoads,
Philadelphia, Pa., March 7, 1984.
Senator John C. Danforth,
Russell Building, Washington, D.C.

Dear Jack: As a contemporary of yours at Yale Law School (Class of 1962) and President of a suburban Philadelphia public school board, I would like to express my support and gratitude for your opposition to the "school prayer amendment". Having been a school board member for nine years, I believe I have a good understanding of the day-to-day functioning of public schools. In my view, it would not be possible for any school district to have a non-coercive period of prayer or meditation (a not-too-subtle euphemism) at the beginning of a school day.

Perhaps it is my Quaker persuasion which leads me to believe that all people, including public school students, have more than adequate opportunities for prayer and meditation in their daily lives without the necessity of setting aside time during the school day for group exercises in prayer and meditation. My belief in this regard leads me inevitably to the further belief that the true object of those supporting the "school prayer amendment" is to give religious prayer a governmental sanction. This, of course, is exactly what our principle of separation of church and state has always been intended to avoid.

I would note that my firm has had more than the usual contact with this issue over the years. My firm's founder, Owen J. Roberts, as Justice Roberts, delivered the Supreme Court's opinion in *Cantwell* v. *Connecticut*, 310 U.S. 296 (1940). Cantwell was the case in which the Court decisively settled that the Establishment and Free Exercise Clauses of the First Amendment were made applicable to the States by the Fourteenth Amendment. Subsequently, my firm represented the named appellant in *School District of Abington Township, Pennsylvania, et al.* v. *Schempp, et al.*, 374 U.S. 203 (1963). In that case the Court ruled unconstitutional the Pennsylvania statute which required that the public school day be opened with the reading of ten verses from the Holy Bible and the recitation of the Lord's Prayer.

I wish you well in your endeavors on this issue.

Sincerely,

David L. Grove.

Mr. DANFORTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORISM OF LEFT AND RIGHT IN EL SALVADOR MUST END

Mr. PELL. Mr. President, murders from the left are just as hideous as murders from the right. There is no question but that we are all very conscious of El Salvador's heinous death squads and the murders of those who believe changes should be made in that country's structure.

But how many realize that those of our fellow parliamentarians in El Salvador who are members of the conservative Authentic Institutional Salvadoran or ARENA parties are also being slaughtered by leftist murderers.

In this regard, I deplore the recent murder in El Salvador of a member of the Constituent Assembly belonging to the Authentic Institutional Salvador Party. The assassination, on February 23, of Roberto Ismael Ayala, deputy from the Department of Cabanas, marks the fourth killing of a member of the Constituent Assembly. The previous three, Ricardo Arnoldo Pohl, from Usulutan, killed in January of this year; Rene Barrios Amaya, from San Salvador Department, assassinated in June 1983, and David Joaquin Quinteros, from Cabanas, killed in April 1982, were all members of the ARENA party. With this most recent death, 3 of the 19 ARENA members of the Constituent Assembly, and 1 of the 9 Authentic Institutional party members of the Assembly have been killed. These four Constituent Assembly members assassinated represent 7 percent of the entire membership of El Salvador's legislative body. Their deaths represent 16 percent of the ARENA membership and 11 percent of the Authentic Institutional party membership in the Constituent Assembly.

The four members killed make up 14 percent of the strongly rightist grouping in the Assembly. In our context, it would be equivalent to seven U.S. Senators assassinated because they represented a conservative point of view.

These political assassinations, the majority claimed by extreme leftwing terrorists, are as deplorable as the killings of the Christian Democratic mayors earlier by the extreme right wing. In the past 4 years, 41 mayors have been either assassinated or have disappeared, soley because they were members of the Christian Democratic Party. These deaths are as dreadful as the thousands of noncombatant deaths, the great majority perpetrated by rightist forces.

I have long advocated a negotiated political settlement in El Salvador because I believe that it is the only way to end the death and bloodshed and bring peace to that beleaguered nation. These terrorist factions of the right and left, bent on destroying the chances for peace, must be brought under control. The political and military leadership of the opposing sides in El Salvador—both left and right—must bring an end to extremist terrorism. Rightist terrorist death squads and leftist terrorist assassination must end if peace is to be given a chance.

MESSAGES FROM THE HOUSE

At 1:09 p.m., a message from the House of Representatives was delivered by Mr. Berry, one of its reading clerks, announced that the House had passed the following joint resolutions, without amendment:

S.J. Res. 112. Joint resolution to proclaim the month of March 1984, as "National Social Work Month."

S.J. Res. 132. Joint resolution to designate the week beginning May 6, 1984 as "National Correctional Officers Week."

S.J. Res. 225. Joint resolution designating the month of March 1984 as "National Eye Donor Month."

At 4:08 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it request the concurrence of the Senate:

H.R. 4164. An act to amend the Vocational Education Act of 1963 to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes; and

H.R. Res. 434. Joint resolution to designate March 16, 1985, as "Freedom of Information Day."

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4164. An act to amend the Vocational Education Act of 1963 to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes; to the Committee on Labor and Human Resources.

H.J. Res. 434. Joint resolution to designate March 16, 1985, as "Freedom of Information Day;" to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2750. A communication from the Administrator of the Office of Federal Procurement Policy transmitting, pursuant to law, a report on the major activities of the Office of Federal Procurement Policy; to the Committee on Governmental Affairs.

EC-2751. A communication from the Secretary to the Board of the U.S. Railroad Retirement Board transmitting, pursuant to law, an annual report of the U.S. Railroad Retirement Board; to the Committee on Governmental Affairs.

EC-2752. A communication from the Director of the Office of Congressional Affairs transmitting, pursuant to law, its annual Government in the Sunshine Act Report for 1983; to the Committee on Governmental Affairs.

EC-2753. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report entitled "Impact of Capital Budget Policy Changes;" to the Committee on Governmental Affairs.

EC-2754. A communication from the Chairman of the U.S. Merit Systems Protection Board transmitting, pursuant to law, a report on appeals submitted to the Board; to the Committee on Governmental Affairs.

EC-2755. A communication from the Mayor of the District of Columbia, transmitting a legislative proposal to amend the District of Columbia Self-Government and Governmental Reorganization Act; to the Committee on Governmental Affairs.

EC-2756. A communication from the Assistant Secretary of Indian Affairs of the Department of the Interior transmitting, pursuant to law, a proposed plan for the use and distribution of funds of the Sisseton-Wahpeton Sioux Tribe of South Dakota; to the Select Committee on Indian Affairs.

EC-2757. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, the report of the Export-Import Bank of the United States on the Freedom of Information Act for 1983; to the Committee on the Judiciary.

EC-2758. A communication from the Director of Legislative and Public Affairs transmitting, pursuant to law, an annual report for 1983; to the Committee on the Judiciary.

EC-2759. A communication from the Director of the Equal Employment Opportunity Commission transmitting, pursuant to law, the Equal Employment Opportunity Commission's 1983 Freedom of Information Act Report; to the Committee on the Judiciary.

EC-2760. A communication from the Administrator of the U.S. Environmental Protection Agency transmitting, pursuant to law, a report on the total number of applications for conditional registration under certain sections of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended; to the Committee on Agriculture, Nutrition and Forestry.

EC-2761. A communication from the President of the United States submitting a proposal for supplemental appropriations for the Central Intelligence Agency; to the Committee on Appropriations.

EC-2762. A communication from the Acting General Counsel of the Department of Defense transmitting, pursuant to law, proposed legislation for authorization of appropriations for fiscal years 1985 and 1986; to the Committee on Armed Services.

EC-2763. A communication from the Secretary of the Air Force transmitting, pursuant to law, a unit cost exception report; to the Committee on Armed Services.

EC-2764. A communication from the Acting Secretary of the Navy transmitting, pursuant to law, a report on operating areas in which oil and gas operations would cause major impact to naval operations; to the Committee on Armed Services.

EC-2765. A communication from the Secretary of Defense transmitting, pursuant to law, a report on fiscal year 1983 Department of Defense strengths direct and indirect hires; to the Committee on Armed Services.

EC-2766. A communication from the Acting Comptroller General of the United States transmitting a report entitled "Insights Into Major Urban Development Action Grant Issues," to the Committee on Banking, Housing, and Urban Affairs.

EC-2767. A communication from the Secretary of Commerce transmitting, pursuant to law, the annual report of the Secretary of Commerce for fiscal year 1983; to the Committee on Commerce, Science, and Transportation.

EC-2768. A communication from the Vice President for Government Affairs, AMTRAK, transmitting, pursuant to law, a report on routine performance evaluations of NRPC; to the Committee on Commerce, Science, and Transportation.

EC-2769. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for NOAA for fiscal years 1985 and 1986; to the Committee on Commerce, Science, and Transportation.

EC-2770. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations to NOAA for fiscal years 1985 and 1986; to the Committee on Commerce, Science, and Transportation.

EC-2771. A communication from the Secretary of Commerce transmitting a draft of proposed legislation extending the voluntary insurance program provided under section 7 of the Fishermen's Protective Act; to the Committee on Commerce, Science, and Transportation.

EC-2772. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1985 and 1986 under the Marine Protection, Research, and Sanctuaries Act; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1132: A bill to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures (Rept. No. 98-363).

By Mr. DOLE, from the Committee on Finance, without amendment:

H.R. 4206: A bill to amend the Internal Revenue Code of 1954 to exempt from Federal income taxes members of the Armed Forces of the United States who die as a result of hostile actions overseas (Rept. No. 98-364).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 4072: A bill to provide for an improved program for wheat.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DIXON (for himself, Mr. Percy, Mr. Huddleston, Mr. Melcher, and Mr. Jepsen):

S. 2406. A bill to amend the Consolidated Farm and Rural Development Act to prohibit an officer or employee of the Department of Agriculture who acts upon or reviews an application for a loan for the purchase of land under such act from acquiring an interest in such land for a period of 5 years after such action or review; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PROXMIRE:

S. 2407. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish certain requirements with respect to hazardous substances released from Federal facilities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GORTON:

S. 2408. A bill for the relief of John R. Schmitz; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself, Mr. Matsunaga, and Mrs. Kassebaum):

S. 2409. A bill to clarify procedures for the disposal of Federal lands for use for public airport purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. McCLURE (by request):

S. 2410. A bill to provide that the costs of certain investigation activities by the Bureau of Reclamation shall be reimbursable; to the Committee on Energy and Natural Resources.

By Mr. JEPSEN (for himself and Mr. Bingaman):

S. 2411. A bill to amend title 10, United States Code, to modify procedures for payment of military retired pay to spouses and former spouses of members of the uniformed services in compliance with court orders; to the Committee on Armed Services.

By Mr. STEVENS:

S. 2412. A bill to clarify the intent of Congress in adopting title IX of the Education Amendments of 1972, to prohibit any educational institution which receives any Federal financial assistance, direct or indirect, from discriminating on the basis of sex, to provide that Federal departments and agencies may terminate or deny all Federal financial assistance to any educational institution which discriminates on the basis of sex, and to protect women against sex discrimination by educational institutions receiving any form of Federal financial assistance; to the Committee on Labor and Human Resources.

By Mr. DENTON (for himself, Mr. Boschwitz, Mr. Bradley, Mr. Burdick, Mr. Chiles, Mr. Cohen, Mr. Cranston, Mr. DeConcini, Mr.

Dixon, Mr. East, Mr. Glenn, Mr. Gorton, Mr. Grassley, Mr. Hatch, Mrs. Hawkins, Mr. Heflin, Mr. Heinz, Mr. Helms, Mr. Humphrey, Mr. Inouye, Mr. Jepsen, Mr. Kasten, Mr. Laxalt, Mr. Levin, Mr. Lugar, Mr. McClure, Mr. Moynihan, Mr. Nickles, Mr. Pell, Mr. Pryor, Mr. Riegle, Mr. Symms, Mr. Tower, Mr. Tsongas, Mr. Warner, and Mr. Wilson):

S. 2413. A bill to recognize the organization known as the American Gold Star Mothers, Inc.; to the Committee on the Judiciary.

By Mr. TOWER (for himself and Mr. Nunn) (by request):

S. 2414. A bill to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test and evaluation, for operation and maintenance and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURENBERGER (for himself, Mr. Inouye, and Mrs. Kassebaum):

S. Con. Res. 97. Concurrent resolution expressing the sense of the Congress with respect to furnishing assistance under the Central America Democracy, Peace and Development Initiative Act; to the Committee on Foreign Relations.

By Mr. QUAYLE (for himself, Mr. Bradley, Mr. D'Amato, Mr. Moynihan, and Mr. Lautenberg):

S. Con. Res. 98. Concurrent resolution to commend the efforts of the Statue of Liberty-Ellis Island Centennial Commission; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 2408. A bill for the relief of John R. Schmitz; to the Committee on Commerce, Science, and Transportation.

RELIEF OF JOHN R. SCHMITZ

● Mr. GORTON. Mr. President, today I am introducing a private bill for the relief of John R. Schmitz of Kent, Wash.

Mr. Schmitz is a retired civilian chief engineer who worked on vessels of the National Oceanic and Atmospheric Administration (NOAA) for 10 continuous years before his retirement in May 1973. Before entering on duty with NOAA, he served for 10 years with the Military Sealift Command. Mr. Schmitz is in immediate need of hospitalization, having cancer of the spine.

As a NOAA vessel employee who enetered on active duty with NOAA before July 1, 1963, Mr. Schmitz was entitled by law to medical, surgical, and dental treatment and hospitalization at "facilities of the Public Health Service" (PHS). (Public Law 88-71, 42 U.S.C. 253a(a).) However, with the enactment of Public law 97-35 (42 U.S.C. 248b), which authorized the closure, transfer, or sale of PHS hospitals by September 30, 1982, there is literally no PHS facility available to provide for Mr. Schmitz' hospital treatment. Since PHS interprets its authorization to provide medical services for eligible NOAA employees and retirees under Public Law 88-71 as not including care at private facilities, they are not willing to authorize the expenditure of Federal moneys to provide for the treatment of Mr. Schmitz at a private hospital. This has meant that Mr. Schmitz has had to pay for certain costs of his expensive hospitalization out of his own savings. This is an unintended result and an unfortunate consequence of the enactment of Public Law 97-35 and the closure of PHS hospitals.

Since Mr. Schmitz believed the Federal Government would pay for these costs, he has no alternate, comprehensive medical insurance coverage, other than what he is entitled to under medicare plan A under social security. Medicare plan A covers basic hospitalization but does not include doctors' fees and testing. The purpose of this relief bill is to pay for those costs of Mr. Schmitz' hospitalization, which are not covered by medicare, with NOAA appropriations. The money would be provided from NOAA appropriations and transferred to PHS, NOAA's medical contract agent, which would reimburse the appropriate hospital. NOAA has adequate appropriations for this purpose.

NOAA is trying to remedy this situation in general by the enactment of a generic amendment to 42 U.S.C. 253a to cover all retired NOAA vessel employees, ships' officers, and their dependents who are entitled to medical services by Public Law 88-71, but cannot obtain them due to the closure of PHS facilities. This amendment, incorporated in H.R. 3968 and S. 1102, has not yet been enacted.

In the meantime, Congress should pass this bill for the past and prospective relief of Mr. Schmitz, a valuable retired civilian employee, who needs immediate financial assistance. I urge the prompt and favorable consideration of this legislation.●

By Mr. INOUYE (for himself, Mr. Matsunaga, and Mrs. Kassebaum):

S. 2409. A bill to clarify procedures for the disposal of Federal lands for use for public airport purposes; to the Committee on Commerce, Science, and Transportation.

AMENDMENTS TO AIRPORT AND AIRWAYS IMPROVEMENT ACT OF 1982

● Mr. INOUYE. Mr. President, this morning, my colleagues, Senators Matsunaga and Kassebaum, and I introduced a measure to amend the Airport and Airways Improvement Act of 1982, and section 13g of the Surplus Property Act of 1944, to correct what we believe to be an improper and inappropriate construction of those sections of the law relating to the transfer of Federal property to State and local jurisdictions for airport development purposes.

Section 516 of the act, 49 U.S.C. 2215, compels the transfer of Federal lands suitable for airport development to State and local governments upon the recommendation of the Secretary of Transportation if such a use would not be inconsistent with the needs of the Federal agency in control of the property. The section also includes a requirement that the Attorney General approve any transfer. This mechanism is, of course, designed to facilitate the orderly development and maintenance of local airports in accordance with Federal needs and priorities and constitutes part of the overall airport improvement policy entailed in the Airport and Airways Improvement Act.

The State of Hawaii, despite its undisputed conformance with the terms of the act and its predecessor, section 23 of the Airport and Airways Development Act of 1970, has been denied the intended benefits of this provision. In brief, the Department of Transportation-recommended transfer of a parcel of Federal property, included as a part of a federally-approved airport expansion program, has been blocked by the General Services Administration's (GSA) insistence that the parcel in question be purchased for fair market value.

The GSA has grounded its insistence upon two contentions which this measure seeks to address. First, it asserts that the inclusion of the Attorney General in the airport transfer provision provides him with absolute discretion over the transfers of such property. They, therefore, conclude that no State or locality may legally complain of a failed transfer under the Airport Act if the Attorney General, for whatever reason, disapproves of a Department of Transportation recommendation. Second, the GSA assumes the position that the transfer provisions of the Airport Act of 1982 are, in fact, superseded by the Surplus Property Act of 1944 so that any Federal property declared surplus falls within the exclusive jurisdiction, and absolute discretion, of the General Services Administration.

Mr. President, the language of the Airport Act provides that upon recommendation of the Secretary of Transportation, the department or agency head in control of desired Federal property is "authorized and directed" to transfer unneeded parcels. I do not think Congress could have been clearer as to the intended scope of the statute. Yet, it now appears necessary to make it clear that the scope of a law intended to apply to unneeded Federal properties extends to what the GSA classifies as "surplus" property.

Similarly, the context and history of the statute undermines any argument that the Attorney General was ever intended to have the absolute discretion to veto a Department of Transportation recommended transfer. Indeed, the President of the United States formally delegated his approval authority under the 1970 version of the section to the Department of Transportation and was removed altogether under the 1982 reenactment of this section. Under these circumstances, I believe that it is clear that Congress intended that the Attorney General perform no more than the essentially ministerial duties of insuring conformity with existing law. I know of nothing to suggest that this function cannot be adequately performed with the Department of Transportation and, therefore, urge that the role of Attorney General be deleted.

Mr. President, Hawaii has been denied the intended benefit of Federal law by virtue of dubious statutory construction. The purpose of this measure is to correct this error and insure that it does not recur.

Mr. President, I ask unanimous consent that the text of our proposal be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) the second sentence of subsection (b) of section 516 of the Airport and Airway Improvement Act of 1982 is amended—

(A) by striking out "is hereby authorized and directed, with the approval of the Attorney General of the United States, and" and inserting in lieu thereof "shall,";

(B) by striking out "to" before "perform any acts"; and

(C) by striking out "to" before "execute any instruments".

(2) Such section is amended by adding at the end thereof the following new subsection:

"(d) Applicability of Surplus Property Act.—The provisions of section 13(g) of the Surplus Property Act of 1944 shall not apply to any conveyance of land under this section.".

(b) Section 13(g) of the Surplus Property Act of 1944 is amended by adding at the end thereof the following new paragraph:

"(7) The provisions of this subsection shall not apply to any conveyance of land under section 516 of the Airport and Airway Improvement Act of 1982.".

(c) The amendments made by this section shall apply to—

(1) any request made on or after the date of enactment of this Act by the Secretary of Transportation for the conveyance of land under section 516 of the Airport and Airway Improvement Act of 1982; and

(2) any request made by the Secretary of Transportation prior to the date of enactment of this Act for the conveyance of land under section 516 of the Airport and Airway Improvement Act of 1982 or under section 23 of the Airport and Airway Development Act of 1970 (as in effect prior to the date of enactment of the Airport and Airway Improvement Act of 1982).

(d) The Secretary of Transportation shall review each request made by such Secretary prior to the date of enactment of this Act for the conveyance of land under section 516 of the Airport and Airway Improvement Act of 1982 or under section 23 of the Airport and Airway Development Act of 1970 (as in effect prior to the date of enactment of the Airport and Airway Improvement Act of 1982). In any case in which the Secretary of Transportation requested such a conveyance for carrying out a project at a public airport or for the operation of a public airport and—

(1) the head of the department or agency having control of the land determined that the requested conveyance was not inconsistent with the needs of that department or agency.

(2) such conveyance was not made because such conveyance was not approved by the Attorney General or the Administrator of General Services, and

(3) the Secretary determines the public agency sponsoring such project or owning or controlling the public airport desires that such conveyance be made,

the Secretary shall, in accordance with section 516 of the Airport and Airway Improvement Act of 1982, request the head of the department or agency controlling such land that such conveyance be made. The provisions of such section shall apply to any request made under this subsection, except that the head of the department or agency shall make the determination required by subsection (b) of such section within 60 days after receipt of the Secretary's request.●

● **Mr. MATSUNAGA.** Mr. President, I rise to urge my colleagues to take favorable and expeditious action on this legislation offered by the senior Senator from Hawaii, Mr. Inouye, Senator Kassebaum, and myself.

Mr. President, our bill is intended to facilitate the transfer of the Hickam Air Force Base administrative annex to the State of Hawaii for airport development purposes. The State of Hawaii has attempted to acquire this transfer in accordance with the provisions of the Airport and Airway Development Act of 1970. However, its efforts in this regard have been hindered due to some confusion in the interpretation of authority under the Airport Act. The bill we are introducing today seeks to clarify the procedures for the disposal of Federal lands for airport development.

Mr. President, as I have indicated, the State of Hawaii has, for some time, sought to gain title to this property for development of a new interisland terminal complex at Honolulu International Airport. In 1968, the State completed a master plan for airport development at Honolulu International Airport. Since that time, the State has been able to secure the transfer of several parcels of land necessary for the planned development. The sole remaining parcel of land is the 3.41 acres which is the subject of this legislation. This parcel is critical to the completion of the proposed interisland airport expansion.

Accordingly, in 1981, the State submitted an application to the Federal Aviation Administration (FAA) for a cost-free transfer of the Hickam annex. This application was made in compliance with the provisions of the Airport and Airway Development Act of 1970 which specifically mandates the transfer of unneeded Federal lands to appropriate public agencies for airport development. In this case, the FAA did, in fact, approve Hawaii's application and requested that the land be conveyed to the State at no cost.

In spite of FAA approval, the GSA, which now has control of the land, has persistently refused to give Hawaii title to the property. The GSA maintains that, by virtue of the 1949 Surplus Property Act which gives GSA discretion in determining the terms of conveyance of surplus Federal lands, it is not bound by the terms of the 1970 Airport and Airway Development Act.

Our bill would clarify that the property transfer provisions of the Airport Act supersede the authority granted under the Surplus Property Act. The proposal also eliminates the requirement that the Attorney General must approve transfers of Federal property under the Airport Act.

Mr. President, the entire Hawaii congressional delegation has supported the State in its attempt to secure title to this property so as to complete the new terminal complex. The delegation is in agreement that the use of this property for the interisland terminal complex is the best possible use of the property. Moreover, it is clearly congressional intent, as expressed in the Airport and Airway Development Act, that the cost free or discounted transfer of excess Federal land for airport development is appropriate and desirable if there is an apparent need for such development. The need clearly exists in Hawaii.

I urge my colleagues to act favorably on this measure.

Proposed Amendments to Section 516 of the Airport and Airway Improvement Act of 1982 and Sec. 13(g) of the Surplus Property Act of 1944

PURPOSES

(1) Eliminate the requirement that the Attorney General approve transfers of federal property under the Airport Act.

(2) Provide that the property transfer provisions of the Airport Act supercedes any authority provided the Administrator of the GSA under the Surplus Property Act.

(3) Provide for the retroactive application of the above provisions.

RATIONALE

The principal statute at issue is Sec. 516 of the Airport and Airways Improvement Act of 1982, 49 USC 2215. The provision compels the transfer of federal lands suitable for airport development upon the recommendation of the Secretary of Transportation if such use of the land is not inconsistent with the needs of the federal agency in control of the property. The measure also, however, conditions such a transfer upon the approval of the Attorney General and it is the position of the General Services Administration (GSA), in a recent federal suit, that this requirement of approval provides the Attorney General with absolute discretion over the transfers of such property. It is, therefore, asserted that the Attorney General has absolute authority to block any transfer regardless of the Department of Transportation's recommendation.

A second statute which has been used as a rationale for blocking a transfer approved by the Department of Transportation is Sec. 13(g) of the Surplus Property Act of 1944, 50 Appendix USC 1622(g). The Act governs the disposition of surplus federal property and provides the Administrator of the GSA with the discretion to transfer surplus lands suitable for airport purposes to state and local jurisdictions. The GSA has asserted that the director has absolute discretion over such transfers and that the Property Act provision supercedes the Airways Act section. See, 40 CFR 101-47.308.2. (Property Act provision supercedes Airways Act.)

Pursuant to these statutory interpretations, the GSA resisted the transfer of airport property requested for transfer by the Department of Transportation under the Airport Act. Senator Inouye believes that these interpretations are contrary to the intent of Congress that appropriate federal property be made available for local airport expansion.●

By Mr. McCLURE (by request):

S. 2410. A bill to provide that the costs of certain investigation activities by the Bureau of Reclamation shall be reimbursable; to the Committee on Energy and Natural Resources.

REIMBURSABLE COSTS OF CERTAIN INVESTIGATION ACTIVITIES

● **Mr. McCLURE.** Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to provide that the costs of certain investigation activities by the Bureau of Reclamation shall be reimbursable.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill, and the executive communications which accompanied the proposal from the Deputy Assistant Secretary be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Washington, D.C., March 2, 1984.

Hon. George Bush,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is enclosed a draft bill, "To provide that the costs of certain investigation activities by the Bureau of Reclamation shall be reimbursable."

We recommend that the draft bill be introduced, referred to the appropriate committee for consideration, and enacted.

The draft bill would provide that costs of advance planning work, conducted under the general investigations program of the Bureau of Reclamation (Reclamation), be treated as reimbursable construction costs if a water resources development project is later authorized for construction.

Reclamation's general investigations appropriation is for the investigation of potential water resources projects and for general engineering and research. Public Law 92-149 (85 Stat. 416) provided that all costs incurred for the investigation of potential projects which had not been authorized for construction by the date of that Act be nonreimbursable. Since passage of that Act, preauthorization investigation funds have been appropriated under the heading of general investigations, which are nonreimbursable costs, and advance planning activities have been funded from the construction program appropriation. Construction program expenditures, including advance planning, have been allocated among the project purposes to be repaid by beneficiaries in accordance with the applicable Reclamation repayment laws.

We have recently implemented a two-stage planning process within the general investigations activities of the Bureau of Reclamation. We believe this new process will reduce the time required to begin construction of a viable project by about 10 years. It will allow Reclamation to be more responsive to our Nation's water use problems and needs. However, this change has resulted in the transfer of advance planning costs from a reimbursable status to a nonreimbursable status.

Under the previous planning process, reimbursment of costs was generally based on the existence of an authorized project with identifiable beneficiaries of the project. The first step, a study stage, consisted of an appraisal level study to determine if such a project was possible, and a feasibility study to examine alternatives and determine a benefits-to-costs ratio. Congress would then consider the feasibility of the project and possibly authorize the project. These study costs were generally nonreimbursable.

The second step consisted of the formulation of a definite plan of construction for a Congressionally authorized project. The definite plan included specific engineering plans and an identification of beneficiaries and contracting entities. These activities were reimbursable. Finally, engineering plans and contracts were finalized, and construction could begin. This entire process took, on the average, 17 years. The longest delay involved the practice of awaiting an authorization and funding before beginning the formulation of a definite plan.

Advance planning under the new planning process corresponds to the formulation of a definite plan under the previous process. However, under the new planning process, advance planning will be conducted, using general investigations funds, prior to a project authorization.

We believe this process will considerably shorten the planning time frame. However, it will also result in the transfer of advance planning costs from a reimbursable basis to a nonreimbursable basis. This is because the funds will now be expended prior to authorization and thus be subject to the provisions of Public Law 92-149 making costs before authorization nonreimbursable.

The proposed legislation would allow the Federal Government to continue the practice of recovering appropriate advance planning expenditures. This would be accomplished by treating advance planning costs as construction costs if a project is later authorized for construction. These planning costs are easily attributable to identifiable beneficiaries and reimbursement is consistent with our general policy regarding the sharing of project costs among project beneficiaries. If the proposed project is not ever authorized, the advance planning costs would then be nonreimbursable. This would not, however, imply a Federal responsibility to reimburse non-Federal entities for funds or services contributed to defray advance planning costs.

Enactment of this legislation will help to focus advance planning on promising projects with strong local support.

The Office of Management and Budget has advised that there is no objection to the presentation of this report and that enactment of this legislation would be in accord with the program of the President.

Sincerely,

Harold W. Furman II,
Deputy Assistant Secretary.

S. 2410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 92-149 (85 Stat. 416) is amended by adding the following sentence at the end thereof: "Costs of an advance planning study of a proposed project shall be considered to be reimbursable construction costs and included in the allocation of construction costs to the proposed project's beneficiaries."●

By Mr. JEPSEN (for himself and Mr. Bingaman):

S. 2411. A bill to amend title 10, United States Code, to modify procedures for payment of military retired pay to spouses and former spouses of members of the uniformed services in compliance with court orders; to the Committee on Armed Services.

CHANGES IN PROVISIONS OF THE UNIFORMED SERVICES FORMER SPOUSES PROTECTION ACT

● **Mr. JEPSEN.** Mr. President, today, I am introducing, along with Senator Bingaman, a bill to perfect the provisions of the Uniformed Services Former Spouses Protection Act. Under that act, which has as its basis a bill I introduced in the 97th Congress, the authority of State and local courts to consider military retired pay in divorce proceedings was clarified, and former spouses of retired military personnel were provided with a simplified enforcement mechanism to enforce court-ordered child support, alimony, and property division.

Although that act has only been fully in effect for slightly over a year, it appears to be working well in the areas that it attempts to address. While that act certainly does not solve all the problems that arise when military marriages are dissolved, I believe the act does successfully address the major problems in which congressional action is the appropriate remedy.

However, it has been learned that the definition of "court order" utilized in that act has the unitended effect of preventing the use of the enforcement mechanisms in the act to collect child support or alimony in some cases. This arises because for a court order to qualify under the act for enforcement, the order must specifically direct that the payments must be from the retired or retainer pay of the member. While such a requirement is appropriate in situations involving the division of retired pay as property, it is neither necessary nor common practice that courts should specify the source of child support or alimony payments. As a result, many final court decrees which direct that military retirees pay child support or alimony cannot be enforced under the Uniformed Services Former Spouses Protection Act and can only be enforced under the more cumbersome, and often more expensive, method of garnishment.

The bill which I am introducing today with Senator **Bingaman** will correct this situation and permit otherwise valid court orders for child support or alimony to be enforced under the act.

I do think it is important to make clear what this bill does and does not do.

The bill does offer an additional method of enforcement of court-ordered child support and alimony obligations of military retirees.

The bill does not create any new substantive rights for a spouse or former spouse of a military retiree.

The bill does recognize my belief that military retirees should be responsible for court-ordered obligations for child support and alimony.

The bill does not provide any new enforcement mechanism but rather merely makes an existing mechanism more useful.

The bill does relate only to military retired and retainer pay and to no other portion of military compensation.

The bill does not replace the enforcement mechanism of garnishment but merely allows the mechanism in section 1408 of title 10, United States Code, to be utilized as an alternative to garnishment.

I am convinced that the major steps that were taken in the Uniformed Services Former Spouses Protection Act were the right ones. However, as adjustments, such as the one Senator **Bingaman** and I are introducing today, are defined and justified, I will continue to support them. In this way, we can help insure that the judgments of family law courts, the institution in our system best qualified to judge the individual facts of each case, are given the force and effect due them by our retired military personnel.●

● Mr. BINGAMAN. Mr. President, I am happy to join Senator **Jepsen** today in introducing this bill, which is one more step toward fairer treatment of former military spouses. The Congress made major progress in this area in 1982 with the passage of the Uniformed Services Former Spouses Protection Act, Title X of Public Law 97-252. The bill which we are introducing today makes a small, but important adjustment in that act. It would allow the direct payment mechanism instituted in Public Law 97-252 to be used for court-ordered child support or alimony, regardless of whether the court order specified that such payment be made from military retired pay.

Under current law, a court order must specifically provide for the payment from the disposable retired or retainer pay of the military member. Although this requirement generally presents no problem for court orders providing for a division of property, the courts of several States frequently do not specifically require that payments for child support or alimony be made from retired pay.

Therefore, in the case of some States, the direct payment mechanism instituted by Public Law 97-252 would not be available to insure compliance with a valid court order for child support or alimony. The former spouse would, instead, have to pursue payment through the more complex, and often substantially more expensive, garnishment procedures provided by Public Law 93-647. This was not the congressional intent in Public Law 97-252, and we need now to make this clear.

Perhaps a specific case is the best way to show the plight of some of the former military spouses who need this bill passed.

I recently received the following letter from one such woman. Let me read it, deleting names and addresses to protect her privacy:

> Dear Senator Bingaman: My name is (name)—a child of the Depression—born to poor immigrant parents. On my father's advice and security in my future, I conformed to the regimen of being a military wife. This covered a life span of 29 years.
>
> All the logic available to me as a human being, I am completely at a loss as to the inability to collect court-ordered support and the deprivation of all benefits earned—why an Office in Charge at the Navy Family Allowance Activity accepted my claim for alimony and child support under the Spouse Protection Clause, Public Law 97-252, and then rejected it on the basis of the complaint of the former member, who is in arrearage in support to the total of twenty-five thousand dollars ($25,000).
>
> The comatose state of false security as a former military wife was shared by many. The stripping and loss that occurred upon divorcing a career military man deteriorated the dignity of our very existence.
>
> The laws of justice are our heritage from our former ancestors. It is my hope that commonsense and decency will prevail over the injustice that many former military spouses are now enduring.

When I inquired of the Navy what had been done to help this woman, I received the following reply:

> Dear Senator Bingaman: This is with reference to your inquiry addressed to the Chief of Legislative Affairs concerning the alimony and child support obligations owed to (person) by (person).
>
> (Person) was obligated to make spousal and child support payments to (person) by virtue of their (state 1) divorce decree dated May 14, 1976. Apparently the member has failed to fully honor these obligations. The (state 1) divorce decree was ultimately adopted by the (state 2) courts in an Order dated June 30, 1977, in the (county) Civil Court.
>
> In a series of actions beginning in 1978, (person) has attempted to enforce the support obligations owed to her through the Department of the Navy. Initially, the Navy was served with a (state 2) Court Order dated March 31, 1978, which directed it to divert $350.00 per month from the member's retired pay plus an additional amount to cover outstanding support arrearages of $1,400.00. This was an action under Public Law 95-30, 42 United States Code, Section 659, for garnishment of pay. This Law requires that there first be service of a valid court order under the state laws of the issuing jurisdiction. It is our understanding that the 1974 Amendment to the (state 2) Code of Laws, 10-1721 prohibits such garnishment action. Accordingly it was impossible to honor (person's) garnishment attempt.
>
> The Activity has contacted the member on two or three occasions and urged him to voluntarily honor his support obligations. On each occasion he refused to comply with our suggestion that he register a voluntary support allotment stating that he was too ill to afford such payments.
>
> In 1983, (person) again attempted to enforce the member's spousal support obligation by filing a claim for direct payment under the Uniformed Services Former Spouses' Protection Act, Public Law 97-252, 10 United States Code, Section 1408. The main purpose of the Act is to authorize direct payments to a former spouse of a retired military member from retired pay in response to a court-ordered division of retired pay as community property, alimony, or child support. The (county) Court Order of March 31, 1978, was submitted as the underlying documentation under the Act. The Federal Regulations at 32 CFR Part 63.3(e) define a proper "court order" under the Act to be "a final decree of divorce, dissolution, annulment, or legal separation, issued by a court, or a court-ordered, ratified, or approved property settlement incident to such a decree." The March 31, 1978, Order is not such a "court order" We then examined the 1976 (state 1) divorce decree on the chance that it could be used as a valid "court order" and serve as adequate underlying documentation under the Uniformed Services Former Spouses' Protection Act; the (state 1) decree, however, does not specifically provide for division of Navy retired pay as either community property or spousal support.
>
> It was suggested that (person) consider a URESA action in garnishment in (states 3) where the member had been residing. However, it appears that the member is constantly on the move and cannot be successfully served. The last word we received was that he was currently traveling in (state 1).
>
> The Navy has carefully examined (person's) situation to determine if there would be some way that she could enforce her rights to support against her former husband's retired pay. In addition, we have attempted to persuade the member to volun-

tarily honor his support obligations and have been unsuccessful. We are unable to offer any other suggestions except to suggest the filing of a URESA garnishment action against her former spouse in (state 1). It should be understood that these actions are rather difficult to perfect, and we have no idea as to how long the member will remain in (state 1).

At this point, there is no further action that the Navy can take in this matter, and it is hoped that the foregoing satisfactorily answers your inquiry.

Clearly, the garnishment procedures are not working for this woman. Public Law 97-252 does not help her because her (state 1) decree does not specifically provide for a division of Navy retired pay. And the Navy has not been successful, despite repeated efforts, to persuade the member to voluntarily honor his support obligations.

We need the bill Senator Jepsen and I are introducing today to correct this deficiency in current law. This woman's case is by no means unique. Representatives Aspen, Schroeder, and Whitehurst introduced an identical bill, H.R. 5027, in the House last Wednesday. I hope that we will see speedy action on these bills in both Houses.●

By Mr. STEVENS:

S. 2412. A bill to clarify the intent of Congress in adopting title IX of the Education Amendments of 1972, to prohibit any educational institution which receives any Federal financial assistance, direct or indirect, from discriminating on the basis of sex, to provide that Federal departments and agencies may terminate or deny all Federal financial assistance to any educational institution which discriminates on the basis of sex, and to protect women against sex discrimination by educational institutions receiving any form of Federal financial assistance; to the Committee on Labor and Human Resources.

EDUCATION AMENDMENTS OF 1984

Mr. STEVENS. Mr. President, as a cosponsor of S. 2363, I congratulate Senator Packwood on his initiative in immediately presenting a bill to reinforce title IX of the Higher Education Act Amendments of 1972 in the wake of the Supreme Court's decision on the Grove City College case. The intent of my bill is solely to bolster and complement the effort to rectify the discrepencies that, according to the Supreme Court, exist between what we believed was the intent of title IX and what is actually the statute. My bill, by addressing section 902 of the Higher Education Act Amendments as well as section 901, will insure that intent and enforcement are unequivocal.

As a longtime advocate of equal rights for women, I am proud that my role here in the Senate has included being involved in the origination and passage of legislation to insure that women have equal access to the rights and opportunities that are a part of our society. Title IX is one such measure, and I am convinced that the congressional intent as it was interpreted until the Grove City College decision is what we meant. At any rate, it is what I meant, and it is what I believe is needed. As a lawyer, I find it regrettable that it appears we left this provision open to alternate interpretations. In light of this recent decision, it may be necessary for us to go back and rework all comparable antidiscrimination statutes. At this time, however, I reiterate my commitment to the purpose of title IX to eliminate discrimination in education on the basis of sex, thereby promoting equal opportunities for women throughout American society.

By Mr. DENTON (for himself, Mr. Boschwitz, Mr. Bradley, Mr. Burdick, Mr. Chiles, Mr. Cohen, Mr. Cranston, Mr. DeConcini, Mr. Dixon, Mr. East, Mr. Glenn, Mr. Gorton, Mr. Grassley, Mr. Hatch, Mrs. Hawkins, Mr. Heflin, Mr. Heinz, Mr. Helms, Mr. Humphrey, Mr. Inouye, Mr. Jepsen, Mr. Kasten, Mr. Laxalt, Mr. Levin, Mr. Lugar, Mr. McClure, Mr. Moynihan, Mr. Nickles, Mr. Pell, Mr. Pryor, Mr. Riegle, Mr. Symms, Mr. Tower, Mr. Tsongas, Mr. Warner, and Mr. Wilson):

S. 2413. A bill to recognize the organization known as the American Gold Star Mothers, Inc.; to the Committee on the Judiciary.

AMERICAN GOLD STAR MOTHERS, INC.

Mr. DENTON. Mr. President, I rise today to introduce legislation to grant the American Gold Star Mothers, Inc., a Federal charter, thereby providing the organization with the congressional recognition that it so well deserves.

The American Gold Star Mothers, Inc., was originally founded on June 4, 1928, by a group of 25 mothers residing in Washington, D.C., as a nondenominational, nonprofit, and nonpolitical national organization. On January 5, 1929, the organization was incorporated under the laws of the District of Columbia. The organization is composed of mothers whose sons or daughters served and died in the line of duty in the Armed Forces in World War I, World War II, the Korean conflict, Vietnam, and other strategic areas, or who died as a result of injuries received during such service. It is open for membership to all eligible women regardless of race, color, religion, or national origin.

The noble objectives of the organization include:

Maintaining the ties of fellowship born of service, and assisting and furthering all patriotic work;

Inculcating a sense of individual obligation to the community, State and Nation;

Assisting veterans of World War I, World War II, the Korean conflict, Vietnam, and other strategic areas and their dependents in the presentation of claims to the Veterans' Administration, and aiding in any way in their power, the men and women who served and died or were wounded or incapacitated during hostilities;

Perpetuating the memory of those whose lives were sacrificed in the line of duty;

Maintaining true allegiance to the United States of America;

Inculcating lessons of patriotism and love of country in the communities in which we live;

Inspiring respect for the Stars and Stripes in the youth of America;

Extending needed assistance to all Gold Star Mothers and, when possible, to their descendants; and

Promoting peace and good will for the United States and all other nations.

The organization has accomplished those objectives during the past 55 years through its total commitment to public service, a commitment that entails working with families to help adjust to a way of life without their loved ones and to providing many hours of volunteer work and personal service in all hospitals for veterans. The organization exemplifies a high level of patriotism in its efforts to protect the rights of mothers whose sons or daughters paid the ultimate price in defense of their country.

The success of the organization is shown by the activities of over 41 State networks with some 6,500 members nationally. In Alabama, the American Gold Star Mothers, Inc., has five chapters, in Birmingham, Bessemer, Gadsden, Mobile, and Tuscaloosa.

Mr. President, I believe that it would be appropriate for the Congress to grant a Federal charter to an organization that strives to promote the patriotic ideals of public service. The bill is currently cosponsored by 35 Members of this body and I urge my remaining colleagues to support the legislation.

I ask unanimous consent that the text of the bill as well as a list of the State chapters of the American Gold Star Mothers, Inc., appear in the Record immediately following my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

Section 1. American Gold Star Mothers, Incorporated, organized and incorporated under the laws of the District of Columbia, is hereby recognised as such and is granted a charter.

POWERS

SEC. 2. American Gold Star Mothers, Incorporated (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes for which the corporation is organised shall be those provided in its articles of incorporation.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State of States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State or States wherein it is incorporated.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(60) American Gold Star Mothers, Incorporated".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DIFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall expire.

AMERICAN GOLD STAR MOTHERS, INC.

ALABAMA

Bessemer
Birmingham
Gadsden
Mobile-Azalea
Tuscaloosa

ARIZONA

Phoenix
Tucson

ARKANSAS

Little Rock
Saline County

CALIFORNIA

Alameda
Bakersfield
Bell Gardens
Berkeley
Burbank
Butte County
Chino
Compton-Lynwood
Culver Palms
East Los Angeles-Montebello
Glendale
Hawthorne
Hemet-Romona
Home-Long Beach
Imperial Valley
Long Beach
Los Angeles-Highland Park
Marin
Millerton
Modesto
Oakland
Peninsula
Pomona Valley
Redlands
Richmond
Sacramento
San Bernardino
San Clemente
San Diego
San Joaquin
San Jose
Santa Ana
Santa Monica
South-East
Tri-City
Twenty-Nine Palms
Vallejo
Oxnard

COLORADO

Colorado Springs
Denver
Fort Collins
Grand Junction

CONNECTICUT

Bridgeport
Hartford
Housatonic Valley
New London
Torrington
Waterbury
Wepauwag

DELAWARE

Wilmington

FLORIDA

Emma Balcom, Clearwater
Brevard Melbourne
Broward County
Orlando
Fort Myers
Indian River
Lake Worth
Memorial-Bradenton
Miami
Sarasota
Tampa Bay
Victory
St. Petersburg
Volusia County
West Palm Beach
North Bevard County

GEORGIA

Atlanta
Cobb County
Dofe of Pease,
East Point
Savannah
Twin City-Columbus

ILLINOIS

Aurora
Belleville
Chicago
Coles County
Decatur
DuPage
Elgin
Greater Alton
Lake County
North Shore
Rock Island
Round Lake
Sangamon County
Vermillion
Winnebago

INDIANA

Allen County
Delaware County
Elkhart
Indianapolis
Lawrence
Madison
Peru
St. Joseph Valley
Tippecanoe
Wabash Valley

IOWA

Davis County
Esterville
Fort Dodge
Iowa
Muscatine
Waterloo

KANSAS

El Dorado
Pittsburg
Quivera
Wichita
Parsons

KENTUCKY

Kenton County

LOUISIANA

Alexandria
Lake Charles
Magnolia
New Orleans

MAINE

Androscoggin
Greater Portland
Kennabec
Old Town
Waterville

MARYLAND

Baltimore
Carroll County
Montgomery County
Tri State

MASSACHUSETTS

Arlington
Brockton
Brookline
Easthampton
Everett
Fall River
Fitchburg
Greater Lawrence
Holyoke
Lowell
Lynn
Middlesex

Milton
New Bedford
Newton
Quincy
South Boston
South Bridge
Springfield
Wakefield
Watertown
Westfield
Worcester

MICHIGAN

Battle Creek
Benton Harbor
Chippewa County
Clare
Delta
Detroit
Dick County Dickinson
Flint
Grand Haven
Grand Rapids
Jackson
Kalamazoo
Lansing
Macomb County
Marquette
Mason County
Midland
Muskegan
Oakland
Pontiac
Royal Oak
Saginaw
Wayne County
Wyandotte

MINNESOTA

Borderland
Stasca
Northside
Southside

MISSOURI

Moberly
St. Louis
Springfield

NEVADA

Desert-Las Vegas

NEW HAMPSHIRE

Granite State
Manchester
Nashau
Portsmouth

NEW JERSEY

Atlantic City County
Bayshore
Bloomfield
Burlington County
Camden County
Cape May
Cumberland
Elizabeth
Hudson City
Irvington
Kearney
Metuchan
Morris
Paterson
Somerset County
South Jersey
Trenton

NEW MEXICO

Albuquerque
Bernalillo
Sierra County
Silver City
Valencia County

NEW YORK

Albany
Broome County
Bronx
Buffalo
Clinton County
Flatbush
Fultonian
Geneva
Glendale
Glen Falls
Memorial
Nassau County
New Windsor
Niagara Frontier
North Forks
North Main
Pioneer
Poughkeepsie
J. F. Prince
Rensselaer County
J. V. Repetti
Richmond County
Rochester
Rome
Schenectady
South Buffalo
South Shore
Suffolk County
Tanawanda
Utica
Wayne County
Woodside
Yates County
Yonkers
Syracuse

NORTH CAROLINA

Buncombe County
Mecklenberg

OHIO

Cambridge
Clark County
Columbus
Elyria
Greene County
Hamilton County
Hancock
Knox County
Lawrence County
Licking County
Lima
Lorain
Mansfield
Marietta
Memorial
Ottawa County
Perry County
Remembrance
Toledo
Vinton County
Youngstown

OKLAHOMA

Enid
Kay County
Lawton
Logan County
Oklahoma City
Stephens County
Tulsa

OREGON

Central
Josephine County
Loyal
Medford
Memory
Roseburg
Salem
Tillamook County
Unity
Wasco County

PENNSYLVANIA

Adams
Allegheny County
Allentown
Beaver County
Bethlehem
Bucks
Butler
Chester
Coatsville Area
Conshacken
Fayette
Haselton-Memorial
Greater Johnstown
Greater Pitson
Greensburg Memorial
Harrisburg
Inter County Memorial
Lawrence County
North Penne
Philadelphia
Red Lion
Warren County
West Chester County

RHODE ISLAND

Woonsocket
Wampanaug

SOUTH CAROLINA

Palmetto
Pickens County
Rhodes

TEXAS

Amarillo
Big Springs
Dallas
Daytime
El Paso
Houston
Hunt County
San Antonio
Stephens County
Waco

UTAH

Cache County
Ogden
Salt Lake City

VERMONT

North County

VIRGINIA

Alexandria
Richmond
Roanoke

WASHINGTON

Beacon
Bremerton
Clark County
Evergreen
Gray Harbor
Seattle
Spokane
Tacoma
Wenatchee

WEST VIRGINIA

Marion County
Monogalia
Ohio Valley

WISCONSIN

Appleton
Brown County
Dane County
Eau Claire
Fond du Lac
Jonesville
Langlade County
Manitooloc
Marathon
Menasha-Neenah
Milwaukee
Oconto
Oshkosh
Racine
Stevens Point
Washington County

WYOMING

Cheyenne

DISTRICT OF COLUMBIA

Grace Darling Seibold

By Mr. TOWER (for himself and Mr. NUNN) (by request):

S. 2414. A bill to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes, to the Committee on Armed Services.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT

● Mr. TOWER. Mr. President, by request, for myself and the senior Senator from Georgia (Mr. NUNN), I introduce, for appropriate reference, a bill to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Authorization Act, 1985".

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement of aircraft, missiles, weapons, and tracked combat vehicles, and ammunition and for other procurement for the Army as follows:

For aircraft, $4,008,300,000.

For missiles, $3,442,400,000.

For weapons and tracked combat vehicles, $5,092,700,000.

For ammunition, $2,494,000,000.

For other procurement, $6,022,400,000.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement of aircraft, weapons (including missiles and torpedoes), shipbuilding and conversion, and other procurement for the Navy as follows:

For aircraft, $11,474,200,000.

For weapons (including missiles and torpedoes), $4,650,860,000.

For shipbuilding and conversion, $13,141,900,000.

For other procurement, $5,953,900,000.

(b) Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of $1,978,581,000.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. Funds are hereby authorized to be appropriated for fiscal year 1985 for procurement of aircraft and missiles and for other procurement for the Air Force as follows:

For aircraft, $28,676,500,000.

For missiles, $9,820,600,000.

For other procurement, $9,561,500,000.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

Sec. 105. Funds are hereby authorized to be appropriated for the Defense Agencies in the amount of $1,243,500,000.

CERTAIN AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

Sec. 106. Effective on October 1, 1984, section 103(c) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100) is amended by striking out "fiscal year 1984" both places it appears and inserting in lieu thereof "fiscal year 1985".

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

Sec. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for the use of the Armed Forces for research, development, test, and evaluation, in amounts as follows:

For the Army, $4,987,860,000.

For the Navy (including the Marine Corps), $9,833,576,000.

For the Air Force, $14,401,955,000.

For the Defense Agencies, $4,770,296,000, of which $62,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1985 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

TITLE III—OPERATION AND MAINTENANCE

Sec. 301. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for expense, not otherwise provided for, for operation and maintenance, in amounts as follows:

For the Army, $19,486,518,000.

For the Navy, $26,248,426,000.

For the Marine Corps, $1,683,069,000.

For the Air Force, $20,234,500,000.

For the Defense Agencies, $7,338,370,000.

For the Army Reserve, $715,450,000.

For the Naval Reserve, $829,531,000.

For the Marine Corps Reserve, $58,642,000.

For the Air Force Reserve, $883,461,000.

For the Army National Guard, $1,404,643,000.

For the Air National Guard, $1,862,148,000.

For the National Board for the Promotion of Rifle Practice, $914,000.

For Defense Claims, $177,900,000.

For the Court of Military Appeals, $3,470,000.

(b) There are authorized to be appropriated for fiscal year 1985, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a);

(2) for unbudgeted increases in fuel costs; and

(3) for increases as the result of inflation in the cost of activities authorized by subsection (a.)

TITLE IV—WORKING CAPITAL FUNDS

Sec. 401. Funds are hereby authorized to be appropriated for fiscal year 1985 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working-capital funds, in amounts as follows:

For the Army Stock Fund, $366,448,000.

For the Navy Stock Fund, $563,907,000.

For the Marine Corps Stock Fund, $34,908,000.

For the Air Force Stock Fund, $666,093,000.

For the Defense Stock Fund, $130,700,000.

TITLE IV—ACTIVE FORCES

Sec. 501. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1985, as follows:

(1) The Army, 780,000.

(2) The Navy, 575,300.

(3) The Marine Corps, 199,500.

(4) The Air Force, 610,200.

TITLE VI—RESERVE FORCES

AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

Sec. 601. For fiscal year 1985 the Selected Reserve of the reserve components of the Armed Forces shall be programmed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 440,100.

(2) The Army Reserve, 288,400.

(3) The Naval Reserve, 124,200.

(4) The Marine Corps Reserve, 44,300.

(5) The Air National Guard of the United States, 106,200.

(6) The Air Force Reserve, 72,900.

(7) The Coast Guard Reserve, 12,500.

(b) The average strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

Sec. 602. (a) Within the average strengths prescribed in section 601, the reserve components of the Armed Forces are authorized, as of September 30, 1985, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 26,583.

(2) The Army Reserve, 15,027.

(3) The Naval Reserve, 15,410.

(4) The Marine Corps Reserve, 1,129.

(5) The Air National Guard of the United States, 7,224.

(6) The Air Force Reserve, 623.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total end strengths prescribed.

INCREASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

Sec. 603. (a) The table in section 517(b) of title 10, United States Code, is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	517	156	87	9
E–8	2,295	381	455	74".

(b) The table in section 524(a) of such title is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or lieutenant commander	2,261	823	471	100
Lieutenant colonel or commander	1,121	520	293	50
Colonel or Navy captain	345	177	172	25".

(b) The amendments in subsections (a) and (b) take effect on October 1, 1984.

TITLE VII—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTH

Sec. 701. (a). The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1985, of 1,084,836.

(b) The strength for civilian personnel prescribed in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c)(1) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program.

(2) Personnel employed under a part-time career employment program established under section 3402 of title 5, United States Code, shall be counted as prescribed in section 3404 of that title. Personnel employed in an overseas area on a part-time basis under a nonpermanent local-hire, appointment who are dependents accompanying a Federal civilian employee or a member of a uniformed service on official assignment or tour of duty shall also be counted as prescribed in section 3404 of that title.

(3) Whenever a function, power or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense or from another department or agency within the Department of Defense, the civilian personnel end-strength authorized for such departments or agencies of the Department of Defense affected shall be ajusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, the Secretary of Defense may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 2 percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under this subsection.

TITLE VIII—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 801. (a) For fiscal year 1985, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 76,920.

(2) The Navy, 69,116.

(3) The Marine Corps, 21,186.

(4) The Air Force, 46,592.

(5) The Army National Guard of the United States, 18,338.

(6) The Army Reserve, 15,994.

(7) The Naval Reserve, 3,389.

(8) The Marine Corps Reserve, 3,941.

(9) The Air National Guard of the United States, 2,990.

(10) The Air Force Reserve, 2,099

(b) The average military student loads for the Army the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1985 shall be adjusted consistent with the manpower strengths authorized in titles, V, VI, and VIII of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

TITLE IX—GENERAL PROVISIONS

SELECTED ACQUISITION REPORTS AMENDMENTS

SEC. 901. (a) Section 139a of title 10, United States Code is amended—

(1) by striking out subsection (a)(1) and inserting in lieu thereof the following:

"(1) 'Major defense acquisition program' means a Department of Defense acquisition program that has a firm program baseline and cost estimate, that has received congressionally approved funding and a Department decision to proceed with full-scale engineering development, that is not a highly sensitive classified program (as determined by the Secretary of Defense) and—

"(A) that is designated by the Secretary of Defense as a major defense acquisition program; or

"(B) that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than $200,000,000 (based on fiscal year 1980 constant dollars) or an eventual total expenditure for procurement of more than $1,000,000,000 (based on fiscal year 1980 constant dollars).";

(2) by striking out "appropriated" the first two times it appears in subsection (a)(3);

(3) by inserting "in excess of $5,000,000" between "the program" and "in dollar amount." in subsection (a)(4);

(4) by striking out subsection (b)(2) and inserting in lieu thereof the following:

"(2) A status report on a major defense acquisition program need not be included in the Selected Acquisition Report for the second, third, or fourth quarter of a fiscal year if such a report was included in a previous Selected Acquisition Report for the fiscal year and during the period since that report there has been:

"(A) Less than a 5% change in total program costs; or

"(B) Less than a 5% change in program performance; or

"(C) Less than a six-month delay in any program schedule milestones.";

(5) by strking out subsection (f) and inserting in lieu thereof the following:

"(f) Each comprehensive annual Selected Acquisition Report shall be submitted within 60 days after the date on which the President transmits the Budget to Congress for the following fiscal year, and each Quarterly Selected Acquisition Report shall be submitted within 45 days after the end of the fiscal-year quarter."; and

(6) by adding the following subsection at the end thereof:

"(g) Reporting on this section shall apply to a major defense acquisition program until 90 percent of planned deliveries have been made or 90 percent of planned expenditures have been incurred.".

(b) The amendments made by this section shall take effect on January 1, 1985, and shall apply beginning with respect to reports for the first quarter of fiscal year 1985.

UNIT COST REPORT AMENDMENTS

SEC. 902. (a) Section 139b of title 10, United States Code, is amended—

(1) by striking out subection (a)(2) and inserting in lieu thereof the following:

"(2) 'Baseline Selected Acquisition Report', with respect to a unit cost report that is submitted under this section to the Secretary concerned on a major defense acquisition program, means the first comprehensive annual Selected Acquisition Report prepared subsequent to the award of the first production contract or the comprehensive annual Selected Acquisition Report for the fiscal year immediately before the fiscal year containing the quarter with respect to which the unit cost report is submitted, whichever is later.";

(2) by adding at the end of subsection (a) the following:

"(4) 'Baseline Report', with respect to a unit cost report that is submitted under this section to the Secretary concerned on a major defense acquisition program, means:

"(A) the Baseline Selected Acquisition Report when no report has been submitted under either subsection (e)(1) or (e)(2)(B)(ii) during the second, third, or fourth fiscal-year quarter of the preceding fiscal year; or

"(B) The unit cost report required by subsection (e)(2)(B)(ii) whenever submitted during the second, third, or fourth fiscal-year quarter of the preceding fiscal year; or

"(C) The unit cost report required by subsection (e)(1) whenever submitted during the second, third, or fourth fiscal-year quarter of the preceding fiscal year, and no report has been submitted under subsection (e)(2)(B)(ii) during the same three-quarter period.";

(3) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The program manager for a defense acquisition program that as of the end of a fiscal-year quarter is a major defense acquisition program (other than a program not required to be included in the Selected Acquisition Report for that quarter under Section 139a(b)(3) of this title) shall, after the end of each fiscal-year quarter, submit to the Secretary concerned a written report on the unit costs of the program. Each report for the first quarter of a fiscal year shall be submitted not more than 7 days after the date on which the President transmits the budget to Congress for the following fiscal year. Each report for all other quarters shall be submitted not more than 7 days after the end of that quarter. The program manager shall include in each such unit cost report the following information with respect to the program (as of the last day of the quarter for which the report is made):

"(1) The program acquisition unit cost in constant base-year dollars and in current dollars.

"(2) In the case of a procurement program, the procurement unit cost in constant base-year dollars and in current dollars.

"(3) Any cost variance or schedule variance in a major contract under the program since the Baseline Report was submitted.

"(4) any changes from program schedule milestones or program performances reflected in the Baseline Selected Acquisition Report that are known, expected, or anticipated by the program manager.";

(4) subsection (c) is amended by—

(A) striking out clauses (1) (A) and (B) and inserting in lieu thereof the following:

"(A) that the program acquisition unit cost expressed in constant base-year dollars for the program has increased by more than 15 percent over the program acquisition unit cost for the program as shown in the Baseline Report;".

"(B) in the case of a major defense acquisition program that is a procurement program, that the current procurement unit cost expressed in constant base-year dollars for the program has increased by more than 15 percent over the procurement unit cost for the program as reflected in the Baseline Report; or";

(B) striking out "of" in clause (2)(A) and inserting in lieu thereof: "expressed in constant base-year dollars for";

(C) inserting "expressed in constant base-year dollars" immediately before "for the program" in subsection (c)(2)(B);

(5) subsection (d) is amended—

(A) striking out clauses (1) and (2) and inserting in lieu thereof the following:

"(1) When a unit cost report is submitted to the Secretary concerned under this section with respect to a major defense acquisition program, the Secretary shall determine whether the current program acquisition unit cost expressed in constant base-year dollars for the program has increased by more than 15 percent, or by more than 25 percent, over the program acquisition unit cost for the program as shown in the Baseline Report.

"(2) When a unit cost report is submitted to the Secretary concerned under this section with respect to a major defense acquisition program that is a procurement program, the Secretary concerned shall, in addition to the determination under paragraph (1), determine whether the current procurement unit cost expressed in constant base-year dollars for the program has increased by more than 15 percent, or by more than 25 percent, over the procurement unit cost for the program as reflected in the Baseline Report.";

(B) by inserting immediately before "has increased" each time it appears in clause (3) the following: "expressed in constant base-year dollars";

(C) by striking out clause (3)(B) and inserting in lieu thereof the following:

"(B) except as provided in subsection (e), additional military construction; research, development, test, and evaluation; or procurement funds may not be obligated for acquisition contracts for the procurement of facilities, development prototypes, or hardware for such defense acquisition programs—

"(i) after the end of the 30-day period beginning on the day on which the Secretary makes such a determination, in the case of a percentage increase of more than 15 percent; or

"(ii) after the end of the 60-day period beginning on the day on which the Secretary makes such a determination, in the case of a percentage increase of more than 25 percent.";

(6) subsection (e) is amended—

(A) by inserting "(i)" immediately after "(d)(3)(B)"; by inserting "more than" immediately before "15 percent" and by striking out "(g)" and inserting in lieu thereof "(f)" in clause (1);

(B) by inserting "(ii)" immediately before "(d)(3)(B)" and by inserting "more than" immediately before "25 percent" in clause (2);

(C) by striking out clause (2)(A) and inserting in lieu thereof the following:

"(A) if the increase was due to termination or cancellation of the acquisition program or due to changes in the planned program as a result of congressional action, and the Secretary concerned submits to Congress, before the end of the 30-day period referred to in such subsection, a report containing the information described in subsection (f); or";

(D) by striking out "(g)" in clause (2)(B)(ii) and inserting in lieu thereof "(f)"; and

(E) by striking out clause (3) and inserting in lieu thereof the following:

"(3) The prohibition in subsection (d)(3)(B) on the obligation of funds for a major defense acquisition program shall cease to apply when the Secretary concerned submits the report as provided under subsection (e)(1) in the case of a determination of a more than 15 percent increase (as determined under subsection (d), or the Secretary concerned submits the report as provided under subsection (e)(1) and the Secretary of Defense submits the report as provided under subsection (e)(2)(B) in the case of a more than 25 percent increase (as determined under subsection (d).";

(7) by striking out subsection (f);

(8) by redesignating subsection (g) as subsection (f) and by amending subsection (f) as redesignated by this section—

(A) by striking out clause (I) and inserting in lieu thereof the following:

"(I) The type and date of the Baseline Report.";

(B) by striking out clause (K) and inserting in lieu thereof the following:

"(K) The current change and the total change, in dollars and expressed as a percentage, in the procurement unit cost, stated both in constant base-year dollars and in current dollars and the procurement unit cost for the succeeding fiscal year expressed in constant base-year dollars and in current year dollars."; and

(C) by inserting "or due to changes in the planned program as a result of congressional action" immediately after "the entire program" in clause (2);

(9) by adding the following subsection at the end thereof:

"(h) This section shall not apply to major defense acquisition programs until the first quarter of the fiscal year following the fiscal year in which the first production contract is awarded for the program.".

(b) The amendments made by this section shall take effect on January 1, 1985, and shall apply beginning with respect to reports for the first quarter of fiscal year 1985.

NAVY STOCK FUND CREDITS

SEC. 903. Notwithstanding the last sentence of section 2208(g) of title 10, United States Code, withdrawal credits may be issued to customer accounts in connection with the capitalization of aviation depot level repairable assets.

CONTINUED OPERATION BY THE SECRETARY OF DEFENSE OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM

SEC. 904. (a)(1) Sections 208 and 302, subsection (c) of section 202 and subsection (f) of section 401 of the Department of Education Organization Act (20 U.S.C. 3418, 3442, 3412(e) and 3461(f)) are repealed.

(2) Section 419(a) of such Act (20 U.S.C. 3478(a)) is amended—

(A) by striking out "(1)" after the subsection designation "(a)", and

(B) by striking out paragraph (2).

(3) Section 503(a) of such Act (20 U.S.C. 3503(a)) is amended—

(A) by striking out "(1)" after the subsection designation "(a)", and

(B) by striking out clause (2).

(4) The table of contents at the beginning of such Act is amended by striking out the items relating to sections 208 and 302.

(5) Section 414(b) of such Act (20 U.S.C. 3474(b)) is amended by striking out "302".

(6) Section 508(f) of such Act (5 U.S.C. 5316) is amended by striking out "(38) Administrator of Education for Overseas Dependents, Department of Education".

(b) The second sentence of section 1410(b) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 928(b)) is amended by striking out "The Secretary of Education, in consultation with the Secretary of Defense" and inserting in lieu thereof "The Secretary of Defense".

(c) Section 1402 of the Department of Defense Education Act of 1978 (20 U.S.C. 921) is amended by inserting the following new subsection:

"(c) The Secretary of Defense, in his discretion, may request the Secretary of Education to provide information, advice and technical support concerning educational programs and practices.".

(d) Section 1411(a) of the Department of Defense Education Act of 1978 (20 U.S.C. 929(a)) is amended to read as follows:

"(a) There is established in the Department of Defense an Advisory Council on Dependents' Education (hereinafter in this section referred to as the 'Council'). The Council shall be composed of—

"(1) the Assistant Secretary of Defense for Manpower, Installations, and Logistics (hereinafter in this section referred to as the 'Assistant Secretary'), who shall be the chairman of the Council;

"(2) twelve individuals appointed by the Assistant Secretary, who shall be individuals who have demonstrated an interest in the field of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, sponsors of students enrolled in the defense dependents' education system, and one student enrolled in such system.

"(3) representatives from overseas military commands and from educational institutions as designated by the Assistant Secretary; and

"(4) one individual appointed by the Secretary of Education.

"The Director shall be the Executive Secretary of the Council".

(e) Section 1411(b)(1) of such Act (20 U.S.C. 929(b)(1)) is amended by striking out "Secretary of Education" and inserting in lieu thereof "Assistant Secretary".

(f) Section 1411(c) of such Act (20 U.S.C. 929(c)) is amended—

"(1) by striking out "at least four times each year" and inserting in lieu thereof "not more than four times each year";

"(2) by striking out clause (2):

"(3) by redesignating clauses (3), (4), and (5) as clauses (2), (3), and (4), respectively; and

(4) by striking out "Secretary of Education" in clause (4) (as redesignated in clause (3) of this subsection) and inserting in lieu thereof "Assistant Secretary".

RECIPROCAL COMMUNICATIONS SUPPORT

SEC. 905. (a) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following:

§ 2401. Reciprocal communications support

"(a) The Secretary of Defense, subject to the concurrence of the Secretary of State, may enter into an agreement with the government of any allied country or with any international organization whereby the United States agrees to provide communications support and related supplies and services to such country or international organization in return for the reciprocal provision to the United States of an equivalent value of communications support and related supplies and services to such country or international organization.

"(b) Any agreement entered into under the authority of this section shall require that any accrued credits and liabilities resulting from an unequal exchange of communications support and related supplies and services during the term of such agreement shall be liquidated by direct payment to the party having provided the greater amount of communications support and related supplies and services. Payments received by the United States shall be credited to the appropriation or fund from which such communications support and related supplies and services have been provided.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

"2401. Reciprocal communications support.".

REPEAL OF PROHIBITION OF CONSOLIDATION OF FUNCTIONS OF MILITARY TRANSPORTATION COMMANDS

SEC. 906. Section 1110 of the Department of Defense Authorization Act, 1983, is repealed.

General Counsel of the
Department of Defense,
Washington, D.C., March 6, 1984.

Hon. George Bush,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is forwarded herewith legislation, "To authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes."

In accordance with section 1110 of title 31, United States Code, we are also submitting herewith, as separate legislation, a similar request for authorization of appropriations for fiscal year 1986.

These proposals are part of the Department of Defense legislative program for the 98th Congress and the Office of Management and Budget advises that enactment of these proposals would be in accord with the program of the President.

Title I provides procurement authorization for the military departments and for the Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal year 1985. It contains a provision that extends for fiscal year 1985 the authority to waive certain costs in connection with the NATO AWACS program.

Title II provides for the authorization of each of the research, development, test, and evaluation appropriations for the military departments and the Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal year 1985. The authorization contains a provision that authorizes the appropriation of funds that are necessary to cover increased pay costs and other employee benefits to preclude the necessity of submitting a request for supplemental authorization for such non-discretionary personnel costs.

Title III provides for authorization of the operation and maintenance appropriations of the military departments and the Defense Agencies in amounts equal to the budget authority included in the President's budget for fiscal year 1985. The authorization includes a provision that authorizes the appropriation of funds that are necessary to cover increased pay costs, unbudgeted increases in fuel costs, and inflation in the cost of activities covered by title III.

Title IV provides for the authorization of appropriations for the purpose of providing capital for working-capital funds of the military departments and the Defense in amounts equal to the budget authority included in the President's budget for fiscal year 1985.

Title V prescribes the end strengths for active duty personnel in each component of the armed forces as required by section 138(c)(1) of title 10, United States Code, in the numbers provided for by the budget authority and appropriations requested for these components for fiscal year 1985.

Title VI provides for average strengths of the Selected Reserve of each reserve component for the armed forces as required by section 138(b) of title 10, United States Code, in the numbers provided for by the budget authority and appropriations requested for the Department of Defense in the President's budget for fiscal year 1985. Title VI also prescribes the end strengths for reserve component members on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of administering the reserve forces and provides for an increase in the number of certain enlisted and commissioned personnel who may be serving on active duty in support of the reserve components.

Title VII provides for civilian personnel end strengths for the Department of Defense as required by section 138(c)(2) of title 10, United States Code, in a number equal to that provided by the budget authority in appropriations requested for the Department of Defense in the President's budget for fiscal year 1985.

Title VIII provides for the average military training student loads as required by section 138(d)(1) of title 10, United States Code, in the numbers provided for this purpose in the President's budget for fiscal year 1985.

Title IX consists of six general provisions. Section 901 amends section 139a of title 10, United States Code, relating to Selected Acquisition Reports. Section 902 amends section 139b of title 10, United States Code, relating to Unit Cost Reports. Section 903 authorizes the making of withdrawal credits in connection with the capitalization of aviation depot level repairable assets in the Navy Stock Fund. Section 904 amends parts of the Department of Education Organization Act relating to the transfer of the Defense Dependent's Education System to the Department of Education. Section 905 adds a new section 2401 to title 10, United States Code to authorize the provision of reciprocal communications support, supplies and services. Section 906 repeals section 1110 of the Department of Defense Authorization Act, 1983 which prohibits the consolidation of the functions of the military transportation commands.

Sincerely,

L. Niederlehner,
Acting General Counsel.

Enclosures.●

ADDITIONAL COSPONSORS

S. 555

At the request of Mr. Moynihan, the name of the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 555, a bill to stop the proliferation of "cop-killer" bullets.

S. 1504

At the request of Mr. Bentsen, the name of the Senator from Georgia (Mr. Nunn) was added as a cosponsor of S. 1504, a bill to provide for protection of historic shipwrecks, structures, and artifacts located on a seabed or in the subsoil of the lands beneath waters of the United States.

S. 1613

At the request of Mr. Trible, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1795

At the request of Mr. Moynihan, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 1795, a bill to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary foreign language instruction.

S. 1980

At the request of Mr. Murkowski, the names of the Senator from Florida (Mr. Chiles), the Senator from California (Mr. Cranston), the Senator from Oregon (Mr. Hatfield), the Senator from Wisconsin (Mr. Proxmire), the Senator from Florida (Mrs. Hawkins), the Senator from Minnesota (Mr. Durenberger), and the Senator from Indiana (Mr. Quayle) were added as cosponsors of S. 1980, a bill to recognize the organization known as the Polish Legion of American Veterans, U.S.A.

S. 1992

At the request of Mr. Chafee, the name of the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

S. 2115

At the request of Mr. Thurmond, the name of the Senator from North Carolina (Mr. Helms) was added as a cosponsor of S. 2115, a bill to amend provisions regarding the executive exchange program.

S. 2165

At the request of Mr. Danforth, the name of the Senator from Kentucky (Mr. Huddleston) was added as a cosponsor of S. 2165, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 2218

At the request of Mr. Dodd, the names of the Senator from New Jersey (Mr. Bradley), the Senator from South Carolina (Mr. Hollings), the Senator from Arkansas (Mr. Pryor), the Senator from West Virginia (Mr. Randolph), and the Senator from Kentucky (Mr. Huddleston) were added as cosponsors of S. 2218, a bill to continue in effect the certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for U.S. military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first.

S. 2232

At the request of Mr. Moynihan, the name of the Senator from Nebraska (Mr. Exon), was added as a cosponsor of S. 2232, a bill to amend the Internal Revenue Code of 1954 to limit the amount of depreciation, investment tax credit, and deductions allowable for luxury automobiles.

S. 2266

At the request of Mr. Cranston, the names of the Senator from Arkansas (Mr. Bumpers), the Senator from Minnesota (Mr. Durenberger), and the Senator from Maine (Mr. Mitchell) were added as cosponsors of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2292

At the request of Mr. Gorton, the name of the Senator from Wisconsin (Mr. Kasten) was added as a cosponsor of S. 2292, a bill to provide for continued access by the Federal Government to land remote sensing data from satellites, and for other purposes.

S. 2338

At the request of Mr. Heinz, the names of the Senator from Illinois (Mr. Percy), and the Senator from Arkansas (Mr. Pryor) were added as cosponsors of S. 2338, a bill to amend title XVIII of the Social Security Act to allow medicare coverage for home health services provided on a daily basis.

S. 2378

At the request of Mr. Abdnor, the names of the Senator from Nebraska (Mr. Exon), the Senator from Louisiana (Mr. Johnston), and the Senator from Florida (Mr. Chiles) were added as cosponsors of S. 2378, a bill to provide authorizations of appropriations for the impact aid program under Public Law 874 of the 81st Congress, and for other purposes.

SENATE JOINT RESOLUTION 29

At the request of Mr. Mathias, the name of the Senator from South Dakota (Mr. Pressler) was added as a cosponsor of Senate Joint Resolution 29, a joint resolution to prevent nuclear testing.

SENATE JOINT RESOLUTION 221

At the request of Mr. Weicker, the names of the Senator from Pennsylvania (Mr. Heinz), and the Senator from Rhode Island (Mr. Pell) were added as cosponsors of Senate Joint Resolution 221, a joint resolution to honor the contribution of blacks in the American Revolution.

SENATE JOINT RESOLUTION 229

At the request of Mr. Moynihan, the name of the Senator from Oklahoma (Mr. Nickles) was added as a cosponsor of Senate Joint Resolution 229, a joint resolution to proclaim the week beginning April 22, 1984, as "National Dance Week."

SENATE JOINT RESOLUTION 231

At the request of Mr. Dodd, the names of the Senator from Delaware (Mr. Biden), the Senator from Oklahoma (Mr. Boren), the Senator from Minnesota (Mr. Boschwitz), the Senator from New Jersey (Mr. Bradley), the Senator from California (Mr. Cranston), the Senator from New York (Mr. D'Amato), the Senator from Nevada (Mr. Hecht), the Senator from Kentucky (Mr. Huddleston), the Senator from Hawaii (Mr. Inouye), the Senator from New Jersey (Mr. Lautenberg), the Senator from Vermont (Mr. Leahy), the Senator from Indiana (Mr. Lugar), the Senator from Rhode Island (Mr. Pell), the Senator from Indiana (Mr. Quayle), the Senator from Tennessee (Mr. Sasser), and the Senator from California (Mr. Wilson) were added as cosponsors of Senate Joint Resolution 231, a joint resolution to provide for the awarding of a gold medal to Elie Wiesel in recognition of his humanitarian efforts and outstanding contributions to world literature and human rights.

SENATE JOINT RESOLUTION 241

At the request of Mr. D'Amato, the names of the Senator from Alaska (Mr. Stevens), and the Senator from Florida (Mrs. Hawkins) were added as cosponsors of Senate Joint Resolution 241, a joint resolution to authorize and request the President to issue a proclamation designating May 6 through May 13, 1984, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 242

At the request of Mr. Heinz, the name of the Senator from Arkansas (Mr. Pryor) was added as a cosponsor of Senate Joint Resolution 242, a joint resolution to designate May 12, 1984, as "National Hospital and Health Care Worker Day."

SENATE JOINT RESOLUTION 248

At the request of Mr. D'Amato, his name was added as a cosponsor of Senate Joint Resolution 248, a joint resolution designating August 21, 1984, as "Hawaii Statehood Silver Jubilee Day."

SENATE JOINT RESOLUTION 251

At the request of Mr. Armstrong, the names of the Senator from Alaska (Mr. Murkowski), the Senator from Georgia (Mr. Mattingly), and the Senator from California (Mr. Wilson) were added as cosponsors of Senate Joint Resolution 251, a joint resolution providing for the convening, whenever the legislatures of two additional States pass a resolution to hold such a convention, of a constitutional convention for the purpose of proposing an amendment relating to the balancing of the Federal budget.

SENATE JOINT RESOLUTION 252

At the request of Mrs. Hawkins, the name of the Senator from Alabama (Mr. Heflin) was added as a cosponsor of Senate Joint Resolution 252, a joint resolution to designate May 25, 1984, as "Missing Children Day."

SENATE JOINT RESOLUTION 256

At the request of Mr. Thurmond, the name of the Senator from California (Mr. Cranston) was added as a cosponsor of Senate Joint Resolution 256, a joint resolution designating March 21, 1984, as "National Single Parent Day."

SENATE RESOLUTION 74

At the request of Mr. Pell, the name of the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of Senate Resolution 74, a resolution expressing the sense of the Senate concerning the future of the people on Taiwan.

SENATE CONCURRENT RESOLUTION 97—GOALS AND CONDITIONS ON AID TO CENTRAL AMERICA

Mr. DURENBERGER (for himself, Mr. Inouye, and Mrs. Kassebaum) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 97

Whereas the Central American Democracy, Peace and Development Initiative Act of 1984 recognizes the need for a "consistent and coherent policy which includes a long-term commitment of both economic and military assistance";

Whereas the Act specifies that this policy should be designed "to support actively democracy, political reform and human rights; to promote equitable economic growth and development; to foster dialogue and negotiations to achieve peace based upon the objectives of democratization, reduction of armament, and end to subversion and the withdrawal of foreign forces and advisors; and to provide a security shield against violence and intimidation"; and

Whereas both Congress and the National Bipartisan Commission on Central America have recognized that our assistance must be made conditional on acceptable progress toward these goals in order to foster stability and reduce the potential for subversion: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should not furnish assistance authorized by the Central America Democracy, Peace and Development Initiative Act to any Central American country unless the furnishing of such assistance is specifically authorized by law.

Sec. 2. (a) For purposes of section 1, the phrase "specifically authorized by law" means an authorization contained in a joint resolution which—

(1) approves the obligation or expenditure of a certain amount of funds during the remainder of fiscal year 1984 or any six-month period thereafter;

(2) was considered in the House of Representatives and the Senate in accordance with subsection (b); and

(3) was enacted into law.

(b) The consideration of a joint resolution referred to in subsection (a) is a joint resolution accorded congressional priority procedures under section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 and which, when reported from committee or within 24 hours of being discharged from committee, is accompanied by a report from the appropriate committee which outlines past and anticipated progress in each of the recipient countries toward the goals set forth in title I of the Central America, Democracy Peace and Development Initiative Act, including—

(1) the particular plans developed by each recipient government in order to implement such goals;

(2) the committee's assessment of the likelihood that such goals can be accomplished and of extra-national factors that may constrain achievement of such goals;

(3) the plans of the United States Government, and the views of the executive branch, clearly identified as such, with respect to the long-range furnishing of assistance to each recipient country; and

(4) progress toward such goals as the committee may feel appropriate and progress toward—

(A) the establishment of unconditional discussions among various parties in dispute throughout Central America;

(B) the observance of free and regular elections;

(C) the curtailment of press censorship and other intrusions on the rights of free speech and assembly;

(D) the curtailment of hostile acts against neighboring countries;

(E) the establishment of an independent and functional judicial system;

(F) the curtailment of acts of violence and other abuses of human rights against citizens of the recipient countries; and

(G) the curtailment of capital flight, the implementation of agricultural reform, the curtailment of diversion of assistance funds, and other measures of economic stabilization.

SEC. 3. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. DURENBERGER. Mr. President, once again, Central America is at the top of our agenda. Once again, we face the same complex, challenging, and urgent set of questions with which we have been dealing, on and off, for the past few years.

We will take up this recurring question in the context of a dizzying array of events over the past few months. Since we last debated this issue, we have seen the filing of the report of the National Bipartisan Commission on Central America. We have seen massive military exercises undertaken in Honduras. We have seen detailed press accounts of operations which we still call covert. We have seen the continuing and sickening litany of atrocities which constitute daily political fare in El Salvador. We have seen the Marxist government of Nicaragua continue its consolidation, sharpen its rhetoric, and improve its methods of repression and subversion. And, most recently, we have seen the administration fail in its attempt to bypass congressional debate over additional funding.

Perhaps most importantly, Mr. President, we have seen over the past few years the failure of the certification process which we had hoped would both put teeth into the linkage between aid and performance and would as well permit Congress to be informed about events.

I am today submitting, along with Senators INOUYE and KASSEBAUM, a concurrent resolution which is designed to get our policy off the dime.

The essence of our resolution is to require that every 6 months, Congress take up the issue of our policy toward the entire region of Central America, and either approve or alter the funding requests contained in the Central America Democracy, Peace and Development Initiative Act of 1984.

It is our presumption that far too little is really known about the complexity of events in Central America, and that Congress has for too long simply been abrogating its responsibility to understand, oversee, and help shape our policy. The certification process on which we relied for so long was little more than an invitation to the President to check off some boxes every few months while the money went forward. We want to cure that.

Ours is neither a proadministration nor an antiadministration resolution. It is designed to bolster and support those policies which merit such support, and to alter or cut short those policies which fail. It is designed to let individual Members of Congress draw their own conclusions about our policy in Central America after a fair and full hearing. As one who has a longstanding familiarity with Central America, and as one who has generally been supportive of the overall policy aims of the administration, I feel confident that this resolution can do nothing except strengthen our efforts in Central America and provide the margin of confidence which will be needed if we are to implement the Central American Initiative.

The Kissinger Commission made abundantly clear that time is at a premium in Central America, a region caught in a race between repression and reform. We cannot afford business as usual. We need a policy, and we need some hope of success. Thus far, that policy has been unclear to many of us and the hope of success has dimmed as events have appeared to be moving toward stalemate.

As the Commission made abundantly clear, our only hope of success lies in fostering consistent, significant, and regular reform. If we fail in this, or if our efforts backfire regardless of how well intended, we have no hope of preventing both a period of major violence and an opportunity for the Soviets and Cubans to make our failure their gain.

This, of course, is why so many Senators have been concerned about conditioning our assistance on some tangible signs of progress, particularly with respect to human rights. Conditionality is a sensible approach to our overall policy, a point made as clear by the Vice President in his courageous remarks in San Salvador as by the Kissinger Commission itself.

But in the past, we have let our concern over conditionality become a debate over the device certification. In other words, we have confused a goal with an instrument. Moreover, I feel that we have allowed a complex set of issues involving many countries to become defined as a comparatively simple issue involving only one. By trying to define human rights in terms of specific criteria—and the list of criteria seems to grow longer every day—we lose sight of the larger issue. And by confining our attention only to El Salvador, we lose sight of the fact that El Salvador commands our attention primarily because it is one nation among several in a critical region. So in numerous respects, our attempts at implementing conditionality have been artificially narrow.

But there is a more serious problem with the certification approach. Simply put, this approach has been an invitation for Congress to step away from its responsibilities. As the device was crafted, it called for the filing of a set of "findings" on a regular basis by the President. Once those findings were filed, regardless of their content, money flowed more or less automatically. All that was involved was a Presidential "check-off" in the right boxes. Congress played virtually no role, except to comment without effect.

I strongly believe that the day-to-day direction of our foreign policy must be set by the executive branch through the President. We are often reminded that we cannot afford to have 535 extra Secretaries of State, and that is good advice.

But we cannot take this sensible advice to the extreme of saying that Congress has no role to play in foreign policy or that only the appointees in the executive branch have the requisite information and expertise. We have learned too hard and too well the hazards of that kind of deference.

Our foreign policy relies on the support of the public for its success. It was in recognition of this core reality that the Constitution vested oversight and funding authority in the Congress. And if the Congress chooses to abrogate its responsibilities—as it has done—our policy suffers.

If our policy is to succeed, it requires that the American people, and the Congress, draw informed conclusions from a thorough study of the issue. To do so requires debate. And debate is an active enterprise, not a passive reaction to the findings of others. We must each draw our own inferences from as wide an array of information as possible if we are to help foster and support the kind of long-range policy called for by the Kissinger Commission. We simply cannot afford to let others draw those inferences and conclusions for us, and we certainly cannot afford to view this complex but crucial issue through a narrow prism. We have got to begin the difficult task of developing a regional viewpoint. Nobody else can do that for us. We must do it ourselves.

In other words, I am concerned that we have failed in more than the constitutional responsibilities which might strike some as either abstruse or debatable. My concern is not simply academic. We have failed in our duty to help create and support policy as well. The losers will be both the people of this country and the people of Central America.

But having said this, let me add that we are not alone in the failure of this country to develop a regional policy which is more than simply the aggregation of several bilateral policies. We are not alone in the failure to make our policy clear to the people who must ultimately support it. We are not alone in the failure to provide to our policy the sense of vision and long-range plans called for by the National Bipartisan Commission.

There is plenty of blame to go around, and the administration cannot escape its share. I must question just how seriously the administration takes the call for a long-range policy of reform when it has yet to inundate the Congress with its lobbyists, as it did when it wanted to see adoption of the Scowcroft Commission recommendations. I must question whether the administration seeks a bipartisan policy, as called for by the Commission, when it resorts to the kind of ill-fated end runs which it attempted last week to its own chagrin and the chagrin of those who support it. I must question whether the administration understands just how much peril its plans face in this Congress.

So there is no gainsaying the fact that our policy in Central America faces a crucial test over the next few months. The test is two-fold. First, Congress has got to quit ducking the issue, relying on somebody else to do its job for it while it seeks the short-range benefits of criticism and headlines without the offsetting burden of responsibility. We can no longer just play to the gallery on this one. Second, the administration has simply got to come to grips with the fact that, like it or not, its policy is in serious trouble and it will succeed only to the extent that it begins to treat Congress as a partner rather than an irrelevant and noisome collection of amateurs. The sad fact is that, in Central America, we are all amateurs, for our policy toward this region has for nearly two centuries been one of neglect punctuated by periods of panic.

Very simply, our resolution would require that Congress, on a semi-annual basis, take up the entire issue of our regional policy and its progress. Every six months, Congress would be provided by the appropriate committees with a comprehensive report covering everything from the plans of nations which receive our aid to an assessment of those plans. While the resolution does specify some indicators which should be covered in the semi-annual report, it does not seek to limit the contents. In other words, we are asking the Foreign Relations Committee, in consultation with such other authorities as it might deem fit, to provide a regular and comprehensive look at exactly what is going on in Central America.

But our resolution does not stop with a report. It requires that after Congress has been provided with its semi-annual reports, it proceed to a debate on further funding for each of the recipient countries. This debate will culminate in a vote on a joint resolution authorizing expenditures for the next six months.

In other words, under the terms of our resolution, Congress will be compelled—for the first time—to debate Central America on a regular, consistent, and comprehensive basis. Members will no longer have the luxury of comment without effects or headlines without responsibility. Discussion will focus on more than one issue or one country. And the administration will no longer have the free ride which it has been getting because Congress has been unwilling or unable to meet its own responsibilities.

So, on balance, Mr. President, there is something in this bill for everybody. For Congress, there is the opportunity to take a regional look at a regional policy, and to do something about it. For the administration, there is the opportunity to see the issues debated in all their complexity, rather than constrained to whatever happens to be the latest headlines. And for the people of Central America, there is the opportunity to see the U.S. political system begin to treat this issue with the seriousness it deserves.

SENATE CONCURRENT RESOLUTION 98—COMMENDING THE STATUE OF LIBERTY-ELLIS ISLAND CENTENNIAL COMMISSION

Mr. QUAYLE (for himself, Mr. Bradley, Mr. D'Amato, Mr. Moynihan, and Mr. Lautenberg) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. Con. Res. 98

Whereas the Statue of Liberty is a symbol of freedom, hope, and opportunity around the world;

Whereas the Statue of Liberty welcomed millions of immigrants to a new land and a new home;

Whereas the Statue of Liberty, a gift from France, is a monument to the friendship between the peoples of France and the United States of America;

Whereas the Statue of Liberty has been ravaged by time and the elements and is in a serious state of disrepair;

Whereas the President has appointed a twenty-member commission to raise funds for the restoration and preservation of the Statue of Liberty and Ellis Island and to plan centennial celebration events for 1986;

Whereas a contribution of $1 from every American would meet the fundraising goals of the Commission; and

Whereas school children have been enthusiastic in supporting the fundraising campaign: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Statue of Liberty-Ellis Island Centennial Commission be commended for its efforts to fulfill the goals of restoring and preserving the Statue of Liberty and Ellis Island; establishing a lasting memorial to the immigrants who created America; planning and implementing centennial celebration events; developing plans to ensure continuing support of the Statue of Liberty-Ellis Island national monument after the centennial celebration; and raising $230,000,000 to accomplish these goals.

Sec. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the Statue of Liberty-Ellis Island Centennial Commission.

● Mr. QUAYLE. Mr. President, today I am submitting a concurrent resolution to commend the activities of the Statue of Liberty-Ellis Island Centennial Commission. Joining me as original cosponsors are Senator Bradley, Senator D'Amato, Senator Moynihan, Senator Lautenberg. The commission, headed by Lee Iacocca, is charged with specific goals in restoring, preserving, and commemorating the Statue of Liberty and Ellis Island.

The activities of the commission were brought to my attention by the principal of Cowan Elementary School in Muncie, Ind. The students at Cowan Elementary School have initiated a fundraising campaign to contribute to the Commission's efforts to preserve the Statue of Liberty. In a letter I received from Principal Michael L. Osha, I was made aware of the activities that the school will undertake to raise funds for the preservation of the Statue of Liberty. In the words of Mr. Osha:

> We are hopeful that in addition to participating in the fundraising, the youth of our school will be inspired to learn more about their ancestors and what they did to build our country.

This is a laudable goal, and one which I, for one Senator, would like to see emulated widely. Further in his letter, Mr. Osha requests that Congress encourage these efforts to preserve the symbols of our freedom and liberty. Today, I am responding to Mr.

Osha's request and introducing this commemorative resolution.

Mr. President, I ask unanimous consent that Mr. Osha's letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COWAN ELEMENTARY SCHOOL,
Muncie, Ind., January 6, 1984.

Senator J. DANFORTH QUAYLE,
Washington, D.C.

DEAR SENATOR QUAYLE: Our school would like to take this opportunity to inform you of a pilot project of one of the most unique undertakings in American History.

Cowan Elementary School has initiated a fund raising campaign, we feel one of the first schools in the State of Indiana, to help save the Statue of Liberty.

The most powerful symbol of our nation's liberty is in a serious state of disrepair.

In the weeks to come many activities will take place in our school to make a contribution to the Statue of Liberty Foundation.

We believe that young people of the United States should be involved in this patriotic project and are hopeful that in addition to participating in the fund raising, the youth of our school will be inspired to learn more about their ancestors and what they did to build our country.

Many schools across our Nation have already developed ideas and programs. We at Cowan Elementary are generating our own local programs and also have come up with ways to gain our community's financial support.

We are hopeful that students all over the State of Indiana will be able to participate in this worthy cause.

We would be grateful for your interest and hope you will encourage, perhaps by Congressional bill, others to become involved in helping the Statue of Liberty Foundation to restore and preserve this symbol of American greatness.

It is a fight to keep alive a symbol that, for nearly one hundred years, has given form and substance to one of the most powerful forces within man: the desire to be free.

Sincerely,

MICHAEL L. OSHA,
Principal.

Mr. QUAYLE. Mr. President, the formation of the Statue of Liberty-Ellis Island Centennial Commission was announced by President Reagan on May 18, 1982. The goals of the Commission are: First, to restore and preserve the Statue of Liberty and Ellis Island; second, establish a lasting memorial to the immigrants who created America; third, plan and implement centennial celebration events; fourth, develop plans to insure continuing support of the Statue of Liberty-Ellis Island National Monument after the centennial celebration and; fifth, raise $230 million to accomplish these tasks.

The Statue of Liberty was a gift from the people of France to the people of the United States. The statue, which cost $400,000 to build, was paid for by contributions from the French people. On July 4, 1884, the completed statue was presented to the American Ambassador by the people of France. Then, it was dismantled and shipped to America in the summer of 1885.

To build a pedestal for the statue and install it on what is now Liberty Island $270,000 was needed. This money was raised by Americans, and significant contributions came from America's schoolchildren. As Mr. Osha's letter indicates, once again America's schoolchildren are responding to the statue's needs by organizing fundraising events.

The Statue of Liberty today is in a sad state of disrepair, and unfortunately, the coffers of the U.S. Treasury do not have the millions to share that are necessary for its restoration. Instead, we must call upon the generosity and patriotic spirit of our citizens to fill this need.

The Statue of Liberty stands as a symbol of freedom and hope throughout the world. Millions of immigrants passed by the statue in search of new and better lives in a different land. Between 1892, when Ellis Island became the official entry point to America, and 1954, the year its doors closed, Ellis Island hosted more than 70 percent of the 24 million immigrants entering the United States. The tie between the Statue of Liberty and the immigration to our shores in search of freedom was immortalized by Emma Lazarus in her sonnet "the New Colossus." I am sure we are all familiar with the final lines:

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these the homeless, tempest-tost to me,
I lift my lamp beside the golden door.

The official name of the Statue of Liberty is "Liberty Enlightening the World." The light of freedom and independence must never be extinguished. To this effort the schoolchildren of Muncie have dedicated themselves in raising money to preserve our symbol of liberty. I commend them for it, and I commend the Commission for giving of their valuable time and experience in organizing this effort. I sincerely hope that millions of other Americans will follow the example of the Commission and the schoolchildren of Muncie, Ind. This would be a fitting tribute to the American spirit and our ideals of freedom and individual liberty.●

● Mr. BRADLEY. Mr. President, for the ancestors of nearly half of America, an upraised arm holding a torch was the first and deepest impression of this land of freedom, liberty, and opportunity. Few landmarks in this country more powerfully symbolize the foundation of our society. Majestically rising from New York Harbor, the Statue of Liberty represented a hope, a new beginning for the millions who escaped tyranny, persecution, and poverty in distant lands around the turn of the century. Sadly, the statue today stands ravaged by time and the elements. Nearly 100 years of exposure to salt air and climatic extremes has left the Statue of Liberty in a state of serious deterioration; her iron framework corroding, her copper skin literally eaten away. The U.S. first immigration building at Ellis Island which, until 1954, received the "huddled masses yearning to breathe free," sits crumbling, vandalized, and nearly forgotten.

In 1886, the people of France, through private contributions, raised $250,000 to construct and present the Statue of Liberty to the people of the United States. The American people provided another $270,000 to construct the statue's pedestal. To continue that tradition, a 20-member Commission has been established to raise the necessary $230 million through private contributions to renovate the statue and create a museum at Ellis Island. The concurrent resolution that is introduced today commends the efforts of the Statue of Liberty-Ellis Island Commission in working toward the restoration and preservation of these two national treasures. I believe that America will respond to this challenge and see to it that the flame that symbolizes liberty is never extinguished.●

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources for Wednesday, March 21, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building. This oversight hearing will be on the report of the Commission on Fair Market Value Policy for Federal Coal Leasing. Testimony will be received by Commissioner Linowes and the other members of the Commission.

For further information regarding this hearing, you may wish to contact Mr. Gary Ellsworth of the committee staff at 224-5304.

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. WEICKER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy Conservation and Supply to consider H.R. 3169, to amend the Energy Policy and Conservation Act to facilitate commerce by the domestic renewable energy industry and related service industries.

The hearing will be held on Thursday, March 22, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Conservation and Supply, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Tom Winn of the subcommittee staff at 224-4236.

SUBCOMMITTEE ON AGRICULTURAL CREDIT AND RURAL ELECTRIFICATION

Mrs. HAWKINS. Mr. President, as chairman of the Subcommittee on Agricultural Credit and Rural Electrification of the Committee on Agriculture, Nutrition, and Forestry, I wish to announce that a hearing has been scheduled on legislation to amend the Rural Electrification Act of 1936.

The hearing will be held on Tuesday, March 20, 1984, at 9:30 a.m. in room 328-A, Senate Russell Office Building.

For further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public field hearings before the Subcommittee on Energy and Mineral Resources.

On Tuesday, April 17, the subcommittee will hold an oversight hearing in Sparks, Nev., on geothermal power development in the Great Basin. The hearing will begin at 9 a.m. in the Sparks City Council Chambers, located at 431 Prater Way, Sparks, Nev. Those wishing to testify or who wish to submit written statements for the hearing record should contact either Mr. Bob Terrell or Mr. Roger Sindelar, Subcommmittee on Energy and Mineral Resources, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510, telephone: 202-224-5205; or Mr. Bill Farr, Office of Senator Hecht, 300 Booth Street, Suite 2014, Reno, Nev. 89502, telephone: 702-784-5007.

For further information regarding this hearing, please contact Mr. Terrell, Mr. Sindelar or Mr. Farr at the above-listed numbers.

On Wednesday, April 18, the subcommittee will hold an oversight hearing in Richlands, Va., on the implementation of the Surface Mining Control and Reclamation Act of 1977 in the Appalachian coal region. The hearing will begin at 9 a.m. in the Russell Hall Auditorium, of the Southwest Virginia Community College, located 10 miles south of Richlands, Va., on State Route 19. Those wishing to testify or who wish to submit written statements for the hearing record should contact Mr. Roger Sindelar, Subcommittee on Energy and Mineral Resources, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Witnesses should submit 25 copies of their written statements either to the subcommittee office by close of business on Monday, April 16 or at the hearing on April 18. The hearing record will be left open for 2 weeks after the day of the hearing for those unable to attend the hearing or who wish to submit additional comments for the hearing record. It is anticipated that, because of the subject of the hearing, a large number of witnesses may request the opportunity to appear publicly before the subcommittee; therefore, witnesses may be placed in panels and oral testimony may be limited in time.

For further information regarding this hearing, please contact Mr. Roger Sindelar at the above-listed number.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be deemed to have been authorized to meet during the session of the Senate on Monday, March 12, in order to receive testimony concerning S. 1841, National Productivity and Innovation Act of 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TACTICAL WARFARE

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Tactical Warfare, of the Committee on Armed Services, be deemed to have been authorized to meet during the session of the Senate on Monday, March 12, to receive a briefing on Air Force programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUTRITION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Nutrition, of the Committee on Agriculture, Nutrition, and Forestry, be deemed to have been authorized to meet during the session of the Senate on Monday, March 12, to hold a hearing to consider reauthorization of certain child nutrition programs and provisions of S. 1913.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HAWAII SILVER JUBILEE

● Mr. D'AMATO. Mr. President, it is with great pleasure that I join today as a cosponsor of Senate Joint Resolution 248, a joint resolution designating August 21, 1984, as "Hawaii Statehood Silver Jubilee Day."

In the 25 years since statehood was granted to Hawaii, this State has contributed mightily to the economic, defensive, and cultural vitality of our Nation. The people of "The Aloha State" stand as a proud example of Americans who fondly embrace their past, while boldly facing the challenges of the future.

Belying the natural scenic wonders that distinguish Hawaii as one of our most dramatically beautiful States is the vital role the State plays in our national defense. In a very real sense, Hawaii is the nerve center of our Nation's defense capabilities in the Pacific basin, typified by the Oahu headquarters of the CINCPAC command for all U.S. forces in the Pacific, Far East, and Southeast Asia. Over 120,000 military personnel and their dependents call this garden spot home, with principal command facilities representing all branches of the Armed Forces.

But the Hawaiian commitment to strong national defense cannot be measured by mere military facilities. The people of our Nation's 50th State have demonstrated admirable gallantry in fighting for the cause of freedom. Before statehood was granted the men of Hawaii fought bravely in World War II and the Korean conflict. During the Second World War, while racial prejudice wrought havoc with the populations of many States, the 442d Regimental Combat Team, comprised largely of second generation Americans of Japanese descent from Hawaii, became the most decorated outfit in the entire war. During the fighting in Korea, Hawaii bravely shouldered a large share of the manpower burden in the initial stages of the conflict. Hawaii suffered more military casualties per capita than any State in the Union.

In the postwar era, Hawaii has used an industrious approach to fashion a sizable and unique position in our Nation's economy. Considering the natural beauty of the islands, it is easy to understand why tourism contributes substantially to the State's economic propriety. Sugar and pineapple, those sweet commodities that all Americans find hard to resist, continue to function as profitable agricultural mainstays. As a major Federal defense center, the contribution of thousands of Government workers to the economic well-being of the State cannot be underestimated.

Yet Hawaii is far from exclusivly dependent upon traditional means to infuse vitality into its economy. Because it relies upon imported petroleum for its energy needs, Hawaii is one of the leading States in alternative energy research. Space-age satellite tracking and communication facilities bring modern technology to the island. Oceanographic research helps Hawaii better understand its natural surroundings and perfect new techniques in aquaculture.

Hawaii's contributions to our Nation's defense and economy, though very significant, do not compare with what I believe is the greatest contribution of "The Aloha State" to the American experience: Namely, the Hawaiian people.

The Hawaiian population represents a unique blend of youth and cultural diversity. More than half of the people are under 30 years old. No single racial or ethnic group constitutes more than 30 percent of the population. The result has been a multiracial society that can be admired for its harmony, assimilation, and desire to retain the benefits of a wide range of rich cultural histories.

This wonderful population has brought forth a number of outstanding American political figures in the 25 years of statehood. The determined and courageous efforts of John A. Burns, congressional delegate and second Governor of Hawaii, contributed mightily to the positive votes in Congress in favor of our 50th State. Current Governor George Ariyoshi is continuing the remarkable record of political longevity that typifies Hawaii as he serves his third term. And reference to the key figures of Hawaii would be incomplete without homage to the State's two current Senators, DANIEL INOUYE and SPARK MATSUNAGA, both of whom have played integral roles in 40 years of Hawaiian history.

Mr. President, it is proper for this Congress and the American people to take special note of August 21, 1984 as the 25th anniversary of statehood for Hawaii. But, in actuality, Senate Joint Resolution 248 does more than honor one State on an admission day. This resolution can also serve to remind all Americans of the rich diversity, sacrifice, achievement, and dedication that separates our Union from other national experiences.●

COCHITI LAND RESTORATION—S. 2403

● Mr. BINGAMAN. Mr. President, I join my distinguished colleague, Senator PETE DOMENICI, in support of legislation that would restore land known as the Santa Cruz tract, to the Pueblo of Cochiti. Congressman BILL RICHARDSON introduced corresponding legislation in the House, H.R. 3259 on June 8, 1983, and the House passed the bill by unanimous consent on November 7, 1983. I am pleased that the Senate will also have an opportunity to act on the measure and hearings are scheduled for March 29, 1984, to allow public comment.

I have deliberated long and hard on this matter and am persuaded that in this particular instance congressional action is justified. In the past, Congress has restored land to Indian tribes where extraordinary and unique circumstances exist to warrant such action. In this instance, there are compelling facts demonstrating a longstanding Pueblo interest in the land with minimum impact on third parties.

As my colleague, Senator DOMENICI, has detailed in his statement, the Pueblo of Cochiti recently discovered a document that represents a Spanish Colonial Court decree which voided a land sale to the Spaniard Cabeza de Baca who allegedly obtained the land from the Pueblo by fraudulent means. Thus, the Cochiti Pueblo arguably never lost ownership in this land due to the Spanish Court affirmation of their interest. Had the document been available at the time of the court proceedings which litigated the Pueblo's right to ownership of the Santa Cruz tract, the judgment could have come down on behalf of the Pueblo, and Congress present intervention a moot point. Another important fact is that during the 1930's the Santa Cruz tract was originally purchased for the Pueblo, but later diverted to become part of the Santa Fe National Forest. The land in question has been predominantly used for grazing and a detailed history will be developed at the hearing.

In addition, the impact on third parties has been greatly lessened by the patient and diligent efforts of the Pueblo to work out equitable arrangements with the grazing permittees who have rights to surface use. Accommodations are also made in the bill for protection of preexisting interests and legal rights such as easements, rights of way, memorandums of agreement, and water rights appurtenant to the land.

Overall, when the public's interest is weighed against the unique facts supporting the Pueblo's claim, I conclude that in this particular case the legislation even-handedly protects all those concerned. The Cochiti Pueblo has for centuries recognized the tract as their homeland and they attach great religious and cultural value to it.

The Senate by passing this legislation would be making long overdue restitution to the Pueblo of Cochiti and I am in agreement that this legislation is the most equitable solution.●

HONORING THE MEMBERS OF THE STATUE OF LIBERTY-ELLIS ISLAND COMMISSION

● Mr. D'AMATO. Mr. President, I rise today to join my distinguished colleague from Indiana in honoring the members of the Statue of Liberty-Ellis Island Commission. These individuals are undertaking the much needed renovation of the Statue of Liberty. This great statue, a symbol both of freedom and the close relationship between the peoples of France and the United States, has been neglected for far too long and is now in desperate need of repair. By raising funds from a wide and varied cross-section of Americans, this Commission is beginning that renovation.

The spirit of voluntarism and patriotism that these people exhibit is indeed worthy of the highest praise. Many immigrants whose forefathers' first stop in this country was Ellis Island are members of this Commission and are working on this project because of the gratitude they feel for the opportunity afforded their families. Many others are doing this to honor the values which the Statue of Liberty represents. Actions such as these should not go unnoticed, especially when those who take such action do not do so seeking a reward.

New Yorkers are often chided for the chauvinism with which they view their great city. When I read the inscription on that noble monument, I must confess that chauvinism wells strong within me. And when I think of those people who care as I do for this statue, I feel proud for them as well.

Mr. President, my fellow Senators, clearly this is an undertaking which deserves our highest commendations. I urge all of you to join me in supporting this measure and passing it swiftly.●

THE HERMETIC, MACHO WORLD OF TELEVISION NEWS

● Mr. MATTINGLY. Mr. President, I wish to draw the attention of my colleagues to Mr. Jonathan Yardley's "Prejudices" column as it appeared in the Washington Post on Monday, March 5, 1984.

Headlined "The Press and the Public: Polls Apart," Mr. Yardley's column offers a penetrating analysis of what he views as the real reasons for the increasing use of early election vote projections by television's network news organizations.

Mr. President, I am not at all certain it would be either possible or desirable for Congress to attempt to legislate such predictions out of existence. Clearly, however, there would be some benefits from a public discussion of the current popular practice for the networks to triumphantly forecast election winners before the polls have closed based on information gleaned from questioning a sampling of the electorate as they leave the voting booths.

Predictably, the television news organizations have responsed to such mild examination with much bluster about the public's "right to know" and they have trotted out the usual expressions of concern about "muzzling" the press. Mr. Yardley opines that stated network concerns about possible first amendment infringements posed by such legitimate public inquiry serve only to disguise the true purpose behind the use of such electoral prophesies—the passionate pursuit of ratings points and advertising profits.

Yardley Notes:

> In the hermetic, macho world of television news . . . competition is the name of the game. . . The vote projections exist not to inform us out there in the audience but to inflate the institutional egos of the network news organizations. . .

He continues.

> The vote projections masquerade as news, but they're really just another way for the press to tell itself how wonderful and how important it is.

Mr. President, having heard all three networks call my opponent the victor in our 1980 Senate race, I am in a unique position to offer testimony on the fallibility of such predictions. More importantly, and yet to be thoroughly examined, is the impact such vote projections have on the electoral process itself. I commend the perceptive article to all my colleagues. I ask that it be printed in the RECORD.

The article follows:

[From the Washington Post, Mar. 5, 1984]

THE PRESS AND THE PUBLIC: POLLS APART

(By Jonathan Yardley)

Persons who worry about the unpleasant odor currently clinging to the press will do well to give more than passing consideration to the minor controversy over "vote projections" on television news broadcasts. Though this does not seem to be a matter over which the public at large has become unduly exercised, it provides an especially revealing illustration of why the press is so widely regarded with suspicion and distaste.

Vote projections are those technological toys that have taken all the fun out of election night. In the good old days—and, hey, listen, they were good—people would huddle around the radio or television set for hours as the returns trickled in from hill-country Texas and downstate Illinois. The only way to determine the outcome of elections was, oddly enough, to count the votes; it was often a hard day's night before they were all in, but the suspense and camaraderie more than compensated for the long wait.

Now, thanks to entrance polls and exit polls and computerized analyses of voting patterns, we know what we've done before we've done it. Right around dinner time here comes Dan Rather, throbbing like a teen-ager in terminal heat, screeching that with 1 percent of the votes counted in Aroostock County, CBS News has projected that Maine will give 53 percent of its votes to Ronald McDonald. Since the nation goes as Maine goes, we can all turn the dial to reruns of "Gilligan's Island." Fun's over, folks.

But fun unfortunately is not the issue here. Among, politicians, there is widespread and genuine concern that the premature projection of winners and losers may discourage people from voting in areas where the polls are still open. Among members of the press, there should be—though apparently there is not—equally widespread and genuine concern that these projections are classic examples of the arrogant, self-serving behavior that has turned so many Americans, with ample reason, against those of us who bring the news.

It is the contention of various spokesmen for the networks specifically and the news business generally that any restriction on the reporting of vote projections would be an infringement of First Amendment "rights." The pertinent words in that amendment read as follows: "Congress shall make no law . . . abridging the freedom of speech, or of the press . . ." Nowhere in those words, no matter how liberally or irresponsibly they are read, is there the slightest suggestion that these freedoms include a "right" to equate vote projections with actual election returns and to broadcast (or publish) them as such.

Yet this is precisely what the networks do. The various caveats offered by the breathless anchormen and breathless reporters—"Now, remember, these are only projections!" "Get out and vote, America!"—are nothing except smokescreens. The networks know that in all but a handful of cases their projections will hold up, and they know that we know it. They deal out just enough cautionary mumbo jumbo to placate their critics on Capitol Hill, and then they put the numbers on the screen.

One of those critics is Timothy Wirth, a Democratic congressman from Colorado who has taken a particular interest in mass communications. After the New Hampshire primary he said that he thought the networks "were all very careful to qualify their estimates" in reporting the election last Tuesday night, which actually seems true only in comparison with their unseemly haste the previous week in reporting on the Iowa primary; to all intents and purposes, after all, they gave New Hampshire to Gary Hart before the cocktail hour was over, which isn't exactly blushing reticence.

Wirth said that the matter is not susceptible to congressional resolution ("You can't legislate good judgment") and then made an important point: "The issue is what public good is achieved by early predictions and how that balances off against the harm when early predictions discourage voters." This is the question that gives the networks difficulty, no doubt because they know full well that the "public good" is just about the last thing on their minds when they send forth these projections.

There's plenty of talk, to be sure from network mouthpieces and others about "the public's right to know," as if this somehow were sufficient justification for announcing news before it has actually happened. But that's merely another smokescreen. What the talk is really about is the "right" of the network news organizations to compete with each other; these vote projections have nothing to do with serious reporting and everything to do with each news organization's desire to put points on the board against the others.

In the hermetic, macho world of television news, competition is the name of the game: Competition for ratings points and audience shares, competition for "prestige," competition for the bragging rights to P.J. Clarke's and the Italian Pavillion. Such is the capacity of the human mind for folly that being first by 33 seconds with a vote projection can become crucial to "winning" this competition and thus enjoying the heady thrills of triumph. Make no mistake about it: Being first is the purpose of the vote projections; the "public good," the "public's right to know," the "public interest"—these lofty matters have nothing at all to do with the networks' reasons for broadcasting them.

There could not be a more clearcut example of the bizarre assumption that the medium delivering the news is of greater consequence than the news itself. The vote projections exist not to inform us out there in the audience but to inflate the institutional egos of the network news organizations—to prove that CBS is faster than NBC, that ABC has better graphics than CBS, that NBC has more skillful pollsters than ABC. It is a "philosophy" of journalism the essence of which is: Watch what we do, not what we report.

This narcissistic view, which is by no means limited to television news, has much to do with the public's hostility to and distrust of the press. What it says to the public is: You don't matter, we matter; your votes don't count, our votes count. The vote projections masquerade as news, but they're really just another way for the press to tell itself how wonderful and how important it is. Small wonder the public feels otherwise.●

COMMEMORATING THE 100TH ANNIVERSARY OF ST. FRANCIS COLLEGE

● **Mr. D'AMATO.** Mr. President, I rise today to recognize an outstanding institution of higher education: St. Francis College in Brooklyn Heights, N.Y. St. Francis, established in 1884, continues to serve as one of this Nation's strong educational institutions. On May 4, 1934, St. Francis College will celebrate its 100th anniversary. I join in their celebration of this and their many other achievements.

St. Francis College is an independent, nonresidential, coeducational institution that serves a diverse student population. It is due to the dedication and hard work of the congregation of the Religious Brothers of the Third Order Regular of St. Francis that so many students have acquired an education at, and benefited from, this unique institution. This undergraduate school combines a liberal educational philosophy with the practical concerns of the community it serves.

St. Francis College provides degree programs in the arts, sciences, and other professional fields. It is chartered by the State of New York and accredited by the Middle States Association of Colleges and Schools. Bachelors' and associates' degrees are awarded at St. Francis College. Graduates of St. Francis can be found in positions and occupations throughout this country. Alumni serve in banks, educational institutions, accounting firms, law offices, and hospitals.

The Centennial Charter Day Convocation on May, 4, 1984, will initiate a year of events to commemorate the 100th anniversary of this exceptional school. Throughout the years, St. Francis College has done an outstanding job in preparing students for the challenges of tomorrow. Therefore, Mr. President, it is appropriate that there be a special tribute paid to St. Francis College.●

LABOR STANDARDS FOR U.S. EMPLOYERS IN SOUTH AFRICA

● Mr. RIEGLE. Mr. President, I rise today to direct my colleagues' attention to a document prepared by the American Law Division of the Congressional Research Service. Those Senators who will meet in conference this week with Members of the House regarding the Export Administration Amendments Act of 1983 (H.R. 3231) will have a particular interest in this report.

Title III of H.R. 3231 includes a section setting forth labor standards for American companies in South Africa. These standards are derived from the Sullivan principles developed by the Reverend Leon Sullivan several years ago. The House Foreign Affairs Committee report accompanying H.R. 3231 notes that these labor standards "do not require a different or higher standard of behavior for U.S. employers in South Africa than required for U.S. employers in the United States." The report prepared by the American Law Division of CRS confirms this assertion. In fact, it states that "in virtually every respect, the requirements of the proposed bill appear to be weaker and more limited than the comparable requirements of U.S. law."

As the ranking Democrat on the Labor Subcommittee, I have a great interest in any labor standards enacted into law. I hope that before my colleagues go into conference on this legislation, they will have a few moments to review this report. Mr. President, I submit for the RECORD the CRS report entitled "Labor Standards for U.S. Employers in South Africa Under H.R. 3231, 98th Congress."

The report follows:

LABOR STANDARDS FOR U.S. EMPLOYERS IN SOUTH AFRICA UNDER H.R. 3231, 98TH CONGRESS

This report sets forth a review of the labor standards provisions of Title III of the proposed "Export Administration Amendments Act of 1983," as passed by the House of Representatives on October 31, 1983, H.R. 3231, 98th Cong., 1st Sess. (1983). Title III is individually captioned the "United States Policy Toward South Africa Act of 1983." This review focuses on the analysis prepared by Labor Policy Association, Inc., on January 30, 1984 entitled "Special Memorandum: XII-I, Re: Analysis of Title III of H.R. 3231—the Export Administration Amendments Act of 1983." (Reference will be made to the foregoing analysis as "LPA Analysis"; references to H.R. 3231 will be to "the bill" or "the proposed bill.")

It is stated by the LPA Analysis that the labor standards in Title III of H.R. 3231 are inconsistent with U.S. law and practice in several important respects. On the other hand, the House Foreign Affairs Committee report accompanying the bill stated that the labor standards principles would not require a different or higher standard of behavior for U.S. employers in South Africa than required for U.S. employers in the United States. H.R. Rep. No. 257, Pt. 1, 98th Cong., 1st Sess. 30 (1983). This specific points of contention are set forth in the remainder of this report.

1. Section 312(a)(1): Desegregation in Employment Facilities: It is noted in the LPA Analysis that there is no inconsistency between this section and U.S. law.

2. Section 312(a)(2): Equal Employment: The LPA Analysis notes that, in general, there is no inconsistency between this provision and U.S. law. It is stated, however, that section 312(a)(2)(A) differs from U.S. law "because it requires that any health, accident or death benefits be open to all employees, both salaried and hourly," and that under U.S. law distinctions may be based on salaried or hourly status.

The language of the bill actually provides that benefit plans must be "*nondiscriminatory* and open to all employees, whether they are paid a salary or are compensated on an hourly basis" (emphasis added.) Although U.S. law permits distinctions based on hourly or salaried status, such distinctions are *not* permitted here such status is accorded in a racially discriminatory manner. Under one U.S. discrimination case, for example, the employer granted paid vacation to salaried employees, all of whom were white, but granted no vacations to hourly employees, the great majority of whom were black. The court found that the employer had discriminated against the black hourly paid employees because of race. *Williams* v. *Yazoo Valley-Minter City Oil Mill*, 469 F. Supp. 37, 52 (N.D. Miss. 1979). The actual language used in H.R. 3231 appears to incorporate this doctrine by requiring nondiscriminatory benefit plans; distinctions based upon hourly salaried status would not be permitted if those distinctions were based upon race. The bill does not appear to bar *nondiscriminatory* distinctions based on hourly or salaried status.

3. Section 312(a)(3). Equal Pay for Equal or Comparable Work: The LPA Analysis states that this section, which requires equal pay for all employees doing equal or comparable work, is in direct conflict with U.S. law. Reference is made to the Equal Pay Act of 1963, to the Supreme Court's decision in *County of Washington* v. *Gunther*. 452 U.S. 161 (1981), and to the District Court's decision *ASFCME* v. *State of Washington* (D. Wash., Dec. 14, 1983). These cases, however, dealt with the question of pay classifications based on sex rather than race. Defendants had argued that the equal pay for equal work standard of the Equal Pay Act limited pay claims under Title VII. It was not contended that pay differentials based on intentional racial discrimination were involved.

Moreover, in *County of Washington* v. *Gunther*, the Supreme Court did hold that the prohibition of sex-based wage discrimination in Title VII of the Civil Right Act is not restricted to claims of equal pay for equal work, but extends to claims that lower wages were paid to females because of intentional sex discrimination, even though no member of the opposite sex held equal but higher paying jobs. In short, the Court held that Title VII prohibits an employer from paying lower wages to females in jobs that are comparable but not equal to jobs held by males, where part of that differential in pay is attributable to intentional sex discrimination. The sole issue resolved by the Court in *Gunther* was that failure to satisfy the "equal pay for equal work" standard of the Equal Pay Act (29 U.S.C. § 206(d)) could not in itself preclude a proceeding for discrimination under Title VII. In other words, an employer who intentionally paid women a lower wage for jobs which were comparable in worth to different jobs held by men would not violate the Equal Pay Act, since the jobs were not equal. That employer, however, would violate Title VII, which makes it unlawful for any employer to discriminate against any individual with respect to compensation because of sex (29 U.S.C. § 2000e-2).

The Court in *Gunther* did not deal with the claim of comparable worth, but did permit the claimants to attempt to prove by direct evidence that their wages had been depressed because of intentional discrimination "consisting of setting the wage scale for female guards, but not for male guards, at a level lower than its own survey of outside markets and the worth of the job warranted." 451 U.S. at 166.

In the light of this background, the principles embodied in the proposed bill appear to be consistent with U.S. law. The bill would require the employer to establish equal pay for all employees doing equal or comparable work. As the Supreme Court has indicated in *Gunther*, U.S. employers are barred by Title VII from discriminatorily establishing systems of unequal pay for work of equal or comparable worth. The proposed bill clearly indicates that its equal pay standard means equal pay without regard to race. The bill requires:

(A) establishing and implementing, as soon as possible, a wage and salary structure which is applied equally to all employees, *regardless of race*, who are engaged in equal or comparable work;

(B) reviewing the distinction between hourly and salaried job classifications, and establishing and implementing an equitable and unified system of job classifications which takes into account such review; and

(C) eliminating inequities in seniority and ingrade benefits so that all employees, *regardless of race*, who perform similar jobs are eligible for the same seniroity and ingrade benefits (emphasis added). Employers are thus required, under both existing U.S. law and under the proposed bill, to refrain from classifying or compensating employees in such a way that the differential in compensation for work of equal or comparable value is based upon the race of their employees.

It is further noted by the LPA Analysis that the bill "requires that employers review the distinction between hourly and salaried job classifications, and implement an equitable and unified system of job classification. This would result in government intervention in the evaluation and classification of employees which is directly contrary to the Equal Pay Act." As a full review of the proposed language indicates, the employer is required to develop a wage and salary structure "which is applied equally to all employees, regardless of race;" in addition, the employer must review the distinction between hourly and salaried employees and take that review into account in classifying jobs; and must eliminate inequities in seniority and ingrade benefits that are based on race. The obligation established by the bill would appear to be substantially the same as an employers obligation under U.S. law to refrain from practices which "discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment, because of such individual's race . . ." or which "limit, segregate, or classify his employees . . . in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race . . .". 29 U.S.C. § 20003-2(a).

In summary, it is unlawful under U.S. law, and would be unlawful under the proposed bill, for an employer intentionally to classify employees on an hourly and salaried on the basis of race; to establish discriminatory job classifications or to pay black employees at a lower wage scale than the worth of their jobs would warrant; or to maintain a seniority or ingrade benefits system that discriminates on the basis of race.

4. Section 312(a)(4): Minimum Wage Related to Cost of Living: The LPA Analysis states that H.R. 3231 "would require that minimum wage and salary structure be based upon a cost-of-living index".

It is clear that U.S. employers are subject to the statutory minimum wage established by the Fair Labor Standards Act of 1938. This minimum was initially set at 25 cents per hour in 1938 and has been gradually increased statutorily by Congress in successive amendments to its present rate of $3.35 per hour, effective January 1, 1981. 29 U.S.C. § 206(a)(1). The rate has been increased statutorily by Congress in response to increases in the cost-of-living index and the inflation rate, but has not been indexed to any rate.

The proposed bill adapts this principle to South Africa by requiring establishment of "a minimum wage and salary structure based on a cost-of-living index which takes into account the needs of employees and their families." (emphasis added). The bill does not mandate a specific minimum wage, as does U.S. law, and does not mandate periodic increases in such a rate. It does require employers to take employee needs into account in setting wages.

5. Section 312(a)(5): Increase in Representation of Blacks in White Collar Positions: Section 312(a)(5) mandates "increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs." The bill suggests several methods of accomplishing this goal, including training, recruiting, education, and time tables. It is stated by the LPA Analysis that this provision "exceeds U.S. law by requiring affirmative action in all circumstances."

It should be noted that the bill does not use the term "affirmative action" and does not impose numerical goals, percentage goals, or quotas. It should also be noted, moreover, that a substantial number of large U.S. corporations are subject to the affirmative action requirements of Executive Order 11246 in connection with government contract work.

6. Section 312(a)(6). Improve the Quality of Life Outside the Work Environment: This section, as noted in the House Report, does not correspond to U.S. labor law.

7. Section 312(a)(7): Recognition of Labor Unions and Implementation of Labor Practices: It is noted by the LPA Analysis that section 312(a)(7)(A), which establishes organizational rights, is virtually identical to the provisions of section 7 of the National Labor Relations Act (NLRA) (29 U.S.C. § 157). The Analysis also notes that the practices enumerated in section 312(a)(7)(B)(i)-(v) are nearly identical to the employer unfair labor practices found in section 8(a) of the NLRA (29 U.S.C. § 158(a)).

It is stated, however, that section 312(a)(7)(C) of the bill "represents a substantial departure from U.S. law" insofar as it permits reasonable access to employer premises by nonemployee union organizers. As the LPA Analysis itself notes, U.S. labor law does permit union access if there are no other "available channels of which will enable it to reach the employees through reasonable efforts." In *NLRB v. Babcock and Wilcox*, 351 U.S. 105, 112 (1956), the Supreme Court held that an employer may validly post his property against nonemployee distribution of union literature if reasonable efforts by the union through other available channels of communication will enable it to reach the employees with its message. . . ." The Court also stated that "when the inaccessability of employees makes ineffective the reasonable attemps by nonemployees to communicate with them through the usual channels, the right to exclude from property has been required to yield to the extent needed to permit communication of information on the right to organize. 351 U.S. at 172.

The language of the bill is therefore substantially similar to existing U.S. law as interpreted by the Supreme Court. The bill provides for reasonable access at reasonable times, while U.S. law permits the National Labor Relations Board to order access if no reasonable alternatives are available. The right of access by nonemployees to an employer's premises under the proposed bill is therefore subject to the requirement of reasonableness, just as under U.S. law. Although the provision is not found in the NLRA, it would appear to be consistent with the policy of the Act.

Moreover, the hearing record accompanying the proposed bill contains testimony supporting the need for reasonable access and noting the difficulty often encountered by workers in gaining access to representation information:

"These provisions . . . provide for avenues of communication which are an essential prerequisite to the realization of self-organization rights. These provisions of the Solarz bill are particularly important in a country like South Africa where access to black townships may be denied union organizers, thus making recruitment at the workers' homes particularly difficult, and emphasizing more the need for contact at the work place which is provided for by the Solarz bill. It has long been recognized in the West that communication at the work place is particularly important in connection with the right of workers to freely organize. This is especially true in South Africa."

Prepared Statement of William B. Gould, Professor of Law, Stanford Univ. Law School, in *U.S. Corporate Activities in South Africa*, Hearings and Markup before Subcomms. of Comm. on Foreign Affairs 146, 97th Cong., 2d Sess. (1982).

It is also stated that section 312(a)(7)(D) exceeds the requirements of the NLRA by demanding those covered take steps to insure "recognizing labor unions and implementing fair labor practices including . . . allowing employee representatives to meet with employer representatives during working hours without loss of pay for purposes of collective bargaining, negotiation of agreements, and representation of employee grievances."

Under the NLRA, payment of employees for time spent in serving as union representatives on matters directly relating to the bargaining unit is a mandatory subject of bargaining, as is the payment of wages for time spent in bargaining sessions by employee members of a union negotiating team. See *Fed. Reg. of Emp. Svc.* §§ 59.54 (1979). This means that a union may bargain to impasse and engage in concerted activity over such demands. Moreover, the NLRA expressly states in section 8(a)(2) "an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay." Thus, while official time for union representation is not expressly mandated by the NLRA, unions are permitted to strike to obtain that benefit, and employers are not penalized for granting it.

In the context of South Africa, moreover, the hearing record accompanying the proposed bill (set forth above) indicates that "communication at the work place is particularly important in connection with the right of workers to freely organize. This is especially true in South Africa."

The proposed bill, in section 312(a)(7)(E), provides for "regularly informing employees that it is company policy to consult and bargain collectively with organizations which are freely elected by the employees to represent them." It is objected that "there is no similar notification requirement under the NLRA absent a finding of an unfair labor." The LPA Analysis notes, however, that one of the conventional remedies ordered by the NLRB in unfair labor practice cases has been the requirement that the respondent post notice that it will cease and desist from the unfair labor practice in question. This type of notice, in response to an unfair labor practice finding, is only one of the many posting-of-notice requirements presently applicable to U.S. employers under existing labor and employment discrimination statutes. Employers must post notices of minimum wage, overtime, equal pay and child labor requirements under the Fair Labor Standards Act (29 C.F.R. § 516.4); safety and health requirements under the Occupational Safety and Health Act (29 U.S.C. § 657(c)(1)); nondiscrimination requirements under title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e-10); and age discrimination provisions (29 U.S.C. § 627).

Federal contractors must post notice under Executive Order 11246, (41 C.F.R. § 60-1.41); the Vietnam Veterans Readjustment Assistance Act of 1974 (41 C.F.R. § 250.4); the Rehabilitation Act of 1973 (41 C.F.R. § 60-741.3); the Davis-Bacon Act (40 U.S.C. § 276(a)); the Walsh-Healey Act (41 C.F.R. § 50-201.1); and the Service Contract Act of 1965 (29 C.F.R. § 4.6(e)). Most employers are also subject to state laws requiring posting of notice of workers compensation, unemployment insurance benefits, and other state labor laws.

In light of the wide variety of requirements imposed on U.S. companies by U.S. legislation, it may be argued that the notice-posting requirements imposed by the proposed bill do not appear to impose a higher standard than domestic law. Moreover, it may be noted that notification by affected employers is one of the few available means of communicating the relevant provisions U.S. laws to South African employees who otherwise may have little or no access to those provisions.

It is also stated in the LPA Analysis that the notification requirement "can be read as requiring continuous bargaining or consultation notwithstanding the terms of a collective bargaining agreement." It is difficult to see how this requirement could be read into the language of the bill, since the bill's language simply tracks the language of proposed section 312(a)(7) (B)(v), under which employers must refrain from "refusing to bargain collectively with any organization freely chosen by employees under this paragraph." This language in turn is based on section 8(a)(5) of the NLRA. 29 U.S.C. § 158(a)(5).

It is also stated that "the obligation to consult and bargain under section 312(a)(7)(E) "is with *all* 'organizations which are freely elected by employers to represent them.'" (emphasis in original). It should be noted that the underscored word "all" does not appear in language of the bill. The language of section 312(a)(7)(E) does not require bargaining with all organizations, but instead merely requires employers to "inform" employees that it is company policy to comply with the statutory requirements to consult and bargain collectively with elected employee representative organizations.

Finally, it is stated that section 312(a)(7)(F) of the bill would require that "employers and employee representatives select impartial persons to resolve election, grievance, negotiation or other disputes." It should be noted that the proposed language actually requires "utilizing impartial persons *mutually agreed upon* by employer and employee representatives to resolve disputes concerning election of representatives, negotiation of agreements or grievances arising thereunder, or any other matters arising under this paragraph." (Emphasis added).

As the underscored language indicates, the appointment of impartial persons to resolve disputes is subject to the consent of both parties. This impartial dispute resolution provision is clearly consensual process open to the parties as a substitute for international litigation under the enforcement provisions of the Act. The U.S. national labor policy with respect to grievance arbitration is set forth in section 203(d) of the Taft-Hartley Act:

"Final adjustment by a method agreed upon by the parties is hereby declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective-bargaining agreement." 29 U.S.C. § 173(d).

This policy is congruous with the requirement of the proposed bill to utilize neutrals mutually agreed upon by the parties to resolve disputes. The scope of the dispute resolution procedure proposed in the bill also includes representation and negotiation disputes, in view of the fact that the bill does not include the administrative and judicial enforcement mechanisms available under U.S. law.

In summary, a review of the labor standards established by Title III of H.R. 3231 permits the argument to be made that the bill does not require a different or higher standard of behavior for U.S. employers in South Africa than required for U.S. employers in the United States. As the foregoing discussion has indicated, each provision of the labor standards could be said to have a related provision in the U.S. law. The following requirements of the bill are found in U.S. law:

(A) Desegregation of employment facilities;

(B) Equal employment;

(C) Equal pay;

(D) Minimum wage;

(E) Increasing minority representation in higher jobs; and

(F) Labor union representation.

In virtually every respect, the requirements of the proposed bill appear to be weaker and more limited than the comparable requirements of U.S. law. The bill does not provide the elaborate administrative enforcement procedures available through the National Labor Relations Board, the Equal Employment Opportunity Commission, or the Department of Labor. While U.S. discrimination law covers age, sex, national origin, and religion, the provisions of the proposed bill are confined to discrimination on the basis of race. It can therefore be argued that, on balance the proposed bill would not impose a higher standard on U.S. employers in South Africa than on domestic employers.●

NATIONAL FOREIGN LANGUAGE WEEK

● Mr. DODD. Mr. President, March 4 through 10 was National Foreign Language Week. It is, therefore, in my judgment, entirely appropriate to review the merits of foreign language skills and the need to augment Federal support for foreign language study.

Several recent commissions, task forces, and education organizations have made indepth studies of the state of U.S. foreign language competency. These different groups have endeavored to determine the relation of foreign language competency and skills to education, the economy as well as our diplomatic and defense needs.

Some of their discoveries are quite alarming.

For example, only about 8 percent of colleges and universities require a background in foreign language for admission. In 1966, 34 percent of our institutions of higher learning did so.

While 4 years is generally considered the minimum in which to be considered competent in a foreign language, only 1 out of every 20 public high school students studied German, French, or Russian beyond the second year.

In addition, today, approximately 15 percent of American secondary students are enrolled in foreign language courses as compared to 24 percent in 1965. The situation is far different for our competitors and adversaries. In Japan, however, 80 percent of Japanese students take a foreign language beginning at age 12. And in the U.S.S.R., there are more teachers of English than there are students of Russian in the United States.

One area where the decline in formal foreign language training and skills has had a dramatic impact is international trade. It may be impossible to demonstrate a direct relationship between foreign language expertise and successful ventures in the marketplace. Many Japanese businessmen, nonetheless, attribute much of their marketing success in computers and electronics in the United States to their fluency in the English language and their related knowledge of American customs and consumer desires.

The United States, as we all know, is facing a trade deficit approaching $100 billion a year. It is ironic to note that this deficit comes at a time when American businessmen abroad are relying heavily upon individuals in the host country for language, contract, and other business and customer interpretation.

Chevrolet executives learned the hard way, for example, about the role foreign language familiarity can play in marketing. It seems that the company initially had some problems pushing auto sales of its Nova model in some Spanish-speaking countries. Some of these problems might have been alleviated, had it taken into consideration that Nova in Spanish means "it doesn't go."

The importance of foreign language skills is not limited to international business and marketing. Another area where these skills are of major significane is that of national security and foreign diplomacy.

Former Deputy Director of the CIA, Adm. Bobby Inman, recently stated, "The importance of adequate foreign language capability in the intelligence community cannot be overstated * * * the foreign language capability of our country is poor and getting worse."

Craig Wilson, Special Assistant for Intelligence and Human Resources to the Secretary of Defense, warned that only about half of the people assuming foreign language positions in the Defense Department actually possessed the necessary competence.

And, on a larger scale, the President's Commission on Foreign and International Studies in 1979 reported that " * * * the declining enrollments in our schools and colleges will lower the quality of new recruits for their (U.S. Government agencies) services and increase language training costs."

These are just a few examples that display the critical need for foreign language expertise. The United States is becoming increasingly dependent upon individuals who can relate and compete with their counterparts in other nations. Foreign language study, therefore, must be enhanced if we expect to fully insure national security and promote economic prosperity. The message to Congress is that we must acknowledge and accept our responsibility to intensify support for foreign language study at all levels of education.●

ABILITY IS AGELESS

● Mr. CHILES. Mr. President, Congress has proclaimed this week as "National Employ the Older Worker Week." I was very pleased to be a cosponsor of that resolution because I feel that one of America's most valuable resources is its senior citizens. Our older workers provide not only knowledge and skills to our work force but they also provide a fine example for our younger Americans.

The State of Florida's Department of Labor and Employment Security recognizes the very important role that older workers play in the work force. In connection with "National Employ the Older Worker Week," the department's division of labor, employment and training job service sponsored an employer seminar and in cooperation with Timex, the "You're Still Ticking Awards." The purposes of this seminar are twofold. First, job service of Florida's goal is to convince employers to hire older workers. Second, the "You're Still Ticking Awards" honor Florida's outstanding older workers. The 1984 nominees unquestionably show the benefits of hiring older workers.

There were six finalists in the competition:

Mr. Dennis Foley, 71 years old; employed by Bay Area Legal Services, Inc., New Port Richey, Fla.

Mrs. Marion Kendig, 76 years old; employed by Western Palm Beach County Mental Health Clinic, Inc., Belle Glade, Fla.

Mr. Paul Locke, 84 years old; employed by Crowder Bros. Hardware, Bradenton, Fla.

Mr. Dewey D. Gilbert, 83 years old; employed by Fort Myers News-Press, Fort Myers, Fla.

Mr. Edgar B. Hunt, 83 years old; employed by AARP Senior Community Service Employment Program, Naples, Fla.

Ms. Margaret "Peggy" Beshore, 79 years old; employed by East Central Florida Regional Planning Council/Area Agency on Aging, Winter Park, Fla.

On Saturday, March 9, 1984, this year's awards were presented. I want to ask my colleagues to join me in congratulating Ms. Margaret "Peggy" Beshore on being selected as the winner of the "You're Still Ticking Award." Ms. Beshore's not only ticking, but she is running full speed ahead. At age 77, Peggy left her position with the Christian Service Centers' Meals on Wheels program for elderly shutins to become what she calls "the mother hen" to a full staff of professionals in the field of aging. Ms. Beshore left a position she loved and was accustomed to, for work in a totally new area where she was desperately needed. I am sure that the staff at the area agency on aging would say that she is not only needed, but a true inspiration.

At age 79, she performs competently and exceptionally in her high pressure job as secretary to seven professionals. Always interested in growing as an individual and in learning new skills, Ms. Beshore is not attempting to master the center's computer system. With these new skills, Ms. Beshore is untiring in her efforts to provide whatever information and assistance she can to Seniors who call the agency for help.

I want to point out to my colleagues that the number of older workers in America is increasing every day. All of the older workers that I have mentioned above, as well as millions of others across our country, prove that "ability is ageless" and that our country's older persons are truly one of America's greatest national resources.●

THE DEATH PENALTY

● Mr. DODD. Mr. President, on February 22, the Senate passed S. 1765, authorizing the imposition of the death penalty for serious Federal crimes.

Whether or not capital punishment has a valid place in a humane system of justice is, of course, one of the most vexing questions of contemporary jurisprudence. Not surprisingly, the Senate debated the measure for several days in discussions that were far-ranging, thoughtful, and often intense.

A number of my colleagues who voted against S. 1765 argued vigorously and sincerely that there are no cases where society is justified in imposing the death penalty. I disagree. I believe that there are circumstances where ultimately this penalty is appropriate and that it is possible to craft a sound system of capital punishment for the most heinous of offenses.

I voted against S. 1765, however, on much narrower grounds. Frankly, Mr. President, I believe it is a poorly designed piece of legislation. Even were one to make the judgment that capital punishment can both effectively deter further crime and can be justly and humanely administered, this particular bill merited rejection.

In permitting the death penalty for serious crimes such as treason, espionage and attempted assassination, S. 1765 creates an anomaly: Society will take a life even where the criminal did not so himself. In addition, by permitting the death penalty where innocent lives were lost accidently as a result of crimes of arson or armed robbery, for example, S. 1765 admitted the possibility that the law would intentionally take the life of a lawbreaker who had never intended to do so himself. Finally, as the skillful questioning of the Senator from Michigan (Mr. LEVIN) revealed, the structure of the provisions dealing with mitigating and aggravating factors created a dangerous procedural bias in favor of capital punishment.

Those flaws were for me, Mr. President, fatal to any legal system rooted in the ideals of punishment proportionate to the crime and a presumption in favor of the dignity and worth of human life.

Whatever the answer to the larger questions surrounding capital punishment, Mr. President, this version of the death penalty should not become law.●

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Now, Mr. President, I believe the time for the transaction of routine morning business has expired, has it not?

The PRESIDING OFFICER. The majority leader is correct; morning business is now concluded.

VOLUNTARY SCHOOL PRAYER

The PRESIDING OFFICER. The clerk will now report the pending business.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 73) proposing an amendment to the Constitution of the United States relating to the voluntary school prayer.

The Senate proceeded to consider the joint resolution.

Mr. BAKER. Mr. President, I anticipate the Senator from Utah will have a statement to make. The Senator from Connecticut is on the floor. It does not seem likely that we will have a vote on an amendment today, but I am hopeful that we may be able to get an amendment up and maybe a vote on tomorrow. I hope to have a further announcement to make about that at a later time.

Mr. President, I yield the floor.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, I stand before the Senate today to voice my support for and commitment to passage of a constitutional amendment allowing children to pray in their classrooms.

It is a consensus that brings this Nation together. This country was founded on the belief in a Supreme Creator who has allowed us to mold the laws of the land and to benefit all rather than a few. It is this belief in God and a desire to do His will that has encouraged the lawmakers of this Nation, past and present, to make moral decisions.

As a nation we have, indeed, recognized the guidance of God. It is evident in our coinage where we so clearly read "In God We Trust." I am confident that when President Eisenhower suggested adding the words "under God" to our Pledge of Allegiance he recognized that our national greatness does not spring from our human institutions or that our Government acts "for God"—it acts "under God."

The great Frenchman, Alexis de Tocqueville, who came to America in the 1830's to study that noble experiment in freedom which had captured the imagination of men and women all over the world, summarized what he found in these words:

> I sought for greatness and genius of America in her commodius harbors and her ample rivers, and it was not there; in her fertile fields and boundless prairie, and it was not there; in her rich mines and vast commerce, and it was not there. Not until I went to the churches of America and heard her pulpits aflame with righteousness did I understand the secret of her genius and power. America is great because she is good, and if America ever ceases to be good, America will cease to be great.

Alexis de Tocqueville perceived where the power of this Nation lies. As long as we put our trust in God, this Nation will continue to be good and great.

The Founding Fathers came to this land to gain religious freedom, a right to worship in any place or at any time. The Constitution of the United States prohibits the establishing of an official religion, and also protects, in no uncertain terms, an individual's right to the free expression of religion. Allowing a child to pray in a classroom is not, in my judgment, establishing an official religion—it is simply allowing a child to exercise his or her religion freely. I certainly do not feel any child should be forced to pray, but I feel just as strongly that those children who wish to participate in prayer should have the right to do so.

In today's world, the schools have an enormous influence on a child's perception of what is right. Our children are our future and we cannot falter in our determination to provide the right atmosphere in which moral character can prosper. In our complicated society, children need prayer now more than ever.

The framers of the first amendment found strength in turning to God. This has had an overshadowing effect in the decisionmaking in America and has made us good and great. May the children of this Nation enjoy the same reassurance our forefathers did by participating in school prayer.

Mr. President, it is unfortunate we even have to have this debate. The right to free exercise of religious beliefs is clearly spelled out in the Constitution. It is time to clarify through congressional action that children have a fundamental right to pray in school. The American people deserve the opportunity to voice their opinion on this issue. When asked if school prayer should be allowed, I believe we will hear a resounding "yes" from every corner of the Nation. I urge my colleagues in the Senate to make the right decision and support the amendment to protect this freedom.

Mr. HATCH. Mr. President, I would like to outline for this body once more this Senator's perspective on why an amendment relating to voluntary school prayer would be appropriate for our Constitution. In my view, there are alternative lines of argument:

First, there is the constitutional argument that I detailed in my opening statement on March 5. This argument looks to the intentions of the framers of the first amendment, its ultimate text, and the historical understanding of this text. There can be no serious dispute, in my opinion, that analysis of these factors will lead to the conclusion that the Founding Fathers intended the religion clauses of the first amendment to prohibit religious preference by the Government, not religious expression. The "establishment clause" was plainly and simply directed toward the establishment of a national religion, toward the elevation of some religious views over other religious views. It was never intended to erect a "wall of separation" or any other kind of impregnable barrier between the state and expressions of religious values generally. This conclusion can be justified, in my opinion, by an examination of the debates of the Convention, analysis of alternative proposed texts of the first amendment, and by real-world practice under the first amendment for the 170 years of our Nation's history.

As I emphasized, however, last week, I am aware that the scrutiny of ancient legal documents, and the parsing of Supreme Court opinions, is not a persuasive means of analysis to every Member of this body. It is simply not terrible relevant to such individuals whether Engle and Abington were consistent with the intentions of the Founding Fathers if they established desirable public policy. Although I happen to believe that the process of constitutional change is often equally important to the substance of such change, I understand the concerns of those who want to focus this debate on school prayer, not on Engel, not on Abington, and not on the legislative history of the "establishment clause."

Proponents of a voluntary school prayer amendment have sometimes neglected to focus on the issue of school prayer as public policy. We have sometimes felt that our burden was satisfied by demonstrating what the Constitution was supposed to mean and how it has been altered by modern decisions of the Supreme Court. In so doing, I believe that we overlook the very real and genuine concern possessed by many individuals—many devout and reverent individuals—that times change, that our society has changed, that America is less religiously homogeneous than it used to be, and that, as a result, school prayer is simply a less appropriate public policy today than in times past. By this way of thinking, the Supreme Court in their school prayer decisions was simply reflecting deep and profound changes in the values and mores of American society.

Proponents of a voluntary prayer amendment do not ultimately make their case unless they are able to respond to this argument. Why is the authorization of voluntary school prayer a prudent and desirable public policy in the United States in 1984? Why will it continue for the foreseeable future, into the 21st century, as a wise public policy?

In responding to this argument, thoughtfully raised by a number of our colleagues on the floor during the past week, let me concede that our society is more heterogeneous from a religious point of view than it may once have been. The influx of new Americans from abroad bringing with them new religious beliefs, the domestic evolution of new religious doctrines, and the general history of change and development in America have all contributed to an America today more diverse and more disparate in its religious views than in the past.

That this is true, however, is not to say that there is any less of a commitment to religious values generally in our Nation today than in times past. Although I have no Gallup polls from the Revolutionary period or from 19th century America, I would guess that the number of Americans who possess a belief in a divine creator today, or who attend religious services on a somewhat regular basis today, compares favorably with figures which would have obtained during those periods. Although there is no consensus in this country in behalf of any single religious theory, or the words of any single prophet, or the ceremony of any single denomination, there is clearly a consensus in this country in behalf of the value of religious expression generally.

Those who criticize prayer proponents for relying upon public opinion polls to justify an amendment to the U.S. Constitution are misconstruing their argument. The value of public opinion polls is not to demonstrate the need for an amendment—we do not amend our Constitution by Gallup or Harris polls—but rather to provide an illustration of the overwhelming consensus that exists in this country in support of the value of religious expression. This Senator interprets the polls which demonstrate 80 percent support for a prayer amendment, not as an irrebuttable case in behalf of an amendment, but as evidence that the Supreme Court in Engle and Abington was not reflecting changing modern values. Those decisions did not simply provide expression for a change in American society that had already taken place; rather, they altered the longstanding meaning of the Constitution independment of any genuine evolution in social mores and values. In Engle and Abington, the Court adopted a radically new interpretation of the first amendment that sharply conflicted with the values of modern

America every bit as much as it conflicted with the values of revolutionary America.

Proponents of a prayer amendment, thus, are not calling for constitutional change because of what the opinion polls show; rather, they are rejecting the argument that the change effected by the Supreme Court was warranted because the values of the 18th century were not the values of the 20th century. In the area of religious belief and devotion to a Supreme Creator and reverence for one's maker, they were not substantially different. In the view that there is an obligation on the part of the Government to promote religious values generally, as opposed to particular religious doctrines, they were not substantially different. This precisely is what the public opinion polls show, not that a constitutional amendment is required.

Of course, Mr. President, value development is the responsibility of the family. That is true of a child's development in all areas. The schools are not a substitute for the family. To the extent that the public schools serve a role as an adjunct to the family—and they serve an important role in this regard—they were established to educate and acclimate the child in the knowledge and the values of his civilization and his culture. The legacy of his society is not merely a legacy of reading and arithmetic and use of computers; it is also a legacy of civilized conduct and behavior and, dare I say it, of public values.

The public values of our society—liberal, western, Judeo-Christian society—are good and important values. They are values that have brought about in the United States an unprecedented period of peace and freedom and liberty and prosperity amidst a world and amidst a history in which these are rare achievements indeed. A proper education for our young, a proper education enabling our future generations to protect and preserve this legacy, requires that they be schooled and educated in its values.

Because ours is a free society, its citizens are free to reject or to scorn these values—the importance of representative democracy, the contribution of constitutional government, the necessity of a religious foundation to the social fabric; they are free to attempt to establish new social values. They are not free, however, to topple the moral edifice of our civilization by forever establishing as public policy that society is to be disinterested in the values learned by its children or, indeed, disinterested in whether its children learn any values whatsoever. They are not free to force our civilization to slowly dissipate its inheritance by outlawing our educational institutions from transmitting its shared moral values.

Mr. President, our society can accommodate a great many things. If there are those who choose to reject any elements of our civilization, that is, within the limits of the law, their prerogative. If there are individuals who choose to reject prayer altogether or to reject public prayer, that is their prerogative and ought to be accommodated. We ought to be a tolerant and liberal and respecting society toward those whose views are not those of the majority. The only thing that, I believe, our society cannot and ought not accommodate is the idea that our educational institutions—the propagators of what our society stands for—ought to be mute and disinterested in communicating the values of our society to our children. I emphasize again that this is not the value of Catholicism or Anglicanism or Mormonism—it is the value that our liberties and our freedoms are natural liberties and freedoms and owe themsevles ultimately to an Almighty God. The schools cannot afford to be "neutral" in that regard.

Mr. President, George Washington stressed in his Farewell Address the inextricable relationship between an understanding of our religious heritage and a healthy, operating system of self-government. He understood that a broader education experience was necessary if our people were to be equipped in the task of citizenship. He understood that a proper education for such a role may well require more than learning to punch computer keys, translate foreign languages, and comprehend the workings of an atom; rather, such an education ought to include the building of integrity and a sense of honesty, inculcation of a sense of enduring values, and a willingness to serve one's country. Education, thus defined, includes preparation for the responsibilities of citizenship and is served, in my view, by an opportunity to ponder the source of our liberties as articulated by the Declaration of Independence—"we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and pursuit of happiness."

This understanding of the role of education in America was understood by those who wrote the Constitution, and who set forth the first amendment. It has animated our country until recent years. The evidence of the past two decades, in my opinion, suggests to me that it ought to be restored.

Mr. CHAFEE. Does the Chair have any objection to my now suggesting the absence of a quorum?

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EVANS). Without objection, it is so ordered.

Mr. HELMS. Mr. President, last week while the school prayer constitutional amendment was pending in the Senate, several compromise versions were floated for consideration. The efforts at compromise were made in order to bring this rather lengthy debate to a close and to increase the number of votes for the amendment.

At least two of the compromise versions were published in the CONGRESSIONAL RECORD. I think it is fair to say that, despite the good intentions of those involved—and they are my friends and colleagues whom I respect—the compromise versions merely weaken the President's original proposal. In most cases, they would fall far short of restoring enough freedom to the States to assure that the traditions and customs of voluntary prayer, which flourished in the United States for generations before the early 1960's, would be restored.

Mr. President, we should always bear in mind in this debate that what we are trying to do, what we have a duty to do, is restore freedom to the States—freedom that the Supreme Court wrongfully and unconstitutionally took away from them—so that the old and honorable practice of voluntary school prayer can take root once again. By this proposal, we want to leave the detailed rules governing this practice to the local authorities. That is where the responsibility lies. I certainly hope these authorities will themselves be guided by the best authority for the education of children, the parents of the children.

It is therefore, Mr. President, a serious mistake for those of us in Congress to try to write into the U.S. Constitution detailed prayer regulations for local public schools. What we should do—and must do—is get the Federal Government, especially the Federal courts, out of the business of governing school prayer and restore full freedom to the States and localities over this matter.

The framers of the Constitution knew two centuries ago that the Central Government should possess only limited and carefully specified powers, and the American people know today only too well that all wisdom certainly does not reside in Washington, D.C. On this prayer issue, as on so many other issues, we in Congress should genuinely trust the people and return to them the historical freedom they enjoyed before the advent of a usurping Federal judiciary. Sure, such freedom is subject to abuse—freedom is always risky in this sense—but whatever abuses do occur can be corrected better by local authorities than by the Federal Government. Nearly 208 years of American experience—intensified in recent years by increasing centralization of power in Washington, D.C.—surely has taught us nothing if not that.

In addition, Mr. President, it is important to remember that the Federal Government was not created by the States in the first place to be a general sovereignty. General sovereign powers were not relinquished by the States when they ratified the Constitution; they were carefully retained under the very terms of the document. As any careful reader of the Constitution knows, the Federal Government was given restricted and enumerated powers, and it was to be only a limited sovereignty.

Of course, it is true, Mr. President, that over the past 35 years Federal judges have, to a considerable extent, wrecked this careful design of the framers and destroyed many of the very rights and powers the States explicitly sought to retain. But simply because the Federal judiciary has dispensed with federalism and trampled on the rights of the States is no reason for Congress to do the same. On the contrary, it is our job and our duty to preserve, protect, and defend the Constitution and to restore it to its original and true meaning. And that is what we should be trying to do with this prayer amendment.

Mr. President, the difficulties in drafting a prayer amendment, both in the Judiciary Committee and here on the Senate floor, have mainly come from trying to fine-tune the amendment to solve all manner of potential problems that might arise in a classroom situation. The issue of State mandating specific prayers has come up, the issue of teacher-directed prayers has come up, and the issue of equal access for religious groups has come up, and so forth.

All these matters and more, Mr. President, should not be decided by Congress or the Supreme Court, or in the U.S. Constitution at all. They should be handled on a local level, by the local authorities, in accord with the customs and desires of the local community. Such an approach is the only one that is consistent with the design of our Constitution. Hence, the question this prayer amendment presents to the Senate is: Do we trust the American people enough to take the prayer issue out of the hands of Federal judges and return it once again to the local level? I certainly do, and I hope this Congress will agree.

Mr. President, in reviewing the principles of federalism that should be guiding our deliberations on the prayer constitutional amendment, the wisdom and prudence of solving this problem through a simple statute becomes all the more apparent. If the truth be known, the problem is not actually in the text of the Constitution. The text is fine, but it is the interpretation and use of the Constitution by lawless Federal judges which is fundamentally at issue. What we really need is not so much a change in the constitutional text but a limitation on the power of Federal judges. They are the ones who created the current problem, and it is in reform applied to them that the solution lies.

That is why Mr. President, irrespective of the outcome on this proposed constitutional amendment, modified or unmodified, compromised or uncompromised, I will continue to pursue my legislation to limit the jurisdiction of the Federal courts over cases involving school prayer. Given the many usurpations of Federal judges over so many years, on the prayer issue as well as other issues, the exercise by Congress of its article III powers to limit Federal court jurisdiction is the only practical hope of restoring the Constitution and preserving the rule of law.

Mr. President, with the fundamental principles of federalism in mind that I have discussed today, it is my strong hope that we will cease consideration of further modifications that amount to unnecessary national meddling in essentially local problems. It will serve no worthy purpose, Mr. President, to take the heart out of President Reagan's proposal at the 12th hour and then to vote on an ineffective amendment. Such an amendment would be meaningless, and a vote on it would likewise be meaningless. As I have said before, we can compromise on procedural tactics but never on fundamental principles. So let us stick with the language reported by the Judiciary Committee, minimize floor amendments, and vote the measure up or down.

If my distinguished colleague from Connecticut wants to continue his extended debate on this matter, he is entitled to do so. I hope the majority leader will give him as much time as he wants, including late nights and weekends if necessary. If a few all night sessions, are not enough for his speeches, then let the Senate, as it is entitled, invoke cloture.

But I am sure, Mr. President, that at some point we can and we will get to the merits of an effective prayer amendment. And when we do, the clerk will call the roll and we shall see where the votes are. And, more importantly, the American people will see where the votes are, and they can then adjust their own votes accordingly.

Mr. President, the time for compromise is over, and it is now time to begin to move toward a vote. This Senator hopes that the majority leader will apply the strong leadership of which he is so capable, and bring the President's amendment (S.J. Res. 73) to a vote.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. COCHRAN assumed the chair.)

Mr. CHAFEE. Mr. President, the legislation currently before us poses difficult questions. It touches upon three of our most deeply held national concerns.

First, it affects those closest to us—our children. We share a common concern for insuring the best possible learning environment for our Nation's young people. Second, it involves prayer—the most intensely private of all forms of expression. And third, it involves amending the Constitution of the United States—the carefully crafted and rarely revised document which has held our Nation together for over 200 years.

So it is fitting for the Senate to devote a substantial period of time for discussion of this issue. And it is doubtful that it can be resolved in a manner which will satisfy all the parties in this debate. Both sides in the school prayer debate include men and women who care a great deal about our children and their futures. Both sides include people who strongly believe that prayer is important. And both sides want the Constitution of the United States to permit freedom of religion without government establishment.

The complexity of this issue is attested to by the Senate Judiciary Committee's having reported the school prayer amendments without recommendation. Even after holding extensive hearings and lengthy discussion in this matter, the committee of jurisdiction was unable to reach a conclusion.

I believe there are two fundamental questions we must keep in mind while considering this proposal to amend the Constitution. Is this amendment necessary to correct some profound inequity in our society? And, would its effect be to reinforce traditional American values or to undermine them?

It is important at the outset to understand what is the status quo. Has voluntary school prayer really been prohibited by the U.S. Supreme Court from taking place in our schools? The proponents of this legislation contend it has and that it is necessary to amend the Constitution because the Court has outlawed prayer and "banished God from American classrooms."

But is this accurate? Children in schools throughout the United States today can pray whenever and however they wish. True prayer cannot be coerced—all true prayer is voluntary prayer. And with this right, not the Court nor the Congress nor anyone could interfere. What institution of Government is powerful enough to remove God from American classrooms? And what institution is powerful enough to put Him back in?

Voluntary prayer—prayer that originates from within—cannot be coerced. It needs no prescribed time or designated form. But voluntary prayer is not what the U.S. Supreme Court sought to prohibit in 1962 and 1963. And voluntary prayer is not what the proponents of this legislation are seeking today.

The Supreme Court has ruled that it is unconstitutional for prayer to be institutionalized. Government-sponsored prayer—the selection of prayers for group recitation in public schools—has been interpreted by the Court as a violation of the establishment clause, which holds that—

> Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof.

And so the supporters of this legislation—who believe the Court's interpretation of the first amendment is too narrow—would amend the Constitution to permit "individual or group prayer in public schools. Neither the United States nor any State shall compose the words of any prayer to be said in public schools." That is the end of the proposed amendment.

Now, I recognize there are revised versions being considered in sessions and strategy sessions and meetings. But so far this is what we have before us.

Amending the Constitution of the United States is serious business and it is not to be approached casually. Indeed, the Supreme Court was established as the primary interpreter of the Constitution in order to discourage random tinkering with its provisions. And this provision—which the Court has interpreted to prohibit Government-sponsored school prayer—did not find its way into the Constitution by accident.

Those who framed our Constitution sought to avoid the strife which had resulted from religious differences in Europe, and they were determined to prevent entanglements between church and state from weakening the new Nation. They knew that peoples of varying religious faiths could only live in harmony if the national government refused to confer favor on any single faith. This absence of religious coercion has permitted diversity to flourish and has enabled us to enjoy national unity in the midst of the most extraordinary diversity of backgrounds—religious, cultural, ethic, and national.

Antagonism to the Government establishment of religion played a central role in the founding of the State that I represent, Rhode Island. Roger Williams founded our State in 1636 with the commitment that there be a separation of church and state. And, indeed, that is why he fled from Massachusetts where there were Government-imposed strictures dealing with religious observance. And so when Roger Williams and others from our State sought a charter from King Charles II, they had embedded in that charter the following words, that there be founded in this new colony:

> A lively experiment, that a flourishing civil state may stand and be best maintained with full liberty in religious concernments.

I might say those were extraordinary words to have taken place in the 1600's. Here was a State that had no established religion, unlike Massachusetts where the Puritan religion was given official status, and unlike other States in which full religious liberty was not extended to all faiths.

And so these words were later incorporated into our State constitution, whose authors emphasized:

> We therefore declare that no man shall be compelled to frequent or to support any religious worship, place or ministry whatever, except in fulfillment of his own voluntary contract; nor enforced, restrained, molested or burdened in his body or goods—nor otherwise suffer on account of his religious belief; and that every man shall be free to worship God according to the dictates of his own conscience.

The first amendment built what Thomas Jefferson referred to as "a wall of separation between church and state." The supporters of this legislation before us I believe tamper with that barrier by permitting State or local governments to institute a program of sponsored prayer in public schools. This poses very serious difficulties, especially since the society we inhabit today is even more culturally diverse than the one inhabited by our country's founders. The amendment being proposed here today is a fundamentally antithetical to the establishment clause as was the case at the time of the Supreme Court rulings.

The fact that the amendment would not require students to participate in prayer activity does not lessen its coercive impact. Saying that classroom prayer is voluntary does not make it so.

Attendance at public schools is compulsory, we have to remember—about 90 percent of our children go to public schools. Few children can be expected to understand or to practice nonconformity to the extent of declining to join in an activity led by their teacher and in which their classmates participate.

The fact that the amendment would not permit Government to compose the words of prayers to be used for group recitation does not lessen Government involvement. The supporters of this legislation stress that once this amendment is added to the Constitution, young children will spontaneously reach a consensus about when, and how, and what to pray in school. But in practical terms, there will have to be Government intervention. Government—whether it be teachers hired by the Government or school administrators—will play a role in making these determinations. And that is what our Constitution wisely seeks to prohibit.

The amendment's specific protection for "group prayer" indicates that its supporters seek to permit a structured, organized prayer activity of some kind. But whose prayer? And what sort of activity? How will it be possible for Government to promote such an activity in our public schools without jeopardizing the rights of religious minorities? How can Government reach any consensus about what sort of prayer activity to sanction without coming perilously close to an establishment of religion?

Public schools exist to serve all children. I think we all agree that public schools have been a unifying force in our society by bringing together children of extraordinary different backgrounds.

Public schools must take seriously the religious integrity of each child entrusted to their care and should not establish any preferred form of religion for common observance.

The passage of this amendment could turn public schools—our great national unifiers—into religious battlegrounds, and further divide us as a people, which is the last thing we want. We could possibly find religious factions competing for the power to determine how our children should pray. Faculties, school boards, PTA's, local governments—the community leaders who should be directing their energies toward improving the level of academic achievement in American schools—could find themselves debating how to administer school prayer. This is not a debate which will result in better education, increased test scores, or improved attendance, or better discipline. And it certainly will not do much to increase support for public education. All it will do is accentuate our religious differences by allowing an official religious viewpoint to become established. And this is what the first amendment is meant to protect us from.

What constitutes prayer? What sort of prayer will be suitable for classroom recitation? When should the prayer be said? How should those not wishing to participate be treated? In the instance of school prayer, someone will have to make these determinations. And even after such determinations are ratified—by a majority of students or a majority of teachers or a majority on the school board or a majority on the town council—we still run the risk of failing to protect those who belong to religious minorities. Those whose beliefs form the majority in one region of the country often compromise the minority in other regions. And our Nation's greatest strength is its respect and protection for everyone's religious creed.

Institutionalized prayer poses a tremendous test of that strength. It will force the members of religious minorities to choose between conforming with the majority's form of religious observance, or conspicuously electing not to participate. In the case of young children, this is no choice at all. It will serve to isolate those whose beliefs differ from the majority. And this will not do much to improve the relationships between parents and teachers and school administrators, whose cooperation is more important now than ever.

In public schools with organized prayer activity, those children not in conformity would not be treated equally, even though they are citizens of equal status and their parents pay taxes equally to support public institutions. This is surely not the result which the supporters of this legislation desire, but it is the result we would all have to confront.

Supporters of a school prayer amendment have emphasized that its adoption will help to strengthen religion in our country. Some believe that in the 21 years since the Supreme Court rulings on school prayer, public schools have been the scene of increased delinquency, increased promiscuity, increased drug and alcohol abuse, and a general decline in moral values. I share this concern about strengthening the character and values of our young people. But I believe it is simplistic to attribute these problems to the lack of organized school prayer.

Our society has undergone many changes in the last 21 years over which the public schools have very little control—such as increased TV watching, a new permissiveness encouraged by the media, readier access to automobiles, more spendable income, an increase in single-parent families, and a greater number of households in which both parents work. All of these factors have contributed to the decline in national morals.

Adoption of a constitutional amendment to permit Government-sponsored prayer in public schools will not alter these developments.

Parents should endeavor to instill sound moral principles in their children—such as fairness, honesty, and respect for the rights and beliefs of others. They should strengthen the children's religious observance at home and in houses on worship. The testimony of the National Council of Churches of Christ before the Senate Judiciary Committee expressed the view that children's lives are transformed not by institutionalized prayer, "but by the models set for them in the conduct of their elders. And there is no need for a constitutional amendment to enable adults to set a moral and righteous example for their children. They can do it now."

A number of religious organizations have pointed out their opposition to the school prayer amendment, not only because it could be devisive and inadequate, but because it might actually be a setback for religion. In many places the group prayer selected for recitation in public schools will have to be diluted so that it can pass muster by the widest possible group. But such a prayer by committee—one made acceptable for secular use—could tend to trivialize prayer by reducing it to the lowest common denominator of religious expression. Many devout men and women have pointed out that such an all-purpose prayer is worse than no prayer at all.

Prayer is an intimate and sacred form of expression, and its content is extremely important to those who are saying it, those of different religious backgrounds. What those from the church that I belong to would feel is important to a prayer could be objected to, and rightly so, by those of another religious background, and vice versa.

Prayer it is not something which should be demeaned by being the subject of a political compromise in school districts throughout the Nation. Our children should learn that prayer is something important and special, not that prayer is mundane and worldly. And the best places to teach the value of prayer in our children's lives are in the home and the house of worship.

In interpreting Government-sponsored school prayer to be a violation of the first amendment, the Supreme Court has not removed prayer from the everyday lives of our children. It has simply affirmed that the responsibility for imparting religious values to young people lies with parents and the clergy, not with teachers or other school personnel.

When the Court rendered its decision in the case of Engle against Vitale in 1962, President Kennedy viewed the decision not as an affront, but as an opportunity. When asked to comment about the decision, he stated:

> The Supreme Court has made its judgment, and a good many people obviously will disagree with it. Others will agree with it. But I think that it is important for us if we are going to maintain our constitutional principle that we support the Supreme Court decisions even when we may not agree with them.
>
> In addition, we have in this case a very easy remedy and that is to pray ourselves. And I would think that it would be a welcome reminder to every American family that we can pray a good deal more at home, we can attend our churches with a good deal more fidelity, and we can make the true meaning of prayer much more important in the lives of all of our children. That power is very much open to us. And I would hope that as a result of this decision that all American parents will intensify their efforts at home, and the rest of us will support the Constitution and the responsibility of the Supreme Court in interpreting it, which is theirs, and given to them by the Constitution.

Mr. President, I believe this advice serves our Nation as well today as it did in 1962. Let us encourage all parents to take a more active interest in strengthening the moral character and values of American youth. And let us encourage teachers and school administrators to do all they can to improve the level of instruction and achievement in American schools.

So, Mr. President, it is my hope that careful thought will be given to these considerations and that my colleagues in the Senate will not adopt either the proposed amendment that is before us or other similar versions that are now being discussed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there are no more takers today to debate the prayer amendment, I think. I know of none. I ask unanimous consent there now be a period for the transaction of routine morning business until 4:45 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALCULATING MEDICARE COST REIMBURSEMENT RATES—THE HAVES AND HAVENOTS

Mr. DIXON. Mr. President, from time to time, I have stood before by colleagues in the Senate and brought to their attention particular problems afflicting my home State of Illinois. Unfortunately, the fact that Illinois is not getting a fair deal from the Federal Government is becoming an all too familiar refrain.

Recently, the Census Bureau released its 1982 Report on the Federal Balance of Payments; that is, the ratio of tax dollars that a State sends to

Washington versus what it gets back in Federal spending. Illinois ranked 51st, dead last among all 50 States and the District of Columbia. Now, once again, I rise to voice my concern about the economic hardship posed for hospitals in Illinois and 18 others States by the shift from the current hospital specific rate to a standard national rate for medicare reimbursements under the new prospective payment system.

The statute enacted by the Social Security Amendments of 1983 called for a 3-year phasein of the prospective payment system. At the end of the transition, hospitals will be reimbursed prospectively at a uniform rate intended to reflect the average cost nationwide of treating patients in each of over 400 diagnosis-related groups. While conceived as a cost-cutting measure, the use of a national rate unfairly discriminates against certain hospitals, yet provides a windfall to others.

For Illinois, this switch in the way the Department of Health and Human Services will calculate reimbursement rates means that 69 percent of the hospitals in my State will experience a shortfall, for a net loss of $172 million annually.

This is true for Illinois and many other States, mostly in the Midwest and Northeast, because hospitals in our States are predominantly urban, have a higher intensity of care, average longer stays by medicare patients, and have above-average operating costs. I am submitting for the Record, a list of the 19 States which lose under this new system.

Mr. President, this situation is just ludicrous. Further, this adds insult to injury. At a time when unemployment in Illinois stands at 9.5 percent, nearly 22 percent higher than the national average, Federal policy should not make a bad situation worse.

In a letter from me and my colleagues in the Northeast-Midwest Coalition, I have asked my friend from Kansas, the distinguished chairman of the Senate Finance Committee (Mr. Dole) to further review options for calculating reimbursements. It is laudable to cut costs, but we must do so in a manner which more closely reflects actual costs and which does not create such a glaring dichotomy between the haves and have-nots.

Mr. President, if there is anything around here deserving close scrutiny and a good, hard "second look," this one is it.

Mr. President, I ask unanimous consent to have printed in the Record immediately subsequent to my remarks an attachment sheet entitled "Impact of the National Reimbursement Rate for Medicare." It accurately reflects and supports the statement I made here.

There being no objection, the material was ordered to be printed in the Record, as follows:

IMPACT OF THE NATIONAL REIMBURSEMENT RATE FOR MEDICARE FOR HOSPITALS IN SELECTED STATES

[At end of transition period—dollars in millions]

	Percent of hospitals losing	Net dollar loss to hospitals
Delaware	100	$7
Illinois	69	172
Indiana	47	17
Maine	46	5
Maryland [1]	67	13
Massachusetts [1]	70	91
Michigan	58	29
Missouri	70	87
New Hampshire	54	2
Ohio	54	41
Wisconsin	55	42
		506
Alaska	27	1
California	63	210
District of Columbia	82	29
Kansas	52	16
Nebraska	33	7
Nevada	62	18
North Dakota	31	2
Texas	42	19
Wyoming	48	1

[1] These States currently have waivers from HCFA and so would not be affected for the duration of the waiver.

Note: Staff calculations based on data supplied by the Health Care Financing Administration (HCFA) to the California Hospitals Association. The net loss column represents the difference between the total projected bonuses and shortfalls for all hospitals in a State, under Medicare Prospective Payment System, relative to TEFRA.

THE CALENDAR

Mr. BAKER. Mr. President, I have a number of routine matters that have been cleared for action by unanimous consent on this side. I inquire of the minority leader if he is in a position to consider en bloc Calendar Orders No. 690 through 701 on today's calendar of business.

Mr. BYRD. Mr. President, I am happy to answer for the minority in the affirmative.

Mr. BAKER. Mr. President, I thank the minority leader.

I ask unanimous consent then that the items, Calendar Orders No. 690 through 701, be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL MEDAL OF FREEDOM TO BARNEY CLARK

The resolution (S. Res. 130) expressing the sense of the Senate that the President should award the Presidential Medal of Freedom to Barney Clark, to be presented to his family in his memory, was considered.

Mr. GORTON. Mr. President, I am deeply honored to rise in support of Senate Resolution 130, which asks that the Presidential Medal of Freedom be awarded posthumously to Dr. Barney Clark. I wish to thank my Senate colleagues who have joined me in this effort.

On March 23, 1983, the Nation, and indeed the world, was saddened to hear of the death of Dr. Barney Clark. Dr. Clark made medical history in his pioneering role as the first human recipient of an artificial heart. His brave fight for life spanned 112 days, providing medical experts with the vital data needed to explore and perfect this innovative technique. Perhaps equally important, Dr. Clark inspired us all with his selflessness, good humor, and incredible will to live.

Barney Clark took on the challenge of an artifical heart implant for the good of mankind. He demonstrated tremendous bravery and tenacity in his fight for survival. Dr Clark waged a daily battle against such tangible threats as infection, pneumonia, and seizures, while staving off depression and the frustration that came with the inevitable setbacks in any new technology.

Dr. Clark's courage in volunteering to assume the role which allowed this phenomenal technology to be analyzed and perfected establishes him as a pioneer in the development of modern medical techniques. He symbolized the culmination of the efforts of many, much as Dr. Jonas Salk symbolizes the efforts of many in developing the first successful poliomyelitis vaccine.

For this, Barney Clark and his family fully deserve the gratitude of the American people and the honor of the Presidential Medal of Freedom. We shall never forget this remarkable man and his contribution of medical science. I ask the full Senate to join me in saluting this man's singular courage and selflessness.

The resolution was agreed to.

The presumable was agreed to.

The resolution, and the preamble, are as follows:

S. Res. 130

Whereas Doctor Barney Clark made medical history by becoming the first human recipient of a permanent artificial heart;

Whereas the eyes of the Nation, and of the world, were focused for one hundred and twelve days on the progress he made in this medical adventure into the far reaches of science and medicine;

Whereas his courage in volunteering to assume the role which allowed this phenomenal technology to be analyzed and perfected established him as a pioneer in the development of modern medical techniques;

Whereas Doctor Clark demonstrated tremendous bravery and tenacity in a long fight for survival in one of the most outstanding medical achievements of our time; and

Whereas Doctor Clark fully deserves the acclaim of the American people and the Presidential Medal of Freedom: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should award the Presidential Medal of Freedom to Barney Clark, to be presented to his family in his memory.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL MENTAL HEALTH COUNSELORS WEEK

The joint resolution (S.J. Res. 203) designating the week beginning April 8, 1984, as "National Mental Health Counselors Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. Res. 203

Whereas mental health counselors work in a specialized field of counseling which emphasizes the developmental and adjustive nature of mental health services;

Whereas mental health counselors utilize individual and group counseling techniques oriented toward assisting individuals with methods of problem solving, personal and social development decisionmaking, and the complex process of developing self-understanding and making life decisions;

Whereas mental health counselors work in conjunction with other helping professionals, such as psychiatrists, psychologists, and social workers to determine the most appropriate counseling for each client;

Whereas mental health counselors work in psychiatric hospitals, community mental health agencies, private clinics, college campuses, rehabilitation centers, and private practice providing almost 50 per centum of direct delivery of mental health services;

Whereas mental health counselors are individuals upon whom, by virtue of their education and extensive training, have been conferred masters or doctors of philosophy degrees in mental health counseling or community mental health counseling, or similar degree titles having a focus on mental health; and

Whereas mental health counselors, after having earned such degrees, have performed at least two years of supervised clinical counseling, and are licensed or certified as such in the State of their residence, or are certified by the National Academy of Certified Clinical Mental Health Counselors: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 8, 1984, is designated "National Mental Health Counselors Week". The President is requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

YEAR OF EXCELLENCE IN EDUCATION

The joint resolution (S.J. Res. 210) to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education" was considered.

Mr. TRIBLE. Mr. President, the resolution before us designates 1984 as the "Year of Excellence in Education." I can think of no more important determination.

The findings of the National Commission on Excellence in Education provided us with unassailable evidence that we must make a concerted effort to improve our schools.

Americans are now aware that our future as a nation, our economic well-being, the character of our citizens depends on our educational system. If we are to prosper, if we are to foster our common bonds as citizens, if we are to maintain our technological leadership, we must demand the best for our schools.

It would be my hope that this resolution would sustain the national debate on improving educational quality. The challenge before us is to identify reforms which serve the national interest, reforms that will be adopted by State and local officials.

The Federal Government cannot and should not impose new educational strategies on the States or localities. Time and again we have seen Federal reform efforts flounder because they failed to address local needs adequately. In this matter, self restraint is a virtue as we seek to build on the diversity of our society.

Our national examination of the paths to educational excellence must involve all levels of Government. We must identify our goals clearly and agree on appropriate division of responsibility.

We must take advantage of the vast experience and talent available to us throughout the Nation. We should look to school boards, teachers, and principals, who best understand the specific requirements of their communities and their students, and we must utilize their knowledge.

And we must actively involve parents. No true improvement can take place without their wholehearted support. Their example is the best teacher. The expectations created by parents and the values instilled by them are the major determinants of how children will fare in schools and in life.

Along with efforts to implement new strategies that encourage academic achievement, we must devise new incentives to recruit and retain excellent teachers for our schools. It is one of our most noble—and undervalued—professions, and we must seek ways to reward personal ability and professional competence. Those in the classroom must be recognized for their contributions to our society.

In my State of Virginia, there have been notable developments. My alma mater, Hampden-Sydney College in Virginia, has instituted a private program to provide interest-free loans and scholarship grants to students who commit themselves to a career in public school teaching. After 2 or 3 years of teaching, the loans made by the college would be entirely forgiven. This is precisely the kind of initiative that ought to be emulated throughout the country.

In addition, in West Point, Va., the Chesapeake Corp., has formed a partnership with the West Point public schools to provide an engineer to teach math and science in exchange for the use of the schools' facilities and personnel. Chesapeake Corp. employees will be able to participate in a physical fitness program and adult education courses provided by West Point schools.

Mr. President, there can be no civilized life without trained intelligence. American education must seek to cultivate this trained intelligence as it affirms the power of the past and the promise of the future.

The resolution designating 1984 as the "Year of Excellence in Education" is the first step toward restoring American education to its traditional preeminence. As individuals, we must endeavor to nurture love of learning, respect for authority, and the will to achieve at home. As a society, our goal must be motivated and disciplined students and enthusiastic and dedicated teachers. For only by realizing these values can we be assured of a strong nation in the 21st century.

Mr. President, I want to thank the distinguished chairman of the Judiciary Committee, Senator THURMOND, for his work on behalf of the resolution. He was the first cosponsor, and I know of no one in the Senate who has a deeper concern for educational excellence.

I also express my gratitude to my 37 other colleagues who joined me in cosponsoring this expression of congressional commitment.

Mr. WARNER. Mr. President, as a cosponsor with my colleague from Virginia (Mr. TRIBLE) of this resolution to designate 1984 as the "Year of Excellence in Education," I want to congratulate him for bringing this legislation before the Senate.

We hope this joint resolution will cause all levels of government and the American people to focus their attention on positive, appropriate, and exciting innovative ideas to improve and strengthen education.

Our Nation will endure as long as we remain free. A nation that continues to provide excellent educational opportunity for all its people will have no trouble maintaining freedom.

I hope we will take this opportunity to find fitting answers in our search for excellence and not spend our time finding fault.

We cannot let this opportunity pass. Americans are ready to improve our educational opportunities, our children deserve the best; let us all work together to provide the answers.

Mr. SYMMS. Mr. President, I am pleased to lend my active support to the resolution sponsored by Mr. TRIBLE, Senate Joint Resolution 210, designating January 1 through December 31, 1984 as the "Year of Excellence in Education."

The 1983 report by the National Commission on Excellence in Education, "A Nation at Risk," defined the condition of our educational system. Education has always been an issue of concern to American people because it touches almost everyone. But, an increased national concern has been focused by the Commission's report.

Certainly it is to our Nation's advantage to have a strong educational system that prepares young people for the challenges awaiting them. The changing American economy will require new skills and greater adaptability of the Nation's work force in the future. Our schools will play an integral role in meeting this challenge.

The education of our next generation is a responsibility for all, not solely a governmental concern. Parents, students, school board members, educators, and taxpaying citizens have all become more active in contributing toward efforts for change and improvement. Working together, our collective efforts will be successful in formulating a new direction and commitment for education that will survive long after 1984, the "Year of Excellence in Education."

Many of the solutions to the education problems are already in existence. The schools are working to improve quality, while at the same time responding to the unique needs of today's children—needs which are not the same as in years past. Schools are succeeding, even under difficult circumstances, in many cases.

It has always been my belief that control of educational systems should be at the local level. Schools should be responsive to the unique needs of the students and community. The Federal Government has traditionally played a limited role.

Present Federal programs for education are intended to assist parents, States, and localities in providing education, especially for educationally disadvantaged, low income, and handicapped persons.

Those Senators working on initiatives to strengthen schools will be looking toward the role of Government in leadership and research, to foster educational improvement.

I urge my fellow Members to approve Senate Joint Resolution 210, to add the strength of congressional support and concern for education, by naming 1984 as the "Year of Excellence in Education."

Mr. CHAFEE. Mr. President, I was pleased to join with Senator TRIBLE recently in cosponsoring Senate Joint Resolution 210, a resolution designating 1984 as the "Year of Excellence in Education."

This measure is a fitting expression of the Senate's strong commitment to encouraging continued public awareness of the importance of education to our Nation's future prosperity. Last year, this public understanding of the vital role played by education was heightened by a series of reports which assessed the shortcomings of our school systems.

The report of the National Commission on Excellence in Education helped to catapult education to the forefront of our national consciousness by analyzing our problems and providing a positive blueprint for change. Other distinguished studies have followed, urging steps to bolster instruction and reverse the decline in achievement.

The thorough reexamination given to education in the United States last year has had a tremendous impact. School boards across the country have taken steps to improve the use of time in school classrooms, to tighten academic standards, and to improve ties between schools and the community. We have also seen a series of encouraging initiatives at the State level. In Rhode Island, the State Board of Regents for Elementary and Secondary Education has increased the graduation requirements for college-bound students and upgraded teacher certification standards. The State is also moving to develop a statewide student competency examination and to upgrade curriculum standards.

Important progress is being made in the quest for quality in education. But more can be done, and it will require continued leadership from the Federal Government, from State and local leaders, from school boards, school administrators, teachers, and from parents.

Designation of 1984 as the "Year of Excellence in Education" can help to remind all our citizens that as a nation we cannot afford to settle for less than the best our education system is capable of achieving. I look forward to joining my colleagues in voting to approve this resolution.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. Res. 210

Whereas the future of our Nation depends on the quality of education today;

Whereas every child is a precious resource whose potential should be realized to the fullest;

Whereas preservation of our priceless legacy of democracy, individual liberty, and rule of law requires informed citizens;

Whereas an economy based increasing on technical competence will impose new demands on our schools;

Whereas the National Commission on Educational Excellence and numerous other nationwide studies have concluded that there is an urgent need to improve our American education;

Whereas a national effort is necessary to revitalize our educational system;

Whereas academic excellence requires parential involvement;

Whereas a quality education for our teachers is essential to ensure the competence of our Nation's future leaders; and

Whereas local community and volunteer efforts in support of education require more national recognition: Now, therefore, be it

Resoloved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing January 1, 1984, and ending December 31, 1984, is designated as the "Year of Excellence in Education", and the President is authorized and requested to issue a proclamation encouraging parents, teachers, administrators, government officials, and people of the United States to observe the year with activities aimed at restoring the American educational system to its place of preeminence among the nations of the world.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL FAMILY WEEK

The joint resolution (S.J. Res. 211) designating the week of November 18, 1984, through November 24, 1984, as "National Family Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. Res. 211

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of November 18, 1984, through November 24, 1984, as "National Family Week", and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL STUDENT LEADERSHIP WEEK

The joint resolution (S.J. Res. 215) to designate the week of April 23-27, 1984, as "National Student Leadership Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. Res. 215

Whereas more than ten million young Americans are participating in cocurricular activities in secondary schools across the Nation;

Whereas these activities, which include student government, speech, debate, music, journalism, cheerleading, science and mathematics clubs, academic, vocational and other student organizations, contribute greatly to developing leadership qualities in our youth;

Whereas these students will be our Nation's future leaders; and

Whereas it is in the national interest to promote increased emphasis in our students' well-rounded education, which includes a rigorous academic experience and successful leadership experiences in the school setting: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 23-27, 1984, is designated as "National Student Leadership Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the citizens of the United States, local and State government officials, and interested groups to observe that week by engaging in appropriate ceremonies, activities, and programs, thereby demonstrating their support for our students' overall education.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENIOR CENTER WEEK

The joint resolution (S.J. Res. 217) to authorize and request the President to designate the week of May 6, 1984, through May 12, 1984, as "Senior Center Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. Res. 217

Whereas local communities support over eight thousand senior centers and there is hardly a city or town without one;

Whereas senior centers affirm the dignity, self-worth and independence of older persons by facilitating their decisions and action, tapping their experiences, skills and knowledge, and enabling their continued contribution to the community;

Whereas, encouraged and supported by the Older Americans Act, senior centers function as service delivery focal points, helping older persons to help themselves and each other, and offering service or access to community services as needed;

Whereas the month of May has historically been proclaimed Older Americans Month, and communities across the country are giving special recognition to older persons and the role of senior centers in serving them; and

Whereas the national theme for Older Americans' month is Health and Physical Fitness, and senior centers nationwide are viewed as centers of wellness and activity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested, as part of the proclamation for Older Americans Month, to designate the week of May 6, 1984 through May 12, 1984, as "Senior Center Week" and to call upon the people of the United States to honor older Americans and these local organizations that bring together activities and services for their benefit.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL HOME CARE WEEK

The joint resolution (S.J. Res. 237) to designate the week of November 25, 1984, through December 1, 1984, as "National Home Care Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. Res. 237

Whereas organized home health care service to the elderly and disabled have existed in this country since the last quarter of the eighteenth century;

Whereas home health care is recognized as an effective and economical alternative to unecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare program, including skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home health agencies providing these services has increased from less than five hundred to more than four thousand; and

Whereas many private and charitable organizations provide these and similar services to millions of patients each year preventing, postponing, and limiting the need for institutionalization: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 25, 1984, through December 1, 1984, is designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LUPUS AWARENESS WEEK

The joint resolution (S.J. Res. 239) designating the week of October 21, 1984, through October 27, 1984 as "Lupus Awareness Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. Res. 239

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 21, 1984, through October 27, 1984, is designated as "Lupus Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JEWISH HERITAGE WEEK

The joint resolution (S.J. Res. 241) to authorize and request the President to issue a proclamation designating May 6, through May 13, 1984, as "Jewish Heritage Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. Res. 241

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country;

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the

Jewish community and the contributions of Jews of our country and society; and

Whereas the months of March, April, and May contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 6 through May 13, 1984, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that week with appropriate ceremonies, activities, and programs.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MISSING CHILDREN DAY

The joint resolution (S.J. Res. 252) to designate May 25, 1984, as "Missing Children Day" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. Res. 252

Whereas on May 25, 1979, six-year-old Etan Patz disappeared from his home in New York City and is still missing;

Whereas over one million eight hundred thousand children disappear from home annually;

Whereas children who are missing from home and are not living in a family environment are frequently the victims of sexual and physical exploitation;

Whereas an estimated 60 per centum of missing children are sexually abused while away from home;

Whereas the search for missing children is frequently a low-priority investigation in many law enforcement agencies;

Whereas efforts between Federal and local law enforcement agencies in child abduction cases are usually uncoordinated, haphazard, and ineffective; and

Whereas the problem of the missing child has been plagued by misinformation and there is a need to increase public understanding and awareness of this problem: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 25, 1984, is designated as "Missing Children Day", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the day with appropriate ceremonies, programs, and activities.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONTRIBUTION OF BLACKS TO AMERICAN INDEPENDENCE

The joint resolution (H.J. Res. 454) honoring the contribution of blacks to American independence was considered.

Mr. WEICKER. Mr. President, I rise today to support passage of House Joint Resolution 454, sponsored in the House by Congresswoman NANCY JOHNSON. I have introduced a similar resolution, Senate Joint Resolution 221, honoring the contribution of blacks in the formation of the United States.

More than 5,000 blacks served as soldiers in the American Revolution. Many are unknown soldiers, who used assumed names or were identified only by race or as the property of a particular slaveowner.

Of all those who rose up against oppression by the British, those black soldiers had perhaps the greatest understanding of the value of liberty and the opportunity to fight for it. Yet they defended the right to freedom which many would never themselves enjoy, for it was not until 1868 that the Constitution granted their descendants, by passage of the 14th amendment, the rights for which they fought and many died.

Last year Congress established a day to honor Dr. Martin Luther King, Jr., for his achievements in the ongoing struggle against oppression and injustice. This resolution is offered in the same spirit, recognizing the achievements of other black Americans, many unknown, who fought for the cause of liberty and democracy in our country. It took 15 years to recognize Dr. King, but it has taken over 200 years to give these men the recognition they deserve.

Mr. President, I thank the Judiciary Committee for their expeditious handling of this resolution, and I thank my colleagues in both the House and Senate who join me in honoring the black patriots of the American Revolution.

The joint resolution was ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL BUILDING SAFETY WEEK

The joint resolution (S.J. Res. 70) to designate the week beginning April 17, 1984, as "National Building Safety Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. Res. 70

Whereas the health and safety of the people of the Nation are a vital concern of the Federal Government;

Whereas since the founding of the Nation, it has been the responsibility of State and local governments to enact and enforce laws and ordinances whenever necessary to protect the health and safety of their residents in the buildings in which they live, work, and worship;

Whereas for purposes of ensuring such health and safety, many State and local governments have adopted and enforce current model building codes and standards that have been developed and maintained with the assistance of interested and affected parties;

Whereas it is through the untiring efforts of the State and local building code enforcement personnel of the Nation, with the support of their elected officials, that the effective administration of these important health and life safety regulations is ensured; and

Whereas it is necessary that the people of the Nation have an opportunity to become aware of the vital health and safety services provided by such enforcement personnel: Now, therefore, be it

Resolved by the Senate and House Representatives of the United States of America in Congress assembled, That the week beginning April 8, 1984, hereby is designated "National Building Safety Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Amend the title so as to read: "Joint resolution to designate the week beginning April 8, 1984, as 'National Building Safety Week'.".

Mr. BAKER. Mr. President, I ask unanimous consent to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOINT REFERRAL OF S. 2018

Mr. BAKER. Mr. President, the request I am about to put at this time appears to be cleared by the distinguished minority leader, and I will state it now for his consideration and that of other Senators.

I ask unanimous consent that S. 2018, the National Organ Transplant Act, be jointly referred to the Committee on Labor and Human Resources and the Committee on Finance.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have two other matters, I say to the minority leader, that I should like to take up at this time. They are a House message on S. 979 and House Concurrent Resolution 264.

Mr. BYRD. I have no objection.

Mr. BAKER. I thank the minority leader.

EXPORT ADMINISTRATION AMENDMENTS ACT

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 979.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 979) entitled "An Act to amend and reauthorize the Export Administration Act of 1979", do pass with the following amendment: Strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. Titles I and II of this Act may be cited as the "Export Administration Amendments Act of 1983".

TITLE I—AMENDMENTS TO EXPORT ADMINISTRATION ACT OF 1979

REFERENCE TO THE ACT

SEC. 101. For purposes of this title, the Export Administration Act of 1979 shall be referred to as "the Act".

VIOLATIONS

SEC. 102. (a) Section 11(b) of the Act (50 U.S.C. App. 2410(b)) is amended by inserting after paragraph (2) the following new paragraphs:

"(3) Any person who conspires or attempts to export anything contrary to any provision of this Act or any regulation, order, or license issued under this Act shall be subject to the penalties set forth in subsection (a), except that in the case of a violation of an export control imposed under section 5 of this Act, such person shall be subject to the penalties set forth in paragraph (1) of this subsection.

"(4) Any person who possesses any goods or technology—

"(A) with the intent to export such goods or technology in violation of an export control imposed under section 5 or 6 of this Act or any regulation, order, or license issued with respect to such control; or

"(B) knowing or having reason to believe that the goods or technology would be so exported;

shall, in the case of a violation of an export control imposed under section 5, be subject to the penalties set forth in paragraph (1) of this subsection and shall, in the case of a violation of an export control imposed under section 6, be subject to the penalties set forth in subsection (a).

"(5) Any person who takes any action with the intent to evade the provisions of this Act or any regulation, order, or license issued under this Act shall be subject to the penalties set forth in subsection (a), except that in the case of an evasion of a foreign policy or national security control, such person shall be subject to the penalties set forth in paragraph (1) of this subsection.".

(b) Section 11(c) of the Act is amended by adding at the end thereof the following new paragraph:

"(3) An exception to any order issued under this Act which revokes the authority of a United States person to export goods or technology may not be made unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate are first consulted concerning the exception.".

(c) Section 11(e) of the Act is amended by inserting "or any property interest or proceeds forfeited pursuant to subsection (f)" after "subsection (c)".

(d) Section 11 of the Act is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

"(f) FORFEITURE OF PROPERTY INTEREST AND PROCEEDS.—Any person who is convicted of a violation of an export control imposed under section 5 of this Act shall, in addition to any other penalty, forfeit to the United States (1) any property interest that person has in the goods or technology that were the subject of the violation or that were used to facilitate the commission of the violation, and (2) any proceeds derived directly or indirectly by that person from the transaction from which the violation arose.".

(e) Section 11(h) of the Act, as redesignated by subsection (d) of this section, is amended by striking out "or (f)" and inserting in lieu thereof "(f), or (g)".

ENFORCEMENT AUTHORITY

SEC. 103. Section 12(a) of the Act (50 U.S.C. App. 2411(a)) is amended—

(1) by inserting "(1)" immediately before the first sentence; and

(2) by adding at the end thereof the following new paragraphs:

"(2) The Secretary may designate any officer or employee of the Department of Commerce to do the following in carrying out enforcement authorities under this Act:

"(A) Execute any warrant or other process issued by a court or officer of competent jurisdiction with respect to the enforcement of the provisions of this Act.

"(B) Make arrests without warrant for any violation of this Act committed in his or her presence or view, or if the officer or employee has probable cause to believe that the person to be arrested has committed or is committing such a violation.

"(C) Search without warrant or process any person, place, or vehicle on which, and any baggage in which, the officer or employee has probable cause to believe there are goods or technology being exported or about to be exported in violation of this Act.

"(D) Seize without warrant or process any goods or technology which the officer or employee has probable cause to believe have been, are being, or are about to be exported in violation of this Act.

"(E) Carry firearms in carrying out any activity described in subparagraphs (A) through (D).

"(3)(A) Notwithstanding any other provision of law, the authority of customs officers with respect to violations of this Act shall be limited to (i) inspection of or other search for and detention and seizure of goods or technology at those places in which such officers are authorized by law to conduct such searches, detentions, and seizures, and (ii) any investigation conducted prior to such inspection, search, detention, or seizure. Upon seizure by any customs officer of any goods or technology in the enforcement of this Act, the matter shall be referred to the Department of Commerce for further investigation and other appropriate action under this Act.

"(B) In conducting inspections of goods and technology in the enforcement of this Act, the United States Customs Service shall limit those inspections to goods and technology with respect to which the Customs Service has received specific information of possible violations of this Act, and shall not conduct random inspections which would result in the detainment of shipments of goods or technology that are in full compliance with this Act.

"(C) Notwithstanding any other provision of law, not more than $14,000,000 may be expended by the United States Customs Service in any fiscal year in the enforcement of export controls.

"(4) All provisions of law relating to the seizure, forfeiture, and condemnation of articles for violations of the customs laws, the disposition of such articles or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subsection or section 11(f) of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this subsection or section 11(f) of this Act; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for the purposes of this subsection and section 11(f) of this Act, be exercised or performed by the Secretary or by such persons as the Secretary may designate.".

FINDINGS; DECLARATION OF POLICY

SEC. 104. (a)(1) Section 2 of the Act (50 U.S.C. App. 2401) is amended in paragraph (3) by striking out "which would strengthen the Nation's economy" and inserting in lieu thereof "consistent with the economic, security, and foreign policy objectives of the United States".

(2) Section 2 of the Act is further amended by adding at the end thereof the following:

"(10) It is important that the administration of export controls imposed for foreign policy purposes give special emphasis to the need to control exports of goods and substances hazardous to the public health and the environment that are banned or severely restricted for use in the United States, which exports could affect the international reputation of the United States as a responsible trading partner.".

(b) Section 3 of the Act (50 U.S.C. App. 2402) is amended by adding at the end thereof the following:

"(12) It is the policy of the United States to sustain vigorous scientific enterprise. To do so requires protecting the ability of scientists and other scholars freely to communicate their research findings by means of publication, teaching, conferences, and other forms of scholarly exchange.

"(13) It is the policy of the United States to control the export of goods and substances banned or severely restricted for use in the United States in order to foster public health and safety and to prevent injury to the foreign policy of the United States as well as the credibility of the United States as a responsible trading partner.".

TYPES OF LICENSES

SEC. 105. Section 4(a)(2) of the Act (50 U.S.C. App. 2403(a)(2)) is amended to read as follows:

"(2) Licenses authorizing multiple exports, issued pursuant to an application by the exporter, in lieu of a validated license for each such export, including but not limited to the following:

"(A) A qualified general license, authorizing exports of goods for approved end uses.

"(B) A distribution license, authorizing exports of goods to approved distributors or users of the goods.

"(C) A project license, authorizing exports of goods or technology for a specified activity.

"(D) A service supply license, authorizing exports of spare or replacement parts for goods previously exported.

"(E) A comprehensive operations license, authorizing exports of goods or technology between and among a domestic concern and foreign subsidiaries, affiliates, vendors, joint venturers, and licensees of that concern which are approved by the Secretary.".

NATIONAL SECURITY CONTROLS

SEC. 106. (a)(1) Section 5(a)(1) of the Act (50 U.S.C. App. 2404(a)(1)) is amended by inserting after the first sentence the following new sentence: "The authority contained in this subsection includes the authority to prohibit or curtail the transfer of goods or technology within the United States to embassies and affiliates of countries to which exports of such goods or technology are controlled under this section.".

(2) Section 5(a)(1) is further amended by inserting "the Secretary of State, the Secretary of the Treasury, the United States Trade Representative," in the last sentence after the phrase "the Secretary of Defense,".

(b) Section 5(b) of the Act is amended by adding at the end thereof the following new sentence: "No authority or permission to export may be required under this section before goods or technology are exported in the case of exports to a country which maintains export controls on such goods or technology cooperatively with the United States, except that the Secretary may require an export license for the export of such goods or technology to such end users as the Secretary may specify by regulation. The Secretary may also by regulation require any person exporting any such goods or technology otherwise subject to export controls under this section to notify the Department of Commerce of those exports.".

(c) Section 5(b) of the Act is further amended—

(1) by inserting "(1)" immediately before the first sentence; and

(2) by adding at the end thereof the following:

"(2) The export of goods and technology to the People's Republic of China should be subject to no greater restriction under this Act than the export of goods and technology to any friendly nonaligned country.".

(d) Section 5(e) of the Act is amended by adding at the end thereof the following:

"(5) The export of technology and related goods subject to export controls under this section, including items on the list of militarily critical technologies developed pursuant to subsection (d) of this section, shall be eligible for a comprehensive operations license which would authorize, over a period of years and to countries other than those described in section 620(f) of the Foreign Assistance Act of 1961, multiple exports and reexports between and among a domestic concern and foreign subsidiaries, affiliates, vendors, joint venturers, and licensees of that concern which are approved by the Secretary.

"(6) The export to countries other than those described in section 620(f) of the Foreign Assistance Act of 1961 of goods and technology subject to export controls under this section shall be eligible for a distribution license or other licenses authorizing multiple exports. The Secretary shall periodically monitor exports made pursuant to such licenses in order to insure compliance with the provisions of this Act.".

(e) Section 5(g) of the Act is amended—

(1) in the second sentence by striking out "by the latest such increase" and inserting in lieu thereof "by the regulations"; and

(2) by inserting after the first sentence the following: "The regulations issued by the Secretary shall establish as one criterion for the removal of goods or technology from such license requirements the anticipated needs of the military of countries to which exports are controlled for national security purposes.".

(f) Section 5(k) of the Act is amended—

(1) by inserting ", including those countries not participating in the group known as the Coordinating Committee," after "other countries"; and

(2) by striking out "section 3(9)" and inserting in lieu thereof "paragraphs (9) and (10) of section 3".

(g) Section 5 of the Act is amended by adding at the end thereof the following new subsection:

"(m) GOODS CONTAINING MICROPROCESSORS.—Export controls may not be imposed under this section on a good solely on the basis that the good contains an embedded microprocessor, if such microprocessor cannot be used or altered to perform functions other than those it performs in the good in which it is embedded. An export control may be imposed under this section on a good containing such a microprocessor only on the basis that the functions of the good itself are such that the good, if exported, would make a significant contribution to the military potential of any other country or combination of countries which would prove detrimental to the national security of the United States.

"(n) NUCLEAR EXPORTS.—Notwithstanding section 17 of this Act or any other provision of law—

"(1) no license may be issued under this Act for the export to a nonnuclear-weapon state of goods or technology which are to be used in a nuclear production or utilization facility, or which, in the judgment of the Secretary, are likely to be diverted for use in such a facility;

"(2) no authorization to engage, directly or indirectly, in the production of any special nuclear material in a nonnuclear-weapon state may be given;

"(3) no license may be issued for the export to a nonnuclear-weapon state of component parts or other items or substances especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes; and

"(4) no retransfer to a nonnuclear-weapon state of any goods, technology, special nuclear material, components, items, or substances described in paragraphs (1), (2), and (3) may be approved;

unless the country to which the goods, technology, components, items, or substances will be exported or retransferred, or in which the special nuclear material is to be produced, maintains International Atomic Energy Agency safeguards on all its peaceful nuclear activities. The restrictions contained in the preceding sentence shall apply to any decision made after August 1, 1983, to issue a license described in paragraph (1) or (3), to give an authorization described in paragraph (2), or to approve a retransfer described in paragraph (4). The restrictions contained in this subsection shall not apply in a particular case if the President determines by Executive order that to apply the prohibition in that case would be seriously prejudicial to the achievement of United States nonproliferation objectives or would otherwise jeopardize the common defense and security and if, at least 60 days before the export, retransfer, or other activity authorized is carried out, the President submits that Executive order, together with the reasons for his determination, to the Congress.".

COORDINATING COMMITTEE

SEC. 107. Section 5(i) of the Act (50 U.S.C. App. 2404(i)) is amended by adding at the end thereof the following:

"(5) Agreement to improve the International Control List and minimize the approval of exceptions to that list, strengthen enforcement and cooperation in enforcement efforts, provide sufficient funding for the Committee, and improve the structure and function of the Secretariat of the Committee by upgrading professional staff, translation services, data base maintenance, communications, and facilities.

"(6) Agreement to coordinate the systems of export control documents used by the participating governments in order to verify effectively the movement of goods or technology subject to controls by the Committee from the country of one such government to the territory of the country of any other such government or to any other country.

"(7) Agreement to establish uniform, adequate criminal and civil penalties to more effectively deter diversions of items controlled for export by agreement of the Committee.

"(8) Agreement to increase onsite inspections by national enforcement authorities of the participating governments to insure that end users who have imported items controlled for export by agreement of the Committee are using such items for the stated end uses, and that such items are, in fact, under the control of those end users.

"(9) Agreement to strengthen the Committee so that it functions effectively in controlling export trade in a manner that better protects the national security of each participant to the benefit of all participants.

"(10) Agreement to provide for the imposition and enforcement of export sanctions by the governments participating in the Committee against the Soviet Union or any other country if the Soviet Union or other country commits violent acts against unarmed civilians of another country.".

FOREIGN AVAILABILITY

SEC. 108. (a) Section 5(f)(1) of the Act (50 U.S.C. App. 2404(f)(1)) is amended by inserting after the second sentence the following new sentence: "For purposes of the preceding sentence, the term 'detrimental to the national security of the United States' means likely to result in a significant reduction in the military capabilities of the United States or likely to result in a significant advance in the military capabilities of countries to which the goods or technology involved are controlled under this section."

(b) Section 5(f)(4) of the Act (50 U.S.C. App. 2404(f)(4)) is amended by striking out the first sentence and inserting in lieu thereof the following: "In any case in which export controls are maintained under this section notwithstanding foreign availability, on account of a determination by the President that the absence of the controls *would prove detrimental to the national security of the United States, the President shall take the necessary steps to conduct negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability. If, within 6 months after the President's determination, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period described in the preceding sentence for an additional period of one year if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States.".*

(c) Section 5(f)(3) of the Act is amended to read as follows:

"(3) With respect to export controls imposed under this section, in making any determination of foreign availability, the Secretary shall accept the representations of applicants unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, and intelligence information.".

(d)(1) Section 5(f)(5) of the Act is amended to read as follows:

"(5) The Secretary shall establish in the Department of Commerce an Office of Foreign Availability which shall be under the direction of the Assistant Secretary of Commerce for Trade Administration. The Office shall be responsible for gathering and analyzing all the necessary information in order for the Secretary to make determinations of foreign availability under this Act. The Secretary shall make available to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate at the end of each 6-month period during a fiscal year information on the operations of the Office during that 6-month period. Such information shall include a description of every determination made under this Act during that 6-month period that foreign availability did not exist, together with an explanation of that determination.".

(2) Section 5(f)(6) of the Act is amended by striking out "Office of Export Administration" and inserting in lieu thereof "Office of Foreign Availability".

(e) Section 5(f) of the Act is amended by adding at the end thereof the following new paragraph:

"(7) The Secretary shall issue regulations with respect to determinations of foreign availability under this Act not later than 6 months after the date of the enactment of the Export Administration Amendments Act of 1983.".

(f) Section 5(h)(6) of the Act is amended by striking out "and provides adequate documentation" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "the technical advisory committee shall submit that certification to the Congress at the same time the certification is made to the Secretary, together with the documentation for the certification, in accordance with the procedures established pursuant to subsection (f)(1) of this section. The Secretary shall investigate the foreign availability so certified and, not later than 90 days after the certification is made, shall submit a report to the technical advisory committee and the Congress stating that (A) the Secretary has removed the requirement of a validated license for the export of the goods or technology, on account of the foreign availability, (B) the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, or (C) the Secretary has determined on the basis of the investigation that the foreign availability does not exist. To the extent necessary, the report may be submitted on a classified basis. In any case in which the Secretary has recommended to the President that negotiations be conducted to eliminate the foreign availability, the President shall take the necessary steps to conduct such negotiations with the governments of the appropriate foreign countries. If, within 6 months after the Secretary submits such report to the Congress, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period described in the preceding sentence for an additional period of one year if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States.".

MILITARILY CRITICAL TECHNOLOGIES

SEC. 109. Section 5(d) of the Act (50 U.S.C. App. 2404(d)) is amended by striking out paragraphs (4) through (6) and inserting in lieu thereof the following:

"(4)(A) The Secretary and the Secretary of Defense shall complete the integration of the list of militarily critical technologies into the commodity control list not later than April 1, 1985. The integration of the list of militarily critical technologies into the commodity control list shall be completed with all deliberate speed, and the Secretary and the Secretary of Defense shall report to the appropriate committees of the Congress, before April 1, 1985, any circumstances which would preclude the completion of the integrated list by that date. Any disagreement between the Secretary and the Secretary of Defense as to whether a good or technology on the list of militarily critical technologies should be integrated into the commodity control list shall be resolved by the President not later than November 1, 1984. Such integrated list shall include only a good or technology with respect to which the Secretary finds that countries to which exports are controlled under this section do not possess that good or technology, or a functionally equivalent good or technology, and the good or technology or functionally equivalent good or technology is not available in fact to such a country from sources outside the United States in sufficient quantity and of comparable quality so that the requirement of a validated license for the export of such good or technology is or would be ineffective in achieving the purpose set forth in subsection (a) of this section, except in the case of a determination of the President with respect to goods or technology under subsection (f)(1) of this section. The Secretary and the Secretary of Defense shall jointly submit a report to the Congress, not later than April 1, 1985, on actions taken to carry out this subparagraph.

"(B) The General Accounting Office shall evaluate the efforts of the Secretary and the Secretary of Defense to integrate the list of militarily critical technologies into the commodity control list, and the feasibility of such integration. In conducting such evaluation, the General Accounting Office shall determine whether foreign availability was used as a criterion in developing the commodity control list pursuant to subparagraph (A) and whether the completed list reflected the intent of the Congress in enacting this subsection. In conducting such evaluation, the General Accounting Office shall have access to all information relating to the list of militarily critical technologies. Not later than April 1, 1985, the General Accounting Office shall submit a detailed report to the Congress on the results of the evaluation conducted pursuant to this subparagraph.

"(C) The Secretary and the Secretary of Defense, in integrating the list of militarily critical technologies into the commodity control list pursuant to subparagraph (A), shall consider mechanisms to reduce the list of militarily critical technologies.

"(5) The Secretary of Defense shall establish a procedure for reviewing the goods and technology on the list of militarily critical technologies at least annually after the integrated list is completed pursuant to paragraph (4)(A), for the purpose of removing from the list of militarily critical technologies any goods or technology that are no longer militarily critical. The Secretary of Defense may, after the integrated list is so completed, add to the list of militarily critical technologies any good or technology that the Secretary of Defense determines is militarily critical. If the Secretary and the Secretary of Defense disagree as to whether any change in the list of militarily critical technologies by the addition or removal of a good or technology should also be made in the commodity control list, the President shall resolve the disagreement not later than 3 months after the change is made in the list of militarily critical technologies.

"(6) The Secretary of Defense shall, not later than April 1, 1985, report to the appropriate committees of the Congress on efforts by the Department of Defense to assess the impact that the transfer of goods or technology on the list of militarily critical technologies to countries to which exports are controlled under this section has had or will have on the military capabilities of those countries.".

CRITERIA FOR FOREIGN POLICY CONTROLS; CONSULTATION WITH OTHER COUNTRIES; REPORT TO CONGRESS

SEC. 110. (a) Section 6(b) of the Act (50 U.S.C. App. 2405(b)) is amended to read as follows:

"(b) CRITERIA.—When imposing, expanding, or extending export controls on goods or technology under this section, the President shall consider whether—

"(1) the intended foreign policy purposes of the proposed controls can be achieved through negotiations or other alternative means;

"(2) the proposed controls are compatible with the foreign policy objectives of the United States and with overall United States policy toward the country to which exports are to be subject to the proposed controls;

"(3) the proposed controls will have an adverse effect on the economic or political relations of the United States with other friendly countries;

"(4) the proposed controls will have a substantial adverse effect on the export performance of the United States, on the competitive position of the United States in the international economy, on the international reputation of the United States as a reliable supplier of goods and technology, or on the economic well-being of individual United

States industries, companies, and their employees and communities;

"(5) the United States has the ability to enforce the proposed controls effectively;

"(6) the proposed controls are likely to achieve the intended foreign policy purpose; and

"(7)(A) the good or technology, or a similar good or technology, is available in sufficient quantity from sources outside the United States to the country to which exports are to be subject to the proposed controls, or (B) negotiations have been successfully concluded with the appropriate foreign governments to ensure the cooperation of such governments in controlling the export of such good or technology to the country to which exports are to be subject to the proposed controls, except that the preceding provisions of this paragraph shall not apply if the President determines that the proposed controls are necessary to further efforts by the United States to counter international terrorism or to promote observance of internationally recognized human rights.".

(b) Section 6 of the Act is amended—

(1) by redesignating subsections (d) through (k) as subsections (e) through (l), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) Consultation With Other Countries.—Before export controls are imposed under this section, the President should consult with the countries with which the United States maintains export controls cooperatively, and with such other countries as the President considers appropriate, with respect to the criteria set forth in subsection (b) and such other matters as the President considers appropriate.".

(c) Section 6(f) of the Act, as redesignated by subsection (b)(1) of this section, is amended to read as follows:

"(f) Consultation With the Congress.—(1) The President may impose, expand, or extend export controls under this section only after consultation with the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(2) Following consultation with the Congress in accordance with paragraph (1) and before imposing, expanding, or extending export controls under this section, the President shall submit to the Congress a report—

"(A) indicating how the proposed export controls will further, significantly, the foreign policy of the United States or will further its declared international obligations;

"(B) specifying the conclusions of the President with respect to each of the criteria set forth in subsection (b), and any possible adverse foreign policy consequences;

"(C) describing the nature, the subjects, and the results of the consultation with industry pursuant to subsection (c) and with other countries pursuant to subsection (d);

"(D) specifying the nature and results of any alternative means attempted under subsection (e), or the reasons for imposing, expanding, or extending the controls without attempting any such alternative means; and

"(E) describing the availability from other countries of goods or technology comparable to the goods or technology subject to the proposed export controls, and describing the nature and results of the efforts made pursuant to subsection (h) to secure the cooperation of foreign governments in controlling the foreign availability of such comparable goods or technology.

The concerns expressed by Members of Congress during the consultations required by this subsection shall be specifically addressed in each report submitted pursuant to this paragraph.

"(3) To the extent necessary to further the effectiveness of the export controls, portions of a report required by paragraph (2) may be submitted to the Congress on a classified basis, and shall be subject to the provisions of section 12(c) of this Act.

"(4) In the case of export controls under this section which prohibit or curtail the export of any agricultural commodity, a report submitted pursuant to paragraph (2) shall be deemed to be the report required by section 7(g)(3) of this Act.".

(d) Section 6(i) of the Act, as redesignated by subsection (b)(1) of this section, is amended by striking out "(f), and (g)" and inserting in lieu thereof "(e), (g), and (h)".

EFFECT OF CONTROLS ON EXISTING CONTRACTS AND LICENSES

Sec. 111. (a) Section 6 of the Act (50 U.S.C. App. 2405), as amended by section 110 of this Act, is further amended by adding at the end thereof the following new subsection:

"(m) Effect of Controls on Existing Contracts and Licenses.—Any export controls imposed under this section shall not affect any contract to export entered into before the date on which such controls are imposed or any export license issued under this Act before such date. The preceding sentence shall not apply in a case in which the export controls imposed relate directly, immediately, and significantly to actual or imminent acts of aggression or of international terrorism, to actual or imminent gross violations of internationally recognized human rights, or to actual or imminent nuclear weapons tests, in which case the President shall promptly notify the Congress of the circumstances to which the export controls relate and of the contracts or licenses affected by the controls. Any export controls described in the preceding sentence shall affect existing contracts and licenses only so long as the acts of aggression or terrorism, violations of human rights, or nuclear weapons tests continue or remain imminent. For purposes of this subsection, the term 'contract to export' includes, but is not limited to, an export sales agreement and an agreement to invest in an enterprise which involves the export of goods or technology.".

(b) Section 7 of the Act (50 App. 2406) is amended by adding at the end thereof the following new subsection:

"(k) Effect of Controls on Existing Contracts.—Any export controls imposed under this section shall not affect any contract to export entered into before the date on which such controls are imposed, including any contract to harvest unprocessed western red cedar (as defined in subsection (i)(4) of this section) from State lands, the performance of which contract would make the red cedar available for export. For purposes of this subsection, the term 'contract to export' includes, but is not limited to, an export sales agreement and an agreement to invest in an enterprise which involves the export of goods or technology.".

(c) The amendment made by subsection (a) shall not apply to export controls imposed before the date of the enactment of this Act. The amendment made by subsection (b) shall apply to export controls in effect on the date of the enactment of this Act and export controls imposed after such date.

EXEMPTION FROM FOREIGN POLICY CONTROLS

Sec. 112. (a) Section 6(g) of the Act (50 U.S.C. App. 2405(g)), as redesignated by section 110(a)(1) of this Act, is amended to read as follows:

"(g) Exclusion for Food, Medicine, or Medical Supplies.—This section does not authorize export controls on food, medicine, or medical supplies. This section also does not authorize export controls on donations of goods intended to meet basic human needs. It is the intent of the Congress that the President not impose export controls under this section on any goods or technology if he determines that the principal effect of the export of such goods or technology would be to help meet basic human needs. This subsection shall not be construed to prohibit the President from imposing restrictions on the export of medicine, medical supplies, or food under the International Emergency Economic Powers Act. This subsection shall not apply to any export control on medicine, medical supplies, or food, other than donations, which is in effect on the effective date of the Export Administration Amendments Act of 1983. Notwithstanding the preceding provisions of this subsection, the President may impose export controls under this section on medicine, medical supplies, food, or donations of goods in order to carry out the policy set forth in paragraph (13) of section 3 of this Act.".

(b) Section (h) of the Act (50 U.S.C. App. 2405(g)), as redesignated by section 110(b)(1) of the Act, is amended—

(1) by designating the existing text of section (h) as paragraph "(1)"; and

(2) adding at the end thereof the following:

"(2) The President shall evaluate the results of his actions under paragraph (1) of this subsection by the end of the first 6-month period of controls imposed under this section and shall report the results of that evaluation to Congress by the end of such 6-month period.

"(3) In the event that the President's efforts are not successful in eliminating foreign availability during the first 6-month period when controls imposed under this paragraph are in effect, the Secretary shall thereafter take into account the foreign availability of goods or technology subject to controls. If the Secretary affirmatively determines that a similar good or technology is available in sufficient quantity from sources outside the United States to countries subject to such controls so that denial of the license would be ineffective in achieving the purposes of the controls, then, the Secretary shall issue a license for the export of such goods or technology during the period of such foreign availability. The Secretary shall remove such goods or technology from the list established pursuant to subsection (1) if he determines such action is appropriate.

"(4) The Secretary shall make a determination of foreign availability on his own initiative or upon receipt of an allegation that such availability exists from an export license applicant. The Secretary shall accept the applicant's representations made in writing and supported by clear and convincing evidence, unless such representations are contradicted by reliable evidence, including scientific or physical examination, expert opinion based upon adequate factual information, or intelligence information.

"(5) Paragraph (3) of this subsection shall not apply in a case in which export controls are imposed under subsections (i), (j), or (k) of this section.

"(6) The Secretary shall promulgate regulations establishing procedures for carrying out this section.".

FOREIGN POLICY CONTROLS AUTHORITY

SEC. 113. (a) Section 6(a)(1) of the Act (50 U.S.C. App. 2405(a)(1)) is amended to read as follows: "In order to carry out the policy set forth in paragraph (2)(B), (7), (8), or (13) of section 3 of this Act, the President may prohibit or curtail the exportation from the United States of any goods, technology, or other information produced in the United States, to the extent necessary to further significantly the foreign policy of the United States or to fulfill its declared international obligations. The authority granted by this subsection shall be exercised by the Secretary, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the United States Trade Representative, and such other departments and agencies as the Secretary considers appropriate, and shall be implemented by means of export licenses issued by the Secretary.".

(b) Section 6(a) of the Act is further amended by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) Any export control imposed under this section shall apply to any transaction or activity undertaken with the intent to evade that export control, even if that export control would not otherwise apply to that transaction or activity.".

(c) Section 6 of the Act, as amended by sections 110 and 111 of this Act, is further amended by adding at the end thereof the following new subsection:

"(n) EXPANDED AUTHORITY TO IMPOSE CONTROLS.—(1) In any case in which the President determines that it is necessary to impose controls under this section—

"(A) with respect to goods, technology, other information, or persons other than that authorized by subsection (a)(1) of this section; or

"(B) without any limitation contained in subsection (c), (d), (e), (g), (h), or (m) of this section,

the President may impose those controls only if the President submits that determination to the Congress, together with a report pursuant to subsection (f) of this section with respect to the proposed controls, and only if a law is enacted authorizing the imposition of those controls. If a joint resolution authorizing the imposition of those controls is introduced in either House of Congress within 30 days of continuous session after the Congress receives the determination and report of the President, that joint resolution shall immediately be referred to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives. If either such committee has not reported the joint resolution at the end of 30 days of continuous session after its referral, such committee shall be deemed to be discharged from further consideration of the resolution.

"(2) For purposes of this subsection, the term 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress, having received on   a determination of the President under section 6(n)(1) of the Export Administration Act of 1979 with respect to the export controls which are set forth in the report submitted to the Congress with that determination, authorizes the President to impose those export controls.', with the date of the receipt of the determination and report inserted in the blank.

"(3) For purposes of this subsection—

"(A) continuity of session is broken only by an adjournment of the Congress sine die, and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.".

(d) The amendments made by subsections (a), (b), and (c) of this section shall not apply to export controls imposed under section 6 of the Act before the date of the enactment of this Act which are extended in accordance with such section 6 on or after such date of enactment.

CRIME CONTROL INSTRUMENTS

SEC. 114. (a) Section 6(k)(1) of the Act (50 U.S.C. App. 2405(k)(1)), as redesignated by section 110(b)(1) of this Act, is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this Act, any determination of the Secretary—

"(A) of what goods or technology shall be included on the list established pursuant to subsection (l) of this section as a result of the export restrictions imposed by this subsection shall be made with the concurrence of the Secretary of State, or

"(B) to approve or deny an export license application to export crime control or detection instruments or equipment shall be made in concurrence with the recommendations of the Secretary of State submitted to the Secretary with respect to the application pursuant to section 10(e) of this Act,

except that if the Secretary does not agree with the Secretary of State with respect to any such determination, the matter shall be referred to the President for resolution.".

(b) The amendment made by subsection (a) shall apply to determinations of the Secretary of Commerce which are made on or after the date of the enactment of this Act.

REIMPOSITION OF EXPORT CONTROLS

SEC. 115. (a) Section 6 of the Act, as amended by sections 110, 111, and 113 of this Act, is further amended by adding at the end thereof the following new subsection:

"(o) EXTENSION OF CERTAIN CONTROLS.—Those export controls imposed under this section which were in effect on February 28, 1982, and ceased to be effective on March 1, 1982, September 15, 1982, or January 20, 1983 (except those controls with respect to the 1980 summer Olympic games), shall become effective on the date of the enactment of this subsection, and shall remain in effect until 1 year after such date of enactment. At the end of that 1-year period, any of those controls made effective by this subsection may be extended by the President in accordance with subsections (b) and (f) of this section.".

(b) Section 6(j) of the Act, as redesignated by section 110(b)(1) of this Act, is amended by adding at the end thereof the following new sentence: "Any such determination which has been made with respect to a country may not be rescinded unless the President first submits to the Congress a report justifying the rescission and certifying that the country concerned has not provided support for international terrorism, including support for groups engaged in such terrorism, for the preceding 12-month period.".

(c) The amendment made by subsection (b) shall apply with respect to any export control made effective by the amendment made by subsection (a).

PETITIONS FOR SHORT SUPPLY CONTROLS

SEC. 116. (a) Section 7(c)(1)(A) of the Act (50 U.S.C. App. 2406(c)(1)(A)) is amended to read as follows:

"(c) PETITIONS FOR MONITORING OR CONTROLS.—(1)(A) Any entity, including a trade association, firm, or certified or recognized union or group of workers, which is representative of an industry or a substantial segment of an industry which processes metallic materials capable of being recycled (i) with respect to which an increase in domestic prices or a domestic shortage, either of which results from increased exports, is or may be a substantial cause of adverse effect on the national economy or any sector thereof or on a domestic industry, and (ii) with respect to which a significant increase in exports is or may be a substantial cause of adverse effect on the national economy or any sector thereof or on a domestic industry, may transmit a written petition to the Secretary requesting the monitoring of exports or the imposition of export controls, or both, with respect to such material, in order to carry out the policy set forth in section 3(2)(C) of this Act.".

(b) Section 7(c)(1)(B) of the Act is amended—

(1) in clause (i) by striking out "and" after "supply,"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof ", and (iii) that the criteria set forth in paragraph (3)(A) of this subsection are satisfied.".

(c) Section 7(c)(1) of the Act is further amended by adding at the end thereof the following:

"(C)(i) For purposes of this subsection, the term 'substantial cause' means a cause which is important and not less than any other cause.

"(ii) Before March 1, 1984, the Secretary shall issue regulations, in accordance with section 553 of title 5, United States Code, which define the operative terms contained in section 3(2)(C) of this Act and in this subsection, including but not limited to the following: 'excessive drain', 'scarce materials', 'serious inflationary impact of foreign demand', 'domestic shortage', 'increase in domestic prices' and 'increase in the domestic price', 'representative of an industry or a substantial segment of an industry', 'domestic industry', 'specific period of time', 'national economy or any sector thereof', 'significant increase in exports', and 'adverse effect'.".

(d) Section 7(c)(3) of the Act is amended to read as follows:

"(3)(A) Within 45 days after the end of the 30-day or 45-day period described in paragraph (2), as the case may be, the Secretary shall determine whether to impose monitoring or controls, or both, on the export of the material which is the subject of the petition, in order to carry out the policy set forth in section 3(2)(C) of this Act. In making such determination, the Secretary shall determine whether—

"(i) there has been a significant increase, in relation to a specific period of time, in exports of such material;

"(ii) there has been a significant increase in the domestic price of such material or a domestic shortage of such material and exports are a substantial cause of such domestic price increase or domestic shortage;

"(iii) exports of such material are or may be a substantial cause of adverse effect on the national economy or any sector thereof or on a domestic industry; and

"(iv) monitoring or controls or both are necessary in order to carry out the policy set forth in section 3(2)(C) of this Act.

"(B) The Secretary shall publish in the Federal Register a detailed statement of the reasons for the Secretary's determination pursuant to subparagraph (A) of whether to impose monitoring or controls, or both, including the findings of fact in support of that determination.".

(e) Section 7(c)(6) of the Act is amended to read as follows:

"(6) If a petition with respect to a particular material or group of materials has been considered in accordance with all the procedures prescribed in this subsection, the Secretary shall not consider any other petition with respect to the same material or group of materials which is filed within 6 months after final action on the prior petition has been completed.".

(f) Section 7(c) of the Act is further amended—

(1) by striking out paragraph (8) and redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively;

(2) by amending paragraph (8), as redesignated by paragraph (1) of this subsection, to read as follows:

"(8) The authority under this subsection shall not be construed to affect the authority of the Secretary under any provision of this Act other than this section."; and

(3) by adding at the end thereof the following:

"(10) Notwithstanding subsection (a) or (b) of this section, no action in response to an informal or formal request by any entity described in paragraph (1)(A) of this subsection to impose controls on or monitor the export of metallic materials capable of being recycled shall be taken under this section except pursuant to this subsection. The Secretary, in any other case, may not impose controls on or monitor the export of metallic materials capable of being recycled unless the Secretary makes the determination required by paragraph (3)(A) of this subsection with respect to such controls or monitoring and complies with paragraph (3)(B) with respect to that determination.".

(g) Section 13(a) of the Act is amended by striking out "section 11(c)(2)" and inserting in lieu thereof "sections 7(c)(1)(C)(ii) and 11(c)(2)".

DOMESTICALLY PRODUCED CRUDE OIL

SEC. 117. Section 7(d) of the Act (50 U.S.C. App. 2406(d)) is amended—

(1) in paragraph (1) by striking out "unless" and all that follows through "met" and inserting in lieu thereof "subject to paragraph (2) of this subsection";

(2) in paragraph (2)(A) by striking out "makes and publishes" and inserting in lieu thereof "so recommends to the Congress after making and publishing";

(3) in paragraph (2)(B)—

(A) by striking out "reports such findings" and inserting in lieu thereof "includes such findings in his recommendation"; and

(B) by striking out "thereafter" and all that follows through the end of the sentence and inserting in lieu thereof "after receiving that recommendation, agrees to a joint resolution approving such exports on the basis of those findings which is thereafter enacted into law."; and

(4) by adding at the end thereof the following:

"(4) Notwithstanding the provisions of section 20 of this Act, the provisions of this subsection shall expire on September 30, 1987.".

REFINED PETROLEUM PRODUCTS

SEC. 118. Section 7(e)(1) of the Act (50 U.S.C. App. 2406(e)(1)) is amended in the first sentence by striking out "No" and inserting in lieu thereof "In any case in which the President determines that it is necessary to impose export controls on refined petroleum products in order to carry out the policy set forth in section 3(2)(C) of this Act, the President shall notify the Congress of that determination. The President shall also notify the Congress if and when he determines that such export controls are no longer necessary. During any period in which a determination that such export controls are necessary is in effect, no".

AGRICULTURAL EXPORTS

SEC. 119. (a) Section 7(g)(3) of the Act (50 U.S.C. App. 2406(g)(3)) is amended by amending the second sentence to read as follows: "If the Congress, within 60 days after the date of its receipt of such report, does not adopt a joint resolution approving such prohibition or curtailment, then such prohibition or curtailment shall cease to be effective at the end of that 60-day period.".

(b) The third sentence of section 7(g)(3) of the Act is amended by striking out "30-day" and inserting in lieu thereof "60-day".

LICENSING PROCEDURES

SEC. 120. (a) Section 10(c) of the Act (50 U.S.C. App. 2409(c)) is amended by striking out "90" and inserting in lieu thereof "60".

(b) Section 10(f)(2) of the Act is amended—

(1) by inserting "in writing" after "inform the applicant"; and

(2) by striking out ", and shall accord" and all that follows through the end of the paragraph and inserting in lieu thereof a period and the following: "Before a final determination with respect to the application is made, the applicant shall be entitled—

"(A) to respond in writing to such questions, considerations, or recommendations within 30 days after receipt of such information from the Secretary; and

"(B) upon the filing of a written request with the Secretary within 15 days after the receipt of such information, to respond in person to the department or agency raising such questions, considerations, or recommendations.".

(c) Section 10(f)(3) of the Act is amended—

(1) in the first sentence—

(A) by inserting "the proposed" before "denial" the first two places it appears; and

(B) by striking out "denial" the third place it appears and inserting in lieu thereof "determination to deny the application"; and

(2) by inserting after the first sentence the following new sentence: "The Secretary shall allow the applicant at least 30 days to respond to the Secretary's determination before the license application is denied.".

(d) Section 10 of the Act is amended—

(1) in the section heading by adding "; OTHER INQUIRIES" after "APPLICATIONS"; and

(2) by adding at the end thereof the following new subsections:

"(k) CHANGES IN REQUIREMENTS FOR APPLICATIONS.—Except as provided in subsection (b)(3) of this section, in any case in which, after a license application is submitted, the Secretary changes the requirements for such a license application, the Secretary may request appropriate additional information of the applicant, but the Secretary may not return the application to the applicant without action because it fails to meet the changed requirements.

"(l) OTHER INQUIRIES.—(1) In any case in which the Secretary receives a written request asking for the proper classification of a good or technology on the commodity control list, the Secretary shall, within 10 days after receipt of the request, inform the person making the request of the proper classification.

"(2) In any case in which the Secretary receives a written request for information about the applicability of export license requirements under this Act to a proposed export transaction or series of transactions, the Secretary shall, within 30 days after receipt of the request, reply with that information to the person making the request.

"(m) Not later than 90 days after enactment of this subsection, and not later than the end of each 3-month period thereafter, the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives, and to the Committees on Banking, Housing and Urban Affairs and on Foreign Relations of the Senate, a report listing all applications completed during the preceding 90 days which required more than 60 calendar days of processing before notification of a decision was sent to the applicant, and all applications not yet decided which have been in process more than 60 calendar days. With regard to each such application the report shall identify (1) the application case number, (2) the value of the goods or technology to which the application relates, (3) the country of destination of the goods, (4) the date on which the application was received by the Secretary, (5) the date on which the Secretary granted or denied the application, (6) the date on which the notification of approval or denial of the application was sent to the applicant, (7) the total number of days which elapsed between receipt of the application, in its properly completed form, and the earlier of the last day of the 3-month period to which the report relates, or the date that notification of the Secretary's decision on the application was sent, and (8) if the application was referred to other departments or agencies, a list of those departments or agencies, the dates on which the application was so referred, and the dates on which recommendations were received from each such agency or department. If more than 30 days elapses after referral of an application before any such department or agency submits its recommendations on such application to the Secretary, the report shall also list the divisions or offices within such department or agency responsible for processing the application. Each report shall also include a summary of the number of applications, and the value of the goods or technology involved in the applications, grouped according to the number of days before action on the applications was completed, as follows: 60-75 days, 76-90 days, 91-105 days, 106-120 days, and over 120 days. The report shall also include a summary by country of destination of the number of applications, and the value of the goods or technology involved in the applications, on which action was not completed within 60 days.".

TECHNICAL AMENDMENTS

SEC. 121. (a)(1) Section 7(i)(1) of the Act (50 U.S.C. App. 2406(i)(1)) is amended in the last sentence by inserting "harvested from State or Federal lands" after "red cedar logs".

(2) Section 7(i)(4)(A) of the Act is amended to read as follows:

"(A) lumber of American Lumber Standards Grades of Number 3 dimension or better, or Pacific Lumber Inspection Bureau

Export R-List Grades of Number 3 common or better;".

(b) Section 17(a) of the Act (50 U.S.C. App. 2416(a)) is amended by striking out "Nothing" and inserting in lieu thereof "Except as otherwise provided in this Act, nothing".

(c) Section 17 of the Act is further amended by adding at the end thereof the following:

"(f) AGRICULTURAL ACT OF 1970.—Nothing in this Act shall affect the provisions of the last sentence of section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3).".

(d) Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) is amended by striking out "(f)" and inserting in lieu thereof "(g)".

AUTHORIZATION OF APPROPRIATIONS

SEC. 122. (a) Section 18 of the Act (50 U.S.C. App. 2417) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 18. (a) REQUIREMENT OF AUTHORIZING LEGISLATION.—(1) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out the purposes of this Act may be obligated or expended only if—

"(A) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of the Export Administration Amendments Act of 1983; or

"(B) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

"(2) To the extent that legislation enacted after the making of an appropriation to carry out the purposes of this Act authorizes the obligation or expenditure thereof, the limitation contained in paragraph (1) shall have no effect.

"(3) The provisions of this subsection shall not be superseded except by a provision of law enacted after the date of the enactment of the Export Administration Amendments Act of 1983 which specifically repeals, modifies, or supersedes the provisions of this subsection.

"(b) AUTHORIZATION.—There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

"(1) $24,600,000 for each of the fiscal years 1984 and 1985, of which for each such fiscal year $15,000,000 shall be available only for enforcement, $2,100,000 shall be available only for foreign availability assessments under subsections (f) and (h)(6) of section 5 of this Act, and $7,500,000 shall be available for all other activities under this Act; and

"(2) such additional amounts for each such fiscal year as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

TERMINATION OF AUTHORITY

SEC. 123. Section 20 of the Act (50 U.S.C. App. 2419) is amended to read as follows:

"TERMINATION DATE

"SEC. 20. The authority granted by this Act terminates on September 30, 1985.".

HOURS OF OFFICE OF EXPORT ADMINISTRATION

SEC. 124. The Secretary shall modify the office hours of the Office of Export Administration of the Department of Commerce on at least four days of each workweek so as to accommodate communications to the Office by exporters throughout the continental United States during the normal business hours of those exporters. The Secretary of Commerce shall conduct a study to determine the feasibility of using computer terminals located at ports and other points of exit from and entry into the United States in order to facilitate relevant agency interaction and to reduce delays in the issuance of export licenses under the Export Administration Act of 1979.

TITLE II—EXPORT PROMOTION PROGRAMS

REQUIREMENT OF PRIOR AUTHORIZATION

SEC. 201. (a) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out any export promotion program may be obligated or expended only if—

(1) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of this Act; or

(2) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

(b) To the extent that legislation enacted after the making of an appropriation to carry out any export promotion program authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) For purposes of this title, the term "export promotion program" means any activity of the Department of Commerce designed to stimulate or assist United States businesses in marketing their goods and services abroad competitively with businesses from other countries, including but not limited to—

(1) trade development (except for the trade adjustment assistance program) and dissemination of foreign marketing opportunities and other marketing information to United States producers of goods and services, including the expansion of foreign markets for United States textiles and apparel and any other United States products;

(2) the development of regional and multilateral economic policies which enhance United States trade and investment interests, and the provision of marketing services with respect to foreign countries and regions;

(3) the exhibition of United States goods in other countries;

(4) the operations of the United States Commercial Service and the Foreign Commercial Service, or any successor agency; and

(5)(a) establishment of a cooperative program, on a demonstration basis with the Department of Transportation, consistent with provisions of this Act, the International Aviation Facilities Act, the Federal Aviation Act of 1958, and United States foreign policy goals to:

(i) initiate technical assistance programs with the aviation authorities of other governments; and

(ii) initiate programs to assist United States firms in their efforts to export aerospace products and services. Such programs may include, but are not limited to:

(A) use of United States firms in technical assistance programs initiated with foreign governments;

(B) assisting United States firms to prepare and submit proposals to foreign governments or foreign aviation concerns;

(C) providing technical consultation and project management assistance to United States firms once foreign governments or aviation concerns have awarded contracts to United States firms; and

(D) assisting United States private sector civil aviation entities to develop training programs, by providing Federal Aviation Administration safety information, educational material, and advice.

(b) the Secretary shall report to the Congress not later than April 30, 1985, on the implementation of this program making recommendations on the advisability of its continuation and expansion to involve other sectors of the economy and Federal departments or agencies.

AUTHORIZATION OF APPROPRIATIONS

SEC. 202. There is authorized to be appropriated for each of the fiscal years 1984 and 1985 to the Department of Commerce to carry out export promotion programs $100,458,000.

BARTER ARRANGEMENTS

SEC. 203. (a) The President shall, not later than one hundred eighty days after the date of the enactment of this Act, submit to the Congress a contingency plan for the promotion of exports of agricultural commodities through the bartering of surplus agricultural commodities produced in the United States for petroleum and petroleum products, and for other materials vital to the national interest, which are produced abroad, and make recommendations as to the feasibility of implementing such bartering.

(b) Notwithstanding any other provision of law, the President is authorized—

(1) to barter stocks of agricultural commodities acquired by the Government for petroleum and petroleum products, and for other materials vital to the national interest, which are produced abroad, in situations in which sales would otherwise not occur; and

(2) to purchase petroleum and petroleum products, and other materials vital to the national interest, which are produced abroad and acquired by persons in the United States through barter for agricultural commodities produced in and exported from the United States through normal commercial trade channels.

(c) The President shall take steps to insure that any barters described in subsections (a) and (b)(1) and any purchases authorized by subsection (b)(2) safeguard existing export markets for agricultural commodities operating on conventional business terms from displacement by barters described in subsections (a), (b)(1), and (b)(2).

TITLE III—SOUTH AFRICA

SHORT TITLE

SEC. 301. This title may be cited as the "United States Policy Toward South Africa Act of 1983".

SUBTITLE I—LABOR STANDARDS

ENDORSEMENT AND IMPLEMENTATION OF FAIR EMPLOYMENT PRINCIPLES

SEC. 311. Any United States person who—

(1) has a branch or office in South Africa, or

(2) controls a corporation, partnership, or other enterprise in South Africa,

in which more than twenty people are employed shall take the necessary steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, those principles relating to employment practices set forth in section 312 of this Act are implemented.

STATEMENT OF PRINCIPLES

SEC. 312. (a) The principles referred to in section 311 of this Act are as follows:

(1) Desegregating the races in each employment facility, including—

(A) removing all race designation signs;

(B) desegregating all eating, rest, and work facilities; and

(C) terminating all regulations which are based on racial discrimination.

(2) Providing equal employment for all employees, including—

(A) assuring that any health, accident, or death benefit plans that are established are nondiscriminatory and open to all employees, whether they are paid a salary or are compensated on an hourly basis; and

(B) implementing equal and nondiscriminatory terms and conditions of employment for all employees, and abolishing job reservations, job fragmentation, apprenticeship restrictions for blacks and other nonwhites, and differential employment criteria, which discriminate on the basis of race or ethnic origin.

(3) Establishing equal pay for all employees doing equal or comparable work, including—

(A) establishing and implementing, as soon as possible, a wage and salary structure which is applied equally to all employees, regardless of race, who are engaged in equal or comparable work;

(B) reviewing the distinction between hourly and salaried job classifications, and establishing and implementing an equitable and unified system of job classifications which takes into account such review; and

(C) eliminating inequities in seniority and ingrade benefits so that all employees, regardless of race, who perform similar jobs are eligible for the same seniority and ingrade benefits.

(4) Establishing a minimum wage and salary structure based on a cost-of-living index which takes into account the needs of employees and their families.

(5) Increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs, including—

(A) developing training programs that will prepare substantial numbers of blacks and other nonwhites for such jobs as soon as possible, including—

(i) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of employees, and

(ii) creating on-the-job training programs and facilities to assist employees to advance to higher paying jobs requiring greater skills;

(B) establishing procedures to assess, identify, and actively recruit employees with potential for further advancement;

(C) identifying blacks and other nonwhites with high management potential and enrolling them in accelerated management programs;

(D) establishing and expanding programs to enable employees to further their education and skills at recognized education facilities; and

(E) establishing timetables to carry out this paragraph.

(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health, including—

(A) providing assistance to black and other nonwhite employees for housing, health care, transportation, and recreation either through the provision of facilities or services or providing financial assistance to employees for such purposes, including the expansion or creation of in-house medical facilities or other medical programs to improve medical care for black and other nonwhite employees and their dependents; and

(B) participating in the development of programs that address the education needs of employees, their dependents, and the local community.

(7) Recognizing labor unions and implementing fair labor practices, including—

(A) recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity;

(B) refraining from—

(i) interfering with, restraining, or coercing employees in the exercise of their rights of self-organization under this paragraph,

(ii) dominating or interfering with the formation or administration of any labor organization, or sponsoring, controlling, or contributing financial or other assistance to it,

(iii) encouraging or discouraging membership in any labor organization by discrimination in regard to hiring, tenure, promotion, or other condition of employment,

(iv) discharging or otherwise disciplining or discriminating against any employee who has exercised any rights of self-organization under this paragraph, and

(v) refusing to bargain collectively with any organization freely chosen by employees under this paragraph;

(C) allowing employees to exercise rights of self-organization, including solicitation of fellow employees during nonworking hours, allowing distribution and posting of union literature by employees during nonworking hours in nonworking areas, and allowing reasonable access to labor organization representatives to communicate with employees on employer premises at reasonable times;

(D) allowing employee representatives to meet with employer representatives during working hours without loss of pay for purposes of collective bargaining, negotiation of agreements, and representation of employee grievances;

(E) regularly informing employees that it is company policy to consult and bargain collectively with organizations which are freely elected by the employees to represent them; and

(F) utilizing impartial persons mutually agreed upon by employer and employee representatives to resolve disputes concerning election of representatives, negotiation of agreements or grievances arising thereunder, or any other matters arising under this paragraph.

(b) The Secretary may issue guidelines and criteria to assist persons who are or may be subject to this subtitle in complying with the principles set forth in subsection (a) of this section. The Secretary may, upon request, give an advisory opinion to any person who is or may be subject to this subtitle as to whether that person is subject to this subtitle or would be considered to be in compliance with the principles set forth in subsection (a).

ADVISORY COUNCILS

SEC. 313. (a) The Secretary shall establish in South Africa an Advisory Council (1) to advise the Secretary with respect to the implementation of those principles set forth in section 312(a), and (2) to review periodically the reports submitted pursuant to section 314(a) and, where necessary, to supplement the information contained in such reports. The Advisory Council shall be composed of ten members appointed by the Secretary from among persons representing trade unions committed to nondiscriminatory policies, the United States Chamber of Commerce in South Africa, and the South African academic community, and from among South African community and church leaders who have demonstrated a concern for equal rights. In addition to the ten appointed members of the Advisory Council, the United States Ambassador to South Africa shall be a member of the Advisory Council, ex officio.

(b) The Secretary shall establish in the United States an American Advisory Council to make policy recommendations with respect to the labor practices of United States persons in South Africa and to review periodically the progress of such persons in carrying out the provisions of section 311 of this Act. The American Advisory Council shall be composed of 11 members appointed by the Secretary from among qualified persons, including officers and employees of the Department of State, the Department of Commerce, the Department of Labor, and the Equal Employment Opportunity Commission, and representatives of labor, business, civil rights, and religious organizations. The Secretary shall publish in the Federal Register any recommendations made by the American Advisory Council under this subsection.

(c) Members of the Advisory Council in South Africa and of the American Advisory Council shall be appointed for 3-year terms, except that of the members first appointed, three on each Council shall be appointed for terms of two years, and three on each Council shall be appointed for terms of one year, as designated at the time of their appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

(d) The United States Ambassador to South Africa shall provide to the Advisory Council in South Africa the necessary clerical and administrative assistance. The Secretary shall provide such assistance to the American Advisory Council.

(e) Members of the Advisory Council in South Africa and of the American Advisory Council shall serve without pay, except that, while away from their homes or regular places of business in the performance of services for the respective Councils, members of the Advisory Councils shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

ENFORCEMENT; SANCTIONS

SEC. 314. (a) Each United States person referred to in section 311 of this Act shall submit to the Secretary (1) a detailed and fully documented annual report on the progress of that person in complying with the provisions of this subtitle, and (2) such other information as the Secretary determines is necessary.

(b) In order to insure compliance with this subtitle and any regulations issued to carry out this subtitle, the Secretary—

(1) shall establish mechanisms to monitor such compliance, including onsite monitoring with respect to each United States person referred to in section 311 of this Act at least once in every two-year period;

(2) shall make reasonable efforts within a reasonable period of time to secure such compliance by means of conference, conciliation, mediation, and persuasion;

(3) shall, in any case in which the Secretary has reason to believe that any person has furnished the Secretary with false information relating to the provisions of this subtitle, recommend to the Attorney General that criminal proceedings be brought against such person; and

(4) may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpena the attendance and testimony of witnesses and production of all books, papers, and documents relating to any matter under investigation.

(c) The Secretary shall, within ninety days after giving notice and an opportunity for a hearing to each United States person referred to in section 311 of this Act, make a determination with respect to the compliance of that United States person with the provisions of this subtitle and any regulations issued to carry out this subtitle.

(d)(1) Any United States person with respect to whom the Secretary makes a determination under subsection (c) or (f) of this section either that the person is not in compliance with this subtitle or any regulations issued to carry out this subtitle, or that the compliance of the person with this subtitle or those regulations cannot be established on account of a failure to provide information to the Secretary or on account of the provision of false information to the Secretary, may not export any goods or technology directly or indirectly to South Africa.

(2)(A) In addition to the penalties set forth in paragraph (1), the Secretary may impose upon any United States person subject to those penalties—

(i) if other than an individual, a fine of not more than $1,000,000, or

(ii) if an individual, a fine of not more than $50,000.

(B)(i) Any officer, director, or employee of a United States person subject to the penalties set forth in subparagraph (A), or any individual in control of that United States person, who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation involved and (ii) any agent of such United States person who knowingly and willfully carried out such act or practice, shall be subject to a fine, imposed by the Secretary, of not more than $10,000.

(C) A fine imposed under subparagraph (B) may not be paid, directly or indirectly, by the United States person committing the violation involved.

(D) The payment of any fine imposed under this paragraph shall be deposited in the miscellaneous receipts of the Treasury. In the event of the failure of any person to pay a fine imposed under this paragraph, the fine may be recovered in a civil action in the name of the United States brought by the Secretary in an appropriate United States district court.

(3) Any United States person who exports any goods or technology in violation of paragraph (1) of this subsection shall, in addition to any other penalty specified in this subtitle, be fined, for each such violation, not more than five times the value of the exports involved or $50,000, whichever is greater, or imprisoned not more than five years, or both. For purposes of paragraph (1) and this paragraph, "goods" and "technology" have the same meanings as are given those terms in paragraphs (3) and (4) of section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415).

(e) The Secretary shall issue an order carrying out any penalty imposed under paragraph (1) or (2) of subsection (d).

(f)(1) The Secretary shall, at least once in every two-year period, review and, in accordance with subsection (c), make a redetermination with respect to the compliance of each United States person referred to in section 311 of this Act with the provisions of this subtitle and any regulations issued to carry out this subtitle.

(2) In the case of any United States person with respect to whom the Secretary makes a determination under subsection (c) or paragraph (1) of this subsection either that the person is not in compliance with this subtitle or any regulations issued to carry out this subtitle, or that the compliance of the person with this subtitle or those regulations cannot be established on account of a failure to provide information to the Secretary or on account of the provision of false information to the Secretary, the Secretary shall, upon the request of that person and after giving that person an opportunity for a hearing, review and redetermine that person's compliance within sixty days after that person files the first annual report pursuant to subsection (a) of this section after the negative determination is made.

(g) Any United States person aggrieved by a determination of the Secretary under subsection (c) or (f) of this section may seek judicial review of that determination in accordance with the provisions of chapter 7 of title 5, United States Code.

(h) The Secretary shall submit an annual report to the Congress on the compliance of those United States persons referred to in section 311 of this Act with the provisions of this subtitle.

REGULATIONS

SEC. 315. (a) The Secretary shall, after consulting with the Advisory Councils established pursuant to section 313 of this Act, issue such regulations as are necessary to carry out this subtitle. Such regulations shall be issued not later than one hundred and eighty days after the date of the enactment of this Act. The Secretary shall establish dates by which United States persons must comply with the different provisions of this subtitle, except that the date for compliance with all the provisions of this subtitle shall not be later than one year after the date of the enactment of this Act.

(b) Before issuing final regulations pursuant to subsection (a), the Secretary shall publish in the Federal Register the regulations proposed to be issued and shall give interested persons at least thirty days to submit comments on the proposed regulations. The Secretary shall, in issuing the final regulations, take into account the comments so submitted.

WAIVER OR TERMINATION OF PROVISIONS

SEC. 316. (a) In any case in which the President determines that compliance by a United States person with the provisions of this subtitle would harm the national security of the United States, the President may waive those provisions with respect to that United States person if the President publishes each waiver in the Federal Register and submits each waiver and the justification for the waiver to the Congress and if the Congress enacts a joint resolution approving the waiver.

(b) Upon a written determination by the President that the Government of South Africa has terminated its practice of systematic racial discrimination and allows all the people of South Africa, regardless of race or ethnic origin, to participate fully in the social, political, and economic life in that country, the provisions of this subtitle and any regulations issued to carry out this subtitle shall cease to be effective.

SUBTITLE 2—PROHIBITION ON LOANS AND IMPORTATION OF GOLD COINS

LOANS TO SOUTH AFRICA

SEC. 321. (a) No bank operating under the laws of the United States may make any loan directly or through a foreign subsidiary to the South African Government or to any corporation, partnership, or other organization which is owned or controlled by the South African Government, as determined under regulations issued by the Secretary. The prohibition contained in this subsection shall not apply to loans for educational, housing, or health facilities which are available to all persons on a totally nondiscriminatory basis and which are located in geographic areas accessible to all population groups without any legal or administrative restriction.

(b) The prohibition contained in subsection (a) of this section shall not apply to any loan or extension of credit for which an agreement is entered into before the date of the enactment of this Act.

GOLD COINS

SEC. 322. No person, including any bank operating under the laws of the United States, may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the South African Government.

ENFORCEMENT; PENALTIES

SEC. 323. (a) The Secretary, in consultation with the Secretary of the Treasury and the Secretary of Commerce, shall take the necessary steps to insure compliance with the provisions of this subtitle, including—

(1) issuing such regulations as the Secretary considers necessary to carry out this subtitle;

(2) establishing mechanisms to monitor compliance with the provisions of this subtitle and any regulations issued pursuant to paragraph (1) of this subsection;

(3) in any case in which the Secretary has reason to believe that a violation of this subtitle has occurred or is about to occur, referring the matter to the Attorney General for appropriate action; and

(4) in any case in which the Secretary has reason to believe that any person has furnished the Secretary with false information relating to the provisions of this subtitle, referring the matter to the Attorney General for appropriate action.

(b)(1) Any person, other than an individual, that violates section 321 or 322 of this Act shall be fined not more than $1,000,000.

(2) Any individual who violates section 321 of this Act shall be fined not more than $50,000, or imprisoned not more than five years, or both.

(3) Any individual who violates section 322 of this Act shall be fined not more than five times the value of the krugerrands or gold coins involved.

(c)(1) Whenever a person other than an individual violates section 321 or 322 of this Act—

(A) any officer, director, or employee of such person, or any natural person in control of such person, who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

WAIVER BY PRESIDENT

SEC. 324. The President may waive the prohibitions contained in sections 321 and 322 of this Act for a period of not more than one year if the President determines that the Government of South Africa has made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life in that country and toward an end to discrimination based on race or ethnic origin, if the President submits any such determination, and the basis for the determination, to the Congress, and if the Congress enacts a joint resolution approving the determination.

SUBTITLE 3—INVESTMENT IN SOUTH AFRICA

PROHIBITION

SEC. 331. The President shall, not later than 90 days after the date of the enactment of this Act, issue regulations prohibiting any United States person from making any investment in South Africa. For purposes of the preceding sentence, the term "investment" means—

(1) establishing or making a loan or other extension of credit for the establishment of a business enterprise in South Africa, including a subsidiary, affiliate, branch, or office in South Africa; and

(2) investing funds in an existing enterprise in South Africa, including making a loan or other extension of credit, except that this paragraph shall not be construed to prohibit—

(A) an investment which consists of earnings derived from an enterprise in South Africa established before the date of the enactment of this Act and which is made in that enterprise; or

(B) the purchase of securities on a securities exchange.

The President may issue such licenses or orders as are necessary to carry out this section.

ENFORCEMENT; PENALTIES

SEC. 332. (a) The President shall take the necessary steps to insure compliance with the regulations issued pursuant to section 331, including establishing mechanisms to monitor compliance with such regulations. The President may also hold hearings, issue subpenas, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpena the attendance and testimony of witnesses and production of all books, papers, and documents relating to any matter under investigation.

(b)(1) Any United States person, other than an individual, that violates the regulations issued pursuant to section 331 of this Act or any license or order issued under this subtitle shall be fined not more than $1,000,000.

(2) Any individual who violates the regulations issued pursuant to section 331 of this Act or any license or order issued under this subtitle shall be fined not more than $50,000, or imprisoned not more than five years, or both.

(c)(1) Whenever a United States person violates the regulations issued pursuant to section 331 of this Act or any license or order issued under this subtitle—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the United States person committing the violation itself.

TERMINATION OF PROHIBITION

SEC. 333. If the President determines that the Government of South Africa has made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life in that country and toward an end to discrimination based on race or ethnic origin, the President shall submit that determination, and the basis therefor, to the Congress. The regulations issued pursuant to this subtitle, and any license or order issued under this subtitle, shall terminate upon enactment of a joint resolution approving such determination.

SUBTITLE 4—GENERAL PROVISIONS

COOPERATION OF OTHER DEPARTMENTS AND AGENCIES

SEC. 341. (a) Each department and agency of the United States shall cooperate with the Secretary in carrying out the provisions of this title, including, upon the request of the Secretary, taking steps to insure compliance with the provisions of this title and any regulations issued to carry out this title.

(b) The Secretary may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out the Secretary's functions under this title.

DEFINITIONS

SEC. 342. For purposes of this title—

(1) the term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term "Secretary" means the Secretary of State;

(3) the term "South Africa" includes the Republic of South Africa; any territory under the administration, legal or illegal, of South Africa; and the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, and Venda; and

(4) a United States person shall be presumed to control a corporation, partnership, or other enterprise in South Africa if—

(A) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 per centum of the outstanding voting securities of the corporation, partnership, or enterprise;

(B) the United States person beneficially owns or controls (whether directly or indirectly) 25 per centum or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(E) the United States person has authority to appoint a majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(F) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

APPLICABILITY TO EVASIONS OF TITLE

SEC. 343. (a) Subtitle 1 of this title shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of subtitle 1 of this title or any regulations issued to carry out that subtitle.

(b) Subtitle 2 of this title shall apply to any bank operating under the laws of the United States, or to any other person, who or which undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of subtitle 2 of this title or any regulations issued to carry out that subtitle.

(c) The regulations issued pursuant to subtitle 3 of this title shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of those regulations.

CONSTRUCTION OF TITLE; SEVERABILITY

SEC. 344. (a) Nothing in this title shall be construed as constituting any recognition by the United States of the homelands referred to in section 342(3) of this Act.

(b) If any provision of this title or the application of this title to any person or circumstance is held invalid, neither the remainder of this title nor the application of that provision to other persons or circumstances shall be affected thereby.

TITLE IV—SOVIET UNION

GOLD COINS

SEC. 401. No person, including any bank operating under the laws of the United States, may import into the United States any gold coin minted in the Soviet Union or offered for sale by the Government of the Soviet Union.

ENFORCEMENT; PENALTIES

SEC. 402. (a) The Secretary, in consultation with the Secretary of the Treasury and the Secretary of Commerce, shall take the necessary steps to insure compliance with the provisions of section 401, including—

(1) issuing such regulations as the Secretary considers necessary to carry out section 401;

(2) establishing mechanisms to monitor compliance with the provisions of section 401 and any regulations issued pursuant to paragraph (1) of this subsection;

(3) in any case in which the Secretary has reason to believe that a violation of section 401 has occurred or is about to occur, referring the matter to the Attorney General for appropriate action; and

(4) in any case in which the Secretary has reason to believe that any person has fur-

nished the Secretary with false information relating to the provisions of section 401, referring the matter to the Attorney General for appropriate action.

(b)(1) Any person, other than an individual, that violates section 401 of this Act shall be fined not more than $1,000,000.

(2) Any individual who violates section 401 of this Act shall be fined not more than fives times the value of the gold coins involved.

(c)(1) Whenever a person violates section 401 of this Act—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

APPLICABILITY TO EVASIONS OF TITLE

Sec. 403. This title shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of this title or any regulations issued to carry out this title.

COOPERATION OF OTHER DEPARTMENTS AND AGENCIES

Sec. 404. (a) Each department and agency of the United States shall cooperate with the Secretary in carrying out the provisions of this title, including, upon the request of the Secretary, taking steps to insure compliance with the provisions of this title and any regulations issued to carry out this title.

(b) The Secretary may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out the Secretary's functions under this title.

DEFINITION

Sec. 405. For purposes of this title, the term "Secretary" means the Secretary of State.

Mr. BAKER. Mr. President, I move that the Senate disagree to the House amendment and agree to the conference requested by the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Garn, Mr. Tower, Mr. Heinz, Mr. Proxmire, and Mr. Cranston conferees on the part of the Senate.

AUTHORIZATION FOR USE OF CAPITOL ROTUNDA

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 264, authorizing the use of the Rotunda of the Capitol on March 15, 1984.

The **PRESIDING OFFICER.** The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 264) authorizing the rotunda of the Capitol to be used for a ceremony on March 15, 1984, commemorating the anniversary of the birth of President Andrew Jackson.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 11 A.M.

Mr. BAKER. Mr. President, first I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. tomorrow.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order tomorrow, I ask unanimous consent there be special orders of 15 minutes each in favor of the distinguished Senator from Wisconsin (Mr. Proxmire), and the distinguished Senator from Alabama (Mr. Heflin), to be followed by a period for the transaction of routine morning business to extend not later than 12 noon, with statements therein limited to 5 minutes each, and that at 12 noon the Senate recess until 2 p.m.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BAKER. Mr. President, the reason for the recess on Tuesday, as I have stated almost every Monday, is to accommodate caucuses of Senators which are held away from the Senate Chamber which are semiofficial in nature. That policy of providing time for those caucuses I believe materially expedites the business of the Senate.

THE SCHOOL PRAYER AMENDMENT

At 2 p.m. tomorrow, Mr. President, the Senate will resume consideration of Senate Joint Resolution 73, which is the school prayer amendment. It is my hope that on tomorrow, may I say for the benefit of Senators who may hear me in their offices as well as those present on the floor, particularly the minority leader, there can be at least one vote, perhaps two votes, on issues related to the school prayer matter. I am not certain that can happen, but I feel reasonably optimistic and I hope that will happen. An effort will be made on the part of the leadership on this side to get us into a voting pattern and consideration of amendments.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow, the Senate will convene at 11 a.m.

After the recognition of the two leaders under the standing order, two Senators will be recognized on special orders of not to exceed 15 minutes.

The time remaining after the execution of the special orders and prior to 12 noon will be devoted to a period for the transaction of routine morning business.

At 12 noon, the Senate will stand in recess until 2 p.m.

At 2 p.m., when the Senate resumes its session, the Senate will once more take up the unfinished business, which is Senate Joint Resolution 73, the prayer amendment.

It is anticipated that votes will occur on or in relation to the pending question, which is the committee amendment or amendments to it, or amendments to the resolution itself, as the case may be.

In any event, votes are expected during the day tomorrow on this matter.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I know of nothing else to come before the Senate. I see no other Senator seeking recognition. The minority leader has signaled to me that he has no further requirement for recognition.

Therefore, I move, in accordance with the order previously entered, that the Senate now stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and at 4:41 p.m. the Senate recessed until tomorrow, Tuesday, March 13, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 12, 1984:

Department of State

Thomas H. Anderson, Jr., of Mississippi, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of Dominica, Ambassador Extraordinary and Plenipotentiary of the United States of America to Saint Lucia, Ambassador Extraordinary and Plenipotentiary of the United States of America to Saint Vincent and the Grenadines, Ambassador Extraordinary and Plenipotentiary of the United States of America to Antigua and Barbuda, and Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Christopher and Nevis.

Gerald P. Carmen, of New Hampshire, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

Richard Fairbanks, of the District of Columbia, to be Ambassador at Large.

Barrington King, of Georgia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei.

David Charles Miller, Jr., of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe.

Arms Control and Disarmament Negotiations

Paul H. Nitze, of the District of Columbia, to be Special Representative for Arms Control and Disarmament Negotiations (new position, Public Law 98-202, of December 2, 1983), to which position he was appointed during the last recess of the Senate from November 18, 1983, until January 23, 1984, and to have the rank of Ambassador while so serving.

Interstate Commerce Commission

Paul H. Lamboley, of Nevada, to be member of the Interstate Commerce Commission for the remainder of the term expiring December 31, 1984, vice Darius W. Gaskins, Jr., resigned.

National Advisory Council on Women's Educational Programs

Marge Bodwell, of New Mexico, to be a member of the National Council on Women's Educational Programs for a term expiring May 8, 1986 (reappointment).

National Council on Educational Research

The following-named persons to be members of the National Council on Educational Research for terms expiring September 30, 1986:

J. Floyd Hall, of South Carolina (reappointment).

Donna Helene Hearne, of Missouri (reappointment).

George Charles Roche III, of Michigan (reappointment).

Carl W. Salser, of Oregon (reappointment).

In the Army

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. David K. Doyle, 578-40-4691, U.S. Army.

IN THE NAVY

The following-named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of commodore in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

Jack Stephen Smith
Burton Orville Benson
James Merrill Strickland
Martin William Leukhardt

UNRESTRICTED LINE OFFICER (TAR)

Albert Eugene Rieder

AERONAUTICAL ENGINEERING DUTY OFFICER

Clay Wayland Gordon Fulcher

MEDICAL CORPS OFFICER

James John Cerda

SUPPLY CORPS OFFICER

Henry Culberson Amos, Jr.

CHAPLAIN CORPS OFFICER

John Joseph Hever

CIVIL ENGINEER CORPS OFFICER

David Oliver Smart IV

In the Navy

The following-named Naval Reserve officers to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Jon R. Agne
Christopher C. Cinnamon
Marvin L. Miller
Kendall R. Shannon

The following-named Navy enlisted candidates to be appointed permanent chief warrant officer, W-2, in the U.S. Navy, pursuant to title 10, United States Code, section 555:

Dennis J. Blue
John R. Claussen
Eugene M. Cordova
Charles W. Hall
Harold B. Hall
Rudy G. Hamm
Michael J. Keeton
Amorsolo M. Ledina
Michael A. McDonald
Beverly J. Petty
Michael G. Ragan
Barratt Sturtevant
Coleen M. Thomswillette
Donald J. West
Roy W. White
Robert D. Willmore

The following chief warrant officer, W-3, U.S. Navy, retired, to be reappointed permanent chief warrant officer, W-2, from the temporary disability retired list, pursuant to title 10, United States Code, section 1211:

Michael P. Grief

Department of Transportation

Donald D. Engen, of Virginia, to be Administrator of the Federal Aviation Administration, vice J. Lynn Helms, resigned.

EXTENSIONS OF REMARKS

VETERANS OF FOREIGN WARS LEGISLATIVE PROGRAM

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. MONTGOMERY. Mr. Speaker, I would like to share with my colleagues the legislative priorities of the Veterans of Foreign Wars as presented to the Committee on Veterans' Affairs on March 6, 1984. The text of a statement from VFW Commander in Chief Clifford G. Olson, Jr., follows:

STATEMENT OF CLIFFORD G. OLSON, JR., COMMANDER-IN-CHIEF, VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. Chairman and members of the committee, it is, indeed, a singular honor for me to appear before this distinguished Committee to present on behalf of the more than 2.6 million men and women of the Veterans of Foreign Wars of the United States and our Ladies Auxiliary our priority legislative program. As you know, Mr. Chairman, our organization was founded in 1899 following the Spanish-American War—we are the largest veterans' organization, composed of men and women who have served their nation overseas in time of war—at the moment, we are experiencing our 29th consecutive year of increased membership—no greater tribute could be paid to the continued dedication of the leadership of our great organization who has accompanied me here to day than to appear before this distinguished committee.

Mr. Chairman, permit me to express the appreciation of the VFW for legislation developed within this Committee and shepherded through the House of Representatives fulfilling many of our current VFW resolutions and priority goals. I refer to the "Emergency Veterans' Job Training Act," Public law 98-77, to provide job training for Korean and Vietnam Era veterans. Also, the "Veterans' Health Care Amendments of 1983," Public Law 98-160, which among other provisions, extends the outreach centers for Vietnam veterans another four years, increases per diem rates for veterans in state facilities and, by law, established within the Veterans Administration an Advisory Committee on Womens Veterans. The President recently signed into law the "Veterans' Compensation and Program Improvement Amendments of 1984," which grants a 3.5 percent increase in compensation and DIC effective April 1st, increases the Board of Veterans from 50 to 65 members and extends until 1989 the Matching Fund Grant Program for state veterans' cemeteries.

Mr. Chairman, I have requested the Senate Veterans' Affairs Committee to take timely action with respect to the House passed "Veterans' Housing Benefits Amendments of 1983," which would grant relief to veterans in jeopardy of losing their homes through foreclosures and, too, the "Agent Orange and Atomic Veterans' Relief Act," an interim measure to benefit those suffering the effects of such exposure.

Permit me to call to the Committee's attention, Mr. Chairman, the fine working relationship and rapport existing between your highly professional staff and, in particular, Mack G. Fleming, your Chief Counsel and Staff Director; Frank Stover, your Deputy Chief Counsel; and Rufus Wilson, Minority Counsel and Staff Director, with the Executive Director of our Washington Office, Cooper T. Holt, and our National Legislation Director, Donald H. Schwab and their staffs.

I would be remiss, indeed, if I failed to publicly thank the Chairman of your Subcommittee on Hospitals and Health Care, the Honorable Bob Edgar, for having introduced a bill incorporated in other legislation which became Public Law 98-190, honoring our three-time National Commander-in-Chief, Jimmie Van Zandt, by naming the Veterans Administration Medcial Center in Altoona, Pennsylvania, the "James E. Zandt Veterans Administration Medical Center."

Mr. Chairman, my purpose for appearing today is to present our priority legislative program for this Second Session of the 98th Congress. Appended to my testimony is a copy of our VFW pamphlet entitled, "Legislative and Security Priority Goals for 1984." Without objection, it is requested this pamphlet be made a part of the hearing record.

As always, Mr. Chairman, our first priority goals address the Veterans Administration budget and health care furnished our nation's veterans.

Mr. Chairman, the budget proposed by the President for the Veterans Administration in the fiscal year 1985 at $27.2 billion in budget authority is an increase of $992.9 million over the current year and the $26.6 billion in outlays represents an addition of $922.8 million above the fiscal year 1984. Average employment within the agency is up more than 2,000, medical care is up more than half a billion dollars, research is up $20 million, construction is up $291 million, grants to state homes are up $17 million and provisions are made for a 4.3 percent cost-of-living increase in compensation and a 15 percent increase for veterans availing themselves of educational benefits. It is a good budget considering present financial constraints and the VFW supports its implementation. Having said this, let me also state certain areas cause us varying degrees of concern.

The medical care budget, although an increase of $531.7 million in outlays, represents another decremental budget since it does not reflect the inflation in medical care. Therefore, the demand for care by eligible veterans already exceeds the ability of the Veterans Administration to provide needed care by all who are eligible and seek care. As a result, some veterans in the lowest priority, those with non-service-connected disabilities, are forced to seek care in community hospitals as welfare patients. These veterans are increasingly encountering great difficulty in securing care under the financially strained Medicaid system and often go without care until their disabilities become irreversible. We urge that Congress ensure that all eligible veterans, especially those with limited financial resources and no health insurance, needing medical care, not be denied.

During our 84th National Convention at New Orleans, Louisiana last August, President Reagan signed into law with great fanfare and national television coverage the "Emergency Veterans' Job Training Act of 1983." This jobs' program to benefit Korean and Vietnam Era veterans was to be funded in the amount of $150 million in each of the fiscal years 1984 and 1985. Initial funding was made available last December, but $20 million was immediately transferred to provide educational benefits for veterans and the $150 million was not requested in the 1985 budget. The Veterans Administration believes that the $130 million now available will be sufficient to meet the objects established for this program in both the fiscal years 1984 and 1985. In recent testimony, the VA stated that there has been a surge of interest in the program and that already 43,000 applications for participation have been approved. In fairness, the Administrator did state additional funding would be requested if needed. In my opinion, the Administration has erred badly in not providing these funds and has sent the wrong signal to veterans in reneging on this commitment. I would strongly suggest to you, Mr. Chairman, that it would behoove the Administration to reconsider funding for this program.

The scheduled reduction of 800 personnel in the Department of Veterans Benefits, which will be a cumulative decrease of 6,654 since 1976, appears unreasonable. Although activity in the educational programs has diminished as have active caseloads in compensation and Dependency and Indemnity Compensation and pension, processing time in claims is unreasonable. Presently, original claims for compensation are taking 121 days to resolve; those for Dependency and Indemnity Compensation, 62 days; for disability pension, 83 days and death pension claims, 53 days. Furthermore, it is my understanding that over half of the reduction of 800 personnel will be sustained by the compensation and pension service. The Administration has stated a contract will be made with a consulting firm to establish the personnel needs within the Department of Veterans Benefits. We welcome such a study, indeed, provided the firm chosen adheres to its mandate and not ignore it as did the National Academy of Sciences several years ago when directed to ascertain personnel requirements within the Department of Medicine and Surgery.

Mr. Chairman, the VFW opposes in the strongest possible terms the Administration's proposal to terminate property acquisitions by the Veterans Administration following foreclosures on home loans guaran-

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

teed by the VA, which is one of the recommendations of the President's Private Sector Survey on Cost Control. It is the opinion of many, not only the Mortgage Bankers Association, that implementation of this proposal will toll the death knell for the VA home loan program which would be a cruel disservice to veterans, especially Vietnam veterans.

The construction budget of $822 million will provide for the replacement or modernization of five medical centers, seven new nursing home care units, a domiciliary renovation, and outpatient improvements at seven locations among other upgrading projects. These new facilities, coupled with a $17 million increase in grants to State homes, reflects appropriate concern for our aging veteran population. However, Mr. Chairman, we are perplexed with the system used in establishing construction priorities we believed would be fine tuned by the Medical District Initiated Planning Program (MEDIPP). The proposed budget contains no funding for the replacement medical center in the Baltimore metropolitan area listed in the current Five-Year Medical Facility Construction Plan as one of the ten medical centers most in need of construction, replacement or major modernization. Eight million dollars has already been expended for this project, $3.5 million for working drawings and $4.5 million for purchase of the construction site. Also, $1 million has already been spent in Philadelphia, Pennsylvania for major expansion and improvement of the VA medical center but no funding is included although scheduled for 1985 in the Five-Year Plan. Adding to our dismay, the City of Philadelphia has donated 12 acres of land for this construction provided construction commences by December 1986. I fail to understand how $9 million and the gift of 12 acres of valuable land can be so frittered away.

Mr. Chairman, the proposed budget for the Veterans Administration is not all that we would like, but we realize that in an era of unprecedented deficits, compromises must be made to protect the basic integrity of the VA hospital and medical care system, the compensation, Dependency and Indemnity Compensation and pension programs. The VFW also realizes the budget is as good as it is only because in the Administrator of Veterans Affairs, Harry N. Walters, we have a real champion of veterans, truly a veteran's advocate. To quote Mr. Walters—"America is #1—Thanks to Our Veterans."

Mr. Chairman, over the years with the able assistance of this Committee, we have been able to turn back attacks against the Veterans' Administration, its hospital and medical care system and veterans' benefits in general. These attacks have emanated from the 20th Century Fund, the National Tax Limitation Committee, the Heritage Foundation, the National Academy of Sciences, the Office of Management and Budget, the Congressional Budget Office, the news media and more recently, the President's Private Sector Survey on Cost Control known to most as the "Grace Commission." You will recall that the Commission's original draft report last year recommended abolishing the Veterans' Administration and reassigning its functions to other Government agencies. The draft report was immediately repudiated by the Administrator of Veterans' Affairs, withdrawn and rewritten by the Grace Commission. Then, last month in testimony before the Senate Budget Committee the Director of the Office of Management and Budget, David Stockman, stated in part:

"While major strides in budget control have been achieved over the past three years, it would not be concluded that all savings possibilities have been exhausted . . . The Grace Commission report contains literally hundreds of suggestions . . . which, after further analysis and refinement, can be expected to generate substantial savings proposals for next year's budget.

"In particular . . . eight budget categories illustrate the opportunities for significant future savings beyond the limited measure proposed in the 1985 budget . . . They illustrate both the major opportunities as well as the kind of hard choices which will face the Administration and Congress next year in what must be a full throttle effort to close the budget gap, if economic recovery is to be sustained.

". . . The Grace Commission findings as well as those by many medical economists, suggest that the nation's health care commitments to its veterans can be met at substantially less cost over the longer run if the current policy framework is adjusted. Such structural reform options include greater internal economic incentives, wider use of excess facilities in the private health care system, tighter implementation of the 'inability to defray' standard, firmer service-connected disability requirements, and cost-sharing and third-party cost recovery mechanisms. The Administration will be studying these options intensively within the coming years, with a view of finding ways to meet existing veterans health care commitments at significantly lower cost in the years ahead. . . ."

Mr. Chairman, Mr. Stockman's words represent a fine example of unintelligible bureaucratic jargon. I would suggest that you invite him to appear before this Committee and explain just what he has in mind for veterans. We know Mr. Stockman, who has never been guilty of defending veterans' benefits, is speaking of "mainstreaming" veterans' health care to bring relief to private hospitals which were overbuilt and overbedded for personal financial gain rather than replace or modernize aged VA medical centers. We know Mr. Stockman is speaking of more stringent requirements for veterans who sign the "paupers oath" indicating they cannot afford to pay for care in the private sector. We know Mr. Stockman is speaking of third party reimbursement wherein insurance companies would be required to pay for a veteran's care in VA facilities if he or she has some form of health insurance. We do not know what Mr. Stockman means by "firmer service-connected disability requirements," but we do know it does not auger well at all for veterans who have become disabled serving our nation in the Armed Forces. This Committee has in years past considered and with good cause, rejected similar proposals. The fact they are being given serious consideration by the President's Office of Management and Budget means that we must be ever vigilant.

When this session of Congress convened, Mr. Chairman, I wrote to every member with respect to cost-of-living increases for federal civilian and Armed Forces retirees. My action was prompted by magazine and newspaper articles playing up the cost of these COLAs, a provision in the House passed Reconciliation Act delaying COLA for these retirees until January 1985, and a like provision in the President's proposed budget. I believe these retirees who have rendered a very special service have already given more than their fair share under two previous budget reconciliation acts.

Mr. Chairman, the leadership of the VFW and many of our members, are aware that highly respected economists within the government and private sector believe that unless federal deficits are curbed soon, they pose a major threat to the economic well-being of us all in the not too distant future. The economic recovery we have been enjoying under the Reagan Administration may be showing signs of faltering. Last month came a warning of recession, something none of us want. Treasury Secretary Donald Regan was quoted in the *Wall Street Journal* as asserting that another recession could occur if "proper" fiscal and monetary policies are not put into effect. The same article stated that Federal Reserve Board Chairman Paul Volker also warned of a recession if the federal deficit isn't cut.

You will recall, Mr. Chairman, that last year the VFW was out front in publicly supporting a six-month delay in COLA for veterans' entitlements provided the beneficiaries of all other federally-funded entitlements were required to make the same sacrifice. We did this to help reduce the deficit and maintain the basic integrity of our veterans' benefits. If further budget savings must be made, let it be by wholly realistic priorities and even-handedly. The budget priorities of the VFW are just exactly what you should expect them to be. National defense must always come first for if we lose our freedom, there will be no veterans' programs, no social welfare programs, only poverty and misery. Next come our veterans' programs and hospital and medical care system to care for those who have insured our precious freedom. Everything else comes next. No one has said it better than the late American Economist Henry George—"The ideal social state is not that in which each gets an equal amount of wealth, but in which each gets in proportion to his contribution."

Preserving veterans preference in federal employment is a continuing priority goal of the VFW. Permit me to publicly thank you, Mr. Chairman, for having risen on the floor of the House of Representatives when the proposed Equal Rights Amendment was brought up and so forcefully reminding your colleagues that veterans preference has been in existence more than 100 years and upheld by the U.S. Supreme Court on more than one occasion. The VFW has no position with respect to ERA, but a red flag went up when the President of the League of Women Voters stated in testimony that ERA would be used to attack veterans preference. Indications are that ERA will again be brought up and, for the record, the VFW will oppose ERA with every resource at our disposal unless amended to exclude veterans preference and programs and, also, women from combat.

Mr. Chairman, one of the provisions of Public Law 98-160 expresses the sense of Congress that the Administrator of Veterans Affairs should be designated by the President as a member of the Cabinet and be the President's principal advisor on all matters pertaining to veterans, their dependents and survivors. Recently, Mr. Chairman, you wrote to the President urging that he submit to Congress legislation to establish a Department of Veterans Affairs. This has been the position of the VFW for years and our current Resolution No. 683 fully supports your meritorious effort. As Commander-in-Chief of VFW, I will do everything possible to see that the Administrator holds a chair in the Cabinet.

Mr. Chairman and members of the Committee, I trust each and every one of you will be with us tonight on the occasion of our Annual Congressional Banquet at the Sheraton Washington Hotel. As I am sure you must know by now, we will be honoring one of your own, the Ranking Minority Member, the Honorable John Paul Hammerschmidt, with our 21st Annual Veterans of Foreign Wars Congressional Award for outstanding service to our nation. In announcing this award, I stated, "Representative Hammerschmidt has been widely regarded as one of the most effective voices in the Congress for increased veterans' programs and a strong national defense." In another highlight of the evening, the senior high school students who have won our Voice of Democracy contest in each state and overseas areas will be honored guests at our lower head table. The reception will begin at 6:00 p.m., with dinner promptly at 7:00 p.m. I want to assure all of you our program will conclude at approximately 9:15 p.m.

Mr. Chairman and members of the Committee, I thank you for the privilege of appearing before this distinguished Committee of such great importance to our nation's veterans.●

HAZARDOUS SUBSTANCES "RIGHT TO KNOW" RESOLUTION

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. VENTO. Mr. Speaker, millions of Americans are being exposed daily to an ever-increasing number and variety of toxic and hazardous substances which pose an imminent threat to their health and well-being. Many hazardous substances are found in the workplace in manufacturing, construction, transportation, agriculture, and various other industries and services.

Frequently, workers are not even aware that they are handling hazardous substances and are not trained to reduce the risk of occupational disease and injury. In many instances, chemicals and other substances are only identified by a code or trade name which provides little, if any, useful information to advise persons about health risks so that they may take adequate precautions to protect themselves.

On November 25, 1983, the Occupational Safety and Health Administration (OSHA) issued its long-awaited Hazard Communication Standard. Unfortunately, however, the new OSHA standard extends limited protection to only 25 percent of the labor force (that is, those working in manufacturing), and offers no protection to the remaining 75 percent of the work force in construction, transportation, agriculture, and other industries and services. At least 14 States and numerous local governments have recently enacted "right to know" laws which afford broad protection for the health of all workers. Yet OSHA has indicated that it intends to preempt all State and local "right to know" laws through the new OSHA standard even though it is limited in its scope to only one quarter of the total work force.

Mr. Speaker, while there is absolutely no doubt that workers in manufacturing industries are at risk from exposure to various hazardous substances, neither is there any doubt that other workers in other industries and services are also at risk. Unfortunately, OSHA has ignored this obvious fact, and in doing so, is also ignoring its responsibility to protect the safety and health of these workers. The numerous State and local laws which are already on the books and which are also being presently considered in a number of other States afford workers the "right to know" about hazardous substances not only in manufacturing but in other industries and services as well. While the various State laws are different in terms of their scope, training programs, and other matters, they generally afford broader protection to a larger class of workers than that contained in OSHA's November 25 standard.

Today, I am introducing, along with 41 of my colleagues in the House, a joint resolution expressing the sense of Congress that all workers have a fundamental "right to know" when they are handling or are exposed to hazardous substances which may threaten their health and well-being. My resolution also calls upon OSHA to immediately revise its Hazard Communication Standard to provide real protection for all workers. I would point out to my colleagues that this resolution does not adopt one or another of the many standards which currently exist for defining a hazardous substance. Numerous standards exist, such as the EPA list of toxins and carcinogens, DOT's list of hazardous materials, the NIOSH list, and indeed OSHA's own standards. OSHA is charged with the responsibility of identifying and regulating hazardous substances in the workplace. OSHA has a sizable professional staff of doctors, scientists, and industrial hygenists to assist them in meeting this responsibility.

But one of the central dilemmas which we face in this area of occupational health is that our ability to independently monitor the health effects of new chemicals and other substances is lagging behind the ability of our chemical manufacturers to produce these new substances which are used in the workplace. The recent controversies involving revised permissible exposure limits for substances such as EDB (ethylene dibromide), ethylene oxide, asbestos, and various other substances is proof positive of the uncertainty which exists today.

Mr. Speaker, I would welcome the support of all of my colleagues in persuading OSHA to reconsider this matter and to help protect the health and the lives of all American workers.●

DEEPDALE GENERAL HOSPITAL CELEBRATES ITS 20TH YEAR

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. SCHEUER. Mr. Speaker, Deepdale General Hospital of Little Neck, an institution in my district, is celebrating its 20th year by embarking on a $10 million expansion and renovation program focusing on adult health care to meet the needs of the maturing communities it serves in Queens and Nassau Counties. Deepdale's planned expansion has a special significance in a borough with the largest senior citizen population in the city. The taxpayer-investor owned facility serves the Queens communities of Bayside, Bellerose, Douglaston, Flushing, Glen Oaks, Kew Gardens, Little Neck, and Queens Village in addition to the bordering Nassau County communities of Floral Park, Manhasset, and New Hyde Park.

Founded in 1963, quality care has been constant throughout the last two decades. However, the hospital's direction has altered gradually in response to the need of older patients.

Initially, it served communities that were young and raising families. However, due to the population changes, the need for services for the elderly has increased, prompting the institution to close its pediatric and maternity divisions and concentrate on different types of equipment and services for its changing patient mix.

The hospital has upgraded its ophthalmological capabilities, including the installation of new equipment for cataract and eye surgery as well as a new vascular laboratory that permits studies of arteries and veins in the eye without using catheters and needles.

The intensive care unit has also been expanded to a self-contained unit with pulmonary electro and echocardiography services under the roof.

Deepdale is exploring the possibility of buying an efficient, energy cogenerator system that will heat the hospital's water electrically and save $100,000 annually. Installing thermal windows is another project expected to save 30 percent in energy costs.

Suction and oxygen equipment is being installed in each room and Deepdale is planning the addition of intensive care unit beds and ambulatory service to assure patients get quality care and to create an active and progressive environment that attracts and nurtures the dedicated professional.

Deepdale's professional staff has shown its skills and dedication to its patients and will continue to serve the communities' needs for improved health care. Such dedication is exemplified by its ability to address the needs of the area, make changes when required, and display the vision to anticipate future needs.

I am pleased, Mr. Speaker, to honor Deepdale General Hospital and its history of faithfully serving the Queens-Nassau community for 20 years and look forward to its continued growth and service to those who need its facilities. I again congratulate Deepdale and wish it continued success.●

AFDC BILL, H.R. 5093

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. PETRI. Mr. Speaker, last Thursday I introduced H.R. 5093, which would prohibit aid to families with dependent children—AFDC—payments to unmarried minor parents who live away from home.

Even in today's society, I do not think anyone would deny the great benefit children receive from living with their parents. And no child is more in need of parental support and guidance than an unmarried teenager with a child of her own.

Yet the AFDC laws present a powerful incentive for these teenagers, most in need of family support, to leave their parents' homes. By moving away from her parents and establishing her own household, an unmarried minor mother can claim AFDC as a separate family unit. Consider, for example, a Wisconsin family consisting of a mother, two teenage daughters, and an infant who is the child of one of the daughters. If the family members have no other income and all reside in the same household, the mother receives $612 per month in AFDC grants. But if the daughter and her infant child move away, two two-person family units are created, each entitled to a monthly AFDC payment of $436. Not only does the teenage daughter receive a sizable income in her own name as a reward for moving out, as well as whatever food stamp, housing, and energy assistance she can now qualify for, but the family income as a whole increases $260 a month, from $612 to $872.

As George Gilder writes, the unmarried mother is given an "overwhelming inducement" to bear illegitimate children and to move away from her parents once they are borne: the promise of "an apartment of her own, free housing, medicine, legal assistance, and a combination of payments and food stamps worth several hundred dollars a month." In the name of helping the needy, we tempt them to destroy their families.

H.R. 5093 encourages unmarried minors with children to live at home, where they can benefit from the guidance and support of their parents. While I hesitate to think that there are teenagers who became pregnant solely so as to receive Federal and State support in their own names, H.R. 5093 works to remove whatever perverse incentives do exist in the AFDC laws.

Under H.R. 5093 AFDC grants are paid on behalf of a minor mother, who is not and has never been married, only if she resides with her parents or her legal guardians. If she does not live at home, the AFDC grant is paid to a protective payee until the time the minor reaches majority. Exceptions are made for minors whose health and safety would be jeopardized by living at home, if the parent's whereabouts are not known, or if the minor has already lived away from home for more than a year.

The Congressional Budget Office has estimated that the savings in the AFDC program would be $20 million a year. The Office of Family Assistance of the Department of Health and Human Services has estimated a savings of $19 million. But much more important than any savings is the removal of an incentive to break up families.

Legislation similar to H.R. 5093 has passed the committee level in the other body. Now is our opportunity to enact a needed advance in the AFDC laws: to encourage those Americans most in need of help to preserve their families and not to rend them.

Mr. Speaker, I request that H.R. 5093 be printed in the Record at this point.

H.R. 5093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (35);

(2) by striking out the period at the end of paragraph (36) and inserting in lieu thereof "; and "; and

(3) by adding at the end thereof the following new paragraph:

"(37) provide—

"(A) that any individual who is under the applicable age limit determined pursuant to section 406(a)(2) and is not and has never been married, and who is responsible for the care of a dependent child (or is pregnant and on that basis eligible for aid under the State plan) shall be eligible for aid under the plan (and such dependent child shall be eligible for such aid) only if such individual resides in a place of residence maintained by such individual's parent or legal guardian as such parent's or guardian's own home; except that this paragraph shall not apply to such individual if the State agency determines that—

"(i) such individual has no parent or legal guardian who is living and whose whereabouts are known;

"(ii) the health and safety of such individual or such dependent child would be seriously jeopardized if such individual lived in the same residence as such individual's parent or legal guardian; or

"(iii) such individual has lived apart from his or her parent or legal guardian for a period of at least one year prior to (I) the birth of the dependent child for whose care the individual is responsible, or (II) the making of a claim for aid under this part, whichever is later; and

"(B) that whenever an individual to whom this paragraph applies is eligible for aid under the plan, the State may make payments of the type described in section 406(b)(2) for one or more months until such individual exceeds the applicable age limit determined pursuant to section 406(a)(2).".

Sec. 2. The amendments made by the first section of this Act shall apply with respect to months after the month in which this Act is enacted.●

ILLINOIS COMMERCE COMMISSION PROJECTS SUBSTANTIAL COST TO ILLINOIS RATEPAYERS IF ACID RAIN CONTROL LEGISLATION WERE ENACTED

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. CORCORAN. Mr. Speaker, the Illinois Commerce Commission, in a March 2 report in response to my February 27 request, projects that Illinois ratepayers would be subjected to substantial costs if acid rain control legislation such as H.R. 3400 were enacted. I discussed the Commission's report at the March 5 Chicago field hearing on acid rain that was conducted by the Energy and Commerce Committee's Health and the Environment Subcommittee.

Mr. Speaker, for the benefit of our colleagues, I would like to insert in the Record the text of my February 27 letter to Illinois Commerce Commission Chairman Philip R. O'Connor as well as the text of his March 2 response.

The letters follow:

House of Representatives,
Washington, D.C., February 27, 1984.

Hon. Philip R. O'Connor,
Chairman, Illinois Commerce Commission,
Chicago, Ill.

Dear Phil: As you know, I have been active in opposing federal acid rain control legislation of the type introduced by Congressmen Gerry Sikorski (D-MN) and Henry A. Waxman (D-CA) on June 23, 1983 (H.R. 3400, which has over 100 cosponsors). Mr. Waxman is Chairman of the Energy and Commerce Committee's Subcommittee on Health and the Environment, the House subcommittee with jurisdiction over the Clean Air Act. Rather, I have supported accelerated research of the type promoted by Congressman Nick Joe Rahall II (D-WV) in the legislation he introduced on February

10, 1983 (H.R. 1405, which I cosponsored on March 22, 1983, and which has over 70 cosponsors). Copies of these bills are enclosed.

Inasmuch as the Illinois Commerce Commission regulates Illinois utilities, I would be interested in any comments you might have on the cost to Illinois ratepayers that would be entailed in control legislation such as H.R. 3400, the bill which is the focus of the most attention on this issue in the House. It would be especially helpful if you could break down such costs on a utility-by-utility ability basis.

Particularly as a senior member of the House Energy and Commerce Committee, which has jurisdiction over the Clean Air Act, I appreciate any help you can offer in ascertaining the potential cost to the Illinois ratepayers of acid rain control legislation such as H.R. 3400.

Sincerely,

TOM CORCORAN,
Representative in Congress.

STATE OF ILLINOIS,
ILLINOIS COMMERCE COMMISSION,
Chicago, Ill., March 2, 1984.

Hon. TOM CORCORAN,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CORCORAN: This is in response to your letter of February 27 regarding the projected costs to Illinois ratepayers of the reduction in sulfur dioxide emissions from electric utility generating stations which would be required by the acid precipitation legislation now pending before the United States House of Representatives, specifically H.R. 3400. We are happy to provide the data which we have available. Unfortunately, the projections made by the State's utilities regarding the costs associated with the sulfur dioxide emission reductions required by H.R. 3400 are not comparable due to variations in the assumptions and time frames used to analyze the data. I am also unable to provide you with accurate aggregate statewide figures for the same reason. Therefore, the information is provided in a utility specific manner with the basic assumptions noted for your information.

The acid precipitation legislation which is now pending before Congress is of great concern to the Illinois Commerce Commission and many other state agencies. Governor Thompson has taken a leading role in recommending accelerated research regarding the specific causes of acid precipitation and the most cost-effective methods of mitigating the problems which result from it. It is important to remember that the sulfur dioxide emissions which emanate from fossil fuel electric generating stations in Illinois have been reduced substantially since 1970, at great cost to the State's ratepayers.

For the four major Illinois electric utilities (Commonwealth Edison Company, Central Illinois Light Company, Central Illinois Public Service Company and Illinois Power Company) the level of sulfur dioxide emissions declined 36 percent from 1970 to 1980. Under existing Clean Air statutes, emissions are projected to decrease an additional 13 percent from 1980 to 1990. Specifically, Commonwealth Edison has reduced its sulfur dioxide emissions from 1,190,000 tons in 1970 to 349,000 tons in 1982, a decrease of 70 percent. Under existing legislation, Commonwealth Edison's sulfur dioxide emissions are projected to be 226,000 tons in 1990, a reduction of 123,000 tons from the 1982 figure. In addition, other companies have reduced its emissions through the increased use of scrubbers on new power plants and by shifting coal purchases to more low sulfur coal.

Since 1968, CIPS has spent $264 million on pollution control equipment. In addition to capital expenditures made by Commonwealth Edison to improve the quality of emissions from its generating stations, Edison ratepayers now pay for the purchase and delivery of low sulfur coal from western states to all but one of Edison's coal fired generating stations. This coal, because of high transportation costs and coal severance taxes exceeds the cost of Illinois coal by 40 to 50 percent per ton. Clearly, Illinois ratepayers have shouldered a very extensive financial burden to contribute to the improvement of the environment.

The Illinois Environmental Protection Agency has made some projections of the additional reduction in sulfur dioxide emissions which would be required by H.R. 3400. Based upon these reductions and the one mill per kwh tax contemplated in the legislation, the utilities have provided approximate costs of complying with the legislation.

COMMONWEALTH EDISON COMPANY

Commonwealth Edison anticipates that they would be required to reduce their estimated 1995 sulfur dioxide emissions by an additional 116,300 tons. The Kincaid Station, Edison's only station still burning high sulfur coal, would be the focus of Edison's response to this required reduction. Based upon three different scenarios (including installation of scrubbers, retrofitting the station for the use of high sulfur coal and the closure of the station) Edison projects the total cost of complying with the legislation to be a $2.1 to $3 billion (1995 dollars). This estimation does not assume any contribution from the federal government nor does it take into consideration additional interest or amortization costs. The federal financial assistance contemplated in the legislature would provide assistance in the area of capital costs only. Edison has not been able to accurately assess the impact of this financial assistance on the Kincaid Station retrofitting. It is clear that some additional increases in operating and maintenance costs and some alterations to the company's dispatch schedule will be occasioned by any extensive retrofitting of scrubbers onto this plant.

The effect of the one mill per kwh tax on Edison's ratepayers will likely be very substantial despite the increased amount of electricity generated by Edison's nuclear generating stations. Assuming, however, that Edison's generation will be 50 percent fossil fuel in 1985, the cost of this tax would be approximately $30 million in 1985 alone (1982 dollars).

CENTRAL ILLINOIS LIGHT COMPANY

CILCO has no plants which would be required to substantially reduce emissions. CILCO estimates that the effect of the one mill per kwh tax beginning in 1985 would be approximately $5 million per year (1982 dollars). In addition, CILCO anticipates increases in purchase power cost as a result of capital expenditures and O&M expenses incurred by electric companies from whom it buys electricity. CILCO is unable to quantify these increased purchase power costs absent further information about the revised dispatch schedules of its neighboring utilities.

CENTRAL ILLINOIS PUBLIC SERVICE COMPANY

CIPS anticipated that 900 megawatts of its capacity will require installation of scrubbers. Based upon an average $275 per kw capital cost of retrofitting scrubbers on existing coal fired plants, CIPS estimates total capital expenditures of $247,500,000 for this purpose (1982 dollars). Assuming that federal financial assistance programs will assume 90 percent of this amount, direct cost to CIPS would be $24,750,000, not including interest costs and carrying charges. Installation of scrubbers will decrease the rated capacity of the units involved by 15 megawatts. The capital costs for replacement of this 15 megawatt increment are estimated at $1,265 per kw or $18,975,000. The federal financial assistance programs would not include these capital costs. Assuming federal financial assistance covering 90 percent of the capital cost of installing scrubbers, CIPS's total capital cost would be $43,725,000 (1982 dollars). CIPS estimates additional operation and maintenance expenses of $16.5 million per year (1982 dollars) attributable to the operation of these scrubbers an $8.8 million (1982 dollars) per year decrease in sales to other utilities due to the increased cost of electricity from these units. In addition, CIPS anticipates the effect of the one mill tax per kwh in 1985 to be $10 million (1982 dollars).

ILLINOIS POWER COMPANY

Illinois Power anticipates capital costs attributable to the installation of scrubbers on its Baldwin Station to be $663 million (1990 dollars), not including the effect of any federal financial assistance. Increased operation and maintenance expenses attributable to the scrubbers are estimated to be $52.5 million (1990 dollars) per year beginning in 1990. The effect of the one mill per kwh tax on Illinois Power's customers is estimated to be $15.9 million in 1985. For the period 1985 through 1995 Illinois Power estimates the effect of this tax on its ratepayers to be $149 million.

As you can see, the effect of this acid precipitation legislation would be very substantial on Illinois ratepayers. Governor Thompson has indicated that he believes that acid precipitation is a matter about which all public officials should be concerned. However, it is unclear that the substantial expense anticipated as a result of the passage of H.R. 3400 can be justified with the knowledge which we have at this time.

I hope that you find this information to be useful. We will continue our investigations into this matter and will work to refine our calculations so that the results anticipated by various utilities can be examined on a comparable basis.

Please do not hestitate to contact me if I can be of further assistance to you or your constituents.

Sincerely,

PHILIP R. O'CONNOR,
Chairman.●

WHO OWNS AMERICA?

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. ANNUNZIO. Mr. Speaker, who finances our national debt? If you think only the United States does, guess again. The truth is that the United States is borrowing money from foreign individuals and institu-

tions at an alarming rate. In the quest for more funds to meet interest payments on the Federal deficit, we are attracting foreign investors in record numbers. And the more the Nation leans on others for sufficient funds to make it through the fiscal year, the more we sacrifice our financial independence. I question whether it is a wise policy to put the financial security of the United States at the mercy of foreigners.

The Federal deficit is keeping interest rates sky high. From the foreign investor's point of view, the high interest rates make investment in America an attractive proposition. Foreign investors invest funds in the United States instead of in their own countries. This helps the foreign nation because foreign investment in our country increases the exchange value of the U.S. dollar. But this activity is harmful to our Nation because it reduces the price of exports to American consumers and often makes foreign exports more affordable than their domestically produced counterparts. It is as if America is shooting itself in the foot. The only way to keep the gun in the holster is to reduce the deficit immediately.

Foreign investment in our national debt is a relatively new phenomenon. For most of American history, individuals and institutions within the United States supported the debt of the Federal Government. In 1946, the amount of foreign investment in the national debt was less than 1 percent of the total amount held by the public. In 1960, the debt held by foreigners was $10 billion, still less than 5 percent of the total debt held by the public. In 1970, however, foreign investment began to explode like a match put to gunpowder. Foreign investors began to make massive investments in the United States, and foreign investors began to purchase large reserves of American dollars. The frightening result is that for just 1983, foreign investment totaled over $160 billion.

In 1982, America's investment abroad totaled $834 million. Foreign holdings in the United States totaled $665.5 billion. If the deficit is not reduced to discourage foreign investment, the United States could owe more money to lenders outside the United States than it does to itself by as early as 1985. For fiscal year 1983, we paid $17.9 billion in interest payments on the national debt to foreign investors. Seventeen percent of the entire interest payment due on the national debt was paid to foreign holders. When the deficit is allowed to increase uncontrolled, the Nation is in jeopardy of being owned by foreign investors.

Mr. Speaker, this devastating scenario must never come to pass. And the Congress has the ability to make sure this time bomb remains unlit. There is only one route to prevention—reduce the deficit. This is our country, and we must take action now to secure financial independence later.●

A TRIBUTE TO WALTER DRAGELEVICH

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. WILLIAMS of Ohio. Mr. Speaker, I rise today to pay homage to a close friend, of the opposite party than myself, who served for 12 years as Trumbull County prosecuting attorney. Walter Dragelevich has been an inspiration, counselor, role model, and great friend of many who have served in elective office in Trumbull County and the 17th Congressional District, including myself.

A large group of family, friends, and coworkers got together on Sunday, March 11 to say "thank you" for a job well done to private citizen and attorney Walter Dragelevich on this retirement after 12 years as prosecutor. As in all the things Walt does, his retirement was accomplished with dignity, order, and class. He left office on his timetable with an orderly succession.

When I assumed the position of Trumbull County Commissioner in 1973, it was J. Walter Dragelevich who offered me much needed advice, counsel, and suggestions on how to best serve the citizens of the Trumbull County and how to carry out the role of an elected county official. Through many crisis situations, Walter's cool demeanor and wise counsel was just what was needed to calm down many serious situations.

He does, has and always will gain the respect and admiration of those who have had the honor of serving with him. The highest compliment I could pay Walter, is that he is the role model most of us would choose for selecting a "best friend".

Walter is another example of the beauty of the American system. He is confirmation that the system still functions and that the individual still counts.

J. Walter Dragelevich, a young man from Youngstown's 7th ward, Lansingville section, that is known for its hard work and emphasis on education and opportunity, became not only an attorney but the top legal adviser of a neighboring county. The Trumbull County citizens embraced Walter not because of his ethnic name, but because they recognized quality, class, and a determination of effort to "get the job done." And Walter did not let that confidence down. Because of Walter's service to Trumbull County, we all benefited. We all felt a little better about government and government service.

With his permission, as his Congressman and friend I will continue to rely on his wise counsel and sound advice. Walt, you are to be commended for your attention to detail and purpose. You have done a great job in balancing commitment to family, government, religion, and service to all who needed it.

For a job well done, thank you for being J. Walter Dragelevich.●

TO INTRODUCE THE CONTROLLED SUBSTANCES REGISTRANTS PROTECTION ACT OF 1984

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. HUGHES. Mr. Speaker, today I am introducing H.R. 5105, the Controlled Substances Registrants Protection Act of 1984. The Subcommittee on Crime held hearings last spring on the problem of robbery and burglary of controlled substances from persons who manufacture, distribute, or dispense controlled substances who are registered with the Drug Enforcement Administration. According to Drug Enforcement Administration statistics, in 1982 there were close to 3,900 burglaries and robberies from retail pharmacies, hospitals, physicians, veterinarians, podiatrists, drug manufacturers, and drug wholesalers. There were close to 6,000 such crimes annually between 1977 and 1981.

As a consequence of these crimes, enormous quantities of controlled substances are diverted to the black market and the lives of thousands of pharmacy employees and customers are endangered. Many pharmacies, to deter these crimes, have discontinued carrying many of the commonly sought, but medically necessary controlled substances. This has a serious potential to impede the delivery of health care in many communities around the Nation.

The testimony before the subcommittee also made clear that the limited investigative and prosecutorial resources of the Federal Government precluded an attempt to investigate all of these cases. In most cases, the perpetrator of a robbery or burglary, which is of course a very serious crime under State law, is already known to the local police or their informants. The investigation of these cases routinely can best be accomplished by State and local authorities.

The subcommittee received testimony about major cases that involve interstate travel, that involve very large quantities, and that involve death or serious bodily injury which warranted Federal assistance.

I have developed a bill that will provide for Federal investigation and prosecution of those major cases which warrant Federal intervention but will not overly tax the scarce Federal resources.

The Controlled Substances Registrant Protection Act provides for a 20-year prison sentence and a $25,000 fine for robbery or burglary of controlled substances from a registrant under three circumstances: First, if the replacement value of the controlled substances stolen is $1,000; second, if the offender traveled in interstate or foreign commerce or used any facility in interstate or foreign commerce to facilitate the offense; or third, if any person—other than the offender—is killed or suffers serious bodily injury as a result of the offense.

The bill provides that if any person is killed in the commission of the offense, a sentence of life imprisonment may be imposed.

The Subcommittee on Crime has scheduled a markup of this bill for Thursday, March 15, 1984, at 10 a.m. in 2141 Rayburn House Office Building.●

THE 72D ANNIVERSARY OF THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mrs. SCHNEIDER. Mr. Speaker, I invite my colleagues to join me today in commemorating the 73d anniversary of the Girl Scouts of the United States of America (GSUSA). As a former Girl Scout, I am proud to have been associated with this fine program.

In the years since Juliette Gordon Low organized the first group of girls on March 12, 1912, the Girl Scouts of the U.S.A. has grown to become the largest voluntary organization for girls and women in the world. Today, one out of every nine girls in the United States enjoys the challenge, fun, and learning provided by the Girl Scout experience. Girl Scouting offers its members a chance to develop their potential, to make friends, and to become a vital part of their community. Each year, girls from every segment of American life are introduced to the excitement in the worlds of science, the arts, the outdoors, and community service. They develop skill and self-confidence; they have fun and they acquire understanding about themselves and others.

While most of us associate Girl Scouting with camping and merit badges, it is important to recognize that the GSUSA not only addresses the current interests of its members, but prepares them for meaningful lives as women. Since the Girl Scout program was redesigned and updated in 1980, increasing emphasis has been placed on youth leadership and recognition. Last year, for instance, GSUSA brought 106 Girl Scouts and their leaders to Washington to explore the nature of leadership in Government and business. They learned about the inner workings of Washington institutions and assessed their own leadership skills. These outstanding young women met with representatives of professional associations to discuss the importance of women's networks and support groups, and with Members of Congress in a workshop on the legislative process.

Even that American institution, the Girl Scout cookie sale, has evolved to meet the changing role of women in our society. While yesterday's salesgirls did most of their business door to door, some Girl Scouts today are using computers to tackle their inventory and to help reconcile orders with receipts. Some Scout leaders have turned the annual cookie sale into an exercise in money management; at least one Girl Scout troop took the initiative of selling cookies in bulk to banks, hotels, and corporations and then invested its share of the sales net in a money market fund.

For 72 years, Girl Scouting has met the challenges of a changing society. Yet despite its outward changes, the goal remains the same—to help girls grow. Today, we salute these young women as Girl Scouts; they represent the future of our Nation.●

SALUTING EMILY P. FLINT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. MARKEY. Mr. Speaker, I want to call to my colleagues attention the retirement of a valuable public servant, Emily P. Flint. Mrs. Flint has given 30 years of distinguished service as a library trustee. Her contributions to the library and to the city of Medford include guiding to completion a new library building, representing numerous library budgets to city council, and supporting the total library program through her position as trustee.

Mrs. Flint's contributions to the Atlantic Monthly and the Peabody Museum at Harvard University establish her as one of America's greatest women of letters. Her contributions to the literary world and her service on several civic organizations indicate her willingness to serve society. I am proud to have such a distinguished library official in my district, and her talents will be missed by the community.●

GIRL SCOUTS OF THE UNITED STATES OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. NATCHER. Mr. Speaker, the week of March 11-18 commemorates the 72d anniversary of the Girl Scouts of the United States of America and it is a pleasure for me to pay tribute to such a fine organization at this time.

Juliette Gordon Low organized the first group of girls on March 12, 1912, in Savannah, Ga. Since that time, Girl Scouts of the United States of America has become the largest voluntary organization for girls in the world. Girl Scouting provides an opportunity for all girls ages 6 to 17—or grades 1 to 12—to develop their potential, to make friends and become a vital part of their community. Today there are 2,281,000 girls in 4 program levels of the Girl Scouts—Brownie, Junior, Cadette, and Senior Girl Scouts—and 607,000 adult members serve as volunteer leaders, consultants, board members, and staff specialists.

On the national level 1983 was a busy year for the Girl Scouts. Legislation was passed to name the Federal office complex in Savannah, Ga., in honor of Juliette Gordon Low and construction is now underway. A conference entitled "Women of History: Women of Color, Past, Present, Future" was held in December at the Edith Macy Conference Center. Camp of Tomorrow is being developed, which will help Girl Scouting as it moves closer to leading outdoor education in the United States. And the Girl Scouts joined other groups in supporting the Drunk and Drugged Driving Awareness Week in December 1983.

In my home State of Kentucky, the Girl Scouts continue to be active in their community. The Kentuckian Girl Scout Council sponsored such activities as day camps, Brownie no-bake and grand bake programs, the fifth annual sleep-in at Greenwood Mall—used as membership registration incentive—along with a festival of arts which was hosted in conjunction with the Capitol Arts Theatre, Community Education, and Western Kentucky University in Bowling Green. I am particularly proud of the Girl Scouts of the Second District of Kentucky and wish them success in all their future endeavors.

Mr. Speaker, at this time I offer the Girl Scouts my best wishes, along with my pledge of continued support.●

IN SUPPORT OF H.R. 4909

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. GARCIA. Mr. Speaker, on February 22, Congressman ROYBAL introduced a bill, H.R. 4909, as an alternative Immigration Reform Act. This legislation, which was cosponsored by five members of the Congressional Hispanic Caucus along with a number of other Members of this body, represents the culmination of a great deal of work by the caucus and its supporters in devising an immigration bill that both deals with our Nation's immigration problems and reflects our concerns with existing legislation.

There are no easy compromises on this issue. It is one of the most difficult and sensitive subjects confronting Congress. H.R. 4909 attempts to bridge the gap between what is equitable for all Americans and what needs to be done to handle our Nation's immigration problems.

There are no employer sanctions in this bill. There is no national ID system or expanded H-2 program. There is a workable legalization program, and a provision in the bill that would set up a national commission on immigration to review, among other things, the foreign policy aspect of immigration reform.

This bill is not an attempt to obstruct genuine immigration reform. It is, instead, an attempt to present another perspective on this issue, to offer an alternative to those who have not been able to support other legislative proposals dealing with immigration reform.

I believe H.R. 4909 is a good bill, and it is, therefore, worthy of my colleagues' consideration. I urge you all to take a long, hard look at H.R. 4909. It may be the answer to our Nation's immigration problems.●

STAMPING OUT SEX DISCRIMINATION TAKES ACTION AND RESOLVE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. BILIRAKIS. Mr. Speaker, it is not often we in Congress get a real opportunity to practice what we preach, but two recent events have presented us with just that kind of chance to respond.

First, the U.S. Supreme Court, ruling in the Grove City College case, decided that title IX of the education amendments of 1972 should be applied in the narrowest possible sense.

Title IX prohibits sex discrimination by an educational institution that receives Federal funds. Congress, in several votes over the past years, including one last year on a resolution I cosponsored, reaffirmed its intent that discrimination against women in any program or activity sponsored by the educational institution would result in the loss of Federal funds to that institution. The court, in its ruling last week, said only that program or activity would be ineligible for Federal money, and not the entire school.

This decision clearly reverses the intent of the Congress. Thus, I have joined in introducing new legislation that again would insure the broadest interpretation of title IX of the education amendments of 1972. We have made strides in guaranteeing equality for women in educational institutions and we must not regress.

The second event, which has received little notice by the public, concerned the funding for the operation and salaries of congressional committees. Historically, the House has exempted itself from the equal pay and equal employment opportunity laws it has imposed on the public and private sectors; thus the referral to the Congress as the "last great plantation." Statistics brought out during consideration by the House of the committee funding resolution clearly indicate that the majority party, through its committee chairmen, practice extensive discrimination against women when it comes to staffing the various congressional committees.

While it is true that some committee staffs have a more equal representation of men and women, many do not even begin to approach equality. What is more, women hold a higher percentage of the lower level jobs. More than 80 percent of the staff jobs that pay less than $20,000 a year are held by women, while men hold 75 percent of those staff jobs that pay more than $40,000 a year.

Unfortunately, the funding resolution bill passed and as I analyzed the vote tally it was apparent that most of those who supported passage are the same ones that articulate their support of the equal rights amendment. One can only conclude that lip service is being paid to equal rights and equal opportunity by the same people who actively discriminate in hiring women for high paid committee staff positions. They are certainly not practicing what they preach.

Clearly, Congress, including the majority party and the committee and subcommittee chairmen, have a responsibility to follow the spirit of the law when it comes to sexual discrimination. If they do not, what is the point of it all? For these reasons, I voted against the funding resolution for the congressional committees.●

TO HONOR JIM VERDIECK, TENNIS COACH AT THE UNIVERSITY OF REDLANDS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. LEWIS of California. Mr. Speaker, I would like to take this opportunity to recognize the efforts of Mr. Jim Verdieck. He will be honored at his retirement banquet, April 6 and at an alumni tennis clinic and reception, April 7, 1984.

Mr. Verdieck has been a coach at the University of Redlands since 1946. In his capacity as head football coach, in 1956 he led his team to the only undefeated and untied football season in the history of the university.

Coach Verdieck has distinguished himself and brought honors to the university through his efforts in the field of tennis. He became head tennis coach in 1946 and has had an outstanding record. Since 1950 his teams have won 342 matches in the Southern California Intercollegiate Athletics Conference. In total his teams have had 907 victories. His division III teams have won 14 National NAIA or NCAA championships, 13 of these titles have been won since 1965.

Mr. Verdieck was named the NAIA National Tennis Coach of the Year in 1972, 1980, and 1982. In 1972 he was elected to the NAIA Tennis Hall of Fame, one of only two coaches to ever receive this honor. In addition to his other honors, he was selected as head tennis coach for the U.S. Team in the World University Tennis Games held in Moscow in 1973. This honor was given by the U.S. Collegiate Sports Tennis Committee and is truly a highlight of his career.

Coach Verdieck and his wife are the parents of four children. Both of his sons share his interest in the sport and are pros. In addition to rearing his own children and developing their interest in tennis, he has also been instrumental in helping other young people. He was a founder of the Redlands Racquet Club junior development tennis program and junior sanction tournament. Mr. Jim Verdieck serves as an excellent example of those men and women in the field of sports who provide a role model to the youth of this country.

And Mr. Speaker, I take great pride in commending to my colleagues, Coach Jim Verdieck, a truly dedicated man who has, through selfless years of hard work, contributed to his school and community in a most beneficial way.●

THE 1984 QUESTIONNAIRE RESULTS FOR THE SIXTH DISTRICT OF MARYLAND

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mrs. BYRON. Mr. Speaker, I take this opportunity to thank everyone of my constituents who responded to my annual questionnaire. As the representative of 527,000 people in Congress, it is sometimes hard to know what they think about certain issues. This survey is invaluable to me in gaging the sentiment of the district, and it is also an excellent medium for allowing citizens to express their concerns.

About 10,000 responses were received from throughout my district on questions regarding reducing the Federal deficits, an immediate freeze on overall Federal spending, nuclear weapons negotiations, natural gas pricing, education aid, and Federal workers.

The results indicate that my constituents oppose an increase in personal income taxes, favor an immediate freeze on overall Federal spending, and favor increased State and local aid to education while opposing increased Federal aid. Listed below are some of the survey results, and the complete results will be published in my March newsletter.

Mr. Speaker, as we prepare to move into extended debate on these issues, I thought it most appropriate to call the results to the attention of my colleagues. The current totals on six of the issues follow.

RESULTS OF REPRESENTATIVE BEVERLY BYRON'S 1984 QUESTIONNAIRE

[All results are in percentages]

	Yes	No	Undecided
1. The Federal deficit for this year is estimated at $200 billion. There is a consensus that this must be reduced if the economy is to improve, but no consensus on how to do it. Which of the following do you feel is an effective way to significantly reduce the deficit?			
A. Income tax increases	27	66	7
B. Corporate tax increases	58	33	9
C. Spending cuts in social programs	60	34	6
D. Spending cuts in entitlement programs	62	23	15
E. Spending cuts in military programs	62	31	6
2. Do you favor an immediate freeze on the overall level of Federal spending?	65	26	9
3. Do you believe that serious efforts are being held to negotiate for immediate significant reductions in nuclear warheads?	33	54	13
4. Congress has been debating proposals dealing with controls over natural gas pricing. Do you feel that:			
A. The Federal Government should extend its control over the price of natural gas?	41	49	10
B. The price of natural gas should be subject to the supply and demand of the marketplace?	69	20	10
5. The quality of education in America has come under serious scrutiny recently. Do you support the following measures as means to improve public education?			
A. Increased Federal aid to education	35	57	7
B. Increased State aid to education	57	36	7
C. Increased local aid to education	59	33	8
6. Considering such factors as pay raises, working conditions, employment policies, and any others, do you think Federal workers are treated fairly?	79	15	5

●

PROJECT HEAVY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. BERMAN. Mr. Speaker, Project Heavy (Humanitarian Efforts Aimed at Vitalizing Youth) San Fernando Valley, will hold its third annual Youth Humanitarian Award Dinner on March 29, 1984. It is a fitting occasion to memorialize the very special community services performed by this unique organization. Project Heavy was incorporated in 1975 as a private nonprofit corporation, operating a comprehensive youth service delivery network in the San Fernando Valley.

The delinquency prevention program's objective seeks to reduce juvenile delinquency by providing alternatives to the young persons who are first- or second-time offenders, or who are considered predelinquent. Part of the national effort to reduce unemployment, Project Heavy's Private Industry Council program is a vocational training program linking major industries in the San Fernando Valley and the school system. The CETA title II-B program utilizes work experience and on-the-job training in many different types of employment opportunities; it specializes in high demand areas where young people are assured future employment. The juvenile justice delinquency prevention program funds agencies to place young people in jobs, and provides other important services.

Project Heavy's diversion program offers humane, constructive alternatives to the criminal justice system for young people and adults considered predelinquent or in trouble with the law. Its network rehabilitates through individual programs designed to answer specific needs of youths in the areas of jobs, education and counseling. Aside from the social aspects of the program, the average cost of aid when antisocial behavior is first displayed is small compared to the high price of imprisonment later.

The board of directors, made up of residents in local communities who represent elected officials at the local and Federal level, sets priorities and goals for Project Heavy. A small administrative staff directs the program and insures a low administrative cost, while 90 percent of the funds reach the young people the project was designed for. Project Heavy is an excellent example of a program that provides an important social service, is cost-effective and responsive to its community.●

HAS THE UNITED STATES SUPPRESSED INFORMATION ABOUT SALVADORAN DEATH SQUAD ACTIVITY?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. HAMILTON. Mr. Speaker, on February 3, 1984, the New York Times reported that Ambassador Robert E. White, former U.S. Ambassador to El Salvador, had accused the Reagan administration of "deliberately ignoring specific and detailed information about six Salvadoran exiles living in Miami" who, Mr. White said, "have been directing the actions of death squads in their home country." I was concerned about these charges and sent a letter about them to Secretary of State George P. Shultz. The correspondence follows:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 7, 1984.

Hon. GEORGE P. SHULTZ,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: Ambassador Robert E. White, former U.S. Ambassador to El Salvador, was reported in the New York Times of February 3, 1984 to accuse the Reagan Administration of "deliberately ignoring specific and detailed information about six Salvadoran exiles living in Miami" who, Mr. White said, "have been directing the actions of death squads in their home country."

Ambassador White also asserted that the Administration had known for "three years before that Roberto d'Aubuisson planned and ordered the assassination" of Archbishop Oscar Arnulfo Romero. He further claims that this information about the Archbishop's assassination and death squad activities had been "reported to Washington" by State Department cable in 1981 but "over the past three years, the Reagan Administration has suppressed the facts."

First, Mr. Secretary, I would like to know whether these charges concerning death squad activity and suppression of information are true. If they are true, what actions are the FBI taking and what are we saying to Salvadoran officials about them? Did you raise these issues with Salvadoran officials during your recent visit to that country? In particular did you discuss these issues with Mr. d'Aubuisson?

I would appreciate a prompt reply to this letter.

With best regards,
Sincerely yours,
LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, D.C., March 5, 1984.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: I am pleased to reply to your letter to Secretary Shultz, dated February 7, 1984, in which you express concern about charges made by former Ambassador Robert White. He alleges the State

Department has been suppressing information about U.S. resident Salvadoran expatriates' involvement in death squad activities and about Roberto D'Aubuisson's supposed complicity in Archbishop Romero's murder in 1980.

Ambassador White's charges are incorrect. Information developed by our Embassy in San Salvador about these expatriates' activities was sent in January 1981 to the Federal Bureau of Investigation along with a request to prosecute if violations of federal law were discovered during its investigations. The FBI in early 1981 interviewed Ambassador White, among others, but no prosecution resulted from this investigation. In late 1983 we requested the Department of Justice to investigate the "Miami connection" once again. The Department of State is unable to comment on these investigations though the Department of Justice may be able to do so.

The Administration is not suppressing information concerning the alleged involvement of Roberto D'Aubuisson in Archbishop Romero's assassination. The cables Ambassador White referred to were shared with the House Foreign Affairs Committee in May 1983 and are in the Committee's files if you wish to read them.

The Secretary discussed the Salvadoran death squads and the need to continue efforts to break them during his January 31 visit to El Salvador, as did the Vice President in December. The Administration is committed to doing everything we can to assist the Government of El Salvador's efforts to improve the overall human rights situation and to end the depredations of the death squads. These goals include investigating and prosecuting individuals in the United States who may be funding or directing these terrorist activities.

Sincerely,

W. Tapley Bennett, Jr.,
Assistant Secretary,
Legislative and Intergovernmental Affairs.●

PERSONAL EXPLANATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent on Tuesday, March 6, 1984. Had I been present, I would have voted:

"Yea" on rollcall No. 37, approving emergency food assistance for the drought-stricken region of Sub-Sahara Africa; and

"No" on rollcall No. 39, an amendment to H.R. 3648, the Amtrak Improvement Act, which would have deleted language in the bill requiring congressional approval for the sale of Conrail and replaced it with language allowing Congress 60 days to enact a joint resolution of disapproval against the sale.●

A-76 CONTRACTING OUT ACTION JEOPARDIZES THE NATIONAL PARK SERVICE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. DOWNEY of New York. Mr. Speaker, I would like to take this opportunity to comment on the A-76 contracting out action sought by the Department of the Interior for the National Park Service under guidelines established by the Office of Management and Budget (OMB). This action not only threatens the jobs of these employees but jeopardizes the future integrity of the lands and sites which the National Park Service is charged to oversee.

Briefly, the administration is endeavoring to transfer various governmental functions performed by Federal workers to the private sector. To save Federal dollars in the face of a $200 billion deficit is certainly commendable, but to cut costs at the expense of the lands and waters of our national park system is irresponsible and contrary to public interests. In a 1982 study by the Congressional Budget Office, it was determined that in the first year of A-76 action, outlays for nondefense agencies affected by such action would actually increase by $15 million. More specifically, the multiplicity of functions performed by park workers defeats the notion of saving money through the use of one private contractor. If the Department of the Interior believes that individual businesses exist that will repair walkways, perform dune maintenance, paint buildings, fix broken toilets, or carry out the other responsibilities of a Fire Island maintenance person, the Department has little understanding of the operation of their own parks and the services available from the private sector.

The men and women responsible for the maintenance and regulation of the natural and historic resources within our national parks take great pride in their jobs. Many have devoted long years of service to the National Park Service and now face an unfair and uncertain future.

Is this just another instance in which the administration plods along making mismanaged and insensitive policy? A commonsense and foresight is all one needs to see that A-76 action for the Park Service is not a good idea.●

AID TO SOMALIA

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1984

● Mr. WILSON. Mr. Speaker, on January 30, 1984, Ethiopian planes bombed and destroyed 70 buildings, including schools, in the town of Borama, Somalia. According to Somali estimates, over 70 people were killed—most of them school students—with over 100 people injured. This bombing attack was the third Ethiopian attack upon Somalia territory since July 1982. The first two were ground attacks, and the Ethiopians still control two Somali towns.

This naked aggression again proves the true nature of the Marxist-Lenist regime in Addis Abbaba under Colonel Megitsu. While many of my liberal colleagues harbor subconscious hopes that he can be coaxed back into the pro-Western or neutral fold, this obviously is not the case. He recently expelled four of our diplomats from Addis Abbaba on the trumped up charges that they were trying to overthrow his regime, which is basically propped up by the Cubans at Debre Zeit near Addis Abbaba. These 4,000 Cubans have the most modern weapons and training available to save him from a coup.

Recently, the foreign minister of Somalia visited Washington, D.C. to try and encourage the United States to send additional aid to Somalia. The Somalia Government has proven itself over and over again and has been a staunch friend of the United States since 1980. This strategically important country needs our support and commitment for more military equipment to resist the aggression from Ethiopia.

At this time, the Ethiopians control the Ogaden, an area where at least 2½ million Somalis are living, while 2 million more are refugees in Somalia or the Republic of Djibouti. Those who returned from Djibouti to the Ogaden under the false promises of the Addis Abbaba Government, are now trekking back to their former place of refuge. The Ethiopians would not supply food or any other type of assistance.

This year, the administration is requesting the same levels of assistance as fiscal year 1984. At that time, the Congress cut some of the military assistance funds for Somalia. It is my hope that the full amount can be approved by the Congress this year. If anything, the $40 million military assistance program (MAP) is inadequate for the Somali armed forces, which are about 25 percent the size of the Ethiopian army and are in need of extensive modernization. Somalia also has huge economic development and foreign exchange needs. Since 1983, they have been cooperating with the World Bank and International Monetary Fund to reconstruct an economy devastated by the 1977-78 war and the influx of 2 million refugees.

I welcome the increase in assistance for this strategically located country. Somalia not only provides us with air and port facilities, but can keep the Horn of Africa accessible in times of war or international crisis.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 13, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 14

9:00 a.m.

Appropriations

Business meeting, to mark up House Joint Resolution 492, making urgent supplemental appropriations for fiscal year ending September 30, 1984, for African food aid assistance.

SD-192

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including elementary and secondary education, education block grants, and impact aid.

SD-116

Labor and Human Resources

To hold hearings on the nomination of Francis X. Lilly, of Maryland, to be Solicitor, Department of Labor.

SD-430

9:30 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Communications Commission, District of Columbia courts, and the U.S. Courts of Appeals.

S-146, Capitol

Energy and Natural Resources

Energy and Mineral Resources Subcommittee

To hold hearings on S. 1770, to extend the lease terms of Federal oil and gas lease numbered U-39711.

SD-366

Judiciary

To hold hearings on S. 40, to place restrictions on the retail sale of motor fuel by refiners and dealers.

SD-226

Judiciary

Security and Terrorism Subcommittee

To hold oversight hearings on the activities of the Federal Bureau of Investigation, Department of Justice.

SD-562

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 2085, to extend authority through fiscal year 1988 for the Secretary of Agriculture to recover costs associated with cotton classing services to producers, H.R. 3960, to designate specified lands in North Carolina as wilderness and wilderness study areas as additions to the National Wilderness Preservation System, H.R. 4198, to designate certain lands in the State of Vermont for inclusion in the National Wilderness Preservation System, H.R. 3921 and S. 1851, bills to establish additional wilderness areas in the White Mountain National Forest in New Hampshire, and H.R. 3578 and S. 1610, bills to establish certain wilderness areas in Wisconsin.

SR-328A

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Executive Office of the President, and the Advisory Commission on Intergovernmental Relations.

SD-124

Armed Services

To hold open and closed hearings on the national security implications of Soviet noncompliance with their arms control commitments.

SR-222

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold oversight hearings to review U.S. Coast Guard polar icebreaking operations.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Business meeting, to resume markup of S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95), and other pending calendar business.

SD-406

Labor and Human Resources

To resume hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.

SD-430

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-192

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Inspector General, Agency for International Development, General Accounting Office, and the Inter-American Foundation.

S-126, Capitol

Armed Services

Closed meeting, to review those items in the President's budget for fiscal year 1985 which fall within its legislative jurisdiction, with a view toward making its recommendations thereon to the Committee on the Budget.

SR-222

Judiciary

To hold hearings on pending nominations.

SD-226

2:30 p.m.

Armed Services

Sea Power and Force Projection Subcommittee

To hold closed hearings on proposed legislation authorizing funds for fiscal year 1985 for the Department of Defense, focusing on U.S. Naval strategy.

SR-232A

MARCH 15

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies, Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including vocational and adult education, education for the handicapped, and rehabilitation services and handicapped research.

SD-116

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Architect of the Capitol.

S-128, Capitol

Judiciary
Business meeting, on pending calendar business.
SD-226

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review the Child Nutrition Act (Public Law 89-642), focusing on the special supplemental food program for women, infants, and children (WIC).
SR-328A

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense, focusing on spare parts procurement and acquisition management.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Multilateral Development Banks.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Civil Aeronautics Board.
SD-124

Armed Services
Preparedness Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1985 for the Department of Defense, focusing on the readiness, operation, and maintenance programs of the Navy.
SR-222

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on restoring classroom discipline in public schools.
SD-430

Select on Indian Affairs
To hold hearings on S. 1979, to confirm and define the boundaries of the Southern Ute Indian Reservation in Colorado, and H.R. 3376, to declare that all Federal right, title, and interest in specified lands are held in trust by the United States for the Makah Indian Tribe, Wash., and to declare such lands be a part of the Makah Indian Reservation.
SD-538

1:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold oversight hearings on the activities of the Commodity Futures Trading Commission.
SR-328A

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Treasury.
SD-124

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Export-Import Bank.
S-126, Capitol

Judiciary
To hold hearings to review current merger activity.
SD-106

Judiciary
Constitution Subcommittee
Business meeting, to mark up S.J. Res. 5, proposing an amendment to the Constitution of the United States relating to Federal budget procedures.
SD-226

Select on Indian Affairs
To hold hearings on S. 2184, authorizing funds for fiscal years 1985, 1986, and 1987 to strengthen tribal governments and to promote economic and social self-sufficiency of native Americans.
SD-538

MARCH 16

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings on proposed budget request for fiscal year 1985 for conservation and renewable energy programs of the Department of Energy.
SD-366

Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax proposals, including S. 146, S. 1332, S. 1768, S. 1809, and S. 2080.
SD-215

Special on Aging
To hold hearings to review physician payment options under medicare.
SD-628

10:00 a.m.
Judiciary
Courts Subcommittee
To hold hearings on S. 2299, to prohibit fraudulent acts in connection with the offer or performance of adoption services, prohibit the payment of compensation over and above expenses for adoption services performed, and provide for civil remedies in the U.S. district courts for adoptive parents and birth mothers who are defrauded.
SR-325

MARCH 19

2:00 p.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Oceanic and Atmospheric Administration, Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Bureau of Government Financial Operations, Bureau of the Public Debt, Bureau of the Mint, and U.S. Savings Bonds Division, all of the Department of the Treasury, and the Office of Personnel Management.
SD-124

MARCH 20

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, college housing loans, and educational research and training activities overseas.
SD-116

9:30 a.m.
Environmental and Public Works
Transportation Subcommittee
To resume oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).
SD-406

Judiciary
Constitutional Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, focusing on the impact of the amendment on social security.
SD-226

Labor and Human Resources
Labor Subcommittee
To hold hearings on termination of overfunded defined benefit pension plan and reversion of assets to plan sponsors.
SD-430

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73).
SD-628

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Peace Corps.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Council on Environmental Quality, and the Environmenal Protection Agency.
SD-124

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

Labor and Human Resources
*Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Library Services and Construction Act, and proposed legislation authorizing funds for programs of the Adult Education Act.
SD-562

1:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for foreign assistance programs.
S-126, Capitol

2:00
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Navajo Hopi Relocation Commission, and the Institute of Museum Services.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of the Treasury, U.S. Postal Service, and general government programs.
SD-124

Armed Services
Military Construction Subcommittee
To hold joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
SR-222

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings to review proposed budget requests for fiscal year 1965 for energy research programs of the Department of Energy.
SD-366

Select on Intelligence
Budget Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1985 for the intelligence community.
S-407, Capitol

MARCH 21

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including special institutions, Howard University, the National Institute on Education, Education Statistics, Bilingual Education, and Libraries.
SD-116

Commerce, Science, and Transportation
To hold hearings on the nomination of William Evans, of California, to be a member of the Marine Mammal Commission.
SR-253

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Judiciary
Security and Terrorism Subcommittee
To resume oversight hearings on activities of the Drug Enforcement Administration, Department of Justice.
S-407, Capitol

*Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold oversight hearings on the implementation of the food stamp program.
SR-328A

Appropriations
District of Columbia Subcommittee
To resume oversight hearings on activities of the District of Columbia Parole Board.
Room to be announced

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Highway Administration, and the Office of the Secretary of Transportation.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Federal Procurement, Office of Management and Budget, and the U.S. Customs Service, U.S. Secret Service, Bureau of Alcohol, Tobacco, and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.
SD-124

Energy and Natural Resources
To hold oversight hearings to review the report of the Commission on Fair Market Value Policy for Federal Coal Leasing.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

10:30 a.m.
Rules and Administration
To hold hearings on S. 1676, to establish guidelines to assure that registration and polling place facilities used for Federal elections are readily accessible to handicapped and elderly individuals.
SR-301

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service.
SD-192

Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
SD-126, Capitol

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1329, to provide financial assistance to States for wetlands conservation, focusing on sections 201 and 204, to extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat.
SD-366

3:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Commodity Credit Corporation, Foreign Agricultural Service, Office of International Cooperation and Development, and the provisions of Public Law 480.
SD-192

MARCH 22

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold oversight hearings on employment and productivity in the future of the steel industry.
SD-628

Office of Technology Assessment
The Board to hold a general business meeting.
S-207, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 1855, S. 1861, and S. 2292, bills to provide for continued access by the Federal Government to land remote sensing data from satellites (Landsat).
SR-253

Environment and Public Works
Transportation Subcommittee
To resume oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).
SD-406

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Veterans' Administration.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Minerals Management Service, Department of the Interior, and the National Gallery of Art.
SD-138

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2217, to exempt segments of the Interstate Highway System from the tandem trailer and large truck requirements of the Surface Transportation Assistance Act of 1982 if these segments are incapable of safely accommodating the larger vehicles.
SD-106

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on H.R. 3169, to require the establishment of a program to enhance commerce in renewable energy technologies.
SD-366

Labor and Human Resources
Education, Arts, and Humanities subcommittee
To hold hearings to review the educational needs of native Hawaiian children.
SD-430

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for Head Start programs.
SD-562

1:30 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the Office of Management and Budget Circular A122, to restore use of Federal funds for lobbying by contractors and grantees.
SD-342

2:00 p.m.
Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
S-126, Capitol

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings to review proposed budget requests for fiscal year 1985 for nuclear energy programs and nuclear waste activities of the Department of Energy.
SD-366

MARCH 23

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Transportation Safety Board.
SD-138

Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
SR-222

Commerce, Science, and Transportation
To hold hearings on the nomination of Adm. Donald D. Engen, to be Administrator, Federal Aviation Administration, Department of Transportation.
SR-253

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Library Services and Construction Act, and proposed legislation authorizing funds for programs of the Adult Education Act.
SD-430

MARCH 26

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on nomination of Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission.
SR-253

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1987, 1988, and 1989 for the Corporation for Public Broadcasting.
SR-253

Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

2:00 p.m.
Finance
To hold hearings to review the Social Security Advisory Council's recommendations on medicare trust solvency.
SD-215

MARCH 27

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Health and Human Services, including the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health.
SR-428A

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
Business meeting, on pending calendar business.
SR-253

Labor and Human Resources
To hold oversight hearings on U.S. relations with the International Labor Organization.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Navy aircraft of the Department of Defense.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1947 and S. 2183, bills to designate certain lands in the Great Smoky Mountains National Park as wilderness.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Farmers Home Administration, Department of Agriculture.
SD-124

Appropriations
Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Bureau of Indian Affairs, Department of the Interior.
SD-138

MARCH 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.
SD-116

Commerce, Science, and Transportation
To hold hearings with the National Ocean Policy Study on S. 2324, to insure that all Federal activities directly affecting a State's coastal zone will be fully consistent with that State's coastal management plan.
SR-253

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.
SD-106

9:30 a.m.
Appropriations
Defense Subcommittee
To hold open/closed hearings to review SALT II violations.
SD-192

Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of State, and the U.S. Information Agency.
S-146, Capitol

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 2115, to exempt participants in the executive exchange program from the Federal Criminal Code provision prohibiting employees and officers of the executive branch from receiving outside income, and S. 2262, to establish a Federal pay schedule for the police forces of the Washington National Airport and Dulles International Airport.
SD-342

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Postal Service.
SD-138

MARCH 29

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings in closed session on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration, to be followed by open hearings.
SR-253

Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for shipbuilding programs of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Interior, and the Bureau of Mines, Department of the Interior.
SD-138

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-124

MARCH 30

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including Human Development Services.
SD-116

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for the U.S. Coast Guard, Department of Transportation.
SR-253

Energy and Natural Resources
To hold oversight hearings on U.S. participation in the international energy program.
SD-366

Finance
Health Subcommittee
To hold hearings to review the implementation of section 2175, to increase the efficiency of the medicaid program administration by allowing States to implement innovative approaches to providing care, and to enable States to receive waivers of certain programmatic requirements in order to implement these approaches, of Public Law 97-35.
SD-215

APRIL 2

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 3

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on daytime broadcasting issues.
SR-253

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 910 and H.R. 559, bills to permit the Securities and Exchange Commission to assess civil penalties for trading in securities while in possession of material nonpublic information.
SD-538

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Air Force aircraft programs of the Department of Defense.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the

Federal Aviation Administration, Department of Transportation.

SD-138

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (Family Planning).

SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.

SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

APRIL 4

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.

SD-116

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Bureau of Investigation, Department of Justice, the Federal Trade Commission, and the Office of U.S. Trade Representative.

S-146, Capitol

Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 through 1989 to carry out the provisions of the Paperwork Reduction Act (Public Law 96-511), to reduce Federal paperwork requirements and duplications, and consolidate statistical policy activities with information management in the Office of Management and Budget.

SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for manpower programs of the Department of Defense.

SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development program.

SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Interstate Commerce Commission.

SD-138

Veterans' Affairs
To hold hearings to review veteran's health programs.

SR-418

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.

SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

APRIL 5

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control, and the Alcohol, Drug Abuse and Mental Health Administration.

SD-116

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the inertial confinement fusion program of the Department of Energy.

SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City loan program), Department of the Treasury.

SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Endowment for the Humanities, and the Economic Regulatory Administration, Department of Energy.

SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Maritime Administration, Department of Transportation.

SR-253

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for low-income energy assistance and Head Start programs.

SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

APRIL 6

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 50 and S. 1672, bills to streamline trade relief procedures and make trade relief more accessible to small businesses.

SD-215

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review the use of the media in drug abuse education.

SD-430

APRIL 9

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1278, to provide for a program of megnetohydrodynamic research, development, and demonstration with respect to the production of electricity, and S. 1925, to establish a national coal science, technology, and engineering program within the Department of Energy.

SD-366

APRIL 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, Policy Research, and Departmental Management, Salaries, and Expenses.

SD-116

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittees
To hold hearings on S. 2362, to revise certain provisions of the Mineral Lands Leasing Act of 1920, focusing on limitation on authority with respect to merger parties.

SD-366

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Taft-Hartley Act.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for space programs of the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Coast Guard.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for fossil energy research and development programs of the Department of Energy.
SD-138

APRIL 11

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 521 and S. 1924, bills to establish a criminal background check of individuals whose employment may bring them into contact with institutionalized children.
SD-226

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

Environment and Public Works
Regional and Community Development Subcommittee
To hold oversight hearings on certain activities of the Tennessee Valley Authority, focusing on the cost of TVA power purchased by the Department of Energy.
SD-406

Labor and Human Resources
To resume oversight hearings on certain activities of the Legal Services Corporation, focusing on past and present policies at the corporation, including political activity.
SD-430

APRIL 12

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1407, to provide procedures for the registration and licensing of motor vehicles when ownership is transferred in interstate commerce.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Army modernization programs of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the strategic petroleum reserve and the naval petroleum reserves.
SD-138

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for programs of the Library Services and Construction Act.
SD-430

APRIL 24

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for programs of the Hazardous Materials Transportation Act, Natural Gas Pipeline Safety Act, and the Hazardous Liquid Pipeline Safety Act.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1985 for intelligence programs of the Department of Defense.
S-407, Capitol

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Geological Survey, Department of the Interior.
SD-138

APRIL 25

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on child sexual abuse.
SD-226

APRIL 26

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for National Guard and Reserve units of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearing on proposed budget estimates for fiscal year 1985 for the Smithsonian Institution.
SD-138

Environment and Public Works
To hold hearings to review the proposed refinancing of the Kennedy Center bonded indebtedness to the Department of the Treasury.
SD-406

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

APRIL 30

2:00 p.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Supreme Court, and the Arms Control and Disarmament Agency.
S-146, Capitol

MAY 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the joint weapons program of the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.
SD-138

MAY 2

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for veteran's health benefit programs.
SR-418

MAY 3

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 2117, to establish the National Vaccine-Injury Compensation program as an elective alternative remedy to judicial action for vaccine related injuries.
SD-562

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for U.S. Territories.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

MAY 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

MAY 8

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Public Health Service Act, including title X (family planning), and title XX (Adolescent Family Life Act).
SD-430

2:00 p.m.
*Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Surface Mining, Department of the Interior, and the U.S. Holocaust Memorial Council.
SD-138

MAY 9

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Veterans' Affairs
To hold hearings on veterans' compensation programs.
SR-418

MAY 15

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.
SD-430

MAY 17

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.
SD-430

MAY 22

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.
SD-430

MAY 23

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the interagency agreement between the Veterans' Administration and the Department of Defense, focusing on sharing and supply and procurement policies.
SR-418

JUNE 13

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.
SD-430

CANCELLATIONS

MARCH 13

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

MARCH 15

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed authorizing funds for local rail service assistance programs of the Department of Transportation.

SR-253

APRIL 3

10:00 a.m.

Labor and Human Resources

Alcoholism and Drug Abuse Subcommittee

To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.

SD-430

HOUSE OF REPRESENTATIVES—*Tuesday, March 13, 1984*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
March 8, 1984.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Tuesday, March 13, 1984.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Reverend Charles A. Mallon, permanent deacon, Holy Family Church, Mitchellville, Md., offered the following prayer:

Hear this, all peoples! Give ear, all inhabitants of the world, both low and high, rich and poor together! My mouth shall speak wisdom; the meditation of My heart shall be understanding.—Psalm 49: 1-3.

Father, our forefathers placed the responsibility for raising revenue for our Nation's common purse upon the House of Representatives. It is in this regard that we place this body before You this morning. Allow the taxation on our individual productivity to be spent in such a way as to bring credit to both ourselves and our Nation.

We ask that the resources of this great Nation increase as we strive to eliminate human suffering through our aid and self-help programs.

Bring peace to our planet through new exploration and distribution of natural resources.

We ask this through the intercession of the Prince of Peace, Christ our Lord. Amen.

THE JOURNAL

The **SPEAKER** pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution and concurrent resolution of the House of the following titles:

H.J. Res. 454. Joint resolution honoring the contribution of blacks to American independence; and

H. Con. Res. 264. Concurrent resolution authorizing the rotunda of the Capitol to be used for a ceremony on March 15, 1984, commemorating the anniversary of the birth of President Andrew Jackson.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 979) entitled "An act to amend and reauthorize the Export Administration Act of 1979," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GARN, Mr. TOWER, Mr. HEINZ, Mr. PROXMIRE, and Mr. CRANSTON to be the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 70. Joint resolution to designate the week beginning April 8, 1984, as "National Building Safety Week";

S.J. Res. 203. Joint resolution designating the week beginning April 8, 1984, as "National Mental Health Counselors Week";

S.J. Res. 210. Joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education";

S.J. Res. 211. Joint resolution designating the week of November 18, 1984, through November 24, 1984, as "National Family Week";

S.J. Res. 215. Joint resolution to designate the week of April 23-27, 1984, as "National Student Leadership Week";

S.J. Res. 217. Joint resolution to authorize and request the President to designate the week of May 6, 1984, through May 12, 1984, as "Senior Center Week";

S.J. Res. 237. Joint resolution to designate the week of November, 25, 1984, through December 1, 1984, as "National Home Care Week";

S.J. Res. 239. Joint resolution designating the week of October 21, 1984, through October 27, 1984, as "Lupus Awareness Week";

S.J. Res. 241. Joint resolution to authorize and request the President to issue a proclamation designating May 6 through May 13, 1984, as "Jewish Heritage Week"; and

S.J. Res. 252. Joint resolution to designate May 25, 1984, as "Missing Children Day."

MODIFYING AUTHORITY FOR THE RICHARD B. RUSSELL DAM AND LAKE PROJECT

Mr. ROE. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 912) to modify the authority for the Richard B. Russell Dam and Lake project, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Richard B. Russell Dam and Lake project, authorized by the Flood Control Act of 1966 (80 Stat. 1420), is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide such power to the city of Abbeville, South Carolina, as the Secretary determines to be necessary to mitigate the reduction in hydroelectric power produced at the city-owned hydroelectric plant at Lake Secession caused by the construction and operation of the project. Such power shall be provided to the city for a period not to exceed the remaining service life of the city-owned hydroelectric plant as part of the operational requirements and costs of the project under such terms and conditions as the Secretary, in consultation with the Secretary of Energy, determines to be appropriate. The Secretary of Energy is authorized to provide assistance in the delivery of such power.

SEC. 2. (a) The project for navigation at Eastport Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is not authorized after the date of enactment of this Act.

(b) The Secretary shall transfer without consideration to the city of Eastport, Maine, title to any facilities and improvements constructed by the United States as part of the project described in subsection (a) of this section. Such transfer shall be made as soon as practicable after the date of enactment of this Act. Nothing in this section shall require the conveyance of any interest in land underlying such project title to which is held by the State of Maine.

The **SPEAKER** pro tempore. The gentleman from New Jersey (Mr. ROE) is recognized for 1 hour.

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 912, authorizes the Secretary of the Army, acting through the Chief of Engineers, to provide such electric power to the city of Abbeville, S.C., as the Secretary determines to be necessary to mitigate the reduction in hydroelectric power produced at a city-owned plant caused by the construction and operation of the Richard B. Russell Dam and Lake project. The power would be provided to the city without charge for a period not to exceed the remaining service life of the city's plant (about 20 years)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

as part of the operational requirements and costs of the project under such terms and conditions as the Secretary determines to be appropriate.

The city of Abbeville owns and operates a hydroelectric powerplant at Lake Secession upstream from the Richard B. Russell project on the Rocky River, a tributary of the Savannah River. Impoundments from the project will generally raise the level of the Rocky River, adversely affecting the operation and maintenance of the city-owned plant. In addition, the rise in water levels will make it impossible to generate as much power at the Lake Secession plant as would have been the case without the project. A reduction in the plant's generating capacity of about 15 percent will result.

S. 912 is designed to place the city on the same footing as prior to construction and operation of the project by providing power from an existing source in a cost-effective manner.

Section 2 of the bill deauthorizes a Corps of Engineers breakwater at Eastport, Maine, in order to permit the town to improve its port and the breakwater at its own expense. I note that the same provision was contained in Public Law 98-151, providing continuing appropriations for fiscal year 1984. However, in view of the need for early passage of S. 912, I recommend that it be passed in its present form so that it can be sent immediately to the President.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. STANGELAND).

Mr. STANGELAND. Mr. Speaker, I rise in support of S. 912. This bill has passed the Senate and is noncontroversial. The administration is fully supportive of passage and, in fact, submitted the legislative proposal to Congress.

The situation is this: The Richard B. Russell Dam and Lake project is near completion by the U.S. Army Corps of Engineers. The lake itself is being filled. The city of Abbeville, S.C., owns and operates a hydroelectric powerplant upstream from the Federal project. The rise in water levels will affect the operation and maintenance of the project and will significantly reduce the power production at the city's powerplant.

While the Corps of Engineers can mitigate for some kinds of damages and losses, current law does not allow for mitigation for power losses in a special case such as this. The legislation authorizes the Corps of Engineers to provide electric power to the city of Abbeville to mitigate that loss as a result of the Federal project.

The Water Resources Subcommittee, on which I am pleased to be the ranking member under the chairmanship of the gentleman from New Jersey (Mr. ROE), held hearings on this and many other projects last year. The provision is included in another bill, H.R. 3678. This major water resources legislation was voted out of the Committee on Public Works and Transportation unanimously and has recently been reported. It is now sequentially referred to other committees. While we are very confident of the enactment of H.R. 3678 later this session, the Abbeville situation requires action as early as possible. Therefore, I urge all my colleagues to join me in supporting passage of S. 912.

● Mr. HOWARD. Mr. Speaker, I rise in support of the bill, S. 912.

The Richard B. Russell Dam and Lake project has been completed and the reservoir is now being filled. Full pool elevation is scheduled to be reached early this spring. The city of Abbeville operates a hydroelectric facility upstream from the Richard B. Russell project. The higher water levels caused by the project will reduce the head available at the city's plant for power production resulting in a reduction in its generating capacity of about 15 percent. The most cost-effective manner of compensating the city for its loss is to provide it with replacement power. S. 912 authorizes the Secretary of the Army, acting through the Chief of Engineers, to do so.

Mr. Speaker, it is important that this legislation be passed now in view of the imminent filling of the Richard B. Russell Reservoir. I urge passage of the bill.●

● Mr. SNYDER. Mr. Speaker, I strongly support House passage of S. 912.

The bill is intended to make the city of Abbeville, S.C., whole for certain adverse impacts that will result from construction and operation of the Richard B. Russell Dam and Lake project.

The city of Abbeville, S.C., maintains a dam and appurtenant hydroelectric plant on Lake Secession, which is situated on the Rocky River, a tributary of the Savannah River. The city's power generation facility is used for power peaking to supplement block power purchased from the Southeast Power Administration and others.

In 1966, Congress authorized the Richard B. Russell project. Located in Anderson and Abbeville Counties, S.C., and Hartwell and Elbert Counties, Ga., the project was authorized for the purposes of hydroelectric power, flood control and recreation.

Construction has been underway on the project for more than 10 years and is almost completed. When the lake is filled, which is currently planned for May of this year, the operating pool of the project will raise the level of the Rocky River and, therefore, lower the head—the height of water available for producing power—at the city of Abbeville's hydropower plant. This will reduce gross power production at the Lake Secession plant by an estimated 13 percent. The project's operating pool will also permanently flood the draft tubes of the hydroelectric turbines and will submerge the stoplog sill at the city's plant.

This latter problem is being remedied by construction of a cofferdam using discretionary authority available under section 111 of Public Law 85-500. However, compensation for the loss of generating power in the manner being sought is beyond the scope and intent of section 111.

Both problems, loss of generating power and permanent flooding of the draft tubes and stoplog sill, were unanticipated when the project was originally authorized.

The bill under consideration today, S. 912, is intended to compensate the city of Abbeville for the power generation losses it will experience because of the Richard B. Russell project. The bill modifies the original project authorization to enable the Secretary of the Army, acting through the Chief of Engineers, to provide kilowatt-for-kilowatt replacement for the city's project-induced power losses. The replacement power is authorized to be provided for the remaining service life of the city's plant and is to be considered part of the operational requirements and costs of the Richard B. Russell project. The annual cost of providing the replacement power envisioned in S. 912 is currently estimated at $20,000 and is far below the costs of other approaches to mitigate for the city's power losses.

Mr. Speaker, the fact that our Committee on Public Works and Transportation has been discharged from further consideration of S. 912 should not be misunderstood. Our committee has already reviewed the merits of the bill's modifications to the Richard B. Russell project and has included virtually identical language in H.R. 3678, which was unanimously reported from the committee. Our action today is designed merely to expedite enactment of this important legislative proposal.

Mr. Speaker, before closing, I would just like to compliment our colleague, the gentleman from South Carolina (Mr. DERRICK), and his counterparts in the other body, particularly the distinguished Senator from South Carolina (Mr. THURMOND) with whom I have spoken on a number of occasions concerning this matter, for their tireless efforts to advance this legislation. They have been extraordinarily effective, and I hope you and all our colleagues join me today in voting to send S. 912 to the President for his signature.●

Mr. ROE. Mr. Speaker, I have no further requests for time.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FAMILIES OF EL SALVADOR VICTIMS STILL WAITING FOR JUSTICE

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, here they go again. Now the administration wants $93 million in emergency military aid to El Salvador. I just wish the administration was this persistent in seeking justice for the families of the four American religious workers murdered in El Salvador over 3 years ago, one of whom was from Connecticut.

There still has not been a trial, and the State Department is keeping an independent investigation of the killings secret. Even the families of the victims have been denied access to the truth.

Mr. Speaker, there are many factors that a Member of Congress must weigh before deciding on any foreign aid request, particularly in the face of $200 billion budget deficits.

I assure you that this Member of Congress will not vote for more military aid to El Salvador as long as the families of the murdered religious workers are still denied justice.

CANCEL THE MX MISSILE

(Mr. MARTINEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Speaker, I rise today to continue to voice my opposition to the production of the MX missile system. We have voted on funding for this weapon on several occasions and have progressively come closer to prohibiting its production. I am confident that the 98th Congress will finally see the wisdom in scrapping this system proposed by the President.

There now exists more reason than ever before to deauthorize the unspent portion of the $2.1 billion MX appropriation for 1984, and to delete the $3.2 billion the President has requested for an additional 40 missiles. It is my belief that the President has not yet done all that he could to negotiate an arms control agreement with the Soviets. This promised effort played an integral role in obtaining an affirmative vote last November. That agreement seems further away today than in any time in the last two decades, and tensions between the two superpowers have only increased.

And yes, I believe the MX is still a waste of our defense dollars. Regardless of the President's position, our Nation cannot afford the defense spending levels of the past 3 years. Our Government has spent $64 billion on strategic and nuclear weapons, and this excludes the cost of the MX missile program which alone will add $5 billion to the defense expenditures for fiscal year 1984.

SGT. NORMAN LYNCH RECEIVES ARMY COMMENDATION MEDAL

(Mr. de LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. de LUGO. Mr. Speaker, today I am proud to advise you and my colleagues in the House of Representatives that Sgt. Norman Lynch of the 82d Airborne received the Army Commendation Medal for his role in the intervention in Grenada. Sergeant Lynch was born in Christiansted, St. Croix in the U.S. Virgin Islands and the people of the Virgin Islands are proud that one of our outstanding young men has been awarded this honor, not only because he is from the U.S. Virgin Islands, but because he won this honor while assisting our fellow West Indians in the island nation of Grenada. A large number of the population of the U.S. Virgin Islands traces its roots to Grenada, and many still have family and close friends in that neighboring island nation. We knew firsthand of their concerns, shared their relief when their fellow members of the Caribbean community sought the assistance. That spirit of mutual concern demonstrates the depth of Caribbean solidarity, and the confidence with which these island nations turned to the United States for assistance, speaks volumes as to the positive feelings of the people of the Caribbean to the United States.

The people of the U.S. Virgin Islands fully understand this and have consistently tried to act as a bridge between our fellow Americans on the continent and our fellow West Indians in the Caribbean. This unique relationship underscores our potential as an ally to our neighbors and as a working partner to the United States.

Sergeant Lynch's role and his achievement during the intervention is symbolic of this relationship. The Army singled him out for the leadership he demonstrated during that critical time. He has brought well-deserved credit to himself, his family, and great honor to the U.S. Army and the U.S. Virgin Islands.

I congratulate him on his achievement, and his parents, John and Edith and his five brothers and sisters, and hope that my fellow Members of the House will join with me in wishing him congratulations and continued success.

LET'S PREVENT POLICE DEATHS—NOT RESPOND TO THEM

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, when it comes to hunting and target shooting and the safe, legal use of guns, I am all for the National Rifle Association. They have advocated the need for better police protection, and have preached the need for tougher penalties against criminals who abuse our Nation's gun laws. Having served 23 years with the New York City Police Department, I find those positions very consistent with my own.

With that history in mind, though, I am at a total loss to explain why the NRA has chosen to fiercely oppose my legislative effort to outlaw armor-piercing "cop killer" bullets that can penetrate the bulletproof vests worn by police. Simply put, these high-powered projectiles are not used for legitimate purposes. In fact, there is only one element of our society that stands to benefit from these bullets—the criminal element. Even the NRA has said that "ammunition designed to cut through armor is not used by hunters or competitive shooters."

However, at last week's Senate hearing on the issue, the NRA also said that since "there has been no rash of criminal misuse of armor-piercing handgun ammunition * * * there is no demonstrated need for this legislation." What a warped sense of logic. Just how many police officers would the NRA like to see killed by these bullets before they will concede there is a problem? We must not allow the paranoiac mentality of the NRA to be our guide on this critical issue. It is our job to prevent police deaths, not respond to them.

A LIE OR AMNESIA?

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, it pains me to have to correct inaccuracies uttered by the President of the United States about meetings which I attended and which he did not. The President is quoted in the Arkansas Gazette as having been harshly critical of congressional Democrats with respect to the behind-the-scenes meetings directed to finding some bipartisan approach to deficit reduction.

He says at one point that we offered no ideas or suggestions at all. That is a lie. It is untrue. I personally offered as many as 20 different suggestions. All of them were summarily rejected. For him to say that I offered no suggestions that were acceptable to him would be a truthful statement, but for him to say we offered no suggestions is a falsehood. It can be described no other way.

He said, "We had great difficulty getting them to even meet," talking about the Democrats. That is a lie. That is not true. That is a falsehood. They had no difficulty getting us to meet. We met every time we were invited. They now are meeting with Republicans only, and that is their privilege, of course; but to say that it is our fault that we are not meeting is like inviting people to your house for dinner and leaving some people uninvited, and then publicly accusing them of boycotting your dinner.

It is just that plain. It is a lie. They had no difficulty getting us to meet. On two occasions I suggested dates when we would be prepared to meet and Jim Baker could not make it because one time he wanted to be with the President in Dixon, Ill., for his birthday, and one time he wanted to be with his President in California. That was acceptable to me. I did not go around accusing him of dragging his feet and not being willing to meet. That would have been childish. It would have been a lie, just as it is a lie for the President to say that.

He says, "From scratch, they were very uncooperative." Well, I do not think we were uncooperative at all. We tried our best to make some earnest effort to find some basis of sincere deficit reduction.

The President's idea, apparently, of a bipartisan compromise is something that he or his advisers have written out on a piece of paper and expect the rest of the people to sign off on. That is not bipartisan. That is not compromise. We endeavored to compromise. We agreed to some of the things that he suggested. He agreed to nothing, absolutely nothing, that we suggested. In fact, he would not even come to the meetings, and then he accuses us of not being there.

He said on one occasion that we, and I am quoting, "just simply walked away on one issue and refused to talk." That, my colleagues, is a lie. I hate to say that of the President of the United States. It is the same kind of a lie that he told when he said that the House was dragging its feet on an anticrime bill after we, in a session just previously, had passed an omnibus crime bill and he had vetoed it.

Maybe it is not an intentional lie. If it is not, it is amnesia.

□ 1220

PERMISSION FOR SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation have permission to sit while the House is meeting under the 5-minute rule on tomorrow, Wednesday, March 14, 1984.

This matter has been cleared with the minority.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Arizona?

There was no objection.

THE MX FACES ANOTHER MOMENT OF TRUTH

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, a few weeks ago, all of us received a "Dear Colleague" letter from Congressmen BENNETT and MAVROULES indicating their intention to propose an amendment to delete and rescind funding for the MX missile.

Last November, a similar effort failed by only nine votes. I hope that those who opposed the amendment a few months ago will take another hard look.

What has changed since then? At least two critical points:

First, the danger from the huge national deficit has become still clearer. Questionable expenditures now must be even more relentlessly scrutinized.

Second, the argument of last resort for MX last November was that it would provide a useful bargaining chip in negotiations with the Soviet Union. That strategy has not worked to date, and there is no reason for optimism that it will work in the future.

Mr. Speaker, another moment of truth for MX is close at hand, and I hope the House will this time rise to the occasion.

IN SUPPORT OF SILENT PRAYER AND MEDITATION IN THE SCHOOLS

(Mr. HARRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRISON. Mr. Speaker, I firmly believe in voluntary prayer for all of us—adults as well as children—whether in church or in synagogue, home or school.

It is for this reason that I have carefully followed the school prayer debate which is now going on in the Senate. I also followed with interest the nightlong special order on school prayer which was conducted by a number of our colleagues this past week. I was honored to have been asked to preside over the House of Representatives during the last hours of that session.

Numerous versions of a school prayer amendment have been proposed and, as we all know, the final language of the amendment which will be voted on in the Senate has not yet been determined.

I rise today to announce my support for a constitutional amendment which would authorize every public school district in the country to set aside a minute for silent prayer and meditation at the beginning of each schoolday—a time in which each child might pray to God in the manner which his or her faith, religion, or conscience dictates.

Such an amendment, in my judgment, keeps faith with our historic tradition as "one nation under God" and with our deepseated commitment to religious freedom and tolerance of each other's beliefs.

Mr. Speaker, I hope that such an amendment will be speedily approved by our colleagues in the other body and sent to us for what I hope will be a prompt and favorable consideration.

THE LINE-ITEM VETO

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, none of us can have any doubt that the greatest problem remaining for this Nation is the $180 billion budget deficit. It can damage interest rates, and it can devastate the economy. We must get control of the budget.

One of the most effective steps that we could take to control the Federal budget and reduce the deficit would be to provide the President with a line-item veto over appropriations items. A line-item veto would arm the President with a valuable tool to control the pork-barrel practices that we see in too many appropriations bills.

Too frequently, we have seen frivolous items added to bills that fund important programs, and too frequently this is done for political purposes. The system that we have now gives an unreasonable amount of power to certain committee and subcommittee chairmen. Innumerable items which, if they were embodied in separate bills, would have no chance of passage, are included in the general appropriations bills.

Clearly, the adoption of a line-item veto would change the balance of power between the executive and legislative branches, and for that reason, many of my colleagues will be reluctant to support this approach. The abuses that have occurred—largely pork-barrel projects—justify its adoption. Today, 43 States give their Governors this power. The President should also be given the authority to slice the excess fat from our bloated budget.

I would like at this time to offer a request for unanimous consent to call up the resolution for the constitutional amendment on the line-item veto. I have cleared this with the minority leadership. I would now yield to anyone of the majority side who is authorized to agree to this unanimous-consent request.

Mr. Speaker, I do not hear a response. I can only conclude that the reason that the line-item veto has not been debated on the floor of the House is because the Democratic majority does not wish to debate it.

EXPORT ADMINISTRATION ACT

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, the Export Administration Act is probably the most important national and foreign policy legislation of this Congress. Within the next few days, conferees will begin their task, and it will be substantial. There are significant differences between the amendments approved by the House and the other body.

The Export Administration Act is intended to prevent Soviet acquisition of American high technology and other related products. The evidence is overwhelming that Moscow is engaging in an illegal shopping spree in America's high technology bazaar. Hardly a week passes without new stories regarding high technology exports originating in Silicon Valley or other centers of high technology research and production. Mr. Speaker, export controls directly affect American companies, our ability to deter aggression, our budget deficits, and the conduct of U.S. foreign policy.

Every time American high technology aids the Soviets to develop a weapons system, our strategic position is weakened and our defense costs are increased. I say we can improve enforcement and prevent illegal diversion. We can reduce the scope of controls, and we can simplify the licensing of exports to relieve the regulatory burden of business. To achieve these objectives, we must act in good faith. We must address the national interest and not the special interests and concerns of each party to the debate.

I fought in the Subcommittee on International Economic Policy and Trade and in the Committee on Foreign Affairs to improve export controls, and I fought on the floor. I will continue carrying this message in the conference committee.

ATTEMPT TO GAIN CONSIDERATION OF VOLUNTARY SCHOOL PRAYER AMENDMENT

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, in response to the excellent statement of the gentleman from Pennsylvania, Mr. HARRISON, on school prayer, it would be my desire at this time to offer a request calling for consideration of the voluntary school prayer constitutional amendment.

The Speaker has ruled that in order to make this request, we must have the clearance of the Democrat and Republican leaders. This request has been cleared by the Republican leaders, and I am now willing to yield to a spokesman for the Democrat leadership for their appropriate clearance.

Mr. Speaker, as we see, this request receives no response from the Democrat leadership. I do this not to tangle with the majority leadership but merely to communicate with historians, who I believe will discover that this Congress will respond to the desire of 80 percent of the American people to amend the Constitution to permit school prayer, and when they look back at our Government, I want them to know that the republican form of government is responsive, and that our Constitution allows for the representation of the people, and that during this hiatus and during this short run, it was clear at all times to the American people who stood in the way of voluntary school prayer: it was merely the Democrat leadership of the House of Representatives.

THE CRIME BILL—"DEAD ON ARRIVAL"

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, we just heard the majority leader, the gentleman from Texas, Mr. WRIGHT, criticize the President and accuse him of misrepresenting the position of the Democrat leadership on a number of key issues. One issue I managed to catch while I was sitting here was the crime bill. Mr. WRIGHT said, no, we are not dragging our feet on the crime bill, as the President has suggested.

If that is so, why did the U.S. News & World Report quote the subcommittee chairman, the gentleman from New Jersey (Mr. HUGHES), as saying that the crime bill, on passing the Senate and coming to the House, was "dead on arrival"? I think "dead on arrival" manifests some reluctance to get that bill through.

That bill is extremely important to many American people because, for one thing, it involves bail reform, which means that bail now, when given to criminals and defendants throughout the United States, would be based not just on that defendant's ability to show up in court the next day but on the dangerousness of that particular defendant. That means that we have people who are going out in our communities right now who are still dangerous. They are waiting for their court dates, and we have weekly crimes that are committed by people who are waiting for their court dates who are in fact dangerous.

This is a very important bill to get through, and I would say that President Reagan is not the only American who feels that the Democrat leadership is dragging its feet on the crime bill. Apparently, at least according to U.S. News & World Report, a great many Americans also feel that the Democrat leadership is dragging its feet on the crime bill.

So, Mr. Speaker, I say to the gentleman from Texas, Mr. WRIGHT, let us get this crime bill moving, let us get it out of committee, and let us give it the same expedient treatment we gave the ERA, which we moved up to the House floor with less than 1 hour's debate on amending the U.S. Constitution.

□ 1230

THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, all our citizens want an end to the runaway deficit. At this time, I would like to offer a unanimous-consent request calling for consideration of an amendment to require that balanced budget.

The Chair has ruled that in order to make this request, I must have the clearance of both the Democratic and the Republican leaderships. This request has been cleared by the Republican leadership.

I would now yield to a spokesman for the Democratic leadership for the appropriate clearance that is needed to bring this matter up.

Mr. Speaker, unfortunately, we hear no response.

I would submit that in the coming days, I hope the Democratic leadership will change their minds. I think it is important that they reconsider their opposition to allowing us to debate this issue.

The problem of runway deficits will not go away if we refuse to debate them or ignore them. They will only go away if this House addresses this issue honestly and forthrightly. To that end, I hope they will reconsider their position, because this country and its citizens need a different approach to the problems that we have had on that deficit.

CONGRESSIONAL TRIBUTE TO SERVICEMEN KILLED OR WOUNDED IN LEBANON AND GRENADA

(Mr. RINALDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RINALDO. Mr. Speaker, a congressional tribute to our servicemen who were killed or wounded in Lebanon and Grenada is long overdue. Therefore, today, I am introducing a resolution to express our condolences and appreciation for the sacrifices of those Americans who were slain or injured in Lebanon or Grenada.

The events of last October put into sharp focus the sacrifices the members of our Armed Forces are called on to make for this country. The grief for this loss of life was keenly felt by the entire Nation and shared by all American families who have lost a son, or husband, or father on foreign shores.

It is difficult to find words to express our sorrow for the victims of the despicable act of terrorism perpetrated against our troops in Lebanon. Likewise, we must not forget the courage and bravery of our soldiers who were sent to Grenada to protect American lives and insure the safety of innocent civilians.

I hope that this resolution may, in a small way, help ease the anguish and suffering of the families whose loved ones have been killed and wounded. It is a fitting tribute to everyone in our Armed Forces who has served so valiantly.

A moving force behind this proposal was Mrs. Irene Schembs of Westfield, N.J. Mrs. Schembs, a constituent of mine, has spent countless hours in building support at the State and national levels to honor the servicemen killed in Lebanon and Grenada.

I urge my colleagues to join in this effort by cosponsoring the resolution.

POSITIVE ECONOMIC NEWS

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, every day we have individuals who come to the floor on both sides of the aisle and talk about the size of the deficits and the concern they have. Every now and then, someone comes along with an idea of what we are going to do about it; but I think it is appropriate from time to time to stop and consider some of the good news, because there is a continual stream of good positive economic news. Last week, we saw the unemployment rate drop two-tenths of 1 percent to 7.8 percent—700,000 Americans found jobs in that month.

In addition to that, we see that the plans of business to increase their investments during this next year are going to increase to the rate of 12 percent.

In addition to that, we hear people talking now about economic growth in real terms in the second quarter of this year at 6 percent. Also, in the month of January, the amount of revenue coming in from corporate income taxes was 55 percent ahead of where it was this time last year.

Also, the deficits, when you annualize the January deficit, which was $5.15 billion, when you annualize that, you find that the deficit we are now talking about could be in terms of $140 billion instead of $200 billion. It puts the numbers in a little different perspective.

The point is that the policies of President Reagan and the Republican Party have brought about a strong economic recovery, which has put 5 million Americans back to work in the past 14 months. The statistics prove, as President Reagan has said, America is back.

THE BALANCED BUDGET CHARADE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I wonder about all those Americans who must be tired right now of the daily statements during the 1-minute speeches by members of the minority saying, "Hearing none, I assume they are not interested in raising the balanced budget because there is no objection." Every day this charade is repeated, and nothing ever gets accomplished on the balanced budget.

Mr. Speaker, I think the American people are tiring of this daily charade that is only delaying in the entire legislative process.

The height of hypocrisy is the Republican Party coming to us and saying, "Let us have a constitutional amendment to balance the budget," when their proposed deficit for this fiscal year is close to $200 billion.

When they talk about a "down payment" on the deficit, they are talking about a payment from those that are down.

When they are talking about tax reform, they are talking about more tax cuts for the rich.

I think, Mr. Speaker, the time has come to get on with the issues of the day and let us stop this charade of getting up here and continuing these dilatory tactics.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore. The Chair reminds all Members that they should not refer to the television audience.

ANNOUCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

GOLD MEDAL TO HONOR HARRY S. TRUMAN

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3614) to authorize the awarding of a special congressional gold medal to the daughter of Harry S. Truman in recognition of his outstanding public service to the United States, as amended.

The Clerk read as follows:

H.R. 3614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President is authorized to present, on behalf of the Congress, to Margaret Truman Daniel, a gold medal of appropriate design, in recognition of the lifetime of outstanding public service which her father, Harry S. Truman, gave to the United States, and in commemoration of his one hundredth birthday which will be celebrated on May 8, 1984.

(b) For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) There are authorized to be appropriated not to exceed $25,000 to carry out the provisions of this section.

SEC. 2. (a) The Secretary of the Treasury may cause duplicates in bronze of the medal provided for in the first section to be coined and sold under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal.

(b) The appropriation used to carry out the provisions of the first section shall be reimbursed out of the proceeds of such sales.

SEC. 3. The medals provided for in this Act are national medals for the purpose of section 5111 of title 31, United States Code.

The SPEAKER pro tempore. Is a second demanded?

Mr. RIDGE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ANNUNZIO) will be recognized for 20 minutes and the gentleman from Pennsylvania (Mr. RIDGE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I yield myself whatever time I shall consume.

Mr. Speaker, H.R. 3614 authorizes the striking of a congressional gold medal in honor of the tremendous contribution Harry S. Truman has made to this country. It is appropriate, in the year of Harry S. Truman's 100th birthday, that we consider awarding our 33d President a congressional gold medal for services rendered to our Nation.

Harry S. Truman was a dedicated public servant throughout his political career. He was a Member of the Senate from 1935 until 1945, served as Vice President in 1945, and led the country as President from 1945 until 1953. Harry Truman's faith in America never faltered. He knew our country has the potential to be great and in his lifetime never once ceased reaching for that goal.

During his term as President, Truman proved himself a leader in world peace. His decisive actions helped to end World War II, and he was primarily responsible for instituting the Marshall plan, which provided a framework for European recovery. As the architect of the free world after World War II, he laid the groundwork for peaceful relations between the United States and other nations of the world. He remained steadfast in his devotion to liberty and freedom for all. On the home front, Truman succeeded in maintaining peaceful harmony in turbulent times.

From humble beginnings as the son of a farmer from Independence, Mo., Truman went on to accomplish more than most men can ever hope to achieve. For his contributions to our past and to our future, it is fitting that we honor Harry S. Truman with a congressional gold medal.

The cost of designing and minting the gold medal will be recovered by the sale of bronze duplicates of the gold medal. I urge passage of this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank the chairman, the gentleman from Illinois. I certainly appreciate the gentleman's interest in this legislation and his very speedy action thereon.

Mr. Speaker, this afternoon the House has been asked to consider H.R. 3614, a bill which I introduced to authorize the awarding of a special gold metal to Margaret Truman Daniel, daughter of President Truman, in recognition of the President's outstanding public service to the United States. This bill has received overwhelming bipartisan support, as evidenced by the 221 Members who have joined me as cosponsors of this legislation.

Mr. Speaker, Harry Truman was an all-American President. He was reared in rural Missouri, graduated from public schools, worked on a farm, served his country in the Army, and he owned a small business. Upon assuming public office, he proved to be an extraordinary statesman. As Jackson County judge in Missouri, he oversaw the building of the first paved roads around Kansas City.

☐ 1240

During his service in the Senate he was instrumental in writing major pieces of legislation, including the Civil Aeronautics Act of 1938 and the Transportation Act of 1940. He also proposed and served as chairman of the Senate Special Committee to Investigate the National Defense Program, which was estimated to have saved taxpayers billions of dollars on war contracts.

But it was upon assuming the Presidency, Mr. Speaker, that Harry Truman achieved his zenith. President Truman left his unmistakable mark on the character of our Nation with modesty, with courage, and with commonsense in making crucial decisions in domestic and in foreign affairs.

It was under Truman's guidance that World War II was brought to a close. The United Nations was ratified. Soviet expansionism was stymied and the State of Israel was first recognized.

On the domestic front, President Truman presided over the turbulent task of postwar reconversion and the change from wartime to peacetime production. He observed passage of the landmark Employment Act of 1946, the National Housing Act of 1949, secured control of nuclear weapons in civilian hands, introduced legislation that would become the forerunner of medicare, unified the Armed Forces into Department of Defense, created the Council of Economic Advisers, created the National Security Council, created the Central Intelligence Agency.

He also ordered the racial desegregation of the armed services. He set the agenda for the civil rights reforms of the 1960's.

Mr. Speaker, any one of these would be a significant accomplishment deserving a congressional recognition upon President Truman's centennial, but together they portray an image of a truly great American leader. The Congressional Gold Medal is a fitting tribute to this man who really understood the meaning of public service and he devoted his life to this Nation.

I urge my colleagues in the House to approve this legislation, and again I thank the gentleman from Illinois for his very, very helpful and speedy action on this bill.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. RIDGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate the chairman of the subcommittee, Mr. ANNUNZIO, for his fine work in bringing to the floor this bill, and two others honoring outstanding Americans we will consider later today.

Harry Truman became President at a time of crisis in this country. The Second World War was not yet over, America was in need of strong and decisive leadership and the question was, "Would President Truman measure up?" The answer that history provides is clear on that point. Yes, he provided the leadership to see America through the end of World War II and to help establish the programs that would lead to decades of prosperity that followed. Under Harry S. Truman, the Truman doctrine, the Marshall Plan, and the North Americn Treaty Organization were established. In addition, President Truman oversaw the organization and early growth of the United Nations.

Harry Truman provided the kind of strength and leadership this country needed to end a very costly war and start the process of rebuilding the world economy.

Unfortunately, the country also needed leadership for another military response, the Korean war. Here, too, President Truman provided the foresight and leadership needed to protect the interests of freedom. Without waiting for the United Nations to act, he sent U.S. planes and ships to aid South Korea and on that same day, the United Nations approved sending troops from other countries to join United States and South Korean forces.

In conclusion, Mr. Speaker, President Truman discharged his duties with a humble spirit, but was never overwhelmed by the complexities and pressures of his job. In Harry Truman, America was led by a competent leader and a President with character and commonsense. I urge the House to pass this bill in recognition of the many contributions he made not only to our country, but to the entire free world.

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Missouri (Mr. COLEMAN).

Mr. COLEMAN of Missouri. Mr. Speaker, I want to rise in support of H.R. 3614 to award a special gold medal to Harry S. Truman, our beloved President and the No. 1 citizen from the State of Missouri.

I feel this is an appropriate honor for President Truman, especially since we are recognizing the 100th-year anniversary of his birth. His growing popularity today is based not only on what he accomplished as President, which was a great deal, but on the kind of man he was—his style. The admiration of his buoyancy of spirit, his vigorous combativeness, and invincible faith in the United States and its people was his greatest asset. He thought the United States and its people were the greatest people in the world.

What were once regarded perhaps, Mr. Speaker, as his faults or shortcomings, his impetuosity, his shooting from the hip, and his writing of angry letters to musical critics at some points, now are seen as part of the spirit that let him stand the heat of tough decisions and stay in the most closely watched kitchen in the world. Truman is greatly admired by his ability to reach decisions and then to live with it and keep his own peace of mind after having done so.

His decisions set the pattern for American foreign policy in succeeding decades. That the United States did not, with the coming of peace, retreat once more into her traditional isolationism owes much to Truman's readiness to face the facts as he saw them, acknowledge his mistakes, and change courses where necessary. This ability to grapple with the great issues of the time was especially striking for a man who many considered unfit or untrained for the Office of the Presidency. That he was able to assume the burdens of world leadership for his country can be attributed not only to his innate toughness of mind and body but to his lifelong study and keen sense of history. I suppose President Truman, if he wanted to be remembered for something other than being an outstanding President, it would be that he was a very well read person, and one who knew history and responded to current events in the context of historical decisions in the past.

Today we fully recognize and admire the leadership qualities that President Truman exercised in directing our country through most difficult times.

So I would like to ask my colleagues from both sides of the aisle to join with me in supporting this Gold Medal award to honor Missouri's first citizen, Harry S. Truman.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. I certainly yield to my friend from Missouri who, as we know, is the head of the activities here to honor President Truman in the House on May 8, and who was selected as chairman of the congressional Commission to do so, and one who has followed President Truman's career, having represented the area where the Truman homestead is for many years.

I yield to my friend from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

I wish to point out that so many of us back in our own home districts can recall either a personal relationship with the late President or the fact that he visited us in our particular area at one time or another during his lifetime.

As the gentleman knows, I am pleased to say that his birthplace, Lamar, Mo., is in the district I represent. Also, as the gentleman pointed out, I also represented all of Independence until redistricting for some 6 years, and now, as the gentleman knows, it is in the district of the gentleman from Kansas City (Mr. WHEAT), the Truman home place.

But speaking of history a few moments ago, one of the most historic places where President Truman was in the gentleman's district, in Excelsior Springs in the hotel which I think is known as the Elms Hotel, on the very famous night when then Governor Dewey was running against him for the Presidency. President Truman, knowing, feeling, because he had been with the American people throughout the entire 1948 campaign, went to the Elms Hotel, and as history tells us, slept a good sleep because he felt and knew that he had won the election. And despite what the polls had said, President Truman did win that election.

It is important to note and history should record that the gentleman's congressional district was the site as to where he spent that very, very historic evening.

Mr. COLEMAN of Missouri. The gentleman points out a very interesting historical episode, and indeed, I would hope, and I know the gentleman from Missouri would certainly support me in this, in attempting to perhaps reenact that exciting evening of reelection that occurred in 1948 at the Elms Hotel. The Elms Hotel was a retreat for President Truman, to kind of get out of the hustle and bustle of Kansas City and Independence, and in doing so he was at the center of probably the biggest upset type of an election that has occurred in our lifetime. I know the citizens of Excelsior Springs are most cognizant of their place in history and I know the Elms Hotel, as the gentleman is well aware, has been refurbished recently. Perhaps the citizens of Excelsior Springs would want to conduct some sort of observance of this during the anniversary of President Truman's birthday.

I thank the gentleman.

Mr. SKELTON. I certainly hope that they do so, because it is very fitting and proper to do so.

Mr. COLEMAN of Missouri. I thank the gentleman.

● Mr. ADDABBO. Mr. Speaker, Harry S. Truman was not only one of the greatest Presidents the United States has ever had but he was also a very real person.

His outstanding attribute was his ability to reach people, to communicate his thoughts, and to make the average American understand his motives and believe in his sincerity.

President Truman led our Nation in a period when awesome decisions needed to be made and implemented. He rose to that task with conviction and determination. President Truman led our Nation in a period of war and he brought us to peace. He compiled a record which historians will undoubtedly judge to be most successful and admirable.

To mark a man's life with a gold medal is difficult, but to encapsule the meaning of his work is necessary. Let us remember that President Truman's ability to communicate and reach out to the people was his special quality. It is essential that the elected public officials understand the importance of this special quality that seems to be missing in much of the political world today.

This Gold Medal is a symbol of great qualities of leadership; the ability to reach out to people, to instill confidence, to make them believe in their government and in this great country. President Harry S. Truman will forever be remembered for these talents.●

● Mr. SUNIA. Mr. Speaker, today I join colleagues in supporting H.R. 3614, a bill to designate a "National Gold Medal in Honor of President Harry S. Truman."

In being the first U.S. Congressman to represent the territory of American Samoa, I find myself looking to the example of our country's great leaders to provide me with a model to follow. Harry Truman is the example that I often choose to follow.

The most important characteristic that Harry Truman elicited was his ability to make key decisions with commonsense. President Truman used that ability to guide us to the close of World War II, saw the United Nations ratified, and played a major role in curbing Soviet expansionism.

President Truman also took on the task of stabilizing a post war economy and was a catalyst to the passage of the Employment Act of 1946. He is even now assisting American Samoa in their search for aid to improve their poor and undeveloped housing program through his passage of the National Housing Act. That act is the basis for present day housing programs.

The list of achievements is expansive. From the forerunners of medicare to the creation of a Defense Department, our former President has exemplified to this novice leader what the true meaning of public service and dedication is.

Without hesitation, I support legislation to commemorate the centennial of his birth by designation a national medal in his honor. His example has surely helped me, and I feel that this is a fitting thank you.●

Mr. RIDGE. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, there being no further requests for time, I yield back the balance of my time.

□ 1250

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ANNUNZIO) that the House suspend the rules and pass the bill, H.R. 3614, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GOLD MEDAL TO LADY BIRD JOHNSON

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 394) to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America, as amended.

The Clerk read as follows:

H.J. RES. 394

Whereas Lady Bird Johnson represents the finest qualities of American women, having demonstrated exceptional abilities in the fields of government, business, and social justice;

Whereas Lady Bird Johnson's life of service to the Nation covers a generation of change in the status of women;

Whereas the intelligence and devotion of Lady Bird Johnson to the concerns of the family, natural resources, and education have eased the transition of the roles of women and benefited the Nation;

Whereas Lady Bird Johnson, in her roles as wife of a United States Representative and Senator, First Lady of the United States, skilled businesswoman, and regent for the University of Texas, has served as an example of the bridge between the traditional role and the contemporary roles of women in the United States;

Whereas Lady Bird Johnson has received national recognition with the presentation of many awards, including the George Foster Peabody Award, the Eleanor Roosevelt Golden Candlestick Award, the B'nai B'rith Humanitarian Award, the Business and Professional Women's club Businesswoman's Award, the Ladies Home Journal Woman of the Year Award, the University of Texas Distinguished Alumni Award, the Department of the Interior Conservation Service Award, and the Presidential Medal of Freedom: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President is authorized to present, on behalf of the Congress, to Lady Bird Johnson a gold medal of appropriate design, in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

(b) For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury.

(c) There are authorized to be appropriated not to exceed $25,000 to carry out the provisions of this section.

SEC. 2. (a) The Secretary of the Treasury may cause duplicates in bronze of the medal provided for in the first section to be coined and sold under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal.

(b) The appropriation used to carry out the provisions of the first section may be reimbursed out of the proceeds of such sales.

SEC. 3. The medals provided for in this Joint Resolution are national medals for the purpose of section 5111 of title 31, United States Code.

The **SPEAKER** pro tempore. Is a second demanded?

Mr. RIDGE. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second is considered as ordered.

The gentleman from Illinois (Mr. ANNUNZIO) will be recognized for 20 minutes and the gentleman from Pennsylvania (Mr. RIDGE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 394 authorizes the President to present, on behalf of Congress, a gold medal to Lady Bird Johnson for her humanitarian efforts and her outstanding contributions to the improvement and beautification of America.

Mrs. Johnson has never been just the wife of President Lyndon Baines Johnson. In her own right, Lady Bird has been respected and admired as a champion of environmental and humanitarian causes. While First Lady, she was the force behind the Highway Beautification Act. We can all appreciate her "Keep America Beautiful" campaign that has been so successful in fighting litter and pollution. Mrs. Johnson was among the first to call attention to environmental problems and among the first to start solving the problems. Her concern and subsequent action on environmental issues have produced outstanding results.

But Lady Bird Johnson did not stop at improving the environment. She continued to promote humanitarian causes, and indeed, her accomplishments are too numerous to list here. She has been the recipient of many awards detailing her service to many charitable organizations. And those awards barely skim the surface of the contribution Mrs. Johnson has made to humanitarian causes.

Lady Bird Johnson has served as a model of inspiration to the women of this country. During the time her husband was President, she stressed her role as a wife and mother, yet she also succeeded in business and in politics. The Nation's admiration for her has not declined, and it is with great pleasure that I urge my colleagues to join with me and pass a congressional gold medal for Mrs. Johnson.

Mr. Speaker, I yield such time as he may consume to my distinguished friend, a member of the Subcommittee on Consumer Affairs and Coinage, the gentleman from Texas, (Mr. GONZALEZ), who chairs the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs.

Mr. GONZALEZ. I thank the distinguished chairman and I wish to point out to my colleagues that Chairman ANNUNZIO has made it possible to have very quick and expeditious consideration of this resolution plus the accompanying resolutions we are considering today. He has been the most effective chairman of the Subcommittee on Consumer Affairs and Coinage that I think has ever graced that very important position. Certainly in the 22½ years I have been here that can truly be said. And I want to thank him for this greatly.

Also I wish to recognize the bipartisan effort on behalf of this resolution. Our distinguished colleague and my next door neighbor, Mr. TOM LOEFFLER, who represents the 21st District helped us by not only cosponsoring but actually coauthoring and making this a bipartisan effort.

Also the record ought to show that Mrs. Johnson's Congressman today is Mr. LOEFFLER, as a result of the redistricting last year and no longer is so ably represented by a long-time friend of the family, the distinguished Congressman, Mr. J. J. PICKLE of Texas who graces with his presence our Hall today.

I am proud to author in the House the pending resolution which would award a gold medal to Lady Bird Johnson. Mrs. Johnson has served this country in many different ways as has been so ably pointed out by Chairman ANNUNZIO.

As the First Lady, as a successful businesswoman in her own right, as a champion of widespread conservation and beautification efforts she has been outstanding. I was here at the time the original Highway Beautification Act was brought up which was very early in President Johnson's term as President, and I remembered her yoeman labor, actively and personally lobbying on behalf of that act. I do not think it would have passed that year had she not taken the leadership.

She, of course, worked side by side with her husband and that detail which is a beautiful story in its own right I think can best be left to my distinguished colleague, the gentleman to whom I referred earlier, Mr. PICKLE, because he long, in intimate and personal ways, was a friend of the Johnsons, both President Johnson as well as Lady Bird and their whole family.

So it is with great pleasure that I ask my colleagues to expeditiously consider this and unanimously approve this resolution.

Mr. ANNUNZIO. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. I thank the Speaker and I thank the chairman of the subcommittee.

Mr. Speaker, America will always remember Lady Bird Johnson for her sponsorship and leadership of the national beautification program. Generations from now, our country will still be striving to regain the natural beauty that is in our land and which might have been lost if not for the challenge given to us by Mrs. Lyndon Johnson.

Next month throughout Washington and Virginia, our countryside will be ablaze with forsythias, daffodils, gladiolus, narcissi, tulips, and then the dogwoods, azaleas, and the roses. It is then—perhaps even more than other times—that we all silently whisper another "thank you" to Lady Bird who sparked our interest in planting thousands of seeds, plants, and bulbs to beautify our land. This same flowery scenario will be repeated throughout our land.

There is a certain gentleness and sweetness that is as natural to Lady Bird Johnson as the strength of our Sun or Moon. Perhaps no other First Lady of our time is as universally loved and respected as this thoughtful and caring person.

Lady Bird is an indefatigable worker in many areas since returning to Texas, and Austin, Tex., is a better place because of Mrs. Johnson's presence there. She is the guiding spirit behind so many projects—and in particular now the National Wildflower Institute. I appeal to all Americans to contribute to the National Institute so we can preserve our natural wildflowers for generations to come. That address is 2600 FM RD 973 North, Austin, Tex. 78725.

As her Congressmen and, proudly, the Congressman of former President Lyndon B. Johnson, I am immensely honored to recommend that this medal be granted. I wish we could do more than just cast a gold medal, but at least this much should be done so the Nation can again collectively say "thank you" to Lady Bird Johnson.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield to me?

Mr. PICKLE. I will be happy to yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman for yielding.

The gentleman, in his recital of the type and kind of flowers that Lady Bird planted neglected for the record to reveal bluebonnets. Would the gentleman be willing to accept the fact that the record ought to be corrected and bluebonnets be included?

□ 1300

Mr. PICKLE. I would want the record to reflect that the most beautiful of all State flowers is our bluebonnet in Texas.

I must say to the gentleman, though, that I said next month throughout Washington and Virginia the following flowers will be blooming. The gentleman should remember, if he does not know, that bluebonnets do not grow in Virginia. And we have these other beautiful flowers, but not bluebonnets.

We have tried it. I remember the former chairman of the Committee on Agriculture, the great W. R. Poage, on many occasions had bluebonnets sent up here. We planted them and we cultured them and we tried to get them to grow, but they would not grow in this climate.

So the gentleman should be reminded that bluebonnets will not grow in the Virginia countryside.

Mr. GONZALEZ. My understanding was that one of the great triumphs during the Johnson administration was that Maryland and Virginia soil did raise bluebonnets for a while.

Mr. PICKLE. I would hope we could do that so that this part of the country could also enjoy this great delicious flower, a lovely flower.

Mr. ANNUNZIO. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM B. HALL, JR.), another great son of Texas.

Mr. SAM B. HALL, JR. I am happy to follow the two gentlemen from Texas who attempted to canonize each other, when really today we are here for a dedicatory presentation to a very distinguished lady, Lady Bird Johnson.

I have the privilege of living in the town that Lady Bird Johnson called her home, that is Marshall, Tex. She still has extensive holdings in that part of the country and still comes to that part of Texas quite frequently. We are always glad to have her.

The people in Marshall, Tex., and Karnack, Tex., in deep east Texas have always thought Lady Bird Johnson hung the Moon literally. We have never changed our opinion. She is a delightful lady. She is a wonderful person to know and I am very happy today to be a part of the Texas delegation which I feel has had something to do with the presentation of this award.

There is no person living who is more dedicated to the environment, to beauty, things of beauty, than Lady Bird Johnson.

So, Mr. Speaker, I wish to join with the other Members of this very great body and putting in my part for what I think is a tribute to a wonderful, wonderful person.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. RIDGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I can do little to add to the long list of personal achievements enunciated by the members of the delegation from Texas, the list of charitable undertakings, and conservation efforts.

I would simply urge my colleagues to vote unanimously for this bill in honor of Mrs. Lady Bird Johnson.

● Mr. KAZEN. Mr. Speaker, I am pleased to rise in support of H.J. Res. 394, a bill authorizing the President to present a congressional gold medal to Lady Bird Johnson.

In her book, "A White House Diary," Lady Bird Johnson told a lot about herself in that she devoted her writing to comments about other people, and they were almost always gracious comments praising others for their drive, their dedication or their unsung efforts.

She wrote of her family, her friends, the many dignitaries she encountered, and mostly she wrote about President Johnson. Her concern and her support are obvious, and it is clear that she was a true partner to the President, and a vital source of his strength.

What she did not say then nor would she now, is that there was no more dedicated and successful worker than Lady Bird Johnson. Throughout her life she has grasped every opportunity to make the world a better place.

She did not retire, as most of you know, and she has never wavered in her continuing devotion to the memory of President Johnson, nor in her dedication to bringing about beauty and improvement to our Nation.

She remains active in national affairs, especially through her work in conjunction with the LBJ Library, and she continues to display the same interests in people and the beauty of nature that made her such a favorite of us all.

Lady Bird Johnson remains a driving force, and this gold medal is a small token indeed to show our appreciation for what she has done, and for her efforts still ahead. I urge your support of the bill.●

● Mr. LOEFFLER. Mr. Speaker, I fully support the bill before us today which calls for the striking of a gold medal in honor of Lady Bird Johnson.

This honor is a fitting tribute to Mrs. Johnson, a woman who is a leader in her own right and who has had a tremendous impact on her country, her State, and the 21st District of Texas, which I am privileged to represent. We honor our Nation's former First Lady for her energy, enthusiasm, and dedication in the efforts to beautify Ameria.

Lady Bird, we all salute you.●

● Mrs. BURTON of California. Mr. Speaker, I rise in support of the resolution. Lady Bird Johnson was one of the outstanding First Ladies in our Nation's history. She truly deserves to be honored in this manner.

I have the honor and pleasure of knowing Lady Bird Johnson. My husband Phillip and I visited the LBJ ranch. I also had the pleasure of seeing the White House many times during President Johnson's tenure and know that Lady Bird made great efforts to preserve and beautify that historic home.

As First Lady, and indeed since she left the White House, Lady Bird Johnson has contributed much to this Nation. She led an effort to beautify our country's highways. She has been in the forefront of numerous humanitarian causes. I commend Chairman ANNUNZIO for his effort in bringing this measure to the floor and urge my colleagues to adopt the measure unanimously.●

● Mr. SUNIA. Mr. Speaker, I rise to support House Joint Resolution 394, by which we honor Claudia Alta Taylor Johnson, the widow of our 36th President. While his daughter was an infant in Karnack, Tex., Thomas Jefferson Taylor aptly nicknamed her "Lady Bird," by which everyone thereafter has fondly called this delightful and fully contributing American citizen.

What we do here today as a mark of respect for Mrs. Johnson began years ago when universities from Massachusetts to Texas bestowed their honorary degrees on this distinguished lady. From B'nai B'rith to the Business & Professional Women's Club, from the Women's National Press Club to the U.S. Department to the Interior, from the Washington Heart Association to the Peabody Awards, diverse organizations have continually recognized Mrs. Johnson for her strength as a worker, leader, and inspiration to so many others who joined her to help our countrymen and women enjoy life and find greater fulfillment in it. In 1977 President Carter gave Mrs. Johnson the highest award any civilian could ever receive, the Medal of Freedom.

I suppose that we know Mrs. Johnson best as the able First Lady of 1963-69. Although she brought to that role zest and interests from which the entire Nation benefited, she has been more than the spouse of Lyndon Baines Johnson. She has managed a congressional office here on Capitol Hill. She has owned and operated radio and television stations in one of the faster growing markets in the country. She still runs a cattle ranch, a hefty job indeed. Through all her working career, Mrs. Johnson has found time, and has encouraged us to take it too, to step back and look at the beauty of the United States, not only in its parks and wildlife reserves but also in the trees, flowers, and birds which bring refreshing moments to urban dwellers.

The House honors today Lady Bird Johnson. How richly does this noble lady deserve the thanks and admiration of her fellow citizens.●

● Mr. ADDABBO. Mr. Speaker, Lady Bird Johnson is one of the kindest, most exceptional First Ladies that I have ever been in the presence of and her concerns for America have affected Americans as well as the face and shape of our country. It is for this reason I fully support legislation honoring Lady Bird with a gold medal for making America a better place to live.

Mrs. Johnson recognized a need to revitalize and beautify our physical environment. The issue was not only a cleaner, healthier environment but also the sense of pride we take in our country, as individuals, and as a nation requires a concerted effort.

The national beautification program achieved both of these goals and its success has to be attributed to Mrs. Johnson's work. Its accomplishments can be measured in terms of clean cities, tree-lined streets, beautiful parks, landscaped homes and office buildings and an enhanced and protected wilderness. Its success, however, must also be measured in intangibles which raised the consciousness of Americans so that environmental concerns are not just the concerns of a few but the responsibility of the many. We all have a chance to contribute to our environment by reducing litter, planting trees and flowers, caring for our surrounding and enhancing the quality of our community.

I think about Lady Bird not just when I walk through the cities in the United States and breathe a bit of cleaner air, or see a beautiful flower garden in the middle of a square, I think of her whenever I work on legislation which will help people. For her husband, President Lyndon Johnson was a man who caused more change, true social reform, in a few years than I have seen in Washington or the Nation over the past generation. History will prove that Johnson was one of the greatest social reformers this country has ever had. He was a great American President and compassionate human being and Mrs. Johnson shared his deep concern for America. She was his closest friend and wisest adviser.

I am proud to honor her with a gold medal. Future generations of Americans must know that this First Lady truly affected the quality of our lives as we enjoy them today.●

● Ms. OAKAR. Mr. Speaker, Lady Bird Johnson is a gracious, intelligent, and talented woman who has provided leadership and inspiration to millions of Americans throughout her many years of devoted service to this country. The former First Lady has had a lifetime of accomplishments in the fields of business, government, and most especially in community service. I strongly support House Joint Resolution 394 to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her vast contributions to America.

It was in the 1960's as First Lady that this special woman made perhaps her greatest contribution to this Nation and its people. Her strong commitment to fairness, justice, and equality—which characterized the idealism of the sixties—gave hope to the discouraged and brought about social change in some of the discriminatory practices of the past.

Her concern for the environment focused the Nation's attention on the need for environmental protection, preservation, and restoration. Soon the White House became a forum for debate of topical environmental issues. In 1965, Lady Bird created the First Lady's Committee for a More Beautiful Capital and led the fight for congressional passage of the Highway Beautification Act which provided money to States for landscaping and roadside development.

After leaving the White House, Lady Bird continued her valuable work to preserve our country's natural beauty and in 1974 was the recipient of the Department of the Interior's "Conservation Service Award." In 1975, Ladies Home Journal honored her as "Woman of the Year." Today, Lady Bird maintains an active interest in environmental protection while continuing her work on behalf of philanthropic causes.

I urge my colleagues to support House Joint Resolution 394 because Lady Bird Johnson deserves a medal as a symbol of our appreciation for her devoted service to America.●

Mr. RIDGE. Mr. Speaker, I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ANNUNZIO) that the House suspend the rules and pass the joint resolution, House Joint Resolution 394, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

GOLD MEDAL TO THE WIDOW OF ROY WILKINS

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3240), to authorize the President of the United States to present on behalf of Congress a specially struck medal to the widow of Roy Wilkins, as amended.

The Clerk read as follows:

H.R. 3240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to present, on behalf of the Congress, to Aminda Badeau Wilkins, the widow of Roy Wilkins, a gold medal of appropriate design in recognition of the incomparable contribution of Roy Wilkins to the struggle for civil rights and equality for all Americans. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury. There are authorized to be appropriated not to exceed $25,000 to carry out the provisions of this subsection.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal. The appropriation used to carry out the provisions of subsection (a) shall be reimbursed out of the proceeds of such sales.

SEC. 2. The medals provided for in this Act are national medals for purposes of section 5111 of title 31, United States Code.

The SPEAKER pro tempore. Is a second demanded?

Mr. RIDGE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ANNUNZIO) will be recognized for 20 minutes and the gentleman from Pennsylvania (Mr. RIDGE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3240 authorizes the President to present, on behalf of Congress, a gold medal to the widow of Roy Wilkins. Mr. Wilkins was a peaceful advocate of equal justice for all. Determined to obtain full civil rights for black Americans, he joined the National Association for the Advancement of Colored People in 1931. He remained associated with that organization for the next 50 years and lived to see his dream of equality for all through peaceful methods realized.

Roy Wilkins was a firm believer in the American system of justice. His faith in our country and the rightness of his cause never flagged. Wilkins maintained throughout his life that the only path to equality was through nonviolent, legal means. The capstone of his career, Brown against Board of Education, is illustrative. Along with future Supreme Court Justice Thurgood Marshall, he was the primary planner of the case which overturned the doctrine of separate but equal educational facilities. He achieved much as the leader of the NAACP and serves as an inspiration to us all.

Roy Wilkins always maintained that "there are more people who want to do good than do evil." It is that credo which governed his life. At a time when passions ran high, Roy Wilkins was a persistent voice of reason. Working alongside Presidents Kennedy and Johnson, Roy Wilkins had a great impact on shaping and encouraging civil rights legislation during his lifetime.

Roy Wilkins has proven himself worthy of commemoration with a gold medal. It is only proper that we honor his memory in this manner and urge the passage of H.R. 3240.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. RANGEL), the chief sponsor of the legislation.

Mr. RANGEL. Mr. Speaker, Roy Wilkins and his achievements are by now well known, so I will be brief in my remarks.

Roy Wilkins wanted all Americans to have full equality, and he worked to achieve this for his entire life. His goals were simple: to let all Americans stand on an equal footing with their fellow Americans, and to make this country what it was supposed to be.

Because he did not want illusory or transitory change, and because he believed in the U.S. Constitution and the rule of law, his methods were primarily those of litigation and legislation. Under Roy Wilkins' leadership, the NAACP grew to over a half million and became influential both in the courts and in Washington.

He was a careful researcher and powerful writer, and helped to persuade millions of Americans to take positive and peaceful action. But he played other roles: he was also an organizer, diplomat, moralist, teacher, strategist, and lobbyist. His influence ranged from his work on the campus daily paper at the University of Minnesota, to writing for the weekly Kansas City Call, to editing the NAACP journal, the Crisis, to organizing as executive director of the NAACP, to writing a syndicated column, to lobbying for civil rights legislation, and to representing his country.

The highlights of his life are the highlights of the civil rights movement in the United States. In 1934, he succeeded W. E. B. DuBois as editor of the journal the Crisis. He was a primary planner of the NAACP case of Brown against Board of Education. He was a consultant to Presidents Eisenhower through Nixon, and friend and adviser to President Johnson. He was closely involved in achieving the Civil Rights Act of 1957, the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

Roy Wilkins was instrumental in the passage of the most important civil rights legislation since the Civil War, and he considered the 1954 Supreme Court decision of Brown against Board of Education as his crowning glory. He helped to change the United States, peacefully, by pointing out to his fellow citizens what this country was and could be; he used reason and morality to convince, the law and our Constitution to compel. He helped to make us what we are today: a stronger, freer, and more unified nation than we would have been without him. His accomplishments are now facts of life, and too often taken for granted, too often forgotten.

President Johnson awarded him the Nation's highest civil honor in 1969, the Presidential Medal of Freedom. Today, we should add this Gold Medal from the Congress to his list of honors. Roy Wilkins deserves it, and his record of achievement speaks for itself.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wish to commend the gentleman on sponsoring this legislation. I am proud to be a cosponsor with him. And I commend the gentleman from Illinois for bringing this legislation forward.

Mr. Speaker, over the past two decades, I had the honor to work with Roy Wilkins, who represented the advancement of the goals of liberty on behalf of the National Association for the Advancement of Colored People and for all Americans. Roy believed in securing rights through the press, through petitions, through voter turnout, and through the courts. He advanced freedom's goals through the legislative process. He epitomized the group's commitment to the democratic process and to integration by condemning intimidation and violence as well as racial and economic separatism. Millions of Americans today have the chance to live richer, more fulfilling lives because of Roy's concern for our country and his belief in the inherent decency of the American people.

There were many lessons I learned from Roy. He was not just a constituent, he was not just a loyal friend. He was both. Together we worked to insure that the legislative process never wavered. We often talked of securing a future for our children where the question of civil rights would not be black or white, but be answered equally for all men. We shared the concern that equal rights would continue to be advanced by our offspring. That the gains that have been made would not be jeopardized in future generations.

Roy was not big on medals. His heart was his medal. And that was big enough to touch us all. But at this time, a medal honoring this freedom fighter would not only honor Roy and Minnie, it would remind us all of the contributions this special man made for peace, for equality, not just for some but for all. I urge this Congress to honor Roy Wilkins and his family as Americans that have strengthened our democratic government and ability to enjoy freedom.

Mr. RANGEL. Mr. Speaker, I thank the gentleman.

Mr. ANNUNZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. MITCHELL), a former member of the Currency and Coinage Subcommittee, a member of the full Committee on Banking, Finance and Urban Affairs, and the distinguished chairman of the Committee on Small Business.

Mr. MITCHELL. I thank the distinguished chairman for yielding to me. I certainly want to commend him and my distinguished colleague, the gentleman from New York (Mr. RANGEL) for bringing this issue before the House.

I first met Roy Wilkins when I filed suit to enter the University of Maryland. At that time the school was completely segregated and it was suggested to me that I take some money from the State of Maryland to go outside of the State rather than go to the University of Maryland because it simply did not admit black people.

The story then was that never shall a black foot set upon the sacred green grass at College Park, the University of Maryland.

□ 1310

We filed an NAACP suit. It was handled by other attorneys. But Roy Wilkins called me at my home to wish me good luck on that suit. We won it in the lowest court where Judge Tauko ruled that it was just absolutely wrong to try to keep me from going to my State school simply because I was black.

Roy was a very unusual man. My colleague, CHARLIE RANGEL, alluded to the fact that he got brickbats from not only those who wanted to maintain the status quo against us, but from some blacks. And indeed he took on the black separatist movement. There were many young black women and men at that time who were so disgusted by the way the system was working that they were crying separatism, that "we can never get justice in America, we can never get equality in America." And they pulled out in what was called the black separatist movement.

Roy Wilkins had the courage to take them head on. He said, "This shall be one nation, one people, and we shall win our share in the life of this Nation."

I would commend to my colleagues a book, called "Ground Work." It is by a black attorney named Charlie Houston who was the civil rights attorney for many years. And in that book he refers to how the movement to free us under the law began long before Martin Luther King was on the scene. Martin Luther King was a magnificiant leader, but the struggle for our justice under the law began in the 1930's. In that book, "Ground Work," it is revealed how step by step, brick by brick, inch by inch, going into the courts with NAACP-sponsored cases we finally brought to end the legal wall of segregation and discrimination in this Nation. And Roy Wilkins played an integral part in that.

I, quite frankly, was always amazed at his patience. Those of you in the House who know me know that sometimes I get a little volatile. But he was infinitely patient, and he was infinitely patient because he believed in the inevitability of a whole American society in which color did not matter. I think it is a fitting tribute that we pay him, the man, the man who took the slurs, who took the accusations, the man who had to travel around this country supporting the NAACP and had to go in segregated railroad cars, could not stay in a hotel while he was out of town, had to live in somebody's house, could not stop at a restaurant to get a meal, would have to eat in somebody's private home—the enormous courage and tenacity that he demonstrated throughout the years.

Mr. Speaker, the gentleman from New York (Mr. RANGEL) and others have indeed honored an enormously significant American person, and I personally, and I think the Members of this House and the members of the Nation, should thank you for so doing this.

Mr. ANNUNZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO), a distinguished member of our Subcommittee on Currency and Coinage.

Mr. VENTO. Mr. Speaker, I rise in strong support of this, and I urge the overwhelming support of this House for this legislation. I want to commend the sponsor, the chief sponsor of this measure, of which I am a cosponsor, the gentleman from New York (Mr. RANGEL), and associate myself with his remarks and those remarks of my colleague on the Banking Committee, the gentleman from Maryland (Mr. MITCHELL).

I rise to point out that we consider Roy Wilkins home as St. Paul, Minn., and I am very proud of the fact that just recently in our community we have recognized this fact and have named the civic center, a proud, new, shiny civic center, after Mr. Wilkins.

Roy Wilkins is fondly remembered in our community. He attended the University of Minnesota and received a great deal of training there. We like to think of him as another of the great Minnesotans who have so proudly proclaimed the civil rights so cherished by all Americans. Whether it is Hubert Humphrey or Roy Wilkins, this was a very generous man who gave greatly of his family and his personal time. He really, I think, became Mr. NAACP. He put the NAACP on the map and in the forefront of civil rights which have become such important decisions that have affected all Americans, white, black, all colors, in terms of protecting those rights.

So we are proud that his genesis and the thread of his genius really ran in our community. We hope and we pray that it still exists today. But we know this country is a different country for all of us because of the sacrifices and the contributions that Roy Wilkins made through the NAACP and in this country. We hope that that spirit and that interest that he carried and the accomplishments that he made will be reflected and continue to be reflected in the laws and rules that govern and provide opportunity for all people in our society today.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. RIDGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleagues have notably given us the benefit of some very personal recollections concerning the sacrifices of this man in the advancement of human rights and civil rights for all Americans, regardless of race. It was done both nationally and internationally. It was done through the NAACP, through legislation, through the judicial system, and I think their testimony is fitting tribute and certainly justification for the unanimous support and the passage of this bill.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I want to thank the distinguished gentleman from Pennsylvania (Mr. RIDGE) for the cooperation and dedication that he has extended to the subcommittee and for all of his help in bringing these three bills to the floor.

● Mr. FAUNTROY. Mr. Speaker, I rise in support of H.R. 3240, authored by our distinguished colleague, CHARLES B. RANGEL of New York. I am proud to be a cosponsor of this legislation which will authorize the striking of a gold medal to honor this champion of justice for the contributions he made in advancing human rights for all Americans. This medal will be presented to Ms. Aminda Badeau Wilkins, the widow of Roy Wilkins. Under this legislation the Treasury Department will be authorized to strike duplicate bronze medals to sell to the public to recover the cost of the gold medal.

Roy Wilkins, during his lifetime, was a nonviolent warrior for equal protection under the law for all of the citizens of this great Nation. He served in one of the premier organizations, the NAACP, which was and is today on the cutting edge of the struggle for civil and human rights. He was a central figure in planning the legal strategy that culminated in Brown against the Board of Education which overturned the noxious doctrine of separate but equal that was used to maintain legally enforced segregation. His life is part of the rich tapestry of American history and in striking this medal, our Nation will honor itself.

I urge that we all join in passing H.R. 3420.●

● Mr. McKINNEY. Mr. Speaker, it was indeed a pleasure for me to appear before the Consumer Affairs and Coinage Subcommittee along with Benjamin Hooks, CHARLIE RANGEL, and PAT MOYNIHAN. Also, I consider it a privilege that I was asked to testify in support of H.R. 3240 which authorizes the President to honor Roy Wilkins by awarding on behalf of Congress a special medal to Mrs. Wilkins. I want to thank the chairman of the subcommittee (Mr. ANNUNZIO) and my good friend from New York City (Mr. RANGEL) for extending that invitation to me.

From time to time Congress is asked to consider extending an honor such as H.R. 3240. However, I do not know of anyone who has been more deserving of this recognition than the late Roy Wilkins. It is hard sometimes for us to accept the fact that he is not still among us. His humanitarian accomplishments and his subtle, but pervasive influence seem to find their way into some part of every day.

Roy Wilkins died in 1981 just 1 week after his 80th birthday. But in those 80 years he had lived a full life—full of devotion to mankind. One of his legacies is a long list of awards recognizing Roy Wilkins' greatness. The medal authorized by H.R. 3240 is another honor richly deserved.

Roy Wilkins spent his life working for civil rights and human rights. He was an inspiration to all who were fortunate to work with him whether on picket lines or in organizing the United Nations, whether representing his government as chairman of the U.S. delegation to the International Conference on Human Rights or chairing the Leadership Conference on Civil Rights.

The tributes to Roy Wilkins span a broad spectrum. Time magazine captured much of his essence and effectiveness by the caption it gave his picture in the September 21, 1981, issue. "The backstage persuader" described so aptly the man. I once read that he was most outraged by the impact school segregation had on young minds. If that was so, then it is not surprising that he considered the decision in Brown against Board of Education his "crowning glory" since he so capably planned the case.

Mr. Speaker, one of the most difficult tasks when talking about a man of Roy Wilkins' stature is to keep your remarks short. There is so much to say about a man who has done so many important things. I could continue talking about his achievements, but perhaps the strongest statement I can offer to justify this medal is that Roy Wilkins spent his life working for all of us. At times his role may not have been spot-lighted, but he believed that the results were what mattered.

As Arnold Aronson said during his eulogy of Roy Wilkins:

> Roy Wilkins was an American son. He was Minnesota, Kansas City, Mississippi and New York. His strengths were those of our Nation . . . Thanks for passing through, Roy. America and all of us are enriched for your having spent time with us. You are a model for your race—the human race.●

● Mr. RODINO. Mr. Speaker, it is a privilege to join in supporting this legislation to authorize the President to present, on behalf of the Congress, a specially struck gold medal to the widow of Roy Wilkins. I am proud to be a cosponsor of H.R. 3240.

Roy Wilkins was my dear and longtime friend. Through my years in the Congress I had the benefit of his counsel and his inspiration as he pressed forward with his half-century quest for full citizenship for all who suffer racial injustice.

During his long years as head of the NAACP he was a thoughtful, stable, effective leader—an indomitable man, a propelling yet steadying force in the battle against bigotry. He was the chief architect of the legal strategy that resulted in the 1954 Supreme Court ruling that declared so-called "separate but equal" public schools unconstitutional, a decision that he called his "crowning glory." His role was inestimable in the passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968. He was tough, and he was persuasive.

Under his leadership, the NAACP chose to fight the battles for justice in the Congress and the courts. Roy Wilkins followed this course of working with the law, within the system, even during the years when less patient civil rights leaders counseled a more militant approach. He held the unshaken belief that America could be a land of opportunity that could be opened to all if one worked within the system.

But early in his career, and in subsequent years, Roy Wilkins proved his willingness to take his cause to the streets when he thought this would break down barriers to his goals. As early as 1934, he was arrested in a demonstration in support of antilynching laws. He was among the leaders of the later civil rights marches in Washington, in Selma, in Montgomery, in Memphis and in other cities.

But, in the words of his nephew, Roger Wilkins, Roy loved above all to compose "elegant statements and send them or take them out to do the battle for justice to which his life was committed."

Roger Wilkins wrote at the death of his uncle:

> He did other things in the movement of course. He marched in demonstrations, he orchestrated the march on Washington in 1963, he met in rooms from battered shacks in Alabama to the Oval Office on Pennsylvania Avenue to help shape strategies to secure more justice for all Americans.
>
> But it was the work he loved and used with joy and power in his life's fight.

Roy Wilkins' lifelong dedication to freedom and equality will remain a bright and lasting beacon for us all in the continuing struggle for justice for all.

When he retired from the NAACP in 1977, he promised that, "As long as there is breath in my body, I shall be with you in this fight."

That breath is now stilled, but his promise lasts beyond his life. The values, the courage, the fervor, the "elegant statements," the dignity of Roy Wilkins will endure.

During his lifetime, Roy Wilkins received countless honors and awards. It is most fitting that we bestow this official honor on him and on the woman who through 52 years of marriage was his strength and his support.●

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ANNUNZIO) that the House suspend the rules and pass the bill, H.R. 3240, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3614, House Joint Resolution 394, and H.R. 3240, the three bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SMALL BUSINESS AUTHORIZATIONS AND AMENDMENTS

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 365 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 365

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3020) to amend the Small Business Act, and for other purposes, the first reading of the bill shall be dispensed with, and all points of order against the bill for failure to comply with the provisions of clause 5(a), rule XXI, are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 3020, it shall be in order to consider the bill S. 1323 in the House, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 3020 as passed by the House, and all points of order against said motion for failure to comply with the provisions of clause 5(a), rule XXI, are hereby waived.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 365 is a 1-hour open rule providing for the consideration of H.R. 3020, the small business authorizations and amendments for fiscal year 1984 and fiscal year 1985. The general debate is to be equally divided between the chairman and the ranking minority member of the Committee on Small Business.

Mr. Speaker, the resolution waives clause 5(a) of rule XXI which prohibits appropriations in a legislative bill. In this instance the waiver is necessary because the bill establishes two new loan programs effective as of October 1, 1983. Section 201 of the bill authorizes a new program under which SBA could make grants or loans to small businesses to cover the cost of trade fairs and export development activities. The other provision which violates clause 5(a) of rule XXI is section 304 which establishes a loan program to provide assistance to small business victims of the Mexican peso devaluation and currency exchange freeze.

These provisions violate the prohibition on appropriations in a legislative bill because upon enactment of this bill loans and grants could be made without any action by the Appropriations Committee. It is virtually impossible to create such grant programs without violating this rule.

Upon conclusion of consideration of the bill for amendment, one motion to recommit would be in order.

Mr. Speaker, following passage of H.R. 3020, the rule allows consideration of the Senate companion bill, S. 1323, and provides a motion to strike out all after the enacting clause of the Senate bill and insert the House-passed language. A waiver of clause 5(a) of rule XXI—appropriations in a legislative bill—is provided to protect this motion from a point of order.

Mr. Speaker, H.R. 3020 authorizes and restructures Small Business Administration programs for fiscal year 1984 and fiscal year 1985. This bill is designed to remedy some of the unforeseen problems caused by the budgetary cutbacks mandated in the 1981 Reconciliation Act. The bill would reinstate the Small Business Administration's economic disaster loan assistance program and would restructure the SBA's physical disaster loan assistance to provide homeowners and small business owners with more realistic assistance when they need it most.

The bill channels a limited amount of direct loans to areas of high unemployment and makes such loans subject to certain participation requirements.

Mr. Speaker, small businesses, particularly those employing fewer than 500 people, have been the primary source for the creation of new jobs. If we wish this Nation to move closer toward economic recovery, we must promote an environment in which these small businesses can thrive.

This bill reaffirms our commitment to the small and minority business community. I support it and urge adoption of House Resolution 365 so that we may proceed to the consideration of this legislation.

☐ 1320

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule has been ably explained. The Rules Committee reported this bill last November 8, shortly before the Congress adjourned for the year, and I am happy it is here on the floor of the House today.

The bill is controversial to a degree. The administration opposes it because it provides new credit procedures. However, it does take care of the 1985 authorizations for the Small Business Administration.

We all know how important small businesses are to this Nation of ours, and whatever we can do to stimulate the growth and continued operation of these businesses is absolutely mandatory.

Over the past few years we have seen literally thousands and thousands of bankruptcies. I think it is time for action; time to get down to the business of being as helpful as possible, keeping in mind that a $180 billion deficit is not good news at all.

Under an open rule, as this is, the Members of this House will have an opportunity to express their views and do whatever is necessary to produce a very useful and helpful bill.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 365 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3020.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the

Union for the consideration of the bill (H.R. 3020) to amend the Small Business Act, and for other purposes, with Mr. LEVIN of Michigan in the chair.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Maryland (Mr. MITCHELL) will be recognized for 30 minutes and the gentleman from Pennsylvania (Mr. McDADE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 3020, an omnibus bill which provides authorizations for Small Business Administration programs for 1984 and 1985 and which makes a number of program changes.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 3020, a bill which authorizes funding and sets maximum program levels for Small Business Administration programs through fiscal year 1985.

Following are comments on specific provisions of H.R. 3020:

SURETY BOND PROGRAM

Under the Small Business Investment Act, SBA is authorized to guarantee up to 90 percent of losses sustained by a surety as a result of the issuance of a bid payment and/or performance bond. Under the statute, SBA may not guarantee any contract whose face value exceeds $1 million. However, without prior approval by Congress, SBA administratively lowered this limit to $250,000 or 125 percent of any previously guaranteed contract, whichever is less. Although SBA reversed this decision, section 211 would prohibit SBA from limiting the maximum amount of a surety bond eligible for a guarantee. It is the assistance provided by the surety bond program that becomes of critical importance to small contractors who are capable of performing the contract, but lack the track record and experience required by bonding companies.

DIRECT LOANS

The importance of the direct loan program to small businesses is well known. However, there has been concern about the high loss rate under the direct loan program as compared to the loss rate under the guaranteed loan program. In order to address this concern, section 202 would require that a small firm provide an additional injection of capital depending on the amount of the requested loan. This additional requirement is intended to reduce the rate of losses in this area.

LABOR SURPLUS AREA PROCUREMENTS

Section 215 reaffirms the committee's concern that priority should be given to the award of contracts to firms which performs a substantial proportion of the work in labor surplus areas. It also would have the effect of promoting greater uniformity in the Federal acquisition system by removing the existing prohibition disallowing DOD to particpate in total labor surplus area set-asides.

Among other things, H.R. 3020 restructures vital small business programs such as: Pollution control financing, export assistance, and physical disaster loan assistance. Moreover, it directs SBA to fully utilize the funds appropriated for these programs.

I urge all my colleagues to support this important piece of legislation.

Mr. MITCHELL. Mr. Chairman, I thank the gentleman for his remarks.

Mr. Chairman, at the outset, I want to note that I will be offering several amendments. These include minor adjustments in the program level for direct loans, primarily a $5 million increase in handicapped loans, to bring the authorized program level in line with amounts previously appropriated under existing law. The major change is a reduction of 1984 budget authority of $453 million and a reduction in the 1985 level of $267 million, as compared to the amounts now in the bill.

I have discussed these amendments with the minority and believe that they are acceptable.

If these amendments are adopted, this bill will continue assistance to the small business community through fiscal year 1985, although at a reduced level.

It makes a few minor changes in the amount of direct loans under various programs for fiscal year 1984 and authorizes direct loans next year of $295 million. This compares with actual loans in 1980 of $392.9 million. These are loans to handicapped individuals and organizations of handicapped, minorities, women, and to other small businesses which cannot obtain loan funds from other sources.

It provides $3.3 billion in loan guarantees this year, the same as the amount previously appropriated under the authorization in existing law, and $4.3 billion in loan guarantees for 1985. I want to stress that these are guarantees; there is no cost to the Government unless and until there are defaults in repayment of these bank loans and the bank requests SBA to honor its guarantee which may be for up to 90 percent of the amount of the loan.

Also, it provides for continuation of the physical disaster loan program at the $440 million annual level requested by the President. This is the program which assists victims of floods, hurricanes, and other natural disasters. It also provides a $100 million annual loan program to assist small businesses which have been injured as a result of action by the Federal Government or which need the funds to change their operations into compliance with a Federal law.

It also provides $1.5 billion in surety bond guarantees. This program enables small businesses to bid on contracts which require bid or performance bonds. Without these guarantees, small businesses would be denied the right to even attempt to participate in most Federal construction work. Again, I want to stress that these are guarantees and there is no expense to the SBA unless a small business fails to perform the contract. In fact, SBA has requested an appropriation of only $10 million to support a program level of over $1 billion in guarantees.

Then it authorizes SBA to guarantee the payments due under contracts for pollution control equipment, most of which is required by the Government. This annual program level would be $250 million.

Also, it authorizes about $300 million each year for SBA salaries and expenses. These are the approximate levels SBA told OMB it needed to carry out its responsibilities. Instead of continuing the use of another meat ax to cut employment further this year, the additional funds may even permit restoration of some of the 700 jobs which have been cut since 1980.

Finally, in regard to the monetary aspects, it authorizes the appropriation of $986 million this year and $1.075 billion for fiscal 1985.

In addition, the bill makes a number of program changes:

It revises the program administered by the SBA to assist disaster victims. It would set the interest rates by using a formula involving the cost of Treasury borrowings but with maximum rates: homeowners and businesses unable to obtain a loan from other sources, 4 percent, now about 6 to 8 percent; homeowners and businesses who are able to obtain a loan from other sources, 8 percent, now about 12 percent. It also would make disaster victims eligible for loans up to 100 percent, now 85 percent, of the amount of their net, uninsured loss up to $500,000 for businesses and 100 percent, unchanged, for individuals up to a maximum of $100,000 for damage to real estate, now $50,000, and $20,000 for loss of personal property, now $10,000. In addition, it would extend through fiscal year 1984 a provision which makes the Farmers Home Administration the primary source of disaster loan assistance for agricultural producers.

Finally, it would expand the nonphysical disaster loan program to provide loans to assist U.S. small businesses which have suffered a loss of business due to Mexican peso devaluation and small businesses which have suffered a loss of business due to a change in farming operations as a result of the 1983 payment-in-kind program.

For the information of my colleagues, a more detailed explanation follows:

101. Program levels and authorizations: Section 101 sets maximum program levels for fiscal years 1984 and 1985 as follows:

TITLE I—SMALL BUSINESS ADMINISTRATION AUTHORIZATIONS

[In millions of dollars]

	1984	1985
General IP (immediate participation) loans	108.5	100
Handicapped direct loans	20	20
Economic opportunity IP loans	135	135
Energy IP loans	10	10
Vietnam Veterans IP loans	30	30
Total direct and IP	303.5	295
General guaranteed loans	2,600	3,554
Handicapped guaranteed loans	5	6
Economic opportunity guaranteed loans	60	80
Energy guaranteed loans	15	20
Development company guaranteed debentures	350	350
Total guarantees	3,030	4,010
MESBIC	70	70
SBIC guarantees	250	250
Surety bond guarantees	1,500	1,500
Nonphysical disaster loans	100	100
Pollution bond guarantees	250	250
Salaries and expenses	295.0	306.8
Total authorization for appropriation	986.39	1,075.1

TITLE II—SBA PROGRAM CHANGES

201. International Trade Fairs: Section 201 authorizes a new program under which SBA may make grants or loans to small businesses to cover the cost of trade fairs and export development activities. The amounts are limited to $15,000 for overseas events and $2,000 for domestic events per company per year.

This section also specifically authorizes SBA to cosponsor and participate in events to encourage export of small business goods and services.

202. SBA Loans: Section 202 requires that applicants for immediate participation loans (that is, those that receive partial funding from SBA as opposed to merely an SBA guarantee on a bank loan) obtain stated amounts of additional funds from non-Federal sources as follows:

(a) If the SBA loan is under $100,000, at least 10 percent;

(b) if the SBA loan is between $100,000 and $200,000, at least 20 percent;

(c) if the SBA loan is over $200,000, at least 30 percent.

These funds may be from any source except directly from the Federal government, and if the source is a state or local government, the percentages required on loans of $100,000 or more are cut in half.

This section also requires that immediate participation loan funds must be allocated to SBA's district offices on a quarterly basis. Applicants for immediate participation loans (i.e., general business, economic opportunity and energy) must give reasonable assurance that they will create employment opportunities within two years of disbursement of the loan proceeds.

Finally, this section increases to $750,000 (now $500,000) the maximum amount of a guaranteed loan.

203. EOL Guarantees: Section 203 directs SBA to resolve reasonable doubts in favor of applicants for economic opportunity loans.

204. Interest Rate Add-on: Section 204 sets the interest rate on 7(a) non-guaranteed loans based on an existing law formula involving the cost of money to the government. This section eliminates the authority of the agency to add an additional 1 percent to the cost of money in setting the interest rate.

205. Alternative Loan Repayment Schedule: Section 205 specifies an alternative loan repayment schedule which permits the borrower to pay interest only during the initial term of the loan.

If the loan term is eight years or more, he may pay interest only during the first two years;

If the loan term is ten years or more, he may pay interest only during the first three years; and

If the loan term is fifteen years or more, he may pay interest only during the first four years.

206. Sunset Alternative Loan Repayment Schedule: Section 206 repeals the alternative loan repayment schedule specified in section 205 on October 1, 1986.

207. SBA Reports: Section 207 requires SBA to report to Congress on the impact of section 202 (the increase in the maximum amount of a guaranteed loan and 205 (the alternative loan repayment schedule) at the end of February in each of 1985 and 1986.

208. Mandatory Spending: Under existing law, the statute specifies the maximum amount of loans and guarantee assistance which may be made available but does not require any minimum. Section 208 requires SBA to approve assistance in the maximum amounts permitted in appropriations Acts unless there is a lack of qualified applicants for assistance.

It still gives SBA flexibility to respond to changes in circumstances as it expressly recognizes and permits changes by reprogramming requests if approved by the Appropriations Committees or pursuant to Budget Act provisions regarding deferrals and rescissions.

209. Pollution Bonds: Under existing law SBA has taken the position that they will not approve guarantees under the Pollution Control Bond Guarantees program if any part of the proceeds for construction of the facilities are from tax-exempt revenue bonds. Section 209 expressly prohibits the Administration from denying the guarantee solely because tax exempts are involved.

In addition, it expresly makes the change applicable to those applications pending when OMB ordered the rules changed in January, 1982.

210. Surety Bonds: In order to reduce budget levels, last year SBA limited Surety Bond Guarantees to a maximum of $250 thousand (instead of the statutory $1 million) and further limited the maximum amount to not more than 25 percent higher than the previously successfully completed contract. As of April 1, 1983, SBA eliminated the $250 thousand cap and increased the percentage limitation from 25 percent to 100 percent. Section 210 expressly prohibits SBA (or SBA upon instructions from OMB) from limiting the maximum amount of a bond below the statutory limit and from utilizing a percentage increase limitation except on a case-by-case basis. Although SBA may have eliminated most of the problem with its April 1st change, nonetheless it can just as easily reverse itself again and thus the matter should be covered statutorily.

211. Small Business Committee Notification: Section 211 codifies the current generally adhered-to practice of SBA notifying the Small Business Committees before reprograming any program amounts and to require that SBA notify the Committees before implementing any reorganization.

212 and 213. Technicals Regarding Loan Consolidation: The 1981 reconciliation bill did not repeal consolidated subsections nor update cross references to individual separate loan programs which were consolidated into § 7(a). Sections 212 and 213 make these changes.

214. Labor Surplus Procurement: Section 214 makes certain technical amendments to existing legislative authority pertaining to the labor surplus area procurement set-aside program. In addition, re-enacting subsections (d), (e) and (f) of section 15 of the Small Business Act, would promote a greater degree of uniformity in the Federal acquisition system by removing the existing prohibition against DOD participating in total labor surplus area set asides.

215. Technical Disaster Changes: Section 215 corrects technical errors regarding the disaster changes made by the 1981 reconciliation bill.

216. Size Standards: SBA maintains that promulgation of rules and regulations regarding size standards is not mandatory under the Administrative Procedure Act but they have voluntarily brought themselves under the Act. The last time they promulgated a complete revision of size standards they did follow the APA. They have asserted on several occasions that they need not have done so and it would seem prudent to eliminate the possibility of their doing so. Section 216 expressly mandates that any size standard changes be in accordance with the Administrative Procedure Act.

217. MESBIC Leveraging: The GAO originally issued an opinion that MESBICs could use state or other Federal financing as part of their leverage to obtain SBA funds. Some one dozen MESBICs relied on this and were organized. Subsequently the GAO reversed itself.

Section 217 allows MESBICs which relied on the original GAO ruling prior to its revocation to obtain SBA funding as permitted under the original ruling.

218. Working Capital from Development Companies: Under section 503 of the Small Business Investment Act of 1958, the use of financial assistance provided by SBA to development companies is restricted to land, capital improvements and machinery needs of assisted small business concerns.

Section 218 expands this use of proceeds to include working capital.

219. Source of Private Development Company Funds: Proceeds of guaranteed debentures issued by development companies under section 503 of the Small Business Investment Act of 1958 may be used to provide funding for up to one-half of project cost for small businesses. SBA has refused guarantees if the non-SBA portion is partially or wholly funded by Industrial Revenue Bonds.

Section 219 prohibits SBA from using the source or nature of the other funds as a criteria for eligibility.

220. Handicapped Participation in Set-Asides: Under existing law, organizations of handicapped are authorized to participate in up to $100 million in small business set-aside contracts in each of fiscal years 1981 through 1983. Section 220 extends this provision to each of fiscal years 1984 through 1986. It also requires an annual report from

SBA on the impact of this provision on small business.

TITLE III—DISASTER LOAN ASSISTANCE

301. Physical Disaster Loans. Section 301 revises the interest rate on SBA loans to repair or replace property damaged or destroyed by a natural disaster which occurs on or after October 1, 1982 as follows:

A. For homeowners who are unable to obtain a loan from other sources a rate equal to one-half the cost of money to the Federal government but not to exceed 4 percent.

Under existing law this rate for disasters occurring in April 1983 was 5¾ percent.

B. For homeowners who are able to obtain a loan from other sources a rate equal to the cost of money to the Federal government but not to exceed 8 percent.

Under existing law this rate for disasters occurring in April 1983 was 11½ percent.

C. For businesses who are unable to obtain a loan from other sources a rate not to exceed 4 percent.

Under existing law this rate for disasters occurring in April 1983 was 8 percent.

D. For businesses who are able to obtain a loan from other sources a rate which is the lowest of the following:

1. The rate prevailing in the private market for similar loans;
2. The maximum rate of SBA guaranteed business loans; or
3. 8 percent.

Under existing law this rate for disasters occuring in April 1983 was 10½ percent.

Also, under Section 301 businesses again are made eligible for loans of up to 100 percent of the amount of their net, uninsured loss (they are limited to 85 percent under existing law) up to a statutory maximum of $500,000 per disaster, with an exception being possible for a major source of employment.

Section 301 also prohibits SBA from arbitrarily setting a cap on disaster loans to homeowners at less than $100,000 on account of damage to real estate or $20,000 on account of damage or loss of personal property.

Under existing regulations, the limit is $50,000 for damage to real estate and $10,000 for damage to personal property, but not to exceed a combination of $55,000 per disaster.

Finally, Section 301 requires the Administration to reduce the interest rate on outstanding loans made as a result of a disaster commencing on or after last October 1st.

302. 1984 Disaster Loan Program Amounts: Section 302 authorizes SBA to make $100 million in direct loans in 1984 under the nonphysical disaster loan program in section 7(b)(3) of the Small Business Act (this program provides loans to assist in effecting additions to, alterations in or reestablishment of a plant, facility, or methods of operation made necessary by direct action of the Federal government or as a consequence of Federal government action or to meet requirements or restrictions imposed by any Federal law or state law in conformity therewith) and up to $440 million in physical disaster loans in 1984. (NOTE: this $100 million fund also would provide peso loans pursuant to sections 304-307.)

Under existing law there are no funds available under the nonphysical disaster loan program and there is no limit on the total amount of physical disaster loans which may be made.

303. Farmer Eligibility for Disaster Loans: Section 303 extends for one year or until October 1, 1984 a provision of current law which requires agricultural producers to seek disaster loan assistance from the Farmers Home Administration before they are eligible to apply for an SBA disaster loan.

304. Peso Impact Loan Program. Section 304 re-enacts a loan program to provide assistance to victims of the Mexican peso devaluation and currency exchange freeze. A similar program was repealed by the 1981 reconciliation bill. Under this program, a small business which cannot obtain a loan from another source and which is located in an area of economic dislocation which has suffered substantial economic injury as a result of the drastic fluctuation of the value of the currency of a country contiguous to the U.S. may receive loan assistance if the governor certifies that small businesses in his state have been hurt by such dislocation. The maximum amount of the loan is limited to $100,000 and the proceeds may not be used to reduce the exposure of any other lender.

The interest rate could not exceed 8 percent.

305-307. Technical Amendments: Sections 305 through 307 are technical amendments to implement the peso impact loan program authorized by section 304.

308. Effective Date of Peso Impact Loan Program: Section 308 specifies that the peso loan program established by section 304 shall be used to assist the victims of the 1982 peso devaluation and exchange freeze.

309. P-I-K Treated as Nonphysical Disaster: Under existing law, small businesses which have suffered substantial economic injury as a consequence of action by the Federal government are eligible for economic injury disaster loans from SBA.

Section 309 clarifies that the 1983 payment-in-kind program to farmers (which pays farmers to remove land from production with the "payment" being in the crop being withdrawn from production rather than in cash) constitutes such Federal government action that those small businesses injured by it are eligible for economic injury disaster loans. This will authorize loans to enable small manufacturers, wholesalers and dealers of items such as fertilizer, farm machinery, pesticide, seed, etc. which have suffered loss of sales because farmers are not planting crops.

310. Shopping Enclave Disaster Damage: Section 310 specifies that if a building owned by a nonprofit institution is damaged or destroyed by a natural disaster and if the building is being occupied by small businesses, the owner is eligible to seek disaster loan assistance in the major employer category, a category of applicants for whom SBA may waive the $500,000 cap on disaster loans.

311. Agricultural Cooperative Disaster Eligibility: Section 311 authorizes SBA to provide economic injury disaster loan assistance to agricultural cooperatives by regarding the cooperative as an entity rather than regarding it as an association of members, but the entity qualifies only if (a) each member of its board of directors or governing body qualifies as a small business and (b) the entity itself qualifies as a small business.

312 and 313: Technical—Agricultural Coop Disaster Eligibility. Sections 312 and 313 are technical amendments to implement the changes in the economic unjury disaster loan program authorized by section 311.

314. Implementation of New Laws: Section 314 requires SBA to implement, on a timely basis, the laws it administers by (a) publishing proposed rules and regulations within ninety days of enactment of the law and (b) publishing final rules and regulations within one hundred and eighty days of enactment of the law.

Mr. MITCHELL. I urge wholehearted support for the bill.

☐ 1330

Mr. Chairman, I would like to indicate that many, many times we have to appear before various committees of the House, the Committee on House Administration and other committees, and whenever we do—and I am referring to the gentleman from Pennsylvania (Mr. McDADE)—he and I always emphasize that I think that this committee, more so than any other committee of the House, operates on a nonpartisan basis. I think that is true, and I think it is because the nature of small business demands that kind of approach. I want to take this moment to thank my colleagues on the other side for the enormous cooperation and support they gave in making it possible to get this bill to the floor.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to the distinguished gentleman from Texas.

Mr. DE LA GARZA. I appreciate the chairman's yielding.

Mr. Chairman, I want to commend the gentleman and his committee and join with him in showing appreciation to our distinguished colleague, the gentleman from Pennsylvania (Mr. McDADE), and the Members on the other side.

Mr. Chairman, I support this legislation.

Mr. Chairman, today the House is considering a very important bill, H.R. 3020, small business authorizations and amendments, introduced by my good friend and esteemed colleague, Representative PARREN J. MITCHELL.

Throughout its years of existence, the Small Business Administration has played an important role in encouraging the growth and expansion of small business through its technical and financial assistance programs. H.R. 3020 reaffirms the Congress commitment to continue these services. I strongly support the Small Business Committee's efforts to foster a supportive environment for small business, and I urge my colleagues to join me in voting for passage of the bill.

Small businesses represent the entrepreneurial backbone of our Nation. They are major contributors to our economic health through the jobs they create and the services and products they provide. We all know of successful small businesses that found the SBA an invaluable source of assistance at a critical juncture in their operations. Through SBA financial and technical help, they were able to meet their challenges, continue their growth, create new jobs, and increase our gross national product. With our economy just moving out of a recessionary phase, we should not take any action that would reduce our commitment to encourage the formation and success of small businesses.

Chairman Mitchell and the Small Business Committee have included in title III, section 301 through 315 of the bill, provisions to reinstate a more effective SBA disaster assistance program. These are of particular importance to me, for my district has suffered great economic devastation in the past 2 years following the 1982 peso devaluations, and I have shared the frustration and discouragement of my constituents with current SBA policies providing extremely limited disaster assistance.

As a result of the peso devalutions, businesses all along the border, some in existence for 50 to 75 years, have had to close their doors. Unemployment rates have skyrocketed. The entire border area found itself trying to cope with an ongoing disaster that would not go away. It has not been just an economic slump but a major economic disaster with national implications.

Just as residents of the Rio Grande Valley in south Texas felt they had experienced the worst and the situation could only improve, we were hit by a severe freeze during the 1983 Christmas holidays that destroyed the unharvested citrus, grain, sugar, and vegetable crops. It is almost impossible to realize the extent of the damage from this latest disaster.

The Dallas Times Herald recently ran an editorial about conditions in the valley, calling it "The Valley of Despair." Following the freeze, 20,000 to 25,000 farmworkers and workers from agriculture-related industries were suddenly out of work, causing unemployment rates to shoot up over 60 and 50 percent in the four counties in the valley. Many of these workers lived at marginal levels even when they were employed. Now they are experiencing absolute destitution so heartbreaking the churches in Texas have been raising money to help out with the workers' utility, rent, and food bills.

It will be months and years before the businesses and growers will overcome the effects of the freeze. Although it is too soon to be certain, some feel we may be lucky to get 10 percent of our usual citrus harvest next year.

The SBA disaster assistance programs, as directed by the current administration, have not provided assistance at low interest rates to help victims of physical and economic disasters. In 1976, when the peso devaluations caused serious dislocation along the border, the SBA's economic injury program offered vitally needed aid. The program was killed in the Gramm-Latta bill, with the result that the only help for border businesses in 1982 and 1983 was the administration's much touted "Peso Pack Program" offering loans at interest rates varying from 11⅛ percent to 14⅛ percent—too high a cost for businesses whose sales had suddenly dropped over 50 percent but which still had inventory payments to meet.

The disaster assistance provisions offered in H.R. 3020 would reinstate an effective disaster program that would really help disaster victims by limiting maximum interest rates to 4 and 8 percent. Section 304 of the bill incorporates the key features of legislation I twice introduced after the peso devaluations to provide emergency SBA assistance to areas suffering serious economic dislocation as the result of foreign currency fluctuations.

We need this disaster assistance legislation to give disaster victims hope, to tell them their Government does care, and to give them breathing time to develop new business strategies, refocus their marketing and rebuild liquidity. H.R. 3020, with its reauthorization of important SBA programs and revitalization of the SBA disaster assistance programs, is a worthy bill stating the Congress commitment to assist small business. I urge your support of the legislation.

The CHAIRMAN. The gentleman from Maryland (Mr. Mitchell) has consumed 6 minutes.

Mr. McDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to present to the Committee the general authorization bill for the fiscal years 1984 and 1985 for the Small Business Administration.

As the Chairman indicated to the Committee, this bill involves the very important loan programs, with a series of subprograms that affect, for example, the handicapped, veterans, local development corporations, and various types of surety bonds and pollution bonds, in our efforts to make sure that the small business community in this country is well represented in Congress.

This bill was marked up last May and many, many hours of work went into presenting this bill to the Committee on Rules and to the floor. There was substantial debate, with many votes taken, but the bill that we present to our colleagues today, I believe, represents substantially the needs of the small business community.

I do want to say that during markup, our debate at times became heated and spirited, as it should be. That is the process. I will state, for the record, that through it all our chairman conducted an eminently respectable, fair, and bipartisan hearing in the strongest sense of the word, and he deserves the commendation of the House for chairing the committee in such an able fashion. We are indeed grateful to him.

The bill has a number of very important sections the committee discussed. It should be noted that before the bill got to this point in the process, we cut, in committee, $1.3 billion in programs that had been suggested. In addition, there are some efforts at innovation here. One is the small business participation loan program, that I think is a tremendous innovation and which bears the bipartisan stamp of the committee. This program attempts to reduce SBA's loan loss rate and reduce the cost of making loans, and of equal importance, requires local participation.

The crucial aspect of this change is to bring the local lending community, including State and local governments, into the loan-making process and to involve them in what has heretofore been only a Federal assistance program. Before SBA can loan any funds in this program, the local lending institution and/or a State or local government must have agreed to lend first. Thereby, we will have a complete credit analysis on this business at the SBA by those who know best—local lenders. This change will place the matching loan program on the same footing as the guaranteed loan program, where local credit analysis and local commitment are required before the SBA even reviews the loan package.

Of equal importance at this time of budget constraints, it is our intent to have State and local governments join with the Federal sector in assisting small businesses who apply in this program. For too long and for too many years this has been only a Federal responsibility. In order to provide incentives to State and local governments to become involved in helping small business grow, a larger SBA loan will be made possible, if the State or local governments will agree to lend to a small business.

Taken together, therefore, we intend to make these limited funds go further, make better loans, and bring State and local governments into the task of helping small businesses grow and create the jobs and the innovations that our Nation so desperately needs.

As has been indicated, we made some basic changes in the disaster loan program. We had Members on both sides of the aisle come before us from States all over the Nation, asking us to review the disaster rates which were in effect, and we did. After considerable debate and efforts to reach consensus, we lowered those rates to a level which we believe will permit sound repayment and that will permit a community to rebuild itself.

Let me reiterate for my colleagues that we marked up this bill through long and important sessions last year. We were able to reduce program levels by $1.3 billion in several areas. As the chairman has suggested—and agreed with his initiative—he will be offering amendments that will further perfect this bill. Others of our colleagues will do the same. We will, sometime tomorrow, present to the committee and the Congress a completed small business authorization bill which I trust we will be able to adopt.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. McDade) has consumed 5 minutes.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska (Mr. Daub).

Mr. DAUB. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today to speak in favor of this authorization of the Small Business Administration, and I want to first say that I very much—as my ranking member, the gentleman from Pennsylvania (Mr. McDade) has said—appreciate the very evenhanded and very diligent leadership we have received from our chairman of the committee, the gentleman from Maryland (Mr. Mitchell), and from the majority staff on his side of the aisle.

We have endeavored on our side to be cooperative. Indeed, the debate in committee last year was spirited, to use the word used by my ranking member, but indeed I think we have crafted a good bill and indeed the amendments tomorrow will bear testimony to that, I think.

Mr. Chairman, this Congress rarely has the opportunity to address itself to the special problems of the most important sector of the American economy: The small business. As I have said on this floor before, the problem is that in spite of the fact that our Nation's innovation, its real growth, and certainly its new jobs are all dependent upon that vital small business sector, the breadth and diversity of the small business community makes efforts directed at it health difficult.

When dealing with small businesses a Member is not likely to hear—as he or she may from a large business—that some special legislation or tax policy is instumental or essential to the continued health and success of that enterprise. What small business wants, what it needs, is a healthy general economic environment in which to prosper. It does not seek quotas or special tax policy, only reasonable interest rates and a coherent economic policy within which to plan for the future.

If this Congress wants to really help small business, in fact, if really wants to see more people employed in better jobs, to see young disadvantaged people gain the training and experience they will need to have worthwhile lives, then what it should do is address itself to the crucial economic issue of Government spending. If you want to help these small business men and women that you have extolled on the floor of the House today and asked them what they thought the Government should do to encourage prosperity they would tell you, "Reduce spending."

It is a simple message but one that holds the key to their success, and ours.

Mr. Chairman, I urge passage of this legislation.

It is right that we should do whatever is possible for these people because most of us are here because the kind of people who make America run had the time and energy left over to involve themselves in civic efforts and many are among the most dedicated political activists in the community. There cannot be many Members in this body who are not greatly indebted for the assistance that the small business community provided when they chose to run for office.

The debt we owe to these people is not sought to be paid in special favors or legislation. All they want is responsible Government that allows them to prosper and help others prosper. What they end up doing, creating jobs, training young workers, making the American dream a reality, is what we in this body claim to try to do. The difference is that they get it done.

This small business authorization provides certain assistance to a part of the small business community. In many cases this assistance is for those who were the victims of forces beyond their control. We have sought to provide special assistance for minorities, the handicapped, and Vietnam veterans, as well as assist the community in dealing with pollution requirements and certain disasters.

This is all some help. But when we do this we should keep in mind that we are doing for the small business community just a fraction of what it does for itself and us every day. The answer is not more money. There is not enough money in the Federal Treasury to compete with the abilities and enthusiasm of these people, nor could we allocate it as effectively.

It is difficult then, when Congress turns its attention to small business, to decide just what we can do to help foster this most important segment of our economy. This legislation today will affect only the smallest fraction of what we refer to as small businesses. The overwhelming majority of small businesses in this country never look to the Federal Government for advice, they never go the Government for a loan, they do not even seek to do business with the biggest customer in the country—the Federal Government.

What these businesses do, however, is create real jobs for Americans. They provide lifetime jobs for millions and provide the all-important first job for nearly every American worker. They do this for the most part without any interference from the Federal Government, but they accomplish more every day than the Government has accomplished in 40 years. These businesses create new services and new products that provide the foundation for the new growth in our economy.

They pay taxes. Income taxes, social security taxes, real estate taxes, State taxes, excise taxes, unemployment taxes, and many more. They must comport with thousands of regulations written and administered by people who have never run a business, dealt with a bottom line, or been responsible for the livelihood of others.

□ 1340

Mr. MITCHELL. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. Olin), a member of the committee.

Mr. OLIN. Mr. Chairman, I thank my committee chairman for yielding time to me, and I would like to compliment him on the many fine provisions in the bill that we are considering today.

I rise to speak in opposition to the bill. I oppose certain parts of the bill, not the bill in toto.

To me the problem relates to the fact that the bill itself contains a number of features which, if implemented, may cause more problems than they will solve. I am talking particularly about the reestablishment of a program for subsidized loans for certain nonphysical disasters which, to me, is open-ended, ambiguous, and expensive. It opens up a new program of entitlements which could grow beyond reasonable bounds and take years to be brought under control.

Mr. Chairman, I am talking now about the reinstitution of these loans for nonphysical disasters which have not been authorized since 1981. The bill permits direct loans of about $100 million to assist small businesses hurt by various actions of the State or Federal Government. These would include additions to plants, alterations, reestablishment of plant facilities, methods of operation, and so on, to compensate small business for consequences to Federal action or to meet the requirements of restrictions imposed by the Federal Government or the State government. This is in the present law, and I think it is quite justifiable. The problem is that this bill adds to the provisions available for subsidized loans, and they mention, at least up to now, two specific types of provisions. One is the difficulties that businesses have along the Mexican border where they have been subject to the fluctuation of the Mexican peso, and it would provide loans, subsidized loans, for businesses in the event businesses were damaged by that situation.

It also makes subsidized loans available to any business which was injured by the 1983 PIK program. This would establish an entitlement for a whole host of small manufacturers, wholesalers, dealers, seed manufacturers, and manufacturers of fertilizers and farm machinery, and almost anybody else who is in the agri or food business. It would really open up a Pandora's box.

The CBO estimates that in this one category alone, the question of being hurt by PIK, the loan volume could rise to $3.6 billion; in 1984, this year. PIK has already cost us $9 billion; $3.6 billion in subsidized loans would probably involve about a 10-percent default rate ultimately. It would involve an interest subsidy of 4 to 6 percent. In the net bill the cost would be something on the order of $500 million or more.

The problem is that small businesses all over the country suffer from all kinds of things that impede their progress. I wish, when I was in business, that I could have gotten some subsidy for the different things that happened that were beyond my control. Businesses are caught by the trade deficit, they are caught by the yen valuation fluctuations, they are caught by dumping, they are caught by all kinds of situations.

Granting loan authority for a peso impact program or a PIK impact program would basically take needed funds away from all the rest of the SBA programs that benefit small businesses across the country. Starting programs of this nature would really open a Pandora's box. All businesses would suffer in the consequence.

Enacting this program at this time would send a signal to thousands of small companies throughout the Nation that we are granting a special break to one area of the economy while their problems are left unresolved.

Mr. Chairman, there are many good things about this bill. I am going to seek to amend the bill with regard to what I consider to be some of its flaws. I will seek to obtain approval for three amendments: One, to delete the new authority for nonphysical disaster loans; second, to delete the peso impact program; and, third, to delete the PIK impact program. And on that basis, I will consider the bill to be much more favorable than it is at the present.

☐ 1350

Mr. MITCHELL. Mr. Chairman, just before yielding some additional time, I yield myself 2 minutes.

It is interesting to note that we had field investigations along the California-Texas border, staff investigations, with regard to the peso devaluation. In the area around San Diego, I forget the name of the small town we went to, there was one market there that at one time had 25 cash registers in place. The peso had hit that business so hard that they were using only two of them.

I think we have a responsibility to those who have been hurt by the actions of a government other than our own.

Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Arizona (Mr. McNulty).

Mr. McNULTY. Mr. Chairman, I reject the ritual compliments and so on. That is not adequate to this occasion or this bill, so with St. Patrick's Day approaching, I say, blessings on you, the gentleman from Maryland the gentleman from Pennsylvania; both bear Celtic surnames and I say blessings to you from la frontier, from the border of America and Mexico.

I hate to hear talk that possibly this peso impact program is going to be the subject of controversy. My front yard runs almost down to the border of Mexico. I know what happened in January 1982. The peso that was worth 4 cents a piece became overnight worth two-thirds of a cent and the retail businesses in Bistros, Nacodoches, Douglas, and National City, and El Paso declined by 65 percent in matter of days.

Now, if we had a natural catastrophe on that border, like a hurricane, we would not have any doubt of the propriety of trying to do something that was sensible; so in this case, the peso impact program makes sense for the 2½ million people that represent a vital frontier community of this country, who live on an unguarded border, 1,800 miles long, that I could jump over more easily than I could get over this desk behind me; so I would say that a letter which has suggested that the balance of trade is somehow better off if we do away with the peso impact program, is absolutely beyond my understanding.

This bill would finance retail sales on our border to Mexican citizens and improve our balance of trade.

I say, further, that is not only in the interest of these communities, but in the interests of this Government.

I say finally, Mexico until recently has bought more from us than we bought from them; so comparisons with Japan and the yen are not at all analogous in this situation.

I am grateful for the chance to vote for this bill tomorrow in its form as presented.

Mr. OLIN. Mr. Chairman, will the gentleman yield?

Mr. McNULTY. With pleasure.

Mr. OLIN. I have a question to the gentleman. Is the gentleman suggesting by any means that the devaluation of the peso is a new phenomenon on the United States-Mexican border?

Mr. McNULTY. The devaluation at this scale is a new phenomenon. I am not only suggesting it, I am claiming it.

Mr. OLIN. Is the gentleman aware that those who have been doing business with Mexico for years and years will recognize that periodically and sometimes quite frequently, sometimes a year or two apart, a devalution of 20, 30, or 40 percent, has been typical; not to say that the businesses on the border are not impacted by these changes, but I am saying that these are not something that are not the subject of much surprise. Most prudent businessmen will keep their peso exposure to a very minimum amount in order to survive in that climate.

This situation is not vastly different from other problems that businesses have in almost any environment.

Mr. McNULTY. I would say in response to that, as a student at the University Nationale in Mexico in 1948, the peso was 12½ to 1, and by January 1982 it was only 25 to 1; so the scale of the devalutation suggested by my good friend, the gentleman from Virginia, is simply not my experience.

I tend to think that those figures have been rather lightly used. In any event, the peso is being devaluated at 13 centavos per day, 365 days a year, as part of a program of austerity of the government of President de la Madrid, who is doing an extraordinary job in bailing out the wretched mistakes of his predecessor. We want to keep this business on target and one of the ways to do it is to adopt this bill.

Mr. McDADE. Mr. Chairman, I yield such time as he may require to my distinguished and dear friend, who does such a fine job in this Congress, the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 3020, the Small Business Committee authorization bill.

I would like to take this opportunity to commend the chairman, the gentleman from Maryland (Mr. Mitchell), and of course, my dear and beloved friend of many years, the ranking minority member, the gentleman from Pennsylvania (Mr. McDade) for their leadership on this bill. I believe it is the best authorization bill we could develop, and those gentlemen certainly can be proud of their fine work and their authorship of this legislation.

I would like to point out just a few of the most important provisions of the bill. First, we direct the SBA to reinstitute the pollution control guarantee financing programs. The Office of Budget and Management ended this congressionally mandated program about 2 years ago.

H.R. 3020 would restore this program, and once again would allow the SBA to run a program that not only makes money—about $10 million a year—but also provides a method of financing these important pollution control activities with the same methods used by big business.

Second, the SBA's 503 local development program has been a very successful program in providing long-term fixed asset financing for the expansion of small business firms. The $350 million figure for this program matches the amount appropriated for fiscal year 1984.

Finally, Chairman Mitchell will introduce an amendment which would lower the salary and expenses of the SBA by $18 million in fiscal year 1984 and $35 million in fiscal year 1985.

I think all in all they have done just a magnificent job and certainly they deserve the support of the Members of the House of Representatives.

Mr. McDADE. Mr. Chairman, I am delighted at this time to yield 4 minutes to the newest member of the Small Business Committee and certainly one of the ablest, the gentleman from Colorado (Mr. Schaefer).

Mr. SCHAEFER. Mr. Chairman, I certainly thank my distinguished colleague for yielding this time to me.

I would like to express my support for this bill and the amendments Chairman Mitchell will offer significantly reducing overall authorization levels previously approved by the committee. I think this shows a degree of restraint and commitment to reducing deficit spending that we must all share if we are ever to make our budget process work again.

Also, I would like to congratulate the SBA for the job they are doing. The Federal Government must find ways to "do more with less," and the SBA is making this effort and succeeding. It sounds like alchemy, but it is really just a more creative use of available resources. What they are doing is asking private citizens and businesses to get involved to help small businessmen and women in their communities. Further, they are stressing the partnership between Federal, State, and local governments in support of small businesses.

Of course, much of their success is due to the fact that they are selling an excellent product: small businesses were responsible for 60 percent of all jobs created in the economy from 1979 to 1981 and they continue to lead the Nation in creative innovative business practices, planting the seeds of a more efficient and productive America.

In Colorado, 99 percent of the businesses are small businesses. Small business is the business of Colorado and America, and that is why I am supporting this bill today.

Mr. McDADE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. Ridge).

Mr. RIDGE. Mr. Chairman, I would ask if the distinguished minority member would yield for purposes of a colloquy.

Mr. McDADE. I am happy to engage in a colloquy with my friend.

Mr. RIDGE. Recognizing that under the leadership of the gentleman and the distinguished majority chairman, there was a small business authorization set-aside for Vietnam veterans in last year's authorization, I would like to know if the gentleman has the information available, if that same set-aside was available in this legislation and what level of funding, if any, there had been in that increase.

Mr. McDADE. Mr. Chairman, if the gentleman will yield, let me respond by saying, yes, the Vietnam veterans program is in this bill for fiscal year 1984, as the chairman presents it to us at 25 and for fiscal year 1985 it rises to 30.

The authorization level goes up, and I want to say to my distinguished friend and commend him for bringing to the attention of the House what was I believe a totally unanimous program in our committee and an important one. We need to keep watching the program. It is a new program.

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The administration, under the leadership of Mr. Saunders, is working very hard to bring it around the country, to make people aware of it, holding conferences, distributing literature, the kinds of things one does. But there is no substitute for what the gentleman from Pennsylvania is doing today, and that is asking those responsible for the legislation how it is doing.

Mr. RIDGE. I appreciate that. I realize that this Congress has and will continue to respond to the special needs of many of the veterans who served during the conflict, and also those who did not serve in the theater but are veterans from the Vietnam era.

I want to commend and congratulate you both and thank you both for recognizing their special contribution in your very special way, by increasing that authorization and recognizing the SBA's willingness to promote the use of that money that you have set aside.

Again I want to thank you and commend you both.

Mr. McDADE. I thank my colleague.

Mr. Chairman, I have no further requests for time.

Mr. MITCHELL. Just one brief comment. I am very proud to have been associated with the effort on behalf of the veterans. We did express concern to the Small Business Administration over the fact that they had not really gotten out and around the country to sell this program, to make people aware of it.

I must indicate and say that as I move around the country I see an increased effort on the part of the SBA to do that through seminars and various educational programs. I think we are encouraged by that effort.

● Mr. NOWAK. Mr. Chairman, today we are debating H.R. 3020 the authorization bill for the Small Business Administration.

As chairman of the House Small Business Subcommittee on Tax, Access to Equity Capital and Business Opportunities, I would like to take the opportunity to reemphasize the importance of small business to the future economic vitality of this Nation.

First, let me point out that there is no dearth of statistics or studies which indicate that small business is, by far, the leader in the creation of new jobs and plays a critical role in areas of innovation.

In addition, we are constantly and painfully reminded that our heavy industrial base continues to decline and our service industries comprised largely of small firms, is experiencing remarkable growth. While the long-term security of the United States may depend on our ability to formulate an effective strategy to revitalize our heavy industry, the urgent needs of our unemployed dictate that we simultaneously focus on the small business community as the cornerstone of the job generation process.

Further, at a time when Federal budget deficits have become a national obsession and justifiably our greatest concern, businessmen, policymakers, consumers, and others are staunchly advocating fiscal responsibility. However, "fiscal responsibility" as the term suggests, requires that we closely examine all Federal expenditures and responsibly determine where our limited resources can be channeled to effectuate the most beneficial return of our Federal investment.

I believe, therefore, that the reaffirmation of our commitment to small business and job creation is a manifestation of our resolve to expand Federal dollars to promote economic revitalization and maintain the entrepreneurial spirit upon which this country was founded.●

● Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 3020, a bill to amend the Small Business Act and for other purposes.

Over 99 percent of the businesses of this country are classified as small business. They employ 47.8 percent of the nongovernmental, nonagricultural work force. These businesses generate 42 percent of the sales in the United States and comprise a healthy 38 percent of the GNP.

The programs of the SBA in Puerto Rico have been tremendously successful. The agency currently has over 18,000 participants. There are 6,500 participants in the business loan program for a total loan amount of over $202,190,000. The disaster loan program has 11,594 participants with total loan amounts of over $27,105,000.

In the past year, SBA's district office for Puerto Rico and the Virgin Islands assisted owners, managers, and prospective owners, through its management assistance program. They organized 37 conferences seminars and workshops which were attended by 1,429 persons; 634 owners or prospective owners received counseling on technical and administrative matters. These programs helped create or maintain over 2,000 Puerto Rican jobs.

I am particularly interested in this bill's attempt to aid areas of high unemployment and businesses owned by low-income individuals by providing set-aside funding for these categories. Also, the bill contains specific authorization to provide direct loans and immediate participation for Vietnam veterans. Over 50,000 such veterans in Puerto Rico will benefit greatly from these provisions. Similar provisions will provide preferred treatment to handicapped persons and organizations for the handicapped.

H.R. 3020 makes many important changes for the development of small business and to stimulate the creation of jobs in areas affected by high unemployment as in the case of my district, Puerto Rico. First, H.R. 3020 increases the maximum amount of a guaranteed loan from $500,000 to $750,000. Another important change of this legislation is the authorization of a new alternative loan repayment schedule which allow the borrowers to pay interest only during the initial term of the loan, thus, giving them more time to attain economic stability. Also, the bill will help to increase the participation of small businesses located in or near areas of high unemployment in Federal procurement by directing all Federal agencies to target contracts and small business set asides to firms located in these affected areas.

An important feature of the bill is the continued support for small businesses involved in developing alternate energy sources and in energy conservation. It is necessary to foster this part of our economy which may provide us the solution to energy problems which we are bound to face under the administration's energy policy. The ingenuity and inventiveness of the American entrepreneur will be invaluable in this field as we approach the 21st century.

Mr. Chairman, the legislation we have before us today is primarily a small business job creation legislation and the necessary legislative rewrite of the Small Business Act to support this initiative. It also remedies certain inequities which have been recently forced upon small and minority business. To accomplish these initiatives, the bill restructures SBA programs so as to make them go further, and directs assistance to small concerns where it is needed most.

At a time when our Nation appears to be moving back toward economic health, the small business contribution to economic recovery must be recognized and supported.

I urge my colleagues to support H.R. 3020.●

● Mr. ORTIZ. Mr. Chairman, today the Members of this body can authorize a bill which contains $100 million for nonphysical disaster loans to small businesses along our southern border. H.R. 3020 provides long overdue assistance to the Nation's small businessmen through a variety of programs. While the nonphysical disaster part is only one component of the total package, it addresses a need as great or greater than any other faced by the small business community.

For 2 long years, victims of the Mexican peso devaluation have fought to maintain financial solvency. When former Mexican President Jose Lopez Portilla decided to devalue the peso, he affected the livelihood of American citizens all through the border region.

With 1,250 miles of international boundary, Texas reacted almost immediately to these changes in Mexican policy. The impact has been so great to the Texas economy that the comptroller of public accounts cited the devaluation as a major factor in the slowdown of State revenue growth for the 1984-85 budget period.

Immediately after the second devaluation in August 1982, south Texas retail sales declined by as much as 80 to 90 percent. Unemployment leaped above the characteristically high rate in the region. Other effects of the devaluation were a loss of sales tax revenues that provide indispensible city services to the many underprivileged and the beginning of a massive influx of undocumented workers searching for a better life in America.

Today, 2 years later, the economic indicators in this region remain quite grim. In comparison to the 888,000 Mexican nationals that crossed the bridge at Brownsville for Christmas shopping in 1981, the figure for December 1983 is still down by 175,000. Brownsville unemployment still hovers above 15 percent and sales tax revenues are 33 percent below the comparable figure of 2 years ago. Bankruptcies stand at 188 during this period.

H.R. 3020 provides much-needed relief to small businessmen by allowing them to receive loans of up to $100,000 if the Governor of the State certifies that small businesses in his State have been hurt by peso devaluation. While these funds are 2 years late, the need is just as great now as it was in the early months of 1982.

Unfortunately, despite the need for these loans, an amendment has been offered for the purpose of deleting this entire program from H.R. 3020. As this amendment disseminates false information regarding exactly who benefits from these loans, I want to mention a few points that are important for my all of colleagues to consider when weighing the amendment's strengths and weaknesses.

The analogy this amendment seeks to make between small businessmen suffering from foreign competition and small businessmen suffering from the peso devaluation is false as is the argument that this program is guilty of regional favoritism. I do sympathize with those businessmen who have lost their livelihood because of inroads made by foreign competitors; but frankly, these nonphysical disaster loans have no relationship whatsoever to this problem.

Businessmen on the border were not underpriced by competitors; they did not lose their domestic manufacturing base. They lost customers, and they lost 80 to 90 percent of them in the course of several days. These customers were Mexican nationals that spend pesos in this country for products that were often manufactured by Americans from many States like the gentleman's State of Ohio.

Santos's Tire Store in Laredo, Tex., is an excellent example of how Ohio benefited in business transactions that were routine throughout the border region before devaluation. Mr. Santos owned two shops that serviced trucks from Mexico. Not only did he provide these trucks with Goodyear tires from Akron, but he regularly placed factory direct orders to Akron and Cleveland for parts to repair brakes and suspension systems.

After devaluation, he lost about 80 percent of his business, was forced to close one of his stores, and stopped placing factory orders to Ohio due to the high cost of ordering parts in such small quantities. Not only did devaluation hurt Mr. Santos, but it hurt all those hard-working men and women in Ohio who supplied those parts.

In addition to auto supplies, I discovered that Rubbermaid, Anchor-Hocking, and Huffy are among other Ohio companies that provided several million Mexicans with products they could not obtain in their country. The continued high birth rate in Mexico creates a demand for sinkware, bathware, and baby supplies. Rubbermaid provided these products to merchants all along the border. Anchor-Hocking provided glassware; Huffy sold bicycles.

These are all products that were stocked by hundreds of merchants to meet the needs of the Mexican shopper. These are all products that lost an immense market with the devaluation of the peso. Finally, these are all products that provided jobs to border merchants and to many people in Ohio.

Mr. Chairman, section 304 of H.R. 3020 is not a new program; it simply reinstates a program that was allowed to lapse in 1981. Section 304 will allow small businessmen to sustain themselves until the peso-dollar exchange returns to normalcy. Some progress has been made in this respect, but the day of near unlimited demand for tires, for baby supplies, and for housewares is still far in the future.

Once this turnaround occurs, several million customers will return to this country to buy products made by people in Ohio, in Texas, and in practically every other State of the Union. In the meantime, though, these loans are absolutely necessary if border merchants are to retain their businesses and our manufacturing heartland is to retain one of its most vital domestic markets.

We must aid our beleaguered shopkeepers. The alternative to these loans is a continued loss of Federal and State tax revenues, an increase in bankruptcies and an increase in food stamp applications throughout the region.

Mr. Chairman, these small businessmen do not want to become public wards. They want to remain productive; they want to do all they can to contribute to the fragile recovery in progress. I urge all of my colleagues to recognize the important economic role of the small businessmen in the life of our Nation by opposing the amendment offered by the gentlemen from Ohio and supporting passage of this bill.

We all have an obligation to insure that we are doing the best we can to make the Government work for the people. I believe this bill does work for the people.●

● **Mr. DREIER** of California. Mr. Chairman, as we begin debate on the 2-year reauthorization bill for the Small Business Administration, I think it is appropriate to remind ourselves of the important role that small business plays in the economic development of this Nation.

There are currently 14 million small businesses accounting for more than 98 percent of all business in this country. Together they produce around 38 percent of America's GNP. In the Reagan economic recovery that began last year, small business produced two-thirds of the new private sector employment increases.

Great attention is always paid to the large corporations in this country. What is often overlooked, however, is that small business produces 2½ times as many innovations per employee as those large firms. In fact, small business accounts for 50 percent of all major innovations a year.

My home State of California accounts for 11 percent of the Nation's small business establishments or 1.54 million. Our growth rate leads the Nation at a 2-year average of 3.4 percent—and that was during a recession. This is the mainstay of our State economy. Of the 1½ million small businesses, one-third of them employ under 50 people. This group makes up 94 percent of all business in California. Through his highly successful economic program and budget proposals Governor Deukmejian has laid a solid base for the future growth and development of the small business sector of our economy on the west coast—a situation I hope we can emulate here in Washington.

What all these facts and figures add up to, Mr. Chairman, is the fact that a very large portion of the economic stability and well-being of this Nation rests in the hands of the small businessman and woman. We often forget as we debate large issues that even the smallest of our decisions have a great impact on these people. These are the people who—despite the resiliency of their sector—often do not have access to vast resources that can hold them over while the Government debates future courses of action or policy.

In creating the Small Business Administration back in 1953, Congress was, in effect, acknowledging the importance of small business in our economy. Of course the fundamental purpose of the SBA is to aid, assist, counsel, and protect the interest of small business. In recent years their activities have included efforts to insure that small business receives a fair share of all Government contracts. The SBA provides loans for development and modernization and has recently become an avenue of communication between the small business community and the Government. I would like to add, also, that the SBA field offices around my district have been very helpful in providing information and services to my constituents.

I think it is fair to say that all of us have our concerns over particular aspects and activities of the SBA. There are going to be several amendments offered this afternoon to the reauthorization legislation that I believe will produce a better bill. But the important fact to remember is that concern for small business is shared by almost everyone in this body. This country owes an awful lot to the small businesses in each of our districts. We need to remember this as we consider not only H.R. 3020, but other related legislation that will come to the floor later in the session.

Thank you, Mr. Chairman.●

● **Mr. JONES** of Tennessee. Mr. Chairman, I rise in support of H.R. 3020, and I particularly want to commend the committee for including a provision in the bill to target loan assistance to small, rural businesses which have been adversely impacted by the payment-in-kind program.

I am especially pleased to see the committee address the problems of PIK in this bill. I want to point out that a similar provision was included in a package of Farmers Home Administration amendments which I sponsored and which passed the House last year by a 10-to-1 majority.

It is well known throughout the farm communities of our Nation that many small agribusinesses were dealt a severe financial setback last year when farmers idled over 80 million acres of land under the PIK program. One of the side effects of the PIK program was a significant reduction in the sales of seed, fertilizer, and farm machinery.

In a number of cases, the economic lifeblood of smalltown Main Street is almost entirely dependent on the farm supply business. This bill would provide the much needed assistance that will allow many of these businesses to recover from a disastrous 1983 in which the PIK program and the worst drought in 50 years have made a shambles of our rural economy.●

Mr. MITCHELL. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

Mr. McDADE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill will be considered under the 5-minute rule by titles, and each title shall be considered as having been read.

The Clerk will designate title I.

The text of title I is as follows:

H.R. 3020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SMALL BUSINESS ADMINISTRATION AUTHORIZATIONS

Sec. 101. Section 20 of the Small Business Act is amended by striking subsection (q) and all that follows and inserting the following:

"(q) The following program levels are authorized for fiscal year 1984:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $295,000,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $30,000,000 in loans to Vietnam veterans, $15,000,000 in loans as provided in paragraph (10), $135,000,000 in loans as provided in paragraph (11), and $10,000,000 in loans as provided in paragraph (12): *Provided, however,*, That of such sums, the Administration is authorized to make direct loans only to those eligible for loans under subsection 7(a)(10).

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $2,930,000,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $5,000,000 in loans as provided in paragraph (10), $60,000,000 in loans as provided in paragraph (11), $15,000,000 in loans as provided in paragraph (12), and $250,000,000 in loans as provided in paragraph (13), and guarantees of debentures as provided in section 503.

"(3) For the programs authorised by title III of the Small Business Investment Act of 1958, the Administration is authorised to make $70,000,000 in direct purchases of debentures and preferred securities and to make $250,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,500,000,000.

"(5) For the program authorized by section 7(b)(3) of this Act, the Administration is authorized to make $100,000,000 in direct loans.

"(6) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed the sum of $250,000,000 less amounts approved and obligated for guarantees in fiscal year 1983.

"(7) There are hereby authorized to be appropriated sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(r) There are hereby authorized to be appropriated to the Administration for fiscal year 1984, $1,439,700,000. Of such sum, $1,112,000,000 shall be available for the purpose of carrying out the programs referred to in subsection (q), paragraphs (1) through (3); $17,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $313,400,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $13,526,000 shall be available for procurement and technical assistance; of which amount not less than $2,318,000 shall be available for technical assistance, and of this amount not less than $903,000 shall be used to pay for the continued development of a procurement automated source system, and not less than $175,000 shall be used to develop and maintain technology assistance centers which shall direct or indirect access to a minimum of thirty technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses.

"(2) $37,138,000 shall be available for management assistance, of which amount not less than $1,214,000 shall be used to sustain the small business export development program and to employ not less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist, of which up to $4,000,000 shall be used for grants or loans authorized by section 22(b)(2) of this Act and not more than $1,000,000 shall be used for programs authorized by section 22(b)(4) of this Act.

"(3) $8,000,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,420,000 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel for Advocacy to carry out research and those functions prescribed by Public Law 94-305; not less than $1,400,000 shall be used to develop an external small business data bank and small business index; not less than $1,350,000 shall be used for research; and not less than $1,000,000 shall be used to pay for development and maintenance of an indicative small business data base comprised of names and addresses and related information.

"(4) $30,250,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $13,655,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of this Act.

"(5) $10,546,000 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, and to the installation of terminals in Administration field offices.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for carrying out the provisions and purposes of the small business development center program in section 21.

"(s) The Administrator may transfer no more than 10 per centum of each of the total levels for salaries and expenses authorized in paragraphs (1) through (5) of section 20(r) of this Act: *Provided, however,* That no level authorized in such paragraphs may be increased more than 20 per centum by any such transfers.

"(t) The following program levels are authorized for fiscal year 1985:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $295,000,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $30,000,000 in loans to Vietnam veterans, $15,000,000 in loans as provided in paragraph (10), $135,000,000 in loans as provided in paragraph (11), and $10,000,000 in loans as provided in paragraph (12): *Provided, however,* That of such sums, the Administration is authorized to make direct loans only to those eligible for loans under subsection 7(a)(10).

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $4,010,000,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $6,000,000 in loans as provided in paragraph (10), $80,000,000 in loans as provided in paragraph (11), $20,000,000 in loans as provided in paragraph (12), and $340,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in section 503.

"(2) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $70,000,000 in direct purchases of debentures and preferred securities and to make $250,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,500,000,000.

"(5) For the programs authorized by section 7(b)(3) of this Act, the Administration is authorized to make $100,000,000 in direct loans.

"(6) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $250,000,000.

"(7) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(u) There are authorized to be appropriated to the Administration for fiscal year 1985, $1,351,300,000. Of such sum, $999,000,000 shall be available for the purpose of carring out the programs referred to in subsection (t), paragraphs (1) through (3); $17,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $331,300,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $13,526,000 shall be available for procurement and technical assistance; of which amount not less than $2,318,000 shall be available for technical assistance, and of this amount not less than $903,000 shall be used to pay for the continued development of a procurement automated source system, and not less than $175,000 shall be used to develop and maintain technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses.

"(2) $37,138,000 shall be available for management assistance, of which amount not less than $1,214,000 shall be used to sustain the small business export development program and to employ not less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist, of which amount up to $4,000,000 shall be used for grants or loans authorized by section 22(b)(2) of this Act and not more than $1,000,000 shall be used for programs authorized by section 22(b) of this Act.

"(3) $8,000,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,420,000 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel for Advocacy to carry out research and those functions prescribed by Public Law 94-305; not less than $1,400,000 shall be used to develop an external small business data bank and small business index; not less than $1,350,000 shall be used for research; and not less than $1,000,000 shall be used to pay for development and maintenance of an indicative small business data base comprised of names and addresses and related information.

"(4) $30,250,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $13,655,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of this Act.

"(5) $10,546,000 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, and to the installation of terminals in Administration field offices.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for carrying out the provisions and purposes of the small business development center program in section 21.

"(v) The Administrator may transfer no more than 10 per centum of each of the total levels for salaries and expenses authorized in paragraphs (1) through (5) of section 20(u) of this Act: *Provided, however,* That no level authorized in such paragraphs may be increased more than 20 per centum by any such transfers.".

The **CHAIRMAN.** Are there any amendments to title I?

Mr. **MITCHELL.** Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. LEVIN of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3020) to amend the Small Business Act, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. **MITCHELL.** Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include therein extraneous material, on the bill, H.R. 3020.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MR. REAGAN WRESTLES WITH THE TRUTH

(Mr. **ALEXANDER** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **ALEXANDER.** Mr. Speaker, yesterday President Reagan met with a group of seven Southern reporters, including Carol Matlack from my own home State—the Arkansas Gazette. He talked about "arm wrestling," and then went on to wrestle with the truth about the bipartisan deficit talks.

Well, Mr. Reagan lost that wrestling match.

He said that Democratic leaders of the House of Representatives were unwilling to meet with him. Fact: The Democratic leadership tried to meet with him for weeks before he even mentioned the idea.

Mr. Reagan said the leadership was "uncooperative." Fact: OMB Director David Stockman himself praised Majority Leader WRIGHT for his "attitude of good faith" in the talks.

Mr. Reagan said the Democratic leadership put forward no proposals. Fact: Majority Leader WRIGHT and Senator INOUYE made the only concrete proposals at the talks.

Mr. Reagan said many things yesterday about the deficit talks that turned out not to be true. Fact: Mr. Reagan was not even there for any of the talks.

Mr. Reagan may not be much of an arm wrestler, but he is one heck of an actor, as he proved again yesterday.

I submit a statement of Majority Leader WRIGHT which is an accurate representation of fact:

STATEMENT OF MAJORITY LEADER JIM WRIGHT, FEBRUARY 23, 1984

In spite of confusingly contradictory signals emanating from the White House, Senator Inouye and I shall return this afternoon to explore in good faith for possible areas of mutual agreement with the Administration for ways to make major reductions in the unacceptably high deficits contained in President's Reagan's budget.

It is frankly somewhat difficult to pursue reasonable and constructive solutions in an atmosphere in which we are alternately entreated to "come reason together" and then verbally berated by the President when we try to do so. But we shall persevere so long as there is any likelihood of making a breakthrough in mutual understanding.

What first must be settled is whether military spending and the huge revenue losses caused by the 1981 tax bill are open for consideration. If in fact they are not, then any pretense at making truly meaningful deficit reductions would be no more than a charade.

On October 28, the President's economic advisor Martin Feldstein accurately identified the causes of the staggering deficits. In testimony before the House Budget Committee, he said: "The things that raise the deficit are defense spending, interest on the national debt and the tax reduction."

When invited to participate in these talks, we were told initially that "everything" was on the table. Subsequent public comments by Secretary Weinberger, OMB Director Stockman and by the President indicate that military spending and the tax bill, while nominally "on the table," are actually foreclosed from serious consideration by the Administration.

The harsh and uncompromising partisanship of President Reagan's comments last evening contrasted so sharply with his call for a "bi-partisan" effort that he seemed like two different actors playing two different roles.

The President did not speak the truth last night when he accused Democratic Congressional spokesmen of "begging away" and refusing to meet. We have made it clear all along, verbally and in writing, that we stood ready to meet. At least once I suggested meeting dates that were inconvenient for White House representatives. I hope, there will be no more attributions of this type. They are childish and counterproductive of any serious result.

Here's where the negotiations stand at present: In our first meeting, White House negotiators handed out a piece of paper containing 14 rather general suggestions. Many of them were already included in the President's budget. Some already had been passed by the House in our reconciliation bill and have been pending in the Senate since last year.

It was represented that these suggestions might yield some $90 billion in deficit reductions over the next three years, but other Administration spokesmen said these were necessary merely to hold the budget deficit at the President's original figure.

Yesterday, the non-partisan Congressional Budget Office estimated the total three-year savings proposed in the President's budget at only $23 billion. Even so, whatever of this is worthy of doing should be done.

Unless other more productive things are done, however, the CBO warns us that the President's budget will yield actual deficits of the next three years in excess of $600 billion.

The list contained 7 suggestions for tax "loophole closings." Today we will tell the White House negotiators that we are prepared to schedule a bill for House consideration within the next 2 weeks which will achieve at least as much revenue recovery as suggested on the White House list. We believe it will achieve more.

House committees are moving ahead at full pace. We shall not permit any delay in the regular legislative process. If the current talks fail to produce real deficit reductions, then we shall fulfill our responsibility to achieve reductions through our budget, tax and appropriations bills.

Any really substantial deficit reductions, of course, must come from those areas which are creating these tremendous deficits. In our last meeting we advanced a suggestion made by President Ford for a "stretch out" of one extra year in military procurement. That suggestion was not summarily rejected. We were promised that it would be evaluated and considered in our next meeting.

Although public comments by Secretary Weinberger and President Reagan seems on the surface to rule out any agreement on their part of any such solution—which our House Budget Committee staff indicates could save more than $100 billion in the next three years—we shall go today with the expectation of seriously renewing this suggestion and openly exploring any others that may arise in the meeting.

[From the Arkansas Gazette, Mar. 13, 1984]

DEMOCRATS SOURED TALKS ON DEFICIT, REAGAN SAYS

(By Carol Matlack)

WASHINGTON.—President Reagan said Monday that Democratic leaders had effectively derailed bipartisan talks on controlling the federal deficit, forcing Republicans to come up with their own deficit-reduction proposal.

"Frankly, I've lost a little faith in the bipartisan approach to this, because the other side seemed more interested, I think, in politics than they did in meetings," Mr. Reagan told reporters for the Gazette and six other Southern newspapers.

Repeatedly during the 40-minute interview, the President laid the country's economic problems at the feet of Democrats, saying they offered no solution while this administration deserved all the credit for the current economic recovery.

"All of the recovery has taken place after our program was put into effect," he said * * * None of our programs was in effect when the bottom fell out."

Seated in an armchair before a crackling fire in the Oval Office, the president was relaxed and cheerful as he fielded questions that focused mostly on the economy and other domestic problems. He deflected inquires about the Democratic presidential race, although he joked that if anyone wanted to compare his vigor with that of Senator Gary Hart of Colorado, "We'll settle it with an arm-wrestle."

The interview—the first session Mr. Reagan has held with reporters from a particular region—was scheduled to coincide with this week's Democratic primaries and caucuses in the South, especially today's contests, Deputy Press Secretary Larry Speakes said afterward.

The Arkansas caucuses are Saturday, and five of the other states represented—Mississippi, Georgia, Alabama, Florida and South Carolina—have Democratic contests today or Saturday.

During the interview Mr. Reagan declined to say whom among the Democrats he'd prefer to face in the November election. "No, I'll let them have that all to themselves," he said with a chuckle.

HAS HARSH WORDS

The President's comments were peppered with criticism of Democrats. Some of the harshest words came when he was asked to describe his recent closed-door meetings with congressional leaders to negotiate a bipartisan "down payment" on the federal deficit, a proposal he outlined during the State of the Union address in January.

He said of the Democratic leaders, "To sit down with them and start from scratch to negotiate, they were very uncooperative. We had great difficulty getting them to even meet, and finally one meeting they just simply walked away on one issue, and refused to talk. * * * It wasn't very encouraging."

The President declined to specify what concessions he offered during the meetings. He said he still was willing to talk with Democrats but for the time being was working with Republican congressional leaders on a deficit-reduction plan, and would "go forward with our proposal and hope that we can with support of the people, get bipartisan support."

He said there was "pretty much agreement" that there would be no new taxes in the proposal, and only "corrections" in the tax code to close existing loopholes. He didn't say whether he would consider cutting defense spending—something that many Republican leaders have said is essential to bring deficits under control—but noted that defense spending accounted for a much smaller share of the federal budget than it did during the 1960s.

Mr. Reagan said that once Congress approved a "downpayment" on the deficit he would turn toward long-term, "structural" changes to balance the budget. Again, he declined to specify the changes he would favor, but said he was "really seriously looking" at some of the recommendations made by the Grace Commission on government cost-saving.

Asked why he had not fulfilled his campaign promise to balance the federal budget by 1984, Mr. Reagan said that promise was based on projections that were no longer valid by the 1980 election, "because the economy in 1980 was deteriorating so fast, and had not been projected to do so."

RECESSION "CONTINUATION"

Although he took office in January 1981, the President said he was "still bound until the following October by the budget of the previous administration." He said the recession "was a continuation" of problems that started under the previous administration.

Mr. Reagan said the recession might have been shortened if Congress had not insisted on phasing in tax cuts over three years, starting in the fall of 1981. Also, he noted that Congress had approved only "a little less than half" of the spending cuts he requested. (He didn't elaborate on the statement, which contradicts his assertion during the State of the Union message that Congress had approved more than half the spending cuts he proposed.)

"I'm not one to underestimate the deficits," the President said. However, he said that ultimately. "Congress is the only one who can deal" with the problem.

"SPENDING MORE" FOR NEEDY

Mr. Reagan labeled "a falsehood" the suggestion that his policies had hurt blacks and the poor. "Everything we've done in our economic approach has benefited everyone," he said. "* * * We're spending more on help for the people, for the needy, than has ever been spent before in history. * * * I hope that in the campaign we can reveal to [blacks] that they have not been told the truth" by administration critics.

"How can a program that cuts taxes evenly percentage-wise across the board, thus leaving the same rate of progression * * * How can that be beneficial to the rich and detrimental to the others?" he said. He said reductions in inflation had helped "the people with the least," who "had to spend most of their earnings on subsistence."

Asked whether he would favor reductions in Social Security and Medicare to help balance the budget, Mr. Reagan replied that he had "said repeatedly that programs like that, there are things that must be done, but we must never pull the rug out" from under recipients. He noted that his administration had engineered a bipartisan effort last year "to save Social Security because [otherwise] it would be broke by July of 1983." Also, he noted that Social Security benefits had continued to rise during his administration.

The President answered most questions in generalities, with one notable exception: When a West Virginia reporter questioned him about unemployment (West Virginia's rate is over 15 percent, one of the highest in the country), Mr. Reagan reached into his jacket, and pulled out a slip of paper with unemployment figures for the seven states represented at the meeting. He said the figures, which compared unemployment rates at the depth of the 1981 to 1983 recession with the rates in December, showed improvement in all the states.

At the end of the session, Mr. Reagan asked reporters to listen while he proudly read off the unemployment figures for each state. Arkansas' had dropped from a high of 11.3 to 9.4 percent in December.

He also used the unemployment question to put in a plug for his proposed legislation to create "enterprise zones" for economic development, and criticized Democrats for wrecking the proposal in Congress.

Asked by a Florida reporter to comment on recent figures showing drug smuggling in that state continues to rise, the president said he was unaware of any such figures but thought his administration was doing a good job of cracking down on drugs. He related an anecdote about how he once saw $21 million in cash that had been confiscated from drug traffickers, the pile of currency was as big as his massive Oval Office desk, the President recalled.

In response to another question the President reaffirmed his support for a constitutional amendment allowing organized prayer in public school classrooms. He stressed the amendment would not establish "compulsory prayer. * * * All we're asking is they (students) have the right to if they want to," he said.

IRELAND REFUSES TO YIELD TO CHAOS, VIOLENCE, AND BLOODSHED

(Mr. McNULTY asked and was given permisson to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McNULTY. Mr. Speaker, as we come to St. Patrick's Day we remember that the Protestants of Belfast made possible the construction of St. Mary's, Belfast's first modern Catholic church, and Protestants attended Mass on the dedication of the church May 30, 1784. In fact, the all-Protestant Irish volunteers formed a guard of honor for the reception of the pastor, Father Hugh O'Donnell.

We remember that Presbyterian minister, Dr. Henry Montgomery, received a standing ovation in St. Patrick's Catholic Church in Belfast on January 27, 1829, when he appeared in the pulpit in the company of Belfast Catholic Bishop Dr. Crolly.

We remember Dr. Montgomery stating in his diary in 1848:

> I have found my best, my clearest minded and my warmest-hearted friends among the United Irishmen of 1798.

And remembering these things, we refuse to yield to chaos, to violence, to bloodshed, to meanness and instead, rather, we address the best in one another. We remember the prophet, Sirach, who told us that the choices of life and death are ever set before us and that we shall receive whichever we choose. We choose life.

[From the Economist, Feb. 18, 1984]

IRELAND

If all goes well in Dublin Castle, the four largest Irish nationalist political parties will soon produce an agreed policy for Northern Ireland addressed, not as a challenge but as an invitation, to the British government. Our special correspondent reports on the work of the New Ireland Forum.

Anywhere else, it would have been banal; but all Ireland was agog when, on Thursday, February 9th, four leading bishops of the Roman Catholic Church there faced up to questions from senior politicians of the island's four main nationalist political parties. Some of the politicians even insisted on getting real answers to their questions. It was, said Mr. John Kelly of the republic's ruling Fine Gael party, "the first time since St. Patrick arrived that members of the hierarchy were asked to think on their feet".

The purpose of the interrogation, which the bishops had gone to great lengths to avoid, was to clarify the likely attitudes of the church to which 95% of the Irish republic's people belong, if the million non-Catholics of the United Kingdom's province of Northern Ireland were one day to be included within the republic.

Dr. Cahal Daly, the senior bishop, whose see of Down and Connor extends on both sides of Ireland's north-south border, met the issue without ambiguity: "There is no way", said Dr. Daly, "the constitution we now have could be imposed on the Northern Ireland Unionists." The politicians, who had been drawn from the two parties of the Dublin coalition government, the main opposition party, Fianna Fail, and the nationalist (meaning almost exclusively Catholic) Social Democratic and Labour party of Northern Ireland, nodded in warm aggrement. As well they might.

Granted, the bishops went on to split hairs with episcopal expertise. They would guarantee to northern Protestants their existing civil rights to be divorced and to practise birth control—but the bishops would continue to deny those rights to southern Protestants. Nevertheless, the elected and the spiritual leaders had publicly and formally cast doubt on the Irish republic's constitution (whose second article asserts that "the national territory consists of the whole island of Ireland. . . .").

The New Ireland Forum had done what its inventors hoped. It had addressed a sign of friendship and co-operation not only to the Ulster Unionists—nobody expected them to be much impressed by the hierachy's views—but to the government and people of the United Kingdom within which the Unionists insist on remaining.

But Dr. Daly's remark, pregnant with significance within Ireland, went practically unheard in mainland Britain, unmentioned in the next day's London editions of all nine English national daily newspapers. Irish bombs are news, Irishmen's attempts to remove the cause of the bombing are not. That seems to be the judgment of English editors, and of most English politicians too. That is why the forum may not have the short-term results its participants hope for. Since it will probably report within the coming month, here are some guesses on what it may say.

IRELAND'S BRITISH DIMENSION

Almost 15 years of civil strife, on top of an extreme case of western Europe's depression, have come close to ruining all Ireland. For the Irish nationalist factions that practise or condone violence, that is fine. They think that growing chaos will at last cause the government of the United Kingdom to pull its forces out of Northern Ireland: worse. They think, means better.

The political parties that also want Irish unity, but by non-violent and constitutional means, have nothing to show for their patience but proclamations from London that violence must first be checked before anything can change. And even then, the British government insists there can be no constitutional change until a majority of the province's voters vote for it. The million-odd Protestants of Northern Ireland, who include about 60% of the province's voters, solidly support the present union with Britain. Demography might change that in 60 years or so if (as is highly unlikely) Ulster Catholics continue to have more babies, and to emigrate less, than their Protestant neighbors. Short of that, the prospect is for another half-century in which a minority of the Catholic minority may carry on bombing and shooting.

This horrifies constitutional nationalists in particular because the violence, and voting for pro-violence parties, has been spilling across the border from the source of the infection in the north. The present prime minister of the republic, Mr. Garret FitzGerald, has long argued that the way to Irish unity is by persuading enough northern Protestants to vote for it. That means turning the republic into a state in which the Roman Catholic Church plays a less dominant political role. The forum is meant, among other things, to help do that.

There are, of course, ordinary political motives behind the forum too. Southern Irish politicians always feel most secure when standing square behind their suffering fellow-nationalists in the north. By far the largest northern nationalist party is Mr. John Hume's SDLP. While national unity remains a vague aspiration it has no achievements to offer its supporters, and faces increasing competition from the community-politics-plus-guns of the militantly nationist Sinn Fein, linked with the Irish Republican Army. A main point of the forum is to help Mr. Hume.

Corralling into the forum the wily opposition leader Mr. Charles Haughey, of Fianna Fail, is another nice move for a prime minister at the head of a coalition which is imposing nasty but necessary economic measures. Mr. Haughey probably agreed to join because he thought the forum really might make progress towards Irish unity, and therefore he could not afford to stay out. If so, that is a tribute to the forum's potential. The super-nationalist traditions of the Fianna Fail party will make it hard for Mr. Haughey to join in whatever consensus the forum may reach; but equally, if he does agree with his fellow party leaders, then there will be no disputing that the forum really does speak for republican Ireland.

THE LIKELY OFFER

Economic disaster would follow the ending of the vast subsidies that Britain now gives the north. Civil peace would be utterly lost there in the absence of the British or some other army. It would be impossible to foist the existing constitution of the Irish republic on the people of Northern Ireland. So it cannot seriously be pretended that Britain would do any good to Ireland by simply walking out of the six northern counties.

These are facts that the forum has established beyond contradiction. It has done so simply by taking and publishing evidence—not from the Unionist parties, who have refused to have anything to do with it, but from many people, including some reasonable Protestants and some realistic economists.

Equally, the forum's participants agree that things cannot be left as they are. They want a new political initiative, to be jointly carried forward by the Dublin and the London governments together. The different possibilities they are likely to propose are:

Entry, soon, of Northern Ireland into a unitary Irish state under a modified version of the republic's present constitution. This may be put forward, but only to show that it is impracticable as well as unacceptable in the north.

A federal (or confederal) Ireland, with special constitutional safeguards for the northern province. Since the only guarantee of the north's special status would be in the Irish constitution, which may be (and often is) amended by simple majority at a referendum, this too would be unacceptable to Unionists.

Joint administration of the six counties of Northern Ireland by the governments of the United Kingdom and of the republic, with all citizens of the province free to choose their own nationality, and joint ministerial control of the province's affairs, including security.

This idea, close to the thinking of Mr. John Hume and the SDLP, is Dublin's front-runner. If the forum cannot agree on that it may not agree on anything. The proposal has two main virtues. It would force nobody to change national allegiance: the Unionists could remain as British as they wish. And its immediate effect would be to improve security in Ulster, by sending in Irish policemen and soldiers—under the Irish tricolour flag, which nationalist gunmen would not be keen to fire on—to the hard-core nationalist areas where the British army and the Royal Ulster Constabulary now have to operate as alien occupying forces.

It is nevertheless clear that Ulster Unionists will have none of it. They will be quick to point out that joint sovereignty would still not let British soldiers do as they devoutly wish, and follow terrorists across the border into the republic; this, of course, would be unacceptable to nationalists of all shades. Unionists regard any concession to nationalists opinion as the first slice at a salami consisting of themselves. There is no evidence that any significant body of Protestant opinion is either sufficiently moderate or sufficiently sick of fighting to compromise with Dublin.

So the forum enthusiasts want to deal not with the northern Unionists, but direct with Westminster. They truly believe that the only secure future for Northern Ireland, and for their own republic too, lies in accommodating nationalist aspirations. Some even dream that the British prime minister might exploit her uniquely patriotic credentials to "do a de Gaulle" on the Ulstermen—to tell them that enough is enough, the game is up.

If the forum reaches agreement, that notion will probably be presented to President Reagan when Mr. Fitzgerald visits him (before St. Patrick's Day, March 17th), to prepare the president's preelectoral visit to his roots in Ballypooreen, County Tipperary. Unfortunately the name of that place means, in English, the Town of Small Potatoes. It would be astonishing if Mr. Reagan tried to persuade Mrs. Thatcher to follow a nationalist lead in her Ulster policy, and even more astonishing if Mrs. Thatcher did so.

But gloom about the forum's concrete proposals should not obscure the new understanding it has established in the republic of Ulster's problems. That is an achievement which will pay its dividends in time, even if it is less than the hope the forum's instigators began with.

ERA-ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 60 minutes.)

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. **SENSENBRENNER.** Mr. Speaker, this time was orginally reserved to examine the merits of placing the time period for ratification of the ERA within the body of the amendment itself as opposed to the enactment clause. However, on Friday, March 9, 1984, the Commonwealth Court in Harrisburg, Pa.—the court immediately below the State supreme court—the case of Fisher against Commonwealth of Pennsylvania—memorandum opinion by Judge MacPhail filed March 9, 1984—rendered judgment in a landmark case that clearly establishes the ERA-abortion connection. The Pennsylvania court ruled that article I section 29 of the constitution of Pennsylvania—the State ERA—requires medicaid funding of abortion. This case was filed and supported by such proabortion advocates as Planned Parenthood of southeastern Pennsylvania, and the Womens Law Project, and the American Civil Liberties Foundation of Pennsylvania.

Last year when hearings were held on House Joint Resolution 1, the proposed Federal ERA, it became apparent that unless the ERA was amended to make it abortion neutral, it would be used to overturn the Hyde amendment or similar State laws and/or regulations prohibiting public moneys from being used to pay for abortions. Other abortion laws could also be affected.

In fact, in the full Judiciary Committee, I offered an amendment which received strong bipartisan support and which had a good chance of passing in the House of Representatives if the attempt had not been made to ram the ERA through without amendments and with only 40 minutes of debate. The text of the abortion neutral amendment is as follows:

> Nothing in this article shall be construed to grant, secure, or deny any right relating to abortion or the funding thereof.

Supporters of the abortion neutral amendment were accused of raising a red herring by feminists when they expressed their concern over the ERA abortion connection. This was done despite the fact that many witnesses who both favored and opposed the ERA stated the ERA-abortion connection must be clarified.

Examples include such statements made by Lane Kirkland, president of AFL-CIO who said, "Congress may and should provide authorative guidance to the courts" on how the ERA affects abortion.

Paige Cunningham of American United for Life Legal Defense Fund, a group that is neutral on the issue of the ERA testified that the Hyde amendment would be overturned without clarifying language.

The author of the current Federal law which prohibit medicaid funding for abortions, the distinguished gentlemen from Illinois (Mr. Hyde) testified before the Senate Judiciary Subcommittee on the Constitution about his fears of the Hyde amendment being emasculated.

Supporters of the abortion-neutral amendment were accused of raising a red herring despite what all these witnesses said and despite the fact that proabortion advocates had first raised the ERA-abortion connection by using the ERA's in the State constitutions of Hawaii, Massachusetts, Pennsylvania, and Connecticut to overturn State laws that prohibited State public moneys from being used for abortions. We were told that a filing of a lawsuit was irrelevant because none of the States had acknowledged the ERA abortion correction argument in overturning abortion funding statutes as being a violation of a State ERA.

Well, on Friday, March 9, the Commonwealth Court of Harrisburg in Pennsylvania, a State that feminists have acknowledged as a model for how the ERA will work at the Federal level ruled that 62 PS section 453, as unconstitutional under the State ERA. The court described the unconstitutional statutes as follows:

> On December 19, 1980, the Pennsylvania General Assembly amended the Public Welfare Code by adding a section (hereinafter Act of 1980) which provided that no funds of the Commonwealth and no Federal funds appropriated by the Commonwealth should be used to fund abortions unless: (1) a physician certified that the life of the mother would be endangered if the fetus was carried to full term or (2) the pregnancy resulted from rape or incest when such rape or incest is reported promptly to a law enforcement agency or public health service. The text of the Act of 1980 followed very closely the language of the "Hyde Amendment" which prohibited the use of any Federal funds for reimbursement of the cost of abortions under the Federal Medicaid program except under certain specified circumstances.

Thus, the opinion acknowledges the similarity of the State language restricting the use of public funds for abortion and the Federal Hyde language.

I should like to point out that the language of article I, section 28 of the Pennsylvania—the so-called State ERA—and House Joint Resolution 1, the Federal ERA, are very similar. The State ERA reads as follows:

> Equality of rights under the law shall not be denied in the Commonwealth of Pennsylvania because of the sex of the individual.

House Joint Resolution 1, the proposed Federal ERA, reads as follows:

> Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

In his opinion, Judge MacPhail was unequivocal in his interpretation of the State ERA.

> We are of the opinion that while petitioners argument under the ERA is not as strong as their equal protection argument, it is meritorious and sufficient in and of itself to invalidate the statutes before us in that those statutes do unlawfully discriminate against women with respect to a physical condition unique to women.
>
> In summary, we hold that the States may not constitutionally deny medicaid assistance funds to indigent pregnant women who seek medically necessary abortions.

With this opinion, it is clear that unless the abortion neutral amendment is added to the Federal ERA, our worst fears regarding the strengthening of abortion rights will be realized.

The Hyde amendment, State laws restricting abortion funding, conscience laws which permit medical personnel in public supported hospitals to refuse to participate in abortions, and all other laws which discriminate against abortion will be subject to attack. The Fischer case clearly shows that judges are willing to accept the argument that ERA will outlaw any type of limiting laws dealing with abortion, including prohibitions on public funds being used for abortions. This is crucial because the Supreme Court case of Harris against McRae, which upheld the Hyde amendment, was decided by the razor-thin margin of 5 to 4. The Fischer case clearly demonstrates that the proposed Federal ERA would result in tax-funded abortions on demand.

Mr. Speaker, if the national equal rights amendment is ratified without an abortion neutral amendment, the ACLU and other proabortion organizations would only have to persuade one additional justice on the Supreme Court that the ERA provides the legal tools to render the Hyde amendment unconstitutional.

The equal rights amendment will require the Hyde amendment to pass the strict judicial scrutiny test. At the present time, with the doctrine of Roe against Wade and its progeny, it is highly unlikely that the Hyde amendment will be able to pass that judicial test.

Mr. Speaker, those of us who oppose the use of taxpayers' funds to pay for elective abortions because we cannot condone nor facilitate such violence imposed upon children simply cannot allow the ERA to be used for this purpose. It is imperative, therefore, that the abortion neutral amendment to ERA be adopted. Any attempt to short circuit this procedure by railroading an unamended ERA through this House under suspension of the rules or any other kind of closed rule must be vigorously opposed.

I would like to insert as part of the Record excerpts from Judge MacPhail's opinion rendered in the Commonwealth Court of Harrisburg, Pa.:

[In the Commonwealth Court of Pennsylvania, No. 283 C.D. 1981]

JOANNE FISCHER, ET AL., PETITIONERS v. DEPARTMENT OF PUBLIC WELFARE, ET AL., RESPONDENTS

Before: John A. MacPhail, Judge.
Heard: February 7, 1984.
Opinion not reported.

MEMORANDUM OPINION BY JUDGE MACPHAIL

On December 19, 1980, Pennsylvania General Assembly amended the Public Welfare Code by adding a section (hereinafter Act of 1980) which provided that no funds of the Commonwealth and no federal funds appropriated by the Commonwealth should be used to fund abortions unless (1) a physician certified that the life of the mother would be endangered if the fetus was carried to full term or (2) the pregnancy resulted from rape or incest when such rape or incest is reported promptly to a law enforcement agency or public health service. The text of the Act of 1980 followed very closely the language of the "Hyde Amendment" which prohibited the use of any federal funds for reimbursement of the cost of abortions under the federal Medicaid program except under certain specified circumstances.

Petitioners, consisting of named individuals suing on behalf of themselves and others similarly situated, a clergy person suing on behalf of himself and all others similarly situated, a physician and several non-profit organizations who render medical services including medically necessary abortions to the public generally and to persons receiving Medical Assistance from the Pennsylvania Department of Welfare, filed a petition for review in this Court seeking declaratory and injunctive relief which would prohibit the Respondents (collectively hereinafter Commonwealth) from implementing the provisions of the Act of 1980. While pretrail discovery was proceeding, Petitioners filed a petition for preliminary injunction which, after hearing, was granted by this Court. An appeal from that order was filed with our state Supreme Court which affirmed the action of this Court. *Fischer* v. *Department of Public Welfare*, 497 Pa. 267, 439 A.2d 1172 (1982).

FINDINGS OF FACT

We find as facts all of the stipulated uncontested facts except those we refused to admit on grounds of materiality. We deem it unnecessary to extend the length of this adjudication by reproducing those stipulations herein seriatim; rather, we will briefly summarize the salient facts required to support our conclusions of law.

Some Petitioners were indigent pregnant women financially dependent upon Medical Assistance from the Commonwealth who were not victims of rape or incest and who had been advised by their individual physicians to have abortions because should they carry the fetus to term, they would risk serious jeopardy to their health; but the physicians could not certify that an abortion was necessary to preserve the Petitioners' lives. If the pending legislation had been implemented, those persons and others similarly situated could not receive abortions funded by Medical Assistance. Physicians, including a named Petitioner, who provide clinical and private medical services including abortions to pregnant women, who receive Medical Assistance and who would be financially unable to pay for such abortions if the proposed legislation was implemented, would not perform medically necessary abortions for those persons. Such patients of such physicians may attempt self-induced abortions.

Several of the Petitioners are non-profit corporations who serve and educate the public in matters relating to human sexuality, birth control, population control and related subjects. These organizations also provide for medically necessary abortions to women receiving Medical Assistance, some of whom are victims of rape or incest.

The Commonwealth's Medical Assistance program by statute and regulation is designed to render medically necessary services to those who qualify. Among those medically necessary services rendered prior to the enactement of the subject legislation were necessary abortions which were carefully and specifically delineated as to necessity, timing, description of providers, manner of payment and utilization review. Certain broad categories of medical services and 24 specific medical services are not considered to be eligible for reimbursement under the Commonwealth's Medical Assistance program because such services are deemed to be medically unnecessary, e.g. experimental, cosmetic, and programs subject to fraud or abuse. Although the Department of Public Welfare (DPW) has on occasion waived these specific exemptions in the circumstances of a given case, the Commonwealth will refuse to fund abortions even where medical necessity and special need can be demonstrated. If the proposed legislation were to be implemented, abortions would be the only generally acceptable, medically necessary surgical procedure not reimbursable under the Commonwealth's Medical Assistance program. The Commonwealth has no evidence that abortions funded by Medical Assistance are the subject of widespread fraud or abuse.

All reproductive services for males are covered by Medical Assistance; all female reproductive services except abortions would be covered by Medical Assistance if the proposed legislation were to be implemented.

The Commonwealth furnishes some medical services under its Medical Assistance program which are neither required by the federal government nor reimbursed by the federal government.

In 1981, 1982 and 1983 approximately 12,000 medically necessary abortions were obtained annually by indigent women in Pennsylvania and paid for under the Commonwealth's Medical Assistance program. It is estimated that that figure will remain constant for the year 1984 and the foreseeable future. More than five times that number of abortions were obtained in Pennsylvania by women who did not seek or qualify for Medical Assistance to fund such abortions.

The average cost for a first trimester abortion in a hospital is $322.00 plus the physician's fee, $295.00 in a physician's office and $190.00 in a clinic.

It is extremely unlikely that women eligible for Medical Assistance have purchased health insurance that will cover the cost of abortion or that they will be able to accumulate more than minimal funds for an emergency.

In 1981, 12 percent of the women receiving abortions in Pennsylvania were 17 years of age or younger and 29 percent were 19 years of age or younger. Pregnancy among teenagers is a major public health problem with serious medical, health, educational, social, psychological and vocational implications for the mother and child. Children born to mothers age 15 and younger are 2.4 times more likely to be born with neurological defects than those born to women ages 20 to 24.

Women over the age of 35 have significantly more problems in pregnancy than women in their 20's and early 30's. A woman 40 years old is one hundred times more likely to die as a result of a pregnancy than a woman 22 years old.

The normal physical and emotional stress problems attendant in any pregnancy are more pronounced among indigent women and particularly among black indigent women. For example, black women are three times as likely to die during pregnancy as are white women.

If Medical Assistance funds are not available for medically necessary abortions in Pennsylvania, approximately 4,000 of those women who are in need of an abortion, will have no alternative other than to bear their pregnancy to term. Some of these women are likely to be afflicted with debilitating diseases prior to pregnancy and will have complications for that reason resulting from a pregnancy carried to term. In some such cases, stress will be increased to a point where suicide may be attempted.

If the proposed legislation were to be implemented, at least 98 percent of the abortions funded by the Medical Assistance program before February 15, 1981 and currently so funded will no longer be eligible for such funding. * * *

Because pregnancy is a progressive condition, physicians with very few exceptions, find it difficult if not impossible to predict with any degree of certainty at an early stage of pregnancy whether a patient will die or be placed in a life threatening situation at a later stage of the pregnancy. The requirement that to qualify for funding of an abortion under the Medical Assistance program, a physician must certify that the abortion is necessary to preserve the life of the patient or to avert the death of the patient is a criterion different from that applied to all other medical services eligible for reimbursement. * * *

From the testimony of the witnesses heard at trial, we find the following additional facts:

1. A dilation and curettage operation which will terminate a pregnancy would not be excluded by the statutes at issue.

2. Where the issue is whether or not the life of the mother would be endangered if the fetus is carried to full term, DPW will be imposing its judgment on that of the medical profession.

3. In the State of Ohio where statutes similar to those at issue here have been implemented, the result has been stress, delay, economic deprivation and special problems with teenagers. * * *

Petitioners' constitutional challenges to the legislation at issue are grounded upon the equal protection clauses of the Constitution of Pennsylvania, the so-called Equal Rights Amendment of the Constitution of Pennsylvania and the right to privacy under the state and federal constitutions. The equal protection and equal rights challenges attack the legislation as a whole. * * *

Although we have now decided that the statutes before us do offend the equal protection clauses of our state constitution, we deem it necessary to briefly consider the constitutional challenge based upon Pennsylvania's Equal Rights Amendment (ERA), because we believe that on appellate review it may be helpful for the reviewing court to have our opinion with respect to each of the constitutional challenges before us.

> Our Supreme Court has categorically stated that the purpose of the ERA is to eliminate sex as a "classifying tool." *Snider* v. *Thornburgh*, 496 Pa. 159, 176, 436 A.2d 539, 601 (1981).
>
> Petitioners contend, of course, that the statutes now before us do make a discriminatory distinction based solely upon sex. The Commonwealth is equally insistent that statutes based upon the unique physical characteristics of one sex do not constitute sex discrimination under the ERA. The Commonwealth relies upon case law such as *Geduldig* v. *Aiello*, 417 U.S. 484 (1974) which holds that where legislation related to pregnancies is involved, the classification is not between men and women but between pregnant women and non-pregnant persons and, therefore, is not gender-based.
>
> We believe Pennsylvania case law is to the contrary. In *Anderson* v. *Upper Bucks County Area Vocational Technical School*, 30 Pa. Commonwealth Ct. 103, 110, 373 A.2d 126, 130 (1977), this Court held that "since pregnancy is unique to women, a disability plan which expressly denies benefits for disability arising out of pregnancy is one which discriminates against women employes because of their sex." In *Cerra* v. *East Stroudsburg Area School District*, 450 Pa. 207, 213, 299 A.2d 277, 280 (1973), our Supreme Court held that a discharge from employment because of a physical condition peculiar to women, i.e. pregnancy, is "sex discrimination pure and simple." Again, in *Henderson* v. *Henderson*, 458 Pa. 97, 101, 327 A.2d 60, 62 (1974), our Supreme Court held that our law "will not impose different benefits or different burdens upon the members of a society based on the fact that they may be man or woman."
>
> Further, as this Court has noted, our Supreme Court has recognized that the ERA "is not confined to the matter of individual 'rights' in the sense of entitlements, but equally extends to elimination of discrimination with respect to burdens and obligations 'under the law.'" *Hartford Accident and Indemnity Co.* v. *Insurance Commissioner*, 65 Pa. Commonwealth Ct. 249, 255, 442 A.2d 382, 385 (1982). Thus, while the Pennsylvania courts are willing to discuss the possible justifications for discrimination, they have, at the same time, given weight to the unqualified language of the ERA.
>
> The Commonwealth argues to us that the indigent women in need of medically necessary abortions would be in equally bad circumstances if there were no Medical Assistance program. That argument misses the mark. There is a Medical Assistance program and once the legislature has decided to grant financial assistance to the medically needy, it cannot exclude persons from that grant on the basis of sex. In *Commonwealth* v. *Pennsylvania Interscholastic Athletic Association*, 18 Pa. Commonwealth Ct. 45, 334 A.2d 839 (1975), this Court sustained a constitutional challenge brought under the ERA to rule-making by the Pennsylvania Interscholastic Athletic Association, which we held to be state action, which would have prohibited girls from competing against boys in interscholastic sports. Judge Blatt wrote for the majority, that "[t]here is no fundamental right to engage in interscholastic sports, but once the state decides to permit such participation, it must do so on a basis which does not discriminate in violation of the constitution." Id. at 51, 334 A.2d at 842.
>
> *We are of the opinion that while Petitioners' argument under the ERA is not as strong as their equal protection argument, it is meritorious and sufficient in and of itself to invalidate the statutes before us in that those statutes do unlawfully discriminate against women with respect to a physical condition unique to women.* [Italics added.]
>
> In summary we hold that the state may not constitutionally deny Medical Assistance funds to indigent pregnant women who seek medically necessary abortions. * * *
>
> CONCLUSIONS OF LAW
>
> 3. Section 453 of the Public Welfare Code, Act of June 13, 1967, P.L. 31, as amended, added by Section 1 of the Act of December 19, 1980, P.L. 1321, 62 P.S. § 453 is unconstitutional because it violates the provisions of Article I, Section 28 of the Constitution of Pennsylvania. [The Pennsylvania State ERA.]
>
> 4. Section 3215(c) of the Abortion Control Act, 18 Pa. C.S. § 3215(c) is unconstitutional because it violates the provisions of Article I, Section 28 of the Constitution of Pennsylvania. [The Pennsylvania State ERA.] * * *

□ 1410

Mr. SENSENBRENNER. I yield to the gentleman from Minnesota (Mr. Weber).

Mr. WEBER. I thank the gentleman for yielding. I would like to compliment him for the tremendous leadership that he has shown to all of us on this whole issue of the ERA and I would like to join with him today in commenting on the Pennsylvania Commonwealth court decision of last week.

As the gentleman pointed out the court, which is immediately below the State supreme court, ruled that there is indeed a connection between the State ERA and proposed State laws prohibiting the use of State funds for abortion on demand.

This connection, according to Judge MacPhail, is "meritorious and sufficient in and of itself to invalidate the statutes before us in that those statutes do unlawfully discriminate against women with respect to a physical condition unique to women." End of quote from Judge MacPhail.

That sounds suprisingly like the precise line of argument that the gentleman from Wisconsin and others have been advancing with regard to the Federal ERA for some time.

In deciding the case of Fischer against Commonwealth Court of Pennsylvania, historic precedent has been set. The court has demonstrated, as many of us have been saying for years, and indeed as legal scholars have been saying for over 10 years that a State ERA can result in tax-funded abortions on demand.

I quote from Judge MacPhail's opinion on the case:

> * * * this Court held that "since pregnancy is unique to women, a disability plan which expressly denies benefits for disability arising out of pregnancy is one which discriminates against women employes because of their sex."

The Pennsylvania ERA categorically states that sex cannot be used as a "classifying tool" under law. Therefore, that "* * * the State may not constitutionally deny medical assistance funds to indigent pregnant women who seek medically necessary abortions." This raises a serious dilemma for many elected officials.

A current example is my State of Minnesota. The chief House sponsor of the State ERA is considering not bringing this bill to the floor because it may force her fellow lawmakers to make a tough vote. That is, a vote in favor of abortion. Meanwhile, current cosponsors of the amendment have indicated that they may support an amendment that would neutralize its affect on antiabortion laws, the abortion-neutral language that has been offered.

Mr. SENSENBRENNER. May I reclaim my time at this point.

What the gentleman states is happening in his State is somewhat parallel, but not quite, to what has happened in the State of Wisconsin. In 1982 the Wisconsin Legislature proposed for the first consideration an amendment to the State constitution that was introduced substantially similar to the Federal ERA.

During the course of the debate in the Wisconsin legislature both the State assembly and the State senate amended that proposal to make it abortion-neutral. And at that point in time a lot of the radical feminist organizations bailed out from their support of this proposal, so much so that the abortion-neutral State ERA has not even been reported from committee in the Wisconsin Legislature for its second consideration during the 1983-84 session.

I think this pretty vividly demonstrates what many of the more radical ERA supporters want the ERA to do, and that is to be used as a crutch to bootstrap into law cases which declare unconstitutional various restrictions on abortion.

The principal cases, of course, have involved abortion funding questions since many States in this country have adopted language similar to the Federal Hyde amendment. And the case that we are discussing on the floor this afternoon from Pennsylvania is one of those cases.

However, there are other cases which, of course, permit medical personnel in publicly supported hospitals to refuse to participate in abortions, so-called conscience clause bills that would be subject to a similar legal attack.

I yield to the gentleman from Minnesota.

Mr. WEBER. Is the gentleman telling us that the conscience clauses that protect the right of medical personnel not to participate in abortions could possibly be under some attack?

☐ 1420

Mr. SENSENBRENNER. Certainly as a result of the Supreme Court's holding in the Gross City case involving title 9, it said that where there are Federal funds the Federal Government cannot impose regulations. And Federal funds are granted to most hospitals and if the ERA becomes a part of the Constitution and there is a national constitutional prohibition against sex discrimination, these cases that we have seen coming from Pennsylvania can be used to strike down the conscience clause and force a doctor, or a nurse, or another health care personnel individual employed in that hospital to perform a procedure that is morally repugnant to that individual. That kind of argument and that kind of decision, if it should come to pass, would be morally repugnant to me.

Mr. WEBER. If the gentleman will yield further, I thank the gentleman from Wisconsin. The case of the Pennsylvania court and the case of the Wisconsin Legislature are very similar to the problem that we faced in Minnesota. As the gentleman from Wisconsin indicated, in Minnesota the abortion neutral language or language similar at the State level to what the gentleman has proposed at the Federal level was clearly gaining majority support in the Minnesota Legislature. And at precisely that point, the feminist organizations that had been pushing the State ERA in Minnesota decided to pull that ERA. They killed it for the last legislative session.

Now the authors of that legislation, in the Minnesota House of Representatives, have indicated they are not even going to bring the State ERA to the committee or the floor for a vote because they do not want any of their pro-life colleagues to be forced to vote on it.

I find it ironic because I am lobied, as I am sure the gentleman is, by feminist organizations all the time who say there is no connection between ERA and abortion. And if there is no connection I continue to wonder why they insist on having a pure ERA that does not specify that there is no connection.

Mr. SENSENBRENNER. Reclaiming my time, I think the gentleman raises two very significant points.

First of all, it is somewhat confusing when feminist organizations come and approach Members of Congress saying anybody who wants to raise an ERA abortion connection is raising a red herring, when those same feminist organizations are filing lawsuits, such as the one that was cited in Pennsylvania on Friday to use the State ERA to invalidate the State Hyde amendment and to establish a constitutional right for taxpayer funding of elective abortions.

The second point I think is also very interesting and that is that many of the feminist organizations have adopted a very stubborn rule or ruin philosophy in order to get this social agenda before the courts being bootstrapped along by the ERA.

Now there are very few Members of this House, myself included and the gentleman from Minnesota included, who object to giving women economic equality, equal pay for equal work, equal access to credit, promotions, education, and the like. But what has sunk the ERA in the State legislatures, when it was there for ratification, was the fact that there are some people in the feminist movement that wish to intertwine social issues with the economic issue. Making the ERA neutral on the subject of abortion will take one big stone of excess baggage off the ratification bandwagon for an economic equality amendment, an ERA that would be free of one of the most contentious social issues that is facing society today.

I wish that the supporters of ERA, if they were genuinely concerned about economic equality, would recognize that fact and decide to conduct a debate on abortion on legislative vehicles other than the equal rights amendment.

Mr. WEBER. If the gentleman will continue to yield, the gentleman makes an excellent point. I want to just expand a bit on it because we hear frequently and accurately from the feminist proponents of the equal rights amendment that the ERA carries broad support from the general public in popular opinion polls.

Now, that is technically true, if you take a poll and ask people if they are for ERA, yes, they will say, a majority, that they are in favor of it.

But I think that the gentleman from Wisconsin has identified the reason that most people say they are for ERA which is because they want economic equality. And it is interesting. If you look at polls on other questions such as specifically the question of taxpayer funding of abortion, you find an even larger majority of the people against taxpayer funding of abortion. But the average person that says that he or she supports the ERA has no notion that there is a connection between the ERA and abortion. They simply want their economic rights, as the gentleman from Wisconsin has pointed out.

Mr. SENSENBRENNER. Reclaiming my time, I took a survey in my district last year that indicated 84 percent opposition to taxpayer funding of abortions on demand. Furthermore, a 1980 Gallup poll indicates that 70 percent of the public is opposed to using women in combat should the United States go to war, which is an overwhelming majority in both cases.

Now, the legislative process, being what it is, it seems to me that we could make both sides happy by amending the ERA to make it neutral on the question of the military as is proposed by the gentlemen from Florida and Michigan, Messrs. SHAW and SAWYER, and by adopting the amendment which I have introduced making it neutral on abortion. Then we can go on and pass an ERA that would attack economic discrimination without being saddled with all of the other social issues that we have been discussing.

Mr. WEBER. If the gentleman will yield further, there is also something underhanded, if I might use the term, about approaching issues such as taxpayer financing of abortion and drafting women and women in combat through the ERA. Keep in mind the Congress, as the gentleman of course knows, can right now vote to change the law on any of those issues. The Congress could this week, if it chose to do so, pass laws drafting women, forcing the Pentagon to assign them to combat, mandating the taxpayer financing of abortions. Why do we not do it? We do not do it, first of all, because the Congress has deemed it bad public policy and more importantly, because the vast majority of American people do not want it.

There is nothing that prevents us legally from changing that law, if that is the way that the American people want. But that is not what the American people want. And with the ERA what they would be getting is those policy decisions that they do not want without being able to hold elected officials accountable for voting for them, because it would happen through the judiciary.

Mr. SENSENBRENNER. I thank the gentleman from Minnesota for his very erudite and on-point statement.

I did not intend to further bring up the ERA abortion connection when I left Washington last week to go back home to Wisconsin, but I believe that the court decision in Harrisburg, Pa., was so significant and so sweeping that it ought to be brought to the attention of the Congress and of the American public that now, for the first time, a court has established a constitutional entitlement to taxpayer funding of abortions that are not necessary to save the woman's life and not necessary as a result of rape or incest of the woman. This is the first time in American jurisprudence when any court has ruled on the merits on that particular issue.

I think that the Hyde amendment has strong support in the House of Representatives. I think it would ill behoove this House to repeal it by the backdoor as a hidden issue in some other piece of legislation. A constitutional amendment no less which cannot be repealed or modified very easily once it is ratified by the State legislatures.

So again I would reiterate my plea that if the equal rights amendment is brought on the House floor again, it not be done under the suspension of the rules or closed rule procedure so that an amendment, such as the one that I have drafted making the ERA abortion neutral, can be offered. I am sure if offered it would be adopted by a majority of this House.

● Mrs. LLOYD. Mr. Speaker, the concerns of many of us who, while supporting equal rights believed that the existing language of the ERA could result in abortion on demand, have been realized. As has already been stated, a Pennsylvania court has ruled that that State's ERA is sufficient to require medicaid funding for abortions on demand. And I think it is interesting to note that Judge MacPhail said in his memorandum that it was necessary for the court to consider the case based upon the Pennsylvania ERA so that the appellate court would have an opinion based on each of the constitutional challenges.

This is precisely the clarification many of us have been trying to include in the language of an ERA so that it can go to the separate States and be ratified by them.

In Roe against Wade, the Supreme Court gave to women a constitutional right to terminate pregnancy. But the Court has also stated that there is no obligation on the part of the taxpayer to pay for this freedom of choice. As a result, through the Hyde amendment and through similar language adopted by State legislatures, public funding of abortions has been restricted. This is what the State of Pennsylvania had attempted to do and the wording of their effort will sound very similar—limit funding of abortion to cases of rape, incest, and life endangerment to the mother. But a Pennsylvania court last week found that this funding restriction imposes an undue burden upon the fundamental right of indigent women to have an abortion not only because of the State's equal protection clause but also because of its ERA. In fact, that ERA is enough in and of itself to strike down the abortion funding restrictions. In so doing, the Court has stated that the right of the mother to an abortion takes precedence over the right of the State in protecting the life of the unborn.

Many of us stated last November that such funding restrictions could be interpreted as discriminatory notwithstanding the fact that pregnancy is unique to women and we asked to have questions like this one resolved by the Congress before we sent an ERA to the States for ratification. It is our desire to be a constructive voice in removing existing barriers to full and equal opportunities for women, but we must recognize that there are urgent needs, evidenced by this Court decision, for clarifying amendments.●

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

RESIGNATION AS MEMBER OF SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

The SPEAKER laid before the House the following resignation as a member of the Select Committee on Children, Youth, and Families:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 12, 1984.

Hon. THOMAS P. O'NEILL,
Speaker of the House of Representatives, H204 Capitol, Washington, D.C.

DEAR MR. SPEAKER: I would like to submit at this time, my formal resignation from the Select Committee on Children, Youth, and Families.

Sincerely,

MICKEY LELAND,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS MEMBERS OF SELECT COMMITTEE ON HUNGER

The SPEAKER. Pursuant to the provisions of section 3 of House Resolution 15, 98th Congress, the Chair appoints as members of the Select Committee on Hunger, the following Members of the House:

Mr. LELAND of Texas, chairman;
Mr. HALL of Ohio;
Mr. TRAXLER of Michigan;
Mr. HIGHTOWER of Texas;
Mr. PANETTA of California;
Mr. DASCHLE of South Dakota;
Mr. FAZIO of California;
Mr. GEJDENSON of Connecticut;
Mr. KOSTMAYER of Pennsylvania;
Mr. BRITT of North Carolina;
Mrs. BURTON of California;
Mrs. ROUKEMA of New Jersey;
Mr. EMERSON of Missouri;
Mr. MORRISON of Washington;
Mr. GILMAN of New York;
Mr. EVANS of Iowa; and
Mr. ROBERT F. SMITH of Oregon.

APPOINTMENT AS MEMBERS OF U.S. DELEGATION OF THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP FOR THE 2D SESSION OF THE 98TH CONGRESS

The SPEAKER. Pursuant to the provisions of section 276h, title 22, United States Code, the Chair appoints as members of the U.S. delegation of the Mexico-United States Interparliamentary Group for the 2d session of the 98th Congress the following Members on the part of the House:

Mr. DE LA GARZA of Texas, chairman;
Mr. YATRON of Pennsylvania, vice chairman;
Mr. KAZEN of Texas;
Mr. SKELTON of Missouri;
Mr. KOGOVSEK of Colorado;
Mr. ALEXANDER of Arkansas;
Mr. BARNES of Maryland;
Mr. LAGOMARSINO of California;
Mr. RUDD of Arizona;
Mr. GOODLING of Pennsylvania;
Mr. DREIER of California; and
Mr. BEREUTER of Nebraska.

APPOINTMENT AS MEMBER OF SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

The SPEAKER. Pursuant to the provisions of section 3 of House Resolution 16, 98th Congress, the Chair appoints the gentleman from California (Mr. MARTINEZ) as a member of the Select Committee on Children, Youth, and Families to fill the existing vacancy thereon.

PHARISEES, PHILISTINES, AND FAIR TRADE IN STEEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, the Steel Caucus finally, hopefully, and I think justifiably, has a bill. It is called the "Fair Trade in Steel" bill. It is one we have fought for for the last 15 years. It is a bill that has the strong support of both labor and management.

I think it is a fair bill. It still maintains that this market can be a world market, allowing 15 percent of what our total uses are to come to us from other countries. We will remain the biggest, widest open market in the world, continue to, and still, under the terms of this bill, protect the steel industry in this country.

We have looked far and hard, and we have had a lot of people here in the Steel Caucus, Members of this House, who have participated formally and informally. One of those Members, my good friend from West Virginia (Mr. MOLLOHAN), has been so active with the Steel Caucus that I think this occasion here should be especially dedicated to him and his efforts. I would make reference to the fact that if it were not for him, I think we would be far, far away from having a completed article. The gentleman has been most cooperative, he has served on the executive committee and served in a yeoman's capacity. He served in some very difficult situations.

So at this time it is my pleasure to yield to my colleague on the Steel Caucus in this great House of Representatives, the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Speaker, I appreciate very much the kind comments of my colleague, the gentleman from Pennsylvania, and I would just like to compliment the chairman of the Steel Caucus, my colleague from Pennsylvania (Mr. Gaydos), for the real efforts and dedication that he has given to bringing to this question some fairness and some balance and some tools that our steel industries can use in order to get themsevles back on their feet and to compete fairly without foreign competition.

As the gentleman from Pennsylvania knows, I am from the northern district of West Virginia. We are a basic-industry area, and we are heavily dependent upon the steel industry for the livelihoods of the men and women who live there. Much like the area of my good friend from Pennsylvania (Mr. Gaydos), we are hurting badly. Of course, part of that is because of the recessionary period that this country is going through and that the world is going through, but a very large piece of that has to do with unfair foreign competition, and that is subsidized foreign production of steel products and the dumping of them in the greatest market of the world, the United States of America.

The legislation which Mr. Gaydos just spoke to that has been introduced and sponsored by the Congressional Steel Caucus, the Fair Trade in Steel Act of 1984, I agree will go a long way in creating that level playing field. It is a quota bill. It allows 15 percent penetration of the American market; and that, to me, is a very fair share to allow Europe, Japan, and the developing nations to have. If what is going on with regard to importation of foreign steel into this country is allowed to continue—we had a dramatic increase just over 1 year, almost a 100-percent increase in the percentage of foreign steel into this country; in January 1984, we had 26 percent foreign steel consumed in this country, a dramatic increase—if that is allowed to continue, there is no question but what we will not have a steel industry in the future as we have had in the past. And that is unacceptable from any standpoint. It is unacceptable from an economic standpoint.

This is a great country. We have an integrated economy. We need basic industry, and certainly basic steel, if we are going to be a viable economy.

It is also unacceptable from a national security standpoint.

So I am very pleased to be supportive of the legislation which the chairman of our Steel Caucus has been instrumental and has worked so hard in forming.

Mr. GAYDOS. Mr. Speaker, I want to thank my colleague, and I wish to commend him for the close liaison we have enjoyed on some of our conservation projects, especially the Cheat River project. I think it was important to the State of West Virginia and very important to the city of Pittsburgh and the State of Pennsylvania. So I wish to commend him for being a national legislator, along with his dedication to the needs and economic conditions as they exist in West Virginia. The gentleman should be complimented.

Mr. MOLLOHAN. I thank the gentleman.

Mr. GAYDOS. Mr. Speaker, I believe that these special orders should be used to explain what the Steel Caucus is, how it functions, and how effective it has been. Or has it been? I ask myself that question.

The Steel Caucus has been in existence roughly 5 years. And in those 5 years, it has accomplished many things. Very recently, just 6 months ago, the Steel Caucus was a champion and the primary supporter of "Buy American" in the transportation bill. We rallied the support of a lot of our colleagues in the House, including our friend, the gentleman from Texas, who helped us support the "Buy American" provision. As a result, we do have a strong, meaningful "Buy American" provision in the Transportation Act.

I yield to the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. I thank my distinguished colleague from Pennsylvania, and I rise only to interject two thoughts, principally that I think would be in line with the purpose of the gentleman's special order as the gentleman just explained it, but also to underline and stress the importance of the Steel Caucus, its development.

I was one of those far away, in another district which has nothing to do with steel or in fact the type of industrial activity for which this area of Pennsylvania is so crucial to the national industrial and economic well being, yet I joined in spirit and in fact the Steel Caucus, if I remember correctly.

I think that we might tend to overlook, those of us who do not have an immediate area of association or interest. You know how it is up here, we are impacted by a plethora of questions and issues, and each one of us will have some intimate association with perhaps one or two of those. The overwhelming, preponderant majority may not. But in such a critical issue as this, I think the record ought to reflect some things that the gentleman has done that perhaps are not in the record.

For instance, I will ask the gentleman if his district does not include the city of Homestead, Pa.

Mr. GAYDOS. Yes; it does.

Mr. GONZALEZ. Is it not a fact that in Homestead, Pa., where you had, say, 15,000 steelworkers employed, a plant closed last December, with about that many suddenly out on the street and unemployed? Is that not a fact?

Mr. GAYDOS. There are other plants in the immediate area that would enjoy proportionately statistics to that effect, I want to inform my friend, yes.

Mr. GONZALEZ. In that area or in the vicinity of Homestead. Is it not also true, and I think as a direct result of what you initiated here and some of your colleagues and some of your predecessors, that right now you have a citizens group really trying to bring back the fundamental purpose of that industrial activity, which is to provide employment and production for the United States, in formulating a plan, even though it may not be immediately feasible? I have the security that ultimately it will be. Since the corporation has quit the people there, the people themselves, as I understand it, are now organizing and have produced some very refined and very-well-thought-out plans.

I wonder if the gentleman would not give us a report on that, because I think this is of extreme importance. Some of us who do not come from that area ought to be told about it, ought to be shown the direct connection of the gentleman standing there lonely hour after lonely hour, week and month and year after year, and seemingly receiving nobody's attention, when the truth of the matter is that it has, and it has been effective in a meaningful and direct way.

I also would like to point out a corollary thought which touches on the area that I have been active in discussing, from the standpoint of my membership on the Banking Committee, and that is the direct impact of the credit allocations of the Nation for the purposes of production and maintenance in the competitive world of the steel industry, because the very same company that closed its doors in the great area of activity in the gentleman's area just last December, claiming that it was not making a profit and losing money, turned over a tremendous amount of its resources in the speculative venture of taking over an oil company in a merger.

This is what we call allocation or misallocation of credit resources, all of that made possible by the fact that these creditors speculative interests have taken over control of the allocation of credit resources of our Nation. And this is the reason why some of us have been advocating the reform, for instance, of the Federal Reserve Board, whose laxity and abdication of its responsibilities has resulted in this kind of speculative venture by the bankers and those who control the credit allocations of our resources.

☐ 1440

But I think if the gentleman will consider it advisable, that your achievement there, in your own area, what you are doing now, from the people's standpoint, would be very, very valuable, and would add to the store of knowledge of those of us that have listened to you, cooperate with you, and also may I conclude by saying that I wish to join you in the legislation that you are introducing.

Mr. GAYDOS. I want to thank my colleague, and I unequivocably would have to state that you said it so well. I myself would have little to add to it because you stated it so clearly. But may I say that the group the gentleman referred to technically is called the Mon Valley Unemployment Council.

As a group, if those that are within distance of my voice, for want of a better descriptive term, under the rules of the House, for want of a better reason, I am exemplifying by saying what would anybody in the immediate hearing of my voice do if he were counted one of maybe 4,000 or 5,000 people that lost his job? Now, how would you react?

You are in the age category where you cannot be retrained, or if you could be retrained, it is a long process; and second, the question has already been asked, retrained for what?

If you are in an immediate area of unemployment do you retrain a person for a computer job?

Mr. Speaker, I yield to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. I thank the gentleman for yielding.

Mr. Speaker, I would like to add my compliments to the gentleman from Texas and just say that he has put his finger on a point that I think it worthwhile making, and it is significant that he from Texas has recognized it.

That is the self-help that is going on out there in basic industry areas, and particular steel areas. He described the activity in the gentleman in the well's district. I would point to the workers at Weirton Steel, who have just undertaken the largest employee stock ownership plan in this country. They have ventured out at great personal risk in order to save their mill, which represents the substance of Weirton, W. Va.

We have also had the United Steel Workers, who have taken concession after concession during this last year. So, as the gentleman pointed out, we have this self-help going on all over and all throughout the steel industry.

There is one thing that is lacking: that is protection from unfair foreign competition and this foreign subsidization. That is why the Fair Trade in Steel Act of 1984 is so important, as the gentleman from Pennsylvania is so much aware, because he is practically the author of it and certainly the prime mover behind it.

That legislation will create the kind of level playing field to protect this country from that unfair foreign subsidization that will allow these concessions that have been taken that will promote and prompt and provide incentives for the kind of investments in our steel industries that need to be made, and make us overall competitive.

I would just like to compliment the gentleman from Texas (Mr. GONZALEZ), and I appreciate his recognizing it because it reflects that our plight and the efforts that the self-help efforts that are going out around the country in the steel industry are recognized on a very broad base.

What we need to do, and I repeat, is to put in place the fair trade legislation—not protectionist legislation, but fair trade legislation to allow these efforts that are being taken out there to take root and to grow and to insure the prosperity in the future of our American steel industry.

Mr. GAYDOS. I thank my colleague for his very pertinent remarks, and I think quite accurate.

As I was saying before I yielded to the speaker: What would a worker do if he found himself in an inextricable position—one of thousands of unemployed in an area that is difficult to retrain and yet he had family obligations, mortgages to meet, debts that have been incurred, young people in the family that want and have a right to pursue their education; what do you do?

Here is what they did in the areas that the gentleman from Texas referred to, that Mon Valley unemployed group. They got together, picked themselves up, theoretically by their own bootstraps, put a working active group together, No. 1, first to address themselves to the primary need and that was to take care of people who are running out of unemployment checks.

They put up a food bank. To put that food bank together, to finance it, to make it a practical food bank, one with real food in it, they solicited the neighborhood. That was their first move.

Second, they started among all things, and I am on the Education and Labor Committee, they started a new job training program amongst themselves by simply going to their friends in business and other places and asking them if they would allow some of the unemployed steel workers to get onto the job and receive training. They did it formally and informally in ad hoc groups. They actually put into place a manpower training program themselves. They had an enviable record at having placed in a neighborhood something like 160, or 180 at last count, people into jobs, with a little bit of training in some areas. In some instances no training.

They did through sheer effort find jobs for these unemployed colleagues of theirs. Those in the same boat. They did these things. Why, here on the Education and Labor Committee we spend literally millions, hundreds of millions of dollars to solve that same problem through job training, job placement, counseling, and things of that nature.

On top of that, some of the activities were probably a little more potent than that, as my good friend from Texas well knows. Because the acts, and the reputation of the acts did spread because the unemployed group had a hard feeling as far as the shut down factories and mills and they took the position that the local banks, the local banks were not active or participating actively in financing, say, new machinery or renovations in the plant and things of that nature.

They, at the time, took out their wrath on the individual lending institutions. That took many forms; some situations were confrontations. They confronted each other and had somewhat of a rowdy atmosphere, but they were picketing the banks. Picketing them with the hope in mind that they would force the banks to reconsider and make money available to the U.S. steel industry in the immediate area.

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Some acts even took on other forms of nonviolence, but sustained picketing. That group is still in existence. It is still monitoring the unemployment situation, helping through a series of events that they have had, and also personnel that is manned voluntarily to advise people where to go to aid for an unpaid gas bill, an unpaid electric bill, or someone who has medical problems and is not covered by medicare or, rather, not covered by their old, expired planned protection policy.

So all those things were done under the theory of self-help, and I think in most instances, there were some exceptions, it could be lauded as affirmative rather than negative.

But that is the rough situation. I do not have to dwell upon it because my good friend, the gentleman from Texas, heard about it in Texas. I am sure he is familiar with it.

People are the same in all geographical areas of the country. There are no differences. As they cry and laugh in Texas, so the same thing occurs in Pittsburgh, down in Atlanta, over in San Francisco. People are people. The world has shrunk so dramatically in the past 20 years that they are the same over there in Hong Kong, the same in Manila, and over in Paris, and yes, over in Stalingrad in Russia, too. So there is no difference as far as people are concerned.

But getting to the main purpose of this special order today, I want to give a very concise background of why we in the Steel Caucus put together this legislation after so many years. It is very simple. It is not complicated, what it is intended to do, and some of the worldwide statistics of why we did this. Who is doing what to this country? That simple question.

Are we a trading company? Are we a country, or are other countries getting ahead of us? Is the American worker nonproductive? Has the American businessman or capitalist, so to speak, he as a person, is he lost, his alter ego? Has he become impotent? Is he no longer a competitive international businessman? Is the whole country going down the drain?

Those are nice questions. The introduction of this act is based upon these facts which I am just about to give you.

Mr. Speaker, tucked very closely between Pharisee and Philistine in one standard reference I use is the term philanthropy. One explanation found in the book suggests to me that an unwise philanthropist is one who would set fire to his house to give light to his neighbors. Just think about that. Never mind that both he and his neighbors will be shelterless whan the bad times come and the house is gone and the fire is burned out. What he craves as a philanthropist is the warm feeling in his heart that comes from having done some good, no matter how momentary it was or is.

What of the neighbors? They are more concerned, I believe, about doing well while the light is lasting and the house is burning. Looking at that analysis, this is also a fairly accurate description of American trade policy in recent years. Banking that fire is what this new, strong, 1984 version of the Fair Trade in Steel Act is all about.

Many American industries and hundreds of thousands of jobs have been burned to do good for somebody, but nothing so basic as steel has been kept to the flame quite so long or gutted quite so badly. In little else have our international trading neighbors done quite so well.

Steel is the foundation of every economic miracle in the world, those that have been claimed and those that are in the making today. One nation's miracle could be and many times is another nation's holocaust. They have done well before, and I am talking about our trading partners, because this American market is wide open and because American policymakers have chosen to ignore subsidy, to overlook dumping, and to tolerate the wildest kinds of anticompetitive practices, practiced by all these nations in the world in their thrust and their penetration of our market here in this country.

How well have they done, these foreign friends of ours, these trading partners, for want of a better term? Well, in January more than 1 ton in 4—1 in 4—of steel sold in the United States was imported. That share was 26 percent of the market. It comes on the heels of a 22-percent year in 1983. It is a time of world overcapacity in steel.

Our partners are willing to sell at losses to keep their mills going and to keep their employment up. In the meantime, ours in this country is the only major steel-producing nation in the world that cannot meet its needs out of domestic production. Just remember the implications of that very simple statement.

If we were thrust into a war tomorrow, we could not produce enough steel to take care of our war needs, let alone our domestic peacetime needs. That is a pretty rotten barrel of apples in the way I think.

How did we come to that position, and why, with 200,000 steelworkers out of jobs and all the allied, accompanying, spinoff industries and fabricators and machine shops, literally hundreds of thousands there, little things. How did we come to that situation?

We have, in my estimation, no government ownership. The world is adding capacity. It is mostly government owned. We in this country do things through a so-called laissez faire type of government. Keep government out of industry. Industry, through the free marketplace, will take care of competition, the prices will be kept down and they can compete.

But I am going to unveil to you today in very simplistic terms why that cannot work, and it is not me saying it. There are an awful lot of other people, and experts, and traders, and economists, and internationalists. Those are the ones who are now saying it.

Yes, we have been harping for years, we have been suggesting, we have been throwing facts up for the consummation and consideration of our colleagues and for the business community generally. It is only recently that this thing now is all becoming very, very clear, crystal clear, and now reason, hopefully, is going to prevail.

Almost 45 years ago, in creating lend lease—I am talking about this country—President Franklin Roosevelt told the Nation what is a good neighbor. He said a good neighbor offers his garden hose when your house is on fire. Today our partners in world trade bring buckets of gasoline to our house. That is what they do. And it is to our housewarming. Those carrying the gasoline are those who have not yet had to face investigations of subsidy and dumping in our cumbersome trade mechanism that exists in this country. Those who have faced it have been found guilty of gross subsidies and dumping, and they generally are under some kind of discipline.

This is according to our law and international trade agreements. The newspapers have been replete with situation after situation where it has been admitted as a matter of record that these foreign governments are admitting to their indiscretions and their violations of GATT, the General Agreement on Trade and Tariffs, criminal violations. Again, this is not me speaking. It is a matter of record.

But American steelmakers and steelworkers in our country have spent millions upon millions of dollars prosecuting scores of these cases, and the conflagration continues and the fires are burning.

You see, as our traditional partners accepted some limited discipline, the gasoline haulers showed up. These nations fall chiefly into the import category that shows up on the list as "other," this one plain term "other," as a big broad list as to what is coming into the country. "Other" is by far the largest factor in the continuing surge of imported steel into the only big open market here in this country. A look at the import figures for 1983 clearly shows which nations chose to maintain and sustain their economic stability at our expense as our traditional trading partners were properly disciplined for subsidy and dumping. Canada, South Korea, and Brazil were our second, third, and fifth ranking trading partners in steel last year, in 1983. We really cannot call it a partnership, Mr. Speaker, because the word suggests some kind of mutual benefit. With these three, there was little exchange. They sent steel and we took steel.

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Their policy was to send and to keep their workers on the job. Ours was to take the steel and keep them happy and keep them stable.

All of us have been reading about the instability of the international market and the banks and how much money these countries owe us. They cannot pay on these bank notes, and if they cannot pay on these bank notes, the banks are going to go bankrupt, they are not going to pay their debts, and they are going to default. So what happens if this country keeps taking their exports?

Almost 70 percent of the steel Canada exported in 1983, last year, almost 70 percent of what they made up in Canada in those furnaces came into the United States. This is according to a calculation that I have made through available figures. I am not as firm on this estimate as I could be because all of the figures necessary to make it were not available, and some numbers that might have gone into the calculation had to be projected.

We had to put them in anyhow; they were not really accurate. But if our astounding share of Canadian exports falls in the hard numbers that are available—and those are the final ones—I do not think it would fall below 60 percent or 65 percent, and I really do not think it will fall appreciably at all. However, there is a hard, fast, and certain figure that says much and speaks loudly. That is a very, very revealing figure. We took nearly 17 percent of Canada's total steel production in 1983.

This is up from 13 percent in 1979. It could hit 20 percent in the very near future. In addition, Canadian steel exports to the United States are up 117 percent from 1973. That is roughly in the last 10 years, which is not that long ago in the area of international trade. Imports for 1983 were up 29 percent over 1982. I am talking about all imports from Canada. They were up 29 percent. And if the January figures hold, they will be up 56 percent in 1984 over 1983, so that is another 25 percent on top of it.

By the way, for those who blame the surge of imports on American labor costs—and there are many who do; they say that American labor is going through the ceiling and getting paid more than anyplace else in the world—I would point out that there is hardly any difference in the wages paid here in the United States and those that are paid across the border in Canada. In addition, the Canadian Government provides some workers' benefits there that are a cost of doing business here in this country.

Our trade deficit with Canada was nearly $14 billion last year. That is $14 billion as the trade deficit, and around 6 percent of it was in steel alone.

Meanwhile, South Korea is building a new steel mill for export in a world that has now presently existing an overcapacity, and there is only one open market, that is, ours, that amounts to anything. South Korea sent us close to 36 percent of all the steel exported in 1983. That is 36 percent of its exports, and I should be applying to this figure some kind of a caveat when you take a look at Canada's 17 percent. The hard figure is that we took as imports more than 13 percent of South Korea's total production. Imports from South Korea are up by 63 percent in 1983 from the year before. That is 63 percent. They did not send them to Japan, to Taiwan, they did not send them to West Germany or to Canada or Mexico or Brazil or Argentina or to any other country—you name it and we will put it in—they did not send them there; they sent them here to this country. But the telling rise is that 235 percent increase since 1973 as the South Korea industry built. Mind you, in the last 10 years from South Korea we are taking 235 percent increases in exports.

Steel is listed as a 100-percent government enterprise in South Korea. Do you know what the unemployment rate is in South Korea? It is 3½ percent. It has been that way for many, many years. It is 3½ to 4 percent in South Korea, a country where 60,000 U.S. servicemen met their deaths. Here in this country we are lucky to get down to 8 or 8½ percent, and we have been hovering around 11 and 12 percent.

Our trade deficit with South Korea, that is, the trade between South Korea and this country, was $1.2 billion in 1983, and that is according to figures that were recently published. Mind you, that is a $1.2 billion deficit. We buy more from them than they buy from us. By my calculations, about 40 percent of that deficit, almost half, was in steel.

The South Koreans estimate we took 34 percent of all the goods that they exported in the first 9 months of 1983. That is 34 percent of everything they made. I guess that means safety pins. I guess that means anything you can think of—straw hats, steel, anything.

Let us go to No. 5, Brazil, which moved up rapidly. That is another nation that is adding capacity even now with world overcapacity. I believe the papers said here recently that Brazil owes us something in the neighborhood of around $70 billion. That is $70 billion over the years. Brazil sent to the American market—and I guess they have to send it to make money to pay that debt—almost 31 percent of all the steel it exported in 1983.

Now, Mr. Speaker, that is a lot of steel, and it is very peculiar. It is very peculiar that practically one-third of all the steel they make is sent into this country. It did not go to Mexico, it did not go down to Argentina, it did not go to Europe. Imports from Brazil were up 108 percent in 1983. That is 108 percent last year over the year before. And they have risen since 1973, in the last 10 years, that is, Brazil's imports to this country have risen 716 percent. In 1979, we took 2.8 percent of Brazil's total production. That is 1979. And last year we took almost 8 percent.

The Government of Brazil controls 77 percent of their steel industry, according to the filings that I mentioned. That is over three-quarters. The Government owns it; it is not free enterprise.

In addition, our trade deficit with Brazil was $2.3 billion in 1983, last year, and about 11 percent of it was in steel. That is $2.3 billion to Brazil.

Now, the list of arsonists carrying that gasoline which I talked about is not much longer, Mr. Speaker, and I will move through it very quickly. Numbers can be boring, but they are also important in this instance and I must make them as a matter of record. The increases are very concise, but they are just absolutely enormous. There is no better term to describe them.

Mexico increased steel imports into the United States by 476 percent last year. They are up around 429 percent from 1973. We took 8.5 percent of Mexico's total production in 1983, which was a 6.4 percent increase over 4 years ago. Mexican steel is listed as 100 percent government controlled.

Spain increased its steel imports 12 percent in 1983. They were up 542 percent from 1973. We took 4.3 percent of Spain's production, and Spanish steel is 77 percent government owned.

South African imports rose by only 5 percent in 1983, but they were up 663 percent from 1983 to last year. The only open market in the world, this country, took 7.1 percent of South Africa's total production. The industry in South Africa is 89 percent government owned.

Argentina sent to this country 51 percent more steel last year, in 1983, than in 1982, but it was only 9 percent above 1973's pace. However, we took close to 8 percent of Argentina's production. Government ownership is 100 percent in Argentina.

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Swedish steel fell by 27 percent in 1983, but it was up 44 percent from 1973 to the present. The amount we took represents 4.6 percent of total production. Government control in Sweden is 100 percent.

Australia increased its steel exports here by 49 percent in 1983 and that was a 640-percent increase over the last 10 years from 1973. This comes out to be an estimated 18.4 percent of Australia's exports and 3 percent of its total production.

Taiwan is a capacity-added nation of the first degree. They plan to be at about 8 million tons by 1990. Right now I have read that they are making around 3.5 million tons and Taiwan increased its steel exports to this country by 50 percent over last year and that was a 72-percent increase from 1973, the last 10 years. Those exports represented an estimated 15.3 percent of total exports and 3.2 percent of production. The industry is 100-percent government controlled in Taiwan. We take about 40 percent of all the things Taiwan exports, about 40 percent of everything they make.

Finland sends 62 percent more steel in 1983 and the 10-year increase is one of 1,500 percent. The imports represent 7.4 percent of production. The industry is 74-percent government controlled.

Venezuela last year sent us 3,060 percent more steel than it did in 1973. They must have put a new mill on line. Imports were up 393 percent in 1983 over 1982. Our imports were 6.2 percent of production of an industry that is 100-percent government controlled.

Meantime, these same nations do things to protect the markets and the industries they judge to be important in their home markets. They import very sparingly. This is a matter of fact. They do not confine it to steel, either. They put a lid on all imports going into their countries. They are not going to have unemployment. They export their unemployment to our country; but I will stick to steel for the few examples I will mention on this subject.

Canada has highly accelerated depreciation writeoffs for steel, faster than a speeding bullet, they might say in the industry, and rigorous buy-Canadian policies. That is nothing but passe in Canada. Everything is buy Canadian. Their law tells you that.

We had the same experience with the pipeline. They promised us when the northern pipeline was being built in Canada to take some gas over, they promised us unqualifiedly, we will do the best, we are going to make sure you have American pipe. It was built with all Canadian pipe. They are so clever, they increased the diameter of the pipe just to fit their specifications.

I do not know what the latest figures are, but American pipe going into Canada suffers around a 14- or 15-percent tariff, while Canadian pipe, identically the same pipe, coming into this country has a 2-percent tariff.

What about those things? How do you confront it? What does an American businessman do in order to compete with something like that?

South Korea's steel industry demands and gets, according to the Korea Newsreview magazine, one of their magazines, protection with tariff and nontariff barriers. They also get low-cost loans and many other different types of financial help.

In addition, going back to the Brazilians, they have import licenses and their law is of similarity, which control or prohibit most imports of almost anything that they manufacture at home in Brazil.

Even the Australians put a quota system in place for their steel industry last summer—little Australia, not of much world significance, but apparently their Government officials are rather attuned to international problems and policy. They had no hesitation about creating an international trade war. What they did, their goal was to give the Australian industry between 80 and 90 percent of their domestic market, along with more than $300 million in modernization assistance from their Government—$300 million.

Australia's new Prime Minister recently said he plans to follow development policies for some of their industries over there in Australia that are similar to those used to create strong growth in Japan and other countries in Australia's immediate region.

Could there be still another Pacific miracle in the making and another holocaust?

This is the state of things in the category generally listed as "others" which I referred to, Mr. Speaker. Canada and others account for about 49 percent of the steel that came here into this country in January; mind you, 49 percent of the steel came into this country in January.

What you have is a sketch of nation after nation, and I will laboriously put them into the RECORD, maintaining and supporting the steel industry out of this market, the only big open one that is left in this world. That is how they do their business.

Clearly, it is a case of our Uncle Sam, the warmhearted but foolish philanthropist, which I mentioned when I opened my remarks, being sandwiched between the Pharisees and the Philistines, as he torches his own house, not for his benefit, but theirs.

More than $6.8 billion of our $69 billion, almost $70 billion merchandise trade deficit last year was in steel. Mind you, almost $70 billion was in steel alone. That is according to testimony given just this last week to the Steel Caucus by the chairman of Bethlehem Steel, and steel is an internationally traded commodity for which the natural market mechanism has long since broken down, believe me.

The acting president of the U.S. Steelworkers of America said this before the Steel Caucus last week:

> Mr. Speaker, the market mechanisms do not break naturally or even wear out. It was broken out by generous foreign government capitalization, by foreign government ownership, foreign government subsidy, by foreign governments dumping into this country and by foreign governments carrying on all types of anti-competitive practices, regardless of the limitations and the provisions of the international trade law, which is known as GATT, the General Agreement on Tariff and Trade.

It is supposed to govern all countries in this world. As was said by the man who started this whole thing, Adam Smith, the economist:

> The trades carried on by bounties are the only ones which can be carried on between two nations for any considerable period of time in such a manner that one of them shall always regularly lose.

That is true. We have been losing at this one since the late 1950's when imports were just a little over 2 percent, when we had every advantage, comparative and otherwise, and in January, 2 percent in 1950, as I said before, 26 percent; 25 years is considerable and the increases, as the record shows, have been regular. When a government gets capital for your competition, when it protects its markets as the industry grows, when it encourages exports with bounties, comparative advantage is meaningless and it means nothing in world steel today. If it meant anything, much of our competition would be out of business. None of them are able to sell here when their subsidies and dumping markets are legally offset by suits that are filed here by some of our steel companies. That is why when our steel companies filed these suits under existing law, those companies begin to whine so loudly that it is protectionism. In fact, the Brazilian Government acknowledged this inability last week in negotiations that stem from its huge subsidies and dumping margins.

Brazil, of the 716-percent and 108-percent increases, Brazil with import licenses and the law of similarities, whereby if they make something in their country similar, something similar is coming in, that product is overburdened with all kinds of equalization taxes and prohibitive types of Government action.

This is the same Brazil that rejected a proposal to limit its exports in tonnage to this country to match its share of our market 5 years ago. They just bluntly told us no, and if we cannot make the money, we are not going to pay your debt. That is exactly what they said.

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Because they owe us $70 billion to $90 billion, the Brazilians dismissed the big subsidy and dumping found by our International Trade Commission and they said their answer was: "You are Protectionists." After all, Brazil has this new export mill, steel mill down there that it wants to get on line and start sending even more steel here to our unemployed steel industry.

But despite a tremedous labor cost advantage, Brazil admits that it cannot compete with the U.S. steelworkers and steelmakers without gross subsidies from the Government. Their Government subsidies beats the price competition, and sales below costs maintain and increase their markets here in this country. These things are the international market mechanisms as they are working today.

There are 12 countries looting this market in our country; 10 of them are Government controlled, and the lowest degree of Government control is 74 percent. Half of them are 100-percent Government controlled and owned.

Government and policies of Government are the market mechanisms in steel today. This is why the Fair Trade in Steel Act of 1984, as put together by the Steel Caucus in conjunction with the U.S. Steel Workers of America and the AISI, the American Iron & Steel Industry, that is management, labor, the Steel Caucus, and our colleagues, this is why this act is necessary.

The categories of steel exporters to the United States are three: The European communities as a group, Japan, and Canada, and then that other which I speak of, which takes into consideration Mexico, Brazil, Argentina, Korea, you name it. Europe is under the discipline of a negotiated agreement right now. Europe acted to avoid countervailing and antidumping duties that would have shut European steel out of this market entirely because of their predatory actions. The Europeans were curbed by pursuing trade cases, country by country, product by product, and it was tremendously expensive for our companies.

It could have cost $40 million to $50 million if it had continued, because the per case estimates were very, very high.

Japan has been holding back voluntarily about sending steel to this country, because cases have been fought and won against Japanese companies during this time. And during this time the only criminal charges ever filed for steel dumping in this country were found true and returned against the Japanese sellers.

That is not me speaking or the Steel Caucus. It is a matter of record, judicial record, and a matter of fact that they were doing something illegal. They were guilty of criminal activities.

Meantime, trade cases are underway against Brazil by our steel companies in this country, and many others in the category of that other I speak of, the what they call third country, emerging nations. These cases go country by country, product by product. They go to an estimated $600,000 for a dumping case. That includes a lot of legal fees, and what is euphemistically called market research in the offending country for an estimated $550,000 for a countervailing duty case of similar complexity.

In other words, it means that if Bethlehem Steel, United States Steel, Inland Steel, any of them, if they want to go ahead and protect their rights against these companies coming into this country with a lot of steel and dumping it here below production costs, if they want to do that, do you know what it costs them? It cost them this figure of roughly $600,000, over half a million dollars in legal fees and investigative fees. That is the kind of law from a practical aspect that is supposed to be protecting our steel industry from these products coming into this country, dumped, sold below price, cutting the American market, and putting our steelworkers out of work.

That is a lot of hay in anybody's language. It is expensive. Those companies have to find that money and they cannot pursue too many cases.

I remember when we had the Carter administration. The Steel Caucus executive committee, including myself, went down when Jimmy Carter was first elected, and we were on this same subject then. And we were on the same subject before with President Ford, and we were on the same subject with President Nixon. But this happened to be when Carter was in the White House.

We went down there and the first thing, I will never forget this, that Jimmy Carter said was: "I didn't realize it cost so much money to file an anti-dumping suit." Then I said: "Mr. President, this is a matter of record." I said: "Mr. President, it is not that so much, I think, but there are literally thousands of cases." And I said: "The Government is not doing anything."

That is when Jimmy Carter had his commitment at that time, President Carter, and he said: "I am going to take a look now."

It did not materialize to any great extent. I had great criticism of him. I never thought he did keep his promise or his position at that time. But he said:

> Well, I am going to make sure we put some people to work, put these people to work so that we progress on these cases, institute suits so that U.S. Steel and Bethlehem Steel and Inland Steel and all of the steel companies won't have to go into their particular private capital where they could build or put in a continual cast or new oxygen furnace and take that money and divert it over to fight these cheaters.

These are cheaters, people that are found to be cheaters and lawbreakers, international lawbreakers dumping into this country.

He never kept his promise, I am very sorry to report. And after a fashion he went along and then he became hesitant and then he became swallowed up in this international business that we call historymaking. And he let the State Department and let the military people pursuade him that imports are not a problem. You have got to take imports from countries or you cannot defend the world.

Who in the heck ever gave us that obligation, saddled this country with the obligation of taking care of the world, the whole world, and that it is our obligation alone to defend the free world? You go down and you cut down to the core in NATO and it is my considered opinion that you are not going to find much stability in NATO. CETO went down the hill a long time ago, down the garbage can.

Every country looks out for its own interests. That is not me talking; it is just commonsense. When you are looking out for your own interests in the world today, if it is not military it has to be economic. No argument, that is how it must be. That is what makes the whole world move, international economics, buying and selling, and putting people to work.

What is happening? A lot of people look at this subject matter and they say: "Gee, how boring it is. What is so important about this trade business?"

I will tell you what is so important. If this country loses this trade war, do you know what it means? It means you, and your family, and your children are going to have a lower standard of living. It has to mean that.

If people would realize that they would all rally behind what we are trying to do and say: "Wait a minute, I like this country, I love this country. It is providing for me and my family a good livelihood, allowing me to educate my children where I think they should be educated and giving me a high standard of living."

What is a high standard of living? It increases your age expectancy. It makes you healthier, you wear nicer clothes, you eat better food, you have less disease, you live longer. Your kids go to better schools, you live better.

What every American should do, we should pack them up in a big box, give them a free trip at taxpayers' expense, and send them over to places like India, take some of those poor countries over there and down in South America, and then they will know what we are talking about and what you are going to lose if you lose a trade war; you are going to lose your standard of living.

I just cannot get the message out, the Steel Caucus cannot do it, we cannot do it, my colleagues that are active cannot do it because it is not a popular subject today. Do you know why it is not a popular subject? What would you do if you were in the advertising business and the Japanese, and the Taiwanese, and the Koreans, and the French, and the Norwegians, and the Italians, and the Brazilians, all of them come to your newpapers and your television studios and they advertise a Toyota, or foreign products, advertise and advertise, spending big money? Would you be so prone as to interfere with that cash-flow coming into your business? They spend more advertising money in this country. They know the secret. It is how you sell your products.

We think about governments, if they are cut off, what does this Government do? This Government has an emergency situation that has exploded, and then they say we have to take care of South Korea because that is the bastion of democracy in the Far East. And if it goes down economically, there goes all of our credibility.

That is very nice. That is very nice. They have 2 percent unemployment in South Korea. What is your unemployment in your area? Who is working and who is not working in your area? Where are your kids going to school?

If it is 2 percent over there I will tell you one thing, that South Korean is going to a great school over there in their most important city.

□ 1530

And, he is going to their best university, probably an American university, built with American taxpayers' money in the first place. But that is where he is going because their standard of living is increasing and ours is decreasing.

A very simple message: Unless the American people, unless my colleagues in this body become finely cognizant and sympathetic and sensitive to what the implications are if we lose the trade war, which we are losing $100 billion deficit this year, $100 billion coming up, that is projected in the 1985 budget, and this year $70 billion.

Mr. Trautlein of Bethlehem and Mr. Williams of the USWA estimate that it will cost $1 million to press their current section 201 case to conclusion, win or lose.

And remember, all of this money is being spent by U.S. business and labor to claim what is the right of American companies and American workers under our trade law and our international trade agreements.

The policy of the U.S. Government, year-in-and-year-out, has been to initiate very little. When it has noticed what is going on, its only action has been to set in place agreements or mechanisms that are easily circumvented.

You see, here we expect the market rules to apply, and we act as if they were in perfect running order, and that no one would dream of cheating a neighbor and a partner.

This is why the Fair Trade in Steel Act of 1984 is necessary.

Millions, maybe $100 million, has been spent and the fire is only half out.

As Mr. Trautlein said:

> The trade cases brought to date have utterly failed (to clear the market of dumped and subsidized products).
>
> The way we have been doing it.

He went on:

> Is like going after a flock of 50 birds with a rifle; you might get one, but the other 49 will dump on you.

NO HALF SOLUTION WILL DO

Mr. Speaker, the American steel industry is vital to the economy and to national security. It needs a solution, not half a solution or any fraction of a solution, but a whole solution.

It needs a solution because it needs breathing time. It is mandatory that the industry have time to modernize. To modernize, it must have private investment under our free market rules, which are ignored by the world. To get investment, it must have profit. To get profit, it must have a market free of the cutthroat pricing of subsidy and dumping. To be free of goods sold at or below the cost of production, it must have quotas or some enforceable form of restraint.

This industry has lost about $6 billion in the last 2 years. This is small only in comparison to the foreign subsidies that are being applied to shore up overseas industries right now. They also are putting quotas and minimum prices in place in Europe.

While Taiwan, Brazil, and South Korea are adding capacity, other nations realize a world rationalization must come about, and they are preparing for it. They are protecting their industries from it, by and large.

And, as Mr. Trautlein warned, without modernization, the world rationalization will once again fall on the backs of American workers and American industry. Remember, this is the only major nation unable to meet its steel needs without imports.

In addition, we have lost close to 9 million tons and 25,000 steelworker jobs in the past 2 years in the closings announced by Bethlehem and United States Steel alone. We have closed 200 production facilities and done away with 270,000 jobs since 1974, the year after Brazil began to accumulate its 716-percent increase in exports here.

This is why the Fair Trade in Steel Act 1984 is necessary.

As I said when the act was introduced last week, the 1984 bill is stronger than that of 1983. It was made stronger not by setting stiffer quotas on our trading partners, but by imposing more stringent and enforceable modernization requirements on American industry.

The industry was united for the first time on quotas behind the 1983 act. Now with the modernization and an iron ore clause, the industry and the USWA are united for the first time on quotas in the 1984 act. And USWA members have taken $3 billion in compensation cuts to help the industry.

As for the bill, the quotas remain at 15 percent, which would keep this the most open big market in the world. They are temporary. The 5 years is meant to provide time to do the things associated with modernization: To gather capital, to design, to construct, and so on.

So we of the caucus urge inspection of the act by all in this body who are concerned about the future of America and American workers. And we solicit your cosponsorship.

STEEL STORY WILL BE REPEATED

And remember, whether your district has its basis in agriculture or industry or services—in high technology, middle technology, or no technology—the old rules no longer apply.

The nations that are dumping wine and roses and steel today will be dumping computers and commercial aircraft and the products of biotechnology just as soon as they figure out how to make the products and where to apply the subsidy.

No country that must tax its people to spend billions as the primary defender of most of the nations it trades with can afford to operate as a philanthropic institution with no interest in itself.

And this too is why the Fair Trade in Steel Act is necessary.

There is a balance, and the balance is where your interest in helping your neighbors does not hurt you or burn up the fourth part of your holdings.

To paraphrase Ben Franklin, either proportion your charity or have your charity proportion your estate.

Most major religions recognize the tithe as a generous allotment, and the Scriptures recommend it as sufficient.

But the Fair Trade in Steel Act with its 15-percent quota is 50 percent more generous than the tithe.

Fifteen percent would keep our partners on their feet. it could be apportioned according to historic trade patterns and volumes. It would let the world rationalize rationally and give the world a rational basis on which to proceed.

And more important, it would keep the American industry off its back permanently. It would make the developing nations and the international lending institutions pause to think before they expand world capacity. And it would put the Pharisees and Philistines at arm's length where they belong.

Mr. Speaker, a summary analysis of the Fair Trade in Steel Act of 1984 is as follows:

Section-by-Section Analysis

SECTION 2—FINDINGS, PURPOSES, AND POLICY

Acknowledges that: The steel industry is critical to the national defense and the industrial base of the United States; substantial quantities of unfairly traded steel imports have injured the domestic steel industry and have reduced employment; and the litigation process is inadequate to deal with unfair trade practices.

The bill establishes quantitative restrictions of approximately 15% of apparent domestic supply for 5 years.

SECTION 3—DEFINITIONS

Defines the various steel categories and certain other terms, including "cash flow from the steel sector" (as used in Section 5).

SECTION 4—QUANTITATIVE RESTRICTIONS

Limits annual imports of steel mill products based on percentages of adjusted average import levels for the years 1979, 1980 and 1981; establishes procedures for forecasting and revising apparent domestic supply figures.

Provides that the Secretary of Commerce will allocate the global product quotas among foreign countries, groups of countries or areas.

SECTION 5—STEEL INDUSTRY INVESTMENT

Requires the Secretary of Commerce to determine within 90 days of enactment that plans are in place to utilize substantially all of the cash flow from the steel sector for reinvestment in, and modernization of the steel sector, including investment in new facilities, steel sector working capital and payments on debt and capital invested in the steel business.

If the Secretary's determination is negative, quotas are suspended until an affirmative determination is made. Thereafter, the

Secretary is directed to monitor steel sector investments and to make an annual determination whether the steel industry has utilised substantially all the cash flow from the steel sector for reinvestment in, and modernisation of, the steel sector. If that annual determination is negative, the Secretary is directed to modify or suspend relevant quantitative limitations until such time as he determines that cash flow is being so utilised.

SECTION 6—SHORT SUPPLY

Establishes a "short supply" provision which allows for increases in specified quotas under strictly defined conditions.

SECTION 7—FABRICATED STEEL MILL PRODUCTS

Requires the Administration to monitor imports of fabricated steel mill products to determine allegations of diversion. In the event of diversion, the Administration is authorized to negotiate or impose quotas after consultations with the affected industries.

SECTION 8—IRON ORE IMPORTS

Limits annual imports of iron ore from all foreign sources to approximately 15% of apparent domestic supply. The Secretary allocates the global quota among countries taking into account the historical pattern of iron ore trade during 1979-81, the historical pattern of iron ore imports during 1979-81 for individual steel mills traditionally dependent on ocean sourced foreign iron ore, unfair trade practices with respect to iron ore and pre-1984 contractual obligations.

The Secretary is given discretionary authority to increase the quota to approximately 29% under certain limited circumstances.

SECTION 9—ENFORCEMENT AND IMPLEMENTATION

Authorises the Secretaries of Commerce and Treasury to utilise all actions within their departments to enforce the provisions of the Act including the issuance of orders to Customs officers to bar entry to merchandise which exceed the limitations under this Act.

Also authorises the issuance of such implementing regulations as are necessary to the Act and its enforcement.

SECTION 10—TERMINATION

Provides that the bill will terminate in five years from the date of enactment unless the President determines that an extension is required. That extension would be for a period of three additional years.

● Mr. **MURTHA**. Mr. Speaker, this past Thursday, March 8, I joined with 61 Members of the House to introduce H.R. 5081, the Fair Trade in Steel Act of 1984, a bill to reduce unfair trade practices, provide for orderly and fair trade in steel imports and to reduce unemployment.

The condition of the steel industry is the worst it has been since the Great Depression. Currently, the U.S. steel industry is operating at less than 73 percent of its capacity and hundreds of thousands of steelworkers are permanently unemployed or on indefinite layoff.

Today, imports of foreign steel have captured 24 percent of the domestic market. Import statistics show that in January of this year steel imports had risen to an unprecedented 26 percent.

As we have learned over the past several years, steel imports are not being fairly traded in our market. Investigation has shown that foreign steel producers are benefiting from government subsidies of 20 to 40 percent, dumping margins from 20 to 30 percent, and from techniques such as industrial targeting and abuse of exchange rates. These predatory practices have directly inhibited free trade and have prevented U.S. steel manufacturers from effectively competing in the open market.

If the steel industry is to be allowed to compete, it must be allowed to focus its efforts on production, modernization, and investment. To date, the pursuit of relief by the steel industry under our current trade laws, together with various negotiated settlements, have been proven largely ineffective and inadequate in responding to the trade problems of the domestic industry. Therefore, I believe that with the introduction of this monumental legislation we have taken a critical and important step in offering a comprehensive solution to an intolerable situation.

Clearly, further systematic liquidation of our steel industry must be prevented and the jobs of its workers preserved if this country is to maintain a viable steelmaking capability. Therefore, I feel strongly that this is an appropriate time to announce that we will no longer tolerate the deliberate plundering of our domestic steel market by foreign subsidized imports.

At this juncture, when the American steel industry is in the midst of its worst crisis, we need and expect something more from our Government. Since foreign governments are at the center of the industry's unfair trade problems, our Government must be at the center of its solution. H.R. 5081, the Fair Trade in Steel Act of 1984, recognizes this need and attempts to deal with it in the only realistic and rapidly achievable way possible—through the imposition of import quotas of limited duration. In order for the steel industry to regain its economic composure and competitiveness, there must be a temporary—5 to 8 year—pause from the impact of unfair trade practices. By combining import quotas with a firm commitment on the part of the industry to modernize, H.R. 5081 attempts to provide such a breathing spell.

The major provisions of H.R. 5081 are simple and straightforward:

Quantitative restrictions are applied to all imports of carbon and speciality steel products. Imports could take no more than 15 percent of the domestic market based on historical patterns of trade from 1979 through 1981.

Quantitative restrictions are applied to the importation of iron ore from all foreign sources. Imports would be limited to 25 percent of the domestic market based on historical patterns of trade from 1979 through 1981.

Finally, the implementation of quantitative restrictions will commence 90 days after enactment and only after the Secretary of Commerce has determined that the steel companies are engaging in, and have, verifiable investment plans to modernize the domestic steel industry. This action on the part of the Secretary of Commerce will be reviewed annually thereafter to insure that a satisfactory level of progress toward modernization is being achieved.

The steel industry must not be allowed to falter any longer. We must get the mills back in operation and the steelworkers back to work.

Since 1950, market penetration by foreign producers has risen from 1.4 percent to nearly 24 percent in 1983. In the first month of 1984, that percentage rose to an unprecedented 26 percent. This increase in imports has resulted in the closing of countless steel mills and the unemployment and indefinite layoffs of hundreds of thousands of steelworkers.

Across this Nation entire communities have felt the impact, and no where is this more apparent than in Johnstown, Pa., where unemployment reached 27 percent. Not one family in Johnstown has escaped the bitter sting and uncertanties of unemployment.

The citizens of Johnstown, as with all steel communities, have seen prosperity ripped from their grasp.

I believe that this legislation is critical to the continued growth of our domestic steel industry, to our national security, and economic well-being.

The steel industry must not be allowed to wither and die on the vine. There is little time left before the U.S. steel industry is pushed beyond the point of no return by subsidized foreign steel imports. Therefore, I strongly urge my colleagues to support and cosponsor H.R. 5081, the Fair Trade in Steel Act of 1984.●

● Mr. **COYNE**. Mr. Speaker, I rise in strong support of the Fair Trade in Steel Act of 1984.

No observer can deny the need for some sort of congressional response to the deteriorating steel situation in this Nation. In January, imports of steel comprised 25 percent of the market, and were on the rise.

The question this House faces in such a critical situation is not whether something should be done but how we should do it.

I am especially pleased to be a sponsor of a bill, the Fair Trade in Steel Act, which takes a balanced approach to a complex problem. Recognizing the essential nature of a strong steel industry, and its relationship to such areas as our national defense and our industrial base, the bill proposes a 5-year plan to reduce the amount of unfairly traded steel imports which enter our country.

This is not an open-ended, protectionist piece of legislation. In order to take advantage of quantitative restrictions on steel imports, the steel industry must agree to invest in the modernization of American mills. Ninety days after the enactment of this bill, the Secretary of Commerce is required to determine that plans are in place to use substantially all of the cash flow from the steel industry for modernization, steel sector working capital, and payments on debt and capital invested in the industry. If the Commerce Department determines that this is not occurring, quotas are suspended until the conditions are met.

This reasonable approach to aiding an ailing industry is one which, I would suggest, could be used as a model for the tax breaks which we give industry. Rather than allow a break without a quid pro quo for reinvestment in productive, job creating enterprises, we could tie some tax reductions to specific actions.

This is what we have done in the Fair Trade in Steel Act of 1984. By allowing the American steel industry some breathing room to maneuver in a changing international economy, and by requiring specific actions as part of that process, I believe we will be taking a prudent step toward enhancing our worldwide competitiveness in a critical industry.

I urge support for the Fair Trade in Steel Act of 1984.●

● Mr. RITTER. Mr. Speaker, I want to thank my colleague, Congressman GAYDOS, for putting together this special order on H.R. 5081, the Fair Trade in Steel Act. As an original sponsor of this legislation, I feel it is the kind of strong dose of medicine not only necessary to save jobs in the steel industry but to make our industry more competitive in world markets.

H.R. 5081 would require steel companies to pour their earnings back into plant modernization. It is legislation which is endorsed by the American Iron and Steel Institute as well as by the U.S. Steelworkers. The industry and its workers have let it be known that they are willing to make some hard sacrifices in order to receive some short-term assistance in order to let them plant their feet in the ground. The industry has had a shaking out. However, now it is leaner and it is meaner. And this legislation is a necessary step to help it retain its industrial competitiveness.

There are other necessities in addition to temporarily stemming the flood of imports. They are: Evolving a spirit of cooperation between workers and management that can provide us hope for teamwork and a stronger steel industry, the application of state-of-the-art technology, and the evolution of new technology that leapfrogs our competitors.

The development and use of new technology will go a long way toward allowing us to regain our technological lead in this area. And with American technological leadership we can maintain and expand steel jobs.

We are all aware of the human misery that has come with the flooding of steel imports into our country. In structural shapes, the mainstay of my own district's Bethlehem plant, imports have risen to 40 percent. Unemployment in the industry is around 30 percent. We cannot write this industry off, but neither can we forever provide it protection from all imports. What is needed is short-term breathing space. What we can do is embark on a revitalization of the industry that will help us to regain industrial preeminence. H.R. 5081 is the first, perhaps most important, step toward such a resurgence. It provides the industry with a window of opportunity.

This legislation to limit steel imports must act to spearhead greater cooperation between management and labor and the development and application of new technology. The time to act is now. I urge all my colleagues to support H.R. 5081.●

● Mr. OBERSTAR. Mr. Speaker, United States Steel's proposal to acquire National Steel and to close the National Steel taconite pellet plant in Keewatin, Minn. was only the most recent reminder of the precarious economic condition of the American iron ore industry. It is also symptomatic of fundamental problems within our aging steel industry. Today, about 8 percent of our steelmaking capacity is so outdated that industry experts have recommended it be shutdown. We still produce 10 percent of our steel with open hearth furnaces; Japan no longer operates this type of furnace.

As the steel industry searches for ways to modernize, other mergers and shutdowns will surely be proposed. So far, the Justice Department has discouraged steel mergers which would result in high market concentration. The problems facing the iron and steel industry, however, require solutions which go beyond the short-term approach of mergers and the accompanying so-called rationalization or downsizing of the industry.

For 30 years, the Federal Government has provided basic industries, such as steel, with a myriad of special tax incentives, such as accelerated depreciation allowances, tax credits, low interest loans, and loan guarantees, to stimulate modernization. Yet these policies have been as misguided as the industry's efforts to secure a larger market share through merger—misguided because incentives have not been tied to these strict requirements that the steel industry use the benefits to reinvest in new, or upgraded steelmaking capacity. Simply put, we have given industry the carrot, but we have forgotten the stick.

If no-strings tax incentives have failed to modernize the steel industry and the Federal Government is going to be tough on mergers, what steps can be taken to help steelmakers and iron ore miners? First, we must combat the primary and immediate threat to American steel: increased imports of cheap, subsidized steel and iron ore. In January 1984, imports of steel products took a 26-percent share of the American market, a near record level. The domestic iron ore industry continues to compete against foreign ores, produced with government subsidies and dumped on our market at unreasonably low prices. On March 8, I joined with 62 members of the Congressional Steel Caucus introducing the Fair Trade in Steel Act of 1984, legislation to impose quantitative restrictions on steel and iron ore imports, to signal our trading partners that we will no longer tolerate dumped and subsidized products.

The Fair Trade in Steel Act would establish a 15-percent quota on steel products and a 25-percent quota on iron ore. Minnesota's iron ore industry would benefit both directly and indirectly from this legislation. First, the 25-percent quota on iron ore would continue to reduce the foreign ore share of our domestic market, which has fallen from 36 percent in 1976 to 29 percent in 1983. Second, the restriction on foreign steel products would increase demand for American made steel and indirectly for American ores. The American Iron and Steel Institute has estimated that, in even only a moderately healthy economy, a 15-percent quota on steel products would increase iron ore employment by about 1,500 miners; the addition of a quota on iron ore would add another 1,000 jobs.

An earlier version of the legislation would have exempted Canadian imports from any quota restriction and would have allowed ore imports from South America and Africa to jump by over 50 percent. I opposed that earlier bill because of its inadequate protection of iron ore miners. Both the American Iron and Steel Institute and the United Steelworkers have worked long and hard to reach compromise legislation which will protect the interests of both industry and labor. Their united support behind the Fair Trade in Steel Act underscores the urgent need for import relief. Through the efforts of AISI, the Steelworkers, and the gentlemen from Pennsylvania (Representative MURTHA and Representative GAYDOS), we now have a far better bill which addresses the problems of iron ore imports and of modernization.

The iron ore issue is complicated by long-term contractual agreements which many steel companies enter into with foreign ore mines to assure constant supplies. In addition, some individual steel plants on the east coast, such as Sparrows Point, require ores from outside of North America. Under the Fair Trade in Steel Act, the Secretary of Commerce would be able to increase the quota above 25 percent only to meet the needs of ocean sourced plants and to fulfill preexisting contractual agreements. Imports, however, could not rise above the current level of about 29 percent.

Most importantly, the legislation would require the Secretary of Commerce to suspend quotas if the steel industry was investing substantially less in steel operations than the additional cash flow generated by the quotas. This requirement represents an important stick, the revocation of quotas, to accompany a substantial carrot for the steel industry, the protection of domestic markets. Industry will be assured a fair domestic market in which to trade and Congress will be assured that steelmakers do not utilize their increased revenues to diversify into nonsteel sectors.

The steel industry is not healthy; the concerted effort of labor and steel companies to enact the Fair Trade in Steel Act underscores the urgent need for import relief. The Fair Trade in Steel Act will not completely remedy the industry's ills, but it will provide a much needed respite from subsidized and dumped products. Within that climate of fair trade, steelmakers will be required to modernize so that they will be able to compete both at home and abroad.●

● **Mr. WALGREN.** Mr. Speaker, it is lamentable that every year the Congressional Steel Caucus has to come to the floor of the House of Representatives to stress, in fact, almost plead, for relief from steel imports. Yet here we are again. We are here again because the problem is still here.

The erosion in the U.S. steel industry continues unabated and unattended. The American Iron & Steel Institute reported on February 29 that January steel imports have hit a near-record level, stating:

> Imports of steel mill products jumped sharply in January above the 2-million ton level, and close to the record-high for any month, in both tonnage and in percentage of market penetration. United States imports of steel mill products in January were 2,082,000 net tons, compared with 1,730,000 tons in December 1983 and 1,093,000 tons in January 1983. The record high was reached in August 1981 at 2,226,000 tons. With the exception of that month, imports had not been over the monthly level of 2 million tons since 1978.

That this trend has shown no signs of reversal in recent years is a sad comment on our Government. It offers little hope to communities like mine in Pittsburgh where every 1 million tons of imported steel products represent 4,700 lost American job opportunities in a year. For example, the 16.7 million tons of steel imported in 1982 translate to some 75,000 jobs. And related to every direct steelmaking job are three other jobs upstream supplying the industry—such as coal—and jobs downstream distributing steel products—such as cars.

Just as devastating as lost jobs are the ripple effects of these lost jobs—and thus lost revenues and economic activity—in steel communities. Retail sales suffer, savings go down, home mortgages are foreclosed, health insurance policies go unpaid and end. Unemployment compensation, welfare, and related public services become stretched to their limits at the same time that they are drained of incoming revenues. And all taxpayers pay for these.

As one step toward stopping unfair steel imports and putting people back to work, I am pleased to be a cosponsor of H.R. 5081, the Fair Trade in Steel Act of 1984. This bill would place limits on foreign steel products by product and by country for 5 years. Importantly, it would require the Secretary to determine within 90 days of enactment, investment in, reinvestment in, and modernization of steel plants and authorizes the Secretary to modify or suspend quotas, if there is evidence that the industry is investing in steel operations substantially less than the cash generated from those operations.

For a number of years, the incumbent administrations of both political parties have either refused to or have haphazardly enforced our trade laws which are designed to curb unfair dumping of Government-subsidized foreign steel on U.S. markets. Various investigations and occasional pronouncements have been nothing but Band-aids. Witness: Imports in January at near-record levels. It is becoming clearer and clearer to me that our current laws just do not have the necessary mechanisms to grapple with these unfair imports, particularly if they are unenforced. This bill would provide the strong teeth we need. Only the Federal Government can stop this flow of dumped and subsidized steel.

Imports are capturing 23 percent of our steel market. Production in 1982 was at 48 percent; in 1983, 55 percent. Unemployment overall in my home area is still over 10 percent. Many unemployed steel families have just given up hope. They have watched steel jobs plummet from an average of 453,000 in the 1975-79 period, to 242,700 in 1983, a drop of 46 percent.

The Fair Trade in Steel Act is a bold and critically needed attack on imports that are robbing Americans of livelihoods. I will do all I can to seek its prompt enactment.●

● **Mr. LUKEN.** Mr. Speaker, I rise this afternoon for the purpose of urging the Members of the House to act expeditiously to preserve a basic American industry whose very survival has been threatened by an invasion. I speak not of a military invasion, but of an influx of foreign subsidized steel which is putting Americans out of work and bringing a proud industry to its knees.

Steel is an essential industry, and maintenance of a healthy, stable economy requires the existence of a strong steel manufacturing capacity. Clearly, our national security would be weakened if this vital segment of American industry were to be injured permanently. Unless we act now that just may happen.

Already reeling from recession, our domestic producers have had to compete with foreign companies which need not worry about such things as making a profit. Their governments seek hard currency and are willing to offer subsidies to their industries in order to capture a large share of the American market. The results of these actions in the United States have been dramatic. Since 1974 more than 270,000 steelworkers have lost their jobs and over 200 production facilities have been closed. The foreign producers now control over 20 percent of the U.S. market.

It is time that we begin to act to protect our workers from this invasion. That is why, as a member of the Steel Caucus, I am supporting the fair trade in steel legislation introduced by Mr. Gaydos. This bill would give our industry at least 5 years of protection by setting a 15-percent quota on steel imports with provision for a 3-year extension. The funds generated from these quotas would have to be plowed into steel modernization efforts.

We can no longer compete successfully in the world market as the one country that allows its own market to be open while other nations close theirs. The United States cannot sit idly by and permit our competitors to target industries one by one, and thereby destroy our industrial base.

Our Nation faces an economic challenge of unprecedented proportions in the area of trade. America's most basic industries are being threatened by the unfair competition from our trading partners. We are now experiencing a major attack on our auto, machine-tool, and steel industries. Now is the time to get the message out that Congress will take the initiative to protect American jobs in these and other critical industries. No longer can we remain spectators when our industrial underpinnings are knocked out from under us.●

● **Mr. NOWAK.** Mr. Speaker, since the Congressional Steel Caucus was founded in September 1977, I have joined with other Members on numerous occasions to focus greater attention on the problems confronting our domestic steel industry and to generate broad support for a comprehensive solution to those problems.

During these nearly 6½ years, a great deal has happened to the American steel industry. Its production capacity has shrunk. Its work force has shrunk. Its foreign competition has exploded.

In the face of the continued deterioration of this vital industry and in the face of continued import penetration—more than 2 million tons of foreign steel captured 26 percent of our domestic market in January—a comprehensive solution to this predicament continues to elude us.

The proposals embodied in H.R. 5081, the Fair Trade in Steel Act of 1984, offers our Nation the opportunity to provide that kind of comprehensive solution by establishing product-by-product import quotas limiting foreign steel to 15 percent of our market for at least 5 years.

That type of lengthy solution is needed to give our steel industry the opportunity to literally catch its breath, recapture a fairer share of its own domestic markets and increase its sales revenues so that it can afford to modernize and become more competitive with foreign producers.

H.R. 5081 contains language that makes it clear that in exchange for the establishment and continuance of import quotas American steel companies will reinvest in steel operations and plant modernization.

Notice that the bill is entitled the Fair Trade in Steel Act. Over the years, we have sadly learned that free trade has not meant fair trade to our trading partners abroad.

Why do we need H.R. 5081? United States Steel's Chairman David M. Roderick put it succinctly in a letter earlier this month to President Reagan when we wrote:

> In all candor, Mr. President, I must tell you we are at the peril point. Enforcement of the trade laws, such as it has been, is simply not doing the job. Equally, industry self-help efforts have been stymied by the recent position of the administration concerning industry rationalization. Under these circumstances, Mr. President, we believe a change in Government policy is required and therefore we urge that your administration support temporary quantitative steel import limitations.

It should be noted that H.R. 5081 has the support of the steel companies and the United Steelworkers of America.

In addition, Mr. Roderick might have noted, we have tried other tactics and they have not worked. The trigger price mechanism did not work. Discussions for voluntary restraint from our trading partners have not worked. Efforts to limit imports from the European Economic Community opened the door to greater import penetration from developing nations.

The following excerpts from the March 1984 issue of Dun's Business Month, an article entitled "Has Justice Killed Steel Comeback?" trace the dimensions of our problem:

> And 1983 was just a spectacular year for the Third World nations selling in the U.S. market. South Korea beat out West Germany for the Number Two spot—behind Number One Japan. During the first half of 1983, imports from Mexico rose 853 percent, Taiwan 40 percent, Brazil 33.8 percent and South Korea 26.4 percent, while imports from Japan fell 43.8 percent and from the EEC countries 45.2 percent from the year-earlier periods. In fact, imports from developing nations accounted for some 42 percent of all United States imports last year.
>
> To fight back, American steelmakers have been revamping the basic structures of their companies. According to most analysts and executives, the massive restructuring began in 1977, some eighteen years after the U.S. became a net importer of steel. Indeed, by 1984, the major American steel firms had lopped off some 25 million tons of capacity. * * *
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> * * * U.S. Steel will have reduced its capacity some 12 million tons, from 38 million tons in 1977 to about 26 million tons, when all the company's previously announced closings have been completed next month. During that same seven-year period, Bethlehem cut its capacity from 25 million to 17.5 million, reducing the number of blast furnaces it operates from 22 to 6, and National Steel halved its capacity to 6 million tons.
>
> * * * The shutdowns have permanently eliminated some 250,000 union jobs since 1977. The white-collar ranks have also been pruned by 96,000.

During the last 2 years, approximately 10,000 jobs in the steel industry alone in the congressional district I represent have evaporated as Bethlehem and Republic Steel sharply cut back and curtailed operations respectively in the Lackawanna-Buffalo, N.Y., area.

I am delighted that Representative SAM GIBBONS, chairman of the House Subcommittee on Trade, has announced plans to hold comprehensive hearings during this Congress to explore the competitive conditions of the U.S. steel industry, the unfair trading practices of foreign competitors, and proposed legislative solutions.

We must end this vicious circle that leaves our steel industry steadily declining while foreign imports swallow up our jobs and our dollars.

As Lynn Williams, temporary acting president of the United Steel Workers of America, expressed it last week before an executive committee meeting of the Congressional Steel Caucus, testifying in support of import quota legislation:

> * * * American trade policies are pushing the steel industry toward extinction, and the process is exacting a terrible human toll.
>
> * * * By acting decisively to provide quantitative restraints for five years for steel mill product imports, the U.S. government will be taking essential actions to maintain America's basic industrial strength and national security. The record proves that such actions are fully warranted, they are long overdue—and they are required now.

Mr. Speaker, I hope that the majority of the Members of this 98th Congress will agree with the supporters of H.R. 5081 that this is the year to provide comprehensive relief to America's steel industry.●

● Mr. HILLIS. Mr. Speaker, I am proud to be a cosponsor of H.R. 5081, the Fair Trade in Steel Act of 1984.

This is an important bill for American steel producers and consumers. For the first time it will enable the American steel industry to compete in a fair market environment. This bill will begin to correct years of unfair trade policy which have reduced our steel industry from one of the strongest sectors of the American economy to one of its weakest.

It is time for the American public and its Government to recognize that American steel producers and their workers are in serious trouble. By mid-1984 it is estimated that over 300 steel production facilities will have closed. Industry employment has fallen from an average of 453,000 in the late 1970's to 243,000 in November 1983—a 46-percent decline.

What has been the cause of this decline? Have the industry and its workers refused to change? This answer is clearly no.

Some of the finest steel plants in the world, using the most modern equipment available, have been constructed in the United States. The industry will more than double its continuous casting capability between 1982 and 1984.

During this time American steelworkers have made great sacrifices—giving up salary and benefits. There is a new spirit of cooperation between steelworkers and management. The industry is working harder than it ever has before.

Why then is the American steel industry facing this crisis? And what can we, the Members of Congress, do to change this situation?

The American steel industry and its problems are complex, and many changes will need to occur for it to return to its former strength.

It will be impossible, however, for the industry and its workers to make these changes as long as foreign competition in the steel market is so blatantly unfair.

The dumping of foreign steel in our market at subsidized prices will make the efforts of the American steel industry to modernize largely meaningless. Under current circumstances it will be impossible to compete fairly with foreign steel.

Let us look at the facts:

In the 1950's foreign steel was less than 2½ percent of the American market.

In the 1970's this figure rose to 15.3 percent.

In January 1984 imported steel accounted for a staggering 26 percent of the American market.

Why have foreign steel producers been able to make such inroads into the American steel market? The answer is simple: foreign producers are taking advantage of the last free market in the world. They are doing this through unfair subsidies.

The Department of Commerce has found that several European nations have subsidized their exports at margins up to 26 percent.

Preliminary findings indicate that other European nations and Rumania have subsidized their steel exports up to 41 percent.

Brazil has been selling certain steel goods almost 80 percent below their fair market value.

Many governments have official policies promoting their steel industry, regardless of cost.

America is apparently one of the only nations in the world that feels it does not need a comprehensive steel policy to insure that its domestic steel industry is given fair treatment. The results of this are painfully clear.

My office has received hundreds of letters from steelworkers, their wives, and even their children expressing fear about the rising tide of foreign steel imports. Many have friends who have been permanently laid off, and they wonder if their plant will be the next to close.

Some who are opposed to this legislation claim that change is inevitable—that the American steel industry will have to suffer further plant closings. This ignores the fact that steelworkers are not industrial robots that can be simply unplugged. They are people with families to support. We cannot let them be thrown away like a rusted piece of machinery.

Such thinking also ignores the vital role that steel plays in the American economy. We cannot afford either strategically or economically for such an important industrial activity to waste away.

It is time for all of us to recognize that the American steel industry will continue its downward spiral unless we act. The industry needs capital to modernize its production facilities—but it cannot do this with falling sales. Efforts made at rationalizing the industry—through mergers between the companies—have been resisted by the Justice Department.

H.R. 5081 will give the steel industry something that it has not had: Fair treatment in the American steel market.

How much worse do things have to get before we realize that we must act?

Are we ready to sacrifice the American steel industry to the lowest bidder—no mater how unfair the competition?

I urge my colleagues and the administration to support this bill.●

● Mrs. HALL of Indiana. Mr. Speaker, I rise to speak in favor of and urge the support of my colleagues for the bill introduced today, the Fair Trade in Steel Act of 1984. I am proud of my leadership role in the evolution of this legislation that will favorably impact hundreds of thousands of lives in my district and across the Nation.

As a member of the executive committee and the secretary treasurer of the Congressional Steel Caucus, as well as its only black member, I have pledged to work closely with labor, management, and my colleagues to make the Fair Trade in Steel Act of 1984 a reality.

In the First Congressional District of Indiana, the district I am proud to serve, there are more steel mills than in any other district in the country. There is also the highest unemployment in the country. The people of northwest Indiana are all affected in one way or another by the steel industry. Steel is the backbone of the economy in our district. Moreover, the repercussions of crisis in the steel industry can be felt throughout the Nation's economy.

Why is the steel industry in such a perilous situation at this point in history? Let me, for 1 minute, call your attention to the astounding increase in steel imports for January 1984. The steel imports for January were at an annual rate of 25 million tons, taking 26 percent of the U.S. market. Compare this with 20.5 percent for 1983 and 15.2 percent as recently as 1979. Not only is the annual rate of imports increasing, but it is increasing from all sources, especially from developing countries whose imports are almost entirely from heavily subsidized, government-owned steel plants.

It is not fair competition to which I object, but rather the unfair competition which international trade laws supposedly prohibit. Foreign steel is subsidized by government, domestic steel is not. Foreign steel firms can sell their products below the cost of production and survive, American firms cannot. Foreign steel can dump its surpluses on the U.S. market without going broke, American steel cannot. All these practices are illegal, but they go on. Third World countries have doubled their tonnage imports in the last 4 years. Moreover, their market share has increased over 300 percent, from 3.4 percent in 1980 to 10.1 percent in January 1984.

In the last 2 years the American steel industry has lost over $6 billion. We still have over 100,000 steel employees on layoff. A total of 170 steel facilities have been shut down since 1979 and the industry today is struggling to recover from its worst depression since the 1930's. Enforcement of the trade laws, such as it has been, is simply not doing the job. Equally, industry self-help efforts have been stymied by the recent position of the administration.

Because of these conditions, it is time to move forward with a plan that will get the steel industry and the steelworkers back on the road to recovery.

Steel quotas were an issue in my campaign in 1982. I viewed them as the right way to proceed then and I view them as the right way to go now. I do not believe that the Fair Trade in Steel Act of 1984 is a panacea, but it is a first step in the right direction.

This measure is designed to impose quantitative restrictions on the flow of unfair foreign steel imports into the United States. The 1984 bill incorporates new language into H.R. 4352—the Fair Trade in Steel Act of 1983—as follows:

Requires the Secretary to determine steel investment, reinvestment in, and modernization of the steel sector and authorized him/her to modify or suspend relevant quotas, if there is evidence that the industry is investing in steel operations substantially less than the cash generated from those operations;

Adds a provision enabling the Secretary to limit annual imports of iron ore from all foreign sources to 25 percent with discretionary authority to increase the quota to 29 percent of domestic supply. Provides the Secretary with authority to allocate the global quota among countries taking into account historical patterns of iron ore trade during 1979-81, the historical pattern of iron ore imports for individual steel mills during 1979-81, unfair trade practices with respect to iron ore and pre-1984 contractual obligations; and

Also maintains quantitative restrictions at a level of 15 percent of apparent domestic supply by product and country but not port entry.

I want to congratulate both labor and management for their combined efforts to rescue the ailing steel industry. And I note that now the bill has the full support of the American Iron & Steel Institute and the United Steelworkers of America.

The Fair Trade in Steel Act of 1984 is just one of the solutions to getting the lagging American steel industry back into full-force production and the American people back to work.

As you may know, steel industry employment in the United States has plummeted from an average of 453,000 between 1975-79 to 243,000 in November 1983—a 46-percent reduction in the work force. Newly announced steel facility closings by major manufacturers alone will trim the steel labor force by 4,600 and make permanent the job losses of another 10,800 laid-off workers. An additional half million workers in supporting industries—ore and coal mining, railroads, and lake and river transportation—are idled by the slowdown in steel production.

I am totally committed to the working people of this country and in the 10 years I have been in public service I have worked hard to maintain a 100-percent labor rating. Along with the United Steelworkers, I believe that this bill, when passed into law, will have an all-encompassing positive impact on the workers of northwest Indiana that will ripple throughout the entire country.

I pledge my total commitment to the task before us. I will work to the fullest to guide this legislation through Congress because I believe this bill addresses the most serious crisis ever faced by the American steel industry, and that it is essential to the revitalization of the steel industry, as well as the continued economic growth of the United States.●

GENERAL LEAVE

Mr. GAYDOS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the Record on the subject matter of my special order.

The SPEAKER pro tempore (Ms. Oakar). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

UNFAIR FOREIGN COMPETITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. Mollohan) is recognized for 60 minutes.

Mr. MOLLOHAN. Madam Speaker, in January of this year, the ailing American steel industry was dealt another dose of poison. The poison was not administered by a hypodermic needle or pill, it infected our basic industry in the form of foreign imports.

Steel imports during that month rose dramatically, reaching an annual rate of 25 million tons per year, or a staggering 26 percent of the U.S. market. This is double the amount of imports from January of last year.

January's shocking import figures are just the latest symptom of a foreign trade disease that threatens the very survival of our essential steel industry. If this level of steel imports continues, we will have a 1984 trade deficit of $10 billion for steel alone. These imports continue to rise regardless of fluctuations in demand, and the unbridled affect on our steel industry has been represented by padlocked plant gates and swelling unemployment lines in our once-booming mill towns.

January's import rate is hardly the only indication we have of serious problems with the steel industry. In the last 2 years, the steel companies have lost more than $6 billion. Unemployment is 40 percent higher than it was 5 years ago in the steel industry. While the long-sought recovery may have arrived for other sectors of our society, it has not made its presence known in the steel industry, which continues to languish, plagued by international overcapacity and unfair foreign trade practices.

Unfortunately, I could stand here all night reciting figures that demonstrate how serious the problem is and how thousands of American families face unbearable financial and economic strain.

The symptoms are clear enough to lead any layman to the proper conclusion that we must act now to save the life of the steel industry. Although the vital signs continue to weaken, with human sacrifice as the toll, little more than sympathy has been mustered; no action has yet been taken to stave off the despair and fever of failure.

We must take action and soon, or our steel industry will wither and die upon a vine that has for so long supported the backbone of America, represented by the thousands of hard-working steelworkers and their families.

How did the steel industry—upon which our Nation built its greatness—come to be so afflicted? The causes are many and uncertain, but it important for all of us to think about how this came to pass, because the blight of disease that has brought the once healthy steel industry to its knees can easily spread to industries once thought economically immune.

For example, while the new "high-technology" whiz kid occupies the minds of investors, I would caution my colleagues to remember that the high-technology surge is no solution to our basic industrial problems or to our general economic woes. Last year, Atari began shifting its manufacturing plants overseas, where its costs were lower. Again, Americans come up with the good ideas only to see them exported.

In 1973-74, demand for steel internationally was exceptionally strong and most steel mills—United States and foreign—were operating at or near capacity. At that time, many foreign nations decided to begin expanding their own steel-producing capacity. Unfortunately, they have continued to expand long after a decline in demand for steel products became obvious. It represented the beginning of a long hard road for the steel industry.

We are now faced with overcapacity of 200 million tons in the steel industry today.

The irony of this is that overcapacity is not a problem in the United States, where there has been a net reduction in steelmaking capacity of 24 millions tons—down 136 million tons—since 1977. Should there be a surge in domestic demand—say in the case of a national defense emergency, the United States is the only industrialized nation that would be unable to meet its domestic steel needs.

Japan and the European Community have continued to add capacity—nearly 100 million tons of new capacity since the 1960's.

As I mentioned, this expansion has continued in spite of a sharp decline in demand since 1975. By 1981, steel consumption was only 52 percent of capacity in the European Community, and only 46 percent of capacity in Japan.

The United States was not blameless. Both U.S. banks and the Government encouraged the overcapacity by providing loans to many developing nations. As a result, these countries added 50 million tons of capacity in the last 8 years. Such expansion is often considered to be a hallmark of progress for these countries and is still considered a goal in many countries.

Further complications set in, all adversely affecting the condition of the U.S. steel industry. Other countries, committed to the continued existence of their own steel plants, sustained their mills by relying on Government subsidies, import quotas, or by simply buying the plants. Such practices represented a mixed bag of bad medicine for an industry that has endured war, depression, and unpredictable trends, but now finds itself staggered by continuing bombardments of unfair foreign trade practices.

In Japan, for example, the steel industry was nurtured by an import protection "bubble." This bubble consisted of access to large amounts of low-cost capital for Japanese steel companies and limits on imports of steel. The result of this treatment was a robust 300-percent increase in capacity during the 1960's.

A more dramatic approach was prescribed in Europe. Loans were made available, government ownership—50 percent of European Community production—made continued expansion possible.

Since 1975, Europe's state-controlled steel companies have lost more than $21 billion, but they continue to operate, underwritten by $25 billion in government assistance and another $20 billion in grants to modernize through 1985.

In addition to the subsidies and import protection provided to steel companies in other countries, U.S. producers have had to compete with nations who dump their products; that is, sell it at less than cost in this country.

These practices are particularly damaging when they are "targeted"—focused on U.S. steel companies which are not subsidized. Foreign dumping is an easy task because we have not taken steps to protect ourselves against this kind of attack.

So long as our borders remain laid open, the prognosis for our steel industry is poor and continued deterioration will occur. Unless we take definitive action—and soon—we will soon be unable to manufacture steel from raw materials in this country.

While we may be victims of targeting, we are not helpless. There are available remedies, should we care to avail ourselves of them.

The private sector has already responded; steelworkers accepted large cutbacks last year, dramatically reducing labor costs. The industry has attempted to modernize, but billions of dollars are necessary to complete the task. One study estimated that $3 billion per year was required. The American Iron & Steel Institute estimates that a total of $60 billion will be needed in the next decade—that is almost one-third of the President's projected budget deficit for fiscal year 1985.

The industry is trying. In 1980 $3.4 billion was spent to modernize. Unfortunately, as the condition of the steel industry worsened, less capital was available. In 1982, capital improvements declined to $2.2 billion and less than $2 billion in 1983.

Steelworkers of the Weirton Steel mill in my district in West Virginia fought back against the threatening current and refused to accept the shutdown of their mill.

Instead of accepting padlocks on the plant gates and a blight on their hometown, they banded together and bought the mill, creating the Nation's largest employee stock ownership plan. I am extremely proud of the Weirton employees and commend their courage in this effort. I wish I could tell them that the President or Congress had taken action to relieve the distress of the steel industry that still threatens their homes and their livelihoods.

The administration has at its disposal more options than any other single party involved in this issue. It could negotiate voluntary import restrictions with the relevant countries. It could approve the steel industry's section 201 petition, which simply and conclusively demonstrates that imports are causing serious injury to the industry. The administration could more rigorously enforce existing trade laws that were designed to provide some relief to the kind of problem currently facing the steel industry. It could send legislation to Capitol Hill calling trade law reforms—calling for fair trade laws.

Instead, the administration has done little. The administration believes that "the free market" should resolve the problem.

I am afraid that without intervention on the part of the Federal Government, this so-called free market will solve this dilemma: American steel mills will shut down and will eventually lose our capacity to produce steel.

Some economists are fond of supporting the concept of specialization. Supporters of this concept believe that the organizations that are capable of producing goods in the most efficient manner should do so. Those that cannot produce goods in this fashion should get out of the business. While this is a tantalizing approach, it is nothing more than patent medicine.

There are two important factors ignored in this analysis. First, the involvement of foreign governments, by supporting select domestic industries with practically limitless access to low-cost loans and price guarantees, skews the market and the alleged "efficiency" of production to an unprecedented degree. The only way for us to compete and win in this market is for our Federal Government to start prescribing the same treatment. Otherwise there is no fair trade.

The second neglected factor is that we simply cannot afford to lose our capacity to produce steel from raw materials. The "mini-mills," which are faring better than the larger steel companies, are dependent upon scrap metal to produce steel. Should this supply become exhausted they would be unable to make this product. Steel is the backbone of our country, not simply because it is used to build our offices and roads, but because it is an essential component of our defense capability.

It is paradoxical that an administration that continues to support inflated defense requests refuses to acknowledge the critical defense role played by our steel industry.

While Congress has not earned any commendations for passing legislation to aid our steel industry, the Congressional Steel Caucus has been extremely busy. Last week, the caucus, with my strong support introduced the Fair Trade in Steel Act of 1984, H.R. 5081. This measure restricts annual steel imports to 15 percent and ties import relief to modernization efforts by the steel industry. I am pleased to have the opportunity to support such worthwhile legislation, but I would be more pleased to be able to stand here and say that it had the endorsement of the President.

When you strip away the jargon, the charts, and the legal shadow-boxing, what you are left with is the simple fact that something must be done. This is not a case of crying wolf: The steel industry is fighting for its very survival and unless clear action is taken soon, we will lose one of our most essential industries. I implore my colleagues and the President to consider this matter seriously and decide if we are willing to sacrifice steel to abstract ideologies and hopes of a high-tech recovery. I, for one, am not and I will continue to press for action—not words.

□ 1540

THE HOME MORTGAGE EMERGENCY ASSISTANCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Madam Speaker, last May, the House of Representatives overwhelmingly, with about a 115-vote margin, passed out H.R. 1983, the Home Mortgage Emergency Assistance Act. We had a bitter debate on the subcommittee level. I was the author of H.R. 1983. We had bitter debate and markup sessions in the full committee. And finally passed the measure out on the committee level on a strictly partisan basis.

□ 1550

We had only one Member of the majority side that voted with the minority against. In the House, however, after debate, extensive debate, the House approved it by a margin of better than 115 votes.

The allegations on those voices against were that, one, it was unnecessary, there was no crisis, American families were not losing their homes because of any reason beyond their ability to control, it would be one more program labeled erroneously an entitlement program.

H.R. 1983 does not provide for an entitlement program. As a matter of fact, it is a very strict avenue that would enable the credit resources of our Nation to once again realize the priority that homeownership should have and one which, incidentally, even in the bitter depression years when the Government was broke, worked successfully in a more charitable way. As a matter of fact, the Homeowners Loan Corporation made money. When it closed out toward the end of the depression, it had a surplus of about half a billion dollars, meaning that those families that this Congress, or some of them, said could not be trusted to pay back, or would cheat, or would take advantage unjustifiably of such a program, did during the depression not only pay back but paid interest.

Nevertheless, even though we passed it and it was labeled the Emergency Home Mortgage Assistance Act, it had been our hope and our most intense desire that it really be considered by the House and passed by the House at least before the Easter break 1 year ago, this month exactly 1 year ago. But because of the strong administration opposition and the solid opposition on the part of the Republican Members, we had to wait until May, even though it was recognized and labeled the Emergency Home Mortgage Assistance Act.

At that time we predicted that the meager seed money we were providing would at least help over 100,000 American homeowners. We were replied to that that was unnecessary, that the mortgage lender would yield and would be reasonable and would extend.

We had earnings, as we always have. And I certainly would not put my name on legislation and push it just because I had a strong desire for a program, unless it was documented. The need for it was clearly brought out in evidence after evidence in a series of hearings that we had both here in Washington, as well as out in seven States of this country. I went into seven of those States. I presented the case of Pueblo, Colo., where the people were in grievous suffering, where half of the work force had been thrown out, the steelworkers, because the steelmill in Pueblo, Colo., the main life force, had closed down almost all of its operation. Over 3,000 of the 5,000 workers were on the streets. They were beginning to lose their homes at the rate of 100 a month. And how did they know of our efforts? Because we got on this floor, spoke out for the need for the legislation, and some of those people in Colorado saw this on the coverage given the House proceedings that we have now, though the purpose, at least mine, has been to address my colleagues. After all, before it was even dreamed that there would be such a thing as cable coverage of this, I was talking to this forum. In the first 3 months of my service in this Congress, I rose on 32 occasions to speak out of grievous, irresponsible action on the part of the FAA in removing the brandnew air-route traffic-control center from San Antonio and consolidating it in Houston, gravely jeopardizing air safety travel even to this day.

So when this serious matter, the most depressing situation one can imagine in this great country of ours, was brought to our attention, a petition was received by me with 3,000 signatures from Pueblo, Colo., alone.

I often wonder why the Presidential aspirant, the Senator from that State, has not raised one time his voice in the Senate where this bill is languishing and where it has languished since May because the administration is solidly against it, from the President on down. The Secretary of HUD, who finally reluctantly was compelled to come before our committee, let us know that no matter what evidence we brought, he was against that program, and if the Congress forced it down his throat, he gravely intimated as to just how willing he would be in faithfully executing the law approved by the Congress.

This is the kind of administration we are confronted with today in America.

Now, what is the situation today? Is the situation better, as my distinguished colleagues on the minority ad nauseam repeatedly said?

Well, if they were right, we were wrong. If they are right now, we are wrong now and the Senate is right in smothering that legislation. This is one reason why I voted against my own housing authorization bill last December when they made this atrocious and perverse linkage of bills, where you hold one bill hostage to another. I deplore hostage taking, whether it is in real life or in legislative billing. And why did I vote against it? Because, among other reasons, they would not add that H.R. 1983, which I say and repeat is languishing, waning, dying a slow death in the second session of the 98th Congress, while this great, dire need that goes to the heart of the crisis confronting the American people, a crisis occasioned by another cause that again I have been speaking out on for 18 years, in that case, but more particularly in the last three Congresses, in which I have even reached the length of introducing an impeachment resolution against the Chairman of the Federal Reserve Board and the Open Market Committee of the Federal Reserve Board, because it is interlocked.

I wanted a while ago, and resisted the temptation, to intervene again while my distinguished colleague from Pennsylvania was discoursing on this dilemma of the depressed situation of our steel industry and the disastrous consequences that are afflicting us, to tell him it is also interrelated because the fundamental issue, from the very beginning of our national existence as a national entity, has been which group, which force in our body politic is going to control, is going to dictate the allocation of credit resources of the Nation, and for what purpose or priority. That has been the issue since Thomas Jefferson got up time after time to revile what he called the bankers of that day. And if any word I have said has seemed to be harsh in talking about the same thing, bankers, though we may not be speaking precisely of the same groups, you ought to read what Thomas Jefferson said about them. It was a thing that agitated the Nation after the beginning of our Government in the form we recognize it, that is, after the adoption of the Constitution and the First Congress. That was the big issue there. In the two Continental Congresses, the big issue was that.

Government, like individuals, have to have their bankers. But how and under what conditions? That is the issue. The point is that what was saved because of the greatness and the integrity of great leaders such as Jefferson, Hamilton even, who had different notions than Jefferson, but they both agreed that that awful power should not be uncontrolled, that that awful power had to be harnessed to the interest of the greatest number and the greatest good of the greatest number.

☐ 1600

Well, for the first time ever since the beginning of our Nation we lost that fight, and definitely are not anything but losers at this time.

What is the interest rate an average businessman pays right now if he goes to his bank and wants to borrow? Let us take a real, small, small businessman. He needs to acquire a little inventory. What must he go and offer to pay, and bind himself to pay, by way of interest? For $1,500, let us forget about $100,000; just $1,500. He will be having to commit himself to pay almost the same rate of 1 year ago, and that was better than 18.5 percent.

Today, it is very little different. At that rate, should we marvel at what we are hearing at another group of meetings of a committee I also belong to because I, too, am a member of the Small Business Committee. One of the subcommittees that I belong to has inaugurated a series of hearings to go into this question of the ever-growing number of bankruptcies proceeding at an even faster pace this year. Even though this year is supposed to be recovery, it is one more delusion.

World history is full of delusions. Let us face this one facing us now because it has to do with everything that my colleague a while ago mentioned: That is the standard of living, the American way. You cannot maintain freedom or what we consider to be the absolute minimum for freedom which is economic freedom, and who can say today that the greatest number and the overwhelming preponderant number of Americans have economic freedom.

We cannot have nonhomeowners and have much security into the future. We have already begun to associate, or should have after the riots of the sixties, realized the debility and the fragility of our social structure, it is very brittle, my friends.

A person, a family that has an attachment to the soil or even if it is just a building, has an identity with the country that a person who does not cannot have. What are those figures today? In the case of the businessman, who is going out in droves, how can he not? Who at any time in the world's historical development under any clime, or under sky, or any flag, who has been able to do any kind of business at usurious interest rates, at extortionate interest rates? After all, I have noticed my colleagues and famed economists come up here and they seem to define the rate of interest as that which reflect the cost of money. Well, it is far more than that. The rate of interest is a mechanism by which the wealth of a society is transferred and exchanged. That is what it is. If you have usury rampant, if you have extortionate interest rates uncontrolled, should it be any surprise that we have become economic slaves and that the backbone of our economy, which is small business, is going out in untold numbers at this point?

Last year, in midyear, they were going out at a greater rate than at the peak point of the depression in the thirties. This is recovery? Homeownership is inextricably linked. So, let us see, my dear fellow opponent Members to the Emergency Home Mortgage Assistance Act.

I want to provide at this point for the RECORD, an updated chart which shows the most recent data on defaults and foreclosures compared to the data we had presented here when we debated H.R. 1983. The 60-day default rate comparison. Half of the Federal Home Loan Bank Board districts report an increase over the 1983 figures.

60-DAY DEFAULT STATISTICS BY FEDERAL HOME LOAN BANK DISTRICTS

[In percent]

	60-day default rate as of January—		Foreclosure rate for 1st half (January-June)—	
	1983	1984	1982	1983
Federal Home Loan Bank of:				
Boston; Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont	1.47	1.26	0.074	0.064
New York; New Jersey, New York, Puerto Rico, and Virgin Islands	1.78	1.79	.075	.114
Pittsburgh; Delaware, Pennsylvania, and West Virginia	2.62	2.33	.113	.123
Atlanta; Alabama, District of Columbia, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia	1.66	1.59	.066	.098
Cincinnati; Kentucky, Ohio, and Tennessee	3.48	3.27	.212	.250
Indianapolis; Indiana and Michigan	2.45	2.66	.214	.281
Chicago; Illinois and Wisconsin	3.57	3.40	.201	.328
Des Moines; Iowa, Minnesota, Missouri, North Dakota, and South Dakota	1.66	2.0	.174	.204
Dallas; Arkansas, Louisiana, Mississippi, New Mexico, and Texas	1.42	1.85	.103	.164
Topeka; Colorado, Kansas, Nebraska, and Oklahoma	1.65	1.96	.136	.201
San Francisco; Arizona, Nevada, and California	2.22	1.85	.138	.226
Seattle; Alaska, Hawaii and Guam, Idaho, Montana, Oregon, Utah, Washington, and Wyoming	3.73	3.90	.195	.309

Note.—Trigger in emergency bill is 1.3 percent; 60-day default national rate as of: Mar. 14, 1983—2.27 percent; January 1984—2.14. National foreclosure rates: January-June 1980—.068 percent; percent: January-June 1981—.083 percent; January-June 1982—.137 percent; January-June 1983—.195 percent.

Remember, default, not foreclosure, default. Let us look at foreclosure. In comparing the foreclosure rates, the rates in the first half of 1983 are up now in every district except one since the last half. Now these are the latest foreclosure numbers compiled by the Bank Board and these always have been just like the unemployment figures today, very shoddy and inadequate and tell only half of the story.

In the case of the unemployment figures that the administration boasts about unemployment going down, the reason is that they have doctored the method in which statistically that is accounted for since a year and a half ago. So, you do not show the hardcore, over 6-month unemployed; they have dropped out. They are nonpersons, they do not show up anywhere, but they are out there, and I see them every time I go to my district, and I see them every time I go into every other district and just in the last 1 year I have gone into better than 11 States, including the District of Columbia.

Now, while the national default rate is down slightly since last March, from 2.27 percent to 2.14 percent, that national foreclosure rate is up. Now, we have had very interesting activity. This is interesting because last week I had a conversation with one of our appellate judges in the State, and he was telling me that since the retreat of the Supreme Court of the United States on most of our key social issues, the State courts have been wanting to come up and are picking up some of the slack. Well, the States are doing it in the case of home foreclosure legislation. Minnesota passed a bill to extend foreclosure relief for up to 6 months for homes and 12 months for firms. It expires July 1 this year.

Connecticut passed a bill for 1 year in August of last year allowing judges to order the restructuring of mortgage debt. We had hearing after hearing in which we brought in the judges. We brought in the sheriffs, and we brought them from high- and low-unemployment places. That is what motivated H.R. 1983, nothing else.

Pennsylvania's bill was that one that was signed into law, and it is similar to ours, H.R. 1983, and it is a 5-year bill. So, it is interesting to see that where Congress itself, the national policy body it is supposed to be, is advocating, or at least at this time stalling, the States are in some areas beginning to pick up the slack. But, it can never, never match a national policy.

So that once again I appeal, and at this time to that august body known as the U.S. Senate, to at least debate the bill and to realize, and I think some of the Senators that are going to be going out and facing the people this year, we might hear from them. In fact, I hope that the Senator now from Colorado seeking the Presidency, will reflect a little while and go visit Pueblo, Colo., right in the middle of his district and speak up over in the Senate a little bit. Because I checked with the folks in Pueblo, Colo., just last week, and they are in the middle of litigation, those last remaining people that have still managed to keep from being actually thrown out, they are in the last stages of litigation trying to hold on, and are desperately in need of some kind of help.

□ 1610

I say to you hardhearted Romans what Franklin Roosevelt said under the same circumstances, and had the courage to say it despite great criticism: Governments can err, Presidents do make mistakes; but better the occasional faults of a government that lives in a spirit of charity than the constant omissions of a government frozen in the ice of its own indifference.

Go further and say that I intend now to actively proceed where I left off a year ago when I reintroduced not only the reform bills of the Federal Reserve Board that I have been introducing for years, but also the two impeachment resolutions.

What is our situation? Why is there so much distress as reflected by these gentlemen we just heard earlier, my colleagues from Pennsylvania and West Virginia, not to speak of the other distressed areas? Well, the same folks here who were telling us that we could not afford about $300 million, $350 million, to try to help Americans save their homes came in here and told us that it was absolutely necessary to provide $8½ billion for those foreign nations that cannot even pay the interest on their debts. To what? To the biggest banks of this country that are in such distressful situations right now that their capital assets are outdistanced by the overhang of the debt owing them by these so-called developing nations that cannot even pay the interest.

We have seen, as I pointed out then in my refusal to go along with that, how could I ask the American people to tax themselves $8½ billion when we would not even trust our own American people with $350 million? I have seen it as a member of the Banking Committee, a repetition of what happened after World War I when Europe then, instead of Uncle Sam, they called us Uncle Sap. Then when things got rough and some of our leaders began to talk about defense, like some of our leaders here today, they then called us Uncle Shylock.

The same thing is happening now. We see the folly of the lenders, such as our nine biggest banks. Incredible. If any of our small banks in our communities were to try to do the same thing, first they would be excoriated, and second, they would be declared bankrupt and insolvent. But if you are big enough and if it involves billions and billions of dollars, then you can commit the folly unchallenged. The folly of the lender can be exceeded only by the extravagance and irresponsibility of the borrower.

As in World War I, our debt in World War I and World War II was internal. The European nations borrowed from us. We financed them. We gave them the line of credit that enabled them to win the war. It was our overwhelming providing of credit resources that enabled the so-called allies to win out, World Wars I and II.

So America's debt was internal. Without the credit, the war could not have lasted even 4½ months. Victory followed credit. After World War I, the only difference was the names of the countries, and through very, very brilliant maneuverings, Uncle Sam became Uncle Sap and was left holding the bag, and not only having to service his own internal domestic debts but also having to pick up the others.

So we had our bankers investing then, like they have now, because of greed. Where in the world can the Chase Manhattan Bank get 35 percent interest other than, say, Mexico, Brazil, or these other hapless countries, as they are now. So now they have come out and gotten on the dole while their former chairman, Mr. Rockefeller, was blaming the Congress for spending money for such things as food stamps as the cause of a deficit. But when they were looking down the throat of bankruptcy and these countries like Peru were about to declare themselves unable to pay, they go to the International Monetary Fund, IMF, to provide the credit resources to enable them just to pay the interest, or part of it; not even the principal.

The day of reckoning has to come. The same bubble that broke the world at the end of the 1920's is again about to break the world this time, and we are totally unprepared now, as we were then, to anticipate because we are doing the same thing. We are neglecting our own, providing the line of credit to the foreigner that we deny our own needy.

There is a crisis in housing. There was in the 1920's. So here was Germany getting away from reparations, and who says that maybe they should not, but they did, and the French and the English also coming in needing. The brilliant Dr. Hjalmar Schacht, Hitler's financial wizard, doing the same thing, giving us the same arguments, incredulously, when we had the hearings on the IMF $8½ billion. He said this is a jobs bill. If we do not give these nations this, it means American jobs. Incredible. That is the famous scheme that was dusted off and repolished and made IMF that Dr. Hjalmar Schacht first foisted on us back in the 1920's and 1930's when he said, "Look, sure we owe, but you have to give us more debt, you have to give us more credit, so that we can go out and purchase the goods that will be bought from your country so your factories will keep going." And besides, we have to have a favorable balance of trade, so that every nation was then, and it is now according to the IMF—this is what they told us last year—that everyone is going to have a favorable balance of trade.

I want to know how that is going to be done. Even Dr. Schacht had to admit that maybe some would be more favorable and some would be more unfavorable than others.

□ 1620

But today that is not said, but they are getting away with it again. So what do we have?

Let us take the defense bill. The President says that he wants a constitutional amendment to balance the budget, but he will not offer us a balanced budget. He sends us a budget that is disowned by his own Director of the Office of Management and Budget by the time it reaches here to be announced to the House. And his own economic adviser, the chief one, disowns it. Yet he has the temerity and the nerve to talk about a balanced budget as if that were something that you could mandate a constitutional amendment to bring about.

Well, we had the same thing and the same talk in the post-World War I period, incredibly. And so while we were having no housing back in 1929—and it is interesting, and the record should reflect this—we had the same 5-percent balloon note, as they called it, in the acquisition of homes that we have now retrogressed to today. That is exactly what it is. They have all kinds of funny names and gimmicks for it now, but that is what it amounts to—your long-term fixed mortgage which housed America, dead as of 3 years.

Then while we were having the housing situation like we are having it now, Germany was having a housing boom. They were building homes for their citizens. England and Europe have done that, too, recently. The biggest housing programs have been in Europe.

With what? With credit from us while we deny it to our people. American credit has been loaned for that purpose. They have borrowed on public credit to replace slum dwelling over there.

Now, if we use that credit for our own purposes, despite the contentions of these distinguished minority leaders who seem to be so apprehensive about a balanced budget, we would at least have the physical possession of the dwellings, if nothing else. As it is now, we not only do not have that, we do not have the credit or the money; all we have got is the deficit. So we come round circle essentially to the same position for the same reasons.

Anticipating this, several years ago I made an analysis and spoke here. I mentioned that now—and this was 1979—for the first time since 1932 all the factors were in that equation once again that were there before 1932 that led to the so-called crash. One of the indicia was that the bankers in any land have what they call the 20-to-1 ratio. When the 20-to-1 ratio is reached, assets versus debts, you are in trouble. Bankers consider that catastrophic—the end. That was reached, according to the survey I made in 1979, and I announced it. Nobody paid any attention, of course.

It just meant to me that it is just a question of time, and that we ought to be setting up anticipatory mechanisms. But we have not done that, and we will not, so that when the crisis comes, we will be knee jerking and reacting out of crisis, which is not good.

Now as then, no customer can afford to buy the products at prices that enable that industry to pay interest on its debts. It is that simple. So then what is the priority?

As I explained a while ago when I intervened in the special order of the distinguished gentleman from Pennsylvania, I pointed out that right in his district in December they threw out about 20,000 workers because two of the steel companies made up their minds that a 20-percent profit was the only thing they would settle for even though their competitors are glad to get 6 percent. And so where did they put their money? They put it in frantically acquiring an oil company, the Marathon Oil Co.

So we have another phenomena, and the goat is who? The American worker. That is the sacrificial victim. That is what is at stake.

I cannot see a Congress worthy of its name of being representative abdicating and remaining silent. I am impelled to speak out. I know that it is not popular, but that is not the issue. The issue is whether or not we really live up to our constitutional obligations or whether we abdicate as we have been.

Those of us who belong to the committees that charge us with knowledge have a very special responsibility. This is why I have been introducing the Federal Reserve Reform Act for 15 years. Why? Because the Federal Reserve Board is not a Federal agency. It is a creature of the Congress. The Congress passed the Federal Reserve Board Act of 1913 and created it, but one would not think so from talking to some of my colleagues who say it has got to be independent. But independent of what? Independent of the people, for the Federal Reserve Board today is accountable to nobody. It is not accountable to the President, it is not accountable to the Congress.

I have been on the Banking Committee since I came here—and that is 22 years, 3 months, and 4 days—and not once have any of the three different Federal Reserve Board Chairmen ever come to our committee and given us an accounting. In fact, they have come like monarchs who are rendering us a favor to come over and discuss matters after we passed a bill a few years ago saying that they had to give us a report on monetary matters—just a report.

We ask, "Will your royal majesties and high lords and panjandrums please come to the Congress and tell us what you think?" Maybe they will, maybe they will not. Up to now they have been gracious enough to come now and then. But then they blow smoke rings and say nothing.

In the meanwhile, to whom are they accountable? They are a private, self-perpetuating entity, the way they operate now.

That has been since the foisting of what they call the Open Market Committee in 1923, and I think that if President Woodrow Wilson had been alive by then, he would have died as a result, because that was his last worry after 1916. But then the advent of World War I removed that temporarily for a while as a big issue, because he, like Abraham Lincoln in 1865, saw that as an issue. In fact, the very week that Lincoln was shot, that was the issue uppermost in his mind, and he discussed it. It was after his death that the 1865 National Currency Act was passed.

That was the time when national interest rate usury control laws went out. The country had them until 1865.

A couple of years ago, when the prime interest rate reached 21 percent, I had a little businessman in my district say, "I thought it was illegal." Yes; it used to be. Today usury has been legalized, and it is the heart of the matter.

You should not do this to any citizenry where the Government is there responsive to the citizens basic protection. Be it an American businessman or not, he has been stripped naked of any protection from these predatory, usurious, extortionate forces wrecking the country, particularly under the peculiar system of economy that this country has developed—the greatest glory of all.

After all, we are fighting something that a President said was wrong for 30 years, and that is the very programs that housed this country like none in the history of the world. In 1940, over 65 percent of all American housing was inadequate and substandard. By 1980, it was 6 percent.

□ 1630

What does that mean? It means the programs worked. FHA worked. This President wanted to undo FHA in his first budget presentation in February 1981. There I give credit to some of us on our committee. Singlehandedly I think we put a stop to that one, but they would have. All in the name of what? In the name of diverting what they consider to be a disproportionate credit allocation for housing in our country. They are still fighting.

I cannot help but remember when I think of this of these later Congresses and Presidents and our abandonment of the American people, the American dream of homeownership. I say, we are not going to let it die without a fight, anyway. Sure, words alone are not going to defeat that enemy; but let me tell you something, words and the fight sure can give a lot of heart to the eventual victory that will be ours when we come back to the American people and bring them back their government.

There is an old saying down San Antonio way that illustrates it in Spanish, "Candil de la calle obscuridad en la casa," which strictly interpreted means, "He is a shining light in the streets, but he is all darkness at home."

In other words in English we would say, "charity begins at home."

I am appealing to my colleagues, particularly in the Senate at this time, to reconsider their frozen indifference to the need of great American families, wonderful people, that want to keep their homes. It is still not late. Even though we have lost many, we can help and it is needed.

The statistics I produced for the record today show clearly that the need is a continuing one. The so-called recovery is an illusion.

Well, mass delusions are not rare, so we ought to know that this again we must fight.

Liberty is never won permanently. It has to be fought by every generation in its own way.

Those of us who know that the new generations are on the threshold, they will be stepping into our shoes, must also know that some of us want to act in such a way, vote in such a way, behave in such a way, that that which we inherited, that which gave us the opportunity to appear before these forums and register the voice and the vote of one district, we will through our actions and our thoughts and deliberations not diminish one iota for them.

Homeownership and the proud possession of a home is one of those things worth fighting for, dying for, much less debating for.

THE PLIGHT OF THE ELDERLY AND DISABLED

The **SPEAKER** pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. OAKAR) is recognized for 10 minutes.

Ms. OAKAR. Mr. Speaker, I would like to call attention to one of the best kept secrets, but which I think these recommendations will have a tremendous impact on the manner in which the budget will proceed, and this is the Advisory Council on Social Security Report of the Presidential Commission, their report on what they would do to cure the problems of medicare, which as we know affect 36 million American citizens who are older Americans and disabled.

This Commission, by the way, this Council, does not include members appointed specifically to represent senior citizens or disabled individuals. I believe strongly that while they will try to have a tremendous impact on how we will proceed in the manner in which we treat our elderly and disabled with respect to their health care needs, they will have a significant influence.

I want to warn my colleagues of what their dangerous reports suggests. It was released to Congress last Friday without a lot of fanfare, but it is a very subtle thing and we ought to be very suspect of it.

I think it demonstrated a very real lack of vision with respect to its recommendations for our elderly. I think what this Advisory Council does is reinforce the President's vision of the manner in which we treat older people and disabled people in this country, which I feel is unfortunate.

The President's Council makes it look as if it is the elderly and disabled individual's fault for inflation of health care. It is as if they must by decreasing their benefits and adhering to the report that is at hand, that we dump on the elderly, that we cure all the problems in this country by taking away from the needs of our older Americans who made this country the greatest country in the world.

Let me tell you what a couple of their recommendations are. They are going to have tremendous impact unless we readily reject these recommendations. Two of the Council's recommendations are the following, and this is in respect to the area of medicare:

One is that they want to raise the age of eligibility for medicare from 65 to 67, and another recommendation that is a disaster, I think, is to increase the cost of medicare premiums. This would increase the cost for those in this country who can least afford to pay the higher health cost.

Now, what they are trying to do is make medicare more inaccessible for people who really need it than it already is. We know that right now there are about 30 million Americans who do not have any access to health insurance and about a million and a half of these are senior citizens, who for one reason or another do not qualify for medicare. Instead of recommending that we fill in that gap, that we cover that problem and allow these individuals who are not eligible for medicare to qualify—I am speaking for example, of black women who worked as domestics, and they are the 5 percent in the population who have no social security coverage because when they were working to clean somebody else's home, they were not getting social security benefits, and as a result do not qualify for medicare. These are the people that this Commission not only wants to cut out, but they want to increase the number of people, who do not qualify for medicare now to another million and a half. This would be a real blow for older women especially.

Right now, many older women who are 62 years old and widowed are ineligible for medicare because they have not reached the age of 65. This Commission wants to raise the age to 67. It is a terrible recommendation. We ought to soundly reject it. We ought to ask what the philosophy is of these Council members that were appointed by this administration and we ought to ask them how they think older Americans are going to pay for increased health premiums.

You know, a lot of mistakes have been made about how medicare is paid for. Older people, in fact, and disabled people do pay for a substantial portion of medicare. It is not a welfare program. Part A, for example, is covered under social security, so that if you pay into the system or your spouse pays in, you are eligible when you reach age 65 to be covered by medicare; but part B, older Americans and disabled Americans pay almost $15 a month for part B, and even with parts A and B, medicare only covers about 40 percent of the needs of our older people and our disabled people. It does not cover, for example, preventive health care.

Let me just tell you what the Commission says about that. What they indicate is that they are not going to deal with preventive care coverage at this time. They are not going to deal with the problems of long-term care. How many families in this country have older people?

□ 1640

Older people, many families have a very difficult time taking care of their loved ones. For decent nursing home coverage it is almost prohibitive with families. They cannot afford to give very often their loved ones quality nursing home care, which for some older people is a necessity.

On the other hand, there are a lot of people who are older who would not need nursing home care and hospital care, which is very expensive. If we gave them the types of preventative health care, that would keep them out of hospitals and keep them out of nursing homes.

If, for example, we reimburse nurses instead of only reimbursing doctors, if we reimbursed nutritionists, if we allowed older people to get free blood pressure checks instead of having to prove that they have high blood pressure before it is covered by medicare. If we allowed our older people and our disabled people who are currently covered by medicare to be able to get a free physical, if we had coverage for prescriptions, many older people would avoid strokes that are catastrophic illnesses, that by and large cost more money to serve that need.

Do my colleagues think this Advisory Council that is supposed to look really critically at the problems with medicare in any way, shape, or form wants to deal with preventative health care, that by and large would be cheaper in the long term for our older American community, and give them an option in terms of hospital care and nursing home care? Not this Council. Not this Council. They are only interested in raising the age and charging older people more premiums.

They really and truly lack the vision of what is needed for our elderly population's health care needs.

What really disturbs me the most is that by their recommendations I feel that they almost have contempt for the older American person's needs and contempt for the disabled American person's needs.

One out of five dollars that older people have go for health care, over and above what they pay for medicare. And the average older woman in this country lives on about $340 a month that she gets from that social security check. That is the median amount of a check for an older woman over 65. And the average man who is over 65 does not do too much better. He lives on about $450 a month. That is his median income, and only 10 percent of older women who are 65 and older have any other pension. So that is it for them.

So this great, wonderful, and I say this facetiously and ironically, this Advisory Council that is supposed to give the American people solid recommendations in terms of how to meet the needs of the health care problems of our elderly, the only thing they can come up with is charge them more and raise the age so that more people will not be eligible for medicare.

So, I hope that this Congress soundly rejects President Reagan's Advisory Council on Social Security's recommendations and I hope that in the future we enact legislation to contain health care costs throughout the entire health care system, not just medicare, to close the gaps in medicare coverage, and to provide finally comprehensive benefits and preventative health care services for all of our Nation's elderly and disabled.

COUNTERFEIT ACCESS DEVICE AND COMPUTER FRAUD AND ABUSE ACT OF 1984

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HUGHES) is recognized for 5 minutes.

Mr. **HUGHES**. Mr. Speaker, today I am introducing a bill on behalf of myself, Mr. SAWYER, and Mr. NELSON, to amend title 18 of the United States Code to provide criminal penalties for counterfeiting access devices—credit cards, debit cards, et cetera—and computer fraud and abuse. This bill has evolved from an earlier bill, H.R. 3570, which Mr. SAWYER and I introduced on July 14, 1983—see CONGRESSIONAL RECORD E3470 on July 14, 1983—and upon which the Subcommittee on Crime held two hearings in 1983. H.R. 3570 would prohibit transactions in counterfeited fraudulent access devices and counterfeit devicemaking equipment for these instruments if these illegal acts in the aggregate obtain anything of value worth $5,000 within 1 year or if the defendant is in possession of 10 or more counterfeit instruments indicating he or she is more than a small-time thief. It would also prohibit computer-assisted crimes that affect interstate commerce if they aggregate $5,000 in illegal gains for the defendant in 1 year. The bill we are introducing today would expand H.R. 3570 to also include a misdemeanor crime of computer abuse if such abuse affects interstate commerce and the defendant's uses modifies, or discloses information in, or prevents authorized use of a computer and results in loss to others aggregating $5,000 or more in value during any 1-year period.

The Subcommittee on Crime's hearings in 1983 documented that financial institutions have suffered astronomical losses due to credit card fraud. The industry sets the figure at $100 million in 1983, which is a 500-percent increase in losses from 1980, This startling increase can be attributed to ever-increasing sophistication in the use of account numbers, access codes and other technological innovations in criminal fraud which inevitably is moving toward an increase in the use of computer technology. When you stop and think that there were an estimated 5,000 desk top computers in 1978, over 5 million today, and 80 million projected by 1990, it seems clear that we must not only bring our laws up to date to protect our institutions now in the credit card area, but also give serious consideration to deterring the criminal element from using this rapidly changing technology in the future. In these hearings, it has become clear that there is a need for legislation to protect our information assets now as it was to protect our tangible assets from, for example, interstate theft with the advent of the automobile and other dramatic transportation advances in the 1920's and 1930's

Recently, the issue of computer abuse has risen to the forefront by the reported instances of so-called hackers who have been able to access private and public computer systems, sometimes with potentially serious results. This relative ease of access is due to a corresponding proliferation of computer networking which began during the 1970's. This phenomenon which is overwhelming interstate in nature was described in our hearing on November 10, 1983, in the following fashion:

> The computer networking ERA brought dramatic new capabilities to the data communications marketplace for example, networks enable otherwise incompatible computers and terminals to communicate with one another by translating codes and protocols between these devices in real time, very much like the United Nations providing simultaneous translations to a multilingual diplomatic constituency. Another example is the accessibility of computers which are connected to networks from local telephone exchanges via dial-in facilities. With this capability, every computer which is connected to a modern computer network can be reached from any of the 100 million telephones in the United States by means of a local telephone call to the nearest network access point. It is this very capability which has also enabled the recent flurry of electronic trespassing incidents. By combining the ubiquity of the telephone with the capability of the personal computer, a whole new dimension of criminal activity becomes possible.
>
> As computer networking and distributed data processing has grown so has the "user-friendliness" of accessing computer resources through the networks. The requirement of "user-friendliness" is a natural outgrowth of a desire to allow large numbers of authorized users access to computer resources. Most systems use some sort of variant of an identification code/password system. This generally consists of simple codes which are easy for users to remember and simple to type. Until recently, this form of security was sufficient, since most users only had the ability to use "dumb" terminal devices for access. Within the last two years this has changed with the advent of the personal computer. The personal computer allows its user to employ the power of the computer to break into other computer systems by systematically speeding up what would otherwise be a slow, hit or miss process. For example, the motion picture "War Games" showed a realistic representation of the automatic dialing and access capabilities of the personal computer. Another way of saying this is that prior to the personal computer, password codes were generally satisfactory due to the security inherent in the tedious trial of combinations necessary to break the passwords manually. This aspect is now gone.

It appears obvious that as we move closer to a cashless society which is more and more dependent on new computer technology, we cannot ignore the fact that the incidence of counterfeit access devices and computer crimes will continue to rise and the losses to financials and other institutions—therefore losses to consumers—will continue to grow. These high tech criminals are one step ahead of the legal system, and it is time that the legal system caught up.

With this in mind, the Subcommittee on Crime will hold additional hearings on this subject in the near future. Anyone with views in this area should communicate directly with the Subcommittee on Crime, House Committee on the Judiciary, 207 Cannon House Office Building, Washington, D.C. 20515 or telephone (202) 225-1695.

ALBERT W. DENT: EDUCATOR, HUMANITARIAN, LEADER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 10 minutes.

Mrs. BOGGS. Mr. Speaker, Albert W. Dent, former president of Dillard University and a leading citizen of New Orleans, died on Sunday, February 12, leaving to the people of New Orleans a legacy that includes a great university, better health care for the black community, and a spirit of racial understanding that influenced four decades.

Dr. Dent was born in Atlanta in 1904, the son of a laborer. Through his own efforts and those of his indefatigable mother, he earned a bachelor's degree from Morehouse College. After graduation, while working as a fund raiser for his alma mater, he married the brilliant and charming Ernestine Jessie Covington, an accomplished concert pianist who had studied at Oberlin and at the Juilliard, thereby forming a partnership devoted to the public good that lasted for 57 years.

In 1932, he moved to New Orleans to become the superintendent of Flint-Goodridge Hospital, a part of Dillard University. At the hospital, he gained a reputation as an innovator who worked to improve the quality of health care for the black community. He established liaison with the city's medical community and hired doctors from Tulane and LSU medical schools to improve the skills of the physicians on the staff. This effort eventually drew physicians from five surrounding States as well. Also during his tenure, he established programs to combat tuberculosis and to improve the obstetrics and maternal care available to the black community.

In recognition of the achievements in health, Dr. Dent was named to many medical organizations. He was the first black President of the National Health Council, president of the National Tuberculosis and Respiratory Disease Association, and vice chairman of the World Health Organization's National Citizens' Committee. In 1964, citing "his outstanding effort to improve the Nation's health," the American Hospital Association made him an honorary member.

In 1935, while still superintendent of Flint-Goodridge Hospital, Dillard University hired him as its business manager; 6 years later he became president of the university.

During his tenure as president, he helped establish Dillard's reputation for excellence. He assembled the finest black college facility in the region and secured the support of influential and generous donors. Virtually all of the 19 buildings on the campus were designed and erected during his presidency.

As a result of his respect for academic superiority and his successful fundraising skills, Dillard was firmly established as a first-class university. Dr. Dent believed there is a special role for black colleges today. He said:

> There should be some compensation somewhere along the way for the inequities of the past. You cannot expect anyone to win a race or even have a chance of tying it when they're 10 yards back at the beginning.

In 1944, he joined four other educators in founding the United Negro College Fund and he served as its chairman from 1965 to 1970. He was also president of the Southern Association of Colleges & Secondary Schools for Negroes in 1948.

In addition to his efforts to insure excellence at Dillard, Dr. Dent was instrumental in efforts to improve race relations in New Orleans and throughout the South. Starting in the forties, he organized race relations seminars for public school teachers. He helped to persuade the city's public library administrators to integrate the main library, and, in 1946, he convinced Mayor de Lesseps Morrison to permit blacks to take the city's civil service examination. Because of his activity in opening the Boy Scouts in New Orleans to black young people, he received the Silver Beaver, Scouting's highest honor in 1960.

Once the leadership of the city recognized the need to share power with the black community, Dr. Dent was a natural person to assume many civic leadership roles. In 1966 he became the first black member of the city planning commission. He was also one of the first black members of the sewerage and water board and the board of liquidation, city debt.

In 1969, Dr. Dent retired as president of Dillard University. That year he received an honorary doctor of laws degree from Tulane University. He had previously received an honorary doctorate from Morehouse College in 1947.

Albert W. Dent's vast contributions to the New Orleans community were formally recognized in 1977 when he received the Times-Picayune Loving Cup, an award given annually to an individual who has made a lasting contribution to the city.

Mr. Speaker, I would like to include from the Times-Picayune on whose advisory board he served, an editorial regarding Dr. Dent and an article from the Louisiana Weekly noting his passing.

As beautifully expressive as they are in portraying the character and personality, and in recording the accomplishments of this noble American, they cannot, of course, convey the measure of profound influence that Dr. Dent had upon my husband, Hale, and me. Nor can they express the mutual affection and respect that are shared with him and his beloved Jessie, who holds my heartfelt sympathy and gratitude.

Thank you, Mr. Speaker.

[From the Louisiana Weekly, Feb. 18, 1984]

ALBERT DENT'S DEATH WILL BE KEENLY FELT

Dr. Albert Walter Dent, former president of Dillard University in New Orleans, died Sunday, February 12, at his home following a lengthy illness. He was 79 years old.

Funeral services were held in Dillard's Lawless Memorial Chapel on Wednesday, February 15. Interment was in Woodlawn Cemetery.

Dr. Dent, whose tenure as president of Dillard extended from 1941 to 1969. During that period, the university became the first Louisiana higher education institution to have a nationally accredited nursing program; Dillard also established the first speech department at a black college in the Nation.

Dr. Dent was a native of Atlanta, Georgia, and a graduate of Morehouse College there. After serving as alumni secretary at Morehouse from 1928 to 1931, he came to New Orleans to take the position of superintendent of the new Flint-Goodridge Hospital of Dillard University. Between 1932 and 1941, he served in the dual capacity of superintendent of the hospital and business manager of the unversity. In 1941 he was selected as Dillard's president.

Dr. Dent's interests were varied and far-reaching. Much of his activity extended beyond the New Orleans area and the South, into national and international fields of education, health, economic welfare, and human relations.

He served as consultant to federal agencies by appointment for four Presidents of the United States (Truman, Eisenhower, Kennedy and Johnson). Each named him to important commissions, and in those capacities he served the United States Public Health Service, the United States Office of Education, and the United States State Department.

Dr. Dent was one of five persons who, in 1944, organized the United Negro College Fund. he served as its chairman from 1965 to 1977.

He was also president of the Association of Colleges and Secondary Schools for Negroes, as well as vice president of the Southern Regional Council. And, additionally, he served as a director of the American Council on Education, and a director of the National Merit Scholarship Corporation. He served on numerous other regional and national councils.

In his years as superintendent of Flint-Goodridge, Dr. Dent was seen as an innovator. He made changes in the obstetrics department that ultimately saw the born-at-home rate of black babies drop four percent by the 1940's. He instituted one of the first low-cost hospitalization programs in the country, and was cited by Time magazine in 1940 for his contributions in this area.

For his contributions to the health field he was named to many health organizations, and received numerous awards. In 1964, the American Hospital Association elected him to honorary membership "in recognition of his outstanding efforts to improve the nation's health." The association recognized his foresight and pioneering efforts.

Dr. Dent used his influence to not only better race relations, but human relations. He was instrumental in organizing race relations seminars for public school teachers in New Orleans; in the desegregation of the main branch of the New Orleans Public Library; in desegregating the Boy Scouts and much more.

Dr. Dent is survived by his widow, the former Ernestine Jessie Covington, and three sons, Thomas Covington, of New Orleans, and Benjamin Albert and Walter Jesse of Atlanta.

[From the New Orleans Times-Picayune-States Item, Feb. 14, 1984]

ALBERT W. DENT

Albert, W. Dent, who died Sunday at age 79, was for decades one of New Orleans' most repected, admired and effective community leaders.

Few in the history of the city have equalled his accomplishments in higher education, health, civil rights and governmental and civic activities.

Soft-spoken and gracious, Mr. Dent worked quietly for betterment of all people as business manager and later president of Dillard University, superintendent of Flint-Goodridge Hospital and as a member of numerous boards, civic and professional associations and governmental agenices.

During the tumultuous years of the civil rights movement and long before, Mr. Dent chose to work through established channels to secure equal rights for blacks. While he recognized and supported the purpose of demonstrations in the 1950's and 1960's he also saw a need for persistent hard work and quiet leadership.

"Some of the most effective leadership in New Orleans, among both whites and negroes, is not vocal," he said in 1974. "The more positive their thinking and actions are, the less vocal and conspicuous they are. After all, isn't it a much more dramatic and effective thing to quietly change a man's way of thinking than to go out and loudly make a speech and participate in some publicity-oriented event?"

Mr. Dent was born in Atlanta and was a graduate of Morehouse College. He became superintendent of Flint-Goodridge Hospital in 1932. Under his leadership, the hospital, which was owned by Dillard University until 1983, became nationally recognized for its progress in health care. Mr. Dent's many achievements included building working relationships between Flint-Goodridge doctors and the rest of the New Orleans medical community and making available low-cost hospitalization insurance to black New Orleanians.

In 1935, he was selected to be business manager of Dillard University. Six years later, the university's Board of Trustees chose him to be president.

During his 28 years as president, Mr. Dent used his keen business acumen and fund-raising ability to build the university. Practically all of the university's 19 buildings were designed and built during his presidency. Mr. Dent also built the university into a widely-respected academic institution.

In addition to his careers in health and education, Mr. Dent served on the City Planning Commission, the Board of Liquidation, City Debt, and the Sewerage & Water Board. With his passing, New Orleans has lost an exemplary leader and a true humanitarian whose many achievements live after him.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. ERDREICH) is recognized for 5 minutes.

● Mr. ERDREICH. Mr. Speaker, on Thursday, March 8, 1984, I was unavoidably absent from the House, and was in my home district. Regrettably, I was unable to cast my vote in support of the final passage of the bill H.R. 4164, reauthorization of the Vocational Education Act. My attempt to pair on this vote was unsuccessful due to the overwhelming support of this bill. Had I been present, I would have voted "aye" on this important piece of legislation.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLAY (at the request of Mr. SKELTON), for today, on account of testifying in court.

Mr. FLORIO (at the request of Mr. WRIGHT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. SHAW) to revise and extend his remarks and include extraneous matter:)

Mr. LEACH of Iowa, for 60 minutes, March 15.

(The following Members (at the request of Mr. MITCHELL) to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.

Ms. OAKAR, for 10 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. HUGHES, for 5 minutes, today.

Mr. RAY, for 10 minutes, on March 14.

Mr. PATTERSON, for 60 minutes, on March 14.

(The following Members (at the request of Mrs. BOGGS) to revise and extend their remarks and include extraneous material:)

Mrs. BOGGS, for 10 minutes, today.

Mr. ERDREICH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SHAW) and to include extraneous matter:)

Mr. BEREUTER in two instances.
Mr. HUNTER.
Mr. LENT.
Mr. HILLIS.

(The following Members (at the request of Mr. MITCHELL) and to include extraneous matter:)

Mr. MORRISON of Connecticut.
Mr. OTTINGER in two instances.
Mr. HOYER.
Mr. ACKERMAN.
Mr. GARCIA.
Mr. IRELAND.
Mr. MATSUI.
Mr. MOODY.
Mr. DOWNEY of New York.
Mr. RODINO.
Mr. LANTOS.
Ms. KAPTUR.
Mr. RANGEL.
Mrs. BYRON.
Mr. HALL of Ohio.
Mr. LEVITAS.
Mr. ORTIZ.
Mr. STANGELAND.
Mr. BOEHLERT.
Mr. MCKINNEY.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 70. Joint resolution to designate the week beginning April 8, 1984, as "National Building Safety Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 203. Joint resolution designating the week beginning April 8, 1984, as "National Mental Health Counselors Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 210. Joint resolution to designate the period commencing January 1, 1984, and ending December 31, 1984, as the "Year of Excellence in Education"; to the Committee on Post Office and Civil Service.

S.J. Res. 211. Joint resolution designating the week of November 18, 1984, through November 24, 1984, as "National Family Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 215. Joint resolution to designate the week of April 23-27, 1984, as "National Student Leadership Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 217. Joint resolution to authorize and request the President to designate the week of May 6, 1984, through May 12, 1984, as "Senior Center Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 237. Joint resolution to designate the week of November 25, 1984, through December 1, 1984, as "National Home Care Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 239. Joint resolution designating the week of October 21, 1984, through October 27, 1984, as "Lupus Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 241. Joint resolution to authorize and request the President to issue a proclamation designating May 6 through May 13, 1984, as "Jewish Heritage Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 252. Joint resolution to designate May 25, 1984, as "Missing Children Day"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2173. An act to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to authorize additional appropriations to carry out such act; and

H.R. 2809. An act to establish a National Fish and Wildlife Foundation.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 820. An act to authorize appropriations for the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 for fiscal year 1984 and fiscal year 1985, and for other purposes;

S. 2354. An act to rename the "River of No Return Wilderness" in the State of Idaho as the "Frank Church—River of No Return Wilderness";

S.J. Res. 112. Joint resolution to proclaim the month of March 1984, as "National Social Work Month";

S.J. Res. 132. Joint resolution to designate the week beginning May 6, 1984, as "National Correctional Officers Week"; and

S.J. Res. 225. Joint resolution designating the month of March 1984 as "National Eye Donor Month."

ADJOURNMENT

Mrs. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 14, 1984, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2873. A letter from the Deputy Assistant Secretary (Military Personnel and Force Management), Department of Defense, transmitting the annual report on special pay for duty subject to hostile fire or imminent danger, for calendar year 1983, pursuant to 37 U.S.C. 310(d); to the Committee on Armed Services.

2874. A letter from the Under Secretary for Research and Engineering, Department of Defense, transmitting the annual report on independent research and development and bid and proposal costs covering the fiscal year ended September 30, 1983, pursuant to Public Law 91-441, section 203(c); to the Committee on Armed Services.

2875. A letter from the Secretary of Housing and Urban Development, transmitting notification of a delay until April 30, 1984, in reporting on the impact of the housing assistance set-aside for nonmetropolitan areas, which was to be submitted by March 1, 1984, pursuant to Public Law 98-181, section 201(a)(3); to the Committee on Banking, Finance and Urban Affairs.

2876. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1985 for purchases or commitments to purchase metals, minerals, or other materials by the Department of Defense pursuant to section 303 of the Defense Production Act of 1950; together with a similar request for authorization of appropriations for fiscal year 1986, pursuant to 31 U.S.C. 1110; to the Committee on Banking, Finance and Urban Affairs.

2877. A letter from the Secretary of Education, transmitting a copy of the final regulations for the National Institute of Handicapped Research, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

2878. A letter from the Secretary of Education, transmitting a copy of the final funding priorities for the National Institute of Handicapped Research, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

2879. A letter from the Secretary of Health and Human Services, transmitting the 1982 annual report on the National Health Service Corps and NHSC scholarship program, pursuant to PHSA, section 329(g) (86 Stat. 1292) and PHSA, section 338A; to the Committee on Energy and Commerce.

2880. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed transfer of major defense equipment manufactured pursuant to a licensing arrangement approved under section 38 of the Arms Export Control Act (Transmittal No. MC-14-84), pursuant to 22 U.S.C. 2753(d)(3) (AECA section 3(d)(3), 94 Stat. 3131; 95 Stat. 1519); to the Committee on Foreign Affairs.

2881. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on U.S. policy to establish and encourage an international strategy to prevent the cultivation and manufacture of and traffic in illicit drugs, pursuant to FAA, section 481(e)(1) (97 Stat. 1053); to the Committee on Foreign Affairs.

2882. A letter from the Director, Defense Security Assistance Agency, transmitting information on a proposed memorandum of understanding between the Governments of the United States, Canada, France, Federal Republic of Germany, Italy, Netherlands, Spain, and the United Kingdom to establish a joint program concerning a feasibility study of a NATO frigate replacement for the 1990's (Transmittal No 01-84), pursuant to AECA, section 27(c) (93 Stat. 706); to the Committee on Foreign Affairs.

2883. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter of offer to Greece for defense articles and services estimated to cost $30 million (Transmittal No. 84-29) and the required certification that furnishing security assistance to Greece is consistent with principles established in section 620C(b), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 31 34; 95 Stat. 1520) and FAA, section 620C(d) (92 Stat. 739); to the Committee on Foreign Affairs.

2884. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter of offer to Greece for defense articles and services estimated to cost $19 million (Transmittal No. 84-37) and the required certification that furnishing security assistance to Greece is consistent with principles established in section 620C(b), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 31 34; 95 Stat. 1520) and FAA, section 620C(d) (92 Stat. 739); to the Committee on Foreign Affairs.

2885. A letter from the Director, Defense Security Assistance Agency, transmitting a report on commercial and governmental military exports, together with a list of all defense requirement surveys authorized for foreign countries, pursuant to AECA, section 36(a) (90 Stat. 740; 94 Stat. 3134) and section 26(b) (92 Stat. 740) (E.O. 11958); to the Committee on Foreign Affairs.

2886. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the texts of ILO Convention No. 159 and Recommendation No. 168 concerning vocational rehabilitation and employment (disabled persons), pursuant to article 19 of the ILO constitution; to the Committee on Foreign Affairs.

2887. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting the Department's annual report of its activities under the Freedom of Information Act for calendar year 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2888. A letter from the Director, Case Management, U.S. Federal Labor Relations Authority, transmitting the annual report of the Authority's activities under the Freedom of Information Act for calendar year 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2889. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the Corporation's annual report of its activities under the Freedom of Information Act for calendar year 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2890. A letter from the National President and Executive Director, Girl Scouts of the U.S.A., transmitting a report on the activities of the Girl Scouts of the U.S.A. for the fiscal year ended September 30, 1983, pursuant to March 16, 1950, chapter 62, section 7 (H. Doc. No. 98-181); to the Committee on the Judiciary and ordered to be printed.

2891. A letter from the Secretary of Transportation, transmitting a report entitled "Quality of Highways and Bridges," pursuant to Public Law 97-424, section 110(c)(2); to the Committee on Public Works and Transportation.

2892. A letter from the Attorney General, Department of Justice, transmitting information on electronic surveillances for foreign intelligence purposes, pursuant to Public Law 95-511, section 107; jointly, to the Committees on the Judiciary and the Permanent Select Committee on Intelligence.

2893. A letter from the Secretary of Defense and Administrator of the Veterans' Administration, transmitting a joint report of the Administrator of the Veterans' Administration and the Secretary of Defense on recommendations and guidelines to promote the sharing of health care resources, pursuant to 38 U.S.C. 5011(f); jointly, to the Committees on Veterans' Affairs and Armed Services.

2894. A letter from the Secretary of Health and Human Services, transmitting a report of the 1982 Advisory Council on Social Security on Medicare benefits and financing, pursuant to SSA, section 706(d) (79 Stat. 339; 91 Stat. 1559); jointly, to the Committees on Ways and Means and Energy and Commerce.

2895. A letter from the General Counsel, Department of Energy, transmitting a draft of proposed legislation to authorize appropriations to the Department of Energy for civilian energy programs for fiscal year 1985 and fiscal year 1986, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Science and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally refered as follows:

By Mr. BONER of Tennessee:

H.R. 5106. A bill to amend title II of the Social Security Act to eliminate the disparity between the benefits payable to individuals who retired in or after 1979—when the decoupling changes in the benefit formula became effective—and the benefits payable to individuals similarly situated who retired before that year, by providing that the benefits payable to the former individuals may never be less than those payable to the latter; to the Committee on Ways and Means.

By Mrs. BURTON of California (for herself and Mr. Clay):

H.R. 5107. A bill to amend the National Labor Relations Act to give employees and performers in the performing arts rights given by section 8(e) of such act to employers and employees in similarly situated industries, and to give to employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes; to the Committee on Education and Labor.

By Mrs. BYRON:

H.R. 5108. A bill to amend the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act to require that consumer product warranties include a statement of the availability from the manufacturer of spare parts; to the Committee on Energy and Commerce.

By Mrs. COLLINS:

H.R. 5109. A bill expressing the sense of Congress with respect to preemption of State and local laws restricting the transportation of hazardous materials and requiring the Secretary of Transportation to submit to Congress a report on proposed routes for the transportation of hazardous materials through less populated areas; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. CONTE:

H.R. 5110. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the Committee on Ways and Means.

By Mr. DORGAN:

H.R. 5111. A bill to amend title XVIII of the Social Security Act to apply the so-called swing-bed provision to hospitals with up to 150 beds; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HUGHES (for himself, Mr. Sawyer, and Mr. Nelson of Florida):

H.R. 5112. A bill to amend chapter 47 of title 18 of the United States Code to provide penalties for fraud and related activities in connection with access devices and computers, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVITAS:

H.R. 5113. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Energy and Commerce.

H.R. 5114. A bill to terminate certain authorities of the executive branch of the Government which are subject to congressional review unless those authorities are approved by an enactment of the Congress; to the Committee on Energy and Commerce.

H.R. 5115. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Foreign Affairs.

H.R. 5116. A bill to terminate certain authorities of the executive branch of the Government which are subject to congressional review unless authorities are approved by an enactment of the Congress; to the Committee on Foreign Affairs.

By Mr. PRICE (for himself and Mr. Dickinson) (by request):

H.R. 5117. A bill to amend title 10, United States Code, to provide authority for the Armed Forces to recover and examine certain remains; to the Committee on Armed Services.

By Mr. WON PAT:

H.R. 5118. A bill to amend the Immigration and Nationality Act to permit nonimmigrant alien crewmen on fishing vessels to stop temporarily at ports in Guam; to the Committee on the Judiciary.

By Mr. RINALDO:

H. Con. Res. 273. Concurrent resolution expressing the condolences and appreciation of Congress for the sacrifice of Americans who were killed and wounded in Lebanon and Grenada; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

343. The SPEAKER presented a memorial of the Nitijela of the Marshall Islands, Majuro, Marshall Islands, relative to a copy of Resolution No. 7, adopted by the Fifth Constitutional Regulation Session, regarding the appropriation of funds authorized for the College of Micronesia as a result of

its designation as a land-grant college; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 433: Mr. Young of Alaska.

H.R. 656: Mr. Markey, Mrs. Hall of Indiana, Mr. Minish, Mr. Wheat, Mr. Mavroules, Mr. Ireland, Mr. Addabbo, Mr. Scheuer, Mr. Hutto, Mr. Coelho, Mr. Lundine.

H.R. 659: Mr. Dyson.

H.R. 881: Mr. Slattery, Mr. Corrada, Mr. Solarz, Mr. Early, Mr. Biaggi, Mr. Jeffords, Mr. Hughes, Mr. Glickman, and Mr. Breaux.

H.R. 1028: Mr. Badham and Mrs. Schneider.

H.R. 1315: Mr. Gejdenson, Mr. Mollohan, and Mr. Mazzoli.

H.R. 1815: Mr. Corrada and Mr. Young of Florida.

H.R. 1918: Mr. Torres.

H.R. 1955: Mr. Florio, Mr. Nichols, Mr. Robert F. Smith, and Mr. Whittaker.

H.R. 1965: Mr. Markey.

H.R. 1991: Mr. Fish.

H.R. 2053: Mr. Montgomery, Mr. Rose, and Mr. Yatron.

H.R. 2262: Mr. AuCoin, Mr. Fowler, Mr. Gore, Mr. Hatcher, Mr. Jenkins, Mr. Lent, Mr. McKinney, Mr. Packard, Mr. Snyder, Mr. Weber, and Mr. Young of Missouri.

H.R. 2281: Mr. Burton of Indiana.

H.R. 2732: Mr. Vandergriff, Mr. Rogers, Mr. Brown of California, and Mr. Badham.

H.R. 2817: Mr. Matsui.

H.R. 2916: Mr. Clarke.

H.R. 2996: Mr. Hutto and Mr. Clarke.

H.R. 3024: Mr. Packard.

H.R. 3325: Mr. Weiss.

H.R. 3406: Mr. Stratton, Mr. Hillis, Mr. Burton of Indiana, Mr. Roberts, Mr. Synar, Mr. Winn, and Mr. Leach of Iowa.

H.R. 3457: Mr. Edwards of Oklahoma, and Mr. Cooper.

H.R. 3605: Mr. Bedell.

H.R. 3678: Mr. Rose.

H.R. 3775: Mr. MacKay, Mr. Sabo, Mr. Hughes, Mr. Anderson, Mr. Traxler, Mr. Towns, Mr. Daub, and Mr. Crockett.

H.R. 3979: Mr. Roybal.

H.R. 4078: Mr. Akaka.

H.R. 4090: Mr. Kildee and Mr. Barnes.

H.R. 4126: Mr. Matsui.

H.R. 4193: Mr. Bates, Mr. Hoyer, Mr. Studds, Mr. McKinney, Mr. Bonior of Michigan, Mr. Simon, Mr. Biaggi, Mr. Ford of Michigan, and Mr. Kildee.

H.R. 4203: Mr. Bateman and Mr. Gore.

H.R. 4214: Mr. Darden.

H.R. 4328: Mr. Vander Jagt.

H.R. 4447: Mr. McKinney, Mr. Downey of New York, Ms. Ferraro, Mr. Wyden, Mr. Dixon, and Mr. Jacobs.

H.R. 4485: Mr. Horton, Mr. Gingrich, Mr. Mrazek, Mr. Moody, Mr. Levin of Michigan, Mr. Morrison of Connecticut, Mr. Clinger, Mr. Mineta, and Ms. Snowe.

H.R. 4571: Mr. Bereuter, Mr. Lungren, Mr. Pease, and Mr. Slattery.

H.R. 4593: Mr. Owens.

H.R. 4616: Mr. Rahall.

H.R. 4619: Mr. Owens.

H.R. 4659: Mr. McKinney, Mr. Gray, and Mr. Patterson.

H.R. 4683: Mr. Markey, Mr. O'Brien, Mr. Skelton, Mr. Craig, and Mr. Hughes.

H.R. 4742: Mr. Leath of Texas, Mr. Patman, Mr. Andrews of Texas, Mr. de la Garza, Mr. Coleman of Texas, Mr. Frost, Mr. Wilson, and Mr. Bartlett.

H.R. 4760: Mr. Gephardt, Mr. Ackerman, and Mr. Molinari.

H.R. 4775: Mr. Mitchell, Mr. Gilman, and Mr. McEwen.

H.R. 4813: Mr. Scheuer, Mr. Mrazek, Mr. Fascell, and Mr. Bennett.

H.R. 4877: Mr. Bilirakis, Mr. Carper, Mr. Coughlin, Mr. Kolter, Mr. Levitas, Mr. Lowry of Washington, and Mr. Vandergriff.

H.R. 4884: Mr. Hertel of Michigan, Mr. Fazio, Mr. Mavroules, Mr. Udall, Mr. McKinney, Mr. Brown of California, Mr. Gekas, Mr. Snyder, Mr. Bonker, Mr. Sunia, Mr. Mineta, Mr. Foglietta, Mr. Conyers, Mr. Livingston, Mr. Shumway, Mr. McCloskey, Mr. Wolpe, Mr. Vento, and Mr. Ackerman.

H.R. 4908: Mrs. Burton of California, Mr. McCloskey, Mr. Murphy, Mr. Donnelly, Mr. Downey of New York, Mr. Albosta, Mr. Long of Maryland, Mr. Biaggi, Mr. Ratchford, Mr. Hawkins, Mr. Coyne, Ms. Ferraro, Mr. Harkin, Mr. Morrison of Connecticut, Mr. Florio, Mr. Towns, Mr. Torres, Mr. Minish, Mr. Frost, Mr. Rangel, Mr. Eckart, Mr. Moakley, Mr. Boner of Tennessee, Mr. Lipinski, Mr. Clay, Mr. Hoyer, Mr. Smith of Iowa, Mr. Wright, Mr. Howard, Mr. Barnes, Mr. Bates, Mr. Carper, Mr. Daschle, Mr. Kostmayer, Mr. Smith of New Jersey, Mr. Wheat, and Mr. Conte.

H.R. 4939: Mr. Weiss.

H.R. 4975: Mr. Conable.

H.R. 4992: Mr. Snyder.

H.R. 4996. Mr. Frank, Mr. Leath of Texas, Mr. Gramm, Mr. Lowery of California, Mr. Mollohan, Mr. Archer, Mr. Chappell, Mr. Wright, Mr. Simon, Mr. Clarke, and Mr. Hughes.

H.R. 5011: Ms. Kaptur, Mr. Brown of California, Mrs. Kennelly, Mr. Boland, Mr. Martinez, Mr. Long of Maryland, Mr. Hertel of Michigan, Mr. Lowry of Washington, Mr. Florio, Mr. Pashayan, Mr. Garcia, Mr. Studds, Mr. Andrews of Texas, Ms. Ferraro, Mr. Torricelli, Mr. Crockett, Mr. Bates, Mr. Fuqua, Mr. Corrada, Mr. Gejdenson, Mr. Davis, Mr. Howard, Mr. Vento, Mr. Gradison, Mr. Moody, Mr. Ratchford, Ms. Oakar, Mr. Ford of Tennessee, Mr. Weiss, Mr. Lagomarsino, Mr. Gunderson, Mr. Weber, Mr. Gregg, Mr. Tauke, Mr. McCloskey, Mr. Roe, Mr. Duncan, Mr. Daschle, Mr. Eckart, Mr. D'Amours, Mr. Conyers, Mr. Downey of New York, Mr. Dellums, Mr. Fauntroy, Mr. Wolpe, Mr. Foglietta, Mr. Gray, Mr. Markey, Mr. McHugh, Mr. Mitchell, Mr. Dymally, Mr. Evans of Illinois, Mr. Pepper, Mr. Lantos, Mr. Savage, Mr. Leland, Mr. Oberstar, Mr. Coughlin, Mr. Sunia, Mr. Barnes, Mr. Levine of California, Mr. Edgar, Mr. Sawyer, Mr. Torres, Mr. Yates, Mr. St Germain, Mr. Bryant, Mr. Swift, Mr. Ackerman, Mr. Hawkins, Mr. Mavroules, Mr. Wise, Mr. Smith of Florida, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Kastenmeier, Mr. Wortley, Mrs. Boggs, and Mr. MacKay.

H.R. 5015: Mr. Ortiz, Mr. Lagomarsino, Mr. Dwyer of New Jersey, Mr. Udall, Mr. Won Pat, and Mr. Roe.

H.J. Res. 114: Mr. Gramm.

H.J. Res. 196: Mr. Gramm, Mr. Franklin, Mr. Whittaker, Mr. Montgomery, Mr. Erdreich, and Mr. Torres.

H.J. Res. 200: Mr. Rodino, Mr. Lehman of California, Mr. Shumway, Mr. Marriott, Mr. Broyhill, Mr. Clarke, Mr. Dellums, Mr. Lowery of California, Mr. Hubbard, Mr. Dorgan, Mr. Kildee, and Mr. Coughlin.

H.J. Res. 254: Mr. Solarz, Mr. Akaka, Ms. Ferraro, Mr. Schaefer, Mr. de la Garza, and Mr. Clinger.

H.J. Res. 330: Mr. Thomas of Georgia, Mr. Neal, Mrs. Collins, Mr. Hayes, Mrs. Vucanovich, Mr. Rogers, Mr. Bosco, Mr. Guarini, Mr. Brown of Colorado, Mr. Wolf, Mr. Sawyer, Mr. Vander Jagt, Mr. Coughlin, Mr. Bilirakis, and Mrs. Johnson.

H.J. Res. 389: Mr. Spratt.

H.J. Res. 394: Ms. Oakar.

H.J. Res. 400: Mr. Pritchard, Mr. Vandergriff, Mr. Applegate, Mr. McCain, Mr. Owens, Mr. Bosco, Mr. Rangel, Mr. Pashayan, Mr. Clarke, Ms. Kaptur, Mr. Mack, Mr. Young of Alaska, Mr. Markey, Mrs. Holt, Mr. Ray, Mr. Berman, Mr. Hoyer, Mr. Kindness, Mr. Andrews of Texas, Mrs. Johnson, Mr. Lewis of Florida, Mr. Wolf, Mr. Roe, Mr. Corcoran, Mr. Pursell, Mr. Lagomarsino, Mr. Stokes, Mr. Smith of Florida, Mr. Pepper, Mr. Won Pat, Mr. Fuqua, Mr. Frenzel, Mr. Horton, Mr. Torres, Mr. Ford of Tennessee, Mr. Boucher, Mr. Fish, Mr. Chappell, Mr. Wise, and Mrs. Martin of Illinois.

H.J. Res. 423: Mrs. Collins, Mr. Erdreich, Mr. Mineta, Mr. D'Amours, Mr. Burton of Indiana, and Mr. Spratt.

H.J. Res. 432: Mr. Coelho, Mr. Bevill, Mr. Ford of Michigan, Mr. Hertel of Michigan, Mr. Wylie, Mr. Kogovsek, Mr. Evans of Illinois, Mr. Harrison, Mr. Kolter, Mr. Moody, Mrs. Burton of California, Mr. Ratchford, Mr. Wolf, Mr. Edwards of California, Mr. Conte, Mr. Lantos, Mr. Dannemeyer, Mr. Matsui, Mr. Stark, Mr. Mollohan, Mr. Anderson, Mr. Brown of California, Mr. Kildee, Mr. Forsythe, Mr. Kasich, Mr. Neal, Mr. Mineta, Mr. Sikorski, Mr. Scheuer, Mr. Markey, Mr. Boucher, Mr. Spratt, Mr. Daschle, Mr. Conyers, Mr. Dowdy of Mississippi, Mr. Fuqua, Mr. Hatcher, Mr. Hefner, Mr. Gonzalez, Mr. Gregg, Mr. Hutto, Mr. Kostmayer, Mr. Lent, Mr. Patterson, Mr. Price, Mr. Skeen, Mr. Snyder, Mr. Morrison of Washington, Mr. Tauke, Mr. Wise, Mr. Gramm, Mr. Boehlert, Mr. Rinaldo, Mr. Shannon, and Mr. Towns.

H.J. Res. 452: Mr. Bryant, Mr. Vento, Mr. Lipinski, Mr. Hefner, Mr. Akaka, Mr. Daschle, Mr. Florio, Mr. Wyden, Mr. Young of Missouri, Ms. Collins, Mr. Simon, Mr. Hawkins, Mrs. Burton of California, Mr. Traxler, Mr. Clarke, Mr. Dingell, Mr. Roe, Mr. Waxman, Mr. Guarini, Mr. Edgar, Mr. Scheuer, Mr. Harrison, and Mr. Hayes.

H.J. Res. 458: Mr. Hammerschmidt, Mr. Skelton, Mr. Hopkins, Mr. Ralph M. Hall, Mr. Stangeland, Mr. Horton, Mr. Wilson, Mr. Simon, Mr. Hughes, Mr. Hansen of Utah, Mr. Marlenee, Mr. Lipinski, and Mr. de la Garza.

H.J. Res. 460: Mr. Dwyer of New Jersey, Mr. Moakley, Mr. Boland, Mr. Hammerschmidt, Mr. Dixon, Mr. Yates, Mr. Fauntroy, Mr. Akaka, Mr. Leland, Mr. Donnelly, Mr. Mazzoli, Mr. Ratchford, Mr. Britt, Mr. Markey, Mr. Solarz, Mr. Wolpe, Mr. Won Pat, Mr. Mineta, Mr. Vento, Mr. Fazio, Mr. Daub, Mr. Kolter, Mr. Brown of California, Mr. Rangel, Mr. Simon, Mr. Roe, Mr. DeWine, Mr. Forsythe, Mr. Frost, Mr. Lantos, Mr. Horton, Mr. Frenzel, Mr. Matsui, Mr. Lipinski, Mr. Walgren, Mr. Fish, Mr. de la Garza, Mr. Richardson, Mr. Evans of Illinois, Mr. Hughes, Mr. Levin of Michigan, Mr. Stokes, Mr. Luken, Mr. Hertel of Michigan, Mr. Smith of Florida, and Mr. Wyden.

H.J. Res. 477: Mr. Petri, Mr. Leland, Mr. Weiss, Mr. Traxler, Mr. Ford of Tennessee, Mr. Fazio, Mr. Wilson, Mr. Owens, Mr.

O'Brien, Mrs. Boxer, Mr. Wirth, Mr. McNulty, Mr. Rahall, and Mr. Levine of California.

H.J. Res. 480: Mr. Bryant, Mr. Daniel B. Crane, Mr. Daschle, Mr. Garcia, Mr. Hammerschmidt, Mr. Harrison, Mr. Hughes, Mr. Lundine, Mr. Marriott, Mr. Murphy, Ms. Oakar, Mr. Reid, Mr. Richardson, Mr. Roemer, Mr. Rose, Mr. Rowland, Mr. Shaw, Mr. Wylie, Mr. Sundquist, Mr. Lipinski, Mr. Anderson, Mr. Molinari, Mr. de la Garza, Mr. Minish, Mr. Borski, Mr. Chandler, Mr. Coyne, Mr. Dymally, Mr. Erdreich, Mr. Fowler, Mr. Frenzel, Mr. Gekas, Mr. Green, Mr. Hartnett, Mr. Latta, Mr. Loeffler, Mr. McNulty, Mr. Martinez, Ms. Mikulski, Mr. Moakley, Mr. Mrazek, Mr. Murtha, Mr. Neal, Mr. Solomon, Mrs. Vucanovich, Mr. Jeffords, Mr. Conte, Mr. Vander Jagt, Mr. Gradison, Mr. Wolf, Mr. Dannemeyer, Mr. Frost, Mr. Ritter, and Mr. Ford of Michigan.

H.J. Res. 484: Mr. Hopkins.

H.J. Res. 487: Mrs. Byron, Mr. Conte, Mr. Hertel of Michigan, Mr. Morrison of Washington, Mr. Patman, Mr. Shelby, Mr. Sikorski, and Mr. Spratt.

H.J. Res. 495: Mr. Hansen of Utah, Mr. Owens, Mr. Hawkins, Mr. Fazio, Mr. Bliley, Mr. Wolpe, Mr. Fauntroy, Mr. Corrada, Mr. Kolter, Mr. Taylor, Mr. Hopkins, Mr. Winn, Mr. Dymally, Mr. Sabo, Mr. Durbin, Mr. Boehlert, Mr. Foglietta, Mr. Bosco, Mr. Heftel of Hawaii, Mr. Akaka, Mr. Murphy, Mr. McKernan, Mr. Berman, Mr. Bonior of Michigan, Mr. Vandergriff, Mr. Simon, Mr. Kildee, Mr. Wortley, Mr. Markey, Mr. Kogovsek, Mr. Ottinger, Mr. Livingston, Mr. Fazio, and Mr. Hughes.

H.J. Res. 496: Mr. Brown of Colorado, Mr. Daub, Mr. Craig, Mr. Weber, Mr. Coats, Mr. Bliley, Mr. Davis, Mr. Burton of Indiana, Mr. Lujan, and Mr. Broyhill.

H.J. Res. 505: Mr. Chappell, Mr. Fazio, Mr. Fish, Mr. Green, Mr. Hughes, Mr. Mineta, Mr. Rahall, Mr. Savage, and Ms. Snowe.

H. Res. 441: Mrs. Johnson.

H. Res. 450: Mr. Archer, Mr. Torricelli, Mr. Waxman, Mr. Hughes, Mr. Biaggi, Mr. Levitas, Mr. Kildee, Mr. Ottinger, and Mr. McCain.

H. Res. 458; Mr. Frank, Mr. Walgren, Mr. Vandergriff, Mrs. Schroeder, Mr. Mitchell, Mr. Luken, Mr. Green, Mr. Coyne, Mr. Roe, Mr. Morrison of Connecticut, Mr. Ratchford, Mr. Oberstar, Mr. Bosco, Mr. Crockett, Mr. Downey of New York, Mr. Fauntroy, Mr. Fazio, Mr. Hawkins, Mr. Hertel of Michigan, Mr. Owens, Ms. Oakar, Mr. Mineta, Mr. Frost, Mr. Dellums, Mr. Stark, Mr. Williams of Montana, and Mr. Harrison.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3020

By Mr. JONES of Oklahoma:

—Page 32, line 19, strike out "October 1, 1984" and insert in lieu thereof "October 1, 1986."

SENATE—*Tuesday, March 13, 1984*

(Legislative day of Monday, March 12, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, in our culture strong people do not admit weakness—but they feel it. They are not allowed to admit vulnerability—but they know they are. Power is the word and powerlessness is unacceptable. So we live as though we are supposed to be infallible—and the pressure of perpetuating such illusion is debilitating and destructive.

Forgive us Lord for such hyprocrisy. Save us from its incipient enslavement, and free us to be ourselves. Help us to accept the exciting possibility that to acknowledge weakness and inadequacy might open the door to divine possibilities beyond our best human reasoning. We pray in the name of the truly authentic human who was himself and never pretended to be anything else. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the two leaders are recognized under the standing order, there will be two special orders, to be followed by a period for the transaction of routine morning business until noon, and the Senate will recess at 12 noon until 2 p.m., to accommodate caucuses by Members on both sides of the aisle away from the Chamber.

At 2 p.m., the Senate will resume consideration of Senate Joint Resolution 73, which is the prayer amendment. I do anticipate the strong possibility that we will get votes today, a vote or votes on amendments, and I urge Senators to take account of that.

I will perhaps have a further announcement to make about that shortly after we reconvene at 2 p.m.

Mr. President, there are a few other things that will be coming up this week that the leadership on this side may ask the Senate to turn to, in addition to the prayer amendment. There are two supplemental appropriations bills, for instance, and one or both of those might be done in a fairly brief period of time, and it may be possible to do that.

I understand that there is a wheat bill or an agriculture bill that has been reported and it is the bill contemplated when I made the commitment to Senator BOREN of Oklahoma that in exchange for his changing his amendment to the then-pending measure from an amendment to a sense of the Senate resolution the leadership on this side would attempt, in cooperation with the leadership on the other side, to provide a time of about 3 or 4 hours all inclusive to consider such a measure if it is reported, which it appears now to have been. Some day this week the chances are we will take that up as well.

Since Thursday is the regular late evening and since it is not the desire of the leadership to interfere with the progress we may make on the prayer amendment if we get into a voting pattern, which I anticipate, I wish to preliminarily suggest that we may take up that agriculture bill then on Thursday and run perhaps later than usual in order to try to complete it.

Mr. President, I hope we can finish the prayer amendment this week. If we cannot, we will be on it next week. But in any event we will pursue the matter until the Senate has worked its will.

Mr. President, I will confer at length with the minority leader on these arrangements or variations of them so that we can try to establish an understanding and an agreement on how the Senate will proceed this week, but it appears that we will have a busy week and I urge Senators not to plan to be away.

Mr. President, as I say, I will confer with the minority leader and other Senators about the schedule today, but I have nothing further that I can announce at this moment. I am prepared to yield back my time or I offer it to the minority leader if he has a need for additional time.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. I do not believe I have any need for additional time. I think my own order time will be sufficient.

Mr. BAKER. All right.

Mr. President, I yield back the time remaining under the standing order.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

MORE WASTE AND CORRUPTION IN OUR CENTRAL AMERICAN AID PROGRAMS

Mr. BYRD. Mr. President, when will this administration cease treating the American taxpayer with contempt? Once again, another article has appeared in a respected news publication in the United States detailing corruption and mismanagement in our El Salvador aid program.

According to the March 6, 1984, Christian Science Monitor:

> The Salvadoran Government agency responsible for distributing the bulk of AID food to displaced people is riddled with corruption and suffers from mismanagement.

Reporter Chris Hedges detailed the following charges of abuse in our humanitarian aid programs in El Salvador:

First, the use of donated AID food intended for displaced people has been diverted to feed the Salvadoran Army.

Second, the fabrication of food deliveries to cover the private use of AID foodstuffs has been devised by Salvadoran Government and military officials charged with distribution.

Third, the decision has been made by senior officials to cut off food in San Vicente to displaced people in an effort to force them back into combat zones from which they have fled.

Salvadorans who are displaced by the war are to receive food on a monthly basis. However, when the director of the Roman Catholic Relief organization, Caritas, began checking on complaints from the food recipients, it was discovered that food was delivered in San Vicente only three times in 1983; namely, April 28, August 11, and October 5.

There were also complaints that food rations were well below the amount the displaced persons should have been allotted.

During 1984, AID humanitarian assistance for displaced persons in El Salvador will be increased to $40 million. In light of the serious charges already leveled at the handling of humanitarian aid programs for displaced persons, it is difficult to imagine that the administration would be willing to waste even more of the taxpayers' dollars on this program.

I ask unanimous consent to have printed in the Record, the article entitled "U.S. Food for Displaced Salvadorans Diverted by Corruption and Bad Management."

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, Mar. 6, 1984]

U.S. Food for Displaced Salvadorans Diverted by Corruption and Bad Management

(By Chris Hedges)

San Vicente, El Salvador.—The Salvadoran government agency responsible for distributing the bulk of AID food to displaced people is riddled with corruption and suffers from mismanagement, it is charged here.

Further, the United States Agency for International Development (AID) and the US Embassy are described as having used the Salvadoran agency to pressure residents of camps for displaced people into leaving them.

The charges against the National Committee for Displaced People (Conades), its coordinating office in the department of San Vicente, and US officials are leveled by many sources connected with the program, including Salvadoran military officials. The charges include:

The decision by senior AID officials to cut off food in San Vicente to displaced people in an effort to force them back into the conflictive zones they have fled.

The use of donated AID food intended for displaced people, to feed the Salvadoran Army.

The fabrication of food deliveries to cover the private use of AID foodstuffs by Salvadoran government and military officials charged with the distribution.

AID officials have denied the charges, while conceding that "isolated abuses" have occurred. They claim that the displaced people in San Vicente and Chalatenango who say they have been denied food are not telling the truth.

"I know that AID has claimed that the people in the displaced-persons camp in San Vicente have been given food supplies, while the displaced people say they have not," say David Bonilla, the director of the Roman Catholic relief organization, Caritas, in San Vicente.

"We went to the camp, however, and spent several hours looking at the dates inscribed on the Conades cards needed by displaced people to receive the food. Without calling AID a liar, I'm afraid the cards back up the claims by the displaced people and not what the US and Salvadoran government officials are saying."

María Santos Miranda, sitting inside her cramped mud hut in the displaced-persons camp, says, "We received food supplies three times in 1983, and have received them once in 1984." Conades is meant to provide food deliveries to the displaced population on a monthly basis.

Mrs. Santos holds out her card for inspection. According to her card and dozens of others inspected in the camp, the dates of delivery in 1983 were April 28, Aug. 11, and Oct. 5. The 1984 delivery was, according to these cards, on Feb. 9.

The decision to cut back food delivery to the displaced people in San Vicente was made by senior AID officials, according to one Salvadoran government official involved in the food distribution program and military officials in San Vicente.

The former director of the food distribution program in San Vicente, Lt. Col. Juan Pablo Gálvez, allowed the undelivered food to be sold or used to feed Army troops, according to these sources.

"When Gálvez was ousted in November," says one Salvadoran military official, "the soldiers stopped eating AID food. But before that you could see truck-loads of it headed out to feed troops in the field."

Private and church relief officials have said for some time that AID food was being used to feed the Salvadoran Army.

The quantity of food supplied to each displaced family in San Vicente during 1983 is not specified on the Conades cards, although the cards have a box where the quantity should be recorded. Displaced people say the food rations in 1983 were very small, and well below the amount they should have been allotted.

"I assume they didn't write in the numbers because they didn't give us what we should have gotten," says Emilia Martinez, who lives in the camp.

In Chalatenango, displaced people, who occupy an abandoned granary and sleep in what were formerly pigsties, say Conades officials write down on their ration cards figures that are usually double the amount of food given them.

"They assume that because we are all poor, none of us can read the numbers on our cards to understand how they are cheating us," says one.

"It's true that we haven't been able to hand out the allotted amount of food," says the Conades director for the department of Chalatenango, David Rivera Medranos. "But that is because it is not sent to us from the capital."

Medranos denies that Conades has falsified the quantities of food deliveries.

The displaced people say that rather than deliver the food, as AID regulations specify, the displaced people—mostly small children, women, and elderly men—must walk 1½ miles to the Conades office in Chalatenango to get the food, then carry it back.

Medranos says this has been his policy because "the displaced people got used to walking, and it would be hard to break them of the habit."

He says preparations are being made to begin a delivery system. Medranos also claims that canvas beds or mats are not provided to the displaced people, most of whom sleep together in an abandoned warehouse on a cement floor, "because they're Indians, and Indians are more accustomed to sleeping on the ground."

But the displaced people say the cement floor makes sleep nearly impossible.

AID will expand its aid program to Conades in 1984. About $40 million worth of AID humanitarian assistance funds will be directed toward displaced people. Some $10 million will be given to Conades to begin a displaced-persons relocation program in June or July.

The plan calls for 20 percent of the displaced persons living in the camps, estimated at 100,000, to be relocated. The program, say sources familiar with it, will be modeled on the Israeli relocations in the West Bank.

(Mrs. KASSEBAUM assumed the chair.)

FRANK CHURCH ON CENTRAL AMERICA

Mr. BYRD. Madam President, there is a growing concern in the Congress that the administration may be heading in a direction detrimental to U.S. interests in Central America. The evidence is growing that the United States may be sinking deeper into a quagmire in the region—a quagmire reminiscent of our recent experience in Lebanon.

Therefore, it is incumbent upon the Congress to step back and reflect upon the root causes of the turmoil presently shaking Central America. It is time to reflect upon the views of wiser and calmer people. One such individual is our former colleague and former chairman of the Senate Committee on Foreign Relations—Frank Church. The March 11, 1984, edition of the Washington Post carried an op-ed piece written by Senator Church in which he spelled out very forcefully and reasonably why our present policy toward Central America is doomed to failure.

As Senator Church observed, the United States, for the past 40 years, has had difficulty understanding that Third World revolutions are primarily nationalist, not Communist.

Our former colleague explained:

> You might think that revolutionary nationalism and the desire for self-determination would be relatively easy for Americans—the first successful revolutionaries to win their independence—to understand. But instead we have been dumbfounded when other peoples have tried to pursue the goals of our own revolution two centuries ago.

Citing historian Hannah Arendt, Senator Church pointed out:

> * * * The United States has made a series of desperate attempts to block revolutions in other countries, "with the result that American power and prestige were used and misused to support obsolete and corrupt political regimes that long since had become the objects of hatred and contempt among their own citizens."

Citing U.S. involvement in the overthrow of Jacobo Arbenz in Guatemala during 1954, efforts to rid the hemisphere of Cuba's Fidel Castro, and our covert intervention in Chile which led to the overthrow of a democratically elected President, Salvador Allende, Senator Church raises a very important question when he notes:

> After spending billions of dollars and emptying the CIA's bag of dirty tricks, what do we have to show for our efforts? Obviously the hemisphere has not been swept clean of communism.

The point our former colleague makes should not be lost upon us. We have consistently intervened in the past on behalf of the so-called oligarchies of Central America. Our policies have installed into power right-wing, corrupt, repressive regimes. And yet, the past continues to come back and haunt us as we resort to the same methods to resolve the same problems—covert wars, threatened or actual military intervention, and ever increasing amounts of aid to corrupt

military regimes whose primary concern is that of maintaining the status quo, rather than building broadly based democratic institutions.

In El Salvador, we see the classic example of such a failed policy. In January 1981 when President Reagan took office, the so-called final offensive of the Salvadoran guerrillas had collapsed. The guerrillas, for all intents and purposes, were defeated. Yet, 3 years later, and after pumping more than $1 billion of aid into that tiny Central American country, U.S. policy is collapsing. The guerrillas, whom our experts numbered at 3,000 to 5,000 in 1981, have grown to 9,000, and now to 12,000; they have military momentum, and control at least 20 percent of the countryside. After all the aid dollars we have poured into that country, about 40 percent of the labor force is unemployed. And what about democratic institutions taking root?

Things are going so badly in El Salvador that the administration has requested a supplemental appropriation of $178 million in additional military aid to El Salvador for fiscal year 1984. This is $178 million more than the $64.8 million Congress has already appropriated for military aid in this fiscal year.

If Congress approves all the President is requesting in the fiscal year 1984 supplemental and for fiscal year 1985, the American taxpayer will be called upon to pour $947 million in economic and military aid into El Salvador. In 1981, the United States provided a total of $149.5 million in military and economic aid to El Salvador. In 1981, the administration said the guerrillas were defeated. The direct opposite has been the case. The more we have involved ourselves in El Salvador with advisers, trainers, and increasing amounts of military and economic aid, the worse the situation has become.

The administration continues to call upon the American taxpayers to throw their money, in ever increasing amounts, down a rat hole in El Salvador with no end in sight.

There really is not any secret as to why we are losing in El Saviador. Senator Church provides many of the answers in his op-ed piece.

Madam President, I ask unanimous consent that the article by former Senator Church be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 11, 1984]

WE MUST LEARN TO LIVE WITH REVOLUTIONS

IF THE UNITED STATES CAN BEFRIEND CHINA, IT CAN ACCEPT NICARAGUA

(By Frank Church)

America's inability to come to terms with revolutionary change in the Third World has been a leitmotif of U.S. diplomacy for nearly 40 years. The failure has created our biggest international problems in the postwar era.

But the root of our problem is not, as many Americans persist in believing, the relentless spread of communism. Rather, it is our own difficulty in understanding that Third World revolutions are primarily nationalist, not communist. Nationalism, not capitalism or communism, is the dominant political force in the modern world.

You might think that revolutionary nationalism and the desire for self-determination would be relatively easy for Americans—the first successful revolutionaries to win their independence—to understand. But instead we have been dumbfounded when other people have tried to pursue the goals of our own revolution two centuries ago.

Yes, the United States generally has supported political independence movements, as in India or later in Africa, against the traditional colonial powers of Europe. Those situations were easy for us—we've never been colonialists. But where a nationalist uprising was combined with a Marxist element of some kind or with violent revolutionary behavior, Americans have come unhinged.

This happened most dramatically in the biggest tragedy of American diplomacy since World War II, Vietnam. But it has happened repeatedly in other countries as well, most recently in Nicaragua and El Salvador.

Given the size and the seriousness of our failures to deal successfully with nationalistic revolutions, you might think we'd be busy trying to figure out why we've done so badly, and how we could do better in the future. But on the contrary, we simply stick to discredited patterns of behavior, repeating the old errors as though they had never happened before.

The latest example is the report of the Kissinger Commission on Latin America, which painted events in Central America in ominously stark colors. The commission said that in principle America can accept revolutionary situations, but in Nicaragua and El Salvador we cannot. Why? Because of Soviet and Cuban involvement.

But the sad fact is that the Soviets will always try to take advantage of revolutionary situations, as will the Cubans, particularly in this hemisphere. To solve our problem we have to learn to adapt to revolutions even when communists are involved in them, or we will continue to repeat the errors of the last four decades.

Revolutionary regimes are not easy to live with—particularly for a country as conservative as the United States has become. As Hannah Arendt—no Marxist herself—noted in her classic work, "On Revolution," the United States has made a series of desperate attempts to block revolutions in other countries "with the result that American power and prestige were used and misused to support obsolete and corrupt political regimes that long since had become objects of hatred and contempt among their own citizens."

Why does America, the first nation born of revolution in the modern age, find it so difficult to come to terms with revolutionary change in the late 20th century?

One answer involves the nature of our own revolution. It was essentially a revolt against political stupidity and insensitivity. With sparsely populated, easily accessible and abundant lands, the restless and dissatisfied in early America had an outlet for their discontent. The young United States never had to deal with the limitless misery of an impoverished majority.

In the first half of this century, when the country faced sharpened class conflict as a result of the excesses of an unbridled capitalism, we were blessed with patrician leaders, Theodore and Franklin Roosevelt, who had the foresight to introduce needed reforms. An intelligent, conservative property-owning class had the sense to accept them.

But our experience is alien to other countries which do not share our natural wealth. In poor countries a desperate majority often lives on the margin of subsistence. A selfish property-owning minority and, often, an indifferent middle class intransigently protect their privileges. Dissidence is considered subversive. It isn't surprising that those who seek change resort to insurrection.

They take their lead not from the American, but from the French revolutionary tradition where, in Arendt's phrase, the "passion of compassion" led the Robespierres of the time to terrible excesses in the name of justice for the impoverished masses.

The spectacle of violent, sometimes anarchic revolutionary activity combined with an obsessive fear that revolutions will inevitably fall prey to communism has led us to oppose radical change all over the Third World, even where it is abundantly clear that the existing order offers no real hope of improving the lives of the great majority. As a result, those who ought to be our allies—those who are ready to fight for justice for the impoverished majority—find themselves, as revolutionaries, opposed not only to the ruling forces in their own societies, but the United States.

I am not arguing that revolutions are romantic or pleasant. History is full of examples, from France to Iran, of revolutions born in brutality and often accompanied by extended bloodbaths of vengeance and reprisal, and which ultimately produce just another form of authoritarianism to replace the old. But the fact that we may not like the revolutionary process or its results is, alas, not going to prevent revolutions. On the other hand, the fact that revolutions are going to happen need not mean disaster for the United States. Our past failures do suggest a way we can adapt to revolutions without fighting them or sacrificing vital national interests.

Consider the case of Vietnam. Our overriding concern with "monolithic" communism led us grossly to misread the revolution in that country. Ignoring centuries of enmity between the Vietnamese and the Chinese, our leaders interpreted a possible victory for Ho Chi Minh's forces as a victory for international communism. The war against the French and then the war among the Vietnamese in our eyes became a proxy war by China and the Soviet Union even after those two powers had split, destroying the myth of "monolithic" communism. Indochina, in the new American demonology, was seen as the first in a series of falling dominoes.

Vietnam did fall to the communists, but only two dominoes followed—Laos and Cambodia, both of which we had roped into the war. Thailand, Malaysia and Indonesia continue to exist on their own terms. The People's Republic of China, for whom Hanoi was supposed to be a proxy, is not engaged in armed skirmishes against Vietnam.

Meanwhile, the United States, having been compelled to abandon the delusion of containing the giant of Asia behind a flimsy network of pygmy governments stretched thinly around her vast frontiers, has at last shown the good sense to make friends with China. American influence, far from collapsing, has drawn strength from this sensible new policy, and has been rising ever since. As for communism taking over, it is already a waning force. The thriving economies are capitalist: Japan, South Korea, Taiwan, Hong Kong, Singapore. You don't hear Asians describing communism as the wave of the future.

If any lessons were learned from our ordeal in Southeast Asia, they have yet to show up in the Western Hemisphere, where our objective is not simply to contain, but to eradicate communism, regardless of the circumstances in each case. In pursuit of this goal, we took heed of one restraint. The legacy of resentment against us still harbored by our Latin neighbors, stemming from the days of "gunboat diplomacy," made it advisable, wherever feasible, to substitute "cloak and dagger" methods—covert instead of overt means.

Hence the American-sponsored coup to oust a democratically elected government in Guatemala in 1954. The ousted president, Jacobo Arbenz, was by American standards, a New Deal liberal. But our cold warriors of that era decided he was a red threat. As U.S. Ambassador John Peurifoy, arriving in Guatemala on his special mission, put it: "If Arbenz is not a communist, he'll do until the real thing comes along."

In Cuba, the United States spared no effort to get rid of Fidel Castro. We financed and armed an exile expeditionary force in an attempted repeat of the Guatemalan coup, only to see it routed at the Bay of Pigs. Then the CIA tried repeatedly to assassinate Castro, even enlisting the Mafia in the endeavor; and the United States imposed against Cuba the most severe trade embargo inflicted on any country since the end of World War II.

Even where the left gained power in fair and open elections, the United States has been unwilling to accept the results. Hence the Nixon administration's secret intervention in Chile aimed first at preventing the election of and then at ousting President Salvador Allende.

Despite these and other efforts by the United States, another Marxist regime did arise in the hemisphere: Nicaragua. And, true to form, the United States has again financed, armed and promoted an exile army whose objective is its overthrow.

After spending billions of dollars, and emptying the CIA's bag of dirty tricks, what do we have to show for our efforts? Obviously, the hemisphere has not been swept clean of communism. Cuba and Nicaragua have avowedly Marxist regimes; in El Salvador, and insurrection gains momentum against an American-trained and equipped army, despite an American-sponsored agrarian reform program and our hopes for the election of a reformist president and legislature. The result defies our grand design: the army fights indifferently; the agrarian reform is stymied, and the Salvadoran middle class and traditional landed interests remain determined to elect extreme rightists to the important legislative and executive positions.

By our unrelenting hostility to Castro, we have invested him heroic dimensions far greater than would be warranted by Cuba's intrinsic importance in the world. We are in the process of performing a similar service for the commandantes of Nicaragua and, at the same time, discrediting the legitimate domestic opponents of their political excesses. We have left Cuba no alternative to increased reliance upon Russia, and we now seem determined to duplicate the same blunder with Nicaragua.

So by any standard, American policy has failed to achieve its objective: to inoculate the hemisphere against Marxist regimes. But are we fated to cling to the disproven policy of opposing each new revolution because of Marxist involvement, even though the insurgents fight to overthrow an intolerable social and economic order?

By making the outcome of this internal struggle a national security issue for the United States, as the Kissinger Commission does, we virtually guarantee an American military intervention wherever the tide turns in favor of the insurgents. If this happened in El Salvador, it would be difficult to imagine that the present administration would stop before it had gone "to the source," Nicaragua or even Cuba. In the process, of course, we would fulfill Che Guevara's prophecy of two, three, many Vietnams in Latin America.

We should stop exaggerating the threat of Marxist revolution in Third World countries. We know now that there are many variants of Marxist governments and that we can live comfortably with some of them. The domino theory is no more valid in Central America than it was in Southeast Asia. And it is an insult to our neighbor, Mexico, for it assumes that Mexico is too weak and unsophisticated to look out for its own interests.

We repeatedly ignore the explicit signals from Marxists in Central America that they will respect our concerns. For example, we worry that the commandantes in Nicaragua will invite the Soviets or the Cuban to establish bases in their countries. Yet, the Sandinista government in Nicaragua has explicitly committed itself not to offer such bases to the Russians or Cubans. Instead, they have offered to enter into a treaty with the United States and other regional countries not to do so. And the political arm of the insurgents in El Salvador has also committed itself to no foreign bases on its soil.

Why not take them up on these commitments? The United States, with the help of other regional powers who share our interests, including Venezuela, Mexico, Colombia and Panama, has the means to ensure that the revolutionaries keep their word. If Nicaragua violated its treaty obligation to those states, the United States would have legal grounds and regional sanction for taking action.

If the threat of communist bases is real, than a negotiated agreement precluding them would surely be perceived as a "victory" for the United States and a "defeat" for the Russians. And with a Nicaraguan treaty agreement with the United States and the countries of the region, the Salvadoran insurgents, should they prevail, would surely follow suit.

Although the Nicaraguan revolution has followed classic lines, in comparative terms it has been relatively moderate. There has been no widespread terror, and the regime has shown itself sensitive to international pressure. If we cannot come to terms with the Nicaraguan revolution, then we probably are fated to oppose all revolutions in the hemisphere.

The problem is illustrated in human terms by a vignette of the Kissinger Commission in Nicaragua. According to press accounts, the members of the commission were angered by the confrontational tone of the meetings with the Nicaraguans and their obvious reliance on Soviet and Cuban intelligence.

Imagine the setting: The commission arrives in Nicaragua one week after the contras, supported by the United States, blow up a major oil facility. On the one side, a largely conservative commission led by Henry Kissinger, Robert Strauss, William Clements and Lane Kirkland, men in their late 50s or 60s, expecting to be acclaimed for their willingness to listen to the upstart revolutionaries. On the other side, peacock-proud Nicaraguan commandantes in their 30s or early 40s, men and women, who had spent years fighting in the mountains, who had seen their friends and comrades die at their side in opposition to the U.S.-supported Somoza dictatorship, and naturally resentful of U.S. support of the counterrevolution. To them, a commission led by Kissinger, architect of the campaign to destabilize Allende, had to be seen as a facade for the American plan to bring them down. Is it a wonder there was no meeting of minds?

Whoever gains power in Central America must govern. And governing means solving mundane problems: the balance between imports and exports, mobilization of capital, access to technology and know-how. The United States, the Western European countries and the nearby regional powers, Colombia, Mexico and Venezuela, are the primary markets and sources of petroleum, capital and technology. The social democratic movements in Western Europe are important sources of political sustenance for revolutionary movements in Central America.

If we had the wit to work with our friends and allies rather than against them, the potential abuses and exuberance of revolution in Central America can be contained within boundaries acceptable to this country. There is no reason to transform a revolution in any of the countries of Central America, regardless from where it draws its initial external support, into a security crisis for us.

The objective of U.S. policy should be to create the conditions in which the logic of geographic proximity, access to American capital and technology and cultural opportunity can begin to exert their inexorable long-term pull. Russia is distant, despotic and economically primitive. It cannot compete with the West in terms of the tools of modernization and the concept of freedom.

But if we insist on painting the Cubas and Nicaraguas of this world—and there will be others—into a corner, we save the Russians from their own disabilities. If, on the other hand, we were to abandon our failed policy and adopt the alternative I suggest, pessimism might soon give way to optimism. After a while, democracy may begin to take root again. The wicked little oligarchies, no longer assured American protection against the grievances of their own people, may even be forced to make the essential concessions. The United States and Cuba might be trading again, joined in several regional pacts to advance the interests of both. And Marxist governments, far from overtaking the hemisphere, will be lagging behind as successful free enterprise countries set the standard.

We will marvel at the progress in our own neighborhood measured from the day we stopped trying to repress the irrepressible and exchanged our unreasonable fear of communism for a rekindled faith in freedom.

U.S. DEBT AND THE WORLD MARKET

Mr. BYRD. Madam President, on January 30 of this year, I addressed the Senate on the subject of our country's $69.4 billion merchandise trade deficit for 1983. This is the largest trade shortfall in history. In January of this year, another new record was set as the trade deficit for 1 month exceeded $9 billion for the first time. This goes along with such other recent records as our first trade deficit with Communist countries, which was set last year.

This administration's policies of pursuing high deficits, high interest rates, and an overvalued dollar have created the present crisis in American trade posture. The President's own Council of Economic Advisers warned of these dangers in its report for 1984. The Republican chairman of the Foreign Relations Subcommittee, Senator CHARLES MATHIAS, noted in a recent speech that—

> U.S. domestic and international economic policies are imposing a terrible burden on the world: high interest rates, skyrocketing dollar exchange rates, misleading low U.S. inflation, and exploding U.S. trade deficits.

The administration has elected to mortgage our economic future for the sake of a short-term expediency. But there are ominous signs that the bill might be coming due faster than the President and his political advisers had anticipated. Since late February, the dollar has been falling against other currencies in large drops. This may portend a destabilizing adjustment that could weaken our economy in ways beyond our control. This occurs at a time when the United States is approaching the status of a debtor nation, whereby foreign investors hold more of our debt than we hold in foreign obligations.

Last September, Americans held $834 billion in foreign obligations while foreign investors held $711 billion of our debt. If this trend continues, foreigners will control more American debt than at any time since before World War I.

The President's chief economic adviser, Mr. Feldstein, warned that this will occur sometime in 1985. This means that President Reagan will have succeeded in doing what two World Wars, a global depression, and an oil crisis could not do—reduce the United States to the status of a debtor country.

Madam President, an article by Dan Morgan, which appeared in the Washington Post of Sunday, March 11, provides an excellent insight into the current crisis.

Madam President, I ask unanimous consent that the article titled "The Gnomes Who Hold Reagan's Fate" with a subtitle "Foreign Speculation in the Dollar Is the Key," which appeared in the Washington Post of March 11, 1984, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GNOMES WHO HOLD REAGAN'S FATE—FOREIGN SPECULATION IN THE DOLLAR IS THE KEY

(By Dan Morgan)

Meet some of the people and institutions that now have the power to set off a new wave of inflation, push interest rates back up to the mid-teens and halt the American economic recovery:

Speculators in the "yen pit" at the Chicago Mercantile Exchange.

The Deutsche Gesellschaft fuer Wertpapiersparen of Frankfurt.

Woschod Handelsbank, the Soviet foreign trade bank located in Zurich.

Foreign currency traders for British Petroleum, Siemens of West Germany, the Mitsubishi Trading Co. of Japan and thousands of other international firms.

All of them either trade or own lots of dollars—or stocks, bonds and other assets denominated in dollars. If they get nervous enough about the slide in the value of the dollar that began Jan. 24, they could begin dumping these assets, causing an already tense situation to snowball out of control.

They would be joined by Japanese insurance companies, British pension funds, the big "money center" banks in London, Tokyo, Frankfurt and New York, Arab sheiks, German doctors and dentists and other players in the international money markets.

Such a panic, which some say could drive down the value of the dollar in relation to other major international currencies by as much as 40 percent, isn't necessarily in the cards. There are mechanisms built into the system that quite likely would prevent such a dizzying drop. International companies and banks need dollars to do business, so there is always a limit on how many they can sell. Governments can step into the financial markets to dampen the impact of panic and speculation. So economists in Washington and money managers in New York City aren't panicking yet and, in fact, the dollar rallied somewhat at the end of last week.

But most experts agree that the dollar is overvalued, relative to its buying power. So the risk of a dollar collapse, rather than a gentle decline, is real. In this election year, this fact makes the nation's economy vulnerable to outside forces as seldom before.

The dollar's fluctuations are only a symptom of the problem. The underlying malady is economic and fiscal policies that have made foreign capital essential for supporting massive government borrowing and an economic recovery at the same time.

This comes down to simple arithmetic. In 1983, the federal government had to borrow some $190 billion in new funds to cover its budget deficit. Individuals and industry borrowed another $90 billion to build homes, expand inventories, open new factories, and construct office buildings. That made a total of $280 billion in credit needs in this country. But the net savings of American families, businesses and pension funds and the surpluses of state and local governments—the basic pool of funds sitting in U.S. banks and saving institutions and available for borrowing—came to less than $250 billion. So the U.S. economy drew on some of the savings of foreigners to make up the difference.

Foreigners were persuaded to exchange their own currencies for dollars to buy U.S. Treasury bonds, bank certificates of deposit, corporate stocks and bonds, real estate and so on. This switching of other currencies into dollars helped "support" the price of the dollar in the international money markets for most of the last four years.

But this "strong" dollar concealed serious weaknesses. We attracted foreign capital by giving foreigners a high return on their U.S. investments in the form of interest rates that were 4 or 5 percentage points above what they could get at home. We lured funds from abroad—but at the same time imposed a heavy burden on the U.S. economy.

The same strong dollar that was in demand by foreigners also made our exports (priced in dollars) relatively expensive. The strength of the dollar is partly responsible for the largest U.S. trade deficit in history.

There is also a longer term cost, one that many Americans have overlooked. The borrowing is gradually turning the United States into a debtor nation, reversing the creditor status it has enjoyed since the end of World War II. In 1982, for the first time, foreigners invested $8.3 billion more here than American companies, banks and individuals invested or loaned abroad. In 1983, according to preliminary figures of the U.S. Federal Reserve, this grew to $32.3 billion. In 1984, it is expected that this country will take in some $80 billion more in investments and loans than it sends abroad.

Sometime in 1985, according to chairman Martin Feldstein of the Council of Economic Advisers, the U.S. will owe more to foreigners and foreign governments than they owe to us. "No lights will flash when we pass from creditor to debtor status," he said. But from that moment on, some of our national wealth—and some part of our standard of living—will have to be used to pay interest and dividends to our foreign creditors.

This dependence on foreign capital has exposed the U.S. economy as never before to the whims and uncertainties of international financial markets.

A sudden collapse of the dollar, instead of the slow, gradual decline that the Reagan administration would like, would undermine the foundations of the administration's economic policy. If foreigners lost confidence in the dollar and stopped helping us finance our public and private borrowing, several things would happen. Private investment would shrink because fewer funds were available and interest rates were rising, perhaps steeply, to lure back more foreign funds.

At the same time, a plunging dollar would make foreign imports relatively more expensive here, leading to more U.S. inflation.

Whether that scenario materializes will depend largely on the decisions of financial managers whose primary concern is profit, not the well-being of the American economy or the political fate of Ronald Reagan.

As U.S. interest rates rose sharply above European and Japanese rates in 1981, then held that differential through 1982 and 1983 as U.S. inflation was checked, foreign investors scrambled to buy dollar-denominated assets. As the dollar rose in value, people who owned the currency made money. Then in mid-1982, the U.S. stock market began to boom. That gave foreigners another incentive to buy U.S. equities.

Foreign investors made big profits in what was virtually a no-lose situation. A West German who in 1980 traded in 182 D-Marks to buy 100 dollars could take the same 100 dollars at the end of 1983 and collect 272 marks—a capital gain of 50 percent. If in the interval from 1980 to 1983, the U.S currency had been put into a U.S. certificate of deposit, it would also have drawn interest of from 10 to 15 percent. If the money had been moved into stocks during the 1982 bull market, the German investor could have realized still more gains.

But consider the situation now. For most of the last six weeks, the dollar's value has been sliding. It declined 6½ percent against the D-Mark in February. And in four hectic days of trading beginning Friday, March 2, it weakened 5 percent against the Japanese yen. Such sharp declines can cancel out with brutal suddenness the advantages of higher interest rates of foreign investors.

There are already signs that even these relatively small declines have changed the heady dollar psychology of the previous four years. "In the financial markets it's always a struggle between greed and fear," said an international banker in New York last week. "Fear may be getting the upper hand."

The reason for the changed mood is unclear. Financial experts cite the January U.S. trade deficit of $9.2 billion; the administration's lack of decisive action on the budget deficit, the end of the U.S. bull market, and persistent talk by top U.S. officials, such as Feldstein, that the dollar is overvalued.

Once the psychology of the markets shifts, controlling the outcome becomes tricky, even for a government as powerful as ours.

Take the case of the Deutsche Gesellschaft fuer Wertpapiersparen (DWS), a huge investment fund associated with the Deutschebank, Germany's largest commercial bank. DWS manages nearly $4 billion worth of assets for thousands of small investors. Most of the assets are in U.S. stocks and bonds. One fund, called Interrente, is 70 percent invested in U.S. utility and industrial bonds.

Udo Behrenwaldt, DWS's managing director, is "watching events closely."

"Until the end of 1983 we assumed that rising interest rates would mean a stable if not rising dollar, but we now believe that the psychology in favor of the dollar has been shaken," he said.

So far, Behrenwaldt says, there has been no fundamental change in DWS's investment portfolio. To protect profits perviously made on the dollar by hedging against its possible decline, DWS recently began selling dollars in the forward (future) market. If the decline continues, DWS could reduce its holdings of dollar-denominated U.S. corporate bonds from 70 to 50 percent and switch into German government securities.

Behrenwaldt is keeping a close eye on what the U.S. Federal Reserve does and is not panicking. But, he acknowledges, if there is another slide of 10 percent, the doctors, lawyers and other small investors who invest in DWS in search of larger returns than they can get in a German bank could lose their nerve and start wholesale withdrawals of their funds. If that happened, he said, DWS would have to start selling off its huge holdings of U.S. assets. Inevitably, that would have an impact on the U.S. stock market, and on the dollar itself.

"In 1977 and 1978, the big holders of dollars lost their nerve and the dollar collapsed," recalled Mieczyslaw Karczmar, senior analyst for the European-American Bank in New York City. "We are not at that point yet, but we do see similar signs."

Karczmar and other analysts describe the administration's hope for a slow, gradual decline in the dollar as wishful thinking. "If foreign exchange markets become convinced that the dollar is going down, it won't be an orderly retreat," he says. "You can't be just a 'little' pregnant."

One factor raising anxieties is the proliferation of new methods of mobilizing capital and moving it electronically around the world. British pension funds now have 15 percent of their assets invested outside Britain. These funds can be switched easily from dollar assets into, say, Japanese or Swiss securities.

U.S. mutual funds representing American investors increasingly take advantage of opportunities to move out of dollars and into non-American assets abroad.

"The Swedish stock market went like gangbusters in the last couple of years," said the international currency manager of one large New York investment house. "Anybody would have been crazy just to leave their money in dollars when they could convert into Swedish kroners and double or triple their money."

Although U.S. banks handle other people's money, they also speculate from hour-to-hour for their own accounts, as they buy and sell currencies on a spot basis and also operate a "forward" market in these currencies around the clock.

"The banks have more than a passing involvement in what direction the market is taking, particularly when there is a run. The good old herd psychology takes over," said a New York banking source.

None of this means the dollar will collapse. The world's central banks currently have about 70 percent of all their monetary reserves in dollar-denominated assets. They will defend the dollar against a really massive fall, in their own interest. For example, if DWS's small German investors pulled their money out of the fund, this would have the effect of pulling D-Marks back into the country. To offset that move, the Bundesbank, Germany's central bank, could use its own D-Marks to buy dollars and purchase U.S. Treasury securities—thus recycling the money back to the United States.

The sustained strength of the dollar, many experts contend, is based on fundamental confidence in this country's long-term economic strength and political stability. The dollar remains attractive to foreigners worried about political instability in their homelands. In the last few years people with assests ranging from coffee plantations to Philippine pesos have been moving money into the United States.

According to the Far Eastern Economic Review, recorded capital outflows from the Philippines reached $500 million after the Aug. 21, 1983, murder of opposition leader Benigno S. Aquino Jr., an event that heightened political uncertainties in that country.

Currently, there are said to be more $100 bills circulating in Brazil than the United States—a tribute to the enduring faith in the dollar among Brazilians.

According to Lawrence B. Krause of the Brookings Institution, the dollar won't fall as sharply as it did in the 1970s because current monetary policy won't let it. If the dollar sides further, inflation and a growth of the money supply would result. But that would lead to a rise in interest rates, which, in turn, would correct the dollar's slide.

But the dilemma remains. A rise in interest rates that propped up the dollar and brought foreign capital back to the United States would also mean financial pain for Americans—higher mortgage rates for home buyers and higher loan costs for businesses. Such a sudden runup in interest rates set off the 1982 recession. If something like that happened again this year, political expectations for 1984 would be transformed.

Mr. BYRD. Madam President, does the Senator from Wisconsin need any additional time?

Mr. PROXMIRE. No, I do not.

Mr. BYRD. I thank the Senator. I yield back the balance of my time, Madam President.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

HOW POWERFUL IS THE SOVIET UNION TODAY?

Mr. PROXMIRE. Madam President, we know the Soviet Union, like the United States, has the nuclear power to literally blow up the world. What does this kind of power mean? How useful is it? Answer: This power is totally useless—as former Defense Secretary McNamara says—except to deter a nuclear attack. Any use of this power against the United States would finish both countries. So unless the U.S.S.R. wants to commit suicide, its nuclear power means nothing, except that no other country can overtly attack it without facing extermination.

The Soviet Union also has a very great conventional military power. It has far more men under arms than the United States, three or four times as many tanks, far more fighter planes and more warships. Offsetting these Soviet conventional advantages are these factors: Much—perhaps as much as a third—of this Soviet military force is immobilized on its eastern frontier, tied down by the China threat. The use of its military manpower in Europe would, in fact, pit Russia and the Warsaw pact against NATO. In such a confrontation the NATO powers would actually have more manpower, as many fighter planes, more bombers, and almost certainly the United States would have more supportive, united, and determined allies in the United Kingdom, France, West Germany, and Italy than the Russians would have in Poland, East Germany, Hungary, and so forth. The Soviets would have an advantage in the number of tanks, but NATO has a variety of antitank defenses that might prevail and, if necessary, NATO might very possibly to to tactical nuclear weapons rather than accept a defeat from the Warsaw pact.

Under these circumstances, just as the United States matches Russian nuclear power, so NATO provides a match in conventional power for the Soviet Union and its allies. After all, the Soviet Union has been struggling for 3 years in Afghanistan, a primitive bordering country without success. Why should we assume that its forces would so easily sweep to the Atlantic against what is—compared to Afghanistan—an infinitely better armed combination of land, air and sea power. And in such a Soviet adventure the Soviets would confront France, armed with over 1,000 nuclear weapons and the capability of delivering them on Russian soil, and the United Kindom, with 1,500 nuclear weapons with the same capability. Could the Russians assume that either country would surrender their sovereignty to the Soviet Union rather than use the nuclear capability that it has built up at such expense for precisely this kind of showdown? And could the Soviet Union feel confident that the United States would not use its tactical nuclear capacity and that NATO would not employ the intermediate range missiles now being deployed, rather than accept Russia as its master?

So much for Soviet military power. Yes, indeed, it is great. But it has its obvious limits. Meanwhile as Jonathan Steele pointed out so well on Christmas day in the Washington Post, the Soviet Union is losing on virtually every front, and has been doing so for the past 10 years.

We have already mentioned Afghanistan. In addition, it has lost the support and earned the hostitility of China. Its power in Eastern Europe is weak. In Poland, East Germany, Romania, Hungary, Czechoslovakia, and elsewhere it has the support of governments that are regarded by the people of each of these countries as Russian puppets. These do not make strong or faithful allies.

The Russian economy has made little progress. Its people suffer from inadequate food, and shoddy goods. Russia has just suffered a serious defeat in its effort to dissuade the Western Europeans from accepting intermediate nuclear missiles for NATO. It has tried and failed in Europe, in Africa, in Asia, in South America, and Central America. Almost every time it has gone to bat it has struck out. It is true that both the United States and the Soviet Union are losers in the failure to reach arms control agreements. But the Russian losses on this score may be even more immediately serious than ours.

After all, the burden on the Russian economy, the sacrifices for the Russian people, the slow down in Russian agricultural and industrial progress from the diversion of its economic resources to its gigantic military buildup are even more punishing for the Russian economy than for the American economy. Whatever power the Russians may possess, it is a power that right now is on the wane.

Madam President, I ask unanimous consent that an article from the Washington Post of December 25, 1983, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Dec. 25, 1983]

We Always Exaggerate Soviet Power

(By Jonathan Steele)

Why are we always so eager to judge the Soviet Union on the basis on prejudice instead of detached analysis?

Consider the Korean airliner episode. Well after the initial expressions of Western outrage, U.S. intelligence officials conceded that Soviet ground and air defense did not know they were downing a civilian airliner. That recolored the episode quite dramatically.

We did see compelling evidence of the Soviet Union's considerable military inefficiency—the plane spent two hours in Soviet airspace and the defenders did not know what it was. But what of the harsh language used earlier by Western statesmen? The tragic fate of Flight 007 triggered off the usual eagerness to seize on any incident to issue wide-ranging condemnations about "brutality," "no respect for human life," "completely different standards" etc.—all of which look false in the light of Soviet ignorance that the plane was carrying unarmed civilians.

But we rarely seem interested in serious analysis when it comes to the Soviet Union. In the last 10 years there has been an astonishing decline in Russian studies and in the availability of professional expertise from Russian-speaking observers of the Soviet scene, whether diplomats, journalists, or academics. In the United States the number of graduate students in Russian studies has dropped to its lowest point since World War II, leading one American expert to estimate that in 1982 the Soviet Union had three times as many specialists on American foreign policy as the United States had on Soviet foreign policy.

Partly because they feel unsure of Soviet intentions, and sometimes because of a deliberate desire to misrepresent the facts, many Western decision-makers insist that the only basis for Western policy toward the Soviet Union should be the nature of Soviet capabilities. By this logic, what matters is not what Moscow is likely to do, but what it can do. This inevitably leads to a "worst case" analysis of Kremlin options in any crisis—an approach that encourages pessimism, if not paranoia. It tends to weigh the discussion in favor of military quantification rather than political judgment. Emphasis on Soviet military capabilities is a reasonable starting point for those who design weapons, but it should not be the primary or sole guide for those who design Western policies.

In fact there is a sufficient body of evidence, based on Soviet practice, to throw light on the Kremlin's thinking and intentions. Careful analysis of the Kremlin's record—where the Soviet Union has intervened and where it has not, what its leaders have said and what they have done, when they have moved quickly and when they have been slow to react—can offer a guide to their motives and the likely patterns of future action.

The recent record suggests that Soviet policy is less adventurous, energetic, and threatening than conventional Western wisdom proclaims. Phrases like "expansionism," "the Soviet threat," "nuclear blackmail," and "appeasement" are bandied about in the West with little effort to examine what they mean or whether they apply to reality.

Of course one should not forget the lasting features of the Soviet system—the centralized bureaucracy, Russian domination of the numerous national minorities, the Communist Party's monopoly of power, the controlled press, intolerance of dissent—but within these confines there have been significant changes in Soviet domestic policy since Stalin's day. The same is true of Soviet foreign policy. The image of remorselessly expanding Soviet Union, which was formed in the 1940s when Joseph Stalin imposed Soviet control over the Baltic states and Eastern Europe, is no longer valid in the 1980s. Virtually all the major political changes in the Third World over the last decade—from the collapse of the Portuguese empire in Africa, the independence of Zimbabwe, the fall of Somoza and the Shah of Iran—took place with little or no Kremlin input. The Kremlin can count less than 10 of the more than 100 members of the nonaligned movement as its friends.

Within the continuing context of a missionary ideology and a publicly proclaimed faith in the eventual triumph of socialism over capitalism, the Kremlin's perceptions of the world have undergone important changes. Soviet foreign policy, far more than Soviet domestic policy, is circumscribed by an external environment that no planner can control. Soviet policy makers have to operate in an international context which is overwhelmingly hostile to, and suspicious of, their intentions. The constraints this imposes on the men in the Kremlin have gradually created a pattern of Soviet activity that differs from what it might be in their ideal world, but is the reality to which they and their successors have become accustomed. Hopes are frustrated. Plans are abandoned. Eagerness becomes caution.

Yuri Andropov is having to adjust to the fundamental paradox of the Brezhnev era. While Soviet military power increased in the 1960s and 1970s, Soviet political influence declined. In almost every region of the world the Kremlin faces major problems. The Soviet Union should be judged not only by the size of its arsenal or its leaders' rhetoric, but by results. In the 1970s they were not impressive.

Nevertheless the prophets of doom began to work overtime in the early 1980s in predicting the grimmest scenarios of likely Soviet actions in the rest of the decade. As interest switched to the Brezhnev succession, a change overcame those who had previously portrayed him as the leader of a brutal, expansionist power. Suddenly, by comparison with the successor generation, Brezhnev became a senile moderate, a rather bumbling, somewhat pathetic creature whose departure might even be regretted in the West. After him would come a new breed of younger, more wicked men.

"It is my nightmare," Henry A. Kissinger confessed, "that his successors, bred in more tranquil times and accustomed to modern technology and military strength, might be freer of self-doubt; with no such inferiority complex they may believe their own boasts and with a military establishment now covering the globe, may prove far more dangerous."

Zbigniew Brzezinski shared Kissinger's vision of a stronger and more dangerous Soviet Union. "The most critical period will be roughly from 1983 to 1987 when the Soviet leadership will probably pass to younger men," he told reporters in July 1982. "This successor generation may see these first years as the optimum period to use military power."

Other spokesmen for the West's security establishment had a similar nightmare, though its origin was different. The horrific factor for them was the Soviet Union's weakness, not its strength. In 1981 John Nott, Britain's defense minister, asked: "Who can tell what problems will come for Brezhnev's successors, with popular discontent inevitable over living standards, with demographic problems—a steep increase in the birth rate of non-Slavic peoples, especially the 50 million Moslems in Central Asia—and all this held together by a repressive bureaucracy and supplied by a heavy over-centralized and inefficient economic system? Can we disregard totally even the possibility in years to come of disintegrating Soviet empire with, as an act of desperation, the dying giant lashing out across the central front?"

Whether the Soviet Union was judged to be strong or weak, the message was the same as it had been for almost 40 years. The West must keep up its guard and spend more on defense. The fact that these assessments of the Soviet threat were so vague and contradictory did not seem to worry the West's hawks.

For a Soviet strategic planner the future offers little encouragement. The dispute with China is deeply entrenched—illustrating the point that the advent of communist governments abroad may create more problems for Moscow than it solves. Although there are signs now of Chinese willingness to show more even-handedness between the superpowers, Moscow probably cannot look forward to anything better than peaceful coexistence with China. The chances of a Sino-Soviet alliance are virtually nil.

In the Middle East Islam has proved to be as unpredictable a problem for the Soviet Union as for the West. Moscow has shown no sign of being able to handle resurgent Islamic nationalism. But the consequences of this are more serious for the Soviet Union because of its closeness to the Middle East, and because almost a fifth of its people have Moslem backgrounds. Moscow is bogged down in Afghanistan. Its relations with Iran are worse under Khomeini than they were under the Shah. Its influence in Libya is much less than suggested by alarmist reports in the Western media. Soviet-Libya ties are a marriage of convenience and cannot be relied upon. Muamar Qadaffi might change his mind tomorrow and expel the Russians, as did Anwar Sadat in Egypt and Mohammed Siad Barre in Somalia.

In Eastern Europe Moscow faces a deep crisis of loyalty. The upsurge of Solidarity showed that 35 years of Soviet-style socialism has failed to win the allegiance of large sections of the Polish working class, even among the young who have had no experience of any other system. The Kremlin has to presume that disaffection might equally break out publicly in Hungary, Czechoslovakia, and East Germany. If the upheavals of 1956 and 1968 might be written off by wishful thinkers in Moscow as the outcome of Stalin's repression and his successors' failure to develop enough consumer goods, this explanation could no longer work for the early 1980s.

At the heart of Soviet foreign policy, its relations with Western Europe and the United States, the view from the Kremlin is hardly more comforting. A new round in the nuclear arms race with the United States is underway, with damaging implications for the Soviet civilian economy. West Germany, France and Britain, the three leading countries in Western Europe, are governed by determined anti-communists.

Soviet ideological influence is at a low ebb. Although the Kremlin is still respected in parts of the Third World as a supplier of diplomatic support and military hardware, the Soviet Union has lost its image as the inspiration for revolution. The concept of socialism, in a general and undefined way, might still be influential as a source of theoretical legitimacy for many authoritarian Third World nations, but the Soviet Union's particular experience is not studied with admiration.

Nor are Soviet citizens respected abroad as ambassadors of an alternative life style. In the Third World they tend to be seen as just another group of arrogant Europeans, aloof, partronizing, and often racist. They usually do not have the informality, self-confidence and individual generosity of their American counterparts, or the sophistication of Western Europeans. Official Soviet atheism has cut them off from close relations with deeply religious cultures in Asia, Latin America, and the Middle East.

But is it true, as Kissinger wrote in July 1981, that "We must recognize the tendency of the Soviets to escape their dilemmas by foreign adventures"? His remark assumes a similar degree of linkage between domestic and foreign affairs as exists in Western countries with their volatile public opinion and regular elections.

In the Soviet Union there is no such pressure on the leadership. Foreign affairs are not an issue for public debate. Moreover, Kissinger's remark is belied by the record. In the 1970s the Kremlin sought to escape its dilemmas of declining growth rates, spiraling defense costs and relatively backward technology by the opposite of foreign adventures. It tried to foster cooperation with the West through detente, hoping thereby to control the arms race and forestall the pressure for internal economic reforms by importing ready-made solutions from abroad.

Under Andropov and whatever leadership may follow his, certain fundamental positions will never be abandoned. The Kremlin will permit no weakening of monolithic party rule in the Soviet Union, no destabilization of Eastern Europe, no return by the United States to nuclear superiority, and no unilateral ideological disarmament—that is, the renunciation of Moscow's self-appointed role as the chief international standard-bearer in the competition with capitalism. If these are the minimum conditions on which any Soviet foreign policy will be built, there are a number of major restraints on Soviet power that provide the framework for and, in a real sense, impose a ceiling on its future growth. One of these, clearly, is American policy, the nature of American power—how and where it is used in the 1980s—will play a crucial role in determining Soviet actions.

But it is important to remember that the two are not linked in direct proportion to each other. There is no simple mathematical formula by which a certain application of U.S. power will deter or repulse an equivalent amount of Soviet power. By injecting an element of superpower competition into a Third World conflict, the United States may attract rather than repel Soviet interest, as it did in the case of the Angolan civil war in 1975. Even if Moscow does not actively intervene, it will never concede that Washington has a right to intervene or that Moscow has no right to intervene.

In spite of the distant clients that Moscow has acquired in the last 20 years, such as Cuba and Vietnam, the Soviet Union still maintains a broadly geographical and territorial notion of security. The United States, by contrast, has an outward-bound, forward-based concept of security related to the need for access to raw materials and markets. Moscow recognizes this essential asymmetry between itself and the United States, but it will not readily tolerate any American effort to give it a military dimension. The Carter administration's declaration of the Persian Gulf as a "vital interest" of the United States that had to be defended by U.S. military power excited a strong Soviet reaction.

Some Western observers mistakenly assume that Western power is the only restraint on Soviet actions. If the West does not have military muscle or political will to resist Moscow, the Russians are bound to advance. But the period of superpower dominance is coming to an end. Even within their own alliance systems each superpower is facing strains. The United States is having to adjust to the relative growth of Western European and Japanese economic power, and to demands from elites in Western Europe for more consultation on alliance policy and from substantial sectors of the public for greater independence.

Beyond their alliances, the superpowers face a world in which regional powers are gaining strength, where historical disputes that were often held in check by colonialism are breaking out again, and where the political boundaries drawn by the western imperial nations are coming under challenge. At the same time there is a growth in local nationalism, and a new vigilance in many Third World countries about foreign access to their raw materials. The example of OPEC is only the most dramatic case of Third World determination to protect their primary products and ensure that they are no longer exploited on the advanced industrial countries' terms.

All these factors suggest that while the Third World will be increasingly turbulent, the chances for either superpower to intervene successfully in local or regional conflicts are likely to diminish. The Iran-Iraq war, which left both superpowers impotent on the sidelines, may be the pattern for the decade.

In the second half of the 1970s Soviet attitudes to the prospects of economic and political development in the Third World underwent a significant shift. The old effort to detach Third World countries from the West was modified. Soviet analysts began to talk of a single interdependent world economy, in which the developing countries should participate by producing raw materials in exchange for technology and industrial goods from the advanced countries, of which the Soviet Union was one.

This was not very difficult from the Western conception, although it went strongly against the Chinese view of local and regional self-reliance for Third World nations. The shift in Soviet thinking clearly militated against a policy aimed at encouraging developing countries to cut the West off from raw materials.

Moscow's heavy involvement in the export of arms to the developing countries is more a sign of weakness than of strength. Arms are one of the few commodities with which the Soviet Union can compete with the West. By contrast, it has few economic products to offer the Third World. It is the West that controls the terms of world trade, organises the international capital market, and arranges most of the transfer of technology.

The Soviet Union has failed and will continue to fail to make a deep penetration of the Third World. This lack of depth makes it easy for countries such as Egypt to ask the Russians to leave. In spite of considerable Soviet economic and military aid, Sadat was able to expel the Russians without suffering a major economic dislocation. Allende, on the other hand, found it almost impossible to reorient the Chilean economy away from Western influence.

Even Angola, which has moved much further than Allende's Chile toward political alignment with Moscow, and depends totally on the Soviet Union and Cuba for military help, remains deeply linked to the West through the international economy. Vietnam, one of the closest Soviet allies, joined the International Monetary Fund before it joined Comecon, the economic grouping of socialist states which Moscow leads.

The Kremlin's increasing recognition of the complexity of the Third World is not lost on Andropov. In his first policy speech, he hinted at a kind of isolationism when he argued that the Soviet Union's primary task was to develop its own economy. "We exercise our main influence on the world revolutionary process through our economic policy."

The next generation will have more experience of the Third World and is likely to have even fewer illusions about prospects of rapid change. This goes against those Western politicians who argue that because the emerging Soviet leadership will be younger, more vigorous, and more self-confident than Brezhnev, it is likely to be more aggressive.

The notion of increased Soviet "adventurism" in the future rests on nothing but a hunch. It is just as likely that people who have lived through the relatively good years since the war and have enjoyed a gradual increase in prosperity will be more materialistic and less willing to risk everything that those who went through the 1930s and 1940s.

The views of the growing pool of Soviet foreign policy advisers with direct experience of service abroad suggest a sense of realism and the limitations of Soviet power in a complicated world. They are well aware that instability in the Third World is no automatic signal of imminent revolutionary change. They also know that foreign revolutions may demand more of Moscow than Moscow wants to give or can hope to give later.

Revolutions also complicate Soviet relations with the capitalist world. Stability in the Third World may be better for Moscow, provided it is not founded on a Pax Americana in which the United States enjoys new military facilities from which to threaten the Soviet Union.

What the new generation shares with Brezhnev and Andropov are old Russian attitudes—a desire for docile buffer states or friendly neighbors on their immediate borders, and a fear of encirclement. World revolution is something that they do not expect to see in their lifetime, or would unreservedly welcome, if it seemed to be approaching.

BIAFRA: A FIGHT FOR SURVIVAL

Mr. PROXMIRE. Madam President, almost 20 years ago, the Ibo race fought more than a civil war in Nigeria—it fought for survival.

Ethnically, Nigeria is divided into several different Moslem and Christian sects. Tensions developed between these groups. The Moslems grew hateful of the Christian Ibo, who were better educated and more prosperous. The Ibo comprised Nigeria's professional middle class. In fact, the Nigerian national leader, Gen. Johnson Aguiyi-Ironsi, was an Ibo. On May 29, 1966, Moslem mobs in the northern provinces massacred thousands of innocent Ibo and sent several hundred thousand others fleeing east to predominantly Ibo territory.

On July 26, 1966, Gen. Yakubu Gowen, a northern Moslem, led a military coup which overthrew General Ironsi. The Ibo responded out of fear on May 30, 1967, by declaring independence as the Republic of Biafra.

Biafran independence did not last long. The Federal Government of Nigeria refused to recognize the secession and decided to crush the Ibo once and for all. Garnering military assistance from countries around the world, all interested in strong ties with oil-rich Nigeria, the Federal Government began to kill off the Ibo. Their tactics: military might and starvation.

Nigeria initiated a blockade of Biafra's small humanitarian food shipments which made malnutrition, disease, and starvation enemies of the Ibo. Biafra finally surrendered to Nigerian Government forces on January 13, 1970, but not before almost 2 million Ibo had died, the majority by starvation. Under the Genocide Convention, the United States would have had the right to condemn this heinous act.

As a self-proclaimed pillar of human rights and international justice, the United States has yet to make the greatest commitment for the right of man to live.

The Genocide Convention requests the acknowledgement of one basic principle: That the international crime of genocide is morally wrong and must be punished.

The Ibo, a people who could have contributed much to Africa's society and progress, were genocidally decimated. Let us not forget the tragedy of the Ibo. Let us give our full support for the Genocide Convention.

THE SYNTHETIC FUELS CORPORATION: THE FISCAL TIME BOMB

Mr. PROXMIRE. Madam President, the Synthetic Fuels Corporation (SFC) has proved to be a pitifully poor investment. Instead of throwing good money after bad, it is time to stop and ask ourselves if the SFC is a wise investment of our taxpayers' money

The SFC is a fiscal time bomb. It operates off budget and is, therefore, hidden from the scrutiny most Government programs receive. Yet, when its guaranteed loans turn sour or when its price guarantees have to be met, who will be forced to pick up the tab? The taxpayers, that is who.

Twelve of my colleagues, including the distinguished Presiding Officer, and I have introduced S. 2358, legislation which would prohibit the further commitment of $14.7 billion that the SFC has at its disposal until Congress has had the opportunity to review and approve a comprehensive strategy document submitted to it by the Corporation.

Upon becoming operational in 1980, the SFC received a $14.9 billion bankroll to create a commercial synthetic fuels industry. It is now quite apparent that synthetic fuels technologies are immature and uneconomic, making a commercially viable synfuels industry an unattainable dream for the foreseeable future.

What has the Federal Government's $3 billion-plus investment in the synthetic fuels industry bought us? Next to nothing.

Of the 10 projects that made the final stages of consideration or received Federal support, six have been canceled outright, two are over budget and overdue, and one is threatening collapse without further Government subsidies.

Madam President, let us take a closer look at this fiscal Frankenstein and review its track record. Take, for example, the SFC's support of two projects to extract oil from shale. Originally touted as sure winners, the two oil shale projects—Union Oil and Cathedral Bluffs—are floundering amid equipment failures, environmental uncertainties, questions concerning worker health and safety, and cost overruns. Cathedral Bluffs has mushroomed in cost from $374 million to over $3 billion with critics claiming this is only the beginning.

Meanwhile, despite mounting controversy over the feasibility of Union Oil's extraction technology and plant safety features, the SFC is preparing to hand over an additional $2.7 billion to finance a major expansion of the facility.

Madam President, even with the lure of billions of dollars in Federal assistance, many of the most experienced firms in the synthetic industry have abandoned the commercialization of synthetic fuels as uneconomic enterprises.

Exxon tried to develop oil shale technologies 2 years ago, saw the light, and walked away from almost a $1 billion investment in the Colony oil shale project.

Standard Oil knows a losing proposition when they see one. They have formally withdrawn their support from the Hampshire and Paraho-Ute oil shale projects. One Paraho-Ute oil shale project is still undergoing SFC consideration for generous Federal handouts as the remaining partners continue to ask for $2.5 billion from the SFC.

Westinghouse has put its entire synthetic fuels division up for sale and Mobil Oil has abandoned attempts to form a consortium of companies to construct an oil shale project.

Another SFC-financed mature technology is coal gasification. The Great Plains coal gasification project, already granted over $2 billion in loan guarantees, has returned to the Federal Treasury for yet another handout.

While evidence from SFC documents and a GAO report paints a rosy economic picture for the project, Great Plains executives threaten to go bellyup without another $2 billion Federal infusion.

At first glance, the only SFC supported project that is not a national embarassment is the considerably smaller Coolwater coal gasification project. It has received only $120 million in price guarantees.

Small consolation, however, when closely reviewing the facts. The project's sponsors initially indicated that they would build the Coolwater project without Government subsidies. In fact, the identical technology has already been employed in the private sector by the Tennessee Eastman Co., without any Federal assistance.

Ironically, the Coolwater project was designed as a short-term research and development facility—not a commercial venture at all—and the end product is electricity, not liquid transportation fuels.

The SFC is clearly having difficulty finding qualified projects to fund. Quite simply, synthetic fuels technologies have proven to be far less mature and economic than predicted in 1980. The major investors have all backed out, despite SFC's open pockets, leaving a handful of far-out, second-rate projects to vie for the SFC's attention.

Obviously, the SFC has contributed little to the Nation's energy security. The way to wean America from our dependence on foreign oil is not through the commercialization of uneconomic synthetic fuels technologies.

The way to do this is through the wise application of our resources toward promising energy alternatives. This is what the SFC was intended to, but failed to, accomplish.

Madam President, I urge my colleagues to examine S. 2358, and join our effort to reassess the Synthetic Fuels Corporation.

RECOGNITION OF SENATOR HEFLIN

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama (Mr. HEFLIN) is recognized for not to exceed 15 minutes.

THE BANKRUPTCY COURT SYSTEM

Mr. HEFLIN. Madam President, I rise on this 13th day of March 1984, with great concern for the failure of this Congress to act to guarantee the continued operation of the bankruptcy courts of this Nation. Our forefathers provided in article 1, section 8, clause 4, of the Constitution of the United States for "* * * uniform laws on the subject of bankruptcy throughout the United States."

Unfortunately, due to unique and an unprecedented series of events, we are fast approaching the total inability of our bankruptcy courts to function after the 31st day of March. Therefore, there are only 14 legislative days for this Congress to act or the administration of justice will be in an untenable position.

In 1983, 348,872 cases were filed in the bankruptcy courts throughout the United States. Some 564,568 cases were pending in January of this year. This massive number of cases involves more than 11 million creditors with more than $111.7 billion in debts obligated by debtors and some $83 billion in assets to be administered by the court.

In 1978, the Bankruptcy Reform Act was enacted into law and provided the continued authorization of all existing bankruptcy judges through the 31st of March 1984. The grandfathering of the existing judges was part of a transitional period designated to end April 1, 1984. It was anticipated that in 1983, the Congress would authorize the number of bankruptcy judicial positions in each of the 94 judicial districts to be appointed by the President for 14-year terms with the advice and consent of the Senate. However, the U.S. Supreme Court on June 28, 1982, ruled in Northern Pipeline Construction Co. against Marathon Pipe Line Co., that the jurisdiction provided in the 1978 act to article I judges was inconsistent with the Constitution. Thus, it was incumbent upon the Congress to either modify the jurisdiction of the bankruptcy court or authorize article III status for bankruptcy judges to exercise the jurisdiction provided in the 1978 act, to comply with the constitutional concerns of the Marathon decision.

The Supreme Court stayed the effect of these decisions on two occasions, to enable Congress to take appropriate remedial measures. Unfortunately, the Congress failed to act prior to the conclusion of the 97th Congress, and accordingly, the bankruptcy courts have been operating under an interim court procedure based upon the existing statutes consistent with the Marathon decision. Even though this has been an awkward and uncertain situation to enable the continued operation of the bankruptcy courts, it has, on a temporary basis, provided a workable system.

If Congress does not act, there is no authorization for the appointment, jurisdiction, compensation, or tenure of the more than 200 bankruptcy judges which are serving in the 94 judicial districts thoughout this country. If no action is taken, we shall have a bankruptcy law, a bankruptcy court system, half a million pending cases, 11 million creditors with more than $80 billion of obligations, but unfortunately we shall not have judicial officers other than the already overburdened U.S. district judges to preside, process, adjudicate, confirm plans, discharge obligations, and execute the laws of the United States in regard to bankruptcy.

Many concerned individuals, in response to the Marathon decision, have predicted economic chaos, the end of the world, and every other form of judicial and financial catastrophe known to civilized man. These doomsayers have been inaccurate, or at least premature. Our system has been able to perform its statutory and constitutional responsibility due to the diligent efforts of the district and bankruptcy judges, clerks, court personnel, attorneys, debtors, and creditors, but without the continued authorization of judicial officers, I am afraid this will not be possible.

The Senate, after exhaustive review and consideration by the Judiciary Committee, passed S. 1013 on April 27, 1983. This legislation provided the continued constitutional operation of our bankruptcy court system and authorized the appointment of 232 article I judges by the President with the advice and consent of the Senate, consistent with the Marathon decision.

To date, the House of Representatives has taken no action in this crucial area. The House Judiciary Committee favorably reported Chairman RODINO's legislation, H.R. 3, on February 24, 1983, providing article III status to the bankruptcy judges. But since February 1983, the House has taken no further action on H.R. 3, S. 1013, or H.R. 3257, another article I alternative introduced by Representatives KINDNESS and KASTENMEIER. With only 14 legislative days remaining, I am hopeful the House will act on a legislative solution to this impending crisis, so that the House and Senate can confer to address not only the court structure and administrative problems, but also other areas in bankruptcy reforms needed by the American people to preserve the continued and appropriate operation of our bankruptcy courts in a fair, effective, and an equitable manner.

I am hopeful that a permanent legislative remedy can be achieved. But in the event we are not successful, I believe it is incumbent upon Congress to continue the operation of the bankruptcy courts of the United States by temporarily extending the existing statute and a continued authorization of the current bankruptcy judgeships until permanent legislation can be enacted.

Madam President, I think this is a very crucial problem. We are facing an impending crisis. I urge the House of Representatives to act but, in the meantime, if they fail to act, I think we should take steps on a temporary basis, for 12 months or 18 months, to continue the bankruptcy judges in their position until a permanent remedy can be reached. I think this is of vital importance to the people of this Nation.

ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER**. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 12, with statements therein limited to 5 minutes each.

THE JOB CLUB

Mr. **PERCY**. Madam President, as most of my Senate colleagues know, I have a special and longstanding interest in programs that promote job opportunities for older workers. For that reason, I would like to share with my colleagues a fine and unique program which I had the opportunity to learn about firsthand at the Oak Park Senior Employment Service office: the Job Club.

Dr. Nathan H. Azrin of Nova University pioneered the concept of the Job Club, a group method which develops skills enabling individuals to find jobs in relatively brief time periods. Job Club does not find jobs for people, but instead teaches them how to find jobs themselves. The Job Club concept blends job counseling with techniques of behavior modification.

The Job Club method is unique in that it is the only system for jobseekers which provides them with a counselor, group support, and a physical setting with telephones for the benefit of their job search. The organization of the club is structured to bring about the development of successful job-seeking skills.

The primary premise behind the Job Club is that looking for work is a fulltime job in itself, and all members attend regularly. The goal of the club is to obtain a job of the highest feasible quality for each and every participating member. The Job Club method uses behavior modification with positive reinforcement; it emphasizes the effectiveness of standardized procedures, positive statements, a direct manner, and taking a series of small steps one at a time. The training methods are highly structured, and constant encouragement is provided. All efforts are directed at the desired final outcome—obtaining a job. Those who are successful in their search become symbols of group success and added incentive to others.

With Dr. Azrin's advice and assistance, Operation ABLE of Chicago has extended the Job Club technique to groups of older adults who need special assistance to succeed in the marketplace.

So that members recognize that finding a job is a job, Job Club meets on working days during working hours. Program essentials are a comfortable workroom, with ample tables and suitable chairs, and a number of telephones for the club's exclusive use.

When a Job Club is started, the three or four training sessions are held in the afternoon. The sessions are then switched to morning so that the members have the entire day to work at job seeking. If the members spend their mornings on the phones at Job Club, they are free to go on interviews in the afternoons. The counselor starts new groups in the afternoon and merges the old and new groups into one morning group after the initial afternoon training period.

Ideally, Job Club should meet every workday. Its headquarters should be in an easily accessible central location, and some transportation allowance should be built into the budget for those who could not participate without assistance.

Job Club members learn to treat finding a job as a fulltime job itself; use their own friends, relatives, and other personal contacts to locate job leads; learn to use telephone contact to obtain job leads and arrange interviews; receive formats for effective job-seeking phone calls and letters: receive guidance and practice for actual job interviews; use special telephone facilities and other program resources such as resume typing and photocopying; learn to emphasize their personal and social attributes; and, gain support from being part of a group with one common goal.

Between September 1981 and September 1982, Operation ABLE's network Job Clubs served a group of 179 older adults. Their previous training ranged from semiskilled to middle management, including a few professionals as well. Of the 179 persons who started with Job Club, 132 stayed with the program and only 47 dropped out. A total of 108 persons found 121 jobs, with some being placed more than once. These job offers included: 14—professional / managerial / technical, 49—service, 10—sales, 41—clerical, and 7—trades. Several of those who were still actively looking for work have since been employed.

I strongly support the concept of the Job Club, and commend Operation ABLE for their success in expanding employment opportunities for older workers.

OTELIA CHAMPION, PRESIDENT OF NACWC

Mr. **PERCY**. Madam President, I welcome this opportunity to pay tribute to Mrs. Otelia Champion, a distinguished Illinoisan with an outstanding record of service to this Nation. Mrs. Champion is a devoted and articulate woman who has dedicated her life to humanitarian work as a member of the National Association of Colored Women's Club, Inc. (NACWC) for over four decades and now as president of that organization. NACWC enjoys the distinction of being the Nation's oldest and one of the most prestigious black women's organizations in existence today.

I would like to express my own personal admiration for Mrs. Champion whose humanitarian efforts to improve the status of women will continue to be an inspiration to us all. Booker T. Washington once wrote, "Success is to be measured not so much by the position that one has reached in life as by the obstacles which he has overcome while trying to succeed." Indeed, Mrs. Champion is a success by the very fact that she has become a symbol of determination to accomplish the impossible against insurmountable odds.

As President of NACWC, Mrs. Champion has made her goals clear—to reach out and help others, to develop capacities for leadership, education, vocational guidance and to improve the status of women. In particular, the NACWC has committed itself to promoting the education of women and girls; raising the standard of home; working for moral, economic, social and religious welfare of women an children; protecting the rights of women and children who work; an obtaining for all women the opportunity of reaching the highest standards in all fields of human endeavor. Under the leadership of Mrs. Champion, NACWC has also given assistance to homes for battered women and senior citizens; created educational scholarships to assist young career women and men; helped to implement assault on illiteracy programs; and supported the Sickle Cell Anemia Foundation, as well as programs of Africare with contributions.

Mrs. Champion serves as a role model for other women in her community and international service, and outstanding professional achievements. Her awards include: Outstanding achievement awards, NACWC, 1981; Outstanding Central Region Sigma Gamma Rho Soror; Most Outstanding Counsellor, 1978, East Chicago, Ind.; achievement award, NAACP; Mayor Carl E. Officer's Proclamation, East St. Louis, Ill., and VIC (Very Important Citizen, Indiana).

Mrs. Otelia Elizabeth Champion is listed in the International Register of Profiles (World Edition), in the World Who's Who of Woman, Cambridge, England, and in the 1980-81 edition of Who's Who in the Midwest.

Mrs. Champion is not only a reputable public servant, but also a bright, charming woman of many accomplishments. She holds a degree in music from the Chicago Conservatory of Music; a B.A. degree from Northwestern University in business administration and an M.A. degree from Northwestern in counseling and guidance. She is a doctoral student in guidance.

As a faithful member of the Zion Baptist Church, Mrs. Champion serves as minister of music. She also founded the Block Junior High School mother/daughter, father/son banquets which have become a tradition in the school.

Hard work is something Mrs. Champion has never shied away from. She has continually stepped forward to provide strong leadership and this is clearly reflected in her record. She has served as a local club president, State president of Indiana, and now as national president of NACWC.

However, Mrs. Champion has a characteristic that distinguishes her from most people—a sincere desire to assist others and improve the world as a whole. She has translated her feelings into concrete actions which bring help to the needy and inspiration to those who need it most. Her enthusiasm for life and determination to serve others has not diminished over the years. She is indeed an outstanding citizen who has given unstintingly of her time, talent, and concern for the advancement of opportunities for women.

It is indeed appropriate that we reflect on the achievements of this remarkable individual who has contributed much to our Nation, States and local communities. Mrs. Champion, by her dedication and achievements, has earned our respect and admiration. I hope that this brief commendation will serve as a reminder of the tremendous impact one person can have on the world.

FRANKLIN PARK ROTARY CLUB

Mr. PERCY. Madam President, during the November recess I had the pleasure to address the Rotary Club of Franklin Park. It has an outstanding scholarship program which illustrates how the private sector can continue to support higher education in this country.

The Franklin Park Rotary Club in Franklin Park, Ill., was formed in 1957 and has 29 members who live or work in Franklin Park. The club is one of 20,000 rotary clubs worldwide.

The Franklin Park Rotary Club primarily provides service to the community. Several of its achievements over the years include donations and assistance to the Franklin Park Senior Citizens Home, gifts to the Franklin Park Ice Rink, Christmas food baskets to the needy, a Halloween party and gifts for the children of Maryville Academy, and sponsorship of students to the Presidential Classroom in Washington, D.C.

The club's highest priority has been its top 10 percent program, recognizing the top 10 percent academically from the graduating class of the two Leyden township high schools and providing 10 $1,000 scholarships for the Leyden students. In 1983, businessmen and professionals throughout the community contributed $18,000 to sponsor a banquet honoring the top 10 percent and establish additional Rotary scholarships for Leyden students.

The top 10 percent program could be emulated by many other service organizations, as a fine example of what the private sector can do to support higher education in this country. I thought this program would interest my colleagues in Congress and other readers of the CONGRESSIONAL RECORD throughout the United States and the world. I commend the Rotary Club of Franklin Park and congratulate every person who contributes to scholarship assistance programs, enabling recipients to continue their higher education.

EYEWITNESS ANONYMOUS

Mr. PERCY. Madam President, I would like to take this opportunity to bring to your attention an exceptional program designed to battle crime in our Nation. Crime in the United States has expanded to such great proportions that numbers of innocent people have been victims, with little hope of restitution. As the number of crimes continues to grow and so many of these crimes remain unsolved, our Nation's citizens have, in essence, sentenced themselves to living in fear.

To help combat this problem, "Eyewitness Anonymous" was introduced to Chicago by WLS-TV on March 4, 1983. "Eyewitness Anonymous" utilizes the services of We Tip, Inc., a nonprofit organization "dedicated to reducing crime and the fear of crime throughout the Nation" by offering citizens an opportunity to anonymously report crimes. We Tip employs Spanish- and English-speaking operators who take anonymous calls, record information, and then relay that information to appropriate law enforcement officials for investigation.

Founded in 1972, We Tip was originally organized to curtail drug sales in California schools. The program expanded, and in 1982 We Tip set up a toll-free nationwide reporting number—1-800-73-CRIME. In the past 12 years the organization has handled over 53,000 anonymous calls, resulting in more than 5,700 arrests and 2,000 criminal convictions. In addition, We Tip has helped recover more than $3 million in stolen property, seize more than $106 million worth of narcotics, and lead to arrests relating to $11 million in arson. And in the Chicago area alone—largely as a result of WLS-TV's efforts—We Tip has received nearly 3,800 anonymous tips and helped recover over $191,000 in stolen property and seize more than $45 million worth of narcotics.

As a public service, ABC television stations in Los Angeles and Chicago joined with We Tip and the appropriate law enforcement officials to publicize and promote this innovative and needed crime reporting program. Special segments of their "Eyewitness News" broadcasts spotlight unsolved crimes that have been recommended by police for publicity. Viewers with information about these or any other crimes are then urged to telephone the We Tip crime reporting number, which is also broadcast. Once police or other law enforcement officials receive tip information, they investigate through typical channels. If the information leads to arrest, cases are forwarded to the courts for hearing and, if warranted, sentencing.

Madam President, I commend WLS-TV for their sincere efforts in bringing "Eyewitness Anonymous" to the Chicago area. This program is a vital, thriving lifeline for the many victims of crime in this country, and I strongly urge my Senate colleagues to investigate avenues for similar programs throughout the Nation. Nothing can replace the hurt, loss, and violation that crime victims have suffered; however, We Tip and "Eyewitness Anonymous" have proven that through the coordination of efforts by law enforcement officials, the media, and conscientious citizens, we can battle this country's destructive and growing crime problem.

A TRIBUTE TO ALLEN ZIEGLER

Mr. CRANSTON. Madam President, however belatedly, I want to take a moment to pay tribute to an outstanding Californian and American, Allen Ziegler, who was honored with the Heart of Gold Award in October 1983 by the Medallion Group of Cedars-Sinai Medical Center—a tribute to Mr. Ziegler's years of selfless contributions to community-minded causes ranging from day camps to universities.

A prominent leader in the Los Angeles business community, Mr. Ziegler founded Westco Products while attending the University of Southern California—a family business which grew into the leading manufacturer of bakery supplies in the United States.

Twice honored by Mount Sinai for their generous efforts, Mr. Ziegler's parents set a tradition of philanthropy which he and his wife, Ruth, have honored and enlarged upon. Major contributions they have made include the endowment of the administration building at the University of Judaism and facilities at Sinai Temple, Camp Ramah, and the Jewish Home for the Aging. Mr. Ziegler has not limited his work to financial contributions; he has been active in leadership positions in the community and has given unstintingly of his time, intelligence, and energies to charitable causes too numerus to list.

Twenty-five years ago, Mr. Ziegler received the first Eternal Light Award from the Jewish Theological Seminary for his humanitarian achievements. It was a well deserved tribute then, as is the Heart of Gold Award now. Allen Ziegler is an example to us all of generous service in the public good. I commend him to my colleagues in the Senate.

Mr. HEFLIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. Kassebaum). The Chair, in her capacity as a Senator from Kansas, asks unanimous consent that the order for the quorum call be rescinded, and without objection, it is ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will stand in recess until 2 p.m.

Thereupon, the Senate, at 12 noon, recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Lugar).

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, under the ordinary procedure I believe the Senate would resume the consideration of the unfinished business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I ask the Chair if the clerk might report the measure.

VOLUNTARY SCHOOL PRAYER

The PRESIDING OFFICER. The clerk will state the pending business.

The bill clerk read as follows:

> A joint resolution (S.J. Res. 73) proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, each day as this matter is brought down and the Senate returns to it as the pending business, I have had a statement to make.

Mr. President, I think now is the time for the Senate to turn to the question of the formulation of the issue and a final disposition of the matter.

As I indicated on Thursday and then again on yesterday, I hope we can commence voting on amendments. I hope we can finish this matter this week and, if we cannot, we will go over to next week, but at some point this has to be concluded.

Mr. President, as I began this debate, I wish to reiterate today that as far as I am concerned my only ambition is to see that the Government of the United States and the lesser governments of this Republic are absolutely neutral in the question of religious observance, that is, that they do not mandate a religious observance nor do they prohibit it on a voluntary basis.

I have no desire to encroach upon the separation of church and state, to challenge the very sound principle that prohibits the establishment of a state religion. I simply wish the Government to be neutral.

Mr. President, in the course of things I hope that that is the judgment made by the Senate, that the matter is passed with the requisite two-thirds majority and sent to the other body for their consideration and ultimately for the States of this Union to consider as the Constitution provides in the case of an amendment to the charter document.

Mr. President, I hope Members will forbear to offer amendments, and I am not now offering an amendment, but may I say to Members that I hope that we can arrange a sequence of matters to be dealt with and that that should be decided before very long; so I hope for the time being that no amendments will be offered and that we will have an opportunity to pursue the efforts that are going on to establish routine and sequence for the consideration of measures relevant to this issue.

Mr. President, with that I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. RUDMAN. Mr. President, let me first say that I think the majority leader has summed up as succinctly as could be summed up that which all of us wish to achieve. The difficulty, of course, has been finding language to achieve that laudable end.

Mr. President, I rise today in opposition to Senate Joint Resolution 73, not because I am opposed to prayer, or even because I am opposed to religious activity in public schools if properly structured. I am opposed to the resolution because rather than embracing the precepts of our political and religious heritages, it rejects them in a simplistic manner that ignores the delicate balance between secular authority and personal freedom which is the cornerstone of our Nation. I can only liken Senate Joint Resolution 73 to an attempt to carve a facet in a precious gem by use of a battering ram: The attempt most surely will fail in its primary objective and may destroy the gem itself in the process.

To begin, I ask the following question: What is it that we are really discussing? We are certainly not talking about the right of children to pray in public school. That right exists today just as it has existed throughout the history of our country. Subject only to the necessity to maintain classroom structure and discipline, children are free to pray during many periods of the school day. Admittedly, many of those periods would dictate silent prayer as the preferred choice, but I know of no religion that maintains that communication with its deity requires vocalization.

Nor are we discussing a proposal which reflects the views of the framers of the Constitution and the first amendment. At that time there were no public schools in this country. More to the point, even had there been public schools, there is every reason to believe that language such as that before us today would have been rejected. In explaining the first amendment provision that "Congress shall make no law respecting establishment of religion or prohibiting the free exercise thereof," Thomas Jefferson provided the following insight in an 1802 letter:

> Believing * * * that religion is a matter which lies solely between man and his god, that he owes account to none other for his

faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence the act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between church and state.

James Madison also gives us insight concerning the collective state of mind which lead to the adoption of the first amendment separation clause. In his 1785 "A Memorial and Remonstrance Against Religious Assessments," a statement in opposition to a bill which would have subsidized the teaching of Christianity in Virginia schools of the time, Madison observed that the bill under consideration implied—

> * * * either that the Civil Magistrate is a competent Judge of Religious truth; or that he may employ Religion as an engine of social policy. The first is an arrogant pretention falsified by the contradictory opinions of Rules in all ages, and throughout the world; the second an unhallowed perversion of the means of salvation.

The "wall of separation" defended so eloquently by Madison and Jefferson, born of the religious persecution which was their heritage, was built at a time when the population of the United States was at least 95 percent Protestant. To suggest today, at a time when within our borders can be found 89 distinct religions with 50,000 or more celebrants, that the language of Senate Joint Resolution 73 is what our forefathers "really meant to say," is either the height of arrogance suggested by Madison or a deductive leap unsupported by the evidence.

No; what we are really talking about is whether or not we will mandate a period of spoken *prayer* in our public schools. I italicize the word prayer because I do not know what it means in the context of the resolution. Of the 89 religions that I referred to above, the prayers of only one or two would be meaningful to any one individual. The rest would fall between meaningless at best and offensive at the other end of the spectrum. To require of children a meaningless act is, quite simply, a waste of precious time in an educational system already under fire. To require of children something that is offensive to others threatens the fabric of society.

Do we learn nothing from history? In 1854, a Jesuit priest in Maine advised his parishioners to defy a school committee regulation requiring children to read the King James version of the Bible and, subsequently, as chronicled in "Church, State and Freedom" by Leo Pfeffer: "A mob broke into his house, dragged him out, tore off his clothing, tarred and feathered him, and after two hours of cruel treatment, finally released him." Mr. Pfeffer also chronicles an 1843 event in which a Catholic Bishop petitioned the Philadelphia School Board to allow Catholic children to use the Catholic version of the Bible, a petition that resulted in months of controversy, riots, the destruction of churches, convents, and homes, and the murder of both participants in the controversy and innocent bystanders.

Likewise, the result of a 1949 appeal by two Jewish mothers in Chelsea, Mass., then 45 percent Jewish, to appear before the school committee to present their views against the singing of Christmas carols and the presentation of Christmas pagents led to threatening letters, threatening telephone calls, and threats of boycott against all Jewish merchants. Finally, for those of you who think that we in America are now beyond such action: In 1982, an Oklahoma resident and member of the Church of the Nazarene who initiated the filing of a suit against religious activities in her child's school was assaulted on school grounds and was forced to move to another school district to avoid harrassment. I ask my colleagues: Is this the type of activity that we in Congress wish to encourage by adopting Senate Joint Resolution 73?

Our Supreme Court has long recognized the danger in what we argue here today. In a line of cases dating back to 1947, the Court has held that the promoting of certain religious exercises in public schools is unconstitutional. In Everson against the Board of Education (1947) the Court held that "no tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion."

That landmark decision formed the basis for the 1962 decision in Engel against Vitale prohibiting the recitation of a prayer composed by the State, and the 1963 decision in Abington School District against Schempp prohibiting the recitation of religious passages not composed by the State. In both these cases, schoolchildren had been granted permission to remain silent or to excuse themselves from the room. The Engel court correctly observed that:

> The * * * argument * * * that the program does not require all pupils to recite the prayer, but permits those who wish to do so to remain silent or be excused from the room, ignores the essential nature of the program's constitutional defects * * *. When the power, prestige, and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain.

The Supreme Court's view has been supported by a number of noted conservatives. Columnist James Kilpatrick has observed:

> We are talking about state-sanctioned prayer in public schools where attendance is compulsory. It is pure sham to contend that in such circumstances that "prayer" can be "voluntary."

Likewise, it is interesting that the Moral Majority recognizes the divisiveness of what we would do today. Rev. Jerry Falwell has said: "If we ever opened a Moral Majority meeting with prayer, silent or otherwise, we would disintegrate."

Mr. Cal Thomas, Director of Communications for Moral Majority, amplified on the statement by explaining that meetings were not opened with prayer because, "It is a political organization which includes Jews, Catholics, Mormons, Protestants, and even 'non-religious' members."

Mr. Thomas' rhetorical question was: "What kind of prayer would we use?" I commend Reverend Falwell for his insight in this regard, and can only wonder why it is that he supports Senate Joint Resolution 73. Does not his logic extend to our public school system as well?

Finally, it has been suggested that schools might choose a nondenominational prayer in order to avoid the problems I have cataloged. Although there is nothing in this proposed amendment which would require nondenominational prayer, if that were my only objection, I am sure that I could be brought around by some creative amendment to the resolution. This is not the case. Our distinguished colleague, Senator DANFORTH, an ordained Episcopalian minister, has put his finger on the real problem with nondenominational prayer. As he stated in one of his recent speeches:

> Prayer that is so general and so diluted as not to offend those of most faiths is not prayer at all. True prayer is robust prayer. It is bold prayer. It is almost by definition sectarian prayer. Yet such genuine prayer would offend children of other faiths.

Even so neutral a prayer as, "Almighty God, we acknowledge our dependence on Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country"—the prayer which was the subject of the Engel decision—was found to be blasphemous by leaders of certain Christian churches.

To reiterate, the adoption of such an amendment either would require of children a meaningless act or would create a situation in which divisiveness would be the outcome. We dare not pass such legislation. In this regard, I am struck by the fact that approximately 25 religious organizations have taken a position opposing Senate Joint Resolution 73. These include the following denominations: Presbyterian, Seventh Day Adventist, Episcopal, Church of the Brethren, Church of Christ, Baptist—admittedly, with some dissent—Methodist, Quaker, Hebrew, Unitarian, Congregational, and Lutheran, The Roman Catholic Church is neutral on the issue. With this united opposition to Senate Joint Resolution 73 among religious leaders, one might properly ask, "Why are we debating it at all?"

Having said that, I also reiterate my original statement that I am not opposed to religious activity in public schools if properly structured. I am proud to be a cosponsor of Senate bill 815, introduced by the senior Senator from Oregon, Mr. HATFIELD. That measure would establish, as a matter of law, the principle that schoolchildren have the same rights to engage in voluntary, extracurricular activity for religious purposes as they do to engage in any other voluntary, extracurricular activity. Although the Supreme Court has never held otherwise, some misguided and poorly conceived lower court rulings have cast doubt on that question.

In addition, I intend to support Senate Joint Resolution 212, a proposed constitutional amendment offered by the junior Senator from Utah, Mr. HATCH. That bill, which may be offered either as a substitute for Senate Joint Resolution 73 or considered as a separate measure, addresses both the right to engage in voluntary, extracurricular religious activity and would permit as well the establishment of required periods for meditation or silent prayer during the school day.

Notwithstanding the above, over the last week, as has been reported in the media, both nationally and in my own State of New Hampshire, there has been considerable discussion regarding the possibility of a compromise constitutional amendment. Those of us who have been involved in this effort wished to see if it were possible to draft language which would permit group vocal prayer during class time, as supported by the proponents of Senate Joint Resolution 73, while removing the stigma many attach to such vocalization. The effort has involved talented constitutional scholars as well as Senators and staff predisposed to both sides of the issue. I have been a part of those discussions, have critiqued the suggestions of others and, in fact, have proposed specific language myself. However, after much reflection, I have concluded that the issue is incapable of compromise.

Compromise involves a balancing of conflicting rights and desires. Senator HATCH's proposal represents the classic compromise, the midpoint between those who advocate vocal prayer and those who would maintain the status quo. At this point, I believe anything further would constitute an impermissible favoring of one legitimate viewpoint at the expense of another legitimate viewpoint. I shall cast my vote accordingly.

Correctly structured, religious activity has a place in our public schools. Periods of silence would allow children to communicate with the God of their choice or to reflect on matters otherwise important to them. I see no harm and much to be gained by such periods of reflection. Much of what is wrong with our society today, from individual actions to the often muddled actions of our Government, can be traced directly to lack of reflection on our priorities and how they might best be achieved.

Yet, the activity must be voluntary, truly voluntary. We dare not risk the consequences of having the State or representatives of the State promoting or sponsoring specific forms of oral religious activity. To do so would be to violate our traditions, ignore the teachings of history, and risk the harmony that we all hope defines our society.

Unfortunately, the debate over the last week and a half has underscored the many religious differences which exist in our society, differences which, to date we have kept out of Government and the realm of public policy. Why we seek to transfer the problem of dealing with these differences to the backs of 7- and 8-year-old children in public school is, quite frankly, beyond me.

Mr. DECONCINI and Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, the value of the State fostering silent prayer is that each child can pray in as intense a manner as he or she desires to whatever religious values are most holy to that person.

They can do so every day, in a manner in which every child is accommodated. Silent prayer allows for the most robust expressions of religious conviction within a structured environment; collective vocal prayer would allow only weak statements of devotion. It is interesting to note that many religions establish silent expressions or prayer as their most intense moments of faith. For example, in the Jewish faith the silent Amidah prayer represents the most passionate expression of the values of the religion.

To those who claim that silent prayer even within a structured, group environment is trivial, the following comments are in order:

First, it is not trivial to reaffirm the proper understanding of the first amendment's establishment clause that there is a proper, supportive role between the State and expressions of religious values.

Second, it is not trivial to reaffirm that a student's education ought properly to consist of the development of spiritual character, and that it is an act of religious hostility for the State to compel the attendence of a child at a public institution for 8 hours a day and forbid the expression of any religious impulse.

Third, it is not trivial to reverse the unmistakable trend of recent decades in which official antagonism by the State toward religion is established as the law of the land, and in which secular humanism is the only transcendental value aggressively encouraged by institutions of public education.

REBUTTAL TO THOSE WHO SAY SILENT PRAYER IS NOW ALLOWED

While they have never expressly outlawed silent prayer, the Supreme Court has effectively outlawed it because, almost without exception, jurisdictions throughout the country—most of which allowed vocal prayer prior to the Court decisions—refuse even to allow silent prayer in the belief that the same principles guiding vocal prayer also guide silent prayer. This is not an unreasonable belief.

Thus, even though the Court has never expressly spoken on silent prayer, they have repeatedly spoken on the meaning of the first amendment. They have done so in a manner that most observers believe precludes any form of Government-sponsored prayer. At the very least, they have chilled all such expressions of prayer.

Are we going to have to wait for the Court finally to explicitly outlaw silent prayer before we act on an amendment? The Court is not obligated to hear this issue. They may choose never to hear this issue. The hard fact, however, is that virtually every community in the country is effectively deterred from allowing silent prayer because they believe that the principles enunciated by the Court are applicable to such prayer. While lawyers may be prepared to make fine distinctions among cases, it is wholly reasonable for jurisdictions to assume that the Supreme Court has decisively spoken on silent prayer. See also *Beck* v. *McAlrath*, 548 F. Supp. 1161 (M.D. Tenn. 1982); *Duffy* v. *Las Cruces*, Civ. No. 81-876-JB (N.D. N. Mex., Feb. 10, 1983); *May* v. *Cooperman*, Civ. No. 83-89 (D. N.J., Jan. 10, 1983); *Jaffree* v. *Mobile County*, —— F. 2d. —— (11th Cir. May 12, 1983.

People are being denied rights today relating to school prayer because of a confluence of governmental actions—Court decision, policies of local school authorities, inaction by Congress and other legislative bodies. It is perfectly proper for the people to respond to this situation by proposing an amendment to the Constitution clearly stating the nature of these rights and extending to them new constitutional protections.

Even if the Supreme Court is deemed not to have spoken on silent prayer, the article V process is appropriate here. Most earlier constitutional amendments have not responded directly to Court decisions.

To assume that Congress is incapacitated from acting until the Supreme

Court decides to address the issue is also imprudent in a purely political sense. Who knows what the political configuration of Congress will be at that time? We know what the present configuration is and believe that it might be receptive to a properly drafted prayer amendment. Even if we are not successful during this Congress, we will have laid a foundation so that Congress, whatever its future configuration, will be more likely to reconsider the proposal in the event that a future Court decision explicitly outlaws silent prayer. The present amendment will serve as a continuing focus in that regard.

Had the policy of waiting to act until a final court decision is handed down been the prevailing idea in 1789, this Nation would never have had the Bill of Rights. Opponents of the bill argued that its inclusion in the Constitution should await the realization of the feared dangers. The principle difference in the present situation is that the feared dangers have already come to pass, and opponents of silent prayer refuse to concede this fact.

The Court is perpetually free to reconsider old decisions and enact new ones. The argument that the Supreme Court has not finally spoken on silent prayer, is perpetually true with respect to all constitutional principles. So long as the Court sits, it cannot be assumed to have finally spoken. Is the ERA unnecessary because the Court may reconsider its Frontiero decision? Is an antiabortion amendment unnecessary because the Court may reconsider its Roe against Wade decision? Is the latest court-stripping proposal unnecessary because the Court may reconsider Marbury against Madison?

Mr. President, I support a constitutional amendment that will restore religion to the honored place it has traditionally held in this country. In our Nation's public schools is one of those places. It is my belief that specific allowance of group or individual silent prayer is the proper method of such restoration.

Silent prayer, either by an individual or in a group setting, provides the means for religious expression without subjecting participants or nonparticipants to undue embarrassment. At the same time, it allows a participant the freedom to pray to whatever deity or values he or she finds holy. It is not necessary for the Senate to authorize vocal prayer, which has such great potential for governmental abuse and infringement on a child's privacy and right to pursue his or her own religious beliefs.

From time to time in its history, the Supreme Court has made decisions so unacceptable to the public that they were overruled by constitutional amendment. The Dred Scott case holding that slavery could not be prohibited in the new territories was set aside by post-Civil War amendments. After the Supreme Court found the Federal income tax unconstitutional in 1893, the 16th amendment was passed to authorize the tax.

Another situation requiring a constitutional amendment as a corrective measure was created when the Supreme Court ruled in 1962 that the reading of prayer in public classrooms was an establishment of religion forbidden by the first amendment.

In decisions such as Engel against Vitale, Abington against Schempp, as well as others not relating directly to school prayer, the Supreme Court has established a theory of the first amendment that I believe is wrong and that is contrary to the intent of the founders, the historical development of the first amendment, and the spirit of our entire Constitution.

The Supreme Court has held school authorities to be constitutionally forbidden from sponsoring devotional exercises such as prayer and Bible-reading in the public schools; forbidden from permitting private teachers of religion to give religious instruction to a student during the school day; forbidden from adapting the school curriculum to reflect beliefs; and forbidden from posting such religious affirmations as the Ten Commandments on classroom walls, regardless of whether the student participation was involuntary or voluntary.

This is the climate that surrounds us on a daily basis. In our coinage, our national anthem, our Pledge of Allegiance, our faith in God expressed through prayer is richly engrained in American history. The purpose of the first amendment establishment clause was not to erect a wall of separation between the state and religious expression. Its purpose was to prevent the establishment of a preferred religion by the state, by the Government. However, in an attempt to conform to the severe restraints of Court-imposed separation, our public schools cannot even acknowledge the existence of a deity. By denying expression of the set of values that holds there to be a higher being, we are awaiting the execution of our youth in a way that certainly does not encourage adherence to high moral principles.

The original intent of the establishment clause that Congress be neutral as between competing religious views has now been transformed into the notion of neutrality between religion and irreligion. Congress must now restore the traditional understanding of the first amendment establishment clause by passing a constitutional amendment adopted through the proper article V route.

Prayers should not be banned from our schools. Such an amendment has the overwhelming support of the American public. A 1983 poll reveals that 81 percent of the American public favor a constitutional amendment to permit voluntary prayer in public schools. The task now before us is to identify the method most appropriate to permit the instruction of religious expressions in our schools.

We should not force prayer in public schools. We must simply remove any constitutional barrier to voluntary prayer. The Supreme Court ruling has been blamed for the deteriorating quality of public education, the breakdown of the American family, the decay of moral principles, and the resorting of Government institutions to secular humanism. I do not side with those who seek prayer in schools as a panacea for these ills. I do, however, firmly believe that we are a religious and moral people and that religious expression has an important place in our lives.

While I believe in the role of prayer in our children's formal education, I am concerned that the manner in which prayer is inserted into the school schedule be done in such a way as to account for the diversity of feelings likely to exist in the school setting.

Any amendment approved by this Congress must insure the voluntary nature of the religious expressions. It must protect against potential embarrassment of pupils who choose not to participate or who do so in a way different from that of the other majority.

I am also concerned about how the content of a group of individuals' prayer might be determined. The state must not be allowed to dictate the prayer.

Finally, I would look to see that the amendment is consistent with cherished constitutional beliefs, tolerance of diverse religious protections, of the rights of minorities, and maintenance of the distinct spheres of church and state.

I believe accommodation of the diverse attitudes toward religious expressions in the public schools can be accomplished and I intend to support a constitutional amendment returning prayer to its honored place in our tradition. Unfortunately, Mr. President, Senate Joint Resolution 73, that is before us today, does not meet those tests I have just set out. I know the intention of the authors of that amendment is not to create a state religion, but I am greatly concerned about the intimidation that, if that amendment were passed, would be wrought in the schools among the pupils and the students. I believe that the amendment of the distinguished Senator from Utah (Mr. HATCH), who has introduced Senate Joint Resolution 212, is the proper place. It can be called a compromise, I suppose, as the Senator from New Hampshire has referred to it. But I think it is a well-thought-out approach, one that I believe is fair and does what this Senator believes is important: It restores prayer without any intimidation.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, just before the distinguished Senator from Oregon takes the floor, I wish to compliment the distinguished Senator from Arizona for his leadership on the Constitution Subcommittee of the Judiciary Committee as its ranking minority member. I believe he has made a series of outstanding contributions to that committee, particularly on the immediate matter.

I personally wish to express my high regard for him and for his testimony here today, and to let him know that we on this side care a great deal for him.

Mr. DECONCINI. Will the Senator yield for 1 minute?

Mr. HATCH. I am delighted to yield.

Mr. DECONCINI. Mr. President, I thank the distinguished chairman of the Constitutional Subcommittee. No one has put in more time struggling with the constitutional question than the Senator from Utah. I say that with the greatest respect and sincerity, because the Senator from Utah has certain strong beliefs, but he is a master at realizing that the legislative process is not getting your way 100 percent. The Senator from Utah has demonstrated time and time again that sticking to your principles can also make the train run and run on time. He has done so in this case. I thank the Senator.

Mr. HATCH. I thank the Senator.

Mr. President, lest we get too caught up in these compliments, I have to read a Western Union telegram I recently received. It seems to be the opposite number from that telegram Senator WEICKER read here last week. It says simply: "To Senator HATCH, Senate Building, Washington, D.C.: Being omnipotent, I do not need your help. Thanks anyway. Signed, God."

I thought that was unique correspondence and deserved to be shared with my colleagues.

I yield to the distinguished Senator from Oregon.

Mr. PACKWOOD. Mr. President, listening to the telegram received by my good friend from Utah reminds me of a telegram I received about a year ago. I cannot remember what the discussion was, but there was a filibuster going on on it. It came from a town in Oregon that has a very, very slight Jewish population. Clearly, something was lost in the translation. As someone telephoned the local telephone operator and the local telephone operator called Western Union, or however this got transcribed; the telegram arrived here saying, "Please support kosher."

I sent back a telegram indicating I always have and would continue to do so.

That story indicates the attitude that can exist unintentionally in an area where you have a lack of some religious elements and a predominance of other religious elements. That is what I fear about school prayer. You can talk about prayer being voluntary or not voluntary, about it being imposed by the school board or the teacher or not being imposed by the school board or the teacher. You can talk about prayer that no school board shall compose or no teacher shall compose. I am not sure what that means. Does it mean: Here is a prayer composed not by me but by Mark or by Matthew and this is what we will say today? That falls perhaps within the parameters of a prayer not composed by the school board or the principal or the teacher or any other unit of government.

There is no way, Mr. President, that you can have any kind of organized prayer that is not eventually going to, probably directly but certainly indirectly, reflect the predominant religious strain in that community. I think it is almost inevitable. To try to determine what our founders would have intended with this kind of amendment is almost impossible. As the Senator from New Hampshire, our good friend (Mr. RUDMAN), indicated, at the time of the founding of this country, there were no public grade schools or public high schools as we know them today.

Almost all of the education in this country was either from tutors if you were of the gentry, or from schools run by churches which any student could attend. You did not have to be a member of a particular faith to attend the church, but the school was very sectarian. Clearly you had prayers in the school. It was a church school. It was not a public school as we understand the term.

Public schools in this country did not really start, and then only in a very minor way, until the late 1810-20 period in Delaware, and blossomed in New York in the 1820's and in the West in the 1830's and 1840's.

But by and large, public schools in the normal sense of the word were unknown to our founders. Therefore, it is hard to fathom what our founders may or may not have intended at the time they wrote the establishment clause. It is very clear, however, what they may have had in mind, about an established church, because our founders were very clear in many of the things that they copied from England. And while we are a very diverse country ethnically, historically, we are, indeed, a melting pot of blacks, and Asians, and Hispanics, and Slavs, and Scandinavians. America has all elements of the world representing all religions. We are, however, in our laws very Anglo-Saxon. When you read some of the documents of English liberty and then you realize how much we copied them in our Constitution. You realize how much we intended in some ways to copy England and by contrast how much we did not specifically intend to copy them. Let me read some of those.

The Magna Carta in the year 1215, article 39:

> No free man shall be seized or imprisoned or stripped of his rights or possessions or outlawed or exiled or deprived of his standing in any other way, nor will we proceed with force against him or send others to do so except by the lawful judgment of his equals or by the law of the land.

Almost 600 years later in our Bill of Rights, we stated it a little more simply and shortly:

> No person shall be deprived of life, liberty, or property without due process of law.

We intended the same thing that England was talking about in their Magna Carta 600 years earlier.

The Magna Carta, article 40:

> To no one will we delay right or justice.

Our Bill of Rights, 1791:

> In criminal proceedings the accused shall enjoy the right to a speedy and public trial.

The Magna Carta, self-incrimination:

> In the future no official shall place a man on trial upon his own unsupported statement.

Self-incrimination in the Bill of Rights:

> No person shall be compelled in any criminal case to be a witness against himself.

I could go on and on, Mr. President, reading other documents of English liberty and comparing them with what we copied into our Constitution. We copied it with deliberation and forethought, and we gave it a higher and protected position in our Constitution compared to Great Britain. All of the documents of British liberty with few exceptions are simply acts of Parliament passed from time to time to limit the king in his effort to abridge the right of the citizenry. It took England roughly from 1215, the year of the Magna Carta, until their bill of rights in 1689, almost 500 years, to complete what we would consider the basic liberties of Anglo-Saxon history.

But all of those liberties simply rest upon acts of Parliament passed by a majority. They could all be repealed at any time by a majority act of Parliament.

Fortunately, England has the tradition and the good sense not to repeal those very, very precious liberties. But our founders realized that people could be swept by passion and prejudice. Therefore, they wanted to give those liberties a higher, privileged protection and they put them in our Constitution. They said that the Constitution could not be changed except by a two-thirds vote of the House and the Senate and the concurrence of three-quarters of the States. They intended the process of amendment to be tortuous, slow, deliberate, and exact. They did not want those liberties tampered with easily, nor in the heat of passion.

I again extend my thanks and credit to the distinguished Senator from Utah in the procedures he has followed in the effort to overturn the Supreme Court's decision on school prayer. He is offering a constitutional amendment, which is what our founders intended if you wanted to overturn a constitutional decision of the Supreme Court. Only four times in the history of this country have we passed constitutional amendments to overturn a decision of the Supreme Court. He is not going the route of those who earlier in the last Congress wanted to take away from the Court the right to hear cases involving constitutional liberties by the simple expediency of passing a bill saying that the Court could not hear those cases. That is dangerous.

I might read some of those amendments that were offered a year ago as amendments to the Bankruptcy Act.

First, it denies to all Federal courts, including the U.S. Supreme Court, the right to hear cases involving voluntary prayer, Bible reading, or religious meetings in a public school.

Second, evidence otherwise admissible in a Federal criminal proceeding shall not be excluded on the grounds that such evidence was obtained in violation of the 14th amendment to the Constitution of the United States.

Then in case we missed anything, the third amendment denies to all Federal courts, including the U.S. Supreme Court, the right to hear cases involving "the abridgment by a State of any right secured by the first eight amendments to the Constitution of the United States."

Well, that is the Bill of Rights. What the proponents of those amendments were trying to do was to say that if we cannot get a two-thirds vote to amend the Constitution, as our founders intended, then let us see if we just cannot pass a bill. This bill would take away from the Supreme Court the right to hear cases where the Supreme Court has made decisions we do not like.

Now, you can realize what the ramifications of that would be. A year-and-a-half ago the Senator from Connecticut (Mr. WEICKER) and I led about a 6- to 8-week filibuster against an amendment. This was not a constitutional amendment, this was just an amendment on the floor. The bill combined prayer and abortion, and it said the Supreme Court could not hear any cases involving prayer or abortion.

At the start of that debate, the press reports highlighted that it was a debate on abortion or a debate on prayer, depending upon the particular emphasis of the reporter. That was not the point the Senator from Connecticut (Mr. WEICKER) and I were trying to make. The issue in that particular bill involved prayer or abortion, but the substance of that bill was far greater. If we have the constitutional right to pass a bill taking away from the Supreme Court the right to hear cases involving prayer or abortion, then we have the right to pass a bill taking away from the Supreme Court the right to hear cases involving freedom of the press, or freedom of speech, or the right to assemble, or self-incrimination. Or anything else that strikes our fancy because we happen to be swept off our feet by the passion of the moment.

And do not think we cannot be swept off our feet relatively easily, whether we be in Congress or whether we be in the executive branch. All one has to do is look at history, look at the different efforts made by Presidents and by Congress to abuse the liberties of this country to realize how easy it is: the Alien and Sedition Act in the 1790's—which was ironically passed by Congress, peopled principally by those who had been members of the Constitutional Convention—an act that simply said you could be put in prison if you held the Government to ridicule. It seems incomprehensible that the people who wrote our Constitution could pass an act like that, but they did. Fortunately, the act had a sunset provision and the act was terminated before the Supreme Court ever had to rule on it. But this is illustrative of what we can do when passion overcomes reason.

Another example is Andrew Jackson, who is normally regarded in his day as a liberal, as a civil libertarian, to the extent that civil liberties had the meaning that they do now. Jackson tried to prohibit the mailing of abolitionist tracts into the South because these mailings were upsetting the South. He was prohibited from doing so.

A third example is Woodrow Wilson. Wilson's clearly regarded as one of the great civil libertarians of his day. But Wilson allowed his Attorney General, Mr. Palmer, in the famous Palmer Red Raids in 1920, to round up people in their homes that we thought were Communists—whatever we thought Communist was in 1910 and 1920. The revolution had occurred in Russia only 2 years earlier and we were frightened. We were not quite sure what we were frightened of, but we violated many, many constitutional liberties by simply rounding up people in their homes because we thought they might be Communist.

And then, of course, the greatest abuse in my judgment, probably the greatest abuse, in the history of this country of constitutional rights is the placing in concentration camps during World War II of Americans of Japanese ancestry solely because of their Japanese ancestry. And I emphasize Americans of Japanese ancestry; these were not illegal immigrants. These were not naturalized citizens. These were native, American-born citizens whose ancestry happened to be Japanese.

I come from the State of Oregon on the west coast. We are long familiar with Asian immigration. It started on the west coast in the 1860's, 1870's, 1880's. We have many, many second, third, fourth generation Asian families. I can personally remember that circumstance because I was then in the third grade in school and had three Asian friends of Japanese ancestry in school with me. One day they just disappeared, trucked off to concentration camps 400 miles inland because they were regarded as a threat to America and could not be trusted. They could not be trusted because there was a chance the Japanese might somehow manage to land on the west coast of the United States.

It is interesting. The Japanese had bombed Pearl Harbor. Pearl Harbor is a fair distance from the west coast of the United States. We had had the Battle of Midway, which the United States had won and effectively had destroyed Japanese naval armaments in that area. By any rational standard, the likelihood of the Japanese invading the west coast of the United States was someplace between zero and slight.

At the very same time, we had German submarines off the east coast of the United States sinking our tankers and freighters; only 20, 25, 30 miles offshore, within sight of people on shore, watching the ships going down.

You talk about a threat to the country! It was the Germans, not the Japanese.

Yet, interestingly, we never gave any thought to imprisoning Americans of German ancestry, even though the country of their ancestry was an infinitely greater threat to us at that time than the Japanese. No, we imprisoned the Japanese because they did not quite look like us and, to the extent that their religion might have been other than Christian, they did not worship quite like us. They were different. Consequently, we justified in our minds treating them differently.

One of the public officials of that time who argued for the right to imprison the Americans of Japanese ancestry was the district attorney in Alameda County, Calif., the Oakland area. A number of cases had arisen around the United States. Many were consolidated on appeal to the Supreme Court. The district attorney in Alameda County who argued in favor of imprisoning the Japanese of American ancestry was Earl Warren, who, without peer, is probably regarded as the greatest civil libertarian in this century, maybe in the history of the Supreme Court.

Later, in his autobiography, he pleaded guilty to having been swept off his feet by irrational passion during World War II. But, again, it is an example of what can happen to us.

Joe McCarthy, during the mid-1950's, was an example of Congress running rampant over civil liberties. Watergate, in the mid-1970's—a President doing the same thing.

No—the only guarantee we have that Government, either overtly or covertly, will not attempt to subvert our liberties is to hold very firm to the Constitution.

I quoted earlier some of the constitutional provisions we wrote into the Constitution with the deliberate intent of copying the civil liberties of England. We also wrote in one other amendment, however, that England did not have. And to this day England does not have.

England had an established church, the Anglican Church, the Church of England. Many of our ancestors came to this country for the sole reason of getting away from the dominance of a state church. England was trying to repress freedom of the press in this country and freedom of speech in this country, and England had refused to allow the colonists in this country to peaceably assemble and petition their government for redress of grievances.

So we added to our Constitution the first amendment, which simply says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

One sentence—without question, the most single important instance in the history of human liberty. Every clause in that sentence is important. But if you look at only the portion relating to religion, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," at least based upon our history at that time, you can understand what they meant.

England had an established church. For many years, church attendance was compulsory, prayer was compulsory in England, and we did not want that. We did not want the U.S. Government or any of the States imposing a state religion upon our citizens.

I indicated earlier that one is hard-pressed from a historical standpoint to wonder what our founders could have thought about prayer in public schools because there were no public schools. There were church schools where prayer probably was compulsory half a dozen times a day. This did not bother our founders a bit because anybody could go to any church school they wanted to and pray out loud, or pray silently, or not go to that school at all, or switch and go to some other religious school. That is a totally different situation from prayer in a public school where we compel all of the children in the neighborhood to attend, unless they choose to go to their own private religious school.

At the time of the founding of this country, to the extent that you chose to go to school, you chose to go to school. The Government did not compel you to go to school. The Government now compels you to go to school.

So what is the situation going to be? For example, in the town of Antelope, Oreg., several years ago, there was located near Antelope a religious sect, the Rajneesh, who, by and large, I defend. They have a right to settle where they want, do what they want. Their world headquarters is there. Their leader, the Bhagwan, lives there, and more and more people are coming in. They have taken over the town of Antelope, for all practical purposes. They control its city government. But they are there legally. They are living there legally. They are living there peaceably and they are well educated. These are not very young people that have been swept up into a religion. These are, by and large, people with college degrees, in their late twenties and thirties, some of them with families.

What if they decide to become teachers in the schools of that area and the prayer they are going to offer is the prayer of their religion? Do you think there will be any outcry from those in this country who support this prayer amendment? You bet there will, because they did not intend for a non-Christian prayer to be the prayer to be offered in public schools.

To the extent that they will try to cite, "Well, you cannot compose the prayer yourself," I will come back again to the argument that any teacher can take any prayer composed by somebody else and read it. If the Rajneesh teachers chose to read the Rajneesh prayers, would that be any different from the Baptist teacher choosing to read the Baptist prayer, or the Catholic or Jewish teacher choosing to read the Catholic or Jewish prayer?

I would contend, Mr. President, that it is no different. Perhaps in retrospect, we should realize that the strength of this country is not in some compelled conformity. The strength of this country is in its respect for diversity and difference. This country was founded on diversity. This country has never failed to pull together in unity voluntarily when the security of this country was threatened. I have no doubt that, if this country is threatened again, we will have no difficulty pulling together voluntarily for the sake of our common defense and mutual welfare.

But when we decide that, for the sake of all of us, the prayers of some of us will be imposed on the rest of us who do not like those prayers, then we are then starting down the road to compulsion, conformity and eventual disillusion and failure.

Dictatorships all over this world try to impose conformity. They try to break the spirit of diversity in their countries and make everyone religiously, intellectually, politically hew to one thought and one line. It does not work.

Without exception in history, every country that has tried that has eventually failed. These countries have failed to maintain preeminence as a great country. They failed because of the very basic nature of mankind, which abhors that kind of government compulsion.

And nowhere is that abhorrence more marvelously portrayed than in the sweep of Anglo-Saxon history. The Anglo-Saxon tradition is something that has worked so well for those countries that have followed it. The Anglo-Saxon tradition is the philosophy of the supremacy of the individual over the state, the right to be different, the right not to be dictated to, the right, as we said in our Declaration of Independence, to have inalienable rights that no government can take away. And when the Government tries, it becomes dangerous. And when those of us in political power try, we become doubly dangerous.

God did not speak to any one of us. God did not speak to any one of us and make us perpetually, eternally right. When we think God did and when we are in a position of power already, then we are so dangerous. Because if we assume we are right and if you disagree you must be wrong, then it is just a short step to the "end justifies the means". If the end is so right, and if in order to achieve that end some of your liberties must be abused a bit at first, and perhaps a bit more later on if you did not learn your lesson the first time, so be it. That is the price of being wrong.

In just 3 years we will celebrate the 200th anniversary of the writing of our Constitution. There will be justifiable celebrations in 1987 celebrating those 200 years.

I would hope, however, that we remember we celebrate not just 200 years of American liberty but almost 800 years of Anglo Saxon history in which men and women have fought, been tortured, had their properties forfeited, and have died so that today we have the right to choose and to say what we want. We also have the right to choose to be what we want, the right to choose the religion that we want, and the right to be protected from having the State impose its idea of religion upon us.

I hope as we celebrate in 1987 we remember those liberties and we remember those ancestors who gave to us the most priceless blessing that one generation can give to another, and that is the blessing of political and religious freedom and liberty.

All I ask, as we debate this issue, is that we remember that history, we cherish it, we protect it, we preserve it, and we pass it on to our daughters and to our sons a bit more secure than we received it from our parents.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I appreciate the statements of all of the Senators who have spoken here today. I understand their respective differing points of view. As chairman of the Constitution Subcommittee I have seen all points of view reflected in the hearings that we have had; I think there is much merit in what has been said on all sides of this issue.

Mr. President, it is difficult any time one wants to amend the Constitution of the United States. There have been more than 10,000 proposed amendments to the Constitution during the history of our country; of these, only 33 have come through the legislative process and of the 33 there are only 26 which have become amendments to the Constitution. Of the remaining seven, there is only one still pending, the D.C. voting representation amendment.

So it is an extremely difficult thing to pass an amendment to the Constitution of the United States; that is as it should be because the Constitution is not a legislative document to be amended at will by a majority vote or in response to passing majority sentiment.

The Founding Fathers placed into the Constitution procedures so that it would not be too readily mutable. Proponents should have to bear a very heavy burden of proof no matter what amendment is being proposed to the Constitution.

Mr. President, a great amount of focus has properly been placed upon the status of minority-religion students under the proposed amendment. It is only because I am convinced that Senate Joint Resolution 73 fully protects the interests of such students that I am comfortable supporting its addition to the Constitution of the United States.

As I have already noted in earlier statements on this matter, I interpret the proposed amendment to place an absolute obligation upon local school authorities to reasonably accommodate those students who desire not to participate in prayer. As the test of this measure reads, "No person shall be required by the United States or by any State to participate in prayer." Any student desiring not to participate in prayer is entitled to reasonable accommodation whatever his or her reason for choosing not to participate. He may choose not to participate because a recited prayer is inconsistent with his own beliefs; because he is simply not a believer in religion or prayer, because he is simply opposed to public expressions of religion or prayer; or because of any other reason. It is no business of the school or other public authorities why any individual student chooses not to participate.

Although decisionmaking responsibilities in this area remain at the full discretion of State and local authorities, I fervently hope that such authorities will be creative in considering the full range of options available to them under the proposed amendment. There is discretion as to the language of prayer, whether such prayer is to be vocal or silent, the regularity and duration of such prayer, whether the teacher or a student lead the prayer, whether the prayer will alternate on some basis, and the classroom structure of prayer.

In short, a principal purpose of the proposed amendment is to substitute the diversity and variety of American federalism in the area of school prayer for the sterile and unnecessary uniformity imposed by the Supreme Court in their Engel and Abington decisions. While no student of the Constitution can fail to appreciate the need for uniform national policies, neither can he fail to understand the need to respect the judgment of local authorities in areas of the law where there is not need for uniformity. There is no need for uniformity, in my view, in establishing public policy on school prayer. There is no need for a single, unvarying policy for each of the many thousand school districts around the country, regardless of local attitude, regardless of local religious mix, regardless of the attitudes of local minority groups, and regardless of the attitudes of local school authorities.

There are some individuals and organizations, particularly here in Washington, who seem to believe that only Federal authorities are adequately sensitive to the constitutional rights and the interests of discrete and insular minorities. I do not believe this to be the case. There is no evidence of which I am aware that the previous experience of our Nation with school prayer has demonstrated any systematic insensitivity by State or local officials, or any uniform lack of concern with the interests of all of the students within a school district. While occasional abuses can always be pointed to, I believe that the history of school prayer in this country demonstrates that state and local authorities are equally protective of the genuine constitutional rights of their citizens as are Federal judges and other Federal officials.

I would hope and anticipate that local authorities—those with decisionmaking discretion under the President's proposed constitutional amendment—will exercise that authority with circumspection, with careful planning aforethought, and with sensitivity to the interests of all of the students within a school district. I would emphasize, however, that while there is a wide ambit of discretion in such authorities concerning the structure of the prayer opportunity in the school, there is no discretion concerning their obligation of fully accommodating students not desiring to participate in prayer.

The experience of public schools across our country demonstrates that such accommodation can be made in a reasonable and responsible manner. We have witnessed school districts throughout the country accommodating those students whose parents desire that they not partake in sex education. As far as I am aware, school districts have allowed these students to exercise their decision with grace and with a minimum of embarrassment. Similarly, we have witnessed school districts accommodating those students who have chosen not to participate in such patriotic exercises as the "Pledge of Allegiance" or the "American's Creed." *West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624 (1943). This, too, has been done with an absolute minimum of inconvenience to those students choosing not to participate for religious or other reasons.

I would hope that school districts, however, would not fail to seek out ways by which voluntary participation could be maximized and in which the devotional views of a maximum number of students could be respected without separate accommodation. Perhaps, this could include rotational prayer of one form or another, or at least some opportunity by which the diversity of religious sentiment within a school district could be reflected or represented. Although the principal purpose of Senate Joint Resolution 73 is to afford a sincere and genuine opportunity for religious expression by the student in the classroom, this is, by no means, inconsistent with the idea of the student learning more about the richness and variety of prayer, including prayer of different denominations and churches, as well as of prayer to different gods.

I would hope that the prayer experience under Senate Joint Resolution 73 would permit those students of dominant local religions to learn more about the views of those students who do not share those attitudes, and to learn to be more tolerant of those views. At the same time, I would hope that it would permit those students of minority religions, or perhaps those of no religion at all, to understand their differences and to learn that, despite their differences, they too are respected members of the local community. School prayer can be, and I hope would be, structured not merely as a reverential opportunity but as an educational opportunity, an opportunity to learn that people are different in their attitudes and an opportunity to learn that they are no less entitled to respect and dignity and tolerance as a result of those different attitudes.

Mr. President, the proposed constitutional amendment has been drafted, and is offered in a spirit consistent with the spirit of our Constitution. On the one hand, it attempts to reassert the fundamental devoutness of our people, and the ultimate spiritual foundations to our freedoms and liberties; on the other hand, it attempts to do this in a manner consistent with the values of religious free exercise, tolerant of all religious points of view. The proposed amendment establishes a fair and appropriate balance between the sometimes competing constitutional strains of the religion clauses of the first amendment.

Despite all of the talk about the proposed amendment creating additional tensions within communities across the country, I believe that an intelligently and compassionately structured opportunity for prayer can serve to achieve the opposite effect. I believe that such a prayer can prove an uplifting and satisfying thing for all students, whatever their religious perspectives. I do not share the obvious lack of confidence in the ability of local authorities to achieve this that is felt by some of my colleagues. I do not believe such individuals to be any less protective of American values and principles than Federal judges here in Washington. The ultimate success of this proposed amendment will rest with those representatives of the American people throughout the country who are closest to the American people. As a result, I am comfortable that Senate Joint Resolution 73 will eventually prove to be a highly unifying, rather than a divisive force.

Mr. President, I genuinely do not know how a period of morning prayer in our schools could hurt anyone. I genuinely believe, on margin, that school prayer will promote greater diversity, pluralism, and respect for the viewpoints and the beliefs of others.

I do not believe that it hurts any of us to attend different churches. I do not believe it hurts any of us to study different religions. I do not believe it hurts any of us to listen to prayer by differing people with differing perspectives and differing spiritual values and differing beliefs.

I do believe, however, that a nation that was built upon Judeo-Christian principles that is unwilling to maintain and transmit to successive generations those principles may be afflicted with many things with which it should not be afflicted.

I sometimes believe that if our young people just have that one contact with the religious perspective, in school or anywhere else, maybe just on a single occasion, it might touch that young person's life and change some of his or her attitudes, particularly when those attitudes are leading them into so many directions that are wrong for them and for society.

I believe we need to do more in this area. deTocqueville who wrote about this Nation and chronicled the development of this great, new, young nation was so important, why it was so great, why we accomplished so much, emphasized more than any other thing the religious values that the people in this country possessed, religious values that opposed the establishment of a national religion, that opposed the establishment of preferential treatment for any religion, that opposed the imposition of any particular religious view upon the people, but that supported the right to believe, the right to think, the right to practice, the right to pray and the right to the full and free exercise of religion.

I believe we ought to be a little more concerned about the possibility that perhaps prayer will prove a sensitive thing to young people, something that might uplift them on occasion during their school tenure when that uplifting influence is needed the most. Prayer just might—it just might—trigger a positive response in our Nation's young people, some of whom have never been exposed to it. Why not just give it a chance?

I can remember as a young Mormon boy in Pittsburgh, Pa., saying the Lord's prayer every day in school, alongside of Jewish children, Jehovah's Witness children, and some who came from families who claimed to be agnostic or atheist. And I can tell you it did not hurt any of us and it did not hurt any of them.

On balance, the good that prayer does may help our society as a whole and may justify the statement deTocqueville made that America is great because America is good and when America ceases to be good, America will cease to be great.

We have come through some trying times in the last 20 years. We have come through rebellions and divisions in this country that almost tore this country apart and, in some ways, did rend the fabric of our country. We may be going through additional such times in the future.

We need every possible resource on our side. We need the values that school prayer can create.

Unlike the distinguished Senator from Oregon, I do not think it is going to hurt anyone to listen to an occasional Moslem prayer or Buddhist prayer. I think we may find they share the same values of the Judeo-Christian culture. We may find there really are not that many substantial differences between us.

Mr. President, in order to place the issues of this body in better historical and constitutional perspective, I ask unanimous consent to have printed in the RECORD at this point several articles on the development of the religion clauses of the first amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 22, 1982]

DEFENDING THE SCHOOL PRAYER AMENDMENT

(By Grover Rees III)

Recently I attended a state college graduation ceremony that began with an invocation by a rabbi and ended with a benediction by a Catholic priest. On the way home I heard a radio commentator denounce President Reagan's proposed constitutional amendment on school prayer. The amendment, the man said, is a radical assault on one of our oldest and most fundamental constitutional principles, the "wall of separation" between government and religion.

The wall of separation is a myth. The record of the debate in Congress on the First Amendment ban against "establishment of religion" clearly indicates that its framers intended only to prohibit the *federal* government from designating a *particular* church to which all citizens must give their allegiance and their financial support. For 200 years the participants in the American constitutional consensus have understood the difference between establishing a church and saying a prayer.

They have invoked the aid of God in their legislative sessions, on their coins, in their national anthem, in their courts and—from the very beginning—in their public schools.

In 1962 six justices of the Supreme Court reversed the settled understanding of the meaning of the First Amendment, holding that it was unconstitutional for a school district to permit students to join in a brief nondenominational morning prayer. The Reagan amendment would simply reverse that decision and its progeny. The amendment would not require that prayers be said in public schools, but the decision would be made (as the framers of the Constitution intended it to be made) in local communities rather than in federal courts.

WILL CHOICE OFFEND PEOPLE?

The arguments advanced by critics of the amendment are the same arguments that convinced the justices in 1962. They tend to show not that school prayer violates the Constitution, but that it might be a bad idea.

The central problem with saying prayers in school is that somebody must choose the prayer. If the choice is left to local school authorities, they are free to choose prayers that could offend people. Christian prayers may offend Jewish students; Protestant prayers may offend Catholics, indeed, any prayer directed to a "personal" God may offend a student who believes that the Supreme Being is a "life-force," or that there is no God.

Alternatively, school boards may take it upon themselves to write their own prayers in an effort to avoid offending anyone. Such bureaucratic productions might be bland affirmations of reliance upon a lowest-common-denominator sort of God, a God with no attributes. To parents who wish their children to grow up loving and respecting a real God who is not at all boring, a meaningless prayer or an ugly prayer might be worse than no prayer at all.

Nor do critics of the amendment believe that school prayer will be truly voluntary. Although the Reagan amendment provides that no student may be forced to participate in any prayer to which he objects for any reason, they fear that students will be subliminally coerced into praying, or that they will be forced to listen to prayers with which they do not agree.

To decide whether there ought to be a constitutional rule against prayer in the schools, however, one should consider not only the worst that might happen if prayer is permitted, but also the possible consequences of its prohibition. I am not sure that it is ever possible for an institution to be neutral about a question of fact or value. When the institution is a school and the question is what attitude students will have toward God, it is not at all clear that neutrality is achieved by never mentioning God except in discussions of speculative philosophy and medieval history.

It is frequently observed that schools neither are nor should be merely places where facts are disseminated. Rather, a good school shapes the whole person; it prepares him for life in the world. Between the ages of six and 18—the years in which most of us develop attitudes about religion that will form the matrix for all future experiences and observations—our lives are built around the schools we attend. These schools treat Julius Caesar, Shakespeare, Nietzsche, Washington, Reagan and Brezhnev as real persons whose ideas and actions matter; only God is hypothetical and contingent. Among the values that are fundamental to our civilization, the public schools attempt more or less successfully to inculate in their students the love of freedom, of equality and of their fellow human beings. The love of God is conspicuous in its absence.

Neutrality toward God, in other words, is another myth. I know because I've tried it. I have doubts about God, and my doubts sometimes rise (or descend) to the level of disbelief. But I know that if God exists He is the most important thing in the universe and in my life. When I try to conduct any part of my life without regard to God I am not standing still but turning away.

God is also too important to be left out of the institution that seeks to prepare my child for life in the world. Like most Americans, I cannot afford private schools. The public schools will present my child with a set of facts and values that either includes or excludes God. I believe neither option to be neutral, so I hope his school day will include prayer, which is the affirmation of the love of God.

School is not, of course, the only influence in the lives of our children. Parents can teach their children how to pray. Parents can also teach their children patriotism and sex education. There is at least as good a chance that a child will be adversely affected by a teacher with idiosyncratic ideas about sex as by one who says the wrong prayer, but even the most fervent opponents of sex education seek only to persuade their school boards to omit it from the curriculum. Nobody thinks that the Supreme Court should declare it unconstitutional.

The observation that the Reagan amendment would not mandate school prayer but merely take power over the decision away from courts and give it back to school boards, goes a long way toward answering the horror stories advanced by opponents of the amendment. Any power is subject to abuse, but the possibility of abuse is seldom a sufficient argument against a power that can also be wielded beneficially.

The American political tradition is one of respect for minority opinions: In the 200 years during which prayers were said in our public schools, they were not typically used as instruments of sectarian oppression, and there is no reason to believe that Americans would use prayer as a way to offend their friends and neighbors after the passage of the amendment.

Some people would be offended. Some people are offended by the Christmas tree across from the White House, and some people were probably offended by the rabbi and the priest at the graduation I attended. Some people take religious objection to the Pledge of Allegiance to the flag, and the Supreme Court has held that their children need not participate in the pledge. The Reagan amendment provides the same guarantee with regard to prayer.

GOVERNMENT IS NOT BEING NEUTRAL

I hope that school boards can find prayers that offend as few people as possible. Though my child is a Catholic, there are many beautiful prayers in the legacy of King David and of King James that would enhance his faith and brighten his days. In some communities it may be more appropriate for children of various faiths to compose their own prayers, or to engage in a minute of silent prayer or meditation. Other communities would almost certainly choose to have no prayer at all. But the communities should decide.

Against the hypothetical abuses of school prayer by local authorities if the Reagan amendment passes should be arrayed the absurd lengths to which the federal courts have carried their constitutional rule against prayer. The courts have banned not only "official" prayers but also Bible reading, posting of the Ten Commandments on classroom walls, prayer meetings voluntarily initiated by students after class at times when other student groups were allowed to meet and school policies that allowed students to engage in a minute of silent meditation. One court even upheld a school principal's order forbidding kindergarten students to say grace before meals.

The continued enforcement of a nationwide rule against school prayer, and the erection by judges of higher and wider walls of separation between school children and God, is no way for the government to be neutral about religion. Ratification of the voluntary school prayer amendment would restore the spirit of the First Amendment, whose framers intended it to guarantee freedom of religion, not to impose a regime of freedom from religion in community life.

RELIGION AND THE CONSTITUTION—A REINTERPRETATION

(By Peter J. Ferrara)

CHAPTER 2: THE ORIGINAL INTENT

Issues of church and state played a central role in the very founding of this country. It was largely to escape from the religious wars and persecution of Europe that the earliest settlers came to America, and this remained an important motivation thereafter. The character and concerns of these early settlers in turn played a key role in the contours of early American culture and government.

HISTORICAL EXPERIENCE

A brief understanding of this history provides a useful perspective on the issues discussed in this book. By the 16th century, Catholicism was interwoven with government throughout Western Europe as the official, established church of virtually every kingdom, sometimes providing more legitimacy and support to the secular government than vice versa. The Protestant Reformation, however, begun in the early 16th century in Germany by Martin Luther challenged the primary religious authority of the Catholic Church and the Pope. This sparked religious strife all across Europe.

In England,[1] this strife combined with the incendiary personality of King Henry VIII. Henry's Spanish Catholic wife, Catherine, had failed to bear him a male heir, and he had fallen in love with Anne Boleyn anyway. He asked the Pope to annul the first marriage so he could marry Anne. But Catherine's powerful friend, King Charles V of Spain, prevailed upon the Pope to refuse the request. Eventually, this led Henry to disestablish Catholicism as the official Church of England, establishing the Anglican Church instead, with Henry as the head. He then annulled his own marriage and married Anne.

The law required payments to the new church, professed allegiance to its doctrines, and attendance at its ceremonies, as it had previously for Catholicism. Those who resisted were often beaten, jailed, hanged or burned at the stake. The Anglican Church followed all the traditional Catholic rites, except recognition of the Pope. This led to the ironic government persecution of Catholics who refused to accept the new church, and of Protestant dissenters who believed it did not go far enough in rejecting Catholic practices. In one reported instance, Henry had three Protestants and three Catholics burned at the stake at the same time.[2]

Henry was succeeded by his son Edward, but because of his frail health, Edward died soon thereafter. This brought the Catholic Mary, daughter of Henry's first wife Catherine, to the throne. Mary soon brought Catholicism back as England's official religion and, after a period of religious tolerance, began persecuting Protestants with a vengeance that earned her the title "Bloody Mary." But Mary was frail as well, and she also died after a short reign.

This brought the Protestant Elizabeth, daughter of Anne Boleyn, to the throne, and she completely turned the tables. Reestablishing the Anglican Church, she banned Catholic worship and arrested and even executed many Catholic priests, as well as Catholic sympathizers. During a reign of 45 years, she also similarly persecuted dissenting Protestant sects such as the Unitarians, Anabaptists, Quakers, Puritans, and others.

Because Elizabeth had no children, Protestant King James of Scotland next became King of England. He basically pursued the persecution policies of Elizabeth, but with some leniency. During his reign, Catholics tried to blow up Parliament with gunpowder stored in the cellar. The plot

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Footnotes at end of article.

failed, but left England with a new holiday—Guy Fawkes Day—named after the ring leader.

James was succeeded by his son, Charles I, nominally a Protestant, but subject to the influence of his French Catholic wife, Henrietta Maria. Her support for Catholics and for the reestablishment of Catholicism helped to undermine public and parliamentary support for the eventually doomed king. The King's appointment of William Laud as Chief Archbishop of the official Anglican Church, who adhered strictly to Catholic doctrine apart from Pope allegiance and especially persecuted Protestant dissenters, was also highly detrimental. It was really a dispute over taxes and the powers of Parliament versus the crown that led to the Great Rebellion of the 1640s. But the fighting actually started when the Scottish Presbyterians revolted against Anglican impositions supported by Charles. Religious disputes between King and Parliament fanned the flames, and when Parliament raised an Army to fight Charles, it was the now powerful Puritans and Presbyterians that swelled the ranks with dedicated warriors who fought their way to victory. In 1649, the defeated King was beheaded.

Absolute authority then rested for a time with Parliament, and then for a while with the rebel army leader, Oliver Cormwell. The Puritans during this time were in control, through Cromwell. They persecuted the Catholics more viciously than ever. They fought, and prevailed, over the rebellious Presbyterian Scots. They persecuted Anglicans, Unitarians, and other Protestants. They banned the theater, exacted the death penalty for adultery, and mandated that Sundays be reserved exclusively for religious observances.

But upon Cromwell's death in 1658, a leaderless and chaotic nation turned to the beheaded King's son, Charles II, to accept the throne. Charles reestablished the Anglican Church, and its ministers and supporters in Parliament took the lead in reestablishing persecution of Catholics and Protestant dissenters, particularly the Puritans and Quakers. But Charles and his heir apparent brother James, raised by their French Catholic mother Henrietta Maria, secretly plotted with the King of France to reestablish Catholicism in England. Public suspicion of such a plot led to a reign of terror against Catholics. Protestant nobles plotted rebellion. Before this could gather steam, however, Charles died, and the far more zealous James became king.

Unsuccessful rebellions broke out against James. When peace was restored, James boldly took steps to replace the established Anglican Church with the Catholic Church. He promised tolerance for all non-Catholics, but the populace did not believe him. The final straw was an apparently innocent event—the King's wife gave birth to a son. But the newborn child, certain to be raised as a Catholic, became heir apparent superceding the claim to the throne by James' Protestant daughter Mary, married to William of Orange, ruler of Protestant Netherlands. The Protestant English nobility invited William to invade England. He obliged, and when King James could find no one to defend him, he fled to France. William and Mary were named King and Queen. The Dutch King, disinterested in domestic English politics, allowed a permanent historic transfer of power from Crown to Parliament.

All this violence and bloodshed was only the story of one country. Even more violent and bloody were the Spanish inquisition, the French persecution of the Huguenots, and religious wars in Germany. Refugees from this European religious turmoil provided a steady flow of new settlers for England's American colonies.

The first permanent English settlement in America,[3] Jamestown, established in 1607, was the result of a monied expedition launched by investors hoping to make a profit from the new colony, with the official blessing of the English government. The fabled Sir Walter Raleigh, veteran of the English victory over the Spanish Armada in 1588, led the expedition. These "upper crust" beginnings resulted in the establishment of England's official Anglican Church in Virginia.

But the storied Pilgrims who landed at Plymouth Rock in 1620 were persecuted Puritans who had fled from England to the Netherlands before sailing to America. Just as the Puritans under Cromwell in England were to establish their own church, and legally mandate adherence once they gained power, the Plymouth Puritans were also not great believers in religion liberty. They saw their settlement in America as an opportunity to establish a new community where their ideals of worship could be put to practice, creating the perfect Puritan society. Observance of the Puritan religion was therefore required by law, and dissenters were not tolerated.

The lure of this religously idealistic community, and the policy of vigorous persecution pursued by King Charles' Archibishop Laud in England, brought thousands more settlers to the new colony over the next two decades. The new Puritan settlers branched out, establishing the colony that became Connecticut in 1636. They spilled over into New Hampshire and Maine, colonies started by Crown favorites who did not follow through to maintain permanent settlements of their own. The Revernd Roger Williams, banished from Plymouth for heresy, led a band of various sects of dissenters from prevailing Puritan orthodoxy to establish Rhode Island. Greater religious liberty prevailed in Williams' colony, though its inhabitants were still generally Puritan and devout.

During the reign of Protestant Charles I, Catholic Lord Baltimore established the colony of Maryland. His son made the colony a refuge for English and Irish Roman Catholics. During the reign of Catholic King James II, Protestant Quaker William Penn led a stream of his fellow believers from all over Europe to establish the colony of Pennsylvania. Due to the pacifism of Penn and his Quakers, this colony became the most religiously tolerant. Though the founding of the Carolinas was secularly motivated, they were initially largely populated by Protestant Huguenot refugees fleeing the persecution of Catholic King Louis XIV of France.

Religion remained a dominant cultural factor in the colonies and by the time of the Revolution, nine of the thirteen colonies still had religious establishments. The Puritan Congregationalist Church, was maintained in Massachusetts, New Hampshire, and Connecticut, and the Anglican Church in New York, Maryland, Virginia, North and South Carolina, and Georgia.[4] But the religious toleration first fostered by Penn in Pennsylvania and Rev. Williams in Rhode Island was gaining acceptance in the colonies, as it was in England itself. During the Revolutionary War and soon thereafter, New York, Georgia, North Carolina, and Virginia removed their religious establishments.[5] Yet, these reforms were probably due as much to anti-England sentiment during the revolution as newfound respect for religious freedom, as the Anglican Church disestablished in these states was the Church of England. Moreover, this still left five states with established religions by the time the First Amendment was drafted. In addition, in five of the other states there were still legal restrictions and burdens on certain beliefs relating to religion.[6]

The history of religious wars and violence associated with religious establishments in Europe is often cited as exhibiting the need for strong constitutional provisions against such establishments. This argument is indeed persuasive. But the practices that the Establishment Clause has been used to strike down in contemporary times seem quite remote from the troublesome religious establishments of reformation Europe, as we shall see in the following chapter. Moreover, such a rationale certainly doesn't justify discriminatorily excluding religious groups and activities from receiving the beneficial effects of government actions, denying them participation in general secular programs open to all others, or banning them from any contact with the public sector altogether.

This history also shows that the prevailing attitude towards church and state issues in the colonies grew out of, and did not involve a radical break with, the prevailing attitudes in Europe. The leading intellectual trends of the seventeenth century, at least in England, favored religious toleration, so it was only natural that the newly established colonies should exhibit greater religious liberty, reflecting the new fashions of the times. Moreover, the elements and the Indians in the New World served as common enemies, binding the settlers together and minimizing their differences. However the early settlers, with notable exceptions, still brought over and adopted the notion of state establishment of particular religions, with state imposed fealty and support. Religious establishment policies were followed with special vigor in New England. Religious toleration and freedom grew in America preceeding the Revolution, as it did in England during the same era, and throughout Europe. But by the time of the Revolution and creation of the Constitution, the notion of state establishment of religion was still accepted as proper by broad segments of the American public.

THE FOUNDING FATHERS

The Constitution was originally drafted and sent to the states without the first ten Amendments, which comprise the Bill of Rights. The state ratifying conventions objected to this lack of specific protections, and though they ratified the proposed Constitution, they demanded that the first Congress pass a set of amendments listing various essential rights. Among these were rights relating to religion.

The state of Virginia asked that the Constitution be amended to provide that:

> . . . All men have an equal, natural and inalienable right to the free exercise of religion according to the dictates of conscience, and that no particular religious sect or society ought to be favored or established by law in preference to others.[7]

This identical language was used by the North Carolina ratifying convention,[8] and, with minor changes, by the Rhode Island convention.[9] New York had recommended that the Constitution be amended to provide that "no religious sect or society ought to be favored or established by law in preference to others."[10]

What these states, and others, were asking for, besides a guarantee of religious liberty, was clearly that the new national government be prohibited from providing preferential aid or treatment for any one religion or group of religions. What they were essentially asking is that the Federal government be prohibited from establishing any one religion or group of religions, for such preferential aid or treatment was the essence of religious establishments.

The Federalists, supporting the Constitution and the creation of the national government, were eager to comply with the demands of the States, to maintain support for the new government. Like James Madison, they generally believed that such amendments were unnecessary, because the Federal government was to have only the powers delegated in the Constitution, and the national government had no delegated authority to infringe upon the rights that the states wanted to protect. But since they did not disagree that these rights should be secure from national government infringement, they were willing to provide the additional protection asked for by the states.[11]

James Madison took the lead in seeking passage of the amendment relating to religion, introducing as a member of the House of Representatives in the first Congress the following proposed language:

The Civil Rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal right of conscience be in any manner, or on any pretext, infringed.[12] (emphasis added)

The language was later changed several times, but this initial proposal is interesting because it shows the intent of Madison, who is often cited as favoring very strict separation between church and state, and the elimination of all government aid or benefit to religion. If this is what Madison favored, why didn't he propose it in the clear, precise language for which he was famous? All he proposed was a ban on the establishment of religion. The intention of Madison, the Federalist, in proposing this amendment, remember, was not that he thought it was necessary, but to satisfy the states, which had requested a ban on preferential treatment. Madison's proposal basically satisfied the states' requests because that is what a ban on an establishment of religion would have amounted to in the lingo of the time (as noted above and as we shall see in more detail later). Madison understood these requests well, having been a member of the Virginia ratifying convention that proposed the no preference langauge noted earlier. Addressing the convention, Madison accepted the no preference concept, saying "it is sufficient to authorize a conclusion that no one sect will ever be able to outnumber or depress the rest." [13] It is also noteworthy that Madison's proposed amendment did not seek any restriction on state aid or favor for religion, proposing only a ban on the establishment of a national religion, which appears only to restrict Congress.

Madison's proposal was referred for consideration to a special Select Committee, which reported out the following language: No religion shall be established by law, nor shall the equal rights of conscience be infringed.[14]

In the ensuing debate on the amendment, it appears that there was general agreements as to what the substance of the amendment should be—protection for religious freedom, plus a ban on any establishment of religion, meaning preferential aid or treatment for one or more religions, by Congress, leaving the states free to adopt their own policies. The argument was over how to express this agreed intent in clear language.

In the first debate on the amendment, in the House on August 15, 1789, a concern was raised that the amendment's language might be construed as banning more than preferential aid or treatment, and result in harm to religion.[15] Madison, as a member of the committee proposing the language, rose to explain that it was intended merely to provide that "Congress should not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience." [16] This apparently would not ban more than preferential treatment or aid, and Michael Malbin points our that by stating that Congress could not establish a religion, Madison was emphasizing this point.[17] Madison later expressed again the no preference intent behind the amendment, saying that its motivation was "that the people feared that one sect might obtain a predominance, or two combine together, and establish a religion to which they would compel others to conform." [18] Madison also said that he thought the language of the amendment, with its "establishment" phraseology, expressed the intent behind the amendment as well "as the nature of language would admit." [19]

A more serious issue was next raised by the Anti-Federalists, who were strong believers in states' rights. They were especially concerned that Congress should not have the power to overturn the state establishments of religion, which existed in at least five states at the time, or to modify state policies regarding religion in any way.[20] Indeed, the proposed amendment itself, phrased in the passive voice, could be construed as applying to the states themselves. It was apparently these concerns [21] that led Samuel B. Livermore of Puritan New Hampshire to propose that the amendment's language be changed to: Congress shall make no law touching religion, or infringing the rights of conscience.[22]

This would make it clear that the restriction applied to Congress, and that it could not touch state laws relating to religion, as well as being disabled from passing its own. Anti-Federalist leader Elbridge Gerry of Puritan Massachusetts supported this new language, and the House approved it in place of the Committee version by the end of the day.[23]

However, time for reflection apparently led to the realization that this language made it far less clear that Congress was merely prohibited from granting preferential treatment to religious sects. The House instead finally adopted a version suggested by Fisher Ames, from Puritan Massachusetts: Congress shall make no law establishing religion, or to prevent the free exercise thereof, or to infringe the rights of conscience.[24]

With this language, it was still clear that state policies were not to be affected by the Amendment, because it expressly applied only to "Congress." Yet the highly ambigious word "touching," was eliminated in favor of the much clearer "establishing." At the very least, this also left Congress with no delegated authority to overturn state establishments or religious policies.

The Senate seemed particularly concerned to make the no preference intent as clear as possible. Though the floor debate was kept secret, the Senate Journal reveals that the Senate considered a number of rephrasings of the amendment on the same day, in rapid succession. This suggests that the Senate was trying to develop the proper phraseology to express an agreed intent, rather than debating the intent.

The Senate first defeated and then accepted a proposed substitute for the House version which read: Congress shall make no law establishing one religious sector or society in preference to others, or to infringe on the rights of conscience.[25]

The Senate then considered and rejected two modifications of this language: Congress shall not make any law infringing the rights of conscience, or establishing any religious sect or society.[26]

Congress shall make no law establishing any particular denomination of religion in preference to another, or prohibiting the free exercise thereof, nor shall the rights of conscience be infringed.[27]

But by the end of the day, the Senate returned to the following language, similar to the House version: Congress shall make no law establishing religion, or prohibiting the free exercise thereof.[28]

However, those wanting to make sure that religion would not in any way be harmed apparently prevailed upon the Senate to change the amendment to the following before sending it back to the House: Congress shall make no law establishing articles of faith or a mode of worship, or prohibiting the free exercise of religion.[29]

The House-Senate conference finally agreed on the version ultimately enacted: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

Madison, who was a member of the conference committee,[30] apparently convinced all that the word "establishment" was sufficiently widely understood to be used to express the no-preference intent that everyone seemed to agree was the object. It is hard to believe that the Senate, obviously deeply concerned about this issue, would have approved the amendment if it was not so convinced.

There are two key words in this final language which are crucial to a proper understanding of the Establishment Clause. The first of these is "respecting." To the modern reader, the phraseology "respecting an establishment of religion" seems awkward. "Respecting" has often been erroneously assumed to mean "tending toward" or "seeming like." But it was actually a very neat and clear solution to the important Federalism concern noted in the Congressional debates—that Congress be prohibited not only from setting up its own establishment of religion, but that it also be prohibited from interfering with the state establishments as well. If Congress could make no law respecting an establishment of religion, then it clearly could not touch the state establishments, nor set up its own. This was the clear intent of the framers.[31] Realization of this meaning sweeps away any real ambiguity in the Establishment Clause.

The second key word is "establishment" itself. This was a term of art familiar to the framers of the amendment, who lived with establishments in their times, and knew well the history of establishments in Europe that played such a major part in the early experience of the colonies. Professor Joseph Brady has elucidated the meaning of the word 'establishment" as understood by the framers.[32] He first quotes historian Marcus W. Jernegan, noting:

> The general rule in those colonies having an established church was to require dissenters to support it by paying tithes or taxes, and also to attend the official church services under penalty. They were also frequently required to submit to various tests or oaths, and to subscribe to the creeds and catechisms of the established church. Sometimes the right to settle in a colony, or the privilege of naturalization, or citizenship, or the right to vote and hold office, depended on submission to religious tests. Moreover, opposition arose to the building of dissenting churches and to the preaching of doctrines contrary to those of the established church.[33]

As Brady writes, this is what the Founding Fathers "by personal knowledge and experience, understood an estabishment to be; this is what they proposed, by the First Amendment, to prevent the Federal Congress from setting up for the whole nation." [34]

Brady also quotes the meaning of the word establishment as defined by the distinguished American constitutional lawyer, Thomas M. Cooley:

> By establishment of religion is meant the setting up or recognition of a state church, or at least the conferring upon one church of special favors and advantages which are denied to others. . . . It was never intended by the Constitution that the government should be prohibited from recognizing religion, or that religious worship should never be provided for in cases where a recognition of Divine Providence in the working of government might seem to require it, and where it might be done without drawing any invidious distinctions between different religious beliefs, organizations or sects. . . .[35]

The Encyclopedia Brittanica, also quoted by Brady, similarly defines, establishment as follows:

> Perhaps the best definition which can be given, and which will cover all cases is that establishment implies the existence of some definite and distinctive relation between the state and a religious society (or conceivably more than one) other than that which is shared in by other societies of the same general character. It denotes any special connection with the state, or privileges and responsibilities before the law, possessed by one religious society to the exclusion of others: in a word establishment is of the nature of a monopoly.[36]

Brady concludes "Establishment, then, means recognition of one religion by the state, in preference to all others, and the according to that one of special privileges not shared by others."[37]

By using the word "establishment," the Founding Fathers thus clearly meant to prohibit any act of Congress that would provide preferential treatment for any one religion or group of religions. This interpretation is consistent not only with the contemporaneous meaning of the language, but with what the states requested that the amendment provide, and with the Congressional debates on the measure. Under this view, the amendment would, of course, serve to ban the creation of an official national religion, with the mandated financial support, profession of belief, attendance at ceremonies, and observance of tenets along with the violent persecution of dissenters, that had marked the European establishments, and to a degree, the establishments in the early colonies. But it would not ban most of the actions that the Supreme Court has recently used the amendment to strike down, as we shall see.

Of course, since the final language of the amendment provided that "Congress shall make no law . . .," its restrictions clearly were meant to apply only to the Congress, leaving the states absolutely free to adopt whatever policies relating to religion they might choose.

While the meaning of the Establishment Clause intended by the Founding Fathers should therefore be absolutely clear, there is less certainty as to the intended meaning of the Free Exercise Clause. The Congress did not debate this clause, and no Federal action or debates concerning it arose until almost 100 years later in certain Supreme Court opinions. Nevertheless, because the words of the clause themselves are straightforward, and through some evidence brilliantly highlighted by Michael Malbin [38] (though my interpretation of this evidence sometimes differs from Malbin's), it appears that the original intent behind this clause can be sufficiently determined.

Since the clause protects the free exercise of religion, it is clear that it protects opinions and actions relating to religion. But how far does this protection extend?

In regard to opinion, the Founding Fathers were fond of repeating the quite valid point expressed by John Locke in his Letter Concerning Toleration, which we noted in Chapter One—that the state had no ability to regulate opinion, because the force of arms could not control the inner beliefs of the mind.[39] A provision guaranteeing "the free exercise of religion" in the Virginia state constitution enacted in 1776 was prefaced with these words as explaining the reason for the clause: "That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, . . ." [40] This clause seemed to suggest that since opinion could not be coerced, it was useless to attempt to regulate it by law, and its absolute freedom was therefore guaranteed.

Thomas Jefferson, as third President of the United States, was making the same point about the practical inability to coerce belief when he wrote, "the legislative powers of government reach actions only, and not opinions." [41] Jefferson similarly wrote:

> Our rulers can have no authority over such natural rights, only as we have submitted to them. The rights of conscience we have never submitted, and could not submit. We are answerable for them to our God.[42]

The Founding Fathers thus appeared to intend that the Free Exercise Clause provide absolute protection for opinions relating to religion—individuals are free to believe whatever they want. The Federal government is prohibited from forcing individuals to profess belief in one doctrine or another, as governments often did in Europe and the early colonies.

In regard to actions motivated by religious belief, including expression of that belief, the Founding Fathers apparently intended the protection to be less than absolute. Here the burden on religious freedom from restricting a religiously motivated act would be weighed against the negative effect allowing such an act would have on society. The intended standard for determining when a restriction on a religious action would be allowed and when not, however, is admittedly uncertain.

This distinction between the protection afforded belief and action can bne seen in Virginia's Bill for Establishing Religious Freedom, enacted just before the writing of the Constitution. The bill had been drafted by Thomas Jefferson, and the battle for its enactment was led by James Madison. Presumably, they would not have gone to such pains to obtain passage of a bill which they thought should be unconstitutional. The bill can therefore be taken as a good indication of what they and others at the time thought was allowable under the Free Exercise Clause.

The bill provided absolute protection for religious opinions, stating that: . . . no man . . . shall be enforced, restrained, molested, or burdened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument maintain, their opinion in matters of religion, and that the same shall in no way diminish, enlarge, or affect their civil capacities. [43] (emphasis added)

The bill, however, provided no explicit protection for religiously motivated actions, stating only in the preface, "it is time enough for the rightful purpose of civil government for its officers to interfere when principles break out into overt acts against peace and good order." [44] This suggested that religious actions could be restricted, and the standard for determining when was whether the act went against "peace and good order."

In the debate over the Free Exercise Clause enacted in the Virginia constitution in 1776, George Mason had suggested that the language of the provision include the standard that religious actions could be restricted only when "under color of religion any man disturb the peace, happiness, or safety of society . . . ."[45] Under the standard proposed by James Madison, religious actions could be restricted only when "under color of religion the preservation of equal liberty, and the existence of the State be manifestly endangered." [46] But the final provision included no explicit standard, stating only that it protected "the free exercise of religion," as quoted above.[47]

John Locke, whose writings generally served as the philosophical foundation for the Founding Fathers, held that a restriction could not be imposed on religious action because of the belief behind it. But a general restriction applying to actions regardless of whether they were religious or secular would always be valid as to the religious actions as well as the others.[48]

EARLY FEDERAL ACTIONS

Actions and statements by Congress, the Presidents, and eminent jurists soon after passage of the First Amendment confirm the description of the original intent of the framers provided above. These actions and statements, moreover, are inconsistent with the currently prevailing interpretations of at least the Establishment Clause, particularly the notion that this clause bans all aid or benefit to religion from government actions or programs, or mandates a complete separation of church and state.

One of the earliest actions which must be mentioned, however, occurred at the state level. Ratification of the First Amendment in Virginia was delayed for more than 2 years by eight state senators who objected to the Establishment Clause because: . . . Although it goes to restrain Congress from passing laws establishing any national religion, they might, notwithstanding, levy taxes to any amount for the support of religion or its preachers, . . .[49]

Apparently, these senators gave the same meaning to the notion of establishment, and the clause federally prohibiting it, as described above—no preference for one or more sects or religions. But Congress could still provide aid to religion on a nonpreferential basis.

The Congress that passed the First Amendment apparently had the same view. One of its very first acts was to establish a chaplain system to serve the Congress. A House Committee with Madison as a member first proposed it. Since that time, government funds have been used for the support of ministers serving the Congress.[50]

The First Congress also authorized the President to appoint a chaplain for the military. The Second Congress provided for a separate chaplain system for the Army, with the Third Congress providing one for the Navy.[51] Later, Congress approved regulations for the Military and Naval Academies requiring enrollees to attend services every Sunday at the denomination of their choice, and prayer was required in the mess hall before breakfast each day.[52]

On the very day after the House in the First Congress adopted the final version of the First Amendment proposed by the Conference Committee, it adopted the following resolution:

> That a joint committee of both Houses be directed to wait upon the President of the United States, to request that he would recommend to the people of the United States a day of public Thanksgiving and prayer, to be observed by acknowledging with grateful hearts, the many signal favors of Almighty God especially by affording them an opportunity to establish a Constitution of government for their safety and happiness.[53]

Washington complied, issuing a proclamation which said in part:

> Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor . . .
>
> . . . Now, therefore, I do recommend and assign Thursday, the 26th day of November next, to be devoted by people of these states to the service of that great and generous Being who is the beneficient author of all the good that was, that is, or that will be; that we may them all unite in rendering unto Him our sincere and humble thanks for his kind care and protection of the people of this country previous to their becoming a nation; . . .[54]

Washington issued another such proclamation of Thanksgiving, and this early tradition was followed by President John Adams, who issued two such proclamations, and President Madison, intimately involved with the passage of the First Amendment, who issued four.[55] President Jefferson, however, refused to issue such proclamations, believing that they would tend to have a coercive, mandatory effect through the operation of public opinion and besides, as a very strong advocate of Federalism, thought in any event that such matters should be left to the states.[56]

But the most important early Federal action supporting the above described original intent of the framers was the hundred year long policy, begun by the very first President and Congress, of providing funds for religious proselytization and education among the Indians. The development of this policy began on August 7, 1989, a week before the major House debate on the religion clauses, when President Washington sent to Congress a report from his Secretary of War Henry Knox recommending that Congress fund missionaries to be sent to work among the Indians. Later in the month, Knox, under orders from Washington, instructed the Commissioner for Trading with the Indians to open communications with Indian groups for the acceptance of resident missionaries on their homelands, saying:

> The object of this establishment would be the happiness of the Indians teaching them the great duties of religion and morality, and to inculcate a friendship and attachment to the United States.[57]

Congress eventually approved Washington's proposal.[58]

In 1795, Washington concluded a treaty with the Oneida, Tuscorora and Stockbridge Indians, which provided for payment by the United States of $1000 for the building of a church on the Indians' homeland.[59]

On October 17, 1803, President Jefferson proposed to the Senate a treaty with the Kaskaskia Indians, under which they ceded, their tribal lands to the United States, in return for, among other considerations, Federal government financing of a Catholic priest for the Indians, and the building of a Catholic Church. The treaty said:

> And whereas, the greater part of the said tribe have been baptized and received into the Catholic Church to which they are much attached, the United States will give annually for seven years one hundred dollars towards the support of a priest of that religion, who will engage to perform for the said tribe the duties of his office, and also to instruct as many of their children as possible in the rudiments of literature. And the United States will further give the sum of three hundred dollars to assist the said tribe in the erection of the church.[60]

The Senate approved the treaty, and Congress appropriated the required funds.[61]

Similarly, in 1796 Congress granted 4,000 acres around each of three Indian towns to "the Society of the United Brethren for Propagating the Gospel Among the Heathen" in trust for the Indians, to the extent they developed and used the land to spread religion among the Indians. Congress extended the deadline for development of the land several times over the next decade, until 1805, when the opportunity to gain control over any remaining areas within the original grant ceased.[62]

President James Monroe concluded a treaty with the Wyandot Indians under which the United States agreed to donate 640 nearby acres to the Catholic Church, because of the attachment of the Indians to Catholicism.[63] President John Quincy Adams followed with a treaty with the Osage providing for a missionary establishment on their land.[64] President Andrew Jackson concluded a treaty with the Kickapoo Indians that included funds for the building of a church on the Indians' land.[65] President Martin Van Buren negotiated a treaty with the Oneida Indians providing funds for the building of a church and a parsonage for the tribe.[66]

The practice of providing Federal money to religious groups for the advancement of religion among the Indians continued until 1896, when Congress appropriated $500,000 for this purpose in that year.[67] In 1897, Congress began phasing the program out.[68]

The expressed purpose of Congress in providing these funds was in effect to conquer the Indians by civilization—if the Indians became Christians, they would likely drop violent resistance to the advance westward of the white man. Presumably, such funding was open to any religious sect that sought it for an available group of Indians. This would make the program consistent with the original "no preference" intent behind the Establishment Clause. But this policy is certainly not consistent with a theory that religious groups can receive no aid or benefit from government actions.

The Supreme Court did not have an opportunity to rule on the Establishment Clause during the early years of the republic. But venerated Constitutional historian and Supreme Court Justice Joseph Story, an appointee of James Madison who served on the court from 1811 to 1845, had this to say about the intent behind the Establishment Clause in his highly authoritative Commentaries on the Constitution published in 1833:

> Probably at the time of the adoption of the Constitution, and of the Amendment to it now under consideration, the general if not the universal sentiment in America was, that Christianity ought to receive encouragement from the state, so far as was not incompatible with the private rights of conscience and the freedom of religious worship. An attempt to level all religions, and to make it a matter of state policy to hold all in utter indifference, would have created universal disapprobation, if not universal indignation.[69]

Story also said: The real object of the Amendment was . . . to exclude all rivalry among Christan sects, and to prevent any national ecclesiastical establishment which should give to a hierarchy the exclusive patronage of the national government . . .[70]

Story continued: . . . It is impossible for those who believe in the truth of Christianity as a divine revelation to doubt that it is the especial duty of government to foster and encourage it among all the citizens and subjects.[71]

Another early and eminent constitutional historian was Thomas Cooley, some of whose comments we have already noted. In his highly authoritative Constitutional Limitations, published in 1868, Cooley states:

> But while thus careful to establish religious freedom and equality, the American Constitution contains no provisions which prohibit the authorities from such solemn recognition of a superintending Providence in public transactions and exercises as the general religious sentiment of mankind inspires, . . . No principle of Constitutional law is violated when Thanksgiving or fast days are appointed; when chaplains are designated for the Army and Navy; and when legislative sessions are opened with prayer or the reading of the Scripture, or when religious teaching is encouraged by exempting houses of religious worship from the taxaton for the support of state government. Undoubtedly the spirit of the Constitution will require, in all these cases, that care be taken to avoid discrimination in favor of any one denomination or sect; but the power to do any of these things will not be unconstitutional, simply because of being suspectable to abuse . . .[72]

Clearly, these towering constitutional authorities did not see the Establishment Clause as banning all aid or benefit to religion from government actions, or as mandating complete separation of church and state. They saw the content as stated above—to ban preferential treatment for any one religious sect, or group of sects (if we take Story's emphasis on Christianity to mean religion in general, there being so relatively few adherents to other religions in the U.S. at that time). The government could even affirmatively undertake to aid religion, as long as it did so on a nonpreferential basis.

The first Supreme Court case to rule on an Establishment Clause issue did not occur until 1899. In *Bradfied v. Reynolds*[73] Congress had provided money for the construction of an additional ward at Providence Hospital in the District of Columbia. The Court rejected the claim of plaintiff Roberts that this grant of funds violated the Establishment Clause because the hospital was owned and operated by a monastic order of the Roman Catholic Church—the Sisters of Charity. Congress had granted the funds on the same nonpreferential basis that it would to any secular hospital operator. The mere fact that the funds provided aid to a religious organization did not mean that the action violated the Establishment Clause.

MADISON AND JEFFERSON

Despite the overwhelming evidence cited above, certain actions and statements of Madison and Jefferson are often cited as support for the view that the Establishment Clause was intended to ban all government aid or benefit to religion, mandating an absolute separation of church and state.

The most important of these relates to the campaign to disestablish the Anglican Church in Virginia.[74] In 1779, Jefferson introduced a "Bill for Establishing Religious Freedom," which would have ended all preferential treatment for the Anglican Church, and allowed complete religious toleration for all sects. Though the Revolution had brought the established Anglican Church into public disfavor because of its role as the Church of England, there was not enough support to pass Jefferson's bill. Legislative action was taken, however, to weaken the favoritism for the Anglican Church. In 1784, after the Revolutionary War had ended, a "Bill for Establishing Support for Teachers of the Christian Religion" was introduced by Jefferson's opponents, which would have made Christianity the established religion of Virginia, requiring, among other things, that each person pay a certain amount for the support of the Christian sect of his choice.

Madison led the fight against this latter bill, publishing his famed "Memorial and Remonstrance Against Religious Establishments" in opposition to the bill. This led the turn in public opinion in favor of Madison and Jefferson, and the proposed bill was defeated in 1785. Madison then promptly reintroduced Jefferson's bill, which was passed in that same year, taking effect in 1786.

There are many reasons why this experience does not contradict the no-preference original intent behind the Establishment Clause described above in favor of the harsher no-aid doctrine. First, it cannot be assumed that what Jefferson and Madison supported as good law in their state they wanted to make constitutionally binding on the whole country. Jefferson in particular, but also Madison, were strong, uncompromising supporters of states' rights, and believed that these issues should be decided by the states.

Secondly, Jefferson was in France at the time of the adoption of the First Amendment, and Madison was only one actor in that adoption. It is the views of the whole nation at that time, not just Madison's, which determine the original intent behind the Establishment Clause. Madison had to accommodate these views to achieve nationwide acceptance of the clause, including the support of Puritan New England. Madison's public statements and actions as to the meaning of the amendment itself at the time of passage, as cited above, are relevant to its meaning, indicating any such accommodations made, not what happened years earlier in regard to a state legislative struggle.

But, most importantly, the statements and actions of Jefferson and Madison at the time of this Virginia legislative struggle completely support the earlier conclusion that they and everyone else viewed an establishment of religion as providing preferential treatment. Preference is what they objected to in Virginia, and a no-preference policy is what they meant to pass into law in that state, rather than the no-aid doctrine or some absolute separation of church and state.

Thus, the 1784 bill against which Madison led the fight would have established one religion, Christianity, as the official religion of the state, with assorted legal preferences. It was this establishment and preference to which Madison mainly objected in his "Memorial and Remonstrance." In a famous passage, he stated:

> . . . Who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish with the same ease any particular sect of Christians, in exclusion of all other sects. That the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment.[75]

This passage does not mean that the government cannot spend three pence redounding to the aid of religion, as it has often been incredibly cited to mean by otherwise literate men. Rather, it means that if the establishment of Christianity is acceptable in principle to the exclusion of all other religions, then there can be no principled objection to the establishment of any one Christian sect, with accompanying unjust preferences.

Jefferson's bill, which was enacted with Madison's support, analytically contained four elements: (1) no man shall be compelled by the government to attend or support any religious worship, place, or ministry whatsoever; (2) nor be punished or interfered with by the government on account of his religious opinions or beliefs; (3) nor be restrained from professing or arguing for his religious opinions or beliefs; (4) nor be legally discriminated against for such activities.[76] The bill therefore does no more than remove all vestiges of establishment and preferential treatment for any religion. It does not ban all aid or benefit to religion from government acts or impose an absolute separation of church and state.

This is made abundantly clear by the fact that the first state action in Virginia to forbid sectarian instruction in the public schools did not take place until 1847, and the first act forbidding the use of public funds in denominational schools was not passed until 1902.[77] When the Supreme Court in the McCollum case in 1948, discussed in the next chapter, struck down a "released time" public school policy in Illinois, citing the Virginia 1786 Religious Freedom bill in interpretation of the Establishment Clause, the exact same policy was still in force in Virginia.[78]

Another misconstrued piece of history is a letter Jefferson sent as President in reply to a letter of congratulations from an association of Baptists in Danbury, Connecticut. Jefferson wrote:

> Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinion, I contemplate with solemn reverence that act of the whole American People which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between church and state.[79]

The concluding phrase in this sentence has been seized upon by strict no aid theorists as strong authority for the doctrine of complete separation of church and state. But this phrase, standing on its own or in the context of the rest of the letter, espouses a mere metaphor too vague to support any theory of the Establishment Clause. It has no clear meaning distinguishing between no-aid and no-preference theories. It is also not in the Constitution.

Another celebrated item is known as Madison's "Detached Memoranda." In 1946, one hundred years after Madison died, a rough draft apparently authored by him with this title was uncovered in the estate of a William C. Rives. In it, he condemns both the Congressional chaplain system and proclamations of Thanksgiving as unconstitutional violations of the Establishment Clause. But he condemns the chaplain system on the grounds that in practice it has not been nonpreferential between religious sects—only chaplains of the creed preferred by the majority had been hired. Presidential proclamations of Thanksgiving and prayer he found to have coercive qualities, through the pressure of public opinion, rather than being merely advisory.[80] These grounds for condemning these practices are based on a no-preference theory of the Establishment Clause, and therefore provide no support for the strict no-aid theory. Moreover, the views stated in the "Detached Memoranda" are contrary to Madison's statements and actions while he was in public life, and these are far more relevant to the original meaning of the Establishment Clause. Madison, remember, was a member of the Congressional Committee that recommended the chaplain system, and he maintained the system and issued proclamations of days of Thanksgiving and prayer while President. In any event, the uncontroversial pursuit of both these policies in the early years of the republic shows that even if Madison decided they were unconstitutional during his retirement, the great majority of those alive at the time of the adoption of the First Amendment disagreed with him and it is the intent of the country as a whole at the time of adoption that is relevant to the meaning of the amendment.

As President, Madison did veto a bill incorporating an Episcopal Church in Alexandria in the District of Columbia, on the grounds that it violated the Establishment Clause. The next week he vetoed a bill granting U.S. Lands in Mississippi to a Protestant Church on the same grounds, saying that it would provide "a principle and precedent for the appropriation of funds of the United States for the use and support of religious societies."[81] But both these bills can be seen as providing preferential aid to the particular churches involved, if not viewed in the context of a long-term policy providing the same benefits to all on a nonpreferential basis. True, the quoted phrase from the second veto message suggests that Congress cannot appropriate funds for the purpose of supporting religious societies, regardless of whether this is done on a nonpreferential basis. This phrase is the only historical item truly inconsistent with the original intent described above. But even this does not ban nonpreferential aid or benefit to religion resulting from government actions undertaken for secular purposes, and therefore it does not support a strict no-aid theory either. In any event, this stray phrase cannot serve as a foundation for a constitutional doctrine, particularly in contrast to the remarkable amount of contrary evidence cited in this chapter.

Jefferson and Madison knew that "establishment" meant providing preferential treatment for one or more religions, and this is what they thought was prohibited by the Establishment Clause. Throughout their lives, they both consistently used the word establishment to mean precisely this. During the Congressional debates on the First Amendment, as noted above, Madison forcefully and effectively took the position that the word "establishment" would clearly convey the no-preference intent behind the amendment. Jefferson's overriding concern with preferential treatment was indicated when he wrote, "I am for freedom of religion, and against all maneuvers to bring about a legal ascendency of one sect over another." [82] Similarly, Madison wrote that the United States has "the noble merit of first unshackling conscience from persecuting laws, and of establishing among sects a religious equality." [83] The actions of both men in public life, particularly when serving as President, further confirm this view.

Indeed, Jefferson's own conception of the wall of separation between church and state did not prevent him from advocating and implementing government support for religious education in the state of Virginia. After he retired as President, Jefferson wrote a bill for Virginia providing for the creation of public elementary schools, which the state passed in 1817. The bill provided that "no religious reading, instruction or exercise, shall be prescribed or practiced inconsistent with the tenets of any religious sect or denomination (emphasis added)." [84] This law still allowed nondenominational religious activities.

Thus Jefferson did not find religious activities in the public schools to imply an establishment of religion, which his own bill banned in Virginia in 1786, as long as, once again, these activities did not involve any preferential treatment for any sect. The implicit government aid to religion from allowing these activities to take place in publicly financed schools did not invalidate the practice in Jefferson's mind.

In 1814, Jefferson had recommended that the state create a publicly financed professional school of theology to train clergymen.[85] Later, however, when he founded the publicly owned and operated University of Virginia, a department or school of theology was not created because in his own words he could not find a practical way to do so without in effect preferring some sects over others. Jefferson wrote:

> In conformity with the principles of our Constitution, which place all sects of religion on an equal footing, with the jealousies of the different sects in guarding that equality from encroachment and surprise . . . we have thought it proper at this point to leave every sect, as they think fittest, the means of further instruction in their own peculiar tenets.[86]

This once again supports the view that it was preferential treatment, rather than aid or benefit to religion, that was the key factor in Jefferson's view of establishment.

To further confirm this, Jefferson later adopted a system of religious education for his public university. Noting again his original concern of "giving countenance or ascendency of one sect over another," Jefferson later wrote:

> It was not, however, to be understood that instruction in religious opinion and duties was meant to be precluded by the public authorities, as indifferent to the interests of society. On the contrary, the relations which exist between man and his Maker, and the duties resulting from these relations, are the most interesting and important to every human being, and the most incumbent on his study and investigation.[87]

To resolve the equality problem, but provide for the religious education Jefferson thought necessary, he invited all sects that wanted to establish their own schools of religious instruction on the University campus, "so near as that their students may attend the lectures there, and have the free use of our library, and every other accommodation we can give them. . . ."[88] Jefferson then issued school regulations providing that:

> . . . The students of the University will be free and expected to attend religious worship at the establishment of their respected sects, in the morning, and in time to meet their school in the University at the stated hour. The students of such religious school, if they attend school at the University, shall be considered students of the University, subject to the same regulations, and entitled to the same rights and privileges.[89]

Clearly, nonpreferential aid to religion did not involve an establishment in Jefferson's view. In truth, Jefferson, Madison, and the other Founding Fathers, right or wrong, actually thought such aid was necessary to the maintenance of the new nation, and a free society.[90] Distinguished constitutional historian Walter Berns notes that Jefferson argued that a firmly established religious belief among the common people was the only way to maintain their respect for the rights and liberties of other men over the long run.[91] "And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God?" Jefferson asked.[92] He actually wrote this in a discussion of slavery, arguing that its injustice could only be made popularly manifest through the spread of religion. No less a chronicler of early America than Alexis De Tocqueville noted the prevalence of this view of the importance of religion, writing:

> I do not know whether all Americans have a sincere faith in their religion—for who can search the human heart?—but I am certain that they hold it to be indispensable to the maintenance of republican institutions. This opinion is not peculiar to a class of citizens or to a party, but it belongs to the whole nation and to every rank of society.[93]

Washington expressed these views in his Farewell Address:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens . . . and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.[94]

Berns summarized the views of the Founding Fathers:

> Wisdom might dictate that it be the policy of the government to promote this conviction, which it can do by supporting religion in the form of a "multiplicity of sects while favoring no particular one of them." Pennsylvania and New York, Jefferson had pointed out . . ., had shown the way for Virginia (and the United States as a whole). They had "long subsisted without any establishments," but religion was well supported there—" of various kinds indeed, but all good enough" from his political point of view, "all sufficient to preserve peace and order [and] morals." Harvey C. Mansfield, Jr. has stated the conclusion to be drawn from this. "For the sake of liberty, government must support religion in general, but no particular religion."[95]

THE 14TH AMENDMENT

Though the religion clauses by their very terms applied only at the Federal level (Congress shall make no law . . .), and this was the clear intent of the framers as described above, the courts today regularly apply them to the states as well, thereby providing the basis for federal judicial interference in local education policies relating to religion. The justification for this application to the states is the Fourteenth Amendment, passed in 1868.

The relevant words of the Fourteenth Amendment state, ". . . nor shall any state deprive any person of life, liberty, or property, without due process of law." The Supreme Court has held that this "Due-Process Clause" makes most of the Bill of Rights applicable against the state governments. Any state law affecting the life, liberty, or property of any person must comply with these constitutional provisions or it is not consistent with due process of law. This is known as the incorporation doctrine.

The Supreme Court began using the Fourteenth Amendment in this way in 1925,[96] progressively incorporating more and more of the Bill of Rights against the states. The Free Exercise Clause was held applicable to the states in 1940 [97] and the Establishment Clause in 1948 [98] (not counting the dicta in the 1947 Everson case). This use of the amendment, and the incorporation doctrine in general, is highly controversial, and rightly so. For much persuasive, scholarly work has shown that the framers of the amendment had no such intention.[99] But there are some special reasons as to why they certainly did not intend to so incorporate the Establishment Clause against the states.

Perhaps the clearest of these is that Congress considered and rejected eleven times between 1870 and 1888 [100] and 25 times between 1870 and 1950 [101] proposed Constitutional amendments that would have applied the Establishment Clause in some form against the states. This clearly shows that Congress, especially the very same people who passed the Fourteenth Amendment, did not believe that that amendment already applied the Establishment Clause to the states. It also clearly shows that the American people do not want such a provision in the Constitution.

The most illustrative example of these proposals and rejections occurred in 1875.[102] James G. Blaine, Former House Speaker and future Republican Presidential candidate, introduced the amendment with the active support of President Grant and the Republican Party. The amendment not only included the phrase, "No State shall make any law respecting an establishment of religion," but also provided:

> No public property, and no public revenues of . . . the United States, or any State, Territory, District or Municipal Corporation, shall be appropriated to, or made or used for, the support of any school, educational or other institution, under the control of any religious or anti-religious sect, organization, or denomination, or wherein the particular creed or tenets of any religious or anti-religious sect, organization, or denomination shall be taught . . .[103]

The inclusion of the Federal government in this proposed amendment indicates clearly that at this time as well no one in Congress thought that the Federal prohibition on establishment banned nonpreferential federal government aid to religious education.

The Congress that considered this amendment included 23 members of the Congress that passed the Fourteenth Amendment, yet:

> Not one of the several Representatives and Senators who spoke on the proposal even suggested that its provisions were implicit in the amendment ratified just seven years earlier . . . Senator Stevenson, in opposing the proposed amendment, referred to Thomas Jefferson: "Friend as he was of religious freedom, he would never have contended that the states . . . should be degraded and that the Government of the United States, a government of limited authority, a mere agent of the states with prescribed powers, should undertake to take possession of these schools, and of their religion." Remarks of [other members of Congress] . . . gave confirmation to the belief that none of the legislators in 1875 thought the Fourteenth Amendment incorporated the religious provisions of the First.[104]

Blaine's amendment did better than any of the other proposals—it passed the House, but failed in the Senate. Interestingly, the motivation for this and similar amendments seemed to be anti-Catholic sentiment, in reaction to the waves of Catholic immigrants at that time and their establishment of a private parochial school system, rather than high-minded church and state philosophy.

The second special reason as to why the Fourteenth Amendment did not incorporate the Establishment Clause relates to the intent behind the original First Amendment. The Founding Fathers didn't apply the Establishment Clause only to the Federal level because they didn't think of the states. They affirmatively wanted to reserve establishment concerns to the states. In fact, the wording of the First Amendment provides a constitutional guarantee to the states that this will be so. As we have seen, by providing that Congress shall make no law "respecting" an establishment, the clause prohibits Congress from interfering with state establishments, as well as from creating its own. With five state establishments of religion existing at the time of the amendment's adoption, this guarantee was probably politically necessary.

This raises an important logical problem as to how the Establishment Clause could be incorporated against the states. The clause guarantees the states that their laws relating to establishments will not be interfered with. How does one incorporate a right of the states against the states? If "the states" is substituted for "Congress" in the language of the Establishment Clause, then one is not merely applying it to the states, but radically changing it to remove a constitutional guarantee originally intended. This cannot be justified on the basis of the Fourteenth Amendment.

The third special argument against incorporating the Establishment Clause against the states is based on the Supreme Court's own theory of incorporation. In order for the due process clause to apply in a case, allowing some Bill of Rights provision to be applied to the states, the state law or action must first deprive one of "life, liberty or property." The Establishment Clause cases the courts have considered since World War II have not involved a deprivation of life or property. The elements the courts have based their decisions on has been deprivation of liberty. But most of the cases have not involved this element either. Allowing high school students to form "Students for Voluntary Prayer" on the same basis as other clubs, allowing them to read the Bible and pray on the lawn before class, tuition tax credit or voucher systems—all involve no coercion or deprivation of liberty.[105]

Under the Supreme Court's own theory, only state establishment laws or policies which involve a deprivation of liberty could be considered covered under the First Amendment through the Due Process Clause. The courts would have to look for the key element of coercion before they could apply the Establishment Clause to the states. But mere aid or benefit to religion resulting from a general secular government program, or merely allowing the religiously motivated to participate on the same basis as everyone else, would generally not involve any such deprivation of liberty. The courts therefore have no business applying the Establishment Clause to the states in such cases, under their own theory of incorporation.

Considering the earlier comments above, however, it appears that the framers of the Fourteenth Amendment never intended that it would in effect apply the First Amendment's Establishment Clause to the states in any form.

CONCLUSION

Based on the historical evidence in this chapter, the following three conclusions can be drawn as to the original intent of the framers concerning the religion clauses:

(1) The Establishment Clause was intended to prohibit Federal laws providing preferential treatment for one or more religious sects. It was also intended to prohibit the Federal government from interfering with state establishments, or state laws providing preferential treatment for one or more sects. It was not intended to provide for an "absolute separation of church and state" or to ban all aid or benefit to religion from government actions. Congress could even undertake to aid aid religion if done on a nonpreferential basis. The restrictions of the Establishment Clause were intended to apply at the Federal level only and not to the states. In fact, the clause provided a constitutional guarantee to the states that they would be free to adopt whatever policies they democratically chose in this area.

(2) The framers of the Fourteenth Amendment did not intend it to apply the Establishment Clause to the states. Indeed, the clause cannot be so applied without obliterating the original First Amendment guarantee to the states that they would be free to adopt their own policies in this area without Federal interference.

(3) The Free Exercise Clause was intended to provide absolute freedom for religious opinions. It was also intended to provide protection for religiously motivated action, but the right to engage in any such acts would be weighed against the harm they might cause to society. Laws restricting such acts would be allowed if the harm they prevented outweighed the interest in religious liberty. Freedom for actions, therefore, as opposed to opinions, was not intended to be absolute.

These conclusions are not unique to this author. The compelling historical evidence concerning the first two was marshalled in *Religion and Education Under the Constitution*, a devastating critique of the Supreme Court by Professor James O'Neill published almost 35 years ago.[106] At about the same time, authoritative constitutional historian and Princeton Professor Edward S. Corwin similarly skewered the Court in a shorter article.[107] Professors Joseph H. Brady[108] and James McClellan[109] followed with works further elaborating these themes. Professors Walter Berns[110] Michael Malbin[111] and Robert L. Cord[112] have most recently and brilliantly demonstrated the original intent behind the Establishment Clause. There have been many others.[113]

But the Supreme Court has been openly scornful of this rising chorus of dissenting scholars. In 1963, in the leading case firmly striking down Bible reading and prayer in the public schools, Justice Clark, speaking for the majority, explained that though the Establishment Clause interpretations of the Court had by then:

> . . . Been long established, recognized and consistently reaffirmed, others continue to question their history, logic and efficacy. Such contentions, in light of the consistent interpretation in cases of this Court, seem entirely untenable and of value only as academic exercises.[114]

In the same case, Justice Brennan said, "A too literal quest for the advice of the Founding Fathers upon the issues of these cases seems to me futile and misdirected . . ."[115] In the 1948 McCollum case, Justice Jackson said that there was no law in this area to guide the members of the Court, "but our own prepossessions."[116]

The Justices are, of course, bound by their oaths of office to uphold the Constitution as written by the framers, not to impose their own quixotic public policy values on the rest of us. But this judicial duty is now considered blase by the legal profession, and it appears unlikely that the Court will return to the original intent of the framers as described above in the foreseeable future.

This has been recently illustrated in the case in Alabama, where a remarkably courageous Federal Judge refused to ban prayer in the local Mobile schools. Judge W. B. Hand held on January 14, 1983, that the Supreme Court precedents in this area were contrary to the binding, original intent of the framers, reviewing the historical evidence as discussed above.[117] An outraged Justice Powell reached all the way down from the Supreme Court to ban the local school prayer by a stay pending appeal, saying that the practice was clearly unconstitutional under the precedents of the Supreme Court.[118] On appeal, the Circuit Court did not offer any counterarguments to the historical evidence marshalled by Judge Hand. The court simply stated, "The Supreme Court, however, has carefully considered these arguments and rejected them."[119] The appeals court therefore reversed the lower court and permanently banned prayer in the Alabama schools.

This does not mean that the struggle for the judicial readoption of the original intent should be stopped. In our constitutional republic, this is ultimately the only acceptable permanent resolution of these issues, and there are many possible avenues for achieving this goal. But in the meantime, the courts might at least be persuaded to adopt views not hostile to the religious.

CHAPTER AND FOOTNOTE

[1] The European history discussed below is taken primarily from Will and Ariel Durant, *The Story of Civilization* (New York: Simon and Schuster, 1957).

[2] Will Durant, *The Story of Civilization*, Vol. VI, p. 572.

[3] The American history discussed in this section of this chapter is taken primarily from Samuel Eliot Morison, *The Oxford History of the American People* (New York: Oxford University Press, 1965).

[4] Joseph H. Brady, *Confusion Twice Confounded: The First Amendment and the Supreme Court* (South Orange, N.J.: Seton Hall University Press, 1954), pp. 5-6.

[5] Ibid.

[6] James B. McClellan, "The Making and Unmaking of the Establishment Clause," in Patrick B. McGuigan, Randall R. Rader, eds., *A Blueprint for Judicial Reform* (Washington, D.C.: Free Congress Foundation, 1981), pp. 306-308.

[7] Robert L. Cord, *Separation of Church and State, Historical Fact and Current Fiction* (New York: Lambeth Press, 1982), p. 7.

[8] Michael J. Malbin, *Religion and Politics: The Intentions of the Authors of the First Amendment* (Washington, D.C.: American Enterprise Institute, 1978), pp. 4-5.

[9] J. M. O'Neill, *Religion and Education Under the Constitution* (New York: Harper, 1949), p. 113.

[10] Brady, *Confusion Twice Confounded*, p. 12.

[11] Ibid., pp. 14-15; O'Neill, *Religion and Education*, pp. 91-95.

[12] *Annals of Congress*, Vol. I, p. 434.

[13] Brady, *Confusion Twice Confounded*, p. 13.

[14] *Annals of Congress*, Vol. I, p. 729.

[15] The concern was raised in particular by Peter Sylvester of New York and Elbridge Gerry of Massachusetts, *Annals of Congress*, Vol. I, pp. 729-30.

[16] *Annals of Congress*, Vol. I, p. 730.

[17] Malbin, *Religion and Politics*, p. 8.

[18] *Annals of Congress*, Vol. I, p. 731.

[19] Ibid., p. 730.

[20] Benjamin Huntington of Connecticut first raised this concern in a much misunderstood and misquoted passage. He said that he agreed that the amendment meant what Madison said it meant, but he feared that it may be susceptible to distortion by others in a way that would harm the state establishments. As an example, he noted that the established church in Connecticut was maintained by an assessment against its members, and he suggested that these assessments might not be enforcible in the Federal Courts because of the proposed Establishment Clause. See *Annals of Congress*, Vol. I, p. 730. In response, Madison suggested that the word national could be inserted into the amendment in front of religion to show that it was only a federally imposed establishment that was forbidden. Ibid., p. 731.

[21] See e.g., Malbin, *Religion and Politics*, pp. 9-12.

[22] *Annals of Congress*, Vol. I, p. 731.

[23] Malbin, *Religion and Politics*, pp. 10-11.

[24] *Annals of Congress*, Vol. I, p. 766.

[25] *Journals of the First Session of the Senate*, p. 70.

[26] Ibid.

[27] Ibid.

[28] Ibid.

[29] Ibid., p. 77.

[30] Malbin, *Religion and Politics*, pp. 13-14.

[31] This view is supported by the exceptional analysis of Malbin, Ibid., pp. 15-16.

[32] Brady, *Confusion Twice Confounded*, pp. 6-8.

[33] Ibid., pp. 6-7.

[34] Ibid., p. 7.

[35] Ibid., pp. 7-8.

[36] Ibid., p. 8.

[37] Ibid., p. 8.

[38] Malbin, *Religion and Politics*, pp. 19-37.

[39] John Locke, *A Letter Concerning Toleration*, (Indianapolis: Bobbs-Merrill, 1975).

[40] Malbin, *Religion and Politics*, p. 22. Since only opinions concerning the manner of discharging religious duty cannot be directed by force and violence, it appears that the phrase, "and the manner of discharging it," should be taken to refer to opinions in this regard.

[41] Malbin, p. 33.

[42] Ibid., p. 34.

[43] Ibid., p. 27-38.

[44] Ibid., p. 27.

[45] Ibid., p. 21.

[46] Ibid., p. 21-22.

[47] Ibid., p. 22.

[48] Ibid., pp. 30-31.

[49] Brady, *Confusion Twice Confounded*, p. 28.

[50] See Cord, *Separation of Church and State*, pp. 23, 153-154.

[51] Ibid., p. 54; O'Neill, *Religion and Education*, p. 111.

[52] Brady, *Confusion Twice Confounded*, pp. 32-33.

[53] O'Neill, *Religion and Education*, p. 110, Cord, *Separation of Church and State*, p. 27.

[54] Cord, *Separation of Church and State*, pp. 51-52.

[55] Ibid., p. 53.

[56] Ibid., p. 40.

[57] O'Neill, *Religion and Education*, p. 116.

[58] Ibid., pp. 115-116.

[59] Cord, *Separation of Church and State*, p. 58.

[60] Ibid., p. 38.

[61] Ibid., pp. 38-39.

[62] Ibid., pp. 42-45.

[63] Ibid., p. 59.

[64] Ibid.

[65] Ibid.

[66] Ibid., pp. 59-60.

[67] O'Neill, *Religion and Education*, pp. 118-119.

[68] Ibid.

[69] Brady, *Confusion Twice Confounded*, p. 46.

[70] Ibid., p. 45.

[71] Ibid., p. 46.

[72] Thomas M. Cooley, *Constitutional Limitations*, (Boston: Little, Brown & Co., 1868), pp. 470-471.

[73] 175 US 291 (1899).

[74] See Brady, *Confusion Twice Confounded*, pp. 54-59; Malbin, *Religion and Politics*, pp. 22-28.

[75] Saul K. Padover, *The Complete Madison*, (New York: Harper & Brothers, 1953), p. 301.

[76] O'Neill, *Religion and Education*, p. 74.

[77] Ibid., p. 146.

[78] Ibid., p. 147.

[79] Saul K. Padover, *The Complete Jefferson*, (Freeport, N.Y.: Books for Libraries Press, 1943), pp. 518-19.

[80] See Elizabeth Fleet, ed., "Madison's Detached Memoranda," *William and Mary Quarterly*, Vol. III (1946), pp. 535-66.

[81] Brady, *Confusion Twice Confounded*, p. 23.

[82] O'Neill, *Religion and Education*, p. 85.

[83] Ibid., p. 97.

[84] Brady, *Confusion Twice Confounded*, pp. 61-62.

[85] Ibid., p. 61.

[86] Ibid., p. 63.

[87] Ibid., pp. 63-64.

[88] Ibid., p. 65.

[89] Ibid., p. 66.

[90] Walter Berns, *The First Amendment and the Future of American Democracy*, (New York: Basic Books, 1976), Chapter 1.

[91] Ibid., pp. 13-14.

[92] Ibid.

[93] Ibid., p. 12.

[94] Ibid., p. 13.

[95] Ibid., p. 14.

[96] *New York v. Gitlow*, 268 US 652 (1925).

[97] *Cantwell v. Connecticut*, 320 US 296 (1940).

[98] *McCollum v. Board of Education of Champaign, Illinois*, 333 US 203 (1948).

[99] The most famous of these are Charles L. Fairman, *Does the Fourteenth Amendment Incorporate the Bill of Rights?* 2 Stan. L. Rev. 5 (1949); Raoul Berger, *Government by Judiciary: The Transformation of the Fourteenth Amendment*. (Cambridge, Mass.: Harvard University Press, 1977).

[100] O'Neill, *Religion and Education*, p. 123.

[101] Brady, *Confusion Twice Confounded*, p. 35.

[102] See, Ibid., pp. 36-38.

[103] Ibid., p. 37.

[104] McClellan, in *A Blueprint for Judicial Reform*, p. 318.

[105] See cases discussed in Chapter 1, pp. 1-6, and Chapter 3.

[106] O'Neill, Religion and Education.

[107] Edward S. Corwin, "The Supreme Court as National School Board," *Law and Contemporary Problems*, Vol. 14, p. 3 (1949).

[108] Brady, *Confusion Twice Confounded*.

[109] McClellan, *in A Blueprint for Judicial Reform*.

[110] Berns, *The First Amendment*.

[111] Malbin, *Religion in Politics*.

[112] Cord, *Separation of Church and State*.

[113] Other works supporting the view expressed here in regard to the Establishment Clause are Mark DeWolfe Howe, *The Garden and the Wilderness*, (Chicago: University of Chicago Press, 1965); C. J. Antieau, A. T. Downey, and E. G. Roberts, *Freedom From Federal Establishment: Formation and History of the First Amendment Religion Clauses* (Milwaukee: Bruce, 1964); Charles E. Rice, *The Supreme Court and Public Prayer*, (New York: Fordham, 1964); Francis O'Brien, *Justice Need and the First Amendment*, (Washington, D.C.: Georgetown University Press, 1965). For additional or contrary views see, Leo Pfeffer, *Church, State and Freedom* (Boston: Beacon Press, 1967) Leo Pfeffer, *God, Caesar and the Constitution* (Boston: Beacon Press, 1976).

[114] *School District of Abington Township Pennsylvania v. Schempp* 374 US 203, 217 (1963).

[115] 374 US at 237.

[116] McCollum, supra, at 237-238.

[117] *Ishmael Jaffree v. Board of School Commissioners of Mobile County*, Civil Action no. 82-0554-H, January 14, 1983 (slip opinion).

[118] *Jaffree v. Board of School Commisioners of Mobile County* 74 c. Ed. 2d 924, 926 (1983).

[119] *Ishmael Jaffree v. Board of School Commissioners of Mobile County*, No. 83-7047, May 12, 1983 (slip opinion).

VOLUNTARY SCHOOL PRAYER: JUDICIAL DILEMMA, PROPOSED SOLUTIONS

(By Teresa L. Donovan, Marcella C. Donovan, and Josepth J. Piccione)

CHAPTER 1—THE FIRST AMENDMENT

The intent of the framers

Many Americans familiar with the U.S. Supreme Court decisions prohibiting voluntary prayer in public schools, but unfamiliar with the wording of the United States Constitution, would probably think the Constitution contained the words "strict separation between church and state" or "there must be a high and impregnable wall between church and state." Given the U.S. Supreme Court's decisions concerning church-state issues over the past 20 years, this would be a good guess. After all, these phrases are repeated and quoted endlessly in any discussion of church-state issues, particularly the cases dealing with voluntary school prayer. If those words were in the Constitution the court's decisions would be more understandable. But those words are not in the Constitution.

The key to analyzing the school prayer cases is to determine whether or not the court has properly interpreted the First Amendment Establishment Clause. Justice Felix Frankfurter said "An amendment to the Constitution should be read in a sense most obvious to the common understanding at the time of its adoption." [1] In other words, when interpreting the Constitution, binding authority is given to the text of the Constitution and to the intention of its authors. One legal scholar listed several reasons for giving the Constitution its original meaning.[2] First, the Constitution is the Supreme Law of the land so that it takes precedence over all subsequent laws if there is an inconsistency. Second, since the document is interpreted consistently over time, judges have less discretion to write what they themselves would have written had they drafted the Constitution. Finally, the document represents the will of the people. The Constitution begins "We, the people of the United States . . ."

To truly understand our religious rights as Americans—in order to protect our rights—it is necessary to analyze and study the original meaning of the First Amendment by examining the actual wording of the amendment; the intent of the individuals responsible for its adoption and ratification and the relevant historical records and documents. The purpose of this chapter is to come to a better understanding of the meaning of the First Amendment so that we can better defend our religious liberties.

The U.S. Constitution was adopted and ratified in 1789. Many states approved the Constitution contingent on the first Congress passing the Bill of Rights, thereby giving added protection to the states from the federal government. The Federalists argued that the Bill of Rights was redundant and unnecessary since the federal government had no power unless it was expressly given in the Constitution and the Constitution gave the federal government no authority or power over religion. Nevertheless, those in the first Congress kept their word. Only two years later, in 1791, the Bill of Rights guaranteeing civil liberties including freedom of religion, freedom of the press and freedom of speech, protection against illegal search and seizure and self-incrimination was added to the Constitution.

The First Amendment to the Constitution provides:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The first sixteen words of the amendment embody the two religion clauses guaranteeing first, that *Congress* shall enact no law "respecting an establishment of religion," and second, that Congress shall not prohibit "the free exercise" of religion. The Supreme Court has prohibited voluntary school prayer on the finding that it is an "establishment of religion."

What did the words "respecting an establishment of religion" mean to Members of Congress who approved the language of the amendment? Several well respected historians and legal scholars after careful analysis of the proposed drafts of the First Amendment and the congressional debates surrounding adoption of the amendment conclude that the Congressmen understood first, that an "establishment of religion" was the setting up of an official government religion which would receive preferential treatment over all other religions, and second, that the term "respecting" meant that Congress could not enact any law with regard to an established religion—either creating a national religion or interfering with the state established religions.[3]

Justice Joseph Story in his authoritative *Commentaries on the Constitution* made clear in his analysis of the First Amendment that it was adopted to prevent the establishment of a national religion, but the amendment in no way interfered with the power of the individual states over religion. He wrote:

"The real object of the amendment was . . . to exclude all rivalry among Christian sects, and to prevent any *National ecclesiastical establishment*, which should give to an hierarchy the exclusive patronage of the national government." [4]

Story also noted:

"Thus, the whole power over *the subject of Religion is left exclusively to the state governments*, to be acted upon according to their own sense of justice; and the state constitutions." [5]

Two leading experts on the First Amendment, Dr. Robert L. Cord and Dr. James McClellan, after studying the words and actions of the framers and all the documentation relating to the First Amendment conclude that there are three objectives to the First Amendment.[6] First, there is no Congressional authority to establish a formal national church or religion or sect which would necessarily give one religion preferential treatment over all other religions. Second, each individual is guaranteed the freedom to believe as he chooses. Finally, each state has the right and power to establish a state religion if it so chooses. The historical data does *not* support the theory that the First Amendment was adopted to ensure an absolute separation between church and state.

A cursory description of the church-state relationships in the early years of the Republic and several examples of government action involving religion taken by the earliest American statesmen will enable us to better understand the original meaning of the First Amendment.

It is well known that the first colonies in America were settled by religious dissenters who fled from Europe and England to escape religious persecution and intolerance. In Sixteenth and Seventeenth Century England, Henry VIII and his daughter Elizabeth I persecuted the Catholics and certain Protestant sects such as the Puritans and the Unitarians, while Queen Mary persecuted the Protestants. At the same time, there was civil war in France between the Catholics and the Huguenots. And in Germany, Hapsburg attempts to restore Catholicism were resisted in twenty-five years of fighting.

The fact that the earliest settlers fled from the Old World to escape religious persecution and strife did not prevent them from establishing official religions in their New World communities and colonies. Established religions were commonplace in colonial America. For example, the pilgrims at Plymouth Rock who set up a puritan community were fleeing persecution in England. By the time of the Revolution in 1775, nine of the thirteen colonies had established religions: Anglicanism was the established religion in Maryland, Virginia, North Carolina, South Carolina and Georgia. Congregationalism was established in Massachusetts, New Hampshire and Connecticut. And in New York, each township was actually obligated to support a Protestant church and minister. Twelve years later, when the Constitutional Convention convened in 1787, only five colonies still had established religions: Georgia, South Carolina, Connecticut, New Hampshire and Massachusetts.[7]

One leading historian[8] examined references to religion in the state constitutions of each of the first states in the nation in the Eighteenth Century. Both Maryland and Georgia authorized taxation for religion. South Carolina established the Christian-Protestant religion as the official state religion. In New Jersey, although each individual had the right to worship as he pleased, only Protestants could hold office in the state legislature. The Vermont constitution "urged every sect or denomination to observe the Sabbath." Several states required government officials to take an oath professing belief in God or divine inspiration of the Bible or belief in a particular religion.

While most states gave preferential treatment to a particular Protestant sect or the Protestant religion in general, Virginia and Rhode Island were the only two states that prohibited the establishment of any religion so there was a complete disestablishment of religion. The disestablishment of religion in Virginia was the exception rather than the rule in church-state relationships in the late Eighteenth Century. Furthermore, disestablishment of the Anglican Church—the Church of England—was not just religiously motivated, but politically motivated. It is not surprising that the men who fought for independence from England would not want the Church of England to be the established religion in their new homeland.

It seems clear from the foregoing that the framers of the First Amendment envisioned that state authority over religion would continue. The adoption of the Bill of Rights did not change state jurisdiction over religion. Listed below are several examples of actions by the drafters of the First Amendment which demonstrate that the adoption of the First Amendment did not mean the federal government was totally powerless to enact laws concerning religion—it simply could not establish a national religion or interfere with the state established religions. These examples show the framers *never* intended an absolute separation of church and state.

First, many of these same statesmen who approved the Declaration of Independence July 4, 1776 also participated in the adoption of the Constitution. The language of the Declaration certainly expresses faith in a Supreme Being. It reads in part:

"When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of Nature and of Nature's God entitles them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation . . . We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights."

Second, from the very first Congress under the Constitution there has always been a chaplain in the House of Representatives and the Senate to open each session with a prayer. James Madison was a member of the Committee that recommended a chaplain for the House of Representatives. On May 1, 1789, the House elected Rev. William Linn as chaplain and appropriated $500 for his salary. Similarly, the Senate approved a chaplain system April 25, 1789. Only several months later these same Members of Congress reached a final agreement on the language of the Bill of Rights. Recently, Chief Justice Burger agreed that the federal and state chaplain systems do not violate the Establishment Clause of the First Amendment further indicating the framers did not envision or intend absolute separation of church and state. Chief Justice Burger writing for the court in *Marsh* v. *Chambers* said:

"Clearly the men who wrote the First Amendment Religion Clause did not view paid legislative chaplains and giving prayers as a violation of that amendment for the practice of opening sessions with prayer have continued without interruption ever since that early session of Congress." [9]

Third, the fact that the earliest American statesmen signed treaties with the Indians providing them with missionaries shows that they never intended an absolute separation of church and state. For example, President Thomas Jefferson signed into law three extensions of an Act which among other things provided "for the society of United Brethren for propagating the gospel among the heathen."[10] In effect, the United States government after adopting the First Amendment approved and financed programs to spread Christianity among the Indians. President Jefferson also asked the Senate to ratify a treaty with the Kaskaskia Indians which provided the Indians with $100 a year for seven years for a Catholic priest and $300 for a Catholic church. As late as 1833, President Andrew Jackson, in a treaty with the Kickapoo Indians, provided $3,700 of government money to build a mill and church for the Indians.

Fourth, the fact that most American Presidents, beginning with President George Washington, signed Thanksgiving Day proclamations shows that the framers never intended an absolute separation of church and state. For example, on October 3, 1789, George Washington signed the first Thanksgiving Day Proclamation which said in part:

"Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey his will, to be grateful for his benefits, and humbly to implore His protection and favor . . ."[11]

It further read:

"Now, therefore, I do recommend and assign Thursday, the 26th day of November next, to be devoted by people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be; that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation."[12]

James Madison, who drafted the First Amendment, also signed Thanksgiving Day proclamations. Much is made of the fact that President Jefferson did not sign Thanksgiving Day proclamations. While President Jefferson was opposed to the President issuing such a proclamation of thanksgiving, he acknowledged the fact that under the Constitution the states had power and authority over religious activities. The sentiment was evidenced in his second Inaugural Address which read in part:

"In matters of religion I have considered that its free exercise is placed by the Constitution independent of the powers of the general government. I have therefore undertaken on no occasion to prescribe the religious exercises suited to it, but have left them, as the Constitution found them, under the direction and discipline of the church or state authorities acknowledged by the several religious societies."[13]

Finally, the enactment of the *Northwest Ordinance* in 1787 by the last Congress of the Confederation providing that religion and morality should be encouraged in the public schools further demonstrates that the framers never intended "strict separation" between church and state. The *Northwest Ordinance* which provided for the establishment of public schools read in part:

"Art. I. No person, demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

"Art. III. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."[14]

The same men who enacted this ordinance adopted the First Amendment two years later.

It seems apparent that the original objective of the First Amendment was not to mandate strict separation between church and state, but rather to prohibit the establishment or creation of a national religion, to leave the states free to enact laws respecting religion and to guarantee each individual the freedom to believe as he chooses. This was the general understanding of the First Amendment until 1947. As might be expected, many states did enact laws regarding religion. Massachusetts had required Bible reading in the schools since 1826, and between 1913 and 1930, eleven more states enacted similar statutes.[15]

Justice Black's misinterpretation of the first amendment

From 1791 to 1947 there was no doubt about the meaning of the First Amendment. The first modern Supreme Court case dealing with the Establishment Clause was *Everson v. Board of Education.*[16] No prior decision had given full consideration to the meaning of the Establishment Clause. This landmark case involved a New Jersey statute which reimbursed all parents whose children took public transportation to school—either public or private—for the bus transportation costs. This statute was challenged as an unconstitutional violation of the Establishment Clause. It was argued that taxpayers money was being used to support and maintain Catholic schools because parents of children in private schools, most of whom were Catholic, were being reimbursed for school transportation costs. While the Supreme Court decided five to four to uphold the statute, thus permitting parents of private school children to be reimbursed for transportation costs, the court's rationale paved the way for all the modern court decisions mandating a strict separation of church and state.

Justice Hugo Black's decision in the *Everson* case marks the beginning of the misinterpretation of the First Amendment Establishment Clause which has resulted in the unreasonable, unfounded decisions of the last forty years including the Court's prohibition on voluntary school prayer. Justice Black's interpretation of the Establishment Clause is inconsistent with the intent of the framers. First, Justice Black makes the First Amendment applicable to the States when it was intented to apply only to the federal government. Second, Justice Black interprets the Establishment Clause to mean what he would have intended had he—not the framers—adopted the First Amendment. Black justified his interpretation of the First Amendment not by looking at the U.S. congressional debates, but by looking at the disestablishment of the Anglican church in Virginia.

Justice Black's first mistake was assuming the Establishment Clause of the First Amendment applied to the states. To understand how this happened it is necessary to examine the judicially created "doctrine of incorporation." Basically, the "doctrine of incorporation" means that when Congress adopted and the states ratified the Fourteenth Amendment they intended to make the Bill of Rights applicable to the states. In other words, according to this judicial doctrine, the "due process" clause of the Fourteenth Amendment was a shorthand way of making the Bill of Rights applicable to the States. This judicial interpretation of the Fourteenth Amendment has given the federal courts most of their power and business. The relevant section of the Fourteenth Amendment is:

"Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall *abridge the privileges or immunities of* citizens of the United States; *nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*"

In 1925, in *Gitlow v. New York*, 268 U.S. 652, the Supreme Court began the process of selectively incorporating the Bill of Rights into the Fourteenth Amendment thereby making the prohibitions in the first ten amendments applicable to the states. Slowly but surely, the other provisions of the Bill of Rights have been incorporated into the Fourteenth Amendment and made applicable to the states.[17] This is a primary example of judicial activism—of the judicial branch usurping the legislative law-making function. Despite the fact that the Bill of Rights was intended to *restrict only the federal government* and not the individual state governments, the courts, in applying the doctrine of incorporation for the last sixty years, have forced the state governments to comply with the restrictions embodied in the first ten amendments.

Several historians and legal scholars have studied congressional debates and the debates of the state legislatures when ratifying the amendment to determine the scope and meaning of the Fourteenth Amendment.[18] Nowhere in the history of the Fourteenth Amendment was there any indicaton that Congress intended to make the Bill of Rights applicable to the states. Surely if the states understood that by ratifying the Fourteenth Amendment they were subjecting themselves to the prohibitions in the Bill of Rights they would have said so. Had the Fourteenth Amendment extended the Bill of Rights to the states, many states would have been required to make immediate changes in their criminal laws. One legal scholar, Professor Raoul Berger, points out that the state legislatures never would have ratified the Fourteenth Amendment if they thought it was intended to make the Bill of Rights applicable to them. Raoul Berger notes:

"The freedom that the states traditionally have exercised to develop their own systems of administering justice, repels any thought that the federal provisions on grand jury, criminal jury, civil jury were fastened upon them in 1868. Congress would not have attempted such a thing, the country would not have stood for it, the legislatures would not have ratified it."[19]

Also, Supreme Court decisions both prior to and subsequent to the adoption and ratification of the Fourteenth Amendment in 1868 by the Thirty-ninth Congress indicate there was no intent by the Congress to make the Bill of Rights applicable to the states. For example, before adoption of the Fourteenth Amendment there was no question but that the Bill of Rights applied solely to the federal government. The Supreme Court enunciated this principle in *Barron* v. *Baltimore:*

"But it is universally understood, it is a part of the history of the day, that the great revolution which establish the Constitution of the United States was not effected without immense opposition. Serious fears were extensively entertained that those powers which the patriot statesmen who then watched over the interests of our country, deemed essential to union, and to the attainment of those invaluable objects for which union was sought, might be exercised in a manner dangerous to liberty. In almost every convention by which the Constitution was adopted, amendments to guard against the abuse of power were recommended. These amendments demanded security against the apprehended encroachments of the general government—not against those of the local governments.

"In compliance with a sentiment thus generally expressed, the quiet fears were thus extensively entertained, amendments were proposed by the required majority in congress, and adopted by the States. *These amendments contained no expression indicating an intention to apply them to the state governments.* This court cannot so apply them."[20]

Similarly, after the ratification of the Fourteenth Amendment, the Supreme Court continued to hold that the Bill of Rights was meant to restrict only the federal government and not the individual state governments. For example, in 1875, in *U.S. vs. Cruikshank*, the court noted:

"The First Amendment to the Constitution prohibits Congress from abridging the right of the people to assemble and to petition the government for a redress of grievances. This like the other amendments proposed and adopted at the same time, was not intended to limit the powers of the state governments in respect to their own citizens, but to operate upon the National government alone."[21]

The court went to say:

"It is now too late to question the corrections of this construction. They left the authority of the states just where they found it, and added nothing to the already existing power of the United States."[22]

Also, just three years before beginning the selective process of incorporation with the *Gitlow* case, the Supreme court noted:

"But as we have stated, neither the Fourteenth Amendment nor any other provision of the Constitution of the United States imposes upon the states any restriction about "freedom of speech" or the "liberty of silence": nor, may we add, does it confer any right of privacy upon either persons or corporations."[23]

Even more concrete evidence that the Fourteenth Amendment was never intended to incorporate the Bill of Rights was the *Blaine Amendment* introduced in Congress in 1876. Senator James Blaine from Maine, at the request of President Ulysses S. Grant, introduced the following amendment which would have prohibited the states from making any law with respect to an establishment of religion:

"No state shall make any law respecting an establishment of religion or prohibiting the free exercise thereof; and no religious test shall ever be required as a qualification to any office or public trust under any state. No public property, and no public revenue of, nor any loan of credit by or under the authority of the United States or any state, territory, District, or municipal corporation, shall be appropriated to, or made or used for, the support of any school, educational, or other institution, under the control of any religious or anti-religious sect, organization or denomination, or wherein the particular creed or tenets of any religious or anti-religious sect, organization, or denomination shall be taught. And no such particular creed or tenets shall be read or taught in any school or institution supported in whole or in part by such revenue or loan of credit; and no such appropriation or loan of credit shall be made to any religious or anti-religious sect, organization or denomination, or to promote its interests or tenets. This article shall not be construed to prohibit the reading of the Bible in any school or institution; and it shall not have the effect to impair rights of property already invested. . . ."[24]

This amendment passed in the House of Representatives but failed in the Senate. Between 1950 and 1970, Congress twenty-five times rejected similar amendments which would have prohibited states from enacting laws with respect to an establishment of religion.[25] At the very least, the Blaine Amendment demonstrates that the framers of the Fourteenth Amendment never intended the incorporation of the First Amendment.

Twenty-three Members of Congress who considered the Blaine Amendment were members of the Thirty-ninth Congress which passed the Fourteenth Amendment. One would think at least one of these twenty-three Congressmen would have said "This has been done. Being present in the Congress at the adoption of the Fourteenth Amendment, I can tell you the Fourteenth Amendment incorporated the Bill of Rights. The Fourteenth Amendment already makes the First Amendment applicable to the states." Of course, no such argument was ever made simply because that is not what the Fourteenth Amendment was intended to do. This should prove conclusively that the courts are wrong when they apply the First Amendment to the states.

In sum, when Justice Black announced that the Establishment Clause of the First Amendment applied to the states, he disregarded the understanding of the state legislatures which ratified the Fourteenth Amendment. He disregarded Supreme Court precedent on the scope of the First and Fourteenth Amendments and the rejected Blaine Amendment. Instead, Black applied his own rule—the Establishment Clause is incorporated into the Fourteenth Amendment and is applicable to the states.

Justice Black's second mistake in the Everson case was misinterpreting the original meaning of the First Amendment. In broad, sweeping language, Black said the Establishment Clause meant at least this:

"Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious belief or disbelief, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion was *intended to erect a "wall of separation between church and State. . . ."*[26]

Some statements in this sweeping definition are accurate: the federal government cannot set up a church or prefer one religion over another. No person can be punished for professing a certain religious belief. But other statements cannot be justified by the original meaning of the Establishment Clause. Black says the Federal Government and the States cannot pass laws which aid all religions. However, as was noted earlier, the state governments were always free to determine their own policy on religion including establishing a religion if they chose and while the federal government cannot establish a religion by preferring one sect over another, it can and has in fact aided religion in general.

The question is how could Justice Black justify such a broad interpretation of the Establishment Clause? Black attempts to explain his broad interpretation using historical data. He quotes from selected writings of Thomas Jefferson and James Madison who lead the disestablishment of religion movement in Virginia. As will be shown, Black's reading of history is incomplete. He relies on the history of disestablishment in Virginia to the exclusion of the more authoritative U.S. congressional debates on the First Amendment and he overemphasizes certain writings of Jefferson and Madison to the exclusion of other documents.

As noted earlier, one of the most quoted phrases in any discussion on church-state issues is that the First Amendment was intended to "build a wall of separation between church and state." Justice Black referred to the "wall of separation" in his Everson decision. Where did this language come from? In 1802, in a letter to a group of Baptists in Danbury, Connecticut, Thomas Jefferson wrote in part:

"Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinion, I contemplate with solemn reverence that act of the whole American People which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' *thus building a wall of separation between church and state.*"[27]

While this language is often used to defend the principle of absolute separation between church and state it was never intended to support any interpretation of the First Amendment. It was merely a phrase used in a letter to a constituent. Admittedly, Jefferson did believe in the separation of church and state. After all, Madison and he led the fight to disestablish the Anglican church in Virginia. But the question is did he intend an *absolute* separation of church and state?

As mentioned earlier, as President, Jefferson signed several treaties with different Indian tribes which provided for federal government money to the Indians for churches and missionaries. The money was going to aid religions in general, and apparently Jefferson did not see this as a violation of the Establishment Clause.

Additionally, when establishing the University of Virginia, Jefferson suggested that sectarian schools be established on the confines of the University so that those students could take advantage of the courses and instruction at the University. This hardly evidences a Jefferson who believed in *absolute* separation of church and state. Jefferson explained he wanted those pursuing religious studies to be able to take advantage of the University courses:

"It was not, however, to be understood that instruction in religious opinion and duties was meant to be precluded by the public authorities, as indifferent to the interests of society. On the contrary, the relations which exist between man and his Maker, and the duties resulting from those relations, are most interesting and important to every human being, and most incumbent on this study and investigation. The want of instruction in the various creeds of religious faith existing among our citizens presents, therefore, a chasm in a general institution of the useful sciences . . . *A remedy, however, has been suggested of promising aspect, which, while it excludes the public authorities from the domain of religious freedom, will give to the sectarian schools of divinity the full benefit the public provisions made for instruction in the other branches of science* . . . It has, therefore, been in contemplation, and suggested by some pious individuals, who perceive the advantages of associating other studies with those of religion, to *establish their religious schools on the confines of the University, so as to give to their students ready and convenient access and attendance on the scientific lectures of the University*, and to maintain, by that means, those destined for the religious professions on as high a standing of science, and of personal weight and respectability, as may be obtained by others from the benefits of the University. . . . Such an arrangement would complete the circle of the useful sciences embraced by this institution, and would fill the chasm now existing, on principles which would leave inviolate the constitutional freedom of religion, the most inalienable and sacred of all human rights, over which the people and authorities of this state, individually and publicly, have ever manifested the most watchful jealousy; and could this jealousy be now alarmed, in the opinion of the legislature, by what is here suggested, the idea will be relinquished on any surmise of disapprobation which they might think proper to express."[28]

Today, the Court would hold that permitting religious schools to establish themselves on the confines of a public university would constitute *aid to religion* and thereby violate the Establishment Clause. Indeed, the court had considered a case where religious instruction was made available on public school property. In *McCollum* v. *Board of Education*,[29] Justice Black again writing for the Court, invalidated an Illinois statute permitting religion teachers to come weekly into the school buildings during regular hours to provide religious instruction. Although the "released time program" was completely voluntary, the Court held that permitting religious instruction on public school property was aiding religion and in violation of the Establishment Clause. Given Jefferson's suggestion about the University of Virginia, it seems he would have decided the *McCollum* case differently.

Justice Black also quoted James Madison's *Memorial and Remonstrance Against Religious Assessments* (1785)[30] which antedates the First Amendment by four years and which was never offered as an interpretation of the First Amendment. In fact, it was Madison's response to a bill before the Virginia Assembly which if enacted would have required all Virginia taxpayers to support teachers of the Christian religion. Madison argues more against the government giving preferential treatment to one religion rather than arguing against any government aid to religion. Madison shows he understands an "establishment of religion" to mean preferential treatment towards one religion—not prohibiting any aid to religion.

A leading historian, Robert L. Cord, suggests that Madison's *Memorial* is over-emphasized in trying to discern Madison's position on church-state issues. Cord notes two bills introduced by Madison in the Virginia Assembly on October 31, 1785 which indicate he did not interpret the First Amendment to mean an absolute separation between church and state.

First, Bill No. 84, "A Bill for Punishing Disturbers of Religious Worship and Sabbath Breakers," intended to punish those who worked on Sunday. The bill enacted into law in 1786 provided:

"84. A Bill for Punishing Disturbers of Religious Worship and Sabbath Breakers

"Be in enacted by the General Assembly, that no officer, for any civil cause, shall arrest any minister of the gospel, licensed according to the rules of his sect, and who shall have taken the oath of fidelity to the commonwealth, while such minister shall be publicly preaching or performing religious worship in any church, chapel, or meeting-house, on pain of imprisonment and amercement, at the discretion of a jury, and of making satisfaction to the party so arrested.

"And if any person shall of purpose, maliciously, or contemptuously, disquiet or disturb any congregation assembled in any church, chapel, or meeting-house, or misuse any such minister being there, he may be put under restraint during religious worship, by any Justice present, which Justice, if present, or if none be present, then any Justice before whom proof of the offense shall be made, any cause the offender to find two sureties to be bound by recognizance in a sufficient penalty for his good behavior, and in default thereof shall commit him to prison, there to remain till the next court to be held for the same county; and upon conviction of the said offence before the said court, he shall be further punished by imprisonment and amercement at the discretion of a jury.

"If any person on Sunday shall himself be found labouring at his own or any other trade or calling, or shall employ his apprentices, servants or slaves in labour, or other business, except it be in the ordinary household [sic] *offices of daily necessity, or other work of necessity or charity, he shall forfeit the sum of ten shillings for every such offence, deeming every apprentice, servant, or slave so employed, and every day he shall be so employed as constituting a distinct offense."*[31]

A second bill, Bill No. 85, "A Bill for Appointing Days of Public Fasting and Thanksgiving," was not enacted into law but would have imposed a fine on any "minister of the gospel" who without an excuse failed to issue such a proclamation. The bill read:

"85. A bill for Appointing Days of Public Fasting and Thanksgiving

"Be it enacted by the General Assembly, that the power of appointing days of public fasting and humiliation, or thanksgiving, throughout this commonwealth, may in the recess of the General Assembly, be exercised by the Governor, or Chief Magistrate, with the advice of the Council; and such appointment shall be notified to the public, by a proclamation, in which the occasion of the fasting or thanksgiving shall be particularly set forth. Every minister of the gospel shall on each day so to be appointed, attend and perform divine service and preach a sermon, or discourse, suited to the occasion, in his church, *on pain of forfeiting fifty pounds for every failure, not having a reasonable excuse."*[32]

These two bills introduced by Madison, the fact that he signed four Thanksgiving Day Proclamations and was a member of the House committee that recommended a chaplain system serve as evidence that he could not have believed Black's absolute separation of church and state principle at the time the First Amendment was adopted.

Some historians judge Madison on his *Detached Memoranda* in which he condemns chaplains and argues for a broader interpretation of the First Amendment so that it should "forbid anything like an establishment of religion."[33] Other scholars refuse to place too much emphasis on the *Memoranda* since it was written five years after Madison left the presidency and it contradicts his earlier actions as a congressman and President. Robert L. Cord writes:

"Obviously the Madison of the *Detached Memoranda* is not the Madison responsible for the First Amendment nor the President who issued Proclamations of Days of Thanksgiving and Prayer."[34]

Professor Corwin says: "In his later years Madison carried the principle of church and state to pedantic lengths."[35]

In sum, because Justice Black attempts to justify his broad interpretation on historical data he should have analyzed more fully the history surrounding the First Amendment. Robert L. Cord, who thoroughly investigated the history of the First Amendment in his book *Separation of Church and State: Historical Fact and Current Fiction* wrote:

"It is time for the Supreme Court to discontinue promulgating a distorted version of American history brought into being, and carefully maintained, by the selection and omission of primary historical sources."[36]

Those who believe in religious liberty and freedom of religion may have won a small battle in the *Everson* case, but as history shows us they lost the war. This landmark case paved the way for the court's decision in 1962 to prohibit voluntary school prayer which would have been impossible without Black's broad interpretation of the Establishment Clause based on a selective review of history and his desire to make the Establishment Clause applicable to the States.

FOOTNOTES

[1] *Adamson v. California*, 332 U.S. 46 (1947) at p. 63

[2] Paul Brest "The Misconceived Quest for the Original Understanding" *Boston University Law Review*, Vol. 60, p. 204 (1980).

[3] This interpretation of the First Amendment is discussed by: James B. McClellan, "The Making and Unmaking of the Establishment Clause," in Patrick B. McGuigan and Randall R. Rader, eds., *A Blueprint for Judicial Reform* (Washington, D.C.: Free Congress Foundation, 1981), pp. 295-326; Peter J. Ferrara, *Religion and the Constitution: A Reinterpretation* (Washington, D.C.: Free Congress Foundation, 1983); Robert L. Cord, *Separation of Church and State Historical Fact and Current Fiction* (New York: Lambeth Press, 1982); Joseph Story, III *Commentaries on the Constitution* sections 1864 thru 1873 (1833).

[4] Joseph Story, III *Commentaries on the Constitution* section 1871 (1833) (Emphasis added.)

[5] Ibid., Section 1873 (Emphasis added.)

[6] Robert L. Cord, *Separation of Church and State Historical Fact and Current Fiction* (New York: Lambeth Press, 1982) p. 49; James B. McClellan, "The Making and Unmaking of the Establishment Clause," in Patrick B. McGuigan and Randall R. Rader, eds., *A Blueprint for Judicial Reform* (Washington, D.C.: Free Congress Foundation, 1981) p. 295.

[7] McClellan, in *A Blueprint for Judicial Reform*, pp. 300-308, and Cord, *Separation of Church and State* p. 4.

[8] McClellan, in *A Blueprint for Judicial Reform.*

[9] *Mash v. Ernest Chambers* (no. 82-83) 51 L. W. 5162, June 28, 1983.

[10] Cord, *Separation of Church and State*, p. 45 citing Public Statutes at Large, Vol. I, "Acts of the Fourth Congress," Sess. I, Chap. 46, pp. 271-72.

[11] James D. Richardson, *A Compilation of the Messages and Papers of the Presidents*, 1789-1897,

Vol. I (Washington, D.C.: Bureau of Literature and Art, 1901) p. 34.

[12] Ibid., p. 64.

[13] Edward S. Corwin. "The Supreme Court As National School Board," *Law and Contemporary Problems*, Vol. 14, p. 14 (1949) citing I *Messages and Papers of the Presidents* (Richardson ed. 1896).

[14] Swanson, "Religion in Public Schools; *Nebraska Law Review*, Vol. 59, p. 425 (1980) at p. 436 citing 1. stat. 52 (July 13, 1787).

[15] McClellan, in *A Blueprint for Judicial Reform*, p. 311.

[16] *Everson v. Board of Education*, 330 U.S. 1, (1947).

[17] In 1937, in *De Jonge* v. *Oregon* (299 U.S. 353) the guarantee of freedom of assembly was made applicable to the states. In 1940, in *Cantwell* v. *Connecticut* (310 U.S. 296) the freedom of religion was made applicable to the states. In 1947, in *Everson* v. *Board of Education* (330 U.S. 1) the Establishment Clause of the First Amendment was made applicable to the states. In 1949, in *Wolf* v. *Colorado* (338 U.S. 25) the Fourth Amendment right to be free from unreasonable searches and seizures was made applicable to the states. In 1961, in *Mapp* v. *Ohio* (367 U.S. 643) the Fourth Amendment right to exclude from criminal trials evidence seized illegally was made applicable to the states. In 1962, in *Robinson* v. *California* (370 U.S. 660) the Eighth Amendment prohibition against cruel and unusual punishment was made applicable to the states. In 1963, in *Gideon* v. *Wainright* (372 U.S. 335) the Sixth Amendment right to counsel was made applicable to the states. In 1964, in MALLOY v. *Hogan* (378 U.S. 1) the Fifth Amendment right against self incrimination was made applicable to the states. In 1965, in *Pointer* v. *Texas* (380 U.S. 400) the Sixth Amendment right of a criminal defendant to confront the witnesses against him was made applicable to the states. Also in 1965, in *Griswold* v. *Connecticut* (381 U.S. 479) the Ninth Amendment implied right to privacy was made applicable to the states.

[18] The most notable is Charles L. Fairman, "Does the Fourteenth Amendment Incorporate the Bill of Rights?" *Stanford Law Review*, Vol. 2, p. 5 (1949) Note also: Raoul Berger; *Government by Judiciary: The Transformation of the Fourteenth Amendment.* (Cambridge, Mass.: Harvard University Press, 1977): Robert L. Cord, "Neo-Incorporation: The Burger Court and the Due Process Clause of the Fourteenth Amendment" *Fordham Law Review*, Vol. 44, p. 215 (1975).

[19] Berger, *Government by Judiciary*, p. 156, n. 95 quoting Fairman, Standford 137.

[20] *Barron v. Baltimore* 32 U.S. (7 Peters) 242 (1833).

[21] *U.S. v. Cruikshank* 92 U.S. 542 (1875) p. 551.

[22] Ibid., p. 552.

[23] *Prudential Insurance Co. v. Cheek*, 259 U.S. 530, p. 543 (1922).

[24] House Resolution 1, 44th Congress, 1st Session (1876).

[25] Joseph H. Brady, *Confusion Twice Confounded: The First Amendment and the Supreme Court* (South Orange, N.. Seton Hall University Press, 1954), p. 35.

[26] *Everson v. Board of Education, 330 U.S. 1 (1947) at pp. 15-16.*

[27] *Everson v. Board of Education, 330 U.S. 1 (1947) at p. 16. Full text of the letter: Saul K. Padover,* The Complete Jefferson (Freeport, N.Y.: Books for Libraries Press, 1943), pp. 518-19. (Emphasis added.)

[28] Corwin, "The Supreme Court As National School Board," p. 14. (Emphasis added.)

[29] *McCollum v. Board of Education*, 333 U.S. 203 (1948).

[30] *McCollum v. Board of Education*, 333 U.S. 203 (1948).

[31] Cord, *Separation of Church and State*, p. 217 citing Boyd, *The Papers of Thomas Jefferson, pp. 305-7.*

[32] Ibid., p. 220.

[33] For example, Leo Pfeffer, *Church, State and Freedom* (Boston: Beacon Press, 1967) Leo Pfeffer, *God, Caesar and the Constitution* (Boston: Beacon Press, 1975) and Supreme Court Justices Rutledge and Black.

[34] Cord, *Separation of Church and State, p. 36.*

[35] Corwin, "The Supreme Court as National School Board."

[36] Cord, *Separation of Church and State*, p. 223.

RELIGION, LIBERTY, AND LAW IN THE AMERICAN FOUNDING

(By Michael J. Malbin)

I am delighted to be here to speak on the subject of law, liberty, and religion. The subject is of immediate political interest, of course, but it also raised some of the deepest and most enduring questions of political philosophy. The political interest in the subject can be seen from the many bills before Congress in recent years concerning prayers in public schools and tax credits, vouchers, and other forms of aid for private schools. In addition, if the all-volunteer armed force does not provide adequate to the country's defense needs, we may expect Congress in future years to begin thinking again about a military draft. If it does so, we can be sure that the problem of conscientious objection will follow quickly on its heels.

What Congress will decide about these subjects cannot be predicted with any certainty. However, we can be certain about a few things: people on both sides of these issues will invoke the highest principles, they will be highly emotional, and they will be highly confused.

Public thought about the relationship between law, liberty, and religion has become almost entirely muddled over the past few decades. To some extent, this is understandable—particularly if we look at the subject from the perspective of religion. Everyone brings his own religious or nonreligious background to these debates—whether Protestant, Jewish, Catholic, Muslim, Buddhist, Shintoist, Taoist, or Securlar Humanist—each brings his own deepest convictions to bear on the subject. Each has his own understanding of the proper relationship between his church, his conscience, and his country's government and its laws. The perspective of religion is in one sense simple: from that perspective, the religious person obviously should always follow the commands of his or her religion. But the perspective becomes a lot more varied when we realize that every religion has its own approach to the relationship between religious authority and conscience or between civil authority and religion.

However, while the multiplicity of voices from the religious community may be understandable, the confusion we see when people look at the subject from the law's perspective is far less understandable. I will be speaking today from the perspective of civil society and law—specifically, from the perspective of the basic documents underlying the legal framework of our own civil society. For reasons that will become obvious, that perspective necessarily conflicts with that of religion on a number of key points. The dilemma of Antigone remains with us today as we think about the First Amendment.

The public understanding of the purposes of the First Amendment has become so shallow that people during the past election campaign went so far as to suggest that the principle of separation of church and state requires ministers to be political neuters who express no opinions about politics whatsoever. This view of the First Amendment is so misguided that it would not warrant comment were it not a reflection of something more pervasive—namely, a wide-ranging debasement in our public thought about the meaning of liberty and law. Numerous other examples of a similar debasement occur all over the current political landscape—from the libertarians, on the one hand, who equate liberty with the right to avoid any form of mandatory service or taxation under law, to misguided separationists, on the other, who argue that Congress should pass no law that happens to be closer to one set of religious convictions than another, even if the law is passed to serve a valid secular purpose.

The Supreme Court has not been free from shallow thinking on the nature of liberty and the connection between liberty and law, but at least it has not been this silly in its approach to the First Amendment. The Supreme Court recognizes that religion almost invariably involves commandments or duties relating to what is right and wrong in this world, and that such commandments, for religious people, often compel overt actions within government's and law's spheres of competence. As a result, the Court has not been among those who talk about separation of church and state as if it means that religion must have nothing to do with politics.

But the Court has been utterly confusing in almost everything else it has said about religion. Its interpretations of the meaning of the First Amendment's phrase—"Congress shall make no law respecting an establishment of religion"—have almost bordered on government by *ad hocracy.* The Court ruled in 1947 that "no establishment" meant that the government may not give any form of aid to religion. However, the rule was handed down in a case that decided it was all right to give aid to children who were using buses to go to religious schools.

Subsequent decisions have been equally baffling, as the Court moved away from the phrase "no aid" and focused instead on the requirement that laws must be strictly neutral, favoring neither religion nor irreligion. According to the neutrality test, aid to religious organizations as acceptable as long as its purpose and effect are secular and as long as granting the aid does not require government to become tangled excessively with the actual operation of religious institutions. But the test again provides little guidance. For example, the Court ruled that tuition tax credits to parents of private school children in New York have a religious effect because most of the private school students in that particular state attend Catholic parochial schools. What does this imply for future cases? Would a national tuition tax credit, applicable to a broader range of schools, be all right? What about vouchers given to all students who could then turn their vouchers over to the public or private school of their choice? The decision does not answer these questions. Or, take some other cases: does it really make sense to prohibit flat grants of aid to private and religious schools, colleges, and universities, and then start sorting out specific categorical grants, saying that some are all right and some are not, depending upon whether they go for buildings, laboratories, textbooks, or standardized tests? Does that sort of differentiation really make sense? It seems clear that any likely governmental grants could be made to fit one or another judicially crafted category, if the legislators would only know what the categories were. But the cases so far have had almost no predictive value for legislators trying to figure out what to do. All the legislators can do is act in an ad hoc way and hope their ad hocracy happens to match that of the courts.

We see the same kind of confusion in free exercise law today. The Supreme Court has held that the free exercise clause gives people a constitutional right—and I emphasize that word "right"—to be exempt from valid civil laws if the person believes the law would violate his religious conscience and if the court believes the law is not all that important. So, Amish people do not have to attend publicly accredited schools, but people who object to participating in particular wars do not have a right to be exempt from the draft. How the underlying rules will apply to future cases, such as the one now pending involving public solicitation by Hare Krishnas, cannot be predicted. Instead of clear rules of law, we again see judicial government by ad hocracy.

I would maintain that this ad hocracy by the courts is one major reason for the utter confusion we see in public discourse about the proper relationship between law, liberty, and religion. But I would go one step further in my comments about the courts. I would maintain that the courts have been forced into a set of ad hoc judgments because they have failed either to understand or to apply the principles of the Constitution that they are charged with expounding.

What I would like to do here with the rest of my time today is this. I would like to lay out the basic principles of the American founding with respect to law, liberty, and religion as I understand them. That will take up most of the rest of the time we have available. In the course of doing so, I hope I shall be shedding light on at least a few contemporary First Amendment issues, such as school prayer, aid to private schools, and conscientious objection.

In laying out the basic principles, it seems to me we ought to start with the Declaration of Independence, the most basic statement of the nation's principles. The Declaration will help us understand the relationship between law and liberty. To get to the role of religion, we then will have to move beyond the Declaration to the Constitution and Bill of Rights.

I would start discussion of the Declaration by reading its most famous sentence, the second sentence:

"We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—that to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness."

Now let us go back to the fourth of the self-evident truths: "To secure these rights Governments are instituted." Why governments? To answer this we have to back up a step. Why does the right to life, liberty, and the pursuit of happiness requires government? For the clearest answer, we should look to the source of Jefferson's phrase, namely, John Locke's Second Treatise of Government. Jefferson spoke of life, liberty, and the pursuit of happiness. Locke spoke of life, liberty, and property. With this slight change we can say—Garry Wills notwithstanding—Jefferson's thought and the Declaration are essentially Lockean. We know this from Jefferson's notes. Jefferson took extensive notes on Locke, and the Declaration very closely follows the Second Treatise, especially the chapter in the treatise on the dissolution of government.

Why are governments necessary? Locke's answer, essentially similar to one given decades earlier by Thomas Hobbes, turns upon his distinction between the state of nature and civil society. For Locke, the state of nature refers not to a historical, prepolitical human condition but to a condition that is always possible and to some extent always present. People are in a civil society, according to Locke, when they accept a common magistrate or authority above them. They are in a state of nature with respect to each other when they accept no such common magistrate. (Foreign leaders, in the absence of international law, are thus in a Lockean state of nature.) Without a common magistrate, men are free, independent, and equal. They want to preserve their life, liberty, and property, and they have a natural right to do so. The right to preserve life carries with it the right to enhance life by mixing one's labor with the scarce goods provided by nature and then to acquire or own the resulting product. However, according to Locke, it is all but impossible to use labor effectively in a purely natural state. Improving upon nature presupposes time and security. Without common magistrates, however, the person who improves upon nature should not be surprised to find someone else stealing the fruits of his labor. While people are not said to have a natural right to steal, they do have a natural right to take what they may need to survive. Since the absence of a common magistrate means that everyone must judge for himself what he needs for his own survival, and since nature cannot provide enough for human survival without improvement and labor, scarcity and conflict will inevitably result in the state of nature from the desire to preserve life. Therefore, governments are instituted to prevent conflict, to preserve the peace and security needed to permit people to improve upon nature, and thus to help preserve and enhance their lives.

So, for Locke, liberty is natural, the desire to preserve life is natural, and war is the all but inevitable consequence of nature. For Locke and for the Declaration of Independence the purpose of civil society is to preserve the peace that lets people enjoy life, liberty, and the ability to pursue property. Civil society secures the right to liberty because civil society is essential for peace. To put this another way, liberty may be enjoyed only in civil society; the fruits of liberty may be obtained only in civil society. Therefore, while the purpose of civil society has to do with liberty, the notion of liberty within civil society necessarily is self-limiting. Liberty cannot be protected without government. Therefore, liberty cannot be enjoyed without law. And, therefore, liberty must be confined within bounds that permit government and the rule of law to exist.

This creates a seeming paradox. How can you equate freedom with obedience to law? The answer is that law abidingness and freedom are not simply equated. Let us remember, the Declaration of Independence is a revolutionary document. The protection of liberty requires law, but for a law to deserve such unquestioned obedience, it must come from a government to which the citizens have given their consent. And consent, Locke argues, will be given freely only to a government that limits its activities to protecting rights that exist, but cannot be enjoyed, in a state of nature. Such governments are rare, as we all know.

Now let us go back to the sentence I just read from the Declaration, and reread another part of it. "Whenever any form of government becomes destructive of these ends [life, liberty, and the pursuit of happiness], it is the right of the people to alter or to abolish it, and to institute new government." What doest this mean? Why is the word "form" in there? The Declaration of Independence does not say that whenever the government restricts liberty, rebellion is justified. All governments necessarily restrict liberty, and liberty cannot be enjoyed without government.

According to the Declaration, and Locke, particular actions taken by the government cannot legitimately be disobeyed selectively because they restrict liberty in this or that instance. The reason is that selective disobedience undermines the principles of law that are necessary to preserve the peace. In the absence of law, people become judges of their own cases and the situation returns to a state of nature. Of course, when the government as a whole, or the form of government, becomes destructive of the ends of government, it is appropriate to change governments. But as long as the form of government works toward securing the proper ends, the need for a government of some sort means that people must put up with some restriction on their liberty to act as judges of their own cases. The protection against government's arbitrarily restricting liberty lies not in selective obedience but in the requirement that government be based on consent.

This is the theoretical basis for and backdrop to the Declaration of Independence. The presentation so far has been entirely grounded on nature and natural rights. That is, it has been entirely secular. It leaves no room for selective disobedience to law, even if the motive for disobedience rests on religious conscience.

However, while Locke's basis for civil society did not rest on religion, he did not ignore the subject. Hobbes and Locke were both familiar with religious warfare, and both saw religious zealotry as a major threat to peace. Since preserving the peace was the first goal of civil society, one major aim of their writing was to weaken the attractiveness of religion by transferring people's fears and concerns away from salvation and to this life. The Declaration retains this focus on the goods of this world.

Yet, this somehow does not seem an adequate description of the role of religion in this country. It all seems so negative. We all know that religion was an important part of the Founding Fathers' scheme of government. Far from wanting a purely secular nation, their aim was to channel religion, to transform it, to preserve the useful parts while putting the dangerous parts under the control of civil law. The idea was to retain a vital religious life, because religion was thought to be important to teaching virtue, and virtue was considered essential to good citizenship. Somehow, this had to be retained without promoting the conditions that would cause religious civil war. To see how this was to be done, let us take our next step in this theoretical journey—to Federalist No. 10.

Many of you are familiar, I am sure, with the argument of Federalist No. 10. It is essentially the same as an argument Madison presented at the 1787 Convention in Philadelphia. But for those who are not familiar with it, or who need to be reminded, let me go over the ground quickly. Federalist No. 10 is the paper in which Madison talked about the dangers of faction. He defined the term "faction" to refer to any number of citizens united by common impulse, passion, or interest, who act in a way that is adverse to the rights of others citizens or adverse to the permanent interests of the community. Factions, Madison said, are natural. As a result, it is futile to try to eliminate them or to remove their causes. So, if you want to control the dangers of factions, it becomes necessary to pay attention to their effects. Madison discussed the effects of minority factions, factions making up only a small portion of the nation in which they exist, and majority factions. Minorities sometimes are able to get their way over majorities, but the cure is easy to prescribe, Madison says. The cure of minority factions is democracy. No group can get its way against the will of a majority provided the majority gets a chance to express its will. The particular danger of democracy is not what a minority might do to a majority but the opposite, what a majority might do to a minority. How can dangers of majority factions be minimized? According to Madison, there is no way in a democracy to prevent a determined, long-lasting majority from working its will. However, there are ways to make it more difficult for such a majority to form. The most effective way, he argued, is to extend the sphere of the republic. Make the Nation larger, make it more complex through the development of commerce, and what will result will be a multiplicity of factions so complex that it will be unlikely for a majority to coalesce around a single factional issue. If no one faction makes up a majority on its own, it means that the majority necessary for democratic rule will have to be formed by coalitions of minorities who necessarily will have to compromise with each other before they can have their way.

The basic outlines of this argument are probably familiar to most of you. It is presented most often in discussions of the role of interest groups, particularly economic interest groups. In fact, the prominence Madison gave to commerce often leads people mistakenly to assume that he was thinking solely of economic interests. Nothing could be further from the truth. Madison made it clear that a faction could be a group of people held together by common interests, common passions, or common opinions. In fact, the two main sorts of divisions Madison specifically mentioned as being dangerous to the stability of democracy were the divisions between the rich and poor and the divisions among religious sects.

Thus, we can begin to see that there is a sense in which the Constitution, broadly speaking, was meant as an answer to the problem of religion. Religious opinions were seen as sources of factions, and factions as potential threats to civil peace. The solution seems almost paradoxical. Religious factions were to be encouraged to be fruitful and multiply. As they multiply, the odds of any one faction's gaining a majority decrease. Of course, authors of the Federalist hoped to tame religious passions in other ways as well. Remember that a multiplicity of faction was seen as being most likely to flourish in a nation friendly to commerce. But a commercial nation, a nation whose people are wedded to trade, manufacture, and the spirit of profit, is not likely to be a nation whose people would be willing to destroy the civil peace for the sake of their religion.

None of this is stated explicitly in the Constitution. However, it is implied by the very fabric of that document, and it is spelled out very clearly in the Federalist. The only place in the main body of the Constitution where religion is mentioned is in Article 6, which prohibits the use of religious-test oaths for officers of the United States.

Many people during the state ratifying debates over the Constitution were concerned that there was no specific protection of religious conscience in the document, and several states called for adoption of a Bill of Rights immediately after the Constitution was ratified. Madison argued that a Bill of Rights was not necessary because the government was not delegated the power to legislate in a way that would affect speech or religion or the other matters that concerned the Antifederalists. The greatest protection for religious liberty, Madison felt, was an extended republic. But this was not enough for the Antifederalists. They wanted a Bill of Rights, and enough of the Constitution's supporters agreed with them to make adoption of a Bill of Rights politically necessary in the First Congress. Convinced by this outpouring that a Bill of Rights would help secure support for the new Constitution, Madison became its principal drafter and shepherd in the House of Representatives.

Let us now turn to the Bill of Rights, specifically to the sixteen words in the First Amendment reading: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." So far we have seen that, in the Declaration of Independence, liberty depends upon governments based on consent. We have also seen that the *Federalist* describes the Constitution as creating an extended sphere in which the multiplicity of sects and factions would promote liberty.

What do the sixteen words of the First Amendment religion clauses add to this? Does the free exercise clause say anything about the relationship between law and conscience that is not in the Declaration of Independence? Does the establishment clause, with its prohibition of an established church, say anything that is not in Madison's idea of an extended republic? I would maintain that the answer in both cases is no. That is precisley why Madison thought the Bill of Rights was redundant. But, while the Bill of Rights may have been redundant, given Madison's limited view of the powers conferred on the government by the "necessary and proper" clause, it does make the intended limits more clear—particularly in light of the broader Hamilton-Marshall view of "necessary and proper" that has prevailed.

Let me start with the free exercise clause. There was virtually no discussion or debate of the free exercise clause during the First Congress that considered and passed the Bill of Rights, so we have very little by way of direct evidence about precisely what its authors meant by the phrase. We can see from the debates in the first Congress that its authors at least meant to prevent Congress from prohibiting or compelling any form of religious worship, by, for example, either prohibiting or requiring prayers. That is, the clause protected not only the exercise of religion but the freedom of its exercise.

Beyond this, the meaning of the free exercise clause is less clear, but it did develop out of a well-known history that included, among other things, the Virginia Bill for Establishng Religious Freedom. There is absolutely nothing in this history to suggest that the authors of the Bill of Rights thought that religious people should be granted a right to be free of any legal obligations solely because law might clash with their religious consciences.

There was no direct discussion of this matter in connection with the First Amendment during the First Congress. But a very similar issue did come up during discussion of the Second Amendment. That amendment now reads as follows: "A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed." When that militia provision passed the House of Representatives, it contained an additional clause reading as follows: "No person religiously scrupulous of bearing arms shall be compelled to render military service in person." The Senate dropped this conscientious objector clause largely because some members of the First Congress explicitly rejected the idea that religious exemptions should be treated as rights. For example, Edward Benson of New York said in the House of Representatives that "no man can claim this indulgence of right . . . [It] ought to be left to the discretion of the government."

The point here is not that the authors of the First and Second Amendments wanted to deny conscientious objector status to people who objected to bearing arms for religious reasons. It was just the opposite. They did grant exemptions to conscientious objectors. But they wanted those exemptions to be understood to be matters of grace extended by statute. They did not believe that they belonged to citizens as a matter of natural or constitutional right. The principle of law cannot permit the individual to decided whether or when to obey the law. In Locke's terms, that would make the individual the judge of his own case. Exemptions granted as a matter of grace do not violate this principle, but making exemptions a constitutional right would give the individual the right to decide when and whether the law applies to him.

As I hope this discussion of free exercise makes clear, the people who wrote the First Amendment expected the nation to be friendly toward minority religions. Moreover, we saw that the whole design of *Federalist* No. 10 involved creating an extended republic in which a multiplicity of religious sects would flourish. That being the case, why was an establishment clause necessary? It seems to go without saying that a nation with a multiplicity of sects would not tolerate the establishment of a national church or the adoption of a national credo. The First Congress considered language that simply would have prohibited the establishment of a national church, but Congress rejected that language and adopted something broader.

The language finally adopted said that Congress shall make no law "respecting an establishment of religion." What does this mean? The clause fits somewhere in that broad ground between the minimalist definition that merely would have prohibited a national church and the position of the modern Supreme Court. Without going into all of the debates here, let me say that the establishment clause originally was meant to prohibit two different things, one relating to the present controversy over governmental aid to religion and the other relating to the relationship between the national government and the states.[1]

First, the establishment clause was meant to prohibit Congress from passing any law that would tend to prefer or favor one religion over others. It was meant, in other words, to require a strict neutrality between religions, not neutrality between religion and irreligion. This is absolutely clear from the debates in the First Congress. At one point, in a speech that reiterated a theme raised often during the debates, Benjamin Huntington expressed concern about one early version of the establishment clause because he thought "the words might be taken in such latitude as to be extremely hurtful to the cause of religion." Huntington "hoped therefore, that the Amendment would be made in such a way as to secure the rights of conscience, and a free exercise of the rights of religion, but not to patronize those who possess no religion at all." There were ample protections for atheists elsewhere in the Constitution—notably in the free speech clause and the clause prohibiting religious-test oaths for office. But contrary to the modern Supreme Court, the establishment clause had nothing to do with atheists. It was meant to prohibit Congress from discriminating among religions. All through the First Congress debates, the wording of the establishment clause was very different from the wording we know now. During the debates, the clause was worded "no religion shall be established by law," or "no national religion shall be established," or "no particular sect shall be established." Only at the last minute was the wording changed to "no law respecting an establishment of religion." The strange wording was responsible for the Supreme Court's mistaken idea that the amendment required strict neutrality between religion and irreligion. But the real reason for the shift related to an entirely different issue, the issue of federalism.

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[1] For a detailed analysis of the debates, see Michael Malbin, Religion and Politics: The Intentions of the Authors of the First Amendment (Washington, D.C.: American Enterprise Institute, 1978).

No single subject dominated the considerations of the First Congress as much as federalism. Thus it should be no surprise that concern over the power of the national government surfaced during consideration of the Bill of Rights. Antifederalists were concerned that Congress might restrict the power of the states to help religion. Specifically, Elbridge Gerry of Massachusetts and other Antifederalists from states with established churches wanted to make sure that Congress could not do anything to harm their states' religious establishments. That is the reason for that strange language in the First Amendment—"no law respecting an establishment of religion." Congress was prohibited not only from doing anything that tended to establish or favor a particular religion on the national level; it was also prohibited from doing anything respecting, or with respect to, the religious establishments in the states. The Supreme Court missed this point entirely in 1947. The decision to apply the establishment clause to the states involved an obvious circularity—how, after all, can the states be prohibited from passing laws that affect state religious establishments?

Let us assume, however, that the application of the establishment clause to the states is an irreversible fact. What would happen if we were to apply the rest of the original meaning of the establishment clause—no discrimination among religions—to today's religiously diverse nation? I believe that the original rule probably would prohibit Congress from doing most of what worries modern separationists. For example, it clearly would prohibit the government from prescribing school prayers for children, even supposedly voluntary prayers. A moment of silence would be all right, and probably a good idea. However, it would be impossible to write an official prayer today without offending some religious people. People from one religion would be offended by prayers chosen from another, devout people from most faiths would be offended by lowest common denominator pablum, and followers of certain Oriental religions that do not believe in a God to whom one prays would be offended by the implications of praying itself.

On the other hand, the establishment clause was not meant to prohibit truly nondiscriminatory forms of aid to religion. One such form of aid was adopted by the First Congress itself when it reenacted the Northwest Ordinance, which contained a clause giving free land to anyone who wanted to build churches or schools, including church schools, in the Northwest Territory. The land was available on a first-come, first-served basis. I would maintain that today's tuition tax credits or tuition vouchers are nondiscriminatory forms of aid not far different from the Northwest Ordinance. Tax credits and vouchers obviously raise different issues of public policy. Tax credits are easier to administer, but vouchers can be structured to give the public school system positive incentives to improve itself. Constitutionally, however, they are the same. They provide aid to parents without discriminating between secular and religious schools, let alone among religious sects.

While the issues seem clear under the original meaning of the First Amendment, they have been made less clear by the Supreme Court's reinterpretation of the religious clauses since 1947. It can almost be said of the modern court, as Karl Marx once said of the relationship between his own thoughts and Hegel's, that the Court has stood the First Amendment on its head. On the one hand, the Court correctly perceives that the framers wanted to encourage religion. But the Court has used the free exercise clause to grant religion special favors the framers never thought were required, while at the same time prohibiting the nondiscriminatory assistance the framers would have permitted. On the other hand, the Court also correctly sees that the Constitution is at its core a secular document. But the Court implements this perception through its reading of the establishment clause, while not permitting a religiously neutral application of civil law under the free exercise clause. The Court thus has created religious rights where none had existed, permitted religious opinion to stand as judge of the civil realm, while preventing the civil realm from helping religion on civil society's terms.

Lost somewhere in the theoretical murkiness of the Court's position is any indication of an awareness of the way the Founding Fathers meant the Declaration, Constitution, and Bill of Rights to promote both religious health and civil peace. Unfortunately, some of the Court's modern conservative critics seem equally unaware of the deepest purposes of the nation's founding documents. By trying to push prayer on a nation whose religions are far more diverse now than they were a century ago, these people threaten to excite exactly the same passions the Constitution was meant to damp down. Both sides would do well to give more careful study to the foundations of the constitutional democracy they are so busily trying to alter.

SEPARATION OF CHURCH AND STATE: HISTORICAL FACT AND CURRENT FICTION

(By Robert L. Cord, Professor of Political Science, Northeastern University)

THE GENESIS OF THE ESTABLISHMENT OF RELIGION CLAUSE

The story of the settlement of the New World in the early seventeenth century provides much of the historical background from which flowed the great guarantees of freedom of religion expressed in the First Amendment. A little more than a century before the first settlement appeared at Jamestown, the unity of the Western Christian world had been destroyed by the inception of the Protestant Reformation. The great nations of western Europe had become internally divided owing to the allegiances of different princes to different Christian codes. Many national schisms were resolved forcefully by the institution of established religions and the suppression of minority sects. Generally the reigning monarch's faith became the established faith of the state. Because of the vast political power held by the German princes or electors, the established religion in each province of the Holy Roman Empire was determined by the ruling elector.

A great many of the early American settlements were formed by dissident religious minorities fleeing from the Protestant establishments of England, Ireland, and Scotland. Paradoxically many Europeans who fled to the New World to escape established religion agreed that Church and State should be combined in their new settlements. With few exceptions, those who fled religious persecution were no more tolerant of religious dissenters than were those from whom they had fled. Thus, established churches became the order of the day in early America.[1]

At the outbreak of the American Revolution in 1775, there were established churches in nine of the thirteen colonies.[2] The Anglican Church had been established in Virginia in 1609, in New York's lower counties in 1693, in Maryland in 1702, in South Carolina in 1706, in North Carolina nominally in 1711, and in Georgia in 1758.[3] The Congregational Church was established in Massachusetts, Connecticut, and New Hampshire.[4] By the time that the Constitional Convention assembled in Philadelphia in the summer of 1787, however, only Georgia, South Carolina, Connecticut, Massachusetts, and New Hampshire had retained their religious establishments.[5] The Anglican Church had been disestablished in Virginia in 1786, and in New York, Maryland, and North Carolina during the Revolutionary War.[6] The elimination of established churches in the several States continued after the ratification of the Federal *Constitution* in 1788 and culminated in the disestablishment of the Congregational Church in Connecticut in 1818,[7] in New Hampshire in 1819,[8] and in Massachusetts in 1833.[9]

For those in the new United States who were concerned about the union of Church and State at the level of the national government the activities of James Madison and Thomas Jefferson in disestablishing the Anglican Church in Viriginia provided a useful legacy. Madison's "Memorial and Remonstrance Against Religious Assessments," written in 1785 in opposition to the use of Virginia's public funds to pay teachers of the Christian religion,[10] and Jefferson's

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Footnotes at end of article.

"Bill for Establishing Religious Freedom" in Virgina, proposed in 1779 and enacted in 1786,[11] were immensely important documents to disestablishmentarians who urged the separation of Church and State. Both documents would be invoked more than 150 years later when in 1947 the United States Supreme Court first comprehensively interpreted the "Establishment of Religion" Clause of the First Amendment.[12]

The religious guarantees of the First Amendment to the *U.S. Constitution* provide that: "Congress shall make no law respecting *an establishment of religion* or prohibiting the free exercise thereof; . . ." [13] The Amendment as written expresses two distinct constraints on the federal state's involvement in religion—one concerns religious establishments and the other the individual's free exercise of religion. The thesis advanced here is that placed in their historical context—with due consideration to the *words and actions* of the initial framers of this Amendment, to the Congress that proposed it to the States, to the States that made it part of the *Constitution*, and to the United States Government bound by it—the two religious prohibitions of the First Amendment were designed to establish a separation of Church and the national State. This separation was to be ensured by denying to Congress the constitutional authority to pass legislation providing for the formal and legal union of any single church, religion, or sect with the Federal Government. Thus the preferential status of one church, religion, or sect—elevating it to an exclusive governmental position of power and favor over all other churches or religious denominations—would be prevented. In addition, this concept of separation of Church and the national State would constitutionally prohibit Congress from interfering with any individual's religious convictions. Consequently the separation of Church and the national State envisioned by the adopters of the First Amendment would leave the matter of religious establishments or disestablishment to the wisdom of the several States.

The words that the First Congress eventually shaped into the First Amendment and its "Establishment" Clause were proposed by James Madison in the House of Representatives on June 8, 1789.[14] Madison—very aware that several States had ratified the new *Constitution* with the understanding that a series of Constitutional amendments would safeguard certain human rights from encroachment by the national government—called upon the First House of Representatives to act with swiftness tempered by reasonable care. Madison feared that undue delay in proposing that a "Bill of Rights" be added to the recently adopted *Constitution* might lower the credibility of the new central government. Referring to the unenthusiastic constitutional ratification of several States, he told his colleagues in the First House of Representatives that their constituents ". . . May think we are not sincere in our desire to incorporate such amendments in the Constitution as will secure those rights, which they consider as not sufficiently guarded. The application for amendments come from a very respectable number of our constituents, and it is certainly proper for Congress to consider the subject, in order to quiet that anxiety which prevails in the public mind. Indeed, I think it would have been of advantage to the Government if it had been practicable to have made propositions for amendments the first business we entered upon; it would have stifled the voice of complaint, and made friends of many who doubted the merits of the Constitution. Our future measures would then have been more generally agreeably supported; but the justifiable anxiety to put the Government into operation prevented that; it therefore remains for us to take it up as soon as possible. I wish then to commence the consideration at the present moment; I hold it to be my duty to unfold my ideas, and explain myself to the House in some form or other without delay. I only wish to introduce the great work, and, as I said before, I do not expect it will be decided immediately; but if some step is taken in the business, it will give reason to believe that we may come to a final result. This will inspire a reasonable hope in the advocates for amendments, that full justice will be done to the important subject; and I have reason to believe their expectation will not be defeated. . . ." [15]

Although several of the State Ratifying Conventions urged the protection of diverse individual rights, amendments guaranteeing freedom of religion were commonly suggested. These suggestions clearly indicated that the States wanted to prevent the establishment of a national religion or the elevation of a particular religious sect to preferred status as well as to prohibit interference by the national government with an individual's freedom of religious belief. For example, the Maryland Ratifying Convention proposed an amendment stating: "That there be *no national religion established by law*; but that all persons be equally entitled to protection in their religious liberty." [16] The Virginia Ratifying Convention proposed a "Declaration or Bill of Rights" as amendments to the *Constitution*, of which Article Twenty (adopted on June 27, 1788) stated:

"That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men have an equal, natural, and unalienable right to the free exercise of religion, according to the dictates of conscience, and that *no particular religious sect or society ought to be favored or established, by law, in preference to others.*" [17]

The New York Convention similarly declared:

"That the people have an equal, natural, and unalienable right freely and peaceably to exercise their religion, according to the dictates of conscience; and that *no religious sect or society ought to be favored or established by law in preference to others.*" [18]

Resolutions passed by the North Carolina and Rhode Island Conventions echoed Virginia's "Bill of Rights." [19]

Madison's original wording of the Establishment of Religion Clause also supports my thesis concerning the separation of Church and the national State: "The Civil rights of none shall be abridged on account of religious belief or worship, *nor shall any national religion be established*, nor shall the full and equal rights Conscience be in any manner, or on any pretext, infringed." [20] After the lengthy discussion the House essentially referred Madison's religious proposals—and all of the many other prohibitions restricting the national government that he sought to be put into the *Constitution*—to a "Committee of the Whole on the state of the Union." [21] Ultimately on July 21, the House of Representatives voted to establish a Select Committee empowered to consider the subject of Madison's proposed constitutional amendments and to report back to the full House.[22] Madison was appointed one of the Committee's members.[23] Interestingly, however, Madison believed that the religion amendment was not really necessary to prevent the Federal Government from establishing a national religion for he considered the national government to be merely one of delegated powers. In his judgment the general government could not legislate in this field since no power to establish a national religion had been delegated to it. Madison expressed this view before the Virginia Convention on June 12, 1788, prior to its ratification of the *Constitution:*

"Fortunately for this Commonwealth, a majority of the people are decidedly against any exclusive establishment—I believe it to be so in the other states. There is not a shadow of right in the general government to intermeddle with religion. Its least interference with it would be a most flagrant usurpation. I can appeal to my uniform conduct on this subject, that I have warmly supported religious freedom. . . . The United States abound in such a variety of sects, that it is a strong security against religious persecution, and its is sufficient to authorize a conclusion, that no one sect will ever be able to outnumber or depress the rest."[24]

When one examines the tests of the resolutions offered at the State Ratifying Conventions and the original Madison draft of the Establishment Clause, it becomes obvious, on the face, that they are concerned with preventing the Federal Government from establishing a national religion or raising one religion above the others.

Another concern of the State Ratifying Conventions was to protect freedom of conscience in religious matters. This issue is also evident in Madison's draft resolution submitted to the House. On a motion by Fisher Ames of Massachusetts, the House, acting as a "Committee of the Whole," on August 20, 1789, altered Madison's draft proposal to read: "Congress shall make no law establishing religion, or to prevent the free exercise thereof, or to infringe the rights of conscience."[25] Essentially, the House adopted Ames's versions of the "Establishment" and "Free Exercise" Clauses, which were sent to the Senate where they underwent further revisions.[26]

The Senate version that initially emerged from debate on September 3, 1789, was: "Congress shall make no law establishing one religious sect or society in preference to others, or to infringe on the rights of conscience."[27] By the end of the day's deliberation, however, the Senate through further amendments had changed the Clauses to read: "Congress shall make no law establishing religion, or prohibiting the free exercise thereof."[28] After further Senate debate on September 9, 1789, the Senate version which was sent back to the House ultimately read: "Congress shall make no law establishing articles of faith or a mode of worship, or prohibiting the free exercise of religion."[29]

The conference committee for the Bill of Rights included Madison and Roger Sherman of Connecticut, among others from the House, and a contingent from the Senate. The committee reported the "Establishment" and "Free Exercise" Clauses in their current form in the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This compromise language was accepted by the House on September 24, 1789, and by the Senate the following day.[30]

The words "respecting" and "establishment" are key terms in the Establishment Clause and should therefore be examined further. The word "respecting," which is synonymous with "concerning, regarding, about, anent," indicates that the First Amendment did not prohibit an establishment of religion; rather it prohibited Congress from making any law about, concerning, or regarding an establishment of religion. Since a national religious establishment did not exist at the time of the Amendment, it became unconstitutional to provide one after ratification.

As documented above, Madison took this position before the Virginia Convention on June 12, 1788. Ironically, Roger Sherman of Connecticut, when debating Madison in the House of Representatives, questioned the need for an Establishment of Religion Clause on this same Madison premise. On August 15, 1789, the debate in the House records that "Mr. Sherman thought the Amendment altogether unnecessary, inasmuch as Congress had no authority whatever delegated to them by the Constitution to make *religious establishments*; . . ." [31]

Madison's reply makes clear that some in the States feared that the "Necessary and Proper" Clause of Article I Section 8 might be used to "establish a religion." [32] Without doubt, Madison's retort to Sherman indicates that at that time in his career, Madison, the initial proponent of what eventually became the Establishment Clause, took the word "establishment" to mean a governmental religion such as a state church.

"Mr. Madison said, he apprehended the meaning of the words to be, that Congress should *not establish a religion, and enforce the legal observation of it by law*, nor compel men to worship God in any manner contrary to their conscience. Whether the words are necessary or not, he did not mean to say, but they had been required by some of the State Conventions, who seemed to entertain an opinion that under the clause of the Constitution, which gave power to Congress to make all laws necessary and proper to carry into execution the Constitution, and the laws made under it, enabled them to make laws of such a nature as *might infringe the rights of conscience, and establish a national religion; to prevent these effects he presumed the amendment was intended*, and he thought it as well expressed as the nature of the language would admit." [33]

Despite the clarity, that the concern of those who framed the Establishment Clause was addressed to the possible imposition of a *single church or religion* by the Federal Congress, an argument still noted and/or advanced by some scholars is that the European model of a constitutional single established religion *was not* what was feared by the "Fathers" of the First Amendment. This argument has been succintly summarized as follows:

"The phrase 'establishment of religion' must be given the meaning that it had in the United States in 1791, rather than its European connotation. In America there was no establishment of a single church, as in England. Four states had never adopted any establishment practices. Three had abolished their establishments during the Revolution. The remaining six states—Massachusetts, New Hampshire, Connecticut, Maryland, South Carolina, and Georgia—changed to comprehensive of 'multiple' establishments. That is, aid was provided to all churches in each state on a nonpreferential basis, except that the establishment was limited to churches of the Protestant religion in three states and to those of the Christian religion in the other three states. Since there were almost no Catholics in the first group of states, and very few Jews in any state, this meant that the multiple establishment practices included every religious group with enough members to form a church. It was this nonpreferential assistance to organized churches that constituted 'establishment of religion' in 1791, and it was this practice that the Amendment forbade Congress to adopt." [34]

Assuming, but not conceding, the validity of this broad interpretative statement about American religious establishments, this pluralistic view of the concept of established religion cannot, for the following reasons, be reconciled with the historical facts that brought the Establishment Clause into existence.

First, the resolutions of the State Constitutional Ratifying Conventions from Maryland, Virginia, New York, North Carolina, and Rhode Island, understood in their historical context, all urged a constitutional amendment prohibiting *a single national religious establishment.*[35]

Second, in response to these State Ratifying Convention's requests, James Madison introduced his original draft of the Establishment Clause which on its face is clearly designed to foreclose a national religion, *not religions.*

Third, Madison's interpretation given to Roger Sherman during the House's August 15, 1789 debate as to what the House's Select Committee's Report meant (regarding its recommended prohibition "that no religion shall be established by law") indicates clearly that Madison believed Congress was being denied the power to "establish a national religion" *not religions.*[36]

Fourth, the final wording of the religious clauses of the First Amendment—"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof"—shows the intent to prevent a single and not some pluralistic national religious establishment. As Michael J. Malbin has noted:

"Had the framers prohibited "*the* establishment of religion," which would have emphasized the generic word "religion," there might have been some reasons for thinking they wanted to prohibit all official preferences of religion over irreligion. But by choosing "an establishment" over "the establishment," they were showing that they wanted to prohibit only those official activities that tended to promote the interests of one or another particular sect.

"Thus, through the choice 'an' over 'the,' conferees indicated their intent. The First Congress did not expect the Bill of Rights to be inconsistent with the Northwest Ordinance of 1787, which the Congress reenacted in 1789. One key clause in the Ordinance explained why Congress chose to set aside some of the federal lands in the territory for schools: 'Religion, morality, and knowledge,' the clause read, 'being necessary to good government and the happiness of mankind, schools and the means of learning shall forever be encouraged.' This clause clearly implies that schools, which were to be built on federal lands with federal assistance, were expected to promote religion as well as morality. In fact, most schools at this time were church-run sectarian schools." [37]

On the basis of the resolutions from the Ratifying Conventions in Maryland, Virginia, New York, North Carolina, and Rhode Island, the origin Madision text concerning religious prohibitions placed on national governmental power in the First Amendment, and Madislon's own interpretation during debate in the House of Representatives of the prohibitions concerning religion, I conclude that Madison and the other supporters of these prohibitions wished to deny Congress the power to establish a national religion. Congress was to have no power to elevate by law any religion or religious sect to a preferred status, and it was barred from interfering with individual liberty of religious conscience. These limiting principles of the First Amendment are also supported by the early and widely respected scholars of the Federal *Constitution*, Joseph Story and Thomas McIntyre Cooley.[38]

An Associate Justice of the United States Supreme Court from 1811 to his death in 1845 and concurrently a professor at the Harvard Law School from 1829, Story presented in his miltivolume work on the *Constitution* an authoritative statement of attitudes toward the religious prohibitions of the First Amendment during the early days of the Republic, when "flesh" was being put on the "skeleton" that was the *Constitution*. Appointed by Madison to the Supreme Court, Justice Story held substantially the same view of the religion clauses of the First Amendment as did the former President when Madison was the Amendment's initial author and champion in the House debates. Story's *Commentaries* saw the First Amendment as prohibitive of a Federal establishment of a national Church or the official preference of a particular religion or religious sect, but not hostile to the encouragement of religion:

"The real difficulty lies in ascertaining the limits to which government may rightfully go in fostering and encouraging religion. . . .[39]

"Probably at the time of the adoption of the Constitution, and of the amendment to it now under consideration [First Amendment], the general if not the universal sentiment in America was, that Christianity ought to receive encouragement from the States so far as was not incompatible with the private rights of conscience and the freedom of religious worship. An attempt to level all religions, and to make it a matter of state policy to hold all in utter indifference, would have created universal disapprobation, if not universal indignation.[40]

"The real object of the First Amendment was not to countenance, much less to advance, Mahometanism, or Judaism, or infidelity, by prostrating Christianity; *but to exclude all rivalry among Christian sects, and to prevent any national ecclesiastical establishment which should give to a hierarchy the exclusive patronage of the national government. It thus cut off the means of religious persecution (the vice and pest of former ages), and of the subversion of the rights of conscience in matters of religion* which had been trampled upon almost from the days of the Apostles to the present age. . . ." [41]

Like Story, Cooley did not consider that the First Amendment, or even state constitutions mandated absolute separation of Church and State. Citing many activities by which the state was aiding religion, Cooley saw no violation of any American constitutional principle as long as the national government treated all religions equally. In *Constitutional Limitations*, first published in 1868, Cooley warned that exclusive aid to a particular religious denomination or sect without doubt is the evil precluded by the principles of the U.S. *Constitution*. Concerning relations between the Federal and State Governments and religion, he wrote:

But while thus careful to establish religious freedom and equality, *the American constitution contain no provisions which prohibit the authorities from such solemn recognition of a superintending Providence in public transactions and exercises as the general religious sentiment of mankind inspires, and as seems meet in finite and dependent beings.* Whatever may be the shades of religious belief, all must acknowledge the fitness of recognizing in important human affairs the superintending care and control of the Great Governor of the Universe, and of acknowledging with thanksgiving His boundless favors, at the same time that we in contrition when visited with the penalties of His broken laws. *No principle of Constitutional law is violated when thanksgiving or fast days are appointed; when chaplains are designated for the Army and Navy; and when legislative sessions are opened with prayer or the reading of the Scriptures, or when religious teaching is encouraged by exempting houses of religious worship from the taxation for the support of State government. Undoubtedly the spirit of the Constitution will require, in all these cases, that care be taken to avoid discrimination in favor of any one denomination or sect; but the power to do any of these things will not be unconstitutional, simply because of being susceptible to abuse. . . .*"[42]

Finally, that the First Amendment originally left the entire issue of governmental involvement in religion to the States is extremely clear. When ratified in 1788, the *Constitution* contained no prohibition against individual state religious establishments; indeed, some States that ratified the *Constitution* had such religious establishments at the time of ratification, some of which continued to exist even after ratification of the First Amendment until they were ended by the States themselves (as in the case of Massachusetts which finally did so in 1833).

Supporting this view of the constitutional independence of the States in religious matters, President Thomas Jefferson in 1808 noted:

"I consider the Government of the United States as interdicted by the Constitution from meddling with religious institutions, their doctrines, discipiine or exercises. This results not only from the provision that no law shall be made respecting the establishment, or free exercise, of religion, *but from that also which reserves to the States the powers not delegated to the United States.* Certainly no power to *prescribe any religious exercise, or to assume authority in religious discipline*, has been delegated to the general government. *It must then rest with the State*, as far as it can be in any human authority."[43]

Justice Story's *Commentaries on the Constitution* indicate that he also believed the First Amendment left religious establishments in the hands of the States:

"It was under a solemn consciousness of the dangers from ecclesiastical ambition, the bigotry of spiritual pride, and the intolerance of sects, thus exemplified in our domestic as well as in foreign annals, *that it was deemed advisable to exclude from the national government all power to act upon the subject.* The situation, too, of the different States equally proclaimed the policy as well as the necessity of such an exclusion. In some of the States, Episcopalians constituted the predominant sect; in others, Quakers; and in others again, there was a close numerical rivalry among contending sects. It was impossible that there should not arise perpetual strife and perpetual jealousy on the subject of ecclesiastical ascendency, if the national government were left free to create a religious establishment. The only security was in extirpating the power. But this alone would have been an imperfect security, if it had not been followed up by a declaration of the right of the free exercise of religion, and a prohibition (as we have seen) of all religious tests. *Thus the whole power over the subject of religion is left exclusively to the State governments, to be acted upon according to their own sense of justice and the State Constitutions;* and the Catholic and the Protestant, the Calvinist, the Armenian, the Jew and the Infidel, may sit down at the common table of the national councils without any inquisition into their faith or mode of worship."[44]

From the above documentation, I conclude that, regarding religion, the First Amendment was intended to accomplish three purposes. First, it was intended to prevent the establishment of a national church or religion, or the giving of any religious sect or denomination a preferred status. Second, it was designed to safeguard the right of freedom of conscience in religious beliefs against invasion solely by the national Government. Third, it was so constructed in order to allow the States, unimpeded, to deal with religious establishments and aid to religious institutions as they saw fit. There appears to be no historical evidence that the First Amendment was intended to preclude Federal governmental aid to religion when it was provided on a nondiscriminatory basis. Nor does there appear to be any historical evidence that the First Amendment was intended to provide an *absolute separation or independence* of religion and the national state. The actions of the early Congresses and Presidents, in fact, suggest quite the opposite.

FOOTNOTES

[1] For a general discussion of the early development of religious establishments in the North American Colonies, see Anson Phelps Stokes and Leo Pfeffer, *Church and State in the United States*, rev. ed. in I vol. (New York: Harper and Row, 1964), chap. 1, pp. 3-29; and Leo Pfeffer, *Church, State, and Freedom*, rev. ed. (Boston: Beacon Press, 1967), chap. 3, pp. 71-90.

[2] Stokes and Pfeffer, *Church and State*, pp. 36-37.

[3] Richard B. Morris, ed., *The Encyclopedia of American History*, Bicentennial ed. (New York: Harper and Row, 1976), p. 820.

[4] Stokes and Pfeffer, *Church and State*, p. 37.

[5] Morris, *The Encyclopedia of American History*, p. 824.

[6] Ibid., p. 824; and Samuel Eliot Morison, *The Oxford History of the American People* (New York: Oxford University Press, 1965), p. 293. There is disagreement as to when Maryland, Georgia, and South Carolina disestablished the Anglican Church. Stokes and Pfeffer (p. 37) claim that these States continued their establishments through 1787, while Morison (p. 293) claims that the Anglican Church was disestablished in "Maryland and the Carolinas" during the war. Morris (p. 820) has the Georgia establishment abolished in 1789, while Stokes and Pfeffer (p. 37) have it ended during the war. These discrepancies may be due to different criteria used to make the judgment as to when disestablishment was accomplished.

[7] Morris, *The Encyclopedia of American History*, p. 824.

[8] William H. Harris and Judith S. Levey, eds., *The New Columbia Encyclopedia* (New York: Columbia University Press, 1975), p. 1922.

[9] Morris, *The Encyclopedia of American History*, p. 824.

[10] Saul K. Padover, ed., *The Complete Madison* (New York: Harper and Brother, 1953), pp. 299-306.

[11] Saul K. Padover, ed., *The Complete Jefferson* (Freeport, New York: Books for Libraries Press, 1969), pp 946-49.

[12] *Everson v. Board of Education*, 330 U.S. 1 (1947).

[13] This Amendment, passed by Congress on September 25, 1789 and ratified by three fourths of the States, went into effect December 15, 1791. Emphasis added.

[14] *Annals of the Congress of the United States, The Debates and Proceedings in the Congress of the United States*, Vol. I, Compiled from Authentic Materials, By Joseph Gales, Senior (Washington: Gales and Seaton, 1834), p. 434; hereafter referred to as *Annals of the Congress.*

[15] Ibid., p. 427.

[16] Jonathan Elliott, *debates on the Federal Constitution*, Vol. II (Philadelphia: J.B. Lippincott Co., 1901), p. 553. Emphasis added.

[17] Ibid., Vol III, p. 659. Emphasis added.

[18] Ibid., Vol. I, p. 328. Emphasis added.

[19] Ibid., Vol. I, p. 334; Vol. IV, p. 244.

[20] *Annals of the Congress*, Vol. I, p. 434. Emphasis added.

[21] Ibid., Vol. I, p. 450.

[22] Ibid., pp. 664-5.

[23] Ibid., p. 665. The other members of the House appointed to the Select Committee were Messrs. Vining, Baldwin, Sherman, Burke, Gilman, Clymer, Benson, Goodhue, Boudinot and Gale.

[24] Padover, *The Complete Madison*, p. 306. Emphasis added.

[25] *Annals of the Congress*, Vol. I, p. 766.

[26] For an excellent detailed report and analysis of the debates in the House and Senate regarding the Establishment Clause, see Michael J. Malbin, *Religion and Politics, The Intentions of the Authors of the First Amendment* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1978).

[27] Ibid., p. 12.

[28] Ibid., pp. 12-13.

[29] Ibid.

[30] Ibid., pp. 13-14.

[31] *Annals of the Congress*, Vol. I, p. 730. Emphasis added.

[32] U.S. *Constitution*, Art. I Sec. 8. The last paragraph provides the Congress with the power: "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers [all the enumerated powers of the Congress in Article I Section 8], and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

[33] *Annals of the Congress*, Vol. I, p. 730. Emphasis added.

[34] C. Herman Pritchett, *The American Constitution*, 3rd ed. (New York: McGraw-Hill; 1977), p. 401. This pluralistic interpretation of American "established churches" appears to be at odds with Morris, *The Encyclopedia of American History*, and Morison, *The Oxford History of the American People*, both of which indicate, that for the most part, single "establishments" existed in the States which had established churches. See also Pfeffer, *Church, State, and Freedom*, p. 73.

[35] See the text at fns. 16-19, supra.

[36] See the quote in the text at fn. 33, supra.

[37] *Malbin, Religion and Politics*, pp. 14-15.

[38] "With Story, he [Cooley] ranks as the most influential commentator on the Constitution." Morris, *The Encyclopedia of American History*, p. 1005.

[39] Joseph Story, *Commentaries on the Constitution of the United States*, 2nd ed., Vol. II (Boston; Charles C. Little and James Brown, 1851), Sec. 1872, p. 591. Emphasis added.

[40] Ibid, Sec. 1874, p. 593.

[41] Ibid, Sec. 1877, p. 594, Emphasis added.

[42] Thomas M. Cooley, *Constitutional Limitations* (Boston; Little Brown and Co., 1868), Chap. XIII, pp. 470-71. Emphasis added.

[43] Paul L. Ford, *Life of Jefferson*, Vol. 9 (Cambridge, Mass.: A. W. Elson and Co., 1904), p. 174. Emphasis added.

[44] Story, *Commentaries on the Constitution*, Sec. 1879, pp. 596-97. Emphasis added. Story relies heavily on *Lloyd's Debates*, which are frequently cited, for these conclusions.

A Restatement of the Intended Meaning of the Establishment Clause in Relation to Education and Religion

(By John Remington Graham*)

I. INTRODUCTION

On January 1, 1802, President Thomas Jefferson wrote Mssrs. Nehemiah Dodge, Ephraim Robbins, and Stephen S. Nelson an innocent and gracious letter:

> Gentlemen: The affectionate sentiments of esteem and approbation which you are so good to express towards me, on behalf of the Danbury Baptist Association, give me the highest satisfaction. My duties dictate a faithful and zealous pursuit of the interests of my constituents, and in proportion as they are persuaded of my fidelity to those duties, the discharge of them becomes more and more pleasing.
>
> Believing with you that religion is a matter which lies soley between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church and State. Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural right in opposition to his social duties.
>
> I reciprocate your kind prayers for the protection and blessing of the common Father and Creator of man, and tender you for yourselves and your association, assurances of my high respect and esteem.[1]

Mr. Jefferson did not intend his decorative metaphor of "a wall of separation between Church and State" to be a precise formulation of legal principle, as the full text of the letter—a social event, not an executive proclamation—plainly shows. Given the general and figurative sense of the words as used in context, the phrase is little more than a literary flourish of innocuous significance. Yet some have seized upon this language as if it were a venerable landmark carved in legal stone. The Danbury Baptist Letter, which is much discussed, but seldom read, is supposed to demonstrate that the establishment clause prohibits any contact between government and religion.[2]

If that abstract principle were taken as universal law in this country, and strictly applied without qualification, it would be unconstitutional for any organ, branch, magistrate, or employee of the government of the United States, or of any state, by any official act or use of property, to promote, protect, or acknowledge any usage, belief, practice phrase, symbol, institution, conduct, or undertaking having even a remotely religious meaning. It would be unconstitutional to permit a magistrate of government to take an oath instead of an affirmation when assuming the duties of office. The preamble of the Minnesota Constitution, which says that the people are grateful to God for the gift of freedom, would be legally improper. Our coinage would reflect an unconstitutional trust in God. Pope John Paul II, who was welcomed with full state honors in communist Poland, could not be permitted to say Mass on the government-owned mall near the Washington Monument. Naturally, it would be unconstitutional to tax church property differently than other private property. And, of course, any governmental tax relief or spending tending to foster the welfare of religious schools, or to ease the burdens of parents sending their children to such institutions, would be constitutionally prohibited.

There are only a few ways out of this cul-de-sac. We must either grant that all these implications follow from the notion of separation of church and state as a constitutional principle and see to it that the supposed demands of the first amendment are fully enforced, or we must acknowledge that complete separation of church and state is politically too demanding, and escape the more unpopular consequences, case by case, by using some pragmatic formula made as palatable as possible by judicial rhetoric. We can, however, take another, more fundamental approach: we can reexamine the original meaning of the establishment clause to determine whether there is something radically unsound about the separation doctrine. This article will pursue the last mentioned alternative.

One particularly difficult problem under the establishment clause is caused by various statutes or other governmental acts designed to promote religion as a phase of education. In this area the cases have applied the idea of separation of church and state with varying degrees of rigor. An examination of some of the more sweeping separationist decisions of our day provides insight into what absolute separationism really means.

In *Tudor* v. *Board of Education,*[3] the New Jersey Supreme Court held that a public school board resolution permitting free distribution of copies of the King James Bible to students on the premises of primary and secondary schools, after hours and with parental consent, violated state and federal guarantees against governmental establishment of religion. The King James Bible is one of the greatest works of religious literature ever published. If free distribution of a book containing the thrilling story of David and Goliath were unconstitutional, the same would hold for an anthology including the tale of St. George and the Dragon. Suppose some organization wished to distribute copies of the *Bhagavad Gita* in which the General Arjuna and the Lord Khrishna discourse on the eternal significance of battle. Or suppose the work were Plato's *Phaedo* in which Socrates eloquently discusses life after death before drinking hemlock. If the New Jersey Supreme Court were right, it would appear inescapable that authorized distribution of any of these works to children on public school premises, even after hours and with parental consent, would be unconstitutional. This construction would be manifestly correct if the establishment clause required literal separation of, hence no contact between, government and religion.

In *Committee* v. *Nyquist,*[4] the United States Supreme Court struck down a state law providing for direct grants to qualifying primary and secondary nonpublic schools for maintenance and repair of facilities and equipment, tuition reimbursement to parents of children attending such private schools, and certain income tax relief to such parents. Against this backdrop, in *MCLU* v. *State,*[5] the Minnesota Supreme Court held unconstitutional, as a law respecting an establishment of religion, an intricate statutory scheme of tax credits for parents paying educational costs to send their children to nonpublic primary and secondary schools. The statute disallowed credits to the extent of costs for material used in religious instruction, and was designed to make it financially possible for lower-income families to enjoy private education, whether secular or sectarian, thereby reducing the cost of public schools borne by taxpayers of the state. The opinion of the court was written by Justice Todd, who considered certain precedents of the United States Supreme Court, particularly *Committee* v. *Nyquist,* and concluded that the measure was invalid. The crucial principle, or *ratio decidendi,* was that if a statute has not a primary tendency, but any tendency to advance the interests of religious denominations, it cannot pass constitutional muster. Justice Yetka wrote in a concurring opinion,

"I do not fear that the legislation at issue in the instant case would somehow foster the establishment of any religion. . . . Our legislature appears now to be barred from making any reasonable effort to insure that nonpublic education will survive except for the very wealthy. However, the highest court of our land has spoken, and this court must adhere to its word."

Perhaps the Minnesota Supreme Court was right in its reading of the *Nyquist* case. If there can be no relationship at all between government and religion, there simply can be no direct or indirect public support of private education. Justice Yetka, therefore, may have been perfectly accurate in his comments concerning such a doctrine.

Since *Committee* v. *Nyguist* there has been further litigation, as if to ask the Justices of the United States Supreme Court if they really meant what they seemed to say. The answer has been an equivocal "maybe, maybe not."[7] While a simplistic doctrine of church-state has the virtue predictability, its great vice is an eventual government monopolization of education.

II. PRELIMINARY CRITIQUE

A central premise of the judicial trend being discussed is that tax support of public education is religiously neutral. A few years ago, Dr. Onalee McGraw published an incisive challenge to this assumption.[8] She claims that evidence indicating a fall of academic standards in public schools can be explained by the infusion of humanistic values into the curricula of instruction. She argues that children in public schools are systematically taught situation ethics, ethical relativism, and the like; and that these systems actually displace or compete with traditional, natural-law values of Judeo-Christianity. She contends further that this process of indoctrination has been so over-emphasized in some places as to exclude adequate focus on reading, writing, factual knowledge, logical reasoning, and mathematics.

This proposition should no doubt be considered with caution. And in the view of this writer, it misses the mark to condemn the religious philosophy of Humanism, which rests on a tradition as old as Epicurus, and to extol the precepts of Judeo-Christianity. But it is relevant to note that a distinctive moral system is taught with the help of public funds in some public schools. In a proper legal sense, Humanism[9] is a religion,[10] and a venerable one at that. Educators are not to be condemned for attempting to teach children now to think in moral terms. No. education would be sufficient, or even possible, without instruction concerning what ought to be, as well as what is.

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Footnotes are at the end of the article.

This consideration provides us with a key. The first amendment ordains that there shall be "no law respecting an establishment of religion, or prohibiting the free exercise thereof." The word "religion" appears only once. Manifestly, the establishment clause and the free exercise clause deal with the same subject matter. On the face of the Constitution, whatever amounts to "religion" for purposes of free exercise is also "religion" for purposes of no establishment.[11]

Section 6(j) of the Universal Military Training and Service Act of 1951, and the Military Selective Acts of 1967 and 1971[12] provided exemption from conscription to persons who are conscientiously opposed to participation in war in any form by reason of religious training and belief. This provision has been interpreted to include persons who are opposed to all war, whether they believe in God or not, even if they belong to no religious sect, and who express their deeply held beliefs solely in worldly terms.[13] While these cases ostensibly turn on statutory construction rather than constitutional principle, an idea of "religion" defined in the broadest possible way emerges. This legal conception of religion is measured by depth of belief concerning right and wrong, and is at least influenced by the religion clauses of the first amendment.

Given a definition this broad, "religion" must permeate virtually all phases of human life including education. Thus defined, religion cannot be extracted or separated from any system of education, public or private. Why, therefore, should anyone be surprised to learn that Humanism should be taught or that some other religious influence, such as Hindusim or Judeo-Christianity, should be felt in public schools? Even if a teacher avoids the use of theological language or symbols in the classroom, he will, should, and must teach something about the foundations of right and wrong—and this amounts to "religion" in the legal sense under consideration here. If we take religion as the foundation of conscience, so as to encompass the whole human family, all education is religious, even in public schools. And why should this not be so? Religion does not cease to be taught simply because the institution is a so-called "nonsectarian" or "public" school. Religion and education are permanently married, regardless of the name of the institution, the source of revenues, or the method of instruction.[14]

Clearly, then, there is some rudimentary deficiency in current judicial trends concerning the application of the establishment clause to statutes which provide for various kinds of public support of private schools. In order to untangle the difficulty, we must go to the roots of the problem. With that end in view this article will attempt, principally by analysis of legal history, to propound a number of propositions:

(1) The establishment clause is a corollary of, and historically developed from, the free exercise clause, which, in turn, evolved as a step beyond the Toleration Acts. (2) Both the free exercise clause and the establishment clause were premised on and presuppose the existence of God. (3) The notion of religion is exactly the same for purposes of both the establishment clause and the free exercise clause, *viz.*, recognition of the ultimate foundation of conscience and morality. (4) The free exercise clause guarantees governmental noninterference with peaceable religious freedom. (5) The establishment clause, aside from doing away with an official state religion supported by public monies, guarantees government neutrality toward or equal protection of all religions peaceably practiced. (6) In the constitutional sense, all persons have a religion, whether or not they believe in a personal deity or spiritual reality. (7) In the constitutional sense, religion inescapably permeates every phase of human life in which questions of right and wrong must be decided. (8) Whether public or private, sectarian or secular, all education is necessarily religious in the eyes of the law. (9) Support of education, including the religious phases thereof, is a proper function of government, so long as religious neutrality is observed. (10) Governmental assistance to private education, even if sectarian, is not only constitutionally permissible, but constitutionally obligatory, to the extent that such aid is requisite to achieve governmental neutrality in matters of religion.

III. THE HISTORICAL FOUNDATIONS

A. Principles of constitutional interpretation

Initially, it will be well to consider a time-honored rule of constitutional interpretation which was stated by Justice Story as follows:

> "The safest rule of interpretation, after all, will be to look to the nature and objects of the particular powers, duties, and rights, with all the lights and aids of contemporary history, and to give the words of each just such operation and force, consistent with their legitimate meaning, as may fairly secure the ends proposed."[15]

We should heed the words of Justice Gray that the "scope and effect of . . . many . . . provisions of the Constitution are best ascertained by bearing in mind what the law was before."[16] Thus Justice Black reminds us, "It is never to be forgotten that, in the construction of the language of the Constitution . . . we are to place ourselves as nearly as possible in the condition of the men who framed that instrument."[17] Moreover, it has traditionally been held that the Constitution must be interpreted according to what was intended and cannot be changed save by amendment.[18] To be sure, there are other theories of constitutional interpretation suggesting that the courts should be free to change the fundamental law by interpretation reflecting their own views of public policy; but, this writer substantially agrees with the position of Professor Raoul Berger[19] and other contemporary scholars that the proper aim of constitutional interpretation should be ascertainment of the intended meaning, no more or less. It is beyond the scope of this article to do more than examine the intended meaning of the religion clauses of the first amendment, particularly the guarantee against the establishment of religion as applied to the problem of public support of private education, and to seek out along those lines a more equitable solution than currently exists under contemporary case law.

B. The law of the mother country

In the aftermath of the struggle between Pope Clement VII and King Henry VIII, the Crown became the head of the Church of England. As such the King could convene, prorogue, restrain, regulate, or dissolve all ecclesiastical synods or convocations, nominate and license elections of bishops, veto episcopal elections contrary to his nominations, and vest his bishops with temporal powers and estates; moreover, he could decide in dernier resort all appeals in ecclesiastical causes, both temporal and spiritual.[20] Parsons of the established church were entitled to the enjoyment of public lands, or glebes, and compulsory taxes, or tithes, under episcopal, and ultimately royal jurisdiction.[21]

The common law condemned the crimes of apostacy (renunciation of previously professed Christianity),[22] heresy (denial of essential doctrines of the church),[23] blasphemy (contemptuous reproaches of sacred personages),[24] as well as witchcraft, conjuration, sorcery, enchantment, and the like.[25] Anciently, the punishments for these offenses were severe: in Query XVII of *Notes on Virginia*, Thomas Jefferson observed that the common-law crime of heresy was punishable by burning at the stake pursuant to the writ of *haeretico comburendo.*[26]

In due course these old common-law crimes were displaced by more moderate acts of Parliament.[27] By the Statute of 9 & 10 William III, Chapter 32 (1699), it was provided that if any professed Christian denied the truth of the religion, the divine authority of the Bible, the divinity of the persons of the Holy Trinity, or either the singularity or the existence of God, he could lose capacity to hold any public office or trust on conviction for the first offense. And, on conviction for the second offense, one could lose capacity to be a suitor in court, a guardian, executor, legatee, or purchaser of lands, and could also suffer imprisonment for three years. By the Statutes of 1 Edward VI, Chapter 1 (1547), and 1 Elizabeth I, Chapter 1 (1558), reviling the Sacrament of the Lord's Supper was made punishable by imprisonment; while the Statute of 1 Elizabeth I, Chapter 2 (1558), provided that a minister speaking in derogation of the Book of Common Prayer was subject to the loss of benefice and imprisonment. Moreover, those who refused to attend services of the established church or other approved denominations were made liable to suffer money forfeitures.[28]

Protestant dissenters from the Church of England were at one time subject to a number of disabilities and restrictions.[29] But by the Act of Toleration[30] in 1689, such dissenters were relieved of these disabilities and restrictions if they did not deny the Holy Trinity, took oaths or affirmations against popery, registered their congregations with the established church, and kept open meeting houses, and if their teachers acknowledged one true Christian faith as well as the doctrine of sacraments. Catholics, by contrast, were simply not tolerated. They were subject to heavy penalties and disabilities for hearing Mass, teaching school, keeping arms, and even for traveling to London. Their parents were deported and could be made liable for high treason should they stay in the kingdom for three days without conformity to the established church.[31]

The established church was also protected by the Corporation Act,[32] which act ordained that no person could hold public office, unless within the previous year he received the Sacrament of the Lord's Supper according to the rites of the Church of England and took an oath of allegiance to the Crown. The Test Act,[33] provided that no person could hold civil or military office unless he took an oath of allegiance to the Crown and made a formal declaration against transubstantiation.

C. The law of Colonial Virginia

Virginia was settled primarily by adherents of the Church of England. It is therefore not surprising to see colonial statutes similar to those of the mother country. During the embryonic days of the colony, a statute was enacted for compulsory taxation to support the established church.[34] Other early statutes barred Catholics from holding office, [35] and Quakers from the colony.[36] At this same period of colonial infancy, there was statutes enacted to regulate the ministry and proprietary operations of the established church, [37] and even the manner by which subjects were to keep the sabbath.[38] All of these laws were amplified and continued up to the outbreak of the American Revolution.

There was also a general reenactment of the Statute of 9 & 10 William III, which punished certain forms of heresy and apostacy, together with adoption of the Toleration Act of 1 William & Mary, which gave limited relief to Protestant dissenters.[39]

From the foregoing survey, we may deduce several characteristic features of the laws of England and colonial Virginia respecting matters of religion:

(1) The King, who was chief executive magistrate of the civil state, was also temporal head of an established church. (2) The established church held public lands, and was supported by taxes paid by all persons without regard to religious belief. (3) The established church was regulated by public law. (4) Failure to conform to the doctrines and practices of the established church, however peaceable, could result in criminal penalties, civil disabilities, and monetary or proprietary forfeitures, unless excused by acts of toleration.

D. The 16th article of the Virginia Bill of Rights

These were conditions which the Virginia Convention of 1776 sought to abolish at the dawn of independence. This extraordinary assemblage, born in the throes of revolution, was the concrete, legal form of the new sovereign, which had displaced King George III who had violated the fundamental law, made war on his American subjects, constructively fled from the realm when his royal governor left by sea, and therefore abdicated by operation of the same principle of the English Constitution that wrought the ouster of King James II in 1688.[40] On June 29, 1776, Virginia formally seceded from the British Empire.[41]

A few weeks before this act of secession, the convention framed the famous Virginia Bill of Rights of 1776, which set forth essential conceptions of a republican form of government. Only the 16th Article need concern us here. As originally proposed, the provision read:

"That religion, or the duty we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, and not by force or violence; and, therefore, that all men should enjoy the fullest toleration in the exercise of religion, according to the dictates of conscience, unpunished and unrestrained by the magistrate, unless, under color of religion, any many disturb the peace, the happiness, or the safety of society; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other." [42]

On motion of James Madison, the proposal was amended, then adopted on June 12, 1776, so as to read:

"That religion, or the duty we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, and not by force or violence; and, therefore, that all men are entitled to the free exercise of religion according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other." [43]

The original draft of what became the 16th Article guaranteed the "fullest toleration in the exercise of religion." The final version guaranteed the "free exercise of religion." This little twist of phrase might first go unnnoticed, but it was of enormous significance: it denoted a transition from the toleration of religious dissent in the presence of an established church associated with the sovereign power of the civil commonwealth, to equal and peaceable exercise of religious freedom, entirely disassociated with any established church. The seminal idea was that "free exercise," which was a step beyond "toleration," included an implicit abolition of the "establishment." And this seminal idea was amplifed by the Virginia General Assembly in the ensuing years.

At the time of independence, there was still an established church in Virginia which enjoyed glebes and tithes. And the old colonial laws punishing various acts of religious dissent were still on the books.

The first General Assembly under the Virginia Constitution of 1776 immediately repealed all laws penalizing heresy, apostasy, and nonconformity; exempted all dissenters from payment of tithes and taxes in support of the established church; and suspended the operation of the most recent colonial statute providing for compulsory taxation to support the established church.[44] The suspension of such tax liability was continued further, then abolished in 1779.[45]

Still, the established Church of England in Virginia held title to public property, and was the official or established church of the Commonwealth. There was naturally a question of whether even this greatly reduced condition was lawful under the 16th Article of the Virginia Bill of Rights. Moreover, there was the question regarding the validity of the general assessment, a proposed scheme whereby every citizen should be compelled to pay a tax in support of some religious denomination of his own choosing. The great repealer of the first General Assembly [46] expressly provided, "That nothing in this act contained shall be construed to affect or influence the said question of assessment." These matters were subsequently dealt with by the Virginia General Assembly in the controversies over general assessment, church incorporation, and glebes liquidation.

E. The Virginia statute of religious freedom

In 1779 a bill was introduced in the Virginia General Assembly which provided substantially that Christianity, in one form or another, was the established religion of the Commonwealth; that all denominations of Christianity were entitled to the same peaceable rights or worship and practice; that all denominations of Christianity were entitled to incorporation and official recognition, so long as they subscribed to certain fundamental tenets, such as the existence of God and the divine authority of the Bible; and that every freeholder should pay compulsory taxes to support the clergy and places of worship of the Christian denomination of his choice.[47] This bill, after some debate, died without action one way or another.

But a similar bill, only slightly watered down, was introduced in the Virginia General Assembly on December 2, 1784.[48] The preamble of the bill read as follows:

"Whereas the general diffusion of Christian knowledge hath a natural tendency to correct the morals of men, restrain their vices, and preserve the peace of society, which cannot be effected without a competent provision for learned teachers, who may be thereby enabled to devote their time and attention to the duty of instructing such citizens as from their circumstances and want of education cannot otherwise attain such knowledge; and it is judged such provision may be made by the Legislature, without counteracting the liberal principle heretofore adopted and intended to be preserved, by abolishing all distinctions of preeminence amongst different societies or communities of Christians. . . ." [49]

The initial debate was very heated and resulted in a layover of the bill to the 1785 session, largely for the purpose of securing the sentiments of the people of the Commonwealth. A great many petitions and memorials were presented on the subject, the most notable of which was the Remonstrance composed by James Madison.[50] Madison's Remonstrance eloquently condemned the proposed general assessment as contrary to the guarantee of free exercise of religion in the 16th Article of the Virginia Bill of Rights, as against the spirit of the American Revolution, as unnecessary to the support of the civil government, as tending to frustrate the emergence of religious truth, and as contrary to the interests of public policy and domestic peace.

One noteworthy passage in the Remonstrance said,

"The religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature, an unalienable right. It is unalienable, because the opinions of men, depending only on the evidence contemplated by their minds, cannot follow the dictates of other men. It is unalienable, also, because what is a right towards man is a duty towards the Creator. It is a duty of every man to render to the Creator such homage, and such only, as he believes is acceptable to him. This duty is precedent, both in order of time and in degree of obligation to the claims of civil society." [51]

It is apparent that Madison saw religion as a duty to God commanded by conscience, more fundamental than the duty to government commanded by law. In other words, Madison perceived religion as the paramount duty of conscience. It will be recalled that in 1776 the General Assembly of Virginia abolished all laws which punished the profession of atheism.[52] Yet it is indisputable that this enactment was constitutionally required by, and intentionally passed in, obedience to the 16th Article of the Virginia Bill of Rights, which was premised on the existence of God. Here we have a curious legal paradox; by law God exists, yet by the same law a citizen may deny the existence of God. In order to resolve this difficulty, it is necessary to say that God has a legal existence for all persons, whatever their philosophical or theological beliefs may be.

It is undeniable that all persons have some primary obligation of conscience drawn by some moral idea or impulse. Whatever the moral imperative or standard may be in specific terms for any individual, such must be his God for legal purposes. In other words, God may be legally defined as, and must have been considered by Madison to be, the foundation of conscience.

The 16th Article of the Virginia Bill of Rights said that religion is duty to God according to conscience. If we translate this into the legal framework just proposed, religion will be seen as following the ultimate dictates of conscience; or, to say the same thing in another way, the fundamental decisions of conscience—those which pertain to the most important questions in life—are religious acts in the eyes of the law. The right to make and execute such determinations, free from governmental interference, was protected by the 16th Article of the Virginia Bill of Rights, subject only to the limitation that no such religious or conscientious act be harmful to others.

When the Virginia General Assembly met in late 1785, not only was the bill for general assessment defeated, but a bill previously authored by Thomas Jefferson was introduced, and then passed on January 19, 1786.[53] This was the famous Virginia Statute of Religious Freedom. The enactment began with an invocation: "Almighty God hath made the mind free." This was in perfect conformity with the invocation of the "Laws of Nature and Nature's God" in the Declaration of Independence as drafted by Jefferson and adopted, without alteration in this respect, by the Second Continental Congress.[54] Far from ordaining a separation of church and state, the Virginia Statute of Religious Freedom proclaimed a cooperative friendship between the two: the existence of God who made the mind free was the statutory reason for governmental recognition of religious freedom.

Furthermore, this governmental friendship with religion was not to be confined to Christianity, but was to extend to all religions equally. Hence Jefferson said in his autobiography:

"Where the preamble declares that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed, by inserting the word "Jesus Christ," so that it should read, "a departure from the plan of Jesus Christ, the holy author of our religion," the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and Infidel of every denomination." [55]

Surely Jefferson would likewise have endorsed the very expansive definition of religion recognized relative to the military draft in cases such as *United States* v. *Seeger*[56] and *Welsh* v. *United States.*[57] There was a well-implemented system of compulsory military service in Jefferson's day, and it appears that conscientious objection to such duty was actually considered as a right included in the free exercise of religion.[58] Hence, the then existing constitutions of New Hampshire, New York, Vermont, and Pennsylvania all made reference to those who were "conscientiously scrupulous of bearing arms;" [59] whereas the constitutional ratification conventions of Virginia, North Carolina, and Rhode Island, in dealing with the same problem, mentioned those who were "religiously scrupulous of bearing arms." [60] This is another way in which the virtual identity of religion and conscience was made manifest for legal purposes. If in law religion is conscience, then in law everyone has a religion. If in law God is the foundation of conscience, then in law everyone has a God. These very broad and interacting ideas of God, religion, and conscience were part of American legal usage when Madison and Jefferson forged the principles which became the free exercise and establishment clauses of the first amendment.

The preamble of the Virginia Statute of Religious Freedom reasoned that, since God is the author of religious truth and human freedom, religious truth will best become known if left uninterrupted by governmental coercion and favoritism. The main body of the statute was short and to the point:

Be it enacted by the General Assembly. That no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.[61]

The statute simply said that a man cannot be taxed to support an official religion or an established church, and shall not be subject to any civil disability or criminal punishment on account of his peaceable and free exercise of religion. It did not lay down a sweeping and absolute rule that government and religion may never, under any circumstances, come into contact. It did not say that government may not encourage all religions on equal terms.

The concluding section or paragraph of the statute said that religious freedom is a natural right. This necessarily means that it is a right of all human beings, including those who do not believe in personal deity or spiritual reality. The universality of religion contemplated by the statute serves to equate religion and conscience for legal purposes.

Finally, it should not be overlooked that the establishment clause of the Virginia Statute of Religious Freedom was simply a further exposition and clarification of the free exercise clause of the Virginia Bill of Rights. What one clause said about God, religion, and conscience was carried over into the other without alteration.

F. The Incorporation Act and Liquidation of the Glebes

On January 5, 1785, the Virginia General Assembly passed an "Act for Incorporating the Protestant Episcopal Church," [62] which detailed the manner of deciding church questions, appointing officers and vesteries, selecting and removing ministers and holding church property, etc. The statute specifically reserved to the reorganized church the glebes or lands acquired for the old establishment at public expense prior to the revolution. Just after the enactment of the Virginia Statute of Religious Freedom, the evangelical denominations petitioned against the Incorporation Act because the Act maintained a degree of state control over church government and did not disturb church ownership of state-acquired property. On January 8, 1787, after a spirited controversy, the Virginia General Assembly passed a repealer[63] which abolished all state regulation of churches but left ownership of the glebes in the hands of the Episcopal Church.

The final stage of political controversy centered around the old glebes. The evangelical denominations argued that, "The colony had unjustly taxed dissenters to furnish glebes and churches for the establishment; the remedy was confiscation of the ecclesiastical property for the benefit of all citizens equally." [64] By way of defense, the Episcopal Church contended that "the contest for the glebes, churches, and chapels is not of a religious nature, but is to be decided by the rules of private property." [65] After years of struggle, the Virginia General Assembly succumbed to evangelical pressure, and, on January 20, 1802, passed a Confiscatory Act[66] providing for the liquidation of the glebes as they became vacant by reasons of the deaths of incumbent parsons, and stipulating that liquidation proceeds were to be used for the benefit of the poor and other public purposes.

The validity of the measure was raised by suit in equity brought by the vestrymen and church wardens of a vacant parish to enjoin sale of the glebe.[67] They contended that the church corporation could not be deprived of vested property rights retroactively and without just compensation, a perfectly sound proposition having nothing to do with religion as such. The Chancellor dismissed the bill, and an appeal was taken. The four judges of the Virginia Supreme Court were divided equally, so the decree of dismissal stood. Judges Tucker and Roane held essentially that the title of the established church was good before the revolution, having been vested by public donation; that the established church was dissolved by operation of the revolution; that, by reason thereof, title reverted back to the successor of the donor, which could only be the Commonwealth of Virginia; and that, therefore, the complainants had no title on which to sue for relief. Judges Carrington and Lyons answered that the revolution neither dissolved the established church, nor divested title to its lands then held, inasmuch as the governmental alteration of that time did not affect private property previously vested, and could only have prospectively changed the legal relation between the government and the church. Since the complainants were representatives of the legitimate successor to the old corporation, Judges Carrington and Lyons insisted that relief should have been granted.

A similar case reached the United States Supreme Court,[68] in which Justice Story held that the vestry of a vacant parish was the legitimate successor to the pre-revolutionary corporation. The church, the Court held, was not dissolved by the Revolution and continued to hold title to the parish glebe. Therefore, it was adjudged that the vestry was entitled to equitable intervention. That would seem to indicate final judicial condemnation of the Confiscatory Act.

Notwithstanding the downfall of the Confiscatory Act for technical reasons, there can be no doubt of the constitutional principle, applicable at least prospectively, that no church or religious body may hold state-donated property acquired by state tax revenue. This is a perfectly natural inference from the Virginia Statute of Religious Freedom.

G. Derivation of the religion clauses of the first amendment

Before attempting a summary of the foregoing, it would be well to consider how and why the free exercise and establishment clauses of the first amendment to the United States Constitution derive from, and therefore recapitulate respectively, the 16th Article of the Virginia Bill of Rights and Virginia Statute of Religious Freedom. In adopting the Federal Constitution, the Virginia Convention of 1788 annexed to its Ordinance of Ratification a long declaration of rights or proposed amendments to the new charter of the Union.

The 20th of these declarations reads as follows:

"That religion, or the duty we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men have an equal, natural, and unalienable right to the free exercise of religion, according to the dictates of conscience, and that no particular religious sect or society ought to be favored or established, by law, in preference to others." [69]

It is obvious that the language just quoted was paraphrased from the 16th Article of the Virginia Bill of Rights, save for the last clause which was a brief recapitulation of the Virginia Statute of Religious Freedom. James Madison, who had been a prominent member of the Virginia Convention of 1788, and one of the authors of the 20th declaration under consideration here,[70] was elected to the United States House of Representatives in the First Congress. There he ably executed his promise to secure a Federal Bill of Rights in order to secure the acceptance of the new Constitution.[71] Among his proposals in Congress on June 8, 1789, was an article which read:

"The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed." [72]

After further deliberations,[73] the House proposed an amendment which said, "Congress shall make no law establishing religion, or prohibiting the free exercise thereof; nor shall the rights of conscience be infringed." [74]

Following a joint conference between the House and Senate, Congress proposed, on September 25, 1789, the full Federal Bill of Rights as we now have it, including the language, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." [75] Congress was full of rejoicing. Lest there be any doubt of an intent not to ordain a complete separation of government and religion, let it be well noted that the House and Senate passed the following resolution on September 26, 1789:

"Resolved, That a joint committee of both Houses be appointed to wait on the President of the United States, to request that he should recommend to the people of the United States a day of public thanksgiving and prayer, to be observed, by acknowledging with grateful hearts, the many signal favors of Almighty God, especially by affording them an opportunity peaceable to establish a constitution of government for their safety and happiness." [76]

What then did Thomas Jefferson mean by the words "a wall of separation between Church and State" in the Danbury Baptist Letter? His reference was to the establishment clause in the first amendment and the Virginia Statute of Religious Freedom. In other words, he was not writing about a general prohibition of contact or interaction between government and religion at all. The so-called "wall of separation" simply meant that there shall be no official religion of state supported by public revenues, that there shall be no penalties for the peaceable and free exercise of religion, and that all religions shall enjoy equal protection and friendship of the government.

There is another point about the Danbury Baptist Letter which is often overlooked. Jefferson plainly stated that the religion clauses of the first amendment were designed to protect the "rights of conscience." He certainly had in mind a sweeping idea of religion, an idea large enough to encompass the fundamental or primary demands of conscience for all men. Religion in this sense is so pervasive that it simply cannot be literally separated, or severed of all contact, from the operations of government. Jefferson's "wall of separation," therefore, should not be taken as a rigid rule that the government must never touch the religious affairs of men.

IV. GENERAL SUMMARY AND SPECIFIC FOCUS ON EDUCATION

From this survey, we may take a panoramic view of the intended meaning of the religion clauses of the first amendment:

(1) The civil government may not be associated with an official, preferred, or established church or religion; (2) Nevertheless, government and all forms of religion equally stand in perpetual friendship; (3) No church, ministry, or place of worship run by a particular denomination may be supported by tax revenues, or hold property purchased with tax revenues; (4) No legal disabilities, forfeitures, or penalties of any kind may be consequent on the peaceable exercise of religion; (5) God has a legal existence, which may be officially acknowledged, and a legal definition, *viz.*, the foundation of conscience; (6) For legal purposes, religion is recognition, in word or deed, of God or the ultimate basis of morality; And (7) the civil government may not regulate the peaceable execise of religion including the conduct of the religious affairs of any church, ministry, place of worship, or individual.

When the free exercise and establishment clauses are put into proper perspective, it is easier to understand why active governmental support of private and sectarian education is not unconstitutional, even where religious denominations are tangibly aided, so long as overall religious neutrality is observed.

For reasons already explained, this writer considers the intended meaning of the word "religion" in the first amendment to be a practical synonym of conscience or recognition of the ultimate basis of morality. If this theory is right, then religion, in the legal sense, is so broad as to be an inevitable permeation into virtually all phases of human life and society. One can be a militant atheist, or a devout churchman; but, in either case, there is a religion in the eyes of the law, for both undeniably seek a final measure of right and wrong. Given this premise, it follows that religion, whether so designated or not, is a necessary unavoidable part of education, as much so as physics or grammar. Hence, if tax subsidies, credits, deductions, or other direct or indirect relief to education were uncontitutional whenever religion of one kind or another were promoted, such support of all education would be uncontitutional. It is most evident that our constitutional guarantees of religious liberty were never intended to inhibit the activities of civil government in promoting education. From this it follows that public support of private education, whatever its religious content may be, is generally consistent with our fundamental law.

Nevertheless, in the interests of fairness to those who think otherwise, let it be postulated that the framers of the first amendment had a much narrower idea of religion in mind than this writer has supposed. Assume, for the sake of discussion, that our forefathers considered religion to be a personal relationship between man and spiritual God, a theological deity as such. In that case, an atheist or humanist would have no religion in the legal sense. All or most persons who do not believe in a Supreme Being would find no legal protection in the religion clauses of the first amendment. It is hard to imagine how this could be reconciled with the lofty thinking of James Madison and Thomas Jefferson. And, assuming that this narrow idea were the intended meaning of the word 'religion" in the first amendment, and that the intended meaning must control constitutional interpretation, some very large changes would have to be made in our contemporary jurisprudence. Out would go cases such as *Torcaso,*[77] *Seeger,*[78] and *Welsh.*[79]

But even assuming all this, what of the problem of public support of private education under the intended meaning of the establishment clause? It is clear enough that the establishment clause originated from the Virginia Statute of Religious Freedom, which merely prohibited tax support of religious worship or ministry, and prohibited legal disabilities or penalties imposed on account of individual religious belief or practice. The statute did not mention, much less prohibit, public support of any kind of education. If it said anything about this subject by way of implication, it said that public support of all education shall be as equal as possible, regardless of whether the teaching reflects one sectarian viewpoint or another. Even given the narrow view of religion here supposed, a denial of public money on account of religious content or perspective built into an educational curriculum would be a legal discrimination against religion, a civil disability, which the Virginia Statute of Religious Freedom and the establishment clause of the first amendment were designed to forbid.

In any event, tax support of a church, ministry, or place of worship was considered constitutionally different from tax support of education. As evidence of this, we may note the satisfaction of a clergyman in Virginia around 1850, who commented that, despite the Virginia Statute of Religious Freedom, "Religion and morals have not suffered. Four colleges, two theological seminaries, and the University have been added to the public institutions for instruction." [80] Indeed, Thomas Jefferson, the author of the Virginia Statute of Religious Freedom, clearly recognized "moral philosophy" as a normal part of public education in Query XV of *Notes on Virginia.*[81] And in a letter of April 21, 1803, to Dr. Benjamin Rush, Mr. Jefferson outlined his view that the principles of Judeo-Christianity—"religion" properly so-called—were an indispensible part of the evolution of moral philosophy.[82] As father of the University of Virginia, Jefferson certainly envisioned religion as an important phase of education.[83]

The Northwest Ordinance,[84] which was reenacted by the same Congress that framed the Federal Bill of Rights, contained two noteworthy provisions: "No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments . . . . Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."[85] It is impossible to reconcile this language with an interdiction of direct or indirect tax support of education simply because some part thereof is religious.

Finally, let it be observed that the Statutes of 1 James I, Chapter 4 (1603) and 3

James I, Chapter 5 (1606) provided that if a parent sent his child aboard for education under Roman Catholic auspices he would forfeit 100 pounds. Likewise, the Statute of 3 Charles I, Chapter 2 (1628) ordained that if a parent sent his child abroad for education in a Catholic institution to strengthen the religious conviction of the youth, he would incur important substantial disabilities and forfeit all his property.[56] While it is doubtful whether these statutes were ever received in America,[57] the 16th Article of the Virginia Bill of Rights and the Virginia Statute of Religious Freedom, thus also the free exercise and establishment clauses of the first amendment, were certainly designed to prohibit features of this kind.

In other words, our constitutional mandate of religious liberty prohibits government from imposing financial or other penalties on parents who have chosen to send their children to schools organized or managed by some religious denomination. Parents plainly have the fundamental right to choose the religious exposure of their children in education,[58] without suffering government-created discrimination. Granting this, it is surely unconstitutional not to accommodate in some degree those parents who send their children to private schools for the sake of religious exposure.

When government establishes a system of public education, expenditures for fixed costs simply must be paid by public revenues raised from taxable wealth without regard to other considerations. Otherwise, the undoubtedly legitimate end of government-maintained education would be altogether impossible.

But government expenditures to pay the variable costs of education are another matter. As to these, there is room for flexibility to account for different kinds of education, including public, private, secular, and sectarian forms. With respect to such outlays, the aim of government should be to equalize the benefit made available to each student within each category for which support is provided, regardless of religious exposure in educational experience. While mathematical precision is not achievable, this should be required to the extent practically possible, because all education is religious, and all religions are properly equal before the law.

Therefore, if a parent sends his child to a private school, the child should receive the same practical equality of variable-cost benefit from public money as any other child in the community. On the other hand, the parent should not be required to pay more for that practical equality of variable-cost benefit than his tax liability would otherwise indicate. To whatever extent tax adjustments or school subsidies may be needed to achieve this end, in the admittedly rough terms in which government must operate, they ought to be granted. The reason is that, without these aids, the parent would suffer a money forfeiture in consequence of selecting the religious exposure of his child's education, the same sort of thing that the Statutes of 1 and 3 James I imposed, and that the first amendment was intended to forbid.

V. CONCLUSION

Our constitutional guarantee against the establishment of religion has been warped by a destructive dogmatism built upon a mild figure of speech. The establishment clause, in its intended meaning, prohibits any government-ordained religion, but does not require absolute separation of church and state. In its primary thrust, the establishment clause was intended to guarantee equal protection of all religions peaceably practiced. When considered in relation to its origins, the establishment clause not only allows public support of private schools, including those which are explicitly and formally religious, but actually requires the government to do whatever is reasonably necessary to assure that all proper education is treated with practical equality. The support of education is certainly a legitimate function of government, and all education is religious. Therefore, our judiciary should jettison all traces of separationism in passing on the constitutionality of statutes supporting private education. Instead, it is time for the courts of this country to consider statutes supporting public and private education together, and to adopt a new constitutional standard that will assure practical equality of variable-cost government support for each child, regardless of the religious exposure in his educational experience, and without imposing unnecessary burdens on parents who have made a conscientious choice of nonpublic schooling. This is true freedom of religious, and a blessing the first amendment was intended to secure.

FOOTNOTES

[1] The Life and Selected Writings of Thomas Jefferson 332-33 (A. Koch & W. Peden eds. 1944) [hereinafter cited as Selected Writings].

[2] The paradigm judical statement of the separation doctrine is the so-called "Everson Rule" in Everson v. Board of Educ, 330 U.S. 1(1947): 'Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religious, aid all religious, or prefer one over another." *Id.* at 15 (opinion of Justice Black).

[3] 14 N.J. 31, 100 A. 2d 857 (1953), *cert. denied*, 348 U.S. 816 (1954).

[4] 413 U.S. 756 (1973).

[5] 302 Minn. 216, 224 N.W. 2d 344 (1974), *cert. denied*, 421 U.S. 988 (1975).

[6] 302 Minn. at 236, 224 N.W. 2d at 354-55 (Yetka, J., concurring).

[7] *See, e.g.*, Committee for Pub. Educ. v. Regan, 444 U.S. 646 (1980)(New York statute appropriating public funds to reimburse nonpublic schools for performing various services mandated by the State does not violate establishment clause if its purpose does not advance religion); Wolman v. Walter, 433 U.S. 229 (1977)(statute authorizing various forms of aid to nonpublic schools, most of which are sectarian, is not unconstitutional); Roemer v. Maryland, 426 U.S. 736 (1976)(statute providing public aid to qualifying colleges and universities does not violate first amendment's establishment clause); Meek v. Pittenger, 421 U.S. 349 (1975)(loans of instructional materials and equipment to nonpublic schools violates establishment clause). In an attempt to reconcile the notions of "separation of church and state" and "religious neutrality," the Court used a three pronged test, which had its apparent genesis in Lemon v. Kurtzman, 403 U.S. 602 (1971). According to this contemporary doctrine, to pass constitutional muster a statute must have an essentially secular purpose, must neither advance nor inhibit religion, and must not excessively entangle government with religion. *Id.* at 612-13.

[8] O. McGraw, Secular Humanism in the Schools: The Issue Whose Time Has Come (1976).

[9] *See* The Humanist Manifestos I and II (Prometheus Books 1976).

[10] *See, e.g.*, Torcaso v. Watkins, 367 U.S. 488, 495 (1961); Washington Ethical Soc'y v. District of Columbia, 249 F.2d 127, 128-29 (D.C. Cir. 1957).

[11] *Cf.* Rutledge, J., dissenting in Everson v. Board of Educ., 330 U.S. 1 at 32. The United States Supreme Court has nevertheless adopted the contratextual position that "religion" is broader for purposes of free exercise than for purposes of establishment. Specifically, under present case law, "religion" in the free exercise clause means any deeply held belief system which determines right and wrong for an individual, whether theistic, nontheistic, agnostic, atheistic, or antitheistic. In the establishment clause, "religion" means a formal organization or institution which teaches or promotes a religious doctrine, program, ritual, or ideology as an integral part of its mission. For a helpful analysis of how the United States Supreme Court arrived at this curious position, see L. Tribe, American Constitutional Law 826-33 (1978).

[12] 50 U.S.C. app. § 456(j) (1968).

[13] Welsh v. United States, 398 U.S. 333 (1970); United States v. Seeger, 380 U.S. 163 (1965). In the *Welsh* case, Justice Harlan proposed that the establishment clause, no less than the free exercise clause, required this result. 398 U.S. at 360 n.12.

[14] *Cf. Toscano, A. Dubious Neutrality: The Establishment of Secularism in the Public Schools*, 1979 B.Y.U.L. Rev. 177 (explores questions relating to whether the concept of religious neutrality required in the public schools is real illusory and suggests an alternative to the present religious doctrine).

[15] Prigg v. Pennsylvania, 41 U.S. (16 Pet.) 539, 610-11 (1842).

[16] *Ex parte* Wilson, 114 U.S. 417, 422 (1885).

[17] Adamson v. California, 332 U.S. 46, 72 (1947) (Black, J., dissenting) (quoting *Ex parte* Bain, 121 U.S. 1, 12 (1887)).

[18] *See, e.g.*, Oregon v. Mitchell, 400 U.S. 112, 154, 288 (1970) (Harlan, J., and Stewart, J., concurring in part and dissenting in part); Vanhorne's Lessee v. Dorrance, 2 Dall. 304, 308 (Pa. 1795).

[19] *See* R. Berger, Government by Judiciary: The Transformation of the Fourteenth Amendment (1977).

[20] 1 W. Blackstone, Commentaries * 279-80, 377-80.

[21] *Id.* at 383-87; 2 id. at 24-33.

[22] 4 *id.* at 42-44.

[23] *Id.* at 44-45.

[24] *Id.* at 59.

[25] *Id.* at 60-65.

[26] Selected Writings, *supra* note 1, at 274; 4 W. Blackstone, Commentaries* 46, 48.

[27] 4 W. Blackstone, Commentaries* 49-52.

[28] *See* Act for the Uniformity of Common Prayer and Service in the Church, and Administration of the Sacraments, 1558, 1 Eliz. 1, c. 2, § 4; Act to Retain the Queen's Majesty's Subjects in Their Due Obedience, 1581, 23 Eliz. 1, c. 1, § 5; Act for the Better Discovering and Repressing of Popish Recusants, 1606, 3 Jac., c. 4, § 27.

[29] 4 W. Blackstone, Commentaries * 53-54.

[30] Act of Toleration, 1689, 1 W. & M. 1, c. 18.

[31] *Id.* at 54-59.

[32] Act for the Well-Governing and Regulation of Corporations, 1661, 13 Car. 2, c. 1, § 12.

[33] Act for Preventing Dangers Which May Happen From Popish Recusants, 1672, 25 Car. 2, c. 2, §§ 2-10. Compare the Test Act with U.S. Const. art. VI, cl. 3: "[N]o religious Test shall ever be required as a Qualification to any Office or public trust under the United States." *Id.*

[34] 1 Virginia Statutes at Large 144, Act 9 (W. Hening comp. 1823).

[35] *Id.* at 268-69, Act 51.

[36] *Id.* at 532-33, Act 6.

[37] *Id.* at 241, Act 1.

[38] *Id.* at 434, Act 3.

[39] 3 *id.* at 358-59, ch. 30.

[40] 1 W. Blackstone, Commentaries * 152, 245.

[41] 1 Virginia Statutes at Large 50-51 (W. Hening comp. 1823).

[42] C. James, Documentary History of the Struggle for Religious Liberty in Virginia 62 (1900).

[43] *Id.* at 62.

[44] 9 Virginia Statutes at Large 164-65 (W. Hening comp. 1823).

[45] 10 *id.* at 111, 197.

[46] 9 *id.* at 164-65.

[47] H. Eckenrode, Separation of Church and State in Virginia 58-61 (1910).

[48] *Id.* at 99.

[49] C. James, *supra* note 42, at 129.

[50] *Id.* at 256-62 (appendix G).

[51] *Id.* at 256.

[52] 9 Virginia Statutes at Large 164-65 (W. Hening comp. 1823).

[53] 12 *id.* at 84, ch. 34; Selected Writings, *supra* note 1, at 311-13.

[54] Selected Writings, *supra* note 1, at 22.

[55] *Id.* at 47.

[56] 380 U.S. 163 (1965).

[57] 398 U.S. 333 (1970).

[58] *See, e.g.*, J. Graham, A Constitution History of the Military Draft 71-81 (1971).

[59] 4 American Charters, Constitutions, and Organic Laws 2455 (F. Thorpe ed. 1907); 5 *id.* at 2637, 3083; 6 *id.* at 3740-3741.

[60] 1 J. Elliot, Debates on the Federal Constitution 335 (1869); *Id.* Vol. 3 at 659; *Id.* Vol. 4 at 244.

[61] 12 Virginia Statutes at Large 86 (W. Hening comp. 1823).

[62] *Id.* Vol. 11 at 532, ch. 49.

[63] *Id.* Vol. 12 at 266, ch. 12.

[64] H. Ekenrode, *supra* note 47, at 130.

[65] *Id.* at 136, 142.

[66] *Id.* at 147.

[67] Turpin v. Locket, 10 Va. (6 Call) 113 (1804).

[68] Terrett v. Taylor, 13 U.S. (9 Cranch) 43 (1815).

[69] 3 J. Elliot, *supra* note 60, at 659.

[70] *Id.* at 656.

[71] *See* B. Patterson, The Forgotten Ninth Amendment 86-217 (1955). This reprints portions of Volume 1 of Gales & Seaton's Annals of Congress covering the debates leading to the proposal of the Federal Bill of Rights to the several states for adoption.

[72] *Id.* at 110.

[73] *Id.* at 60-62, 196, 209. For an excellent, recent analysis of the debates in the First Congress in 1789 leading to the formulation of the present language in the free exercise and establishment clauses of the first amendment, see M. Malbin, Religion and Politics: The Intentions of the Framers of the First Amendment (1978). The author seeks to demonstrate that individual members of Congress who participated in these debates, and whose remarks were preserved in Gales & Seaton's Annals of Congress, believed the religion clauses they were framing would not prohibit nondiscriminatory governmental assistance to all religions on equal terms, contrary to the so-called "Everson Rule," *supra* note 2.

[74] B. Patterson, *supra* note 71, at 86.

[75] *Id.* at 89.

[76] *Id.* at 216.

[77] 367 U.S. 488 (1961).

[78] 380 U.S. 163 (1965).

[79] 398 U.S. 333 (1970).

[80] C. James, *supra* note 42, at 140.

[81] Selected Writings, *supra* note 1, at 267.

[82] *Id.* at 566-70.

[83] *See* Comment, *Jefferson and the Church-State Wall: A Historical Examination of the Man and the Metaphor,* 1978 B.Y.U.L. Rev. 645. *See also* Reed, J., dissenting in Illinois v. Bd. of Education, 333 U.S. 203, 245-47 (1947).

[84] Northwest Ordinance, ch. 8, 1 Stat. 51 (1789).

[85] *Id.*

[86] 1 W. Blackstone, Commentaries* 451.

[87] The Virginia Convention of 1776, which enacted the 16th Article of the Virginia Bill of Rights, also passed a general provision for the reception of English common law which said, "That the common law of England, all statutes or acts of parliament made in aid of the common law prior to the fourth year of the reign of king James the first, and which are of a general nature, not local to that kingdom, together with the several acts of the general assembly of this colony now in force, so far as the same may consist with the several ordinances, declarations, and resolutions of the general convention, shall be the rule of decision, and shall be considered as in full force, until the same shall be altered by the legislative power of this colony." 9 Virginia Statutes at Large 126, ch. 5 (W. Hening comp. 1823).

It is questionable whether the English statutes mentioned in the text could be characterized as general statutes in aid of the common law. But assuming they were, the reception provision above could countenance no more than the statutes of 1 and 3 James I. If received, these statutes of James were abolished by the 16th Article of the Virginia Bill of Rights enacted by the Virginia Convention of 1776, as enforced by the Virginia General Assembly in Chapter 2 of the Acts of October, 1776.

[88] Wisconsin v. Yoder, 406 U.S. 205, 222 (1972); Pierce v. Society of Sisters, 268 U.S. 510, 535 (1925).

IN DEFENSE OF RELIGIOUS AMERICA

(By Terry Eastland)

Religion in American life, Mr. Cadwell. We need it. That is the concluding line of a radio commercial which for some, perhaps providential, reason I have had occasion to hear several dozen times over the past year. It is not an advertisement for any particular religion, just religion itself, which presumably could be Christian or Jewish or Muslim or Hindu or—though I think the commercial's sponsors did not quite have this in mind—the Reverend Sun Myung Moon's. It is an innocuous ad, so ecumenical as to be able to effect no conversion to anything. But concerned as it is with religion in American life, the message serves beautifully as a kind of theme song for our times. It implicitly raises the question brought up by the activities of so many others in the past year, from Jerry Falwell to the American Civil Liberties Union: what should be the place of religion in American life? What, that is, should be the place of religion, not so much in the life of any one individual American as in American civil society?

Discussion of this question has not been especially enlightening. It has centered almost exclusively on the First Amendment, and the reflections on the First Amendment have themselves been unhelpful. Columnists and politicians have been content to repeat the mythology most famously (though not originally) articulated by Chief Justice Earl Warren when he said that the First Amendment "underwrote the admonition of Thomas Jefferson that there should be a wall of separation between church and state." The Chief Justice had a way with history, but for the sake of accuracy—and much else besides—it should be noted that Jefferson said what he said in 1802, when he was President, in a letter to the Danbury Baptists. However interesting Jefferson's thoughts may be, and however much we may wish today to regard his views as authoritative on church-state matters, this letter is simply not relevant to a consideration of the framing of the First Amendment and its original intention—unless of course Jefferson had been sitting in Congress in the summer of 1789 (in fact he was in Europe as Secretary of State and would not return until the autumn).

The invocation of Jefferson obscures history by implying that the Founding Fathers were hostile to religion, since in today's usage the idea of a wall connotes antagonism and suspicion between the two sides thus separated. As a matter of historical fact, the Founding Fathers believed that the public interest was served by the promotion of religion. The Northwest Ordinance of 1787, which set aside federal property in the territory for schools and which was passed again by Congress in 1789, is instructive. "Religion, morality, and knowledge being necessary to good government and the happiness of mankind," read the act, "schools and the means of learning shall forever be encouraged."

It is only from history not from clichés about history, that we can understand what we once were as a nation in regard to religion, and what we have since become. Let me therefore start with these propositions: that there was a principal religion in American life from 1620 until roughly 1920; that this religion was Protestant Christianity; and that Protestant Christianity has been our established religion in almost every sense of that phrase.

The one sense in which Protestant Christianity was *not* established, of course, was as our national religion. There never has been a Church of the United States, complete with a bishop and supported by tax revenues, as in England. Nor can there be one: the First Amendment to the Constitution did make sure of that. But nothing *more* than that.

The intention of the framers of the First Amendment was not to effect an absolute neutrality on the part of government toward religion on the one hand and irreligion on the other. The neutrality the framers sought was rather among the sects, the various denominations. Accordingly, as Michael J. Malbin has shown, although there could be no national establishment of a sect, there could be state aid to religious groups so long as the assistance furthered a public purpose and so long as it did not discriminate in favor of some or against others; all sects, in other words, would have to be benefited.[1]

The perspective of colonial history in the period dating from the Great Awakening makes it all the more clear that the First Amendment could not have been meant to enforce neutrality by government as between religion and irreligion. The Society for the Propagation of the Gospel, a sort of missionary arm of the Church of England, had been in business in America since 1701. For three-quarters of the 18th century, and especially in the years just prior to the Revolution, a widespread religious attitude in America was fear—fear that the Crown would establish the Anglican religion. The principle of non-establishment of a particular denomination was a product of this historical period, and the First Amendment applied this principle at the national level. Throughout the late 18th and early 19th centuries the principle was similarly applied at the colonial and, later, the state levels. As at the national level, so at the state level: no one denomination was to be given state support; there had to be neutrality among sects.

Thus, if Anglicanism could not reign in a given colony or state, neither could Congregationalism. The Anglican establishments in Maryland, South Carolina, North Carolina, and Georgia were wiped out before 1776, and Virginia's died finally in 1802. Congregationalism held on long past 1791 in Massachusetts, Connecticut, and New Hampshire, but by 1833 had lost its privileged status in all of these states.

It should be noted that although these establishments were of different sects, they belonged to the same religious family tree—that of Protestant Christianity. This is hardly surprising. The original colonies were English, and their English settlers were primarily Protestant. The non-English minorities—the Scots, the Scotch-Irish, the French, the Dutch, the Swedes, the Germans—were also mostly Protestant. There were only a few Catholics, mostly in Maryland, and even fewer Jews. This relative mix would endure until well past the middle of the 19th century.

The heavily Protestant orientation of the churchgoers of early America should not obscure the fact that many if not a majority of Americans were unchurched in the 18th century. But with a very few exceptions these unchurched were not freethinking atheists or agnostics. Hence, while the principle of non-establishment could be extended to prohibit the establishment of one particular religion (and not just the sects within a religion), few people were sufficiently bothered, as a practical or theoretical matter, to make this extension. The prominent exception was Madison, who believed that Christianity should not be favored over any other religion. Yet even Madison agreed on the general proposition that so far as the public interest was concerned, religion itself was better than irreligion.

The particular sects, then, had been disestablished at the state level by 1833. But Christianity had not been, and would not be, until much later. In the early part of the

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[1] *Religion and Politics: The Intentions of the Authors of the First Amendment* (American Enterprise Institute, 1978).

19th century, states set up both by constitution and statute provisions declaring it the duty of all men "to worship the Supreme Being." States also regulated membership in Christian denominations, imposed fines for failure to fix the worship hour on Sundays, and even mandated that elected officials believe in "the Christian religion." [2]

State courts did their part to support the Protestant faith. In 1811 the New York state court upheld an indictment for blasphemous utterances against Christ, and in its ruling, given by Chief Justice Kent, the court said, "We are Christian people, and the morality of the country is deeply engrafted upon Christianity." Fifty years later this same court said that "Christianity may be conceded to be the established religion."

The Pennsylvania state court also affirmed the conviction of a man on charges of blasphemy, here against the Holy Scriptures. The Court said: "Christianity, general Christianity is, and always has been, a part of the common law of Pennsylvania . . . not Christianity founded on any particular religious tenets; nor Christianity with an established church and tithes and spiritual courts; but Christianity with liberty of conscience to all men."

States also required the teaching of the Christian religion in state colleges and universities, and in prisons, reformatories, asylums, orphanages, and homes for soldiers. Furthermore, public aid was given to church-run hospitals and orphanages. Last, but certainly not least, many states required Bible reading and prayers in the elementary and secondary public schools.

Religion was far more integrated into the actual curriculum than these religious exercises might suggest. Textbooks referred to God without embarrassment, and schoolteachers considered one of their major tasks the development of character—an aim quite consistent, as we shall see, with America's brand of Protestant Christianity. The influence of William Holmes McGuffey (1800-1873), a Presbyterian educator and philosopher, was remarkable. His *Eclectic Readers* were published in 1836, and from that year until 1920—two years after Mississippi became the last state to institute a public-school system—his books sold more than 120 million copies, a total that put them in class with only the Bible and Webster's Dictionary. McGuffey's *Readers* stressed, as the Northwest Ordinance did, "religion, morality, and knowledge," in that order.

As with the public schools, so with almost every area of American life. The establishment of Protestant Christianity was one not only of law but also, and far more importantly, of culture. Protestant Christianity supplied the nation with its "system of values"—to use the modern phrase—and would do so until the 1920's when the cake of Protestant custom seemed most noticeably to begin crumbling. But before coming to that moment we should reflect on the content of the particular religion that held sway in American life for the better part of 300 years, and remark more precisely on the significance of its "cultural" establishment.

As a general metaphysic, Protestant Christianity was understood in ways Catholics and Jews and deists could accept. Not only Protestant Christians but most people agreed that our law was rooted, as John Adams had said, in a common moral and religious tradition, once that stretched back to the time Moses went up on Mount Sinai. Similarly, almost everyone agreed that our liberties were God-given and should be exercised responsibly. There was a distinction between liberty and license.

Beyond this it is possible to be much more specific. Protestant Christianity was Reformed in theology, Puritan in outlook, experiential in faith. It was also evangelical in its orientation toward the world. These propositions held true of not only the denominations of Puritan origin (such as the Congregational, Presbyterian, and Baptist churches) but also those with more highly qualified views on the issue of predestination (such as the Methodist church) and those we might today consider "High Church" (such as the Episcopal church). Almost everyone drank from the same reformation well, which happened to be the Westminster Confession of 1643. Reformation theology placed emphasis on the sovereignty of God and the depravity of man. It was a religion of the book—the Bible—that demanded the individual conversion of man and, in consequence, the living of a changed life.

This point had enormous social and political consequences. It is unlikely that a predominantly Catholic or Jewish America would have given birth to the type of society that eventually evolved by the late 18th century. The reason is that neither would have emphasized to the degree the American Puritans did the importance of personal development in the moral (and for them spiritual) sense of character formation. The Westminster Confession describes the preaching of the word as "an effectual means of driving them [sinners] out of themselves" and "of strengthening them against temptation and corruption, and of building them up in grace."

That is doctrine that will shape a man, and the shaping, molding emphasis of the American Puritans, the character-building emphasis, can even today be seen—literally seen—in needlework shops where samplers bearing the old, straightforwardly didactic Protestant American messages can be found. Often such messages take the form of reedited Bible verses (from the King James version). Scripture was not incidental to the Puritan American. It was to be considered, meditated upon, learned by heart. "As a man thinketh in his heart," says the Bible, "so is he." The Puritans did not think only with their heads.

The American Protestant characteristically was driven out of himself, not only into Christ but also into the world. Hence the description—"this-worldly ascetic"—so often applied to individuals in Reformed communities. The change in this history of Christianity that this phrase suggests is seismic. After Luther it was no longer necessary to withdraw from the world (and into a monastery) to serve God. A man could serve God in the secular world. ("What is the chief and highest end of man?" asks the first question of the Larger Catechism of the Westminster Confession. "Man's chief and highest end is to glorify God and fully to enjoy Him forever.") Every job had a purpose, every man a calling, a vocation, no matter how lowly or how exalted. Working in this world, furthermore, men could transform the society about them, as the New England Puritans tried to do in their Bible Commonwealths. Though these societies failed according to their own ideals, the impulse to change society remained and would manifest itself in numerous ways, including the voluntarism of the 19th century, which became such a mainstay of American life.

American Protestantism not only taught spiritual virtues but also the less heroic ones of sobriety, honesty, prudence, temperance, and diligence. In the context of these virtues, as Irving Kristol has often pointed out, capitalism made ethical sence. Protestantism was understood to tame and direct a man's interests, including his economic ones, toward worthy ends. Man was understood to be a steward upon earth, and he was to use his liberty and this talents responsibly (and diligently; there was to be no idleness, no sloth). There may be no more interesting text on this than Question 141 of the Larger Catechism of the Westminster Confession, which even as late as 1844 was described by Philip Schaff, a German writing on America's religious life, as "the reigning theology of the country." The question refers to the Eighth Commandment ("Thou shalt not steal") and asks what duties it requires:

> The duties required . . . are: truth, faithfulness, and justice in contracts and commerce between man and man; rendering to everyone his due; restitution of goods unlawfully detained from the right owners thereof, giving and lending freely, according to our abilities, and the necessities of others; moderation of our judgments, wills, and affections, concerning worldly goods; a provident care and study to get, keep, use, and dispose of those things which are necessary and convenient for the sustentation of our nature, and suitable to our condition; a lawful calling, and diligence in it; frugality; avoiding unnecessary lawsuits, and suretyship, or other like arrangements; and an endeavor by all just and lawful means to procure, preserve, and further the wealth and outward estate of others, as well as our own.

This answer offers much to reflect on; there is, for instance, the implicit approval of both commerce and the creation of wealth, even of one's own wealth. But the principal concern is man's duty, which is to have moderating effects upon his commercial activities. Tocqueville observed that the law allowed the American people to do everything, but that there are things which their religion prevented them from imagining and forbade them to dare. Religion—the Protestant religion here described—was thus a major source of the virtues a nation conceived in liberty always would need. It shaped the society and the individuals within it. Protestant Christianity helped answer the oldest of political questions: what kind of people, having what kind of character, does a society produce?

Tocqueville therefore was right to say that religion was America's "foremost political institution." It was the branch of government that the Constitution, based on self-interest and envisioning a commercial Republic, obviously could not create. Yet it was the branch essential to the maintenance of the Republic. It provided a check on the liberty guaranteed by our conventional political institutions. It was responsible for the character of the people. And as this "informal" branch of government, as our "foremost political institution," Protestant Christianity enjoyed its most significant form of "establishment."

In the past sixty years, we have witnessed the disestablishment of this religion. One could argue that it was bound to happen. Good American theory—as given by Madison—holds that the more factions the better for the Republic's chances of survival. This theory applies not only to economic interests but also to religious ones. Despite the fact that the nation had been settled by Protestants, other religious peoples could settle here, too, and eventually they did. The great immigrations from Southern and Eastern Europe after the Civil War brought millions of Catholics to the United States, and by the end of the 19th century a sizable number of Jewish and Eastern Orthodox communities were also flourishing.

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[2] For this and following references, see Harold Berman, "The Interaction of Law and Religion," *Humanities in Society*, Spring 1979.

Meanwhile, something was happening to the old Protestantism itself. Evangelical Protestant Christianity (revitalized by the Second Awakening in the early years of the Republic) had held on strongly throughout the first half of the 19th century, but after the Civil War the tendencies toward Arminianism—i.e., the belief in divine sovereignty and human freedom—that had been present even in the 18th century became far more pronounced.

On the one hand, a liberal variety of Protestantism developed. Liberal theology had little interest in Original Sin; indeed sin to it was nothing more than mere error. Liberal Protestantism emphasized instead man's freedom and his natural goodness. Dogma and the sacraments were slighted, and there was immense optimism about the human race. Influenced by Kant, liberal Protestants reduced Christianity to morality; they had no prophetic voice, to speak of (or with). Liberal Protestantism was an accommodation to culture. H. Richard Niebuhr perhaps best described its God as One "without wrath" Who "brought men without sin into a kingdom without judgment through the ministrations of a Christ without a cross."

Liberal Protestantism was not the only accommodation to culture. More conservative Protestant—the keepers of the old religious flame—proved to be poor stewards of it. The old Protestantism descended into revivalistic orgies, as brought to us most sensationally by Billy Sunday. Christianity was presented as something dulcet and sentimental, and as often as not it was allied to the pursuit of profit. Frequently the old Protestantism was served up as a civil religion—a heresy, as Jonathan Edwards, but not Billy Sunday, would have recognized. Here too, and not surprisingly, dogma was neglected. A remark by Dwight Moody's perhaps best captures this. "My theology!" he exclaimed, when asked about it. "I didn't know I had any."

In the 1920's H. L. Mencken would acidly but correctly assert that "Protestantism is down with a wasting disease." One of the deepest reasons for its condition was that the Enlightenment had finally made its way to America. By the end of the 19th century the higher biblical criticism had disturbed the Protestant theologians' confidence in their ultimate authority, the Bible. So had the modern sciences, not only the physical sciences (especially biology in the form of Darwinism) but also the newer, social sciences. Truth no longer seemed absolute but relative to time and place, and the insights into personality and society provided by psychology and sociology seemed at least as plausible as those found in the Bible.

The half-decade following the Civil War had been the great age of urbanization. The rise of the city had also seen for the first time in American history the development of an intellectual class, and it was not kind to the old Protestant faith. By the 20's it had become intellectual fashion not to believe in God and, if one were a writer, to attack "Puritanism."

With the great immigrations, the decline of the old Protestant religion, and the rise of an intellectual class not merely indifferent but hostile to religion, the stage had been set by the 1920's for the cultural disestablishment of the old faith. Indeed, it had begun earlier. The end of World War I in 1918 had inaugurated a period of laxity in morals and manners. This is typically what happens after wars, but the decade of the 20's eventually would prove to be a dramatic break from the past. For it was not followed by a recovery of the old morals and manners, as also typically happens after social upheavals; the Victorian era stayed firmly in the past, Church attendance declined throughout the 20's. People lost their fear of Hell and had less interest in Heaven. They made more demands for material fulfillment.

Such demands, of course, are as American as the Declaration of Independence, which after all sanctified the idea of the pursuit of happiness. That idea owed more to the Enlightenment than to the Bible; certainly it did not sail to America aboard the Mayflower. Since the Declaration of Independence America had held its commitments to liberty and to virtue in tension. By the 20's it was clear the tension had begun to resolve itself in favor of liberty. Americans now insisted, as William Leuchtenburg has noted, not only on the right to pursue happiness but also on the right to possess it. The 20's saw the beginnings of the installment-buying plan; it is impossible to imagine such a purchasing scheme in the American culture of 200 or even 100 years earlier.

Since the 20's the disestablishment of the old Protestant religion has taken place most obviously in the intellectual, governing, bureaucratic, and cultural classes, and to a lesser but no less real and increasing degree in the rest of society. Today the disestablishment is perhaps most easily detected on the college campus. Logical positivism may have long ago fallen out of favor among philosophers, but as a cultural attitude among intellectuals and academics it is still going strong. Godtalk (the literal meaning of theology) is not fashionable, not even, it sometimes seems, in a college chapel.

The campuses of the old Protestant culture emphasized the importance of the Christian faith. Now their chapels still stand, but university policies have changed. There is probably no more striking instance of this than at Princeton University, over which both Jonathan Edwards and John Witherspoon once presided. Last year Princeton went looking for a new Dean of the Chapel. A Presbyterian of deep commitment and faith had retired, and his retirement provided the occasion for a reevaluation of the Dean's function. A trustee report came forth with a new job description: henceforth the Dean should be a person of "deep religious faith" but "above all, he or she must be personally gracious and open, and his or her own religious commitment must include sensitivity to the vulnerability of human finitude and the particularity and relativity of the views he or she espouses." The clauses following "above all" say everything that needs to be said about the distance Princeton has traveled.

Other evidences of disestablishment abound. Today the old idea that law has its roots in the Judeo-Christian ethic, as was believed at the Founding and throughout most of American history, is no longer much discussed, let alone believed in by many American legal philosophers and judges. The public philosophy of America, as Harold Berman has pointed out, has in the past two generations "shifted radically." Law is in theory no longer religious but secular; no longer moral but political and instrumental; no longer communitarian but individualistic. (People increasingly engage in "unnecessary lawsuits.") It is no wonder that Aleksandr Solzhenitsyn, at Harvard for the commencement address three years ago, left his audience stunned when he spoke of law in a religious context.

Meanwhile, liberty, like law, has been severed from its religious basis. What Jefferson once called the "firm conviction" in the minds of Americans that their liberties derive from God is hardly so firm anymore, certainly not among political scientists, columnists, television personalities, and others who influence public opinion. Having been given its own existence, ontologically speaking, liberty fairly runs riot now. The distinction between liberty and license transmitted to us by the old Protestant culture has faded almost completely among the educated classes. Consider again the college campus, where the old doctrine of *in loco parentis* is out of fashion. Administrators now run their campuses as if there is no God, since virtually everything is permitted. Probably the most libertine societies in America today exist on those very campuses that were originally the creations of the old Protestant culture.

To be sure, many other parts of America are closing fast on the campuses. It is the style nowadays not only among the college-educated but also among many blue-collar workers to be economically conservative but socially and morally liberal. This, translated, means balance the budget but decriminalize marijuana and cocaine and let us have abortion on demand. If the liberalism of the 60's has a definite legacy, it is found in the far more liberalized and hedonistic lives many Americans, including many older Americans, and indeed many political conservatives, now lead.

The "Me-Decade" has been well chronicled. Perhaps less obvious, but no less significant, is the change in ethical *thinking* that has occurred throughout society. A book could be written on what has happened to the idea of character. People in authority—teachers, parents, and even ministers—resist the fact that they are in authority. They will not "impose" their values; the idea is to let the young "clarify" *their* "values" (now considered as relative as any matter of taste). Moral education is no longer rooted in the virtues of courage, temperance, prudence, and the like. It is full of form but empty of content. What matters is that you felt sure the "option" you have chosen for yourself is the right one for you. I have seen a course in "values clarification" offered to adults in a Presbyterian Sunday School curriculum—and as an "option," no less!

Perhaps because the old imperative of "America the Beautiful"—confirm thy soul in self-control"—has become too hard to follow, ethical teaching, while studiously neutral about personal life, is assiduously assertive in social matters. Where once the major emphasis was on tidying up the individual soul, on making it conform to reality, now the focus has shifted to the external world, to tidying up the laws that regulate the public lives of man and man (or woman). Where people, whether of secular or religious disposition, seem to feel most comfortable, and certainly most confident, is in talking about "social injustice" or "racism" or "poverty" or "exploitation." Recently I joined a panel at a major university on the subject of religion and virtue. A participant who was a professor of theology centered most of his remarks on "corporate sin." I don't recall his once mentioning the idea of virtue, let alone any particular virtue. Sometimes it is hard to find a difference between what ministers and theologians say and what many secular intellectuals say.

This, then, is the picture so far of an America that has experienced the cultural disestablishment of its old religion, the dissolution of its once "foremost" political institution. Consideration of a few trends within the Supreme Court will help complete the picture.

In 1947 the Supreme Court, in *Everson* v. *Board of Education of Ewing Township*, said the First Amendment "requires the state to be neutral in its relations with groups of religious believers and non-believers." This new doctrine of neutrality not only would seem to forbid the establishment of a religion—as Madison would have had it—but also the establishment of religion in general over non-religion and thus irreligion.

With its doctrine of neutrality, the Court has denied substantial public aid to elementary and secondary church-related schools. And by striking down prayers and Bible readings and now, this past fall, even the posting of the Ten Commandments in the public schools, it has acted according to an implicit doctrine that the public schools should be secular—and "value-free."

In 1961, in *Torcaso* v. *Watkins*, the Court so enlarged the definition of religion that an observer might say irreligion had now become a religion. The Court decreed that neither a state nor the federal government can "constitutionally pass laws nor impose requirements which aid all religions based on a belief in the existence of God as against those founded on *different beliefs*" (emphasis added). A footnote listed "Ethical Culture" and "Secular Humanism" among other examples of "religions" founded on "different beliefs."

In other contexts the Court has said that virtually anything may qualify as a "religion," so long as the "religious person" believes in whatever he believes in with, as Justice Black put it, "the strength of traditional religious conviction." This definition of religion celebrates individual conscience. It is hardly surprising that in cases involving "privacy" the Court has reduced public restrictions on private choice (as with its abortion decision in 1973). The legal trend here, like the cultural trend, has been toward a pronounced individualism in matters of religion and morals.

These trends of the Court round out the portrait. We are all "pluralists" now. And it should be stipulated that this is not altogether a bad thing. I doubt that any serious religious believer would wish a return to the days of intolerance that were an admitted ill of the old Protestant culture. But people who take religion seriously—and I mean here religion that has social and historical dimension, not merely something you might believe with "the strength of traditional religious conviction" in the midst of a Saturday night drunk—will find much in this picture that is disturbing. For the disestablishment of the old Protestantism has meant defeats not only for Protestants but for Catholics and Jews as well.

By contradicting the historical meaning of the establishment clause of the First Amendment, the Court has said, in effect, that promotion of religion is not in the public interest. Daniel P. Moynihan has correctly written that the recent decisions based on the establishment clause are "an intellectual scandal," and it is perhaps not too much to hope that the Court will one day reverse itself on this matter. Meanwhile, however, the severing of both law and liberty from their historic rooting in religion has serious and more immediate implications. Instrumentalists may argue that obedience to law can be brought about solely through the threat of coercive sanctions, but, as Berman has written, what is far more important is "the tradition of being law-abiding, which in turn depends upon a deeply or passionately held conviction that law is not only an instrument of secular policy but also part of the ultimate purpose and meaning of life."

As for the loss of the religiously-grounded distinction between liberty and license, we have all witnessed the proliferation of rights with no concomitant responsibilities that has been the result. With traditional religion now pushed to the margin of our public life, not only thanks to the Court's doctrines of neutrality and secularism but also, and more importantly, thanks to the pedagogy of school and college teachers alike, religion is less able to exercise its historic role as a political counterweight, as the voice of constraint and responsibility.

The shift in ethical thinking away from character formation toward personality adjustment and values clarification on the one hand, and social problems on the other, is perhaps the most disturbing change of all. The emphasis on virtues that the old Protestant culture provided was precisely what the Founding Fathers achnowledged their new Constitution could not provide. And yet the Founders also know that just these virtues were what the best thinkers in antiquity had thought necessary to the maintenance of a republican order. If the old evangelical Protestantism had a special fire in it that burned the ancient virtues into the souls of men, the virtues themselves were not special to that faith. For these were virtues agreeable to Catholic and rabbinical tradition, to the Deists of the Founding period, to the Greeks and Romans. The old Protestant religion understood, as ancient philosophy did, that politics is ultimately about the cultivation of character. It is unclear today that our modern culture even understands this point, let alone wants to deal with it.[3]

Even so, it is answered, by default if not by design. Protestant Christianity is no longer America's "foremost political institution," but this fact does not obviate the need for a system of values in which Americans can move and live and have their commercial (and now leisure) being. If our morality is not engrafted upon Protestant Christianity, it will be engrafted on something else—God only knows what. The brilliance of the Founding Fathers did not anticipate this situation, but surely they did not believe that any institution could ever be "value-free." We are all the time engrafting our way of life upon *some* set of values.

If we are today a secular society, we are still also a liberal society. And in the current groping toward what inevitably will be our public philosophy, the religious person is entitled, if not to prevail, at least to be heard. The religious person can expect to be allowed a voice in matters of public policy. He can expect that his religion will not disqualify him from speaking on political matters, and that if he offers a religious or ethical justification for his position on a public issue, it will not *ipso facto* be considered out of the bounds of public discourse. The question here is ultimately one of where you get your basic beliefs. If, as Michael Novak has written, we should be willing to let people get their politics as much from the Bible as from Gloria Steinem, then biblical or religious values should be permissible in public debate. Unless the free exercise of religion, vouchsafed in the First Amendment, is to mean only trivial whispers, something practiced in the closet, then it must mean a voice equal to that of anyone who is not religious.

The trends go against even this minimal kind of free exercise of religion. It has been argued by serious public philosophers that only a rational, utilitarian morality should ever be enforced by law, and that this morality by definition would exclude any influenced by or grounded in religious considerations. Today this argument, spoken by non-philosophers, is used against the Moral Majority and their kind. You cannot legislate morality, it is said, meaning you cannot legislate a particular kind of morality—the kind having to do with religion as traditionally conceived.

History is not irreversible, but the trends for the past hundred years suggest that traditional religion will have an increasingly marginal influence on our public life. America is still one of the most religious countries in the world, and yet church affiliation (40 percent of Americans profess one) continues to decline, as Seymour Martin Lipset and Earl Raab noted recently in these pages ("The Election & the Evangelicals," March). These are just the circumstances to expect in a country to which the Enlightenment came late. The much-touted religious renaissance of recent years does not promise to change this state of affairs, at least not soon. Lacking is what has been lacking in much of American religious life for the past hundred years—solid theological content—and on this score the seminaries that have brought us the "death of God," "liberation theology," and other similar inspirations cannot inspire hope. As for the turning of a few scientist toward God, this is hardly a full-blown theological revolution. To postulate, as Sir John Eccles has done, that the brain is the product of evolution but that only God could have created the mind may prove an invaluable service to religion. But we are still a long way from any *Summa*, and a longer way from a great cultural movement.

One need not hold a brief for Jerry Falwell, nor for his cousin evangelists who appear on the television screen in the shank of the evening, to acknowledge what they have done, which at the least has been to flush the anti-religious bias out into the open. The early reaction to Falwell was dominated by comments from civil libertarians who implied, ironically enough, that

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[3] Can a government, asks Francis Canavan, "committed to absolute neutrality among 'religions' . . . be capable of educating anyone? . . . The right questions were raised, but not answered, by Justice Jackson in his dissenting opinion in *Everson* where he said: 'Our public school . . . is organized on the premise that secular education can be isolated from all religious teaching so that the school can inculcate all needed temporal knowledge and also maintain a strict and lofty neutrality as to religion. The assumption is that after the individual has been instructed in worldly wisdom he will be better fitted to choose his religion. Whether such a disjunction is possible, and if possible whether it is wise, are questions I need not try to answer' " ("The Impact of Recent Supreme Court Decisions on Religion in the United States," *Journal of Church and State*, Vol. 16, No. 2, 1974).

Falwell had no right to speak out on public issues. Such was not the reaction when the Reverend Martin Luther King wrote his letter from a Birmingham jail, but the hypocrisy is less interesting, I think, than the secular bias that produced it.

If, someday, people with traditional religious views should be effectively banned from public debate, not only will the free exercise of religion have been denied but a new religion will have been culturally established as our "foremost political institution." It would no doubt look very much like what the Supreme Court alluded to in its *Torcaso* ruling—the religion of "secular humanism." God save us—from that.

Should Prayer Be Restored to Our Public Schools?

The Supreme Court has said no. Yet three out of four Americans favor voluntary school prayer—and the remedy is in Congress's hands

(By Eugene H. Methvin)

In 1962 the U.S. Supreme Court ruled by a six-to-one vote that voluntary prayers said in public school classrooms violated the U.S. Constitution. Few Supreme Court decisions have stirred such public controversy and outrage, encountered such open disobedience [1] or stimulated such sustained efforts for reversal.

Public-opinion polls have shown that a stable majority of about 75 percent of Americans favor restoring public-school prayer. Last April the U.S. Senate, by a 51-40 vote, approved legislation introduced by Sen. Jesse Helms (R., N.C.) that would restore voluntary prayers to the classrooms. And once again the issue has touched off a torrent of mail to Capitol Hill, this time to the House of Representatives, whose members may soon consider the question.

The Senate's action would largely restore the situation that existed before the 1962 Supreme Court opinion: decisions would be left to the states or to local authorities, and justices in Washington would be out of the business of refereeing local arrangements for voluntary classroom prayer. Which is precisely the way the Founding Fathers, who wrote that First Amendment guarantee of freedom for religion, wanted it.

The First Amendment says: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Those words, known as the establishment and free-exercise clauses, were meant to guarantee that religious matters would be decided at the local level.

The record leaves no doubt. When the First Amendment was presented to Congress in 1789, five states had established churches; others had recently disestablished or refused to establish churches. A major purpose of the amendment, as James Madison assured Congress, was to provide that the national government would have no power to disturb these local arrangements. It clearly forbade federal interference either *for* or *against* community decisions.

No one would have been more astonished at the Court's 1962 interpretation than the framers of the First Amendment. The same day in 1789 that Congress approved the Bill of Rights, the legislators asked President George Washington to proclaim "a day of public thanksgiving and prayer to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God." Washington thereupon issued the first Thanksgiving Day proclamation—an act that by the Warren Court's logic violated the First Amendment while its ink was still wet.

The more obvious conclusion is that it was the 1962 justices themselves who trifled with the Constitution. Said Harvard Law Dean Erwin Griswold: "We have a spiritual and cultural tradition of which we ought not to be deprived by judges carrying into effect . . . absolutist notions not expressed in the Constitution itself and surely never contemplated by those who put the constitutional provisions into effect. To say that they require that all trace of religion be kept out of any sort of public activity is sheer invention."

Yet that is precisely what the Warren Court decided in 1962, when the justices decided the Supreme Court's first prayer case. The New York State Board of Regents, in consultation with the clergy of Protestant, Catholic, Jewish, Greek Orthodox and other faiths, had developed this nonsectarian prayer: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country." Local school boards decided whether to use the prayer, and individual students could excuse themselves from participation if they wished. The Warren Court found this a violation of the establishment clause.

To reach its result, the Court had to ignore the First Amendment's clause forbidding the federal government to interfere in the "free exercise" of religion and adopt a new theory advanced by Justice Hugo L. Black. He contended that the establishment clause forbidding Congress to establish a religion had been applied to the states through the Fourteenth Amendment clause which says that no state shall "deprive any person of life, liberty, or property without due process of law." That language, the Court decided, somehow requires Washington—the form of the justices—to maintain a "wall of separation between church and state," and strict "neutrality" between religion and irreligion.

Potter Stewart was the only justice to dissent: "With all respect, I think the Court has misapplied a great consitutional principle. I cannot see how an official religion is established by letting those who want to say a prayer say it. On the contrary, I think that to deny the wish of these schoolchildren to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our nation."

The Warren Court's coupling of the First and Fourteenth Amendments was a bold new seizure of authority from both Congress and grassroots institutions. Other decisions followed: The justices ruled against a Maryland law that provided for the reading of a chapter of the Bible and/or recitation of the Lord's Prayer in schools. When the Netcong, N.J., board of education voted to permit students to come to school early for a "period for free exercise of religion" under the expressed First Amendment authority, the state court refused to allow it. This court even refused to permit schoolchildren to read the daily prayer of the House or Senate chaplain as printed in the Congressional Record. By not accepting the case on appeal, the Supreme Court justices let the state decision stand.

These anti-prayer decisions set off a wave of protest that has not stopped. At first, Capitol Hill opponents backed an amendment to the Constitution that would revise the Supreme Court's interpretation of the Fourteenth and First Amendments. In 1966, the Senate voted 49-37 to submit such an amendment to the state legislatures for ratification, but the vote was nine short of the constitutionally required two-thirds majority. In 1971, responding to a nationwide drive sparked by Ohio housewife Louise Ruhlin, the House voted 240-162 for an amendment, 28 short of the necessary two-thirds. In each case, many legislators balked for fear that the wording of such an amendment might be interpreted to do harm to other First Amendment provisions regarding freedom of speech and the press.

But today the outlook for prayer proponents is brighter. In the years since 1962, both the makeup of the Supreme Court and opinion about the limits on its powers have changed. The current Chief Justice, Warren E. Burger, has led this different Court in a substantial federalist restoration, curtailing some of the more ambitious activist claims of judicial power of the 1960s, pointing out, among other things, that Congress has remedies against such claims short of amending the Constitution. In fact, the Constitution provides two clear ways to limit the Supreme Court's role in the interpretation of our constitutional rights:

1. Article III, which created the Court, empowers Congress to make "exceptions and regulations" to the Court's appellate jurisdiction. Thus, by a simple majority, legislators can vote to take whole classes of cases away from the Court's jurisdiction.

2. The Fourteenth Amendment, under which the Court claims authority to impose its interpretations of the Bill of Rights on the states, specifically provides: "The Congress shall have power to enforce, by appropriate legislation," the rights the amendment creates. So if the legislators disapprove of the Court's rulings, presumably they can pass statutes—again by simple majority—substituting their own rules.

For three decades the nation has seen decisions and responsibilities transferred from local communities to Washington, thus steadily eroding the federalist concept of our government. When Senator Helms introduced his legislation last April, he emphasized the significance of his proposal in maintaining the Constitution's original plan of a divided and carefully limited power: "Congress must not yield its responsibility under the Constitution to ensure that the freedoms protected by the First Amendment are not undermined by actions of other institutions."

That is why many legal and editorial commentators welcome the Senate move to moderate the harsh anti-prayer rules adopted by the Warren Court. Says columnist James J. Kilpatrick: "When Senator Helms undertakes to restore the possibility of truly voluntary prayer, he merits the support of all those who believe that, while governmental establishments of religion must be resisted, the free exercise of religion should be encouraged. The Constitution expressly authorizes Helms's approach as a form of restraint upon the judiciary short of a constitutional amendment."

Regardless of our views on voluntary classroom religious exercises, all Americans—Christian, Jew, atheist, agnostic, whatever—have cause for alarm when a group of officials in Washington claims the right to dictate radical changes in our lives without consulting us. By debating and deciding such matters locally, we actually strengthen our democratic traditions of tolerance and liberty.

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[1] Many schools simply disregarded the Supreme Court's ruling and continued to conduct prayers, freely excusing those who did not wish to participate.

In taking such decisions away from the people, the 1960s-era justices pushed the Court far along the road to a more sweeping tyranny than any that might result from a local excess of religious zeal. As Harvard law professor Raoul Berg says in his recent book "Government by Judiciary": "A democratic system requires adherence to constitutional limits, by courts no less than presidents. Respect for the limits on power is the essence of a democratic society."

The First Amendment and Freedom of Speech in America

THE ISSUE

A problem of increasing concern in American society has been that of the burgeoning production of pornographic materials in the form of books, magazines, photographs, films, and motion pictures. While this problem has in itself attracted considerable attention, an even more notorious aspect of it has been the use of children in pornography. Recent accounts and studies by the police departments of various cities, by social workers and psychiatrists, and by local leaders indicate that the abuse of juveniles in the production of obscene materials is increasing. Authorities estimate that pornography in the United States has revenues of $1 billion a year and that child pornography ("kid-porn") accounts for 10 percent of this. The Los Angeles Police Department has conducted an extensive survey of this type of pornography and has concluded that 70 percent of the child pornography market caters to homosexual depictions of boys, that 25,000 juveniles under 17 are currently involved in this aspect of the trade alone. In Mineola, New York, a pornographic ring was broken up which was estimated to make $250,000 a year.

Many congressmen and senators have expressed concern over the brutalizing effects of the production process on the children who are forced, intimidated, or gulled into participating. This aspect of the issue is not seriously in question; and, accordingly, several bills have been introduced in both the House and Senate to penalize the production of child pornography and to prevent more effectively the abuse of juveniles in its production.

However, due to the well-attested difficulties of apprehending the producers, some legislators feel that a more stringent approach is necessary. They point out, as have police officials, that pornographers are often transient and do not sign their work. Much of the production is on a short-term basis and occurs in private homes, motels, or abandoned locations. Children are often not the most reliable witnesses and cannot identify their victimizers; and the process of testifying may be traumatic for them. Thus, the legislators believe the only effective way to curb pornography, especially of this genre, is at the level of distribution rather than at the level of production. They advocate the punishment of the mailhouses and booksellers that sell child pornography.

This aspect of the proposed legislation is more controversial. Critics charge that such provisions would be a violation of the First Amendment, particularly if passed by Congress. The American Civil Liberties Union, for example, has supported the prosecution of the producers, but argues that prosecution of the distributors would be unconstitutional. When confronted with the difficulties of the police in this field, Alan Reitman of the ACLU said, "The police will just have to try harder." Congressman Paul Findley (R-Ill.) has stated, "The first amendment's guarantee of free speech and a free press cannot be set aside even to gain a conviction of a smut peddler." [1] On the other hand, Congressman Robert Dornan (R-Calif.) has stated, "As anyone who really understands the Constitution knows, the first amendment was never intended to protect gross indecency and the corruption of the public marketplace." [2]

In order to review the background of this debate, which goes to the core of meaning of our Constitution, let us examine the historical and legal implications of the First Amendment.

THE FIRST AMENDMENT: HISTORICAL AND LEGAL BACKGROUND

The First Amendment states the following:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

Throughout American history many historians and legislators have believed that this statement guarantees an untrammeled right to say, write, or depict any and every opinion, argument, or statement whatever (though sometimes they would except libel), that the First Amendment creates the United States as an "open society." But whatever the value of the recognition of such rights and whatever the implications of the concept of an open society, there can be little doubt that the Founding Fathers were not for the most part proponents of this interpretation, nor did they believe in an open society as it has come to be thought of today.

Benjamin Franklin, for instance, in an early essay, "An Apology for Printers" (1731), argued that vice and immorality in printed material for public consumption should not be countenanced. In 1789, writing on the First Amendment in "The Court of the Press," Franklin said, "few of us, I believe, have distinct Ideas of Its Nature and Extent," indicating that he did not believe it had very large implications.[3]

Alexander Hamilton, writing in *Federalist No. 84*, argued that freedom of the press was indefinable and opposed the whole idea of a Bill of Rights in the first ten amendments. One of the men who, after Madison, was most responsible for the framing of the Constitution was James Wilson of Pennsylvania. Wilson argued in the ratifying convention of Pennsylvania that

"The idea of the liberty of the press is not carried so far as this [the open society idea] in any country—what is meant by liberty of the press is that there should be no antecedent restraint upon it; but that every author is responsible when he attacks the security or welfare of the government, or the safety, character and property of the individual." [4]

In 1790, Wilson drafted the state constitution of Pennsylvania. He included a long section on liberty of the press, in which he stated,

"The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print on any subject, *being responsible for the abuse of that liberty* (Article IX, section 7)." [Emphasis added] [5]

This interpretation of the freedom of the press is quite different from that upheld by advocates of an open society. It argues that "liberty of the press" consists of liberty from prior inspection and censorship of publications before they are distributed, but that after publication the authors are responsible for what they said and can be prosecuted for it if they harmed public safety or morality or were guilty of libel. Delaware and Kentucky also had similar provisions in their constitutions. It is an interpretation that was based on the ideas of the eighteenth century English jurist William Blackstone, whose defense of the rule of law greatly influenced the Founders.

Others of the Founders who qualified their endorsement of the First Amendment were Hugh Williamson of North Carolina and John Adams. The latter believed that the press should be free within the bounds of truth but that falsehoods, scandals, and bad motives should be criminally prosecuted. Williamson also expressed belief in the Blackstonian idea that when government placed not prior restraints or license on publishing, "the press became perfectly free." John Marshall, in the Virginia ratifying convention of 1788, made statements that implied his belief that Congress could suppress minority critics if it had the support of public opinion.[6]

It might be objected that many of these men—e.g., Adams, Hamilton, and Marshall—were on the "conservative" or "authoritarian" wing of the Revolution and that others, such as Jefferson and Madison, expressed more libertarian views. It is true that Jefferson and Madison did express a wider interpretation of the First Amendment, especially at the time of the Sedition Act. But it should be noted that this Act was passed by their political opponents, that the U.S. courts never denied its constitutionality, and that Jefferson, when he became President, did not hesitate to support the prosecution of Federalist editors under the very Act. Jefferson's early opposition to the Sedition Act was clarified by him in a letter to Abigail Adams on September 11, 1804:

"While we deny that Congress have a right to control the freedom of the press, we have ever asserted the right of the States, and their exclusive right, to do so." [7]

In 1803, writing to Governor McKean of Pennsylvania, Jefferson said,

". . . the press ought to be restored to its credibility if possible. The restraints provided by the laws of the States are sufficient for this if applied. And I have, therefore, long thought that a few prosecutions of the most prominent offenders would have a wholesome effect in restoring the integrity of the presses." [8]

And in his Second Inaugural, Jefferson said,

"These abuses of an institution [the press] so important to freedom and science are deeply to be regretted, inasmuch as they tend to lessen its usefulness and to sap its safety. They might, indeed, have been corrected by the wholesome punishments reserved to and provided by the laws of the several States against falsehood and defamation, but public duties more urgent press on the time of public servants . . ." [9]

In other words, Jefferson several times expressed the belief that it was indeed unconstitutional for the federal government to legislate against the abuses of freedom of expression but that the states were free and authorized to do so. This does not support the current popular view of Jefferson as an exponent of the "open society" so much as it does the view that he dreaded the centralization of power in Washington. In any case,

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Footnotes at end of article.

Jefferson's beliefs did not restrain his Administration from prosecuting the Federalist editor Henry Croswell in 1801 for his attacks on Jefferson's party.

Thus it cannot be said that the Founding Fathers were libertarians in any modern sense or that they believed seriously in the theory that the United States was an open society by virtue of the First Amendment. Franklin, Wilson, Hamilton, Jefferson, and several other less important of the Founders believed in what today would be considered a very limited role for the First Amendment: It pertained to the federal government but not to the states or it pertained to antecedent restraints (prohibition or press licensing), or both. In almost every case, these men believed that government had the right and the duty to prosecute irresponsible or seditious publications that threatened public safety.

COURT DECISIONS

The Blackstonian concept that regards liberty of the press as consisting in the absence of prior restraints is not a mere legal antiquity. Until well into the twentieth century it was the dominant interpretation of the meaning of the First Amendment and was expressed by Oliver Wendell Holmes in 1907. Holmes later modified his interpretation in *Schenk* v. *U.S.*, where he gave his famous "clear and present danger" opinion; but one week later he expanded on his conception of the meaning of the First Amendment, with unanimous consent, in *Frohwerk* v. *U.S.*, 249 U.S. 204 (1919):

"... it is necessary to add to what has been said in *Schenk* v. *United States* ... only that the First Amendment while prohibiting legislation against free speech as such cannot have been, and obviously was not, intended to give immunity to every possible use of language ..."

Although the Supreme Court in the 1950s and 1960s considerably modified its interpretation of the meaning of the First Amendment and moved towards a wide libertarian concept, the current status of Supreme Court rulings on freedom of speech is far from recognizing a constitutionally mandated open society. A brief review of some of these decisions in two areas of First Amendment cases will serve to indicate the existing judicial consensus on this issue.

NATIONAL SECURITY

In *Dennis* v. *U.S.*, 341 U.S. 494 (1951), the Court upheld the conviction of eleven Communists for violation of the Smith Act, which forbids advocacy of violent overthrow of the government. In *Yates* v. *U.S.*, 354 U.S. 298 (1957), the Court overturned the conviction of several CPUSA leaders, but this decision was based on construction of the statute, not on the First Amendment. In 1961, the Court upheld the Internal Security Act of 1950 (McCarran Act) requiring registration of the CPUSA in *Communist Party* v. *SACB*, 367 U.S. 1 (1961), with only Justice Black dissenting. In *Scales* v. *U.S.*, 367 U.S. 203 (1961), the Court upheld the constitutionality of proceedings against the members or organizers of a group proscribed by the Smith Act.

However, in 1969, the Court went far toward reversing this long-standing trend. In *Brandenburg* v. *Ohio*, 395 U.S. 444 (1969), the Court forbade states to legislate against advocacy of illegal or violent action unless such advocacy is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action."

It is possible to see this recent trend in Court rulings as a deviation from the traditional juristic interpretation. There can be little doubt that it does represent a radically different understanding of the First Amendment from that held by the earlier interpreters and the Framers themselves. But some, with apparent incongruity, believe that it is a "fulfillment" of the lines laid down by the Framers. It is difficult to accept this idea when there is such a broad disparity between their recorded statements and the current trend.

OBSCENITY

There is little doubt in this area that the Supreme Court has excluded obscenity from the protection given by the First Amendment. Thus, in *Roth* v. *U.S.*, 354 U.S. (1957), Justice Brennan argued that "the unconditional phrasing of the first amendment was not intended to protect every utterance." The Court pointed out that practically all of the state legislatures ratifying the First Amendment had laws against blasphemy or profanity or both. "Implicit in the history of the First Amendment, wrote the Court, "is the recognition of obscenity as utterly without redeeming social importance."

The clear and present danger test, applicable in internal security cases, was rejected for obscenity. However, the problem is not whether the First Amendment protects obscenity but what obscenity is. Brennan held that "obscene material is material which deals with sex in a manner appealing to prurient interest." And the Court arrived at the test for obscenity that a publication in its dominant theme appealed to the prurient interest of the average person, applying contemporary community standards. This test was again upheld in the Fanny Hill decision, 383 U.S. 413 (1966). But despite this affirmation, rulings since 1966 have tended to broaden the definition of obscenity, to reverse convictions for obscenity, and, in the opinion of many, to undermine the meaning of the Roth decision. In *Stanley* v. *Georgia*, 394 U.S. 557 (1969), the Court upheld the right of an individual to possess obscene materials in his home, though it reasserted the Roth standards. In *U.S.* v. *Reidel*, 402 U.S. 351 (1971), the Court upheld the constitutionality of prohibiting the distribution of obscene materials through the mails and the authority of customs officials to seize obscene materials from travelers' baggage. The Court again specifically reasserted the Roth standards.

However, in decisions of 1973, notably *Miller* v. *California*, 43 U.S. 15 (1973), the definition of obscenity was altered somewhat. Henceforward, a work is to be considered obscene if, as a whole, it appeals to a prurient interest, portrays sexual conduct in a patently offensive manner, and does not, taken as a whole, have "serious literary, artistic, political, or scientific value." This latter phrase replaced the Roth ruling that it must be "utterly without redeeming social importance" and is thus a more stringent standard. The Court also emphasized the role of the community in providing determination of obscenity, but whether this is to be the state or local community is not yet clear. A national, uniform definition of obscenity is, however, no longer required to declare a work obscene.

EXISTING FEDERAL LEGISLATION

At the present time there are five federal statutes which regulate obscenity and its distribution. These are: 19 U.S.C. section 1305, which forbids the importation of obscene materials into the United States; 18 U.S.C., section 1461, which prohibits the mailing of such materials; 18 U.S.C., section 1464, which prohibits obscene broadcasts; and 18 U.S.C., sections 1462 and 1465, which prohibit interstate transportation of obscene materials or the use of common carriers to transport them. In 1968, Congress enacted the Anti-Pandering Act (39 U.S.C., section 3008) which gave postal patrons authority to terminate the mailing of unsolicited, sexually offensive materials.

IS AMERICA AN OPEN SOCIETY

The legal history recounted above would indicate that there is little basis for the often-heard contention that the Founding Fathers, the Framers of the Constitution, or the Supreme Court have established through the First Amendment an "open society"—i.e., a society in which all expressions, regardless of their moral value or social and political consequences, have an equal status of permissibility before the law. It is true that the Court, especially in recent years, appears to have moved in this direction, but even here its record is as yet ambiguous and far from unequivocal. There yet remains adequate constitutional authority for the legal punishment of expressions which threaten national security or public morality.

But an increasing number of citizens finds such precedents irrelevant to what they regard as the progressive trends of contemporary society. Even if American legal traditions do not support an open society, these persons would argue, we should move toward one in recognition that government has no business in protecting morality or deciding what is dangerous, if the act or statement does not actually hurt anyone. In other words, these persons advocate the creation of an open society regardless of American traditions.

The problem of whether an open society is a desirable, or even a possible, one is an ancient question of social philosophy. Critics of the concept of an open society have pointed out that human society consists in a set of beliefs or affirmations shared by all or most members, past and present, of the society. This "consensus" or "public orthodoxy," they argue, is what really gives definition and meaning to what would otherwise be a disparate aggregation of individual wills. Without such a consensus, this aggregation would be incapable of any sustained or concerted enterprise: to support a policy calling for public sacrifice, to fight a war, or to have any agreed sense of what the goals and basic values of the society are.

Those who hold this belief that a consensus must undergird social cohesion point out that it is at odds with the "open society" concept. The latter admits no such consensus and assumes that individuals may do and say what they please within the limits of not harming others or preventing them from doing or saying what they please. Many of the consensus school also emphasize that, though the majority in a society believe in and live by the consensus, a minority may violate it or at least parts of it. This violation by a numerical minority can have disruptive effects on the consensus and on the society's perception of its common purposes. It is therefore the duty of the government to enforce the consensus and to provide appropriate sanctions and legislation in support of it.

Such a position is often caricatured as "repressive" and presented as leading to a totalitarian system of thought control. The libertarian advocates of openness often charged that, once public authorities enter the field of enforcing moral values, there is no logical stopping place on the road to philistinism in taste, the complete suppression of dissent, and a return to Victorian standards of public morals. Consensus advocates reply, however, that there is no necessary progression from the punishment of those forms of expression which threaten subversion or the debasement of morals to these extreme results. In any case, they argue, the dangers of repression are not now our problem. Philistinism is already triumphant in "Deep Throat" and Larry Flynt's Hustler magazine. Dissent is already threatened when demonstrators are legally able to enforce silence on those with whom they disagree and when advocates of traditionally morality are denied access to public forums. As for the much dreaded return to "Victorian morality," many advocates of stricter public discipline point out that 45% of the American people favor stricter standards for the sale of "sexually explicit material" (only 6% believe in less strict standards, as reported in the *Gallup Opinion Index* of May, 1977, page 4) and that this large cross-section of the population cannot be limited to those who have socially extremist or unrepresentative opinions.

LEGISLATING MORALITY

Libertarians also argue against legal protection of public morality by advancing the argument that morality cannot, or should not, be legislated. But it is difficult to see what else can be legislated. Any law forbidding one act or permitting or commanding another contains an assumed judgment of value that the forbidden acts are wrong and anti-social or that a legal act is good and pro-social. A law against murder condemns murder as wrong just as much as a law against obscenity condemns obscenity. The libertarian question, "Who decides what is wrong?" is essentially a political problem in this context. The duly appointed political representatives of a society decide this, whether they are to be the courts, the Congress, or the state and local governments.

It is precisely the point of the consensus advocates that hostility to permissiveness and to the highly vocal radicalism that attacks both public decency and national security is in keeping with the mainstream of American life and society, and not just a transient whim or a prudish backlash. As the late Willmoore Kendall of Yale once wrote:

"Those beliefs that the people share are what defines its character as a political society, what embodies its meaning as a political society, what above all, expresses its understanding of itself as a political society, of its role and responsibility in history, of its very destiny. . . . In such a society by no means are all questions open questions; some questions involve matters so basic to the consensus that the society would, in declaring them open, abolish itself, commit suicide, terminate its existence as the kind of society it has hitherto understood itself to be." [10]

Many in the consensus school argue that those who favor more permissive standards for the sale of pornography or who indulge in support for un-American political causes are alienated from or hostile to the way of life characteristic of American society. They object that it is unjust and undemocratic that these minorities or their allies are able to dominate not only public discourse but also that increasingly the Supreme Court seems to be imposing the peculiar values and beliefs of this minority on the large remainder of the population.

CONCLUSION

It would appear from the above review that federal legislation prohibiting or controlling the distribution of obscene materials is in keeping with the long-standing traditions of American Constitutional law. Such legislation may be open to other criticism: it cannot be adequately enforced; it requires too much of the time and effort of local or federal police agencies; it is inconsistent with the movement toward an open society that the United States has experienced in the recent past. But these are pragmatic considerations, and in the last case, a question of social and political philosophy. As such, they are separate from and independent of the more narrow question of the meaning of the First Amendment for the future of public morality and national security.—(Samuel T. Francis, Policy Analyst.)

FOOTNOTES

[1] Congressional Record, March 2, 1977, p. E1121.

[2] Congressional Record, May 18, 1977, p. H4686.

[3] Leonard W. Levy, "Freedom of Speech and Press in Early American History: Legacy of Suppression" (New York: Harper and Row, 1963), pp. 126-127, 200.

[4] Op. cit. pp. 201-202.

[5] Op. cit., p. 203.

[6] Op. cit., pp. 216-217.

[7] Walter Berns, "The First Amendment and the Future of American Democracy" (New York: Basic Books, 1976), p. 82.

[8] "The Constitution of the United States of America: Analysis and Interpretation: Annotations of Cases by the Supreme Court of the United States to June 29, 1972" (Washington, D.C.: U.S. Government Printing Office, 1973) p. 938, n. 12.

[9] "Inaugural Addresses of the Presidents of the United States from George Washington 1789 to Richard Milhous Nixon 1973" (Washington, D.C.: U.S. Government Printing Office, 1974), p. 19.

[10] Willmore Kendall, "The Conservative Affirmative" (Chicago: Henry Regnery Company, 1963), pp. 74-75.

DO SCHOOL PRAYERS VIOLATE THE CONSTITUTION?

(Dr. Hermine Herta Meyer)

A federal law, namely title 36, section 172 of the United States Code, has designated the following words as the pledge of allegiance to the Flag:

"I pledge allegiance to the Flag of the United States of America, and of the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

The Congress of the United States opens each session with a prayer.

At the opening of each session of the United States Supreme Court, the judges stand while one of the Court's officials, the Crier of the Court, invokes the protection of God with the words: "God save the United States and this honorable Court."

If these invocations of God do not violate the Constitution of the United States, how could it be violated, when children do this in the schools?

Yet, in 1962, the United States Supreme Court ruled in *Engel* v. *Vitale*[1] that the Constitution was violated by the New York State Board of Regents when it provided that those children in the public schools of New York who wished to do so may join at the beginning of each school day in the following little prayer:

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

Justice Black wrote the opinion of the Court. The petitioners had argued that "the State's use of the Regent's prayer in its public school system breaches the constitutional wall of separation between Church and State." Justice Black agreed with them. He said that this was embodied in the religion clause of the First Amendment, "as reinforced by the provisions of the Fourteenth Amendment," and that prayers in public schools violated the establishment part of the religion clause of the First Amendment.

On 14 printed pages, Justice Black gave a historical review of the quarrels over the Book of Common Prayer in England and of the history of the early establishment and later rejection of official churches in the American States. But the one thing he did *not* do was to look into the history of the religion clause in the First Amendment to the United States Constitution in order to find out its intended meaning, and tell us where in the provisions of the Fourteenth Amendment that clause had been "reinforced."

In 1963, the Supreme Court ruled in *Abington School District* v. *Schempp*[2] that State laws providing for prayers and Bible reading in public schools violated the establishment part of the First Amendment's religion clause which had been made "applicable" to the States by the Fourteenth Amendment. In that case, Justice Clark wrote the opinion of the Court. It is 22 printed pages long. But he also did not give us the constitutional history and meaning of the First Amendment's religion clause, nor did he explain where in the Fourteenth Amendment that clause has been made "applicable" to the States. Only in a footnote are we told that in previous cases the Supreme Court had decided that the "liberties" of the First Amendment were protected by the due process clause of the Fourteenth Amendment.[3]

Evidently, in order to know whether the Religion clause of the First Amendment together with the due process clause of the Fourteenth Amendment really forbid prayers in the public schools of the States, we will have to know the constitutional meaning of these two clauses.

The first amendment's religion clause was meant to prevent Federal interference with the right of the States to make their own laws respecting religion.

The religion clause of the First Amendment reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

As can be seen, it says nothing about separation between Church and State. As the language shows, it is a restriction on the federal government only. There is no provision in the entire Constitution which says that the States shall make no such law. The debates in the First Congress, where the first ten amendments were made, show clearly that the purpose of the religion clause was to prevent Congress from establishing a national church and from interfering with the exercise of religion in the States. The expression "establishment of religion" in those days meant an official state church.[4]

At least one judge of the Supreme Court must have read those debates, namely, Justice Stewart, because he stated the constitutional meaning of the clause correctly in his dissenting opinion in *Abington School District* v. *Schempp*. There he said that the First Amendment was adopted "solely as a limitation of the newly created National Government." It was to insure "that Congress not only would be powerless to establish a national church, but would also be

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unable to interfere with existing state establishments. Each State was left free to go its own way and pursue its own policy with respect to religion. Thus Virginia from the beginning pursued a policy of disestablishmentarianism. Massachusetts, by contrast, had an established church until well into the 19th century." [5]

The fourteenth amendment nowhere mentions religion.

The Supreme Court said that the Fourteenth Amendment has made the religion clause "applicable" to the States.

Anyone who takes the trouble of reading the Fourteenth Amendment, will find that it nowhere mentions religion. Where then did the Fourteenth Amendment make the religion clause of the First Amendment applicable to the States?

In *Engel* v. *Vitale* the Supreme Court did not say anything about it.

In *Abington School District* v. *Schempp* the Supreme Court referred to other cases where the Court had ruled that "the liberties guaranteed by the First Amendment" are "embraced" by the "fundamental concept of liberty" embodied in the due process clause of the Fourteenth Amendment.

The due process clause of the Fourteenth Amendment reads: "* * * nor shall any State deprive any person of life, liberty, or property without the process of law."

The clause does mention the word "liberty". However, it expressly permits the States to take "liberty," but not without due process of law. The clause was copied from the Fifth Amendment where it applies only to the federal government. It came from the English law, and at the adoption of the Fifth Amendment in 1791 it was already over 500 years old. It has always meant the same; namely, that no person accused of crime may be sentenced to death, or to imprisonment, or to forfeiture of property without first having been given an opportunity to defend himself in a proof procedure, today called trial. Since the due process clause in the Fifth Amendment did not bind the States, they were able to make different procedural rules for blacks and for Chinese, than they made for whites. This placed the blacks and the Chinese at a considerable procedural disadvantage. The purpose of the due process clause in the Fourteenth Amendment was to make it applicable to the States and thus insure to "any person," meaning any human being, without distinction as to race or color, the same procedural rules without which he could not have "due process of law," or in the words of Representative (later President) Garfield, "an impartial trial according to the law of the land." In short, the due process clause guarantees to any person charged with crime by the federal government (in the Fifth Amendment), as well as by a State (in the Fourteenth Amendment) access to a trial before he can be sentenced to death, or imprisonment, or forfeiture of his property.[6]

The due process clause of the Fifth Amendment is the only provision of the Federal Bill of Rights, as amendments one to eight are commonly called, which the Fourteenth Amendment to the Constitution has made applicable to the States. None of the other provisions of the Federal Bill of Rights is mentioned in the Fourteenth Amendment.[7] Therefore, the Supreme Court originally correctly held that the due process clause of the Fourteenth Amendment cannot possibly be interpreted as including other provisions of the Federal Bill of Rights.[8] This is the only logical conclusion that can be drawn from the language and the history of the Fourteenth Amendment. To place freedom of religion into its due process clause, would read: "nor shall any State deprive any person of freedom of religion without due process of law." That would mean that a State could deprive a person of freedom of religion if it provided a procedure for doing so. This makes no sense. The due process clause makes sense only if given its constitutional and historical meaning; namely, that no person charged with crime can be sentenced to death, or imprisonment, or forfeiture of property without first having been given access to a trial pursuant to the preexisting laws.

Did the Supreme Court interpret the Constitution when it declared that school prayers are unconstitutional?

Article VI of the U.S. Constitution provides that every federal and state official and all judges "shall be bound by Oath or Affirmation to support this Constitution," that is the Constitution as written and intended by the framers and as legally amended by the representatives of the people in Congress and the legislatures of the States.

In the same article it is said that this Constitution shall be the supreme law of the land.

When interpreting a law, courts have a duty to give effect to its language. If the language is not clear, they have a duty to ascertain the intent of the framers and for what purpose a legal provision was adopted. This can be found from the legislative history.

In the two cases in which the Supreme Court ruled that prayers in State public schools violated the Constitution of the United States, the Court respected neither the language of the constitutional provisions nor their history. Rather, the Court read into them a meaning which the Court wanted them to have, in order to force the Court's own ideas on the people. Thereby the Court did not interpret the Constitution, but illegally amended it, because the Court deprived the States and their people of their constitutional right to determine for themselves whether or not they wanted to have prayers in the public schools.

To understand this fully, it will be necessary to explain briefly the nature of the United States Constitution.

The nature of the Constitution of the United States.

With the Declaration of Independence of July 4, 1776, the 13 North-American Colonies constituted themselves into 13 independent States. Each State assumed full sovereignty, internal as well as external. The people of the States proceeded to give themselves constitutions. All were based on the principle of self-government of the people. Many state constitutions had express provisions to that effect, as for instance the Constitution of Pennsylvania of 1776 which said, "That all power being originally inherent in, and consequently derived from the people; therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them." [9]

With the Articles of Confederation, signed by each of the 13 States between July 9, 1778 and March 1st, 1781 (Maryland signing as the last State), the States entered "into a firm league of friendship" and delegated some of their powers to the United States in Congress assembled, reserving to themselves every power not so delegated.

The Articles of Confederation were soon preceived to be inadequate. On February 21, 1787, Congress passed a resolution providing for a Federal Convention of delegates to be appointed by the several States to be held at Philadephia for the purpose of revising the Articles of Confederation.

The Federal Convention convened in May 1787. Twelve States sent delegates. (Only Rhode Island sent no delegates). These delegates represented 12 individual States which possessed all the powers of sovereignty with the exception of the few powers which they had delegated by the Articles of Confederation to the United States in Congress. Thus, whether the Federal Convention would merely add to the powers of Congress or, as it did, create a new "general government" for the States that never before existed, in either case the additional powers would have to be delegated by the several States. Powers that were not delegated, were retained by the States or their people, which means the same, because in a Republic based on the principle of the sovereignty of the people, the people are the States. No State could be forced to accept the new central government without its individual consent. This is clearly expressed in Article VII, paragraph 1 of the U.S. Constitution which says, "The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the same."

In 1789, when the First Congress convened under the new Constitution, only eleven States had ratified the Constitution and thereby become members of the Union. Two States, North Carolina and Rhode Island, joined later.

When the proposed constitution was presented to the States for ratification, there were objections that the powers of the general government were too wide and often too ambiguous. It was feared that they might be used to oppress the States as well as individuals. Therefore there were demands for a Federal Bill of Rights "to serve as a barrier between the general government and the respective States and their citizens." These became amendments one to eight, commonly called the Federal "Bill of Rights". They are special restrictions on the federal government, not grants of power. They all represent rights retained by the States and their people. In order to guard against an interpretation that other rights retained by the people of the States, which had not been singled out as special restrictions on the federal government, were assigned to the federal government by implication, the Ninth Amendment was added, as follows: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

As an added precaution to protect the reserved rights of the States, several States particularly requested that it should be declared in the Constitution.

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

This become the Tenth Amendment.

Thus, it should be clear that the federal government has only such powers as were granted to it by the States, which are enumerated in the United States Constitution. In order to carry into execution these enumerated powers, the Constitution has authorized Congress to make laws "necessary and proper" for this purpose. Madison explained in No. 44 of the Federalist Papers that they are the means of carrying out the powers enumerated in the Constitution. They are the only "implied" or "inherent" powers possible in the Constitution. As Chief Justice John Marshall expressed it, "inherent powers" can only be such powers as are necessary and proper for carrying into execution powers expressly given in the Constitution.

Outside of the U.S. Constitution, no federal power can legitimately exist. As late as 1957, in *Reid* v. *Covert*,[10] the Supreme Court acknowledged that "The United States is entirely a creature of the Constitution. Its power and authority have no other source. It can only act in accordance with all the limitations imposed by the Constitution."

The "law of the land" in the U.S. Constitution.

It should be noted that the U.S. Constitution has given the courts no authority to make generally binding laws. The very first article says without any possibility of misunderstanding, "*All* legislative Powers herein granted shall be vested in a Congress of the United States." This means that the Constitution has entrusted the authority to make generally binding federal laws exclusively to persons elected by and responsible to the people, not to judges appointed for life and responsible to no one.

The Supreme Court also recognized in *Ullmann* v. *United States*,[11] "Nothing new can be put into the Constitution except through the amendatory process. Nothing old can be taken out without the same process."

Article V of the Constitution has given the power to amend it to persons elected by, and responsible to, the people, namely to the Congress and the legislatures of the States, not to a handful of life appointed judges responsible to no one.

All this shows that, like the constitutions of the States, the Constitution of the United States is based on the democratic principle of self-government of the people. Under such a system, only the people can make generally binding laws, either directly through initiative and referendum, or indirectly through elected representatives whom the people can influence either through personal contacts, such as letter writing or telephoning or at the ballot box.

The people have no influence over court decisions. The claim that a Supreme Court decision is "the law of the land" finds no support anywhere in the Constitution. The only place where the words "the law of the land" appear in the Constitution, is in the so-called Supremacy Clause of Article VI. It was intended to bind the judges in the States to accept as the "supreme law of the land" this Constitution, that is the Constitution as written and intended by the framers and as legally amended; the laws passed by the United States Congress in pursuance of this Constitution; and the treaties made under the authority of the United States. The Constitution nowhere says that a Supreme Court decision shall be the supreme law of the land or the law of the land.

The text of the U.S. Constitution reflects the intent of its framers, as it appears from Madison's notes which he made at the Federal Convention of 1787 where the Constitution was drafted. An earlier draft had given the Supreme Court general jurisdiction only over "all cases arising under laws passed by the Legislature of the United States." Dr. Johnson of Connecticut moved that the jurisdiction be extended "to all cases arising under this Constitution." Madison doubted "whether it was not going too far to extend the jurisdiction of the Court generally to cases arising under the Constitution." But then he agreed after it was generally understood "that the jurisdiction given was limited to cases of a Judiciary nature." Madison emphasized that "the right of expounding the Constitution in cases not of this nature ought not to be given to that Department."[12] This was understood to mean that the federal courts, including the Supreme Court, would have jurisdiction to interpret constitutional questions in a case or controversy brought before them, but that such interpretation would bind only the parties properly before the courts.[13] The rule that a court decision binds only the parties to a suit and is not a generally binding law was the rule prevalent in the entire western world. Had the framers of the U.S. Constitution wanted to depart from it and make a Supreme Court decision the "law of the land," they would have said so in the Constitution.

It follows that when the Supreme Court creates a "constitutional right" or a "constitutional prohibition" which appears nowhere in the language of the Constitution, the Supreme Court in reality acts against the Constitution, because it takes this right from the States and their people without a legitimate constitutional amendment. There is no vacuum in the Constitution of the United States. The Tenth Amendment says very clearly that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively, or to the people."

The powers to regulate schools and school prayers belong to the retained rights of the States and their people.

The words "schools" or "prayers in the public schools" nowhere appear in the Constitution of the United States. The clause of the First Amendment which prohibits Congress from making any law respecting an establishment of religion and from interfering with the free exercise thereof is not a grant of power but a special restriction on the federal government. The Fourteenth Amendment which provides for restrictions on the States, contains no language which forbids the States from making laws with respect to religion or to schools, nor does such a prohibition appear anywhere else in the Constitution.

It follows that the States have never delegated to the federal government their authority over their schools nor their right to make any laws they like with respect to religion. These powers belong to the reserved rights of the States and therefore cannot possibly violate the Constitution of the United States.

As explained above, in its decisions prohibiting prayers in the public schools of the States, the Supreme Court has not only misinterpreted the religion clause of the First Amendment in disregard of its language and its historical meaning, it also has made nonsense of the due process clause of the Fourteenth Amendment for the purpose of misusing it as a constitutional cloak to cover up the Court's lack of authority to deprive the States of their reserved powers to make their own laws with respect to religion. The nature of the U.S. Constitution makes clear that a right reserved by the States can legally be taken from them only by a constitutional amendment. As said before, the right to amend the Constitution was given by it to persons elected by and responsible to the people, not to a handful of judges appointed for life and responsible to no one.

Thus, by illegally amending the Constitution in the guise of "interpretation", the Supreme Court has been guilty of horrendous usurpation. It has usurped the right reserved to the States and their people to make their own laws with respect to religion, and the power of Congress and of the legislatures of the States to whom alone the Constitution has given the power to amend it. In the process, the Supreme Court did what the Constitution expressly prohibited Congress from doing, namely prohibited the free exercise of religion in the States.

The Constitution has given the people protection against judicial usurpation.

As shown above, the United States Constitution, like the constitutions of the States, is based on the principle of self-government of the people. It would be strange if such a Constitution had left the people without protection against the misuse of power by life appointed judges.

Article III, Section 2, Clause 2 of the Constitution gives Congress complete control over the entire jurisdiction of the lower federal courts and over the appellates jurisdiction of the United States Supreme Court. Almost all states cases reach the Supreme Court by way of appeal. Therefore Congress could prohibit the federal courts, including the Supreme Court, from taking jurisdiction in all cases concerning prayers in the public schools of the States. Thereby Congress would merely prevent the federal courts from taking jurisdiction in cases in which the Constitution has given them no jurisdiction in the first place.

Article III, Section 2, Clause 1 of the Constitution provides that the judicial power of the United States "shall extend to all Cases, * * * arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority." As shown before, the right to make laws concerning prayers in the schools of the States belongs to the retained rights of the States. There is, therefore, no federal question involved and no good faith constitutional issue. Therefore there is no federal jurisdiction, and the Supreme Court should have dismissed such cases for want of federal jurisdiction.

What the people can do.

Repeatedly, bills have been introduced in Congress to prevent the federal courts from taking jurisdiction in cases in which the Supreme Court had created trumped up constitutional issues to deprive the States and their people of their retained rights as, for instance, in cases of apportionment of State Legislatures, abortion and prayers in the schools of the States. They never succeeded in passing both houses of Congress because the people had voted too many persons into Congress who agreed with the results of the respective Supreme Court decisions and, therefore, told the people, falsely, that what the judges said was the Constitution, while in truth the judges had illegally amended the Constitution.

In September 1979, an article in the Readers Digest, entitled, "Should Prayer be Restored to our Public Schools?" by Eugene H. Methvin, reported that public opinion polls have shown "that a stable majority of about 75 percent of Americans favors restoring public-school prayer."

Each member of Congress is elected by the people in the States. Therefore, if all those people really want to reestablish Constitutional conditions with respect to prayers in the schools, they have to vote into Congress persons who are willing to use their constitutional powers for the purpose of truly "conserving" the Constitution with respect to the people's right of governing themselves. This includes their right to determine for themselves whether or not they want to revive prayers in their public schools.

As has been shown, Congress can do that by a simple law to prevent the federal courts, including the Supreme Court, from taking jurisdiction in such cases. This would restore the constitutional right of the people in the States to be free from federal interference in accordance with the prohibition of the First Amendment which the Constitution has never made applicable to the States.

The truth about the United States Constitution is that school-prayers do not violate the Constitution.

FOOTNOTES

[1] 370 U.S. 421 (1962).

[2] 374 U.S. 203 (1963).

[3] Id. at 216 n. 8.

[4] 1st Cong., 1st Sess., 1 Annals of Congress 474-438, 729-731. (1789).

[5] 374 U.S. at 309-310, J. Stewart dissenting.

[6] H. H. Meyer, The History and Meaning of the Fourteenth Amendment 125-137 (New York 1977).

[7] Id. 12-17.

[8] Hurtado v. California, 110 U.S. 516, 534-535 (1884); In re Kemmler, 136 U.S. 436, 448-449 (1890); Maxwell v. Dow, 176 U.S. 581, 582, 584 (1900).

[9] Constitution of Pennsylvania—1776, Declaration of Rights Art. IV, 5 Francis N. Thorpe, The Federal and State Constitutions and other organic Laws 3082 (Washington, D.C. 1909).

[10] Reid v. Covert, 354 U.S. 1, 5-6 (1957).

[11] Ullmann v. United States, 350 U.S. 422, 428 (1956).

[12] 2 Max Farrand, The Records of the Federal Convention of 1787, p. 430.

[13] 2 George Bancroft, History of the Formation of the Constitution of the United States of America 198 (New York 1882); Wm. M. Meigs, The Relation of the Judiciary to the Constitution, 12 American Law Review 175, 190-194 (1886).

For the information or additional copies please contact the National Committee to Revive Voluntary School Prayer which is located in the Washington, D.C. metropolitan area. The telephone number is (301) 986-0115. Mrs. G. G. Bull, President.

The Making and the Unmaking of the Establishment Clause

(By James McClellan)

The disestablishment of the Anglican Church in Virginia, which Thomas Jefferson accomplished in 1786 with the help of James Madison, is commonly thought to have prepared the way for the adoption of the First Amendment to the Constitution of 1791, declaring that "Congress shall make no law respecting the Establishment of a Religion."[1] As Justice Joseph Story later observed in his famed "Commentaries on the Constitution," "the real object of the [First] Amendment was not to countenance, much less to advance, Mohametanism, or Judaism, or infidelity, by prostrating Christianity, but to exclude all rivalry among Christian sects, and to prevent any national ecclesiastical establishment which would give to an hierarchy the exclusive patronage of the national government."[2] Directed solely against Congress, the establishment clause gave the states, by implication, full authority to determine church-state relations within their respective jurisdictions. Thus the establishment clause actually had a dual purpose: to guarantee to each individual that Congress would not impose a national religion, and to each state that it was free to define the meaning of religious establishment under its own state constitution and laws. The federal government, in other words, simply had no authority over the states respecting the matter of church-state relations. To be sure, one of the principal reasons for the adoption of the entire Bill of Rights, as we shall see, was to deny the federal government a commanding voice in the general area of civil liberties, except as stipulated in the Constitution itself.[3] The power to define civil liberties within the several states, including the power to decide what practices were acceptable under the general heading of church-state relations, was, in the true sense of that much abused term, the state's right, as determined by state constitutions and state bills of rights.

Such is where matters stood until 1947, when the Supreme Court endeavored for the first time to expound upon the meaning of the establishment clause in the landmark case of *Everson* v. *Board of Education* (1947).[4] Pursuant to a state law, the township of Ewing, New Jersey authorized the reimbursement to parents of money expended for the transportation of their children to and from public and parochial schools. A taxpayer challenged the validity of the law on the grounds that it violated the due process clause of the Fourteenth Amendment, and also constituted an unconstitutional "establishment of religion." Speaking for a sharply divided Court, Mr. Justice Black announced that: "The First Amendment, as made applicable to the states by the fourteenth . . . commands that a *state* 'shall make no law respecting an establishment of religion.' "[5] This was the first instance in which the Court interpreted the establishment clause as a restriction on the states. It was a bold and revoluntionary step, overturning more than a century and a half of established precedent that had uniformly permitted the States to set public policy regarding their relations with religious organizations. No less novel was the Court's newfangled theory of the establishment clause and its formal adoption of Thomas Jefferson's "Wall of Separation" doctrine. The First Amendment, said Black, "erected a wall of separation between church and state," prohibiting the federal and state governments from giving aid of any kind not only to particular religious sects, but to all religions in general. "Neither a state nor the federal government," contended Justice Black, "can set up a church. Neither can pass laws which aid one religion, *aid all religions*, or prefer one religion over another. . . . No tax in *any* amount, large or small, can be levied to support *any* religious activities or institutions. . . ."[6]

This absolutist pronouncement by Justice Black, it must be emphasized, has become the foundation stone for the modern Court's interpretation of the establishment clause. Whether the issue has been Bible-reading, prayer in the public schools, or tuition grants for parochial school children, Black's oft-quoted dictum is sure to be found at the heart of the Court's opinion. But in *Everson* the Court softened the impact of its new view of the establishment clause by upholding the law in question as a welfare measure assisting children rather than religion. Thus the real significance of *Everson* lies not in the Court's ruling, but in its adoption of an absolutist theory of church-state relations. Both the majority and dissenting members of the Court were unanimously agreed that the establishment clause should be interpreted as an absolute restriction on governmental aid to religion. "In the words of Jefferson," concluded the Court, "the clause against the establishment of religion by law was intended to erect 'a wall of separation between church and state.' "[7]

The judicial history of the establishment clause since 1947 has been little more than a replay of *Everson*, each justice endeavoring to apply Black's dictum to the factual situation under review, while at the same time attempting to refine it as a workable test for determining the limits of state involvement in the religious affairs of the community. In *McCollom* v. *Champaign Board of Education* (1949),[8] the Court invalidated a "released time" program in an Illinois school district which allowed children to receive religious instruction in the public schools. The program provided that pupils whose parents had signed a "request card" were excused from their classrooms to attend religious lectures given without pay by Protestant, Catholic, and Jewish teachers, but within the school building and during the regular class day. Pupils not participating in the program were required to continue their secular studies in other classrooms. Speaking again through Mr. Justice Black, a divided Court held that this program of religious education violated the establishment clause, as applied to the states by the due process clause of the Fourteenth Amendment. Following the dictum laid down in *Everson* that the First Amendment erected an absolute wall of separation between church and state, the Court ruled that the program was unconstitutional because it utilized a "tax-established and tax-supported school system to aid religious groups to spread their faith."[9]

The case of *Engel* v. *Vitale*,[10] decided in 1962, involved a local school district in New York, which under state law had directed the principal of a public school to cause a prayer to be said aloud by each class at the commencement of the school day. Students who did not wish to participate were permitted to remain silent or to leave the classroom. Seemingly innocuous on its face, the non-denominational prayer, composed and recommended by the State Board of Regents, read simply: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country." In a brief opinion, again written by Black, the Court invalidated the authorizing statute as a violation of the First and Fourteenth Amendments. Clearly, argued the Court, the recitation of a prayer was a religious activity. There was no doubt in Justice Black's mind that "in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as part of a religious program carried on by government."[11]

Citing these decisions and a mixed variety of other legal and historical precedents, the Court arrived at a conclusion similar to that reached in the Prayer decision when it decided in 1963 that Pennsylvania and Maryland had breached the "wall of separation" between church and state by requiring public schools to begin each day with readings from the Bible. Despite the fact various Protestant, Catholic and Jewish versions of the Holy Scriptures were used, without prefatory statements, questions, or explanations, and non-participants were allowed to absent themselves from the classroom, Mr. Justice Clark found for the Court that the practice of governmental sponsored Bible-reading was not permissible under the Constitution. As applied to the states, the First Amendment, Clark declared, requires "that the Government maintain strict neutrality, neither aiding nor opposing religion."[12]

Footnotes at end of article.

Board of Education v. *Allen* (1968), the last case of major importance on church-state relations in the Warren Court, represented a return to the "child benefit" theory of *Everson*. In sustaining a state statute authorizing the loaning of secular textbooks to all public and parochial students under New York's education law, the Court, speaking this time through Justice White, reasoned that "[t]he law merely makes available to all children the benefits of a general program to lend schoolbooks free of charge. Books are furnished at the request of the pupil and ownership remains, at least technically, in the state. Thus, no funds or books are furnished to parochial school, and the financial benefit is to parents and children, not to schools." [13] Citing *Everson* and *Schempp*, White announced that the test of constitutionality was whether the statute in question had "a secular legislative purpose and a primary effect that neither advances nor inhibits religion." [14] He acknowledged that "[t]his test is not easy to apply," [15] but concluded that under these standards the statute in question was no different from that which the Court found acceptable in *Everson*.

Since 1969, when Warren Burger succeeded Earl Warren as Chief Justice, the Court has endeavored to follow the difficult course laid out in *Everson*, steering between the Scylla of Black's absolutist theory and the Charybdis of his actual holding in *Everson*. From the standpoint of uniformity, the decisions have not been entirely satisfactory, and the Court seems to have made little progress in resolving what Chief Justice Burger has accurately described as the "internal inconsistency in the opinions of the Court. . ." [16] Certainly it is difficult to disagree with Justice Powell's contention that the Court's decisions, viewed as a whole, lack a coherent rationale. The cases, for example, reflect the questionable assumption that government aid to church-related colleges is less obtrusive than government aid to primary and secondary schools, where the students are supposedly more susceptible to religious indoctrination.[17] It is not entirely clear why government funding of bus transportation to and from parochial schools is acceptable under the establishment clause, but public funding of transportation for field trips is not; [18] nor is there a sharp analytical distinction between state aid in the form of textbooks, which is not prohibited, and state aid in the form of other instructional materials, such as maps, which is prohibited.[19] In terms of aid to religion, it would also seem that a tax exemption to a house of worship has a more direct effect than a tax credit to the parent of a child enrolled in a church-affiliated school. [20] These distinctions without a difference, suggests Powell, may be justified on the grounds that the Court has wisely sacrificed logical consistency in order "to establish principles that preserve the cherished safeguard of the Establishment Clause" while at the same time encouraging "the positive contributions of sectarian schools. . . ." [21]

The balancing of these diverse interests is surely a delicate task that has produced much disagreement and doctrinal confusion in the Court. In reality, the Court seems to have worked itself into a corner, straining on the one hand to maintain Black's absolutism, while on the other to accommodate deeply rooted habits and practices that actually breach the wall of separation. Comparing the decisions of the present Court with those of the Vinson-Warren era, it is nevertheless reasonable to say that "[b]oth the absolutism of Mr. Justice Black and his particular conceptions of religion's relation to government seem, on the whole, to wane in influence as the Burger Court takes shape." [22] Although this modest departure has not been applauded by all the members of the Court, there is no denying that "the heritage of Mr. Justice Black appears presently to receive a somewhat skeptical attention. The present Court expressly abjures 'absolutism'; it 'balances' or 'accommodates' the First Amendment provisions which Mr. Justice Black regarded as unqualified." [23] Whether this trend will continue, and the ultimate fate of Justice Black's absolutism, are questions that cannot now be answered. But this much seems obvious: The number of ways in which public funds can be channeled into the private sector for the benefit of nonpublic education is not infinite. There are some schemes which have yet to be examined by the Court, such as the experimental voucher system, but on the whole it may be that we have already reached the limits of possible funding alternatives. If this is so, then we can expect fewer decisions under the establishment clause and a greater likelihood that the theory of church-state relations adopted by the Court, despite its internal contradictions, will become a more permanent fixture of the American constitutional system.

To a generation of Americans raised under the common assumption that it is only natural and fitting that the Supreme Court should determine state policies and practices respecting church-state relations, these cases handed down over the past thirty-four years are seldom viewed as unconstitutional usurptions of state authority. When examined in the light of the historical setting of the Bill of Rights and state religious practices before 1947, however, the *Everson* line of cases can be seen as one of the most radical innovations in American constitutional law since 1787. This article maintains that *Everson* and the entire body of case law built upon it, including the Prayer and Bible-reading decisions, represent an unhistorical view of church-state relations in the early Republic, and are actually contrary to the expressed intent of the Framers and the very purpose of the establishment clause at the time of its adoption. Moreover, it is contended here that the Fourteenth Amendment, which serves as the constitutional vehicle for the application of the establishment clause to the states, was not intended by those who participated in its framing and adoption to alter the scope or original meaning of the establishment clause.

CHURCH-STATE RELATIONS IN THE EARLY REPUBLIC

Although all of the American colonies in the revolutionary period were eager to loosen the existing bonds of religious establishment, each pursued an independent course in reaching this objective. At the outbreak of the Revolution, there were varying forms of established churches in nine of the colonies. In the Southern colonies of Maryland, Virginia, North Carolina, South Carolina and Georgia, the established religion was Anglicanism. In New England, Congregationalism was, in effect, the established church in three colonies—Massachusetts, New Hampshire, and Connecticut. New York had a unique arrangement allowing for the establishment of the Protestant religion.[24] But in all of these nine colonies, the established churches were linked politically with the colonial governments rather than the mother country, so that when the colonies became independent states the connection between church and state remained in force. Hence the Revolution itself did not alter the system of church-state relations; what it did was to set in motion the forces of disestablishment that ultimately prevailed throughout most of the American colonies.[25]

Religious Disestablishment in New England. Led by Isaac Backus, the Baptists agitated for disestablishment in New England throughout the revolutionary period. But their memorials and petitions failed to dislodge the Congregationalists, who enjoyed widespread support among a majority of the population, and church-state relations in New England remained essentially the same.

Rhode Island and Connecticut became states in the new confederation under their old charters, and no changes were made regarding the civic relations of the church. Rhode Island remained committed by its charter of 1663 to the principle of separation of church and state, guaranteeing its subjects "the free exercise and enjoyment of all their civil and religious rights." As long as they did not "disturb the civil peace" or abuse their religious liberty to promote "lycentiousnesse and profanenesse," citizens of the state were free to state their "differences of opinion in matters of religion." Such a broad scope of religious liberty was actually an aid to the Christian religion, implied the framers of the charter, because it placed the citizens "in the better capacity to defend themselves, in theire just rights and libertyes against all the enemies of the Christian faith."[26]

In Connecticut, the establishment of the Congregational Church was retained, but other Protestant sects were allowed to practice their faith. In 1778, Congregationalists who had separated from the mother church were exempted from taxes for its support; and in 1784 an act was passed stating that no person professing the *Christian* religion would be required to pay taxes for the established church, or penalized for not attending worship there, providing he continued to attend and helped to maintain worship at his own church. Those who did not belong to any religious society were to be taxed for the support of the established church, and *Protestant* dissenters were allowed by law to maintain their own societies. Entitled an "Act for Securing The Rights of Conscience," this statute specified that citizens of Connecticut were expected "on the Lord's day carefully to apply themselves to the duties of religion and piety." Persons failing to "attend the public worship of God on the Lord's day in some congregation allowed by law" were to be fined three shillings "unless hindered by sickness or otherwise prevented" from attending church.[27]

The state constitution of New Hampshire, adopted in 1776, contained no provisions concerning religious matters; but in 1784, a new constitution, prefaced by a bill of rights, was adopted where it was declared that every citizen "has a natural and unalienable right to worship God according to the dictates of his own conscience." Under the provisions of this constitution, however, the old colonial law which in effect gave to the Congregational churches the status of a town institution, remained in force. Each town was authorized to elect its own minister; and to promote "morality and piety," the state legislature was empowered to authorize "the several towns, parishes, bodies politic, or religious societies . . . to make adequate provision, at their own expense, for the support and maintenance of public *Protestant* teachers of piety, religion, and morality, with the understanding that "no person of any one particular religious sect" would be "compelled to pay towards the support of the teacher of another persuasion." [28] The constitution further stipulated that all members of the state legislature "shall be of the *Protestant* religion." [29]

The arrangement in Massachusetts, determined by the constitution of 1780, was strikingly similar to that of New Hampshire. Indeed, the Massachusetts constitution had served as a model for the architects of the New Hampshire constitution. Massachusetts retained its colonial practice of giving the Congregational church a civil status, allowing every taxpayer to indicate his preference as to which church should receive his support. Those who failed to state their choice were required to pay taxes for the support of the Congregational Church. According to the constitution, each town in the state was authorized "to make suitable provision," at its own expense, "for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality." [30] All public officials were required to take an oath that they "believe in the *Christian* religion and have a firm persuasion if its truth." [31]

Standing between the liberality of the Rhode Island charter and the more restrictive fundamental law of New Hampshire, Connecticut, and Massachusetts, the Vermont constitution of 1777 meekly urged "every sect or denomination . . . to observe the Sabbath," while declaring that "no man ought, or of a right can be compelled to attend any religious worship, or erect, or support any place of worship, or maintain any minister, contrary to the dictates of his own conscience." At the same time, the constitution specified that no man professing the *Protestant* religion should be deprived of his civil rights "on account of his religious sentiment, or peculiar mode of religious worship," [32] In addition, every member of the state house of representatives was required to meet a religious test for office by swearing: "I do/believe in one God, the creator and governor of the universe, the rewarder of the good and the punisher of the wicked; and I do acknowledge the scriptures of the Old and New Testaments to be given by divine inspiration; and own and profess the Protestant religion." [33] All of these provisions were carried over into the revised constitution of 1786. Moreover, a law enacted by the state legislature in 1783 allowed for support of the Congregational Church in the townships through local taxation.[34]

Religious Disestablishment in the Middle-Atlantic States. Turning southward, a similar pattern of discrimination against Dissenters and non-Protestants is encountered. The New York constitution of 1777, supplemented by an act of 1784, abrogated all laws establishing or maintaining "any particular denomination of Christians or their ministers," and all laws "which do grant certain emoluments and privileges to the Episcopal Church." The constitution also declared that "the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed." Making an about-face, the constitution also demanded, however, that all persons naturalized by the state be required to take an oath abjuring their foreign allegiances and subjection in all matters, "ecclesiastical as well as civil." [35] (This provision, as Judge Story later pointed out, "was doubtless intended to exclude all Catholics, who acknowledged the spiritual supremacy of the Pope, from the benefits of naturalization.") [36]

In New Jersey, the constitution of 1776 guaranteed each person "the inestimable privilege of worshipping God according to the dictates of his own conscience," but at the same time imposed a religious test for office, limiting eligibility for the state legislature to "persons professing a belief in the faith of any *Protestant* sect." [37] Similarly, the Delaware constitution of 1776, while declaring that "[t]here shall be no establishment of any one religious sect in this state in preference to another," required all persons holding public office to declare by oath their faith in the doctrine of the Trinity and in the divine inspiration of the Old and New Testaments.[38]

Pennsylvania, which in the colonial period had limited inhabitancy to believers in God and had denied both the franchise and public office to Catholics and disbelievers in the doctrine of the Trinity, "entered the revolutionary period with a restrictive legislation unsurpassed by that of any other" state. In "so far as terms of law made definitions, there was less liberty in Pennsylvania than in theocratic Massachusetts and conforming Virginia" [39] These restrictions were removed in part by the constitution of 1776, which declared that "all men have a natural and inalienable right to worship God, according to the dictates of their own consciences." In addition, the constitution forbade government to support religion through public taxation and "to interfere with, or in any manner control, the right of conscience in the free exercise of religious worship." Nevertheless, civil rights were confined to persons "who acknowledge the being of a God," [40] and officeholders were required to affirm by oath their belief in God and in the divine inspiration of the Old and New Testaments.[41]

Religious Disestablishment in the South. Nor was a total separation of church and state sought in the Southern colonies during the revolutionary period, except in Virginia. In Maryland, for example, the constitution adopted in 1776 authorized the state legislature to lay a general tax for the support of the *Christian* religion.[42] The North Carolina constitution of 1776 established a religious qualification for office, declaring that no person could hold a place of public trust if he denied "the truth of the *Protestant* religion, or the divine authority of either the Old or New Testament." [43] The South Carolina constitution of 1778 flatly stated that "The *Christian Protestant* religion shall be deemed . . . the established religion of the State." Accordingly, no religious society was entitled to incorporation as a church of the state unless its members agreed "that there is one Eternal God and a future state of reward and punishment; that God is publicly to be worshipped; that the *Christian* religion is the true religion; that the Holy Scriptures of the Old and New Testaments are of divine inspiration and . . . that it is lawful and the duty of every man . . . to bear witness to the truth." Moreover, pastors were required to declare that they would instruct their congregations in the lessons of Scripture.[44] Finally, in Georgia, the constitution adopted in 1777 disestablished the Anglican Church, but at the same time allowed for the public support of religion through taxation. "All persons whatever shall have the free exercise of their religion," it was asserted in Article LVI, and they "shall not, *unless by consent,* support any teacher or teachers except those of their own profession." [45] This meant that Georgians could be taxed for the support of their own religion. Accordingly, a law was passed in 1785 stipulating that all Christian sects would receive tax support in proportion to the amount of property owned by their members.[46] The constitution of 1777 further required that "all members of the legislature shall be of the *Protestant* religion." [47]

Among the Southern states, only in Virginia, it seems, was a complete separation of church and state accepted in principle. But only grudgingly did Virginians advance to this state of mind. At the convention of 1776, Episcopalians and Methodists petitioned unsuccessfully against disestablishment, and the Church of England was severed from the civil authority. A bill of rights was drafted by George Mason, but the section on religion suggested by Patrick Henry was worded in such a way as to imply that there would be no guarantee of complete religious freedom in the Old Dominion. Henry's proposal stated "that all men should enjoy the fullest toleration in the exercise of religion according to the dictates of conscience, unpunished and unrestrained by the magistrate, unless under color of religion any man disturb the peace, the happiness, or safety of society." James Madison insisted that the word *toleration* contained a "dangerous implication," as did the reference to a magistrate. "Toleration," he argued, "belonged to a system where [there] was an established church, and where a certain liberty of worship was granted, not of right, but of grace; while the interposition of the magistrate might annul the grant." The convention agreed, and the objectionable clause was rejected in favor of Madison's amendment, which read: "all men are equally entitled to the full and free exercise of religion, according to the dictates of conscience." Madison was also successful in gaining acceptance of a restraining clause, which declared that "[n]o man, or class of men, ought on account of religion to be invested with peculiar emoluments of privileges, nor subjected to any penalties or disabilities, unless under color of religion the preservation of equal liberty and the existence of the State are manifestly endangered." Thus committed to a broad and revolutionary concept of religious liberty, the Virginia bill of rights stood out conspicuously with the Rhode Island charter against the prevailing mood of quasi-establishment in other states.[48]

The task of implementing these principles now fell to the Virginia legislature. Although disestablished, the Church of England still enjoyed certain advantages over other religious sects. Only the Anglican clergy, for example, could marry without a special license. Meeting soon after the convention, the legislature proceeded under the leadership of Thomas Jefferson to remove the last pillars of religious establishment. All previous acts providing for ministers' salaries were repealed, Quaker and Mennonite ministers were empowered to perform marriages without a license, and in general the Episcopal Church was left to regulate its own affairs.[49]

But Patrick Henry and the supporters of religious establishment were not without power and influence, and in 1784 the legislature reversed its position, passing a bill to the second reading which stated that Virginia should promote the Christian religion and render financial aid to all religious sects. This was to be accomplished through a general assessment whereby each taxpayer would be allowed to select the church that should receive his tax. General Washington, Richard Henry Lee, John Marshall, and Patrick Henry, joined by the Episcopal and Presbyterian clergy, supported the measure. They were opposed by Madison and Jefferson, who made a direct appeal to the people for support against the bill. Accordingly, a Memorial and Remonstrance, drafted by Madison, was circulated throughout the state for signature, declaring that under the Virginia Bill of Rights, no government could come to the aid of religion. So great was public opinion in favor of Madison's position that the legislature was compelled to abandon the bill.[50]

These accomplishments of Madison were further embellished by the actions of Jefferson, who, sensing weakness in the opposition, now came forward with a proposal advocating complete religious freedom for all religious sects and for all dissenters. Entitled, "An Act Establishing Religious Freedom," this measure was enacted into law in 1786. Henceforth, no Virginian could be "compelled to support any religious worship, place, or ministry whatever; nor shall be enforced, restrained, molested, or burthened in his body or goods," nor otherwise caused "to suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities." [51]

Thus, after prolonged debate, Virginia emerged from the revolutionary period embracing the broadest sort of religious liberty possible. But at this juncture in the movement toward religious disestablishment, the Virginia experience was almost wholly unprecedented in America. On the eve of the Philadelphia Convention of 1787, the wall of separation doctrine espoused by Madison and Jefferson had been rejected in every state but Virginia and Rhode Island. Strictly speaking, of course, there was not an established church in any of the fourteen states at this time, for even in those states where a specifically identifiable sect or group of sects enjoyed a favored status, other religious denominations were allowed to worship as they pleased.[52] In four states, Massachusetts, Connecticut, Vermont, and New Hampshire, the Congregationalist Church occupied a position of quasi-establishment as a result of direct or indirect benefits conferred by the state constitutions and statutes. Ten states extended preferential treatment to the Protestant religion, and two states, Delaware and Maryland, favored simply the Christian religion. Add to this fact that, "Four [states], Pennsylvania, Delaware, and the Carolinas, required assent to the divine inspiration of the Bible. Two, Pennsylvania and South Carolina, demanded a belief in heaven and hell. Three, New York, Maryland, and South Carolina, excluded ministers from civil office. Two, Pennsylvania and South Carolina, emphasized belief in one eternal God. One, Delaware, required assent to the doctrine of the Trinity. And five, New Hampshire, Massachusetts, Connecticut, Maryland, and South Carolina, adhered to a religious establishment. In one, South Carolina, the obnoxious term toleration found a constitutional place." [53]

From the foregoing it would appear that there were basically three patterns of church-state relations in late eighteenth century America: quasi-establishment of a specific Protestant sect, as seen in most of New England; quasi-establishment of the Protestant religion, as seen throughout most of the nation; and the disestablishment of all religious sects, as seen in Rhode Island and Virginia. Three states adopted the position that allowed one sect of *Protestants, viz.*, Congregationalists, to be preferred over other Protestant sects. Most of the states disclaimed all preference of one sect of *Protestants* over another. And two states, Virginia and Rhode Island, disclaimed at preference of *any* religious sect over another. Only two states, Delaware and Maryland (and possibly Georgia) disclaimed all preference of one sect of *Christians* over another. But all of the states still retained the Christian religion as the foundation stone of their social, civil and political institutions. Not even Rhode Island and Virginia renounced Christianity, and both states continued to respect and acknowledge the Christian religion in their system of laws.

Thus it may be seen that not only did nearly every state reject the Jeffersonian system of church-state relations, but most states also went beyond what is nowadays termed the "No Preference" theory of church-state relations, which holds that most states arranged matters in such a way that all religions would receive political support and none would be preferred over another. But in fact ten of the fourteen states at the time of the adoption of the Constitution simply refused to prefer one *Protestant* sect over another; that is, they placed Protestants in a preferred status over Catholics, Jews, and Dissenters. In the ensuing years, as we shall see, the standard to which most states advanced was more like that of Delaware and Maryland than that of Virginia. Thus it can be seen that in the formative period of the American political tradition of church-state relations, there is little room for the Rhode Island-Virginia model or for the historical interpretation introduced by the Supreme Court in 1947. Developments in the early nineteenth century, to which we now turn, show that most states continued to reject the concept of total separation after the adoption of the First Amendment.

DISESTABLISHMENT IN THE EARLY NINETEENTH CENTURY

It is important to keep in mind that the adoption of the Federal Constitution in 1789 and the Bill of Rights in 1791 had no legal effect whatsoever on church-state relations in the separate states. Article VI of the Constitution stipulated that "no religious test shall ever be required as Qualification to any Office or public trust under the United States;" and the First Amendment forbade Congress to pass any law "respecting an establishment of religion, or prohibiting the free exercise thereof." But as students of the Constitution have so frequently observed, "neither of these prohibitions was laid upon the individual states. . . . Broad as were the principles upon which the national government was based, the matter of church establishment or disestablishment, of taxation compulsory or by voluntary contribution, of test acts, oaths and religious qualifications for office, was left entirely to the discretion of the sovereign states." [54] The significance of this fact in relation to the Supreme Court's involvement in the issue will be explored later; for the moment it is enough to say that "The real battle of religious liberty [and disestablishment] was fought out in the State legislatures and conventions." [55]

In New England, where the principal issue was financial support of religion, the established churches managed to retain their status in some states for more than a quarter of a century after the adoption of the First Amendment. Connecticut is a case in point. Here, the pillars of religious establishment were actually strengthened in 1791 by a law requiring dissenters to file certificates demonstrating proof of membership in a dissenting church in order to avoid the state tithe.[56] Not until 1818, when a new constitution was narrowly adopted, did religious establishment cease to exist in Connecticut. Article I proclaimed the free exercise of religion and ordained that "no preference shall be given by law to any Christian sect." [57] It was further stipulated in Article VII that "no person shall by law be compelled to join or support, nor be classed with, or associated to, any congregation, church, or religious association." [58] Vermont, eleven years earlier, had already abandoned the practice of tithes and town-support of churches.[59]

But New Hampshire stood against the tide of disestablishment. Although a new fundamental law was adopted in 1792, the provisions of the 1784 constitution providing for public support of "Protestant teachers of Piety" remained intact and were even extended to the constitution of 1912. The dominant position of the Congregationalist Church was nevertheless eroded by a series of legislative acts between 1792-1807 granting exemptions to Episcopalians, Baptists, and Methodists, which ultimately gave rise to a toleration act in 1819 granting complete freedom to all *Christian* sects.[60] Repeated attempts by dissenters to strike the words *Protestant* and *Christian* from the New Hampshire constitution were unsuccessful, however, and both were carried over to the revised constitution of 1889. The requirement that members of the state legislature be of the Protestant religion was not dropped from the state constitution until 1877.

Similarly, in Massachusetts, the movement toward disestablishment met with heavy resistance. In 1800 the state legislature passed a law requiring each town or parish to provide "a public Protestant teacher of piety." The statute further provided that delinquent towns were liable to heavy fines; and all citizens were required to cover the ministers' salaries and the costs of building and repairing the churches through public taxation.[61] As late as 1832 one Nathaniel P. Fisher was arrested for refusing to pay a tax of $2.38 which had been levied upon him at a town meeting.[62]

Under Massachusetts law, the established church was a town institution, but the choice of ministers remained with the town meeting rather than the church itself. Surprisingly, this eventually worked to the disadvantage and ultimate defeat of the established Congregationalist Church. In 1818, the minister of the town of Dedham resigned. The non-communicants of the town united with the Unitarian minority in the church and at the town meeting a Unitarian was elected pastor. Most members of the church opposed the new pastor and moved their religious services to another location.[63] They subsequently brought suit for possession of the church property, but in *Baker* v. *Fales* (1820), the Supreme Judicial Court of Massachusetts ruled that they had no right to it. The constitution, stated the Court flatly, "gives to towns, not to churches, the right to elect the minister in the last resort." [64] This decision prompted about half the towns in eastern Massachusetts to elect Unitarian ministers. Thus were the Congregationlists ejected from their own churches, "turned out of house and home by the very powers [they] had contrived to give [them] lasting security." Finally, in 1833, tithes were abolished, the towns were relieved of their responsibilities over church affairs, and the old Puritan church was formally disestablished.[65]

In the middle-Atlantic states, where religious establishment was not so deeply entrenched, dissenters and minority sects encountered fewer obstacles. In 1792, Delaware quietly abandoned the religious oath of office, and in 1844 New Jersey finally discontinued her religious test for office. The New York constitution of 1821 removed the restrictions of the 1777 charter against naturalization of Catholics.[66] Pennsylvania, on the other hand, reached a compromise. The constitution of 1790 extended civil rights to non-believers but at the same time narrowed the liberty of public officeholders by requiring them to acknowledge "the being of God and a future state of rewards and punishments."[67] This requirement was retained in subsequent constitutions of Pennsylvania throughout the remainder of the nineteenth century.

The Old South rather cautiously followed the movement toward disestablishment. In the border state of Maryland, the power of the legislature to lay taxes for the support of the Christian religion was revoked by a constitutional amendment in 1810.[68] But throughout the remainder of the nineteenth century, the state held tenaciously to the constitutional requirement of 1776 that every public officeholder "subscribe [to] a declaration of his belief in the Christian religion." In North Carolina, where officeholders were required to affirm the truth of the Protestant religion under the constitution of 1776, an amendment was passed in 1835 substituting the word "Christian" for "Protestant."[69] By the terms of the constitution of 1876, however, "All persons who shall deny the being of Almighty God" were declared ineligible for public office.[70]

The South Carolina constitution of 1790 formally disestablished the Protestant religion and abolished all religious tests for office.[71] Reflecting a resurgence of religious belief, the constitution of 1868 stipulated, however, that persons denying the existence of God could not take office.[72] Following the Rhode Island and Virginia model, the state of Georgia abolished all religious tests for office in 1789 and did not thereafter reinstate them.[73]

Despite the unique achievements of Madison and Jefferson in the 1780s, religious matters remained unsettled in the Old Dominion. To clarify the issue of whether the Bill of Rights was part of the constitution, the legislature repealed all laws in 1798-1799 seemingly in conflict with the Bill of Rights, thereby sealing the disestablishment of the Episcopal Church. There remained, however, the question of ownership of glebe lands, which had been originally given to the Church by the Crown. Rival sects often laid claim to the glebes on the theory that possession by the Episcopal Church constituted preference of one religion over another. To resolve the issue, the legislature enacted a statute in 1802 providing for the public sale of vacant glebe lands. This left most glebe lands in the hands of the Church. The Church nevertheless challenged the constitutionality of the act, and the Virginia Court of Appeals finally ended the controversy in 1840, affirming the position of the legislature.[74]

The pattern of church-state relations in new states entering the Union after 1789 did not differ substantially from that in the original fourteen. By 1860—and the situation did not radically change for the next three quarters of a century—the quasi-establishment of a specific Protestant sect had everywhere been rejected; quasi-establishment of the Protestant religion was abandoned in most but not all of the states; and the quasi-establishment of the Christian religion still remained in some areas. A new pattern of church-state relations, the multiple or quasi-establishment of all religions in general, i.e., giving all religious sects a preferred status over disbelievers (the No Preference doctrine) became widespread throughout most of the Union. Thus at the turn of the century, for example, no person who denied the existence of God could hold office in such states as Arkansas, Mississippi, Texas, North Carolina, or South Carolina. Arkansas also discharged witnesses in court proceedings who uttered such denials. In Pennsylvania and Tennessee, public office was restricted to persons who "believe in God and a future state of reward and punishment." Maryland required this belief in witnesses and jurors, but for officeholders demanded simply a belief in God.[75] Indeed, a good case can be made to show that during the latter part of the nineteenth and well into the twentieth centuries, the trend was not toward disestablishment but toward a strengthening of the ties between church and state. In the nineteenth century, for example, only one state (Massachusetts, 1826) required Bible reading in the public schools. Between 1913-1930, however, eleven more states enacted similar statutes.[76] Such practices as these are hardly in accord with the putative notion that the Jeffersonian doctrine of church-state relations was increasingly popular from the moment of its inception until it was formally adopted by the Supreme Court.

Needless to say, this cursory treatment here of church-state relations in the late eighteenth and early nineteenth centuries is not intended to be definitive. A bare catalogue of church-state relations in all of the States before and after the adoption of the Constitution would require many volumes. But this survey of state constitutions and organic laws does indicate quite sufficiently that the doctrine of a total separation of church and state, or "no aid of any kind to religion," as the Supreme Court has put it, was not espoused or followed by any significant number of states in the formative era of the American Republic or in the early nineteenth century.

In many of the establishment cases, particularly those decided during the Vinson-Warren period, the Court has nevertheless been at pains to defend its position on historical grounds. From Justice Black's opinion in *Everson* through Clark's in *Schempp* (1963)[77] and the concurring opinions of Justices Douglas and Brennan in *Lemon v. Kurtzman* (1971),[78] there are lengthy discourses on religious liberty purporting to show a national acceptance, throughout American history, of the Jeffersonian proposition that the First Amendment built a "wall of separation" between church and state. "What strikes the critical student of the Constitution as peculiar is the fact the historical material dredged up by the Court, much of which relates to religious conflict in England in the seventeenth century, is totally irrelevant to the absolutist position the Court is attempting to substantiate, and invariably refers to the consequences and dangers of political aid to one religious sect rather than religion generally."[79]

The Court has consciously based its interpretation of the establishment clause on the historical record. To comprehend the original understanding of separation of church and state, at the least a careful scrutiny of contemporary opinion from 1787 to 1791 and a review of state practices in the Republic would seem essential. But the Court has made no such effort and has instead confined its historical inquiry to religious persecutions in Europe and the Virginia struggle against the Anglican establishment; and it has treated the rather unique Virginia experience, relying on carefully selected writings of Madison and Jefferson, to be that of the Congress of 1791 and of the nation at large. In the words of Justice Black, the Court has "recognized that the provisions of the First Amendment, in the drafting and adoption of which Madison and Jefferson played such leading roles, had the same objective and were intended to provide the same protection against governmental intrusion on religious liberty as the Virginia statute [of Religious Freedom of 1786]."[80]

Does history support the Supreme Court's assertion that the First Amendment forbids governmental aid to religion? Here is the answer provided by the late Edward S. Corwin: "The historical record shows beyond peradventure that the core idea of 'an establishment of religion' comprises the idea of *preference;* and that any act of public authority favorable to religion in general cannot, without manifest falsification of history, be brought under the ban of that phrase. Undoubtedly the Court has the right to make history, as it has often done in the past; but is has no right to *make it up.*"[81] If Justice Clark's attitude on this issue is representative of the Court as a whole, the likelihood that the Court will cast aside Black's absolutism is slim. In *Schempp,* Clark indicated that the Court was weary of historical debate, and that as far as he and other members of the Court were concerned, the proper meaning of the establishment clause was settled. Objections by lawyers and scholars to the Court's distortion of history, declared Clark, "seem entirely untenable and of value only as academic exercises."[82] Significantly, historical inquiry among the Justices into the origin and development of church-state relations, which never commanded the attention of the Court much beyond the pre-constitution experience of Virginia in the first place, has practically vanished since Justice Clark wrote these words. Yet it was Justice Black himself, the author of the *Everson* doctrine, who insisted that "[i]t is never to be forgotten that, in the construction of the language of the Constitition . . . we are to place ourselves as nearly as possible in the condition of the men who framed that instrument."[83] That almost every member of the Court has clung tenaciously to Black's absolutist interpretation of the establishment clause since 1947, in spite of the conflicting historical evidence, while at the same time rejecting his absolutist views on the other provisions of the First Amendment, is a curiosity of modern civil rights law that invites skepticism concerning the Court's selfproclaimed sincerity in seeking out the intent of the Framers in construing the Constitution.

Independent of these considerations, we are reminded that "the Supreme Court as a whole cannot indulge in historical fabrication without thereby appearing to approve the deterioration of truth a criterion for communication in public affairs."[84] The importance of keeping the Court honest is a concern that all free men must share. "To the extent that dignity and honesty in the conduct of human affairs rest on the belief in historical objectivity," observes Sidney Hook, "reflection on it goes to the very heart of the question concerning the nature and possibility of liberal civilization. . . . There is a difference between using our knowledge of the history of the past in order to influence the future . . . and making or manufacturing a history of the past solely with an eye to achieve our aims."[85]

JURISDICTION AND THE ISSUE OF INCORPORATION

During the Federal Convention of 1787, George Mason of Virginia proposed that a declaration of rights be included in the Constitution; but a motion offered by Elbridge Gerry that a committee be appointed to prepare such a statement was voted down unanimously, it being generally agreed that a bill of rights was not necessary since the expressly enumerated powers of the federal government did not include power over the rights in question. Without much of a struggle, however, the Federalist supporters of the Constitution agreed to the adoption of a bill of rights during the ratification effort in the state conventions. One reason they acceded to Anti-Federalist demands for a bill of rights was that such a declaration changed nothing regarding the constitutional structure, and neither reduced federal power nor increased state power. The Bill of Rights, in other words, simply declared what was already understood by the Framers of the Constitution—*viz.*, that the national government had no authority in the general area of civil liberties. Federalists and Anti-Federalists were in general agreement that the states, not the federal government, would determine under their own bills of rights the meaning and substance of civil liberty within their respective jurisdictions. The debate was thus over the proper wording of the Constitution regarding the *enforcement* of civil liberties rather than their substantive content.[86]

As we previously noted, the Bill of Rights had a dual purpose: to protect each *individual* against the abridgment of civil liberties by the federal government, and to assure each *state* that the federal government would not encroach upon the jurisdiction of the states over such matters. The Bill of Rights, then, is essentially a states' rights document. Each amendment was a guarantee to the individual *and* to the states. Indeed, the federalism of the Bill of Rights was widely regarded in 1791 as far more important than the protection it afforded to the individual.[87] Odd as it may seem today, the First Amendment was not only a guarantee to the individual that Congress could not establish a national religion, but also a guarantee to the states that they were free to determine the meaning of religious establishment within their jurisdictions, and to newly establish, maintain, or disestablish religion as they saw fit.

Particularly significant in this regard is the fact that the First Congress, which proposed the Bill of Rights, rejected an attempt to apply portions of it to the states. The fifth resolution of James Madison's proposed series of amendments for a bill of rights provided that "[n]o *State* shall violate the equal rights of conscience, or the freedom of the press, or the trial by jury in criminal cases."[88] Madison's proposal was defeated in the Senate. "This [proposal] is offered," Tucker of South Carolina observed, "as an amendment to the Constitution of the United States, but it goes only to the alteration of the Constitutions of particular States. It will be much better, I apprehend, to leave the State Governments to themselves, and not to interfere with them more than we already do; and that is thought by many to be rather too much."[89]

For nearly a century and a half, the Supreme Court respected these views, thereby securing one of the major objectives of the Bill of Rights. Speaking for a unanimous Court, Chief Justice Marshall declared in *Barron v. Baltimore* (1833) that the first eight amendments "contain no expression indicating an intention to apply them to the state governments."[90] This position was consistently maintained in subsequent decisions involving the First, Fifth, Seventh, and Eighth Amendments between 1833-1868. In *Permoli v. New Orleans* (1845), for example, a unanimous Court upheld a municipal ordinance challenged by the Catholic Church, asserting that "[t]he Constitution makes no provision for protecting the citizens of the respective States in their religious liberties; this is left to the State constitutions and laws."[91] And even after the adoption of the Fourteenth Amendment, which forbade any State from denying an individual life, liberty, and property, the Supreme Court continued to follow *Barron*—a fact strongly indicating that the Fourteenth Amendment was not intended by those who witnessed its creation and sought to apply its provisions to defeat the original purpose of the Bill of Rights.[92] As late as 1922, in *Prudential Insurance Co. v. Cheek*, the Court declared that "neither the Fourteenth Amendment nor any other provision of the Constitution imposes restrictions upon the States about freedom of speech."[93]

The Court suddenly reversed itself in 1925 when if offhandedly remarked in *Gitlow v. New York* that "[f]or present purposes we may and do assume that freedom of speech and of press—which are protected by the First Amendment from abridgment by Congress—are among the fundamental personal rights and liberties protected by the due process clause of the fourteenth amendment from impairment by the states."[94] Thus began the piecemeal incorporation of the First Amendment into the word "liberty" of the due process clause of the Fourteeth Amendment, reversing *sub silentio* the *Barron* ruling and thereby undermining one of the great objects of the Bill of Rights by applying it to the states. In 1931, in *Near v. Minnesota*,[95] the Court embarked upon the revolutionary course outlined in *Gitlow* by incorporating freedom of speech and press into the Fourteenth Amendment. In subsequent cases, the Court arbitrarily transferred freedom of assembly and freedom of religion[96] to the Fourteenth Amendment, finally completing the incorporation of the First Amendment with the inclusion of the establishment clause in *Everson*.[97]

As Professor Corwin has amply demonstrated, the application of the establishment clause to the states through the due process clause requires a rather bizarre juggling of words and artful manipulation of legal and historical precedents. In the first place, "the principal importance of the [First] Amendment lay in the separation which it effected between the respective jurisdictions of state and nation regarding religion, rather than its bearing on the question of the Separation of Church and State."[98] In other words, it is the federalism of the First Amendment, and the desire of Congress in 1791 to assure the states that the new national government would have no authority over the subject of church-state relations, that explains the underlying purpose of the establishment clause of the First Amendment. The refusal of the Court to recognize this significant aspect of the Amendment has, in the view of Mark de Wolfe Howe, led the Court "to disregard—even to distort—the intellectual background of the First Amendment."[99] The Court, Howe has suggested, has arbitrarily embraced the erroneous idea "that the policies of freedom and equality enunciated in 1868 in the Fourteenth Amendment must be read back into the prohibitions of the First Amendment—the familiar process of incorporation carried out, as it were, in reverse. The consequences may be admirable law, but it is . . . distorted history."[100] What the delegates in the various state ratifying conventions in 1787-1788 sought was a guarantee that the new national government would neither set up a national church nor interfere with the various types of establishments, quasi-establishments, and church-government arrangements existing in several states. Thus, New Hampshire proposed an amendment which read: "Congress shall make no laws touching religion. . . ." Since the Constitution of New Hampshire provided special privileges for the Protestant religion, the amendment was very likely aimed at excluding the new government from passing any law that might "touch" [i.e. alter] their particular type of establishment.[101]

Against this backdrop, it requires no little skill to reconcile the original understanding of the First Amendment with Mr. Justice Rutledge's disingenuous reading of the establishment clause in *Everson:*

"The Amendment's purpose was not to strike merely at the official establishment of a single sect, creed or religion, outlawing only a formal relation such as had prevailed in England and some of the colonies. Necessarily it was to uproot all such relationships. But the object was broader than separating church and state in this narrow sense. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbiding every form of public aid or support for religion."[102]

Unless it be assumed that the establishment clause was an invitation to the national government to interfere with existing church-state relations, Rutledge's generally accepted interpretation of the First Amendment among members of the Court is wholly unhistorical. No such assumption is supportable on the record; indeed a number of the states, as we have seen, already had some form of existing establishment or quasi-establishment at the time of adoption, and it is difficult to believe that they ratified the establishment clause with the understanding that "The First Amendment put an end to placing any one church in a preferred position."[103] One is tempted to conclude, therefore, that the modern Court, by applying the establishment clause to the states, has accomplished the very purpose which that clause was designed to prevent—*viz.*, the involvement of the national government in the religious affairs of the several states.

If it could be demonstrated satisfactorily that the Framers of the Fourteenth Amendment deliberately sought to apply the Bill of Rights to the States, and to reverse both *Barron v. Baltimore* and *Permoli v. New Orleans*, then the original purpose of the establishment clause would not be paramount. The intent of the Framers of 1868 would have superseded that of the Framers of 1791. But again, there is a paucity of evidence to support such a proposition; and there is an abundance of documentary material drawn for the debates of the 39th Congress and contemporaneous newspapers throughout the Union which, thanks to the research of Charles Fairman, points to the conclusion that the Fourteenth Amendment was not intended to confer jurisdiction over the First Amendment to the federal government or upset *Barron.*[104]

With respect to the establishment clause itself, another constitutional scholar has observed that "a conclusive argument against the incorporation theory, at least as respects the religious provisions of the First Amendment, is the 'Blaine Amendment' proposed in 1875."[105] That year, James Blaine of Maine introduced an important resolution in the Senate, upon the recommendation of President Grant, which provided that: "No *State* shall make any law respecting an establishment of religion or prohibiting the free exercise thereof." Significantly, the Congress which considered the Blaine Amendment included twenty-three members of the 39th Congress which adopted the Fourteenth Amendment.

"Not one of the several Representatives and Senators who spoke on the proposal even suggested that its provisions were implicit in the amendment ratified just seven years earlier . . . . Senator Stevenson, in opposing the proposed amendments, referred to Thomas Jefferson: "Friend as he [Jefferson] was of religious freedom, he would never have consented that the States . . . should be degraded and that the Government of the United States, a Government of limited authority, a mere agent of the States with prescribed powers, should undertake to take possession of their schools and of their religion." Remarks of [other Members of Congress] . . . give confirmation to the belief that none of the legislators in 1875 thought the Fourteenth Amendment incorporated the religious provisions of the First."[106]

Thus the debates on both the adoption of the Fourteenth Amendment and the rejection of the Blaine Amendment reveal a general understanding among the participants that the Fourteenth Amendment left undisturbed the system of church-state relations established under the Bill of Rights.

CONCLUSION

A strong case can be made to show that the Supreme Court has adopted a constitutional doctrine nationalizing the establishment clause which the Framers of the Bill of Rights and the Fourteenth Amendment clearly rejected. First, the Court ignores the federalism of the First Amendment. The common understanding in 1791, and for more than a century thereafter on the question of church-state relations, is unmistakably clear: A principal underlying purpose of the First Amendment was to prevent the national government from usurping the powers of the states over the subject of church-state relations, and to reaffirm the authority or right of each state to define, without federal interference, the nature of those relations within its own boundaries. The establishment clause, applying only to the federal government, was calculated to prevent not only the establishment of a national church, but to safeguard and leave undisturbed existing relations between church and state at the state and local level. Second, there is serious doubt whether the Fourteenth Amendment was intended by its framers and backers to nationalize the establishment clause. And third, "the prohibition on the establishment of religion by Congress is not convertible into a similar prohibition on the States, under the authorization of the Fourteenth Amendment, unless the term 'establishment of religion' to given an application which carries with it invasion of somebody's freedom of religion, that is, of 'liberty.'"[107] Taken together, these are powerful denials of the Court's right to assume jurisdiction over cases involving state aid to religion.

A Final Note. Since 1975, Senator Jesse Helms (R-NC) has been introducing legislation to deny all federal courts jurisdiction over cases involving voluntary prayer in the public schools, and in 1979 such a measure passed in the Senate.[108] Should such legislation be enacted by Congress, it would represent the first step in the arduous process of restoring the Bill of Rights to its original purpose; for its effect would be to lodge in the highest courts of each state final authority over questions involving such practices. Senator Helms has again introduced this measure in the 97th Congress, and it is expected that the Separation of Powers Subcommittee of the Senate Judiciary Committee will begin consideration of the bill in early 1982. Whether it succeeds or fails, it will serve to focus public attention on the origin and nature of both the establishment clause and the Bill of Rights generally, while possibly generating debate on the doctrine of incorporation itself, certainly a debate going to the very heart of the question of whether it is either wise or proper for nine unelected officials to possess the incredible power of deciding what our freedoms shall be.

FOOTNOTES

[1] The Virginia Declaration of Rights of 1776 proclaimed the principle of religious liberty, but not until 1779 was the Anglican Church disestablished; even so, the complete separation of church and state did not come about until the adoption of the Virginia Statute of Religious Liberty—drafted by Thomas Jefferson and enacted by the Virginia legislature on Janaury 16, 1786.

[2] Joseph Story, III, *Commentaries on the Constitution* § 1871 (1833) (Emphasis added). For an analysis of Justice Story's position, including his refutation of Jefferson's assertion that Christianity was not a part of the common law, *see* my study of Story's jurisprudence in James McClellan, *Joseph Story and the American Constitution* (Norman, Oklahoma: University of Oklahoma Press, 1971), pp. 118-59.

[3] For an extended discussion of this issue, *see* McClellan, *supra* n. 2 at pp. 142-59.

[4] *Everson v. Board of Education*, 330 U.S. 1 (1947).

[5] *Id.* at p. 8.

[6] *Id.* at pp. 15, 16. (Emphasis added.)

[7] *Id.* at p. 15. The phrase is taken not from the Constitution, of course, but from a letter which Jefferson wrote to the Baptist Association of Danbury, Connecticut in 1802. It reads in part: "I contemplate with sovereign reverence that act of the whole American people, which declared that *their legislature* should 'make no law respecting as establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between church and state." [As quoted with emphasis added, in Charles Rice, *Supreme Court and Public Prayer* (New York: Fordham University Press, 1964), p. 63.] The term "their legislature" clearly refers to Congress. Jefferson never suggested that the several states built a "wall of separation" between their governments and religion.

[8] *McCollom v. Champaign Board of Education*, 333 U.S. 203 (1948).

[9] *Id.* at p. 210. In *Zorach v. Clauson*, 343 U.S. 306 (1952), however, the Court upheld a New York "dismissed time" program of religious instruction which, unlike that in Illinois, dismissed children from public schools at the request of their parents to attend religious class off school grounds. The Court attempted to distinguish the two cases by pointing out that the New York plan did not involve the use of public property during the time of religious instruction. In 1879, a taxpayer attempted to restrain Illinois school authorities, acting under a statute, from allowing a school to be used as a religious meeting house. The Supreme Court of Illinois upheld the law, arguing that "religion and religious worship are not so placed under the ban of the (state) Constitution that they may not be allowed to become recipients of any incidental benefit whatever from the public bodies or authorities of the state." *Nichols v. The School Directors*, 93 Freeman 61 (Illinois) 1879.

[10] *Engel v. Vitale*, 370 U.S. 421 (1962).

[11] *Id.* at p. 425. In *Chamberlain v. Dade County Board of Instruction*, 377 U.S. 402 (1964), the Court reversed a Florida state Supreme Court ruling which had upheld public school prayers and "devotional" Bible-reading, even though the state court had enjoined the holding of Christmas and Channuka programs and the showing of religious films; and in *Dekalb County Community School District v. DeSpain*, 390 U.S. 906 (1968), the Court upheld a lower court decision holding that a prayer recited in verse form by kindergarten children was still a prayer, although the words "God" and "Amen" had been eliminated from it.

[12] *Abington School District v. Schempp*, 374 U.S. 225 (1963).

[13] *Board of Education v. Allen*, 392 U.S. 236 (1968).

[14] *Id.* at pp. 243-44.

[15] *Id.* at p. 243, *See Abington School District v. Schempp*, 374 U.S. at p. 222.

[16] *Waltz v. Tax Commission of the City of New York*, 397 U.S. 664 (1970).

[17] *Compare, Tilton v. Richardson*, 403 U.S. 672 (1971) and *Hunt v. McNair*, 413 U.S. 734 (1973) (The First Amendment does not forbid federal or state grants to church-related colleges for the construction of buildings) to *Committee for Public Education and Religious Liberty v. Nyquist*, 413 U.S. 756 (1973) (The First Amendment forbids state grants to nonpublic primary and secondary schools for maintenance and repair of existing facilities).

[18] *Compare, Everson v. Board of Education*, 330 U.S. 1 (1947) (The First Amendment does not forbid reimbursement for transportation to nonpublic schools) to *Wolman v. Walter*, 433 U.S. 229 (1977) (The First Amendment forbids State funding of field trips for nonpublic schools).

[19] *Compare, Board of Education v. Allen*, 392 U.S. 236 (1968) (The First Amendment does not forbid state loans of textbooks to nonpublic schools) to *Wolman v. Walter*, 433 U.S. 229 (1977) (The First Amendment forbids state funding of maps for nonpublic schools).

[20] In *Walz v. Tax Commission of the City of New York*, 397 U.S. 664 (1970), the Court upheld property tax exemptions to religious organizations, but in *Committee for Public Education and Religious Liberty v. Nyquist*, 413 U.S. 756 (1973) ruled that tax relief for tuition payments to nonpublic schools was unconstitutional.

[21] *Wolman v. Walter*, 433 U.S. 229, 263 (1977).

[22] D. Meiklejohn, *Religion in the Burger Court: The Heritage of Mr. Justice Black*, 10 Indiana Law Reviews 647 (1977).

[23] *Id.*

[24] Under the "Duke's Laws" of 1664, every township in the colony of New York was obliged to support a Protestant church and minister. This, in effect, allowed the Dutch Reformed Church to remain as the established church in most localities, since a majority of the settlers were Dutch. In 1686, James II instructed the Royal Governor of New York to establish the Angelican Church in the colony; but the governor failed to act. Finally, in 1693, the colonial assembly enacted a peculiar bill which seemed to establish the Anglican Church in a few designated counties. This confused situation was clarified in 1731 by the provincial court of New York, which accepted the claim of the Presbyterians to hold the Jamaica Church of Queens (sought by the Anglicans) and to collect taxes for its support. This decision allowed each community to establish and support a Protestant church of its own choosing, and the establishment of the Anglican Church was rendered a legal fiction. *See* Sanford Hoadley Cobb, *The Rise of Religious Liberty in*

America, (New York: Johnson Reprint Corporation, 1970).

[25] William Sweet, *The Story of Religion in America* (New York: Harper Publishing Company, 1950), p. 189.

[26] Benjamin Perley Poore, I, II, *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States* (Washington, D.C.: Government Printing Office, 1877), pp. 1596-97.

[27] Cobb, *supra* n. 24, p. 501.

[28] Poore, II, *supra* n. 26, pp. 1280-81.

[29] *Id.* at p. 1286.

[30] *Id.* at I, p. 957.

[31] *Id.* at p. 970.

[32] *Id.* at II, p. 1359.

[33] *Id.* at p. 1861.

[34] Cobb, *supra* n. 24, p. 517. Vermont was originally claimed by Massachusetts, New Hampshire, and New York. At the outbreak of the Revolution she sought independence not only from Great Britian but from these States as well. In 1781 and 1782, New Hampshire and Massachusetts assented to her independence, but it was 1790 before New York consented to Vermont's formal admission into the Union.

[35] Poore, *supra* n. 26, at II, p. 1339.

[36] Story, *supra* n. 2, at I, § 114.

[37] Poore, *supra* n. 26, at II, p. 1313. The 1776 Constitution provided further that no person should "ever be obliged to pay tithes, taxes or any other rates, for the pupose of building or repairing any other church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately or voluntarily engaged himself to perform."

[38] *Id.* at I, p. 276.

[39] Cobb, *supra* n. 24, p. 403.

[40] Poore, *supra* n. 26, at II, p. 1541.

[41] *Id.* at p. 1543.

[42] *Id.* at I, p. 819. The protection of religious liberty was restricted to "all persons professing the *Christian* religion." The term "Christian" rather than "Protestant" was used apparently because of the presence of a large Catholic population.

[43] *Id.* at II, p. 1413.

[44] *Id.* at pp. 1626-27.

[45] *Id.* at I, p. 383.

[46] Reba Carolyn Strickland, *Religion and the State of Georgia in the Eighteenth Century* (New York: Columbia University Press, 1939), p. 164.

[47] Poore, *supra* n. 26, at 1, p. 379.

[48] Cobb, *supra* n. 24, pp. 490-92.

[49] *Id.* at pp. 493-94.

[50] *Id.* at pp. 496-97.

[51] *Id.* at pp. 497-98. *See*, Leonard Williams Levy, *Judgments: Essays on American Constitutional History* (Chicago: Quadrangle Books, 1972), pp. 200-01.

[52] In Massachusetts, for example, "(i)t was not an establishment like that of the Church of England . . . because the Legislature had no power to regulate doctrine and enforce conformity; and because dissenters received a share of the taxes levied for religious purposes. Consequently, it is more technically accurate to describe the Congregationalist order as favored rather than legally established in Massachusetts." John Francis Thorning, *Religious Liberty in Transition* (Washington, D.C.: The Catholic University of America, 1931), p. 27.

[53] Cobb, *supra* n. 24, p. 507. Actually four states excluded ministers from public office, after Georgia adopted a new constitution in 1789. *See* Article I, § 18 in Poore, *supra* n. 24, at I, p. 385.

[54] Thorning, *supra* n. 52, p. 3. *See also* Cobb, *supra* n. 24, p. 510. Isaac Cornelison, *The Relation of Religion to Civil Government in the United States of America* (New York: Putnam, 1895), pp. 95, 111.

[55] Thorning, *supra* n. 52, p. 7.

[56] Cobb, *supra* n. 24, p. 512.

[57] Poore, *supra* n. 26, at I, p. 259.

[58] *Id.* at p. 264.

[59] Cobb, *supra* n. 24, p. 517.

[60] *Id.* at p. 516.

[61] Cornelison, *supra* n. 54, p. 106.

[62] *Id.* at p. 108.

[63] *Id.* at p. 109.

[64] *Baker v. Fales*, 16 Massachusetts 487 (1820).

[65] Cornelison, *supra* n. 54, p. 110. Religious tests for office were abolished at the State constitutional convention of 1820.

[66] *See*, Poore, *supra* n. 26, pp. 278-88 (Delaware); II, pp. 1314-28 (New Jersey); II, pp. 1341-51 (New York).

[67] *Id.* at II, p. 1554.

[68] *Id.* at I, p. 832.

[69] *Id.* at II, p. 1418.

[70] *Id.* at p. 1446.

[71] *Id.* at pp. 1632-3.

[72] *Id.* at p. 1663.

[73] *See Id.* at I, pp. 384-426.

[74] Cobb, *supra* n. 26, pp. 511-12.

[75] *Id.* at p. 520.

[76] Pennsylvania 1913; Delaware and Tennessee, 1915; New Jersey, 1916; Alabama, 1919; Georgia, 1921; Maine, 1923, Kentucky, 1924, Florida and Idaho, 1925; Arkansas, 1930. Avin Johnson and Frank Yost, *Separation of Church and State in the United States* (New York: Greenwood Reprint Company, 1948), p. 33.

[77] *Abington School District* v. *Schempp*, 374 U.S. 203 (1963).

[78] *Lemon* v. *Kurtzman*, 403 U.S. 602 (1971).

[79] McClellan, *supra* n. 2, pp. 135-36.

[80] *Everson* v. *Board of Education*, 330 U.S. 13 (1947).

[81] Edward S. Corwin, "The Supreme Court as a National School Board," as reprinted in *A Constitution of Powers in a Secular State* (Charlottesville, Virginia: Michie Company, 1951), p. 116.

[82] *Abington School District* v. *Schempp*, 374 U.S. at p. 217.

[83] *Adamson* v. *California*, 332 U.S. 72 (1947). "An Amendment to the Constitution should be read," said Justice Frankfurter in the same case, "in a sense most obvious to the common understanding at the time of its adoption." *Id.* at p. 63.

[84] Charles Miller, *The Supreme Court and the Uses of History*, (Cambridge, Massachusetts: Harvard University Press, 1969), p. 195.

[85] Sidney Hook, as quoted in Miller, *id.*

[86] In *The Federalist* No. 45, James Madison explained that "the powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, *liberties* and properties of the people; and the internal order, improvement and prosperity of the State." *The Federalist* p. 303 (Modern Library Edition).

[87] Six of the States which ratified the Constitution before it went into effect proposed lengthy lists of amendments. "It has frequently been stated that the motive behind these amendments was a desire to secure greater protection for the natural rights of the people. This is true only in part. An examination of the proposals of the first three states to make them, Massachusetts, South Carolina, and New Hampshire, will afford sufficient evidence of the fact that the members of these conventions were much more perturbed about the rights and powers of the states than about the rights of the people." Massachusetts proposed nine amendments but only the sixth, referring to indictment by grand jury, dealt with individual liberty as such. In one place the short list proposed by South Carolina makes mention of "the freedom of the people," but otherwise it deals with the issue of the "sovereignty of the states." Of the twelve proposed amendments offered by New Hampshire, only the last three have a direct bearing on individual liberty. Only Virginia and North Carolina, it seems, proposed a true bill of rights to the people. Benjamin Wright, *American Interpretations of Natural Law* (Cambridge, Massachusetts: Harvard University Press, 1931), p. 147.

[88] As quoted in McClellan, *supra* n. 2, p. 147.

[89] *Id.* at pp. 147-48.

[90] *Barron v. Baltimore*, 7 Peters 250 (1833).

[91] *Permoli v. New Orleans*, 3 Howard 609 (1845).

[92] *See* C. Warren, *The New "Liberty" Under the Fourteenth Amendment*, 34, Harvard Law Review 436 (1926).

[93] *Prudential Insurance Company* v. *Cheek*, 259 U.S. 530 (1922).

[94] *Gitlow* v. *New York*, 268 U.S. 666 (1925).

[95] *Near* v. *Minnesota*, 283 U.S. 697 (1931).

[96] *DeJonge* v. *Oregon*, 299 U.S. 353 (1937) [freedom of assembly]; *Cantwell* v. *Connecticut*, 310 U.S. 296 (1940) [Free exercise of religion].

[97] Since 1961 the doctrine of incorporation has been extended beyond the First Amendment to the Fourth, Fifth, Sixth, Eighth and Ninth Amendments, *See e.g.*, *Duncan* v. *Louisiana*, 391 U.S. 145 (1968).

[98] Corwin, *supra* n. 81, p. 106.

[99] Mark Howe, *The Garden and the Wilderness: Religion and Government in American Constitutional History*, (Chicago: University of Chicago Press, 1965), p. 31.

[100] *Id.*

[101] Francis O'Brien, *Justice Reed and the First Amendment*, (Washington, D.C.: Georgetown University Press, 1958), p. 134. The significance of the word "respecting" in the establishment clause should thus be noted: Congress is to make no law "respecting" (i.e., dealing with the subject of) the establishment of religion, so that existing church-state relations in each State shall remain undisturbed. In the words of Justice Story: "the whole power over the subject of religion is left exclusively, to the State governments, to be acted upon according to their own sense of justice, and the State constitutions." Story, *supra* n. 2, at III, § 1873. Jefferson embraced the same view: "I consider the government of the United States as interdicted by the Constitution from intermeddling with religious institutions, their doctrines, discipline, or exercises. This results not only from the provision that no law shall be made respecting the establishment or free exercise of religion, but from that also which reserves to the States the powers not delegated to the United States. Certainly, no power to prescribe any religious exercise, or to assume authority in religious discipline, has been delegated to the General Government. It must then rest with the States . . ." Jefferson to Rev. Samuel Miller, XI, *The Writings of Thomas Jefferson* (Washington, D.C.: Andrew Lipscomb Co., 1903-04, issued under the auspices of the Thomas Jefferson Memorial Association of the United States), p. 428.

[102] *Everson v. Board of Education*, 330 U.S. 1, 31 (Rutledge, J. concurring).

[103] *Engel v. Vitale*, 370 U.S. at p. 442 n. 7 (Douglas, J. concurring).

[104] *See* C. Fairman, *Does the Fourteenth Amendment Incorporate the Bill of Rights? The Original Understanding*, 2 Stanford Law Review 5-139 (1949).

[105] O'Brien, *supra* n. 101 at p. 116.

[106] *Id.* at pp. 116-17. "A majority of people in any state in this union can, therefore, if they desire it," said Blaine in an "open letter" to *The New York Times*, "have an established church. . . ." Francis O'Brien, *The States and 'No Establishment': Proposed Amendments to the Constitution Since 1798*, 4 Washburn Law Journal 188 (1965). Between 1876-1930, notes O'Brien, nineteen separate amendment proposals were introduced without success in Congress for the purpose of making the religious provision of the First Amendment binding on the States. *Id.* at p. 210. *See also* A. Meyer, *The Blaine Amendment and the Bill of Rights*, 64 Harvard Law Review 939 (1951).

[107] Corwin, *supra* n. 81, at p. 116. Under the doctrine of incorporation, the Court interprets the word "liberty" of the due process clause to include the absence of an established religion, even though it is not a personal liberty like freedom of speech, press, assembly or religion that an individual can exercise. Nevertheless, it is not necessary, according to the Court, for parties protesting state religious programs to produce evidence that their religious liberty has in any way been abridged. As the Court asserted in *Schempp*: "It goes without saying that the laws and practices involved here can be challenged only by persons having standing to complain. But the requirements for standing to challenge state action under the establishment clause, unlike those relating to the free exercise clause, do not include proof that particular religious freedoms are infringed." *Abington School District v. Schempp*, 374 U.S. at p. 224. Why the requirements should not be the same for the free exercise clause and the establishment clause the Court has not explained. Moreover, there is a compelling argument that by its actions the Court itself has denied the right of free exercise to a majority of public school children, who are in effect compelled through a combination of federal court rulings and state compulsory school attendance laws to shed their constitutional rights of religious freedom while under the control of government authorities.

[108] The Helms Amendment to S. 210, 96th Cong. 1st Sess. was subsequently shifted to S. 450, a bill dealing with the jurisdiction of the Supreme Court. The House Judiciary Committee, however, refused to take action on the measure. *See* Gerald Gunther, *Constitutional Law* (Mineola, New York: Foundation Press, 1979 Supplement) pp. 1-2. Proposed amendments to the Constitution to reverse the Prayer Decision have been introduced in most sessions of Congress since 1962, that sponsored by Everett Dirksen (R.-Ill.) achieving the widest support. On September 21, 1966, Dirksen carried a majority with him, but the vote of 49-37 fell short of the two-thirds majority necessary to propose a constitutional amendment. Dirksen's proposed amendment (S.J. Res. 148) was one of 150 measures introduced

in the 88th Congress to reverse the Court's holding in the Prayer Decision. *See* Congressional Quarterly, 11 *Congress and the Nation*, pp. 410-11 (1969).

Mr. **HATCH**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. Trible). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **EXON**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **EXON**. Mr. President, I have been following the school prayer debate with great interest. I have always believed that allowing the opportunity to reflect and to pray during the schoolday would not in any way harm our children and, indeed, would enhance their overall educational experience. Education is a preparation for adult life. While public education should not teach religious doctrine, in my view, the respect for and belief in a Supreme Being is fundamental to nearly all Americans.

When I was a child, the teachers at our school would start each day with the Pledge of Allegiance and a short prayer. Much like the phrase on our currency, "In God We Trust," that moment of prayer reminded me that there is a force in the universe much greater than any of us. In my personal view, that order and direction was and is God, through the birth of His son, Jesus Christ. All of my classmates shared the same view since, in that public school climate, we were conveniently all Christians. I do not recall that any of my classmates was offended by that prayer, and I do not recall that my classmates, parents, or teachers ever felt that they were less free because of that prayer. A way can certainly be found by people of good will to have prayer in school without being offensive to reasonable people. This Senator would grant that not all public schools are so "neatly" united in basic faith as was mine. Therein may lie a problem, but not an insurmountable one, which members of all faiths can work out.

It seems strange to me that it took 186 years after the Declaration of Independence, 171 years after the ratification of the first amendment, and 94 years after the adoption of the 14th amendment to decide that the prayers recited in our public schools—initiated before and during the time of the beginning of the Republic—were somehow contrary to the Constitution. Such logic must result in the conclusion that either the Founding Fathers were dumb or that their latter day wisemen, serving by appointment on the modern-day courts, knew or have discovered a unique principle not enunciated in the 1776 era.

If we look to the intentions of the Founding Fathers in interpreting the meaning of the first amendment, I do not think that we would find that they intended to outlaw a practice in which they themselves participated. That is why I believe school prayer is worthy of constitutional protection, made necessary only because of a recent-period court mandate by a handful of appointed judges with supposedly superintellect on what the constitutional fathers intended. Of course, citizens maintain the right to change the Constitution, but it should not be easy. Nor should it be conveniently upset by a few appointees in robes meeting around a table with a bunch of books seeking loopholes. For that matter, neither is it necessarily appropriate to tie in and promote constitutional changes as part of a Presidential reelection campaign.

Clearly, Mr. President, the people of this Nation believe their children should be allowed to benefit from prayer in school. In the last 2 weeks alone, of the hundreds of phone calls to my office from Nebraskans on this matter, 92 percent have been in favor of allowing prayer in school through a constitutional amendment. They know of no other way to regain this right that was snatched away by the Supreme Court in its 1962 decision.

Unfortunately, even among those who support prayer in schools, there is disagreement as to which amendment the Senate should adopt. I applaud the efforts of the sponsors of the various amendments to reach a workable and meaningful compromise. While I personally support the President's proposal, Senate Joint Resolution 73, I am hopeful that those of us supporting school prayer, in both nonelection and election-year timeframes, can and will unite behind a single amendment and move forward to address the other pressing issues facing this body.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **DANFORTH**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **DANFORTH**. Mr. President, over the past week a remarkable change has occurred in the public attitude to the proposed amendment to the Constitution on school prayer. We have found in our office that whereas a week or so ago most of the telephone calls and most of the mail was in favor of an amendment, to the point of being almost unanimous, now it is much more evenly split. I think the reason for this is that many denominations, many church leaders and church groups have taken a very strong position against amending the Constitution because they feel this is an abridgement of the traditional separation of church and state, and they also feel that it is a potential interference of outsiders, namely school teachers who cannot be controlled in any way by the parents, into the religious education of children which traditionally in our country has been the role of parents and of the churches.

Mr. President, today an amazing thing occurred on the steps of the Capitol, amazing because of the weather. In a driving rainstorm, very chilly, bleak weather, in the neighborhood of about a hundred churchmen gathered for the purpose of making their views known on the proposed constitutional amendment. Bishop John Walker, the Episcopal Bishop of Washington, read a statement, and I will now read that statement to the Senate because I think it indicates very clearly the position that a number of church people take on the proposed constitutional amendment. The title of the statement is: "A Call to Work and Pray for the Preservation of the First Amendment."

> We the undersigned urge leaders of the religious community to join us at noon on Tuesday, March 13, on the East Central Steps of the Capitol to oppose the proposed amendments to the Constitution regarding prayer in public schools.
>
> It has been said in recent days by politicians and clerics that God has been excluded from the public schools and that by amending the Constitution we must put God back into the public schools. This is blasphemy! God cannot be kept out of our schools by mere mortals, not even by the Supreme Court. This is not a quibble! These spokesmen for amending the Constitution presume to speak for God, but the God for whom they speak is not the God of the Bible who thunders down from Mt. Zion. No, their God is but a household God who does the whims of people.
>
> We know that God is there in the public schools right now stirring the hearts of teachers and children, yes, stirring them to prayer. There is prayer right now in public schools. There are prayers of compassion and concern and simple prayers for God's help. We have taught our children to pray and they are there praying now.
>
> We have taught them to pray and we don't want government teaching them. Prayer is for the parents to teach and not the board of education. Prayer is for the church and synagogue to teach and not the government. We don't want some board of education committee watering down our faith as it toils to write a prayer which offends no one. Some of us address God known as Father, Son and Holy Spirit and some speak to the God of Abraham, Isaac and Jacob. These are our traditions and they are dear to us. We don't want any court or school superintendent imposing his or her belief on our children or worse still, taking all traditions and turning them into tasteless porridge.
>
> We rejoice in our nation's pluralism and we have taught our children to celebrate its diversity. Furthermore, we have taught them to respect those who pray as well as those who don't. We don't want a government edict violating that respect whether it be by state prayer or by state imposed medi-

tation. We religious people want the government off our backs and those of our children.

It has been said that religious men and women favor the prayer amendments and that atheists and non-believers oppose them. Don't demean us! We yield to no one in the passing of our belief. We stand here as Christians and Jews opposed to tampering with our priceless constitution, opposed to state enforced prayer or state enforced prayer hiding under a government imposed silence. We will not be silent. In the name of prayer, in the name of God, stop this nonsense and get on with the pressing business of state: peace and justice in the world and at home. The prolonged debate is diverting the attention of the Congress of the United States from these critical issues.

Prayer is our business, the concern of a religious people. Keep the long arm of government out of our discourse with God and leave the First Amendment alone!

Mr. President, this statement is signed by, among other people, the following: Bishop John Hurst Adams, Second Episcopal District, African Methodist Episcopal church; Rabbi Andrew Baker, Washington director, American Jewish Committee; Bishop Cecil Bishop, Presiding Bishop, 12th Episcopal District, African Methodist Episcopal Zion Church; Bishop Oree Broomfield, Christian Methodist Episcopal Church; Dr. James M. Dunn, executive director, Baptist Joint Commission on Public Affairs; the Reverend Ernest R. Gibson, executive director, Council of Churches of Greater Washington; Rabbi Joshua O. Haberman, president, Washington Board of Rabbis; the Reverend Arnold Keller, Church of the Reformation (Washington, D.C.), chairman, Inter-Lutheran Commission for Ministry and Mission; Dr. James Langley, executive director, D.C. Baptist Convention; Mr. Edward N. Leavy, director, District of Columbia/Maryland Office Anti-Defamation League of B'nai B'rith; Mr. Nathan Lewin, president, Jewish Community Council of Greater Washington; Dr. C. J. Malloy, Jr., general secretary, Progressive National Baptist Convention Inc.; the Right Reverend William B. Spofford, Jr., assistant Episcopal Bishop of Washington; the Reverend John F. Steinbruck, Luther Place Memorial Church; Dr. Richard L. Taylor, regional minister, Christian Church, Disciples of Christ; the Right Reverend John T. Walker, Episcopal Bishop of Washington; Bishop D. Frederick Wertz, the Washington area, the United Methodist Church; the Reverend Edward A. White, Presbytery Executive, National Capitol Union Presbytery; Mr. E. Raymone Wilson, executive secretary, emeritus, Friends Committee on National Legislation; and others.

Mr. President, representatives of the Methodist Church, the Presbyterian Church, the Episcopal Church, the Baptist Church, the Jewish community, and a variety of other churches gathered today in the rain and read the statement because it spoke from the depths of their religious convictions that the proposed amendment to the Constitution is offensive.

There are religious people in America who feel very strongly that we should amend the Constitution. There are also people of deeply held religious convictions who think that this is a debasing of their religion, that it is getting Government into the prayer business, that it is secularizing the sacred. We, in the Senate, will have to make a choice between these two positions.

As I stated 1 week ago, my own view is that the best choice is to do nothing; because, if we take the affirmative step of amending the Constitution, the effect of that step is to weigh in on behalf on one side of a religious argument.

I might also say, Mr. President, that it is my understanding that for the first time in 195 years, since the Bill of Rights was written, we are now focusing on a constitutional amendment which would alter or amend, in effect, the Bill of Rights. That is no small matter. To alter the understanding, developed over a number of years, of the first amendment to the Constitution is no small undertaking. That is what we are doing. We are doing it by having under consideration now, on the floor of the Senate, a veritable avalanche of different proposals for a constitutional amendment.

I have not counted the number of proposed constitutional amendments. I know that at least two have been submitted by the Judiciary Committee, one of which is now on the floor. I know that Senator **Baker** has proposed at least one alternative. I know that Senator **Gorton** has proposed at least one alternative. I do not know how many other proposals there are.

Senator **Baker** has solicited the views of Senators and asked that the various options be printed in the **Congressional Record**. We do not know what we are debating. We do not know what proposal we are debating. We are supposed to change the effect of the first amendment to the Constitution by voting on something out of the blue.

My own hope is, if we intend to go through with this—and I sincerely hope that we do not—that the very least we do is develop some procedure on the floor of the Senate so that eventually we can focus on one of the myriad of proposals and then debate that one proposal for a period of time. I do not mean setting aside all other Senate business. So far as I am concerned, we can go on a double track. We can follow other legislation, but, at least, it would seem to me that there should be a period of several weeks in which we can focus our attention on the one amendment that we will end up voting for. The procedure might be to vote on amendments to the committee resolution and then go to third reading and then set the matter aside for several weeks or for a month; and let the lawyers flyspeck it, let the religious community look at it, let Members of the Senate look at it, and then, at some date several weeks away, we can vote on it. Maybe that would be the best proposal. I do not know. But I do know that to have a number of proposals and to be talking about the general concept of a prayer amendment, without knowing exactly what the prayer amendment is going to be, is to face the possibility of arriving on the floor of the Senate someday without a clear idea of what we are about and voting on a general proposition instead of voting on the precise wording of the constitutional amendment.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **BAKER**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. **Specter**). Without objection, it is so ordered.

Mr. **BAKER**. Mr. President, since Thursday last and then again on Monday and today, I have indicated that I thought it was time to get on with a vote on this issue or matters related to it. As Members will surmise, I am sure, based on their experience in previous situations, there have been a number of conferences going on between interested parties, notably the Senator from Connecticut, the minority leader and I have talked, and a number of others who are engaged in a major way in our deliberations on this issue.

It may be that we can arrange a time certain for a vote or votes. Those negotiations are not complete and they may not be successful. But I feel that they are sufficiently promising to warrant an additional effort for another hour or thereabouts this afternoon.

So I anticipate that for the next little while, we will not have anything except general debate on this subject and perhaps not that. But at around 5 o'clock or a little after, it would be my hope that I might be in a position, after consulting with the minority leader, the managers on both sides, and parties directly interested in this controversy, to put some sort of unanimous-consent request that would lead to a vote on this matter.

With that, Mr. President, by way of explanation and by way of alert to Members who may be listening in their offices, in order to gain time to complete those conversations, I once more suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Remarks by Mr. HELMS at this point relating to the Agricultural Programs Adjustment Act of 1984 are printed later in today's RECORD.)

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEPSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEPSEN. Mr. President, during the past several days a number of my colleagues have risen to speak in support of restoring our children's right to pray voluntarily in public schools. Children in America have been denied this religious right since the Engel and Schempp Supreme Court decisions which banned prayer and the reading of Bible verses in our public schools over 20 years ago. Since that time, efforts have been made to restore prayer in public schools, most notably those of the former Senator Dirksen and our distinguished majority leader, Senator BAKER. Unfortunately, they were unsuccessful. Now, however, I believe the time is right to adopt a constitutional amendment which would restore a right our children once had to pray in our public schools.

Each of us will be asked to cast our vote either for or against the constitutional amendment now before us. However, before we vote, I would like my colleagues to consider a very important factor—our children and how our decision will affect them. While much of the debate has focused on our Founding Father's intent when drafting the establishment clause in the U.S. Constitution and the Supreme Court's interpretation of this clause, I believe we must also consider what is best for the children.

Today's children are exposed to a difficult, sometimes depressing life. Many times a life without hope. They constantly hear of the threat of a nuclear holocaust in their schools, on television, and in the magazines and newspapers they read. Many of them have the attitude that life will not exist when they reach adulthood.

In fact, a growing problem facing our Nation is the epidemic of teenage suicide, a serious problem that needs urgent attention. In addition, our children are watching their classmates destroy their minds and bodies by the use of drugs and alcohol. They see teenage sexual promiscuity, crime, violence, and other things in their schools and their neighborhoods.

And as our children are being asked to cope with society, they are also being denied the opportunity to pray out loud to God in our public schools, a God who Benjamin Franklin acknowledged as "ruling over the affairs of men." Our schools, as well as our secular society, give our children no "God consciousness." While the Supreme Court's intent in banning prayer and Bible-reading in our public classrooms was to make the State neutral with respect to religion, Justice Stewart remarked in his dissenting opinion in the Schempp case that:

> A compulsory State educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. 374 U.S. at 203.

As children are presented with the serious problems of our day, often they are told that mankind is the only source of solutions for these problems. Our children have been permitted to study everything from first aid to tennis, chess to communism, yet they have not been permitted to pray out loud, discuss God, or even acknowledge that God exists. While students can gather together to discuss stamps or socialism, they cannot gather for prayer or Bible-reading.

The courts have stripped away the strong religious foundations upon which our children could rely and build their lives: A foundation which could add stability and strength to their lives. In many cases, children have been left to flounder on their own, in a world that offers no lasting answers. Is that a responsible inheritance to give the children and grandchildren we love so much? I think not.

And, in addition, who are we to pass judgment upon the quality of prayers which come forth from the hearts of children. I would suggest that we, in our great adult sophistication, could take a lesson from the simple, uncomplicated faith of a child. We adults of this great age of intellectualism have often sacrificed simplicity on the altar of sophistication and have come up wanting. Perhaps the prayers uttered by children in simple faith might touch the heart of God, bringing a blessing to us all. Let us not forget the children.

Mr. President, I will conclude my remarks regarding the impact our vote will have on children with a story. It is a true one. It is a story about a little 4-year-old boy who was recently in my home with his father who was called in to fix our plumbing. His father did the plumbing work part time to bring in additional income and was recommended by our building manager. He brought his 4-year-old son with him. It was 7 o'clock in the evening. While he was waiting for his father, this 4-year-old boy was looking around our living room and he noticed a big, huge coffee table that we have there. It is kind of a spread open wooden stand where there is one of these huge, huge old Bibles. He noticed that large Bible we have sitting on the table and he asked my wife, Dee, "What is that book?" Dee replied, "It's a book about God. Do you know who God is?" And the little boy said, "Yeah." And my wife said, "Do you know that God loves you?" And the little boy replied, "Yeah, God loves us all. He loves us all the same."

That simple faith and grasp of truth that was shown by this little boy would do more than all the legislation, rhetoric, or governmental rules to eliminate bigotry and prejudice, much more than we could ever create here on the Senate floor. We ought to make sure that our children have the glorious freedom and the committed opportunity to commune with God who loves us all the same.

I urge my colleagues to vote for this constitutional amendment which would restore the right of our children to pray out loud in their classrooms.

It is not anything that we are trying to force on anybody. It is something that we had for 188 years and it worked fine. But 20 years ago someone decided we should forget about the last half of that first amendment, that last half that says "nor shall we prohibit the free exercise thereof."

Mr. President, on Tuesday of last week after my opening remarks on the issue of voluntary prayer, my friend and colleague, Senator WEICKER, and I discussed several issues that I would like to expand upon today. I told him I would expand on them later and I intend to do that at this time.

First, the Senator from Connecticut asked, "* * * where can a child not pray?" He contended that a child can pray as an individual in school or anywhere else. Unfortunately, I believe he misunderstands the state of religious freedom in American schools today. There have been many lower court decisions since the Supreme Court's Engel and Schempp decisions that prohibit spoken prayers and some which prohibit moments of silent prayer. Let me give you an example of a case where a child was prohibited from saying the following prayer:

We thank you for the flowers so sweet
We thank you for the food we eat
We thank you for the birds that sing
We thank you, God, for everything.

The parents in this case of *Stein* v. *Oshinsky*, 348 F. 2d. 999 (1965), argued that the Engel case prohibited the State from directing teachers to recite a prayer but that it did not hold that the States could not permit prayer. A district court judge ruled that the school should provide an opportunity for prayer in order to accommodate those who wanted to pray.

Now, it all started with this prayer:

> We thank you for the flowers so sweet
> We thank you for the food we eat
> We thank you for the birds that sing
> We thank you, God, for everything.

However, on appeal to the second circuit court of appeals, Judge Friendly overturned the lower court decision. He held that no prayer—not even voluntary, nondenominational prayer would be permitted.

If two or more children choose to join together to pray or read the Bible in a public school, they would be prohibited from doing so by the authority of decisions such as *Brandon* v. *Board of Education of Guilderland Central School District*, 635 F. 2d. 759 (1980); *Karen B.* v. *Treen*, 653 F. 2d. 987 (1981); and *Collins* v. *Chandler Unified School District*, 644 F. 2d. 759 (1981), among others.

I could go on and on. There is a whole laundry list.

Another issue that was raised was the interpretation of Thomas Jefferson's writings and actions involving the relationship between church and state. I indicated at that time that those opponents who continually refer to the wall of separation of church and state by Mr. Jefferson are using what sophisticated or at least learned scholars throughout the years have written in books, an interpretation of what Mr. Jefferson said, and that someone interprets what the scholar or the writer of a book thought that Mr. Jefferson meant, and so on down the line.

I mentioned that Mr. Jefferson was the president of the University of Virginia, which he founded with public funds. In his plan for the school, he provided for a special room in the rotunda "for religious worship."

In addition, he supported a proposal to invite the four major religious denominations of Virginia to establish seminaries within or adjacent to the university and to have their clerical professors preach there occasionally.

It does not sound like a wall to me.

He did not include a department of theology at the university because he feared giving preferential treatment to one sect over another. It was such preferential treatment that he viewed as a key to the establishment clause, rather than the act of giving aid or benefits to religion.

Mr. Jefferson wrote:

> It was not, however, to be understood that instruction in religious opinion and duties was meant to be precluded by the public authorities as indifferent to the interests of society. On the contrary, the relations which exist between man and his maker, and the duties resulting from these relations, are the most interesting and important to every human being, and the most incumbent on his study and investigation.

Thomas Jefferson.

Another example involves Mr. Jefferson as the first president of the Washington, D.C., Public School Board. In the first official report on file by this board—it is a matter of record, it is in the book—the Bible and Watts Hymnal were listed as the principal books used for reading and teaching. It does not sound like a wall to me.

I appreciate the concerns expressed by my distinguished colleague from Connecticut. However, I am thoroughly convinced that the strict prohibition of religious activity in public schools as currently defined by numerous court decisions was not intended by the writers and the supporters of the first amendment, nor by Mr. Jefferson, who, by the way, was in France during the entire time that amendment was evolved.

Mr. President, I ask my colleagues to support Senate Resolution 73 not because it is popular but because it is right.

● Mr. **LAUTENBERG**. Mr. President, America is a pluralistic society. It embraces people of all colors, national origins, and creeds. We are proud of our traditions of toleration and acceptance. The richness and diversity of this country is what makes it a beacon of hope for the rest of the world.

Freedom of religion is a major part of this heritage. Indeed, the first settlers in America came here to flee religious persecution. William Penn, who established one of the Original Thirteen Colonies as a refuge for victims of such persecution, provided a fundamental formulation of the nature of religious freedom. He wrote, "No man, nor number of men upon earth hath power or authority to rule over men's consciences in religious matters."

Religious freedom was foremost in the thoughts of those who wrote our Constitution when the Bill of Rights was drafted. The first amendment of the Constitution, the first article in the Bill of Rights, begins with the assurance that government will be neutral with respect to religion. Government will neither support religion, nor interfere with its practice. This principle of neutrality guided the Supreme Court's decisions regarding prayer in the public schools over 20 years ago.

What the Court ruled against was the organized reading of prayers or Bible portions in school. It did not prohibit personal, private prayer. Any child, indeed any person in this country, can pray by himself or herself, quietly and without disruption, at any time.

Mr. President, the Supreme Court has said only that school officials cannot officially sponsor prayer in school. This ruling upholds the provision of the first amendment against the establishment or State support of religion. The Court never ruled that individuals cannot pray at their choosing. This is because the first amendment also bars the prohibition of the free exercise of religion. By this provision, the private practice of religion, through prayer or other means, is protected. Schoolchildren are not, therefore, prevented from praying on their own in school.

The Supreme Court decision on school prayer is consistent with the spirit which informed the drafting of the Bill of Rights. The Bill of Rights was intended to be a limitation on the power of government. It is an important, basic protection for all of our citizens. It protects the rights of minorities against majorities. It guarantees that individuals who do not adhere to the same religion as the majority of their fellow citizens are guaranteed the right to practice their religion. It guarantees that no established State religion or prescribed prayer will interfere with their rights.

Mr. President, I recognize the importance of prayer in individual, family, and community life. For many, it is an integral part of each day and enriches life. But prayer is an intensely personal experience. It is not something that can or should be prescribed by government. Indeed, many deeply religious leaders have expressed to us their view that religious practices must stay private, without intervention by public officials or even peers.

The Constitution now protects the child who wants to pray before, during, or after school. Personal prayer is exactly what the first amendment guarantees. At the same time, the present treatment of school prayer protects the child who may not share the religious views of a majority of his or her classmates. These children should not be subjected to practices which are personally alien to them.

Mr. President, it is for these reasons that I cannot support any of the present proposals before the Senate to amend the Constitution to provide for formal periods of prayer in the schools. Prayer should continue to be a personal and individual experience. This is the best way to protect both religious faith and religious freedom.●

Mr. **JEPSEN**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BAKER**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The majority leader is recognized.

Mr. **BAKER**. Mr. President, earlier today, I said on the floor that I hoped and thought we might make progress and provide a time certain for a vote on the prayer amendment. The Senator from Connecticut has played a major part in that today. He, of course, will speak for himself. But he first broached the subject this morning, may I say for the record, of getting an up-and-down vote on the President's resolution, which he knows and understands has been an objective I have sought for a long time—to get a vote—and I am grateful for that. I wish to express that appreciation to him now. I rejoined by saying that I felt we should consider also adopting the committee amendment which was reported by the Judiciary Committee.

After some extensive talks and conversation, it is my understanding that the Senator from Connecticut indicated that he had no objection to that, either, and then we began fashioning a unanimous-consent agreement to submit to the minority leader and others, especially to the managers of the bill, which would provide for a time certain to have two votes, one on the committee amendment and then one on the resolution itself, with no other amendment in order.

That is still my wish, and I still hope and modestly am optimistic that we will succeed in getting that agreement. But we are not near yet to doing that, I understand.

Without describing the matter any further, let me say to Members who may be listening that we will persist in trying to work this out. There is some possibility that we still can get a unanimous-consent agreement on that today; but if we do not, we will try in the morning and see if we can do that.

The objective that I seek and that the Senator from Connecticut has indicated a general willingness to consider, I think—indeed, may have suggested—is that we vote at some time in the afternoon on Thursday. I have discussed that with the minority leader and Members on both sides who have been wrestling with that issue during debate today. As I say, it is not yet ready for me to present in the form of a unanimous-consent agreement.

Having said that by way of explanation to Members as to what has been going on during the course of this afternoon, I continue to believe that we may be nearing the place where we will have a definitive vote on the prayer amendment that is now pending before the Senate.

Mr. WEICKER. If I might respond to the distinguished majority leader, he states the sequence of events totally accurately. I had occasion to read the Congressional Record this morning, and more specifically the comments of the distinguished Senator from North Carolina, where, on the floor last night, he said the time had come to vote on Senate Joint Resolution 73. I contemplated that, and felt, indeed, we had spent enough time. There is no reason why we should not vote on Senate Joint Resolution 73. Specifically, that was my proposal to the majority leader this morning. He added the provisions of the committee amendment, to which I have no objection and suggested that we do it this week. I have no objection to that.

I would hope that my colleagues would follow the lead of both the majority leader and the minority leader. We can fashion something that gets us to voting.

I knew that, like any Gordian knot, like any complex problem, we cannot resolve it all at once. My feeling was—and I am sure this is also in the back of the mind of the distinguished Senator from North Carolina—let us just take the first step and see where we can go from there. I cannot say any more than that.

I did not discuss with the majority leader equal access of amendments, silent prayer amendments, and on down the long list that is here. I did not even get into that. I said, let us just take this first step. That is all, either in terms of the letter of what we discussed or the spirit of what we discussed, that was accomplished in the course of these negotiations.

I am the first to say that if everybody is going to try to piggyback on Senate Joint Resolution 73, we are right back where we started. That just is not going to happen.

It is very difficult for those of us who are on the side of the argument presented by Senator Danforth, myself, and others, to deal with this myriad of proposals that we have. It is not the most orderly process, to begin with, but there is no point in complaining about it. That is the situation. What we can do is address ourselves to the matter that has been on the desk now for 10 days, and then let the chips fall where they may. I have asked for no other concessions. The majority leader has asked for nothing except the vote on this amendment.

I would hope that—specifically we are contemplating Thursday, sometime in the middle of the afternoon—my colleagues would allow us to get to that point. Then, having untied that small piece of the Gordian knot, let us see what is left, and we can all go ahead and divide up on that. Maybe we will be getting together again down the road on what needs to be done next. But the majority leader, I think, has been very patient.

As I said at the outset, there have been no filibusters. I certainly hope this is an indication of the good faith of those on my side to go to a vote and that everyone who has an amendment at least allow this matter to proceed apace and not try to come into a comprehensive solution. That can never happen. I assure my colleagues on the floor as to that.

I said this matter could very well be on the principal effort of the President of the United States, and as amended by the committee amendment, that we can have a vote, if we all agree, on Thursday of this week.

Mr. BAKER. Mr. President, I thank the Senator from Connecticut. He, too, describes the situation accurately.

I might now describe in language the unanimous-consent request I should like to propound. I will not now propound it. We have not quite cleared it as yet. I still hope we will. The request would go something like this: that on Thursday, at 3 o'clock, the Senate proceed to vote on the committee amendment; that after the disposition of the committee amendment, the Senate proceed to vote, without further debate or intervening amendments, on the resolution itself; and that paragraph 4 of rule XII be waived. That is the essence of the agreement. It would also provide that no amendment other than the committee amendment to accompany Senate Joint Resolution 73 would be in order.

That embodies the situation as the Senator from Connecticut described it and as I have described it and as I have circulated to a number of Senators, and I have submitted it to the minority leader for his consideration.

Once again, Mr. President, I will not now make that request, but it will be my hope that before the day is out we can do that. If we cannot do it, then we will do it first thing in the morning.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. May I say that I personally have no trouble with the proposal that the distinguished majority leader has outlined and would be perfectly agreeable as far as my own vote is concerned to vote on the amendment and then go directly to the resolution.

I think that there would be difficulty in getting the agreement this evening. I understand that the Senator from Illinois (Mr. Dixon) would be agreeable to this procedure but be would want to offer an amendment relating to the silent prayer and equal access. He would be willing to have a time limitation on that amendment.

There has been some problem with getting acceptance of his wishes in that regard.

That is about all I can say to the distinguished majority leader. I assume that the majority leader and/or Members on his side of the aisle are aware of Mr. Dixon's amendment. Whether or not there could be agreement that Mr. Dixon could call up that amendment and have a time limitation, say of an hour to be equally divided, I cannot say. But I think I am prepared to say that if it would be agreeable that Mr. Dixon could call up such an amendment, get a time limitation on it, I think that would probably fly on this side of the aisle except for another Senator who has an amendment of perhaps somewhat the same nature, but I am not prepared to say that is the case.

Mr. HATCH. Mr. President, will the Senator yield on that point?

Mr. BYRD. I believe the majority leader had the floor.

Mr. BAKER. If the Senator from West Virginia has finished, I am happy to yield.

Mr. HATCH. I hope the distinguished Senator from Illinois will not call up the silent prayer amendment.

As the Senator knows, I am the author of that amendment, and I would prefer that it not be called up at this time because I believe that the President deserves a vote up or down on his amendment. Since the distinguished Senator from Connecticut is willing to let that vote occur, I would like to see it occur. I wish to see the President given his day here on the floor, given that courtesy.

I would really feel bad if the silent prayer amendment was brought up in this context because it seems to me I might be forced to vote to table my own amendment. That would really be a sorry day for me.

So I just wish to make that point. I hope the distinguished Senator from Illinois does not bring that up at this point.

Mr. BAKER. Mr. President, I wish to thank the Senator from Utah. He has been a courageous soldier in this fight. I have never seen anyone else handle himself any better under difficult circumstances than he has. By that I mean I know his principal preferences are for the silent prayer amendment. I am aware of that. I believe most people are. But he sat here in this chair and managed the President's resolution and he has spoken just now in a way that required courage and character. I wish to commend him for that.

The fact of the matter is, Mr. President, that if we open Pandora's box to another amendment, whether it is silent prayer on vocal or silent prayer on the option, or any of the other 60-some-odd amendments that have been called to my attention, I do not know where you stop. At some point it is the duty of the Senate, in my opinion, to speak its judgment on something, and I was especially blessed this morning. The Senator from Connecticut first raised the question of simply getting a vote on the President's resolution. I commend him for that. I think that is very senatorial and very appropriate.

So I join the Senator from Utah in saying that I hope that Senator from Illinois will not insist on that.

The day may come when we do that, but this is not the place for it and this is not the time for it.

Mr. President, it is, I guess, clear now that we are not going to be able to get this agreement this afternoon, so I will not put it, but Senators should be aware tomorrow shortly after we convene, perhaps during leader time, it will be my intention to try to reach an agreement of that sort.

THE WHEAT PROGRAM—H.R. 4072

Mr. BAKER. There is one other matter, Mr. President, that I wish to bring up. The chairman of the Agriculture Committee is here. Senator DOLE was here a moment ago. If I can get him on the floor, I wanted to bring up, to ask the minority leader about another matter, and that is the wheat program, which is a bill reported by the Agriculture Committee yesterday, Calendar Order No. 74, H.R. 4072.

Before I do that, Mr. President, I wish to try to locate the Senator from Kansas (Mr. DOLE).

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. I brought up this matter in conference today. There was one Senator, and there may have been others—I am not sure—but I am sure that one Senator responded that as of now until he knew more about this legislation he could not agree to proceeding to take it up by unanimous consent, and this particular Senator is not a member of the Agriculture Committee. So this objection might be removed if he has an opportunity to study the legislation a little more.

Mr. BAKER. Mr. President, may I say that as the minority leader knows, and he and I have discussed this, the signup for the wheat program, as I understand it, runs through Friday of this week, March 15.

Mr. HELMS. That is right.

Mr. BAKER. We have a real ox in the ditch. But I understand his position, and there is a member who apparently wishes to examine it overnight. But may I say to the minority leader I wish in the morning then also to see if we can reach this bill and the unanimous-consent request that I wish to put at that time would be to ask unanimous consent to temporarily lay aside the prayer amendment for not more than 3 hours so that we may consider this matter and at the end of 3 hours, notwithstanding the disposition of the matter or the failure to dispose of it, the Senate then would return to the consideration of the prayer amendment. That would be my request.

Once again, I will not put that request at this time. But I wish to put it first thing in the morning.

Mr. HELMS. Mr. President, will the Senator yield to me a second?

Mr. BAKER. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. JEPSEN). The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Chair, and I certainly thank the majority leader and minority leader.

Let me say to my friend from West Virginia, if the Senator who tentatively at least is objecting to this measure being considered will contact me, I wish to work with him about any problem he may have with it, and as the distinguished majority leader has indicated, it is absolutely essential that we move with it because of the Friday signup deadline.

So if the distinguished minority leader would make that arrangement for me, I would appreciate it so we can work with the Senator.

Mr. BYRD. I will be glad to do that. Also, I am happy that the majority leader has indicated for the record what his request will be in the morning. If he should still choose to submit that request to the Senate, this will give Senators on both sides an opportunity to study the request.

I cannot say that the Senator to whom I alluded is the only Senator who might have an objection, but one Senator did express an objection in conference and if I can paraphrase him at least it was at this time until he could know more about the legislation.

Mr. HELMS. I understand the minority leader.

Mr. BYRD. May I ask the distinguished Senator from North Carolina, I have been caused to understand that the Secretary of Agriculture can extend that deadline himself; is that correct?

Mr. HELMS. I would say to my friend that he can and I believe that he will, but he needs some indication from Congress about what will happen to this bill.

Mr. BYRD. Very well, then. Will the Senator yield further?

Mr. HELMS. I yield.

Mr. BYRD. I will cause to have the distinguished Senator to whom I referred contact the distinguished Senator from North Carolina.

Mr. HELMS. I do appreciate that.

Mr. BYRD. And perhaps some agreement can be worked out.

I will certainly overnight and in the morning see if we can clear the request.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, just to complete the record on this and for no purpose other than to refresh the memories of Senators, during the debate on another matter, the distinguished Senator from Oklahoma (Mr. BOREN) offered an amendment dealing with wheat allocations and at the urging of the Senator from Kansas, the Senator from North Carolina, and others, including this Senator, the Senator from Oklahoma changed his amendment from an amendment to a sense of the Senate resolution, a statement of the sense of the Senate on this matter.

In exchange for that, I represented to him on the floor of the Senate, which is in the RECORD, that I would agree that when the Agriculture Committee reported a bill such as this that I would seek consent to lay aside whatever we were on and take it up for a limited period of time, 3 or 4 hours, I believe I said, overall. And that is the pledge that I am trying to redeem at this time. I only say that because I wish to remind Senators who were not present that this is an effort to redeem that commitment made at this time by Senators on both sides of the aisle.

Mr. DOLE. Will the majority leader yield?

Mr. BAKER. Yes; I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, first I wish to thank the majority leader for the attempt. I certainly have no objection to making a determination on where the objections may lie. But it would seem to me we are very close to an agreement that affects a number of commodities. In addition, there is an increase in Public Law 480 and an increase in credits. In fact, it was reported out of the Agriculture Committee, and I think the chairman would verify this, by voice vote, with no audible opposition to the final package. So it is very important, particularly in wheat areas, to Senator ANDREWS from North Dakota, who is here, myself, and others who come from wheat areas because there is a Friday deadline.

Of course, if we pass the bill, the Secretary has indicated he could extend that signup period for 1 week or 2 weeks. So it is my hope, through the efforts of Senator HELMS, Senator HUDDLESTON, and others, that maybe we can get this on the floor if not tomorrow, at least on Thursday.

Mr. ANDREWS. Will the majority leader yield?

Mr. BAKER. I am happy to yield to my friend from North Dakota.

Let me say before he speaks, however, that I was not fully aware of the importance of this matter, in terms of the Friday deadline, until he brought that matter forcefully to my attention today in another meeting. I wish to thank him for that, because he was absolutely right. He has been prime among those insisting that we try to get to this as soon as possible. And I agree with that.

Mr. ANDREWS. Mr. President, I would like to state that the majority leader has done a service to American agriculture, and the minority leader, as well, in agreeing to look toward a unanimous-consent request tomorrow for this most important subject, not just because of the timeliness of the signup, Mr. President, which is important—as we all know—the signup expiring on Friday, that signup can be extended for another 2 weeks—but, Mr. President, the situation in farm areas today economically is extremely difficult. And while the Senate may postpone and while the Secretary of Agriculture might, indeed, allow more time for signup, the Lord controls the planting season and the farmer has to arrange for credit to put those crops in the ground. If this new program passes, the farmers' ability to get credit will be enhanced because of a number of features that the Senator from Kansas pointed out, such as the increased enhancement of our export potential, our direct loans that are extremely important to those farmers in drought disaster areas, as well as the up-front payment as part of the set-aside.

So, Mr. President, what the majority leader has done today, and what the minority leader and the majority leader have reached a tentative agreement to bring as a unanimous-consent request tomorrow, is extremely important to agriculture. It would be my hope that no Senator would object to it, since the crisis is there and very evident in the farm areas of our country.

I appreciate, certainly, as one Senator, and I am sure many more appreciate the expeditious action that is being taken finally to resolve this problem.

Mr. BAKER. Mr. President, I thank the Senator and I thank the minority leader and the Senator from Kansas and the Senator from North Carolina.

Once again, when we convene in the morning it will be the intention of the leadership on this side to seek a unanimous-consent agreement that will provide an opportunity for us to turn temporarily to the consideration of the wheat bill, so-called, and to do so on a time limitation of 3 hours, all inclusive.

Mr. President, there is one other matter I would like to do this afternoon, but it has been beset by problems also, apparently. As soon as we finish and I have a moment of leisure, I intend to consult my astrologer and I am going to also consult my biorhythms for I am convinced I will have three red lights as soon as I put the data in the machine and my astrologer will no doubt tell me that all of my star systems are crossed today and nothing good was going to come of this Tuesday and, indeed, nothing has so far.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. It may come as some consolation to the distinguished majority leader that he need not blame himself because someone long ago said that the fault is not in our stars but in ourselves.

Mr. BAKER. I was afraid the Senator might say that—and I prefer the stars.

But, in any event, nothing has worked today, and I apologize to the Senate for that and to everyone else. But, believe me, there have been negotiations, sometimes without end, seemingly, trying to work out these matters; that is, the farm bill, the supplemental appropriations bill on low-income energy assistance, on the prayer amendment, to say nothing of negotiations that have continued during most of this day, beginning early this morning, on the budget. And there is one other, also, the extensive negotiations on the Meese nomination.

If there is any other crisis lurking on the horizon, I do not know what it is, but it will find me before the day is out. And I wish to report these things now in case I do not show up in the morning.

Mr. President, I have to make another check to see if we are going to be able to proceed either with the unanimous-consent agreement to provide for the disposition of the Low-Income Energy Assistance Act or perhaps pass it by unanimous consent tonight. If the minority leader will bear with me for just a few more moments, I will make a phone call and, if the phone does not dissolve in my hand, I will report back to him what I find.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

Mr. HELMS. Mr. President, on March 3, 1984, the Committee on Agriculture, Nutrition, and Forestry ordered reported H.R. 4072, the Agricultural Programs Adjustment Act of 1984.

Because of the urgency of this legislation, it was reported without a report.

This bill makes adjustments in the farm commodity programs for wheat, feed grains, upland cotton, and rice and provides for modifications in several Farmers Home Administration loan programs that are designed to target available Federal funds to farmers most seriously burdened with the consequences of the devastating 1983 drought. The bill is part of a package that also includes significant agricultural export assistance and credits to further assist in helping make U.S. agricultural commodities and products more competitive in world markets.

Mr. President, this legislation is designed to improve the operation of the farm programs and to better target resources to where they will do the most good. I am pleased to report that it does these things while accomplishing savings estimated to be in excess of $3 billion over the next 3 years.

The bill had its origin in a series of meetings held over the last 2 weeks at the instigation of the distinguished Senator from Kansas (Mr. DOLE) in an effort to provide for more effective participation in the 1984 wheat program. But the scope of the meetings quickly grew to making necessary adjustments in other commodity programs. This was possible because of the participation of the administration, members of the committee, and a number of interested Senators who do not serve on the committee but who have a strong interest in farm programs.

The net result of this legislation will be to improve the operation of the farm programs and establish improved farm policy with very substantial savings. It has been a truly bipartisan effort, and I want to commend Senator DOLE, Senator HUDDLESTON, and Senator JEPSEN in particular—though many others gave very generously of their time and effort to help develop this important package.

I urge Senators to study it carefully, and to support it as we attempt to move it to enactment at the earliest possible time.

Mr. President, so that Members, staff, and other interested persons will be able to study the legislation, I ask unanimous consent that a copy of the bill, a brief summary of its provisions, and a section-by-section explanation prepared by the committee staff be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 4072

That this Act may be cited as the "Agricultural Programs Adjustment Act of 1984".

TITLE I—WHEAT

TARGET PRICES

SEC. 101. Section 107B(b)(1)(C) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(b)(1)(C)) is amended by striking out "$4.45 per bushel for the 1984 crop, and $4.65 per bushel for the 1985 crop" and inserting in lieu thereof "and $4.38 per bushel for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR WHEAT

SEC. 102. Section 107(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)) is amended by—

(1) striking out in the first sentence of paragraph (1)(A) "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B), (C), and (D)";

(2) adding at the end of paragraph (1) the following new subparagraphs:

"(C) Notwithstanding any previous announcement to the contrary, for the 1984 crop of wheat the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) and (ii) a land diversion program as described under paragraph (5) under which the acreage planted to wheat for harvest on the farm would be limited to the acreage base for the farm reduced by not more than 30 per centum, consisting of a reduction of 20 per centum under the acreage limitation program and a reduction of 10 per centum under the land diversion program, and (iii) a voluntary payment-in-kind land diversion program under which the acreage planted to wheat for harvest on the farm would be reduced by not less than 10 per centum nor more than 20 per centum of the acreage base for the farm, in addition to any reduction under the acreage limitation and land diversion programs provided for under clauses (i) and (ii), as determined by the Secretary. Under the payment-in-kind land diversion program, compensation in kind for diverted acres shall be made available to producers by the Secretary under such terms and conditions as the Secretary shall prescribe and in such amounts as the Secretary determines appropriate to encourage adequate participation in such program, except that the rate of such compensation shall not be less than 85 per centum of the farm program payment yield. As a condition of eligibility for loans, purchases, and payments on the 1984 crop of wheat, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and land diversion program.

"(D) For the 1985 crop of wheat the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) and (ii) a land diversion program as described under paragraph (5) under which the acreage planted to wheat for harvest on the farm would be limited to the acreage base for the farm reduced by not more than 30 per centum, consisting of a reduction of not more than 20 per centum under the acreage limitation program and a reduction of 10 per centum under the land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of wheat, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and land diversion program.";

(3) inserting "for the 1983 crop" immediately before the comma in the eighth sentence of paragraph (5); and

(4) inserting immediately before the last sentence of paragraph (5) the following: "Notstanding the foregoing provisions of this paragraph, the Secretary shall implement a land diversion program for the 1984 and 1985 crops of wheat under which the Secretary shall make crop retirement and conservation payments to any producer of the 1984 and 1985 crops of wheat whose acreage planted to wheat for harvest on the farm for each such crop is reduced so that it does not exceed the wheat acreage base for the farm less an amount equivalent to 10 per centum of the wheat acreage base in addition to the reduction required under paragraph (2), and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the wheat acreage base under this paragraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under this paragraph. The diversion payment rate for the 1984 and 1985 crops of wheat shall be established by the Secretary at not less than $2.70 per bushel. The Secretary shall make not less than 50 per centum of any payments under this paragraph to producers of the 1984 and 1985 crops of wheat as soon as practicable after a producer enters into a land diversion contract with the Secretary for each such crop and in advance of any determination of performance.".

HAYING AND GRAZING DIVERTED WHEAT ACREAGE

SEC. 103. Notwithstanding the provisions of section 107B(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)), in carrying out acreage limitation, cash land diversion, and payment-in-kind land diversion programs for the 1984 crop of wheat, the Secretary of Agriculture shall permit, at the request of the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act for a State and subject to such terms and conditions as the Secretary may prescribe, all or any part of the acreage diverted from production under such programs by participating producers in such State to be devoted to haying and grazing.

TITLE II—FEED GRAINS

TARGET PRICES

SEC. 201. Section 105B(b)(1)(C) of the Agricultural Act of 1949 (7 U.S.C. 1444d(b)(1)(C)) is amended by striking out "$3.03 per bushel for the 1984 crop, and $3.18 per bushel for the 1985 crop" and inserting in lieu thereof "and $3.03 per bushel for the 1984 and 1985 crops."

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR FEED GRAINS

SEC. 202. Section 105B(e) of the Agricultural Act of 1949 (7 U.S.C. 1444d(e)) is amended by—

(1) striking out in the first sentence of paragraph (1)(A) "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)";

(2) adding at the end of paragraph (1) the following new subparagraph:

"(C) For the 1985 crop of feed grains, if the Secretary estimates that the quantity of corn on hand in the United States on the last day of the marketing year ending September 30, 1985 (not including any quantity of corn produced in the United States during calendar year 1985), will exceed one billion one-hundred million bushels, the Secretary (i) shall provide for a land diversion program as described under paragraph (5) under which the acreage planted to feed grains for harvest on the farm would be limited to the acreage base for the farm reduced by a total of not less than 5 per centum and (ii) may provide for an acreage limitation program as described under paragraph (2). If the Secretary implements a combined acreage limitation program and land diversion program, the total reduction required by the Secretary in the acreage planted to feed grains for harvest on the farm shall not exceed 20 per centum of the acreage base for the farm. Any reduction required by the Secretary in excess of 15 per centum of the acreage base for the farm shall be equally proportioned between an acreage limitations program and a land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of feed grains, if the Secretary implements a land diversion program or a combined acreage limitation and land diversion program, the producers on a farm must comply with the terms and conditions of such programs."; and (3) in paragraph (5)—

(A) adding immediately after the sixth sentence the following new sentence: "Notwithstanding the foregoing provisions of this paragraph, if the Secretary implements a land diversion program for the 1985 crop of feed grains under the provisions of paragraph (1)(C), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of feed grains whose acreage planted to feed grains for harvest on the farm is reduced so that it does not exceed the feed grain acreage for the farm less an amount equivalent to not less than 5 per centum of the feed grain acreage base in addition to the reduction required under paragraph (2), if any, and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the feed grain acreage base under this paragraph.";

(B) striking out "Such payments" in the eighth sentence (as redesignated under subparagraph (A) of this paragraph) and inserting in lieu thereof "Diversion payments made to producers under this paragraph";

(C) in the ninth sentence (as redesignated under subparagraph (A) of this paragraph)—

(i) striking out "for corn" and inserting in lieu thereof "for the 1983 crop of corn"; and

(ii) inserting immediately before the period at the end thereof ", and at not less than $1.50 per bushel for the 1985 crop of corn"; and

(D) striking out "1983 crop" in the eleventh sentence (as redesignated under subparagraph (A) of this paragraph) and inserting in lieu thereof "1983 and 1985 crops".

TITLE III—UPLAND COTTON

TARGET PRICES

Sec. 301. Section 103(g)(3)(B) of the Agricultural Act of 1949 (7 U.S.C. 1444(g)(3)(B)) is amended by striking out "$0.81 per pound for the 1984 crop, and $0.86 per pound for the 1985 crop" and inserting in lieu thereof "and $0.81 per pound for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR UPLAND COTTON

Sec. 302. Section 103(g)(9) of the Agricultural Act of 1949 (7 U.S.C. 1444(g)(9)) is amended by—

(1) in the first sentence of subparagraph (A), inserting "except as provided in the second and third sentences of this subparagraph," immediately after the first comma;

(2) inserting immediately after the first sentence of subparagraph (A) the following new sentences: "For the 1985 crop of upland cotton, if the Secretary estimates that the quantity of upland cotton on hand in the United States on the last day of the marketing year ending July 31, 1985 (not including any quantity of upland cotton produced in the United States during calendar year 1985), will exceed four million bales, the Secretary shall provide for a combination of an acreage limitation program as described under this subparagraph and a land diversion program as described under subparagraph (B) under which the acreage planted to upland cotton for harvest on the farm would be limited to the acreage base for the farm reduced by a total of not less than 25 per centum, consisting of a reduction of not less than 5 per centum under the land diversion program and a reduction under the acreage limitation program equal to the difference between the total reduction for the farm and the reduction under the land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of upland cotton, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and land diversion program."; and

(3) adding at the end of subparagraph (B) the following new sentences: "Notwithstanding the foregoing provisions of this subparagraph, if the Secretary implements a land diversion program for the 1985 crop of upland cotton under the provisions of subparagraph (A), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of upland cotton whose acreage planted to upland cotton for harvest on the farm is reduced so that it does not exceed the upland cotton acreage base for the farm less an amount equivalent to not less than 5 per centum of the upland cotton acreage base in addition to the reduction required under the acreage limitation program under subparagraph (A), and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the upland cotton acreage base under this subparagraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under this subparagraph. The diversion payment rate shall be established by the Secretary at not less than $0.25 per pound. The Secretary shall make not less than 50 per centum of any payments under this subparagraph to producers of the crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determination of performance. If a producer fails to comply with a land diversion contract after obtaining an advance payment under this subparagraph, the producer shall repay the advance immediately and, in accordance with regulations issued by the Secretary, pay interest on the advance.".

TITLE IV—RICE

TARGET PRICES

Sec. 401. Section 101(i)(2)(C) of the Agricultural Act of 1949 (7 U.S.C. 1441(i)(2)(C)) is amended by striking out "$11.90 per hundredweight for the 1984 crop, and $12.40 per hundredweight for the 1985 crop" and inserting in lieu thereof "and $11.90 per hundredweight for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR RICE

Sec. 402. Section 101(i)(5) of the Agricultural Act of 1949 (7 U.S.C. 1441(i)(5)) is amended by—

(1) striking out in the first sentence of subparagrah (A) "third and fourth" and inserting in lieu thereof "third, fourth, and fifth";

(2) inserting immediately after the third sentence of subparagraph (A) the following new sentence: "For the 1985 crop of rice, if the Secretary estimates that the quantity of rice on hand in the United States on the last day of the marketing year ending July 31, 1985 (not including any quantity of rice produced in the United States during calendar year 1985), will exceed twenty-five million hundredweight, the Secretary shall provide for a combination of an acreage limitation program as described under this subparagraph (B) under which the acreage planted to rice for harvest on the farm would be limited to the acreage base for the farm reduced by a total of not less than 25 per centum, consisting of a reduction of not less than 5 per centum under the land diversion program and a reduction under the acreage limitation program equal to the difference between the total reduction for the farm and the reduction under the land diversion program.";

(3) striking out "1983 crop" in the fifth sentence of subparagraph (A) (as redesignated under paragraph (2) of this section) and inserting in lieu thereof "1983 and 1985 crops";

(4) inserting immediately after the sixth sentence of subparagraph (B) the following new sentence: "Notwithstanding the foregoing provisions of this subparagraph, if the Secretary implements a land diversion program for the 1985 crop of rice under the provisions of subparagraph (A), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of rice whose acreage planted to rice for harvest on the farm is reduced so that it does not exceed the rice acreage base for the farm less an amount equivalent to not less than 5 per centum of the rice acreage base in addition to the reduction required under the acreage limitation program under subparagraph (A), and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the rice acreage base under this subparagraph.";

(5) striking out "Such payments" in the eighth sentence of subparagraph (B) (as redesignated under paragraph (4) of this section) and inserting in lieu thereof "Diversion payments made to producers under this subparagraph";

(6) in the ninth sentence of subparagraph (B) (as redesignated under paragraph (4) of this section)—

(A) striking out "$3.00 per hundredweight," and inserting in lieu thereof "$3.00 per hundredweight for the 1983 crop of rice,"; and

(B) inserting immediately before the period at the end thereof ", and at not less than $2.70 per hundredweight for the 1985 crop of rice"; and

(7) striking out "1983 crop" in the tenth sentence of subparagraph (B) (as redesignated under paragraph (4) of this section) and inserting in lieu thereof "1983 and 1985 crops".

TITLE V—EXPORT ASSISTANCE

EXPORT ASSISTANCE

Sec. 501. It is the sense of Congress that the President should implement, as soon as practicable after the enactment of this Act, the actions, proposed by the Administration to complement the provisions of this Act, to further assist in the development, maintenance, and expansion of international markets for United States agricultural commodities and products thereof, as follows—

(1) for the fiscal year ending September 30, 1984, the President will—

(A) request congressional approval for the appropriation of funds in the amount of $150,000,000, in addition to the President's February 1984 request for a supplemental appropriation of $90,000,000, to carry out programs of assistance under titles I, II, and III of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480); and

(B) direct the Secretary of Agriculture to increase funding, over the current budgeted level, for the Export Credit Guarantee Program (GSM-102), carried out through the Commodity Credit Corporation, by not less than $500,000,000; and

(2) for the fiscal year ending September 30, 1985, the President will—

(A) request congressional approval for the appropriation of funds in the amount of at least $175,000,000, in addition to the current funding level contained in the President's budget for that year, to carry out programs of assistance under titles I, II, and III of Public Law 480;

(B) direct the Secretary of Agriculture to increase funding, over the levels contained in the President's budget for that year or otherwise required by law, by not less than $1,100,000,000 for the Export Credit Guarantee Program (GSM-102) and by not less than $100,000,000 for direct export credit programs carried out through the Commodity Credit Corporation, (GSM-5, GSM-201, and GSM-301); and

(C) request or use an additional amount of $50,000,000 (over the amounts specified in clauses (2)(A) and (2)(B)) either for increased funding for direct export credit programs carried out through the Commodity Credit Corporation or for additional assistance under Public Law 480, in such proportions as determined necessary and appropriate by the President.

TITLE VI—AGRICULTURAL CREDIT

SHORT TITLE

Sec. 601. This title may be cited as the "Emergency Agricultural Credit Act of 1984".

NATURAL DISASTER EMERGENCY LOANS

Sec. 602. (a) Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended by adding at the end thereof the following new sentence: "The Secretary shall accept applications from, and make or insure loans pursuant to the requirements of this subtitle, to, applicants, otherwise eligible under this subtitle, that conduct farming, ranching, or aquaculture operations in any county contiguous to a county that has been designated by the Secretary as having been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Disaster Relief Act of 1974.".

(b) Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by subsection (a), is further amended by adding at the end thereof the following new sentence: "The Secretary shall accept applications for assistance under this subtitle from persons affected by a natural disaster at any time during the eight month period beginning (A) on the date on which the Secretary determines that farming, ranching, or aquaculture operations have been substantially affected by such natural disaster or (B) on the date the President makes the major disaster or emergency designation with respect to such natural disaster, as the case may be.".

(c) Section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)) is amended by adding at the end thereof the following new sentence: "If farm assets (including land, livestock, and equipment) are used as collateral to secure a loan made under this subtitle, the Secretary shall value the assets based on the higher of (A) the value of the assets on the day before the date the governor of the State in which the farm is located requests assistance under this subtitle or the Disaster Relief Act of 1974 for any portion of such State, or (B) the value of the assets one year before such day.".

ECONOMIC EMERGENCY LOANS

Sec. 603. Section 211 of the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961 note) is amended by—

(1) inserting "(a)" immediately before "The provisions"; and

(2) inserting, at the end thereof, a new subsection (b) as follows:

"(b) With respect to the economic emergency loan program operated under this title during the period beginning December 22, 1983, and ending September 30, 1984, the Secretary—

"(1) shall make available to eligible applicants during such period new contracts of insurance totaling, in the aggregate, $310,000,000, and

"(2) as appropriate to achieve the goals of the economic emergency loan program and taking into consideration the amount of funds used for loan guarantees, may make available to eligible applicants during such period additional new contracts of insurance totaling, in the aggregate, not more than $290,000,000.".

OPERATING LOANS

Sec. 604. (a) Section 313 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended by striking out "$100,000, or, in the case of a loan guaranteed by the Secretary, $200,000" and inserting in lieu thereof "$200,000, or, in the case of a loan guaranteed by the Secretary, $400,000".

(b) Section 316(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(b)) is amended by—

(1) in the second sentence, inserting "(or, in the case of loans for farm operating purposes, fifteen years)" after "seven years"; and

(2) in the fifth sentence, striking out "The interest rate" and inserting in lieu thereof "Except as otherwise provided for farm loans under section 331B of this title, the interest rate".

FARM LOAN INTEREST RATES

Sec. 605. The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by inserting after section 331A a new section 331B as follows:

Sec. 331B. Any loan for farm ownership purposes under subtitle A of this title, farm operating purposes under subtitle B of this title, or disaster emergency purposes under subtitle C of this title, other than a guaranteed loan, that is deferred, consolidated, rescheduled, or reamortized under this title shall, notwithstanding any other provision of this title, bear interest on the balance of the original loan and for the term of the original loan at a rate that is the lower of (1) the rate of interest on the original loan or (2) the rate being charged by the Secretary for loans, other than guaranteed loans, of the same type at the time of the deferral, consolidation, rescheduling, or reamortization.".

LIMITED RESOURCE BORROWERS

Sec. 606. Section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994) is amended by adding at the end thereof a new subsection (e) as follows:

"(e)(1) Notwithstanding any other provision of law, not less than 20 per centum of the loans for farm ownership purposes under subtitle A of this title, and not less than 20 per centum of the loans for farm operating purposes under subtitle B of this title, authorized to be insured, or made to be sold and insured, from the Agricultural Credit Insurance Fund during fiscal year 1984 shall be for low-income, limited-resource borrowers.

"(2) The Secretary shall provide notification to farm borrowers under this title, as soon as practicable after the date of enactment of the Emergency Agricultural Credit Act of 1984 and in the normal course of loan making and loan servicing operations, of the provisions of this title relating to low-income, limited-resource borrowers and the procedures by which persons may apply for loans under the low-income, limited-resource borrower program.".

Amend the title to read as follows: "An Act to make adjustments in the commodity programs for wheat, feed grains, upland cotton, and rice, to provide agricultural credit assistance, and for other purposes.".

SUMMARY OF THE AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

TITLE I—WHEAT

The bill makes the following changes in the 1984 and 1985 wheat programs:

Provides for a target price of $4.38 per bushel for both 1984 and 1985 (instead of $4.45 for 1984 and $4.65 for 1985 as in current law);

Provides for a 10 percent paid diversion with 50 percent of the payment to be made at the time of signup and a payment rate of $2.70 per bushel;

Provides for a 20 percent acreage reduction program with no payment;

Provides for a 10 to 20 percent payment-in-kind diversion program for the 1984 crop with compensation-in-kind based on 85 percent of the farm program yield;

Permits haying and grazing of acreage diverted from production under the 1984 wheat program at the option of each State.

TITLE II—FEED GRAINS

The bill makes the following changes in the 1985 feed grain program:

Freezes the target price for corn at $3.03 per bushel (instead of $3.18 per bushel as in current law);

Provides that if corn carry-over on October 1, 1985, is estimated to exceed 1.1 billion bushels, the Secretary of Agriculture shall provide for a total acreage cutback of 5 to 20 percent (through a combination acreage reduction program and a paid diversion) with not less than 5 percent of the acreage cutback to be achieved through a paid diversion and any reduction over 15 percent to be equally divided between paid diversion and acreage reduction programs;

Provides for 50 percent of the diversion payment to be made at the time of signup and for a payment rate of $1.50 per bushel for corn.

TITLE III—UPLAND COTTON

The bill makes the following changes in the 1985 upland cotton program:

Freezes the target price at 81 cents per pound (instead of 86 cents as in current law);

Provides that if upland cotton carry-over on August 1, 1985, is estimated to exceed 4 million bales, the Secretary shall provide for a total acreage cutback of at least 25 percent (through a combination acreage reduction program and a paid diversion) with at least 5 percent of that cutback to be achieved through a paid diversion;

Provides for 50 percent of the diversion payment to be made at the time of signup and for a payment rate of 25 cents per pound;

TITLE IV—RICE

The bill makes the following changes in the 1985 rice program:

Freezes the target price at $11,90 per hundredweight (instead of $12.40 as in current law);

Provides that if rice carry-over on August 1, 1985, is estimated to exceed 25 million hunderedweight, the Secretary shall provide for a total acreage cutback of at least 25 percent (through a combination acreage reduction program and a paid diversion) with at least 5 percent of that cutback to be achieved through a paid diversion;

Provides for 50 percent of the diversion payment to be made at the time of signup and for a payment rate of $2.70 per hundredweight.

TITLE V—EXPORT ASSISTANCE

The bill states that it is the sense of Congress that the President should implement, as soon as practicable after enactment of the bill, the actions, proposed by the Administration to complement the provisions of the bill, to further assist in the development, maintainance, and expansion of international markets for United States agricultural commodities and products. The actions the President would take include:

(1) for fiscal year 1984—

(A) requesting $150 million in additional appropriations to carry out the Public Law 480 programs; and

(B) directing the Secretary of Agriculture to increase funding for the export credit guarantee program by at least $500 million;

(2) for fiscal year 1985—

(A) requesting $175 million in additional appropriations to carry out Public Law 480 programs;

(B) directing the Secretary of Agriculture to increase funding for the export credit guarantee program by at least $1.1 billion and for direct export credit programs by at least $100 million; and

(C) either requesting additional appropriations of $50 million to carry out the Public Law 480 program (in addition to the amounts specified above) or increasing the funding for the direct export credit programs by that same amount.

TITLE IV—AGRICULTURAL CREDIT

The bill makes the following changes in the Farmers Home Administration farm loan programs:

Natural Disaster Emergency Loans: Requires the Secretary of Agriculture to make Farmers Home Administration (FmHA) natural disaster emergency loans available based on individual production losses suffered by producers whose operations are located in counties contiguous to counties that have been designated as eligible for disaster assistance;

Permits natural disaster emergency loan applications to be filed by persons affected by the natural disaster within 8 months of the date the Secretary determines that agriculture operations have been substantially affected by the disaster or the President makes a disaster declaration or designation;

Permits the valuation of farm assets to be used as collateral for natural disaster emergency loans to be based on the value of those assets one year before the date of the governor's request for disaster assistance, if that value is higher than the current value.

Economic Emergency Loans: With respect to the funds provided for the economic emergency loan program during the period beginning December 22, 1983, and ending September 30, 1984, requires that at least $310 million be made available for insured economic emergency loans, with the Secretary having discretionary authority to make additional amounts of such funds available for insured loans in order to achieve the goals of the economic emergency loan program.

Operating Loan Limits: Raises the loan limits for FmHA farm operating loans to $200,000 for insured loans (currently $100,000) and $400,000 for guaranteed loans (currently $200,000).

Reamortization and Rescheduling: Requires that, for any farm loan (other than a guaranteed loan) that is deferred, consolidated, rescheduled, or reamortized by FmHA, the interest loan will be the lower of (1) the rate of interest for the original loan or (2) the current interest rate being charged.

Limited Resource Borrowers: Requires that not less than 20 percent of the amounts authorized for FmHA insured farm ownership and farm operating loans in fiscal year 1984 be made available for the low-income, limited-resource borrower program (under which borrowers who qualify for the program receive loans at a reduced rate of interest).

Repayment Period: Extends the maximum repayment period, for FmHA farm operating loans that have been consolidated or rescheduled, from seven to fifteen years from the date of the consolidation or rescheduling.

SECTION-BY-SECTION EXPLANATION OF THE AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

TITLE I—WHEAT

Target prices

Section 101 of the bill amends section 107B of the Agricultural Act of 1949 to establish the target price for the 1984 and 1985 crops of wheat at not less than $4.38 per bushel. Under current law the minimum target price for the 1984 crop of wheat would be $4.45 per bushel and the minimum target price for the 1985 crop of wheat would be $4.65 per bushel.

Acreage limitation and paid diversion program for wheat

Section 102 of the bill amends section 107B of the Agricultural Act of 1949 to specify the provisions of the acreage limitation and land diversion programs for the 1984 and 1985 crops of wheat. In addition to various technical and conforming changes, the principal changes are as follows:

Section 102 (paragraph (2)) provides that notwithstanding any previous announcement by the Secretary to the contrary, for the 1984 crop of wheat the Secretary shall provide for a combination of programs consisting of (i) an acreage limitation program under which wheat producers would be required to reduce the acreage planted to wheat for harvest on the farm by 20 percent from the wheat acreage base for the farm, (ii) a paid diversion program under which such producers would be required to make an additional 10 percent reduction in the acreage planted to wheat for harvest on the farm, and (iii) a payment-in-kind land diversion program under which such producers could, at their own option, make an additional 10 to 20 percent reduction in the acreage planted to wheat for harvest on the farm. Under the payment-in-kind program, the Secretary would be required to provide producers compensation in-kind for the acreage taken out of production at a rate equivalent to not less than 85 percent of the farm program payment yield. Participating producers would be required to comply with the terms and conditions of the combined acreage limitation program and paid diversion program to be eligible for loans, purchases, and payments on the 1984 crop of wheat.

Section 102 further provides, that for the 1985 crop of wheat, the Secretary shall provide for a combination of (i) an acreage limitation program under which wheat producers would be required to reduce the acreage on the farm planted to wheat for harvest by not more than 20 percent below the wheat acreage base for the farm and (ii) a paid diversion program under which such producers would be required to make an additional reduction of 10 percent in the acreage on the farm planted to wheat for harvest. As in the case of the 1984 crop of wheat, to be eligible for loans, purchases, and payments, producers on the farm are required to comply with the terms and conditions of the combined acreage limitation and paid diversion programs. There is no requirement that the Secretary implement a payment-in-kind program for the 1985 crop of wheat, however, the Secretary has discretionary authority to do so if the Secretary determines that additional acreage reduction is necessary.

Section 102 (paragraph (4)) reiterates the requirement that the Secretary shall implement a 10 percent paid diversion program for each of the 1984 and 1985 crops of wheat, and provides that the payment rate for acreage diverted from production shall be established by the Secretary at not less than $2.70 per bushel. Payments are to be computed by multiplying the payment rate times the farm program payment yield for the crop times the additional wheat acreage diverted from production under the paid diversion program. This paragraph also requires that the Secretary make advance diversion payments to producers, equal to at least 50 percent of the payments due a producer under the paid diversion program, as soon as practicable after a producer enters into a land diversion contract with the Secretary and before there has been any determination of performance.

Haying and grazing diverted wheat acreage

Section 103 of the bill provides that, in carrying out the acreage limitation, paid diversion, and payment-in-kind diversion programs for the 1984 crop of wheat, the Secretary is required, at the request of the State Agricultural Stabilization and Conservation Committee for a particular State, to allow participating producers within such State to use the wheat acreage diverted from production under such programs for haying and grazing.

TITLE II—FEED GRAINS

Target prices

Section 201 of the bill amends section 105B of the Agricultural Act of 1949 to establish the target price for the 1985 crop of corn at not less than $3.03 per bushel. Under current law the minimum target price for the 1985 crop of corn would be $3.18 per bushel.

Acreage limitation and paid diversion program for feed grains

Section 202 of the bill amends section 105B of the Agricultural Act of 1949 to specify the provisions of the acreage limitation and land diversion programs for the 1985 crop of feed grains. In addition to making various technical and conforming changes, the principal changes are as follows:

Section 202 (paragraph (2)) provides that for the 1985 crop of feed grains, if the Secretary estimates that the quantity of corn on hand in the United States (excluding any quantity of corn produced in the United States during calendar year 1985) on the last day of the 1984-1985 marketing year (September 30, 1985) will exceed 1.1 billion bushels, the Secretary shall implement a program for the diversion of acreage from production of feed grains in the total amount of not more than 20 percent of the feed grain acreage base for a farm. In implementing such a program the Secretary (i) shall provide for a paid diversion program under which the producers of feed grains would be required to reduce the acreage planted to feed grains for harvest on the farm by not less than 5 percent from the acreage base for the farm and (ii) may, in addition, provide for an acreage limitation program. Any reduction of acreage required by the Secretary for the 1985 crop of feed grains in excess of 15 percent of the acreage base for the farm (up to the maximum reduction of 20 percent), however, must be equally proportioned by the Secretary between an acreage limitation program and a paid diversion program. To be eligible for loans, purchases, and payments on the 1985 crop of feed grains, if the Secretary implements a paid diversion program, or a combination acreage limitation program and paid diversion program, participating producers would be required to comply with the terms and conditions of the program or programs.

Section 202 (paragraph (3)) provides that if the Secretary implements a paid diversion program for the 1985 crop of feed grains, the Secretary shall make diversion payments, at a rate of not less than $1.50 per bushel for corn, to producers of the 1985 crop who reduce the acreage on the farm planted to feed grains for harvest so that it does not exceed the feed grain acreage base for the farm less an amount specified by the Secretary (at least 5 percent) in addition to the amount of any reduction required by the Secretary under an acreage limitation program, if any. Diversion payments on the 1985 crop of feed grains are to be computed by multiplying the payment rate times the farm program payment yield for the crop times the additional acreage diverted from production of feed grains under the paid diversion program. This paragraph also requires that the Secretary make advance payments to producers of the 1985 crop of feed grains, equal to at least 50 percent of the payments due a producer under the paid diversion program, as soon as practicable after a producer enters into a land diversion contract for the crop with the Secretary and before there has been any determination of performance.

TITLE III—UPLAND COTTON

Target prices

Section 301 of the bill amends section 103(g) of the Agricultural Act of 1949 to establish the target price for the 1985 crop of upland cotton at not less than $0.81 per pound. Under current law the minimum target price for the 1985 crop of upland cotton would be $0.86 per pound.

Acreage limitation and paid diversion program for upland cotton

Section 302 of the bill amends section 103(g) of the Agricultural Act of 1949 to specify the provisions of the acreage limitation and land diversion programs for the 1985 crop of upland cotton. In addition to various technical and conforming changes, the principal changes are as follows:

Section 302 (paragraph (2)) provides that for the 1985 crop of upland cotton, if the Secretary estimates that the quantity of upland cotton on hand in the United States (excluding any quantity of upland cotton produced in the United States during calendar year 1985) on the last day of the 1984-1985 marketing year for upland cotton (July 31, 1985) will exceed 4 million bales, the Secretary shall provide for a combination of (i) a paid diversion program under which producers would be required to reduce the acreage planted to upland cotton for harvest on the farm by not less than 5 percent from the acreage base for the farm and (ii) an acreage limitation program under which such producers would be required to make an additional reduction in the acreage planted to upland cotton for harvest on the farm in such amount, to be specified by the Secretary, that the total reduction in the acreage on the farm planted to upland cotton for harvest from the combination of programs would be not less than 25 percent of the farm acreage base. Participating producers would be required to comply with the terms and conditions of the combined acreage limitation program and diversion program to be eligible for loans, purchases, and payments on the 1985 crop of upland cotton.

Section 302 (paragraph (3)) provides that if the Secretary implements a paid diversion program for the 1985 crop of upland cotton, the Secretary shall make diversion payments, at a rate of not less than $0.25 per pound, to producers of the 1985 crop who reduce the acreage on the farm planted to upland cotton for harvest so that it does not exceed the upland cotton acreage base for the farm less an amount specified by the Secretary (at least 5 percent) in addition to any reduction required by the Secretary under an acreage limitation program. Diversion payments on the 1985 crop of upland cotton are to be computed by multiplying the payment rate times the farm program payment yield for the crop times the additional acreage diverted from production of upland cotton under the paid diversion program. This paragraph also requires that the Secretary make advance payments to producers of the 1985 crop of upland cotton equal to at least 50 percent of the payments due a producer under the paid diversion program, as soon as practicable after a producer enters into a land diversion contract for the crop with the Secretary and before there has been any determination of performance. This paragraph further provides that if any producer fails to comply with a land diversion contract after obtaining an advance payment, the producer is required to immediately repay the advance with interest as provided in regulations issued by the Secretary. (A similar repayment requirement is already contained in the current provisions for wheat, feed grains, and rice.)

TITLE IV—RICE

Target prices

Section 401 of the bill amends section 101(i) of the Agricultural Act of 1949 to establish the target price for the 1985 crop of rice at not less than $11.90 per hundredweight. Under current law the minimum target price for the 1985 crop of rice would be $12.40 per hundredweight.

Acreage limitation and paid diversion program for rice

Section 402 of the bill amends section 101(i) of the Agricultural Act of 1949 to specify the provisions of the acreage limitation and land diversion programs for the 1985 crop of rice. In addition to various technical and conforming changes, the principal changes are as follows:

Section 402 (paragraph (2)) provides that for the 1985 crop of rice, if the Secretary estimates that the quantity of rice on hand in the United States (excluding any quantity of rice produced in the United States during calendar year 1985) on the last day of the 1984-1985 marketing year for rice (July 31, 1985) will exceed 25 million hundredweight, the Secretary shall provide for a combination of (i) a paid diversion program under which producers would be required to reduce the acreage planted to rice for harvest on the farm by not less than 5 percent from the rice acreage base for the farm and (ii) an acreage limitation program under which such producers would be required to make an additional reduction in the acreage on the farm planted to rice for harvest in such amount, to be specified by the Secretary, that the total reduction in the acreage on the farm planted to rice for harvest from the combination of programs would be not less than 25 percent of the farm acreage base. Participating producers would be required to comply with the terms and conditions of the combined acreage limitation program and paid diversion program to be eligible for loans, purchases, and payments on the 1985 crop of rice.

Section 402 (paragraph (3)) provides that if the Secretary implements a paid diversion program for the 1985 crop of rice, the Secretary shall make diversion payments, at a rate of not less than $2.70 per hundredweight, to producers of the 1985 crop who reduce the acreage on the farm planted to rice for harvest so that it does not exceed the rice acreage base for the farm less an amount specified by the Secretary (at least 5 percent) in addition to any reduction required by the Secretary under an acreage limitation program. Diversion payments on the 1985 crop of rice are to be computed by multiplying the payment rate times the farm program payment yield for the crop times the additional acreage diverted from production under the paid diversion program. This paragraph also requires that the Secretary make advance payments to producers of the 1985 crop of rice, equal to at least 50 percent of the payments due a producer under the paid diversion program, as soon as practicable after a producer enters into a land diversion contract for the crop with the Secretary and before there has been any determination of performance.

TITLE V—EXPORT ASSISTANCE

Export assistance

Section 501 of the bill expresses the sense of Congress that, as soon as practicable after enactment of the bill, the President should implement the actions, proposed by the Administration to complement the provisions of the bill, to further assist in the development, maintenance, and expansion of United States agricultural export markets. This section also sets forth the proposed actions, which are as follows—

(1) for fiscal year 1984, the President will (i) request that an additional amount of $150 million (in addition to the President's February 1984 request for a supplemental appropriation of $90 million for fiscal year 1984) be appropriated by Congress for use in carrying out programs under Public Law 480 and (ii) direct the Secretary of Agriculture to use at least $500 million additional (over current budgeted levels) of Commodity Credit Corporation funds to carry out the

Export Credit Guarantee Program (GSM-102); and

(2) for fiscal year 1985, the President will (i) request Congress to appropriate at least $175 million additional (over the current budgeted level for fiscal year 1985) for use in carrying out programs under Public Law 480, (ii) direct the Secretary to use at least $1.1 billion additional (over current budgeted levels for fiscal year 1985) of CCC funds to carry out the Export Credit Guarantee Program and at least $100 million additional (over current budgeted levels for fiscal year 1985) of CCC funds for direct export credit programs of the CCC (GSM-5, GSM-201, and GSM-301), and (iii) request that Congress appropriate, or direct the Secretary to use CCC funds in the amount of, an additional $50 million (over the amounts specified in (2)(i) and (2)(ii)) to be used either for Public Law 480 or to provide additional direct export credit assistance through the CCC, as the President determines necessary and appropriate. The funds required to be used for direct export credit programs are to be in addition to any CCC funds otherwise required by law to be used for export activities.

TITLE VI—AGRICULTURAL CREDIT

Short title

Section 601 provides that this title may be cited as the "Emergency Agricultural Credit Act of 1984".

Natural disaster emergency loans

Section 602 makes several changes in the natural disaster emergency loan provisions of the Consolidated Farm and Rural Development Act. Section 602(a) amends section 321(a) of the Consolidated Farm and Rural Development Act to require that the Secretary of Agriculture accept applications from and make natural disaster emergency loans to otherwise eligible applicants that conduct farming, ranching, or aquaculture operations in a county contiguous to a county designated by the Secretary as having been substantially affected by a domestic natural disaster or by a major disaster or emergency designated by the President under the Disaster Relief Act of 1974.

Section 602(b) also amends section 321(a) of the Consolidated Farm and Rural Development Act. The amendment would require that the Secretary of Agriculture accept emergency loan applications from persons affected by a natural disaster at any time during the 8-month period following the date (1) on which the Secretary determines that such persons have been substantially affected by the natural disaster, or (2) the date on which the President makes the major disaster or emergency designation with respect to the natural disaster affecting the applicants.

Section 602(c) amends section 324(d) of the Consolidated Farm and Rural Development Act to provide that if farm assets (including land, livestock, and equipment) are used as collateral for an emergency loan, the Secretary is to value the assets based on the higher of (1) their value on the day before the date the governor of the State in which the farm is located requests Federal assistance under (i) the emergency loan provisions of the Consolidated Farm and Rural Development Act or (ii) the Disaster Relief Act of 1974, or (2) their value 1 year before such day.

Economic emergency loans

Section 603 amends section 211 of the Emergency Agricultural Credit Adjustment Act of 1978 to provide that, with respect to the court-ordered economic emergency loan program operated during the period beginning December 22, 1983 and ending September 30, 1984, the Secretary is to make $310,000,000 available in insured loans to eligible applicants. Also, this section provides that the Secretary has discretion to make an additional $290,000,000 available in insured loans to eligible applicants if such activity is appropriate, taking into consideration the amount of funds used for loan guarantees, in order to achieve the goals of the economic emergency loan program.

Operating loans

Section 604 makes several changes in the farm operating loan program carried out by the Farmers Home Administration. Section 604(a) amends section 313 of the Consolidated Farm and Rural Development Act to raise the loan limits for farm operating loans. The loan limit for direct or insured farm operating loans to an individual borrower would be $200,000, instead of $100,000 as under current law. The loan limit for guaranteed farm operating loans to an individual borrower would be $400,000, instead of $200,000 as under current law.

Section 604(b) amends section 316(b) of the Consolidated Farm and Rural Development Act to authorize the Secretary to consolidate or reschedule loans made for farm operating purposes for a period not to exceed 15 years, instead of 7 years as under current law.

Farm loan interest rates

Section 605 amends the Consolidated Farm and Rural Development Act to add a new section 331B. This new section provides that any loan made for farm ownership, farm operating, or disaster emergency purposes, other than a guaranteed loan, that is deferred, consolidated, rescheduled, or reamortized is to bear interest on the balance of the original loan and for the term of the original loan at rate that is the lower of (1) the rate of interest on the original loan or (2) the rate being charged by the Secretary for loans, other than guaranteed loans, of the same type at the time of the deferral, consolidation, rescheduling, or reamortization.

Limited resource borrowers

Section 606 amends section 346 of the Consolidated Farm and Rural Development Act to provide that not less than 20 percent of the insured farm ownership and insured farm operating loans made during fiscal year 1984 shall go to eligible low-income, limited resource borrowers.

Section 606 also provides that the Secretary shall, as soon as practicable after the date of enactment of the bill and in the normal course of loan making and servicing operations, notify Farmers Home Administration farm borrowers of the provisions pertaining to low-income, limited resource loans and the procedures by which persons may apply for loans designated for eligible low-income, limited resource borrowers.

NURSE EDUCATION AMENDMENTS OF 1984

Mr. HATCH. Mr. President, on February 9, I introduced a series of five health bills, initiating the process of reauthorizing the health programs included in the Omnibus Reconciliation Act of 1981. Soon I will also introduce the Nurse Education Amendments of 1984, a bill reauthorizing nursing education programs—currently authorized in title VIII of the Public Health Service Act. We will be holding full Labor and Human Resources Committee hearings related to nursing issues on March 14, 1984.

The Congress, recognizing the need for programs to increase the supply and improve the education of registered nurses, established the Nurse Training Act in 1965; 19 years and some $1.6 billion later, the number of registered nurses has doubled, improving both the distribution to rural and urban underserved areas, and the quality of nursing services to the Nation as a whole.

Since World War II, the Nation has faced a national shortage of nurses in both hospitals and nursing homes. The growing need for nurses fueled the Federal engines until 1976, when President Carter, the second of three administrations that would do so, stated that there was no longer a national nursing shortage.

Had the shortages and maldistribution problems been met? What did $1.6 billion buy in the way of nursing care? In short, has the need for Federal support to nursing education ended?

The Nurse Training Act Amendments of 1979 mandated a study that would determine the answers to these questions. The Institute of Medicine was to conduct the study and completed their work on that project in January 1982. The result was a 300-page document listing some 21 recommendations to Congress regarding nursing practice and nursing education.

The report recommends that there be no Federal support to increase the overall supply of nurses, but certain Federal, State, and private actions should be undertaken to alleviate particular shortages and needs. It is this philosophy which forms the general focus of the reauthorization.

To accomplish this goal, I am recommending that the Division of Nursing, now housed within the Bureau of Health Professions, be elevated to a Bureau of Nursing with three new divisions: the Division of Nurse Educational Support, the Center for Nursing Research, and the Division of Advanced Nurse Education.

The most important effort resulting from this change will be the creation of a new Center for Nursing Research. Through the efforts of the Division of Nursing, many resources have been tapped to support nurses interested in careers in research. Many of today's nurse researchers are a result of these educational efforts and have obtained the skills and gained access to the resources they need to continue in this field. It is my hope that through the creation of this Center, many more nurses will become interested in and seek research career opportunities.

Also a new demonstration authority included in these amendments, will enable development of cost-effective institutional and nursing service organizational frameworks, along with demonstrations regarding educational and practice methods. These demonstrations are designed to enhance nursing efficiency in a variety of health care settings. This increased efficiency would save health dollars and encourage nurses to choose careers that would improve the provision of care to our Nation's elderly and needy patients in both home and community-based settings.

To help students obtain these goals, changes in the nursing student loan programs would be made. These changes make the loan program more efficient, while encouraging the schools to continue to develop proper loan and collecting procedures.

I would note that nursing schools, nationwide have worked diligently to reduce their high loan delinquency rates. Because of their dedication to solving this problem, I will continue to encourage the Department of Health and Human Services to develop a definition of due diligence regarding loan recovery that is fair and consistent with other public and private loan collection procedures.

I have included in my remarks an outline of the bill I intend to introduce to reauthorize these programs. I am grateful to the Tri-Council of Nursing, the American Nurses Association, the American Association of Colleges of Nursing, and the National League of Nurses, as well as the Division of Nursing in the Department of HHS and other interested groups for their comments.

I encourage my colleagues to support this bill and join me in my effort to continue and expand these important programs. I ask unanimous consent that an outline of the bill appear at the conclusion of my remarks.

There being no objection, the outline was ordered to be printed in the Record, as follows:

Nurse Education Amendments of 1984

I. CREATION OF A NEW BUREAU OF NURSING

A. General authority

To create a Bureau of Nursing within the Health Resources and Services Administration. The Bureau will have three Divisions; the Division of Nurse Educational Support, the Center for Nursing Research, and the Division for Advanced Nurse Education.

1. Authority for the Bureau Director under the Secretary to carry out all of the programs within the bureau.

2. Authority to establish systems to collect, compile and analyze data on professional nursing and nurse education, and report annually to the Congress on nursing education and educational requirements.

B. Division of Nurse Educational Support

The Division will oversee—Financial Assistance to Nursing Students and Nursing Schools.

1. Traineeships—Sec. 830 is amended to read as follows; "grants to schools of nursing to cover the cost of traineeships for the education of master's and doctoral level nurses—(A) to prepare to practice as nurse practioners and nurse midwives, (B) to serve in and prepare for practice as nurse administrators, educators and nurse researchers; (C) or to serve in and prepare for practice in other professional nursing specialties determined by the Secretary to require advanced training."

2. Nurse Anesthetists—Sec. 831 is amended to read as follows: (b) The Secretary may also make grants to public or private nonprofit institutions to cover the cost of projects to improve and upgrade existing programs for the training of registered nurses to be nurse anesthetists which are accredited by an entity or entities designated by the Secretary of Health and Human Services."

3. Student Loans Provisions

Section 836 is amended to read as follows:

a. Delete preference to LPN's.

b. Grant Secretary authority to retain excess cash from school loan programs that have been terminated within the NSL program. These funds can then be recycled to newly accredited schools to start-up loan programs, existing schools with new loan programs and existing schools.

c. Extend authority granted federal agencies by the Debt Collection Act of 1982 to obtain addresses from IRS records to institutions who participate in the HPSL and NSL programs.

C. Center for Nursing Research

A. General authority to the Secretary to create a Center for Nursing Research. The purpose of the Center will be to conduct, support and disseminate basic and clinical research, training and related programs, through grants awarded on a competitive basis to qualified nurse researchers. The Center's activities will be oriented towards basis and applied scientific research related to the promotion of health, prevention of illness, and understanding human responses of individuals and families to acute and chronic illnesses, disabilities and the aging process.

2. The Secretary shall report biannually on the activities of the Center, the coordination of nursing research activities within the Center and with other government entities (both agencies and departments) and the status of nursing research.

D. Division of Advanced Nurse Education

1. Advanced Nurse Training—Sec. 821 is amended to read:

"(1) plan, develop and operate,

"(2) expand; and

"(3) maintain programs at the master's and doctoral degree level to prepare nurse educators, administrators, consultants, researchers or to serve as clinical nurse specialists or other professional nurse specialities as determined by the Secretary.".

2. Nurse Practitioner Programs—Sec. 822 is amended to read:

"The Secretary may make grants to and enter into contracts with public and private collegiate schools of nursing to meet the costs of projects to:

"(1) plan, develop and operate,

"(2) expand; and

"(3) maintain programs for the education of nurse practitioners at the master's degree level, and accredited certificate programs for nurse midwives."

3. Special Projects—Section 820 is amended to read as follows:

"(8) the Secretary may make grants and enter into contracts with public and private collegiate schools of nursing to carry out demonstrations with regard to: institutional and nursing service organizational frameworks that support more cost effective delivery systems and nursing education/practice collaborations."

II. AUTHORIZATION LEVELS

A. Proposed Budget for the Nurse Education Amendments of 1984.

	Proposed authorization
Special projects	[1] $9,000,000
Advanced nurse training	11,000,000
Nurse practitioners	9,000,000
Traineeships	9,000,000
Nurse anesthetists	400,000
Student loans	4,000,000
Startup money for new bureau	2,000,000
Center for Nursing Research	10,000,000
Total	54,400,000

[1] $7,000,000 for grants and contracts and $2,000,000 for demonstrations

III. REPEALS

A. Sections 801 through 805 (have not been funded since mid 1970's).

B. Section 810 through 815 (have not been funded since mid 1970's).

C. Section 815 (has not been funded for past 2 years).

REAUTHORIZATION OF HEALTH PROFESSIONS TRAINING ASSISTANCE ACT

Mr. HATCH. Mr. President, I am pleased to report that soon I will introduce the Health Professions Training Assistance Act of 1984. This legislation reauthorizes current programs in title VIII of the Public Health Service Act, and deletes obsolete sections, focusing the statute on current national concerns. This bill makes clear that the Federal Government continues to play a vital role, albeit limited, in the education of health professional students. It does this by diminishing the economic barriers for qualified needy students to obtain an education in their chosen health profession. Furthermore, it recognizes the past accomplishments of Federal incentives which encouraged medical students to select careers in one of the primary care specialties—family practice, general internal medicine, and pediatrics—and continues the current level of support for predoctoral and postdoctoral residency training programs to maintain their vitality.

Mr. President, health education is at a crossroad in our history. We are rapidly approaching a time when there will be an ample number of health professionals, in most categories, and in most regions of our country. There has been a dramatic increase in the number of health professionals—physicians, nurses, dentists, and allied health personnel—over the past 20 years, thanks to Federal and State initiatives. These efforts have been surprisingly successful and have resulted in almost doubling the number of students graduating annually from many

of our health professional schools. In fact, the 1981 report of the Graduate Medical Education Advisory Committee (GMENAC) suggests there will be a significant surfeit of physicians by 1990, possibly as many as 70,000 more physicians than required to provide adequate medical services. However, these projections for excess numbers of physicians vary according to medical specialty, and the same report estimated there will be an ongoing need for more primary care physicians, rehabilitation specialists—physiatrists—and preventive and public health experts. So, in spite of an overall abundance of health care providers, believe it essential we maintain present programs which train individuals capable of providing primary health services, particularly in medically underserved areas. I want to emphasize that nothing in this legislation provides incentives to train more health professionals. I believe an important responsibility of the private sector, that is professional and academic organizations, is to grapple with concerns related to projections of significant excesses of health professionals, and determine the appropriate response.

This legislation has a proud history of providing a Federal response to concerns from our citizens related to inadequate access to health care. It has been successful in addressing those concerns by providing student assistance through loans and loan guarantees, increasing the numbers of providers, and encouraging careers in family medicine, primary care, general dentistry, and allied health.

However, today's needs are considerably different than they were when much of this legislation was passed into law. Access to health care is far less of a problem than a decade ago, but access by qualified students to a career in one of the health professions is a problem. It is limited by the cost of such education. This bill repeals past incentives for growth of such schools or increasing the overall numbers of providers, but maintains those provisions for student assistance, and emphasizes the importance of aid to economically disadvantaged and minority students, and maintains Federal support for educational programs in primary care.

Mr. President, the bill is essential to our Nation's young people who desire, and deserve, to pursue a goal of becoming health professionals, and to maintain our supply of well-trained primary care providers. I ask unanimous consent that the following summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF HEALTH PROFESSIONS TRAINING ASSISTANCE ACT OF 1984

This bill reauthorizes current programs in Title VII of the Public Health Service Act for four years at funding levels consistent with FY 84 appropriations. The following is a summary of changes made in the statute:

(1) Redefine "program for the training of physicians assistants" to focus on training primary health care providers and emphasize training in disease prevention, health promotion, geriatric medicine and home health care. (Sec. 701(8)(A))

(2) Redefine "allied health professional" to include higher degree than the baccalaureate level. (Sec. 701(10))

(3) Include at least one representative of an allied health professions education program on the National Advisory Council on Health Professions Education. (Sec. 702)

(4) Include acquisition of equipment or instrumentation under grant authority for construction of teaching facilities. (Sec. 721)

(5) Maintain level of federal loan insurance program to a total principal amount not to exceed $250,000,000. (Sec. 728)

(6) Include students enrolled in post baccalaureate program in allied health among those entitled to participate in federally insured loan programs. (Sec. 729)

(7) Amend Health Education Assistance Loan Program in order to improve administration, collection rate, and allow the Student Loan Marketing Association to originate loans. (Sec. 734)

(8) Amend the Health Professions Student Loan Program to improve its administration and collection rate, including changing a penalty for outstanding loans. (Sec. 741)

(9) Limit funds from the new authority for Health Professions Student Loan Program to schools that have established such loan funds after July 1, 1972. (Sec. 742)

(10) Give authority to the Secretary of HHS to use student loan funds from a school which closes, or has an excess cash balance, to capitalize student loan funds at another school in need of such funds. (Sec. 742)

(11) Extend authority for the Health Professions Student Loan Program through 1991. (Sec. 743)

(12) Amend authority for Area Health Education Programs to give them more flexibility.

(13) Redefine dentistry to "advanced, educational program in general dentistry." (Sec. 786)

(14) Amend project grant authority for interdisciplinary training and curriculum development to focus on current national health priorities, including: health promotion/disease prevention, training in geriatrics and long term care; promoting economics in health professions, teaching and practice; faculty development for health professional schools; and nutrition. Authorization level is increased to $6.0 million. (Sec. 788)

(15) New Section: Require a study be submitted October 1, 1985, regarding student indebtedness, and the association, if any, between level of indebtedness and specific career choices. This study will include recommendations for a national policy, if needed, to assure an appropriate distribution of medical specialists.

(16) Repeal several sections which are obsolete or redundant, including:

Advance Funding—Title VIII (Sec. 703) This authority has not been used for many years. "Advance funding" (appropriations of funds this year for obligation in the future year) is different from "forward funding" (appropriation and obligation of funds this year for expenditure by the recipient of the award next year).

Lister Hill Scholarship Program (Sec. 759). This authority, added by the Health Professions Educational Assistance Act of 1976, never was implemented. It expired (for new awards) at the end of fiscal year 1980.

Part D—Grants to Provide Professional and Technical Training in the Field of Family Medicine (Secs. 761—1st 768). This authority was never implemented. It expired at the end of fiscal year 1973.

Grants for Training, Traineeships, and Fellowships in Family Medicine (2nd Sec. 767). This authority expired at the end of fiscal year 1977 and has been replaced by the family medicine training authority in Sec. 786.

Grants for Support of Postgraduate Training Programs for Physicians and Dentists (2nd Sec. 768). This authority never was implemented and expired at the end of fiscal year 1976.

Grants for Training, Traineeships, and Fellowships for Health Professions Teaching Personnel (Sec. 769).

Grants for Computer Technology Health Care Demonstration Programs (Sec. 769A. This authority expired at the end of fiscal year 1977.

General Provisions (Relating to Expired Secs. 767-769A) Sec. 769B). This section should be repealed with Secs. 767-769A.

Capitation Grants (Sec. 770-771). Repeal capitation grants for health profession schools with the exception of schools of public health.

Education of Returning U.S. Students from Foreign Medical Schools (Sec. 782). This authority expired at the end of fiscal year 1980 and is no longer needed.

Occupational Health Training and Education Centers (Sec. 785). This authority, which expired at the end of fiscal year 1980, never was implemented as such. Similar training centers have been established under more general authorities administered by the National Institute for Occupational Safety and Health.

Training in Emergency Medical Services (Sec. 789). This authority expired at the end of fiscal year 1982 (per P.L. 96-142). Responsibility for EMS training is more appropriately assumed by State and local governments or other non-Federal entities.

MESSAGES FROM THE HOUSE

At 3:24 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 912. An act to modify the authority for the Richard B. Russell Dam and Lake project, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 820. An act to authorize appropriations for the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 for fiscal year 1984 and fiscal year 1985, and for other purposes;

S. 2354. An act to rename the "River of No-Return Wilderness" in the State of Idaho as the "Frank Church—River of No Return Wilderness";

H.R. 2173. An act to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to authorize additional appropriations to carry out such Act;

H.R. 2809. An act to establish a National Fish and Wildlife Foundation;

S.J. Res. 112. Joint resolution to proclaim the month of March 1984, as "National Social Work Month";

S.J. Res. 132. Joint resolution to designate the week beginning May 6, 1984, as "National Correctional Officers Week"; and

S.J. Res. 225. Joint resolution designating the month of March 1984 as "National Eye Donor Month".

The enrolled bills and joint resolutions, except for Senate Joint Resolution 225 were subsequently signed by the President pro tempore (Mr. THURMOND).

The enrolled joint resolution, Senate Joint Resolution 225 was subsequently signed by the Vice President.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary reported that on today, March 13, 1984, he had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 820. An act to authorize appropriations for the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 for fiscal year 1984 and fiscal year 1985, and for other purposes;

S. 2354. An act to rename the "River of No-Return Wilderness" in the State of Idaho as the "Frank Church—River of No Return Wilderness";

S.J. Res. 112. Joint resolution to proclaim the month of March 1984, as "National Social Work Month"; and

S.J. Res. 132. Joint resolution to designate the week beginning May 6, 1984, as "National Correctional Officers Week".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2773. A communication from the Secretary of the Federal Energy Regulatory Commission transmitting, pursuant to law, a report on final valuations of pipeline company properties; to the Committee on Commerce, Science, and Transportation.

EC-2774. A communication from the Administrator of the Veterans' Administration and the Secretary of Defense transmitting, pursuant to law, a joint report relative to the sharing of medical resources; to the Committee on Veterans' Affairs.

EC-2775. A communication from the chairperson of the Architectural and Transportation Barriers Compliance Board transmitting, pursuant to law, the fiscal year 1983 annual report of the Board; to the Committee on Environment and Public Works.

EC-2776. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. ACT 5-113; to the Committee on Governmental Affairs.

EC-2777. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. ACT 5-114; to the Committee on Governmental Affairs.

EC-2778. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, a copy of D.C. ACT 5-115; to the Committee on Governmental Affairs.

EC-2779. A communication from the Director of ACTION transmitting, pursuant to law, a report on the agency's accounting system and other financial operations; to the Committee on Governmental Affairs.

EC-2780. A communication from the Administrator of the Panama Canal Commission transmitting, pursuant to law, a report on the Commission's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-2781. A communication from the Solicitor of the U.S. Commission on Civil Rights transmitting, pursuant to law, the 1983 report under the Freedom of Information Act; to the Committee on the Judiciary.

EC-2782. A communication from the General Counsel of the Administrative Conference of the United States transmitting, pursuant to law, the Conference's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2783. A communication from the chairman of the Merit Systems Protection Board transmitting, pursuant to law, the Board's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2784. A communication from the Veterans of World War I of the U.S.A. transmitting, pursuant to law, their financial statements for the quarter ended December 31, 1983; to the Committee on the Judiciary.

EC-2785. A communication from the Secretary of Health and Human Resources transmitting, pursuant to law, the fifth special report on alcohol and health; to the Committee on Labor and Human Resources; to the Committee on Labor and Human Resources.

EC-2786. A communication from the Secretary of Health and Human Resources transmitting a draft of proposed legislation to amend and extend runaway and homeless youth programs; to the Committee on Labor and Human Resources.

EC-2787. A communication from the Administrator of the Environmental Protection Agency transmitting a draft of proposed legislation to amend and extend the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2788. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals for March 1, 1984; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-2789. A communication from the Deputy Assistant Secretary of Defense for Personnel and Force Management transmitting, pursuant to law, the report on special pay for duty subject to hostile fire or imminent danger; to the Committee on Armed Services.

EC-2790. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to convert the central files function at the Naval Shipyard, Puget Sound, Washington to performance under contract; to the Committee on Armed Services.

EC-2791. A communication from the Secretary of Transportation and the Secretary of Defense transmitting, pursuant to law, the DOT/DOD plan for joint use of military airfields; to the Committee on Commerce, Science, and Transportation.

EC-2792. A communication from the General Counsel of the Department of Energy transmitting a draft of proposed legislation to authorize appropriations for DOE civilian programs for fiscal years 1985 and 1986; to the Committee on Energy and Natural Resources.

EC-2793. A communication from the Deputy Assistant Secretary of the Interior transmitting a draft of proposed legislation to provide reimbursement for certain investigation expenses by the Bureau of Reclamation; to the Committee on Energy and Natural Resources.

EC-2794. A communication from the Administrator of the Environmental Protection Agency transmitting a draft of proposed legislation to extend the Safe Drinking Water Act for 2 years; to the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Mr. HATCH. Mr. President, for the Committee on Labor and Human Resources, I report favorably a nomination list in the Public Health Service which was printed in its entirety in the February 9, 1984, RECORD. I ask, to save the expense of reprinting them on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL:

S. 2415. A bill to provide for the public financing of general elections for the United States Senate and for other purposes; to the Committee on Rules and Administration.

By Mr. BAKER (for Mr. PERCY) (by request):

S. 2416. A bill to provide for increased participation by the United States in the International Development Association, and for participation by the United States in the Inter-American Investment Corporation; to the Committee on Foreign Relations.

By Mr. DECONCINI (for himself and Mr. BAUCUS):

S. 2417. A bill to amend the Sherman Act to prohibit a rail carrier from denying to shippers of certain commodities, with intent to monopolize, use of its track which affords the sole access by rail to such shippers to reach the track of a competing railroad or the destination of shipment; to the Committee on the Judiciary.

By Mr. MATHIAS (for himself, Mr. FORD, Mr. HATFIELD, Mr. WARNER and Mr. INOUYE):

S. 2418. A bill to authorize and direct the Librarian of Congress, subject to the supervision and authority of a federal civilian or military agency, to proceed with the construction of the Library of Congress Mass Book Deacidification Facility, and for other purposes; to the Committee on Rules and Administration.

By Mr. MATHIAS (for himself and Mr. SARBANES):

S. 2419. A bill to authorize the Secretary of the Interior to convey certain land located in the State of Maryland to the Maryland-National Capital Park and Planning Commission; to the Committee on Energy and Natural Resources.

By Mr. MATHIAS:

S. 2420. A bill to amend section 3006A of title 18, United States Code, to improve the delivery of legal services in the criminal justice system to those persons financially unable to obtain adequate representation, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. HEINZ):

S. 2421. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide for cleanup authority and liability for petroleum releases and to regulate underground storage tanks used for the storage of hazardous substances; to the Committee on Environment and Public Works.

By Mr. BRADLEY (for himself and Mr. DODD):

S. 2422. A bill to provide a program of planning grants, demonstration grants, and formula grants to assist local educational agencies to improve the basic skills of economically disadvantaged secondary school students, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THURMOND (for himself and Mr. BIDEN, Mr. LAXALT, Mr. HEINZ and Mr. GRASSLEY) (by request):

S. 2423. A bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself Mr. PELL, Mr. RIEGLE and Mr. CRANSTON):

S. 2424. A bill to provide for the solvency of the medicare program and to reform the health care financing system; to the Committee on Finance and the Committee on Labor and Human Resources, jointly, by unanimous consent.

By Mr. BIDEN:

S.J. Res. 258. Joint resolution to designate the week of June 24 through June 30, 1984 as "National Safety in the Workplace Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL:

S. 2415. A bill to provide for the public financing of general elections for the U.S. Senate, and for other purposes; to the Committee on Rules and Administration.

SENATE CAMPAIGN COST LIMITATION AND PUBLIC FINANCING ACT

Mr. MITCHELL. Mr. President, political campaigns last too long and cost too much.

The British House of Commons came to the same conclusion when, in the 17th century, it passed a standing order that if any one should spend above 10 pounds before election to win, "it shall be accounted bribery" and the seat vacated.

George Washington must have held a similar belief. George Thayer, author of an authoritative work on campaign financing, tells us that when Washington "* * * ran for the Virginia House of Burgesses from Fairfax County in 1757, he provided his friends with the 'customary means of winning votes:' namely 28 gallons of rum, 50 gallons of rum punch, 34 gallons of wine, 46 gallons of beer, and 2 gallons of cider royal. Even in those days this was considered a large campaign expenditure, because there were only 391 voters in his district, for an average outlay of more than a quart and a half per person."

The excessive length and cost of campaigning became very clear to me in 1981 and 1982 when I was seeking election to this body. Despite the fact that Maine has about 830,000 citizens of voting age, I and my general election opponent each spent over $1 million in our efforts to win the election.

Following the election, I expressed my concern about the high and growing costs associated with modern campaigns. I decided to examine carefully the current legal and institutional framework of campaign financing in an effort to determine what constructive steps can be taken to reduce the cost and length of campaigns and lessen the perceived influences of money in the electoral process.

My very first act following the 1982 general election was to ask 31 outstanding Maine citizens to assist me in this examination. The group included the chairwoman of the Republican Party, broadcasting executives, journalists, academicians, labor and business leaders, legislators, lawyers, a former Maine Governor, a retired member of the Maine Supreme Judicial Court and prominent civic representatives. This Task Force on Campaign Reform was chaired by Attorney Harold C. Pachios of Cape Elizabeth, a deputy Presidential Press Secretary to President Lyndon B. Johnson and former chairman of the Maine Democratic Party.

The task of finding ways to limit the enormous amounts of money being spent on campaigns was a difficult one, particularly in light of the constitutional guarantee of free speech. However, the members of the task force enthusiastically accepted the challenge presented to them, organized into committees, and worked diligently to determine the extent to which there are any solutions to this problem.

The result of many hours of research, discussion, and compromise was a task force report, the text of which appears after these introductory remarks. Its fundamental conclusions were summarized as follows:

> The only viable proposition for controlling campaign spending lies with public financing of Congressional campaigns. Recognizing the practical difficulty in structuring a realistic spending limit given the enormous demographic differences in House of Representatives districts, the task force recommends that initially public financing legislation apply only to campaigns for the U.S. Senate. The task force was reluctant to recommend details which could be incorporated into draft legislation, believing that maximum technical flexibility should be given to the legislative draftsmen.
>
> On the other hand, the task force does recommend that public financing be funded through taxpayer support in a manner similar to the Presidential campaign funding mechanism; that candidates accepting such funds be subject to a statutory expenditure limitation; that in 1984 public financing of Senate campaigns be restricted to the general election as opposed to primary elections; and that the legislation require the Federal Election Commission to monitor the efficacy of the public financing scheme during the 1984 Senate elections, and the report to Congress no later than April 1, 1985 its recommendation for revisions to the plan.
>
> (In a footnote, the Task Force stated that it may be more realistic to assume that 1986, rather than 1984, will be the initial year to which public financing of Senate campaigns would be applicable.)

With these task force recommendations in mind, I set about drafting the "Senate Campaign Cost Limitation and Public Financing Act," which I am introducing today. The bill incorporates the task force's recommendations and supplements them as well. Its principal features include the following:

GENERAL ELECTION

The bill sets forth a procedure under which qualified candidates for a general election to the U.S. Senate would be entitled to partial Federal funding of their campaigns. Funds raised during the primary period but not spent could be counted as new contributions for the general election.

OVERALL EXPENDITURE LIMIT

The bill would establish an overall limit on expenditures for those who wish to participate in the public financing program. The limit would be determined by the following formula: $500,000 plus $0.15 times voting age population (VAP). Using the most recent VAP figure issued by the Federal Election Commission, this formula would, for example, establish an overall limit on expenditures of $624,500 for Maine. While some may consider the base figure of $500,000 too high, I think it important that such legislation not be seen as, and not in fact be, an effort to protect incumbents. There must be an opportunity for unknown challengers to compete effectively with well-known incumbents.

FEDERAL MATCHING FUNDS

Once a candidate has passed a serious candidate test and met other basic qualifications, the Federal Election Commission would match all contributions from individuals of $100 or under.

SERIOUS CANDIDATE TEST

The Federal Election Commission would only begin to match small contributions—$100 or under—from individuals when the participating candidate had raised an amount equivalent to 5 percent of the overall expenditure limit from in-State residents.

CANDIDATES DETERMINE FUNDING SOURCE MIX

The candidate, not the statute, would determine the mix of funding sources (party contributions, Political Action Committee (PAC) contributions, personal wealth contributions, individual contributions, and public matching funds). However, the candidate would have to keep in mind the fact that he or she may not collect from all sources more than the overall expenditure limit, and that only contributions from individuals of $100 or less will be matched.

SOURCES OF PUBLIC MATCHING FUNDS/EFFECTIVE DATE

A "Senate dollar check-off," modeled after the "Presidential dollar check-off," would be offered to taxpayers when they file their IRS forms for calendar year 1985. Should the resulting funds be insufficient to finance the demands on the program, the shortfall would be financed with general revenues.

LIMITATION ON PERSONAL WEALTH CONTRIBUTIONS

A candidate who decides to participate in the public financing program could contribute no more than $35,000 (plus COLA) from his or her personal wealth to the general election campaign.

EXPENDITURE LIMIT WAIVER

A candidate would be released from the overall expenditure limit if he or she qualified and agreed to participate in the public financing program and an opponent did not.

INDEPENDENT EXPENDITURES REGISTRATION

Any individual or group making an independent expenditure in excess of $50 (plus COLA) for or against a candidate running in a general election to the Senate would be required to register such an expenditure with the Federal Election Commission. A participating candidate would be entitled to a grant of public funds equivalent to the amount independently obligated against his candidacy once such amount exceeds 5 percent of the participating candidate's overall expenditure limit. Such an offsetting grant shall not be counted toward the overall expenditure ceiling to which the participating candidate is bound.

To illustrate how the system would work I will use Maine as an example.

As I previously stated, Maine now has a voting age population of 830,000 people. Under the formula set forth in the bill, qualifying candidates wishing to participate in the public financing program could spend no more than $624,500 each in pursuit of a general election victory.

Participating candidates could choose from whom they wished to receive their general election campaign funds. Although they could not spend more than $35,000 of their own personal wealth, they could, within existing law, accept any amount from party sources, PAC sources, and individuals, so long as they did not collect more than they are permitted to spend.

For purposes of discussion, assume a participating candidate for a Maine Senate seat decided to contribute $10,000 of his own funds to the campaign and to accept $50,000 from political party sources and $100,000 from PAC's. The total, or $160,000, would be subtracted from the overall expenditure limit of $624,500. The difference between $624,500 and $160,000 is $464,500. Up to one-half of this amount—$232,225—could be provided by the Federal Election Commission in the form of matching funds, providing the candidate raises an equivalent amount in contributions from individuals in amounts $100 or under.

Should my bill become law, it is wholly conceivable that a candidate for the Senate from Maine might chose to accept no PAC or political party money whatsoever. That would be up to the candidate. As long as the overall spending limit is not exceeded, a participating candidate conceivably could finance his or her entire election effort with contributions from individuals of $100 or under, and FEC matching funds.

My bill has a unique feature which is certain to generate considerable debate in the Congress. This is the provision which provides a participating candidate with an FEC grant designed to offset substantial adverse independent expenditures. This provision would allow a participating candidate to respond in a fair way to attacks waged against him or her by individuals or groups operating apart from the opponent's political organization.

I offer the "Senate Campaign Cost Limitation and Public Financing Act" in good faith, with the hope that it will receive the careful consideration of the committee, or committees, to which it will be referred. While recognizing that some may feel this bill has features that are premature, I believe it is time to make a start.

While I cannot with any certainty predict the future of the bill I am introducing today, I believe that at some time in the future—probably in the aftermath of a major campaign financing scandal—some form of public financing of Senate campaigns will be enacted. I ask: why not act now? If we do not act soon, and if present trends continue, Members should worry—as the late Senator Metcalfe cautioned—about serving time rather than their constituents. Something has to be done.

This Chamber is controlled by Members of the Republican Party. I am aware that the Republican Party in its 1980 platform placed itself firmly in opposition to public financing of congressional campaigns, and that the President and the Senate leadership are also opposed.

I believe that position to be wrong and shortsighted. In my judgment, the bill I am introducing today, if enacted, would directly address the public's widespread concerns without inhibiting free speech and the right to participate actively in the electoral process. I ask my colleagues to consider it carefully keeping clearly in mind the present intolerable situation.

I ask unanimous consent that my bill and the task force report to which I have referred appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Senate Campaign Cost Limitation and Public Financing Act".

SEC. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following new subchapter:

"Subchapter III—Public Financing of Senate General Election Campaigns

"DEFINITIONS

"SEC. 501. For purposes of this subchapter—

"(1) the definitions set forth in section 301 of this Act apply to this subchapter;

"(2) 'general election' means any regularly scheduled or special election held for the purpose of electing a candidate to the United States Senate;

"(3) 'eligible candidate' means a candidate who is eligible, under section 502, for payments under this subchapter;

"(4) 'authorized committee' means, with respect to any candidate for election to the United States Senate, any political committee which is authorized in writing by such candidate to accept contributions or to make expenditures on behalf of such candidate to further the election of such candidate; and

"(5) the term 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such individuals, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse, and the spouses of such individuals.

"ELIGIBILITY FOR PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this subchapter, with respect to an election—

"(1) a candidate in an election shall—

"(A) certify to the Commission that he or she is seeking election to the United States Senate, and such candidate and the authorized committees of such candidate have received contributions from individuals—

"(i) in amounts of $100 or less, which qualify for matching funds pursuant to this subchapter, for that compaign in a total amount of not less than 5 percent of the overall expenditure limit; and

"(ii) received such contributions only from residents of the State in which such candidate is seeking election; and

"(B) certify that at least two candidates have qualified for the election ballot for election to the same seat under the law of the State involved;

"(2) a candidate of a political party in a State that has legal requirements for such candidacy, shall, within 7 days after receiving such nomination, certify to the Commission his intention to accept payments under section 507 and to comply with applicable provisions of law with respect to such payments;

"(3) an independent candidate or a candidate of a political party in a State other than a State referred to in paragraph (2), or a write-in candidate, shall, within 7 days after announcing his intention to become a candidate, certify to the Commission his intention to accept payments under section 507 and to comply with applicable provisions of law with respect to such payments;

"(4) a candidate shall certify to the Commission that the candidate and the authorized committees of such candidate—

"(A) will not make campaign expenditures greater than the limitations set forth in section 315(j) of this Act;

"(B) will not accept any contributions in violation of section 315(a) of this Act; and

"(C) will not make expenditures which exceed the limitation established in section 503;

"(5) a candidate in an election shall, within 7 days after qualifying for the election ballot under the law of the State involved, agree that such candidate and the authorized committees of such candidate—

"(A) will obtain and furnish to the Commission any evidence such Commission may request about the campaign expenditures and contributions of such candidate; and

"(B) will keep and furnish to the Commission any records, books, and other information it may request; and

"(6) a candidate shall—

"(A) agree to cooperate in the case of an audit and examination by the Commission under section 508 and to pay any amounts required under such section;

"(B) certify to the Commission that such candidate and the authorized committees of such candidate have received contributions aggregating not less than the amount of contributions certified under section 504; and

"(C) apply to the Commission for the initial matching payment referred to in section 504(b)(1)(A).

"(b) Agreements, certifications, and declarations under this section shall be filed with the Commission at the time required by the Commission.

"LIMITATION ON EXPENDITURES OF PERSONAL FUNDS

"SEC. 503. (a) No candidate who is eligible under section 502 to receive payments under section 507 shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, aggregating in excess of $35,000, with respect to the election involved.

"(b)(1) At the beginning of each calendar year, as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Commission and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each limitation established by subsection (a) of this section, and subsection (b) of section 3 shall be increased by such percent difference. Each amount so increased shall be the amount in effect for such calendar year.

"(2) For purposes of paragraph (1)—

"(A) the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

"(B) the term 'base period' means the calendar year of 1984.

"ENTITLEMENT TO PAYMENTS

"SEC. 504. (a) Every candidate who meets the eligibility requirements in section 502 is entitled to payments for use in such candidate's general election campaign in an amount equal to the amount of contributions, qualified to be matched pursuant to this subchapter, as such candidate and the authorized committees of such candidate receive for that campaign up to an amount equal to one-half of the amount of allowed expenditures as provided in section 315(j).

"(b)(1) Except as provided in paragraph (2), a candidate eligible to receive payments pursuant to this subchapter shall be entitled to—

"(A) an initial payment in an amount equal to the contributions certified under section 502(a)(1)(A); and

"(B) additional matching payments equal to the amount of contributions received from individuals in amounts of $100 or less, to be paid in—

"(i) multiples of $20,000 under section 507, if, with repect to each such payment, the eligible candidate and the authorized committees of such candidate have received, in addition to the amount of contributions certified by the candidate to the Commission under section 502(a)(1)(A), contributions aggregating $20,000 which have not been matched under this section and which qualify for matching funds; and

"(ii) a final payment (designated as such by the candidate involved) of the balance of the matching funds to which such candidate is entitled under this section.

"(2) The total of the payments to which a candidate is entitled under paragraph (1) shall not exceed 50 percent of the expenditure limitation applicable to such candidate under section 315(j).

"(3) An eligible candidate for whom the limitation on expenditures established in section 315(j) is made inapplicable under section 505, shall be entitled to matching payments equal to the total amount of qualified contributions received by such candidate from individuals in amounts of $100 or less, to be paid in the manner prescribed in paragraph (1)(B).

"(c) In determining the amount of contributions received by a candidate and the authorized committees of such candidate for the purposes of providing matching funds pursuant to this subchapter—

"(1) no contribution received by the candidate or any of the authorized committees of such candidate as a subscription, loan, advance, deposit, or as a contribution of products or services, shall be taken into account;

"(2) no contribution shall be taken into account if such contribution is not made by a written instrument which identifies the person making such contribution by full name and mailing address;

"(3) no contribution received from a political committee or any other organization shall be taken into account;

"(4) no contribution received from any individual shall be taken into account to the extent that such contribution exceeds $100 when added to the amount of all other contributions made by that individual to or for the benefit of such candidate in connection with the general election campaign of such candidate;

"(5) no contribution (A) which is received before September 1 of the year immediately preceding the year in which the general election for the campaign to which the contribution is made is held and (B) which is not maintained in separate account until the date on which such candidate qualifies under the law of the appropriate State for election, shall be taken into account;

"(6) no contribution received from any person or source other than an individual shall be taken into account;

"(7) no contribution received 90 days after the date on which the election involved is held shall be taken into account; and

"(8) no contribution made through an intermediary or conduit referred to in section 315(a)(4) shall be taken into account.

"(d) Notwithstanding the provisions of subsection (a), no candidate is entitled to the payment of any amount under this section which, when added to the total amount of contributions received by such candidate and the authorized committees of such candidate and any other payments made to the candidate under this subchapter for such candidate's general election campaign, exceeds the amount of the expenditures limitation applicable to such candidate for that campaign under section 315(j)(1) of this Act unless the provisions of such section have been waived by this subchapter.

"(e) All payments received by a candidate or the authorized committees of such candidate under this subchapter shall be deposited at a national or State bank in a separate checking account which shall contain only funds so received. No expenditures of funds received under this section shall be made except by checks drawn on such account.

"(f) No contribution received and maintained pursuant to subsection (c)(7) shall be used to make any expenditure until the date on which the candidate qualifies for election under the law of the appropriate State.

"(g) Each candidate who is qualified to receive funds pursuant to this subchapter shall receive matching funds equal to the amount of independent expenditures made on behalf of such candidate's opponent or against such candidate when such amount of independent expenditure exceeds 5 percent of such candidate's overall expenditure limit. Any amounts so received shall not be included in the limits provided for in section 315(j) or subsection (b)(2) of this section.

"WAIVER OF OVERALL EXPENDITURE LIMITATION; ADDITIONAL PUBLIC FINANCING FOR CERTAIN CANDIDATES

"SEC. 505. (a)(1) Not later than the date on which a candidate qualifies for election under the law of the appropriate State, or 90 days before the date of any general election, whichever is earlier, each candidate for election shall file with the Commission a declaration of whether such candidate intends to make expenditures in excess of the limitations on expenditures provided under section 315(j) of this Act.

"(2) Not later than 60 days before the date of such general election, each candidate who has reason to believe that he may make expenditures in excess of such limitations shall notify the Commission to that effect, unless such candidate filed with the Commission a timely declaration that he intended to exceed such limitations, as provided in paragraph (1).

"(3) Each candidate for election shall notify the Commission and each other candidate for the same election within 48 hours after such candidate, or any of the authorized committees of such candidate—

"(A) makes any expenditures, or incurs any obligation to make an expenditure, in excess of the limitation on expenditures contained in section 315(j) of this Act; or

"(B) receives any contribution which, when added to the total amount of contributions received by such candidate and the authorized committees of such candidate, exceeds the limitations on expenditures contained in section 315(j)(1) of this Act.

"(4) The Commission is authorized to determine, upon its own initiative or upon the request of any candidate for election, whether any candidate has made expenditures or incurred obligations to make expenditures in excess of the limitations contained in section 315(j) of this Act, or has received contributions in excess of the limitation contained in section 315(j)(1).

"(b) The limitation on expenditures contained in section 315(j)(1) of this Act shall not apply to any candidate for election if any other candidate in the same election—

"(1) fails to file with the Commission a timely declaration as provided in paragraph (1) of subsection (a);

"(2) files with the Commission a notice as provided in paragraph (2) of subsection (a);

"(3) is required to notify the Commission in connection with the making of expenditures or the receipt of contributions as provided in paragraph (3) of subsection (a); or

"(4) is not bound by the limitations on expenditures provided in section 315(j)(1), or does not accept matching payments pursuant to the provisions of this subchapter.

"(C)(1) The provisions of section 504(d) shall not apply to a candidate who elects to receive payments under this subchapter if the expenditure limitation contained in section 315(j)(1) of this Act is made inapplicable to such candidate under subsections (b) or (d) of this section.

"(2) The additional amount to which a condidate is entitled under this subsection shall be based only upon the amount of contributions received after the date on which such expenditure limitation is made inapplicable, except that any contribution which is received from an individual after the date on which the limitation on expenditures is made inapplicable shall not be subject to the limitation provided in section 504(c)(3).

"(d) The limitation on expenditures contained in section 315(j)(1) shall not include any matching payments received, pursuant to section 504(g), by a candidate for election.

"CERTIFICATIONS BY COMMISSION

"SEC. 506. (a) No later than 48 hours after a candidate files a request with the Commission to receive payments under section 507, the Commission shall certify the eligibility of such candidate to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled. Such request shall contain—

"(1) such information and shall be made in accordance with such procedures as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this subchapter.

"(b) Initial certifications by the Commission under subsection (a), and all determinations made by such Commission under this subchapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 508 and judicial review under section 512.

"(c) Any candidate who knowingly and willfully submits false information to the Commission under this section shall be punished as provided in section 513.

"PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 507. (a) The Secretary of the Treasury shall maintain in the Presidential Election Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1954, in addition to any other accounts he maintains under such section, a separate account to the known as the Senate General Election Campaign Account. The Secretary shall deposit into the account, for use by candidates eligible for payments under this subchapter, the amount available after the Secretary determines that amounts in the fund necessary for payments under subtitle H of the Internal Revenue Code of 1954 are adequate. The moneys in the account shall remain available without fiscal year limitation.

"(b) Upon receipt of a certification from the Commission under section 506, the Secretary of the Treasury shall pay the amount certified by such Commission to the candidate to whom the certification relates.

"(c) Payments received under this section shall be used only to defray election campaign expenses incurred with respect to the period beginning on the day after the date on which the candidate qualifies for the election ballot under the law of the State involved, and ending on the date 90 days after the date of the election, or the date 90 days after the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first. Such payments shall not be used (1) to repay any loan to any individual, or (2) to make any payments, directly or indirectly, to such candidate individually or to any member of the immediate family of such candidate.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 508. (a)(1) After each general election, the Commission may conduct an examination and audit of the campaign accounts of the eligible candidates, as designated by the Commission, in order to determine whether the contributions certified for matching payments and the expenditures made from such matching payments complied with the provisions of this subchapter.

"(2) After each special election, the Commission may conduct such an examination and audit of the campaign accounts of each eligible candidate in such election.

"(b)(1) If the Commission determines that any payment made to an eligible candidate under section 507 was in excess of the aggregate amount of the payments to which such candidate was entitled, the Commission shall notify such candidate, and such candidate shall pay to the Secretary of the Treasury an amount equal to the excess amount.

"(2) If the Commission determines that a candidate who has received funds under section 506 for use in his general election campaign has campaign funds in excess of the amount of the campaign expenses allowed pursuant to section 506(c), the Commission shall so notify the candidate and such candidate shall pay to the Secretary an amount equal to the amount of the unexpended funds. In making its determination under this paragraph, the Commission shall consider all amounts received as contributions to have been expended before any amounts received under this title are expended.

"(3) If the Commission determines that any amount of any payment made to a candidate under section 507 was used for any purpose other than to defray campaign expenditures, it shall notify the candidate of the amount so used, and the candidate shall pay to the Secretary of the Treasury an amount equal to two times the amount of such misused funds.

"(4) No payment shall be required from a candidate under this subsection in excess of the total amount of all payments received by the candidate under section 507 in connection with the campaign with respect to which the event occurred which caused the candidate to have to make a payment for repayment under this subsection.

"(5) Any amount received by an eligible candidate may be retained for a period not exceeding 60 days after the date of the election for the liquidation of all obligations to pay election campaign expenses incurred during the period specified in section 504(b). At the end of such 60-day period that portion of any unexpended balance remaining in the accounts of the candidate's authorized committees shall be promptly repaid to the Secretary. In making such determination, all amounts received as contributions shall be considered as having been expended before any amounts received under this subchapter are expended.

"(c) No notification shall be made by the Commission under subsection (b) with respect to a campaign more than 24 months after the day of the election to which the campaign related.

"(d) All payments received by the Secretary under subsection (b) shall be deposited by him in the appropriate account.

"OTHER POWERS AND DUTIES OF THE COMMISSION

"SEC. 509. (a) The Commission is authorized to conduct examinations and audits, in addition to the examinations and audits under sections 506 and 508, to conduct investigations, and to require the keeping and submission of any books, records, or other information necessary to carry out the functions and duties imposed on such Commission by this subchapter.

"(b) The Commission shall consult from time to time with the Secretary of the Senate, the Clerk of the House of Representatives, the Federal Communications Commission, and other Federal officers charged with the administration of laws relating to Federal elections, in order to develop as much consistency and coodination with the administration of those other laws as the provisions of this subchapter permit. The Commission shall use the same or comparable data as that used in the administration of such other election laws whenever possible.

"REPORTS TO CONGRESS

"Sec. 510. (a) The Commission shall, as soon as practicable after the close of each calendar year, submit full reports to the Senate setting forth—

"(1) the expenditures incurred by each candidate in the Senate, and the authorized committees of such candidates, who received any payment under section 507 in connection with an election;

"(2) the amounts certified by it under section 506 for payment to that candidate; and

"(3) the amount of payments, if any, required from that candidate under section 508, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission shall submit, not later than March 1 of each year immediately following a year in which any Federal election is held, special reports to the Senate setting forth—

"(1) the amounts certified by it under section 506 of this subchapter; and

"(2) an estimate, to the extent practicable, of the amount of money necessary to make all payments to which eligible candidates and the national committees of each political party will be entitled with respect to the next two Federal elections to be held.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"Sec. 511. (a) The Commission is authorized to appear in and defend against any action filed under section 512, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized to appear, through attorneys and counsel described in subsection (a), in the district courts and other appropriate courts of the United States to seek recovery of any amounts determined to be payable to the Secretary of the Treasury as a result of any examination and audit made pursuant to section 508.

"(c) The Commission is authorized to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter arising under this subchapter, through attorneys and counsel described in subsection (a). Upon application of the Commission, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal from the determination of such court shall lie to the Supreme Court of the United States. Judges designated to hear the case shall assign the case for hearing at the earliest practicable date, participate in the hearing and determination thereof, and cause the case to be in every way expedited.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court of the United States for certiorari to review judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"JUDICIAL REVIEW

"Sec. 512. (a) Any certification, determination, or other action by the Commission made or taken pursuant to the provisions of this subchapter shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after such certification, determination, or other action by the Commission.

"(b)(1) The Commission, the national committee of any political party, and any individual eligible to vote for a candidate for the office of Senator of the United States are authorized to institute an action under this section, including an action for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this subchapter.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise such jurisdiction without regard to whether a person asserting rights under the provisions of this subsection shall have exhausted administrative or other remedies provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court of the United States. Judges designated to hear the case shall assign the case for hearing at the earliest practicable date, participate in the hearing and determination thereof, and cause the case to be in every way expedited.

"PENALTY FOR VIOLATIONS

"Sec. 513. Violation of any provision of this subchapter is punishable by a fine of not more than $10,000, or imprisonment for not more than 5 years, or both.".

LIMITATIONS OF EXPENDITURES IN GENERAL ELECTION CAMPAIGNS

Sec. 3. (a) Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended—

(1) by inserting after paragraph (3) the following new paragraph:

"(4) If any person (other than the candidate involved or the candidate's authorized agent) acts as an intermediary or a conduit for, or in any other way collects and transmits contributions that are earmarked or otherwise directed to the candidate, such contributions shall, for purposes of this Act, be considered contributions by both the original contributor and the intermediary or conduit."; and

(2) by redesignating paragraphs (4) through (8) as paragraphs (7) through (11), respectively.

(b) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of this section expenditures made on behalf of any candidate (as determined under section 315(b)(2)(B)) for the office of Senator of the United States shall be considered to be expenditures made by such candidate.

"(j) Except as otherwise provided in section 504 of this Act, a candidate who receives payments for use in his general election campaign for the office of Senator of the United States, pursuant to section 506 of this Act may not make expenditures in such campaign in excess of $500,000, plus 15 cents multiplied by the voting age population, as certified under subsection (e), of the State in which the election is held.

"(k) Every person (other than a political committee) who makes independent expenditures in excess of $50 for or against a candidate under subchapter III of this Act during a calendar year shall file a statement with the Federal Election Commission containing such information and at such time as the Commission has by regulation determined.".

(c) Section 315(c)(1) is amended by striking out "subsection (b) of this section and subsection (d) of this section" and inserting in lieu thereof "subsections (b), (d), (j), and (k) of this section".

(d) Section 315(c)(2)(B) of such Act (2 U.S.C. 441a(c)(2)(B)) is amended by inserting before the period a comma and "except that with respect to the limitation established by subsection (j) the term 'base period' means the calendar year of 1984".

STUDY AND REPORT BY COMMISSION

Sec. 4. The Federal Election Commission shall, for one year, study and monitor the efficacy of the programs resulting from amendments made by this Act. The Commission shall begin such study one year after the date of the first election in which the amendments made by this Act apply and shall report to Congress no later than April 1 of the year following the completion of such period of studying and monitoring.

EFFECTIVE DATE

Sec. 5. The amendments made by this Act apply to any campaign for election to the United States Senate for which the election is held more than one year after the date of enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS

Sec. 6. There are authorized to be appropriated, in addition to the amounts available pursuant to section 507 of the Federal Election Campaign Act of 1971, as added by this Act, such additional sums as may be necessary to carry out the provisions of this Act.

Mitchell Task Force on Campaign Reform—Final Report to Hon. George J. Mitchell, U.S. Senator

BACKGROUND

In accordance with your instructions the thirty-three members of the Task Force on Campaign Reform have assessed the various sub-topics submitted to them for consideration, and make this report to you of their conclusion.

I am delighted to report that this group constituted one of the most enthusiastic, dedicated and thoughtful committees with which I have been associated.

Four subcommittees were created, each with the task of analyzing one of the four sub-topics. Each subcommittee met at least three times, and the entire task force met on three occasions as well. Recommendations of the subcommittees were discussed and refined or modified by the full task force, and then adopted as part of this final report. I think it is fair to say that while there was vigorous discussion in our deliberations, with a variety of points of view expressed, our conclusions represent as near to a concensus as one might have thought possible. To be sure, some came to the concensus more reluctantly than others, but all, it can be said, are relatively comfortable with the conclusions reached.

The four sub-topics analyzed are as follows:

1. Limiting the length of campaigns, including consideration of a September primary and changes in the party nominating structure.

2. Expenditure limitations, including consideration of the constitutional barriers discussed in the Buckley v. Valeo decision, an analysis of the constitutional amendment being proposed by Congressman Bingham, and, finally, an analysis of the concept of public financing of Senate and House campaigns as a means of overcoming the inhibitions contained in the Buckley decision.

3. Methods of restricting certain sources of campaign funds such as political action committees (PACs) and independent campaign committees, and instead encouraging campaign funding through traditional and institutionalized political party structures.

4. Reduction of expenditures through limitation of access to broadcast media or provision of "free" broadcast time to candidates.

RECOMMENDATION

The task force concluded that the only viable proposition for controlling campaign spending lies with public financing of Congressional campaigns. Recognizing the practical difficulty in structuring a realistic spending limit given the enormous demographic difference in House of Representatives districts, the task force recommends that initially public financing legislation apply only to campaigns for the U.S. Senate. The task force was reluctant to recommend details which could be incorporated into draft legislation, believing that maximum technical flexibility should be given to the legislative draftsmen. On the other hand, the task forces does recommend that public financing be funded through taxpayer support in a manner similar to the Presidential campaign funding mechanism; that candidates accepting such funds be subject to statutory expenditure limitation; that in 1984 public financing of Senate campaigns be restricted to the general election as opposed to primary elections; and that the legislation require the Federal Election Commission to monitor the efficacy of the public financing scheme during the 1984 Senate elections, and report to Congress no later than April 1, 1985 its recommendations for revisions to the plan.[1]

OTHER CONCLUSIONS

The work of the task force is, I believe, as noteworthy for the incisive and substantive thinking that produced some of its negative findings as it is for the sole affirmative recommendation.

For instance, one subcommittee concluded that there is no basis to limit either the amount of television campaigning or the cost of what television campaigning occurs. It was felt (1) that companies in the television business ought not to be required to subsidize political campaigns any more than other types of companies, such as newspapers, campaign consultants, or pollsters; (2) that expenditure limitations should be general rather than specific because candidates should be free to choose where to spend the money they are allowed to spend; (3) that a limitation of one specific type of expenditure merely leads to more spending in some other form of campaigning; (4) that, in the view of some task force members, some campaign techniques, such as direct mail, are very expensive and more dangerous to the public welfare than television; and (5) regulation of current uses of television for political campaigns might well become meaningless given the rapid and profound technological changes in communication such as cable and satellite programing.

Another subcommittee concluded that changing the primary date from June to September would have no impact on the cost of mounting a campaign. In partial support of its conclusion, this subcommittee cites the case of Minnesota, which has a September primary, and which experienced a $13 million campaign for the U.S. Senate in 1982.

The fourth subcommittee provided some specific recommendations for reducing the influence of PACs, encouraging reliance upon the broad-based and institutional political parties for campaign funding, and inducing reliance upon smaller contributions. It was felt, however, that public financing would accomplish these goals in a more effective manner.

We have provided to your office the various preliminary reports and discussion papers produced by the task force. They are most informative and will, I believe, be a useful tool in the legislative process. Moreover, I believe that you will be favorably impressed with the quality of those documents and the thinking that went into them.

Finally, let me express to you the appreciation of all task force members for the opportunity to participate in these deliberations, as well as our appreciation to you for taking the unusual step of trying to bring good sense into the campaign spending process. You are to be commended.

Respectfully submitted,

HAROLD C. PACHIOS,
Chairman.

By Mr. **BAKER** (for Mr. PERCY, by request):

S. 2416. A bill to provide for increased participation by the United States in the International Development Association, and for participation by the United States in the Inter-American Investment Corporation; to the Committee on Foreign Relations.

AMENDMENTS TO INTERNATIONAL DEVELOPMENT ASSOCIATION ACT

● Mr. **PERCY**. Mr. President, by request, I introduce for appropriate reference a bill to provide for U.S. participation in the International Development Association and the Inter-American Investment Corporation.

This legislation has been requested by the Treasury Department and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis, and the letter from the Secretary of the Treasury to the President of the Senate dated March 8, 1984.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INTERNATIONAL DEVELOPMENT ASSOCIATION ACT AMENDMENTS

SEC. 101. The International Development Association Act, as amended (74 Stat. 293; 22 U.S.C. 284 *et seq.*) is further amended by adding at the end thereof the following new section:

"SEC. 18. (a) The United States governor is hereby authorized to agree on behalf of the United States to pay to the association $2,250,000,000 as the United States contribution to the seventh replenishment of the resources of the Association; *Provided, However,* That any commitment to make such contributions shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in this section, there is hereby authorized to be appropriated, without fiscal year limitation, $2,250,000 for payment by the Secretary of the Treasury.

TITLE II—INTER-AMERICAN INVESTMENT CORPORATION ACT

SEC. 201. This title may be cited as the "Inter-American Investment Corporation Act".

ACCEPTANCE OF MEMBERSHIP

SEC. 202. The President is hereby authorized to accept membership for the United States in the Inter-American Investment Corporation (hereinafter in this title referred to as the "Corporation") provided for by the agreement establishing the Corporation (hereinafter in this title referred to as the "agreement") deposited in the archives of the Inter-American Development Bank.

GOVERNOR AND ALTERNATE GOVERNOR

SEC. 203. The Governor and Executive Director of the Inter-American Development Bank, and the alternate for each of them, appointed under section 3 of the Inter-American Development Bank Act, as amended (72 Stat. 299; 22 U.S.C. 283 *et seq.*), shall serve as Governor, Director and Alternates, respectively, of the Corporation.

APPLICABILITY OF BRETTON WOODS AGREEMENTS ACT

SEC. 204. The provisions of section 4 of the Bretton Woods Agreements Act, as amended (59 Stat. 512, 22 U.S.C. 286b) shall apply with respect to the Corporation to the same extent as with respect to the International Bank for Reconstruction and Development and the International Monetary Fund. Reports with respect to the Corporation under paragraphs (5) and (6) of subsection (b) of section 4 of that Act shall be included in the first and subsequent reports made thereunder after the United States accepts membership in the Corporation.

RESTRICTIONS

SEC. 205. (a) Unless authorized by law, neither the President, nor any person or agency, shall, on behalf of the United States—

(1) subscribe to additional shares of stock of the Corporation;

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[1] The task force understands that it may be more realistic to assume that 1986, rather than 1984, will be the initial year to which public financing of Senate campaigns would be applicable. The optimistic 1984 target utilized by the task force was selected so as to emphasize the urgency with which the task force views the crisis in political campaign spending practices.

(2) vote for or agree to any amendment of the agreement which increases the obligations of the United States, or which changes the purpose or functions of the Corporation; or

(3) make a loan or provide other financing to the Corporation.

FEDERAL RESERVE BANKS AS DEPOSITORIES

Sec. 206. Any Federal Reserve bank which is requested to do so by the Corporation shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

SUBSCRIPTION OF STOCK

Sec. 207. (a) The Secretary of the Treasury is authorized to subscribe on behalf of the United States to five thousand one hundred shares of the capital stock of the Corporation; Provided, however, that the subscription shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) There is authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury of the subscription of the United States for those shares, $51,000,000.

(c) Any payment of dividends made to the United States by the Corporation shall be deposited into the Treasury as a miscellaneous receipt.

JURISDICTION OF U.S. COURTS

Sec. 208. For the purposes of any civil action which may be brought within the United States, its territories or possessions, or the Commonwealth of Puerto Rico, by or against the Corporation in accordance with the agreement, the Corporation shall be deemed to be an inhabitant of the Federal judicial district in which its principal office within the United States or its agent appointed for the purpose of accepting service or notice of service is located, and any such action to which the Corporation shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States, including the courts enumerated in section 460 of title 28, United States Code, shall have original jurisdiction of any such action. When the Corporation is a defendant in any action in a State court, it may at any time before the trial thereof remove the action into the appropriate district court of the United States by following the procedure for removal provided in section 1446 of title 28, United States Code.

EFFECTIVENESS OF AGREEMENT

Sec. 209. Article VI, Section 4(c), and Article VII, Sections 2 to 9, both inclusive, of the agreement shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in the Corporation.

SECURITIES ISSUED BY THE CORPORATION

Sec. 210. (a) Any securities issued by the Corporation (including any guarantee by the Corporation, whether or not limited in scope) in connection with the raising of funds for inclusion in the Corporation's resources as defined in Article II, Section 2 of the agreement, and any securities guaranteed by the Corporation as to both principal and interest to which the commitment in Article II, Section 2(e) of the agreement is expressly applicable, shall be deemed to be exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c) and section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c). The Corporation shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Corporation and its operations as necessary in the public interest or for the protection of investors.

(b) The Securities and Exchange Commission, acting in consultation with such agency or officer as the President shall designate, is authorized to suspend the provisions of subsection (a) at any time as to any or all securities issued or guaranteed by the Corporation during the period of such suspension. The Commission shall include in its annual reports to Congress such information as it shall deem advisable with regard to the operations and effect of this section and in connection therewith shall include any views submitted for such purpose by any association of dealers registered with the Commission.

TECHNICAL AMENDMENTS

Sec. 211. (a) The seventh sentence of paragraph 7 of section 5136 of the Revised Statutes of the United States, as amended (12 U.S.C. 24), is further amended by striking out "or" after "the Asian Development Bank" and inserting in lieu thereof a comma, and by inserting "or the Inter-American Investment Corporation," after "the African Development Bank".

(b) Section 51 of Public Law 91-599, as amended (84 Stat. 1657; 22 U.S.C. 276c-2), is amended by striking out "and" after "the African Development Fund," and inserting "and the Inter-American Investment Corporation," after "the African Development Bank,".

The Secretary of the Treasury,
Washington, March 8, 1984.

Dear Mr. President: Transmitted herewith is a draft bill, "To provide for increased participation by the United States in the International Development Association, and for participation by the United States in the Inter-American Investment Corporation."

Submission of the bill is required by Section 5 of the International Development Association Act, 22 U.S.C. 284 *et seq.*, in order to increase U.S. participation in the International Development Association ("IDA").

INTERNATIONAL DEVELOPMENT ASSOCIATION

Title I of the draft bill authorizes the Secretary of the Treasury, as U.S. Governor in IDA, to agree on behalf of the United States to pay $2,250,000,000 as the U.S. contribution to the seventh replenishment of IDA. In compliance with the Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344) ("Budget Act"), the bill authorizes appropriations for that sum. In accordance with the President's budget, we intend to seek appropriations for that sum in three equal annual installments beginning in fiscal year 1985.

IDA is one of the most important development institutions for the poorest countries in the world—those in Sub-Saharan Africa and South Asia. U.S strategic interests in these areas are self-evident. IDA can assist in the promotion of sound economic policies and the building of institutions to support economic growth in these regions.

The level of U.S participation in the seventh replenishment of IDA reflects extensive consultations with concerned Members of the Congress and represents a responsible balance between maintaining budgetary stringency and continuing traditional U.S. support for sound economic development activities.

Many Members have emphatically supported higher replenishment levels in view of the development needs of borrowing countries, while other Members have stressed that budgetary resources should be husbanded to meet other pressing domestic and foreign needs or to contribute to a reduction in future budget deficits. The funding level proposed in the bill—$750 million annually for three years—seeks to meet the concerns of as broad a cross-section of the Membership as possible. IDA is an American commitment—indeed, in origin, an American initiative—and should enjoy bipartisan support.

I have had many exchanges with Members of the Congress in the last three years over budgetary expenditures and revenues and expect the dialogue over budget deficits to continue. These considerations weighed heavily in our decisions about the appropriate level of IDA funding. The proposed annual funding level is about 30 percent less than initially negotiated for the previous replenishment but approximately the same as provided by the Congress in the previous four years. It is based on a considered judgment which has taken into account both development assistance priorities and budget constraints.

I am convinced that the proposed funding level—when combined with the contributions of other countries—will make a meaningful contribution to the development and political stability of the poorest developing countries. The World Bank has devoted substantial efforts in recent years to analyzing the development problems of Sub-Saharan Africa and to formulating strengthened economic policies in these countries. This replenishment is consistent with those efforts.

INTER-AMERICAN INVESTMENT CORPORATION

Title II of draft bill also authorizes the President to accept membership for the United States in the Inter-American Investment Corporation ("IIC"), an international financial organization which will be closely related to the Inter-American Development Bank, and which is to promote the development of the private sector in Latin America. The draft bill also authorizes the President to subscribe to 5,100 shares of the capital stock of the IIC, and, consistent with the Budget Act, the bill authorizes appropriation of $51,000,000 for payment for those shares. In accordance with the President's budget, we intend to seek appropriations for that sum in four equal annual installments, beginning in fiscal year 1985. (The other provisions of the draft bill are described in detail in the section-by-section analysis appended hereto, and are patterned after similar provisions in the legislation of other international financial institutions.)

In reviewing the economies of the countries in Latin America and the Caribbean, I have been struck by the very substantial achievements and progress over the last two decades since the Inter-American Development Bank became a major force for growth in the region. Substantial investments in infrastructure and economic services are now in place to permit further sustained growth in many countries.

However, in future years the continued productivity of the private sector will be crucial. Long-term development programs in Latin America and the Caribbean will have to rely increasingly on the private sector in order to realize the full growth potential of these countries. The IIC is an effort to strengthen this aspect of the overall IDB development effort.

The IIC will be limited to making loans and equity investments in private sector-controlled firms. We expect the IIC staff will be composed of a small number of individuals with a solid background in business in Latin America or the Caribbean.

Balanced, non-inflationary economic growth with employment creation is one of the most important objectives we should be pursuing. I believe the IIC—directly through its program activities and indirectly through its example to other national and international development institutions—can make a solid, productive contribution to meet this objective.

The importance of strengthening efforts to support the private sector has been broadly recognized. The IIC negotiations have included more than twenty countries, including at least five developed countries from outside the hemisphere. This broad participation will allow our share of the capital to be 25.5 percent, the lowest level in any hemispheric financial institution in which we participate.

Negotiations of the IIC Articles of Agreement are complete, and, though not all countries have notified the precise amounts of intended share subscriptions, there are no significant unresolved issues of importance to the United States. If any new issue should arise, you will be informed promptly and, if appropriate, amended legislation will be submitted.

The bill thus authorizes U.S. participation in programs of high importance to U.S. foreign economic policy. On behalf of the President, I would appreciate your laying this proposal before the Senate, and I urge its early enactment.

The Office of Management and Budget has advised that there is no objection to the submission of this proposed legislation to Congress, and that its enactment would be in accord with the program of the President.

Sincerely yours,

DONALD T. REGAN

SECTION-BY-SECTION ANALYSIS

TITLE I—AMENDMENTS TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION ACT

Section 101 authorizes the U.S. Governor to the International Development Association ("IDA") to contribute $2,250,000 to the seventh replenishment of IDA resources. Consistent with the Congressional Budget and Impoundment Control Act of 1974 (88 Stat. 297) (the "Budget Act"), Section 101 makes it clear that any commitment to make such contributions is subject to obtaining the necessary appropriations.

The U.S. intends to seek appropriations for that sum in three equal annual installments (beginning in fiscal year 1985), and plans to agree to make a contribution (subject to obtaining future appropriations) only after it has obtained appropriations in respect of the first of the three planned installments. The IDA resolution allows the U.S. to submit a qualified instrument of commitment, so that payment of the unpaid portion is subject to obtaining budgetary appropriations.

TITLE II—INTER-AMERICAN INVESTMENT CORPORATION ACT

Title II authorizes U.S. participation in the Inter-American Investment Corporation (the "Corporation"), which is to promote equity investment in the private sector in Latin America.

Section 201 states that the title may be cited as the "Inter-American Investment Corporation Act."

Section 202 authorizes the President to accept membership for the United States in the Corporation.

Section 203 reflects and implements the provisions in the Agreement Establishing the Inter-American Investment Corporation (the "Agreement") which make it clear that the U.S. Governor, Executive Director, and alternates in the Inter-American Development Bank (the "IDB") are to serve in similar roles in the Corporation. The section is similar to a comparable section in the International Finance Corporation Act, as amended (22 U.S.C. 282 et seq.).

Section 204 is similar to provisions contained in other development bank implementing legislation and provides for oversight by the National Advisory Council on International Monetary and Financial Policies (the "NAC"), as provided for in Section 4 of the Bretton Woods Agreements Act, as amended (22 U.S.C. 286b). Moreover, as provided in paragraphs (5) and (6) of subsection (b) of Section 4, the annual reports of the NAC to the President and the Congress following United States participation in the Corporation, shall contain reports on United States participation in the Corporation, including data concerning the operations and policies of the Corporation, recommendations and other data and material.

Section 205 is similar to provisions in other development bank implementing legislation, and requires Congressional authorization for any person on behalf of the United States to subscribe to additional shares of the stock of the Corporation, or to agree to any amendment of the Agreement which would increase the obligations of the United States or change the purpose or functions of the Corporation, or to provide a loan or other financing for the Corporation.

Section 206 also is similar to language in other development bank legislation, and provides that any Federal Reserve bank shall act as the depository or fiscal agent of the Corporation, upon request by the Corporation, and in so acting will be supervised and directed by the Board of Governors of the Federal Reserve System.

Section 207 authorizes the Secretary of the Treasury to subscribe to 5,100 shares of the capital stock of the Corporation. Under the Agreement, payment for that subscription may be made subject to budgetary appropriations. (Art. II, Sec. 3(b)) Consistent with the Budget Act, the section makes it clear that any U.S. subscription to shares is subject to obtaining budgetary appropriations. (The full U.S. subscription is to be counted in determining whether the Agreement enters into force under Article XI, Section 2(a), which *inter alia* requires that two-thirds of total subscriptions be made prior to entry into force of the Agreement.)

Section 208 provides that the district courts of the United States shall have original jurisdiction in any civil action brought by or against the Corporation with respect to actions which may be brought within the United States, its territories or possessions, or the Commonwealth of Puerto Rico. The Corporation is deemed to be a resident of the Federal judicial district in which its principal office within the United States, or its agents appointed for the purpose of accepting service or notice of service of process, is located. The Corporation will have its principal office in Washington, D.C. (Art. X, Section 1) The section also provides that when the Corporation is a defendant in any action in any State court, it may, at any time before the trial, remove the action to the appropriate U.S. district court.

* * * * *

Assets of the Corporation (Article VI, Sec. 4) and the status, immunities, exemptions and privileges of the Corporation and its employees (Article VII, Sections 2-9), shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in the Corporation. These privileges and immunities include the following:

1. The Corporation will have legal personality and the ability to contract, acquire and dispose of property, and to sue in U.S. courts.
2. The Corporation will be subject to suit only in cases arising out of the exercise of its borrowing powers, or when it has appointed an agent for the purpose of accepting service or notice of process. Its property and assets shall be immune from attachment, except to execute a final judgment.
3. The property and assets of the Corporation shall be immune from taking or foreclosure by executive or legislative action. Its archives shall be inviolable.
4. The property and assets of the Corporation shall be exempt from restrictions to the extent necessary to carry out its purpose and functions.
5. The communications of the Corporation will be treated with the same respect as those of foreign governments.
6. The officials and employees of the Corporation, and experts and consultants performing missions for it, will be given treatment substantially similar to that accorded to persons in the diplomatic service.
7. The Corporation will be immune from taxation. In general, officials and employees will be immune from taxation by any country on salary or emoluments, but governments will be able to tax local citizens and local nationals. The U.S., thus, will be able to tax its citizens or nationals working for the Corporation.

Section 210 provides that any securities or guarantees issued by the Corporation in connection with raising funds for inclusion in the ordinary capital of the Corporation and any securities guaranteed by the Corporation and backed by the callable capital of the Corporation shall be deemed exempted securities within the meaning of 15 U.S.C. 77c(3)(a)(2) and 15 U.S.C. 78c(3)(a)(12). The section provides further that the Corporation shall file such reports with the Securities and Exchange Commission as the SEC determines and that the SEC is authorized to suspend the exemption granted to Corporation securities and guarantees.

Section 211(a) amends 12 U.S.C. 24 to include the Corporation among the list of multilateral development banks whose securities are approved for investment by national banks.

Section 211(b) adds the Corporation to the list of multilateral development banks, contained at 22 U.S.C. 262c-2. Under that provision, the executive directors and alternates shall, at the discretion of the Secretary of the Treasury, be eligible for all employee benefits afforded employees in the civil service of the United States.●

By Mr. DECONCINI (for himself and Mr. BAUCUS):

S. 2417. A bill to amend the Sherman Act to prohibit a rail carrier from denying to a shipper of certain commodities, with intent to monopolize, use of its track which affords the sole access by rail to such shippers to reach the track of a competing railroad or the destination of shipment; to the Committee on the Judiciary.

CONSUMERS RAILROAD TRANSPORTATION ANTIMONOPOLY ACT

Mr. DeCONCINI. Mr. President, I have introduced today a bill to insure a greater measure of competition in the railroad freight industry's hauling of products such as coal, ore, grain, forest products, chemicals, or fertilizers—products for which in most cases shipment by rail is the only feasible means of transportation.

When Congress passed the Staggers Rail Act of 1980, it was our intent to remove from the railroads the burden of restrictive regulations which hampered their ability to earn a profit. At the same time, however, we were determined to continue to provide regulatory protection to so-called captive shippers—those shippers who must move their product by rail and are situated such that only a single rail carrier can provide transportation.

A basic premise of the Staggers Act deregulation was that under these circumstances, competition in the free market would act to restrain the railroads from raising freight rates too high. This premise has proved untrue. In many areas of the United States, where captive shippers of bulk products are dependent upon railroad freight service, there simply is no competition. Such captive shippers are locked into a noncompetitive transportation situation for their product.

The Interstate Commerce Commission appears to be ignoring provisions of the Staggers Act which provided protecton for captive shippers. The Commission has proposed a system of nationwide rail rates which will result in a doubling of already high present rates within 5 years. The ICC will allow rail carriers a 15-percent increase in rail rates annually above any upward adjustments allowed for the effects of inflation. If after a 5-year period, the railroads have not achieved "revenue adequacy", as defined by the ICC, the annual increases may continue, and the result could be a trebling of present rates within 8 years. Notably, at the present time, there is not a single class I railroad in the Nation that is rated revenue adequate by the ICC.

Although the 15-percent annual increase has been publicly conceded by staff of the Commission as having provoked the greatest opposition among comments received on the rate proposal, there has not been any suggestion that the amount will be reduced. Even if there were a small change in the 15-percent figure, however, the ICC's actions up to now in implementing the Staggers Act would indicate that the amount of annual increase allowed would still be too high from the standpoint of captive shippers—particularly coal producers, coal users such as industry and electric utilities, and ultimately the individual consumers of electricity. All will be harmed by dramatic rate increases.

An effective remedy for captive shippers and the consumers they serve would be to restore competition to rail service in areas that are now served by only a single railroad. Although in many cases such monopolies are natural, as opposed to deliberately contrived, the effect on consumers and shippers is the same—they are denied the benefits of competition. Restoration of competition would be accompanied by lower rates, improved service, and increased efficiency.

The bill I have introduced would amend the Sherman Act in a manner which would assure captive shippers fair and reasonable freight rates for the transportation of their product. The bill is similar to H.R. 4559, introduced by Representative Seiberling of Ohio. It would make it unlawful for a rail carrier to deny to any shipper the use of a railroad facility which is the sole facility over which such shipper can connect by rail with the trackage of a competing railroad or with a water carrier or can reach the destination of a shipment, when such denial is with the intent to monopolize. The bill further provides that a rail carrier shall be conclusively presumed to have denied use of such railroad facility with intent to monopolize if it has denied use of the facility upon reasonable terms, as defined in the bill, to a shipper and is not permitting any other rail carrier to use that facility to transport the shipper's goods. The effect would be to provide relief for captive shippers by restoring competitive pricing, either through the reasonable rate provision or through the requirement to permit another rail carrier to utilize sole trackage.

Our Nation depends heavily on the mining and use of coal to meet an important part of its energy needs. More than half of the country's electricity is produced by burning coal, and more than 70 percent of that coal is moved by railroads that are the sole available carriers. The costs of fuel, including the cost of transportation, are of course passed through by utilities to the individual electric consumer. Without competition, these captive coal shippers, as well as the electric utilities and consumers they serve, have good reason to be concerned about a likely doubling or trebling of freight rates over the next 5 to 8 years.

Recently, citing the important need to restrain excessive price increases for captive shippers locked into noncompetitive shipping situations, the American Public Power Association (APPA), the National Rural Electric Cooperative Association (NRECA), and the National Association of Regulatory Utility Commissioners (NARUC) have all adopted resolutions endorsing legislative action similar to the provisions of this bill.

Mr. President, it is important that we take immediate steps to insure that consumers' costs are not unnecessarily increased as a result of unconstrained monopoly in railroad freight hauling. The bill I have introduced today would provide needed protection by restoring competition to the captive shipper situation.

I urge my colleagues to carefully study this proposal and give it their support, and I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Sherman Act is amended by inserting after section 8 the following new section:

"Sec. 9. (a)(1) It shall be unlawful for a rail carrier, with intent to monopolize, to deny to any shipper the use on reasonable terms of a railroad facility which is the sole facility over which such shipper can move its goods by rail to connect with the tracks of a competing rail carrier or to reach the destination of shipment.

"(2) The terms offered by the rail carrier for the use of such sole facility shall not be deemed reasonable if—

"(A) they condition the use of the sole facility upon use of other facilities of the rail carrier;

"(B) the rates required by the rail carrier for use of the sole facility are such as to yield a revenue-to-variable cost ratio higher than the lower of the revenue-to-variable cost ratios yielded by

"(i) its single line rate or

"(ii) its divisions of a competing joint line rate; if there are such, to the destination of shipment; or

"(C) the rates required by the rail carrier for use of the sole facility are higher than would, under generally accepted regulatory standards, yield a fair return on the proportion of the rail carrier's prudent investment in the railroad facility that the shipper's traffic bears to all traffic using such railroad facility.

"(3) The shipper may elect to connect with water carriage at any point within or not substantially beyond the first rail connection with a competing rail carrier.

"(b) A rail carrier shall be conclusively presumed to have denied use of such railroad facility with intent to monopolize if it has denied use of the facility upon reasonable terms to a shipper and is not permitting any other rail carrier to use the railroad facility to transport the shipper's goods.

"(c) A shipper permitted to move goods over a railroad facility pursuant to the requirements of subsection (a) above shall not be deemed a 'rail carrier' or a 'carrier' under any provision of law.

"(d) For purposes of this section—

"(1) the term 'rail carrier' means any 'rail carrier' as defined in section 10102(19) of title 49, United States Code, subject to the jurisdiction of the Interstate Commerce Commission under title 49, United States Code, chapter 105, subchapter I;

"(2) the term 'shipper' includes, but is not limited to, a person engaged in a business other than transportation who, in furtherance of such business, moves its own goods;

"(3) the term 'railroad facility' includes all railroad components enumerated in section 10102(20)(A), (B), and (C) of title 49, United States Code;

"(4) the phrase 'use of a railroad facility' means the movement of any shipper's goods consisting of coal, ore, grain, forest products, chemicals, or fertilizers, and includes movement of such shipment over such railroad facility either by shipper with its own rolling stock or by the rail carrier;

"(5) the phrase 'permitting any other rail carrier to use the railroad facility' means permitting such other carriers to use such railroad facility from the point of origin of the shipment to the connecting point with the track of the competing carrier;

"(6) the term 'track of the competing carrier' means track subject to the competing carrier's use but does not include tracks jointly used with the rail carrier denying use of the sole facility.

"(7) the term 'rail carrier' includes all affiliates of the rail carrier controlled by it or under common control with it.".

By Mr. MATHIAS (for himself, Mr. FORD, Mr. HATFIELD, Mr. WARNER, and Mr. INOUYE):

S. 2418. A bill to authorize and direct the Librarian of Congress, subject to the supervision and authority of a Federal civilian or military agency, to proceed with the construction of the Library of Congress Mass Book Deacidification Facility, and for other purposes; to the Committee on Rules and Administration.

LIBRARY OF CONGRESS DEACIDIFICATION FACILITY

● Mr. MATHIAS. Mr. President, I introduce legislation today to authorize the Librarian of Congress to construct the Library of Congress Mass Book Deacidification Facility at Fort Detrick near Frederick, Md., subject to the supervision and construction authority of a Federal civilian or military agency. This new facility would be used to neutralize acid in book paper thereby extending the life of books in the Library's collections by 400 to 600 years. At present the effective life or acid paper books is 30 to 40 years.

The Library of Congress, and librarians throughout the world, face a crisis caused by the rapid deterioration of books printed on paper produced since the 1850's. It is ironical that the very technology which has enabled inexpensive books to be produced in vast numbers carried with it the seeds of its own destruction. The industrial revolution a century and a half ago increased the demand for paper products of all sorts phenomenally, especially the demand for newspapers, magazines, and above all, the printed book. As a result, scientists and engineers began casting about for a cheaper and more plentiful paper supply. Prior to the 1850's, books had been printed on linen or cotton rag paper and, in some cases, on vellum made from animal skins. Technologists discovered their new paper supply in the cellulose fibers from ordinary wood pulp. Finding the right absorbency for the dried and finished paper, however, required treating and sizing the wood pulp paper with a variety of chemicals. Unfortunately, these chemical additives, especially aluminum sulfate, combine with the moisture in the air to form sulfuric acid. Any of us with books published since the 1850's have experienced this same disheartening phenomenon—the books literally disintegrating in our hands.

I think we can all take great pride in the fact that the ingenious chemists in Library of Congress own preservation and restoration office have found the solution to this problem. These chemists have developed a patented process that will neutralize the harmful acids destructive to paper and leave an alkaline reserve on the paper to combat the return to an acid condition in the future. The process is based on the vaporphased impregnation of books and other library materials with diethyl zinc resulting in the neutralization of the acidity and a residue of zinc carbonate to protect the paper from further acid-induced loss of strength. Invention of this process by the Library's chemists began with tests in an ordinary pressure cooker. After further successful tests with larger numbers of books in facilities of the General Electric Co. in Valley Forge, Pa., the Library staff worked with scientists at the National Aeronautics and Space Administration to develop and test an economical technique for the mass deacidification of books printed on paper susceptible to this type of deterioration. NASA's experience with vacuum technology and its facilities at Goddard Space Flight Center in nearby Greenbelt, Md., made it possible for the Library to demonstrate the feasibility of large-scale applications. The success of the Library and NASA's first large experiment with 5,000 books proves it is time to establish a permanent book deacidification facility for the Library of Congress at Fort Detrick.

This bill would authorize $11.5 million for this new building, its equipment, and its laboratory facilities. Funds for this activity are included in the Library's fiscal year 1985 budget and it is anticipated that the Army Corps of Engineers will construct the building within the complex of army and research facilities at Fort Detrick. Both the House and Senate Appropriations Committees are cognizant of the need for this authorization as they consider the supplemental and regular appropriations measures for fiscal year 1985. The Army Corps of Engineers estimates that the building will cost $3.5 million; laboratory facilities and equipment, together with directly related costs, total $8 million. These capital costs will be included in the Library's fiscal year 1985 appropriations provisions. Deacidification costs in this mass facility are estimated to be $3 to $5 per book, an amount dramatically less expensive than the alternative cost of approximately $30 for microfilming each book.

Operating costs for this laboratory facility are expected to be between $2 to $3 million per year, including three or four new positions to staff the facility. Once appropriations are enacted, approximately 500,000 books will be deacidified each year using this revolutionary new technology. The Librarian of Congress will request these operating funds in his fiscal year 1986 budget request. With 80 million items in the Library's great collections, I would anticipate an indefinite need for such a facility.

Enactment of this bill, together with subsequent appropriations, will enable the Library of Congress to preserve a great national treasure, namely, three-quarters of the Library's vast collection of books, from rapid and total disintegration. It will also make it possible to preserve these books in their natural and original state, that magnificent product of the printer's and publisher's art, the hand-held book. Construction of this "first of a kind" laboratory facility will also provide a prototype for the library and scholarly community throughout the country, and, for that matter, throughout the world. I commend the Librarian of Congress for his outstanding leadership in this matter.

I am pleased to join in the sponsorship of this measure with the distinguished ranking minority member of the Rules and Administration Committee, Senator FORD, and by my fellow Senate Members of the Joint Committee on the Library, Senator HATFIELD, Senator WARNER, and Senator INOUYE. The Rules and Administration Committee will hold hearings on this bill at a date early enough in the session to complete final action on the measure prior to the enactment of the necessary appropriations bill.●

● Mr. WARNER. Mr. President, I am pleased to cosponsor with Senator MATHIAS this authorizing legislation to enable the Library of Congress to construct a mass book deacidification facility.

The Library of Congress is the world's greatest library, and we are faced with a situation where most of the books printed since 1850 are deteriorating at a sure and steady pace due to the use of wood pulp in the production of paper, instead of linen or cotton rag.

We have been able to reduce the high cost associated with books prior to 1850, but the wood pulp paper is subject to chemical change which reduces its useful life.

The answer to this problem has been to begin microfilming the Library's collection at an approximate cost of $30 per book. This new facility will extend the life of books by 400 to 600 years at an amortized cost for the laboratory of $1 per book.

This program makes good economic sense, it will save the American taxpayer $1.7 billion over the life of the facility.

This project will also save our national treasures and help save the Treasury at the same time.

Mr. President, I urge my colleagues to support this legislation.●

By Mr. MATHIAS (for himself and Mr. SARBANES):

S. 2419. A bill to authorize the Secretary of the Interior to convey certain land located in the State of Maryland to the Maryland National Capital Park and Planning Commission; to the Committee on Energy and Natural Resources.

CONVEYING INTEREST IN CERTAIN LAND TO THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

● Mr. MATHIAS. Mr. President, I am pleased today to introduce legislation that would authorize the transfer of a parcel of land in Prince Georges County, Md., from the Federal Government to the Maryland National Capital Park and Planning Commission (MNCPPC). The commission is a State-created organization that manages parks in Montgomery and Prince Georges County, Md.

I have been asked by both State and local officials from Maryland to initiate this measure, including the MNCPC and the Prince Georges County executive and county council. Moreover, it has the full support of the Maryland Department of Transportation. Representatives STENY HOYER and MARJORIE HOLT introduced similar legislation in the House of Representatives last year.

The 55 acres of land transferred by this bill are adjacent to the Maryland Capital Beltway and the Potomac River on a basin called Smoot Bay. The property was part of the land acquired by the then Federal Bureau of Roads from private property owners in the late fifties for the construction of the Capital Beltway, the I-295 interchange and the approaches to the Woodrow Wilson Bridge. Ultimately, this particular parcel of land was found not to be needed for such highway purposes.

It has remained in the hands of the Federal Government since then, as required by a 1956 act of Congress. But, no use has been found for it. Up until 1978, it was under the jurisdiction of the General Services Administration, the real estate agency for the Federal Government. Then it was transferred to the Department of the Interior with the condition that it be used for open space. The Department of the Interior, however, has never developed a plan for the property nor programed funds for developing it.

The Maryland National Capital Planning and Parks Commission is anxious to put the land to constructive use. It wants to use it for two purposes: First, to develop a waterfront park for the public and, second, to provide access to a proposed waterfront development.

The proposal for the development, a multimillion-dollar project, includes a marina, a trade center, a waterfront residential development, retail shops, and boutiques. It will be an economic boon to Prince Georges County and to the entire State of Maryland. It will enhance the economic base of Prince Georges County.

During the formative stages of the development of this bill, the National Capital Planning Commission (NCPC), the central planning agency for the Federal Government in the National Capital region, and the National Park Service raised valid concerns about the impact the proposed development activities could have on the Potomac River and its shoreline.

The Federal Government owns parkland on the north and the south of the area where the development activities will take place. It has an interest in preserving open space along the Potomac River. It is concerned about the views of the proposed development as seen from the Potomac River, from the Mount Vernon Memorial Highway on the opposite shore, and from the lawn of Mount Vernon itself. Moreover, the National Capital Planning Commission has recognized the general area "as environmentally sensitive" because it includes, among other things, a flood plain, a part of a coastal zone, and a scenic waterfront.

I share these concerns and have made every effort to address them in the legislation. It contains conditions that would safeguard the Federal interest in the area relating to parkland the Potomac River and its shoreline.

First, the legislation requires that the 55 acres of land being transferred to the Maryland National Park and Planning Commission can only be used for park and waterfront purposes. Second, it stipulates that the land-use plan prepared by the developer for the adjacent property be reviewed by the NCPC and approved by the Prince Georges County Council and provide that:

First, a linear strip of land along the shoreline of the property is accessible to the public at all times and reserved for open space.

Second, the heights of all buildings along the shoreline are limited.

Third, as many of the existing trees and other vegetation as possible be retained in order to preserve the natural character of the shoreline and hillsides.

Fourth, any nonmarina development over the water be clustered at limited locations and be limited in height.

If after having reviewed the respective plans—NMCPC's plan for the 55 acres and the land-use plan for the adjacent property—the Secretary of the Interior determines that any of these conditions are not met, then the property will revert to the Federal Government.

The transfer of this land will increase the public's access to the Potomac River and its shoreline and generate waterfront activity. I urge my colleagues to act on it as expeditiously as possible.●

● Mr. SARBANES. Mr. President, I am today joining my colleague from Maryland in introducing legislation to transfer certain Federal surplus property in Prince Georges County, Md., to the Maryland National Capital Park and Planning Commission. Similar legislation has been introduced in the House.

The property to be transferred by this bill includes some 55 acres of land now owned by the Department of the Interior. The land is adjacent to the Capital Beltway where it crosses the Potomac River at the Woodrow Wilson Bridge. The Bureau of Roads originally acquired the designated property to facilitate the construction of the Beltway, I-295, and the approaches to the Wilson Bridge. After the construction of these projects was completed, the land was turned over to GSA and, subsequently, to the Department of the Interior.

It was envisioned that the property would be used for the planned extension of the George Washington Memorial Parkway down the Maryland side of the Potomac. Plans for the parkway extension have, however, long since been discarded and no other use has been found for the property. In my view the time has come to make this land available for other uses as long as those other uses are compatible with the Federal interest in preserving the character of the Potomac shoreline in the vicinity of the Nation's Capital.

The Maryland National Capital Park and Planning Commission is a State-created agency charged with developing and maintaining parks and recreation activities in the Prince Georges and Montgomery County areas. The MNCPPC has come forward with a proposal to develop the property as open space with park facilities on the river. The agency has also proposed allowing construction of a parkway through the property to provide access to the residential and commercial development now taking place in adjacent property along the Potomac.

There is no question that the creation of a waterfront park, complete with boat ramp and other facilities, would greatly facilitate enjoyment of the Potomac River by area residents and tourists. In this regard, the MNCPPC proposal represents an opportunity to turn a forgotten parcel of vacant property into a true public resource.

The transfer proposal also represents an opportunity to control to some extent the character of development downstream. I recognize the concerns raised by interested groups about the need to insure that any commercial or residential development does not significantly disrupt either the sensitive environmental balance or the scenic beauty of the waterfront: The Prince Georges County Council, in recognition of these concerns, attached conditions in adopting the zoning changes required for development. The legislation I am jointly sponsoring attempts to address the same concerns by laying out additional conditions for waterfront development on property adjacent to the land being transferred. If these conditions are not met to the satisfaction of the Secretary of the Interior, in consultation with the National Capital Park and Planning Commission, the transferred land will revert to the Federal Government.

In my view, the approach taken in this bill represents the only way to insure adequate attention to the legitimate Federal interests at stake in the adjacent development. Should this legislation not be enacted, I am convinced that the development would proceed regardless, although with some other means of access, and without any input from Federal agencies regarding the design and environmental impact of the project. This legislation is strongly supported by the Prince Georges County executive and county council and by various State agencies. It has been prepared with careful attention to and participation by the National Park Service and the Maryland National Capital Park and Planning Commission. The transfer of property as envisioned by the bill would serve both Federal and local interests and I urge my colleagues to help enact this legislation.●

By Mr. MATHIAS:

S. 2420. A bill to amend section 3006A of title 18, United States Code, to improve the delivery of legal services in the criminal justice system to those persons financially unable to obtain adequate representation, and for other purposes; to the Committee on the Judiciary.

CRIMINAL JUSTICE ACT AMENDMENTS

● Mr. MATHIAS. Mr. President, many of the commands of our Constitution are not self-enforcing. They require positive action on the part of the Congress if they are to be realized. Today I introduce a bill to revitalize our commitment to the sixth amendment to the Constitution. This legislation updates the Criminal Justice Act of 1964, and makes needed changes to improve the delivery of legal services to indigent defendants in the Federal courts.

In 1963, the Supreme Court issued its landmark decision in Gideon against Wainwright and invigorated the sixth amendment guarantee that, "In all criminal prosecutions, the accused shall enjoy the right—to have the Assistance of counsel for his defense." In Gideon, the Court held that the sixth amendment requires the appointment of counsel for indigent defendants in most criminal cases. In response, local courts and bar associations across the country asked private attorneys to offer their services, not for compensation, but as a professional public duty. Private attorneys were thereby absorbing the costs for defendants who did not have the resources to obtain counsel.

Shortly after Gideon was handed down, Congress heard evidence that this lack of compensation discouraged more experienced attorneys from accepting court-appointed criminal cases in the Federal courts. Congress also became concerned that the unpaid attorneys might be less diligent or less thorough than retained counsel. Because the assistance of counsel was deemed to be essential to insure the fundamental right of fair trial, the Criminal Justice Act of 1964, or CJA, was enacted. The CJA established a program, administered by the Administrative Office of the U.S. Courts, providing for the appointment of counsel for indigents having contact with the Federal criminal justice system. Representation is provided either by court-appointed private attorneys, who are compensated for their work on an hourly basis, or by attorneys employed by a Federal public defender or community defender service.

Since 1965, the Criminal Justice Act has enabled over 700,000 indigent Americans to secure counsel committed to providing competent and effective assistance. It has thus allowed indigent defendants access to the substance, not just the form, of the sixth amendment guarantee. Unfortunately, it now appears that the CJA's effort to protect the legal rights of indigents is in jeopardy because the rates paid to CJA-appointed attorneys have not been raised since 1970. Remember that since that time the Consumer Price Index has more than doubled. This anachronistic rate schedule deters the great majority of experienced defense attorneys from accepting appointments to represent indigents. A study of law firm economics suggests that the low rates may inhibit attorneys from devoting sufficient time to their CJA cases, if they do not resign from CJA panels altogether. These facts demonstrate that we are facing the same dilemma that we did two decades ago. In order to meet our constitutional responsibility to indigent defendants, and to assure that the CJA continues to fulfill its important role in the Federal judicial system, we must respond with a program as effective as the initial legislation itself was.

I am, therefore, introducing a bill designed to correct the compensation rate deficiencies and to improve the delivery of legal services to indigents having contact with the Federal criminal justice system. This bill is identical to one introduced in the other body by Representative KASTENMEIER and cosponsored by every member of the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice. The Administrative Office of the U.S. Courts, the body that administers the CJA, has been involved in drafting the bill and supports its passage. Other supporters include the American Bar Association, the Association of Former U.S. Attorneys, the Federal Public and Community Defenders, and the Judicial Conference. These organizations as well as the administration agree that an increase in CJA rates is long overdue.

Mr. President, the administration has indicated that it would like to see the CJA rate increase tied to limitations on court-appointed attorney's fees in civil suits. I believe that these two important issues should be considered separately. The policies underlying fee-shifting in certain types of civil suits are distinct from the imperative need for the CJA program. Any changes in the civil fee-shifting policies should have no impact on this Nation's commitment to its Bill of Rights, and our dedication to a criminal justice system which functions fairly and efficiently.

My bill updates the CJA rate schedule that has been in effect since 1970. Today, CJA attorneys can receive $30 per hour for in-court time and $20 per hour out-of-court time. The new schedule would raise the basic hourly rate to $50 per hour and allow the Judicial Conference to authorize higher rates of up to $75 in districts where such increases would be appropriate. It would also raise the per case maximum to a more appropriate level.

Another measure in the bill responds to Ferri against Ackerman, the 1979 Supreme Court decision that held that a court-appointed attorney could be sued for malpractice. That ruling concerns CJA administrators because while private attorneys appointed under the CJA usually carry malpractice insurance as a result of their private practice, attorneys employed as Federal defenders do not. CJA administrators are concerned because attorneys who have to purchase professional liability insurance may be further discouraged from performing the important duties of Federal defenders. This bill would reduce this disincentive by empowering the Administrative Office of the U.S. Courts to provide needed insurance coverage for lawyers working for the Federal Defender Service.

The bill would also allow the Federal courts in the District of Columbia to establish defender organizations similar to those permitted in all other Federal jurisdictions. The provision that currently prohibits the establishment of such an organization in the District of Columbia is simply unnecessary in light of the 1970 District of Columbia court reorganization.

Mr. President, through the Criminal Justice Act of 1964, the Congress put in place a means to insure that the commands of the sixth amendment to the Constitution would be translated into reality. Our commitment to this goal requires that we periodically review this legislation to insure that it remains effective. The bill that I introduce today results from such a review. Its passage will reaffirm our determination to make sure that the Federal criminal justice system remains efficient, effective, and fair to all.

I ask unanimous consent that a brief summary of this bill's provisions appear in the RECORD at the conclusion of my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE PROPOSED CRIMINAL JUSTICE ACT AMENDMENTS

S. 2420 is designed to improve the delivery of legal services in the federal criminal justice system to those financially unable to obtain adequate representation. The services to be provided include legal counsel and investigative, expert, and other services necessary for adequate representation.

COMPENSATION RATE INCREASES

S. 2420 raises the maximum hourly rates paid to attorneys to a general maximum of $50.00 per hour with an absolute maximum of $75.00 per hour. The Judicial Conference, in consultation with the judicial councils of the circuits, is granted authority to vary the rate by district, considering such factors as the minimum range of prevailing rates for qualified attorneys in the district. Three years after the effective date of this Act, the hourly rates may be raised consistent with cost of living raises to Federal employees, but only after the Judicial Conference determines that the increase is appropriate for a certain district.

S. 2420 also raises the maximum per case compensation rate. The case maxima are increased to $5,000 for felonies, $1500 for misdemeanors, and $3,000 for appeals. Total cost of investigative, expert, and other services would not typically exceed $300.

MALPRACTICE INSURANCE FOR FEDERAL DEFENDERS

While private attorneys handling CJA cases generally have their own malpractice insurance, lawyers working for federal defenders generally do not. S. 2420 would authorize the Administrative Office of the United States Courts to provide liability insurance for officers and employees of defender organizations.

DISTRICT OF COLUMBIA DEFENDER ORGANIZATION

S. 2420 provides the District Court for the District of Columbia the option of establishing a public defender or community defender organization. The District of Columbia is currently the only district of its size to handle CJA cases entirely on an appointment basis.

EXPANDING THE CLASS OF ELIGIBLE DEFENDANTS

Under this bill, the court will have the discretion to appoint counsel in petty offenses if a sentence of confinement is authorized and there is a reasonable possibility or likelihood of confinement.

CONTINUING EDUCATION

This bill authorizes appropriations to the United States Courts for representation plans, including funds for the continuing education and training of persons providing representational services.●

By Mr. SPECTER (for himself and Mr. HEINZ):

S. 2421. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980—Superfund—to provide for cleanup authority and liability for petroleum releases and to regulate underground storage tanks used for the storage of hazardous substances; to the Committee on Environment and Public Works.

REGULATION OF UNDERGROUND STORAGE TANKS

● Mr. SPECTER. Mr. President, I am today introducing with my colleague from Pennsylvania, Senator HEINZ, a bill to amend to Comprehensive Environmental Response, Compensation, and Liability Act of 1980—Superfund—to provide for cleanup authority and liability for petroleum releases and to regulate underground storage tanks used for the storage of hazardous substances.

On February 11, 1984, I visited Cherryville, Pa., northwest of Allentown, with Congressman RITTER. The residents of Cherryville and Hanover Township, Northampton County, have been plagued with gas contaminated water for over 3 years, but have been unable to get cleanup help from the EPA because Superfund excludes cleanup of water contaminated by petroleum products. Since that time, we have learned of contaminated water supplies in Lebanon, Pa. But this is not a problem limited to Pennsylvania; it is clearly national in scope.

An article in the U.S. News & World Report, January 16, 1984, reveals that authorities in Lee, Maine had found that an estimated 10,000 gallons of gasoline had leaked from service station tanks. Estimates of the number of underground storage tanks—gasoline—in the Nation run from 1.4 to 2.5 million. EPA officials estimate that as many as 100,000 underground storage tanks are leaking 11 million gallons a year. Other sources indicate that as many as 420,000 tanks may be leaking now, and experts predict that 75 percent of all tanks will begin leaking over the next 5 to 10 years; 1 gallon of gasoline can ruin 750,000 gallons of water.

As Pennsylvania residents can tell you, and as I now know from personal experience, at low concentrations—several parts per billion—the presence of gasoline can be smelled or tasted, rendering the supply objectionable. But experts tell us gasoline vapors have caused kidney tumors in rats, and that benzene, a component of gasoline, is a known cause of cancer in humans.

The signficance of this problem becomes clear when you realize that ground water resources represent about 50 percent of the Nations drinking water supplies, as well as other water needs.

Leaking underground storage tanks have been identified by EPA and independent experts as one of the major sources of ground water contamination, yet storage tanks are not now regulated under Federal law.

This legislation I introduce today will give EPA authority and funds to clean up gasoline leaks from underground storage tanks. The authority available to EPA includes the ability to take actions necessary to prevent, minimize, or mitigate damage to public health or welfare, or to the environment, such as provision of alternate water supplies, and temporary evacuation and housing of threatened individuals.

The second aspect of this bill will require EPA to establish general standards applicable to new and existing underground storage tanks used for commercial and governmental purposes, and to evaluate residential tanks.

It will take a strong, comprehensive approach to resolve this crisis of ground water contamination from leaking underground storage tanks, and I believe that is what this legislation provides.●

● Mr. HEINZ. Mr. President, today I am introducing with my distinguished colleague from Pennsylvania, Senator SPECTER, legislation to address the very serious problem this Nation faces from leaking underground storage tanks. This initiative proposes to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980—Superfund—to provide for cleanup authority and liability for petroleum releases, and to regulate underground storage tanks used for the storage of hazardous substances. In this effort, I join Hon. DON

RITTER of Pennsylvania in his efforts in the House of Representatives.

The scope of this problem is immense, the potential harm to this Nation's drinking water is alarming. It is estimated that there are currently as many as 1.4 million underground storage tanks in this country, 100,000 of which may at this moment be leaking gasoline and other liquid hydrocarbons. The problem is projected to escalate dramatically in the next few years, when the thousands of tanks installed in the fifties' suburban construction boom reach the age when these steel tanks typically corrode. The effects of such corrosion must be contained to prevent the pollution of ground water, on which half of the U.S. population depends for its drinking water.

We cannot therefore afford to wait any longer. We must put in place now a systematic program to deal with the serious problem today. This legislation does just this, with a two-pronged attack on the problem: The provision of funds to cleanup these destructive leaks, and regulatory standards to prevent similar leaks in the future. The money for the cleanup will come from the Superfund Trust Fund, which is supported by a tax on oil and chemical feedstocks.

I call on my colleagues in all parts of the country to support this effort to contain a problem whose potential impact cuts across all geographic and socioeconomic lines. We must act together and we must act now to protect our Nations valuable ground water.●

By Mr. **BRADLEY** (for himself and Mr. DODD):

S. 2422. A bill to provide a program of planning grants, demonstration grants, and formula grants to assist local educational agencies to improve the basic skills of economically disadvantaged secondary school students, and for other purposes; to the Committee on Labor and Human Resources.

SECONDARY SCHOOL BASIC SKILLS ACT

Mr. **BRADLEY.** Mr. President, for many years the number of students who dropped out of high school steadily declined. That trend has reversed itself; and the dropout rate is on the rise nationally. In my own State of New Jersey, 20,000 youth dropped out of schools last year. During the same year only 90,000 young people graduated from our public schools. In some urban schools in this country, the dropout rate is higher than 50 percent, and that does not count the many students who are officially enrolled in school, but attend irregularly.

The consequences of dropping out for the individual student, and the costs to this Nation, are well known. Nearly a third of the 16- to 24-year-olds in this country who have dropped out of high school are unemployed.

We could force young people to stay in school. But this is clearly not a good solution. First, it is only likely to increase truancy. Second, unwilling students do not learn, and they often disrupt the learning of others. We obviously need to go further, to examine the causes, and then to formulate public policy that goes to the source of the problem.

Mr. President, I am convinced that one of the reasons students drop out of high school is that they lack basic skills. They are—to use the current jargon—"functionally illiterate" and they cannot even get to first base with the high school academic curriculum. Considering the frustration, discouragement, and humiliation that many of these students must experience, it is not surprising that leaving school seems like an appealing alternative.

The problem of functional illiteracy is widespread. It is estimated that 23 million American adults and about 13 percent of all 17-year-olds have inadequate reading, writing, and comprehension skills for everyday functioning. Functional illiteracy among urban, largely minority youth may run as high as 40 percent. Thus, a fair proportion of our youth have trouble reading a newspaper, a recipe, instructions on a package of prepared food, or filling out a job application. Many lack the computational skills needed to balance a checkbook. Imagine how intimidating a tax form must be.

Even among students who go on to college, there are many who have not fully mastered basic skills. In New Jersey last year, of over 50,000 entering freshmen who took the New Jersey College Basic Skills Test, less than a third were proficient in verbal skills and basic math, and only 12 percent were proficient in elementary algebra.

So far, most of the important educational reforms that are being implemented across the country have not addressed directly the problems of the high school student who has not mastered basic skills. Many States, including my own State of New Jersey, have increased academic course requirements for graduation; and at last count, 39 States have developed minimum competency tests for purposes of remediation or promotion; and in 19 States, passage of a test is a requirement for graduation.

I strongly support setting high standards for our students. But I am also concerned that without sufficient support, the higher standards will discourage the educational involvement of some students, rather than inspire their greater effort. We could see an even greater rise in the number of students who drop out of schools, because they consider their prospects for meeting the standards too remote to keep trying.

Throughout the country, considerable efforts are being made to provide remedial instruction to high school students who are achieving at a low level. In New Jersey, for example, a group of teachers in Middlesex County developed a comprehensive basic skills program designed to help teachers manage classrooms, evaluate students' skill levels, and plan educational programs to meet individual student needs. Repeated evaluations of this program, Project Climb, show that it is successfully raising students' basic skill levels. The program is currently being disseminated to high schools in other States. But such efforts to develop and disseminate basic skills training are grossly underfunded at the secondary level. Less than 5 percent of Federal compensatory education funds are currently spent at the high school level.

The hard work has to be done in the schools themselves. But I believe that the Federal Government can and should support local efforts by making sure that schools have access to information about approaches that work, and by providing funds to enable schools to effectively implement these approaches.

Mr. President, our experience with chapter 1 has shown us that considerable achievement gains are made by disadvantaged children at the elementary school level when Federal funding is provided to assist schools in meeting these students' special needs. I am convinced that the same gains would result from an equivalent commitment to our Nation's high school students. I propose that we make that commitment.

My bill would provide funds to develop approaches to teaching basic skills at the high school level, and then to disseminate those techniques to all schools. In the first phase, for each of the next 2 years, $100 million would be made available on a competitive basis to secondary schools with large concentrations of low-income students to help them find the most effective means of teaching basic skills to high school students who have not mastered them. These programs would be carefully evaluated.

The techniques used in the most successful programs would be widely disseminated in the second phase. During the second phase, $800 million would be made available to State departments of education to distribute to schools with disadvantaged populations on a formula basis. This is approximately the amount of money that is needed to bring high schools up to the same level of Federal funding for basic skills that is currently provided in chapter 1 for elementary and junior high schools.

But I do not plan to provide the funds without some strings. Schools will be required to demonstrate that they are making progress. Thus, continued funding after the first 2 years would be contingent upon an increase in the number of students passing a State-approved minimum competency test or a decrease in their dropout rate.

Some schools are doing a great job in making sure that all students master basic skills. They deserve our praise. Some schools have been less successful. They need to have access to the expertise others have developed, and they need financial support to implement programmatic changes that will result in improved academic skills. I believe that this legislation will help meet these needs.

Mr. President, I ask unanimous consent that a summary of the bill and the bill itself be printed in the Record at the close of my statement.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Secondary School Basic Skills Act".

STATEMENT OF PURPOSE

Sec. 2. It is the purpose of this Act to furnish financial assistance to local educational agencies having especially high concentrations of children from low income families to enable such agencies to provide more effective instruction in basic skills for economically disadvantaged secondary school students.

DEFINITIONS

Sec. 3. As used in this Act—

(1) the term "basic skills" includes reading, writing, mathematics computational proficiency as well as comprehension and reasoning;

(2) the term "economically disadvantaged secondary school students" means students, aged 14 to 17, inclusive, who are counted under section 111(c) of the Elementary and Secondary Education Act of 1965, as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981;

(3) the term "institution of higher education" has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

(4) the term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(5) the term "panel" means the national secondary school basic skills panel of the National Institute of Education of the Department of Education established under section 12;

(6) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(7) the term "Secretary" means the Secretary of Education;

(8) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(9) the term "State educational agency" has the same meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

AUTHORIZATION OF APPROPRIATIONS

Sec. 4. There are authorized to be appropriated to carry out the provisions of this Act—

(1) $100,000,000 for the fiscal year 1985 of which—

(A) $1,000,000 shall be available for the activities of the panel under section 12;

(B) $2,000,000 shall be available for planning grants described in section 7;

(C) $1,000,000 shall be available for the national assessment under section 13(a); and

(D) $96,000,000 shall be available for the demonstration grants under section 8;

(2) $100,000,000 for the fiscal year 1986 of which—

(A) $1,000,000 shall be available for activities of the panel under section 12;

(B) $1,000,000 shall be available for the national assessment under section 13(a); and

(C) $97,500,000 shall be available for demonstration grants under section 8;

(3) $800,000,000 for fiscal year 1987 of which—

(A) $1,000,000 shall be available for the national assessment under section 13(a);

(B) $10,000,000 shall be available for the dissemination activities described in section 13(b); and

(C) $789,000,000 shall be available for formula grants pursuant to section 9; and

(4) $800,000,000 for each of the fiscal years 1988, 1989, and 1990 of which—

(A) $10,000,000 shall be available for dissemination activities described in section 13(b); and

(B) $790,000,000 shall be available for formula grants under section 9.

ELIGIBILITY

Sec. 5. A secondary school is eligible to receive assistance under this Act for planning grants, for demonstration grants and for formula grants only if 20 percent or more children aged 14 to 17, inclusive, who are enrolled in such school and are counted under section 111(c) of the Elementary and Secondary Education Act of 1965, as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981.

USES OF FUNDS

Sec. 6. Funds made available under this Act for planning grants, demonstration grants, and formula grants, shall be used for the planning for, the development of new approaches to, and for carrying out educational services and activities designed specifically to raise the basic skills of low achieving economically disadvantaged secondary school students.

PLANNING GRANTS

Sec. 7. (a)(1) From funds appropriated pursuant to section 4(1)(B) for fiscal year 1985 the Secretary is authorized, in accordance with the provisions of this section to make grants—

(A) to local educational agencies on behalf of eligible secondary schools, and

(B) to institutions of higher education and other public agencies and nonprofit private organizations on behalf of eligible secondary schools,

for the purpose of assisting eligible secondary schools to prepare proposals for demonstration grants.

(2) The Secretary shall carry out the functions of this section through the National Institute of Education.

(b) No planning grant may be made under this section unless—

(1) an application is submitted at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary; and

(2) each local educational agency, institution of higher education, public agency, or nonprofit private organization submits a separate application for each eligible secondary school.

(c) No grant made under this section may exceed $2,000.

(d) Any local educational agency, institution of higher education, public agency, or private nonprofit organization which receives a planning grant under this section and does not submit a demonstration proposal in accordance with section 8 shall within 60 days after the end of the fiscal year 1986 refund the amount received under this section to the Secretary.

DEMONSTRATION GRANTS

Sec. 8. (a)(1) From the amounts appropriated pursuant to section 4(1)(D) for fiscal year 1985, and section 4(2)(C) for fiscal year 1986, the Secretary is authorized, in accordance with the provisions of this section, to make demonstration grants to enable eligible secondary schools to develop new approaches to achieving improved basic skills instruction of low-achieving economically disadvantaged secondary school students.

(2) The Secretary shall carry out the functions of this section through the National Institute of Education.

(b) No grant may be made under this section unless—

(1) an application is submitted at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary;

(2) the application is made—

(A) by the local educational agency on behalf of an eligible secondary school, or

(B) by an institution of higher education, a public agency, or a private nonprofit organization on behalf of an eligible secondary school if the institution, agency, or organization will provide educational services or will conduct educational activities for educationally disadvantaged students subject to the proposal for which the assistance is sought;

(3) the application contains assurances that the applicant will participate in the national assessment required by section 13(a);

(4) the proposal described in the application was prepared with the participation of administrators and teachers in the eligible secondary school; and

(5) the application was submitted to the appropriate State educational agency for review and comment prior to submittal to the Secretary under this subsection.

(c) In approving applications under this section the Secretary shall assure that—

(1) at least one demonstration grant is made in each State in each fiscal year; and

(2) no demonstration grant made under this section exceeds $500,000 in any fiscal year.

FORMULA GRANTS; ALLOTMENTS

Sec. 9. (a) From amounts appropriated pursuant to sections 4(3)(C) and 4(4)(B), the Secretary shall, in accordance with the provisions of this Act, make formula grants to States to enable local educational agencies within the State to carry out educational programs and activities to improve the basic skills of low-achieving economically disadvantaged secondary school students in eligible secondary schools.

(b)(1) From the sums available for formula grants under this Act for each fiscal year, the Secretary shall reserve—

(A) not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, and

(B) 0.5 percent for payments for children enrolled in Indian schools,

to be allotted in accordance with their respective needs.

(2) The remainder of the amount available under this Act for formula grants for each fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such percent as the number of the children aged 14 to 17, inclusive, who are counted for the purpose of section 111(c) of the Elementary and Secondary Education Act of 1965, as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981, for the fiscal year preceding the fiscal year for which the determination is made in the State bears to the number of such children in all States.

(3) For the purpose of this subsection, the term "States" includes the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) Each State educational agency shall allocate from the State allotment to local educational agencies and to institutions of higher education, public agencies, and private nonprofit organizations within the State having applications approved under section 11 on behalf of eligible secondary schools based upon the relative number of the children aged 14 to 17, inclusive, in such schools who were counted for the purpose of section 111(c) of the Elementary and Secondary Education Act of 1965, as modified by chapter 1 of the Education consolidation and Improvement Act of 1981.

STATE ASSURANCES

SEC. 10. Each State which desires to receive formula grants under this Act shall file with the Secretary an application containing assurances that—

(1) the State educational agency will be designated as the State agency responsible for the administration and supervision of programs assisted under this Act;

(2) the State will use formula grants made under this Act—

(A) so as to supplement the level of funds that would, in the absence of such grants, be made available from non-Federal sources for the purposes of the program for which assistance is sought; and

(B) in no case to supplant such funds from non-Federal sources; and

(3) the State educational agency will furnish technical assistance necessary to local education agencies, institutions of higher education, public agencies, and private nonprofit organizations applying on behalf of eligible secondary schools within the State to carry out their responsibilities under this Act;

(4) that the State will expend not more than 1 percent of the State's allotment for the purpose of administration, technical assistance, coordination, and planning;

(5) the State shall, subject to clause (6), distribute its allotment under section 9(b) of this Act to local educational agencies, institutions of higher education, public agencies, and private nonprofit organizations applying on behalf of eligible secondary schools within the State in accordance with the provisions of section 9(c);

(6) the State will not expend more than 10 percent of the allotment of the State to make payments to institutions of higher education, public agencies, and private nonprofit organizations submitting applications on behalf of eligible secondary schools; and

(7) the application of each local educational agency, institution of higher education, public agency, and private nonprofit organization applying on behalf of eligible secondary schools for funds under this Act will not be denied without notice and opportunity for a hearing before the State educational agency.

(b) The Secretary shall not disapprove the application filed by the State educational agency without affording notice and opportunity for a hearing.

LOCAL APPLICATIONS

SEC. 11. (a) Each local educational agency and each institution of higher education, public agency, and private nonprofit organization applying on behalf of an eligible secondary school may receive payments for any fiscal year in which it files with the State educational agency an application. Each such application shall—

(1) describe the eligible secondary schools and the programs to be conducted at the eligible secondary schools for carrying out the purposes of section 6;

(2) provide assurances that the program for which assistance is sought is of sufficient size, scope, and quality as to give reasonable promise of substantial progress toward improving the basic skills of low-achieving economically disadvantaged secondary school students;

(3) provide assurances that the program for which assistance is sought was designed and will be implemented in consultation with parents and teachers of the low-achieving economically disadvantaged secondary school students;

(4) describe, in the case of a local educational agency, the procedures which the local educational agency will follow with respect to subcontracting to any private nonprofit organization, any program or activity to be conducted in an eligible secondary school for low-achieving economically disadvantaged secondary school students if the agency determines that the alternative education program to be offered by such organization will best serve the interests of such students;

(5) provide assurances that the agency will cooperate with State efforts to evaluate the effectiveness of the programs assisted under this Act; and

(6) provide such other assurances as the State educational agency may require.

(b) An application filed under subsection (a) of this section may be amended annually as may be necessary to reflect changes without filing a new application.

NATIONAL SECONDARY SCHOOL BASIC SKILLS PANEL

SEC. 12. (a) There is established in the National Institute of Education of the Department of Education a national secondary school basic skills panel of 12 members appointed by the Secretary. The panel shall be composed of—

(1) a secondary school teacher,

(2) two individuals who serve as principals, guidance counselors, and similar personnel in secondary schools,

(3) one individual representative of the National Diffusion Network, and

(4) the remaining members shall be representative of educational researchers who have established reputations in the area of basic skills education of the secondary school level.

(b) The panel shall meet as soon as practicable after the appointment by the Secretary.

(c) Each State panel shall—

(1) identify specific models throughout the United States which show promise of being effective in teaching basic skills to low-achieving economically disadvantaged secondary school students and identify the individuals associated with the successful models identified under this clause;

(2) furnish requests for proposals directly to local educational agencies in which there is at least one eligible secondary school;

(3) review and advise the Secretary with respect to planning grants under section 7; and

(4) review proposals for demonstration grants under section 8 and advise the Secretary with respect to—

(A) the feasibility of the proposal;

(B) the promise for effectiveness in raising achievement levels of students lacking basic skills;

(C) the level of concentration of economically disadvantaged secondary school students;

(D) support from teachers and parents; and

(E) the cost effectiveness of the proposal.

(d) The provisions of part D of the General Education Provisions Act, relating to secretarial advisory councils, shall apply to the panel authorized by this section.

ADMINISTRATION

SEC. 13. (a) The Secretary shall, through the National Institute of Education, conduct a national assessment of the effectiveness and the implementation of the demonstration grants made under section 8.

(b) The Secretary shall disseminate to local educational agencies having eligible secondary schools the results of the assessment made under subsection (a) of this section.

(c) The Secretary, through the National Institute of Education, shall monitor grants made under this Act and shall carry out procedures for the coordination of activities assisted under this Act with other research activities conducted by the National Institute of Education and through the Office of Educational Research and Improvement in the Department.

PAYMENTS; RESTRICTIONS

SEC. 14. (a) The Secretary shall make payments under planning grants and distribution grants as expeditiously as possible after the approval of applications under section 7 and section 8.

(b)(1) No formula grant may be made with respect to any eligible secondary school for more than two fiscal years to any local educational agency or to any institution of higher education, public agency, or private nonprofit organization unless there is an improved performance of the economically disadvantaged secondary school students at the school on a State approved basic skills test or there is a decrease in the drop out rate at such a school.

(2) The Secretary shall prescribe regulations to carry out the provisions of paragraph (1) of this subsection.

SENATOR BILL BRADLEY'S SECONDARY SCHOOL BASIC SKILLS ACT

SUMMARY

Purpose

To provide additional assistance to local secondary education agencies with especially high concentrations of children from low-income families so that they may provide more effective instruction in basic skills. (Basic skills includes reading, writing, and computational proficiency, as well as comprehension and reasoning.)

Use of funds

Funds would be used for efforts directed specifically at raising the basic skills of low-achieving students. Schools would identify specific changes or additions in the educational program brought about by these funds. Any use of the funds must be for the benefit of low-achieving, disadvantaged students. However, funding does not need to be targeted exclusively at specifically identified students. (Thus, for example, funding could be used to develop an in-service training program for all of the school's teachers to help them deal more effectively with low-achieving students, or to supplement teachers' salaries for providing after school or evening instruction to students in need of basic skills.)

Phase 1.—Demonstration grants (year 1 and 2; $100 million each year): Proposal planning grants.

Planning grants will be made available only during the first year of funding to assist schools in preparing demonstration grant proposals.

Planning grants, not to exceed $2,000, will be given to the first 1,000 eligible schools or other agencies or organizations requesting such grants.

Demonstration grants

School districts will submit a separate grant application on behalf of each eligible school within that district desiring to apply for a demonstration grant. Administrators and teachers in the school must participate in the preparation of the proposal.

Public agencies and private organizations are eligible to apply for demonstration grants if they provide educational services to a disadvantaged adolescent population.

Phase 2.—Formula grants (year 3; $800 million annually): Funding mechanism.

Funding will be channelled to local schools through State Departments of Education. State Departments of Education can receive no more than 1 percent of the state allocation for purposes of administration, technical assistance, coordination, and planning.

Up to 10 percent of the State's allocation can be used to support public agencies and nonprofit organizations providing basic skills training to disadvantaged adolescents.

Funding distribution

Funding will be distributed according to the same formula used by Chapter 1 (although limited to secondary schools and youths aged fourteen to seventeen, inclusive).

Requirement for continued funding

After the first two years of funding, continued funding will be contingent upon the school's improvement in the pass rate of a State-approved basic skills test, or a decrease in the school's drop-out rate. The Secretary of Education shall determine an appropriate level of improvement.

Subcontracting

Schools may subcontract with nonprofit organizations to provide educational programs for those students who are believed to be best served by an alternative education program.

National assessment

NIE will conduct a national assessment of the implementation and effectiveness of the demonstration programs.

By Mr. THURMOND (for himself, Mr. BIDEN, Mr. LAXALT, Mr. HEINZ, and Mr. GRASSLEY) (by request):

S. 2423. A bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds for the prupose of assisting victims of Federal crime; to the Committee on the Judiciary.

VICTIMS OF CRIME ASSISTANCE ACT OF 1984

Mr. THURMOND. Mr. President, at the request of the administration, I am today introducing the Victims of Crime Assistance Act of 1984. Joining me as cosponsors of this important measure are the distinguished ranking member of the Judiciary Committee, Mr. BIDEN, the chairman of the Criminal Law Subcommittee, Senator PAUL LAXALT; the chairman of the Special Committee on Aging, Senator JOHN HEINZ, who sponsored the victims legislation enacted 2 years ago; and Senator CHARLES E. GRASSLEY.

Mr. President, our recent consideration of the crime package and related measures reminds all of us of the serious plight suffered by victims of crime in this country. Our system which aims at achieving criminal justice is sadly misdirected. While no one disputes that our Constitution demands due process for the perpetrator of any offense, no matter how heinous, our search for justice for the victim of a crime, or his survivors, must be equally rigorous.

We have stated repeatedly that the role of the National Government in the war against violent crime is somewhat limited under our Federal system. Aside from addressing constitutionally enumerated crimes, such as counterfeiting, and those with interstate or foreign elements, the Federal Government can only serve, first, as a model to the States, and, second, as a facilitator of State efforts. The Victims of Crime Assistance Act of 1984 fulfills both of these functions.

The act which I am introducing today contains five main features: Federal assistance to State victim compensation programs, Federal financial aid to State victim assistance programs, enhanced Federal victim assistance efforts, authority for the Federal courts to order "Son-of-Sam" forfeitures of literary and other profits stemming from crimes, and authority for victim statements at parole hearings.

The Victims of Crime Assistance Act would establish a crime victims' assistance fund in the U.S. Treasury comprised of all criminal fines paid to the United States, and certain profits stemming from literary, visual, or audio productions relating to Federal crimes. The latter deposits would be generated under new authority granted to Federal courts by the act to order the forfeiture of such profits. This is an equitable approach since the profits criminals garner from crime should be used to make victims whole.

Fifty percent of the funds deposited in the crime victims' assistance fund would be distributed to existing State victim compensation programs based on payments made to victims in the previous year, but not more than 10 percent of such payments; 30 percent of the funds will be distributed to the States on a population basis for financial aid to high-quality victim-assistance programs. Finally, 20 percent of the funds will finance Federal victim-assistance efforts under the direction of a Federal Victims of Crime Advisory Committee, chaired by the Attorney General, and a Federal victim Assistance Administrator.

Mr. President, one small, but important, provision included in this act is an amendment to section 4207 of title 18 of the United States Code to permit a victim to make a statement at a Parole Commission hearing concerning the physical, psychological, and financial impact of the crime on his life. In 1982, we made this information available to the judge in the presentence report. The Parole Commission must be given the same appreciation for the damage inflicted by an offender before it releases him prior to the expiration of his sentence.

Mr. President, the act which I am introducing today is the latest in a series of administration initiatives aimed at correcting the imbalance in our system in favor for the heinous offender, at the expense of the innocent victim. One of the Attorney General's first actions was to appoint a Task Force on Violent Crime. Its recommendations encouraged the President to establish, in turn, the virtually unprecedented Task Force on Victims of Crime. That task force made a series of valuable recommendations, many of which are included in this act and in the Comprehensive Crime Control Act of 1984. Currently, the Attorney General's Task Force on Domestic Violence is evaluating the testimony it received at public hearings on the Victimization of family members. A victims of crime management team in the Office of Justice Assistance, Research and Statistics, under the vigorous direction of Assistant Attorney General Lois Herrington, develops means of implementing the task force recommendations, including a National Resource Center for Victims. OJARS and the FBI have recently conducted a rape investigation seminar for State and local law enforcement personnel to facilitate the efficient prosecution of those difficult and sensitive cases. Finally, in the budget request for fiscal year 1985, the administration has included funds for victims coordinators in Federal judicial districts to supervise the implementation of the guidelines for fair treatment of Federal crime victims and witnesses.

Mr. President, I am proud to introduce the Victims of Crime Assistance Act of 1984 today on behalf of an administration which shares my deep concern for the crime problem in this country and the sorrow that it generates for millions of Americans. The Judiciary Committee will give this bill careful consideration with a view toward reporting an effective and appropriate Federal response to the problems suffered by crime victims in the very near future.

Mr. President, I ask unanimous consent that a letter from the Attorney General, the text of the bill which I am introducing, a section-by-section analysis and summary prepared by the administration, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Victims of Crime Assistance Act of 1984."

FINDINGS AND PURPOSE

The Congress finds and declares that—

(1) many violent crimes result in serious financial losses and severe physical and psycholocical trauma to the victims of crime and their families;

(2) the Federal Government and the States are presently unable to adequately protect the victims of crime from its devastating physical financial, emotional, and psychological consequences;

(3) the Federal Government spends far more resources on rehabilitating and educating prisoners than it does on assisting victims;

(4) the public's respect for the law is seriously diminished if it perceives that only the perpetrators of violent crime, and not the victims, are entitled to justice and protection from their government;

(5) the successful operation of the criminal justice system depends on the willing, welcome participation of victims at all stages of the criminal justice process;

(6) assisting victims of crime is a joint responsibility of the States and Federal Government. The free movement of criminals, victims, and the implements of crime across State boundaries requires a strong Federal response. Although over two-thirds of the States now operate some form of victims' compensation program, there is no formal compensation of victims of Federal crime.

The Congress therefore declares that the purposes of this Act are to—

(1) establish a separate account in the United States Treasury to finance payments to the States and selected Federal agencies for compensation and other assistance to the victims of crime;

(2) encourage States to provide direct financial assistance to victims of crime within their borders, regardless of the victim's residence or jurisdiction of the crime;

(3) assist local units of government and private nonprofit organizations to provide direct services to victims of crime and to promote the development of comprehensive services to all victims of crime across the Nation;

(4) establish a safe, welcome environment for victims to participate in the criminal justice process, and

(5) improve the Federal Government's assistance to victims of Federal crime.

TITLE I—CRIME VICTIMS' ASSISTANCE FUND

PART A—ESTABLISHMENT OF THE FUND

SEC. 101. There is hereby established in the United States Treasury a separate account to be known as the Crime Victims' Assistance Fund ("Fund") in which shall be deposited:

(a) all criminal fines (as defined in section 401(a)(2) of this Act) collected by any officer of the Federal Government; and

(b) any money paid into the Fund pursuant to section 103(b) of this title.

SEC. 102. Title 18 of the United States Code is amended by adding a new rule 32.2 to the Federal Rules of Criminal Procedure to read as follows:

"Rule 32.2. Payment of Moneys Received From Sale of Rights Arising From Criminal Act

"(a) At any time after the filing of an indictment or information against a defendant, the court may order a person or organization with whom the defendant has contracted for the purpose of having his crime depicted in a movie, book, newspaper, magazine, radio, or television production, or live entertainment of any kind, or for the purpose of expressing his thoughts, opinions or emotions regarding such crime, to pay in to the clerk of the court any money which would otherwise, by terms of the contract, be paid to the defendant, his representative, or any other party.

"(b) Prior to entering such an order, the court shall conduct a hearing, after notice to the defendant, the person or organization with whom he has contracted, any other beneficiary of proceeds under the contract and the victim, if any, of the crime committed by the defendant, for the purpose of determining whether such an order is warranted in the interests of justice or to redress the injuries suffered by the victim. Each party notified shall be given an opportunity to speak to the court."

SEC. 103. (a) Any person who has been charged with, convicted of, pleaded guilty, or pleaded nolo contendere to a Federal crime (hereinafter referred to as "defendant") who contracts with a person for the purpose of having his crime or alleged crime depicted in a movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind, or for the purpose of expressing his thoughts, opinions or emotions regarding such crime, shall file a copy of such contract with the court adjudicating his guilt.

(b) If so ordered by the court after proceedings conducted pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, the person with whom the defendant has contracted shall pay in to the clerk of the court any money which would otherwise, by terms of the contract, be paid to the defendant, his representative, or any other party. The clerk shall deposit such moneys in the Crime Victims' Assistance Fund for the benefit of and payable to any victim of crimes committed by such person.

(c) Moneys deposited in the Fund under Section 103(b) shall be used to satisfy any unsatisfied or partially satisfied judgment rendered in favor of a victim or his legal representative in any civil action brought by the victim that is filed within 5 years after the first deposit of such monies in the Fund, against a defendant or his representative for damages arising out of the crime committed by the defendant. If no such action has been filed within 5 years after the first deposit of such moneys, any money remaining in the account shall remain in the Fund for distribution pursuant to part B of this title, subject to section 103 (d) and (e).

(d) Moneys in the Fund shall be paid to the defendant upon an order of a United States district court judge for the exclusive purpose of retaining legal representation at any stage of the criminal proceedings brought against the defendant. The total of all payments made from the Fund under this subsection shall not exceed one-fifth of the total moneys paid into the Fund with respect to the defendant.

(e) Upon dismissal of charges or acquittal of any defendant, the clerk shall immediately cause to have paid over to the defendant all moneys paid into the clerk with respect to the defendant under section 103(b).

(f) The clerk shall, once every 6 months for 2 years from the first date money is deposited in the Fund publish a notice in the Federal Register notifying victims that such moneys are available to satisfy judgments pursuant to this title.

SEC. 104. (a) Title 18 of the United States Code is amended by deleting the word "and" after subsection (4) of section 4207 and adding a new subsection (5) to section 4207, to read as follows:

"(5) statements of the victim, which the Commission shall solicit at the parole hearing, about the emotional, physical, psychological, and financial impact the prisoner's criminal conduct has had on his life. Such statements may be presented orally by the victim or a representative of the victim, or in writing, at the discretion of the victim; and"

(b) Title 18 of the United States Code is amended by redesignating present subsection "(5)" of section 4207 as subsection "(6)".

PART B—DISBURSEMENTS

SEC. 201. The Attorney General is authorized to make annual grants and other payments from the Fund to States for the purpose of compensating and providing other assistance to victims of crime. Amounts in the Fund shall be available to the Attorney General, who shall distribute the funds on the basis of the following criteria:

(a) 50 percent to be available for distribution among the States on the basis of the amount of money spent by the State in relation to all States, for the compensation of victims of crime, including victims of exclusively Federal crimes, during the preceding fiscal year, *Provided,* That no State shall receive more than 10 percent of the amount it spent for the compensation of victims of crime, including victims of exclusively Federal crimes, during the preceding fiscal year;

(b) 30 percent to be distributed among the States on the basis of State population in relation to the population of all States; and

(c) 20 percent for distribution by the Attorney General among Federal law enforcement agencies for the purposes enumerated in section 204.

(d) Distributions from the Fund shall be based on the amount credited to the Fund during the previous fiscal year.

SEC. 202. (a) Funds awarded under section 201(a) shall be expended by the State solely for the purpose of providing financial compensation to victims of crime, subject to the provisions of 202(d). A State is eligible to receive funds under section 201(a) if——

(1) the chief executive of the State submits an application to the Attorney General, prior to the receipt of funds under this title, which:

(A) certifies the amount of money spent by the State in the preceding fiscal year to compensate victims of crime;

(B) certifies that the funds awarded under section 201(a) shall not be used to supplant available State funds, but to increase the amount of funds expended by the State to compensate victims of crime; and

(C) contains such other information and assurances related to the purposes of this title as the Attorney General may require;

(2) the State provides the same financial benefits to victims of crime who are nonresidents fo the State, as are provided to victims of crime who are residents of the State;

(3) the State provides the same financial benefits to individuals who are victims of Federal crimes committed in the State as are provided to individuals who are victims of State crimes; and

(4) the State provides compensation for mental health counseling that may be required by eligible individuals as a result of their victimization.

(b) No portion of the funds awarded under section 201(a) may be used by any State for payment of administrative expenses related to the operation of the State victim compensation program.

(c) Any funds which would be awarded to a State but for the 10 percent limitation imposed by section 201(a) of this title shall be deposited in the general fund of the Treasury.

(d) Any funds awarded under section 201(a) which remain unspent by the State in any fiscal year may be expended for the purpose of providing financial compensation to victims of crime at any time over the next 2 fiscal years. Any funds remaining unspent at the expiration of that time shall be returned by the State to the Fund for deposit in the general fund of the Treasury.

Sec. 203. (a) Funds awarded to the State under section 201(b) shall be expended by the State solely for the purposes of providing services, other nonfinancial assistance and limited emergency financial assistance to victims of crime, subject to the provisions of section 203(c). The chief executive of the State shall appoint or designate an official of a State executive agency as the State Victim Assistance Administrator ("State Administrator"). The State Administrator shall—

(1) award the money received from the Fund under section 201(b) of this title to eligible recipient organizations in the State. The Administrator shall award funds only to an eligible recipient organization which—

(A) demonstrates a record of quality assistance to victims consistent with the purposes of this statute and available resources;

(B) promotes the use of volunteers in its service delivery;

(C) demonstrates financial support from sources other than the Fund;

(D) demonstrates an established commitment from other locally available service providers to provide the services that it does not provide, to all victims of crime; and

(E) assures that it shall coordinate with other public agencies and private organizations for the purpose of providing services to victims of crime;

(2) obtain assurances from eligible recipient organizations of compliance with the requirements of this title; and

(3) administer, monitor, and evaluate the fiscal and programmatic performance of organizations receiving funds under this section.

(b) An eligible recipient organization is a nonprofit organization, an agency of a State or local unit of government, or a combination of such entities which provides one or more of the following services to victims of crime as a group or to any targeted category of crime victims—

(1) crisis intervention services;

(2) assistance to victims in determining the status of, and participating in criminal justice proceedings; and

(3) assistance in securing victim compensation benefits.

(c) All funds awarded to a State under section 201(b) of this title may be used only for the purpose of providing financial assistance to eligible recipient organizations for the provision of services and other assistance to victims of crime. Any funds awarded under subsection 201(b) which remain unspent by the State in any fiscal year may be expended for the purposes of this section at any time over the next 2 fiscal years, at the expiration of which time any remaining unspent funds shall revert to the Fund for redistribution to the States consistent with the purposes of this section.

Sec. 204. (a) Funds awarded under section 201(c) of this title shall be expended by the Attorney General solely for the purpose of providing services and other nonfinancial assistance to victims of Federal crimes, subject to the provisions of Section 204(e). The Attorney General shall appoint or designate an official of the Department of Justice to be the Federal Victim Assistance Administrator ("Federal Administrator") authorized to exercise the responsibilities in section 204(c).

(b)(1) The President is authorized to establish a Federal Victims of Crime Advisory Committee ("Committee") comprised of the Attorney General, the Secretary of the Treasury, the Secretary of the Interior, the Federal Administrator, such other Federal officials as he may deem appropriate, and no less than two members of the public who have special knowledge of the needs of victims. The Attorney General shall serve as Chairman of the Committee.

(2) The Committee shall advise the Federal Administrator about the victims assistance needs of the Federal government and recommend proposed uses of the funds received under section 201(c) to him. The Committee shall also periodically recommend to the President other actions to be taken by the Federal government for the improved treatment of victims of Federal crime. The Committee shall meet semiannually and at such other times as the Attorney General may designate.

(3) The members of the public appointed under subsection (b)(1) shall receive compensation for each day engaged in the actual performance of duties vested in the Committee at rates of pay not in excess of the daily equivalent of the highest rate of basic pay then payable under the General Schedule of section 5332(a) of Title 5, United States Code, and in addition shall be reimbursed for travel, subsistence and other necessary expenses.

(c) After consultation with the Committee, the Federal Administrator shall annually distribute the funds received under section 201(c) among the executive agencies of the Federal Government having criminal law enforcement responsibilities, for the purpose of improving assistance to the victims of Federal crime. The funds may be expended for activities such as:

(1) the establishment and maintenance of victims assistance positions or units;

(2) the establishment and maintenance of services such as crisis intervention counseling services, followup counseling services, information and referral services, and on-call systems for the victims of Federal crimes;

(3) the training of Federal law enforcement personnel (including court personnel) in the delivery of victims assistance services;

(4) dissemination of information about Federal victims assistance services; and

(5) such other related purposes as the Federal Administrator may deem appropriate.

The Federal Administrator shall seek to avoid duplicating assistance already effectively provided by local organizations.

(d) The Federal Administrator shall be responsible for overseeing Federal compliance with the Guidelines for Fair Treatment of Federal Crime Victims and Witnesses required by section 6(a) of the Victim and Witness Protection Act of 1982, Public Law 97-291. The Attorney General may direct the Federal Administrator to perform such other functions related to the purposes of this title as he may deem appropriate.

(e) Any funds awarded under Section 201(c) which remain unspent in any fiscal year may be expended for the purposes of this section at any time over the next two fiscal years, at the expiration of which time any remaining unspent funds shall revert to the Fund for redistribution pursuant to section 203.

PART C—ADMINISTRATIVE PROVISIONS

Sec. 301. Within 1 year from the enactment of this title, the Director of the Administrative Office of the United States Courts shall submit a report to the Attorney General setting forth the steps it has taken to (1) improve the accurate accounting of collections of criminal fines and (2) assure that all collected criminal fines are deposited in the Fund. The report may also set forth recommendations for future action by the Federal Government that would best assure collection of all criminal fines imposed by the courts.

Sec. 302. (a) Sections 701, 702, 703, 708, 709, and 710 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, are applicable to all recipients of funds disbursed under this title.

(b) The Attorney General is authorized to establish such rules, regulations, guidelines, and procedures as are necessary to the exercise of his functions under, and as are consistent with, the stated purposes of this title.

(c) No later than December 31, 1987, the Attorney General shall report to the President and to the Committees on the Judiciary of the Senate and House of Representatives on the amount of funds collected from each source listed in section 101 of this title, and on the effectiveness of the activities supported pursuant to sections 202, 203, and 204 of this title. The Attorney General shall also set forth recommendations for legislation to improve the ability of the Department of Justice to fulfill the purposes of this title.

(d) Deposits shall be made in the Fund pursuant to section 101 of this title until September 30, 1988. No deposits shall be made after that date without further authorization by Congress. Amounts remaining unobligated in the Fund after September 30, 1988, shall revert to the general fund of the Treasury.

Sec. 303. This Act does not modify or repeal the provisions contained in section 11 (d) of the Endangered Species Act of 1973 (16 U.S.C. 1540) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375).

Part D—Definitions

Sec. 401. (a) As used in this title—

(1) "crime" means a criminal offense as defined by Federal, State, or common law, or an act which would constitute such an offense but for the fact that the perpetrator of the act lacked capacity to commit the offense, but does not include an offense prosecuted in Indian tribal courts or Courts of Indian Offenses.

(2) "criminal fines" means all pecuniary punishments imposed by a Federal court upon a person, a corporation, or other entity convicted of a crime (including all fines imposed for criminal violation of motor vehicle and anti-trust laws) and all money derived from forfeited appearance bonds posted by Federal criminal defendants, but does not include criminal fines imposed by Indian tribal courts or Courts of Indian Offenses.

(3) "financial compensation" means payment of money to victims of crime for expenses and losses arising out of the criminal incident that are compensable under State law, including limited emergency financial assistance.

(4) "fiscal year" means the period beginning October 1 of one calendar year and ending September 30 of the next calendar year.

(5) "population" means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

(6) "representative of the victim" means a parent or legal guardian of a victim who is a minor, or a parent, legal guardian, or spouse of a deceased victim.

(7) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

Office of the Attorney General,
Washington, D.C., March 6, 1984.

The Vice President,
U.S. Senate, Washington, D.C.

Dear Mr. Vice President: Enclosed for your consideration and appropriate reference is the "Victims of Crime Assistance Act of 1984", a legislative proposal that would establish a Crime Victims' Assistance Fund in the Treasury for the purposes of providing Federal financial assistance to State victim compensation programs and improving the assistance offered by every level of government and the private sector to victims of crime.

The bill implements many of the recommendations made by President Reagan's Task Force on Victims of Crime. The Task Force presented three strong rationales for establishing a program of Federal assistance in this area. The first is that, at present, the States are shouldering the entire burden of compensating victims of crime. The Federal government, however, has a significant interest in compensating and otherwise assisting victims of crime. By helping the criminal justice system to actually work for the benefit of the innocent victim, the Federal government can assure greater cooperation between victims and the system to the substantial benefit of law enforcement nationally. Creation of the Fund will help the government restore public confidence in the efficiency and integrity of the criminal justice system.

Second, the States are frequently unable to adequately support their victim compensation programs with their own fund sources. Without Federal aid, State programs will be unable to reimburse many eligible victims and claim payments will continue to be delinquent. Finally, and perhaps most importantly, the risk that States will seek to alleviate their financial problems in this area by declining to compensate the victims of exclusively Federal crimes demands Federal involvement to protect that class of victims.

The trust of the legislation is to place the Federal government in a leadership role without creating an unnecessary bureaucracy to impose the Federal government's priorities on the States. Under the bill, the Federal government will provide money to the States to enable the States to effectively run their own programs. The States will continue to make their own policy choices concerning, for instance, types of crimes covered, award limits, and eligible beneficiaries. The legislation provides for only minimal Federal guidance in areas of substantial Federal interest that will not interfere with a State's discretion to run its own program as it sees fit.

Criminals—not innocent taxpayers—will provide the money for the Fund. The principal source of funding is the total of all criminal fines collected from convicted Federal defendants, including anti-trust fines. Criminal fines are also defined to include fines imposed for criminal violation of Federal motor vehicle laws, and forfeited appearance bonds posted by Federal criminal defendants. In this regard, the Director of the Administrative Office of the U.S. Courts will be required to report to the Attorney General within one year after the bill's enactment, informing him of the steps it has taken to improve the accounting of criminal fines.

The Fund will also receive the proceeds of any contract entered into by any Federal defendant for the sale of literary or other rights arising from his criminal act. This proposal, modeled after the "Son of Sam" laws enacted by 15 States, responds to the "Victim and Witness Protection Act of 1982" 's requirement that the Attorney General report to Congress regarding any Federal laws necessary to ensure that Federal felons do not profit from selling the story of their crimes.

Fifty percent of the money deposited in the Fund will be available for distribution annually to those States with operating victim compensation programs for the purpose of reimbursing them for 10 percent of their payouts under those programs. To be eligible for this funding, a State must provide the same compensation to nonresident victims as it does to residents, and the same compensation to victims of Federal crimes as it does to victims of State crimes. The States must also agree to compensate victims for mental health counseling required as a result of their victimization.

Thirty percent of the Fund will be distributed to the States (and the territories and commonwealths of the United States) on the basis of their population for the purpose of improving the assistance provided to victims of crime by State governments, local units of government, and nonprofit organizations. To be eligible to receive funding from this portion of the Fund, organizations must demonstrate a record of quality assistance to victims, promote the use of volunteers, demonstrate a commitment from other organizations to provide necessary services to all victims of crime, and assure coordination with other service providers.

The remaining 20 percent of the Fund will be distributed among Federal law enforcement agencies for the purpose of improving the assistance offered by the Federal government to victims of crime. This money could be spent for establishing victims assistance positions or units in Federal agencies, providing services to the victims of Federal crimes, training Federal law enforcement and court personnel in victims assistance, and disseminating information about Federal victims assistance services. A Federal Victims Assistance Administrator appointed by the Attorney General will administer this share of the Fund. The Administrator will be guided by a Federal Victims of Crime Advisory Committee to be appointed by the President.

In addition, our proposal provides the victim an opportunity to speak at a Federal parole hearing about the emotional, psychological, physical, and financial impact a prospective parolee's crime had on his or her life.

The legislation contains a sunset date of September 30, 1988 and incorporates administrative provisions of the Omnibus Crime Control and Safe Streets Act, as amended, concerning nondiscrimination, audit of fund recipients, and confidentiality of information.

Enclosed for your review is a section-by-section analysis of the proposal.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this legislation to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,
William French Smith,
Attorney General.

Enclosure.

Summary of Victims of Crime Assistance Act of 1984

(1) Creates a Crime Victims' Assistance Fund in the Treasury.

(2) Funds to come from the following sources:

All criminal fines collected from convicted Federal defendants, including criminal anti-trust and motor vehicle violation fines, and forfeited appearance bonds.

All proceeds of any contract entered into by any Federal defendant for the sale of literary or other rights arising from his criminal act.

(3) A victim of crime shall have the right to speak at Federal parole hearings about the impact a defendant's crime has had on his or her life.

(4) 50 percent of Fund will be available to States for victims' compensation on basis of 10 percent of State's prior year compensation payout. 30 percent to States for other victims assistance on basis of State population. 20 percent to Federal Government for providing assistance to victims of Federal crime.

(5) Compensation (50 percent) Pool: No State can receive more than 10 percent of its prior year payout. To be eligible, State must provide same compensation to nonresident victims as residents and same compensation to victims of Federal crimes as State

crimes. State must also compensate mental health counseling required as result of victimization.

(6) Assistance (30 percent) Pool: State Victims Assistance Administrator shall award money to non-profits or public agencies which demonstrate a record of quality assistance to victims, promote the use of volunteers, demonstrate financial support from other sources, demonstrate a commitment from others to provide other necessary services, and assure coordination with other victim services providers.

(7) Federal Assistance (20 percent) Pool: Federal Victims Assistance Administrator in DOJ shall award money to Federal law enforcement agencies for establishing victims assistance positions, providing services to Federal victims, training Federal law enforcement personnel in victims assistance, and disseminating information about Federal victims assistance services. Administrator shall consult with Federal Victims of Crime Advisory Committee appointed by President.

(8) Director of Administrative Office of U.S. Courts shall report to AG in 1 year on improvements in accounting of criminal fines. Certain administrative provisions of Crime Control Act apply to this Act. AG has authority to promulgate necessary regulations. Sunset date of September 30, 1988.

VICTIMS OF CRIME ASSISTANCE ACT OF 1984

SECTION-BY-SECTION ANALYSIS

On April 23, 1982, President Reagan issued Executive Order No. 12360 establishing a Task Force on Victims of Crime. The Task Force heard formal testimony in six cities from over 200 witnesses, including Attorney General Smith, consulted approximately 1,000 other experts and victims, and ultimately made 68 recommendations to the President about specific actions that could be taken by each branch of the Federal government, the states, local units of government, and non-profit organizations.

One of the Task Force's major recommendations for Federal action was enactment of legislation that would provide funds to the States to assist them to both financially compensate and provide services to victims of crime.[1] The Victims Task Force gave several justifications for this recommendation. They pointed out that although 36 states, the District of Columbia, and the Virgin Islands have recently enacted some type of victims' compensation program, approximately half of these states have already experienced instances of insufficient funds to meet outstanding eligible claims.

The Task Force Report explained that Federal financial assistance to State compensation programs was sorely needed:

> * * * [S]tate programs now share a common concern, the acquisition of adequate funding . . . Victim claims may have to wait months until sufficient fines have been collected or until a new fiscal year begins and the budgetary fund is replenished. Creditors are seldom patient. While waiting for funding that will eventually come, victims can be sued civilly, harassed continually, or forced to watch their credit rating vanish. Not only is compensation important, its payment also must be timely to save victims inconvenience, embarrassment and substantial, long-term financial hardship.
>
> The availability of unencumbered emergency assistance is also critical to many victims of violence. Immediate needs for food, shelter, and medical assistance cannot be deferred for the weeks or months it may take to process paper work. Task Force Report, p. 39.

The most reliable available crime data bears out the Task Force's conclusions. The FBI's Uniform Crime Reports for 1981 shows that 1,083,184 incidents of violent crime (defined as murder, forcible rape, robbery, and aggravated assault) were reported in the 32 jurisdictions that then had operational victims compensation programs.[2] Yet only 17,054 victims of crime in those jurisdictions—less than 2 percent of the total number of victims—received compensation awards over a comparable period of time.[3]

Another compelling reason for Federal involvement given by the Task Force is the lack of coverage for victims of Federal crime. Currently, the States which have compensation programs make no distinction between Federal and State crimes. However, because of the financial problems summarized above, States may soon choose to stop compensating victims of Federal crimes. Without Federal assistance to relieve the financial burden that compensating Federal victims places on the States, Federal crime victims may not receive any compensation in some States, or receive compensation in others only when the State elects to prosecute a crime over which there is joint Federal-State jurisdiction.

The only other alternative that would assure compensation to Federal victims of crime is the creation of new Federal bureaucracy to provide such assistance directly. The duplicative and cost-ineffective nature of this alternative, however, makes it a politically and financially less attractive proposal. The Task Force rejected this cumbersome approach, favoring instead the approach taken in this legislation which does not call for new Federal bureaucracies, budgets, or regulations.

Other, non-financial, assistance to victims is often more critical than monetary compensation. Crisis intervention services and mental health counseling, for example, are often essential to the welfare of the victim. Other services, such as providing information to victims about the status of criminal proceedings and establishing secure waiting areas in courthouses are equally valuable to victims and prosecutors. All these services, however, are frequently not provided at all or inadequately provided because the agencies established to provide them are underfunded. The need for Federal aid to the providers of victim services was summarized by the Task Force as follows:

> In spite of their good record of performance, victim/witness assistance units have recently encountered serious financial difficulties as governments across the nation have been forced to make budget cuts. * * *
>
> From a fiscal standpoint, it is indeed unfortunate that the very existence of victim/witness assistance units is in doubt in many jurisdictions. A well-run unit can be extremely cost effective. It is expensive to arrest someone and prosecute him in court. When the case is dismissed because the witnesses were not notified or failed to appear out of frustration with the criminal justice system, that money is simply wasted. Meanwhile, the freed defendant may commit more crime. * * *
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> * * * The view of the Task Force is that although the federal government should not fully subsidize such units, their praiseworthy efforts must be encouraged, both by assisting units already in existence and by providing incentives for the initiation of new programs. There are many jurisidictions in this country in which victims of violent crime receive little or no help. This failure to assist those whom the system exists to serve and on whom it depends is unacceptable. Task Force Report, pp. 47-48.

The Task Force consequently proposed an outline of Federal legislation to address these needs. The attached bill is a response to the Task Force's recommendation for Federal legislative action in this important area. The legislation seeks to provide Federal assistance to the States without unduly interjecting the Federal Government into the working relationships now existing between the States, victim service providers, and victims. The bill is based on the premise that the Federal Government has two fundamental responsibilities in this area: to lead by example; and to assist the States in providing adequate benefits to the victims of crime.

Part A—Establishment of the crime victims' assistance fund

Section 101 of the bill establishes a special fund in the Treasury to be known as the Crime Victims' Assistance Fund ("Fund"). Money for the Fund would come exclusively from convicted criminals. The Fund would receive:

1. all criminal fines imposed in Federal cases (including fines imposed for criminal violation of motor vehicle and anti-trust laws) and forfeited appearance bonds posted by Federal criminal defendants; and
2. all royalties and other money paid to a convicted Federal defendant as a result of any contract to depict his crime in the media.

A brief analysis of these sources and their relation to other sections of part A follows:

(1) *Criminal Fines.*

All criminal fines imposed by a Federal court and collected by any officer of the Federal government would be deposited in the Fund. This includes fines imposed for criminal anti-trust and motor vehicle violations, as well as forfeited appearance bonds posted by defendants.

The best, most recent figures on criminal fines collected by the courts indicate that just under $72 million in fines was collected in fiscal year 1983. This figure, however, may be unreliable because it is derived from accounts maintained by the Administrative Office of the United States Courts that do not identify collected fines as civil or criminal. GAO is presently examining this issue and hopes to have a draft report available for the Department of Justice in the near future. Section 301 of the bill would require the Director of the Administrative Office of the United States Courts to report to the Attorney General within one year after the bill's enactment on what steps have been taken to improve the accounting of criminal fines and to assure the deposit of fines in the Fund. The report shall also make other recommendations for future Federal action to improve the collection of fines.

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[1] Victim compensation program typically compensate victims of violent crime for unreimbursed medical expenses and loss of wages. Some States also pay funeral expenses and loss of support for victims' dependents, as well as the cost of required prosthetic devices, certain non-medical care, and emergency aid such as the cost of a night's lodging.

[2] FBI Uniform Crime Reports, "Crime in the United States" (1981), pp. 46-57. No report was made for the Virgin Islands, one of the 37 jurisdictions.

[3] Abt Associates, Inc. "Compensating Victims of Crime: An Analysis of American Programs" (May 1983), pp. 193-195. This figure does not include Connecticut, which did not report the number of claims awarded fc FY 1981.

Absent reliable data on the amount of fines being collected now, it is not possible to definitely project how much money would be realized in the Fund from this source. It is our expectation, however, that with improved accounting techniques and the enactment of the collection procedures delineated in the Administration's "Comprehensive Crime Control Act of 1983", this source of funds would provide approximately $45-75 million for the Fund its first year.

(2) *Sale of Rights Arising From A Criminal Act.*

Sections 102 and 103 of the bill would establish a procedure under which any money due a criminal defendant under a contract entered into for the purpose of recounting or depicting his crime shall be paid into the Fund. These sections are based on the "Son of Sam" laws first enacted in New York and now in place in 15 States.

Section 102 would add a new Rule 32.2 to the Federal Rules of Criminal Procedure. The new rule would authorize a United States District Court judge, at any time after the filing of an indictment of information against a defendant, to order any person or organization with whom the defendant has contracted "for the purpose of having his crime or alleged crime depicted in a movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind or for the purpose of expressing his thoughts, opinions or emotions regarding such crime" to pay in to the clerk of the court any money which would otherwise be paid to the defendant, his representative, or a third party under the contract. Before entering the order, the court would be required to hold a hearing at which the defendant, the person or organization with whom he contracted, any third party beneficiary of the contract, and the victim would be permitted to speak. The purpose of the hearing is to permit the court to determine whether the order would be warranted in the interests of justice, or to redress the injuries of the victim. The defendant or any third party to the contract would have the opportunity to present any legal challenges to such an order at this hearing.

Under Section 103, any monies paid into the clerk would be deposited in the Fund for the benefit of any victim of the defendant's crimes. The victim could receive the funds only after securing judgment in a civil action brought against the defendant for damages arising out of the crime. If no action was filed within 5 years after the first deposit of money into the Fund, the money would become part of the Fund. The only other use to which the money could be put would be the payment of the defendant's legal defense fees. No more than 20 percent of the money put into the Fund with respect to the defendant could, however, be used for that purpose. Upon dismissal of the charges or acquittal of the defendant, the clerk would immediately pay over to the defendant all money paid into the Fund with respect to the defendant.

These sections may serve as a deterrent to any contract ever being entered between a defendant and another party for the purposes listed above. As a result, no funds may ever be deposited in the Fund from this source. New York's experience, however, has shown that funds may be forthcoming from contracts entered into prior to the law's enactment, and that some defendants still enter into such contracts in hope of getting better treatment on parole. No projection of anticipated funding from this source can, therefore, realistically be made at this time.

The bill would also provide victims the opportunity to appear at Federal parole hearings to inform the Parole Commission of the emotional, psychological, physical, and financial impact a prospective parolee's crime had on their lives. Sec. 104.

Part B—Disbursements

Section 201 of the bill authorizes the Attorney General to make annual grants from the Fund to the States for the purpose of compensating and providing services to victims of crime. 50 percent of the funds will be available for distribution to the States on the basis of their victims compensation payouts during the preceding fiscal year for the purpose of reimbursing each State for 10 percent of its prior year payout. 30 percent will be distributed to the States on the basis of their respective populations for the purpose of supporting victim services in the State. 20 percent will be spent by the Federal government for the purpose of providing services to the victims of Federal crime. Each of these funding pools will be discussed in turn below.

Victims' Compensation

As noted earlier, 38 jurisdictions now provide compensation to victims of crimes committed in their States. Only those 38 jurisdictions would, therefore, be presently entitled to share in the "victims compensation" pool. Under Section 202 of the bill, a State (defined to include territories and commonwealths) would be eligible to share in the pool if:

(1) Its chief executive certifies the amount of money spent by the State in the preceding year to compensate victims of crime;

(2) The chief executive certifies that the funds received will not be used to supplant available State funds, but to increase the amount of money spent by the State on victims compensation;

(3) The State provides the same financial benefits to victims who are nonresidents of the State as it does to resident victims;

(4) The State provides the same financial benefits to victims of Federal crimes committed in the State as it does to victims of State crimes; and

(5) The State provides compensation for mental health counseling required by individuals as a result of their victimization.

Money from the Fund could not be used to pay administrative expenses of the State's victims compensation program. Further, no one State could receive more than 10 per cent of its prior year spending for victims' compensation. Any money remaining in the pool after the States had received their allocations would be deposited in the General Fund of the Treasury.

Victims Assistance

Under Section 203 of the bill, funds received by the States from the 30% "victims assistance" pool would be used for the purpose of providing services, other non-financial assistance, and limited emergency financial assistance to victims of crime. The choice of grantees is a responsibility of the States. The bill imposes only those broad conditions of eligibility necessary to assure the delivery of quality assistance by responsible, experienced victims assistance organizations.

Each State would be obligated to appoint or designate a State official to be the State Victim Assistance Administrator. The Administrator would be responsible for awarding the funds to eligible recipient organizations in the State, administering the awards, and monitoring the fiscal and programmatic performance of fund recipients.

Recipient organizations eligible for victim assistance funding would be non-profit organizations, agencies of State or local governments (or combinations of such entities) which provide crisis intervention services, assistance to victims participating in criminal justice proceedings, or assistance in securing victim compensation benefits.

An eligible recipient organization could be considered for funding only if it further: demonstrates a record of quality assistance to victims; promotes the use of volunteers in its service delivery; demonstrates financial support from sources other than the Fund; demonstrates an established commitment from other locally available service providers to provide the services it does not provide, to all victims of crime; and assures that it will coordinate with other public agencies and private organizations for the purpose of providing services to victims of crime. Sec. 203(a)(2).

The State could expend victims assistance money received from the Fund at any time over 3 fiscal years, at the expiration of which time any unexpended money would revert to the Fund.

Federal Victims Assistance

Section 204(a) directs the Attorney General to appoint or designate a Department of Justice official to be the Federal Victim Assistance Administrator. The Federal Administrator would be responsible for the distribution of the 20 per cent "Federal victim assistance" funding pool among Federal law enforcement agencies for the broad purpose of "improving assistance to the victims of Federal crime." Sec. 204(c). The legislation identifies the following activities as appropriate areas for funding: establishment and maintenance of victims assistance positions or units; establishment and maintenance of services such as crisis intervention counseling, following counseling, information and referral services, and on-call systems; training of Federal law enforcement personnel (including court personnel) in the delivery of victims assistance services; and dissemination of information about Federal victims assistance services.

The Federal Administrator must seek to avoid funding activities that duplicate assistance already effectively provided by local organizations. The Administrator would also be responsible for overseeing Federal compliance with the "Guidelines for Fair Treatment of Federal Crime Victims and Witnesses" enacted pursuant to the Victim and Witness Protection Act of 1982, Pub. L. 97-291, 18 U.S.C. 1512 (note).

Prior to expending any funds, the Federal Administrator would be required to consult with a Federal Victims of Crime Advisory Committee established by the President. The Committee would be chaired by the Attorney General, and would include the Secretary of the Treasury (to represent, among others, the Secret Service), the Secretary of the Interior (to represent, among others, the Park Police and the Indian Police), the Federal Administrator, such other Federal officials as the President may appoint, and at least two members of the public who have special knowledge of the needs of victims. The Committee would also make periodic recommendations to the President about other actions the Federal government could take to improve treatment of the victims of Federal crime.

The Federal Administrator could expend funds received under the Act at any time over 3 fiscal years, at the end of which time the money would revert to the Fund and be redistributed for the purpose of improving State and local victims assistance services pursuant to section 203.

Part C—Administrative provisions

As noted eariler, section 301 of the Act would require the Director of the Administrative Office of the United States Courts to submit a report to the Attorney General within one year of the bill's enactment, explaining the steps it has taken to (1) improve the accounting of the amounts collected, and (2) assure that all such money collected will be deposited in the Fund. The report may also make recommendations for future Federal action to improve the collection of fines.

Section 302(a) of the Act would apply certain administrative requirements of the Omnibus Crime Control and Safe Streets Act, Pub. L. 90-351, 42 U.S.C. 3701, as amended, to the funds awarded under the Act. These requirements are the hearing and appeal procedures available to terminated grantees, nondiscrimination provisions, audit requirements, and confidentiality of information provisions. This section also authorizes the Attorney General to promulgate such regulations as are necessary to the exercise of his functions under the Act.

Section 302(d) imposes a "sunset" date of September 30, 1988 on the Fund. The Attorney General would be required to report to the President and the House and Senate Judiciary Committees no later than December 31, 1987 on the effectiveness of the legislation.

Section 303 authorizes the Secretary of the Treasury to continue to pay rewards and make other statutorily authorized payments out of criminal fines collected for violations of the Endangered Species Act and the Lacey Act.

Part D—Definitions

"Crime" is defined by section 401(a)(1) of the Act to mean "a criminal offense as defined by Federal, State, or common law, or an act which would constitute such a crime but for the fact that the perpetrator of the act lacked capacity to commit the crime." The definition expressly excludes offenses prosecuted in Indian tribal courts or Courts of Indian Offenses.

"Criminal fines" is defined to mean all pecuniary punishments imposed by a Federal court on a convicted defendant (including all fines imposed for criminal violation of motor vehicle and anti-trust laws) and all forfeited appearance bonds posted by criminal defendants, but to exclude all criminal fines imposed by Indian tribal courts or Courts of Indian Offenses.

"Financial compensation" is defined by section 401(a)(3) of the bill to mean "payment of money to victims of crime for expenses and losses arising out of the criminal incident that are compensable under State law, including limited emergency financial assistance." It is the intent of the legislation to defer to the individual State's judgment concerning which injuries and losses are compensable, rather than to impose a national Federal standard. For the same reason, the term "victim" is left undefined in this Act.

The terms "fiscal year", "population", "representative of the victim", and "State" are also defined in section 401.

● Mr. HEINZ. Mr. President, I am pleased today to join my distinguished colleagues Senator THURMOND, and Senator LAXALT, in introducing S. 2423, the Victims of Crime Assistance Act of 1984. This bill will provide Federal funding to assist State crime victim compensation programs, State crime victim assistance programs, and Federal victims assistance programs.

This legislation will implement recommendations of the President's Task Force on Victims of Crime which concluded that the treatment of victims by our criminal justice system has been careless and shameful. In words of the task force, "Innocent victims of crime have been overlooked, their pleas for justice have gone unheeded, and their wounds—personal, emotional, and financial—have gone unattended."

I introduced legislation to begin to address this problem in 1982, with my distinguished colleague and friend, the Senator from Nevada (Mr. LAXALT), and 25 cosponsors. I am pleased to note that this legislation—the Omnibus Victims Protection Act of 1982—was passed by Congress and signed into law on October 12, 1982. In March 1982, with my distinguished colleague from Iowa, Senator GRASSLEY, I introduced legislation designed to more fully address the needs of the millions of Americans who are victimized by crime each year. The elements of this legislation, S. 704, the Federal Crime Victims Compensation Act, were based upon key recommendations of the President's task force. I am pleased to see that the bill we are introducing today is quite similar to S. 704.

Before I describe the bill, I would like to illustrate, in human terms, the problem it addresses. In September 1981, the Senate Committee on Aging, which I chair, held a hearing on older Americans and their fear of crime. One of the witnesses at that hearing was Mrs. Harriet Cunningham of Chester, Pa. Mrs. Cunningham was 77 years old at that time. She was a victim of a robber who snatched her shoulder bag and threw her to the ground. As a result of her fall, her shoulder blade and upper arm were shattered. Mrs. Cunningham's assailant was caught and convicted. He received a sentence of 2 to 4 years of incarceration, did his time and was released. One might say he paid his debt to society and was allowed to get on with his life. But what about Mrs. Cunningham? What about his debt to her?

Well, in December 1982, Mrs. Cunningham died. Pat Johnstone, the director of the senior safety project of Delaware County, Pa., informed me that the robbery and its repercussions were substantial contributing factors to Mrs. Cunningham's death. Mrs. Cunningham never knew a day free from pain after her assault. She had extensive surgery on her shoulder. She was hospitalized for 49 days and had outpatient therapy twice a week for more than 11 months. She was treated by several doctors but never regained the use of her hand. Because of the cost of these medical procedures, she had to give up her house and relocate.

Mrs. Cunningham was 1 of the more than 40 million Americans who are victimized each year. She is one of the many whose lives are shattered and fundamentally altered by random acts of violence and other crimes. Do you know how much restitution went to Mrs. Cunningham? The attacker was ordered to pay restitution in the grand total of $126. Perhaps the court was correct in judging this to be reasonable, based on the criminal's ability to pay. I do not know all of the facts. But this sum does not begin to reflect the financial impact of this crime on this Mrs. Cunningham or the other millions of Mrs. Cunninghams in this country each year. Her medical bills alone were 100 times greater than the restitution ordered. They were more than $12,000.

Mr. President, I wish I could say that Mrs. Cunningham's story was an isolated instance. There are thousands upon thousands of Americans who are running up huge medical bills and whose lives are being ruined by virtue of their status as victims. They do not chose that status. For reasons that are best understood by those most familiar with the intricacies of our criminal justice system, we are making a totally insufficient attempt to address these problems. We are not asking the Federal Government to compensate these victims for pain and suffering, but to compensate them to the extent of their real and out-of-pocket losses.

The bill we are introducing today will create a crime victims assistance fund. It does so, however, without any increase in the Federal budget deficit because it would not require any appropriation of Federal funds. In fact, the funding elements would generate funds sufficient to accomplish the purposes of the act and a potential surplus. Funds shall be collected from: First, all criminal fines collected from convicted Federal defendents including criminal antitrust and motor vehicle violation fines, and forfeited appearance bonds, and from second, all proceeds of any contract entered into by any Federal defendant for the sale of literary or other rights arising from his criminal act. It is estimated that these funding elements will generate from $45 million to $75 million a year. In addition, this bill gives a victim of crime the right to speak at Federal parole hearings about the impact a defendant's crime has had on his or her life.

Under the provisions of this bill, half of the total collected will be made available to States for victim compensation but no State can receive more than 10 percent of its prior year compensation expenditures. Thirty percent of the fund would also be available to States to support their victim assistance programs. They shall award these moneys to nonprofit or public agencies which demonstrate a record of quality assistance to vicitms, promote the use of volunteers, demonstrate financial support from other sources, demonstrate a commitment from others to provide other necessary services, and assure coordination with other victim services providers. The remaining 20 percent of the fund would support Federal law enforcement agencies in establishing vicitms assistance positions, providing services to Federal victims, training of Federal law enforcement personnel, and disseminating information about Federal victims assistance serevices. Funds generated in excess of the needs of these compensation and victim assistance programs would be transfered out of the crime assistance fund and into general revenues.

We must not be deaf to the pleas of those who have been victimized. Without the cooperation of victims, the criminal justice system would collapse. We must not forget it was their interest which the criminal justice system was organized to protect; 2 years ago, we began to recognize their needs. This legislation would extend the purpose we embraced in enacting the Omnibus Victims Protection Act and more fully protect the rights and needs of those who have been victimized.●

By Mr. KENNEDY (for himself, Mr. PELL, Mr. RIEGLE, and Mr. CRANSTON):

S. 2424. A bill to provide for the solvency of the medicare program and to reform the health care financing system; referred jointly to the Committees on Labor and Human Resources and Finance, by unanimous consent.

MEDICARE SOLVENCY AND HEALTH CARE FINANCING REFORM ACT OF 1984

● Mr. KENNEDY. Mr. President, today, I am introducing the Medicare Solvency and Health Care Financing Reform Act of 1984, along with Senators PELL, RIEGLE, and CRANSTON. My colleague, Congressman RICHARD GEPHARDT of Missouri, who worked long and hard with me on the development of this bill, is introducing the bill in the House with a number of cosponsors.

This legislation has one very simple purpose—to prove to Congress and the country that there is a better way than the Reagan way to deal with the coming crisis over medicare.

Our alternative has already gained significant grassroots support around the Nation. Coalitions of senior citizens, workers, and low-income persons have already met to pledge their commitment and organize for action. These coalitions will lead a campaign to enact this legislation and make it the preeminent health issue of 1984.

When I came to the Senate in 1963, Congress was in the final stage of the long and successful battle to insure elderly Americans against the intolerable financial burden of serious illness. President Kennedy was proud of his role as the first President to propose medicare; he called it the unfinished business of social security, and he worked for it and fought for it as Senator and as President.

From the day it was signed into law 19 years ago, medicare has stood as a solemn promise by Congress and the Federal Government, under both Republican and Democratic administrations, that the miracles of modern medicine will not be denied to our senior citizens and that their golden years will be free from the fear of financial ruin because of illness.

Now, President Reagan has proposed to break that promise. His prescription for medicare is the bitter pill of steeper taxes on workers and fewer benefits and higher costs for the elderly.

The medicare solvency and health care financing reform bill will keep the promise of medicare. We can save medicare—and we can do so without raising taxes and without cutting benefits. We can end the present crisis—not by rationing health care for the elderly, but by restraining the soaring cost of health.

According to the latest estimate, the medicare trust fund will run out of money to pay its bills in 1990; by 1995, the accumulated deficit will reach $144 billion; and by the year 2005, it will exceed $1 trillion.

Medicare is teetering on the brink of bankruptcy today, not because benefits are too high or taxes are too low, but because the raging inflation in the cost of health is fueled by the current system. In the 20 years between 1960 and 1980, health care costs per capita have risen more than 1,000 percent, or four times as fast as the consumer price index. This inflation is not only a problem for medicare; it is a terrible drain on the Federal budget, threatens to price health care out of the reach of the American consumer, and burdens American business and labor as they struggle to compete in world markets. This disastrous inflation has been ignored by Government and welcomed by doctors and hospitals—and patients and citizens are powerless to prevent it.

It is the elderly who endure the heaviest burden. Because of surging costs and shrinking benefits, medicare now pays only 44 percent of total health care costs for senior citizens. In 1977, each elderly American paid an average of $700 for health care. This year, the figure will be $1,500, and by the year 2000, it will be $5,000. In 1984, the elderly will have to pay, on average, $1 in every $7 of their limited incomes for needed health care. Once again, as in the dark ages before medicare, the cost of illness is becoming the highest price that Americans have to pay for growing old.

You do not need a stethoscope to diagnose the cause of health care cost inflation. The system lacks any incentives for efficient, cost-effective provision of care. Hospitals and doctors charge too much; voluntary efforts for restraint have never worked; and Congress has always lacked the will to confront the powerful health lobby that feeds on this excess.

President Reagan has offered a harsh program of proposed and enacted benefit cuts that could take $1,000 from each senior citizen over a 5-year period, and do nothing to resolve the medicare crisis.

And that may be only the first wave of the Reagan assault. The administration's Advisory Council on Social Security has proposed to raise the age of medicare eligibility to 67; they want larger copayments and higher premiums for health care, a tax on health insurance benefits, new excise taxes, and a greater shift of costs to the private sector.

The legislation we are proposing will deal with the problem in a fairer and more effective way, though comprehensive reform of the wasteful way we pay for health care.

First and most important, we put strict limits on rising costs for hospital bills. Last year, Congress went partway by adopting a prospective payment system for medicare. But a medicare-only approach is doomed to fail. As long as hospitals and physicians remain free to charge other patients whatever the traffic will bear, inflation will continue out of control and the cost of medicare will continue to go up.

Our plan also establishes incentives for outpatient treatment in the many cases where hospital care is wasteful, unnecessary—and often unhealthy. We will reform the way doctors are reimbursed for services in the hospital, by consolidating physician and hospital charges into a single payment for each admission. Our plan also prohibits doctors from charging patients more than medicare permits. When an elderly citizen who is sick opens his door, he ought to find a doctor making a house call, not a bill collector charging him for what medicare does not pay.

Finally, our plan includes a number of features to promote competition in health care and to encourage States to design their own plans under broad Federal guidelines.

Enactment of this bill will put medicare on a sound financial footing. Instead of a worsening trillion-dollar deficit in the year 2005, the trust fund will have a prospering $165 billion surplus. Our plan will save the private sector over $70 billion over the next 5 years and will reduce the Federal deficit approximately $30 billion during the same period.

President Kennedy worked long and hard for medicare. The stakes are just as high today as they were then, and the struggle to save medicare from the shameful Reagan attack will be no less arduous. The key is to put real limits on what doctors and hospitals can charge, and to put real competition back into the system.

I hope my colleagues in the Congress will work as hard to save medicare now as the Members did to enact it 20 years ago. The 30 million Americans who depend on medicare deserve to know that medicare truly is dependable.

Mr. President, I ask unanimous consent that the bill text and materials describing the health care cost inflation problem, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS OF ACT

SECTION 1. This Act may be cited as the "Medicare Solvency and Health Care Financing Reform Act of 1984".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents of Act.
Sec. 2. Programs for reforming the health care financing system.

TITLE XXI—PROGRAMS FOR REFORMING THE HEALTH CARE FINANCING SYSTEM

PART A—STATE HEALTH CARE PROGRAMS

Sec. 2101. Increased Federal medical assistance percentage and temporary exemption from Federal limits for States indicating an intention to submit a State health care plan.
Sec. 2102. State health care plans.
Sec. 2103. Requirements of State health care plans.

PART B—RESIDUAL FEDERAL PROGRAM

Subpart I—Transition Period

Sec. 2121. Prospective payment for private payors.
Sec. 2122. Establishment of prospective payment limits for discharges classified by diagnosis-related groups.
Sec. 2123. Exceptions.
Sec. 2124. Civil penalty.
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Sec. 2131. Federal administration of State health care programs.

DEFINITIONS AND COMPETITIVE PROVISIONS

Sec. 2141. Definitions.
Sec. 2142. Review of technologies and procedures.
Sec. 2143. Exceptions for health maintenance organizations and competitive medical plans."
Sec. 3. Health maintenance organization and competitive medical plan provisions.
Sec. 4. Medicare payment provisions.
Sec. 5. Requiring payments for health care service furnished to inpatients to be made to or through a hospital as a condition of the hospital's participation in the medicare program.
Sec. 6. Payments from medicare trust funds.
Sec. 7. Studies.

PROGRAMS FOR REFORMING THE HEALTH CARE FINANCING SYSTEM

SEC. 3. The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XXI—PROGRAMS FOR REFORMING THE HEALTH CARE FINANCING SYSTEM

PART A—STATE HEALTH CARE PROGRAMS

"INCREASED FEDERAL MEDICAL ASSISTANCE PERCENTAGE AND TEMPORARY EXEMPTION FROM FEDERAL LIMITS FOR STATES INDICATING AN INTENTION TO SUBMIT A STATE HEALTH CARE PLAN

"SEC. 2101. (a) If the chief executive officer of a State transmits to the Secretary, not later than one year after the date of the enactment of this title, a statement indicating that the State intends to submit a State health care plan described in section 2102, for purposes of making payments to such a State under section 1903 of the Social Security Act (and notwithstanding any other provision of title XIX of such Act) the Federal medical assistance percentage shall be 102 per centum of the Federal medical assistance percentage otherwise determined under section 1905(b) of such Act for that State for up to four calendar quarters beginning with calendar quarters after the date such notice is provided.

"(b) The Secretary shall exempt hospitals in a State from the prospective payment limits established under subpart I of part B for portions of accounting periods occuring during the first year of the transition period (as defined in section 2141(7)) if—

"(1) the chief executive officer of the State requests such treatment,

"(2) such officer indicates an intention to have implemented (not later than the end of the first year of the transition period) a State plan under this part, which will provide for a recoupment of any revenues received in excess of the amounts permitted under this part, and

"(3) the officer has agreed, with respect to such hospitals, that if a State plan under this part is not implemented by the end of the first year of the transition period, then the Secretary shall provide for such adjustment in the prospective payment limits under subpart I of part B as will provide for recoupment in the subsequent year of any revenues received in excess of the amounts permitted under that part.

"STATE HEALTH CARE PLANS

"SEC. 2102. (a)(1) The chief executive officer of any State may apply to the Secretary for the approval of a health care plan for that State for an initial period of up to thirty-six months, subject to disapproval under subsection (d). The officer may apply for an extension of such initial period for up to an additional twenty-four months in accordance with subsection (d)(3)(B).

"(2) The Secretary, upon request of the chief executive officer of a State, may provide technical assistance to the State in the preparation of a health care plan for approval under this part.

"(b)(1) The Secretary shall approve an application for a plan if the Secretary determines that the plan meets the applicable requirements of section 2103. The Secretary shall approve or disapprove the application within sixty days after the date the application is submitted.

"(2) If the Secretary does not approve a plan, the Secretary shall provide the State with a notice of the reasons why the plan may not be approved and an opportunity for a hearing on such disapproval.

"(c) In the case of any State with a plan approved under subsection (a) for any twelve-month period—

"(1) the provisions of subpart I of part B of this title shall not apply to accounting periods (or portions thereof) to which such plan applies;

"(2) the Secretary shall waive requirements for reimbursement (other than those relating to beneficiary cost sharing) under title XVIII of the Social Security Act for services furnished in such a State and covered under the plan during the twelve-month period; and

"(3) for purposes of making payments to such a State under section 1903 of the Social Security Act (and notwithstanding any other provision of title XIX of such Act) the Federal medical assistance percentage for that State shall—

"(A) for each calendar quarter ending in the first twelve-month period in which the plan is in effect, be 103 per centum (or 104 per centum in the case of an unrestricted medicaid plan) of the amount of the Federal medical assistance percentage otherwise determined under section 1905(b) of such Act, and

"(B) for each calendar quarter ending in any subsequent twelve-month period (except any extension period under subsection (d)(3)(B)), be 102 per centum (or 103 per centum in the case of an unrestricted medicaid plan) of the amount of the Federal medical assistance percentage otherwise determined.

For purposes of paragraph (3), the term 'unrestricted medicaid plan' means a State plan under title XIX of the Social Security Act which does not impose any limitation on the scope or duration of inpatient hospital services other than requiring that such services be medically necessary. Any increased Federal medical assistance percentage provided under paragraph (3) of this subsection for a calendar quarter shall be instead of any increased percentage permitted with respect to that calendar quarter under section 2101.

"(d)(1) The Secretary shall annually review the compliance of each plan approved under this part with the requirement of section 2103(b).

"(2) If the Secretary determines that the State has not complied with the requirement for the previous twelve-month period, the Secretary shall continue approval of the plan for the following twelve-month period if the chief executive officer of the State certifies to the Secretary that the plan will be in compliance with such requirement for the twenty-four-month period beginning with that previous twelve-month period.

"(3)(A) If the Secretary determines that a State has not complied with the requirement for two consecutive twelve-month periods, the Secretary may, at the Secretary's discretion, continue approval of the plan for the following twelve-month period only if the chief executive officer of the State presents a credible plan for assuring that the State will be in compliance with such requirement for the thirty-six-month period beginning with the two previous consecutive twelve-month periods.

"(B) The Secretary may, at the Secretary's discretion, extend such thirty-six-month period for up to an additional twenty-four months but only if the Secretary finds that there has been established a trend such that the State will be in compliance with the requirement for the sixty-month period beginning with the first date in which the plan is in effect. During any such extension period, there shall be no increase in the Federal medical assistance percentage for the State under subsection (c)(3)(B).

"(4) In the case of a State which has failed to meet such requirement for two consecutive twelve-month periods (or, in the case of a State described in paragraph (3), thirty-six-month or longer period), the Secretary shall establish a Federal program under section 2131 with respect to hospitals in that State in a manner that assures that by the end of the first twelve-month period of such Federal program the revenues for hospital inpatient services will be at a level consistent with that required under section 2103(b) if the State had been in compliance with that level in all previous periods.

"REQUIREMENTS OF STATE HEALTH CARE PLANS

"SEC. 2103. (a)(1) In order to be approved under this part, a State health care plan must meet the general requirements for all such plans described in subsections (b) and (c) and, if applicable, the requirements of subsection (d) (relating to rate-setting plans). In meeting the requirements of subsections (b) and (c), a plan may be designed in a manner that meets such requirements through a rate-setting system, a voluntary system, or through the use of competitive mechanisms described in subsection (e). A plan may be designed so as to meet the requirements through different systems or mechanisms for different areas or hospitals within a State.

"(b)(1)(A) Except as provided in paragraph (3), the plan must be designed in a manner so as to provide, to the satisfaction of the Secretary, that—

"(i) the amount of the total revenues per discharge for inpatient hospital services for all hospitals in the State for each twelve-month period (beginning before 1987) in which the plan under this part is in effect may not exceed the base general hospital revenues per discharge (described in subparagraph (B)(i)) increased by the sum of (I) the compounded sum of the percentage limits computed under subparagraph (C) for that period and previous twelve-month periods for which the State plan under this part was in effect, and (II) the population-discharge factor described in subparagraph (D); and

"(ii) the amount of the total revenues per discharge for all services furnished to hospital inpatients for all hospitals in the State for each twelve-month period (beginning after 1986) in which the plan under this part is in effect may not exceed the sum of—

"(I) the base general hospital revenues per discharge (described in subparagraph (B)(i)) increased by the sum of the compounded sum of the percentage limits computed under subparagraph (C) for that period and previous twelve-month periods for which the State plan under this part was in effect, and the population-discharge factor described in subparagraph (D), and

"(II) the base physician-related hospital revenues per discharge (described in subparagraph (B)(ii)) increased by the sum of the compounded sum of—

"(a) the percentage limits computed under subparagraph (C) for that period and previous twelve-month periods for which the State plan under this part was in effect and provided for a limitation under this clause (ii) (instead of under clause (i)) and

"(b) the population-discharge factor described in subparagraph (D);

except that a State may, at its option, apply the test specified in clause (ii) instead of the test specified in clause (i) with twelve-month periods beginning before 1986.

"(B) For purposes of subparagraph (A):

"(i) The 'base general hospital revenues per discharge' for a State is the average limitation on the amount of the revenues per discharge for inpatient hospital services which was established for discharges of hospitals in the State under part B during the twelve-month period immediately preceding the first twelve-month period for which the plan is in effect, taking into account exceptions provided under section 2123, or, if such part was not in effect during that preceding twelve-month period, the average amount of the revenues per discharge for inpatient hospital services in the State during 1983 updated by the national average percentage increase in community hospital costs per discharge during the period between July 1, 1983 and the first day of the first twelve-month period for which the plan is in effect.

"(ii) The 'base physician-related hospital revenues per discharge' for a State is the average of the revenues per discharge of hospitals in the State for hospital inpatients (other than revenues attributable to inpatient hospital services taken into account under clause (i)) for the first year of the transition period, increased (for each year (or portion thereof) after such year and before the first twelve-month period in which the plan is in effect and provides for a limitation based on the test described in subparagraph (A)(ii)) by the percentage limit described in subparagraph (C).

"(C) For purposes of subparagraph (A), the 'percentage limit' is equal to such limit as established in accordance with the methodology established by the panel under subsection (c)(3)(B), but in no case may such limit exceed for a twelve-month period the applicable percentage limit described in subsection (b)(3)(B) of section 1886 of the Social Security Act (without regard to subsections (d) and (e) of that section) for that period.

"(D) For purposes of subparagraph (A), the 'population-discharge factor' for a State for a twelve-month period is the sum of—

"(i) the percentage increase or decrease in the population of individuals under sixty-five years of age in such State from the twelve-month period before the first twelve-month period in which the plan under this part is in effect in the State (or, in the case of the limitation described in subparagraph (A)(ii)(II), from the first twelve-month period before the first twelve-month period in which such limitation applies in the State to the twelve-month period before the twelve-month period involved, and

"(ii) one-half of the percentage by which the percentage increase (if any) in the number of hospital discharges of individuals under sixty-five years of age in such State during the period described in clause (i) exceeds the percentage increase or decrease described in such clause for that period.

The Secretary may adjust the percentage change described in clause (i) to take into account the net impact in hospital utilization in a State resulting from the use of hospital services in that State by individuals residing outside the State or resulting from a shift in hospital utilization by individuals residing in the State from utilization of hospitals outside the State to utilization of hospitals within the State, but only if, in making such adjustment, there is a corresponding adjustment made in the percentage change for the State in which such individuals reside.

"(2)(A) For purposes of this section—

"(i) in determining the revenues for inpatient hospital services of a hospital or the revenues for other services furnished to an inpatient of a hospital, except as provided in clauses (ii) and (iii) there shall be included all revenues (whether received by or through the hospital or any other entity) paid respecting the provision of inpatient hospital services or of other services, respectively, to the inpatient of the hospital;

"(ii) there shall be excluded from revenues for inpatient hospital services amounts paid in philanthropy or under research grants and contracts;

"(iii) except as provided in section 2143(c), there shall be excluded from revenues and discharges relating to services in a hospital amounts for such services paid by, and discharges attributable to, eligible organizations (as defined in section 2141(1));

"(iv) in establishing the base from which revenues are computed under a State system under this part for the first twelve-month period in which it is in effect, there shall be taken into account any reductions which would have otherwise been effected under section 2122(e)(1)(A) for portions of accounting periods of hospitals occurring during that period.

"(B) The plan may, with the approval of the Secretary, exempt revenues of hospitals and other persons from limits under the plan if—

"(i) the exemption is necessary to facilitate an experiment or demonstration entered into under section 402 of the Social Security Amendments of 1967 or section 1115 of the Social Security Act; and

"(ii) the experiment or demonstration is not inconsistent with the purposes of this title.

"(C) The plan must provide for such reports to the Secretary as the Secretary may require in order to monitor properly assurances provided under this section and the operation of the plan.

"(3) A plan under this subsection may, instead of meeting the requirements of paragraph (1), meet such other alternative test of constraint of health care costs as the Secretary determines will result in no greater expenditures of funds under title XVIII of the Social Security Act and by private payers than would have been made if the plan met the requirements of such paragraph.

"(4)(A) The plan must be designed in a manner so as to provide, to the satisfaction of the Secretary, that the amount of revenues for inpatient hospital services and physicians' services to hospital inpatients provided to individuals entitled to benefits under parts A and B of title XVIII of the Social Security Act, may not exceed the amount which would otherwise be payable (including copayments and deductibles) for such services under the provisions of such title.

"(B) A plan (other than a plan providing for the establishment of rates of hospital reimbursement for hospital inpatient services) may provide that payment under title XVIII of the Social Security Act for inpatient hospital services and for other services furnished to hospital inpatients shall continue to be made in the amounts and in the manner otherwise provided under such title.

"(c)(1)(A) The unreimbursed costs incurred by hospitals in providing services to patients (other than medicare or medicaid patients) who are of low income and are uninsured or underinsured (as defined by the Secretary) shall be paid pursuant to the plan in the amount described in subparagraph (B) through distribution of funds pooled at the statewide level, through a higher payment rate, or through another method approved by the Secretary. If the plan provides for the determination of rates under a system described in subsection (d), payment of amounts to hospitals in a State under the previous sentence must be allocated among payors for inpatient hospital services in a manner that reflects the relative proportion of the payments for such services that are made by that payor (or class of payor), and shall be allocated among hospitals in proportion to the share of unreimbursed care provided by the hospital, except that—

"(i) the proportion of such amounts paid pursuant to title XVIII of the Social Security Act may not be greater than the proportion paid during the fiscal year before the first twelve-month period in which the plan is in effect (except to take into account any increase in the proportion of total revenues which are attributable to such title) and

"(ii) the proportion of such amounts paid pursuant to State plans approved under title XIX of such Act need not be greater than the proportion paid during the first year before the first twelve-month period in which the plan is in effect.

"(B) The amount provided to cover such unreimbursed costs (after reasonable efforts to collect debts) must, in the aggregate, be the same proportion of total revenues (including revenues from philanthropic payments and other sources of revenues other than revenues relating to research grants and contracts) as such unreimbursed costs are of total costs of patients who are neither medicare nor medicaid patients.

"(2)(A) The plan must have a mechanism for providing fair hearings for hospitals and any other entities aggrieved by determinations made under the plan.

"(B)(i) The plan must provide that any health planning or certificate of need law in the State (described in section 1527 of the Public Health Service Act) must provide for the exemption from the operation of such law of projects by or on behalf of health care facilities owned or controlled by, or serving predominantly individuals who are members of, eligible organizations (as defined in section 2141(1)).

"(ii) The plan may not provide for any limitation on the number of admissions or discharges which are attributable to members of eligible organizations.

"(C) The plan must assure that hospitals continue to meet Federal and State certification standards for quality of care.

"(D) The plan must provide for a method of assuring that hospitals do not engage in admissions practices prohibited during the transition period under section 2125.

"(3)(A) The chief executive officer of the State shall provide for the appointment of a panel, consisting of members with expertise in health care economics and service delivery consistent with subparagraph (C).

"(B) The panel shall advise in the development and implementation of the plan, periodically review and propose modifications to the plan, and establish the methodology for establishing a percentage increase to be used under subsection (b)(1)(C) under the plan. Such methodology shall include the use of appropriate external price indicators, the use of data from major collective-bargaining agreements for nonsupervisory hospital employees, and other appropriate indicators of wage costs. The Secretary shall approve the methodology and the percentage increase established by the panel under this subparagraph for goods and services other than the wages of nonsupervisory hospital employees unless the Secretary determines that the percentage increase exceeds, for any twelve-month period, the applicable percentage increase described in subsection (b)(3)(B) of section 1886 of the Social Security Act (without regard to subsections (d) and (e) of that section) for that period insofar as such increase is determined for goods and services other than wages of nonsupervisory hospital employees. The Secretary shall approve the methodology and the percentage increase established by the panel under this subparagraph with respect to the wages of nonsupervisory hospital employees unless the Secretary determines that the methodology is arbitrary and capricious. Whenever the percentage increase established by the panel for the wages of nonsupervisory hospital employees for a twelve-month period deviates substantially from appropriately weighted indicators of actual changes in such wages for that period, the Secretary shall instruct the panel to adjust the methodology and percentage increase appropriately for the following twelve-month period.

"(C) The panel shall include at least—

"(i) one member selected from a list of qualified individuals submitted by unions that represent health care workers and another member selected from a list of qualified individuals submitted by unions that represent other workers;

"(ii) one member who represents employers who provide health coverage for their employees;

"(iii) one member who is a consumer of health care services and is not affiliated with the health care industry;

"(iv) one member who is a representative of third-party payors for health care services;

"(v) one member who is a representative from a hospital;

"(vi) one member who is a physician and another member who is a registered nurse;

"(vii) one member who is an independent public member and who shall serve as chairman; and

"(viii) one member who represents the interests of senior citizens or senior-citizen organizations.

"(d) To the extent that the plan provides for meeting the requirements of subsections (b) and (c) through a system which provides for the establishment of rates for hospital reimbursement for hospital inpatient services by an entity other than the hospital, the plan must meet the following additional requirements:

"(1) Except as provided in paragraph (2), the plan must be designed and administered in a manner that provides equitable treatment under the plan of all entities that pay for health services covered under the plan, of employees of hospitals, and of patients receiving such services.

"(2)(A) If the plan is established under State law, the plan must take into account (whether on a per diem, per discharge, or other basis) the proportion of costs associated with, and services covered by, the different payors, including the medicare and medicaid programs, and may not permit undue shifting of proportions of costs among the different payors. Where there are large disparities among private payors in the amounts paid, the plan may provide for a phasing-out of the differences in payment amounts among such payors.

"(B) The plan may not make available any discount in price to any purchaser unless—

"(i) the discount is in an amount which accurately reflects identifiable and measurable economic benefits to that hospital resulting from a service or reimbursement arrangement with that purchaser, and

"(ii) the discount is made available to all other purchasers who can satisfy such service or reimbursement arrangement.

"(3) The plan must provide a procedure whereby, upon the request of a hospital, an adjustment can be considered to the rate limitation applicable under the plan to that hospital to reflect—

"(A) a significant change in the capacity or character of the inpatient hospital services available in the hospital or a major renovation or replacement of physical plant which has been approved by the State health planning and development agency or the State planning agency designated for purposes of section 1122(b) of the Social Security Act, if either such agency exists;

"(B) funds necessary to provide for the efficient operation of the hospital if the hospital (i) is a sole community hospital or provides a disproportionate percentage of its services, in comparison with facilities of similar size and urban or rural location, to low-income patients, (ii) would otherwise be insolvent, and (iii) should be maintained in the judgment of the State health planning and development agency (or other appropriate State agency);

"(C) higher expenses associated with the special needs and circumstances (including greater intensity of care) of the hospital because it is a regional tertiary care institution, teaching hospital, or children's hospital; and

"(D) increased costs for compensation of employees, including collectively bargained increases, adjustments to remedy shortage of personnel, or other adjustments necessary to maintain a qualified staff,

but only if any change due to which the adjustment is sought is not inconsistent with any applicable State health plan approved by the State health planning and development agency.

"(e) If the plan provides for control of hospital inpatient costs in whole or in part through a competitive mechanism, the Secretary shall, in reviewing the plan, take into account the degree to which the plan provides for the following or other measures to improve price competition among providers:

"(1) The plan provides for the establishment of one or more open enrollment periods permitting eligible individuals to elect to enroll, disenroll, or change the type of enrollment with private or public health benefits plans (whether providing prepaid care or otherwise).

"(2) The plan provides for the dissemination of such information concerning different health benefits plans (including benefit structure and premiums) to individuals eligible to enroll with the health benefits plans as may encourage informed decisionmaking and competition in price among the plans.

"(3) The plan encourages innovation and public incentives to new forms of health care delivery and financing.

"(4) There are negotiated prices and risk-sharing between insurers and health care providers.

"(5) The laws of the State do not impose legal barriers to competition in negotiated and other arrangements among insurers and health care providers.

"Part B—Residual Federal Program

"Subpart I—Transition Period

"PROSPECTIVE PAYMENT FOR PRIVATE PAYORS

"SEC. 2121. (a) Subject to the provisions of this subpart, for any accounting period of a hospital subject to this subpart the total revenues for inpatient hospital services may not exceed the total of such revenues that are permitted on the basis of prospective payment limits which are established under this subpart for the hospital's discharges (as classified by diagnosis-related groups).

"(b)(1) Each hospital subject to a limitation on revenues under this subpart shall provide for the publication of a price list which establishes the price per discharge (classified in accordance with diagnosis-related groups) which any payor may pay for inpatient hospital services. Such price list may include an outlier policy to provide for variations in the prices with respect to particular discharges classified within a diagnosis-related group to reflect differences in the lengths of stay or other costs associated with those discharges.

"(2) A hospital may provide from time to time for revision and republication of such price list.

"(3) Each such hospital shall provide for transmittal to the Secretary of each price list published under this section.

"(4) Nothing in this subpart shall be construed as preventing a hospital from taking into account, in its establishment of such a price list, bad debts and charity care related to inpatient care.

"ESTABLISHMENT OF PROSPECTIVE PAYMENT LIMITS FOR DISCHARGES CLASSIFIED BY DIAGNOSIS-RELATED GROUPS

"SEC. 2122. (a) The Secretary of Health and Human Services shall determine (for any accounting period of each hospital subject to this subpart) a prospective payment limit for inpatient hospital services for discharges classified by diagnosis-related groups established under subsection (b)(1). Subject to the remaining provisions of this subpart, the limit shall be determined for each hospital for discharges as follows:

"(1) DETERMINATION OF REVENUE PER DISCHARGE BASE.—The Secretary shall determine for the hospital—

"(A) the ratio of (i) the total revenues for inpatient hospital services to (ii) the number of discharges, for the most recent accounting period ending before January 1, 1984, for which adequate data are available (hereinafter in this subsection referred to as the 'base accounting period'), and

"(B) the classification and weighting factors for such discharges according to diagnosis-related groups established under subsection (b).

"(2) STANDARDIZATION OF DRG-SPECIFIC BASE AMOUNTS.—The Secretary shall determine for the hospital a standardized average revenues for inpatient hospital services per discharge for the base accounting period by adjusting the ratio described in paragraph (1)(A) to eliminate any effect attributable to the differing weighting factors determined under paragraph (1)(B) for discharges in the base accounting period.

"(3) UPDATING AMOUNTS.—The Secretary shall update each amount determined under paragraph (2) by—

"(A) updating to the transition period by the national average percentage increase in community hospital costs per discharge during the period between the midpoint of the base accounting period used under paragraph (1) and the first day of the transition period, and

"(B) increasing to the accounting period involved by the compounded sum of the percentage limits (specified in subsection (d)(1)) for that accounting period and previous accounting periods of the hospital to which this subpart applies.

"(4) COMPUTATION OF DRG-SPECIFIC MAXIMUM AVERAGE REIMBURSEMENT LIMITS.—For each hospital discharge classified within a diagnosis-related group, the Secretary shall compute a prospective payment limit equal to the product of—

"(A) the updated amount established under paragraph (3), and

"(B) the weighting factor (determined under subsection (b)(2)) for that diagnosis-related group.

"(5) ADJUSTMENT FOR CHANGES IN NUMBER OF DISCHARGES.—The Secretary shall adjust the hospital's prospective payment limits computed under paragraph (4) to take into account, in the manner described in subsection (e), a change in the number of discharges in the previous accounting period over a base number of discharges.

The Secretary shall notify each hospital of the prospective payment limits established under this section for each accounting period (or portion thereof) subject to the limits of this subpart and of the base number of discharges (established under subsection (e)(2)) for that hospital. Such notice shall, in the case of accounting periods beginning during the transition period, be in advance of the beginning of that accounting period.

"(b) For purposes of this title the Secretary shall, taking into account classifications and weighting factors established under section 1886(d)(4) of the Social Security Act—

"(1) establish a classification of inpatient hospital discharges by diagnosis-related groups and a methodology for classifying specific hospital discharges within these groups, and

"(2) assign, to each such group, an appropriate weighting factor which reflects the relative hospital resources used with respect to discharges classified within that group compared to discharges classified within other groups.

The Secretary may, from time to time, adjust such classifications and weighting factors to reflect changes in treatment patterns, technology, and other factors which may change the relative use of hospital resources.

"(c)(1)(A) This subpart shall not apply to accounting periods of a hospital ending before the first day of the transition period (as defined in section 2141(7)) or beginning after the date on which the hospital becomes subject to a program under part A.

"(B) In the case of an accounting period of a hospital that begins before the date on which the hospital becomes subject to a program under part A and ends after such date, the Secretary shall provide that the limits established under this subpart shall apply in a manner so as to reflect the portion of the accounting period subject to this subpart.

"(2) For purposes of this subpart in determining the revenues for inpatient hospital services of a hospital, there shall be included all revenues (whether or not received by or through the hospital or any other entity) paid (whether to the hospital or to other entities) respecting the provision of inpatient hospital services to an inpatient of the hospital.

"(3) In computing revenues and discharges under this subpart for a hospital's accounting period (including the base accounting period), in establishing the national average percentage increase in community hospital costs per discharge under subsection (a)(3)(A), and in determining the national average percentage increase in discharges to community hospitals under subsection (e)(2), there shall not be included revenues and discharges attributable to inpatients who, on the date of their admission, were entitled to benefits under part A of title XVIII of the Social Security Act or medical assistance under a State plan approved under title XIX of such Act and there shall not be included revenues attributable to philanthropy or to research grants and contracts.

"(4) The Secretary may provide for an adjustment to the prospective payment limits established under this subpart to the extent that the Secretary determines that—

"(A) the adjustment is necessary to facilitate an experiment or demonstration entered into under section 402 of the Social Security Amendments of 1967 or section 1115 of the Social Security Act; and

"(B) the experiment or demonstration is not inconsistent with the purposes of this title.

"(d)(1) The percentage limit referred to in subsection (a)(3)(B) for a hospital's accounting period is equal to the sum of—

"(A) the product of (i) the fraction of the accounting period that occurred before the first day of the transition period, and (ii) the national average percentage increase in community hospital costs per discharge (described in subsection (a)(3)(A)) from the midpoint of the base accounting period to the first day of the transition period; and

"(B) the product of (i) the fraction of the accounting period that occurred after the first day of the transition period, and (ii) the sum of (I) the percent increase in the labor-related expenses of the hospital (as defined in paragraph (2)(A)) for the accounting period, and (II) the percent increase in the nonwage marketbasket of the hospital (as defined in paragraph (2)(B)) for the accounting period.

"(2) As used in paragraph (1):

"(A) The term 'percent increase in labor-related expenses' means, for a hospital for an accounting period (or portion thereof), the product of—

"(i) the average percentage increase in the labor-related expenses paid by that hospital in the period over the labor-related expenses paid by the hospital in the preceding period per employee per hour to employees (other than to supervisors (as defined in section 2(12) of the National Labor Relations Act)) of the hospital; and

"(ii) the average fraction (as computed by the Secretary from time to time) of that hospital's expenses attributable to such labor-related expenses.

In order to provide hospitals with an estimate of the prospective payment limits established under this subpart in advance of each accounting period (or portion thereof) subject to such limits, the Secretary, in estimating the average percentage increase in labor-related costs referred to in clause (i), shall, at the election of each hospital, either use the hospital's estimate of the average percentage increase in such costs that the hospital anticipates will occur or use the Secretary's estimate of the average percentage increase in such labor-related costs that will occur for the average hospital nationwide during the hospital's accounting period.

"(B) The term 'percent increase in the nonwage marketbasket' means, for an accounting period for a hospital, the sum of the products of—

"(i) the average percentage increase in the United States in the price of each appropriate class (as estimated by the Secretary prospectively before the beginning of the accounting period or, if greater and at the option of the hospital, as determined by the Secretary retrospectively at the end of the accounting period) of goods and services (other than those for services related to labor-related expenses described in subparagraph (A)(i)) in the period over the price of the class in the preceding accounting period; and

"(ii) the average fraction (as computed by the Secretary from time to time) of that hospital's expenses attributable to that class of goods and services.

The Secretary shall compute the fractions described in clause (ii) in a manner such that the sum of such fractions and the average fraction described in subparagraph (A)(ii) is equal to one.

"(e)(1)(A) If for a hospital's accounting period subject to this subpart the number of discharges exceeds the base number of discharges described in paragraph (2), then the prospective payment limits for discharges in the hospital in the subsequent accounting period shall be reduced by such amounts as may be necessary to provide that, in the aggregate for all discharges, the total revenues otherwise permitted under this subpart for the hospital will be reduced, in the aggregate, by 60 per centum of the product of (i) the prospective payment limit established under this subpart for discharges in that previous accounting period classified within the diagnosis-related group with the median weighting factor, and (ii) the number of such excess discharges for that previous accounting period.

"(B) If for a hospital's accounting period subject to this subpart the number of discharges is less than the base number of discharges described in paragraph (2), then the Secretary may, at the request of the hospital, provide that the prospective payment limits for discharges in the hospital in the subsequent accounting period shall be increased by such amounts as may be necessary to assure the hospital receipt of revenues sufficient to reasonably cover overhead costs.

"(2) For purposes of paragraph (1), the base number of discharges for a hospital is equal to the number of discharges in such hospital for the hospital's base accounting period (or, if higher, the average annual number of admissions to such hospital for the hospital's three accounting periods ending with such base accounting period), increased by a percentage equal to the estimated national average percentage increase in discharges to community hospitals during the period between the end of the hospital's base accounting period and the first day of the transition period.

"(3) An adjustment shall not be made under paragraph (1)(A) to the extent that a hospital can demonstrate that a net increase in discharges is attributable to inpatients who, on the date of admission, are entitled to benefits under title XVIII of the Social Security Act or to medical assistance under a State plan approved under title XIX of such Act.

"(4) The Secretary may by regulation provide for a lower percentage than the 60 per centum specified in paragraph (1)(A) in those cases where the Secretary determines that the increase in the number of discharges in a hospital—

"(A)(i) is extraordinary and is due to circumstances beyond the hospital's control, or (ii) is required to improve access to care; and

"(B) results in a ratio of revenues to costs per excess discharge which is greater than 40 per centum of the ratio of revenues to costs for discharges in the base accounting period.

"EXCEPTIONS

"SEC. 2123. (a) The Secretary, at the request of a hospital and at the Secretary's discretion, may increase the allowable revenues for an accounting period or provide for an increase in the base number of discharges otherwise permitted under this subpart to allow for higher revenues than would otherwise be permitted under the following conditions, pursuant to regulations established by the Secretary:

"(1) A major renovation or replacement of physical plant or significant change in the capacity of the hospital has occurred, which renovation, replacement or change either (A) has been approved by the State health planning and development agency (or other appropriate agency of the State) or (B) is exempt from such approval under law consistent with title XV of the Public Health Service Act, but only to the extent that this renovation or replacement increases capital costs more than the otherwise allowable percentage increase and to the extent that, and for such reasonable period as, these changes increase per discharge operating costs as a result of temporarily underutilized capacity.

"(2) The hospital is a sole community provider or provides a disproportionate percentage of its services (in comparison with facilities of similar size and urban or rural location) to low income or medicare patients, the hospital would otherwise be insolvent, and the State health planning and development agency (or other appropriate State agency) for the hospital has determined that the hospital should be maintained, but only to the extent that the revenues permitted are below the cost of efficiently operating the hospital.

"(3) A larger revenue increase is needed as a result of the special needs and circumstances of the hospital because it is a regional tertiary care institution, teaching hospital, or children's hospital.

"(4) Taking into account the outlier policy established under clauses (i) and (ii) of section 1886(d)(5)(A) of the Social Security Act and the relative severity of cases within classifications of diagnosis-related groups, there has been a significant change in the characteristics of the hospital's mix of patients classified within one or more diagnosis-related groups from those characteristics for patients in the hospital's base accounting period.

"(b) The Secretary may not increase the allowable revenues per discharge under the circumstances described in subsection (a) unless the circumstances justifying the exemption have been reviewed by the local Health Systems Agency (where one exists) and approved by the State health planning and development agency (or other appropriate agency of the State) as being consistent with the health plan for the area in which the hospital is located or unless such review or approval is not required consistent with title XV of the Public Health Service Act. In applying such exceptions to individual hospitals, the Secretary shall take into account the ability of the hospital to meet its costs through its own resources.

"(c) The Secretary may include in revenues for inpatient hospital services revenues from outpatient hospital services which were customarily rendered on an inpatient basis by the hospital during the base accounting period if the patient receiving such outpatient services was an inpatient during the period immediately preceding or following the rendering of such outpatient services, or may provide for such adjustment of the weighting factors established under section 2122(c)(2) for discharges classified in diagnosis-related groups affected by such a shifting as may be appropriate. A reduction effected under this paragraph shall be made on a pro rata basis in cases where the discontinued services are no longer furnished for a part of an accounting period.

"CIVIL PENALTY

"SEC. 2124. (a)(1) If the Secretary determines that—

"(A) the total inpatient revenues of a hospital for an accounting period exceed the applicable limit for the hospital for the accounting period under this subpart; and

"(B) subject to paragraph (2)(B), the hospital fails to deposit an amount equal to the amount of such excess revenues in an escrow account (established and maintained pursuant to paragraph (3)) and fails to withdraw the amount before the end of the succeeding accounting period pursuant to paragraph (3)(B),

the hospital is subject to a civil penalty of 150 per centum of the difference between (i) the amount of the excess described in subparagraph (A), and (ii) subject to paragraph (2)(B), the amount deposited with respect to such excess in the escrow account and withdrawn pursuant to paragraph (3)(B).

"(2)(A) A hospital which has established an escrow account pursuant to paragraph (3) and withdraws an amount from such account in a manner not permitted under paragraph (3)(B), is subject to a civil penalty in an amount equal to 150 per centum of the amount so withdrawn.

"(B) A hospital which has established an escrow account pursuant to paragraph (3) and has a balance in such account after the end of its last accounting period to which either part A or this part (or both) applies, is subject to a civil penalty in an amount equal to the amount remaining in such account.

"(3)(A) In order to avoid liability for a civil penalty under paragraph (1), a hospital which has total inpatient revenues for an accounting period in excess of its applicable limit under this title may establish, in a manner prescribed by the Secretary, an escrow account for the deposit of amounts with respect to one or more of the hospital's accounting periods for which the hospital has excess inpatient revenues.

"(B) If the Secretary certifies that the total inpatient revenues of a hospital for an accounting period subject to a limit fall below the applicable limit established under this title for that accounting period, the hospital may withdraw from any escrow account (described in subparagraph (A)) previously established an amount determined by the Secretary to be equal to the amount by which the inpatient revenues of the hospital for that accounting period could be increased without causing the hospital's total inpatient revenues for that accounting period to exceed the applicable limit established under this title for that accounting period.

"(b) If the Secretary determines that a physician or other person or entity (other than a hospital) has charged any person or entity for a service provided to a hospital inpatient, which service is required by law to be billed to a hospital, such physician or other person or entity shall be charged a civil money penalty of 150 per centum of the amount billed.

"(c)(1) The civil penalties provided under subsection (a) or (b) shall be assessed by the Secretary only after the hospital, person, or other entity has been provided written notice and opportunity for a hearing on the record at which the hospital, person, or other entity is entitled to be represented by counsel, to present witnesses, and to cross-examine witnesses against the hospital, person, or other entity.

"(2)(A) A hospital, person, or other entity adversely affected by an assessment by the Secretary under subsection (a) or (b) may obtain a review of such assessment in the United States court of appeals for the circuit in which the involved hospital, person, or entity is located by filing in such court, within sixty days following the date the hospital, person, or other entity is notified of the Secretary's determination as to the assessment, a written petition requesting that the assessment be modified or set aside. A copy of the petition shall be transmitted by the clerk of the court to the Secretary, and the Secretary shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined in such proceeding, and shall have the power to make and enter upon the pleadings, testimony, and proceedings set forth in such records a decree affirming, modifying, remanding for further consideration, or setting aside, in whole or in part, the assessment of the Secretary and enforcing the assessment to the extent that such order is affirmed or modified.

"(B) No objection that was not raised before the Secretary shall be considered by the court, unless the failure or neglect to raise such objection is excused by the court because of extraordinary circumstances.

"(C) The findings of the Secretary with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(D) If any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Secretary, the court may order such additional evidence to be taken before the Secretary and to be made a part of the record. The Secretary may modify previous findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and the Secretary shall file such modified or new findings, and the Secretary's recommendations, if any, for the modification or setting aside of the original order. Any such modified or new findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code.

"(3)(A) Civil penalties and assessments imposed under this section may be compromised by the Secretary and may be recovered in a civil action in the name of the United States brought in the United States district court for the district in which the involved hospital is located. Amounts recovered shall be deposited as miscellaneous receipts of the Treasury of the United States. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sum then or later owing by the United States to the hospital, person, or other entity against which the penalty has been assessed.

"(B) Except as provided in subsection (d), a determination by the Secretary to assess a penalty under this section shall be final upon the expiration of the sixty-day period referred to in paragraph (2)(A) unless the hospital, person, or other entity against which the penalty has been assessed files for a review of such assessment as provided in subsection (d). Matters that were raised or that could have been raised in a hearing before the Secretary or in an appeal pursuant to paragraph (2) may not be raised as a defense to a civil action by the United States to collect a penalty assessed under this section.

"(d)(1) Any hospital dissatisfied with a determination made on behalf of the Secretary under this section may obtain a hearing before the Provider Reimbursement Review Board (established under section 1878(h) of the Social Security Act and hereinafter in this subsection referred to as the 'Board') if the amount in controversy is $10,000 or more and the request for such hearing is filed within one hundred and eighty days after the date the notice of the determination was provided.

"(2)(A) The provisions of subsections (c), (d), (e), (f), and (i) of section 1878 of the Social Security Act shall apply to hearings provided under paragraph (1). In addition, the Board shall have the power to affirm or reverse any final determination (described in paragraph (1)) of a fiscal intermediary or another entity acting on behalf of the Secretary.

"(B) After completing a hearing provided under paragraph (1) with respect to a determination, the Board shall render its decision on the determination not later than sixty days after the last day of the hearing.

"(3) In addition to the members appointed under section 1878(h) of the Social Security Act, the Secretary shall appoint four additional members to the Board, each of whom shall be a member of the general public and a representative of consumers of inpatient hospital services. Those provisions of section 1878(h) of such Act which relate to compensation and terms of office of members of the Board shall also apply to members appointed under this paragraph.

"IMPROPER ADMISSIONS PRACTICES

"SEC. 2125. (a) A hospital may not engage in an admission practice that results in—

"(1) a refusal to admit a patient because the patient is unable to pay for inpatient hospital services provided by the hospital or with respect to whom payment is (or is likely to be) less than the anticipated charges for or costs of services provided to the patient;

"(2) the refusal to admit a patient who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital; or

"(3) the refusal to provide emergency services to any person who is in need of emergency services if the hospital provides such services.

"(b) The Secretary shall monitor, on a periodic basis, the extent of each hospital's compliance with subsection (a).

"(c)(1) Upon written complaint by any hospital or upon receiving such volume of written complaints or such reasonable documentation from any persons (as the Secretary finds sufficient) that a hospital's admission practice violates subsection (a), the Secretary shall investigate the complaint and, upon a finding by him that the complaint is justified, the Secretary may—

"(A) exclude the hospital from participation in any or all of the programs established by title XVIII or XIX of the Social Security Act; or

"(B) reduce the total amounts otherwise reimbursable to the hospital under title XVIII or XIX of the Social Security Act in an amount equal to $3,000 for each of the number of persons who were not admitted as patients or provided services.

"(2) In addition, the Secretary may take any other action authorized by law (including an action to enjoin such a violation brought by the Attorney General upon request of the Secretary) which will restrain or compensate for a violation of subsection (a).

"(d) Any hospital aggrieved by a determination of the Secretary under subsection (c) shall, upon timely request, be entitled to a hearing on the record on such determination (in accordance with section 554 of title 5, United States Code), and no reduction in reimbursement may be made under subsection (c)(1)(B) with respect to a hospital until the hospital has had the opportunity for such a hearing and judicial review (under chapter 7 of such title) on the determination after the hearing.

"(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any other statute or at common law to seek enforcement of this Act or to seek any other relief.

"(f) This section shall apply to individuals admitted, or seeking admission, to a hospital on or after the beginning of the transition period (as defined in section 2141(7)).

"ADMINISTRATION OF SUBPART

"SEC. 2126. The Secretary shall, to the extent the Secretary deems it practicable, provide for administration of this subpart through fiscal intermediaries with contracts under section 1817 of the Social Security Act.

"Subpart II—Post-Transition Period

"FEDERAL OPERATION OF STATE HEALTH CARE PLANS

"SEC. 2131. In the case of any State which does not have a State plan approved under section 2102 and in effect for any period beginning after the transition period, the Secretary shall establish and implement a health care plan for such State for such period which meets the requirements of subsections (b), (c), and (d) of section 2103;

except that, in implementing a plan under this section—

"(1) for the purpose of determining the definition of 'percentage limit' referred to in subsection (b)(1)(C), and limited in subsection (c)(3)(B), of such section, '1 percentage point plus' shall be deemed to have been stricken from section 1886(b)(3)(B) of the Social Security Act;

"(2) '40 per centum' shall be substituted for 'one-half' in subsection (b)(1)(D)(i) of such section;

"(3) the Secretary shall provide for a method of hospital revenue limits that meets the requirements of subsection (d) of such section; and

"(4) the Secretary shall provide for such hospital inpatient revenue levels as may be required under section 2102(d)(4).

"PART C—DEFINITIONS AND COMPETITIVE PROVISIONS

"DEFINITIONS

"SEC. 2141. For purposes of this title:

"(1) The term 'eligible organization' has the meaning given such term in section 1876(b) of the Social Security Act.

"(2) The term 'hospital' means, with respect to any period, an institution that satisfied paragraphs (1) and (7) of section 1861(e) of the Social Security Act during all of the period, but does not include any such institution if it—

"(A) does not impose charges or accept payments for services provided to patients,

"(B) is a Federal institution during any part of the period,

"(C) derived 75 per centum or more of its inpatient care revenues from one or more eligible organizations during the preceding twelve months, or

"(D) is a psychiatric hospital (as described in section 1861(f)(1) of such Act) or a rehabilitation hospital (as defined for purposes of section 1886(d)(1)(B)(ii) of such Act).

"(3) The term 'inpatient hospital services' has the meaning given such term in section 1861(b) of the Social Security Act.

"(4) The terms 'health systems agency' and 'State health planning and development agency' mean, for a hospital, such agencies as designated under sections 1515 and 1521, respectively, of this Act for the area or State, respectively, in which the hospital is located.

"(5)(A) The terms 'medicaid' and 'medicaid program' refer to the plans of States approved, or the program, under title XIX of the Social Security Act and the terms 'medicare' and 'medicare program' refer to the program under title XVIII of such Act.

"(B) The terms 'medicare patient' and 'medicaid patient' refer to a patient who is entitled to benefits under part A of the medicare program or to medical assistance under the medicaid program, respectively.

"(6) The term 'physicians' services' has the meaning given such term in section 1861(q) of the Social Security Act.

"(7) The term 'transition period' means the twenty-four month period beginning January 1985.

"(8) The term 'wage-related expenses' means wages (as such term is used under the Fair Labor Standards Act of 1938) and includes overtime wages and shift differentials, taxes imposed by section 1401, 3101, or 3111 of the Internal Revenue Code of 1954 (relating to the Federal Insurance Contributions Act taxes), and expenses relating to unemployment compensation, workmen's compensation, and fringe benefits (including pensions and health benefits) as established by the Secretary by regulation.

"REVIEW OF TECHNOLOGIES AND PROCEDURES

"SEC. 2142. (a)(1) There is hereby established an Advisory Committee on Health Care Technologies and Procedures (hereinafter in this section referred to as the 'Advisory Committee'), to be composed of fifteen individuals, including individuals who are distinguished in the fields of medicine, engineering, or science (including social science), representatives of business entities engaged in the development or production of health care technology, physicians, individuals distinguished in the fields of economics, law, and bioethics, and individuals who are members of the general public who represent the interests of consumers of health care.

"(2) The Secretary shall request the Institute of Medicine of the National Academy of Sciences to appoint members to the Advisory Committee and to supervise the administrative operations of the Advisory Committee under an arrangement under which the actual expenses incurred by the Institute in assisting the Advisory Committee will be paid by the Secretary as an administrative cost of the operations of title XVIII of the Social Security Act. If the Institute is unwilling to enter into such an arrangement, the Secretary shall appoint the members and provide for the supervision of the administrative operations of the Advisory Committee.

"(3) Members shall first be appointed to the Advisory Committee not later than one hundred and twenty days after the date of the enactment of this title.

"(b)(1) The Advisory Committee shall examine the appropriateness of the various interventions and the conditions under which they are needed, the safety and efficacy of alternative therapeutic and preventive regimens, and the standards for availability and utilization of various technologies, and shall publicly report on whether or not payments should be made for such services and, if so, under what conditions and frequency of service.

"(2) In carrying out its responsibilities, the Advisory Committee shall give priority to expensive interventions and to approaches which may constitute ways of reducing the use of expensive interventions and which hold promise of preventing disease and promoting health.

"(c)(1) Members of the Advisory Committee who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Advisory Committee compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(2) If the Advisory Committee is not operated through an arrangement with the Institute of Medicine, the Secretary shall make available to the Advisory Committee such staff, information, and other assistance as it may require to carry out its functions.

"(d) The Advisory Committee shall be subject to the Federal Advisory Committee Act, except that the Advisory Committee shall terminate twenty-seven months after the month in which this title is enacted.

"EXCEPTIONS FOR HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS

"SEC. 2143. (a) The limits established under this title on revenues and discharge of a hospital (including any rates established under State plans under part A) shall not apply to revenues and discharges attributable to individuals enrolled in the organization if—

"(1) the organization elects such treatment, or

"(2) the organization pays in a calendar year for more than 20 per centum of the number of bed-days of care with respect to that hospital.

"(b)(1) Nothing in this title shall be construed as limiting or restricting the right of an eligible organization to negotiate rates of payment with hospitals or physicians furnishing physicians' services to inpatients of hospitals, except that a State must require eligible organizations which make payment for services furnished to inpatients of a hospital to pay a proportional share of unreimbursed costs of providing care to hospital inpatients.

"(2) In the case of a State at least 50 per centum of the population of which is enrolled with an eligible organization, clause (iii) of section 2103(b)(2)(A) shall not apply and there shall be included (in computing revenues per discharge under State health care plans) the revenues paid by, and discharges attributable to, eligible organizations.".

HEALTH MAINTENANCE ORGANIZATION AND COMPETITIVE MEDICAL PLAN PROVISIONS

SEC. 3. (a) Section 1310(a) of the Public Health Service Act (42 U.S.C. 300e-9(a)) is amended by adding at the end the following new paragraphs:

"(3)(A) Except as provided in subparagraphs (B) and (C), any employer or State or political subdivision thereof described in paragraph (1) shall provide that if—

"(i) the employer, State, or political subdivision makes a contribution with respect to the costs of a health benefits plan with respect to an individual, and

"(ii) the employer offers the option of membership in a qualified health maintenance organization or with an eligible organization described in section 1876(b) of the Social Security Act, which membership provides benefits at least actuarially equivalent to those provided under the other health benefits plan,

the employer, State, or political subdivision (I) shall provide for payment of a contribution toward the membership with such organization in a dollar amount equal to at least the maximum amount of the employer's, State's, or subdivision's dollar contribution with respect to the other health benefits plan, (II) shall provide, if the dollar contribution with respect to any other health benefits plan exceeds the cost of membership with the organization, the employer, State, or subdivision, for a cash rebate equal to not less than 50 per centum of the dollar amount of such excess, and (III) shall provide information to employees that reasonably compares the different benefits and costs associated with the different plans offered the employees. This paragraph shall not require that the amount of the contribution of an employer, State, or political subdivision with respect to different individuals be the same or that the amount of the contribution with respect to health benefits plans providing for coverage only of individuals (and not of family members) be the same as the contribution for coverage of individuals and family members.

"(B) On the request of an employer, employee, health benefits or competitive medical plan, a collective bargaining representative or other employee representative referred to in paragraph (2), or other interested party, the Secretary shall provide a formula to adjust prospectively the amount of the cash rebate made with respect to membership in an organization to the extent to which it is determined that the individuals enrolled with such organizations in the prior year are not substantially representative of the individuals covered under the other health benefits plans offered. To the extent practicable, such adjustment shall be made so as to take into account the average per capita cost (adjusted to as to reflect actuarial equivalence or experience as described in section 1876(a) of the Social Security Act) of providing health care benefits to the different classes of enrollees. This subparagraph shall not require entities employing in a calendar quarter an average of fewer than one thousand employees in a health service area to provide for such an adjustment.

"(C) Subparagraph (A) shall not apply with respect to employees of a employer, State, or political subdivision who are represented by a collective bargaining representative or other employee representative designated or selected under any law.

"(4) In the case of an entity employing in a calendar quarter an average of one thousand or more employees in a health service area and required to offer the option of enrollment in health maintenance organizations under paragraph (1), the entity shall (notwithstanding subsection (b) and except as provided in paragraph (2)) make available such option with respect to all qualified health maintenance organizations which have indicated (in a manner specified by the Secretary) a desire to be made available with respect to employees of such an entity, except that an employer shall not be obligated under this paragraph to make such option available with respect to more than six qualified health maintenance organizations.".

(b) The amendments made by this section shall apply to calendar quarters beginning on or after January 1, 1985.

MEDICARE PAYMENT PROVISIONS

SEC. 4. (a)(1) Section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended, in the matter before paragraph (1), by striking out "section 1876" and inserting in lieu thereof "sections 1876 and 1886(h)".

(2)(A) Section 1876(a)(1)(C) of such Act (42 U.S.C. 1395mm(a)(1)(C)) is amended by inserting "(or, in the case of individuals enrolled with an eligible organization in a State, or geographic area in a State, in which at least 30 per centum of the individuals eligible to be enrolled with such an organization are so enrolled, 100 per centum)" after "95 per centum".

(B) Section 1876(f) of such Act (42 U.S.C. 1395mm(f)) is amended—

(i) by striking out "or under a State plan approved under title XIX" in paragraph (1), and

(ii) by adding at the end the following new paragraph:

"(3) The requirement of paragraph (1) shall not apply to eligible organizations which are public entities or which are offered by a State where the State has established a structured program under which information on competing eligible organizations offering enrollment in the State is provided to individuals eligible to enroll with the organizations.".

(C) Section 1903(m)(2) of such Act (42 U.S.C. 1396b(m)(2)) is amended—

(i) by striking out "(I)" and all that follows through "or (II)" in subparagraph (A)(ii), and

(ii) by amending subparagraph (D) to read as follows:

"(D) Subparagraph (A)(ii) shall not apply with respect to a health maintenance organization which is a public entity.".

(b)(1) Subsection (c) of section 1886 of such Act (42 U.S.C. 1395ww) is amended to read as follows:

"(c) The Secretary shall provide that in the case of a State health care plan approved under section 2103 of the Public Health Service Act, payments with respect to services covered under such plan in the State—

"(1) may, at the option of the State, or

"(2) in the case of such a plan which provides for control of hospital costs through a ratesetting mechanism established under State law and described in section 2103(d) of such Act, shall

be made in accordance with such plan rather than in accordance with the other provisions of this title.".

(2) The amendment made by paragraph (1) shall not apply, in the case of plans approved under section 1886(c) of the Social Security Act as of January 1, 1985, for payments to hospitals until January 1, 1986.

(c)(1) Subsection (d)(5) of such section is amended by adding at the end the following new subparagraphs:

"(E) MARGINAL COST ADJUSTMENT FOR INCREASED ADMISSIONS.—(i) The Secretary shall make such adjustment in the payments under paragraph (1) as may be necessary to provide that, to the extent that the number of admissions for an accounting period exceed the base number of admissions described in clause (ii), the payments per discharge shall be equal to 40 per centum (or 50 per centum, with respect to discharges from hospitals subject to a State plan approved under part B of title XXI of the Public Health Service Act) of the payments per discharge otherwise provided under this subsection (other than under this subparagraph). The Secretary may, in the Secretary's discretion, provide for an appropriate adjustment in the payments per discharge otherwise provided under this subsection, in the case of a decrease in the number of admissions below the base number of admissions described in clause (ii), in order to assure the hospital receipt of revenues sufficient to reasonably cover overhead costs.

"(ii) For purposes of clause (i), the 'base number of admissions' for a hospital is equal to the number of admissions to such hospital for the hospital's accounting period ending in calendar year 1983 (or, if higher, the average annual number of admissions to such hospitals for the hospital's three accounting periods ending with such accounting period), increased by a percentage equal to the estimated national average percentage increase in admissions to community hospitals during the period between the end of such accounting period and the first day of the transition period (as defined in section 2141(7) of the Public Health Service Act).

"(iii) An adjustment shall not be made under the first sentence of clause (i) to the extent that a hospital can demonstrate that a net increase in admissions is attributable to inpatients who, on the date of admission, are not entitled to benefits under title XVIII of the Social Security Act or to medical assistance under a State plan approved under title XIX of such Act.

"(iv) The Secretary may by regulation provide for a higher percentage than the percentage specified in clause (i) in those cases where the Secretary determines that the increase in the number of admissions to a hospital—

"(I) is extraordinary and is due to circumstances beyond the hospital's control, or is required to improve access to care; and

"(II) results in a ratio of revenues to costs per excess admission which is greater than percentage specified in clause (i) of the ratio of revenues to costs for admissions in the base period.

"(F) The Secretary also may provide for such adjustments to the payment for subsection (d) hospitals as may be appropriate to take into account exceptional circumstances described in section 2103 of the Public Health Service Act under the conditions described in that section.".

(2)(A) The amendment made by paragraph (1) shall apply to discharges occurring on or after January 1, 1985.

(B) In the case of a hospital reporting period which begins before January 1, 1985, and ends after such date, the Secretary of Health and Human Services shall provide that the amendment made by paragraph (1) shall apply to such a period in such a prorated manner as to be consistent with subparagraph (A).

(e) Subsection (e)(1) of such section is amended—

(1) by inserting "and shall not take into account any adjustment made under subsection (d)(5)(E)" before the period at the end of subparagraph (A), and

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon and the following:

"except that the adjustment made under this subparagraph shall not take into account any adjustment made under subsection (d)(5)(E).".

(f)(1) Subsection (a)(4) of such section is amended by striking out ", with respect to costs incurred in cost reporting periods beginning prior to October 1, 1986,".

(2) Subsection (b)(3)(B) of such section is amended by striking out "but excluding nonoperating costs" and inserting in lieu thereof "and including capital costs".

(3) Subsection (g) of such section is amended to read as follows:

"(g) CAPITAL REIMBURSEMENT.—(1)(A) Notwithstanding section 1814(b) but subject to the provisions of section 1813, the amount of the payment with respect to the capital-related costs of inpatient hospital services of a subsection (d) hospital (as defined in subsection (d)(1)(B)) for inpatient hospital discharges in a cost reporting period beginning on or after January 1, 1985, is equal to the regionally adjusted capital-related prospective payment rate determined under paragraph (2) for such discharges.

"(2) The Secretary shall determine a regionally adjusted capital-related prospective payment rate, for each inpatient hospital discharge involving inpatient hospital services of a subsection (d) hospital located in a region of the United States, as follows:

"(A) DETERMINATION OF BASE.—The Secretary shall determine the weighted average payment made, per discharge, for capital-related costs for inpatient hospital services in subsection (d) hospitals during the five fiscal-year period ending with fiscal year 1983.

"(B) UPDATING THE AMOUNT.—The Secretary shall update the amount determined under subparagraph (A) by the compounded sum of the applicable percentage increase (as defined in subsection (b)(3)(B)) for each fiscal year after fiscal year 1983 and before the fiscal year concerned.

"(C) COMPUTING DRG-SPECIFIC RATES.—For each discharge classified within a diagnosis-related group, the Secretary shall establish a capital-related payment rate equal to the product of—

"(i) the updated amount (computed under subparagraph (B)), and

"(ii) the capital-related weighting factor (determined under paragraph (3)(A)) for that diagnosis-related group.

"(D) ADJUSTING FOR DIFFERENT REGIONAL CONSTRUCTION COSTS.—The Secretary shall adjust the proportion (as estimated by the Secretary from time to time), of hospitals' capital-related costs which are attributable to construction and construction-related costs, of the rate determined under subparagraph (C) for hospitals located in each region (as defined for purposes of subsection (d)) for regional differences in construction and construction-related costs by a factor (established by the Secretary) reflecting the relative costs of construction in the geographic region compared to the national average costs of construction. Such adjustment shall be made in a manner that does not result in any net increase or decrease in the amount of payments otherwise made under this subsection.

"(E) ADJUSTMENT FOR CHANGES IN NUMBERS OF DISCHARGES.—The Secretary also shall provide for an adjustment to reflect a change in the number of discharges in each hospital in the same manner as such adjustment is made to payments under subsection (d) pursuant to paragraph (5)(D) thereof.

"(3)(A) For each diagnosis-related group established under subsection (d)(4)(A) the Secretary, taking into account data on State experience with capital-related reimbursement systems, shall assign an appropriate capital-related weighting factor which reflects the relative capital-related hospital resources used with respect to discharges classified within that group compared to discharges classified within other groups.

"(B) The Secretary shall adjust the weighting factors established under subparagraph (A) at least every four fiscal years to reflect changes in the classifications established under subsection (d)(4)(A) and to reflect changes in which factors which may change the relative use of capital-related hospital resources.

"(C) The Commission (established under subsection (e)(2)) shall consult with and make recommendations to the Secretary with respect to the need for adjustments under subparagraph (B), based on its evaluation of scientific evidence with respect to new practices and new technology. The Commission shall report to the Congress with respect to its evaluation of any adjustments made by the Secretary under subparagraph (B).

"(4)(A) If a subsection (d) hospital can demonstrate to the Secretary that the amount of payment otherwise made for capital-related costs for inpatient hospital services under this subsection is significantly less than the amount needed to pay interest, principal, and lease obligations with respect to a capital project either for which obligations were entered into before January 1, 1985, or for which a certificate of need (filed before February 9, 1984) has been approved, the Secretary shall provide for an additional payment as follows:

"(i) For a period of five accounting periods, the additional payment shall be an amount which, in addition to the amount of payment otherwise made under this subsection, would equal the total cash needs with respect to the interest, principal, and lease payment obligations during that period.

"(ii) For a subsequent period, the Secretary may provide additional payments to the hospital not to exceed, in addition to the amount of payment otherwise made under this subsection, the total cash needs with respect to the interest, principal, and lease payment obligations for that period, but only if the hospital agrees that there will be a reduction in the amount of the payments otherwise made under this subsection for subsequent years such that over the total length of the period there will be no net additional payments under paragraph.

In determining the cash needs of a hospital with respect to a capital expenditure, the Secretary shall take into account the utilization and occupancy level with respect to the facility constructed or improved with the capital expenditure.

"(B) The Secretary shall require, as a condition for the making of additional payments or adjustments in the payment schedule under subparagraph (A), that—

"(i) a hospital must refinance loans related to capital expenditures, if such financing is reasonably available, and

"(ii) if the hospital was acquired after February 1, 1984, the hospital must seek any additional payment under this paragraph on the basis of the capital-expenditure base (less interest and depreciation) in effect at the time of such acquisition.

"(5)(A) No amounts shall be allowed, under this section or as reasonable costs of providing any item or service under this title, for a return on equity capital for services furnished by or under arrangements with a hospital.

"(B) The Secretary shall provide that in determining the amount which is allowable, with respect to reasonable costs of services furnished by providers of services (other than of inpatient hospital services furnished by hospitals) for which payment may be made under this title, for a return on equity capital for such providers for cost reporting periods beginning on or after January 1, 1985, the rate of return which may be recognized shall not exceed the average of the rates of interest, for each of the months any part of which is included in the reporting period, on obligations issued for purchase by the Federal Hospital Insurance Trust Fund.".

(4) Subsection (d)(3)(B) of such section is amended—

(A) by inserting "and certain additional capital payments" after "outlier payments",

(B) by inserting before the period at the end the following: "and shall further reduce the amounts by a proportional amount necessary to offset the amount of the additional payments described in clauses (i) and (ii) of subsection (g)(4)(A)".

(5) Subsection (e)(1)(B)(i) of such section is amended by inserting "and not taking into account any reduction under subsection (d)(3)(C) to reflect additional payment amounts under subsection (g)(4)(A)" after "section 1866(a)(1)(F)".

(6) The amendments made by this subsection apply to payments for discharges occurring on or after the first day of the transition period (as defined in section 2141(7) of the Public Health Service Act).

(f) Such section is further amended—

(A) by inserting "and for medical and other health services furnished to hospital inpatients" at the end of the heading, and

(B) by adding at the end the following new subsection:

"(h) PHYSICIAN REIMBURSEMENT.—(1) For each diagnosis-related group established under subsection (d)(4), the Secretary shall estimate the average per discharge amount of the charges recognized under part B attributable to items and services furnished to inpatients classified within such group during 1983. Such average shall be determined separately—

"(A) for hospitals in each carrier-charge area established for purposes of section 1842, and

"(B) for all hospitals in the United States.

"(2)(A)(i) Subject to the part B deductible described in section 1833(b) and subject to the succeeding provisions of this subsection, with respect to each individual who is entitled to benefits under part A and enrolled under part B, who is an inpatient of a hospital, and whose discharge from the hospital in a State is classified within a diagnosis-related group established under subsection (d)(4), the Secretary shall provide, in lieu of payments otherwise made under part B for services furnished to the individual as an inpatient of the hospital, for payment to the hospital (or to others, including multispecialty physicians groups, under arrangements with the hospital) of an amount equal to 80 per centum of the amount described in clause (ii).

"(ii) The amount referred to in clause (i) is the applicable combined rate (described in paragraph (3)) determined with respect to such diagnosis-related group under paragraph (1), increased by the applicable percentage increase (described in paragraph (4)) for the State in which the hospital (in which the services were provided) is located and adjusted for variations in certain local costs under paragraph (5).

"(B) With respect to services for which the payment amount is provided under this subsection, instead of the charges which may otherwise be imposed under section 1866(a)(2)(A) with respect to such services, the hospital (or others under arrangements made with the hospital) may charge an individual or other person (consistent with the provider agreement under section 1866) (i) an amount equal to the amount of the deduction imposed with respect to the services under section 1833(b) and (ii) an amount equal to up to 20 per centum of the amount described in subparagraph (A)(ii) or, in accordance with guidelines issued by the Secretary, such other copayment or other coinsurance amount which provides for a more equitable distribution of coinsurance costs on a per diem or other basis and which, in the aggregate, does not provide for coinsurance in excess of the amounts otherwise provided under this subparagraph.

"(3) For purposes of paragraph (2)(A)(ii), the 'applicable combined rate' is—

"(A) for discharges occurring during the first year of the transition period, 100 per centum of the average described in paragraph (1)(A), for the charge area established under section 1842(b) for the area in which the hospital is located;

"(B) for discharges occurring during the second year of such period, 66⅔ per centum of the average described in paragraph (1)(A), for such charge area, and 33⅓ per centum of the average described in paragraph (1)(B);

"(C) for discharges occurring during the first year after such period, 33⅓ percent of the average described in paragraph (1)(A), for such charge area, and 66⅔ percent of the average described in paragraph (1)(B); and

"(D) for discharges occurring after the first year after such period, 100 percent of the average described in paragraph (1)(B).

"(4) For purposes of paragraph (2), the 'applicable percentage increase' for any period for services furnished in a State shall be equal to one percentage point plus the percentage, estimated by the Secretary before the beginning of the period, by which the cost of the mix of goods and services (including personnel costs but excluding nonoperating costs) comprising inpatient hospital services and medical and other health services furnished to inpatients of a hospital in that State (or, if adequate data are not available with respect to that State, in the region in which the State is located or in the United States), based on an index of appropriately weighted indicators of changes in wages and prices which are representative of the mix of goods and services included in such services, for the period exceed the cost of such mix of goods and services in the corresponding area for 1983.

"(5)(A) The Secretary shall adjust the amounts otherwise determined under paragraph (2)(A)(ii) so as to take into account area differences relating to wages, utility rates, and other exogenous cost factors.

"(B) The Secretary may provide for an additional payment amount for subsection (d) hospitals with indirect costs of medical education, in the manner described in subsection (d)(5)(B).

"(6)(A) The Secretary shall provide for such exceptions in the payment amounts provided under this subsection as are provided under section 2123(a) of the Public Health Service Act, under the conditions described in that section.

"(B) The Secretary shall provide for an adjustment in the payment amounts provided under this subsection to take into account variations in the number of admissions to the hospital in the same manner as such adjustment is made under subsection (d)(5)(E) for payments amounts under subsection (d)(1).".

(c) The amendments made by subsection (b)(4) shall not apply to discharges of individuals admitted to hospitals before the first date of the transition period (as defined in section 2141(7) of the Public Health Service Act). Requiring payments for health care services furnished to inpatients to be made to or through a hospital as a condition of the hospital's participation in the medicare program.

SEC. 5. (a) Section 1866(a) of the Social Security Act (42 U.S.C. 1395cc(a)) is amended—

(1) by striking out "Any provider" in paragraph (1) and inserting in lieu thereof "Subject to paragraph (4), any provider", and

(2) by inserting at the end the following new paragraph:

"(4) A hospital shall be qualified to participate under this title and shall be eligible for payments under this title only if it provides (in the agreement filed with the Secretary under paragraph (1) and in a manner satisfactory to the Secretary) that any health care service (including medical and other health services) furnished to a hospital inpatient (whether or not the inpatient is entitled to have payment made with respect to the services under this title) shall be billed only by or through the hospital and payment for such services may only be made to the hospital or to an entity under arrangements (or, with respect to individuals not entitled to benefits under parts A and B of this title, comparable conditions to the arrangements described in section 1861(w)(1)) with the hospital.".

(b) Section 1128A of such Act (42 U.S.C. 1320a-7a) is amended by adding at the end the following new subsection:

"(l) Each physician who furnishes services to an individual for which the individual is otherwise entitled to have payment made under title XVIII is deemed, for purposes of this section, to have agreed not to impose any charge for the service except on the basis of the terms of an assignment to have accepted an assignment under section 1842(b)(3)(B)(ii).".

(c) Section 1866(b)(2) of such Act (42 U.S.C. 1395cc(b)(2)) is amended by inserting before the period at the end thereof the following: ", or (H) that such provider (in the case of a hospital) is not complying with the provisions of subsection (a)(4)".

(d)(1) Section 1842(b)(3)(B) of such Act (42 U.S.C. 1395u(b)(3)(B)) is amended by striking out "be made—

"(i) on the basis of an itemized bill; or

"(ii) on the basis of an assignment"

and inserting in lieu thereof "be made only on the basis of an assignment".

(2) Section 1870(f) of such Act (42 U.S.C. 1395gg(f)) is amended by striking out "payment for such services has not been made" and all that follows through the end and inserting in lieu thereof "payment for such services has not been made, payment for such services shall be made only if the person or persons who furnished the services agree that the reasonable charge is the full charge for the services and only in such amount and subject to such conditions as would be applicable if the individual who received the services had not died.".

(e)(1) The amendments made by this section shall apply to health care services furnished on or after the first day of the transition period (as defined in section 2141(7) of the Public Health Service Act).

(2) The Secretary of Health and Human Services shall provide for notice to the public and, in particular, to individuals enrolled (or enrolling) under the supplementary medical insurance program under part B of title XVIII of the Social Security Act, of the requirements of section 1866(a)(4) of such Act and of the amendments made by subsections (b) and (d) of this section.

PAYMENTS FROM MEDICARE TRUST FUNDS

SEC. 6. (a) Section 1817 of the Social Security Act (42 U.S.C. 1395i) is amended—

(1) by striking out "prior to January 1988" in subsection (j)(1);

(2) by inserting "and certifies that such Trust Fund can repay within ten years of the date of such borrowing the principal and interest on any amounts so borrowed" in subsection (j)(1) after "Trust Fund" the first place it appears;

(3) by striking out subparagraph (C) of subsection (j)(3); and

(4) by adding at the end thereof the following new subsection:

"(k)(1) All payments made to hospitals for medical and other health services provided to hospital inpatients, as determined in accordance with section 1886(h), shall be made from the Federal Hospital Insurance Trust Fund.

"(2)(A) There shall be transferred periodically to the Federal Hospital Insurance Trust Fund from the Federal Supplementary Medical Insurance Trust Fund, amounts which the Secretary of Health and Human Services determines to be equal to the fraction of the total revenues of the Federal Supplementary Medical Insurance Trust Fund for each fiscal year determined under subparagraph (B).

"(B) The fraction for each fiscal year for purposes of subparagraph (A) is a fraction the numerator of which is the amount paid from the Federal Supplementary Medical Insurance Trust Fund in calendar year 1983 for medical and other health services provided to hospital inpatients, and the denominator of which is the total amount paid from the Federal Supplementary Medical Insurance Trust Fund in calendar year 1983.".

(b) Section 1839 of such Act (42 U.S.C. 1395r) is amended by adding at the end thereof the following new subsection:

"(f) In determining the monthly actuarial rates for purposes of this section, the Secretary shall make such determination on the basis of the payments which would have been made from the Federal Supplementary Medical Insurance Trust Fund if the amendments to this title made by the Medicare Solvency and Health Care Financing Reform Act of 1984 had not been enacted.".

(c) Section 1841(g) of such Act (42 U.S.C. 1395t) is amended by inserting ", excluding payments for medical and other health services provided to hospital inpatients" after "payments provided for by this part".

(d) Section 1841 of such Act is further amended by adding at the end thereof the following new subsection:

"(j) There shall be transferred periodically to the Federal Hospital Insurance Trust Fund the amounts required under section 1817(k).".

STUDIES

SEC. 7. (a) The Secretary of Health and Human Services shall provide for the following studies, and shall promptly report to the Congress on the results of such studies:

(1) How the changing demographic composition of the population of the United States affects the utilization and cost of providing health care services.

(2) How to maintain a high quality of health care services while constraining the rate of increase of costs for those services.

(3) How the amendments made by this Act have affected the delivery, and cost of providing, health care services.

(4) The success of the different State health care plans approved under part B of such title, with particular attention to comparing the relative success and potential for long-term success of plans which are based on mandatory prospective rate regulation, voluntary rate regulation, or competitive models.

(5) The impact of equalizing hospital inpatient revenues per discharge among the States.

(6) The impact and success of the marginal cost adjustment and other incentives provided in this Act to decrease the number of unnecessary admissions to hospitals.

(7) The impact of the amendments made by this Act on medical education, medical research, and technological innovation in the health care sector.

(b) The studies described in subsection (a) shall be conducted, and the reports thereon submitted, in such manner as to provide the Congress with the results of the studies not later than January 1, 1990.

THE HEALTH CARE COST INFLATION PROBLEM

Excessive health cost inflation is pushing Medicare into bankruptcy, burdening the elderly, imperiling the economic health of American business and labor, and contributing to disastrous deficits in the Federal budget.

Medicare actuaries project bankruptcy by 1990 as the result of excessive health cost inflation. The cumulative deficit by the year 2005 will be $1 trillion. Eliminating this deficit by reducing benefits would require benefit reductions of one-third or Medicare payroll tax increases of one-half. The only realistic method to eliminate the deficit is to reduce excessive health care cost inflation.

The Reagan Administration is already using the excuse of Medicare bankruptcy to reduce the Federal deficit by cutting Medicare benefits and raising taxes. The 1985 Reagan budget alone proposes $17 billion in reduced benefits and increased taxes over the next five years.

President Reagan has already forced $7 billion in benefit reductions through Congress.

The 1984 Reagan budget proposed an additional $7 billion in benefit reductions, to be achieved by higher co-payments; this proposal was dropped from the 1985 budget, it will almost certainly be proposed again after the election.

Overall, the Reagan Medicare record shows proposed or enacted cuts totaling $31 billion in Medicare benefits, a thousand dollars in cuts for every Medicare beneficiary.

The Administation's Medicare Advisory Commission has been even more extreme. Its recommendations include: making 65-67 year olds ineligible for Medicare; increased premiums for beneficiaries; and higher cost-sharing for hospitalized beneficiaries.

The Kennedy-Gephardt Medicare Rescue and Health Care Financing Reform Act of 1984 demonstrates there is a better way to solve the Medicare problem.

Kennedy-Gephardt establishes a comprehensive, system-wide approach to limiting increases in health care costs. States will be encouraged to develop their own programs under broad Federal guidelines setting overall limits on the rate of increase in hospital revenues; a residual Federal hospital reimbursement program will be established where States fail to act. Kennedy-Gephardt incorporates both regulatory and competitive mechanisms, recognizing that both have a contribution to make to the cost control effort.

By slowing inflation in the entire health care system, Kennedy-Gephardt solves the Medicare crisis and helps all consumers of health care without reducing benefits or increasing taxes.

STATISTICS ON HEALTH CARE COST INFLATION

National health costs more than doubled in the 1950's, almost tripled in the 1960's, and more than tripled in the 1970's. Without a change in national policies, they are projected to more than triple again in the 1980's.

	1950	1960	1970	1980	1985 (est.)	1990 (est.)
Billions	$12.7	$26.9	$74.7	$249	$456.4	$755.6
Gross National Product (percent)	4.4	5.3	7.5	9.5	10.8	12.0

The projected increase in annual spending from 1985 to 1990 (more than $300 billion) will be greater than the entire increase from 1950 to 1980.

In per capita terms, national health costs rose by $212 in the 1960's and $717 in the 1970's. They are projected to increase by over $1,900 per person in the 1980's. Between 1960 and 1990, per capita costs will increase by over 2000 percent or four times faster than the C.P.I.

1960	$146
1970	358
1980	1,075
1985 est.	1,882
1990	2,982

In 1983 alone, hospital costs increased three times as fast as the C.P.I.

HEALTH CARE COST INFLATION BURDENS THE ELDERLY

Medicare covers only 44 percent of the elderly's health care costs. Average medical expenses paid by the elderly, out of their own pockets, are out of control. Under current law, these expenses will grow from $698 in 1977 to almost $5,000 by the year 2000.

1977	$698
1984	1,550
1989	2,208
1993	1,892
2000	4,637

In 1984, the elderly will spend, on average, 15 percent of their limited incomes—more than one dollar out of every seven—to pay for medical care. By the year 2000, this expense will have risen to 19 percent, almost one dollar in every five.

The Medicare hospital deductible—equivalent to average cost of one day in the hospital will continue to rise even without any benefit cuts to fund the Medicare deficit: 1970, $52; 1975, $92; 1980, $180; 1984, $356; 1990, $560; 1995, $800.

HEALTH CARE COST INFLATION IMPERILS THE ECONOMIC HEALTH OF AMERICAN BUSINESS AND LABOR

Employer-paid health insurance premiums are the fastest-growing component of business costs.

Total private health insurance premiums—the great bulk paid by business—were $82.1 billion in 1982.

The business share of payroll taxes paid to finance the Medicare program was $15.3 billion in 1982; workers paid another $15.3 billion.

The combination of employer-paid health insurance premiums and the business share of Medicare taxes was 96 percent of the total profits earned by all American business in 1982.

The Medicare reforms recently enacted by the Congress will shift about $20 billion in Federal costs to private payers over the five year period 1984 to 1988.

Inflation in private health insurance costs between 1984 and 1990 will increase costs $163 billion cumulatively. These costs will increase more than twice as fast as the C.P.I.

In order to generate enough profits just to finance the inflation in private health insurance costs in excess of the C.P.I. over these five years, plus the Medicare cost shift already legislated, business will have to invest about $270 billion annually. This is 77 percent of total 1982 investment.

HEALTH CARE COST INFLATION CONTRIBUTES TO DISASTROUS BUDGET DEFICITS

Under current law, Medicare/Medicaid spending will total $89 billion in 1984 and will grow to $151 billion by 1989.

Medicare/Medicaid will spend $698 billion, 1984-1989. This is more than has been spent in the entire nineteen years of the two programs' history to date.

Medicare-Medicaid account for 10.4 percent of the total budget in 1984 and will account for 16 percent of the total budget growth—almost one dollar in every six, even with the savage cuts proposed by the Reagan Administration.

SAVINGS UNDER THE KENNEDY-GEPHARDT BILL

A. Medicare savings

	Billions
Cumulative medicare deficit (1985 to 2005)	$1,018
Medicare Savings Under the Medicare Solvency and Health Financing Reform Act: [1]	
I. Comprehensive prospective payment system for hospitals [2]	+426
II. Incentives to reduce unnecessary hospital admissions	+210
III. Prospective payment system for in-hospital physician services	+548
Total saving	+1,184
Net surplus under Kennedy-Gephardt plan	[3]166

[1] Savings estimates by Georgetown University Center for Health Policy Studies using II B baseline Medicare Trustees' Report assumptions.

[2] Institution of a comprehensive prospective payment system reduces hospital aggregate demand and lowers the hospital market basket, which is used to determine per admission rates of increase under current law and under Kennedy-Gephardt.

[3] Total does not add as a result of rounding.

B. Private sector savings

[In billions of dollars]

	1985	1986	1987	1988	1989	Total
Hospital	2.9	6.4	10.4	15.1	20.4	55.2
Physician	1.0	2.3	3.8	5.2	6.7	19.0
Total	3.9	8.7	14.2	20.3	27.1	74.2

C. Federal deficit reductions

	Billions [1]
1985	1.5
1986	3.0
1987	5.3
1988	8.4
1989	12.0
Total	30.2

[1] Preliminary estimates.●

● Mr. RIEGLE. Mr. President, I am pleased to join Senator KENNEDY as an original cosponsor to his new bill designed to secure the financial solvency of the medicare program while making important improvements in our Nation's health care delivery system.

Today we are faced with a major crisis in the delivery of health care. In the private sector, the cost of providing care has risen so rapidly that we are beginning to reach the limits of our economic system to pay for such care. In the public arena, both State and Federal governments are contributing an increasingly burdensome share of their resources to pay for health care services. The percentage of our Nation's GNP devoted to health care has more than doubled since 1969 and continued increases are projected far into the future.

Medicare, the Federal program designed to insure adequate health care for our elderly and disabled citizens, may teeter on the brink of insolvency at the end of this decade. One attempt to address this critical problem was our recent enactment of the prospective payment system being phased in over several years. While the prospective payment system may prove to be a significant cost-saving innovation, legitimate concerns have developed regarding the possible creation of a two-class health care system, with elderly citizens only receiving minimal care, while private payers continue to receive the best care that is available. Simultaneously, while the quality and availability of health care for our senior citizens might be on the decline, they will be asked to pay out of their pockets an increasing percentage of their resources for health care services.

Mr. President, there needs to be a national strategy to cope with the growing cost crisis in our Nation's health care system. This proposal being offered today is a comprehensive approach which confronts all of the significant difficulties we face in the field. Kennedy-Gephardt is a systemwide approach to controlling increases in health care while moving toward universal access and equal treatment in our health care system. Rather than offering a dogmatic or doctrinaire approach to these critical problems, this legislation blends elements of regulation, competition, and voluntary effort in an attempt to solve these difficulties when previous efforts have failed. As such, the Kennedy-Gephardt bill serves as a significant starting point for the many discussions and analyses that must follow as we deal with these complicated issues. I am cosponsoring this legislation as an endorsement of its overall objectives and as a sign of my commitment to work vigilantly with Senator Kennedy and others to fashion a final version of a comprehensive health care package that will assure the availability of the highest quality health care for all Americans, today and far into our future.●

By Mr. BIDEN:

S.J. Res. 258. Joint resolution to designate the week of June 24 through June 30, 1984 as "National Safety in the Workplace Week"; to the Committee on the Judiciary.

NATIONAL SAFETY IN THE WORKPLACE WEEK

● Mr. BIDEN. Mr. President, today I am introducing a joint resolution that would designate June 24 through June 30, 1984, as "National Safety in the Workplace Week."

Current industry figures show that approximately 11,000 people are killed and 2.1 million are injured in workplace accidents that cost American business more than $31 billion annually.

This year the American Society of Safety Engineers, one of the largest safety organizations in this country representing safety professionals from virtually every major corporation, has enlisted the support of the National Safety Council and the National Society for the Prevention of Blindness in providing a broader forum in which to promote safety programs. Working with management, they hope to increase awareness of safety programs, presenting the employer and employee with the risks and hazards in their workplace thereby reducing accidents, increasing job effectiveness and ultimately increasing their financial benefits.

I applaud the efforts of the private sector in promoting the economic health of the Nation through effective safety programs.

Mr. President, I would ask unanimous consent that the text of the joint resolution be printed in the Congressional Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 258

Whereas the National Safety Council statistics indicate that workplace accidents accounted for eleven thousand employee deaths and one million nine hundred thousand employee injuries during 1982;

Whereas such accidents caused immeasurable pain and suffering to victims and their families;

Whereas the cost of occupational accidents amounted to over $31,000,000,000 in losses to American industry during 1982;

Whereas the American Society of Safety Engineers and other safety and health organizations continue to promote occupational safety in all industries; and

Whereas this endeavor is worthy of support and cooperation so that the toll of workplace injuries and deaths will be reduced: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 24, through June 30, 1984 is designated as "National Safety in the Workplace Week," and the President is authorized and requested to issue a proclamation commemorating the efforts of organizations which promote safety and health for the American worker and calling upon all government agencies and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 627

At the request of Mr. Packwood, the names of the Senator from West Virginia (Mr. Randolph), the Senator from New Hampshire (Mr. Rudman), the Senator from Neoraska (Mr. Exon), and the Senator from Rhode Island (Mr. Chafee) were added as cosponsors of S. 627, a bill to authorize the establishment of a National Scenic Area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural, and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the futherance of its objective, and for other purposes.

S. 764

At the request of Mr. Warner, the names of the Senator from Georgia (Mr. Nunn), and the Senator from Maine (Mr. Cohen) were added as cosponsors of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 816

At the request of Mr. Bradley, the name of the Senator from Pennsylvania (Mr. Specter) was added as a cosponsor of S. 816, a bill to extend the Superfund legislation for five additional years, and for other purposes.

S. 986

At the request of Mr. Pressler, the name of the Senator from Wisconsin (Mr. Kasten) was added as a cosponsor of S. 986, a bill to repeal employer reporting requirements with respect to tips.

S. 1113

At the request of Mr. D'Amato, the name of the Senator from California (Mr. Cranston) was added as a cosponsor of S. 1113, a bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed.

S. 1300

At the request of Mr. Huddleston, the name of the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the rural electrification and telephone revolving fund, and for other purposes.

S. 1806

At the request of Mr. Bradley, the names of the Senator from Indiana (Mr. Lugar), and the Senator from Nebraska (Mr. Zorinsky) were added as cosponsors of S. 1806, a bill to recognize the organization known as the Jewish War Veterans of the United States of America, Inc.

S. 1842

At the request of Mr. Armstrong, the names of the Senator from New Mexico (Mr. Bingaman), and the Senator from Arizona (Mr. DeConcini) were added as cosponsors of S. 1842, a bill to amend the Colorado River Basin Salinity Control Act to authorize the Secretary of Agriculture to develop and implement a coordinated agricultural program in the Colorado River Basin.

S. 2014

At the request of Mr. Specter, the name of the Senator from New York (Mr. D'Amato) was added as a cosponsor of S. 2014, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

S. 2031

At the request of Mr. Moynihan, the names of the Senator from Alabama (Mr. Heflin), the Senator from Iowa (Mr. Grassley), the Senator from Indiana (Mr. Quayle), and the Senator from California (Mr. Wilson) were added as cosponsors of S. 2031, a bill relating to the residence of the American Ambassador to Israel.

S. 2069

At the request of Mr. Pressler, the name of the Senator from Wisconsin (Mr. Kasten) was added as a cosponsor of S. 2069, a bill to amend the Small Business Act.

S. 2127

At the request of Mr. Nickles, the name of the Senator from Colorado (Mr. Armstrong) was added as a cosponsor of S. 2127, a bill entitled "Federal Advisory Committee Act Amendments of 1983."

S. 2224

At the request of Mr. Mitchell, the name of the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 2224, a bill to repeal section 140 of Public Law 97-92, 95 Stat. 1200, and for other purposes.

S. 2258

At the request of Mr. Moynihan, the names of the Senator from Hawaii (Mr. Inouye), the Senator from Michigan (Mr. Levin), and the Senator from Massachusetts (Mr. Tsongas) were added as cosponsors of S. 2258, a bill to grant a Federal charter to the 369th Veterans' Association.

S. 2266

At the request of Mr. Cranston, the names of the Senator from Vermont (Mr. Leahy), the Senator from New York (Mr. Moynihan), and the Senator from Florida (Mrs. Hawkins) were added as cosponsors of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2295

At the request of Mr. Quayle, the name of the Senator from Michigan (Mr. Riegle) was added as a cosponsor of S. 2295, a bill to amend title 23, United States Code, to provide that for purposes of determining the minimum allocation paid to any State, the amount of taxes treated as paid into the highway trust fund with respect to gasohol and certain methanol and ethanol fuels shall be determined as if such fuels were taxed as gasoline.

S. 2299

At the request of Mr. Dole, the names of the Senator from New Mexico (Mr. Domenici), the Senator from Utah (Mr. Garn), and the Senator from Kentucky (Mr. Huddleston) were added as cosponsors of S. 2299, a bill entitled the "Anti-fraudulent Adoption Practices Act of 1984."

S. 2307

At the request of Mr. Boschwitz, the names of the Senator from Arkansas (Mr. Bumpers), and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of S. 2307, a bill making a supplemental appropriation to carry out title II of Public Law 480.

S. 2309

At the request of Mr. Moynihan, the names of the Senator from Maine (Mr. Cohen), and the Senator from Vermont (Mr. Leahy) were added as cosponsors of S. 2309, a bill to authorize the offer and payment of rewards for information and services concerning terrorist activities.

S. 2384

At the request of Mr. Bradley, the name of the Senator from Hawaii (Mr. Matsunaga) was added as a cosponsor of S. 2384, a bill to require rapid fill of the strategic petroleum reserve, to authorize early use of te strategic petroleum reserve, to authorize emergency block grants to assist low-income Americans during an oil supply disruption, and for other purposes.

S. 2413

At the request of Mr. Denton, the names of the Senator from Utah (Mr. Garn), the Senator from South Carolina (Mr. Hollings), the Senator from Kansas (Mrs. Kassebaum), and the Senator from Georgia (Mr. Mattingly) were added as cosponsors of S. 2413, a bill to recognize the organization known as the American Gold Star Mothers, Inc.

SENATE JOINT RESOLUTION 129

At the request of Mr. Pressler, the names of the Senator from Hawaii (Mr. Matsunaga), and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of Senate Joint Resolution 129, a joint resolution calling upon the President to seek a mutual and verifiable ban on weapons in space and on weapons designed to attack objects in space.

SENATE JOINT RESOLUTION 143

At the request of Mr. Melcher, the names of the Senator from Montana (Mr. Baucus), the Senator from Iowa (Mr. Grassley), the Senator from Georgia (Mr. Nunn), and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of Senate Joint Resolution 143, a joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, June 3, 1984, as "National Garden Week."

SENATE JOINT RESOLUTION 165

At the request of Mr. Mathias, the names of the Senator from Tennessee (Mr. Baker), and the Senator from North Carolina (Mr. East) were added as cosponsors of Senate Joint Resolution 165, a joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws.

SENATE JOINT RESOLUTION 216

At the request of Mr. Moynihan, the names of the Senator from Hawaii (Mr. Inouye), and the Senator from Vermont (Mr. Leahy) were added as cosponsors of Senate Joint Resolution 216, a joint resolution to affirm the policy of the United States to advance human rights in El Salvador by taking all measures that may be necessary or appropriate to assure that those responsible for the murders of four American churchwomen and other U.S. citizens are brought to justice; and for other purposes.

SENATE JOINT RESOLUTION 224

At the request of Mr. Boren, the name of the Senator from South Dakota (Mr. Pressler), was added as a cosponsor of Senate Joint Resolution 224, a joint resolution to designate the week of April 1, 1984, as "National Amateur Wrestling Week."

SENATE JOINT RESOLUTION 236

At the request of Mr. Matsunaga, the name of the Senator from Massachusetts (Mr. Tsongas) was added as a cosponsor of Senate Joint Resolution 236, a joint resolution relating to cooperative East-West ventures in space as an alternative to a space arms race.

SENATE JOINT RESOLUTION 237

At the request of Mr. Hatch, the name of the Senator from Alabama (Mr. Heflin) was added as a cosponsor of Senate Joint Resolution 237, a joint resolution to designate the week of November 25, 1984, throught December 1, 1984, as "National Home Care Week."

SENATE JOINT RESOLUTION 243

At the request of Mr. Moynihan, the names of the Senator from West Virginia (Mr. Randolph), the Senator from New Mexico (Mr. Bingaman), and the Senator from Arizona (Mr. DeConcini) were added as cosponsors of Senate Joint Resolution 243, a joint resolution designating the week preceding October 28, 1984, as "National Immigration Week."

SENATE JOINT RESOLUTION 245

At the request of Mr. Gorton, the names of the Senator from Alabama (Mr. Heflin), the Senator from Kentucky (Mr. Ford), and the Senator from California (Mr. Cranston) were added as cosponsors of Senate Joint Resolution 245, a joint resolution to designate the week of April 15 through April 21, 1984, as "National Recreational Sports Week."

SENATE JOINT RESOLUTION 247

At the request of Mr. D'Amato, his name was added as a cosponsor of Senate Joint Resolution 247, a joint resolution to designate March 25, 1984, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

At the request of Mr. HUMPHREY, the names of the Senator from Indiana (Mr. QUAYLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Rhode Island (Mr. PELL), and the Senator from Utah (Mr. HATCH) were added as cosponsors of Senate Joint Resolution 247, supra.

SENATE JOINT RESOLUTION 250

At the request of Mr. BAKER, the names of the Senator from Arizona (Mr. GOLDWATER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Montana (Mr. MELCHER), the Senator from Indiana (Mr. LUGAR), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of Senate Joint Resolution 250, a joint resolution declaring the week of May 7 through 13, 1984, as "National Photo Week."

SENATE JOINT RESOLUTION 251

At the request of Mr. ARMSTRONG, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 251, a joint resolution providing for the convening, whenever the legislatures of two additional States pass a resolution to hold such a convention, of a constitutional convention for the purpose of proposing an amendment relating to the balancing of the Federal budget.

SENATE JOINT RESOLUTION 254

At the request of Mr. LUGAR, the names of the Senator from California (Mr. CRANSTON), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Joint Resolution 254, a joint resolution to designate the month of October 1984 as "National Down's Syndrome Month."

SENATE JOINT RESOLUTION 256

At the request of Mr. THURMOND, the names of the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. LUGAR) the Senator from Arkansas (Mr. BUMPERS), the Senator from North Carolina (Mr. EAST), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Georgia (Mr. NUNN) were added as cosponsors of Senate Joint Resolution 256, a joint resolution to designate March 21, 1984, as "National Single Parent Day."

SENATE CONCURRENT RESOLUTION 86

At the request of Mr. HEINZ, the names of the Senator from Wyoming (Mr. SIMPSON), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of Senate Concurrent Resolution 86, a concurrent resolution expressing the sense of the Congress regarding the persecution of members of the Baha'i religion in Iran by the Government of Iran.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois (Mr. PERCY), was added as a cosponsor of Senate Concurrent Resolution 94, a concurrent resolution expressing the sense of Congress that the President of Syria should permit Jewish emigration.

SENATE RESOLUTION 312

At the request of Mr. HUMPHREY, the names of the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Arkansas (Mr. PRYOR), the Senator from Arkansas (Mr. BUMPERS), the Senator from Michigan (Mr. LEVIN), the Senator from Utah (Mr. HATCH), the Senator from Vermont (Mr. LEAHY), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Resolution 312, a resolution to honor Commander Alphonse Desjardins, founder of La Caisse Populaire de Ste-Marie, Manchester, N.H.

NOTICES OF HEARINGS

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. QUAYLE. Mr. President, the Subcommittee on Employment and Productivity will hold hearings on Employment and Productivity and the Future of the Steel Industry, Thursday, March 22, at 9:30 a.m., in SD-628 of the Dirksen Senate Office Building.

Those scheduled to testify include Hon. JOHN HEINZ, U.S. Senator from Pennsylvania; Malcolm Baldrige, Secretary of the Department of Commerce; Dr. Robert Crandall of the Brookings Institution; Dr. Joel Hirschhorn of the Office of Technology Assessment; Dr. Donald Barnett of the World Bank; Hon. Thomas McDermott, mayor of Hammond, Ind.; and representatives from the American Iron and Steel Institute and the United Steelworkers of America. Others invited include J. Paul McGrath, Assistant Attorney General, Justice Department, and U.S. Trade Representative William E. Brock.

Those wishing to submit written statements for the hearing record should write to the Subcommittee on Employment and Productivity, Committee on Labor and Human Resources, SH-607, Hart Senate Office Building, Washington, D.C. 20510. For further information, please contact either Barbara McLennan or Bonnie Heineman at 224-5623.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 13, in order to mark up the deficit reduction package.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TACTICAL WARFARE

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Tactical Warfare, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Tuesday, March 13, at 2 p.m., to receive testimony on JSTARS and JTACMS programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 13, at 2 p.m., to hold a closed hearing to review the fiscal year 1985 Intelligence budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, March 13, in order to hold a hearing on S. 2300, the Civilian Agency Multi-Year Contracting Act of 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 13, in closed session to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces of the Committee on Armed Services, be authorized to meet during the session of the Senate on Tuesday, March 13, to hold an open hearing to be followed by a closed hearing on sea-based deterrent.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CHIEF JUSTICE BURGER'S ANNUAL MESSAGE ON THE ADMINISTRATION OF JUSTICE

● Mr. HATFIELD. Mr. President, our adversarial system of justice necessarily involves competition. It involves two advocates arguing in the best interests of their clients with a judge who presides over the parties and who renders a judgment. Whether the disputed issue involves a civil or criminal issue, a citizen of this country can expect an adjudication of the equities through established court procedures and a result based on the findings of fact and law.

Unfortunately, our system of justice does not guarantee true justice. Often a litigant prevails because of superior representation by an attorney or a team of attorneys. Often a jury will reach a verdict which appears to belie the evidence presented in the case, and will reach such a verdict because of the persuasive powers of a skilled orator. Put simply, the outcome in any litigation can depend as much on the performance of attorneys as it can on the actual equities involved.

Judging from opinion polls which indicate that the legal profession is not held in high esteem, attorneys seem to bear a great share of the blame for the present standing of our system of justice. Frivolous lawsuits, extended appeals, and outrageous trial outcomes are commonly attributed to this Nation's pool of 650,000 attorneys.

Such a finding of fault, I believe, is not fair. It is easy to forget that we, as a society, are using the courts as a "first resort" means to resolve disputes, and that we have become progressively litigious and confrontational. Behind every lawsuit are groups of people or corporations who expect their lawyers to win at virtually all costs. So when one is affixing the blame for the low regard in which our judicial system is held, one would be well-advised to look in each community, each household, each corporate office, and determine whether blame can properly rest in those quarters.

Nonetheless, as sworn officers of the court, attorneys are called to an ethical conduct which preserves the integrity of our system of justice. Chief Justice Warren E. Burger recently addressed members of the American Bar Association at their midyear meeting on the subject of ethical conduct, and his message to the legal community on the administration of justice is one worthy of careful consideration. Rather than paraphrase Chief Justice Burger's insightful observations, I ask that the text of his address be printed in the RECORD. I commend this remarkable speech to the attention of my colleagues.

The speech follows:

ANNUAL MESSAGE ON THE ADMINISTRATION OF JUSTICE

(From Warren E. Burger, Chief Justice of the United States, at the Midyear Meeting, American Bar Association, February 12, 1984)

The response of this Association in our time to the needs of the courts and the American people is in considerable contrast to the response of this Association to a speech given 78 years ago by Roscoe Pound, a young man from Nebraska, who later became one of the great Deans of the Harvard Law School. At the meeting of this Association in 1906, he addressed "The Causes of Popular Dissatisfaction with the Administration of Justice." At that time, this Association was hardly representative of the legal profession in America. It had only 2,600 members as compared with over 300,000 today. It was an establishment-oriented organization quite satisfied with the status quo. The leaders of the Association rejected Pound's criticism to the point that the Association initially refused to publish his speech. And it was not published until sometime later. Now we know it as a classic—so much so that eight years ago, our Association joined the Conference of Chief Justices of the States and the Judicial Conference of the United States to sponsor one of the more significant legal meetings in recent times. By design, that Conference, which came to be known as the Pound Conference, was held in St. Paul, Minnesota, and was convened in the very room of the State House of Representatives, and at the very lectern where Pound made his 1906 speech.

The response of the Association to that 1976 re-examination of Pound's criticism was immediate, and you are familiar with the various programs it generated. One very important program was aimed at developing alternative methods for resolving disputes which now inundate all the courts of this country. Another was directed at delays in litigation and abuse of the discovery process, and I will return to those subjects in a few minutes. Today, the American Bar Association is the most powerful and effective instrument for the improvement of justice in our country and this is shown by the development of such institutions as the National Judicial College, the Institute for Court Management, the National Center for State Courts, the National Institute for Trial Advocacy and the monumental study on Standards of Criminal Justice, to name only a few.

We are living in a period of dramatic, spectacular and rapid change. This is especially true in the world of science, for we are told—incredible as it seems—that in some fields of science there has been more development since World War II than in the previous 500 years. Not only is the world of science undergoing momentous changes, but as we learn every day, indeed twice a day, on the morning and evening news, this is also true in the political world and in business and industry.

These changes have an impact on all of us, as well as on the participants and the victims, and many of these changes—scientific, economic and political—have an impact on the administration of justice. Change, of course, is the law of life, but the pace of change we now witness is staggering.

CHANGE IN PROFESSION

Some startling changes have taken place in our profession in the last two decades. One very desirable change was introduced by the profession itself—the growth in the use of paralegals to reduce the costs of services to clients. Another change is the growth of large law firms and the large increase in branch offices of law firms. We are told that the number of American lawyers approaches, if it has not already exceeded, 650,000! It has been reported that about two-thirds of all the lawyers in the world are in the United States and of those, one-third have come into practice in the past five years.

We are also told that in the past ten years, the legal profession has experienced a sharp decline in public confidence as measured by opinion polls.

Is there a connection between this sharp decline in public confidence in lawyers and the doubling of the numbers of lawyers in the last 20-odd years?

Does this decline in the standing of lawyers relate in some way to the high cost of legal services and the slow pace of justice?

Does it come from a growing public opinion that our profession is lax in dealing with the incompetent lawyer or the errant and dishonest lawyer?

Is the public perception of lawyers influenced sometimes, and to some extent, by absurd lawsuits which we have not yet found a way to restrain—a father suing the school board to raise little Johnny's grade in English from C to B? Or the football fan who sues to revise a referee's ruling on a forward pass or a fumble?

If, as some assert, there are too many lawyers, that should mean greater competition, and we Americans have always thought competition brings the highest quality of goods and services at the lowest cost. In our free society, we believe in competition, but is competition in a profession the same as competition in the marketplace? Given the article of faith that competition reduces costs, should we not inquire as to the reasons why—after this enormous growth in the number of lawyers—there is a widespread hue and cry, which increases steadily, about lawyers' fees and litigation costs?

The criticism of our profession is not casual or irresponsible. Many of our own leaders have addressed it. Just last year, a distinguished lawyer and educator, Derek Bok, formerly Harvard's Law Dean and now its President, made some strong observations on the subject. He said this:

"The blunt, inexcusable fact is that this nation, which prides itself on efficiency and justice, has developed a legal system that is the most expensive in the world. . . ."

Many of the activities and studies of our Association acknowledge our own appraisal that all is not well, that our legal system is not as efficient as it should be.

Lawyers have never been loved, before or since Shakespeare had his revolutionary character propose to "kill all the lawyers." Perhaps this is because, in part, our most visible colleagues, the litigators, can hardly please all of the observers. Even the winning client often disapproves when he considers the stress of litigation, the net results of the courtroom battle and pays his legal fees and costs. Added to that, the behavior of some of the more visible advocates is not such as to reflect credit on our profession.

Increasingly in the past few years, critics have warned that lawyers must be careful not to price themselves out of the market. We know what happens when that occurs in any field of activity: the consumers of the services or goods find other sources of supply. We saw that when the quality and price of the automobiles made in this country were found unacceptable. The consequences were very painful for our economy—and for our pride.

ADVERTISING

We lawyers have always been fond of quoting the French and English legal philosophers to make a point, and, today, I will call on Edmund Burke, one of the great 18th century legal thinkers most admired by lawyers. He said this:

"People are qualified for civil liberty in exact proportion to their disposition to put moral chains on their appetites."

Other philosophers have echoed this, saying that the preservation of a civilized society depends upon the willingness of its members to forego some of their freedoms.

If this is true of society generally, it is even more so in a profession like law or medicine. That is what sets the professions apart from the marketplace of barter and trade.

In the past, the professional standards and traditions of the Bar served to restrain members of the profession from practices and customs common and acceptable in the rough-and-tumble of the marketplace. Historically, honorable lawyers complied with traditions of the Bar and refrained from doing all that the laws or the Constitution allowed them to do. Specifically, they did not advertise, they did not solicit, they kept careful separate accounts of clients' property, they considered our profession as one dedicated to public service. We still pay homage to the idea that lawyers are "officers of the courts"—or is that just lip service?

Along with the decline of public esteem of our profession, we have witnessed the decline in the public confidence in the media. Some responsible journalists attribute this decline to an insistence of some of their clan in exercising their First Amendment rights to the outer limits or beyond. Some journalists acknowledge that this is an abuse of their First Amendment rights. Others disagree.

Does our profession's low public standing derive, in part at least, from the insistence of some lawyers on exercising their First Amendment rights to the utmost? In current polls, lawyers and journalists rank roughly near the "bottom of the barrel." Perhaps neither likes the company they find themselves in!

One recent development may shed some light on the public perception of our profession. When the Supreme Court declared that the First Amendment allows advertising by lawyers, it placed lawyers in much the same posture, with respect to advertising, as all other occupations. But to those who still regard the practice of law as a profession of service—with high public obligations, rather than a trade in the marketplace—the professional standards against advertising are still widely observed. One study made by the Association estimates that as many as 10 to 13 percent of the lawyers engage in some form of advertising. But some of this small segment treat this freedom as a release from all professional restraints and use it as a license. We see some lawyers using the same modes of advertising as other commodities from mustard, cosmetics, and laxatives, to used cars. A hypothetical case will make my point.

Imagine a day when thousands of eyes are focused on a football game. An ad comes on the TV, perhaps during the halftime. The scene is much like the contest the viewers have just been observing—a spectacular 90-yard touchdown run in which the star eludes all tacklers. The scene then changes. A fine-looking fellow comes on the screen in business clothes, and it turns out he is a popular football star. He says something like this: "If you have a legal problem or case—and if you want to score—go to my friends, Quirk, Gammon & Snapp."

At that point, one by one, three, well-dressed fellows come on stage, perhaps against the background of the *United States Code Annotated* or the *United States Reports*. The speaker goes on:

"If you really want to make a touchdown against your opponents, go to Quirk, Gammon & Snapp. For an appointment call (800) 777-1111. They are the best!

"There will be no charge for the first conference on your problems. They have a special rate on uncontested divorces during the holidays. Don't wait."

There are some variations of this unseemly practice, such as house-to-house distribution of coupons giving a $15- or $25-credit on the first conference with a lawyer identified in the coupon.

This is happening in a profession that once condemned champerty and maintenance and drove ambulance chasers out of the profession.

Having said this, however, we must be careful to recognize that not all the developments in higher lawyer visibility and advertising are undesirable or unprofessional. Some of them, for example, store-front, street-level offices of so-called legal clinics that publish dignified announcements of their availability have helped bring low-cost legal services to lower-income people long denied access to legal assistance.

TRIAL COURT ADVOCACY

Ten years ago, I suggested that up to one-third or one-half of the lawyers coming into our courts were not really qualified to render fully adequate representation, and that this contributed to the large cost and the delays in the courts. We know that a poorly trained, poorly prepared lawyer often takes a week to try a one- or two-day case. My purpose was to stimulate debate, and some of you, very appropriately, challenged my statements. Later on, in the debate that followed, the President of our Association said that my figure was too high and that the correct figures was not more than 25 percent. Our distinguished colleague Griffin Bell, then Attorney General of the United States, made an estimate of 30 percent. I responded to this in 1979 on an occasion such as we have today. I accepted the estimates of the President of our Association and the Attorney General. Then I asked for a show of hands of the audience as to how many thought a figure of 25 to 30 percent of courtroom incompetents was tolerable. Not a single hand was raised. Of course it was not tolerable.

When surveys and studies were made by the Association and other responsible bodies, it developed that even my estimate of below-standard courtroom performance was too low!

Our Association and its component State and local associations and committees moved swiftly. And the law schools, including Harvard's two and one-half million-dollar project on trial advocacy, developed broad scale programs on trial advocacy and related subjects. In the past decade, a majority of our law schools have followed the lead of the early pioneer schools in focusing attention on the elements of trial advocacy, the techniques of negotiation and of arbitration.

In 1976, the Judicial Conference of the United States launched a study of the quality of advocacy in Federal courts, and in 1979 the so-called Devitt Committee Report recommended experiments with special standards for admission to the Federal courts. The Judicial Conference then established an implementation program which is now proceeding in 13 pilot Federal Districts under the chairmanship of Judge Lawrence King of Florida.

I recall these developments to you because they show that the leadership of this Association has never failed in modern times to respond to the needs of our profession and the interests of the public.

LAWYER DISCIPLINE[1]

In a country as large as ours, with our system of Federalism, regulation of the Bar cannot be centered entirely in one place as it is in England and some other common-law countries. Fourteen years ago Justice Tom Clark chaired the Association's committee on disciplinary enforcement by the Bar. That Committee's Report said this:

"After three years of studying lawyer discipline throughout the country, this Committee must report the existence of a scandalous situation that requires the immediate attention of the profession. With few exceptions, the prevailing attitude of lawyers toward disciplinary enforcement ranges from apathy to outright hostility. Disciplinary action is practically nonexistent in many jurisdictions; practices and procedures are antiquated; many disciplinary agencies have little power to take effective steps against malefactors."

That Report stimulated action by some State Bar Associations, but any fair-minded examination of the whole picture today will reveal that what we have done falls short of what is needed. There are an increasing number of good State programs on discipline, financed by annual assessments on practitioners. The public interest first, and the long-range interest of our profession, require a comprehensive re-examination of the mechanisms we now have to deal with dishonest and unethical practices. The alternative is that State legislatures may move independently if our profession does not act. The 1970 Clark Report on lawyer discipline must be brought up to date because more vigorous programs are imperative if we are to have the confidence of the public.

DISCOVERY ABUSE

I now turn to another matter internal to the profession and in the courts, and of significance and importance to the public. We remember that in the 1930s, by rules, new procedures for pretrial discovery were introduced in the Federal system, but they did not come into full bloom for some years. The Association's committees have long been concerned about the growing problem of discovery abuses which are damaging not only in terms of costs to clients but to the perception of the profession. In 1983, these discovery Rules were amended in response to the rising demand to curb widespread abuses of discovery. These amended Rules give trial judges important pretrial management and oversight responsibilities, and direct the judges to impose sanctions directly on attorneys who abuse the court's processes.

Recently, I invited a group of 24 representative members of our profession to Washington to focus attention on these amended discovery Rules. This task force included practicing lawyers, judges and law teachers. Two of the practicing lawyers were formerly Federal judges. At the conclusion of these sessions, I invited them to give me their views. One distinguished member of the group wrote that we may have a "breakdown in the professional standards of the entire profession."

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[1] What follows should not be interpreted as criticism of the ABA; attorney discipline largely is the responsibility of State courts and the local and State Bar Associations. The ABA in fact has been active since 1970 in coordinating the efforts of local and State Associations by providing a clearinghouse of statistics on attorney discipline and providing a resource pool for information through the American Center for Professional Discipline. This year the Center's budget is $1,200,000, and will be even higher next year, which reflects the substantial level of support the ABA is providing. Further, the ABA has been instrumental in helping Federal District courts and Federal agencies promulgate disciplinary rules for attorneys appearing before them. In spite of these massive efforts, much remains to be done.

He went on to focus on the abuses of discovery by lawyers saying, "We have allowed discovery to take on a life of its own."

Another member expressed the view that some lawyers have exploited pretrial discovery with at least an excess of adversary zeal and, at worst, something approaching its use as a tool of extortion. Another, with long experience as a practitioner, lamented the practice which he described as "filing a complaint based almost on rumors and then embarking on months of extensive pretrial discovery to find out if his client had a case."

One of the responses provided an apt summary of the whole problem:

"Some basic institutional reform in the legal profession is what is needed—lawyers have got to stop using the court system as a means of enriching themselves at the expense of their clients. And the courts have got to stop allowing the lawyers to do it."

These are hard—even harsh—appraisals but they come from responsible, thoughtful lawyers and judges.

What this means is that, under the 1983 Rule changes, judges must not remain aloof from what is going on in a case simply because the parties have not presented themselves in the four walls of the courtroom to begin a trial. The 1983 Amendments require that judges take a more active role in overseeing pretrial proceedings. Judges in some State courts and in Federal courts have exercised their discretionary authority to impose sanctions both on attorneys and their clients for filing frivolous cases for abuse of discovery processes. In one state case, a trial judge held that the plaintiff's case was based on totally frivolous allegations and ordered the payment of nearly two million dollars in fees and expenses. Another judge imposed heavy costs against both the plaintiff and the attorney based on the State's new Civil Code of Procedures that authorized trial judges to impose sanctions on parties and attorneys who litigate in bad faith. In the Federal courts, the amended Rules now authorize sanctions on lawyers for abuse of the privilege. A few, carefully considered, well-placed $5,000- or $10,000-penalties will help focus attention on the consequence of abuses by lawyers.

COST SHIFTING

Another important development is under study. We are exploring the possible strengthening of Rule 68 of the Civil Rules to allow either party to offer a settlement. If the offer is refused, and the case goes to trial and results in a judgement less favorable to the "refusing party" than the offer it rejected, that party would, in the descretion of the court, be subject to payment of all costs the opposing party incurred after rejection of the offer, including attorneys' fees. Cost shifting, subject to court approval, has long been a part of the administration of justice in other common-law countries and we must study their experiences.

I suspect some of my judicial colleagues will respond that heavily overburdened judges—and they are overworked—should not be further burdened. But the day has long since passed when we can simply "let-the-lawyers-run-it." Although pretrial proceedings are not open as a trial is open, litigation becomes a matter of the court's responsibilitly as soon as judicial power is invoked. The dangers in leaving everything to the lawyers outweight the logic of the situation. Some of our ablest judges have developed ways to keep in touch with the cases during the pretrial stage to make sure that that process is not being abused. This is the essence of sound judicial administration.

At the March meeting of the Judicial Conference of the United States, I will request the Conference to consider a program in each Federal Circuit and District to deal with this problem, particularly to promote wider understanding and use of the 1983 Amendments to the Civil Rules. After one recent conference on the new Rules, the very next court day, one judge levied costs on a litigant for the burden imposed on the other litigant by duplicative motions. I urge the Association, the State Bar and local Bar leaders to cooperate with these programs. The Discovery Tast Force that I referred to earlier will provide a helpful blueprint which can be adapted to the needs of each District. Now if it seems to you that I am unduly hard on lawyers today, let me close this subject by acknowledging that, at times, we judges are part of the problem. Corrective action is a joint responsibility of the bench and Bar. Lawyers, judges and law enforcement officers make up the system of justice. Together, we are responsible for insuring the rule of law. To retain the respect of the people, we must deserve their respect.

We know, of course, that the Association has long been aware of some of the problems I have been discussing and programs are under way to deal with some of them. But are they enough? What we need is a comprehensive and coordinated re-examination of all of these areas.

The story of justice, like the story of freedom, is a story that never ends. What seems unrealistic, visionary, and unreachable today must be the target even if we cannot reach it soon or even in our time. If we ever begin to think we have achieved our goals, that will mean our sights were set too low or that we had lost concern for our profession or the public interest.

This Association has long advocated the great ideals that distinguish our profession from the actors in the marketplace. We Americans are a competitive people and that spirit has brought us to near greatness. But that competitive spirit gives rise to conflicts and tensions. Our distant forebears moved slowly from trial by battle and other barbaric means of resolving conflicts and disputes, and we must move away from total reliance on the adversary contest for resolving all disputes. For some disputes, trials will be the only means, but for many, trials by the adversary contest must in time go the way of the ancient trial by battle and blood. Our system is too costly, too painful, too destructive, too inefficient for a truly civilized people. To rely on the adversary process as the principal means of revolving conflicting claims is a mistake that must be corrected. No other nation allows the adversary system to dominate relationships to the extent we do.

We lawyers are creatures—even slaves—of precedent which is habit. We tend to do things in a certain way "because we have always done it that way." But when we must constantly witness spectacular expansions of court dockets, requiring more and more judges, something is wrong. When we see costs of justice rising, when we see our standing in public esteem falling, something is wrong.

If we ask the question: "Who is responsible?", the answer must be, "We are. I am. Your are."

The entire legal profession—lawyers, judges, law teachers—have become so mesmerized with the stimulation of the courtroom contest that we tend to forget that we ought to be healers—healers of conflicts. Doctors, in spite of astronomical medical costs, still retain a high degree of public confidence because they are perceived as healers. Should lawyers not be healers? Healers, not warriors? Healers, not procurers? Healers, not hired guns?

There are other problems that deserve our attention, but those I have discussed today seem to me the most urgent, and at the same time, they have long-range implications.

In closing, Mr. President, I propose to you and our fellow members of the Association, that we create a study group of representative leaders of our profession to examine these problems and report to the Association. It might well be useful to include leaders from other disciplines as we take a careful look at ourselves.

Nearly 50 years ago, one of my most distinguished predecessors, Chief Justice Hughes, said this to our profession:

"In the midst of a task so great as this, there may come a time of discouraging reflection upon the immense needs of the administration of justice and the extreme difficulty of finding ways by which [we] can solve the prolems. . . . [W]e cannot afford to take a defeatist attitude. . . . The most important lesson of the past is to strive and never be disheartened because of the immensity of the task. The ultimate goal may seem to recede as we advance, but we must press on."

This Association has repeatedly shown that it is the most powerful, the most influential force in this country for improving the system of justice, and I am confident the Association will always act in the public interest.

Mr. President—in that spirit—I pledge my full cooperation should you elect to act on these problems to help us prepare for the years ahead.●

THE MISSING CHILDREN'S DAY RESOLUTION AND MISSING CHILDREN'S ASSISTANCE ACT

● Mr. D'AMATO. Mr. President, I rise today to cosponsor two important legislative initiatives addressing the national tragedy of missing children. I commend both Senator HAWKINS and Senator SPECTER for their leadership and their tireless efforts to fashion a meaningful and effective program to locate and help missing children.

I am proud to be a cosponsor of Senate Joint Resolution 252, introduced by Senator HAWKINS, which calls upon the President to issue a proclamation designating May 25 as "Missing Children's Day." This legislation has special meaning to me as a Senator from New York. On May 25, 1979, 6-year-old Etan Patz disappeared on his way to school in New York City; 5 years later, Etan Patz is still missing. He is one among 150,000 children who disappear every year. Police estimate that there are 20,000 runaways 15 years of age or younger on the streets of New York. They, too, are among the missing.

In preparing this statement, I contacted the office of Child Find, a national nonprofit organization based in New Paltz, N.Y., whose sole purpose is to locate missing children. The Etan Patz case is one of a growing number of cases from every State in the Nation registered with Child Find.

The American Bar Association is another national institution which recognizes the growing dimensions of this tragedy. The ABA estimates that every year 100,000 children become the victims of illegal parental kidnaping—usually as part of a dispute over child custody in divorce cases.

Covenant House and other sanctuaries for young people have demonstrated the urgent necessity of addressing yet another aspect of the problem; namely, the related, and very ugly, epidemics of drug abuse by, and sexual abuse of, children. Missing children are particularly vulnerable to such exploitation. As Father Bruce Ritter, the founder of Covenant House, has said:

> They are offered every kind of drug imaginable, every type of perversion conceivable.

Local police departments around the country are establishing missing person's squads and runaway units. The efforts of the police are to be commended enthusiastically. In 1982, for example, all 176 children under the age of 10 reported to the New York City Police Department were returned to their homes.

By increasing national awareness of the dimensions of the tragedy, a Missing Children's Day 1984 will contribute greatly to our national effort to combat this problem. I urge all of my colleagues to support this resolution. Missing Children's Day will focus national attention both on the plight of missing children and on the heroic efforts to locate and protect them.

Clearly, however, more than 1 day of recognition is required. On October 12, 1982, President Reagan signed into law the Missing Children Act, which, as Public Law 97-292, provides for national clearinghouse of information on missing children. I was happy to be 1 of the more than 70 Senators cosponsoring that legislation. Under the Missing Children Act, the FBI is authorized to collect information directly from local police, as well as from the parent, legal guardian, or next of kin of a missing child when local officials do not contact the FBI. These reports are then filed in the National Crime Information Center (NCIC) computers. Access to the NCIC computer files has been of enormous benefit to the effort of local law enforcement agencies in locating missing children.

Excellent as are the efforts to date, however, the size of the problem is such that we need to do more. For this reason, I am cosponsoring the Missing Children's Assistance Act, S. 2014. This bill amends the Juvenile Justice and Delinquency Prevention Act of 1974 to require the Administrator of the Office of Juvenile Justice and Delinquency Prevention to establish a toll-free telephone line to enable people to provide information about the location of missing children.

S. 2014 also authorizes the Adminstrator to make grants for research and demonstration projects designed to improve our ability to prevent the abduction of children. A national clearinghouse to provide technical assistance to, and coordinate the efforts of, State and local governments and agencies and individuals is another important aspect of S. 2014.

In recognition of the necessary role of the Office of Juvenile Justice and Delinquency Prevention, S. 2014 extends the authorization of the Juvenile Justice and Delinquency Prevention Act and the Runaway and Homeless Youth Act through 1988. The Missing Children's Assistance Act will provide a coordinated and comprehensive program to address the national tragedy on which we will focus special national attention every May 25.●

HARD TIMES IN URANIUM ENRICHMENT

● Mr. **HUMPHREY**. Mr. President, enriching uranium for use in the world's nuclear powerplants is a big, and potentially very lucrative business. Until 10 years ago, our Government was the only free world supplier of this fuel. Today, because of blundering decisionmaking in an increasingly competitive environment, our uranium enrichment program is in serious trouble. Presently, our share of total world sales has slipped to 35 percent and threatens to decline even further.

What are the reasons for this decline, and what is the Department of Energy (DOE), which runs this program for the Government, doing to address it? A good analysis of these issues can be found in "Hard Times in Uranium Enrichment," a piece by Colin Norman which appeared in the March 9 issue of Science Magazine.

As Mr. Norman reports, officials at DOE have recently overhauled the enrichment program to make it more competitive. DOE has come up with a new contract that is designed to help retain the customers that it now has under contract. But the price of DOE's enrichment service under the new contract will be $135 per unit, while our European competitors are selling their product for $100. Meanwhile, enrichment units on the so-called secondary market composed of large private stockpiles which are being unloaded on the market at bargain prices, have been reported as low as $80.

What continues to concern me and others is that DOE could take immediate steps to significantly reduce its per unit price. For instance, DOE insists on continuing to charge ahead with its Portsmouth, Ohio, gas centrifuge plant (GCEP). For several years, critics have argued and studies have confirmed that the technology to be used in the Portsmouth plant will be uneconomic and outmoded the day it comes on line. Yet, DOE persists in commiting hundreds of millions of dollars to the project.

Further, as the Science article notes, next year DOE will pay $339 million to another Government agency, the Tennessee Valley Authority (TVA) for electricity that will neither be produced nor used. DOE thus far has been reluctant to aggressively pursue means for seeking relief from these excessive charges.

Congress should take action to insure that the uranium enrichment program is set on the right course for the future. If not, the program could very well be on the road to bankruptcy, a disaster that could cost this Government and this Nation billions. I would strongly recommend colleagues to read "Hard Times in Uranium Enrichment."

Mr. President, I ask that the article by Mr. Norman be printed in the RECORD.

The article follows:

HARD TIMES IN URANIUM ENRICHMENT

(By Colin Norman)

The federal government's $2-billion-a-year business enriching uranium for reactor fuel is in such dire straits that the Department of Energy (DOE) will soon be forced to drop one of two major programs aimed at developing an advanced enrichment technology. In mid-1985, it will choose between developing a new generation of gas centrifuges or a process based on lasers to replace the aging facilities that are currently in operation. The losing project will be virtually closed down.

Billions of dollars will ride on the choice. At stake is the future of a massive gas centrifuge plant under construction in Portsmouth, Ohio. Known as the Gas Centrifuge Enrichment Plant, or GCEP (pronounced gee-sep), it has already soaked up some $2 billion in construction funds. If the development of advanced centrifuges is shut off, the plant would be at best marginally economic and may have to be abandoned. On the other hand, if DOE closes out the laser enrichment program, it risks turning its back on a promising technology on which it has already spent several hundred million dollars.

The department had originally wanted to make the selection around 1988, but has decided it can no longer afford to support two $100-million-a-year R&D programs. It will thus be forced to choose before either technology is fully demonstrated.

The accelerated decision is part of a radical overhaul of the enrichment program designed to pull it back from the brink of disaster. Last year, DOE belatedly realized that its customers for enriched uranium were deserting it just as the enrichment program was committed to spending billions of dollars on construction (Science, 19 August 1983, p. 730). "I can't overemphasize the criticality of what we were facing in 1983. We were in a death spiral. It was a problem as big and as bad as Chrysler," says Shelby Brewer, head of nuclear programs at DOE.

At the root of the problem is the worldwide slump in the nuclear power industry. In the early 1970's, utilities had placed so many orders for future deliveries of enriched uranium that DOE—which then had a worldwide monopoly—closed its order books because it believed its production capacity would soon be exceeded. A $1.5-billion program was launched to expand output from DOE's three existing plants, and in 1977 the go-ahead was given to build GCEP. The Europeans also entered the enrichment business in the 1970's with the construction of two new plants.

Then the bottom fell out of the market for reactor fuel as utilities around the world began to scale back their nuclear construction. DOE found itself with contracts that were "just a handful of paper," as Brewer puts it. It was also locked into long-term contracts with utilities for electricity to operate its enrichment plants, and is now paying huge penalties for power it ordered but no longer needs. Next year alone, DOE will fork over $339 million in penalties to the Tennessee Valley Authority (TVA).

DOE calculates that worldwide production capacity currently exceeds demand by a factor of 2. To make matters worse, many utilities are holding a huge stockpile of enriched uranium that they have been forced to accept under strict take-or-pay contracts, and they are unloading it to other utilities at a substantial discount. There is enough material slopping around in this so-called secondary market to meet current demand for about 3 years.

Some two-thirds of this surplus is of European origin, and the devaluation of European currencies against the dollar has made this cut-price fuel doubly attractive to U.S. utilities. About 18 months ago, DOE was jolted when some of its customers started canceling contracts and going to the secondary market. It received another blow when some utilites also began negotiating contracts with European producers, which are now undercutting DOE's prices in part because of those huge penalties DOE is paying to TVA.

Suddenly, DOE was faced with the prospect of a rapidly dwindling market just when it was building all that new capacity. Brewer says he was "horrified" when he looked into the program and realized the dimensions of the problem. Some radical surgery was in order.

To try to prevent further erosion of its market share, DOE has recently dropped its prices (although they are still above those of its European competitors) and offered its customers a more flexible contract that permits them to obtain a specified fraction of their requirements from the secondary market. Existing contract-holders have until October to convert to the new contract; DOE will then have a firm estimate of its revenues over the next few years.

Initial response to the new contract has been favorable. In the first month after it was unveiled, Duke Power signed on with others worth more than $2 billion over the next 30 years, and almost half DOE's customers expressed their intent to convert. But even so, DOE projects that its revenues will drop from $2.1 billion this year to $1.675 billion in fiscal year 1985.

Even under the most favorable assumptions, the revenues are unlikely to cover the cost of the ambitious construction and R&D program that DOE laid out in the 1970's. GCEP alone would have cost nearly $10 billion by the time it was finished in the late 1980's. DOE officials were therefore faced with two alternatives: either scale the program back drastically or try to persuade the Office of Management and Budget (OMB) and Congress to approve an operating deficit for a few years. There was little chance OMB would go along and even less that Congress would agree, so the knives were sharpened.

But more than simple cuts are being considered. When it was first approved, GCEP was envisaged as a massive complex of eight process buildings, each housing thousands of centrifuges. By the early 1980's, it was recognized that the original justification for building GCEP had vanished because DOE's three existing enrichment plants have more than enough capacity to meet projected demand until the end of the century. But construction continued because DOE changed the justification. In essence, it argued that because gas centrifuge technology is much less energy-intensive than the gaseous diffusion process employed in the existing plants, GCEP was needed to replace some of its aging facilities and hold down costs in future years.

Two of GCEP's process buildings and most of the central control and fuel-handling facilities have already been completed, and late last year the first centrifuges were installed. But DOE has now thrown the project into a lower gear. Plans for constructing the remaining six process buildings have been deferred, and DOE is committed to filling only half the first building with current-generation centrifuges. What happens next will depend to a large extent on whether DOE chooses to develop either advanced centrifuges or an entirely different technology based on lasers.

In the early 1980's, DOE began to pour money into the development of an advanced centrifuge with three times the efficiency of the machines now being installed. It also stepped up work on a potentially more efficient process using lasers that had been under development at the Lawrence Livermore Laboratory. DOE was planning to spend about $190 million on the two programs this year, with a full-scale demonstration of both of them expected in the late 1980's.

Funding for both technologies is being reduced, however, and the projects are now being revamped so that a choice can be made in the summer of 1985. If DOE chooses to continue with the advanced centrifuge, the new machines will probably be installed in the two completed process buildings of GCEP. According to DOE estimates, a two-building GCEP equipped with advanced centrifuges would be cheaper to operate than the existing gaseous diffusion plants. But with current-generation machines, such a plant would provide little or no cost savings. Thus, if the laser process is chosen, the future of GCEP would be in doubt.

In view of the fact that some $2 billion has already been invested in GCEP, DOE's technological choice would seem to be heavily skewed toward the advanced centrifuge. "Yes, that will be a factor," says Brewer. "That's life; you have to live with past dicisions." But John Longenecker, the head of the enrichment program, points out that the capital cost of building a new laser plant would be roughly equal to the additional cost of completing a two-building GCEP with advanced centrifuges. Thus the money sunk into GCEP has in effect put the two technologies on a roughly equal footing.

Longenecker says that the choice will be made not only on the expected capital and operating costs of the two technologies but also on their relative attractiveness to private investors. DOE is hoping to get some private capital into the enrichment program as a first step toward turning the enterprise over to private industry. Exactly how the transition would be accomplished, however, is not clear.

In any case, the real key to attracting any investment into enrichment, whether public or private, will be how successful DOE is in hanging on to its customers, and how long the depression endures in the nuclear industry. From now on, claims Brewer, investment decisions in the enrichment program will depend on the market--an elementary business strategy that, he admits, DOE has not followed in the past.●

DR. SAMUEL K. LEVY'S 90TH BIRTHDAY

● Mr. D'AMATO. Mr. President, I rise today to pay homage to a unique person from my hometown of Island Park, N.Y., who will celebrate his 90th birthday on March 31. Dr. Samuel K. Levy has been one of the community's most active members.

Dr. Levy was born in New York City. He has been a resident of Island Park for 47 years and a practicing pediatrician associated with Maimonides Hospital for 67 years. He was recently presented with an award by the hospital for serving on its staff longer than anyone else in the history of the hospital.

Dr. Levy spent his honeymoon and did his postgraduate studies of pediatrics in Vienna, where his great-grandfather practiced medicine. Dr. Levy's European travels were not exclusively for pleasure or education. He was called to duty in World War I and served as a first lieutenant in the Medical Reserve Corps. He was honored in recent times as the National Surgeon General of the National Association of the Sixth Division of the U.S. Army. He is also the National Surgeon General of the Veterans of Foreign Wars (VFW). The VFW has also had the pleasure of Dr. Levy's leadership in several county, State, and national offices. The long list of Dr. Levy's achievements also includes service as president of the pediatric section of Kings County Medical Society and the American Medical Association Recognition Award for continuous medical education.

His professionalism and dedication to pediatrics drew him to one of the most unique hobbies. Dr. Levy is a noted cochlearologist: he collects tablespoons. One of the most common form of measurement for a pediatrician, of course, is the tablespoon. In 1929, Dr. Levy noticed that one patient's tablespoon was different from another's. He began to collect them and documented the wide variants of size for medical reference. Today, Dr. Levy has over 700 different tablespoons, including a spoon last used by George Washington and a gold spoon of Paul Revere. He received this tablespoon for saving the life of a young girl. His other hobbies include riding bicycles and collecting stethoscopes.

Dr. Levy continues to be an active member of the medical community. He is a member of the Editors and Authors Association and is a medical book reviewer for the New York State Medical Society. At 90 years of age, Dr. Levy has no plans of slowing down.

The gratitude I feel to this physician, lecturer, community servant, teacher, and hobbyist is, I am sure, shared by my neighbors in Island Park and by all who know Dr. Levy. Mr. President, I am proud to honor this worthy man.●

YEAR OF EXCELLENCE IN EDUCATION

● Mr. KASTEN. Mr. President, I am pleased to see that the Senate yesterday overwhelmingly passed Senate Joint Resolution 210, the legislation which designates 1984 as the "Year of Excellence in Education."

Since the release of the report by the National Commission on Excellence in Education last spring, there has been a renewed national interest in improving education. Public opinion polls consistently show that concern about the quality of American education is one of the dominant issues in this country.

Numerous education reports have followed "A Nation at Risk," and while they differ in content and perspective, they all tend to make the same point: it is imperative that we act to improve the quality of our education system in the United States.

There have been several proposals put forth in Congress to address various education problems. No doubt, there are many different approaches being discussed and many of us here would differ on the best way to foster improvements. But in my view we should nôt focus on these differences. Rather, we should be participating in constructive discussion and providing Federal leadership in the education arena. I believe that Senate Joint Resolution 210 has given us a vehicle to accomplish just that.

As chairman of the Senate Republican Task Force on Initiatives to Strengthen Schools, I have an active interest in addressing the deficiencies of our education system. It is encouraging to know that my colleagues in the Senate share this interest and are willing to support efforts which underscore the Federal commitment to improving education.●

GREEK INDEPENDENCE DAY

● Mr. D'AMATO. Mr. President, I rise today to voice my support for Senate Joint Resolution 247, proclaiming March 25 as "Greek Independence Day."

This date marks the 163d anniversary of the initiation of Greek independence by Archbishop Gernanos. For 9 years Greek patriots fought their Ottoman oppressors for independence. The valiant efforts of those Greek freedom fighters served as a catalyst for the nationalist movement throughout the Balkans. The continued commitment of the Greek citizenry to the ideals of independence and democracy can serve as a source of inspiration to all of us.

The accomplishments of the more than 600,000 Americans of Greek origin have been no less impressive. Dedicated to self-improvement and achievement, Greek Americans have been active in all aspects of American life, education, the arts, government, and commerce. The achievements of Greek Americans in fields of shipping, banking, food services, and entertainment have been particularly noteworthy. The Greek word "philotimo" best expresses what is considered by Greeks of both Grecian and American citizenry to be their primary virtue: a sense of honor and self-respect.

In light of the achievements of the Greek people, I am pleased to join as a cosponsor of Senate Joint Resolution 247, proclaiming March 25 "Greek Independence Day."●

OVERRIDING THE VETO OF S. 684

● Mr. MOYNIHAN. Mr. President, last year, I was pleased to join the Senator from South Dakota (Mr. ABDNOR) as a cosponsor of S. 684, the Water Resources Research Act of 1983. This bill passed both Houses of Congress without dissent and was then vetoed by the President on February 21.

Whether or not S. 684 is enacted, scientists, engineers, and economists will continue to pursue water resources research. They simply must do so, for we have not yet solved all our water problems. The bill, however, provides a responsible, cost-effective program for joint Federal and State funding of this important research.

Senator ABDNOR and 19 of his Republican colleagues recently circulated a letter asking for support of an override of the veto. On behalf of the Democrats who have signed another letter urging an override, I ask all Members of the Senate to vote to enact S. 684.

Mr. President, I ask that a copy of the letter be printed in the RECORD.

The letter follows:

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, D.C., March 2, 1984.

DEAR COLLEAGUE: We would like to enlist your support in an effort to override the President's veto of S. 684, the Water Resources Research Act of 1983. This legislation would bring great benefits to the nation for a small investment. The bill would give new direction in a fiscally responsible manner to scientific research on water resources funded by the Federal government.

S. 684 authorizes matching grants to the 54 state water resources research institutes. These institutes conduct basic scientific research on a myriad of topics ranging from groundwater pollution to water conservation. Under the bill the proportionate non-Federal contribution would gradually increase, until each Federal dollar is matched by two non-Federal dollars. S. 684 also provides grants on a competitive basis to other universities and organizations for research on national and regional water problems.

The authorized funding levels—$36 million annually—would be significantly lower than the $53.5 million authorized in the most recent fiscal year of the existing program. The higher proportions of non-Federal cost sharing would ensure efficient utilization of the limited funds.

Unlike President Reagan, we believe in the value of a partnership between the Federal government and the states in pursuing new solutions to the nation's water problems. We urge you to join us in voting to enact S. 684.

Sincerely,

Daniel Patrick Moynihan, Max Baucus, George J. Mitchell, Jeff Bingaman, Lawton Chiles, Gary Hart, Walter Huddleston, Tom Eagleton, Lloyd Bentsen, Jennings Randolph, Quentin N. Burdick, Dennis DeConcini, Paul E. Tsongas, John Glenn, Frank R. Lautenberg, Wendell Ford, John C. Stennis.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annexes referred to in several of the covering letters are available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 12, 1984.
Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-29 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Greece for defense articles and services estimated to cost $30 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with Section 620C(b) of that statute.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL No. 84-29

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Greece.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$23
Other	7
Total	30

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A quantity of 300 AIM-9L SIDEWINDER Missiles with support equipment, spare and repair parts, publications, provisioning, staging, and training.

(iv) Military department: Navy (AKB).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: included in report for quarter ending 31 December 1983.

(viii) Date report delivered to Congress: 12 March 1984.

POLICY JUSTIFICATION

GREECE—AIM-9L SIDEWINDER MISSILES AND RELATED SUPPORT

The Government of Greece has requested the purchase of a quantity of 300 AIM-9L Sidewinder missiles with support equipment, spare and repair parts, publications, provisioning, staging, and training at an estimated cost of $30 million.

This proposed sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Greece in fulfillment of its NATO obligations; furthering NATO rationalization, standardization, and interoperability; and enhancing the defenses of the Western Alliance.

These AIM-9L Sidewinder missiles will provide the Hellenic Air Force (HAF) with a more modern interceptor capability since they are planned to be used with the HAF A-7 aircraft. The HAF will be able to absorb the Sidewinder missiles with little effort since Greece has previously purchased these missiles from the United States under Foreign Military Sales. The Sidewinder missiles will be provided in accordance with and subject to the limitations on use and transfer provided for under the Arms Export Control Act as embodied in the terms of sale. This sale will not adversely affect either the military balance in the region or U.S. efforts to encourage a negotiated settlement of the Cyprus question.

The principal contractors will be the Raytheon Company of Lowell, Mass., and Aeronutronic Ford of Newport Beach, Calif.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives of Greece.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

U.S. DEPARTMENT OF STATE, UNDER SECRETARY OF STATE FOR SECURITY ASSISTANCE, SCIENCE AND TECHNOLOGY,
Washington, D.C., March 9, 1984.

Pursuant to section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), and the authority vested in me by Department of State Delegation of Authority No. 145, I hereby certify that the provision to Greece of 300 AIM-9L Sidewinder missiles at an estimated cost of $30 million is consistent with principles contained in section 620C(b) of the Act.

This certification will be made part of the certification to the Congress under section 36(b) of the Arms Export Control Act regarding the proposed sale of the above-named articles and is based on the justification accompanying said certification, and of which such justification constitutes a full explanation.

WILLIAM SCHNEIDER, Jr.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 12, 1984.
Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-37 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed letter of Offer to Greece for defense articles and services estimated to cost $19 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL No. 84-37

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Greece.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$15
Other	4
Total	19

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A quantity of 1,097 I-TOW surface attack guided missiles and 54 tubular launchers with ancillary equipment and contractor technical assistance.

(iv) Military department: Army (WSV).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: March 12, 1984.

POLICY JUSTIFICATION

GREECE—I-TOW MISSILES AND LAUNCHERS

The Government of Greece has requested the purchase of a quantity of 1,097 I-TOW surface attack guided missiles and 54 tubular launchers with ancillary equipment and contractor technical assistance at an estimated cost of $19 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Greece in fulfillment of its NATO obligations; furthering NATO rationalization, standardization, and interoperability; and enhancing the defenses of the Western Alliance.

These I-TOW surface attack guided missiles will further upgrade the anti-tank capabilities of the Hellenic Army (HA). The HA will be able to absorb these missiles which will be provided in accordance with, and subject to the limitations on use and transfer provided for under the Arms Export Control Act, as embodied in the terms of sale. This sale will not adversely affect either the military balance in the region or U.S. efforts to encourage a negotiated settlement of the Cyprus question.

The prime contractor will be the Hughes Aircraft Company of Tucson, Arizona.

Implementation of this sale will require the assignment of one additional U.S. contractor representative to Greece for 12 months.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

U.S. DEPARTMENT OF STATE, UNDER SECRETARY OF STATE FOR SECURITY ASSISTANCE, SCIENCE AND TECHNOLOGY,
Washington, D.C., March 9, 1984.

Pursuant to section 620C(a) of the Foreign Assistance Act of 1961, as amended (the Act), and the authority vested in me by Department of State Delegation of Authority No. 145, I hereby certify that the provision to Greece of 1,097 I-TOW surface attack guided missiles and 54 tubular launchers at an estimated cost of $19 million is consistent with principles contained in section 620C(b) of the Act.

This certification will be made part of the certification to the Congress under section 36(b) of the Arms Export Control Act regarding the proposed sale of the above-named articles and is based on the justification accompanying said certification, and of which such justification constitutes a full explanation.

WILLIAM SCHNEIDER, Jr.●

PENNSYLVANIA ERA REQUIRES ABORTION FUNDING

● Mr. GARN. Mr. President, a Pennsylvania judge has provided another piece of evidence showing that ERA means abortion. The ERA-abortion connection has concerned me for years, and I know it troubles many Senators. The ERA-abortion connection is certainly one of the chief reasons for ERA's failure in the House last fall.

I am an opponent of the equal rights amendment (ERA), and one of the reasons for my opposition is my conviction that ERA will mean certain very specific things that I oppose—and which I believe most Americans oppose. For example, I oppose taxpayers paying for abortions unless the mother's life is endangered. At the national level, Congress has been restricting abortion funding to only those cases in which the mother's life is at stake. We are all familiar with the periodic legislative battles over these abortion funding restrictions which are commonly known as the Hyde amendment. One of the reasons for my opposition to the equal rights amendment is my firm belief that ERA spells the end of the Hyde amendment. My position on ERA and abortion has been given in some detail here on the Senate floor and in testimony to the Subcommittee on the Constitution of the Senate Judiciary Committee.

I oppose tax-funded abortions, Congress opposes them, and the legislature of the State of Pennsylvania opposes them. Judge John A. MacPhail of the Commonwealth Court of Pennsylvania, however, has just ruled that the State's equal rights amendment requires the State to pay for medically necessary abortions. In a decision filed just days ago (March 9, 1984), Judge MacPhail held that the equal protection provisions and the equal rights amendment of the Pennsylvania State Constitution both forbid what amounted to the Pennsylvania version of the Hyde amendment.

The Commonwealth Court is not Pennsylvania's highest court, and the State may appeal this decision. Perhaps we have not heard the last of this case. Nevertheless, in *Fischer* v. *Department of Public Welfare*, No. 283 C.D. 1981, we have another piece of the abortion-ERA puzzle.

I ask that a portion of the Pennsylvania opinion be printed in the RECORD following my remarks. I have included only pages 15 through 21 of the court's typewritten opinion. For the convenience of readers, I have added two subtitles to the opinion, namely "[The Equal Protection claims]" and "[The Equal Rights Amendment claims]."

The excerpt follows:

EXCERPT

2. Constitutionality of statutory language limiting funding for abortions for indigent women to instances where such abortions are necessary to avert the death or preserve the life of the mother.

[The Equal Protection claims]

In large part, the Commonwealth's case rests upon the decision of the United States Supreme Court in *Harris* v. *McRae*, 448 U.S. 297 (1980) where the Court upheld the Hyde Amendment which limited the use of any federal funds for reimbursement of the cost of abortions under the Medicaid Program to situations where the life of the mother would be endangered if the fetus were carried to term or where the mother was a victim of rape or incest which had been promptly reported to a law enforcement agency or public health service. In making its decision, the United States Supreme Court specifically rejected due process, equal protection and establishment clause challenges under the Constitution of the United States. Inasmuch as the statutory language in the legislation at issue here is virtually identical to the Hyde Amendment and the equal protection clauses of the State and Federal Constitutions have been construed in like fashion, the Commonwealth would have us conclude that the issue is settled. We must respectfully disagree.

Our State Supreme Court has held that where the provisions of our state constitution are being construed, including the equal protection clause, the state courts are not bound by decisions of the United States Supreme Court but should be guided by the same principles as are employed by that Court. *Kroger Co.* v. *O'Hara Township*, 481 Pa. 101, 392 A.2d 266 (1978). In such cases, the opinions of the United States Supreme Court are entitled to whatever weight their reasoning and intellectual persuasiveness warrant. *Commonwealth* v. *DeJohn*, 486 Pa. 32. 403 A.2d 1283 (1979), *cert. denied*, 444 U.S. 1032 (1980). Our own Court has held that even when the state and federal constitutions are similarly or identically phrased, we are free to consider the merits of a state based constitutional challenge independent of the United States Supreme Court. *Danson* v. *Casey*, 33 Pa. Commonwealth Ct. 614, 382 A.2d 1238 (1978), *aff'd*, 484 Pa. 415, 399 A.2d 360 (1979). We conclude that Harris is not binding upon us. As indicated by our own Supreme Court in *Fischer* v. *Department of Public Welfare*, several of our sister states have considered state legislation similar to the Hyde Amendment and found such legislation to be violative of state constitutional guarantees notwithstanding the United States Supreme Court decisions in Harris and Maher. *Planned Parenthood Association* v. *Department of Human Resources*, —— Or. Ct. App. ——, 667 P.2d 384 (1983); *Right to Choose* v. *Byrne*, 91 N.J. 287, 450 A.2d 925 (1982); *Committee to Defend Reproductive Rights* v. *Myers*, 29 Cal.3d 252, 625 P.2d 779 (1981) and *Moe* v. *Secretary of Administration and Finance*. 382 Mass. 629, 417 N.E.2d 387 (1981).

Our own analysis of the legislation now before us leads us to conclude that the funding restriction imposes an undue burden upon the fundamental right of indigent women to have a medically necessary abortion. That conclusion is based upon our understanding that *Roe* v. *Wade*, 410 U.S. 113 (1973) has determined that a woman has a constitutionally protected fundamental right to her own decision of whether or not to terminate her pregnancy. This constitutional right was found to exist as a part of a citizen's right to privacy under the First, Fourth, Fifth, Ninth and Fourteenth Amendments of the United States Constitution. Although the right is not absolute, it is fundamental. Where fundamental constitutional rights are involved they may be disturbed only upon a finding of a compelling state interest. *Fabio* v. *Civil Service Commission*, 489 Pa. 309, 414 A.2d 82 (1980). *Roe* v. *Wade* also held that a state's interest in potential life may never outweigh the superior state interest in the life and health of the mother; this is true even though the state has two separate and distinct interests—the health of the mother and the potentiality of human life.

In the instant case, the burden upon indigent pregnant women readily appears from the stipulated facts. Of the 12,000 women per year who would otherwise receive a medically necessary but not life threatening abortion in Pennsylvania, 4,000 will be compelled to carry their pregnancy to term because they will have no alternative. As we have noted, while the state's interest in potential life is recognized, it cannot, under present law, be regarded as such a compelling interest as to overcome the constitutionally protected right of the mother. By denying funding for medically necessary abortions, the Commonwealth has attempted to elevate the right of potential life over the health of the mother. This it may not do. By singling out persons who have need of a medically necessary abortion from all other persons entitled to general medically necessary services, the Commonwealth has allocated benefits on criteria which discriminatorily burden the exercise of an indigent pregnant woman's fundamental constitutional right. This it may not do.

Fully recognizing the heavy burden upon Petitioners to overcome the presumed constitutional validity of the statutes before us, we nevertheless conclude that that burden has been met in the instant case.

THE EQUAL RIGHTS AMENDMENT CLAIMS

Although we have now decided that the statutes before us do offend the equal protection clauses of our state constitution, we deem it necessary to briefly consider the constitutional challenge based upon Pennsylvania's Equal Rights Amendment (ERA), because we believe that on appellate review it may be helpful for the reviewing court to have our opinion with respect to each of the constitutional challenges before us.

Our Supreme Court has categorically stated that the purpose of the ERA is to eliminate sex as a "classifying tool." *Snider* v. *Thornburgh*, 496 Pa. 159, 176, 436 A.2d 593, 601 (1981).

Petitioners contend, of course, that the statutes now before us do make a discriminatory distinction based solely upon sex. The Commonwealth is equally insistent that statutes based upon the unique physical characteristics of one sex do not constitute sex discrimination under the ERA. The Commonwealth relies upon case law such as *Geduldig* v. *Aiello*, 417 U.S. 484 (1974) which holds that where legislation related to pregnancies is involved, the classification is not between men and women but between pregnant women and non-pregnant persons and, therefore, is not gender-based.

We believe Pennsylvania case law is to the contrary. In *Anderson* v. *Upper Bucks County Area Vocational Technical School*, 30 Pa. Commonwealth Ct. 103, 110, 373, A2d. 126, 130 (1977), this Court held that "since pregnancy is unique to women, a disability plan which expressly denies benefits for disability arising out of pregnancy is one which discriminates against women employees because of their sex." In *Cerra* v. *East Stroudsburg Area School District*, 450 Pa. 207, 213, 299 A.2d 277, 280 (1973), our Supreme Court held that a discharge from employment because of a physical condition peculiar to women, *i.e.* pregnancy, is "sex discrimination pure and simple." Again, in *Henderson* v. *Henderson*, 458 Pa. 97, 101, 327

A.2d 60, 62 (1974), our Supreme Court held that our law "will not impose different benefits or different burdens upon the members of a society based on the fact that they may be man or woman."

Further, as this Court has noted, our Supreme Court has recognized that the ERA "is not confined to the matter of individual 'rights' in the sense of entitlements, but equally extends to elimination of discriminations with respect to burdens and obligations 'under the law.'" *Hartford Accident and Indemnity Co.* v. *Insurance Commissioner,* 65 Pa. Commonwealth Ct. 249, 255, 442, A.2d 382, 385 (1982). Thus, while the Pennsylvania courts are willing to discuss the possible justifications for discrimination, they have, at the same time, given weight to the unqualified language of the ERA.

The Commonwealth argues to us that the indigent women in need of medically necessary abortions would be in equally bad circumstances if there were no Medical Assistance program. That argument misses the mark. There is a Medical Assistance program and once the legislature has decided to grant financial assistance to the medically needy, it cannot exclude persons from that grant on the basis of sex. In *Commonwealth* v. *Pennsylvania Interscholastic Athletic Association,* 18 Pa. Commonwealth Ct. 45, 334 A.2d 839 (1975), this Court sustained a constitutional challenge brought under the ERA to rule-making by the Pennsylvania Interscholastic Athletic Association, which we held to be state action, which would have prohibited girls from competing against boys in interscholastic sports. Judge Blatt wrote for the majority, that "[t]here is no fundamental right to engage in interscholastic sports, but once the state decides to permit such participation, it must do so on a basis which does not discriminate in violation of the constitution." Id. at 51, 334 A.2d at 842.

We are of the opinion that while Petitioners' argument under the ERA is not as strong as their equal protection argument, it is meritorious and sufficient in and of itself to invalidate the statutes before us in that those statutes do unlawfully discriminate against women with respect to a physical condition unique to women.

In summary we hold that the state may not constitutionally deny Medical Assistance funds to indigent pregnant women who seek medically necessary abortions.●

NATIONAL SINGLE PARENT DAY

● Mr. D'AMATO. Mr. President, I am happy to join today as a cosponsor of Senate Joint Resolution 256, which would designate March 21, 1984, as National Single Parent Day. I commend the very distinguished chairman of the Judiciary Committee, Senator THURMOND, for introducing this resolution. I urge my colleagues to cosponsor and support Senate Joint Resolution 256 in order to honor the more than 14 million single parents living in our country today.

Mr. President, a National Single Parent Day will demonstrate our appreciation for the extraordinary strength and courage of single parents. The current debate over family issues, including child support and visitation rights enforcement, missing and runaway children, day care, and youth drug abuse gives very vivid testimony concerning the problems facing single parents. These parents head nearly a quarter of all families in the United States with children under the age of 18. They certainly deserve our encouragement and appreciation for their efforts.

I would like to take this opportunity to recognize and commend the organization Parents Without Partners, and particularly Isaac Rodriguez of Parents Without Partners in New York, for all the dedication and hard work that has gone into making National Single Parent Day a reality. I would note that New York, as it is for so many worthy organizations, is the birthplace of Parents Without Partners. Founded in 1957, Parents Without Partners has grown into an organization with more than 200,000 members, 18,000 of whom are New Yorkers.

Mr. President, I understand that the House version of this resolution, House Joint Resolution 200, is expected to be approved by the House of Representatives. I urge my colleagues in the Senate to give Senate Joint Resolution 256 an equal measure of support.●

ADVANCE NOTIFICATION—PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD-440.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., March 8, 1984.

In reply refer to: I-20057/84ct.

DR. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian recipient tentatively estimated to cost in excess of $50 million.

Sincerely,

GLENN A. RUDD,
Deputy Director.●

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I am advised by the minority leader that the Executive Calendar for today is cleared for action by unanimous consent. May I say in that respect that ours is cleared too, with the exception of one category of items on page 6, which is Nominations Placed on the Secretary's Desk in the Foreign Service.

Mr. BYRD. Mr. President, the distinguished majority leader may proceed as he wishes.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now proceed into executive session for the purpose of considering the nominations on the entire calendar with the exception of the Nominations Placed on the Secretary's Desk in the Foreign Service.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

THE JUDICIARY

The assistant legislative clerk read the nomination of Sarah Evans Barker, of Indiana, to be U.S. district judge for the southern district of Indiana.

Mr. QUAYLE. Mr. President, it is an honor to speak today on this truly historic occasion for my home State of Indiana. The confirmation of Sarah Evans Barker to the office of U.S. district judge for the southern district of Indiana is historic for two reasons. Mrs. Barker will be the first woman ever appointed to a Federal judgeship in Indiana. For this, I applaud the work of the Merit Advisory Committee, appointed by Senator LUGAR and myself, for their excellent work in recommending Mrs. Barker. Her candidacy stood out among the many well-qualified individuals from which they had to choose. This appointment is especially noteworthy, not only because Mrs. Barker is the first woman, but also because she will be the youngest member to serve on the Federal bench in Indiana. Sarah Evans Barker's appointment marks the beginning of a new generation of guidance and direction from the bench which may span into the next century. Sarah is eminently qualified to fill this important role.

Some of you may know Sarah from her days in Washington. Having spent several years here while she attended the American University Law School and worked as a legislative assistant to Senator CHARLES PERCY, Sarah is well known and respected on Capitol Hill. Those who remember Sarah from her years in Washington know of her outstanding abilities and dedication.

For those who may not have met Sarah, I consider it a privilege to have an opportunity to bring her record and abilities to your attention. After her stay in Washington, Sarah returned to Indiana, where she excelled in the U.S. attorney's office. She was appointed as the U.S. attorney for the southern district of Indiana by the President in July of 1981. During her tenure in this office, Sarah has once again proven herself as an extremely capable manager and a highly dedicated individual. She has supervised an office of 15 lawyers and a full staff of 31. She has been singled out for several commendations, including one by the U.S. Department of Justice which designated her the "Outstanding Attorney" for 1975 for the southern district of Indiana. She was given a special commendation by the U.S. Drug Enforcement Administration for prosecutive support in 1976 and twice was appointed to serve as a member of the seventh circuit judicial nominating commission.

Sarah is a member of the bar association of Indianapolis; Johnson County, Ind.; the seventh circuit court of appeals; and the District of Columbia; as well as the Federal Bar and the American Bar Association. She has been elected to numerous positions in these associations, including the vice presidency of the seventh circuit and the secretary for the Federal Bar. She is currently a member of the house of delegates to the Indiana State Bar Association. Sarah also serves on the Attorney General's Advisory Committee of U.S. Attorneys and chairs the Southern Institute of Indiana's Law Enforcement Coordinating Committee.

Along with her work within the legal profession, Sarah Barker has lent her talents to many other groups. She is the director of the New Hope Foundation of Indiana and a member of the board for United Cerebral Palsy of Central Indiana. The Governor of Indiana appointed Sarah to the State's criminal law study commission and to the Indiana Juvenile Justice Division.

Sarah Evans Barker exemplifies the highest judicial principles of our legal system. I have no doubt that she will be a credit to the State of Indiana and an asset to the entire legal community. I look forward with great hope to the long and outstanding tenure of Mrs. Barker on the Federal bench. I urge all my colleagues to support her nomination and accelerate the start of what promises to be a long and important judicial career in the service of the people of Indiana and the Nation.

The **PRESIDING OFFICER.** The nomination is considered and confirmed.

Mr. **BAKER.** I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. **BYRD.** I move to lay that nomination on the table.

The motion to lay on the table was agreed to.

The assistant legislative clerk read the nomination of Edward J. Garcia, of California, to be U.S. district judge for the eastern district of California.

The **PRESIDING OFFICER.** The nomination is considered and confirmed.

Mr. **BAKER.** Mr. President, I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. **BYRD.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ARMY

The assistant legislative clerk proceeded to read sundry nominations in the Army.

The **PRESIDING OFFICER.** The nominations are considered and confirmed.

The nominations in the Army considered and confirmed are as follows:

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Ernest D. Peixotto.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility.

To be lieutenant general

Maj. Gen. Max W. Noah.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. James H. Merryman.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility.

To be lieutenant general

Maj. Gen. Louis C. Wagner, Jr.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Donald E. Rosenblum.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility.

To be lieutenant general

Maj. Gen. Charles D. Franklin.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility.

To be lieutenant general

Lt. Gen. Robert L. Wetzel.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility.

To be lieutenant general

Lt. Gen. Paul S. Williams, Jr.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Sinclair L. Meiner.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility.

To be lieutenant general

Maj. Gen. Thomas D. Ayers.

Mr. **BAKER.** I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. **BYRD.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MARINE CORPS

The assistant legislative clerk proceeds to read nominations in the Marine Corps as follows:

The following named brigadier general of the Marine Corps Reserve for promotion to the permanent grade of major general:

Ronald K. Nelson.

The following named colonel of the Marine Corps Reserve for promotion to the permanent grade of brigadier general:

Jerome G. Cooper.

The **PRESIDING OFFICER.** The nominations are considered and confirmed.

Mr. **BAKER.** I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. **BYRD.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPORT-IMPORT BANK OF THE UNITED STATES

The assistant legislative clerk read the nomination of John A. Bohn, Jr., of California, to be First Vice President of the Export-Import Bank of the United States.

The **PRESIDING OFFICER.** The nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOAA AND MISSISSIPPI RIVER COMMISSION

The assistant legislative clerk read the nomination of Capt. John D. Bossler, National Oceanic and Atmospheric Administration, as Director of the Charting and Geodetic Services, National Ocean Service.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF COMMERCE

The assistant legislative clerk read the nomination of Sidney Lewis Jones, of Maryland, to be Under Secretary of Commerce for Economic Affairs.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The assistant legislative clerk proceeded to read sundry nominations placed on the Secretary's desk in the Air Force, Army, Coast Guard, and Navy.

The PRESIDING OFFICER. The nominations are considered and confirmed.

The nominations considered and confirmed are as follows:

Nominations Placed on the Secretary's Desk in the Air Force, Army, Coast Guard, Navy

Air Force nominations beginning Charles W. Beadling, and ending Douglas C. Warren, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 1984.

Army nominations beginning Robert W. Thompson, and ending Rose A. Pumphrey, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 1984.

Army nomination of Lt. Col. Robert L. Stewart, which was received by the Senate and appeared in the Congressional Record of March 1, 1984.

Coast Guard nominations beginning William G. Boyce, and ending Harold F. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 1984.

Navy nominations beginning Ray S. Consunji, and ending Vincent L. Wilde, which nominations were received by the Senate and appeared in the Congressional Record of February 22, 1984.

Navy nominations beginning Russell L. Robinson, and ending David A. Ingrum, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 1984.

Navy nominations beginning Lloyd Edward Allen, Jr., and ending Ronald Charles Tipper, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 1984.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL—S. 2424

Mr. BAKER. Mr. President, I ask unanimous consent that the bill introduced today by Senator KENNEDY entitled "Medicare Solvency and Health Care Financing Reform Act of 1984" be jointly referred to the Committee on Labor and Human Resources and the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 11 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR PROXMIRE

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized under a special order for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DESIGNATING PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND RESUMING CONSIDERATION OF SENATE JOINT RESOLUTION 73

Mr. BAKER. Mr. President, I further ask unanimous consent that after the execution of the special order, there be a period for the transaction of routine morning business to run not later than 11:45 a.m., during which Senators may speak for not more than 5 minutes each, and that at 11:45 a.m. the Senate resume consideration of Senate Joint Resolution 73.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. BAKER. Mr. President, I see no Senator seeking recognition. I therefore move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 11 a.m. tomorrow morning.

The motion was agreed to and the Senate, at 6:32 p.m., recessed until Wednesday, March 14, 1984, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, March 13, 1984:

Export-Import Bank of the United States

John A. Bohn, Jr., of California, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 1985.

NOAA and Mississippi River Commission

Capt. John D. Bossler, National Oceanic and Atmospheric Administration, as Director of the Charting and Geodetic Services, National Ocean Service, National Oceanic and Atmospheric Administration, in the grade of rear admiral (upper half), and as a member of the Mississippi River Commission.

Department of Commerce

Sidney Lewis Jones, of Maryland, to be Under Secretary of Commerce for Economic Affairs.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

The Judiciary

Sarah Evans Barker, of Indiana, to be U.S. district judge for the southern district of Indiana.

Edward J. Garcia, of California, to be U.S. district judge for the eastern district of California.

In the Army

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Ernest D. Peixotto, 579-52-8218, (age 54), U.S. Army.

The following-named officer under the provision of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Max W. Noah, 260-42-5646, U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provision of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. James H. Merryman (age 54), 432-44-0293, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Louis C. Wagner, Jr., 490-44-9852, U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Donald E. Rosenblum, 089-22-1106 (age 54), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles D. Franklin, 492-34-2422, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, sectidon 601:

To be lieutenant general

Lt. Gen. Robert L. Wetzel, 519-44-2999, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and reponsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Paul S. Williams, Jr., 231-30-5124, U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Sinclair L. Melner, 530-01-9074 (age 55), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Thomas D. Ayers, 420-24-5190, U.S. Army.

IN THE MARINE CORPS

The following-named brigadier general of the Marine Corps Reserve for promotion to the permanent grade of major general, pursuant to title 10, United States Code, sections 5902 and 5912:

Ronald K. Nelson.

The following-named colonel of the Marine Corps Reserve for promotion to the permanent grade of brigadier general, pursuant to title 10, United States Code, sections 5902 and 5912:

Jerome G. Cooper.

IN THE AIR FORCE

Air Force nominations beginning Charles W. Beadling, and ending Douglas C. Warren, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 28, 1984.

IN THE ARMY

Army nominations beginning Robert W. Thompson, and ending Rose A. Pumphrey, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 28, 1984.

Army nomination of Lt. Col. Robert L. Stewart, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of March 1, 1984.

IN THE COAST GUARD

Coast Guard nominations beginning William G. Boyce, and ending Harold F. Watson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 28, 1984.

IN THE NAVY

Navy nominations beginning Ray S. Consunji, and ending Vincent L. Wilde, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 22, 1984.

Navy nominations beginning Russell L. Robinson, and ending David A. Ingrum, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 28, 1984.

Navy nominations beginning Lloyd Edward Allen, Jr., and ending Ronald Charles Tipper, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 28, 1984.

EXTENSIONS OF REMARKS

CIVIL SERVICE AMENDMENTS ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. WOLF. Mr. Speaker, I have been working throughout my tenure in Congress to bring about major, positive reforms for Federal managers and executives in the civil service. To accomplish this goal, I introduced H.R. 5066 on March 7 which is identical to S. 958 which passed the Senate under unanimous consent on March 1.

Although I have been working to reform the merit pay system for the past 3 years, my interest in this issue goes back to the original concept of merit pay as developed under the Civil Service Reform Act of 1978, 6 years ago. During the past several years, I have talked with managers in and out of government, I have met with personnel directors, associations, and colleagues on Capitol Hill to determine the best cure for the troubled merit pay system. Mr. Speaker, I believe the legislation I introduced last week which won unanimous approval in the Senate under the able leadership of my Virginia colleague Senator PAUL TRIBLE and Senator TED STEVENS, chairman of the Senate Government Affairs Civil Service Subcommittee, will correct the inequity in the current merit pay system for Federal managers and supervisors.

I am attaching a comprehensive section-by-section analysis. My original merit pay legislation, H.R. 1841, was introduced last March. The companion measure was introduced in the Senate by Senator TRIBLE as S. 958 and amended by Senator STEVENS. This legislation has received careful scrutiny and countless hours of work by our Senate colleagues. The bill we have today deserves our prompt attention to resolve the merit pay issue and provide a fair and equitable system for our Nation's managers and supervisors. With a bipartisan effort in the House, I believe this civil service legislation can be considered under suspension of the rules early this spring so as to avoid another disastrous merit payout this October. I look forward to working with my colleagues on the Post Office and Civil Service Committee and in the full House to pass this merit pay reform legislation.

SECTION-BY-SECTION ANALYSIS—H.R. 5066

Section 1 provides that the Act be cited as the "Civil Service Amendments of 1983."

Section 101 amends Chapter 54 of title 5, U.S. Code and is entitled "Performance Recognition".

Section 5401—It is the purpose of this bill to replace the current Merit Pay System with a Performance Management and Recognition System which, similar to those objectives listed in current law, shall use performance appraisals to determine pay and awards, recognize and reward quality performance, train employees to improve the appraisal process and to regulate the costs of awards. A new objective is to reduce or withhold pay increases for poor performance.

Section 5402—Subsection (a) those covered under the Performance Recognition System shall be the same as those covered under the current merit pay system—Supervisors, managers and management officials in Grades 13-15.

Subsection (b) this subsection grants the President similar authority as current law to exclude various groups from the Performance Recognition System.

Section 5403—Subsection (a) outlines that the mechanics of the Performance Management and Recognition System will consist of the following components, thereby abolishing the merit pay "pool" concept:

(1) Maximum and minimum rates of basic pay within each grade.

(2) Comparability adjustments.

(3) Periodic step equivalents.

(4) Performance awards.

Subsection (b) The heads of agencies are authorized to provide for the pay increases for each employee under the system.

Subsection (c) Paragraph (1) provides that comparability adjustments be provided at the same time the rest of the General Schedule employees receive them.

Paragraph (2) provides that full comparability adjustments shall be granted to those who receive fully successful ratings or better. Currently, merit pay employees are only entitled to ½ the comparability other GS employees receive automatically. The remaining ½ is put in a merit pay pool and redistributed as part of a merit pay award which is based on performance in that activity and the amount of money available to that activity's pool.

An employee who receives a rating two levels below fully successful will not receive a comparability adjustment. An employee who receives a rating one level below fully successful will not receive full comparability, but will receive ½ the full comparability at the time they are provided to everyone else.

Paragraph (3) provides a protective mechanism that employees who, for whatever reason, cannot or have not been rated shall be treated as fully successful employees for the purpose of granting comparability increases.

Paragraph (4) defines the comparability adjustment to be the employee's basic pay multiplied by the percentage adjustment applicable to the employee's grade as recommended by the President.

Subsection (d) The schedule of periodic step increase equivalents is provided. An employee in pay rates 1, 2, or 3 of the grade who receives a fully successful or above for one year shall receive a step increase as is currently in effect for GS employees. It is automatic, rather than linked to performance because of the recruitment problems in government which are particularly acute among government managers and supervisors.

Employees in pay rates 4-9 of the grade would receive step increases according to their performance rating. Employees rated two levels above fully successful would receive a full within-grade increase for each top rating. Employees rated one level above fully successful would receive ½ the full step increase for each year rated at that level. Employees rated fully successful would receive ⅓ the full step increase for each year rated at that level.

In the current merit pay system, there is no clear understanding of what an employee could expect based on performance. Under the GS, these step increases are based on the time in grade and involve "waiting periods" which do not consider performance. Employees under the Merit Pay System are accustomed to receiving a pay adjustment each year. This new system continues that concept, but takes the guesswork out of the size of the increase granted and makes clear the direct correlation between pay and performance.

Employees rated at either of the two levels below fully successful are not eligible for step increases.

Subsection (e) provides that an employee receiving a top level rating shall receive a performance award. An employee receiving a rating one level above fully successful may receive such an award. This does not preclude a fully successful performer from receiving a cash award as deemed necessary by an agency. The awards shall be in addition to comparability and step increases but will not be added to basic pay. Agency heads will determine the size of awards and whether employees not rated at 2 levels above fully successful will receive awards; however, an individual award cannot exceed 20 percent of an employee's basic pay.

An agency shall use at least .75% of aggregate base pay on performance awards with a target of 1.5% the 5th year of this program. In the past, non-defense agencies have used less than .25% toward performance awards even though OPM had a issued guidance to the agencies of 1%. The lack of funding in the program has been a problem. This portion of the legislation addresses that problem through a gradual increase in funding for the agencies. In the past, these performance awards have not been widely used and there were no guarantees of who would receive them in the agencies where they were utilized.

Subsection (f) provides that employees brought under the performance recognition system shall not be subject to a reduction in pay as long as the employee continues to occupy the same position.

Subsection (g) allows an employee to be paid less than the minimum rate of basic pay in the employee's grade as a result of a performance evaluation less than fully successful.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Subsection (h) preserves the benefits of the performance recognition system for employees whose service is interrupted to serve in the Armed Forces or other essential nongovernment civilian employment during a war or a national emergency.

Subsection (i) provides that rates of basic pay of employees under this system shall be considered rates of basic pay fixed by statute.

Section 5404—Outlines the criteria for cash awards (for special achievements, inventions and such) as is now provided under the cash award program.

Section 5405—OPM must report to the President and Congress on the effectiveness of this 5 year experiment so as to provide for meaningful evaluation. Each report shall be based upon consultation with a range of agency heads.

Section 5406—OPM shall prescribe regulations.

Section 5407—Outlines the experimental nature of this legislation. H.R. 5066 is intended to test the proposals for five years to see if this pay for performance system is workable. It is subject to reauthorization pending its success at the end of the five years.

Section 102 of this Act amends title 5, U.S. Code by adding a new section 4302a on the Performance Appraisal System.

Subsection (a) of such section requires agencies to develop a separate performance appraisal system for employees covered by the performance recognition system. Such a system shall provide for periodic appraisals of job performance, require that supervisors consult with employees prior to establishing performance standards, and be suitable to set basic pay and awards.

Subsection (b) requires OPM to issue regulations regarding the appraisal systems. Each system shall have five levels of performance with the middle and expected level of performance termed the fully successful level. The system also shall assure accurate evaluation of job performance, communication with employees regarding the requirements of the job prior to each appraisal period, evaluation of the employee based upon the standards, assistance to employees performing below the fully successful level, reduction in grade or removal of employees who continually perform at the lowest level and awards and step increases for superior performers.

Subsection (c) lists the items performance appraisals must take into account.

A mandatory second level review is established for reconsideration of a performance appraisal. There is no appeal outside the agency.

Subsection (d) prohibits OPM and an agency from directing a distribution or curve of ratings in an agency. This does not prevent OPM from examining a system in which there appear to be extremes in the distribution of performance ratings and questioning them; however, pre-established ratings distributions are prohibited.

Subsection (e) prohibits OPM from directing agencies to include a specific performance standard or element in an agency's system. OPM may assist agencies in developing standards for purposes of consistency within classes.

Sec. 103. For the purposes of someone converting out of this system into another system within the government, the last pay increase granted under this bill is equivalent to a full increase as outlined in 5335 of title 5 so that the individual would not be entitled to another increase by sole virtue of leaving this system.

SENIOR EXECUTIVE SERVICE AMENDMENTS

Section 104 of the Act amends various provisions of the Senior Executive Service.

Subsection (a) amends Section 3135 of title 5, U.S. Code, to add to OPM's reporting requirements on the SES a provision listing the number of SES employees who were removed from the SES as a result of a reduction-in-force and placed in a General Schedule position.

Subsection (b) amends section 3592 of such title by authorizing the removal of an SES employee from the SES to another civil service position as a result of a reduction-in-force.

Subsection (c) amends Section 3593 of such title by repealing the reinstatement rights of a former career civil servant to the SES who was removed from the SES as a result of a reduction-in-force. This provision is no longer needed since SES employees subject to a reduction-in-force are entitled to positions in the General Schedule at no less than Grade 15 in any agency.

Paragraph (1) of subsection (d) amends Section 3594 of such title by entitling an SES employee who is removed from the SES as a result of a reduction-in-force to be placed in a civil service position in any agency at a grade no lower than a GS-15. This means, in effect, an SES employee so removed cannot be removed from the Civil Service. The employee must be placed in a position in any agency not lower than a GS-15. Such protections do not apply to such an employee for subsequent reductions-in-force.

Paragraph (2) eliminates the pay protection an SES employee receives who is removed from the SES due to unacceptable performance. Currently, such an individual is entitled to receive the highest of (1) the pay in effect for the new position; (2) the pay for the Civil Service position held prior to appointment to the SES; and (3) the pay as an SES employee. Such employee's basic pay would instead be no lower than GS-15 pay. An employee removed from the SES due to a reduction-in-force would receive all of the pay protection provisions.

Subsection (e) amends section 3595 of such title by repealing the requirement to place an SES employee removed from his position to another SES position in the government and then to notify Congress if such an employee cannot be placed. These provisions are replaced by a requirement to place an SES employee in a vacant SES position in the employee's agency for which he is qualified. If no such vacancy exists, the SES employee may be removed from the SES and placed in a position no less than Grade 15 in any agency.

Such decisions are appealable to the Merit Systems Protection Board.

Subsection (f) adds the new section 3595a "Furlough in the Senior Executive Service."

Section 3595a authorizes the furlough of SES employees for insufficient work or funds or for other nondisciplinary reasons. "Furlough" for the SES has the same meaning as applied to General Schedule employees, and is appealable to the Merit Systems Protection Board.

Subsection (g) Paragraph (1) amends Section 5384 of such title by assuring that a performance award cannot be less than 5 percent of the SES employee's basic pay and retains the current Title V maximum award amount of 20 percent.

Paragraph (2) replaces the limitation on the number of SES employees in an agency eligible for an award by a limitation on the amount of funding authorized for awards. Performance awards in any agency may not exceed 3 percent of the payroll of all SES career appointees in an agency. The bill provides flexibility for agencies with very few senior executives to provide bonuses in excess of 3 percent of the Senior Executive Service pay roll with a new limitation of 15 percent of the average Senior Executive Salary. This makes all SES career appointees eligible for an award. It is hoped with the increased flexibility in the award program, agencies will use the program prudently to grant larger awards to the superior performers.

Subsection (h) amends Section 5383 of such title by repealing the aggregate pay limitation for SES employees who receive a bonus, award or an allowance which would cause their total pay to exceed the pay level of Executive Level I employees.

Subsection (i) amends Section 7543 of such title by clarifying the law with respect to the consequences for failing to accept a directed reassignment. Current law provides that a suspension or removal from the Civil Service of an SES employee may occur as a result of the employee's misconduct, neglect of duty or malfeasance. To suspend or remove an SES employee, an agency must find that failure to accept a reassignment meets one of the above definitions. A basic premise of the SES is to foster position and geographic movement when in the best interest of the agency. This subsection makes it absolutely clear that failure to accept a directed reassignment or to accompany a position in a transfer of function is grounds for suspension or removal.

Subsection (j) requires OPM to issue regulations regarding SES reductions-in-force after notice and hearing pursuant to the Administrative Procedures Act.

Subsection (k) amends Section 8336 of such title to clarify that an SES employee who is separated from the government due to failure to accept a directed reassignment or to accompany a position in a transfer of function outside an employee's commuting area will not jeopardize the employee's eligibility to receive an annuity based upon an involuntary separation. Current law prohibits an employee who is removed for misconduct or delinquency from receiving benefits if eligible through an involuntary separation.

Subsection (1) requires the head of an agency to inform in writing a career SES employee of a reassignment outside of the employee's commuting area. Such a notice must be not less than 30 days in advance of a reassignment. Current law provides 15 days advance notice for any reassignment. The current 15 day notice does not seem to be sufficient time for a reassignment outside of an employee's commuting area. The notice should depend upon the needs of the agency as well as the employee. Consideration should be given to an employee's marital and family status, living accommodations and other factors that would tend to tie an employee to a particular area. An employee's needs should be counterbalanced by the needs of the agency, e.g., whether the new position must be filled on an emergency basis. In addition, the notice shall give specific reasons for such a move. Such a statement should explain exactly why the move is necessary for the agency.

MISCELLANEOUS CONFORMING AMENDMENTS

Section 105 makes technical amendments throughout Title V to replace references to the merit pay system with performance management and recognition system.

EFFECTIVE DATE

Section 201 outlines that all merit pay-related changes will take effect the first day of the first applicable pay period commencing after the first September 30 following enactment of this bill.

TRANSITION PROVISION

Section 202 states that those currently covered by the merit pay system shall start from the rate of basic pay prior to enactment on the date of enactment of the new system, and any exclusions from the new performance management and recognition system will have to be sought under the provisions outlined in 5401(b)(2) of this Act.●

REAGAN'S FISCAL YEAR 1985 BUDGET

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. OTTINGER. Mr. Speaker, the United States has slowly been pulling out of one of the worst economic slumps since the 1930's and despite the administration's assurances to the contrary, we have a very long way to go. This Nation requires a leader who can put politics aside and propose policies which will promote a healthy and lasting recovery from which all Americans can benefit. President Reagan, with the submission of his fiscal year 1985 budget has shown his lack of courage for such leadership. He refuses to heed the warning of some of his closest advisers to take action on the dangerously high $200 billion deficit and instead proposes an 18-percent increase in defense spending without raising sufficient revenue to finance this $47 billion request, to say nothing of reducing the deficit. This is the type of budget which promises economic disaster in decades to come.

President Reagan entered office promising a balanced budget, a decrease in Federal spending, and a thriving national economy. In 1984 not only has he failed to meet these projections but his policies have shown the seeds of economic chaos. The budget deficits have soared from $58 billion at the end of Carter's term to near $200 billion today. Federal spending, as a percent of the total GNP, has increased from 23 percent to 25 percent. While unemployment has decreased from a high of 11.5 percent more than 1 million more Americans are out of work than when Reagan first took office. Unemployment is still at its highest rate since the Great Depression. Annual GNP growth has plummeted from 9 percent in 1981 to 4.5 percent today while the trade deficit has jumped from $42 billion in 1982 to $70 billion in 1983 with projections to reach well over $100 billion by the end of this year.

Yet nothing in the 1985 budget indicates that the administration will take necessary and responsible action to reverse these figures. On the contrary the President continues to stonewall any action on reducing defense spending or restoring taxes, the chief contributors to the deficit according to his own economic adviser. His assault on vital Government programs, while considerably milder in comparison to past years, continues; he proposes reduced spending of another $9.2 billion in civilian programs. The administration projects a deficit of $187 billion in 1984, 74 percent of which is structural. This will increase to entirely structural deficits of $193 billion by 1989. The CBO is even less optimistic in its usually more accurate estimates, which projects by 1989 deficits will reach $339 billion and occupy 6.1 percent of the GNP—and a mind-boggling total of $1.3 trillion increase in the deficit in the next 5 years.

Neither the Congress nor the Nation can allow this trend to continue. We must return to a sane budget; one which assures our national security while regaining the political and economic stability of our Nation and that of the world. A budget must be adopted which will promise a revitalized industrial sector that can provide jobs for the millions of unemployed, increase the competitiveness of American products both in our domestic market as well as abroad, and ultimately reduce the threatening budget deficit. I have led the efforts of a group of Congressmen to propose such a program, the national economic recovery project. The original 75 Members who founded the project, and the majority of House Democrats who endorsed the summary of its goals, share in the belief that a healthy and lasting recovery can only be promoted through high investment, high production, and high employment. Preliminary budget projections, prepared for the group by Dr. Nancy Barrett, formerly with CBO and now chairwoman of the economics department at American University, show that under various scenarios of taxation and defense cuts the deficits will be lower than former President Carter's, by 1989.

We believe that robust economic growth can only be promoted by industrial renovation, restoration of health, economic development, education and job training programs, maximum sustainable production in every community and reestablishment of jobs for all those who need work—combined with the revenues to sustain these efforts.

In his budget, Mr. Reagan berates governmental participation in industrial renovation as a costly policy which will only place an added burden on the deficit. Yet a recent Data Resources Inc., study warned that the continued decline of our manufacturing capacity, brought on by the strong dollar, high deficits, and governmental neglect, will increase unemployment by another 2 million jobs in this year alone. This is simply one indication that Mr. Reagan is on the wrong track.

The neglect in vital government programs affecting our economic and social fabric is another matter of deep concern. Without sufficient funds for job retraining, day care programs for working parents, transportation, housing, health care, public education, this Nation cannot expect to reverse its declining position in the international community.

A healthy economy is one in which all citizens can contribute. By allowing continued high unemployment, factories to remain idle and educational institutions deteriorate due to lack of funding we are depriving this and future generations of the opportunity to participate constructively in our society and we are jeopardizing the Nation's future.

To assure a healthy Nation, in which we all have a stake, a program needs to be adopted based on the policies such as those put forth by the national economic recovery project. In a world where competition is apparent on all levels from trade to industrial growth, the Government must help America maintain its position. Mr. Reagan's budget will not do this a program which invests in this Nation's future is the path we must take.●

NEW FBI THREAT?

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. KASTENMEIER. Mr. Speaker, as chairman of the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice and as a long-time member of the Subcommittee on Civil and Constitutional Rights, I am quite sensitive to the delicate balance between vigorous law enforcement and constitutionally guaranteed freedoms. Accordingly, I invite your attention to the recent New York Times article—February 20, 1984—entitled "New FBI Threat," by Diana R. Gordon.

This article discusses two problems which the Subcommittee on Civil and Constitutional Rights dealt with last year: the Department of Justice guidelines on domestic security/terrorism and the creation of a computer data bank to track persons labeled "dangerous" by the Secret Service. It also raises the question whether computer technology has outstripped privacy protection, a subject the Subcommittee on Courts will consider in a hearing later this month.

More urgently, however, Ms. Gordon's article warns us that the FBI is currently studying proposals to create lists of persons who are under suspicion or investigation for activity which might be considered terrorism, organized crime, or narcotic trafficking.

I would welcome the reaction of any Member to Ms. Gordon's suggestion that Congress might be required to enact appropriate legislation.

NEW FBI THREAT

(By Diana R. Gordon)

The Federal Bureau of Investigation has often had difficulty striking a balance between effectively enforcing Federal law and preserving individual rights. During the 1950's and 1960's, it relied on what a Senate Committee later called "abusive techniques" and "vicious tactics" in the conduct of investigations. From 1971 to 1974, it tracked the activities of thousands of citizens whose only offense was lawful dissent from government policies.

The hullabaloo that followed Watergate produced some modest advances in defining the boundaries of Federal investigative propriety. But the tide is turning again. Aided by sympathetic Administration officials and a national computerized information system, the F.B.I. is once again in the business of collecting and disseminating information on people not charged with or suspected of a crime. Three developments of the past year illustrate the trend.

In March 1983, guidelines promulgated by Attorney General William French Smith for F.B.I. domestic security investigations went into effect, replacing those issued in 1976 to curtail F.B.I. involvement in political dissent. The new guidelines were stimulated in part by fear of potential terrorism at the Los Angeles Olympic games this summer.

They do not require, in the words of D. Lowell Jensen, Assistant Attorney General, that a crime be "imminent" as a condition for triggering an investigation, nor that the investigation of an organization be terminated even when its members have been prosecuted or the organization has become inactive. Determination of which "enterprises" shall be investigated requires only "reasonable indication" of goals that include social or political change through "force or violence"—a standard acknowledged by the guidelines as "substantially lower than probable cause."

A month later, a file was activated within the F.B.I.'s National Crime Information Center to keep track of people who, although not charged with a crime, are considered by the Secret Service to be dangerous to those whom it is charged to protect. An F.B.I. official, testifying before a Congressional committee last May, stated that by putting someone in the file "we are not saying that the person is a criminal." He added that "many of the people on the list are not only against a Secret Service protectee, but also generally anti-law enforcement or antiauthority."

Stimulated partly by the F.B.I.'s emphasis on terrorism investigations, the National Crime Information Center advisory board has proposed the creation of a file of people who are not wanted for or suspected of a crime, but are thought to be involved with terrorism, organized crime or narcotics. The file would also include those "known to be, believed to be, likely to be or may be associated with" a drug dealer—whether or not they were suspected of participating in or knowing of the dealer's illegal activites. That provision alone would make millions of people eligible for inclusion in the file.

Many will argue that it is perfectly reasonable for national law enforcement officials to keep tabs on noncriminals who are nonetheless "suspicious" people who could inflict serious harm on Olympic athletes or the President or Chase Manhattan Bank. They may reason that where there's smoke, there's fire, which warrants setting aside rights of privacy, free speech and free association.

On the other side of the argument, take the fellow who is arrested for a trivial offense and then gets the book thrown at him because his name is included in the information center's file of dangerous persons. Or consider the woman whose name shows up in an F.B.I. check-out when she is seeking a job, a license or consumer credit. These people may have done nothing more incriminating than attend an annual dinner of a public interest organization with an activist fringe that later masterminded an attempt to break into a nuclear-weapons plant.

All this is made worse by the development of an essentially unregulated national police telecommunications system that, by the end of the decade, will link Federal authorities with every police blotter in the country. This computer network will contain information on the approximately 40 million Americans with some sort of police record—and now perhaps on a number of people not charged with a crime. At the very least, we should insist on some checks on the Government's growing capability to use the computer to call up any record on anyone, anywhere, at any time.

This country takes pride in individual freedom. To protect that freedom, Congress should move now to provide comprehensive and continuous oversight of all files and networks that, if abused, would represent a serious threat to basic democratic values.●

TRIBUTE TO GARY MICHAEL GABELICH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. ANDERSON. Mr. Speaker, I would like to take a few moments to pay tribute to a man whose accomplishments in high speed auto racing will long be remembered by his fans from around the world, and to acknowledge his outstanding civic contributions to my district.

I am speaking of Gary Michael Gabelich, also known as "the Rocket Man," who died recently at the age of 43.

Gary set his first world record at the age of 18, drag racing the quarter mile. From that point on, Gary became well known for the many titles he won in high speed auto and boat racing. After graduating from Poly High School in Long Beach, Gary worked 9½ years at North American Aviation as a test astronaut for the Apollo project, and during that time he continued to add to his impressive résumé of racing firsts and world records. Probably Gary's most unforgettable achievement was breaking the world land-speed record. Clocked at a very rapid 622.407 mph in his Blue Flame, Gary held this title for 13 years, longer than any other American.

Mr. Speaker, Gary Gabelich leaves behind him a long record of involvement with his community, including a number of commercials for Los Angeles County on safe driving and drug abuse; volunteer work with the Special Olympics in Long Beach; three USO tours as the world land speed record holder; celebrity chairman for the Long Beach March of Dimes Walk-A-Thon; and, a 5-year membership on the board of directors for the California Community Pool for the Handicapped.

Gary Gabelich's willingness to take daring risks earned him a reputation as a world speed record holder. Gary's dedication to his community earned him the friendship and respect of those who knew him. I would say, Mr. Speaker, that Gary Gabelich had a full life, indeed. My wife, Lee, joins me in extending our deepest condolences to Gary's wife, Rae and their son, Guy Michael.●

NATIONAL FEDERATION OF PARENTS FOR DRUG-FREE YOUTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. RANGEL. Mr. Speaker, throughout the past year the Select Committee on Narcotics Abuse and Control, which I chair, has held a series of hearings examining the extent of drug abuse in our country and community responses to this problem. While much more needs to be done to control the traffic and abuse of dangerous drugs, one encouraging development has been the emergence and growth of the parents movement. At several of our hearings, representatives of the National Federation of Parents for Drug-Free Youth have testified about the efforts of local parent groups around the country to stop drug use by America's young people. I, along with the distinguished ranking minority member of our select committee (BEN GILMAN), have met with leaders of the NFP to discuss how we can jointly work together to help raise the consciousness of the public as to the dangers of drug abuse.

The National Federation of Parents for Drug-Free Youth was founded in May 1980 to help immunize our children to the drug epidemic through parent awareness and the education of the entire family about adolescent drug use. NFP is a national organization whose single focus is adolescent drug abuse. NFP serves as the national umbrella for parent groups and individuals across the country who are concerned about this problem.

The NFP provides an important community service alerting parents and youth to the dangers of drug abuse through the formation of parent groups. Sadly, many parents across America have experienced first hand some of the problems drug abuse by children can cause: Physical and psychological illness, poor performance in school, lack of respect for authority, loss of interest in family activities, and, sometimes tragically, the death of a child. In parent groups, parents can discover that they are not helpless against drug abuse. Through mutual support and education, they can play an active role in protecting their children from drugs by encouraging them to participate in wholesome school and other activities which will contribute to their healthy development.

One of the most notable recent accomplishments of the National Federation of Parents was their cosponsorship of "The Chemical People" Public Broadcasting System program shown on November 2 and 9, 1983. In conjunction with these broadcasts, the NFP helped organize town meetings across the country to heighten awareness of drug abuse problems and offer guidelines for community action to prevent adolescent drug abuse.

Mr. Speaker, the select committee recognizes the valuable contributions the NFP has made in educating and exposing parents to the signs of drug use and the ways of eliminating drug use in our schools and communities. With the hope that Members may find information on the NFP an interesting and informative topic for inclusion in their newsletters to constituents, I ask that an article prepared by the NFP describing their organization and activities be inserted in the CONGRESSIONAL RECORD at this point.

The article follows:

COME ON, AMERICA—STICK YOUR NECK OUT FOR KIDS!

Hundreds of thousands of American children are currently using drugs. Many are starting to experiment before they reach thirteen years of age. This epidemic can be compared with diptheria, polio or a number of the other serious epidemics that have destroyed the health and vitality of our American young people in the past.

The National Federation of Parents for Drug-Free Youth was founded in May, 1980 to help immunize our children to the drug epidemic through parent awareness and the education of the entire family about adolescent drug use. NFP is a national organization whose single focus is adolescent drug abuse. NFP serves as the national umbrella for parent groups and individuals across the country who are concerned about this problem. Their primary goal is education and prevention.

The Federation currently provides technical assistance, materials, advice and encouragement to over 4,000 existing and hundreds of newly-developing parent groups throughout the country. NFP has developed and makes available materials specifically aimed at assisting local parent group organizations in getting started, developing ongoing training programs and initiating community action projects.

One of the most consistent requests to the National Federation of Parents for Drug-Free Youth has been for speakers, speaker recommendations, and indepth training. To meet this need, NFP established the NFP/Nancy Reagan Speakers Bureau with an initial grant from the National Football League Charities. For a nominal honorarium, they provide speakers for national, state and local conferences, in-service teacher training, consultants to community groups in their prevention efforts, awareness meetings and workshops, and seminars for students. Persons or organizations who would like to schedule a speaker should call Carolyn Burns, Director, (301-649-7100).

Since beginning in 1980, the NFP National Legislative Committee has been an integral part of the National Federation of Parents for Drug-Free Youth. Recognizing the importance of the federal government's role in the drug fight, parents all across America saw the need for representation in Washington. Until the NFP began its legislative work, NORML (National Organization for Reform of Marijuana Laws), the pro-drug lobby, was the only organization solely discussing drug issues with our Congressmen and Senators. In the three years since the NFP has been involved on Capitol Hill, the problem of adolescent drug use has demanded more and more Congressional attention. The NFP works with Congressmen and their staff and committees to plan and pass legislation. They study bills thoroughly, receive the best advice and provide a strong and concerted voice for the parent movement in the nation's capital. NFP is the only voice on the hill speaking for parents all across America fighting illegal drugs. NFP also works closely with the Drug Enforcement Administration, U.S. Military, White House Drug Policy Office and the National Institute on Drug Abuse.

Some additional accomplishments of the National Federation of Parents for Drug-Free Youth in 1983 were:

Hosted the 2nd annual National Parent Conference attended by over 600 parents from 48 states and 7 foreign countries.

Featured in Reader's Digest, U.S. News & World Report, UPI Special Report, Voice of America, Ladies Home Journal, Dear Abby Column, Christian Science Monitor; New York Times, Congressional Record and Group W Television.

Co-sponsored with WQED/PBS the national drug education project, "The Chemical People", resulting in 11,000 town meetings to plan community action November 2 and 9, 1983.

Featured by NBC on their national drug information series.

Cooperated with National Institute on Drug Abuse to develop drug abuse public service announcements.

Conducted educational seminars for U.S. Information Agency, Congressional wives and federal communication specialists. (The Congressional wives subsequently formed their own group, "Congressional Families for Drug-Free Youth", which works closely with the NFP.)

Assisted the White House Drug Policy Office, D.C. Comics, IBM, Keebler Corporation, and National Soft Drink Association with the development and distribution of the "New" Teen Titans anti-drug comic book series for elementary school students.

Testified before House and Senate committees considering various aspects of the drug problem.

The National Federation of Parents for Drug-Free Youth has a number of resources available for parents. They include:

Quarterly newsletter and Legislative Update.

Parent Group/Community Task Force Manual.

Guidelines for Organizing Your Parent Group.

Anti-Paraphernalia Kit.

Press/Media Guidelines Kit.

Education/Public Speaking Manual.

Drug/Alcohol Brochures on marijuana, cocaine and alcohol.

These materials are recommended as resources by over 20 other nationally recognized organizations.

The National Federation of Parents for Drug-Free Youth 1984-85 theme is, "Come on America, Stick Your Neck Out for Kids and Help Stop Adolescent Drug Use". The NFP invites you to join this national movement. To contact the National Federation of Parents, call toll-free 800-554-KIDS or write to NFP, P.O. Box 3400, Silver Spring, Maryland 20901.●

ADMINISTRATION'S REFUSAL TO ADOPT MINIMUM ENERGY EFFICIENCY STANDARDS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. OTTINGER. Mr. Speaker, one of the most disappointing failures of this administration has been its refusal to adopt minimum energy efficiency standards for major energy-consuming appliances as authorized by Congress in the National Energy Conservation Policy Act. In the long run, this decision could cost this country dearly, not only in unproductive spending, but also in foreign policy inflexibility as our options to protect our foreign supplies of oil focus on military confrontation.

The national stake in efficient appliances is surprisingly large. At one time, DOE estimated that the Nation could save nearly 11 quads of energy and $8.6 billion in energy costs over the next 20 years from strong appliance standards. In his book on energy efficient appliances, Mr. Howard Geller notes that the Nation's total peak electricity demand would be reduced about 15 percent if all air-conditioners were of the highest efficiency available last year. This reduction equals more than half of DOE's projected growth in national electrical generating capability from 1980 to 1990, Mr. Geller notes.

Unfortunately, when DOE issued "no standard" for its regulations establishing minimum efficiency standards it became clear that political considerations overwhelmed rational rulemaking on this subject. At this point a lawsuit seems to be the only way to get the process moving again.

In the meantime, it is helpful to note the benefits that strong standards could have on a local or regional level. I recently received a report from the Tennessee Valley Authority entitled "The Effect of Residential Appliance Efficiency Standards in the TVA Power Supply Area." It analyzes the benefits and costs of efficiency standards for two cases—one using DOE's assumptions about future efficiency improvements without national standards and one using TVA's assumptions about future improvements without national standards. Only the highest of standards evaluated by DOE in its economic analysis document and supplement were evaluated in the report. Significant results are:

Annual energy savings in the TVA region by the year 2005 would total 1.5 to 2 billion kWh.

The decrease in TVA capacity requirements would be between 530 and 675 MW in the year 2005, or the equivalent of a medium size coal-fired powerplant.

Taken alone, the savings to appliance purchasers from the adoption of efficiency standards would total $241 million to $320 million.

Comparing the net present value of future increased appliance costs with incremental cost savings to all TVA power consumers from reduced capacity needs and energy production in the TVA power supply area generally results in a benefit/cost ratio in the range of 2 to 3.

I ask unanimous consent that the letter from Mr. C. H. Dean, Chairman of TVA, be printed at this point so that my colleagues can better understand the significance of energy efficiency standards to the TVA region and to the Nation. The complete report may be obtained from TVA.

The letter follows:

TENNESSEE VALLEY AUTHORITY,
OFFICE OF THE BOARD OF DIRECTORS, ENERGY CONSERVATION AND POWER,
Knoxville, Tenn., February 23, 1984.
Hon. RICHARD L. OTTINGER,
Chairman, Subcommittee on Energy Conservation, Committee on Energy and Commerce, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Tennessee Valley Authority has recently completed an evaluation of the Department of Energy's August 30, 1983 decision not to promulgate energy efficiency standards for several household appliances under the Energy Policy and Conservation Act, as amended (Pub. L. No. 94-163). Because of the importance of this matter not only to TVA and its ratepayers, but to the Nation as a whole and because of your interest in this matter, the TVA Board of Directors wants to inform you of its position.

We are disappointed by DOE's failure to promulgate energy efficiency standards, and we view it as inconsistent with congressional intent under the Energy Policy and Conservation Act. DOE's decision is flawed in two major respects. First, it relies solely on the marketplace to achieve improvements in appliance efficiencies. Second, it ignores the substantial savings consumers of electric power would enjoy from reductions in a utility's generation capacities. TVA's General Counsel has already communicated our reservations about DOE's decision to the Attorney General in order that the Justice Department may consider them in making its decisions on the pending litigation over DOE's decision in the Court of Appeals for the District of Columbia (No. 83-2128).

We believe DOE's over-reliance on the marketplace to attain improvements in appliance efficiencies is inconsistent with the mandate from Congress in the Energy Policy and Conservation Act. In passing this act Congress considered and then specifically rejected the use of the price-driven marketplace to secure the Nation's energy goals. Congress deemed such a strategy "unacceptable" because "it so harshly impacts on the poor and low income members of our society." H.R. Rep. No. 340, 94th Cong., 1st Sess. 6 (1975). Moreover, Congress purposely chose to increase efficiencies through "the operation of orderly conservation programs" rather than through the price-based marketplace. S. Rep. No. 516, 94th Cong. 1st Sess. 119 (1975).

DOE's decision to rely on the marketplace to achieve energy efficiencies is poor policy as well. The energy security of this country is too important to leave to the whims of the marketplace. Unfortunately, the consumer is often more influenced by the sales puffing of an appliance manufacturer's advertisements than by any long-term energy cost savings which would be realized from purchasing a more efficient appliance. Experience provides that consumers pay attention to energy costs only when those costs increase significantly in relation to their real income. Yet it is precisely such a situation—when energy costs are rising because energy supplies are insufficient to meet demand—that Congress sought to avoid by mandating the adoption of efficiency standards and consciously-planned conservation programs. It is also the kind of situation that a responsible energy planner wants to avoid.

We are enclosing a report prepared by TVA staff that identifies the total savings consumers in the TVA power supply area would enjoy if DOE adopted standards for five of the appliances it has considered to date. This assessment presents two cases—one based on DOE assumptions and one based on TVA assumptions. A copy of this report was provided to the Attorney General.

In the report, the two components of the savings which would result from the promulgation of efficiency standards are identified. First, the net savings which purchasers of energy-efficient appliances would enjoy, both as determined by DOE and by TVA staff, are calculated with respect to purchasers in the TVA region. These savings are derived on the basis of TVA's residential power rates which reflect system average costs. Second, the savings that would accrue to TVA ratepayers generally (i.e., all consumers including appliance purchasers) attributable to TVA's decreased capacity requirements which would result from the adoption of efficiency standards are then calculated. These savings are based on TVA's cost of new capacity additions.

What is striking about the conclusions in the report is that under either the DOE assumed case or the TVA assumed case a positive benefit-cost ratio of approximately 2.0 is generally obtained when total benefits are considered. In other words, for every $1 spent on improving efficiencies the appliance buyer and society generally receive $2 in benefits. This confirms once again what is becoming clearer and clearer in this era of scarce energy that we have entered: energy conservation practices which benefit society in the long run benefit the individual consumer in the short run.

DOE's over-reliance on the marketplace also ignores the realities of utility pricing. The price or the rate for electricity is based on average costs not incremental or marginal costs which are generally greater than average costs. Yet, as indicated by our analysis of appliance efficiency standards, the total savings resulting from the promulgation of efficiency standards include incremental cost savings. Thus, the consumer or appliance purchaser who pays on an average-cost basis receives incorrect price signals if the marketplace is allowed to function by itself in this instance. One of the generally-accepted functions of government is to correct the failure of the marketplace to provide consumers with appropriate price signals, and we believe Congress recognized, and wanted to correct, this failure respecting energy-efficient appliances.

An additional factor DOE could have given weight, but did not, is the technological forcing nature of standards. By establishing uniform standards at the maximum-achievable level, competing manufacturers are provided an incentive to achieve those standards in an innovative manner which will reduce their costs. This has proven true with respect to the entities subject to air and water pollution control standards and society has benefited from this.

It is tragically ironic that DOE views the energy savings which would result from the adoption of appliance efficiency standards as inconsequential from a national perspective in view of the national and international difficulties involved in efforts to stabilize oil as one of the Nation's sources of energy.

Sincerely,

C. H. DEAN, Jr.,
Chairman.●

URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF AGRICULTURE, 1984

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mrs. ROUKEMA. Mr. Speaker, I rise in support of emergency food aid to the thousands of children and adults threatened by starvation and severe malnutrition in the African nations suffering from drought and civil strife.

The United States has traditionally led the way in disaster assistance throughout the world wherever it has been necessary. I am proud that the United States has already responded to the famine crisis by providing $109.5 million in emergency food assistance through the Agency for International Development (AID). Recognizing the seriousness of this situation, President Reagan has requested supplemental food aid to respond quickly and generously to those who require humanitarian assistance.

The need for this emergency assistance is unquestioned. However, what remains uncertain at this time is what the recipient nations' capabilities are for receiving, storing, and distributing the food commodities. The $150 million provided for in House Joint Resolution 492 is the best estimate the committee could provide at this time of what is necessary in aid and what can be supported by the infrastructures of recipient countries. If this aid is going to serve the famine victims, we should be able to insure that the food commodities will not be left to rot on the docks of the recipient nations, and that the commodities will not be confiscated by black market profiteers. Clearly, the food assistance must reach the hungry and starving people who need and rely upon it.

In addition, I have reservations about the added provision to House Joint Resolution 492 which provides the Commodity Credit Corporation (CCC) with $90 million to use in the sale or barter of commodities to African nations requiring food assistance. It seems to me that, if the $150 million in emergency food aid is not sufficient, it would be more sensible to appropriate more funding through the Public Law 480 program—food-for-peace—rather than risk trade agreements with our trading partners by offering preferential sale or barter arrangements through the CCC. We hear much in the way of discussion today about unfair trade practices of the governments of other countries, which subsidize their industries, which in turn sell their commodities and products at lower than fair market value in other countries. I believe that the provision permitting preferential financing under CCC could harm our efforts to obtain international agreements to limit subsidized credit arrangements practiced by other countries.

The emergency food aid provided to the thousands of famine victims of Africa in House Joint Resolution 492 is unquestionably necessary. I commend the President for requesting the additional food aid and this body for recognizing the urgent need. This is why I voted in favor of House Joint Resolution 492. However, at the same time, I must state my reservations about legislating in this way—approving a measure which is an indirect support system for the farmers of this Nation and is a potential violation of an international trade agreement. It seems to me that we in Congress have an obligation to make sure that our approach to easing the hunger crisis in Africa is carried out in the best possible manner. Let us meet the crisis and do the humanitarian work—but let us do it in the right way.●

TEENAGE PREGNANCY: ITS SOCIAL IMPACT

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. GARCIA. Mr. Speaker, title X of the Public Health Service Act which offers family planning services, including teenage pregnancy, is up for reauthorization this year. In this regard, I want to share with my colleages a timely article from the New York Times relative to teenage pregnancy.

The article points out that with proper counseling, planning, and assistance, teenagers who become pregnant can break the socioeconomic pattern of dispair so often associated with teenage pregnancy.

The article follows:

If current trends continue, four in 10 of today's 14-year-old girls will have at least one pregnancy while still in their teens, two in 10 will have at least one birth and more than one in seven will have at least one abortion.

Additional statistics are staggering, consider: 12 million teenagers, out of a total of 29 million, had had intercourse; 1.2 million teenagers were becoming pregnant each year--three quarters of them unintentionally—and pregnancy rates increased seven percent during the 1970's; 562,000 babies were born to teenagers in 1980; teenagers accounted for 40 percent of out-of-wedlock births.

An unintended pregnancy almost always presents an extremely stressful situation for a teenager, her partner and her family. Society also bears a very substantial share of the burden. In 1975, about half of the $9.4 billion AFDC payment went to families in which the woman had given birth as a teenager.

There are many reasons Title X is critical to the availability of family planning services nationwide:

It provides more than a third of all federal funds for family planning.

Title X is the only program through which Congress can affect the extent to which family planning services are provided.

80 percent of family planning services provided to teenagers in specialized clinics are provided in Title X-supported clinics.

Some Accomplishments of the Family Planning Program:

Almost 800,000 unintended pregnancies a year--almost 420,000 of them among teenagers—are averted as a direct result of the federally funded family planning program.

Each dollar invested in family planning by the government in one year yields a saving of $2.00 in health and welfare costs associated with unwanted births the following year. The cost/benefit ratio is even greater among teenagers—a $2.90 saving for every dollar spent!

There has been a marked increase in the use of effective contraceptive methods among low-income persons, eliminating previous differences in method use between the poor and the more affluent.

The New York Times article is anecdotal of the successes experienced by many such programs throughout the United States. When title X comes to the floor for a vote, I urge my colleagues to support its reauthorization.

A BRONX COALITION ASSISTS TEEN-AGE MOTHERS

(By William R. Greer)

Theresa was 14 years old when she became pregnant. She had wanted to go to college. She had dreams of becoming a lawyer. When she gave birth to a son at 15, she said, "I thought my life was over."

"Everybody in my family thought I was the goody-goody, I was the one who would succeed," she said. "All my hopes, all their hopes, went down the drain."

But then, unlike many teen-age mothers whose educations end prematurely, she returned to school. She is now ranked sixth in her senior class at Morris High School in the Bronx. She is the class vice president, and she plans to attend college next fall.

Theresa spoke Friday at a meeting of the Bronx Teen Pregnancy Network, a group of 80 public and private social-service agencies that works with teenagers, at the Lincoln Memorial Hospital and Mental Health Center:

EFFICIENCY AS GROUP

The network was created in February 1983 after cuts in Federal and local funds to the agencies forced them to join together and avoid duplicating services, according to its coordinator.

"Many of us were able to provide partial services, like prenatal care but not day care," said a co-chairman of the network, Robyn Brown-Manning. "The idea of a network enables you to use the available funding better. It avoids duplicating services."

Miss Enaharo said the Bronx has the highest of teen-age pregnancy in the city. It had 157 pregnancies per 1,000 residents in 1980, the most recent year for which figures are available, according to the network. The statistics showed that the rate had increased by 22 percent since 1972.

The percentage of Bronx teen-agers who chose to have their babies—3,704 babies were born to teen-agers in 1982—is higher than any other borough, the network said.

Figures compiled by the State Department of Health and the National Center for Health Statistics show that the birthrate among Bronx teen-agers in 1980 was significantly higher than the New York City and national averages—62.4 births per 1,000 people in the Bronx, 48 per 1,000 in the city and 53 per 1,000 in the nation.

The representatives of the agencies at the conference say that they think the cause of the high rates in the Bronx, and especially the South Bronx, may be related to the economic health of the community.

"I believe it's because the Bronx is the poorest borough," said Sally Kohn, director of a Planned Parenthood project in the South Bronx called the Hub. "There is a relationship between economics and pregnancy."

The median income in the South Bronx is $7,900, compared with the city median income of $16,818, according to the South Bronx Development Organization.

"Self-esteem is probably the most important factor," Miss Kohn said. "A baby offers the opportunity for a family, for a person to love, a change in a situation, which may be an unhappy situation."

Miss Enaharo said a teen-ager who chooses to have her child perpetuates the economic situation that may have led her to become pregnant in the first place.

"They are much more likely not to finish their education and to fall into a lower socioeconomic bracket because they have less options available to them," she said. "It tends to be a cycle."

Theresa was able to break the cycle by continuing her education while she was pregnant at a special public school, Teen Aid High School in Brooklyn. Once she had her baby, she was able to leave him at a city day-care center and return to a regular high school.

If a teen-ager gets pregnant, "you can still do what you want to do, but you have to believe in your heart that you can do it," Theresa said. "You don't have to feel that your life is over."●

DENVER'S WARREN VILLAGE: HOW NEIGHBORS ARE HELPING NEIGHBORS GET OFF WELFARE

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. SCHAEFER. Mr. Speaker, Warren Village, in Denver, Colo., is an example of what can be accomplished with free enterprise zones. I recommend the article, "Denver's Warren Village: How Neighbors Are Helping Neighbors Get Off Welfare," to all Members of Congress as an example of ways to use the free enterprise system to overcome the budget deficit.

I also wish to commend the author of the article, Mr. John Fahrenkrog, for his well-written article, and for his efforts on behalf of Warren Village.

With your permission, Mr. Speaker, I submit the enclosed material to be printed in its entirety in the CONGRESSIONAL RECORD.

DENVER'S WARREN VILLAGE: HOW NEIGHBORS ARE HELPING NEIGHBORS GET OFF WELFARE

After nearly a decade of success, Warren Village plans to open a second housing development for one-parent, low-income families this Spring.

Payoffs already include a 90% drop in the number of recipients receiving welfare checks; doubling in the number of parents employed; immense, though unmeasureable, increase in needy-parent optimism about the future.

Unfortunately, like the "Enterprise Zones" concept, this proven cost-effective idea has generated little attention at State level; even less in the Congress.

For more than four years now, while Congressman Jack Kemp (R-NY) among others has pushed for it and the present White House Administration has submitted Bill after Bill, the U.S. House Administration has sumbitted Bill after Bill, the U.S. House of Representatives has procrastinated on passing "Free Enterprise Zones" legislation—to the increasing frustration of most of the Nation's major cities and many of its highly industrialized States. (See May, 1983, Government Executive.)

The basic strategy of the Enterprise Zones concept: downtown urban renewal and, in effect, cutting the need for huge Federal welfare programs will be better and more quickly achieved if the local community tackles the problem and Government merely clears away the bureaucratic red tape currently in its way. A growing number of socioeconomic experts are insisting that this is the only way to end the geometrically growing upward spiral in cost of most Federal "welfare" programs.

Warren Village in Denver, Colorado, a housing development for one-parent families created in the early 1970's by members of the Warren United Methodist Church, faces similar Federal distractions. And, just as with a few downtown urban renewal "Enterprise Zones" already started with little Federal deregulation assistance (notably in downtown Baltimore, Detroit, Seattle), the real frustration in Warren Village is they already have ample evidence their comprehensive approach to "public" housing pays off.

Briefly, Warren Village is a 96-apartment residential facility serving, on average at any given time, some 90 one-parent families with about 130 children. In simplest terms, a "qualified" family pays what it can toward the one-, two-or three-bedroom apartment rent and private, voluntary contributions make up the difference.

GOALS ACHIEVED

But Warren Village is vastly more than merely a place to put people in housing the one-parent families can afford, though that was the initial idea. But as it was being built, attracting more community volunteers, the concept was expanded. For some years now, and still today, it operates as the non-profit public service Colorado Corporation which runs it calls "a transitional community."

That means it provides not only housing but family counseling and a child care center for infants up through 12-year-old children, including a tutoring program for children with learning problems. In essence, both the counseling and the "day care" center give the parent either to seek a job, is he/she (mostly she) couldn't before and care for the children, too; take courses to improve job skills and/or education so the parent can find a "living wage" job in the local economy; drop dependence on supplementary (at least) welfare-check income.

In short, through the family counseling program, besides helping parent and child alike over the rough emotional hurdles of being recently widowed or divorced, family goals are set. They boil down to one question, basically: "With our help and your commitment to self-improvement, how soon can you become economically self-reliant?" Progress toward goals is checked every month, justified because an applicant for a Warren Village apartment, to be accepted, must agree to work on self-improvement goals.

How well has the program worked so far? A two-year comprehensive survey done by an independent organization revealed these numbers: 65% of the people who entered Warren Village were receiving public assistance checks at the time, only 6% were when they left; 47% had some sort of job when they entered, 94% had a job when they left; average number of school years completed was 12.6 years on entrance, 13.5 years when the parent left.

In short, says John Fahrenkrog, campaign chairman for a $3 million Capital Fund to complete the $10.5 million Warren Village II project due to open this Spring (he's also an executive with Colorado's leading commercial/industrial and investment real estate firm and a personal friend of Jack Kemp's), "As a result of the Warren Village experience, families have moved away from government dependency to become self-reliant. In other words, they are becoming tax contributors rather than tax consumers. The success of the Warren Village program has been tremendous."

"For our Nation," he adds, "we are showing a model way to serve families as neighbors and cut welfare costs at the same time." Warren Village is, in sum, an answer to a President Reagan criticism last Fall of the way certain present Federal programs actually work—while claiming they seek the same objectives as Warren Village. Said Reagan, "Federal policies that increase dependency and break-up families aren't progressive, they're reactionary."

POSITIVE SUPPORT

Notes Ed John, Warren Village Director of Development, summarizing the kinds of one-parent families who have gone through the program, "Although most one-parent families have the potential to be self-sufficient, over two-thirds will be dependent on welfare sometime during their lives. Most," he says, "can be productive participants in the labor force, but an alarming number lack marketable job skills or education."

Further, "As sole parent, they bear total responsibility for child care." But, as a kind of Catch 22, lacking the marketable job skills, they haven't the income to obtain quality chid care to permit them the time to "train up" to an adequately paying income, so they can get a job to pay for the child care.

To break that endlessly downward spiral (caught in it, studies show their children tend to end up dependent on welfare, too—or with a criminal record—breeding, in effect, a whole new generation of more and more people "qualified" for the welfare roles) these one-parent families, says John, "need positive support systems," i.e. personal counseling and child-care help in addition to low cost housing.

Which, of course, is the scheme for Warren Village. Sound and provably cost-effective as the plan is, and as many one-parent families as it has helped launch toward self-sufficiency, the need is even greater. In the Denver metropolitan area, alone, says John, more than 3,500 one-parent families already are eligible to apply to enter Warren Village, the result primarily of a significant need for low-cost housing (a problem not merely in Denver but across the Nation); and, he says official projections indicate some 2,000 new one-parent family units meeting the Warren Villages criterion are being created each year.

"The growing number of one-parent families and their dependency on public assistance is placing strains on communities across the country," he says. Which is why many, in New York, Florida, Kentucky, Texas, Utah, California and some other States have studied the Warren Village model and some of those communities are now beginning similar programs.

From the perspective out there, looking in toward Washington, their main question is: Will the Feds help us (essentially with deregulation and investment-tax-credit assistance) or ignore us? The answer may well lie in how hard and well these mostly private and local-government citizens push their "Public interest" in Washington against the very large army of special interests that have grown up around, and exist only because of, the present Federally-run welfare programs.●

HUMAN RIGHTS IN YUGOSLAVIA

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. FEIGHAN. Mr. Speaker, in view of the glowing media coverage accorded to Yugoslavia in connection with the Winter Olympics, and the special-treatment status which the U.S. Government grants the Yugoslav Government in Belgrade, the following article by Felice D. Gaer, executive director of the International League for Human Rights, is especially timely and relevant.

This article was forwarded to me by the Croatian Academic Society of Cleveland, a group that has labored long and hard to protect and preserve the Croatian culture here in America. As they point out, Ms. Gaer describes a Yugoslavia in sharp contrast to the image most Americans are accustomed to. I commend this article to my colleagues and the Reagan administration and hope that they will address the issues raised by Ms. Gaer and the Croatian people.

[From the New York Times, Feb. 1, 1984]

U.S. Press Belgrade

(By Felice D. Gaer)[1]

When, as expected, President Mika Stiljak of Yugoslavia requests American aid for his shattered economy today, his hosts in Washington should point out that certain changes would help Yugoslavia emerge from its economic crisis and garner additional Western support. By limiting, the press, curtailing open debate and restricting participation in public life, Yugoslavia's leaders have cut off natural political forces that, in a freer country, could correct various errant policies and faulty economic plans and replace tried officials.

Tito's political legacy remains a taboo topic in Yugoslavia and in diplomatic talks in the West. Guided by the Communist Party and secret police, the federal structure resists change. Tito's successors act quickly to end dissent and criticism of underlying political problems, perhaps fearing that an unwelcome kind of national unity may emerge. Arrests abound, giving Yugoslavia one of the highest rates of political prisoners in Eastern Europe.

Offenses vary: involvement with an uncensored journal, independent demonstrations, interviews in foreign magazines, petitions seeking amnesty for political prisoners or legal changes. Punishment is severe: loss of employment, denial of a passport, refusal of publication—often followed by arrest and imprisonment in brutal surroundings.

Last year, for the first time journalists publicly denounced political control of the media. The summer brought dismissals and forced resignations of editors of offending periodicals. Not long ago, Ranka Cicak was jailed for writing articles for a Zagreb weekly exposing financial mismanagement by local officials.

The economic crisis—a $20 billion foreign debt, 40 percent inflation, unemployment and severe shortages of electricity, water and consumer staples—was fueled by easy foreign loans to ineffective managers. Western nations and bankers have agreed to reschedule debt repayments, and International Monetary Fund bail-out loans have come with conditions, but economic austerity is not enough.

For years, Western political analysts assumed that national divisions would tear Yugoslavia apart, leaving it prey to Soviet invasion. While regional grievances indeed exist, today's main dangers stem from the legacy of years of mismanagement and continued inability to undertake essential reform.

In talks with Belgrade, Washington has long eschewed formal discussion of political reforms, instead papering over problems with mild talk of "reliance on the market." This timidity reflects Yugoslavia's nonaligned sensitivities, strategic location and persistence as a model of independence for neighboring Communist countries.

But precisely when America is asked to help rescue Yugoslavia financially, underlying political matters merit frank discussion. Although the Administration asserts that the most serious long-term human rights problems are associated with Marxist-Leninist states, Yugoslavia has escaped its criticism. In its contacts with South Korea and Uruguay, among others, the Administration has discussed timetables for democratic reform. Yugoslavia itself often lectures other Governments—Chile, Israel and Austria, for example—about offensive internal policies. American-Yugoslav talks on these matters are appropriate and overdue.

The agenda could be extensive. The following essential measures would signal Yugoslav good will and future intentions: ending controls on the press; repealing the law on "hostile propaganda" and releasing 500 or more prisoners interned under it; insuring that the Constitution protects against discrimination for one's political views (daily events belie recent Yugoslav assurances to the United Nations of such protection); ending harassment of political dissidents, particularly through refusal of passports and use of political criteria for employment; establishing election procedures that include multiple candidates and the secret ballot; extending invitations to international humanitarian agencies to examine prisons and psychiatric institutions, where abuses are reported.

If any such changes followed emergency economic assistance, larger amounts of aid and loans with convenient terms should then be encouraged. Without such measures, economic assistance would be a mere stopgap, postponing genuine reform.

Yugoslavia's leaders face major challenges: maintaining national unity, stimulating productivity, modernizing the society and insuring political stability. They can increase repression, "rotate" leaders and seek breathing space while using Western loans—or they can seek real political and economic change. The Reagan Administration's ability to raise these issues would be a true test of statesmanship.●

THE REOPENING OF THE APOLLO THEATER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. RANGEL. Mr. Speaker, I rise with great pride to announce the reopening of a fully refurbished and redecorated Apollo Theater in Harlem.

The Apollo is many things, Mr. Speaker. It is, of course, a fantastic place to go for an evening of entertainment. It is also a drawing card for the best black entertainers in the country. But more than anything else, the Apollo is a symbol of black American culture. It was at one time the hub of Harlem's Renaissance, and as we all know, Harlem's Renaissance was at one time the hub of black and Caribbean culture.

I want to commend the efforts of Percy Sutton and all those who have lent their talents, skills, and energies to this wonderful event. They have done an excellent job.

Mr. Speaker, I submit the following news articles for entry into the Record. They are appropriate tributes to the role of the Apollo.

[From the New York Times, Feb 29, 1984]

Harlem's "Big Top"

It was converted from a burlesque house in 1933 and quickly became known as the "Big Top" for black enterainment. Bessie Smith, Billie Holiday and Dinah Washington sang the blues there. Duke Ellington and Count Basie brought the big band sound. Over four decades, white entertainers like Artie Shaw, Jack Benny and Elvis Presley performed at the Apollo Theater, a mainstay of Harlem's 125th Street. But it had special meaning for black performers.

"The Apollo Theater and the black performer really had a love affair," says Ralph Cooper, the theater's executive producer. Mr. Cooper began the Apollo's legendary "amateur night," a Wednesday ritual that launched, among others, Ella Fitzgerald and Sarah Vaughan. But for many years the Apollo suffered hard times. It closed in 1976, reopened a year later, then closed again in 1978. Now private investors led by Percy Sutton, chairman of Inner City Broadcasting, are refurbishing the 71-year-old landmark and plan to open it in October as a 1,500-seat theater with facilities for video production. It's been open for gospel shows and the Wednesday amateur nights since December.

For the generations of audiences devoted to the blue humor of Jackie (Moms) Mabley and Redd Foxx, the soulful sounds of Nancy Wilson and Aretha Franklin and the silky crooning of Nat (King) Cole and Smokey Robinson, the return of the Big Top is welcome indeed.

[From the New York Times, Feb. 23, 1984]

The Apollo Reopens, to Delight of Harlem

(By Sheila Rule)

It was amateur night at the Apollo, and the evening, wrapped in razzmatazz, seemed like old times.

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[1] Felice D. Gaer is executive director of the International League for Human Rights.

The emcee's vintage witticisms—"Take your hands out of your pocket and take off like a rocket"—crackled across the footlights. Fresh-faced singers coaxed rhythmic sounds from their souls to their throats, and dancers strutted their stuff. The audience of nearly 1,000 people rambunctiously voiced appreciation: "Sing your song, sister," or disapproval: "Get on off the stage, baby."

With amateur night and other events, the curtain has gone up again at the venerable but long-shuttered Apollo Theater on West 125th Street in Harlem. The theater's spotlight is shining, these days not only on the dreams of aspiring entertainers, but also on the hopes of an entire community.

AN ECONOMIC ANCHOR

Harlem residents, leaders and business people view the reopening as the return of an economic anchor that could help reclaim some of the luster of the deteriorated area.

The Apollo, once the capital of the black entertainment world, was closed in 1976, after more than 40 years of business. Sporadic attempts to revive it had failed.

But now, there is activity day and night. Workmen are transforming the building, at 253 West 125th Street, near Frederick Douglass Boulevard, into a $7.3 million, 1,500-seat video studio and performance center.

GOSPEL-MUSIC ON SUNDAYS

Lines form for $10 tickets on Wednesday nights, when Ralph Cooper, who put on amateur-night contests in the Apollo in the 1930's, introduces young performers hoping to duplicate the success of such long-ago contest winners as Ella Fitzgerald and Sarah Vaughan. The theater rocks with gospel-music shows on Sundays.

Like others in Harlem, Alfonso Morris likes the hum of activity. "This street became a ghost town after 5 P.M. when the Apollo closed," Mr. Morris said the other day in his store, Goody's Toyland, a few doors from the theater. He has been a businessman in the area 30 years.

"The reopening is the best thing that could happen to Harlem," he said. "If the Apollo goes full blast, everybody makes a dollar—the shoeshine fellow, guys selling photos of performers, guys selling food from carts, the businessmen along the streets. That's the way it was, and that's the way it could be again."

According to Mr. Cooper, that is the best thing that could happen to black performers. "Our black talent has been stymied," he said as another Apollo graduate, Nipsey Russell, the comedian, walked into his office. "There has been no platform from which many of them could show their talent, other than a street corner. This represents a real opportunity."

The theater is among a variety of commercial and residential projects contemplated or under construction in Harlem, with much of the activity along 125th Street. As Harlem's busiest thoroughfare, the street presents a busy scene by day as shoppers going to clothing stores or fast-food outlets mingle with workers from state and city offices on the strip.

Community leaders say the bustle hides the business lost by the lack of major stores, shops and movie theaters that would attract customers from throughout the city and beyond. For Harlem's leaders and others, the reopening of the Apollo signals a main attraction and a coming event.

Percy E. Sutton, chairman of the Inner City Broadcasting Corporation and a former Borough President of Manhatten, is spearheading the project. To be completed next October, the renewal involves converting the Apollo into a modern theater and television-production center that will include videotape, movie and recording facilities, editing rooms and satellite-transmission equipment. There are also plans for an Apollo Theater Hall of Fame.

The financing includes a $2.5 million investment by the State Urban Development Corporation, to be repaid with 8 to 12 percent interest; a $1.5 million Federal loan obtained by the city, and another $1.5 million from investors, with other money raised by conventional financing.

ALMOST A SPIRITUAL FEELING

"This project means a lot of excitement and a lot of pride," Mr. Sutton said, adding it would directly provide 65 jobs and indirectly many others through increased business in the neighborhood. "There is almost a spiritual feeling toward the Apollo, and the hope of everyone involved is to do great things."

Pierre Sutton, Mr. Sutton's son and president of Inner City, said that the old Apollo was not large enough for major acts and that the remodeled theater, with its cable and taping equipment, would be a success.

In April, the amateur nights will be shown on cable television in New Jersey and, in a year or so, in New York and elsewhere in the country.

The president of the City Public Development Corporation, Steven Spinola, said the opening would have a ripple effect on Harlem. "We've worked in Harlem on a new parking garage and shopping strips to anchor traditional businesses that have been important to Harlem's economy," he said.

Keith Fluitt was hoping for great things at an amateur night this month as he walked onto the stage, which has been graced by such performers as Bessie Smith, Dinah Washington, Bo Diddley, Aretha Franklin, Billie Holiday and Dionne Warwick.

Mr. Fluitt, 18 years old, was among a string of acts hoping to win cash prizes ranging from $50 to $250 by garnering the favor of the audience, which lived up to its long-held reputation of being vociferously demanding.

As in the old days, there were record producers and talent scouts in the audience. A representative of a small recording company asked Mr. Fluitt to compete in a contest next month that will have as its first prize $1,000 and a recording contract.

But the young singer had another reason for entering the contest. "I wanted," he said, "to be able to say that I performed at the legendary Apollo Theater."●

GREECE'S INDEPENDENCE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. BOLAND. Mr. Speaker, I am pleased to join my colleagues in commemorating the 163d anniversary of Greece's independence from Turkish rule.

On March 25, 1821, the Greek people took the first steps in a decade-long process that would result in their shedding the irksome and oppressive Turkish yoke. Led by Alexander Ypsilanti, a series of revolts were staged throughout Greece. Despite the plague of long and bloody battles, and the Turkish sultan's ruthless massacre of thousands of Greek people, their dream for independence did not diminish. On May 7, 1832, with the signing of the Treaty of London which declared Greece an independent kingdom, that dream was fulfilled.

The United States and the whole of Western civilization is indebted to the Greek cultural traditions of democracy and freedom of expression and thought. Our Founding Fathers created a system of government based largely on the ideals of Plato and Aristotle and on the structure of the Greek city-states. The teachings of such scholars and Socrates and Hippocrates have formed the basis of our Nation. The United States is fortunate to have incorporated into its populace thousands of immigrants from Greece. Through the contributions of these individuals and their descendants, our society has been strengthened and enriched.

Mr. Speaker, the revolution in Greece, which returned independence to the land with which it is synonymous, is an event that deserves special tribute. I want to thank the gentleman from Florida (Mr. BILIRAKIS) for giving us the opportunity to recognize the anniversary of this important achievement.●

H.R. 4923

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. OTTINGER. Mr. Speaker, on February 23, 1984, there was introduced a very significant bill by our colleague from Iowa, Mr. HARKIN and several other Members. It is called the Phantom Tax Reform and Least Cost Energy Planning Act of 1984. I want to take this opportunity to express my support for this legislation and commend my colleague from Iowa for his continued leadership in protecting the interests of utility ratepayers. I hope to be able to schedule a hearing on this bill, H.R. 4923, in the Subcommittee on Energy Conservation and Power as soon as our very busy schedule permits.

H.R. 4923 deals with the rate treatment of Federal tax benefits. Beginning in 1969 and culminating in the Economic Recovery Tax Act of 1981 (ERTA), Federal law has required that State utility regulatory authorities permit electric utilities to charge rate payers as if these utilities were paying full Federal income taxes, which they never do, by virtue of the Investment

Tax Credit and accelerated depreciation provisions of the Internal Revenue Code. This requirement is called "normalization." It is the only instance to my knowledge where the Federal Government has established substantive requirements respecting the establishment of retail electric rates. The intent of this requirement is to encourage capital investment, whether needed or not, by electric utilities in new facilities.

At a time when the need for new facilities is uncertain at best, particularly the large new powerplants which many utilities still want to build, I think this blanket requirement of Federal law is ill-advised. A better way of handling the rate treatment of Federal tax benefits is to let the States decide, like they decide all other issues of retail electric utility regulations, whether normalization is or is not appropriate in view of the need for new facilities. This is exactly what H.R. 4923 does. In short, it turns a matter of regulation back to the people who should know best—the State regulators.

I commend this legislation to my colleagues.●

A FINISHED TREATY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. BEREUTER. Mr. Speaker, yesterday, representatives from the myriad of Lebanese factions and religious groups which have fought and killed their own people for decades met in a hotel in Lausanne, Switzerland. They hope to finally agree to a negotiated truce among the war-weary factions. I know that my colleagues in Congress wish them well.

This "conference of national reconciliation" was convened after President Amin Gemayel abrogated the American sponsored peace treaty he signed with Israel. The peace treaty is just the next victim of the Lebanese quagmire. The New York Times, in an editorial of March 7, 1984, called the Lebanese war a "bad war" and the peace a "bad peace." Syria was able to wait out the ability of the Israelis to be physically present in Lebanon. President Assad did not care particularly how many Lebanese were killed in his waiting game. He knew that at the end of his patient vigil, the treaty would collapse.

For Israel, the death of her young men is now in vain. Relegated to a strong presence in southern Lebanon, the Israelis essentially are at the same point where they started from after Ambassador Argov was shot on a London street in 1982.

The situation in Lebanon smybolizes the generally pessimistic situation in the Middle East. But, the New York Times editorial which this Member commends to the attention of my colleagues, ends with a glimmer of hope. We can hope its conclusions are correct.

BAD WAR, BAD PEACE

Amin Gemayel's cancellation of a security pact with Israel confirms that for the first time Israel has lost not a peace, as it contends, but a war.

It was an optional war because Israel faced no mortal threat in 1982. It was a limited war because Syria, though humiliated by the Israeli Air Force, fought back mostly by political means. Israel's defeat is therefore far from fatal. But it was a defeat nonetheless.

Israel sacrificed hundreds of soldiers and thousands of Lebanese lives for the avowed purpose of bringing Lebanon into its political orbit and commanding it to sign a lasting peace. That signature has now been erased. The rootless peace has collapsed. The killing was in vain.

In Israel and America, too, one hears the familiar cry that politicians, not soldiers, caused the defeat. Well, of course, politicians are to blame for sending soldiers on an unattainable mission. But the apologists for this war also complain that General Sharon should have been given time to "finish off" his enemies in Beirut . . . that America, instead of brokering a cease-fire, should have intervened against the Syrians . . . that Israel should have borne the price of occupying Lebanon indefinitely . . . that President Reagan should have helped with 10,000 marines, not a mere 1,600.

But no amount of forces could have redesigned Lebanon. Its feuding sects are not just quarrelsome neighbors. They are tribal enemies, each with its own militia, bearing the grievances of generations. The dominance of the Christians that Israel tried to restore has long since been ended by the growth of Moslem populations. And despite the divisions among them, the Moslems preferred alliance with Syria against the Israeli-blessed Christians to the figment of national independence.

Former Prime Minister Begin and General Sharon thought that by destroying the P.L.O. they could keep the Phalangist Christians in power for another generation. They would wrest the country from Syria's influence and reward themselves with a second peace treaty. That they had miscalculated was clear in just a few days, when Bashir Gemayel, their chosen ally, balked at the demand for a full peace. His assassination, probably by Syrians, left the Israelis without even a nominal ally.

Amin Gemayel may or may not be a weaker leader than his brother. But he's had to play the same weak hand against Syrian-backed Moslems. At the bidding of American and Saudi diplomats, he finally signed the security pact that gave Israel an illusion of accomplishment. But Israel tired of keeping troops around to support that illusion and Syria, waiting patiently, has now been able to puncture it.

Syria well knows it lost the military battle to Israel. Israel now knows it does not want to pay the price of fighting Syria for only diplomatic gain. The two are, therefore, effectively deterred and bound to find a tacit equilibrium in Lebanon, as they have in the Golan region.

Such a standoff often leads to a highly productive diplomacy. But first the political systems of the region must adjust to the new condition and throw up leaders who will read it creatively. Leaders who fight a bad war are unlikely to make a good peace.●

VIEWS FROM THE PHILIPPINES ON THE MAY 14 NATIONAL ASSEMBLY ELECTIONS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. HALL of Ohio. Mr. Speaker, elections for the National Assembly in the Philippines have been set for May 14, 1984. Most of our colleagues share the hope that these will be truly free and open elections.

The recent Congress of the Filipino People has listed a number of conditions it believes are necessary for free and clean elections in the Philippines. These conditions, and other matters relating to the upcoming elections, were discussed in a recent speech by Roberto G. Brillante, national executive council member and executive secretary, Washington Office, Movement for a Free Philippines.

In view of congressional interest and concern about the elections to be held in the Philippines, I think my colleagues will find Mr. Brillante's comments of timely relevance. For the benefit of my colleagues, Mr. Brillante's statement follows:

STATEMENT ON THE MAY 14 NATIONAL ASSEMBLY ELECTIONS

(By Roberto G. Brillante)

The whole world is a witness to the recent and continuing outpouring of the Filipino people into the streets, in protest of Sen. Benigno Aquino's brutal murder last August. Sensing government complicity in the murder, the people are demanding the resignation of Ferdinand Marcos. The Filipinos are no longer apathetic; they are no longer fearful of the reign of terror that has plagued our country in the last eleven years.

With their massive demonstrations, the Filipino people have spoken loudly against the Marcos dictatorship. I believe that the Philippines is now on the road back to freedom, returning to our pre-Spanish and pre-American tradition of democracy.

U.S. POLICY DILEMMA

The dictator's imminent collapse has become a policy dilemma for the United States. Marcos, seeking a way out of this turmoil, once again, tempts us with the promise of "free and clean elections", to be held on May 14. The Reagan administration shows its support for Marcos by seconding the idea of holding elections, and encouraging the moderate opposition to participate. Both houses of the U.S. Congress also have called for elections.

PAST ELECTIONS HAVE BEEN MEANINGLESS

But elections under Marcos are not new. The Filipino people have witnessed meaningless exercises of plebiscites, referenda and elections during the last eleven years of Marcos' authoritarian rule. None of them resulted in the return of the people's democratic rights enjoyed before the dismantling by Marcos of constitutional democracy in September 1972.

Example are the 1978 National Assembly elections, memorable for being the most fraudulent in our history. Marcos has repeatedly subverted democratic processes to stay in power, to please supporters and to mollify international criticism.

I ask: will the May 14 elections to be held under the martial law constitution, free us from more than a decade of oppression? The National Security Code, Public Order Act and more than 1,000 repressive presidential decrees, which cloak Marcos in a mantle of invincibility make this prospect impossible.

REPRESSIVE DECREES AND MILITARY ABUSES

Among Marcos' repressive decrees are those suspending the writ of habeas corpus, and the power to detain persons at the sole discretion of the President. Political offenses have been decreed to be capital offenses, punishable by death. Other "offenses" can deprive a Filipino of his citizenship and his property can be confiscated.

The military has used extra-judicial means against political dissenters. These include harassment, abduction and execution, known in the Philippines as "salvaging". These acts, as documented by independent international organizations, are made possible in part by continuing U.S. aid.

Then there is amendment number 6 of the 1973 constitution which empowers the president to legislate laws at will. Former Sen. Jose W. Diokno, former Secretary of Justice and one of the leading members of the opposition, said last week, "Elections under the present martial law constitution are a meaningless exercise because they are only for the representatives to the National Assembly, which is an impotent body since Marcos holds the power to legislate whenever he so desires".

CONDITIONS FOR FREE ELECTIONS

The Reagan administration and the U.S. Congress have called for free elections in the Philippines. If sincere in this call, they must put pressure on Marcos to ensure that the elections will be honest. America must prove to the Filipinos, as well as to the world, that she is democracy's true champion, that she is ready to preserve and nurture where democracy thrives, defend it where it is challenged, and restore it where it has been lost. The U.S. call for free elections will be perceived as meaningful and sincere only when the U.S. government supports the Filipino people in their demands for the following conditions, which are necessary to hold free and clean elections.

1. The repeal of amendment number 6 of the 1973 constitution which empowers Marcos to legislate.
2. Repeal and not mere suspension of all repressive Presidential Decrees and Proclamations.
3. Amendment of Section 9 Article VII of the 1973 constitution, to require the concurrence of the National Assembly acting by two-thirds (⅔) vote as a condition precedent to placing the Philippines or any part thereof under martial law and to suspending the privilege of the writ of habeas corpus.
4. Release of all political prisoners and return of political exiles.
5. Amendment of Section 10, Article VII of the 1973 constitution to provide for confirmation by the National Assembly of appointments of all higher government officials.
6. Revamp the Commission on Elections appointing only independent and impartial commisssioners, establishment of a new and credible voters' list, demilitarization of electoral process, accreditation of all genuine and legal political parties and equal access to media.

The recent Congress of the Filipino People (KOMPIL) composed of representatives of all opposition parties and movements, has called for these demands. By its composition, the Congress is accepted by the Filipino people as representative of all sectors of the body politic.

The Filipino people, therefore, have spoken. It is now up to the U.S. government to prove its sincerity by withdrawing all its aid, in whatever form, until the conditions necessary for free and clean elections are first met.●

WOMEN PLAYED MAJOR ROLE IN SOUTHWEST VIRGINIA HISTORY

HON. FREDERICK C. BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. BOUCHER. Mr. Speaker, rarely have women been afforded their proper place in the pages of our history books. I am, therefore, pleased to point out some of the significant contributions that women in southwest Virginia have made to the advancement of our region.

In southwest Virginia, women have stood beside their male counterparts as revolutionary patriots, pioneers, homemakers, and entrepreneurs for more than 200 years. One of the most celebrated heroines of southwest Virginia is Mary Elizabeth "Molly" Tynes, who, at the age of 16, was credited with the rescue of the Confederacy during the Civil War. Forewarned of an attack by the Union Army, Molly rode on horseback from Tazewell to Wytheville to alert the town to the ambush planned by Union soldiers on the railroad supply station in Wytheville. Through the night she rode over four mountains with a thousand enemy soldiers at her heels and aroused the citizens of Wytheville at dawn with her cries of "the Yankees are coming." Her daring ride alerted the town in time to defeat the Union soldiers. The subsequent withdrawal of Union forces from southwest Virginia proved a major victory for the Confederacy and made young Molly Tynes a heroine.

In the fields of education, literature, and the arts, business and public service, women in southwest Virginia have shaped our history through their dedication and commitment to their communities. For example, Mary Johnson of Buchanan County produced more than 25 novels and was widely recognized as a forerunner in the women's suffrage movement. In 1750, Elizabeth Russell, a resident of Washington County and the sister of Patrick Henry, was known for her strong sense of justice and fairness, having been one of the first Virginia plantation owners to emancipate her slaves.

The pioneering spirit of women in southwest Virginia has continued through modern history. Laura S. Copenhaver overcame tremendous economic difficulties during the Great Depression to establish a textile industry in Marion, Va. Copenhaver Industries prospered under the dedicated leadership of its founder and remains an active participant in the business community of Smyth County today.

Women of southwest Virginia have also played an important role through their public service. Edith Polling Wilson of Wytheville was a leader in organizing volunteer support services at home for the American men and women representing this country abroad during World War I. As the wife of President Woodrow Wilson, she also played a crucial role in national policy decisions when her husband became seriously ill in office.

When the Virginia General Assembly convened in 1924, its distinguished membership included Delegate Helen Timmons Henderson who represented Buchanan and Russell Counties. Delegate Henderson was the first woman ever nominated for a seat in the Virginia House of Delegates and the first and only woman ever to preside over that legislative body. Upon her death in 1925, her daughter was chosen to fill her vacant seat and was elected in her own right to a full term in 1928.

Thousands of women, like Molly Tynes, Helen Timmons Henderson, and Laura Copenhaver, are being brought out of historical obscurity by modern men and women who recognize the importance of these women's efforts in making our world what it is today. Equally important but less celebrated is the work of millions of dedicated American women who shape our history in their roles as mothers and homemakers. These women should also be recognized for the importance of their contributions.

I would like to take this opportunity to commend the First Lady of Virginia, Mrs. Lynda Johnson Robb, for her personal commitment to promoting an understanding of the important historical role of women in Virginia and the Nation. Her efforts and this nationwide celebration of National Women's History Week will insure that women will no longer be relegated to the bylines of history.●

LEARNING FROM LEBANON

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Ms. KAPTUR. Mr. Speaker, American policy in Lebanon has been a failure. Our original purpose in Lebanon was intended to stabilize the country while foreign forces withdrew. This purpose was gradually broadened to include support for the Central Government in Lebanon. We have seen our role shift from that of peacekeeper to defender of the Government in power. This on-again, off-again manner in which goals and aims have been set has not only cost over 250 lives but has undermined our Middle East policy.

I call my colleagues' attention to excerpts from a recent editorial in America which describes the inherent problem with our policy on Lebanon. Clearly, our failure should be "instructive for the current architects of American foreign policy."

LEARNING FROM LEBANON

With the evacuation of the peacekeeping contingents from Lebanon, another chapter in the history of its nine-year civil war is ending. Its prologue dates back to 1943, when a formula—now hopelessly outdated—was devised to share power between Maronite Christian and Muslim factions according to the population statistics of the time. The full story of this rivalry, of course, stretches back for centuries. As the latest attempt at restoring peace, this time through the Government of Amin Gemayel, crumbles, the next chapters in this bloodstained chronicle are uncertain. Speculation about the future is intriguing, but the politics of passion make the future unpredictable. More to the point is a reflection on what the superpowers, and the Reagan Administration in particular, can learn from their past miscalculations in Lebanon.

Troops from the United States, France, Italy and Britain were originally sent into Beirut to supervise the withdrawal of the shattered forces of Yasir Arafat. Three weeks after this mission was accomplished and the P.L.O. fighters dispersed, the international force returned in September 1982 to establish order after the massacre of Phalangist militia of hundreds of Palestinians in refugee camps around Beirut. For the next 18 months the troops remained in Beirut as a peacekeeping force. Its purpose was to give the Lebanese Government time to establish itself and restore Lebanon's territorial integrity by having all foreign troops, particularly the armies of Syria and Israel, withdraw from its borders.

These hopes proved illusory. When President Hafez el-Assad of Syria refused to accept the agreement of May 17, 1983, for a mutual withdrawal of Syrian and Israeli troops, Lebanon in effect became a partitioned nation. In turn, when Prime Minister Begin yielded to domestic pressures and ordered a partial and unilateral withdrawal of his troops to the south, the northern sector of Lebanon was left without any effective military force to prevent a renewal of factional conflict. President Gemayel, it turned out, lacked either the power or the will to form a true coalition government. As a result, the peacekeeping forces came to be seen as foreign intruders, fighting to keep President Gemayel's Maronite faction in power.

The original purpose of the peacekeeping force was a sound one. The success of its mission, however, necessarily depended on others, most immediately the different Muslim and Christian factions within Lebanon but behind them the Syrians and the Israelis, each with their own national interests to pursue in the tug of war that has torn Lebanon apart for the better part of a decade. In such circumstances, the decision to withdraw the peacekeeping forces at this time is both wise and honorable.

This episode should be instructive for the current architects of American foreign policy. They could learn, for example, that military might, although it offers the promise of a quick, surgical solution to a particular problem, is not an effective substitute for diplomatic and political efforts. In addition, this Administration has tended to view too many of the world's problems as local manifestations of a global East-West conflict. The presence of Soviet advisers and weapons in Syria made an American military presence in Lebanon seem more important than it actually was. More than a Soviet-U.S. confrontation is involved in a region torn by strife among 17 competing religious and ethnic factions, threatened by Arab and Israeli animosities and opportunism and lacerated by a spirit of vengeance and fanaticism that does not yield to reason. It should be noted, too, that the Soviet Union has been no more successful in orchestrating the Syrians and the P.L.O. to its own advantage than the United States has been with Israel and the Gemayel engine. The world of social and political conflict is a much more complicated place than the simplicities of East-West confrontation would admit.

Both superpowers should read these chapters in Lebanon's history again and again. If they do, they will learn that their military involvement has brought neither peace nor stability to the region, and that neither one has gained any increase in influence in the Middle East. At the same time, restraint has kept the war from escalating into a wider conflict. The one lesson that is absolutely clear is that nothing should lure the world's nuclear powers into the centuries-old quarrels of the satraps.●

LEMUEL GEATHERS: A PORTRAIT OF LEADERSHIP

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. IRELAND. Mr. Speaker, I would like to pay tribute today to a man whom I have known and respected for over 20 years. Lem Geathers will retire from my staff this month, but he will not retire from his lifelong crusade to build a better community in Winter Haven, a better State of Florida, or a better country.

Lem was elected as Winter Haven's first black mayor in 1979 after many years of working in the community on the city council as an entrepreneur and as an educator. In all he did, he worked to improve the quality of life for all citizens. Long before it was fashionable, or mandated, he established a lasting dialog between the young and old, rich and poor, and black and white. He is respected by all of us for his leadership because of both his high standard of personal integrity and his faith in the fundamental goodness of his fellow citizen.

Much of what Winter Haven has accomplished can be attributed to Lem's determination to set a tone of reasonableness in our town during the Nation's struggle for civil rights in the late 1950's and 1960's. He continues to do so today.

Lem is returning to the teaching profession which he loves and through which he has helped many of our young people in Polk County. He has never limited himself to one career at a time, so he will continue as a small businessman and, I am certain, an influential community leader.

Hard work and fair play are Lem's primary concerns in life. His fine family reflects the values that he and his wife Anita have instilled. His children are bright and capable, and have already demonstrated an eagerness to contribute to society, following in the spirit of their parents. Mr. Speaker, I admire and respect Lem Geathers. He has been, and will continue to be, an example of the best this country has to offer.●

ST. PATRICK'S DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. RODINO. Mr. Speaker, once again, it is the time of year when Americans of all ethnic backgrounds join together to salute the men and women of Irish heritage in honor of St. Patrick's Day.

This Sunday, March 18, I will proudly join thousands of New Jersey residents in Newark for the largest and oldest St. Patrick's Day Parade in the State. This year's parade—the 49th annual—is dedicated to the late Thomas Barrett. The grand marshall will be James McCarthy.

As in the past, this year's parade is being coordinated by the St. Patrick's Day Parade Committee of Newark, which is comprised of over 140 Irish American organizations throughout New Jersey. Thomas P. Giblin is the general chairman of the committee; Bella Nugent Laughlin and Will Morley are vice chairs.

Many other dedicated people had a hand in planning this parade. They include Mollie Murphy, Helen M. Washington, John A. Kenny, Gerald P. Lenihan, Terrence J. O'Reilly, Katherine J. Rees, Edward J. Glen, Patrick Riley, Paul J. Hopkins, James Hunter, Anne White, Rev. Myles P. Varley, Thomas M. McCormack, Eugene J. Byrne, Michael K. Farrell, and Denis Lenihan, to name a few.

As you know, Mr. Speaker, St. Patrick, the patron saint of Ireland, came to that country over 1,500 years ago, preaching Christianity, peace, and justice. Through famine, plague, and political unrest, he became a symbol of hope to the Irish people.

When the Irish emigrated to the United States in the 19th century, many settled in Newark and the surrounding area. With them they brought their dreams and hopes of a new start in America. Of course, they also brought with them a rich heritage and respect for their symbol of faith and strength—St. Patrick.

Activities commemorating the good works of St. Patrick have become a tradition in America. It is also part of the tradition that on St. Patrick's Day we all become honorary Irish. This Sunday's parade in Newark will carry on that fine tradition. The parade will also recognize the contribution Irish Americans have made to our country, and will demonstrate the sense of pride citizens of Irish heritage share.

The themes for this year's parade are brotherhood and peace. I believe these themes capture the spirit and work of St. Patrick and are goals that we should all strive to attain as we celebrate St. Patrick's Day.●

GIRLS TOWN/OR CHADASH CELEBRATES 18TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. ACKERMAN. Mr. Speaker, Jewish tradition attaches special significance to the No. 18, for, in reckoning its equivalence in Hebrew letters, it denotes "life." Thus, it is with great pleasure that I rise today to pay tribute to an institution dedicated to enhancing the quality of life of its youthful constituency as it celebrates its 18th anniversary on Wednesday, March 14, 1984.

Located on the rolling hills of Galilee, Girls Town/Or Chadash, is the home for over 500 students from disadvantaged backgrounds who have come to its campus from 25 communities throughout northern Israel. At Or Chadash, these junior high school and high school students receive a total educational experience through parallel programs of academic and vocational studies, specifically designed to develop their learning abilities.

However, Mr. Speaker, Or Chadash provides it enrollees with more than a trade and a diploma. Through a wide variety of recreational and cultural enrichment programs, Or Chadash instills in these children a sense of pride and self-esteem and cultivates in them an appreciation for their true potential. Moreover, Or Chadash infuses in its students desire to transcend their poverty and to take their places as contributing members of society.

Mr. Speaker, the rapid growth of Or Chadash, from eight students to its current enrollment, is striking testimony to its excellence. It also speaks well of the spirit and dedication of its founder and mentor, Rabbi Moshe Tanami. However, the 18th anniversary celebration also attests to the admiration and support which this unique institution has enjoyed both in Israel and elsewhere.

It is in this connection, Mr. Speaker, that I ask my colleagues in this Chamber to join me in congratulating Rhona Libov, chair of the board of Ed Libov Associates, for being selected as guest of honor at the school's forthcoming anniversary gala dinner. Rhona Libov's philanthropy on behalf of underprivileged children throughout the world has benefited such institutions as St. Jude's Hospital, and demonstrates her genuine concern for all children. In lauding these achievements, may we recall the words of Sophocles that "Kindess is ever the begetter of kindness," and, may I add, the reflection of its practitioner.

Finally, Mr. Speaker, I wish to draw attention to the longstanding association with Girls Town/Or Chadash of this year's dinner chairman, Joe Nakash, chairman of the board of Jordache Enterprises. A generous supporter of many worthwhile causes, Joe Nakash and his brothers Avi and Raphie have sponsored the building of the Jordache Swimming Pool and Campgrounds at the Or Chadash campus.

Mr. Speaker, as Americans and public officials we must laud the humanitarian and benevolent endeavors of Rhona Libov and Joe Nakash, for through their examplary achievements they serve as a source of inspiration to all, and as models worthy of greater emulation. Let us wish them Mazal Tov and continued success in all their undertakings.●

ROBERTA FLACK ENTERTAINS ARTS CAUCUS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. DOWNEY of New York. Mr. Speaker, recently the Congressional Arts Caucus was honored to arrange a special performance by singer Roberta Flack for caucus members and their staffs. Ms. Flack, born in Black Mountain, N.C., was a music and literature teacher in Washington's public schools before gaining national recognition as one of America's finest vocalists. Delighting more than 100 members and staff, the two-time Grammy Award winner performed her top recording hits—"Killing Me Softly With His Song" and "The First Time Ever" as well as an old Appalachian folksong, "The River Is Wide," learned "at her grandmother's knee." Accompanying Ms. Flack were musicians Howard King, Larry McRae, and Phillip Hamilton who have individually demonstrated their abilities as accomplished songwriters.

Also attending the event was award-winning lyricist Hal David, writer of such popular songs as "Raindrops Keep Falling On My Head" and "Alfie". Mr. David, president of the American Society of Composers, Authors and Publishers (ASCAP), discussed many of the concerns of the music community—primarily songwriters' strong opposition to pending legislation which would severely limit certain copyrighted benefits. The bill, H.R. 3858, would allow jukebox operators to pay a one-time-only fee of $50 no matter how often they used copyrighted material. This legislation, which has a companion bill in the Senate (S. 1734), runs counter to the accepted principle of copyright that continued use requires continued payment.

It is always an honor for the arts caucus to bring celebrated artists such as Roberta Flack and Hal David to our Nation's Capital. Not only does their presence remind us of the rich artistic talent in our country, but their insights direct us in strengthening our support of America's arts.●

STATEMENT ON BEHALF OF THE SPARE PARTS AVAILABILITY BILL

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mrs. BYRON. Mr. Speaker, today I am introducing legislation which would amend the Magnuson-Moss Federal Warranty Act and require that manufacturers or suppliers of consumer goods include a statement which would indicate the number of years that spare parts would be available for a particular product.

Americans spend billions of dollars each year on durable goods such as washing machines, televisions, and cars. Another commodity which is purchased by many consumers in recent years is the personal computer. From time to time, these products break down because of defects in one of the parts or components. A majority of these components can be replaced so that the car, washing machine, or computer can be used again. However, in other cases, the spare parts for these products are permanently out of stock and, thus, the product becomes worthless.

This legislation would require manufacturers or suppliers of consumer products which provide the consumer with a written warranty to provide a statement stating how many years spare parts would be available for a particular product after the expiration of the warranty. Rather than having the Federal Government establish guidelines on how long spare parts would be available for a particular product, manufacturers would set their own guidelines on how long spare parts would be available. The consumer could then make a determination on what product to purchase based on the information given along with the warranty on spare part availability.

I believe that this legislation is a commonsense approach to resolving a problem that happens to every consumer and I hope that I can count on my colleagues to support this legislation.●

MEMPHIS STATE UNIVERSITY HONORS GEORGE ZARECOR

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. JONES of Tennessee. Mr. Speaker, I rise today to share with my colleagues the recent announcement that a very old friend of mine, Mr. George Zarecor of Union City, Tenn., has been inducted into the Memphis State University Hall of Fame. This honor was bestowed on George for his participation in the university's early basketball and football programs.

I say early because George took part in these sports in the days before all of the media hype and big time promotion that we see today. He was a Memphis State athlete back in the late 1930's, 1937-1939 to be exact. This honor is truly a unique one for any athlete upon whom it is bestowed.

In reading the article I am including with my remarks, I think it is particularly important to note that Mr. Zarecor's achievements in sports were capped by his feeling that the important thing to him was that everyone on his team graduated from college. The story notes that things in college athletics have changed a lot since the late 1930's and unfortunately, the graduation rate among student athletes is one of those changes.

George Zarecor has taken the success he had in collegiate sports and turned it into success in a totally unrelated field—agriculture. His performance as an athlete and his success as a man can live as inspirations to the many young people all over regardless of their athletic abilities.

The article follows:

ATHLETIC STANDOUT GIVEN HONOR AFTER 45 YEARS

(By Jean Green)

George Zarecor, owner and operator of Hiland Feed Mill of Union City and Grow-Lean Hog Producer, said he was surprised when he was recently inducted into the Memphis State University Hall of Fame, honored for this participation in the football and basketball programs.

Zarecor, 67, said he thought everyone had forgotten about a record compiled by the Memphis State teams of 1937-1939, although he and his team-mates as well as the coaches have many memories of the accomplishments that went into the school's athletic record book 45 years ago.

Zarecor, one of five children born to the late Mr. and Mrs. Robert A. Zarcor Sr. of Yorkville, said he played basketball while in high school at Yorkville but had never seen a football uniform until he heart that UT Martin Junior College would find a job for all those who were willing to play football.

"I had seen a few football games and that was about it," Zarecor said.

"It was the depression years (1935-37) and I went down there to get a job really. We were farmers and I knew how to work, just couldn't find a job," Zarecor said.

There was no such thing as a "football scholarship" and the job Martin Junior College offered, according to Zarecor, paid 12½ cents an hour. However, room, board, tuition and books only cost $92 (for three months).

Zarecor said he played football, putting his 6-1, 200-pound frame in the tackle position. When he wasn't playing football, he was milking cows or hoeing and picking cotton.

But it was at Martin that Zarecor first gained recognition. During his second year, he was voted All Conference and, when he completed the junior college work in the spring of 1937, he was offered a newly developed football scholarship from a number of colleges in the nation.

"I went to Mississippi (State) for one quarter, but I got homesick because all of my friends had gone to Memphis State, so I followed them. Anyway it was closer to home," Zarecor said.

Zarecor said he saw sports as a means of being recognized, and he guessed he just tried harder to excell in both football and basketball. "Let's face it, I was a shy country boy, and the girls paid a lot of attention to the players," Zarecor joked, adding that while he helped the football team compile an undefeated record his second year at Memphis State, he also enjoyed the social functions he attended and was proud of his degree in education (minor in agriculture).

Zarecor, who teammates said earned the name of "Jolly Green Giant" while at Memphis State, made up with quickness what he lacked in size.

Zarecor smiled as he remembered his days in the blue and white uniform. He said he and his teammates might be slaughtered by today's linemen.

"We didn't have a weight program and our equipment was something else," he laughed. His helmet was leather and there was no sponge rubber padding.

Zarecor said in his second year at Memphis State, when he played center for head coach Allen McKeen (and then line coach C.C. "Sonny" Humphreys), the last game of the undefeated season pitted them against Delta State at Cleveland, Miss.

"It was cold and we had a hard day of it. We sure wanted to win, and we needed a touchdown to do it and the game was about to end., I'll never forget the coach's strategy," Zarecor recalled.

"He had taken our fastest runner and had kept him on the bench for the entire game. We were all tired and muddy, both teams exhausted because back then we only had about 25 players and we played the full 60 minutes, defense and offense, unless you were hurt. It was the final minutes of the game and in came the fresh player," Zarecor grinned as he explained how the player, thought to be second string by the opposition, got little attention as he sprinted 70 yards for a touchdown.

Zarecor said he was elected to the Hall of Fame with six other former athletes during a banquet held at the Hyatt in December.

"About 50 of my family and friends, who helped me along the way, were invited," Zarecor said, adding that the only sad part of the evening was realizing that about a third of his friends and teammates are no longer living.

Included at the celebration were Zarecor's Yorkville High School coach in basketball, Robert Taylor; Ralph Hatley, his Martin coach, and Zack Curlin, his basketball coach at Memphis State.

Zarecor said the two games have changed a lot during the years. They are rougher. "I never fouled anyone on purpose, and now that is a part of the game of basketball," Zarecor said.

"The important thing to me was that everyone on my team graduated," he concluded. "We all earned our degrees, and in addition I believe that my participation in sports helps me every day. You learn how to accept defeat, pick yourself up, and keep going," Zarecor said.

When asked for advice for students today, Zarecor said perhaps everyone needs to strive to be recognized for something. His field happened to be sports but he added there are other areas a student can concentrate upon to gain recognition and discipline themselves to excel.

Zarecor said following graduation he taught and coached football one year at Huntingdon, Tenn. "I made $90 a month and then was proud because the other teachers made $60 a month. I got a $30 supplement for coaching."

Zarecor said he moved on down to Gunnison, Miss., for one more year as a teacher and coach but the salary there was only $160 a month, so he changed occupations.

Zarecor is married to the former Bonnie Dodd (1948) and they make their home on Lindell Ext., in Martin. They have a son, Bill Dodd Zarecor.●

THE OAKLAND INN FAMILY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. HOYER. Mr. Speaker, I would like to bring to the attention of my colleagues a real celebration of life and family tradition which will occur in my district on Monday, March 19. On that day, the 75th anniversary of the founding of a neighborhood tradition, the Oakland Inn, will be celebrated. It will also be a celebration and recognition for a fine Prince Georges family, now led by Mrs. Helen Ragione.

In 1909, Frank and Lena Stoffl ran a small restaurant serving family-style dinners and a boarding house that soon became known as the Oakland Inn. It was one of the first in Prince George's County to get a restaurant and bar license, and it quickly became known for the German specialities served there. When the 18th amendment to the Constitution was adopted instituting prohibition in January 16, 1920, the restaurant became a grocery store, and Mr. Stoffl worked as a butcher for Auth Provision Co. in Washington, D.C. As soon as prohibition was repealed in 1933, the Oakland Inn was back in business.

Mom and Pop Stoffl ran the Oakland Inn until August 1954, when Pop Stoffl suffered a stroke and was unable to carry on in the operation of the business. In August 1954, their daughter, Helen, and her husband, Jimmy Ragione, purchased the Oakland Inn from her parents and continued on with the tradition, adding family-style Italian meals to the German recipes served by their parents.

On January 17, 1979, Jimmy Ragione passed away. Now Helen, along with her son, Frank, and daughter, Helena, continue to run the restaurant.

The Oakland Inn evokes a special kind of feeling. In this hustle-and-bustle world, the Inn provides a calm, quiet, family-oriented atmosphere and an aspect of old-world charm that is unique in the area.

Certainly the Stoffl-Ragione family deserves our congratulations on the 75th anniversary of the founding of their establishment, and well-earned praise for their contributions to the community in which they live.●

FORGOTTEN AMERICANS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. BIAGGI. Mr. Speaker, on July 28, 1983, I introduced legislation, H.R. 3653, to provide a much-needed increase in the minimum wage from $3.35 to $4.15 an hour.

An estimated 11 million workers are dependent upon this wage for their daily existence. However, it should be pointed out that the minimum wage has remained frozen for 37 months at $3.35 per hour. The impact of this freeze has been great. An employee working a 40-hour week at the minimum pay earns an annual income of $6,698—$2,894 below the Federal Government's poverty line of $9,862 for a family of four. Put another way, this same family of four is being required to live on an income worth only 71 percent of the poverty level.

I am deeply disturbed that the administration continues to take the position that "a lot of our ills are due to the minimum wage" and that it intends to continue to press for subminimum wage legislation in Congress.

A Gallup poll conducted among teenagers in 1981, however, revealed that the greatest opposition to the subminimum wage existed among teenagers, the same group which will supposedly benefit from a subminimum wage. Of those expressing an opinion in response to the survey, 60 percent were against the opportunity wage as the subminimum is called and 70 percent of blacks polled oppose the concept.

Mr. Speaker, I would like to bring to the attention of my colleagues an article which recently appeared in the CWA News, the official journal of the Communications Workers of America, which is circulated to the union's 675,000 members. The CWA has endorsed H.R. 3653 and I believe the following article appropriately outlines their reasons why this legislation should be passed now. The article, "The Americans Reagan Forgot" appears in the RECORD at this point.

THE AMERICANS REAGAN FORGOT

(By Lou Gerber)

No group of American workers has suffered more under the Reagan administration than the nation's 11 million minimum wage earners, whose pay of $3.35 an hour has steadfastly "stayed the course" since the president's inauguration.

Because the minimum wage has remained frozen for the 34 months of the Reagan administration, an employee working a 40-hour week at that miminum earns an annual income of $6,968—$2,894 below the federal government's poverty line of $9,862 for a family of four. Put another way, a wage earner who is paid $3.35 an hour receives a salary worth only 71 percent of the federal poverty level under the stewardship of an administration that so often extols the virtues of the Protestant work ethic.

By allowing the incomes of these low-paid wage earners to drop so dramatically below the poverty line, the White House appears to be failing to fulfill the mandate of worker purchasing power spelled out in the Declaration of Policy which begins the federal minimum wage law, the Fair Labor Standards Act of 1938. That historic legislative language advocates a level of employee income sufficient to provide for "maintenance of the minimum standard of living necessary for health, efficiency and general well-being of workers."

The president, however, showed his firm resistance to any effort to increase the minimum wage when on March 19 he sent Congress a message containing proposals intended to relieve unemployment. Included in that package was a subminimum wage bill for young workers. In his accompanying statement, Reagan warned: "Some may try to use this proposed legislation to raise the level of the minimum wage above the current $3.35 an hour. I will vigorously oppose any such effort."

MINIMUM WAGE WORKER PROFILE

Who are the 11 million workers who populate the bottom rung of the official wage ladder? Most Americans encounter these employees daily: they are fastfood workers, service station attendants, parking lot assistants, motel chambermaids and nurses' aides to name only a few.

Contrary to popular myth, the majority of minimum wage earners are not teenagers working at counters of fastfood franchises to bring home additional income for lower middle class families. Over 50 percent are adults, aged 25 or older; 20 percent are between the ages of 20 and 24. Only 30 percent of those receiving the minimum wage are teenagers and many of them are not working for spending money, but to supplement their families' income.

Moreover, nearly two out of every three minimum wage workers—more than seven million—are women, indeed, about 18 percent of all female workers earn the minimum wage or less. Similarly, nearly 18 percent of black employees are paid no more than $3.35 an hour.

Most alarming, 10 percent of all minimum wage workers are heads of households trying to raise a family on $6,968 a year. Of these 1.1 million household heads who are minimum wage recipients, women outnumber men by a 3-to-1 margin.

The president's "vigorous" opposition to increasing the minimum wage for these workers stands in marked contrast to the enthusiastic support he showed for the "supply side" tax cut which he signed into law in 1981. Under that legislation, families whose annual income exceeded $80,000 had their taxes lowered by more than $15,000 in 1983—a special "bonus" which is more than double the annual salary of a minimum wage worker.

THE PRESIDENT'S SOLUTION

The President has submitted to Congress legislation that would establish a youth "opportunity" wage of $2.50 an hour from May 1 through September 30 as his contribution to the minimum wage debate.

Although the White House contends that its bill would benefit jobless young workers, a Gallup poll conducted among teenagers in February 1981 revealed that the greatest opposition to the subminimum wage existed among adolescents, the group the White House intended as its chief beneficiaries. Of those expressing an opinion in response to the survey, 60 percent were against the "opportunity" wage, and 70 percent of blacks opposed the concept.

By contrast, the chief supporters of the subminimum wage legislation are fast-food franchise companies, those who view a lower pay level for young employees as an effective device for reducing labor costs. The McDonald's Corporation and other chains have joined forces with the Reagan White House to lobby Congress in support of the "youth opportunity" measures.

Senate and House lawmakers, however, have so far successfully resisted this little-publicized "Big Mac Attack." Ironically, opposition from two Senators of the Administration's party, Bob Stafford (Vt.) and Lowell Weicker (Conn.), has kept the subminimum wage bill bottled up in the Senate Labor and Human Resources Committee. In the House, the legislation is buried in the Democratic-controlled Education and Labor Committee.

In reality, the youth differential wage represents a drastic departure from the principle of equal pay for equal work. If approved by Congress, the subminimum proposal would legalize discrimination in employment on the basis of age, opening the door for other disparate pay levels for the same job, dependent on such non-work-related criteria as race or sex.

Under such an approach, the minimum hourly pay would be transformed from a wage floor to an erratic elevator forced to stop at different levels, dispensing payment determined by the characteristic of the worker rather than dependent on the job itself.

By ignoring the plight of low-paid workers, the President is re-establishing the oppressive sweatshop pay level that gave rise to the need for federal minimum wage legislation in the first place during the New Deal.

To counter this threat, Representative Mario Biaggi (D-N.Y.) recently introduced legislation to raise the minimum wage to $4.15 an hour. The Biaggi bill (H.R. 3653)—strongly supported by CWA—would increase the present $3.35 an hour rate so that it would match the purchasing power of the minimum wage in 1978, when it was $2.65.

RR: NO FDR

President Reagan has said on numerous occasions that he admired Franklin D. Roosevelt, and he has even attempted to draw similarities between himself and the nation's only four-term president. Yet the views of the two chief executives on minimum wage alone stand in sharp contrast.

Prior to his election in 1980, Reagan repeatedly urged that the minimum wage law be repealed, blaming all sorts of economic ills upon the measure.

Franklin Roosevelt, however, signed the nation's first minimum wage bill into law in 1937—at a time that the nation was undergoing far worse economic trauma. Roosevelt said the nation "should . . . ensure our able-bodied working men and women a fair day's pay for a fair day's work."

This month, October 24, will mark the 45th anniversary of the implementation of the first minimum wage law ($0.25 an hour in 1938). It's doubtful, however, that President Reagan will be that moved by the memory of Roosevelt to raise millions out of poverty.●

TRIBUTE TO PASTOR MARTIN NIEMOELLER

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. LEVITAS. Mr. Speaker, I would like to take a few moments to recognize a great man, Pastor Martin Niemoeller, who died in Wiesbaden, last week on March 6, at age 92, was a symbol of human decency in some of the world's worst times. While some of us might have disagreed with some of his views or postions, no one can doubt his courageous advocacy for the respect of humanity. This German theologian, Protestant preacher, and Lutheran Church leader who spent 8 years in Nazi concentration camps for his opposition to Hitler, can teach us many lessons. One important lesson can be learned through recalling the following words that have been attributed to Pastor Niemoeller:

> In Germany, the Nazis first came for the Communists, and I didn't speak up because I was not a Communist. Then they came for the Jews, and I did not speak up because I was not a Jew. Then they came for the Trade Unionist, and I didn't speak up because I wasn't a Trade Unionist. Then they came for the Catholics, and I was a Protestant so I didn't speak up. Then they came for me . . . by that time there was no one to speak up for any one.

I ask my colleagues to reflect on these words, and the meaning they hold for all of us and for all people who may be faced with tyranny. Silence in the face of injustice to others permits injustice to prevail which will ultimately overwhelm the silent. It is my hope that the words of Pastor Niemoeller will be remembered as we mourn his death.●

THE GRAVE PLIGHT OF THE SOVIET JEWS

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, I rise today in observance of this year's Soviet vigil. I am proud that so many of my fellow Members of Congress have recognized the grave plight of the Soviet Jews and have given voice to their concern during this vigil. It is vital that we let the Soviets know that we will not tolerate the new wave of anti-Semitism in the Soviet Union.

There is a renewed sense of urgency to act on behalf of Jews in the Soviet Union. Soviet Jewish emigration plummented in the last few years, from a 1979 peak of 51,320 to an unprecedented low of 1,314 in 1983. Most distressing of all was the Soviet Anti-Zionist Committee's assertion that no more Soviet Jews desired to emigrate. With visa requests increasing rather than decreasing, we can only view this assertion as an ominous official statement of Soviet policy.

Moreover, the Anti-Zionist Committee is attacking Jewish cultural efforts with a new vengeance. The harsh treatment of prisoners of conscience and the increased harassment of long-term refusniks illustrate that the Soviet regime seeks to eliminate any vestige of Jewish culture within its borders.

The case of Josif Begun, a Soviet dissident whom I have "adopted," represents a tragic example of the injustice and brutality of the Soviet Government to its Jewish citizens. Begun, a prominent technical scientist, taught himself Hebrew and later fought for the legalization of Hebrew teaching. Dismissed from his job as senior research assistant at the Moscow Central Research Institute and subsequently from jobs as a telephone operator and a night watchman, Begun secretly continued to tutor young students in Hebrew. Begun, who has relatives in Israel, had been denied an exit visa for 13 years due to his persistence in publicly upholding his Jewish heritage. He had already served 5 years in internal exile when the final blow came. Last October, Begun was convicted on charges of producing and distributing anti-Soviet literature and sentenced to 7 years in jail and 5 years of internal exile. The sentence handed down to Begun is the worst that can be given for a conviction under article 70 of the Russian Criminal Code, which condemns "anti-Soviet agitation and propaganda." His sentence further establishes the Soviets' coldly ideological desire to enforce absolute conformity on every cultural and political front. Any stirring of dissent has been met by harsh retaliatory measures on the part of Soviet authorities.

This past January, I sponsored a public seminar in my district on behalf of Josif Begun and other Soviet Jews like him. The turnout was overwhelming, a moving display of the deep concern that Americans feel for the Jewish prisoners of conscience. I urge my colleagues, if you have not already done so, to adopt a Soviet refusnik in order to demonstrate your commitment to Soviet Jewry. We must continue to express our outrage to Moscow. Every seminar, every lecture, every letter sends a message to the Soviet authorities that we have not forgotten the Soviet Jews. We must all remain vocal opponents to the Soviet Union's policy of deliberately violating its Jewish citizen's rights.

Now, at a time of transition in the Soviet Government, we may hope that the Soviet authorities will finally understand our message. We have written many letters to Secretary General Chernenko in the past month. Let us hope and pray that Konstantin Chernenko will take the initiative and reverse Soviet policies on human rights.●

NORTH SHORE SYNAGOGUE TO HOLD BAR MITZVAH IN ABSENTIA FOR KARMI ELBERT

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. LENT. Mr. Speaker, I wish to bring to the attention of my colleagues a most important ceremony to be held this Friday, March 16, 1984, at the North Shore Synagogue of Syosset, N.Y., in the Fourth Congressional District I have the honor to represent.

The congregation of the North Shore Synagogue will gather on March 16 to hold a bar mitzvah in absentia in honor of Karmi Elbert, of Kiev, Russia. Karmi is the son of Lev and Chana Elbert, a family which is suffering from the cruelest sort of persecution and injustice at the hands of

Soviet officials because the family wishes to emigrate to Israel. Denied the freedom to practice the religion of their choice in the Soviet Union, the Elberts have sought permission to emigrate to Israel since 1976.

Not only have the Soviets denied this permission, they have thrown Lev Elbert into prison. In May 1983, Lev Elbert was sentenced to 1 year in prison for evasion of army draft by a reservist. Actually, Lev had refused to comply with the draft order unless he received assurance that his military service would not result in permanent denial of an exit visa on the pretext that he had acquired state secrets in his military service.

While serving his prison term, a trumped up charge of drug possession was levied against Lev Elbert. His wife, Chana began a hunger strike in protest that lasted almost 6 weeks, and the charges were subsequently dropped.

For a year now, I have been working with the North Shore Synagogue, which has adopted Lev Elbert as its prisoner of conscience, with the Long Island Committee for Soviet Jewry, and with other organizations and Members of Congress to persuade the Soviets to cease their persecution of the Elbert family, and permit them to realize their dream of emigrating to Israel.

Friday's celebration of Karmi Elbert's Bar Mitzvah represents another, and very important step in this continuing effort. In this ceremony, the congregation of the North Shore Synagogue will demonstrate to the world the heartless cruelty of the Soviet leadership in denying religious freedom to its Jewish citizens, and in persecuting those who seek it.

The Soviets will not permit Karmi to have his own Bar Mitzvah in Kiev. But the North Shore Synagogue will give Karmi his celebration of coming of age in the Jewish faith. And we who take part in this ceremony will do everything in our power to make certain the Elbert family knows of this event. It is our hope and prayer that this ceremony thousands of miles from Kiev will play a part in securing freedon for the Elbert family.

I want to congratulate Rabbi Fogel, Rudy Appel, chairperson of the North Shore Synagogue Committee for Soviet Jewry, Carole Abramson, president of the Long Island Committee for Soviet Jewry, and the entire congregation of the North Shore Synagogue for their efforts on behalf of Lev Elbert and his family.

I know my colleagues join me in support of their noble cause and in the prayer that their work will soon bring freedom in Israel for the Elbert family.●

TRYING TO MAKE AN END RUN ON IMMIGRATION REFORM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. ROYBAL. Mr. Speaker, the Los Angeles Times recently published an article on immigration reform that focuses on the role of Hispanic legislators and community leaders. It points out that H.R. 4909, the bill I introduced on February 22, is a version of reform legislation motivated by legitimate Hispanic opposition to Simpson-Mazzoli and an alternative that enjoys broad support in the communities most affected.

I would like to submit that article for the RECORD.

[From the Los Angeles Times, Feb. 16, 1984]

TRYING TO MAKE AN END RUN ON IMMIGRATION REFORM

(By Frank del Olmo)

For almost three years Latino political leaders mystified outsiders by fighting the passage of an immigration-reform bill. There have been many opponents to the measure named for its co-authors, Sen. Alan K. Simpson (R-Wyo.) and Rep. Romano L. Mazzoli (D-Ky.), and for various reasons. But the Latinos were the most vocal, and managed to all but kill the bill in the House, largely through last-minute parliamentary maneuvering by Rep. Edward R. Royal (D-Los Angeles) and other members of the Congressional Hispanic Caucus.

But recently a group of prominent Latino politicans and community leaders, including Roybal, have come up with their own version of immigration reform, with broad support in the communities most affected. If immigration reform now fails the proponents of Simpson-Mazzoli will have only themselves to blame.

The decision to try an alternative to Simpson-Mazzoli was made at a Latino "summit conference" on immigration reform sponsored gy the prestigious Aspen Institute. It was a politically diverse group ranging from Democratic activists to Republicans such as California businessman Fernando Oaxaca. The meeting also included Joaquin Avila, head of the Mexican-American Legal Defense Fund, and two former presidents of that influential advocacy group—Los Angeles attorney Vilma Martinez and Mario Obledo, the former California secretary of health and welfare who is now national president of the League of United Latin American Citizens.

MALDEF and LULAC have been in the forefront of the intense lobbying against Simpson-Mazzoli. Arguing for it were the Reagan Administration, organized labor, several environmental groups and most leading newspapers in this country.

Their combined weight was seemingly unbeatable, so when the bill was delayed again last October its proponents angrily accused Roybal and other Latino leaders of obstructionism.

That charge is more than a little unfair. Roybal was introducing immigration-reform bills in Congress, and trying to get the Immigration and Naturalization Service to improve its generally sloppy work, long before Simpson, Mazzoli and many other politicians decided that it was a major issue.

Roybal's Latino and Asian constituents are more aware of the shortcomings of the U.S. immigration system than other ethnic groups or political blocs. You tend to notice things like pre-dawn immigration raids in your neighborhood. It can also annoy you when contradictory, outdated regulations and inefficient service—both of which the immigration agency is notorious for—adversely affect your friends or family. And it can anger you when immigration restrictionists reduce human beings you know to a scary buzzword—"illegal aliens"—and blame them for every thing from welfare costs to public health problems to crime.

So Latino opposition to Simpson-Mazzoli has not been a knee-jerk reaction. It is based on a painful awareness of how complex this country's immigration problems are and how long we have lived with them, and a sad realization of how difficult it will be to change the situation. Latinos know that the long history of human migration to the United States has always rested on poverty and unemployment abroad, combined with the need for cheap labor in this country—and they know that this won't change just because a law is written onto the books. But they also realize that, for better or for worse, immigration reform is a political issue whose time has come. So they want to have some say in the way it is done.

Many who have lambasted Roybal and other Latinos as obstructionists never seemed to notice how fiercely agricultural interests also fought the Simpson-Mazzoli bill. But that powerful opposition faded after farm-area representatives won amendments to allow farmers to continue importing cheap labor from Mexico under the guise of a guest-worker program.

All that Latinos are trying to do now is play the same political game. Roybal has put the ideas that emerged at the Latino summit into a bill that he will offer as a "constructive alternative" to Simpson-Mazzoli in Congress next week.

Roybal's bill proposes amnesty for illegal immigrants and a substantial increase in funding and manpower for the immigration service—two key elements of Simpson-Mazzoli. But unlike that bill, which includes sanctions to discourage employers from hiring undocumented workers, Roybal's orders stricter enforcement of existing laws to protect workers. He argues that this approach would discourage the exploration of immigrant workers while avoiding a feared side effect of employer sanctions: discrimination against *all Latino workers.*

Roybal has been in Congress for 20 years; he knows about compromise, and eventually may have to settle for changes in Simpson-Mazzoli. But to suggest that his bill is just another delaying tactic would be cynical and seriously mistaken. The Latino proposals represent a remarkable turnabout, not to say a concession, from political people who until now would have nothing to do with restrictionist immigration reforms, much less bargain with their proponents.●

UNITED STATES RECEIVES ONLY NOMINAL COOPERATION TO KEEP PERSIAN GULF OPEN

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, President Reagan's renewed assurances to keep the Persian Gulf open in the event that Iran attempts to block the strategic Strait of Hormuz illustrate a curious and continuing relationship within the Western Alliance. While none would deny that the United States has interests in the region, in fact, only 3-4 percent of our oil comes from the gulf. This contrasts sharply with figures of 45 percent for Western Europe and 65 percent for Japan. Clearly, Western Europe and Japan have a much bigger stake in maintaining the oil flow than does America. Yet, there appears to be a certain unwillingness on the part of our allies to bear their share of the burden in protecting the vital strait.

Great Britain, which gets a considerable portion of its oil from the gulf states, provides an interesting example. When Prime Minister Margaret Thatcher recently suggested before Parliament that the Royal Navy might assist the United States in protecting the gulf's oil traffic, she drew heavy criticism. Mrs. Thatcher's pledges aside, Britain maintains only a nominal presence of two vessels in the region. The American flotilla in the Arabian Sea would bear the lion's share of keeping the strait open.

On a different but related subject, the British magazine, The Economist, recently reported that Great Britain could not have been victorious in its 1982 war in the Falklands without U.S. assistance. While the administration had serious reservations about the wisdom of Britain's policies in the South Atlantic, we nevertheless provided London with generous material and logistical support. The same article quotes a British official who, at the start of the conflict, said: "It will be the same old story. Off we go to another war and the Americans will have to come along and bail us out." When the United States took actions to restore democracy and stability to Grenada, however, the British and indeed several of our allies lashed out at our Government as being overly aggressive, even though the operation was popular with the vast majority of Grenadians.

The double standard which our allies sometimes adhere to represents a disturbing trend. They desire the American defense umbrella yet often criticize us as militaristic. It is my belief that most Americans would not want to shirk our leadership role in the alliance. Nevertheless, it would be comforting to receive at least verbal support for the active role we play throughout the world in defense of democracy and freedom.●

H.R. 4477, THE TALENTED TEACHERS ACT

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. BOEHLERT. Mr. Speaker, the recent education reports have shown us that many improvements in the quality of our educational system need to be made.

Our greatest concern should be with the quality of our teachers. This is the foundation on which all our other plans for improvement must rest, and we have got to count on future teachers to solidify and strengthen that foundation. Yet the reports reveal a disturbing trend: test scores of students who plan to go into teaching have fallen considerably over the last decade.

H.R. 4477, which I recently cosponsored, sets forth an innovative and realistic solution to this problem. This bill, also known as the Talented Teachers Act, provides scholarships to outstanding students who plan a career in teaching, and establishes a fellowship program to reward excellence on the job.

Ten thousand scholarships would be awarded each year to high school students graduating in the top 10 of their class who plan to pursue a teaching degree in college. The students would agree to teach for 1 year for each year they receive a scholarship.

Teachers could apply for fellowships that would enable them to enrich their knowledge and make themselves even more valuable to their schools.

H.R. 4477 is expected to cost only $75 million per year—a very reasonable sum. That is important, because while we cannot afford to pass unreasonably expensive legislation, we cannot afford to neglect the quality of our teaching, either.

It should not surprise anyone that this bill has broad bipartisan support in Congress and backing from a wide variety of education groups.

We need to attract the best and the brightest students into teaching, and we need to keep them there. This bill will help us do that.●

TRIBUTE TO CASITA MARIA: 50 YEARS OF SERVICE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. BIAGGI. Mr. Speaker, at this time it gives me great pleasure to pay tribute to Casita Maria, the oldest Hispanic settlement house in the city, as they celebrate their 50th year of service to the community.

Casita Maria maintains one center on Simpson Street in the South Bronx and another on 102th Street in East Harlem. This great institution has served more than 25,000 people over the years since it was started in Harlem by two sisters in 1934. Mrs. Charles H. Ridder and Mrs. William O'Keeffe, as part of the settlement movement in this country, wanted to help the many poor immigrants from Puerto Rico. This important social movement helped to break down the isolation of immigrant "colonies" especially in the years preceding World War I by encouraging newcomers to utilize their skills or to learn new ones as part of a program of Americanization.

Casita Maria, under the direction of the dedicated president, Mrs. Cristina Toosie and her two equally dedicated vice presidents, Norisa O'Keeffe and Paul Scifo, has expanded its services since those early days. It now includes family counseling, senior citizens' services, after-school tutoring and recreational activities, summer day camp for children, employment counseling, nutrition education, cultural events such as theater, dance, music, and art.

The doors of the centers are open from 9 in the morning to 9 at night. On an average day at the Bronx facility, 80 teenagers come through those doors after school to participate in the many activities Casita Maria has to offer. The elderly come for lunch and socialization, and at night the adults can participate in classes to help them achieve their high school diplomas or to learn English as a foreign language. Couples, or whole families, can come for help with personal problems. On an average month, 275 families are helped at the Bronx Casita Maria.

I especially want to pay tribute to the dedicated staff and many volunteers who make Casita Maria what it is today.

We will all be with this wonderful group of people in spirit when they top off their year of celebration with the fiesta on May 8 at the Pierre Hotel in Manhattan.●

GOOD NEIGHBOR PROGRAM

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. MATSUI. Mr. Speaker, I would like to call your attention to an outstanding good neighbor program recently conducted in Sacramento, Calif., that provided invaluable instruction and training on lifesaving techniques to thousands of area residents.

Through a tremendous cooperative effort on the part of sponsors like the American Red Cross, Gibraltar Savings & Loan, and KCRA Channel 3 television station, 2,000 volunteers and instructors successfully trained some 10,000 participants in the critical lifesaving skills of cardiopulmonary resuscitation on the weekend of January 14, 1984.

Not only was this the single largest CPR training and education program completed in California, but it was the largest American Red Cross sponsored program in the United States—for which it deserves the highest recognition as a model of community participation, support, and of the value of reaching out and helping others in times of need.

The unmatched success of this program is due largely to the numerous community organizations and groups, volunteers, and sponsors who gave generously of their time and talents to further the all-important goal of saving lives.

Although 9,000 people received their American Red Cross CPR certification during this weekend program, the numbers only tell part of the story because the real test is in how many lives are saved due to the greater awareness and ability in dealing with life-threatening situations.

Many people say that the best things in life are free. That certainly applies to this remarkable training program, which was offered free of charge to all interested citizens.

Mr. Speaker, it is my sincere hope that other CPR Saturdays can take the tremendous success of this program and expand on it with similar programs throughout the country as we strive to educate and sensitize Americans about the value of knowing what to do and how to do it in an emergency situation.●

A SALUTE TO MR. JAMES ALTIERI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. LANTOS. Mr. Speaker, this week we will once again commemorate the feast day of the patron saint of Ireland, St. Patrick. We can all take this opportunity to reflect on the tremendous contributions made to America's history and culture by the Irish people. On St. Patrick's Day, everyone takes pride that they have "a little bit of Irish" in them as they sport the wearing of the green and become at least honorary Irish people for the day.

Mr. Speaker, I would like to take this opportunity to commemorate a very special "adopted" Irishman, Mr. James Altieri. At the annual St. Patrick's Day celebration of the San Mateo County Hibernian Club, Mr. Altieri will be honored as the "Man of the Year" for his long record of volunteer activities in San Mateo County.

Mr. Altieri was born in 1905 in Vacaville, Calif., and has lived in city of San Mateo since 1929 when his parents opened a grocery store there. By 1940, Mr. Altieri had already distinguished himself as a farmer, a grocer, and a carpenter skillful enough to build his own home in San Mateo. He and his wife, Dorothy, still reside in this home where they raised their sons, Donald and Brent.

As a man who had so much to give to others, Mr. Altieri contributed 27 years of volunteer effort as a reserve officer for the San Mateo Police Department. He also donated his time to the local American Red Cross where he taught first aid techniques to police officers and to interested members of the public. As a senior citizen, Mr. Altieri has continued to volunteer his time and talents to numerous public service organizations. As an officer in both the local American Association of Retired Persons and the San Mateo County Senior Forum, Mr. Altieri has proven to be a formidable spokesperson for the rights of our senior citizens.

Mr. Altieri's strong sense of community commitment has been recognized by many other communities in San Mateo County, including the Irish community. As one of the founders of the San Mateo County Hibernian Club, Mr. Altieri has been dubbed "Seamus O'Altieri" by all who know him and love him.

Mr. Speaker, I am especially proud to salute Mr. Altieri and to share my appreciation for the warmth and wisdom of the Irish people as we all celebrate St. Patrick's Day.●

IN SUPPORT OF HOUSE JOINT RESOLUTION 489

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, today I rise in support of House Joint Resolution 489. This resolution, introduced by Representative Applegate, would direct the President to immediately secure the full accounting of the 2,491 American POW/MIA's from the Vietnam conflict. It would also direct the President to report to Congress all past and present U.S. Government actions to solve the POW/MIA problem.

Since U.S. troops withdrew from Vietnam in 1973, the U.S. Government has made sporadic attempts to locate and identify our missing servicemen. This past November the administration, through communications with Hanoi, was able to bring back the remains of one of our American soldiers. Administration officials returned to Hanoi earlier this month to continue negotiating for the return of more of our servicemen. We are encouraged by small victories such as these and by Hanoi's increasing willingness to cooperate. However, the U.S. Government has, as yet, failed to verify 36 percent of the reports from people who have claimed to have seen missing Americans in Southeast Asia. House Joint Resolution 489 would insure that an accounting be made for every American missing in Southeast Asia.

The Vietnam war has always been an issue that arouses the deepest emotions. For the families, wives, sisters, brothers, and friends, the war has not ended. They live in a state of limbo, not knowing whether or not that relative is alive. This resolution, which would have the force of law, is important because it would show these families that we have not forgotten our servicemen and that we will spare no expense to find those who may still be prisoners.

Some 40 POW/MIA's are from Connecticut. Of these 40 I would like to recall the names of the servicemen from towns in my district;

Hamden, Conn.: Air Force, Robert Edward Bush, born October 4, 1928, missing in Vietnam, March 24, 1966; Air Force, John Theodore Gallagher, born June 17, 1943, missing in Laos, May 30, 1978.

Killingworth, Conn.: Navy, Charles Brooks Pfaffmann, born December 30, 1944, missing in Vietnam, April 9, 1970.

North Branford, Conn.: Army, James Edward Creamer, Jr., born May 9, 1947, missing in Vietnam, March 22, 1978.

New Haven, Conn.: Air Force, Francis J. McGouldrick, Jr., born December 19, 1928, missing in Laos, July 10, 1978.

Stratford, Conn.: Air Force, Irwin Stewart Lerner, born October 17, 1941, missing in Vietnam, August 8, 1978.

Let us show that we shall not let these men be forgotten. Mr. Speaker and fellow Members of Congress, I urge you to give this measure your timely consideration. We must dedicate ourselves to determining why these American servicemen have not returned home.●

REVIVING THE U.S. PEACE CORPS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. CONYERS. Mr. Speaker, through the 1960's the Peace Corps stood as a notable example of a positive American foreign policy response to the development needs of Third World nations. In 1966 more than 15,000 volunteers served in every part of the world. Today, however, fewer than 5,000 volunteers serve in a far smaller number of nations.

The Returned Volunteer Committee on the Budget last year offered Congress a cogent set of arguments for expanding the Peace Corps. Several million was added to the Peace Corps appropriation for fiscal year 1984. My esteemed colleague, Jim Leach of Iowa, won approval in the Foreign Affairs Committee for a goal of 10,000 Peace Corps volunteers in 5 years. There were last year, happily, new stirrings of reviving one of the best foreign assistance programs in American history.

Mr. Thomas J. McGrew, chairman of the Returned Volunteer Committee on the Budget and a partner at Arnold & Porter, recently wrote an op-ed piece on the impact on the Peace Corps of the Kissinger Commission proposal for an expanded volunteer effort in Central America. The Returned Volunteer Committee, which this year is calling for a $121 million Peace Corps budget, is tackling the difficult issue presented by the administration's Central America request. For this reason, I commend the following article of Mr. McGrew's, "For the Peace Corps, a Worthy Gamble," that appeared in the Los Angeles Times, March 6, 1984, to the attention of my colleagues.

The article follows:

[From the Los Angeles Times, Mar. 6, 1984]

For the Peace Corps, a Worthy Gamble

(By Thomas J. McGrew)

Guess who's calling for a bigger Peace Corps. . . .

Deep inside the Kissinger Report, and largely lost among all the guns and the barrels of butter, the gentleman of the Bipartisan Commission on Central America proposed adding up to 3,000 Peace Corps volunteers, most of them teachers, to the 600 now in the region.

The Administration jumped at the idea, adding to the foreign-aid budget now before Congress a request for $18.2 million just for a "literacy corps" for Central America.

This proposal could finally reverse the Peace Corps' steady decline, from about 15,000 volunteers in the late 1960s to fewer than 5,000 today. Yet it scares many of the Peace Corps' best friends stiff.

Some of this concern is simply a reaction to the proposal's sponsorship—a suspicion that nothing that Henry A. Kissinger might be about bodes any good for the Peace Corps. But most of it is alarm that the Peace Corps would become—and would be perceived as—a tool of the hawk wing of the U.S. foreign-policy Establishment and its Central American clients.

The grounds for this concern are real enough. This is political. There is no proposal to expand the Peace Corps in all of the many nations needing more volunteers—only in Central America, where the United States suddenly has a political problem. The commission does not propose to send volunteers to every Central American country that needs help—only to the states with a high illiteracy problem, which happen to be our friends Honduras, Guatemala and El Salvador. In such places the generals calculate that they have to put up with American volunteers to draw Washington's attention away from their "firm measures.' The Peace Corps is being offered a devil's bargain.

I would take it. I would prefer a Peace Corps that expanded everywhere help is needed (as well as the kind of U.S. society that cared to make that commitment), and a Central America Peace Corps that served Nicaragua as well as El Salvador. But I would take 3,000 more volunteers serving rural Central America as long as they can be free, as Peace Corps volunteers always have been, of any involvement with U.S. security and espionage organizations. If I could raise the total to 10,000 volunteers, I'd be for that, too.

For one thing, all those volunteers will do a lot of good out in the countryside. For another, I have faith in the volunteers. There are political risks to both sides of this bargain. Anyone who imagines that the U.S. State Department will be able to control the ideals that those volunteers pass on to the Central Americans they serve, or that the ruling generals will be able to keep the volunteers from demonstrating against repressive regimes when the get back home, simply doesn't know the history of the Peace Corps.

Many of these countries are dangerous. The new volunteers would serve at as great a personal risk as any Peace Corps volunteers have ever done. But if we are going to continue to support the kind of regime that sends death squads into the countryside, it is fitting that we have more of our own at risk out there than a handful of nuns.●

THE DEATH OF RAQUEL FRANKEL

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. de la GARZA. Mr. Speaker, it is with great sadness that we note the untimely death of Raquel Frankel, former director of the Congressional Hispanic Caucus. She was a good friend and adviser. She was a public servant who was dedicated to the Hispanic people and their causes.

We mourn her passing. She will be missed by all who were privileged to know her and to work with her. A void is left, Mr. Speaker, in the Hispanic community by the death of this great lady.

Such a lady always stands high in the eyes of her fellow Americans and never dies.

May God let the light of His countenance shine upon her and give her peace.●

LOW BLOW AT NUTRASWEET

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. RAY. Mr. Speaker, most of my colleagues are well aware of the issues that have surrounded low calorie sweeteners during the past 15 years. During this time, several misdirected efforts have focused on limiting the availability of these sweeteners, thereby limiting the number of choices for the consumer. Robert Bleiberg, editorial director for Barron's National Business & Financial Weekly, has written an excellent editorial on how certain political and pseudoscientific considerations have restricted consumers' right to use the low calorie sweetener of their choice. The calorie consciousness that has spread among millions of Americans in recent years has sparked an increasing demand for reduced calorie foods and beverages. The continued availability of saccharin, the recent addition to aspartame and the possible approval of other low calorie sweeteners now under FDA review will help meet that demand. New sweeteners like aspartame will complement saccharin in the marketplace and, because these sweeteners are more effective when used in combination, consumers will be free to choose from a greater assortment of improved and better tasting products. I urge my colleagues to read Mr. Bleiberg's timely perspective on low-calorie sweetener issues.

The article follows:

[From Barron's National Business & Financial Weekly, Feb. 6, 1984]

Low Blow at Nutrasweet

FOOD FADDISTS AGAIN ARE THREATENING CONSUMER FREEDOM OF CHOICE

(By Robert M. Bluberg)

Ever hear of Jason Domingo, Joellen Beard Embry or Dr. James Bowen? If not, you couldn't have been watching the CBS Television News on Monday, Tuesday or Wednesday, Jan. 16-18, from 7 p.m. (EST) to 7:30 p.m., Dan Rather Reporting, when their heartrending stories were aired. But over to you Dan. ". . . Generic or the trade name, you're talking about a new sugar substitute already turning up in 70% of diet sodas and in such other products as breakfast cereals. Its projected billion-dollar market by 1985 promises the sweet smile of success for its producer. But critics hear a sour note in the NutraSweet story. And in the second of three investigative reports, Ned Potter finds that concern centers on one of two ingredients in the product.

"Ned Potter: Jason Domingo is four. Last summer he was having four or five glasses a day of powdered drinks with NutraSweet and having unprovoked fits of violence.

"Mrs. Domingo: And I said if that's what it's going to do, let's just stop and see what happens, and for the last month or so gradually Jason has been calming down.

"Ned Potter: Joellen Beard Embry, just out of nursing school, discovered NutraSweet last fall.

"Joellen Embry: At first I didn't think there was any connection between my headaches and the bloated feeling and the lateness in my periods. But as I continued to drink the NutraSweet products, I began to associate my headaches with drinking the NutraSweet in Kool-Aid.

"Ned Potter: What you've just heard are called anecdotal reports. Scientifically useful, though not conclusive."

As to Dr. Bowen, described as "just a small-town physician who says he was drinking large amounts of a powdered beverage sweetened with NutraSweet," he made a cameo appearance the first night, as follows:

"Dr. James Bowen: I looked wasted all the time. And eventually my speech became slurred; I became uncoordinated.

"Ned Potter: Dr. Bowen says when he stopped using that beverage, his symptoms suddenly went away.

"Have you touched the stuff since?

"Dr. Bowen: I wouldn't think of it."

If the episodes cited above strike you as a curiously unproductive use of megabucks' worth of prime time, don't tune out or turn off: there's more. In particular, there's the bureaucrat who, in his official capacity at the Food and Drug Administration, helped keep NutraSweet off the market for years: "The FDA could place [no reliance] on reports generated by Searle." And there's the consumer advocate and lawyer, described as "one of NutraSweet's biggest opponents," who, shrugging off the company's protestations of extensive testing and the official clean bill of health, was given almost the last word: "If you went back to look at the record, that's what they said about cyclamate and that's what they said about saccharin. And they say that every time one of these things gets in trouble. . . ."

By lavishing so much time and attention on NutraSweet, Dan Rather and company must have been confident that it would play in Peoria, and perhaps it did. The programs, however, got at best mixed reviews in Rockville, Md., where a "Talk Paper" promptly put out by the FDA listed four basic mistakes perpetrated by the participants, ranging from exaggeration of the number of complaints received about the artificial sweetener to the agency's testing procedures. Nor did the transcripts go over big in the U.S. District Court in Washington, D.C., where they were put in the record by plaintiffs, including the aforesaid mouthpiece, who were seeking a temporary restraining order against G.D. Searle. "You did not make a strong case," the presiding jurist told the attorney as he rejected the plea. "There is a lack of quality in your affidavits."

Among other shortcomings, the judge pointed out that one affidavit was mere hearsay, while another, purporting to describe 20 cases of ill effects from the use of NutraSweet, came from someone who had talked to the allegedly afflicted over the phone, rather than in person, and who happens not to be a medical doctor. Apart from that, Mrs. Lincoln, how did you like the show? As for the CBS News extravaganza, it, too, suffered from curious oversights and omissions. Conspicuously missing, for example, was a comment from public health officials in any of the more than 30 countries which, along with the U.S., have approved the use of aspartame (the generic substance for which Searle's NutraSweet is a brand name). Nor was one word heard from spokesmen for the 50 million people (including upwards of 10 million diabetics in this country alone) who, for reasons of appearance or health, have acquired a growing taste for low-calorie food and drink. "This has all the earmarks of a manufactured controversy," cried a top executive at Searle. Welcome to prime time in 1984.

The CBS News (Newspeak?) transcripts are loaded with examples of doublethink, but none more objectionable than that lawyer's sneering reference to cyclamate and saccharin. True, against the overwhelming weight of evidence to the contrary, FDA in the late 'Seventies repeatedly sought to ban saccharin as unsafe. Its efforts touched off a storm of protest from tens of thousands of diabetics and their doctors, who prevailed upon Congress to impose a delay (now extended for the third time, it expires on April 22, 1985). Four years ago, three prestigious scientific bodies, notably Harvard University's School of Public Health, the American Health Foundation and the National Cancer Institute, simultaneously released findings on the possible relationship between the incidence of cancer of the bladder and the use of saccharin. All three research teams concluded that the linkage was nil. But that failed to mute the lawyer's shrill pitch.

Or take the case of cyclamate, the artificial sweetener which the FDA, on the basis of flimsy findings long since discredited, hastily banned in 1969. Since then a number of things have happened. More than a score of subsequent studies have refuted the original test, while at least one of the scientists connected with it has recanted. According to the American Council on Science and Health, 40 countries, including virtually the whole Western world, have approved the use of cyclamate, while Abbott Laboratories, which made it, after giving up on Carter's witch-doctors has petitioned the FDA for a review of the ban.

Incidentally, during its long and so far fruitless effort to restore the product to the market, Abbott time and again made the uncontroverted claim that an FDA commissioner, at a meeting with company executives, had conceded cyclamate's safety; his sole concern, he added, was political. Abbott put into the long-playing record affidavits to this effect, as well as a sworn statement from another top FDA official that reinforced the point. It also succeeded in forcing the agency to disgorge internal memoranda and other documents which prove that throughout the protracted proceedings, qualified FDA staffers without demur agreed that cyclamate was safe.

Which brings us to aspartame (NutraSweet et al.), the first artificial sweetener to gain FDA approval in a generation and the latest to fall afoul of the media. On that score, the record is painfully clear. Whereas CBS News spoke of a "thousand letters, people complaining about dizziness, insomnia, even two cases of brain seizures," since NutraSweet went on the market, Searle has been sent just 160 complaints (which it has investigated and found groundless), while FDA has received "only a handful." As to "charges" that aspartame may "degrade" into methyl alcohol and formaldehyde, so does fruit juice, with no known ill effects. Finally, 33 countries (and counting) to date have given aspartame the nod. Despite everything, FDA is still gravely weighing the question of whether to hold further hearings. If the agency succumbs to such outrageous pressures, it should also requisition a supply of gourds and masks.

Pseudo-science—in the realm of artificial sweeteners there has been a surfeit—strikes us as bad enough. What's worse is the threat to personal choice. For as the arrogant lawyer cited above makes no effort to hide, what is really at stake is not just NutraSweet, nor aspartame, but all artificial sweeteners. Yet to judge by what has happened in the marketplace, low-calorie food and drink have become increasingly vital to millions of Americans. Diet sodas, for example, now account for nearly 25% of total industry sales: in combination with saccharin, with which it makes a synergistic blend, aspartame virtually assures continued growth. It will also be increasingly in demand in chewing gum, dessert toppings and desserts, including (predicts one enthusiast) a huge potential market in dietetic ice cream. If the food faddists and fanatics have their way, all this and more will be swept from the nation's shelves, dairy cases and freezers. CBS News to the contrary notwithstanding, we'd rather be free to choose.●

THE SITUATION IN CYPRUS

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. STANGELAND. Mr. Speaker, the situation in Cyprus has gone through some recent changes, because of the Declaration of Independence by the Turkish Cypriots in the north on November 15, 1983. The Turkish Cypriots are generally denounced by the Greek Cypriots as acting against the unity of the island and the sovereignty of the Government of Cyprus.

However, the Turkish Cypriots view their new Declaration of Independence as a vehicle to restore unity in Cyprus rather than for a permanent partition of the island. President Denkatsh of the Turkish Republic of Northern Cyprus submitted to the United Nations Secretary General, who is in charge of the mediation efforts between the Greek and Turkish Cypriots, a peace plan.

We should welcome any move toward the eventual restoration of the unity of the island and believe that this is an important development which should not go unnoticed. I also believe that the United States should support any plan which would promote peace in this area.●

FEDERAL HAZARDOUS WASTE SITES REPRESENT NEGLECTED CRISIS: SUPPORT AN AMENDMENT TO SUPERFUND

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. MOODY. Mr. Speaker, on February 6, 1984, I introduced H.R. 4760, a bill which would halt the egregious abuse of pollution control laws by the 517 uncontrolled and unmonitored federally owned hazardous waste sites.

What makes these potentially dangerous sites different from other hazardous waste sites? All of these sites are owned or operated by the Federal Government. Although the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), better known as Superfund, and other pollution control laws require uniform compliance by federally and privately owned facilities, it is a little known fact that procedural noncompliance by Federal sites is rampant.

Why do Federal agencies knowingly disregard the intent of Superfund? The Department of Justice and EPA have a longstanding blanket policy of never taking court action against noncomplying Federal agencies. Agencies maintaining polluting facilities have no incentive to rectify deficiencies or to negotiate seriously because regulatory authorities have rendered themselves powerless to compel compliance by administrative or judicial action. For example, the EPA and the Department of Defense (DOD) have a memorandum of understanding releasing EPA from clean-up responsibility for hazardous releases on DOD sites.

Are there any examples of Federal facilities releasing hazardous waste because of a lack of compliance with Superfund? Yes: First, the Department of Energy's Oak Ridge, Tenn., laboratory has leaked 2.5 million pounds of toxic mercury into nearby waterways over the past 30 years. Second, chromium and trichloroethylene have leached into the soil at U.S. Air Force missile plants in Tucson, Ariz., endangering 60 city water wells. Third, costs for cleaning up the U.S. Army's Rocky Mountain Arsenal in Colorado may cost up to $2 billion.

Similar hazardous waste disasters could occur in your district or State. These sites are so dangerous that if they were included on the Superfund national priority list, 40 of the top 100 sites would be Federal sites. In fact, according to a 1982 chamber of commerce analysis of DOD sites, there is a strong indication that DOD sites alone are considerably more hazardous than their private industry counterparts.

The potential danger to the American public of these 517 unmonitored Federal hazardous waste sites underscores the need for congressional action. That is why I introduced a bill to amend Superfund. The goals of this legislation are to: First, treat Federal hazardous waste sites equally with privately owned sites, and second, establish a process to insure effective compliance by Federal sites with Superfund.

I want to stress that H.R. 4760 would not use Superfund moneys to clean up federally-owned sites; Superfund can only be used to clean up privately owned sites. My bill requires a violating Federal agency to clean up a site using funds from its operating budget.

Intense public interest has propelled hazardous waste legislation to the forefront of the national agenda. Chairman JIM FLORIO is holding hearings on H.R. 4813, the Superfund reauthorization, before the Commerce, Transportation and Tourism Subcommittee. And the National Governors' Conference has called for the clean up of all federally owned hazardous waste sites.

I believe that my bill would complement and enhance Superfund by specifically addressing the serious dangers posed by unmonitored, uncontrolled Federal hazardous waste disposal sites.

I hope you will join this effort to bring these sites under tighter scrutiny by amending Superfund.●

OLD POINT LOMA LIGHTHOUSE

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. HUNTER. Mr. Speaker, this month I will have the honor of attending a ceremony which will mark a lasting tribute to the men and women who devoted themselves to the safety of mariners throughout U.S. history. For on March 23, the lighthouse at Point Loma will be relit.

Mr. Speaker, on March 23, 1891—93 years ago—Capt. Robert Israel extinguished its light. The lighthouse was one of the first eight on the Pacific coast and operated for 36 years. This March 23, Mr. David Israel, the great-grandson of the last keeper of the lighthouse, will relight this historic monument. Located at the southwesternmost point of the continental United States, 433 feet above sea level, the Point Loma lighthouse will be relit to symbolize the watchful and steadfast endurance of the men and women who served to make the sealanes safe for the mariners who sailed them.

Mr. Speaker, I am proud to have been included in this ceremony and I applaud the National Park Service for restoring this beacon of safety. Its light will shine again over the Pacific.●

SWING-BED PROGRAMS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. DORGAN. Mr. Speaker, under current Federal law small rural hospitals—those with less than 50 beds—are permitted to use empty beds for patients requiring skilled nursing care. This so-called swing-bed program has proved invaluable for patients and hospitals alike. Patients can remain close to home and families, and still be assured of receiving quality care. At the same time, rural hospitals are able to operate more efficiently, thereby realizing the financial returns that often make the difference between their survival or demise.

Despite all the commendable aspects of the swing-bed concept, there is one shortcoming in the present program: The limit on the size of the rural hospitals that can participate. Unfortunately, the current 50 bed ceiling prevents some of our important rural facilities from making their contribution to this worthy system.

To remedy this situation, I am introducing legislation to increase the size of the hospitals that can participate to those with less than 150 beds.

This change will significantly expand the opportunities for rural hospitals throughout the country to provide needed health care services at a local level, and I think that makes good sense.●

BERWICK BULLDOGS ARE 1983 NATIONAL CHAMPIONS

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. HARRISON. Mr. Speaker, there are few things that can bring a community together more than the energy, dedication, and accomplishment of its young people.

Such has been the case in the borough of Berwick, Pa., these past several months. Because, Mr. Speaker, the Berwick area high school football team was No. 1 in the country for the 1983 season.

They are the Berwick Bulldogs and in 1983 they were champions of the Susquehanna Valley Conference, champions of the Southern Division Class A, and champions of the Eastern Conference Class A. They were ranked No. 1 high school football team in Pennsylvania by the Pittsburgh Post-Gazette.

And, a fact which will never be forgotten in the annals of Berwick and in northeastern Pennsylvania, they were ranked No. 1 high school football team in the Nation by the newspaper USA Today.

And they should have been. They recorded 13 wins against no losses; 11 of those wins were shutouts. They scored 465 points and held their opponents to a total of 31 points in 13 games.

And their accomplishments go back beyond the year 1983. For the Berwick Bulldogs have not lost a regular season game in 3 years. They have a regular season winning streak of 34 games. They won 37 of their 38 games in the last 3 years.

And so the whole borough of Berwick came together and rejoiced. This was a national accomplishment and one well merited. I am honored today, Mr. Speaker, to rise and pay tribute to head coach George Curry and to his assistant coaches, Gerald Hittle, Alf Melito, Andy Mihaly, Bob Bower, Nick Dalo, Jim Ross, and Kip McCabe, for their outstanding accomplishments.

I rise, also, Mr. Speaker, to pay tribute to the Berwick Bulldogs of 1983, worthy successors to the teams that went before them, who fought the good fight and won the great victory. They are:

Joe Orlando, Butch Melito, Jack Husak, Scott Hippensteel, Dave Reagan, Pete DiPippa, Andy Mills, Mark DiPippa, Milke Dalberto, Bill Knorr, Dirk Pennington, Lou DiPippa, Joe Favata, Alex Vezendy, Craig Wagner, Joe Yalch;

Mark Hallowich, Dennis Tuza, Lee Sitkowski, Dave Tanribilir, Ron Miller, Kevin Comstock, Jody Hutchings, Troy Maneval, Scott Ratamess, Scott Evertt, Tony DeWeese, Tim Holter, Andy Thomas, Greg Masich, Troy Henger, Ed Joline;

Charles Fedorco, Gene Woznock, Eric Haines, Chris Reinbolt, Jim Collins, Chris Melchiorre, Lee Swartz, Dave Steele, Scott Welliver, Greg Labus, Mike Silvetti, John Yoder, Coz Curry, John Ivanina, Kevin Tanribilir, Paul DiPippa;

Jim Matucci, Don Eyer, Mark Sherlinski, Pat Shearer, John Haycock, Jeff Klinger, Rob Reimiller, Vernon Petty, Rick Wolfe, Steve Kuchka, Dave Ferrigno, Steve Williams, Matt Trough, Bob Ochs, and Keith Huntington.

Mr. Speaker, "How 'bout dem Dawgs?" ●

A TRIBUTE TO MR. WILLIAM A. MASZER

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. RINALDO. Mr. Speaker, it is a pleasure for me to bring to the attention of my colleagues in the House the recent achievement of William A. Maszer of North Brunswick, N.J., a constituent of mine who is dedicated to serving his fellow citizen. Mr. Maszer has distinguished himself by being selected as chancellor in the United States of the Military Order of the Collar of St. Agatha of Paterno.

The principal objectives of the order are to maintain and propagate Old World traditions and ideals of chivalry, and to this end it upholds the sacred principles of Throne and Altar and engages in works of charity.

Since it was established in the United States by Mr. Maszer in 1981, the order has worked with the poor and the elderly. Additionally, Mr. Maszer and other members of the organization have provided financial aid to various churches and students, and have promoted the welfare of abandoned animals. These are all worthy projects, and we can be proud that there are individuals like Mr. Maszer and his associates who willingly sacrifice of themselves to benefit others and promote the interest of the community. ●

A "GOOD" REVOLUTIONARY?

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1984

● Mr. BEREUTER. Mr. Speaker, Carlos Rangel is one of Venezuela's best known and most respected journalists. His famous book, "The Latin Americans: Their Love-Hate Relationship with the United States" was a bestseller. But, the original Spanish title better reflects the underlying theme of Mr. Rangel's ideas. In "De Buen Salvaje a Buen Revolucionario"—"From a Good Savage to a Good Revolutionary"—Mr. Rangel argues that the Latin American has never been a savage nor is presently a revolutionary. Unfortunately, Latin Americans have been regarded by an often indifferent northern neighbor as both.

Mr. Rangel, recently synthesized his ideas in the Wall Street Journal. In his March 9 article he asks why the announcement of Nicaraguan elections in November is greeted by relief and acclaim on the part of world leaders, while elections in El Salvador are flicked aside as meaningless.

Carlos Rangel does not believe that the United States, by avoiding resolute action to stem outside forces in the area, is "respecting the self determination of the indigenous populations." In Mr. Rangel's words, "noncommunist governments are all more marginally preferred to by their citizens than communist regimes, despite their defects." And he suspects that the self-determination movements might be alibis for the entrenchment of a Communist government.

I urge all my colleagues to look at this provocative article found in the March 9, 1984 editorial of the Wall Street Journal. It is important to know that there is a Latin American perspective which is highly regarded and respected among Latins and which is not Marxist.

[From the Wall Street Journal, Mar. 9, 1984]

LATIN AMERICANS REJECT THE "INEVITABILITY" OF MARXISM

(By Carlos Rangel)

CARACAS, VENEZUELA.—It has become fashionable in many intellectual circles to assert that variations of Marxist-Leninist regimes are the "wave of the future" in Central America, and perhaps elsewhere in Latin America and the Caribbean. Advocates of this theory assert that we are confronted with irresistible historical trends to which the indigenous Latin populations and the United States should accommodate themselves. This argument would have justified doing nothing in Grenada, El Salvador or Honduras, and it will be serviceable if and when Mexico, let us say, or Venezuela finds itself plagued by Marxist-Leninist insurrections, albeit of foreign-trained and foreign-armed minorities.

What can be the basis for such resignation? Marxist-Leninist parties—even when given the label "communist"—have been unable ever to win a single popular election in any Latin American country. Salvador Allende in Chile, at the head of a coalition in which avowed Marxist-Leninists were by far the lesser part, polled only 34 percent of the popular vote, and was carried to the presidency by Christian Democratic support in Congress (secured by agreements to respect democratic institutions and procedures that he later unwisely broke).

The fact is, with the natural exception of Marxist-Leninists themselves (a tiny minority), we Latin Americans do not accept the scenario that would cast us as unwilling participants in the inevitable spreading of successful Marxist-Leninist revolutions.

Surely, then, what underlies the apparent willingness, and even eagerness, on the part of some North American observers to let precisely that happen is not respect for the principle of self/determination. Rather, it reflects their unwillingness to consider the need for the use of force by the United States in any conceivable circumstance. In this respect, the Grenada episode is enlightening.

In Grenada we had a textbook case for armed intervention on purely strategic grounds. A recent article in International Currency Review suggests that what the Soviets and Cubans were up to in Grenada takes its full meaning when one looks at a map and sees that the Venezuelan coast is only 60 miles away. But besides strategic considerations, there is also the matter of self/determination. All those who at first condemned the dispatching, of Marines to Grenada should have yielded under the overwhelming evidence of the corruption and cruelty of Maurice Bishop's murderers, and their lack of even vestigial popular support.

Yet not all have yielded. In fact, a report issued on Jan. 9 by a study group of the American Friends Service Committee criticized the invasion of Grenada because of the "severe and unfortunate" impact it had on Caribbean unity. The study group also was upset by "strong curbs on freedom of assembly" in post-intervention Grenada and suggested that Grenada's economy has slumped as a result of the intervention. Presumably, all these ills would not have occurred had the United States allowed the Cuban-backed, totalitarian murderers of Bishop to continue on their merry way.

The United States may be right not to care if countries in Latin America and the Caribbean are forcibly taken over by Marxist-Leninist minorities. The U.S. Congress may decide that it cannot or does not want to pay the military and political cost of helping non-communist governments—all more than marginally preferred by their citizens to communism, despite their defects. But that is quite different from the transparent sham that the reason the United States should refrain from acting is respect for the self-determination of the indigenous populations.

It is quite interesting, in this context, to note the relief and, in some quarters, the joy that has greeted the announcement of a vague prospect of elections in Nicaragua in November. Already Swedish Prime Minister Olof Palme has announced his "warm support" for the Sandinist elections, as has the Spanish Government of Prime Minister Felipe Gonzalez. The reason for this elation, on the surface at least, is that the elections take care of the nagging question of Nicaraguan self-determination. For a wide range of individuals who have supported the Sandinistas—from Maryknoll priests to Democratic presidential hopefuls—this election will be used to justify their support of that tightly controlled regime.

They dismiss as mere "problem areas" the Sandinistas' complete control of all significant levels of power in Nicaragua—from the armed forces, to all areas of communication, to local community organizations (such as the infamous Sandinista Defense Committees), to the labor unions, and to even the Roman Catholic Church, whose members and leaders have been harassed by the so-called liberation theologists.

Nor do apologists complain about an electoral process that has effectively disallowed the free expression of organized opposition, which has extended the franchise to conscripts in the Sandinist armed forces—most of whom will be voting under the watchful eye of their commanders, and which has dismissed even the remotest possibility of participation in the elections by opponents who have been driven into exile (including those who have not taken up arms against the regime, such as Arturo Cruz, former junta member and ambassador to Washington). Neither has much attention been given to the Feb. 21 announcement by the junta's coordinator, Daniel Ortega, that Nicaragua would remain Marxist no matter what happens in the elections. That statement was followed a week later by Interior Minister Tomas Borge's announcement that Nicaragua would not allow international organizations to oversee the elections.

By contrast, roughly the same group of people who are so starry-eyed and undemanding of substance in the case of hypothetical Nicaraguan elections, reject as meaningless El Salvador's elections of two years ago, which were a massive repudiation of the Marxist-Lennist insurrection there. These people also are quite contemptuous of the elections scheduled in El Salvador for this month, on the ground that the avowedly anti-democratic insurgent minority should be handed a hefty share of power before any election there is at all meaningfull. Quite clearly, self-determination has a peculiar meaning for these people, directly related to the irresistible-tide-of-history theory.

In the case of North Americans who do not buy this theory—obviously the great majority—all this amounts to an alibi.

Latin Americans hope the people of the United States reject the illusion that by abdicating responsibility and allowing other, more resolute forces to shape events, the United States can somehow get by unscathed. However, we can't ignore the sad possibility that the United States, at present, lacks the national will to accept any policy that may involve the risk of engaging American combat troops and taking casualties, even in the immediate sphere of U.S. interest, and even when moral principles and vital strategic considerations coincide.●

SENATE—*Wednesday, March 14, 1984*

(Legislative day of Monday, March 12, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable ROGER W. JEPSEN, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

We know that in everything God works for good with those who love Him, who are called according to His purpose.—Romans 8: 28 (RSV).

Sovereign Lord, we thank Thee for the promise that though all that happens is not good, Thou dost work in all things for good with those who love Thee. Thou art able to recycle sin, failure, evil, tragedy, the worst of circumstances and transform them into that which is good. Thou dost turn that which is cursed into that which is blessed. Thou art the Sovereign Lord of History who doeth all things well. Help us, gentle Lord, to be reassured in this truth midst our struggles, failures, disappointments, frustrations, and reverses. In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, D.C., March 14, 1984.*
>
> *To the Senate:*
>
> Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROGER W. JEPSEN, a Senator from the State of Iowa, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. JEPSEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The **ACTING PRESIDENT** pro tempore. Under the previous order, the majority leader is recognized.

Mr. **BAKER**. I thank the Chair.

SENATE SCHEDULE

Mr. **BAKER**. Mr. President, after the two leaders are recognized, there will be a special order in favor of the Senator from Wisconsin (Mr. PROXMIRE).

May I inquire of the Chair, are there two special orders this morning?

The **ACTING PRESIDENT** pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is to be recognized for not to exceed 15 minutes. And under the previous order, there will then be a period for the transaction of routine morning business not to extend beyond the hour of 11:45 a.m., with statements therein limited to 5 minutes each. Under the previous order, the hour of 11:45 a.m. having arrived, the Senate will then resume consideration of the unfinished business.

Mr. **BAKER**. Mr. President, during the time of the two leaders and perhaps during the time for the transaction of routine morning business, or whenever we can, there are time agreements that I hope we can get so that we can set up a schedule for the Senate that Members can understand.

First, of course, is the effort undertaken by the Senator from Connecticut and I, and others, to get a time agreement for a time certain to vote on the prayer resolution. I happen to know that there is a meeting proposed on that subject shortly after we convene, so I remain hopeful but I will not now put the request. I wish to speak to the minority leader on that, too, when we have a private moment.

Also, Mr. President, I hope we can get to the farm bill today. I described last evening a unanimous-consent agreement that I would like to propose on that which would provide in essence that we would set aside about 3 hours today to debate it overall or to dispose of it overall.

Mr. President, I should also like to propose, when we take up the bill, since it is so important to so many people, we provide that no amendments be in order, or no nongermane amendments at the very least, but that is a matter I will also discuss with the minority leader.

Mr. President, in addition to that, I hope that we can reach the supplemental appropriations bill today making appropriations for low-income energy assistance.

I am not sure at this moment what form that will take, that is, whether it will be without amendments or with an amendment, but I will report on that later.

I guess what I am saying is I am no better off this morning than I was last evening. I still have high hopes, but I do not have any birds in the hand.

Mr. BYRD. B-i-r-d-s.

Mr. BAKER. I was speaking of b-i-r-d-s, not B-y-r-d-s. The minority leader has made a pun.

Mr. President, I am saying these things, though, so Senators will be on notice of how the day will unfold and develop. If we can get a unanimous-consent agreement on the prayer amendment, then we will try to dispose of that as soon as possible. I see the Senator from Illinois (Mr. DIXON) on the floor and the minority leader. Perhaps the three of us can talk for a second with the Senator from Connecticut, who I think is within earshot.

On the agriculture bill, maybe we can get something done before we finish the time for the transaction of routine morning business.

The Appropriations Committee is still meeting at this hour, so it may be that they will have to finish that meeting before I can clear the request on the third item; that is, the supplemental appropriations bill. But there is a good chance we will have votes today on some or all of these matters, either on the prayer amendment, if we do not get an agreement to vote at a time certain tomorrow, or on the other two, as the case may be. So Senators should be on notice that there will be votes today, perhaps on a variety of issues. At this moment, I do not anticipate a late day. I would expect us to run until about the usual time.

Mr. President, that is all I have to say. I will say to the minority leader, if I may, that there are two messengers at the door, and I should like to reserve a moment of my time after he speaks in order to admit the messengers.

RECOGNITION OF THE MINORITY LEADER

The **ACTING PRESIDENT** pro tempore. The minority leader is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, I yield back my time or the majority leader's time.

Mr. **BAKER**. I thank the minority leader.

Mr. President, I have no further need for my time remaining under the standing order. I yield it back.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. I thank the Chair.

WHAT MUST WE ACCEPT IN THE NUCLEAR ARMS RACE?

Mr. PROXMIRE. Mr. President, what must we accept in the nuclear arms race?

First, we must accept the fact that neither the United States nor the Soviet Union will decide to eliminate or even to reduce its nuclear arsenals unilaterally. We also should accept the inevitable assurance that the nuclear arms race will continue unless both sides become convinced that the other side will comply with a treaty that both sides can confidently verify. Both sides must feel reasonably confident that the other lives up to the agreement. Whether the agreements can be only partial or whether they can be comprehensive depends on the reliability of verification. So we must accept the grim fact that if we cannot verify Soviet compliance with a particular element of any arms control treaty, then we must omit that element at least until we can develop the verification technology that can provide this knowledge. Verification is quintessential.

We must accept the fact that we can never completely eliminate nuclear weapons. The knowledge of how to make nuclear explosives is now held by scientists in dozens of nations. The genie has shot out of the bottle. We will never, ever stuff it back in again. There is no way that will permit us to destroy that knowledge. It is a grim, certain, and eternal fact of life. Even if both the United States and the Soviet Union should destroy all their nuclear weapons, even if we should prevail on France, Britain, China, India, and Israel to follow suit, the fatal knowledge—the know-how—would survive. The survival of that knowledge provides absolute assurance that, given the massive destructive power of nuclear weapons someone, somewhere, in some country, would build nuclear weapons. So as long as civilization survives on this planet, mankind must live with the presence of this potential destruction. Can we abolish nuclear weapons by eliminating the materials and equipment that are essential to their manufacture? No. But we can certainly reduce the potential spread of nuclear weapons by doing our best to stop the trade in heavy water and plutonium and nuclear equipment, all of which are essential for the manufacture of nuclear weapons.

We must also accept the overwhelming likelihood that the hatred and greed, the recklessness and fear that have pushed mankind into constant wars since the beginning of our species millions of years ago will continue. In fact, at this very moment, limited wars are raging in many parts of the world. Both the United States and the Soviet Union have engaged in shooting wars—taking and giving casualties within the last few months.

So we must accept the fact that we live in a world that could explode in nuclear war at any time and probably will do so within the next 40 or 50 years unless we are both wise and lucky. It is unlikely that a planned, premeditated nuclear war will occur between us and the Soviet Union. It is far more likely that a nuclear war will start by accident or mistake. It is most likely that, as the nuclear arms technology advances and spreads, a nuclear war will begin in some smaller nation or from a nuclear terrorist attack. We have all these forces working for war and against mankind's survival.

What do we have working for peace and for survival? First, we have a strong, and constantly growing recognition on the part of millions of people that nuclear war does, indeed, terribly threaten the lives of all of us. With that understanding, we have an increasing determination to force Government to take the strongest and wisest steps possible to deter nuclear war. We also have a recognition, which seems to be growing and nonpolitical, that the administration's primary reliance on winning the arms race by building up our nuclear capability is more likely to lead to war than to peace.

Certainly, there is no decisive public opposition to the administration. In fact, because the economy is doing so much better, and because the public applauds the decisive show of power commanded by President Reagan at Grenada, the administration is riding a strong wave of public approval. And the administration has succeeded in identifying its efforts at Geneva and in the negotiations over missiles in Europe with arms control in the minds of many. But the administration has not concluded any arms control agreements with the Soviet Union. It is proposing a massive half trillion dollar buildup in nuclear weapons over the next 7 years.

I will repeat that, Mr. President—a half trillion dollar buildup in nuclear weapons over the next 7 years.

The public is bound, as time goes by, to recognize the fact that on the biggest issue of our time—and, yes, the biggest issue in history—the survival of our country in the nuclear age, this administration is failing. It is very hard for us as Americans to accept this conclusion. We are patriots. We are proud of our country. In any conflict with the Soviet Union, it is our immediate instinct to conclude that we are right and the Soviets are wrong. Most of the time this is true. But this administration's present course is a failure and very likely to continue to fail. Why? Because we cannot begin to stop the arms race until we make the 20-year-old Test Ban Treaty comprehensive.

We can verify such a treaty, but this administration has failed to take advantage of this. Why? Because they make the fatal error of making constant modernization of our nuclear arsenal as our top nuclear priority. This is absolutely wrong. We should stop this runaway nuclear arms technology by stopping the one essential arms race element we can safely stop and verify—that is to stop testing.

THE TRAGEDY OF THE TIMORESE

Mr. PROXMIRE. Mr. President, for the past decade, citizens of the small, former Portuguese colony of East Timor have been genocidally decimated by the Indonesians.

On December 7, 1975, Indonesia invaded East Timor. In response, a few hundred guerrillas supported by local forces formed the Revolutionary Front for the Liberation of East Timor, a predominantly Catholic organization.

Timorese resistance backfired. An estimated 10,000 to 12,000 Indonesian troops, backed by helicopters, tanks, and aircraft began counterinsurgency actions.

Collateral damage and deaths resulting from this military offensive was, unfortunately, the least of the problems facing the people of East Timor. Sources within the Catholic Church claimed the counterinsurgency actions had completely disrupted the already precarious food supplies in the territory of the 700,000 Timorese. Indonesian troops had destroyed crops and prevented the farmers of Timor from reaching their fields or foraging food in the forests. In the central and eastern regions of Timor, food shortages were aggravated by a flood of refugees. At least 100,000 civilians died in the resulting famine.

The situation grew worse. Incendiary bombing which simultaneously destroyed crops and engendered mass starvation soon wiped out whole villages; their inhabitants were massacred or herded into concentration camps. Systematic abuses of fundamental human rights, including the use of torture and summary execution, became widespread. An estimated 4,000 presumed criminals of East Timor were executed in 1983 alone in an Indonesian "crackdown on crime."

Meanwhile, arrests have continued: 600 people were brought in for questioning recently in Dili, the East Timor capital, 125 in Baucau, and 34 in Viqueque. Eight schoolchildren, aged 14 to 15, were arrested in Viqueque and held for several days in a room so narrow they could not sleep.

In all, between 175,000 and 200,000 Timorese have been killed by the Indonesians. The rough equivalent for the United States would be a foreign invasion that caused the deaths of 50 million people.

Under the Genocide Convention, the United States would have the legal right to condemn the Indonesians for their appalling abuse of that sacred right of man to live.

We cannot ignore the plight of the Timorese, the Baha'is, the Soviet Jews, and other persecuted races. We cannot tolerate cases of genocide, the most heinous crime known to mankind, the planned, premeditated extermination of a national, ethnic, racial, or religious group.

Mr. President, I am proud to say that the rights of the individual are protected by the fundamental law of our land. However, we need to take one more step. We must ratify the Genocide Convention and extend to the rest of the world the values we hold most dear.

WHISTLING THROUGH THE GRAVEYARD

Mr. PROXMIRE. Mr. President, people are going back to work in record numbers, businessmen are spending for new plants and equipment, and the economy is growing faster than expected. Given all this unanticipated good news, why the recent worry on Wall Street? The answer: the deficits are the dark lining in this silver cloud.

The administration and the Congress are still talking about a "downpayment" on the deficit. But the spate of economic good news means that a downpayment is no longer enough. We must do more.

The recovery is a fragile flower which could easily lose its bloom if handled abruptly—that was the chorus heard here in Washington. But the economy is speeding along and the recovery is more akin to a bull in a china shop than a fragile flower.

Last winter, when talk of a downpayment began to be taken serious, the economy seemed to pause. The leading indicators sputtered. Gross national product went up but at a somewhat slower rate than anticipated.

Under those circumstances, a downpayment made some economic sense. Really cutting the deficit could have hurt demand at a time when the recovery seemed wobbly. Recent economic data, however, indicate that we should be worrying about the economy overheating, not a surprising sign considering the size of the deficits. A resurgence of inflation and the consequent paralyzingly high interest rates are much more of a threat than they were even 3 months ago.

Under these different circumstances, a downpayment is no longer sufficient. Congress is talking about proposals which would reduce deficits by about $150 billion, a sizable sum. Sizable; that is, until you realize that the Nation faces deficits amounting to about $700 billion for the same 3-year period. Even after making the downpayment, the deficit will be about the same in 1987, after 5 years of sustained recovery, as it will be in 1984, the second year of recovery after a deep recession. Some downpayment.

The whisper being heard is "Don't worry. Wait until after the election. That's when we will really cut into those deficits." What a self-deluding hope. Every sign points to a cliffhanger election and to a Congress little changed from the one now meeting. We will not wake up on Wednesday morning, November 7, and find the Capitol's lobbyists in hiding, the many political action committees scattered to the wind, the choices any easier to make.

What will have changed that morning? Another year will have been frittered away. In recent years, the Federal Government has made a habit of responding to the Nation's economic problems—about 18 months too late. The administration and Congress seem determined to make that error once again.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business of not to extend beyond 11:45 a.m. with statements therein limited to 5 minutes each.

BILL OF RIGHTS DESCRIBED AS "HEART AND SOUL OF AMERICAN DEMOCRACY"

Mr. SASSER. Mr. President, sometimes it is important to be reminded of the significance of the Bill of Rights in guaranteeing and preserving our individual liberty and freedom. Miss Summer Keel, a seventh grade student in the class of Mrs. Louise Smith at John Sevier Middle School, in Kingsport, Tenn., has written a very incisive essay in recalling the history and importance of the Bill of Rights, and particularly the first amendment.

Her essay on this subject won first prize among seventh grade students in Kingsport in a recent contest sponsored by the Sertoma Club of Kingsport.

She pointed out in her essay that the Bill of Rights was added to the Constitution as insurance against the tyranny of an oppressive government. She also pointed out the importance of balancing individual rights with the common good.

I wanted to call this excellent dissertation to the attention of my colleagues and other Americans because of its relevance to critical issues that confront the Nation today, and ask unanimous consent that the essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

[From the Kingsport Times News, Mar. 4, 1984]

THE BILL OF RIGHTS KEY

(By Summer Keel)[1]

The Bill of Rights is the greatest declaration of human rights of all time. It shattered all precedents. It sent a signal around the world that a new nation called the United States of America was indeed a country based on liberty and freedom. The inclusion of the Bill of Rights in the Constitution resulted from the strong conviction of important leaders in the constitutional convention that these rights should be guaranteed.

For Thomas Jefferson and James Madison, it was not enough for the new nation to be independent as a nation. They wanted to go further than any other nation in assuring every individual his or her basic human rights. They wanted to add an insurance program to the Constitution protecting the American people as individuals from the excesses of oppressive government.

For them it was not enough to simply assure the American people of the rights enjoyed by Englishmen. They wanted to assure the American people as individuals of rights which they considered essential to the pursuit of happiness and the functioning of representative government. They wanted a government of, by and for the people.

They knew that it was not enough to assert that basic rights ought to be guaranteed, as the English Bill of Rights and other similar documents did. They knew that these rights must be guaranteed in plain language—and they succeeded in their purpose.

They used the mandatory word "shall." Congress shall make no law interfering with freedom of religion or with freedom of speech or with freedom of the press. Freedom of religion was established as a right. It was assured. People were and are entitled to it. These informed leaders knew that there had been religious persecution despite the English Bill of Rights. Even the great democratic thinkers in Europe were only calling for tolerance of religious minorities. The bold stroke by our leaders was planned to ensure the right of every American to freedom of religion and freedom of the press and assembly and redress of grievances. This freedom of expression which the First

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[1] Summer, a seventh grade student at John Sevier Middle School, is the daughter of Bill and Jean Keel. She won first place for her grade in the Kingsport Sertoma Club's Freedom Week Essay Contest, recently. The Sertoma Club sponsors this contest annually, as part of its celebration of February as Sertoma Freedom Month. Seventh graders at Sevier and Robinson Middle Schools wrote essays on "Which of the Bill of Rights I value most, and why." Eighth graders wrote on the topic of "Why is it important to vote? Why should I vote?" Other winning essays will be presented in this column during the coming week.

Amendment guaranteed is essential to the successful working of our democratic system. We must have free and informed people speaking their minds to make the system work.

The First Amendment is constantly being defined and redefined, interpreted and reinterpreted. The doctrine of free expression cannot condone abuse, the extreme abuse often illustrated by the example of a person who shouts fire in a crowded building when there is no fire. The general good has to be protected along with the individual rights of the people. Achieving a balance between these important rights is a constant challenge.

The shots fired at Lexington and Concord in defense of freedom were heard around the world. The words of the Bill of Rights which were made possible by the War of Independence were also heard around the world. Each of us has a responsibility to safeguard the basic principles and rights ensured us by the first amendment. We must uphold the principle that while we disagree, we will defend to the death the right of other Americans to voice their opinions.

A great judge once said:

"Liberty lies in the hearts of men and women: When it dies there, no constitution, no law, no court can save it."

The Bill of Rights is the heart and soul of American democracy.

JOAN BENOIT

Mr. COHEN. Mr. President, Maine is a State rich in natural resources. One of the most remarkable of those resources is a young woman named Joan Benoit, the finest long-distance runner Maine has ever produced.

She has long been known within Maine for her running talents, and that reputation has now spread throughout the country and the world as she has set a world record time for a marathon and holds U.S. marks for 10 and 20 kilometer competitions.

This morning's Washington Post printed an interesting interview with Joan, which I ask unanimous consent to have printed in the RECORD so that my colleagues might learn more about this remarkable young woman who has made her State so proud.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 14, 1984]

MARATHONER BENOIT: THE REIGN IN MAINE

(By Jane Leavy)

FREEPORT, MAINE.—Her eyes are slate blue, the color of the steely winter ocean outside her window. Joan Benoit's house sits on an icy inlet just down the road from L.L. Bean, where there are no locks on the doors and you can buy long underwear 24 hours a day.

Every morning, Benoit puts on her woolen longjohns and runs. Icicles cling to her face. She runs on, circling the same snowy loops day after day. The only thing that wanders is her mind. She thinks about her wedding next September, about knitting, cooking, the renovation of her 150-year-old house. And she picks up the pace because she realizes how much she has to do. But never does she think about stopping.

Here, in rugged isolation, away from the running communities where mileage is a form of currency, Benoit, the world record-holder in the marathon, has chosen to prepare for the 1984 Olympics. This strikes just about everyone but her as strange. "People think I'm an oddity training up here," she said. "I consider myself a perfectly normal Maine person."

The smile was wry. "The reason I'm in Maine is that it's where I grew up," she said. "I'm very comfortable around the ocean. I find the ocean is very much like my own personality. I can be so calm and soothing. Other times, I'm so turbulent and riled up. People get the impression I'm a hermit up here. I'm not. I'm surrounded by friends who accept me for who I am and not what I've accomplished in running."

Last spring, she won the Boston marathon in 2 hours 22 minutes 42 seconds, not just breaking the world record but obliterating it by almost three minutes. Her time was 25 seconds slower than the men's winning time in 1968.

She has not run a marathon since, eschewing the first world championship last summer in Helsinki and a confrontation with Grete Waitz, and won't run another until the Olympic trials in May. There are only so many marathons in her 5-foot-3, 105-pound body, she says.

That morning last April, when she stepped to the starting line, she brazenly handed her split watch to her trainer, Bob Severny. "She didn't want any barriers," Severny said. "If you got a watch, you've got barriers. If you look down and you see 32 minutes at 10 kilometers, you're going to think, 'Oh, my God, I'm going too fast.' "

Afterward, Benoit's time was challenged because Kevin Ryan, a marathoner working for a Boston radio station, had run with her. The charge that Ryan had acted as a pacer was dismissed in December at The Athletics Congress convention. But it was ironic that such an allegation would be leveled against someone as fiercely independent as Benoit, and it rankled. "I can't believe it was ever an issue," she said. "If you argue with that, you have to take every single track and field record."

She is a collector of things: records (she holds U.S. marks for 10 kilometers, the half-marathon and 20 kilometers), shells, driftwood, stamps, coins, dolls. She can not bear to throw anything away. "I always think something's got potential," she said. "Ask my mother what I've got under my bed."

Mostly, she collects her thoughts. She is cautious about how many of them she shares and with whom. The gears are always churning. No matter how much she says, you wonder what is left unsaid. "I've got too many things going on inside my head," she said. "People think I'm out to lunch. Spacing out."

She has a reputation as a reluctant interview. For many years, her grandfather wrote a column called Top of the Morning for a Boston newspaper. "I was always told that the less in the paper about you, the better," Benoit's mother said.

"People in Maine are reticent," said Dick Brown, administrator of Athletics West, the club Benoit runs for (she would run for a club located 3,000 miles away). "It's a nice quality. They say what they need to and that's it."

After she won in Boston in 1979, Benoit said she would never run a marathon again. "Everyone wanted another piece of me. If I didn't give it to them, I was terrible. It was a huge maturing process for me."

At age 26, she has reached an uneasy truce with fame. She does what she must to accommodate it, but mostly she does it alone. "I think running is my challenge," she said. "It wouldn't be as large a challenge if I involved other people. I get advice. But it's not like they're monitoring me. I swore up and down I'd never get an agent."

But after the victory in Boston, she hired an attorney, Ed Whittemore, to handle the requests. Whittemore says she since has turned down about $200,000 in endorsements, as well as an opportunity to appear on the Phil Donahue Show. She accepted a one-year deal as fitness consultant to Dole because the company didn't ask her to do anything before the Olympics and because she uses its pineapple in a salad she makes.

Her marketability (potential long-term deals), her upcoming marriage and her delicate Achilles' tendons are forcing her to consider how long she wants to compete. The pieces are there, but she hasn't quite figured out where they all belong.

"I'll always run," she said. "How long I compete at the rate I'm competing won't be much longer. I may compete three years or five years or 10. I may have a family and come back."

She considered retiring in 1982, when she had surgery on her Achilles' tendons. She would rather quit early than leave as a cripple. She thinks about graduate school in environmental studies, a concern born from her running. Her fiancee, Scott Samuelson, is applying to business school, which could mean a move back to Boston, where she coached the women's distance team at Boston University until last June. Cities make her shudder. But the idea of having her life organized around somebody else for a change is very appealing.

She does volunteer work in the admissions office of her alma mater, Bowdoin, and has taken up cross-country skiing. "People ask me if L.A. doesn't work out, would I hang around for Seoul?" she said. "I tell them my aspirations are more to Calgary (the site of the 1988 Winter Olympics). I'm not being facetious at all. I'd like to switch to cross-country."

People think she is crazy to ski. She tells them running on icy back roads is far more dangerous. But it was a skiing accident in her sophomore year in high school that started her running career. "I always wanted to make it to the level I am in running in skiing," she said. "I started running to get back into shape for skiing. I just love it."

When she began, she was such an oddity that she walked whenever cars passed. "A few years later," she said, "I felt I was joining a parade."

She was an unspectacular Maine state champion in the mile—her best times were around 5:20—and made it to the finals of the Olympic trials in 1,500 meters. "What she did is put her high school mile back to back for 26 miles in Boston," said Brown, "which is phenomenal."

Her training schedule includes twice daily runs and splitting wood. She is committed to at least one road race, a 10-kilometer, this spring.

Severny has no doubt that she can break 2:20. But he says it won't happen this year. At the trials, she will be concerned only with making the team. That heat and smog in Los Angeles will be conducive to a tactical race, not a record. "I don't know how much faster I can get," she said. "Maybe we'll never know. I may not be competing that hard after the next year."

She is a wisp of a will. You wonder where it comes from. "She grew up with boys," her mother said matter of factly.

"I know I started training because I broke my leg skiing," Benoit said. "We were brought upon skiing because my father was in the 10th Mountain Division of the Army. My father has always been a hard worker. My mother is very dedicated, a dedicated mother. They never quit on us."

She has finished every marathon she ever started. She has never quit in the middle of a training run, never walked in. It is a methodical, compulsive process. "Every once in a while, there's a moment of joy, and that's what I do it for," she said. "This morning, it was below zero and the wind was in my face. I had icicles all over my face and my fingers were curled inside my mittens and I said I better not stop. I turned out of the wind and it was a great run.

"I know I'll be in trouble the first time I give in. I've been entertaining the thought more and more frequently. Then I realize that I've got plans for this year. If I can just hold on a bit longer, that's when I usually start running my best."

The obsessiveness troubles and enlivens her. "I get down on myself," she said. "I spend all this time running. Why don't I do something constructive? I've thought about going to medical school. I don't know if I could get in. But I'd want to do sports medicine. How could I work with all those compulsive athletes who defy doctors' orders and not work with someone who wants to walk or see or live?

"It's funny. I'm attracted to things that don't have any impact on life. People say I've done a great thing for women. I don't think I have. People say I've given people courage. That makes me feel good, but I don't see how I do that.

"I think my running is a selfish thing. But it provides the challenge that allows me to feel good about myself. How can I expect to do well in other activities if I don't feel good about myself?"

So she keeps running in circles, she has eight loops. She tests herself and her fitness against them. "I'll go out on a 2½-hour run and say, 'I could be in Boston. what have I done? I've run one big circle.' It's a compulsive thing. That's where I get hung up."

In the quiet of the winter, she lies on her living room floor wrestling with her puppy Creosote and the contradictions. A pair of dog-eared running shoes sits by the wood-burning stove, the only sign of the athlete.

She thinks marathoning is "nuts." It still seems crazy," she said. "I ask myself why I'm running in circles. I'm always running in circles in every facet of my life, including my running. I always have too many irons in the fire. When I do, I'm not happy. When I don't, I'm not happy."

She is thinking about writing a book, one of the many ideas that flicker through her head. The title? "That's a good question," she said. "Stark Raving Mad'?"

She has been thinking it over and has decided she's not. "I don't think I'm ridiculously hooked," she said. "Now I'm finding time for my runs instead of fitting everything around my running. So I don't think I'm insane."

How would the journalist's granddaughter write about herself? "I'd probably put it in another section of the paper that wasn't the sports section," she said. "If you went into my bedroom of my parents' house, you'd never figure out what I do."

"Above it all?" her brother, said, teasing.

She gave him a look that said he knew better. It's a matter of definition, that's all.

DON CARRIGAN

Mr. COHEN. Mr. President, the television industry is frequently criticized for the lack of depth in local news coverage. In many cases, critics suggest, local television reporters become "personalities" who spend far more time crafting an on-air image than actually digging for news.

Like every person in public life, I have had experiences which would support these criticisms. But it is also my pleasure to know a television reporter in my hometown of Bangor, Maine, whose dedication, thoughtfulness, and professionalism has earned him a topnotch reputation for journalistic excellence.

Don Carrigan of WLBZ Television in Bangor has been reporting on the events which touch the lives of Maine people for more than 10 years. Don is more than a reporter; he is a native of Maine who cares deeply about the people of the State and the issues they face. He is a thoughtful and humane man who takes his responsibilities as a journalist, but not himself, seriously.

The Bangor Daily News recently printed a profile of Don, and I ask unanimous consent that the article be printed in the RECORD, for the benefit of my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Bangor Daily News, Feb. 11, 1984]

TV-2's ANCHORMAN IS NO "FLASH IN THE PAN"—A PROFILE OF DON CARRIGAN

(By Christine Palmer)

On the paneled wall opposite the front door of television station WLBZ, Channel 2 in Bangor hangs a full-color picture of Don Carrigan. The reporter's portrait does not smile; it is a serious likeness of a man who takes his work seriously.

"I do not know precisely how I got interested in broadcasting," Carrigan said, straddling a chair in the middle of weather forecaster Carey Kinsey's office—the only quiet space handy to the station's crowded newsroom.

Carrigan said listening to late night radio talk shows as a kid growing up in South Bristol ("near Damariscotta") had something to do with it. Working at the University of Maine at Orono's student radio station (WMEB-FM) while earning a speech degree in 1973 did too.

"I was bitten by the bug then," Carrigan said. His first on-air assignment: play-by-play color commentary for a university football game.

That bug—"getting a little kick out of being the first to know what's going on"—still infects Carrigan.

"The whole process of communicating ideas fascinates me," he said. Being a news reporter is his "first love," and a job he sees as "an extremely important function to society. . . . Historically, the role of messenger has been an important one."

And a magical one.

"The idea that you can speak into a microphone in Bangor and someone in Millinocket can hear you still fascinates me," said the Lincoln Academy graduate who today anchors the TV2 "NewsCenter" broadcasts at 6 and 11 p.m.

Carrigan, 32, unmarried and a resident of Hampden, has been with the station for more than 10 years. His work is admired by his colleagues, valued by his employers and respected by even his toughest competitor, WABI-TV, Channel 5 anchorman Gordon Manuel.

"Don is a first-class professional," said Manuel. "He's not a flash in the pan, like someone who comes, gets what they can out of the market and takes off."

Manuel said he admires Carrigan for his concern for Maine, and his loyalty to his station. "I always felt that Don was like me," said Manuel, "extremely loyal to Channel 2 the way I am loyal to Channel 5. I look at him as one who is married to his station. That commitment is necessary to be in a small market station."

It was the summer of 1973 when Carrigan learned how to hustle for news. He did reporting and announcing for the UMO student station, held down an afternoon job at WLBZ-AM (now WZON) in Bangor and filled in evenings as a TV news reader for the Maine Public Broadcasting Network's "Maine News and Comment."

"Those were hectic work days," he said. But the pressure paid off. When WLBZ radio man John Wellington took sick, Carrigan filled in as that operation's news reporter. In that capacity, he met WLBZ-TV news director Mike Trudel, who later tapped Carrigan to fill in for a vacationing 11 p.m. anchorman. When that anchorman eventually resigned, Carrigan got the job permanently.

"I came in that night . . . and went right on the air," Carrigan recalled. "There was no break-in or training period then." Turns out that was a benefit. "That way," he said, "you don't know enough to be frightened."

Today, Carrigan can't afford to be scared. According to the November 1983 Nielsen figures, 33,000 households (roughly 50,000 people) tune him in each weekday at 6 p.m.

During his tenure with WLBZ, Carrigan has worn just about every hat there is to wear: reporter, photographer, news director, producer, anchorman.

"He apparently likes us, and we like him," said station manager Margo Cobb. She called him "thoughtful and intelligent," and said, "he's not a 'pretty face' anchor. He's a writer and an investigator."

Cobb had to think a bit, though, when asked to come up with any funny, unusual or otherwise amusing Carrigan anecdotes. Finally, she remembered the time the reporter and his photographer, Paul Salisbury, were shooting film on assignment somewhere north of Millinocket.

"They were shooting from a plane, which took off from a lake," Cobb said. "When Don went to get into the plane from a rock, the keys to the station's staff car fell out of his pocket into the lake." A wrecker had to tow the car back into town. "They arrived in town just as a parade was going on, so at the tail end of the parade, down comes Carrigan and Salisbury in the staff car, being hauled by a wrecker."

Despite those and other perils of the job, Carrigan says he is content to be covering Maine news and equally content to be staying in a small market, even while colleagues push on for fame—and sometimes fortunes—to larger metropolitan areas.

"I like the fact that somebody in Maine can get their news from somebody who's lived here, who knows the state," Carrigan said. Maine needs native news reporters, he added, to give depth to coverage of issues which affect the population and the environment. That can't come, he said, "from someone who's just here for six months before going off to a better job in Albany."

There is a hint of regret in his voice, though, when he rattles off the names of former associates who have "graduated" to larger stations: Jeanne Meserve, who recently landed a position with ABC network news as a Washington correspondent; Michele Marsh, who left Bangor for a job in Texas, then went on to a six-figure salary with WCBS-TV in New York City; Dave Andrews, who honed his reporting skills at WEMT (now WVII) and today travels the world as a TV journalist for a station in Minneapolis; and Jonathan Levine, who left the news and weather behind at WABI for a position with WBZ-TV in Boston.

"There are times when I wonder if I haven't made a mistake, not going after the big city," Carrigan said. "But I'm not eager to enter the rat race." Besides, he added, he "doesn't like cities." Recruiters from both Buffalo, N.Y., and Florida once tried to lure him away, Carrigan said, but he wouldn't budge.

"I just think Maine's a wonderful place to live," he said. "I really care about the future of this particular piece of the planet, and the future of the people who live here."

Carrigan's immediate boss, news director Jeffrey Marks, said, "He knows what makes this area and Bangor tick. It's obvious he knows his community." Marks added. "The guy works 60 hours a week. I don't think he ever goes home."

Carrigan does go home, in fact, as often as he can. He said family ties—"roots"—help keep him in Maine. His parents, Donald Sr. and Diantha, still live in South Bristol. His sister is a lawyer who lives in Medomak.

Carrigan is happiest, he said, when he's out of the newsroom, gathering news. He said he is especially looking forward to an upcoming trip to New Hampshire to put together a pre-primary series of campaign reports.

When deadline stresses and frustrations build up, the bespeckled anchorman works them off by playing basketball and racquetball. He used to find release in community theater work, but gave it up when he became a full-time anchor.

"Being an anchor makes one highly visible," he explained. "And because people see you on the tube every night, they tend to have expectations of you. A bit of you becomes public property.

"That doesn't mean you have to go around in three-piece suits," he continued "but it does make it more difficult to do highly visible activities. People start to watch you as the guy on TV, not as the actor."

Though Carrigan admitted that being recognized in public is an ego boost, he said flatly, "I'm not a star. I'm a fairly average person." So average that he "drives a pick-up truck and wears beaten-up jackets."

Unfortunately, Carrigan said, TV stations still do hire news reporters on the basis of looks, not talent. But he's not sure the "relatively young" industry should be singled out for that fault.

"There's no question, all other things being equal, the more attractive person is going to get the job," he said, "but that's true in all fields." What's wrong, he added, "is when a slightly more attractive person beats out someone with more experience."

Carrigan, who at a solid 6 feet looks more like his idol Charles Kuralt than any of the other TV journalists he admires (John Chancellor, Bill Moyers, Dan Rather), lives with the knowledge that he's not exempt from TV's standards of beauty.

"Probably most places in the country, I could not be an anchor," he said. "I don't have the looks."

In trying to explain his appeal to viewers, Carrigan kept it simple—and serious.

"I just look like I know what I'm talking about," he said. "I've been there. People have seen me beating the bushes."

"ALABAMA" CONGRATULATIONS FOR WINNING THE 1984 GRAMMY AWARD FOR COUNTRY MUSIC GROUP OF THE YEAR

Mr. DENTON. Mr. President, I would like to congratulate the country music group "Alabama," from Fort Payne, in my home State of Alabama, for winning the 1984 Grammy Award for "Country Duo or Group of the Year."

The Grammy Awards, which were first awarded in 1958, are sponsored by the National Academy of Recording Arts and Sciences. The Grammy statuettes, which depict an early gramophone, are presented annually in nationally telecast ceremonies to honor outstanding groups and individuals who have demonstrated outstanding creativity and accomplishment in artistic and technical areas of recording. Academy members and recording companies recommend recordings of merit released during the specified year.

To be awarded a Grammy is one of the highest honors in the entertainment field.

In a short time, "Alabama" has entered the ranks of entertainers such as Frank Sinatra, Henry Mancini, Tony Bennett, Barbra Streisand, the Statler Brothers, and the Beatles, all of whom have, during the last 26 years, own Grammy's for their musical and entertainment ability.

The members of "Alabama" are Mark Herndon, Jeff Cook, Teddy Gentry, and Randy Owen.

The group "Alabama" is well known in the country music industry and has received many awards during the past few years. Among those awards have been the 1982 Country Music Association's award for Vocal Group of the Year, Instrumental Group of the Year, and Entertainer of the Year. In 1983, the group received the CMA's awards for Top Album of the Year, Vocal Group of the Year, and, for the second year in a row, the Entertainer of the Year award. Only once before in the history of the Country Music Association has the award for Entertainer of the Year been won more than once by a single person or group.

The group was formed in 1972. In 1980, "Alabama" recorded the hit song, "My Home's in Alabama." It rose quickly to the top of the charts, both country and top 40, and the group has consistently had hit records ever since.

Along with its success, the group has shown an exceptional sense of civic responsibility. Since 1982, the group has held an annual benefit show in Fort Payne during the month of June. In 1982 it grossed close to $500,000 from the show and donated almost 45 percent to charity. In 1983, "Alabama" grossed nearly $600,000 and donated over 60 percent to charity.

The State of Alabama has reason to be proud of the members of "Alabama," not only because of the group's successes, but also because of the sense of compassion that its members have displayed. I extend my sincerest congratulations to the members of "Alabama," and I wish them both continued success and a continued sense of humanity and civic responsibility.

EMERGENCY SCHOOL AID EXTENSION ACT, S. 1256

Mr. DURENBERGER. Mr. President, 30 years ago, the Supreme Court, in *Brown* v. *Board of Education*, 347 U.S. 483 (1954), affirmed the importance of integration in our Nation's educational insitutions. In the most significant civil rights case ever decided the Court declared that:

> Separate educational facilities are inherently unequal . . . to separate children from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone, *Brown* v. *Board of Education*, Id.

One year later, in a second Brown decision, the Supreme Court identified appropriate mechanisms to secure effective enforcement. Federal district courts were delegated primary responsibility for supervision of the transition to a system of public education that is free of racial discrimination. Courts were permitted to rely upon traditional equitable principles and the public interest in the implementation of desegregation plans. Most importantly, however, the Supreme Court demanded that public school officials make a prompt and reasonable start toward full compliance.

Three decades later, after years of struggling to achieve equality and equity, we still need to facilitate school desegregation. The problem of segregation today is centered in the large metropolitan areas of the country and is most acute in the urban industrial centers of the Northeast and Midwest. None of the 10 largest metropolitan areas in the country has substantially desegregated school systems. In the 26 largest cities, three of every four black children are assigned to intensively segregated schools. Most inner city schools now have large black or hispanic majorities, while the suburban schools tend to be white.

To facilitate desegregation the Federal Government enacted the Emergency School Aid Act and, from 1972 to 1981, districts throughout the country benefited from this program. However, in fiscal year 1982, the ESAA was repealed as a separate program and funds for desegregation were consolidated into an education block grant.

Unfortunately, the block grants have meant less funds for desegregation efforts. It is imperative that we continue our Nation's commitment to civil rights and that we remove the blight of school segregation from this generation and all future generations of our Nation's children.

Senator MOYNIHAN has introduced legislation, the Emergency School Aid Extension Act of 1983—S. 1256, which would provide categorical assistance for State and local desegregation programs. I am pleased to cosponsor his legislation and am hopeful that the Senate will enact this measure at an early date.

Mr. President, I ask unanimous consent that a letter from Mr. Larry Harris, of the Minneapolis Public Schools, which outlines the importance of this issue be printed in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MINNEAPOLIS PUBLIC SCHOOLS,
Minneapolis, Minn., February 23, 1984.
Hon. DAVID DURENBERGER,
Russell Office Building,
Washington, D.C.

DEAR SENATOR DURENBERGER: I am writing in reference to the Emergency School Aid Act which has supported desegregating school systems in America for a number of years and which was blended into the Block Grant Program. Consequently, previous Minneapolis Public School ESAA funds were folded into the Block Grant Program and, along with St. Paul and Duluth ESAA funds, distributed throughout the state. This made ESAA funds available to many school districts in the state which serve no minority students.

I want to summarize some of the support provided by the Emergency School Aid Act in Minneapolis between the period of 1973-74 and 1981-82. The district received $6,458,877 during that time period. We received no money in 1976-77 because it was "St. Paul's turn" that year.

A number of programs were operative and I am going to summarize them. The ESAA money was important because it said to the citizens of Minneapolis that the federal government did care about the fact that dictricts such as Minneapolis were incurring extra expenses in order to provide a desegregated and integrated education for students who often lived in segregated neighborhoods. (We are enclosing a complete list of projects funded under ESAA.)

The ESAA money allowed students in desegregating schools to have an opportunity for special academic help which is not always restricted to low income criteria such as Title I.

Formation of an ESAA districtwide committee involving parents, students, teachers and community persons brought an added focus on desegregation and an awareness that the federal government did see itself as part of the team in correcting the evils of segregated housing.

Some of the programs which were made possible to support our desegregation effort under ESSA funds included reading and math instruction to help high need students in desegregating schools. This program operated for several years and served public and nonpublic students. Help was provided to students because they attended a desegregating school.

Desegregation aides were used in a number of schools to help transfer students to adjust to their new school. Desegregation aides work with staff, the students, with families and in many instances with the community around the school. The desegregations aides served as a bridge between minority students attending new schools in neighborhoods where they had never lived and sometimes never been.

The District used materials developed through the Title I Math Basic Skills Development Project as part of ESAA remedial math programs in order to save costs. We used materials developed with one set of federal funds in another program so as not to spend money remaking a wheel.

One of the frustrations of the desegregation program was that Title I students who were receiving math and reading help were often transferred to non-Title I schools. ESAA funds allowed us to provide Title I-type services to these students so that their moving as part of the desegregation program did not force them to lose special academic help.

A Parent/Community Outreach program operating through outreach workers was added in a number of schools to maximize participation of parents in newly desegregated schools.

In-service training was provided for staff desegregated secondary schools and in their feeder schools to increase understanding of students and to prevent dropouts. The desegregation/integration efforts of the Minneapolis Public Schools reassigned students so that many student bodies were vastly different than they had been over history. As an example, I attended Marshall Junior-Senior High School for my last six years of public school. During that six-year period, I remember one minority student who was in our school because he was in a wheelchair and all secondary handicapped students attended Marshall. The desegregation efforts of the Minneapolis Public Schools completely changed the complexion of Marshall. Not only were minority students to become part of the student body, the old southeast neighborhood complexion of Marshall was enriched by students from both north and south sections of Minneapolis. Special training for the staff was important in supporting the long-term success of Marshall.

The Central Magnet Program was developed with ESAA funds. The Central Magnet Program drew students from the whole south side. It provided a type of integration of a voluntary nature. It provided services to gifted, talented and high potential students. An excellent fringe benefit of the Central Magnet Program was that students who lived in the Central neighborhood had an opportunity to participate in the magnet program and to attend the high school which was enriched by bright, eager and active students. The Central Magnet Program has been moved to South High School.

The Henry, Edison, North Program (HEN) developed activities between and among three schools serving north and northeast Minneapolis with widely divergent racial and ethnic populations. The HEN program became the forerunner of the current trimester integration program between North and Edison where students in ninth, tenth, and eleventh grade spend one of three trimesters each year in the other school.

I firmly believe, Senator Durenberger, that the support of desegregation/integration efforts in the core cities of America is crucial if our country is to have long-term racial harmony. There has been a steady increase in the percentage of minority students in the Minneapolis Public Schools. In 1969 the district had 12 percent minority students and in 1983 the minority student population was 35.2 percent. Our district's minority population is a diversified population. In 1978, 1.5 percent of the student body were Asian Americans and in 1983 5.9 percent are Asian Americans. Our Asian American population grew from 679 in 1978 to 2,337 in 1983. We had 2,324 American Indian students in October 1983 which was the largest Indian student enrollment of any school district in the state. The Black American population in 1983 was 8,814 while we had 498 Hispanic Americans. The complexity of our district's population has added to the need for ongoing staff training due to the implementation of our Five-Year Desegregation/Integration Plan.

Senator Durenberger, I am writing because I believe the federal government may feel that it should have a limited role in education, but that the desegregation/integration of the American city schools is so crucial that our national government must continue its stake in those school systems which are desegregating and integrating their student bodies.

If you read the lead article in the Minneapolis Star & Tribune of February 15, 1984 you would have noted that benchmark tests for kindergarten students in the Spring of 1983 indicated that 19 percent of the students who take the benchmark tests wouldn't have been promoted. We hope that adjustments during the 1983-84 school year will cut the percentage of students who will be held back down to 10-12 percent. It is interesting to note, Senator Durenberger, that the percentage of Indian students who would have scored too low for promotion was 30.1 percent, Asian and Hispanic students 16.2 percent, Black Americans 37.8 percent and White students 11.8 percent. If school systems like ours can't provide the educational opportunities to help all the core city's students grow, our cities and nation will pay the price in the future.

I'm sorry that this letter is so long, but I believe the subject warrants the length and urge you to support efforts to develop an ESAA-type bill.

Please don't hesitate to contact us if you have any questions.

Sincerely,

LARRY HARRIS,
Director, Legislative and Community Relations.

PRESIDENT ZIA TAKES ACTION AGAINST ILLEGAL DRUGS

Mrs. HAWKINS. Mr. President, last December, I led a Senate delegation mission to a number of Asian nations, each of which play a critical role in the international drug trade. This mission was important in gaining a greater understanding of the flow of heroin and other dangerous narcotics from foreign lands to our towns and cities, and in pursuing steps toward stopping that drug flow before it reaches the United States.

Some of our greatest progress was made in Pakistan during discussions between our delegation and Pakistan's President, Gen. Mohammed Zia-ul-Haq. At our urging, President Zia signed into law a measure that will make it easier for his nation to prosecute narcotics dealers and provide stiffer penalties upon their conviction. The new law also makes it possible for Pakistan to crack down on heroin and opium activities within its borders and defend itself from outside drug traffickers.

Our successful meeting with President Zia is just one episode in what I hope and anticipate will be a long, constructive relationship between the United States and Pakistan. A continuing alliance between our new nations is in the best interests of, not only the international fight against drug smuggling, but, even more importantly, our own national security.

A cursory look at the map points out the strategic importance of Pakistan's position, a position that is certainly precarious for President Zia's government.

Located on the strategically vital Persian Gulf, which supplies 20 percent of all oil consumed by Western nations, Pakistan's relationship with the United States would be critical should any military conflict occur in that region.

To the north of Pakistan, lies Soviet-occupied Afghanistan. To its west is Iran, which remains fervently anti-American. To its east lies its longtime enemy, India, a nation with close political and military ties to the Soviet Union. Should U.S. military deployment in the Persian Gulf ever become necessary, our success could well depend on our ability to use Pakistan's friendly soil as a base for our forces.

Toward that end, the Reagan administration has negotiated an economic and military aid package with the Zia government, an agreement that recognizes the importance of a strong United States-Pakistan friendship.

A recent article in Parade magazine points out another important role Pakistan may be playing in that Southwest Asian region. Former New York Times reporter Tad Szulc wrote in Parade's February 5 issue that Pakistan is channeling weapons to anti-Soviet freedom fighters in Afghanistan and is accepting Afghan refugees, possibly as many as 3 million—one-fifth of the entire Afghan population.

Given the Senate's strong position on the Soviet occupation of Afghanistan, I think my colleagues will join me in appreciating the role President Zia's government appears to be playing in attempting to stem the spread of Soviet domination in Asia.

As I stated earlier, though, the reason I went to Pakistan was to meet with the Zia government to discuss the cooperation our nations could achieve in combating the international drug trade.

Pakistan is a key link in shutting down that drug flow. In 1978, southwest Asian heroin accounted for only 3 percent of the heroin imported to the United States. By 1980, that figure had grown to 51 percent. Since the Soviets occupied Afghanistan, opium cultivation has greatly increased in that country, leading to greater amounts of opium and heroin entering Pakistan from Afghanistan. President Zia told me that he believes the Soviets are using Afghanistan as a partner to promote drug trafficking to the West.

President Zia has assured me that his nation will give a higher priority to the fight against heroin trafficking, in terms of both money and manpower. His nation also said it would take action against any heroin refineries or banks involved in laundering drug money identified by the United States.

He said his nation would welcome additional personnel and training from both the U.S. Customs Service and Drug Enforcement Agency, as well as agricultural assistance to encourage substitute crop planting in what are currently opium fields.

We have an ally in Pakistan—an ally who is in a position to assist us from a strategic standpoint and in working toward the elimination of the dangerous, illegal heroin that ruins more American lives every day. I think President Reagan has done well in recognizing the importance of a constructive relationship with Pakistan. I think my colleagues in the Senate would do well to encourage and continue that policy.

Mr. President, I ask unanimous consent that an article from the February 5, 1984 Parade magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Parade Magazine, Feb. 5, 1984]

CAN WE HELP A FRIEND WHO IS HELPING OTHERS? A REFUGE FROM WAR

(By Tad Szulc)

Should the Soviet Union attempt to seize power in the oil-rich Persian Gulf, the United States could prevent it only with the help of Pakistan—our one firm ally in southwest Asia.

But our friend's position is precarious. Haven for 3 million refugees from Soviet-occupied Afghanistan, a great many of whom are children, Pakistan finds itself increasingly imperiled—isolated amid the international storms raging around it and threatened from within by growing political pressures. The U.S., which finally, if belatedly, has begun to pay more attention to this nation of 90 million Moslems, cannot afford to ignore the dangers to Pakistan's stability.

As I flew recently en route to Pakistan over the Strait of Hormuz, the entryway to the Persian Gulf, symbols of the drama became visible. I could see the long line of oil-laden tankers, lifeline of the industrial West, steaming out toward the Indian Ocean. Later, near the legendary Khyber Pass in the bleak frontier mountains, I joined Pakistan troops guarding the Afghanistan border; from there, Soviet helicopter gunships are often observed swooping down to attack anti-Soviet Afghan guerrillas.

I also visited, in his home, Pakistan's controversial president, 59-year-old Gen. Mohammed Zia-ul-Haq. "In this vital region," Zia told me emphatically, "Pakistan stands today as the isolated bastion of the—free world . . . Pakistan safeguards the vital interests of the U.S. in the Persian Gulf, in southwest Asia and in this immediate region."

In the event that U.S. combat forces are engaged in the defense of the gulf—and the Reagan Administration, as the Carter Administration before it, is committed to engage them—access to air and naval bases in Pakistan would be vital to U.S. success. Because it borders on Afghanistan, from which a Soviet assault would most likely be launched, Pakistan would be the logical center for the defense of the southern part of the Persian Gulf. And, most important, the Pakistanis already provide military support to most of the gulf nations and quietly make it possible for anti-Soviet guerrillas in Afghanistan to keep fighting.

A superpower confrontation in this explosive region is, of course, a possibility. The U.S. and the Soviets both consider the Persian Gulf, already endangered by the ongoing Iran-Iraq war, crucial to their strategic interests. If access to the Persian Gulf—and thus to 20 percent of all oil consumed by the West—were threatened, the U.S. government has said it would engage marines, soldiers, sailors and airmen of the Rapid Deployment Force to keep the gulf open. The Soviets, who now virtually encircle Iran on the gulf's coast, are certain to respond in kind. The outcome could well depend on Pakistan's willingness to let U.S. forces use its bases.

President Zia and his political and military advisers shy away from public discussion of how Pakistan actually acts in support of Western interests. However, as I learned in Pakistan, this is what is happening there:

Since the December 1979 Soviet invasion of Afghanistan, Pakistan has accepted 3 million Afghan refugees, one-fifth of Afghanistan's population—a huge drain on Pakistan's resources.

These refugees, who are mainly concentrated in districts adjoining the border, have become a manpower source for the anti-Soviet guerrillas in Afghanistan arrayed against the 110,000-man occupation army. And the 60 refugee camps around Peshawar in Pakistan's Northwest Frontier Province are rebel sanctuaries. This may explain why aircraft with Afghan markings repeatedly violate Pakistani airspace—to gather intelligence about the camps and rebel movements. In September, a Pakistani village actually was bombed.

At the Kacha Garhi camp on the outskirts of Peshawar, an administrator told me that the refugees have devised a system for their men to go back to Afghanistan "turn by turn" for three to six months to fight the Soviets. Often, the fighters return to Pakistan just long enough to recuperate inside the border, then go back to do battle. Wounded Afghans are treated at Pakistani hospitals, with no questions asked. In the camps, parents teach their children never to lose faith in Afghanistan's future freedom.

Weapons for Afghan freedom fighters are channeled through Northwest Frontier

Province—there is no other route—although the government in Islamabad, Pakistan's capital, does not officially acknowledge this trafffic. The arms are known to be collected and delivered by the U.S. Central Intelligence Agency as well as by China and Egypt, with much of it being financed by Saudi Arabia.

To cover up Western involvement in support for the anti-Soviet guerrillas (it can now be reported for the first time), Soviet-made arms are secretly purchased from Israel, which captured them from Syria and Egypt in past wars. The rebels could not survive without this aid, although so far not enough is available to them—surface-to-air missiles for use against Soviet planes and helicopter gunships are needed the most.

President Zia went out of his way to emphasize the importance of the Afghan freedom fighters to Pakistan's own security. "Today it is Afghanistan," he said, "but tomorrow it may be Pakistan. They are buying time for Pakistan."

The presence of Pakistani military and technical personnel in the Persian Gulf countries, including Saudi Arabia, is meant to assure security as well as orderly economic development, and it is absolutely essential for stability in the region. "In every country of the Persian Gulf," President Zia told me, "you find Pakistani laborers, technicians, educators, doctors. Whenever help is required, we are there. And we also have a little bit of military influence."

The president was being modest. There are Pakistani military advisers in key positions in most Persian Gulf countries—notably in Oman at the mouth of the Strait of Hormuz, gateway to the gulf. In addition, Western military experts say that more than 10,000 Pakistani troops have been quietly assigned to Saudi Arabia to bolster security for the kingdom's ruling family following the 1979 assault by fanatics on the holy mosque in Mecca.

But, as President Zia kept reminding me, his country is isolated and surrounded by conflict and hostility. A glance at the map suffices to explain Pakistan's importance—and vulnerability:

Afghanistan, to the northwest, has been under Soviet occupation for four years, enabling the Russians to establish a powerful presence in southwest Asia. Only a Pakistani province, Baluchistan, stands between them and the Indian Ocean. The Soviets have built six strategic airfields in Afghanistan and permanent bases for ground forces.

Iran, to the west, remains in the throes of a violent religious revolution with passionate anti-Americanism as its hallmark, and it may well be on the threshold of victory in its war with Iraq, which would further weaken what is left of stability in the Middle East. The Persian Gulf and its vast oil reserves are hostage to the Iran-Iraq conflict. But Pakistan wields influence in the region that the U.S. hopes will help to avert a disaster.

To the east of Pakistan lies India, a neutralist power with close political and military links to the Soviet Union. India is regarded by the Pakistanis as a natural enemy, and the two nations have had three wars since British India was partitioned to create an independent Pakistan nearly 37 years ago.

It is, of course, crucial to the U.S. for Pakistan to maintain its pro-Western posture, and the Reagan Administration (unlike the Carter Administration) has moved to recognize this fact. The U.S. has granted Pakistan a $3.2 billion aid package—divided equally between economic and military credits—over a five-year period, including the sale of 40 F-16 jet fighter-bombers, the most advanced in the U.S. arsenal. Six of them already have arrived.

But President Zia recognizes that the planes alone will not assure his nation's security. "It is immaterial whether you have five F-16s or 500 F-16s," he said. "As long as people know that the United States of America is willing to ensure the security of Pakistan—that's all."

U.S.-Pakistan relations have a history of misunderstandings—even though, since its independence in 1947, Pakistan has been a committed U.S. ally, while India has taken the road of neutrality.

In 1971, Pakistani secret diplomacy led to the opening of U.S. relations with China. But years elapsed before the U.S. lifted its standing embargo on military sales to Pakistan (while India kept being supplied by the Soviets). In 1979, military assistance was again curtailed because of suspicions that Pakistan was developing a nuclear weapon (India had exploded a nuclear device in 1974).

These suspicions have not been entirely allayed, and I asked President Zia to state for the record Pakistan's nuclear policy. "Pakistan has neither the means nor the intentions, nor the capability, to enter the military field of nuclear technology," he said. "But Pakistan will certainly try its level best to have nuclear technology for peaceful purposes only because we have no other alternative." Officially, the U.S. accepts this explanation, which made possible the F-16 sale.

Another problem, not publicly raised by the U.S. government, has to do with the character of the Pakistani regime. President Zia has ruled Pakistan in a highly authoritarian fashion since he led the armed forces in a coup in 1977—to this day, the country has lived under martial law—and Washington comes under criticism for being allied again with a military dictatorship.

This criticism has increased since demonstrations against the regime erupted in Sind Province last August. According to the government, 61 persons were killed between August and November and 4,691 have been arrested, roughly half of whom have been released. An unknown number of demonstrators were punished with flogging, permitted under Islamic law.

The Sind demonstrations, which have not spread to other parts of Pakistan, were organized mainly by the Movement for the Restoration of Democracy to demand immediate presidential elections. They were triggered when Zia announced that only parliamentary elections would be held, sometime in 1984, and that parliament may subsequently be allowed to choose a new president. But there is a great deal of skepticism that full-fledged democracy will soon return to Pakistan. The military is unlikely to give up its sway over the country, and some observers think that internal unrest will keep growing.

Aside from the repression in Sind Province, President Zia's rule does not appear excessively oppressive. The press practices self-censorship but publishes accounts of political strikes and demonstrations and often criticizes the government. Ministers are required to explain their policies before Pakistan's appointed federal council, which has no legislative powers but asks probing questions.

Pakistan, nevertheless, is a volatile society, and violence comes easily, especially when religious motives are involved. In November 1979, for instance, a crowd burned down the U.S. Embassy in Islamabad after Iran's revolutionary radio accused the CIA of staging the attack on the mosque in Mecca. Senior officials in the Pakistan government told me that Zia's opposition aims not only at the restoration of democracy but also at deep changes in foreign policy, such as making Pakistan neutral and ending support for the Afghan rebels. Such changes, these officials say, would push Pakistan away from the U.S. and the West. Advisers contend that the U.S., which can't afford to lose friends, should make Pakistan a top priority.

FRIENDS OF IRELAND—ST. PATRICK'S DAY STATEMENT 1984

Mr. KENNEDY. Mr. President, on behalf of the Friends of Ireland, I ask unanimous consent that this year's St. Patrick's Day statement, submitted today, may be printed in the RECORD.

There being no objection, the statement was orderd to be printed in the RECORD, as follows:

FRIENDS OF IRELAND—ST. PATRICK'S DAY STATEMENT

St. Patrick's Day 1984 arrives at a time of anticipation for all in the United States who are friends of Ireland and who seek progress toward a peaceful resolution of the conflict in Northern Ireland.

It is true that savage act of terror perpetrated in recent months remind us of the never-ending violence that has been the reality of life in Northern Ireland since 1969. Sectarian slayings by paramilitary assassination squads, the machine gunning of a congregation at prayer, the bombing of Christmas shoppers in London, the murder of public officials and elected representatives, and other senseless assaults proclaim the festering tragedy of Northern Ireland, where killing is no respecter of frontiers. Once again, the violence crossed the border to the Republic of Ireland, where the first Irish soldier ever was slain by the Provisional IRA.

Time no longer takes the side of peace in Northern Ireland; we are mindful of the words of Yeats that "Too long a sacrifice/ Can make a stone of the heart."

We unreservedly condemn the acts of violence on both sides; we renew our urgent appeal to all Americans to renounce the path of the bomb and the bullet and to reject the pleas of those who seek by word or deed or dollar to promote or condone the cause of violence.

Despite the killing and destruction, an emerging reality of a different sort gives hope on this St. Patrick's Day to the promise of a brighter future. We have been heartened by the work of the New Ireland Forum, which convened in Dublin in May 1983. Through the courageous and painstaking efforts of nationalist political leaders, the Forum is developing new approaches to dispel the underlying causes of the violence and relieve the heavy burden borne by the Irish people in human suffering and shattered hopes for progress and justice.

We urge all political leaders in Northern Ireland to review the Forum's work with open minds and open hearts. We hope that the report and recommendations of the Forum, soon to be issued, will be the basis for a new beginning in Ireland and for genuine progress toward peace and reconciliation. At this auspicious time, as the participants of the Forum approach the end of their deliberations, we wish them success in their historic effort to conceive a future that fully protects the rights and fairly reflects the aspirations of all the Irish people and each of the communities in Northern Ireland.

We also welcome the resumption during the past year of discussions on Northern Ireland between the Irish and British Prime Ministers. We commend the growing recognition in Great Britain that the problems of Northern Ireland cannot be met by security measures alone, but require a long-term political solution, acceptable to the Irish and British Governments and to the poeple of Northern Ireland. We ask the British Government to give urgent and continuing priority to Northern Ireland in the coming year and to consult closely with the Irish Government in the search for a solution. The work of the New Ireland Forum is a timely opportunity for a new and broader-based initiative to succeed.

The United States also has a role to play in facilitating the essential process of reconciliation within Ireland and between Britain and Ireland. We look forward to the visit this week by the Prime Minister of Ireland, Dr. Garret FitzGerald, his discussion with President Reagan, and his address to a joint meeting of the Congress. We hope as well that President Reagan will use the opportunity of his own visit to Ireland and Britain in June to explore the many ways—diplomatic, political, and economic—in which the United States can contribute to the search for peace.

As Friends of Ireland in the Congress, we renew our support for the great goal of Irish unity, and we pledge in the coming year to continue our efforts for peace and reconciliation. We intend to build on the relationships we have already developed with Ireland's political leaders, both north and south, including the links we have established with the Irish Parliament. We are heartened by the support we have received from our colleagues in Dublin whom we welcomed on their visit to America last July. We look forward to productive new exchanges in the future.

Above all on this St. Patrick's Day, we reaffirm our commitment to peace in Ireland and to a future in which all the Irish people—from both traditions and from north and south—will prosper and advance together. The attainment of this new Ireland is the worthy goal of all the United States who are truly friends of Ireland.

UNITED STATES SENATE

Edward M. Kennedy, Daniel Patrick Moynihan, Christopher J. Dodd, Max Baucus, Joseph R. Biden, Jr., Jeff Bingaman, Bill Bradley, Dale Bumpers, Robert C. Byrd, Thad Cochran, William S. Cohen, Alan Cranston, John C. Danforth, Dennis DeConcini, Alan J. Dixon, Pete V. Domenici, David Durenberger, Thomas F. Eagleton, John Glenn, Gary Hart, Orrin G. Hatch, John Heinz, Ernest F. Hollings, Daniel K. Inouye, Frank R. Lautenberg, Paul Laxalt, Patrick J. Leahy, Carl Levin, Spark M. Matsunaga, John Melcher, Howard M. Metzenbaum, George J. Mitchell, Claiborne Pell, William Proxmire, Dan Quayle, Jennings W. Randolph, Donald W. Riegle, Paul S. Sarbanes, Jim Sasser, Arlen Specter, Paul E. Tsongas, Lowell P. Weicker, and Pete Wilson.

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AID TO TURKEY

Mrs. HAWKINS. Mr. President, I recently offered a few remarks here on the floor of the Senate regarding the important steps that the Government of Turkey has taken to curb the cultivation of illegal opium poppies. The war on drugs is a serious matter, and I believe that we owe a debt to those countries that join us in combating this dirty business.

Aid to Turkey has become an issue for this Congress because of the President's request to provide increased economic and military support to the newly democratic government in Ankara. On Wednesday, March 7, 1984, the Subcommittee on Europe of the Senate Foreign Relations Committee held hearings on international security assistance to Southern Europe—which includes Turkey. Among the witnesses was former American Ambassador to Turkey, Parker Hart. Ambassador Hart is one of our foremost experts on the Eastern Mediterranean and his thoughtful remarks deserve wide distribution. Ambassador Hart points out Turkey's value to the NATO defense of Europe, and the unsuccessful impact of the 1975 arms embargo to Turkey which further weakened the NATO southern flank and gained us no leverage regarding the situation on Cyprus. His testimony raises some important issues that I believe we must address as we face the issue of increased aid for Turkey.

Mr. President, I ask unanimous consent that the statement by Ambassador Hart be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY BEFORE THE EUROPEAN SUBCOMMITTEE OF THE U.S. SENATE COMMITTEE ON FOREIGN RELATIONS, MARCH 7, 1984

Mr. Chairman: My interest in appearing here today stems from many years in the U.S. Foreign Service, specializing in the Middle East and in working on U.S. strategic problems of that area. This experience culminated in my posting as Ambassador to Turkey, 1965-1968, and my brief period as Assistant Secretary of State, 1968-1969. Since my retirement from Government in 1969 and my close affilitation with our National Defense University at Ft. McNair, I have followed with great concern the problems of the Southeast Wing of NATO. These have been deeply affected by episodic tensions between our allies Greece and Turkey over Cyprus and over bilateral issues in the Aegean seabed and in the air above it.

Our security problems were deeply aggravated by the action of our Congress in 1975 when it placed an embargo on arms to Turkey against the publicly expressed judgment of President Ford. That action dealt a severe blow to the capability of Turkey to perform its role designated by the Supreme Allied Commander, Europe. That role is crucial to the defense of NATO's Southeast region. To me and to many other close observers of the region that was a most irresponsible action and I come here today to urge that it not be repeated. I further urge that the Administration's request for military assistance to Turkey not be cut or diluted. In fact, I strongly recommend that, as in the case of Egypt and Israel, the military aid be entirely grant. Unlike those two countries, Turkey has a direct exposure to the Warsaw Pact of well over 1000 miles of land and closed-sea frontier.

Turkey's table of organization and equipment is far below the degree of modernization and readiness which is absolutely essential to deter—and to tie up in time of crisis—the massive superiority of ground, air and sea forces which face NATO's flank from the Caucasus, the Black Sea and Bulgaria.

When I was ambassador in Ankara, Bulgaria alone had as many standing diversions as Turkey, roughly 13, with considerable mechanization and air cover. The U.S.S.R. had several times that strength in the Caucasus, not to mention the Ukraine. The Warsaw Pact is estimated to have 75 divisions with huge air and sea powers which could be directed at once against Turkey and the Straits from many angles. Even with the help of a NATO quick reaction force from Europe it has been clear that Turkey would at once be engaged in a desperate struggle by its 740,000-man standing army, second largest in NATO, to keep its footing and to close the Straits.

Turkey's mission is to bottle up the enemy so as to protect NATO-South from a massive Soviet submarine and missile-bearing surface presence in the Eastern and Central Mediterranean. It still relies on the M-47 and M-48 tank of Korean War vintage.

Its F-5 aircraft, delivered while I was there in 1966, are obsolescent and must be replaced by the F-16, already delivered by us to Egypt and Israel. It will be co-produced in Turkey, but deliveries for use by the Turkish Air Force will not occur before 1987. Turkey's pilots are excellent as is the quality of its service personnel generally. Turkey's resources are stretched very thin, however. Its GNP, while improving dramatically since my service time in Ankara, is still the lowest in NATO; yet the 5.8 percent of

GNP it spends on defense is the highest in the alliance. Even that 5.8 percent does not represent the full cost, as Turkish soldiers get pocket-money only. Their families must send funds. You have heard that our Government estimates it would cost $60,000 to outfit and place one American soldier in Turkey. It costs the Turks $9,000.

I need not emphasize to this body what it would do to NATO's Central Front if the Warsaw Pact, already preponderant on the ground and in the air, were able to polish off quickly Turkey's defense capacity.

There is a converse side to all of this. The embargo of 1975 did absolutely nothing to solve the Cyprus question, but it did lasting damage to NATO interests and also to the foundation of trust which underpins U.S.-Turkish relations. The Turkish Government of the day, an elected one, had to react and it shut down our listening posts directed toward the U.S.S.R. They were reopened after the embargo was repealed just in time for us to witness the permanent loss of those we had built and used in Iran. A renewed closure of the posts in Turkey is not something we and NATO can afford. The Turkish-American relationship cannot endure a third body-blow after the Lyndon Johnson letter on Cyprus of 1964 and the embargo of 1975.

Mr. Chairman, a fair and impartial solution to the Cyprus problem is very much in our interest and will not be easy to attain, as the tortured history of intercommunal talks, begun in 1968, clearly shows. I have followed this quarrel for 26 years. Neither side has demonstrated much virtue or statesmanship. Both have simply shown that they can no longer live co-mingled, as they did for 82 years under British rule and earlier for 400 years under the Ottoman Empire. A settlement would make unnecessary any large Turkish military presence on the Island, but it would not restore Greek-Cypriot rule over Turks.

But, Mr. Chairman, Cyprus of itself by no stretch of imagination can compare with Turkey or Greece as a NATO and therefore a U.S. security imperative. Cyprus is at best a non-aligned state with a population about the size of that of the District of Columbia. Its Nicosia government is independent on an alliance with AKEL, the strongest Moscow-dominated party—in the Eastern Mediterranean. The policy of AKEL is to remove the British Sovereignty bases and to attack any semblance of military use of Cyprus soil by the U.S. Not a day goes by without an AKEL press attack of the U.S. and NATO and without praise for the USSR.

Mr. Chairman, we cannot afford to mortgage NATO again to this very parochial quarrel. It is likely to go on for quite a while, at least until we leave it alone and let Peres de Cuellar handle it. Punishing Turkey will not advance a Cyprus settlement one iota. Demanding that Turkey withdraw its troops before protection of the security and of the right to group equality of the Turk-Cypriot community is assured, is to ask the impossible. No Turkish Government is going to abandon that community to a repeat of the treatment it suffered from EOKA extremists of the period 1963 to 1974. Whether we find it logical or not, Turk-Cypriots will not accept minority status under Greek-Cypriot rule. Any federation or confederation agreed upon will have to provide full local autonomy and the capacity for local defense.

Cooperation between Turkey and Greece in NATO is essential to U.S. security. There is no American or Western European substitute for this on-the-ground manpower, equipment and training. Together they share guardianship of the Straits and its approaches. For either to be seriously weakened is to impose an impossible defense burden on the other; and, as has been pointed out by Averoff, former Defense Minister of Greece, Turkey is essential to the security of Europe, including that of Greece. I may add that Turkey is also the principal rock of stability in a very uncertain Middle East and since its return to elected government, it sets an example favorable to our interests in that region as a whole. It is the only parliamentary government functioning successfully in the Islamic world. In my view, its diplomacy in the Middle East has been far more sophisticated and effective than our own in recent years.

I therefore appeal to this Subcommittee to place the higher U.S. and NATO interests in first priority as it reviews the military aid program proposed by our Administration for Turkey and for Greece and not bind ourselves by ratios such as 10-7, by inacceptable conditions or by outright cuts responsive to the wishes of certain domestic pressure-groups in this country.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. Kassebaum). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Madam President, all time for the transaction of routine morning business has expired, I believe, and I ask the Chair to state the business before the Senate.

The PRESIDING OFFICER. Morning business is closed.

VOLUNTARY SCHOOL PRAYER

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, Senate Joint Resolution 73, which the clerk will state.

The bill clerk read as follows:

> A joint resolution (S.J. Res. 73) proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Madam President, after more than a week of debate on allowing prayer in public schools, the central issue in my view remains the neutrality of government in the decision to pray or not to pray.

That neutrality does not exist today. A series of court decisions has created an official bias against the free exercise of religion in public schools, despite the Constitutional guarantee of the right to that free exercise.

And so I have concluded that we have no choice but to amend the Constitution to make still more explicit the neutrality of government in the free exercise of religion.

The gentleman from Connecticut, Mr. Weicker, who has ably led the opposition to such a constitutional amendment, contends that school authorities have no right to prescribe a prayer for recitation by students. I agree.

The gentleman from Connecticut contends that there is no single prayer which could satisfy the ecclesiastical requirements of all religions. I agree.

The gentleman from Connecticut contends that the business of public schools is education and not religion, and I agree.

Indeed, our points of agreement are so many that I sometimes wonder how we arrived on different sides of the question at hand. And I question the accuracy, as well as the authenticity, of the letter my friend from Connecticut received last week stating "Keep up the good work" and signed "the Devil."

But we do find ourselves in disagreement over the question of whether any prohibition on public prayer is, or should be, constitutional. Mr. Weicker says "Yes." I say "No."

After 10 days of debate, Madam President, the issue has been clearly drawn, and competing views on the issue have been clearly and comprehensively stated.

I am pleased to see that, at least partly as a result of the Senate's extended consideration of this subject, the Civil and Constitutional Rights Subcommittee of the House Judiciary Committee has now scheduled hearings on the prayer in school issue.

As for the Senate, the time is at hand now to vote and to work our will on this important issue. The President has proposed an amendment, to which the Committee on the Judiciary has added language making clear that no official authority would be able to prescribe or mandate the substance of any prayer.

A vote on the President's amendment, as perfected by the committee language, will give us a fair accounting of the Senate's support or opposition on the prayer issue, and I hope we will take that vote no later than tomorrow.

UNANIMOUS-CONSENT REQUEST

Madam President, the unanimous-consent request I am about to put, I believe, will not be granted, but it is the request that I described last evening. I have supplied copies of it to the distinguished Senator from Connecticut and the distinguished minority leader. The distinguished Senator from Illinois is aware of its contents, I believe, as are other Senators here and on the floor.

Madam President, I ask unanimous consent that at 3 p.m. on Thursday, March 15, the Senate proceed to vote up or down on the committee amendment to Senate Joint Resolution 73.

I further ask unanimous consent that no other amendments be in order to Senate Joint Resolution 73 or the committee amendment.

Further, I ask unanimous consent that following the vote on the committee amendment, the Senate proceed to vote, without any intervening debate, motion, appeal, or point of order, on Senate Joint Resolution 73 as amended, if amended, and that paragraph 4 of rule XII be waived.

Madam President, I do not now put the request. I wish to be recognized.

The **PRESIDING OFFICER**. The majority leader is recognized.

Mr. **BAKER**. Madam President, I will take just a moment, and then I will officially put the request.

We have spent 10 days now on this matter, and I pledged at the beginning of this debate that nobody was going to hurry to judgment, that we were going to try to deemotionalize this issue and give everyone an opportunity to speak. The fact that we have not had many takers does not detract from the fact that we have created an opportunity for Members to address this issue as they may wish.

I will not speak at length on the matter, except to say that it is still my desire to see this matter addressed by Congress and dealt with in this session, at this time, by the Senate. It is my objective not to pass a resolution that bears my name, but to pass a resolution to be submitted to the States which will make the State absolutely neutral in the matter of prayer, which I believe it is not now.

In any event, after these 10 days, it is time to get on with the votes.

I have already recited my conversation with the distinguished Senator from Connecticut on yesterday and today. I am grateful to him because he still is agreeable to voting on the pending business—not only the pending question, which is the committee amendment, as I understand it, but also on the resolution itself, which is the present prayer amendment. I thank him for that.

However, I am afraid that there will be an objection to it. I understand the reason why. I understand that the Senator I expect to object is well within his rights. But I hope Senators will understand that I have a responsibility to try to get this matter to judgment.

Therefore, Madam President, at this time I put the request I just stated.

The **PRESIDING OFFICER**. Is there objection?

Mr. **DIXON**. Madam President, reserving the right to object, I must say to my distinguished friend and colleague, the majority leader, that I voice this objection with the deepest reluctance, in view of his outstanding reputation for fairness to all Members of this body.

The reason for my objection is that the unanimous-consent request stated by the majority leader, in effect, narrows the issue before the U.S. Senate to a single up or down vote on the President's own request for his own constitutional amendment, in the terminology that the President and his supporters want, with no opportunity for the Members of the U.S. Senate to discuss all the other important questions that ought to be before this body and that are current in public thought in America.

This Senator stands for silent prayer and reflection in the public schools and for equal access in the public schools by all religious groups to exercise, on a voluntary basis, their own religious thought. But this Senator does not support audible, vocal prayer in the schools, nor does this Senator support any concept by virtue of which some prayer can be written by anybody and suggested to others as the prayer that should be recited in public schools.

My friend the majority leader is a fine man, and I know that he is dedicated to what he must do here, and he has a responsibility here. I wish I could accommodate him, because I know of no one in the Senate who is more accommodating to others. But what my friend wants to do here is to narrow a major debate in this country, affecting hundreds of millions of people, to a single question, when there are many other questions.

I have said to the majority leader, to the Senator from Connecticut and to others, that this Senator is perfectly willing to do anything to accommodate all points of view. I am willing to go to a time agreement by which we would take up every amendment and give 10 minutes to a side—not much time—and dispose of that amendment. I am willing to do that.

I said to the majority leader that I am willing to vote on the President's amendment, up or down—and I believe he will lose—and then come to my amendment; or—and I do not have pride of authorship—to the amendment of the Senator from Utah, which is also an amendment on silent prayer and equal access. I am willing to do that.

I am willing to do almost any reasonable thing to accommodate this place except to deny to the hundreds of millions of Americans who are watching this debate their right to be heard on any other question but the single question of what the President wants.

I like the President. He is entitled to want what he wants. This Senator wants something else, and they told me before I came to this place, maybe erroneously, that this is the most deliberative body in the world and if it is, we are on one of the issues that go to the very central core of our life in this country.

I wish to suggest that Americans would like to have us vote more than once. I am willing to vote however many times we have to vote on the issue starting right this moment when I conclude these remarks until every Senator here has had an opportunity to express his or her own point of view on every part of the issue so far as it affects education, the schools, and the right to worship your God according to the dictates of your own conscience.

So I wish, Madam President, that I could accommodate my friend, and I wish I could accommodate the other 98 Senators, exclusive of my friend and myself in this place, but I cannot.

I am willing to do anything at all to accommodate him and my friend from Connecticut and any other Senator here in connection with anything they want to do on any kind of time limitations, on any order of business or anything at all that will give us an opportunity to vote on anything but the single question the President wants us to vote on. I have rejected that out of hand, and I cannot accommodate my friend on that.

Mr. **BAKER**. And the Senator objects.

Mr. **DIXON**. And I do object, Madam President.

The **PRESIDING OFFICER**. Objection is heard.

The majority leader is recognized.

Mr. **BAKER**. Madam President, I have enormous respect for the Senator from Illinois. He is an invaluable Member of the Senate, and I have high regard for him, and that is why I said in my remarks preparatory to putting the request that he is perfectly within his right to make the point that he has just made and to make the objection he has just made.

What I am about to say is not in defense of my own position, but rather to explain why now after 10 days I was compelled to put this request. It goes back, as so many of my experiences do, to my early life and my father taught me practicing law that you can negotiate forever but finally a jury will make a judgment.

So it is here. We can argue forever and we can try to put together a synthesis of ideas and agreed language, but finally the Senate must work its will, and after 10 days it is time to begin that.

I thank the Senator from Illinois for his kind words and I know he will accept this explanation in the spirit in which it is intended.

Madam President, I inquire of the Chair what is the pending question?

The **PRESIDING OFFICER**. The pending business is the committee amendment.

Mr. BAKER. Madam President, I ask for the yeas and nays on the committee amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Madam President, I am perfectly willing at this time now for the Chair to put the question on the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DIXON. Madam President, has the committee amendment been read to the Senate?

The PRESIDING OFFICER. Yes, it has been read, I say to the Senator from Illinois.

Mr. BYRD. Madam President, as I said last night, I am perfectly agreeable to what the distinguished majority leader has proposed.

Personally, I would be glad to vote on this committee amendment and then go immediately to the resolution in which event I would vote for the resolution whether it is amended or not. But I only express my own viewpoint as a Senator from West Virginia in saying that. I certainly have no objection to voting on this pending amendment now.

I think that Senators should understand what they are about to vote on and be given a little time in view of the fact that we had not announced previously that there would be a vote occur on this amendment at this particular time.

I am sure that the majority leader would not only understand my purpose in suggesting the absence of a quorum but he would probably be agreeable to that if he were asked.

I suggest the absence of a quorum.

Mr. BAKER. Madam President, will the Senator withhold that a minute?

Mr. BYRD. Yes; I am happy to withhold.

Mr. BAKER. I do understand, and I think the minority leader would acknowledge that I spoke to him just before I made my request and said as far as I was concerned after the request was dealt with, as it has been, we could go ahead and vote on the committee amendment.

So I just wish for the RECORD to show that I indicated as much to the minority leader and to the Senator from Connecticut and others.

But Senators should have an opportunity to be advised of this in advance and I wonder if the minority leader might be willing to examine the possibility of setting a time certain for the vote on the committee amendment.

Mr. BYRD. I am glad to.

Mr. BAKER. Say, at 1 p.m.

Mr. BYRD. Yes, I will be glad to.

Mr. BAKER. Madam President, I ask unanimous consent that time for the vote on the committee amendment occur at 1 p.m.

Mr. BYRD. I must say I could not agree to that. As a matter of fact, I am concerned. Personally, I would be glad to vote at 1 p.m. Additionally, I will be happy to run the wires on that probably.

Mr. BAKER. Very well.

Madam President, then I yield so the minority leader once more may suggest the absence of a quorum.

Mr. BYRD. I believe I have the floor.

Mr. BAKER. I apologize. The Senator does have the floor.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. HATFIELD. Madam President, will the Senator yield for a question?

Mr. BYRD. I am glad to yield for a question.

Mr. HATFIELD. If we are going to give opportunity for notification of Senators that a vote may occur shortly, rather than wasting our time, so to speak, in a quorum call, I wonder if the leader would consider possibly putting the question before us, setting aside by unanimous consent the current business, and let us get on with this supplemental that was reported out of the Appropriations Committee?

People are cold in this country, and they would like to get some heat in their houses, and we should be able to move that I think within the half hour between now and whatever time we vote.

Mr. BAKER. Madam President, will the Senator yield to me so that I may add to that?

Mr. BYRD. I yield to the majority leader at that point.

Mr. BAKER. I need just a moment to make any final clearance, but I believe we can do that.

I thank the Senator for yielding.

Mr. BYRD. Does the Senator from Washington wish me to respond?

Mr. BAKER. Oregon. The Senator is from Oregon.

Mr. BYRD. Oregon.

Mr. HATFIELD. The Senator from Oregon would be very delighted to yield to the minority leader, but it was once known as the Oregon country, and then we cut out the heart of the watermelon and make the rest of the State, and the remainder of the rind was for Washington State.

I am very happy to yield.

Mr. BYRD. I can understand the good Senator and very able Senator and great friend of mine, and I say that advisedly and after much consideration. He is a great friend of mine. I can understand the umbrage that the Senator may or may not have taken. I quite often feel that same way about the great State of West Virginia when people say to me, "Well, I have been down to your father's apple orchards," and, "Oh, I know some people in Richmond," and so on and so on.

So I try upon every such occasion to stand firmly in defense of the sacred name of my great State of West, by golly, Virginia.

Does the Senator and the majority leader wish me to inquire of my colleagues as to whether or not they would be agreeable to going on the other bill?

Mr. BAKER. Yes.

If the Senator will yield, I would like just a moment to do my final clearances, which I do not think will take more than 5 minutes, if the minority leader would be inclined to run his traps, as we say, and see if we can agree to take up the supplemental on low-income energy assistance. Then I would be happy to try to do that while we are trying to clear a vote at 1 p.m. on the committee amendment.

Mr. BYRD. I say to the Senator from the State adjoining the State of Washington that I beg his indulgence and I say, as he knows, it was not international. Suppose we try on our side to see if we can proceed in the manner that the Senator from Oregon has suggested.

Mr. HATFIELD. I thank the Senator.

Mr. BYRD. In the meantime, does the Senator wish a quorum?

Mr. BAKER. The Senator has the floor, and if he would suggest the absence of a quorum, I think it would be highly appropriate.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

Mr. BAKER. Mr. President, what is the pending question?

The PRESIDING OFFICER. The committee amendment is pending.

Mr. BAKER. I ask the Chair to request the clerk to state the committee amendment.

The PRESIDING OFFICER. The clerk will state the committee amendment.

The legislative clerk read as follows:

> On page 2, line 9, strike the word "prayer" and insert in lieu thereof "prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools."

Mr. BAKER. Mr. President, I simply wish to say that although this is a committee amendment and was added after the President's resolution was introduced, the President and the administration support the committee amendment.

VOTE ON COMMITTEE AMENDMENT

The **PRESIDING OFFICER**. The question is on agreeing to the committee amendment on page 2, line 9. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. **STEVENS**. I announce that the Senator from Maryland (Mr. Mathias) and the Senator from Illinois (Mr. Percy) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. Percy) would vote "yea."

Mr. **CRANSTON**. I announce that the Senator from Ohio (Mr. Glenn) and the Senator from Colorado (Mr. Hart) are necessarily absent.

The **PRESIDING OFFICER**. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—96

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Evans
Exon
Ford
Garn
Goldwater
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NOT VOTING—4

Glenn
Hart
Mathias
Percy

So the committee amendment on page 2, line 9, was agreed to.

Mr. **THURMOND**. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **BAKER**. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The **PRESIDING OFFICER**. Is the majority leader seeking recognition?

Mr. **BAKER**. No.

The **PRESIDING OFFICER**. The Senator from Illinois.

AMENDMENT NO. 2782

(Purpose: To provide a constitutional right for silent prayer or silent reflection in public schools)

Mr. **DIXON**. Mr. President, I call up my amendment No. 2782, which is at the desk, and ask for its immediate consideration.

The **PRESIDING OFFICER**. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois (Mr. Dixon) proposes an amendment numbered 2782.

On page 2, beginning with line 6, strike out all through line 11 and insert in lieu thereof the following:

"Section 1. Nothing in this Constitution shall be construed to prohibit individual or group silent prayer or silent reflection in public schools. No person shall be required by the United States or by any State to participate in such prayer or reflection. Neither the United States nor any State shall compose any prayer or encourage any particular form of prayer or reflection.

"Sec. 2. The authorization by the United States or any State of equal access to the use of public facilities by student voluntary religious groups shall not constitute an establishment of religion."

The **PRESIDING OFFICER**. The Senator from Illinois.

Mr. **DIXON**. Mr. President, Senators have just heard the clerk read the amendment that I have offered. This is an amendment that simply permits silent prayer or silent reflection in the public schools. I want every Member of the Senate to know this: for years in the State of Illinois that has been the law. I want to read from the 1969 Illinois statute:

> In each public school classroom the teacher in charge may observe a brief period of silence with the participation of all the pupils therein assembled at the opening of every school day. This period shall not be conducted as a religious exercise but shall be an opportunity for silent prayer or for silent reflection.

The second section of my amendment permits voluntary religious groups to have access to the schools. Every Member of the Senate ought to know this. The U.S. Supreme Court has already ruled that, with reference to college and university students, they do have equal access to the schools for voluntary religious purposes. There is nothing the matter with giving that same right to the common schools and to the high schools of this great land of ours.

Let me make this point clear to my friends in the Senate so that nobody misunderstands what the Senator from Illinois is doing. I would have been happy to give the President the vote on his amendment first. This is what you have to understand. I was willing to give the amendment of the President the first vote so that we could vote here as Members of the U.S. Senate on whether we were audible, vocal prayer in the schools with a structured form of prayer. I was willing to do that. But the majority leader did not want to do that. My friend from Connecticut, who opposes any kind of prayer, did not want to do that.

Why did they not want to do that? I will tell you why they did not want to do that. They did not want to do that because they know that the amendment offered by the President will go down. They know it will go down. The votes are not here for that amendment. I say that to America as a whole. The votes are not here for an audible, vocal structured prayer in the school. It is not in the cards.

The only thing for which there is a possibility—and I will yield to my friend from Utah in a moment—in the Senate is this amendment or something similar, or the amendment of my friend from Utah, which I would have voted for had it been an amendment that would have been called as similar to this one. I would be more than happy to give the President his day first and then go to this one later.

I want to say to the Senate that, if we went to the President's first and it went down, I believe this amendment would pass. I want the country to know that.

I offer this amendment in the profound belief that the only prayer in school amendment doable, possible in the U.S. Senate, or in the Congress by a two-thirds vote, is a silent prayer, silent reflection, equal access amendment. That is the bottom line from which no more can be expected. I say that to the country.

I am delighted to yield to my dear friend from Utah who has done such good work in this area.

Mr. **HATCH**. I admit, I appreciate——

Mr. **WEICKER**. A point of order, Mr. President. Does the Senator from Illinois yield to the Senator from Utah for a question?

The **PRESIDING OFFICER**. The Senate will be in order.

Mr. **HATCH**. I would like to respond.

Mr. **DIXON**. I yield for a question.

Mr. **HATCH**. If I have to, I will make this statement in the form of a question.

I can appreciate what the distinguished Senator from Illinois is doing, and I have great sympathy with what he is doing. As chairman of the Constitution Subcommittee, I have sat through all of the hearings pertaining to these issues. Ever since I have been in the Senate, I have fought to try and change this constitutional policy of the Supreme Court, that prayer in schools is unconstitutional.

I have done everything I know to get that policy changed.

I am not sure that the particular form of prayer is the significant thing here. As with the Senator from Illinois, I believe that doing away with the prohibition against school prayer generally is the most important thing we can do here. I have no question about it.

I would like to have the President's amendment pass because I believe it is a responsible amendment. We looked at all of these issues in the Judiciary Committee, and we tried to come up with a way of restoring the historic understanding of the relation between the state and religious expression.

We can also debate a period of silent prayer or meditation or reflection in school, as the distinguished Senator from Illinois says.

There is a way to bring this up and there is a way for it to be given the fullest consideration, Mr. President. I personally believe that there is a great deal of support for this amendment, but I really believe that the way the Senator is bringing it up is not the way to do it.

Mr. DIXON. This Senator does not deny that, but this Senator has been given no options. His distinguished friend, the majority leader, and my friend from Connecticut would not agree to bring this up after the President's amendment. That would be the preference of the Senator from Illinois.

Mr. HATCH. I understand, Mr. President. I think the Senator from Illinois has conducted himself very honorably under the circumstances. I respect him and I respect what he is doing here. It does, however, place me and others in a very difficult position, because we are dedicated to getting the President his vote up or down, without any further promises in any way, shape, or form.

Should the President's amendment pass, that may end the subject. Except perhaps that the gentleman's amendment should be brought up anyway, because whatever amendment is passed here has to be submitted subsequently to the House of Representatives. Upon submission, we do not know which one the House of Representatives would consider. They may choose to ignore whatever we do here, whether it is the President's amendment or whether it is the amendment that is being offered by the Senator from Illinois and one that I have worked very hard on.

My concern is that if we bring it up in this manner, as a substitute to the President's amendment, there are Senators who probably would vote for this amendment who will not vote for it. In the end, possibly both of these amendments will be defeated. That is what worries me.

Mr. DIXON. That, may I say to my friend, is what worries me as well. But my friend from Utah should understand that I have not been given the alternative. I know full well that this amendment would do better after the rejection of the President's proposed constitutional amendment. After all, if the President's proposed constitutional amendment is adopted, the rest of this is, as my colleague and I would say in the practice of law, a moot point.

Mr. DECONCINI. Will the Senator yield?

Mr. HATCH. I do want to yield to the distinguished Senator from Arizona, but I cannot yield. The Senator from Illinois has the floor.

Mr. DECONCINI. Will the Senator from Illinois yield?

Mr. DIXON. Yes, I am delighted to yield to my friend from Arizona.

Mr. DECONCINI. The reason I stood up is, I know very well how much effort the Senator from Utah has put into this amendment as chairman of the Constitution Subcommittee of the Judiciary Committee. He has labored very hard and I know the dedication he has and the obligations he has to the President and his fairness and willingness to take this amendment up first. But I have to say to my colleagues here that the Senator from Illinois is doing what he and I think this body needs to do. If we can enter into some timely agreement where the President would have an opportunity to have his amendment voted on, and then we rest assured that if that amendment fails, then the amendment known as the silent prayer amendment by the Senator from Illinois would come up, I would be more than happy to see that happen. But I want to make it very clear to everyone that I think the Senator from Illinois has absolutely bent over backward in trying his best not to upset the so-called applecart that the distinguished chairman of the Constitution Subcommittee has before us here and has worked so hard on.

As much as I like to support my chairman whenever I can, I want my remarks to show that my remarks yesterday in support of silent prayer and in opposition to the President's amendment are exactly the same as they would be today and I shall not take the 40 minutes to read those statements again.

Mr. President, the Senator from Illinois has really made the point, if the Senator wants to have an opportunity to pass an amendment, I agree with him; if there is any amendment which might have the vote, it is the amendment of the Senator from Illinois, and probably the only one. I am not sure it will pass. But I feel very certain, as I believe maybe the chairman does, too, and other Members here, that Senate Joint Resolution 73 as just amended would not get the 67 votes necessary to pass.

If we cannot make an amendment, I think the Senator from Illinois is entitled to go forward on this and we ought to get a vote on it. If some do not want to vote with the Senator on the silent prayer amendment, so be it, but I hope that is what we can do here; that is what this process is for. We have labored here into the second week now. I think we ought to start voting on this.

I thank the Senator.

Mr. DIXON. I thank my friend from Arizona.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. DIXON. I do yield further to the Senator from Utah.

Mr. HATCH. I understand why the Senator from Illinois is doing what he is doing and he has every right to do it; he should be supported by the Senate in his right to do that. On the other hand, I do believe this amendment should be brought up in some other context. I cannot promise that that will take place. All I can say is that I believe that, at some time in the future, it will take place.

I know the distinguished Senator from Illinois desires more than my hopes in that matter. I think he is stating a valid point that he would like to vote on something that he believes in rather than vote against something that he feels may not be as good as what he believes in. My difficulty, Mr. President, is that I am committed to getting the President's amendment up and having it voted up or down. I just hope that the approach, that the distinguished Senator has every right to take, will not result in defeat of both these amendments, because one or the other needs to pass.

I know the distinguished Senator from Illinois is very sincere. I know how he feels and I know he feels deeply about restoring prayer to schools. All I can say is, in this context, I have a very difficult time supporting what is the essence of that amendment. He has changed the word "meditation" to "reflection." I can accept that. And he has made some changes in the access provision, but they are not overly significant, except for the fact that they are probably slightly broader. But I would feel really bad, after coming through this whole process, to have to vote to table his amendment because of the context in which it arises.

Mr. DIXON. May I interrupt my friend from Utah to say to him that he is on exactly the same track as the Senator from Illinois? If my friend, the majority leader, would come to the floor right now and say, to us, "If the Senator from Illinois will take down his amendment, at a date positively certain in the immediate near future, we will call up the amendment of either the Senator from Utah or the present, pending amendment of the Senator from Illinois," I would bring down this amendment and go to that question at another date. But I want the Senator from Utah to understand that, notwithstanding a long discussion this morning between the majority leader and my friend from Connecticut, that promise was not made. I want the Senator to understand that, as a member of the minority party, I do not expect that to be done.

I live, as some over here do as well, in the profound hope that we shall be in the majority some day again and control the course of events. But while we cannot control the course of events, the only thing left to the Senator from Illinois is to jump up first, as he did; gain recognition, as he did; and call up amendment 2782, as he did.

Mr. HATCH. Will the Senator yield again?

Mr. DIXON. I am happy to yield, Mr. President.

Mr. HATCH. Mr. President I have to say the Senator is acting responsibly in all ways in this matter. I cannot disagree with what he is doing. I think his argument that constitutional amendments deserve to be debated in full and at least be open to amendment, if necessary, is correct. I was upset, for example, with what happended in the House on the equal rights amendment last year.

I think the Senator is right on this particular concern about proper procedure. But I have to say that if we do not do something about the school prayer issue, divisions and tensions will continue in this country on this now 20-year-old controversy. The problem is that I do not think we are going to be able to resolve it under the procedure chosen by the Senator from Illinois. I genuinely believe that the way to do it is to let the President have his vote. Those of us who can support that, support it. Those who cannot, cannot.

If the Senator from Illinois is correct that the President cannot win, he is on record in front of the whole country that he would personally vote for the silent prayer amendment. He is on record. It is not going to change whether we have a vote up or down or not. I think other Senators could be allotted time to similarly go on record.

Mr. DIXON. I interrupt my friend to say it is not just the Senator from Illinois. It is the country. There are a couple hundred million people in the country who would like to have votes on the issue resolved. The people of this Nation are entitled to a vote on something more than the narrowly drawn amendment of the President of the United States. They are entitled to listen to other things.

Mr. HATCH. They are entitled to a full range of alternatives.

Mr. DIXON. And to vote on other things. The people in the country are entitled to a vote on silent prayer and silent reflection and equal access.

Mr. HATCH. I agree, but I also think this is not the way to get them what they want.

Mr. DIXON. They will not give me a way.

Mr. HATCH. What if we lose both of these amendments when one of them, perhaps, can clearly pass under different procedures?

Mr. DIXON. The Senator is a member of the majority and spoken well of by the majority leader. Perhaps he and the majority leader could mediate and reflect together for a moment and come to some conclusion that would give us a vote on the Senator's amendment, not mine, because I have no price of authorship, after the President's goes down. If the Senator is willing to do that, this Senator would be delighted to bring down his amendment, to yield to his distinguished friend from Utah and speak in support of the amendment of the Senator from Utah after we dispose of the President's amendment. But that course has not been made available to the Senator from Illinois and will not be. I do not live, as a professional who has been in this business a long time, in the belief that I am going to be given an opportunity at some near date in the future.

Mr. HATCH. I understand that, and I understand the argument.

I cannot answer that argument other than to say the people in this country want an amendment. I think there is a way to get them an amendment, but this is not the way to do it. Should the distinguished Senator from Illinois persist, I think I am put in a position where I have to vote to table my own amendment; that concerns me greatly.

Mr. DIXON. I changed one word.

(Mr. MURKOWSKI assumed the chair.)

Mr. BUMPERS. Will the Senator yield?

Mr. DIXON. I am delighted to yield to my friend from Arkansas.

Mr. BUMPERS. Is this amendment a precise replication of the Illinois statute?

Mr. DIXON. It is not exactly precise, word for word, but it is a very close replica of what the law is in Illinois.

Mr. BUMPERS. Has that law been tested?

Mr. DIXON. Not the equal access part, I hope the Senator understands, section 1.

No, the law has not been tested.

Mr. BUMPERS. The Supreme Court has not overruled the validity of the Illinois statute?

Mr. DIXON. It has not.

Mr. BUMPERS. Let me ask the Senator this: The Senator is a lawyer?

Mr. DIXON. The Senator is a lawyer.

Mr. BUMPERS. I take it he is as devoted to the first amendment as is the Senator from Arkansas?

Mr. DIXON. One would never question the devotion of the Senator from Arkansas to the first amendment. One thrills at the thought of his devotion to it, but to the extent that I can be as dedicated as the Senator from Arkansas, I try.

Mr. BUMPERS. I appreciate the caveat. Now, will the Senator answer a couple of questions about his interpretation of the Engel against Vitale case of 1962?

Does the Senator agree with me that, first of all, students have the right to pray silently under existing law?

Mr. DIXON. I would agree with that.

Mr. BUMPERS. Does the Senator agree with me that students have the right to pray vocally under existing law as long as they do it voluntarily, as long as they do it on their own time, and so on?

Mr. DIXON. I suppose they would have that right, but how you would create that in a student atmosphere, I do not know, without the teacher calling out time for it. And then I think there is a constitutional question.

Mr. BUMPERS. Let me ask the Senator this: If 10 students agreed to go to the lunchroom for lunch, sat down at a table together and held hands and picked one of their number to bless the food——

Mr. DIXON. I think they would have that right.

Mr. BUMPERS. They have that right. Does the Senator also agree that during the noon hour or during recess, when all the other children are out playing or doing whatever they are doing, going across the street to McDonald's, if they want to singularly or in concert gather in a room for short devotion or prayer, does the Senator believe they have that right?

Mr. DIXON. In the form in which the Senator placed the question, in that nonstructured atmosphere, I think they have that right.

Mr. BUMPERS. Now, then, let me ask the Senator this question: The first section of your amendment says:

> Nothing in this Constitution shall be construed to prohibit individual or group silent prayer or silent reflection in the public school.

Does the Senator not have some apprehension that by passing a constitutional amendment which says, "Nothing in this Constitution shall prohibit silent prayer or refelction," the Court might thereby construe that to mean vocal prayer, which is now permitted, would be prohibited?

Mr. DIXON. No, I do not think that would be the result which would insue in those circumstances my colleague from Arkansas has cited to me, in the nonstructured circumstances of lunch hour or recess or time allotted for school play or things of that character, the distinction being that in the structured form of a schoolroom a silent prayer organized by the teacher, silent prayer or silent reflection, there is a question of whether you may do it under existing appellate court decisions which are at odds on that question, as my colleague knows, the Supreme Court itself never having spoken on the issue.

Mr. BUMPERS. Let me say to the Senator—and again I have said many times, and I repeat—I am not a constitutional scholar. I am a devotee of the Constitution. I have said many times that next to the Holy Bible it is the most sacred document to me, and in that document the first amendment is easily the most sacred to me. So my point is this: It seems to me that at best the amendment of the Senator from Illinois is simply a restatement of existing law, and at worst it may limit presently existing freedoms.

Mr. DIXON. I say to my friend from Arkansas, I think that is not true, because this amendment would permit in the beginning of the schoolday, in the classroom itself, during a structured period of time at the suggestion of the schoolteacher, the students rising at their desks and either silently praying or silently reflecting, according to the dictates of their own conscience, according to their own religion, whether they be Jewish, Protestant, Catholic, Buddhist, or whatever.

That is the distinction, may I say to my friend from Arkansas, in the state of the law now and what the state of the law would be if the amendment of the Senator from Illinois were adopted and became the constitutional amendment that it would purport to be.

Mr. BUMPERS. Why does the Senator insist on doing something structurally that they have a right to do on their own?

Mr. DIXON. I think it is just an honorable difference of opinion between the Senator from Illinois and the Senator from Arkansas. It is not a difference without a distinction. There is a distinction. I would go that one step further than the Senator from Arkansas.

For instance, my colleague from Connecticut would not go that far, but there are other Senators besides the Senator from Illinois who would go that far but would not go as far as the President wants to go with audible, vocal, structured prayer.

Mr. HATCH. Will the distinguished Senator from Illinois yield?

Five out of the six Federal courts that have considered the silent prayer issue had held it unconstitutional, five out of the six. There has been only one upholding it; presently, there is a petition for a writ of certiorari before the Supreme Court on this issue. Nobody knows whether thay are going to take that or not. If they do not, at least five Federal jurisdictions in this country have already outlawed it.

Mr. BUMPERS. I think that every one of those cases to which the Senator refers were cases where they were very orchestrated, structured, a particular time set for prayer, the whole thing.

Mr. HATCH. That is what the amendment of the distinguished Senator from Illinois does.

Mr. BUMPERS. That is right. That is my principal objection to his amendment, plus the fact that I think he goes much further than anybody here intends to, because I think the Court would be perfectly within its right to say that Congress had the opportunity to specifically permit vocal prayer but chose not to do so. Instead, they said, "Nothing in the Constitution shall prohibit," not vocal prayer, but "silent prayer." Therefore, they do not think children in this country have a right to pray out loud. I think that is a real danger with this amendment.

Mr. DIXON. With all due respect to my friend from Arkansas, who is a brilliant lawyer.

Mr. BUMPERS. I thank the Senator. I thank the Senator.

Mr. DIXON. His statements on this floor are always persuasive to the Senator from Illinois, I totally disagree with the final conclusion he draws. I do not think there is any possibility whatsoever the Supreme Court would hold that a student in the case, for instance, he has cited, sitting with others at lunch in the lunchroom outside of a school period, cannot hold hands with others around him and audibly pray. Nor do I think the Supreme Court would ever say, if this constitutional amendment were adopted, that children on the playgrounds could not audibly pray; or, if on the basketball court, before the freethrow is thrown, the student could not say, "God, give me a point." I do not think there is any question about the right to do that.

I respect my colleague from Arkansas, but I believe that he is without merit in connection with the argument he now makes toward the conclusion of his remarks.

Mr. BUMPERS. The amendment before the Senate, I take it, would allow the school board to say that each morning, at 8:30, there will be a period, as we say here, for the transaction of morning business. [Laughter.]

That there will be a period of 10 minutes for silent meditation and reflection, and the teacher will say, "Students, you will not engage in group silent meditation or reflection."

Mr. DIXON. Or prayer.

Mr. BUMPERS. Or prayer.

So the students can put their heads on the desks, they can look straight ahead, they can say whatever they want to say, and the teacher is sitting there. At the conclusion of it would not the teacher there be able to say, "Johnny, what did you pray?"

Would that be permissible under the Senator's amendment?

Mr. DIXON. I would need time to meditate upon it and reflect upon it.

Mr. HATCH. Mr. President, will the Senator yield?

The **PRESIDING OFFICER.** The Senator from Illinois has the floor.

Mr. DIXON. I yield.

Mr. HATCH. There is nothing in the silent prayer amendment of the distinguished Senator that would prohibit any kind of prayer conducted outside public auspices. Absolutely nothing.

I presume that the distinguished Senator from Arkansas, in arguing for vocal prayer, will vote for the President's proposal if it comes up, because he is so devoted to it; I will vote for it, also.

Let me make this point to the distinguished Senator from Illinois: The distinguished Senator from Illinois feels very deeply about this, as do I. The distinguished Senator is on the record. Everybody in this country will know that he is for the silent prayer and reflection amendment. I believe that with that debate and with that argument, the distinguished Senator should let the President have his vote.

Mr. DIXON. Let me respond in the best way I know, by saying this: There is a body of people in this country who feel very strongly, as my dear friend from Connecticut feels, that nothing should be done in this area at all. There is a body of people in the country on the other end of the political spectrum who feel very strongly that the only thing that means anything is an audible, vocal prayer, structured in a prayer form, so that the whole thing is a structured situation in the school regarding prayer.

But I assert that the vast majority of people in this great Nation of ours are somewhere between those two extremes, that the vast majority of people in this great Nation of ours would like silent prayer or silent reflection and equal access to the school. I believe that they are the largest percentage by far. I this Senator takes down amendment No. 2782, he denies that majority of the people in this Nation their right to vote on this issue. I would not presume to do that.

Mr. HATCH. Mr. President, if the Senator will yield, I do not think the Senator will deny them this opportunity.

Let me make a commitment to the Senator: If the Senator will withdraw his amendment, rather than go to a vote—and all I can do is ask one more time—if the Senator will withdraw his amendment, I will do everything in my power, as chairman of the Subcommittee on the Constitution to resume hearings again, bring the Senator's amendment through the subcommittee, through the full committee, and back to the floor. I believe that is the proper way to do it.

Mr. DIXON. Nobody here knows better than the Senator from Utah that we have heard this to death and debated it to death. The Senator from Utah and the Senator from Connecticut can talk with the majority leader now and give us a date certain to hear this and to have a vote on it. It has been heard. There is nobody here who doubts that nothing more can be said on this issue—nothing.

Mr. HATCH. There is no commitment on the part of the majority leader to bring up the so-called silent prayer amendment. By necessity, he cannot make that commitment. All I can say is that at some later date, I will do everything in my power to bring that up, but I think the President ought to have the chance to have his amendment considered.

So, those people who believe in oral prayer should have their opportunity to have that vote. If they win—and the distinguished Senator from Illinois is on the record—he is not losing one thing by allowing that to occur. If they win, they will have won by a two-thirds vote in the U.S. Senate, and in the House of Representatives. If they lose, then I do believe that at some future date, it will be possible to bring up the silent prayer amendment. I believe that with all my heart. I do not believe that our colleagues would stop us from doing that.

Mr. DIXON. My distinguished friend from Utah has a reputation not only as a great U.S. Senator but also, I am told, as a man who was a pretty good trial lawyer. The Senator from Utah has quite a reputation in the past of being a brilliant trial lawyer in his State. I suggest that in his time, he probably settled a few lawsuits. If he ever settled a lawsuit in which somebody said, "Maybe in the future, we may do something, after some hearings," he made a bad settlement. I do not think he ever made a bad settlement. The Senator from Illinois does not make those kinds of deals, either.

Mr. HATCH. The distinguished Senator has every right to do whatever he wants to do on this issue.

Mr. BUMPERS. Mr. President, will the Senator yield for a couple of questions?

Mr. DIXON. I yield.

Mr. BUMPERS. We stopped a moment ago when I asked whether it would be permissible for the teachers to ask the children what they prayed—and this is just a thought.

Say that the son of the Senator from Utah is in the classroom, and little Johnny says, "Well, teacher, I prayed that the Mormons would change their position on the equal rights amendment."

[Laughter.]

Mr. DIXON. There is always hope.

Mr. BUMPERS. Does the Senator think that might set up a little confrontation in the classroom?

Mr. DIXON. I hope the Senator from Arkansas does not want me to pass on every one of his hypothetical situations.

I stick to the point that structured silent prayer and structured silent reflection in the school would be permissible, and audible and vocal prayer would not be, under my amendment.

There are all kinds of cases that would require the attention of the nine Justices on the Supreme Court, who often divide by 5 to 4.

Mr. BUMPERS. Is the Senator familiar with the proposal Senator HATFIELD intends to offer at some time—S. 815?

Mr. DIXON. No; I am not.

Mr. BUMPERS. I am a cosponsor of it.

Mr. DIXON. Oh, the equal access amendment?

Mr. BUMPERS. Yes.

Mr. DIXON. At the appropriate time, I will vote for it.

Mr. BUMPERS. I thank the Senator very much.

I think that amendment would accomplish precisely what the Senator is trying to accomplish—allow students to engage in voluntary vocal prayer as well, and provide equal access to students for voluntary prayer.

Mr. DIXON. In all fairness to my friend from Arkansas, I say that he is only partly right. I do not think that the equal access proposal to be offered by the Senator from Oregon would address structured silent prayer or structured silent reflection in the classroom and during school hours, as distinguished from after school or other times when religious exercises can take place.

Mr. BUMPERS. The Senator is absolutely right. It would permit before and after school, during recess, equal access by religious student groups.

Mr. DIXON. It is a distinction.

Mr. BUMPERS. It is a distinction.

In all the calls and the mail I am receiving, people say that they favor voluntary prayer in school. I have not seen a poll that shows a majority of people in this country favoring mandatory or involuntary prayer. Has the Senator?

Mr. DIXON. I say to my friend from Arkansas that I do not think it is very easy to analyze the mail and the telephone polls we get on this subject matter. Quite clearly, the overwhelming majority of people want some kind of prayer. I think there is a distinction among the different attitudes of people, and I am not prepared to say what attitude each individual has when they call or write.

But I would argue with my friend from Arkansas that if you could structure a poll in such a way that people had the alternatives of voting on these issues, a majority would support a concept similar to the one that the Senator from Illinois has offered. That is what I contend.

Mr. BUMPERS. Let me make a couple of points. First under the Hatfield amendment, of course, you do not do violence to the first amendment. Second, while it is an equal access proposal, it is equal access by students. I would distinguish that which I think is highly preferable and desirable from the equal access section 2 of the Senator's amendment.

The Senator's amendment says:

> The authorization by the United States or any State of equal access to the use of public facilities by student voluntary groups shall not constitute an establishment of religion.

First of all, the Senator does not say "public schools" there in that section as the Senator did in the first section. He said "public facilities," so that includes any facility in or out of school, any public institution, any public facility.

Mr. DIXON. I think that is correct.

Mr. BUMPERS. OK. That could be a national park or whatever.

Mr. DIXON. I think that is right.

Mr. BUMPERS. That is right.

Would this permit the school board to give access to a student group from Antelope, Oreg., to go down to Salem, Oreg., and ask them for permission to use their school for silent meditation or any other religious exercise?

Mr. DIXON. I would say to my friend there is a rule of reasonableness in everything that happens in the law, as my distinguished friend who is a lawyer knows. The rule of reasonableness would apply to the interpretation of this constitutional amendment as it does to everything else. It might very well be that the courts would say, "Look, students from Little Rock can go to the Little Rock school." That makes sense. Their folks pay taxes there and they pay for the school. But folks from Belleville, Ill., the home of this Senator, cannot go down to Little Rock, Ark., and do that, and I think that would not be unreasonable as an interpretation of that constitutional section.

But in all fairness to my friend from Arkansas I must say that we are discussing some new territory here.

Mr. BUMPERS. Let me say to the Senator that is one of the problems always of drafting constitutional amendments and that is constitutional language and legislative language are quite different. You cannot be nearly as precise or as definitive in constitutional language. So that is another distinction from Senator HATFIELD's amendment, which incidentally is enthusiastically endorsed by the Joint Baptist Committee on Public Affairs, which represents almost every Baptist church in the United States, and enthusiastically endorsed by the National Association of Evangelicals. I do not know how my church, the United Methodist Church, feels about that. I know how they feel about this other amendment, as most every church in the United States does. They are opposed to it.

But I am really as apprehensive, as a preacher I used to have who said "You are running past more than you are going to catch up to."

Mr. DIXON. May I respond to my friend from Arkansas by saying this. If the Senator from Illinois were running this place today, what I would do is I would let everyone, all 100 of us, vote on the President's first, then I would go to one like this, and then finally I would go to one like that legislation that the Senator from Oregon has offered and in stages downward give the Senate an opportunity to respond to each of these issues.

The Senator from Arkansas must understand that would be my choice, but it is not the right given me, so I cannot do that.

I understand the reservations of my friend from Arkansas. I understand the problem of my friend from Utah. But I am put in this place as the only place it would fit.

I move the adoption of the amendment, Mr. President.

Several Senators addressed the Chair.

Mr. HATCH. Mr. President, will the Senator yield for a question?

Mr. WEICKER. The Senator from Utah should have the floor in his own right.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, despite efforts by some of us on this floor to fully clarify the meaning of the President's proposed constitutional amendment, there seem to be several lingering misconceptions. I, therefore, ask unanimous consent to have printed in the RECORD at this point several explanatory materials from the administration itself. In particular, I wish to share with my colleagues the extremely thoughtful remarks of the President of the United States upon the occasion of introduction of the proposed amendment:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Constitutional Amendment

Message from the President of the United States transmitting a proposed amendment to the Constitution of the United States to allow voluntary prayer in public schools or other public institutions.

To the Congress of the United States:

I have attached for your consideration a proposed constitutional amendment to restore the simple freedom of our citizens to offer prayer in our public schools and institutions. The public expression through prayer of our faith in God is a fundamental part of our American heritage and a privilege which should not be excluded by law from any American school, public or private.

One hundred fifty years ago, Alexis de Tocqueville found that all Americans believed that religious faith was indispensable to the maintenance of their republican institutions. 1 de Tocqueville, *Democracy in America* 316 (Vintage ed. 1945). Today, I join with the people of this Nation in acknowledging this basic truth, that our liberty springs from and depends upon an abiding faith in God. This has been clear from the time of George Washington, who stated in his farewell address:

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable suppports. . . . And let us with caution indulge the supposition that morality can be maintained without religion. . . . (R)eason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." 35 *The Writings of George Washington* 229 (J. Fitzpatrick ed. 1940).

Nearly every President since Washington has proclaimed a day of public prayer and thanksgiving to acknowledge the many favors of Almighty God. We have acknowledged God's guidance on our coinage, in our national anthem, and in the Pledge of Allegiance. As the Supreme Court has stated: "We are a religious people whose institutions presuppose a Supreme Being." *Zorach* v. *Clauson*, 343 U.S. 306, 313 (1952).

The founders of our Nation and the framers of the First Amendment did not intend to forbid public prayer. On the contrary, prayer has been part of our public assemblies since Benjamin Franklin's eloquent request that prayer be observed by the Constitutional Convention:

"I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. . . . I also believe that without this concurring aid we shall succeed in this political building no better than the Builders of Babel: We shall be divided by our little partial local interests; our projects will be confounded, and we ourselves shall become a reproach and bye word down to future ages. . . .

"I therefore beg leave to move—that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business. . . ." 1 *The Records of the Federal Convention of 1787*, 451-52 (M. Farrand ed. 1966).

Just as Benjamin Franklin believed it was beneficial for the Constitutional Convention to begin each day's work with a prayer, I believe that it would be beneficial for our children to have an opportunity to begin each school day in the same manner. Since the law has been construed to prohibit this, I believe that the law should be changed. It is time for the people, through their Congress and the State legislatures, to act, using the means afforded them by the Constitution.

The amendment I propose will remove the bar to school prayer established by the Supreme Court and allow prayer back in our schools. However, the amendment also expressly affirms the right of anyone to refrain from prayer. The amendment will allow communities to determine for themselves whether prayer should be permitted in their public schools and to allow individuals to decide for themselves whether they wish to participate in prayer.

I am confident that such an amendment will be quickly adopted, for the vast majority of our people believe there is a need for prayer in our public schools and institutions. I look forward to working with Congress to achieve the passage of this amendment.

RONALD REAGAN.

THE WHITE HOUSE, *May 17, 1982.*

Joint Resolution

Proposing an amendment to the Constitution of the United States:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE —

"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer."

The Administration's Proposed Constitutional Amendment Relating to School Prayer

I. THE RELIGIOUS HERITAGE OF THE NATION

From the birth of the United States, public prayer and the acknowledgment of a Supreme Being have been a foundation of American life. Government officials have continually invoked the name of God, asked His blessings upon our nation, and encouraged our people to do the same. One of the most striking examples of this invocation of God's blessing and assistance is found in the Declaration of Independence, which proclaims it "self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights. . . ." The new nation was established, the authors of the Declaration said, "appealing to the Supreme Judge of the world for the rectitude of our intentions" and "with a firm reliance on the Protection of Divine Providence. . . ."

Similarly, the First Congress, which drafted the language of the First Amendment, not only retained a chaplain to offer public prayers, but, the day after proposing the First Amendment, called on President Washington to proclaim "a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God."[1] Nearly every President since Washington (including Lincoln, both Roosevelts and Kennedy) has proclaimed a national day of prayer and thanksgiving.[2] The First Congress also amended and continued in effect the Northwest Ordinance of 1787, the original text of which provided in part: "[r]eligion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." Act of Aug. 7, 1789, 1 Stat. 50, 51-52 n.(a).

In his Farewell Address, President Washington urged: "[L]et us with caution indulge the supposition, that morality can be maintained without religion. . . . Reason and experience both forbid us to expect that National morality can prevail in exclusion of

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Footnotes at end of article.

religious principle."[3] Thomas Jefferson wrote: "And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God?"[4]

Coins have borne the legend "In God We Trust" since 1865, 31 U.S.C. § 324a,[5] and this was made the national motto in 1956. 36 U.S.C. § 186. In 1952, Congress directed the President to proclaim a National Day of Prayer. 36 U.S.C. § 169h. In 1954, Congress added the words "under God" to the Pledge of Allegiance to acknowledge this heritage. 36 U.S.C. § 172. The House Judiciary Committee explained:

"This is not an act establishing a religion or one interfering with the "free exercise" of religion. A distinction must be made between the existence of a religion as an institution and a belief in the sovereignty of God. The phrase "under God" recognizes only the guidance of God in our national affairs."[6]

Many patriotic songs similarly acknowledge dependence upon God and invoke His blessings. One stanza from the National Anthem, 36 U.S.C. § 170, includes the phrases "Praise the Pow'r that hath made and preserved us a nation" and "And this be our motto, 'In God is our Trust.'"[7] The fourth stanza of "America" reads:

"Our fathers' God, to Thee, Author of Liberty, to Thee we sing.
"Long may our Land be bright with freedom's holy light,
"Protect us by Thy might, Great God our King."[8]

Most recently, the House of Representatives adopted a resolution, by a 388-0 vote, reaffirming its practice of retaining a chaplain to begin its sessions with prayer.[9]

These examples only confirm the tradition of publicly declaring and encouraging a belief in and dependence upon God. As the Supreme Court has stated: "We are a religious people whose institutions presuppose a Supreme Being." *Zorach* v. *Clauson*, 343 U.S. 306, 313 (1952).[10]

II. TRADITION OF PRAYER IN THE PUBLIC SCHOOLS

In keeping with the nation's heritage of public prayer, there has been a long tradition of including some form of prayer in the public schools ever since their inception.[11] As early as 1789, for example, the Boston school committee required schoolmasters "daily to commence the duties of their office by prayer and reading a portion of the Sacred Scriptures."[12] A commission supporting the establishment of a public school system in New York in 1812 reported that "Morality and religion are the foundation of all that is truly great and good, and are consequently of primary importance."[13] There was a considerable effort in the 19th century to avoid the use of "sectarian books and sectarian instruction."[14] For example, the Massachusetts Board of Education headed by Horace Mann removed sectarian instruction from the schools but also prescribed a program of "daily Bible readings, devotional exercises and the constant inculcation of the precepts of Christian morality."[15] Thus, the requirement of nonsectarian instruction generally was not thought to preclude prayer or Bible readings without comment in the schools.[16] Many states had allowed the recitation of nonsectarian prayer or Bible verses in public schools, as long as participation was not compelled.[17]

Prayer in the schools was, in many cases, patterned closely on public prayer in other contexts. For example, in *Engle* v. *Vitale*, 370 U.S. 421, 422 (1962), the school prayer prepared by the New York State Board of Regents (the Regents' prayer) read:

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country."

The Regents, in their brief to the Supreme Court as amicus curiae, noted that the exact words "Almighty God" were contained in 34 state constitutions, that every state constitution acknowledged dependence on God in some form, and that an acknowledgment or invocation of "blessings" was contained in 29 state constitutions.[18] Thus, the recitation of the Regents' prayer in New York schools closely mirrored other official statements reflecting the nation's religious heritage.

III. THE RELIGION CLAUSES OF THE FIRST AMENDMENT AND PUBLIC PRAYER

The First Amendment to the Constitution, which was proposed by the First Congress in 1789, provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." In a 1947 decision, the Supreme Court construed the Establishment Clause to be applicable to the states through the due process clause of the Fourteenth Amendment.[19]

In concluding that the First Amendment forbids prayer in public schools, many courts and commentators have relied heavily upon James Madison's statement of his views on church and state in his "Memorial and Remonstrance Against Religious Assessment."[20] This document was written four years before the First Amendment was proposed, in opposition to a general tax for the support of religious education in Virginia. Considerable reliance has also been placed on Jefferson's assertion, made thirteen years after the Amendment was drafted, that the Establishment Clause was intended to erect "a wall of separation between church and State,"[21] although, as Justice Stewart has noted, that "phrase [is] nowhere to be found in the Constitution."[22] Jefferson's statement, while a "powerful way of summarizing the effect of the First Amendment," was "clearly neither a complete statement nor a substitute for the words of the Amendment itself."[23] Moreover, Jefferson's own subsequent writings, which reflect his belief that nonsectarian religious exercises should not be totally excluded from public education, belie the absolute effect which some have sought to give these words.[24]

The Supreme Court, in holding prayer in public schools to be unconstitutional, embraced an absolutist interpretation of the First Amendment based on its reading of the historical context in which the Amendment was passed.[25] The Court in *Engel* v. *Vitale*, 370 U.S. at 428-29 n.11, relies on the interpretation of history contained in *Everson* v. *Board of Education*, 330 U.S. at 11-13 (opinion of the Court), and 33-42 (Rutledge, J., dissenting). Justice Rutledge said:

"No provision of the Constitution is more closely tied to or given content by its generating history than the religious clause of the First Amendment. . . . In the documents of the times, particularly of Madison, . . . is to be found irrefutable confirmation of the Amendment's sweeping content. . . . [Madison's] Remonstrance is at once the most concise and the most accurate statement of the views of the First Amendment's author concerning what is "an establishment of religion." . . . [I]t behooves us in the dimming distance of time not to loose sight of what he and his coworkers had in mind when, by a single sweeping stroke of the pen, they forbade an establishment of religion and secured its free exercise." 330 U.S. at 33-34, 37-38.

Thus, it is appropriate to examine the record of the First Congress, which proposed the First Amendment, in order to determine what was intended, and whether Justice Rutledge's assessment is correct.

Because Madison introduced the First Amendment in Congress, the Court appears to assume that the final product reflects only his personal views. While the personal views of the sponsor of any legislation may be accorded deference in analyzing congressional intent, one cannot ignore the plain language that emerged and the contribution of other members of Congress to the legislation. Madison's proposal was substantially amended in committee before it was considered by the whole House.[26] When House floor debate began, the proposal read as follows: "No religion shall be established by law nor shall the equal rights of conscience be infringed."[27]

This language prompted concern among some representatives that the amendment would prevent nondiscriminatory state aid to religion. One voiced a fear that such language "might be thought to have a tendency to abolish religion altogether."[28] Another thought that it should read "no religious doctrine shall be established by law."[29] Another agreed:

"That the words might be taken in such latitude as to be extremely hurtful to the cause of religion . . . . He hoped, therefore, the amendment would be made in such a way as to secure the rights of conscience, and a free exercise of the rights of religion, but not to patronize those who professed no religion at all."[30]

Madison explained his position by saying that:

"he apprehended the meaning of the words to be, that Congress should not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience . . . .

Mr. Madison thought if the word 'national' was inserted before religion, it would satisfy the minds of honorable gentlemen. He believed that the people feared one sect might obtain a pre-eminence, or two combine together, and establish a religion to which they would compel others to conform. He thought if the word 'national' was introduced, it would point the amendment directly to the object it was intended to prevent."[31]

These passages from the congressional debates prove two points. First, the concern the Congress wished to address by the amendment was the fear that the federal government might establish a national church, use its influence to prefer certain sects over others, or require or compel persons to worship in a manner contrary to their conscience. Second, in addressing that concern, Congress did not want to act in a manner that would be harmful to religion generally or would defer to the small minority who held no religion.

The version approved by the House read, "Congress shall make no law establishing religion, or to prevent the free exercise thereof or to infringe the rights of conscience."[32] The Senate specified more narrowly the scope of the clause: "Congress shall make no law establishing articles of faith, or a mode of worship, or prohibiting the free exercise of religion."[33]

The final version of the First Amendment contained the language "respecting an establishment of religion." The Supreme Court has given the word "Respecting" a broad interpretation.[34] It has forbidden not only a direct establishment of religion but also any act accommodated or even tolerated by state auspices that might encourage religious faith.[35] It is doubtful, however, that the Congress intended such result. Moreover, in view of the objections raised during the debates that the states should not be precluded from aiding religion, it is more likely that the final language was intended to prevent Congress from passing a law interfering with the existing state laws on the establishment of religion.[36]

Prior to its decisions of the 1960's, the Supreme Court had recognized that the Establishment Clause was not intended to result in absolute separation:

> "The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter. Otherwise the state and religion would be aliens to each other—hostile, suspicious, and even unfriendly." [37]

As stated by Justice Stewart, "as a matter of history and as a matter of the imperatives of our free society, . . . religion and government must necessarily interact in countless ways." [38]

Thus, the foregoing discussion supports the conclusion that the First Amendment was not intended to preclude a reference to our reliance upon God by public officials in prayer, as distinguished from government "establishment" of a particular sect.[39] This interpretation of the language of the First Amendment is further supported by the fact that the same Congress that passed the First Amendment also retained a chaplain and called for a day of prayer and thanksgiving to God.[40]

IV. JUDICIAL RULINGS RESTRICTING SCHOOL PRAYER

In 1962 and 1963, the Supreme Court decided two cases that held it is an impermissible "establishment of religion" in violation of the First Amendment for a state to foster group prayer or Bible readings by students in the public schools. In *Engel* v. *Vitale*, 370 U.S. 421 (1962), the Supreme Court forbade the recitation of the New York State Regents' prayer in New York public schools. The Court ruled that "government in this country, be it state or federal, is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity." 370 U.S. at 430. Although it was clear that students were not required to participate in the prayer, the Court appeared to adopt a theory of implied coercion:

> "When the power, prestige and financial support of the government is placed behind a particular religious belief, the coercive pressure upon religious minorities to conform to the officially approved religion is plain." Id. at 431.

One year later, in *Abington School District* v. *Schempp*, 374 U.S. 203 (1963), the Court struck down a Pennsylvania law requiring that public schools begin each day with readings, without comment, from the Bible. Emphasizing the "complete and unequivocal" separation between church and state in its previous constructions of the First Amendment,[41] the Court concluded that the purpose and primary effect of Pennsylvania's law was the advancement of religion in violation of the Establishment Clause. 374 U.S. at 222-26.

In construing the Establishment Clause to require strict "neutrality" of the state toward religion, the Court has forbidden the government from placing any support "behind the tenets of one or of all orthodoxies." *Id.* at 222. The Court also reaffirmed the rule that:

> "Neither [the states nor the federal government] can constitutionally pass laws or impose requirements which aid all religions as against non-believers, and neither can aid those religions based on a belief in God as against those religions founded on different beliefs."[42]

The prohibition against favoring religion as against non-believers or favoring theistic religions as against nontheistic religions would appear to preclude any section by the states or the federal government affirming a belief in God.

The Court in Schempp rejected the view that religious practices may be defended as being in aid of legitimate secular purposes, and concluded that the provisions to excuse students from participation also provided, under its view of the Establishment Clause, no defense. 374 U.S. at 224-25. In short, any "religious exercises . . . required by the States," even though "relatively minor encroachments" on the Court's concept of neutrality, are to be forbidden. *Id.* at 225.

In the years following *Engle* v. *Vitale* and *Abington School District* v. *Schempp*, the courts have increasingly restricted the states from incorporating religious observances into the daily schedule of students in public schools. In one case, for example, a school principal's order forbidding kindergarten students from saying grace before meals on their own initiative was upheld.[43] In another case, the recitation of a similar verse before meals, but without any reference to God, was held to be a prayer in violation of the Establishment Clause.[44]

More recently, the Supreme Court affirmed a lower court decision striking down a school board policy of permitting students, upon request and with their parents' consent, to participate in a one-minute prayer or meditation at the start of the school day.[45] The lower court found that the practice of permitting student and teacher prayers in the public schools was inconsistent with the "absolute governmental neutrality" demanded by the Supreme Court's interpretation of the First Amendment. 653 F.2d at 901. The Supreme Court has also held that a state statute requiring the posting of the Ten Commandments on classroom walls in public schools was unconstitutonal. *Stone* v. *Graham*, 449 U.S. 39 (1980).

The principles established in *Engel* v. *Vatale* and *Abington School District* v. *Schempp* have been extended recently to bar the accommodation or even toleration of students' desire to pray on school property even outside regular class hours. In one case, a court held that a school system's decision to permit students to conduct voluntary meetings for "educational, religious, moral, or ethical purposes" on school property before or after class hours violated the Establishment Clause.[46] Similarly, a state court forbade the reading of prayers from the Congressional Record in a high school gymnasium before the beginning of school.[47] In another case, a school district's decision to allow student initiated prayer at voluntary school assemblies that were not supervised by teachers was deemed a violation of the Establishment Clause.[48] In each case, the court found no difference of constitutional dimension between the practice of permitting students to engage in individual or group prayer on public property and the active organization of prayer or readings from the Bible by school authorities, as in *Engel* v. *Vitale* and *Abington School District* v. *Schempp*.[49]

Finally, with respect to prayer in public buildings other than schools, the Court of Appeals for the District of Columbia Circuit has ruled that atheists have standing to challenge the practice of the Senate and House of Representatives retaining Chaplains to open their sessions with a prayer, although the court has not yet decided whether the practice is unconstitutional. *Murray* v. *Buchanan*, No. 81-1301 (D.C. Cir Mar. 9, 1982). Another court has ruled unconstitutional a state legislature's practice of retaining any particular chaplain to open legislative sessions with prayer.[50]

V. THE NEED FOR A CONSTITUTIONAL AMENDMENT

The Supreme Court's decisions that state-composed prayer and Bible reading constitute an "establishment" of religion do not give adequate regard to our religious heritage and misinterpret the historical background of the First Amendment. The Establishment Clause was not intended to prohibit governmental references to or affirmations of belief in God.[51] As Justice Story concluded, "[a]n attempt to level all religions, and to make it a matter of state policy to hold all in utter indifference, would have created universal disapprobation, if not universal indignation" at the time the First Amendment was drafted.[52] Thus, the history of the Establishment Clause and Free Exercise Clause do not support the Supreme Court's conclusion that public prayer in schools is unconstitutional. As stated by Erwin N. Griswold, former Dean of Harvard Law School and former Solicitor General of the United States: "These are great provisions, or great sweep and basic importance. But to say that they require that all traces of religion be kept out of any sort of public activity is sheer invention." [53]

Moreover, the courts have extended the principles of *Engel v. Vitale* and *Abington School District v. Schempp* to proscribe not only government-sponsored prayer, but also voluntary prayer initiated by students. By prohibiting students' voluntary prayers before meals, periods of meditation before class, and student prayer meetings in school buildings outside of class hours, the courts' concern with the Establishment Clause has overshadowed the First Amendment right of students to free exercise of religion. As Justice Stewart has stated, "there is involved in these cases a substantial free exercise claim on the part of those who affirmatively desire to have their children's school day open with the reading of passages from the Bible." [54] Although it can be argued that those parents could send their children to private or parochial schools, the Supreme Court has stated that "[f]reedom of speech, freedom of the press, freedom of religion are available to all, not merely to those who can pay their own way." [55]

The unintended but inevitable result of current judicial interpretations of the Establishment Clause is not state neutrality but a complete exclusion of religion which, as Justice Stewart noted, is, in effect, state discouragement of religion:

"For a compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion. And a refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism, or at least as government support of the beliefs of those who think that religious exercises should be conducted only in private." [56]

Commentators have noted that the government neutrality between theistic and non-theistic beliefs that the Supreme Court has sought to achieve is, indeed, unachievable:

"The fallacy of the Supreme Court's neutrality concept is that it is impossible for the government to maintain neutrality as between theistic and non-theistic religions without implicitly establishing an agnostic position. Agnosticism, however, is a non-theistic belief. The choice, then, is not, as the Court and its apologists have said, between "neutrality" and government encouragement of theism. The choice is between government encouragement of theism and government encouragement of agnosticism." [57]

A constitutional amendment allowing school prayer is needed not only because it is consistent with and more accurately reflects the original intent of the First Amendment than the current judicial interpretations, but also because it would allow religious and educational decisions of essentially local concern to be made by states and localities rather than the federal judiciary. For over 170 years, school prayer issues were resolved at the state and local levels by the residents of the affected communities. Their choices regarding school prayer reflected the desires and beliefs of the parents and children who were directly and substantially affected.

Finally, and most importantly, this amendment is needed because the free expression of prayer is of such fundamental importance to our citizenry that it should not be proscribed from public places.[58] Prayer in the public schools has long been considered a desirable and proper means of imparting constructive moral and social values to schoolchildren, while generally encouraging in them a practice of self-reflection and meditation.[59] Conversely, the exclusion of prayer from the daily routine of students could convey the misguided message that religion is not of high importance in our society. A prayer such as the one struck down in *Engel* v. *Vitale*, for instance, was promoted by the New York State Regents to encourage children to take a moment to think of their blessings and the good fortune for which they should be thankful.[60] Introducing children to such a practice can benefit the children and the public good.

VI. ANALYSIS OF THE PROPOSED AMENDMENT

The proposed constitutional amendment is essentially intended to restore the status quo with respect to the law governing prayer in public schools that existed before *Engel* v. *Vitale* and *Abington School District* v. *Schempp* were decided; i.e., when prayer such as the Regents' prayer and readings from the Bible without comment were not thought to be unconstitutional. However, the proposed amendment affirms the fundamental right of every person to reject any religious belief, as he or she deems fit, and not participate in the expression of any religious belief.

A. Elimination of the prohibition against prayer

The proposed amendment provides that "Nothing in this Constitution shall be construed to prohibit individual or group prayer . . . ." This language is intended to overrule *Engel* v. *Vitale*, which forbade the reading of brief state-composed prayers, and *Abington School District* v. *Schempp*, which forbade readings from the Bible. The proposed amendment would, therefore, make clear that the Establishment Clause of the First Amendment could no longer be construed to prohibit the government's encouragement or facilitation of individual or group prayer in public schools, and that students should be allowed to participate in such prayer with the support of school authorities.

The language of the proposed amendment would also foreclose an argument that the Free Exercise Clause of the First Amendment could be construed to forbid group prayer. Thus, the amendment rejects the "implied coercion" theory advanced in *Engel* v. *Vitale*, 370 U.S. at 431, which presumes that any group prayer by consenting students has a coercive effect upon the objecting students in violation of their right to free exercise of religion, and that therefore no prayer is constitutionally permissible.[61] However, as discussed below, the proposed amendment expressly protects the right of objecting students not to participate in prayer. This provision is sufficient to protect the rights of those who do not wish to participate without denying to all others who desire to pray an opportunity to do so.

B. Availability of prayer

The intent of the proposed amendment is to leave the decisions regarding prayer to the state or local school authorities and to the individuals themselves, who may choose whether they wish to participate. The proposed amendment would not require school authorities to conduct or lead prayer, but would permit them to do so if desired. Group prayers could be led by teachers or students. Alternatively, if the school authorities decided not to conduct a group prayer, they would be free to accommodate the students' interest in individual or group prayer by permitting, for example, prayer meetings outside of class hours or student-initiated prayer at appropriate, nondisruptive times, such as a brief prayer at the start of class or grace before meals. School authorities could, of course, develop reasonable regulations governing the periods of prayer, in order to maintian proper school discipline.

The language of the proposed amendment would remove the prohibition of prayer imposed by judicial construction of the First Amendment, but is not intended to create a new, affirmative constitutional right to prayer. The source of a right to prayer is found in the First Amendment's guarantees of free exercise of religion and freedom of speech, although most courts considering the question have rather narrowly construed the free Exercise Clause as applicable only in the case of an "inexorable conflict with deeply held religious beliefs."[62] The proposed amendment would not, by its terms, alter past constructions of the Free Exercise Clause or the Free Speech Clause as a source of a right to prayer. Of course, to the extent that a right of prayer could be based on the Free Exercise Clause or the Free Speech Clause, the right would remain subject to reasonable state restrictions governing the time, place, and manner of its expression.[63]

C. Type of prayer

If school authorities choose to lead a group prayer, the selection of the particular prayer—subject of course to the right of those not wishing to participate not to do so—would be left to the judgment of local communities, based on a consideration of such factors as the desires of parents, students and teachers and other community interests consistent with applicable state law. The amendment does not limit the types of prayer that are constitutionally permissible and is not intended to afford a basis for intervention by federal courts to determine whether or not particular prayers are appropriate for individuals or groups to recite.

The proposed amendment also does not specifically limit prayer in public schools and other public institutions to "nondenominational prayer." A limitation to "nondenominational prayer" might well be construed by the federal courts to rule out virtually any prayer except one practically devoid of religious content. Because of the Supreme Court's current construction of the Establishment Clause,[64] any reference to God or a Supreme Being could be viewed as "denominational" from the perspective of a non-theistic sect.[65] Readings from the Bible and other identifiably Judeo-Christian sources similarly might be excluded as "denominational."[66]

Moreover, a limitation to "nondenominational prayer" would not only preclude arguably sectarian prayer that may be promoted by the state but also would prevent individuals or groups, acting on their own and with no encouragement from the state, from participating in sectarian prayer in public places. The amendment is intended to enable the state to allow voluntary, privately-initiated prayer in public places, such as saying grace before meals or attending an informal prayer meeting before or after school.[67] It would clearly be inappropriate to constitutionally limit such privately-initiated prayer to "nondenominational" expression.

The determination of the appropriate type of prayer is a decision which should properly be made by state and local authorities. That was indeed the practice throughout most of this nation's history. In fact, the long history of prayer in public schools has produced a considerable body of state court decisions, decided before *Engel* v. *Vitale* and *Abington School District* v. *Schempp*, which clarify the scope of permissible prayers under state law. Because the proposed amendment merely would remove the bar of the Establishment Clause as construed by the Supreme Court, state laws which prohibit or restrict sectarian instruction in public schools would not be affected. For example, a number of state courts construed state constitutions or laws to prohibit sectarian instruction but not to prohibit readings from the Bible without comment or other brief devotional exercises.[68] In a few states, state courts ruled against prayer in public schools,[69] and those decisions would not be affected by the proposed amendment. In other areas, the state and local authorities would be left to determine the appropriate rules for prayer in light of current conditions. Thus, the proposed amendment is not intended to establish a uniform national rule on prayer, but to allow the diversity of state and local approaches to manifest themselves free of federal constitutional constraints.

The national heritage of prayer in the public schools and elsewhere suggests the types of prayer that might be followed in particular areas. Prayers could be based upon established religious sources, such as the Bible,[70] or could be suggested by school authorities in light of local circumstances. Examples of such prayers composed or selected by school officials are the Regents' prayer in *Engel* v. *Vitale*, and the fourth verse from "America," which was recited by New York City schoolchildren.[71]

D. Applicability of the proposed amendment

The amendment by its terms would apply to prayer in "public schools or other public institutions." The intent of this language is to make the remedial provisions of this amendment coextensive with the reach of the First Amendment's Establishment Clause as construed by the Supreme Court. The prohibitions of the Establishment Clause do not forbid prayer in private schools or institutions, and so the present amendment need not address the issue.

Although most controversies relating to public prayer arise in the context of public schools, the proposed amendment is drafted to apply to prayer in other public institutions, including prayers in legislatures.[72] In such public institutions, prayer could be permitted to the extent and under the conditions determined by the authorities in charge.

E. No person can be required to participate in prayer

The second sentence of the proposed amendment guarantees that no person shall be required to participate in prayer. This prohibition assures that the decision to participate in prayer in public schools and other public institutions will be made without compulsion. Those persons who do not wish to participate in prayer may sit quietly, occupy themselves with other matters, or leave the room. Reasonable accommodation of this right not to participate in prayer must be made by the school or other public authorities. Thus, the exercise of the right to refrain from participating cannot be penalized or burdened.

The proposed amendment does not refer to "voluntary" prayer, but incorporates the concept of voluntariness into the second sentence, which assures that students or others will not be required to participate in prayer if they do not wish to do so. One reason for this formulation is to make clear that the amendment rejects the "implied coercion" theory of *Engel* v. *Vitale*, 370 U.S. at 431. The term "voluntary prayer" might, moreover, be read to refer only to student-initiated prayer. The amendment is intended to include more than this. Public authorities should have the right to conduct public prayers for those who desire to participate, subject only to the express right of those who do not wish to participate not to do so.

The guarantee against required participation in prayer parallels and reaffirms the protection already afforded by the Free Exercise Clause of the First Amendment.[73] It is intended to be analogous to the Supreme Court's decision in *West Viriginia State Board of Education* v. *Barnette*, 319 U.S. 624 (1943), which held that students cannot be compelled to recite the Pledge of Allegiance.[74] Thus, the second sentence of the proposed amendment assures that students and others will never have to make a forced choice between their religious beliefs and participation in a state-sponsored prayer. Indeed, the second sentence of the proposed amendment provides greater protection than the Free Exercise Clause, because a person desiring not to participate in prayer need not show a religious basis for his belief.[75] Accordingly, there would be no need for an inquiry into the religious basis for a person's decision not to participate in prayer.

The fact that one or more students do not wish to participate in prayer, however, would not mean that none of the students would be allowed to pray. The provision forbidding required participation in prayer is intended to be sufficient to protect the interests of those students. As the Supreme Court stated in *West Virginia State Board of Education* v. *Barnette*, 319 U.S. at 630, with respect to the Pledge of Allegiance, "the refusal of these persons to participate in the ceremony does not interfere with or deny rights of others to do so." This would be the proper rule to apply with respect to school prayer: persons who do not wish to participate in prayer should be excused or may remain silent, but that should not interfere with or deny the rights of others who do wish to participate.

FOOTNOTES

[1] Rice, *The Prayer Amendment: A Justification*, 24 S. C. L. Rev. 705, 715 (1972).

[2] 3 Stokes, *Church and State in the United States* 180-93 (1950).

[3] 35 *The Writings of George Washington* 229 (J. Fitzpatrick ed. 1940).

[4] W. Berns, *The First Amendement and the Future of American Democracy* 13-14 (1976).

[5] *Engel* v. *Vitale*, 370 U.S. 421, 449 (1962) (Stewart, J., dissenting).

[6] H.R. Rep. No. 1693, 83d Cong., 2d Sess. (1954).

[7] *Engel* v. *Vitale*, 370 U.S. at 449 (Stewart, J., dissenting).

[8] Note, *Religion and the Public Schools*, 20 Vand. L. Rev. 1078, 1094 n.89 (1967). Before *Engel* v. *Vitale*, 370 U.S. 421 (1962), the New York City public school students recited this verse each day. Id.

[9] 126 Cong. Rec. H1168-73 (daily ed. March 30, 1982).

[10] The Court's statement in Zorach was simply one example of the long tradition of judicial acknowledgment of our religious heritage. The cases are replete with other examples. See, e.g. *Holy Trinity Church* v. *United States*, 143 U.S. 457, 465 (1892):

> [N]o purpose of action against religion can be imputed to any legislation, state or national, because this is a religious people. This is historically true. From the discovery of this continent to the present hour, there is a single voice making this affirmation.

[11] See generally, L. Pfeffer, *Church, State, and Freedom*, 394-99 (1953); Beale, *A History of Freedom of Teaching in American Schools* 95 (1941); Note, *supra* note 8, at 1083-84.

[12] Hartford, *Moral Values in Public Education: Lessons from the Kentucky Experience* 31 (1958).

[13] 2 State of New York, *Messages from the Governors* (C. Lincoln ed.) 550-51.

[14] 2 Stokes, supra note 2, at 57, quoted in Brief of Intervenors-Respondents at 25, *Engel* v. *Vitale*, 370 U.S. 421 (1962).

[15] Id. See also L. Pfeffer, supra note 11, at 284-86.

[16] In 1876, the nonsectarian movement led to consideration of the so-called Blaine amendment in Congress, which would have imposed nonsectarian requirements on the states. In particular, the Senate version of the amendment would have forbidden the teaching of the "particular creed or tenets" of any religious group in the public schools, but it expressly stated that it would not prohibit "the reading of the Bible in any school or institution." 4 Cong. Rec. 5453 (1876). The House passed a version of the Blaine amendment, but the Senate version fell short of a two-thirds vote in the Senate. *Id.* at 5595. The amendment was defeated in part because of the belief that existing state constitutions were adequate to restrict sectarian instruction and in part because of partisan differences. See L. Pfeffer, supra note 11, at 131-32; *Illinois ex rel. McCollum* v. *Board of Education*, 333 U.S. 203, 218 (1948) (opinion of Frankfurter, J.).

[17] See *Abington School District* v. *Schempp*, 374 U.S. 203, 277 nn. 52 & 53 (1963) (Brennan, J., concurring) (citing cases and source materials).

[18] Brief at 15-16.

[19] *Everson* v. *Board of Education*, 330 U.S. 1 (1947). See also *Cantwell* v. *Connecticut*, 310 U.S. 296 (1940) (Free Exercise Clause).

[20] 2 *Writings of James Madison* 183-91, reprinted in *Everson* v. *Board of Education*, 330 U.S. 1, 63-72 (1947) (Appendix to opinion of Rutledge, J., dissenting). The Supreme Court in Everson and *Engel* v. *Vitale* quoted the views of Madison in interpreting the religion clasues of the First Amendment. See Everson, 330 U.S. at 11-13 (opinion of the Court); id. at 37 (Rutledge, J., dissenting), *Engel* v. *Vitale*, 370 U.S. at 436.

[21] *Everson* v. *Board of Education*, 330 U.S. at 16. This phrase is drawn from a statement by Jefferson, dated January 1, 1802, to the Danbury Baptist Association. The full text appears at 16 *Writings of Thomas Jefferson* 281-82 (Lipscomb and Bergh, eds. 1903).

[22] *Engel* v. *Vitale*, 370 U.S. at 445-46 (Stewart, J., dissenting).

[23] Criswold, *Absolute is in the Dark—A Discussion of the Approach of the Supreme Court to Constitutional Questions*, 8 Utah L. Rev. 167, 174 (1963).

[24] See Griswold, supra note 23, at 174; R. Healey, *Jefferson on Religion in Public Education* 256 (1962).

[25] 370 U.S. at 425-30.

[26] As introduced, Madison's proposal read: "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed." 1 *Annals of Congress* 434 (1789).

[27] Id. at 729.

[28] Id.

[29] Id. at 730.

[30] Id. at 730-31.

[31] Id.

[32] Id. at 766.

[33] 2 B. Schwartz, *The Bill of Rights: A Documentary History* 1153 (1971).

[34] See *Engel* v. *Vitale*, 370 U.S. at 428 n.11.

[35] *Lemon* v. *Kurtzman*, 403 U.S. 602, 612 (1971).

[36] Malbin, *Religion and Politics* 15-17 (1978); Berns, supra note 4, at 8-9; Sky, *The Establishment Clause, the Congress and the Schools: An Historical Perspective*, 52 Va. L. Rev. 1395, 1418-19 (1966). Thus, as Justice Stewart has noted, "it is not without irony that a constitutional provision evidently designed to leave the States free to go their own way should now have become a restriction upon their autonomy," *Abington School District* v. *Schempp*, 374 U.S. at 310 (Stewart J., dissenting).

[37] *Zorach* v. *Clauson*, 343 U.S. 306, 312 (1952). The Court went on to suggest that prayers in legislative halls, thanksgiving proclamations, and "all other references to the Almighty that run through our laws, our public rituals, [and] our ceremonies" do not "flout . . . the First Amendment." Id. at 312-13.

[38] *Abington School District* v. *Schempp*, 374 U.S. at 309 (Stewart, J., dissenting).

[39] See Berns, supra note 4, at 68-72; Rice, supra note 1, at 709-16.

[40] See text at 1-2, supra.

[41] 374 U.S. at 219-20, quoting *Zorach* v. *Clauson*, 343 U.S. 306, 312 (1952). See also *Everson* v. *Board of Education*, 330 U.S. at 18.

[42] 374 U.S. at 220, quoting *Torcaso* v. *Watkins*, 367 U.S. 488; 495 (1961).

[43] *Stein* v. *Oshinksy*, 348 F.2d 999 (2d Cir.), cert. denied, 382 U.S. 957 (1965).

[44] *DeSpain* v. *DeKalb County Community School Dist.*, 384 F.2d 836 (7th Cir. 1967), cert. denied 390 U.S. 906 (1968).

[45] *Karen B.* v. *Treen*, 653 F.2d 897 (5th Cir. 1981), aff'd mem., 102 S. Ct. 1267 (1982). Accord, *Kent* v. *Commissioner of Education*, 402 N.E.2d 1340 (Mass. 1980).

[46] *Lubbock Civil Liberties Union* v. *Lubbock Independent School District*, 669 F.2d 1038, 1042-48 (5th Cir. 1982); see also *Brandon* v. *Board of Education*, 635 F.2d 971, 977-79 (2d Cir. 1980), cert denied, 102 S. Ct. 970 (1981); *Trietley* v. *Board of Education*, 65 A.D.2d 1, 409 N.Y.S.2d 912 (1978).

[47] *State Board of Education* v. *Board of Education*, 108 N.J. Super. 564, 262 A.2d 21, aff'd, 57 N.J. 172, 270 A.2d 412 (1970), cert denied, 401 U.S. 1013 (1971).

[48] *Collins* v. *Chandler Unified School Dist.*, 644 F.2d 759 (9th Cir.), cert. denied, 102 S. Ct. 322 (1981).

[49] *Id.* at 761; *Lubbock Civil Liberties Union* v. *Lubbock Independent School District*, 669 F.2d at 1042-48; *Brandon* v. *Board of Education*, 635 F.2d at 978-79. The recent Supreme Court decision in *Widmar* v. *Vincent*, 102 S. Ct. 269 (1981), does not retreat from these principles. In that case, the Court held that a state university may not, consistent with the First Amendment's guarantee of free speech, exclude a student religious group from utilizing university facilities for meetings where those facilities were generally open for use by student groups. As the court pointed out, the question at issue in *Widmar* "is not whether the creation of a religious forum would violate the Establishment Clause." *Id.* at 276. Instead, given that the university opened its facilities to general student use, "the question is whether it can now exclude groups because of the content of their speech." *Id.* In this context, the Court did not believe that the primary effect of the open facilities policy would be to advance religion. *Id.*

[50] *Chambers* v. *Marsh*, No. 81-1077 (8th Cir. Apr. 14, 1982). But see *Zorach* v. *Clauson*, 343 U.S. at 312-13 (suggesting that "[p]rayers in our legislative halls" do not "flout[] the First Amendment").

[51] See text at 7-14 supra. See also T. Cooley, *General Principles of Constitutional Law of the United States*, 224-25 (3d ed. 1898); 3 J. Story, *Commentaries on the Constitution of the United States*, § 1866 (1833).

[52] J. Story, supra note 51, § 1868.

[53] Griswold, supra note 23, at 174.

[54] *Abington School District* v. *Schempp*, 374 U.S. at 312 (Stewart J., dissenting).

[55] Id. at 312-13, quoting *Murdock* v. *Pennsylvania*, 319 U.S. 105, 111 (1943).

[56] *Abington School District* v. *Schempp*, 374 U.S. at 313 (Stewart, J., dissenting).

[57] Rice, supra note 1, at 714. See also *People ex rel. Vollman* v. *Stanley*, 255 p. 610, 616 (Colo. 1927).

[58] Polls have shown that public approval of voluntary school prayer ranges from 69 to 85 percent of the population. See New York Times, May 7, 1982, p. B 40. Such clear public sentiment in favor of school prayer supports the need for this constitutional amendment.

[59] For example, the brief reading in *Abington School District* v. *Schempp* were designed to serve such secular purposes as "the promotion of moral values, the contradiction to the materialistic trends of our times, the perpetuation of our institutions, and the teaching of literature." Id., 374 U.S. at 223.

[60] See "The Regents Statement on Moral and Spiritual Training in the Schools" (Nov. 30, 1951), Appendix A to Brief for Board of Regents as Amicus Curiae, *Engel* v. *Vitale*, 370 U.S. 421 (1962).

[61] See also *Abington School District* v. *Schempp*, 374 U.S. at 288 (Brennan, J., concurring).

[62] See *Brandon* v. *Board of Education*, 635 F. 2d at 977-80; *Stein* v. *Oshinsky*, 348 F.2d at 999-1002; *Hunt* v. *Board of Education*, 321 F. Supp. 1263 (S.D. W.Va. 1971); *Kent* v. *Commissioner of Education*, supra.

[63] See, e.g., *Stein* v. *Oshinsky*, 224 F. Supp. 757, 760 (E.D.N.Y. 1963) ("The rights of [students] to say voluntary prayer must be subject to such reasonable rules and regulations as may be prescribed by the school authorities"), rev'd on other grounds, 348 F.2d 999 (2d Cir.), cert. denied, 382 U.S. 957 (1965). Cf, *Heffron* v. *International Society for Krishna Consciousness*, 101 S. Ct. 2559 (1981) (restriction on distribution of religious literature upheld); *Grayned* v. *City of Rockford*, 408 U.S. 104 (1972) (restriction on demonstration near school upheld). Thus, school officials would be able to schedule periods of prayer in a manner so as not to cause disruptions during the school day; similarly, a judge or legislative committee could limit prayer to the opening of a day's session, not during the middle of a jury argument or a hearing.

[64] See *Abington School District* v. *Schempp*, 374 U.S. at 220; *Engel* v. *Vitale* 370 U.S. at 430-33.

[65] Such non-theistic religions might include "Buddhism, Taoism, Ethical Culture, Secular Humanism, and others." *Torcaso* v. *Watkins*, 367 U.S. at 495 n.11. One court has construed Transcendental Meditation as a "constitutionally protected religion." *Malnak*, v. *Yogi*, 592 F.2d 197, 214 (3d Cir. 1979).

[66] See *Abington School District* v. *Schempp*, 374 U.S. at 282 (Brennan, J., concurring) (asserting that "any version of the Bible is inherently sectarian").

[67] Cf. *Stein* v. *Oshinsky*, 348 F.2d 971 (grace before meals); *Brandon* v. *Board of Education*, 635 F.2d 999 (prayer meeting before school).

[68] See *Abington School District* v. *Schempp*, 374 U.S. at 277 n. 52 (Brennan, J., concurring) (citing cases in Colorado, Florida, Georgia, Iowa, Kentucky, Kansas, Michigan, Minnesota, New Jersey, New York, Tennessee and Texas). The Appendix to the Brief for Appellants in *Abington School District* v. *Schempp* summarized 25 state laws or constitutional provisions which were construed to permit readings from the Bible. These laws are consistent within the experience of many states which, although removing sectarian instruction from the schools, nevertheless permitted readings from the Bible. See text supra at 6.

[69] See *Abington School District* v. *Schempp*, 374 U.S. at 275 n. 51 (Brennan, J., concurring) (citing cases from Illinois, Louisiana, Nebraska, South Dakota, Washington State, and Wisconsin).

[70] In *Abington School District* v. *Schempp*, 374 U.S. at 207, 211, the school authorities permitted the use of different versions of the Bible.

[71] See note 8 supra.

[72] One court has ruled unconstitutional a state legislature's practice of retaining a chaplain to offer prayers, and a similar challenge to chaplains in Congress is pending. See text at 19 supra.

[73] See *McDaniel* v. *Paty*, 435 U.S. 618 (1978) (state statute barring ministers from service in state legislature violates right to free exercise of religion); *Wisconsin* v. *Yoder*, 406 U.S. 205 (1972) (state compulsory school attendance law violates free exercise rights of Amish parents); *Sherbert* v. *Verner*, 374 U.S. 398 (1963) (conditioning unemployment benefits on acceptance of Saturday work violates free exercise rights of a Seventh-Day Adventist).

[74] See also *Torcaso* v. *Watkins*, 367 U.S. 488 (1961) (state law requiring affirmation of belief in God as a condition to public employment violates free exercise of rights).

[75] A person relying only on the right to free exercise of religion must show a fundamental conflict between religious convictions and state-imposed obligations, but, even so, the state may justify an infringement upon religious liberty by showing that it is "essential to accomplish an overriding government interest." *United States* v. *Lee*, 102 S. Ct. 1051 (1982), citing, *Thomas* v. *Review Bd. of Indiana Employment Sec.*, 101 S. Ct. 1425 (1981); *Wisconsin* v. *Yoder*, 406 U.S. 205 (1972); *Gillette* v. *United States*, 401 U.S. 437 (1971); *Sherbert* v. *Verner*, 374 U.S. 398 (1963). In Lee, the Court did not dispute that mandatory payment of social security taxes violates Amish religious beliefs. 102 S. Ct. at 1055. The Court nonetheless found that the overriding public interest in a strong social security system justifies this burden on religious beliefs, and that the imposition of such a burden did not violate free exercise rights. Id. at 1056-57.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EVANS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EVANS. Mr. President, I have listened with great interest over the last several minutes and, of course, with my colleagues have listened avidly over the past 2 weeks to the debate on school prayer. I have read earnestly. I have heard daily from constituents. Before we have an opportunity to vote I wish to share some thoughts with my colleagues.

In all of the debate, we have missed one exceedingly important question, although we have certainly skirted it, and that is: Should the Constitution itself be subject to change of this type?

I may not be a fundamentalist when it comes to religious practices, as I am a Congregationalist instead, but I am a fundamentalist when it comes to the Constitution. Our Constitution, any constitution, it seems to me, should have two fundamental elements, the organization of Government under which we operate, and the basic rights reserved to all citizens. I think this Constitution has lived strong and vital for 195 years following these principles. In contrast, our own State constitution, the constitution of the State of Washington, is seven times as long as the Federal Constitution, and ours is by no means the longest and the most detailed of the State constitutions of this Nation.

In the 95 years of Washington's history, we have amended that Constitution 74 times.

I think it is revealing then to examine the 26 amendments we have made to the U.S. Constitution in 195 years. Ten of those, of course, were adopted long with the Constitution as our bill of rights and, of course, we are subjecting one of those to potential change now. Two of them canceled each other, prohibition, and the repeal of prohibition. The 14 remaining are of two types: One is ministerial or organizational. The establishment, for instance, of a two-term limitation for a President, and several constitutional amendments which have repeatedly changed the succession of the Presidency. The other type is those which deal with fundamental rights or responsibilities of citizens.

Eight of the fourteen are organizational in scope. Only six amendments in the 195 years of our history have been those relating to fundamental rights and responsibilities. And what are they? The 13th amendment, which abolished slavery; the 14th amendment, which came along just behind it stating that citizenship rights were not to be abridged by the several States, the so-called interstate commerce clause, and it arose out the Civil War; the 16th amendment, which I suspect some would repeal if they had the chance, establishing the income tax for this Nation; and the 15th, the 19th, and the 26th, all expanding the right to vote, the first to those of all races, the second to women, and the third to 18 year olds.

I think that leads us to the first question we should approach in this debate. Does this or any of the several current proposals fit the historical mold of those few but great amendments which have been adopted to our Constitution?

The issue before us seems to relate to a concern of citizens over the general state of our schools, and probably to the piety of our people. And that leads to the second question: If religion in this country is really weak, does this proposal strengthen religious beliefs? Even though advocates are careful to separate prayer in school from governmental supervision of that prayer, the teacher will end up playing a vital role.

If there is one great problem in our school systems today, it is that we have overburdened our teachers with many, many elements beyond their most fundamental one of providing teaching to our children. Harried, overworked teachers are now being called on to be substitute parents, to be guardians, to be policemen, and this will add the exceedingly disagreeable responsibility of referee.

The third question is really the alternate of the second. If religion is really strong, does this then enhance religious practices in this Nation, or does it really reduce or dilute the religious practices of many? I suggest that prayer, whether vocal or silent, if organized and led through the school systems in the regular school hours, will be unfulfilling for the devoted, puzzling for the questioning, and annoying to the nonbeliever.

The next element which I find most troubling is that this Senate operates on a committee process. Almost all legislation which is referred to the Senate floor has received not only the scrutiny, the critical scrutiny, of a committee, but a recommendation from that committee. We heard today in the exchange between the Senator from Arkansas and the Senator from Illinois the differences in interpretation, the questions, which are legitimate ones, as to the meaning of the various amendments. And yet we have had no recommendation from the committee.

We have had no recommendations or even hearings on some of the specific compromises which have been suggested during the course of the last couple of weeks.

The issue, of course, is a difficult issue. I have tried to read and to listen to constituents to understand better the history of our Constitution and what our forefathers had in mind as they wrote it. These are personally and fiercely held beliefs, and they are honest beliefs on both sides of the issue. But the nature of our difficulty, it seems to me, is emphasized by the variety of approaches. Some suggest that organized silent prayer would equate to an authorization or encouragement of transcendental meditation, and some of my constituents have suggested just that. Some suggest that these prayers should be student led; others that they should be teacher led and organized. Others suggest that there simply is no compromise on the issue and that those who have sought compromise cannot succeed. Others suggest that current court decisions lead toward an antagonism toward prayer rather than a professed neutrality.

With these issues and these questions posed, in my view, the proposed amendments, both vocal and silent, fall on all counts. There is no committee recommendation to guide this Senate as a result of the hours of hearings they held. I do not believe it ranks with the other six amendments which have been adopted in the 195 years of our history. I believe that the courts will continue to interpret and define, as they have done for almost 200 years, to keep this document a living, modern framework for our people.

Again, as was pointed out by the Senator from Arkansas, the Supreme Court has yet to rule on some of the issues which are immediately before us in proposed amendments. They could very well rule and, in doing so, resolve some of the problems we have before us rather than going through the many years required to establish a constitutional amendment.

Now, I do not oppose this amendment because I do not believe in prayer, but I oppose it because I believe so fervently in the personality and the privacy of prayer. I am a Christian and occasionally at least go back to the Bible. And I think Jesus said it about as well as any in Matthew 6, verses 5 through 8,

> And when thou prayest, thou shalt not be as the hypocrites are: for they love to pray standing in the synagogues and in the corners of the streets, that they may be seen of men. Verily I say unto you, They have their reward.
>
> But thou, when thou prayest, enter into thy closet, and when thou hast shut thy door, pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly.
>
> But when ye pray use not vain repetitions, as the heathen do: for they think that they shall be heard for their much speaking.
>
> Be not ye therefore like unto them: for your Father knoweth what things ye have need of, before ye ask him.

I fear that while controversy rages around this issue today, it will rage even more burdensomely and for longer if we in fact pass such an amendment—burdensome to teacher and parent alike. Let me read to you a thoughtful letter from one of my constituents, from his own experience as a child.

> News reports that the Senate will soon debate prayer in public schools vividly recalls my experience as an eighth grade student.

I might say to the Senator from Illinois an eighth grade student in the State of Illinois.

> Fifty years ago, my parents were Catholic and, since our town did not have a Catholic Church, we attended church and Sunday school in a nearby community. The priest, knowing that public schools in that part of Illinois had a form of religious service, told us it would be a sin if we Catholic children participated.
>
> The practice in our school was for each student to recite a statement from the Bible different from any other student and the row with the best performance was the first dismissed for recess, lunch, and at the end of the day. At first, my seating row could never be first dismissed because I refused to participate. Eventually though, I gave in to peer pressure and learned several short statements. The only one I remember 50 years later is "Jesus wept." My row did not fare well anyway because often some other student recited "my" statements before my turn came.
>
> I can still remember, and so can my sister, the problems of being the only Catholics in our classes and feel strongly that prayer does not belong in school.

I also had a phone call and spent some considerable time with a distinguished retired teacher from the State of Washington, who worried desperately that this amendment would almost certainly result, perhaps not immediately but as time goes on, in public educational institutions increasingly shaping religious values and that this could be the first small skirmish in what could swell into a battleground of denominations.

Finally, the passage of this amendment would require us to go through a new and a lengthy process of court interpretation, years of the courts, once again, trying to identify more particularly case by case what this new constitutional amendment really means.

Two final observations, one modified by the exceptionally fine dialog between the Senator from Illinois and the Senator from Arkansas. I might say, in spite of excellent leadership in dialog between the Senator from Utah and the Senator from Connecticut, and all the splendid statements of my colleagues, this has really not been a debate in the historic sense, but rather a series of statements given to a largely empty Chamber. Reading the CONGRESSIONAL RECORD, or listening to those hollow voices through a squawk box, is a thin substitute for the traditional debates that this Senate was once noted for. I would hope at some time the Senate might make it possible to congregate in the final stages of a debate as important as this and once again institute live rather than sterile debate in the U.S. Senate.

In this abbreviated session of 1984, I just wonder whether we have our priorities straight. I am confident that God will remain in the heart of every child who will let him in, with or without this amendment. But the Nation's economic recovery may not last until we propose, debate, and pass an effective deficit reduction program. And none of us may survive at all unless we devise an appropriate way to secure nuclear arms reductions and a more secure peace. I hope that we may promptly proceed in this Senate to these and the other vital issues of 1984.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I commend the distinguished Senator from Washington for his very eloquent statement. Indeed, he points out with precision the difficulties that we encounter when considering any constitutional amendment proposed on the floor, and more specifically, how we as legislators could improve on what we have now, which is the first amendment of the Constitution as it is now written.

Before trying to give a little background as to where we are right now, vis-a-vis, the amendment before us, I would like to ask the Senator from Illinois a question. This question has been propounded to the Senator from Utah and to the Senator from Iowa, but I have yet to get an answer. However, the distinguished Senator from Illinois knows of something that has not yet been revealed in response to the following question. I wonder if the Senator from Illinois is able to cite one court decision, one law, State or Federal, or one portion of the Constitution that prohibits anyone, child or adult, from praying as an individual in school today.

Mr. DIXON. An individual?

Mr. WEICKER. Yes.

Mr. DIXON. As separate and apart from the organized silent prayer, or silent reflection?

Mr. WEICKER. That is right.

Mr. DIXON. I cannot.

Mr. WEICKER. In the very response, then, are the words which bring your point of view into conflict with the Constitution as separate and apart from organized silent prayer or, as the distinguished Senator from Illinois stated in his dialog with the Senator from Arkansas, structured silent prayer, structured reflection.

That is the whole point. That is where this amendment encounters difficulty. Words like structured or organized are exactly what complicates this issue. All of a sudden prayer or reflection become an activity of the institution of government.

The fact that we are talking about schools, as I have said many times before, does not relieve this or similar amendments of the onus of being government sponsored prayer. School is government. The words are interchangeable. In this context government means prayer, or school prayer.

If you ask the question, are you in favor of government prayer, 99 percent would likely say no. School prayer? Yes. The words are interchangeable. School, in this case, is government.

In this instance you are using the institution of government to bring about a desired result insofar as it relates to religion. That is why the proposal of the distinguished Senator from Illinois runs afoul of the Constitution.

Now let us see where we are in the parliamentary sense because I think it is important that my colleagues be apprised of the background of what has transpired today.

The Senator from Illinois said he wants his amendment decided. That is fair enough. There are at least 20 other Senators who also had amendments, all who participated in this debate, all who wanted their amendments decided. But when the time came yesterday for a unanimous-consent request, all the other Senators, with the exception of the Senator from Illinois, were willing to lay their amendments aside in order that the President might have an up-or-down vote on his amendment. Senators, I might add, who had participated rather consistently in the debate on this matter and each of whom had their own amendments.

What the Senator from Illinois is in effect saying, "I want to piggyback on the President's amendment so that I can be first in line."

What this Senator tried to do, and I started from the position of not wanting to have anything voted on, was to say, "All right, let us take at least a first step and start voting. Let us give the President of the United States an up or down vote on his amendment." However, I do not think the President will win and I have made no secret of it.

And I might add this matter was cleared with the President himself. He realizes the risk involved here. But everybody, the majority leader and the 20 Senators with their amendments, this Senator, the President, everybody wanted to get the process on track.

During these negotations, I did not know where we were going to end up. I made no commitments, either as to debate or no debate. It was a very simple process. Senator HELMS stood here Monday night and said, "Let us vote." My response on Tuesday morning was, "So be it. Let us vote."

So when the Senator from Illinois jumps in on the matter and uses this as the occasion to come to the head of the line, there might be some who would object. Certainly I would, and not only for myself but on behalf of those who were patiently waiting to have their own amendments called up.

I think it important to set the record straight. There was no delay contemplated by my colleagues that share my viewpoint on this issue. We knew that sooner or later we would have to be involved in the voting process and we were willing to start that process.

Indeed, we had 1 week's worth of debate on the prayer issue and at the outset of the second week of this debate we sat down with the majority leader and tired to facilitate his job.

Now the Senator from Illinois also is saying that he wants to tell the majority leader what the order of business is before the Senate. I have no commitment with the majority leader as to what happens after we vote on the President's amendment. I have absolutely no commitment from the majority leader that guarantees we will not raise the issue about which the Senator from Illinois is concerned. That could very well be the next business of the Senate. I do not know. And I did not ask for this commitment.

It was merely an agreement with all parties in this debate that we get on with the business of voting on the President's amendment and the responsibility for not voting on it now is placed directly on the head of the Senator from Illinois.

Ninety-nine other Senators wanted to proceed with a vote on Senate Joint Resolution 93 as of last night. The Senator from Illinois did not. I repeat, there are at least 20 amendments pending on this matter and there is no possibility that a solution involving all 20 amendments is going to be evolved in one fell swoop.

So let the record show that the man who precipitated the issue—I am very much in disagreement with him—was the President of the United States. Not the Senator from Illinois, but, rather, the President, who felt that State prayer was an important issue—is not going to have this vote under these circumstances. Indeed, a serious question is raised because now we cannot arrive at an agreement which is fair to all sides. And, it must have been fair, because 99 Senators gave their OK, the preponderance of whom are in opposition to this Senator and to the others on my side. All thought the unanimous-consent agreement was fair. But, now unfortunately, one amendment and one amendment only has made it to the head of the line.

It is not easy for me to discuss this matter on the floor. However, I believe it is important that the public know that what has happened is not a matter of delay by those who "are against prayer in the schools." Rather it is now a delay by those who want to have their solution to the problem voted on. And if they do not enact their solution, then the whole process must be stalemated.

Now, Mr. President, we have the amendment of the distinguished Senator from Illinois before us for, as he says, "organized reflection," "organized silent prayer," as he says, "structured silent prayer," or "structured reflection." Why does he, or those who propose this amendment, have any right to say to my child, "Your prayer shall be structured silent reflection or meditation"?

My children are taught to pray out loud and in a very specific way. They are also told, quoting from the Bible in the words shared with us by the distinguished Senator from Washington, that they need not pray in any set way or audibly. Yes, they can do it silently if they want to, but why should there be anything that indicates how it is that these children are going to pray?

Right now, we enjoy total freedom under the first amendment of the Constitution of the United States. What the Senator from Illinois wants to do, in a politically innocuous way and, as he perceives it, in a popular way, is to create a situation in religion and, more specifically, prayer religion, that to me as a parent and to the leaders of my political flock is more objectionable than what already exists.

I do not exactly understand what compels the Senator from Illinois to restrict our current religious freedoms. I think he, along with many others of good will, feels that what they want to restore are some traditional values, traditional practices. Those traditional values and practices hurt a lot of people.

In my generation and those before mine, we looked upon group prayer as some sort of warm little event in the course of our school day. Yet, if you were Jewish, if you were a Muslim or a Hindu or anything but Christian and Protestant, it was a very uncomfortable moment. Those who experienced that discomfort could not say so because to say so would invite even more ridicule and more hurt. But we now know, since many of these persons have grown up and free to speak, that these were very painful moments.

I know that my children and the children of my friends have a greater religious tolerance today than I or my friends ever had. Quite frankly, they do not care about their classmates' religion. They make their friends on the basis of other values than faith. I think that because they have accomplished this, then they may be more Christian, to use my faith, than I ever was or ever will be. Slowly but surely, we have done away with the religious prejudices that we have taught. Some of these prejudices were taught by word, other by deed, others by tradition and practice. Remember the words of Rogers and Hammerstein in South Pacific, "You've got to be taught how to hate." Well, we have taught and we have taught in many different ways.

I remember when my two oldest boys, Scott and Gray, were growing up in Greenwich, Conn. Both of them were fine baseball players. Scott was a catcher, Gray was a pitcher. Gray has gone on, he is a professional hockey player now in the National Hockey League. Long ago, Scott hung up his mitt. But they both loved baseball. They played in the little league.

I shall never forget an incident that occurred at that time that impressed me as to far we have come in eliminating prejudice in this country. Greenwich, Conn., does not have a large black population. It is very small. One of the finest athletes in the town of Greenwich was a young black by the name of Moochie Waddell, who played on Scott's team. One day prior to a game, Scott was catching batting practice in the cage and a reporter from the local newspaper approached him. He turned to Scott and said, "Hey, kid, which of the kids out there is Moochie Waddell?" Well Moochie was the only black child on the team. But Scott looked around where people were catching and throwing and warming up for the game, and he pointed—I was standing around the cage so I heard this whole dialog and he said, "He is the kid in the pink shirt."

Now, that is the difference of perception of a new generation—not of mine or those who are older and are trying to retain the old traditions and the old values. I think we have come a long way toward realizing the American dream in many ways, and religion is one of them.

I have said it here before and I will say it again. If there had been a constitutional amendment on this floor 50 years ago, do you think, it would have been anything as sophisticated as the amendment of the distinguished Senator from Illinois?

Do you think it would have said:

> Nothing in this Constitution shall be construed to prohibit individual or group silent prayer or silent reflection in public schools. No person shall be required by the United States or by any State to participate in such prayer or reflection. Neither the United States nor any State shall compose any prayer or encourage any particular form of prayer or reflection.
>
> The authorization by the United States or any State of equal access to the use of public facilities by student voluntary religious groups shall not constitute an establishment of religion?

No. I will tell you what it would have said. It would have amended the first amendment, and we would have had a prayer, it would have been audible, it would have been Christian, and, more specifically, it would have been Protestant. In any manner, shape, or form, in terms of how human being perceives human being, I do not yearn for the good old days when I went to school. Sure, there are going to be just as many likes or dislikes among classmates, but at least they will not relate to the color of a person's skin or their religion or economic status—the good old values. Let me tell you, the good old values might have been all right in an earlier day, but they do not fly in this one, and I say thank God to that.

Tradition is a substitute for the Constitution? Racial prejudice was a tradition in the United States and thanks to Dr. King and the Supreme Court of the United States and then, belatedly, the Congress—we were the last ones to come into line—we made the Constitution come alive for nonwhites. It was no longer just words; it became reality.

(Mr. EVANS assumed the chair.)

Mr. WEICKER. Tradition said that the retarded and the disabled were put away in large institutions and forgotten. Mainstream—the word that we now hear in reference to these people who can share so much of the same life that the rest of us enjoy—was never used. People used to say well, one of the manifestations of Down's syndrome is that the child is fat and tongue is lolling out of his head. That has nothing to do with Down's syndrome. That has to do with the way society treats a Down's syndrome child. If you were put into a corner and left there as a child, you would be fat, too. And if you had a part of your anatomy that needed particular strengthening and there was no opportunity to do that, yes, then your tongue would loll out of your head. But I am telling you right now that has nothing to do with Down's syndrome. That is a symptom of the callousness of humanity. And yet, it was a tradition to take those of our society who were different and to put them off in a dark corner in a large building.

I do not yearn to go back to those days either. As every day goes by in the United States, as every year that is added to the calendar, the process works and we become a more perfect Nation.

Now, there is no necessity to punish ourselves by forgetting the precepts of the Constitution as it relates to history. We are no different from many other generations. Indeed, how long has it been since we have really had to remind ourselves of the first amendment by virtue of any particular event here in the United States?

In a dialog with my good friend from Utah, I asked him when the persecution of the Mormons took place. That was about 100 years ago. Now, we have had prejudice, and I am sure that we have even had injury and death resulting from religious prejudice, but that probably was the last mass effort by Americans to eradicate a particular religious sect. So really it has been 100 years since we have had religious persecution except for the more subtle ways individuals persecute individuals.

But may I remind you, a lot of times I fall into the trap of saying that the first amendment was mainly written by virtue of our European experience. In other words, those who came over from Europe—where religious persecution was rife—were determined not to see it repeated in the United States. I do say that, yet, it is not really accurate. That is not what truely precipitated the first amendment. The first amendment was precipitated by these people coming from Europe to the United States, where they were fleeing religious persecution. But, State by

State these people started to establish their own religions. Connecticut was Congregationalist; Virginia was Anglican; New Hampshire was Congregationalist; and so on. The first amendment was added to the Constitution in response to the persecution that took place in the States; a persecution that was inflicted by those who had ironically been through the experience of being persecuted. So, if our forefathers could not remember the values upon which the United States was founded, I think we can all be excused if 100 years later if we, too, have done a little bit of forgetting.

But the first amendment was devised principally by James Madison, by Thomas Jefferson, and it all came to a head in the State just across the river, Virginia, when a group of legislators proposed a bill which would impose a tax, the proceeds of which was to be used to pay the teachers of a Christian religion in the Virginia public school system.

It was at that juncture that Madison rose and delivered his eloquent statements about the need for protection against the very practices from which we had fled in Europe.

So I have no doubt that if we permit the process to take its course insofar as our basic rights and freedom are concerned, we become more perfect, we come closer to the ideal as set forth in the Constitution. And there will always be modifications along the way; it is never a straight path. I might add that I do not want to see many more modifications such as the one I read about the other day in the Supreme Court decision in the Pawtucket case. I have no criticism on that decision, because for me, what the Supreme Court renders is the law of the land. It is not the result that bothers me so much but, rather, how the Court reached that result.

Because to reach that result, one of two things had to have happened. Either the legal criteria had to change or my religion had to change. The Court chose to change my religion.

No, I do not look upon the community scene or the creche as a commercial happening or event. It is not some secular activity. It is not a historical event. But, it is the core of my religion.

That, I believe is the difficulty of getting Government—in this case, the Court—into religion. As I said, the decision does not bother me. We can all live with it. Maybe some modification was needed. But I wish they had changed the legal criteria, not my faith.

The other part of the Pawtucket decision that bothers me comes at the end—and I am paraphrasing—the Court said:

> Of course, this is 1984; so, really, what precipitated the first amendment, insofar as a fear of the Archbishop of Canterbury or the Vicar of Rome is concerned, is not happening in America and cannot happen here.

Any time this country thinks it is exempt from the lessons of history, we find ourselves confronted with big problems. Do you think history cannot be repeating today? Tell me the difference between today in Northern Ireland and the persecution of the Catholics in England at the time this Nation was founded. Tell me about the strife in Lebanon. When you turn on your television set in the evening and you see those children looking at you, some alive, some dead; mothers fleeing from gunfire, please tell me what is causing all of that. It is religion, pure and simple; faith against faith.

We have been blessed in this country because we set forth an ideal, even though it may not have been perfect. Yes, we, as a Nation have been moving toward it. So, we have been spared that kind of religious horror in the United States.

You say to me, "Senator, a little structured prayer is not the same thing. A little structured reflection is not the same thing."

Madison addressed that very point in his speech on the law, where "just a little money" was going to be raised to pay teachers for instruction in the Christian religion. He said:

> Because the proposed establishment is a departure from that generous policy, which, offering an asylum to the persecuted and oppressed of every Nation and Religion, promised a lustre to our country, and an accession to the number of its citizens. What a melancholy mark is the Bill of sudden degeneracy?

He is now talking about the act for the tax.

> Instead of holding forth an asylum to the persecuted, it is itself a signal of persecution. It degrades from the equal rank of Citizens all those whose opinions in Religion do not bend to those of the legislative authority.

And, here perhaps is his greatest line:

> Distant as it may be, in its present form, from the inquisition it differs from it only in degree. The one is the first step, the other the last in the career of intolerance.

I daresay that if any one of us saw a cross burning on our neighbor's lawn, we would do everything to assist immediately. But how many of us would step in to question an individual engaging in racial slurs at the neighborhood pub? That is where we should step in, not when we see the cross burning. That is why there can be no tampering with these very precious rights we all now hold, these matters of equality and total freedom that we presently enjoy.

I think one of the toughest moments I have had as a U.S. Senator was several years back, when the Reverend Moon was in the headlines because his followers were being accused of mind control over the Connecticut children who had left home and were participating in his particular faith. It was a popular thing for everybody to take off after the Reverend Moon.

I do not personally think much of the man or his particular faith, but I know one thing. I did not get on the anti-Moon bandwagon, because I figured—strange as it was to me—that it had a legitimacy in the sense that it was his faith. So, I do not want to start to pick and choose now as to what is and what is not going to be allowed in the religious sense nor in a political sense, nor in a legislative sense. If there is such a matter to be resolved, let it be resolved by the courts.

I say this because I think it very, very difficult, to deal with the unknown, the strange, the new, or the unfamiliar.

We all feel comfortable in our own religion. Indeed, we define religion in terms of Catholicism, Protestantism, Judaism, Hinduism, Moslem, and so forth. That is the genius of the first amendment. It does not give any definition as to religion because its drafters understood that religion may be something totally new and strange and unfamiliar to all of us, that there may very well be one true faith; and when it is espoused, that faith will be able to be heard here in the United States of America.

The first amendment is not a matter of how we feel at this time, in the year 1984. So far as these basic rights are concerned, they go on forever, and they are not tailored to our philosophies, our religion, our values, our prejudices. The first amendment sets a standard, and ideal, toward which we all strive.

This Dixon amendment and others like it just take us back a couple of steps. They pretend to relive history or, rather, the best parts of history. But as I stated at the outset, a history which some of us shared was a great hurt to many others.

The other day I received a letter from Justin Ross, of Pittsburgh, Pa., addressed to President Reagan at the White House, Washington, D.C. It says:

> DEAR PRESIDENT REAGAN: I am Justin Ross. I am 8 years old and I live in Pittsburgh. I am Jewish. We lived in Canada because my dad had a job there, but we are American. I went to school in Canada. In my school we had to say a prayer.
>
> Some of the children stood in the hall instead of saying the prayer. Everybody thought they were bad. One boy told me that I was going to Hell. Please don't make people hate me because I am Jewish. I do not hate you because you are not Jewish. It made me feel terrible to say the prayer.
>
> Signed,
>
> JUSTIN ROSS.

We now get to the essense of this matter which has to be addressed by the Senate. This is not a matter that can be resolved by parliamentary maneuver. I am not going to use my parliamentary wiles to take the responsibility off of everyone's shoulders, and neither is it the responsibility of 100 Senators only, to grapple with this issue and take that responsibility. The responsibility belongs to the Nation as a whole. And the question is very clear and very simple. It is not complex.

It is, do we retain the present religious freedom that we enjoy and the promise of even greater freedom in the future and the elimination of all religious prejudice and freedom from the hurt that that prejudice incurs; or do we take the step backward toward tradition, a tradition of hurt and a tradition contrary, not only to the constitutional principles of this Nation, but to the tenet certainly of my faith and most every other one I know of, that is toleration of others.

I will repeat again and again what I have said during the course of this debate. There is no place in this country that any individual, young or old, is not free to address their God in their own way. There is no court decision that prevents that, none. There is no law, no statute law, there is no constitutional law that prevents that.

What is prevented is state religion. Can you believe the reasoning behind the arguments of the proponents of state prayer which invoke concepts we all thought were buried and gone? This should not be a matter of national principles; rather, they argue, we should have 50 States all doing their own thing, going right back, right back to the earliest days even before the first amendment. That is what precipitated the first amendment. We did have 13 different States, half of them with established religions, and some of them going toward that direction.

Then I heard them say: To accommodate those who wish to pray, let us have separate but equal facilities.

That is one of the amendments here—separate but equal. We got rid of that as far as education was concerned. Now we are going to get it back and try to apply it to religion.

I think that I share this Chamber with 99 brilliant and able men and women. I think we do very well addressing ourselves to the problems of our day insofar as specifics are concerned, but I tell you I have not found anybody yet, and I have seen all the amendments that have been drafted, and there is nobody, nobody of a vision or a capacity to better that which was written as our Bill of Rights, the first 10 amendments to the Constitution of the United States—nobody. There is no draftsmanship out here that can campare to that.

Now, we are caught up, of course, in a drafting mania as far as the Constitution is concerned. Do you think this is all we have had to contend with, those who are sitting around here today in the Chamber? No; what we have had to contend with—we wanted constitutional amendments on abortion, constitutional amendments on balancing the budget, constitutional amendments on line item vetoes, and constitutional amendments on prayer in school.

Now if any generation wants to waste the landscape, and they have done a pretty good job of that, that is bad enough, but at least leave the cornerstone of this Nation intact. Is there nothing sacred to borrow a phrase, in the Constitution of the United States? Is there nothing, in other words, that we are going to leave alone? It has worked. Maybe we are not working. I do not think we are, in the sense of what the deficit is, or with what the problems throughout the world are, or the human misery that exists. Maybe we are not working, but the Constitution is.

Do we have to consume everything around us, the air, the water, the people? Is there nothing left toward which we have a reverence?

My friends of the clergy, I might add, with whom I shared a few moments on the steps of the Senate, said it well, and I will read it here once again, and then that should bring me to a conclusion as to this portion of the debate. This was presented yesterday by a group of Christian and Jewish clergy. These were not Senators. These were not politicians. These were Americans, leaders of their respective flocks of different religions.

> We the undersigned urge leaders of the religious community to join us at noon on Tuesday, March 13, on the East Central Steps of the Capitol to oppose the proposed amendments to the constitution regarding prayer in public schools.
>
> It has been said in recent days by politicians and clerics that God has been excluded from the public schools and that by amending the Constitution we must put God back into the public schools. This is blasphemy. God can not be kept out of our schools by mere mortals, not even by the Supreme Court. This is not a quibble. These spokesmen for amending the constitution presume to speak for God, but the God for whom they speak is not the God of the Bible who thunders down from Mt. Zion. No, their god is but a household god who does the whims of people.
>
> We know that God is there in the public schools right now stirring the hearts of teachers and children, yes, stirring them to prayer. There is prayer right now in public schools. There are prayers of compassion and concern and simple prayers for God's help. We have taught our children to pray and they are there praying now.
>
> We have taught them to pray and we don't want government teaching them. Prayer is for the parents to teach and not the board of education. Prayer is for the church and synagogue to teach and not the government. We don't want some board of education committee watering down our faith as it toils to write a prayer which offends no one. Some of us address God known as Father, Son and Holy Spirit and some speak to the God of Abraham, Isaac and Jacob. These are our traditions and they are dear to us. We don't want any court or school superintendent imposing his or her belief on our children or worse still, taking all traditions and turning them into tasteless porridge.
>
> We rejoice in our nation's pluralism and we have taught our children to celebrate its diversity. Furthermore, we have taught them to respect those who pray as well as those who don't. We don't want a government edict violating that respect whether it be by state prayer or by state imposed meditation. We religious people want the government off our backs and those of our children.
>
> It has been said that religious men and women favor the prayer amendments and that atheists and non-believers oppose them. Don't demean us! We yield to no one in the passion of our belief. We stand here as Christians and Jews opposed to tampering with our priceless constitution, opposed to state enforced prayer or state enforced prayer hiding under a government imposed silence. We will not be silent. In the name of prayer, in the name of God, stop this nonsense and get on with the pressing business of state: peace and justice in the world and at home. The prolonged debate is diverting the attention of the Congress of the United States from these critical issues.
>
> Prayer is our business, the concern of a religious people. Keep the long arm of government out of our discourse with God and leave the First Amendment alone!

Now, Mr. President, one last point, because it is referred to so many times that really what this is all about is to put our children back on the right path—our children. Our children did not lead us into Watergate and our children did not lead us into Vietnam. Our children did not stink up the landscape with toxic waste.

Now if there is concern out there, let it be for all of us in our generation—because I have indicated that I find the children today to be a great improvement upon me and those of my generation.

I will leave you with this, because I find from my experiences in life that the greater lessons get taught. It was right after I had come to the Congress of the United States in the House of Representatives. It was during the Vietnam war.

I received a call from one of the guards at the entrance to the Longworth Building saying, "Senator, there is a group of rather strangely dressed persons out here who say that you are their Congressman and they want to see you." He said, "They are a pretty scruffy-looking bunch. What do you want me to do?" I said, "Well, let them come in."

And this being 1969, and we all knew what was going on and how various people had chosen to abandon the traditional dress, sure enough, there appeared at my door a group of young high school students dressed in jeans with beards and granny dresses and all the things we saw at that time. They did not look like anybody I had grown up with. They did not look like anybody who was serving in the House of Representatives. They were the "hippies," the ones to be despised.

But there was something very distinguishing about this group. They were a group of high school seniors from Roosevelt High School in Bridgeport, Conn. On a 1-for-1 basis, they had brought with them, each one, a retarded child and they had given up their vacation, their spring vacation, to bring this group to Washington to show them their Capitol.

Now, I ask you: Who understood what their Government and their Nation were all about better than those young people? Who better expresses, in my terms, the Christian ethic than those young people? The outward dress might have been uncomfortable, but the spirit was very comfortable in terms of what I had been taught both in secular and in ecclesiastical terms.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **DIXON**. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

Mr. **WEICKER**. Mr. President, I object.

The **PRESIDING OFFICER**. Objection is heard. The clerk will continue to call the roll.

The bill clerk resumed the call of the roll.

Mr. **HELMS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Is there objection? Without objection, it is so ordered.

Mr. **HELMS**. Mr. President, on Tuesday, the distinguished and able Senator from Oregon (Mr. Packwood), in debating the prayer amendment made remarks critical of proposals to have the Congress exercise its constitutional powers to limit the jurisdiction of the Federal courts. Senator Packwood mentioned that he and Senator Weicker led a filibuster for several weeks against prayer and abortion amendments I had offered to the debt limit bill, which was House Joint Resolution 520, in August and September of 1982.

In referring to those two separate amendments, Senator Packwood said, "The bill combined prayer and abortion, and it said the Supreme Court could not hear any cases involving prayer or abortion." That quote appears in the Congressional Record on page 5268, March 13, 1984.

Well, Mr. President, roughly half of Senator Packwood's statement is true. The prayer amendment did indeed limit the appellate jurisdiction of the Supreme Court so it could not hear cases involving voluntary prayer. But the right to life amendment did not remove the Supreme Court's appellate jurisdiction to hear abortion cases. In fact, the amendment provided for expedited Supreme Court review in such cases.

I will refer the able Senator to pages 21836 and 21837 of the Record of August 18, 1982, where the amendments are printed in full. I make this observation simply to set the record straight, and with no implied criticism of the distinguished Senator from Oregon.

Mr. President, along another line, on Monday the distinguished Senator from Missouri (Mr. Danforth), listed for the Record a number of religious organizations opposed to the school prayer amendment. Among those listed by the Senator was the Baptist Joint Committee on Public Affairs. Later in his speech, presumably referring to the participation of the Southern Baptist Convention in the Baptist Joint Committee on Public Affairs, he said this:

> The Southern Baptist Convention and the Lutheran Church Missouri Synod tend to be fairly conservative, and they have come out against the proposed constitutional amendment on prayer.

That statement can be found in the Congressional Record on page 5128, March 12, 1984.

Mr. President, my friend from Missouri is perhaps unaware that not everything the Baptist Joint Committee on Public Affairs does is in accord with the positions of its constituent members. In fact, in the case of the Southern Baptist Convention and the President's prayer amendment, there is a specific disagreement by the convention with the joint committee.

Mr. President, I am referring, of course, to the strong endorsement given the President's amendment by the Southern Baptists at their annual convention in 1982 held in New Orleans.

Mr. President, I ask unanimous consent that the 1982 Southern Baptist Convention Resolution No. 9 on prayer in the schools be printed in the Record at this point.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution No. 9—On Prayer in Schools

Whereas, The first amendment to the Constitution of the United States of America clearly states that the Congress shall pass no law prohibiting the free exercise of religion, and

Whereas, The same first amendment protects us against the establishment of religion, and

Whereas, A constitutional amendment is pending wherein there is no violation of either of those ideals inherent in the separation of church and state, and

Whereas, This proposed amendment neither requires nor restricts the vocal expression of individual or group prayer in public schools, and

Whereas, Considerable confusion as to the rights and privileges guaranteed by the Constitution with regard to prayer in schools has been engendered by the Supreme Court decisions of 1962 and 1963, and

Whereas, Public school officials and lower courts have frequently misinterpreted these Supreme Court decisions as a ban on voluntary prayer, and

Whereas, For 170 years following the writing of the First Amendment, the right of prayer in public schools was a time-honored exercise and a cherished privilege, and

Whereas, Southern Baptists historically have affirmed the right of voluntary prayer in public places, and

Whereas, The proposed constitutional amendment reads simply, "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institution. No person shall be required by the United States or by any state to participate in prayer," and

Whereas, This proposed amendment does not constitute a call for government-written or government-mandated prayer.

Therefore, be it *Resolved*, That we the messengers of the Southern Baptist Convention is session, June 1982, New Orleans, Louisiana, declare our support of the aforementioned proposed constitutional amendment.

Be it further *Resolved*, That we shall work continually to hold fast to our faith and to the freedoms in which we believe and by which we live.

Mr. **HELMS**. Mr. President, I would also point out that in the fall of 1982 the North Carolina State Baptist Convention endorsed a restoration of voluntary prayer in the public schools. This body represents more than 1 million Southern Baptists in North Carolina.

Mr. President, I thank the Chair. I yield the floor.

The **PRESIDING OFFICER**. The Senator from Illinois.

Mr. **DIXON**. Mr. President, may I say that I listened intently to the remarks of my friend from Connecticut.

I want the Chair to know that I enthusiastically support the comments that he had suggested on the floor earlier about the need for all of us to be together more often when these discussions are taking place. I am sincere when I say that my friend from Connecticut made, in my view, an absolutely moving presentation of his position here during the last better part of an hour. With the exception of those parts that refer to my position in this case, I found most of it the kind of observations that I could easily support in any public place.

I need, Mr. President, to set the record straight about several things that my friend from Connecticut said, only so that the Record would not remain silent insofar as my position on his remarks are concerned regarding my advocacy of this amendment.

First, my friend from Connecticut in the course of his remarks—and it will appear in the Record and I am not trying to reproduce those remarks exactly as given—said that the Senator from Illinois jumped in at the head of the line.

Mr. President, the record will show that the Senator from Illinois has had this amendment on file at the desk since the beginning of this debate last week.

Mr. Dove, the Parliamentarian, who is not on the floor now, told me when I filed it last week—and I want the record to reflect that—that it was the first amendment to be filed. So that it was the first amendment, Mr. President, other than the pending business, Senate Joint Resolution 73.

I did not jump in at the head of the line. That should be understood.

Second, my friend from Connecticut said that the Senator from Illinois is trying to tell the majority leader how to handle the flow of business in the Senate.

Let me say to the public at large and every Member of the U.S. Senate that I am not trying to tell the majority leader how to run the Senate. As a matter of fact, for a Democrat I happen to be one of the most enthusiastic supporters of the competency of the majority leader. I think he does a dynamite job of running the Senate. I admire him greatly and I am not trying to tell him how to run his business.

The only thing I suggested to the majority leader in a conference, where the only three people who were present were the majority leader, the Senator from Connecticut, and myself, was this: I said:

> Mr. Majority Leader, let me say this: I do not have any objection to voting on the President's amendment. I just want the right to vote on mine. If you want to vote on his first, I grant that right. There is no quarrel about it. I just want to have an up or down rollcall on mine.

That is all I have ever said and it is all I ever wanted to do.

The majority leader has the power to say no to me, and he has said that. I have no personal quarrel with the majority leader about the position he takes, but I want to say this: If the day ever comes that any Senator—any Senator—feels compelled to go along with the crowd and deny this constituency the right to be fully heard and the right to have a rollcall on issues, then this Senate is in a lot of trouble.

I just say to my good friend from Connecticut nobody represents better than my good friend from Connecticut the sometimes lonely point of view that is sometimes expressed. I have listened to the eloquence of my friend from Connecticut time and time again in the 3 years I have been here. Nobody does a better job than he does in expressing his point of view and nobody, I might add, had stood alone more often since I have been in the Senate than my friend from Connecticut. So surely, he would want the Senator from Illinois to pursue his course.

My friend from Connecticut then said, and I have written this down, "The amendment of the Senator from Illinois might be the next one. I do not know."

I am warmly fond of my friend from Connecticut, but he does know. My friend from Connecticut was in the room with the majority leader and the Senator from Illinois when the majority leader told me that my amendment would not be called, so the Senator knows that my amendment would not be called if we went to the President's amendment first, and he is now sitting on this floor listening to my remarks. He was in that room, and he heard those words said.

He has said, "There are about 20 other amendments. Why go to this amendment?"

First of all, mine was the first filed, and first filed ought to be first considered. But, second, I said in that room, with the Senator from Connecticut and the majority leader, and in my remarks which appear in this RECORD at an earlier place, "I am willing to be 20th with my amendment. Take them all and take me last. I am not trying to be first. I am just trying to prevent one single vote on this issue."

Let me say this, Mr. President: That is what the President of the United States wants. That is what the majority leader wants. Curiously, in this situation, that is what the Senator from Connecticut wants. I do not blame him, because the Senator from Connecticut knows he has this beat and if we only have one vote and it goes down, as he walks from this place he has won the whole question. It is ended for all time, or at least at this time, in the Congress of the United States, and I object to that.

He said that 99 Senators were agreeable to the unanimous consent, but 1, the Senator from Illinois, objected.

I would quarrel with that. The Senator from Arizona, Senator DECONCINI, called me on the phone and said, "Persist in your view."

Let me say this for the purpose of argument, if I were the only one, I would do it every time again, and there is nothing more privileged in this Senate, thank God, than the right of any Senator, even a junior one like this Senator, to express his view, to represent his State, and to demand rollcalls on issues of paramount importance to this Nation. If I was the only one, so be it. The fact is I was not. But if I was, so be it.

My good friend, the Senator from Connecticut, said that if I do not get my solution, then I am willing to let the whole process bog down and we shall have a stalemate. To that, I say no, I shall vote them in any order you want; I shall take any time limitation you want; I shall take the President's first, last, in the middle, or sideways, all 20 or 21 or 100 if they want them.

Let us talk about the merits of the argument of the Senator from Connecticut, a brilliant man, a brilliant scholar, a noted orator. I do not come here pretending to be his equal in this place, but I want to respond to some things he said.

He made a brilliant argument, may I say, against an oral, audible, vocal prayer and a written one, but not much of an argument, I say to my friend from Connecticut—in fact, not an argument at all—against a silent prayer or silent meditation.

Why? Well, he talked about the students with their uncomfortable feeling. I want to ask everybody in America, what is uncomfortable? If the first thing in the morning in school, the teacher says, "Everybody get up for 1 minute now. You can silently pray, you can silently reflect," what is uncomfortable about that? How does that hurt anybody? It does not separate us by religion. It does not make a Jew or a Catholic or a Protestant or a Buddhist or anybody else look any different. It does not hurt a bit. It does not cause any discomfort.

I want my friend from Connecticut to know this: There is more discomfort in a Latin or an algebra test for a student than there is to stand silent for a moment and, in his or her own way, according to dictates of his or her own conscience, pray to his or her own God or meditate or reflect.

I want to say this: He read a letter from a boy, a Jewish lad, that I thought was a moving letter. The boy talked about how he went to school in Canada and those who did not want to pray had to go out in the hall. That is not applicable to my amendment, applicable to the President's amendment, absolutely. I consider it fatal as an argument against the President's amendment. It has nothing to do with my amendment for silent prayer.

Let me say this, Mr. President: I say get on with the business. I say vote. I say we have been here all of last week and 3 days of this week and we have done nothing. I say the public has a right to object to that.

I say when we have the foreign policy problems we have and the national debt we have and the hunger in America that we have and the unemployed that we have, and the monumental problems that are driving people in this country in many cases to their knees that we have, we ought to go on with the business of the country.

I say vote; I say start voting now. Vote any way you want to—vote the President's first, vote mine first, vote any way you want to, but start voting. Get it over with and go on to the business of the country.

I just also want to say this: a funny thing happens around this place once in a while; somebody listens. Not often. Somebody was listening up there a while ago, Mr. President, and very kindly sent me down a book entitled "Mom, They Won't Let Us Pray" by Rita Warren. I must confess I never heard of Rita Warren and I never read the book. But I want to read the back of it to you:

BILL NO. 4890, THE COMMONWEALTH OF MASSACHUSETTS

AN ACT ALLOWING FOR A MOMENT OF MEDITATION FOR SCHOOL PRAYER IN THE PUBLIC SCHOOLS

At the commencement of the first class of each day in all grades in all public schools, the teacher in charge of the room in which such class is held shall announce that a period of silence not to exceed one minute in duration shall be observed for meditation or prayer, and during any such period, silence shall be maintained and no activities engaged in.

This book says, and I believe it, "This bill became law in Massachusetts, and was upheld by a Federal court" and so forth. Now, frankly, there are some court decisions at odds with that one at a level below the U.S. Supreme Court, which has not ruled on it.

The point I want to make is this: The folks in Massachusetts are doing all right under this law. The folks in Illinois are doing all right under the law that we have there. I do not see anything in the constitutional amendment here offered by this Senator that does violence to any of the moving statements that my colleague from Connecticut has made. I only say this one thing: The greatest thing that has happened to this issue is to debate it as fully as we have. I think people will understand it better afterward, obviously, than they did before.

I see no harm and a great deal of good that can ensue from the adoption of this very decent and well-meaning amendment. I am willing to vote on it now or I am willing to vote on it last, according to whichever way the majority leader wants to let it flow. I only say in conclusion that we ought to start voting. I love to listen to my friend from Connecticut and, once in a while, I do not mind hearing myself. But I think we ought to conclude and start voting and get on with the business of America.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, before I begin my formal remarks, I want to say to the Senator from Illinois that he is always eloquent and always very listenable. But I do want to say that I think the debate in the past 8 legislative days has been very instructive and helpful to the Members of this body and, I hope, to the people of the country. I do not know when a proper time is to shut off debate and start voting, as the Senator from Illinois has suggested, when we are dealing with an amendment that has stood the test of time for 193 years.

Mr. President, I yield to no one in my belief that voluntary student prayers should be permitted in the public schools. Nor do I yield to anyone in my devotion to the Constitution, especially the first amendment which has given this country 193 years of absolutely unfettered religious freedom. I am absolutely convinced that these two positions are consistent.

I have yet to hear a Member of this august body say he or she opposes voluntary prayer; conversely, I believe there are very few here who believe in mandatory prayer in the public schools. That distinction is what this debate is all about. The American people have expressed themselves numerous times as favoring voluntary prayer, but I have yet to see a poll that says a majority of the people of this country want mandatory or compulsory prayer, or that they would sit still for total strangers, teachers, or outsiders tinkering with the religious training of their children.

It matters not to this Senator—and I do not believe it matters in the Constitution, when we are talking about voluntary student prayer—whether the prayers are vocal or silent. I am willing to leave to God the determination as to which is more pleasing to the ear, vocal or silent prayer. On a personal note, I can say with absolute certainty that the most fervent and intense praying I have ever done was with my head buried in a pillow on a hospital bed. Those prayers were mercifully answered, and in my opinion, could not have been more fully answered had I been shouting at the top of my lungs.

But, Mr. President, I am absolutely certain, and legal scholars agree, that the voluntary school prayer can best be guaranteed under an approach offered by Senator HATFIELD without the necessity of doing irreparable damage and violence to the first amendment. The only possible justification for the constitutional amendment to resolve this problem is to make prayer services compulsory, and I confess I take serious exception to this approach, as does the vast majority of church groups in this Nation.

What the President has proposed is not an outright repeal of the first amendment, but I defy any Senator to tell this Chamber with any degree of certainty how much damage to the first amendment will result in practice. The manager of this resolution, Mr. HATCH, says that the purpose of the constitutional amendment is to overturn the Engel against Vitale decision of 1962. That decision said that Government may not "compose official prayers" to be recited by students. Do we not all agree? Of course we do, because the committee amendment being handled on this floor provides the very same prohibition: Prayers may not be composed by the United States or the State or the school board or the teachers. But the Engel decision went further. It also said, "Government in this country, be it State or Federal, is without power to prescribe by law any particular form of prayer."

What that opinion did not prohibit and what the Hatfield amendment specifically permits is students singly or in concert gathering to pray their own prayers. They may write them, they may use others' prayers, they may pray extemporaneously, they may meditate, or they may simply discuss their religious beliefs. What more do we want? We thereby eliminate the scorn and ridicule that children might be subjected to by being required to leave the room because they do not want to participate.

Parents would have no fear of undue influence by teachers, by local ministers, or by any other outside influence, whether it be the Moonies, the Hare Krishnas, the Bhagwans, or you name it. The Hatfield amendment has been enthusiastically endorsed by the Joint Baptist Committee on Public Affairs, which represents almost every Baptist church in the United States, and yesterday by a letter to the majority leader endorsed by the National Association of Evangelicals.

The distinguished floor manager has said that the President's constitutional amendment is a States' rights or local option amendment; that local school boards may permit prayer or prohibit it.

Now, this statement has a lot of appeal, but unhappily it is not a local option at all. First, under the committee proposal the school board can do more than permit prayer—it can demand it. As a matter of fact, there are no constraints on the board or the State in mandating prayer, determining the time of prayer, the place of prayer, the frequency of prayer, who will lead the prayer, and even adopting the prayer as long as they do not compose it.

The fact that students may choose not to participate does not mitigate the board's mandatory authority. Chaos and confusion will be assured and the unnecessary polarization of our people, who have long been accustomed to religious pluralism and religious tolerance, will result.

On the other hand, Mr. President, the claim that under the committee amendment a school board may also prohibit prayer is absolutely a patent absurdity. Even the proponents do not suggest that we are repealing the first amendment. So how does a school board prohibit voluntary prayer without violating the free exercise clause of the religious freedom guarantee in the first amendment? Answer: It cannot. There may be some States that delineate and very carefully lay out time and place restrictions on prayer, but they cannot prohibit prayer.

This whole massive effort to amend the Constitution to accomplish a legitimate and desirable goal, when a much less drastic measure would accomplish that goal, leads me to the inescapable conclusion that somebody wants desperately to get into the schoolhouse door to direct prayers and religious training, or somebody wants the long tentacles of Government injected into yet another of our most sacred freedoms, or that this whole exercise is to accommodate the upcoming elections.

Mr. President, last week one of our Members, Senator DANFORTH, a most respected Member and ordained Episcopal priest, eloquently said this is not a battle between the godly and ungodly, and I want to add to that it is not a battle between liberals and conservatives, believers and nonbelievers, Democrats and Republicans. I do not like to think of it as a battle at all but, rather, a thoughtful consideration of a very troublesome problem and how best to resolve it without eroding our constitutional guarantees of religious freedom. Throughout our world the bloodiest conflicts at this very moment are between religious groups. We see it in Lebanon, we see it in Ireland, and in a deadly battle to the death between Iran and Iraq. Even the wars in Central America have religious overtones. Yet in this great Nation our religious tolerance has allowed Catholics and Protestants to be Presidents. We have 8 Jewish Members in the Senate, 3 Mormons, 17 Catholics, and we boast of it, oftentimes without realizing that our tolerance of our religious differences is a matter of great national pride to us. It is essential to the inner strength of this Nation, and we have each one felt secure because we knew our religous preference was protected by that great document, next to the Holy Bible the most sacred, our Constitution, and the most sacred part of that, the first amendment.

Mr. President, it must be preserved and I intend to do my best to do just that.

Mr. President, I yield the floor.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPECTER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I am wondering if my friend from Illinois might help us with a little legislative history on the differences between his amendment and Senate Joint Resolution 212. We have a very lengthy report on Senate Joint Resolution 212, 52 pages for the committee.

Mr. DIXON. May I respond to my colleague by saying I do not have Senate Joint Resolution 212 in front of me, but my recollection is that I use in section 1 the terminology "reflection" instead of "meditation." I think that is one of the distinctions. And in section 2, I actually use the words "by student voluntary religious groups." I think I am right in saying the Senator from Utah uses a more generic type of terminology than that. Now, I believe those to be the only distinctions, and let me be very candid in saying to the Senator that I borrowed at some length from the amendment of my friend from Utah in offering my amendment to Senate Joint Resolution 73 because I felt, in all fairness to my friend from Utah, whom I do not want to speak for—he would want to speak for himself—we might not reach his.

Mr. LEVIN. I understand the reasons why the Senator from Illinois offered it, but there is a 52-page committee report which accompanies Senate Joint Resolution 212. The committee obviously spent a great deal of time in analyzing the amendment of the Senator from Utah and gave us something we could read relative to it, so that we could study the background of it, the other arguments for it, and read the minority views starting at page 53. So we do have 52 pages here of committee report which will help guide us.

Mr. DIXON. If I may accommodate the Senator from Michigan, I think that whatever differences there are between my amendment and that of the Senator from Utah, they are differences without a true distinction. I think you would have to say that they are similar, that either would stand an equally careful analysis along the various lines a court might apply.

So that if it accommodates the Senator's argument to say that, I think anything he finds in a report on the amendment of the distinguished Senator from Utah would probably be applicable to mine, if that is the point he wants to reach.

Mr. LEVIN. It is, indeed.

Mr. DIXON. Then, I will concede that point.

Mr. LEVIN. I thank my friend from Illinois.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, a few moments ago I asked my friend from Illinois whether or not the committee report which accompanies Senate Joint Resolution 212 could be equally applied to his own amendment that is now pending as well as to Senate Joint Resolution 212 itself, and I appreciate his acknowledgment that for all intents and purposes it can, since the differences between his amendment and Senate Joint Resolution 212 are indeed minor ones.

Mr. President, I support the approach that we use in Michigan where by law a school district may allow for a period of silent meditation or reflection, as the word is used in the amendment of my friend from Illinois.

However, I cannot support his amendment or Senate Joint Resolution 212 for the following reasons:

First, they permit the Government to regulate when and where children pray and the "manner" of that prayer, and I refer to page 31 of the committee report;

Second, the amendment permits Government employees to determine the "propriety of gestures, rituals, and ornaments" accompanying our children's prayers, and that is page 31 of the committee report; and

Third, they place "within the purview of State and local authorities" the decision whether sacred gestures such as holding beads, wearing a skullcap and reading a prayer will be allowed and I also quote from page 31 of the committee report which accompanies Senate Joint Resolution 212 and which is applicable by reference, according to my friend from Illinois, to the pending amendment.

Government is thereby given unacceptable power to regulate, control, and dictate religious conduct, all in the name of freedom to pray.

The issue is not prayer in school but Government regulated and controlled prayer.

I have too much respect for religion and for prayer to let Government employees tell us or our children when and how to pray and, under some versions of the amendments being considered, to actually write or select the prayer.

And make no mistake about it—Government control and regulation of prayer is the issue. The committee report pointedly states that Government employees will have authority to determine the "propriety of gestures, rituals, and ornaments" accompanying our children's prayers. The purpose of such governmental intervention is to ascertain in some vague way whether or not those gestures, rituals and ornaments are "personal," and therefore acceptable to the state or "public," and therefore unacceptable to the state.

These amendments restrict or at least the committee report I am referring to does restrict the involvement of State employees to the extent that they cannot encourage any particular "substantive content," according to the committee report on page 32. But the gestures, rituals, and ornaments which accompany many prayers, and which for many devout persons are an essential part of prayer, are, according to the committee report, fair game for Government control under the proposed amendment. And, again, that report makes all too clear that it is not only the time and place of the prayer that State and local authorities have discretion in dictating, but also the "manner of the prayer," and again I am quoting from page 31 of the committee report.

For more than 200 years, America's religious diversity has been a source of strength to us in this most blessed of all lands. Certainly there have been acts and periods of religious hatred, violence, and bigotry. We have not been perfect or pure, but for the most part we have respected, indeed protected, each other's right to religious freedom. We cherish our neighbors' right to their own religious beliefs with the same fervor as we cherish our own. We do so in part because we are taught in our churches, synagogues, and mosques to love our neighbor. But in part we also do so because we know that the greatest protection of our own freedom to worship when and how we choose depends precisely on how strongly we defend our neighbors' right to worship as they choose.

How has religious diversity flowered here when it has withered elsewhere? Why are we so proud of that diversity? Why do most Americans cherish friends who have different religious beliefs, rituals, and practices? How have we avoided the curse of religious fratricide?

We must ask ourselves these questions because the answers will help us face the moral and political challenge before the Senate.

We have avoided deep religious divisions, in part, because the Government has been told by its creators—the citizens—to keep its hands off of religion. We have told our Government:

Do not tell us when to pray.

Do not tell us how to pray.

Do not tell us in which direction to face when we pray.

Do not tell us to stand, or kneel, or sit when we pray.

Do not write or select our prayers for us.

Do not tell us whether or not to wear prayer shawls or skull caps or hold beads when we pray.

We have told our Government: Do not regulate or control or dictate our religious practices and ceremonies and rituals and beliefs.

And partially as a result of that religious freedom has flowered in this land.

Each religion can flourish in America because none is favored over the other.

The Senate has been debating proposed amendments to the Constitution to allow prayer in the schools for many days. I have the greatest respect for the supporters of these amendments and their deep convictions about the importance and value of religious faith. I understand that many people believe that the Government should promote our people's strong religious commitment and faith by providing for structured prayer in school. They cannot understand how we can acknowledge God's guidance in our coinage, in our national anthem, and in the pledge of allegiance, and yet not provide that students be led in prayers in school.

But, we must pause and, despite all the risks of being misunderstood, we must object when we are now told that we should amend the Constitution so that government employees—in this instance school administrators and teachers—could tell our children how to pray, and select which prayer will be read to them. We must, despite the risk of being misunderstood, object to government employees telling our children whether or not they may kneel or stand or sit during prayer. We must object to government employees telling our children that they may or may not wear prayer shawls or skullcaps or hold beads when they pray. We must object to government employees telling our children that if they do not want to participate in the Government structured prayer that they can leave the same classroom which mandatory attendance laws made them attend in the first place.

We of course, risk the possibility of being misunderstood if we reject the pending amendments—referring now to both the Dixon amendment and Senate Joint Resolution 212—but we should take that risk because while we want our children to be able to pray in school—individually, privately, and free from any state control or Government regulation—surely we do not want Government to tell us or our children when to pray or how to pray. And surely we cannot subscribe or agree to the statement in the committee report accompanying Senate Joint Resolution 212, and which has been adopted, in essence, by the Senator from Illinois, that would have government employees determining the "propriety of gestures, rituals, and ornaments" accompanying our children's prayers, such as the holding of rosary beads, wearing a skullcap, or reading a prayer (pages 30 and 31).

The committee calls such sacred gestures, rituals, and ornaments "incidental physical displays" and "incidental forms of conduct" and states that the decision whether or not such sacred rituals and religious practices should be allowed would be within "the purview of state and local authorities" (page 31). That should sound ominous to all lovers of religious freedom.

How extraordinarily casually this amendment and its legislative history relegate our religious practices and freedoms to the hands of the state.

No Government authority should be granted such power over religious practices in America, where religious freedom has found a true homeland.

That is why the following 21 religious organizations recently wrote to all Senators to express their vigorous opposition to the pending amendments:

American Baptist Churches in the U.S.A.
American Jewish Committee.
American Jewish Congress.
Anti-Defamation League.
Association of Evangelical Lutheran Churches.
Baptist Joint Committee on Public Affairs.
B'nai B'rith Women.
Church of the Brethren.
Episcopal Church.
Friends Committee on National Legislation.
Lutheran Church in America.
Lutheran Council in the U.S.A.
National Council of Churches of Christ.
National Council of Jewish Women.
Presbyterian Church (USA).
Progressive National Baptist Convention.
Seventh Day Adventists.
Union of American Hebrew Congregations.
Unitarian Universalist Association of Churches in North America.
United Church of Christ.
United Methodist Church.

Religious freedom has flourished in America because enough of us in difficult times have taken the risk of resisting those who would regulate it. The risk we take in rejecting this most recent effort at Government control and regulation is slight compared to the risks taken by those who struggled to reach these shores so that they could pray if they wished, when they wished, and how they wished.

For anyone who doubts that what we are talking about here is Government control and Government regulation, I urge that they read pages 30, 31, and 32 of the committee report which accompanies Senate Joint Resolution 212 and which has been adopted toto by Senator DIXON relative to his amendment; read this language which allows Government officials, under some circumstances, to determine the "propriety of gestures, rituals, and ornaments" which accompany prayer. They are called "incidental forms of conduct," but to the devout, gestures, rituals, and ornaments are not incidental. They can go right to the heart of the prayer. And I am amazed that this report could so casually relegate the determination of whether or not those gestures, rituals, and ornaments will be allowed to the hands of Government officials.

It is that kind of Government control and Government regulation which we should avoid when it comes to religious practices. We, indeed, must defend those religious practices against this kind of Government intervention.

It is for that reason that I am unable to support both Senate Joint Resolution 212 and the Dixon substitute which is now pending.

I thank the Chair and I yield the floor.

AMENDMENT NO. 2787

Mr. WEICKER. Mr. President, I call up my amendment No. 2787.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Connecticut (Mr. Weicker) proposes amendment No. 2787.
>
> In lieu of the language proposed to be inserted by the pending amendment, insert the following:
>
> "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in group prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools."

AMENDMENT NO. 2788

Mr. MATHIAS. Mr. President, I call up amendment No. 2788.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

> The Senator from Maryland (Mr. Mathias) proposes amendment No. 2788 to amendment numbered 2782.
>
> In the language proposed to be inserted, strike all after the word "Nothing" and insert the following:
>
> "in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in group prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.".

AMENDMENT NO. 2789

Mr. WEICKER. Mr. President, I call up my amendment No. 2789.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Connecticut (Mr. Weicker) proposes an amendment numbered 2789.
>
> In the language proposed to be stricken by the pending amendment, strike all after the word "Nothing" and insert the following:
>
> "In this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in group prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.".

AMENDMENT NO. 2790

Mr. MATHIAS. Mr. President, I call up amendment No. 2790.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

> The Senator from Maryland (Mr. Mathias) proposes an amendment numbered 2790 to amendment numbered 2789.
>
> In the pending amendment, between the words "any" and "prayer", insert the word "group".

Mr. MATHIAS. Mr. President, during the course of the debate on Senate Resolution 73, Senators on both sides of this proposal have had occasion to quote the words of the framers of the Constitution of the United States. It is a tribute both to the Framers' insight and to our good sense that almost 200 years after the writing of our Constitution we continue to look to its authors for their views on how best to protect our individual liberties from the encroachments of state power.

In fact, Mr. President, just yesterday the proponents of the constitutional amendment provided for the delectation, education, and enlightenment of the Members of the U.S. Senate 42 pages in the Congressional Record—42 pages—of law review articles and other learned writings. These 42 pages are spread before us today in the Congressional Record which is on the desks of Senators.

And, since, Mr. President, it is costing the taxpayers of the United States $20,412 to reprint these articles from other publications, running from page 5272 through page 5317, I hope that every Senator will read all of those 42 pages so that the taxpayers of the United States get every penny of their money's worth for the $20,412 that has been expended in the printing bill. If Senators will read those articles, then taxpayers, I think, can feel that that money was well spent. But if Senators do not read those articles, then I fear—I sadly fear—that $20,412 has gone down the drain. And I am sure that there is not a single Senator in this Chamber who wants to see that kind of a waste of tax dollars.

Of course, it is possible for Senators who are anxious to improve their education on this subject to send to the Library of Congress and to borrow the law reviews and read the articles. And it does not cost anybody anything because the law reviews are a reference and are available there. But, nonetheless, we now have the opportunity to pick up the Record in the Chamber and in our offices; to take it home with us, and to have more than 40 pages of learned law reviews for which we only have to pay our taxpayers' share of $20,412. We are fortunate. Our evenings will be full of warm and wonderful reading.

Mr. President, quite naturally, since the resolution before the Senate is designed to change the establishment clause of the first amendment, the words and ideas of James Madison, the principal author of the first amendment, have figured prominently in our discussion. I am not going to take 42 pages in the Record to comment on the words and ideas of James Madison. But I do think it is worth taking just a few minutes to outline some of the principal concepts that he developed during the course of the constitutional convention and the First Congress, and which have been embodied in our organic law ever since.

I have spent many pleasant hours—and I say that genuinely—in the study of James Madison's writings. He is enlightened and he is enlightening. Known as "Little Jimmy," he was a little man, but passionate in his defense of liberty, eloquent in his presentation. Because of my long acquaintance with James Madison through his writings, I find it intriguing that the proponents of this resolution, which would grant to the States the power to establish official forms of prayer, should quote, of all people, James Madison, as if they would expect his approval, as if they would seek through his writings as posthumous endorsement of their purpose.

My good friend, the distinguished Senator from Utah, who is the manager of this proposal today, last week in his debate quoted from James Madison's fourth proposition on constitutional amendments. That fourth proposition, after several revisions, became the first clause of the first amendment, relating to individual religious liberty.

That proposition, as quoted in this body by the Senator from Utah on Monday of last week, read:

> The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established.

Period.

From this short passage, my good friend from Utah infers a clear intent on the part of James Madison. He infers, if I heard him correctly, that Madison meant, by what came to the establishment clause, only that "Congress could not establish any single national religion."

Mr. President, as I said earlier, I have known James Madison a long time, as we can know great men of the past through their written words. I wish I could say I know him well. I do not make that claim. But when I heard the remarks of the Senator from Utah, I began to think about this question of intent, the clear intent, which the Senator from Utah finds in the single short passage that I just quoted.

I do not think that the intent he finds is in accord with the Madison that I know. Certainly, Madison intended to prohibit the establishment of a single national religion. I think we can agree on that. But I am surprised at any conclusion that Madison conceived so narrowly of the fundamental right of religious liberty. It is hard for me to believe that Madison meant nothing more than that. It is hard to believe that Madison merely meant that the Church of England would not continue its established prerogatives in the independent United States. I cannot believe that that is all that Madison meant.

It occurred to me that perhaps these words carried a different meaning in context. So I went back to the debates of the First Congress, during which Madison put forward this proposition. I sought out the wording of the fourth proposition, which the Senator from Utah has quoted. I want to say to my friend from Utah that he quoted it quite accurately, with one very small exception. That exception is a period, because there is no period, Mr. President. There is a comma, and the proposition continued as James Madison gave it.

I am reluctant to find James Madison's "clear intent" from a single sentence, but it seems to me that the project is even more doubtful when based on half of a sentence. So let me read to the Senate the entire text of proposition 4, the whole thing:

> The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established,

That is not a period, Mr. President, it is a comma.

> nor shall the full and equal rights of conscience be in my manner or on any pretext infringed.

I repeat:

> nor shall the full and equal rights of conscience be in any manner or on any pretext infringed.

That is what James Madison said.

That context, I would submit to the Senate, puts a somewhat different cast on Madison's views.

It makes it clear that Madison did not view the right protected by the establishment clause quite as narrowly as the Senator from Utah suggests. Madison's view went beyond the question of whether or not the Church of England should be maintained in its prerogatives the colonies declared their independence, or whether any other single sectarian religious organization should be established in a similar manner as the official state church.

Madison did not mean simply to prohibit the establishment of a single national religion. He envisioned something that was far more encompassing: the protection of the full and equal rights of conscience. Those, Mr. President, are James Madison's words: "the full and equal rights of conscience." That suggests to me that Madison was concerned about any governmental action that might favor one religion over another religion. That, it seems to me, is the relevance of Madison's fourth proposition for the debate in which we are engaged today.

Mr. President, let us ask, what sort of actions by Government might, in some manner or on some pretext, to paraphrase Madison, infringe those full and equal rights of conscience? The debate that occurred among our predecessors in the First Congress may enlighten us on this subject as well. In fact, it was Representative Daniel Carroll, by coincidence from the State of Maryland, who underscored how very careful we must be to protect those rights. Rising in support of James Madision's proposition, Representative Daniel Carroll said:

> "As the rights of conscience are, in their nature, of peculiar delicacy, and will little bear the gentlest touch of governmental hand; and as sects have concurred in the opinion that they are not well secured under the present Constitution, he said he was much in favor of adopting the words."

Mr. President, Senate Joint Resolution 73 does not respect what Daniel Carroll called the peculiar delicacy of the rights of conscience. It would allow the governments of States to infringe those rights with far more than a gentle touch. This amendment would grant to the States the power to choose prayers to be recited in public schools. The main object of this exercise of State power would be—of course—children, children whose minds are still impressionable; whose beliefs are least able to resist the coercive touch of government.

I ask, are the full and equal rights of conscience protected when governments assist children in formulating prayers, when governments try to inculcate in children, enrolled in compulsory school attendance, one particular view of how to pray? Are we respecting that full and equal right of conscience that was so sacred to James Madison?

Let us make no mistake about it, Mr. President. The amendment before the Senate would not protect the full and equal rights of conscience. It would do nothing to restrain government's hand from even the gentlest touch on the developing beliefs of a young child. To the contrary, it would provide a license to the States to infringe these rights. It would explicitly grant to the States the power to elevate one faith over others, one way of praying over others. It would allow the States to grant one faith official status in the schools and in other public institutions.

Let us not lose sight of the fact, Mr. President, that this amendment is not restricted to schools. It would allow States to grant one faith official status in a range of public institutions by sanctioning that faith's prayers over all others.

Of course, my friends who support this measure contend that it would make, as they say, all prayers equal before the law. But would this not be a kind of Orwellian equality, appropriate to be considered in the year 1984? Yes, all prayers would be equal, but some prayers would be more equal than others.

And how can we square that with Madison's concern to protect the full and equal rights of conscience? I fail to see how we can reconcile the two views of the establishment clause, because Madison's conception is not the crabbed, narrow reading espoused by the proponents of the constitutional amendment. Madison's is a broader view, which recognizes in the establishment clause not simply a limitation on the power of whatever individual sect may find favor at a given moment with a given government, but also a guarantee of religious liberty for all other sects. That view, Madison's view, is the view that has—correctly, I think—been adopted by the courts. We ought not to repudiate it now.

Mr. President, in his historical analysis, my distinguished friend from Utah has raised another point of great interest. The Senator has repeatedly emphasized that when the first amendment was originally adopted, it applied only to the Federal Government; it did not restrict or restrain the governments of the original 13 sovereign States that came together to form the Union.

The proponents of Senate Joint Resolution 73 suggest that the courts have strayed from this original intention by applying the establishment clauses strictures to the States. They urge the adoption of a constitutional amendment to get us back to that original course, to return to those good old days when the States were not restrained by the Bill of Rights—the Bill of Rights that is one of the glories of the Constitution of the United States.

The premise of the Senator's argument is, of course, historically accurate. Both James Madison and most of his contemporaries viewed the first amendment as prohibiting only Federal infringement of the rights of individual conscience. That observation, though correct, is neither novel, nor is it relevant. Every first-year law student knows that the first amendment did not become applicable against the States until after the passage of the 14th amendment in 1868

It took a great civil war to establish that the National Government would no longer allow individual States to adopt policies abridging the fundamental rights of American citizens. The outcome of that bloody conflict should have settled that proposition for all time. At the conclusion of the Civil War, after a terrible price had been paid in blood and treasure, the people of the United States adopted the 14th amendment. That provision deprives the States of any power to abridge the individual liberties guaranteed in the first amendment, and in the other amendments which together constitute the Bill of Rights.

I have a very personel feeling about this because it fell to my lot, Mr. President, to vote, as a member of the General Assembly of Maryland, to ratify the 14th amendment, a little belatedly. Nearly a century after the 14th amendment had become the law of the land, the Legislature of the Free State of Maryland belatedly recognized that the 14th amendment ought to be the law of the land. I am proud to be one American who was privileged to cast a vote to ratify the 14th amendment and to be here today to give testimony to that fact.

Now, the question which the Senator from Utah raises is one which the Supreme Court described in an opinion written more than 20 years ago as "decisively settled." That was the opinion in the Schempp case, that we have heard a good deal about during this debate. The Court, in the opinion in the Schempp case, went on to quote from an earlier case, which was the decision rendered in 1940 in the case of Cantwell against Connecticut. In that case the Court, speaking through Mr. Justice Roberts, said:

> The fundamental concept of liberty embodied in that (fourteenth) amendment embraces the liberties guaranteed by the first amendment. The first amendment declares that Congress shall make no law respecting an establishment of religion or prohibiting the exercise thereof. The fourteenth amendment has rendered the legislatures of the States as incompetent as Congress to enact such laws.

The question before us, Mr. President, is whether that long standing principle should be repudiated. Should we authorize the States and local governments to make laws respecting an establishment of religion, by authorizing them to prescribe official prayers for the public schools and for other public institutions? Well, I am afraid, much to my regret, that that is a question to which the Senator from Utah and I seem to respond in a different way. But what I really want to pursue is the Senator's suggestion that James Madison would have answered it in accordance with the views of the proponents of this resolution rather than as the opponents would answer.

I submit, Mr. President, that the Senator from Utah is mistaken when he seeks to enlist the shade of James Madison as a comrade in arms in this battle. I simply do not believe that Madison's commitment to religious liberty was ever so attenuated, ever so timorous. I do not think that Madison believed that the States ought to have the power to infringe on the full and equal rights of conscience by favoring any one belief over the others.

The first session of the U.S. Congress assembled in the city of New York, and during that first session James Madison proposed several amendments to the Constitution—by his example proving that it is not wrong to propose an amendment.

We are already well acquainted with the language of the fourth proposition, which later became the first amendment to the Constitution. And immediately after submission of that proposal, he also introduced his fifth proposition. That proposed amendment read:

> No State shall violate the equal rights of conscience; or the freedom of the press; or the trial by jury in criminal cases.
>
> No State shall violate the equal rights of conscience; or the freedom of the press; or the trial by jury in criminal cases.

I repeat that, Mr. President, because I think we need to realize that if this proposition had been included in the Bill of Rights, as James Madison wanted, as James Madison believed wise, the Nation would not have had to wait until the adoption of the 14th amendment to settle the question of whether the States could do what the Federal Government was prohibited by the first amendment from doing. The shield of the Federal Constitution would then have been placed between the individual and the State, between the rights of the individual and the abuses of State power, some 80 years earlier than came to be the case.

Now, Madison's proposal to deny to the States the power to "violate the equal rights of conscience" was adopted by the House of Representatives by the two-thirds margin which is required for constitutional amendments, and it was transmitted by the Speaker of the House to the U.S. Senate.

It is a matter of great regret that the U.S. Senate in the first session of the First Congress kept rather poor records. There is no extensive report of its proceedings, so it is impossible to know why it declined to adopt this beneficial proposal. Of course, we have to remember that Senators in those days were not elected by the people. The Senate was not chosen by popular suffrage. Senators were chosen by the legislatures of the several States.

Perhaps the interests of Senators in the first session of the First Congress, in conserving the power of the States, overbalanced their desire to protect the individual liberties of individual citizens. But James Madison—Representative Madison, Congressman Madison—who was elected not by a State legislature but by the people, did not share this view, and we know this from his own words. On June 8, 1789, Madison addressed the House of Representatives on the subject of a bill of rights generally. Later in the debate, he discussed the need for specific protections against the infringement of individual freedoms by the States.

Since Madison's words are far more eloquent than any I could possibly compose, let me quote him briefly on this latter topic. Madison began by referring to those limitations on State power which were included in the Constitution as it was originally ratified. At this point I quote from James Madison's remarks:

> I wish, also in revising the Constitution, we may throw into that section, which interdicts the abuse of certain powers in the State Legislatures, some other provisions of equal, if not greater importance than those already made. The words, "No State shall pass any bill of attainder, ex post facto law," etc. were wise and proper restrictions in the Constitution. I think there is more danger of these powers being abused by the State Governments than by the Government of the United States. The same may be said of other powers which they possess, if not controlled by the general principle, that laws are unconstitutional which infringe the rights of the community. I should therefore wish to extend this interdiction, and add, as I have stated in the 5th resolution, that no state——

That is my emphasis, not James Madison's. I believe that if he were here, he would want to emphasize it.

> * * * shall violate the equal rights of conscience, freedom of the press, or trial by jury in criminal cases; because it is proper that every government should be disarmed of powers which trench upon these particular rights * * * because it must be admitted, on all hands, that the State Governments are as liable to attack these invaluable privileges as the General Government is, and therefore ought to be as cautiously guarded against.

History has demonstrated that Madison was right. The American struggle for individual liberty has been waged against excesses of State power no less than against excesses of Federal power. There is no distinction in my mind, any more than there was in Madison's mind, that whether there is one national religion or 50 official State religions, both results are undesirable. Both are offensive to free people. Both are abhorrent to the traditions of America.

The proponents of this measure have stated repeatedly that this amendment gives no individual any additional rights to pray that the same individual does not already enjoy under the Federal Constitution.

This amendment grants no further rights to individuals to engage in voluntary prayer beyond the precious rights individuals already enjoy to pray in the schools, in the streets, and in the churches—everywhere, anywhere, across this broad country.

This amendment grants no rights to individuals, but it does grant enormous power to the States. It gives the States the power to favor one religion over others. It gives the States the power to establish one manner of prayer as more equal than others. That is a power the States once freely exercised and just as freely abused. It is a power of which the States were disarmed by the adoption of the 14th amendment; and I, for one, have no desire to see this power returned to the arsenals of the States.

The proponents of this amendment stand for an increase in the power of the State, for an enlargement of the role of the State.

I urge my colleagues to stand with the preservation of individual liberty. We shall remain true to the principles of James Madison just so long as we reject this or any other proposal that is designed to permit government, at any level, to infringe the individual rights of conscience, "in any manner, or on any pretext."

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER (Mr. ABDNOR). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to begin by commending the Senator from Maryland for that eloquent statement of his position on this issue.

In addressing myself to this issue, Mr. President, I want to start by stating what I am for. I believe deeply in the right of Americans to practice their religious faith, to commune with their Deity, and to instruct their children in that faith free from Government interference. I also support the right of individuals to engage in personal prayer at any time or place that is appropriate to them and to the tenets of their faith. I believe that the Constitution as now written provides the best protection for those freedoms, and for that reason I do not support the proposed amendments that have been offered.

I have received hundreds of telephone calls and letters from deeply concerned individuals who believe that a constitutional amendment is necessary. The vast majority of those who have contacted me also specify that they support the President's amendment for vocal prayer, and that they are opposed to any other amendment which would allow silent meditation or reflection such as that offered by the Senator from Utah and the Senator from Illinois.

I am also told that this is the view of the majority of Americans, and that because it is the will of the majority, it should be written into the Constitution of the United States.

This seems to me to sum up the very reasons why such an amendment would be a very serious mistake for all of us.

To address the majority rule issue first—it is true we are a democracy; we do transact most of our business in government by majority rule. Outside of government is the marketplace, where supply and demand, price, packaging, and fashion prevail. But we have set certain rights and privileges above these forces. At the beginning of our history we deemed these rights too important, too fundamental, too critical to preserving the prerogatives of the individual in relation to government to leave them to the whims of the marketplace and the twists and turns of political passion. By their very nature, the first amendment freedoms of religion and speech are not susceptible to majority rule. They were created specifically to protect the minority, the unpopular, the unusual faith or idea, because it was understood that if we did not, we would be no different from the sectarian persecutions we left behind us in Europe.

A second point, Mr. President, is this: Very passionate feeling is being expressed on this issue by proponents of prayer, yet they themselves cannot agree on the proper form. Many feel deeply that silent prayer or meditation is not acceptable to them. If those arguing about this issue in the Chamber cannot themselves agree, then what sort of chaos is going to be visited on every school board, teacher, and child in this country?

This brings me to the President's amendment which I believe is drafted in so vague and open-ended a fashion that it promises tremendous confusion for us in implementation.

The amendment provides that "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions." I ask: What does this mean? Does it mean that outsiders may come into the school to conduct prayer meetings? What is to prevent any sect, no matter how exotic, from using the schools to promote their beliefs? And who would stop them? Certainly not the Constitution, if this amendment is adopted.

The next clause of the proposed amendment goes on to say that "No person shall be required by the United States or by any State to participate in prayer." Well and good. But I think we must be sensitive to the pressure which would be exerted upon children. Conformity is a powerful force, and children who felt that a prayer was alien to the teaching of their families would have to excuse themselves from such an exercise. We need to ask: How would this be done? In some cases, a child would have to be extremely brave to do this, and the teacher who may or may not approve of such action would have to police it to ensure that this could happen.

Finally, the amendment has what its proponents believe is a saving clause which states: "Neither the United States nor any State shall compose the words of any prayer to be said in public schools." But again I ask: How would this work? By the mere fact of the organization of schools and the necessity to keep order, someone in an official capacity will make decisions about how and when children will pray, what religious symbols may be brought into the classroom for this purpose, and what motions or postures are permitted. Or, on the contrary, would we allow children simply to speak out loud their own individual prayers?

Supporters of this amendment say that these choices would be left up to local communities and school boards. I submit that if that is the case, we will not end the debate by adopting this amendment. We will only start the debate and transplant it to every school board, school, and individual classroom in America.

In Robert Bolt's play, "A Man for All Seasons," Sir Thomas More, in an eloquent defense of the rule of law that protects the rights of each of us, says to his son-in-law: "What would you do? Cut a great road through the law to get after the Devil"? And Roper responds, "I'd cut down every law in England to do that"!

And More responds: "Oh? And when the last law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws—and if you cut them down—do you really think you could stand upright in the winds that would blow then?"

Some of the supporters of the prayer amendment who have called my office have accused me and others opposed to this amendment of being instruments of Satan and false Americans for our position on this issue. It is my job to make decisions according to the facts, my conscience, and the best and most careful judgment that I can make about what is best for this country. And I would far rather be on the receiving end of such messages than have a 6-year-old child be on the receiving end of such messages because he or she chose not to pray in the manner decreed in a particular town or school.

Mr. President, we are human and, therefore, fallible. We like to be among people who agree with us, and indeed we assume that our own particular view of the world is the proper and prevailing one. What we need to remember is that this is not necessarily the case, and that each of us may find ourselves and our families in a situation where we may be imposed upon because we are in the minority or different in some way from the norm. If those protections, which affect all of us, are diminished, then the safety of each of us, whatever our faith, is also diminished.

I regret that this matter, one that is so intensely personal for each of us, has become such a jarring political issue in Congress and in the country. I am also concerned that the protracted wrangling about this issue in this body is serving no useful end but is, rather, diverting our attention from issues where we can make progress. Mr. President, in my view, the time has come to vote. I welcome the chance to vote my convictions on this issue.

Mr. President, thank you very much.

Mr. HATCH. Mr. President, the distinguished Senator from Maryland takes me to task on several aspects of my support for Senate Joint Resolution 73, and, as usual, has done so in a very articulate manner.

First, he is critical of the "waste" that I have placed in the RECORD yesterday. I respond, quite simply, that the ongoing debate centers around the intended and proper meaning of the "establishment" clause. The materials that I placed in the RECORD yesterday dealt with no other matter than the legislative history of this clause. That is entirely appropriate and, I believe, essential to the present constitutional debate.

I understand that the Senator from Maryland, my friend, may not have available to him an equal volume of evidence or testimony attesting to his own personal understanding of the first amendment. That is unfortunate, but it is hardly reason to find fault with what I have done yesterday in attempting to place this historic debate in a bit of historic perspective. If the Senator chooses not to read that history, of course, that is his own prerogative. Others may choose differently.

Second, the Senator argues that I misquote James Madison in his original proposed first amendment language. The Senator is incorrect.

Mr. MATHIAS. Mr. President, if the Senator will yield, because I wish to be perfectly clear that I did not say that the Senator misquoted James Madison, I did say that the Senator did not quote him fully enough.

Mr. HATCH. I understand what the Senator said, and the Senator is correct in calling attention to the additional language. But, I think he is incorrect if he means to imply that I have quoted Madison incorrectly, unless, of course, he believes that the inadvertent use of the period at the end of my quote instead of an ellipsis is a grievous distortion.

The quote by Madison ended where it did in my remarks because the issue at hand was the development of the establishment clause, not the development of the free exercise clause, which was the subject of the additional language that was omitted.

The point of my remarks was, and remains, that the purpose of Mr. Madison in structuring the first amendment was, first, the prohibition of a national religion; and second, the prohibition of religious preference. Nothing in the omitted language contradicts this in any way. The omitted language, dealing with the "full and equal rights of conscience," was the precursor of the free exercise clause, whose meaning is generally not at issue here.

Mr. Madison, in his famous remonstrance, delivered one of the most moving statements ever on the meaning of religious liberty. I would emphasize, however, that the focus of his statement was the provision of public funds to Christian teachers, not to those teachers of religious values generally. In other words, a religious preference was involved.

To understand what he understood the establishment clause to mean with respect to religious expression generally, not with respect to preferential programs, I would simply call the attention of my colleagues to the leadership efforts of Mr. Madison during the first Congress—several months after the Bill of Rights itself—to establish a system of congressional chaplains.

I would also point to his efforts, shortly thereafter, in behalf of a national Thanksgiving resolution providing "with religious solemnity as a day of thanksgiving and devout acknowledgements of Almighty God for His great goodness" and so forth.

I am afraid that Mr. Madison's own actions would seem to be inconsistent with my friend's description of that for which he stood. Either Mr. Madison was a scoundrel and a hypocrite, in acting inconsistently with his stated principles, or else he does not fall quite into the model of an 18th century ACLU-civil libertarian as described by my friend from Maryland. With all due respect, I believe the latter explanation is better taken.

I might return briefly to my initial remarks, referred to by the Senator from Maryland, because I think that they bear repeating. I stated:

> When the State ratification debates suggested that a Bill of Rights would be necessary to preserve national confidence in the new Constitution, James Madison reduced the States' recommendations down to several proposed amendments for consideration by the new Congress. (1 Annals of Congress 434.)
>
> His initial draft acknowledged their call for specific constitutional protection for religious liberty with the following language:
>
> The civil rights of none should be abridged on account of religious beliefs or worship, nor shall any national religion be established * * *

Now, my friend from Maryland called my attention to the fact that I should have either put in the last part of that sentence, or at least put three dots there to indicate further text which I would now request be placed there.

The last part of that sentence was "nor shall the full and equal rights of conscience be in any manner or in any pretext infringed." It was apparent that he was talking in the first part of that clause about the establishment of religion, and in the latter part about the free exercise of religion.

But I reiterate that Madison's intent was clear. Congress was not to establish a single national religion, or establish religious preference. That is what he wanted to preclude.

Again, to quote from my earlier remarks:

> This language underwent numerous revisions in the legislative crucible of the first Congress. Madison's original objective, however, remained fundamentally uncompromised. In its final form, the amendment was crafted to prohibit the establishment of a national religion, while permitting nondiscriminatory governmental support generally for religion. This presupposed, within the framework of the Constitution's division of powers, that the States, in the absence of any specific Federal authority, retained the authority to dictate appropriate policies regarding government and religion.
>
> Madison himself confirmed his intention in drafting the clause when he was asked on the House floor what he considered to be the meaning of the language ultimately incorporated into the new Constitution. His response was clear:
>
> Mr. Madison said he apprehended the meaning of the words to be, that Congress should not establish a religion and enforce the legal observation of it by law. (1 Annals of Congress 430)
>
> In explaining the intent of the new establishment clause, he supplied a clarifying statement. Twice in the same speech, Madison noted that the amendment forbade Congress from establishing "a" religion. This properly focused the scope of the intent of the First Congress. By use of the clarifying "a", the original author of the first amendment drew a distinction between congressional action that established a particular national religion and congressional support for religion in general.

I think this helps clarify the matter. I am pleased that my friend called my attention to it because I believe he has allowed me to make a further salient point about what Mr. Madison intended. I believe that history and scholars will bear this out.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I rise to reaffirm my faith in the Constitution of the United States—and to reaffirm the power and place of prayer in the Nation governed by that Constitution: Prayer, that hallowed communication between an individual and God that is freely entered into and sacredly conducted accordingly to deeply held personal beliefs.

Therefore I rise, Mr. President, in opposition to the proposed constitutional amendment which seeks to reinterpret our Constitution so as to establish prayer in the public schools.

We are led to believe that the Supreme Court has prohibited prayer in schools and that an amendment to the Constitution is necessary to restore it.

That simply is not true.

Children in public schools throughout America pray every day without legal sanction. No court or legislative body in this country has prohibited voluntary, individual prayer by public schoolchildren.

The critical question is not whether there should be prayer in schools but rather who defines prayer, who establishes a time and place for prayer, and who nurtures prayer.

Mr. President, for 193 years the first amendment to our Constitution has successfully protected the freedom of religious expression from the threat of Government intrusion. The language of the first amendment was crafted by solemn and articulate believers in religious liberty who had defined their credo in the crucible of religious oppression.

Naysayers about God they were not, nor were they naysayers about prayer.

On the contrary, many of them were deeply religious. They were also fervent patriots who saw clearly that the greatest threat to religious freedom in their emerging country lay in the historical inclination of Government to define and control what a person's experience of God should be. These patriots envisioned a nation in which the sanctity of religious thought and religious expression would be inviolate. Their wording of the Constitution set the stage for what had never before existed in civilization: a nation that so respected the individual's relationship with God that Government was explicitly denied the power to define, inhibit, or influence what that relationship would be or how it would be carried out.

Mr. President, the language of the first amendment is one of the greatest spiritual contributions of any assemblage of patriotic nationalists in the history of the world. It enabled this country to avoid the establishment of a state religion. It enabled us to manifest the holiness of God in the very plurality of our religious life. It guided us through two centuries of national growth without a religious war. It created a nurturing climate for the advancement of religious freedom that is the envy of the free world.

The heritage of religious freedom inspired and guaranteed by our Constitution is unique, profound, and holy by every definition of the word.

We dare not take it lightly.

Let us be clear, Mr. President, as to what is at issue in this debate on prayer in the schools.

What is at issue is free religious expression in this country.

What is at issue is the role of Government in religious affairs.

What is at issue is whether Government is wise enough to determine what is prayer, who shall enter into it, how, and where.

To my mind, these are issues to be addressed not by the Congress, but by individuals and their churches in communion with their conscience and with God.

Two hundred years of flourishing religious tradition in this country, affirmed and protected by the first amendment, has shown us where the proper authority for defining religious devotion rests: with the family, the individual, and the church. Religious devotion must be beyond the political manipulation of the state. It must be nurtured in the full light of freedom to approach God on individual terms, free of the proscriptions of the law.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before going into my formal statement, and I will not take much time of the body considering that it has had the opportunity for the past many days to discuss this issue at great, great length, I would like to take just a minute or so to commend my colleague from Connecticut, the distinguished senior Senator from my State, Senator WEICKER. Once again, Senator WEICKER has taken the lead in performing what I think has been an invaluable service to this body, to this country and, most importantly, of course, to the Constitution of the United States by insisting upon a full debate of the issues, by his willingness to take the political heat for opposing a proposition which I think many have come to realize over the past number of days would be a mistake and do violence to our most sacred public document, the Constitution and the Bill of Rights.

Even though we are of different political persuasions, I would be remiss before mentioning my specific remarks to not pay him a special moment of tribute for what he has done on this issue and what he has done on the issue of busing and on the issue of abortion. I commend him highly for it. I believe that history will judge his actions as being profoundly significant in the legislative debates of the 98th Congress.

Mr. President, as you may suspect, I am opposed to amending the Constitution to make organized prayer an optional feature of the daily schedule of public schools. If, when, and how to pray is a personal matter and not the business of the state. An individual who makes decisions in this regard ought to do so with the guidance of his or her conscience, family, and spiritual adviser and not under the direction of school principals or homeroom teachers.

Senate Joint Resolution 73, the proposed amendment before the Senate, is deceptively simple but dangerously open-ended. It reads:

> Nothing in the Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer.

Does that mean that a public school teacher, hired and paid by a local government, in the classroom of a public school, could invite students to join him in reciting a prayer which contained doctrines or beliefs antithetical to the teachings of the faiths of some of those students? As I read the language, it would seem to permit that.

And, what is meant by the phrase, "No person shall be required * * * to participate." Does it mean that students have to listen but not join the actual recitation? Does it mean that apathetic or dissenting students should file out of the room until the prayer is completed? Does it mean that objecting students should be permitted to debate or dispute the content of the prayer that has been suggested? The language of the proposal leaves those questions unresolved. And it is well that it does so for there are problems with all of the interpretations.

Whether we like it or not, Mr. President, the effect of Senate Joint Resolution 73 will be to thrust school officials inevitably into the selection, organization, conduct, and control of various forms of worship. As I understand the principle underlying the separation of church and state, these are things school employees should not be doing. Certainly the Supreme Court's 1962 decision in Engle against Vitale and subsequent decisions leave no doubt that such is both the intent and effect of the first amendment.

The debate before the Senate has already laid out in great detail both the legal and philosophic basis for why that is the case. I do not intend to reiterate those arguments at this hour.

But there are two points that are worth emphasizing because they go to the heart of misconceptions surrounding the school prayer issue.

The first is the simplistic and mistaken notion that those who oppose this constitutional amendment do so because they lack reverence for the significance or spiritual worth of prayer.

Quite the contrary is the case. In fact, I believe that the very recognition of the sacred, personal, transcendant nature of communications with the Almighty leads one directly to a position of opposition to the amendment before us.

That same conclusion was drawn in a letter received in each Senate office just a few days ago. "We * * * reject the claim," the letter's signers wrote:

> That by not allowing Government-sponsored prayer, the Nation is expressing hostility toward prayer or religion. It is merely being vigorously neutral so as not to repeat the mistakes of the past where governments sought to make their citizens pray only in the form and to the God those governments deemed acceptable.

"Spiritual nurturing," they continued:

> Is the job of the family and religious institutions, not the public schools. The pending

school prayer amendments should be rejected by Congress as an unnecessary intrusion into the delicate balance which must be maintained in America.

Among the 23 signers of the letter were representatives of the American Baptist Churches in the U.S.A., the American Jewish Congress, the Association of Evangelical Lutheran Churches, the Baptist Joint Committee on Public Affairs, the B'nai B'rith Women, the Church of the Brethren, the Episcopal Church, the Friends Committee on National Legislation, the Lutheran Church in America, the National Council of Churches of Christ in the U.S.A., the National Council of Jewish Women, the Presbyterian Church of the U.S.A., the Lutheran Council in the U.S.A., the General Conference of Seventh Day Adventists, the Progressive National Baptist Convention, Inc., the Union of American Hebrew Congregations, the Unitarian Universalist Association of Churches in North America, the United Church of Christ, and the United Methodist Church.

There is no magic, Mr. President, in lengthy lists of organizations for or against proposed legislation. But when distinguished leaders of so many churches and other religious associations like these say that an amendment is likely to demean or trivialize the role of prayer in our society, it is a warning we cannot lightly dismiss.

A second popular misconception about Senate Joint Resolution 73 and other school prayer constitutional amendments is that they would encourage prayer of only a purely voluntary nature. That may be their intent but there is no way that it would be their result.

In theory, it may be possible for grade school or junior high students to demur and excuse themselves from joining in a prayer led by their teachers and followed by the majority of their classmates. As a practical matter I doubt very many third or seventh graders have that measure of self-confidence and intellectual fortitude. Discipline in the classroom may not be what it once was, but the teacher remains a formidable authority figure and peer pressure is an extraordinarily powerful force for children and adolescents.

As a matter of fact, some of the court cases whose resolution has prohibited school prayer turn on this very point. The facts underlying Bell against Little Axe Ind. Sch. Dist., for example, include the actual barring of nonpraying students from school buildings during prayer sessions and taunts to nonparticipating students that they would go to hell. To embed in the Constitution of the United States a provision likely to encourage that ostracism and either subtle or crude pressures to conform would be, in my judgment, a grievous affront to the separation of church and state.

As I understand the current state of the law, an individual student who wishes to offer grace before his lunch can do so. Any student can exercise his personal right to pray orally or silently in the course of the schoolday so long as his action does not interfere with the conduct of educational activities. The role of religion as a powerful force in American history or society can be discussed as part of classes in those subject areas. Those opportunities are extremely valuable individual freedoms, I would argue, and I would vigorously oppose any attempt to restrict them.

Finally, Mr. President, I see no compelling constitutional or legal argument against setting aside a brief period for silent prayer or contemplation. To do so would allow individuals who wish to pray an uninterrupted, noncoercive setting in which to communicate with their Creator in any way they chose. It would equally protect the rights of those who do not wish to participate.

Such provision for silent prayer is also, as I understand it, already sanctioned by case law. It seems to me entirely appropriate for the Senate to go on record expressing its sense that time for silent prayer or meditation is not only consistent with the Constitution and individual freedoms, but also a positive and valuable opportunity for the Nation's public school students.

On the other hand, Mr. President, to inject public school officials into the role of religious leaders or supervisors serves no useful purpose—not religion, not education, not individual rights—and the Senate should vote to reject the proposed constitutional amendment pending before us.

Mr. HEFLIN. Mr. President, this is a subject of great concern to many Alabamians—the right of our children to pray in school if they wish to do so. I have been committed for many years to the right of voluntary prayer in schools, and I have consistently supported amending the Constitution to guarantee our schoolchildren this right.

Prayer has traditionally been a part of the education of our schoolchildren. America is, and always has been, a God-fearing nation, and the strength of our Nation lies in our schools, churches, and spiritual convictions. I have long been concerned that our schools are experiencing a moral and spiritual decline, and I believe that the reinstitution of prayer will help restore in Americans a belief in a Supreme Being and fundamental moral values. As the son of a minister, I grew up guided by prayer and know firsthand how necessary it is to a child's education. Religion without prayer is like a speaker without a voice.

The first amendment of the Constitution of the United States provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." I do not believe that our Founding Fathers meant this clause to prevent our children from expressing their faith. In our vigilant attempts to prevent the establishment of a national religion, I believe we have gone too far in the direction of prohibiting the free exercise of religion.

Refusal to allow prayer in our schools has caused a perception in our Nation that the influence religion has played in the founding and progress of our country has been devalued. I am afraid it appears that our government has become antagonistic rather than neutral toward religious beliefs. We must restore the original understanding of the establishment clause that James Madison intended when he drafted the first amendment—that there shall be no national religion—not that our country should favor nonreligion over religion.

In our society, with the many and vastly differing religious convictions that we have, I do not believe there is a danger that voluntary school prayer will violate this sacred principle.

The expression of prayer through faith in God is a fundamental part of our American heritage. The courts have uniformly upheld the constitutionality of the Government providing chaplains and opportunities for religious expression in legislatures, in the military, in prisons, and even in the courts themselves. Courts have upheld the opening of meetings of State and local legislative bodies with prayer. Each day, the U.S. Senate begins its deliberations with a prayer by the chaplain of the Senate. The Supreme Court begins each session of the Court with the prayer "God save this honorable court." This Nation has been symbolized by the historical expression of "In God We Trust" engraved on our coins and currency. Many of our public buildings are permanently engraved with reference to God, and I do not think many would argue that these references to the Almighty should be obliterated, or that they conflict with our constitutional protections, by influencing the establishment of a national religion. I believe that our school policy should be consistent with Government policy in these areas. I also believe that these fundamental parts of our American heritage are so important and so vital to the spiritual health of our Nation that a constitutional safeguard is necessary to protect this heritage for our children and grandchildren. As we address the issue of prayer in our schools, we must also insure that the faith in God which contributed to the founding of our Nation and is symbolized every day in the operations of our Government is not subject to further legislative or court interference.

I hope that in the heat of this debate that we will not forget the spiritual goal that this amendment seeks to accomplish, with appropriate and necessary safeguards consistent with our Founding Fathers' intentions. I hope that all of us agree that prayer should be entered into freely and expectantly, and without compulsion. We must take care, that in this matter of conscience, we respect the religious beliefs of all. We must remember that in America, the rights of every American to practice or not practice their religion as they see fit must be preserved and protected. We must not lose sight of the dream of our Founding Fathers, who came to these shores seeking freedom from the religious compulsion they were subjected to in the Old World.

At the same time, we must ensure that American school children are not prohibited from expressing their faith, or the free exercise of their belief in a supreme being. Those who wish to pray should not be prevented from that right, as long as those not inclined to participate are protected and not compelled to do so. Children must at least be given the opportunity to begin their school day with prayer. A constitutional amendment is necessary to ensure and preserve the right, which I believe our Founding Fathers never meant to abrogate.

Although the process of amending the Constitution is a difficult one, we must act to protect the right of prayer. I hope that the U.S. Congress will pass an amendment to guarantee the free exercise of an individual's right for voluntary prayer in public institutions, especially schools, so that the ratification process by our States can begin.

Thank you, Mr. President.

Mr. BAUCUS. Mr. President, this week the Senate is debating an issue that is fundamental to our Constitution: should state-sponsored prayers be allowed in public school.

OUR RELIGIOUS TRADITION

America is a religious nation. The religious values that guided early Americans still guide us.

Our Nation was founded by people who embodied the values of the Judeo-Christian tradition.

Many of the first settlers were fervent Christians who fled Europe because they held their religious views so deeply.

They settled in the American colonies because they could practice their religious beliefs freely and without Government interference.

Many of the early religious leaders also were leaders of the move toward independence. And their successors continue to speak out for social justice, equality, and peace.

THE TRADITION OF RELIGIOUS FREEDOM

America's religious tradition includes another fundamental principle: religious freedom.

The colonists came from many nations, each with its distinctive national religious practice. But in America they learned to live together, to be tolerant toward each other, to respect each other.

The writers of the Constitution recognized the importance of this religious tolerance and made it a basic right in the first amendment of the Constitution.

This Nation was founded, in large part, by people fleeing the harassment and persecution that resulted from their unwillingness to conform their religious beliefs to what a government determined was acceptable.

They came to this country to be free to worship the God of their choice according to their own convictions and free from governmental interference or influence.

They tried to prevent a recurrence of the abuses they had suffered by including in the Constitution a specific prohibition against governmental intrusion into the realm of individual religious belief and practice.

These principles were embodied in the first amendment's principles of freedom of religion and freedom of speech.

The Constitution was written to guarantee freedom of religious expression. It was written to make sure each one of the religious organizations that exist in the United States can express its religious beliefs as it wishes.

The Constitution was written to insure that no one group can impose its religious beliefs on another.

THE CLASH OF TRADITIONS

These constitutional guarantees have worked. America's freedom of religion has spawned a multitude of religious denominations, organizations, and sects. Americans worshipping at the smallest churches work, live, and play next to those who worship in the biggest denominational churches.

And all of us continue to affirm our religious beliefs. We continue to pray, to participate in local churches, to try to live by the religious percepts we were taught.

America's religious tradition has existed side by side with our tradition of freedom of religion.

In this context, the proposed constitutional amendment does not seem to conflict with our past. It seems like a simple affirmation of our commitment to prayer and religion.

Substantively and politically this would seem to be an easy issue. When Americans are asked whether they support school prayer, they answer overwhelmingly "yes."

At first glance, that's what these constitutional amendments seem to be about. That's what I thought at first, and I'm sure the thousands of well-intentioned Americans who support these amendments feel that way too.

But when I examined these amendments more carefully, I found that much more is at stake.

The school prayer constitutional amendment proposed by President Reagan pits our two religious traditions against one another.

The proposal tries to make us choose between our support for religion and our support for religious freedom.

That's the dilemma we face.

The real issue in this amendment is not whether we support prayer. The issue is. Whose prayer do we support?

THE PROPOSED CONSTITUTIONAL AMENDMENT

Under the proposed constitutional amendment, here's an example of what could happen. A small sect, we have one in Montana called the Church Universal and Triumphant, could run candidates for the local school board.

It could turn out the vote and get these candidates elected. Then it could require a prayer that reflects the sect's narrow point of view to be read.

I am sure the members of the Church Universal and Triumphant genuinely believe in what they are doing.

But I do not believe they desire or ought to be able to impose their beliefs on Montana school children.

The Reagan administration's constitutional amendment would permit local school boards, school administrators and teachers, and State legislators to choose prayers to be spoken in public schools.

Local officials could determine the theological content of school prayers. There could be Presbyterian, Baptist, Jewish, Roman Catholic, and a whole host of other prayers recited.

I do not believe this is what the writers of the Constitution had in mind. The Constitution was written to guarantee the freedom of religious expression.

It was written to make sure each one of the religious organizations that exist in the United States can express their religious beliefs as they wish. The Constitution was written to insure that no one group can dictate the content of our prayers.

The Reagan constitutional amendment would violate that basic tenet. The Government would decide what is and is not an acceptable form of religious expression in our schools.

CONCLUSION

The President's constitutional amendment erodes some of our most basic freedoms.

I believe that God is and should remain in public schools. I encourage students to exercise their religious freedom and their freedom to pray both at home and at school.

I have cosponsored legislation that would enable high school students to use public school facilities for voluntary religious activities before and after school.

But I do not believe the constitutional amendment proposed by the President is appropriate in that context. Therefore, I intend to vote against the President's amendment.

This vote would be easy for me if I were only thinking about politics. I, like everyone else, have seen the public opinion polls. I, too, have received thousands of phone calls and letters urging me to support the amendment. But I was not elected just to make political votes. I was elected to make informed, thoughtful, prudent, and judicious votes on difficult questions.

I believe my vote against the constitutional amendment meets that standard.

Mr. RANDOLPH. Mr. President, today I join my colleagues in expressing my strong support for an amendment to the Constitution of the United States that would reinstate voluntary, vocal prayer into our Nation's public schools and other public institutions.

For over 170 years students in our country's schools were allowed to express their belief in God, freely and openly through vocal prayer, the reading and recitation of religious works, and daily Bible reading. Not until the early 1960's, was it interpreted by the Supreme Court that this free, voluntary exercise of religion in the classroom was an "excessive connection between church and state, and therefore a violation of the first amendment.

Since the Supreme Court's 1962 decision, Engel against Vitale, ruling that a New York State local school board requirement that its students recite each day a prayer that had been composed and recommended by its State board of regents was unconstitutional, Federal courts have reinforced the ban on school prayer, and have expanded the restrictions on States to prohibit the incorporation of any religious observances into the daily routine of the public school student.

In Engel against Vitale, the Court determined that New York State's effort to compose a prayer for use in its public schools violated those portions of the Constitution that prohibit all Government, Federal and State, from undertaking initiatives that establish religion. Further, in 1963, 1 year later, the Supreme Court followed up its original New York regents prayer decision with a ruling, Abington against Schempp, striking down a pair of State laws that authorized classroom devotionals consisting of the Lord's Prayer and/or selected verses from the Bible.

Within 3 days of the Court's original decision, more than 50 proposed constitutional amendments, intended to override or to limit the controversial ruling, were introduced. Hearings in both the House and Senate Judiciary Committees were held, but no further action on this issue was taken by the Congress at that time, due in large part to a reluctance of many Members to alter any Supreme Court interpretation of the first amendment. However, in 1966, I recall the dedicated efforts of my good friend and able colleague, Senator Everett Dirksen, then the Senate's minority leader, who brought the prayer in schools issue back to the forefront of the Congress, when he added a prayer resolution to an unrelated minor bill, which was then pending in the Senate. Although Senator Dirksen's prayer amendment was supported by a majority of those voting in the Senate that day, a vote of 49 to 37, it fell short of the two-thirds majority needed for a constitutional amendment. At that time I supported the efforts of my friend from Illinois, Senator Dirksen, as he led the Senate in attempting to restore voluntary prayer in our public schools, and I join with my colleagues today, in this the 98th Congress, as we continue this struggle to remove the prohibition on school prayer enunciated by the Supreme Court in 1962 and 1963. Today I urge my colleagues in the Senate to support a constitutional amendment that would restore our educational system to the status it enjoyed before the Engel against Vitale decision, when the right to exercise one's religion through prayer was not confused with the separation between church and state.

It is my strong belief that although our Founding Fathers envisioned a division between the state and the church, they never intended to have the language of the Constitution interpreted to require a separation of religion and the Government. A separation of the church and Government as contemplated by the original authors of the Constitution was a plan by which bitter disputes between various sects were to be avoided—but there was never any intention to remove recognition of God from all government functions.

As a nation, we have continued to recognize God and his divine guidance in many ways, such as in our Pledge of Allegiance, our national anthem, and on our coinage. Further, the Congress of the United States, both in the House of Representatives and the Senate, enjoy the right of beginning each daily session with a prayer to our God. Even the Supreme Court of our Nation begins its sessions with the invocation "God save the United States and this Honorable Court." The founders of our Nation did not intend to forbid public prayer—prayer has been part of our public assemblies since Benjamin Franklin requested that prayer be observed by the Constitutional Convention, "I therefore beg leave to move—that henceforth prayers imploring the assistance of Heaven, and its blessing on our deliberation, be held in the Assembly every morning before we proceed to business."

Mr. President, if we the Members of the U.S. Congress, as well as the Justices of the Supreme Court, and many others in our Nation, are allowed the privilege of expressing our religious beliefs through prayer, should not our Nation's children in our public schools also be allowed to enjoy that same privilege? The incorporation of an amendment to our U.S. Constitution that would strike down the Supreme Court's decisions banning school prayer, will require a favorable vote of two-thirds of the Congress, and the ratification of three-quarters of the 50 States. I encourage my colleagues in the Senate to vote for the passage of such a constitutional amendment, thus sending such a measure to the States for ratification—allowing each individual State to decide whether or not voluntary school prayer should or should not be a part of their children's daily regimen.

We are "One Nation Under God." Let us not forget this as we vote on this vital issue in the coming days.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. BAKER. Mr. President, is the unfinished business still the pending business?

The PRESIDING OFFICER. It is.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business not past 6:15 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the

Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Labor and Human Resources.

(The nomination received today is printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that he had approved and signed the following act and joint resolutions:

On March 2, 1984:

S. 1388. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans and the rates of dependency and indemnity compensation for survivors; to express the sense of the Congress that increases in the rates of compensation should take effect on December 1 beginning in fiscal year 1984; and for other purposes.

S.J. Res. 184. Joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week".

On March 5, 1984:

S.J. Res. 193. Joint resolution designating March 6, 1984, as "Frozen Food Day".

On March 12, 1984:

S.J. Res. 161. Joint resolution to designate the month of April 1984, as "National Child Abuse Prevention Month".

MESSAGES FROM THE HOUSE

At 11:08 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that pursuant to the provisions of section 276h, title 22, United States Code, the Speaker appoints as members of the United States delegation of the Mexico-United States Interparliamentary Group for the 2d session of the 98th Congress the following Members on the part of the House: Mr. de la Garza, chairman, Mr. Yatron, vice chairman, Mr. Kazen, Mr. Skelton, Mr. Kogovsek, Mr. Alexander, Mr. Barnes, Mr. Lagomarsino, Mr. Rudd, Mr. Goodling, Mr. Dreier of California, and Mr. Bereuter.

At 11:34 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3240. An act to authorize the President of the United States to present on behalf of Congress a specially struck medal to the widow of Roy Wilkins;

H.R. 3614. An act to authorize the awarding of a special congressional gold medal to the daughter of Harry S. Truman in recognition of his outstanding service to the United States; and

H.J. Res. 394. Joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and contributions to the improvement and beautification of America.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 3:43 p.m. a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 912. An act to modify the authority for the Richard B. Russell Dam and Lake project, and for other purposes; and

H.J. Res. 454. Joint resolution honoring the contribution of blacks to American independence.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. Thurmond).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3614. An act to authorize the awarding of a special congressional gold medal to the daughter of Harry S. Truman in recognition of his outstanding service to the United States; to the Committee on Banking, Housing, and Urban Affairs.

H.J. Res. 394. Joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and contributions to the improvement and beautification of America; to the Committee on Banking, Housing, and Urban Affairs.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3240. An act to authorize the President of the United States to present on behalf of Congress a specially struck medal to the widow of Roy Wilkins.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary reported that on today, March, 14, 1984, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 225. Joint resolution designating the month of March 1984 as "National Eye Donor Month."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

H.R. 4835. An act to authorize funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in Krakow, Poland.

By Mr. PERCY, from the Committee on Foreign Relations, with amendments and amendments to the preamble:

H. Con. Res. 197. Concurrent resolution expressing support for the agreement on a framework for negotiating a peaceful settlement to the conflict and turmoil in Central America which was reached by Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua as a result of the initiative of the Contadora group.

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.J. Res. 492. Joint resolution making urgent supplemental appropriations for the fiscal year ending September 30, 1984, for the Department of Agriculture (Rept. No. 98-365).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Harold K. Philips, of California, to be a member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 1988.

(The above nomination was reported from the Committee on Foreign Relations with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PERCY. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service (printed in full in the Record of March 6, 1984) and, to save the expense of reprinting the nominations on the Executive Calendar, ask that these nominations lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. DOLE, from the Committee on Finance:

David Campbell Mulford, of Illinois, to be a Deputy Under Secretary of the Treasury;

Fred T. Goldberg, Jr., of Maryland, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service);

Alfred Hugh Kingon, of New York, to be an Assistant Secretary of the Treasury;

David B. Rohr, of Maryland, to be a member of the U.S. International Trade Commission for the remainder of the term expiring December 16, 1985;

Susan Wittenburg Liebeler, of California, to be a member of the U.S. International Trade Commission for the remainder of the term expiring December 16, 1988;

Stephanie Lee-Miller, of the District of Columbia, to be an Assistant Secretary of Health and Human Services; and

Julian I. Jacobs, of Maryland, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FORD:

S. 2425. A bill to amend the Age Discrimination in Employment Act of 1967 to exempt State law enforcement officers from such act; to the Committee on Labor and Human Resources.

By Mr. HEINZ:

S. 2426. A bill to provide for the temporary suspension of the duty on mixtures of 5-chloro-2-methyl-4-isothiazolin-3-one, 2-methyl-4-isothiazolin-3-one, magnesium chloride and magnesium nitrate; to the Committee on Finance.

S. 2427. A bill to provide for the temporary suspension of the duty on mixtures of potassium 1-(p-chlorophenyl)-1, 4-dihydro-6-methyl-4-oxopyridazine-3-carboxylate ("Fenridazon-potassium") and formulation adjuvants; to the Committee on Finance.

By Mr. EXON:

S. 2428. A bill relating to classifications of imported steel tubes used in lampposts; to the Committee on Finance.

By Mr. PACKWOOD (for himself and Mr. HATFIELD):

S. 2429. A bill to amend the Tariff Schedules of the United States to increase the duty on certain shelled filberts; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FORD:

S. 2425. A bill to amend the Age Discrimination in Employment Act of 1967 to exempt State law enforcement officers from such Act; to the Committee on Labor and Human Resources.

EXEMPTING STATE LAW ENFORCEMENT OFFICERS FROM AGE DISCRIMINATION IN EMPLOYMENT ACT

Mr. FORD. Mr. President, today I am introducing legislation to correct what I feel is an unintended consequence of legislation passed in 1974 which expanded coverage of the Age Discrimination in Employment Act (ADEA) to State and local employees. Until 1974, State law enforcement personnel were not covered by ADEA. State law enforcement agencies were free to structure retirement policies for their officers which provided more generous retirement benefits in return for early mandatory retirement.

State law enforcement agencies have long recognized early retirement as necessary to both attract and maintain the youthful and vigorous work force which the hazards of the job demand. In light of recent lawsuits brought by EEOC under provisions of the ADEA, retirement policies of State law enforcement agencies across the Nation are being jeopardized. Because I do not believe that Congress intended to threaten the quality of State law enforcement protection when it expanded the ADEA to State employees, I am today introducing legislation to exempt State law enforcement personnel from the act.

Since 1947, Congress has recognized the need for early retirement benefits for Federal law enforcement personnel and has provided special early retirement benefits to all Federal employees whose duties are primarily investigating, apprehending, or detaining persons suspected or convicted of committing Federal crimes.

Throughout the years these same provisions have been extended to Federal employees of correctional institutions and Federal firefighters. By 1977, about 52,000 employees in various Federal agencies and the District of Columbia were covered under the special retirement program for Federal law enforcement and firefighter personnel, including employees in the FBI, Bureau of Prisons, Immigration and Naturalization Service, U.S. Customs Service, Internal Revenue Service, U.S. Secret Service, and the U.S. Postal Service.

Congress has consistently maintained that the need for early retirement policies for these employees has been to improve and maintain the quality, efficiency, and productivity of law enforcement activities by making it a "young man's service." In 1974, Congress passed Public Law 93-350, which established, effective January 1978, mandatory retirement at age 55, or upon completion of 20 years of covered service, for all covered Federal law enforcement and firefighting personnel. Congress emphasized in the legislative history of that bill that the special retirement provisions were necessary to insure a work force young enough to cope with the unusual physical and emotional requirements of those positions. Although there was no floor debate in the Senate on this issue, debate on the House floor clearly indicated the concern of Congress that the goal of mandatory retirement be met: to maintain a relatively young and vigorous staff of law enforcement and firefighting personnel capable of carrying out the demanding hazardous duties of their positions by replacing older personnel who, because of the stringent physical requirements of their positions and the unusual mental and emotional stress associated with those positions, were no longer able to perform at top efficiency.

Mr. President, I contend that the goal of mandatory retirement provisions of State law enforcement agencies is no less honorable than that expounded by Congress for Federal law enforcement personnel. In fact, the need for special retirement provisions for Federal law enforcement personnel was justified based on State special retirement provisions. And although the need for special retirement benefits for Federal law enforcement and firefighting personnel has been questioned over the years, Congress has let those provisions stand.

In 1978, during debate of legislation which amended the ADEA to raise the mandatory retirement age to 70 for non-Federal employees, the issue of early retirement for Federal law enforcement personnel was raised. Consequently, the House Subcommittee on Compensation and Employees Benefits, House Committee on Post Office and Civil Service, held 6 days of hearings between September 27 and December 1, 1977, on special Federal retirement provisions. The overwhelming feeling of those who testified was that since 1947, Congress had consistently recognized the need for special retirement benefits for Federal law enforcement officials due to the hazardous and demanding duties of their positions and that those duties required a relatively young and vigorous work force which could best be maintained by encouraging early retirement.

Testimony at those hearings indicated that although factors other than age, such as the results of rigorous routine medical exams, might serve as an alternative basis for mandatory retirement, such alternative tests had not been satisfactorily developed by the medical community so as to be workable and dependable. Furthermore, such procedures would be costly to administer and produce unreliable results. Witnesses contended that until methods can be developed which reliably correlate the requirements of a special job and the measurable physical and emotional fitness of an individual employee, age is the only way of measuring fitness. Although age may seem to be an arbitrary measurement, it can be proved that after a certain age physical ability and activity generally decline. The subcommittee took no action following those hearings to either narrow or repeal the mandatory retirement provisions for Federal law enforcement personnel.

When Congress expanded coverage of the ADEA to State and local employees in 1974, there was no discussion of what effect this action might have on State law enforcement personnel either in the committee reports or during the floor debates in the House and Senate. But today, the effects of that extension are being felt in my home State of Kentucky, as well as in many other States, which are suddenly finding themselves in court defending mandatory retirement policies for State law enforcement personnel.

There can be no doubt that the same concerns which have led Congress to uphold mandatory retirement for Federal law enforcement personnel apply equally to State law enforcement personnel. The duties of State law enforcement personnel are equally hazardous, equally demanding, and equally stressful. The duties of State law enforcement personnel similarly require a youthful and vigorous work force. The demands of State law enforcement personnel equally deserve the recognition that such hazardous service warrants special early retirement policies with generous benefits to compensate for both the rigorous effects of the duties performed and the financial needs of a relatively young retiree.

Unfortunately, by extending the ADEA to State employees, Congress unintentionally, and with no public debate on the consequences, also effectively eliminated the ability of State law enforcement agencies to structure effective special retirement policies for State law enforcement personnel.

The bill I am introducing today seeks to rectify this consequence by exempting State law enforcement personnel from the Age Discrimination in Employment Act. I have been a long and ardent supporter of the act and the protection it affords older Americans in the work force. I do not, and would not, support a wholesale repeal of the act as it pertains to State and local employees. However, recognizing the historic importance Congress has given to the special needs of Federal law enforcement personnel, in exempting them from the ADEA, I can see no less need in exempting similar workers on the State level. Like the Federal exemption, my bill exempts only those State employees whose duties are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of a State, or the enforcement of traffic laws of a State, or both. Like the Federal exemption, my bill also exempts these law enforcement employees who are transferred to a supervisory position.

The National Governors Association, at its August 1983 meeting, adopted a policy position urging the adoption of legislation to exempt State law enforcement officials from the ADEA. Similarly, the National Association of Attorneys General adopted a resolution at its June 1983 meeting supporting legislation which would resolve this inconsistently in retirement coverage between Federal and State law enforcement officials.

Finally, in September 1983, the National Troopers coalition issued a resolution calling on Congress to enact legislation exempting State law enforcement officials from the ADEA. Clearly, there is a national need for such legislation, and the bill which I am introducing is designed to address the legitimate needs of a limited sector of State employees. This bill is not intended to open the door to far-reaching repeal of the ADEA. It is not an indictment of the older worker, nor does it purport to establish a precedent for early retirement. This bill does seek to recognize that in a very few occupations age is a significant factor in job performance, and in the case of law enforcement personnel is the only reasonably controllable factor. This bill addresses an inconsistency in the application of the ADEA between the identical needs of Federal and State law enforcement personnel and extends only to that specific State group.

I will fight long and hard for the rights of older Americans to remain free from discrimination in this Nation's work force. At the same time I will fight long and hard to insure that the safety and well-being of all older Americans is preserved by young and vigorous State law enforcement personnel who are physically and emotionally capable of protecting not only the elderly, but all citizens.

By Mr. EXON:

S. 2428. A bill relating to classification of imported steel tubes used in lampposts; to the Committee on Finance.

TARIFF TREATMENT OF CERTAIN STEEL

Mr. EXON. Mr. President, I rise to offer a bill regarding the tariff classification of imported steel tubes used in lampposts. For several years, steel tapered tubes have been imported and used for manufacturing steel light poles in the United States. Such imports have been entering the United States from France, West Germany, and Mexico. The chief French producer and exporter challenged the classification of these tubes imported into the United States in 1980 as illuminating articles under item 653.39 of the Tariff Schedules of the United States. The French company sought classification of its product as pipes and tubes of steel which would carry a tariff of approximately 5 percent as opposed to a tariff in excess of 17 percent if classified as an illuminating article. In *E. R. Hawthorne & Co., etc.* v. *The United States* (U.S. Court of International Trade, slip op. 83-67, July 11, 1983), the court decided that despite the fact that the steel tubes are used to support luminaries for outdoor street and area lighting, the imported product should be classified as "pipes and tubes of steel," under item 610.32 of the Tariff Schedules of the United States. The low tariff assessed on the French product along with price supports from the French Government puts domestic producers of such tapered products at a significant competitive disadvantage.

After studying the court's opinion, I believe that the court of International Trade erred in its determination that these items should be classified in the lower tariff classification. The purpose of this bill is to correct that decision and return to the classification practice used prior to July 1983.

By Mr. PACKWOOD (for himself and Mr. HATFIELD):

S. 2429. A bill to amend the Tariff Schedules of the United States to increase the duty on certain shelled filberts; to the Committee on Finance.

TARIFF SCHEDULES AMENDMENTS FOR SHELLED FILBERTS

● Mr. PACKWOOD. Mr. President, I am pleased to offer a bill today designed to encourage imported filberts—hazelnuts—to meet the same standards of high quality that are being met by the domestic hazelnut industry. This bill would place a prohibitive tariff on imported nuts which do not meet the accepted U.S. domestic-quality standard. It would also update the general tariff on filberts to a more realistic level in light of current prices.

The home of our domestic filbert industry is Oregon, where 95 percent of this country's hazelnuts are grown. Most of the remaining production is in my neighboring State of Washington.

The filbert industry has long recognized the importance of providing high-quality filberts to U.S. consumers. Over the years the filbert industry has gradually lowered the tolerance levels for a variety of defects—decay, rancidity, mold, and insect injury. Until recently, Federal standards have regularly followed the lead of the domestic industry.

Last year the Department of Agriculture established a new Federal standard for serious defects, which allows imported filberts to meet a lower quality standard than is currently being met in the domestic industry. This bill would address this situation by discouraging the importation of low-quality nuts with a prohibitive tariff. There is every indication that foreign filbert producers and importers can meet the standards met by Oregon No. 1 grade which are grown domestically.

High-quality standards are beneficial to the industry and to consumers. There are many possible uses for filberts which are not common in this country. These depend on high-quality levels. For example, European countries have popular chocolate bars filled with filberts, and filberts are commonly used in baked goods as well. The U.S. filbert industry may be blocked from expanding into these areas unless high-quality standards are maintained.

A second problem faced by our domestic growers is the fact that over the years the current tariff on imported filberts has become outdated due to inflation. The current tariff of 8 cents per pound was set in 1948. Due to the impact of inflation on filbert prices, that tariff would now have to be 32 cents to maintain a comparable ratio. This bill only asks for an increase to 16 cents. This is a modest and reasonable tariff increase. It will have little impact on prices to consumers, but it is necessary for the survival and expansion of the domestic filbert industry.

Some would argue that the domestic industry is simply trying to prevent their foreign competition from entering the domestic market. This simply is not true. The domestic industry is absolutely dependent on imported filberts to meet the entire national demand, both current and projected. While the U.S. filbert industry is growing, it is in no position to take over the entire domestic market—it must rely on imported filberts. For this reason it is highly important to insure high-quality standards and a fair and consistent price.

I am convinced that this bill will be beneficial to all producers of filberts, foreign and domestic, because it will encourage the consistency in prices and quality needed to expand the market for filberts in this country.●

● Mr. HATFIELD. Mr. President, I join my colleague from Oregon in introducing this tariff bill on the importation of filberts—or as they are more commonly known—hazelnuts. This bill would only affect those nuts that do not meet or exceed the No. 1 standard for four common defects that can affect hazelnuts. Both Senator Packwood and I deliberated long and hard before introduction of this legislation. We both consider ourselves open traders; working hard to improve U.S. trade regulations throughout the world, for U.S. products and particuarly those from Oregon. Normally, this type of legislation would be difficult to support in this context.

However, we have exhausted every nonlegislative remedy in an attempt to assure the basic quality of hazelnuts consumed in the United States, and been thwarted by political considerations not related to market forces.

Neither Oregon Senator wants to limit the volume of filberts into the United States. While Oregon is the No. 1 producer of domestic filberts, domestic supply does not nearly reach demand. Imported nuts must fill this void to continue stable supplies for consumers.

This legislation is designed to provide an economic incentive for importers to supply the highest quality product available. The market for shelled and unshelled filberts has been increasing over the past several years. However, unlike the market for almonds, or peanuts, the usage of hazelnuts in candies, mixed nuts, and bakery products falls in a "soft market" category. Consumer preference is a slowly moving leviathan, that needs prudent and sustained attention. In the nut market, consumer preference is gradually moving toward filberts. However, this movement can be stopped by poor-quality hazelnuts getting into the supply chain through the unwillingness of importers to meet this reasonable domestic standard for this nut. This is particularly true of importers from Turkey. World market reports indicate there are substantial supplies of No. 1 standard filberts in the world market—including those in Turkey—sufficient to meet the U.S. need at the specific quality standard. Importers choose to send first-quality nuts to the European Community rather than to the United States, and this choice is made for reasons unrelated to the import-export market.

Mr. President, Senator Packwood and I are merely attempting to assure that American consumers have the best-quality product available. I would like to reiterate, this is not an attempt to limit the volume of imported filberts, that is the job of the market forces. However, just as with meat imports, we have a right—indeed a duty—to keep quality a major consideration in the importation of agricultural products.●

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. Goldwater, the name of the Senator from Arkansas (Mr. Bumpers) was added as a cosponsor of S. 540, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

S. 627

At the request of Mr. Packwood, the names of the Senator from Missouri (Mr. Eagleton), and the Senator from California (Mr. Cranston) were added as cosponsors of S. 627, a bill to authorize the stablishment of a national scenic area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural, and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of its objective, and for other purposes.

S. 1256

At the request of Mr. Moynihan, the name of the Senator from Minnesota (Mr. Durenberger) was added as a cosponsor of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1356

At the request of Mr. D'Amato, the name of the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 1356, a bill to amend chapter 37 of title 31, United States Code, to authorize contracts with law firms for the collection of indebtedness owed the United States.

S. 1842

At the request of Mr. Armstrong, the names of the Senator from Nevada (Mr. Hecht), and the Senator from California (Mr. Cranston) were added as cosponsors of S. 1842, a bill to amend the Colorado River Basin Salinity Control Act to authorize the Secretary of Agriculture to develop and implement a coordinated agricultural program in the Colorado River Basin.

S. 1950

At the request of Mr. Mattingly, the names of the Senator from Alaska (Mr. Murkowski), and the Senator from North Carolina (Mr. East) were added as cosponsors of S. 1950, a bill to amend the Internal Revenue Code of 1954 to increase the annual contribution limit for individual retirement accounts from $2,000 to $3,000 and to make such accounts more equitable in the case of lesser earnings and nonworking spouses.

S. 1992

At the request of Mr. Bentsen, the names of the Senator from New Jersey (Mr. Lautenberg), and the Senator from Kentucky (Mr. Huddleston) were added as cosponsors of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

S. 2031

At the request of Mr. Moynihan, the name of the Senator from Montana (Mr. Baucus) was added as a cosponsor of S. 2031, a bill relating to the residence of the American Ambassador to Israel.

S. 2070

At the request of Mr. Heflin, the name of the Senator from Kentucky (Mr. Huddleston) was added as a cosponsor of S. 2070, a bill to amend certain provisions of the Internal Revenue Code of 1954 relating to the reporting of tips in the case of certain food and beverage establishments.

S. 2102

At the request of Mr. Roth, the names of the Senator from Michigan (Mr. Riegle) and the Senator from Texas (Mr. Tower) were added as cosponsors of S. 2102, a bill to charter the National Academy of Public Adminstration.

S. 2218

At the request of Mr. Dodd, the name of the Senator from West Virginia (Mr. Byrd) was added as a cosponsor of S. 2218, a bill to continue in effect the certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for U.S. military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first.

S. 2247

At the request of Mr. DeConcini, the names of the Senator from North Dakota (Mr. Andrews), the Senator from Oklahoma (Mr. Boren), the Senator from Arkansas (Mr. Bumpers), and the Senator from Alabama (Mr. Heflin) were added as cosponsors of S. 2247, a bill to provide for the payment of certain burial benefits for veterans who were former prisoners of war.

S. 2275

At the request of Mr. Chafee, the name of the Senator from Florida (Mr. Chiles) was added as a cosponsor of S. 2275, a bill to establish a program to improve the leadership and management skills of school administrators, and for other purposes.

S. 2307

At the request of Mr. BOSCHWITZ, the names of the Senator from New Jersey (Mr. BRADLEY), and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 2307, a bill making a supplemental appropriation to carry out title II of Public Law 480.

S. 2309

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2309, a bill to authorize the offer and payment of rewards for information and services concerning terrorist activities.

S. 2366

At the request of Mr. ROTH, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 2366, a bill to require custodians of public money to deposit funds not later than 3 three business days after the date of receipt, and for other purposes.

S. 2374

At the request of Mr. STAFFORD, the names of the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2374, a bill to extend the authorization for 5 years for the low-income home energy assistance program, for the community services block grant, and for the Head Start program, and for other purposes.

S. 2380

At the request of Mr. HEINZ, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 2380, a bill to reduce unfair practices and provide for orderly trade in certain carbon, alloy, and stainless steel mill products, to reduce unemployment, and for other purposes.

SENATE JOINT RESOLUTION 198

At the request of Mr. PRYOR, the names of the Senator from Illinois (Mr. PERCY), the Senator from Tennessee (Mr. SASSER), the Senator from New Jersey (Mr. BRADLEY), the Senator from North Dakota (Mr. BURDICK), the Senator from Montana (Mr. MELCHER), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Iowa (Mr. GRASSLEY), the Senator from Maryland (Mr. SARBANES), the Senator from Pennsylvania (Mr. HEINZ), the Senator from New Mexico (Mr. DOMENICI), the Senator from West Virginia (Mr. BYRD), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of Senate Joint Resolution 198, a joint resolution designating April 27, 1984, as "National Nursing Home Residents Day."

SENATE JOINT RESOLUTION 231

At the request of Mr. DODD, the names of the Senator from Maine (Mr. COHEN), the Senator from Illinois (Mr. DIXON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of Senate Joint Resolution 231, a joint resolution to provide for the awarding of a gold medal to Elie Wiesel in recognition of his humanitarian efforts and outstanding contributions to world literature and human rights.

SENATE JOINT RESOLUTION 243

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii (Mr. INOUYE), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of Senate Joint Resolution 243, a joint resolution designating the week preceding October 28, 1984, as "National Immigration Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. EXON, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. FORD), the Senator from Florida (Mr. CHILES), the Senator from Montana (Mr. MELCHER), the Senator from Maryland (Mr. SARBANES), and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of Senate Joint Resolution 246, a joint resolution strongly urging the President to secure a full accounting of Americans captured or missing in action in Southeast Asia, and for other purposes.

SENATE JOINT RESOLUTION 255

At the request of Mrs. HAWKINS, the names of the Senator from Kansas (Mr. DOLE), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New York (Mr. D'AMATO), the Senator from Indiana (Mr. LUGAR), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Idaho (Mr. MCCLURE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from California (Mr. WILSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from California (Mr. CRANSTON) were added as cosponsors of Senate Joint Resolution 255, a joint resolution to designate the month of May 1984 as "Older Americans Month."

SENATE JOINT RESOLUTION 257

At the request of Mr. STEVENS, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate the period July 1, 1984, through July 1, 1985, as the "Year of the Ocean."

SENATE RESOLUTION 241

At the request of Mr. LEVIN, the names of the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of Senate Resolution 241, a resolution expressing the sense of the Senate that the foreign policy of the United States should take account of the genocide of the Armenian people, and for other purposes.

AMENDMENT NO. 2655

At the request of Mr. GRASSLEY, the names of the Senator from Nevada (Mr. HECHT), the Senator from Idaho (Mr. MCCLURE), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of amendment No. 2655 intended to be proposed to S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

AMENDMENTS SUBMITTED

IMPROVED WHEAT PROGRAM

JEPSEN AND GRASSLEY AMENDMENT NO. 2784

(Ordered to lie on the table.)

Mr. JEPSEN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by them to the bill (H.R. 4072) to provide for an improved wheat program for wheat; as follows:

At the end of the Committee reported substitute, add the following new section:

AMOUNT OF EMERGENCY LOANS BASED ON PRODUCTION LOSSES

SEC. 507. (a) The second sentence of section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended—

(1) by inserting "(1)" after "based upon"; and

(2) by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: "and (2) the higher of (A) the average monthly price in effect throughout the United States during the one year period ending on first day of the first month occurring after the date on which the natural disaster began (as determined by the Secretary) or on the date the major disaster or emergency was declared by the President, as the case may be, or (3) the average monthly price in effect throughout the United States during the three-month period beginning on the day referred to in subclause (A).".

(b) The amendment made by subsection (a) shall become effective as of May 31, 1983.

ADMINISTRATIVE PROCEDURE ACT AMENDMENTS

LEVIN AMENDMENT NO. 2785

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill (S. 1080) to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes; as follows:

On page 55, beginning with line 1, strike out through the matter following line 5 on page 66 and insert the following:

CONGRESSIONAL REVIEW

Sec. 13. (a) Title 5, United States Code, is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULE MAKING

"Sec.
"801. Definitions.
"802. Transmission of rules to the Congress.
"803. Congressional review.
"804. Waiver.
"805. Consideration of joint resolutions.
"806. Effect of disapproval of rule.
"807. Effect on judicial review.
"808. Computation of days of continuous session of Congress.

"§ 801. Definitions

"For purposes of this chapter:

"(1) The term 'agency' has the same meaning as in section 551(1) of this title.

"(2) The term 'appropriate committee' means the committee in the House of Representatives and the committee in the Senate which has primary legislative jurisdiction over the statute pursuant to which an agency may issue a particular rule.

"(3) The term 'days' means days of continuous session of Congress.

"(4) The term 'rule' means a rule subject to section 553 of this title, except that such term does not include any rule of particular applicability that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing.

"(5) The term 'joint resolution' means only an unamendable resolution the matter after the resolving clause of which reads: 'That the Senate and the House of Representatives disapprove the rule entitled transmitted to the Congress by on , 19 .'. The blank spaces to be filled with the appropriate title of the rule, the name of the agency issuing the rule, and the date of transmittal of the rule.

"§ 802. Transmission of rules to the Congress

"(a) On the day an agency forwards to the Federal Register for publication a recommended final rule, the agency shall transmit a copy of such rule to the Secretary of the Senate and the Clerk of the House of Representatives. The Secretary of the Senate and the Clerk of the House of Representatives shall be authorized to receive a recommended final rule under this subsection whether the appropriate House is in session or recess.

"(b) On the day on which the Secretary of the Senate and the Clerk of the House of Representatives receive a recommended final rule, the Secretary and the Clerk shall transmit a copy of such rule to appropriate committees.

"§ 803. Congressional review

"(a) Notwithstanding any other provision of law, no recommended final rule may become effective until the expiration of a period of thirty days after the date on which such rule is received by the Secretary of the Senate and the Clerk of the House of Representatives under section 802 (a) of this title. If before the expiration of such thirty-day period, either appropriate committee orders reported or is discharged from consideration of a joint resolution with respect to such rule, such rule may not become effective until the earlier of—

"(1) the expiration of a period of sixty days beginning on the date on which the committee ordered reported or is discharged from consideration of such joint resolution, except that such rule may not become effective under this paragraph if within such sixty-day period a joint resolution with respect to such rule has become law;

"(2) any time after either House of Congress has rejected a joint resolution with respect to such rules; or

"(3) the adjournment of Congress sine die at the end of a Congress, except that such rule may not become effective under this paragraph if—

"(A) a period of less that thirty days has expired since the date on which such rule was received by the appropriate committees; or

"(B) a joint resolution with respect to such rule has become law.

"(b) Notwithstanding any other provision of law, any final rule subject to this section shall be considered a recommendation of the agency to the Congress and shall have no force and effect as a rule unless such rule has become effective in accordance with this section.

"(C) Whenever an appropriate committee reports a joint resolution pursuant to this section, the resolution shall be accompanied by a committee report specifying the reasons for the committee's action.

"§ 804. Waiver

"The provisions of sections 802 and 803 of this title may be waived with respect to a particular rule if—

"(1) the head of the agency promulgating the rule—

"(A) makes a finding with respect to such rule under paragraph (2) or (3) of section 553(b) of this title; or

"(B) determines that such rule is being issued in response to an emergency situation or other exceptional circumstances requiring immediate agency action in the public interest, or that the contents of such rule must be kept confidential prior to the effective date of such rule; and

"(2) the head of the agency submits to the chairman and ranking minority members of the appropriate committees a written notice of the finding under subparagraph (A) of paragraph (1) or the determination under subparagraph (B) of such paragraph.

"§ 805. Consideration of joint resolutions

"(a) The provisions of this section, paragraph (5) of section 801, and subsection (c) of section 803 are enacted by Congress—

"(1) as an exercise of the rule making power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of joint resolutions; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House of change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(b) Except as provided in subsection (e) of this section, joint resolutions shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(c)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which a joint resolution has been referred does not report such resolution within twenty days after the date of transmittal to the Congress of the recommended final rule to which such joint resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which a joint resolution transmitted from the other House has been referred does not report such resolution within thirty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after a joint resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled, by the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(d)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of a joint resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively."(2) When a committee has reported or has been discharged from further consideration of a joint resolution, or when the companion joint resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such joint resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on a joint resolution shall be limited to not more than two hours (except that when one House has debated the joint resolution of that House, the companion joint resolution of the other House shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the joint resolution and which shall be divided in the Senate equally between, and controlled, by the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit the joint resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the joint resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(e) If a joint resolution with respect to a rule has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a joint resolution with respect to the same rule from the other House, the joint resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a joint resolution of one House, that House receives in joint resolution with respect to the same rule from the other House, the vote in the first House shall occur on the joint resolution of the other House.

"§ 806. Effect of disapproval of rule

"(a) If a recommended final rule of an agency does not become effective under this chapter, the agency may issue a recommended final rule which relates to the same acts or practices as the rule which did not become effective under this chapter. Such recommended final rule—

"(1) shall be based upon—

"(A) the rule making record of the recommended final rule which did not become effective under this chapter; or

"(B) such rule making record and the record established in supplemental rule making proceedings conducted by the agency in accordance with section 553 of this title, in any case in which the agency determines that it is necessary to supplement the existing rule making record; and

"(2) may reflect such changes as the agency considers necessary or appropriate including such changes as may be appropriate in light of congressional debate and consideration of the joint resolution with respect to the rule which did not become effective under this chapter.

"(b) An agency, after issuing a recommended final rule under this section, shall transmit such rule to the Secretary of the Senate and the Clerk of the House of Representatives in accordance with section 802(a) of this title, and such rule shall only become effective in accordance with this chapter.

"§ 807. Effect on judicial review

"Congressional inaction on, or rejection of, any joint resolution concerning a rule shall not be deemed an expression of approval of the rule involved. The compliance of any agency with the requirements of this chapter, including any determination by an agency under this chapter, shall not be subject to judicial review of any kind.

"§ 808. Computation of days of continuous session of Congress

"For purposes of this chapter—

"(1) continuity of session is broken only by an adjournment sine die at the end of a Congress; and

"(2) the days on which either House is not in session because of an adjournment or recess to a day certain shall be excluded in the computation of days of continuous session of Congress for the twenty-day and thirty-day periods referred to in this chapter if the adjournment is for more than three days, and shall be excluded in such computation for the sixty-day period referred to herein if the adjournment is for more than fifteen days.".

(b) The table of chapters for part I of title 5, United States Code, is amended by inserting after the item relating to chapter 7 the following:

"8. Congressional Review of Agency Rule Making.. 801.".

SOCIAL SECURITY DISABILITY AMENDMENTS

LEVIN AMENDMENT NO. 2786

(Ordered referred to the Committee on Finance.)

Mr. LEVIN of Michigan submitted an amendment intended to be proposed by him to the bill (S. 476) to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Social Security Disability Amendments of 1984".

PRETERMINATION NOTICE

SEC. 2. (a)(1) Section 221(i) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(4) In any case where the Secretary initiates a review under this subsection of the case of an individual who has been determined to be under a disability, the Secretary shall notify such individual of the nature of the review to be carried out, the possibility that such review could result in the termination of benefits, and the right of the individual to provide medical evidence with respect to such review.".

(2) Section 221(c) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) In any case where the Secretary initiates a review under this subsection of a determination made by a State agency that an individual is under a disability, the Secretary shall notify the individual whose case is to be reviewed of the nature of the review to be carried out and the possibility that such review could result in the termination of benefits.".

(b) Section 1633 of such Act is amended by adding at the end thereof the following new subsection:

"(c) In any case in which the Secretary initiates a review under this title, similar to the continuing disability reviews or own motion reviews authorized for purposes of title II under sections 221(c) and 221(i), the Secretary shall notify the individual whose case is to be reviewed in the same manner as required under section 221(i)(4) or 221(c)(4), respectively.".

STANDARD OF REVIEW FOR TERMINATION OF DISABILITY BENEFITS AND PERIODS OF DISABILITY

SEC. 3. (a) Section 223 of the Social Security Act is amended by inserting after subsection (e) the following new subsection:

"Standard of Review for Termination of Disability Benefits

"(f)(1) A recipient of benefits under this title or title XVIII based on the disability of any individual may be determined not to be entitled to such benefits on the basis of a finding that the physical or mental impairment on the bais of which such benefits are provided has ceased, does not exist, or is not disabling only if such finding is supported by—

"(A) substantial evidence which demonstrates that there has been medical improvement in the individual's impairment or combination of impairments so that—

"(i) the individual is not able to engage in substantial gainful activity, or

"(ii) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is no longer deemed, under regulations prescribed by the Secretary, sufficient to preclude the individual from engaging in gainful activity; or

"(B) substantial evidence which—

"(i) consists of new medical evidence and (in a case to which subclause (II) does not apply) a new assessment of the individual's residual functional capacity and demonstrates that, although the individual has not improved medically, he or she is nonetheless a beneficiary of advances in medical or vocational therapy or technology so that—

"(I) the individual is now able to engage in substantial gainful activity, or

"(II) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is no longer deemed under regulations prescribed by the Secretary sufficient to preclude the individual from engaging in gainful activity; or

"(ii) demonstrates that, although the individual has not improved medically, he or she has undergone vocational therapy so that the requirements of subclause (I) or (II) of clause (i) are met; or

"(C) substantial evidence which demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment or combination of impairments is not as disabling as it was considered to be at the time of the most recent prior decision that he or she was under a disability or continued to be under a disability, and that therefore—

"(i) the individual is able to engage in substantial gainful activity, or

"(ii) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is not deemed under regulations prescribed by the Secretary sufficient to preclude the individual from engaging in gainful activity.

"(2) Nothing in this subsection shall be construed to require a determination that a recipient of benefits under this title or title XVIII based on and individual's disability is entitled to such benefits if evidence on the record at the time any prior determination of such entitlement to disability benefits was made, or new evidence which relates to that determination, shows that the prior determination was either clearly erroneous at the time it was made or was fraudulently obtained, or if the individual is engaged in substantial gainful activity.

"(3) In any case in which there is not available medical evidence supporting a prior disability determination, nothing in this subsection shall preclude the Secretary, in attempting to meet the requirements of the preceding provisions of this subsection, from securing additional medical reports necessary to reconstruct the evidence which supported such prior disability determination.

"(4) For purposes of this subsection, a benefit under this title is based on an individual's disability if it is a disability insurance benefit, a child's, widow's, or widower's insurance benefit based on disability, or a mother's or father's insurance benefit based on the disability of the mother's or father's child who has attained age 16.".

(b) Section 216(i) of such Act is amended by adding at the end thereof the following new paragraph:

"(4)(A) A period of disability may be determined to end on the basis of a finding that the physical or mental impairment on the basis of which the finding of disability was made has ceased, does not exist, or is not disabling only if such finding is supported by evidence described in subparagraph (A), (B), (C), or (D) of section 223(f)(1).

"(B) Nothing in subparagraph (A) shall be construed to require a determination that a period of disability continues if evidence on the record at the time any prior determination of such period of disability was made, or new evidence which relates to such determination, shows that the prior determination was either clearly erroneous at the time it was made or was fraudulently obtained, or if the individual is engaged in substantial gainful activity.

"(C) In any case in which there is no available medical evidence supporting a prior disability determination, nothing in this paragraph shall preclude the Secretary, in attempting to meet the requirements of the preceding provisions of this paragraph, from securing additional medical reports necessary to reconstruct the evidence which supported such prior disability determination.".

(c) Section 1614(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(5)(A) A recipient of benefits based on disability under this title may be determined not to be entitled to such benefits on the basis of a finding that the physical or mental impairment on the basis of which such benefits are provided has ceased, does not exist, or is not disabling only if such finding is supported by—

"(i) substantial evidence which demonstrates that there has been medical improvement in the individual's impairment or combination of impairments so that the individual is now able to engage in substantial gainful activity; or

"(ii) substantial evidence (except in the case of an individual eligible to receive benefits under section 1619) which—

"(I) consists of new medical evidence and a new assessment of the individual's residual functional capacity and demonstrates that, although the individual has not improved medically, he or she is nonetheless a beneficiary of advances in medical or vocational therapy or technology so that the individual is now able to engage in substantial gainful activity, or

"(II) demonstrates that, although the individual has not improved medically, he or she has undergone vocational therapy so that he or she is now able to engage in substantial gainful activity; or

"(iii) substantial evidence which demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment or combination of impairments is not as disabling as it was considered to be at the time of the most recent prior decision that he or she was under a disability or continue to be under a disability, and that therefore the individual is able to engage in substantial gainful activity.

"(B) Nothing in this paragraph shall be construed to require a determination that a recipient of benefits under this title based on disability is entitled to such benefits if evidence on the record at the time any prior determination of such entitlement to benefits was made, or new evidence which relates to that determination, shows that the prior determination was either clearly erroneous at the time it was made or was fraudulently obtained, or if the individual (unless he or she is eligible to receive benefits under section 1619) is engaged in substantial gainful activity.

"(C) In any case in which there is no available medical evidence supporting a prior determination of disability, nothing in this paragraph shall preclude the Secretary, in attempting to meet the requirements of the preceding provisions of this paragraph, from securing additional medical reports necessary to reconstruct the evidence which supported such prior determination.".

CASE DEVELOPMENT AND MEDICAL EVIDENCE

SEC. 4. (a) Section 223(d)(5) of the Social Security Act is amended by inserting "(A)" after "(5)" and by adding at the end thereof the following new subparagraph:

"(B) In making any determination with respect to whether an individual is under a disability or continues to be under a disability, the Secretary shall consider all evidence available in such individual's case record, and shall develop a complete medical history of at least the preceding twelve months for any case in which a determination is made that the individual is not under a disability. In making any determination the Secretary shall make every reasonable effort to obtain from the individual's treating physician (or other treating health care provider) all medical evidence, including diagnostic tests, necessary in order to properly make such determination, prior to seeking medical evidence from any other source on a consultative basis.".

(b) Section 1614(a)(3) of such Act is amended by adding at the end thereof the following subparagraph:

"(G) In making determinations with respect to disability under this title, the provisions of section 223(d)(5) shall apply.".

EVALUATION OF PAIN

SEC. 5. (a) Section 223(d)(5)(A) of the Social Security Act (as amended by section 3 of this Act) is amended by inserting after the first sentence the following new sentence: "An individual's statement as to pain or other symptoms shall not alone be conclusive evidence of disability as defined in this section; there must be findings, established by medically acceptable clinical or laboratory diagnostic techniques, which demonstrate the pain or other symptoms alleged and which, when considered with all evidence required to be furnished under this paragraph (including statements of the individual and his treating physician as to the intensity and persistence of such pain or other symptoms which may reasonably be accepted as consistent with the findings), would lead to a conclusion that the individual is under a disability.".

(b)(1) The Secretary of Health and Human Services shall, in conjunction with the National Academy of Sciences, conduct a study of the issues concerning—

(A) the use of subjective evidence of pain, including statements of the individual alleging such pain as to the intensity and persistence of such pain and corroborating evidence provided by treating physicians, family, neighbors, or behavioral indicia, in determining under section 221 or title XVI of the Social Security Act whether an individual is under a disability, and

(B) methods of preventing, reducing, or coping with pain.

(2) The Secretary shall submit the results of the study under paragraph (1), together with any recommendations, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than April 1, 1985.

UNIFORM STANDARDS FOR DISABILITY DETERMINATIONS

SEC. 6. (a) Section 221 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(j)(1) The Secretary shall establish by regulation uniform standards which shall be applied at all levels of determination, review, and adjudication in determining whether individuals are under disabilities as defined in section 216(i) or 223(d).

"(2) Regulations promulgated under paragraph (1) shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.".

(b) Section 1614(a)(3)(C) of such Act (as added by section 4 of this Act) is amended by striking out "section 221(d)(5)" and inserting in lieu thereof "sections 221(d)(5) and 221(j)".

MULTIPLE IMPAIRMENTS

SEC. 7. (a)(1) Section 223 (d)(2) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(C) In determining whether an individual's physical or mental impairment or impairments are of such severity that he or she is unable to engage in substantial gainful activity, the Secretary shall consider the combined effect of all of the individual's impairments without regard to whether any such impairment, if considered separately, would be of such severity.".

(2) The third sentence of section 216(i)(1) of such Act is amended by inserting "(2)(C)," after "(2)(A),".

(b) Section 1614(a)(3)(G) of such Act (as amended by section 6 of this Act) is amended by striking out "and 221 (j)" and inserting in lieu thereof ", 221(j), and 223(d)(2)(C)".

(c) The amendments made by this section shall apply to determinations made on or after January 1, 1985.

MORATORIUM ON MENTAL IMPAIRMENT REVIEWS

SEC. 8. (a) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall revise the criteria embodied under the category "Mental Disorders" in the "Listing of Impairments" in effect on the date of the enactment of this Act under appendix 1 to subpart P of part 404 of title 20 of the Code of Federal Regulations. The revised criteria and listings, alone and in combination with assessments of the residual functional capacity of the individuals involved, shall be designed to realistically evaluate the ability of a mentally impaired individual to engage in substantial gainful activity in a competitive workplace environment. Regulations establishing such revised criteria and listings shall be published no later than nine months after the date of the enactment of this Act.

(b) The Secretary shall make the revisions pursuant to subsection (a) in consultation with the Advisory Council on the Medical Aspects of Disability (established by section 9 of this Act), and shall take the advice and recommendations of such Council fully into account in making such revisions.

(c)(1) Until such time as revised criteria have been established by regulation in accordance with subsection (a), no continuing eligibility review shall be carried out under section 221(i) of the Social Security Act, or under the corresponding requirements established for disability determinations and reviews under title XVI of such Act, with respect to any individual previously determined to be under a disability by reason of a mental impairment, if—

(A) no initial decision on such review has been rendered with respect to such individual prior to the date of the enactment of this Act, or

(B) an initial decision on such review was rendered with respect to such individual prior to the date of the enactment of this Act but a timely appeal from such decision was filed or was pending on or after June 7, 1983.

For purposes of this paragraph and subsection (d)(1) the term "continuing eligibility review", when used to refer to a review of a previous determination of disability, includes any reconsideration of or hearing on the initial decision rendered in such review as well as such initial decision itself, and any review by the Appeals Council of the hearing decision.

(2) Paragraph (1) shall not apply in any case where the Secretary determines that fraud was involved in the prior determination, or where an individual (other than an individual eligible to receive benefits under section 1619 of the Social Security Act) is determined by the Secretary to be engaged in substantial gainful activity.

(d)(1) Any initial determination that an individual is not under a disability by reason of a mental impairment and any determination that an individual is not under a disability by reason of a mental impairment in a reconsideration of or hearing on an initial disability determination, made or held under title II or XVI of the Social Security Act after the date of the enactment of this Act and prior to the date on which revised criteria are established by regulation in accordance with subsection (a), and any determination that an individual is not under a disability by reason of a mental impairment made under or in accordance with title II or XVI of such Act in a reconsideration of, hearing on, or judicial review of a decision rendered in any continuing eligibility review to which subsection (c)(1) applies, shall be redetermined by the Secretary as soon as feasible after the date on which such criteria are so established, applying such revised criteria.

(2) In the case of a redetermination under paragraph (1) of a prior action which found that an individual was not under a disability, if such individual is found on redetermination to be under a disability, such redetermination shall be applied as though it had been made at the time of such prior action.

(3) Any individual with a mental impairment who was found to be not disabled pursuant to an initial disability determination or a continuing eligibility review between March 1, 1981, and the date of the enactment of this Act, and who reapplies for benefits under title II or XVI of the Social Security Act, may be determined to be under a disability during the period considered in the most recent prior determination. Any reapplication under this paragraph must be filed within one year after the date of the enactment of this Act, and benefits payable as a result of the preceding sentence shall be paid only on the basis of the reapplication.

ADVISORY COUNCIL ON MEDICAL ASPECTS OF DISABILITY

SEC. 9. (a) There is hereby established in the Department of Health and Human Services an Advisory Council on the Medical Aspects of Disability (hereafter in this section referred to as the "Council").

(b)(1) The Council shall consist of—

(A) 10 members appointed by the Secretary of Health and Human Services (without regard to the requirements of the Federal Advisory Committee Act) within 60 days after the date of the enactment of this Act from among independent medical and vocational experts, including at least one psychiatrist, one rehabilitation psychologist, and one medical social worker; and

(B) the Commissioner of Social Security ex officio.

The Secretary shall from time to time appoint one of the members to serve as Chairman. The Council shall meet as often as the Secretary deems necessary, but not less often than twice each year.

(2) Members of the Council appointed under paragraph (1)(A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Such members, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be paid at rates fixed by the Secretary, but not exceeding $100 for each day, including traveltime, during which they are engaged in the actual performance of duties vested in the Council; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(3) The Council may engage such technical assistance from individuals skilled in medical and other aspects of disability as may be necessary to carry out its functions. The Secretary shall make available to the Council such secretarial, clerical, and other assistance and any pertinent data prepared by the Department of Health and Human Services as the Council may require to carry out its functions.

(c) It shall be the function of the Council to provide advice and recommendations to the Secretary of Health and Human Services on disability standards, policies, and procedures under titles II and XVI of the Social Security Act, including advice and recommendations with respect to—

(1) the revisions to be made by the Secretary, under section 8(a) of this Act, in the criteria embodied under the category "Mental Disorders" in the "Listing of Impairments"; and

(2) the question of requiring, in cases involving impairments other than mental impairments, that the medical portion of each case review (as well as any applicable assessment of residual functional capacity) be completed by an appropriate medical specialist employed by the State agency before any determination can be made with respect to the impairment involved.

(d)(1) The Council shall also have the following functions and responsibilities with respect to work evaluations in the case of applicants for and recipients of benefits based on disability under title XVI:

(A) a consideration of alternative approaches to work evaluation in the case of applicants for benefits based on disability under title XVI and recipients of such benefits undergoing reviews of their cases, including immediate referral of any such applicant or recipient to a vocational rehabilitation agency for services at the same time he or she is referred to the appropriate State agency for a disability determination;

(B) an examination of the feasibility and appropriateness of providing work evaluation stipends for applicants for and recipients of benefits based on disability under title XVI in cases where extended work evaluation is needed prior to the final determination of their eligibility for such benefits or for further rehabilitation and related services;

(C) a review of the standards, policies, and procedures which are applied or used by the Secretary of Health and Human Services with respect to work evaluations, in order to determine whether such standards, policies, and procedures will provide appropriate screening criteria for work evaluation referrals in the case of applicants for and recipients of benefits based on disability under title XVI; and

(D) an examination of possible criteria for assessing the probability that an applicant for or recipient of benefits based on disability under title XVI will benefit from rehabilitation services, taking into consideration not only whether the individual involved will be able after rehabilitation to engage in substantial gainful activity but also whether rehabilitation services can resonably be expected to improve the individual's functioning so that he or she will be able to live independently or work in a sheltered environment.

(2) For purposes of this subsection, "work evaluation" includes (with respect to any individual) a determination of—

(A) such individual's skills,

(B) the work activities or types of work activity for which such individual's skills are insufficient or inadequate,

(C) the work activities or types of work activity for which such individual might potentially be trained or rehabilitated,

(D) the length of time for which such individual is capable of sustaining work (including, in the case of the mentally impaired, the ability to cope with the stress of competitive work), and

(E) any modifications which may be necessary, in work activities for which such individual might be trained or rehabilitated, in order to enable him or her to perform such activities.

(e) Whenever the Council deems it necessary or desirable to obtain assistance in order to perform its functions under this section, the Council may—

(1) call together larger groups of experts, including representatives of appropriate professional and consumer organizations, in order to obtain a broad expression of views on the issues involved; and

(2) establish temporary short-term task forces of experts to consider and comment upon specialized issues.

(f)(1) Any advice and recommendations provided by the Council to the Secretary of Health and Human Services shall be included in the ensuing annual report made by the Secretary to Congress under section 704 of the Social Security Act.

(2) Section 704 of the Social Security Act is amended by inserting after the first sentence the following new sentence: "Each such report shall contain a comprehensive description of the current status of the disability insurance program under title II and the program of benefits for the blind and disabled under title XVI (including, in the case of the reports made in 1984, 1985, and 1986, any advice and recommendations provided to the Secretary by the Advisory Council on the Medical Aspects of Disability, with respect to disability standards, policies, and procedures, during the preceding year).".

(g) The Council shall cease to exist at the close of December 31, 1986.

SSI BENEFITS FOR INDIVIDUALS WHO PERFORM SUBSTANTIAL GAINFUL ACTIVITY DESPITE SEVERE MEDICAL IMPAIRMENT

SEC. 10. (a) Section 201(d) of the Social Security Disability Amendments of 1980 is amended by striking out "shall remain in effect only for a period of three years after such effective date" and inserting in lieu thereof "shall remain in effect only through June 30, 1987".

(b) Section 1619 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary of Health and Human Services and the Secretary of Education shall jointly develop and disseminate information, and establish training programs for staff personnel, with respect to the potential availability of benefits and services for disabled individuals under the provisions of this section. The Secretary of Health and Human Services shall provide such information to individuals who are applicants for and recipients of benefits based on disability under this title and shall conduct such programs for the staffs of the District offices of the Social Security Administration. The Secretary of Education shall conduct such programs for the staffs of the State Vocational Rehabilitation agencies, and in cooperation with such agencies shall also provide such information to other appropriate individuals and to public and private organizations and agencies which are concerned with rehabilitation and social services or which represent the disabled.".

PAYMENT OF COSTS OF REHABILITATION SERVICES

SEC. 11. (a) The first sentence of section 222(d)(1) of the Social Security Act is amended—

(1) by striking out "into substantial gainful activity"; and

(2) by striking out "which result in their performance of substantial gainful activity which lists for a continuous period of nine months" and inserting in lieu thereof the following: "(i) in cases where the furnishing of such services results in the performance by such individuals of substantial gainful activity for a continuous period of nine months, (ii) in cases where such individuals receive benefits as a result of section 225(b) (except that no reimbursement under this paragraph shall be made for services to any individual receiving such benefits for any period after the close of such individual's ninth consecutive month of substantial gainful activity or the close of the month in which his or her entitlement to such benefits ceases, whichever first occurs), and (iii) in cases where such individuals, without good cause, refuse to accept vocational rehabilitation services or fail to cooperate to such a degree that they preclude their successful rehabilitation".

(b) The second sentence of section 222(d)(1) of such Act is amended by inserting after "substantial gainful activity" the following: ", the determination that an individual, without good cause, refused to accept vocational rehabilitation services or failed to cooperate to such a degree that he precluded his successful rehabilitation,".

(c) The first sentence of section 1615(d) of such Act is amended by striking out "if such services result in their performance of substantial gainful activity which lasts for a continuous period of nine months" and inserting in lieu thereof the following: "(1) in cases where the furnishing of such services results in the performance by such individuals of substantial gainful activity for continuous periods of nine months, (2) in cases where such individuals are determined to be no longer entitled to benefits under this title because the physical or mental impairments on which the benefits are based have ceased, do not exist, or are not disabling (and no reimbursement under this subsection shall be made for services furnished to any individual receiving such benefits for any period after the close of such individual's ninth consecutive month of substantial gainful activity or the close of the month with which his or her entitlement to such benefits ceases, whichever first occurs), and (3) in cases where such individuals, without good cause, refuse to accept vocational rehabilitation services or fail to cooperate to such a degree that they preclude their successful rehabilitation".

(d) The amendments made by this section shall apply with respect to individuals who receive benefits as a result of section 225(b) of the Social Security Act (or who are determined to be no longer entitled to benefits under title XVI of such Act because the physical or mental impairments on which the benefits are based have ceased, do not exist, or are not disabling), or who refuse to accept rehabilitation services or fail to cooperate in an approved vocational rehabilitation program, in or after the first month following the month in which this Act is enacted.

QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL INPAIRMENTS

SEC. 12. (a) Section 221 of the Social Security Act is amended by inserting after subsection (g) the following new subsection:

"(h) A determination under subsection (a), (c), (g), or (i) that an individual is not under a disability by reason of a mental impairment shall be made only if, before its issuance by the State (or the Secretary), a qualified psychiatrist or psychologist who is employed by the State agency or the Secretary (or whose services are contracted for by the State agency or the Secretary) has completed the medical portion of the case review, including any applicable residual functional capacity assessment.".

(b) Section 1614 (a)(3)(G) of such Act (as amended by section 7 of this Act) is amended by inserting "221(h)," before "221(j)".

RESPONSE BY SECRETARY TO COURT DECISIONS

SEC. 13. (a) In the case of any decision rendered by a United States Court of Appeals which—

(1) involves an interpretation of the Social Security Act or any regulation issued thereunder;

(2) involves a case to which the Department of Health and Human Services or any officer or employee thereof is a party; and

(3) requires that such department or officer or employee thereof, apply or carry out any provision, procedure, or policy under such Act with respect to any individual or circumstance in a manner which varies from the manner in which such provision, procedure, or policy is generally applied or carried out.

the Secretary shall, within 60 days after the issuance of such decision on the last day available for filling an appeal, whichever is later, send to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, and publish in the Federal Register, a statement of the Secretary's decision to acquiesce or not acquiesce in such court decision, and the specific facts and reasons in support of the Secretary's decision. Nothing in this section shall be interpreted as sanctioning any decision of the Secretary not to acquiesce in the decision of a United States Court of Appeals.

CONTINUATION OF BENEFITS DURING APPEAL

SEC. 14. (a)(1) Section 223(g)(1) of the Social Security Act is amended—

(A) in the matter following subparagraph (C), by striking out "and the payment of any other benefits under this Act based on such individual's wages and self-employment income (including benefits under title XVIII)," and inserting in lieu thereof ", the payment of any other benefits under this title based on such individual's wages and self-employment income, the payment of mother's or father's insurance benefits to such individual's mother or father based on the disability of such individual as a child who has attained age 16, and the payment of benefits under title XVIII based on such individual's disability,"; and

(B) in clause (iii) by striking out "June 1984" and inserting in lieu thereof "January 1987".

(2) Section 223(g)(3)(B) of such Act is amended by striking out "December 7, 1983" and inserting in lieu thereof "June 1, 1986".

(b) Section 1631(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(7)(A) In any case where—

"(i) an individual is a recipient of benefits based on disability or blindness under this title,

"(ii) the physical or mental impairment on the basis of which such benefits are payable is found to have ceased, not to have existed, or to no longer be disabling, and as a consequence such individual is determined not to be entitled to such benefits, and

"(iii) a timely request for review or for a hearing is pending with respect to the determination that he is not so entitled,

such individual may elect (in such manner and form and within such time as the Secretary shall by regulations prescribe) to have the payment of such benefits continued for an additional period beginning with the first month beginning after the date of the enactment of this paragraph for which (under such determination) such benefits are no longer otherwise payable, and ending with the earlier of (I) the month preceding the month in which a decision is made after such a hearing, (II) the month preceding the month in which no such request for review or a hearing is pending, or (III) January 1987.

"(B) (i) If an individual elects to have the payment of his benefits continued for an additional period under subparagraph (A), and the final decision of the Secretary affirms the determination that he is not entitled to such benefits, any benefits paid under this title pursuant to such election (for months in such additional period) shall be considered overpayments for all purposes of this title, except as otherwise provided in clause (ii).

"(ii) If the Secretary determines that the individual's appeal of his termination of benefits was made in good faith, all of the benefits paid pursuant to such individual's election under subparagraph (A) shall be subject to waiver consideration under the provisions of subsection (b)(1).

"(C) The provisions of subparagraphs (A) and (B) shall apply with respect to determinations (that individuals are not entitled to benefits) which are made—

"(i) on or after the date of the enactment of this paragraph, or prior to such date but only on the basis of a timely request for review or for a hearing, and

"(ii) prior to June 1, 1986.".

PERSONAL APPEARANCE DEMONSTRATION PROJECTS

SEC. 15. The Secretary of Health and Human Services shall, as soon as practicable after the date of the enactment of this Act, implement demonstration projects in which a personal appearance prior to a determination of ineligibility for persons reviewed under section 221 (i) of the Social Security Act is substituted for the face to face evidentiary hearing required by section 205 (b) (2) of such Act. Such demonstration projects shall be conducted in not fewer than five States, and shall also include disability determinations with respect to individuals reviewed under title XVI of such Act. The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning such demonstration projects, together with any recommendations, not later than April 1, 1985.

FREQUENCY OF CONTINUING ELIGIBILITY REVIEWS

SEC. 16. The Secretary of Health and Human Services shall promulgate regulations, within 90 days after the date of the enactment of this Act, which establish the standards to be used by the Secretary in determining the frequency of reviews under section 221(i) of the Social Security Act. Such regulations shall be subject to public notice and comment under section 553 of title 5, United States Code, prior to being issued as final regulations. Until such regulations have been issued as final regulations, no individual may be reviewed more than once under section 221(i) of the Social Security Act.

SECRETARIAL REVIEW OF ALJ DETERMINATIONS

SEC. 17. Section 304(g) of the Social Security Disability Amendments of 1980 is repealed.

EFFECTIVE DATE

SEC. 18. Except as otherwise provided in this Act, the amendments made by this Act shall only apply with respect to cases involving disability determinations pending in the Department of Health and Human Services or in court on the date of the enactment of this Act, or initiated on or after such date.

VOLUNTARY SCHOOL PRAYER

WEICKER AMENDMENT NO. 2787

Mr. WEICKER proposed an amendment intended to be proposed by him to the joint resolution (S.J. Res. 73) proposing an amendment to the Constitution of the United States relating to voluntary school prayer; as follows:

In lieu of the language proposed to be inserted by the pending amendment, insert the following:

"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in group prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.".

MATHIAS AMENDMENT NO. 2788

Mr. MATHIAS proposed an amendment to the joint resolution Senate Joint Resolution 73, supra; as follows:

In the language proposed to be inserted, strike all after the word "Nothing" and insert the following:

"in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in group prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.".

WEICKER AMENDMENT NO. 2789

Mr. WEICKER submitted an amendment intended to be proposed by him to the joint resolution Senate Joint Resolution 73, supra; as follows:

In the language proposed to be stricken by the pending amendment, strike all after the word "Nothing" and insert the following:

"in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in group prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.".

MATHIAS AMENDMENT NO. 2790

Mr. MATHIAS proposed an amendment to the joint resolution Senate Joint Resolution 73, supra; as follows:

In the pending amendment, between the words "any" and "prayer", insert the word "group".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 14, to receive testimony on Soviet noncompliance of the arms-control commitment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEA POWER AND FORCE PROJECTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Sea Power and Force Projection, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Wednesday, March 14, at 2:30 p.m., to receive testimony on U.S. naval strategy in review of the fiscal year 1985 Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 14, to mark up the deficit reduction package.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 14, in order to receive testimony concerning S. 40, Small Business Motor Fuel Marketer Preservation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Thursday, March 14, in order to meet with the National Small Business Advisory Council.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SBA'S 503 PROGRAM IN TENNESSEE: A GROWING SUCCESS STORY

Mr. SASSER. Mr. President, I would like to bring to the attention of my colleagues a proven success story in the State of Tennessee, the Small Business Administration's certified development company loan program, or as it is commonly known, the 503 program. The 503 program is designed to provide long-term financing to small business concerns through cooperation between SBA and private sector corporations chartered for the purpose of promoting economic growth in a specific area.

In Tennessee, there are presently five companies taking part in this most worthwhile program. These five companies service 66 counties across the State. In addition, plans have been submitted for chartering another 503 company to service those west Tennessee counties presently not covered by the existing corporations.

A recent article in Appalachia magazine highlighted the activities of the areawide development corporation operating in east Tennessee. Formed under the auspices of the East Tennessee Development District, the areawide development corporation (ADC) has gone far in meeting the 503 program's objective of spurring the growth of small firms.

The areawide development corporation, which serves 16 east Tennessee counties, was the first 503 company in Tennessee to be certified by the Small Business Administration. The Appalachia article notes that ADC has contracted for six projects totaling over $6 million which have resulted in 196 new jobs due to business expansion. The article goes on to note that five more projects have been approved by ADC and are under consideration by the SBA. It is anticipated that these projects will generate an additional 100 jobs in the area. SBA offices in Nashville have indicated to my staff that two of these projects have already been approved by SBA.

The story of the areawide development corporation highlights the success which can be achieved under the 503 program. It is clear that the 503 program is helping retain and create jobs across Tennessee. What is even more incredible, given the current state of budgetary affairs, is that this is being done at a cost below what. SBA originally projected for the 503 program. Under the program's guidelines, one job is supposed to be generated for every $15,000 of SBA involvement. SBA officials indicate, however, that they are producing nearly twice as many jobs under the 503 program in Tennessee; 503 projects in Tennessee are generating one job for every $8,000 of SBA involvement. That is the type of efficiency we need more of, Mr. President.

The Appalachia article not only highlights the good work of the ADC, it presents an excellent overview of how the 503 program works and why it is so attractive to the small business financial community. Anyone who reads the testimonials of the business people who have received loans under this program will be impressed with the impact it is having.

In closing, I commend the efforts of the areawide development corporation and look forward to continued growth in the future. I recommend that my colleagues read the following article on this case study of a Government program that works. Mr. President, I ask that Anne Newman's article on the 503 program in east Tennessee be printed in the RECORD.

The article follows:

RIGHT ON THE MONEY: TENNESSEE LDD PUTS LOAN PROGRAM TO USE

(By Anne Newman)

Henry Lee Johnson has been cutting marble out of Tennessee's Cumberland Mountains since 1938. A friendly, outgoing fellow, Johnson practices a craft as rare as his untainted Appalachian speech.

"A lot of sculpture people come here from Baltimore, New York, Philly, Illinois, all over," Johnson said proudly, pointing to huge slabs of highly coveted black marble lying catawampus against each other at the Imperial Black Marble Company near Thorn Hill, Tennessee. These days, aided by a $140,000 financing package jointly backed by the Knoxville-based marble company, a local bank and the Small Business Administation. Johnson and his marblecutting buddies can do more business than ever before.

The loan was used to buy a huge, diamond-tooth gang saw and to build a shiny blue prefabricated shed to house the giant machine. The saw, gleaming in contrast to the unpolished marble blocks, cuts 38 slabs of marble at a rate of three vertical inches an hour. Those blocks used to be the company's final product. But now, with a demand for the black marble in such overseas markets as Saudi Arabia, the company can provide finished slabs more to the liking of oil-rich sheiks in search of decorative marble for their palatial homes.

SBA 503 PROGRAM

The expansion of the Imperial Black Marble Company is a story that is being duplicated across the 16 counties of the East Tennessee Development District (ETDD) as a result of a joint private/public loan program (see map on page 29). Other small businesses surrounding the Knoxville area are expanding with help from similar financing packages arranged through the Areawide Development Corporation, a government-certified loan corporation formed by ETDD. In picturesque Dandridge, 50 more workers have joined the 3D Manufacturing Company, Inc., where they produce 3,000 to 4,000 pieces a day of soft luggage destined for high-priced department stores up and down the East Coast. Up near Clinton, tracks are in place for a huge overhead crane that is expected to help quadruple sales by 1987 for the locally based United Steel Service Corporation. And in Knoxville, a butcher now makes his early morning rounds to a new walk-in storage facility to cut fresh meat daily for the rapidly expanding Cooper Cellar restaurant chain.

Those diverse businesses all have one important financial underpinning in common financing through the Small Business Administration's certified development company program. Created by Congress in 1980, the program is designed to spur the growth of small and medium-sized businesses by filling a gap in traditional business financing. Most commercial banks predominantly lend money for short to medium terms of five to ten years. Most savings and loan institutions are required to be primarily residential lenders. And the majority of insurance companies and pension funds favor projects costing more than $1 million. Consequently, small businesses in need of long-term financing for commercial and industrial property—particularly businesses in distressed areas—have had a hard row to hoe.

Enter the SBA's "503 program," so called because it was created by Section 503 of the Small Business Investment Act. The program allows private lenders to make loans of up to 25 years to small businesses with less risk because up to 40 percent of a necessary loan can be provided by the SBA. The SBA loans are based on second-mortgage financing obtained through the sale, handled solely by the SBA, of debentures backed 100 percent by the Government. They are made at a fixed rate based on the bond market and determined periodically by the U.S. Treasury. That rate typically is lower than the prime interest rate by as much as two percentage points.

Through local, regional or statewide certified development corporations approved by the SBA to administer the loans, the government can lend up to $500,000 for a project and up to 40 percent of the cost of a project. For instance, a $1-million financing package could be funded with $500,000 from a private lending institution, $400,000 from SBA-backed bonds and a minimum of $100,000 from the business seeking the loan. The program is limited to profit-making companies with net worths of no more than $6 million and with net profits after taxes averaging less than $2 million during the previous two years.

"The whole thrust of the program is the retention of jobs and the creation of jobs," explained Jefferson City banker William I. Powell. Powell, president of First People's Bank of Jefferson County, serves on the board of the Areawide Development Corporation. The ADC, as it is known in the local development world lexicon, was the first 503 development corporation in Tennessee to be certified by the SBA and has been in business since December 1981. So far, the SBA has approved seven financing packages cleared through the ADC, representing at total of nearly $6 million in total capital investment and creating 196 jobs as a result of business expansions. The ADC recently approved five more packages that could create another 100 jobs if they win final SBA approval.

Powell said he thinks that organizations like the ADC can make a crucial difference to local economies still hurting from the recession—rural areas like Jefferson County, which lost 500 jobs when a major industry closed up shop and moved its operations to Mexico. "It's a real shot in the arm to small areas like this that are really starving for industry," Powell said.

ETDD'S DEVELOPMENT CORPORATION

If the loan program is the good news, then Don Woods is the traveling salesman who's been covering the 16-country development district trying to convice both bankers and businessmen to take advantage of the long-term financing opportunity. Woods, formerly the ETDD fiscal officer, works full time now for the development corporation in his effort to put together successful financing packages and eventually make the ADC self-sustaining.

Congress provided a mechanism for certified development companies to become independent, self-sustaining corporations by allowing them to retain an "initiation fee" and a monthly service fee based on each SBA-backed loan they successfully close. The initiation fee equals 1½ percent of the SBA portion of each total investment package, and monthly service fees amount to one-half of one percent per year of the outstanding debenture.

Woods explained that the initial cost of the project construction or expansion comes entirely from the lending institution and the loan recipient. Only after the project is completed is the SBA loan made available to repay the lending institution. At that time, the ADC gets the initiation fee and begins to collect the monthly servicing fee. If all twelve of the loans approved by the ADC are approved by the SBA and all the projects are successfully completed, then the ADC is due about $45,000 in initiation fees, plus monthly servicing fees, Woods estimated. The development corporation predicts that it could have a fiscal year 1984 income of $30,000 to $40,000 solely from initiation and servicing fees. But it's a slow process. At the moment, only one ADC loan has been finalized, bringing in a $3,200 initiation fee. But the staff is optimistic and expects about half a dozen loans to close within the next several months.

Woods is a trained accountant and takes a conservative approach toward business ventures. The 503 program, he said, "is an excellent concept. It helps local banks service local customers with loans they normally can't make."

Powell, chairman of the ADC's loan review committee, agreed. "It particularly helps small banks like us. We've always been hesitant to get into any long-term financing. We don't feel we've got the assets to tie up for 20 years or more. And interest rates have been so volatile, we don't feel that we've got the expertise to predict what they're going to do over the long run."

The 503 program, guaranteeing up to 50 percent of a financing package, "take a big whack at the problem," Powell explained. Small banks can much more easily afford to put up 50 percent of a loan, rather than 80 or 90 percent, as required under an older SBA program.

Additionally the 503 program does not dictate the terms of the private loans allowing banks to finance their portion of the package at fluctuating interest rates and to collect 1½ percent servicing fees on their loans.

Powell added that if a prospective loan is too big for a small bank to handle alone, then under the 503 program the smaller bank can go ahead and make the full home but sell part of it "upstream" to a large bank while still retaining the servicing fee. "Most of these larger banks are begging for a good loan," he said. "A 50 percent loan with a first mortgage on everything? In any economy, it's good."

A PUBLIC/PRIVATE PARTNERSHIP

The program is particularly attractive because the certified development companies—not the banks—are responsible for all the paperwork required by the government. "That's such a big load off us," Powell noted. "In a small bank, we just don't have the expertise and people to put together a sophisticated package. Don and his people really help—that's a big selling point."

The certified development companies are also responsible for continued monitoring of repayments.

Powell and Woods are proud that the ADC's review standards for loan applications have been so strict that none of the packages approved by the corporation has been turned down by the SBA. But despite their success, the program has not caught on as quickly as they had hoped. With initial funding from Appalachian Regional Commission and Economic Development Administration planning grants, the corporation aimed for $50,000 in start-up contributions from area banks for its first year's budget. It received only $25,000. "Small banks are very conservative," Powell explained. "They almost have a mentality of 'we never try anything first.' "

The ADC also has to fight the stigma traditionally attached by conservative bankers to government programs, according to Powell. "People are afraid the government will always be looking over your shoulder. But it's not true. As long as you have people who repay their loans, you don't have to worry."

Powell remains a believer in the program and thinks that area bankers will catch on to it. "I'm going to make sure they do," he added mischievously. "I'd encourage my competitors to use it. If they don't, I'm going to whip 'em!"

Allen Neel, ETDD executive director, is also a big fan of the 503 loan program. "Personally, I'm very high on it because it's more of a hands-on approach to economic development," he said. "We were accustomed to doing plans and studies. This is a more direct approach."

Neel said the program has given the development district more credibility with the Knoxville-area private sector, particularly the banks. "We've got something to put on the table. We've got a financial resource that we can offer. When you have something to offer, people listen." The business community and the banks are also pleased that the program creates jobs, he noted.

Neel called the ADC "a public/private partnership in the truest sense." The nine-member corporation board consists of representatives from the public and private sector, with no more than five of any group serving as a majority. The majority alternates each year, as do the officers of the group.

The 1983 ADC president is Dwight Kessel, the top elected official of Knox County, home of Knoxville. County Executive Kessel has learned about public/private partnerships through long experience as a private businessman in an area dominated by the Tennessee Valley Authority and the Department of Energy's Oak Ridge nuclear weapons plant. Kessel gave a favorable nod to the 503 loan program. "It certainly provides a mechanism for expansion," he said. "And it fills in the financing gap" between projects costing very little and projects of up to $1 million. "The program provides some leverage that's not otherwise in the system," he said.

But the best testimonials come from the businessmen who got those badly needed shots in the arm with loans obtained through the program. In each of four cases, the SBA-backed loan meant the difference between growth and no growth.

3D MANUFACTURING COMPANY, INC., DANDRIDGE

Makers of LeSportsac, a New York-based top-of-the-line brand of soft luggage, the 3D Manufacturing Company, Inc., in Dandridge was the ADC's first loan recipient. With a total investment package of $532,000, the company was able to buy a manufacturing building and an office building that it formerly was leasing and to purchase a new automated material handling system that streamlined production. Consequently, the company added 50 permanent jobs to its work force of 175.

The loan package consisted of a $236,000 SBA-backed loan from the ABC, a 15-year second mortgage with an 11 percent fixed interest rate. William Powell's bank put up 50 percent of the package, and the business put up 10 percent of the package.

"If we'd had to put up any more, it would have been tough for us," explained Dale Dennis, the young president of the company. "With any growing company, cash flow is always tough." Dennis explained that the company has always had a good relationship with Powell's bank. "But when it came to those kinds of sums, our local bank wasn't able to handle it alone."

Dennis liked the fact that the banks have to put up a large enough chunk of money that their decision to back a loan carries considerable weight. "The SBA doesn't know 3D from Adam," he noted. "But what I like about this is that the bank participates to such a degree that people will think you're worth the risk." Dennis also liked the fact that a company isn't prevented from returning to the ADC for a second loan. That gives a business a strong incentive to establish a good loan history with the ADC, he noted.

MID-CITY TOOL MANUFACTURING, OAK RIDGE

Gene Autrey Pack runs a high-quality tool-and-die shop in the shadow of a government nuclear weapons facility. Pack and his three employees, crowded into cramped but spotless quarters that used to be the Oak Ridge bus garage, make highly specialized machine parts for familiar government contractors such as Union Carbide and Western Electric.

Pack plans to employ a total of ten workers when he moves his operations into a new and spacious building at an Oak Ridge industrial park. The best conventional loan he could get from a local bank to build new facilities required him to put 35 percent of the costs down at a 13½ percent interest rate for a maximum 15 year term. Pack couldn't do it. But with help from Woods and his staff, he got a $150,000 investment package, including a $70,000, 25-year loan at a fixed interest rate from ADC; so his business can expand and flourish in the new facility.

COPPER CELLAR RESTAURANTS, KNOXVILLE

Knoxville, home of the 1982 World's Fair and the University of Tennessee, is also host to an aggressive young restaurant chain. An enterprising UT student opened his first Copper Cellar restaurant in 1974, featuring prime rib and fresh seafood. The business is now looking forward to the opening of its fourth restaurant and has branched into the catering profession.

The trick to the restaurant's success has been the fresh seafoods flown in daily and fresh meats butchered daily for its patrons. But storage of those foods was a challenge. "We used to have these little mini-storehouses all over town. It was absurd," recalled Tom Maynard, treasurer of the chain.

With a $500,000 financing package, the Copper Cellar now has a newly completed central commissary, complete with a huge walk-in freezer and computers to streamline billings and inventories. Very early every morning, a butcher comes to the commissary to prepare that day's beef. "The secret to the success of our prime rib is that we have a fresh product, butchered at our commissary," Maynard explained.

UNITED STEEL SERVICE CORPORATION, ANDERSON COUNTY

The first office of the United Steel Service Corporation was a pop-up camper parked at one end of a battered 7,500-square-foot warehouse just spitting distance from the winter storage headquarters of Holiday on Ice, sandwiched in an old compound of warehouses in Knox County. But United Steel plans to move shortly into a new 42,000-square-foot warehouse 30 miles away in Clinton, where they expect that sophisticated new equipment will help quadruple their sales by 1987.

Niles Larson and Bob Brelsford, both former employees of Bethlehem Steel, followed a classic entrepreneurial path in their rise from a three-man outfit to a company with 22 workers bulging out of its outdated facilities.

"This has been a blast!" Larson said, joking as he moved boxes and invited visitors to sit in any available space in the company's tattered headquarters. "It's been a great maternity ward for a new company." Coils of steel lie packed in an adjacent shed supported by rough-cut timber posts. United

Steel slits the coil to make steel parts such as desk tops, tubing and metal drawer slides. One old forklift unloads a truckload of coil in an hour.

Despite the cramped space and inefficient machinery, the company's sales jumped from $1.1 million in its first year of operations to $4 million a year by March 1983. "By 1987, we can reasonably expect to be in the range of $25 million annually in sales." Larson said. Key to that projected growth is the $1.2-million loan awarded to the program by the ADC. The loan is paying for construction of the new warehouse in Clinton, the purchase of 6½ acres of land with the option to buy another 7 acres, and the purchase of a 25-ton overhead crane that will unload a truckload of steel in ten minutes. The company now processes 1,250 tons of steel a month. With the new equipment and facilities, it expects to produce 4,000 tons a month.

"We couldn't have done it without the 503 program," Larson said. "Our only alternative would have been to stay here and face limited growth." Larson and Breisford were unable to find a buyer for industrial revenue bonds when they first searched for financing during the heart of the recession in the steel industry. And they couldn't afford a conventional loan and front 25 percent of the costs. "It became affordable for us to go 10 percent," according to Larson. "The program is great! We don't know anything bad about it."

REVOLVING LOAN FUND MAKES MORE EXPANSIONS FEASIBLE

The ADC just got another major boost to its campaign to promote economic development in the area through loan financing assistance. After three years of dogged pursuit on the part of the ETDD board of directors, the area's congressional delegation and other influential citizens, ETDD was notified September 30 that it was awarded a $562,500 grant from the Economic Development Administration (EDA) to start a $750,000 revolving loan fund.

In announcing the grant award, Mayor Byron Hale of Clinton, chairman of ETDD's board, said: "The revolving loan fund will be able to provide a lower interest rate loan and consider new business ideas, all of which will augment the present ADC/SBA loan program by filling gaps in small business-private sector financing. We have great hopes that this program will provide the area will increase economic expansion and growth."

EDA allows development districts to set their own conditions on the loan funds. Neel predicted the district would set the interest rate at a level below the prime rate but lend the money for shorter periods, such as five years, than under the 503 program. "We'll go below the prime in order to provide whatever it takes to make a deal," he said. "But we're not going to give money away." The fund will be administered by the ADC, with Woods, as ETDD's loan officer, in charge of the program.

Use of the fund will be targeted toward the expansion of existing small industry in the area and the location of new, small industrial operations. Businesses that borrow from the fund will simply pay their loans right back into it, creating a permanent loan pool. The ADC can charge administrative costs on the interest earned from the pool to help defray administrative expenses.

Combined with the 503 program, which is gaining steadily in recognition and acceptance, the revolving loan fund adds to ETDD's enhanced credibility within the local business and financial communities. Neel said, "It gives us something to offer that's very tangible, that helps us create jobs. We've been trying to move the agency in the last four or five years toward more economic development and more public/private partnerships. This gets us one step closer."●

A PERMANENT U.S. SPACE STATION

● **Mr. GORTON.** Mr. President, the Congress has been presented with the administration's plan to develop a permanently manned space station, an initiative that holds great promise for advancing our Nation's scientific understanding and technological capabilities. The American Space Foundation has prepared an issue brief that endorses this permanently manned U.S. space station. This issue brief thoroughly summarizes the potential benefits and considerations of developing a permanently manned space station.

I commend this issue brief to the attention of my colleagues and ask that the full text be inserted in the RECORD.

The brief follows:

ISSUE BRIEF NO. 1: A PERMANENT U.S. SPACE STATION

INTRODUCTION

In his State of the Union Address on January 25, 1984, President Reagan called for the development of a permanent manned U.S. space station. The American Space Foundation, a 20,000-member pro-space lobby, applauds this bold proposal and supports its immediate implementation. In this issue brief, we will outline the compelling arguments in favor of a permanent U.S. presence in space.

EXECUTIVE SUMMARY

The establishment of a manned space station is vital to restoring U.S. preeminence in space. It would advance our nation economically, strategically, and scientifically, and it would place us firmly in a position of world leadership.

A permanent U.S. space station would be fully compatible with our present Space Transportation System, the space shuttle, and it would represent a quantum leap in our capability to expand our frontiers beyond the confines of Planet Earth.

BACKGROUND

The U.S. made a good start towards the concept of a permanent manned U.S. space station with Skylab in 1973. The three Skylab missions produced preliminary insights into space science and commercialization. Unfortunately, funding was cut off, and Skylab was allowed to crash in 1979.

While America's space program was largely in limbo during the 1970's, the Soviet Union was pressing ahead with their Salyut space station program. The Soviets have launched different models of the Salyut since 1971, the most recent being Salyut 7 on April 9, 1982.

During this period, Soviet cosmonauts have shattered all U.S. duration records in space, and they have surpassed us in space biology and medicine. This is not surprising, since Soviet cosmonauts have logged three times as many crew-hours in space as the U.S.

The U.S.S.R. is not stopping with Salyut 7. They have stated repeatedly their intention of attaining a permanent human presence in space. Western sources believe this capability is close at hand; for example, it is known that the Soviets have tested a one-ton prototype of a 10-20 ton heavy-lift space plane. The estimated payload capacity of such a vehicle would be twice that of the U.S. space shuttle. With this space plane, the Soviets will be able to launch a new generation of space stations, giving them a clear and decisive edge over American space efforts.

PRACTICAL BENEFITS OF A SPACE STATION

A permanent U.S. space station would create new jobs and wealth in the short term, and it would affirm our commitment to high technology over the long term.

—Our national space effort creates capital investment and utilizes our vast scientific and technological potential.

—Space spending has immediate tangible benefits. According to a 1976 Chase Econometrics Study, for every billion dollars spent on space: the GNP increases by $23 billion, 800,000 jobs are created, there is a 43 percent rate of return, and there is a 3-4 times "multiplier effect" to our national economy.

(Source: *The High Road* by Ben Bova, 1983)

A space station is imperative if we are to keep our economy competitive in world markets.

—Our computer, aerospace and electronics industries would be stimulated by a space station effort, increasing their competitiveness at home and abroad.

—A whole new arena for free enterprise would be opened up; as President Reagan said of space industrialization, "The world is going to see what entrepreneurial genius is all about." (*Aviation Week*, October 24, 1983)

—Many firms such as Fairchild, Johnson & Johnson and McDonnell Douglas are already looking into commercialization of space and the economic potential of a space station.

—The unique environment of space cannot be reproduced adequately or cheaply enough on Earth and sustained commercial ventures would require a permanent space station.

For example, James T. Rose of McDonnell Douglas has done experiments with manufacturing in space. "Rose has shown that he can extract a body hormone 400 to 800 times more efficiently in space than on Earth. The advantage of a space station would be that instead of flying six to eight missions to gain the amount needed, the space station would allow continuous manufacture in weightless space." (*The Washington Post*, January 18, 1984)

COST CONSIDERATIONS

The development of a space station is in keeping with federal fiscal responsibility.

—In the words of President Reagan, "When the figures are put together, we are not only getting our money's worth, our commitment to space has been one of the best investments we have ever made as a nation." (*Aviation Week*, October 23, 1983)

—As a percentage of the budget, NASA spending fell over the past decade and remains below 1 percent.

SCIENTIFIC CONSIDERATIONS

A space station would be a logical extension of U.S. space policy; it would also provide a tremendous growth in technological capability.

—Since shuttle flights are of such short duration and certain activities in space simply cannot be done on earth, a space station is necessary to provide adequate resources to do research.

—The future industrialization, exploration and development of space are dependent on an American space station, which could be "a science laboratory, astronomical observatory, space manufacturing center, servicing facility for spacecraft and an assembly site for larger orbiting structures." (The Washington Post, January 18, 1984)

—The future exploration of the solar system, missions to Mars, mining of the moon and asteroids, and development of space colonies or future ventures will depend upon an initial space station "base camp" orbiting in space.

CONCLUSION

It is clear that a permanent U.S. space station would provide significant scientific, commercial and strategic benefits to our nation. When the potential advantages are considered, the relatively modest cost represents a wise investment in our nation's future.

In forming a national space policy, the U.S. has two choices:

1. We can delay implementing the space station proposal while the Soviet Union steps up efforts to utilize existing Salyut stations to deploy a permanent manned space station.

2. On the other hand, the U.S. can be the front-runner in the race for a permanent human presence in space, thereby reaping the benefits.

This issue brief was prepared with the assistance of interns Donald J. Carney and Steven M. Wolfe.

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APRIL FOOL FOR THE BIG BANKS

● Mr. EAST. Mr. President, columnist Patrick Buchanan expresses the sentiments of most Americans in his column today in the Washington Times. The big New York City banks are using the taxpayers' money to protect their profits on foolish loans to foreign nations. The next time that the International Monetary Fund comes to Congress for money, I hope my colleagues will join me in voting "no."

I ask that "April Fool for the Big Banks" be printed in the RECORD.

The article follows:

APRIL FOOL FOR THE BIG BANKS

(By Patrick Buchanan)

As predicted, sooner than expected the Debt Bomb has been rediscovered, ticking away beneath the Big Banks.

Last year, some of us warned that the Bank Bailout—the $8.4 billion Congress conscripted from our savings pool to be shipped off by the International Monetary Fund to Soviet Bloc and Third World countries, to enable their bankrupt regimes to keep current on interest payments—was not only unconscionable, but unworkable. We were not resolving the debt crisis, as Treasury insisted; we were only postponing the day of reckoning.

The nation to watch is Argentina; the day to keep in mind is April 1.

With the nationalist regime of Raul Alfonsin taking over from the discredited generals, who borrowed $40 billion from the West, Buenos Aires has halted interest and principal payment on its back debt. Cash is not the problem. From the sale of grain abroad, Argentina has some $1 billion in hard currency. Indeed, the IMF is more than willing to lend additional money to keep Argentina current. Buenos Aires is balking at accepting the IMF terms, because Mr. Alfonsin does not wish to destroy his government's popularity by accepting the harsh "austerity" the IMF imposes as a condition of accepting its loans.

All Latin America is watching. If the March 31 deadline passes without payment, Manny Hanny, Chase Manhattan, Citicorp, etc., will be forced by federal bank regulations to begin telling the truth about their loan portfolios.

Interest accrued from the fourth quarter of 1983, and never paid, will have to be deducted from income in the first quarter of 1984. No further interest can be accrued on the delinquent loans. In addition, the $1.1 billion in loans, then delinquent by March 31, will have to be designated "non-performing." The process of writing them down from the illusory 100 cents on the dollar will have to begin.

If Mr. Alfonsin does not come across with the $600 million to bring Argentina less than 90 days in arrears on interest payments by March 31, some of America's Big Banks are going to take some big hits in their first-quarter reports.

At this point, it is impossible to summon up any sympathy for the bankers.

During the 1970s, when the U.S. prime rate was tripling, when the cost of mortgages for young families was doubling from 8 percent to 16 percent, these amoral international moneylenders traversed the globe, lavishing hundreds of billions in loans on some of the most odious regimes on earth.

The whole sordid tale is told, with lucidity and passion, in the forthcoming work by scholar William Quirk, *How the West Gave Its Wealth Away*.

These international bankers, he writes, "have detached themselves from the political and moral principles of their home countries and joined a new supranational class. The global elite, rootless and parasitic, finances communists and dictators alike. It financed the Oil Gouge and the Soviet military buildup."

What Mr. Quirk calls "economic treason" continues to this day.

The United States, the largest consumer and importer of oil in the world, would be the first and greatest beneficiary of a fall in the price from the OPEC benchmark of $29 a barrel. (It costs the Saudis less than a dollar to lift that barrel out of the sands of Arabia.)

Yet, as *The Wall Street Journal* reported last week, there now exists a scheme of international collusion against the American consumer, a "new alliance between OPEC and non-OPEC producers with the tacit support of many governments and financial institutions—a sort of new international understanding to substitute predictability for free market forces."

How does it work?

When OPEC countries like Ecuador, Nigeria, Indonesia, and Venezuela, or OPEC allies like Mexico, run into trouble repaying debts, the IMF rushes in with bridge loans, and the banks provide new infusions of cash. The oil-exporting countries are thus relieved of the necessity to pump and sell more oil, which might break the cartel price. When Congress voted that $8.4 billion, it voted to permit the IMF to use the savings of American citizens to sustain OPEC's swindling of American consumers.

Apparently, the enthusiasm of the Big Bankers for doing business with Stalinists is also returning. Here is Chase Manhattan Vice President Donald Green, waxing enthusiastic a week ago: "The upturn has already occurred. We'll probably see quite a year in net lending to Eastern Europe countries who survive the crunch, and to the Soviets."

While farms that have been in the family for generations are foreclosed daily across Iowa, Illinois, and Kansas, Chase Manhattan looks forward to new lending business with the Warsaw Pact. It is the David Rockefeller philosophy of banking: "In terms of straight credit risk, the presumption is that there is greater continuity of government in certain socialist states than in non-socialist states."●

IN MEMORY OF A FRIEND

● Mr. KENNEDY. Mr. President, on this day 4 years ago, Allard K. Lowenstein died. Al was a friend of mine and a friend of my family's. With his death, we lost a good friend—but the Nation lost a great leader.

Al Lowenstein's life was proof that one person can make a difference. Whether the cause was human rights in South Africa, civil rights in Mississippi or peace in Vietnam, Al Lowenstein was a leader in the struggle. His legendary ability to inspire young people changed the course of American history—not just once, but many times. His passion for social justice was a driving, almost elemental force in his life. And his eloquence as a public advocate for the causes that he loved was unparalleled. He was, too, a stirring teacher and a brilliant tactician.

Al Lowenstein understood this country, and he loved it deeply. His political philosophy was profoundly democratic and he was, in fact, a great patriot. He placed his faith in a political system that allowed for peaceful change, and in the American people who, when challenged, would do the right thing.

We still miss Al Lowenstein. We miss the champion and the conscience that Al was for us all, but his friends also miss the midnight telephone calls, the late arrivals and the Lowenstein wit. He was always there when you needed him, but you could never predict when he would arrive.

Al's example continues to shine for us all. His leadership still calls us to the struggle for justice. His people—the kids he inspired in the 1960's and all those who were touched by him—still dream Al's dreams.

On this occasion, I request that an excerpt from Al Lowenstein's book, "Brutal Mandate" be included at this

point in the Record. The book is the story of Al's trip, with two friends, to South-West Africa in 1961. Their efforts to bring justice to South-West Africa over 20 years ago should inspire all of us to work harder to bring liberty to the people of Namibia today.

The material follows:

BRUTAL MANDATE

It is the thesis of this book that the present state of affairs in southern Africa is as immoral as any in the world today; that the internal opposition to this state of affairs has been stalemated, and will turn in desperation to a long-range campaign of violence unless massive outside assistance is forthcoming soon; that the situation is deteriorating, not improving, and that a change of direction must be achieved quickly if there is to be any hope of avoiding the frightful consequences of a denouement by blood; that in view of these facts the situation constitutes a grave threat to the peace of the world; that united action by the international community is the last chance to bring about a peaceful and humane resolution of this situation; that such external intervention is justified morally and legally, and could in practice be successful without the use of force; that the United States must take the lead in applying outside pressures, both for the sake of their effectiveness in South Africa and for our own sake as leader of the free world; and finally, that the problem of southern Africa is building rapidly into one of the most dangerous of the crises demanding the attention of the American people.

The patience of victims of tyranny has a habit of running out without regard for the strategies of their leaders or the cluckings of sympathizers in distant places. It is running out in South Africa, where misery will soon explode. And so a macabre timetable now hovers over discussions of South Africa's future, for almost everyone accepts, in theory if not in implication, the inevitability of an "explosion" of some sort.

If the explosion is violent it will be because the world outside, and especially the United States, permitted nonviolence to fail. If it is anti-West it will be because the present government has sustained itself by courtesy of the West. If it is anti-white it will be because white men failed for so many long years to oppose convincingly that which is antiblack. As things are going now it is likely to be all three. And we shall have only ourselves to thank if we have done nothing until it is too late to do anything but count corpses and court hostile fanatics.

Americans turned to violence to gain independence after other means of redress had failed. It should come as no surprise if South Africans are beginning to plan for revolution against a far more opprobrious government. Nelson Mandela, the chief organizer of the May 31st protest, told the South African press early in June: "If peaceful protests like these are to be put down by mobilization of the army and the police, then the people might be forced to use other methods of struggle."

The behavior of the outside world seems designed to encourage recourse to other methods, for apparently only the shedding of blood stirs much interest, whether in Angola, the Congo, Cuba, Vietnam, or South Africa. And the central fact about South Africa has become that every day finds non-Europeans more determined to begin fundamental changes right away, and more convinced that the old methods will not bring such changes.

Although everyone speculates about how soon violence will come to South Africa, what is really meant is how extensive unplanned African violence will become and how soon planned African violence will begin. For it is plain that violence itself came years ago, when outbursting non-European throngs and nervous European policemen began their fateful interplay. Blood has been shed, and more blood will be shed, at protest meetings and in spontaneous rioting. Protest meetings are no longer to be permitted, but spontaneous riots do not depend on permits and may in fact be said to flourish when the permits required for other forms of expression are denied.

What blood has been shed so far in South Africa has resulted more from circumstance than from design; and very little of it has been the blood of Europeans. This situation too is due to change. No non-European politician, however militant, welcomes the prospect of an extended campaign of violence; the contending forces are too unequal, the inevitable damage too great. But now hope for freedom is focused on the outside world, and indifference there to nonviolence at home has become a powerful incentive to violence: surely someone will have to step in if civil war starts. And if no one should do so, such a war revives at least a distant hope, for in the long run—much longer than Kenya, or even than Algeria—there simply are not enough white men to prevail over black men at the foot of the black man's continent.

Thus is coming now to the most peaceful of Africans the turmoil of reexamining old commitments and of acquiring new and distasteful skills. The soul-searching will take time, longer for some men than for others. So will the new kinds of training, and the formulation of new plans. But these things are now in progress, and the dwindling interval of this transition is the last chance to avoid a blood bath that could become one of history's most dangerous and least necessary catastrophes.

Planned violence will start with modest projects involving industrial sabotage. Soon terrorists will strike at isolated white farmers reputed to have mistreated African labor. Once such things are underway in earnest, they can hardly fail to multiply themselves in succeeding horrors. The reaction of Afrikaner Nationalists leaves little to the imagination, and to meet this reaction each of several embittered groups would set out to prove itself the toughest and most ruthless opponent of white supremacy. Most liberal Europeans will long since have fled (the exodus has already begun); and among non-Europeans "moderation" will soon seem disloyalty: the more bloodthirsty the leader, the more trustworthy his leadership. Communists, black racists, religious fanatics and political opportunists, gangsters, and countless individuals angling for power or glory will vie for control of an increasingly ugly and chaotic situation. These are not circumstances in which the voice of reason or the scruples of the democratic conscience are likely to prevail.

Nor is it whistling up fantasies to anticipate such a sequence of events, for even now South Africa is leapfrogging into mayhem. At least two secret organizations committed to the violent overthrow of the government have been put into operation, as has the government's program to tighten its noose around its opponent's necks. Soon the total authority over black men possessed by the President of the Republic as "Supreme Chief" of all Africans is likely to encompass all non-Africans as well, and anyone who has gained the disfavor of the Minister of Justice will need a permit if he wishes to sleep at a house not his own. What retaliation will such regulations evoke from men already turned to violence? And how long can so unequal a struggle go on before outside help is solicited?

Independent African states might be the first to send help. But inevitably one group or another will seek assistance from Russia and China. It would be foolish to suppose that "volunteers" as well as equipment will not be made available that propitious moments, just as it would be foolish to suppose that the spirit of Mau Mau and of Lidice could be prevented from engulfing South Africa in twins floods of atrocities such as distinguish wars of revenge.

There are many in the West who would insist in such a situation that the way to head off communism in southern Africa (and to save the white race) is to intervene on the side of whatever coalition the white rulers are able to put together. Considerations of morality quite apart, it must be clear that the choosing of sides along such lines could hardly hurt the world communist movement, even if fighting were to be localized; if it were not localized, the survival of the planet itself could be imperiled. It should be noted in this connection that the South African Government has announced that it is now able to develop its own nuclear weapons.

The prospect of rival outside interventions fanning a race war in Africa is a dismal one, but it is hard to conceive of any united procedure the international community could agree to follow once matters have been allowed to degenerate to this point. It may be a mystery why the Western democracies have done so little to avoid such a situation; there can be no mystery why some other powers which denounce "racism" and "imperialism" do not seem very disturbed at the prospect of international inaction continued for several years more.

Thus more than moral indignation impels the urgent pleas for immediate steps by the United Nations to bring the present régime to its knees. For what happens now in South Africa is up to the outside world. There are risks to doing anything; there is a greater risk to doing nothing.

More accurately, in this situation to do nothing is tantamount to doing a great deal. Not to boycott is to trade; not to withhold recognition of all-white groups is to buoy such groups with the international status that means so much to people fearing isolation. (Is there any excuse in this day and age for allowing teams based on racial exclusions to compete in the Olympics?) Every new investment of outside capital, every renewed failure to help those who would change South Africa's direction, is ipso facto an intervention against change.

Since a major purpose of planned African violence will be to arouse outside assistance, such assistance made available immediately and in adequate measure might avert such tactics. But there is much to do and very little time in which to do it.

The democratic opposition must be supplied with financial and moral support commensurate with the scope of its task, and organizations abroad which support this opposition—the Africa Bureau and Christian Action in England, the American Committee on Africa and Episcopal Churchmen for South Africa in the United States, for example—should be given greatly increased support. A counterpart of Radio Free Europe should be beamed at southern Africa. A nonracial university should be established, preferably in one of the Protectorates, where facilities would be available to train substantial numbers of non-Europeans in the professions and for public service.

Most important, the international community must exert the kinds of pressures, including sanctions and boycotts, that would quarantine South Africa; for the value of outside assistance will be minimal unless it induces the sort of fundamental reassessment by Europeans without which there can be no voluntary change in South Africa's course. Even the Progressives, who decry "meddling" for the benefit of the white electorate, know that without the prospect of increasing meddling their support would shrivel overnight.

If such a reassessment can be brought about without civil war, a nonracial democracy might yet emerge in which the fundamental liberties and legitimate interests of all men could be protected. Many men in many places would be eager to underwrite such protection. On the other hand an interregnum of civil war would have to end, when finally it did end, with the victorious race too bloody, and too inured to bloodshed, to worry very much about the abstract rights of its own people, much less those of a hated, dying foe.

The Afrikaner Nationalist has grown used to justifying his conduct as essential to self-preservation. It may not be too late to transform his great drive to preserve himself into an ally of the effort to arouse his conscience to the rights of other groups with drives and needs not so different from his own.

There are those who deny in the name of realism that nonviolent pressures, whether internal or external (or both), could produce such an about-face, let alone bring down so well armed and ruthless a government. Nor is it certain that they could. It is, however, certain that they have yet to be tried, and that nonviolence in South Africa is foredoomed without massive support from abroad.

In any case, to refuse to support nonviolence on the theory that it cannot succeed is simply to guarantee its failure. To refuse such support and offer no other is to suggest to the dominant group that the status quo can go on forever, if only it will hold to defiant postures; and is, at any rate, to invite those who are kept down to turn to other weapons. How long can the outside world insist that South Africans must be nonviolent at the same time that it excuses itself from supporting nonviolence on the grounds that it is futile against the South African government?

If peaceful measures fail it will be time enough to consider more drastic steps. But is it not in the best interests of the United States and of the U.N., as well as of South Africa, to do everything possible to try first to resolve the mess in southern Africa with a minimum of violence?

It is time we tried to understand the bitterness of people held in bondage on our side of the iron curtain in deference to the "practical considerations" of the cold war. It is small consolation to those people to hear that because of the urgent communist threat the miseries of South Africans or Angolans are of secondary importance, for we need the help of their oppressors in a greater struggle. South Africa is not of secondary importance to the South Africans; nor is it to a vast community of non-Americans around the world who measure the sincerity of our preachments by our performance at home and in other places where support of liberty may not always seem to coincide with our own immediate convenience. Conceivably the demands of defending America's freedom require that some others live in servitude; but if this be the case we should at least have the grace not to lecture such victims of our needs about their indebtedness to the "Free World."

Democracy's strength is that to her, decency is universal. Her concern must be about the rights of all people. But even if we ignore ethics and discount public opinion as a force in world affairs, we had better weigh carefully the military and sociological fact that to support any tyrant is to court the hatred of the people whom he is oppressing. If the right to use certain facilities as military bases is important to the security of the United States, it seems foolish to bank on keeping these rights by supporting governments whose days are numbered, when the price of so doing is to alienate the people who will be making the decisions about such matters in the long run.

Nor does it follow that people whom we have helped to freedom would be likely to return the favor by refusing to cooperate against newly recognized threats to their freedom. But when we support noncommunist tyrannies in the name of defending the "Free World," we define the issue in a way that must encourage the oppressed to throw in their lot with the most powerful visible alternative to this kind of "Free World." How many times must we spawn Batistas before we realize that Batistas inevitably spawn Castros?

There is another aspect to the fear about what might replace the present régime in South Africa. This aspect is not directly political, for it grows out of the racial nature of oppression in South Africa; but it has melancholy political implications for the United States. Its roots are in the lingering double standard that has given America a shoddy record in race relations at home and has encouraged the suspicion that we are less concerned about the sufferings of nonwhite people than we are about the sufferings of people who are white.

This double standard is so subtly a part of many of our attitudes that often it is as unnoticed as it is ingrained. It insinuates itself into discussions about South Africa when one white man asks another if he doesn't understand "as a white man" how terrible it would be to be ruled by blacks; and into discussions about Africa when someone asks if Africans are "ready" to govern themselves—as if you or I, or in any case someone not an African, has somehow acquired the right to make such decisions for Africans.

It is present when we decide that our slogans about "majority rule" do not really apply where a persumptuous non-white majority is not content with whatever beneficences a generous white minority may decide to extend. Actually, the silent thought goes, white civilization is superior, and is it wise or fair to allow a superior civilization to be overrun by an inferior one simply because of a slogan about numbers?

It told us that outvoted white women rioted in New Orleans to keep four six-year-old Negro girls from attending school because old traditions die slowly, and democracy works through the minds and hearts of the people. And it told us that voteless Africans rioted in Nyasaland to protest their inclusion in a Federation run by white men because Africans are still savages and not fit for self-government.

The same kind of double standard permeates our view of history too. Warring tribes of Europeans have decimated each other down through the centuries, but tribal fighting in Somalia or chaos in the Congo is sufficient excuse to debate the right of Africans to govern themselves. It took a millennium to entrench civil liberties in England—to say nothing of Russia or Spain—but let there be a wave of arrests in her first decade and men question whether Ghana should have been given her independence—as if it were moral or practical in this day and age for anyone to decide if and when he will "give" such things to other human beings.

This does not mean that tribal wars or arbitrary arrests should be condoned in black Africa any more than anywhere else. Nor does it mean that nothing can be done by the outside world to help guide new nations over hurdles. What it does mean is that the inevitability of serious problems provides no excuse for extending the period of foreign domination over the objections of the indigenous populations. Even now it is being said that since South West Africans are not "ready" for self-government white control would have to be extended even if there were not the interests of the European community to consider. By such logic South Africa's failure to provide a college education for any of her wards in her forty years in South West Africa becomes good reason to invite her to stay on for forty years more.

No one maintains that black men are saints. The point is just the opposite: that they are in fact very human. If they were less human they would perhaps have learned more from the debauchery and slaughter that have marked the tedious progression of Europe through the centuries, and, having learned more, could avoid more of the hideous miseries that such a progression even telescoped will bring to their own continent.

But the strong subconscious predisposition in the white world to view nonwhites as a sort of minority in worth, whose very numbers seem to contribute to the lessening of the value of the individual, gouges ancient scars and fogs up communication to everyone's disadvantage. The recent historical experience of the white man as ruler of the earth is deep in his psyche. And for all his talk about emerging continents and human equality, his stance too often is still that of the inheritor of the earth, now more or less willing to share some of what is his with lesser peoples. Must he also accept rule by such peoples? Is it not clear that whites are simply never ruled by blacks?

The white man who says of Africa, "This is my home too; I have a right to live here," speaks as it is now the fashion to do. He leaves unuttered what is in any case understood: that the "right" of which he speaks is to live there as top dog. But by what code does anyone have a racial right to be top dog anywhere in the world today? If it be by some code of superior force, does that not invite, and justify, the mustering of a new superior force to dislodge the old whenever possible?

The plain fact is that South Africa is not a white man's country; even less so is South West Africa, where settlers arrived late and stayed on in the guise of the black man's protectors. Sooner or later these facts are going to be ratified, at the polls or on the barricades.

But neither need these places be black man's country if white and black, and those who are neither white nor black, could decide that this was to be the country of all who are willing to live there in equality. And it is also a fact that it is the white man, not the black, who is blocking such a solution, who will not countenance the type of safeguards of individual rights that could be his protection in time to come, were he to need them than as the black man needs them now.

It would be wonderful if a formula could be found by which everyone, regardless of race, could live wherever he wished. But such a formula for Africa can hardly be based on the premise that the white man must run the show, or even that he should have half the legislative seats for one one-hundredth of the population. White men so convinced of their superiority that they would find it unacceptable to live in equality with blacks—to accept the likelihood of a black majority electing a black prime minister, and all the rest of it—should move to a place where a white majority would not present such problems. They may have to accept a far lower standard of living without black labor to draw on, but prejudice can cost, like other luxuries.

Even those Europeans willing, and able in practice, to accept equality as the price for staying in Africa are heirs to the sins of their forebears, and more than likely of their own past. And it may not always be easy to persuade those who have been treated as not quite human that when the pendulum swings they should accord their erstwhile masters the benefit of the doubt about sudden espousals of equality. It is almost beyond belief that there will not be a period of unleashed unreason when the change comes, for it is not the general experience in human affairs that victims of the past can act as if it had never occurred.

If white men in southern Africa understand what it is to say that Africa is their home too, they should long since have turned their energies to minimizing the arduousness of the change in the relationship between the races. There is nothing inherently correct about an African's perspective on history or current affairs or anything else, but if men of widely diverging perspectives are to live together amicably they had best realize quickly just how different their perspectives have come to be. Once this has been done, it may be possible to adjust and then to find understanding.

When Americans bother to think of slavery at all, they think of something Lincoln abolished in 1863. When Africans think of slavery, they are more likely to think of something Western civilization practiced for centuries before that—and still practices, or at any rate condones with slight aesthetic modifications, at the foot of Africa itself, today. It is irrelevant that blacks have also practiced slavery—irrevelant not because it is not true, not because it is not as terrible done by blacks as by whites; but irrelevant because it is in no way material to the issue of continuing white dominion over blacks.

Similarly, the magnificent contributions that white men have made to Africa over the centuries will not be preserved by ignoring the toll these same white men have exacted from the land and its people. Most of these contributions were as freighted with greed as they were coated in pious mouthings about higher duties. And if it is senseless for white men to be overwhelmed by feelings of guilt, it is no less senseless for them to act as if the black man's preoccupation with ending white domination is irrational ingratitude.

Men of good will of all races will always work for a world free of race hate and of all other hate. They will pray that the nonwhite majority now coming into its due will react to responsibility with less avarice and more charity than did its predecessors; and will oppose tyranny by men of any color over men of any color. But one hardly makes a promising start toward such goals by first renewing fealty to the primacy of one's skin over one's humanity. How can one go on practicing white racialism even as one goes on insisting that the black man's attitude must be nonracial in return?

Thus, one can demand assurances of future international protection for the rights of white minorities, but such demands would carry more conviction if they were accompanied by as zealous a championing of current rights for nonwhites. And one can hope that when black voters are in the majority they will use all available talent in choosing their governments; but it would be folly not to recognize that after 173 years the white majority in the United States has still to use any of its available nonwhite talent in the national Cabinet. It is hard to picture the American electorate voting a black man into the White House, or a reasonable proportion of black men into the national Congress; and one should not be surprised if similar shortcomings mar the voting habits of people with less experience at self-government that we have had.

There are places where time soothes—where the passing of time is in fact the only real hope for peace. But this is not so in South Africa, where the African has less voice than he had a century ago and where the white man has less inclination to listen to what the African wants to say.

In South Africa time is now an abrasive, a countdown, a dead end. However her problems may finally be resolved, South Africa will need generations for soothing and healing; but before this process can start, time must become the ally of goodwill and rational behavior. There are no quick solutions for South Africa. There are only things that might make slow solutions possible.

The General Assembly of the United Nations has now formally called on its member nations—by a vote of 97 to 2 with 1 abstention—to take "separate and collective action" to bring about the abandonment of South Africa's race policies. It should be clear that such action cannot come too soon.

But is it odd how great the gap between words and deeds seems to be when it comes to acting on the basis of one's own prognoses. Or perhaps the gap is between the saying of something and the believing of it; so that men can issue the direst of predictions and undertake only the most piddling of preventives, as if they did not believe their own prophecies and only wish to be numbered among those who will be able to say "I told you so" if the worst should come to pass. Thus foresight is wasted and unnecessary calamities take place as predicted.

It is a commonplace in South Africa and among those who follow her affairs elsewhere to say that time is running out, to warn against the carnage just ahead, and then to pass on to other matters. In this way even now the urgency is being sapped from the desperate appeals that are reaching the outside world; and farsighted men find their determination to act against South Africa before it is too late diluted by secret hopes that their own predictions will turn out to be wrong.

But if time is running out for South Africa, so is it also running out for America in South Africa. For the machine guns and horsewhips of Sharpeville and Cape Town are no farther from America's jugular than are the jungles of Laos, the firing squads of Havana, or the bridge at Andau.

There was a time not very long ago when the word "America" sang out hope and generosity and compassion, as indeed it still does where the contrast is at hand between American drift and Soviet despotism. But to much of the globe Soviet despotism is still only an American accusation, to be weighted against observed American performance and untested Soviet promises, and against the immediate impact of each on pressing local miseries.

How are men to judge this performance if we go on, in Michael Scott's memorable phrase, "condemning tyranny in one part of the world and condoning it on specious procedural grounds in another"? Or if, in swift succession, we find occassion to lecture Angolans against the use of violence; to oppose U.N. resolutions calling for "consideration" of sanctions (i.e., the only nonviolence that might work) against South Africa; and to organize and underwrite an invasion of Cuba? And if Castro in two years had provoked us sufficiently to warrant an announcement after the invasion that our "patience" is not "inexhaustible," is it unreasonable for many to find a suggestive contrast between this announcement and the fact that several centuries of oppression in southern Africa appear to have fatigued this "patience" hardly at all?

It is tragic, and may yet be tragedy triplicated, that so often this kind of American performance leaves an open field to communist promises. Tragedy first for the people whose agony is extended by our confusion and myopia. Tragedy next for Americans who are inviting a debacle that will not spare them because they were ignorant of its causes and unaware of its dimensions. Tragedy, finally, for the whole human race, including those who turned against us when we left them nowhere else to turn, if our failures enable the communists to capture the world. For then no men, not those suffered in southern Africa nor those who caused the suffering nor any others, will know either peace or freedom.

So it may be said that the fate of continents and coalitions, and perhaps of generations, hangs in the balance in southern Africa; and the consciences of great nations sleep now at their own peril.

I have puzzled over it and am not sure I can explain, even to myself, the deep and unsettling affection I have come to have for South Africa. Someone from Mississippi might understand this sort of affection—someone from Mississippi who deplores the social system that produced him but who loves Mississippi for all his disapproval of her habits of life. But then that would be loving one's home, as one so often loves members of one's family whose behavior one does not condone.

Something of my feeling for South Africa surely comes of her natural charms, but I have been to other places with climate and scenery as admirable and have escaped uncaptured. One loves places too for people with whom they have been shared, and what an extraordinary assortment of humanity shares southern Africa. This is the land where the traveler from Umtata to Vryheid passes through Port Shepstone and Amanzimtoti and Pietermaritzburg and Ladysmith on his way, and magic seems to inhabit even the names of the most wayward, lusterless places.

But when all these things have been added together there is yet something more that enchants the whole far beyond the sum of its parts. I suspect that what is unique about this country, what grips the emotions beyond landscapes and breezes and friendships, is the enormity of her misery.

There is much to be said of the grandeur of this wounded, crying place, of her game parks and her history, of such great opportunity buried in such great opulence; and it is right that these things should be said. But there is much that must be said too about the central, overwhelming fact of her present condition, and on balance these are the more important things to say at this time. For this is a place gnashing her teeth and weeping and bleeding and destroying herself as no other place in the world, a place of ordinary men turned heroes and of ordinary men going mad. Nowhere else on earth is the lunacy of man's abuse of himself so grotesquely underlined by visible evidence of what might otherwise be. And this tragic success in perverting so much that is so lovely and so promising into a sleepless nightmare for most of her people commands a compassion, where otherwise might abide simply admiration or envy.

Many are the visitors whom South Africa has afflicted in this same strange way. But these are usually not the visitors who skim her surface and praise her business climate and her rose gardens. For the more you love this land, the more you understand and are held by her, the more you know how harmful is this kind of praise; and those who love her best know all the worst about her, and will speak out not to praise but to protest and to sound alarms. And those who hold the power in this place, who love not South Africa but some mad dream that never was and can never be, will brand them traitors and enemies for sounding such alarms, and jail or deport or ban them. Indeed one wonders what there will be to say in time to come for these people who, when all power was theirs, used it to degrade and torment, and could find not wisdom nor love to soften arrogance.

There is so much of South Africa that I have never seen and that I yearn to see. I have been there only by winter, and then too often in haste or flight. I have missed the sea from the top of Table Mountain, and Pretoria banked in jacarandas for the spring, and the Garden Route in flower. But most of all I have missed seeing this crisp and bountiful child of Nature blessed with the concord that can be the order of human existence where so much is available to all if no one takes what should belong to others.

That is the greatest beauty of all, and that no one has yet seen in South Africa. But those who love her most will work and fight and pray that somehow this will come to pass while they are still around to glory in the wonder of it.●

OLDER AMERICANS MONTH

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 255, which will designate the month of May 1984 as Older Americans Month. I want to commend my dear friend and colleague, Senator PAULA HAWKINS, for introducing this resolution which recognizes the importance of the elderly in our society.

The 65 years and older age group is the fastest growing segment of our population. Because of healthier living and advanced medical technology, the life expectancy of the average American is rising rapidly.

The senior citizens of this Nation have witnessed colossal changes in the 20th century. Their wealth of knowledge and wisdom should not be underrated. The older American is as important to this country as any other age group.

I am happy that the Federal Government has been responsive to the needs of the elderly. With such progress as social security, medicare, and the services provided under the Older Americans Act, senior citizens are better able to enjoy their retirement years.

But there is so much more to be done. New threats from health problems, such as Alzheimer's disease, and social problems, such as manditory retirement, must be effectively addressed. Other important issues, such as housing, transportation, income security, inflation, and crime, all of which affect the elderly more than any other age group, must also be addressed.

That is why I am, again, cosponsoring a resolution designating May as Older Americans Month. I believe if the Government and the general population become more aware of the problems that face the elderly on a daily basis then it would be easier as a nation to solve these problems.

Mr. President, I urge my colleagues to join me in cosponsoring Senate Joint Resolution 255 and I urge quick passage of this resolution.●

ECONOMIC NATIONALISM

● Mr. EAST. Mr. President, the U.S. Business and Industrial Council recently commissioned a research report on international trade. The author of this thought-provoking report is Prof. William R. Hawkins of the Economics Department of Radford University.

I ask that this report be printed in the RECORD for the benefit of my colleagues.

The report follows:

THE REVIVAL OF ECONOMIC NATIONALISM

(By William R. Hawkins, Ph. D.)

The last decade has seen the re-emergence of economic issues as a central factor in international relations. The quadrupling of oil prices by OPEC in 1973 (accompanied by an embargo by the cartel's Arab members) was followed by concern for the security of other vital imports. The Third World launched the North-South dialogue which was really a monologue demanding the transfer of wealth from the industrialized to the underdeveloped nations. Various groups sought to use economic sanctions in support of political objectives, particularly in Africa. The United States also attempted to use economic leverage and trade restrictions against the Soviet Union, but in a half-hearted and confused manner. The U.S. has been slow to adjust its thinking to this revival of political economy, even when it involved direct threats to the national interest.

James A. Nathan and James K. Oliver, both of the University of Delaware, have suggested that one reason for this inability to adapt is largely self-imposed by a liberal internationalist elite within the industrialized world, especially in the United States, who, having been traumatized by the Vietnam experience, now seek to expiate their guilt and loss of will with a too facile submission to "new" force of interdependence.

This may explain the actions of those on the Left, but not of those on the right. Conservatives have been mesmerized by the ideology of laissez-faire according to which economics is to be separated from political considerations, even considerations related to international relations. This is most apparent in regard to the issue of America's industrial base and its decline under the pressure of foreign competition.

In 1970, the United States accounted for 30 percent of gross world product. By 1980, this had fallen to just over 20 percent. The U.S. was the only major Western industrial nation to lose market share. American economic growth not only lagged behind Japan and the aggressive states of the East Asia Rim, but also behind France, West Germany and even Italy. Between 1970 and 1980, the U.S. share of global export trade dropped from 17.3 percent to 12.9 percent. The U.S. has not been able to penetrate the growing markets of the Third World as well as other nations have done. Nor has it been able to keep other nations from penetrating its own domestic market. In 1970, the U.S. still had a $5.4 billion trade surplus, but this turned into a $37 billion trade deficit ten years later.

The trade imbalance has more than economic significance. The U.S. has run a balance of payments deficit constantly since World War II. The country needs a trade surplus to help finance other international outlays such as the overseas deployment of military forces and bases; economic and military aid to allies; the purchase of vital oil and raw materials; and the purchase of foreign investment assets by American firms. A strong export position strengthens the dollar, making cheaper those foreign goods which the U.S. must acquire (with the exception of oil which OPEC prices in dollars).

Domestically, foreign competition costs jobs. Even before the last recession, unemployment was an unusually high 7.4 percent. Throughout the 1970s, unemployment has been abnormally high, a reflection of an economic stagnation which is independent of the business cycle. Though many segments of the population have been doing well, their affluence has been transplanted into jobs and profits for foreign firms through the purchase of imports rather than being recirculated within the U.S. to employ Americans. Over 500,000 jobs have been lost in the "smokestack" industries, not counting the loss of new jobs which might have been created had these industries been expanding rather than contracting.

Traditional industries have not been the only ones hit. The U.S. has lost 60 percent of its home market for computerized machine tools and 38.7 percent of its semiconductor domestic market. To be cut out of these emerging high-technology fields is a long-term problem. Future growth in these areas will be heavily dependent on improvements and spin-offs of the new technology; in other words, on a "learning curve." To fall behind now may be to fall behind forever.

Two approaches have been advanced to foster reindustrialization. The most direct appeal for an industrial policy has come from liberals. However, behind their calls for increased investment, research and capital formation lurks their not-so-hidden agenda for preserving the welfare state, the power of labor unions and the electorial base of the Democratic Party in the Frost Belt.

Barry Bluestone and Bennett Harrison make this explicit in "The Deindustrialization of America." They argue that "The first piece of business is to re-establish a public commitment to the maintenance (and indeed the expansion) of the social wage." By this they mean the entire structure of social programs, regulations and progressive taxes which have hampered economic growth in the past. They reject the "corporatist" approach of a government-business partnership, as practiced in Japan and elsewhere, because they fear it will weaken the labor unions.

Robert Reich, the prolific Harvard advocate of liberal policy, envisions a future where "firms will become the agents of their employees, bargaining for different packages of government-supported social services."

In the recent book "A new Social Contract," which has been endorsed by Sen. Ted Kennedy as well as by Bluestone and Reich, a trio of liberal economists and urban planners call for the government takeover of banks, insurance companies and pension systems so as to direct their capital to "unmet social needs." They want to support "labor intensive" industries rather than manufacturing or high tech in order to provide a maximum number of jobs. They overlook the fact that income must reflect productivity. A gang of coolies with shovels may find employment, but they will add little to national wealth and earn little in the way of a living.

The problem with the liberal approach is that it is based on the wrong set of priorities. The aim is not economic growth, it is redistribution. They do not want to regenerate industry, but ease the transition to an post-industrial-society compatible with the welfare state. They do not want to work with business, but against it because of a philosophical dislike for capitalism and private enterprise.

On the right, the school known as the "supply-siders" profess an awareness of the problem. The Reagan economic program is designed to stimulate industry through individual tax cuts which are meant to provide a higher level of savings and changes in depreciation and tax credit rules to make it easier for corporations to reinvest. Unfortunately, though well motivated, this program is too general and indirect to accomplish the full supply-side objective. It is a macroeconomic program which dissipated its stength over the entire economy at a time when direct action targeted at particular, strategic industries is needed.

Investment requires two things: capital and profits. The supply-side program has concentrated on increasing the supply of capital. But for this capital to be used, firms must have a reasonable expectation of being able to sell enough goods to make the investment pay off. Markets which are threatened by strong foreign rivals entail a high risk in this regard. Firms must be given some degree of protection or other risk-reducing support or capital will flow elsewhere to other fields or even to other lands. U.S. Steel has been criticized because it invested $6.8 billion to acquire Marathon Oil instead of new steel mills. But given the low profits and the lack of a strong government policy to at least buy the industry time to reorganize in the face of growing imports, steel firms are going to find it safer to diversify out of the industry.

Conservatives have been prevented from taking more direct action in their attempt to rebuild the economy because of a too rigid and unquestioning adherence to classical economic theory. Classical economics is not identical to capitalism, property and enterprise. These elements existed well before the 19th century and were not called into existence by theorists.

The classical innovation was the market. Not the market in the sense of buying and selling, which people have been doing since the dawn of history, but the market as an abstract, independent entity which was to be the final arbitrator of human activity and to which all other concerns were to be subordinated.

It was this desire to replace traditional society and the nation with the atomistic individual and the global market which drew fire from the Right in the 19th century. However, with the rising threat of socialism, conservatives found in classical theory useful arguments against left wing collectivism. This has blinded many conservatives to the fact that a common enemy does not mean a common view of the world.

In fact, classical and conservative views of how the world works are quite different and contradictory.

Three points of classical theory are relevant to this discussion: (1) a labor market where wages and employment fluctuate freely under competition (2) free trade under which national boundaries are to disappear and (3) consumer sovereignty by which all economics becomes demand-oriented.

1. Classical trade theory argued that competition among workers would equalize wage rates. Within nations, labor could migrate from low wage areas to high wage areas. Wages would increase in the areas where labor was leaving and decline in the areas where labor was entering as supply changed relative to demand. However, this was not expected to be the method of equalization between nations because law, family, language and distance would work against labor movements across borders. Instead, the expected process would be a movement of jobs since capital is far more mobile than is labor. Either companies would move the location of their plants from high wage to low wage areas, thus changing demand for labor and hence wages; or competition between firms would result in low wage firms expanding into markets previously served by high wage firms. Jobs would be created in the expanding firms and lost in the contracting firms.

Since the labor maket is not without friction, this process can produce extended periods of unemployment for workers in the high wage areas. This would serve to pressure workers into taking pay cuts. When this process occurs within a nation, as is happening with the shift of firms from the Frost Belt to the Sun Belt, the national economy is not threatened. Jobs stay within the country as does the production capacity of the firms. Wage differentials are lessened between regions, equaling out opportunities and eroding artificial advantages.

However, when this occurs between countries, the results have a different meaning.

Classical economists, led by David Ricardo and Thomas Malthus, postulated a grim outcome to this competition: wages in the long-run would remain at the subsistence level. With the Third World possessing an abundant labor supply, an equalization of wages on a global basis would present a frightful prospect for Americans. Though there is downward pressure on wages in the U.S., it is far more likely that high unemployment will be a primary and lasting result of unrestrained competition.

Of course, wage rates do not tell the whole story.

Those who argue that as basic American industries decline, U.S. firms can simply move to high technology products fail to realize that it is highly improbable that new methods will appear at the same rate as old methods are undercut by foreign competitors. Nor is there any guarantee that new methods will be adopted in the U.S. first. Furthermore, what advances are made can be quickly copied. Comparative advantage in manufacturing is not stable, but subject to change over time, including changes wrought by national industrial policies.

This points out another major flaw in classical trade theory. It seems to assume static relationships between nations based on "natural endowments" such as climate or raw materials. Even in its most perfect form, agriculture, this has limited validity. The "Turkey-red" strain of winter wheat so popular in Kansas was brought to the U.S. by immigrants from the Crimea. The rubber plantations of Malaysia and Indochina owe their existence to seeds brought in from Brazil, and the coffee industry which plays such an important role in Latin American economies was started by seeds transported by the Dutch from Java. People have never been content to buy from others if they could find a way to build their own profitable industries.

The same is even more true in manufacturing, which can be done nearly anywhere. It has been the aim of developing economies to move themselves up the ladder of manufacturing, from light industry to heavy industry to high-technology because each step involves an increase in value added and thus in wealth-creation.

Given the ability and desire of nations to change their economic structure in order to gain more wealth, wage rates reassert themselves as the key factor. An example is provided by the recent decision by Atari to relocate its factories in Taiwan and Hong Kong.

High technology is not immune to the lure of cheap labor as long as the firm is free to export its products back into the market that it physically abandoned.

This is what prompted Wolfgang Hager, an economist with European Research Associates to write:

"The problem with free trade is simple. The world has an endless supply of subsistence-wage labor and we have learned how to make both basic and sophisticated goods in poor, developing countries. Without trade barriers, rich countries are bound to suck in cheap imports from low-wage countries, destroying the domestic industries that used to make those products. There will never be enough new "high-tech" jobs to employ those who lose more traditional jobs. Therefore, unrestricted trade would eventually destroy the economies of all the high-wage, developed countries."

In fact, a foreign rival with an abundant supply of cheap labor could out-compete an American firm even if the Americans had more advanced technology. Workers so displaced might find employment elsewhere in the economy, but at less productive jobs. (The oft-cited case is of steel workers selling fast-food hamburgers.) But the substitution of lower order service industries for manufacturing simply because of differences in the degree of foreign competition, not only means lower wages. The lower wages represent a lower amount of national wealth generated.

2. Adam Smith authored the classic statement of the principle that economic growth is dependent on the division of labor and the scale of the market. This observation has been borne out in modern times. Studies indicate that cost of production can drop 20-30 percent with a doubling of output. The economies of mass production have built the modern world. Any long-run strategy must take this into account and aim for expansion in market share. The Japanese have been particularly adept at this. If reaching other markets is a plus, losing your own must be a minus. It seems clear that the value of large markets was known well before Smith, for Smith was not the first to oppose barriers to economic mobility within nations. The French mercantilist, Jean-Baptiste Colbert, spent most of his reformist energies trying to liberalize the internal movement of labor and goods within the realm of Louis XIV.

Smith's innovation was to extend this concept to its "logical" extreme by advocating free movement of goods between nations as well as within them, and to abandon any distinction between imports and exports. Anyone who is able to obtain economies of large scale operations by penetrating the markets of others should be free to do so regardless of nationality. In this tradition, a modern liberal economist, Harry G. Johnson has stated that "the nation-state has no economic meaning."

However, there is a need to be concerned about the distribution of industry, wealth, employment and power among national groups. This makes for a major schism between classical liberals and nationalists. In contravention to the claims of idealists, the world is likely to remain divided into competing nation-states for quite some time. Diversity fostered by history and culture is reinforced by politics and ideology. Thus the term "world market" has little more meaning than the terms "world opinion" or "world government." International trade is not harmonious, it is competitive with very high stakes.

One can accept the validity of classical principles and still wish to place prudent limits on the extent to which policies are based on them. The Founding Fathers placed the commerce clause in the Constitution to ensure an open domestic market free from barriers to internal trade which might be erected by the various States, but at the same time did not rule out national barriers to trade. Prominent advocates of national economic advancement, such as Alexander Hamilton, saw no contradiction in arguing for both internal freedom and external restrictions.

In a world of competing nation-states where power rests on economic and industrial capabilities, a full realization of a global interdependence would pose considerable vulnerabilities. No government can allow the system from which it draws its power and from which its citizens draw their livelihood to be tossed about in a global sea without a rudder. One advantage large nations have over small is the ability to diversify so that prosperity does not come to depend on the price of copper, coffee, oil or any other single commodity. Interdependence also requires a high confidence that trading relationships will continue. Since the world seems to be in another of it periodic degenerative phases, marked by a proliferation of political entities and resulting anarchy; a malaise and decadence in the most civilized nations of the West; and aggression by totalitarian states on the rise, such confidence is waning fast. This is why traditionally nations have sought to enclose an area large enough to sustain a division of labor and obtain economies of scale under a single flag.

Free traders seem quite content for the U.S. to lose a major part of its industrial base as a natural result of a new global division of labor. Various liberal advocates of industrial policy see the same end result. The liberals aim their policies at easing the social costs of the transition to a post-industrial economy. They take as their models the Europeans and Japanese who not only target industries for growth but also for death.

Paul Seabury, who specializes in national security studies at the University of California-Berkeley, has pointed out the dangers of such a stance in a recent "Journal of Contemporary Studies." He observes that "in light of the deteriorating state of its basic industries, the United States has a clear need for a coherent industrial policy." However, such a policy would have to be based on different criteria for policymaking than that used by other nations because of the special strategic needs of the U.S. as a world power.

The American industrial base constitutes the strategic core of Free World defenses. Those who, whether in the interest of free trade or a "high-tech" boom, are content to remain untroubled by the demise of U.S. basic industry would do well to remember Solon's warning to Croesus: "Sir, if any man hath better iron than you, he will be master of all this gold." To Seabury, the entire post-industrial myth presents a threat to long-term economic, political and military survival.

Free trade has always been most popular in countries which felt that it could expand by its promotion. That free trade was a way to penetrate other people's markets. Free trade was the result, not the cause, of England's prosperity. England became the home of free trade after it had emerged victorious from the mercantile wars of the 17th and 18th centuries and after it had established an early lead in the industrial revolution. For England, free trade meant cheap imports of food and raw materials to feed its industrial development and easy access to foreign markets. The real lesson of Ricardo's famous winecloth example of comparative advantage was that other nations should buy England's manufactured goods and not attempt to industrialize.

In the U.S. the "Open Door" policy was advocated at the turn of the century to gain access for American business to markets closed by colonial empires. Though given an idealistic cast, its aim was to promote American industry through exports even as that industry was protected by tariffs at home. The consensus for free trade did not manifest itself until the end of World War II when American industry comprised virtually the only intact economic base in the world. Prior to this time, there had been a long tradition of granting government aid to business which ran from the Federalists through the Whigs on to the Republicans. Historian Tom E. Terrill of the University of South Carolina has observed that during the period when the U.S. attained first rank as an industrial power:

"The GOP, which included champions of industrialization and the spiritual heirs of Hamilton and Clay among its strongest factions, naturally took up protectionism."

Unfortunately, the Republicans seem to have forgotten most of this heritage.

What nations produce is important. Few nations wish to remain non-industrial since states "condemned" by the division of labor to produce only agricultural products, raw materials or labor-intensive goods have stagnated in relative poverty and powerlessness. Every nation which has sought the mantle of Great Power status has adopted policies of economic nationalist in order to build the wealth and strategic assets needed for that role.

3. This brings up the third tenet of classical liberalism, the bias towards consumption over production. Keynesian economics has been under fire lately because of its fear of underconsumption and oversavings which spawned "demand management" policies which were detrimental to capital formation and investment. Supply-side theory has been a reaction to this. However, seeds of this problem can be found in the attitude of Adam Smith. The Wealth of Nations was an inquiry into how the amount of productive labor available to a nation might be increased. Much of the work deals with production, but behind this is Smith's belief that "the sole end and purpose of production" is consumption, from which he concluded that "the interests of the producer ought to be attended to only so far as it may be necessary for the promoting of the consumer." To Smith, the first priority was low prices. Yet, Smith knew what the larger consequences were of a decline in production, for he wrote that:

"Every increase or diminution of capital * * * naturally tends to increase or diminish the real quantity of industry, the number of productive hands, and consequently * * * the real wealth and revenue of all its inhabitants."

Elsewhere he recalled the history of what happened to the Hanseatic League once it lost its markets:

"No vestige now remains of the great wealth, said to have been possessed by the greater part of the Hans towns, except in obscure histories of the thirteenth and fourteenth centuries. It is even uncertain where some of them were situated, or to what towns in Europe the Latin names given to some of them now belong."

A grim reminder, from many that history provides, that economies can decline to the vanishing point. The problem with consumption-oriented theories is that they overlook the fact that people must first have incomes before they can buy, and incomes are earned by production.

Smith seemed to have a static view of wealth. Wealth defined merely as the stock of material goods available at any point in time. In this formulation, imports were no different than goods produced at home. Where the goods were produced was not important, as long as they were cheap. However, in a world based on nation-states, where wealth-creating assets are located becomes vital. Those who have these assets can always produce wealth which they can use for their own benefit or trade for an equivalent. Those who do not produce, are unable to provide that equivalent.

One of the most vocal critics of Smith in the 19th century was Friedrich List who published his book "The National System of Political Economy" in 1844. List was a German living in exile in America where he was an admirer of the earlier work of Hamilton. Later, his own work would inspire the industrial policy of Germany. List strongly objected to the notion that a domestic industry should be abandoned because imports were, for the moment, cheaper. "Who would be consoled,' he asked, "for the loss of an arm knowing that he had nevertheless bought his shirts forty percent cheaper?"

There is more to the concern over industry than employment and wealth. National survival may depend on the amount of economic strength a nation can mobilize in a crisis. The first problem to surface and trigger debate over industrial policy was in the defense industry. It was discovered after the massive resupply of military equipment to Israel in 1973 Mideast War, that the U.S. defense industrial base did not possess sufficient "surge" capacity to replace the depleted weapons inventory in a period less than several years duration. This deficiency led to concern over other areas of heavy industry.

Even Adam Smith recognized an exception to laissez-faire when it came to defense matters. He endorsed the British Navigation Acts which subsidized British shipping and protected it from competition. Yet, Smith may not have gone far enough. Correlli Barnett in his brilliant work "The Collapse of British Power," criticizes free trade and blames it for much of England's loss of economic capability. He argues that Smith "could not foresee that national defense would come to depend not just on seaman and naval stores but on total industrial and economic capability." This was proved in the world wars and to a lesser, but still important extent in Korea and Vietnam where the needs of conflict placed a burden on the entire economic structure.

There are many people in economics, government and business who are suspicious of any intervention by the state in the market. Given the direction of government policy in the recent past, this is quite understandable. However, when the question is one of national strength or foreign competition, the state has a duty to consider the common good and to "play favorites" as between its own citizens and those of other lands. As the late G. Warren Nutter, a staunch defender of capitalism and private enterprise, put it "the state has as much right to employ trade policy as an instrument of national power as it has to employ anything else. Trade policy deserves no special immunity as long as it is a legitimate and effective means for achieving a legitimate end."

Nutter was particularly concerned with the use of trade policy by totalitarian countries against which the U.S. needed to defend itself. However, capitalist economies have also used industrial policies to promote their interests in competition with the United States. These policies have been more successful than those pursued by the socialist states of the Soviet bloc because they are still based on private enterprise and profit.

Would such policies work in the U.S.? The answer is yes. Take the shipbuilding industry as an example. In the 1960s, Japan made a determined push to dominate the market. Their production of tonnage increased eight-fold and they conquered 50 percent of the global market. This was accomplished by a Japanese version of the Navigation Act by which government, shipbuilders and trading companies cooperated to ensure that Japan's growing volume of exports would be carried in Japanese built and owned ships. In the 1970s, the world market collapsed and orders dropped by one-third. The principle victims of both the Japanese expansion and the drop in demand have been the European shipyards. The U.S. has managed to escape these adverse events and were even able to expand employment in domestic yards from 128,000 in 1968 to 184,000 in 1977.

The U.S. shipbuilding industry is considered one of the most protected industries in the world, and sports one of the largest order books in the world for commercial shipping. The government grants construction cost subsidies through the Maritime Administration based on the difference between domestic and foreign costs. Substantial support has been given for technological development. The Jones act of 1920 requires that only U.S. flag ships carry traffic between U.S. ports and this has stimulated demand for oil tankers for the Alaskan trade during a time when tanker demand worldwide is in a severe depression. This could be further strengthened if other seaborne trade with U.S. ports were required to use American ships. In addition, ships for the Navy are required to be built in U.S. shipyards. The result has been that when the Reagan Administration planned a major expansion of the Navy, the domestic shipbuilding industry had the ability to respond.

The obvious connection of shipbuilding to national security has meant that the government has been willing to spend more time, effort and money on its support (though some extreme free traders have resisted). Not all industries need or deserve this much attention. But it does show what can be accomplished when government and business work together.

Today's debate over industrial policy is being waged primarily between free traders who do not see a problem or counsel only "benign neglect" and liberal advocates of a policy which gives the wrong solution to the problem and which is inimical to capitalism. The free traders are losing, worldwide. Some three-quarters of world trade is managed by policy to some degree. Domestic content requirements and joint ventures abound. Free trade has no power to persuade either the public or national leaders. The assumptions are too unrealistic, and the failures too obvious. If the liberal program is to be avoided, an alternative must be formulated which is pragmatic and devoted to growth and production.

Such a program of economic nationalism does not conflict with existing conservative economic policy, it complements it. Tax cuts, deregulation of domestic markets, incentives for work and investment, balanced budgets, sound money and a curtailment of wasteful social spending are not only compatible with the reindustrialization effort, they are essential to its success. The goal is a larger economic base, balanced and with a strong core of heavy industry for strategic production. A base which is efficient, technically progressive and profitable. Government has a role to play in this, not as a substitute for entreprenuership, but as a guardian which assures an environment within which entreprenuership can flourish.●

CITIZENSHIP

● Mr. DODD. Mr. President, 25 centuries ago, the Athenian statesman, Pericles, summed up the qualities of citizenship which made his home unique among the governments of the world.

"Here in Athens," he said, "our citizens attend to public business as well as their own affairs. In other places, they say of a person who shows little interest in the life of his city that he lacks ambition. In Athens, we consider him useless."

Four years ago today we lost a friend, an American, a citizen of the world whose life had been dedicated to the exacting standard set by Pericles back in the fifth century B.C.

Al Lowenstein died when he was only 51. But his work for a better nation and world had already extended across five decades.

As a student in the 1940's, he helped organize the effort to integrate the University of North Carolina.

In the 1950's, he began a lifetime of dedicated work to pressure the government of South Africa to moderate its apartheid policies.

In the early 1960's, he threw himself into the struggle against America's own version of apartheid in the Deep South.

In the late 1960's, he was in the vanguard of Americans directing a strategy to remove the United States from a futile and ugly war in Southeast Asia.

In the 1970's, he inspired a new generation of students to believe in our system of government and trained them in the nuts and bolts of campaigns and elections.

In the 1980's, he was still immersed in the political process. I remember. On March 17, 1980, I was planning to open my Senate campaign headquarters in Hartford and Al Lowenstein would be arriving to help me.

Instead, I went to his funeral.

Al Lowenstein's life was the pursuit of dozens of causes, some successful, some less so, but all of them worthy, and everyone of them receiving the full measure of his boundless energy, infectious enthusiasm, and abundant talents.

Not the least of those causes was the critical importance of a respect for human rights by governments around the world. On May 19, 1977, he shared his insights on that subject before a subcommittee of the House of Representatives.

Today, almost 7 years after that appearance, exactly 4 years after his death, his words still have the ring of truth and the urgent persuasiveness they did when he first spoke them.

I hope that my colleagues will take the time, in his memory, to reread them and ask that they be printed in the RECORD.

The material follows:

HUMAN RIGHTS AND AMERICAN FOREIGN POLICY

CONGRESSIONAL TESTIMONY, MAY 19, 1977

After his return from Geneva, Lowenstein continued his diplomatic work at the U.S. Mission to the United Nations. In May, he testified in Congress on the meeting of the UN Commission on Human Rights, as well as the overall role of human rights in American foreign policy.

Mr. **FRASER**. Today the subcommittee [Subcommittee on International Organizations] is considering the recent session of the United Nations 33d Commission on Human Rights which was held in Geneva from February 7 through March 11, as well as other developments which have occurred subsequently.

At the Commission session, a number of issues of special concern to this subcommittee were considered, including the procedures for reviewing human rights complaints, as well as the human rights situations in southern Africa, Chile, the Soviet Union, the occupied territories in the Middle East, and Uganda. . . .

We are delighted to have as today's witness the Honorable Allard Lowenstein, U.S. Representative to the United Nations 33d Commission on Human Rights. Mr. Lowenstein served as a Member of the House with great distinction and has long been actively engaged in the defense of human rights both in this country and abroad. It was a great personal pleasure for me when I learned that Mr. Lowenstein was appointed as our representative to the Commission. . . .

Mr. **LOWENSTEIN**. I am grateful for the chance to appear before a subcommittee chaired by Don Fraser, who is one of the few public figures who gets better the better you know him. His presence in Congress is a national blessing, and his chairmanship of this subcommittee is proof that even the committee structure of the House of Representatives can produce dazzling results now and then. . . .

Perhaps the most useful way to proceed would be for me to begin by saying a few things about what I learned in Geneva, and to indicate some of the significant things that happened that nobody expected to happen. I think there are important lessons in our experience in Geneva that ought to be understood in shaping American policies about human rights, and in working out our attitudes toward international agencies and toward the United Nations itself.

I went to the meeting of the Human Rights Commission with a sense that I think is shared by most Americans who follow these things—the sense that it was a rather hopeless endeavor, that the Human Rights Commission was part of an international machinery that has come to be increasingly hostile to the United States and certainly increasingly irrelevant to human rights. I expected to encounter a kind of monolithic bloc structure that would keep useful discussion to a minimum and produce propaganda at escalating decibels on questions which are mostly designed to further particular ideological interests.

In short, I didn't go there with any notion that there would be much useful we could do for human rights or for specific concerns of the U.S. Government.

I was wrong about that. The results of the Geneva meeting are much less important, if you measure them by specifics, than if you measure them by what they show is possible in international meetings if we understand the complexities and are committed to a quest for ways to maximize cooperation without abandoning our basic convictions. We have tended at some points in the past to wander between withdrawal and a sort of bellicose self-righteousness. Neither of these seem to me the most useful approach.

By any objective yardstick, some useful things happened in Geneva. But much more important was the discovery that President Carter's approach to human rights, the support for that position by the Secretary of State, and the remarkable achievements of our Ambassador to the United Nations, Andrew Young, have made a different atmosphere possible. Disagreements don't disappear but they don't have to preclude finding areas of cooperation. And I must say that I found greater candor than has always been customary in trying to deal with problems which have for a long time been trapped in a quarrelsome impasse.

So my sense of Geneva, Mr. Chairman, is that it was an example in miniature, and under rather difficult circumstances, of what can be achieved in the new period now starting. It was much more hopeful than I expected. Clearly the distance covered was small compared to the distance that needs to be covered. But the fact that that kind of beginning was achieved suggests that the notion that we are unable to work effectively in international organizations for the goals that are part of our heritage and that are set out in the charter and Universal Declaration of Human Rights is not correct. Something very much more hopeful is correct, and it is up to us to use that opportunity as effectively as we can, understanding that there are risks in any human activity and that we will make mistakes as we go along.

But not to try to utilize that opportunity at all would be the greatest mistake and would, above all, increase the great risk of wasting this moment. Another such moment may not come anytime soon, and it would be a terrible mistake not to try to reverse the disintegration of the world community and the increased irrelevance of multilateral agencies to many of the problems that afflict human beings everywhere. This effort should be a high priority of any government that understands what technology has done to the world and what the pressure of injustice does to people exposed to it.

I believe that Congress and the administration can cooperate, that we have a coalition of domestic political concerns that can come together to work in unity on issues where we were divided for some years. I think basic division is no longer necessary on questions of direction and purpose.

There will always be disagreement among people who have independent judgments about tactics and degrees of activity here or there, but I think there is a chance to sculpt an approach to foreign policy that will have very broad support involving human rights as a major component. Human rights can't be the only component, of course, since other factors must affect foreign policy decisions. But the new approach can include a much greater effort in the U.N. Human Rights Commission and other international bodies, and much more effective moral leadership generally to decrease human suffering than we have provided in some years past.

Finally, let me mention how lucky I was in the quality of the people who were my associates in the U.S. delegation in Geneva. Warren Hewitt, and Lois Matteson, who is in the U.S. Mission to the United Nations; Brady Tyson, who is also serving there; and Gloria Gaston, who is in the Mission in Geneva, were all tremendously helpful, really quite wonderful people.

I think everyone in the delegation came to respect the contributions of everybody else. The total effect was greater than the sum of the individual parts.

Mr. **FRASER**. Well, thank you for that overview of the experience that you had. If you are willing, maybe we could sort of start with some elementary facts just to help me, because I don't remember these things very well.

The U.N. Commission of Human Rights does not include all countries. It has a limited membership. Do you remember what the size of the membership is approximately?

Mr. **LOWENSTEIN**. Thirty-two countries are elected from ECOSOC, the Economic and Social Council of the United Nations. The United States has just been reelected to the Human Rights Commission in the voting at ECOSOC, and we will continue to be a member of the Human Rights Commission. . . .

Mr. **FRASER**. Now, what happened [at the Commission meeting] with respect to Israel?

Mr. **LOWENSTEIN**. The first thing that happened was that an outrageous telegram was sent to Israel regarding conditions in the occupied territories, particularly in the prisons.

The text of the telegram contained assertions and conclusions that went far beyond anything that there was any evidence to support, and we opposed it in rather a novel way—we argued specific content and tried to get a debate going, instead of just reading a formal statement of protest and dissent.

We agreed that the Commission had an obligation to discuss conditions in the occupied territories, and proposed a wording for the telegram which we could have supported. Our wording was rejected, and most of the debating against the telegram as put before the Commission was left to us. Many Western European countries remained virtually silent on this question.

Now, I may sound Pollyanaish, but it is my view that had we discussed the Middle East later in the session instead of as the first item, some of the additudinal changes might have carried over even to the Middle East discussion. Be that as it may, there was a brisk debate in which we spoke as strongly as we could against the dominant view.

Despite that—I would almost say partly because of that—we were able to work quite well on other issues with some of the most militant supporters of the opposite position. I think the understanding that developed as a result of the frankness of our disagreement over the Middle East resolution was useful in developing working relationships. In fact that was my experience in general at Geneva, not just on the Israel issue.

I think being very clear about what we believed in was tactically as well as morally right. We didn't duck controversy, which I believe added to the effectiveness of the U.S. position. We weren't bellicose, but we weren't silent or supine either where fundamental principles were concerned. We were frank about the Soviet Union and ourselves, and we declined to join in the usual lockstep of routine rhetoric. I think our spontaneity helped bring some flexibility to discussions in commission sessions and to informal talks outside the sessions, some of which were at least as valuable in the effort to change the atmosphere.

So our outspokenness about the Middle East may actually have helped our efforts on other questions, in addition to being right in principle. We made it clear to the Arab countries that we wanted to cooperate with them on other matters, and hoped they felt that way too. But such cooperation could not occur if the price were silence about matters we felt very deeply about. If the Commission were to have any utility for resolving disagreements, disagreements would have to be recognized and discussed. Otherwise, we might as well go home. In short, disagreement on some questions could not be allowed to prevent working together on others.

The same thing was true on the Soviet issue. If we had not pursued the Soviet initiative, we would never have been able to make credible our commitment to universal application of the declaration. We would have looked like we were playing games.

I think that one of the two or three most significant moments of the session occurred when we raised the Soviet issue under Agenda Item A-11, Detention and Arrest. On that occasion, at a Friday evening session, four Western European and other countries spoke out in support of what we were doing: Canada, Italy, the United Kindom, and the Federal Republic of Germany. Not a single unaligned member state supported the effort to block the discussion, which was made by Bulgaria on behalf of the Eastern European countries.

It was a moment of rather high drama when, despite the great exertions of the Soviet Ambassador, Valerian Zorin, not one unaligned member of the Human Rights Commission joined the Soviet attack on the American initiative.

That unprecedented situation had a considerable emotional impact, and meant that we would resume the discussion of possible human rights violations in the Soviet Union on Monday morning.

At that meeting we got into the question of specific arrests in the Soviet Union, including the arrests of Orloff, Ginsberg, a Baptist minister named Vins, Dr. Stern, a Jewish activist, and so on. I am convinced that those discussions on Friday night and Monday morning were essential if the atmosphere of the Commission were to be changed and if the U.S. Government's position on human rights were to be credible.

I want specifically to emphasize that point, because there are some generally sensible people who insist that pursuing this question in the Human Rights Commission is somehow counterproductive, either because it jeopardizes some larger notion of détente or, alternatively, because it shows how ineffectual discussion is. I don't think either of those things is true.

It is certainly impossible to achieve détente if the price of détente is to give the Soviet Union immunity from even talking about questions which are of great concern to a very large number of Americans, and which are legitimately a concern of the international community under the charter, the declaration, and the Helsinki Final Act.

Furthermore, I don't see how you can give immunity to the Soviet Union without throwing away a crucial ingredient in the effort to decrease human suffering in the world.

There will always be suffering of course, but to see needless suffering inflicted by governments and be silent about it seems to me unnecessary, unacceptable, and hypocritical. I think it hurts us and hurts the international machinery we talk so much about improving, and it certainly doesn't help people who look to us for moral support when they act with great courage to protest denials of basic human rights.

We tried to be balanced in discussing human rights problems, but we did not try to woo support by abandoning basic convictions. You have to make tradeoffs of course, but those should occur as part of—and not in place of—speaking out for what you believe in.

Mr. **Fraser**. And the resolutions on Chile—I think there were—I guess they were in the form of asking the subcommission to take action. One was to review consequences of aid to Chile; the second was to consider giving humanitarian, legal, and financial aid to those arrested or forced to leave the country.

What was the U.S. position on that? Do you recall?

Mr. **Lowenstein**. For the first time, we cosponsored the general resolution on Chile, which was organized by Sweden. That resolution was reasonable, and if we had not cosponsored it we might have been confronted with one that would not have been acceptable to us but which would have had the support of most other delegations.

So we worked with the Swedish delegation to produce an acceptable resolution, and that resolution carried with only Uruguay voting "no."

Our dilemma on human rights issues in Latin America is complicated. Discussing these problems without Latin leadership risks reviving or strengthening anti-gringo emotions, and could produce a reaction that would not help human rights anywhere.

Just as it is clear that Uganda, for example, is dealt with more effectively if Africans take some leadership, dealing with human rights violations in Latin America requires sensitivity to regional, cultural, and historic factors. Spain and Portugal could be helpful in this regard.

None of this means that the United States should be silent about or acquiesce in human rights violations in Latin America. But we will have to accept and understand the force of regionalism at this stage in the evolution of the human rights machinery. The world is at the same point in its history, but every country is at a different point in its own history. So situations vary very greatly regionally, economically, historically. And vary enormously among countries within the same region, as well.

All these matters are complex enough that anyone who thinks the United States can—or should—do the same thing about each country or region, simply hasn't tried to figure out what is effective or reasonable.

I felt that our concern about human rights in Latin America had to be clear in Geneva, but that the extent to which we could press our views depended on finding other countries that would join in and take some leadership. That, of course, is almost a truism which would apply in every part of the world, but the situation is made difficult for us at this point in Latin America because of the spread of repressiveness there. Once you go beyond Chile, it is not easy to know what priority to set.

For these reasons, we tried to figure out a way to raise general problems of human rights violations rather than to press ahead on single country questions, and the problem of Desaparecidos seemed the most immediately important one.

People don't always want to understand or accept the fact that in the Human Rights Commission there is very little distinction between many of the positions taken by leftist oppressive governments from positions taken by rightist oppressive governments. Beyond ideology, they tend to want to protect themselves—and hence each other—from having too much done about oppression. This produces a coalition of governments that don't want to strengthen the machinery for human rights, that don't want to extend the agenda to include additional countries. Left and right oppressors tend to become allies when faced with the possibility of a spotlight being focused on oppression.

So you are walking through minefields when you try to get countries to work together. In that sense, Chile and South Africa have been helpful to the cause of human rights, because in the case of both Chile and South Africa, enough countries have supported international efforts so precedents have been established for dealing more energetically with other oppressive situations. If you have the precedent, you don't always have the votes, but you have at least a base to argue and build from. . . .

Mr. **Fraser**. In terms of the way our own Government is organized to address matters that come up at the U.N. commissions and our ability to be effective there, within the inherent constraints [that] exist, do you have any recommendations?

Mr. **Lowenstein**. Yes. I am not content with the way that the human rights component works its way into foreign policy decisions. I am not even certain that the basic lessons of the Geneva meeting have been understood. One of those lessons, maybe the most important one, is that there is tremendous potential for desirable changes in the world situation at this juncture. The confluence of the remarkable personal achievements of the President and Ambassador Young with a number of other events, including the emergence of democratic governments in India, Portugal, Spain, and Greece, give the first chance in a long time to make progress toward achieving a much more satisfactory atmosphere in the United Nations. That in itself would be useful, but it would also open the door to dealing more hopefully with a lot of very difficult economic and political problems.

In short, I believe that what is called the human rights issue touches on almost everything of consequence, and that this moment in world history, if we use it wisely, could produce some valuable and long-overdue results. But that will require high-level decisions, intelligent use of personnel, and some long-range planning. We might even begin to make the United Nations function in a way that would gain back some support and respect for the United Nations among Americans who have written it off for quite understandable reasons. That could lead to greater support in Congress for funds for aid and development programs and to increasing U.S. influence within the United Nations. And that in turn, could produce more sensible actions by the United Nations. We might in this way reverse the spiral that has eroded our effectiveness in the United Nations and the United Nations' effectiveness in general. . . .

In any case, as I said before, overhauling the U.N. machinery depends on, and is less pressing than, overhauling attitudes.

Suppose, for instance, the Human Rights Commission met three times as much and all it did was to go back to discussing Israel, South Africa, and Chile. One would sit there wishing one could figure out a way to get everyone to go home.

We have to work to develop an approach that will utilize our enormous resources, private and public, to contribute to a diminution of suffering around the world. That is, after all, what a "human rights" policy should be about, when all is said and done. Structure will follow along.

One starting point, which the President has endorsed would be to ratify the covenants. But we are not going to ratify the covenants if there isn't a major effort to explain why they should be ratified.

Some people are really concerned primarily about the so-called political and civil rights. They believe that with these rights people can get "other" rights. But in much of the world political and civil rights seem quite remote because people don't have enough to eat. Now obviously the urgency of eating does not justify torture. It does justify a great concentration of effort on obtaining and distributing food.

The position we took in Geneva is that there ought to be a prioritizing of concerns about human rights, whether they have been labeled traditionally "political and civil" or "economic and social."

Ambassador Young also talked about setting such priorities both at ECOSOC and in Guatemala City. But to implement programs dealing with some of these priorities will require much more than the rhetoric which is easier to deliver than the programs.

So just as human rights cannot be the only component in a sensible foreign policy, neither can it be limited to discussions of human rights issues which are then excluded from decisions involving economic policy and other matters affecting social justice.

Mr. **Fraser**. Mr. Smeeton.

Mr. **Smeeton**. Thank you, Mr. Chairman. I might preface my question by making an observation. I have before me a press release of the last session that lists the membership of the Commission. And I would say almost three-fourths of the members sitting on the Commission are themselves accused of violating the rights of their own citizens. For example, Uganda, the U.S.S.R., Cuba, and Uruguay are all members. That is a real political irony and helps explain why the Commission frustrated some of your efforts to push more vigorously for inquiries regarding Uganda and the Soviet Union.

Mr. **Lowenstein**. May I expand a little on what you are saying? Your first impression when you discover that you are sitting near the Minister of Justice of Uganda and the Soviet Ambassador who was in Prague at the time of the coup—as well as other stirring defenders of human rights—is to think that now is the moment to fly to that thin red line of virtue which is somewhere about.

Perhaps it was my experience in the House of Representatives—I don't mean to make invidious comparison, but one learns in the House of Representatives that human hypocrisy is not unknown in legislative bodies—anyway, if one is to be effective in any legislative process, dwelling on the iniquities of everyone else may be less rewarding than acknowledging one's own iniquities, and then attempting to find common ground that may reach out to something decent, or at least cooperative, in everybody. That approach does not suggest that you should be naive about the hypocrisies and mixed motives that are so prominent in determining what goes on.

Of course in international bodies there are national as well as personal contradictions to take into account. I tried to take that fact into account in my first statement to the Plenary in Geneva. I said that I represented a people who had given the world one of the most electrifying battle cries for human rights in history—that all men are created equal and are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness; and I observed that we had given the world this battle cry for liberty at a time when we had slavery. That is a part of our history, I said, which, like the history of every country is a mixture of glories and tragedies. I said we had better get past the attitude of using everybody else's shortcomings to excuse our own, and try to figure out some way to start moving forward.

So your comment is exactly on point. But if your first thought when you go into a commission meeting is: "My goodness, where are Gilbert and Sullivan?" Your second should be: "How do we get around the fact that governments are the cause of most of the oppression that we have to do something about?" . . .

At one point this year, when the Russians were arguing that we couldn't discuss arrests in the Soviet Union because that would invade their "internal affairs," I reminded everyone that in 1947 the NAACP had come to the Human Rights Commission with a petition about American blacks being segregated and descriminated against. The Soviet Union was very enthusiastic about the Human Rights Commission investigating that; they didn't see any "internal affairs" objection at all. And Mrs. Roosevelt agreed that any people who feel they are being deprived of human rights anywhere ought to have the right to bring their complaint to the Commission, if they follow the proper procedures. I said that the United States had made great progress with its racial problems in 30 years, partly because we have been conscious of the pressure of the rest of the world, which was judging us by what we did about racial injustice in the United States.

I said:

I want to thank you for that help in improving conditions in the United States. While I don't expect the Soviet Union will thank us tonight for assisting them in dealing with some of their human rights problems, perhaps in 30 years they too will perceive that they were very fortunate that there was outside pressure to make them do better.

I think almost everyone now realizes that Mrs. Roosevelt and those who worked with her were right to plow ahead and get to an agreement despite the vocabulary problems and all the other vagaries. . . .

There is one statement I would like to add to the record. I want to say why I think that what Andy Young has been doing has been so enormously important, so valuable for the United States, and to the world for that matter. His personal qualities, I believe, are indispensable to the efforts which have made it possible to hope for better days at the United Nations and in the international community in general. His great warmth and spontaneous candor have broken through the rigor mortis that so often dooms diplomatic activity to irrelevance.

I do not minimize the complications that may be caused by media hoopla over this or that statement, but that is a small price to pay. And that is a topic I would like to discuss with responsible newspeople. For instance, the central drama of our time is not the fact that Brady Tyson uttered two unauthorized sentences in Geneva—sentences which he said were not authorized immediately after he said them. By rational standards, those sentences could have been perceived as worth perhaps three or four lines in the midst of reports about some rather significant other actions that were never reported at all. And if we end up trapped by fear—of occasional public disagreements, or of flaps in the media—into saying nothing that hasn't been orchestrated by committee and weighed through 16 filtering processes, so nothing is said that doesn't meet high standards of nonspontaneity—don't we sacrifice a great deal more by that kind of restrictiveness than if we accept the virtuoso achievements of people like Ambassador Young and of Senator Moynihan during his tenure at the United Nations? One may disagree with some of the statements made, but there is an important value not in contradicting established American policy but in adding spontaneity and openness to diplomatic discourse.

I believe there is a great advantage in encouraging the right people to use such latitude—that is to say: Don't appoint people to these positions if you don't feel they are the best people to further our national interests. But if they are the best people to do that, if they have the intelligence and integrity and commitment and sense of responsibility that should go with appointments to these jobs, let them use these qualities to further our policy goals. Your report on your term as a U.S. Delegate to the General Assembly and Bill Buckley's book on his service at the United Nations both make that point powerfully. The best talents we have, regardless of ideology, need to be used in these situations. The best talents, the best spirits, the people who are best at communicating ideas to other people—we need representatives at U.N. meetings who can empathize with other points of view, who can work comfortably with people from all parts of the world. To try to homogenize everything is to reduce the efficacy of our representation.

What Andy Young has achieved, and what in limited circumstances we tried to achieve in Geneva, is the impact of spontaneity in debate and conversation. That carries the risk that not every word will be exactly as you might later wish, and that some things may be said at times that you wish you had said differently.

You may have to say afterward: "Wait, I made a mistake on that," or "I wish I could have explained my position because I see now it was misinterpreted," or "That statement does not reflect the ultimate position of my delegation."

Those are not great tragedies for individuals or for the national interest. If one says something and discovers that it is inaccurate, one says: "I made an inaccurate statement."

I found in Geneva that, if what you say is always sculpted in advance, you can't have the back and forth that is so valuable, for example, in Congress. And if you can't draw people out and try to understand what they are saying and make them reexamine things, everything tends to fall into a kind of tedious ritual drill that affects almost nothing. Instead of that, we tried to discuss and argue without getting into accusatory polemics, if we could avoid it. We took that awful Middle East resolution almost sentence by sentence: What does it mean to say Israel is an aggressor, and why is it the business of this Commission to decide that? Then we argued that point and others like it.

Now, traditionally, that is not what happens. Everyone makes speeches which are mostly written by somebody else often weeks ahead of delivery. Everyone reads canned speeches; nobody listens to anyone else if they can help it, and what you have at the end of it all is not an exchange of ideas but a kind of verbose trench warfare from fixed positions.

So I think it is most helpful to the United States that people all around the world know that our Ambassador to the United Nations speaks feelingly about things so many people feel very deeply about.

He doesn't undermine fixed American policy decisions, he simply uses the opportunity to discuss what factors should go into making that policy. He has made countless people everywhere begin to think: Well, maybe the United States really isn't what we have always been told. Maybe the caricature isn't real." Andy Young's freshness and independence reflect his own remarkable experiences and compassion. He has reached great numbers of people that no one else could have reached and I can't for the life of me see how this triumph is somehow damaging to what is called the "unity" of American foreign policy.

I understand there can be a problem if the public or other nations were to get the impression that there are major conflicts in our foreign policy, but it seems simple enough to make sure that everyone knows that this is not so. Soon it will be realized that dialog is not dissension, and that spontaneity is not irresponsibility. . . .

Of course, we all understand that when you sit behind a sign that says "United States of America" there are things that you cannot say because you are speaking for your Government. But at the same time you are useful in that seat, instead of having a robot sitting there, precisely because of whatever you bring to it. That should be part of the reason you are appointed to that seat in the first place.

For instance we benefited in Geneva from an odd coincidence that no one could have anticipated. It happened that in 1959, I was asked to go to a place called Otjiwarongo in South-West Africa to see a man called the Reverend Chirimuji. If you are ever asked to go to Otjiwarongo and find a man called Chirimuji, you will remember it.

I went there, but I didn't find him. The South African police got wind of our presence and we had to hide, since we were there in an African area illegally. I suspect our whole trip to South-West Africa was rather awkward for the U.S. Government at the time. Cables must have flowed for weeks about that odd enterprise.

Then years later, there we were, in Geneva. I am speaking for the United States, and suddenly the Reverend Chirimuji emerges from South-West Africa and appears in Geneva as a leading spokesman for his people. You will understand the considerable emotion of that delayed meeting. There we were in a distant city years later, to discuss human rights, Namibia now a high priority on the agenda of human rights concerns in the world. We gave a reception for Reverend Chirimuji and his colleagues. It was an event that said something helpful and perhaps even poignant about where America stands, and it occurred because the U.S. delegation brought some unusual personal experiences to its work. And Andy Young brings not only his own remarkable qualities, but his close association with the preeminent figure of our time on matters of human rights.

The point is that President Carter, Secretary Vance, and Ambassador Young have achieved a great deal already to reverse the trend toward the United States becoming a rather isolated voice dealing increasingly ineffectually in international forums with things even when we are right, which, may I add, increasingly frequently we are.

I know there will be moments when what Andy says, or what I or someone else may say, will produce disagreement. This kind of disagreement is as healthy as it is inevitable.

The last thing Andy Young expects is that everyone will agree with everything he says. But something quite extraordinary is beginning to happen in world affairs, and we ought to understand it and be grateful.

At times the President himself makes some people nervous because he has rattled some ancient notion of propriety, or has spoken out candidly at an unexpected moment. Adlai Stevenson once observed that diplomacy consists of alcohol, protocol, and Geritol. We ought to be pleased that we are helping to make it something better than that, that we need not be locked in that way. . . .

I was at a human rights seminar at Notre Dame where many people from private organizations were still acting as if the U.S. Government were their enemy. They are so used to opposing whatever the Government does in these areas that there is a resistance, or maybe it's just a delayed reaction, to understanding that now the Government wants to do many of the same things they do. There will be confusion and bungling, but the will is there. Can we get the energies that were spent during the disputes over the war and in the efforts to obtain and protect citizens' rights—can people get together to help make a new start? If we can get past old conflicts and find a way to work together without easing up on the obligation to disagree with any officials when we think they are wrong—if we can do that, those things that we have wanted to achieve over the years can in my view begin to happen. I would hate to see us lose this opportunity out of a reflex rigidity that keeps everybody repeating their old slogans in the same old way as if nothing had changed.

So I hope that a measure of unity to work toward one overall shared goal—to try to reduce human misery—these goals will be preserved. I know it won't be preserved if there isn't some effort to communicate, as well as a lot of tolerance of independent judgments and differences over strategy and tactics.●

SALVATORE A. BONTEMPO, DEMOCRAT OF THE DECADE

● Mr. LAUTENBERG. Mr. President, I should like to bring to the attention of my colleagues one of New Jersey's most notable public servants, Salvatore A. Bontempo. It is my pleasure to join with the New Jersey Democratic State Committee in honoring Sal as the "Democrat of the Decade" in recognition of his lifetime of tireless service to the Democratic Party and its ideals.

Sal's record of accomplishment is evident. He was an Assistant Secretary of State under the Kennedy administration, headed both Veterans Services and the Department of Conservation and Economic Development during the administration of Governor Meyner, and was appointed chairman of the highway authority by Governor Byrne.

Sal's activities and honors represent not only his commitment to serve the public, but also his special perception of the needs of future generations. Under his guidance, the Green Acres and Meadowland concepts became viable. Through the Green Acres program, today over 200,000 acres have been preserved for public use in New Jersey for recreation, open space, forestry, fishing, and gaming. In 1961, when this program was instituted, there was no State-owned acreage. In the Meadowlands, New Jersey possesses a sports complex that is unmatched in the Nation. Indeed, through Sal's gift of foresight, New Jersey is a far better place to live.

Without doubt, Sal has led an exemplary life and shows no sign of losing his desire to serve. I can think of no more deserving recipient than Sal for this award. A proud family man, a dedicated public servant and a decorated war hero, Sal is a great American, and I salute him on this very special occasion.●

THE MIDDLE EAST AND UNITED STATES-ISRAEL RELATIONS

● Mr. BOSCHWITZ. Mr. President, recently, the distinguished Representative from Tennessee, Don SUNDQUIST, gave a speech in Memphis before a local B'nai B'rith group. He thoughtfully addressed major Middle East issues relating to our country's unique relationship with Israel.

Many have suggested that his remarks would be of interest to a much wider audience than those in attendance on that occasion. Accordingly, I would like to ask that they be printed in the RECORD.

The remarks follow:

B'NAI B'RITH SPEECH, CONGRESSMAN DON SUNDQUIST

I should say first that never before has the need been so great for the strongest American commitment to and support for a strong and secure Israel. The explosive flow of current events has made for very trying times for Israel and for Israel's friends in America.

Certainly, the events of just the last week will not diminish the activities of those enemies of Israel who seek to have the U.S. punish the Jewish homeland by withholding aid. We should prepare for new efforts to blame Israel for the bloodshed in the Middle East.

Frankly, I find this amazing. I am amazed, for example, that President Mubarek of Egypt would strongly condemn the U.S. earlier this week for not embracing the PLO—without even mentioning or considering the absolutely essential ingredient before any such dialogue can be arranged: the acknowledgement by the PLO of Israel's right to exist. Any effort by Mubarek, King Hussein, or any others is doomed to failure as long as Israel is not recognized as a state.

I am amazed, too, that President Gemayel would abrogate his treaty with Israel of last year. I recognize that the Gemayel Government may be going down the tubes. But abrogation of that treaty would indicate that no agreement in the Middle East can be trusted.

The Israeli Government made many concessions with Lebanon in that treaty. After all, Beirut is only 60 miles away from the northern border of Israel. The only purpose in Israel's presence in Lebanon is to protect its own security. This treaty offered the only hope for accommodation between the Governments of Israel and Lebanon on the security and sanctity of Israel's borders.

Obviously, we can understand how Gemayel wants to build a coalition government. But who is he trying to accommodate? Are the Syrians and the Soviets committed to the sovereignty of Lebanon? Of course not. They are only interested in sabotaging that sovereignty. As a client state of the Soviet Union, Syria has never established any kind of relations with Lebanon. As long as they remain under Soviet influence, Syria will never recognize the independence of Lebanon.

Obviously, Israel cannot and should not withdraw unilaterally from Lebanon—and particularly not if the Government of Lebanon does not honor its agreements. The abrogation of that treaty is a matter, obviously, between those two governments. But I support Israel's reevaluation of their policy in light of Gemayel's decision.

As long as I am mentioning events of the last week, I should note the cowardly assassination in Rome of Leamon Hunt, the American Director General of the Multinational Force in the Sinai.

Mr. Leamon's tragic death should remind us of a couple of things. First, that we must strengthen our resolve not to bend in response to terrorism—and we must beef up our own security precautions in terrorism-prone parts of the world.

And it should remind President Mubarak of the serious concessions Israel made in turning over the Sinai. He should keep Israel's conciliatory gestures in mind when he tells the U.S. to embrace the PLO.

The only good news of the past week, in my mind, was the appeal by the French Government to the United Nations Security Council. They want the U.N. to organize a peace-keeping force to replace the American, French and British troops. I think it's time the U.N. put up or shut up on the issue of keeping the peace. Even if the Soviets veto the plan, it will show the world that they are peace-breakers, not peace-makers.

Despite the discouraging events of the past few weeks, the long-range outlook for strengthening American-Israeli ties is optimistic—though several challenges remain.

The meeting last November between Prime Minister Shamir and President Reagan, I'm told, was a great success. The two agreed upon a level of assistance that Israel feels comfortable with.

Last year, U.S. military aid to Israel totalled $1.7 billion—half of it in grants, and half of it in loans.

This year, with congressional approval (which I expect), the U.S. will provide $1.4 billion, all in grants.

The area still under debate, however, is economic support. Reagan proposed $850 million in outright economic assistance, and Israel requested $1.2 billion. Israel's request appears the more likely winner in Congress. Even Senator Percy, chairman of the Foreign Relations Committee, said he expects Israel to win the full $1.2 billion—and further expects the administration to go along with it.

Prime Minister Shamir and President Reagan also discussed the establishment of a "free trade area" between the U.S. and Israel—in an effort to strengthen the Israeli economy.

There are only two ways for the Israeli economy to improve: peace with the Arabs, which isn't likely, obviously; and trade.

Other than with Canada, the U.S. does not have any such "free trade zones." The designation would be a meaningful step toward solidifying the unique relationship between our two democratic nations and a way to provide mutual benefits.

The European nations have taken a major step towards enhancing their own relations with Israel by admitting it as an associate member of the European Common Market and signing a free trade area agreement with Israel. This allows Israel duty-free access for European products in Israel.

The F.T.A. would also be of significant benefit to the U.S. We have always enjoyed a highly favorable balance of trade with Israel, resulting in a 1983 trade surplus in excess of $500 million. Most of Israel's exports to the U.S. already enter duty-free while only 55 percent of U.S. exports to Israel have duty-free status. Israel thus has the potential for being a far stronger market for the U.S. if a free trade area were established.

There is one other significant and positive development in our relationship with Israel. Unfortunately, this development might be coming too late. As I'm sure you're all aware, injured American soldiers who were burned in the bombing of the Marine barracks in Beirut could have been taken to the burn center in Haifah, Israel—only 30 minutes away. It is the best burn center in the Mideast.

But because of "standard operating procedure," the injured soldiers were taken to West Germany, 13 hours away. These procedures have been changed, I've been assured.

Now I'd like to talk briefly about an area that I'm deeply concerned about. That is the proposed sale of 400 Stinger antiaircraft missiles to Jordan at a cost of $38 million. The Stinger will have an effect on the military balance in the Mideast out of proportion to its size. It is a shoulder-launched antiaircraft missile system that has been operational for about three years. It tracks the engine exhaust plume of its target, not the heat of the engine itself. Countermeasures used to confuse it have proven ineffective.

While Israel knows how to counter the Stinger, new equipment will have to be developed for this purpose. Obviously, this is counterproductive to U.S. interests in Israel.

Israel isn't opposed to all aid to Jordan, particularly with the Syrian threat. But most experts agree that the number of Stingers that the U.S. intends to supply Jordan is disproportionately large if intended to protect against a Syrian threat.

I'm not for shutting off our relationship with Jordan. But King Hussein has consistently been a serious obstacle to American efforts to bring peace to the area by rejecting the Camp David approach, and by flatly rejecting President Reagan's peace initiative. To sell advanced weaponry to such a stubborn opponent of U.S. peace efforts would be ludicrous, and I believe this sentiment is widespread on Capitol Hill. I think that if King Hussein won't come around to the bargaining table, then he should forget about gaining any new advanced weapons.

On another congressional front, I think it's about time the U.S. recognized Jerusalem to be the legitimate capital of Israel. We should move our Embassy.

The National Arab American Association has put me on all their hit lists this year—and with their track record, I'm proud to have that designation.

In my mind, it all comes down to this:

How much is Israel really costing America? Is it worth it? Is Israel a burden or a bargain? I think the facts come down on the side of Israel.

The U.S. lays out in foreign aid to Israel a sum which amounts to about 4 percent of what the U.S. lays out to Great Britain, France, Italy and West Germany. This year, when Israel will get about $3 billion, NATO countries will get $50 to $80 billion—but you never hear about it. This is because in the wonderful world of bureaucracy the money sent to Israel is called "foreign aid."

Israel pays back upwards of one-half of the American aid it gets, while NATO pays back nothing.

What is America getting for the money it sends to Israel? It gets the latest intelligence information on the latest, most advanced Soviet weaponry. Israel, not NATO, is supplying the United States with this information. Israel, not NATO, is keeping the Soviet Union out of the Middle East. And Israel is doing this with just a few percentage points of the aid which America ships overseas.

What is more, Israel is no drain on American trade. Money that we ship to Israel for economic assistance, as I mentioned earlier, finds its way back to America in the form of Israeli imports of American goods.

Consider this, too: Israel receives only American money, while NATO receives American money and men. When Israel fights Soviet proxies such as Syria in the Middle East, it is Israeli soldiers who die, while for NATO it is American soldiers who defend Europe.

Take it all around, American aid to Israel is a bargain: Israel doesn't take much; what it does take it either spends in America or pays back to America in trade; and in return for its aid to Israel, America gets an ally which not only talks but acts to keep the Soviets out of the Middle East—and also keeps democracy alive in the Middle East.

Take it all around, American aid to Israel is a bargain—and I'll do my part to ensure that this relationship continues and thrives.●

DON'T TAMPER WITH THE BILL OF RIGHTS

● **Mr. MOYNIHAN.** Mr. President, I was delighted to receive today a letter from the American Jewish Congress and People for the American Way. Enclosed was a statement on the proposed school prayer amendments to the Constitution, from over 300 of the leading constitutional scholars in the United States.

Their statement is important because it places in proper historical perspective the arguments on both sides of the school prayer issue. The Bill of Rights, it notes, has served this Nation well, deriving "its strength precisely from its unique ability to inspire a reverence so deep that Americans have refrained from changing it since it was made part of our Constitution nearly two centuries ago." Amendments should be made only for the most pressing reasons and only in the most clear-cut instances.

In the judgment of these men and women who have devoted their lives to the study of the Constitution, proponents of the various school prayer amendments have not demonstrated the pressing or clear-cut reasons needed to justify such a constitutional amendment. These legal scholars have expressed their thoughts most fluently, and I ask that the full text of their statement, as well as the names of all of the signers of the statement, be printed in the Record.

The material follows:

Don't Tamper With the Bill of Rights

Listed below are law professors and practicing attorneys who oppose a constitutional amendment to permit prayer in the public schools. They are men and women deeply committed, personally and professionally, to the Constitution of the United States.

The First Amendment to the Constitution secures religious liberty for all of our people by guaranteeing that government must not favor one religion over another or become involved in religious matters. These principles are embedded in the first words of the Bill of Rights which prevent government from passing laws "respecting an establishment of religion or prohibiting the free exercise thereof." Freedom of speech, freedom of the press and our other precious personal freedoms are similarly protected by the Bill of Rights which, for almost 200 years, has spread the mantle of protection over persons of all faiths and creeds—political, cultural and religious.

Now, the Reagan Administration wants to amend the Bill of Rights. Various proposals have been introduced to allow public schools to introduce prayer in the classroom. Such practices have been ruled unconstitutional by the United States Supreme Court. But a constitutional amendment, if passed, would circumvent the court rulings and make public school prayer legal. If adopted, the amendment would permit government officials to become directly and actively involved in sponsoring religious activities in public schools and other public buildings, even to the point of favoring one faith over others. Such an amendment would strike at the heart of the American tradition of religious liberty and separation of church and state. It should be defeated.

An alternative proposal, introduced by Senator Hatch, would permit "individual or group silent prayer" in public schools. In our view, the proposed Hatch amendment is unnecessary and potentially divisive. The United States Supreme Court has never ruled that schools may not set aside a moment of silence during which students may choose to pray or meditate. Although the lower courts have been divided on particular cases, some constitutional scholars believe that the Supreme Court will sustain public school policies to set aside a moment of silence during which students may pray or meditate.

We are strongly of the opinion that it would be unwise for Congress to tamper with the First Amendment by proposing a constitutional amendment dealing with issues that have not yet been before the Supreme Court. It would be irresponsible for the Congress to submit to the state legislatures an amendment that may well be wholly unnecessary and will be a source of religious strife in 50 capitals for many years.

As students and teachers of Constitutional law, we oppose changes in the Bill of Rights. We recognize that no provision of the Constitution is totally immune from repeal or alteration through amendment. But we also know that the Bill of Rights, which protects our fundamental freedom, derives its strength precisely from its unique ability to inspire a reverence so deep that Americans have refrained from changing it since it was made part of our Constitution nearly two centuries ago.

If now, for the first time, an amendment to "narrow the operation" of the First Amendment is adopted, a precedent will have been established that may prove too easy to follow when other controversial decisions interpreting the Bill of Rights are handed down. Certainly, the religion clauses, which have served America so well, should not be amended, absent the most pressing reason—a showing proponents of these amendments have not made. The Constitutional experts whose names appear below urge Congress not to approve the prayer amendments.

(Names of institutions given for identification purposes only.)

Benjamin Aaron, Professor of Law, University of California at Los Angeles.

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Howard C. Anawalt, Professor of Law, University of Santa Clara.

Francis B. Anderson, Professor of Law, Albany Law School.

Charles E. Ares, Professor of Law, University of Arizona.

Dennis Wayne Arrow, Associate Dean and Professor of Law, Oklahoma City University School of Law.

C. Edwin Baker, Professor of Law, University of Pennsylvania.

Fletcher N. Baldwin, Jr., Professor of Law University of Florida.

Gordon B. Baldwin, Professor of Law, University of Wisconsin.

Milner S. Ball, Harmon W. Caldwell, Professor of Law, University of Georgia.

Phil Balm, Associate Executive Director, American Jewish Congress.

Charles H. Baron, Professor of Law, Boston College.

Jerome A. Barron, Dean and Professor of Law, George Washington University National Law Center.

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Judith Olans Brown, Professor of Law, Northeastern University.

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Elizabeth Buchanan, Associate Professor of Law, University of Arizona.

John M. Burkoff, Professor of Law, University of Pittsburgh.

Michael M. Burns, Associate Professor of Law, Nova University.

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Neil B. Cohen, Associate Professor of Law, Seton Hall University.

Sidney Cohen, Esq.

William Cohen, C. Wendell and Edith M., Professor of Law, Stanford Law School.

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Charles E. Corker, Professor of Law, University of Washington.

Robert M. Cover, Chancellor Kent Professor of Law & Legal History, Yale Law School.

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Robert L. Schwartz, Professor of Law, University of New Mexico.

Robert A. Sedler, Professor of Law, Wayne State University.

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Richard E. Seugrue, Professor of Law, Creighton University.

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Jon Van Dyke, Professor of Law, William S. Richardson School of Law, University of Hawaii.

Jonathan D. Varat, Professor of Law, University of California at Los Angeles.

Ken Vinson, Professor of Law, Florida State University.

Heathecote W. Wales, Associate Professor of Law, Georgetown University.

Burton D. Wechsler, Professor, American University.

E. D. Wedlock, Jr., Professor of Law, University of South Carolina.

Philip Weinberg, Professor of Law, St. John's University.

Harry H. Wellington, Professor of Law, Yale Law School.

William E. Westerbeke, Professor of Law, University of Kansas.

A. A. White, Dean Emeritus, University of Houston Law Center.

Robert F. Williams, Associate Professor of Law, Rutgers, Camden.

Vivian Deborah Wilson, Professor of Law, University of California at Hastings.

Jeanne S. Wine, Esq.

Michael B. Wise, Associate Professor of Law, Willamette University College of Law.

Steven Wisotsky, Professor of Law, Nova University.

Albert M. Witte, Professor of Law, University of Arkansas.

Richard Wolfson, Esq.

Richard W. Wright, Associate Professor of Law, Benjamin N. Cardozo School of Law.

Donald H. Zeigler, Professor of Law, Pace University.

Luise Zubrow, Associate Professor of Law, George Washington University.●

AN ECONOMIC SUCCESS STORY

● Mr. PRYOR. Mr. President, in a recent report the Comptroller of the Currency has highlighted Phillips County, Ark., as one of seven examples of a deteriorating local economy which is being revitalized through the leadership and assistance of the local financial community.

Phillips County, which lies on the Mississippi River, had experienced a decade of decline when, in 1979, the closing of the largest local employer completed the downward spiral. Something had to be done to brighten a bleak future, and Bill Brandon, president of First National Bank of Phillips County, took the initiative.

Since his appointment 5 years earlier as commissioner of the Arkansas Department of Economic Development, Brandon had seen that the major impediment to growth was the unhealthy competition between the county's two largest cities—Helena and West Helena—between the black and white communities and among the local financial institutions. The plant closing finally shook the community into a mutual effort to address mutual problems.

The positive result of this unity was the formation, in 1980, of Arkansas Delta Development, a nonprofit industrial development corporation. ADD, Inc., was the outcome of successful discussions among Brandon; Doug Simmons, president of Merchants & Farmers Bank of West Helena; J. J. White, president of Helena National Bank; Mary Louise Phizer, president of Delta State Bank; Helena Mayor Thad Kelly; West Helena Mayor Bob Teeter; County Judge A. Y. Gordon; and State Representative Ernest Cunningham.

These leaders took two important steps toward cooperation. First, the banking institutions agreed to forgo individual rivalries when dealing with industrial prospects. Second, they agreed to hire a professional industrial developer to work as an intermediary between the institutions and industrial prospects and to bring in the financial community at the appropriate time. In 1981, ADD, Inc., hired John Gatling, who presented a plan that projected results after 3 years.

Much earlier than expected, however, Gatling and ADD, Inc., attracted serious commitment to a project that took advantage of the county's position on the river—the construction of a slackwater harbor. When completed, it will be the largest slackwater harbor on the Mississippi River. If successful, the project could triple the county's population within two decades and create 50,000 jobs. Considering the prolonged state of depression in the county, this degree of growth would be phenomenal. Although success is contingent on finding buyers for the bond offering, 42 States and a dozen industrial prospects had expressed serious interest within 6 months of the announcement.

In 1979, Phillips County was a fragmented community facing economic catastrophe. According to Brandon, the county just "sat back and waited" for the State to bring industry to it. Today local leaders—black and white—have demonstrated a willingness to work together toward a common goal: economic development that will benefit the whole community.

The banks and savings and loans were the key. They displayed outstanding leadership in gaining the support of other sectors, asserting influence with political leaders, and providing fundraising and financial support, all of which were crucial.

The story of Phillips County exemplifies the way our economic system is intended to work. By helping their community, the financial leaders helped their institutions as well. They found that private enterprise could do a better job of attracting capital and industry than government agencies. Furthermore, their experience points out that what may seem a lack of promise and potential is instead only a lack of someone to notice that promise and take the initiative to fulfill that potential.●

THE GRACE COMMISSION AND NAVIGATION USE CHARGES

● Mr. STAFFORD. Mr. President, the President's Private Sector Survey on Cost Control, known as the Grace Commission after its chairman, J. Peter Grace, issued its report to the President not long ago.

As we all know, that report has proved very controversial—involving dramatic recommendations affecting programs under all committees of the Congress.

One area of the report may soon receive attention on the floor of the Senate. That is the report's recommendation to recover over 3 years for the American taxpayers $1.3 billion in use charges on Federal navigation spending.

The issue will come before the Senate when we consider title V and title X of S. 1739.

I share the belief of many of colleagues that the Senate must take up this important legislation at an early date. Just today, Senators ABDNOR, MOYNIHAN, RANDOLPH, and I wrote to the majority leader asking that he schedule S. 1739 for floor debate next month, if at all possible.

These are controversial issues. But they must be addressed. To help the Senate clarify these issues, Mr. Grace recently testified before the Committee on Environment and Public Works on navigation use charges. I ask that the relevant portion of Mr. Grace's testimony before the Committee on Environment and Public Works be printed at this point in the RECORD.

The material follows:

Consistent with the position PPSS has taken on prior recommendations concerning user fees, the phasing-in of user fees over several years that would recover the costs of the services that are attributable to the identifiable beneficiaries would make more sense to PPSS. Because taxpayers overall have been paying for those costs up to now is no reason to continue the practice.

I am not a politician, I am a businessman. Therefore, if it is impractical, because of political reasons, to impose user fees at a level which makes good business sense, we would strongly agree with the concept advocated by Senator Simpson that at least some effort should be made to reduce the costs that Government absorbs each year. His amendment, which would reduce the cap on the amount the government absorbs each year by $35 million per year, would bring the proposed legislation more in line with the philosophy and recommendations advocated by PPSS—though a reduction of the cap in excess of $35 million per year would be better.

As it relates to provisions of the bill dealing with port and harbor construction, operation and maintenance, my previous remarks would again apply, i.e., the goal to be attained in recovering costs for those services provided to identifiable beneficiaries should be 100%. If a local community wishes a 50-foot deep port to accommodate special ocean traffic, it would seem to PPSS that the requesting community should pay for those costs.

The proposed bill seems to duck this issue. It recommends the establishment of a commission to further study the question of the level of user fees. The PPSS position is straightforward—100% cost recovery—though it may not always be politically pragmatic. * * *

In spite of the recognition in this proposed bill that user fees should be recovered to pay for construction, operations and maintenance of harbors, the bill will still require the American taxpayer to continue to pay for most of these and other special services that are not available to the general public. Again, as businessmen, we in PPSS find it difficult to understand why:

The taxpayer would still have to pick up 70% of the tab for harbor construction.

The taxpayer would still have to pick up 50% of the cost for the design and engineering portions of harbor construction.

The taxpayer would pick up 100% of operations and maintenance costs for harbors up to 45 feet in depth and only 50% of all costs for maintenance at depths below 45 feet.

It is clear that the proposed bill reflects considerable negotiation and compromise. And, while S. 1739 may constitute the only changes that are termed to be "politically pragmatic" at this time—and would be a major step forward if enacted—we would be remiss if we were not to urge this Committee and the members of Congress to continue to work towards a program of full cost recovery from those who benefit from the services or products provided by the Federal Government. American taxpayers in general should not have to shoulder the cost of privileged services.

Mr. STAFFORD. Mr. President, I also ask that appropriate portions of the Commission report be printed at this point in the RECORD.

The material follows:

The Federal Government should recover costs of the Army Corps of Engineers (COE) Civil Works Program on Capital Construction and Operations and Maintenance (O&M) of Deep Draft Harbors and Channels—Deep draft harbors and channels of the United States serve a major role in the maintenance of domestic and foreign commerce. As calculated in 1981, over 1,839,723,900 tons of merchandise move through these harbors and channels. Deep draft harbors and channels are defined by COE as having a depth in excess of 14 feet. The Congressional Budget Office (CBO) reports that overall expenditures by COE for the CW program have risen from $1.2 billion in 1970 to $3.2 billion in 1981. The total COE budget proposed for the CW program in FY 1984 is $2.6 billion. Against this total, $38.0 million in fees from a diesel fuel tax on inland vessels is the only general user fee for waterway commercial transportation collected. Based upon historical data, about $500 million a year will be spent on construction and O&M of deep draft ports and related channels. The O&M expenditures from 1977 to 1982 reached $380 million per year, most of which is properly recoverable (i.e., directly related to navigation). According to COE and as used by CBO, costs projected for the next five years would be about the same plus adjustments for inflation. Capital expenditures for construction between 1977 and 1982 were on the average over $100 million per year. The Task Force examination of O&M operations for developing and maintaining draft reveals no incidental direct benefit to noncommercial users, such as work on a dam which may affect recreation use. Accordingly 100% of O&M may be fairly recovered from port or waterway users. A tonnage fee appears to be the better user fee mechanism than an ad valorem tax for O&M cost recovery. The tonnage fee can be calculated readily from bills of lading, and could be added as a surcharge. Since the fee is associated with the weight of the commodity and not its value, which is often subject to fluctuation during a voyage, it is therefore simpler to predict for fee setting formula purposes and easy to calculate. The Task Force analysis of the construction issue and controversy over user fee to recoup the costs and proposed limits on Federal expenditure leads to the conclusion that the Federal government should end its role in financing harbors, especially the giant coal harbors. The free market system should prevail. Recommends that user fee legislation be enacted to recover 100% of the cost of O&M of deep draft harbors. Administration of the user fee program should be responsibility of the COE, while collections should be managed by IRS. Recovery of O&M should be gradually implemented over a four-year period from 20% to 100%.

Three-Year Savings/Revenue Enhancements: $747.0 million.

Implementation Authority: Congress.

Increase Fees For Using the Inland Waterways of the Nation to Recover a Greater

Amount of the Cost of Constructing and Maintaining Those Waterways—Inland waterways play an important role in the commercial traffic network of the United States. Nearly 200 billion ton-miles of commerce are moved annually with barges on inland waterways. The U.S. Army Corps of Engineers (COE) manages the inland waterways system of the United States. COE is responsible for the construction, operation and maintenance (O&M) of over 25,000 miles of inland waterways, and annually spends an average of $270 million for O&M and $400 million of capital projects (construction). Historically the O&M of these navigation facilities for inland waterway transportation have been provided at no expense to the beneficiaries. The Inland Waterways Revenue Act of 1978 was enacted to collect taxes "on any liquid used during any calendar quarter by any person as a fuel in a vessel in commercial waterway transportation." Revenues collected through these taxes are placed in the Inland Waterways Trust Fund. Under the user charge system, the Federal government collected about $24 million in 1981 and $29 million in 1982 from the beneficiaries of the facilities and services provided. To collect user fees on inland waterway use is appropriate. The fees generated under the current fuel tax are less than 2% of annual costs. User fees should more closely approximate 100% cost recovery unless a substantial allocation of expenditure can be attributed to some unique public benefit. To avoid sudden disruptions caused by implementation of 100% recovery there is rationale for implementing the cost recovery program over a number of years, as was planned for the fuel tax. If there is a need to subsidize a product or industry segment because of a legitimate concern about its welfare, it will be better to do so in a direct fashion, rather than continue indirect subsidies which benefit others who require no subsidy. Recommends that the Administration propose amendments to the existing waterway legislation to obtain full cost recovery phased in over a five-year period for COE expenditures for the operation and maintenance, as well as the construction, of the Nation's inland waterways system.

Three-Year Savings/Revenue Enhancements: $300.7 million.

Implementation Authority: Congress.●

THE "DIRTY WAR"—ARGENTINA AND EL SALVADOR

● Mr. DODD. Mr. President, "few countries are granted a second chance at history," as Robert Cox points out in a recent article in the New Republic. Argentina is one such country. The election of Raul Alfonsin as President has given Argentina a second chance.

El Salvador may not be as lucky, though its need for that second chance is certainly as great. The parallels between pre-Alfonsin Argentina and El Salvador today are frighteningly clear. Argentina's "dirty war" of yesterday is El Salvador's "dirty war" of today.

In a March 3 article in the New York Times, Stephen Kinzer graphically relates the horrifying Salvadoran nightmare—a nightmare prolonged by death squads blessed and directed by key government officials, including Presidential candidate Roberto d'Aubuisson.

In Argentina, as Cox points out, Alfonsin "has acted with impartiality in bringing to justice those responsible for Argentina's descent into hell throughout the 1970's." Who will take responsibility for El Salvador's "descent into hell?" For the brutal murders and tortures ordered by government officials, perpetrated when those who would prevent them were ordered away? For the systematic coverups of thousands of these murders—the victims of which include at least eight Americans—and a government-sanctioned policy of wrist-slapping for the most heinous crimes?

Kinzer quotes a former Salvadoran military official:

> People see that all they have to do is go out and shoot someone and nothing will happen to them.

The situation was not very different in Argentina. The desparecidos, the disappeared, numbered in the thousands. Cox describes them.

> People being routinely tortured and systematically killed—their bodies disposed of like garbage, buried in unmarked plots, burned or strewn in lakes, rivers, and the sea.

But the situation in Argentina is changing. President Alfonsin's predecessor, Gen. Reynaldo Bignone, is under arrest and confined to a military base. Scores of others are being forced to take responsibility for their actions and their crimes.

The day of reckoning must come in El Salvador—and it will.

Salvadorans must, as Cox says of the Argentines:

> No longer drive by the faces of the dead without seeing; they simply can no longer change the subject. To simply denounce the military and go on with life as usual is to repeat the mistake that permitted the repression: to believe that one bears no personal responsibility for society.

And, the Salvadorans must recognize who is leading their country's "descent into hell" as they approach the polls March 25. Their country may not otherwise receive "the second chance at history" it so desperately needs.

Mr. President, I ask that the two articles I have discussed today—"Argentina's Democratic Miracle" by Robert Cox in the March 19, 1984 edition of the New Republic, and "Death Squads in El Salvador: Ex-Aide Accuses Colleagues" by Stephen Kinzer in the March 3, 1984, edition of the New York Times—be printed in the RECORD following my remarks.

The articles follow:

ARGENTINA'S DEMOCRATIC MIRACLE

(By Robert Cox)

On December 10 I entered the Casa Rosada, the headquarters of the government of Argentina, for the first time since 1979, the year I left Buenos Aires with my wife and five children, just a step ahead of the murder squad. The comic-opera setting had not changed. The San Martin Grenadiers stood like chocolate soldiers, wearing blue uniforms with red piping, riding boots of sumptuous black leather, and improbable shakos, the ceremonial plumed hats worn by the elite guard. But everything else at the Casa Rosada—and in the country—had been transformed. I sat on one of two hundred or so fragile gilt chairs packed into the dazzling Salon Blanco for the swearing in of Raúl Alfonsin, the first freely and fairly elected civilian president in half a century. General Reynaldo Bignone, the last military president, was shaking, and his face was ashen. At the culmination of the ceremony, General Bignone placed the sash of office over Alfonsin's head—an awkwardly intimate procedure, almost like an embrace.

General Bignone's participation in Alfonsin's inauguration was mercifully short. He left by a side door, a frightened man in a dark civilian suit. "Asesino, asesino," screamed a group of people who recognized him, but the crowd was too happy that day to turn vicious. Within a month he was under arrest, confined to a military base, charged with responsibility for the "disappearance" of two young army conscipts under his command.

Many people were surprised that Bignone could be implicated in the military's murder machine. President Alfonsin himself said that he was sorry there were charges against General Bignone, who, although merely acting for the military junta formed by the three armed forces commanders, had called for the elections that brought him to power. The new American ambassador, Frank Ortiz, had called on General Bignone to congratulate him only a few days before he handed power over to Alfonsin. If anyone could be a Mr. Clean, it was the gray-haired general, the kind of man you'd meet on a train and go away thinking, "What a nice fellow."

Sitting in the Casa Rosada, I remembered how he had looked when I last saw him, in August 1979. He held the title of secretary general of the army, a post created to handle political affairs, and was reputed to be the regime's most moderate and most democratically minded officer. He had invited me and two of my colleagues on the staff of the Buenos Aires Herald to the army headquarters building, which towers over the Casa Rosada. It was the latest move in a sustained campaign to silence us, a campaign which had so far included routine death threats, a short spell for me in jail, and other forms of harassment and attempts to discredit the newspaper. General Bignone appeared gracious, kind, and concerned. The economy was booming, there was no opposition to El Proceso, as the military called its regime (Kafka was not required reading at the War College); and it looked as if the armed forces would remain in office forever. Bignone had been described to me as a cut above the average Argentine army general in intelligence and as a man of supreme confidence who carried his ambition lightly and expected to be president one day.

We had been summoned to discuss the Herald's irritating concern about "human rights." Alone among the entire Argentine press, the Herald, a 107-year-old, English-language newspaper with a circulation of sixteen thousands, consistently published reports in its news columns on the military regime's predilection for "disappearing" people. The Herald was a lone voice calling for a return to rule of law and for recognition of the Mothers of Plaza de Mayo. These brave women risked their lives by keeping a silent vigil in the main square outside the Casa Rosada every Thursday afternoon; their way of demanding information about their abducted children. During the first three years of military rule, the existence of the mothers and of other embryonic human rights organizations was ignored, and even denied, by the entire Argentine media—with the exception of the Herald.

Lunch was a gentlemanly affair. Argentine whiskey was served before the meal, and the fine food was served in subtly elegant club-like surroundings. However, if the intention was to seduce us into joining the military's performing seals, General Bignone had made a mistake in his choice of guests: sitting directly across the table from me was a general I knew to be a notorious torturer. After we had finished eating, Bignone and two of the other officers claimed that they shared our concern about human rights violations. When he said he was skeptical about our claims that some groups in the military were still abducting people and holding them in clandestine prisons, I listed a spate of recent abductions. Bignone promised to investigate them. He admitted that "excesses" had been committed by the armed forces, but said that they had all taken place in the past and had been provoked by terrorism. He told us of his own narrow escape from death when left-wing terrorists exploded a bomb at his home—a favorite story of his.

Shortly after that lunch, the threats against my family and me intensified. In September 1979, Jacobo Timerman was freed after two-and-a-half years as a captive of the military; he was expelled from Argentina and stripped of his citizenship and all of his property except an apartment and an ancient Peugeot. That same week a group of thugs driving the usual Ford Falcons came to get me, but I was not at home. I left the country for a week, returning with guarantees from General Jorge Rafael Videla, Argentina's president at the time, that I would be safe. I was eventually forced out again three weeks later through an intimidation campaign against my family that culminated in an extraordinarily sadistic death threat letter sent to my youngest son, Peter, who was then 12 years old. He was warned to tell us all to leave Argentina before Christmas or we would be killed.

We left Argentina with two suitcases each. I thought we would be back within a month or so. Before my departure I had been granted a private audience with General Videla, who had assured me that he was determined to bring the violence under control. The story that we had to believe in order to go on fighting for decency in Argentina was that General Videla and those in key positions under him, like General Bignone, were "moderates" struggling to control the "extremists" within the armed forces. General Videla told me he did not think that armed service officers would actually kill any of us, although we could expect continued threats and harassment. He said he was worried that left-wing subversives would kill us in such a way that the government would be blamed. It would be better for us to leave. Indeed, he himself would like to retire, he told me. But he could not leave the presidency, because then some general would take over and flood the country in blood.

When we were living in the United States, we learned more, from a disillusioned colleague—an editor who had been both a friend and supporter of the country's military rulers. He told me that at an elegant dinner party the evening after our departure, General Carlos Suárez Mason (then the commander of the Argentine army's most powerful garrison and now a fugitive) had raised his glass in a celebratory toast and boasted of his cleverness in sending a death threat to my son as a way of ridding himself of me. We even learned the name of the colonel who had drawn up a plan to "disappear" me in such a way that the Montoneros, the Peronist guerrilla organization, would appear to be responsible.

In June 1982, General Bignone became president, but under conditions that were far from what he had hoped they would be. Because of his supposed political acumen, the junta appointed him to the job after Argentina's defeat in the Falklands, when the military government had fallen into abject disgrace. General Bignone's task was to try to arrange a deal with the politicans that would allow the military to slink away from the responsibility of government without giving up any of their power or privileges. My successor at the Herald wrote to me when Bignone took office. He said he thought it was a good sign, but he wasn't certain. Bignone seemed as affable as ever, he said, recalling our lunch with him. But perhaps that was what evil was, he continued. Someone who seemed so nice and normal—so unaffected by the horrors he must have known were going on.

In deciding to call elections, the armed forces had never contemplated surrender. It was simply a way of defusing public anger over the disgrace the military had brought upon Argentina. Argentines had witnessed not only the military's bungling of the Falklands war but also its savage treatment of its own soldiers, many of whom were roughed up just as if they had been suspects in the so-called "dirty war" against subversion. But the election strategy failed. The military had assumed all along that the Peronists would win, just as they has won every election they had been allowed to contest since their movement was born forty years ago. And Peronism, after all, has always been an extension of militarism. (Juan Peron himself was an army man. His proudest day came in 1973, when, after his rank had been restored to him upon his return to Argentina from eighteen years in exile, he donned his flashy general's uniform.) A deal had been worked out with the Peronist trade union leaders, who dominate the Justicialist Party. The Justicialists bring together the three branches of the Peronist movement—two separate political organizations for men and women, plus organized labor. In return for military support, the Peronists agreed not to prosecute the military commanders for violations of human rights, or to purge the armed forces.

The military had certainly not reckoned with a victory by the Radicals, the detested party that the army had turned out of office twice, in 1930 and in 1966. The Radicals emerged at the turn of the century as the party of the middle class and were overtaken in the 1940s by the Peronists, who won the allegiance of the newly emerged working class. Right up until the election smart Argentines considered the Radicals to be mediocre bourgeois has-beens. One of the major surprises of the election was the support Alfonsin received from the hardcore Peronist workers in the industrial belt around Buenos Aires. For the first time they rejected the strong-arm tactics of the Peronist trade union leadership.

The massive popular vote that Alfonsin won at the polls gave the generals no alternative but to accept the new president as commander-in-chief, a title that no civilian president before him has emphasized or, for that matter, exercised with any confidence. No other candidate could have been harder for the armed forces to accept. Before becoming a lawyer and entering politics, Alfonsin had been an army cadet himself, sharing a bunk with Albino Harguindeguy, who would go on to become a general and an interior minister in the military government, and who would earn a reputation for bullying and cruelty. (Harguindeguy was publicly exposed as a grafter when his wife sued for divorce and demanded half of the million or so dollars he had stashed away in a Swiss bank account.) I remember mentioning my admiration for Alfonsin to Harguindeguy in 1978. He spat out his reply, using the insulting diminutive of Alfonsin's Christian name, as he described "Raulito" as "an enemy of the armed forces."

To the contrary, Alfonsin's writings since the armed forces marched into the Casa Rosada on March 24, 1976, have been concerned with saving the military by reestablishing it as a democratic institution, which would then carry out its proper constitutional functions. Alfonsin's unrevolutionary radicalism is rooted in his parents' yeoman stock. Immigrants from Spain, they settled in Chascamus, a country town on the pampa southwest of Buenos Aires. They built a general store into a moderately prosperous family business supplying local farmers. Although he is a lawyer by profession, he has practiced politics—not law—all his life, and has managed, during Argentina's short interludes of democracy, to be elected successively as a town councillor, provincial senator, national deputy, and finally president.

Alfonsin's election was an unexpected triumph for democracy, which left the military naked in terms of honor and respect. But, as all Argentines were well aware, although the armed forces had been defeated, they still held "los fierros" (the hardware—or, in plain English, the guns). And as long as anyone could remember, having "los fierros" had been all that mattered in Argentine politics. The military commanders also sought to retain their immense economic power. Before Alfonsin's inauguration, his economic team sought agreement from the military to transfer to civilian ownership the nonmilitary factories that the armed forces have acquired over the years, and to reassert the civilian government's control over all state-owned enterprises. The economists encountered entrenched resistance. The armed forces, in calling elections, had hoped to avert precisely such a capitulation. Their huge industrial empire includes vast land holdings and factories that produce products from dentist drills to pickup trucks. They supervise the state-owned airlines and airports as well as shipping companies, seaports, and customs. They traditionally maintain control of the state-owned oil company, steel plants, petrochemical complexes, and mining interests. Altogether, the armed forces run a gigantic business enterprise, accounting for almost half of Argentina's gross national product. Alfonsin is still trying to dismantle this empire. He is working within the law, which has aroused some grudging respect from his opponents but has meant that progress will be slow.

Three days before Alfonsin's inauguration, as I waited to see him, I called an Argentine journalist who works for an American newsmagazine. "Do you remember," she said, "when we used to round up the politicians for visiting journalists, and Alfonsin's would turn up at the Plaza Hotel in a dirty raincoat, with his suit all crumpled and smudged with cigarette ash? Who'd have ever thought he would be president?"

When I went in to see Alfonsín, he was holding his thirteenth grandchild in his arms. He was the same warm, decent man, the same convinced democrat, the same stickler for the law. But as Argentines discovered as they watched his campaign, something had happened to him. He had become the person who seemed able to save Argentina. The transformation he personifies is little short of miraculous. Few countries are granted a second chance at history. But today Argentina can pick up the democratic tradition which was broken in 1930 when a coup, sparked almost accidentally by army cadets, deposed the Radical administration headed by the ailing President Hipólito Yrigoyen. Argentina had enjoyed continuous democratic rule for sixty-eight years until the coup of September 1930. Ever since then, the military has cast its shadow over the country.

In dealing with the armed forces, Alfonsín has acted so far with both courage and restraint. I had expected him to order the arrest of all the armed forces commanders on the Monday after his inauguration. But he has eschewed confrontation. He has cut deeply down into the command structure of all three services, forcing the retirement of scores of top officers. He initially restricted arrests to the nine men who served as members of the three juntas which ruled Argentina from the coup of March 24, 1976, to the Falklands defeat. In January he ordered the detention of the former police chief of Buenos Aires, army general Ramon Camps, who has boasted in interviews with the press that he personally ordered the deaths of thousands of people, justifying the slaughter as necessary to break the terrorism that struck Argentina in the early 1970s.

President Alfonsín did not include in the arrest order the three commanders who formed the junta after the Falklands defeat and who decided to hold elections. Unlike Bignone, they have so far not been the subject of criminal investigations by civilian judges. But scores of other officers have been summoned to appear, under protest, in civilian court. After a number of the accused officers were menaced by angry crowds outside the courts, they began turning up with bodyguards, and several pitched battles ensued. It was, perhaps, the threat to constitutional government which could be sensed in the attitude of some of these rebellious officers that made Alfonsín take a conciliatory step that has cost him the support of many of his previous colleagues in the human rights movement. He quickly sent legislation to congress designed to ensure that all military personnel charged with crimes up to December 10, 1983, be tried by military courts. The same law rescinds this privilege for all crimes committed after that date. The government's public argument is that those responsible for, in Alfonsín's words, "sowing terror" when the military was in power should be tried according to the law in force at the time. The law then protected members of the military from appearing before civilian courts. Privately, members of the government admit that they do not want the military to feel cornered like a wild beast.

Alfonsín has challenged the military commanders to redeem themselves. Can they make themselves democratic? By placing the prosecution of those charged with "dirty war" crimes in the hands of the armed forces themselves, Alfonsín either has carried out a political masterstroke or, as many people in the human rights movement believe, has made a fatal political mistake. Many think that the military must be beaten into submission to civilian authority, and that this could have been achieved immediately after Alfonsín took office simply by applying the law. They fear not only that the military judges will let their comrades off lightly but also that the armed forces will see Alfonsín's decision not to subject them to civilian authority as a sign of weakness and an invitation to stage an eventual coup. The bill that finally emerged from congress establishes obligatory review by civilian judges of the sentences passed by the military on itself.

Alfonsín, who has consistently stressed that there is nothing more important than the reestablishment of rule of law in Argentina, has acted with impartiality in bringing justice to those responsible for Argentina's descent into hell throughout the 1970s. He has ordered the arrest of the leaders of the terrorist groups responsible for the murder of some eight hundred people (after which the military claimed anywhere from twelve thousand to thirty-five thousand lives in vengeance). Brazil has been asked to extradite Mario Firmenich, the leader of the Montoneros, who until his arrest on the request of the Argentine government had been living in an apartment overlooking Ipanema Beach in Rio De Janeiro.

Alfonsín has recognized that the primary source of Argentina's ills is moral. When he was elected leader of the Radicals last July, establishing the supremacy of the party's left-of-center social democratic wing he leads, he said: "When a country which once fed the world with its wheat is drowning in immorality and poverty; when a country which was free closes a noose of terror around its frontiers; when a country which signified life for the millions who came here kills it own children—then we have touched rock bottom. Only moral force can save us. With it we can create a new political system, a new society. It is that moral force that we can invoke in the fight for democracy. It is with that moral force that we will win. And Argentina will, once again, be a country of life."

For once in Argentina, the rhetoric had meaning. It remade "Raulito" and carried a meteoric campaign to an overwhelming 52 percent majority at the polls. It swept away the pretense that has clothed fifty years of decadence and had made people like Bignone and Videla, the capos of the military mafia, appear like "nice fellows." It has given democracy more than half a chance, and it has made daunting problems appear soluble.

Argentines have heard the claim "we have reached rock bottom" many times before—usually as justification for a military coup. But each successive government has proved worse than the one that went before, and Argentina's economic troubles have come to seem bottomless. Perón used to say that his political success was not because his government was so good, but because the others were so bad. With inherited inflation running at over 400 percent annually, the legacy of a foreign debt of $44 billion, and a peso that has been losing half its value approximately every three months, it would seem that Alfonsin cannot fail. He need only do badly instead of disastrously to be judged a success.

Alfonsin's fortunes ultimately depend, of course, on whether Argentines have been shaken awake by the terror of the last decade. Today's staunch democrats—it is as hard to find anyone who is not a democrat in Buenos Aires as it was in 1976 to find someone who was opposed to the military—are the same people who watched their neighbors being kidnapped by left-wing terrorists in the first half of the '70s and saw nothing; and who then watched their neighbors being dragged away by thugs in Ford Falcons without license plates and again saw nothing.

On one of our last evenings in Buenos Aires, my wife and I went to the house of a friend who had been one of the military's top civilian technocrats. We sat in his high-walled garden, talking late into a deep velvet night after sharing the everyday family meal of "asado"—tender barbecued ribs cut so that the bones are tiny discs running through the heart of thick slabs of beef. His attitude had always been like that of most Argentines: he did not want to know about the methods the military were using as long as he himself was not affected and the economy was doing well. As we ate, he was still unwilling to talk about the past. Perhaps he was concerned about what might happen to the military, and to him.

I described to my friend how, when I first arrived in Buenos Aires a few mornings before Alfonsin's inauguration, I had driven into the heart of the city, past the obelisk that celebrates Argentina's independence. It was the day that hundreds of people who had lost relatives in the "dirty war" were painting life-sized silhouettes of the six thousand known and listed desparecidos or the "disappeared." When I had left Argentina three years earlier, the Mothers of Plaza de Mayo were shadowy, ignored figures; the desparecidos were unnamed unpeople. I was astonished to see that warmth and love and sympathy had replaced the antagonism, hostility, and indifference. On paper torn from huge rolls of newsprint, parents were sketching the outlines and inscribing the names of their missing children; wives were commemorating their "disappeared" husbands, and husbands their wives; and children were making huge paper dolls of their missing parents. Some of the silhouettes had already been pasted on the base of the obelisk. It was the first time that the reality of six thousand people being routinely tortured and then systematically killed—their bodies disposed of like garbage, buried in unmarked plots, burned, or strewn in lakes, rivers, and the sea—had been openly expressed.

My friend's wife said that she had driven past the same plaza on the same day, and had seen nothing. And the mention of the once unmentionable made my friend jump to his feet, visibly angry. "What has happened is that the heroes have become culprits and the culprits have become heroes!" he said. Then he abruptly changed the subject.

But as the bodies of the *desparecidos* are disinterred from dismal burial grounds around Buenos Aires, the past is also disinterred. Much as they may want to, Argentines can no longer drive by the faces of the dead without seeing; they can no longer change the subject. To simply denounce the military and go on with life as usual is to repeat the mistake that permitted the repression: to believe that one bears no personal responsibility for society. Alfonsín's greatest challenge is not simply to force the military to admit its guilt, but to prod all

Argentines to acknowledge their complicity in the repression. Without confronting the past in all its horrific dimensions, Argentines may once again watch the promising future turn into a nightmare and refuse to understand why.

DEATH SQUADS IN EL SALVADOR: EX-AIDE ACCUSES COLLEAGUES

(By Stephen Kinzer)

A former Salvadoran military official has implicated high-ranking Salvadoran officials and civilians in acts of terrorism, including Roberto d'Aubuisson, a leading candidate for El Salvador's presidency.

The former official, who has served at the highest level of the security police in El Salvador, has given members of Congress extensive information on what he says are the inner workings of Salvadoran death squads, how and why they were formed, who directs and pays them and who selects their victims.

THE SALVADORAN'S CHARGES

He is believed to be the first officer with experience in the highest councils of the Salvadoran Government to accuse fellow officers publicly of violent political crimes.

It was not possible to obtain independent verification of the accusations by the officer, who asked to remain anonymous because of fear of reprisal. But a United States Senator who interviewed him says he will seek an investigation of the charges and a Congressman says he is confident of the former official's veracity.

These were among his charges: The network of death squads in El Salvador was shaped by leading Salvadoran officials, including Col. Nicolás Carranza, chief of the Treasury police, and former Minister of Defense José Guillermo García, and is still directed by senior officials.

The man who organized and continues to direct the squads is Mr. d'Aubuisson, a former army officer.

Mr. d'Aubuisson continued to receive a military salary through the late 1970's despite official accounts that he had been dismissed from the army.

Money for rightist terror in El Salvador comes from Salvadoran exiles living in the Miami area.

Government officials routinely ordered the police and soldiers to stay out of areas where political murders were about to take place and that they helped assassins get to refuges in neighboring Guatemala.

Veterans of Nicaragua's deposed national guard were used in some killings carried out by Mr. d'Aubuisson's squads.

Minister of Defense Eugenio Vides Casanova is personally directing a cover-up in the slayings of four American churchwomen in 1980 and that his cousin, a colonel, ordered the murders.

'I WOULDN'T WANT TO BE HIS PRISONER'

The officer making these charges was interviewed by The New York Times at a small hotel in the southern United States. He was known by journalists working in El Salvador in the late 1970's. Congressional staff members and Central America specialists who have interviewed him at length recently said they were confident of his credibility.

In his interviews with The Times, he portrayed himself as a supporter of the Salvadoran Government and a vigorous opponent of the guerrilla insurgency that has enveloped his country.

One of the two members of Congress who has met with him, Senator Paul E. Tsongas, Democrat of Massachusetts, said he was taken aback by the man's strong promilitary sentiments.

"Given the things he was saying, I expected some kind of liberal humanitarian," Senator Tsongas said. "What I found was one tough military veteran. I wouldn't want to be his prisoner."

The former official said he feared that if Mr. d'Aaubuisson won the election on March 25, his presidency might provoke a break between the United States and the Salvadoran Government, thereby possibly aiding the insurgent guerrillas. He expressed no sympathy for even the moderate left, calling the Christian Democrats Communist-oriented and corrupt and declaring that they were as great a threat to the country as Mr. d'Aubuisson and Colonel Carranza. He said he considered Mario Zamora, the Christian Democratic leader who was assassinated in early 1980, to have been "a Marxist agent who guided Christian Democratic youth into the hands of the guerrillas."

The former official said he had known Mr. d'Aubuisson for many years and considered him an "anarchic psychopath." He said he feared that "uncontrollable violence" would consume El Salvador if Mr. d'Aubuisson was elected President, and that this fear was one of the factors that led him to divulge closely held secrets.

Senator Tsongas said he would press the Senate Foreign Relations Committee, of which he is a member, to investigate each of the man's many charges about the involvement of the Salvadoran Government in acts of terror.

Representative James M. Shannon, Democrat of Massachusetts, who has also met with the Salvadoran, said he was confident of his veracity.

"He knew things that only someone who had access to the high command would know," Representative Shannon said. "He has the names and facts to substantiate what a lot of people have been saying."

Both Senator Tsongas and Representative Shannon are critics of the Reagan Administration's policy in Central America.

Other people familiar with the Salvadoran and his allegations said he had been known for his differences with Mr. d'Aubuisson. They said he might also be motivated by indications that young people close to him, possibly including relatives, may be developing ties to terror groups.

In interviews, the former official spoke several times of the number of Salvadoran youths who he said were being turned into members of death squads after joining Mr. d'Aubuisson's political coterie.

Allegations that death squads in El Salvador are tied to high military officers have been made before and have been cited by some Congressional critics of the Reagan Administration's policy in El Salvador.

In recent months the Administration has made new appeals to Salvadoran leaders to press for an end to death squad activity. Vice President Bush and Secretary of State George P. Shultz have both visited El Salvador to present the Administration case, and both said they were convinced the Salvadoran Government was making a serious effort to curb political violence.

The Salvadoran military command has publicly denounced the death squads, and military leaders have denied allegations that they are connected to violent acts.

"The death squads must disappear forever to prove our determination to combat them and our faith in the democratic process," Defense Minister Vides Casanova said in November. "All Salvadorans must oppose and denounce them so they will not only be illegal but condemned by everyone."

But according to the Salvadoran now sharing information with members of Congress, General Vides Casanova and other important Salvadoran officers have ordered or covered up acts of political violence.

He said he had personal knowledge of these crimes because his Government post had put him in direct contact with top military leaders. He said his office had regularly received sensitive information detailing the officers' participation in violence and that his agents sometimes monitored the development of assassination plots formulated by officers.

The present structure of rightist terror in El Salvador, according to the former official, grew out of the power sturggle that erupted between reformist and conservative military factions in 1979.

After the October 1979 military coup, leftists gained a foothold in the Government and formed a loose alliance with reformist officers led by Col. Arnoldo Majano, a member of the revolutionary junta. Rightists led by Defense Minister Garcia and Colonel Carranza, then his deputy, were alarmed at this alliance.

Their campaign to outmaneuver Colonel Majano and force him and his allies from the Government, according to the Salvadoran, secretly included a series of terrorist acts. Rightist officers, he said, hoped to destabilize the country and create conditions for a countercoup.

"García and Carranza asked d'Aubuisson to establish the Broad Nationalist Front with the object of supporting the armed forces and destabilizing Colonel Majano, who was becoming a problem for them," the Salvadoran said evenly. "He did a good job organizing street rallies and took on the task of eliminating people."

Mr. d'Aubuisson was supposedly out of the army at this time, but according to the former official he was secretly still receiving a salary. In fact, he said, Mr. d'Aubuissan actually received a substantial raise in his military pay during the time he was organizing the death squads in late 1979.

"García and Carranza gave him their most suitable men in each part of the country for his squads," the Salvadoran said. "The goal was to make it seem that the revolutionary junta was incapable of governing, to create chaos so they could push Majano out."

Colonel Majano was the target of sustained attacks from the right during his 14 months on the junta because of his support for land redistribution, nationalization of the banks and civilian control of the military. He is now in exile and reportedly lives in Mexico.

The former military official said he had direct knowledge of the participation of Mr. d'Aubuisson, General García and Colonel Carranza in the process of selecting death squad victims, many of whom have been trade unionists, student leaders, peasant organizers and others considered potentially sympathetic to the left.

He said many of the men who carried out killings or kidnappings understood that they were acting on Government orders and that such a conclusion was reasonable because the police were cleared from the scene before assaults and full opportunities for escape were provided.

GUATEMALA IS CALLED SCHOOL AND REFUGE

Mr. d'Aubuisson is known to have gone to Guatemala regularly during 1979 and 1980, and, according to the former military official, he was in contact there with Mario Sandoval Alarcón and Leonel Sismega Otero, the two leaders of the ultraright National Liberation Movement, a Guatemalan political party that has been linked to political violence. The National Liberation Movement was formed in the early 1950's with the help of the Central Intelligence Agency to overthrow the leftist Government of Jacobo Arbenz Guzmán, who fell from power in a C.I.A.-backed coup in June 1954.

According to the Salvadoran, Mr. d'Aubuisson and his men moved freely between El Salvador and Guatemala. In many cases, he said, assassins would drive directly from the scene of a murder in El Salvador to an airstrip where they would board a private plane for Guatemala.

Guatemala is the only country in Central America with a long history of death squad activity, and the former official said Mr. d'Aubuisson went there to learn how rightist squads were run. Trips to Guatemala after killings were also thought to protect the killers from possible private reprisals and from questioning by Salavadoran agencies not involved in the plots.

He said the Guatemalan Government was not fully aware of the extent of these ties and was not a party to the activities of the d'Aubuisson group, although its intelligence agencies were aware that Mr. d'Aubuisson was active there.

In Guatemala, the former military official said, Mr. d'Aubuisson met regularly with a small group of wealthy Salvadoran exiles determined to oust the Majano faction from the Government and repeal the legal changes that had cost many of them much money and positions of political influence. Members of this group regularly provided names of people they wanted killed, he said, and paid Mr. d'Aubuisson to carry out their wishes.

"These exiles now operate out of Miami and still have the same relationship with the squads," he said. "With Carranza now head of the Treasury police, there is no problem."

According to the Salvadoran, the two most stunning political murders of early 1980 in El Salvador, those of Mario Zamora and Archbishop Oscar Arnulfo Romero, were both planned and carried out by Mr. d'Aubuisson with money from exiles in Guatemala and under the protection of General Garcia and Colonel Carranza. At this time, the former official said, Mr. d'Aubuisson did not have a reliable team of Salvadoran killers and used veterans of Nicaragua's deposed national guard as triggermen for both assassinations.

The killing of Mr. Zamora, an outspoken activist who was a spokesmen for young leftists in the Christian Democratic Party and who held a Cabinet post under the revolutionary junta, happened when Mr. Zamora was engaged in a public feud with Mr. d'Aubuisson. Mr. Zamora was killed by a squad that broke into his home on the evening of Feb. 23, 1980.

Mr. Zamora's brother Reuben has become a leading spokesman for the Salvadoran revolutionary movement. He has said he believes Mr. d'Aubuisson helped plan his brother's murder.

A month after the Zamora killing, Archbishop Romero was slain while saying mass at a hospital chapel in San Salvador.

"As for the case of the Archbishop, d'Aubuisson simply ordered it after meeting with exiles in Guatemala," the former official said. "He formed the teams, his men followed the Archbishop to learn his habits and he picked the four men who carried out the operation and the eight others who made up the security group."

40 STICKS OF DYNAMITE ARE PRELUDE TO EXILE

Colonel Majano lost political ground continually through 1980, and most of the leftists in the Government, including two key junta members, were forced from office. At one point, Colonel Majano ordered the arrest of Mr. d'Aubuisson on charges of plotting a coup, but Mr. d'Aubuisson was quickly released through the efforts of Defense Minister Garcia.

As Colonel Majano drove near the Salvadoran Institute for Agrarian Reform on Nov. 11, 1980, a bomb made from 40 sticks of dynamite exploded just after his car passed. This assassination attempt was carried out by squads working for Mr. d'Aubuisson, the former official said.

Two weeks after the car-bomb attack, six members of the executive committee of the leftist Democratic Revolutionary Front were kidnapped and killed, an action the former military official said was also carried out by squads working for Mr. d'Aubuisson. In mid-December, Colonel Majano was finally forced to leave the junta. He fled into exile soon afterward.

The Salvadoran was in a sensitive Government post when the four American churchwomen were killed in El Salvador on Dec. 2, 1980. He said his post gave him the opportunity to watch a cover-up develop. American officials familiar with circumstances at that time confirmed that the Salvadoran was well situated to see the inner reaction of the Government to the killings.

He said the murder of the churchwomen was "an unusual case" that did not involve Mr. d'Aubuisson or what he described as "the normal structure."

"National guardsmen at the airport spotted the women, and they radioed for instructions," he said, speaking matter-of-factly and chain-smoking American cigarettes. "Two of the women were coming from a conference of Maryknoll nuns in Managua, Nicaragua, and the other two were known as suspicious.

"The word came down to eliminate them. It came from Col. Oscar Edgardo Casanova, who was in charge in that zone."

Salvadoran and American officials have said there is no evidence to suggest the five national guardsmen accused of killing the churchwomen were acting on orders. But critics, including relatives of the women, have expressed doubt that a crime of this magnitude would have been carried out spontaneously.

Colonel Casanova is a cousin of General Vides Casanova, then chief of the national guard and now Minister of Defense. Oscar Edgardo Casanova is now commander of the Salvadoran Army's Second Brigade, stationed at the western city of Santa Ana. He was transferred from La Paz, where the murders took place, weeks after the women were killed. His transfer was part of a shake-up that the former official said was principally designed to provide a pretext for protecting the women's killers.

According to the Salvadoran, the transfers sent a message to soldiers that they would be protected if they were implicated in crimes of violence.

He said Colonel Casanova's involvement in the killing of the churchwomen was known to several people at high levels of the Salvadoran Government.

"The men who did the killing have been promised that they will be freed through the judicial system, which means that they can never be put on trial again," the former official said. "If they don't name Casanova, they will get out of jail as soon as it is feasible."

KILLINGS SAID TO FOSTER MURDER AS WAY OF LIFE

The former official said that the January 1981 killing of José Rodolfo Viera, who headed the land redistribution program that many wealthy Salvadoran landowners bitterly opposed, was carried out by men working for Mr. D'Aubuisson. He described the two men who have been accused in the killing, Capt. Eduardo Alfonso Avila and Lieut. Isidro López Sibrián, as "intergral members of the d'Aubuisson gang."

Mr. Viera was killed together with two American labor advisers as they were dining at the San Salvador Sheraton. Lieutenant López Sibrián remains on active duty, and Captain Avila is "under the jurisdiction of a judge" while charges that he left the country illegally are investigated.

The political party Mr. D'Aubuisson now heads, the Nationalist Republican Alliance, emerged out of the Broad Nationalist Front as a vehicle for candidates in the 1982 election in El Salvador. Mr. d'Aubuisson became president of the Constituent Assembly after the 1982 election and is now the Nationalist Republican Alliance candidate for President.

According to the former official, Alliance money is routinely used to pay both campaign expenses for Mr. d'Aubuissons's presidential bid and expenses of death squads under his control.

"He formed them and he runs them," the Salvadoran said of Mr. d'Aubuisson and the death squads. "Campaign contributors in Miami know that their money is going for both purposes, campaigning and killing."

Because Mr. d'Aubuisson's squads have operated with such impunity, the former official said, many Salvadorans have followed his example and taken to murder as a way of resolving political grievances, personal quarrels or financial disagreements.

"Violence is consuming the country," he said. He said the exampel of Mr. d'Aubuisson had led "to a geometric increase in murders" over the last few years. People see that all they have to do is go out and shoot someone and nothing will happen to them, he said.

"Young people who want to do something for the country and for some reason are attracted to d'Aubuisson," he continued, "go to his office and ask what they can do to help. Someone gives them a gun and the name of someone to kill.

"It reaches the point where his hitmen get bored and ask him what operation they are going to carry out today. So he sends them out to kill a professor or throw a bomb at some union leader."

He asserted that José Napoleón Duarte, the Christian Democratic leader and the party's presidential candidate in the election this month, was told while he was serving as Provisional President in 1981 that Colonel Casanova was the man who ordered the killing of the American churchwomen. But he said Mr. Duarte chose not to act on the information for fear that doing so might produce a violent reaction.

Mr. Duarte has said he tried vigorously to pursue the case but was stymied by the military and a timid judiciary.●

TRIBUTE TO ED PULVER

● Mr. **LAUTENBERG.** Mr. President, the Hudson chapter of the A. Philip Randolph Institute and Labor Council for Latin American Advancement, AFL-CIO, will be honoring on April 6, 1984, one of New Jersey's most notable labor leaders and their founder, Ed B. Pulver. It is my pleasure to join in paying tribute to Ed for his lifelong commitment and service to his community and working men and women in New Jersey.

The depth and extent of his dedication is unparalleled. Ed, following the example set by his predecessor, Paul Hall, has been the guiding light of the Seafarers for over 40 years. In addition, Ed serves as the President of the Hudson Central Labor Council, and as the secretary-treasurer of the New Jersey State AFL-CIO.

Ed's activities go well beyond the realm of organized labor. Indeed, his civic leadership and humanitarian interests are well-known and admired by all. Ed has served under various gubernatorial administrations as the commissioner of pilotage, labor representative to the Private Industry Council, and as a member of the State Building Authority and Manpower Board. At the local level, Ed served as the commissioner of human resources in Hudson County, as a special deputy sheriff of Hudson County, and as a director at Christ Hospital in Jersey City. In addition, Ed was recently honored by the Jewish National Fund with their Tree of Life Award. It is clear that Ed can always be counted on to lend his able leadership and support.

Perhaps the most telling of Ed's accomplishments is his initiation of the May 1 Liberty Island parade. Now in its third year, the May 1 parade is held to protest the Communist occupation of Poland and the more recent martial law crackdown on the Polish workers and people. This parade demonstrates Ed's dedication to the most cherished of all our ideals—freedom.

Ed Pulver represents the height of public service and citizenship in America. His mixture of strong leadership and enthusiasm has won him admiration and respect throughout New Jersey. I ask that the Members of Congress of the United States join me in honoring Ed on this very special occasion.●

THE UNITED STATES-TAIWAN RICE AGREEMENT

● Mr. **PRYOR.** Mr. President, I recently received a letter from our Special Trade Representative, the Honorable William E. Brock, in regard to an agreement involving rice exports from Taiwan. As many Members of the Senate are aware, exports of rice from Taiwan have caused serious problems for American rice producers as they have significantly subsidized rice sales into traditional U.S. markets. The new agreement, which was signed about a week ago, will help our rice farmers and will insure that we can compete on a fair basis in world markets.

The agreement was reached after several rounds of talks were held, and after a section 301 complaint was filed with Ambassador Brock's office by the Rice Millers' Association. Additionally, I introduced legislation, and was prepared to have the Senate Finance Committee consider it during the renewal of the generalized system of preferences (GSP), which would have given the President the authority to impose additional penalties in instances where a country was found to have violated section 301 of the Trade Act of 1974.

Mr. President, I am very pleased this new agreement has been reached. I commend the efforts of Ambassador Brock and his staff, and I hope this agreement will signal an increase in our rice exports.

I ask that the letter I received from Ambassador Brock be printed at this point in the RECORD.

The letter referred to follows:

THE U.S. TRADE REPRESENTATIVE,
Washington, March 6, 1984.

Hon. DAVID PRYOR,
U.S. Senate,
Washington, D.C.

DEAR DAVID: I am pleased to inform you that we have resolved the section 301 complaint on Taiwan's rice exports. The Rice Millers Association (RMA) is very pleased with the agreement and has informed us that they are withdrawing their complaint. A notice to this effect will be placed in the Federal Register in the next few days.

The agreement, which is handled under the auspices of the American Institute in Taiwan (AIT) and the Coordination Council for North American Affairs (CCNAA), was completed today. It sets annual ceilings for the period 1984-1988 on exports of rice from Taiwan's Provincial Food Bureau. In 1984 Taiwan's exports will be restricted to 375,000 tons, which is significantly below last year's level of 550,000 tons, In each successive year, exports will be reduced progressively, reaching 200,000 tons in 1988. Total shipments for the entire five-year period cannot exceed 1,375,000 tons. We expect that at the end of the agreement Taiwan will have reached an equilibrium of domestic supply and demand, which will enable it to cease exports from Food Bureau Stocks after 1989.

The agreement includes a provision for annual consultations or more frequent consultations at the request of either party. I assure you that we will monitor the implementation of the agreement very carefully and will request consultations whenever appropriate.

Thank you for your support during the negotiations. There is no doubt that the extensive congressional support for our position was a major factor in reaching agreement.

Very truly yours,
WILLIAM E. BROCK.●

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 12 NOON

Mr. **BAKER.** Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon tomorrow.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. **BAKER.** Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, four Senators be recognized on special orders of not to exceed 15 minutes each in the following order: Senators LUGAR, BIDEN, PROXMIRE, and MOYNIHAN.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. **BAKER.** Mr. President, after the execution of the special orders, I ask unanimous consent that there be a period for the transaction of routine morning business until not later than 1:15 p.m. in which Senators may speak for not more than 2 minutes each.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

PROGRAM

Mr. **BAKER.** Mr. President, at 1:15 p.m., the Senate will resume consideration of Senate Joint Resolution 73, which is the unfinished business. At some point tomorrow it will be the intention of the leadership to try to turn to the consideration of Calendar Order No. 704, which is H.R. 4072, to provide for an improved program for wheat. It is hoped that we may do so on a unanimous-consent agreement that would provide for temporarily laying aside the pending business and providing a time limitation, if possible, of about 3 hours for the consideration of the wheat bill or some variation of that arrangement. I will consult with the minority leader in the morning on that subject, and we will attempt to arrive at an agreement, if that is possible.

Senators should be on notice that it is the intention of the leadership tomorrow to try to reach the wheat bill without displacing the pending unfinished business except temporarily.

Mr. President, Senators are reminded that tomorrow the House and Senate will meet in joint meeting for the purpose of hearing an address by the Prime Minister of the Republic of Ireland. The leadership on this side urges Senators to come to the Senate

Chamber prior to 10:30 a.m. so that Senators may assemble to proceed as a body to the Hall of the House of Representatives at 10:40 a.m. for the purpose of attending the joint meeting just referred to, which will begin at 11 a.m.

I point out, since it is not a joint session, the Senate will not convene prior to that, but it is a joint meeting and it is appropriate that the Senate should assemble in order to proceed as a body. After the joint meeting, of course, the Senate will convene at 12 noon as previously ordered.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

Mr. President, in connection with the joint meeting tomorrow, I now ask unanimous consent that the President of the Senate be authorized to appoint a committee of Senators on the part of the Senate to join with the committee on the part of the House of Representatives to escort the Prime Minister of Ireland into the House Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW

Mr. BAKER. Mr. President, that is all I have. If the minority leader has nothing else—and I gather from the smile on his face and his absence of any other signal that he does not—I see the distinguished President pro tempore on the floor, and if he has nothing further, it will be the intention of the leadership on this side to ask the Senate to stand in recess.

Mr. THURMOND. I thank the Senator very much. I have nothing.

Mr. BAKER. I thank the President pro tempore.

Mr. President, in view of that, then, I move, in accordance with the order just entered, the Senate stand in recess until 12 noon tomorrow.

The motion was agreed to; and the Senate, at 6:10 p.m., recessed until Thursday, March 15, 1984, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 14, 1984:

DEPARTMENT OF LABOR

Frank C. Casillas, of Illinois, to be an Assistant Secretary of Labor, vice Albert Angrisani, resigned.

HOUSE OF REPRESENTATIVES—*Wednesday, March 14, 1984*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, as You have given us our lives, so may Your spirit give us hope. Our days are filled with the knowledge of all the conflicts of our world and our ears hear the anguish of people caught in the struggles of our time. Encourage us, O God of Peace, to use our energies and talents and abilities, our minds and our hearts, in ways that strengthen justice and hope in the lives of people everywhere. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

WE MUST MOVE TO REDUCE THE DEFICIT

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, on our hearings in the Agriculture Committee recently, the staff from the Congressional Budget Office appeared before us. They told us that their projections indicate that for 1989 if you take four items, defense, social security, medicare, and interest on the Federal debt, they will absorb roughly 100 percent of all of our revenues by 1989. We have some problems in medicare, and I am aware of that. Medicare and social security are funded from a separate fund. What they were saying was that all of our revenues will be absorbed by defense and interest rates by 1989 unless we do something.

Mr. Speaker, I have been out visiting my farmers, and I find that they are in terrible shape and they are screaming do something about the deficit so we can get those interest rates down. We are going to have that chance in a few weeks. The MX missile is going to come up for a vote. We are going to have a chance to reduce that deficit by somewhere from $20 billion to $70 billion. The MX missile is a missile without a mission. It is supposed to be a bargaining chip, but there is no bargaining. Negotiations have been terminated. Certainly the only use it could be is as a first-strike weapon. The Soviets will surely follow us to develop a similar weapon. Is this the direction in which we wish to move? I think not.

I urge this House to move to save this money; to do something for our farmers; to do something for our taxpayers; to do something for our economy and to move to reduce the deficit by voting down the MX missile.

NO STINGERS FOR JORDAN OR SAUDI ARABIA

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, today I am introducing a bill to block a potentially dangerous sale of sophisticated weaponry to Jordan and Saudi Arabia.

The Reagan administration has notified Congress of its intention to sell over $277 million worth of Stinger missiles to Jordan and Saudi Arabia. The Stinger is an advanced antiaircraft weapon that has not been fully deployed to our own forces, nor has it been sold to any non-NATO country except Japan.

The sale of the Stingers would have an adverse effect on the delicate military balance in the Middle East. Not only would this sale pose a threat to Israel, but also we can never be certain that these sophisticated missiles would not end up in the hands of terrorists or Soviet military advisers now in Jordan.

The United States should not sell our most advanced systems to these nations until they support the Camp David peace process—the cornerstone of our policies in the region. The sale of Stingers would serve as an unwarranted reward to nations who refuse to seek peace.

Such a sale now also would be contrary to the position taken by a majority of both the House and Senate which is on record as opposing a sale of such weaponry to Jordan unless and until King Hussein joins in direct peace negotiations with Israel.

Congress must not permit this sale to proceed.

MERGER FEVER

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, over the past several weeks, a number of major corporations have announced proposed mergers. Last month, the FTC approved the takeover of Getty Oil Co. by Texaco, and it is expected that the FTC will open the door for the largest corporate marriage in history by approving the purchase of Gulf by Standard Oil Co. of California.

While these mergers may have some positive implications for both the industry and the consumer, the fact remains that the concentration of power in any one industry can have an anticompetitive impact resulting in higher prices. I am firmly committed to the principles of a free market system. But for any free market system to work properly, it must be free of monopoly power. Before I make any decisions on this issue, I think Congress should take a close and careful look at these proposed mergers in the oil and steel industries. We should also examine the drain hostile merger attempts have on the economy.

Mr. Speaker, considering the split in the administration regarding the current wave of mergers, I think Congress owes it to the American consumer to play a role in this debate over antitrust policy.

THE LEGACY OF ST. PATRICK

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, Saturday is St. Patrick's Day, and all Ireland will relax the strictures of the Lenten season for 1 day to honor the patron saint, Patrick, who, whatever else we may know about him, was no Irishman.

He did leave a legacy that 1,500 years later is as intact now as it was then, Quite simply, the conversion of an entire people from a Druidic faith to a Christian faith which, to a remarkable degree, statistically persists in that land.

So, today 95 percent of the people of the Republic of Ireland practice the religion which St. Patrick gave to them and of that percentage, very nearly 99 percent are true believers of the faith, the dogma of that land.

This is also the nation which has never invaded any other nation, which has never declared war on any other people, and which has managed to incite a sense of belief in liberty and traditions in the right things of life, notwithstanding the small band of assassins that occasionally sully the scene.

WE MUST PASS THE SMALL BUSINESS ADMINISTRATION AUTHORIZATION

(Mr. EVANS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS of Illinois. Mr. Speaker, the Small Business Administration authorization before us today contains two provisions of tremendous importance to my constituents in west central Illinois.

First, it would distribute SBA direct loan funds to SBA district offices according to the number of unemployed in each district. In the midst of the national recovery, unemployment in my district has actually risen so far this year. Since small businesses create the large majority of new jobs, this provision of the SBA bill would be very helpful.

Second, the bill specifies that small businesses facing economic injury as a result of the payment-in-kind program would be eligible for SBA disaster loans. The farm machinery, fertilizer and seed dealers in my district suffered devastating losses last year as their contribution to a healthier farm economy. They deserve the consideration this bill would provide them.

I strongly urge my colleagues to support the SBA authorization.

□ 1510

VOTE AGAINST THE MX MISSILE FUNDING

(Mr. OLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLIN. Mr. Speaker, within a few weeks, the House will have another chance to terminate funding for the MX missile. I urge the Members to do so.

A year ago, many of us agreed to go along with the President on the MX on the basis that he really needed it for effective bargaining. We gave him a chance to make good his commitment to bargain the missile away.

It is now clear that he has not done so nor does he appear to have any intention of doing so.

The MX remains an expensive, vulnerable transitional weapon of no value. This year we should put an end to its development and funding so we can get on with the job of strengthening our defense in ways that will protect our security.

HOUR OF MEETING ON TOMORROW

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:20 o'clock on tomorrow morning for the purpose of receiving His Excellency, the Honorable Garret FitzGerald, the Prime Minister of Ireland.

The SPEAKER. The gentleman means the Taoiseach of Ireland.

Mr. WRIGHT. The Taoiseach of Ireland.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PAY-AS-YOU-GO STRATEGY ON DEFICITS

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, I rise today because the American people are urgently looking toward this Congress to address the problem of our mounting Federal budget deficits. As yearly deficits climb above $200 billion and the public debt threatens to top $1 trillion 500 million, my constituents in California's 44th District want solutions. I feel confident that this body can act responsibly and reduce deficits by at least $30 to $50 billion this year.

House Resolution 411, which I authored, calls on President Reagan to share responsibility with Congress for reducing the budget deficit by resubmitting his budget proposal for fiscal year 1985 after including an additional $30 billion in cuts.

There are also several good proposals in the House of Representatives which combine budget cuts and the closing of tax loopholes to reduce deficits.

Congressman GEORGE MILLER has proposed freezing budget authority for fiscal year 1985 at essentially last year's levels and tying any additional funding increases authorized by Congress to revenue-raising measures or budget cuts. This pay-as-you-go strategy is one good way to stem the tide of rising deficits and I urge the House Budget Committee to seriously consider it.

We can and we must join in a bipartisan effort to answer the challenge posed by the American people. We must begin reducing deficits this year if we hope to restore fiscal responsibility for this and future generations of Americans.

PLAYING POLITICS WITH STARVING AFRICANS

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, regrettably, President Reagan is today playing politics with the great human tragedy of hundreds of millions of starving Africans.

The administration is trying, in the other body, to link its controversial proposals for more covert military aid for the Nicaraguan rebels, some $21 million, and more military aid for El Salvador, some $93 million to a bill providing emergency food aid for 18 draught-stricken African nations.

The administration wants to fast-track its military aid proposals, by attaching them to this urgently needed humanitarian aid package.

Mr. Speaker, the estimated 150 million Africans affected by the current famine cannot wait for us to settle our differences with the White House on spending additional military aid in Central America. We should not hold the survival of these starving people hostage to a controversial military aid program that demands the full and complete consideration of both bodies.

The Appropriations Committee and the full House acted quickly and responsibly in approving the urgent supplemental African food aid bill. The administration should allow the other body to do the same so we can get this much needed food aid to those affected now, before starvation needlessly consumes more innocent lives in Africa.

GET THE PRESIDENT IN LINE WITH FOOD AID FOR AFRICA

(Mr. DORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN. Mr. Speaker, the gentleman from California has accurately outlined the situation on Africa food aid. We passed a bill in this House last week to try to give some food relief to the people who are starving in Africa today; 100,000 people have starved in Mozambique alone, 150 million more are hungry in sub-Saharan Africa. Yet this administration is saying in order for us to give food to people in Africa who need it, they want to send along some guns to people in Central America who do not.

I have been in the mountains between Honduras and Nicaragua. I have talked to the Contra soldiers. I have talked to a gamut of people in El Salvador. They do not need more guns. They need more food there as well. But most desperately, we need to unlock this hitch between Central America and Africa.

In Africa today, this minute, this hour, people are dying because they do not have enough to eat while our grain bins are bulging. We have taken emergency action in this House and I think it is disgusting and reprehensible that this President will not allow that action to go through and be signed that we might rush food to starving Africans. I am so furious when I read the press reports about what this administration is doing with food relief to Africa that it is hard for me to describe.

Sometimes we do the right thing, and then folks downtown mess it up. If we want some respect for this Government and for this body, let us get this President in line with urgent food aid for the hungry continent.

Every week we delay means thousands will die of starvation and hunger-related diseases in Africa. Every week we ship more arms to El Salvador means that 100 people will die at the hands of right-wing death squads and their government cronies.

ADMINISTRATION ACTION JEOPARDIZES AID TO AFRICA

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, last week, this House, in a tremendous demonstration of bipartisanship and humanitarian concern, adopted overwhelmingly a piece of legislation, an appropriation measure providing for $150 million in famine relief assistance to the starving peoples of Africa. That money and the food that it will buy goes directly to save people from starving to death. Already, within the past year, 100,000 Mozambicans, 100,000 Ethiopians, and countless others in 22 other sub-Saharan countries have starved to death. The House and the Appropriations Committee, acted in a bipartisan manner, over the administration's objections.

The Senate was prepared to follow suit. But the administration, in the most indecent demonstration imaginable, has now tacked on a $93 million military aid to El Salvador item, plus a $21 million covert assistance item for the contras in Nicaragua to the legislation pending in the Senate. By its action, the administration jeopardizes both, urgent action as well as the famine relief program. It will, in that event, be directly responsible for the starvation of additional countless thousands.

Mr. Speaker, I urge the administration to rethink its position and the Senate to correct its ill-thought-out action.

NOBLE RESISTANCE OF THE POLISH PEOPLE

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, once again, the news from Poland is ominous. Once again, an order issued by the Soviet puppet government of General Jaruzelski is trying to strip away a basic right from an important segment of the population. Once again, we see the inherent tyrannical nature of martial law trying to crush the spirit of the Polish people. However, once again, the noble resistance of the Polish people shows that this spirit will not be broken.

The issue is a government order first issued in December 1983 banning the public display of crucifixes in public schools and hospitals. This blatant act of suppression against the large Catholic population in Poland has evoked mass protests throughout Poland. First hundreds, and now thousands, of Polish Catholics, mostly students, are taking to the streets to demonstrate against this order. This dramatic show of strength has helped the Catholic Church to hold firm in their position against this order.

It is my fervent hope that the resistance of the Polish people and opposition heard from other quarters of the world will force the Polish Government to rescind this order which is so morally repugnant. The unrelenting spirit of freedom which is so much a part of the Polish people is once again being put to the test by the Polish Government. Right should always triumph over might and I hope this will apply in Poland.

□ 1520

UNUSUALLY HARSH WEATHER BLAMED FOR SURGE IN FOOD PRICES

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, very recently, a wire service story reporting on the Consumer Price Index began with this brief paragraph:

I quote now—"Soaring food prices, caused mostly by unusually harsh weather, boosted consumer prices 1.6 percent in January, the biggest increase in 9 months, the Government said Friday." That ends the quotation.

The story noted accurately that the increase it reported was due primarily to a combination of weather conditions—ranging from last summer's drought to the recent winter freeze.

The January food increase was not due to farm price supports or to subsidies. It was not due to any of those things we get accustomed to hearing about from people who criticize farm programs. It was due, as I said, to unusual and temporary weather conditions.

What I am afraid of, however, is that some Americans may tune out after the first few words of the wire service story—the words about "soaring food prices." Some people may forget the reason for that 1-month bulge. And if that happens, they may come to some very badly mistaken conclusions about American agriculture.

This is why I am here on the floor today. Later this month, the country will be observing National Agriculture Day. And I want to remind the House and all Americans that farmers are doing a magnificent job of feeding this country at prices that have generally been more than fair to the average consumer.

Mr. Speaker, I intend to make a series of short speeches on this subject for the information of my colleagues in the House and, hopefully, for the attention of many other Americans. Today I want to cite just a couple of facts that deserve our attention.

The Agriculture Department reports that in 1983, the retail cost of food in a typical consumer market basket went up slightly, but the farm value of that market basket went down by 2 percent. The Department's records show that the farmer's return for the market basket last year was down to the lowest level since 1980. On top of that, the farmer's share of the consumer food dollar last year was down to the lowest level in at least 20 years.

Those are just a few of the facts I think we should keep in mind about the farmer and our food prices. I hope we can look at more of those facts later.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4170, TAX REFORM ACT OF 1983

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 98-617) on the resolution (H. Res. 462) providing for the consideration of the bill (H.R. 4170) to provide for tax reform, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR SUBCOMMITTEE ON SCIENCE, RESEARCH AND TECHNOLOGY OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO MEET TODAY DURING THE 5-MINUTE RULE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Science, Research and Technology of the Committee on Science and Technology be permitted to meet while the House is proceeding today under the 5-minute rule.

Mr. Speaker, this request has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

GSP REVISION ACT OF 1984 WOULD PROVIDE NEW APPROACH TO OUR TRADE POLICY

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, next January the U.S. generalized system of preferences (GSP) program will expire. The debate over whether to reauthorize the GSP program presents an intriguing opportunity for us to consider a new approach to our trade policy to create genuine economic development in lesser-developed countries (LDC's), to recognize and attempt to reverse the exploitation of the workers in LDC's, and to address the legitimate concerns of American workers and industries about unfair foreign competition.

I want to emphasize that there are weaknesses and inefficiencies in the current GSP program. Today I am introducing the GSP Revision Act of 1984 to more equitably distribute the benefits of GSP to those LDC's most in need of them. Further, my bill will provide material incentive to the LDC's participating in the GSP program to treat their workers fairly.

ERA-ABORTION CONNECTION

(Mr. DEWINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEWINE. Mr. Speaker, last November 15 the leadership of this body attempted to push through an unamended ERA under suspension of the rules. I along with a number of my colleagues opposed this procedure because of our concern that an unamended ERA would require the use of taxpayer funds for abortion on demand.

From those who disagreed, the cry was that there was no abortion-ERA connection and that this was just a smokescreen behind which lay basic opposition to equality for all. Time and time again we were asked to show one State court that had found that a State ERA demanded taxpayer funds for abortion on demand.

Well, Mr. Speaker, last Friday the Pennsylvania Commonwealth Court ruled that their State ERA renders their State version of the Hyde amendment unconstitutional. Taxpayer funds must be used for abortion on demand. There can be no doubt that there is a valid and disturbing abortion-ERA connection.

Mr. Speaker, I am prolife and a supporter of equal rights for women. Let us amend the ERA to make it abortion neutral. Let us stop teasing the American people with an ERA that cannot pass this Congress or the required number of State legislatures.

PAWTUCKET NATIVITY SCENE CASE POINTS UP NEED FOR VOLUNTARY SCHOOL PRAYER AMENDMENT

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, I believe that passage of the voluntary prayer in school amendment is imperative, particularly in light of the Pawtucket nativity scene case which the Supreme Court decided last week. By a 5-4 decision, they said that if you mix the nativity scene with enough nonreligious events such as Santa Claus, reindeer, signs, bells, and carollers, then, since it is in connection with a legitimate secular purpose, it could be displayed.

This was the right decision, but for the wrong reasons. Nativity scenes and prayer in school should be allowed because we as a people do trust in God and because it is constitutional and in keeping with what our forefathers intended for us, and not because the Court engages in a legal fiction by which it reduces and degrades religious expression to a nonreligious purpose. The fact is: The Court is tangled up in its own rhetoric and does not have the courage to reverse itself.

Mr. Speaker, we need the amendment for that reason.

ATTEMPT TO OBTAIN CONSIDERATION OF LINE ITEM VETO CONSTITUTIONAL AMENDMENT

Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, for the 25th time, on behalf of the Republicans of this House, I would hope to offer a unanimous-consent request calling for consideration of a line item veto constitutional amendment.

The Chair has ruled that in order to make this request, I must have the clearance of the majority and the minority leaderships. This request has been cleared by the minority leadership, and I would now yield to a spokesman from the majority leadership for appropriate clearance.

I am sure the Members are for a balanced budget, so once again I will state that I yield to a spokesman from the majority leadership for appropriate clearance for consideration of this amendment.

Mr. Speaker, I hear no response for the 25th straight time. That should make it clear to the American people who stands in the way of a line item veto and cutting Federal spending—the Democrat leadership of this House.

ATTEMPT TO OBTAIN CONSIDERATION OF BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. KRAMER asked and was given permission to address the House for 1 minute.)

Mr. KRAMER. Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of an amendment to require a balanced budget.

The Chair has ruled that in order to make this request, I must have the clearance of the majority and minority leaderships. This request has been cleared by the minority leadership. I would now yield to a spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people precisely who stands in the way of a balanced budget. The Democratic leadership has once again thwarted the will of the people by obstructing consideration of this vital and urgent issue. I might add that if the House Democratic leadership does not change its ways, the American people will take the balanced budget issue out of the hands of Congress and convene a Constitutional Convention to draft a balanced budget amendment themselves.

ENCOURAGING SUPPORT FOR THE FAIR TRADE IN STEEL ACT OF 1984

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, I am proud to be a cosponsor of H.R. 5081, the Fair Trade in Steel Act of 1984.

The American steel industry is in serious trouble and it is time that the Congress moves to meet this crisis immediately. With foreign governments supplying export subsidies ranging from 26 to 80 percent, the American steel industry is being shoved out of its own market. In January, dumped foreign steel accounted for a staggering 26-percent share of the American market.

Meanwhile, here in this country, employment in the steel industry has fallen 46 percent since the late 1970's and does not appear to be sharing in the economic recovery. How much worse do things have to get before we realize we must act?

H.R. 5081 addresses this problem of unfair foreign competition and gives the steel companies a chance to retool for the future. For the sake of our economy and our national defense, we must give the domestic steel industry the time it needs to modernize.

To those who oppose this legislation because it interferes with the free marketplace, I say to you: There is no free marketplace. The American steelworkers are not industrial robots that can be simply unplugged. They are people with families to support. We cannot let them be thrown away like a rusted piece of machinery. It is time to recognize that we must act now to correct this serious trade inequity before our domestic steel industry is further damaged.

I urge my colleagues in the House to join with me in cosponsoring this legislation so that we, together, can search for favorable action from the other body as well as from the administration.

□ 1530

THE LATE HONORABLE WILLIAM MEYER

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute.)

Mr. JEFFORDS. Mr. Speaker, it is with sadness that I inform the House of the death of William Meyer, who passed away on December 16, 1983.

Representing the State of Vermont, Bill was a Member of this distinguished body during the 86th Congress. He was living in West Rupert, Vt., when he died suddenly at the age of 68.

I will hold a special order on the floor of this Chamber on Tuesday, March 27, in honor of our distinguished former colleague. I invite my colleagues who worked with Bill Meyer in the 86th Congress to join me in that tribute on March 27.

DEADLY MYCOTOXINS—"YELLOW RAIN"

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, I was greatly disturbed over the past few days to see on the back pages once again mention of the deadly mycotoxin—yellow rain—and its usage, in violation of the 1925 Geneva Protocol and the 1972 Convention on Biological and Toxic Warfare.

This is truly a horrible weapon and this Government of ours and our Congress in particular, are not doing enough to try to get to the bottom of this and stop it.

Yesterday in the Wall Street Journal there was an article describing the effects of this mycotoxin and its use in the Iranian-Iraqi war.

> The first effect after an attack * * * is nausea and bleeding from the nose, mouth, and intestines.
>
> Then there is an "absolute breakdown of the functioning of the body." * * * Burning of the skin results in pus formations due to contamination by microbiological flora. Then the mycotoxin goes to work inside the body. It breaks down the immune response as white blood cells are no longer produced. The lungs go within 48 hours. Bone marrow ceases to replenish the blood with nutrients. The gastro-intestinal system collapses. Doctors say the kidneys would go next, though so far none of the patients has lived to this stage.

We have got to do more to get to the bottom of this and enforce the Geneva accords against biological and chemical warfare. The fate of humanity is at hand. I charge my colleagues to get on with pursuing this matter, as well as this administration.

DAM SAFETY AMENDMENT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, tomorrow, the House plans to take up H.R. 1652, the Reclamation Dam Safety Act, which authorizes $650 million in Federal funds for water resource projects in 17 Western States.

I plan to offer an amendment that would require the beneficiaries of such projects to repay the American taxpayer for the improvements we would provide them under this bill.

Contrary to criticism, my amendment would not delay needed improvements. Rather, my amendment would merely change the way these improvements were paid for.

Instead of another taxpayer giveaway, we would be establishing a user's fee paid by those who benefit from the water and hydroelectric power provided by the dams that would be improved under this bill.

This amendment is the same as one I offered successfully 2 years ago. This time, however, the amendment is opposed by some officials in the Reagan administration.

One official told me that the money involved was, and I quote, "Just a drop in the bucket."

Well, I do not think that half-a-billion dollars is just a drop in the bucket. And the taxpayers do not think so, either.

But I do think that it is this attitude that has directly led to the $200 billion deficit now threatening our economic recovery.

My amendment has the support of the National Taxpayers' Union and just about every environmental group in the United States, including the National Wildlife Federation.

I urge my colleagues to support it as well.

THE VOLUNTARY SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of the voluntary school prayer constitutional amendment.

This Chair has ruled that in order to make this request I must have the clearance of the majority and the minority leaderships. This request has been cleared by the minority leadership.

I would now yield to a spokesman from the majority leadership for the appropriate clearance.

Mr. Speaker, I hear no response.

Mr. Speaker, this marks the 25th time that the Democratic leadership has turned down this request—the 25th anniversary. This should make it clear to the American people who stands in the way of voluntary school prayer. It is the Democratic leadership of this House of Representatives who stands in the way.

THE PERFORMANCE OF HOUSE COMMITTEES ON THE DEFICIT

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, we have heard a lot of talk on this floor over the last several weeks about deficits, about how the President is responsible for the deficits in the country. We always hear that talk from the Democratic side of the aisle. A lot of that talk has been irresponsible. It has gone to the point that yesterday the majority leader came to the floor and accused the President of lying on this issue.

Well, I would suggest that what we ought to do is look at the performance of the committees in this Congress thus far on the issue of deficits. The President did come in here with a budget deficit that I regard as far too large. What has happened to the budget deficit as acted upon by the committees of this House, by the Democratically controlled committees. Thus far five committees have reported. Of those five committees, they have added $18.5 billion to the President's already too high budget deficits. They have added to—not subtracted from—and what they will tell you is, oh, we are going to cut it out of defense. Well, the Armed Services Committee has also reported now. They reported cuts of $7 billion. That leaves $11.5 billion of deficits over and above the President's request that has been put forth by the Democrats.

I would suggest to my colleagues that this shows whose performance belies their words. The performance is such that what they are doing is adding to the deficit, not subtracting from the deficit. It is high time that the American people take a look at actions which do not match up with language.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tomorrow, when the Houses meet in joint meeting to hear an address by the Prime Minister of Ireland, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Children of Members will not be permitted on the floor and the cooperation of all the Members is requested.

Members should be advised that there will be a call of the House shortly after the House convenes at 10:20.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

□ 1340

SMALL BUSINESS AUTHORIZATIONS AND AMENDMENTS

The SPEAKER. Pursuant to House Resolution 365 and rule XXIII, the Chair declares the House in the Committee of the Whose House on the State of the Union for the further consideration of the bill (H.R. 3020) to amend the Small Business Act, and for other purposes, with Mr. LEVIN of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, March 13, 1984, title I, was open for amendment at any point.

Are there any amendments to title I?

PARLIAMENTARY INQUIRY

Mr. MITCHELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MITCHELL. Is it clear that we are reading and proceeding with the bill title by title?

The CHAIRMAN. The gentleman is correct.

AMENDMENT OFFERED BY MR. MITCHELL

Mr. MITCHELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MITCHELL: Page 2, line 5, strike "$295,000,000" and insert "$303,500,000".

Page 2, line 8, strike "$15,000,000" and insert "$20,000,000".

Page 2, line 17, strike "$2,930,000,000" and insert $3,030,000,000".

Page 2, line 22, strike "$250,000,000" and insert "$350,000,000".

Page 3, line 17, strike "less" and all that follows through "1983" in line 19.

Page 4, line 4, strike "$1,439,700,000" and insert "$986,390,000".

Page 4, line 5, strike "$1,112,000,000" and insert "$670,390,000".

Page 4, line 12, strike "$313,400,000" and insert "$295,000,000".

Page 7, line 8, strike "$15,000,000" and insert "$20,000,000".

Page 7, line 22, strike "$340,000,000" and insert "$350,000,000".

Page 9, line 2, strike "$1,351,300,000" and insert "$1,075,100,000".

Page 9, line 3, strike "$999,000,000" and insert "$747,300,000".

Page 9, line 10, strike "$331,300,000" and insert "$306,800,000".

Mr. MITCHELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MITCHELL. Mr. Chairman, my amendment increases the program authorization for total direct loans in fiscal year 1984 from $295 million to $303.5 million, the amount which has been appropriated pursuant to authorizations in existing law. As a part of this increase, it also increases direct loans to handicapped in each of fiscal years 1984 and 1985 from $15 million as now stated in the bill to $20 million.

The amendment increases the program authorization for total loan guarantees in fiscal year 1984 from $2.93 billion to $3.03 billion, including guaranteed loans to development companies in each of fiscal years 1984 and 1985 from $250 and $340 million, respectively, to $350 million.

The amendment reduces a subauthorization for budget authority for salaries and expenses for fiscal years 1984 and 1985 from $313.4 and $331.3 million, respectively, as now stated in the bill to $295 million and $306.8 million, respectively.

The amendment reduces a subauthorization for budget authority for loan programs in fiscal years 1984 and 1985 from $1,112 and $999 million, respectively, as now contained in the bill to $670.39 and $747.3 million.

Finally, it also reduces total budget authority for fiscal years 1984 and 1985 from $1,439.7 and $1,351.3 million, respectively, as now contained in the bill to $986.39 and $1,075.1 million, respectively.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to my distinguished colleague from Pennsylvania.

Mr. McDADE. I thank my colleague, the chairman, the distinguished gentleman from Maryland (Mr. MITCHELL) for yielding.

Let me say on this side we fully support the efforts to tighten the bill and commend the chairman. We agree with what he is doing and urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. MITCHELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HILER

Mr. HILER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HILER: Page 7, line 17, strike "$4,010,000,000" and insert in lieu "$3,056,000,000".

Mr. HILER. Mr. Chairman, my amendment seeks to hold the 1985 authorization for regular SBA-guaranteed loans to the level appropriated for fiscal year 1984. It does not affect guaranteed loans for the handicapped, for development companies, for the economic opportunity loan program or for the energy loan program.

In terms of dollars, it reduces the 1985 authorization for regular guaranteed loans from $3,564,000,000 to $2,600,000,000 for a net program reduction of $964,000,000.

Three reasons support this action. First, the amount is only slightly less than the amount requested by the SBA for 1985. If the SBA believes it can adequately meet its needs for less than $3,564,000,000, then I think we in Congress should listen.

Second, despite what some are quick to believe, guarantees do cost money. The SBA estimates, from experience, that over a 6-year period, the cost to taxpayers in actual outlays is 18 percent of the total guarantee amount for a given year. In this case, the $3,564,000,000 in guarantees H.R. 3020 seeks will cost taxpayers some $641,520,000 in repurchases over 6 years. That's over half a billion dollars. At the $2,600,000,000 level, the cost is reduced to $468,000,000, for a savings of $173,000,000.

Of course, $173 million is not going to balance the budget. But it does represent an attitude that we in Congress need if we are ever going to succeed in reducing taxpayers' costs—and this is my third reason. Whenever we have an opportunity to do some careful pruning of costs while still meeting the needs of a program, we should do it, whether it is $173 million, $200 million or just a mere $1 million.

We will not be hurting small businesses by doing this. Resources are available from the private sector. And we will be taking a step—granted small—at reducing the deficit that promises to hurt an improving economy that has gone so far to help so many small businesses.

We cannot reduce the deficit by thinking and saying, year after year, oh, well, it's a small increase, or it's a smaller increase than last year. Increases are increases, and to claim a victory because an increase is small is somewhat hollow as we continue to wring our hands over deficits.

What we need to think and say is, we can meet the need with the same amount as last year, or, better, let's find a way to do it for less.

My amendment is part of an attitude that seeks savings wherever and whenever we can find them. I think we all know that if we are ever going to control the deficit, a new attitude, and some sharp eyes and pruning shears, are needed.

I urge your support.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. HILER. I yield to the gentleman from Nebraska.

Mr. DAUB. I want to associate myself with the gentleman's remarks, indicating that he has been indeed on this subject a leader in the committee. The committee will remember that indeed that was a record vote on this matter and it was essentially an amendment that lost on a fairly straight party line.

The idea that this particular aspect of our work in the small business community is indeed an answer to small business' problems has I think been discredited over the last 3 years. Much progress has been made on the idea of pruning back the guaranteed loan program, and the gentleman deserves a lot of credit for his initiative.

Mr. HILER. I appreciate the gentleman's support and I yield back the balance of my time.

Mr. MITCHELL. Mr. Chairman, I rise in opposition to the amendment.

First of all, let us make it clear that there have been a series of reductions in our authorization bill, and in the amendment that was just passed in the House, which I offered as amendment No. 1, that further reduced the authorization by some $330 million.

Second, the gentleman's amendment gives a kind of false impression I think inadvertently. These are loan guarantees, not Federal loan funds. These are guarantees on loans.

If you operate on that basis you would not be talking about a $173 million reduction, you would rather be talking about the cost of the reduction for this year being less than $10 million.

Finally, in the gentleman's amendment there is no reference made to changing the budget authority which is the driving force behind the spending of money and, therefore, I am not at all sure that his amendment as it now stands would accomplish that which he seeks to accomplish.

For those and many other reasons I oppose the amendment. It was voted down in committee, and I urge that it again be voted down.

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The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. Hiler).

The question was taken; and on a division—demanded by Mr. Hiler—there were—yeas 9, nays 9.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MITCHELL

Mr. MITCHELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Mitchell: Page 11, line 22, strike all of such line after the word "transfers." and insert the following:

"(w) The following program levels are authorized for fiscal year 1986:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $306,800,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $31,200,000 in loans to Vietnam veterans, $20,800,000 in loans as provided in paragraph (10), $140,400,000 in loans as provided in paragraph (11), and $10,400,000 in loans as provided in paragraph (12): *Provided, however*, That of such sums, the Administration is authorized to make direct loans only to those eligible for loans under subsection 7(a)(10).

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $4,430,400,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $6,240,000 in loans as provided in paragraph (10), $83,200,000 in loans as provided in paragraph (11), $20,800,000 in loans as provided in paragraph (12), and $364,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $72,800,000 in direct purchases of debentures and preferred securities and to make $260,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,560,000,000.

"(5) For the programs authorized by section 7(b)(3) and 7(b)(4) of this Act, the Administration is authorized to make $105,000,000 in direct loans.

"(6) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $260,000,000.

"(7) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(x) There are authorized to be appropriated to the Administration for fiscal year 1986, $1,162,000,000. Of such sum, $823,000,000 shall be available for the purpose of carrying out the programs referred to in subsection (w), paragraphs (1) through (3); $19,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $1,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $319,072,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $14,067,040 shall be available for procurement and technical assistance; of which amount not less than $2,410,720 shall be available for technical assistance, and of this amount not less than $939,120 shall be used to pay for the continued development of a procurement automated source system, and not less than $182,000 shall be used to develop and maintain technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses.

"(2) $38,494,352 shall be available for management assistance, of which amount not less than $1,262,560 shall be used to sustain the small business export development program and to employ not less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist, of which amount up to $4,160,000 shall be used for grants or loans authorized by section 22(b)(2) of this Act and not more than $1,040,000 shall be used for programs authorized by section 22(b) of this Act.

"(3) $8,320,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,516,800 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel to carry out research and those functions prescribed by Public Law 94-305; not less than $1,456,000 shall be used to develop an external small business data bank and small business index; not less than $1,404,000, shall be used for research and not less than $1,040,000 shall be used to pay for development and maintenance of an indicative small business data base comprised of names and addresses and related information.

"(4) $31,460,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $14,201,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of this Act.

"(5) $10,967,840 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, and to the installation of terminals in Administration field offices.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for carrying out the provisions and purposes of the small business development center program in section 21.

"(y) The Administrator may transfer no more than 10 per centum of each of the total levels for salaries and expenses authorized in paragraphs (1) through (5) of section 20(x) of this Act: *Provided, however*, That no level authorized in such paragraphs may be increased more than 20 per centum by any such transfers.".

Mr. MITCHELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MITCHELL. Mr. Chairman, this bill was reported from committee last year and provides 2-year authorizations for fiscal years 1984 and 1985. Due to the lapse of time it is now appropriate we should add an additional year, otherwise we will be back later this year with yet another authorization bill to cover fiscal year 1986. My amendment simply inserts authorization for 1986 at the same level for 1985, plus a 4-percent inflation factor, with the understanding that the inflation factor is negotiable.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to my distinguished colleague from Pennsylvania.

Mr. McDADE. I thank the distinguished chairman for yielding. I want to say he has kindly kept us informed. I think it is a good idea. I think the budget process which contains so much legislation around here and which really argues for multiyear authorizations is one that suits this to a "T." We ought to adopt it. I think as long as we keep that level of general inflation at 4 to 5 percent that we can go to the conference with the Senate and see where we can end up. I think it is a good initiative.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. Let me comment further on the 4-percent inflation factor: obviously if it goes below 4 we will watch that very carefully and make an adjustment. If it goes above 4 we would have to make a subsequent adjustment.

I yield to my distinguished colleague.

Mr. DAUB. I thank the gentleman for yielding.

It was on the point of your last remark that I was to make my inquiry and ask you to further define what you mean by "negotiable." You have done that. And I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. MITCHELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BLILEY

Mr. BLILEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BLILEY: Page 11, after line 22, insert the following new section:
>
> SEC. 102. (a) Notwithstanding any other provision of law—
>
> (1) nothing in the amendment made by section 101 of this Act shall be construed as authorizing any amount for direct loans, and
>
> (2) any provision in such amendment which would (but for paragraph (1) authorize an amount for direct loans shall be construed as authorizing an amount for guarantees.
>
> (b) For purposes of subsection (a), the term "direct loan" includes the direct purchase of debentures and preferred securities.
>
> (c) Subsection (a) shall not apply to the purchase of debentures and preferred securities of a small business investment company meeting the requirements of section 301(d) of the Small Business Investment Act of 1958.
>
> (d) Subsection (a) shall not apply to any loans made under Sec. 7(a)(10) of the Small Business Act.

Mr. BLILEY. Mr. Chairman, for the last 14 months Members of this body have been taking to the floor in droves to decry the massive Federal budget deficits that plague our Nation. While different Members lay blame for those deficits in different areas, all agree that we have got to stop just talking about deficits, and act immediately to reduce them.

It is very easy to give a 1-minute speech on balancing the Federal budget, because you do not have time to get to the details of how you are going to make those cuts. As a consequence, I and several of my colleagues have been looking at individual bills as they are reported and come to the floor, to see just where some reasonable reductions can be taken.

Such is the case with the bill before us today, H.R. 3020, the small business authorizations. This legislation is over twice as large as what the President requested in his fiscal year 1985 budget. And that budget is by no means a document of austerity, projecting as it does an $180 billion deficit for this year alone.

H.R. 3020 as currently drafted represents a commitment to continuing the policies that have brought our economy to its knees. These policies harm small business the most, because small businesses are much more vulnerable to economic swings and volatile interest rates. H.R. 3020 shows an unwillingness by the committee to address the very problems that they so eloquently recognize and amplify in the opening statements of their report.

Allow me to quote briefly from that report.

The report says:

> This bill is premised on the committee's belief that small business can and should lead the way in any turnaround in our economy. Small business is clearly our best single source of job creation. By far, most new jobs are provided by small businesses employing fewer than 500 employees. Further, at a time when our Nation appears to be moving back toward economic health, that job creation small business contribution must be recognized and supported.

On page 4, the report continues:

> Small businesses have historically paid interest rates about 3 to 4 percentage points above inflation. They are now paying rates 7 to 10 percentage points above inflation. These rates are far too high to allow many small businesses to make the strong comeback necessary to economic recovery, yet our Nation desperately needs their collective help. Minority and small businesses—the primary sources of jobs—can lead the way in human capital development and revitalize America if provided the chance to create jobs and survive the recession economy.

The committee's opening comments are fair and they are accurate. They focus our attention on how the needs of the Nation and the needs of small business complement one another. Yet, on page 5 of the committee's report, we find what amounts to the main problem with Federal Government today, and this statement is not one that any member of any committee should claim pride of authorship for. On page 5 we read:

> The committee is in agreement that deficits must be controlled and reduced. However, . . .

I ask my colleagues, Is that not the attitude that has brought our Nation $200 billion annual budget deficits? Let me repeat the committee's statement.

> The committee is in agreement that deficits must be controlled and reduced. However, . . .

That "However" is the root of the paralysis of American Government.

Now, I know that members of this committee will say that the deficit is over $150 billion, and the dollars my amendment affects are less than $300 million.

But why do we not look at it from another perspective. Members are so fond of quoting our late President John F. Kennedy. And well they should be proud. It was Kennedy that made the famous statement: "Ask not what your country can do for you * * *." We all know how that line ends.

If we approached our legislative responsibilities that way, we would be in much better shape. That approach, having committees look for areas to reduce spending in their own backyards, is what budget reconciliation is supposed to be all about. But what really happens?

The Small Business Committee, finding that deficits hurt its constituent groups, decides that the best thing they can do for their country is to add to those deficits.

Mr. Chairman, my amendment does not close off opportunities for small businesses to get the capital they need. Their loans can be backed by the full faith and credit of this great Nation of ours. But the only way that our Nation's guarantee will be worth anything is if we take action to reduce the deficits. H.R. 3020 is a great place to start.

If Members will only take this first step to let people know that all this deficit-talk is not just lipservice, but is a very real commitment to spending restraint. Just think of how the constituents in your district would receive that news. Just think of how the markets would react. Think of how far the interest rates would fall if lenders did not have any reason to believe that inflation was always just right around the corner.

Let me point out to the Members that even the National Federation of Independent Business—the NFIB—has commented to the Small Business Committee with their concerns that direct lending is not always the best way to encourage small business development. In fact, the NFIB wrote members of the committee just before the markup on this bill to express their concerns about overemphasizing direct loans.

The Members of the House should be very cautious when spending money on programs that even small firms do not entirely support. If the NFIB—which represents some 500,000 small business workers—cannot even come to fully support a program with direct effects on its members, then I wonder how we in Congress justify doing this.

Small businesses know better that we do what their needs are. They have indicated to all of us at one time or another that the deficit, interest rates, taxes and regulation are the things that hurt them. This legislation is an inappropriate response to those concerns. If we want to make Federal Government a giveaway, at least let us give them what they really need and what they have asked for.

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Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I am intrigued by the gentleman's amendment. Is it true that this is one of the recommendations of the Grace Commission that this is a direction that we ought to move toward trying to get some constraints in Federal lending programs?

Mr. BLILEY. Yes, it is. The Grace Commission recommends exactly what this amendment attempts to do and that is go to Federal credit backing of the loans rather than direct loans themselves.

Mr. WALKER. If the gentleman will yield further, it is my understanding that the Grace Commission, if you take all of their recommendations and put them together we could save about $426 billion in deficits over a period of 3 years. And so what the gentleman has done is given us one provision of that very dramatic deficit reduction in this amendment, it seems to me.

Am I not right that if we applied this to both the Farmers Home Administration and the Small Business Administration that both the Congressional Budget Office and the GAO have told us that we could save about $40 billion in the years between 1985 and 1989 with this particular approach?

Mr. BLILEY. The gentleman is correct.

Mr. WALKER. And that is about $9 billion a year that would be able to be saved by those two programs according to GAO and CBO; is that correct?

Mr. BLILEY. That is correct.

Mr. WALKER. I thank the gentleman. I think his amendment is very much worth our consideration.

Mr. MITCHELL. Mr. Chairman, I move to strike the requisite number of words and in opposition to the amendment.

Mr. Chairman, let me say it makes it awfully difficult for some of us on this side who are really pushing for deficit reductions. We went through the committee bill, we reduced it in committee. I came back on the floor today with a further reduction. And it kind of upsets me that when we are really trying to do our best to cope with the deficit there are further attempts made to suggest that we are not trying to do that.

But apart from that consideration, I do not think the gentleman realizes what his amendment does, the people who will be hurt by this amendment. It completely eliminates any direct loans to the handicapped, it completely eliminates any direct loans to veterans, it completely eliminates any direct loans to women, it completely eliminates any direct loans to minorities, it eliminates direct loans to all those other persons who cannot obtain funds from any other source.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Virginia.

Mr. BLILEY. I thank the gentleman for yielding.

It does not eliminate direct loans to the handicapped. Nor does it affect the MESBIC program at all.

Mr. MITCHELL. I did not even mention that. In my opinion, the gentleman did not mention the veterans. They will not be able to get direct loans. Minorities will not. Women will not. And in my opinion in reading this, as I interpret the amendment, it also would apply to handicapped.

Let me pursue my argument before I yield a little bit further.

The only reason that we have a direct loan program is that we have found out that there are some groups that have exceeding difficulty in getting loans through regular lending sources. That is the only reason it is there.

We have accepted an amendment from the gentleman from Pennsylvania (Mr. McDade) which ties in the direct loan program more tightly with local lending institutions.

I am sorry. I just vigorously oppose this amendment. I just do not think we can do that to our veterans and our minorities and our women.

I would urge the defeat of the amendment.

Mr. McDADE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment.

I recognize the thrust of what my colleagues is attempting to do, but let me point out that the committee has been responsive. Some times when a program gets a title on it, we tend to lose sight of what it does.

Now, there used to be a 100-percent funded direct loan program. There used to be. It was suggested that program be stopped. We changed the program completely. They are now all participatory programs. Everybody who would come in to one of these programs must get assistance from a local lender and may I say that that assistance must be at least 10 percent of the loan if the loan is up to $100,000; 20 percent of the loan if it is up to $200,000; and 30 percent if he is to have any opportunity to participate in any of these programs above $350,000.

Now, our reason for doing that, may I say to my friend, is recognizing that the guaranteed loan program, which as the gentleman knows is 10 percent locally backed through your local lending institutions in your district before they even get to SBA, is the area where you first have the first credit screen.

I am sure that the gentleman would agree that in his community or in my community or any community a local match, a local credit check is the greatest assistance to the 90/10 general guaranteed program. That is what we have done here. We have converted this program into a program where there is local initiative, local incentive, local credit devices, and I hope that we will recognize that is this new effort to reform that program to make it a better program, to make it more responsive.

We have done what many people felt was the right thing to do. Many people did not. But we have changed the program into a participatory program. We ought to recognize that and we ought to treat it accordingly.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Virginia.

Mr. BLILEY. I thank the gentleman for yielding.

I appreciate the fine work the gentleman has done.

But did not the administration recommend the thrust of my amendment that we go from direct loans to guaranteed loans?

Mr. McDADE. May I say to my friend, I have just said to him that the administration recommended no more direct loans. There are no more direct loans. It is a title in an account. But all the loans that the gentleman is addressing are now participatory loans. There must be, may I say to my friend, there must be a local initiative before you ever get to the Small Business Administration. There must be a local bank or there must be a local institution, for example, an industrial development authority, a local development authority in your State, or wherever. In fact, we try to say to the local governments and the State governments, participate in this program, and if you do, we will try to encourage you to have a program like that so there will be more credit available to one of the groups at the local level.

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But you must have, may I say to my friend, that participation before anybody is eligible.

Mr. BLILEY. If the gentleman will yield further, if you do get that, then you are eligible for direct assistance from the SBA, as opposed to what my amendment would say, "Get your local financing and then if SBA approves of what you are trying to do, then they will guarantee the loan," which is bound to have less call on the Federal Treasury than the approach of the committee.

Would the gentleman agree to that?

Mr. McDADE. Well, let me say to my friend that I would agree with him that in both cases there is now requirement for local participation. There was not. The gentleman will agree to that?

Mr. BLILEY. I will agree to that.

Mr. McDADE. I will say to my friend, who has a fine eye for the detail of a balance sheet at any level, that indeed if you have a loan guarantee you have less exposure than you do if do not use a guarantee loan method. That is why we went to the loan guarantee method. But there is, as we both know, exposure, in any case. And what we hope to do is through the use of that local device make the loan infinitely better. That is what we are trying to do.

Mr. BLILEY. I hate to trespass on the gentleman's time, but if the gentleman will yield again, did not the Senate adopt in its bill pretty much exactly what I am attempting to do?

Mr. McDADE. I believe the Senate does not have this reform in the direct loan program by making it a participatory program that the House is talking about. We are going over to conference with the Senate, and I would say to my friend that we hope at that time to iron out the differences.

Mr. BLILEY. I thank the gentleman.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the committee, during the course of this year we in the House will have an opportunity to consider recommendations of the Grace Commission, the President's Commission on cost control in the Federal Government. Some of us hope that when we take up the first concurrent budget resolution on a date, yet not now set, that we will have an opportunity of presenting an alternative budget which will reflect 1 or 15 percent of the recommendations of the Grace Commission during fiscal year 1985.

We will combine these recommendations with recommendations of the CBO for budget reductions in the Heritage Foundation for $9.3 billion, and other sources, for a total budget reduction on the deficit in fiscal year 1985 of $41.1 billion.

Most of those come from the recommendations of the Grace Commission.

This amendment today presents an opportunity for Members of the House to, by their votes, indicate whether or not they want to give life to the recommendations of the Grace Commission, in this instance by changing a very significant part of this authorization measure from that of direct loans to guarantees.

The claim is made, and I believe it is a fair claim, that this would result in a reduction of the deficit in fiscal year 1985 of $295 million. That is not an insignificant sum.

I think that during the course of the election this November, Members campaigning for reelection will have an opportunity of explaining to their constituents why they voted for or against the recommendations of the Grace Commission as a means of reducing excessive spending at the Federal level. If you come from a constituency where the sense of your constituency is to come here and keep the money faucets turned on, and this irresponsible level of spending funneling out of the Treasury of this country and loading more debt on our children and grandchildren, go ahead and vote against this amendment. But if you sense that your constituents want you to support an amendment that is credible and responsible and defensible, in this instance by substituting a credit guarantee for direct loans, then I urge you to vote for this amendment, because I think you may have a chance to explain to your constituents why you voted otherwise.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to my colleague, the gentleman from Virginia.

Mr. BLILEY. Mr. Chairman, I want to thank the gentleman, and I would like to add that the Congressional Budget Office and the General Accounting Office recently completed an analysis of many of the major recommendations of the President's private-sector survey on cost control, more familiarly known as the Grace Commission.

While many experts have taken issue with some of the savings that the Grace Commission claims, there is no reason to dispute the claims when they are substantiated by the CBO and the GAO. In their analysis, GAO and CBO say that converting direct loan authority to loan guarantees would transfer more responsibilities and risks to the private sector and encourage more careful selection of loan recipients. I think that is very important.

It would transfer more responsibilities and risks to the private sector and encourage more careful selection of loan recipients.

CBO's budget estimates consider not only converting SBA loans but take into account cost savings from converting Farmers Home Loan Administration loans as well.

I thank the gentleman for yielding. I think that is an important part.

Mr. MITCHELL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. MITCHELL. Mr. Chairman, I merely want to restate my objection to the amendment.

My distinguished colleague, the gentleman from California, was not on the floor when we went through this rehearsal before, and I just want to refresh his thinking.

For fiscal year 1984 loan, we have reduced $454 million in this authorization in the budget authority, for 1985 we are reducing another $276 million, for a grand total of $730 million. In addition to that, I do not know whether the gentleman was on the floor or not when we pointed out that under this, under the amendment of the gentleman from Virginia, veterans, women, minorities could simply not get loans. I do not think the gentleman wanted that to happen, but that is what his amendment would do.

I would rather not discuss it any more. We have made some compelling arguments, the gentleman from Pennsylvania (Mr. McDADE) and myself, and I would rather yield back the balance of my time.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. Just briefly, for 30 seconds.

Mr. DANNEMEYER. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman for the reduction in the deficit that he has just stated. But let us face it: We have got a long ways to go, we have got a deficit of $180 billion, more or less, and we have an opportunity of cutting it by another $295 million.

The gentleman does not want to turn that down, does he?

Mr. MITCHELL. If the gentleman will allow me to reclaim my time, the question was raised: How would Members campaign in their districts with regard to voting against this amendment?

They would campaign proudly in support of a committee that cut a total of $730 million in 2 fiscal years.

I urge defeat of the amendment.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I would simply point out that many of us who might vote in favor of this amendment do so in no way to degrade what the committee has already accomplished. I think that we should congratulate the committee for trying to be fiscally responsible in this regard for doing some of the things that were necessary in order to contain costs here and try to reduce the deficit. And I personally want to thank the gentleman from Maryland and the gentleman from Pennsylvania for their hard work in that regard.

What we are looking at here, though, is a series of recommendations that have come in from the Grace Commission that cover a broad scope of the Federal Government, and they are recommendations which I think deserve some airing on the floor.

As the gentleman from Virginia has stated, this is not a recommendation that simply comes out of the Grace Commission. It has been adopted by the administration, that it is suggested that this was the direction that we ought to go. And I believe the gentleman from Virginia said that this is an approach that has already been adopted by the other body. So it is something that we are considering on this floor in large part because it has some fairly distinguished parentage.

Beyond that, I think it is important to point out, because the gentleman from Maryland has made the statement now a couple of times, the minorities and others are going to be adversely impacted by this amendment, that this amendment does not apply to the minority enterprise small business investment companies. That is an attempt within the program to assure that small business development can be made available to everyone, and this amendment does not apply to that particular program. It is an attempt to assure fairness within the program.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Maryland.

Mr. MITCHELL. It does not apply to the MESBIC, but the MESBIC is only one tiny segment of the minority loan programs. So to use that is really to just distort the picture.

Mr. WALKER. The gentleman is absolutely correct. But the gentleman also knows that many of the groups that he has mentioned here are only a very small segment of all the loans that are made. The gentleman is the one who rose and ticked off the groups that are a very, very important element that we need to reach out to, and the gentleman well knows that they only make up a very small portion of all of the loans that go out.

□ 1620

So we are attempting to speak to those by having MESBIC not apply to this particular amendment. I think that it is an amendment well worth the body's consideration, particularly if you do want to do something about containing costs at the Federal level and try to bring the budgets under control with cost containment rather than tax increases.

Mr. Chairman, I yield back the balance of my time.

Mr. RUDD. Mr. Chairman, I rise in support of the Bliley amendment to H.R. 3020, the small business authorization bill.

This amendment would convert the direct Federal loan authority in title I to loan guarantee authority, allowing small businesses to still get the capital they need, but also allowing greater participation by the private sector so that there is a more prudent selection of loan recipients. It would save the taxpayers $300 million next year and similar amounts in following years.

The conversion to loan guarantee authority was recommended by the President's private sector survey on cost control—the Grace Commission.

The Grace Commission identified 2,478 Government activities altogether which can be eliminated or streamlined without curtailing essential Government service. If we are to do more than pay lipservice to deficit reduction, the Grace Commission and its recommendations deserve serious consideration in this Congress.

This amendment is a first step in the direction of more responsible Government spending, and I urge my colleagues to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. BLILEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BLILEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 72, noes 331, not voting 30, as follows:

[Roll No. 44]

AYES—72

Archer
Bartlett
Bateman
Bliley
Broomfield
Brown (CO)
Burton (IN)
Cheney
Conable
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
DeWine
Dickinson
Dreier
Erlenborn
Fields
Franklin
Frenzel
Gekas
Gingrich
Goodling
Gramm
Gregg
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Hopkins
Hunter
Kemp
Kramer
Leach
Lewis (CA)
Livingston
Loeffler
Lungren
Mack
Marriott
Martin (IL)
McCandless
Moorhead
Nielson
Oxley
Packard
Parris
Porter
Quillen
Ray
Robinson
Rudd
Sensenbrenner
Shumway
Shuster
Siljander
Skeen
Smith, Denny
Stangeland
Stump
Sundquist
Tauke
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whittaker
Zschau

NOES—331

Ackerman
Addabbo
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Broyhill
Bryant
Burton (CA)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
D'Amours
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fish
Flippo
Florio
Ford (MI)
Ford (TN)
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Harkin
Harrison
Hatcher
Hayes
Hefner
Hertel
Hightower
Holt
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Lloyd
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Madigan
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty

Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Price
Pritchard
Pursell
Rahall
Rangel
Ratchford
Regula
Reid
Richardson
Ridge
Rinaldo
Roberts
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Shannon
Sharp
Shaw
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—30

Akaka
Badham
Collins
Corcoran
Early
Edgar
Foglietta
Foley
Forsythe
Fowler
Gradison
Hance
Hawkins
Heftel
Leath
Leland
Markey
Martin (NC)
Nichols
Paul
Ritter
Roybal
Savage
Simon
Solomon
Stark
Towns
Watkins
Wilson
Young (MO)

□ 1630

Messrs. O'BRIEN, LOTT, DIXON, WHITEHURST, and PATTERSON changed their votes from "aye" to "no."

Mr. HOPKINS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1640

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—SMALL BUSINESS ADMINISTRATION PROGRAM CHANGES

Sec. 201. (a) Section 22(b)(2) of the Small Business Act is amended to read as follows:

"(2) encourage greater small business participation in trade fairs, shows, missions, and other domestic and overseas export development activities by providing grants or loans to small businesses to defray costs associated with such events: *Provided, however,* That no more than $15,000 in the case of overseas events, and no more than $2,000 in the case of domestic events, may be provided to any company in any one fiscal year;".

(b) Section 22(b) of the Small Business Act is amended by adding at the end thereof the following new paragraph:

"(4) the Administration is authorized to cosponsor or otherwise participate in domestic and overseas events whose primary purpose is to encourage export of small business goods and services abroad, including but not limited to, conferences, missions, trade fairs, and other export development activities sponsored by other Federal departments and agencies.".

Sec. 202. (a) Section 7(a) of the Small Business Act is amended by adding the following:

"(16)(A) No immediate participation loan may be made pursuant to this subsection unless the Administration determines that the applicant has given reasonable assurance that it will create employment opportunities within a two-year period after all loan proceeds are disbursed.

"(B) Immediate participation loan funds under subsection (a) shall be allocated to the Administration's district offices at least quarterly each fiscal year. The amount of such allocation shall be based solely upon the average total number of unemployed workers residing within each district area as a percentage of the average total unemployed work force nationwide for the immediately preceding fiscal quarter, or for the most recent fiscal quarter for which such statistics are available.

"(C) Immediate participation loans authorized by subsection (11) shall be extended on a priority basis within each of the Administration's designated district areas to those qualified applicants located in or near a labor surplus area (as defined pursuant to Defense Manpower Policy 4B (32 CFR chapter 1) or any successor policy).

"(D) During the last thirty calendar days of each fiscal year quarter the Administration may make an immediate participation loan to any qualifying small business within the district.".

(b) Section 7(a)(3) of the Small Business Act is amended to read as follows:

"(3)(A) No loan under this subsection shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund established by section 4(c)(1) of this Act would exceed $750,000: *Provided,* That the Administration's share of any loan made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate basis shall not exceed $350,000: *Provided further,* That any immediate participation loan made pursuant to this subsection shall be accompanied by an injection of additional funds derived from non-Federal sources in the following amounts:

"(i) if the loan is under $100,000 in amount, at least 10 per centum;

"(ii) if the loan is between $100,000 and $200,000 in amount, at least 20 per centum; and

"(iii) if the loan is over $200,000 in amount, at least 30 per centum.

"(B) The percentages specified in subparagraphs (A)(ii) and (iii) shall be reduced to 10 per centum and 15 per centum, respectively, if the non-Federal source funds are derived from a State or local government, including tax-exempt obligations of such governments.

"(C) The Administration shall delegate to each district office the authority to approve immediate participation loans except these made under the authority of 7(a)(11) in the amounts specified in subparagraphs (A)(i), (ii), and (iii) under the conditions specified in the Act without seeking higher approval within the Administration.

"(D) The Administration may transfer no more than 15 per centum of each of the total levels for direct loan programs as authorized in section 20 of this Act: *Provided, however,* That no loan program level authorized in such section may be increased more than 25 per centum by any such transfers: *Provided further,* That the Administrator is not authorized to transfer immediate participation loan levels to deferred participation (guaranteed) loan levels except that any transfers shall be effective only to the extent approved in advance by the Appropriations Committees of the United States Senate and of the House of Representatives of the United States.

"(E) For purposes of this paragraph the term 'non-Federal sources' shall include, but not be limited to, State and local government funds (including the proceeds from tax-exempt obligations of such governments), and funds derived from private financial institutions or private equity sources. In no event shall such term include funds derived directly from any grant or loan made, guaranteed, or insured by the Federal Government: *Provided, however,* That for purposes of this paragraph, Federal funds received by a State or local government or local industrial development agency will be considered funds that are derived from a State or local government source.".

Sec. 203. Section 7(a)(6)(A) of the Small Business Act is amended by adding after the word "subsection" the following: "or for loans to any small business concern as provided in paragraph (11) of this subsection,".

Sec. 204. Section 7(a)(4) of the Small Business Act is amended by striking the following: "and an additional amount as determined by the Administration, but not to exceed 1 per centum per annum".

Sec. 205. Section 7(a) of the Small Business Act is amended by adding the following new subsection:

"(17)(A) any loan made under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) may, upon the joint election of the borrower, Administration, and lender, as the case may be, provide for the payment of interest only, during the—

"(i) first two years of its term if such term is at least eight years;

"(ii) first three years of its term if such term is at least ten years; and

"(iii) first four years of its term if such term is at least fifteen years.

At the conclusion of the period of interest only payments, the loan agreement shall provide for amortization of the loan principal in equal payments of principal and interest during the remainder of the term of the loan.

"(B) with respect to loans made under this subparagraph, a bank or lending institution may charge, in addition to any interest, fee, or service charge otherwise permissible pursuant to this Act and relevant regulations, promulgated pursuant thereto, a one-time fee of 1 per centum of the total amount of such loan, which amount may be paid from the proceeds of such loan.".

Sec. 206. Section 205 of this Act is repealed October 1, 1985.

Sec. 207. Not later than February 28, 1984, and February 28, 1985, the Small Business Administration shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, a report which shall contain—

(1) with respect to section 7(a)(3)(A) of the Small Business Act—

(A) the aggregate number, dollar value, and default rate of all loans made in excess of $500,000 per loan; and

(B) the aggregate number, dollar value, and default rate of all loans made since the effective date of this section not in excess of $500,000 per loan;

(2) with respect to section 7(a)(17) of the Small Business Act—

(A) aggregate number, dollar value, and default rate of loans made subject to the election described therein; and

(B) for such loans described in subparagraph (A) of this paragraph, the geographic location of the recipients of such loans.

SEC. 208. Section 7(j)(10)(A)(i) of the Small Business Act is amended to read as follows:

"(i) assist small business concerns participating in the program to develop specific business targets, objectives, and goals for correcting the impairment of such concern's ability to compete, as determined for such concern pursuant to section 8(a)(6) of this Act. Such plan shall contain comprehensive financial marketing and management plans which detail efforts to be made by the Small Business Administration and the firm to promote the firm's business development. Every program participant shall be subject to a fixed period of program participation, not in excess of five years, as mutually agreed upon by the applicant and the Administration prior to acceptance in the program. Such term shall begin upon the date of award of the firm's first subcontract under the program: *Provided*, That the determination of the fixed period of time shall take into account the following factors:

"(1) degree of economic disadvantage as defined in section 8(a)(6) of this Act;

"(2) the number and dollar amount, and the progressively decreasing importance of section 8(a) contract support that it is anticipated will be necessary to promote competitive viability;

"(3) the length of time anticipated to be necessary to promote competitive viability;

"(4) the degree to which it is anticipated that Advance Payments and Business Development Expense will be necessary to enable the concern to successfully negotiate section 8(a) contracts and the extent to which reliance upon such proceeds will progressively decrease in importance;

"(5) the rate at which it is anticipated that a concern will decrease its reliance upon all forms of program support, especially section 8(a) contract support, at the end of its term:

Provided further, That not less than one year prior to the expiration of such period, and upon the request of such concern, the Administration shall review such period and may extend such period no more than two years taking into account the following factors:

"(1) the degree of economic disadvantages as defined in section 8(a)(6) of this Act and the extent to which prior participation in the program has overcome such economic disadvantage;

"(2) progress toward the financial marketing and management goals developed by the Small Business Administration and the firm;

"(3) the number and dollar amount of 8(a) contracts received during prior program participation;

"(4) the number and dollar amount of non-8(a) contracts;

"(5) the length of time in the program;

"(6) any extenuating circumstances unique to the firm, including but not limited to, type of industry, geographical location, adverse unforeseen events, involvement in special projects intended to realize additional socioeconomic objectives:

Provided further, That no determination made under this paragraph shall be considered a denial of total participation for the purpose of section 8(a)(9) of this Act, nor shall amendment made by this section apply to those firms participating in the program upon the date of enactment.".

SEC. 209. Section 5 of the Small Business Act is amended by adding the following new subsection:

"(f) Notwithstanding any other provision of law, the Administration shall enter into commitments for direct loans and to guarantee loans, debentures, payment of rentals, or other amounts due under qualified contracts and other types of financial assistance and to enter commitments to guarantee sureties against loss pursuant to programs under this Act and the Small Business Investment Act of 1958 in the full amounts provided by law, including reprograming requests approved by the Appropriations Committees of the United States Senate and the House of Representatives of the United States, subject only to (1) the availability of qualified applications for such direct loans and guarantees, and (2) limitations and amounts contained in authorization and appropriation Acts. Nothing in this subsection authorizes the Administration to reduce or limit its authority to enter commitments for direct loans or for such guarantees to qualified applicants.".

SEC. 210. Section 404(b) of the Small Business Investment Act of 1958 is amended as follows:

(a) by striking from paragraph (1) thereof "may be issued" and by inserting in lieu thereof "shall be issued"; and

(b) by striking the period at the end of paragraph (1) theeof and by inserting in lieu thereof ", and the Administration is expressly prohibited from denying such guarantee due to the property being so acquired.".

The provisions of subsections (a) and (b) of this section shall apply to applications (for the issuance of a guarantee described in section 404 of the Small Business Investment Act of 1958) which are pending as of January 1, 1982, or are made after December 31, 1981.

SEC. 211. Section 411 of the Small Business Investment Act of 1958 is amended by adding the following at the end of subsection (h): "The Administration shall not establish eligibility criteria based on the amount of the bond, subject to the limitation in subsections (a) and (c), or upon a percentage related to previously successfully completed contracts. The Administration shall evaluate each application on a case-by-case basis and based solely thereon shall determine the appropriate guarantee.".

SEC. 212. Section 5 of the Small Business Act is amended by adding the following new subsection:

"(g) The Administration shall notify the Senate Small Business Committee and the Small Business Committee of the United States House of Representatives before reprograming any program amounts authorized in appropriations Acts or reports explanatory thereof and shall notify the Senate Small Business Committee and the Small Business Committee of the United States House of Representatives before implementing any reorganization of such agency.".

SEC. 213. Section 2 of the Small Business Act is amended by striking "section 7(i)" from paragraph (1) of subsection (c) and by inserting "section 7(a)(11)".

SEC. 214. Section 7 of the Small Business Act is amended as follows:

(a) by striking, wherever it appears therein, "section 7(i)" from paragraphs (1), (2), (3), (8), (9), and (11) of subsection (j) and by inserting "section 7(a)(11)";

(b) by striking from subsection (k) "section 7(i)" and by inserting "section 7(a)(11)";

(c) by striking subsections (e), (h), (i), and (l); and

(d) by striking all of subsection (c) after the first two sentences in subparagraph (D) of paragraph (4) and inserting the following:

"Such loans, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall be in amounts equal to 100 per centum of loss if the applicant is a homeowner and 85 per centum of loss if the applicant is a business or otherwise. The interest rates for loans made under paragraphs 7(b) (1) and (2), as determined pursuant to this paragraph (4), shall be the rate of interest which is in effect on the date the disaster commenced: *Provided*, That no loan under paragraphs 7(b) (1) and (2) shall be made, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis, if the total amount outstanding and committed to the borrower under subsection 7(b) would exceed $500,000 for each disaster unless an applicant constitutes a major source of employment in an area suffering a disaster, in which case the Administration, in its discretion, may waive the $500,000 limitation.".

SEC. 215. Section 15 of the Small Business Act is amended by striking subsections (d), (e), and (f) and inserting in lieu thereof the following:

"(d) For purposes of this section priority shall be given to the awarding of contracts and the placement of subcontracts to small business concerns which shall perform a substantial proportion of the production of those contracts and subcontracts in or near areas of concentrated unemployment or underemployment or within labor surplus areas. Notwithstanding any other provision of law, total labor surplus area set asides pursuant to Defense Manpower Policy Numbered 4B (32A CFR chapter I) or any successor policy shall be authorized if the head of the procuring Federal agency or his designee specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards will be made at reasonable prices. As soon as practicable and to the extent possible, in determining labor surplus areas, consideration shall be given to those persons who would be available for employment were suitable employment available. Until such definition reflects such number, the present criteria of such policy shall govern.

"(e) In carrying out small business set-aside programs, Federal agencies shall award contracts, and encourage the placement of subcontracts for procurement to the following in the manner and in the order stated:

"(1) concerns which are small business concerns and which are located in labor surplus areas, on the basis of a total small business-labor surplus area set-aside;

"(2) concerns which are small business concerns, on the basis of a total small business set-aside;

"(3) concerns which are small business concerns and which are located in a labor surplus area, on the basis of a partial small business-labor area set-aside; and

"(4) concerns which are small business concerns, on the basis of a partial small business set-aside.

"(f) After priority is given to the small business concerns specified in subsection (e), priority also shall be given to the awarding of contracts and the placement of subcontracts, on the basis of a total labor surplus area set aside, to business concerns which will perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas.".

Sec. 216. Section 3(h) of the Small Business Act is amended as follows:

(a) by striking "availability of credit" and by inserting "availability of sufficient credit"; and

(b) by striking "conditions" and by inserting "conditions and at reasonable rates,".

Sec. 217. Section 3 of the Small Business Act is amended by striking from subsection (a) "*Provided,* That the Administration shall not promulgate, amend, or rescind any rule or regulation with respect to size standards prior to March 31, 1981." and inserting in lieu thereof the following: "*Provided,* That notwithstanding the waiver provisions of any other law, the Administration shall not promulgate, amend or rescind any rule or regulation with respect to size standards except in accordance with the procedures of chapter 5 of title 5, United States Code.".

Sec. 218. Section 302(a) of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following: "With respect to a company licensed pursuant to section 301(d), such capital and surplus shall include funds obtained directly or indirectly from an agency or department of a State government or the Federal Government (excluding the Administration) for purposes of section 303 leveraging, provided that such funds:

"(1) are not taken into account with respect to meeting the requirements established by the preceding two sentences; and

"(2) were invested in or were legally committed to be invested in such company prior to July 29, 1980.".

Sec. 219. Section 502 of the Small Business Investment Act of 1958 is amended by striking "plant acquisition," and by inserting in lieu thereof "working capital, plant acquisition,".

Sec. 220. Section 503 of the Small Business Investment Act of 1958 is amended by striking all of paragraph (5) of subsection (b) after "is made" and by inserting the following: ": *Provided,* That the Administration shall not use the source or nature of the funds constituting the remaining per centum of the project cost as a criteria to approve or reject such guarantee; and".

Sec. 221. Section 15(c) of the Small Business Act is amended as follows:

(a) by striking from paragraph (1) "fiscal years 1981, 1982, and 1983," and by inserting in lieu thereof "each of fiscal years 1981 through 1986,";

(b) by striking from paragraph (1) "7(h)" and by inserting in lieu thereof "7(a)(10)";

(c) by striking from paragraph (2) ", 1982" and by inserting in lieu thereof "of each of fiscal years 1983 through 1986"; and

(d) by striking from paragraph (2) the word "Select".

AMENDMENTS OFFERED BY MR. MITCHELL

Mr. MITCHELL. Mr. Chairman, I have two technical amendments at the desk which I offer, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments

The Clerk read as follows:

Amendments offered by Mr. Mitchell: Page 17, strike line 19 and insert "1986.".

Page 17, line 20, strike "February 28, 1984, and".

Page 17, line 21, after "1985," insert "and February 28, 1986,".

Page 18, strike line 18 and all that follows through page 21, line 18, and renumber the remaining sections.

Mr. MITCHELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The gentleman from Maryland (Mr. Mitchell) is recognized for 5 minutes in support of his amendments.

Mr. MITCHELL. Mr. Chairman, there are two amendments here, and I believe that Chair did indicate that they would be considered en bloc. We have consulted with the minority before offering these amendments.

Amendment No. 2 simply extends for 1 year, or until October 1, 1986, a provision repealing section 205 of the bill which permits SBA to agree to the payment of interest only on loans during the initial term of the loans if all parties agree.

It also eliminates a February 28, 1984, report on the interest only provision and on loans excess of $500,000. Instead, it requires the report on that date in 1986 along with a report on the same date in 1985.

Mr. Chairman, the second amendment, amendment No. 2A strikes section 208 which would have modified SBA's authority over a firm's participation in the small business and capital ownership development program.

As now provided in the bill, section 208 would enact into the Small Business Act current regulations that require each firm participating in the 8(a) minority business development program to receive a fixed period of participation in the program.

Codifying the existing regulatory practice would deny the agency the ability to modify procedures they have developed. Accordingly, SBA has requested that this provision be striken from the bill. I have agreed to do so and the minority members also have concurred. I know of no opposition to this amendment.

Mr. Chairman, these are technical amendments. The minority is, I believe, in agreement.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, these amendments, as the gentleman said, are purely technical amendments on reporting requirements of the SBA, and we urge their adoption.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Maryland (Mr. Mitchell).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. WYDEN

Mr. WYDEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wyden: Page 29, after line 5, insert the following new section:

Sec. 222. Section 15 of the Small Business Act is amended by adding at the end thereof the following:

"(m) Pursuant to the agreement implementing the policy of this section, entitled "Memorandum of Understanding Between the United States Department of the Interior and the Small Business Administration With Respect to Sales to Small Concerns of Timber and Related Forest Products on Federal Lands Under the Jurisdiction of the Bureau of Land Management," dated March 10, 1959, as amended July 25, 1966, and regulations and directives issued pursuant thereto, the Secretary of the Interior shall develop rules in consultation with the Administration to provide that any timber purchase by a nonmanufacturer shall be treated for purposes of small business share analysis under this Act as if made by the actual or predicted manufacturer of such purchase.

"(n) Pursuant to the agreement implementing the policy of this section, entitled "Agreement Between Department of Agriculture and the Small Business Administration for the Development and Operation of a Small Business Program in the Sale of National Forest Timber and Related Forest Products," dated December 29, 1971, and regulations and directives issued pursuant thereto, the Secretary of Agriculture shall not, in the case of government sales of timber in Forest Service Region 8 reserved for or involving preferential award to small businesses when the government timber being purchased is to be resold, permit the purchasing small business to sell or trade any of the advertised sawlog volume of such timber to a concern which is not a small business within the meaning of the Administration's regulations."

Mr. WYDEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WYDEN. Mr. Chairman, many small timber mills throughout our Nation are still feeling the ravages of the recession. The amendment I am offering now will help our country get these small mills going again, will get some unemployed woodworkers back onto the production lines, and it will not cost the Government a single penny.

The amendment would make two modest changes in the administration of the small business set-aside program for sales of Federal timber. One change, which I will explain in a moment, would affect the Bureau of Land Management's set-aside program in Oregon. The other change concerns the Forest Service's set-aside program in the South, and will be explained by the distinguished gentleman from Alabama, JACK EDWARDS, who joins me in the offering of this amendment.

The small business timber set-aside program is established under the general policy mandate of section 15 of the Small Business Act. Its purpose is to assure that a fair proportion of Federal timber is made available to the small business sector of the forest products industry. When small business falls behind in obtaining its historic proportional share of timber in a marketing area, certain timber sales then are set aside for small businesses only so that small business can catch backup.

Some timber sales, however, are sold to bidders who are not manufacturers. These nonmanufacturers typically are loggers who are small businesses. When a nonmanufacturer buys an open Forest Service timber sale, the Forest Service allocates that sale for small business share determination purposes to either large business or small business, depending on whether the nonmanufacturer will sell the logs to a large business mill or a small business mill. This procedure is equitable and in accord with congressional policy.

The Bureau of Land Management, however, allocates all purchases of its open timber sales by nonmanufacturers into the small business category, even when the nonmanufacturer is selling the logs to large business mills. This tends to keep small business mills from receiving their proportionate share of timber because small business is being credited with timber that actually is going to large business mills. For many years, this caused no practical problem because only about 4 percent of the volume sold by the BLM was purchased by nonmanufacturers. Beginning in 1982, however, the nonmanufacturer proportion increased sharply, growing to 22 percent for the first 9 months of 1983.

My amendment would require the BLM to allocate purchases by nonmanufacturers in essentially the same manner as is done by the Forest Service.

The distinguished chairman and ranking minority member of the Committee on Small Business have told me this amendment is acceptable to them.

The Small Business Administration has told me it supports the policy of this amendment.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I appreciate the gentleman's yielding, and I rise in support of his amendment.

This amendment certainly does help the small lumber manufacturers, and I hope the Committee will accept the gentleman's amendment.

Mr. Chairman, my particular interest is in the language that prohibits the sale or trade in region 8 of any designated set-aside sawtimber to businesses that do not meet the small businesses size standard.

Implementation of the current 70-30 percent rule has proven difficult in our region. There have been violations that are harmful to the legitimate small business lumberman. In the southern region there is only one SBA staff person to police the rule. To assure proper adherence to the requirement that the manufacturers be required to keep massive records. Reviews of the records to determine violations would be more than the one staff person could handle.

This issue is important to the small lumber manufacturers in my State and several fellow region 8 States. As I stated, violations to the 70-30 rule unfortunately do occur. On occassion set aside timber is purchased by someone other than a manufacturer and then resold. The problems is that in the resale more than 30 percent of the sale is to a non-small-business manufacturer. This diverts logs away from small businesses who are dependent on the set-aside timber to take care of their product need. Without this set-aside timber the businesses must depend on purchases some distance from their mills, which creates expenses that are difficult for them.

This amendment does not shut large manufacturers off from Forest Service timber. In addition to the current 30 percent of the set-aside sawtimber, they can also purchase in the open sales, where they are more competitive than the small businesses. Small business lumbermen need the set-aside protection. Since they are not now getting full benefit of the protection under the current law, the only solution is to change the law. This is the purpose of the portion of the Wyden amendment that addresses region 8, and I urge my colleagues to support it.

Mr. WYDEN. Mr. Chairman, I thank the gentleman from Mississippi.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Chairman, I thank the gentleman for yielding, and I wish to state that I strongly support the gentleman's amendment.

The amendment really puts some teeth back into the Small Business Administration's rules and regulations as they were meant to be, and I hope that the House will adopt this amendment.

Mr. Chairman, I rise in strong support of the amendment and I will speak primarily to subsection (n) of the amendment.

Legitimate small timber businesses in the south have experienced problems with the existing small business set-aside regulations for timber sales. The amendment offered by the gentleman from Oregon seeks to address those problems.

Currently, a timber business participating in the U.S. Forest Service-Small Business Administration set-aside program may sell 30 percent of the timber to a non-small-business interest. The rule is virtually unenforceable in the south, region 8, where the Small Business Administration has only one staff person to monitor the sales. What is occurring is that many set-aside purchasers are selling more than 30 percent of the set-aside volume to nonsmall businesses. This situation squeezes legitimate small businesses out of a market upon which they depend.

The amendment would prohibit the sale or trade of any sawtimber volume in a designated set-aside sale to businesses which do not meet the small business size standard. It would be effective only in region 8. I understand that this problem does not exist in other regions because they have effective enforcement mechanisms to prevent a circumvention of the regulations.

What the gentleman's amendment seeks to accomplish is to make the set-aside program a consistent small business program as the law intended. What it does not seek to do is limit the availability of timber to large manufacturers who compete successfully in open sales and in private sales.

I believe this amendment is an equitable means of dealing with existing violations of the small business set-aside program. It simply puts more teeth in the law to protect small businesses.

Mr. WYDEN. Mr. Chairman, I thank the gentleman from Alabama (Mr. EDWARDS).

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the chairman of the committee.

Mr. MITCHELL. Mr. Chairman, even an urban-oriented chairman of the Small Business Committee recognizes the merit of the gentleman's amendment, and we are prepared to accept his amendment on this side.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I am happy to yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I have discussed the amendment with my colleague, the gentleman from Oregon (Mr. WYDEN), as well as the other Members who have spoken here. We are in support of the amendment, and we will accept it on this side.

Mr. WYDEN. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. McDADE).

Again Mr. Chairman, let me say to my colleagues that this amendment deals with the small business set-aside program for sales of Federal timber.

Mr. Chairman, I yield back the balance of my time.

Mr. AuCOIN. Mr. Chairman, I rise in support of the amendment.

Mr. AuCOIN. Mr. Chairman, I rise to support the amendment offered by my distinguished colleague from Oregon, as joined in by the distinguished gentleman from Alabama.

The small business set-aside program is a vital ingredient in the health of the independent, small business sector of the forest products industry in Oregon. Large business and small business are in continuing tension over the set-aside program. This particular amendment, however, is not a source of controversy. It merely corrects a recordkeeping process which, until recently, has not caused any significant problem. Over the past couple of years, however, it has become a problem which should be corrected.

I want to emphasize that this amendment in no way dictates to nonmanufacturers to whom they can sell timber which they purchase at open sales. It merely provides that the agency's recordkeeping will accurately reflect whether BLM logs are going to large business mills or small business mills. I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WYDEN).

The amendment was agreed to.

□ 1650

AMENDMENT OFFERED BY MR. M'KERNAN

Mr. McKERNAN. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. McKERNAN: Page 29, after line 5, insert the following new section:

" SEC. 222. (a) Not later than February 28, 1985, the Small Business Administration shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, a report of a study conducted by such Administration with respect to loans guaranteed under subsection (a) of section 7 of the Small Business Act, having a principal amount of less than $50,000, and made during 1983 and 1984.

(b) The report shall include—

(1) the aggregate number and dollar amount of such loans,

(2) the size characteristics of the recipients of such loans, including such characteristics as numbers of employees, gross annual receipts, and net worth, and

(3) the costs (including costs of lending institutions) of making and administering such loans.

(c) The report shall analyze—

(1) the effectiveness of the guaranteed loan program under section 7(a) of the Small Business Act for businesses with fewer than 20 employees and needing loans of less than $50,000, and

(2) shall evaluate alternative ways to reduce the cost of making and administering loans to such businesses, including (but not limited to)—

(A) the feasibility and cost to the treasury of having the Small Business Administration absorb a portion of the fixed costs of making and administering loans to such businesses, and

(B) establishing local independent nonprofit entities which would be provided funds by the Small Business Administration for making loans to such businesses.

(d) The report may include any recommendations that the Small Business Administration may have for improving access by such businesses to its loan programs.

Mr. McKERNAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. McKERNAN. Mr. Chairman, the purpose of this amendment, which I understand is supported by both the distinguished chairman of the committee, as well as the distinguished ranking member of the committee, is to direct the Small Business Administration to study and to analyze the effectiveness of the guaranteed loan program under section 7(a) of the Small Business Act for businesses with fewer than 20 employees and needing loans of less than $50,000 and to report by February 28, 1985, back to the House and Senate Committees on Small Business on ways to make loans more readily available to businesses of those size.

Mr. Chairman, during 1983, I conducted a number of town meetings, as well as walking tours and over and over again, as I am sure many Members have found as they have returned to their districts, people who have started small businesses, people who have very few employees, have talked about their need for capital, especially for capital in the $25,000 to $50,000 range and the unresponsiveness of the Small Business Administration to their request for help.

I think we ought to see how we can better help these so-called microbusinesses, of which there are many in my district. While the success of the SBA on many levels has been great, a significant portion of the small business community has been unable to benefit fully from SBA programs. These are the Nation's very small businesses—those, in general, with fewer than 20 employees—which face great difficulty in obtaining business loans of a small size. While their need for working capital and for captial to invest in fixed assets is great, very small businesses have a hard time obtaining loans under $50,000. This is because the application process for an SBA loan guarantee is time consuming and because the administrative costs of such small loans greatly reduce their profitability to lenders.

Mr. Chairman, this problem is of particular importance because of the vital role that the very small business plays in the economic health of this country. In 1982, fully 88.6 percent of all businesses in America had fewer than 20 employees, yet these same businesses created well over half of the Nation's jobs. With this group of businesses, too, lies the root of the American dream: To own and run a small business. But if we are to sustain opportunities for Americans in very small businesses, and if we are to sustain the growth of our economy that is predicated upon the growth of these businesses, then we must begin to look at ways to make it easier for the little guy to obtain the capital his business needs.

My amendment further directs the SBA to analyze this problem, and to develop proposals for reducing the redtape that very small businesses face in obtaining SBA loan guarantees for small loans, and to address the need for reducing the prohibitive administrative costs that lenders face when making such loans. In approving this amendment, the House would move toward a more effective loan guarantee program for SBA, and improved opportunities for very small businesses everywhere. I urge my colleagues to support this amendment.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. McKERNAN. Certainly.

Mr. MITCHELL. Mr. Chairman, we on this side have had an opportunity to study the amendment. We are aware of the need for such a study, directed at small businesses, very, very small businesses. On this side we are prepared to accept the amendment.

I think my colleague, the gentleman from Pennsylvania (Mr. McDade) is also prepared to accept it.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. McKERNAN. Certainly, I yield to the gentleman.

Mr. ROGERS. Mr. Chairman, I would like to commend the chairman and the ranking member, the gentleman from Pennsylvania (Mr. McDade) for their hard work on this legislation, and also to commend our colleague, the gentleman from Maine (Mr. McKernan) for introducing this important and I think constructive amendment.

I want to compliment the gentleman on the amendment and to urge its passage. I hope that we do pass this very vital amendment.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. McKERNAN. I yield to the distinguished gentleman.

Mr. MITCHELL. Mr. Chairman, it is my understanding that the ranking member on the committee is prepared to accept the amendment.

Mr. McDADE. Mr. Chairman, will my friend yield to me?

Mr. McKERNAN. I would be happy to yield.

Mr. McDADE. Mr. Chairman, I want to commend my friend for offering this amendment.

I think the report requirements that are in his amendment with respect to the SBA will have a very salutary effect on making that program more responsive to the small business needs of the country.

I commend the gentleman for offering it and I hope the House will accept it.

Mr. McKERNAN. I appreciate that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine (Mr. McKernan).

The amendment was agreed to.

Mr. MITCHELL. Mr. Chairman, I am going to ask unanimous consent that our colleague, the gentleman from Nebraska (Mr. Daub), be allowed to speak to an issue that we have already voted on. The gentleman had an understanding that he would get time to speak on it.

I ask unanimous consent that the gentleman from Nebraska be allowed to speak on the issue.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The gentleman from Nebraska (Mr. Daub) is recognized for 5 minutes.

Mr. DAUB. Mr. Chairman, I thank the chairman of the committee for his indulgence in that regard, because indeed, we did have an agreement on what was to be within the agreement a discussion on section 2(a). The matters evidently were put en bloc, or otherwise got mislaid.

The amendment that would have been discussed by me dealt with the minority enterprise development idea, which has been an idea that the chairman knows and my ranking member knows I have supported and would have supported the amendment, had it been put to a more distinctive vote.

In the last 3 years that I have served on the committee, I have witnessed a most welcome change in the attitude regarding a subject I think most Members have found somewhat controversial. It is referred to, if I might suggest that my colleagues observe, as the 8(a) program. Now, I am a supporter of efforts to assist disadvantaged business owners and had come to believe that unless substantial changes were made in that program, its future was very much in doubt.

The basic problem with the program was that instead of businesses enjoying its advantages for a certain period of time and then moving on to stand on their own feet in a competitive environment, so that other businesses could utilize the program, certain businesses remained year after year, while a very few individuals were able to prosper.

Whether or not one believes that all participants ought to be graduated from the program, I believe that no one could justify particular individuals from being able to profit from the program year after year at a substantial cost to the Government. During the debate on this legislation in the committee, we did hear some people who felf that a business' participation in 8(a) should not end until a company was the size of its biggest competitor.

With this kind of thinking, the 8(a) program would not have survived much longer. Fortunately for the program and especially for the many minority and disadvantaged businesses that were kept out so that a few could monopolize the program and its resources, the administration began to effect congressional intent and issue regulations that would require that after a number of years and a certain amount of assistance, that companies graduate from the program.

There was, or course, a great deal of criticism from those whose pockets had been so well lined that their continued presence in the program was necessary. As a Member who has seen deserving competitive entrepreneuers and enterprises from the minority ranks of our country's growing business community kept from the program so that the larger competitors could grow larger, I considered this not only a vindication of our congressional intent, but a real and substantial benefit to disadvantaged businessmen and women.

In committee, we were able to make permanent some of these changes, but today we have been asked, and in fact have now acted, to allow the administration additional leverage in the administration of the program and to give up that language and rely instead upon the Small Business Administration's willingness to administer this program properly.

□ 1700

I am willing to go along with this, but I want to make it clear that the 8(a) program will exist only so long as it makes sense and provides temporary nurturing for small and disadvantage businesses. Its purpose is not to create a privileged class of companies who get fat on negotiated Government contracts, while preventing their competitors from either participating in the program or obtaining Government work.

I thank the chairman, my ranking member, and the members of the committee for their indulgence at this time.

Mr. McDADE. Will the gentleman yield?

Mr. DAUB. I will be happy to yield.

Mr. McDADE. I just want to take a few minutes to offer my commendation to my colleague from Nebraska.

Mr. DAUB. I thank the gentleman.

Mr. McDADE. I know of the countless hours he has put into this program, to make it a good program, one that is workable, equitable, and that meets the needs of the country. I do not know of any body that has worked harder on a program than my friend from Nebraska, and I offer him my congratulations for his work.

Mr. DAUB. I thank my ranking member very much. I want you all to know that it is a good program, and I think it is a better one now than it has ever been. I think our committee made progress, but in deference to my chairman and to the Small Business Administration and their request, we will give them the opportunity to continue to make progress so that a lot more people can take advantage of this very good program.

I thank the chairman and I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—DISASTER LOAN ASSISTANCE

Sec. 301. Section 7(c) of the Small Business Act is amended by adding the following:

"(5) Notwithstanding the provisions of any other law, the interest rate on the Federal share of any loan made under subsection (b)(1) on account of a disaster commencing on or after October 1, 1982 shall be—

"(A) in the case of a homeowner unable to secure credit elsewhere, the rate prescribed by the Administration but not more than one-half the rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans plus an additional charge of not to exceed 1 per centum per annum as determined by the Administrator, and adjusted to the nearest one-eighth of 1 per centum, but not to exceed 4 per centum per annum;

"(B) in the case of a homeowner able to secure credit elsewhere, the rate prescribed by the Administration but not more than the rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans plus an additional charge of not to exceed 1 per centum per annum as determined by the Administrator, and adjusted to the nearest one-eighth of 1 per centum, but not to exceed 8 per centum per annum;

"(C) in the case of a business concern unable to obtain credit elsewhere, not to exceed 4 per centum per annum;

"(D) in the case of a business concern able to obtain credit elsewhere, the rate prescribed by the Administration but not in excess of the lowest of (i) the rate prevailing in private market for similar loans, (ii) the rate prescribed by the Administration as the maximum interest rate for deferred participation (guaranteed) loans under section 7(a) of this Act, or (iii) 8 per centum per annum. Loans under this subparagraph shall be limited to a maximum term of three years.

"(6) Notwithstanding the provisions of any other law, such loans, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall be in amounts equal to 100 per centum of loss. The interest rates for loans made under paragraphs 7(b) (1) and (2), as determined pursuant to paragraph (5), shall be the rate of interest which is in effect on the date the disaster commenced: *Provided*, That no loan under paragraphs 7(b) (1) and (2) shall be made, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis, if the total amount outstanding and committed to the borrower under subsection 7(b) would exceed $500,000 for each disaster unless an applicant constitutes a major source of employment in an area suffering a disaster, in which case the Administration, in its discretion, may waive the $500,000 limitation: *Provided further*, That the Administration, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall not reduce the amount of eligibility for any homeowner on account of loss of real estate to less than $100,000 for each disaster nor for any homeowner or lessee on account of loss of personal property to less than $20,000 for each disaster, such sums being in addition to any eligible refinancing. With respect to any loan which is outstanding on the date of enactment of this paragraph and which was made on account of a disaster commencing on or after October 1, 1982, the Administrator shall make such change in the interest rate on the balance of such loan as is required herein effective as of the date of enactment.".

Sec. 302. Section 20 of the Small Business Act is amended by striking all of paragraph (5) of subsection (q) after the word "Administration" and by inserting the following "is authorized to make $100,000,000 in direct loans and for the programs authorized by sections 7(b)(1) and 7(b)(2) of this Act, the Administration is authorized to make $440,000,000 in direct loans.".

Sec. 303. Section 18(a) of the Small Business Act is amended by striking "October 1, 1983" and by inserting "October 1, 1984".

Sec. 304. Section 7(b) of the Small Business Act is amended as follows:

(a) by striking out the period at the end of paragraph (2) and by inserting in lieu thereof a semicolon;

(b) by striking out the period at the end of paragraph (3) and by inserting in lieu thereof "; and"; and

(c) by adding after paragraph (3) the following new paragraph:

"(4) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Adminstration may determine to be necessary to assist, or refinance all or part of the existing indebtedness of (specifically including any direct loans under section 7(a) of this Act which were made to small businesses affected by currency fluctuations and exchange freezes), any small business concern located in an area of economic dislocation that is the result of the drastic fluctuation in the value of the currency of a country contiguous to the United States and adjustments in the regulation of its monetary system if such concern is unable to obtain credit elsewhere. The Governor of a State may certify to the Adminstration (A) that small business concerns within the State have suffered substantial economic injury as a result of such economic dislocation, and (B) that such concerns are in need of financial assistance which is not available on reasonable terms. Such economic dislocations must be of such magnitude that without the benefit of loans provided hereunder a significant number of otherwise financially sound small businesses in the impacted regions or business sectors would either become insolvent or be unable to return quickly to their former level of operation. No loan made hereunder shall exceed $100,000, nor shall the proceeds thereof be used to reduce the exposure of any other lender. The Administration may permit deferral of payment of principal and interest for one year on loans made hereunder.

Sec. 305. Section 20(q) of the Small Business Act (as amended by section 101 of this Act) is further amended by striking from paragraph (5) "section 7(b)(3)" and inserting in lieu thereof "sections 7(b)(3) and 7(b)(4)".

Sec. 306. Section 20(t) of the Small Business Act (as amended by section 101 of this Act) is further amended by striking from paragraph (5) "section 7(b)(3)" and inserting in lieu thereof "sections 7(b)(3) and 7(b)(4)".

Sec. 307. Paragraph (1) of section 4(c) of the Small Business Act is further amended by inserting "7(b)(4)," after "7(b)(3),".

Sec. 308. The amendments made by sections 304 through 307 of this Act shall apply to economic dislocations certified by any State Governor to the Small Business Administration after the date of enactment of this Act providing such dislocation commenced since January 1, 1982.

Sec. 309. Section 7(b)(3) of the Small Business Act is amended as follows:

(a) by inserting "continuation of," after "in effecting"; and

(b) by inserting the following at the end of such paragraph: "For the purposes of this paragraph, the impact of the 1983 Payment-in-Kind Land Diversion program, or any successor Payment-in-Kind program with a similar impact on the small business community, shall be deemed to be a consequence of Federal Government action.".

Sec. 310. Section 7(c)(4) of the Small Business Act (as amended by section 214 of this Act) is further amended by adding the following at the end thereof: "Employees of concerns sharing a common business premises shall be aggregated in determining 'major source of employment' status for non-profit applicants owning such premises.".

Sec. 311. Section 3 of the Small Business Act is amended by adding the following new subsection at the end thereof:

"(j) For the purposes of section 7(b)(2) of this Act, the term 'small agricultural cooperative' means an association (corporate or otherwise) acting pursuant to the provisions of the Agriculture Marketing Act (12 U.S.C. 1141j), whose size does not exceed the size standard established by the Administration for other similar agricultural small business concerns. In determining such size, the administration shall regard the associations as an entity and shall not include the income for employees of any member shareholder of such cooperative: *Provided*, That such as association shall not be deemed to be a small agricultural cooperative unless each member of the board of directors of the association, or each member of the governing body of the association if it is not incorporated, also individually qualifies as a small business concern.".

Sec. 312. Section 7(b)(2) of the Small Business Act is amended as follows:

(a) by striking "small business concern" and inserting in lieu thereof "small business concern or small agricultural cooperative";

(b) by striking "small business concerns" and inserting in lieu thereof "small business concerns or small agricultural cooperatives"; and

(c) by striking "the concern" and inserting in lieu thereof "the concern or the cooperative".

Sec. 313. The amendments made by sections 311 and 312 of this Act shall apply to loans granted on the basis of any disaster with respect to which a declaration has been issued after September 1, 1982, under section 7(b)(2)(A), (B), or (C) of the Small Business Act or with respect to which a certification has been made after such date under section 7(b)(2)(D) of such Act.

Sec. 314. The Small Business Act is amended by adding the following new section:

"Sec. 26. Unless otherwise specifically provided by law, the Administration shall—

"(a) within ninety days after the effective date of this Act, and any subsequent amendments to this Act or the Small Business Investment Act, publish in the Federal Register proposed rules and regulations implementing such laws; and

"(b) within one hundred and eighty days after the effective date of this Act, and any subsequent amendments to this Act or the Small Business Investment Act, publish in the Federal Register final rules and regulations implementing such laws.".

Sec. 315. This Act shall take effect October 1, 1983: *Provided*, That the amendments made by sections 224 and 227 shall not apply to any disaster which commenced on or before July 2, 1980.

The CHAIRMAN. Are there any amendments to title III?

AMENDMENTS OFFERED BY MR. MITCHELL

Mr. MITCHELL. Mr. Chairman, I offer four amendments. These are all technical amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. MITCHELL: Page 32, strike all of lines 24 and 25 and insert in lieu thereof "and".

Page 33, line 1 strike "(c)" and insert "(b)".

Page 35, line 7 strike "action" and all that follows on such line and insert "action; and".

Page 37, strike line 13 and all that follows through line 16.

Mr. MITCHELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MITCHELL. Mr. Chairman, let me say to my colleagues that these are technical amendments in nature, simply correcting duplications in references caused by amendments adopted by the committee.

In addition, they make the bill effective on enactment rather than retroactive to last October.

We have discussed these technical amendments with the ranking minority member.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I am delighted to yield to the gentleman from Pennsylvania.

Mr. McDADE. Indeed the chairman has discussed the amendments. These are technical in nature, and I hope the House will adopt them.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Maryland (Mr. MITCHELL).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ECKART

Mr. ECKART. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKART: Page 32, strike out line 20 and all that follows through line 21 on page 34.

Page 34, line 22, strike out "SEC. 309." and insert in lieu thereof "SEC. 304.".

Page 35, line 8, strike out "SEC. 310." and insert in lieu thereof "SEC. 305.".

Page 35, line 14, strike out "SEC. 311." and insert in lieu thereof "SEC. 306.".

Page 36, line 6, strike out "SEC. 312." and insert in lieu thereof "SEC. 307.".

Page 36, strike out lines 16 and 17 and insert in lieu thereof the following:

SEC. 308. The amendments made by sections 306 and 307 shall apply to loans granted on the basis of

Page 36, line 23, strike out "SEC. 314." and insert in lieu thereof "SEC. 309.".

Page 37, line 13, strike out "SEC. 315." and insert in lieu thereof "SEC. 310.".

Mr. ECKART (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ECKART. Mr. Chairman, the purpose in offering this amendment is to strike the special program which creates a new entitlement to assist certain small businesses located along this Nation's border with Mexico as a result of adverse impact that these industries and businesses have suffered as a result of devaluation of the peso.

This new entitlement program would in fact perhaps be meritorious. I do not bring to this floor any particular objection to the Small Business Administration's assistance to small businesses that have suffered as a result of trade imbalance. The objection that I bring to this floor concerning this particular new entitlement program for a single class of businesses, the consequences of which have been the subsidization for the fourth time by the American taxpayers of businesses located along our border I think raises very serious questions.

We, just a few months ago, enacted on this floor a $8.4 billion giveaway to the International Monetary Fund for the purposes of assisting Third World nations to deal with the consequences of their inability to finance their debt. And the central thrust of that was to protect and preserve American businesses.

But how many of us are prepared to go home, having enacted a special individual program for a very small, select group of businesses located in a very small, narrow portion of these United States, when your small business companies cannot get loans as a result of the difficulties that the steel industry has experienced, that the machine tool industry has experienced, in the Northwest that the plywood industry has experienced, that the dairy industry has experienced as a result of case in imports, and that fasteners have experienced, autos, chemicals, and glass?

I am ill prepared to return to my district to face my small businessmen and say because you happen not to be located on the border with Mexico we cannot help you.

This is a serious economic problem. But the peso devaluation is a symptom. The crisis is the Third World inability to finance its debts.

This, is the fourth time that Congress has bailed these people out. In 1976 the Congress created a special program to deal with the first devaluation, and now we are back here once again.

A small businessman from the town of Calexico, Calif. said, "We don't want this small business aid. We can take care of our own problems."

If we are truly interested in dealing with the creation of new entitlement programs, if we are truly interested in dealing with the problems of international trade that have affected all or our constitutents from the overvaluation of the yen to the capitulation of certain Eastern European countries that refuse to use the foreign aid that we give them to purchase from American businesses, then let us deal with it in a program that affects small businesses that have been deleteriously and disadvantageously affected as a consequence of all trade problems.

Why select a single, narrow, special interest for particular help, however meritorious that may be, when in fact I cannot look my small businessperson in the eye and tell him why we cannot help him out.

Now, what has been done in this bill is the creation of a new entitlement, an entitlement that we saw fit, this Congress, to repeal in 1981 with the passage of the reconciliation legislation. Perhaps there was some merit in doing so.

But if we are going to deal with trade problems, let us not come here and scrape off one problem of rust. Let us deal with the problem of trade for all industries, all small businesses, no matter where they happen to be located.

This legislation, I am convinced, is not necessarily in the national interest, and I submit to you that section 304, in creating a program that many people who will seek to defend it were responsible for repealing in 1981, does not make sense.

I would urge this Committee in rejecting section 304 to instruct the conferees, if they are truly interested in the consequences of settling an issue which our own administration has told us is 36 times the amount of money that we are appropriating, or roughly $3.6 billion in need, and we appropriate $100 million of entitlement, then I think we are embarking on the wrong road.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. ECKART) has expired.

(On request of Mr. HUNTER and by unanimous consent Mr. ECKART was allowed to proceed for 1 additional minute.)

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I am happy to yield to my friend from California.

Mr. HUNTER. I appreciate my friend yielding.

My friend mentioned that one businessman from Calexico, Calif., said "we do not need these loans." I have conducted extensive meetings in that area and there are many individuals who not only desire the loans but need the loans. And I think that the question we have to ask is the same question you asked in regard to disaster loans of any type. What is a disaster? Is a flood a disaster? Is an earthquake a disaster? What happens when the Colorado River overflows and you have farmers who have had their land rendered unproductive?

□ 1710

I would submit that when you have a 500-percent devaluation, and essentially a devaluation is inflation, then the situation is a disaster for the affected businesses.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. ECKART) has expired.

(By unanimous consent, Mr. ECKART was allowed to proceed for 2 additional minutes.)

Mr. ECKART. I continue to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

When you have this radical inflation and you have an economy along the border that is based basically on the Mexican customer and that customer is for all practical purposes eliminated, whether he is a business or a consumer and you have, for example in Calexico, of the 350 retail businesses, 20 percent of the businesses going broke within only a few months, I would maintain that you do in fact have a disaster.

I think such a situation is different from a regular business recession; and I think that it does merit special attention.

Mr. ECKART. If I may recapture my time, I would concede that the point the gentleman from California makes is a good one. However, I have hothouse vegetable growers in Ohio who have lost their markets because of the penetration by Canadian tomatoes and lettuce into northern Ohio as a result of import duties that the Canadian Government has relaxed. I have not come here seeking special help for the hothouse growers of northern Ohio.

What I am saying is that if you are going to embark on this program I would be more than willing to look at a broadly targeted program that says specific, narrow, well-directed targeted assistance as a result of trade inequalities, but not to pick one region, a handful of States, no matter how egregious the injury they may have suffered, to the detriment of a wide range of other taxpayers all across this Nation who are asked to fund that program and in fact do so without having the opportunity for having any benefit because they happen not to live on the border of one of our favorite allies and trading partners, the great nation of Mexico.

Mr. HUNTER. Mr. Chairman, will the gentleman continue to yield?

Mr. ECKART. I would be happy to yield further.

Mr. HUNTER. I thank the gentleman.

I think the gentleman may be missing the point. The point is not that these businesses happen to be on the border; they happen to be businesses whose viability is predicated on a sound foreign currency and that currency undertook a disastrous drop.

So whether that business was in Ohio or was in California, you would have exactly the same problem. I appreciate my friend yielding.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, before we proceed any further on this amendment, I think it might be well to recite a little history. And the gentleman, my colleague from Ohio, has made a preface that we should have a broad, general type of amendment. We did; that is why I need to explain.

I think it should be made explicitly clear that we were forced into this situation. It is of national significance, but: First, there was a broad economic impact disaster loan. It did not work all that well, and there was even some accusation that it was misused.

Therefore, the intent was to narrow the scope of that amendment. Hence a group, including myself, decided that we needed to define narrowly the area that we wanted to have an economic disaster applied.

Now, the gentleman from Ohio says that this is for a narrow group of a few people. Not so, Mr. Chairman.

We do not manufacture what we sell in the retail establishments on the border. Those items are manufactured in Ohio, in Michigan, in Illinois, in New York, in Massachusetts, in New Jersey, and in Delaware.

So your unemployment in many parts of Ohio is linked to whether you sell or do not sell the item in McAllen, Tex. We do not manufacture anything of what we sell there.

Then we add to that an extension of our country. Unfortunately, the river, the Rio Grande or the Canadian border; that is not the end of the market. The market extends on either side of the border. And in our situation on the Mexican border the market extends the breadth and length of Mexico.

So it is important to us to have stability in Mexico, yes. It is important for us to have a strong peso. But should it falter for no cause of our own, it impacts on our retailer, on our wholesaler who sells items manufactured away from the border; the tractors, the cars, the retail items, the medical supplies, clothing, none of that is manufactured in our area.

Now, I wanted to make something else very clear: We narrowed it down for one reason, so that you would not have the broad economic impact, economic distress for everyone who felt that he was economically distressed.

We now have a situation in our area, we had the general recession, then we had the peso devaluation, then we had a freeze. There is a New York Times article "Bad Goes to Worse for the Farm Workers in the Rio Grande Valley." If you would permit me to cite:

The official unemployment figure for Starr County in January was 50.6 percent. Hidalgo County was a little better; 25 percent unemployed; Cameron County, 16 percent. But if farmworkers were included, it would be 30 percent.

Now I want to make this very, very clear; we defined it so it would not be used except in narrow circumstances. That we tied to the peso in the contiguous country does not mean that it is not of national significance. We do that all the time. I will tell you that we passed a jobs bill here recently; last year, we passed a jobs bill. That jobs bill had 52 weeks of unemployment compensation. This was for our friends in the industrial North.

Mr. ECKART. Mr. Chairman, will the gentleman yield to me on that point?

Mr. DE LA GARZA. I yield briefly to the gentleman.

Mr. ECKART. I thank the gentleman for yielding.

Is it not true that the farmers in the gentleman's own district also received the benefits of that legislation?

Mr. DE LA GARZA. That is what I am getting at. That is what I am getting at. That is what I am getting at.

Mr. ECKART. I just wanted to make that clear.

Mr. DE LA GARZA. We passed this jobs bill, all the discussion here was for steel, shoes, clothing, cars; it was for our friends in the Northeast. We went along.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DE LA GARZA was allowed to proceed for 3 additional minutes.)

Mr. DE LA GARZA. We went along, we read the reading and the writing and we felt that it was needed, that it was necessary, that it was the right thing to do and we went along and I supported it.

When we had our economic disaster on the freeze, we found out that we did not have the usual Federal emergency management procedures. They are geared for earthquakes, for floods, hurricanes, whatever, not for economic disaster.

So we had a problem that the bulk of the farmworkers are not covered by the regular unemployment compensation. And here because we had done the right thing, because we had sympathized with the need of our brethren, our fellow citizens in the Northeast, lo and behold we found out that our farmworkers could qualify under that program that we had passed.

And if you read the Record, there is no mention of farmworker, there is no mention of agriculture; it is all the mention of the Northeast. But because we went along and did the right thing for our brethren in the Northeast, the good Lord took care of us and we were able to give a little assistance to people that needed it very badly under that legislation.

So I would not want my distinguished colleague and friend from Ohio to say that we are trying to be greedy, to bring it to an area. Not so.

We have already shared, we have already shared in the benefits of what we thought we were passing for them, in Ohio, New Jersey, and New York. And because of what we did, we were able to share in that bounty. It has been life or death, food or no food for many farm workers; and this is the same situation.

Under the regular program of 14-X percent you just cannot function. The regular program for SBA is fine, but not when you are in depressed, tripleshot depression: The recession, the peso, and now the freeze.

□ 1720

You need a special disaster little lower rate. It still is not that much below the cost of money to the Government.

Mr. ECKART. Mr. Chairman, will the gentleman yield?

Mr. de la GARZA. I yield to the gentleman from Ohio.

Mr. ECKART. I thank the gentleman for yielding.

Having watched the gentleman manage countless numbers of bills as chairman of the Committee on Agriculture on this floor and knowing the skill with which he does so, I just want to compliment the gentleman that it could possibly have somehow escaped the gentleman and the gentleman's committee's perusal that that unemployment compensation bill would have benefited the hard-needed farmers in the gentleman's constituency.

I am delighted that the good Lord was able to watch over that piece of legislation on behalf of the farmers of Texas. And the gentleman did well and the good Lord done well and the people of Texas did well.

The CHAIRMAN. The time of the gentleman from Texas (Mr. de la Garza) has expired.

(By unanimous consent, Mr. de la Garza was allowed to proceed for 1 additional minute.)

Mr. de la GARZA. I thank the gentleman for his kindness and generosity. And I know of no special virtue by which to pass legislation except to speak the truth always. And this is what I try to do.

I would hope that the distinguished gentleman would consider withdrawing his amendment because it is not right. It is not fair. The gentleman really does damage to what we could do together for people in other areas, people in need. I think that the gentleman, as conscientious and as objective as he is, I think, has taken the wrong step in this case because it is not selective, it is not parochial. Everything that we are trying to keep in place is manufactured some other place. We are only trying to keep the small businessman, the few jobs, working in that area and having the jobs in the gentleman's area and throughout the Northeast where the items are manufactured.

Mr. OLIN. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I am not going to take the full 5 minutes. I recognize that I am not going to probably be able to impress the gentleman from Texas, my chairman of the Committee on Agriculture.

On the other hand, I would like to make a couple of points.

The first one is that certainly nobody here is opposed to reasonable measures to help businesses that are in serious trouble by disasters. The problem we have is how do we write a bill that does this in a way where we contain the commitment, where the money will go actually to the businesses that are in serious trouble because of that situation and it will not broadly open up a run on the Federal subsidy, the Federal Treasury.

In this case I think we failed to create such a bill. In this bill we would provide the disaster assistance loans to businesses, in this case, that have had peso difficulty, either to refinance the business totally under their present debt structure or give them new loans.

This financial assistance will be rendered, as it says in the bill, in the event that financial assistance is not available from other sources on reasonable terms. It will be available to the extent that it will restore the businesses. It will be available to any business that is unable on its own to return quickly to its former level of operation.

Mr. Chairman, it seems pretty clear that rather than having a bill that can contain this problem and to the people that really need the help, it is gong to open up a rather broad obligation on the part of the Federal Government to provide disaster loans at either 8 percent interest rate or 4 percent interest rate to almost any businessman, on the Mexican border, that can claim that in some way the devaluation of the peso has caused a problem to his business.

It does single out a single category of business for this special attention. We have got thousands of businesses in this country that have difficulty in one form or another because of circumstances beyond their control. I agree with the gentleman from Ohio, who submitted the amendment, that if we were to craft a program which found a way of defining the nature of disasters that we were willing to protect against, that would contain the loaning of interest-free money or intersubsidized money only to those businesses that really were facing bankruptcy for that reason and could not find any other way out, that were good businesses, that deserved to survive; if we could do that, I would support it.

But, Mr. Chairman, I submit that we are not in that situation here, that there are hundreds and hundreds of businesses around the country that need this kind of help. We need to pass this particular amendment. We need to take this feature out of this bill and recraft something that makes sense for the country.

Mr. MITCHELL. Mr. Chairman, I would like to get an idea as to how many other speakers we might have on this amendment. The reason for so doing is that we are trying to shoot for about a time around 6 o'clock where the committee will rise and continue for tomorrow.

Could I get some idea how many Members want to speak on this amendment.

What is the total number?

The CHAIRMAN. The Chair counts nine.

Mr. MITCHELL. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto conclude at 5 minutes to 6.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

PARLIAMENTARY INQUIRY

Mr. KAZEN. Mr. Chairman, reserving the right to object, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KAZEN. How much time does that give us apiece?

The CHAIRMAN. The Chair will advise the gentleman about 3 minutes each.

Mr. KAZEN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MITCHELL. Mr. Chairman, I will withdraw my request. Let us see how we proceed in time then. I might renew it.

Mr. COLEMAN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Ohio.

I think all of us in this House sympathize with his concerns about the Northeast, the industrial heartland as a whole, an area that has been wrought with great recession, indeed, in some areas it can truly be called depression.

But I cannot agree with his assessment that the peso impact loan program would provide a special entitlement to businesses along the border who trade mostly with Mexico.

Now there have been some statements made here in the well and in this body this afternoon that attempted to discuss the trade deficit. I think they ought to be understood. In a better way I think that what the gentleman from Ohio fails to understand is what effect the devaluation of the peso had on the Nation's trade deficit, as well as the compounded effect it had on the border.

As a nation we do not trade only with West Germany and Japan. On the contrary, Mexico is our third largest trading partner. I would consider them to be certainly an important customer and partner.

The aftershock of the peso devaluation to the border region has been devastating, to say the least. The economies of the cities along the border were ultimately greatly harmed when peso devaluations of 1982 dropped retail sales by 60 percent.

□ 1730

U.S. exports to Mexico have declined for 2 straight years. In 1983, exports continued to decline by 23 percent from 1982. Mexico's exports, by contrast, to the United States have increased by 23 percent above the 1982 figure.

I think it is obvious, from the simple reading of those numbers, that the trade deficit along the border is not only a result of the peso devaluation, as well as Mexico's austerity programs mandated by the very International Monetary Fund that was referred to by the gentleman from Ohio, but that it has also greatly contributed to our entire Nation's trade deficit.

I think really and truly many of our colleagues here in this body do not understand, necessarily, as well as those of us in the Border Caucus, those of us who represent congressional districts contiguous to the Mexico border, the problems and the needs of the citizens in our own country. That is what we are talking about. We are discussing the needs and the concerns of small businesses along the border that have been devastated—many, of course, have already gone bankrupt—as a result of something we in this Nation could not really control.

I think it is important, furthermore, to understand the bilateral relationship with Mexico in many other ways. I think that for too long the Federal Government in Washington has turned a deaf ear toward the cries of our Nation's borders. By deleting this program, we would be sending a message loud and clear that, regardless of your problems along the border, as well as those of our friend and ally across the border, we just plain do not care. Well, that is the wrong message to send. I have every confidence that every Member of this body will understand that that is wrong. And I therefore have great confidence that every Member of this body, all of my colleagues, will help to defeat this amendment, send the right message to the border businesses, and support the peso impact loan program.

Mr. McCAIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, and I will try to make my remarks rather brief since the situation was very well covered by my colleague, the gentleman from Texas.

I would like to point out the opponents of this bill or this program argue that it is unfair because all the businesses throughout the country have been hurt by the imbalance in the yen/dollar ratio. I am not sure that they understand that small businesses on the border have been hit by the imbalance of the yen/dollar ratio, but they have also been severely damaged by the devaluation of the peso.

I am not sure that people are aware of the gravity of the problem who have not been to these areas, where in just 1 year the peso dollar ratio was changed by a factor of 6, the peso dollar exchange rate falling from 25 to 1 to 150 to 1.

Retail sales in these small towns fell by 50 percent or more. Bankruptcies have soared. Unemployment in our border towns exceeds 30 percent. Lost revenues have crippled local governments there.

I would like to emphasize one aspect of this bill and why it is so crucial. We are not talking about bailing out Chrysler, and we are not talking about loans to New York City. We are talking about taking care of the heart of America, which is small businesses. Ninety-nine percent of the people who will benefit from this portion of the bill employ 10 people or less.

I urge my colleagues to oppose this amendment and vote against it.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from California.

Mr. HUNTER. I appreciate my good and articulate colleague, the gentleman from Arizona, for yielding, and I appreciate the statements that have been made by the other members of the Border Caucus. I think one point that has to be made again is that we are not talking about geography, we are talking about a currency devaluation. We are also talking about the fact that every business that can remain open on the border is a multiplier for the United States trade surplus with Mexico.

In 1981, according to the U.S. Commerce Department, Mexican nationals purchased $4.8 billion worth of goods and services in the border region. That is not an amount to be sneezed at. This figure dropped to $450 million in 1982. What an incredible collapse.

Again, to go back to the statements made by my friend, the gentleman from Ohio, what is a disaster? Certainly this disaster, this economic disaster, is just as detrimental to those businesses along the border as any earthquake or flood or other type of a natural disaster.

In my district, I can give you some examples: We had one business off 60 percent, another off 75 percent, another 30 percent, another off 50 percent, another off 80 percent—all within a matter of weeks and, in a few cases, months.

So we had a disaster. Again, this disaster reverberates and goes back to every supplier and every manufacturer of goods in the United States that sells to that border region.

So let us go ahead and pass this bill. Let us defeat the amendment. The bill is fair. It is not going to provoke a stampede for loans. We have not had that many applications for loans at the 14 percent rate, but there are some people who will be helped by these loans and do need them who will apply for the 8 percent rate. So let us go ahead and pass this provision and let us continue to build our surplus with Mexico, which is very important to the economy of this Nation.

Mr. ORTIZ. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, after reviewing this amendment offered by the gentleman from Ohio, I believe some clarification is in order to clear up the disinformation it is perpetuating.

Frankly, the analogy this amendment seeks to make between small businessmen suffering from foreign competition and small businessmen suffering from the peso devaluation is false. I do sympathize with those businessmen who have lost their livelihood because of inroads made by foreign competitors, but this is not the case with the merchants along our southern border.

Businessmen on the border were not under priced by competitors, they did not lose their domestic manufacturing base. They lost their customers, and they lost 80 to 90 percent of them in the course of several days. These customers were Mexican nationals that spent pesos in this country for products that were often manufactured by Americans from many States like the gentleman's State of Ohio.

Santos's Tire Store in Laredo is just one good example of the benefits Ohio derived from the high level of business transactions on the border. Before devaluation, Mr. Santos serviced Mexican trucks with Goodyear tires from Akron and parts ordered direct from factories in Akron and Cleveland. After devaluation, Mr. Santos lost 80 percent of his business, closed one of his stores and stopped ordering practically any parts from Ohio.

Tires and auto parts are not the only products from Ohio to be found in hundreds of stores on the border. Due to the high birth rate in Mexico, its citizens buy massive quantities of baby products, sinkware and bathware produced by Rubbermaid of Ohio. The older children want bicycles. Huffy of Ohio was able to sell their product before devaluation.

Mr. Chairman, section 304 of this bill will allow small businessmen to sustain themselves until the peso-dollar exchange rate returns to normalcy. Some progress has been made in this respect, but the days of near unlimited demand for tires and for baby supplies is still far in the future.

Once this turn around occurs, several million customers will return to this country to buy products made by people in Ohio, in Texas, and in practically every other State in the Union. In the meantime, though, these loans are absolutely necessary if border merchants are to retain their businesses and our manufacturing heartland is to retain one of its most vital domestic markets.

I urge all of my colleagues to consider these facts and to oppose this amendment.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am opposing this amendment, and I have listened to the arguments and, not to be redundant but to once again explain what we are talking about in total impact is exactly what this provision was put in there for. There was no other access to help in the kind of economic situation and disaster that was suffered along the border of the United States and Mexico. Something had to be done, and it had to be done immediately because the impact was tremendous.

It has been well administered. If this had been in some area in the Northeast—and I do not want to start a civil war between the Northeast and the Southwest because we are going to have to remain friends all through this thing—but this was an absolute economic, essential motivation and an essential program that has been well administered and has worked well until we get this thing stabilized.

I urge the defeat of the amendment before the bill is passed.

Mr. KAZEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and in strong support of section 304 which is the peso impact loan program included in H.R. 3020. I urge my colleagues to consider the grave situation along the United States-Mexico border in joining me in opposition to efforts to delete this section.

The point I have tried to get across and the point I thought was well understood until this amendment was filed is that the border is suffering from severe problems of historic proportions, problems of a nature which deserve the attention of the Federal Government. Had these tragic problems been caused by a hurricane or a tidal wave, there is no question that our country would immediately go to the rescue.

□ 1740

When hundreds of businesses are flooded or destroyed, and thousands of people face unemployment as a result, we as a nation traditionally respond to the emergency with assistance as rapidly as we can. Not only within our borders, but outside of our borders.

We have sat here year after year after year offering help to every single country in the world whose citizens are not as bad off as our citizens that live along the border from Brownsville to San Diego, Calif.

President Lincoln at one time said:

> The Federal Government should do for people those things which they cannot do for themselves.

This is a classic example of people not being able to do for themselves and the only place where they can turn is to their Federal Government. Certainly, this Government should not shy away from its responsibility.

You know, what we are doing is not new, as has already been stated. Nonphysical disaster loans were recognized, and rightfully so, until they were terminated under Gramm-Latta. Because there was no funding in fiscal years 1982, 1983, and 1984, the committee has agreed with those of us who introduced legislation that there should be specific coverage of economic dislocation from foreign currency devaluation.

Let me, my friends, point to the fact that there are those on both sides of the aisle, as you have witnessed this afternoon, this is not a political question; it is nothing but an economic situation affecting Americans. Not only, as has been already explained, are those of us on the border affected, but every single manufacturer in the entire country is affected because those of us on the border actually were really too late to help hundreds of businesses that have already gone bankrupt.

Not only should we save these remaining interests and businesses that we have, help them along through this crisis as we did before in the previous peso devaluations that we had in the past, and the program worked beautifully at that time. We kept them from going under.

I ask of you, my colleagues, help us save American businesses, American jobs, all over this country, and forget that this is just along that narrow border area from Brownsville, Tex., to San Diego, Calif. It is for Americans, and this country should be grateful to be able to come to the help of people who need help through no fault of their own.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman makes an excellent point that that $4.8 billion worth of goods and services that were sold to Mexican nationals along the border in 1981, were primarily goods and services that were delivered and that were produced in America, throughout America, and my figures show me that that represents about 150,000 jobs throughout America that we are talking about.

Is that accurate?

Mr. KAZEN. The gentleman is absolutely correct. I do not see how else we can explain to the gentleman from Ohio that his people have been suffering because of the situation along the border; that his manufacturers, his suppliers are affected.

The CHAIRMAN. The time of the gentleman from Texas (Mr. KAZEN) has expired.

(On request of Mr. GONZALEZ and by unanimous consent, Mr. KAZEN was allowed to proceed for 3 additional minutes.)

Mr. KAZEN. Let met point out to the gentleman, in all fairness, that this is a national problem, a national problem that should be dealt with by the National Government of this country, and we are here to do just that.

It makes no sense to vote millions upon millions of dollars for training people to do jobs, and then make jobs disappear from under them. It makes no sense to have people unemployed and join the unemployment lines and the welfare rolls, which costs us a lot more. Let me tell you: I have confidence in the Small Business Administration to see to it that they administer this program properly.

The suggestion has been made here that every business down there is going to come and ask for this help and automatically get it. My friends, this is not so. They have got to meet criteria; they have got to stand scrupulous investigation before they are helped, and I say that those who deserve the help ought to get it.

This program should be there for those who can qualify and not just everybody on the whim of just wanting to take advantage of it.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman for yielding.

Mr. Chairman, I rise to support the gentleman in every single way that I can in what he has said. I am a member of this committee and I think I had a hand in some shaping of it, of this version of the bill pending, and I want to thank this illustrious fellow Texan who does have a district that borders right there in the affected area. The district I have the honor of representing in Texas is about 150 miles in, but we sort of share jurisdictional areas, and I wanted simply to rise to endorse what the gentleman has said, and thank him for his very able presentation of the case in support of the bill with the present clause.

Mr. Chairman, I oppose the amendment offered by the gentleman from Ohio (Mr. ECKART). It is almost impossible to imagine the economic devastation that has hit the Texas border area—not just because of the peso devaluation, but because of severe weather last December. Unemployment in the border area of Texas is in the range of 30 percent or more; beyond all doubt the greatest economic distress in the country is along the Mexican border. The SBA peso loan program offers only a slender thread of hope and assistance, and if the amendment offered by the gentleman from Ohio is adopted, even that tiny thread would be cut.

The peso loan program is purely and simply a minimal response to the greatest economic disaster that exists in this country. It is help that in practical terms is available only to the strongest businesses in the border region; it is help that is made necessary be events that are a disaster as surely as a flood is a disaster. It is nothing more nor less than a disaster loan program.

I know that the industrial heartland has been affected, and badly so, by import competition. But there have been responses to that. There is a quota on Japanese imports; there are antidumping cases on steel; and the Congress has provided such assistance as extended unemployment benefits. All that the peso program does is provide an affirmative response to a specific problem. It does not adversely affect anybody; it only addresses a crying, burgeoning need.

The collapse of the Mexican economy, and the collapse of the peso, has meant that the value of the peso declined from about 20 to the dollar 3 years ago to about 160 to the dollar today. The peso, in short, is worth perhaps one-eighth of its former value. When you translate that into commercial reality, the result is a commercial disaster—far more devastating than anything that any part of this country has seen since the Great Depression, a disaster at sudden and complete as the eruption of Mount Saint Helen. The economic disaster in the Texas border region has been total, and there is no way that it can overcome without realistic assistance. The peso loan program is not a gift; it can help only the strongest; and it represents the very least that the Federal Government can do to respond to a crisis that has wiped out a very high percentage of all commercial activity along the entire United States-Mexico border. If the House kills the peso loan program, it will simply be adding one more burden to an area that is already devastated.

Adoption of the Eckart amendment will not help anybody; it will only hurt people who are already injured; it will only penalize and punish people who are already punished beyond endurance; and it will only add misery to those who are already miserable. I ask you to consider, and to vote against the Eckart amendment. Let us keep the peso loan program, and leave that one little crumb on the table.

Mr. KAZEN. I thank the gentleman for his support.

Mr. Chairman, there is one last item I want to bring to the attention of the people here. You have heard about the unemployment along this border. It is difficult, gentleman, to stand before you this afternoon and tell you that in my district continuously since 1981 the unemployment figure has not come below 23 percent in Laredo, Tex., below 30 percent in Eagle Pass, Tex., and all up and down the border.

I leave to the rest of my colleagues to tell you what their situation is, but you try to live with that. You try to live with those types of figures; it cannot be done.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I take this time because I know that there are several amendments pending to the disaster section of this bill, and the debate indicates to me that some do not understand or have not heard the history of the disaster section of this bill.

We need to go back about 10 or 12 years and there would not be as much opposition to these amendments. There are going to be a couple tomorrow too, to try in one way or another to remove farmers from eligibility for disaster loans and discriminate against them and say to them "You cannot be treated like other small businessmen."

I want to take the time this time to remind you of the history of this part of the bill. The debate reminds me a little bit, and I was reminded as I sat here, of a fellow who was an alleged bear fighter back home. He had been up in the north woods and told these stories about how he fought these bears and someone said to him, give me a couple of ideas, what are the tricks you use to fight a bear?

He said, well, the first trick is that you try to find a small one, and then second, it helps you if you find one that is half dead. Well, that is what you are doing when you pick on people who are after some disaster loan money. You are talking about small people, and you are talking about people who are half dead.

Let us go back to Hurricane Camille. Back at that time and prior to that time there would be a disaster and somebody would rush in here with a bill and everybody would feel sorry for him and we would have a bill that would give him a $5,000 or a $10,000 grant and we would have forgiveness. There was no rationale, really, for one compared to another. So, in the midseventies we said, hey, look, this does not make sense. Also when you had a disaster, you had 10 or 12 agencies going out there. Somebody from HUD would go out there; somebody from Small Business; somebody from the Farmers Home Administration, and so forth.

□ 1750

You would have 10 agencies falling all over one another and they did not know who to see. Each one would say to go to the other one.

So we said, "Look, we ought to have a national program. We ought to put it into effect and leave it in effect before a disaster occurs, not be legislating after it occurs." So we said we will have a national loan program, not a gift program. There are no gifts in these programs. We took the forgiveness out of it. No gifts at all.

All we are saying to these people is, "If you have a disaster that you could not have anticipated, then you are entitled by your government to receive a loan." These are 8-percent loans, incidentally. The cost of money is slightly above that amount. These are 8-percent loans, and they only go to those who cannot get a loan at the bank.

Surely a fellow who has been paying taxes for several years ought to, in a case like this, be able to borrow a little money at 8 percent for a little while.

They also look at the fellow and they say, "If you cannot pay it back, we do not make you the loan at all. But if you can pay it back, then we will figure out a schedule not to exceed 30 years." The average is 5 to 10 years. "We will figure out a schedule, and maybe you only need it for 3 months."

The disaster loans we had in Iowa in 1977 for as little as 3 months. It was a disaster to them if they had to go down and refinance an 8½-percent mortgage and go to a 12- or 14-percent mortgage in order to get money for 3 months. So we said, "We will give you a loan just for 3 months." Some of them got it for an average of 5 to 10 years.

Well, what in the world is the Government for? What is wrong with the taxpayer getting a little benefit once in a while? These are people who try to make some money. They try to hire some people. This is the time that they need a little money, when they have suffered a disaster.

This peso thing is not new. We had a peso program here 4 or 5 years ago. Small businesses along the Mexican border could not have anticipated this kind of a disaster when it hit them, and the farmers could not have anticipated what hit them in 1977.

So I say to you that this program makes sense. The physical disaster loan program is not limited to small business. A lot of people got that wrong, too. It is just administered by the Small Business Administration. Within the Small Business Administration we have a cadre of about 110 people who are experts on these national disaster programs. When there is a disaster, they go out, they look at it, they determine whether or not it ought to be eligible, that area, for disaster assistance. If it is, they set up the program. They have a list of former schoolteachers, former bankers, and so on and so forth, that they can hire on a temporary basis. They hire them to come in.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. SMITH) has expired.

(By unanimous consent, Mr. SMITH of Iowa was allowed to proceed for 3 additional minutes.)

Mr. SMITH of Iowa. They hire them to come in and in a short period of time they have become experts at it. They can get out the loan money or else they can tell them, "You are not eligible."

Let me tell my colleagues what happened. In the early years there were a lot of mistakes, and some people are still referring to them. But after 1977 we finally got it down to a fine-tuned point. In 1977 they came into Iowa, they loaned $340 million to farmers who badly needed it at the time, and 97 percent of those borrowers have or are repaying their loans, 97 percent.

What did the Government do for them when they were in trouble? They gave them a loan. Is that too much for the Government to do? That is what we are talking about when we talk about disaster assistance. We are not talking about gifts like we used to have. We are not talking about a special deal for everybody who comes along. We have it categorized now. They do not get the money in most cases unless they cannot get it elsewhere, and they only get it then for the period of time that it is necessary in order to get back to a normal situation.

So let us not attack this disaster program the way it has been, and let us remember this: that when you attack it, you are really attacking somebody who is down at a time when he really needs just a little help from the Government, and that surely is not too much to ask.

Mr. McNULTY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, 33 years living 7,000 yards from the international boundary of Mexico qualifies me to say a few things. The first deals with the persistent subject that this measure somehow affects adversely the balance of payments, the trade deficit of the United States. Although the idea is floated and then it seems to be reclaimed, it continually resurfaces, and like the ghost of the Flying Dutchman, seems to be condemned to fly around this Chamber forever, searching for its own soul.

The fact is that Mexico, until financial catastrophe of 1982, was an important buyer of U.S. products and the balance of trade between the Mexicans and the United States was a plus $24,024 million. That has changed, of course, with the remarkable devaluation of the peso that occurred from January of 1982 until the current time.

But the fact is, until so very recently, Mexico was a net buyer from our country, and everything that it did tended to improve the balance of payments. Imagine, then, contrasting that situation with that of Japan, which in its most recent year sold us $19 billion more in goods than we bought from them.

The two situations are not analogous at all, and the gentleman from Texas (Mr. HANCE) has made that clear in his letter.

The second thing that I wanted to say and conclude with is that I wish people who propose this amendment had read the 22d report by the Committee on Government Operations published November 18, 1983. Listen to the points that they make:

First, apropos of what the gentleman from California so intelligently brought to our attention, the number of dollars that were paid to U.S. border merchants by Mexican nationals declined 90 percent in 1 year, from $4½ billion to $450 million.

Second, the border cities were affected enormously, and places like Laredo lost 45 percent of their sales tax revenues.

Third, the areas most deeply impacted were clothing, food, automotive, electronic, restaurant, and home furnishings businesses.

Fourth, U.S. nationals increased their purchases in Mexico, thereby hurting U.S. border sales even more.

Fifth, unemployment in the border areas reached figures the likes of which you have rarely heard: 37 percent in Calexico, 30 percent in Yuma, 27 percent in Laredo, and so on.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. McNULTY. Indeed I will yield to the gentleman from Texas.

Mr. COLEMAN of Texas. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Arizona, I am sure, has heard some of the statements with respect to the loan program and that, in fact, these are moneys that are guaranteed to border businesses only, that it is an entitlement program.

I wonder how the gentleman would react to statements of that kind?

Mr. McNULTY. I thank the gentleman from Texas for the question, and I react in a very negative way: That these are not entitlement programs, but programs intended to throw a lifeline to the people who most desperately need it, who are American citizens, who will increase their capacity to do business with another nation, who will thereby benefit the balance of trade and who will repair, to some degree, the shattered economies of their communities.

Mr. COLEMAN of Texas. I thank the gentleman from Arizona for his leadership on this issue.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment ought to be defeated.

I have a situation in Yuma, Ariz., where it is both along the border and along the Colorado River, which has been flooding the better part of a year. I have one brother who has a farm along the river and who was flooded out in the serious flood we have had. This individual can get all kinds of small business and other assistance. His brother, a half-mile away, who runs a business, has been destroyed and almost bankrupted by the the currency devaluation.

Both of these are disasters. One is a physical disaster and the other is an economic disaster in an adjoining country which sends shock waves into our country. I think a distinction between a natural disaster and a financial disaster in this kind of legislation is not valid.

If a tornado were to hit Cleveland, Omaha, Nebr., or Roanoke, Va., the Small Business Administration would be setting up offices there tomorrow and offering low-interest disaster loans. Well, a financial twister which is just as damaging which has hit towns and communities on the 300 miles of Mexican border which I represent.

In 1982, the Mexican Government sharply devalued the peso. As a result, the exchange ratio fell from 1 to 25 to 1 to 150 in just 1 year. The purchasing power of the peso fell from 4 cents to just two-thirds of 1 cent. The impact on border towns like Nogales, Ariz., and San Luis was devastating. Retail sales fell by over 60 percent. Unemployment rose to 30 percent. Bankruptcies soard to an all-time high.

In time, business and commerce in border towns like Nogales will return to normal. But many small businesses will not survive without help. Section 304 of the bill which this amendment would strike out offers them disaster loans at 8 percent interest.

This type of action is not new. In 1977, Congress approved a nonphysical disaster loan program with specific application to drastic currency devaluations. The nonphysical disaster loan program, however, was suspended in 1981 and this specific authority was removed. Section 304 of this bill reinstates that authority. It makes it clear that the border communities will be helped.

Its important to recognize that we are dealing here with a very localized disaster. Most of the border towns are small towns. They depend heavily upon retail trade. When that retail trade dries up, the community itself is in danger. Government services are crippled.

This past week, I talked with city councilmen and officials from Nogales. They are confident that Nogales can survive, but they need help: The type of help that disaster assistance is intended to give.

I urge my colleagues to oppose this amendment.

□ 1800

Mr. MITCHELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is very late, and I had indicated that we had wanted to try to conclude this at about 6. I had opposed the amendment and I still do.

I just want to take a couple of minutes to reemphasize, first, that this is not an entitlement program. It is not an entitlement program, the program is not open ended, and it does not divert any funds from other small business programs. In fact, there is some $845 million in nonphysical disaster loans outstanding today.

I want to commend my colleague, the gentleman from Ohio (Mr. ECKART). He has raised a very interesting issue, and I think that our Small Business Committee ought to look at the impact of various trade problems on small businesses. I think I can give a commitment to the gentleman that that will be done because it is a big picture problem.

Mr. Chairman, with that kind of commitment, will the gentleman withdraw his amendment?

Mr. ECKART. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I am delighted to yield to the gentleman from Ohio.

Mr. ECKART. Mr. Chairman, as I said in my opening remarks in presenting the amendment, the issue was, from my perspective, a much larger one of fairness to small businesses that have similar problems but do not happen to be located in a particular geographic area.

So if I hear my friend and leader, the chairman of the committee, the gentleman from Maryland, correctly, if I can get the assurances of the Small Business Committee that we are going to take a bigger picture look at the whole question of trade and fairness in small business, I would be willing to acceed to the gentleman's request.

Mr. MITCHELL. Mr. Chairman, I think it is essential that the committee do that, and I will be pushing for the committee to accomplish that. It is very gracious of the gentleman to withdraw his amendment.

Mr. ECKART. Mr. Chairman, I make a unanimous-consent request to that effect at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. FRENZEL. Mr. Chairman, reserving the right to object, I make this reservation because I was not so attentive that I understood what wonderful arrangement was being made to encourage the gentleman to withdraw the amendment. I wonder if the gentleman could repeat what assurances he has from the committee chairman that are going to solve the problem that the gentleman has raised in bringing the amendment to the floor in the first place.

Mr. ECKART. Mr. Chairman, I would defer to the gentleman who spoke rather than put my words into his mouth.

Mr. FRENZEL. Mr. Chairman, I yield to the chairman of the committee to restate his assurances.

Mr. MITCHELL. Mr. Chairman, I would be delighted to respond to my friend, the gentleman from Minnesota (Mr. FRENZEL).

The first assurance the gentleman has is the assurance of the chairman of a committee who has served in this House for almost 14 years and who has never broken his word to any Member of the House. The assurance that I gave was that the Member raised a very important question in his amendment: What is the impact of various trade problems on small businesses?

The committee has not looked at that, and I assured the gentleman that I would make every effort to assure that the committee will look at this much larger problem under which the peso is merely subsumed.

Mr. Chairman, that was the assurance.

Mr. FRENZEL. I see. But in the meantime we would let the peso language that is in the bill remain in the bill?

Mr. MITCHELL. That is correct.

Mr. FRENZEL. And so we would be left with the narrow regional interest protected and the broad general interest untouched?

Mr. MITCHELL. No. No, we will not leave it to the broad or the narrow interests at all. What we will do is to act in good faith, as I think the gentleman knows I have always attempted to do, to address the problem so that we will have a coherent way of looking at the total impact. That is what we are doing.

Mr. FRENZEL. Mr. Chairman, whatever the chairman of the committee says he is going to do, he is going to do. I have served with him for almost 14 years, and I know that he will do it. On the other hand, in my judgment, that is an insufficient remedy for the question raised.

So, Mr. Chairman, I object.

Mr. CHAIRMAN. Objection is heard.

Is there further discussion?

If not, the question is on the amendment offered by the gentleman from Ohio (Mr. ECKART).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield to me just very briefly?

Mr. FRENZEL. I yield to the distinguished committee chairman, and I reserve my motion.

The CHAIRMAN. Without objection the gentleman from Minnesota (Mr. FRENZEL) is recognized.

There was no objection.

Mr. MITCHELL. Mr. Chairman, a significant number of Members of the House had approached me regarding the time that we would depart today because they had other duties and assignments, and when they approached me, I tried to give them an assurance as best I could—I could not lock it in concrete—that at about 6 we would try not to have any more votes, and I am simply asking that the gentleman kindly reconsider his motion.

Mr. FRENZEL. Mr. Chairman, I wonder if the distinguished chairman of the committee might move that the Committee rise prior to the vote.

Mr. MITCHELL. Mr. Chairman, I would be reluctant to do that. We have one other technical amendment that is going to be agreed to by the Committee. We can get rid of that tonight and then resume in the morning.

Mr. FRENZEL. Does the gentleman expect to vote the bill out tonight?

Mr. MITCHELL. No, we will resume tomorrow.

Mr. FRENZEL. Can the chairman of the committee tell me why we could not take care of this matter tomorrow morning?

Mr. MITCHELL. Mr. Chairman, if the gentleman wants to press the issue, surely we can get a vote tomorrow. I merely did not want to betray in any way the kind of sharing of thinking that I had given to so many other Members. I have no problem with us getting a vote on this tomorrow.

Mr. FRENZEL. Mr. Chairman, in light of our distinguished committee chairman's assurances to Members of this body, I will not insist on a vote, and I will withdraw my motion. I do so, however, with great reluctance because I think we have only begun to discuss the issue at hand.

The CHAIRMAN. All right. The amendment is defeated.

So the amendment was rejected.

The CHAIRMAN. The Chair now recognizes a member of the committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. OLIN. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Virginia.

Mr. OLIN. Mr. Chairman, I have no intention of continuing the debate any longer than necessary. I appreciate the gentleman's yielding, and I wonder if we could enter into a colloquy with regard to the PIK portion of this bill.

I have some concerns that the money in the bill or the loan authority go to the people who really deserve the loans, and that we do not exceed the authority that is specified. I wonder if the gentleman would respond to a couple of questions indicating the intent of the legislation.

Mr. SKELTON. I would be happy to respond.

Mr. OLIN. How could we be sure that the money authorized in this bill will really get to the people who need it and not to the people who do not need it? How can we separate the economic damage caused by PIK from other types of economic damage that business operators face regularly?

Mr. SKELTON. Mr. Chairman, first let me mention that in our subcommittee we held an extensive hearing on this particular issue which raised the problem, and as a result I offered an amendment which was accepted by the full committee to take care of this particular issue.

□ 1810

It was our intent at that time that businesses should only receive nonphysical disaster loans under this provision to help overcome damage done to them as a consequence of this direct Federal Government action, the PIK, or the payment-in-kind program. That must at least be a majority of the reason for the loan. We do not intend to make disaster loans available to businesses whose difficulties are due mostly to general business conditions that all other businesses share.

We have every reason to expect that the SBA in administering this program would see to it that the program was delivered and operated as intended.

Mr. OLIN. Mr. Chairman, I thank the gentleman. Would the gentleman yield further?

Mr. SKELTON. I certainly do.

Mr. OLIN. In some areas of the country, the entire economy revolves around agriculture. I am concerned that a business unrelated to agriculture, such as say a retail clothing store or a video dealer, something of that sort, might claim damage from PIK because of agricultural cutbacks. How does this bill and how does the Small Business Administration expect to deal effectively with this problem.

Mr. SKELTON. We intend for the provisions dealing with loans to those injured by the payment in kind, or the PIK program, to assist only those businesses which directly support agricultural production and have a direct connection with farmers who participated in the PIK program. It may well be that the video stores, the clothing stores, were indirectly affected by an overall drop in the local economy, but I believe the record made at the hearings of the subcommittee that I chair, held on this issue as well as the committee report that accompanies this bill, made very clear that the businesses to receive aid as a result of the PIK program must have a strong connection to agricultural support. We want to reach the fertilizer distributors, the chemical dealers, the seed dealers, the farm implement dealers, and others whose businesses were devastated when agricultural production was halted on one-third of our farmland.

Mr. OLIN. Mr. Chairman, will the gentleman yield for one more moment?

Mr. SKELTON. I will be happy to yield.

Mr. OLIN. What assurance do we have that this $100 million new authorization will not expand beyond the level this bill specifies? We have all seen how certain programs spend much more than what was originally intended. This happens through supplemental appropriations. How can we be sure that the same thing will not happen later on in the case of this nonphysical disaster loan program as it pertains to PIK?

Mr. SKELTON. Well, I understand the concern of my colleague, the gentleman from Virginia, and I can answer the gentleman's question in reverse order.

Of course, under the rules of the House, we cannot appropriate without authorization. In the present case, $100 million has been authorized and I hope we do receive appropriations up to that level. If that is the case, then a further appropriation would be out of order without an additional authorization. I have no reason to expect that this body will take that additional action, and I point out that what we do here today does not affect that.

Further, let me tell my friend, the gentleman from Virginia, that I intend to ask for a formal report from the SBA, the Small Business Administration, at the midfiscal year to see that this money is being spent properly.

Mr. OLIN. Mr. Chairman, I thank the gentleman for his comments. I think that helps to clarify the intent of this legislation with regard to PIK.

Mr. SKELTON. Well. I thank the gentleman for his concern. I just wish to point out that this is a narrow, but very vital, area of which we have been speaking.

Mr. OLIN. I thank the gentleman again.

The CHAIRMAN. Are there further amendments?

AMENDMENTS OFFERED BY MR. BEDELL

Mr. BEDELL. Mr. Chairman, I offer two amendments and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. BEDELL: Page 37, at the end thereof, insert the following new sections:

"SEC. 316. The Administration may study the conversion of the Procurement Automated Source System (PASS), as authorized under section 20 of the Small Business Act, or any similar or follow-up system, to another computer architecture or computer type. Such conversion, however, may not occur in fiscal year 1985, nor until after such time as the Administration reports to the Committees on Small Business of the House and Senate on the need for conversion. *Provided:* The Administration shall conduct a competitive procurement among

> small business concerns for the operation and maintenance of PASS for fiscal year 1985. All operation and maintenance of PASS by the United States Railway Association shall terminate no later than September 30, 1984.
>
> "SEC. 317. When considering proposals from potential offerors for its small business set aside solicitations for the Agency's procurement needs under provisions of Small Business Act, the United States Small Business Administration shall give due consideration to the actual portion of the task the offeror proposes to be performed by small business concerns.".

Mr. BEDELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BEDELL. Mr. Chairman, I rise to offer an amendment to insert two new sections into H.R. 3020, the Small Business Administration authorization bill.

The first part of my amendment deals with the SBA's procurement automated source system, commonly known as PASS. PASS is intended to maintain information about the size, skills, capabilities, and ownership of small business nationwide. Federal procurement officers and large prime contractors use PASS to identify small firms desiring to do business as prime Government contractors and subcontractors.

If maintained and used properly, PASS can be very effective. However, the PASS program has been terribly mismanaged by the SBA. In a January 12, 1984, report to my subcommittee, the GAO said that unless SBA improved its management and technical control of PASS, the system could lose its credibility and harm procurement opportunities for small business. The GAO estimated that as many as 64,000 of the 81,000 firms listed on PASS had outdated information and that as many as 72,000 firms expressing the desire to be put on the system were never contacted by SBA.

Many of the problems with PASS can be directly attributed to a lack of proper management of the system by SBA. Apparently the contractors who managed the system for SBA had very little guidance and thus performed poorly.

In the past year things have begun to change. I am confident that SBA has taken positive steps, both internally and with their contractors, to clean up the present system's problems.

However, I am very disturbed about SBA's plans to change the computer architecture and design of the PASS system. It appears that SBA's plans to convert the current system, which is almost fully functional, to a new design are premature. The GAO agrees with this assessment. Their January 12 report states:

> We recognize that the high cost and software problems that occurred during fiscal year 1983 lend support to SBA's position that PASS should be redesigned. However, redesigning automated systems is often a risky and costly endeavor. We are concerned that SBA's decision to redesign PASS was not based on comprehensive analyses—which would also form the basis for guiding design activities. Furthermore, the selection of a minicomputer as the target machine is premature and may inappropriately limit available alternatives for meeting overall system objectives and long term needs of its users. SBA's time frame for redesigning PASS may be too optimistic considering the extensive effort historically experienced by agencies in designing, developing documenting, testing and implementing automated systems.

The GAO goes on to recommend that SBA:

> Defer any hardware or software decisions on a new system until SBA (1) analyzes the current functional requirements and evaluates the current system's ability to meet these requirements, (2) identifies alternative system approaches to meeting these requirements, and (3) performs a cost-benefit analysis of each approach to use as a basis for any future redesign efforts.

The amendment I am offering will allow SBA to continue studying the possible conversion of PASS to another computer design. It will, however, deny SBA the authority to actually convert the system in fiscal year 1985 and require them to report to the Small Buniness Committee on the need for the conversion should they wish to convert the system in the future.

The second part of my amendment deals with a problem in the area of small business set-aside contracting at SBA. During the Small Business Oversight Subcommittee's hearings on the PASS program it was revealed that SBA had awarded a small business set-aside contract to a small business even though SBA was fully aware that the business planned to subcontract 77 percent of the task to large businesses. SBA officials told us that they did not give any weight to this factor in evaluating the proposals. In fact, it appears SBA selected this contractor even though another contractor had a proposal with higher technical merit and would have performed that task using 100 percent small business input.

My amendment would direct SBA to emphasize participation by small business as subcontractors and suppliers under the agency's small business set-aside procurements.

I urge adoption of my amendment.

Mr. Chairman, these are two amendments which as far as I know are completely noncontroversial. One of them has to do with the PASS system and would say that the Small Business Administration is not to proceed with changes in that until after 1985 and they have checked with the committee.

The second amendment simply says that when the Small Business Administration considered letting contracts under the set-aside program, one of the items they should consider is who is going to perform the actual work under that contract.

The concern comes about in that if there are two equal bidders with equal prices and one of them is going to subcontract the work out to a big business and the other is going to do it themselves or subcontract it to a small business, it was the opinion of many of us that that should at least have some consideration.

I want to very clearly indicate that that is the intent of the second amendment.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman.

Mr. DAUB. Mr. Chairman, I would like to comment on what the gentleman has said relative to what would be as I understand section 317.

Mr. BEDELL. That is correct.

Mr. DAUB. And the gentleman's explanation, we had talked earlier here on the floor about the potential misunderstanding that could occur by the use of the word "portion."

I am very happy that the gentleman has included this explanation in the RECORD as a guide in implementing this particular section. I do want to be supportive.

I have a further question, if the gentleman will continue to yield.

Mr. BEDELL. I will be glad to yield; but before I do, I want to comment that the gentleman from Nebraska has been most helpful in bringing up this possible concern.

Mr. DAUB. I thank the gentleman.

I want to ask the gentleman a question with respect to section 316, since the amendments were offered en bloc, if I might have additional time from the gentleman.

Mr. BEDELL. I would be glad to yield.

Mr. DAUB. I agree that we ought to do this, so I am supportive of section 316, a 1-year procurement idea, and, indeed, I surely think that is wise, rather than go month to month, which could be a very difficult situation.

I have been in discussions with the Small Business Administration and some of the folks that have been involved in the PASS program and I have been informed that they think that they might be able to secure an appropriate and a competent computer software system that would implement the PASS program before the end of this fiscal year; so with that in mind, I want to ask the gentleman from Iowa that with the adoption of the gentleman's amendment now occurring, would the gentleman have any problem if prior to that period of time, the SBA could prove to the committee's satisfaction and to the other body's Small Business Committee's satisfaction that they could do this and save what they estimate to be approximately $500,000 or half a million dollars; would the gentleman have any objection to that occurring?

Mr. **BEDELL.** This gentleman would have no problem, if indeed they came to our committee and satisfied our committee. I am not sure that will be easy to do because of some of the concerns that have been raised.

We simply do not want them going ahead with a system unless they know what they are doing about going ahead with it.

Mr. **DAUB.** Mr. Chairman, I want to thank the gentleman for yielding, because that would be my wish, too. With that in mind, I certainly want to again compliment the gentleman for not only section 317, but this pertinent section 316.

Mr. **MITCHELL.** Mr. Chairman, will the gentleman yield?

Mr. **BEDELL.** I yield to the distinguished chairman of the committee.

Mr. **MITCHELL.** Mr. Chairman, I thank the gentleman for yielding.

We have had an opportunity to examine both of the gentleman's amendments and we are prepared to accept them.

The **CHAIRMAN.** Is there further discussion?

If not, the question is on the amendments offered by the gentleman from Iowa (Mr. BEDELL).

The amendments were agreed to.

● Mr. **GEJDENSON.** Mr. Chairman, today I rise to urge my colleagues to support H.R. 3020, the fiscal years 1984 and 1985 Small Business Administration Authorization Act. In particular, I urge my colleagues to pay careful attention to title III of H.R. 3020 which amends the SBA physical disaster assistance loan programs for homeowners and businesses. Title III incorporates the major changes recommended in H.R. 1779 which I introduced on March 2, 1983, in response to a General Accounting Office investigating of the SBA physical disaster loan program activities in the State of Connecticut in the aftermath of a devastating flood on June 4, 1982

My bill, H.R. 1779, would have repealed the credit elsewhere test for use in determining eligibility for homeowner and business low-interest Federal disaster loans. The bill would have also required that the interest rate charged for disaster loans be set at one-half the market rate of Government securities with an 8-percent cap on the level of interest that could be charged for these loans.

While title III of H.R. 3020 does not repeal the credit elsewhere test, it does require that the interest rate charged for disaster loans be set at one-half of the market rate of Government securities but not to exceed 4 percent for homeowners and businesses who cannot obtain credit elsewhere or 8 percent for homeowners or business who can obtain credit elsewhere. The modest savings achieved through charging higher interest rates on Federal disaster aid do not, in my opinion, justify the suffering they inflict on disaster victims or the delay they cause in recovery. Past events in Connecticut prove my point. In June 1982, the State of Connecticut suffered the worst floods in nearly a century. The disaster took the lives of 10 residents and caused an estimated $289 million in damages. Dozens of bridges, homes, and businesses were washed away by water from bursting dams and heavy rains. Because of the storm's severity, the President declared the State a major disaster area.

There was a general impression following the declaration that the Federal Government would be offering low interest loans to anyone who qualified for disaster assistance. What most eligible residents did not know was that proposals of the current administration, which were enacted as part of the 1981 Budget Reconciliation Act, had changed the law to incorporate a credit elsewhere test. In other words, low interest loans are no longer awarded to those individuals or businesses who can obtain credit elsewhere.

I know of many business owners and homeowners who were outraged to learn that they were ineligible for low interest Federal loans because they had maintained good credit standing. Instead of loans at 8 percent, they were offered Federal assistance at the market rate of 16 percent. Many of these residents, understandably, felt cheated by promises of Federal assistance and punished for having remained creditworthy.

At Senator CHRIS DODD's and my request, the General Accounting Office conducted a study that, in part, examined the effectiveness of the credit elsewhere test. The report showed that of the 1,103 disaster loan applications approved by the SBA, 37 percent of the home loans and 17 percent of the business loans were at the high rate. Charging the higher rate, the GAO estimated, would save the Government $224,000 during the first year of the loans. This savings represents less than 2 percent of the total amount loaned to businesses and individuals.

The savings to the Federal Government are further reduced after taking into account the fact that interest payments may be deducted from Federal income tax. In addition, the GAO calculated that it took the SBA staff an additional 368 hours to process the 1,100 applications using the credit elsewhere test. One SBA official estimated that the test increased loan processing time by as much as 25 percent.

We should also consider the possible delay in recovery caused by the credit elsewhere test. If business managers are faced with rebuilding their operations at 16 percent interest, whether with Federal or commercial loans, they may likely scale down their own plans or decide to postpone reconstruction. This decision could have a negative impact on both the local tax base and employment.

Businesses were further dissuaded from accepting high interest Federal disaster loans by the requirement that such loans be repaid within 3 years, in contrast with the usual 30-year term of low interest loans. This provision helps explain why so few businesses in Connecticut accepted high interest Federal loans. I know of few business owners that could afford to take out a substantial loan on such capital draining terms.

The legislation that I have offered, H.R. 1779, as well as title III of H.R. 3020, will prevent the problems we experienced in Connecticut from occurring in other States and would provide more equitable assistance to all victims of natural disasters. I urge my colleagues to support H.R. 3020.●

● Mr. **FRENZEL.** Mr. Chairman, H.R. 3020 authorizes activity of the Small Business Administration. The country, and especially its small business people, have come to rely on the SBA. The bill should be passed. If there is some disagreement on the authorized amounts, they can be resolved in the appropriation process.

However, some amendments are worthy of consideration. The Bliley amendment to eliminate direct loans is the first vote this body will have on the Grace report. Because by far the largest share of SBA activity is loan guarantees, this amendment to delete direct loans, which go to a favored few, I intend to support the amendment.

It is a good thing to eliminate the new category of disaster loans based on peso devaluation. Many currencies are down compared to the dollar. Canada is a good example. It is also a good idea to eliminate the PIK section.

The first-rate SBA loan guarantee program should not be loaded down by regional or sectoral special interests. Its principal programs should be promptly passed.●

Mr. **MITCHELL.** Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BROWN of California) having assumed the chair, Mr. LEVIN of Michigan, Chairman of the Committee of the

Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3020) to amend the Small Business Act, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. JONES of Tennessee. Mr. Speaker, because I was away on official business on March 7, I missed the vote on the Vocational-Technical Education Amendments of 1984. I regret that I was absent during consideration of this legislation. However, I want to announce that I am in full support of this bill, and would have voted in favor of it had I been present.

H.R. 4164 is an important bill that will maintain and strengthen the vocational education programs that have played such a vital role in the scope of education in our country. It is through many of these programs that individuals have been trained for productive jobs and have been presented opportunities for future employment. The benefits derived from these programs by individuals at the secondary, postsecondary, and adult levels for the past 63 years has been tremendous. There has always been a need for this type of training and education, and the vocational education programs I have seen strive for the best for all who participate.

I would like to commend the House for its overwhelming passage of this bill and would like to reiterate my support for these most important programs.

□ 1820

NATIONAL EMPLOY THE OLDER WORKER WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 205) authorizing and requesting the President to designate the second full week in March 1984 as "National Employ the Older Worker Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. KASICH. Mr. Speaker, reserving the right to object, I do not object, but I simply would like to inform the House that the minority has no objection to the legislation being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 205

Whereas a growing number of such individuals, being willing and able to work, are looking for employment opportunities, want to remain in the work force, or would like to serve their communities and their Nation in voluntary roles;

Whereas such individuals, who have made continuing contributions to the national welfare, should be encouraged to remain in, or resume, career and voluntary roles that utilize their strengths, wisdom, and skills;

Whereas career opportunities reaffirm the dignity, self-worth, and independence of older individuals by encouraging them to make decisions and to act upon those decisions, by tapping their resources, experience, and knowledge, and by enabling them to contribute to society;

Whereas the operation of title V of the Older Americans Act of 1965 has demonstrated that older workers are extremely capable in a wide variety of job roles;

Whereas recent studies conducted by the United States Department of Labor and the Work in America Institute indicate that, in many cases, employers prefer to retain older workers or rehire former older employees due to the high quality of their job performance and their low rate of absenteeism; and

Whereas the American Legion has sponsored a "National Employ the Older Worker Week" during the second full week of March in every year since 1959, focusing public attention on the advantages of employing older individuals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate the second full week in March 1984 as "National Employ the Older Worker Week", and to issue a proclamation calling upon—

(1) the employers and labor unions of the United States to give special consideration to older workers, with a view toward expanding career and employment opportunities for older workers who are willing and able to work and who desire to remain employed or to reenter the work force;

(2) voluntary organizations to reexamine the many fine service programs which they sponsor with a view toward expanding both the number of older volunteers and the types of service roles open to older workers;

(3) the United States Department of Labor to give special assistance to older workers by means of job training programs under the Jobs Training and Partnership Act, job counseling through the United States Employment Service, and additional support through it Older Worker program, as authorized by title V of the Older Americans Act; and

(4) the citizens of the United States to observe this day with appropriate programs ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SINGLE PARENT DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 200) designating March 21, 1984, as "National Single Parent Day," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. KASICH. Mr. Speaker, reserving the right to object, I do not object, but simply, I would like to inform the House that the minority has no objection to the legislation being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 200

Whereas there are fourteen million single parents in the United States, the number doubling in the last ten years;

Whereas 20 per centum of all our Nation's children are now living in single parent families, and an estimated 50 per centum of this Nation's children will live with a single parent before the age of eighteen;

Whereas in the past, single parent families have not always been an accepted part of society;

Whereas single parents have struggled courageously to raise their children to a healthy maturity, with the full sense of being loved and accepted as persons, and with the same prospects for adulthood as children who mature with their two parents together; and

Whereas it is time to recognize the courage and dedication of these parents who work to maintain strong family units and to be responsible members of American society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 21, 1984, is designated "National Single Parent Day". The President is requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

JEWISH HERITAGE WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 241) to authorize and request the President to issue a proclamation designating May 6 through May 13, 1984, as "Jewish Heritage Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. **KASICH.** Mr. Speaker, reserving the right to object, I do not object, but I simply would like to inform the House that the minority has no objection to the legislation being considered.

● Mr. **COURTER.** Mr. Speaker, I rise in support of Senate Joint Resolution 241 designating the week of May 6-13, 1984, as "Jewish Heritage Week."

America is a nation of immigrants. Understanding the similarities between our various heritages is what has unified our Nation. By designating a specific week as Jewish Heritage Week, we are encouraging a broader awareness and appreciation of the culture, history, and traditions of the Jewish community.

For the Jewish community the months of March, April, and May contain events of major significance; Passover, the anniversary of the Warsaw ghetto uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day.

Jewish Heritage Week is observed with a series of educational events which help us all to explore the universal signficance of these very special days.

As Americans we can be proud of the diverse culture we all share in our country today. The cultural heritage all Americans have experienced resulted from the rich ideals by people of many races and religions. The Jewish people as all Americans cherish their culture and tradition which span to the dawn of civilization.

Therefore, I urge my colleagues to join me in support of this resolution.●

● Mr. **GILMAN.** Mr. Speaker, I rise in strong support of Senate Joint Resolution 241, legislation which would establish the week of May 6-13, 1984 as "Jewish Heritage Week." As a cosponsor of this measure, permit me to highlight the several events taking place that week which will enhance the heritage of all Jews everywhere.

On Sunday, May 6, hundreds of thousands of concerned citizens will gather at Dag Hammerskjold Plaza, opposite the United Nations, in an expression of solidarity with their Jewish brethren who remain imprisoned and harassed for the simple desire to practice openly their religious beliefs. Solidarity Sunday for Soviet Jewry, organized and sponsored by the Greater New York Conference on Soviet Jewry, is the landmark date in human rights efforts on behalf of the oppressed. Last year I was privileged to sponsor the congressional resolution of support for Solidarity Sunday, and this year was asked again to be an original sponsor. I invite my colleagues to cosponsor this year's resolution of support, House Resolution 450, and to attend the rally as well. 1984 has become the year in which we must repudiate the "Big Brotherism" practiced so expertly by the Soviet Union. May 6 will be a day to watch, listen, and speak out for those who cannot.

The following day will be one of joyous celebrations, as Israel commemorates its 36th year of independence. This year is an extra special one, as the number 36 represents the "double-chai"—2 x 18—; the number 18 symbolizing life. The Jewish people have never felt Israel's needs more than today, when vital questions of security and economy need to be resolved. Israel has been a staunch ally of the United States, without any wavering whatsoever in its 3½ decades of modern statehood. Such a special celebration deserves special recognition on our part, and legislation which I have coauthored would, I believe, be a gift that would be deeply appreciated by the people of Israel, and the American Jewish community at large. Presently, our U.S. Embassy is located in Tel Aviv. Jerusalem, however, has been Israel's capital since its inception, and traditionally, embassies are located in the capital city. H.R. 4877, which was recently introduced, relocating our Embassy from Tel Aviv to Jerusalem, already has over 180 cosponsors. For those of my colleagues who have not yet endorsed this measure, I urge their cosponsorship as a token to the people of Israel of our admiration and friendship. As the great scholar Rabbi Hillel once said,

> If I am not for myself, who will be for me? But if I am only for myself, what am I? And if not now, when?

Mr. Speaker, during the week of May 6, which will be celebrated throughout our Nation as Jewish Heritage Week, let us remember those who have defended Israel throughout her 5,000-year history, and those who wish desperately to become a part of that noble struggle. Accordingly, in support of that recognition, I urge my colleagues to support this legislation, and to cosponsor both House Resolution 450—Solidarity Sunday—and H.R. 4877, moving our embassy to Jerusalem.●

Mr. **KASICH.** Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 241

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country;

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jews to our country and society; and

Whereas the months of March, April, and May contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 6 through May 13, 1984, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that week with appropriate ceremonies, activities, and programs.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. **HALL** of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolutions just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

DON'T DO IT MARYLAND

(Mr. **CRAIG** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **CRAIG.** Mr. Speaker, while Members of CLUB, congressional leaders united for a balanced budget, have been working to obtain two more States to force this Congress to act on a balanced budget amendment, liberal forces are at work to stop this popular national movement.

Maryland's 1975 petition to Congress is now under attack in Annapolis by liberals seeking to rescind the balanced budget resolution.

I am entering into the Record an article entitled, "Don't Do It Maryland" by columnist Robert Goldsborough of Baltimore.

The last two paragraphs of the article need to be heard by this body. It says:

> If we fail to act (on a balanced budget amendment) now it will be our children and grandchildren who will be crushed by government debt and government spending. Their dreams will never have the opportunity to become reality and their future will be controlled by an elite establishment sitting comfortably on a Hill in Washington, D.C.
>
> Concern for future generations should motivate the Maryland State Legislature not to withdraw their support for the balanced budget amendment. The fear of a runaway convention cannot be as great as a

runaway Congress which will spend the nation into economic ruin.

Mr. Speaker, the full text of the article is as follows:

Don't Do It Maryland!

(By Robert H. Goldsborough)

Marylanders like to refer to their state as "America in Miniature." Now, some liberal scaremongers are working overtime to make Maryland a trendsetter for America. But unlike Maryland's beauty, the scaremonger's plan is ugly.

Marylanders should be made aware of efforts now under way in Annapolis to rescind a petition to Congress calling for a national convention to draft a balanced budget amendment to the U.S. Constitution.

In 1975 Maryland became one of the first of 32 states to petition Congress on the balanced budget amendment. Only two more states are needed to force Congress to convene a convention. But now that the movement is close to becoming a reality, liberals across the nation are using scare tactics to frighten Americans into believing that such a convention could get out of control and ruin the foundation this nation has operated upon for over 200 years. Unfortunately, Maryland is one state the liberals have targeted to rescind what was rightly done in 1975. If they win, Marylanders, as well as the rest of the states, will be the real losers.

The thought of a runaway convention is a joke and a political smokescreen. The late Senator Sam Ervin, a constitutional scholar, summed up this type of thinking when he said. "The fear of a runaway convention is just a nonexistent constitutional ghost conjured up by people who are opposed to balancing the budget, because they want to be able to promise special interest groups something for nothing out of an empty pocket."

He is not alone in this view. Impartial experts in a two-year study by the American Bar Association unanimously said the same thing. Their official position is that "Congress has the power to establish procedures limiting a convention to the subject matter which is stated in the applications received from the state legislatures."

Most state petitions to Congress including Maryland's, specify consideration of only the balanced budget amendment. The more recent petitions even include a "one last chance" provision. These states provide that even if the 34 states required to force a convention to petition Congress, the convention should actually be called to order only if Congress fails even then to pass the amendment first. The parameters of the convention are clear. It cannot get out of control.

The bottom line is this. Congress will only act on a constitutional amendment when forced to do so. If all the states keep the pressure on Congress by threatening to call a convention. Congress will enact an amendment out to the states for ratification and thereby eliminate the need for a convention. But if the rescind movement is successful, Congress will take a big sigh of relief and return to its reckless spending habits that create enormous deficits and skyrocketing interest rates.

All America needs is Maryland's help and Maryland's pressure. The balanced budget amendment is neither a Republican nor a Democrat issue. It is an issue supported by nearly 70 percent of the American people. Without a binding constitutional limit on Federal spending, fiscal spending, fiscal irresponsibility will continue in the halls of Congress.

If we fail to act now, it will be our children and grandchildren who will be crushed by government debt and government spending. Their dreams will never have the opportunity to become reality and their future will be controlled by an elite establishment sitting comfortably on a Hill in Washington, D.C.

Concern for future generations should motivate the Maryland State Legislature not to withdraw their support for the balanced budget amendment. The fear of a runaway convention cannot be a great as a runway Congress which will spend the nation into economic ruin.

A TRIBUTE TO RAY PIERCE, EDITOR OF HIGH PLAINS JOURNAL

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, it is an honor for me today to bring to the attention of my colleagues the career and service of Mr. Ray Pierce, the long time editor of the High Plains Journal, a farm publication second to none in the High Plains.

By virtue of nearly 40 years of service as the editor of the Journal and the winner of nearly every award conceivable in agricultural journalism, Ray Pierce acquired the title of dean of the agricultural writers of our Plains States.

To better understand his contributions, one must appreciate the unique role of the Journal. It is a weekly farm publication with a circulation of some 60,000 in the States of Texas, Oklahoma, Colorado, Nebraska, Kansas, and Missouri. In terms of keeping the farmer-stockman informed and up to date, the Journal has even been called the farmer's Bible.

Last January, Ray, at the young age of 70, chose to retire.

It should be said, Mr. Speaker, that with Ray at the helm, the High Plains Journal has become more than just a farm publication. It is a leading advocate in behalf of the family farm. For leading that effort and for being such a good friend to agriculture and the individual producer, I extend my thanks and the thanks of the thousands of individual farmers and stockmen whose trust he has earned and kept.

The following article from the Journal outlines Ray's career and contributions. I commend it to the attention of my colleagues.

Long-Time Editor To Retire

A major change in the High Plains Journal masthead will be made with the first issue in January, 1984, when Ray Pierce, long-time editor of the Journal, retires.

Galen Hubbs, now managing editor, will move up to fill Pierce's slot, and Bob Keating, now associate editor, will become managing editor.

Helen Pierce (Mrs. Ray Pierce), Journal women's editor and columnist, also will retire, and her duties will fall to other members of the editorial staff. Mrs. Pierce, known generally as Mike, is a 25-year employee of the Journal. She started writing her personal column, "Kitchen Carrousel," in 1948, and became a regular member of the Journal staff in 1958. Her column has been a popular feature of the women's pages in the paper, and has won awards in Kansas Press Women competition.

By virtue of 36 years of service as High Plains Journal editor, and numerous awards, Pierce has acquired a reputation as dean of Kansas agricultural editors.

Following his discharge from the army in 1946, after World War II, Pierce became editor of the Liberal, Kans., Southwest Daily Times. In 1947 he moved from the Times to the old Dodge City Journal. While he was editor at Liberal, he was named Outstanding Jaycee of the Year by the Liberal Junior Chamber of Commerce. He was active in community affairs at Liberal, and continued that kind of participation when he moved to Dodge City.

The Journal at that time was beginning to take its place in the field of Kansas journalism as an agricultural publication under the leadership of Joe Berkely, publisher. Circulation at that time was concentrated in and around Ford County, Kans., and numbered about 1,200 subscribers.

The year of 1983 is the 100th anniversary of the publication. Until the late 1940s the publication was a local Dodge City paper. By 1983, as a regional agricultural publication, it has grown to a circulation of 56,159—224,630 farm, ranch, and rural family readers—in Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

Pierce has been instrumental in the growth of the publication in the expansion of its coverage area. Most importantly, however, he has emphasized providing farmers and ranchers with news and information to increase their productivity and enhance their livelihood. He has maintained close contact with farmers, ranchers, and rural families the paper serves, and farm, ranch, and agricultural organizations.

His weekly editorials on agricultural issues of the moment have spurred farmers and ranchers into action, working through their organizations to call upon their elected representatives at the local, state, and national level regarding important agricultural issues. His editorials have championed the importance of agriculture and producers.

As the paper increased in circulation and coverage area, Pierce initiated special emphasis issues containing a wealth of information on specific subjects—cattle, hogs, sheep, dairying, wheat, corn, sorghum, soybeans, hay, pasture and forage, and other subjects in diversified farming. He was one of the first weekly editors to use four-color photographs on the front page of special emphasis issues.

During his editorship, Pierce has earned the respect of his peers in agricultural journalism, farm and ranch organizations, and elected representatives. They often consult him for information and advice regarding problems and solutions pertaining to the agricultural sector of the High Plains.

For members of the Journal's editorial department, he has stressed the importance of accurate reporting, quality photographs, and an attractive paper that places timely information in the hands of its readers. He is quick to point out to new staff members, "We work for farmers and ranchers."

His work has gained him special recognition, and recognition for the High Plains Journal. These include the Kansas State Grange Award, honoring Pierce for "distinguished service for agriculture, both state and national;" Kansas State Farmer degree of the Kansas Future Farmers of America; and Far-Mar-Co's Outstanding Farm Newsman of the Month.

Awards to the publication include the Nebraska Animal Agriculture Week Appreciation Award: Kansas Livestock Association Award of Appreciation; Federal Land Bank Award for "outstanding contribution to American agriculture;" Distinguished Service Award, Ford County Soil and Water Conservation District; Meritorious Service to 4-H Award, Ford County 4-H Council; Kansas Association of Soil Conservation Districts Certificate of Award; Frontier Hybrids, Distinguished Service Award; National Association of Wheat Growers Award for "outstanding service to wheat producers;" and Friend of Extension Award, Kansas Association of County Agents.

Pierce is a member of the Board of Governors, Agricultural Hall of Fame, Bonner Springs, Kans.; of the Newspaper Farm Editors of America; and the American Agricultural Editors' Association.

Pierce was born at Tipton, Iowa, in 1913. He will retire at the end of this year, shortly after his 70th birthday.

He grew up at Tipton, where he attended high school and two years of junior college. His first taste of journalism came during this period when he worked part-time on the weekly Tipton Conservative. He received a B.A. degree from Coe College in Cedar Rapids, Iowa, in English and speech. During his college years he became known as a promising young writer with publication of his work in various "little" magazines and other magazines and newspapers.

He entered the teaching field and taught English and speech at Highmore, So. Dak., and Moravia, Iowa. Later he was employed by John Applegate, Printer, at Washington, Iowa, and by weekly papers at Sioux Rapids and Manilla, Iowa.

He was inducted into the army in 1942, and discharged at Liberal, Kans., in 1946.

In 1942 at Kansas City, he married Helen Applegate of Washington, Iowa. Their son, Kent, was born in 1945 at Liberal, Kans. Kent now is completing work on a doctorate in psychology at Kansas State University.

In the years Pierce served as editor of the High Plains Journal, he has worked closely with farmers and ranchers and agricultural organizations. His supervision of agricultural news for the Journal has produced a publication with information on agricultural issues and practices which have been valuable to Journal readers in conducting their business of farming and ranching throughout the circulation area.

In the early 1960's, when the groundwork was laid for much of the agricultural legislation to follow, the Journal often was in the thick of the controversy. Information was kept before farm and ranch subscribers, and editorials often turned up on the desk of the President of the United States, as well as the desks of state and national legislators.

"I know I will be concerned over the way the High Plains Journal goes after I retire," Pierce says. "But I really don't need to worry." He adds, "The editorial staff of the Journal is one of the finest you will find anywhere. They are well-trained, talented, versatile, accomplished young men and women.

"And they have the backing of a great family of Journal readers who help make the paper the kind of agricultural publication that will reflect the importance of the High Plains."

Pierce said he has no particular plans for retirement activities. He expects to maintain his residence in Dodge City. "I probably will do some writing," he says, and dig into some hobbies like silversmithing and rock polishing that I have neglected of late. I may do some work for the Journal when an extra hand is needed. But I hope I won't have to meet any more deadlines except things like my wife's birthday."

VICTIMS OF CRIME ASSISTANCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 10 minutes.

● Mr. FISH. Mr. Speaker, today, I am introducing on behalf of the administration the Victims of Crime Assistance Act of 1984 and urge its prompt and careful consideration by the Committee on the Judiciary.

The bill would for the first time provide for monetary Federal assistance for crime victims throughout our Nation. This aid to victims will come from a Crime Victims Assistance Fund established primarily from Federal criminal fines and forfeited appearance bonds posted by Federal criminal defendants. In addition, the fund would receive any royalties and other money paid to a convicted Federal defendant as a result of any contract to depict his crime in the media.

Fifty percent of this fund would be available to State victim compensation programs on the basis of their victims compensation payouts during the preceding fiscal year at a level of 10 percent of that payout. Thirty percent of the fund would be distributed to the States on the basis of their respective populations for the purpose of supporting victim services in the State. The remaining 20 percent would be spent by the Federal Government for the purpose of providing services to the victims of Federal crimes.

From available figures, the fund would realize between $45 and $75 million during its first year of operation.

The legislation seeks to balance the twin concerns expressed by the President's Task Force on Victims and others—notably the compensation and the assistance of victims. Compensation to victims injured by crime would be fostered by helping the 38 States that currently operate compensation programs, providing these States compensate the victims of Federal crimes on the same basis as the victims of its State crimes.

The bill also provides assistance to crime victims in the form of services, other nonfinancial assistance and limited emergency financial assistance. The choice of grantees is a responsibility of each of the 50 States with only broad requirements designed to assure the delivery of quality assistance by responsible, experienced victims assistance organizations.

The legislation also directs the Attorney General to appoint or designate a Department of Justice official to be the Federal Victim Assistance Administrator to distribute the 20 percent of the funding pool provided for assistance to Federal crime victims.

Mr. Speaker, given the longstanding interest in legislation of this type by the chairman of the Judiciary Committee, it will, I am sure, be looked at expeditiously and favorably.

A short summary of the bill follows:

SUMMARY OF VICTIMS OF CRIME ASSISTANCE ACT OF 1984

(1) Creates a Crime Victims' Assistance Fund in the Treasury.

(2) Funds to come from the following sources:

All criminal fines collected from convicted Federal defendants, including criminal antitrust and motor vehicle violation fines, and forfeited appearance bonds

All proceeds of any contract entered into by any Federal defendant for the sale of literary or other rights arising from his criminal act

(3) A victim of crime shall have the right to speak at Federal parole hearings about the impact a defendant's crime has had on his or her life.

(4) Fifty percent of Fund will be available to States for victims' compensation on basis of 10 percent of State's prior year compensation payout. Thirty percent to States for other victims assistance on basis of State population. Twenty percent to Federal Government for providing assistance to victims of Federal crime.

(5) *Compensation (50 percent) Pool:* No State can receive more than 10 percent of its prior year payout. To be eligible, State must provide same compensation to nonresident victims as residents and same compensation to victims of Federal crimes as State crimes. State must also compensate mental health counseling required as result of victimization.

(6) *Assistance (30 percent) Pool:* State Victims Assistance Administrator shall award money to non-profits or public agencies which demonstate a record of quality assistance to victims, promote the use of volunteers, demonstrate financial support from other sources, demonstrate a commitment from others to provide other necesary services, and assure coordination with other victim services providers.

(7) *Federal Assistance (20 percent) Pool:* Federal Victims Assistance Administrator in DOJ shall award money to federal law enforcement agencies for establishing victims assistance positions, providing services to Federal victims, training Federal law enforcement personnel in victims assistance, and disseminating information about Federal victims assistance services. Administrator shall consult with Federal Victims of Crime Advisory Committee appointed by President.

(8) Director of Administrative Office of U.S. Courts shall report to AG in 1 year on improvements in accounting of criminal fines. Certain administrative provisions of Crime Control Act apply to this Act. AG has authority to promulgate necessary regulations. Sunset date of September 30, 1988.●

STATEMENT OF CONGRESSMAN WILLIAM D. FORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Ford) is recognized for 5 minutes.

● **Mr. FORD of Michigan.** Mr. Speaker, last Thursday the distinguished minority leader raised a question dealing with whether the chairman of a Post Office and Civil Service Committee subcommittee acted improperly in turning over certain files to a U.S. Senator.

I have carefully reviewed the questions raised by Mr. Michel, and I am completely satisfied that the subcommittee chairman, Representative Donald Albosta, fully complied with the House rules and committee rules in providing copies of documents to the Senate Judiciary Committee.

I would like to place in the Record Mr. Michel's letter to me, my response, a memorandum from the General Counsel to the Clerk of the House of Representatives, and a copy of the subcommittee's guidelines for the investigation at issue:

U.S. House of Representatives,
Washington, D.C., March 9, 1984.

Hon. William D. Ford,
Chairman, Post Office and Civil Service Committee, Cannon House Office Building, Washington, D.C.

Dear Mr. Chairman: I was very disturbed to learn yesterday that the Chairman of the Human Resources Subcommittee of your Committee had, without any authorization, turned over private Subcommittee files to a Member of the United States Senate.

This action may be in violation of House Rules and precedents.

The House has always closely and jealously guarded the content of its Committee deliberations and investigations, and it is clearly the House which ultimately decides whether such documents may be transferred to an individual or agency outside the House.

In this case, the Subcommittee Chairman declined to even seek the advice or approval of the Members of the Subcommittee prior to turning the documents over to a Member of the Senate. The Chairman responded to a letter from the Member of the other body dated February 27, 1984, and informed the Subcommittee Members of his action in a memorandum dated March 7 both of which are enclosed.

This action, in my opinion, represents a blatant disregard for documents and materials of the House and is an obvious abuse of the power entrusted to a Subcommittee Chairman. The action is further compounded by the fact that the documents transmitted were part of an on-going investigation, the results of which have never been communicated to the full Committee or the House. This action may very well hinder future efforts by the House to collect information critical to the performance of our duties. The fact that these documents are now being released by a Member of the Senate does great disservice to the House and calls into question the integrity of its proceedings.

I am forwarding a copy of this letter to the Chairman and Ranking Member of the Committee on Standards of Official Conduct, and in doing so I am urging them to pursue this matter further to determine whether a violation of the Rules of the House has occurred.

I hope you will agree with me that this matter deserves attention and should be investigated to the fullest.

Sincerely,

Robert H. Michel,
Republican Leader.

U.S. Senate,
Committee on the Judiciary,
Washington, D.C., February 27, 1984.

Hon. Donald Joseph Albosta,
Chairman, Subcommittee on Human Resources, Committee on the Post Office and Civil Service, Washington, D.C.

Dear Mr. Chairman: The Senate Judiciary Committee will soon be conducting hearings on the nomination of Edwin Meese III to be Attorney General, and I would be interested in your providing me with any information you may have received during your investigation last year which bears upon Mr. Meese's fitness and qualifications to serve in that position.

In particular, I would appreciate your forwarding copies of any such materials constituting or relating to:

(1) A "file of exotic campaign proposals labeled 'Ed Meese'" which, according to the July 9, 1983 edition of the Washington Post, were found in the files of White House Chief of Staff James A. Baker III in the archives of the Hoover Institute at Stanford University.

(2) "(B)riefing books," "hostages," "domestic issues" and "Carter topics," which, according to the August 13, 1983 edition of the Washington Post, were references contained in an "archivist's index" of a "Meese file" located at the Hoover Institute.

(3) An anticipated "October Surprise," as reported in the July 15, 1980 edition of the Washington Star.

Your assistance is greatly appreciated.

Sincerely yours,

Howard M. Metzenbaum,
U.S. Senator.

Committee on Post Office and Civil Service, Subcommittee on Human Resources, 511 House Office Building, Annex 1,
Washington, D.C.

To: Members of the subcommittee.
From: Chairman Albosta.
Re: Documents pertaining to the Meese confirmation.
Date: March 7, 1984—11:40 a.m.

As you may recall, the Guidelines adopted by the Subcommittee on July 14th, require that we "report for the use of other Committees information which may warrant their consideration in regard to other laws . . .". In accordance with the Guidelines we have responded to the request of a member of the Senate Judiciary Committee for information and documents for use in Judiciary Committee proceedings as reflected in the attached correspondence.

I have just been informed that Senator Howard Metzenbaum will be including in the public record of the hearings on the confirmation of Mr. Edwin Meese for the position of Attorney General, four documents that were obtained by the Subcommittee during its inquiry into the potentially unauthorized transfer of documents and information from the Carter Administration during the 1980 election campaign. These documents are copies of documents sent to Mr. Meese during the campaign of 1980 concerning information and documents from sources within the Carter Administration or Campaign whose release appears not to have been authorized. I have been informed that these copies will accompany written questions submitted by Senator Metzenbaum to Mr. Meese today.

Since they may be released by the Senate today from custody of the Congress, I am informing all Members of the Subcommittee about that use and potential release.

Committee on Post Office
and Civil Service,
Washington, D.C., March 13, 1984.

Hon. Robert H. Michel,
Republican Leader,
The Capitol, Washington, D.C.

Dear Bob: This is in response to your recent letter expressing concern that Representative Donald Albosta, Chairman of the Subcommittee on Human Resources, may have, without authorization, turned over to a member of the United States Senate private Subcommittee files.

I am enclosing for your review a copy of the guidelines approved by all Members of the Subcommittee on Human Resources at the beginning of its investigation, which clearly provide authorization for Chairman Albosta "to report for the use of other Committees information which may warrant their consideration in regard to other laws".

The Subcommittee guidelines further require that "to the greatest extent possible release of material information by the Chairman or his staff will be preceded by notice to all members of the Subcommittee". Under the same Subcommittee guidelines, the ranking minority member is also authorized to release material information.

As you may know, Mr. Albosta complied with this provision by notifying the members of the Subcommittee by memorandum on March 7 that he was releasing information to a member of the Senate Judiciary Committee. I would hope that you would not want Mr. Albosta to deliberately withhold pertinent information from the Senate Judiciary Committee while it is reviewing the qualifications of a nominee for Attorney General of the United States.

I have also received the enclosed opinion from the General Counsel to the Clerk of the House of Representatives indicating that Mr. Albosta did not violate any House rule by releasing information to the Senate Judiciary Committee.

I note in your letter you have also requested the House Committee on Standards of Official Conduct "to pursue this matter further to determine whether a violation of the Rules of the House has occurred." I am sure that they will respond appropriately to your request.

After carefully reviewing your allegations and the facts of this matter, I do not believe any further action is warranted by this Committee.

With kind regards,

Sincerely,

William D. Ford,
Chairman.

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE,
SUBCOMMITTEE ON HUMAN RESOURCES,
Washington, D.C., July 14, 1983.

GUIDELINES AND LEGISLATIVE PURPOSE FOR INVESTIGATION OF UNAUTHORIZED TRANSFER OF INFORMATION AND MATERIAL FROM THE CARTER ADMINISTRATION TO THE REAGAN CAMPAIGN

(I) The objectives of this investigation are to define legislative needs and remedies for reform of the Ethics in Government Act, based upon the allegations of possible ethical violations in both Presidential Campaigns of 1980.

The jurisdiction of the Subcommittee includes "codes of ethics . . ." and the "White House personnel authorization" as derived from the full Committee's jurisdiction over Federal personnel.

In regard to White House personnel, the selection, appropriate numbers and use of personnel at each level in the White House in addition to discipline and removal of White House personnel are clearly matters of concern in regard to use of White House materials, in addition to standards of conduct.

The Subcommittee has continued work on the Ethics in Government Act of 1978 which was the result of bills reported from the Post Office and Civil Service Committee among others. This year, we have reviewed the Act as an organic whole to determine whether the Act is operating as anticipated to ensure the ethical operation of the government at all levels.

Our jurisdiction over this matter includes the Standards of Conduct for Government Officers and Employees, as prescribed by Executive Order, by regulation and by law.

The questions are whether there are adequate provisions in the regulations to prevent the misuses of presidential or Federal government property or information, whether these provisions are understood, and whether they are enforced or enforceable at all.

The Report on H.R. 2717, filed by Mr. Albosta, includes an admonition that it is apparent that better ethics education is needed for government employees and officials in particular.

The same transactions that may be a violation of civil law or regulations concerning Federal officials or employees may also rise to the level of a violation of criminal law.

The Office of Government Ethics is required to report such potential violations to the Attorney General in certain cases—for example, when financial conflicts of interest are identified and not corrected or eliminated.

Another question that arises is whether current Federal employees or officials, such as White House personnel, have or should have a responsibility to report ethics violations that may signal a continuing weakness in, or threat to, the effective operation of the government.

Therefore, we intend to ask such questions to determine whether each element of the Ethics Act and our ethics program is working effectively in concert with other appropriate elements to ensure that Federal personnel at all levels know their rights and responsibilities and live by them.

We intend to develop a complete understanding of the facts and circumstances surrounding the transfer of property or information of the President's, apparently involving Federal personnel.

In the course of that investigation we will turn over to the Justice Department or to local prosecutors any evidence that a federal or local crime may have been committed. We will consider any findings which may indicate a need for changes in the law under our jurisdiction and report for the use of other Committees information which may warrant their consideration in regard to other laws such as Federal Election Law of Criminal Law.

PROCEDURES FOR THE SUBCOMMITTEE INVESTIGATION

(II) Files—Files will be kept under lock and key; except for immediate working files of staff, all subcommittee files will be open for inspection by any Member. At the request of any Member, one staff member who is not on the staff of the Subcommittee may be permitted access to the files on an in-house basis, signing for the files and inspecting them in the Subcommittee rooms.

(III) Interviews—Minority Staff Counsel will be informed of, and included in, interviews to be conducted by Subcommittee staff, with exceptions permissible in the interest of responding to unsolicited calls, visits, or stipulations of witnesses concerning circumstances under which they will consent to be interviewed. Even when participation in interviews by Minority counsel or staff is not possible, notes from the interviews, as reduced or committed to paper or tape for filing will be available to the Minority and to each Member as outlined under paragraph II (Files).

(IV) Statements to the press—To the greatest extent possible, release of material information by the Chairman or his staff will be preceded by notice to all Members of the Subcommittee.

Subcommittee staff will not discuss the investigation with the press unless authorized to do so by the Staff Director or Chairman. Subcommittee Staff Director and Counsel will be available twenty four hours a day to answer questions or assist any member of the Committee or designated staff of the Chairman and Ranking Minority Member to the greatest extent possible in order to provide accurate and current information about the investigation in order to respond to press inquiries, or simply to inform the Members.

(V) Each Member and each staffer is expected to respect and uphold the confidentiality of the investigation and the information held by the Subcommittee. In order to ensure proper control of information while allowing as open a process as possible, it is expected that material information will not be released unless first cleared by the Chairman or Staff Director, in consultation with the Ranking Minority Member.

If information or materials or allegations that may have a bearing on the investigation are made available without clearance by the Chairman or Staff Director and notice to all Members, then it is expected that the person or persons who have knowledge of the statement or release of information will bring it to the attention of the Chairman, Staff Director and Ranking Member as soon as possible. Members of the Subcommittee and the Chairman and Ranking Member of the full Committee will also be briefed about major material announcements and action, before any such announcement is made or action taken whenever possible.

(VI) All Staff persons detailed to the Subcommittee or retained by the Subcommittee for the investigation will be reporting to the Chairman and/or permanent Subcommittee staff.

Minoity staff persons detailed to the Subcommittee or retained by the Minority for this investigation will be reporting to the Minority Counsel, the Minority Staff Director, or the Ranking Minority Member, in consultation with the Chairman of the Committee, providing it does not violate the rules of the House.

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., March 13, 1984.

MEMORANDUM

To: John Fitzgerald, Counsel, Subcommittee on Human Resources Committee on Post Office and Civil Service.

From: Steven R. Ross, General Counsel to the Clerk.

This memorandum is intended to memorialize our earlier telephone conversations. You may recall that on February 29, 1984, we discussed the legal implications of the subcommittee's affirmative response to a request from the Senate Judiciary Committee for access to certain non-executive session material which had been voluntarily provided to the Subcommittee.

It is beyond peradventure of doubt that providing information to a Senate Committee constitutes protected legislative activity and that the application of the Speech or Debate Clause immunity would bar the imposition of any civil liability on the Members and Committee aids involved.

The Speech or Debate Clause, U.S. Const. Art I, § 6, cl. 1, has been consistently read to prohibit judicial inquiry of the communicative and deliberative processes of the Congress. *Eastland* v. *United States Servicemen's Fund,* 421 U.S. 491, (1975); *Gravel* v. *United States,* 408 U.S. 606 (1972). The Courts have distinguished between the dissemination of information outside of Congress, and the internal communications within Congress. *Hutchinson* v. *Proxmire,* 443 U.S. 111, 130-133 (1979). Specifically, it has been held that the provision of information to a Member of the Senate by an aide to a House investigative subcommittee was a privileged legislation action which could not be "questioned" in a judicial proceeding. *Tavoulareas* v. *Piro,* 527 F.Supp. 676, 682 n.5 (Holding the question, "Did you [a House committee aide] provide any information to the Subcommittee about the Mobil, Samarco, Atlas relationships to Senator Metzenbaum or any member of his staff?" to be clearly within the protection of the speech or debate clause.)

We have also discussed, on several occasions, whether the Rules of the House restrict the subcommittee's response to the Senate Judiciary Committee's request. As I have previously indicated, the Rules of the House provide generally that all "records" of a committee are to be kept separate and distinct from the Congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House. . . ." H.R. Rule XI, cl. 2(e)(2), Rules of the House of Representatives, § 706c, reprinted in Constitution, Jefferson's Manual and Rules of the House of Representatives H.R. Doc. No. 97-271, 97th Cong., 2d Sess. 441 (1983) (Rules of the 98th Congress). The rule specifically provides that all members of the House shall have guaranteed access to the records of all committees except for certain records of the Committee on Standards of Official Conduct. H.R. Rule XI, cl. 2(e)(2), id. Unlike a House Member or committee, a Senator or a Senate committee could not assert an absolute right to the subcommittee's records under this rule and the discretion to determine what information would be provided in response to a Senatorial request remains an internal determination.

The House Rules specifically provide that evidence taken in executive session may not be released absent the consent of the committee or subcommittee. H.R. Rule XI, cl. 2(k)(7), Rules of the House, supra at 421. Rule 20 of the full Post Office and Civil Service Committee Rules provides that "classified materials" shall be deemed to have been received by the committee or subcommittee in executive session and that the Chairman "shall establish such procedures as in his judgment may be necessary to prevent the authorized disclosure of any classified material." However, I understand that the material requested by the Senate Committee is neither executive session nor classified materials. That the House, and the full committee have specifically provided for committee or subcommittee approval prior to the release of executive session material indicates a different procedure applies for non-executive session and unclassified material.

You informed me that the subcommittee has adopted guidelines and operating procedures which provide guidance to the members and staff of the subcommittee for the treatment of information obtained by the subcommittee.

It would not appear that the Rules of the House would restrict the subcommittee's response to the Senate request taken in conformity with the subcommittee's guidelines and procedures.●

THE HOME MORTGAGE EMERGENCY ASSISTANCE ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. **GONZALEZ.** Mr. Speaker, yesterday in presenting the case that I again do today on the emergency and dire need of home loan mortgage assistance for hundreds of thousands of American families who through no fault of their own either have or are about to or are in the process of confronting the loss of their homes, I pointed out yesterday that the House passed out last May the Emergency Home Loan Mortgage Assistance Act which I have the honor of having drafted and authored, and caused hearings to be held thereon as chairman of the Housing Subcommittee of the House of Representatives. I pointed out that even though we had attempted to bring it up as a truly emergency measure before we broke up a year ago for the Easter recess, we were unable to do it because of the absolute determined, obdurate opposition on the part of the President and the administration and the party members of the administration in the House in, on and off of the subcommittee, on and off of the full committee where, unfortunately, we passed that legislation on a strict party line vote.

I pointed out yesterday that the reasons supporting the introduction and the approval of that bill and legislation was based on extensive hearings that we called before we even so much as dared ask any other colleague to support it. We adduced profusely very, very tragic testimony from every single section of the country, urban as well as rural, and geographically East, West, North, and South. There is no question about it.

□ 1830

There is a crisis. The crisis continues. And even though the House approved that legislation, as I said yesterday, by better than 115 votes, despite the stern opposition, unwavering to this day, on the part of the administration and its spokesmen in the Congress, it lies languishing in the Senate. And no Senator on either side that I know of, even those Senators who have constituencies in which foreclosures, not defaults or threatened defaults, but foreclosures; and the rate of foreclosures have outbeat the highest point of the Depression period in volume, in numbers.

I also mentioned yesterday and I rise today in order to round out or fill in that aspect which I left a gap in presenting. I pointed out by bringing into the discussion the presentation in a special order of my distinguished colleague from Pennsylvania, Mr. GAYDOS, who, as a spokesman and head of the steel caucus, has been speaking out on that particular dilemma, and I pointed out that his very, very distressing picture, the massive unemployment that persists, continues, over 23½ percent, 27 percent in some of the basic areas of a key industry such as steel, and auto products, and related manufacturing and processing.

I pointed out that even though they have succeeded and are continuing to make efforts to further succeed in waking up America to what has been happening to it, that the real basic issue is not unlike that which this country was subjected to by way of the same identical problem after World War I, and that history, in a sense, does repeat itself; and that foolishly, our country, our leaders, particularly our credit-allocators, our powerful, powerful forces in banking and corporate powers, have again duped and sold out the American people or the American constituency in a most vicious, irresponsible, and predatory manner.

And in order to round out and fill in the similarity and the reproduction of occurrences, I would like to point out by reading a little bit of history, a plaintive question by way of a complaint.

In 1932, in a question asked by an American concerned then and writing about the subject matter, he asked,

> Where is the state of Minas Gerais. Are we expected to know? Yet we have loaned $16 million of American credit.

Now $16 million translates today into at least no less than three-quarters of a billion dollars in today's corresponding inflationary extrapolations.

Sixteen million dollars in credit to the state of Minas Gerais and all we know about it is that the bonds of Minas Gerais are in default.

Then that same year, in fact 1931, 1 year earlier, a very distinguished American who served, and I remember in my childhood how this name was a household name, as Ambassador to Mexico from the United States, Dwight W. Morrow, father-in-law of Charles Lindbergh, but one who distinguished himself tremendously.

I remember the front page of the papers of that day prominently quoting this Ambassador to Mexico, probably one of the most significant and renowned Ambassadors since Ambassador Pinckney, before the Mexican war.

And he wrote in this famous magazine Foreign Affairs in that year, 1931, and he continued writing to the year 1932. I have been pleased or maybe some people can say tainted with a good memory, almost total recall. So I can remember those days as if I were living them today.

I was only 15 years of age, but I remember vividly. And I read the subject matter. This is why I can go back and dig them out.

Dwight Morrow happened to come from that great banking firm of J.P. Morgan & Co.

At that time that was the equivalent of our Chase Manhattan, First International, Chemical Trust; big, gargantuan—well, today they are acting like dinosaurs of that day—international bankers. And here is what this good Ambassador and father-in-law of "Lindy," Charles Lindbergh said, and it was printed in the Foreign Affairs Quarterly, and actually he had first written about this 4 or 5 years before 1931.

And he was commenting on why, during those years—and this was right before the crash, just like today—in which our loans to foreign countries exceeded the total borrowing of all American States, counties, townships, districts, towns, boroughs, and cities. This is what we have today.

We have the nine largest banks of our country so overweaningly, foolishly, with great folly, with an overhanging debt from these so-called developing countries that cannot even pay to roll over the interest payments, much less address themselves to the principal, in such amounts that the total amount of that debt to these banks exceeds the total resources, assets, the so-called structural capitalization of the banks.

Now if that were to happen to a local bank, small bank, it would be declared insolvent. But because now the Federal Reserve Board has been able to tap the Treasury of the United States and the Chairman of the Federal Reserve Board, in answer to a question directed him just at the last appearance he made before our committee on this subject matter; told me to my face that he was prepared to call upon the total resources of not only the Federal Reserve but of the Nation, if it meant that that is what it would take to save these banks.

However, in further answer to the question I then propounded, which he really did not answer, he as much as admitted that even that may not be enough.

So our distinguished Ambassador Dwight Morrow was saying, "How come this thing happened?" So his essay became a classic in that period of time. And he referred to the fact that he had been on a train heading for Chicago, picked up a Chicago newspaper and he counted the number of foreign bonds listed in his daily bond table.

□ 1840

He said that that number at that time was 128. Whereas 10 years before there had been only six that he could remember.

Then, this is a direct quote of that article, he said:

> Examining that long list of 128 bonds I discovered that governments, municipalities, or corporations of some 30 different countries were represented. Countries scattered all over the world. The list included the countries of our own hemisphere, Canada, Cuba, Brazil, Argentina, Chile, Peru, Bolivia, Uruguay, nations abroad with whom we fought and against whom we fought.

That is World War I.

> Governments in the Far East, such as Japan and the Dutch East Indies. And cities as widely separated as Copenhagen, and Montevideo, Toyko, and Marseilles.
>
> The contemplation of the extent and variety of America's investment in foreign bonds gives rise to three questions. Who buys these bonds? Why do they buy them? What do they get when they have bought them?

Interesting questions that no banker in modern day America has bothered to ask to the everlasting glory of such a man as Ambassador Morrow, who as I said and repeat, came from J.P. Morgan. He at least asked the questions.

He said:

> When we talk about the person who is investing in foreign bonds, we are talking about a great institution in New York or Chicago or Boston. We are talking about thousands of people living in all parts of the United States. We are talking about school teachers and army officers and country doctors and stenographers and clerks.

Naturally, because what was being used by the bankers and all were the deposits of the citizens just as is the case again today, with fundamental differences, tremendous fundamental differences.

And that is that in that day the meager skeletal framework of the mighty cartels of that day were babes in swaddling clothes compared to our megacorporations and international corporations and multinationals who today are dictating that the American worker is placed in competition with every single slave laborer in the world. And I hate to use these words but I do not know how else to describe them: With every peon, with every coolie in the world, again as then.

Mr. Morrow then supposed that one reason why these investments were being made was because, and here is how he explained it:

> How is the investor to form an intelligent judgment as to the safety of his investment? If he should be asked this question I think that he would put into the very forefront of his reasons for making the investment the fact that he had confidence in his banker who offered him the investment. This throws a heavy responsbility upon the banker.

This is exactly what has happened. Once again, despite the safeguards after 1932, which incidentally the Congress itself has been one safeguard after safeguard been discarding just within the last 6 years.

So that they had a committee hearing in 1932, over in the Senate. The Senate Committee on Manufacturers. And let us see, they hailed some of these bankers before them, which the Congress unfortunately to this day has failed to do. They had more guts, I guess, in that day and time in the Senate.

The committee, and I quote from the report of that committee hearing: "* * * was hearing bankers on the question of establishing a National Economic Council."

Strangely enough this is exactly a request that has been sprouting here in the Congress the last year and a half and exactly called that, a National Economic Council. Reminiscent of Hitler's Dr. Hjalmar Schacht, who I mentioned yesterday, and the grand German Chamber of Economics that was true of that period of time in Germany.

Anyway, this committee was hearing the bankers on the question of establishing this economic council and it asked this particular banker what the bankers had done to restrict a wild use of American credit before the collapse.

He answered this way and it is in the Senate committee print:

> Speculation was in the air and the speculators wanted to buy, buy, buy, and the bankers and brokers dealing in security supplied that demand.
>
> In other words, I do not think you would be justified in holding the banker responsible for the wide speculative craze that worked through the country. I think they were simply trying to supply what the customer wanted. I think the banker is like the grocer. He supplies what his customer wants.

This is exactly the philosophy today of Mr. Walt Wriston of the First City National, where they have an overhang in Brazil alone that is shattering. And it clearly begs the question once again and that is that you cannot empty the credit resources of America's economy into outpouring for construction of homes, elimination of slums, development of the infrastructure of those foreign countries, while we neglect ours as we do today. Our infrastructure by all universal acknowledgment is crumbling underneath us because this administration and this President reflects the philosophy that we have got to pour these endless resources, such as the $8½ billion to the IMF last year, to help bail out the banks by making these resources, tax resources of the American taxpayer, which means credit allocations, to these foreign debtors that cannot pay, and will not be able to pay, and who today after months of this temporary help are once again threatening to default in those payments. And once again you are having emergency meetings at the behest of the Secretary of the Treasury and others saying: "Hey, you bankers, you got to give more of what you don't have any more in order to try and stave off this collapse because once you start one, you set a chain of events and you will have the whole house of cards collapsing," or I prefer to call it the bubble that will soon break the world, the same kind of bubble as the one that broke the world in 1929.

Now you cannot have the drainage of the Treasury into investments in foreign lands where we cannot even check on whether or not the investments are being carried out as promised in the procurement of the loan or the allocation of the credit.

We cannot say then that we can be against offering even on a secure basis the means for an American family, temporarily facing a problem beyond that family's control, just a loan, in order to enable that family to keep the roof over their head and a possession they can say is their own. And therefore the greatest identification with the soil and the land, our country.

This is what we are facing essentially today, a repetition with one vital difference and that is, that the same President who comes in and talks about wanting a constitutional amendment for a balanced budget but who simply will not present a balanced budget to the Congress, is also saying that we must cut the budget, will not stipulate exactly where or how, but we must, on the nondefense while asking the same Congress this year for us to raise our ante on defense, the greatest defense budget ever in the history of any country or combination of countries, from $257 billion to about $315 billion.

□ 1850

But under what circumstances? The circumstances in which the same President has created a war psychosis over the past 2½ years, where he has callously, hardheadedly, obstinately refused to see that brave marines were going to be slaughtered like animals in a slaughterhouse, and even after they were, remained obdurate and still exposed them. Even to this day, they may be on some ship there, but they are still exposed, as I have pointed out here many times, to those antiship missiles in those hills that have a range of up to 50 miles.

But what is this? What is our purpose? What is our defense budget being increased for? For vital, actual, practical, realistic defense needs? No. For the possible development—remember, they have not even been developed—of instrumentalities or weaponry that has not even been developed, may never be completely developed and, even if developed, never deployed.

For what purpose? Because of this threat by a defiant enemy, by the President's own definition, that it is an inexorable enemy and for whom he has already created a war psychosis in the American public's mind.

So I have gotten up—and I have been the only one that I know of in the Congress that has gotten up—during the debate on a couple of times, the first going back several years, and asked, first, the chairman of the subcommittee of the Armed Services having jurisdiction on the subject matter, as well as the ranking minority member, second, the chairman of the Subcommittee on Appropriations having jurisdiction of the subject matter, as well as the ranking minority member, and I asked one question: What amount represented in this budget as called for is for the purpose of the defense of Europe? And they all answered the same way: "We don't know."

So then I said: "Well, I have estimated on my own"—and I am not a member of that committee, but I have figured out—"it is not less than 50 percent. Would you say that I am within a fair range of truthfulness in that assessment?"

And they said, "Oh, yes. But still we can't tell you because all through this disparate document known as the defense budget we don't have this definition, we don't know how much research and development it will be for that purpose," et cetera.

I feel that it is a very unresponsive type of reaction, and will keep asking the question.

I figure that of the $257 billion now presently approved by the Congress in this current fiscal year, better than 50 percent, more than $125 billion, is for that so-called purpose.

We still have 300,000 troops in Germany. We have 45,000 troops in Korea. We do not known exactly what it is that is going to be called for, expecially since we developed the so-called special forces, in the area of Lebanon, the Middle East. We are surrounding Nicaragua with 30,000 of our military on the land, the air and the sea, where the President is committed to the undoing of the regime in Nicaragua today. The President has embarked on a course of war, even as I am speaking here to my colleagues.

Let me say that we are at war, and hypocritically so, because we have a duly accepted and credentialed Ambassador in Managua mouthing words of peace and friendship, while we have our CIA weekly attempting to assassinate their leaders, destroy their dock and port facilities and other things such as that. We have taken over and are occupying the country of Honduras. We have got there, alone, 10,000 of our soldiers.

We are building, as other of our distinguished colleagues have pointed out and have adduced evidence, permanent airstrips and other things. It will not be long before the headlines will be translated from the Marine situation in Lebanon over to Central America, on which we will be reading headlines about how some of our soldiers are dying and how we have got to rise to the occasion and fight those dirty Communists.

But what I am saying is that at no time has this Congress or the President signified or revealed any kind of confrontation to the basic issue, which is a repetition of the basic issue confronting us in the interim between World War I and so-called World War II.

The fact is that we failed to face and our leaders failed to face, our President, not only this one, our congressional leaders, the fact that this is another world, yet our mental set is such that Europe is still looked upon as a 1947 Europe. We have changed the designation of our troops from occupation to defense. But let us try to put ourselves in the position of a German citizen particularly the generation on the threshhold of power right now that does not remember World War II. Some of us in our generation always forget that we are about to go on and we are going to have this generation step into our shoes and that their world is one that is totally different from that which we know and think of when those word symbols ring in our head.

And so when I have asked these questions, and there seems to be a puzzlement and almost a condemnation of me, as if I am raising some treacherous and treasonable questions, I cannot help but feel demoralized, because I think it is vital that our perceptions be correct, because the difference between this world and the one that was so similar in the post-World War I period is that today mankind does indeed have the power to destroy himself. We, in our egoism, even here in our Western World, forget that when we are talking about a defense, which I call a war budget, and talking about the possibility of winning an atomic war, we forget that every country south of us has signed the treaty, Nonnuclear Presence Treaty, banning all nuclear weaponry in that part of the hemisphere which we share but which we so brutally and cavalierly overlook.

There is more apprehension south of the border about a conflict that this country might get into in which we would have the possiblity of atomic warfare than indeed I find here, because after all, that river to the south of us is not any bulwark or barrier to the catastrophic effects of an atomic attack. And yet there is no awareness of that in our national psyche, our national conscience.

Should we not ask ourselves these questions? Should we not act in accordance with a decent respect for the opinion of mankind?

And all of this translates down to the fact that we as Representatives must put into perspective the burgeoning, rising needs of our people, give them priority, instead of, as I say, the quite incomprehensible folly reflected by the actions of our leading bankers, who have so irresponsibly acted and so irresponsibly abandoned the American economy, its workers, and its citizens in the greed for greater profit.

□ 1900

That is the issue.

As I said yesterday when the steel company closed the doors of the plant in Homestead, Pa., just last December, and threw out the last of the handful of workers. In this great place, which ironically was where our steel industry began with old Andrew Carnegie.

The chairman of the board and president said, well, our whole objective is to make money, and then he said that they considered indispensable not less than 20 percent yield of profit. Yet they were complaining, came to the Congress and asked and received special protective legislation against the Japanese and European imports, and I believe that under the circumstances it was right. I believe that we have not done enough now. I believe that we have come a round circle even back to the beginning of our national entity. We are now, as far as an economy is concerned, back to the old mercantile system, where we were the consumers and the mother country insisted that we stay that way; prohibited manufacturing in our own colonies, and took our own products, manufactured them there and came back and sold them and made us buy them from them. That was the mercantile system; we are back in that system. The difference being that these great masters, these malifactors of great wealth, these megacorporate chieftains and moguls in their master plan and playing the pawns of their game, the profits to be gained by cheap labor here, the abandonment of American labor. Putting that American worker to compete with that slave labor. That fellow has never changed all through mankind's history. This is why governments have been set up, and when governments forsake the people we have what we have in our country today. We have the pitiful situation, not only of the loss of homes to good, sturdy American families that ought to have at least a line of credit. At least—at least, not equal to, but one-tenth of that which we are making available to a faithless and questionable debtor in lands many hundreds of miles away, with no hope of repayment.

A businessman today, if he is a really small businessman, and once they even get $1,500 or a $2,000 loan, as I said yesterday, what must he do? If he can get that banker in his town to give him the line of credit, he has to pay at least 18 percent interest. That is usurious, that is extortionate. No economy in the history of mankind has survived usury. This is why mankind has had all kind of laws going back to 7,000 years before Christ in the time of Hammurabi against usury.

What has an American businessman got today, I mean the little one? The ones in between like the vast majority of the 14,000 commercial bankers that the Federal Reserve Board is supposed to be for. The Federal Reserve Board is not a Federal agency. A lot of Americans think it is, a lot of Congressmen think it is, it is not. It is a freewheeling, autonomous controller of the allocation of resources, of finances and credit of our country, with no accountability to anybody.

Not to either the Congress who created it, or the President, who is satisfied with having secret meetings with the Chairman of the Board to make a deal that at least up until November 6 this year, the Feds, like they did in 1972 for Mr. Nixon, will loosen that little spigot enough. Then what happens after November, well who cares? Everybody is whistling in the dark. Congressional leaders, members of committees, industrial leaders in America, the President, the Secretary of the Treasury, all of these mighty men, they are whistling in the dark because they hope we can muddle through until November. That this bubble will not burst.

I feel a little bit more sanguine than that because they are not taking into consideration that other little ingredient, that was not present in 1929. It is today. And that is, that domestically we have no control over some of these forces that can impact upon us before November 6. I hope not, but sooner or later, whether it is before or after November 6, we are going to have to face it. But, meanwhile the President has had his secret meeting with Mr. Volcker and they have sort of made a little deal that the Feds will not do anything untoward; tighten the screws too much. Just loosening that valve a little bit to permit some major economic strain to be avoided.

However, the delusion of recovery continues, it is a delusion. It is not the first mass delusion of its kind, history is replete with stories about them. But in this particular instance, we the Members, especially those of us on the committees that have jurisdiction, are charged with knowledge, and if we fail to raise our voices out of whatever motive: Fear or anything else, loss of the seat or anything else. As I have told my colleagues on the committee from time to time: "Rise, ye fellow Members, you have nothing to lose but your seats."

We must speak, as a very great French writer once said, he said: "If I know the truth, and speak it not, I then am an accomplice of liars, cheats and impostors."

I ask my colleagues to concentrate now no matter what on the long-overdue revision and reform of the Federal Reserve Board structure. It is completely out of control; it has completely escaped the congressional intent as envisioned in the original Federal Reserve Board Act of 1913. It has shown its complete abandonment of even its principal role.

As I said, when a little businessman who is going out in droves into bankruptcy like never before, even exceeding the Depression rate. When we have that, how can we sleep in comfort any more than I felt we could have on that fateful Thursday in October preceding Sunday the 23d when the marines were massacred. One does not have to be a prophet; one does not have to be a genius; all one has to do is listen to the conscience and act in accordance with the solemn oath of office we have taken, where presumptuously we call ourselves Representatives. In the most august position of any in any country, including our own.

It is the House of Representatives that has had ex-Presidents coming back and seeking to be Members of the House of Representatives.

□ 1910

Why? You cannot be appointed to this body. If you are a U.S. Senator and there is a vacancy, yes, you could be appointed by the Governor, but not to the House of Representatives. There is only one way we can get here, and that is through the vote of the people in our districts.

So I say we are charged with knowledge. I have evoked a little bit of history, pinpointed it, naming names, dates, and even specific examples in an exact repetition, except on a lesser scale, a less dangerous scale, than what we are seeing happen today.

I conclude by saying that we cannot continue this way without great detriment to the national destiny, for as was said by the English poet, ill fares the land to ills fated. Where wealth accumulates and men decay, stalwart, freeborn Americans are decaying, Mr. President and fellow Members. We shall not allow that to happen. We should not. But our society and its structure today throughout the world, not only in our country, is such that no single individual has the potential to stand up to these forces. He must have the aid of that particular agency or organ of the people, his own government. This aid is not forthcoming. Up to now we have turned our backs on the average American, what that great Charles Sumner said at the turn of the century, the forgotten American, the average one, who is trying to raise his family, own his home, pay his taxes, go to church on Sunday, do his duty in time of peace and war. He is forgotten. He is forsaken. He has been cheated. He has been robbed. He has been stripped naked of what is his right through his constitutional framework of reference to have from his government and his chosen representatives.

I say we cannot abdicate, no matter what the cost. So you lose an election. There are a lot worse things than that.

ELECTRONIC FILING OF DOCUMENTS WITH THE GOVERNMENT: NEW TECHNOLOGY PRESENTS NEW PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 10 minutes.

● Mr. ENGLISH. Mr. Speaker, advances in computer and telecommunications technologies and decreases in their costs offer Federal agencies opportunities to improve the flow and management of information. The Paperwork Reduction Act of 1980 recognized these advantages by encouraging the use of new information technologies to improve the efficiency of Government programs and to reduce the public paperwork burden.

During the past year or two, several agencies have begun to explore ways in which computer and telecommunications technologies can be incorporated into their operations to streamline data collection, storage and retrieval, and dissemination. The Patent and

Trademark Office has signed several contracts for automating their trademark operations as a preliminary step to automating all operations. The Securities and Exchange Commission has issued a request for proposals for a pilot test of an electronic filing, processing, and dissemination system. The Federal Maritime Commission is also considering an electronic filing, storage, and retrieval system for tariffs.

Automation may offer an efficient way to manage the huge number of documents filed with and maintained by Federal agencies. The Patent and Trademark Office receives over 100,000 patent and 60,000 trademark applications annually, and as many as 7 percent of the 24 million paper documents on file may be missing at any one time. The Securities and Exchange Commission requires 9,500 publicly held companies to file multiple disclosure documents each year. Current annual volume exceeds 6 million pages of paper.

Electronic filing of documents with Government agencies clearly holds the promise of savings, not only for the agencies, but perhaps also for those who file tariffs, registrations, patent applications, and other documents. But before we get carried away with the allure of Tom Swift and his all-electronic form 10-K, we have to recognize that there are some hard questions presented by the new technology.

Both the SEC and the FMC hope to develop systems that will be operated by private contractors at no cost to the Government. While cost-free filing systems are certainly attractive, we all recognize that the Government will not receive services for nothing. Contractors will receive compensation in some fashion. Who will bear the cost of electronic filing?

The Patent and Trademark Office has signed agreements with private companies for the automation of agency records at no cost to the Government. One aspect of these agreements requires the agency to deny Freedom of Information Act requests for the records in automated form. Is the agency obtaining services at the price of limiting public access to some of its records? Has the agency agreed with its contractors to limit competition in some fashion by restricting use of automated records?

We do not know the answer to these questions yet. In fact, I do not think that we can even be sure that we are asking all of the right questions. We need to think about the problems as well as the promises of electronic filing. It will be cheaper and fairer for everyone if we address the problems before they grow too large or too uncontrollable. If we do not take a hard look at electronic filing systems now, we will be sorry later.

The Subcommittee on Government Information, Justice, and Agriculture, which I chair, has begun an investigation into electronic filing systems. As a first step, I have put together a list of questions designed to identify the issues that are raised by electronic filing. The list is appended to this statement. It may help others concerned about electronic filing to sharpen their own thinking. At this preliminary stage, my goal is to define the issues first and then to decide how to seek answers. Anyone who shares my interest is invited to contact my subcommittee and help us in this process.

I do not want to leave anyone with the idea that I am opposed to electronic filing systems or that any of the agencies I have mentioned are doing anything improper. My purpose is to highlight a developing information technology and to begin to explore its real costs and its consequences. Ultimately, I hope that many agencies will be able to share in the benefits of the electronic age in a cost-effective fashion that is fair and equitable to all concerned.

Questions Presented by Federal Agency Plans To Establish Electronic Filing Systems: A Preliminary List

(A) Public Access:

(1) Will contractual arrangements for electronic filing curtail the ability of the public to have access to government documents now routinely made available in public to documents rooms or otherwise?

(2) Will contractual arrangements for electronic filing systems interfere with public access under the Freedom of Information Act?

(3) Will the maintenance of information in electronic form permit an expansion in the ability of the public to have direct access to public information in government files?

(B) Right and Responsibility of Contractors Operating Electronic Files on Behalf of Agencies:

(4) Is it realistic to expect contractors to operate electronic filing systems for agencies at no cost?

(5) Who owns the data in a contractor-operated electronic file?

(6) If a contractor loses a contract and is replaced by another contractor, what rights, if any, will the first contractor retain over data submitted during the course of the original contract?

(C) Rights and Responsibilities of Submitters:

(7) Will all submitters be required to file documents in electronic form?

(8) Will submitters be required to bear all costs of complying with electronic filing requirements?

(9) Will submitters be offered incentives to use electronic filing methods?

(10) Will submitters be required to convert any past filings to electronic form?

(D) Privitization of Government Functions:

(11) Will contractors operating electronic filing systems be asked or required to reject filings that do not comply with agency requirements? What will be the legal effect of such rejections?

(12) Will contractors operating electronic filing systems be asked to make decisions about the public availability of information or to process Freedom of Information Act request?

(E) Monopoly Issues:

(13) Will the granting of monopoly rights over information distribution be a necessary element of contracts for the operation of electronic filing systems?

(14) Do agencies have legal authority to grant contractors monopoly rights over information or information distribution?

(15) Will operators of electronic filing systems be able to require submitters to purchase the hardware or software necessary to permit electronic filing? How will distribution and pricing be controlled?

(F) Fairness:

(16) In order to induce a contractor to provide an electronic filing system at no cost to the government, will an agency restrict the rights of other parties? Will an agency reject Freedom of Information Act requests for some information, refuse to make information available in electronic form, or charge a high price for disclosure of data in electronic form?

(17) How will an agency prevent a contractor from using or redisclosing confidential data filed electronically?

(18) How will an agency prevent a contractor from using public information filed electronically in a way that will give the contractor an advantage over other information users who can only obtain the data later.

(19) Can the transition to an electronic filing system be conducted in a way so as not to unduly interfere with the operations of existing sellers and distributors of information?

(G) Archives:

(20) Is a record filed solely in electronic form considered to be a record for purposes of the Federal Records Act?

(21) If documents are filed electronically, what is the official agency record?

(22) How long must electronic records be maintained on-line, and how will the records be available when no longer on-line?

(23) How will electronic records be reviewed for archival retention, and in what form will the Archives maintain data deemed important for historical purposes.

(H) Miscellaneous:

(24) Is there a need for the establishment of some government-wide standards for electronic filing systems before different systems are developed independently by several agencies?

(25) Would the granting of exclusive distribution rights as whole or partial payment for the operation by a contractor of an electronic filing system constitute the sale of an agency asset? Would such a transaction violate the law or constitute an augmentation of appropriations?

(26) If an agency arranges through a contract or series of contracts for the operation of a computerized filing system, will there be a circumvention of the procedures required before an agency can acquire a computer for its use?

(27) Will the collection of information in electronic form through a contractor avoid or circumvent any of the requirements of the Paperwork Reduction Act?

(28) If different agencies develop electronic filing systems using different hardware, software, or other important features, will the result be inconsistent and incompatible electronic filing requirements and standards that will increase the costs to the government and the private sector?

(29) What computer security problems are presented by the establishment of electronic

filing systems designed for remote telephonic access by multiple users?

(30) How will responsibility be assessed for errors in documents filed electronically? How will errors be identified?

(31) Will the introduction of electronic filing systems be accompanied by new or increased user charges? If so, who will bear the burden of the new charges?●

HOSTILE TAKEOVERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, we are in the midst of another takeover wave, this one focusing on the petroleum industry. Within the last 2 months, we have seen takeovers involving Texaco and Getty, Mobil and Superior Oil, and Standard Oil of California and Gulf Oil. The stakes are not small. Four of these companies are among the top 10 in Fortune 500 list of U.S. industrial corporations: Mobil is No. 3, Texaco is No. 4, Standard Oil of California is No. 7, and Gulf Oil is No. 9. The Getty Oil Co. is the 24th ranked firm. And the smallest of the companies involved in these transactions, the Superior Oil Co., is ranked 52d in assets (108th in sales).

Each of these takeover attempts is ostensibly a friendly marriage. But if we look more closely, we see elements of a shotgun wedding. Gulf Oil, for example, agreed to the takeover by Socal only after being pressured by the hostile offer from T. Boone Pickens. And there are indications that the management of both Getty and Superior were pressured into their respective takeovers by the threat of a takeover fight involving large stockholders.

Hostile takeover activity is not limited to the oil industry. We need only pick up the newspaper to learn that, almost on a daily basis, new targets are singled out by corporate raiders. Many takeovers that appear friendly have an element of compulsion beneath the surface.

From what I read, I am not the only one disturbed by this brand of takeovers. Chief executive officers, responding to a survey by Dun's Business Month last November, disapproved of them by a margin of 7 to 1. The author of the article wrote that the CEO's "would emphatically like to see takeovers diminish in both frequency and animosity so America can get back to work." They strongly indicated that too much time, effort, and money are spent fending off potential adversaries who, like roaring lions, walk about seeking whom they may devour.

U.S. tolerance of hostile takeovers is distinct. They do not occur in Germany and Japan. Great Britain, although not outlawing them, subjects hostile takeovers to a public-interest review by a commission.

I am not sure why our attitude toward such takeovers has changed, but, until 20 years ago, they were unknown in the United States. I suspect though, that most of these bids are engineered by a relatively few acquisition-minded companies and by investment bankers, a group that could hardly be said to be financially disinterested. As the Dun's survey suggests, most companies want nothing to do with hostile takeovers.

Are there benefits in these takeovers? Possibly.

Some argue that they are vehicles to dump inefficient management. But an FTC study, in July 1980, found that 1 of the top 12 motives for acquisitions was a desire to obtain the good managers with the target firm, not to replace poor ones.

Takeover threats will keep target managers on their toes, others contend. If this is so, they are a spur only to short-term performance, one chief executive told our committee. A takeover threat gives management no incentive to look to the long-term future of a company, he said, and the threat actually detracts from both short- and long-term performance, because it is a frequent, time-consuming distraction.

Indeed, one business executive says that the costs of an unfriendly takeover are inevitably too high, "and we do not have an unused management pool to replace old management." And another says that making an acquisition and bringing new executives and key employees into the mainstream of a company is hard enough "without the added burden of a conflict from the start."

In sum, it seems likely that an acquisition-minded company looking for a good investment will pick a well-run firm as a target.

Another reason offered to justify hostile takeovers is that they benefit shareholders of the target company. Of course, premiums paid to shareholders benefit them—and they may more accurately reflect the real-world value of corporate assets.

But why are many corporate stocks undervalued in the first place? I think Government budgetary and fiscal policies are prime culprits. If Government budgetary and fiscal policies are more in line with revenues, extremely high interest rates result. This depresses the value of most securities. While takeovers benefit select stockholders, most undervalued shares are left untouched. And data supplied to the subcommittee suggests that more often than not the stockholders of the acquiring corporation have seen their holdings depreciate as a result of an acquisition.

The very thought of being a takeover target causes corporate officers to put together elaborate defense schemes. This response is a natural human reaction. I would expect managers, within the limits of the law, to do their best to assure job security.

But none of this comes cheaply. "Golden-parachute" severance pay arrangements cost money. "Shark-repellant" defenses that raise capital through the sale of nonvoting securities can undercut the principle of shareholder control—a precept at the heart of our securities and corporate law. Transactions engineered hastily in the heat of battle can produce some pretty strange results. Long-term interests may be sacrificed to drive up stock prices in the short run, giving a competitive edge to foreign firms not subject to the same pressure to maintain short-term performance.

Some of the problems that have developed in the last few years are the result of laxity in enforcement and lack of leadership in the agencies that enforce the antitrust and securities laws. Past administrations opened new enforcement avenues to meet new and changing conditions in the world of mergers and, when necessary, sought corrective legislation. During the administration of President Ford, the Congress enacted the Hart-Scott-Rodino Act to address inadequacies in merger reporting procedures. The Reagan administration has shown creativity in the opposite direction—carving out additional areas in which the antitrust laws will not be enforced. That is not the kind of leadership this Nation needs. The Congress will not stand idly by and watch a fundamentally sound system of corporate leadership disintegrate.

Despite all the concerns about hostile takeover, some experts believe the threat of a takeover can spur better performance from management. But can this positive incentive for competitive performance be preserved without the many ill effects of hostile takeovers?

I believe this can be achieved. I am introducing today a bill, the Hostile Takeover Act of 1984, that will amend the antitrust laws to make takeovers unlawful if they are disapproved by a majority of the independent directors of the target company. To be independent, these directors must have no substantial financial or commercial relationship with the corporation other than as stockholders in the company.

I think this proposal has several advantages over a flat prohibition.

First, if takeover threats do keep managers on their toes, this legislation seeks to preserve that positive influence. The independent directors, with their key role in a takeover defense, could apply leverage to obtain sound management decisions for the long haul.

Second, it would prompt those firms that have none to name independent directors. Without them, this legal barrier to hostile takeovers would not operate.

Finally, I am assuming here that most companies are well run and that the independent directors will, in most cases, support management. But, if they determine that resistance to a tender offer is unwise, they could give the green light to the takeover. And, by restricting management actions that might be inimical to a company's best interest, they could make a takeover more amicable and less costly for all parties involved.

To be effective in pressing management for top performance, independent directors must show true independence from management. In forthcoming hearings on this proposal, the Committee on the Judiciary must explore whether other means of selecting independent directors, or new standards for bringing suit against such directors that do not live up to their fiduciary obligations, will make this proposal more effective.

I am proposing initially that this new law be effective for approximately 2 years. I understand that legislation on the subject of takeovers must balance the interests of shareholders, management, employees, and the longer term economic interests of this country. That balance may require change in the tax and securities laws as well as the antitrust laws. During the 2-year period this law will operate, I hope that interested committees of the Congress as well as Federal agencies with expertise in antitrust and corporate governance will join in developing a sound approach to the problems generated by hostile corporate takeovers.●

JEWEL PATTON—OUTSTANDING CITIZEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I would like to take this opportunity to inform my colleagues of the retirement of one of the leading citizens of Monterey County, Jewel Q. Patton. Ms. Patton has served for 12 years as executive director of the Salinas Visiting Nurse Association, and, with the merger of the Salinas VNA and the Monterey VNA, she is stepping down.

A graduate of the Yale University School of Nursing, Jewel Patton was one of the original founders of the Salinas Visiting Nurse Association. Under her strong leadership, the VNA initiated free blood pressure screenings and homemaker services for homebound patients. In addition, the geographic area served by visiting nurses was expanded to take in the Salinas Valley and San Benito County. The visiting nurse association has been very successful in providing needed services in relatively inexpensive fashion, and I think our entire medical care system could take a lesson from the way it has operated since its inception.

In addition to her work with the Salinas VNA, Jewel Patton has served on the board of directors of the local hospice and was a member of the American Cancer Society's local rehabilitation and service committee. From 1977 to 1982, she represented smaller visiting nurse associations on the board of the California Association of Health Services at Home. In addition, she has been active on nursing committees, and with the Heart Association, the Lung Association, and the Cancer Society.

Mr. Speaker, I feel very strongly about the need to search out less costly means of providing medical care to our citizens, particularly senior citizens. The work that Jewel Patton has done in this field serves as an example of the kind of care we need to encourage, and I am proud to know her. Indeed, advice she has provided me over the years on this issue has been invaluable in the preparation of legislation I have introduced. I certainly hope that her retirement does not mean that I, and the Congress, will not be able to draw on her as a resource in the future.

It is my understanding that Ms. Patton and her husband are planning to travel through Australia, New Zealand, and New Guinea. I am sure my colleagues join me in wishing them the best of luck and happiness both in their travels and in retirement.●

"BORROWED MONEY MEANS BORROWED TIME": BRINGING THE DEFICIT UNDER CONTROL

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from California (Mr. PATTERSON) is recognized for 60 minutes.

Mr. PATTERSON. Mr. Speaker, in his state of the Union address, just 2 months ago, President Reagan recommended approval of a constitutional amendment granting the Chief Executive line-item veto authority. This authority would allow the President to veto certain items in appropriations bills while leaving others intact. Our present system requires the President to either sign the whole bill or to veto it entirely. Critics of the present system claim that the system forces the President to spend on items that he believes are not deserving and encourages Members of Congress to "pork barrel" or add pet projects as amendments to larger bills which the President must sign. Currently, 43 States, including my home State of California, give their Governors line-item veto authority to assist in controlling the budget.

In line with the President's suggestion, some of my colleagues have proposed joint resolutions calling for a constitutional amendment to give the President line-item veto authority. The problem with these constitutional amendment proposals is that even if they received consideration by the Congress immediately, it would still take several years before the amendment procedure was complete. This is because three-fourths of the States would have to ratify the amendment before it would become effective. Recent joint resolutions proposing constitutional amendments have provided a maximum of 7 years for State ratification. In light of the current deficit crisis, we do not have the luxury of time. Additionally, several Members of Congress have expressed concern over possible misuse of this kind of authority by the executive branch. Commonsense would tell us that because the line-item veto is controversial, an absolute grant of authority to the President is not going to receive the kind of support necessary to get the proposal passed by the Congress this year.

Therefore, I have proposed H.R. 4774, which resolves both these problems by becoming effective immediately upon enactment and by lasting only 1 year. This will give Congress and the President a chance to evaluate this proposal before having to make a full commitment to the idea.

My bill, H.R. 4774, enhances the rescission authority of the President rather than being a pure line-item veto which probably would be held unconstitutional if created by statute. However, this will give the President the same budget control he would otherwise have with a line-item veto without requiring a constitutional amendment to be effective which would take 7 years. I firmly believe that we have a statutory mechanism that is workable and legal.

H.R. 4774 is based on the procedures set forth in the Impoundment Control Act of 1974 and works as follows:

First, the President notifies Congress of his intention to eliminate or reduce an item of appropriation within an appropriations bill;

Second, Congress then has 45 days to disapprove of the President's decision by enacting legislation to the contrary;

Third, if Congress fails to enact legislation to the contrary, the President's decision, his veto, stands, and the funds are eliminated or reduced;

Fourth, however, if Congress enacts legislation expressly disapproving of the President's decision, the President will still have the opportunity, as he does on all bills, to veto the separate enactment of Congress;

Fifth, Congress may then act to override the President's veto as prescribed by the Constitution.

Such a fundamental institutional change should be considered on a statutory basis and considered immediately, because the deficit has grown at astronomical proportions during the last 4 years.

Make no mistake about it; the size of the deficits that have been incurred since 1981 together with those projected through fiscal year 1989, are unparalleled ever in American history. The total national debt has already increased 74 percent since 1981 and will double by 1986 if the proposed budget for fiscal year 1985 is approved. In other words, all the debt accumulated by all previous administrations throughout our Nation's 208-year history would be doubled in just 6 short years.

Some of the cruelest effects of these outrageous deficits will not be borne by this generation of Americans. It is our children and our children's children who will suffer the most. The interest cost on our national debt has already been more than doubled by this administration. The interest expense, $108.2 billion this year, is now greater than the total of all Federal grants—grants for highways, schools, medical research, community development, and many other needed and worthwhile investments. The rapidly growing interest payments produce nothing for the betterment of our Nation. But rather, will stand as a costly legacy for our children to repay.

Although many of my colleagues have expressed concern over the effect of the deficit on future generations of Americans, there has been relatively little attention paid to the immediate economic effects of the deficit.

Astronomical deficits threaten the economic well-being of Americans today in three significant ways:

First, high interest rates. Interest rates are driven up by the Federal Government's increased borrowing from the private sector and the perception that this borrowing will become more pronounced in the future.

For an area like Orange County, Calif., where I come from, this means that consumers are going to have more difficulty buying homes, cars, and appliances. Additionally, two of the county's most important industries, construction and manufacturing, will be hit particularly hard by high interest rates.

The second phenomenon is a direct outgrowth of the first—fewer opportunities for growth means fewer jobs. Additionally, high interest rates also adversely affect employment opportunities by reducing the ratio of American exports to foreign imports. As foreign investors rush to convert their currency into American dollars to take advantage of higher interest rates, they drive up the value of the dollar. As the dollar goes up, American products become more expensive abroad, while foreign goods become cheaper in the United States. The Institute for International Economics estimates that the United States will lose as many as 1 million jobs this year because the overvalued dollar abroad has reduced American exports. Again, for an area like Orange County that is seeking to increase exports. This effect will be quite harmful to the local economy.

Finally, if the economic recovery proceeds without sufficient investment, it may mean shortages of some products and that could push inflation up. The Federal Reserve Board has contributed to this problem by allowing the Nation's money supply to grow rapidly during the initial stages of the economic recovery. Since mid-1983, the Fed was forced to tighten up on the money supply to avoid an inflationary disaster. Such a sudden flipflop in monetary policy. However, will surely have a negative impact on economic growth and output. The inflationary impact of the Federal Reserve Board's earlier policies will hit about the same time as the current monetary tightening reduces economic growth. Slower economic growth means that personal income will grow at a slower rate as well. Couple this with higher rates of inflation in the months ahead and you have only one thing—reduced growth in real income.

Therefore, the fact that people will have less buying power and there is less new investment and fewer new jobs means that we are moving headlong into a new recession. I believe that we are at the crossroads of this economic recovery. With immediate action, we can bring deficit spending under control and greatly reduce the chance of another recession. We must explore all available alternatives for reducing the deficit. The recommendations made by the Grace Commission support that conclusion as well.

This analysis by leading business executives has produced hundreds of recommendations for cutting Government costs and improving Government efficiency. A few of the specific recommendations I support include:

First, ending Government subsidization of electric power rates in areas of the Northwestern United States that have benefited from artificially low electric rates at taxpayer expense.

Second, requiring the military to buy commonly used parts competitively.

Third, improving the Department of Defense's inventory management.

Fourth, better tracking of the earnings of social security recipients to eliminate overpayments.

Fifth, closing inefficient and unneeded military bases and post offices.

Sixth, increased review of tax returns by the IRS to insure that all Americans pay the taxes they owe.

Finally, I believe that the enormous increases the President has called for once again this year in defense spending can be moderated without jeopardizing our national security. I am ready to appropriate every dollar needed to protect the interests of the United States, to support our friends, to advance the cause of freedom, and promote the prospects of peace. But I will not spend a dollar more than is necessary to meet those goals.

We have all heard of too many instances of outrageous waste by the Defense Department in recent years. The General Accounting Office reports that, at the end of the last fiscal year, the Defense Department's rush to spend all available money resulted in the last minute purchase of 57,000 softballs, a 14-month supply of paper and enough ice-cube makers and videocassette players to fill serveral warehouses.

The amount requested for defense is, in fact, more than twice the amount approved for the defense in the fiscal year 1980 budget. While I have supported and continue to support substantial increases in defense spending, I do not believe that the $237.5 billion defense budget that was approved for fiscal year 1984 needs to be increased by the full 14.5 percent recommended in the budget. I believe that a 5-percent rate of real growth, as proposed by the administration itself in 1981 and 1982, is fully sufficient to insure our national defense.

I say it is high time that all of us in Government stop assigning blame for our problems and get down to the business of solving those problems.

Besides the line-item veto proposal I have introduced, I have also introduced a resolution calling for a constitutional amendment mandating the submission by the President, and the approval by the Congress, of a balanced budget. While a constitutional amendment is a drastic measure, I believe it is clearly called for given the severity of our deficit crisis.

I have cosponsored the Fair Tax Act proposal which was introduced by Senator BRADLEY of New Jersey and Congressman GEPHARDT of Missouri. This legislation would totally streamline our complicated and unfair Tax Code. It would eliminate special interest tax loopholes. The bill would establish a progressive tax structure with only three rates. No longer could the wealthy use the hundreds of obscure deductions now available to reduce or eliminate their fair burden of taxation. It is our middle and lower income citizens who must bear the burden of high tax rates when the wealthy escape their fair burden. It is my firm belief that taxpayers would be much more willing to pay their share of the total tax burden if they truly believed they were being assessed a fair share of that burden. Increased compliance means higher tax receipts and lower Federal deficits.

Long before it was a popular notion, I cosponsored legislation to establish a bipartisan commission to recommend solutions to the deficit problem. Such a commission would be similar to the one formed to rescue the social security program. I welcome the President's recent support for this initiative.

I have also cosponsored the 2-percent CPI reduction bill. This legislation would temporarily reduce the impact of tax indexing by 2 percent as well as temporarily diminishing cost-of-living increases in entitlement programs by 2 percent. I believe a small temporary sacrifice by all of us will be necessary if we are ever going to really reduce these deficits.

In summary, the time has come for all of us in Government to bite the bullet and make the politically difficult decisions necessary to substantially reduce these deficits.

I sincerely believe that the package of proposals I have just cited would, if enacted, allow us to attain this goal.

I call upon my colleagues in the Congress and upon the administration to put aside their political differences and join in this critical effort to reduce our national debt.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Badham (at the request of Mr. Michel), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Kasich) to revise and extend their remarks and include extraneous material:)

Mr. Bethune, for 60 minutes, today.

Mr. Bethune, for 60 minutes, on March 15.

Mr. Kemp, for 60 minutes, on March 15.

Mr. Edwards of Oklahoma, for 60 minutes, on March 28.

Mr. Jeffords, for 60 minutes, on March 27.

Mr. Fish, for 10 minutes, today.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Downey of New York, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Ford of Michigan, for 5 minutes, today.

Mr. Rangel, for 60 minutes, on March 15.

Mr. Gonzalez, for 60 minutes, today.

Mr. English, for 10 minutes, today.

Mr. Rodino, for 5 minutes, today.

Mr. Panetta, for 5 minutes, today.

Mr. Fascell, for 60 minutes, on March 15.

Mr. Yatron, for 60 minutes, on March 15.

Mr. Brown of California, for 60 minutes, on March 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Rudd, prior to the vote on the Bliley amendment to H.R. 3020 in the Committee of the Whole today.

(The following Members (at the request of Mr. Kasich) and to include extraneous matter:)

Mr. Hiler.
Mr. Gunderson.
Mr. Frenzel.
Mr. Goodling.
Mr. Conte in two instances.
Mr. Fields.
Mr. Broyhill.
Mr. Bereuter.
Mr. Bethune.
Mr. O'Brien.
Mrs. Vucanovich.
Mr. Shuster.
Mr. Rudd.
Mr. McEwen.
Mr. Bilirakis.
Mr. Cheney.
Mr. Jeffords.
Mr. Kindness.
Mr. Stangeland.
Mr. McCollum.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Vandergriff.
Mr. Gejdenson in two instances.
Mr. Long of Maryland.
Mr. Roe.
Mr. Fazio.
Mr. Solarz.
Mr. Britt.
Mr. Downey of New York.
Mr. Schumer.
Mr. Hamilton.
Mr. Ford of Tennessee in two instances.
Mr. Dymally.
Mr. Pease.
Mr. Jacobs.
Mr. LaFalce.
Mr. Guarini.
Mr. Swift.
Mr. Olin.
Mr. Lipinski.
Mr. Addabbo.
Ms. Kaptur.
Mr. Frank.
Mr. Bennett.
Mr. Miller of California.
Mr. Skelton.
Mr. Leland.
Mr. Florio.
Mr. Scheuer in two instances.
Mr. Markey.
Mr. Rostenkowski.
Mr. de Lugo.
Mr. Weiss in two instances.
Mr. Torres.
Mr. Boucher.
Mr. Edwards of California.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 454. Joint resolution honoring the contribution of blacks to American independence.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 912. An act to modify the authority for the Richard B. Russell Dam and Lake project, and for other purposes.

ADJOURNMENT

Mr. PATTERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 15, 1984, at 10:20 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2896. A letter from the Assistant Secretary of Defense (Manpower, Installations and Logistics), transmitting a report on cost savings under contracting out procedures since January 1, 1981, pursuant to Public Law 98-94, section 1222(a); to the Committee on Armed Services.

2897. A letter from the Secretary of Education, transmitting a draft of proposed legislation to amend the Higher Education Act of 1965, to establish a financial assistance program emphasizing student self-help, to enhance the equity and effectiveness of Federal programs in support of higher education, to increase flexibility and simplify higher education programs, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Education and Labor.

2898. A letter from the Secretary of Transportation, transmitting the annual report on railroad financial assistance, pursuant to Public Law 96-448, section 409; to the Committee on Energy and Commerce.

2899. A communication from the President of the United States, transmitting information on the international agreements that have been transmitted to Congress after the specified deadline, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

2900. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting information on political contributions by nominees as ambassadors or ambassadors at large, and their families, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

2901. A letter from the Chairman, National Labor Relations Board, transmitting a report on the Board's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2902. A letter from the Chairman, Tennessee Valley Authority, transmitting a report on the Authority's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2903. A letter from the Attorney General, Department of Justice, transmitting a draft of proposed legislation to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime, pursuant to 31 U.S.C. 1110; to the Committee on the Judiciary.

2904. A letter from the General Counsel, Department of Energy, transmitting a draft of proposed legislation to authorize appropriations for the Department of Energy for national security programs for fiscal year 1985 and fiscal year 1986, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Armed Services and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 462. Resolution providing for the consideration of H.R. 4170, a bill to provide for tax reform, and for other purposes (Rept. No. 98-617). Referred to the House Calendar.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3755. A bill to amend title II of the Social Security Act to provide for reform in the disability determination process; with amendments (Rept. No. 98-618). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 4222. A bill to make certain technical amendments with respect to the court of appeals for the Federal circuit, and for other purposes; with an amendment (Rept. No. 98-619). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL (for himself, Mr. Hamilton, Mr. Solarz, Mr. Bonker, Mr. Barnes, Mr. Wolpe, Mr. Gejdenson, Mr. Dymally, Mr. Lantos, Mr. Kostmayer, Mr. Torricelli, Mr. Smith of Florida, Mr. Berman, Mr. Reid, Mr. Levine of California, Mr. Feighan, Mr. Weiss, Mr. Ackerman, and Mr. Garcia):

H.R. 5119. A bill to authorize international development and security assistance programs and Peace Corps programs for fiscal year 1985, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BLILEY (for himself, Mr. Applegate, Mr. Bateman, Mr. Daniel, Mr. Dannemeyer, Mr. Fish, Mr. Glickman, Mr. Hutto, Mr. Lagomarsino, Mr. Lungren, Mr. McCain, Mr. Nichols, Mr. Parris, Mr. Robinson, Mr. Sensenbrenner, Mr. Siljander, Mr. Traxler, and Mr. Williams of Ohio):

H.R. 5120. A bill to clarify the obligations of broadcasters to legally qualified candidates for public office, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOUCHER (for himself and Mr. Olin):

H.R. 5121. A bill to designate certain national forest system lands in the State of Virginia as wilderness, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. DERRICK:

H.R. 5122. A bill to direct the Secretary of Agriculture to release a reversionary interest held by the United States in certain lands in Pickens, Anderson, and Oconee Counties, S.C., and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such lands; to the Committee on Agriculture.

By Mr. DURBIN (for himself, Mr. Harkin, and Mr. Evans of Illinois):

H.R. 5123. A bill to strengthen provisions of the Consolidated Farm and Rural Development Act prohibiting conflicts of interests; to the Committee on Agriculture.

By Mr. FISH (for himself, Mr. Gekas, and Mr. DeWine) (by request):

H.R. 5124. A bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime; to the Committee on the Judiciary.

By Mr. FOGLIETTA:

H.R. 5125. A bill to provide for greater balance in the proportion of military chaplains of different faiths as compared to the proportion of different faiths represented among the total membership of the Armed Forces; to the Committee on Armed Services.

By Mr. FRANK:

H.R. 5126. A bill to provide for 1,000 additional immigrant visas for unmarried nieces and unmarried nephews of citizens of the United States; to the Committee on the Judiciary.

By HAMMERSCHMIDT:

H.R. 5127. A bill to amend the Employees Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve the delivery of retirement benefits and provide for greater equity under private pension plans for workers and their spouses and dependents by taking into account changes in work patterns, the status of marriage as an economic partnership, and the substantial contribution to that partnership of spouses who work both in and outside the home, and for other purposes; jointly, to the Committees on Education and Labor, and Ways and Means.

By Mr. HILER:

H.R. 5128. A bill to limit the authority to conduct reduction in force within the Bureau of Apprenticeship and Training of the Department of Labor; to the Committee on Education and Labor.

By Mrs. KENNELLY:

H.R. 5129. A bill to prohibit sales of Stinger air defense guided missile systems to Jordan and Saudi Arabia; to the Committee on Foreign Affairs.

By Mr. LEVITAS:

H.R. 5130. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Foreign Affairs.

H.R. 5131. A bill to terminate certain authorities of the executive branch of the Government which are subject to congressional review unless those authorities are approved by an enactment of the Congress; to the Committee on Foreign Affairs.

H.R. 5132. A bill to terminate certain authorities of the executive branch of the Government which are subject to congressional review unless those authorities are approved by an enactment of the Congress; to the Committee on Interior and Insular Affairs.

H.R. 5133. A bill to terminate the Senior Executive Services unless it is continued by an enactment of the Congress; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR:

H.R. 5134. A bill to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to make available advance deficiency payments for the 1984 and 1985 crops of wheat, feed grains, cotton, and rice to certain producers in disaster areas; to the Committee on Agriculture.

By Mr. OWENS:

H.R. 5135. A bill to provide a deduction for employment expenses which are incurred by the taxpayer for the care of certain individuals in the home or in a dependent care center if such care is necessary for the gainful employment of the taxpayer or a member of the household of which any such individual is a member; to the Committee on Ways and Means.

By Mr. PEASE:

H.R. 5136. A bill to amend the provisions of the Trade Act of 1974 relating to the "Generalized System of Preferences"; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 5137. A bill to amend the Clayton Act to temporarily prohibit certain involuntary acquisitions of persons engaged in commerce or in any activity affecting commerce; to the Committee on the Judiciary.

By Mr. SHANNON:

H.R. 5138. A bill to amend the Internal Revenue Code of 1954 to allow contributions to tax-exempt social welfare organizations to be deducted for gift and estate tax purposes; to the Committee on Ways and Means.

By Mr. SHUSTER:

H.R. 5139. A bill to provide that the estimated tax penalty shall not apply to underpayments attributable to the inclusion in gross income of certain railroad retirement benefits received during 1984; to the Committee on Ways and Means.

By Mr. SMITH of Florida (for himself, Mr. Gilman, Mr. Kemp, Mr. Barnes, Mr. Torricelli, Mr. Long of Maryland, Mr. Coughlin, and Mr. Mica):

H.R. 5140. A bill to prohibit the sales of Stinger air defense guided missile systems to Jordan and Saudi Arabia; to the Committee on Foreign Affairs.

By Mr. VANDERGRIFF:

H.R. 5141. A bill to amend part A of title XVIII of the Social Security Act with respect to payment levels for hospice care; to the Committee on Ways and Means.

By Mr. GUNDERSON:

H.J. Res. 515. Joint resolution proposing an amendment to the Constitution of the United States with respect to voluntary silent prayer in public schools and equal access to public school facilities; to the Committee on the Judiciary.

By Mr. DONNELLY:

H. Con. Res. 274. Concurrent resolution expressing the sense of the Congress that the participants of the New Ireland Forum are to be commended for their efforts to bring about genuine progress in the search for a just and peaceful solution to the problems of Northern Ireland; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

344. The SPEAKER presented a memorial of the House of Representatives of the State of Kansas, relative to enacting legislation to declare the first Friday in March of each year as Teacher Day USA; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BATES introduced a bill (H.R. 5142) for the relief of Ruben and Maria Eustacia Hernandez; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 421: Mr. Weaver.

H.R. 1250: Mr. Sisisky, Mr. McCain, Mr. St Germain, Mr. Bryant, Mr. Matsui, Mr. Sam B. Hall, Jr., Mr. Evans of Illinois, Mr. Bliley, Mr. Eckart, Mr. Fazio, and Mr. Wyden.

H.R. 1405: Mr. Williams of Ohio, Mr. Quillen, Mrs. Holt, and Mr. Shelby.

H.R. 1415: Mr. McDade, Mr. Jeffords, Mr. Gejdenson, Mr. Ortiz, and Mr. Minish.

H.R. 1752: Mr. Solarz.

H.R. 2053: Mr. Harrison.

H.R. 2151: Mr. Lewis of California.

H.R. 2568: Mr. Torricelli.

H.R. 2584: Mr. Yatron.

H.R. 2837: Mr. Conyers and Mr. Volkmer.

H.R. 3016: Mr. Whitehurst, Mr. Staggers, Mr. Harrison, Mr. Solomon, and Mr. Long of Maryland.

H.R. 3361: Mr. Edwards of Oklahoma.

H.R. 3482: Mr. Feighan and Mr. Mrazek.

H.R. 3487: Mr. Applegate, Mr. Williams of Ohio, Mrs. Johnson, Mr. Bateman, Mr. Bedell, Mr. Conte, Mr. Evans of Iowa, Mr. Whittaker, and Ms. Oakar.

H.R. 3581: Mr. Skeen, Mr. Roberts, Mr. Hughes, and Mr. McCain.

H.R. 3585: Mrs. Boxer.

H.R. 3688: Mr. Rose.

H.R. 3713: Mr. Badham and Mr. Pashayan.

H.R. 3714: Mr. Badham and Mr. Pashayan.

H.R. 3715: Mr. Badham.

H.R. 3716: Mr. Badham.

H.R. 4182: Mr. Williams of Ohio, Mr. Walgren, and Mr. Hamilton.

H.R. 4214: Mr. Rowland and Mr. Fowler.

H.R. 4287: Mr. Campbell.

H.R. 4324: Mr. Ford of Tennessee.

H.R. 4356: Mr. Boland and Mr. Frank.

H.R. 4367: Mr. Corrada, Mr. Frost, Mr. Luken, Mr. Ortiz, Mr. Ratchford, Mr. Weaver, and Mr. Weiss.

H.R. 4402: Mr. Petri, Mr. Wortley, and Mr. Coats.

H.R. 4413: Mr. Ortiz.

H.R. 4447: Mr. Neal, Mr. Britt, and Mr. Sikorski.

H.R. 4457: Mr. Downey of New York, Mr. Gregg, Mr. Moody, Mr. Richardson, Mr. Edgar, and Mr. Scheuer.

H.R. 4459: Mr. Russo.

H.R. 4475: Mr. Craig, Mr. Early, Mr. Schaefer, Mr. Murtha, Mr. Ritter, Mr. Miller of California, Mrs. Schneider, Mr. Darden, and Mr. Durbin.

H.R. 4563: Mr. Stokes, Mr. Crockett, Mr. Mitchell, Mr. Roe, Mr. Roybal, and Mr. Hughes.

H.R. 4571: Mr. McEwen.

H.R. 4635: Ms. Mikulski.

H.R. 4642: Mr. Hawkins, Mr. Schumer, Mr. Pease, Mr. McCloskey, Mr. Scheuer, and Mr. Reid.

H.R. 4675: Mr. Crockett, Mr. Stokes, Mr. Ortiz, Mr. Howard, Mr. Rangel, Mr. Kolter, Mr. Won Pat, Mr. Mitchell, Mr. Smith of Florida, and Mr. Kindness.

H.R. 4741: Mr. Kemp.

H.R. 4745: Mr. Addabbo, Mrs. Collins, Ms. Ferraro, Mr. Matsui, Mr. Torres, Mr. Towns, and Mr. Jacobs.

H.R. 4747: Mr. Roybal, Mr. Matsui, Mr. Towns, Mr. Morrison of Connecticut, Mrs. Byron, Mrs. Schroeder, Mr. Evans of Illinois, and Mr. Spratt.

H.R. 4772: Mr. Olin, Mr. Pritchard, and Mr. Jacobs.

H.R. 4773: Mr. Regula, Mr. Wortley, Mr. Corrada, Mr. Daub, Mr. Simon, Mr. D'Amours, Mr. Smith of Florida, Mr. Hughes, Mr. Wyden, Mr. Savage, and Mr. Traxler.

H.R. 4813: Mr. Crockett and Mr. Won Pat.

H.R. 4837: Mr. Ackerman, Mr. Bedell, Mrs. Boxer, Mr. Garcia, Mr. Hyde, Mr. Hughes, Ms. Kaptur, Mr. Lewis of Florida, Mr. Morrison of Connecticut, Mr. Richardson, Mr. Ritter, Mr. Yatron, and Mr. Tauke.

H.R. 4850: Mr. Evans of Illinois, Mr. Stokes, Mr. Applegate, Mr. Dwyer of New Jersey, Mr. Ackerman, Mr. Mitchell, and Mr. Rangel.

H.R. 4865: Mr. Carper.

H.R. 4877: Mr. Bates, Mr. Burton of Indiana, Mr. Clinger, Mr. Evans of Illinois, Mr. Dannemeyer, Mr. Gray, Mr. Hutto, Mr. Montgomery, Mr. Williams of Montana, and Mr. Wirth.

H.R. 4879: Mr. Roybal.

H.R. 4880: Mr. Roybal.

H.R. 4881: Mr. Roybal.

H.R. 4882: Mr. Roybal.

H.R. 4883: Mr. Roybal.

H.R. 4961: Mr. Whitley.

H.R. 4965: Ms. Ferraro.

H.R. 5008: Mr. Porter, Mr. Annunzio, Ms. Kaptur, Mr. Hayes, and Mr. Vento.

H.R. 5042: Mr. Harkin, Mr. Kastenmeier, Mr. Markey, Mr. Eckart, Mr. Crockett, Mr. Owens, Mr. Berman, Mr. Luken, Mr. Obey, Mr. Rose, Mr. Roybal, Mr. Gejdenson, Mr. Kogovsek, Mrs. Schroeder, Mrs. Burton of California, Mr. Pease, Mr. McNulty, Mr. Mitchell, Ms. Kaptur, Mr. Rangel, and Mr. Udall.

H.R. 5054: Mr. Petri, Mr. Miller of Ohio, Mr. Craig, and Mr. Solomon.

H.R. 5075: Mr. Wise.

H.J. Res. 200: Mr. McDade, Mr. Minish, Mr. Dannemeyer, Mr. Chappell, Mr. Goodling, and Mrs. Boggs.

H.J. Res. 247: Mr. Parris, Mr. Mrazek, Mr. Vandergriff, Mr. McHugh, Mr. Garcia, Mr. Dixon, Mr. Reid, Mr. Wortley, Mr. Roybal, Mr. D'Amours, Mr. Yates, Mrs. Schroeder, Mr. Broyhill, Mr. Rose, Mr. Schaefer, Mr. Anderson, Mr. Moorhead, Mr. DeWine, Mr. Wyden, Mr. Regula, Mr. Downey of New York, Mr. Rinaldo, Mr. Philip M. Crane, Mr. Miller of California, Mrs. Kennelly, Mr. Bevill, Mr. Rodino, Mr. Won Pat, Mr. Andrews of North Carolina, Mr. Jacobs, and Mr. Clarke.

H.J. Res. 309: Mr. Carper, Mr. LaFalce, Mr. Lipinski, Mr. Markey, Mr. Richardson, Mr. Savage, and Mr. Stokes.

H.J. Res. 385: Mr. Biaggi and Mr. McKernan.

H.J. Res. 389: Mr. Richardson and Mr. Reid.

H.J. Res. 473: Mr. Richardson, Mr. Levin of Michigan, Mr. Fish, Mr. Wilson, Mr. Gradison, Mr. Perkins, Mr. Williams of Ohio, Mr. Duncan, Mr. Hughes, Mr. Kasich, Mr. Livingston, Mr. Young of Florida, Mr. Fazio, Mr. Murtha, Mr. St Germain, Ms. Snowe, Mr. Ottinger, Mr. Mineta, Mr. LaFalce, Mr. Chandler, Mr. Loeffler, Mr. Fuqua, Mr. Clarke, Mr. Spratt, Mr. Bartlett, Mr. Hyde, Mr. Waxman, Mr. Snyder, and Mr. Frank.

H.J. Res. 479: Mrs. Lloyd, Mr. Horton, Mr. Hartnett, Mr. Bilirakis, Mr. Mazzoli, and Mr. Hansen of Utah.

H.J. Res. 480: Mr. Gingrich and Mr. Bilirakis.

H.J. Res. 488: Mr. Early, Mr. Florio, Mr. Lipinski, Mr. Mrazek, Mr. Patterson, Mr. Rahall, Mr. Edgar, Mr. Corrada, Mr. Anderson, Mr. Clinger, Mr. Stark, Mr. Lantos, Mr. LaFalce, and Mr. Conte.

H.J. Res. 491: Mr. Annunzio, Mr. Boland, Mr. Derrick, Mr. Gonzalez, Mr. Hughes, Mr. O'Brien, Mr. Reid, and Mr. Vento.

H.J. Res. 496: Mr. Fields, Mr. Skeen, and Mr. Hunter.

H.J. Res. 497: Mr. Dannemeyer.

H.J. Res. 502: Mr. Green, Mr. Hughes, Mrs. Boxer, Mr. McKinney, Mr. Alexander, Mr. Ottinger, Mr. Berman, Mr. Whittaker, Mr. Martinez, Mr. Shelby, Ms. Ferraro, Mr. Kostmayer, and Mr. Gilman.

H. Con. Res. 23: Mr. Matsui.

H. Con. Res. 123: Mr. Clay and Mr. Dixon

H. Con. Res. 227: Mr. Guarini.

H. Res. 303: Ms. Ferraro.

H. Res. 377: Mr. Hughes.

H. Res. 395: Ms. Mikulski and Mr. Hughes.

H. Res. 433: Mr. Dorgan.

H. Res. 458: Mr. Won Pat, Mr. Wyden, Mr. Biaggi, Mr. Mavroules, Mr. Kastenmeier, Mr. Levine of California, Mr. Bedell, Mr. McKinney, Mr. Ford of Michigan, Mr. Rangel, Mr. Neal, Mr. Towns, Ms. Kaptur, Mr. Solarz, and Mrs. Boxer.

PETITIONS, ETC.

Under clause 1 of rule XXII,

322. The SPEAKER presented a petition of the City Council of Greenacres City, Fla., relative to the appointment of a representa-

tive from Florida to the House Committee on Energy and Commerce; which was referred to the Committee on Energy and Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2133

By Mr. ROTH:

—Page 6, strike "(4)(A), in lieu of:

TECHNICAL DATA

"(4)(A) Within one-hundred and eighty days after the effective date of this paragraph, the Office of Federal Procurement Policy (or any successor agency) shall promulgate rules and regualtions defining 'legitimate proprietary interest' for purposes of this subsection. Such rules and regulations shall be promulgated as a part of the Federal Acquisition Regulations and shall give due consideration to the following—

"(i) statements of policy, objectives, and purposes contained in Public Law 96-517, Public Law 97-219, and section 8(d) of this Act;

"(ii) the governmental interest to increase competition and lower costs by developing and locating alternative sources of supply and manufacture;

"(iii) directing appropriate purchasing agencies to establish reverse engineering programs which provide domestic small business concerns an opportunity to purchase or borrow spare or replacement parts from the Government for the purpose of design replication or modification to be used by such concerns in the submission of subsequent offers to sell the same or like parts to the Government: *Provided*, That nothing contained in this clause shall limit the authority of an agency head to impose restrictions on such a program related to national security considerations, Government inventory needs, the improbability of future procurements for the same or like parts, or any additional restriction otherwise imposed by law;

"(iv) the rights to technical data or other data which is developed in whole or in part with Federal funds:

"(v) placing a time limit on the rights to technical or other data which is developed at private expense and not developed in whole or in part with Federal funds;

"(vi) a requirement that the procuring agency, with respect to each major system acquisition, insert a clause in the initial research and development contract and production contract and significant modifications to that contract pertaining to technical or other data [developed in whole or in part with Federal funds]. Such clause shall contain provisions specifying, as appropriate, the Government's right to own, license, use or otherwise access such data and the extent, if any, of proprietary interest maintained by the contractor and subcontractors;

"(vii) a requirement that the procuring agency, with respect to each major system acquisition, insert a clause in the initial research and development contract and production contract and significant modifications to that contract warranting that the contractor and their subcontractors will deliver, complete, accurate, adequate, and current technical data.

"(viii) a requirement that the procuring agency, with respect to each major system acquisition, insert a clause in the initial research and development contract and production and significant modifications to that contract stating under what conditions the Government may hire third-party contractors to review claims of proprietary rights on technical or other data by major system contractors and their subcontractors.

"(ix) the imposition of appropriate remedial measures against business concerns which improperly designate technical or other data as proprietary.

"(B) The Administrator of the Office of Federal Procurement Policy (or the head of any successor agency) shall—

"(i) consult with representatives of associations representing small business concerns prior to issuing any rules or regulations pursuant to subparagraph (A); and

"(ii) after the promulgation of such rules and regulations, submit to the Committees on Small Business of the House of Representatives and of the Senate a report detailing how such rules and regulations give due considerations to the factors described in (A) (i) through (viii).

"(C) Within one-hundred and eighty days after the effective date of this paragraph, the General Accounting Office shall report to the Congress recommendations to improve the storage, distribution, and control of technical and other data by Federal agencies obtained as a result of major system acquisition so as to insure the interests of the Federal Government in encouraging competition for the purchase of spare and replacment parts.

EXTENSIONS OF REMARKS

LAURENCE J. REPETTI—CATONSVILLE CITIZEN OF THE YEAR

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Wednesday, March 14, 1984

● Mr. MATHIAS. Mr. President, it is always a source of great satisfaction when a citizen who works devotedly for the public good is recognized in his own community. This has happened to Laurence J. Repetti of Catonsville, Md., and all those who know him are delighted.

Mr. Repetti has been singled out by the Catonsville Business Association as the "Catonsville Citizen of the Year". Mr. Repetti's many and various services to his community were outlined in a recent article in The Catonsville Times, which I submit for the RECORD.

The article follows:

CBA NAMES REPETTI "CITIZEN OF THE YEAR"

(By Roy Furchgott)

If there is a Catonsville community organization that Lawrence J. Repetti isn't involved in, he doesn't know about it.

In fact, when the Catonsville Business Association formally announced that they voted Repetti the Catonsville Citizen of the Year, he couldn't attend. He was at another meeting.

But it is just that kind of community devotion that won Repetti the honor.

"This year we had a very hard time because we had some very good names," said Al Smith, president of the Catonsville Business Association (CBA).

But Repetti's work with community organizations convinved the 10-man selection board to choose him over the 17 other candidates.

In addition to his job as Administrator of the Summit Nursing Home in Catonsville, Repetti is past president of the Health Facilities Association of Maryland, past president of the Catonsville Kiwanis, a member of the Knights of Columbus Patapsco Council, lodge 2323 of Catonsville Elks, The Associated Italian American Charities, the Catonsville 4th of July Celebration Committee, the Catonsville Business Association and the Lay Advisory Board for St. Agnes Hospital.

Repetti has also served for the past four years as co-chairman of the Annual St. Agnes Hospital Golf Tournament, raising $40,000 for the hospital.

He admits his numerous community commitments leave little free time.

"When I eat at home more than twice a week, my wife thinks I'm ill," he said, smiling.

Now, in addition to those other posts, Repetti will have to squeeze in several appearances on behalf of the CBA. The first will be the Catonsville 4th of July Parade, where he will be riding with the president of the CBA in a convertible.

Repetti seems to take it all in stride. He says the honor will not change his rule in the community.

"I think I have always made a contribution to the community and I will continue as I have done in the past," he said.

"Catonsville is a very, very fine community," he added. "I've always been proud to be a part of Catonsville."●

AMERICAN BUSINESS SUPPORTS AN INDUSTRIAL STRATEGY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. LAFALCE. Mr. Speaker, I would like to bring to the attention of my colleagues an article in the March 19 issue of Business Week, which summarizes the findings of a poll conducted by Lou Harris of more than 600 executives of the 1,200 large corporations in Business Week's Corporate Scoreboard about the future of U.S. industry.

The poll found deep concern among the executives, despite the present economic recovery, about the future of such structurally troubled industries as autos, steel, chemicals, basic metals, paper, and rubber. Fifty-seven percent of the executives believed these industries will continue to be in trouble even if the recovery continues. In addition, 61 percent of the executives were attracted by the suggestion of a tripartite board of business, labor, and Government to develop a national consensus for dealing with trouble industries. The House Banking Subcommittee on Economic Stabilization, which I chair, has proposed the creation of just such a council.

The article presents striking evidence both of the depth of concern in the business community about the long-term future of our economy, and an increasing willingness to join with labor and government in addressing it. This is a very hopeful sign, and I commend the article to my colleagues.

[From Business Week, Mar. 19, 1984]

A CAUTIOUS NOD TO "INDUSTRIAL POLICY"

American business executives are on the brink of a profound change in their view of the future of U.S. industry. What appears to be happening is this: Top corporate managers are becoming so concerned about the viability of large segments of America's productive capacity that they are more willing than ever before to consider radical measures—including a major role for government in some form of centralized planning of a national "industrial policy."

This is the principal conclusion of an opinion poll commissioned by Business Week and conducted by Louis Harris & Associates Inc. The sample consisted of more than 600 executives—many of them chief executive officers—of the 1,200 large corporations in Business Week's Corporate Scoreboard.

The rise in the level of concern over the fate of the "smokestack industries" is striking (chart). In March, 1983, the Harris organization asked a similar sample of executives whether such structurally troubled industries as autos, steel, chemicals, basic metals, paper, and rubber will "continue to be in trouble, even in a time of economic recovery," or whether they can be turned around. Some 44 percent believed that the problems would persist. Only nine months later, the pessimists had risen to 57%—surprising, considering the strength of the U.S. economy.

"MIGHT BE PERSUADED"

But the real surprises lay in the nature of the proposed solutions for the structural problems posed by efficient foreign competition, capital starvation, and high labor costs. In an election year when Democratic candidates—and Democratic congressmen—have stimulated the beginnings of a national debate on the wisdom of some form of industrial policy, pollster Lou Harris probed for the level of business support for various proposals.

Harris points out that executives' resistance to any form of national coordination or central allocation of industrial resources is still formidable—some two-thirds of the sample dismiss it as not feasible. But he deprecates some of this sentiment as "rote" opposition born of deep-seated distrust of central planning schemes in government.

When Harris asked members of the group that voted "no" whether they would change their minds if all such central planning were done exclusively by the private sector, a third conceded that they would. Thus, in Harris' view, the base exists for a majority that "might be persuaded—if a strong President really pushed the policy."

Even if a President assumed leadership on the issue, selling a national industrial policy would be uphill work. For one thing, the survey shows significant resistance by business to any really active role for a central planning mechanism. Harris asked executives to agree or disagree with a list of four alternative missions for such a planning mechanism. The most active and interventionist, "Make key decisions about resource and capital allocation," attracted the least support—7 percent.

Development of a national consensus among government, business, and labor—the chief players in any solution for the woes of U.S. industry—garnered significantly more support, although still a long way from a majority: 29 percent. Thus, the two most aggressive alternatives together were backed by only 36 percent of the sample.

Less-activist planning mechanisms, on the other hand, attracted considerable interest. Some 27 percent of the sample supported some official body that would collect data and make forecasts on industry-by-industry efficiency and performance; another 27 per-

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

cent backed data collection only. In short, a majority of the sample favored some analog to the Council of Economic Advisers. This idea is similar to the economic coordinating council supported by many congressional Democrats.

WARY OF ACADEMICS

On the issue of which institutions should participate in managing an industrial policy, executives have fairly clear preferences. Although 80 percent see some realistic role for government (only 27 percent think business can manage such planning on its own), only 31 percent back a "major" role. And on the specific issue of central planning, what Harris perceives as a reflexive rejection of government proceeding alone is virtually unanimous.

Even when the choice is an existing executive agency with which business is comfortable, such as the Commerce Dept., only 15 percent support it as the sole planning organization. An independent arm such as the Federal Reserve Board is supported by only 18 percent.

What does business support? Executives, to the tune of 61 percent, are attracted by the suggestion of a tripartite board of business, labor, and government. Curiously, this is precisely the direction that the Democrats are going: a coordinating council—essentially a platform for building public consensus. Broadening the composition of a tripartite board does not necessarily attract more support. In fact, adding "academic experts" to the three other groups drops support from 61 percent to 39 percent.●

RESPONSIBILITY AND EXIT POLLS: GROUP W TELEVISION

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SWIFT. Mr. Speaker, in the 1980 election, television network news used data from exit polls conducted around the country to project the results of the Presidential race as early as 5:15 p.m. Pacific time—a time when all the polls were closed in only about half the States in this country.

Since then, the Task Force on Elections of the House Administration Committee has been working on a solution to the problem of early network election projections and the adverse impact of those projections on those who have not yet voted.

After a series of hearings, the committee came to the conclusion that all the potential solutions to this difficult problem were flawed in some way, and that by far the best solution would be for broadcasters and other members of the news media to voluntarily refrain from using the data from their exit interviews to project election results until all polls are closed.

We have worked cooperatively with members of the news media in seeking an agreement on voluntary restraint, a task that has been made easier by the many journalists who are concerned about the activities of the broadcast media in this kind of election coverage. Most recently, Eric Sevareid commented that "We've gotten along for 150 years waiting for election results, and I don't see why we can't just keep on waiting."

In addition, the committee is very encouraged that whole news organizations have taken a responsible stand with regard to exit polls and the use of that data. The Cable News Network (CNN), for instance, has stated publicly their decision not to make election projections while polls are open.

Now, Lawrence P. Fraiberg, president of Group W Television Station Group, in speaking to the New York chapter of the National Academy of Television Arts and Sciences has called on the broadcasting industry to unite to stop releasing early projections of election returns.

As reported by Broadcasting magazine:

> Saying he "personally" is deeply concerned with the effect TV coverage is having on the national political process, Fraiberg announced that news directors at all six Group W stations have agreed "not to release any of their own exit poll projections until all polls for that office are closed." The stations will be unable to screen out early projections by networks, he said, but he "hopes Group W will set an example" and that the networks and other broadcasters will "follow suit" and withhold all projections until polls have closed.

I salute Mr. Fraiberg and the news directors of the Group W stations. Their bold, responsible action sets an excellent example; I strongly share their hope that the networks and other broadcasters will follow it.●

ONE IN FOUR AMERICANS LIVED IN POVERTY AT SOME POINT IN 1970'S

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FORD of Tennessee. Mr. Speaker, as you know, the administration recently has been busy trying to devise creative statistical techniques which will show that poverty is not as prevalent in America as is believed. However, a long-term study recently completed by the University of Michigan's Institute for Social Research shows that nearly a fourth of all Americans lived in poverty at some point or another during the 1970's.

It seems strange that while the administration works diligently to try to justify its cutback to programs which aid the poor, study after study has revealed that the current poverty figures may be just the tip of the iceberg, and certainly is something which this Congress will have to address.

Poverty is a real issue in America, and previous administrations, in acknowledging its existance, tried in many cases to work cooperatively with the Congress in attempts to alleviate this devastating problem. The current administration prefers to sweep the poverty issue under the carpet or play games with the poor by manipulating poverty statistics.

I encourage my colleagues to review the University of Michigan's study and others that have been done on the poverty issue which affect some 34 million Americans. The following is a recent Washington Post article on the study.

[From the Washington Post]

ONE IN FOUR AMERICANS POOR AT TIMES IN 1970's

(By Philip J. Hilts)

More than a fourth of all Americans lived in poverty at one time or another in the 1970s even though the official poverty rate was never over 12.8 percent in any one year, according to a new book that challenges popular beliefs about the poor in America.

The new survey, with other emerging data, has begun to alter the long-held image that the poor in America form a permanent underclass locked into a "culture of poverty" with little chance of escape.

The long-term study by the University of Michigan suggests that most of those who slip into poverty do so for short periods after major adverse events, such as divorce. Immediately after divorce, for instance, a divorced woman's income is cut in half, on the average, and rises again only on remarriage.

Only a small percentage of those who experience poverty remain persistently poor—about 2 percent of the U.S. population compared with 25 percent who experience short spells of poverty.

Long-term poverty strikes blacks in much higher proportions than whites—62 percent of the persistently poor are black. But, contrary to the popular picture, they are mostly not stereotypical urban-welfare mothers of young, unemployed men. Nor are they apathetic or averse to advancement.

The Michigan study shows that the small number of people who are persistently poor fit a completely different profile:

One-third are old or live in families headed by the old.

Forty percent live in households in which the head of the family is disabled.

Two-third live in the South, and most in rural areas.

Age-old arguments about whether the poor have behavioral patterns that trap them in self-perpetuating poverty are challenged in a new book, "Years of Poverty, Years of Plenty," that tracks family incomes over decades instead of taking one-time "snapshots" of poverty.

"The discussion of the issues in the 1960s generated more heat than light, partly because of a lack of the necessary data to test the theories," wrote Greg J. Duncan and his colleagues, Mary Corcoran and Patricia and Gerald Gurin, recently in a paper summarizing the material in the book.

"The discussions in the 1960s, when based on data at all, tended to draw upon . . . small and potentially unrepresentative areas and populations. Today more relevant and empirical data are available," they said.

The Duncan book is based on the largest and longest term study ever done on family income changes. It reports the findings of a study by the University of Michigan's Institute for Social Research which followed 5,000 representative American families for 15 years.

The new view of poverty also appears in a 40-year follow-up study of inner-city children published in the March issue of the American Journal of Psychiatry.

The massive Michigan study shows that one quarter of the U.S. population fell below the official poverty line for one or more years during the decade of the '70s. But less than one-tenth of them were persistently poor through eight or more of the 10 years.

George E. Vaillant of Dartmouth Medical School writes in the current American Journal of Psychiatry that "at first, the certainty of a self-perpetuating underclass appears so obvious as to require no proof."

"It seems that deprivations in childhood—which may induce malnutrition, abuse, overcrowding, unstable living situations, gross neglect, and inferior education and socialization—can only produce young adults with low levels of . . . work skills and with high levels of social distrust, hostility and alienation. . . . Thus, in the mid-1960s, Oscar Lewis introduced the idea of a 'culture of poverty,' in which maladaptation is passed on from generation to generation."

But in the data from Duncan and Vaillant, a majority of children from impoverished homes escape poverty. Vaillant used data going back to 1940 on 456 Boston children, half of whom were from mostly white impoverished homes plagued by abuse, alcoholism and numerous other problems.

When 425 of the 456 persons were checked 35 years later, when they averaged age 47, Vaillant reports that the children of poverty were now "almost indistinguishable from those without . . . initial disadvantages."

Both groups had been employed during more than 90 percent of their lives, both had very similar income levels and showed very little difference in criminal records or mental health.

Eighty to 85 percent of the children from poor, "multi-problem" homes escaped permanent poverty to the stable working class or above.

The University of Michigan data also show the obverse side of the poverty question: a significant percent of the poor move out of poverty even to the highest income levels of society. But an almost exactly equal number of the rich and middle class slip down to the bottom of society.●

PERSONAL EXPLANATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FRENZEL. Mr. Speaker, other congressional business prevented me from casting my vote on three rollcalls on Thursday, March 8. The subject of these votes was H.R. 4164, the Vocational Technical Act Amendments of 1984. Mr. Speaker, had I been present for rollcalls 41, 42, and 43, I would have voted "aye" in each instance. My statement, which appears on page 4789 further explains my support and my concerns regarding vocational education.●

A BRIDGE OF AGREEMENT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. BEREUTER. Mr. Speaker, the Kissinger Commission has submitted its proposals and they are being debated in the Committee on Foreign Affairs, of which I am a member. Unfortunately, it seems as if once again, the polarization of views and past hard feelings will impede the administration and Congress from forming, as the Christian Science Monitor recently called it, "a bridge of agreement." It is, indeed, nothing less than tragic that Congress and the Executive are unable to find a solution to the deep policy divisions on a region so important to us in terms of geographical vicinity and cosanguinity.

The following excerpts of a March 9 editorial in the Christian Science Monitor reflects this Member's sentiments. I hope my colleagues will take the time to read them.

> The time is at hand for the Reagan administration and Congress to sit down and form a bipartisan bridge of agreement on the course the United States should pursue in El Salvador, both in the long and short run. On this issue, suspicion and frustration between these two branches of the U.S. Government have replaced tentative cooperation and reasonable degree of consensus. The process can and should be reversed, but it will take candor, goodwill, and hard work on all sides.
>
> El Salvador is too close to United States borders to be ignored: It should be provided with U.S. help, both economic and military. But in turn the Salvadorean Government must substantially improve its record of human rights toward its own people * * * there are signs that some Republicans and Democrats are preparing to blame each other should El Salvador collapse before the United States November elections.
>
> But this is not a time for distrust or blame. Rather it is a moment for cool heads and a clear vision. Top officials of the administration and of Congress, forgetting past feelings, should promptly begin anew to build bridges toward each other on the issue of United States policy toward El Salvador. Both long-term policies and short-term needs should be frankly discussed, and honestly assessed. Neither of the two arms of government can operate independently: Each must have the cooperation of the other.●

EMERGENCY FOOD ASSISTANCE FOR AFRICA

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. WOLPE. Mr. Speaker, on Tuesday of last week the House passed an urgent supplemental to provide emergency food assistance for Africa, where over 150 million people are facing famine in 24 countries due to the most widespread and devastating drought to affect the continent in recent history. Thousands of children and adults are dying daily from starvation. The swift passage of the food supplemental was an indication of the broad bipartisan support which it enjoyed and an affirmation of the laudable tradition of American bipartisan support for humanitarian aid in life-threatening crises.

In the Senate, bipartisan support for the swift passage of this supplemental has also been demonstrated by the efforts of Senators BOSCHWITZ and DANFORTH among others. But instead of moving this measure quickly through the Senate it is now being tied down by a controversial package of military aid for El Salvador and the contras seeking to overthrow the Nicaraguan Government.

We are effectively being told that if we want to feed the starving children of Africa we must also feed the guns of Central America.

Mr. Speaker, I urge this body and the future conferees on this measure to resist these efforts and to insure that American food will get to the people who need it before they die.●

SOCIAL SECURITY TRUST FUND ADEQUACY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. PICKLE. Mr. Speaker, last year, when the Congress addressed the problems then facing the social security system by enacting the Social Security Amendments of 1983, it was recognized that we were dealing with both a long- and a short-term problem. In charting its course the Congress based its actions on the economic assumptions provided by the actuaries of the Social Security Administration.

Now as time passes, we must continue to monitor these economic assumptions and watch carefully to make sure that the trust fund reserve levels continue to increase according to projections. We are watching these projections, closely, and can report to you that the funds are secure and the social security program is doing well.

It is in the short term that there has been the greatest concern expressed about the adequacy of the reserve levels, and I am therefore including remarks on this subject published in the Washington Post on March 10, 1984, by the Honorable Robert M. Ball, former Commissioner of the Social Security Administration and Mr. Robert J. Myers, former Chief Actuary of the Social Security Administration.

I agree with these able gentlemen. I repeat: The social security is doing well and that we are monitoring the trust funds constantly.

The article follows:

Social Security Is in Good Shape

(By Robert M. Ball and Robert J. Myers)

Hobart Rowen ["Social Security: It's Not So Secure," op-ed, Feb. 16] asserts that the Social Security system is once again likely to run into financial difficulties despite the reform legislation enacted last April. A large part of his conclusion is drawn from the recent report by the Committee for Economic Development entitled "Social Security: From Crisis to Crisis?"

We disagree strongly with Rowen's conclusions. We refer only to the Social Security program (Old-Age, Survivors and Disability Insurance—OASDI) and not to the Hospital Insurance portion of the Medicare program. The National Commission on Social Security Reform recognized, and we agree, that under present law Hospital Insurance has a serious financing problem some five or more years from now. It was not the assignment of the national commission to deal with this problem, but rather with the more immediate problem of the Social Security program.

Rowen claims that eventually Social Security and other entitlement programs will require further changes for two reasons: first, "to keep them financially healthy and, second, to help cut the dangerous federal deficits." We believe that it is highly probable that the Social Security system will be financially healthy over at least the next two decades. For the period 20 to 75 years after that for which estimates are traditionally made, we believe the estimates underlying the financing of the program are reasonable and even somewhat on the conservative side.

As to Rowen's point, the Social Security program, which will be part of the unified budget until 1992, will not be a cause of the deficit, but rather will be part of its solution. This is so because, under any reasonable assumptions, income to the self-financed OASDI trust funds will exceed outgo during the near-future years and for a couple of decades thereafter. It would not seem reasonable to further help reduce the general federal deficits by cuts in the Social Security program which, in itself, is in a state of positive fiscal balance.

The CED report leaves the implication (which Rowen latches on to) that, if economic conditions are only slightly worse than the intermediate assumptions, the system will be insolvent before the end of the 1980's. This is not correct, because the intermediate assumptions are, we believe, slightly on the pessimistic side (and currently economic conditions are more favorable). Moreover, even under the pessimistic assumptions, the financing of the system will be reasonably adequate in the 1980s, and it would take much more than "a small unfavorable wiggle in basic trends" to produce a financial crisis.

This is not to say that there is no possible scenario that would cause the Social Security system to have short-term financing problems. What it would take is something like double-digit unemployment, with wages rising no more rapidly than prices. This we believe to be very improbable.

Even under the pessimistic assumptions of the 1983 Trustees Report, the OASDI trust funds would have a balance of at least two months' outgo at all times in the 1980s, while under the intermediate assumptions this ratio would, desirably, build up and would amount to about five months' outgo at the beginning of 1990, and increase rapidly thereafter.

We see no reason to make changes in the benefit structure in order to provide an even wider margin of safety than now exists.●

WOMEN'S HISTORY WEEK

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SISISKY. Mr. Speaker, it is a pleasure to participate in the special order honoring the achievements of American women, arranged by my colleague, Representative Boxer of California.

It is a special honor to recognize the contributions of women from the State of Virginia. Virginia is a State rich in history. That makes it even more unfortunate that the historical record for our State has failed to recognize the achievements of many Virginian women.

Virginia is now actively seeking to give these unsung women a permanent place among memorable Virginians. The Virginia Woman's Cultural History Project was initiated by Lynda Johnson Robb and launched by a grant from the Virginia Foundation for the Humanities and Public Policy. The nonpartisan board of women directors represent academic, cultural, business, and political fields. This project will research the contributions Virginia women have made to their State and country over the last 3½ centuries. An exhibition and related programs will present their findings to the public.

I bring this important project to the attention of my colleagues so that they will encourage their own States to make similar efforts to celebrate and honor the women important to their histories. For this reason, I now include an explanation of the project's current focus, expertly prepared by its professional staff. I commend it to you.

Virginia Women: A Cultural Heritage

From the legendary Indian Princess Pocahontas, to the anonymous Rosie the Riveter who worked in the shipyards during the World War II, Virginia's women have had a rich, if yet largely unwritten, history. In the more than 350 years since the state was founded as an English colony whose name commemorated Elizabeth, the Virgin Queen, women have made vital contributions to the development of the Commonwealth.

In November, 1984, in recognition of the importance of women's roles and experiences, a cultural materials exhibition with the working title "Virginia Women: A Cultural Heritage" will open at the Virginia Museum of Fine Arts in Richmond. This exhibition, the traveling exhibitions, panel exhibition, and related ancillary programs are organized under the aegis of the Virginia Women's Cultural History Project.

Approximately 300 objects drawn from the collections of museums, historical societies, libraries and individuals will form the nucleus of "Virginia Women." The majority of the exhibition's content will be on public display for the first time and will include paintings, watercolors, prints and engravings, decorative arts, textiles and costumes, rare books, newspapers, manuscript materials and printed documents, daguerreotypes and everyday implements of household and nondomestic labors. Every object in the exhibition will have an established Virginia provenance and will be accompanied by an interpretive caption. Excerpts from women's journals and writings, and supplementary graphic material will complement the exhibition's contents.

The exhibition will be arranged chronologically, tracing the history of Virginia women from the Native Americans who inhabited the land when the first settlers arrived, to the mid-twentieth century. In every period, daring individuals have shaped the course of events, and these women will of course be highlighted in the exhibition. But at the same time, the exhibition and catalogue will deal as much with daily life as with extraordinary achievement. Among the most important contributions of women to Virginia have been the daily tasks that support life: childrearing, midwifery, raising livestock and crops, cooking, nursing the sick, making clothing. Nothing could be more important, yet these are not usually thought of as being historically significant. By concentrating on topics that cover the full range of women's experience—family, friendship, health, dress, work (inside the home and out, paid and unpaid), artistry, and wartime roles, as well as public and political roles—we hope to dignify the common woman's contribution to Virginia's development. At the same time we hope to broaden the popular perception of what matters in history.

The first section of the exhibition on 17th-century Virginia will explore how women's experiences in three cultures—Native American, English and West African—differed and how they were similar. This section will include, for example, a Rappahanock basket used for shelling corn; a silver badge presented to the "Queene of the Pamunkey" on behalf of Charles II; and an engraving of the famous Pocahontas among other objects. The diversity of the lives of English women in the new colony are reflected by an earthenware cooking pot, a prenuptual marriage contract, a portrait of Sarah Harrison Blair and other objects, paintings, and documents. An engraving, "Slave Traders Capturing West African Villages," illustrates that the first blacks were brought to Virginia by force.

The lives of 18th-century Virginia white women contrasts sharply with their earlier counterparts. With the firm establishment of the colony, there was for some the added luxury of leisure time. The exhibition will reflect the rise of this new gentility with such objects as a late 18th-century coral necklace with a miniature portrait of Alice Blackburn, a leather and silver "necessaire" holding ladies' tools, a whalebone corselet worn tightly laced, and a silk wedding dress. The bounty of leisure time activities will be demonstrated by an elaborate needlework coverlet, a portrait of Lucy Randoph Burwell holding a guitar, as well as other objects and pictures. On the other hand, "An Overseer Doing His Duty," a watercolor by Benjamin Latrobe, reminds the viewer of the harshness characterizing the lives of black slave women in early Virginia. The economic activities of free black women will also be included.

The history of 19th-century Virginia is divided by the Civil War. The variety of women's experiences in antebellum Virginia will be illustrated by such diverse objects as a mourning brooch for Dorothea Spotswood Dandridge, mother of eleven; a tintype of Charlotte Moon, a Baptist missionary to China; an Empire dress worn by Nancy Lee Marshall of Charlottesville; a utilitarian Pamunkey gourd container and a set of slave reading cards. The issue surrounding the advent of the Civil War are depicted by a painting of the slave market in Richmond; the memoirs of Mrs. Anne R. Page of Clarke County who freed her slaves; and a sketch of Southern women making clothes for soldiers. There will also be photographs of such daring heroines as "Molly" Tynes and Belle Boyd. Women's activities during the devastating aftermath of the war will be reflected in examples such as a wood engraving entitled "Memorial Day in the South: Decorating the Graves at Hollywood Cemetary."

As Virginia moved into the 20th-century, the professional woman emerged. Artist Sallie Mahood's paintings; a portrait of educator Mary Cooke Branch Mumford; a female basketball team uniform; likenesses and works of the writers Willa Cather, Ellen Glasgow, Amelie Rives Troubetzkoy; artists Grandma Moses, Harriet French Turner and entertainers Sarah and Maybelle Carter will all be included. There will also be objects, photographs, and pictures tracing the history of the suffrage movement, wartime work in Virginia, educational and labor reform, cultural and economic life.●

OFFICER DAVID L. FERGUSON HONORED

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. LONG of Maryland. Mr. Speaker, today it is my honor to award a congressional commendation to a very special constituent from the Reistertown area of Baltimore County, Officer David L. Ferguson. A 13-year veteran of the Howard County Police Department, Officer Ferguson is well known for the excellent service and protection he provides the community. As one Baltimore County resident recently wrote me, "Officer Ferguson is always around when there is trouble to settle."

Officer Ferguson lived up to this reputation recently by one particular demonstration of quick thinking and bravery. He was instrumental in the speedy recovery of funds stolen from the Commercial & Farmers Bank in Howard County. The actual robbery took place on a weekday morning at 11:09 a.m., when a lone individual with a sawed-off shotgun walked into the Commercial & Farmers Bank, committed the robbery, and made a successful escape.

Officer Ferguson, a considerable distance from the scene of the crime, spotted a car matching the description of the suspect's vehicle. Whereas some law enforcement officers lacking Ferguson's vision might well have dismissed the sighting, given the distance of the car from the scene of the robbery, David Ferguson was willing to follow the lead at hand. By 11:20 a.m.—only 11 minutes after the actual robbery was committed—Officer Ferguson had singlehandedly apprehended the suspect and recovered the stolen money.

As a result of Officer Ferguson's quick thinking and courage, the entire community has benefited. Besides the apprehension of a dangerous criminal and recovery of stolen funds, the officer garnered one other measure of community consideration: the Commercial & Farmers Bank donated $500 to the Howard County Police Department's Camp Beartrax for boys and girls, and made the donation in Officer Ferguson's name.

I am extremely proud to have such an outstanding and courageous individual living in my district. I congratulate him on his many years of fine policework and wish him and his wife, Katherine, many more years of continued happiness.●

THE REAL BUDGET BUSTERS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. McEWEN. Mr. Speaker, an article in this week's Farm Bureau News accurately describes our Nation's budget process and correctly lays the blame for today's enormous Federal deficits at the feet of the U.S. Congress.

Despite the rhetoric and political name-calling, there are still people in this country who understand the budget process and know how ridiculous it is to blame this or any other administration for budget deficits. The President of the United States cannot spend one dime; cannot buy a pencil; unless the Congress first authorizes and then appropriates the funds.

In case some of us have forgotten just how the budget process works in this country, I would like to have this article reprinted in the RECORD.

[From the Farm Bureau News, Mar. 12, 1984]

WHO ARE THE REAL "BUDGET BUSTERS"?

(By Ronald J. Herr)

Ever since President Reagan presented his fiscal 1985 federal budget proposal, the media and numerous politicians have been agonizing over the size of the federal budget deficits, while pointing fingers at the president.

The media has presented brightly colored charts showing past and future deficits each identified with the administration then in power. House Speaker Tip O'Neill proclaimed that "the president has retained his title as the country's biggest budget buster." One would think that presidents create deficits.

It is time for a few facts. First, the president's 1985 budget is a proposal, and nothing more. It cannot commit any monies to be spent. It cannot collect any revenues. It is a suggestion to Congress. The Constitution provides that Congress, and only Congress, can raise revenues and appropriate federal money. An administration can tax and spend only what the Congress permits it to tax and spend. The president cannot spend more than Congress appropriates, nor can he spend less. (The Impoundment Control Act of 1973 limits the president's ability to not spend the money Congress says must be spent.) When the president proposes to cancel some funding, Congress must pass a bill rescinding the funds within 45 days. If Congress fails to act during this period, the president is required to make the funds available for spending.

The Office Management and Budget prepares the president's budget proposal, but Congress also goes through its own budget-writing process. Its budgets are called "budget resolutions." Congress has its own special staffs and committees, including the Congressional Budget Office, to assist in this important task.

How well has Congress done at budgeting and then controlling its budget? Let us look at the budget record over the last eight years—that's four years of Republican presidents and four years of a Democratic president. Revenue projections are always a mix of tax proposals and economic forecasts—hard to predict and hard to control. However, spending can be controlled, if Congress has the will. The chart at the bottom tells the tale.

Of the past eight years, the congressional budget resolution was less than the presidents' proposal only two times (1979 and 1982). Congress, during that period, actually spent less than the president's proposals in just those two years. And during those eight years, Congress actually spent less than its own budget resolutions only twice, in 1977 and 1978.

What is the net result of these broken promises? What if Congress had limited actual spending to its own resolutions? The eight-year, cumulative deficit and the federal debt would be $120.8 billion less. That means that the interest payment on the debt could have been $8.5-10.5 billion less than projected for fiscal 1985.

What if Congress had limited spending to the presidents' original budget proposals? The eight-year cumulative deficit would have been $144.9 billion smaller, resulting in savings of $10-13 billion in interest payments for the 1985 budget. Notice that in six of the past eight years, the presidents' proposals called for less spending than the congressional resolutions and less spending than actually occurred.

The congressional budgeting and spending record is no surprise. Congress has been unable to finish its annual budget and appropriations process on time each year and usually leaves much spending for continuing resolutions. In addition, almost half the total budget authority requires no annual legislative action. Over three-quarters of the budget is uncontrollable under existing laws. Congress has the power to change entitlement laws and permanent appropriations. Congress could take control of the budget. It has not.

We have seen the president's fiscal 1985 budget. We haven't seen Congress' budget. If the congressional budget is true to form, it will be even bigger than the president's.

Who are the country's biggest budget busters? The same politicians who have both the budget power and the budget responsibility: the senators and representatives sitting in the Congress of the United States.

ON-BUDGET FEDERAL SPENDING

[In billions of dollars]

	President's budget	Congress budget	Actual spending
Fiscal year			
1977	[1] $394.2	$413.1	$400.5
1978	[1] 440.0	458.3	448.4
1979	[2] 500.2	487.5	491.0
1980	[2] 531.6	547.6	576.7
1981	[2] 615.8	632.4	657.2
1982	[2] 739.3	695.5	728.4
1983	[3] 757.6	769.8	796.0
1984	[3] 848.5	849.5	853.8
1985	[3] 925.5	(?)	(?)

[1] Ford.

[2] Carter.

[3] Reagan ●

CONGRESSIONAL SALUTE TO THE HONORABLE MARK A. GROSSBARD OF WAYNE AND PASSAIC, N.J., DISTINGUISHED CITIZEN, COMMUNITY LEADER AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. ROE. Mr. Speaker, on Friday, March 16, the residents of my hometown of Wayne, city of Passaic, county of Passaic, Eighth Congressional District and State of New Jersey will join together in testimony to an outstanding community leader, distinguished citizen and good friend, the Honorable Mark A. Grossbard of Wayne and Passaic, N.J., whose standards of excellence and leadership endeavors—always giving willingly and unselfishly of his time in helping others—will be cited by the Passaic Heart Foundation as the guest of honor at their annual friendship testimonial dinner—the highest award that the Passaic Heart Foundation can bestow upon any of their members.

Mr Speaker, I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to Mark Grossbard and share the pride of his good wife Susan and their children, Tara and Jodi, in applauding this milestone of achievement in his most illustrious and rewarding lifetime of fulfillment and purpose.

Mark was born in New York City and attended Brooklyn Technical High School, Queens College, and Rutgers, the State University in Newark, N.J. He is a member of the Society of Certified Insurance Counselors and the Committee of Continuing Education of Professional Insurance Agents. Although he and his family reside in Wayne, Mark, the principal of Insurance World, Inc., has maintained his office in Passaic since 1968. He is known throughout the city of Passaic for his participation and accomplishments in many highly esteemed organizations.

His charitable and benevolent activities span the needs and concerns of all of our people—young and adults alike—and we are especially proud of his generous and strong efforts on behalf of God's special children who are physically handicapped.

Mark is a member of the Lions Club and is a past president of the Passaic Jaycees, past member of the Get-Up Committee of the city of Passaic, a member of the Passaic Lodge, Knights of Pythias and Past Grand I.O.O.F. In addition to his active participation in these organizations, his current affiliations include membership on the board of Camp Essex, a summer camp for severely disturbed children; president of the Child Development Center Foundation; member of the board of State Special Olympics, as well as business liaison of the Passaic County Special Olympics—all dedicated to aiding and assisting countless numbers of handicapped and retarded children.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the American way of life and the American dream. As we gather together in honoring Mark A. Grossbard for his dedication to the Passaic Heart Foundation in grateful appreciation for his steadfast friendship, encouragement and support in furthering its growth and development, I respectfully seek this national recognition of Mark and all of his good works. We do indeed salute a highly compassionate individual, good friend, and great American—the Honorable Mark A. Grossbard—for his exemplary contribution to the quality of life for the people of our community, State, and Nation.●

OLYMPIC CHECKOFF ACT APPROVED BY JUDICIARY SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FIELDS. Mr. Speaker, on Thursday, March 8, the House Judiciary Subcommittee on Administrative Law and Governmental Relations conducted a hearing and a markup on H.R. 1984, the Olympic Checkoff Act.

During the public hearing on H.R. 1984, I had the pleasure of testifying with our distinguished colleague Congressman CHARLES RANGEL, who, along with Congressman GUY VANDER JAGT, is a coauthor of this legislation. In addition, to our supportive remarks, the subcommittee heard testimony from Col. F. Don Miller, the executive director of the U.S. Olympic Committee and four of our Olympic athletes. These outstanding athletes includes Edwin Moses who is the 1983 recipient of the Sullivan Award and probably the greatest 400-meter hurdler in history; Bill Koch who was a member of our 1984 winter Olympic team and silver medal winner in cross country skiing in 1976; three-time gold medal winner in swimming, Melissa Belote Hamlin and Frank Masley who was our 1984 Olympic team flag bearer and member of our luge team.

Mr. Speaker, these remarkable athletes described for the subcommittee their own personal Olympic experiences and enthusiastically urged the early passage of H.R. 1984 as a means to solve the long-term financing needs of amateur athletics in this country.

Following this hearing, the Administrative Law Subcommittee, which is so ably chaired by my good friend and colleague Congressman SAM B. HALL of Texas, marked up and approved H.R. 1984. While this legislation was approved by voice vote, I would, nevertheless, like to express my special thanks to Chairman HALL and Congressmen BERMAN, BOUCHER, MCCOLLUM, and SHAW. With their support, the Olympic Checkoff Act has now taken its first important step toward enactment hopefully this year.

For the benefit of my colleagues, I am submitting for the RECORD a copy of my remarks to the Administrative Law Subcommittee.

The text of these remarks follows:

OLYMPIC CHECKOFF ACT: AS GOOD AS GOLD

(By Hon. Jack Fields, Mar. 8, 1984)

Mr. Chairman, thank you for scheduling this hearing on the Olympic Checkoff Act.

While H.R. 1984 is a relatively simple bill, if enacted, it will have a very dramatic and positive long-term effect on amateur athletics in this country.

Just three weeks ago, millions of Americans watched as our Olympic team participated in the 14th Olympic Winter Games in Sarajevo. What those athletes accomplished was remarkable, particularly in light of the fact that they went to those games with one hand tied behind their backs as a result of a lack of sufficient training funds and adequate facilities.

Let me share with you several examples which highlight these two problems.

In the Olympic Winter Games four years ago, the United States won eight medals in speed skating. Yet, earlier this year, Dr. Mike Woods, a member of our Olympic team, had to skate 19 consecutive hours to raise money to keep open the speed skating facility in West Allis, Wisconsin. That facility is only one of two such speed skating facilities in the entire United States. When you realize that countries like Finland and Norway each have eight or nine speed skating rinks, you wonder how we ever successfully competed in this event.

A second event in which our athletes were handicapped by inferior facilities and equipment was in bobsledding. When it became apparent that our 1950 vintage bobsled had made its last journey, a private U.S. citizen came forward in Sarajevo and donated money that our bobsled team used to buy an extra sled from Switzerland.

Despite the fact our bobsled team managed only two training runs, during one of which they crashed, they were fifth overall in this event—which is the highest U.S. finish in many years.

In addition to speed skating and bobsledding, there is a genuine lack of adequate facilities in other sports, including the luge, ski jumping, the pentathlon, and cycling.

Facilities alone, however, will not solve the multiple problems facing the United States Olympic Committee. While thousands of Americans have enthusiastically donated to the U.S.O.C., regrettably their contributions have not kept pace with the rapidly escalating cost of training. For example, the cost of training a competitive swimmer may total $3,000 a year, an individual gymnast, almost $10,000 a year, and a world class figure skater as much as $20,000 a year.

Because of these ever-increasing costs, many potential Olympians are given three difficult options: to undergo and make do with inferior, but affordable, training; to spend their own and their families' money for their training; or to quit sports entirely and watch the Olympics on television from their homes.

Not one of these alternatives is acceptable to me, to you, Mr. Chairman, or, I believe, to most Americans.

In 1981, gold medal winner Scott Hamilton quit figure skating because his training costs had exhausted his families' savings. Had it not been for the generosity of a private benefactor, the world would never have known, or been able to appreciate, the tremendous talents of this young man. Frankly, I believe we must all ask ourselves how many other Scott Hamiltons were watching not participating in, this year's Olympic Winter Games because they lacked the finances to participate.

Our nation's athletes are the only athletes in the world who do not receive governmental financial support. While they do not seek direct federal appropriations, they do ask that the American people have additional opportunities, opportunities which H.R. 1984 makes available to them, to contribute to the U.S.O.C.

Since 1978, the United States Olympic Committee has been the coordinating body for all amateur sports in this nation. While I have spent the majority of time talking about Olympic athletes, you should know that only five percent of the U.S.O.C.'s 1981-1984, $80 million budget is used to send our nation's teams to the Pan American and Olympic Games. The remaining funds are used to develop potential Olympians and for amateur athletics generally. Programs to which the U.S.O.C. allocates funds include: the National Training Centers in Colorado Springs and Lake Placid; development grants to the National Sports Governing Bodies; a sport medicine program; the National Sports Festival and programs to assist the handicapped to develop their athletic skills.

It is clear, then, that the United States Olympic Committee is committed to reaching athletic performers of all ages and abilities, consistent with the Amateur Sports Act of 1978. But in order to fulfill the multiple objectives of its charge, the U.S.O.C. needs the funds that H.R. 1984 would provide.

While this bill will help Olympians like Edwin Moses, Mary Decker, and Carl Lewis its larger purpose is to assist those thousands of young aspiring athletes in towns and cities throughout this country, like Marshall, Texas; Louisville, Kentucky; Newton, Massachusetts; Brooklyn, New York; Studio City, California; Hamilton, Ohio, and Altamonte Springs and Fort Lauderdale, Florida, who dedicate their lives to the pursuit of competitive athletic excellence.

In my life, I have personally witnessed the many positive benefits of athletics and how amateur sports can mold and shape outstanding citizens of our country.

The Bill Johnson story is a classic example of a troubled young man who, when faced at the crossroads of life, choose to dedicate himself to athletic excellence and not some less worthy pursuit.

H.R. 1984 is a bill which will solve the long-term financing problems facing the U.S.O.C. by allowing the American people to contribute, at no cost to the federal government, $1 or more to the U.S.O.C. How? By simply checking off a box on their 1040 Federal income tax forms.

This bill has been co-sponsored by 262 members of the House and 59 members of the Senate. More importantly, it is overwhelmingly supported by the American people. In a recent poll conducted by USA-Today, 70 percent of the American public said they supported the Olympic Checkoff Act.

As you know, Mr. Chairman, the U.S. Treasury Department has expressed some reservations about this bill, fearing that other charities may seek similar treatment.

But this is a narrow and unfounded concern. The U.S.O.C. is not just another charity, Mr. Chairman. The U.S.O.C. is the only charitable organization which is charged with certain responsibilities by the Congress through the Amateur Sports Act which has not been given the money to carry out its mandated goals.

Secondly, the U.S.O.C. is a unique charity. When our Olympic athletes participate in international competition, they represent you, and me, and all Americans. We share with them the joy of their successes and the sorrow of their failures.

In addition, what other charity in America has ever been used as an instrument of our foreign policy, as the U.S.O.C. was in 1980 when we boycotted the summer games in Moscow?

Finally, the U.S.O.C. is probably the only major charity in the United States which does not already receive direct governmental support. On a regular basis, Congress appropriates money for such organizations as the National Institutes of Health, the National Endowment for the Arts and Humanities, the Public Broadcasting Service and the National Science Foundation.

As I stated earlier, the U.S.O.C. is not seeking direct appropriations, simply the opportunity to utilize the tax form as a mechanism, or a conduit, to raise desperately needed funds.

And, how much money could H.R. 1984 raise? Based on data provided by the I.R.S. we know that the American people have checked off $154.9 million on their Federal tax forms to the presidential campaign fund during the last four years. In 1981, 95 million Americans filed 1040 tax returns, and 74 percent of them—70 million Americans—were entitled to a refund.

I'm convinced that a majority of these Americans would be thrilled to have the opportunity to contribute $1 or $2 to the dedicated young men and women who represent us in international athletic competition. This Olympic checkoff system is a painless and efficient way for every American to demonstrate his or her support for amateur athletics, and for the many positive benefits it brings to America's youth.

I believe we owe our nation's amateur athletes the opportunity to first-class training and first-class facilities. While international competition is reached only by a gifted few, amateur sports can enrich the lives of all who participate.

As Baron Pierre de Courbertin, the founder of the modern Olympics once said, "The most important thing in not to win but to take part, just as the most important thing in life is not the triumph but the struggle." H.R. 1984 offers America's amateur athletes the chance to participate in this noble struggle.

Mr. Chairman, again, I want to express my appreciation for your leadership in scheduling this hearing. I am hopeful that together, we can succeed in passing this essential piece of legislation.

H.R. 1984 is as good as gold!●

THE UNITED STATES AND THE UNITED NATIONS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. GOODLING. Mr. Speaker, today's New York Times carries an article drawing attention to Ambassador Jeane Kirkpatrick's recent report to Congress on voting procedures in the United Nations. I submit that article to be reprinted in the CONGRESSIONAL RECORD for any of my colleagues who may have missed it. I think that both the New York Times article and the report it is about should be read by all Members of Congress.

The article follows:

[From the New York Times, Mar. 14, 1984]

REPORT SAYS UNITED STATES IS OFTEN IN U.N.'S MINORITY

(By Richard Bernstein)

UNITED NATIONS, N.Y., March 13.—The vast majority of United Nations member nations last year voted against the United States five times more frequently than they voted with it, according to an American study of voting patterns distributed here today.

The study, which was compiled by the United States Mission, says the United States continues to be commonly outvoted in the United Nations, a pattern that has endured for nearly two decades of both Republican and democratic administrations, said the United States chief delegate, Jeane J. Kirkpatrick.

In the General Assembly that ended last December, the overall degree of support shown by all countries was 25.5 percent, according to the report. Only the Western European countries as a group and Israel voted more than half the time on the same side as the United States, with the Israeli record showing a 93.3 percent concurrence with American positions, the highest of any country. The figure for West Europe is 53.8 percent, ranging from 84.2 percent for Britain to 21.6 percent for Malta.

The 50 African countries voted with the United States 18.6 percent of the time, according to the study. The 34 countries in the Americas supported the United States 26.8 percent of the time and Asia and the Pacific, with 41 countries, voted on the same side as the United States 21.5 percent of the time.

The report said that among the countries professing nonalignment, support for the Soviet Union's positions was about 80 percent, compared with 20 percent for the United States.

The 159-page report was an outcome of legislation passed last year requiring the Secretary of State to submit to Congress information "showing the degreee of support" for American views by each country in the United Nations. Its distribution to the press seemed to underscore the Reagan Administration's declared policy of taking a country's United Nations voting record into consideration in assessing how much foreign aid to give it.

The report does not take into account decisions taken by consensus. In all, 10 of 20 Security Council resolutions and 183 of 331 General Assembly resolutions were adopted without a vote, according to the report.

The report lists 10 "key issues" that were considered by the United States Mission to involve what Mrs. Kirkpatrick called the most fundamental values or interests of the United States. The report says the United States was outvoted on 6 of the 10 key issues.

Among those where the United States voted with a majority was the defeat of a challenge to Israel's credentials and condemnations of the Soviet involvement in Afghanistan and the Vietnamese involvement in Cambodia.

The issues lost by the United States included two votes on the American invasion of Grenada, criticism of human rights violations in El Salvador and three resolutions that criticized the United States for its policies regarding Israel and South Africa.

The report says the United States was the only major country singled out for criticism by name during the last session of the General Assembly. The report says that despite the Soviet occupation of Afghanistan and its shooting down of a Korean Airlines plane last year, no United Nations resolution mentioned the country by name. The same, the report goes on, is true of North Korea, "whose bombs murdered South Korea's ministers in Rangoon" and of Libya, "which invaded Chad and promotes worldwide terrorism."

During her news conference this morning, Mrs. Kirkpatrick rejected the idea that the failure of the United States to gain support in the United Nations was the result of specific policies of the Reagan Administration.

"I can assure you that the pattern of what might be called the United States in the minority has persisted now for about two decades," she said. Mrs. Kirkpatrick said in 1977, during the Carter Administration, the overall support for American positions in the world body was 14.4 percent, or roughly 11 percentage points less than it was last year.●

AL LOWENSTEIN'S IDEAS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. DOWNEY of New York. Mr. Speaker, there is a lot of talk about new ideas. But today on the fourth anniversary of Allard Lowenstein's death, some old ideas deserve restatement. Chief among them are social justice, civil rights, and political reform.

Al Lowenstein was a great communicator both here in Washington and in larger forums of debate but he was also a great thinker, and his speeches endure as perfect examples of reasoned persuasion.

What follows is one of his best, presented in 1956 before the annual convention of the National Student Association. It is vintage Lowenstein.

I offer it as a tribute to a man who, though not pretty or well-packaged, motivated thousands of young people to get out of their chairs and make a difference. I offer it also as a reminder to us that some old ideas are still potent motivators.

ACTS OF COURAGE AND BELIEF

(By Al Lowenstein)

We are the privileged and antiseptic generation. We move in the backwater of great events, well clothed, well housed, and well fed. Struggle is not our hallmark and greatness is not our necessity. We are becoming lazy on the victorious sacrifices of our older brothers and on the nonfulfillment of gloomy prophecies.

Somewhere where we are not, destinies are upended and centuries disturbed, but in our pleasant world opportunity knocks again and again, and it is the merest shadows that somehow the great things are no longer ours to do something about. When immensity spawns futility, the petty and the fleeting become the ultimate, and the rest recedes into mystery and irrelevancy. We are a people whose national energies and imagination flourish in crisis, and we rejoice now that crises are past and life demands less national virtue than it used to.

Of course there are still those who forebode about disaster, but vacations are longer, diseases fewer, and suburbs multiply. And how to warn of dragons and not speak negatively, in a time when everyone knows the need for positive thinking? So a few warners and mourners prattle about Asians and atoms from their convertibles, but their timing is out of joint. And most of them come to relax too, because the prettier wives who are, with less effort, producing healthier children and more nutritious meals, marry unaware of or undaunted by epic premonitions. If destiny wishes to rendezvous with this generation, she will first have to find us.

And how soon we may know the folly of playing hide-and-seek with the fates. How short-lived this luxury of indolent unconcern may be, and how grim its cost, if one generation's evasions are to be its children's doom.

For moderation warped into negation today is patience exhausted into violence tomorrow. Opportunity frittered into languor in youth is usefulness mired into mediocrity later on. Courage watered into convenience in school is conscience undecipherable under expediency afterward. Prosperity lapsed into arrogance abroad is admiration glided into envy and then embittered into resentment everywhere. And thought smothered by comfort collectively is opportunity frittered, courage watered, moderation warped, and souls unstirred. Thus greatness flabs into fatness and vision fades into hindsight. Even if God spares civilizations after such undoing. He does not restore to individuals the years when challenge and nobility grizzled into stupor and waddled toward waste.

The undemanding bravery of war generations and the stoic unrest of depression generations came to people like ourselves. But new occasions teach new virtues. And now less strikingly, more patiently, and more urgently, we shall have to energize and discipline ourselves that these times of national calm become funds of growing individual strength, and the quietudes of transient respites are not invitations to final calamity.

It is time long since that helpfulness galvanized and kindness liberated became symbols of our unparralleled and unearned great national luck; that energies more than ever were turned to the intangibles of building worth in the vast, if illusory, security so gratuitously provided by our abundance; that generous impulses and high instinct were nourished by a society arrived at unimaginable technological achievement.

Wise and good men have long thought that if humanity ever came to be as well off as humanity has come to be in our here and now, the human grandness which privation can prevent would assert itself triumphant as the golden rule in the golden age. The dreams and hopes which sustained our harried ancestors through centuries of misery, now at last at hand, in anguish ask honor to the great ideas revealed or evolved during the upward struggle of man from the trees and caves.

The irony of God's wisdom has made present imperatives of ancient ethics. For in the quality of our brotherhood and in the scope and depth of our willingness to give and to learn from giving lie the key to the nature of the future. Can we deserve to survive if indifference palsies grandness into pettiness and national success, measured materially, blinds us to troublous fact outside our borders and inures us to bypassed humanity outside our circles? In the strange new war for men's allegiances, limited violence threatens an aggressor with wider damage elsewhere, however his armies do. And unleashed violence threatens aggressor and victim alike with obliteration.

So new weapons take priority, and the Lord in His goodness has given us the material to win, if we but grasp the stakes and rouse the will. In our wealth we have the wherewithal to be more nearly generous; in our content we have the incentive to awake in ourselves our finest; in our democratic concept we have the vehicle best suited to carry men's chiefest hopes. It is almost as if we are dared to selfishness in our well-being, so we may know finally that all the vast material gifts cannot by themselves preserve themselves or their masters.

Survival may ever be in balance and survival of freedom will long be in doubt. But we cannot but have the faith of men who know the love of the Lord for His creatures that if we seek to do right contagiously He will help us to see realized the gentler crisper world men could inherit.●

NORTHERN IRELAND: HEALING THE WOUNDS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. GEJDENSON. Mr. Speaker, I rise today to bring to the attention of my colleagues an article written by two University of Connecticut professors, Raymond J. Raymond and Robert L. Phillips, that appeared in the Hartford Courant. In this piece, the authors outline a number of proposals which they feel could defuse the situation in Northern Ireland. While the views expressed in this article do not necessarily mirror my own, I am encouraged by the thoughtful and constructive approach taken by these two professors. It is this type of positive, political and nonviolent effort that will lead to a peaceful and lasting solution to the current stalemate in Northern Ireland.

The article follows:

There's a Way To Heal the Wounds in Northern Ireland

(By Robert L. Phillips and Raymond J. Raymond)[1]

In a world seemingly inured to terrorism, the explosion of a car bomb in front of Harrod's Department Store in London caused profound shock and disgust. There was much discussion of the psychology of the terrorists: How could anyone do such a thing at such a time? While such indignation is natural and justified, we must try and place this latest outrage in its proper perspective.

It was the work of the Provisional Irish Republican Army, the most effective and ruthless terrorist organization in Europe. The IRA has its mirror image in the Ulster Volunteer Force and other Protestant terrorist organizations. Together they have kept Northern Ireland in a state of urban guerrilla warfare since 1969.

The problem has its roots deep in British and Irish history, but most recently in the 1922 Anglo-Irish Treaty which created a Protestant enclave in Northern Ireland. The Protestant majority subjected the Catholic minority in the province to discrimination in jobs, housing and voting rights. The inability of the British government to guarantee equal rights to Catholics in these areas led in 1969 to a civil rights movement which then degenerated into violence.

Although discrimination in these areas was virtually eliminated, the worldwide recession of the 1970s hit Northern Ireland particularly hard, causing massive unemployment. Here the IRA found a target of opportunity, which it has exploited since.

At the end of 1983, all parties to the conflict are set in concrete. Protestants and Catholics face each other with fear and mistrust. The British government appears to be without a long-range policy, and the government of the Irish Republic in Dublin, laboring under the crushing costs of maintaining security against the IRA, is in mortal fear that the violence in the North will spill over into the South.

Two points appear to us to emerge with absolute clarity. If traditional political structures could solve the problem of Northern Ireland, it would have been solved long ago. If extremism could solve the problem of Northern Ireland, it would have been solved long ago.

We propose a radical departure from both of the above approaches. Our proposal has been published as a study document entitled, "Northern Ireland: Preconditions for Negotiations," and distributed to U.S., British and Irish government officials.

We begin with the hard fact that, however they came to be there, the 2⅛ million Protestants will not be bombed out of Northern Ireland and, therefore, a way must be found for all parties to live together peacefully. The British Isles as a whole form a natural geopolitical entity with a common language and common economic interests which must be seen to transcend nationalist perspectives.

We propose creation of a two-level assembly consisting of delegates from all the constitutional parties in Britain, the Republic and Northern Ireland. The second level will consist of distinguished civil servants and academics from Britain and Ireland.

The assembly will seek to find ways of achieving closer political and economic cooperation between all parties to the dispute. One long-range goal of the assembly might be a Confederation of the British Isles, based upon the confederal parliament of Canada, which for 125 years has successfully maintained peace and religious-ethnic diversity in Canada.

We also envision an important role for the United States. Economic aid channeled through the International Monetary Fund and the World Bank could greatly help to remove the appeal of violence to the unemployed in Northern Ireland. A Marshall Plan for Ulster would be the best way for the United States to intervene in the crisis. The 30-million-strong Irish-American community can be very effective here in putting pressure on their political leaders to act in this area.

The British and Irish governments must act in concert to defeat those elements, Catholic and Protestant, which find solutions in violence. In particular, we urge Britain to play a stronger role in Northern Ireland. A precipitate withdrawal of British forces at this time would exacerbate the violence, not end it. Ironically, Britain must act to preserve the status quo before change can occur.

Ireland stands on the brink of civil war. This is not simply a local crisis. A civil war in NATO's back yard would inevitably create massive security problems and present a clear target of opportunity for the Soviet Union. In a prolonged struggle, the Republic of Ireland might well be destroyed. The United States could not stand idly by and would certainly be drawn in militarily, with all that entails for American-British relations.

Radical rethinking by all parties is imperative if we are to avoid the abyss of self-destructive myths.●

INTRODUCTION OF GSP REVISION ACT OF 1984

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. PEASE. Mr. Speaker, next January, the U.S. generalized system of preferences (GSP) will expire. The debate over whether to reauthorize the GSP program presents an important legislative opportunity to consider new approaches in our trade policy to foster genuine development in lesser developed countries (LDC's), to promote respect for international human rights, and to redress the legitimate concerns of American workers and industries about unfair foreign competition.

To understand where we should go with the GSP program, we must remember its origin. It was at the first U.N. Conference on Trade and Development (UNCTAD) in 1964 that the leaders of the LDC's collectively pressed for meaningful action from the United States and other industrialized nations to facilitate the expansion of LDC exports in world trade. One by one in the 1970's, the developed countries, including the United States, established comparable systems of preferential tariff treatment for many LDC exports. Hence, the U.S. GSP program arose from an acknowledged need in the mid-1970's for our country to help LDC's overcome the inherent disadvantages confronting them in the international trading system. The rationale for the GSP program rests upon using tariff preferences to increase export opportunities, thereby stimulating employment, economic growth, and industrialization in LDC's. The export earnings of LDC's presumably allow them to make some payments on their international debt obligations and to import needed consumer and capital goods from the United States and other industrialized countries.

The GSP program is working to some degree: 114 countries and 26 territories currently have been designated by the President as eligible for GSP tariff reductions. More than 2,800 products are now eligible under the GSP program for duty-free entry into the United States from 1976 to 1982, the value of imports receiving GSP treatment rose from $3 billion to nearly $8.5 billion. Even though GSP imports amounted to less than 3 percent of all United States imports by 1982, they represented an increasingly important source of export earnings to many debt-ridden LDC's.

All of us can appreciate today the dramatic changes that have transformed world trade patterns since the mid-1970's. Our country is experiencing enormous trade deficits. Imports continue to take jobs from a growing number of our constituents. Our smokestack industries are struggling toward an uncertain future.

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[1] Robert L. Phillips is director of the Program for the Study of Ethical Issues in Peace and War and Raymond J. Raymond is a professor of British and Irish history at the University of Connecticut.

Amidst the turbulence in international trade at this time, it is reasonable to pause and ask some basic questions about the program. Is the GSP program really still needed? Can we afford to extend it? Very different answers have already been expressed.

The Reagan administration has called for a 10-year extension of the GSP program. At the request of the White House, Senator JOHN DANFORTH introduced S. 1718 last August. That bill would increase the President's discretion to determine which countries and what products could receive GSP treatment. Equally important, the Reagan administration seeks to emphasize reciprocity in the GSP program, although it primarily has been a unilateral commitment on the part of the United States to assist LDC's. The emphasis in the President's bill is to condition GSP benefits on the willingness of LDC's to further open their markets to U.S. exports.

The President's bill has some shortcomings. Current law prescribes that one of the determining factors the President must consider in deciding whether to extend GSP benefits to any country is the extent to which such country has assured the United States it will provide equitable and reasonable access to the market and basic commodity resources of such country. One wonders what additional authority the President needs in order to effectively promote U.S. exports to LDC's seeking GSP beneficiary status. Furthermore, the President's bill does not provide a clearly understandable framework for dealing with the fact that the top 15 GSP countries in 1982 accounted for an astonishing 88 percent of GSP imports. Just three GSP countries, Taiwan, South Korea, and Hong Kong, accounted for almost half of all GSP imports in 1982. GSP primarily benefits only a handful of comparatively well-to-do LDC's and there is no systematic framework for dealing with this problem in the President's bill. As is customary with the Reagan administration's trade policy, there is nothing in the President's bill that recognizes the impact of a program like GSP upon American workers and small businesses. This disregard is to be expected from an administration that has consistently sought to abolish the trade adjustment assistance (TAA) program—the only Federal program specifically designed to help struggling small businesses and displayed cope with the rising tide of imports.

In contrast to the President's position, the AFL-CIO believes that the GSP program should not be extended at all. Several factors are cited to bolster this position. The U.S. merchandise trade deficit reached $69.4 billion in 1983—a staggering 63-percent increase from the deficit incurred in 1982. AFL-CIO spokesmen properly point out that GSP only benefits a small number of LDC's, many of which are fully capable of competing in international trade as evidenced by the fact that Taiwan, South Korea, and Hong Kong—the top three GSP beneficiary countries—enjoyed a trade surplus with the United States in excess of $10 billion in 1982. GSP imports are heavily concentrated in industrial sectors like mineral and metal products, machinery and equipment, and assorted manufactures. These industries are among our most endangered; they are already suffering high levels of unemployment that are traceable to imports and the worldwide recession. The badly skewed distribution of GSP benefits crowds out less-developed countries from GSP eligible product sales while contributing at the same time to further decline in U.S. industries and employment. The existing safeguards in the GSP program have proven woefully inadequate for protecting American workers in import-sensitive industries from unfair foreign competition.

I believe we should extend the GSP program. There is no doubt that the vast majority of LDC's still need every bit of help they can get to expand their exports. Many of these countries are teetering on the edge of bankruptcy without much prospect of taking the first step up the development ladder. Our country's economic standing in the world and our claim to moral leadership compel us to extend the GSP program. Failure to do so would have serious repercussions in our relations with the Third World. It would betray our hope for a better way of life for peoples less fortunate than we are.

Our economic self-interest also calls for GSP extension. Developing countries now buy nearly 40 percent of U.S. exports—more than the European Community and Japan combined. They are now the fastest growing markets for U.S. products, increasing at an average annual rate of 12.5 percent since 1976, as compared to the 9.6 percent growth recorded in our exports to traditional developed country markets.

A report issued last May by the U.S. International Trade Commission (ITC) helps to put in perspective the limited impact of the GSP program on American industries and workers. It found that GSP imports have averaged 0.5 percent or less of total U.S. consumption. For the seven major product sectors examined by the ITC, the largest GSP import penetration was 2.1 percent of total U.S. consumption. Only 12 of 650 commodity groups were found to have experienced a significant increase in import penetration as a result of GSP imports. In the limited instances in which GSP imports did contribute to increased import penetration, the ITC traced the increases primarily to the inclusion of new products eligible for GSP treatment, as opposed to a significant increase in actual imports of specific product.

But we should extend the GSP program only after major flaws in its current operation are corrected. First, the current maldistribution of GSP benefits among LDC's is intolerable. Listing the top 10 GSP beneficiary countries shows the degree to which the present program really serves only a handful of countries already well down the development road. The top 10 are Taiwan, South Korea, Hong Kong, Mexico, Brazil, Singapore, Israel, Argentina, Yugoslavia, and Thailand. More precisely, out of a total of $8.5 billion in GSP imports in 1982 Taiwan enjoyed $2.3 billion in duty-free GSP exports; South Korea enjoyed $1.1 billion in duty-free exports; and Hong Kong enjoyed $794 million in duty-free GSP exports. GSP benefits are of marginal help to the vast majority of LDC's at present.

Second, the GSP program now lacks any semblance of a development framework whereby a country can be graduated from GSP benefits as its economy grows and that country becomes a full-fledged competitor in the community of trading nations. From the outset, it has been presumed that the GSP program over time would contribute to LDC's becoming more proficient in trade and less dependent upon foreign aid. Without a graduation scheme that takes into account a continuum of comparative economic development among nations, we have seen how the more well-to-do LDC's can corner most of the GSP benefits.

Third, the time has come for the concept of fair trade to be expanded to take into account respect for internationally recognized rights of workers. It is not enough to structure trade programs like GSP to promote some vague notion of development in LDC's. Consideration must be given in the Congress to who really benefits from preferential access to the U.S. market and whether broad-based economic development rather than exploitation of cheap labor is being encouraged in LDC's. The following excerpt from the 1980 Report of the Independent Commission on International Development Issues—the Brandt Commission—speaks to this point:

> Exports that result from working conditions which do not respect minimum social standards relevant to a given society are unfair to the workers directly involved, to workers of competing Third World exporting countries, and to workers in importing countries whose welfare is undermined. They are also unfair to business concerns and countries which encourage social progress. Just as developing countries con-

cern themselves with the industrial adjustments of other countries, so their own domestic industrial conditions will increasingly become a matter of international concern and review.

To date, the focus of our human rights laws has been almost exclusively on the sanctity of the individual and political rights. Economic and social rights are something we have embraced in principle through the Universal Declaration of Human Rights, but no really effective instruments have been developed yet to make them meaningul in relation to official U.S. foreign policy or to the conduct of American-based multinational corporations. A good place to start is promotion of respect for the internationally recognized rights of workers in the context of U.S. trade programs like GSP.

The lack of basic rights for workers in LDC's is a very important inducement for capital flight and overseas production by U.S. industries. The tremendous disparity in labor rights between many American workers and the absence of those rights for most workers in LDC's is a growing factor in the competitive decline of many of our basic industries like steel, shipbuilding, auto production, construction, and mining as well as in less skill-intensive industries like footwear, rubber goods, textiles, and electronics. The current GSP program tends to accelerate this trend.

The threat, whether explicit or implicit, by American-based multinational corporations to transfer domestic production from the United States to other countries in which there are no labor rights serves as a powerful inducement to force American workers to relinquish legitimate rights won through several decades of personal hardship and struggle. Similarly, the same threats are effectively used by American-based multinational corporations to undercut the rights of workers in LDC's. These global corporations often threaten to leave some Third World countries and to move elsewhere to avoid being bound by labor rights in order to pressure workers to accept substandard working conditions and very low wages. Access to the U.S. market through programs like GSP is an important consideration for many of these corporations.

There is an escalating trend in global production that undercuts the rights of all workers. The rights of American workers will be more secure and U.S. industrial health will be more effectively advanced by a positive, aggressive effort to extend those basic rights to workers in countries with which we must compete than by a continuation of present policies which tend to diminish the rights of American workers to the lowest common international denominator.

A section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS OF THE GENERALIZED SYSTEM OF PREFERENCES REVISION ACT OF 1984

SECTION 1

This section entitles the bill, The Generalized System of Preferences Revision Act of 1984.

SECTION 2

This section requires that the President take into account, as one of four basic factors, the effect that providing duty-free treatment to any eligible articles from any beneficiary developing country will have on extending internationally-recognized worker rights to workers in developing countries.

SECTION 3

This section first defines internationally-recognized worker rights to include the freedom of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, the prohibition and elimination of discrimination in respect of employment and occupation, the establishment of a minimum age for the employment of children, and the delineation of acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health. All of these rights in our country enjoy constitutional or statutory protection. Moreover, the first four rights cited are generally recognized International Labor Organization (ILO) human rights covenants in most countries.

This section declares any developing country ineligible for designation as a GSP beneficiary if that country has not adopted laws that extend internationally-recognized worker rights to workers in that country and is not enforcing those laws. It goes on to specify that one of five determinative factors which the President shall take into account in deciding whether to designate an LDC eligible for GSP benefits will be whether or not that country has adopted and is enforcing laws that extend internationally-recognized rights to workers in that country.

SECTION 4

This section denies GSP eligibility for any article produced or processed under conditions exempted by law or government practice from the minimum labor code in a beneficiary developing country. It is needed to ensure that beneficiary LDCs do not use the designation of export zones as a means of circumventing laws that extend internationally-recognized rights to workers in those countries.

In addition, this section assures that parties interested in the implementation and the protection of internationally-recognized worker rights as well as those with a significant economic interest in the determination be given the same standing to request specific actions during the GSP annual review process.

SECTION 5

This section provides a systematic framework for graduating LDCs from the GSP program as they become more competitive in international trade. Specifically, it provides a new scheme for applying competitive need limits and taking into account the relative incomes of beneficiary developing countries as measured by annual per capita gross national product (GNP). The President is directed within two years after the date of enactment of the bill and subsequently at periodic intervals to conduct a general review of all GSP eligible articles to apply one of three different thresholds (measured by dollar value or a percentage of appraised value of total imports of such article into the U.S. during any calendar year) to articles exported from beneficiary developing countries based upon the 1980 per capita GNP of those countries. (After 1985, the base year for measuring the per capita GNP of beneficiary developing countries will become the preceding calendar year.) Three different levels of competitive need limits are to be applied across-the-board to eligible articles from beneficiary developing countries as shown in the following table:

1980 per capia GNP	Level of competitive need limits to be applied
Under $400	No limits
$430 to $1,400	50 percent or more of total imports of the article or $54,000,000 (estimated) in imports of the article (status quo in current program)
$1,401 to $5,000	25 percent or more of the total imports of the article or $25,000,000 (estimated) in imports of the article
Over $5,000	Not eligible for the GSP program

In addition, this section allows for the automatic redesignation as a beneficiary developing country with respect to an article eligible for GSP treatment if the competitive need limits applicable to that country are not exceeded during the preceding three years. The existing standard is one calendar year

SECTION 6

This section extends authority for the GSP program for six years. Three years after the date of enactment of the bill, the President is required to submit a report to the Congress on the operation of the revised program.

In addition, this section requires that the Secretary of State and the U.S. Trade Representative in consultation with the Secretary of Labor transmit pursuant to existing Section 116(d) of the Foreign Assistance Act of 1961 a report on the status of internationally recognized rights of workers within countries designated as beneficiaries of the GSP program.

SECTION 7

This section directs the appropriate U.S. government agencies to work with beneficiary developing countries to develop and to implement specific measures to assure that agricultural exports are not promoted within those countries to the detriment of the production of food for local consumption within those countries.

In summary, there are two overriding reasons to support this bill.

First, it will make the GSP program conform to its espoused purpose—helping LDCs become more competitive in world trade. The GSP program should have had an international development framework from the outset. The graduation scheme in this bill will provide a much fairer distribution of GSP benefits for those LDCs that most need them.

Second, this bill breaks new ground in the positive advancement of international human rights through its linkage of trade and labor rights. Instead of punishing other countries for human rights violations, this bill seeks to reward those LDCs that treat their workers with care and dignity.

Our existing human rights laws relate U.S. sanctions and incentives exclusively to foreign assistance (bilateral economic and military aid) or to loans available through the international financial institutions. Actual human rights monitoring has been reduced to tracking murders, disappearances, torture, political imprisonment and other forms of physical abuse against the individual because of their prevalence around the world. Consequently, our human rights policies do not adequately respond to the positive development of democratic institutions and processing abroad.

The international rights of workers and their abuse go largely unrecognized without any significant U.S. policy response and with the appearance of official complicity. Our government does very little, if anything, to encourage international acceptance of the right to organize, the right to bargain collectively, the right to a safe working environment, and the right to a livable wage, or to curtail child labor abuses. In stride with the new challenges confronting our country, we must act to make certain that vitally important dimensions of our foreign relations like international trade are no longer arbitrarily viewed as outside the customary scope of our commitment to human rights.●

JEWISH COMMUNITY RELATIONS COUNCIL OF NEW YORK, INC.

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SCHUMER. Mr. Speaker, recently I had the pleasure of attending the sixth annual congressional briefing breakfast of the Jewish Community Relations Council, along with Sentors MOYNIHAN and D'AMATO, 10 other members of the New York congressional delegation, and more than 250 leaders of the Jewish community. At the breakfast, JCRC President Peggy Tischman delivered a stirring statement of community concerns which focused on the domestic and foreign policy agenda of the Jewish community. Since I believe Mrs. Tischman's remarks have great meaning for us, all, I would like to share them with my colleagues at this time.

JEWISH COMMUNITY RELATIONS COUNCIL OF NEW YORK, INC.

The Jewish community has always been an integral part of efforts for social justice and a leader in support of quality programs for disadvantaged populations among whom members of our community are counted in all categories.

Our concerns this year are focused on differences between our perception of need and the government approach to meeting needs, particularly of those most vulnerable in areas such as health services funding, block grants, the aged, and the homeless.

Among the health care issues, both medicare and medicaid programs are of grave concern to us.

Specifically, we are opposed to any increased costs to beneficiaries resulting from proposed savings in the medicare program. Fiscal year 1985 cuts to be achieved through an increase in part B co-insurance costs to beneficiaries and increased deductibles to beneficiaries are unacceptable. We commend the efforts during the first session of the 98th Congress to scrutinize provider costs. However, the administration proposal to achieve this by a 1-year physician reimbursement freeze can too easily shift the Federal costs savings to the beneficiary.

We realize full well the escalation in costs for hospital services, medical services and dentistry, which has been one thousandfold. However, the prospective payment plan, if it is to function efficiently, must be carefully monitored because it is well to remember that since 1961, medicare costs which covered 80 percent of the individual's costs, in 1981 only covered 45 percent.

Medicaid, which in its early years enable the near poor to remain independent, in recent years has restricted eligibility such that most beneficiaries are well below poverty level. We are disturbed by the administration's proposal to achieve further cost savings through a 3 percent reduction in Federal reimbursement to the States, and mandatory beneficiary payments of certain optional services now picked by the States.

I want to express our sincere thanks to Senator Al D'Amato, Congressman Guy Molinari, and others for their untiring support of the Elderplan, Inc., the social health maintenance organization demonstration project sponsored by Metropolitan Jewish Geriatric Center, one of four in the country. The S/HMO demonstration is a vital project to the Federation of Jewish Philanthropies, New York State, and the entire country. This program holds promise for the more efficient use of both medicaid and medicare dollars and will enable elderly persons to receive increased medical and health care benefits with little, if any additional public expenditure. The S/HMO is a strategy whose time has come, as it will address the deficiencies of the present health care delivery system for the elderly. We need your support to prevent OMB from destroying this project.

Categorical human services programs have been diluted by the administration's move to block grant programs which forces programs of equal merit to compete intrastate for greatly reduced dollars.

In fiscal year 1985 this takes the form of proposing the incorporation of two child feeding programs into a state block grant and the inclusion of a nutrition program for the elderly as well. History has demonstrated that the State approach commonly shifts flexible dollars afield of the constituencies and needs for which the Congress intended them.

One of the areas in which we in New York have been very active thanks to our own consciences and certainly to the mayor's is the area of the area of the homeless. A tremendous national effort, in which federation was a leader, resulted in emergency dollar allocation to food and shelter for the homeless through FEMA. These funds expire in March 1984. We feel that this needs to be approached as a long-term issue with its attendant authorizations, and relates to two larger issues which the Congress needs to address, namely, the increasing dirth of public and otherwise subsidized housing, and the absence of work opportunities. We are committed to protecting the provisions in our constitution that guarantee the rights we enjoy. A series of measures have been proposed in recent years, including a call of a constitutional convention, that we believe threaten the basis of our democratic government. We urge you to continue to be vigilant on all such measures and to help educate your constituencies to the dangers they pose.

Energy independence and assurance of ample supplies must be a priority. We must find ways to encourage domestic production, conservation and an increased rate of fill of the strategic reserves. In a more general sense we are concerned that legislation and the legislative process serve to bring people together and not pit groups or regions against each other.

Our domestic concerns are interrelated with the international issues on our agenda. The search for peace in the Middle East and indeed the world, suffered a setback this week. The bright hopes, so strong last May when the Lebanese-Israeli agreement was signed, seem ever so dim now as we watch the situation in Lebanon disintegrate. More than any time in the past decade, all those who cherish democracy and freedom must rededicate themselves to finding new ways of fostering peace both at home and abroad.

Fundamental to this goal is strengthening and allying ourselves with those who share our interests. The fact that Israel remains our sole democratic ally in the Middle East reiterates how important your role as legislators and ours as concerned citizens, is in supporting her. We must use every avenue possible to see that policy concerning Israel works toward insuring her safety within secure, defensible borders, and enhancing her rights as a sovereign nation. Toward this end, we ask that you endorse the legislation introduced by Senator Moynihan which supports the transfer of the U.S. Embassy to Jerusalem. Since the days of King David, Jerusalem has been the capitol of the Jewish state. With the rebirth of Israel, Jerusalem as its capitol houses the Knesset (Parliment), as well as the residencies of the President and the Prime Minister. Current U.S. policy locates our embassy in Tel Aviv. It is the only country in the world where our embassy is not located in the capitol.

For many years both Republican and Democratic platforms have endorsed an "undivided Jerusalem with free access to its holy places for people of all faiths." Only since Israel reunited Jerusalem in 1967 has this situation prevailed. Therefore, as loyal members of either party, we are asking you to bring to reality that which has been advocated in theory for many years.

We are, of course, deeply grateful for the strong support of Israel each of you has given during the first session of Congress in voting for foreign aid. The record $2.61 billion, as well as the emerging U.S.-Israeli strategic cooperation agreements, marks important steps in understanding the need for a long-term strategy regarding Middle East policy. The inclination to pursue ad hoc foreign policy initiatives must be resisted. We ask that you, as our elected officials, insure that our country continues to support the Camp David peace process. We cannot allow Egypt to slip back into the Riyadh or Moscow axis and we must make clear to the Egyptian Government that if it wants to continue its special relationship with the United States and the economic and military aid that this provides (a proposed $2.17 billion for fiscal year 1985) Egypt must fulfill the letter and spirit of its obligations under the Camp David accords.

Apropos of this, President Mubarak is currently in Washington and this is the most propitious time to urge the President that Mubarak reconsider the fact that for 1½ years Egypt has not had any representation in Israel and that they have, at the very least, dragged their feet regarding the implementation of Camp David and ongoing relations with Israel. Moreover, the attempt to deny Israel its capitol by others in the United Nations is part of the broader campaign to deligitimize the State of Israel. The outrageous and obscene Zionism-racism resolution was a watershed in this campaign that continues until today unabated. It is no less than the most vicious antisemitism thinly cloaked. None of us can allow ourselves to be lulled into complacency or to be misled by the emerging political theology that seeks to justify this dangerous campaign.

To achieve a true and lasting peace in the Middle East, we as a nation must stand solidly with friends and not pander to enemies who hide behind the word "moderate" but whose cowardly actions belie this self proclaimed title.

It was gratifying that in the last session of Congress, a member of our New York delegation was chiefly responsible for the deletion of funds from the military budget earmarked for the Jordanian Rapid Deployment Force. Now again we are faced with another request to supply $220 million for a joint logistical plan, between Jordan and the United States, providing that the force will not be used against Israel. King Hussein has already publicly declared that the force would be used solely to further Jordanian interests, not necessarily those of the United States. What's more, he declined to rule out the possibility that American-supplied weapons and aid might be used against Israel. To continue to pursue this policy is self-defeating. It will weaken and make vulnerable our country's one reliable ally, whose security you have long supported. We cannot continue to abet the spiraling arms race which places additional and unbearable burdens on Israel which must maintain qualitative superiority. The unprecedented Soviet supply of $3 billion in arms to Syria and additional sales to other beligerents as well as Egypt demand even greater sensitivity to Israel's security position on the part of the United States.

Our emphasis and drive to attain a stable environment throughout the Middle East must focus on economic stability as well. We are all aware of the critical situation of the Israeli economy. Last week hearings were held before the Senate Finance Committee on the establishment of a United States-Israeli free trade area. Such two-way duty free trade will serve the interests of both our countries. It will benefit the American economy by expanding trade possibilities while protecting the position of American exporters in Israel's $8 billion market. Moreover, it will strenghten Israel's economy by increasing its export potential and by stabilizing its trading relations with the United States. Hearings are scheduled before the House Subcommittee on International Trade in February. We strongly urge that you support the FTA as sound trade and foreign policy for both the United States and Israel.

It is a tenet of our faith that we are responsible for one another. Thus, as the representatives of nearly 2 million Jews in the New York metropolitan area we must speak out on behalf of our brethen who do not share the freedom of a democratic society. We thank you for your support of the endangered Jewish communities in Ethiopia, Syria, and the Soviet Union and implore you to continue your efforts in restoring their basic human rights. They look to you and the American people as their lifeline, their hope to be able to live freely as Jews, reunited with their families and people.

We must also remember the memory of those Jews who suffered the worst persecution in the history of mankind. All those nations who stood by while Nazi tyranny raged and destroyed European Jewry, share a responsibility to right the wrongs of the past. Therefore, 39 years later, we still must do everything in our power to see to it that those responsible for these heinous crimes are brought to justice. We urge you to see to it that hearings are held before the full Judiciary Committee on American Intelligence involvement with Nazi war criminals. We also ask that you remind Germany of the moral obligation it bears not to sell armaments to an Arab country that is pledged to the destruction of a Jewish State. Saudi Arabia has declared a Jihad—Holy War—against Israel. It is not only dangerously naive but morally irresponsible to claim that the proposed weaponry will be used solely for defensive purposes. A letter will be circulating in Congress expressing these views to the German Government. We ask that our New York congressional delegation sign this letter and use every opportunity possible to influence Prime Minister Kohl during his upcoming visit to the United States in March not to sell the $5 billion worth of armaments to Saudi Arabia.

In closing, I would like to mention a universal figure who embodies Jewish tradition and principles and whose life bridges the gaps between people of all faiths and nationalities. Next year marks the 850th anniversary of the birth of Rabbi Moshe Ben Maimon, also known as Maimonidies, a Sephardic Jew who led a distinguished life as a philosopher and physician, a scholar and spiritual leader.

We at the JCRC believe it would be appropriate for the United States to mark this anniversary by the issuance of a stamp. Steps are underway to introduce, in the near future, a resolution in Congress for such a commemoration. We ask that you support these efforts to honor Maimonidies, a man whose impact affected theology and philosophy throughout the world.

We also ask your support again for the resolution supporting Jewish Heritage Week 1984 which the JCRC initiated 7 years ago. In the metropolitan area some three-quarters of a million young people and adults are reached in school and community programs of all kinds. Not only does this celebration recall Jewish contributions to our country and society but it seeks to build bridges of understanding between the various religious and ethnic groups that make up our city. Again we look to you and offer all of our assistance to foster intergroup relations to bring people together to improve the quality of life for all.

We thank you for the service you render to our community and country, we are proud to be represented by such devoted, talented, and committed people. All too often your tireless efforts may be taken for granted and so this opportunity to express our recognition and appreciation is especially important.

We firmly believe that we share the responsibility and want to forge an ever stronger bond with our elected officials to assist, at times to prod but always as partners in building a better world.●

SALUTING THE ELKS LODGES' DRUG AWARENESS EFFORTS

HON. C. ROBIN BRITT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. BRITT. Mr. Speaker, I would like to take this opportunity to commend Elks lodges in North Carolina and across the Nation for their outstanding work in the area of drug awareness.

In 1982, the Elks conducted a major study to determine where volunteer help was most needed. They contacted more than 2,000 mayors nationwide, asking what problems their communities faced and how volunteers could be of service. What the Elks found was that drug abuse was the major problem in many communities.

The organization responded by developing a program designed to stop drug abuse before it starts. The target is youth in the fourth through ninth grades, whose attitudes and behavior can still be influenced. The objective is to increase their awareness of the adverse consequences of drug abuse, so that youth will decide for themselves to avoid drugs.

The need for strong drug education efforts is well documented. According to a study conducted by the University of Michigan Institute for Social Research, roughly two-thirds of all Americans growing up today try an illicit drug before they finish high school, and 34 percent of high school seniors regularly abuse drugs. ACTION, the Federal drug use prevention program, notes the grim fact that drug abuse plays a major role in teenage suicides, which number about 35,000 each year.

Elks lodges across the Nation are currently getting their programs underway, with training, guidance, and materials provided by the chairmen of their statewide efforts. By educating teenagers and their parents and teachers about the many dangers of drug abuse, the Elks hope to steer scores of young people away from the perhaps seductive but ultimately destructive option of drug use.

In North Carolina, where the various Elks lodges have already made strong contributions to the continuing struggle against drug abuse through their individual drug awareness efforts, the State drug awareness program is chaired by Mr. Jim Green.

Our children are this country's hope for the future, and I can think of no better way to insure a bright and prosperous tomorrow for America than for responsible and active groups like the Elks to help point our young people in the right direction. I salute the Elks for their important contribution to the Nation's future.●

CHILDREN'S ISSUES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, March 14, 1984, into the CONGRESSIONAL RECORD:

CHILDREN'S ISSUES

Children have been getting more attention in Congress's recent sessions. I have seen increased attention to children in meetings across the Ninth District as well. This attention seems to stem from the dramatic changes now taking place in the living situation of children in America. The family environment is being transformed.

There can be little doubt that these changes are putting new pressures on families and creating new demands on institutions. The sharp reduction in the number of children is one of the most important trends, but there are many others to be considered. The proportion of children living with one parent has nearly doubled in the last decade; the proportion of mothers who work outside the home has shifted from a minority to a majority, so that 50 percent of all mothers with children under six years of age are now in the work force; one of every four children does not live with both parents; one family in five with children is headed by a woman; nearly one child in five (two in five among blacks) lived in poverty in 1983; only one third of all mothers with minor children receive support from absent fathers; annual child support for those who receive it averages $2,000.

Congress is seeking ways to focus on issues affecting children and families. The following are some of the most troubling problems:

Missing Children.—The disappearance of children is an alarming problem for parents and law enforcement officials alike. About 100,000 children are abducted each year, either kidnapped by a stranger or taken by a parent who does not have custody of the child. Most of these children never come home. A national clearinghouse was set up two years ago by Congress to help locate missing children, but lack of participation by state and local law enforcement officials has reduced its effectiveness. Other information systems which can aid the search for missing children, such as fingerprint files, are being examined.

Child Abuse.—Each year, more than a million children suffer either neglect or physical, emotional, or sexual abuse. Reports show increases in neglect and abuse, which may be correlated with greater financial pressure on families. To combat this frightening problem, the federal government makes grants for state initiatives and for competitive research and demonstration projects. Unfortunately, funding for these grants has declined since 1981.

Child Pornography.—The exploitation of children by pornographers is another disturbing problem. The Supreme Court has decided that government can regulate the production and distribution of materials showing children's sexual activity without violating contitutional rights of free speech and free press, even when the material is not legally obscene. Both the Senate and the House have passed bills to broaden federal law by eliminating the requirement that child pornography be commercial in purpose and legally obscene.

Handicapped Infants.—Cases where the parents and doctors have decided not to provide treatment or nutrition to severely handicapped infants have provoked sharp public debate about the federal government's role in this area. Withholding medical treatment from severely handicapped infants is defined as child abuse in legislation approved by the House. The bill is now pending in the Senate. Also, the Reagan Administration proposed regulations to ensure treatment, but the regulations were revised due to opposition by those who did not believe that the federal government should intrude into private decisions by parents and doctors in cases that vary so much.

Poverty.—The number of children living in poverty has increased by more than two million in four years. This regrettable fact is due in part to high unemployment, but it is also due to $3.9 billion less real spending on child nutrition programs, food stamps, and aid to families with dependent children since 1981. School lunch programs have been cut as well. Congress has resisted further reductions in these programs.

Health.—Maternal and child health programs, medicaid, and other health-related initiatives have also experienced budget cuts. These cuts, along with the poor economy over the past few years, have affected children's health. There is less medical care available to low-income women in the early months of pregnancy, so more women are receiving prenatal care late or not at all. A third of the states are not expected to meet the goal of reducing the infant death rate to eight per thousand by 1990. Immunizations are down, leaving children susceptible to polio and other dangerous diseases. These cuts are hardly justifiable, even in fiscal terms, since preventive care is more cost-effective than medical treatment once a child falls ill.

Day Care.—First instituted during World War II and then revoked, federal assistance for day care has been renewed as the number of working mothers has grown. The federal tax code functions as the largest, albeit indirect, source of assistance. Parents of children under fifteen years of age may claim tax credits of up to 30% of the cost of day care. These claims resulted in an estimated cost to the Treasury of $1.5 billion in 1983. Employers providing day care also receive tax credits and deductions. In addition, the federal government provides day care assistance as part of various social programs.

Child Support.—The failure of fathers to pay child support imposes a great burden on children, on custodial parents, and on social service agencies, which in many cases must assume the responsibilities of the absent parent. The House has approved a measure, now pending in the Senate, which would authorize the mandatory withholding of child support from the income of absent spouses.

The future role of the federal government in addressing the problems of children is itself an emerging issue. All in Congress agree, however, that we must understand better the condition and need of our children.●

COPPER GHOSTS

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. McNULTY. Mr. Speaker, since entering this body as the Representative of the Fifth Congressional District of Arizona it has been my duty and my honor to encourage concern for the stricken American copper industry. The fact is that while our national unemployment rate has declined to 7.8 percent—and I do not accept the level of unemployment as a worthy economic goal inasmuch as there are still 9 million American men and women out of work—unemployment in the copper belt remains of tragic proportion and scale. The 144,000 men and women in the mining industry were unemployed in February 1984 according to the Bureau of Labor Statistics, a number dramatically increased since last October, in the midst of a much celebrated economic recovery in much of the rest of the economy.

But, Mr. Speaker, statistics do not and cannot tell the human side of unemployment—how it places families under pressure, how whole towns are subject to collective stress, how deeply individuals must reach into their souls so as to endure the hardships of a life without an opportunity to do their work. Jack Anderson has filled in the gap with a powerful account of unemployment among copper workers in southeastern Arizona and I respectfully urge my fellow Members who have not had an occasion till now to inform themselves about this problem to read Mr. Anderson's account. With congressional support we can and we should implement policies that will enable the men and women of this industry to get back on their feet.

The article follows:

[From the Washington Post, Mar. 11, 1984]

COPPER GHOSTS

(By Jack Anderson)

The grand designs of our global strategists often fail to take into account painful human consequences. It's unlikely, for example, that the policy-makers in Washington have ever given any thought to Superior, Ariz. Yet they have made decisions that have just about ruined the hardy people who live there.

Superior was once a booming copper town. Now it's becoming a ghost town. The lives of its 4,600 residents had always revolved around the Magma Copper Co. For four generations, the town's men had worked the Magma mine.

Then on Aug. 15, 1982, the company shut down the mine. One day, miners were taking home $100 in daily wages; the next day they were out of work. And with the Magma payroll gone, the few other enterprises in Superior also began to falter.

A year ago, a restaurant burned down on Main Street; no one has bothered to clear away the charred debris. The local hotel, once bustling with business, has been converted into a charity food dispensary.

What have the town's troubles got to do with global policy? Just this: the United States contributes heavily to international loans to help impoverished countries develop their resources. One resource that has been developed in abundance is copper. The resulting overproduction has caused the worst depression in the U.S. copper industry in 40 years.

Specifically, the U.S. taxpayers—including the few in Superior who still have enough income to be taxed—are shelling out money to keep overseas copper mines open. This adds to the worldwide copper glut that is pushing prices down and causing companies such as Magma to close mines. Since 1979, 16 of America's 25 largest copper mines have shut down.

In 1982, for example, the International Monetary Fund handed over $325 million to Chile to expand the operations of CODELCO, the state-owned copper monopoly. This raised copper production 15 percent in Chile at the same time that production dropped 25 percent in the United States. Yet the greatest share of the $325 million loan came out of the U.S. Treasury.

The townspeople understand that world copper prices have been falling, so they don't blame Magma for closing down the mine. What's driving them to despair is the continuing uncertainty over the company's future intentions. Magma can't say whether the closing is permanent or not.

Just as the outlook began to improve last year, the Inter-American Development Bank lent the Chilean government another $268 million to expand copper production. Again, the lion's share was contributed by the United States. Now I've learned the governments of Zambia and Zaire are asking the World Bank for multimillion-dollar loans to stimulate copper production.

The U.S. government has usually been able to block any international loans it doesn't like. Then why does it permit loans that damage the domestic copper industry? The State Department contends that opposition to the loans would damage relations between Washington and Third World countries, such as the military dictatorship of Chile's Gen. Augusto Pinochet.

So the residents of Superior are suffering personally and painfully for the Reagan administration's strategic goals. Since the mine closed, there has been a strange outbreak of illnesses and accidents among the townspeople. The Rev. Michael Teta, pastor of St. Francis church, believes these have been caused by anxiety and insecurity.

In a talk with my associate Michael Binstein, the priest spoke sadly of what is happening to his flock. He told of a woman who sold her radio to buy her child a pair of shoes.

"The uncertainty is probably one of the major sources of anxiety," said Teta. "People are at a loss as to what to do with their lives."

Consider the misfortune of Tony Munoz, who spent 33 of his 58 years in the mines saving up for his lifelong dream—a business of his own to boost his meager pension. A year before the Magma mine closed, Munoz bought a hotel-restaurant on Main Street.

Since the shutdown, Munoz has lost 60 percent of his trade and is losing $700 a month on the hotel. He subsists on $455 in monthly retirement benefits plus whatever he can make selling jewelry in Phoenix on weekends.

Things are so bad in Superior that Munoz turned 10 of his 50 hotel rooms into a food bank run by Loretta Johnson and 22 volunteers. Since unemployment benefits ran out months ago, the center now feeds about 1,200 families with surplus government cheese and powdered milk.●

A SALUTE TO CLARENCE A. BRIDGERS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. DYMALLY. Mr. Speaker, it is with great honor and privilege that I bring to the attention of my colleagues the long and distinguished public service career of Clarence A. Bridgers. Clarence Bridgers, who has loyally dedicated more than a decade of his life to community service, will retire as a long-time official of the city of Carson in the 31st Congressional District of California.

Many in Carson will greet Mr. Bridger's retirement with mixed feelings. On the one hand, they will be sad to see him leave city hall, yet they know how well-deserving he is of rest and relaxation after 16 busy years of serving the city government.

Before embarking on his career as a civic leader, Clarence completed his college education at the North Carolina A&T State University—Agriculture and Technical—in Greensboro, N.C. He received his bachelor of science degree in industrial arts, providing him with a broad background suitable for government service.

Clarence's experience in public affairs began before Carson even existed as a city. As the former vice president of the Centerview Homeowners Association, he was instrumental in working with other community leader and groups in gaining cityhood in 1968.

With his stated goals of increased public safety and improved public services in mind, Clarence first served his new city in 1968 as vice chairman and then chairman of Carson's first planning commission. For the next 12 formative years for Carson, he served as a councilman. During that tenure, he managed to fit in 2 years as mayor and 1 year as mayor pro tempore. It was also during this time that Clarence was actively involved with the approval of the construction of the new community center.

Clarence also found time to squeeze in more community activities. He served on the Southwest Area Planning Council; South Bay Cities Association; Community Action Agency; West Basin Water Association; Southern California Association of Governments; California Contract Cities Association; National League of Cities; and U.S. Conference of Mayors. He was also chairman of the Mosquito Abatement District and member of the Los Angeles County Sanitation District 8.

Undoubtedly, the citizens of Carson were very fortunate to have a man like Clarence Bridgers working hard for them. Present at the creation of Carson, Mr. Bridgers could be considered as one of the fathers of the city. I am certain his wife Marjorie and daughter Deborah, as well as the rest of Carson, are very proud of him as he prepares to step down from a lifetime of public service. I, for one, wish to express by gratitude to him for serving as an exemplary government official.●

MAIMONIDES AND SENIOR COMMUNITY AIDES MAKE BROOKLYNITES HEALTHIER AND HAPPIER

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SOLARZ. Mr. Speaker, since March is "Social Work Month" in New York State, I wanted to take this opportunity to recognize and pay tribute to a wonderful institution, Maimonides Hospital, and to a unique team of 12 senior community service aides from my district who are involved in a program that has made life healthier and happier for literally hundreds of older residents of the Boro Park community of Brooklyn.

The senior community service aide program is an unusual hospital-based employment program initiated in 1978 by the Maimonides Hospital Social Service Department and the New York City Department for the Aging. This outreach program provides services for the frail and homebound elderly in Boro Park.

An important concept of this program is to recognize the significance social, emotional, economic, and family factors have in relation to a patient's illness, treatment, and recovery. But it is the devoted care and concern shown by these aides which I believe to be the key element to the outstanding success of this outreach program. Therefore, I would like to pay tribute today on the floor of the House to Charlotte Alper, Grace Celetti, Damaris Colon, Chaiman Cubert, Margarita Erenburg, Connie Ferraro, Loretta Garvey, Ruth Goodman, Leon Keller, Myrtle Leewright, Albert Miller, and Doris Reynolds for a job well done.

Once a volunteer program, these Senior Community Aides, all of whom are over 55 and living on fixed incomes, now hold federally subsidized jobs. Maimonides Hospital funds six positions, and the New York City Department for Aging matches the hospital's contribution by providing for six additional aides. The first cooperative venture of its kind between a hospital and the New York City Department for the Aging, this small, cost-effective program provides 240 hours of social service assistance per week to the Boro Park community at an annual cost to the hospital of only $24,340 per year.

The 12 senior community service aides receive specialized training and are supervised by certified social workers. As social work assistants they offer emotional support to scores of our elderly facing bouts of depression and isolation. Through home visits, patients are encouraged to get well and to take more interest and responsibility for their health to prevent additional hospitalization. Other phases of the program include supportive services such as shopping, acting as an intermediary with vital community agencies, accompanying patients to the hospital, and helping the elderly with Government entitlement benefits and requirements. In all, the program offers over 16,803 services for older adults.

Mr. Speaker, I would like to congratulate all those city and hospital officials who have helped to make this program possible. But particularly today I want to recognize the enormous contributions the talented, generous, and dedicated team of community service aides and the Maimonides Social Service Department have made to the people of the 13th Congressional District.●

LABOR DAY COMES EARLY

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. O'BRIEN. Mr. Speaker, with all the talk these days about the skills and productivity of workers in foreign countries like Japan, we sometimes forget how great our own workers are. It's nice to know that people like Jim Horwath, Frank Papesh, and Homer Workman are doing their level best to bring back the Joliet rod plant of United States Steel, one of the company's oldest plants in the Nation. I commend their exceptional effort and join with my hometown newspaper, the Joliet Herald-News, in "declaring an unofficial 'Labor Day' to salute these fine people." The text of the Herald-News editorial, which appeared on March 2, follows:

STEEL WORKERS MAKE AREA PROUD

"They're proud," said one supervisor. "And we're proud of them."

These are comments from a supervisor at the U.S. Steel plant on Collins Street in Joliet. While most of the facility has been closed, a small portion is still operating—and at a record pace in January.

You may have read in Wednesday's Herald-News about the 150 workers setting a record for production of coiled rods. Despite the fact that the giant plant, which employed as many as 2,000 workers at one time, has ceased most production, these employees have persisted.

With pride in their work and determination to keep their jobs, these steel workers have kept open their small section of the sprawling plant.

Homer Workman, Joliet division superintendent, said the employees have met a challenge. Productivity has increased while the workers became more quality-minded.

"We are now competing with the Japanese in this product line," Workman said.

We take particular pride in the accomplishment of these workers because they are our friends and neighbors.

We also are delighted to hear a story about American workers on the rebound. Too often we read stories about declining productivity and quality.

Frank Papesh, a member of the United Steel Workers of America Local 1445, said, "We take pride in our work. Everybody tightened up a little, did a little more, because we were scared. Nobody wants to see the place shut down."

The perseverance of these workers is a credit to this area. These hard-working people are the strength of our labor force.

This is not the right month, but we are declaring an unofficial "Labor Day" to salute these fine people.●

HUNGER AND NATIONAL POLICY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SCHEUER. Mr. Speaker, I would like to bring to the attention of the House a timely address recently given by my good friend, neighbor, and colleague from the Seventh District of New York, Congressman ACKERMAN.

Congressman ACKERMAN delivered a speech on "Hunger and National Policy" at the annual legislative conference of the American School Food Service Association on March 12 at the Capital Hilton. His remarks are an articulate critique of the Reagan administration's lack of sensitivity to the serious problem of hunger and malnutrition in our Nation.

As we begin to debate budget priorities for fiscal year 1985, I commend Congressman ACKERMAN's address to my colleagues' attention.

Good morning, ladies and gentlemen. I am delighted that you invited me, a freshman, to share this distinguished dias.

I am grateful for the opportunity to speak to you about "Hunger and National Policy." As you know, there are people in this town who don't believe those two words belong together. They rather deliver speeches about "Hunger and Local Policy" or "Hunger and Private Sector Initiatives." Some of these people don't like to talk about hunger at all; they question its existence in this country, or suggest that the problem has been exaggerated for political purposes.

But who's been exaggerating? The wide array of organizations reporting increased hardship for the poor and working class include Bread for the World, United Way, U.S. Catholic Conference, the Federation of Jewish Philanthropies, and Save the Children. These groups wouldn't make the guest list for a banquet at the Kremlin, nor are they a bunch of tax-and-spend liberals trying to corrode the free-enterprise system. Indeed these are the very outfits that Mr. Reagan praises for their voluntary efforts. But if they ask for more than praise, however, he turns tight-lipped.

It is true that the extent of hunger and malnutrition has been distorted. But the distortion has been in an attempt to lessen, not heighten, the public percepton of the problem. These false allegations are not buried within the dusty publications of an obscure bureaucracy, but come directly from the mouths of top Administration officials. In their spontaneous remarks, they let their true feelings spill out. White House counselor Edwin Meese believes that evidence of hunger is "anecdotal," that the thousands of our fellow citizens who huddle in soup lines each day do so because "the food is free," and "that's easier than paying for it." For his apt perceptions, President Reagan has rewarded Mr. Meese with the post of Attorney General, the highest law-enforcement position in the land.

Friends and advisors to the President do not have a monopoly on insensitivity. The President himself can crack a jovial smile while telling us that the homeless are without shelter "by choice," and that many of them sleep on street grates of their own free will. Small wonder that when the Administration commissions a study on hunger, the panel confesses, "We have not been able to substantiate allegations of rampant hunger," and, despite unprecedented cutbacks in Federal programs, "public parts of the income-maintenance and food-assistance efforts are available and sufficient for those who take advantage of them." These are excerpts from the report of the President's Task Force on Food Assistance, a group which would never have been convened had they not been expected to draw such conclusions.

As a former educator, I have always been partial to studying. I used to tell my students that study was the key to self-improvement and led to a better understanding of how the world functions. Ronald Reagan has given the word a bad name: To study an issue now means to neglect it, defuse it, or at the very least postpone it until after the public furor subsides. Acid rain a threat to the environment? Military procurement a fiasco? Hunger in America growing? Conduct a study.

A favorite tack so far has been to vindicate the status quo, then urge that if anything be done, it be in keeping with the narrow view of Federal responsibilities that the President cherishes. Thus, the Task Force on Food Assistance accepts his premise that the assault on social programs which began in 1981 has eliminated only fraud, waste, and abuse. The changes that the Task Force proposes would further tighten the noose around the necks of the nation's malnourished.

By far the most damaging of the Task Force's recommendations would permit states to drop out of Federal food-aid programs, such as Food Stamps, and instead receive a block grant to distribute as they see fit. Proponents argue that given greater flexibility and discretion, states and locales will channel funds to the truly needy. One would think that state and local governments would be thankful for being liberated from the tangle of regulations that their big brother in Washington has imposed on them. Yet the National Governors' Association, the U.S. Conference of Mayors, and the National Association of Counties all oppose the measure.

They know better. They know what happens under Ronald Reagan's New Federalism: The administrative chores are turned over to them, but the money they require stays in the vaults of the U.S. Treasury. This Task Force proposal is no different. Although current spending levels would be retained, the funds are fixed in advance; greater need would not trigger greater assistance until inflation and unemployment figures have been tabulated, at least a year later. That's a long time to wait when you're hungry. Widespread benefit reductions would occur at the worst possible time. Take the 1982-83 recession as an example. The ranks of the unemployed swelled quickly, as industries laid off workers in record numbers. With a shrunken tax base, and sales-tax revenues plummeting along with consumer spending, how would states make up the shortfall? The answer, I'm afraid, would be fewer services to fewer people.

There is, however, a larger reason for rejecting this block-grant notion. A family that is poor enough to qualify for food stamps or free school lunches would no longer be entitled to these benefits automatically. Instead, the crucial determinant would be where those people lived. If they're black and reside in a Southern state, my guess is that they would fare a lot better under the current system. It is ironic that an Administration that campaigns against bureaucratic excess would put an end to uniform eligibility and benefit standards. Most major religious, civil-rights, and social-welfare organizations have also expressed their opposition to this idea. Like the governors, the mayors and the county commissioners, they believe, as I believe, that hunger can be found nationwide. The most effective remedy, therefore, is a national one, which only the Federal government can provide.

Another Task Force recommendation would force separate households sharing living quarters to apply for food stamps as a single, combined household. "Doubling up" is common in New York City and areas where the shortage of low-rent housing is particularly acute. Since food stamps are allotted to households, not individuals, this proposal would throw tens of thousands of poor families off the rolls. The Congressional Budget Office estimates that the cut in benefits would amount to $70 million a year.

The suggestion of the Task Force to standardize food-stamp benefits is no less cruel to the poor. Presently, a recipient can deduct a set amount for shelter, medical, and home-heating expenses. The Administration says these deductions have made the application process too complex and time-consuming. In the name of simplicity, hundreds of thousands of families would see their benefits dwindle. People who live in the Northeast and Midwest—where the costs of housing, health care, and utility bills are all high—would be compelled to do with less, even though they may be as needy as their counterparts in blamier regions of the country.

The Child-care deduction which poor mothers now enjoy would also be lost. The President has long complained that welfare fosters dependency. Perhaps he is unaware that many indigent women do not seek employment because they cannot locate a safe, affordable day-care center. Perhaps he must be reminded that poor parents are as concerned as affluent parents with the well-being of their children.

There are other flaws in the Task Force report. In the time remaining to me, though, I would like to commend what the government has done in the past to alleviate hunger and malnutrition in this country. Nowadays it is popular to deride government, to say that everything it touches turns to Spam. I say, to the contrary, that over the years our taxpayer dollars have gone to many noble and worthy enterprises. Among them is the Special Supplemental Food Program for Women, Infants, and Children, popularly known as WIC.

WIC supplies prescription food supplements to pregnant and nursing women, infants, and young children. The mothers must have low incomes, and all clients must be diagnosed by a medical professional to be at risk of illness due to inadequate nutrition. Medical surveys confirm that protein-poor diets are a leading cause of infant mortality, morbidity, birth defects, and learning disabilities. The Harvard School of Public Health observed a marked decrease in the incidence of low birthweight babies among WIC recipients; extended hospital care was not necessary in these cases, a savings of $3 for every $1 that WIC spent. The savings continue after birth: it costs $35 a month to provide a complete WIC nutritional package to an infant, but approximately $1,400 a week to hospitalize an infant for treatment of malnutrition.

I cite these statistics to prove a point—if the moral arguments for food assistance programs don't sway you, then be fiscally responsible, and support them just the same. Yet across the country, thousands of women, infants, and children are placed on waiting lists for WIC or are simply turned away for lack of sufficient funds. Several hundred counties have no such services at all. Nationwide, the number of people eligible and in need of WIC is two to three times the number actually receiving benefits.

WIC is underfunded because it is a discretionary program, not an entitlement. It must rely, therefore, on the amount Congress earmarks for it each year. Mr. Reagan and his friends on Capitol Hill have been unrelenting in their attempts to slash funds for WIC. Congress so far has rebuffed him; had he been successful, 700,000 enrollees—all of whom have been deemed nutritionally at risk—would have been ejected. The battle will resume over the President's fiscal year 1985 budget, which requests $200 million less than is needed to maintain the current caseload. Less money has also been requested for nutrition education, medical tests, and administrative costs related to WIC.

The other noble and worthy enterprise I wish to discuss is one which you are all acquainted with—the Child Nutrition programs, which encompass the School Breakfast, School Lunch, Child Care Food, and Summer Food Service efforts. These programs give many of the recipients their only chance to eat a well-balanced, nutritious meal on a daily basis. Again, the medical evidence is overwhelming: participants stay healthier, and demonstrate better mental and physical growth.

And again, President Reagan has done all he could to thwart the progress we've made. From the infamous "ketchup is a vegetable" rule to his latest block-grant scheme, the President has shown that he is more concerned with the china used at White House galas than what lands on the plates of millions of needy schoolchildren. I serve on the Education and Labor Committee, where we have worked at great length to preserve the Child Nutrition programs. I am happy to say that the product of our deliberations, H.R. 4021, passed the House last fall. This legislation would raise the stingy eligibility levels set earlier, as well as lower the cost of school breakfasts and lunches to the working poor.

Another important legislative goal is the enactment of H.R. 7, which would make permanent several Child Nutrition programs whose authorizations expire at the end of this fiscal year. Let me take this opportunity to thank the American School Food Service Association for your support of this bill. I urge you to keep the pressure up.

In closing, I cannot resist the teacher in me, and so I'd like to conduct a little test to see if you've been listening. Pretend you're the President, and because you're the President, I'll go easy on you and make the test multiple choice.

Question: If millions of your countrymen and women were hungry or malnourished, would you—

1. Curtail spending on food assistance,
2. Appoint a commission to see if the problem really exists? or
3. Try to feed them?

Don't give up! I'll give you a hint. You tried the first approach, Mr. President, and it didn't work. You tried the second, and people are still hungry. Now think about it. Don't get it wrong. Things like that can prevent you from going on to the next term!

Thanks again for allowing me this opportunity to speak to you on this vital issue.●

LET'S SET THE RECORD STRAIGHT ON THE SALE OF CONRAIL

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. BROYHILL. Mr. Speaker, on March 6, the House considered H.R. 3648, the Amtrak Improvement Act. During the course of that consideration, I offered an amendment, in conjunction with Congressman NORMAN F. LENT of New York, which would have preserved the proper role of Congress to review and, if appropriate, disapprove the Secretary of Transportation's plan to sell Conrail. I contended then, and I continue to contend now, that section 206 of H.R. 3648, which provides for not only congressional approval but also for revision of a sale plan, will jeopardize the successful sale of Conrail to the private sector.

The amendment I offered would have simply subjected the Secretary's plan to an up or down vote. Nothing in the amendment would have prevented the Congress from enacting legislation necessary to implement the plan, despite inaccurate allegations to the contrary. Indeed, it is well recognized that, depending on the particular purchaser, some technical legislative changes may be needed before the sale can be finally consummated. As a matter of fact, the Administrator of the Federal Railroad Administration, John H. Riley, in testimony given before the Senate Appropriations Committee on Wednesday, March 7, stated that in all discussions to date with potential purchasers, it has become evident that it is very difficult to envision a purchase scenario that does not require some form of implementing legislation.

While this recognizes that Congress will play a definitive role in consummating a sale, it is a very different thing altogether to provide, as section 206 of H.R. 3648 does, that Congress should be able to change the actual terms of the contract negotiated for the sale between the Secretary and a purchaser. What purchaser would blindly risk a financial agreement, valued at over $1 billion, knowing any of its terms could be altered without the purchaser's consent?

The proper role of Congress to review any final plan negotiated by the Secretary would have been preserved on a formal basis under the Broyhill-Lent amendment. Beyond the congressional role that would have existed under the Broyhill-Lent amendment, the Congress will play a significant role in the sale process pursuant to an informal procedure contemplated by the Department. As John H. Riley indicated in his Senate testimony, it is the express intention of the Secretary to consult with the leadership of both parties in the House and Senate prior to the time a final purchaser is selected from the field of potential buyers. Clearly, this congressional input will help to facilitate the establishment of a consensus on how best to proceed with the sale.

An issue that was raised during the Conrail floor debate last week concerned a public stock offering as an option for the sale. Despite incorrect accusations to the contrary, the Secretary has not rejected this option. Goldman Sachs, an investment banker that has been retained to give advice in the sale process, continues to work with the Secretary in exploring the advantages and drawbacks of such an approach. Some concerns that have surfaced include the problems associated with a residual, minority ownership of stock on the part of the Government and the uncertainty as to the identity of the buyer in such a transaction. This latter concern is especially troubling since the Secretary is required under the Northeast Rail Services Act (NERSA) to negotiate a plan with a purchaser which insures continued rail service in the Northeast.

Conrail's profits reached a record of $313 million in 1983. Let us not jeopardize the continued viability of this profitable and self-sufficient freight system. Section 206 of H.R. 3648 does just that. It threatens not only a successful sale of Conrail in one piece, but also jeopardizes the thousands of jobs in Conrail's work force and continued service to shippers and consumers in the Northeast.

Mr. Speaker, I include in the Record at this point the Administrator's testimony before the Senate Appropriations Committee.

Testimony of John H. Riley, Federal Railroad Administrator, Before the Committee on Appropriations, Subcommittee on Transportation, U.S. Senate, Wednesday, March 7, 1984

Mr. Chairman. I appreciate the opportunity to appear this morning, and actually, this is somewhat of a homecoming for me. It's the first time I've appeared before a Senate Committee since I left Senator Durenberger's office to be confirmed as Federal Railroad Administrator. I have vivid memories of being on the Senate floor during debate on the Northeast Rail Services Act (NERSA) three years ago, and I know the contribution that the Chairman and Senator Chiles made to that legislation. This is an appropriate time to review the progress the Department of Transportation has made in implementing the responsibilities it acquired under NERSA, and I'd like to begin this morning by updating the Committee on the status of the Secretary's efforts to return Conrail to stable, private sector ownership.

Let me make clear at the onset that Secretary Dole has no intention of exercising the power the Department acquires on June 1, 1984 to break Conrail into pieces and auction off its lines. Whether one approaches this issue from the perspective of—

A shipper seeking single line service, or

A government not wanting to sell the best lines and hold the rest.

A piecemeal auction of Conrail's lines does not serve the public interest. We believe an entity sale is achievable, and that's the option we intent to pursue.

Last November the Department adopted a new marketing strategy to capitalize on Conrail's improved profitability. It featured three elements:

(1) A presentation by the Federal Railroad Administrator to the Presidents of all Class I railroads that interconnect with Conrail.

(2) An intense effort by Goldman Sachs to contact every nonrail company with the capacity to execute a Conrail purchase. We defined that class of companies as those with $1 billion or more in assets, and $300 million in net income. There are 64 companies in that category. In each case where a party expressed interest in Goldman Sachs' presentation, follow-up was made jointly by FRA and senior Goldman Sachs officials.

(3) An intensified follow-up on all contacts received from companies or individuals falling outside categories one and two.

The Secretary believes that the public interest as well as the plain intent of NERSA require us to develop the broadest possible range of options before narrowing to the choice of a single purchaser. And like any intelligent seller, we intend to get all available options on the table before beginning the narrowing process. The contacts made in November and December have helped immensely in moving us toward that objective.

We have received an offer from the Railway Labor Executives' Association (RLEA), and public expressions of interest from three major rail carriers—Norfolk Southern Corporation, CSX Corporation, and Santa Fe Industries, Inc. We are also meeting with a half-dozen additional parties who have expressed an interest in Conrail, but not yet taken action or public steps toward pursuing a Conrail acquisition.

The Secretary's efforts to locate additional buyers do not imply dissatisfaction with either the RLEA offer or the level of interest expressed by carriers who have made public announcements. They are simply a reflection of the fact that DOT has a duty both to Congress and to the nation's taxpayers to explore every possible purchase option before determining which alternative best meets the public interest.

If we have options—and I believe that DOT will have options—we will judge their merit by three criteria:

First, we will favor the purchase option that leaves the railroad in the strongest financial condition after the sale. The reason is obvious—we want to insure that Conrail has the greatest financial capability to preserve service for states and shippers over the long-term. To say the same thing another way, we believe that the plain intent of NERSA requires us to pursue the option that offers the least possibility of the railroad returning to the Federal government in the future.

Second, we will favor the option that best protects service patterns to shippers and communities in the Northeast.

Finally, we will favor the option that is consistent with the previous criteria, and offers the maximum return to the United States. The Secretary would not favor the plan with the highest rate of return to government if it were seriously at odds with the public interest criteria I've outlined.

The options for a Conrail sale break down into three general categories.

The first, and the best option, is the so-called "deep pocket"—a purchaser that brings Conrail financial strength or additional resources that improve its chance of sustaining service and profitability over the long-term. You can create that deep pocket effect in a variety of ways:

By bringing Conrail additional cash or borrowing power.

By merging Conrail with an adjoining route system that improves its cash flow by strengthening its traffic base.

By altering work rules or labor contracts in a way that strengthens the company's cash flow.

The median option is the use of a public offering to sell all or part of the Conrail stock. It doesn't bring anything to the railroad, and at least in theory it doesn't take anything away. We have probably spent more time and resources attempting to resolve the legal and logistical problems surrounding a public offering than we have on any other issue. It is an option we are considering either in its own right or as part of a larger transaction. At the same time, I have to tell this Committee we have serious reservations on whether the use of a public offering to sell the major portion of Conrail's stock is consistent with the public interest criteria we are committed to meeting in this transaction. There are several reasons for that concern.

The first is timing. Goldman Sachs has advised us that even under optimal market conditions, it would take at least several years to complete a phased public offering of Conrail stock. If market conditions should change, or the economy should slip into recession, the time frame could grow longer, even indefinitely longer. At best, this is inconsistent with the intent of

NERSA that Conrail be returned to the private sector at the earliest opportunity. At worst, it would leave the Federal government a minority shareholder in a publicly held company—an obviously undesirable situation.

Some have suggested that a buyer could resolve the problem by contracting, say, a billion dollar loan against Conrail's assets, using it to underwrite the entire offer, buying government out up front and reselling the stock to the public over a period of years. The problem with this approach is that it's really nothing more than a leveraged buy out in the cloak of a public offering. Debt service on the loan would destroy Conrail's finances, and any shortfall on anticipated stock yields would create a multimillion dollar financing gap capable of driving Conrail back to the Federal government.

There is a second, and in my opinion, more significant problem with a public offering. I believe that we have a clear public interest obligation to know who we're selling this railroad to. We need to make judgments on the adequacy of the buyer's finances, and place reasonable conditions in the contract of sale to ensure that the railroad will not be looted, cherry picked, or liquidated. That's impossible in a broad based public offering. Any party with access to several hundred million dollars cash can walk up to the counter and buy a controlling interest in the railroad. And because there is no sales contract, we have little ability to write protective conditions into the transaction. We believe we owe the public and the Congress more than that scenario enables us to deliver.

It is true, at least in theory, that one could partially mitigate these concerns by restricting the stock or limiting the format of the public offering. But that leads to the other horn of the dilemma, because Goldman Sachs has advised us that utilizing these types of restrictions would severely diminish the value and saleability of the stock.

We are continuing to work on solutions to these dilemmas and still consider the public offering a potential option.

The final sale option is the so-called leveraged buy out, through which a seller would in effect buy Conrail with its own money by using Conrail's cash or assets as collateral for a mortgage. That option would leave Conrail a significantly weaker company, and we view that option as against the public interest.

Before concluding, Mr. Chairman, I want to outline the procedures the Secretary intends to follow when we do have potentially acceptable offers on the table.

I believe we have a good sense of who the potential actors and non-actors are, and when we have received one or more offers that we believe to be in the public interest, the Secretary will establish a cutoff date for the submission of competing purchase proposals. After that cutoff date, the Secretary will confer with the leadership of both Houses, both Majority and Minority on those options.

Following that consultation, the Secretary will recommend to the Congress the option she believes to be most consistent with the public interest. It's clear that under NERSA, Congress will have at least 60 legislative days to review the proposal. I also want to tell the Committee that in all our discussions to date with potential purchasers, we have been unable to envision a purchase scenario that would not require some form of implementing legislation—either to resolve the issue of the contingency notes, or to provide the kinds of protection and definition that normally follow an ICC proceeding.

We are all optimistic that the consultations between the Secretary and the Congress preceeding submission of a plan will produce a consensus solution. If they do not, the Secretary will make her best judgment on what is consistent with the public interest, and Congress will have to work its will.

What's the timing? It's difficult to say at this point, since it is really the decision of the buyers to offer or not offer that drives the process. We have no artificial deadline on the sale, and I can honestly tell you that throughout my tenure at DOT, I have yet to hear even a discussion of deadlines, much less election year deadlines. The recent flurry of activity by Norfolk Southern Corporation, CSX Corporation, and a number of other potential buyers has left me optimistic that the process could move fairly rapidly.

If it does, we have no intention of abandoning potential buyers by forcing artificial delays on the process. It's also essential to bear in mind that the Northeastern states lose approximately $25 million in taxes each year that Conrail remains in government ownership—that's more than $2 million a month, a high price to pay for delay. And of course we feel an obligation to do everything we can to resolve the uncertainties now facing shippers, employees, and communities being served by the Conrail system.

Conversely, to have no intention of rushing toward a sale if it does not meet the public interest criteria we've defined. Secretary Dole has had ample opportunity to contrive a quick solution. She has declined to do so. Our interest is to execute the sale that best protects the public interest, and we look forward to working with this Committee to achieve that objective.

Let me close, Mr. Chairman, by restating my standing offer to update any member of Congress, or congressional staff, on the status of Conrail negotiations at any time. I have been on the Hill for briefings an average of every other day since Congress reconvened, and my office is never more than a telephone call away.●

THE PLIGHT OF THE FARM WORKERS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. TORRES. Mr. Speaker, last September you announced that the Simpson-Mazzoli immigration reform bill would not be scheduled for consideration by the House at that time. Farmworkers across the country hailed your actions because of the bill's H-2 provision which establishes a Federal project that brings temporary, foreign farmworkers to the United States.

U.S. farmworkers have bitter memories about the former U.S.-Mexico bracero program of the 1950's and 1960's. The bracero program also allowed the temporary importation of foreign farmworkers. The H-2 provisions in Simpson-Mazzoli rekindles that bitterness among farmworkers.

Mr. Speaker, the following statement by Cesar Chavez, president of the United Farm Workers of America (UFW), succinctly articulates his views on this subject and I submit his comments for my colleagues to review.

The statement follows:

SPEECH BY CESAR CHAVEZ, PRESIDENT, UNITED FARM WORKERS OF AMERICA

On September 11, more than 2,000 Salinas Valley farm workers marched down U.S. Highway 101 to a spot south of Chualar to mark the 20th anniversary of a bus accident that killed 32 bracero laborers.

The braceros, imported from Mexico to work on Southwest farms as part of a U.S.-sponsored program, died when a bus converted from a flatbed truck drove in front of a freight train. Conversion of the bus had not been approved by any government agency. Its driver had "tunnel" vision.

Most of the victims' bodies laid unidentified for days since no one, including the grower who employed them, knew their names. Finally, a team of FBI agents was flown in from Washington to help in the identification. A congressional report on the accident commented on a "certain laxity towards matters of life and death that for years has pervaded the (bracero program) . . ."

Following a memorial mass held at the railroad crossing where the braceros died, I told the assembled workers, mostly members of our United Farm Workers of America, that these accidents happened because of a farm labor system that treats us as if we are not important human beings. Farm workers will never again be treated like agricultural implements, like beasts of burden, to be used and discarded, I said.

Yet, even as farm workers honored their dead colleagues, Congress—which ended the bracero program in 1964, partly because of incidents such as the 1963 bus crash—was debating a bill that could revive many of the injustices associated with the old bracero system.

In September, House Speaker Thomas "Tip" O'Neill, responding to appeals from Hispanics nationwide, announced a bill sponsored by Sen. Alan K. Simpson, (R-WY) and Rep. Romano L. Mazzoli, (D-KY) is dead for the rest of the current session of Congress.

Farm workers welcomed Speaker O'Neill's announcement because a key provision in the Simpson-Mazzoli proposal, inserted at the request of powerful corporate growers, would dramatically expand the H-2 program, a federal project that brings "temporary" foreign workers to the U.S. to fill alleged job shortages in agriculture. H-2 workers have been used in limited numbers in Florida and some eastern seaboard states, but rarely in the West.

Western growers have been reluctant to seek H-2 workers because of minimum wage, housing and working condition standards set by the federal government which employers must meet. The law also demands that domestic workers be given first pick at jobs. The Simpson-Mazzoli bill would enable growers to evade these minimum protections, which are inadequately enforced even under the present system. Like the old bracero program, the fate of H-2 workers, under Simpson-Mazzoli, would be left in the hands of growers.

Agribusiness, backed by the Reagan Administration, had sought to revive the bracero program or enact a similar system of imported labor under a new name—the guest worker program. But stiff opposition from labor and minorities forced growers to try to achieve the same result by bolstering the H-2 program.

Recently, Fresno area growers lobbied for a more "flexible" foreign worker program at a $100-a-person fundraising dinner featuring Rep. Mazzoli. Before the dinner, which benefited the California Grape and Tree Fruit League, a bitter enemy of farm worker organizing for decades, Mazzoli discussed his bill with league members, labor contractors and labor consultants who are hired by growers to break unions.

Growers base their case for foreign labor on the myth that there are not enough domestic workers to meet job needs. But unemployment data kept by California's Department of Employment Development shows joblessness in most major farming communities continues to run much higher than state or national rates. The August, 1983 jobless rate in California was 9.8 percent; nationally it was 9.5 percent. But unemployment in many farm counties was greater: 14.3 percent in Stanislaus; 13.7 percent in San Joaquin; 11.7 percent in Kern; 41.8 percent in Imperial. These figures are undoubtedly conservative since they don't reflect undocumented workers who rarely visit state unemployment offices when they are out of work.

A top state EDD official told a U.S. Labor Department hearing a few years ago that the monthly state farm labor reports have "shown consistently over the past years that there have been no real agricultural labor shortages in California and that no foreign workers have been needed to harvest California crops."

During most of the year, and especially at harvest time, thousands of unemployed farm workers seeking jobs place their names on waiting lists in our union's California hiring halls.

Agribusiness and its allies in Congress deceitfully claim that an expanded H-2 program is one way to solve the problem of illegal immigration. Various numbers of H-2 workers are projected if a foreign worker program is enacted, including a proposal that 100,000 laborers come to the U.S. during the initial phase of the program. But what about worker number 100,001, who is not lucky enough to be included in the program? Will that worker refrain from crossing the border if he or she is immigrating out of pressing economic need? It is also important to remember that foreign laborers will be imported on top of—and not in exchange for—the undocumented workers who are already here.

The real problem we face in farm labor is not labor shortages, but job shortages! Why, then, do growers push so hard for foreign workers?

Since its beginning over 100 years ago, California agribusiness has maintained a steady surplus of cheap and expendable labor supplied by succeeding waves of immigrants. This surplus, typified during the bracero era when domestic workers found it nearly impossible to compete for work with the low-priced, compliant braceros, has kept wages and working conditions depressed and helped growers resist unionization.

Many west coast farm workers believe the growers' enthusiasm to import hundreds of thousands of foreign laborers under the Simpson-Mazzoli bill is related to improved wages and benefits they have won since the mid-1970s through the union's efforts. In 197[illegible], California passed a pioneering law—the first in the nation—guaranteeing collective bargaining rights for field workers. Farm workers are convinced that what really lurks under the surface of the growers' push for foreign labor is a desire to return to that carefree time, before the law and the UFW, when farm workers could be treated like other agricultural implements . . . to be used and discarded.●

AL LOWENSTEIN REMEMBERED THROUGH 1969 NEWSDAY ARTICLE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. WEISS. Mr. Speaker, 4 years ago today we suffered a tremendous loss when Allard Lowenstein was shot to death in New York City.

Al Lowenstein, who served in the House from 1969 to 1971, fought injustice all his life, whether he found that injustice around the corner or halfway around the world.

I had the privilege of his friendship for almost 25 years. My association with him in some of the many important causes to which he was dedicated provided special joy. The memory of his violent death will always cause my heart to ache.

In commemorating this anniversary, I would like to share with my colleagues an article Al Lowenstein wrote for Newsday on August 26, 1969, shortly after he returned from a 3-week trip to Europe and Southeast Asia.

This report presents Al's observations during his visit to Prague, Czechoslovakia, on the first anniversary of the Soviet invasion of that country. I believe it is especially relevant today when tyrannies of the left and the right still hold sway in much of the world. American policymakers would do well to read this article as they continue to support regimes grossly violative of their people's human rights simply because those regimes claim to be anti-Communist.

The article follows:

[From Newsday, Aug. 26, 1969]

TYRANNY IN WENCHESLAUS SQUARE

(By Allard Lowenstein)

Like most Americans, I was outraged by the Soviet occupation of Czechoslovakia last summer.

Of course, Soviet officials have always insisted that the Western press distorted the situation. As recently as last week, I was told in Moscow that the Red Army was sent into Czechoslovakia at the request of the Czech people.

If this were the case, August 21, the anniversary of the arrival of the Red Army, would be quite a festive occasion in Prague. I decided to go there and see for myself. Tom Engel, a student from Port Washington now at Columbia Law School who has done some work for me this summer, came along. We each paid our own way.

The 21st turned out to be a lovely enough day in Prague, if loveliness can be said to survive what men do to it, but the situation was tense and ugly. We spent several hours going from place to place, talking with people, as many as we could, in the crowds that were gathering in the inner city. We were careful to avoid doing anything that might get us involved in any kind of demonstration. In the afternoon, in order to cover more ground and be in more places, we traveled about separately, and arranged to meet at six o'clock to go to a reception at the American ambassador's residence.

At 5:35 p.m., Tom vanished, though it was hard to be certain that he had vanished for some time after that. I spent much of the time from 9:30 on through the night with members of the embassy staff, trying to find some trace of him, in hospitals and police stations and on the streets. It was a fascinating way to see Prague that night, but there was no sign of Tom. As it turned out, no one was to hear from him until he turned up at seven o'clock the next morning with the news that he had been arrested while walking alone on the Pariske, a street near the old town square where the statute of the martyred fifteenth-century religious leader Jan Hus was looking down on another of the sad events that have made such a wretched mess of this beautiful old city.

Tom had been pushed into a paddy wagon and ended up at a police station with some 100 other people, all but three of them Czechs and most of them young. The arrests seemed random. Guards beat heads, shoulders, and knees until everyone was offloaded at a police station. There, Tom established the fact that he was an American. After that, he and two Italians—a Communist journalist-photographer and his wife—were spared further roughing-up.

No one, however, was allowed to phone or contact anyone outside the station, and the Czech prisoners were abused and threatened, sheared if they had long hair, and beaten fiercely from time to time. The noise of small-arms fire and tear-gas explosions came through the windows. For three hours all men in the group were forced to stand erect and were prodded with clubs if their posture displeased a guard.

At 3:30 a.m., Tom was moved across the city to the visa and consultate section, where he was interrogated for three and a half hours in English. He was told he would not be released or allowed to telephone anyone until he signed a statement and the interrogation was concluded. He dictated a statement in English, which was translated and presumably transcribed.

At 6:30 a.m., he was presented with a typed document that was described as his statement. The document was in Czech. Tom speaks no Czech. He asked for reassurances that the typed document said, in fact, what he had said in English. He was assured of this and signed the statement.

What Tom experienced, as frightening and upsetting as it was, of course, was nothing compared to what was endured by thousands of Czechs during the anniversary period. Several died, hundreds were injured, thousands were tear-gassed or arrested without charges (and without the relative shelter of a foreign passport).

No one knows how many people were shot at, but sixty tanks and thousands of armed men in uniform made sure everyone knew guns were for shooting. The state radio said all this was necessary to maintain law and order in the face of provocation by a few "counterrevolutionary hooligans."

"The worst thing about the whole night," Tom said later, "was the wholesale terror that the police exercised over everyone crowded into that room. Every few minutes some policeman—usually young and more than a little sadistic—would walk around and rough someone up. No one knew who would be next, or why. The gunfire outside and the tear gas coming in through the windows added to the terror, because you never knew what was happening to the city outside.

"From time to time, more Czechs would be brought in and beaten savagely. You could hear the slap of the truncheons and the cries from the next room. Everyone wondered, silently, when would all this stop. We felt very much together—united by fear, but also by the most basic hate I've ever felt.

It has been reported that I was teargassed several times during the long hours of August 21. That is true. So was virtually everyone else who was in the streets or by an open window.

Trams and other public transport were all but deserted in support of the boycott appeals circulated clandestinely by opponents of the government. The Soviet Embassy and Communist Party headquarters were cut off from public access and guarded by tanks, trucks, and heavily armed men. Thousands of people lined the streets to stand up and be counted. They chanted "Gestapo" when they saw uniformed men, and whenever they could, they sheltered their young, who, doing the most to protest the occupation, were most in need of protection from the occupiers.

The behavior of the authorities confirmed everything the Czech people wanted the world to know: that this government exists only by using force against its own people, and that the Soviet invasion of Czechoslovakia stinks as bad now as it did a year ago.

It is the great fortune and the curse of Bohemia that sky, hills, soil, and river blend there to make a fertile, rolling countryside, hospitable to a sensible and friendly people and inviting to greedy, bigger neighbors, east and west, who constantly find pretexts to march in and take what they want.

Nobody questions the good sense and good will of the Czechs, or the good use they have made of their countryside. Some have questioned their courage. But it was not Czechs who caved in at Munich, and it was Czechs who died in Lidice. Jan Masaryk was a Czech, and so was Jan Palach, the former a foreign minister, the latter a student who set himself on fire last year. Both gave their lives to damn the traducers of their pleasant and productive land.

And on the anniversary of the latest intrusion, thousands of their countrymen risked police retribution to overwhelm their graves with flowers and candles. The rest of us would risk nothing to curse the darkness that makes it necessary for people to light candles at martyrs' graves to say that they want to be free in their own land.

I have been asked if it was worth going to Prague in such circumstances. Clearly, it would not have been if Tom had ended up in prison for a long time, or if something worse had happened to him. But we were lucky, and I am very glad we went.

It was useful, too, to be reminded that against Communist tyranny, as against any tyranny, decency has a life of its own that gives strength and hope to the victims of brutality.

It was useful, too, to be reminded in so personal a way how unacceptable life is in a police state. One wonders if America is entirely immune to the siren call of those who would "maintain law and order" by causing people they disagree with to vanish, by saying who will wear their hair how, even by shooting at unarmed people on whim. Today, the Czech government announced that more police than civilians were injured during the anniversary festivities, thus proving that the police were not at fault. There was not a word of thanks to Mayor Daley for using this line.

Prague on August 21 would have been good medicine for any American who might be tempted to think that somehow we would be better off if we could cut the First Amendment, whether by official arrogance or by citizen anarchy.

I am also glad we were there because I am glad there were Americans, Italians, and others who stood with the Czechs, even if only as spectators; who shared briefly a few of their risks, if only because bystanders were not allowed to be bystanders; and who shared briefly their detention, if only until passports separated those who could leave from those who could not.

August 21, 1969, was an atrocious day for everyone concerned—for all men who want justice and peace on earth; for the leaders of the Soviet Union and for Communists generally, who profess to abhor imperialism, and who cannot possibly believe their cause is helped by displays like this; and, above all, for the Czech people, who have already suffered far too much during the past three decades.

I left Prague sickened and angry that my country's credentials to cry out against the horror I had seen there have been so badly eroded by our own conduct in Santo Domingo and Vietnam, by the tear-gassing at Berkeley and police wantonness in the streets of Chicago.

I left grateful again for the remarkable unity and energy of the rising generation, throwing itself everywhere into the effort to change attitudes and practices that have hobbled men as far back as we know our story.

It is often said that using billy clubs on American campuses radicalizes students. Using billy clubs in Prague anti-Communized students. There ought to be a lesson in that, if anyone can see a little further than the end of a billy club.

Finally, I left Prague wondering if the central fact is not simply that it's high time all of us showed how tired we are of people being beaten, gassed, and shot because they want to breathe free, whether they are in Orangeburg, Johannesburg, Madrid, or Prague.●

TRIBUTE TO ALLARD LOWENSTEIN

HON. DOUG WALGREN

OF PENNSYLVIANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. WALGREN. Mr. Speaker, today is the fourth anniversary of the death of Allard Lowenstein, one of our democracy's true leaders who was killed by a demented individual whose mind had been twisted by the very forces of injustice that Allard had devoted his life to working against.

Eleanor Roosevelt wrote of him: "I think he will always fight crusades because injustice fills him with a sense of rebellion. He wants to be of help in some way * * *."

He himself said, "Lawfulness and patience are fine qualities. But they are not the only fine qualities. Indignation at unfairness and determination to make things better are fine qualities as well." Allard's life gave new meaning to what it means to be a citizen. He served our country in many ways; as an an Ambassador at the United Nations, as a Representative in Congress, and as an involved individual.

His grave in Arlington Cemetery reminds us of the reality that, "if one man stand on his convictions, and there abide, the whole world will come round to him." And, like Will Rogers, you can be sure he has his eye on the House of Representatives.

The following description of Allard, by Arthur Schlesinger, Jr., is from the foreword of the book: "Lowenstein: Acts of Courage and Belief," edited by Gregory Stone and Douglas Lowenstein. It is worth reading.

FOREWORD

This book illustrates the remarkable impact the life of Allard Lowenstein had on a generation of Americans.

With his gifts of leadership, sympathy, and intellect, Allard Lowenstein would have made a difference in any age. But he came along, one feels, in an age that peculiarly suited his talents and concerns. Born in 1929, he was sixteen years old when Franklin D. Roosevelt died—too young for the New Deal, a cheerful and untidy time he would have greatly relished; yet old enough to find his way to Frank P. Graham and Eleanor Roosevelt and serve an early apprenticeship in the liberal tradition.

As an undergraduate at the University of North Carolina in the 1940s, he observed at first hand the workings of the segregation system. The Yale Law School in the 1950s gave him an understanding of constitutional process and possibility. Thereafter, on university faculties he developed his skills as a teacher of the young. But he was by temperament an activist. He was never content simply to discuss and document the inequities of society. His commitment was always to redress and remedy.

He sensed the currents of discontent and idealism that accumulated under the stagnant surface of American life in the 1950s and that began to break through in the Kennedy years. He responded, a little earlier that the rest of us, to the bitter failures of the society—to racial injustice, to the Vietnam war, to the misery of the poor and powerless, to the plight of a radicalism that had lost its bearings. A man without fear, he toured the fighting fronts from Mississippi to South Africa in the unending battle against oppression. Returning to his recruiting grounds in the universities, he brought eyewitness testimony of suffering and of heroism. With casual, rumpled eloquence he inspired the young to live the next years of their lives on behalf of others. Hundreds hearkened to his words, and enriched and transformed their own lives.

He did all this within a larger philosophy of social change. He was sure that the energy released in the turbulence of the 1960s could be turned from destructive to constructive uses. A man of reason, he abhorred violence; a realist, he understood that violence sundered the bonds of humanity and defeated its own objectives. His mission in the 1960s was to replace violence by persuasion and to incorporate the disordered wrath of the New Left into the constitutional framework of American political action. He never forgot that democracy is the discipline of consent.

Allard Lowenstein was a rare combination of generous passion and acute intelligence. Wholly devoid of meanness and of pomposity, he radiated candor, humor, and sweetness. With his faith in reason, he believed in dialogue across the barricades and commanded the respect and affection of political and intellectual adversaries. He called for action but not for action's sake. He knew that unbridled emotion could not cure the complex ills of modern society, that sentiment, however virtuous, was no substitute for substance.

He was the supreme agitator of his day. Agitator is a noble word that has too often carried a bad connotation in America. Allard Lowenstein was an agitator in the highest sense—a man who touched the consciences of his fellow citizens, educated their sensibilities, and drew forth their capacity for humane action. "Those who profess to favor freedom, and yet deprecate agitation," as Frederick Douglass said long ago, "are men who want crops without plowing up the ground, they want rain without thunder and lightning."

Allard Lowenstein plowed up the ground and sowed seeds that will come to fruition for the rest of the century. The spectacle of man's injustice to man never destroyed his confidence in democracy's capacity for self-correction. He lived in perpetual commotion, but his apparently inexhaustible vitality sprang from a serene optimism about humanity. His exalted vision of democratic potentiality and his imperturbable confidence in human reason left a rich legacy to which this book bears moving testimony.●

PEACE PLAN FOR NORTHERN REPUBLIC OF CYPRUS

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. STANGELAND. Mr. Speaker, enclosed is a peace plan submitted by President Rauf Denktas of the new Northern Republic of Cyprus, the plan is designed to set up a federated, bizonal State of Cyprus, and proposes to take immediate steps on his part to put Nicosia International Airport and parts of Varosha under U.N. administration enabling Greek Cypriots to return there.

The United States should view this peace plan as a positive step in the right direction, and equally should the United Nations.

STATEMENT BY THE PRESIDENT OF THE TURKISH REPUBLIC OF NORTHERN CYPRUS, HIS EXECLLENCY MR. RAUF R. DENKTAS, CONCERNING THE GOODWILL MEASURES PROPOSED BY THE TURKISH CYPRIOT SIDE

I. THE GENERAL OUTLOOK AND APPROACH OF THE TURKISH CYPRIOT SIDE

On 15 November 1983, we the Turkish people of Cyprus, while exercising our right to self-determination for constructive purposes, extended our hand to the Greek Cypriot people in peace and friendship in order to bring to an end, once and for all, the 20-year old political uncertainty in this Island and to reach a final solution to all the problems between the Turkish Cypriot people and the Greek Cypriot people. We left the door open for the establishment of a new partnership, within the framework of a federation between the two peoples living on the island, and we have expressed our genuine wish and determination to reach a just and lasting solution within the spirit of a conciliatory approach. We are two peoples destined to live side by side on this island. No matter how wide apart our present points of view might be, this fact cannot be changed either by us or by the Greek Cypriots. The continued state of tension between us, at a time when we should rather be trying to resolve our differences, and continuing to behave in a manner inciting enmity between the two peoples are very harmful and constitute an obstacle to progress towards a final federal solution. For reasons we maintain that we must build up our relations on a constructive basis. Let us work with determination towards a final compromise and reconciliation. Let us direct our efforts towards positive ends and steadily proceed in that course. Let us abandon negative attitudes geared towards destroying each other. Let us not forget that others cannot take decisions on behalf of the two peoples of Cyprus, and that only through our own efforts, treading the same path together and helping each other, shall we be able to proceed towards a federal solution. I, therefore, invite the Greek Cypriot side to tread with us the same constructive and peaceful path by passing through the door we are still holding open for them.

Today, I should like to extend to the Greek Cypriots the following proposals of goodwill, so that the first steps could be taken towards a comprehensive solution of our problems. I am also informing the Secretary-General of the U.N. of these proposals and kindly requesting him to help both sides within the framework of his mission of good officers, which we fully support, so that these proposals could be implemented.

II. TURKISH CYPRIOT PROPOSALS ON VAROSHA

1. The Turkish Cypriot side reiterates its readiness to engage in negotiations on its proposals of 17 November 1983 concerning Varosha and the Nicosia International Airport with the Greek Cypriot side. Holding of negotiations on these issues will be without prejudice to the respective positions of the two sides with regard to each other's political status.

2. Varosha and the Nicosia International Airport are two separate issues neither of which constitute a precondition for the other.

3. As a concrete proof of its desire and intention to speedily tackle and resolve the Varosha issue, the Turkish Cypriot side accepts in principle to place the sector to the east of Dherinia Road and extending in the south up to the Greek Cypriot forward defence line of the Varosha area as defined in the Turkish Cypriot map of 5 August 1981, under an interim United Nations supervision and administration. The modalities and conditions of this transfer shall be determined between the Turkish Cypriot side and the United Nations.

4. The interim United Nations supervision and administration to be established in the sector of Varosha as defined above shall not prejudice the final political status of the area and it shall continue until a final comprehensive political solution of the Cyprus problem.

5. The question of Greek Cypriot resettlement in the Varosha area as defined in the Turkish Cypriot map of 5 August 1981, shall be considered, as stipulated in points 5 of the Denktas-Kyprianou summit agreement, simultaneously with the beginning of negotiations for a comprehensive settlement, and after agreement has been reached on the resettlement of Varosha under an interim United Nations supervision and administration, such agreement will be implemented without awaiting the outcome of the discussions on other aspects of the Cyprus question.

6. The opening of the area as defined in the Turkish cypriot map of 5 August 1981 to Greek Cypriot resettlement under an interim United Nations supervision and administration shall not prejudice its final political status.

7. The Turkish Cypriot side is ready to discuss and finalize the details of this proposal with the Greek Cypriot side and with the United Nations.

III. THE OPENING OF THE NICOSIA INTERNATIONAL AIRPORT

1. On 17 November 1983 he had proposed the re-opening of the Nicosia International Airport to civilian-traffic under an interim U.N. administration for the mutual benefit of the two sides in Cyprus.

2. In this way, the Turkish Cypriot side accepts handing over of the airport by the parties, to the interim U.N. administration, without insisting that the airport be administered by the parties themselves, on the basis of equality.

3. The Turkish Cypriot side considers that the opening of the airport under U.N. administration will be to the benefit of the two sides, as a factor contributing towards the creation of an atmosphere of goodwill and mutual trust.

4. The Turkish Cypriot side is ready to discuss and finalize this issue with the Greek Cypriot side, or failing this, with the U.N.

5. The Turkish Cypriot proposal concerning the airport does not constitute a precondition for other steps aimed at the creation of an atmosphere of goodwill in Cyprus.

IV. THE REACTIVATION OF THE COMMITTEE ON MISSING PERSONS

In order to finalize the humanitarian issue of missing Turkish and Greek Cypriots, we propose that the Committee on Missing Persons, set up in 1981, be re-activated, in accordance with the "terms of reference" agreed to between the two sides, and for this purpose we request the third member of the committee, Mr. Pilloud—the ICRC representative—to come to Cyprus at an early date. As a matter of fact, last November, we had already informed Mr. Pilloud that the committee could be re-activated immediately, that the Turkish Cypriot side has ready to participate in its deliberations, and that, the procedural obstacles impeding the re-activations of the committee had been removed by the conciliatory proposal he had made to the Turkish Cypriot side. We believe that it is possible for the committee to meet in the future to investigate and finalize this issue of mutual concern, within the framework of humanitarian considerations. We now invite the Greek Cypriot side to declare its readiness to participate in these deliberations of the committee.

In the following parts, President Denktas summarized his proposals for a general framework of relations between the two sides for progress toward a final settlement.

It called for the acceptance of peaceful means to resolve differences, ending of all hostile propaganda, the establishment of a joint economic and technical commission to study a bizonal federated solution in regard to trade, tourism and travel, municipal problems, water supply and preservation and environmental problems.

He also proposed the teaching of the other language as second language in the schools to organize common seminars, cultural and sport events and that both sides benefit equally from all economic, financial and technical assistance awarded to the island and that neither side shall interfere with the extension of credit or other financial facilities by international lending institutions. Finally, he called for a study to organize a national, bi-lingual university for Cyprus.●

STRUGGLE FOR FREEDOM

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. JACOBS. Mr. Speaker, Edmund Burke said that "civilization progresses because young men die for their country and old men plant trees under which they will never sit."

Our dearly departed colleague Allard Lowenstein quite literally died for his country. His death was a direct and proximate result of his selflessly active leadership in a struggle for freedom. That struggle was not one conducted against some fabled evil nation abroad, but against the evils of bigotry and hatred at home.

On this, the fourth anniversary of the assassination of Al Lowenstein, his words about the effective nature of sacrifice for a noble cause are as fresh as the 1980 spring flowers whose fragrance fate denied him.

LOWENSTEIN: ACTS OF COURAGE AND BELIEF

(Edited by Gregory Stone and Douglas Lowenstein)

FREEDOM SUMMER REVISITED

(Address, Tougaloo College, Oct. 30, 1979)

Many disagreements, animosities, and emotional scars were produced in the crucible of the civil rights movement in Mississippi, lasting often into the next decade. Some bitterly accused Lowenstein, Joe Rauh, Bayard Rustin, and others of working to co-opt and subvert the movement, charges that were dismissed by others.

In the fall of 1979, a retrospective conference on the movement, which was punctuated by disputes over its strategies and achievements, took place in Jackson, Mississippi. Speaking on a panel during the first night of the event, Lowenstein devoted part of his remarks to perspectives that might be applied to the meaning of the freedom struggles.

One of the great problems with dealing with the realities of history is that, as with Rashomon, everybody's version of what happened differs. But I would hope that everybody who was involved, who took risks with their lives, and who went through the ugliness of that period, could share in the sense that there are things that do unite people even when there are differences as to goals or even achievements.

I think there was a sense we shared in those very peculiar times that whatever our differences were, there was a unity against a very central evil, and that evil has, to a degree which would have seemed impossible when we first came, been extirpated in its legal form. That, I think ought to be understood as something which the citizens of Mississippi, black and white, have benefited from. If we don't acknowledge that those changes have occurred, I think we first arrogate to ourselves the right, which we don't have, of judging for many other people what they feel about their lives. We also mistake what the facts are.

I remember one night that has been for me, through all the events of my life since, a major force in the shaping of what I wanted to do with my life. It was a night on Lynch Street in SNCC headquarters with Stokely [Carmichael] and others, when we were told that we would all be killed, as people circled with guns and shot into the place. And the fact that we all lived through that night together, maybe it's maudlin to say, but it makes me feel that whatever my disagreements are with Stokely and the others, they are forever in my life a band of brothers with whom I share a deep sense of gratitude, affection, and respect. That will not change, however our paths may have gone in different directions since then.

I wish Dave Dennis was here, and many of the early SNCC people, but Bob Moses more than anybody, because in that period, if there has been no Bob Moses there would have been nothing. It was Bob Moses everywhere. It was Bob Moses, the towering figure whose presence gave people, in the face of such fear that they didn't know whether they could go to bed at night, the sense that if he could be calm and strong and wise, we could get through what was going on. Nobody who lived through that experience would ever feel, I think, that there's any way that we could ever repay the debt we owed to those people we found here.

I think every person who came to Mississippi from outside knew that they learned more, grew more, and experienced a kind of love and wisdom from people in Mississippi that they would never have had and they took away infinitely more than they ever could bring. I think all over the world people are better people in their effort to reduce human suffering because they had that tremendous opportunity of being in this state with people who, though oppressed, loved, and though faced with enormous adversity managed to have a community that had happiness in it.

It did raise basic questions to a lot of people, because they didn't find the white community in Mississippi that they came to see. They didn't find that they identified with it, they didn't find that this was what they wanted to be like or have their country like. They found the opposite. They found themselves embarrassed that white people could behave the way these white people were.

They came with a sense that somehow America wasn't that—that was aberrational. They came with the feeling that they wanted to put whatever they could contribute into the pot to try to change that injustice. And the fact that they were able to contribute, even as minutely as their time here might have contributed, was, I think, a tribute to the innate quality in people that Martin Luther King reached for so many years. Because it was something which fundamentally changed the face of the South, not as much as it needs to be changed, not as much as we wish it could be, but a great deal from the time that all of us grew up in it or went to school in it.

That Mississippi experience was a very important process for the United States to go through because we owe to Mississippi, in addition to the personal adventures that were part of our lives forever afterward, some very basic lessons about America that we didn't know before. They had to do with the inherent ways in which the oppression of white people was more a concern than the oppression of black people. They had to do with the political indifference that was visited on people if they didn't have the right to vote. They had to do with what came to be perceived as a necessity to deal with economic as well as political injustices, because that too had to be faced very clearly.

Since that very difficult beginning, ideological differences did become very significant, and those differences occur wherever you have oppressed people trying to change their circumstances. If you think about what was going on in Spain, where people had a common war against a fascist government, there were terrible differences within the opposition to Franco which ended up as a civil war within the republic. There's always the problem when you're facing difficulty, when you're facing a very formidable opponent, that people will blame each other; they feel frustrated, they don't know quite what to do next, they're trying one thing and the other. But I think one ought to understand something enormously important: With all of those complicated, experimental programs and efforts, and with all the enormous antagonisms that developed among people who came with different motives and experiences, we did, in fact, make a difference. And that difference was felt by a very large number of people in this state who might have spent the rest of their lives in fear when walking down a street, or unable to take part in any of the political and economic changes that America is about.

I remember somebody once said that "history is a cross between the frustrations of how far we still have to go and a sense of satisfaction at how far we have come." People will disagree about what that blend is. How far do we still have to go? How far have we come? Well, it's not easy to answer that, and there's going to be dissent about it because people are not monolithic. But there are things about the experience here that are unifying, and when all is said about the many complexities to it, those complexities ought not to eradicate a couple of fundamental and lasting truths. People behaved better than they would have because they cared about each other. There was a tremendous change in the lives and the spirit of people for each other because they were part of something that mattered.

Commitment is a cheap word. It's not very present in the county today. It's a great word, though, because it says something about what people are capable of when something moves them. And people were moved by the wrong in this state, by the evil that they saw here, and they were moved to try to change it. And that's something that is a fact which can't be changed whatever the ideological changes and differences people will have.

The second, I hope, transcendent fact is that nobody who came here, whatever simplistic notions they may have had before, left without understanding that the sophistication they brought in was infinitely less important than the sophistication of the people who were here, than the wisdom and the sense of humanity, the sense of courage and love that was present among the black people who'd experienced this kind of difficulty for so long. And that changed people's assessment of what life was about. It changed not just the political judgment, but a judgment about marriage and about poetry and about history and about politics. It changed things very deep in people in a way that almost no experience ever changes people.

So what is it that we do now together in the difficulties of this period, with all the differences that are going to continue to exist, so that people in Soweto, just as people in Brooklyn or here or anywhere else, will have in a world that offers such enormous opportunities for good things, the opportunity to share in those good things in a way that they haven't been able to do in the past?

If we can understand that that priority is still there to unite us, then the differences of opinion and the arguments about how to achieve it will be profitable ones. If the differences about how to achieve it drown out the common sense of what we want to achieve, then we end up doing nothing but helping those who don't want to see suffering reduced because they profit from the suffering of others.●

EPA ALLOWS HIGHER CANCER RISK

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. WEISS. Mr. Speaker, section 112 of the Clean Air Act requires the Environmental Protection Agency to control hazardous air pollutants by setting health-protective emissions standards without regard to the control costs involved. A new set of standards for exposure to harmful pollutants has been recently proposed by the EPA which would allow cancer risks 100 to 1,000 times higher than past national standards.

The EPA's shift to a high-risk health policy on economic and technological grounds has dangerous implications. In particular, I am concerned that these new standards may lead to a weakened national policy resulting in inadequate protection of the public from environmental health threats.

The battle against environmentally induced cancer must not be abandoned. I would like to recommend to my colleagues a recent article by Robert E. Yuhnke, an attorney in the Environmental Defense Fund's, Boulder, Colo., office. Mr. Yuhnke articulates skillfully the need for immediate action to force the EPA to adhere to Congress intention that health protection not be subjected to a cost-benefit analysis.

The article follows:

[From the EDF Letter, December 1983]

EPA Abandons War on Environmental Cancer

(By Robert E. Yuhnke)

The Environmental Protection Agency (EPA) is quietly carrying out a radical reversal of national public health policy by abandoning traditional public health goals under the Clean Air Act and other environmental health statutes. For example, EPA Administrator William D. Ruckelshaus has proposed an arsenic pollution standard that finds 1 excess lung cancer death for every 100 nearby residents an acceptable price to pay to keep a copper smelter operating in Tacoma, Washington. There is no precedent for allowing such a high health risk from an environmental pollutant. Under prior administrations, standards designed to limit human exposure to air or water pollutants were typically set to reduce risks to 1 in 1 million, or at least 1 in 100,000.

Ruckelshaus' action follows a pattern set by his predecessor Anne M. Burford allowing high risks from airborne radiation: a 1 in 1,000 death rate for residents near uranium mills and 1 in 500 for those near uranium mines. Standards for airborne benzene, cadmium, and organic carcinogens, due in 1984, will apparently also allow high risks among the 20 million Americans exposed to excessive levels of these pollutants.

Congress has never defined the degree of health risk that is acceptable under federal air and water laws requiring protection of public health. But these laws clearly prohibit EPA from considering either the financial effects on industry or the technological feasibility of achieving adequate human health protection. This prohibition was based on the political decision to give human health priority over the economic health of corporations. An underlying premise of this choice was that American industry would likely develop affordable technological solutions to pollution problems if national health protection goals were clearly expressed as strict emissions limits.

The wisdom of this "technology forcing" policy has been confirmed again and again since enactment of the Clean Air Act in 1970 by the development of technologies that can, for example, remove 95 percent of sulfur dioxide emissions from power plants, 94 percent of carbon monoxide from autos, and 99 percent of particulate matter from industrial stacks. These developments have caused some pain to the industries involved, but none to the national economy. Where needed, as with autos and steel, Congress has eased compliance deadlines to allow time to introduce the new technologies. But the initial public health goals were not abandoned and are now being achieved.

EPA has justified its shift to a high risk health policy on economic and technological grounds, ignoring Congress' ban on weighing the higher costs of stricter standards against the increased illness and death resulting from weaker standards. Rather than forcing the nuclear power and copper industries to develop and apply new technology needed to achieve traditional health goals, EPA's new standards instead offer these industries a subsidy by sacrificing human health life.

EPA's use of economic grounds for its new standards is vulnerable to legal challenge, and EDF has sued EPA (see June 1983 EDF Letter). But success in court is not likely to answer the fundamental question: what level of risk is acceptable in a nation seeking to protect the public from risks over which individuals have no control?

As long as EPA adhered to the unwritten 1 in 1 million risk target, this basic question of values remained largely unasked. Now EPA's reversal of that policy forces us to address the question. A national environmental health policy based on risks of 1 in 100 or 1 in 1,000 means the nation has abandoned the battle against environmental cancer. Lung cancer accounts for 3 of every 100 deaths in the U.S. today. The incidence of cancer in the nation will not be reduced if we do not reduce cancer that is environmentally induced substantially below current levels of the disease from all causes.

Cancer is epidemic in this nation. This Administration apparently perceives this epidemic as a necessary price to pay for economic growth. EDF does not agree. The history of pollution control under the Clean Air Act offers clear proof that the pain, economic uncertainty, and premature death that haunts cancer victims and their families is not a necessary price for the economic health and well-being of the nation.

EDF has asked EPA to return to the 1 in 1 million benchmark that has served the nation well as an environmental health policy goal. If EPA refuses, a legislative declaration of that goal by Congress may be our only recourse.●

COPPER GHOSTS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. RUDD. Mr. Speaker, the domestic copper industry is on its knees. The world wide slump in copper prices, and the subsidization of foreign copper by foreign governments has forced the closure of many U.S. mines, some permanently. Over 38 percent of the U.S. copper work force is out of work, and has been for some time.

Yet in a recent report to the Secretary of Defense, the Defense Science Board stated that the United States is in serious danger in the event of war or national emergency because our stockpile of critical minerals, including copper, is dangerously low.

The question is, Mr. Speaker, why, when we need copper, and why, when so many American copper workers are out of work, does this country, through its membership in the multilateral lending institutions, continue to allow foreign governments to subsidize foreign copper?

I am inserting here in the Record a recent column which appeared in the Washington Post which shows, on a local level, the devastating impact of the crippling of the domestic copper industry.

The article follows:

[From the Washington Post, March 11, 1984]

Copper Ghosts

(By Jack Anderson)

The grand designs of our global strategists often fail to take into account painful human consequences. It's unlikely, for example, that the policy-makers in Washington have ever given any thought to Superior, Ariz. Yet they have made decisions that have just about ruined the hardy people who live there.

Superior was once a booming copper town. Now it's becoming a ghost town. The lives of its 4,600 residents had always revolved around the Magma Copper Co. For four generations, the town's men had worked the Magma mine.

Then on Aug. 15, 1982, the company shut down the mine. One day, miners, were taking home $100 in daily wages; the next day they were out of work. And with the Magma payroll gone, the few other enterprises in Superior also began to falter.

A year ago, a restaurant burned down on Main Street; no one has bothered to clear away the charred debris. The local hotel, once bustling with business, has been converted into a charity food dispensary.

What have the town's troubles got to do with global policy? Just this: the United States contributes heavily to international loans to help impoverished countries develop their resources. One resource that has been developed in abundance is copper. The resulting overproduction has caused the worst depression in the U.S. copper industry in 40 years.

Specifically, the U.S. taxpayers—including the few in Superior who still have enough income to be taxed—are shelling out money to keep overseas copper mines open. This adds to the worldwide copper glut that is pushing prices down and causing companies such as Magma to close mines. Since 1979, 16 of America's 25 largest copper mines have shut down.

In 1982, for example, the International Monetary Fund handed over $325 million to Chile to expand the operations of CODELCO, the state-owned copper monopoly. This raised copper production 15 percent in Chile at the same time that production dropped 25 percent in the United States. Yet the greatest share of the $325 million loan came out of the U.S. Treasury.

The townspeople understand that world copper prices have been falling, so they don't blame Magma for closing down the mine. What's driving them to despair is the continuing uncertainty over the company's future intentions. Magma can't say whether the closing is permanent or not.

Just as the outlook began to improve last year, the Inter-American Development Bank lent the Chilean government another $268 million to expand copper production. Again, the lion's share was contributed by the United States. Now I've learned the governments of Zambia and Zaire are asking the World Bank for multimillion-dollar loans to stimulate copper production.

The U.S. government has usually been able to block any international loans it doesn't like. Then why does it permit loans that damage the domestic copper industry? The State Department contends that opposition to the loans would damage relations between Washington and Third World countries, such as the military dictatorship of Chile's Gen. Augusto Pinochet.

So the residents of Superior are suffering personally and painfully for the Reagan administration's strategic goals. Since the mine closed, there has been a strange outbreak of illnesses and accidents among the townspeople. The Rev. Michael Teta, pastor of St. Francis church, believes these have been caused by anxiety and insecurity.

In a talk with my associate Michael Binstein, the priest spoke sadly of what is happening to his flock. He told of a woman who sold her radio to buy her child a pair of shoes.

"The uncertainty is probably one of the major sources of anxiety," said Teta. "People are at a loss as to what to do with their lives."

Consider the misfortune of Tony Munoz, who spent 33 of his 58 years in the mines saving up for his lifelong dream—a business of his own to boost his meager pension. A year before the Magma mine closed, Munoz bought a hotel-restaurant on Main Street.

Since the shutdown, Munoz has lost 60 percent of his trade and is losing $700 a month on the hotel. He subsists on $455 in monthly retirement benefits plus whatever he can make selling jewelry in Phoenix on weekends.

Things are so bad in Superior that Munoz turned 10 of his 50 hotel rooms into a food bank run by Loretta Johnson and 22 volunteers. Since unemployment benefits ran out months ago, the center now feeds about 1,200 families with surplus government cheese and powdered milk.●

VUCANOVICH SUPPORTS ADVERTISING OF STATE GAMING ACTIVITIES

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mrs. VUCANOVICH. Mr. Speaker, last week I joined my distinguished colleague from Nevada, Mr. Reid, in introducing legislation to allow advertising of any State-sponsored lottery, gift enterprise, or similar scheme. The bill, H.R. 5097, seeks to correct a longstanding inequity in existing Federal law that inhibits the ability of legal gaming enterprises to compete with nongaming businesses.

Current law, passed by Congress in response to the corrupt practices associated with State lotteries in the late 1800's and early 1900's, is antiquated and has long outlived its original purpose. Today, a majority of the States in the Union have approved some form of legal gaming, as a means to divert funds from illegal wagering enterprises and to broaden their revenue and employment base.

In 1975, Congress acknowledged the proliferation and success of State-run games by adopting an exemption to allow advertisement of State-conducted lotteries. It was a step in the right direction. By adopting this narrow exemption, however, Congress concurrently established a bias against other forms of State-authorized and regulated gaming, such as casino gaming. In so doing, the Federal Government has created a preference for State-owned and conducted operations, to the detriment of legal private enterprises which provide equally vital revenue and employment.

Existing prohibitions constitute unnecessary interference by the Federal Government with a legitimate, heavily regulated industry. Businesses which offer gaming are currently barred from broadcasting or mailing information about their gaming facilities. It is increasingly difficult for such resorts to compete with other nongaming resorts for the tourism dollar; ultimately, the State suffers from this overregulation through depressed employment and lost tax dollars.

It is important to note that H.R. 5097 addresses only the broadcasting or mailing of information by State authorized and regulated wagering enterprises, and does not affect current laws against advertising by illegal or unregulated lotteries, or wagering through the mails. The issue is not gaming, but the right of legitimate businesses to utilize the free flow of speech and information. As affirmed by the Supreme Court, the right to freedom of commercial speech is protected by the first amendment to the Constitution. In this regard, it is difficult to justify retention of such an ill-advised Federal ban on one industry.

I hope my colleagues will join in my support for this vital legislation, and I urge its prompt consideration.●

WILLIAM B. BELLAMY, AN OUTSTANDING NEWSPAPER PUBLISHER

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. GONZALEZ. Mr. Speaker, this week an outstanding San Antonio editor and publisher, William B. Bellamy, retires after a four decade long career.

Bill Bellamy epitomizes the kind of American journalism which has insured the preservation of our individual liberties and freedom. It is saddening to see him go as his departure from the helm of responsibility is a loss to present-day print communications.

It has been my pleasure to know Bill Bellamy for many years, and to admire his editorial writing and management which have always been fair and objective.

Although he will have more time to spend with his wonderful wife, Carolyn, and their children and grandsons, my good friend Bill will continue to serve, at least on a part-time basis, as a consultant to Frank A. Bennack Jr., now president and chief executive officer of the Hearst Corp. in New York.

Mr. Speaker, I wish to share with you and my colleagues the text of the tribute written about Bill Bellamy as it appeared in the San Antonio Light for Sunday, March 11, 1984, the newspaper for which he served as president for the last 2 years:

[From the San Antonio Light, Mar. 11, 1984]

William B. Bellamy, Light President, Retires

An outstanding newspaper career spanning four decades comes to an active close this week with the retirement of William B. Bellamy, president of The San Antonio Light.

He has served The Light for more than 22 years, seven and a half of those as publisher and editor until two years ago when he was named Light president. At that time, he was succeeded by the present publisher and chief operating executive, William C. Thomas.

Bellamy, active in civic and community affairs, will continue to be available for special assignment or consultation for The Light, according to Thomas.

Robert J. Danzig, vice president and general manager of The Hearst Newpapers, said, "In addition to the fine friendship we have enjoyed with Bill, he has also been a first-rate newspaper professional. It pleases us greatly that he will continue to be available for occasional special assignments."

Mainly, you'll find Bill Bellamy enjoying the retired life.

An Oklahoma native who attended Tulane University, where he quarterbacked the Green Wave football team, Bellamy boasts a newspaper career which included assignments in business management, as well as in editorial management, for which he has become best known.

Bellamy came to San Antonio to launch his newspaper career after being discharged with honors and decorations from the Army Air Corps, in which he served as a test pilot and a World War II bomber pilot with the 8th Air Force in England.

He joined the San Antonio Evening News in 1945 as a sports writer; in 1949, he became sports director; managing editor of the San Antonio Express in 1952; managing editor of the Evening News from 1953 to 1956; executive administrator for the Express Publishing Company's KENS-TV and radio operations in 1956-57; and assistant to the president, 1957-62.

While at the Express, Bellamy wrote a popular column, Male Call, and while sports director for the Express and News, he brought National League professional football to the city in the '50s, staging seven successful games at Alamo Stadium.

On Oct. 29, 1962, Bellamy joined The Light as assistant managing editor. In 1967, he was promoted to managing editor to succeed retiring Gen. N. Dwight Allison. By virtue of his new position, Bellamy became the only man in San Antonio's newspaper history to have served as managing editor of all three San Antonio daily newspapers.

He moved up to become The Light's executive editor in 1973, and on Sept. 15, 1974, Bellamy was named publisher and editor, succeeding Frank A. Bennack Jr., now president and chief executive officer of The Hearst Corporation. William C. Thomas succeeded Bellamy in The Light's top post in March 1982.

During his years in civic and community work, Bellamy served on boards of the Council on Alcoholism, Fiesta San Antonio Commission, Kiwanis Club, Mental Health Association, Boy Scout Council, Greater San Antonio Chamber of Commerce (two terms), Rotary Club, Texas Election Bureau, Research and Planning Council, Economic Development Foundation, Symphony Society, Texas Student Publications at the University of Texas at Austin and the Air Force Community Council.

He also has served as district governor and president of the Exchange Club; president and squadron commander of the Alamo Chapter of the Air Force Association; elder of Central Christian Church; vice president in South Texas for the American Athletic Union; member of the board of governors of the Argyle Club, and president of the San Antonio Breakfast Club and Texas United Press International Association.

Presently, Bellamy serves on the boards of the Livestock Association, Medical Foundation, Zoological Society, Southwest Research Institute and Alamo National Bank, and is chairman of the board of Cinco Bell Inc., local investments group. He also is a member of the St. Anthony Club and San Antonio Country Club.

Among his many honors, Bellamy was named San Antonian of the Year in 1950 by the Junior Chamber of Commerce; recipient of the Latin-American Good Neighbor Award in 1950, and in 1955 was cited as one of Five Outstanding Young Texans by the Texas Jaycees. He was nominated that year by the then up-and-coming politician, Sen. Lyndon B. Johnson.

Bellamy also was cited by the Boys Club, Boysville and Boy Scouts for his youth work.

He also has been honored in the fields of sports writing, editorial writing and news reporting. UPI, AP and Sigma Delta Chi journalism fraternity have given him awards in state and local competition. In 1948, he received the AP award for Sports Writer of the Year.

In 1970, he won the William Randolph Hearst National Award for his graphic accounts from Vietnam, where he had accompanied H. Ross Perot in an effort to free American prisoners of war.

Bellamy also received a merit award from the San Antonio Bar Association; first place in the statewide Headliners Club competition for editorial writing about the City Council; cited by the University of Texas regents for service; honored by the Medical Society for Exceptional service; received a special award, naming him "a friend of the Military Training Instructor" by members of the Basic Military School at Lackland; Air Force Association Award for the "Salute to Lindy" section; Spurgeon Award from the Alamo Area Boy Scouts; award from the Independent Order of Foresters Court, and education award from the San Antonio School District.

Although Bellamy received many awards and honors during his tenure with The Light, he said there is none he values more highly than having served as publisher during The Light's centennial year.

His plans for retirement call for quite a bit of traveling with wife Carolyn, plus golfing and flyfishing for trout in the Guadalupe, which is a new-found pastime.

Their first pleasure, though, is their family, which includes three children, William B. II, Linda Carol (Mrs. Bryan Marquis) and Russel W. Bellamy, and, of course, their seven grandsons.●

MR. MICHEL IS WRONG

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. ALBOSTA. Mr. Speaker, on March 8, 1984, the distinguished minority leader of the House of Representatives made statements on the floor of House that I had violated the rules of the House. He stated that I had violated the House rules by sending a "hearing record" and dispatching committee files to Senator Metzenbaum in response to his request for information about Mr. Meese for use in the process of reviewing Mr. Meese's nomination for the position of Attorney General.

Mr. Michel says that House rule XI(2)(e)(2) forbids this.

Mr. Michel further adds that "* * * this big hullabaloo had nothing to do with what we were surreptitiously gaining by deceit and design; it was frankly one of those voluntarily contributed things by those who frankly were out to undermine their own Presidential campaign" apparently referring to materials gained by the Reagan Presidential campaign of 1980.

In regard to Mr. Michel's latter comments, we would appreciate his sharing any knowledge of the transfer of Carter materials that he may have with the subcommittee. He is wrong if he is asserting that those with possession of the Carter briefing books had authority to voluntarily give them away to the Reagan campaign.

In regard to his charge that I have violated a House rule, I have received a written opinion from the General Counsel to the Clerk of the House that I have not violated any House rule; that opinion is included below. I have received an oral opinion from the Parliamentarian that there has been no violation of the House rules nor of the subcommittee guidelines adopted for the investigation. Therefore, Mr. Michel is wrong on the law.

Mr. Michel is wrong on the facts. I did not send a hearing record or files. I did lend copies of documents that had been voluntarily provided to my staff by Mr. Meese for use by the Congress and with the knowledge that they might be published.

In addition, and as a matter of record, with 2 days notice, no member of my subcommittee or full committee ever objected to my lending copies of the documents to the Senator. Mr.

William Ford, chairman of the Post Office and Civil Service Committee, has responded to Mr. **Michel**'s assertions and informed him that I complied with the guidelines of the subcommittee and did not violate a House rule, and therefore no further action is warranted by the committee. Chairman **Ford**'s letter is also reprinted below.

Today, the subcommittee voted to comply with further requests from Senators **Metzenbaum** and **Levin** for information and materials concerning Mr. Meese. We did not believe a vote was necessary, but we took that action in deference to the concerns of the minority leader.

Finally, I would like to point out that if every committee were forced to withhold all documents in its possession until the members of the committee had voted to release them, then the work of the Congress would simply grind to a halt. Mr. **Michel**'s assertions are absurd. Mr. **Michel** actually appears to be motivated by his own fear or the fear of someone else that the release of the information and documents to the Senate might provide the public and the Senate with information that would affect the confirmation of the Attorney General nominee. What should be embarrassing to the House is not our compliance with a Senator's official request, but the extent to which Mr. **Michel** and his colleagues are going to cover up this information.

Simply put, Mr. **Michel** is wrong on the facts, he is wrong on the law, and he is wrong in his attempt to mislead the American people.

House of Representatives,
Committee on Post Office
and Civil Service,
Washington, D.C., March 13, 1984.

Hon. Robert H. Michel,
Republican Leader,
H-232, the Capitol,
Washington, D.C.

Dear Bob: This is in response to your recent letter expressing concern that Representative Donald Albosta, Chairman of the Subcommittee on Human Resources, may have, without authorization, turned over to a member of the United States Senate private Subcommittee files.

I am enclosing for your review a copy of the guidelines approved by all Members of the Subcommittee on Human Resources at the beginning of its investigation, which clearly provide authorization for Chairman Albosta "to report for the use of other Committees information which may warrant their consideration in regard to other laws".

The Subcommittee guidelines further require that "*to the greatest extent possible* release of material information by the Chairman or his staff will be preceded by notice to all members of the Subcommittee". Under the same Subcommittee guidelines, the ranking minority member is also authorized to release material information.

As you may know, Mr. Albosta complied with this provision by notifying the members of the Subcommittee by memorandum on March 7 that he was releasing information to a member of the Senate Judiciary Committee. I would hope that you would not want Mr. Albosta to deliberately withhold pertinent information from the Senate Judiciary Committee while it is reviewing the qualifications of a nominee for Attorney General of the United States.

I have also received the enclosed opinion from the General Counsel to the Clerk of the House of Representatives indicating that Mr. Albosta did not violate any House rule by releasing information to the Senate Judiciary Committee.

I note in your letter you have also requested the House Committee on Standards of Official Conduct "to pursue this matter further to determine whether a violation of the Rules of the House has occurred." I am sure that they will respond appropriately to your request.

After carefully reviewing your allegations and the facts of this matter, I do not believe any further action is warranted by this Committee.

With kind regards,
Sincerely,

William D. Ford,
Chairman.

Enclosures.

Office of the Clerk,
U.S. House of Representatives,
Washington, D.C., March 13, 1984.

Memorandum:

To: John Fitzgerald, Counsel, Subcommittee on Human Resources, Committee on Post Office and Civil Service.

From: Steven R. Ross, General Counsel to the Clerk.

This memorandum is intended to memorialize our earlier telephone conversations. You may recall that on February 29, 1984, we discussed the legal implications of the subcommittee's affirmative response to a request from the Senate Judiciary Committee for access to certain non-executive session material which had been voluntarily provided to the Subcommittee.

It is beyond peradventure of doubt that providing information to a Senate Committee constitutes protected legislative activity and that the application of the Speech or Debate Clause immunity would bar the imposition of any civil liability on the Members and Committee aides involved.

The Speech or Debate Clause, U.S. Const., Art I, § 6, cl. 1, has been consistently read to prohibit judicial inquiry of the communicative and deliberative processes of the Congress. *Eastland v. United States Servicemen's Fund,* 421 U.S. 491 (1975); *Gravel v. United States,* 408 U.S. 606 (1972). The Courts have distinguished between the dissemination of information *outside of Congress,* and the internal communications *within Congress. Hutchinson v. Proxmire,* 443 U.S. 111, 130-133 (1979). Specifically, it has been held that the provision of information to a Member of the Senate by an aide to a House investigative subcommittee was a privileged legislation action which could not be "questioned" in a judicial proceeding. *Tavoulareas v. Piro,* 527 F.Supp. 676, 682 n.5 (Holding the question, "Did you [a House committee aide] provide any information the Subcommittee had about the Mobil, Samarco, Atlas relationships to Senator Metzenbaum or any member of his staff?" to be clearly within the protection of the speech or debate clause.)

We have also discussed, on several occasions, whether the Rules of the House restrict the subcommittee's response to the Senate Judiciary Committee's request. As I have previously indicated, the Rules of the House provide generally that all "records" of a committee are to be kept separate and distinct from the Congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House . . . ." H.R. Rule XI, cl. 2(e)(2), Rules of the House of Representatives, § 706c, *reprinted in Constitution, Jefferson's Manual and Rules of the House of Representatives,* H.R. Doc. No. 97-271, 97th Cong., 2d Sess. 441 (1983) (Rules of the 98th Congress). The rule specifically provides that all members of the House shall have guaranteed access to the records of all committees except for certain records of the Committee on Standards of Official Conduct. H.R. Rule XI, cl. 2(e)(2), *id.* Unlike a House Member or committee, a Senator or a Senate committee could not assert an absolute right to the subcommittee's records under this rule and the discretion to determine what information would be provided in response to a Senatorial request remains an internal determination.

The House Rules specifically provide that evidence taken in *executive session* may not be released absent the consent of the committee or subcommittee. H.R. Rule XI, cl. 2(k)(7), Rules of the House, *supra* at 421. Rule 20 of the full Post Office and Civil Service Committee Rules provides that "classified material" shall be deemed to have been received by the committee or subcommittee in executive session and that the Chairman "shall establish such procedures as in his judgment may be necessary to prevent the authorized disclosure of any classified material." However, I understand that the material requested by the Senate Committee is neither executive session nor classified materials. That the House, and the full committee have specifically provided for committee or subcommittee approval prior to the release of executive session material indicates a different procedure applies for non-executive session and unclassified material.

You informed me that the subcommittee has adopted guidelines and operating procedures which provide guidance to the members and staff of the subcommittee for the treatment of information obtained by the subcommittee.

It would not appear that the Rules of the House would restrict the subcommittee's response to the Senate request taken in conformity with the subcommittee's guidelines and procedures. ●

SCHOOL PRAYER AND THE FIRST AMENDMENT

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. BETHUNE. Mr. Speaker, passage of the school prayer amendment is imperative, particularly in light of the March 5 Supreme Court decision in the Pawtucket nativity scene case.

By a 5 to 4 decision, the U.S. Supreme Court ruled that a nativity scene could be displayed on State property if there is a "legitimate secular purpose" for the display.

Since the nativity scene was mixed with other figures and decorations, such as a Santa Claus house; reindeer pulling Santa's sleigh; candy striped poles; a Christmas tree; carolers; a teddy bear; hundreds of colored lights; and a large banner that read "Seasons Greetings," it was found to be acceptable in that it did not have the primary effect of advancing religion. The Court said that the display was sponsored by the city to celebrate the holiday, national tradition, and to depict the origins of that holiday, which are "legitimate secular purposes."

The Supreme Court came to the right decision, but for the wrong reasons.

In trying to do what people want and what history calls for, the Court is tangled up by its earlier decisions in the school prayer cases. By appealing to its own notion of tradition, and by judging each case individually, the Court has attempted to divert attention from its own flawed interpretation of the first amendment. But, to do that, and to reach that result, it reduced the nativity scene display to something that it is not. The display of a creche—nativity scene—has a singular, religious purpose, and the Court should have been honest enough to deal with that issue.

The mayor of Pawtucket had testified that the inclusion of the creche in the display would serve the wholly religious purpose of keeping Christ in Christmas. Thus, by ignoring his testimony and finding a predominant secular goal, the Supreme Court ducked the question that lies at the heart of the problem and which is central to the ongoing debate on school prayer.

If the Court does not have the courage to admit its error, then the people must amend the U.S. Constitution. To continue the fiction of trying to prove that spiritual conduct is secular or that secular conduct is spiritual will deepen the morass triggered by the erroneous 1962 decision.

The confusion resulting from the Supreme Court entanglement has also had a chilling effect on local authorities. School boards and other local authorities, in an effort to avoid disputes around the country, have issued directives which have: disallowed a religious individual, that is, a priest or a minister, to pray at sporting events; disallowed a person representing a religious group to attend school activities; and barred religiously affiliated counselors to meet with students.

Such decisions and actions are not indicative of governmental neutrality in religious matters. On the contrary, such actions place any kind of religious activity at a distinct disadvantage.

To break the fever and the confused state of affairs, Congress should send the amendment proposed by President Reagan out to the States for ratification. The amendment would set parameters to assure that there would be no State-composed prayer and that no one would be forced to participate in voluntary school prayer. The States and local authorities would then be free, as they were prior to the 1962 decisions, to decide at the local level as to whether there would or would not be voluntary school prayer, silent periods of meditation, or other constitutional religious activities on State property.

This result would be far better than to have the U.S. Supreme Court, the U.S. Courts of Appeal, and the various Federal district courts around the country making decisions that are not only contradictory and inconsistent, but which have the effect of diluting and degrading the religious nature of celebrations that have been a part of the American tradition. While some may argue that school prayers may proselytize or embarrass children of tender age, they overlook the beneficial and traditional value which can result from a recognition that trust in God has been, and is, an integral part of the American way.

The Court has operated on the assumption that, by blocking prayer in school, it can establish a governmental neutrality in religious matters. That is an erroneous based on the assumption that our public schools are nothing more than disseminators of fact and scientific information. As a matter of practice, our schools present values to children on a day-to-day basis.

Students and teachers discuss current and historical figures such as Reagan, Andropov, Hitler, King Henry VIII, Nietzsche, Napoleon, and others as real people with values that are either right or wrong. But, the vocal recognition through school prayer of a supreme being has been suppressed to the extent that local officials are intimidated, religious freedom is denied, and neutrality is the exception rather than the rule.

Congress opens each session with a prayer. The purpose is not to teach a particular religion, but to recognize the existence of a divine providence as part of the American way. Voluntary school prayer and other similar events could and would work the same way as they did for nearly 200 years under our Constitution.

The Court erred in 1962. It erred again on March 5. The Constitution should not be amended for light and transient reasons, but in this instance—to clear up the entanglement between secular and spiritual concerns—there must be action in the Congress, and an amendment must be presented to the people for ratification.●

FOR ARKANSAS WOMAN, CHARITY BEGINS WITH STRANGERS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. BENNETT. Mr. Speaker, recently, columnist Jack Anderson published a column he wrote about Joann Jones. I find it so inspiring and so positive in content that it is worthy of republication in the CONGRESSIONAL RECORD, so I have asked today that the following article be published in the RECORD. I congratulate Mrs. Jones and also express my gratitude to Jack Anderson for writing this inspiring article.

WASHINGTON.—The remarkable thing about Joann Jones is the way she smiles through the tears. Her neighbors in Paris, Ark., can tell you she has been dogged by hard times. Yet her whole personality always seems to smile.

Left with three children to support, Joann found work as a cook and eventually opened her own small restaurant. But her 22-year-old son was stricken with a rare disease. He lost a leg and, because she couldn't keep up with the medical bills, she lost her restaurant.

Yet these tragedies didn't dampen her spirit. All that mattered, she told friends, was that her son was alive and preparing to become a missionary.

The financial squeeze left her with no money to pay insurance premiums. Then the inevitable happened—her small home burned down. Though all her worldly possessions were reduced to ashes, she remained cheerful. At least the family was still together—almost too close together, cramped into a cheap, second-hand trailer.

Then the other day, a cold front sent the temperature plunging below zero in western Arkansas. Joann stopped at a country store to use the pay phone. Across the road in a frozen field, she noticed four Mexicans huddled under a cedar tree. They were shivering in shirt-sleeves in the cruel cold, with only one blanket to keep them all warm.

She put down the phone and strode over to the freezing men. She couldn't speak Spanish, and they didn't understand English. But with gestures and a few words in common, they let her know they wanted to return to Mexico. But they had no money, no food, no warm clothing.

The irrepressible Joann, though impoverished herself, brought the migrant Mexicans home. The family took two blankets off their beds, and the afflicted son gave up his wool coat so each Mexican could wrap himself against the cold.

Joann remembered that her church was holding a fireside service that evening in Fort Smith. She carefully counted out enough quarters to buy gas for the 65-mile round trip. She drove the forlorn four to the Latter Day Saints church, where she found two dozen members still assembled.

Interrupting, she announced that she had four destitute Mexicans who needed help. The church members rustled up more warm clothing and collected enough cash to buy four bus tickets to Dallas, with pocket money for food along the way. The members also put through a call to Dallas and arranged for some Spanish-speaking members to meet the bus.

Joann Jones gave her widow's mite expecting nothing in return. I learned about her act of kindness from others. Because she cannot afford a telephone, I reached her at the diner where she now works. She didn't want to talk about her good deed; it didn't seem right, she said.

"Charity should be given in secret," she said. "Anyway, it was no big deal. Anyone would have done the same thing."

Footnote: This story could have an even happier ending if something nice were to happen to Joann—something real nice, say, like getting back into a house of her own. I almost know what she would say; she would protest that others are more needy. But I am setting up a building fund for Joann Jones. Donations can be made to the Drew Pearson Foundation, Box 2300, Washington, D.C. 20013.●

YELLOW RAIN: HMONG, AFGHANS, NOW IRANIANS

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. McCOLLUM. Mr. Speaker, today I addressed the House on the outrageous violations of the Geneva Convention—that is the ongoing use of chemicals in warfare. The most recent accounts and in fact the most blatant evidence of the use of mycotoxins are the casualties of the Iraq-Iran war. The victims exposed to these chemicals are now in hospitals in Europe facing death while suffering with symptoms for which modern medicine can provide no antidote.

A U.N. team has been dispatched to Iran to investigate the charges against Iraq. This kind of effort is imperative and further Congress and the administration have a moral obligation to stress our position within the international community that such horrendous violations of the Geneva Convention cannot be tolerated. The United States must aggressively pursue the enforcement of international treaties that prohibit the use of toxic substances in war.

We worry about the nuclear weapons proliferation and the devastation that will follow a nuclear attack. We have devoted extensive resources to arms control, but we are doing very little about chemical warfare which is being waged worldwide right now. We must place greater emphasis on the study and prevention of the use of toxic substances in warfare.

I commend this Wall Street Journal article by Gordon Crovitz appearing in the March 13 issue to you for a better understanding of what this "yellow rain" is really doing to people.

YELLOW RAIN: HMONG, AFGHANS, NOW IRANIANS

(By Gordon Crovitz)

VIENNA.—Mohsen Tebbi, a 17-year-old Iranian soldier, is about to earn his Islamic "martyrdom." He lies unconscious in the intensive-care unit of an Austrian hospital. Most of his skin is burned off and his bone marrow and lungs are eaten away. Machines keep him breathing—just.

According to doctors here, Mohsen will die within days from poisoning by a combination of World War I-style mustard gas and an even deadlier poison made from mycotoxins—"yellow rain." There's no cure, and doctors expect that more Iranians in hospitals here and in Stockholm will also die from the attacks made in the war with Iraq.

Iran sent 15 injured soldiers to Europe for treatment March 2. Six have died so far, including a 16-year-old yesterday. More gassed soldiers are on their way this week to British, French and Swiss hospitals.

By studying the unlucky patients, Western doctors have been able to see that mycotoxins have taken chemical warfare to a new level. But they also realize they don't know much about yellow rain, and have no idea how to reverse its effects.

ABSOLUTE BREAKDOWN

There's a sulfur-based antidote for mustard gas, a blistering agent that primarily affects the skin, eyes and lungs. But the antidote isn't effective against the mycotoxins found in yellow rain. The first effect after an attack, according to the Iranians and their doctors here, is nausea and bleeding from the nose, mouth and intestines.

Then there is an "absolute breakdown of the functioning of the body," Dr. Gernot Pauser of the University of Vienna Hospital's intensive-care unit observes. Burning of the skin results in pus formations due to contamination by microbiological flora. Then the mycotoxin goes to work inside the body. It breaks down the immune response as white blood cells are no longer produced. The lungs go within 48 hours. Bone marrow ceases to replenish the blood with nutrients. The gastrointestinal system collapses. Doctor say the kidneys would go next, though so far none of the patients has lived to this stage.

This kind of warfare was so unexpected that it was first thought that the Iranians were regular burn victims. It took until Saturday for scientists to figure out what had actually happened and to alter the medical treatment for the mycotoxins. Doctors here had seen from the blistering and internal bleeding that these were not typical burn cases. They suspected poison gas, and sought outside help in finding a treatment. They sent blood, feces and urine samples from the two most critically ill patients to Aubin Heyndrickx, a toxicologist at the University of Ghent in Belgium. Prof. Heyndrickx is Europe's leading gas-warfare expert and last month announced that he had run tests that independently confirmed U.S. reports of yellow-rain attacks in Southeast Asia and Afghanistan. (He was profiled on this page Feb. 15.)

Based on Prof. Heyndrickx's tests in Ghent last week, Viennese physician Herbert Mandel announced here Saturday that "with certain proof and without doubt the Iranians are suffering from the effects of mustard gas and yellow rain." This is the first confirmation of a mixture of the mustard gases with the newer mycotoxins.

Yellow rain is not well known in the West—doctors here had been completely unfamiliar with it before the Iranians arrived—but was given its name by Hmong tribespeople fleeing the poison bombs the Soviet Union passed on to Vietnam. It is made of trichothecene mycotoxin, which is produced by fusarium, a fungus from moldy grains.

It's a wonder that the mycotoxins were identified in the Iranian samples. Prof. Heyndrickx is the only European scientist to develop a method for separating the poison from human samples, and his previous research was only with "environmental" samples like rocks and bark. The Karolinska Institute in Stockholm, Sweden, has repeated the Heyndrickx testing on the Iranian samples and confirmed his findings over the weekend.

None of the scientists suspected that the Iraqis could have mycotoxins. Last week, Prof. Heyndrickx first ran tests for the classic nerve and arsenic-based gases, which were not present. He then found yperite, a mustard gas named after Ypres, the Belgian town near the site of the first chemical attack in 1915. Finally, he ran a test for mycotoxins just in case, and was surprised to find them, and in high concentrations. "The combined synergistic effects of the two poisons are absolutely lethal," Prof. Heyndrickx says. "There is no scientific doubt about this." In fact, he says, the mycotoxins alone would probably have been fatal.

The doctors have tried to flush the mycotoxins out of the patients' skin, blood and organs. Dr. Mandel, who's in charge of this part of the treatment, has tried hemodialysis, and also has injected amino acids and charcoal to break down the poison. But, Dr. Pauser says, it is "hopeless," and the Viennese doctors don't expect any of the Iranians to survive.

"There is simply no antidote and no treatment," Prof. Heyndrickx concedes, because mycotoxins haven't been studied much. There was a natural outbreak of mycotoxin poisoning in Russia in 1943, which created an epidemic. But there's no experience in the West with reversing the effects of concentrations of as much as 30 parts per million, the poison level in these yellow-rain samples. The only treatment so far has been morphine to ease the pain.

Even with the limited help medicine offers, care just to prolong the soldiers' lives requires huge resources. "We can just about handle 10 Iranians in all of Vienna's intensive-care units," Dr. Pauser says. "But this kind of treatment could never be given in battlefield conditions."

This constraint may pose a present danger to the ayatollah's brigades. No one knows how many Iranians have been attacked by the chemicals, but in addition to those in European hospitals, the International Committee of the Red Cross visited 160 soldiers in Tehran last week. They "presented a disquieting clinical picture," the Red Cross said in diplomatic-speak for chemical injuries. Iraq denies using chemical weapons.

The Iranian news agency reports that "numbers" of Iranian soldiers have been killed and 1,700 wounded by chemical weapons used by the Iraqis in the past three weeks. It claims more than 600 were wounded Friday in the current battle for the Majnoon Islands separating Iran and Iraq. As in World War I, it appears that chemical weapons are most tempting when there is a standoff in trench warfare.

The use of asphyxiating gases in war is banned under the 1925 Geneva Protocol. The 1972 Convention on Biological and Toxic Weapons goes further, and outlaws the acquisition, stocking or transfer to other countries of biological weapons. Iran claims that Britain gave the chemical to Iraq. Muhammad Kiarashi, Iran's ambassador to

Austria and liaison with patients, toes this line even though Britain destroyed its gas weapons unilaterally in 1957 and even though the Soviet Union is the only country charged with producing and transferring yellow rain. Iraq could produce mustard gas on its own, the State Department says, but Prof. Heyndrickx doubts it has the facilities to make the mycotoxins. "Fusarium poisons require a completely different technology than the old gases," he says. "So far, all mycotoxins are linked to production in the Soviet Union."

SLOW BUT SURE KILLERS

This fact has added to the horror among the doctors treating the Iranians. "One thing we have learned," Dr. Pauser says "is that if there were this kind of attack in Europe, we would have no chance at all to survive." In fact, he argues that mycotoxins may be the most awesome weapon. Nuclear weapons, for example, kill instantly or within a few weeks through the fallout. But mycotoxins, he says, can stay in the victim's system for at least three months, slowly but surely killing from the inside.

Prof. Heyndrickx has returned to Ghent after conferring with the physicians here. He's taking back dozens more samples for further study. "Last year many people chose not to believe that mycotoxins were being used in Southeast Asia and Afghanistan," he says. "Now we all to believe that yellow rain is being used and is being made even more dangerously by mixing it with other poisons." And, he warns, scientists may not yet have found all the active poisons in the arsenals of war.●

VIABILITY OF HOSPICE CARE

HON. TOM VANDERGRIFF

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. VANDERGRIFF. Mr. Speaker, I rise today to introduce legislation essential to the viability of hospice care throughout the country. You will recall that hospices provide an alternative plan of treatment to the terminally ill and their families, stressing the alleviation of pain rather than the continuation of curative therapy. Congress was impressed with the humanity of hospice care and recognized the sound economics of deinstitutionalization, and authorized coverage for hospice care as a medicare reimbursement in a section of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA).

You will recall the confusion concerning the reimbursement cap, initially set at $4,332 by the Health Care Financing Administration. We were duly concerned that this rate—some 45 percent less than anticipated—would be insufficient to insure the viability of hospices. We wisely saw fit to enact corrective legislation which raised the cap to $6,500.

We are now facing a similar situation with respect to the payment rates for the various types of care required of hospices in order to participate in the medicare program. Late last year, we learned the HCFA might issue final regulations which would set the reimbursement rates at levels substantially lower than those initially published in the Federal Register in August. Many of my colleagues joined in writing both Secretary Heckler and OMB Director Stockman to express our deep concerns. Our cries went unheeded, however, and the final rates were published on December 16, 1983. HCFA based its rate reduction on certain data received from the hospice demonstration projects. These demonstration projects, however, were not required to provide the kind of care Congress mandated. It was, therefore, inappropriate to use the new demonstration project data in considering the proper reimburseable rate for existing hospice programs or for hospices which have been planned. Furthermore, the hospice cap on total reimbursement should satisfy our concerns about cost control.

I am certain that many of my colleagues have heard from hospices in their districts relative to the rate issue. The National Association for Home Care, which represents about one-half of the Nation's hospices, has been overwhelmed by the volume of mail from existing hospices concerned that they will not be able to continue to operate under the existing rate structure. It should be noted that many of these hospices are precisely those which attracted congressional attention to the beauties of hospice care. Then, too, in a recent survey conducted by the National Hospice Organization, the vast majority of its membership indicated that the reimbursement rates would inhibit participation. The NHO membership called for legislative remedy.

We are not seeking to set the rates at an unreasonable level. We are not unaware that medicare is facing a serious financial crisis in the coming years. We are, however, convinced that Congress intended hospices to be reimbursed at rates which would insure their viability. We are convinced that hospices can save money, but they must be funded at sufficient levels so as to be a viable alternative to conventional care. I ask that my legislation be printed after my statement, and I urge my colleagues to support passage of this important measure.

Thank you.

H.R. 5141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1814(i)(1) of the Social Security Act (42 U.S.C. 1395f(i)(1)) is amended—

(1) by inserting "(A)" after "(i)(1)", and

(2) by adding at the end the following new subparagraph:

"(B) In establishing rates of payment for hospice care under subparagraph (A), the Secretary shall not establish a rate of payment which is less than—

"(i) $53.17 per day for routine home care,

"(ii) $358.67 per day for continuous home care,

"(iii) $61.65 per day for inpatient respite care, and

"(iv) $271.00 per day for general inpatient care.

The Secretary shall not less often than annually review and, as appropriate, increase such payment rates and report to Congress periodically on such review and such adjustments and on the adequacy of the rates under this paragraph in ensuring participation by an adequate number of hospice programs under this title.".

(b) The amendment made by subsection (a) shall apply to hospice care provided on or after the first day of the first month beginning after the date of the enactment of this Act.●

SELECT COMMITTEE ON HUNGER

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. GEJDENSON. Mr. Speaker, I am honored to be one of the 17 Members of this body chosen to serve on the newly established Select Committee on Hunger.

Currently, the issue of hunger is treated by eight separate standing committees in the House. Because each committee's jurisdiction is far-reaching, time does not permit them to afford the ever-increasing problem of hunger the attention it deserves. I am pleased that we have seen fit to create a special forum that will give complete attention to the complex issues surrounding domestic and world hunger.

I find this appointment profoundly challenging. Hunger, one of our most devastating problems, fosters and perpetuates much of the unrest we are witnessing in the world today. Finding a solution to the problems of malnutrition and starvation are fundamental to international stability.

Citizens of the United States, perhaps the richest country in the world, are also plagued by the specter of hunger. Throughout this winter, we witnessed our soup kitchens filled and our food banks depleted, as more and more of our citizens joined the ranks of the hungry. Report after report has documented the increase of hunger in America. We must act to stop it now.

The Select Committee on Hunger will provide the necessary vehicle to eradicate a problem which should never have been allowed to reach such enormous proportions. I look forward to the committee's first meeting and to working with my colleagues to abolish hunger.●

A LETTER OF HOPE BRIDGES SOVIET UNION, CAPE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FRANK. Mr. Speaker, I have several times brought to the attention of this body the plight of the Soviet Jews, and in particular I have taken an interest in the case of Tsalo and Khaya Lipchin. An article recently appeared in the Cape Cod Times about the continued suffering of this family, which is forcibly separated by the Soviet authorities' refusal to allow Tsalo and Khaya to emigrate to the United States and join their son Leonid.

I would like to introduce this article into the CONGRESSIONAL RECORD, both to keep the Lipchin's situation in the public eye, and because I think this article gives a good impression of a day in the life of "Action for Soviet Jewry," a hard working and selfless agency which has been endlessly helpful to my office and to other congressional offices in enabling us to confront the failure of the Soviet Union to live up to its international commitments on human rights.

A LETTER OF HOPE BRIDGES SOVIET UNION, CAPE

(By Jon Marcus)

ORLEANS. The tattered envelope that came on Saturday was postmarked Leningrad and filled with hope.

"We don't know why we cannot to reunite our family," the scrawled and awkward English stated. "It is unjustice and evil."

The letter was from Tzalo Naumovich Lipchin, 68, a Jewish retired engineer from Leningrad whose persistent requests to emigrate have been just as persistently denied seven times between 1978 and 1982 alone.

The addressee in Orleans was Jean Friedman, an artist and assistant residence manager at the Nauset Workshop who wants to help Lipchin and his wife, Khaya Mikhailovna Lipchin, 66, leave their native country.

"It was like touching somebody on the other side of the planet," Mrs. Friedman said of her effort, born of a winter's sermon at the Cape Cod Synagogue on the problems of Jews in the Soviet Union.

A Waltham agency called Action for Soviet Jewry gave the Lipchins' names to Mrs. Friedman, and she wrote to the couple last month.

Lipchin and his wife have been refused the right to emigrate for various reasons, despite the fact that their son Leonid, a doctor, lives in Brookline. Lipchin's sister, Alma Rothberg, 77, lives in Forest Hills, N.Y.

Soviet officials have contended that Lipchin was involved in "secret work" with allegedly classified materials, according to Action for Soviet Jewry.

Lipchin, now retired, worked in an aviation instruments factory, which, in conjunction with a French firm, designed navigational components for commercial aircraft. His family in the United States and Action for Soviet Jewry have said the Soviet Union's contention was "just a pretext to deny the Lipchins exit visas," according to a case review by Action for Soviet Jewry.

"It is absolutely impossible to be really involved in any secret work if your sister lives in the United States," said the Lipchins' son, Leonid, who staged a 16-day hunger strike before authorities in Leningrad allowed him to leave for the United States in 1977.

Leonid Lipchin said that anti-Semitism is the real reason Soviet officials have refused to let his parents leave their homeland.

Action for Soviet Jewry says about 600,000 Soviet Jews have applied at least once to emigrate, and 260,000 have successfully departed since emigration rules were eased in the early 1970's. But last year emigration fell to 1,315, a record low. In 1979, 51,320 people emigrated.

Judith Patkin, a spokeswoman for Action for Soviet Jewry, said the change in Soviet policy that led to the decline was "arbitrary."

"They're sick, they're ailing, they don't have much time left," Mrs. Friedman said of the Lipchins. "It's a heartbreaking situation. They're ill. They want to see their son." Mrs. Lipchin suffers from a heart condition and was arrested twice when she visited a U.S. consulate in Leningrad, according to Action for Soviet Jewry.

"We all know there are people who are being kept against their will," said Mrs. Friedman. "We all in our minds know what's going on. Here I am, walking around free, and they're not."

So Mrs. Friedman said that she'll persist. She said that she already has written to the president and to senators and congressmen and she plans to write again.

On Feb. 12, Lipchin wrote a letter to the president that said, in part: "We urge you to do all in your power to enable us to emigrate to the United States and live our remaining time with our only son and sister."●

BLACK HISTORY MONTH

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 1984

● Mr. PANETTA. Mr. Speaker, it is a great honor for me to join my colleagues in commemorating the observance of February 1984 as Black History Month. Through this commemoration, we are promoting a heightened awareness of the important contributions that black Americans have made to every level and aspect of our national life. Knowing and understanding the history of black Americans is a must if we are to ever fully appreciate the roots of our Nation, and chart a course for the future of our national consciousness.

Throughout history blacks have made important contributions in every field of human endeavor. But in the United States, we have reason to be especially proud of the achievements of our black citizens. Crispus Attucks, a black man from Massachusetts, was the first American to die defending our young Nation during the Revolutionary War. Since that time, black Americans have served our country with bravery and distinction in the Civil War, World War I, World War II, the Korean war, and the Vietnam conflict.

In the field of science, we have reason to be equally proud of the contributions made by black Americans. George Washington Carver, a black scientist from the Tuskegee Institute in Alabama, was one of the world's greatest agricultural chemists. In 1939, he received the Roosevelt Medal for "distinguished service in the field of science," for his work in extracting over 300 products from the peanut and sweet potato. Dr. Daniel Williams, a black surgeon, was the first man to perform a successful operation on the human heart. Blacks also assisted Eli Whitney in developing the cotton gin. James Forten invented a machine for handling sails; Henry Blair patented the corn harvestor; Elijah McCoy, the prolific inventor, developed lubricating devices for factory machinery; and Granville T. Woods developed advanced electrical systems that are still utilized today.

Black History Month also allows us to commemorate the achievements of U.S. Senator Edward Brooke, Supreme Court Justice Thurgood Marshall, and Representative Jefferson Long, men who fulfilled the dream of their predecessor Frederick Douglass, in eliminating forever the racial barriers to this country's highest governmental institutions. We should also take time on this occasion to pay tribute to the truly awesome social contributions of black leaders like Harriet Tubman, Dr. Martin Luther King, Jr., and Marcus Garvey.

It would be impossible for me to even begin to name all the black Americans who have made contributions to our Nation in the arts, in education, in science, in religion, in politics, and in a host of other areas. But it is important for all Americans to pause not only in February, but in each month of the year to express appreciation for the contributions black Americans have made to the growth and development of our great Nation.

Unfortunately, our recognition of Black History Month cannot simply be a celebration of the achievements of black American men and women. We must also remind ourselves of the long and painful quest for social equality, of slavery, of Jim Crow laws, and of a dream deferred. For every black American who rose to fame throughout history there were countless others who, despite their skills and talents, were unable to receive the training and opportunities necessary to reach their fullest potential. It is the lives of these Americans that we must also commemorate on this occasion, for their experiences are also an integral part of black history. It is not a pleasant history, but one we must remember as we continue the quest for social justice. We must always keep in mind these wise words, "those who cannot remember the past are condemned to repeat it."

Mr. Speaker, Black History Month is a commemoration of talent utilized and wasted, of opportunities lost and found. In celebrating black history, we must make a renewed commitment to make sure that talent is no longer wasted, that opportunities are no longer lost. In this spirit, I would like to close with a poem by Thomas Wolfe, words we should all keep in mind as we look to the future.

To every man his chance,
To every man, regardless of his birth,
His shining golden opportunity;
To every man the right to live,
To work, to be himself;
To become whatever his manhood and
His vision can combine to make him.
This, seeker, is the promise of America.●

RULE ON THE DISABILITY AMENDMENTS OF 1984

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means on March 14, 1984, reported to the House H.R. 3755, the Disability Amendments of 1984. As you know, this bill would provide for needed reforms in the administration of the disability determination process under the social security programs.

I wish to serve notice, pursuant to the rules of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek a modified closed rule for the consideration of this bill by the House of Representatives.●

SCHOOL PRAYER—THE ALTERNATIVE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. GUNDERSON. Mr. Speaker, I do not think there is a Member among us whose office has not been innundated with telephone calls and letters on the school prayer issue in the past 2 weeks. Most often, the question is simply whether we support school prayer or not.

Now, for most of us I imagine that this is a rather simple question to answer since I am sure there are few among us who would consciously deny a public school student the opportunity for prayer in school. As I have said so many times in the past, as long as there are exams in school there will be prayer in school in one form or another.

However, the second question of "whose prayer do we pray" is more difficult to resolve given the diversity of religions in America. For example, there are at least a dozen different versions of the Lord's Prayer alone among the various Christian denominations in the United States.

Further, those among us who support an opportunity for prayer in the public schools base that support upon constitutional guarantees to the free exercise of our religious rights. Yet, we must ask how free the religious exercise of reciting a prayer prepared by a school board or a local government, or randomly selected by a teacher or another student truly is.

In short, there simply has to be a middle ground between reciting a prepared prayer and the complete ban of prayer in public schools. And, Mr. Speaker, I feel that the joint resolution I am introducing today has found that middle ground.

Specifically, my resolution would amend the Constitution to allow periods of organized silent prayer or meditation in the public schools. In this regard, it is similar to the resolution introduced by the junior Senator from Utah (Mr. HATCH).

Further, the amendment would prohibit Federal, State, and local governments, school boards, and their employees and administrative authorities from requiring any student to participate in such prayer periods or to prescribe the form or substance of prayer.

Finally, the resolution would guarantee equal access to public school facilities to all voluntary student groups, including those desiring to study or practice religion.

Now, I realize that because we are dealing with a constitutional guarantee, this is a highly emotional issue and there will be those who say that silent prayer is not enough. When I hear that argument, I am reminded that with every constitutional right there comes an equal, yet often unstated, responsibility. And it is in the balance of these interests that we find those qualities that are unique to American democracy.

Mr. Speaker, by permitting periods of silent prayer and authorizing equal access to facilities for voluntary student groups, we guarantee public school students an opportunity for prayer and religious study while, at the same time, truly preserving the religious freedom upon which those rights are based.

Every student may pray the prayer his or her religious tradition feels is appropriate and may have access to school facilities for religious studies as a member of a voluntary student group. It seems to me, Mr. Speaker, that this is what our Founding Fathers had in mind when they said that:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

I urge my colleagues to join me in cosponsoring this constitutional amendment so that the wisdom of the first amendment may ring as truly in the upcoming centuries as it has during its first 192 years.●

SELECTIVE TV PROGRAMMING

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. CONTE. Mr. Speaker, I am introducing an article written by my good friend John T. Hickey. John's article entitled "Save your brain shut off the set" is a witty, satirical piece. I believe you will enjoy and benefit from tuning into.

Aware of the mass-confusion the mass-media produces today, John's article appeals to the television viewer to "hit the off button and go bowling." His appealing comic style enhances his great concern that television is slowly bluring the moral judgments of the American audience. Though John advocates selective programming or better pulling the plug completely, his desire is for all people to think before turning on the tube.

I will include in the RECORD at this point the text of the article:

[From the Transcript-Telegram, Holyoke (Mass.), Feb. 18, 1984]

IT'S PURE "TELEFUSION"—SAVE YOUR BRAIN: SHUT OFF THE SET

(By John T. Hickey)

I've got this theory, but I can't prove it. I think television is slowly driving people crazy. It's like Agent Orange. It takes a long time for the damage to become obvious because it's happening in millimeters.

The cure may be to unplug the set or to be very selective, but that won't happen. The latest Nielsen survey says that TV viewing in 1983 reached an all-time high of seven hours and two minutes daily per household! And another up-to-date national survey shows that one out of every four of us has a psychological problem! See the connection?

The evening news carries stories of terror and heartbreak daily. The commercials insult you and make you feel deprived. The sitcoms show you that all your old beliefs are obsolete. The public service message tells you to buckle-up and drive at 55, but auto commerical messages show all the cars going 90 or leaping ravines.

Be a TV glutton and, before long, you won't know right from wrong. You thought religious people took vows of poverty, but you now see TV reverends asking little old ladies to mail in their life savings. If you want your children to subscribe to the 10 commandments, then don't subscribe to HBO. Do you think TV comics should dress up as priests and nuns and ridicule Holy Sacraments?

Charles De Gaulle was of the opinion that you couldn't keep order in a society whose television was not state-controlled. President Reagan felt that he couldn't pull off the Grenada landing if the television cameras went along.

This window into the world should help you to discover the real meaning of life. Right? Choose from Jerry Falwell, Rex Humbard, Monty Python, Guiding Light, Benny Hill, Mr. Rogers, or Chalice of Salvation.

Admit it. You're confused. TV is a jungle of contradictions. The only one who makes real sense is Andy Rooney!

In the real world do you get tired after a hard day's work? On TV you don't. Your energy peaks. . . . It's "Miller Time," and the local barroom is a frenzy of merriment.

Looking for a model of home life? Choose from "Dynasty," "Happy Days," the "Waltons," and "Three's Company."

Respect for authority is losing ground, and it's not helped by Sam Donaldson asking insulting questions of the President, or comedies that show police, bosses, senators, and parents as dumbbells.

The very poor must get very angry watching Cadillac commercials, hearing airlines telling them to shake the winter blues in St. Thomas, and to plan their finances better with the help of E. F. Hutton.

Now we're up tight about our soft drinks unless they're free of sodium, caffein, calories, saccarin and artifical coloring. Do you think that Pepsi test is on the level? Bill Cosby doesn't.

Network news is more into show business than it is news. They want to shock and astound you, and they do.

A plane crash kills 20, mother and child run from mortar attacks, fire makes 200 homeless, (a word about a dandruff shampoo), Italian statesman assassinated, $200 billion national deficit, (ring around the collar), search for a child's kidney, nun's body exhumed in Salvador, (Chicken McNuggets), male lovers in Frisco, death squads in Nicaragua, Missile silos, (new and improved Tidy-Bowl).

What do you suppose this absurd compact mixture of the tragic and the trivial does to your sense of moral proportions.

An emotional and visual rat-a-tat-tat holds you in place, hypnotized.

It might be better if you hit the "off" button and went bowling. You don't need this emotional buffeting, or to fret about all of the world's electronically gathered bad news.

TV does offer some superb material, but there are more people watching "Trapper John" than "The Making of Mankind" in the same time slot.

Every hour of television should be followed by a 15-minute silent slide that says THINK. All receiving and no sending can bring about cerebral atrophy.

You may think that TV watching is harmless, but the worlds of fact and fancy, right and wrong, are being blurred together, especially for our young. Call it Telefusion.

I'd like to see a printed sticker attached to the tube that warns that excessive exposure to television could be harmful to your mental health.●

BANKRUPTCY COURTS LEGISLATION

THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. KINDNESS. Mr. Speaker, at midnight on March 31, the interim rule under which the Nation's bankruptcy courts are operating expires and the terms of 230 full-time and 12 part-time bankruptcy judges will expire. Something has to be done. We have got 17 days to go.

It is my understanding that the chairman of the House Judiciary Committee will be asking the Rules Committee for a closed rule for consideration of a package made up of H.R. 3, a bankruptcy courts bill approved by a divided Judiciary Committee; portions of H.R. 1800, a consumer bankruptcy bill, and Chairman Rodino's bill to protect collective bargaining agreements.

The willingness to bring provisions of H.R. 1800 to the floor, even though the chairman has refused to address the need for consumer bankruptcy reform before now, apparently reflects the political reality that the House Democratic leadership does not want Chairman Rodino's bankruptcy courts bill, and that H.R. 1800 is much more popular. That's because H.R. 3 would seem to allow a Republican President to appoint 227 bankruptcy judges to serve for life.

The chairman proposes to remedy that problem by providing for appointment of those lifetime judges during the next administration. But the interim rule expires on March 31. Who's going to mind the store in the meantime? Under what rules will they operate?

Under an alternative, introduced by Congressman BOB KASTENMEIER and myself (H.R. 3257), the Federal district courts would retain jurisdiction over bankruptcy matters, and bankruptcy cases could be heard by bankruptcy judges who would serve for 14-year terms as adjuncts to the district courts. Under our proposal, bankruptcy judges would be appointed by the Federal appeals courts, rather than by the President. That would eliminate the political problems.

The approach we propose is similiar to the Judicial Conference rule now in effect and is similar to a bankruptcy courts bill, S. 1013, passed by the Senate last April. Our bill is supported by the Chief Justice of the Supreme Court and the American Bar Association, but the chairman of the Judiciary Committee does not want it brought to the floor.

Regardless of Members' feeling about the approach taken in H.R. 3, the provisions of H.R. 1800 or the Supreme Court's *Bildisco* decision, it is only fair that the House should have the chance to consider both approaches to the bankruptcy courts issue.

As we approach the long overdue consideration of this issue, I thought the following information would be helpful: First, a summary of basic differences among S. 1013, H.R. 3, and H.R. 3257; second, a summary of the provisions of H.R. 3257, and third, a section-by-section analysis of H.R. 3257.

SUMMARY OF BASIC DIFFERENCES AMONG S. 1013, H.R. 3, AND H.R. 3257

NATURE OF POSITIONS

H.R. 3257 retains the existing system of bankruptcy judges as adjunct judicial officers serving within the Article III district courts. S. 1013 would re-enact the system of the 1978 Bankruptcy Reform Act of new Article I judges appointed to a separate court designated as an "adjunct" of the district court. H.R. 3 would create for the first time a new national system of independent trial courts, served by life-tenured specialist judges, paralleling the existing system of district courts.

METHOD OF APPOINTMENT

Both S. 1013 and H.R. 3 would provide for new bankruptcy judges to be appointed by the President, subject to Senate confirmation. H.R. 3257 would preserve the existing process of court appointment of bankruptcy judges, although changing the appointing court from the district court to the court of appeals.

NUMBER OF JUDGES

Both H.R. 3 and S. 1013 would provide the appointment of new bankruptcy judges in essentially the same numbers and locations as there are full-time bankruptcy judges on duty today (230). H.R. 3257 would continue the incumbent bankruptcy judges in office for periods of up to eight years, thereafter appointments and reappointments would be made—and positions abolished or new positions established—based on need as determined by the Judicial Conference of the United States. Accordingly, only H.R. 3257 provides the necessary flexibility to accommodate fluctuating bankruptcy caseloads and changes in the laws—such as those proposed in H.R. 1800—and the effect on judicial workloads of congressional resolution of the U.S. Trustee program.

JURISDICTION AND AUTHORITY

Each of the bills retains the broad grant of bankruptcy jurisdiction authorized by the 1978 Reform Act. H.R. 3 would confer all of the jurisdiction directly upon the bankruptcy judges. S. 1013 would vest the jurisdiction in the district courts and "pass through" jurisdiction over most bankruptcy cases and proceedings to bankruptcy judges of the new court. H.R. 3257 would also vest all the jurisdiction in the district courts and would allow the bankruptcy judges to exercise the authority of that court under prescribed guidelines and procedures. The procedures for vesting bankruptcy judges with authority under both S. 1013 and H.R. 3257 are fashioned after the system used today under the Judicial Conference's Model Rule for the Continued Operation of the Bankruptcy Court System. The experience under that rule indicates that few of the matters involved in bankruptcy petitions are referred to district judges.

DISTRICT AND CIRCUIT JUDGESHIPS

H.R. 3257 and S. 1013 would authorize the additional district and circuit judgeships recommended to date as necessary to handle existing caseloads. H.R. 3257 would authorize one additional temporary judgeship and S. 1013 would authorize ten additional permanent judgeships over the Conference's recommendations. H.R. 3 would not authorize any additional district or circuit judgeships.

H.R. 3257—SUMMARY OF PROVISIONS

Title I contains the basic jurisdictional and procedural provisions for bankruptcy proceedings. Section 101 retains the 1978 Act's pervasive grant of jurisdiction to the district courts and eliminates the provision passing that jurisdiction to the bankruptcy courts which the Supreme Court found to be unconstitutional in the Northern Pipeline case. In addition the courts are encouraged to abstain from hearing proceedings that are only peripherally related to a bankruptcy petition.

Section 102 and 103 re-enact, with minor technical amendments, four provisions of the 1978 Act relating to venue and removal of bankruptcy cases and proceedings.

Section 104 provides for a system of bankruptcy judges—as officers of the existing district courts—appointed to 14-year terms by the court of appeals. Bankruptcy judges are authorized to hear and determine, subject to appeals, bankruptcy cases and core bankruptcy proceedings (i.e., matters affecting the administration of estates and the adjustment of debtor-creditor relations). Other proceedings that are only peripherally related to the underlying bankruptcy petition may also be referred to bankruptcy judges but only for the preparation of proposed findings and conclusions. In such a case, the district judge will make the final determination unless the parties consent to adjudication by the bankruptcy judge.

Section 105 continues the current salaries of bankruptcy judges.

Section 106 extends the term of office of each incumbent full-time bankruptcy judge for eight years since the date of the judge's last appointment or reappointment and for two years from the date of enactment of the bill in the case of a part-time bankruptcy judge.

Title II creates 24 additional circuit and 52 additional district judgeships which are needed to adjudicate existing caseloads and adjust existing retirement provisions.

Title III contains 20 conforming amendments to miscellaneous provisions of title 28, magistrates' authority, the transitional provisions of the 1978 Bankruptcy Reform Act, and retirement, and leave provisions of title 5.

Title IV contains 4 miscellaneous amendments that (1) ensure that the authority conferred by this Act is the basis for determination of the powers of court officers; (2) allow severability in the event that any provision is held invalid; (3) provide a preference for incumbent bankruptcy judge; and (4) provide that the Act shall take effect upon enactment.

H.R. 3257 (AS MODIFIED)—BANKRUPTCY COURT AMENDMENTS OF 1981

Section-by-section analysis

Title I—Bankruptcy Jurisdiction and Procedure

Section 101. This section amends sections 1334 of title 28 of the United States Code to provide that the Federal district court shall have original and exclusive jurisdiction over all bankruptcy cases. In addition, the district court would have original, but not exclusive, jurisdiction over bankruptcy-related matters. On its own motion or the motion of a party, the district court may abstain from hearing any non-bankruptcy issue. On the motion of a party, the district court shall abstain from hearing a proceeding that is essentially a matter of state law if the action has been commenced in a state forum. This abstention is not reviewable by appeal or otherwise. These matters could then be remanded to a state court for prompt resolution.

Section 102. This section enacts the venue provisions for bankruptcy cases established in the Bankruptcy Reform Act of 1978, with necessary modifications to accomodate the continued jurisdiction of the district court over such matters.

Section 103. This section enacts the provisions for removal of bankruptcy cases contained in the Bankruptcy Reform Act of 1978 with necessary modifications to accomodate the continued jurisdiction of the district court over such matters.

Section 104. This section amends Title 28 of the United States Code by adding, after Chapter 5, the following new Chapter 6:

§ 151. Designation of bankruptcy courts

This section establishes each bankruptcy court as a unit of the Federal district court. Each bankruptcy judge, as a judicial officer of the district court, may exercise authority conferred under this chapter.

§ 152. Appointment of bankruptcy judges

The bankruptcy judges for the judicial district established under Chapter 5 would be appointed for a 14-year term by the U.S. Court of Appeals for the circuit. The Judicial Conference of the U.S. shall determine the number and stations of the bankruptcy judges, based on the recommendations of the Director of the Administrative Office of the U.S. Courts in consultation with the judicial council of the circuit involved. The judges of the district courts for the territories shall also serve as bankruptcy judges, unless the Judicial Conference authorizes a bankruptcy judge for a particular territory.

A bankruptcy judge may be removed only for incompetence, misconduct, neglect of duty, or physical or mental disability, and only the the judicial council of the particular circuit. A majority of judges must concur in the order of removal. Prior to such an order, the bankruptcy judges must have had full notice of the charges and a chance to be heard.

§ 153. Salaries; character of service

Each bankruptcy judge shall serve full-time and be paid at an annual rate determined under section 225 of the Federal Salary Act of 1967. Such judges must take an oath to faithfully execute their duties. In addition, bankruptcy judges are prohibited from holding any other office and are subject to regulations of the Conference as to their conduct in office and other activities.

§ 154. Division of business; chief judge

Each bankruptcy unit having more than one judge shall by majority vote promulgate rules for the division of business, unless otherwise provided for by the district court. In addition, in each district court with more than one judge, the district court shall designate one judge as chief judge, who will ensure that the rules of the bankruptcy court and district court are followed.

§ 155. Temporary transfer of bankruptcy judges

A bankruptcy judge may serve temporarily in another district with the approval of the judicial councils of the circuits involved.

§ 156. Staff; expenses

A bankruptcy judge may appoint supporting personnel, such as a secretary, a law clerk and clerical assistants. Such personnel must be authorized by the Director of the Administrative Office. The judicial council with the approval of the Director may authorize the bankruptcy judges to appoint a clerk of the bankruptcy court and necessary deputies.

§ 157. Procedures

The district court may provide that all cases under title 11 and all proceedings arising under title 11 or arising in or related to a case under title 11 be referred to the bankruptcy judges.

Subsection (b)(1) provides that a bankruptcy judge may hear and determine all cases under title 11 and all core proceedings arising under title 11 or in a case under title 11, subject to review under section 158.

Subsection (b)(2) lists the types of proceedings that are considered "core proceedings". Subsection (b)(3) provides that a bankruptcy judge on the judge's own motion or the motion of a party may determine whether a proceeding is a "core proceeding" or a proceeding otherwise related to a case under title 11.

Subsection (c)(1) provides that a bankruptcy judge may hear a proceeding that is related to a case under title 11 and submit to the district court proposed findings of fact and conclusions of law. The final order or judgment shall be entered by the district court after review of the bankruptcy judge's recommendations and after de novo review of those matters objected to by the parties. Subsection (c)(2) provides that the district court, with consent of all parties, may refer a related proceeding to a bankruptcy judge for final determination, subject to review under section 158.

Subsection (d) provides that the district court on its own motion or the motion of a party may withdraw the case or proceeding, in whole or in part; but the district court must grant a motion to withdraw a proceeding if the court determines that resolution includes consideration of both title 11 and other laws of the United States regulating organizations or activities affecting interstate commerce.

§ 158. Appeals

Any final judgments, orders and decrees of the bankruptcy judge may be appealed to the district court in the same manner as appeals are generally taken to the court of appeals from the district court. The final decisions, judgments, orders and decrees of the district court under this section may be appealed to the court of appeals.

Section 105. The salary that a bankruptcy judge is paid immediately prior to enactment of this Act will remain in effect until changed by § 153(a) of title 28, as added by this Act.

Section 106. Notwithstanding § 152 of title 28, as added by this Act, the term of office of the incumbent full-time bankruptcy judges will expire 8 years after such judge was last appointed or continued in office by the 1978 Act. Incumbent part-time bankruptcy judges are continued in office for two years from the date of enactment.

Title II—Omnibus Judgeships

Section 201. This section authorizes the appointment by the President with the advice and consent of the Senate of an additional 24 judges for the U.S. Court of Appeals. The judgeships provided by this section have already been determined by the Judicial Conference to be necessary to meet the burdens of existing appeals in circuit courts.

Section 202. This section provides for the appointment by the President with the advice and consent of the Senate of an additional 52 judges for the U.S. District Court. The positions are needed for existing caseloads.

Section 203. This section amends section 371 of title 28 of the United States Code to provide for the retirement or resignation for age and service of Article III judges. The age and service requirements are as follows:

Attained age:	*Years of service*
65	15
66	14
67	13
68	12
69	11
70	10

Title III—Conforming Amendments

Sections 301 and 302. Conforming amendments to redesignate sections of title 28.

Section 303. A conforming amendment that relates to the duties of the Federal Judicial Center.

Section 304. A conforming amendment that deletes references to part-time referees in bankruptcy and changes reference to "the Conference" to "the Judicial Conference of the United States." With the approval of the Judicial Conference a United States magistrate may be authorized to serve as a bankruptcy judge.

Section 305. This section would amend the compensation of magistrates to a rate determined under section 225 of the Federal Salary Act and correct a drafting error in the 1978 Act.

Section 306. This section clarifies the authority and powers of a magistrate under § 636 of title 28, with respect to bankruptcy matters.

Section 307. This section is a conforming amendment relating to the ineligibility of the clerk of the court for certain offices.

Section 308. This section is a conforming amendment made in regard to Indian tribes in the State of Alaska.

Section 309. The authority for the collection of filing fees for bankruptcy cases is amended in light of the changes in court structure provided for in this Act.

Section 310. This section corrects various cross references in title 5.

Sections 311 and 312. Certain transitional provisions of the Bankruptcy Reform Act of 1978 are repealed.

Section 313. This section provides that, on the date of enactment, the district courts are vested with the jurisdiction over pending bankruptcy cases in conformance with section 1334 of Title 28 of this Act. In addition, any appeals pending before bankruptcy appellate panels shall be transferred to the appropriate district court.

Section 314. This section clarifies the definition of bankruptcy judge in conformance with this Act for purposes of retirement. This provision also clarifies the deductions from base pay for retirement and the eligibility for an annuity for such judges.

Section 315. The adjustments in retirement made by this Act are not to be construed as creating a new government retirement system.

Section 316. This section revises a [illegible]3 amendment to the annual and sick leave section of title 5 so as to continue the exemption of bankruptcy judges and magistrates from the definition of employee.

Title IV—Miscellaneous Amendments

Section 401. This section amends section 105 of title 11 and makes the necessary modifications to accommodate the continued jurisdiction of the district court and its officers.

Section 402. This section contains a severability or savings provision designed to ensure the continued operation of the law to the extent possible should any provisions be declared unconstitutional.

Section 403. This section provides for the appointment of bankruptcy judges on the basis of merit. The court of appeals should consider character, experience, ability, impartiality, health, membership in a state bar, and commitment to equal justice. In addition, every effort should be made to fill each vacancy without regard to race, color, sex, religion or national origin. Moreover, it is the sense of Congress that, when a term extended by section 406 expires, the court consider for reappointment the incumbent bankruptcy judge.

Section 404. The Act will take effect upon the date of enactment, except that sections 201 and 202 shall take effect on January 21, 1985.●

VIETNAM VET HELPS OTHERS IN RECOVERING FROM A WAR

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FLORIO. Mr. Speaker, the story of Wayne Wilson is one which can be told by Vietnam veterans throughout this country. The problems, adjustments, and despair common to Wayne Wilson and his comrades would drive some to frustration but to Wayne Wilson they served as an impetus for determined activity.

There are some 3 million veterans of that tragic conflict in Southeast Asia. They were our Nation's people who were sent to fight a war in the farthest corner of the globe. They fought, and fought well, distinguishing themselves by being accorded the highest honor this Nation can offer—the Congressional Medal of Honor—on 207 occasions.

Now those young men and women are veterans. Each has been faced with an intensely personal journey as they try to assimilate themselves into a society which initially rejected them. Wayne Wilson can tell you just how difficult that journey has been.

Mr. Speaker, Wayne Wilson is the executive director of the New Jersey Agent Orange Commission. H.R. 1961, the agent orange relief bill which I and 205 of my colleagues cosponsored, has been welcomed by Wayne Wilson and Vietnam veterans everywhere. But this is not enough.

The current administration speaks of the Vietnam conflict as a "noble cause" yet is reluctant to offer assistance to those who fought it. Why are the nearly 1 million veterans of all ages in New Jersey relegated to the use of two overcrowded Veterans' Administration hospitals and one outpatient clinic? Mr. Speaker, why are the nearly 300,000 veterans of southern New Jersey forced to travel to neighboring States at great inconvenience to receive medical care at VA facilities? Mr. Speaker, I speak for Wayne Wilson and his thousands of comrades in New Jersey when I say that this administration is not doing enough to care for those who have risked the highest sacrifice in defense of this Nation.

Mr. Speaker, an article describing Wayne Wilson and his activities which appeared in the Philadelphia Inquirer follows:

VIETNAM VET HELPS OTHERS IN RECOVERING FROM A WAR

(By Carolyn Bevis)

When Wayne Wilson returned from Vietnam after being wounded in action in 1972, support services for Vietnam veterans were not readily available.

"I still had Vietnam very much on my mind . . . and no one wanted to talk about it," he said ". . . By the millions we just went on for a couple of years trying to pick up our lives, with the feeling inside that something was still there."

Today, Wilson spends about 70 hours each week providing social services to Vietnam veterans and their families and coordinating medical research into the effects of wartime exposure to the dioxin-laden herbicide Agent Orange.

Wilson, 41, is executive director of the New Jersey Agent Orange Commission, a state agency in Trenton.

"This office is probably the hub of Vietnam veteran activities in New Jersey," Wilson said. Despite the commission's official title, its scope is not limited to issues strictly related to Agent Orange. Wilson said he would address "whatever a Vietnam veteran needs."

Wilson lectures on Agent Orange and delayed stress to veterans throughout the state, distributes information about political and health issues affecting Vietnam veterans, refers veterans to legal and medical assistance, and publishes a newsletter tracking developments in research and legislation concerning Agent Orange.

Other services take on a more personal note. Wilson listens to those who need counseling, advises those applying for disability benefits or seeking medical treatment, and arranges reunions among men seeking their old comrades in arms.

Wilson, a former career soldier, served a one-year tour of duty in Vietnam with the infantry during 1968 and 1969. He was ordered back for a second tour in 1971, during which he was caught in an ambush. He was retired from the military for medical reasons in 1972.

He declined to talk of his own experiences with Agent Orange, stressing that the commission guarantees the confidentiality of all veterans' medical histories. He did say he was classified as having service-related post-traumatic stress disorder.

In 1972, little was known about post-traumatic stress disorder, a delayed reaction to traumatic experiences often marked by recurrent flashbacks, alienation, nervousness, anxiety sleep disturbances, lack of concentration or guilt feelings.

The "Forgotten Warrior Study," released by the Disabled American Veterans in 1976, called attention to readjustment problems among Vietnam veterans. In 1981 the Veterans Administration classified post-traumatic stress disorder as a service-related, compensable disability. Initially, it was estimated that 500,000 Vietnam veterans have this condition; today the estimate is 1.5 million.

Wilson first became immersed in veterans activities in 1972 as a student at Rutgers University's Camden campus. When the benefit check he was entitled to under the G.I. bill became nine months overdue, he and other Vietnam veterans formed a veterans affairs office on campus. Their purpose was to address such issues with the Veterans Administration and to provide mutual support in the turbulent campus atmosphere of the early 1970s.

"There were hundreds of us—Vietnam veterans—on the Rutgers Camden campus, and we tried to keep a very low profile," he said. "We didn't want to identify outselves. It was very hard. The focus of anti-war demonstrations was on college campuses. You know, people weren't exactly buying us lunch. So guys tried very hard to fit in. Half of us carried guns. We were scared to death. It was an incredible experience."

After graduating from Rutgers with a degree in community affairs, Wilson managed the veterans affairs office at Stockton State College in Pomona, N.J., for two years.

When the New Jersey Agent Orange Commission was organized in 1980, Wilson was operating a candy store in Maine with his wife, seeking respite from the difficult issues confronting Vietnam veterans.

He was summoned by William C. Doyle, now director of veteran's programs in New Jersey, to take the job of executive director.

The commission was established by the New Jersey Legislature to provide veterans services that federal agencies had failed to provide. It became permanent in 1982.

One purpose of the commission is to research the effects of Agent Orange on Vietnam veterans. The National Cancer Institute first reported in the late 1960s that Agent Orange caused birth defects in mice; since that time, however, little evidence has been produced on the effects of the herbicide on humans.

The definitive federal study of the effects of exposure to Agent Orange, ordered by Congress in 1979, is being conducted by the Centers for Disease Control in Atlanta. The results are not anticipated until 1988.

In the meantime, some state governments are initiating social-service programs for affected Vietnam veterans. Three years ago the New Jersey commission was the only such agency in the country; today 21 other states provide such services.

Wilson said he had received calls for assistance from veterans throughout the country and even from outposts in the Middle East. "If there were places for veterans to go, we would not be hearing from around the country," he said.

The commission consists of a nine-member nonsalaried administrative body, of which six must be Vietnam veterans. Daily operations are carried out by a three-member salaried staff—Wilson, outreach coordinator Marc Williams and secretary Eileen Birk. The commission operates on a $250,000 state-funded budget. Wilson is quick to point out, however, that the commission is autonomous.

"I think that's important," he said. "That's given us the flexibility to say what has to be said, to decide how we're going to spend our funds and to do the kind of research that we feel is important without going through this weighted process of getting people's approval. . . . The veterans appreciate it and I think there are people in state government that like it, but it's a little bit unusual in government projects to be independent or outspoken."

The commission is conducting a dioxin-analysis study to compare dioxin levels measured in the blood of Vietnam veterans with those of two control groups.

A review of death records by the commission and the New Jersey Department of Health will determine if Vietnam veterans are dying at a higher rate than their nonveteran peers, and if so, of what causes. More than a million death certificates have been computerized and screened.

The researchers working with the commission are unsalaried volunteers who hold fulltime jobs elsewhere.

As Wilson obtains information about the progress of research, legislation and litigation concerning Agent Orange, he passes it on to Vietnam veterans in New Jersey through the commission's newsletter.

Wilson's goal is to put each of the state's 89,000 Vietnam veterans on his mailing list; so far he has accounted for 77,000. If the veterans do not come to the commission for assistance, the commission will find them, Wilson said.

"I think there's a reluctance among Vietnam veterans as a group to trust institutions or agencies. We were told that Vietnam was one thing, and we learned in a couple days that it was not what they told us it was.

"Then we suffered through the 11 months and 27 days, or whatever, and I think you say inside, 'I'm not going to be so trusting next time.' Most Vietnam veterans do not apply for programs or benefits. Some say they won't take anything, ever, from the government or the VA."

Now self-help groups and newsletters organized by the veterans themselves are springing up around the country, Wilson said. "Being with other Vietnam veterans is good therapy," he said, "and I don't think we need to do million-dollar studies to find that out."●

A TRIBUTE TO HENRY GREER

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. JEFFORDS. Mr. Speaker, I would like to make my colleagues in the House aware of a very special person, Vermonter and American—Henry Greer of East Burke, Vt.

They say the Green Mountain State represents the way America was. If this is true, then Henry Greer certainly typifies the cherished American values of honesty, good naturedness, and integrity.

I first became aware of Henry, myself, when his small service station in East Burke was threatened by a pull out of a major oil company from Vermont. Things worked out for Henry on this score much to the relief of his customers. But, Henry is now fighting a tougher battle—cancer.

Henry has touched many people's lives—his family, neighbors, and countless visitors to his beautiful section of the country in need of a tankful of gas, and oil filter or some quick directions.

I would like to submit the following articles that appeared in the February 14, 1984, edition of the Lyndonville Weekly News as a fitting tribute to Henry Greer, an American treasure.

[From the Weekly News, Feb. 14, 1984]

MORE THAN A LANDMARK

(By Bill Jackson)

As we all know, some people are born Vermonters, while others only achieve Vermonterhood after great exertions—if at all.

A true Vermonter's easygoing humor is a "fresh of breath air," as they say. "Why do they build round barns?" you ask the Vermonter. "So the kayows can't crap in the corners," the Vermonter informs you with a pokerchip face. But besides the delightfully honest and earthy outlook crystalized by realities of winter, and sometimes a formal reserve, once the ice is broken there's often a hospitality warm with charm.

Of all the true Vermonters I've known, Henry Greer of East Burke stands among the best exemplars of that great tradition. Driving around the curve in East Burke, you wave to Henry, there in the garage door, and with his outstretched arm he returns the wave in his special, unrushed way, blue work-shirt sleeves rolled to the elbow, cigarette dangling from his lips . . . Shazzzam! You feel at home.

If you've ever had your car serviced at the East Burke garage, which the Greer Family has owned and operated for many years, you know about Henry's legendary repairs. If your engine can be fixed with a piece of baling wire, Henry sells it to you at price, practically, and puts it in for almost nothing. "Your back tire's bald. I think I have one in that pile over there. Go ahead and take it if you find it." Henry's compassionate prices spoil you if you ever have car trouble in another town. And the material benefits are only part of the story. As one journeyman Vermonter said: "Henry may not allus fix what you haul in there, but you allus leave feeling a hell of a lot better!"

Reminds me of a Henry story Dr. Tim Thompson told:

"I ran into a friend from downcountry on a trip to Boston in midwinter once."

"I was way up North last week," he said. "Man, it was cold!"

"Where were you?" I asked.

"O, I don't know. Way below zero. Someplace up in Canada. Named East Burke, I think. So cold the car wouldn't start. I couldn't believe it."

"Did you get Henry to start it?" I asked.

"Yah," he said, astounded—"How'd you know?"

Dr. Thompson just laughed.

Ten years ago, another friend, Carol Rose (Fried) lived in Burke, in a household with four cars. "One of them would always start, right? Wrong!" she said. "One Christmas not a single engine would turn over, so reluctantly we gave Henry a call. He arrives in brand new work clothes, must've been a Christmas present, but no coat, of course. When he got all the cars humming like a chorus of Jinglebells we opened the door for him to come in the house. We asked him what we could pay him and he says, "O I couldn't take anything on Christmas. "Rather than charge more like other places on a holiday, he wouldn't take anything at all!"

At that same time, my wife and I had a 1967 VW with a rebuilt 1965 engine in it. Needed a new distributor cap, so Henry put in the new part, and charged us twelve bucks. On the way home the bug threw a rod and that was that. Had to call Henry to come haul it to his auto graveyard; you could see he felt bad that he'd just fixed and sold us a new part when the "pregnant roller skate" (as we used to call VWs back in Rock Island, Illinois) couldn't make it home. Like other Vermont mechanics, Henry has helped his share of stranded travellers, mudstuck souls at 1 a.m., vacationers with the out of gas blues. True Vermonters often act as if they've been insulted when they've generously helped some flatlander and he tries to forget the favor and debt by simply paying off in cash. "They's some up here that ain't impressed with money," as Virginia, Henry's wife once told me. The best way to repay the favor is to help someone else.

Henry's irreverent humor is renowned all over the Northeast Kingdom. Years ago when I first told him we were building in Newark, where his mother-in-law, Shirley Legacy had lived, Henry said he knew Newark well. "We all make mistakes," he said, "that's how we learn. God learned quite a lot when he made Newark. Gotta learn someplace. And those lessons came in handy when he created other towns—never made the same mistake twice."

I asked Henry if he noticed much change over the past decade and a half in Burke. "Used to be we'd get a break around here sugaring time. Mud season we'd clean up the joint, paint it. Now it seems busy year-round." A gleam in his eye, he holds up a bolt, and ponders it. "If it's short, I can always splice it, but if it's too long, boy, then I'm in a jam." Then that infectious laugh of delight. "You know, there was a sawmill just a little upriver from this garage. Noontimes, Olga, down the street, would step out on to her front porch and call 'Craw-ford! Dinner!' and the loud sawing would suddenly stop and Crawford would go eat. What a voice!"

Henry usually doesn't take much of a vacation—too busy. Once a summer he closes down the gas station for a couple days, drives as far as he can, relaxes in some motel with a swimming pool, and before long, drives back to Burke, where a line of motorists are waiting with new problems to be solved.

Henry told me that when he started out he worked for the previous owner of the East Burke garage, a man known for his tinderbox temper. "Something was always touching it off. I remember one supplier was forever sending stuff the owner never ordered. That'd really get his goat. Always blew his stack! and then ordered the stuff shipped back. Once some grease came in that he never ordered; he exploded and sent it back. Me and the other guys who worked for him fixed up an empty carton of grease cans on the next delivery day so he'd think the same damn thing was happening all over again. Set it with the other stuff delivered that day. He saw it and started cussin' a blue streak, smoke pouring out his ears! He hauls off and kicks the box and it sails up through the air . . . and floats down real slow, like his jaw falling, and he turns on his heels and heads out, doesn't come back for a day and a half."

More laughter at the memory . . . and Virginia, who keeps the garage accounts and drives the East Burke school bus, laughs too. And Henry remembers another time . . . The owner had a trick he liked to pull on the guys who worked in the garage. "He used to plug in the sparkplug tester and push the button while the guys were working on a car. Then he'd laugh to watch them jump and yell. We waited, then once when he was putting an engine back into a car, laying on his back guiding it into place, adjusting it just right, we plugged in the old sparkplug tester—everytime he touched the car body with the engine he'd get a shock. I think everybody got a charge out of that!"

I'm sure a lot of people in the Kingdom have stories. The cast-iron stove Henry welded for them, the sugaring rig he fixed, the tractor, the chainsaw, how many rattletraps has he kept running up the arctic mountains, with his magic touch? And all for just about zip, if you're poor. True Vermonters, like the legendary Henry Greer, and like Roger Badger of West Burke, with their humor and independence, are rich in generosity, always putting themselves out for others. They are the backbone of the volunteer fire departments, and other community-minded groups. Every town should be so lucky as to have such Mr. Fixits.

Though they always have more than enough to do, they often find the time to be good neighbors, no strings attached, and no fanfare. In response, your gratitude makes you find someone else to return the good turn to. The Vermont motto, "Freedom and Unity" expresses an ideal we all cherish; its values of individuality and solidarity are exemplified by the likes of Henry Greer. So I hereby propose a toast to the true Green Mountain boys, from all journeyman Vermonters. A toast to Henry Greer, who lends a hand to lots of travellers, with his wrench and hammer wisdom and humor, his laugh and his true grit.●

ST. PATRICK'S DAY MESSAGE

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SHANNON. Mr. Speaker, I have the honor of submitting the text of the Friends of Ireland's 1984 St. Patrick's Day message. This is the fourth annual message from the Friends of Ireland. In it, we reaffirm our strong commitment to the political process as the way forward in Northern Ireland and we urge all Americans to reject the pleas of those who seek by word or deed or dollar to promote or condone the cause of violence. We commend the work of the New Ireland Forum which has sought since last March to develop new approaches to dispel the underlying causes of the violence, and we await their final report with great hope for the future. The resolution has been endorsed by 40 Members of the Senate and 62 Members of the House. I commend it for the consideration of my colleagues:

FRIENDS OF IRELAND, ST. PATRICK'S DAY STATEMENT

St. Patrick's Day 1984 arrives at a time of anticipation for all in the United States who are friends of Ireland and who seek progress toward a peaceful resolution of the conflict in Northern Ireland.

It is true that savage acts of terror perpetrated in recent months remind us of the never-ending violence that has been the reality of life in Northern Ireland since 1969. Sectarian slayings by paramilitary assassination squads, the machine gunning of a congregation at prayer, the bombing of Christmas shoppers in London, the murder of public officials and elected representatives, and other senseless assaults proclaim the festering tragedy of Northern Ireland, where killing is no respecter of frontiers. Once again, the violence crossed the border to the Republic of Ireland, where the first Irish soldier ever was slain by the Provisional IRA.

Time no longer takes the side of peace in Northern Ireland; we are mindful of the words of Yeats that "Too Long a sacrifice/ Can make a stone of the heart."

We unreservedly condemn the acts of violence on both sides; we renew our urgent appeal to all Americans to renounce the path of the bomb and the bullet and to reject the pleas of those who seek by word or deed or dollar to promote or condone the cause of violence.

Despite the killing and destruction, and emerging reality of a different sort gives hope on this St. Patrick's Day to the promise of a brighter future. We have been heartened by the work of the New Ireland Forum, which convened in Dublin in May 1983. Through the courageous and painstaking efforts of nationalist political leaders, the Forum is developing new approaches to dispel the underlying causes of the violence and relieve the heavy burden borne by the Irish people in human suffering and shattered hopes for progress and justice.

We urge all political leaders in Northern Ireland to review the Forum's work with open minds and open hearts. We hope that the report and recommendations of the Forum, soon to be issued, will be the basis for a new beginning in Ireland and for genuine progress toward peace and reconciliation. At this auspicious time, as the participants of the Forum approach the end of their deliberations, we wish them success in their historic effort to conceive a future that fully protects the rights and fairly reflects the aspirations of all the Irish people and each of the communities in Northern Ireland.

We also welcome the resumption during the past year of discussions on Northern Ireland between the Irish and British Prime Ministers. We commend the growing recognition in Great Britain that the problems of Northern Ireland cannot be met by security measures alone, but require a long-term political solution, acceptable to the Irish and British Governments and to people of Northern Ireland. We ask the British Government to give urgent and continuing priority to Northern Ireland in the coming year and to consult more closely with the Irish Government in the search for a solution. The work of the New Ireland Forum is a timely opportunity for a new and broader-based initiative to succeed.

The United States also has a role to play in facilitating the essential process of reconciliation within Ireland and between Britain and Ireland. We look forward to the visit this week by the Prime Minister of Ireland, Dr. Garret FitzGerald, his discussion with President Reagan, and his address to a joint meeting of the Congress. We hope as well that President Reagan will use the opportunity of his own visit to Ireland and Britain in June to explore the many ways—diplomatic, political, and economic—in which the United States can contribute to the search for peace.

As Friends of Ireland in the Congress, we renew our support for the great goal of Irish unity, and we pledge in the coming year to continue our efforts for peace and reconciliation. We intend to build on the relationships we have already developed with Ireland's political leaders, both north and south, including the links we have established with the Irish Parliament. We are heartened by the support we have received from our colleagues in Dublin whom we welcomed on their visit to America last July. we look forward to productive new exchanges in the future.

Above all on this St. Patrick's Day, we reaffirm our commitment to peace in Ireland and to a future in which all the Irish people—from both traditions and from north and south—will prosper and advance together. The attainment of this new Ireland is the worthy goal of all in the United States who are truly friends of Ireland.

U.S. SENATE

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Thomas P. O'Neill, Jr., Thomas S. Foley, James M. Shannon, Joseph M. McDade, Gary L. Ackerman, Frank Annunzio, Edward P. Boland, Don Bonker, Frederick C. Boucher, Silvio O. Conte, Lawrence Coughlin, William J. Coyne, Brian J. Donnelly, Thomas J. Downey, Richard J. Durbin, Bernard J. Dwyer, Roy Dyson, Joseph D. Early, Walter E. Fauntroy, Edward F. Feighan.

Geraldine A. Ferraro, Edwin B. Forsythe, Barney Frank, Sam Gejdenson, Bill Green, Frank Harrison, Dennis M. Hertel, Frank Horton, James J. Howard, William J. Hughes, Mary Kaptur, Joe Kolter, Peter H. Kostmayer, Robert J. Lagomarsino, Mel Levine, Elliott H. Levitas, Frank McCloskey, Matthew F. McHugh, Stewart B. McKinney, James F. McNulty, Jr.

Edward J. Markey, Lynn Martin, Joseph G. Minish, Joe Moakley, Jim Moody, Bruce A. Morrison, Robert J. Mrazek, Austin J. Murphy, Henry J. Nowak, Mary Rose Oakar, Charles B. Rangel, Peter W. Rodino, Jr., John F. Seiberling, Jim Slattery, Lawrence J. Smith, Samuel J. Stratton, Bob Traxler, Doug Walgren, Lane Evans, Vic Fazio, Barbara B. Kennelly, Edward R. Madigan.●

THUNDERING HERD THUNDERS INTO NCAA TOURNEY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. RAHALL. Mr. Speaker, It is with great pleasure and pride that I join the thousands of Marshall University basketball fans from throughout West Virginia, and all over the Nation, in wishing the Thundering Herd the best of luck as they enter this year's NCAA basketball tournament.

Coach Rick Huckaby and his team won the school's first trip to the tournament, since 1972, with a double overtime victory in the Southern Conference championship game.

I would also like to congratulate first-year Coach Huckaby, on being selected the Southern Conference Coach of the Year.

As longtime Huntington Herald dispatch sports columnist, Ernie Salvatore said, "In one word, the greatest," in describing Marshall's victory in the conference tournament game against Tennessee-Chattanooga; that "greatest" feeling is still overwhelming the Thundering Herd faithful as they prepare for their drive to the final four in Seattle.

As they take their 25-5 record into the first-round clash against Villanova, Marshall will continue to receive the love and support of their fans eveywhere, and I just want to take this opportunity to wish them the very best.

As further evidence of what this team means to the Huntington community, I would like to share with my colleagues a column written by Don Hatfield, publisher of the Huntington Herald Dispatch.

[From the Huntington (W. Va.) Herald-Dispatch, Mar. 11, 1984]

HUCK'S HERD: HUNTINGTON—AT LAST—HAS ITS WINNER

(By Don Hatfield)

A few months ago, a local businessman was sitting in my office, somewhat troubled. The town was dead on its heels, he was saying. People had become negative. There seemed to be lots of bickering wherever one went.

"What this town needs," he said, "is a winner. Any kind of winner."

Two weeks ago, on a crisp, bright Sunday morning, I ran into a friend while walking in the park. "Wasn't last night's celebration something?" she said. "I've never seen anything like it."

She was talking about the arrival at Tri-State Airport of the Marshall University basketball team, which had just defeated Davidson, clinching the regular season Southern Conference championship. The woman and her husband, like more than a thousand others, had gone to the airport to welcome home the team.

"And just think," she went on. "One man made the difference."

She referred, of course, to Rick Huckabay, Marshall's first-year coach, who has been a mountain of optimism since arriving here last March.

Well, many more good things have happened to the Marshall team, and consequently to Huntington, in the past two weeks. The Herd went on to Asheville, N.C., where it won three games and, in what has to be one of the great basketball games in the country in recent years, the SC tournament title.

More than 4,000 Huntingtonians were on hand to see that, and the atmosphere throughout Asheville was one not only of gaiety, but of—well, love.

Everywhere you looked, there was green—green blazers, green sweaters, green blouses, green pants, green hats, green boots.

The town of Asheville, which put on its best face for this tournament and which did a fine job as host, was impressed. I walked into a clothing store (I was not wearing green at the time) and a salesman said, "Where are you from, Huntington?"

"Yes," I said, "how did you know?"

"Everybody else is this weekend," he said.

In hotels, restaurants, bars, it was the same: packed with followers of Marshall, and every one of them happy. I did not hear one argument, and if you've been around many sports events you know what a rare thing that is.

And now, as Marshall prepares for its appearance in the NCAA tournament, Huntington itself is turned on in a way I cannot remember. There are signs all over the place—on store windows, marquees, billboards, over the streets and, yes, on two sides of our own Herald-Dispatch building.

The team and its coaches were guests of the governor Thursday, and were honored by the West Virginia Legislature. They've been honored by Huntington's City Council and by the City of Ashland.

They've received telephone calls, flowers, plaques, messages.

Huntington at last has it winner.

I am sure none of the Marshall players, indeed not even the much-aware Rick Huckabay, fully realizes what this group has done for our town.

There is more involved here than a sport or a basketball team.

Here we were, a city reeling from the recession, in a state leading the nation in unemployment. For years we had tried to build a Superblock downtown, and all we had to show for it was a huge parking lot. Some of our plants had closed. More than 50 of our merchants had gone out of business. Previous Marshall basketball teams had failed to get past the first round of the tournament. The Marshall football team had continued its losing ways.

In short, we were not a very happy town. Not very proud. Not at all optimistic.

And now it's different. People are smiling again. We're definitely proud again. Someone even said we seem suddenly to have become united—no small feat in these parts.

And all because of a college baskeball team and its charismatic coach.

The entire city owes them much thanks. Especially Rick Huckabay. Here's a man who came to our city and found things not quite the way he had expected. He had no car, no secretary, no stationery, few friends, few contacts and not nearly the money for his program that he had counted on. For a moment, he wondered if he'd made a mistake.

But he shrugged that away and set out to be positive. He spent his own money. He made appearances and speaking engagements wherever he could. Never have I seen anyone work so hard in drumming up support—not for himself, but for the school and the team.

Despite setbacks and occasional criticism, he never permitted himself to be negative about anything. He told us that he was happy to be here, that he would produce a winner, and even that he loved us.

Well, he delivered. And we're the beneficiaries—all of us.

So it's on to the NCAA and, as the sign on the east side of our building says:

"Thanks, Herd—and good luck."●

VIRGINIA WILDERNESS BILL

HON. JAMES R. "JIM" OLIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. OLIN. Mr. Speaker, today Congressman BOUCHER and I have introduced the Virginia National Forest Wilderness Act of 1984. The introduction of this legislation is the culmination of over a year of careful study by Mr. BOUCHER and myself.

Under the "Roadless Area Review" and "Evaluation II," the U.S. Forest Service made a careful and professional review of the lands in the national forest system to determine which areas would be appropriate for inclusion in the national wilderness preservation system. On the basis of this multiyear Forest Service study, a number of sites in Virginia were recommended for wilderness status by the U.S. Forest Service. These sites are contained in Congressman BOUCHER's and my congressional districts.

Over the last year I have talked with and heard from thousands of people in Virginia's Sixth Congressional District about wilderness. Elected officials and numerous civic organizations have expressed their opinions. With only a few exceptions, public opinion expressed at meetings and through correspondence has been supportive of wilderness by a wide margin.

In addition, over the last year I have hiked through all of the proposed wilderness sites in my congressional district for a firsthand appraisal of these sites.

On the basis of the recommendations of the Forest Service, the input I have received from interested citizens throughout the Sixth Congressional District, and my own review of these sites and the issues involved, I have proposed wilderness designations for St. Mary's and Ramsey's Draft in Augusta County, and Thunder Ridge in Rockbridge, Botetourt, and Bedford Counties. I am convinced that the protection offered by wilderness designations makes sense for these special sites.

The proposed St. Mary's Wilderness Area is 10,090 acres in southeastern Augusta County. It is situated mostly within the watershed of the St. Mary's River and its tributaries. The site lies on the western slopes of the Blue Ridge. The most outstanding feature of this area is the St. Mary's River itself and its numerous cascades.

The St. Mary's River is classed as the No. 1 native trout stream in its upper reaches and No. 2 in the lower reaches. The stream contains native brook, brown, and rainbow trouts. Because of its rugged terrain, St. Mary's is also prime bear habitat.

Ramsey's Draft is another good wilderness candidate. It is 6,725 acres in northwest Augusta County and located just off Route 250. The boundary of Ramsey's Draft is the ridge of mountains which surround the draft. It is a beautiful area with large stands of virgin timber and is a popular area for hikers and campers. With a good parking area available just off Route 250 and with the area naturally enclosed, those residing near the area are not likely to be affected in any way.

The Thunder Ridge Wilderness proposal will complement the existing adjacent James River Face Wilderness Area. This will provide a wilderness area in the Blue Ridge Mountains chain from the James River to Apple Orchard Mountain which includes a portion of the Appalachian Trail. The two wilderness areas are separated by Petites Gap Road. A 2-acre trail head parking area is provided for. Since James River Face is already a permanent class 1 area, the addition of Thunder Ridge will not result in additional clean air concerns.

At several other sites, concerns have been raised by some that wilderness designations at Rough Mountain, in Bath County, or Rich Hole, in Rockbridge and Alleghany Counties, might restrict economic growth in nearby communities. The possibility of a future redesignation of these sites to class 1 air, under the Clean Air Act, and the implications of such a redesignation, has been the subject of some debate.

Insuring that future economic growth is not jeopardized is an important priority. I have received conflicting information on the Clean Air Act implications of wilderness designations for Rough Mountain and Rich Hole. I view this as an important scientific and technical issue which needs to be addressed in a dispassionate, scientific manner before we proceed with designation recommendations for these two sites.

I will call upon the Environmental Protection Agency, the Government agency charged with administering the Clean Air Act, to conduct a thorough review of the issues and questions which have been raised in this debate on the sites near Covington, Va., where major industrial expansions are planned.

The bill Congressman BOUCHER and I have introduced today leaves Rich Hole and Rough Mountain in their current study status. The same is true for Barbours Creek and Shawvers Run in Craig County. Keeping these areas in their current status will protect them from development and maintain their natural character and integrity. At the same time, it provides us with the necessary time to resolve this technical, scientific question on the Clean Air Act.

Other than those four specific sites, all other sites reviewed under RARE II in both the George Washington and the Thomas Jefferson National Forests are returned to U.S. Forest Service multiple-use management under the legislation Congressman BOUCHER and I have introduced.

In the course of my review of sites recommended for wilderness by the U.S. Forest Service, I have found that there are some misconceptions about how wilderness areas are managed. For example, some have feared that if a fire starts in a wilderness area, the Forest Service would have to use bucket brigades and hand tools to fight it. The truth is that the Forest Service can take whatever actions are needed to put out the fire. The Wilderness Act of 1964 is clear on this point; section 4(d)(1) provides: "* * * such measures may be taken as may be necessary in the control of fire, insects, and diseases * * *"

Another misconception is that if someone gets hurt in a wilderness area they could only be brought out on foot. Again, the Wilderness Act of 1964 is clear that any steps necessary can be taken, including the construction of roads, or places to land aircraft, the construction of a temporary structure, or anything else that is necessary in emergencies involving the health and safety of persons in a wilderness area.

Beyond this broad authority, the Forest Service prepares site-specific wilderness management plans which reflect the particular needs of each individual wilderness areas. In the case of the St. Mary's River Wilderness Area, this will be a particularly important document.

A number of concerns had been raised in the communities immediately adjacent to St. Mary's that inadequate Forest Service patroling of the area has led to improper uses of the area for young people's parties and other activities which nearby residents find disturbing. I have found that there is some basis for their concerns over improper use and inadequate patroling. The wilderness management plan will prove extremely helpful in solving problems of this type. Wilderness designation for St. Mary's will increase the priority that the Forest Service will give to patroling and managing this areas. Improper uses will be put to a stop.

I have already informed the Forest Service that more needs to be done in this area, and needs to be done soon. In the development of its St. Mary's wilderness management plan the Forest Service should provide ample opportunities for people living in nearby communities to comment, and the Forest Service should do everything possible to meet their desires and solve their special needs. One possible solution would be a minor rerouting of the access point to the area to take it away from people's home and increase the patroling of this areas. I plan to personally pursue this with the Forest Service and expect them to have public input as soon as possible, preferable in a nearby community.

Mr. Speaker, I believe that the legislation Congressman BOUCHER and I have introduced today is a balanced and reasonable bill. I urge my colleague to join us in cosponsoring the bill and urge the Interior and Insular Affairs Committee to do all that is possible to schedule timely hearings on the bill.●

IN MEMORY OF AL LOWENSTEIN, A CHAMPION OF JUSTICE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SOLARZ. Mr. Speaker, 4 years ago today an outstanding American, and a dear friend of mine, Al Lowenstein was killed.

His tragic and untimely death took from the American political scene a classic champion of the oppressed and a committed proponent of democracy. Al Lowenstein served his country, not only as a Member of the House of Representatives, and as a representative to the United Nations, but as a crusader for civil rights and a tireless educator and activist who truly believed in the power an aroused and informed citizenry could exercise to make our country, and our world, a better place in which to live.

Since the Congress is now considering legislation imposing sanctions on South Africa, I wanted to bring before my colleagues an essay which Al Lowenstein wrote in 1962 after a visit to South Africa. It is a most moving and compelling piece, which I think demonstrates what kind of man Al Lowenstein was, far more eloquently than anything I could say today.

Mr. Speaker, I insert the text of his essay in today's RECORD:

BRUTAL MANDATE 1962

(By Al Lowenstein)

Wherever we went the story for the black man was the same: terror, poverty, isolation, oppression . . .

And here, unlike the Union, there are no resident foreign correspondents and few travelers to focus world attention. There are virtually no sympathetic Europeans, and there is not a single African doctor, lawyer, engineer, or college graduate of any kind to buffer the simplicities of unchallenged white domination.

If you are black you are poor, and if you are black you can do nothing to change either your blackness or your being poor. So having nothing and doing nothing fuse like chewing and swallowing, and only the occasional exception reminds you that these are separable functions.

You are ill, too ill to work, and you stay home after years without a day missed. The police raid house to house in the Location and find you in your bed. You explain that you are ill, and are beaten until the police grow tired of the sport. Then you are arrested, for no one is allowed to stay away from work without first securing the permission of the white employer. But if you are particularly useful to the white employer, or if he is a kind man and you have not before been absent for many months, he may fetch you from the prison and pay your fine, subtracting it from your wages; and you will bow the head and smile and say, "Thank you, Baas." You scrimp four months to buy a ticket for the train to visit the family of you wife ninety miles away. You get the necessary permits, buy the necessary ticket, and then the white man will not let you on the train. There are no reasons given, but you bow the head and smile and say, "Thank you, Baas."

The stomachs and spirits of those who endure such permanent tactical quiescence pay a frightful price for repressing so much that is natural. But the price of behaving otherwise is incalculably worse.

Even people suspected of no infringement of any regulation are not free from the attentions of the police, who reach everywhere and terrify all nonwhites; which is, after all, one of their functions.

One morning, while wandering through the part of Windhoek where the European business area frays off into African slums, I noticed on a side street a stately Herero lady playing with a dog. She was dressed in the elegant robes and headdress of the Herero women that so mock European efforts to picture the African as a hopeless sloven. Balanced impossibly on her head were a pail and some packages. The dog was barking and wagging its tail; the lady was petting it; and visible in the background were the shacks and dust that mark the beginning of the African Location.

I hurried toward the lady, smiled, pointed to my camera, and asked if she would mind petting the dog a moment longer while I took a picture. There was some difficulty communicating precisely what it was I wanted, for white men do not often approach African women on the streets of Windhoek with such purposes in mind, but at last everything was set. Even the dog seemed to be cooperating. Then suddenly, out of nowhere, descended an Afrikaner policeman who had apparently been gazing at our little scenario for some time.

I wondered what we had done that had offended any tentacle of apartheid, and worried about petitions to the U.N. and exposed film that were on my person, but at first the policeman hardly seemed to notice me. He battered the woman with a torrent of noisy Afrikaans. She clutched the dog and looked around terrified, first toward the haven of the Location and then at me.

A few minutes of this crumbled my resolve to say nothing; the least I could do was to offer an apologetic explanation. This I did, to the general effect that the whole affair was my fault, not the lady's, and that I was terribly sorry if we had committed some sort of offense.

The only effect of this intervention was to confirm whatever suspicions the policeman may already have had that I was a foreigner, and to turn his attention to me. "That's the trouble with you people," he growled in guttural English. (It wasn't clear to me what people.) "Always pampering the natives."

He seemed uncertain how to proceed. Perhaps he was wondering if this were sufficient explanation to a foreigner for his treatment of the woman. "And her mistreating that little animal. They have no human feelings, none at all," he said, meaning the woman. Then, waving his club in her direction and barking in English, he ordered her to turn the dog loose, which she did.

The dog stayed where he was, licking her shoes, and we stood around in awkward silence. . . . I remained speechless, ashamed of my caution and afraid that I might not be able to sustain it.

But I shall not soon forget the terror and hate in the eyes of the African woman as she stood upright and dignified, still balancing her pail and her packages, a civilized human being at the mercy of a barbarian, while a cipher stood silently by. . . .

The incident really ended there, insofar as it ended anywhere. The dog released, the policeman moved toward me, but just as I started to fear the worst he said in confidential, almost paternal tones that I must beware of the criminal Kaffirs—the club began to wave toward the woman again—who otherwise would steal the clothes off my back and ruin my holiday. I tried to smile (this seemed to confirm that I was indeed a stranger on holiday), mumbled something polite, apologized to the lady for having delayed her, and left as calmly as I could. The club was still waving and the policeman was again shouting as I passed beyond earshot.

I relived the whole affair many times afterward—the shame at my cowardice, the concern about the ultimate fate of my partner in crime and a fleeting satisfaction that I had a least managed to communicate an apology to her in leaving, the curiosity about whether I would have behaved better if I had not been laden with incriminating matter; above all, the sickness of humilitation and impotence lingering in the stomach.

These are not things to forget, not even if you are white and hence not a direct victim of such things personally, not even when the perpetrators of such things spread hospitality and kindness around you like some pleasant-smelling salve applied to the wrong wounds. . . .

There are places where time soothes—where the passing of time is in fact the only real hope for peace. But this is not so in South Africa, where the African has less voice than he had a century ago and where the white man has less inclination to listen to what the African wants to say.

In South Africa time is now an abrasive, a countdown, a dead end. However her problems may finally be resolved, South Africa will need generations for soothing and healing; but before this process can start, time must become the ally of goodwill and rational behavior. There are no quick solutions for South Africa. There are only things that might make slow solutions possible.

The General Assembly of the United Nations has now formally called on its member nations—by a vote of 97 to 2 with 1 abstention—to take "separate and collective action" to bring about the abandonment of South Africa's race policies. It should be clear that such action cannot come too soon.

But it is odd how great the gap between words and deeds seems to be when it comes to acting on the basis of one's own prognoses. Or perhaps the gap is between the saying of something and the believing of it; so that men can issue the direst of predictions and undertake only the most piddling of preventives, as if they did not believe their own prophecies and only wish to be numbered among those who will be able to say "I told you so" if the worst should come to pass. Thus foresight is wasted and unnecessary calamities take place as predicted.

It is a commonplace in South Africa and among those who follow her affairs elsewhere to say that time is running out, to warn against the carnage just ahead, and then to pass on to other matters. In this way even now the urgency is being sapped from the desperate appeals that are reaching the outside world; and farsighted men find their determination to act against South Africa before it is too late diluted by secret hopes that their own predictions will turn out to be wrong.

But if time is running out for South Africa, so is it also running out for America in South Africa. For the machine guns and horsewhips of Sharpeville and Cape Town are no farther from America's jugular than are the jungles of Laos, the firing squads of Havana, or the bridge at Andau.

There was a time not very long ago when the word "America" sang out hope and generosity and compassion, as indeed it still does where the contrast is at hand between American drift and Soviet despotism. But to much of the globe Soviet despotism is still only an American accusation, to be weighed against observed American performance and untested Soviet promises, and against the immediate of each on pressing local miseries.

How are men to judge this performance if we go on, in Michael Scott's memorable phrase, "condemning tyranny in one part of the world and condoning it on specious procedural grounds in another"? Or if, in swift succession, we find occasion to lecture Angolans against the use of violence; to oppose U.N. resolutions calling for "consideration" of sanctions (i.e., the only nonviolence that might work) against South Africa; and to organize and underwrite an invasion of Cuba? And if Castro in two years had provoked us sufficiently to warrant an announcement after the invasion that our "patience" is not "inexhaustible," is it unreasonable for many to find a suggestive contrast between this announcement and the fact that several centuries of oppression in southern Africa appear to have fatigued this "patience" hardly at all?

It is tragic, and may yet be tragedy triplicated, that so often this kind of American performance leaves an open field to communist promises. Tragedy first for the people whose agony is extended by our confusion and myopia. Tragedy next for Americans who are inviting a debacle that will not spare them because they were ignorant of its causes and unaware of its dimensions. Tragedy, finally, for the whole human race, including those who turned against us when we left them nowhere else to turn, if our failures enable the Communists to capture the world. For then no men, not those who suffered in southern Africa not those who caused the suffering nor any others, will know either peace or freedom.

So it may be said that the fate of continents and coalitions, and perhaps of generations, hangs in the balance in southern Africa; and the consciences of great nations sleep now at their own peril.

I have puzzled over it and am not sure I can explain, even to myself, the deep and unsettling affection I have come to have for South Africa. Someone from Mississippi might understand this sort of affection—someone from Mississippi who deplores the social system that produced him but who loves Mississippi for all his disapproval of her habits of life. But then that would be loving one's home, as one so often loves members of one's family whose behavior one does not condone.

Something of my feeling for South Africa surely comes of her natural charms, but I have been to other places with climate and scenery as admirable and have escaped uncaptured.

* * * * *

Many are the visitors whom South Africa has afflicted in this same strange way. But these are usually not the visitors who skim her surface and praise her business climate and her rose gardens. For the more you love this land, the more you understand and are held by her, the more you know how harmful is this kind of praise; and those who love her best know all the worst about her, and will speak out not to praise but to protest and to sound alarms. And those who hold the power in this place, who love not South Africa but some mad dream that never was and can never be, will brand them traitors and enemies for sounding such alarms, and jail or deport or ban them. Indeed one wonders what there will be to say in time to come for these people who, when all power was theirs, used it to degrade and torment, and could find not wisdom nor love to soften arrogance.

There is so much of South Africa that I have never seen and that I yearn to see. I have been there only by winter, and then too often in haste or flight. I have missed the sea from the top of Table Mountain, and Pretoria banked in jacarandas for the spring, and the Garden Route in flower. But most of all I have missed seeing this crisp and bountiful child of Nature blessed with the concord that can be the order of human existence where so much is available to all if no one takes what should belong to others.

That is the greatest beauty of all, and that no one has yet seen in South Africa. But those who love her most will work and fight and pray that somehow this will come to pass while they are still around to glory in the wonder of it.●

THE TIME FOR ACTION ON IMMIGRATION REFORM IS NOW

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. MAZZOLI. Mr. Speaker, last May—May 5, 1983, to be precise—the Judiciary Committee approved by a 20-to-9 vote the Immigration Reform and Control Act, H.R. 1510.

H.R. 1510 would do several things to bring order from the chaos which today marks U.S. immigration policy.

H.R. 1510 would help our Nation gain control of its borders by enhancing border law enforcement and by sanctioning those employers who knowingly hire undocumented aliens.

The measure would provide a carefully controlled, tightly supervised program to provide temporary foreign labor to do those agricultural jobs which U.S. workers or green card holders are certified not to want.

H.R. 1510 also does essential justice by legalizing the status of those aliens who have entered the United States without proper documents but who have developed substantial equities while living and working in the United States.

Finally, H.R. 1510 would revise and make more fair the asylum statutes which now decide who, having reached U.S. shores pleading a fear of persecution if returned to the homeland, is allowed to remain and who must return.

Despite the fact that this measure has been carefully studied and considered by Congress for 3 years, that it has been approved by the House Judiciary Committee, that it has been passed by the other body twice and is supported by a broad constituency in this land, H.R. 1510 has still not been cleared for floor consideration.

While many alternatives have been recommended, H.R. 1510—like its Senate counterpart, S. 529—remains the best vehicle for solving our numerous immigration problems. H.R. 1510 embodies a solid bipartisan effort to deal fairly, justly, humanely, and effectively with one of the great challenges of our time.

The time to take up H.R. 1510 is now. The time for further study and examination is over. A rule can be devised which will protect all legitimate interests in and alternatives to H.R. 1510 when it reaches the floor. But, Mr. Speaker, we must go forward with immigration reform without delay.

Mr. Speaker, I would like to insert in the RECORD editorials from my hometown papers, the Louisville Courier-Journal and the Louisville Times highlighting the urgent need for Congress to act on immigration reform.

The fact that newspapers, not serving areas severely affected by immigration problems, editorialize on H.R. 1510 demonstrates that there is a strong sentiment in our Nation to do something to reform our immigration laws and to do it now.

[From the Louisville (Ky.) Courier-Journal, Feb. 18, 1984]

NEW IMMIGRATION PROBLEM SHOWS THE NEED FOR REFORM

The urgency of this country's immigration problem is emphasized anew by the Reagan administration's confirmation that it plans to regularize the status of more than

100,000 Cubans who entered the United States during the 1980 boatlift.

Accepting the Cuban immigrants under provisions of a 1966 law would leave 7,200 Haitian immigrants, who came to the U.S. about the same time and in the same manner, out in the cold, their status still uncertain. Representative Peter W. Rodino Jr. promptly announced that, since the situation was patently unfair, he would sponsor legislation to give the Haitians permanent residence status, too.

But a better solution already is in hand: the hard-fought compromise immigration reform bill sponsored by Representative Romano Mazzoli of Louisville and Senator Alan Simpson of Wyoming. That measure, passed handily last May by the Senate but stalled in the House, may get going again. Mr. Mazzoli says he expects it to be considered by the Rules Committee early next month, and possibly to come up for floor debate shortly after that. House Speaker Tip O'Neill evidently has been reassured that President Reagan favors the bill and would not veto it—as some Democrats had feared—in order to curry election-year favor among Hispanic-American voters.

The legislation would give amnesty to many illegals already in this country, though the Senate and House versions of the bill differ on how long a person would have to have been in the U.S. to be eligible. The House version of Simpson-Mazzoli would let anyone here before 1982 remain; the Senate version is less generous.

But the key provision in the legislation is its civil and criminal penalties for employers who knowingly hire illegal aliens. This is a vital but extremely controversial point; Hispanic-American leaders fear that fearful employers will simply refuse to hire workers with accents or Hispanic surnames rather than risk violating the law. There are, however, many antidiscrimination laws already on the books to protect legal Americans from discrimination, and such a fear isn't an adequate reason for killing this vitally needed immigration reform.

California Representative Edward Roybal of the Hispanic Caucus expects to submit a bill without employer sanctions when Congress resumes next week. Instead, he wants stricter enforcement of existing laws. But these are the very laws that have been on the books for years and haven't been enough to curb the problem.

The Federation for American Immigration Reform (FAIR) estimates that 500,000 new illegal immigrants settle in this country every year. The cost of this tide of humanity is incalculable.

THE STOCKMAN WARNING

Some say the cost of a substantial amnesty would be even higher. For instance, Reagan administration budget chief David Stockman said last month that Simpson-Mazzoli would cost the country between $3.6 billion and $11 billion in the first five years in new social services costs. But many immigration experts are sticking by the traditional wisdom that illegal aliens contribute more to the economy—by paying taxes, for instance—than they take from it. And while no one can argue that absorbing millions of undocumented aliens into legitimate status in this country would be easy or cheap, they are, after all, here already. And there is nothing cheap about the present non-policy.

Meantime, the Cuban Marielitos and the Haitian immigrants who landed on this country's southern shores four years ago should be treated similarly, for humane reasons if none other. If one group is given permanent residence status, so should both. For while the administration could make a case that the Haitians were fleeing poverty rather than despotism, and thus were not entitled to bypass quotas and be admitted as refugees, the way they have been incarcerated and pushed around by our government is embarrassment enough to warrant a heavy application of mercy now.

A country without a rational immigration policy invites serious trouble for itself, as the U.S. has been busily proving. The Simpson-Mazzoli legislation wouldn't solve all the problems, and like most compromises it's far from perfect. But it's infinitely better than the chaos we've got now.

[From the Louisville (Ky.) Times, Feb. 17, 1984]

WHAT ABOUT IMMIGRATION BILL?—REAGAN'S INSTINCTS COME INTO FOCUS AS POLICY FAVORS CUBANS

Ronald Reagan's immigration policy is coming into focus and it—surprise, surprise—isn't all that different from his reelection strategy. Unfortunately, that could work against the reform bill co-sponsored by Louisville Rep. Romano Mazzoli.

The Immigration and Naturalization Service, on advice from lawyers in the Reagan Justice Department, is preparing to offer approximately 100,000 Cuban refugees status as legal residents, which is most cases eventually leads to U.S. citizenship. These Cubans are the boat people who arrived in 1980 from the port of Mariel.

However, more than 7,000 Haitians—who also arrived here by boat in 1980—won't be granted that status. Both legal and political reasons lie behind that decision by the Reagan team.

A 1966 federal statute seems to give the Cubans the right to apply for resident alien status, and, 2½ years later, to petition for citizenship. The administration claims that some of the Marielitos, as they are called, planned to sue unless a policy change was approved.

The fact is that both the Cubans and the Haitians would be eligible for residency and, ultimately, citizenship under the sensible provisions of the Mazzoli-Simpson Immigration Reform bill, which the administration claims to support. That bill, overwhelmingly passed by the Senate last year (and in the previous year, too) is tied up in the House.

Because Mazzoli-Simpson has been criticized by both Western businessmen who rely on cheap undocumented workers and by Hispanic groups, the political antennae of both parties are up. To his credit Mr. Reagan has remained at least a verbal supporter.

But his budget mentor, David Stockman, has attacked the measure as too expensive. Now the decision to apply an old law to the Cubans indicates that dedication to reform may be abandoned in favor of quick action.

It cannot be denied that the Cuban citizens who fled Castro's regime have tended to support conservative, Republican policies. If the way is eased for the most recent Cuban refugees to become citizens, they could well become loyal members of the GOP. There is no influential group of voters pushing in the same way for the Haitians.

If this isn't Mr. Reagan's gambit, he can demonstrate that it isn't by redoubling his efforts to secure passage of Mazzoli-Simpson before the political season begins in earnest. With that law in hand, he can begin the process of assimilating now just 100,000 Cubans—but the other people of many nationalities who live and work in this country illegally, too.

TIMES EDITORIAL.●

EMERGENCY FUNDING BILL

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FORD of Tennessee. Mr. Speaker, last week the House passed House Joint Resolution 492, the emergency funding bill giving food aid to drought stricken African nations whose people are caught in the clutches of severe malnutrition.

The Congress for months has pleaded with the administration to rush food to the 18 countries most severely affected by the unparalleled famine which has raged through sub-Saharan Africa. My colleagues acted quickly in passing the resolution which provides emergency food aid and a trade agreement so that millions of people threatened by this devastating disaster, which is beyond their control, will have a chance for survival.

As each day passes, thousands more fall victim to the famine. The administration has continued to stall the efforts of the Congress to rush immediate relief to these dying people. As the situation in Africa grows more grim, the administration has again delayed the legislation which would allow urgently needed humanitarian relief. By adding a $93 million amendment for military assistance to El Salvador, the African food bill will be delayed in the Senate at least another week.

I am disappointed and angered that the administration would use this back door approach in circumventing the power of the Congress to review this controversial appropriation of additional military aid to El Salvador at the expense of delaying the urgently needed food aid to Africa. To jeopardize the final passage of this legislation which provides food for millions of starving people is heartless. The administration has not only displayed a total disregard for congressional procedure, but has also shown a lack of sensitivity for the suffering and disadvantaged which has become a hallmark of the past 4 years.

The administration obviously feels that providing military assistance to El Salvador is more important than feeding hundreds of thousands starving people, and has chosen to play politics with their lives. It was my hope that my colleagues in the Senate would reject the administration's attempt to sidetrack this important legislation. Today, the Senate Appropriations Committee endorsed the Kasten amendment. Should this new version of the African food aid bill pass the Senate as a whole, I will urge the

Members of the House who sit on the conference committee to allow the House version to prevail.●

TRIBUTE TO THE MOST REVEREND JOHN J. O'CONNOR

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. HARRISON. Mr. Speaker, last week the diocese of Scranton, Pa., said farewell to our bishop. The Most Reverend John J. O'Connor left us, after only 8 months, to assume his new duties as archbishop of New York.

In these last 8 months everyone in northeastern Pennsylvania—those of us to whom he was shepherd as well as many of other faiths—came to respect and revere him. He came to us with many accomplishments—a retired rear admiral, a former chief of Navy chaplains with an earned doctorate in political science and several published books to his credit. But as he leaves us, what remains is far more—the remembrance of a warm, caring, compassionate person.

His primary concern was a deep reverence for human life—from its beginning to its end. He carried his prolife crusade into every parish and every public place. He spoke of the dignity of the person and the inherent worth of each and every human being. He deepened and enrichened my own prolife position and I know he did the same for many others.

And all of it was done with a smile, a gentle sense of humor and a feeling that he meant what he so often said, that he, indeed, "loved each and every one" of us.

I was late for a Catholic youth center dinner one night several weeks ago. I had been held up on the floor voting for passage of the Baby Doe amendment. When I got to Genetti's Hotel, the program was in progress and the bishop was speaking. I tried to walk quietly behind him to my place at the head table. But he stopped me at the microphone to assure the audience that what I was doing on the floor was more important than being on time for dinner.

He is like that—always thinking of someone else even in those days immediately after his appointment when the national media and, indeed, the world press was thinking and writing and talking about him.

And so, Mr. Speaker, I rise today to speak for all northeastern Pennsylvania—to say how much we will miss him, to wish him Godspeed and many fruitful years of service in his great calling to the archdiocese of New York and to say to Archbishop John J. O'Connor in the words of the old Latin tribute: "Ave atque vale," hail and farewell.●

ADVANCE DEFICIENCY PAYMENTS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. OBERSTAR. Mr. Speaker, today I am introducing legislation which would direct the Secretary of Agriculture to make advance deficiency payments to farmers who have been hit by natural disasters for at least 2 consecutive years. Deficiency payments are funds paid to farmers when crop prices fall below the target price. Under my bill, farmers who have qualified for Farmers Home Administration (FmHA) emergency disaster loans for the past 2 years or more would be eligible to receive advance deficiency payments for the 1984 and 1985 crops of wheat, feed grains, cotton, and rice.

Farmers who have been hit successively by natural disasters need this assistance desperately. Despite the fact that they have followed good management practices, they have not been able to realize the potential income of their crops for the past 2 or more years. The FmHA emergency disaster loan program has provided only partial relief for some farmers.

This legislation would provide immediate cash to qualifying farmers and help enable them to make their farms financially solvent once again. Because farmers will soon begin spring planting operations, they need the money now.

The Secretary in February extended the signup period for the wheat and feed grains programs by 3 weeks in order to increase participation. My bill offers a method to increase participation in the program without significantly increasing the cost to the Government; these are payments that farmers who participate in the programs would eventually receive anyway.

This legislation would not require the Secretary to make advance deficiency payments to every farmer who participates in this year's wheat and feed grains programs, but rather only to those farmers who have been the victims of circumstances completely beyond their control. While a farmer may be able to withstand the adverse financial impact of a natural disaster for 1 year with the aid of an emergency disaster loan, it is extremely difficult to do so after 2 or more consecutive years of such disasters.

In Minnesota, three counties in the northwestern section of the State have been designated natural disaster areas for 2 consecutive years or more. The total number of counties nationwide which have been designated as eligible to receive emergency disaster loans during the past 2 years is 328. My bill would permit qualifying farmers in these counties, and individual farmers in adjacent counties who meet the same loan eligibility criteria, to receive deficiency payments.

I urge my colleagues to join me in cosponsoring this legislation, particularly those Members who have farmers in their districts who would be affected by it. It is vital that we act on this legislation as soon as possible.●

THE SAFETY OF THE PACEMAKER

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. MARKEY. Mr. Speaker, I would like to commend JOHN DINGELL and the Oversight and Investigations Subcommittee of the Energy and Commerce Committee for their inquiries directed to the Food and Drug Administration and Medtronic for not proving the safety and efficacy of the defective model of pacemaker lead wires, and for not systematically reporting the defects as found.

The FDA's negligence of regulating these devices is shocking. The grace period allowed for items marketed before the 1976 Medical Device Amendments has long run out, and FDA has not yet moved to call in data for these devices. Products such as the pacemakers are a class III classification representing the highest in risk factors for medical devices. In order to protect the public against health risks, these products should be proven safe and effective immediately or removed from the market before possible injuries result.

The FDA's lack of diligence in requiring reports of faulty devices when they result in death or serious injury is quite an ineffective method of assuring that medical products on the market are and remain safe. Public health should not be exposed to unacceptable risks due to the negligence in upholding the protections the law affords.

The best medicine is preventive medicine. Proving high-risk products safe before they are marketed is one way of preventing illness and injury. Medical costs are rising dramatically above the rate of inflation, and do not need the added burden of the costs incurred due to these defective products. My hope is that the FDA will revise its present operations so we will no longer be confronted with this problem of negligence.●

KEEPING NATURE IN BALANCE

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. DE LUGO. Mr. Speaker, last month one of our most outstanding and respected Virgin Islanders celebrated his 80th birthday. His name is Dr. G. James Fleming, and he was born in Christiansted, St. Croix, in 1904, when what are now the U.S. Virgin Islands flew the Danish flag. Dr. Fleming started out in life as a journalist, and worked on the editorial staffs of major newspapers in Norfolk, Philadelphia, New York, and Baltimore. He is a graduate of Hampton Institute, and holds both a masters of arts and a doctorate in philosophy from the University of Pennsylvania, as well as an honorary doctorate in humane letters from the University of Maryland at Baltimore.

He is currently professor emeritus of political science at Morgan State University, and over the years has been extremely active in community service, including terms on the Baltimore Equal Opportunity Commission, past president of the Maryland chapter of the American Society for Public Administration, and a member of boards of various hospitals, foundations, and the College of the Virgin Islands.

That he has been and continues to be so active is the reason why Dr. Fleming is a very young 80. He has a keen interest in historical preservation and has consistently over the years impressed upon the people of the U.S. Virgin Islands the richness of their heritage. The breadth of his knowledge is extraordinary and his accomplishments have made all of us in the U.S. Virgin Islands very proud of Dr. Fleming, and grateful to him for his guidance and advice.

Given his broad background and given his perspective as one born in the most beautiful islands, he recently wrote an article for the Virgin Islands Daily News that makes a well-reasoned and balanced case for protection of the environment. I would like to share his wisdom with my colleagues today and ask that his column be included in its entirety in the RECORD.

[From the Virgin Islands Daily News, Feb. 4, 1984]

KEEPING NATURE IN BALANCE

(By G. James Fleming)

When it comes to birds and flowers, to trees and parklands, and to other rare gifts of nature, modern mankind has been divided into those who want to preserve the beautiful or unique—because they are beautiful or unique—and those who either carelessly destroy or those who would reduce everything to profit or wasteful pleasure.

Often, those moved by profit, greed or wasteful pleasure have won out. But there have always been the thoughtful few who have labored, year in and year out, for preservation, conservation and perpetuation of God's handiworks.

Sometimes, ignorance has been the root of the evils. In many sub-cultures, children have become adults in families where everyone believed that "Nature" would re-stock the seas, would continue creating the birds and larger animals, and would replant the majestic trees and forests—and all of that in a hurry! ("God will provide," goes a frequent saying.)

Men, especially, believed they could reap without sowing and that their corporations and developments—without a price higher than dollars and cents—could wipe out millions of years of plant and animal life and other natural resources.

That is why there are "endangered species" all over the world; that is why, even now, in a generation or two, there may be no elephants and no whales; none of certain types of cranes and other birds; no tuna and no shellfish in the seas.

* * * * *

Wherever there are beautiful parks, large or small; wherever waterfronts have been redeemed or beaches have been renewed; wherever animals are being perpetuated in their native habitat, in those places will be found, or once lived, a handful of very nature-loving people.

In New York City they saved what is today the famed Central Park; in Philadelphia, Fairmont Park; in Baltimore, Druid Hill Park. Often, they raised the needed funds; often, they spent their own money, to create or expand park systems, as in the case of Madison, Wis., a city often referred to as "one of the most civilized of cities."

Many of these lovers of the beautiful and unique, who dedicated themselves to continuing God's work of creation, were women—mainly unsung. But there were also men, some internationally known, including President Theodore Roosevelt, before, during and after his presidency; and Gov. Gifford Pinchot of Pennsylvania, before, during and after his years as governor.

These, and those who followed them, could see beyond their own generation; they recognized the life-sustaining relationship between human beings and the non-human species.

* * * * *

In most modern times, those who would preserve natural resources find themselves waging war against bulldozers and poachers; against real estate operatives who, seemingly, hate to see an inch of unoccupied countryside; against politicians who often ally themselves with those who over-exploit natural resources.

This is no self-righteous plea for the status quo, no argument against modernization and progress.

Rather, if plea it is, it is a plea for balance, for thought for the future, for understanding that some gifts of Nature, destroyed today, cannot be resurrected over many generations, if ever; for understanding, also, the established relationship among the several natural resources.

Thank heavens that nearly everywhere, on the mainland United States, in the Virgin Islands, in Africa, there is a continuous discipleship in the footsteps of the Theodore Roosevelts and the Gifford Pinchots, men and women and their organizations who, in our time, are constantly working in the interests of parks, flood and soil erosion control, saving the water ways and beaches, replanting trees and wild flowers, and protecting little birds as well as the beasts of the fields.●

DAM SAFETY

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. CHENEY. Mr. Speaker, House floor action is scheduled for Thursday, March 15, on H.R. 1652, a bill to amend the Reclamation Safety of Dams Act of 1978. This bill authorizes the expenditure of $650 million to undertake repairs and modifications to 52 dams in 14 States. The Bureau of Reclamation has identified these structures as needing structural repairs to enable the dams to withstand projected maximum credible earthquakes and inflow design floods safely.

President Reagan strongly supports the dam safety program and Secretary Clark has stated the President's new cost-sharing approach to making repairs to Federal dams. The President has stated that correction of design deficiencies at Bureau of Reclamation dams is a Federal responsibility, but that the costs of additional economic benefits, such as increased storage, water supply, or flood control should be costshared by project beneficiaries.

I support the administration's policy on dam safety. I have worked and will continue to work with the administration as both Houses of Congress develop legislation to implement that policy. I am pleased that it has been possible to reach agreement, now embodied in a committee amendment to H.R. 1652, on such legislation. OMB Director David Stockman has stated in a letter to me that the administration would support H.R. 1652 without reservation if the committee cost-sharing amendment is adopted. Director Stockman's letter follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 13, 1984.
Hon. RICHARD B. CHENEY,
Ranking Minority Member, Subcommittee on Water and Power Resources, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR DICK: I wanted to let you know how much we appreciated your efforts to work with the Administration to devise an acceptable compromise on the dam safety cost sharing issue.

The Committee amendment to H.R. 1652, which would implement cost-sharing for dam safety work that conveys economic benefit, is fully consistent with the policy of this Administration. With the adoption of this amendment, the Administration would be able to support the bill without reservation.

I welcome the opportunity to clarify the Administration's position on this issue.

With all best wishes,
Sincerely,
DAVID A. STOCKMAN,
Director.●

INTERNATIONAL DAY OF CONCERN FOR SOVIET JEWS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FORD of Tennessee. Mr. Speaker, today, March 15, has been designated as "International Day of Concern for Soviet Jews." March 15 also marks the eighth anniversary of the arrest of Anatoly Shcharansky, who is presently serving a 13-year sentence in a Soviet prison. However, as important as these commemorative days are, it is essential that we in the Congress remember that the plight of the Soviet Jew is more than a 1-day event. They must suffer throught a never-ending battle of daily persecution by a Government that neither desires these people to become a contributing part of everyday society, nor to be able to depart from a land where they are surely not wanted.

It is safe to say that the escape valve for any religious minority wanting to leave the Soviet Union has been essentially shut off. Typical of such emigration figures is the Soviet Jew, whose emigration numbers have dropped a startling 98 percent since 1979. Beginning that year, OVIR, the Soviet emigration agency, began refusing exist visas on the grounds of insufficient family ties. They maintained that relatives in Israel who sent vyzovs, affidavits requesting family reunification, had to be first-degree relatives in order for Soviet family members to qualify for exit visas. This leaves many without even the opportunity to apply for a exit visa.

It is this catch 22 situation which is so tragic. Once any individual has requested and made known that he or she desires to leave the country, they are branded as unreliable by the Government and open themselves up to a wide range of discriminatory sanctions. Sometimes this might entail losing their jobs and being labeled parasitic. Othertimes, it might mean a prison sentence or indoctrination into the military. It is with a sense of outrage that I am planning to write Secretary Chernenko and others within in the Soviet leadership regarding the problems faced by Soviet Jews in their country. Specifically, I am petitioning the Kremlin to ease the emigration procedure for Mr. Mikhail Tsivin, and others like him so that religious minorities of all persuasions can either practice their faiths freely, or part with the Soviet nation to go to an area where religious liberty does exist. The letter reads as follows:

> DEAR SECRETARY CHERNENKO: Officials in the Soviet Union have justified the drastic reductions in emigration of Soviet Jews over the past 5 years by claiming that all such people who had wished to leave the U.S.S.R. had already done so. These officials have maintained that since the repatriation and reunification of individuals and families had already been completed, there was no desire for any Soviet Jew to leave the country. We in the United States House of Representatives believe that is simply not the case. I write you today on behalf of Mikhail Tsivin, a twenty one year old student who is one of many men and women who cannot leave the Soviet Union because of their religious denomination.
>
> On April 16th of 1982, Mikhail Tsivin, a student in Leningrad, was arrested for chaining himself to a fence outside of St. Basils Cathedral in Moscows Red Square and holding up a sign saying "let me go to Israel." This was his second such protest, the first one held on March 28th for which he was given a ten day sentence.
>
> Within weeks of his second arrest, Tsivin was drafted into the Soviet army. However, by the end of 1982, it was reported that Tsivin fell off a scaffold during his army service, suffering a concussion and fractures. Since that time, he has been exempt from military service.
>
> In the beginning of 1983, Tsivin was told not to leave Leningrad and not to take part in any Jewish activities. Mr. Secretary, I cannot understand how your country can be so unyielding in its attempts to keep an unwanted minority within your borders. You refuse exit visas for Tsivin and thousands like him, yet you also deny them religious liberties and make life otherwise miserable while in the U.S.S.R.
>
> Mr. Secretary, you have the opportunity to initiate a new beginning in relations between our two countries. Relax the emigration restrictions that were such a major focal point of the Andropov regime. I appeal to you on humanitarian grounds to let Mr. Tsivin and others like him emigrate to Isael, where he can practice his religious beliefs freely. Ease the emigration restrictions not only for Jews, but for religious minorities of all persuasions.
>
> Let me thank you in advance for your help in this matter. I look forward to a response from your government.●

GIFT AND ESTATE TAX DEDUCTION FOR SOCIAL WELFARE ORGANIZATIONS

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SHANNON. Mr. Speaker, today I am introducing a bill that would improve the tax status of a particular type of tax-exempt organization: the social welfare organization.

Social welfare organizations receive their tax-exempt status under section 501(c)(4) of the Internal Revenue Code. Such organizations must be organized and operated on a nonprofit basis, and must be operated exclusively for the promotion of social welfare. They are very similar in nature to charitable organizations, whose tax exemption comes under section 501(c)(3) of the code, with one major difference: while social welfare organizations may work for their goals by attempting to influence legislation, 501(c)(3) charitable organizations are expressly prohibited from doing this. Thus, the same social welfare organization may be a 501(c)(3) organization or a 501(c)(4) organization depending solely on the means it chooses to achieve its goals.

Although both these organizations enjoy tax-exempt status, a 501(c)(3) organization has one big advantage over a 501(c)(4): contributions to the former are deductible from both income tax and the estate and gift taxes, while contributions to the latter are not. This means that someone who wants to donate a large amount of money to establish or assist a social welfare organization that can lobby for legislation as part of its activities not only will be deprived of a deduction from income tax, a benefit he or she may be willing to forgo, but will also be hit with a sizable gift tax, which could prove to be a significant deterrent.

The legislation I am introducing today would allow a deduction from the estate and gift taxes for donations to 501(c)(4) social welfare organizations. There are several reasons why I think this is an appropriate measure. First, the current inclusion of such deductions in estate and gift taxes does little to fulfill the purpose for which such taxes were enacted, that is, the taxation of windfalls, insuring that property is taxed at least once a generation, and taxation to reduce the concentration of wealth. None of these purposes would be diluted by allowing a deduction for donations to social welfare organizations; in fact such donations have the beneficial effect of transferring wealth from private ownership to organizations that are serving the public.

Furthermore, this measure would be consistent with Congress decision in 1975 to exempt political contributions from the gift tax. At that time, then Ways and Means Committee Al Ullman observed that such contributions "in reality are not a gift but rather constitute contributions to further the general political or good government objectives of the donor." The same is true of donations to a social welfare organization that is working for legislation to obtain certain political or governmental objectives, and there is little reason for treating the two types of contributions differently.

Exempting this type of donation would also remove a burden that currently exists on the exercise of an individual's right to express himself or herself politically through support of an organization that is working for the policies he or she believes in, and I believe that we should do whatever we can to remove such burdens.

Finally this provision should cost us very little in revenue. I think that those few individuals who are dedicated enough to a cause to be willing to donate a large sum of money to it and forgo a charitable deduction should not have a tax penalty imposed on them. There are a lot of very worthy social welfare organizations operating in this city and elsewhere around the country, working for both liberal and conservative policies and everything else in between, and I hope that we can make it possible for them to receive this type of donation.●

NATIONWIDE MAILING AT TAXPAYERS EXPENSE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. McEWEN. Mr. Speaker, I am submitting for the RECORD a letter from Dr. Walter G. Knauff, vice president of Southern State Community College in Hillsboro, Ohio, about a mailing he received from Representative TED WEISS. This mailing was addressed to the chairman of the political science department at that college. This material was mailed on the frank at taxpayer's expense. Apparently, Representative WEISS' mailing went unsolicited to educational institutions nationwide.

The material follows:

SOUTHERN STATE COMMUNITY COLLEGE,
Hillsboro, Ohio, January 24, 1984.
Congressman BOB McEWEN,
U.S. House of Representatives,
Washington, D.C.

CONGRESSMAN McEWEN: I am enclosing some material that was recently received by the College and should be called to your attention.

I should like to protest this material and action on the part of Representative Weiss on at least two counts.

First, nowhere on any of the material do I find the words "Not Printed at Taxpayers' Expense." I can only assume, then, that this material was, in fact, printed at taxpayers' expense. It would seem to me that this is a flagrant use of the franking privilege and should not go unnoticed.

Second, it appears that the Representative from New York is attempting to use the schools and colleges of the United States to "teach" not a process, but rather a specific case in an attempt to discredit the President of the United States. Could it be that most of the students that would receive such instruction are probable voters and 1984 is an election year? I believe that the intent of this material is to discredit President Reagan and at taxpayers' expense.

Thank you for your kind attention to this matter. If I can be of assistance to you here in southern Ohio, please don't hesitate to call.

Sincerely,

WALTER G. KNAUFF,
Vice President.

Enclosure.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 30, 1983.

DEAR PROFESSOR: As you may know, I and seven other Members of Congress recently introduced a resolution in the House to impeach President Ronald Reagan on the grounds that he violated the United States Constitution when he ordered the invasion of Grenada. This resolution was submitted only after serious research and deliberation. Impeachment is the most appropriate option provided Congress by the Constitution to rein in the actions of a President operating outside of constitutional bounds.

I realize that this action does not fit the current mood of most Americans. But the Constitution of the United States was not meant to apply only when its provisions enjoy majority support. One of the most dismaying events following the invasion of Grenada was the realization of how many Americans do not understand the separation of powers built into the Constitution. It is my hope that one of the constructive outcomes of the impeachment resolution is that it engenders a debate of the issues and strengthens the public's understanding of the constitutional principles upon which our nation is founded.

To facilitate and advance this debate, I am sending you some information about the impeachment resolution and the specific constitutional provisions President Reagan is charged with violating when he ordered the invasion of Grenada. I hope you will share this material with your colleagues teaching courses on American politics and history. I believe the Grenada case and impeachment resolution would provide a useful framework for the discussion of the debate over executive versus congressional authority.

The invasion of Grenada has set a historic precedent in the relationship between congressional and executive constitutional authority. This event and the constitutional issues involved should receive careful consideration by the American public and students of political science and history. I hope you will initiate discussion of these important issues. I would be pleased to hear from you further regarding this matter.

Sincerely.

TED WEISS,
Member of Congress.

REPRESENTATIVE WEISS, SEVEN OTHER MEMBERS, CALL FOR PRESIDENT'S IMPEACHMENT IN WAKE OF GRENADA INVASION

WASHINGTON, D.C.—Congressman Ted Weiss and seven other Members of Congress are sponsoring a resolution in the House to impeach President Ronald Reagan on the grounds he violated the U.S. Constitution when he ordered the invasion of Grenada.

Joining Rep. Weiss in calling for the President's impeachment are Representatives John Conyers, Jr., Julian C. Dixon, Mervyn M. Dymally, Henry B. Gonzalez, George W. Crockett, Gus Savage, and Parren J. Mitchell.

"The President's invasion of Grenada is illegal and unconstitutional, and, I am convinced, is an impeachable offense," Rep. Weiss said. "This resolution is being introduced only after serious research and deliberation, and after Congress has exhausted other remedies. It is now left to Congress to resort to the one option provided for in the Constitution which can truly rein in the actions of a President operating outside of constitutional bounds: Impeachment."

The resolution, introduced on November 10, 1983, lists three constitutional violations as cause for impeachment. It states that President Ronald Reagan breached:

Article I, section 8 of the Constitution, which specifically grants Congress the power to declare war, when he instructed U.S. forces to invade the small Caribbean island nation on October 25 without the advance consent of Congress.

Article VI of the Constitution when he ignored U.S. treaty obligations, as outlined in the charters of the United Nations and the Organization of American States, prohibiting the use of force against a sovereign state.

First amendment rights of the American public and press when he prevented members of the news media from covering the invasion.

"Nothing less than the constitutional framework of our nation has been placed in jeopardy by the invasion of Grenada. If the Constitution can be violated with impunity, the very survival of our democracy comes under threat," Rep. Weiss said.

Rep. Weiss said he hopes the impeachment resolution will prompt broad public debate on the constitutional questions raised by the President's actions. He intends to encourage educational institutions across the country, including elementary and secondary schools, universities and law schools, to participate in such a debate.

The complete texts of the impeachment resolution and Rep. Weiss' statement accompanying the resolution are included in this report.

H. RES. 370

Resolution impeaching Ronald Reagan, President of the United States, of the high crime or misdemeanor of ordering the invasion of Grenada in violation of the Constitution of the United States, and other high crimes and misdemeanors ancillary thereto

Resolved, That Ronald Reagan, President of the United States, is impeached of the high crime or misdemeanor of ordering the invasion on October 25, 1983, of Grenada, a foreign state at peace with the United States, in violation of that portion of section 8 of article I of the Constitution of the United States which confers war powers on the Congress, and in violation of treaty obligations of the United States, including obligations under the Charter of the United Nations and the Charter of the Organization of American States, and the said Ronald Reagan, President of the United States, is further impeached of the high crime or misdemeanor of preventing news coverage of that invasion, thereby impairing the first amendment rights of those seeking to provide news coverage and of the American public in general.●

SUPPORT RAILROAD RETIREES

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SHUSTER. Mr. Speaker, today I have introduced legislation that will improve on the current railroad retirement law passed by Congress last year. Incorporated in the Railroad Retirement Solvency Act of 1983 are new taxes that will tax the benefits of most rail retirees. While I believe that part of the act should be changed, until it is, a modest improvement clearly seems in order.

Railroad retirees' tier II benefits will become taxable income this year if their tier II benefits exceed their employee contributions to the retirement fund. These taxes will affect a great number of retirees. Many of these retirees have never had to fill out an estimated tax form, or pay quarterly taxes. The Railroad Retirement Board will not be able to supply these retirees with the information needed to fill out these forms until after the first installment of taxes is due. As a result, many retirees may be penalized by the Internal Revenue Service for an error they could not help but make. This I believe would be a great injustice.

My bill would alleviate this situation. This bill will grant any person who receives a benefit from the Railroad Retirement Board an exemption from paying a penalty for late filing or not paying quarterly taxes. This pertains to any railroad benefit that is received in the year 1984. There is no need to penalize these retirees for an error they cannot avoid. I urge support of this legislation. Thank you.●

"RIGHT TO KNOW" OR "RIGHT TO HIDE"?

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. MILLER of California. Mr. Speaker, the threat of hazardous substances in the workplace has been acknowledged by the public and by the press, but not by all levels of the Government.

That is why, on March 12, Representative BRUCE VENTO and I introduced a House resolution affirming the basic right of all Americans to know about dangerous substances which are present in their places of work.

Along with the 40 cosponsors of our measure, we are deeply concerned about the serious risks of occupational exposure to toxic chemicals. We are deeply concerned about the lax attitude at the Occupational Safety and Health Administration's top level, and about OSHA's inadequate right-to-know standard.

More properly, the OSHA approach should be labeled as the "right-to-hide" standard.

Our resolution calls upon OSHA to revise that standard to do what it should do: provide meaningful protection to this country's 100 million workers who may be at risk.

In hearings before my House Labor Standards Subcommittee, we have heard graphic descriptions of the human suffering and the economic hardship of the victims of occupational disease and their families. EDB (ethylene dibromide), EtO (ethylene oxide), vinyl chloride, benzene, formaldehyde: all these chemicals, and many more, have taken a high toll on the workers and their families. The taxpayer pays a price, too—$3 billion a year—in hospital costs and benefits to the injured parties, which are paid by tax-supported programs like social security, medicare, and veterans' assistance, instead of by responsible employers.

Most of us are now aware of the tragedy of tens of thousands of asbestos exposure victims. My own San Francisco Bay area leads the Nation in asbestos-related tort litigation. The evidence of manufacturers concealing knowledge for decades about asbestos hazards is a matter of record in dozens of courtrooms around this country.

But what of the other substances that can lead to cancer, sterility, genetic damage, nerve damage, and death? Are we as a Nation willing to accept this price as simply "part of doing business"? Are we willing to allow the very agency, charged with protecting the health and safety of working men and women, to lead the retreat on these vital rights?

The development of the current OSHA "right-to-know" standard is a textbook example of Government regulators being dictated to by the very industries they are supposedly regulating.

The Reagan administration's OSHA first responded to industry pressures by withdrawing altogether the previous administration's right-to-know proposal.

But increased public awareness led many State and local governments to fill the void by enacting their own laws. The perception of a Federal Government abdicating its own responsibilities was further buttressed by the scandals at EPA and by OSHA's continuing reticence to take any actions.

Those industries which had fought the Federal right-to-know requirements watched with a wary eye as a number of States passed tough laws. Then the industries reversed themselves, pressing for a Federal standard, one which would be more to their liking and which would overrule the State standards.

OSHA, of course, responded to the pressure. Three years after rejecting a Federal standard, it published its latest right-to-know plan, a plan riddled with loopholes, illogic, and laxity. It would cover only those employees in the manufacturing sector. The result: 75 percent of all workers would be excluded from protection.

It would require a hazard warning, but not a description of the actual chemcial on the label. The result: The remaining 25 percent of the workers and their doctors will be ill-equipped to respond effectively to emergency situations and to the threat of occupational diseases.

There are other, more technical problems with the OSHA plan. OSHA officials, for example, have indicated that their weak standard would preempt all existing State and local right-to-know laws. Further, OSHA's standard includes a trade secret provision which virtually invites industry abuse by protecting patents over people.

It is worth noting, Mr. Speaker, that several years ago I introduced legislation to establish criminal penalties for corporate officials who knowingly conceal hazards. Hearings on that legislation documented that deception, and negligence by some industries had resulted in the injury of thousands of unsuspecting workers and consumers.

The botton line is clear: Workers must not be denied the very basic right to know, and to protect themselves from dangers in their daily work areas.

This is a problem that cannot be ignored. I urge my colleagues to support our resolution and to guarantee all working Americans the basic right of knowing when they are at risk, what that risk is, and how the risk can be reduced or eliminated altogether.●

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION CONCERNING THE NEW IRELAND FORUM

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. DONNELLY. Mr. Speaker, this week we celebrate Irish culture and history in honor of Saint Patrick, the patron saint of the Irish. However, we do well to remember that there is another Ireland that has little to celebrate. I speak of the counties of Northern Ireland, where divisions between the Roman Catholic and Protestant communities grow progressively deeper, and young people see little reason to participate in a society that is disintegrating under the strain of festering violence, injustice, economic ruin, and political intransigence.

There is reason for hope, however, in the initiative of the New Ireland forum. The forum represents a bold move on the part of the democratic political parties of the Republic and the North who condemn violence, and urge instead reconciliation and dialog among the factions for their mutual benefit and salvation.

The naysayers will proclaim that this initiative can never succeed, that its objective is too optimistic, that its efforts are in vain. But what do the embattled people of Northern Ireland have if there is no hope of solution to the tragedies that beset them? Only the promise of more bloodshed, more hatred, and more ruin. This is not a time for timidity, it is a time for bold initiative, because if we do not work for a timely solution to the tragedy of Northern Ireland, and do not support those who strive for a new attempt to bring about peace and justice, the young people who live among the squalor of the ghettos of the northern counties will look upon the gun and the bomb as the only option they have.

We need not submit to pessimism at this critical time. The participants of the New Ireland Forum deserve our strong support and our willingness to keep open minds about their forthcoming proposals.

I call on the British Government to look carefully at the proposals from the forum, and to resist the temptation to dismiss the forum's initiative out of hand.

Today, I am introducing a sense of the Congress resolution commending the participating parties of the forum, and urging all to approach the forthcoming recommendations with open minds. This initiative deserves careful scrutiny and consideration. The tragedy of Northern Ireland will not be solved overnight, but a start must be made. I strongly suggest that the New Ireland Forum deserves our continuing support and attention.●

DELAY IN AID TO AFRICA IS REPREHENSIBLE

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. LELAND. Mr. Speaker, after a number of discussions on the floor of the House of Representatives regarding the emergency aid direly needed for the African continent, proponents of this bipartisan aid package were dealt a serious blow today upon learning the Salvador aid package and funding to Nicaraguan rebels were attached as amendments to House Joint Resolution 492.

This action is devisive at best. First, Mr. Speaker, this action makes a mockery of the concept of humanitarian assistance—of which the United States has traditionally contributed 50 percent. Second, by attaching funding for military assistance to Salvador and Nicaraguan rebels, we are guaranteed an additional timelag in providing the needy people of Africa the miracle of food.

The $150 million supplemental would have provided about 375,000 tons of emergency food. After passing the House on March 6 by an overwhelming vote of 374 to 29, we expected the Senate to act expeditiously on this legislation. What we did not anticipate, was a move to exploit the human suffering of the African people—just when they needed our help.

Once again, Mr. Speaker, we are experiencing the phenomenon of humanitarian aid held hostage to militaristic intentions, which I find morally reprehensible.●

BOUCHER AND OLIN INTRODUCE VIRGINIA WILDERNESS BILL

HON. FREDERICK C. BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. BOUCHER. Mr. Speaker, today I am introducing, with Congressman Jim Olin, the Virginia Wilderness Act of 1984. This legislation, long sought by many Virginia citizens, will designate approximately 56,000 acres in Virginia as a part of the National Wilderness System.

Passage of this legislation will insure the permanent protection of carefully selected areas in the Jefferson and George Washington National Forests, namely: Mountain Lake, Kimberling Creek, Peters Mountain, Lewis Fork, Little Dry Run, Beartown, Little Wilson Creek, Thunder Ridge, Ramseys Draft, St. Marys River, and an addition to the existing James River Face Wilderness Area.

These areas, comprising less than 4 percent of the acreage of the National Forests in Virginia, have been found to possess unique beauty and important natural resources, and in a State which values its historical and natural landmarks, these areas are recognized as treasures of our heritage. Thousands of citizens have written to me with the hope of preserving these areas for their own enjoyment and for that of their children.

This legislation will not only insure the protection of the forest resources but also respect the public's access to these havens of solitude and challenge. Hunting and fishing will be encouraged and enhanced by the conservation of wildlife habitat and preservation of water quality. The forest users who know these areas well are concerned with the stresses of road-building and development on forest life, and they wish to assure that these lands will continue to support the public's use and enjoyment. These forest users recognize the value of wilderness legislation, and this bill is supported by organizations such as the Virginia Wildlife Federation, the Tazewell County Sportsmen's Club, the Virginia Wilderness Committee, the Craig County Wildlife Association, and Trout Unlimited.

Mr. Speaker, I am also pleased to report that wilderness designations have been endorsed by each of the local governing bodies of the affected counties within my district. My office has worked with the Forest Service and with citizens interested in wilderness legislation to assure that each local board of supervisors had an opportunity to learn about the effects of wilderness designations. With the understanding that wilderness areas will remain open to hunting and fishing and that wilderness legislation will not result in any condemnation of land by the Federal Government, each of these boards has gone on record favoring the designations.

In discussions of Virginia wilderness, Mr. Olin and I have found some concerns with the possible effect of wilderness on Clean Air Act requirements. Our bill leaves in place the current class II air standards for each of the proposed wilderness areas, and we will oppose any change of these standards to a more restrictive category. I am of the view that the existing class II standards offer ample protection to both the wilderness resources and the business development opportunities of neighboring communities.

For the four areas which have been a source of concern to a major paper mill in Alleghany County, Va., we have chosen not to make wilderness declarations at this time. On the other hand, because of the strong citizen interest in the preservation of these areas and the value of their wilderness resources, we are not releasing to multiple use Barbours Creek, Shawvers Run, Rich Hole, or Rough Mountain. To balance all interests, we have placed these areas in further study with the stipulation that they be managed as wilderness until further act of the Congress determines their final status. In the meantime, we will solicit the assistance of the EPA in assessing the potential for any conflicts between wilderness status for these areas and future economic growth in neighboring communities.

This legislation is introduced today after many years of study by the Forest Service and after a year's effort on the part of my office to address the questions regarding the effects of wilderness designations. Within the carefully drawn boundaries of the proposed Virginia wilderness areas are stands of virgin hemlock and spruce, high mountain bogs, excellent bear habitat, native trout streams, rare plants, and over 70 species of birds. I am please to have the opportunity to help protect these resources, and I hope that my colleagues will join me in supporting the Virginia Wilderness Act of 1984.●

TRIBUTE TO MARVIN BRODY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FAZIO. Mr. Speaker, I take great pleasure today in paying tribute to a great Californian, Marvin Brody. All of us who have come to know him over the years have known a man who has dedicated his life to the service of others.

Marvin Brody was born in Denver, Colo., and after living in Cleveland, Ohio for 12 years moved with his family to Los Angeles, Calif., when he was 13 years of age.

Mr. Brody was a student at UCLA prior to enlisting in the Navy early in 1942. He served for nearly 5 years in the Pacific during World War II. After returning stateside, Mr. Brody married and started raising a family. He began working at the Ford Motor Co. in Los Angeles and was instrumental in organizing Pico Rivera Local 923 of the UAW.

Over the years, Mr. Brody continued his involvement with the labor movement, serving in numerous positions with his local. In 1966, he was named to the international staff of the UAW by Walter Reuther. In this capacity Mr. Brody has been an organizer and political activist. He coordinated political activities for the UAW in region 6, an area covering nine Western States, and was named assistant regional director by Director Bruce Lee. He has represented the UAW in Sacramento and been a delegate to numerous Democratic national conventions.

On the occasion of Marvin Brody's retirement from his official duties with the UAW, I join with his family, friends and fellow workers in congratulating him and thanking him for his lasting contribution to the American labor movement.●

NEED FOR COMMEMORATIVE STAMP TO HONOR FLIERS DARIUS AND GIRENAS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. LIPINSKI. Mr. Speaker, on March 6, I introduced House Resolution 457, which urges the U.S. Postal Service to issue a 1985 commemorative postage stamp honoring the 50th anniversary of the transatlantic flight of Capt. Stephen Darius and Lt. Stanley Girenas.

On July 15, 1933 Captain Darius and Lieutenant Girenas, two brave Lithuanian-American flyers, attempted to fly their single-engine plane, the "Lithuanica," from Floyd Bennett Field, N.Y., to Kaunas, Lithuania, their native home. This daring nonstop flight was to have gone for a distance of 4,900 miles. On July 17, 1933, the lives of Darius and Girenas were abruptly ended when their plane crashed in Soldan, Germany, 400 miles short of their destination. The Government of Lithuania held a state funeral for Darius and Girenas which was attended by over 40,000 people.

In addition to promoting the friendly relations between America and Lithuania, this flight by Darius and Girenas was to place the name of Lithuania alongside the names of other nations which had been involved in transoceanic flights.

Since this tragic and historic occurrence, every Lithuanian-American community has gone to tremendous efforts to honor these two heroes for their courage and bravery in promoting the greater glory of their homeland, Lithuania. Therefore, Mr. Speaker, I invite all of my colleagues to cosponsor this resolution, which urges the U.S. Postal Service to issue a 1985 commemorative postage stamp honoring the 50th anniversary of the transatlantic flight of Captain Darius and Lieutenant Girenas.●

LEGISLATION TO REMOVE PUBLIC USE RESTRICTIONS ON CERTAIN PROPERTIES DEEDED TO CLEMSON UNIVERSITY, S.C.

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. DERRICK. Mr. Speaker, I have introduced legislation today which will remove certain "public use" restrictions imposed under provisions of the Bankhead-Jones Farm Tenant Act on properties deeded to Clemson University and to remove a reversionary interest held by the U.S. Government in connection with these properties.

The purpose of this legislation is to make some 70 acres of Clemson University's land-grant property available for a unique and farsighted effort initiated by the South Carolina Legislature to develop research centers at South Carolina institutions of higher education, and ultimately use these research centers as a means of attracting new industry to our State.

Mr. Speaker, in 1983, the South Carolina Legislature created the South Carolina Research Authority (SCRA) to develop and coordinate research and development activities in the State. More specifically, this State agency was created to facilitate the utilization of South Carolina's educational facilities and resources for joint academic-industrial research and development projects. As a first step in this effort, the South Carolina Research Authority is seeking to develop "research parks" adjacent to South Carolina's major higher education institutions.

At the request of the president of Clemson University, Dr. Bill Atchley, I am therefore introducing this legislation which will free some 770 acres of Clemson's land-grant properties so that they may be deeded to the SCRA. The SCRA will in turn utilize this parcel of land to attract businesses with committed research and development programs, and which are willing and able to integrate their R&D programs with the university.

Ultimately, Mr. Speaker, these efforts will attract research-intense industries to our State, as well as more basic industries which will benefit from these research activities. I believe it is extremely significant to note South Carolina's commitment to this project: The State has already donated 640 acres of State-owned land only minutes away from the University of South Carolina in Columbia, S.C., as well as 11 acres in Charleston immediately adjacent to the Medical University of South Carolina. The State has appropriated $500,000 for the program. Private sector contributions to the program exceed $1 million, and the goal of the authority is to triple that amount in 2 years. Ultimately, it is conceived that the program will become self-supporting within 6 years as a result of income derived from the sale and/or lease of properties operated by the SCRA.

Mr. Speaker, during this period of unacceptably high unemployment and the very real prospect of Federal budget deficits in the range of $200 billion, I believe the "self help" proposal initiated by South Carolina should be actively supported by the Federal Government. The request that is being made is minimal, removal of public use restrictions and reversionary interests on some 770 acres. In return, South Carolina can establish a self-supporting research venture that will attract industry and jobs to our State.

It is not necessary to recount here the devastation that has been visited upon the textile industry over the last several years. In my district, we have witnessed too many waves of layoffs. Quite simply, many of these jobs will not return regardless of improvements in the industry as a whole. I believe the efforts of the South Carolina Legislature, as embodied in the creation of the South Carolina Research Authority, is both farsighted and fiscally sound. It represents the kind of joint private sector-government initiatives that we must explore to address the economic revitalization of our Nation. The request being made of the Federal Government in this effort is minimal, and the potential benefits are tremendously significant. I am in hopes that the Congress will expeditiously consider and approve this measure.●

TRIBUTE TO THOMAS P. REYNDERS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Ms. KAPTUR. Mr. Speaker, recently, the dean of political writers in Toledo, Ohio retired from the Toledo Blade. It is with great pride that I invite my colleagues in the U.S. House of Representatives to join me in honoring Mr. Thomas P. Reynders.

Mr. Reynders began his distinguished career with the Toledo Blade 36 years ago. His first campaign assignment was with the 1948 Presidential campaign of Harry Truman. He has always been involved in the national political picture in some manner. Mr. Reynders has not missed a single national political party convention during his tenure. In addition, since 1953 he has continuously covered the State and local political scene. He has done so with great style and the highest level of professionalism.

Tom Reynders has an in-depth knowledge that spanned many generations of political activity. That insight gave him special value not only to the Blade but to the entire community. His energetic, enthusiastic, hardworking approach to political coverage has served the public interest well. I know that my colleagues join me in saluting Thomas P. Reynders. We know the great value of quality political journalism—the type for which Tom Reynders will always be remembered.●

WOMEN'S HISTORY WEEK—OUR EYES MUST BE ON THE PRESENT

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. ADDABBO. Mr. Speaker, Women's History Week took place last week and gave us all a chance to reflect and reaffirm the significant contributions women have made to our country. It was also a chance to evaluate the current state of commitment to women's rights in our country.

Over the past two decades, the women's rights movement has transformed the role and status of women in the workplace, society and at home. While the past 20 years have changed the face of women's history, the next 26 are of particular concern. We must continue to advance the gains we have made and protect inalienable rights that we fought for in spite of the economic pressures facing us.

The 98th Congress is confronted by an administration that is unsympathetic to women's issues. Massive increases in military spending are having a disastrous effect upon our domestic programs, and those who bear the brunt are women. Because of their social and economic status, women are suffering disproportionately from the spending policies of this administration.

We know that women constitute 58 percent of all persons living below the poverty level, 72 percent of all poor elderly, and 65 percent of all poor adults. Additional facts show that approximately 70 percent of all households headed by women live in poverty; 1 million young women under 22 are heads of families and the vast majority of these women work at low level jobs with extremely poor pay. Unless some drastic changes take place, one analysis estimates women and children will constitute "virtually all of the Nation's poor by the year 2000."

Women who are working earn only half of what men earn, and unemployment figures, particularly for young minority women and teenage girls, are frightening.

Yet despite these facts the administration has 23 programs targeted for cuts or elimination that will have a serious impact upon the living conditions of women and children. These programs include income security, food and nutrition, housing and energy assistance, block grant funds for State social services, health, education, family planning, employment and training, legal services, and transportation.

Present spending policies not only change the allocation of our limited resources, they affect the amounts available for domestic spending.

We must allocate our resources wisely to affirmative action programs, especially those programs advancing the opportunities for women to go into small business. As a member of the Committee on Small Business I have been supporting programs which will give women owned businesses are greater share of Government purchases, especially when military purchased are involved.

Along with allocating resources, we must develop a national focus on equal rights, insurance equity concerns, and Federal contract compliance enforcement. Only when these concerns become a national priority, and not a budget consideration which is ranked low on a long list of issues; only then can we say that we are insuring the basic rights due to all Americans. I will fight any effort to reduce the equal rights of women and you must too. Equality must not take a back seat to the arms race.●

A TRIBUTE TO NEW YORK STATE REGENT LOUISE P. MATTEONI

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SCHEUER. Mr. Speaker, I rise today in recognition of Hon. Louise P. Matteoni who has just been unanimously re-elected to a second 7-year term as a member of the New York State Board of Regents.

The University of the State of New York, over which the board of regents presides, is the most comprehensive educational system of its kind in the world. It embraces all levels of education in New York State from kindergarten through graduate and professional schools as well as libraries, museums, and other such institutions and agencies for education as may be admitted to the university or incorporated by the regents. It consists of almost 5,000 elementary and secondary schools, both public and private, and more than 200 universities and colleges including the City University of New York.

Regent Matteoni, a resident of Bayside, N.Y., was originally elected as a regent from the Eleventh Judicial District on March 8, 1977. In her first term, Regent Matteoni served a vice chair of the regents Committee on Elementary, Secondary, and Continuing Education and as chair of the regents New York City Advisory Council. She also has served as a member of the Committee on Professional Discipline and as a member of the regents task force on State aid to the public schools.

A lifelong resident of Queens, Regent Matteoni attended public elementary school in Queens and Hunter College High School. In 1950, she was graduated cum laude with a bachelor of arts from Hunter College where she was elected to Phi Beta Kappa. Later, she earned an M.A. in Spanish and secondary education at Hunter College and a Ph. D. from New York University in educational psychology with a specialization in remedial reading.

From 1950-66, Regent Matteoni was a teacher in the New York City schools in Queens, first at Public School 166 and later at Public School 7 where she also served as acting assistant principal during the 1966-67 school year. In 1966, Regent Matteoni joined the faculty at New York University as an instructor and served as a lecturer at Brooklyn College from February through June 1968. She then served as an assistant and later associate professor. In 1975, she was appointed professor at Brooklyn College where she is program head of reading and learning disabilities.

She is the author, coauthor, or contributing author of several basal reading series and many articles in reading education and related fields. Regent Matteoni has served on many professional committees and is the current vice president-elect of the New York State Reading Association.

Mr. Speaker, at a time when much is said and written about what is wrong with education, it is a pleasure for me to bring to my colleagues' attention something that is very right with education. The residents of the State of New York are indeed fortunate to have an individual of Louise Mateoni's caliber and demonstrated commitment to excellence in education on the board of regents. I am sure that I am not alone in wishing Regent Matteoni the best of success in her second term.●

RETIREMENT OF MAJ. GEN. ROBERT L. SHIRKEY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SKELTON. Mr. Speaker, on March 24, Maj. Gen. Robert L. Shirkey (USAR) will end a distinguished military career that spanned parts of six decades. I rise today for the purpose of apprising Members of Congress of this patriot's impressive list of accomplishments, military and civilian.

General Shirkey's military career began in 1939 with his enlistment in the Kansas Army National Guard. During World War II, he saw action in the Pacific theater as a rifle platoon leader, company commander, and Alamo Scout. Following his release from the service in 1946, General Shirkey joined the U.S. Army Reserve. He was recalled to active duty in 1951 and served as a platoon leader and company commander during the second Korean winter and summer-fall 1952 campaigns. In addition to other numerous awards and decorations, General Shirkey's conduct under fire earned him the Silver and Bronze Stars, the Meritorious Service Medal, and the Purple Heart.

After he was again released from active duty in 1952, General Shirkey serves as an instructor for the Infantry School, Command and General Staff College, and the Industrial College of the Armed Forces. He was appointed commander of the 917th Support Group, 102d U.S. Army Reserve Command in August, 1972. General Shirkey served in that capacity until November, 1975 when he was named deputy commander of the U.S. Army Military Personnel Center in Alexandria, Va. Since June, 1979 General Shirkey has served as commanding general of the 89th U.S. Army Reserve Command.

In civilian life, General Shirkey is a distinguished and respected trial attorney in Kansas City. He has been a most active and able member of the bar through the years, and he continues to make a great contribution to our system of justice.

As a decorated combat veteran and prominent attorney, General Shirkey's dedication to his country has been an inspiration to all who know him. I ask the Members of this body to join me in expressing gratitude and best wishes to this extraordinary American on the occasion of his retirement from the military.●

SAVE THE BUREAU OF APPRENTICESHIP AND TRAINING

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. HILER. Mr. Speaker, today I am introducing a bill to prevent further reductions in force within the Bureau of Apprenticeship and Training (BAT) in the Department of Labor. Staff positions have been steadily reduced for BAT, and further reductions are scheduled for the future. I believe we must act now to preserve the Federal role in this vital program.

The National Apprenticeship Act was approved by Congress in 1937 to promote a national apprenticeship system. The Bureau of Apprenticeship and Training perpetuates the Federal tradition of encouraging labor and management to develop effective apprenticeship programs necessary to the training of competent tradesmen for industry. Field representatives for BAT in each State work closely with employers, labor unions, vocational schools, and others concerned with apprenticeship. Information on training methods and systems are provided to industry, and sponsors are assisted in the formulation of apprenticeship programs. Apprenticeship programs must be approved by the Bureau of Apprenticeship and Training or an approved State apprenticeship council in order to be registered. Compliance reviews are regularly conducted to insure that standards are being fulfilled.

This important Federal role is being threatened. The Bureau of Apprenticeship and Training is administered by the Employment and Training Administration (ETA) within the Department of Labor. In January 1984, the Bureau had 276 filled positions nationwide. ETA projects an end-of-year employment figure of 236 positions in 1984, and 227 positions by the end of fiscal year 1985.

These reductions must be prevented. If the Bureau is to operate effectively, the projected staff reductions cannot continue. Apprenticeship is vital to our Nation's economic growth. State agencies cannot guarantee a national standard for apprenticeship programs. A Federal presence is necessary to insure quality training for our tradesmen.

I urge you to join me in opposing further reductions in staffing for the Bureau of Apprenticeship and Training. We must protect this important training program which has stood the test of time for the last 50 years.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 15, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 16

9:15 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including elementary and secondary education, education block grants, and impact aid.

SD-116

9:30 a.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold oversight hearings on proposed budget request for fiscal year 1985 for conservation and renewable energy programs of the Department of Energy.

SD-366

Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax proposals, including S. 146, S. 1332, S. 1768, S. 1809, and S. 2060.
SD-215

Special on Aging
To hold hearings to review physician payment options under medicare.
SD-628

10:00 a.m.
Judiciary
Courts Subcommittee
To hold hearings on S. 2299, to prohibit fraudulent acts in connection with the offer or performance of adoption services, prohibit the payment of compensation over and above expenses for adoption services performed, and provide for civil remedies in the U.S. district courts for adoptive parents and birth mothers who are defrauded.
SR-325

MARCH 19

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold oversight hearings on commodity fraud investment schemes.
SD-342

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Bureau of Government Financial Operations, Bureau of the Public Debt, Bureau of the Mint, and U.S. Savings Bonds Division, all of the Department of the Treasury, and the Office of Personnel Management.
SD-124

MARCH 20

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, college housing loans, and educational research and training activities overseas.
SD-116

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit and Rural Electrification Subcommittee
To hold hearings on S. 1300, to revise the liabilities and uses of the Rural Electrification and Telephone Revolving Fund.
SR-328A

Banking, Housing, and Urban Affairs
Federal Credit Programs Subcommittee
To hold oversight hearings on alternatives to budget treatment of Federal credit programs.
SD-538

Environment and Public Works
Transportation Subcommittee
To resume oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).
SD-406

Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, focusing on the impact of the amendment on social security.
SD-226

Judiciary
Security and Terrorism Subcommittee
To resume closed oversight hearings on the activities of the Federal Bureau of Investigation, Department of Justice.
S-407, Capitol

Labor and Human Resources
Labor Subcommittee
To hold hearings on termination of overfunded defined benefit pension plan and reversion of assets to plan sponsors.
SD-430

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73).
SD-628

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Peace Corps.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Council on Environmental Quality, and the Environmental Protection Agency.
SD-124

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Library Services and Construction Act, and proposed legislation authorizing funds for programs of the Adult Education Act.
SD-562

1:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for foreign assistance programs.
S-126, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Navajo Hopi Relocation Commission, and the Institute of Museum Services.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of the Treasury, U.S. Postal Service, and General Government programs.
SD-124

Armed Services
Military Construction Subcommittee
To hold joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
SR-222

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings to review proposed budget requests for fiscal year 1985 for energy research programs of the Department of Energy.
SD-366

Select on Intelligence
Budget Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1985 for the intelligence community.
S-407, Capitol

MARCH 21

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including special institutions, Howard University, the National Institute on Education, Education Statistics, Bilingual Education, and Libraries.
SD-116

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Architect of the Capitol.
S-128, Capitol

Commerce, Science, and Transportation
To hold hearings on the nomination of William Evans, of California, to be a member of the Marine Mammal Commission.
SR-253

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the

scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.

SD-538

Governmental Affairs

Permanent Subcommittee on Investigations

To resume oversight hearings on commodity fraud investment schemes.

SD-342

Judiciary

Security and Terrorism Subcommittee

To resume closed oversight hearings on activities of the Drug Enforcement Administration, Department of Justice.

S-407, Capitol

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold oversight hearings on the implementation of the food stamp program.

SR-328A

Appropriations

District of Columbia Subcommittee

To resume oversight hearings on activities of the District of Columbia Parole Board.

Room to be announced

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Highway Administration, and the Office of the Secretary of Transportation.

SD-138

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Federal Procurement, Office of Management and Budget, and the U.S. Customs Service, U.S. Secret Service, Bureau of Alcohol, Tobacco, and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.

SD-124

Energy and Natural Resources

To hold oversight hearings to review the report of the Commission on Fair Market Value Policy for Federal Coal Leasing.

SD-366

Environment and Public Works

Business meeting, to consider pending calendar business.

SD-406

Judiciary

Juvenile Justice Subcommittee

To resume hearings on S. 2014, proposed Missing Children's Assistance Act, focusing on the reauthorization provisions for juvenile justice assistance.

SD-226

10:30 a.m.

Rules and Administration

To hold hearings on S. 1676, to establish guidelines to assure that registration and polling place facilities used for Federal elections are readily accessible to handicapped and elderly individuals.

SR-301

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Soil Conservation Service, and Agricultural Stabilization and Conservation Service.

SD-192

Armed Services

Military Construction Subcommittee

To continue joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.

S-126, Capitol

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold hearings on S. 1329, to provide financial assistance to States for wetlands conservation, focusing on sections 201 and 204, to extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat.

SD-366

Judiciary

To hold hearings on pending nominations.

SD-226

Select on Intelligence

To hold closed hearings on intelligence matters.

S-407, Capitol

3:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Commodity Credit Corporation, Foreign Agricultural Service, Office of International Cooperation and Development, and the provisions of Public Law 480.

SD-192

MARCH 22

9:00 a.m.

Office of Technology Assessment

The Board to hold a general business meeting.

S-207, Capitol

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on S. 1855, S. 1861, and S. 2292, bills to provide for continued access by the Federal Government to land remote sensing data from satellites (Landsat).

SR-253

Environment and Public Works

Transportation Subcommittee

To resume oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).

SD-406

* Labor and Human Resources

Employment and Productivity Subcommittee

To hold oversight hearings on employment and productivity in the future of the steel industry.

SD-628

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.

SD-192

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Veterans' Administration.

SD-124

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Minerals Management Service, Department of the Interior, and the National Gallery of Art.

SD-138

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on S. 2217, to exempt segments of the Interstate Highway System from the tandem trailer and large truck requirements of the Surface Transportation Assistance Act of 1982 if these segments are incapable of safely accommodating the larger vehicles.

SD-106

Energy and Natural Resources

Energy Conservation and Supply Subcommittee

To hold hearings on H.R. 3169, to require the establishment of a program to enhance commerce in renewable energy technologies.

SD-366

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings to review the educational needs of native Hawaiian children.

SD-430

Labor and Human Resources

Family and Human Services Subcommittee

To hold hearings on proposed legislation authorizing funds for Head Start programs.

SD-562

1:30 p.m.

Governmental Affairs

Intergovernmental Relations Subcommittee

To hold oversight hearings on the Office of Management and Budget Circular A122, to restore use of Federal funds for lobbying by contractors and grantees.

SD-342

2:00 p.m.

Armed Services

Military Construction Subcommittee

To continue joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.

S-126, Capitol

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold oversight hearings to review proposed budget requests for fiscal year 1985 for nuclear energy programs and nuclear waste activities of the Department of Energy.

SD-366

MARCH 23

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Health and Human Services.

SD-116

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the National Transportation Safety Board.

SD-138

Armed Services

Military Construction Subcommittee

To continue joint hearings with the Committee on Appropriations' Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.

SR-222

Commerce, Science, and Transportation

To hold hearings on the nomination of Donald D. Engen, of Virginia, to be Administrator, Federal Aviation Administration, Department of Transportation.

SR-253

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Library Services and Construction Act, and proposed legislation authorizing funds for programs of the Adult Education Act.

SD-430

MARCH 26

9:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission.

SR-253

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal years 1987, 1988, and 1989 for the Corporation for Public Broadcasting.

SR-253

Labor and Human Resources

Aging Subcommittee

Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).

SD-430

2:00 p.m.

Finance

To hold hearings to review the Social Security Advisory Council's recommendations on medicare trust solvency.

SD-215

MARCH 27

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Health and Human Services, including the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health.

SR-428A

9:30 a.m.

Banking, Housing, and Urban Affairs

To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.

SD-538

Commerce, Science, and Transportation

Business meeting, on pending calendar business.

SR-253

Labor and Human Resources

To hold oversight hearings on U.S. relations with the International Labor Organization

SD-430

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for Navy aircraft of the Department of Defense.

SD-192

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-116

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (Amtrak).

SD-138

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold hearings on S. 1947 and S. 2183, bills to designate certain lands in the Great Smoky Mountains National Park as wilderness.

SD-366

Environment and Public Works

Business meeting, to consider pending calendar business.

SD-406

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Farmers Home Administration, Department of Agriculture.

SD-124

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Bureau of Indian Affairs, Department of the Interior.

SD-138

MARCH 28

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.

SD-116

Commerce, Science, and Transportation

To hold hearings with the national ocean policy study on S. 2324, to insure that all Federal activities directly affecting a State's coastal zone will be fully consistent with that State's coastal management plan.

SR-253

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.

SD-106

9:30 a.m.

Appropriations

Defense Subcommittee

To hold open/closed hearings to review SALT II violations.

SD-192

Labor and Human Resources

Aging Subcommittee

Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).

SD-430

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of State and the U.S. Information Agency.

S-146, Capitol

10:30 a.m.

*Governmental Affairs

Civil Service, Post Office, and General Services Subcommittee

To hold hearings on S. 2115, to exempt participants in the executive exchange program from the Federal Criminal Code provision prohibiting employees and officers of the executive branch from receiving outside income, and S. 2262, to establish a Federal pay schedule for the police forces of the Washington National Airport and Dulles International Airport.

SD-342

2:00 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Postal Service.

SD-138

MARCH 29

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings in closed session on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration, to be followed by open hearings.

SR-253

Labor and Human Resources

Aging Subcommittee

Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).

SD-430

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for shipbuilding programs of the Department of Defense.

SD-192

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.

SD-124

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Interior and the Bureau of Mines, Department of the Interior.

SD-138

Environment and Public Works

Business meeting, to consider pending calendar business.

SD-406

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Federal Crop Insurance Corporation and the Rural Electrification Administration.

SD-124

MARCH 30

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including Human Development Services.

SD-116

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to review National Airport's scatter plan.

SD-106

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for the U.S. Coast Guard, Department of Transportation.

SR-253

Energy and Natural Resources

To hold oversight hearings on U.S. participation in the international energy program.

SD-366

Finance

Health Subcommittee

To hold hearings to review the implementation of section 2175, to increase the efficiency of the medicaid program administration by allowing States to implement innovative approaches to providing care, and to enable States to receive waivers of certain programmatic requirements in order to implement these approaches, of Public Law 97-35.

SD-215

APRIL 2

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

APRIL 3

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.

SD-116

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on daytime broadcasting issues.

SR-253

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold hearings on S. 910 and H.R. 559, bills to permit the Securities and Exchange Commission to assess civil penalties for trading in securities while in possession of material nonpublic information.

SD-538

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for Air Force aircraft programs of the Department of Defense.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Aviation Administration, Department of Transportation.

SD-138

Labor and Human Resources

Family and Human Services Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).

SD-430

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.

SD-138

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

APRIL 4

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.

SD-116

9:30 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the

Federal Bureau of Investigation, Department of Justice, the Federal Trade Commission, and the Office of U.S. Trade Representative.

S-146, Capitol

Governmental Affairs

Information Management and Regulatory Affairs Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal years 1985 through 1989 to carry out the provisions of the Paperwork Reduction Act (Public Law 96-511), to reduce Federal paperwork requirements and duplications, and consolidate statistical policy activities with information management in the Office of Management and Budget.

SD-342

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for manpower programs of the Department of Defense.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Interstate Commerce Commission.

SD-138

Veterans' Affairs

To hold hearings to review veterans' health programs.

SD-418

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985, the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

APRIL 5

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control and the Alcohol, Drug Abuse, and Mental Health Administration.

SD-116

9:30 a.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the inertial confinement fusion program of the Department of Energy.

SD-366

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City loan program), Department of the Treasury.

SD-124

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the National Endowment for the Humanities, and the Economic Regulatory Administration, Department of Energy.

SD-138

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Maritime Administration, Department of Transportation.

SR-253

Labor and Human Resources

Family and Human Services Subcommittee

Business meeting, to consider proposed legislation authorizing funds for low-income energy assistance and Head Start programs.

SD-430

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

APRIL 6

9:30 a.m.

Finance

International Trade Subcommittee

To hold hearings on S. 50 and S. 1672, bills to streamline trade relief procedures and make trade relief more accessible to small businesses.

SD-215

10:00 a.m.

Labor and Human Resources

Alcoholism and Drug Abuse Subcommittee

To hold hearings to review the use of the media in drug abuse education.

SD-430

APRIL 9

10:00 a.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on S. 1278, to provide for a program of megnetohydrodynamic research, development, and demonstration with respect to the production of electricity, and S. 1925, to establish a national coal science, technology, and engineering program within the Department of Energy.

SD-366

APRIL 10

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, Policy Research, and Departmental Management, Salaries, and Expenses.

SD-116

9:30 a.m.

Energy and Natural Resources

Energy and Mineral Resources Subcommittee

To hold hearings on S. 2362, to revise certain provisions of the Mineral Lands Leasing Act of 1920, focusing on limitation on authority with respect to merger parties.

SD-366

Labor and Human Resources

Labor Subcommittee

To hold oversight hearings on the implementation of the Taft-Hartley Act.

SD-430

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for space programs of the Department of Defense.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Coast Guard.

SD-138

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for fossil energy research and development programs of the Department of Energy.

SD-138

APRIL 11

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

9:30 a.m.

Judiciary

Juvenile Justice Subcommittee

To hold hearings on S. 521 and S. 1924, bills to establish a criminal background check of individuals whose employment may bring them into contact with institutionalized children.

SD-226

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Urban Mass Transportation Administration, Department of Transportation.

SD-138

Environment and Public Works

Regional and Community Development Subcommittee

To hold oversight hearings on certain activities of the Tennessee Valley Authority, focusing on the cost of TVA power purchased by the Department of Energy.

SD-406

Labor and Human Resources

To resume oversight hearings on certain activities of the Legal Services Corporation, focusing on past and present policies at the corporation, including political activity.

SD-430

APRIL 12

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on S. 1407, to provide procedures for the registration and licensing of motor vehicles when ownership is transferred in interstate commerce.

SR-253

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for Army modernization programs of the Department of Defense.

SD-192

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.

SD-124

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Strategic Petroleum Reserve, and the Naval Petroleum Reserves.

SD-138

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

Business meeting, to mark up proposed legislation authorizing funds for programs of the Library Services and Construction Act.

SD-430

APRIL 24

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for programs of the Hazardous Materials Transportation Act, Natural Gas Pipeline Safety Act, and the Hazardous Liquid Pipeline Safety Act.

SR-253

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1985 for intelligence programs of the Department of Defense.

S-407, Capitol

Labor and Human Resources

Family and Human Services Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).

SD-430

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Geological Survey, Department of the Interior.

SD-138

APRIL 25

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

10:00 a.m.

Judiciary

Juvenile Justice Subcommittee

To hold oversight hearings on child sexual abuse.

SD-226

APRIL 26

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for National Guard and Reserve units of the Department of Defense.

SD-192

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.

SD-124

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Smithsonian Institution.

SD-138

Environment and Public Works

To hold hearings to review the proposed refinancing of the Kennedy Center bonded indebtedness to the Department of the Treasury.

SD-406

Labor and Human Resources

Family and Human Services Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).

SD-430

APRIL 30

2:00 p.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Supreme Court, and the Arms Control and Disarmament Agency.

S-146, Capitol

MAY 1

9:00 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.

SD-116

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the joint weapons program of the Department of Defense.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.

SD-138

Labor and Human Resources

Family and Human Services Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).

SD-430

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.

SD-138

*Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the National Oceanic and Atmospheric Administration, Marine Mammal Commission, and the Small Business Administration.

S-146, Capitol

MAY 2

9:30 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Justice, and the Legal Services Corporation.

S-146, Capitol

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.

SD-138

Veterans' Affairs

Business meeting, to mark up proposed legislation authorizing funds for veterans' health benefit programs.

SR-418

MAY 3

9:30 a.m.

Labor and Human Resources

To hold hearings on S. 2117, to establish the national vaccine-injury compensation program as an elective alternative remedy to judicial action for vaccine related injuries.

SD-562

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.

SD-192

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for U.S. territories.

SD-138

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.

SD-124

Labor and Human Resources

Family and Human Services Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).

SD-430

MAY 7

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.

SD-124

MAY 8

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.

SD-124

Labor and Human Resources

Family and Human Services Subcommittee

Business meeting, to consider proposed legislation authorizing funds for programs of the Public Health Service Act, including title X (family planning), and title XX (Adolescent Family Life Act).

SD-430

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Surface Mining, Department of the Interior, and the U.S. Holocaust Memorial Council.

SD-138

MAY 9

10:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

Veterans' Affairs

To hold hearings on veterans' compensation programs.

SR-418

MAY 15

9:30 a.m.

Labor and Human Resources

Labor Subcommittee

To holding hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.

SD-430

MAY 17

9:30 a.m.

Labor and Human Resources

Labor Subcommittee

To resume hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.

SD-430

MAY 22

9:30 a.m.

Labor and Human Resources

To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.

SD-430

MAY 23

10:00 a.m.

Veterans' Affairs

To hold oversight hearings on the interagency agreement between the Veterans' Administration and the Department of Defense, focusing on sharing and supply and procurement policies.

SR-418

JUNE 6

10:00 a.m.

Veterans' Affairs

To hold oversight hearings on the activities of the Inspector General and Medical Inspector of the Veterans' Administration.

SR-418

JUNE 13

10:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

JUNE 19

9:30 a.m.

Labor and Human Resources

To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.

SD-430

JUNE 20

9:30 a.m.

Labor and Human Resources

To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.

SD-430

10:00 a.m.

Veterans' Affairs

Business meeting, to mark up proposed legislation relating to veterans' compensation, and a proposed construction resolution.

SR-418

CANCELLATIONS

MARCH 15

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for local rail service assistance programs of the Department of Transportation.

SR-253

APRIL 3

10:00 a.m.

Labor and Human Resources

Alcoholism and Drug Abuse Subcommittee

To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.

SD-430

HOUSE OF REPRESENTATIVES—*Thursday, March 15, 1984*

The House met at 10:20 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, grant us awareness to see ourselves as we truly are; grant us honesty to know our weaknesses as well as our strengths; grant us forgiveness that we can place behind us our wrongs; grant us strength in the problems before us, and grant us Your peace that passes all human understanding. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

CALL OF THE HOUSE

The **SPEAKER**. Without objection, a call of the House is ordered.

There was no objection.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 45]

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Boehlert
Boggs
Boner
Borski
Bosco
Boucher
Breaux
Britt
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Carr
Chandler
Chappell
Chappie
Cheney
Clay
Clinger
Coats
Coelho
Coleman (TX)
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dixon
Donnelly
Dorgan
Dowdy
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foley
Franklin
Fuqua
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Harkin
Hartnett
Hatcher
Hayes
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kramer
LaFalce
Lagomarsino
Lantos
Lehman (CA)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McHugh
McKernan
McNulty
Mica
Mikulski
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Montgomery
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nielson
Nowak
O'Brien
Obey
Ortiz
Owens
Oxley
Packard
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Spence
Spratt
Staggers
Stangeland
Stenholm
Stokes
Stratton
Stump
Sundquist
Swift
Synar
Tallon
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Winn
Wirth
Wise
Wolf
Wortley
Wright
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

The **SPEAKER**. On this rollcall, 333 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

RECESS

The **SPEAKER**. It is the understanding of the Chair that the Senate will be at the door in 1 minute and the House will be in recess.

Accordingly (at 10 o'clock and 48 minutes a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE 98TH CONGRESS TO HEAR AN ADDRESS BY THE TAOISEACH, DR. GARRET FITZGERALD, T.D., PRIME MINISTER OF IRELAND

The **SPEAKER** of the House presided.

The Doorkeeper (Hon. James T. Malloy) announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The **SPEAKER**. On the part of the House, the Chair appoints as members of the committee to escort the Prime Minister of Ireland into the Chamber: The gentleman from Texas (Mr. WRIGHT); the gentleman from Washington (Mr. FOLEY); the gentleman from Louisiana (Mr. LONG); the gentleman from Florida (Mr. FASCELL); the gentleman from Illinois (Mr. MICHEL); the gentleman from Mississippi (Mr. LOTT); and the gentleman from Michigan (Mr. BROOMFIELD).

The **VICE PRESIDENT**. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the Prime Minister of Ireland into the Chamber: The Senator from Tennessee (Mr. BAKER); the Senator from Alaska (Mr. STEVENS); the Senator from South Carolina (Mr. THURMOND); the Senator from Iowa (Mr. JEPSEN); the Senator from West Virginia (Mr. BYRD); the Senator from Hawaii (Mr. INOUYE); the Senator from Indiana (Mr. LUGAR); the Senator from Massachusetts (Mr. KENNEDY); the Senator from Vermont (Mr. LEAHY); and the Senator from New York (Mr. MOYNIHAN).

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The **SPEAKER.** In the gallery, up in the right hand corner, is the beautiful wife of our Vice President, Barbara, and sitting next to her is the wife of the Prime Minister, Mrs. FitzGerald. [Applause].

At 11 o'clock a.m., the Doorkeeper announced the Prime Minister of Ireland.

The Prime Minister of Ireland, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The **SPEAKER.** Members of the Congress, it is my great privilege and I deem it a high honor and personal pleasure to present to you His Excellency Garret FitzGerald, the Prime Minister of Ireland.

ADDRESS BY THE TAOISEACH, DR. GARRET FITZGERALD, T.D., PRIME MINISTER OF IRELAND

The **PRIME MINISTER.** Mr. Vice President, Mr. Speaker, distinguished Members of the Congress of the United States.

With the Irish hospitality for which America is famous, you have been good enough to invite me to address you in the week of St. Patrick—Feile Phadraig in the language of the Gael. On behalf of the Irish people, close, as always, in feeling to their American cousins, I thank you for this remarkable honor.

This is, in fact, the second time in 8 years that you have paid tribute in this way by hearing from this dais the head of an Irish Government, in celebration of the friendship and the cousinship that binds our two peoples. The tradition of Congress hearing Irish leaders is a long one, going back over a century to the year 1880, when you offered a platform to one of the first people from outside the United States ever permitted to address this Congress, the great Irish leader, Charles Stewart Parnell.

I have said that we are cousins. Our countries are linked by a special relationship, not built on mutual calculations of interests, but on human links of kinship and friendship. It is a unique relationship founded primarily and profoundly on people. The family relationship between us extends to 44 million Irish Americans, but in this week of each year, the whole people of this great Nation, our friends for 51 weeks in the year, become our cousins in spirit as we honour together Ireland's national saint.

One of the great characteristics of the American people has always been your pride, your justified pride, in the achievements of the new Nation that you have forged over several centuries in the land to which your forefathers came from the other continents of the world. That pride has sustained you in many troubles, many trials, many tragedies. It is founded on achievement and is sustained by an abiding faith in your capacity to face any challenge, and by a spirit of generous optimism.

We in Ireland also take pride in our country and in the achievements of our people. We are proud not only of the ancient origins of our race, of the survival of our people through so many struggles and hardships, of the cultural empire we have carved out in literature in the English language complementing our own ancient Gaelic tradition. We are proud also of being a mother country, a people of 5 million in their own island, but with tens of millions of children scattered throughout the world, keeping fresh the memory of their homeland, most jubilantly on this feast of St. Patrick.

An ancient nation, we are a modern state, modern in the sense that the present Irish state took its place in the world community a bare 60 years ago; modern also in the sense that so much of our economic development, and specifically our industrialization, is new, created in recent decades, partly by our own native effort, but also in significant measure by investment from outside our shores. Preeminently, this investment has come from the United States. Allied to the skills and enthusiasm of our youthful labor force, it has given us a place in the new technology of our European continent that is quite disproportionate to our size.

Our high technology industries—chemicals, electronics and, above all, computers, are the source of a dynamism which, even in the absence of export growth in other sectors, last year increased our total manufactured exports by 14 percent in the midst of a world recession—the highest rate of export increase in Europe. Within 12 years during which there have been two major oil crises, which have stopped in its track world economic growth, we in Ireland have doubled our share of the world market for manufactures.

An ancient nation, a modern state, and a youthful people: Amongst all the developed countries of the world, Ireland has the youngest population, almost one-third of our electorate being under 30 years of age. Within barely two decades the number of our young people in their twenties has virtually doubled.

There is, of course, another side to this. Like so many other developed countries we face today a serious employment problem—the more acute because of our young population. The growth of our economy at home, as in so many other countries, has been halted by the recession of recent years—now perhaps coming to an end in response to the American recovery. For many of our people these problems have loomed large, seeming at times indeed to fill the horizon and to dim some of the hopes that the achievements of recent decades had aroused.

And there is another problem, one which constantly overshadows us—and has often touched us directly: The somber tragedy of Northern Ireland. There is hardly a family on either side of the divided community in the North that has not known insecurity, suffering and all too often, bereavement. This is a fact that must be remembered by all those from outside Northern Ireland who claim to apportion blame or to offer simplistic solutions.

Locked into a corner of our small island, in a piece of territory 100 miles long and 60 miles across, live 1.5 million people, drawn from two different Irish traditions: the ancient Gaelic, Catholic tradition stretching back through several millennia, and the Protestant tradition of those who settled from Britain in much of the northeastern corner of our island at the same time as compatriots of theirs were settling on the eastern edge of this great continent. These two traditions in Northern Ireland have maintained their distinct identities throughout the centuries. Their loyalties face in two different directions—the 40-percent Catholic nationalist minority looking south toward their kinsmen in the Irish State, and the 60-percent majority looking instead toward Britain, whence their ancestors came four centuries ago.

In passing I cannot help reflecting that here in the United States people from these two separate Irish backgrounds have without difficulty given their allegiance to a common flag and a single Constitution, while on their home ground the clash of their identities has remained undiminished by time. Thus has been created in Northern Ireland one of the most complex political problems in the world today: complex in its intensity and in the apparent irreconcilability of the two traditions within this small piece of territory. But a problem which, nevertheless, is too often viewed from outside in exceedingly simplistic terms; seen by all too many as involving no more than the end of British rule in Northern Ireland.

Would that this were indeed the only problem. Then the British and ourselves could have solved it in agreement long ago. But the real problem at the human level lies in the North itself—in the interrelationship between the two traditions within that divided community.

Britain, with the responsibility for governing Northern Ireland, has not hitherto addressed this problem with the combination of determination and evenhandedness that it requires. Nor has it given to it the priority which, as a great human tragedy, it demands. Britain has, moreover, hitherto seemed often to be preoccupied with the security symptoms of the problem, at the expense of its fundamentally political character.

But can we, for our part, in the Irish State—although we have had neither direct responsibility nor opportunity to solve this problem—can we truthfully say that we have done all in our power to understand and face the realities of this tragedy? Have we sufficiently tried to reach out with sympathy and understanding to both sides in Northern Ireland?

The answer can only be that not one of us, in Britain or in Ireland, is free of some measure of guilt for what has been happening in Northern Ireland. None of us has a right to seek to shift the whole of the blame onto others. Both the London and Dublin governments have a duty now to break out of ancient moulds and attitudes and to make the necessary imaginative leap of understanding.

This moral obligation, to put Northern Ireland, its people, and their interests first, imposes itself also, I believe, upon those in other lands, such as this great United States of America, who are concerned, as I know so many of you are concerned, with this problem. It is an obligation that can be fulfilled only by the most resolute support for peace and reconciliation amongst the people of Northern Ireland. It can be fulfilled only by a corresponding rejection of—revulsion against—the very idea of aid by way of money, or by way of weapons, or by way of moral support, to any of those who are engaged in the acts of horrific violence that are corrupting and destroying the life of a whole community. And when I call for rejection of such "moral support," I necessarily include in "moral support" the act of making common cause for any purpose, however speciously well-meaning, with people who advocate, or condone, the use of violence in Ireland for political ends.

Mr. Speaker, I feel this is an appropriate moment at which to pay a particular tribute to you for the vital role that you have played in this country, the United States, in putting the interests of the people of Northern Ireland first. The compassion and sensitivity which you have shown toward all sides in this crisis, as in so many other crises in different parts of the world, demonstrate again that the Irish, when they came to America, brought to this great society a leavening of warmth and concern in which we take legitimate pride.

Members of Congress, allow me for a few brief moments to tell you how the democratically based political parties of our State have been attempting, in conjunction with the constitutional nationalists of the SDLP Party in the North, led by John Hume, to take our responsibilities in seeking a resolution of this tragic problem. These four parties, the two parties in our Government, my own Fine Gael Party and the Labour Party, together with the Opposition Fianna Fail Party, and the SDLP in Northern Ireland, have between them been elected by the votes of 90 percent of the nationalist people of the island of Ireland and consequently represent 70 percent of all its inhabitants, nationalist and unionist.

For 9 months past, our parties, thus representing so much of the Irish people, the parties which aspire to Irish unity achieved by peaceful means, have been working together within the framework of a New Ireland Forum, in search of ways of bringing peace and stability to Northern Ireland and, indeed, to the whole island of Ireland.

Week after week, the Forum has been in session. We four party leaders have already met either in committee together, or in conjunction with our fellow members in the Forum, no less than 69 times, setting aside our other differences and giving to this work our highest priority.

The Forum has been studying and hearing personal evidence on submissions made to us by a wide range of people and groups. These have included many that have been representative of aspects of the Protestant and unionist tradition of Northern Ireland.

Finally, we have been seeking to find together ways by which political structures could be created in the future that would accommodate not only our own nationalist tradition dear to us, a tradition that aspires to Irish unity achieved peacefully and by agreement, but also the tradition, the identity, the interests of the unionist community in Northern Ireland.

It is our hope that we will find common ground amongst our four parties. We hope, too, that this common ground might provide a basis upon which the Governments of Britain and Ireland, in conjunction with representatives of both sides of the community in the North, could eventually construct a political solution. Such a solution would have to be one that would reconcile the conflicting rights and identities of unionists and nationalists; one that would render totally irrelevant those who are seeking to impose their tyranny of violence on the people of our island.

What we of the constitutional Irish nationalist tradition are attempting together is, I believe, unique.

It is our hope that it will find a response in Britain. There are indications already that responsible opinion in that neighboring island has taken note of our initiative and is awaiting its outcome with growing interest. When our task is completed it will in turn be Britain's duty to do as we are doing; to review and revise its approach to this problem.

In thus telling you something of what the constitutional parties of nationalist Ireland are currently engaged upon, and of our hopes of an equally generous response from the British Government and political parties, I am frankly seeking to engage your interest in, and your commitment to, this process, a process which we believe offers a constructive alternative—to the only constructive alternative—the violence and terrorism in Northern Ireland.

I believe that you will be glad to hear a message of hope in respect of a problem which many of you must have been tempted to write off as insoluble. We know that in this Congress there are very many people whose affection for Ireland and concern for the welfare of our island and its people are deep and strong. I know that in speaking here today I am speaking to friends of Ireland. We need the help and encouragement of our friends.

America's voice in the world is a strong one. It is a voice that is listened to. We call it in aid of our efforts, not in support of any narrow sectional interest but in support of a generous attempt to resolve once and for all the conflict of traditional identities in Ireland on a basis that will secure the interests and concerns of both sections of the community in the North, in recognition of the equal validity of the two Irish traditions. And we ask our friends in the United States that, in the context of any agreement that might emerge from our present efforts, to secure peace and stability in Ireland, that they, that you, would support in a practical way its implementation.

I have not come to the United States to speak only of this problem, although you will readily understand that it looms foremost in my mind, as it must in the mind of any Irishman who has political responsibilities. We have other common interests to pursue with you, the political leaders of the United States. When I meet your President tomorrow I shall be speaking to him not alone of Northern Ireland but also of other issues, including matters concerning the relationship between the United States and the European Community, the Presidency of which Ireland will be assuming for the third time on 1st July next.

When, in January 1975, Ireland first undertook that Presidential responsibility in the Community, your administration invited me as Minister for Foreign Affairs of Ireland to come to Washington to discuss together the common concerns at that time of the United States and the Community.

This was, I think, the first full-scale consultation between the European Community and the United States in a new process that had been decided upon during the previous year. I was happy on that occasion to be able to play a part in bringing Europe and the United States closer together.

On this visit I shall be engaged once again upon a similar task, recognizing that the common concerns of Europe and the United States are matched also by divergent interests in some areas of commerce and finance, as also by somewhat different perceptions of the political situation in some parts of the world. It is well that together Europe and America should seek to reconcile these divergent interests and different perceptions, so far as we may be able to do so without doing violence to the legitimate interests and the principles of each of the partners in this unique relationship.

Let me, in conclusion, revert for a moment to a festive note appropriate to the joint celebration of St. Patrick's Day by our two peoples. I know that we are 2 days ahead of time, and such earliness is perhaps more an American than a European characteristic, exemplified perhaps by your addiction to breakfast television, which gets visitors up at 6 in the morning to appear, and as I found to my cost, by working breakfasts. But I feel that no one in the United States would object if I propose that the celebration of St. Patrick's Day this year be a 3-day affair, starting today [applause] starting today, culminating on Saturday, with Sunday as a very necessary day of rest before we all return to our humdrum daily activities.

Thank you very much, indeed.

[Applause, the Members rising.]

At 11 o'clock and 20 minutes a.m., the Prime Minister of Ireland, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The **SPEAKER**. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 25 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The **SPEAKER**. The House will continue in recess until 1 o'clock.

□ 1300

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MURTHA) at 1 p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. **FUQUA**. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR CERTAIN SUBCOMMITTEES OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. **FUQUA**. Mr. Speaker, I ask unanimous consent that the following subcommittees of the Committee on Science and Technology be permitted to sit this afternoon while the House is considering legislation under the 5-minute rule: The Subcommittee on Natural Resources, Agriculture Research and Environment; the Subcommittee on Science, Research and Technology; and the Subcommittee on Energy Development and Applications.

Mr. Speaker, this request has been cleared by the minority.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

A WELCOME TO DR. GARRET FITZGERALD, PRIME MINISTER OF IRELAND

(Mr. DE LA **GARZA** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA **GARZA**. Mr. Speaker, it is indeed an honor and a privilege to welcome to this Chamber today Dr. Garret FitzGerald, the Prime Minister of Ireland. What better time for such a visit than over the St. Patrick's Day period when our Nation celebrates this festive holiday.

It is my privilege to welcome the esteemed Prime Minister in the name of San Patricio County, Tex. San Patricio is Spanish for great old St. Patrick. The county has a long tradition for celebrating the St. Patrick holy day. The Irish have been in San Patricio County since the beginning of the area many generations ago. While everyone thinks of south Texas as being totally influenced by our neighbor to the South, I want you to know that part of Texas is not without its Irish influence.

It is on occasions like today's visit when we stop and reflect on the bond of friendship that has existed over the years between our two countries. We share the same goals—world peace and progress—conveying a sense of unity which is reassuring to other democracies around the globe.

As the world becomes an increasingly smaller place in which to live it is at times like these when we must truly count our blessings and our friends and celebrate this kindred spirit. It is indeed an honor to have Prime Minister FitzGerald here today. I extend to him a heartfelt welcome in the language of the southern border country, "Feliz Dia del San Patricio." Also, since I am privileged to have Irish blood from my great-grandmother, Victoria Milstead Greene, "La Le Phadraig Faoi Shona Dhuit."

KING HUSSEIN THE SPOILER

(Mr. **LEVINE** of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **LEVINE** of California. Mr. Speaker, this morning's New York Times reported that in a recent interview Jordan's King Hussein has ruled out direct negotiations with Israel in the foreseeable future, and has repudiated American diplomatic efforts in the Middle East to broker a solution to the conflict. King Hussein again is quite willing to throw cold water on President Reagan's entreaties on behalf of the King.

King Hussein's denunciation of the United States comes just when the Congress is considering administration requests to sell Stinger missiles to Jordan and to fund a $220 million joint logistic program (JLP) in that country. In light of King Hussein's comments, I do not see how the United States can even think about selling sophisticated weapons to Jordan, or planting more military equipment on their soil for the JLP.

If Jordan refuses to cooperate with the United States, and if Hussein insists on again playing the role of spoiler in the region, I see no reason why we should reinforce that kind of behavior by providing Jordan with weapons that could very well prove to be threatening to Israel, our ally and friend, with whom King Hussein refuses to make peace.

CECIL NOEL: KING OF THE LITTLE GUYS

(Mr. **MAZZOLI** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, all too often a person, who has lived a life of service to others and of helping those who need help, passes from this life without receiving appropriate note and attention.

Such a person was my long-time friend and professional associate, Cecil Noel. Cecil headed my congressional district office from the very first day it opened in January 1971. Over these nearly 14 years Cecil helped countless Louisville area people who had problems with a Federal agency or program—or who just needed a strong, reliable shoulder to cry on.

Cecil was unfailingly patient, attentive, courteous, and cheerful to his visitors—even when his own physical condition became very difficult. People loved to talk with him. They inevitably felt better after sharing their concerns and fears with him.

The powerful as well as the powerless came to the funeral home to pay their respects. This testifies to the uncommon breadth of Cecil's relationship with the people of the community. But, if the truth be known, Cecil always felt more comfortable with persons who lacked power than with those who held it.

A friend of mine characterized Cecil's life best in an inscription on a flower arrangement sent to the funeral home: "To Cecil Noel, the king of the little guys."

I'll miss Cecil very much. He was a dear man and a cherished friend.

ARABIAN HORSES

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I think we can all agree that people are more important than horses. The tax loophole this week concerns Arabian horses. It may interest the American people to know that the 1981 Reagan administration Tax Act has encouraged investors to drive up the price of Arabian horses sky high in order to take advantage of juicy incentives in the Tax Code, such as accelerated depreciation and low capital gains tax rates. Thus, in one recent representative sale of Arabian horses, the average price has soared from $19,000 in 1971 to $365,000 last year. Conveniently, much of this so-called gain is used by shrewed operators to reduce taxes owed to the Federal Government.

I believe the average American taxpayer should not have to subsidize wealthy individuals' speculation in Arabian horses. Our Tax Code should encourage productive investment in jobs and people, not tax shelters for the rich. I believe in investing in people before horses.

KING HUSSEIN'S RESPONSE TO THE PRESIDENT

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, President Reagan has announced as part of his campaign theme that "America is back," that we have new respect in the world. Frankly, I never was sure where we were, but as evidence of this new respect and our alliance with Israel the President went before the UJA the other day and defended "our great ally, King Hussein and the Jordanians," and just yesterday King Hussein responded. It is that which I would like to share with my colleagues. In this interview the King said this:

> We see things this way: Israel is on our land. It is there by virtue of American military assistance and economic aid that translates into aid for Israeli settlements. Israel is there by virtue of American moral and political support to the point where the United States is succumbing to Israeli dictates.
>
> This being the case, there is no way by which anyone should imagine it would be possible for Arabs to sit and talk with Israel as long as the things are as they are.
>
> You obviously have made your choice, and your choice is Israel,

the King continued.

> Therefore, there is no hope of achieving anything.

Mr. Speaker, with allies like this and this new-found respect around the world, it appears as though we do not even need enemies.

THE PRESIDENT'S DISASTROUS CENTRAL AMERICAN POLICY

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, President Reagan wants to tie military aid to El Salvador to a bill providing emergency food relief to Africa. Can anyone argue that the delay in food shipments to Africa will cause more starvation and more malnutrition, especially among the continents children?

President Reagan also wants to link covert military assistance for the Nicaraguan rebels to legislation providing emergency fuel assistance to low-income Americans.

Whether you are starving in Mozambique or freezing in Michican President Reagan wants you to wait for Congress to concur in his disastrous Central American Policy.

In a single gesture Ronald Reagan has managed to prolong hunger in Africa, cold people in America, human rights absues in Salvador and war in Nicaragua.

EXTENDING SOCIAL SECURITY TO U.S. CADET NURSE CORPS DURING WORLD WAR II

(Mr. TORRES asked and was given permission to address the House for 1 minute.)

Mr. TORRES. Mr. Speaker, today I am introducing legislation to extend social security wage credits to individuals who served in the U.S. Cadet Nurse Corps during World War II.

The U.S. Cadet Nurse Corps are the only women's uniformed corps which has not been granted veteran status. Groups such as the Women's Auxiliary Service Pilots (WASP), the Women's Army Auxiliary Corps (WAAC), graduate students in the U.S. Public Health Service and even women telephone operators who served in France during World War I have all been granted social security wage credits. Yet, only the U.S. Cadet Nurse Corps which was created by Congress to serve in the war effort has been unaccountably overlooked and sadly unacknowledged. Because of this tragic oversight, these patriotic women are ineligible for social security benefits and cannot claim wage credits for the hospital work that they so diligently performed during World War II.

It is time we take responsible action to rectify this inequity. I urge my colleagues here in the House to join with me in supporting this long overdue legislation.

AN APOLOGY TO THE PRESIDENT OF THE UNITED STATES

(Mr. MITCHELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL. Mr. Speaker, I am taking this 1 minute to offer an apology of a sort to the President of the United States.

I assumed that he was anticivil rights, antiaffirmative action, and I still assume that; but I assumed that he was the mastermind behind the plan to check any further progress for blacks, women, and minorities. That is why I want to apologize. He is not the mastermind.

The true villain in this piece is a William Bradford Reynolds of the Justice Department, who is in charge of civil rights. He is the guy who has gone into court eight times this year, filing amicus curiae briefs against affirmative action.

The last thing that he has done was in Florida, where he has gone in as a friend of the court to upset a ruling that would grant minority businesses some kind of equity.

So he is the villain, and not really the President in this one. I apologize to the President for not being the arch villain in this effort to achieve further development for blacks, minorities, and women.

Now, the problem is that when this guy in the Justice Department did this, he did not consult with anybody, and guess who is most upset—the black Republicans. They are yelling and screaming, "What in the name of God is he doing? How can we make this Republican Party palatable to minorities and others, when we have a villain who is destroying every gain we have made by using the courts to attempt to do so?"

Mr. Reagan, I apologize. You are not the mastermind behind this plan. William Bradford Reynolds of the Justice Department, in charge of civil rights, is the true villain in this case.

THE TIME IS NOW TO CUT WASTE, FRAUD, AND ABUSE IN DEFENSE

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, everywhere throughout the land people are asking us to cut waste and fraud. They are pleading with this Congress to cut waste and fraud.

Yesterday everyone in this House received a packet of washers, screws, and bolts, which at the local hardware store cost 31 cents, but for which the Pentagon paid $21,525—that is $21,525.

No wonder the American people are outraged, yet the bill scheduled for debate that is going to address this issue has been pulled. It has been sent or is being sent to another committee to have its teeth pulled.

The time is now for action, not for more haggling in Congress. While everyone bemoans deficits, while we have a chance to save billions, this House is silent.

When we witness ripoffs like this, it is incumbent on us to address that.

The time for charades, the time for games is over. The time for action is now.

Jefferson said that the American Government can only last and function as long as the people have trust and confidence in their Government. How can the American people have trust and confidence in their Government when they see ripoffs, cost overruns like this, and the Congress does nothing. The time for action is now.

THE INDIVIDUAL TRAINING ACCOUNT ACT OF 1984

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, our economy is undergoing a profound transformation.

Yet despite the widespread recognition that our economy has become more service oriented, that our smokestack industries are shrinking, that new technology is making job skills rapidly obsolete, that workers can now expect to have two or three different jobs during their lifetimes—despite these realizations, we are doing remarkably little to prepare for the future.

If our apathy continues, we are likely to face the same unemployment problem in 1992 that we faced in 1982.

We can prevent that by making it easier for workers to obtain the training, the new skills they will need to remain employable throughout their lives.

Congressman DICK DURBIN and I have introduced a bill, H.R. 4832, the Individual Training Account Act of 1984, that would do just that.

Without requiring massive appropriations or a huge bureaucracy, individual training accounts would enable workers to insure themselves against future layoffs.

The voluntary, self-financing, tax-exempt training accounts the bill would create would insure that workers could afford the retraining needed for a job.

I think it is essential that we act now to prevent high unemployment in the future. ITA's are an innovative, sensible answer to the problems being created by our changing economy. I urge my colleagues to join the 40 Members, Republicans and Democrats alike, who have already cosponsored this measure.

□ 1320

WHY NOT WEAPONS WARRANTIES?

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, a recent budget request was proposed to repeal the new weapons warranty law Congress enacted last year.

I find it incongruous that a consumer can get a warranty on a $1,000 refrigerator, but taxpayers cannot get warranties on multimillion-dollar weapons systems. Unwarranted weapons could mean more ticking time bombs down the line that will explode in the faces of defense contractors and in the pockets of taxpayers.

The major problems and escalating costs on such projects as the Abrams tank and the new Sergeant York air defense gun are examples of weapons without warranties. The result is suspect arms for our fighting forces, a black eye for defense contractors and higher tax bills for Americans.

Warranties on weapons systems will insure that increasingly complex weapons do what they are supposed to do, that they do not endanger our military personnel, and that they do not cost the taxpayer billions for redesign and modification because they fail to meet performance standards.

Despite administration arguments that the warranty requirement is burdensome and difficult to implement, the Air Force and Navy have indicated that General Electric's willingness to provide a comprehensive warranty was a major factor in recently awarding that company contracts to produce jet fighter engines. Because of the warranty, the Air Force estimates savings of more than $3 billion over the life of the engines.

I urge that the warranty law not be repealed.

CONSTITUTIONAL AMENDMENTS FOR SCHOOL PRAYER, A BALANCED BUDGET, AND LINE-ITEM VETO

Mr. WALKER. Mr. Speaker, for more than 25 consecutive legislative days covering a 2-month period many Members have come to this floor asking action on three major constitutional issues: school prayer, a balanced budget, and a line-item veto. For months we have been thwarted as the Democrats in this House have shown their willingness to do nothing in the face of being asked to get down to business and do something. Maybe today will be different, but I doubt it.

Why, we have already been in session today for more than our normal day usually allows. We have been in session for over 3 hours. Of course, 1½ hours of that time was a recess period but we cannot be expected to have too much, I guess.

Having already put in what some may think is a heavy legislative day, I doubt we will be willing to add to the schedule, but let me try anyhow.

Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of amendments to permit voluntary school prayer, a balanced budget, and line-item veto.

The Chair has ruled in order to make this request, I must have the clearance of the majority and the minority leadership. These requests have been cleared by the minority leadership. I would now yield to a spokesman from the majority leadership for appropriate clearances.

Once again, as in days past, there is no response, of course, and I think that that should make it once again clear who stands in the way of considering these major issues and who stands for slowness and inaction: the Democratic leadership of the House.

VOLUNTARY SCHOOL PRAYER

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, the previous gentleman talked about the possibility of bringing up the constitutional amendment to authorize school prayer. I think the American people really have difficulty understanding why we cannot at least debate that measure.

We are not asking that one side or another win. We are not trying to jimmy the rules so that anybody can have a particular advantage. We are simply saying let us bring it here on the floor, debate it, give it full consideration, and then vote.

That is what we are all about. That is why we are here. That is why we are elected.

It is an issue that the American people want to be considered. We ought to consider it; yet we find no support from the Democrat leadership in bringing the matter to consideration.

I think that is a tragedy. For 170 years, after the adoption of the first amendment, prayer has been permitted in our public schools. Some of the opposition to school prayer seem to indicate that we are making some kind of travesty against the Constitution by adopting this amendment. Yet they fail to recognize that all we are doing is trying to reverse the Supreme Court decision in 1962 which overruled 170 years of practice that had previously gone on.

Children have prayed in public schools for almost the duration of this Nation's history. It is just in the last 22 years that it has been denied.

Benjamin Franklin believed and said that it was beneficial for the Constitutional Convention to begin each day's work with prayer. And we do that on this floor. The Congress believes it is beneficial to begin each day with prayer. Why do we not let our children in our schools begin each day with prayer?

I urge the Democrat leadership to allow us to consider and vote on this matter.

SANCTITY OF RECORDS AND FILES OF COMMITTEES OF THE HOUSE

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, the sanctity of the records and files of the committees of the House has always been a matter of the highest privilege of this institution. The protection of such records is assured not only by the rules of the House, but also by the U.S. Constitution.

It is therefore extremely disturbing that a subcommittee chairman, acting on his own initiative and without the advice or consent of other members of his committee, released to an individual Member of the other body copies of material received during the course of an investigation by that subcommittee. It is important to note that the material in question was received not during the course of a hearing by the committee, but as a result of efforts by the committee staff to prepare for additional hearings, which—by the way—never took place.

While I understand that the subcommittee involved voted yesterday to sanction the release of additional material to a Member of the other body, the subcommittee action was taken only after questions about the earlier release were raised by the minority leader (Mr. MICHEL), and represents an attempt to close the barn door after all the cows are out. No effort was made prior to the release of the earlier material to inform—or seek the consent of—the other members of the subcommittee.

Rule XI, clause 2(e)(2) states, in part, as follows:

> All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House * * * .

While the House rules also provide that a committee may, by action of the committee, decide the disposition of its records and files, the unauthorized release of staff-collected information by an individual member of a committee is not consistent with the precedents, procedures, and rules of the House of Representatives and ought not to be sanctioned by the House.

It is ironic that the focus of the original investigation by this committee was a review of the Ethics in Government Act "to prevent the misuses of * * * Federal Government property or information * * *"

We take great pains to protect the integrity and the confidentiality of the Members and of actions by committees of this House. We also have a responsibility to protect the integrity and confidentiality of citizens who provide information to the Members and to committees of this body—a responsibility which has been ignored in this instance.

CONFIRMATION OF ED MEESE AS ATTORNEY GENERAL

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, there has been some talk about Mr. Ed Meese's ability to serve as Attorney General based on his memory. Let me suggest for those Democrats who are eager to attack Mr. Meese that the front runner for their party's nomination changed his name; according to one network he changed his handwriting, he changed his age. He has been giving deceptive answers as to why he changed his age, who changed it, and whether it is still changed. And he forced the Navy to give him an officership at a time when there was a clear conflict of interest since he was serving on the Armed Services Committee.

I would suggest that Democrats who intend to oppose Ed Meese should announce publicly they will vote against Admiral Hartpence for the Presidency.

SMALL BUSINESS AUTHORIZATIONS AND AMENDMENTS

The SPEAKER. Pursuant to House Resolution 365 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3020.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3020) to amend the Small Business Act, and for other purposes, with Mr. LEVIN of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose yesterday, Wednesday, March 14, 1984, title III was open for amendment at any point.

Are there any further amendments to title III?

AMENDMENT OFFERED BY MR. HARKIN

Mr. HARKIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARKIN: Page 37, after line 16, add the following new section:

SEC. 316. Section 18 of the Small Business Act is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any provision of subsection (a) hereof or any other law, rule, or regulation, on account of a drought commencing on or after January 1, 1983 and prior to October 1, 1983—

"(1) Agricultural enterprises shall be eligible for disaster loan assistance from the Administration under section 7(b)(1) of this Act;

"(2) the interest rate on the Federal share of such loans shall be the same as that in effect on January 1, 1984, for emergency loans from the Farmers Home Administration;

"(3) the Administration shall not impose on agricultural enterprises any loss threshold or other type of minimum loss test which is not imposed on non-agricultural enterprises on the commencement date of the drought, either to determine the eligibility for such loans or to determine the amount of eligibility for loan assistance;

"(4) computation of the amount of eligibility for loan assistance shall be based on the rules in effect on January 1, 1984 for the computation of the amount of eligibility for emergency loan assistance from the Farmers Home Administration; and

"(5) the determination of a natural disaster by the Secretary of Agriculture pursuant to subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) shall be deemed a disaster declaration by the Administrator for purposes of determining eligibility for assistance under section 7(b)(1) of this Act for agricultural enterprises as defined in subsection (b) herein."

Mr. HARKIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

□ 1330

Mr. HARKIN. Mr. Chairman, last year an extensive drought hit some 30 States in the United States. The drought affected many thousands of farmers in those 30 States, affected them drastically. As a result of that drought, many farmers had to seek assistance from the Farmers Home Administration disaster loan program.

I want to make a comparison between the drought that hit last year and the drought that hit in 1977.

The Midwest suffered extensive drought in 1977, at that time, farmers were eligible to apply to either the Farmers Home Administration or the Small Business Administration for loans to help them through the disaster.

In 1977 and in 1978 the Small Business Administration helped save thousands of farmers and small businesses from going bankrupt.

I do not have all of the figures for all of the States; I only have them for Iowa, but I believe it is representative of what SBA did at that time.

In 1977, SBA made 14,400 loans in the State of Iowa for a total of $340 million. The average size of the loans was $23,600. As of January 1 of this year, 97 percent of these SBA disaster loan accounts are current; less than 1 percent are delinquent.

The SBA did indeed help save many farmers and businesses throughout Iowa in 1977 and 1978.

It helped them to avoid forced liquidation of machinery, equipment, and land. It provided sorely needed working capital for accounts payable and for planting the 1978 crop.

This program saved many Iowa farmers from going out of business entirely.

Now, for a little history in 1980, in the Agricultural Credit Act, a certain linkage was provided. After May 1980, if a disaster struck, a farmer would have to go first to Farmers Home Administration. Only if he was turned down for noncredit reasons, could he then go to SBA to seek a loan. That linkage existed for 3 years until September 1983. It no longer exists in law.

However, the 1983 drought occurred before September of last year. So that linkage was still in existence for the drought that occurred.

Right now, Farmers Home Administration has a backlog of thousands and thousands of farmers who desperately need disaster loans. Many farmers in Iowa applied last November and they are still waiting to hear from Farmers Home Administration whether or not they are going to be approved for their loans.

Planting time throughout the Midwest and in the southern part of the country is here, but right now these farmers do not know if they are going to have enough money to even plant their crop.

My amendment changes the date of the uncoupling of Farmers Home from SBA. It makes it retroactive from September 30, 1983 back to January 1, 1983.

The practical effect of my amendment would be this: Take a farmer who has been hit by the disaster, who is eligible for a disaster loan but who finds himself in the Farmers Home Administration backlog and is not getting his loan because of this backlog. This farmer, as a result of my amendment, could go right across the street to the Small Business Administration for assistance.

The interest rates would be the same as those offered by FmHA for disasters in January 1984; the money we are talking about is basically the same. What we need, though—and right now—is to service these farmers. We need to get the loans out now before planting time is here. Quite frankly, for many reasons, Farmers Home Administration is not meeting the needs of the farmers in this country. We need the same kind of assistance from SBA that they provided to drought victims in 1977 and 1978.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I am delighted to yield to the dean of my delegation.

Mr. SMITH of Iowa. I thank the gentleman and I commend him for the amendment. The point is this, that there are thousands and thousands of applications behind, they have not been able to get the work done. SBA has an expert team over there and they can do what they did before; they can go out and get some retired schoolteachers, retired bankers and so forth; they know how just in a short time to tell a person either they will get it or they will not get it. They have not even been able to tell some people that they will not be able to get their loan. They need some action quickly and this will do it.

The CHAIRMAN. The time of the gentleman (Mr. HARKIN) has expired.

(By unanimous consent, Mr. HARKIN was allowed to proceed for 2 additional minutes.)

Mr. HARKIN. Mr. Chairman, I yield to the chairman, the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, we have had an opportunity to study the gentleman's amendment. There is no objection to the amendment on this side. He made a meritorious case and I would move the approval of the amendment.

Mr. HARKIN. I appreciate the support of the chairman of the committee.

Mr. McDADE. If my friend would yield?

Mr. HARKIN. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentleman. I want to say to my friend we have looked at the amendment, we understand the problems he is articulating to us.

In the spirit of trying to work this problem out, I think we ought to take the amendment at least to conference to see if we cannot get this problem worked out. The gentleman is raising important problems. There are concerns, as the gentleman knows, that this ought to stay in the Department of Agriculture and which ought to work toward making those people administer this program more efficiently.

But I think the case is important enough we ought to take it to conference, with no understanding or no commitment that we are going to go beyond that, but we at least ought to take it to conference and go that far with it.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Nebraska.

Mr. DAUB. I thank the gentleman.

I simply would like to indicate my concerns for this approach, understanding that the gentleman is interested, as we all are, in solving a very serious problem that does exist in our particular farm regions, and add to the record, if I might have consent at this point, when the gentleman finishes some of my concern so that it shows up for conference.

Mr. HARKIN. I thank the gentleman. I thank the chairman and the ranking minority member for acceptance of the amendment and yield back the balance of my time.

● Mr. JONES of Tennessee. Mr. Chairman, I rise in support of the amendment and commend the gentleman from Iowa for his diligent efforts to assist the farmers and ranchers of our Nation who were struck last year by the worst drought disaster in half a century.

I fully share the concerns of the gentleman from Iowa that agricultural producers in his State, as well as mine, are finding themselves virtually without any meaningful relief coming forth from the Farmers Home Administration. It is becoming more obvious every day that the USDA's natural disaster loan program is not living up to its mandate, and the time is fast approaching that drought-stricken farmers must find out if they will receive operating money for spring planting.

Unfortunately, I have little reason to believe that the Farmers Home Administration is willing or able to address this problem in a timely manner. Therefore, it is imperative that we adopt this amendment to allow the Small Business Administration to assist in rescuing the thousands of American family farmers who are facing another major financial disaster in 1984 unless action is taken quickly.●

Mr. DAUB. Mr. Chairman, this is a most unfortunate controversy because we are dealing with individuals who are in great financial distress and that arm of the Federal Government where we intend them to turn is simply not doing its job. The gentleman from Iowa's recitation of circumstances is not news to this Member. I have met with a great many individuals from my own district and State who have apprised me of the difficulty and outright frustration of dealing with the Farmers Home.

I fear that we are ignoring the real problem and seeking a solution that is unnecessary and expensive. If this Government is to act responsibly, efficiently and economically then it must allocate its resources in that fashion. The Small Business Administration ought not to act as a backstop for Farmers Home. That does no service to Farmers Home and as well dilutes the resources and direction of the Small Business Administration.

The bottom line is that we have a problem and certainly we have, as well, the ability and resources to deal with it. The Farmers Home is an agency responsible to this body just as the SBA is and there is no reason why it should not comport itself as commendably as the SBA. Moreover, I fear that the small commitment that this Government makes to small business is threatened when it must compete with the needs of agriculture.

I would suggest that this Government spends far more to nurture our agriculture sector than it does our small business community. That is not to say that we spend too much but only to acknowledge that it is wholly inappropriate for us to consider bleeding the much smaller small business effort in order to assist further the agricultural community.

It is an admission of failure on the part of the Congress for us to turn to the SBA and ask them to reenforce the efforts of the Farmers Home. Instead of saddling the SBA we ought to be taking upon ourselves the accountability we possess for the performance of Farmers Home.

My opposition to this expansion of the SBA's authority into an area where it has little expertise and fewer resources to commit is not because I believe that we should not assist the farm community. I just do not think that this is the right way to do it. Not for the Congress, not for the farmer, and not for the small business community that Congress too often ignores except in cases like this where it seeks to divert its meager resources to another sector of the economy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. HARKIN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOSCO

Mr. BOSCO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bosco: Page 37, after line 12, insert the following new section:

SEC. 315. (a) For purposes of paragraph (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), the Administrator of the Small Business Administration shall, with respect to small business concerns involved in the fishing industry, treat the recent El Nino-related ocean conditions as a disaster to which such paragraph applies.

(b) For purposes of subsection (a)—

(1) the term "recent El Nino-related ocean conditions" means the ocean conditions (including high water temperatures, scarcity of prey, and absence of normal upwellings)—

(A) which occured in the eastern Pacific Ocean off the west coast of the North American Continent during the period beginning with June 1982 and ending at the close of December 1983, and

(B) which resulted from the climatic conditions occurring in the Equatorial Pacific during 1982 and 1983;

(2) the term "fishing industry" means any trade or business involved in—

(A) the catching, taking, or harvesting of fish (whether or not sold on a commerical basis),

(B) any operation at sea or on land, in preparation for, substantially dependent upon, or in support of, the catching, taking, or harvesting of fish, and

(C) the processing or canning of fish (including storage, refrigeration, and transportation of fish before processing or canning); and

(3) the term "fish" means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

Page 37, line 13, strike out "SEC. 315." and insert in lieu thereof "SEC. 316.".

Mr. BOSCO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BOSCO. Mr Chairman, last year, the Pacific coast experienced an unusual combination of ocean and weather conditions known as El Nino. Flooding and high wind caused loss of life, serious damage to property, and the Federal Government has already expended millions of dollars to aid those harmed by El Nino, including $75 million to Peru, Ecuador, and Bolivia to mitigate the effects of this phenomenon. Due to El Nino, 1983, was an absolute disaster for the west coast fishing industry.

In California, the salmon was the worst in history. The value of the salmon catch dropped from $19.5 million in 1982 to less than $4.3 million in 1983.

In terms of poundage, the salmon and squid fisheries were down 71 and 79 percent, respectively. A survey of commercial salmon fishermen in Washington found that average income dropped 90 percent from the average for 1978 to 1982.

Oregon's crab and salmon industries experienced similar declines. The west coast shrimp, albacore, clam, and herring fisheries have also been drastically affected.

Unlike other victims of last year's disaster, fishermen and their families have been denied access to disaster loan assistance. The Small Business Administration rejected a request for assistance from the Governors of California, Oregon, and Washington last December, saying El Nino did not constitute a physical disaster under the agency's definition.

Since then, the economic crisis has worsened. Crew members have been laid off, banks and credit unions are threatening foreclosure on fishermen's boats and homes, and many fishermen may have to apply for welfare to feed and house their families if help is not forthcoming.

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As California Gov. George Deukmejian noted in his request for El Nino disaster assistance,

> In sum, the economies of the areas from which the fishing fleets operate are being severely depressed. Some of those areas are solely dependent on the industry for survival.

The thrust of the amendment that the gentleman from California (Mr. PANETTA) and I are offering today is very simple. It does not call for additional appropriations beyond the funds that are already available. It would designate El Nino-related conditions as a physical disaster for purposes of determining eligibility for SBA's economic injury disaster loan program. Those conditions are defined as "higher water temperatures, scarcity of prey, and absence of normal upwellings," in the ocean.

The period in which the disaster occurred is clearly defined, June 1982 through December 1983.

The amendment has been crafted carefully to insure that the program does not become an entitlement program for fishermen in the future.

I also want to make it clear that approval of this amendment will not automatically provide relief for the entire west coast fishing industry. The amendment merely insures that fishermen and related small businesses are eligible to apply for the disaster relief loans. All other conditions for the disaster loan program must still be met. Each applicant must still prove substantial economic injury due to El Nino to the SBA's satisfaction.

In closing, Mr. Chairman, I want to point out that seeking help for the fishermen hurt by El Nino has been a 6-month effort that originated in hard-hit coastal communities along the entire west coast.

The effort has drawn strong bipartisan support from the Governors of California, Oregon, and Washington and the legislatures of all three States, as well as Members of Congress, and in particular, the gentleman from California (Mr. PANETTA), who will follow me.

Our intention, once again, is not to create a new entitlement program, nor to request additional appropriations, but simply to provide disaster assistance similar to that afforded victims of floods, hurricanes, droughts, and other natural disasters.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. BOSCO. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to urge my colleagues' support for the amendment to H.R. 3020 which Congressman Bosco and I are offering today.

"El Nino," the name commonly applied to the unusual weather and ocean conditions which plagued the west coast during 1982 and 1983, has had a devastating impact on the fishing industry in my district and throughout California. The value of California salmon landings dropped from $19.5 million in 1982 to $4.3 million in 1983, with total poundage down 71 percent. The squid catch—most of which comes from Monterey Bay—dropped a staggering 89 percent. Both these fisheries experienced their worst seasons since records were first kept in 1916, and other west coast fisheries have been similarly affected.

The economic impact of this disastrous season, in my district and in many other coastal regions, has been catastrophic. California's billion-dollar commercial fishing industry has suffered a serious decline, with many livelihoods lost and many hundreds more in the industry on the verge of bankruptcy. Coastal communities which depend on the fishing industry for their survival are suffering, and the human effect on these involved has been tragic. Although ocean conditions appear to have returned to normal, many fishing concerns may not be around to take advantage of the improvement by the time the season opens.

The connection between the economic decline in the fishing industry and El Nino is clear. El Nino, a recognized phenomenon which reappears periodically in Pacific waters, involves unusually warm water temperatures and changes in ocean currents. By raising water temperatures several degrees above normal, El Nino chases fish away from their normal habitats and decreases the food supply for those which remain. The National Marine Fisheries Service of the Department of Commerce has studied the conditions of the past 2 years and has clearly identified El Nino as the cause of last year's failure of the offshore fishery.

Accordingly, an attempt was made to obtain Federal relief in the form specifically designed for industries which suffer economic injury due to a physical disaster: the Small Business Administration's economic injury disaster loan program. However, SBA denied the request for relief under the pretext that "the atmospheric or weather condition known as El Nino does not of itself constitute a physical disaster."

Mr. Chairman, this statement is doubly ironic in view of the fact that El Nino has been the cause of many of the storms, floods, and other disasters which have hit the west coast in recent years. Residents of my district have been among the many individuals granted SBA assistance as a result of these disasters, and Federal disaster relief has even been sent to several countries in South America as a result of El Nino-related occurrences. Yet victims here in this country of equally severe economic injury which is also directly attributable to El Nino have been unable to obtain relief from their own Government.

We are not interested in creating a new entitlement program for the fishing industry, but only in obtaining relief through channels which already exist. Our amendment simply declares the El Nino conditions which occurred between June 1982 and December 1983 to be a disaster for purposes of the SBA program, thus allowing fishermen and related businesses the opportunity to apply for low-interest loans.

It is important to remember that in applying for this assistance, the fishing industry will be subject to the same restrictions and limitations as other industries which suffer disaster-related damage. Our amendment does not require any funds to be disbursed; SBA will still have discretion to set conditions for granting disaster loans. But the amendment will insure that fishermen who have suffered from El Nino have the same access to Federal assistance we allow to other disaster victims. For the fishing industry, this is a matter both of fairness and of economic necessity, and I hope my colleagues will offer their support.

In addition, Mr. Chairman, I would like to express my strong support for several provisions included in H.R. 3020 which reform interest rate and loan limit provisions in the SBA disaster loan program. As I mentioned earlier, residents in my congressional district have suffered through severe disasters over the past 3 years. In 1982, the interest rate on the SBA physical disaster loans to homeowners with credit elsewhere was 16 percent. At the same time, loan limits were set at $50,000 for real estate damage and $10,000 for personal property damage. The Census Bureau indicated that results of the 1980 census found the median price for housing in my congressional district is $88,000. The fact is that current provisions do not meet the needs of those individuals who experience major damages as a result of a natural disaster.

H.R. 3020 would set limits on interest rates for physical disaster loans at 4 percent for homeowners unable to obtain a loan from other sources and 8 percent if they can obtain credit elsewhere. The interest rates would be the same for businesses. Also, SBA would be prohibited from setting a cap on disaster loans to homeowners at less than $100,000 for damage to real estate or $20,000 for damage to personal property. Businesses would be eligible for loans to cover up to 100 percent of their uninsured loss. These changes follow very closely provisions included in H.R. 1375, which I sponsored along with Representative BOXER.

These changes clearly recognize the shortfalls and problems which currently exist in the SBA disaster assistance program. If we are to provide necessary assistance to disaster victims, we must approve these appropriate reforms. I commend Chairman MITCHELL for his leadership and direction in this area, and I urge my colleagues to support this legislation.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BOSCO. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I commend the gentleman in the well and the gentleman from California (Mr. PANETTA) for his remarks and for all the work the gentleman has done to put this amendment together.

I would only echo the statements made by the gentleman from California (Mr. PANETTA) to the effect that the salmon catch is down from $19½ million in the 1982—this is California alone—to about $4.3 million in 1983. Obviously a disaster and a catastrophe. The El Nino has been a disaster for all California fishermen. As a representative of the San Diego area I would urge my colleagues to support this amendment. I think it is well thought out.

Again another key is that it does not automatically qualify anybody for a loan.

I commend the author for the way he put this thing together.

It only qualifies them to go in and to apply for a loan under the disaster provisions; is that accurate.

Mr. BOSCO. Yes, I would respond to my colleague from California that that is accurate and that is our intention.

Mr. HUNTER. I thank the gentleman.

Mr. PRITCHARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Bosco amendment. Washington State fishermen, as well as Oregon and California fishermen, are facing the most disastrous salmon, crab, and clam season in recent memory. The amount of fish caught has declined dramatically below historical and predicted averages; moreover, those fish that have been caught have generally been much smaller in size and weight than would have been expected in a normal fishing year. This situation is due in large part to an ocean condition known as El Nino, which is characterized by a lack of ocean upwellings and high water temperatures.

Almost all of the commercial industry on the west coast has been affected by El Nino. The 1983 salmon landings in Washington, Oregon, and California demonstrate the devastating impact of El Nino on an already struggling fishery. Fishermen are accustomed to a certain amount of natural fluctuation in resource levels which affect their catches, but are not equipped to deal with such adverse reductions as those that have occured over the past year.

It should also be noted that economic hardships have been severe not only among the fishermen and processors, but among a broad range of marine-related businesses such as equipment suppliers, shipyards, repair shops, retail stores, and hotels as well, which normally supports their business.

The west coast States have taken steps under their respective State authorities to provide certain tax exemptions for the industry; however, this effort falls far short of the industry's needs. The industry is not asking for handouts or subsidies, it is simply requesting that it be eligible for low-interest disaster loans similar to relief afforded other types of disaster victims. This disaster relief effort has strong bipartisan support from the Governors and local governments all along the west coast.

This amendment is carefully crafted to insure that it is not an entitlement for the industry. Both the time period and conditions of the El Nino disaster have been defined. Fishermen must demonstrate to the SBA that their economic injury is attributable to this unique set of conditions known as El Nino.

In closing, I would like to emphasize that this amendment proposes no new appropriations and thus will not add 1 cent to the Federal budget deficit. I would, therefore, strongly urge the support of my colleagues. Thank you.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Bosco amendment to assist the west coast fishing industry which is currently suffering financially due to the phenomena or "El Nino." As you know, Mr. Chairman, the severe damage created by El Nino and the need for financial assistance, have well been documented—in California alone, commercial landings of salmon dropped by more than two-thirds, and hundreds of fishermen are on the verge of financial collapse. Yet, in spite of this serious situation, the U.S. Small Business Administration refuses to declare El Nino a physical disaster, qualifying the affected fishermen and small businesses for economic injury disaster loans.

First, I would like to point out that this amendment does not automatically entitle all affected fishermen to loan assistance. Rather, it only establishes eligibility to apply for SBA disaster relief. Following application, the SBA will still be able to judge each application on its individual merits.

Second, the amendment is careful to define the disaster relief for El Nino as an exception to the SBA regulations, rather than an entitlement for the fishing industry. Fishermen and other affected small businesses must prove that their economic injury resulted from El Nino. Therefore, I do not see the possibility of abuse resulting from passage of the amendment.

Finally, this amendment is strongly supported by the State and local governments of the affected States—namely, California, Oregon, and Washington. All three Governors have appealed to the SBA for disaster relief.

As the Representative of a constituency severely impacted by El Nino, I urge my colleagues to support this amendment to insure the continued economic viability of the west coast fishing industry.

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Washington.

Mr. SWIFT. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Bosco amendment to H.R. 3020. This amendment seeks to accomplish legislatively what should have been done long ago administratively: That is, to allow fishermen and other small businesses involved in the fishing industry to qualify for loans under the Small Business Administration's economic injury disaster loan program.

In 1983, Pacific Northwest fishermen, as well as many whose businesses are dependent on the fishing industry, suffered a catastrophic season, the worst in recent memory. Researchers for the National Marine Fisheries Service have pointed to El Nino, which is characterized by a lack of ocean upwellings and unusually warm ocean temperatures, as the direct cause of the failure of this fishery.

A brief look at the salmon fishery this past year graphically illustrates the desperate straits in which many Northwest fishermen now find themselves. This number of fish caught declined precipitously from recent years; moreover, those fish that were caught were generally much smaller in size and weight than would otherwise be expected in a normal fishing year. A survey of commercial salmon fishermen in Washington State showed that their average income for the year dropped 90 percent from the average for 1978-82. Fewer than 10 percent were able to make payments on their boats. Figures such as these are not limited, however, to the salmon industry: similar findings can be made for the tanner and king crab fisheries, as well as for the many businesses which are dependent on the fishing industry for their livelihood.

In spite of the overwhelming evidence that was presented, and in spite of requests for assistance by the Governors of Washington, Oregon, and California, the Small Business Administration has refused to act to make the economic injury disaster loan program available to those who have been injured by El Nino. It should be noted that the Bosco amendment will not require any new appropriations, nor does it set up any new programs. It simply provides that fishermen and related small businesses affected by El Nino are eligible to qualify for EIDL loans, pursuant to the guidelines and regulations established by SBA for this program.

Mr. Chairman, I urge my colleagues to support this important amendment.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Oregon.

Mr. WEAVER. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by Representative Bosco. This amendment directs the Administrator of the Small Business Administration to do only what he should have done long ago—recognize El Nino as a disaster so that small businessmen and fishermen can apply for emergency loans under the physical disaster and economic injury loan program. This amendment is identical to H.R. 4660, which Representative Bosco introduced earlier this year. As an original cosponsor of H.R. 4660, I strongly support this amendment.

El Nino has had disasterous effects for communities on the Oregon coast. These communities are dependent on a successful fishing season to sustain their economies throughout the year, and El Nino devastated the 1983 fishing season. A comparison of Pacific Fishery Management Council's harvest figures for 1982 and 1983 clearly documents the magnitude of the disaster:

	1982	1983
Chinook	[1] 232,800	79,600
Coho	521,900	319,800
Total	754,700	399,400

[1] Total number of fish caught by Oregon boats.

Further, the effects of El Nino are not limited to the 1983 season. The National Marine Fisheries Service has predicted that the 1984 season could be worse than 1983, and has said the effects could be felt through 1987. The Pacific Fishery Management Council projects that Oregon fishermen's revenues in 1984 will be millions less than in 1983. This shortfall for fishermen will have enormous effects throughout coastal communities. These fishermen and small businesses need assistance now to help them survive coming seasons.

Representative Bosco, Representative Swift, and myself began working to help the small businesses devastated by El Nino in September of last year, when we introduced House Concurrent Resolution 164. This resolution expressed the sense of Congress that El Nino was causing economic injury to fishermen and small businesses, and directed the SBA to provide needed assistance.

During the fall, we worked with State and local governments to determine the extent of the damage caused by El Nino. The Governors of Washington, California, and Oregon all certified that El Nino had caused disastrous economic effects on small businesses in their respective States, and requested assistance from the SBA.

Following the certification by the Governors, I wrote, along with the entire Oregon House Delegation, to the Administrator of the SBA to urge him to make disaster relief available.

Despite the clear urgency of the Governor's request for assistance, however, the Administrator of the SBA turned it down on the absurd grounds that El Nino does not constitute a physical disaster. This ruling, in light of the overwhelming evidence that these fishermen deserve and need assistance, is at best a bureaucratic excuse.

This amendment reverses the Administrator's ruling to open the way for fishermen to obtain assistance. It does not direct the SBA to grant loans. Rather, it makes fishermen and small businesses damaged by El Nino eligible to apply for loans. They will still have to meet the standard SBA criteria in order to receive loans. Further, this amendment proposes no new appropriations, and will not add 1 cent to the Federal deficit. The SBA already has the funds for these loans available in the disaster relief program, so no appropriation is necessary.

I strongly urge my colleagues to support this commonsense amendment which can help a vital sector of our economy facing hard times, that has contributed immensely to this Nation's heritage.

Mr. ANDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from Oregon.

Mr. AuCOIN. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment to declare El Nino a physical disaster for the purpose of making hard-hit commercial fishermen and small businesses in Oregon, Washington, and California eligible for long-term, low-interest operating loans.

It should not take an act of Congress to force a Government agency to do the right thing, Mr. Speaker, but unfortunately that is the case today.

On the heels of 2 unprofitable years, commercial fishermen in my State have been struck by a natural calamity—a disaster that has caused a one-third reduction in income for the 1983 season; a disaster which caused a 65-percent reduction in the catch of chinook and coho salmon, a 67-percent decline in shrimp caught, and a 37-percent reduction in Dungeness crab.

The cause of this misfortune in Oregon and along the west coast is an unusual phenonomen known as El Nino, a little-understood shift in ocean current that warmed waters off the west coast by as much as 10° last year.

Striking as indiscriminately as an earthquake, El Nino disrupted the delicate balance of nature's food chain and severely reduced the survival rate of young fish. As a result, fishermen and related industries suffered their worst season in modern history.

If there was ever a time that disaster assistance from the Small Business Administration should be triggered, it is now.

Unbelievably, this view is not shared by some of our appointed Government officials. Despite an impassioned appeal for emergency disaster loans by the Governors of Oregon, Washington, and California, the Small Business Administration ruled that El Nino is not a physical disaster and that impoverished fishermen are not eligible to apply for temporary operating assistance in the form of long-term, low-interest loans.

Mr. Chairman, this is a classic example of bureaucratic myopia, and it richly deserves to be overruled by Congress. El Nino was a devastating blow to our fishermen, and everyone in my State knows it. Many of those fishermen are on the brink of bankruptcy.

The SBA, apparently, could care less. In discussing the El Nino situation with my staff, SBA employees said that legislation requiring them to designate El Nino a disaster would open Pandora's box and Congress would be inundated by requests for emergency loans. According to one SBA official, "The next thing you know, we'll have ski resorts applying for disaster assistance when not enough snow falls."

Fishermen are hanging on by their fingernails, Mr. Speaker. They need help, not throwaway lines from half-witted bureaucrats. This amendment will give the SBA its marching orders and see to it that temporary assistance is made available to El Nino's victims.

No one in this Chamber or in the coastal fishing towns of Oregon sees this amendment as a cure-all fishing industry's problems. But if fishermen and small businesses hurt by El Nino do not get some help soon, a lot of them are not going to be in business when the next season opens.

Mr. Chairman, if something looks like a disaster, if it feels like a disaster, if it inflicts injury like a disaster, then I say it is a disaster. El Nino was a disaster, and it is up to us to help the victims of this freak phenomenon recover from it.

Mr. ANDERSON. Mr. Chairman, I rise in support of the Bosco amendment. The El Nino phenomenon has wreaked tremendous havoc on our west coast fishing industry. This climatic condition has produced warm water currents affecting the fish catches from South America, where the current and the name originated, to southeast Alaska. Salmon landings in California have been reduced to their lowest level since 1916, with similar conditions in Oregon and Washington.

Since October, the fishermen in San Pedro, located in my district, have been unable to locate commercial quantities of mackerel, anchovies or squid off southern California due to the El Nino effect. Schools of mackerel and other species have been displaced to cooler waters 400 to 600 miles northward, well out of ther San Pedro fisherman's fleet range. The El Nino of 1983, was the strongest warming of the equatorial Pacific in this century.

This situation has devastated the southern California fisherman, most of whom have been without a source of income for over 4 months. Some of the suffering could have been relieved had the Small Business Administration declared that El Nino was a natural disaster. But incredibly, SBA did not, even though the Governors of California, Oregon and Washington requested Federal disaster assistance from the SBA. In addition, the National Marine Fisheries Service blamed El Nino for the dismal showing of offshore fishing.

I have included a comparison of fishing landings in California that truly indicates the critical fall-off in pounds of fish caught between 1982 and 1983.

TOTAL OF COMMERCIAL FISH LANDINGS IN TERMS OF MILLION POUNDS

	1982	1983
Anchovy	92.5	9.0
Squid	36.0	3.0
Ocean Shrimp	4.3	1.1
Mackerel	121.0	107.5
Chinook Salmon	7.3	.9
Rockfish	57.5	45.5
Dungeness Crab	6.6	2.0
Thresher Shark	2.4	1.4
Sable Fish	21.0	13.5

The El Nino current did increase the landings of tuna and slightly increased the swordfish take, but many fishermen in southern California could not follow the northward movement of these species, or in the case of swordfish, which is traditionally caught by harpooning, the warm water forced these fish to deeper ocean depths, and consequently the harpoon fleet out of Long Beach was hit hard.

In addition, total landings by pounds decreased from 390 million pounds in 1981, to 344 million pounds in 1982, to only 257 million pounds in 1983.

I believe there is ample evidence to indicate that El Nino was indeed a natural disaster. This situation on the west coast can be compared to a drought impacting on farming areas. The SBA has been very generous to our farming areas across the country when there is not enough water for an extended period of time. Due to El Nino, there simply are not enough fish to catch. These fishermen are struggling to survive and they desperately need these SBA loans to tide them over until the adverse effects of El Nino on the west coast fishing industry are past.

Again, I would urge my colleagues to support this amendment to declare El Nino a natural disaster. This will not affect the fiscal year 1985 authorization level in the SBA bill. It is a critical situation, and we must take quick action to stem the tide of vessel foreclosures and bankruptcies that are occurring due to this extreme climatic condition. Approval of this amendment will allow our fishing industry and related small businesses to be eligible to apply for economic injury disaster loans from the SBA.

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Mr. MITCHELL. Mr. Chairman, the proponents who have spoken in favor of the amendment have made out their case. It is an absolutely meritorious case, and we are prepared to accept the amendment on this side.

Mr. BONKER. Mr. Chairman, I rise in strong suppport of the amendment. The El Nino climatic and thermal disruptions have devastated fishing, crabbing, and related tourism industries all along the west coast. The economies of entire communities have been ruined. Allowing these troubled firms to apply for SBA loans is a responsible, cost-effective, and desperately needed step to help resolve what can only be described as an economic disaster in our coastal areas.

El Nino is a thermal phenomenon that causes higher oceanic temperatures, resulting in the deaths of fish and shellfish, as well as severe disruptions in normal migration patterns.

According to figures developed by the State of Washington, 1983 catch levels of salmon, crab, and other species were as low as 20 percent of normal annual levels. It is important to note that the National Marine Fisheries Services directly attributes the failure of west coast offshore fisheries to El Nino.

Mr Chairman, my district includes much of Washington State's coastline. I represent a large number of commercial and charter fishermen, numerous crabbing operators, and many businesses that rely upon the tourism generated by fishing and clamming. These businesses are the mainstays of the coastal communities.

I have talked to fishermen and community leaders along the coast, so I know how desperate the hardship has become. Few of my fishermen are able to make their payments on their boats; almost none are able to cover their full expenses. Everywhere you look in places like Grays Harbor and Raymond, you see fishermen trying in vain to sell their boats or notices of foreclosure on vessels.

A survey of Washington State commercial salmon fishermen bears this out. From 1978 to 1982, the average income from salmon fishing was over $13,000; last year, the average income was just $1,318. Fewer than 25 percent said they were able to make the scheduled payments on their boats. And out of more than 1,000 fishermen, only 92 reported that they were able to meet their expenses.

Last year, the Governors of Washington, Oregon, and California urgently requested an economic disaster designation and SBA disaster assistance loan for the affected areas. In December, SBA denied this request, claiming that the atmospheric or weather conditions associated with El Nino did not in themselves constitute a physical disaster.

Ironically, our Government already has recognized a number of severe problems created by El Nino, and taken steps to provide substantial assistance. Congress recently authorized an additional $150 million in emergency highway repaid funds for California. Many homeowners and small businesses have also received Federal assistance. Aid has even been targeted to several South American countries due to El Nino related physical damage or agricultural shortfalls.

The economic hardship currently facing west coast fishermen, crabbing operators, and other firms is every bit as real and every bit as directly attributable to El Nino as the problems I have just mentioned, yet the SBA has refused to grant any relief.

The amendment we are offering today would legislatively declare El Nino a disaster for the purposes of the SBA program, making the fishing industry and related small businesses eligible to apply for the same aid granted to firms hurt by other disasters.

It is important to note that this amendment in no way immediately grants the assistance. It simply allows affected businesses in the fishing, crabbing, and tourism industries to apply for aid. Applicants will have to prove that they have suffered injury directly attributable to El Nino. SBA will still have the authority to rule on individual applications according to its established criteria, including the ability of the firm to repay the loan.

Our amendment does not create a new entitlement program or request new appropriations, it merely allows these firms who have been hard hit to apply for existing funds.

Mr. Chairman, I believe that the approach we are proposing through this amendment is a responsible, well-thought-out way to help the many west coast firms that have seen their fishing, crabbing, or tourism opportunities crippled by El Nino. This amendment is strongly supported by the Governors of Washington, Oregon, and California, as well as bipartisan backing from west coast Members of Congress and the legislatures of the three States.

I urge my colleagues to support this amendment to provide existing disaster assistance programs to the fishermen, crabbers, and related tourism operators who have been devastated by this severe natural phenomenon.

● Mr. DICKS. Mr. Chairman, as a member of the House who represents a substantial fishing community, I would like to add my strongest support to this amendment offered by Representative Bosco. I agree with my colleagues that the catastrophic dislocation resulting from the climatic condition known as El Nino which this amendment addresses should be covered under the Small Business Administration's economic injury disaster loan assistance program.

The phenomenon of El Nino, although not an uncommon event in the southern hemisphere, is not common in the Pacific Northwest. Researchers with the National Oceanic Atmospheric Administration (NOAA) say that this particular El Nino, with its timing and intensity, is an event which has occurred only two or three times in the last century.

The effects of El Nino in the Pacific Northwest, particularly where the fishery is concerned, were catastrophic indeed. Although I understand all of the numbers are not in yet, it would appear that local fishermen can expect only a fraction of their normal catch, perhaps as low as 10 percent, as a result of the disruption in migration patterns.

El Nino is particularly characterized by above-normal ocean temperatures and associated intense atmospheric effects. The warmer waters inhibit the normal upwelling process which brings nutrient-rich colder waters from the ocean depths. Upwelling regions throughout the world's oceans, such as that which exists off the northwest coast of America, provide the organic production base for nearly one-half of the world's fish catch. The warmer waters combined with the lack of nutrients affect feeding, migration and breeding habits of many ocean species.

As a direct result of the warmer waters, the 1983 pink and sockeye salmon harvests in north Puget Sound came in at well below predicted levels. The historic run pattern of these fish was seriously disrupted, with over 80 percent of the runs returning to the Frazier River via north of Vancouver Island instead of through American waters. Needless to say, this resulted in Canadian fishermen reaping the lion's share of a harvest which our fishermen and our Government agencies have expended considerable amounts of money to develop.

By any accepted definition of disaster, this El Nino certainly qualifies, with the exception of its being sudden when compared with floods or earthquakes. However, as such climatic events go, it was sudden. And its consequences were just as unavoidable as those which result from more rapidly developing events.

The fishermen of the Pacific Northwest are not asking our Government for a handout. All they are requesting is the ability to compete for loan funds, to help keep them in business until the effects of El Nino have subsided and they can return to a normal harvest. They are suffering through no fault of their own, and if they are being precluded from seeking this assistance because of a technicality I, for one, believe it is our responsibility as representatives of every facet of the community to make assistance available to them.●

● Mrs. BURTON of California. Mr. Chairman, I would like to voice my support for Mr. Bosco's amendment to H.R. 3020.

El Nino is not a term of affection among the California fishermen who suffered devastating financial losses from this climatic phenomenon last year. These unusual weather conditions resulted in warm water currents that disturbed the normal salmon spawning habitats and dispersed them from normal fishing areas. Its adverse effects on fish catches were felt from South America to parts of Alaska and our California industry was especially hard hit.

There was a dramatic drop in the quantity and quality of fish populations, particularly salmon, shrimp and squid, which devastated the economy of the Pacific coast commercial fishing industry. The commercial salmon catch in California was at its lowest level since 1916 and landings in the bay area barely approached 16 percent of their average. According to the California Department of Fish and Game, the value of salmon catches declined almost 75 percent, from $19,489,000 in 1982 to $4,260,000 in 1983.

The loss to fishermen and their families was of significant proportions and bankruptcies, foreclosures and repossessions were commonplace among the most severely hard pressed. Assistance was requested from the Small Business Administration for these victims to apply for low-interest SBA loans to sustain them through another season.

The Small Business Administration declined to make application available on the basis of insufficient evidence to correlate the decline in fish catches with the physical impacts of El Nino. The opinion of the National Oceanic and Atmospheric Administration is quite different: "* * * we can say with certainty that the present El Nino is perhaps the strongest such event measured in modern scientific records, not only from the viewpoint of the magnitude of the changes—ocean temperature, sea level, et cetera—but in the geographic breadth of its effects."

This amendment before us today would declare El Nino a disaster in the category of other natural catastrophes like droughts, floods, and hurricanes. Victims of this disaster among our West coast commercial fishermen could then apply for relief under the SBA's economic injury disaster loan program.

Without this assistance, the economic state of our Pacific fishing industry will be further jeopardized and the impact will be far reaching, to say nothing of the personal consequences for the many fishermen dependent on this activity for a livelihood. I urge my colleagues to support disaster relief for our Pacific coast fishermen by voting in favor of Mr. Bosco's amendment to H.R. 3020, Small Business Administration authorization.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Bosco).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Oklahoma: Page 32, line 19, strike out "October 1, 1984" and insert in lieu thereof "October 1, 1986".

Mr. JONES of Oklahoma (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JONES of Oklahoma. Mr. Chairman, this amendment does one thing and one thing only. It enforces the budget reconciliation directive which was passed by this House last fall.

To give the Members some history of this amendment, back in 1981, when the reconciliation bill was passed, a 3-year program was imposed on disaster loans for farmers to require that agricultural disaster loans first be applied for through the Farmers Home Administration and before any application could be made to the Small Business Administration. That did result in savings.

What this amendment would do would be to extend for 3 years more the requirement that we passed in 1981 to require that these agricultural disaster loans first be submitted to the Farmers Home Administration.

The savings in deficit reduction by this amendment is $600 million. The House has already spoken in favor of this in the budget reconciliation.

The fact is that the Small Business Committee itself recommended to the Budget Committee that this 3-year extension be a part of the Budget reconciliation. Instead, when the Small Business Committee implemented budget reconciliation, it only extended this requirement for 1 year rather than 3 years, thus costing $450 million to the deficit reduction package.

On the substance of this, I think there are many reasons why this extension should be granted and this amendment should be passed. In the first place, the Small Business Administration does not have the staff to handle the myriad agricultural disaster loan requests. Second, and very importantly, we are told that the Small Business Administration staff does not have the expertise to handle these kinds of loans. Third, the SBA itself opposes any change and supports the extension of this provision.

In fact, when SBA made these loans prior to 1981, the GAO and the SBA Inspector General found serious abuses of money used in these loans to purchase CD's, used for nonagricultural purposes, such as building tennis courts, and what have you. So it seems on the substance that the Farmers Home Administration which has the expertise ought to be the prime agency for handling these agricultural disaster loans.

But on the budget, the House has already spoken. They have said, "We want to reduce the deficit by $600 million over 3 years by extending this requirement that loans be made first to the Farmers Home Administration."

A vote for this amendment will enforce the budget reconciliation and reduce the deficit $600 million. A vote for this amendment is an admission that we do not intend to implement budget restraint, even though we say we are going to do it in the budget resolution.

I urge my colleagues to vote in favor of this amendment.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from California.

Mr. PANETTA. As the chairman has stated, what we are trying to do with this amendment is to basically implement what the House has already said it was going to do, which is to extend for 3 years this limitation. We passed that as part of the reconciliation bill. And indeed, the Members I think said we need the $600 million in savings.

I would say that the chairman of the Small Business Committee and the Small Business Committee generally have been very cooperative in the efforts to achieve savings in this area. This has not been easy, and I understand that. But all we are asking in this amendment is that we stick by what we said we were going to do, otherwise we create a contradiction in which one bill goes over, providing for 1 year, the reconciliation bill now sits over in the other body, indicating that we are going to go for 3 years. So rather than create that contradiction, we just think that the House ought to stand by what it said it was going to do in the reconciliation bill, and for that reason I would urge support for this amendment.

Mr. JONES of Oklahoma. I thank the gentleman for his comments.

Mr. Chairman, I think it is important to be counted on this issue, and we would hope to have a record vote on this unless we can adopt this amendment. But, clearly, we have to quit speaking with two different voices. If we are going to say as a House that we want to reduce deficits, then we ought to enforce those reductions.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from Oklahoma has been extremely busy the last 3 or 4 years, so busy that apparently he has not been able to catch up with the facts of what has happened the last 6 or 8 months.

We just had a discussion in here yesterday and today about how the Farmers Home Administration has not been able to administer the program. They have got thousands and thousands of applications that have been pending for 5 or 6 months. They have not even been able to tell the farmers they will not get a loan. They have not been able to administer the program. That is what the problem is.

We just had an amendment adopted to try to overcome the problem from last summer.

The Small Business Administration has become expert in this area. In the early days, they did have problems; but they have got in the SBA now—it is not a Small Business program, it is a national program, but they have an agency that is expert on dealing with disasters. They send out a cadre, 110—they have got a 110-man cadre. They send them out for one of these disasters. They hire the temporaries, and they know how to do it, and they get the job over with fast.

In Iowa, after they got going in 1977, they made $340 million in loans. Ninety-seven percent of those borrowers have never missed a payment.

Now, prior to that, they did have some problems. They had a lot of bad loans. And you talk about loans here for tennis courts. The Farmers Home Administration made those. Those were in California. That was not Small Business Administration disaster loan programs. That was the Farmers Home Administration under the regular loan program.

The gentleman has got this all mixed up.

Now, what he is trying to do here is say we save money because you go over to Farmers Home and you take it off budget instead of having it on budget in SBA. You do not save a dime. That is budgetary gimmickry. That is what we have been doing around this place for 20 years—claiming we save money if it is off budget compared to if it is on budget. It costs exactly the same amount because we have got a requirement that they have exactly the same rights. It is just who it is that makes the loan.

If they do not, they can go back to SBA.

Now, what the gentleman wants to do in this bill, it says that for 1 more year, we will give the Farmers Home another year to try it out, see if you can administer this program for 1 more year. But the gentleman from Oklahoma says no, give them 3 more years. Well, if they cannot do better next year than what they did last year, then they should not have it for another year. If they do, there will not be any problem about it. If they can get their house in order down there in the next year and start doing what they are supposed to do, there will not be any problem in extending this.

☐ 1400

Why do we need today to say in advance that you are going to give them from October 1984 to October of 1986 regardless of what kind of a job they do between now and next October? It is not going to save 10 cents. Get that straight right now. There is not one dime's difference because they have the same rights both places; it is a matter of who administers the program.

The Farmers Home Administration has shown that they cannot do it, they have not been able to do it so far, and if they do not get their house in order, they should not have 3 more years; they should have only 1 more year.

A vote for this amendment is a vote to discriminate against farmers. Farmers are the only ones that are singled out and it is said, you have got to go to another agency. We do not send people that have their house destroyed over to HUD. We do not send people who have a tavern destroyed to some other agency. You just say to farmers, you are second-class citizens, you have got to go to a different agency than everybody else.

They go down there, they have a disaster, you have your team in there looking after things. A fellow comes up and he says, I had my house destroyed and my truck destroyed and I am not a farmer, so he has the Small Business experts there take care of it. If he says he is a farmer, they say, uh oh, we do not want anything to do with you, you have got to go to another agency.

Well, at least we ought not to give them an extra 2 years to do this if they cannot show they can do it. So I urge the defeat of the amendment.

Mr. HARKIN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I just want to echo the remarks of my distinguished dean from Iowa, Congressman SMITH. I was one of those on the Agriculture Committee that in 1980 supported the legislation to provide the linkage that farmers had to go to Farmers Home Administration first before they could go to the SBA.

However, I have learned over those last 3 years that that was not a wise decision on my part, because what has happended is exactly what Congressman SMITH just described.

We have seen a situation develop where the Farmers Home Administration just simply cannot handle all of the applications that are coming in. I would go one step further perhaps than what Congressman SMITH said; I do not believe Farmers Home Administration wants to help these farmers.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I thank the gentleman for yielding.

Just to point out, neither does the SBA want to. They do not want the responsibility either. It seems to me that what you ought to be doing is trying to get the Farmers Home Administration operating and administering the program properly because apparently neither does SBA want it.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

The fact is that the SBA does not want to do anything. They do not want to help anybody. They do not want a fellow whose house was destroyed to get a loan either.

Mr. JONES of Oklahoma. Then how are you benefited by this; why do we not enforce the budget then?

Mr. SMITH of Iowa. Well, we set up a national program and said you administer it. You ought to have 1 agency instead of 10 doing it. But what is done is coming along here and say no; in the case of farmers, an extra one. We are going to have an extra bureaucracy set up.

Mr. HARKIN. Again, I would just echo that. Regardless of who wants to and who does not want to, what you have done here, as Congressman SMITH correctly said, is even though SBA may not want to, you have gone one step further for farmers.

Now they have two agencies that do not want to assist people. They have Farmers Home that does not want to, and if they somehow get by them, then they have SBA that does not want to.

Quite frankly, what is happening in Farmers Home is nothing less than a national scandal. I once made the comment, Mr. Chairman, that if maladministration were an illness, the entire structure of Farmers Home Administration ought to be put in intensive care.

Let me just read a couple of articles from the newspaper. Last September 3 in the Baltimore Sun, and I am quoting here, it said:

> Agriculture Secretary John Block said yesterday he has taken steps to speed Federal assistance to farmers ruined by the drought of 1983, the worst in the Midwest since the dustbowl of 1936, with damages estimated at $7 billion.

That was in September 1983; Secretary Block said he would speed Federal assistance. Well, let me quote from the Kansas City Times, February 25, 1984:

> Three weeks after Charles Shulman, head of the Farmers Home Administration, assured angry Congressmen that a large backlog of disaster loans would be processed within 5 weeks, more than half of about 10,000 applications from the Midwest are still pending.

That ought to tell you something about what Farmers Home is doing. So, when I look back at what we did in 1980, and coupling these two together and linking these two together, I think it was absolutely the wrong way to go, and I think the amendment that I just offered a little bit ago, that was accepted by the committee, would allow farmers, who had specific harm becaust of the drought, to go to either SBA or to Farmers Home.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentleman for yielding.

I am just constrained to say to my friend that the amendment that the gentleman offered a bit ago, was accepted in the sense that I said that we would take it from the House into conference. I did not say that we approved of the amendment; I am trying to work with the gentleman in a spirit of comity by saying that we would take this amendment that was offered to conference.

Mr. HARKIN. It was adopted by the Committee of the Whole.

Mr. McDADE. Well, if the gentleman would like, we will have a recommit on it, if the gentleman would like. Would the gentleman like to have a recommit on it?

Mr. HARKIN. Sure; let us have a vote on it.

Mr. McDADE. The gentleman's amendment would simply serve as a special interest piece of legislation for your area. Now let me say to the gentleman——

Mr. HARKIN. There were 30 States affected by the drought.

Mr. McDADE. The gentleman has yielded to me, and if he wants to cut me off, he may do so.

I told the gentleman that we would accept that amendment in a spirit of comity by taking it to conference, that means we do not accept the amendment; it means that we are going to see if we can work it out.

Mr. HARKIN. Well, I have never heard of such a thing in the House. You accepted it. The Committee of the Whole House accepted this amendment.

Mr. McDADE. Well, let me say to the gentleman he has a very short memory because we discussed it, and I told him precisely what I was doing. I would not raise the issue except for the fact that the gentleman is now making it appear that I and everyone on this committee approved of your amendment with reservation.

May I say to my friend I have great reservations about it. I have tried to work with him by saying, and the other gentleman from Iowa, a member of the committee, that we recognize that there is a problem; we want to work with you. But in no sense am I without reservation accepting your amendment. I agreed to take it to conference and that is all.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. HARKIN) has expired.

(By unanimous consent, Mr. HARKIN was allowed to proceed for 3 additional minutes.)

Mr. HARKIN. Again, I would say I appreciate what the gentleman says, but I was led to believe that the gentleman accepted the amendment, to take it to conference. That is what happens when an amendment is accepted here in the Committee of the Whole House, it goes to conference.

Now, if the gentleman wants to oppose it in conference, obviously, the gentleman can oppose it in conference. But to say now that somehow the amendment was adopted, but it really was not adopted, is the height of folly. I have never heard of such a thing on the floor of the House of Representatives.

Mr MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the distinguished chairman.

Mr. MITCHELL. I thank the gentleman.

Let me make an effort to clear up this situation.

I indicated that this side would accept the amendment. My colleague, Mr. McDADE, indicated that with the understanding that there was no commitment beyond taking it to conference, that he would go along with the amendment.

So, in effect, the House, the committee did accept your amendment with a reservation. Now, that is the picture as I see it.

Mr. HARKIN. Did the committee accept my amendment the same way that it accepted Mr. Bosco's and the same way it accepted the other amendments that were offered?

Mr. MITCHELL. In the precise same fashion, save for the fact that there was a caviat issued by Mr. McDade saying this was a commitment to take it to conference. I think he did that to indicate that he might not, obviously, support it in conference; I do not know.

Mr. HARKIN. Well, I have no problem if he does not support it in conference, that is no problem.

Mr. MITCHELL. Rather than take up a whole lot of time, I think that is an accurate appraisal of where we stand. It in effect was accepted by the Committee of the Whole.

Mr. HARKIN. Yes, that is the only point I want to make, that the Committee of the Whole House accepted the amendment that I offered, period.

Now, what happens in conference remains to be seen; I understand how that works. But to somehow say that it really was not accepted here, I think is quite disingenuous.

Mr. Chairman, let me just finish my comments on the amendment of the gentleman from Oklahoma. I think this would be the wrong way to go. We made the mistake once, and let us not compound it by going down that road again.

Let me just point out that in the case of the farmers who have now applied to Farmers Home Administration for their loans, what we are seeing is a case where farmers who are collateralized will go into their Farmers Home office, and the Farmers Home Administration will say, "I am sorry, we cannot loan you the money, you have too much equity."

□ 1410

The fact is that SBA loans are collateralized. That is why the repayment rate is so good. What I am saying is that we have a lot of farmers who have gone in to Farmers Home Administration who are, indeed, collateralized, but Farmers Home will not loan them the needed money. This kind of a farmer could go to SBA and get the excellent services provided by SBA, as they have done in the past.

That is why I think to accept the gentleman's amendment is to go back to doing the things that we have been doing for the last 3 years. I think it has caused a lot of hardship in rural areas.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. Harkin) has expired.

(By unanimous consent, Mr. Harkin was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, I just want to point out that the gentleman from Pennsylvania (Mr. McDade) has always been very cooperative and we have worked together. We disagree sometimes, but we work together. But I do want the record to show something that I am afraid might be mistaken here.

This amendment offered by the gentleman from Iowa (Mr. Harkin) was not just for Iowa; it is 30 States. I also want to point out that that drought was caused by the same El Nino that caused the fishing problem. I cannot imagine how somebody could stand here on the floor and support the fishing amendment and then say they are against it if it happens to be a farmer instead of a fisherman who got caught.

Mr. McDADE. If the gentleman will yield, I did not hear anybody say that. Let me say to my friend that, as he indicates, we are trying to work in a spirit of comity. If we have to go through individual votes on all these items, we will do so, but we do not want to do that. We want to work toward trying to get a reasonable compromise to see if we can be helpful to suffering Americans consistent with sound policy, both from a management point of view and a fiscal point of view.

Mr. SMITH of Iowa. I agree, and that is the reason I say we have in this bill to have this linkage until next October, and that is quite a long while. We will have an opportunity to extend it 2 more years if it is necessary, but it is already in the bill to go to next October. What the amendment offered by the gentleman from Oklahoma (Mr. Jones) would be to take it 2 years beyond that, and we do not need to do that at this time. We will work these things out.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, let me ask the gentleman something: Is there a limit to the amount of money that can be borrowed by the farmers?

Mr. SMITH of Iowa. If the gentleman will yield further, we have the same conditions whether SBA directs the loan or the Farmers Home Administration directs the loan. It has got to be a similar interest rate. We are not talking about a difference in the kind of a loan they will get, not a difference in the amount of money that they will get; we are just talking about who administers the program, and Farmers Home showed last summer and last fall and this winter they just cannot get the job done.

Mr. DAUB. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in favor of the amendment.

I am not going to use all of my time, but just simply say that I speak to my colleagues in perhaps a unique way, I think. I have spent the better part of my adult life in farming and agribusiness and I have spent a good portion of my life in small business. I represent an awful lot of farm and agribusiness industry. I am deeply concerned, as are all of us, about the plight of the agribusiness and farm person and the difficulty that any kind of a disaster causes for them, let alone drought.

But I can tell you that the farmer is not a second-class citizen when it comes to the Federal Government, at least with respect, as I look at it, to the fact that there are two places that that farmer can go, not one. So indeed it seems to me that the Appropriations Committee and the Budget Committee in 1980 made a wise decision. We do have the assurance that it lasts for the rest of this year, and I wish to say, without belaboring the point, that an additional 2 years makes sense because, in fact, the Small Business Administration has an emphasis and an interest that will not help farmers who are in trouble. Farmers need to get better treatment from the Farmers Home Administration; that may be true. But we do not solve their problem by letting them go to the Small Business Administration.

Mr. McDADE. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in favor of the amendment.

Mr. Chairman, I concur with the remarks just made by my colleague on the amendment that is being offered by the chairman of the Budget Committee, the gentleman from Oklahoma, with support from the gentleman from California.

I think this is a good amendment. As has been pointed out, we have in the bill a 1-year extension now of what the entire amendment would say. What we attempt to do with the gentleman's amendment is to stretch it out for 2 more fiscal years, and I think that is good policy. In fact, our committee thought so when we had to report to the Budget Committee under reconciliation instructions.

We said not that a farmer is to be treated differently. In fact, under the leadership of my friend, the gentleman from Iowa (Mr. Smith), we worked hard to make sure that a farmer was not in any way given any kind of discriminatory treatment with respect to disaster assistance, but we do need to try to say that I think the Farmers Home, which has the expertise, ought to deal with the problem. An SBA person and a Small Business administrative representative in a disaster situation simply does not have that broad breadth of experience, it seems to me, to be able to effectively cope with the disaster claims.

So I hope the amendment offered by the gentleman from Oklahoma is adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. JONES).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 8, noes 5.

Mr. SMITH of Iowa. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

● **Mr. GILMAN.** Mr. Chairman, I rise in support of H.R. 3020, legislation authorizing the programs delegated to the Small Business Administration. This measure, extending and expanding program authority for the next 2 fiscal years, contains some very important provisions that will go a long way in assisting the backbone of our economy—small businessmen.

Several sections of the bill which I particularly favor include the reauthorization and restructuring of physical disaster loans. H.R. 3020 reduces the maximum interest rates established last Congress for SBA loans for reparation or replacement of property damaged by a natural disaster which occurred on or after October 1, 1982. Under this provision homeowners unable to obtain a loan from other sources may obtain SBA loans at a rate equal to one-half the cost of money to the Federal Government, but not more than 4 percent (the maximum rate presently being 8 percent).

Furthermore, homeowners able to obtain a loan from other sources may obtain a loan from SBA at a rate equal to the cost of money to the Federal Government, but not to exceed 8 percent, present law being the prevailing market rate. Businesses unable to obtain a loan from other sources may obtain loans at a rate not to exceed 4 percent, and those able to obtain a loan elsewhere may obtain loans at the lowest of one of three options: The prevailing rate in the private market for similar loans; the maximum rate of SBA guaranteed business loans; or 8 percent.

H.R. 3020 restores eligibility for creditworthy businesses to receive loans of up to 100 percent of the amount of their net, uninsured losses—under existing law they are limited to 85 percent—up to a maximum of $500,000 per disaster, although this limit may be waived in cases where the business is a major source of employment suffering the disaster. Also, this measure prohibits the Small Business Administration from reducing the maximum disaster loan to a homeowner to below $100,000 for damage to real estate or below $20,000 for damage to or loss of personal property. SBA currently is applying a $50,000 maximum for damage to real estate, $10,000 maximum for damage to personal property, and a combined maximum of $55,000 per disaster.

Other noteworthy programs that have been considered and authorized for funding levels are the general guaranteed loans, handicapped guaranteed loans, energy guaranteed loans, and the economic opportunity guaranteed loans. Together, these programs are authorized for almost $3 billion in fiscal year 1984, and more than $4 billion in fiscal year 1985. I am also pleased to see the creation of a new program through which SBA may make grants or loans to small businesses to cover the cost of trade fairs and export development activities. Grants or loans to any company are limited to $15,000 for overseas events and $2,000 for domestic events per year. I believe that this small program will be very helpful to many of our small business owners, and hope that it is taken advantage of often.

Mr. Chairman, I am pleased with the particulars of the legislation now before us. The small business owner typifies the spirit of American free enterprise and a positive "can-do" attitude. It is important for the Federal Government to maintain and expand its vital link with all small businessmen across the country, so as to insure that in times of trouble these courageous men and women will be able to continue their important contribution to a healthy economy. Accordingly, I urge my colleagues to support this legislation in the same manner that our small businesses support our Nation.●

The CHAIRMAN. Are there further amendments to title III? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. LEVIN of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3020) to amend the Small Business Act, and for other purposes pursuant to House Resolution 365, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

□ 1420

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MITCHELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 11, not voting 36, as follows:

[Roll No. 46]

YEAS—386

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Burton (CA)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
D'Amours
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foley
Ford (MI)
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hayes
Hefner
Hertel
Hightower
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari

Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Spence
Spratt
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Tallon
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

NAYS—11

Bartlett
Burton (IN)
Crane, Philip
Erlenborn
Ford (TN)
Gramm
Nielson
Shumway
Slattery
Synar
Zschau

NOT VOTING—36

Alexander
Barnard
Bliley
Boxer
Bryant
Collins
Corcoran
Crane, Daniel
Feighan
Foglietta
Forsythe
Fowler
Green
Hance
Hawkins
Heftel
Hiler
Ireland
Leath
Leland
Markey
Mollohan
Nichols
Oberstar
Paul
Savage
Simon
Solomon
St Germain
Stark
Sundquist
Tauke
Tauzin
Valentine
Williams (OH)
Wilson

☐ 1430

Messrs. NIELSON of Utah, ZSCHAU, and SLATTERY changed their votes from "yea" to "nay."

Mr. YATES and Mr. SLATTERY changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MITCHELL. Mr. Speaker, pursuant to the provisions of House Resolution 365, I call up the Senate bill (S. 1323) to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. MITCHELL

Mr. MITCHELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mitchell moves to strike out all after the enacting clause of the Senate bill, S. 1323, and to insert in lieu thereof the provisions of the bill, [illegible] 3020, as passed, as follows:

TITLE [illegible]—SMALL BUSINESS ADMINISTRATION AUTHORIZATIONS

Sec. 101. Section 20 of the Small Business Act is amended by striking subsection (q) and all that follows and inserting the following:

"(q) The following program levels are authorized for fiscal year 1984:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $303,500,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $30,000,000 in loans to Vietnam veterans, $20,000,000 in loans as provided in paragraph (10), $135,000,000 in loans as provided in paragraph (11), and $10,000,000 in loans as provided in paragraph (12): *Provided, however.* That of such sums, the Administration is authorized to make direct loans only to those eligible for loans under subsection 7(a)(10).

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $3,030,000,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $5,000,000 in loans as provided in paragraph (10), $60,000,000 in loans as provided in paragraph (11), $15,000,000 in loans as provided in paragraph (12), and $350,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $70,000,000 in direct purchases of debentures and preferred securities and to make $250,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,500,000,000.

"(5) For the program authorized by section 7(b)(3) of this Act, the Administration is authorized to make $100,000,000 in direct loans.

"(6) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed the sum of $250,000,000.

"(7) There are hereby authorized to be appropriated sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(r) There are authorized to be appropriated to the Administration for fiscal year 1984, $986,390,000 sum, $670,390,000 shall be available for the purpose of carrying out the programs referred to in subsection (q), paragraphs (1) through (3); $17,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $295,000,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $13,526,000 shall be available for procurement and technical assistance; of which amount not less than $2,318,000 shall be available for technical assistance, and of this amount not less than $903,000 shall be used to pay for the continued development of a procurement automated source system, and not less than $175,000 shall be used to develop and maintain technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain and interpret the appropriate tachnology for such small businesses.

"(2) $37,138,000 shall be available for management assistance, of which amount not less than $1,214,000 shall be used to sustain the small business export development program and to employ not less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist, of which up to $4,000,000 shall be used for grants or loans authorized by section 22(b)(2) of this Act and not more than $1,000,000 shall be used for programs authorized by section 22(b)(4) of this Act.

"(3) $8,000,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,420,000 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel for Advocacy to carry out research and those functions prescribed by Public Law 94-305; not less than $1,400,000 shall be used to develop an external small business data bank and small business index; not less than $1,350,000 shall be used for research; and not less than $1,000,000 shall be used to pay for development and maintenance of an indicative small business data base comprised of names and addresses and related information.

"(4) $30,250,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $13,655,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of this Act.

"(5) $10,546,000 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, and to the installation of terminals in Administration field offices.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for carrying out the provisions and purposes of the small business development center program in section 21.

"(s) The Administrator may transfer no more than 10 per centum of each of the total levels for salaries and expenses authorized in paragraphs (1) through (5) of section 20(r) of this Act: *Provided, however,* That no level authorized in such paragraphs may be increased more than 20 per centum by any such transfers.

"(t) The following program levels are authorized for fiscal year 1985:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $295,000,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $30,000,000 in loans to Vietnam veterans, $20,000,000 in loans as provided in paragraph (10), $135,000,000 in loans as provided in paragraph (11), and $10,000,000 in loans as provided in paragraph (12): *Provided, however,* That of such sums, the Administration is authorized to make direct loans only to those eligible for loans under subsection 7(a)(10).

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $4,010,000,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $6,000,000 in loans as provided in paragraph (10), $80,000,000 in loans as provided in paragraph (11), $20,000,000 in loans as provided in paragraph (12), and $350,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $70,000,000 in direct purchases of debentures and preferred securities and to make $250,000,000 in guarantees of debentures.

"(4) For the program authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,500,000,000.

"(5) For the program authorized by section 7(b)(3) of this Act, the Administration is authorized to make $100,000,000 in direct loans.

"(6) For the program authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $250,000,000.

"(7) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(u) There are authorized to be appropriated to the Administration for fiscal year 1958, $1,075,100,000. Of such sum, $747,300,000 shall be available for the purpose of carrying out the program referred to in subsection (t), paragraphs (1) through (3); $17,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $306,800,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $13,526,000 shall be available for procurement and technical assistance; of which amount not less than $2,318,000 shall be available for technical assistance, and of this amount not less than $903,000 shall be used to pay for the continued development of a procurement automated source system, and not less than $175,000 shall be used to develop and maintain technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses.

"(2) $37,138,000 shall be available for management assistance, of which amount not less than $1,214,000 shall be used to sustain the small business export development program and to employ not less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist, of which amount up to $4,000,000 shall be used for grants or loans authorized by section 22(b)(2) of this Act and not more than $1,000,000 shall be used for programs authorized by section 22(b) of this Act.

"(3) $8,000,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,420,000 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel for Advocacy to carry out research and those functions prescribed by Public Law 94-305; not less than $1,400,000 shall be used to develop an external small business data bank and small business index; not less than $1,350,000 shall be used for research; and not less than $1,000,000 shall be used to pay for development and maintenance of an indicative small business data base comprised of names and addresses and related information.

"(4) $30,250,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $13,655,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of this Act.

"(5) $10,546,000 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, and to the installation of terminals in Administration field offices.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for carrying out the provisions and purposes of the small business development center program in section 21.

"(v) The Administrator may transfer no more than 10 per centum of each of the total levels for salaries and expenses authorized in paragraphs (1) through (5) of section 20(u) of this Act: *Provided, however,* That no level authorized in such paragraphs may be increased more than 20 per centum by any such transfers.

"(w) The following program levels are authorized for fiscal year 1986:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $306,800,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $31,200,000 in loans to Vietnam veterans, $20,800,000 in loans as provided in paragraph (10), $140,400,000 in loans as provided in paragraph (11), and $10,400,000 in loans as provided in paragraph (12): *Provided, however,* That of such sums, the Administration is authorized to make direct loans only to those eligible for loans under subsection 7(a)(10).

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $4,430,400,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $6,240,000 in loans as provided in paragraph (10), $83,200,000 in loans as provided in paragraph (11), $20,800,000 in loans as provided in paragraph (12), and $364,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $72,800,000 in direct purchases of debentures and preferred securities and to make $260,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,560,000,000.

"(5) For the programs authorized by section 7(b)(3) and 7(b)(4) of this Act, the Administration is authorized to make $105,000,000 in direct loans.

"(6) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $260,000,000.

"(7) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(x) There are authorized to be appropriated to the Administration for fiscal year 1986, $1,162,000,000. Of such sum, $823,000,000 shall be available for the purpose of carrying out the programs referred to in subsection (w), paragraphs (1) through (3); $19,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $1,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $319,072,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $14,067,040 shall be available for procurement and technical assistance; of which amount not less than $2,410,720 shall be available for technical assistance, and of this amount not less than $939,120 shall be used to pay for the continued development of a procurement automated source system, and not less than $182,000 shall be used to develop and maintain technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses.

"(2) $38,494,352 shall be available for management assistance, of which amount not less than $1,262,560 shall be used to sustain the small business export development program and to employ not less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist, of which amount up to $4,160,000 shall be used for grants for loans authorized by section 22(b)(2) of this Act and not more than $1,040,000 shall be used for programs authorized by section 22(b) of this Act.

"(3) $8,320,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,516,800 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel to carry out research and those functions prescribed by Public Law 94-305; not less than $1,456,000 shall be used to develop an external small business data bank and small business index; not less than $1,404,000, shall be used for research and not less than $1,040,000 shall be used to pay for development and maintenance of an indicative small business data base comprised of names and addresses and related information.

"(4) $31,460,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $14,201,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of this Act.

"(5) $10,967,840 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, and to the installation of terminals in Administration field offices.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for carrying out the provisions and purposes of the small business development center program in section 21.

"(y) The Administrator may transfer no more than 10 per centum of each of the total levels for salaries and expenses authorized in paragraphs (1) through (5) of section 20(x) of this Act: *Provided, however,* That no level authorized in such paragraphs may be increased more than 20 per centum by any such transfers.".

TITLE II—SMALL BUSINESS ADMINISTRATION PROGRAM CHANGES

SEC. 201. (a) Section 22(b)(2) of the Small Business Act is amended to read as follows:

"(2) encourage greater small business participation in trade fairs, shows, missions, and other domestic and overseas export development activities by providing grants or loans to small businesses to defray costs associated with such events: *Provided, however,* That no more than $15,000 in the case of overseas events, and no more than $2,000 in the case of domestic events, may be provided to any company in any one fiscal year;".

(b) Section 22(b) of the Small Business Act is amended by adding at the end thereof the following new paragraph:

"(4) the Administration is authorized to cosponsor or otherwise participate in domestic and overseas events whose primary purpose is to encourage export of small business goods and services abroad, including but not limited to, conferences, missions, trade fairs, and other export development activities sponsored by other Federal departments and agencies.".

SEC. 202. (a) Section 7(a) of the Small Business Act is amended by adding the following:

"(16)(A) No immediate participation loan may be made pursuant to this subsection unless the Administration determines that the applicant has given reasonable assurance that it will create employment opportunities within a two-year period after all loan proceeds are disbursed.

"(B) Immediate participation loan funds under subsection (a) shall be allocated to the Administration's district offices at least quarterly each fiscal year. The amount of such allocation shall be based solely upon the average total number of unemployed workers residing within each district area as a percentage of the average total unemployed work force nationwide for the immediately preceding fiscal quarter, or for the most recent fiscal quarter for which such statistics are available.

"(C) Immediate participation loans authorized by subsection (11) shall be extended on a priority basis within each of the Administration's designated district areas to those qualified applicants located in or near a labor surplus area (as defined pursuant to Defense Manpower Policy 4B (32 CFR chapter 1) or any successor policy).

"(D) During the last thirty calendar days of each fiscal year quarter the Administration may make an immediate participation loan to any qualifying small business within the district.".

(b) Section 7(a)(3) of the Small Business Act is amended to read as follows:

"(3)(A) No loan under this subsection shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund established by section 4(c)(1) of this Act would exceed $750,000: *Provided,* That the Administration's share of any loan made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate basis shall not exceed $350,000: *Provided further,* That any immediate participation loan made pursuant to this subsection shall be accompanied by an injection of additional funds derived from non-Federal sources in the following amounts:

"(i) if the loan is under $100,000 in amount, at least 10 per centum;

"(ii) if the loan is between $100,000 and $200,000 in amount, at least 20 per centum; and

"(iii) if the loan is over $200,000 in amount, at least 30 per centum.

"(B) The percentages specified in subparagraphs (A) (ii) and (iii) shall be reduced to 10 per centum and 15 per centum, respectively, if the non-Federal source funds are derived from a State or local government, including tax-exempt obligations of such governments.

"(C) The Administration shall delegate to each district office the authority to approve immediate participation loans except these made under the authority of 7(a)(11) in the amounts specified in subparagraphs (A) (i), (ii), and (iii) under the conditions specified in the Act without seeking higher approval within the Administration.

"(D) The Administration may transfer no more than 15 per centum of each of the total levels for direct loan programs as authorized in section 20 of this Act: *Provided, however,* That no loan program level authorized in such section may be increased more than 25 per centum by any such transfers: *Provided further,* That the Administrator is not authorized to transfer immediate participation loan levels to deferred participation (guaranteed) loan levels except that any transfers shall be effective only to the extent approved in advance by the Appropriations Committees of the United States Senate and of the House of Representatives of the United States.

"(E) For purposes of this paragraph the term 'non-Federal sources' shall include, but not be limited to, State and local government funds (including the proceeds from tax-exempt obligations of such governments), and funds derived from private finanical institutions or private equity sources. In no event shall such term include funds derived directly from any grant or loan made, guaranteed, or insured by the Federal Government: *Provided, however,* That for purposes of this paragraph, Federal funds received by a State or local government or local industrial development agency will be considered funds that are derived from a State or local government source.".

SEC. 203. Section 7(a)(6(A) of the Small Business Act is amended by adding after the word "subsection" the following: "or for loans to any small business concern as provided in paragraph (11) of this subsection,".

SEC. 204. Section 7(a)(4) of the Small Business Act is amended by striking the following: "and an additional amount as determined by the Administration, but not to exceed 1 per centum per annum".

SEC. 205. Section 7(a) of the Small Business Act is amended by adding the following new subsection:

"(17)(A) any loan made under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) may, upon the joint election of the borrower, Administration, and lender, as the case may be, provide for the payment of interest only, during the—

"(i) first two years of its term if such term is at least eight years;

"(ii) first three years of its term if such term is at least ten years; and

"(iii) first four years of its term if such term is at least fifteen years.

At the conclusion of the period of interest-only payments, the loan agreement shall provide for amortization of the loan principal in equal payments of principal and interest during the remainder of the term of the loan.

"(B) with respect to loans made under this subparagraph, a bank or lending institution may charge, in addition to any interest, fee, or service charge otherwise permissible pursuant to this Act and relevant regulations, promulgated pursuant thereto, a one-time fee of 1 per centum of the total amount of such loan, which amount may be paid from the proceeds of such loan.".

SEC. 206. Section 205 of this Act is repealed October 1, 1986.

SEC. 207. Not later than February 28, 1985 and February 28, 1986, the Small Business Administration shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, a report which shall contain—

(1) with respect to section 7(a)(3)(A) of the Small Business Act—

(A) the aggregate number, dollar value, and default rate of all loans made in excess of $500,000 per loan; and

(B) the aggregate number, dollar value, and default rate of all loans made since the effective date of this section not in excess of $500,000 per loan;

(2) with respect to section 7(a)(17) of the Small Business Act—

(A) aggregate number, dollar value, and default rate of loans made subject to the election described therein; and

(B) for such loans described in subparagraph (A) of this paragraph, the geographic location of the recipients of such loans.

Sec. 208. Section 5 of the Small Business Act is amended by adding the following new subsection:

"(f) Notwithstanding any other provision of law, the Administration shall enter into commitments for direct loans and to guarantee loans, debentures, payment of rentals, or other amounts due under qualified contracts and other types of financial assistance and to enter commitments to guarantee sureties against loss pursuant to programs under this Act and the Small business Investment Act of 1958 in the full amounts provided by law, including reprograming requests approved by the Appropriations Committees of the United States Senate and the House of Representatives of the United States, subject only to (1) the availability of qualifed applications for such direct loans and guarantees, and (2) limitations and amounts contained in authorization and appropriation Acts. Nothing in this subsection authorizes the Administration to reduce or limit its authority to enter commitments for direct loans or for such guarantees to qualified applicants.".

Sec. 209. Section 404(b) of the Small Business Investment Act of 1958 is amended as follows:

(a) by striking from paragraph (1) thereof "may be issued" and by inserting in lieu thereof "shall be issued"; and

(b) by striking the period at the end of paragraph (1) thereof and by inserting in lieu thereof ", and the Administration is expressly prohibited from denying such guarantee due to the property being so acquired.".

The provisions of subsections (a) and (b) of this section shall apply to applications (for the issuance of a guarantee described in section 404 of the Small Business Investment Act of 1958) which are pending as of January 1, 1982, or are made after December 31, 1981.

Sec. 210. Section 411 of the Small Business Investment Act of 1958 is amended by adding the following at the end of subsection (h): "The Administration shall not establish eligibility criteria based on the amount of the bond, subject to the limitation in subsections (a) and (c), or upon a percentage related to previously successfully completed contracts. The Administration shall evaluate each application on a case-by-case basis and based solely thereon shall determine the appropriate guarantee.".

Sec. 211. Section 5 of the Small Business Act is amended by adding the following new subsection:

"(g) The Administration shall notify the Senate Small Business Committee and the Small Business Committee of the United States House of Representatives before reprograming any program amounts authorized in appropriations Acts or reports explanatory thereof and shall notify the Senate Small Business Committee and the Small Business Committee of the United States House of Representatives before implementing any reorganization of such agency.".

Sec. 212. Section 2 of the Small Business Act is amended by striking "section 7(i)" from paragraph 1) of subsection (c) and by inserting "section 7(a)(11)".

Sec. 213. Section 7 of the Small Business Act is amended as follows:

(a) by striking, wherever it appears therein, "section 7(i)" from paragraphs (1), (2), (3), (8), (9), and (11) of subsection (j) and by inserting "section 7(a)(11)";

(b) by striking from subsection (k) "section 7(i)" and by inserting "section 7(a)(11)";

(c) by striking subsections (e), (h), (i), and (l); and

(d) by striking all of subsection (c) after the first two sentences in subparagraph (D) of paragraph (4) and inserting the following:

"Such loans, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall be in amounts equal to 100 per centum of loss if the applicant is a homeowner and 85 per centum of loss if the applicant is a business or otherwise. The interest rates for loans made under paragraphs 7(b)(1) and (2), as determined pursuant to his paragraph (4), shall be the rate of interest which is in effect on the date the disaster commenced: Provided, That no loan under paragraphs 7(b)(1) and (2) shall be made, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis, if the total amount outstanding and committed to the borrower under subsection 7(b) would exceed $500,000 for each disaster unless an applicant constitutes a major source of employment in an area suffering a disaster, in which case the Administration, in its discretion, may waive the $500,000 limitation.".

Sec. 214. Section 15 of the Small Business Act is amended by striking subsections (d), (e), and (f) and inserting in lieu thereof the following:

"(d) For purposes of this section priority shall be given to the awarding of contracts and the placement of subcontracts to small business concerns which shall perform a substantial proportion of the production of those contracts and subcontracts in or near areas of concentrated unemployment or underemployment or within labor surplus areas. Notwithstanding any other provision of law, total labor surplus area set asides pursuant to Defense Manpower Policy Numbered 4B (32A CFR chapter I) or any successor policy shall be authorized if the head of the procuring Federal agency or his designee specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards will be made at reasonable prices. As soon as practicable and to the extent possible, in determining labor surplus areas, consideration shall be given to those persons who would be available for employment were suitable employment available. Until such definition reflects such number, the present criteria of such policy shall govern.

"(e) In carrying out small business set-aside programs, Federal agencies shall award contracts, and encourage the placement of subcontracts for procurement to the following in the manner and in the order stated:

"(1) concerns which are small business concerns and which are located in labor surplus areas, on the basis of a total small business-labor surplus area set-aside;

"(2) concerns which are small business concerns, on the basis of a total small business set-aside;

"(3) concerns which are small business concerns and which are located in a labor surplus area, on the basis of a partial small business-labor area set-aside; and

"(4) concerns which are small business concerns, on the basis of a partial small business set-aside.

"(f) After priority is given to the small business concerns specified in subsection (e), priority also shall be given to the awarding of contracts and the placement of subcontracts, on the basis of a total labor surplus area set aside, to business concerns which will perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas.".

Sec. 215. Section 3(h) of the Small Business Act is amended as follows:

(a) by striking "availability of credit" and by inserting "availability of sufficient credit"; and

(b) by striking "conditions" and by inserting "conditions and at reasonable rates,".

Sec. 216. Section 3 of the Small Business Act is amended by striking from subsection (a) "*Provided*, That the Administration shall not promulgate, amend, or rescind any rule or regulation with respect to size standards prior to March 31, 1981." and inserting in lieu thereof the following: "*Provided*, That notwithstanding the waiver provisions of any other law, the Administration shall not promulgate, amend or rescind any rule or regulation with respect to size standards except in accordance with the procedures of chapter 5 of title 5, United States Code.".

Sec. 217. Section 302(a) of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following: "With respect to a company licensed pursuant to section 301(d), such capital and surplus shall include funds obtained directly or indirectly from an agency or department of a State government or the Federal Government (excluding the Administration) for purposes of section 303 leveraging, provided that such funds:

"(1) are not taken into account with respect to meeting the requirements established by the preceding two sentences; and

"(2) were invested in or were legally committed to be invested in such company prior to July 29, 1980.".

Sec. 218. Section 502 of the Small Business Investment Act of 1958 is amended by striking "plant acquisition," and by inserting in lieu thereof "working capital, plant acquisition,".

Sec. 219. Section 503 of the Small Business Investment Act of 1958 is amended by striking all of paragraph (5) of subsection (b) after "is made" and by inserting the following: ": *Provided*, That the Administration shall not use the source or nature of the funds constituting the remaining per centum of the project cost as a criteria to approve or reject such guarantee; and".

Sec. 220. Section 15(c) of the Small Business Act is amended as follows:

(a) by striking from paragraph (1) "fiscal years 1981, 1982, and 1983," and by inserting in lieu thereof "each of fiscal years 1981 through 1986,";

(b) by striking from paragraph (1) "7(h)" and by inserting in lieu thereof "7(a)(10)";

(c) by striking from paragraph (2) ", 1982" and by inserting in lieu thereof "of each of fiscal years 1983 through 1986"; and

(d) by striking from paragraph (2) the word "Select".

Sec. 221. Section 15 of the Small Business Act is amended by adding at the end thereof the following:

"(m) Pursuant to the agreement implementing the policy of this section, entitled "Memorandum of Understanding Between the United States Department of the Interior and the Small Business Administration With Respect to Sales to Small Concerns of

Timber and Related Forest Products on Federal Lands Under the Jurisdiction of the Bureau of Land Management," dated March 10, 1960, as amended July 25, 1966, and regulations and directives issued pursuant thereto, the Secretary of the Interior shall develop rules in consultation with the Administration to provide that any timber purchase by a nonmanufacturer shall be treated for purposes of small business share analysis under this Act as if made by the actual or predicted manufacturer of such purchase.

"(n) Pursuant to the agreement implementing the policy of this section, entitled "Agreement Between Department of Agriculture and the Small Business Administration for the Development and Operation of a Small Business Program in the Sale of National Forest Timber and Related Forest Products," dated December 29, 1971, and regulations and directives issued pursuant thereto, the Secretary of Agriculture shall not, in the case of government sales of timber in Forest Service Region 8 reserved for or involving preferential award to small businesses when the government timber being purchased is to be resold, permit the purchasing small business to sell or trade any of the advertised sawlog volume of such timber to a concern which is not a small business within the meaning of the Administration's regulations.".

Sec. 222. (a) Not later than February 28, 1985, the Small Business Administration shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, a report of a study conducted by such Administration with respect to loans guaranteed under subsection (a) of section 7 of the Small Business Act, having a principal amount of less than $50,000, and made during 1983 and 1984.

(b) The report shall include—

(1) the aggregate number and dollar amount of such loans;

(2) the size characteristics of the recipients of such loans, including such characteristics as numbers of employees, gross annual receipts, and net worth; and

(3) the costs (including costs of lending institutions) of making and administering such loans.

(c) The report shall analyze—

(1) the effectiveness of the guaranteed loan program under section 7(a) of the Small Business Act for businesses with fewer than 20 employees and needing loans of less than $50,000; and

(2) shall evaluate alternative ways to reduce the cost of making and administering loans to such businesses, including (but not limited to)—

(A) the feasibility and cost to the Treasury of having the Small Business Administration absorb a portion of the fixed costs of making and administering loans to such businesses; and

(B) establishing local independent nonprofit entities which would be provided funds by the Small Business Administration for making loans to such businesses.

(d) The report may include any recommendations that the Small Business Administration may have for improving access by such businesses to its loan programs.

TITLE III—DISASTER LOAN ASSISTANCE

Sec. 301. Section 7(c) of the Small Business Act is amended by adding the following:

"(5) Notwithstanding the provisions of any other law, the interest rate on the Federal share of any loan made under subsection (b)(1) on account of a disaster commencing on or after October 1, 1982 shall be—

"(A) in the case of a homeowner unable to secure credit elsewhere, the rate prescribed by the Administration but not more than one-half the rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans plus an additional charge of not to exceed 1 per centum per annum as determined by the Administrator, and adjusted to the nearest one-eighth of 1 per centum, but not to exceed 4 per centum per annum;

"(B) in the case of a homeowner able to secure credit elsewhere, the rate prescribed by the Administration but not more than the rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans plus an additional charge of not to exceed 1 per centum per annum as determined by the Administrator, and adjusted to the nearest one-eighth of 1 per centum, but not to exceed 8 per centum per annum;

"(C) in the case of a business concern unable to obtain credit elsewhere, not to exceed 4 per centum per annum;

"(D) in the case of a business concern able to obtain credit elsewhere, the rate prescribed by the Administration but not in excess of the lowest of (i) the rate prevailing in private market for similar loans, (ii) the rate prescribed by the Administration as the maximum interest rate for deferred participation (guaranteed) loans under section 7(a) of this Act, or (iii) 8 per centum per annum. Loans under this subparagraph shall be limited to a maximum term of three years.

"(6) Notwithstanding the provisions of any other law, such loans, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall be in amounts equal to 100 per centum of loss. The interest rates for loans made under paragraphs 7(b) (1) and (2), as determined pursuant to paragraph (5), shall be the rate of interest which is in effect on the date the disaster commenced: *Provided*, That no loan under paragraphs 7(b) (1) and (2) shall be made, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis, if the total amount outstanding and committed to the borrower under subsection 7(b) would exceed $500,000 for each disaster unless an applicant constitutes a major source of employment in an area suffering a disaster, in which case the Administration, in its discretion, may waive the $500,000 limitation: *Provided further*, That the Administration, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall not reduce the amount of eligibility for any homeowner on account of loss of real estate to less than $100,000 for each disaster nor for any homeowner or lessee on account of loss of personal property to less than $20,000 for each disaster, such sums being in addition to any eligible refinancing. With respect to any loan which is outstanding on the date of enactment of this paragraph and which was made on account of a disaster commencing on or after October 1, 1982, the Administrator shall make such change in the interest rate on the balance of such loan as is required herein effective as of the date of enactment.".

Sec. 302. Section 20 of the Small Business Act is amended by striking all of paragraph (5) of subsection (q) after the word "Administration" and by inserting the following "is authorized to make $100,000,000 in direct loans and for the programs authorized by sections 7(b)(1) and 7(b)(2) of this Act, the Administration is authorized to make $440,000,000 in direct loans.".

Sec. 303. Section 18(a) of the Small Business Act is amended by striking "October 1, 1983" and by inserting "October 1, 1986".

Sec. 304. Section 7(b) of the Small Business Act is amended as follows:

(a) by striking out the period at the end of paragraph (2) and by inserting in lieu thereof a semicolon; and

(b) by adding after paragraph (3) the following new paragraph:

"(4) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary to assist, or refinance all or part of the existing indebtedness of (specifically including any direct loans under section 7(a) of this Act which were made to small businesses affected by currency fluctuations and exchange freezes), any small business concern located in an area of economic dislocation that is the result of the drastic fluctuation in the value of the currency of a country contiguous to the United States and adjustments in the regulation of its monetary system if such concern is unable to obtain credit elsewhere. The Governor of a State may certify to the Administration (A) that small business concerns within the State have suffered substantial economic injury as a result of such economic dislocation, and (B) that such concerns are in need of financial assistance which is not available on reasonable terms. Such economic dislocations must be of such magnitude that without the benefit of loans provided hereunder a significant number of otherwise financially sound small businesses in the impacted regions or business sectors would either become insolvent or be unable to return quickly to their former level of operation. No loan made hereunder shall exceed $100,000, nor shall the proceeds thereof be used to reduce the exposure of any other lender. The Administration may permit deferral of payment of principal and interest for one year on loans made hereunder.

Sec. 305. Section 20(q) of the Small Business Act (as amended by section 101 of this Act) is further amended by striking from paragraph (5) "section 7(b)(3)" and inserting in lieu thereof "sections 7(b)(3) and 7(b)(4)".

Sec. 306. Section 20(t) of the Small Business Act (as amended by section 101 of this Act) is further amended by striking from paragraph (5) "section 7(b)(3)" and inserting in lieu thereof "sections 7(b)(3) and 7(b)(4)".

Sec. 307. Paragraph (1) of section 4(c) of the Small Business Act is further amended by inserting "7(b)(4)," after "7(b)(3),".

Sec. 308. The amendments made by sections 304 through 307 of this Act shall apply to economic dislocations certified by any State Governor to the Small Business Administration after the date of enactment of this Act providing such dislocation commenced since January 1, 1982.

Sec. 309. Section 7(b)(3) of the Small Business Act is amended as follows:

(a) by inserting "continuation of," after "in effecting"; and

(b) by inserting the following at the end of such paragraph: "For the purposes of this paragraph, the impact of the 1983 Payment-in-Kind Land Diversion program, or any successor Payment-in-Kind program with a similar impact on the small business community, shall be deemed to be a consequence of Federal Government action; and".

Sec. 310. Section 7(c)(4) of the Small Business Act (as amended by section 213 of this Act) is further amended by adding the following at the end thereof: "Employees of concerns sharing a common business premises shall be aggregated in determining 'major source of employment' status for non-profit applicants owning such premises.".

Sec. 311. Section 3 of the Small Business Act is amended by adding the following new subsection at the end thereof:

"(j) For the purposes of section 7(b)(2) of this Act, the term 'small agricultural cooperative' means an association (corporate or otherwise) acting pursuant to the provisions of the Agriculture Marketing Act (12 U.S.C. 1141j), whose size does not exceed the size standard established by the Administration for other similar agricultural small business concerns. In determining such size, the Administration shall regard the associations as an entity and shall not include the income or employees of any member shareholder of such cooperative: *Provided*, That such an association shall not be deemed to be a small agricultural cooperative unless each member of the board of directors of the association, or each member of the governing body of the association if it is not incorporated, also individually qualifies as a small business concern.".

Sec. 312. Section 7(b)(2) of the Small Business Act is amended as follows:

(a) by striking "small business concern" and inserting in lieu thereof "small business concern or small agricultural cooperative";

(b) by striking "small business concern" and inserting in lieu thereof "small business concern or small agricultural cooperative"; and

(c) by striking "the concern" and inserting in lieu thereof "the concern or the cooperative".

Sec. 313. The amendments made by sections 311 and 312 of this Act shall apply to loans granted on the basis of any disaster with respect to which a declaration has been issued after September 1, 1982, under section 7(b)(2) (A), (B), or (C) of the Small Business Act or with respect to which a certification has been made after such date under section 7(b)(2)(D) of such Act.

Sec. 314. The Small Business Act is amended by adding the following new section:

"Sec. 26. Unless otherwise specifically provided by law, the Administration shall—

"(a) within ninety days after the effective date of this Act, and any subsequent amendments to this Act or the Small Business Investment Act, publish in the Federal Register proposed rules and regulations implementing such laws; and

"(b) within one hundred and eighty days after the effective date of this Act, and any subsequent amendments to this Act or the Small Business Investment Act, publish in the Federal Register final rules and regulations implementing such laws.".

Sec. 315. The Administration may study the conversion of the Procurement Automated Source System (PASS), as authorized under section 20 of the Small Business Act, or any similar or follow-up system, to another computer architecture or computer type. Such conversion, however, may not occur in Fiscal Year 1985, not until after such time as the Administration reports to the Committees on Small Business of the House and Senate on the need for conversion. *Provided:* the Administration shall conduct a competitive procurement among small business concerns for the operation and maintenance of PASS for Fiscal Year 1985. All operation and maintenance of PASS by the United States Railway Association shall terminate no later than September 30, 1984.

Sec. 316. When considering proposals from potential offerors for its small business set aside solicitations for the agency's procurement needs under provisions of the Small Business Act, the U.S. Small Business Administration shall give due consideration to the actual portion of the task the offeror proposes to be performed by small business concerns.

Sec. 317. Section 18 of the Small Business Act is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any provision of subsection (a) hereof or any other law, rule, or regulation, on account of a drought commencing on or after January 1, 1983 and prior to October 1, 1983—

"(1) Agricultural enterprises shall be eligible for disaster loan assistance from the Administration under section 7(b)(1) of this Act;

"(2) the interest rate on the Federal share of such loans shall be the same as that in effect on January 1, 1984 for emergency loans from the Farmers Home Administration;

"(3) the Administration shall not impose on agricultural enterprises any loss threshold or other type of minimum loss test which is not imposed on non-agricultural enterprises on the commencement date of the drought, either to determine the eligibility for such loans or to determine the amount of eligibility for loan assistance;

"(4) computation of the amount of eligibility for loan assistance shall be based on the rules in effect on January 1, 1984 for the computation of the amount of eligibility for emergency loan assistance from the Farmers Home Administration; and

"(5) the determination of a natural disaster by the Secretary of Agriculture pursuant to subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) shall be deemed a disaster declaration by the Administrator for purposes of determining eligibility for assistance under section 7(b)(1) of this Act for agricultural enterprises as defined in subsection (b) herein.".

Sec. 318. (a) For purposes of paragraph (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), the Administrator of the Small Business Administration shall, with respect to small business concerns involved in the fishing industry, treat the recent El Nino-related ocean conditions as a disaster to which such paragraph applies.

(b) For purposes of subsection (a)—

(1) the term "recent El Nino-related ocean conditions" means the ocean conditions (including high water temperatures, scarcity of prey, and absence of normal upwellings)—

(A) which occurred in the eastern Pacific Ocean off the west coast of the North American Continent during the period beginning with June 1982 and ending at the close of December 1983; and

(B) which resulted from the climatic conditions occurring in the Equatorial Pacific during 1982 and 1983;

(2) the term "fishing industry" means any trade or business involved in—

(A) the catching, taking, or harvesting of fish (whether or not sold on a commercial basis);

(B) any operation at sea or on land, in preparation for, substantially dependent upon, or in support of, the catching, taking, or harvesting of fish; and

(C) the processing or canning of fish (including storage, refrigeration, and transportation of fish before processing or canning); and

(3) the term "fish" means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than mammals and birds.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to amend the Small Business Act, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3020) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 1323, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and appoints the following conferees: Messrs. MITCHELL, SMITH of Iowa, ADDABBO, McDADE, and CONTE.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3020

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3020, the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make such other technical and conforming changes as may be necessary to reflect the action of the House in amending the bill, H.R. 3020.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERSONAL EXPLANATION

Mr. FORD of Tennessee. Mr. Speaker, this afternoon, I inadvertently voted "no" on final passage of H.R. 3020, the Small Business Authorization Act. Time expired before I could change my vote to "yes." I have been a supporter of this legislation, and have always supported authorization bills for the Small Business Administration and the various programs which it offers.

These programs have been of tremendous value to the small businesses in my congressional district, Memphis, Tenn., and to the small businesses in the country who comprise the majority of jobs in America.

I wish to have the RECORD reflect that if I had been able to change my vote in time, I would have voted "yes." Fortunately the legislation was passed. I also wish to commend Chairman MITCHELL and the Committee on Small Business for its outstanding work in developing and bringing this key legislation to the floor.

LEGISLATIVE PROGRAM

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute.)

Mr. LIVINGSTON. Mr. Speaker, at this time I would like to ask that the distinguished majority leader be recognized for the purpose of stating the schedule for next week.

I yield to the distinguished gentleman from Texas.

☐ 1440

Mr. WRIGHT. The legislative business scheduled for this week has been completed, save for a couple of unanimous-consent requests which will be entertained immediately upon our termination of this colloquy.

It would be our purpose to ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next, and that meeting at noon on Monday next we would have a pro forma session on Monday.

On Tuesday, however, we would take up the Reclamation Safety of Dams Act amendments, and that is an open rule with a 1-hour general debate.

We would expect to conclude that bill on Tuesday.

On Wednesday, March 21, meeting at 3 o'clock, we would take up consideration of the Bankruptcy Court Act. This is one of those about which questions have been posed from week to week. It is coming next week subject to the granting of a rule.

Then we would conclude that on Thursday and expect to recess at 2:30 on Thursday to receive the President of France.

There is no further business scheduled for next week. Additional business may be announced at any time, of course, and any conference committee reports would be available for consideration at any time.

Mr. LIVINGSTON. Might I inquire of the distinguished majority leader if it would be possible to meet at an earlier time on Wednesday in order to assure that we might complete the subject before the House on that date; that is, the Bankruptcy Court Act, H.R. 3?

Mr. WRIGHT. If the gentleman would yield further, depending upon the kind of rule that is recommended to the House, I think we would want to address that possibility on Tuesday, once we know what kind of rule is contemplated and how long it is expected that we might take in consideration of that Bankruptcy Act.

The SPEAKER. If the majority leader will yield, in view of the fact that we are bringing the bankruptcy bill up on Wednesday, and we meet at 3 o'clock, and in view of the fact that on Thursday we do have the President of France, if it is within the wishes of the Republican side, it would be, I think, in the best interests of the House if we meet, say, at noon time.

Mr. WRIGHT. It would be my expectation then to ask that we would meet at noon on Wednesday.

Mr. LIVINGSTON. Mr. Speaker, the Republican leadership would have no objection to that.

The SPEAKER. Without objection, then, it is so ordered.

ADJOURNMENT TO MONDAY, MARCH 19, 1984

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next, March 19, 1984.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that business under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. LUNGREN. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

HOUR OF MEETING ON WEDNESDAY, MARCH 21, 1984

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday next, March 20, 1984, it adjourn to meet at 12 o'clock noon on Wednesday next, March 21, 1984.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 4194, EXTENSION OF INTERNATIONAL ENERGY PROGRAM

Mr. DINGELL submitted the following conference report and statement on the bill (H.R. 4194) to extend the expiration date of section 252 of the Energy Policy and Conservation Act:

CONFERENCE REPORT (H. REPT. No. 98-620)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4194) to extend the expiration date of section 252 of the Energy Policy and Conservation Act, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses that the Senate recede from its amendment.

JOHN D. DINGELL,
PHILIP R. SHARP,
JAMES T. BROYHILL,
Managers on the Part of the House.

JAMES A. MCCLURE,
PETE V. DOMENICI,
MALCOLM WALLOP,
JOHN W. WARNER,
J. BENNETT JOHNSTON,
WENDELL H. FORD,
HOWARD M. METZENBAUM,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4194) to extend the expiration date of section 252 of the Energy Policy and Conservation Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

HOUSE PROVISION

H.R. 4194 would extend the expiration date of section 252 of the Energy Policy and Conservation Act. The date would be extended from December 31, 1983, to June 30, 1985.

SENATE PROVISION

The Senate amendment retained the text of the House bill and added the following proviso: "Provided, however, that such provision shall terminate on June 1, 1984, unless a statute has been signed into law to authorize standby authorities to the President to allocate crude and petroleum products for essential domestic use during an international oil shortage."

CONFERENCE AGREEMENT

The conferees agreed to limit the bill to an extension of the expiration date of section 252. Accordingly, the proviso in the Senate amendment was not agreed to, and the House bill was adopted.

The bill amends section 252(j) of the Energy Policy and Conservation Act (EPCA) (42 USC 6272(j)) to extend from December 31, 1983, to June 30, 1985, the expiration date of section 252. That section authorizes U.S. oil companies to participate in voluntary agreements for implementing the allocation and information provisions of the Agreement on an International Energy Program (IEP). The program provides a mechanism for an oil allocation system to be utilized by the participating countries in the event of a major oil supply disruption by the countries which participate in the International Energy Agency (IEA). Section 252 also provides a limited defense against antitrust suits that may be brought against United States oil companies participating in the IEP.

JOHN D. DINGELL,
PHILIP R. SHARP,
JAMES T. BROYHILL,
Managers on the Part of the House.

James A. McClure,
Pete V. Domenici,
Malcolm Wallop,
John W. Warner,
J. Bennett Johnston,
Wendell H. Ford,
Howard M. Metzenbaum,
Managers on the Part of the Senate.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 4194) to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BROYHILL. Mr. Speaker, reserving the right to object, I rise in support of the conference report on H.R. 4194.

This bill extends until June 30, 1985 the antitrust defense made available to those American oil company officials who voluntarily participate in the programs of the International Energy Agency (IEA). The IEA is a diplomatic forum, one that we can use to help reduce the uncertainty and anxiety that might otherwise create panic buying on the world oil markets should an interruption in world oil supplies occur. Beyond our action here today, in my judgment we need to rely on our strategic petroleum reserve, which is now approximately 400 million barrels of oil. This will do more to calm the world oil markets than any other action. We do need to be sure that our SPR oil does not just go from our SPR fields while consuming nations elsewhere in the world increase their consumption or their storage. The IEA can be useful in the effort to coordinate such stock drawdown policies.

In addition, I am concerned that our allies and trading partners are not doing nearly as well in building up their own strategic reserves. In testimony before the Subcommittee on Fossil and Synthetic Fuels, Secretary Hodel declared the SPR operational, that it had reached the goal of 90 days of total import replacement supply. No other nation has done so well. the IEA can again serve as the forum for persuading our allies to increase their own reserves. I understand Secretary Hodel is working on this matter and I encourage him to do so.

Our allies in Europe and Asia must know that the oil drawn from the strategic petroleum reserve of the United States will tend to stabilize the price of oil worldwide since oil is a freely traded world commodity even if a single drop of SPR oil never physically leaves the United States.

What our allies must also know is that the support for IEA is based on its value as a diplomatic forum. I believe that if the IEA is ever used to artificially restrain our economy's production to the advantage of another's or to unnecessarily transfer U.S. oil to other countries, then the support for the IEA in this Congress will drop substantially.

The Senator from Ohio (Mr. Metzenbaum) has added an amendment calling for oil price and allocation controls to again be passed by the Congress. Mr. Speaker, this policy was tried twice and failed twice. It certainly is not good policy and, unless you like gasoline lines, it is not good politics. We are far better off to use the SPR.

But I do share Senator Metzenbaum's concern that we in Congress need to reexamine the IEA and its programs. I am delighted that hearings are scheduled on this matter in the other body and that I have received assurances that hearings will be held here in the house.

Mr. Speaker, I ask my colleagues to approve the conference report today.

I must say that the vulnerability of the United States to an energy emergency is down—and down considerably. I want to commend to the attention of my colleagues three news items. Mr. Speaker, I ask unanimous consent to insert these three articles in the Record at this point. The first is from the Wall Street Journal of March 6, 1984, the second is from Petroleum Intelligence Weekly, a consistently reliable source of information, and the third is a transcript from the MacNeil-Lehrer Report.

Thank you, Mr. Speaker.

[From the Wall Street Journal, Mar. 6, 1984]

U.S. Would Use Oil Reserve Quickly in Emergency—Reagan's New Policy Meant To Calm Markets After Cutoff From Gulf

(By Youssef M. Ibrahim)

With the Iraq-Iran war heating up, the U.S. has decided to resort more quickly to using its 400-million-barrel Strategic Petroleum Reserve to offset any oil cutoff.

Secretary of Energy Donald Hodel said yesterday that this policy change means the U.S. would make available large quantities of stored crude before any interruption of oil imports actually makes itself felt.

"My impulse is to start the use of the reserve early and to use it fully as soon as there is an interruption of supply," he said in a telephone interview.

This is a departure from previous Reagan administration policies, which tended to favor the use of the reserve only as a last resort. The change reflects administration concern that renewed fighting in the 42-month war between Iraq and Iran could lead to an interruption of oil shipments from the Persian Gulf, through which 20% of the noncommunist world's oil supplies pass.

The secretary of energy said all branches of the U.S. government agreed on the need to meet an emergency quickly. They include the State Department and the Office of Management and Budget, which share responsibility for managing an oil crisis.

BREATHING SPACE

Mr. Hodel said the immediate activation of the Strategic Reserve would keep oil flowing for at least 45 days and "give us some breathing space" to assess the crisis.

Although Mr. Hodel insisted this approach isn't new, oil analysts and Democratic members of Congress said the statements represent a new policy. "It certainly is the first enunciation of a policy which before wasn't clear and which could have easily been interpreted quite differently," noted John Lichtblau, executive director of the Petroleum Industry Research Foundation in New York.

Administration officials who confirmed the quiet policy change, put in effect over the past two or three months, also said in interviews they were anxious to avoid panicky reactions to a Persian Gulf supply disruption that could push oil prices out of control and encourage hoarding.

"We are sending the signal that the U.S. is much more prepared than ever as a nation to do whatever we have to do," in the face of an oil emergency, said Connie Stuart, spokeswoman for the Department of Energy in Washington.

One measure of the possible impact of an oil disruption was apparent last week when Iraq claimed that it had hit and sunk an Iranian tanker near Kharg Island, Iran's main oil loading facility in the Persian Gulf. Mr. Lichtblau noted that oil prices shot up a dollar a barrel in the first six hours, before it turned out that the claim wasn't true. (An Indian cargo ship was damaged by a missile, apparently fired by Iraq, at about the same time.)

OTHER MEASURES IN GULF

The U.S. move comes at a time when a number of measures are being taken to alleviate the impact of any supply interruption in the Gulf, and while the conviction is growing that events are escalating toward a possible crisis.

Last summer Saudi Arabia began filling tankers with oil to build a floating reserve estimated today at 50 million barrels. The crude is loaded on slow-steaming tankers that are headed for Western Europe and Asia.

The U.S. and Britain have moved a powerful flotilla of war ships to near and within the Persian Gulf, and U.S. ships have fired on Iranian airplanes that approached too close.

Last month a senior Egyptian government official, who asked not to be identified, said in an interview that Iraq's war plans call for "a progressive escalation" of the maritime and air blockade against Iran. Egypt supplies military equipment to Iraq. The official, who is familiar with the war situation, said Iraq's primary aim was to secure the right to ship its own oil through the Gulf. But if this fails, he said Iraq would disrupt Iran's oil traffic. The official said he wasn't sure if Iraq had the capability to harm Iran's oil exports, but he was certain the Iraqis "will try."

Iran, on the other hand, said it hadn't any plans to block traffic through the Persian Gulf but that if its oil exports were blocked it would move to prevent all other oil exporters from using the Gulf. Some eight million barrels of oil a day pass through the narrow Strait of Hormuz at the mouth of the Gulf.

In a recent interview, Hojatolislam Hashemi Rafsanjani, the speaker of the Iranian Parliament, said that Iran wouldn't move to block the Gulf if half its oil exports of 1.8 million barrels a day were blocked. Iranian officials said they know that blocking the Gulf, while it would punish Iraq and its friends in the Gulf, also would cut its own source of income.

Energy Secretary Hodel said the "blocking of the (Persian) Gulf isn't a real possibility." He said the more likely impact of a further escalation of the Iran-Iraq conflict is "damage to oil production and shipping facilities" in the Gulf region.

He said the purpose of the Strategic Petroleum Reserve plan as it currently stands is to replace any lost supplies of oil from such developments. He stressed that the reserve wasn't going to be used "to manipulate the market. It isn't an economic tool." Critics of the administration had charged that the government plan was to rely on the marketplace to set the price at which oil should be sold.

Secretary Hodel, however, strongly emphasized that once the reserve is put to use, it will go on being emptied at the rate of 1.7 million barrels a day for the initial 45-day period, the main purpose being to gain time to deal with the crisis. "Our only concern was to avoid being locked into any rigid formula," he said.

The oil is stored in huge underground salt domes in Louisiana and elsewhere and is retrieved with the use of powerful pumps. Energy Department officials say they are confident the reserves could make up for 95 days worth of crude oil imports.

SALE BY AUCTION

The U.S. currently plans to sell strategic petroleum reserve oil by auction.

According to Petroleum Intelligence Weekly, a trade newsletter, the Energy Department plans allow a "broad spectrum of bidders and even permit export of 'selective volumes' in 'certain circumstances.'" which the newsletter says would primarily go to Caribbean refiners upon whom the U.S. depends for substantial amounts of petroleum products.

Disclosure of the policy change to open the strategic reserve immediately in a crisis will have a significant impact on the market.

Fears of a disruption in the Gulf have kept oil buyers nervous, distorting what should otherwise be a relaxed market. Oil prices, which should come into a period of weakness with the end of the winter heating season, are still erratic. Fereidoun Fesharaki, an energy expert at the Honolulu East West Center, said the U.S. move is reassuring because it "will discourage panic reactions to the war." He said demand for oil remains weak despite the harsh winter in the U.S. and that seasonal drops in demand could be very significant in the spring.

Mr. Fesharaki said that, if it weren't for the Iraq-Iran conflict, oil prices would begin to weaken significantly from the end of this month, so much so that "I would think there is still a 30% possibility that in April or May, OPEC could meet to lower prices."

[From Petroleum Intelligence Weekly, Mar. 5, 1984]

U.S. PUBLICLY COMMITS ITSELF TO EARLY USE OF STRATEGIC STOCKS

It's official now: The Reagan Administration is publicly committing itself to early use of the Strategic Petroleum Reserve in a supply emergency. This is widely seen as a reversal of the previous, though unofficial, policy of using the reserve only as a "last resort." The shift developed mainly from increasing concern about oil supply disruptions arising from the Iran-Iraq war, plus growing pressure from Congress and outside experts for a specific policy on drawing down at least a portion of the SPR early in a shortage (PIW Jan. 30, p. 1).

What's more, the Administration now considers the nearly 400-million barrel stockpile to be "operational" since it exceeds 90 days of oil imports. It can be drawn down at a rate of 2.1-million b/d for three months before slackening gradually. In announcing the new policy at a congressional hearing, Energy Secretary Hodel said the government has been "relatively silent" about using the SPR because it was like a new weapon system—"the less one ballyhoos it while it is being developed, the better." But as recently as September, the Administration had said its policy was to rely on the market "both in normal and emergency times."

The government for the first time also acknowledged that the "marketplace needs to know in advance" that the SPR would be used early so that "unnecessary panic behavior can be avoided" at the onset of a crisis. It emphasized its commitment to draw on the stockpile to dampen sharp price increases, rather than simply to meet severe physical shortages. Surprisingly, this important policy change has received only minimal press coverage. Washington "now has to forcefully publicize the new policy for it to have an impact," one specialist notes.

A top priority now for the U.S. Energy Dept. is to persuade other International Energy Agency nations to increase their strategic reserves and improve coordination of stockdraw plans. Ironically, only last year it was other IEA countries that expressed grave concern about the lack of commitment by the U.S. to use its SPR in an emergency (PIW Aug. 1, p. 3). No country, except now the U.S., has officially declared an "early use" policy. In the past, governments have been extremely slow to use strategic stocks of any kind. The U.S. is expected to press hard for greater stockdraw coordination at an IEA meeting later this month.

The US Administration is stressing its support for the IEA oil sharing plan but opposes a preset trigger for its own stockpile. It doesn't want to diminish incentives for its allies and the private sector to build their own insurance stocks, Hodel Said. It's not clear whether or not this increased interest in the IEA will have any influence on the prospects of a US State Dept. official, Stephen Bosworth, who is a leading candidate for the IEA executive director post (PIW Feb. 27, p. 6).

The new US stockpile policy is being favorably received, especially in Congress where efforts to improve oil contingency planning may now be shelved. "There's been a major turnaround in thinking—a substantive change," concludes one congressional aide who thinks the policy shift is sufficient. Other analysts would prefer more specifics, if not a trigger, but nearly all agree that it's "a positive step."

The US is now planning to conduct its first test sale of 2- to 3-million b/d of SPR crude by auction as a way to improve public confidence in the stockpile. A draft proposal is due by end-March, including plans to replace the volume sold. The Energy Dept. previously said technical and legal problems prevented such a sale although physical drawdown tests of the stocks have been held.

In any SPR crude sales, the Energy Dept. will allow a broad spectrum of bidders and even permit export of "selective volumes" in "certain circumstances." This would principally affect Caribbean refiners because the US Northeast relies on them. Hodel also rejects the notion that SPR sales should be restricted to domestic refiners since US traders and resellers "actually can facilitate" speedy deliveries to refineries. Separately, a congressional proposal to offer SPR storage space to foreign suppliers for later purchase is "just an idea that's germinating," rather than a viable option for now, according to Washington sources.

Congress, meanwhile, is still expected to renew the antitrust exemption allowing US oil company participation in the IEA. It expired December 31, but only needs Senate approval now. The Administration, major oil companies and many in Congress strongly favor the extension.

[From the MacNeil/Lehrer NewsHour, Mar. 9, 1984]

REACTIONS TO PERSIAN GULF OIL DEVELOPMENTS

ROBERT MACNEIL. The war between Iran and Iraq brought about a struggle over insurance rates today. Since Iraq launched missile attacks last week on ships sailing in the Persian Gulf war zone, insurance premiums have doubled. Iran is concerned that higher insurance premiums will make shipowners unwilling to send their vessels to Iranian oil ports without charging higher prices, thus producing the effect of a blockade. So today Iran deposited $100 million in a London bank and deferred—or offered to insure all oil tankers visiting Iranian ports for lower premiums, about a third less than Lloyd's of London is charging.

In Washington, Energy Secretary Donald Hodel said the United States should use its strategic reserve of petroleum to stabilize the oil market if there's any even minor interruption of supplies from the Persian Gulf.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Michigan.

Mr. DINGELL. It is the extension of the antitrust exemptions.

Mr. BROYHILL. The IEA antitrust defense provided to U.S. company officials subject to the review of Federal antitrust authorities.

Mr. DINGELL. I would like to stand with my first statement.

Mr. BROYHILL. Mr. Speaker, I withdraw my reservations of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see prior proceedings of the House of today.)

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The **SPEAKER.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

The **SPEAKER.** The gentleman from Michigan (Mr. DINGELL) will be recognized for 30 minutes and the gentleman from North Carolina (Mr. BROYHILL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I have no requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 4194.

The **SPEAKER.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OCEAN AND COASTAL PROGRAM AUTHORIZATION ACT

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1098) to consolidate and authorize certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, with a Senate amendment to the House amendment, and concur in the Senate amendment to the House amendment with amendments.

The Clerk read the title of the Senate bill.

The Clerk read the House amendments to the Senate amendment to the House amendment, as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE I—POLYMETALLIC SULFIDE ANALYSES AND RESEARCH

AUTHORIZATION

SEC. 101. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its polymetallic sulfide analyses and research duties under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a), and any other law involving such duties, $2,000,000 for fiscal year 1984, and $2,500,000 for fiscal year 1985.

At the end of the Senate amendment, insert the following:

"Strike out line 3 on page 2 of the House engrossed amendment and all that follows to line 2, page 11, and insert the following:

TITLE II—NATIONAL SEA GRANT COLLEGE PROGRAM

AUTHORIZATION

SEC. 201. (a) Section 212 of the National Sea Grant Program Act (33 U.S.C. 1131) is amended by inserting immediately after paragraph (3) the following new paragraph:

"(4) Not to exceed $36,500,000 for fiscal year 1984 and not to exceed $42,000,000 for fiscal year 1985.".

(b) Section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(c)) is amended by inserting immediately after paragraph (3) the following new paragraph:

"(4) For fiscal years 1984 and 1985, not to exceed $1,000,000 in each fiscal year appropriated pursuant to section 212 of the National Sea Grant Program Act may be available to carry out this section.".

TITLE III—OCEAN THERMAL ENERGY CONVERSION ACT

AUTHORIZATION

SEC. 301. Section 406 of the Ocean Thermal Energy Conversion Act of 1980 (Public Law 96-320) is amended by—

(1) striking out "and"; and

(2) striking out "1983." and inserting in lieu thereof "1983, not to exceed $480,000 for the fiscal year ending September 30, 1984, and not to exceed $630,000 for the fiscal year ending September 30, 1985.".

MISCELLANEOUS

SEC. 302. (a) The Ocean Thermal Energy Conversion Act of 1980 (Public Law 96-320) is amended—

(1) in section 2(a)(1) by striking out "located in the territorial sea" and inserting in lieu thereof "located in whole or in part between the highwater mark and the seaward boundary of the territorial sea";

(2) in section 3(11) by striking out "standing or moored in or beyond the territorial sea of the United States" and inserting in lieu thereof "standing, fixed or moored in whole or in part seaward of the highwater mark";

(3) in the first sentence of section 101(a) by striking out "located in the territorial sea" and inserting in lieu thereof "located in whole or in part between the highwater mark and the seaward boundary of the territorial sea";

(4) in section 101(b)(2) by striking out "located in the territorial sea" and inserting in lieu thereof "located in whole or in part between the highwater mark and the seaward boundary of the territorial sea";

(5) in section 101(c)(7) by striking out "will not be documented under the laws of the United States;" and inserting in lieu thereof "will be documented under the laws of a foreign nation;";

(6) in section 108(e)(2)(C)(ii) by striking out "moored or standing" and inserting in lieu thereof "moored, fixed or standing";

(7) in section 108(e) by adding a new paragraph (4) to read as follows:

"(4) For the purposes of this subsection the term 'ocean thermal energy conversion facility' refers only to an ocean thermal energy conversion facility which has major components other than water intake or discharge pipes located seaward of the highwater mark.";

(8) in section 110(1) by striking out "aboard" and inserting in lieu thereof "in or aboard";

(9) in section 301 by striking out "on board" and inserting in lieu thereof "in or on board", by striking out "or other" and inserting in lieu thereof "or on board any", and by striking out in paragraph (2) thereof "to board" and inserting in lieu thereof "to enter or board";

(10) in section 303(b) by striking out "on board" and inserting in lieu thereof "in or on board", by striking out "or other" and inserting in lieu thereof "or any", and by striking out in paragraph (1) thereof "board and inspect" and inserting in lieu thereof "enter or board, and inspect, any ocean thermal energy conversion facility or plantship or";

(11) in the first sentence of section 403(a)(1) by inserting "and all of which is located seaward of the highwater mark," immediately after "licensed under this Act"; and

(12) in the first sentence of the section 403(c)(2) by inserting "documented under the laws of the United States and" immediately after "ocean thermal energy conversion facility or plantship".

(b) Such Act is further amended—

(1) in section 101(c)(1) by striking out "cannot and will not" and inserting in lieu thereof "cannot or will not";

(2) in section 101(c)(5) by striking out "has expired;" and inserting in lieu thereof "has not expired;";

(3) in section 101(c)(10) by striking out "each" and inserting in lieu thereof "any";

(4) in section 101(c)(13) by striking out "and" after the semicolon and inserting in lieu thereof "or"; and

(5) in section 101(c)(10) by striking out "(33 U.S.C. 1451 et seq.)" and inserting in lieu thereof "(16 U.S.C. 1451 et seq.)".

(c) Section 405 of such Act is amended by striking out "3" and inserting in lieu thereof "five".

(d) Such Act is further amended by adding the following new section:

"SEC. 408. Within 18 months after the date of enactment of this provision, the Administrator shall submit to the President of the Senate and the Speaker of the House of Representatives a report detailing what steps the United States Government is taking and plans to take to promote and enhance the export potential of ocean thermal energy conversion components, facilities, and plantships manufactured by United States industry. Such report shall include—

"(1) the relevant views of the National Oceanic and Atmospheric Administration, International Trade Administration, Maritime Administration, Department of Energy, Small Business Administration, United States International Development Cooperative Agency, the Office of the Special Trade Representative, and other relevant United States Government agencies;

"(2) the findings of studies conducted by the Administrator to fulfill the intent of this section;

"(3) a summary of activities, including consultations held with representatives of both the ocean thermal energy conversion and financial industries conducted by the Administrator to fulfill the intent of this section; and

"(4) such recommendations as the Administrator deems appropriate for amending the Ocean Thermal Energy Conversion Act of 1980 (Public Law 96-320) or other relevant Acts to better promote and enhance the export potential of ocean thermal energy conversion components, facilities and plantships manufactured by United States industry.".

(e) Such Act is further amended—

(1) in the first sentence of section 108(d)(1) by striking out "reorganizational safety" and inserting in lieu thereof "navigational safety";

(2) in section 109(b)(2) by striking out "natural" and inserting in lieu thereof "national";

(3) in section 112(b) by striking out "confidential commercial and financial information)" and inserting in lieu thereof "commercial or financial information which is privileged or confidential)";

(4) in section 116(a) by striking out "facility or platform" and inserting in lieu thereof "facility or plantship";

(5) in section 302(b)(1) by inserting "to halt" immediately after "injunction,";

(6) in the first sentence of section 403(c)(2) by striking out "Treasury" and inserting in lieu thereof "Treasury, including the provisions of the Tariff Act of 1930, as amended (19 U.S.C. 1202), and other laws codified in title 19, United States Code,";

(7) in section 3(11) by striking out "freshwater," and inserting in lieu thereof "fresh water,";

(8) in section 101(c)(4) by striking out "enforcement" and inserting in lieu thereof "regulatory";

(9) in section 101(c)(6) by striking out "for license" and inserting in lieu thereof "for a license";

(10) in section 101(c)(14) by striking out "when" and inserting in lieu thereof "if";

(11) in section 101(d)(2) by striking out "licensee" and inserting in lieu thereof "applicant, licensee";

(12) in the first sentence of section 105(a)(2) by striking out "that (A)" and inserting in lieu thereof "(A) that";

(13) in the first sentence of section 105(b)(1) by striking out "of adjacent" and inserting in lieu thereof "of an adjacent";

(14) in the third sentence of section 105(b)(1) by striking out "is" and inserting in lieu thereof "are";

(15) by inserting the text of section 109(b)(3) as a new paragraph (3) immediately after the end of paragraph (2) of section 108(d), and by repealing section 109(b)(3);

(16) in section 109(c) by striking out "such of" and inserting in lieu thereof "of such", and by striking out "impingment" and inserting in lieu thereof "impingement";

(17) in section 111(b) by striking out "environment established by any treaty or convention," and inserting in lieu thereof "environment"; and

(18) in section 112(b)(2)(B) by striking out "administrator" and inserting in lieu thereof "Administrator".

(f) Section 102(h) of such Act is amended to read as follows:

"(h) The Administrator shall not take final action on any application unless the applicant has paid to the Administrator a reasonable administrative fee, which shall be deposited into miscellaneous receipts of the Treasury. The amount of the fee imposed by the Administrator on any applicant shall reflect the reasonable administrative costs incurred by the National Oceanic and Atmospheric Administration in reviewing and processing the application.".

TITLE IV—NATIONAL OCEANS POLICY COMMISSION ACT OF 1984

PURPOSE

Sec. 401. The purpose of this title is to establish a commission that will develop recommendations for Congress and the President on a comprehensive national oceans policy that will encourage and promote:

(1) the development of international oceans law in a manner that will promote the peaceful uses of the oceans and balance the interests of the United States and all nations;

(2) United States leadership in oceans law and policy;

(3) the continued leadership of the United States in conducting research on, and in conserving, managing, and developing living and nonliving marine resources, and in protecting the marine environment;

(4) the wise use and compatible development of marine resources;

(5) United States investments in the research, exploration and development of marine resources and technologies; and

(6) the equitable allocation of the responsibilities for marine resource research, conservation, management, and development among various levels of government and the private sector, and promote the efficient use of limited fiscal resources for such research, conservation, management, and development.

ESTABLISHMENT OF COMMISSION

Sec. 402. To carry out the purpose of this title there is hereby established a commission to be known as the National Oceans Policy Commission (referred to in this title as the "Commission").

DUTIES OF THE COMMISSION

Sec. 403. (a) Recommendations.—(1) The Commission shall develop recommendations on a comprehensive national oceans policy to carry out the purpose of this title.

(2) The Commission shall develop recommendations on the international and domestic ocean policies, laws, regulations, and practices of the United States that are required to define and implement the comprehensive national ocean policy recommended pursuant to paragraph (1). Such recommendations shall—

(A) address international ocean policy issues associated with developments in international oceans law, including those issues relating to:

(i) geographical areas within national resource jurisdiction; and

(ii) geographical areas beyond national resource jurisdiction;

(B) include any modifications in existing United States policies, laws, regulations, and practices necessary to develop efficient long-range programs for research on, the conservation, management, and development of, marine resources, and the protection of the marine environment;

(C) address the most equitable allocation of responsibilities for research on, and the conservation, management, and development of, marine resources among Federal agencies, appropriate levels of subnational government, and the private sector; and

(D) address any other aspects of United States marine-related policies, laws, regulations, and practices deemed necessary by the Commission in carrying out its duties pursuant to subsection (a).

(b) Preparatory Analyses.—In developing its recommendations under subsection (a), the Commission shall:

(1) take into account the Presidential Proclamation of an Exclusive Economic Zone on March 10, 1983;

(2) consider the relationship of United States policies to the Convention on the Law of the Sea and the range of actions available to the United States to influence favorably the practice of other nations so as to promote the objectives in section 401;

(3) survey all significant ocean activities of Federal agencies and departments including those relating to navigation, marine research, the conservation, management, and development of marine resources, and the protection of the marine environment;

(4) assess the existing and projected research and administrative requirements for conserving, managing, and developing marine resources;

(5) evaluate the relationships among Federal agencies, appropriate levels of subnational government, and the private sector for fulfilling the research and administrative requirements identified pursuant to paragraph (4); and

(6) engage in any other preparatory work deemed necessary to carry out its duties pursuant to subsection (a).

MEMBERSHIP OF COMMISSION

Sec. 404 (a) Number and Appointment.—The Commission shall consist of nineteen members who shall be appointed by the President, within sixty days after the enactment of this title, in accordance with the provisions of this section.

(b) Federal Agency Members.—Five members of the Commission shall be the Secretaries of the following Federal departments, or their designees who shall be employees of such departments and knowledgeable and experienced in oceans policy:

(1) the Department of State;

(2) the Department of Defense;

(3) the Department of Commerce;

(4) the Department of Interior; and

(5) the Department of Transportation.

(c) Non-Federal Members.—The remaining fourteen members of the Commission shall be knowledgeable and experienced in oceans policy. The fourteen members shall be appointed from the following categories of qualifications:

(1) three members shall be from private sector nonprofit organizations involved with national oceans policy (including, but not limited to, those with consumer and environmental interests);

(2) five members shall be from private sector commercial organizations involved with national oceans policy (including, but not limited to, those with marine transportation and living and nonliving marine resource interests);

(3) two members shall be Governors of coastal States from different geographic regions and political parties;

(4) two members shall be specialists in ocean policy from the academic community; and

(5) two members shall be selected from at large, at least one of whom shall be knowledgeable in international oceans policy.

(d) Method of Appointment.—(1) The Speaker of the House of Representatives (referred to in this title as the "Speaker") shall prepare a list of fourteen nominees for appointment to the Commission.

(2) The Majority Leader of the Senate (referred to in this title as the "Majority Leader") shall prepare a list of fourteen nominees for appointment to the Commission.

(3) Each list of nominees:

(A) shall not contain any of the same nominees;

(B) shall contain nominees that conform to the requirements of subsection (c); and

(C) shall not contain more than seven individuals from the same political party.

(4) The list of nominees required by this subsection shall be submitted to the President within thirty days after the enactment of this title.

(5) The President shall appoint seven members of the Commission from the list submitted by the Speaker and seven members from the list submitted by the Majority Leader. No more than four members ap-

pointed from each list may be members of the same political party, and no more than seven members of the Commission appointed pursuant to subsection (c) may be members of the same political party.

(e) Chairman and Vice Chairman.—The President, the Speaker, and the Majority Leader shall jointly select a Chairman and Vice Chairman of the Commission from members referred to in subsection (c).

(f) Congressional Advisers.—Congressional advisers shall be composed of:

(1) seven Members of the House of Representatives selected by the Speaker, no more than four of whom shall be from the same political party; and

(2) seven Members of the Senate selected by the Majority Leader, no more than four of whom shall be from the same political party.

(g) The Chairman of the Joint Chiefs of Staff or his designee shall serve in an advisory capacity to the Commission.

(h) Designees of Governors.—Gubernatorial appointees may designate an officer or employee of their State, who is knowledgeable and experienced in oceans policy, to act in their place as a member.

(i) Terms.—Except as may be required by electoral changes, members shall be appointed for the life of the Commission.

(j) Vacancies.—A vacancy shall be filled in the same manner in which the original appointment was made. A vacancy in Federal members shall be filled by appointment in accordance with subsection (b). A vacancy in non-Federal members shall be filled by appointment by the President in accordance with subsections (c) and (d). The new member shall be selected from the same category of qualifications as the members who has vacated the position and shall be selected from a new list of at least two nominees prepared by the Speaker or the Majority Leader, as appropriate.

(k) Pay of Members.—(1) Except as provided in paragraph (2), members of the Commission may each be paid at a rate not to exceed the rate of basic pay payable for GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties of the Commission.

(2) Members of the Commission who are officers or employees of the United States may not receive pay by reason of their service on the Commission.

(3) Members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, as may be authorized by law for persons in Government service employed intermittently.

(l) Meetings.—The Commission shall meet at the call of the Chairman or a majority of its members.

DIRECTOR AND STAFF OF COMMISSION

Sec. 405. (a) Director.—The Commission shall have a Director who shall be appointed by the Chairman and who shall be paid at a rate not to exceed the rate of basic pay payable for GS-18 of the General Schedule. The Director shall be knowledgeable and experienced in oceans policy and administration.

(b) Staff.—Subject to such rules as may be prescribed by the Commission, the Director may hire staff for the Commission and shall fix their compensation as appropriate.

(c) Procedures.—(1) The hiring and compensation of the Director and staff under this section may occur without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and General Schedule pay rates.

(2) The Commission may establish rules and procedures to evaluate the performance of its staff and employees. Chapter 43 of title 5, which pertains to performance ratings of employees, shall not apply to the Commission.

(d) Experts and Consultants.—Subject to the rules that may be prescribed by the Commission, the Director may procure the temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code, but at rates not to exceed the rate of pay for GS-18 of the General Schedule.

(e) Staff of Federal Agencies.—Upon request of the Commission, the head of any Federal agency shall detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this title. To the extent feasible, such detail shall be on a reimbursable basis.

(f) Voluntary Services.—The Commission is authorized to accept and use the services of volunteers serving without compensation, and to reimburse volunteers for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Except for the purposes of chapter 81 of title 5, relating to compensation for work injuries, and chapter 171 of title 28, relating to tort claims, a volunteer shall not be considered an employee of the United States for any purpose.

POWERS OF COMMISSION

Sec. 403. (a) Meetings.—(1) All meetings of the Commission shall be open to the public, except when the Chairman determines that the meeting or any portion of it may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(2) All meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(3) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(4) The Federal Advisory Committee Act (5 U.S.C. App. 1) shall not apply to the Commission.

(b) Powers of Members and Agents.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) Obtaining Official Data.—The Commission may secure directly from any Department or agency of the United States information necessary to enable it to carry out this title. Subject to existing laws and upon request of the Chairman of the Commission, the head of the Department or agency shall furnish such information to the Commission.

(d) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) Administrative Support Services.—The General Services Administration shall provide to the Commission on a reimbursable basis the administrative support services that the Commission may request.

(f) Contracts.—(1) The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of surveys or research, the preparation of reports, and for other activities that may be necessary to discharge its duties. The Commission may purchase and contract without regard to section 252 of title 41, United States Code, pertaining to advertising and competitive bidding, and may arrange for printing without regard to Government Printing and Binding Regulations.

(2) The contracting authority of the Commission under this title is effective for any fiscal year only to the extent that appropriations are available for contracting purposes.

REPORTS BY COMMISSION

Sec. 407. (a) The Commission shall submit to the President and to each House of the Congress within six months after the Commission first meets an interim report pursuant to its duties provided under section 403, giving special consideration to section 403(a)(2)(A)(i).

(b) The Commission shall submit a final report to the President and to each House of the Congress not later than two years after the Commission first meets. The final report shall contain the recommendations formulated by the Commission in accordance with section 403(a)(1) and (2), the suggested legislative and administrative actions that the Commission deems appropriate, and a detailed statement of the findings and conclusions on which the recommendations are based.

REPORTS BY FEDERAL AGENCIES

Sec. 408. The head of each Federal Department, agency, or instrumentality that is responsible for any law or program that relates to the Exclusive Economic Zone of the United States shall submit a brief report to Congress, the President, and the Commission describing such law or program within two months after enactment of this title.

TERMINATION OF COMMISSION

Sec. 409. The Commission shall cease to exist on the thirtieth day after the day on which the final report is submitted under section 407.

AUTHORIZATION OF APPROPRIATIONS

Sec. 410. To carry out this title, there is authorized to be appropriated to the Commission not to exceed $1,500,000 for fiscal year 1984 and $1,500,000 for fiscal year 1985. Sums appropriated pursuant to this section shall remain available until expended.

TITLE V—DEEP SEABED HARD MINERAL RESOURCES ACT

AUTHORIZATION

Sec. 501. Section 310 of the Deep Seabed Hard Minerials Resources Act (30 U.S.C. 1470) is amended by—

(1) striking out the word "and" after "1983,"; and

(2) striking out "1984." and inserting in lieu thereof "1984, and $1,307,000 for the fiscal year ending September 30, 1985."

TITLE VI—PAY INCREASE AUTHORIZATION

MISCELLANEOUS

Sec. 601. There are authorized to be appropriated to the Department of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out its duties indicated under this Act, such additional sums as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

Mr. JONES of North Carolina (during the reading). Mr. Speaker. I ask unanimous consent that the House amendments to the Senate amendment to the House amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. PRITCHARD. Mr. Speaker, reserving the right to object, I do so to ask the gentleman from North Carolina (Mr. Jones) to explain the bill.

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, as the gentleman knows, S. 1098 was considered and unanimously passed by the House last year. The basic legislation involves the reauthorization of the national sea grant college program, the ocean thermal energy conversion program (OTEC), the National Advisory Committee on Oceans and Atmosphere (NACOA), and an environmental research program on nonliving marine resources.

The amendments I am proposing today would change all of the fiscal year 1984 authorization levels to reflect the actual appropriations for this year.

The fiscal year 1985 authorization levels have generally been reduced to reflect the realities of the budget process. For example, some $4 million has been cut from the authorization for the sea grant college program. This still leaves an authorization of $42 million which, in the judgement of the committee, allows for substantial increase in the program's appropriations. Our commitment to a strong network of sea grant research and universities has not, in any way, changed.

The amendments also replace the NACOA reauthorization with a title that establishes a National Oceans Policy Commission. As my colleagues will recall, the House, with administration support, overwhelmingly passed H.R. 2853 on October 31, 1983—that bill was a legislative proposal to establish the Commission.

Some questions about the relationship of this new entity with NACOA remain. Our proposal would provide the House with an opportunity to discuss and resolve these outstanding questions in conference with the other body by insuring that legislation affecting both NACOA and the Commission fall within the scope of a conference.

The amendments also add a 1-year reauthorization of the Deep Seabed Hard Mineral Resources Act, as recommended by the administration. The act gives NOAA responsibility for developing and administering a regime for licenses and permits to explore and develop minerals from the the deep seabed. NOAA is also responsible, in cooperation with the State Department, for recognizing other nations that have comparable seabed mining programs.

Both the Ocean Policy Commission title and the authorization of the deep seabed program are matters that the Merchant Marine Committee shares with the Committees on Interior and Foreign Affairs. The leadership of those committees have concurred in these amendments.

Finally, I would like to point out that the amendments proposed today significantly reduce the costs of the bills originally considered by the House and the amendment passed by the other body. For the 2-year period covered by the legislation, our amendments result in authorizations that are over $10 million under the amendment passed by the Senate and over $7 million under the original House bill—for those components of S. 1098. Even with adding the Oceans Policy Commission and seabed mining, our amendments today result in a total authorization package that is some $6 million under the Senate amendment and $3 million lower than the original House bill.

I believe that we have shown significant fiscal restraint in the reauthorization of these NOAA programs while, at the same time, protecting the integrity of our Nation's ocean and coastal initiatives. I urge the support of my colleagues for this legislation.

Does that answer the gentleman?

Mr. PRITCHARD. Yes it does.

Mr. Speaker, I would like to assure my colleagues that I do support S. 1098, which reauthorizes and brings together five important ocean programs of the National Oceanic and Atmospheric Administration (NOAA) under the Department of Commerce. These programs include the polymetallic sulfide research and evaluation program of NOAA, the national sea grant college program, the Ocean Thermal Energy Conversion Act, and the Deep Seabed Hard Minerals Act. Additionally, the bill provides for the establishment of a blue ribbon commission to assess U.S. oceans policy.

I would like to emphasize the importance of S. 1098 and the five ocean programs of NOAA that are included in this legislation.

I strongly support this legislation.

Mr. JONES of North Carolina. Mr. Speaker, if the gentleman will yield further, I include at this point in the Record a copy of a letter from the chairman of the Committee on Foreign Affairs regarding this legislation.

Committee on Foreign Affairs,
Washington, D.C., March 15, 1984.

Hon. Walter B. Jones,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

Dear Walter: I am writing you in regard to S. 1098, the National Oceanic and Atmospheric Administration Ocean and Coastal Program Authorization Act. My understanding is that S. 1098 consolidates a number of House passed bills reported by your Committee, including H.R. 1381 (The Ocean Thermal Energy Conversion Act Reauthorization), H.R. 1643 (National Sea Grant College Program Reauthorization), and H.R. 2722 (the National Advisory Committee on Oceans and Atmosphere Reauthorization Act), and also provides an authorization for polymetallic sulfide analysis and research.

Staff advises that S. 1098 is at the Speaker's Table and that you wish to make a unanimous consent motion to take S. 1098 from the Table and offer two amendments to it. One amendment would delete the National Advisory Committee on Oceans and Atmosphere (NACOA) and insert in lieu thereof the National Ocean Policy Commission which the House adopted as a separate bill (H.R. 2853) on October 31, 1983. As you know, the Committee on Foreign Affairs held a hearing on the National Ocean Policy Commission and favorably reported it. Several members of the Committee including myself co-sponsored the bill. While I understand that the Senate has not acted on H.R. 2853, preferring to support the National Advisory Committee on Ocean and Atmospheric Affairs (NACOA), I believe that so amending S. 1098 would achieve our joint aim of having the Commission proposal raised and discussed in a House-Senate Conference. It was the Committee's judgment that the National Ocean Policy Commission as adopted by the House would be preferable to NACOA, which is not equipped to conduct the international assessment called for in H.R. 2853.

The other amendment that you will propose is the $1.307 million reauthorization of the Deep Seabed Hard Mineral Resource Act of 1980. The Committee on Foreign Affairs has shared with your Committee and the Committee on Interior and Insular Affairs joint jurisdiction on this legislation since 1977. We also held hearings on the Deep Seabed Hard Mineral Resource Act of 1980 to reauthorize appropriations for the continuation of NOAA's Deep Seabed Hard Mineral Resource Program for FY 1983 and FY 1984. However, because of the press of Committee business during this session and legislative deadlines facing us, I believe it is appropriate to support your amendment to reauthorize the $1.307 million appropriation for FY 1985 with the expectation that the Committee and appropriate subcommittees will conduct oversight hearings on NOAA's implementation of this Act later this year or early in the next Congress.

Without prejudice to the jurisdiction of the Committee on Foreign Affairs over these matters, I support your unanimous consent motion to take S. 1098 from the Speaker's Table and amend the bill accordingly. I would also ask that you include the text of this letter in your explanatory statement on the floor. I appreciate your leadership in this important matter and look forward to working with you as this legislation progresses.

With best wishes, I am,

Sincerely yours,

DANTE B. FASCELL,
Chairman.

Mr. PRITCHARD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina (Mr. JONES) to dispense with further reading of the amendments?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from North Carolina (Mr. JONES)?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 473

Mr. BONER of Tennessee. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 473.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

APPOINTMENT AS MEMBERS TO ATTEND CONFERENCE OF INTERPARLIAMENTARY UNION

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276a-1, as amended by Public Law 95-45, the Chair appoints as members of the delegation to attend the Conference of the Interparliamentary Union to be held in Geneva, Switzerland, on April 2 through April 7, 1984, the following Members on the part of the House:

Mr. PEPPER of Florida, chairman;

Mr. HAMILTON of Indiana, vice chairman;

Mr. HAWKINS of California;

Mr. DE LA GARZA of Texas;

Mr. HUBBARD of Kentucky;

Mr. BARNES of Maryland;

Mr. HALL of Ohio;

Mr. HYDE of Illinois;

Mr. PRITCHARD of Washington;

Mr. BATEMAN of Virginia; and

Mr. BOEHLERT of New York.

HUNGER RELIEF ACT OF 1984

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PANETTA. Mr. Speaker, today, with Mr. JEFFORDS and others, I introduce the "Hunger Relief Act of 1984." It is my hope that this bill, which addresses most of the areas where the Federal Government is involved in feeding people, will become the basis for a concerted, bipartisan effort to address the very serious problem of hunger in America today. I would like to thank Mr. JEFFORDS for his assistance in developing this bill, which is intended to follow up on our "Preventing Hunger at Home Resolution" of last year that passed the House by a vote of 407-16.

This bill is not intended to be the final word on what the Federal Government should do to alleviate hunger. I hope that in the course of hearings and further study in the coming weeks, additional constructive ideas and improvements will emerge. Especially in the areas of child nutrition and elderly feeding, the bill is intended to provide a starting point for debate and consideration. I know there are additional meritorious proposals in these areas that the Education and Labor Committee may consider this year. Failure to include them in this bill should not be seen as a judgment on their merits.

I also do not expect that all pieces of this bill will be considered together in the House due to the split jurisdiction of committees over food programs. I have introduced this bill in one piece, however, to provide Members and the public with an overview of what can and should be done to enhance current feeding efforts.

REASONS FOR THE BILL

The reasons for this bill are very clear. In the past few years, there has been a substantial and, in many instances, dramatic increase in demand for emergency food assistance throughout the country. Everyone who has studied the problem—including the President's Task Force on Food Assistance, the General Accounting Office, USDA, the U.S. Conference of Mayors, and many others—has noted these increases and confirmed the seriousness of the hunger problem. The Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, which I chair, has heard extensive testimony throughout the country along the same lines.

Unfortunately, the hunger problem does not appear to be abating as the economy recovers. In January of this year, the U.S. Conference of Mayors released the results of a new survey of 20 cities across the country. The survey showed that not only had demand for emergency food assistance in 1983 alone risen in 95 percent of the cities by an average of 71 percent, but that 70 percent of the cities projected a further increase in emergency food aid demand in 1984. Another 20 percent of the cities estimated that their already elevated levels of demand for food aid in 1983 would remain stable in 1984.

In a recent survey of local United Way chapters on public policy issues affecting volunteerism and human needs, hunger was the issue most often identified as a major concern. Another report, which was issued this year by the Citizens Commission on Hunger in New England in conjunction with the Harvard University School of Public Health, stated the following:

> All available evidence reveals that not only has hunger returned as a serious problem, but that its incidence is increasing. In virtually every State, town, and rural area investigated, hunger is a growing problem. And the evidence is that its growth continues unabated. No available evidence suggests that hunger is stabilizing, let alone diminishing.

Currently, the subcommittee I chair is once again taking a firsthand look at the hunger problem. We traveled to Chicago on March 2, will be in Miami, Fla., on March 30, and plan to hold additional hearings on this issue. Unless we find a dramatic turnabout in what we have found in the past year, it is my view that Congress needs to take strong action on this issue as soon as possible.

It is not only for humanitarian reasons that I urge Congress to respond, although certainly that should be sufficient incentive. In a nation with our vast food resources, the existence of any hunger whatsoever should be intolerable. There are, however, compelling practical reasons for intervention now. If we do not act, the long-term health, education, and loss-of-productivity costs of hunger will far exceed whatever expense we might incur now. Medical studies now emerging link the hunger problem with health problems. The report of the New England Commission had this to say on the subject:

> Evidence presented by researchers and physicians from studies conducted in various States shows both acute and chronic malnutrition of an alarming nature among children under the age of 6. Significant numbers of them are failing to grow normally and, as a result, are underweight and stunted in stature.
>
> The teams of physicians sent by the commission into New England States found malnutrition. In soup kitchens, they saw malnourished children whose bodies were small for their ages and whose teeth and hair reflected their poor nutritional status. The physicians found malnourished elderly Americans, often living alone, thin and anemic. In a Nation whose diet is generally excessive, malnutrition is not uncommon.

And this may not describe the full extent of the problem. At a congressional hearing on January 26, 1984, Dr. Alvin Mauer, chairman of the Nutrition Committee of the American Academy of Pediatrics, testified that it takes several years for a reduction in nutritional status to have its full impact on the health of children. We may not be able to measure the full consequences of the current hunger problem for another 2 or 3 years.

Thus, it is my view that additional resources to feed the hungry should be a priority. It is becoming increasingly clear that although economic recovery will help, it will not solve the domestic hunger problem. The social safety net does not provide enough aid to feed the needy, whatever their number. We need now to reinvest in the programs which, by the late 1970's, were being credited with virtually eliminating hunger in this country.

Although precise cost estimates for the bill are not yet available, I believe its annual cost would represent a restoration of approximately one-half of the $3 billion in annual nutrition program cutbacks enacted in 1981-82. It is my hope that the congressional budget process for fiscal year 1985 would accommodate this necessary bill.

Approximately two-thirds of the cost of this bill is attributable to proposed reforms in the food stamp program, the Nation's bulwark against hunger. Several proposals are based upon recommendations of the President's Task Force on Food Assistance, which advocated several hundred million dollars in increased food stamp spending. If the food stamp recommendations in this bill are enacted, total program costs would still be close to $1 billion below the current law authorization ceiling established for fiscal year 1985 ($13.933 billion). Food stamp spending levels would be close to those of fiscal year 1983, a year in which this country clearly had a serious hunger problem.

ELDERLY FEEDING

The bill would make several changes in the feeding programs of the Older Americans Act. The bill would raise the authorization levels for commodities and congregate feeding by 5 percent, as recommended in H.R. 4785. This bill was introduced by Mr. IKE ANDREWS, who chairs the relevant authorizing subcommittee.

In the area of home delivered meals, the bill recommends an increase in authorizations of about 20 percent. Home delivered meals are provided to the most vulnerable of our elderly citizens. Reports from my district, the State of California, and around the country indicate that the need to expand this aspect of elderly feeding is the most urgent.

SCHOOL LUNCH AND CHILD NUTRITION

The bill would incorporate the child nutrition bill, H.R. 4091, passed by the House last fall, and H.R. 7, a bill that would reauthorize five expiring child nutrition programs. H.R. 4091 would increase the number of children eligible for reduced price school meals, lower the price eligible children must pay for these meals, make more private schools eligible to participate in the lunch program, increase the Federal contribution for school breakfasts, and make other changes in child nutrition programs.

Among the programs reauthorized by this bill is WIC, or the special supplemental food program for women, infants, and children, perhaps the most cost-effective of all nutrition programs. It is my belief that funding for the WIC program should be increased so that, by the end of the next 4 years, program participation could approach roughly half of the eligible population. Current participation is about 3 million persons, or about one-third of the eligible population.

By removing the current spending "cap" or WIC, this bill would not create an open-ended entitlement. As has always been the case, program levels would still be limited by the amount of annual appropriations. I would also support a new spending ceiling that leaves room for increased participation, but defer to the expertise of the authorizing committee as to where it should be set.

NUTRITION MONITORING

One of the primary findings of the President's Task Force on Food Assistance was that hunger in America is difficult to quantify. The task force urged the collection of more information by which the dietary status of Americans could be measured.

The bill includes a proposal to require USDA to conduct an annual, ongoing survey on the household expenditures and food consumption of a representative sample of low income households. This survey, which would be coordinated with larger, less frequent surveys already being conducted, should provide much useful data for informed social policy decisions. By collecting information on household expenditures for food and other necessities, the survey should provide an indication whether households have sufficient food resources, and if not, what other expenses may contribute to the shortfall. By measuring dietary intake and asking participants whether they experience periods of time without food, the survey will improve our ability to evaluate trends in the growth or decline of the hunger problem. It will also help us to target nutrition education activities.

By conducting surveys and reporting their results on an ongoing basis, USDA should be able to provide for more up-to-date information on the status of low-income persons than is currently available. When social program benefits or eligibility limits are tightened or expanded, these surveys may provide some basis on which to evaluate the impact in a relatively short time frame.

NUTRITION INFORMATION AND EDUCATION

Currently, there is no program of nutrition education that serves the low-income population in general, and food stamp program participants in particular. While about 60 percent of those served by the expanded food and nutrition education program (EFNEP) of USDA's Extension Service are on the food stamp program, EFNEP only serves about 250,000 households a year, compared to the total of 7 million households in the food stamp program. Additional low-income households receive nutrition education through the WIC program, public health centers, and community food and nutrition programs. However, there is little coordination among these programs and most low-income households probably receive no direct nutrition education services.

The bill would provide grants to States to coordinate and enhance current efforts to provide nutrition and consumer education to low-income Americans. Instruction would be provided not only on food eating habits, but also on how best to stretch each food dollar. The emphasis of this grant program would be to build on mechanisms already in place to provide these services, rather than institute major new programs. Most States already have excellent nutrition education materials developed, or could easily do so with assistance from USDA's Food and Nutrition Information Center. There already is much expertise on how best to conduct nutrition education activities, but resources have been lacking.

The grants program would be directed primarily, although not exclusively, at food stamp participants and those eligible for food stamps. I envision this program being administered by or in close coordination with each State welfare department, with appropriate utilization of nutrition and consumer education experts in its development and operation. By building in coordination with food stamp administrators, nutrition educators should be better able to reach a large proportion of the low-income population in any State.

Each State would have broad flexibility in designing its program. A State could, for example, use funds directly to employ qualified nutritionists to provide technical assistance or education programs, make grants to eligible agencies to strengthen ongoing education programs, or sign contracts or letters of agreement with agencies to deliver services to food stamp recipients. To the maximum degree possible, funds should support the use of activities that assist individuals to maximize their food dollars, improve their diets, and advance their food management skills rather than for development of educational materials.

The targeting of this nutrition education program on the low-income population is not based on a belief that these persons are poorer food shoppers or know less about diet than other Americans. In fact, more than one study has concluded that food stamp participants receive more nutrients per dollar spent on food than other shoppers. In Chicago on March 2, our subcommittee heard excellent testimony about food stamp shoppers who buy staples in bulk in order to maximize the use of their limited food dollars. However, it is possible that low-income persons have less access to and less resources for nutrition education activities. In addition, there is a public perception problem about how some food stamp shoppers spend their limited resources. Since it is public money that food stamp shoppers spend on food, I believe it makes sense to target nutrition and consumer education dollars on the low-income population to insure that the taxpayers' hard-earned money is spent in the most efficient way possible.

FOOD STAMP PROPOSALS

Incentives for self-sufficiency

The bill includes several features designed to improve work incentives and promote economic independence. Through field visits and hearings, the Domestic Marketing, Consumer Relations, and Nutrition Subcommittee has learned of many innovative and effective approaches that local communities have taken to enhance the employment and employability of food stamp recipients and other public assistance clients. The success of such programs are largely dependent upon the commitment and dedication of local officials. With additional encouragement from the Federal Government, I believe that much more would be done at the local level to increase the labor force participation of these individuals. To me, this is a most logical area to make an investment of public dollars.

The bill proposes an increase of about $19 million (over $31 million now being spent) in funding to States to enhance their current job search programs. The bill would make clear that job search is a State responsibility, that States would have greater flexibility in determining the population subject to job search and what those requirements might be, and that innovative approaches, such as job-finding clubs, could be utilized in lieu of other approaches. To a great extent, these changes would bring the food stamp program into conformity with the policies of the AFDC program. To the extent that the initial grant from the Federal Government does not cover the costs a State incurs in administering work requirements—including the costs of job referral, job skill assessment, employment counseling, job development, and other costs—the State would be eligible for the normal 50-percent administrative match for these activities.

I would stress that this program would not be duplicative of other employment-related efforts, such as those of the Department of Labor. Traditionally, those programs have never been able to serve the food stamp population comprehensively. In fact, public-assistance recipients have often been among the last helped by these programs. This bill would simply add some additional funding and flexibility for food stamp administrators in the enforcement of their duties under the Food Stamp Act. Because of their familiarity and frequent contact with food stamp participants, these administrators often can provide more direct and appropriate services for these clients. It is my hope that positive, constructive approaches, rather than punitive ones, would emerge from the increased flexibility granted under this bill. I would rather see implementation of concentrated, effective programs that work than have the funding spread widely to put clients and workers through a perfunctory, paperwork-intensive job-search program.

Another bill proposal would restore the earned-income deduction from 18 percent to 20 percent, the level that was in effect prior to 1981. This deduction represents the primary difference in calculating food stamp benefits for working as contrasted with nonworking households. As a matter of fairness and to promote increased work effort, the deduction should cover the work-related costs of most, if not all, working food stamp participants. If a household's work-related expenses—taxes, transportation, union dues, uniforms, et cetera—exceed 18 percent of income, as many do, there is less incentive to work and a greater likelihood of continued dependence on public assistance.

In addition, poor, working families now pay significantly higher taxes than just a few years ago. Not only have payroll taxes—for example, social security—increased, but working families at and below the poverty line also pay Federal income taxes. A working family of four with a gross income approximating the poverty line—about $10,600—in 1984, incurs a total Federal tax liability of about $1,076, compared to $269 in 1978. At the very time that these tax increases were occurring, the food stamp program deduction designed to reflect these types of work-related expenses was lowered.

The bill would also allow a deduction for child-care costs separate from that for shelter costs. Currently, only one combined deduction of up to $125 is allowed for both, and many families with both high shelter and child-care expenses effectively receive no deduction for the latter. These deductions were combined in 1977 out of the fear that if some households qualified for both, they would be eligible for food stamps despite having high gross incomes. Today, there is no need to guard against that possibility because the gross income eligibility limit—130 percent of the poverty line—automatically would cut off any so-called high income participants.

A further incentive for self-sufficiency would be afforded to the very limited number of students or potential students who currently participate in the program. Under current law, only students who work or have children can receive food stamps. If one of these students receives a grant or scholarship, the portion of which is applied to mandatory tuition and fees is excluded from income. However, if a food stamp participant pays for tuition and mandatory fees out of his or her earnings or other income sources, no such deduction is allowed.

As a matter of equity, this bill would allow students who pay tuition and/or mandatory fees from nongrant and nonscholarship sources, such as their own earnings, to deduct these costs from countable income. This means, for instance, that if a minimum-wage worker wants to go to night school to expand his or her earnings potential, a deduction would be allowed for the costs of tuition and mandatory fees paid from earnings. This provision would not bring anyone new onto the food stamp program. It would simply remove the current disincentive for participants to attend school and thereby lessen their economic dependence.

THE SHELTER DEDUCTION

Throughout our subcommittee hearings last year, we heard considerable testimony that rising energy costs were crowding out valuable resources for food in low-income households. Under current law, food stamp households receive a deduction for excess shelter cost to the extent those costs exceed 50 percent of net income. For all households except the elderly and disabled, this deduction is currently capped at $125. In order to address the heat-or-eat dilemma that many low-income housholds face today, the bill would raise the current shelter deduction cap, effective October 1, 1984, from a projected level of $130 to $150. This would result in an increase of about $6 a month in food stamp benefits for households with the highest shelter and utility costs.

By setting the shelter deduction at $150 effective October 1, 1984, the bill would restore this deduction to the approximate level it would have reached had it not been frozen for a period of time as a result of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35. In retrospect, it appears that this action was not justified by the facts.

The report of the President's Task Force on Food Assistance indicates that since energy costs eat up a disproportionate share of the budget of low-income persons and have risen far faster than the general inflation rate, the effect of these cost increases on low-income households probably have been understated. According to the two most recent Department of Energy residential energy consumption surveys, home energy expenses consume about twice as big a share of the incomes of food-stamp-eligible participants as they do of households at the median income. In addition, actual home energy expenses have recently increased more rapidly for low-income households than other households. For households with incomes in the food-stamp-eligible range, for example, between $5,000 and $10,000 a year, home energy expenses increased 12.3 percent in the period of time encompassing April 1980 to April 1982. For the same period, home energy costs for households with annual incomes of $20,000 to $25,000 increased only 5.8 percent. This may have occurred because low-income households have homes that are less energy efficient and because many low-income households could not reduce their energy consumption any further, despite rising prices.

Raising the shelter deduction cap is a partial answer to the heat-or-eat dilemma. Since the test for qualifying for the shelter deduction is quite stringent—deductions are granted only to the extent shelter costs exceed 50 percent of net income—this proposal will assure that any benefit increases are targeted on those most in need. It may also provide some small help in stemming the alarming recent growth in the problem of homelessness.

THRIFTY FOOD PLAN

About three-fourths of the proposed food stamp increase would come from paying benefits based on the full cost of the thrifty food plan (TFP), the lowest cost USDA diet that has frequently been criticized as inadequate. Currently, food stamp allotments are based on 99 percent of the cost of TFP. The President's task force found no programmatic justification for setting the allotment below the full value of the thrifty food plan, and recommended restoring the basis for benefits to 100 percent of the TFP.

The bill adopts the task force's recommendation and extends its logic one step further. Current benefit levels not only are set at 99 percent of the TFP, but also lag 3 to 15 months behind inflation since benefit adjustments each October 1 are based on food prices through the previous June. So, for instance, data recently released on TFP costs indicate that, as of January 1984, food stamp benefits were based upon an amount equal to only 95.7 percent of actual TFP costs. The bill would require that on each October 1 the basis for adjusting food stamp allotments would be the average cost of the TFP for the coming fiscal year, as projected by the Secretary of Agriculture. This would assure that, to the extent possible, food stamp benefits would be based upon the full cost of the TFP.

While the task force did not specifically address this proposal in its report, Dr. J. Clayburn LaForce, chairman of the task force, spoke to this issue while testifying before Congress on January 26, 1984. When asked if the task force would support efforts not only to restore benefits to 100 percent of the TFP, but also to keep them more current with actual TFP costs, Dr. LaForce responded: "Of course that should be done." He said a 15-month lag behind actual TFP costs would be excessive.

ASSETS

As recommended by the President's task force, the bill would raise the liquid assets limitations from $3,000 to $3,500 for elderly and disabled households and from $1,500 to $2,250 for all other households. Automobiles would count as assets only to the extent they exceed $5,500 in fair market value, an increase from $4,500 in the current law.

The primary thrust of these proposals is to make the program more accessible to the new poor and the working poor. The current liquid assets tests approximate those established in 1971. Especially because of higher living expenses today, it is necessary to update them, although these proposals do not nearly update the limits to fully reflect inflation since 1971. The $4,500 limit on automobiles was established in 1977 and is also out of date. Since automobiles are often used by household members for transportation to work or to search for work, it would be counterproductive to maintain a limit on the value of cars that forces needy persons to sell them in order to eat.

ALASKA

The bill has two provisions affecting Alaska. The first would require the Secretary to immediately implement legislation enacted on December 22, 1981, requiring special food stamp allotments for rural Alaska. This change was intended to respond to the extremely high cost of food in rural Alaska, documented by USDA to be as high as 222 percent of the national average in some areas. Currently, the State of Alaska is in litigation to force the Secretary to carry out the law. USDA's failure to act is inexplicable and deplorable.

The second provision affecting Alaska would implement a pilot project, effective in fiscal year 1986, to allow the State to alter the way it provides food assistance in rural Alaska. In serving its rural areas, Alaska faces problems unlike anywhere else in the United States. In its rural areas, Alaska currently serves about 2,300 food stamp households scattered over 500,000 square miles—an area equal to California, Texas, New York, Maryland, and West Virginia combined. Mail service in these areas is infrequent and unreliable, particularly in winter. Most of the food stamp participants in these areas are Eskimo, Aleut, and Indian, whose cultural characteristics and household composition fit poorly with the guidelines of the food stamp program.

To respond to this unique situation, the bill would allow Alaska, for a 4-year period, to redesign the manner in which this small population receives food assistance. Working with the Secretary, the State would develop a plan with appropriate accountability guidelines to serve rural Alaska with roughly the same level of funding as would have been provided under the regular food stamp program.

OPTIONAL MONTHLY REPORTING AND RETROSPECTIVE BUDGETING (MRRB)

The bill would leave to the States the option of whether to utilize the paperwork intensive, administratively costly, and sometimes error-prone mechanism of MRRB. States continue to complain that USDA has not granted appropriate waivers from these requirements. They also point out that since States are ultimately sanctioned for high error rates, they should have freedom to decide how best to lower them. To them, MRRB is a clear example of overregulation by the Federal Government. Just recently, I received a letter signed by 38 State welfare administrators requesting that MRRB be made optional for the States.

In addition to the administrative concerns of the States, it now appears that MRRB bears some relation to the hunger issue as well. In several studies of the early operation of MRRB, large numbers of persons dropped from program benefits due to failure to file a timely or accurate form turned out to be eligible all along. Whether due to literacy problems, change of address, illness, or other factors, some recipients are unable to file the often complex monthly reports in a satisfactory manner. Especially given the potentially harmful effect of MRRB on recipients, I continue to believe we should not force this system on the States as long as we hold them accountable in any event for high error rates.

OTHER FOOD STAMP PROVISIONS

The bill includes several additional food stamp provisions of low or no cost. Included are recommendations of the President's task force relating to the eligibility of the homeless for benefits, the office hours of food stamp agencies, the staggering of benefit issuance, and categorical eligibility for AFDC and SSI participants. Also, the bill would allow certain disabled veterans, SSI State supplement recipients, and railroad retirement annuitants to be treated as disabled for food stamp purposes. Only those persons who meet the social security disability test, or a similarly strict test, without requiring food stamp caseworkers to perform an actual disability determination, would qualify.

COMMODITY SUPPLEMENTAL FOOD PROGRAM (CSFP)

The bill would make one change in the law governing CSFP to allow, at the option of the local administering agency, elderly persons to be served. CSFP historically has provided USDA commodities to needy women, infants, and children in areas where no WIC program is available. In response to evidence documenting need among elderly persons, Congress authorized pilot projects in 1981 to serve the elderly. Authorization for these pilots, which are currently operated in Detroit, New Orleans, and Des Moines, ends this year.

In light of the success of these pilots and the desire of additional CSFP sites to serve the elderly, this bill proposes that local agencies be given the option to serve the elderly out of whatever funds and authorized caseload they receive. The only condition placed upon serving the elderly is that no needy, eligible woman, infant, or child could be displaced in favor of serving elderly persons.

This proposal would not, by itself necessarily result in additional program costs. CSFP sites would still have to stay within whatever funding levels are provided through the appropriations process and some might not receive sufficient funding to serve any elderly persons. It is my view, however, that CSFP should receive up to $5 million in additional fiscal year 1985 appropriations to allow some elderly persons to be served. The fiscal year 1984 estimated costs for CSFP is about $40 million.

EMERGENCY FEEDING PROGRAM

The bill would authorize for 2 years an emergency feeding program operated by a national board of private organizations in conjuction with the Federal Emergency Management Agency (FEMA). Basically, this would be a continuation of the highly successful program operated by this board, which includes the United Way and others, over the 1983 and 1984 fiscal years, except that the benefits authorized under this bill, up to $50 million a year, would be for feeding purposes only. The President's Task Force on Food Assistance recommended that this type of program be continued.

Preliminary estimates from the national board indicate that this program has been most efficient in delivering emergency aid over the past year. The jobs bill in March 1983 provided this program $50 million for emergency food and shelter needs. Of this amount, about $33.5 million was applied to food aid, resulting in the provision of about 50.9 million additional meals for the needy. Last fall, Congress provided an additional $40 million to meet the needs of the current winter. Of this, about $22.7 million was applied to food aid, resulting in an additional 23.3 million meals.

Given the projections of food and demand by the U.S. Conference of Mayors and others, I believe this program should be authorized and available to meet potential needs in the next 2 years. If the hunger problem abates, Congress can provide less than $50 million or no funding at all.

By limiting this provision to emergency food needs, I do not mean to imply that no emergency shelter assistance is needed. I have conferred with the committees with jurisdiction over the shelter issue and was informed that there will be alternative vehicles to address the urgent shelter needs of the homeless. I would have no objection if the private board/FEMA mechanism were to be utilized again to provide shelter assistance. I have simply included in this bill my best estimate of what emergency feeding needs might be.

Following is the bill and section-by-section explanation of the bill:

H.R. 5151

A bill to alleviate hunger in the United States by strengthening Federal nutrition programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Hunger Relief Act of 1984".

TITLE I—FOOD STAMP AND RELATED PROVISIONS

ELIGIBILITY OF THE HOMELESS

SEC. 101. (a) The first sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended by—

(1) in clause (1), after "consumption", inserting "(or in the case of an individual who does not reside in a permanent dwelling or who has no fixed address, for such individual's consumption)"; and

(2) in clause (2), after "consumption" each time that it appears, inserting "(or in the case of individuals who do not reside in permanent dwellings or who have no fixed addresses, for such individuals' consumption)".

(b) Section 11(e)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(2)) is amended by—

(1) striking out the semicolon at the end thereof and inserting a period in lieu thereof; and

(2) adding at the end thereof the following new sentence:

"The State agency shall provide a method of certifying and issuing coupons to eligible households who do not reside in permanent dwellings or who have no fixed addresses, and shall take steps to assure that such method limits participation in the food stamp program to eligible households.".

ADJUSTMENT OF COST OF THRIFTY FOOD PLAN; DEFINITION OF THE DISABLED

SEC. 102. Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by—

(1) in subsection (o)—

(A) in clause (7), striking out "and October 1, 1984," and, after "household size,", inserting "and, on the first day of the second month following the month in which the Hunger Relief Act of 1984 is enacted, increase the cost of such diet to reflect the full cost of the thrifty food plan as of June 30, 1983, and round the result to the nearest lower dollar increment for each household size,"; and

(B) amending clause (8) to read as follows:

"(8) on October 1, 1984, and each October 1 thereafter, adjust the cost of such diet to reflect the average cost of the thrifty food plan for the fiscal year beginning on such date, as projected by the Secretary on the basis of the best data available, and round the result to the nearest lower dollar increment for each household size"; and

(2) in subsection (r)—

(A) amending clause (2) by inserting, before the semicolon at the end thereof, ", federally or State administered supplemental benefits of the type described in section 1616(a) of the Social Security Act if the Secretary determines that such benefits are conditioned on meeting the disability or blindness criteria used under title XVI of the Social Security Act, or federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66 (42 U.S.C. 1382 note)";

(B) amending clause (4)(A) by, after "service-connected", inserting "or non-service-connected";

(C) amending clause 5(B) by striking out "or" at the end thereof;

(D) striking out the period at the end of clause (6) and inserting in lieu thereof ", or"; and

(E) adding at the end thereof the following new clause:

"(7) is an individual receiving an annuity under section 2(a)(1)(iv) or 2(a)(1)(v) of the Railroad Retirement Act of 1974 (45 U.S.C. 231a(a)(1)(iv) or 231a(a)(1)(v)), if his service as an employee under the Railroad Retirement Act of 1974, after December 31, 1936, had been included in the term 'employment' as defined in the Social Security Act, and if an application for disability benefits had been filed."

CATEGORICAL ELIGIBILITY

SEC. 103. (a) Section 5 of the Food Stamp Act of 1977 (12 U.S.C. 2014) is amended by—

(1) inserting after the first sentence of subsection (a) the following new sentence:

"Notwithstanding any other provisions of this Act, except the provisions of section 6 (b) and (g) and the third sentence of section 3(i), households in which each member receives either benefits under a State plan approved under Part A of title IV of the Social Security Act, supplemental security income benefits under title XVI of the Social Security Act, or aid to the aged, blind, or disabled under titles I, X, or XIV of the Social Security Act, shall be eligible to participate in the food stamp program."; and

(2) striking out subsection (j).

(b) Section 11(i) of the Food Stamp Act of 1977 (7 U.S.C. 2020(i)) is amended by adding at the end thereof the following new sentence:

"No household shall have its application to participate in the food program denied or its benefits under the food stamp program terminated solely on the basis that its application to participate has been denied or its benefits have been terminated under any of the programs carried out under the statutes specified in the second sentence of section 5(a) and without a separate determination by the State agency that the household fails to satisfy the eligibility requirements for participation in the food stamp program specified in this Act.".

EXCLUDED INCOME

Sec. 104. The first sentence of section 5(d) of the Food Stamp Act of 1977 (12 U.S.C. 2014(d)) is amended by—

(1) adding at the end of clause (3) the following, "and to the extent loans include any origination fees and insurance premiums,"; and

(2) after "loans" in clause (4) inserting "(including any origination fees and insurance premiums)".

DEDUCTIONS FROM INCOME

Sec. 105. Section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by—

(1) in the third sentence, striking out "18" and inserting in lieu thereof "20";

(2) in the fourth sentence—

(A) amending clause (1) to read as follows:

"(1) a dependent care deduction for the actual cost of payments necessary for the care of a dependent, regardless of the dependent's age, when such care enables a household member to accept or continue employment, or training or education that is preparatory for employment: *Provided*, That the amount of such dependent care deduction shall not exceed $160 a month, and";

(B) amending the proviso to clause (2) to read as follows:

"*Provided*, That the amount of such excess shelter expense deduction shall not exceed $150 a month in the forty eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $260, $215, $180 and $110, respectively, adjusted on October 1, 1985, and on each October 1 thereafter to the nearest lower dollar increment to reflect changes in the shelter (exclusive of homeownership costs), fuel, and utilities components of housing costs in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, as appropriately adjusted by the Bureau of Labor Statistics after consultation with the Secretary, for the 12 months ending the preceding June 30."; and

(C) striking out "or" following the period at the end of clause (2), as amended by this section, and striking out clause (3);

(3) in clause (B) of the final sentence thereof, striking out "that for the excess shelter expense deduction contained" and inserting in lieu thereof "the maximum allowable excess shelter deduction specified"; and

(4) adding at the end thereof the following new paragraph:

"Households shall also be entitled to a deduction equal to mandatory tuition and fees paid to an institution of higher education or school for the handicapped by a household member for an individual who is a member of the household and who is a student eligible to participate in the food stamp program, except to the extent that households use income excluded under subsection (d)(3) to pay such tuition and fees. Such deduction shall be calculated by averaging such tuition and fees over the period to which they apply."

MONTHLY REPORTING AND RETROSPECTIVE ACCOUNTING—STATE OPTION

Sec. 106. (a) Section 5(f)(2) of the Food Stamp Act of 1977 (12 U.S.C. 2014(f)(2)) is amended by—

(1) amending subparagraph (B) to read as follows:

"(B) Household income for all other households shall be calculated either on a prospective basis as provided in paragraph (3)(A) or on a retrospective basis as provided in paragraph (3)(B), as elected by the State agency under regulations prescribed by the Secretary."; and

(2) striking out subparagraph (C).

(b) The first sentence of section 6(c)(1) of the Food Stamp Act of 1977 (12 U.S.C. 2015(c)(1)) is amended by, after "State agencies", inserting "that elect to use a system of retrospective accounting in accordance with section 5(f) of this Act".

RESOURCES LIMITATION

Sec. 107. Section 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by—

(1) in the first sentence, striking out "$1,500" and "$3,000" and inserting in lieu thereof "$2,250" and $3,500", respectively; and

(2) in the second sentence, striking out all beginning with "any licensed vehicle" through "exceeds $4,500," and inserting in lieu thereof "any licensed vehicles (other than one used to produce earned income or that is necessary for transportation of a physically disabled household member and any other property, real or personal, that is directly related to the maintenance or use of such vehicle) to the extent that the fair market value of each such vehicle exceeds $5,500,".

STAGGERING OF COUPON ISSUANCE

Sec. 108. Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end thereof the following new subsection:

"(h) The State agency may implement a procedure for staggering the issuance of coupons to eligible households throughout the entire month: *Provided*, That the procedure assures that, in the transition period from other issuance procedures, no eligible household experiences an interval between coupon issuances of more than 35 days, either through regular issuances by the State agency or through supplemental issuances.".

DISASTER TASK FORCE; PUBLIC INFORMATION; NUTRITION EDUCATION; OFFICE HOURS

Sec. 109 (a) Section 5(h)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2015(h)(2)) is amended to read as follows:

"(2) The Secretary shall (A) establish a Food Stamp Disaster Task Force to assist States in implementing and operating the disaster program and the regular food stamp program in the disaster area, and (B) send members of such task force to the disaster area as soon as possible after the disaster occurs to provide direct assistance to State and local officials.".

(b) Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by—

(1) in subsection (e)(1)—

(A) striking out "shall";

(B) striking out clause (A) and inserting in lieu thereof the following:

"(A) may conduct public information activity reasonably designed to inform low-income households, including the elderly, the unemployed, and those residing in rural areas, about the availability and eligibility requirements of the food stamp program; and"; and

(C) inserting after the clause designation "B", "shall".

(2) In subsection (e)(2), as amended by section 101, adding at the end thereof the following:

"The State agency shall assess, from time to time, the need for operating food stamp offices within the State during evening and weekend hours;";

(3) striking out the period after subsection (e)(21) and inserting in lieu thereof "; and";

(4) adding at the end of subsection (e) the following new paragraph:

"(22) at the option of the State agency, for informing food stamp program applicants and participating households of available nutrition and consumer education services, such as the expanded food and nutrition education program, and, at their request, referring them to such services; and"; and

(5) adding at the end thereof the following new subsection:

"(o) the Secretary shall encourage State agencies to conduct public information activities reasonably designed to inform low-income households, including the elderly, the unemployed, and those residing in rural areas, about the availability and eligibility requirements of the food stamp program.".

(C) Section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended by, in the first sentence—

(1) striking out "and" in clause (3); and

(2) inserting in clause (4), after "fair hearings", the following new clauses:

", (5) public information activities carried our under section 11(e)(1)(A) of this Act, and (6) nutrition education activities carried out under section 11(e)(22) of this Act".

JOB SEARCH TRAINING

Sec. 110. (a) Section 6(d) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)) is amended by—

(1) in paragraph (1)(ii), inserting "without good cause" after "refuses" and inserting "in accordance with paragraph (4)" after "Secretary";

(2) adding at the end of paragraph (1) the following sentence:

"Any period of ineligibility for violations under this paragraph shall end when the household member who committed the violation complies with the requirement that has been violated."; and

(3) adding at the end thereof the following new paragraph:

"(4) Each State agency shall implement a job search program that contains terms and conditions comparable to those prescribed in sections 402(a)(35)(A)(1) and (ii) and 402(a)(35)(B) of Part A of title IV of the Social Security Act for job search activities carried out in the Aid to Families with Dependent Children program, except that the State agency shall retain the option provided under paragraph (1)(ii) and may include all other reasonable terms and conditions. Each State agency shall determine which categories of persons subject to the requirements for registering for employment under paragraph (1) shall be included in its job search training programs (based on such factors as the job readiness and employability of various categories of work registrants, the availability of work opportunities in the area, the proximity of such opportunities to such registrants, the availability of child care, and the cost effectiveness of job search activities for such categories). Such programs may include job skills assessment, job finding clubs, training in techniques for employability, and job counseling as part of their job search programs.".

(b) Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)), as amended by section 109(a), is amended by adding at the end thereof the following new paragraph:

"(23) the manner in which the State agency will carry out job search training activities required under section 6(d)(4) of this Act.".

(c) Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by adding at the end thereof the following new subsection:

"(h)(1) Effective October 1, 1984, the Secretary is directed to allocate in each fiscal year, from funds appropriated for such fiscal year under section 18(a)(1) of this Act, the amount of $50,000,000, which amount shall be used to pay to each State agency the full cost (except as otherwise provided in this subsection) of carrying out job search training activities under section 6(d)(4) of this Act.

"(2) If in carrying out such activities, a State agency incurs costs that exceed the amount paid to the State agency under paragraph (1), the Secretary shall pay such State agency an amount equal to 50 per centum of such additional costs in accordance with subsection (a).

"(3) The Secretary shall, in accordance with subsection (a), pay to each State agency an amount equal to 50 per centum of the total amount of payments made by the State agency to household members to cover the costs described in section 402(a)(35)(B) of Part A of title IV of the Social Security Act incurred by them in participating in a program of job search carried out in accordance with section 6(d)(4) of this Act.

"(4) The Secretary shall monitor the job search training programs of State agencies carried out under this Act, to measure their effectiveness in terms of the increase in the numbers of household members who obtain unsubsidized employment and the numbers of such members who retain such employment as a result of their participation in the program.".

PILOT PROJECT FOR RURAL AREAS OF ALASKA

SEC. 111. (a) Section 17 of the Food Stamp Act of 1977 (12 U.S.C. 2026) is amended by adding at the end thereof the following new subsection:

"(g)(1)(A)(i) During the period from October 1, 1985, through September 30, 1989, from the sums appropriated under this Act the Secretary shall, subject to the provisions of this paragraph and paragraph (2), pay to the State of Alaska (1) for the fiscal year ending September 30, 1986, $11,700,000 and (2) for each fiscal year thereafter, the amount paid for the prior fiscal year adjusted to reflect food price changes in the rural areas of Alaska for the fiscal year for which the determination is being made, as projected by the Secretary on the basis of the best data available, and, at the option of the Secretary and after consultation with the State of Alaska, to reflect changes in the number of needy persons in the rural areas of Alaska requiring food assistance, to finance 100 per centum of the expenditures for providing food assistance to needy persons in the rural areas of Alaska and 50 per centum of the administrative expenses related to the provision of such assistance. For the purposes of this subsection, the term "rural areas of Alaska" means the areas of the State of Alaska within the following census areas or boroughs under the 1980 Decennial Census of Population and Housing: Aleutian Islands, Bethel, Bristol Bay Borough, Dillingham, Kobuk, Kodiak Island Borough, Nome, North Slope Borough, Skagway-Yakutat-Angoon, Valdez-Cordova, Wade-Hampton, and Yukon-Koyukuk.

"(ii) The payments to the State for any fiscal year shall not exceed the expenditures by the State during that year for the provision of the assistance the provision of which is included in the plan of the State approved under paragraph (2) and 50 per centum of the related administrative expenses, except as otherwise provided in the following subparagraph (B).

"(B) The Secretary shall, subject to the provisions of paragraph (2), pay in advance to the State for the applicable fiscal year, at such times and in the maner as the Secretary may determine, the amount estimated by the State pursuant to paragraph (2)(A)(i)(IV), reduced or increased to the extent of any prior overpayment or current underpayment which the Secretary determines has been made under this subsection and with respect to which adjustment has not already been made under this paragraph, except that the State may carry over, for use during the first succeeding quarter of any fiscal year, up to five per centum of the amount paid to it by the Secretary under this subsection for the preceding fiscal year.

"(2)(A)(i) In order to receive payments under this subsection, the State shall have a plan for operation of the program for providing food assistance to needy persons in the rural area of Alaska approved by the Secretary under this subsection. By June 1, 1985, the State shall submit to the Secretary an initial plan for the provision of such assistance that—

"(I) designates a single agency of the State that shall be responsible for the administration, or supervision of the administration, of the program for the provision of such assistance;

"(II) assesses the food assistance needs of needy persons residing in the rural areas of Alaska;

"(III) describes the program for the provision of such assistance, including the assistance to be provided, and any agencies designated to provide such assistance, which program must meet such reasonable requirements as the Secretary may by regulation prescribe for the purpose of assuring that assistance is provided to needy persons in the rural areas of the State;

"(IV) estimates the amount of expenditures necessary for the provision of the assistance described in the program and related administrative expenses, up to the amount provided for payment by paragraph (1)(A)(i);

"(V) provides that persons to whom such assistance is made available may use such assistance to acquire equipment for procuring food by hunting and fishing in conformity with section 3(g)(6) of this Act;

"(VI) assures that by not later than January 1, 1988, and January 1, 1989, the State will submit reports to the Secretary on the operation of such program and its effectiveness in meeting the food needs of needy persons in rural areas of the State; and

"(VII) includes such other information as the Secretary may require.

"The State may submit for the approval of the Secretary any proposed revisions of such plan but no revision shall be implemented unless it has been approved by the Secretary. In formulating its initial plan under this subparagraph, and any revisions thereof, the State shall consult with representatives of the population to be served by the program, including representatives of the native populations of the rural areas of Alaska.

"(ii)(I) The Secretary shall approve or disapprove the initial plan submitted pursuant to subdivision (i) no later than August 1, 1985, and shall approve or disapprove any proposed revision to the plan no later than 60 days after it is submitted. The Secretary shall approve any plan, or any revision thereof, that complies with the requirements of subdivision (i). If the initial plan is disapproved because it does not comply with any of the requirements of that subdivision the Secretary shall, except as provided in subdivision (ii)(II), notify the appropriate agency in the State that payments will not be made to it under paragraph (1) until the Secretary is satisfied that there is no longer any such failure to comply, and until the Secretary is so satisfied, the Secretary will make no payments.

"(II) The Secretary may suspend the denial of payments under subdivision (ii)(I) for such period as the Secretary determines appropriate and instead withhold payments provided for under paragraph (1), in whole or in part until the Secretary is satisfied that there is no longer any failure to comply with the requirements of subdivision (i), at which time such withheld payments shall be paid.

"(B)(i) The State shall provide for a biennial audit of expenditures under its program for the provision of the assistance described in paragraph (1)(A)(i), and within 120 days after the end of each fiscal year in which the audit is made, shall report to the Secretary the findings of such audit.

"(ii) Within 120 days after the end of the fiscal year, the State shall provide the Secretary with a statement as to whether the payments received under paragraph (1) for that fiscal year exceeded the expenditures by it during that year for which payment is authorized under this subsection, and if so, by how much, and such other information as the Secretary may require.

"(iii)(I) If the Secretary finds that there is a substantial failure by the State to comply with any of the requirements of subdivisions (i) and (ii), or to comply with the requirements of paragraph (2)(A)(i) in the administration of a plan approved under paragraph (2)(A)(ii), the Secretary shall, except as provided in subdivision (iii)(II), notify the appropriate agency in the State that further payments will not be made to it under paragraph (1) until the Secretary is satisfied that there will no longer be any such failure to comply, and until the Secretary is so satisfied, the Secretary shall make no further payments.

"(II) The Secretary may suspend the termination of payments under subdivision (iii)(I) for such period as the Secretary determines appropriate, and instead withhold payments provided for under paragraph (1), in whole or in part, until the Secretary is satisfied that there will no longer be any failure to comply with the requirements of subdivisions (i) and (ii) and paragraph (2)(A)(i), at which time such withheld payments shall be paid.

"(III) Upon a finding under subdivision (iii)(I) of a substantial failure to comply with any of the requirements of subdivisions (i) and (ii) and paragraph (2)(A)(i), the

Secretary may in addition to or in lieu of any action taken under subdivisions (iii)(I) and (iii)(II), refer the matter to the Attorney General with a request that injunctive relief be sought to require compliance by the State of Alaska, and upon suit by the Attorney General in an appropriate district court of the United States and a showing that noncompliance has occurred, appropriate injunctive relief shall issue.

"(3)(A) The Secretary shall provide for the review of the programs for the provision of the assistance described in paragraph (1)(A)(i) for which payments are made under this subsection.

"(B) The Secretary is authorized as the Secretary deems practicable to provide technical assistance with respect to the program for the provision of the assistance described in paragraph (1)(A)(i).

"(4) Whoever knowingly and willfully embezzles, misapplies, steals, or obtains by fraud, false statement, or forgery, any funds, assets, or property provided or financed under this subsection shall be fined not more than $10,000 or imprisoned for not more than five years, or both, but if the value of the funds, assets or property involved is not over $200, the penalty shall be a fine of not more than $1,000 or imprisonment for not more than one year, or both.

"(5) At the request of the State, the Secretary shall make available to the State, in accordance with the provisions of section 7 of this Act, coupons for use in the program for providing food assistance to needy persons in the rural areas of the State, which coupons shall be redeemable in accordance with the provisions of section 10 of this Act.

"(6) Notwithstanding any other provision of this Act, while the program carried out under this subsection is in operation, no household residing in the rural areas of Alaska shall be eligible to participate simultaneously in the regular food stamp program carried out under this subsection.

"(7) Not later than March 1, 1988, and March 1, 1989, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate reports containing the Secretary's conclusions, based on monitoring, with respect to the progress of the State's program in meeting the nutritional needs of the needy in rural areas of Alaska, together with copies of the State reports submitted under paragraph (2)(A)(i).".

(b) The Secretary of Agriculture shall, notwithstanding any other provision of law, issue, not later than 10 days after the date of enactment of this Act, final regulations implementing section 3(o)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2013(o)(2)) as it relates to making adjustments in the thrifty food plan for the rural parts of Alaska.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

Sec. 112. Section 5(a)(1) of the Agriculture and Consumer Protection Act of 1973 is amended by—

(1) inserting, after "five years," at the end of clause (1), "(2) shall permit local agencies administering the commodity supplemental food program, at their option, to provide supplemental commodities to low-income elderly persons under such terms and conditions as the Secretary may by regulation prescribe, except that local agencies shall not terminate or reduce commodity assistance to women, infants, and children in order to provide such assistance to the elderly,"; and

(2) striking out the clause designation "(2)" and inserting in lieu thereof "(3)".

EFFECTIVE DATES

Sec. 113. (a) Except as otherwise provided in this section, the Secretary of Agriculture shall issue final regulations implementing the provisions of this title within 180 days after the date of enactment.

(b) Notwithstanding any other provision of law—

(1) the Secretary of Agriculture shall—

(A) implement the provisions of section 111(b) by the issuance of final regulations within 10 days after the date of enactment;

(B) require State agencies to implement the provisions of section 102(1)(A) by the first day of the second month following the month in which this title is enacted; and

(C) issue final regulations implementing sections 101, 102(1)(B), 105(1) (2), and (3), and 107 by October 1, 1984.

(2) the provisions of section 106 shall be effective and implemented on the date of enactment.

EMERGENCY FOOD PROGRAM

Sec. 114. (a) There are hereby authorized to be appropriated to the Federal Emergency Management Agency for each of the fiscal years ending September 30, 1985, and September 30, 1986, not in excess of $50,000,000 to carry out an emergency food program. Notwithstanding any other provision of law, any amounts appropriated for such a program shall be made available under the terms and conditions specified in this section.

(b) The Director of the Federal Emergency Management Agency shall, as soon as practicable after October 1, 1984, constitute a national board for the purpose of determining how the program funds are to be distributed to individual localities. The national board shall consist of seven members. The United Way of America, the Salvation Army, the National Council of Churches, the National Conference of Catholic Charities, the Council of Jewish Federations, Incorporated, the American Red Cross, and the Federal Emergency Management Agency shall each designate a representative to sit on the national board. The representative of the Federal Emergency Management Agency shall serve as chairman of the national board. Any program funds distributed to but not utilized by any individual locality shall be redistributed by the national board to other individual localities.

(c) Each locality designated by the national board to receive funds shall constitute a local board for the purpose of determining how its funds will be distributed. The local board shall consist, to the extent practicable, of representatives of the same organizations as the national board, except that the mayor or appropriate head of government will replace the Federal Emergency Management Agency member, and may include other private voluntary organizations.

(d) The Director of the Federal Emergency Management Agency shall award a grant in the amount appropriated for the program for each fiscal year to the national board within thirty days after the date of the enactment of legislation making appropriations authorized by this section for the purpose of providing emergency food to needy individuals through private voluntary organizations or public agencies.

(e) Eligible private voluntary organizations shall be nonprofit, have a voluntary board, have an accounting system, and practice nondiscrimination.

(f) Participation in the program shall be based upon a private voluntary organization's or public agency's ability to deliver emergency food to needy individuals and such other factors as are determined by the local boards.

(g) Total administrative cost may not exceed 3 per centum of the amount appropriated for the program for each fiscal year, one-third of which amount shall be available for the administrative costs of the national board and two-thirds of which amount shall be available for the administrative costs of the local boards.

(h) The Commodity Credit Corporation may, at the request of the Federal Emergency Management Agency and the national board and with funds appropriated under this section, purchase food commodities for use in the program and deliver them to destinations specified by the Federal Emergency Management Agency and the national board.

TITLE II—NUTRITION MONITORING

Sec. 201. Congress finds that it is necessary to have available timely and scientifically valid information on the dietary status of the low income population in the United States for use in making public policy decisions.

DUTIES OF SECRETARY OF AGRICULTURE

Sec. 202. (a) The Secretary of Agriculture (hereinafter in this title referred to as "the Secretary") shall develop and, by October 1, 1985, implement a continuous food consumption and expenditures survey of a representative sample of low-income individuals in the United States. The survey shall be designed so as to—

(1) collect data, from a sample drawn proportionately to the low income population in each census region, that includes but is not limited to information on food and nutrient consumption, expenditures for food and for other household needs, access to food (including participation in food assistance programs), socio-economic demographics (including age, sex, income, employment, receipt of public assistance, marital status, and education), and any periods experienced when resources were not adequate to provide a sufficient amount of food;

(2) facilitate an annual analysis of the data collected; and

(3) utilize, to the maximum extent practicable, methodology that will permit coordination or aggregation of the data collected with larger nationwide data bases, including the Nationwide Food Consumption Survey conducted by the Department of Agriculture and the National Health and Nutrition Examination Survey conducted by the Department of Health and Human Services.

(b) The Secretary shall, for the fiscal year ending September 30, 1986, and for each fiscal year thereafter, conduct a survey of a supplemental representative sample of at least one subgroup of low income individuals in the United States, such as but not limited to the long-term unemployed, the elderly, the homeless, single women with dependent children, children under the age of five, or residents of at least one geographic area at potential risk (such as a rural area, an inner city, or a political subdivision having a high rate of unemployment). The survey shall be designed so as to be consistent, insofar as practicable, with the objectives specified in subsections (a) (1) through (3).

(c) The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate (1) by not later than April 1, 1986, an interim report describing the development and implementation of the surveys required by this title, and (2) by not later than January 1 of each year thereafter, an annual report containing—

(A) an analysis, by region and the factors required to be included by subsection (a)(1), of the data collected under subsections (a) and (b), including an analysis of the relationship between expenditures for food and for other household needs; and

(B) a comparison of the data collected under subsection (a) and, to the extent practicable, the data collected under subsection (b), with the data collected in the previous year's surveys, food consumption surveys, and other health, nutrition, and food expenditures surveys of the low income population.

CONSULTATION

Sec. 203. In developing the surveys under section 202, the Secretary shall (1) publish in the Federal Register the preliminary design and methodology for the surveys and the rationale therefor together with an invitation for public comment, and (2) include in the report to be submitted under section 202(c)(1) a summary of the comments received and the Secretary's responses to the comments. The Secretary shall follow the same procedures with respect to any revisions in the survey design and methodology originally adopted and shall include a summary of comments received and the Secretary's responses thereto in the next report to be submitted under section 202(c)(2).

TECHNICAL ASSISTANCE

Sec. 204. The Secretary shall provide technical assistance (including dissemination of materials on nutrition monitoring) and consultation to State and local agencies to assist them in developing, implementing, and managing effective nutritional status monitoring systems that use uniform standards and statistically valid samples of high-risk population groups and that provide the most effective basis for comparison with a nationwide data base and reporting system.

RESEARCH

Sec. 205. The Secretary shall encourage, through means available to the Secretary, research by the governmental and private sectors on effective standards, methodologies, and technologies for the accurate assessment of the nutrition and dietary status of individuals.

MAINTAINING NUTRIENT DATA BASE

Sec. 206. The Secretary shall maintain and, to the extent practicable, update on a current basis the nutrient data base maintained by the Department of Agriculture.

SUPPLEMENTATION

Sec. 207. The activities required to be carried out under this title shall supplement, and not substitute for, activities otherwise carried out for food consumption and expenditures surveys.

TITLE III—NUTRITION AND CONSUMER EDUCATION

FINDINGS

Sec. 301. Congress finds that persons in households eligible for the food stamp program and other low income persons, including those residing in rural areas, should have access to nutrition and consumer education to enable them to use their food budgets, including food assistance, effectively and to select and prepare foods that satisfy their nutritional needs and improve their diets.

DUTIES OF THE SECRETARY OF AGRICULTURE

Sec. 302. The Secretary of Agriculture (hereinafter in this title referred to as "the Secretary") shall implement and carry out a program to provide financial and technical assistance to the States to enable them to strengthen and enhance nutrition and consumer education programs that serve low income persons. As used in this title, the term "States" means the 50 States of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin islands of the United States, American Samoa, and the Trust Territory of the Pacific Islands.

ADMINISTRATION

Sec. 303. (a) Within the Department of Agriculture, the Secretary shall carry out the Secretary's responsibilities under this title through the Food and Nutrition Service.

(b) In addition to making grants to States whose plans are approved under this subsection, the Secretary shall be responsible for—

(1) assuring that the Food and Nutrition Service coordinates activities under this section with the ongoing nutrition and consumer education activities of other agencies of the Department of Agriculture;

(2) providing technical assistance to States in carrying out their nutrition and consumer education programs under this title;

(3) notifying the States of nutrition information resources, including those of the Food and Nutrition Information Center in the National Agricultural Library; and

(4)(A) reviewing and passing upon for approval State plans submitted under section 304, (B) by January 1, 1988, evaluating the effectiveness of State programs carried out under this title, and (C) including such evaluation in the report to be made by the Secretary by such date under subsection (c).

(c) The Secretary shall, by not later than January 1, 1987, and each January 1 thereafter, submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the activities and accomplishments of the nutrition and consumer education program established under this title.

STATE PARTICIPATION

Sec. 304. (a) Any State that receives grants from the Secretary under this title shall design and implement a program for enhancing nutrition and consumer education available to low-income households in the State. The program shall be administered by the State agency that administers the federally aided public assistance programs, or by such other State agency as the Governor may designate. The program may include making financial assistance in the form of grants or contracts available to public and private nonprofit agencies and organizations, including educational institutions, that the State determines will most effectively and efficiently provide nutrition and consumer education to the largest number of low-income households. States wishing to receive grants from the Secretary under this title shall develop, in consultation with experts in the field of nutrition and consumer education and such other experts as the State may select, a plan of operation for carrying out its program under this section and submit such plan for approval to the Secretary in such form as the Secretary may prescribe. Any State whose plan is approved by the Secretary shall comply with the plan in carrying out its program and shall provide technical assistance to any agencies and organizations to which it makes financial assistance available under this section.

(b) Any plan of operation submitted to the Secretary by a State under subsection (a) shall include—

(1) the identity of the agency of the State that will be responsible for carrying out the program;

(2) the identity and qualifications of the officer or employee of such agency who will be responsible for program operations;

(3) a description of nutrition and consumer education programs existing in the State for low-income households and individuals, and an assessment of whether such programs are meeting the needs of such persons for nutrition and consumer education;

(4) a description of how the State program will operate, including the manner in which the grant from the Secretary will be used;

(5) a statement as to how the State will select, from among agencies and organizations determined by the State to be eligible for financial assistance under this section, those that will receive any such assistance made available by the State;

(6) a description of the means by which the State will inform agencies and organizations that may be eligible therefor, of the availability of such financial assistance;

(7) a description of the manner in which the nutrition and consumer education program to be carried out with grants received from the Secretary will be coordinated with other nutrition and consumer education programs carried out in the State for low-income households and individuals;

(8) procedures for monitoring nutrition education programs carried out by agencies and organizations receiving financial assistance under this section;

(9) the identity of the experts consulted by the State under subsection (a); and

(10) such other information, including reports, as the Secretary may prescribe.

(c) Agencies and organizations to which the State makes financial assistance available under this section shall make nutrition and consumer education available free of charge to low-income persons to assist them to—

(1) increase their ability to manage their food budgets, including food stamps and other food assistance;

(2) advance their ability to buy food that satisfies nutritional needs and promotes good health; and

(3) better their food preparation, storage, safety, and sanitation practices.

SUPPLEMENTATION

Sec. 305. Any funds made available to States under this title shall supplement, and shall not be substituted for, funds otherwise available to the States for carrying out nutrition and consumer education programs for low income persons.

AUTHORIZATION FOR APPROPRIATIONS; ALLOCATIONS

Sec. 306.(a) There are hereby authorized to be appropriated to carry out the nutrition education program under this title not to exceed, for the fiscal year ending September 30, 1985, $10,000,000; for the fiscal year ending September 30, 1986, $15,00[illegible]0; for the fiscal year ending September 30, 1987, $20,000,000; and for each of the fiscal years ending September 30, 1988 and September 30, 1989, $25,000,000.

(b) From any funds appropriated for any fiscal year under subsection (a), the Secretary may reserve a total of up to $100,000 for use in carrying out such program in Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Trust Territory of the Pacific Islands.

(c) The funds appropriated for any fiscal year under subsection (a) and remaining after the amounts used by the Secretary under subsection (b) shall be allocated among the States other than those designated in subsection (b) as follows—

(1) each State shall receive $100,000, or if funds appropriated for such year are insufficient to pay such amount to each State, such amount shall be ratably reduced to the extent necessary so that the total of such amounts paid does not exceed the amount of appropriated funds; and

(2) any remaining amount shall be allocated to each State in an amount which bears the same ratio to the total amount to be allocated under this paragraph as the population of the State living at or below 130 per centum of the poverty line, as defined in section 673(2) of the Community Service Block Grant Act (42 U.S.C. 9902(2)), bears to the total population of all the States living at or below 130 per centum of the poverty line, all as determined by the Secretary on the basis of the best data available.

(d) The allocations under the foregoing subsections to any States that do not participate in the program established under this title, and any funds not used by any participating State, shall be reallocated by the Secretary among the participating States included in subsection (c) on the same basis, insofar as practicable, as specified in subsection (c)(2)(B).

(e) Funds appropriated for any fiscal year under subsection (a) shall remain available for obligation during the subsequent fiscal year.

TITLE IV—SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS

INCREASE IN FEDERAL REIMBURSEMENT FOR REDUCED PRICE MEALS

Sec. 401. (a) Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended by—

(1) in paragraphs (1)(B) and (1)(C), striking out "30" and inserting in lieu thereof "15"; and

(2) in paragraph (2)(C), striking out "thirty" and inserting in lieu thereof "fifteen".

(b) The third sentence of section 9(b)(3) of the National School Lunch Act (42 U.S.C. 1758(b)(3)) is amended by striking out "40" and inserting in lieu thereof "25".

(c) Section 11(a)(2) of the National School Lunch Act (42 U.S.C. 1759a(a)(2)) is amended by striking out "40" and inserting in lieu thereof "25".

INCREASE IN INCOME GUIDELINES FOR DETERMINING ELIGIBILITY FOR REDUCED PRICE MEALS

Sec. 402. The fourth sentence of section 9(b)(1)(A) of the National School Lunch Act (42 U.S.C. 1758(b)(1)(A)) is amended by striking out "185" and inserting in lieu thereof "195".

ADDITIONAL FUNDING TO IMPROVE SCHOOL BREAKFAST PROGRAM MEAL PATTERN

Sec. 403. (a) Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended by inserting at the end thereof the following new paragraph:

"(3) The Secretary shall increase by 6 cents the current adjusted payment for each breakfast served under this Act and section 17 of the National School Lunch Act to assist States in improving the nutritional quality of such breakfasts, to the extent feasible.".

(b) The Secretary of Agriculture shall review and revise the nutrition requirements for meals served under the school breakfast program to improve the nutritional quality of such meals, taking into consideration both the findings of the National Evaluation of School Nutrition Programs and the need to provide increased flexibility in meal planning to local school food service authorities. Not later than one hundred and eighty days after the date of enactment of this title, the Secretary of Agriculture shall promulgate regulations to implement such revisions.

CHANGE IN TUITION LIMITATION FOR PRIVATE SCHOOLS

Sec. 404.(a) Section 12(d)(5) of the National School Lunch Act (42 U.S.C. 1760(d)(5)) is amended by—

(1) in the first sentence, striking out "$1,500" and inserting in lieu thereof "$2,500"; and

(2) inserting at the end thereof the following new sentence: "On July 1, 1984, and on each subsequent July 1, the Secretary shall prescribe an annual adjustment in the tuition limitation amount in the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent twelve-month period for which such data is available.".

(b) Section 15(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1784(c)) is amended by—

(1) in the first sentence, striking out "$1,500" and inserting in lieu thereof "$2,500"; and

(2) inserting at the end thereof the following new sentence: "On July 1, 1984, and on each subsequent July 1, the Secretary shall prescribe an annual adjustment in the tuition limitation amount in the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent twelve-month period for which such data is available.".

ADDITION OF ONE MEAL AND ONE SNACK TO THE CHILD CARE FOOD PROGRAM

Sec. 405. Section 17(f)(2)(B) of the National School Lunch Act (42 U.S.C. 1766(2)(B)) is amended by striking out "two meals and one supplement" and inserting in lieu thereof "three meals and two supplements".

INCREASE IN AUTHORIZATION FOR NUTRITION EDUCATION AND TRAINING

Sec. 406. Section 19(j)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(j)(2)) is amended by inserting before the period at the end of the first sentence ", except that for fiscal year 1984, there shall be authorized to be appropriated $7,500,000".

EXCLUSION OF CERTAIN MEDICAL EXPENSES FROM INCOME OF HOUSEHOLD

Sec. 407. Section 9(b)(3) of the National School Lunch Act (42 U.S.C. 1758(b)(3)) is amended by—

(1) inserting "(A)" after "(3)"; and

(2) inserting at the end thereof the following new subparagraph:

"(B) For purposes of determining eligibility under subparagraph (A), 'household income' does not include unusually high medical payments which (i) could not be reasonably anticipated or controlled by the household and (ii) were not recoverable through public or private sources.".

ELIMINATION OF REFERENCE TO FOOD STAMP PROGRAM ELIGIBILITY STANDARDS

Sec. 408. Section 9(b)(1)(A) of the National School Lunch Act (42 U.S.C. 1758(b)(1)(A)) is amended by—

(1) in the second sentence, striking out "For the school years ending June 30, 1982, and June 30, 1983, the" and inserting in lieu thereof "The"; and

(2) striking out the third sentence.

RESTORATION OF CERTAIN KINDERGARTENS TO SPECIAL MILK PROGRAM

Sec. 409. The first sentence of section 3(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)) is amended immediately before ", and (2)" by inserting "(except that the preceding limitation shall not apply to kindergarten programs in such schools)".

AUTHORIZATION FOR WIC AND NUTRITION EDUCATION AND TRAINING PROGRAMS

Sec. 410. Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by—

(1) in subsection (c)(2), striking out "ending on or before September 30, 1984";

(2) in subsection (g), inserting "and such sums as may be necessary in each of the succeeding fiscal years" after "September 30, 1984,"; and

(3) in subsection (h)(2), striking out "of the fiscal years 1979 through 1984" and inserting in lieu thereof "fiscal year".

(b) Section 7(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(i)) is amended by striking out "the fiscal years beginning October 1, 1977, and ending September 30, 1984," and inserting in lieu thereof "each fiscal year".

(c) Section 19(j)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(j)(2)) is amended by—

(1) in the first sentence, striking out "ending on or before September 30, 1984"; and

(2) in the second sentence, striking out "and not more than $5,000,000" and inserting in lieu thereof "and such sums as may be necessary".

AUTHORIZATION FOR SUMMER FOOD SERVICE AND COMMODITY DISTRIBUTION PROGRAMS

Sec. 411.(a) Section 13(p) of the National School Lunch Act (42 U.S.C. 1761(p)) is amended by striking out "the fiscal years beginning October 1, 1977, and ending September 30, 1984," and inserting in lieu thereof "each fiscal year".

(b) Section 14(a) of the National School Lunch Act (42 U.S.C. 1762(a)) is amended by striking out ", during the period beginning July 1, 1974, and ending September 30, 1984" and inserting in lieu thereof "for each fiscal year".

EFFECTIVE DATES

Sec. 412.(a) Except as otherwise provided, the provisions of this title shall take effect on the date of the enactment of this title.

(b) The amendment made by section 402 shall take effect on the date of the enactment of this title, except that each school food authority may elect to delay implementation of such amendment to a date not later than July 1, 1984.

(c) Not later than sixty days after the date of the enactment of this title, the Secretary of Agriculture shall issue final regulations to implement the amendments made by section 407. The amendments made by section 407 shall take effect upon issuance of such final regulations, except that each school food authority may elect to delay implementation of such amendments to a date not later than July 1, 1984.

(d) The amendments made by sections 401 and 403 shall take effect on the first day of the first month following the date of the enactment of this title.

TITLE V—OLDER AMERICANS ACT AMENDMENTS

AUTHORIZATION FOR CONGREGATE FEEDING AND HOME DELIVERED MEALS

SEC. 501. Section 303(b) of the Older Americans Act of 1965 (42 U.S.C. 3023(b)) is amended by—

(1) in paragraph (1)—

(A) striking out "$350,000,000" and all that follows through "1983, and"; and

(B) inserting after "1984," the following: "$383,600,000 for fiscal year 1985, $402,800,000 for fiscal year 1986, and $423,000,000 for fiscal year 1987,"; and

(2) in paragraph (2)—

(A) striking out "$80,000,000" and all that follows through "1983, and"; and

(B) inserting after "1984," the following: "$90,000,000 for fiscal year 1985, $95,000,000 for fiscal year 1986, and $100,000,000 for fiscal year 1987,".

AUTHORIZATION FOR SURPLUS COMMODITIES

SEC. 502. Section 311(d) of the Older Americans Act of 1965 (42 U.S.C. 3030a(d)) is amended by—

(1) in paragraph (1)—

(A) striking out "$93,200,000" and all that follows through "1983, and "; and

(B) inserting "$121,800,000 for fiscal year 1985, $127,900,000 for fiscal year 1986, and $134,300,000 for fiscal year 1987," after "1984,"; and

(2) in paragraph (2), striking out "appropriation" and inserting in lieu thereof "appropriations".

SECTION-BY-SECTION EXPLANATION

TITLE I—FOOD STAMP AND RELATED PROVISIONS

Section 101(a) amends section 3(i) of the Food Stamp Act of 1977 ("the Act") to make clear that individuals who do not reside in permanent dwellings or who have no fixed address (the homeless) are eligible to participate in the food stamp program.

Section 101(b) amends section 11(e) of the Act to require State agencies to provide a method for certifying and issuing coupons to such individuals while ensuring that only those who are eligible are allowed to participate in the program.

Section 102 amends section 3(o) of the Act to—

(1) effective on the first day of the second month after the month of enactment, increase the cost of the thrifty food plan upon which household allotments are based to the full cost of the plan as of June 30, 1983, thereby eliminating the one percent reduction in the cost of the plan applicable under current law;

(2) effective October 1, 1984, and each October 1 thereafter, require that the cost of such plan reflect the projected full cost, on average, of the plan for each of the fiscal years beginning on such dates, rounded down to the nearest lower dollar increment; and

(3) revise the statutory definition of "disabled" so as to include certain disabled persons, such as those receiving supplemental SSI benefits for the disabled and benefits under the Railroad Retirement Act, whose disability is equivalent to that of persons currently included under the "categorical" provisions of the Act.

Section 103 amends section 5(a) of the Act to make categorically eligible to participate in the food stamp program households each of whose members either receive benefits under the program for Aid to Families with Dependent Children or receive Supplemental Security Income (but not those whose food stamp benefits are "cashed out" or whose participation is precluded because of unlawful activity). This section also amends section 11(i) of the Act to make clear that denial of eligibility for or termination from either AFDC or SSI cannot be an automatic basis for denial of eligibility for or termination from the food stamp program.

Section 104 amends section 5(d) of the Act to make clear that the Act, in excluding certain loans from "income" for program purposes, also excludes origination fees and insurance premiums related to such loans.

Section 105 amends sections 5(e) of the Act to—

(1) increase from 18 to 20 percent the amount of earned income that is deducted from household income in determining a household's income for program purposes, (the so-called "earned income deduction");

(2) establish separate dependent care and excess shelter expense deductions to replace the combined deduction currently allowed for these purposes. This amendment would cap the dependent care deduction at $160 a month, and cap the excess shelter deduction at $150 a month for the 48 contiguous States and the District of Columbia, with related caps for the other States; and

(3) provide for a deduction from income for mandatory tuition and fees paid for a student who is an eligible household member, provided that payment is not made from educational loans, scholarships, fellowships, or grants already excluded under the Act.

Section 106 amends sections 5(f) and 6(c) of the Act to restore the State option to elect whether, in calculating household income, a prospective or retrospective basis is to be used for certain households. Monthly reporting would also be made a State option. Each State could choose whether it would utilize either, both, or neither of these procedures.

Section 107 amends section 5(g) of the Act to—

(1) increase the resources eligibility standard from $1,500 to $2,250 generally, and from $3,000 to $3,500 for the elderly and disabled; and

(2) increase from $4,500 to $5,500 the threshold for counting the value of licensed vehicles against resources, and reinforce the current law provision that only the value of any licensed vehicle that exceeds $5,500 is to be counted (except that the full value of a vehicle used to produce earned income or that is necessary for the transportation of a physically disabled member would continue to be excluded, and the value of any real or personal property directly related to the maintenance or use of such a vehicle would likewise be excluded).

Section 108 amends section 7 of the Act to permit State agencies to implement a procedure for staggering coupon issuance throughout the entire month, so long as households suffer little or no lapse in their benefits through the transition process. States would be permitted to issue supplemental benefits to avoid a lapse in benefits.

Section 109 amends section 5, 11, and 16 of the Act to—

(1) make clear that the Secretary must send to the affected areas members of the Disaster Task Force appointed to oversee the food stamp program in the event of a natural disaster;

(2) require the Secretary to encourage State agencies to inform low income households, including the elderly, the unemployed, and those living in rural areas, about the availability and eligibility requirements of the food stamp program. Such activities would be eligible for administrative matching funds.

(3) provide administrative matching funds to State agencies that elect to inform program applicants and participating households of available nutrition and consumer education services and to refer them to such services; and

(4) require State agencies to assess, from time to time, the need to keep food stamp offices open during evening and weekend hours.

Section 110 amends sections 6(d), 11(e) and 16 of the Act to clarify that State agencies have responsibility to implement job search activities. The Secretary would be directed to provide $50 million per year in grants to State agencies to carry out the program. The Secretary would match 50 percent of State costs that exceed $50 million in operating job search programs and 50 percent of the cost of reimbursing participants for the expenses they incur in meeting job search requirements. States would be given broader flexibility to develop effective and reasonable job search and job search training programs, consistent with the guidelines and client protections of the AFDC program. States would be able to decide, from among those subject to work registration, who would be subject to job search requirements. State activities eligible for Federal funding would include job search training, job referral, job development, and job counselling. The Secretary periodically would be required to report to Congress on the success of State programs both in placing participants in unsubsidized employment and in retaining them there. This section also makes clear that households disqualified from the food stamp program for failure to meet any work requirements (including refraining from voluntarily quitting a job) would be eligible for reinstatement upon satisfying those requirements.

Section 111(a) adds to section 17 of the Act a new subsection that directs the Secretary and the State of Alaska to carry out a four-year pilot special food assistance program for needy persons residing in the rural areas of the State. The amendment includes detailed terms and conditions for carrying out the pilot projects and provides flexibility for the development of a program to meet the unique conditions that pertain in rural Alaska.

Section 111(b) directs the Secretary, within 10 days after enactment of the legislation, to issue regulations implementing provisions of a 1981 law requiring adjustments in the thrifty food plan for rural parts of Alaska.

Section 112 amends the commodity supplemental food program to permit local programs to provide supplemental commodities to the elderly under terms and conditions specified by the Secretary. No local program would be allowed to serve elderly persons if serving these persons would result in a denial of benefits for eligible women, infants, and children.

Section 113 specifies effective dates for the amendments made by the foregoing sections.

Section 114 reauthorizes for the fiscal years 1985 and 1986, at a level not to exceed $50 million per year, an emergency food program to be carried out by the Federal Emergency Management Agency through a national board made up primarily of private nationwide nonprofit charitable organizations. The program (together with an emergency shelter program) was initially established by the 1983 Jobs Bill and has been funded for fiscal year 1984 by both the continuing resolution and a supplemental appropriations act. The terms and conditions prescribed in the section for the program are substantially identical with those contained in the earlier legislation.

TITLE II—NUTRITION MONITORING

Section 201 states that timely and scientifically valid information on the dietary status of the low-income population in the United States should be available to Congress for use in making public policy decisions.

Section 202 requires the Secretary to implement by October 1, 1985, and to conduct each year a continuous food consumption and household expenditures survey of a representative sample of low-income individuals in the United States and of a supplemental representative sample of at least one subgroup of low-income individuals potentially at high nutritional risk. The section sets forth the types of information that must be gathered and analyzed and requires that, to the maximum extent practicable, the surveys should be designed to allow coordination and comparison with nationwide surveys conducted by the Department of Agriculture and the Department of Health and Human Services. The Secretary would be required to file an interim report on the development of the surveys by April 1, 1986, and annual reports of survey results each January 1, starting in 1987. The annual reports would include a thorough analysis and cross-tabulations of data collected in the surveys, including a comparison of these surveys with other survey results and an analysis of the relationship between expenditures for food and expenditures for other household needs.

Section 203 directs the Secretary, prior to the implementation of the surveys, to publish for public comment in the Federal Register a full explanation of the preliminary survey design and methodology. Subsequent revisions of the design and methodology would be subject to the same requirement. The Secretary would be expected to consult with experts in human nutrition, survey design and methodology, and economics in formulating the survey design and methodology and analyzing the data. Any written communication and public comments received from scientific societies, private nutrition organizations, public agencies, or other groups or individuals should be summarized for the annual report.

Section 204 directs the Secretary to provide technical assistance and consultation to State and local agencies to assist them in establishing statistically valid nutrition monitoring and surveillance systems that can be effectively compared with nationwide surveys.

Section 205 requires the Secretary to encourage research by the public and private sector on effective standards, methodologies and technologies for accurate assessment of the nutrition and dietary status of individuals.

Section 206 requires the Secretary to maintain and update on a current basis the nutrient data base which provides the requisite information for analyzing food consumption data collected from food consumption and nutrition surveys.

Section 207 clarifies that the activities conducted under this title should supplement and not substitute for other food consumption, nutrition and expenditure surveys conducted by the Department or other Federal agencies.

TITLE III—NUTRITION INFORMATION AND EDUCATION

Section 301 states the need for nutrition and consumer education programs to reach low income individuals to enable them to make maximum use of their food budgets, including food assistance, and to better satisfy their nutritional needs. Consumer education refers to the provision of information relating to the management of food budgets and to food preparation, storage, safety and sanitation practices.

Section 302 requires the Secretary to carry out a grants program to provide financial and technical assistance to States for the purpose of enhancing State and local programs that provide nutrition and consumer education.

Section 303 identifies the Food and Nutrition Service [FNS] in the Department of Agriculture as the administering agency for the grants program. The Secretary would be responsible for assuring that FNS coordinates the grants program with its other nutrition education activities and those of other agencies in the Department. The Secretary would also be responsible for providing technical assistance to the States to assist them in carrying out programs under this title, for notifying States of nutrition information resources within the Department and elsewhere, for reviewing and approving State plans submitted under this title, and for evaluating the effectiveness of State programs by January 1, 1988. The Secretary would be required, starting no later than January 1, 1987, to file annual reports with Congress describing the activities and accomplishments of programs established under this title, including the results of any evaluations he performs.

Section 304 sets out the requirements a State must meet in designing and implementing a plan to operate a program under this title. The plan should indicate how the State would effectively serve the greatest possible number of low income persons in the State with funding received from the Secretary. The State would be expected to utilize the funding to build on and coordinate with preexisting efforts to provide nutrition and consumer education. The State, or agencies and organizations receiving funding from the State, should provide information to low income persons that will result in better management of food budgets, the purchase of food that promotes good health, and better food preparation, storage, safety, and sanitation practices.

Section 305 states that any funds made available under this title should not supplant any current Federal, State, or local efforts for providing nutrition and consumer education to low income households.

Section 306 authorizes funds for the nutrition and consumer education program as follows: $10 million for fiscal year 1985, $15 million for fiscal year 1986, and $20 million for fiscal year 1987, and $25 million for fiscal year 1988 and fiscal year 1989. The gradual increase in funding assumes a phase-in period before full implementation of the program can be achieved. The funding formula would require a minimum amount ($100,000) to be provided to each State and the remaining funds to be distributed according to each State's population of persons with incomes below 130 percent of the poverty line. The Secretary may also set aside a small portion of funds for use in carrying out the program in Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

TITLE IV—SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS

Section 401 amends the Child Nutrition and National School Lunch Acts to increase Federal subsidies for reduced price lunches and breakfasts by 15 cents, and reduce the maximum charge allowed for such meals by the same amount. The reduced price school lunch subsidy rate would be set at 25 cents (instead of 40 cents) less than the free rate and the maximum allowed charges to students for such meals would be reduced from the current 40 cents to 25 cents. For reduced price breakfasts, the Federal subsidy would be set at 15 cents (instead of 30 cents) less than the free rate and the maximum meal charge would be reduced from the current 30 cents to 15 cents.

Section 402 amends the National School Lunch Act to raise the income eligibility cut-off level for reduced price meals and snacks from 185 percent of the Office of Management and Budget [OMB] poverty level to 195 percent of this level.

Section 403 amends the Child Nutrition Act to increase the subsidy for all school breakfasts served under the school breakfast and child care food programs by 6 cents to assist States in improving the nutritional quality of such breakfasts. This 6 cents would be added to the annually adjusted subsidy rates for breakfasts. This section would also require the Secretary to review and revise nutrition requirements for breakfasts. In doing this, the Secretary would be required to take into consideration the findings of the National Evaluation of School Nutrition programs and the need to increase flexibility in meal planning for local school food authorities. This section also requires that the Secretary promulgate regulations to implement revisions in the nutritional requirements no later than 180 days after enactment.

Section 404 amends both the National School Lunch Act and the Child Nutrition Act of 1966 to raise the private school tuition limit set for eligibility for participation in child nutrition programs. This section raises the current average tuition limit of $1,500 annually to $2,500, and indexes the limit annually to reflect changes in the Consumer Price Index.

Section 405 amends the National School Lunch Act to provide Federal subsidies for one additional meal and snack under the child care food program.

Section 406 amends the Child Nutrition Act to raise the fiscal year 1984 authorization level for the Nutrition Education and Training program from $5 million to $7.5 million.

Section 407 amends the National School Lunch Act to allow families applying for free and reduced price meals to deduct from their household income unusually high medical payments that cannot be reasonably anticipated or controlled by the household, and which are not recoverable through public or private sources (e.g. medical insurance).

Section 408 amends the National School Lunch Act to remove the current tie between free meal and food stamp eligibility by deleting the current law provision which requires that beginning July 1, 1983, eligibility for free meals be set at the same level as the gross income standard for the food stamp program. Actual eligibility for free meals would remain at 130 percent of the OMB poverty level, which is the food stamp gross income standard; however, any future change in this standard would no longer apply to free meal eligiblity.

Section 409 amends the Child Nutrition Act to modify the current prohibition on special milk program participation in schools with federally subsidized meal programs by allowing such schools to receive subsidies for special milk offered to kindergarten children. As is the case for schools without meal service programs, schools with meal service programs could offer free milk to kindergarten children whose family income qualified them for such milk, and this would be subsidized at full cost. However, regular or paid milk served to kindergarten children in meal service schools would be subsidized at a flat rate of 5 cents per half pint which is different from the annually inflated paid rate (currently 9.25 cents) for milk served in schools without meal service programs.

Section 410 amends the Child Nutrition Act to authorize appropriations for the WIC program for State administration expenses, and for nutrition education and training at such sums as may be necessary beginning with fiscal year 1985.

Section 411 amends the National School Lunch Act to extend to fiscal years beyond fiscal year 1984 the authorization to appropriate such sums as may be necessary for the summer food service and commodity distribution programs.

Section 412 establishes the effective dates for the various provisions of title IV of the bill.

TITLE V—OLDER AMERICANS ACT AMENDMENTS

Section 501 amends section 303(b) of the Older Americans Act of 1965 to extend the authorization of funds for congregate feeding and home delivered meals through fiscal year 1987 at increased funding. The authorization levels for congregate meals would be increased about 5 percent per year to $383.6 million in fiscal 1985, $402.8 million in fiscal year 1986, and $423.0 million in fiscal year 1987. The authorization levels for home delivered meals would be increased about 20 percent in fiscal year 1985 to $90 million, and raised to $95 million in fiscal year 1986, and $100 million in fiscal year 1987.

Section 502 amends section 311(d) of the Older Americans Act of 1965 to extend the authorization of funds for USDA commodities or cash in lieu of commodities through fiscal year 1987. The authorization levels would be increased about 5 percent each year to $121.8 million in fiscal year 1985, $127.9 million in fiscal year 1986, and $134.3 million in fiscal year 1987.

TAX LOOPHOLES

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEASE. Mr. Speaker, I am pleased to join Ms. KAPTUR's effort to bring abuses and inequities in the Tax Code to the public's attention.

The three-martini lunch is a subsidy paid by the Federal Government in terms of revenue lost to the Public Treasury to pay for the operation of the Government. It is granted either to a business which writes off the cost of the meal on its tax return as a business expense or to an individual who can deduct it from his or her taxable income. The Congressional Budget Office has estimated that limiting the deduction to 50 percent of the amount spent would increase revenues over the 1984-88 period by $5.7 billion.

Because I am sympathetic to legitimate difficulties that may arise in drawing a line between ordinary and necessary—hence deductible—business expenses and nondeductible personal expenses, I drafted a proposal to reduce this deduction by one-third. It would generate $3.3 billion in new revenue over 3 years.

As an issue of appropriate Federal tax policy, I find it extremely difficult to justify the Federal Government subsidizing the cost of meals at the expense of the worker who packs his or her lunch and who must then turn around and pay again through higher tax rates on personal income to compensate for revenue lost through this loophole. Needless to say, I do not feel that it is correct policy for the Federal Government to subsidize extravagant meals at the most expensive restaurants in the United States while the number of people facing hunger and malnutrition increases and the Federal commitment to aid the hungry is made a mockery by administration officials.

Should H.R. 4170, the Tax Reform Act of 1984, reach a vote on the House floor, I hope to offer my proposal and others designed to close tax loopholes—as the most fair way to address the problem of a skyrocketing Federal deficit.

In the interim, I commend to you an article on this inefficient tax subsidy which appeared in the March/April issue of Common Cause magazine on page 27.

[From Common Cause Magazine, March/April 1984]

"LET'S HAVE LUNCH"

WITH LUCK, TAXPAYERS WILL PICK UP THE TAB

(By Deborah Baldwin)

It's hard to forget the friends from Tallahassee, Fla. who moved to Washington to find a job. She searched diligently, calling on one person after another. And after a week or so she commented to her husband that never before had she met so many friendly strangers. "Everybody," she announced, "keeps saying we ought to have lunch."

It's a true story, and one that always elicits laughs in Washington. People here say "let's have lunch" in the way people in other towns say, "Hi, how are you?"

Newcomers quickly realize that most invites aren't meant literally. But when they are—when someone actually follows through with a time, date and location—lunch can be serious business indeed.

"It's the old Washington game of social is political,'" complains Ralph Nader. "It's Kissinger's model: You develop political and economic influence" while wining and dining, expressing your influence via a nod from the maitre d', a table in the corner and a gold American Express card. It's a "nonmeritorious"—an unfair—way to compete in the marketplace, Nader maintains, because it favors those with the means to do business in seductive surroundings.

Consider the recent news story in The Washington Post, which revealed that one energy company lawyer allegedly thanked a high ranking government official for valuable inside information on government coal leases by treating him and his wife to dinner at Le Pavillon. The Post didn't bother to explain what Le Pavillon is; most Washingtonians who read that far into the story had already heard tell of this exquisite jewel of a restaurant, where dinner for two runs about $200.

Needless to say, places like Le Pavillon, which boasts of having a $30,000 Lalique crystal table on hand to impress the guests, tend to attract customers for whom money—if not calories—is no object.

Some, of course, have expense accounts. This enables the person who pays for the meal to charge off its cost to the firm, which can in turn declare the meal on its tax forms as a business expense. Self-employed business people can also deduct business meals from their taxable incomes. It's a rare business person who really consumes a "three-martini lunch"—but you can see why the tax laws tempt.

Old timers date Washington's infatuation with showy cuisine to the Kennedy era, when plain food and drink began to give way to fancier fare with a heavy French influence. Today the city's upper echelon eateries cater to a fairly sophisticated clientele in search of just the right ambiance and cuisine. For many the theme seems to be you are what you eat—and where.

Lawyers and consultants are among those who have helped elevate lunch to a new plane. From the way some of them talk, restaurants like The Jockey Club and Tiberio aren't pleasure palaces but shrines to the work ethic.

Because they only quaff and consume as an afterthought, some lawyers and consultants suggest, they may bill clients, typically at three-figure hourly rates, for the time that lapses between soup and nuts. It's also not unheard of for a lawyer or consultant to grandly pay for the meal, only to tack the cost onto the next invoice.

One longtime lawyer who prefers to be unnamed claims he's even heard of colleagues who add a surcharge for handling the check—but that's probably very rare. On the other hand, he argues, it makes perfect sense to at least keep the meter ticking for the duration of the meal.

A man who has made something of a science out of eating out with clients and government officials, this lawyer carefully matches the restaurant to the work and the guest at hand. Public exposure is particularly important, for example, for his clients in the media. They include at least one TV personality who views a visible lunch, punctuated by greetings from others at nearby tables, as one way to "stay alive" during the dead time between shows.

A different ambiance was called for during negotiations over a labor dispute, when he escorted the two opponents to a funkier out of the way place called Katmandu, whose cuisine is Nepalese. "Obviously I wouldn't have taken them to Tartufo"—a fancier Northern Italian restaurant—"for pheasant with truffles," he chuckles, "but they sure did like the cuisine at Katmandu. It spiced up the conversation and contributed to their making a deal."

The gourmet lawyer cheerfully describes himself as "rotund"—no doubt the result of eating expense account meals seven or eight times a week. But he rejects the notion that it would be just as easy to accomplish great works over sandwiches and coffee back at the office. Echoing a widely held theory, he observes that "food and wine help ease along business discussions that would be bumpier and more difficult if conducted at a conference table."

"Things come out at lunch," explains a corporate lawyer who frequently entertains out of town clients in search of favorable government treatment of merger proposals and the like. The lawyer says people speak more candidly "if you get them in a captive position, where they know [the conversation] will run two hours."

Michael Klein, a partner at Wilmer, Cutler & Pickering, also says he gets a lot done over lunch and dinner. An attorney who specializes in helping business clients deal with the Securities and Exchange Commission (SEC), Klein points to clients from out of town whose nerves are wracked because they must appear as witnesses before the SEC or the Justice Department describing the typical inspiration for a meal at Le Pavilion, he says "they've done something they're embarrassed about and they need to talk to a lawyer. Anything we can do to break down barriers, psychological or emotional, helps." Apparently few things help like a good meal and a decent bottle of wine.

A true food aficionado, Klein is among several lawyers who have invested in Le Pavillon. Its ultra-chic interpretation of nouvelle cuisine—the restaurant serves up one of its appetizers, a delectable melange of lobster, sole and caviar, in an eggshell—sets it apart from the rest of the Francophile crowd. Out of a combination of loyalty and love for the food, Klein takes his clients almost exclusively there.

Kathleen Topelius of Morgan, Lewis & Bockius, the prestigious Philadelphia law firm, suggests that the menu is beside the point—although she does watch out for banking clients who may have ulcers. She usually opts for one of two favorite places where the ambiance will impress her guests and where she knows she will be recognized. She frequents Gary's, where they sent out for lobsters one night rather than let her guests down, and the Maison Blanche, whose cocktail lounge is a favorite among federal banking bureaucrats and where she is also "known" by the maitre d'.

Being known is particularly important for female power brokers, Topelius points out. As a frequent patron, she knows she will be "seated promptly and in a good location and not be treated as 'the date,' 'the floozy.'" She wants the waiter to address her directly and—more importantly—hand her the check.

Topelius is still gnashing her teeth over the "humiliating" experience she had once at Mel Krupin's, a well-known hangout for lobbyists and reporters who like to hobnob. Despite having a reservation, she was stalled at the door by a palace guard who refused to seat her and the client she had hoped to impress until convinced Topelius had been "cleared for downstairs," the more desirable level reserved for the restaurant's most important guests.

So why does anyone bother with Mel Krupin's, where the food is only so-so? "If you are cleared you get superb service," Topelius explains, along with a personal greeting from Mel. That "pumps you up," she says. "It gives a client from out of town the sense you're well heeled. You want things to run smoothly; it shows you have a Washington presence. That's what we're peddling—influence."

Her definition of "running smoothly" includes the right to be discreetly seated elsewhere when given a table near people she'd just as soon avoid. Like others interviewed for this story, Topelius is constantly on the lookout for other lawyers or journalists positioned to eavesdrop.

She recalls the time she and some colleagues were unwittingly seated near a table of opposing attorneys. "They were discussing the case at the top of their lungs," she says. "One of our lawyers told them who we were. That was very ethical of him. . . They were talking about how they were going to dupe [us]."

Another lawyer who eats out regularly says he's learned to beat a hasty retreat, client in tow, when a maitre d' foolishly seats him near a legal opponent or a nosey reporter.

Meals in these restaurants don't come cheap—lunch for one at Le Pavillon can cost $45—and local wags claim most would go out of business overnight if it weren't for business expense accounts.

It's impossible to get precise figures because the Internal Revenue Service doesn't break them out, but expense account meals probably cost U.S. taxpayers more than $2.5 billion annually, according to the private group Citizens For Tax Justice. You remember what happened when Jimmy Carter tried to clamp down on the three-martini lunch; more recently, in July 1982, the Senate trotted out a more modest proposal that would have allowed companies and individuals to deduct only half the cost of meals and beverages (unless consumed on the road), given that people may indeed work hard during meals but they also get to eat. The proposal, which the Joint Committee on Taxation estimates would have saved about $1.1 billion a year, had a short life.

That was good news for the Washington restaurant circuit, which has been expending vigorously in the current economic climate. At Fourways, which recently spent $5 million partly turning its historic interiors back into their old selves (and which boasts of having had the Reagans in to dine), plans are under way to sponsor a private "international business and social club."

The club will boast "private salon dining facilities . . . and multilingual secretarial services," explains general manager James Hutton, "all geared for the international businessman who comes to Washington and wants high quality dining in a social atmosphere—which," he adds with a slight smile, "is where all important business is conducted."

Political figures and government officials may be the most visible expense account beneficiaries in Washington, but they probably couldn't afford to eat shitake mushrooms and braised radichio if it weren't for their gallant hosts, which include not just the predictable lobbyists but, in surprising numbers, journalists. "Ten years ago you'd seldom see a reporter in a high end restaurant," complains one attorney. "Now you can't keep 'em out." That's particularly true in the highly competitive field of trade newsletters, he believes, where a reporter "will take someone on the second or third level in government and treat him like he's a first level official to get information."

One expense account journalist concurs that "lunches can be very important." He breaks them down into three categories: Get Acquainted Lunches, where a reporter picks up the tab for a delicious meal and trusts that his future phone calls will get returned promptly; Heavy Gossip Lunches, where he and an established source trade information and toss around ideas; and The Working Lunch, where both are pressed for time and the steno pad stays on the table. By paying for a source's meal, the reporter claims, "you can turn an impersonal 'phone' relationship into a personal and mutually profitable friendship."

Working friendships are at least partly what working lunches are all about. Musing over power lunches he's hosted and been guested at, one lawyer concludes, "When a U.S. senator asks you to lunch in the private [Senate] dining room, that's the best lunch you can be invited to in the city. It may lack a bit of polish. But when he pays for your lunch . . . that's the best business lunch you could have—even if you don't discuss anything."

WILL THE SEVEN SISTERS BECOME THE SIAMESE TWINS?

(Mr. DORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN. Mr. Speaker, the Federal Trade Commission recently gave its blessing to the biggest merger in American corporate history. The $10 billion sale of Getty to Texaco, we are told, will have no adverse effect on competition within the oil industry.

Texaco is the third largest energy company in America, and Getty is 10th. The new combination will be second, behind Exxon.

The ink had hardly dried on this agreement when Standard of California agreed to buy Gulf. This episode in the corporate merger spree, if culminated, will run a $13.2 billion tab.

Hot on their heels, Mobil has now announced it is buying Superior, for $5.7 billion. And Arco, spurned in its bid for Gulf, is looking to use its arranged line of credit to buy some other energy company.

If this trend continues, the Seven Sisters will soon be Siamese twins.

There are times when mergers can make sense. Some mergers can reduce costs of production where economies of scale exist. They can consolidate technological advances which make obsolete existing production methods or distribution networks.

None of this is true, however, for Texaco-Getty or Socal-Gulf.

These mergers are large—indeed, the largest ever—but they only underscore the game played today in corporate boardrooms. The dollar value of completed mergers and acquisitions in 1983 was $73.1 billion, up from a mere $53.8 billion in 1982, according to merger consultants W. T. Grimm & Co.

Merger waves have occurred many times before in our history. They are a classic executive response to hard times: weakened corporations make ripe targets, and the survivors strive to protect their market shares against the next downturn. The results of past merger booms should give us pause, though, for many are fiercely anticompetitive.

The latest round of mergers has another significant effect: it puts upward pressure on interest rates. Texaco, reportedly, is purchasing Gulf largely through an extension of credit. Gulf arranged a $5 billion line of credit to fight off Arco and Mesa; Arco responded with $12 billion in credit, and Socal won the pot with $14 billion in credit. Staggering sums are sucked out of the credit markets by these mergers, even as real interest rates paid by farmers and small businesses reach historic highs.

Let me try to put this into perspective. North Dakota's banks hold a little over $1 billion in farm loans. They have a little less than that in business loans, and about $700 million in real estate loans.

Socal's $14 billion line of credit is about five times as big as all the farm, business, and real estate loans held by North Dakota's 176 banks.

Put another way: the interest on this one merger loan will be more than total farm financing by North Dakota banks.

Supply and demand works to this extent: when the giants attract multibillion-dollar loans for paper transactions, the price of credit to other users soars. Texaco and Socal, meanwhile, will write off the interest costs on their loans, making the real interst costs about half the nominal costs.

So Texaco and Socal will grow even larger. Huge speculative profits will be made—reportedly, Mesa will net over $500 million from driving up the price of Gulf stock. Investment bankers will take their cut: $47 million from Texaco-Getty alone. Undoubtedly, displaced executives will float on their golden parachutes. Credit will be drained from the marketplace, raising interest rates all around.

And what does the public gain? Does drilling on Wall Street increase our Nation's energy supplies? I don't think so. Will consumers see more competition? No.

The winners in these mergers will be a handful of paper entrepreneurs: corporate titans and Wall Street speculators. The losers will be the rest of us.

Believers in the marketplace, from Adam Smith to Ronald Reagan, have known that competition among many firms is the linchpin of a free market economy. Supplies are increased, and prices driven down, only when each firm is competing in an open market. Market discipline only works when there are many independent competitors. Yet this administration, which claims such devotion to the marketplace, seems completely unconcerned about these mergers. They, of all people, should understand that. The hand of the free market does not fit well with the glove of increased concentration.

It is time again for Congress to examine the entire area of mergers and concentration to see if new legislation is needed to protect businesses, the marketplace, the consumer, and the American economy.

NATIONAL AGRICULTURE DAY, MARCH 20, 1984

(Mr. JONES of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Tennessee. Mr. Speaker, next week, the 20th day of March, we will be celebrating National Agricultural Day.

Mr. Speaker, I yield to my chairman, the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Speaker, I thank the distinguished gentleman from Tennessee for yielding.

Mr. Speaker, men and women all around the Nation next Tuesday, March 20, will be conducting ceremonies and events to mark the fact that March 20 is National Agriculture Day for 1984. The observance of a special day as Agriculture Day began in 1973, and this event has been authorized each year since 1981 by act of Congress and by Presidential proclamation as an official national observance. The 1984 events mark the beginning of the second decade of Agriculture Day.

I know that most of my colleagues are aware of this observance. It includes thousands of events of all kinds at the State and local level. The participation of farmers, others in the farm and food chain, has made this day a prime focus for increasing national awareness of the importance of agriculture.

Here in the National Capital, the Agriculture Day program includes a variety of events including the presentation of a newly selected "Miss Agriculture," the winner of a contest to select a spokeswoman for American agriculture. These and other methods of calling public attention to the observance all center around one simple, basic theme—the importance of a healthy agriculture to all Americans.

That theme is expressed very well by the emblem which many of my colleagues have seen on a variety of Agriculture Day materials including, among other things, the bag in which my groceries were packed by a local supermarket last week. The legend under the emblem reads—"Agriculture, America's Heartbeat, Vital to Us All."

There is another way to spell out that message. It is what I said to the House last year on Agriculture Day: Without food, there is no life. And without agriculture, there is no food.

This is a great country partly because American agriculture has been so productive that we have no concern about adequate food supplies at reasonable prices. It is a great country also because American farmers are so efficient that each one now produces enough for 76 people compared with 50 people just a decade ago.

As we celebrate these accomplishments, however, we should remember that American agriculture is a risky and vulnerable industry. Many farmers have come through several years of depressed prices, falling land values, and the worst economic squeeze in half a century. In many parts of the country, farmers were devastated last year by drought. In other areas, this past winter brought severe freeze damage.

Some producers are doing a little better this year, and we should be thankful for that. But many are still in trouble, and we cannot take recovery from our recent problems for granted. There is still a lot that must be done to help restore economic health. And there is an even bigger job ahead as we try to devise a new, long-term policy for agriculture through the rest of this century—a policy which should include concern for all segments of agriculture including farmers, farmworkers, and others ranging from the farm machinery, fertilizer and other supply industries to the rest of the food and fiber processing and distribution chain.

Today's agriculture, in addition to being our Nation's most productive industry, is also our largest industry if you consider all segments from the farm to the consumer table and the export market. Overall, the USDA estimates that about 22 million Americans work in some phase of the total agricultural industry. This means that one out of every five jobs in this country is, in one way or another, related to agriculture. That underlines the fact that without an efficient, economically healthy agriculture we cannot build the kind of society we want for ourselves and our children. And looking beyond our own needs, anyone who is concerned about what lies over the next hill must recognize the fact that if agriculture does not continue to increase its efficiency, this world may be plagued with food shortages and widespread starvation within a couple of generations.

Farmers know all these things. Most of the people with ties to agriculture know these things. But if we are going to continue making progress and to avoid some of the pitfalls ahead, the entire Nation must know these things—and must be willing to make the needs of agriculture a major ingredient in national policy. I hope every Member of the House will join me in seeking to make every citizen aware of what agriculture and Agriculture Day means to the well-being of us all.

THE HUNGER RELIEF ACT OF 1984

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, today I join Mr. Panetta and several of my colleagues on both sides of the aisle in introducing the Hunger Relief Act of 1984.

I commend to my colleagues' attention the statement Mr. Panetta delivered earlier today. It ably outlines the rationale for and content of this bill. Briefly, this legislation would make several changes in a number of Federal programs, including child nutrition, food stamps, elderly and emergency feeding.

This Congress has already demonstrated its concern for hunger in America. Last year, the House adopted, by an overwhelming 407-to-16 vote, the "Preventing Hunger at Home" resolution sponsored by Mr. Panetta and myself. This year, it is time we act upon our concern.

This legislation is intended to be a catalyst and framework for action. Given the divided jurisdiction over this issue, it will be considered in both the Education and Labor and Agriculture Committees. I hope that both committees will promptly consider the components of this legislation, and look forward to hearing the comments of my colleagues and others interested in this issue.

Overriding our concerns on this and every other issue before us must be the staggering Federal deficit. Any new spending must be justified beyond any doubt. There is no doubt in my mind that this bill meets this test. If we do not recognize the severe and long-term costs of malnutrition in our country, then we ourselves suffer from a deficit, one of both compassion and commonsense. This legislation will save money in the long run, and will unquestionably benefit our society.

There is ample documentation of substantial hunger in our Nation, from President Reagan's task force, our Nation's mayors, the Subcommittee on Nutrition, pediatricians, nutritionists and our own constituents. There is equally compelling evidence that our Federal feeding programs are not equal to the task before them, and that despite our considerable efforts, needy Americans are going hungry.

The bill we are introducing today puts forward several sound proposals for making these programs more effective. Several of the recommendations of the President's task force have been incorporated into this bill. The assets tests, which pose particular problems for the "new poor," would be updated from levels which have been unchanged for a decade or longer. The thrifty food plan, a barely adequate diet to begin with, would be updated to approximate today's food prices rather than those of as much as 15 months ago. The work incentives of the program would be increased, and the shelter deduction would be updated to reflect the high costs of housing and utilities.

Though the food stamp program is easily the most important in combating hunger in this country, this bill recognizes our obligation to feed special populations that are particularly vulnerable. Funding for the women, infants and children program would be increased somewhat, as would the resources we provide for elderly feeding. The contents of the child nutrition bill passed by the House last fall, H.R. 4091, are also incorporated into the bill.

Passage of this legislation would result in an additional $1.5 billion in expenditures in the coming fiscal year. This is equal to a restoration of about half of the annual cutbacks made in nutrition programs in 1981 and 1982. And even with the needed reforms contained within this legislation, spending for food stamps would be well below the level currently authorized for fiscal year 1985.

The economic news we read these days is mostly good. But for the families more likely to use the newspaper for insulation rather than stock tips, the news is mixed at best. Food prices have taken off, and energy prices are not far behind. We must not let the good news disguise the bad, and must act with our heads and hearts to alleviate hunger in our Nation.

To quote from the report of the President's task force, "the existence of real and widespread hunger is simply not acceptable in our society." I hope that it will be equally unacceptable to this Congress.

INTERNATIONAL DAY OF CONCERN FOR SOVIET JEWRY

The SPEAKER pro tempore (Mr. Coelho). Under a previous order of the House, the gentleman from New York (Mr. Gilman) is recognized for 60 minutes.

Mr. GILMAN. Mr. Speaker, I thank the distinguished Congressman from Florida (Mr. Fascell), for coordinating today's special order for International Day of Concern for Soviet Jewry, and I extend my appreciation to all of our colleagues who have proposed time to address this important issue.

We are now in the third month of 1984. Many were intrigued by George Orwell's prophecy for 1984. But when January 1, 1984 arrived, many said George Orwell's pessimistic outlook was wrong, that peace and freedom have endured and that we were not under the totalitarianism of Big Brother. Fortunately, and we hope and pray eternally, the United States and the free world will remain free. Yet, many citizens of the free world who have lived only in a free society, take that freedom for granted.

However, in the Soviet Union, most people do not have political, social, or religious freedom. One can live a comfortable life only if he or she refrains from political conversations, comments, and actions. All are safe if they submit to Big Brother—the Communist Party.

A group of dedicated people in the Soviet Union have had the courage, conviction, and dedication to speak out, to say, "No!" I want to be what I am, to say what I want to say, to practice my religion, and to emigrate to the country of my choice. These are the cries of the thousands of Soviet Jews who are either imprisoned on trumped up charges or are restricted to their homes and communities only because of their burning desire to emigrate to freedom.

The limited number of Soviet engineers in the 1980's has been alarming to say the least. The number of Soviet Jews that have been allowed to leave the Soviet Union has dropped from a high of 51,320 in 1979 to an ever-decreasing 1,314 in 1983. The emigration figures for 1984 discloses only 178 exit visas have been granted to Soviet Jews; 88 in January and only 90 in February.

The plight of Soviet Jewry has been heightened by the incarceration of prisoner of conscience Anatoly Shcharansky. Today marks the seventh anniversary of Shcharansky's arrest. Anatoly is serving a 13-year prison term for the crime of daring to speak out freely. The Soviet Government falsely charges Anatoly with treasonous acts as a U.S.-agent, stating that he betrayed his homeland—U.S.S.R. and engaged in activities detrimental to the state independence and military might of the U.S.S.R. Actually, Anatoly's only crime was to speak out for human rights and to be reunited with his wife, Avital, in Israel.

Avital Shcharansky has led an international campaign for Anatoly's release. Avital was allowed to emigrate to Israel the day after their wedding and has longingly awaited her husband's arrival. She now dedicates her life to the issue of Soviet Jewry and her desire to be reunited with her husband in Israel. She has traveled across the free world speaking out for her husband's rights and freedom and for the freedom of all Soviet Jewry.

Anatoly has not even been granted the basic human rights a prisoner should receive, regardless of his innocence. The Soviet authorities stopped his mail, prevented family visitations and prevented Anatoly from any contact with the outside world. In response to these blatant Soviet inhumane actions, Shcharansky started a hunger strike a year ago last fall on Yom Kippur, the day of atonement. After forced feedings Shcharansky ended his hunger strike. Yet, his determination won international attention, and he started to receive his mail again.

Anatoly Shcharansky's will and courage brought him a few rights that he should have been granted in the first place. These Soviet actions only epitomize the deceit that is so characteristic of the U.S.S.R.'s attitude toward human rights. In addition to Anatoly, over 400,000 Soviet Jews continue to struggle for religious freedom and the right to emigrate.

The most recent, notable example are the trials being endured by Iosif Begun. Iosef Begun is a Soviet mathmetician who was sentenced in 1982 to 7 years imprisonment and 5 years internal exile for anti-Soviet agitation and propaganda. This was not the first time Begun has been arrested. On March 3, 1977, he was arrested for paratisism and sentenced on June 1, 1977 to 2 years internal exile. He was released in early 1978, but Begun was arrested again on May 17, 1978 for passport violations. This time he was sentenced to 3 years internal exile and was released in August of 1980. In all of these cases, the only crime Begun was guilty of was practicing his Jewish religion and teaching Hebrew to his friends. The 1982 trial received international attention, because in America you have to kill someone to get 12 years in prison; in Russia, you merely have to teach Hebrew like Iosef Begun.

A few months ago, in October of 1983, I participated in a gathering in front of the Soviet Embassy to protest Begun's sentencing. I was fortunate to have had the opportunity of speaking with First Secretary of the Embassy, Mr. Vladimir Mikitiem. At that time I submitted a letter on behalf of Iosef Begun's plight and urged his release. Whether this one action freed any Soviet Jews is difficult to ascertain, but the message to the U.S.S.R. was and is clear, because citizens and public officials from the entire free world have shown their constant concern for the respect for international human rights. We must continue to keep human rights at the top of our agenda in our relations with all countries, and Soviet Jewry must continue to be paramount in our talks with the U.S.S.R.

Another example of Soviet totalitarianism is the case of Ilya Essas. Like Shcharansky and Begun, Essas has been fired from his job as a physicist and mathematician, because he and his wife filed requests to emigrate to Israel. The Essas family were denied vizovs, on the grounds that Ilya had alleged exposure to secrets by his wife while working in the construction industry. But, the supervisor of Ilya's wife has been allowed to emigrate to Israel 1 year before Essas applied in 1973.

Since 1976 Ilya and his wife have dedicated their lives to the study and teaching of Judaism. But in 1980 the KGB started cracking down on the Essas's religious meetings held in their own home. Hence, Mr. and Mrs. Essas and their children have had to live in fear rather than in freedom. We hope that the Soviet authorities drop these false charges, stop harassing the Essas' family and allow them to emigrate to Israel.

Moreover, I just learned the other day of the plight of two more Soviet Jews—Zakhar Zunshain of Riga and Olga Medvedkova of Moscow. Zakhar is a physicist who first applied to emigrate with his wife in June 1980. They were refused in 1981. In 1983, Zunshain signed a petition on aliya that was sent to the Supreme Soviet. Several weeks ago, with some other Soviet dissidents, Zakhar tried to demonstrate in front of the Bolshoi theatre in Moscow. Before they could begin their peaceful protest, they were taken away and put on a train to Riga. When the dissidents arrived in Riga, Soviet authorities took them all in for questioning, but only held Zakhar. Zakhar is charged with circulation of fabrications known to be false and defamation of the Soviet State and social system.

Olga Medvedkova's plight is also moving. She and her husband are refuseniks and are also active in the nonauthorized Soviet antinuclear peace movement. Olga goes on trial tomorrow in Moscow on charges of resisting a representative of authority. It is not known whether this charge has any connection to their movement activities. I ask my colleagues to cable Soviet Chairman Chernenko and Ambassador Dobrynin, requesting that Olga's trial be canceled, that the charges against her be dismissed, and that she and her husband be allowed to emigrate to freedom.

Mr. Speaker, there are many more examples of the realities of life in the Soviet Union. The U.S.S.R.'s violations of international human rights agreements, among them the Helsinki accords and the Jackson-Vanik amendment, are clear. I need not explain the violations to my colleagues, who are fully aware of them. The more important question is: What can we do?

Many caring and dedicated organizations have devoted their time and energy to the cause of human rights and Soviet Jewry. The Greater New York Conference on Soviet Jewry and the National Conference on Soviet Jewry work year round writing letters to refuseniks, monitoring Soviet activities, speaking out, and keeping public officials and private citizens up to date on the Soviet Jewry issue. Students from across the country have formed campus groups to educate and lobby support for Soviet Jews. Just 2 weeks ago I met with a group of college students who came to Washington and together we shared information and ideas on assisting Soviet Jewry.

And, I am proud to say that my constituents in my 22d Congressional District in New York have come together to express their concern about this issue. Today, the chairman of the Rockland County legislature, Herbert Reisman, issued two proclamations, one proclaiming March 15, 1984 International Day of Concern for Soviet Jews and the other designating May 6, 1984 as Solidarity Sunday with Soviet Jewry. They join thousands of other Americans who refuse to be silent. I thank all of my colleagues who joined us today and who joined us last year in support of Solidarity Sunday, and I ask you again to show your support by cosponsoring House Resolution 450 which expresses the sense of the House for Solidarity Sunday for Soviet Jewry, which will hopefully again draw over 100,000 people to Dag Hammarskjold Plaza on May 6.

One of the most productive actions we ask Americans to do is to speak out and to write letters. Adopt a refusenik and write to them faithfully. Also, correspond with elected American officials and Soviet Government officials. An outgrowth of these letterwriting campaigns has been a concern of mine for almost 2 years and has yielded some interesting situations.

Recently, the Post Office and Civil Service Committee, on which I serve, held hearings on the topic of mail interruption by the Soviet Union. I sadly report to my colleagues that documented evidence was presented by the Union of Councils for Soviet Jews, and others, confirming that the KGB is intercepting all mail and phone calls between the Soviet Union and the United States. This blatant disregard for human rights violates many international treaties as well as the Soviet Union's own constitution. Over 2,200 pieces of mail were entered as evidence in our committee hearing, and it was disclosed that packages sent to the Soviet Union were tampered with as well.

Mr. Speaker, I must point out the horror of this latest Soviet action. In order for any citizen of the Soviet Union to file a request for emigration, the citizen must receive an invitation from the country to which he or she wishes to immigrate. The process for emigration from the Soviet Union is difficult enough, but now with the KGB mail interruption it may not be possible for any Soviet citizen to even qualify for the process of emigration, let alone be allowed to leave the country. By stopping the flow of mail to the Soviet Union from the United States, and from other nations, the KGB is in fact trying to cut off the Soviet population from any contact with the free world. This catch-22 situation is not only inhumane, it is exceedingly dangerous for Soviet Jews. For, it not only reduces the Soviet Jew's contacts with the West, it also affects their sense of hope, but not their determination for religious freedom.

We Americans, however, must not be deterred. The price for our own freedom was much too high. We must take advantage and respect our freedom to work for the emigration of all Jews who only wish to practice their religious beliefs openly and to be reunited with their families. We must continue to keep spirits high by writing and calling refuseniks and prisoners of conscience. When we write and call, the Soviet Government will continue to see that we care, and more importantly, Soviet Jews will know that we care. We must not be silent. If we remain silent, the alternative for the free world, and especially for Soviet Jews, may someday very well be the Orwellian society depicted in "1984."

□ 1500

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

I would like to commend the gentleman from New York for his absolutely tremendous leadership in the issue of emigration from the Soviet Union by Jews.

Let me say that I had some folks from my own district who have been over there in terms of meeting with Soviet Jews and talking about the need to put pressure on the Soviet Government for purposes of pressuring the Soviets to let the Jewish people go.

I must say to the gentleman from New York that I think it makes a difference. Those people are convinced that pressure on the part of this Congress, pressure on the part of the U.S. Government makes a difference. And if we can continue to apply the pressure and not grow weak in the fight or get frustrated with inactivity on the part of Soviet officials, we continue to put this pressure on, we can be successful.

I hope that the gentleman will agree that if we continue to apply this pressure maybe some day in the near future, Anatoly Shcharansky will finally be free.

Mr. GILMAN. I thank the gentleman from Ohio for his remarks that are precisely on the point and with the kind of expressions that the gentleman is making and the kind of support that he is giving, I am certain that eventually we will find success in this issue. I think the gentleman for joining us in this Special Order.

Mr. Speaker, at this time I yield to the gentliman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding Mr. Speaker, we are here today on a matter of human rights, human dignity, and justice. We are here today to ask the leaders of the Soviet Union to live up to those international agreements to which they have already agreed and to allow the hundreds of thousands of Soviets Jews to emigrate, if they choose; to practice their religion without fear of arrest or mistreatment; and to preserve their heritage by studying their history and culture, and by teaching it to their children.

Some 35 years ago, the United Nations adopted the Universal Declaration of Human Rights, a document to which all member-nations of the United Nations supposedly subscribe.

That Universal Declaration of Human Rights states, in no uncertain terms, that no one dwelling in a U.N.-member country should be subjected to the kinds of iniquities that, in fact, the Soviet Union perpetrates against Soviet Jews.

Just consider article 3 of the Universal Declaration: "Everyone has the right to life, liberty and the security of person."

Or Article 4: No one shall be held in slavery or servitude * * *."

Or Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Or Article 9: "No one shall be subjected to arbitrary arrest, detention or exile."

Eight years ago today, Soviet Jewish activist Anatoly Shcharansky was arrested and is still serving a 13-year prison term. There are numerous examples of other Soviet Jews who have lost jobs, been denied basic human rights, and suffered other indignities just because they asked to emigrate.

And just a few months ago, during the stewardship of Yuriy Andropov, the Soviet Union displayed its callous disregard for human life and dignity again, this time by blatantly murdering 269 innocent men, women, and children, who, unfortunately, were simply passengers on a Korean Air Lines flight that accidently strayed into Soviet airspace.

But Andropov can easily be recognized for his brutal mistreatment of the Soviet Jews. During his year and a half as Chairman, he has systematically denied even the most basic human rights to a single class of people residing in the Soviet Union—the Jews. Emigration of Soviet Jews has been dropping since the high of 51,320 in 1979, but during 1982 and 1983, only about 4,000 Jews were allowed to leave. Emigration efforts were made more difficult; emigration applicants continued to be subjected to oppressive measures such as dismissal from employment and imprisonment; and the practice of the Jewish religion and study of Jewish culture was severely restricted.

All of these actions are in direct violation of the Universal Declaration of Human Rights.

None of us here are so naive as to believe that the Soviet Union will change its attitude on the basis of what we say here, but, perhaps, the new leadership there will recognize that we—as individuals, as Congressmen, and as Americans—will not ignore their treatment of the Soviet Jews, their denial of those basic human rights to which all are entitled.

All of us here today—those participating as well as those who are with us in spirit—sincerely hope that the new Soviet Chairman, Constantin Chernenko, will understand our concern and will lift the burden from the backs of those who seek to leave the Soviet Union or prefer to stay and practice their religion.

Today is an International Day of Concern for Soviet Jews. It is a day the community of man has set aside to pay tribute to those Soviet Jews who are suffering all kinds of indignities because they desire to be free.

We in this country must speak out. For more than 200 years, the United States has been the symbol of freedom to oppressed people throughout the world. If we fail to recommit ourselves to speaking on behalf of all the oppressed, then we have failed to live up to our own heritage as Americans as established in our Declaration of Independence.

Chairman Chernenko, we call upon you to set an example to all Soviet citizens. We ask you, as your nation's new leader, to restate the Soviet Union's commitment to those basic principles as espoused in the United Nations' Universal Declaration of Human Rights and to live up to those principles by opening the Soviet Union's doors and allowing those Soviet Jews who wish to emigrate to do so.

Both you, Chairman Chernenko, and President Reagan have said that this is a time for a new beginning between our two countries, a time to renew relationships. Let your actions on behalf of Soviet Jewry be a first step in that new beginning.

□ 1510

Mr. GILMAN. I thank the gentleman for his important message and for his continual support of this issue.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. BATEMAN).

Mr. BATEMAN. I appreciate the gentleman from New York yielding in order that I might join briefly in this special order.

Mr. Speaker, persecution, repression, and disregard for human rights and personal liberties are pervasive in Soviet society. In particular, the Soviets harass numerous specific groups of people whom they view as threats to the state according to the Soviet vision of national security. The Soviet Jewish population is one of these groups.

Anti-Semitism runs rampant within the leadership of Soviet society and the Soviet Communist Party. As I watch the Soviets thwart all Jewish expressions of culture and religion, it brings to mind the hideous treatment of Jews by Nazi Germany.

The American people support aid to the persecuted and oppressed around the world. There is a deep-rooted abhorrence within American society of any system which limits any persons basic rights or civil liberties. This is why many of us are expressing our support for the oppressed Soviet Jews who wish to leave the country which persecutes them. Today many of us are attempting to deliver a message to the Soviet leadership: If you will not treat Soviet Jews in a just manner by honoring their basic rights, allow them to leave.

All people around the world should have the right to speak, to practice the religion of their choice, to gather without state permission and to move freely. The Jewish minority within the Soviet Union enjoys none of these, and if they try to practice any of these basic rights, imprisonment or unrelenting harassment usually results.

As we honor "International Day of Concern for the Soviet Jews" keep in mind that this is also the seventh anniversary of the arrest of activist Anatoly Shcharansky. Mr. Shcharansky should serve as an example to all of us who love freedom and cherish human dignity.

We in the U.S. Congress today recognize the oppression of Soviet Jews and more importantly, send a message to the Soviet leadership that if the Jewish minority within their country are not treated justly, simple humanity demands that they must be allowed to emigrate.

Mr. GILMAN. I thank the gentleman from Virginia (Mr. BATEMAN) for his expression of concern on this International Day of Concern for Soviet Jewry, and we welcome his staunch support on this very critical issue.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for taking this special order. It is something that should and must be done. I rise today to join with my colleagues in Congress, and with concerned people all over the world in recognizing today, March 15, 1984, as an International Day of Concern for Soviet Jews. Today also marks the eighth anniversary of the arrest of noted Jewish prisoner of conscience, Anatoly Shcharansky, whom we also remember.

The oppression of Soviet Jewry on all fronts has grown significantly worse over the last year. It becomes ever more critical to raise our voices in protest. Around the globe and across our Nation today, in rallies and seminars, others are doing the same. Our voices together provide a strong link of hope and caring for the Jews in Russia. And they put those who would oppress them on notice that the West has not forgotten them.

In the last year, life for Soviet Jews has worsened in many ways. There has been a radical decline in emigration, which dropped to its lowest point since the late 1960's. In all of 1983, only 1,314 Jews left Russia, whereas in 1979, over 4,000 were given the chance to leave each and every month. And the fate of the Jews who must remain in the Soviet Union against their will has taken a frightening turn for the worse. This last year, we witnessed the creation of an official "Anti-Zionist Committee of the Soviet Public," which could be more aptly named the Anti-Semitic Committee. With its basically Jewish membership, it has helped to foster a claim of legitimacy for Soviet actions against the Jews of Russia, its claims about emigration are especially appalling. The committee has continued to insist that no more Jews wish to leave, calling evidence that thousands still sought permission a juggling of figures by Zionist propaganda. But we know differently. At least 300,000 to 350,000 affadavits of invitation sent from Israel have not been responded to as of last month. And I know that my own adopted refusenik, Ida Nudel, has continued to seek permission to emigrate to Israel, and yet to do so.

The web of restrictions and indignities continues to be woven against the Jews. A new decree has rendered visa applications invalid after 6 months, so that applicants must reapply at regular intervals. Since the process is lengthy, this restriction is guaranted to wear down those who want to leave. In addition, even applying to emigrate renders the applicant vulnerable to firing, whereupon he is then likely to be arrested on charges of parisitism. Cultural repression of Jewish traditions and language also grew. Hebrew was labeled devoid of cultural value and labeled exclusively political in nature. Those seeking to learn it or teach it continued to be imprisoned, and a Pravda article labeled Jews seeking their roots as a "fifth column" in the country. Finally, a severing of ties with Western Jewry was encouraged. In March, the Anti-Zionist Committee claimed that Soviet Jews reject with contempt attempts by Zionist propagandists to interfere with their life. All Soviet Jews were given an ominous warning against having contacts with their dangerous Zionist brethren in the West.

All of these events and new restrictions only underscore the need for continued special orders; for more speeches and rallies; and vigils. People must continue to be reminded of the Soviet Jews plight. And the Soviet Union must not be allowed to forget that we who value freedom—both cultural and religious, as well as political—will never be silenced until every Soviet Jew who wished to leave has left. Until every Jewish child in Russia who wants to study Hebrew can do so. We will not rest until this happens. We will not be silenced. And neither will those in the Soviet Union. I look forward to the day when we do not have to gather here to say these things; but until that day, we must continue to join hands and speak out. Day after day. Year after year. The link must not be broken

Mr. GILMAN. I thank the gentlewoman for her strong supportive statements and for her continued concern about this issue.

Mr. Speaker, I yield to the distinguished gentleman from Florida (Mr. FASCELL), the chairman of the Committee on Foreign Affairs, who has arranged and coordinated today's special order for the International Day of Concern for Soviet Jewry.

Mr. FASCELL. I thank my distinguished colleague, the gentleman from New York, for yielding, and I am pleased to join our colleagues today in commemorating "International Day of Concern for Soviet Jews." Today, and all this week, across this country and throughout the world, concerned men and women are demonstrating their support for the beleaguered Jewish minority in the U.S.S.R. Rallies, demonstration, seminars, and exhibits on the plight of Soviet Jewry are taking place. Last Sunday, in my congressional district, the South Florida Conference on Soviet Jewry convened a "Freedom Rally 1984" to express concern over decreasing Soviet emigration rates and escalating anti-Semitism in the Soviet Union. We in the U.S. Congress share this concern and, through this special order, are demonstrating our strong and continuing commitment to freedom for Soviet Jews.

Mr. Speaker, today marks the seventh anniversary of the arrest of Soviet Jewish activist Anatoly Shcharansky who is now in very poor health in a Soviet prison. On August 8, 1978, less than 1 month after Shcharansky was tried and sentenced to a 13-year term for a crime he did not commit, his wife, Avital, wrote to me. In her letter, she emphatically stated, "The world will never be the same again. What happened during the trial of Anatoly Shcharansky raised the matter of human rights from a dry legal theory to a practical living issue concerning the whole world. It is now evident that the destiny of one human individual, when resulting in international concern and commitment of action, can actively change something in the world." Today, on the anniversary of his arrest, we reaffirm our commitment to free Anatoly Shcharansky, and our concern for the more than 2 million Jews presently living in the Soviet Union who are also captive to their Government's refusal to respect basic human rights.

In the 7 years since his arrest, Shcharansky has become synonymous with the Soviet Jewish emigration movement that he once described as a "movement of renaissance." When Shcharansky first applied for an exit visa in 1973, Soviet officials typically rejected his application. But rather than being intimidated, which was the desired effect of such a refusal, Shcharansky confounded the authorities by protesting not only his case but also the unjust refusals of others.

As a founding member of the Moscow Helsinki Monitoring Group, Shcharansky dared to defend the rights explicit in the Helsinki accords, rights with which the Soviets once solemnly agreed to comply and later so flagrantly violated: the right of religious worship; freedom of thought and conscience; family reunification; free flow of information; the promotion of religious contacts; and the right to know and act upon one's rights. Shcharansky spoke not only for the millions of Jews who had been silenced by the Soviet Government's systematic repression of their identity, their culture and their heritage, but for the millions of non-Jewish victims of Soviet repression as well.

After assessing Shcharansky as a human rights activist and spokesman for the refusenik community, and perceiving him to be a potential threat to internal security, the authorities silenced him. Today we must speak for him, and for his fellow Soviet Jews. For today, the threat to the Jewish minority in the U.S.S.R. is greater than ever. While emigration rates have plummeted, Soviet anti-Semitism has intensified.

The official anti-Semitic campaign employs a wide range of repressive measures. Officially sanctioned propagandists incorporate all of the traditional anti-Semitic stereotypes into television programs, publications, and even children's books. Their most recent effort involves a self-styled "Anti-Zionist Committee of the Soviet Public," whose allegations include, among others, a Zionist-Nazi collaboration on World War II. In the academic sphere, officials impose strict quotas on university admissions and apply more difficult qualifying standards for Jews seeking to enter universities, resulting in a drastic reduction in Jewish university enrollment. In addition, since 1980, several prominent Jewish scientists have been stripped of their academic degrees.

Jewish cultural and religious rights are also severely restricted. In fact, among all recognized religious groups, Soviet Jews have no seminary to train prospective clergy, no right either to publish or organize, and no opportunity to maintain ties with coreligionists abroad. The state suppresses studies of Hebrew language and Jewish culture, confiscates Hebrew books, breaks up classes, and has arrested Hebrew teachers.

No Soviet Jew is immune to this state-sanctioned discrimination. Yet the estimated 300,000 Soviet Jews who wish to emigrate are the most acutely vulnerable to Soviet repression. Officials have severely restricted telephone service to the West, and intercepted countless letters containing invitations vital to obtaining an exit visa. Since 1979, authorities have further narrowed the eligibility for family reunification to require positive proof of invitations from first-degree relatives. And once Jews apply for emigration, they are rountinely harassed, dismissed from their jobs, and labeled as "parasites." Even the children of applicants are subjected to political pressures. School age children are commonly made objects of teacher-encouraged ridicule and young men are promptly drafted, thereby delaying the chances for a family's emigration by as much as 8 years. Yet, in spite of all these coercive measures, today we witness Soviet Jews' dogged pursuit of the right to emigrate and to assert their religious and cultural identity.

Mr. Speaker, we have organized this special order today to honor Anatoly Shcharansky and the many courageous men and women who daily struggle for what we too often take for granted. On this International Day of Concern for Soviet Jews, we appeal to the new Soviet leader, Konstantin Chernenko, to pursue a more tolerant policy than that of his predecessors toward Jews and other religious and ethnic minorities. And, in the face of intensified Soviet anti-Semitism and a precipitous drop in the issuance of exit visas, we pledge to continue to speak out against human rights abuses. Today we lend our voices to the rising chorus of international concern. It is my fervent hope that we shall be heard.

□ 1520

Mr. GILMAN. I want to thank our distinguished chairman from the House Foreign Affairs Committee, Mr. FASCELL from Florida, for his very important statement, and for his continual leadership in this cause for human rights.

As the chairman of our Joint Commission on Human Rights, he has long been an advocate of pursuing freedom for those around the world who seek to emigrate to the lands of their choice.

I am pleased to yield to the gentleman from California (Mr. LEVINE).

Mr. LEVINE of California. I thank the gentleman for yielding to me.

Mr. Speaker, as cochairman of the 98th Congressional Class for Soviet Jewry, I am pleased to thank my distinguished colleague from New York for his leadership and dedication on this issue and on so many issues affecting the most basic of human rights. I join my colleagues in thanking the distinguished chairman of the House Foreign Affairs Committee, Mr. FASCELL, for arranging this special order to mark International Day of Concern for Soviet Jews.

Today, March 15, is a significant date. It marks the eighth anniversary of the arrest of Soviet activitist Anatoly Shcharansky, who is serving a 13-year prison term in the Soviet Union. Through persecution, arrest, trial, imprisonment, and endless suffering. Anatoly Shcharansky has been courageous and strong. He has come to symbolize not only the plight of prisoners of conscience and refusniks, but of all Jews and other dissidents who live within the Soviet Union and anywhere else in the world. Where the rights of individuals are abused and denied, and men and women nevertheless struggle valiantly against their oppressors, Anatoly Shcharansky serves as a beacon of hope and courage.

The past 13 years have not been easy ones for Soviet Jews for the Soviet Government makes life difficult in many ways. The lifeline to virtually all facets of Jewish culture has been nearly severed as Soviet authorities conduct an ongoing campaign to prevent a meaningful rebirth of Jewish language and culture.

The teaching of Hebrew, the only language which has always been commonly shared by all Jews, is not recognized by Soviet authorities as a legitimate profession, and cannot be taught or studied by Jews. There are no Jewish communal or social organizations, nor are there Jewish schools of any kind. The freedom to practice religion is strictly controlled, and teaching religion, including Judaism to people under 18 is illegal.

There are no seminaries to train rabbis, and while in 1926 there were over 1,000 synagogues in the Soviet Union, today there are only around 50. It is not uncommon to find one of these synagogues closed or barricaded by the KGB to prevent entry.

The doors to higher educational institutions are closing to an increasing number of qualified Jewish applicants as a result of discriminatory entrance exams. Under the late Yuriy Andropov, the plight of Soviet Jews worsened considerably. New measures were introduced to make even more difficult the already arduous process of applying to emigrate. Emigration applications continue to be subjected to oppressive measures such as dismissal from employment or, in some cases, even imprisonment.

Laws were changed to further punish those trying to emigrate, and there was a crackdown on Jewish culture. Of extreme concern is the massive propaganda effort against Jews which includes the creation, last April, of the Anti-Zionist Committee of the Soviet Public, and the publication of the virulently anti-Semitic book, "The Class Essence of Zionism."

The most significant sign of worsening treatment was the drastic decrease in emigration from a high of 51,320 in 1979 to a low of 1,314 in 1983. Only 178 Jews have been allowed to emigrate so far in 1984. Yet, the number of Soviet Jews applying for emigration visas has not diminished.

This increasingly harsh policy is a cause of great concern and sadness, yet neither Soviet Jews nor we have given up hope that things yet change for the better.

I deeply hope that the change in leadership in the Soviet Union will be seen on the part of Soviet officials as an opportunity to soften policy toward Soviet Jews and for bettering relations generally between our two countries.

In this speech on January 6 of this year, President Reagan said:

> Experience has shown that greater respect for human rights can contribute to progress in other areas of the Soviet-American relationship.

Konstantin Chernenko himself, in a speech on February 13 of this year, before members of the Central Committee referred to the necessity of each of our countries to perform, as he put it, "Practical deeds in order to show our respect of good will."

Reversing the Soviet Union's repressive policy toward Soviet Jews would be just such a practical deed. It would be solid evidence of the Soviet leadership's commitment to bettering relations between our two countries, something which would be of benefit not only to the United States and the Soviet Union, but to the entire world.

Mr. Speaker, as cochairman of the 98th Congressional Class for Soviet Jewry, I join my colleagues and concerned people the world over in speaking out on behalf of Soviet Jews.

□ 1530

We must never be silent in our concern for them. We raise our voices loudly and clearly in opposition to the Soviet Government's treatment of Soviet Jews and we join with them in their never-ending fight for the freedom to live a Jewish life in the country of their choice, in the manner and with whom they wish, with their human rights and freedom intact and protected.

I again thank the gentleman from New York for yielding, and I again thank him for his leadership, commitment and dedication to this very important issue.

Mr. GILMAN. I thank the gentleman from California for his continual efforts. The gentleman has been an outstanding member of our House Committee on Foreign Affairs and has continually sought the opportunity to speak out on this very important issue.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Louisiana.

Mr. MOORE. I thank the gentleman for yielding.

Mr. Speaker, I commend the chairman of the Foreign Affairs Committee (Mr. FASCELL) and the gentleman from New York (Mr. GILMAN) who is a ranking Republican on the Foreign Affairs Committee for jointly sponsoring this special order to observe March 15 as the International Day of Concern for Soviet Jews. Both of our colleagues have served us well to remind us how often the Soviets disavow provisions they agreed to in writing in the Helsinki Final Act and in the Universal Declaration of Human Rights to Allow Rights of Emigration. Soviet Jews wish to peacefully practice their religion and to peacefully emigrate, but since the arrest of Anatoly Shcharansky on this date in 1977 the Soviets have patched together a bewildering network of excuses for arrests, trials, detention, and imprisonment of Soviet Jews, and word is now received that Soviet anti-Semitism is getting still worse. Soviet Jewish emigration has fallen from a peak of 51,320 in 1979 to 2,688 in 1982, and only 1,315 last year.

Earlier this month I signed a letter to Soviet Secretary General Chernenko urging him to ease repression of Soviet Jews who seek to emigrate from the Soviet Union or who want to practice their religion. This repression in the wake of Soviet delay, denial, and then doubletalk about its shooting down Korean flight 007, has caused more Americans and more Members of Congress to watch Soviet day-to-day behavior on matters sensitive to us as never before. I would rank Soviet practice regarding Jewish emigration and religion highest in my judgment as telling signs of whether the Soviets are saying one thing and doing another or making honest strides toward observance of documents they signed such as was done in 1979 when 51,320 Soviet Jews were allowed to emigrate.

This day must also remind us of the suffering of Anatoly Shcharansky who, at 36, suffers from acute heart pains so severe he has worn a hole in his clothes in the area over his heart he regularly massages for temporary relief. His left arm has become immobilized as these pains continue day and night. For months, he has asked for hospitalization without success and fears now arise that he will be punished for not being able to fulfill his work quota.

A final question lingers. If the Soviets cannot be trusted to provide basic medical treatment to someone whose only reason for being jailed for years is his religion, how can we trust the Soviets on matters of nuclear-armament negotiation?

I met with Soviet Jews who were successful in emigration to Israel in Jerusalem last July. I heard firsthand news of the anti-Semetic activities of the Soviets. They also informed me that the Soviets only respect strength, not human rights.

I am proud to inform my colleagues that Gov. Edwin Edwards of Louisiana has signed a proclamation recognizing the International Day of Concern for Soviet Jewry as has been done by several cities in our State. All America should be concerned and all America should express it.

Mr. GILMAN. I thank the gentleman for his very important statement. The gentleman has been a longtime combatant in the fight for human rights, and his work on behalf of the missing in action and Soviet Jewry have been outstanding in his period of time here in the House and we thank the gentleman for being supportive today.

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman and my distinguished colleague from Florida (Mr. FASCELL) for their arranging for this special order on Soviet Jewry.

On this, the seventh anniversary of Anatoly Shcharansky's imprisonment, we, as Members of the Congress of the United States, take this opportunity to send the clear and unambiguous message to the Soviet Union and its new leader, Konstantin Chernenko, that we are committed to securing the freedom of Mr. Shcharansky and all other Jews who wish to leave the Soviet Union.

Mr. Speaker, for Anatoly Shcharansky, who now spends the 7th year of his 13-year prison sentence in Chistopol Prison, freedom is a matter of life and death. At Chistopol Prison, Anatoly's health has steadily deteriorated as a result of inadequate food and medical attention. Ignoring pleas from his mother, Ida Milgrom, and his wife, Avital, Soviet authorities continue to deny Shcharansky hospitalization. For Anatoly Shcharansky, the gift of freedom would be the gift of life.

As a result of his courageous work on behalf of human rights and his imprisonment for those activities, Anatoly Shcharansky has become a symbol of the spirit of the Jewish community in the Soviet Union. Prior to his arrest in 1977, he had become the unofficial spokesman of the Jewish emigration movement through his activities as a member of the Moscow Helsinki Monitoring Group. He is now deemed a criminal by Soviet authorities simply because of his longing to leave the Soviet Union.

Shcharansky's harsh treatment at the hands of his jailers reflects the hardship of his fellow Jews in the Soviet Union. In all of 1983, the number of Jews permitted to leave the Soviet Union totaled just over 1,300—only one-third the monthly rate of 1979. Officially sanctioned anti-Semitism is on the rise as well. Last summer, the Soviet Government began promoting a pamphlet titled "The Class Essence of Zionism," a virulent anti-Semitic piece thinly disguised as an historical treatise.

At his trial 7 years ago, Shcharansky made this valiant plea on behalf of himself and other Soviet Jews:

> For more than 2000 years the Jewish people, my people, have been dispersed. But wherever they are, wherever Jews are found, each year they have repeated, "Next year in Jerusalem." Now, when I am further than ever from my people, from Avital, facing many arduous years of imprisonment, I say, turning to my people, my Avital: "Next year in Jerusalem."

Our pledge today, Mr. Speaker, must be to help make Anatoly Shcharansky's promise a reality.

Again, I want to thank the gentleman from New York for yielding to me and commend him not only for this special order but for all the years of hard work that he has put in on the matter of obtaining freedom for the Soviet Jews.

Mr. GILMAN. I thank the gentleman from New York, another distinguished member of our House Committee on Foreign Affairs, for his continual support of our battle for human rights not only in the Soviet Union but throughout the world.

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to another distinguished member of our House Committee on Foreign Affairs, the gentleman from California, who has joined with me on many occasions in many parts of the world speaking out for human rights.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from New York (Mr. GILMAN) and the chairman of our Committee on Foreign Affairs (Mr. FASCELL) for taking up this special order so that we might express our concern about the appalling human rights record of the Soviet Union.

Mr. Speaker, while the human rights of all people in that Communist country concern us, today we give special attention to the plight of Soviet Jews, whose rights of religious and political freedom and free emigration have been effectively squelched.

Mr. Speaker, we in this country are specially privileged, having assured rights such as freedom of religion, freedom of expression, freedom to travel, and freedom from general harassment. Yet, Jews in the U.S.S.R. are castigated, exiled, imprisoned, or worse for simply wishing to return to their homeland, reunite with their families or for desiring to study their spiritual or cultural heritage.

According to the State Department's Country Reports on Human Rights:

> Jewish emigration in 1983 was 51 percent below 1982 and 98 percent below the peak year of 1979 * * * In April the "Anti-Zionist Committee of Soviet Citizens" was established under the chairmanship of Col. D. A. Draquinskiy, the commander of a military school whose students include PLO officers. The authorities' new propaganda line, espoused by the Committee, asserts that the Jewish emigration "problem" has been solved since any Jews who wanted to leave the Soviet Union have already done so; that unofficial Hebrew teaching is a disloyal act; and that so-called international Zionism makes common cause with the world's most reactionary political movements, including fascism, in a mortal struggle against the Soviet Union. There has been talk in the Press of increasing the Anti-Zionist Committee's role and influence by forming regional sub-committees * * *

It is obvious that conditions within the Soviet Union concerning Jews' human rights are totally unacceptable. The Soviets have again shown their complete disregard for the rights of the individual, subverting these rights to the whim of Communist Party officials who are disinterested in human growth and human awareness. It is morally reprehensible that a country which has signed the Helsinki accords could continue its blatant disregard for the rights of its citizens. But then again, there should be no surprise, for that is the true nature of that atheistic, totalitarian government.

Today marks the seventh anniversary of the arrest of Soviet Jewish activist Anatoly Shcharansky, who is now serving a 13-year prison term in the Soviet Union. We in the West reaffirm our sincere support for the release of Mr. Shcharansky, and all other prisoners of conscience and refuseniks in the Soviet Union. We must insure that the unfortunate plight of these courageous men and women remains in the forefront of public opinion in the West.

According to the Country Reports: "The overall atmosphere of anti-Semitism in 1983 was as bad as it has been at any time in the past several decades." This statement confirms that we must double our efforts to achieve some positive movement by the leadership in the Soviet Union concerning Jewish religious, political, and emigration rights. And, as mentioned above, one way to assist in obtaining positive results is to speak out again and again on this topic. Thus, I appreciate having had the opportunity of speaking during this International Day of Concern for Soviet Jews.

☐ 1540

Mr. Speaker, I commend my friend and colleague on the Foreign Affairs Committee, the gentleman from New York (Mr. GILMAN), for giving me the opportunity of participating in this special order.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California (Mr. LAGOMARSINO) again for his continuing concern and for his strong support of the issue of human rights, and I hope he will continue to express these kinds of concerns.

Mr. Speaker, I am pleased to yield now to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I thank the distinguished gentleman from New York for yielding to me, and I want to express my appreciation for his commitment to the cause of human rights in the Soviet Union and indeed throughout the world and for his sponsoring of this special order regarding the situation today in the Soviet Union.

Mr. Speaker, I would like to discuss for a minute some of the things that we here in the Congress are doing to try to help in the situation. I went to the Soviet Union in 1982 to help refuseniks and saw 45 families at that time, and I suffered some of the harassment that the KGB has to offer, but, of course, nothing compared to that suffered every day by people who desire to emigrate and apply for exit visas from the Soviet Union.

I came back with the commitment that what we had to do in the Congress was to work together on a coordinated basis to try to make certain that individuals suffering the indignities and harassments that I saw would know that they had here in the Congress, and indeed throughout this country, men and women who are committed to their release from the land of their oppression and who are working on a day-to-day basis tirelessly for that release and who would work together with one another to make certain that no individual falls through the cracks and is forgotten and not allowed to receive an input of hope that somehow, sometime they might go forth from the Soviet Union either to the United States or to Israel, or to any place they might choose and seek freedom.

We have since that time gained 187 members in the Human Rights Caucus. It is one of the largest caucuses that exists in this body, it is the fastest growing, and the commitment is obviously here for Members among this body who care about what is happening to their fellow human beings to work with us, and I would urge our colleagues in the House of Representatives to join in this effort.

We had hope, I might say, as Americans 18 months or so ago when, with Mr. Brezhnev's death, there came on the scene a new Soviet leader, Mr. Andropov, and many of us, perhaps all of us, probably optimistically had hoped that there would be a period of thaw, and that more people would be allowed to emigrate and that the excesses of the Brezhnev regime might be curtailed and not repeated under Mr. Andropov.

What happened, of course, was very clear. That hope was dashed very quickly. Not only were there refusals of exit visas, there came a new device, final refusals, cutting off all hope that an individual might be permitted to leave. There was organized an anti-Zionist committee that had the audacity to tell the world that everybody in the Soviet Union who wanted to leave had already left when there are 400,000 or 500,000 or more individuals that I and many others in this country believe would leave tomorrow if they had the opportunity to leave. Anti-semitism was stepped up, and the programs went right into the schools of the Soviet Union and against small children. Our hopes were very quickly dashed.

Today we have again a new leader in the Soviet Union, Mr. Chernenko, and, of course, again hope springs eternal among those of us who are optimists that maybe, just maybe, the flow of outward emigration from the Soviet Union might be improved.

Today, on the date marking the seventh anniversary of Anatoly Shcharansky's arrest, we went with a group from Chicago Action for Soviet Jewry to the Soviet Embassy. I might say that I was not able to be a part of that group, and I will tell you why in a moment. But they went to the Soviet Embassy to present petitions regarding Anatoly Shcharansky's treatment and imprisonment and also the treatment and imprisonment of many prisoners of conscience in the Soviet Union whose only crime was to wish to practice their religion, enjoy freedom, or to study Hebrew. I am happy to report to the Congress that this time Mr. Mikoyin, a member of the Ambassador's staff, came out and did meet with the representatives of Chicago Action for Soviet Jewry, Pam Cohen and Marillyn Tallman, who do excellent work to further this cause. They engaged in an extensive dialog about prisoners of conscience and the refusals for emigration for a fairly long time. They spoke for about 15 minutes, I am given to understand, and there was a feeling that perhaps this small act of decent humanity and at least having a dialog might give us some hope for the future.

I myself did not attend that meeting this morning because when we requested it with a chance to present the petitions, they replied that they would be happy to see me, not members of the delegation, not members of the Chicago Action for Soviet Jewry, but that they would see me. The First Secretary, Mr. Kuznetsov, would see me on Monday to discuss the situation of Soviet Jewry and emigration. I think this is again a hopeful sign. I intend to meet with Mr. Kuznetsov and attempt to establish a dialog on a human-to-human basis and government-to-government basis. Perhaps somehow this will lead to an increase in emigration that has now fallen to 1,314 individuals last year and only 88 individuals last month.

I wish to report also—and I do so again with a measure of hope—that after returning from the breakfast that preceded the walk to the Embassy this morning, I went back to my office and placed a call to Tatiana Zunshine, whose husband has recently been arrested in the Soviet Union for his desire to emigrate and for his renouncing of his citizenship in furtherance of his cause and her cause to emigrate. I called her to talk to her and to give her assurances that we care about them and that we are watching what happens. And she told me today—and this tended to dash our hopes—that they have been hounded by KGB agents, that most recently she and a brother who was trying to help her were knocked to the ground violently, that they threatened to cut the legs of her brother, that they took away all of their papers, including their right to travel in the Soviet Union, and that she has not heard what has happened to her husband, where he is being held, whether he is in prison or in a mental hospital, that no information is forthcoming, and that the harassment is severe indeed.

□ 1550

That, of course, dashes the hope that I have seen in these other actions. I will certainly bring this matter up with the Soviet Embassy on Monday. I hope that we can get some action in regard to it to stop these outrageous actions by the Soviet Government against their own citizens, people who simply want to exert basic human rights and human freedoms in a society that has far, far too few of them.

I think the matter for all of us here in the Congress is one that we cannot think of in terms necessarily of any great breakthrough. We are going to have to work day after day, week after week, month after month, and probably year after year, in order to provide the kinds of pressures to open up the gates of Soviet immigration and to allow people to escape to freedom.

It is a long-term commitment that I have certainly made, that members of the Human Rights Caucus have made, that those who now join in the new organization that we formed very recently, called the Interparliamentary Group for Human Rights in the Soviet Union, that is a group of legislators from all the free western countries of Europe and others, such as Japan. It is just being formed now to bring international pressure for greater human freedoms in the Soviet Union. All these efforts are long term, ongoing. They are ones that are shared by many members of this body and the American people should know that the commitment is here among the Members of Congress, men and women, to human rights, not only in the Soviet Union, but worldwide. The commitment is here. We intend to fight and continue to fight to achieve the final victory there elsewhere throughout the world.

Mr. Speaker, I am pleased to join my colleagues, Congressmen FASCELL, KEMP, YATRON, LEACH, KENNELLY, and GILMAN in calling attention to the International Day of Concern for Soviet Jews. Today, Jewish organizations around the world are participating in activities which call attention to the plight of Soviet Jews.

1983 was a devastating year for Soviet Jews. The Western World watched in despair as the number of exit visas issued to Soviet Jews plummeted to a low of 1314. This number sharply contrasts with the high level of emigration in 1979 when 51,320 Jews were allowed to emigrate. To Soviet Jews waiting permission to emigrate the future has never looked more bleak.

During the past year and a half Soviet Government sanctioned anti-semitism has become more and more obvious. Articles which are blatantly anti-semitic have appeared in the front pages of the Soviet newspapers and editorial cartoons of the same nature appear throughout the Soviet press. One tactic of the anti-semitism is the attempt to establish collaboration between Jews and Nazis during World War II. This is simply an outright lie intended to hurt the Jewish community.

Today's date, March 15, is of special significance to Soviet Jews and to the world community because it is the anniversary of the arrest 7 years ago of Anatoly Shcharansky, a man who symbolizes our concern for Soviet Jews.

Seven years ago today, Shcharansky was arrested for allegedly spying for the United States. As an outspoken critic of the U.S.S.R.'s restrictive emigration policy and as a dynamic and vocal leader of the movement to monitor Soviet compliance with human rights accords, Shcharansky was singled out by the authorities for harsh treatment. In July 1978 Shcharansky was convicted and sentenced to 13 years in prison in a hasty trial that experts agree made a mockery of justice.

Anatoly's treatment in prison can be considered poor at best. Although he is now permitted two visits a year with members of his family and is receiving some of the mail sent him, he was forced to go on hunger strikes to protest his treatment.

In January, Shcharansky's mother, Ida Milgrom, was allowed to visit her son. Following her visit she told all who would listen of her son's deteriorated health condition. She said she could barely recognize her son because of his weight loss and that he suffers from heart pains and has lost the full use of his left arm. Yet, prison officials refuse to provide him with the necessary medical attention.

Shcharansky's commitment to his beliefs has inspired and motivated his fellow Jews in the U.S.S.R. to realize the importance of their Jewish heritage and to fight for the freedom to practice their faith. As a result, Shcharansky has become the symbol of Soviet Jewry throughout the Western World, and also among his fellow Soviet Jews.

We in the Congress cannot allow the world to forget the plight of Anatoly Shcharansky and the injustices suffered by other Soviet Jews. It is an outrage that innocent individuals, who simply desire to practice their religion and live in Israel, have become the victims of the tyranny of the Soviet Government. Their ongoing situation emphasizes the need for the free world to focus attention on the abuses practiced by the Soviet Government. There is no more vital task than to help innocent victims whose only crime is their desire for human liberty.

Mr. GILMAN. Mr. Speaker, I thank the distinguished gentleman from Illinois (Mr. PORTER) for his fine statement and for his extensive efforts on behalf of human rights in the Human Rights Caucus as part of the Interparliamentary Conference on Human Rights. We hope that the gentleman will be able to continue these extended efforts for years to come.

Mr. Speaker, I am pleased to yield to the gentleman from Texas (Mr. BARTLETT).

Mr. BARTLETT. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN), from Middletown, N.Y. I have really come to thank the gentleman from New York and to commend the gentleman. He is in his sixth term in this Congress and he has been a long-time advocate, one of the leading advocates in this Congress for human rights, the human rights and dignity of all citizens of this world, having served on the POW-MIA Task Force and the Presidential Commission on Hunger, serving as the ranking member of the Subcommittee on International Operations; so I commend the gentleman from New York for his leadership and his concern in the cause of Human Rights, and in particular today the cause of rights of the Soviet Jewry.

I also commend the gentleman in the chair who serves with me as the cochairman of the 98th class on Soviet Jewry.

Today is the eighth anniversary of the arrest of Soviet Jewish activist Anatoly Shcharansky. It is appropriate that we observe today an international day of concern for Soviet Jews in this House on this floor.

He was arrested on March 15, 1977. Shcharansky today remains a prisoner of conscience in Christopol Prison, where he has been sentenced to remain for another 6 years.

The charges, as we all know, the charges against him were treason and anti-Soviet agitation and propaganda. But we know that his only crime, so-called crime, was his attempt to exercise basic human rights. Shcharansky, you see, was a computer technologist who simply wanted to leave the Soviet Union in search of religious, cultural, and political freedom, and for that he has been placed in jail.

Shcharansky is not the only Jewish prisoner of conscience in a Soviet prison. Others share his plight, as we all know, and many more have already served prison terms, have been released and are still not allowed to emigrate from the Soviet Union.

The plight of Soviet Jews has deteriorated dramatically over the past year.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I would be happy to yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, I think it is interesting that the gentleman points out that Mr. Shcharansky was nothing more than a civilian computer operator and not involved in any political activity. What happened was that in 1975, when we signed the Helsinki accords, there were provisions for emigration of Soviet Jews. What happened was that there was a reign of terror by the KGB that was literally stepped up against Soviet Jews and in 1976 Soviet Jews, a handful of them, formed what was called the Helsinki Watch Group. It was a group that was designed to try to make sure that the Soviet Union lived by the Helsinki accords. Every single member of the Helsinki Watch Group has been imprisoned and Anatoly Shcharansky was the leader of the Helsinki Watch Group. That is the reason why the Soviets have been after him and will not let him go. It is traditional that after a prisoner serves half his term, he is supposed to be released. Well, we reached that point last September 15.

The bottom line, though, is that Andropov stepped up terror tactics against Soviet Jews. Let us hope Chernenko does, and I am glad to hear what the gentleman from Illinois (Mr. PORTER) has to say, but let me say this, there is mixed debate about what happened at Madrid in terms of the mid-conference review of human rights violations and human rights progress. We should keep the heat on them in that area.

We have also had the International Conference on Soviet Jewry. I am glad to hear about the interparliamentary activity, but we cannot be anything but resilient until we get them all out of the Soviet Union. This pressure does make a difference.

Mr. BARTLETT. The gentleman is correct. The gentleman is a good advocate and a strong advocate in this House for the cause of human rights. What there is not mixed debate on, what there is not mixed debate on at all is that the plight of Soviet Jews has deteriorated dramatically and suddenly over the past year. Jewish emigration is at its lowest level since it began on a large scale in the 1970's. The numbers will tell the story. In 1972-73, 60,000 Jews were allowed to leave the Soviet Union, while fewer than 1,400 received permission to emigrate last year.

The fact of the matter is, that is why we are here today. Those of us in the West who already enjoy our liberties, we become the voice of the refuseniks in the Soviet Union.

Jewish emigration is at the lowest level since it began on a large scale in the early 1970's. In 1972-73, 60,000 Jews were allowed to leave the Soviet Union, while fewer than 1,400 received permission to emigrate last year.

Furthermore, there was a marked increase in official and semiofficial anti-Semitic propaganda last fall in the Soviet Union. This took the form of newspaper articles, broadcasts, and activities of the group calling itself the Anti-Zionist Committee of Soviet Citizens.

Those of us in the West who already enjoy the liberties for which Soviet Jews are searching cannot afford to forget their plight.

We are the only hope of oppressed Jews in the Soviet Union. If we do not care enough to maintain the pressure on the Soviet Government, to constantly remind Soviet leaders that

Jewish emigration remains a major concern, then we are relegating Soviet Jews to a life of hopelessness in limbo.

Refuseniks, Soviet Jews who have applied for permission to emigrate and have been denied, will continue to lose their jobs, their homes, and sometimes their families.

Prisoners of Conscience will continue to be denied not only contact with the West, but with their families.

Soviet Jews will continue to be forced to live in a country where they cannot exercise their religious and cultural rights, where to do so can be interpreted as treason.

We cannot allow this to happen. We must listen to our conscience and our heritage. We must continue to act on behalf of Soviet Jews until everyone who desires to emigrate has been allowed to do so.

I am hopeful that the recent change in leadership in the Soviet Union will also lead to a change of attitude toward Soviet Jews. I am hopeful that relations between the East and the West will improve, and that this will lead to more Jewish emigration.

Until that occurs, we must not forget those who are depending on us for their hope and their lives.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his staunch support of this very important issue. The gentleman from Texas (Mr. BARTLETT) has been a long standing advocate of human rights and we welcome his support.

I yield to the gentleman from Pennsylvania (Mr. RITTER), another outstanding battler for human rights.

Mr. RITTER. Mr. Speaker, I thank the gentleman from New York and wish to commend him on his support of the human rights issue across a broad spectrum of peoples.

The situation that Anatoly Shcharansky faces is not unique. That is the most devastating thing to understand. What they are doing to Anatoly Shcharansky they have done to many others in the Soviet Union. They have done it to Jews, they have done it to Ukrainians, they have done it to Russians.

My colleague, the gentleman from Ohio, mentioned the Helsinki Watch Group. I serve as a Helsinki commissioner of this House. The entire Helsinki Watch Group has either been imprisoned or forced to leave the Soviet Union.

Under the leadership of Andropov and Andropov's people, we must realize they are occupying important positions, activist operational positions throughout the hierarchy of the Soviet Union. The Andropov leadership severely constrained the activities of any dissidents and in particular severely constrained the activities of Soviet Jews.

I think we in this country, those individuals who support human rights within the Soviet Union for Jews or other nationalities have also got to realize that the Soviet Union presently is conducting a war of genocide against the people of Afghanistan. What they wish is an Afghanistan without Afghans; 3½ million people have been forced to flee. As many as 1 million out of 15 million people have been killed by this brutal war of decimation.

I think the American people also have to realize that the same people who are repressing Soviet Jews, that are repressing Soviet citizens of all stripes, are the very people that we are meeting with at the arms negotiating table in Europe and Geneva on long range weapons or INF and we can never forget that they are one and the same, that the same people who would brutalize individuals simply for wishing to leave or who would brutally attack a neighboring country and conduct a campaign of genocide against it, who would brutally engage in anti-Semitic practices, the kind of which we have not seen in this world since the reign of Adolf Hitler, that these are the very same people we speak with over arms negotiations. We speak with their proxies over wars in Africa and over wars in Central America. It is only realistic to understand that we cannot separate out actions against Soviet Jews, against Afghans, proxy actions against African citizens or Central Americans citizens.

□ 1600

It is only realistic. We cannot separate out those actions from the actions at the arms negotiating table.

I yield back to the gentleman.

Mr. GILMAN. I thank the gentleman for his very important statement and for his continual fight on behalf of Soviet Jews and for human rights throughout the world.

● Mr. ANDREWS of Texas. Mr. Speaker, as we take to the floor today to recognize the struggle of the Jews of the Soviet Union, we do so at a time when their condition is more desperate than anytime since the end of the World War II, and their hopes for the future never more bleak. 1983 will be remembered as the year that the gates of freedom for Soviet Jews were slammed shut, and when the Soviet Government embarked on a campaign of official anti-semitism that has parallels in the program of the czars.

During the past year, the Soviets permitted only 1,314 Jews to leave their country and they have so restricted the application process that obtaining authority to immigrate has become almost a bureaucratic impossibility. As a result we can soon expect to hear from the Soviets that the number of visa requests are down significantly. This would be no surprise, because they have begun to confiscate the letters of invitation that Soviet Jews must get from a relative in Israel in order to apply for a visa, and invitations are only valid if they arrive through international mail.

At the same time the Soviets are closing off the gates of freedom, they are systematically attempting to wipe out Jewish culture and identity inside the Soviet Union. There is a campaign to eradicate Jewish identity by delegitimizing Hebrew, the language of the Jewish people, and by distorting Jewish history and culture. In April of last year, an article appeared in Leningradskaya Pravda in which it was written that Hebrew and Jewish heritage in general was "devoid of cultural value" due to its "exclusively political"; that is, "Zionist"—nature. Mr. Speaker, to say that Hebrew has no cultural value is to say that the five books of Moses, initially written and read in ancient Hebrew, the foundation of both Judaism and Christianity, has no cultural value. To say that Hebrew has no cultural value is to try and deny its use in prayer, literature, song, culture, and conversation by Jewish people in Israel, and throughout the world. To deny the legitimacy of Hebrew as a cultural force and a national language would be comparable to an attempt to deny the legitimacy of English to the British and Americans, or Spanish to people of Spanish descent throughout the world. The Leningrad article went on to defame the Torah and Talmud, works of great religious and cultural significance, as works which preached hatred, violence, and racism.

Having thus denied the legitimacy of the Jewish language, Jewish history, Judaism, it was then easy to deny the idea of a Jewish people. In March, the notorious Soviet Anti-Zionist Committee declared that "Soviet Jews reject with contempt attempts by Zionist propagandists to interfere with their life," . . . "Citizens of the U.S.S.R. who are Jews are an inseparable part of the Soviet people." The Soviet Union, using this rationale, has cut off almost all contacts between Soviet Jews and their brethren and friends in the West.

The question must be asked, if Soviet Jews are an inseparable part of the Soviet people, then why does the government deny them the rights and privileges that are accorded all other recognized nationalities in the Soviet Union? Rights, such as the ability to teach their children of their heritage. The right to pursue and develop their culture. The right to learn and speak their language.

No, the Soviet Government does not view the Jewish community as an integral part of the Soviet people. The Soviets are casting the Jews in the classic anti-semitic role as aliens, who are a subversive element in the society. And, like the Nazis and czars before them, the Soviets will hold their Jews hostage, a convenient scapegoat for the problems of Soviet society.

Mr. Speaker, we speak out today as part of the International Day of Concern for Soviet Jews. Along with legislators such as ourselves throughout the free world, rallies and special programs are being held in cities across the free world this week to express solidarity with Soviet Jewry. In my home community of Houston, telegrams are being sent to the Soviet Minister of the Interior, Vitali V. Fedorchk demanding the release of several Prisoners of Conscience, and the right for these prisoners and other former Prisoners of Conscience to emigrate to Israel.

This program, coordinated by the Community Relations Committee of the Jewish Federation of Greater Houston, covers the cases of 22 Soviet refusniks including Anatoly Shcharansky, Yosef Begun—who was arrested and convicted for teaching Hebrew, Vladimir Slapack, Valurey Senderoff, Eugeny Lein, Boris Dariov, Ida Nudel, and Grigory Goldshtein.

The case of Grigory Goldshtein and his family is one of the most tragic of the many stories about Soviet refusniks. Grigory applied for a visa to emigrate to Israel over 12 years ago. He did so as a request for family reunification, legal under Soviet law, and guaranteed by the Helsinki accords. Several times during the past few years, Grigory has been refused the right to leave. Several times he has been threatened with internal exile or imprisonment, and only the letters, phone calls and telegrams from the West saved him. Grigory has already served 1 year in a labor camp for the crime of parasitism, a crime of legal entrapment where you are not permitted to work because you have applied to emigrate, and you are then convicted because you are unemployed. Recent information coming out of the Soviet Union indicates that Grigory Goldshtein may now face a new prison term of up to 5 years, again on trumped up charges.

Mr. Speaker, now is the time that we must speak up in support of Goldshtein. Late last year Members of Congress joined in a nationwide effort to protest Soviet attempts to extend the prison term of Lev Elbert on trumped up charges of drug smuggling. This opposition was at least partially responsible for the dismissal of the charges. This proves that our work is important and can be effective in assisting Grigory Goldshtein and other refusniks who are in danger.

Mr. Speaker, we are fortunate to live in a free society where all of our people have the right to choose where they want to live, what faith they want to practice, and where minorities are able to maintain their cultural identity, and still be fully integrated into our national life. Yet we cannot take our good fortune for granted, and we cannot turn a blind eye to injustice and oppression elsewhere in the world. All that the Jews of the Soviet Union are asking for is the right to be reunified with their families abroad, the right to return to their ancient homeland of Israel, or simply the right to practice their faith, learn their language and heritage while remaining citizens of the Soviet Union. It is not too much to ask that we in Congress stand beside them in their struggle.●

● Mr. McHUGH. Mr. Speaker, I would like to congratulate our fellow colleagues in the House who have agreed to participate in this special order regarding the plight of Soviet Jews. This issue deserves critical attention. We who so value our freedom to worship as we choose, to continue traditions of religion dear to our histories, must speak for those silenced and oppressed. As you know, Mr. Speaker, the Soviet Government refuses to allow Jews to emigrate and singles them out for special punishment because of their religious beliefs.

In this connection, I would like to call your attention to the case of one such individual. His name is Grigory Gieshas. Grigory is a young man, only 24 years old. Prior to his arrest in July 1980 he had studied mathematics in Leningrad and had requested to emigrate from the Soviet Union in the fall of 1978. His request was denied. As a result of his request, however, Grigory was discharged from the university. His predicament worsened when the authorities accused him of draft evasion, subjected him to a contrived trial and sentenced him to prison. This unassuming student of mathematics was labeled "a dangerous social element." Within 5 months, Grigory was transfered to a labor camp where neither his parents nor his newly-wed bride were allowed regulation length visits.

Reports concerning Grigory and his family are hardly encouraging. His father has been threatened by the KGB and harassed at work. The young man himself suffers from continuously deteriorating health and the most recent report indicates that he is no longer allowed to write to his family.

The tragic condition of Grigory Gieshas is sadly representative of other refuseniks. What did this man, what did his family actually do to deserve such treatment? They wanted to leave a land where their heritage is scorned upon. They longed for an opportunity to live away from the hostility of their neighbors and their government. This hostility is most clearly exemplified by Grigory's personal suffering.

In the United States today, we have the ambiguous good fortune of being able to empathize with Soviet Jews like Grigory Gieshas. Ambiguous, I say, because our freedoms have rendered us safe from such a plight; on the other hand, however, we may not fully appreciate those freedoms because we have never experienced the kind of suffering to which Soviet Jews are subjected. There was a time in our history as a nation when our ancestors knew all too poignently how oppression breeded suffering. In excaping their plight, the basis for our freedom was laid.

We do have a common bond with these people through our heritage. In the name of that heritage, we must let Soviet Jews know that they have not been forgotten and encourage the Soviet authorities to allow them to emigrate.●

● Mr. JEFFORDS. Mr. Speaker, I would like to thank my colleagues who have organized this special order to call attention to the plight of the many Jews in the U.S.S.R. There is hope that our expressions of deep concern will not fall on deaf ears in the Soviet Union, and that some progress may be made toward lessening the grave injustice under which they now live.

As Americans, it is difficult for us to accept a society which does not respect the fundamental rights of many of its citizens, especially when certain religious groups are singled out for such continued discrimination. We must therefore be willing to speak out against these injustices and seek ways to alleviate the suffering.

The history of the Jews in Russia and neighboring countries is both tragic and glorious: Jews have been the victims of intense persecution, but they have also been great contributors to society and leaders of revolution. This legacy has helped them in their battle to secure permission to leave the U.S.S.R. under the provisions of the Helsinki Final Act, and has also been a factor in the recent revival of an official Soviet campaign of anti-Semitism.

One of the greatest frustrations for Soviet Jews who wish to leave the U.S.S.R. is their inability to make their case known, to reach to the outside world for help in their struggle against Soviet bureaucracy. For those people who take the drastic step of petitioning the Soviet Government for permission to emigrate, life becomes a series of uncertainties and discouragements. Even in 1979, when 51,000 people were given permission to leave, most of those who filed were either rejected or received no answer to their petition. Refuseniks then risk the loss of their jobs and even their apartments, which leaves them open to arrest under the charge of parasitism.

There are numerous ways that this body can take action on behalf of these people and work for a shift in the Soviet Government's attitude toward its citizens. The many letters which have been sent to the new leader, Konstantin Chernenko, all urge a reconsideration by his government of the treatment of Soviet Jews. Many members have initiated letters on behalf of individual Soviet citizens, with some encouraging results.

I would like to announce to my colleagues that I have agreed to adopt a Soviet refusenik, Prof. Alexander Yakovlevich Lerner from Moscow, U.S.S.R. Professor Lerner was a member of the prestigious Academy of Sciences until 1971, when he applied to emigrate with his family to Israel. He was subsequently dismissed from his position, as were his son and daughter. The Lerners were denied permission to emigrate on the grounds that Professor Lerner knew state secrets, although he had not been involved in any projects which could be considered secret in nature. Subsequent assurances that Professor Lerner would be allowed to leave 5 years after his refusal later proved untrue, as only his daughter was permitted to leave for Israel. Lerner's wife Judith died of a heart attack in 1981, and at 68, Lerner is also in poor health, though he continues to be active in the campaign to aid other refusenik scientists.

I therefore ask my colleagues to join with me in raising a call for understanding and compassion on the part of the Soviet Government. Alexander Lerner only asks to be allowed to join his daughter in the land of his ancestry, and to be allowed to freely practice his religion. His leaving could in no way threaten the Soviet Union, but it would send a signal to the rest of the world that the Soviets are willing to respect basic human rights.

I will continue to bring the case of Professor Lerner to the attention of Soviet and American officials, and I hope that my own communications of support will reach him in Moscow. While it is neither possible nor advisable for this body to attempt to cause major changes in Soviet policy, we can encourage them to take certain small steps that will alleviate human suffering and aid the cause of better relations between our two countries.●

● Mr. BARNES. Mr. Speaker, this is in very many ways a sad day, to think upon the suffering, the frustrations, and anxieties of the thousands of Jews in the Soviet Union who cannot get out of the country. And yet, today we are also recognizing the kind of strength of spirit that compels individuals to take great risks to fight for their freedom.

This is the eighth anniversary of the imprisonment of Anatoly Shcharansky and his ordeal is an example of the tenacity, commitment, and perseverance of the individuals who have applied for emigration, knowing full well the risks, the certain hardship, and the very slim—increasingly slim—chance of being successful.

In 1983, only 1,314 Jews—less than half the 1982 figure—were allowed to emigrate from the Soviet Union—this compared to 51,320 just 4 years earlier. So far this year, 178 have emigrated. This dwindling emigration has been coupled with increased Government repression of Soviet Jews. During the past year the Soviets employed a number of tactics designed to reinforce the Soviet Government's terrible and worsening record on Jewish emigration. An anti-Zionist committee was set up, undoubtedly to scare Soviet Jews from making emigration applications and to increase the pressure on refuseniks. The Soviet Government, in its official press—Isvestia and Sovietskaya Kultura—warmly reviewed a blatantly anti-Semitic book last year, calling it "interesting and convincing" and indicating it would be of "great interest" to the Soviet public. In addition, numerous articles have appeared claiming that Jewish emigrees lead a desolate life in Israel and the West, and that many would-be emigrants have changed their minds and remained in the Soviet Union.

The Soviet Government is engaged in a campaign to wage a propaganda war against Zionists and to discourage Jews from applying to emigrate. The Government continues in its various forms of repression, occupation, and geographic restrictions of Jews, and persistent attempts to "denationalize" Jewish culture. Those who defy the Government's arbitrary policies continue, as best they can, to educate their children in the Jewish culture and to practice their Jewish faith.

There are now an estimated 20,000 applications pending of Jews wanting to emigrate. I call upon the Soviet Union to allow these people to emigrate. This would be very favorably received by the world as a concrete demonstration of the Soviet Government's willingness to change its policy on this issue. Such a move would also lay the groundwork for progress on improved United States-Soviet relations in other, critically important areas.

I would also hope that the Soviet Government would change its course on the repression of Jewish culture and religion. No Government should be in the business of feeding and promoting prejudice.

Mr. Speaker, I join my colleagues today in strong protest of the repression of Jews in the Soviet Union. I know that all of us would look very favorably on any positive Soviet action in the area of human rights, and I hope that the Soviet Government will move in this direction.●

● Mrs. JOHNSON. Mr. Speaker, today marks a special day on the long, arduous struggle of Soviet Jews. Eight years ago on this day, a Soviet Jewish activist was served a 13-year prison term. On March 15, 1977, Anatoly Shcharansky was jailed on charges of treason and anti-Soviet agitation and propaganda. His only crime was that he wanted to emigrate to Israel, but since he demonstrated in the streets of Moscow with others, he became the target of Soviet repression. Jailed because he exercised his freedom of speech which we as Americans cherish, Anatoly Shcharansky has become the symbol of the plight of the Soviet Jew, and although we have, in the past, fought on behalf of their struggle, the oppression has only worsened.

During the past year, measures have been taken by the Soviet Government which have rendered the Soviet Jew isolated within the cage of Soviet discrimination; emigration has been cut down, oppressive laws have been enacted, harsher sentences have been imposed, anti-Zionist propaganda has increased, and contacts between Soviet Jews and outside countries have been severed. Between the years 1980 and 1983, the granting of visas by the Soviet Government to Soviet Jews wishing to emigrate declined from 21,471 in 1980 to 1,314 in 1983, but the problem is not only a matter of the sheer magnitude of those unable to emigrate. The cruel waiting game is aggravated by a catch-22—a Soviet Jew who has applied for a visa may be dismissed from work do to a redundancy law then he or she would become the subject of parasite law which punishes a person who has been out of work for 2 months.

In addition, Hebrew, a language that has linked Jews together for thousands of years, is being forcibly eliminated from the lives of Soviet Jews by the Soviet Government. This Soviet deprivation of both culture and freedom has not abated. It is a shameful and frustrating situation which we must continue to draw international attention to, for it is only by a sustained public outcry that there is any hope of alleviating this cruelty.

It is impossible to imagine the trauma of such an existence in the Soviet Union, yet I say to Shcharansky, Kochubievsky, Tarnopolsky, and all others imprisoned in body and soul, that our thoughts and prayers are with you—your cause has not been and will not be forgotten.●

● Mr. McCAIN. Mr. Speaker, I am very honored to join with my colleagues in this special order commemorating International Solidarity Day for Soviet Jews. March 15 is a significant day because it marks the seventh anniversary of the arrest of Soviet Jewish activist Anatoly Shcharansky, who is serving a 13-year prison term in the Soviet Union for his religious activities.

We in the United States often take for granted the freedom and liberty that are integral parts of our Nation's foundation. However, the plight of Mr. Shcharansky, and thousands of other

Soviet Jews, is a stark reminder to us that all people are not afforded these basic human rights. Presently, there are thousands of oppressed people in the Soviet Union who sit in dark cells, isolated, hungry, cold, not even allowed to see their loved ones. Their only crime is their wish to study and practice religious traditions, and to be repatriated to Israel.

The year 1983 brought an increased and frightening wave of anti-Semitism to the Soviet Union. The intensified suppression of the Jewish minority illustrates the Soviet regime's desire to eliminate any vestige of the Jewish culture within its borders. Soviet Jews have been locked into the U.S.S.R. and forced to face a barrage of official Soviet anti-Semitism. Their Hebrew education programs have been terminated, their religious articles confiscated, and they have been continuously excoriated in the Soviet press. By calling attention to the condition of Jews in the Soviet Union, we are reminded of how fortunate we are to be free to express ourselves, worship as we choose, and travel as we wish.

Today's special order puts the Soviet Government on notice that the United States will not close its eyes to this inhumanity and abuse of an entire class of people. At the same time, the House of Representatives is also expressing deep concern that the Soviet leadership abide by the Helsinki treaties they signed, guaranteeing the human rights of all persons in the U.S.S.R. It is clear that the greatest hope people like Anatoly Shcharansky have is a persistent international drumbeat of outrage against Soviet human rights violations. Perhaps the cruelest of these violations by Soviet officials is the continued systematic effort to deprive the Jewish people the fundamental human right to live and worship in accordance with their heritage. As Herbert Hoover once said,

> The supreme need of our time is for man to learn to live together in peace and harmony.

That is the spirit of the Jewish culture and it is that spirit that we salute today.●

● Mr. OTTINGER. Mr. Speaker, I am pleased to be part of this special order on the crisis of Soviet Jewry, and I would like to thank my colleagues Mr. FASCELL, Mr. KEMP, Mr. GILMAN, Mr. LEACH, Ms. KENNELLY, and Mr. YATRON for organizing the special order today.

Over the past several years, the plight of Soviet Jews has come to the front of national and international human rights debates. Last spring, this House unanimously passed a resolution I authored calling on the Soviet Union to release a Soviet refusenik, Anatoly Shcharansky, and allow him to emigrate to Israel. Just last month, on Shcharansky's 36th birthday, over 80 Members signed a proclamation reinforcing the message of the resolution; the proclamation was sent to Shcharansky and the leaders of the Soviet Union. Anatoly Shcharansky was arrested and imprisoned for daring to practice his faith and encourage others to do the same. He has been in prison for almost 7 years, and his mother says he is too ill to survive the brutality of that environment for the remainder of his sentence.

Anatoly Shcharansky has come to represent more than 350,000 Jews in the Soviet Union who are waiting for a chance to emigrate. Some continue patiently with their lives while they wait for their application to be ruled upon. Some, particularly those like Shcharansky who speak out for the rights of Jews in the Soviet Union, have been arrested and jailed under harsh conditions for extended periods of time. Fewer and fewer Soviet Jews receive permission to leave. In 1983, only 1,314 were allowed to emigrate, an appalling drop from 51,320 in 1979.

For those who must remain, religious persecution has become a fact of life. Jews are subjected to slander in the press, repression in the classroom, and harassment by their fellow countrymen. Their religious materials are confiscated. Soviet Jews with the courage to speak out on behalf of their people are silenced. I have recently been made aware of the plight of Dr. Semyon Gluzman, a refusenik who was instrumental in drawing world attention to Soviet abuse of psychiatric hospitals for political punishment. Dr. Gluzman was imprisoned for his activism and sentenced to 7 years in a labor camp and 3 years of exile. Although his prison term is now finished, Dr. Gluzman lives in a remote village, unable to find work in his profession, supported by friends' contributions and constantly harassed by the authorities.

During the past few years, the Soviet Government has become more overtly antagonistic, supporting the creation of the anti-Zionist committee, a group whose virulent anti-Semitic activities included condoning publication of "The Class Essence of Zionism," a book suggesting, among other things, that Jews helped the Nazis in the Holocaust. The committee also alleged that the reason Jewish emigration had dropped so dramatically was that all those wishing to leave have left.

We must protest the treatment and censure of Jews such as Dr. Gluzman and Anatoly Shcharansky in the Soviet Union. With the new leadership of Mr. Chernenko, we have a chance again to bring this issue to the forefront of all our dealings with the Soviets. In the coming months, we will have many opportunities to raise the issue of Soviet Jewry, particularly the activities surrounding Solidarity Sunday for Soviet Jews on May 6. I urge all my colleagues who are taking part today, and others who have spoken out before on this pressing problem to participate actively in these events.●

● Mr. ROE. Mr. Speaker, I rise today to join my colleagues in a special order marking March 15, 1984, an "International Day of Concern for Soviet Jews."

A great tragedy has befallen the Jews of the Soviet Union. In 1983, only 1,315 Jews were allowed to emigrate from the Soviet Union, the lowest total in 20 years, and a 98-percent decline since 1979 when 51,320 Jews left the Soviet Union.

There is a new and frightening wave of anti-Semitism in the Soviet Union. The Soviet state-sponsored anti-Zionist committee is attacking Jewish cultural efforts with a new vengeance. The Soviets are attempting to make the practice and observance of Judaism illegal. They have banned the publication and circulation of all Hebrew books and Bibles. Jews are neither permitted to study nor teach Hebrew, and they are not allowed to give their children anything related to their history, language, or culture.

The magnitude of this tragedy can be seen in the numbers of Jews who sit behind bars in Soviet prisons and languish in Soviet prison camps. Anatoly Shcharansky has spent 7 years in jail, and his health is rapidly deteriorating. Iosif Begun was sentenced last October to a maximum of 12 years—7 in prison and 5 in Siberian exile. Prisoners of Conscience Simon Scnirman, Yuri Tarnopolsky, Aleksandr Panaryev, and Lev Elbert were all arrested and tried last year on charges stemming from Jewish activities protected by international law. Held behind closed doors, without lawyers, while the Soviet press printed front-page articles slandering them, these trials were reminiscent of the show trials characteristic of the Stalin era.

For the former prisoners of conscience, heroic figures like Ida Nudel, Vladimir Slepak, and Evgeny Levin, 1983 brought only more anguish. Having emerged from the gulag, there former prisoners found their dream of life in Israel as far away as ever. Their situation remains precarious, because the slighest misstep could land them back in jail.

Life for the 3 million Jews of Russia is an almost intolerable situation. They live in limbo, are fired from their jobs, suffer high unemployment, and are subjected to various forms of KGB harassment, including surveillance, searches, house arrest, interference with their mail, and threats of long prison terms. They are not free to practice their religion and they face the danger of losing all knowledge of their rich cultural heritage.

Mr. Speaker, we cannot remain silent during this period. We must raise our voices in protest to the Soviet Government to pressure them into changing its terrible treatment of Soviet Jews. We must take the lead in demanding that the Soviet leadership treat the Jews of Russia with dignity and respect and allow them to emigrate to Israel.

This coming Saturday night, March 17, Jews all over the world will celebrate the Holiday of Purim, recalling how in ancient Persia, Queen Esther saved her people from the evil plots of Haman. On this International Day of Concern for Soviet Jews, we would do well to act as she did, to help save the Jews of Russia from a modern Haman, the Soviet authorities. We can do no less.●

● Mr. ADDABBO. Mr. Speaker, I am upgrading my appeal to Mr. Chernenko on behalf of the American people, and all free peoples in the world, to secure the release of Anatoly Shcharansky. The Soviet Union has a chance now more than ever to demonstrate that it is making a concerted effort to secure peace by releasing Shcharansky.

Anatoly Shcharansky is the symbol of a fight for freedom that goes on in the Soviet Union. Arrested for doing nothing more than speaking the truth and requesting to emigrate to Israel in 1973, his trial became a spectacle through which the world openly saw the Soviets disregard for human rights. Shcharansky is currently serving a sentence of 13 years in brutal prison conditions and his health is steadily worsening. Despite the fact that during the past 7 years he has been held in solitary confinement much of the time, his voice is still heard in the Soviet Union and throughout the world.

This fact addresses my point. The Soviets must switch course because they have not been able to break the message of Shcharansky or quell the thoughts of any other Soviet dissidents that remain imprisoned with Shcharansky. Their message that freedom is the supreme virtue of man, is reaching the world. No matter what the Communists do to censor free speech, to imprison men for their religious beliefs, or for their rights to emigrate, they cannot silence this desire. For this is the most basic right of man, his desire to be free.

Mr. Speaker, my message to the Soviets, my message to the world, is that Anatoly Shcharansky is a harbinger of freedom. The work of this man cannot be intercepted by the most sophisticated prison devices. No external force can break his determination, or ours. He is a spokesman for all men. His flesh is as sacred as all men. I urge the Soviets to free Anatoly Shcharansky and move closer to their fellow man.●

● Mr. BOLAND. Mr. Speaker, I am pleased to participate with my colleagues in marking an International Day of Concern for Soviet Jews.

Today we recognize the hundreds of thousands of Soviet Jews who seek to emigrate, so that they may practice their religion freely and study their history and culture. Their desire to be relieved of the institutional harassment and discrimination from which they suffer in the Soviet Union, and to worship with their families and their fellow believers in freedom has led them to seek to emigrate.

The Soviet Government is stepping up its efforts to harass and isolate the Soviet Jewish community. Soviet authorities have embarked upon a campaign to ban Hebrew education programs, confiscate religious books and articles and give prominence to anti-Semitic statements in the media. Discrimination against Jews in employment and education is on the rise, and increasing numbers of Jews are being arrested and imprisoned for engaging in Jewish cultural activities. Such treatment flagrantly violates international obligations set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act. This behavior must not go unchallenged by those governments and societies which do honor their obligations to respect human rights under those documents.

Today also marks the seventh anniversary of the arrest of Anatoly Shcharansky, who has been the heart of the Soviet Jewry movement since 1973 when he was denied permission to emigrate. His 7-year prison ordeal has subjected him to the most brutal conditions, including isolation, severe cold, and inadequate food, sleep, and health care. The courage, perseverance, and dignity which have been so characteristic of Anatoly Shcharansky are an inspiration to freedom-loving people throughout the world.

We must press our call for the release of Anatoly Shcharansky and others unjustly imprisoned in the Soviet Union. I am pleased to join my colleagues in renewing that call today and in serving notice that our voices will not be stilled until our protests succeed.●

● Mr. YATRON. Mr. Speaker, I welcome the occasion to join my colleagues in expressing my concern over the plight of Soviet Jews. Once again we speak out in a united voice against persecution and injustice. Once again we demand freedom for the Jewish citizens of the Soviet Union. No cause merits greater attention.

Today marks the seventh anniversary of Anatoly Shcharansky's imprisonment. Shcharansky, as well as the other brave refuseniks and prisoners of conscience, reminds the world that the Soviet Union blatantly violates the human rights and dignity of its people. This country's leadership attempts to rob Soviet Jews of their religious freedom, cultural identity, and the right to emigrate. Those individuals who challenge the oppression end up in prison or in mental institutions.

The Soviet Union signed the Helsinki accords on August 1, 1975, which bound them to allow the free emigration of ethnic nationals. The Soviet Union flagrantly violated that treaty by refusing emigration to Soviet Jews, and by harassing and punishing those who applied for exit visas. Not only have the Soviets ignored their responsibilities with regard to the Helsinki accords, they have also violated the terms of the U.N. Declaration of Human Rights by refusing free emigration for Soviet Jews and others.

The Subcommittee on Human Rights and International Organizations, which I chair, together with the Helsinki Commission under the leadership of Chairman DANTE FASCELL, held hearings on Soviet Jewry last year, and hearings on this issue are scheduled again this year. We will not stop holding hearings, participating in demonstrations, conducting meetings, or writing letters until every Jew in the Soviet Union is free to leave.

I am proud to be in the company of the many dedicated Members of Congress who have fought valiantly for the rights of Soviet Jews. If together, we can exhibit the bravery and courage shown by the Shcharanskys of this world, we shall succeed in safeguarding the rights and freedoms of all individuals.●

● Mr. FORD of Michigan. Mr. Speaker, I am pleased to have the opportunity to recognize today as the International Day of Concern for Soviet Jews through the special order organized by my colleagues on behalf of the thousands of persecuted Jews in the Soviet Union, in particular Anatoly Shcharansky.

Today marks the seventh anniversary of Shcharansky's arrest on charges of "treason" and "anti-Soviet agitation and propaganda," following repeated applications to emigrate. Although his case seems typical to those who are familiar with Soviet persecution, there is nothing typical in the methods of mental and physical abuses to which he and his family have been subjected.

Anatoly Shcharansky was married to Natalya Stiglitz on July 4, 1974. In an act of particular cruelty, Natalya was forced to emigrate the very next day lest she never again be given the opportuntiy. She was told that Anatoly would be permitted to follow her to Israel in 6 months time. In almost 10 years of marriage, this couple has spent exactly 1 day of it together. They have lost prime years of their lives clinging to the invisible thread of hope that their perseverence and the efforts of countless individual citizens, groups and governments would someday have enough impact on the Soviet Government to reunite them in Israel.

My colleagues in Congress and I have maintained our vigil on Anatoly's behalf every year on his birthday and every anniversary of his incarceration, as well as at other times throughout the year. It would be easier to just abandon all hope for his release than to continue to plead on deaf ears for an event which appears unlikely to occur. But it would have been easier for Anatoly to have continued his hunger strike protesting deplorable conditions than to maintain his hope for eventual emancipation. I believe that he is not concerned so much for his own life as he is for the lives of his wife, his mother, his brother, and the thousands of Jews in the Soviet Union who gain so much strength from the courage of this one man. To endure what he has for the undeniable right to hold individual beliefs in a land whose government cherishes the rights of the state above all else has taken its toll. Anatoly suffers daily from solitary confinement, poor health as a result of his imprisonment and substandard diet, and a lack of contact with his loved ones.

For Anatoly Shcharansky and for all Jews in the Soviet Union, the crusade continues despite disheartening statistics. At this time last year we were disturbed by the small number of persons allowed to emigrate from that country in 1982 when only 2,692 were permitted to leave. It is with even greater distress that we note that 1983 saw even fewer. A mere 1,315 were granted permission to leave last year, a shocking figure when compared to 51,329 in 1979.

As the White House laments the Soviet noncompliance with arms control treaties and we note once again the broken promise of the Helsinki Final Act to reunite families, it remains my hope that the Soviet Government will consider its obligations to honor the pledges it has made and broken, time and again. I know of no better time to show some sincerity to the nations of the world on the part of the Soviet Union that it can and will follow through on commitments it has willfully entered into.●

● Mr. HOYER. Mr. Speaker, I am very honored to join the efforts of my distinguished colleagues in recognizing this day as the "International Day of Concern for Soviet Jews." I also wish to thank my colleagues for organizing this special order so we can pay tribute to the hundreds of thousands of Soviet Jews seeking their right to emigrate, to practice their religion freely, and to study their history and culture. Once again, we must speak out against the blatant violations of human rights in the Soviet Union.

On February 23, 1984, I had the privilege of meeting three young constituents who are studying at the University of Maryland. They were members of the Student Coalition for Soviet Jewry which was founded in response and in protest to the arrest of Anatoly B. Shcharansky on March 15, 1977. Meeting with me were Nancy-Gail Katzin, a student of physics and psychology; Carl Choper who studies urban planning; and Wendy Bachman, a student of education. I was deeply touched by their concern for Soviet citizens, by their involvement in an international effort to free Soviet Jews through political action and by their desire to motivate others in their personal and continual commitment to Soviet Jews.

Today we are faced with international issues of monumental importance and dramatic impact on our daily lives. The escalating violence in Lebanon and Central America, the stark poverty of the nations of Africa, the raging war between Iraq and Iran, and the omnipresent threat of nuclear war often tend to overshadow the issue of human rights. But it is an issue that stands behind all other issues. As we debate the deficit, arms control or excellence in education, we must remain mindful that no issue is more relevant in our every day lives than that of individual dignity. And one of the greatest potential dangers to our Nation is a refusal to speak out against human rights violations.

The Soviet Union is a nation with the third largest number of Jews in the world. Yet it has, with historical continuity, violated the rights of Jews. The Soviet state is infamous for rewriting history, for disappearing individuals, for denying the occurrence of events witnessed by hundreds. The systematic, brutal, and anti-Semitic policies of the Soviet state are real and are occurring now.

It is a state that refuses to allow Jews to live in their homeland with dignity and with the freedom to be Jews. Yet it denies them the right to leave to fulfill these rights. It is a state that under the leadership of Andropov intensified the forced cultural assimilation, expanded its anti-Zionist propaganda campaign, and attempted to sever the Soviet Jewish community from any contact with its brethren abroad.

Finally, it is a state that has as its goal an end to emigration. The Soviet Union allowed 1,314 Jews to emigrate in 1983, the lowest number of any year in the last 20; a mere one-half of the 2,688 emigrants who were permitted to leave in 1982, according to statistics compiled by the Soviet Jewry Research Bureau. The closing of synagogues, the banning of Hebrew language instruction, the pervasive discrimination in education, employment, and social life, and the confiscation of prayer books are all a part of a state policy to destroy systematically the Jewish culture.

Most of us here today are familiar with the plights of Anatoly Shcharansky, Andrei Sakharov, and Ida Nudel. Their indomitable spirits and unwavering defiance in the face of persecution have made them symbols of the shared fate among Soviet Jews seeking emigration. Unfortunately for them, as for all others, once the desire to emigrate is translated into an application for a visa, their lives are irretrievably changed.

The applicant first loses his or her job. Then receives personal threats as well as threats against the family. He or she will be ostracized by all but the most loyal, and doubts will begin over the question of self-worth.

Their home will be invaded periodically at the whim of Soviet officials and personal effects are confiscated. One night the applicant is taken for interrogation, blindfolded, handcuffed, and brutally assaulted only to be left alone for days in a cell the size of a closet. Then, without explanation, he or she will be thrust from a moving car onto the concrete in front of the apartment where he or she lives. The applicant's children will no longer be eligible to attend university, and finally, in the middle of the night, he or she will be arrested without warning. The trial takes 5 minutes. Found guilty of parasitism because he or she is without a job, the sentence is 8 years of hard labor in the stark, sterile coldness of Siberia where the only warmth will come from memories.

It is a bitter experience. And the bitterness is heightened by the loneliness, the desolation, and complete abandonment for years on end.

But despite these consequences, men and women continue to apply for exit visas, driven by their faith, their conviction, and their courage.

It is critical that each of us in our own way let these people know that we care and that we have not abandoned and will never abandon their cause. We must continuously denounce the forced surrender of basic human rights to the arbitrary will of a repressive government.

We must intensify our efforts and demands that the Soviet Government account for its behavior. As Americans, we do possess special responsibilities, whether imposed by ourselves or by others, to uphold and defend standards of human justice and human rights. There exists a level of human condition below which dignity is compromised and humanity is threatened. When a nation purposely pushes a people below that level, then all of us are threatened.

As the scholar and Rabbi Hillel questioned, "If I am not for myself, who will be for me? I am only for myself, what am I? If not now, when?"

Although we may mot know the true depths of despair, the utter frustration of uncertainty and the agonizing loneliness of internal exile suffered by many Soviet Jewry, we certainly understand the bitterness and can share in the outrage.

By our actions and our words, we will in a small way work toward the transformation of Soviet policy toward Jews, and, in so doing, we renew our own faith in humanity. I share the convictions of my young constituents that we are touched by any nation's violation of human dignity. We cannot be active participants in the world and not feel responsible.

Thus, we shall continue our efforts until the ancient Hebrew prayer is answered for Soviet Jews. "Next year in Jerusalem."●

● Mr. **BROOMFIELD.** Mr. Speaker, let me offer my strong support of this special order. More than ever, we in the Congress must express our support for Soviet Jews. Today marks the eighth anniversary of the arrest of Soviet Jewish activist Anatoly Shcharansky. Soviet abuses of him and other innocent Jews must be brought to an end. Our Government must do all that it can to call this deplorable treatment of Soviet Jews to the attention of the Soviet Government.

All of you know the tragic story of Jews in the Soviet Union. It is a long and sad one. In spite of the fact that the U.S.S.R. signed the Helsinki accords, and has claimed to be a land sensitive to human needs, the human rights situation for Jews in the Soviet Union has worsened. With the arrival on the scene of Mr. Andropov, a number of unfortunate policies were implemented. An effort was made to end the emigration of Soviet Jews. The decline in emigration of Jews has dropped to its lowest point since the late sixties. In 1983, only 1,314 Soviet Jews were allowed to leave that country. There are strong indications that Soviet authorities have decided to revoke the de facto claims of Jews to repatriation to their homeland, Israel.

In addition, a heightened effort of forced cultural and linguistic assimilation is underway. Hebrew language teaching groups are now attacked as being subversive. Jews studying their culture and traditions in the Soviet Union are now labeled as "fifth column," A well organized program is in effect to broaden anti-Zionist propaganda efforts. Recently, the Holocaust has been called a "myth of Zionist propaganda."

A stronger push was undertaken to sever contacts between Soviet Jews and Jews abroad. Soviet Jews are now warned against having contact with the Zionist brethren in the West. Mail is routinely intercepted and Western Jewish tourists are accused of Zionist provocations. Vital professional contacts have also been denied Soviet Jews.

As all countries in the world grow increasingly aware of human rights, why is the Soviet Union moving in the opposite direction? How can a nation which signs a solemn agreement to improve personal freedoms betray its promises? How can the Soviet leadership continue this inane charade?

For these reasons, I call upon my friends in the House to join me in supporting this important special order. All of us in Congress must join together with free men from all around the globe to protest Soviet violations of basic human dignity.●

● Mr. **PEPPER.** Mr. Speaker, I cannot let the opportunity pass to join my colleagues today in voicing my deep concern for the suffering that the Soviet Jews have been forced to endure, on this, the "International Day of Concern for Soviet Jews." It is fitting that a day be set aside to direct our collective attention to this tragic and unjust situation.

Unlike so many other countries, the Soviet Union has continued to oppress the Jewish population that lives within its borders. The Soviet Union denies these courageous people their right to emigrate, their right of free expression of their cultural and religious beliefs, and has continually taken an anti-Semitic stance. I have frequently joined with many of my colleagues in calling upon the Government of the Soviet Union to stop this deplorable repression of human rights.

I call upon all our colleagues and all concerned people of the world today to voice their opposition to this continued harassment of the Soviet Jewish population. May our combined voices reach a crescendo which can no longer be ignored by the Soviet Government.

On this solemn occasion, we cannot forget the courageous refuseniks, who stil face reprisals from their Government by standing firm in expressing their desire to emigrate from the Soviet Union. I especially commend the heroic suffering of Anatoly Shcharansky, who as we all well know, was arrested 8 years ago on this date, and Abba Taratuta, my adopted refusenik, for their tireless efforts in trying to reopen the emigration gates to the lands of personal freedom.●

● Mr. **EDWARDS** of Oklahoma. Mr. Speaker, we are here today not only to draw attention to the thousands of Jewish citizens of the Soviet Union who suffer daily, but to focus on the repressions of a centralized state.

What is the major difference between a democracy and a totalitarian state? Opportunity.

In this country we have the opportunity to better ourselves economically, culturally, and socially. We have freedom. This is a nation of laws, in which a person's right to due process is protected.

The Soviet Union, however, does not abide by international standards of human rights. Soviet authorities punish independent thought by providing inadequate food, clothing, and shelter, requiring heavy manual labor, providing unsatisfactory medical care, enforcing isolation, conducting extended interrogations, and threatening the families of dissidents. It is government policy to imprison political and religious activists in psychiatric hospitals or labor camps.

According to the State Department's recent report on human rights abuses "the mere attempt to submit an emigration application frequently involves a variety of administrative and extralegal sanctions, including loss of employment, harassment, social ostracism."

In 1983 only 1,315 Soviet Jews were allowed to emigrate, compared to 2,688 in 1982 and 51,320 in 1979. It is estimated there are currently 200,000 Jews seeking to leave the Soviet Union. Many are subject to torture and imprisonment.

The Congress, I believe, is united in recognizing the courage of Anatoly Shcharansky, Lev Elbert, Iosef Begun, and the thousands of other Jewish Soviet citizens who have had the courage to speak out against a repressive system.

They should know, and the Government of the Soviet Union should know, that the United States puts a premium on freedom. The voices of protest will never be stilled as long as the Soviet Union denies basic freedoms to its own citizens.●

● Mr. **MOAKLEY.** Mr. Speaker, I wish I could stand before you today and say that I am pleased to be here today to commemorate the 8-year anniversary of the unjust arrest of Anatoly Shcharansky; but I am not. I am not pleased that a man whose only crime was to seek and promote religious freedom for himself, his family, and his people should be sentenced to prison for 13 years. I am not pleased that every year thousands of Soviet Jews are denied visas to leave the land of their persecution and are made to endure physical and mental hardship that can only rival Hitler's Germany.

Jewish emigration from the Soviet Union has plunged considerably over recent years. Since the 1979 peak emigration of 51,320, Jewish emigration has dropped a shocking 97 percent. Yet the number of visa applications have greatly increased. There has become an alarming rate of Soviet official visa denials.

In 1973, Anatoly Shcharansky applied for such a visa. He was denied as his position as a programer at the Moscow Research Institute for oil and gas, supposedly gave him access to "classified information." Two years later after repeated refusals, Anatoly was dismissed from his post at the institute. To earn a living he was forced to become a tutor in English, mathematics, and physics.

Anatoly married Avital on July 3, 1974. They envisioned a life together in peace, in the land of Israel. One day later Avital was given a choice by the Soviet Government—leave now, or never. She was informed that her husband would follow shortly. Thus reassured, Avital emigrated to Jerusalem. Ten years later, Anatoly has been unable to join his bride.

After Avital's departure, Anatoly was continually harassed by the KGB. This increased when he became a member of the now suppressed group, the Helsinki Watchdog Committee. The group's function was to watch for and report any breach in the Helsinki agreement of 1975. It was soon after this that Anatoly was arrested on alleged charges of treason. He was held incommunicado for half a year prior to being formally charged with treason, espionage, and anti-Soviet agitation. His sentence was 13 years.

Anatoly was sent to prison at Cristopol in the Tartar Republic. There in 1981 he was forced to endure 6 months in solitary confinement, prolonged confinement to cold, wet punishment cells on a diet of bread and water every other day, the task of making potato sacks, no visitation, and confiscation of his mail. Authorities claimed they contained secret information. As a protest against the seizure of his mail, Anatoly began a hunger strike in October 1982. This lasted 4 months, during which time he was brutally forced-fed by prison officials.

The consequences of his hunger strike was his ability to receive mail. However, Anatoly's health has suffered greatly. Not only has his eyesight been affected, but he is also suffering from acute heart pains, so torturous that his left arm is immobilized. Anatoly has for months requested hospitalization, but to no avail. Soviet officials do not deem him sick enough. He has been given medication, but American doctors, based on their diagnosis of Anatoly, theorize that the medication he has been given may be counterproductive and causing problems of their own.

Recently, Anatoly was allowed a visit by his mother and brother. Ida, his mother found a changed man, so bad are his physical scars of deprivation, that she barely recognized her son. She desperately fears for his life.

I have been informed that Anatoly often recites Psalm 27 to give him strength. The verse reads: "Deliver me not unto the will of my adversaries." We, too, must insure that his spirit is not broken by his tormentors and that Anatoly's days of oppression draw to an immediate end.

On this Thursday, March 15, a day designated as the International Day of Concern for Soviet Jews, we must reflect on the plight of Anatoly Shcharansky and thousands of other Jews in the Soviet Union. However, reflection is not enough. We in Congress must make it known, as a unified body, that blatant disregard for human rights, like religious freedom, will not be tolerated. Agreements such as the Helsinki Final Act, of which the Soviet Union is a signatory and even the Soviet Constitution, formally provide the legal right for religious freedom. These documents must be adhered to.

We in Congress must all work together to insure that all peoples may live in peace and have the opportunity to share in the live-giving source—freedom.●

● Mr. JONES of Oklahoma. Mr. Speaker, I thank my colleague, the gentleman from Florida (Mr. Fascell), for requesting this special order on behalf of the Soviet Jewry, and for allowing me to add my views and those of my constituents in Oklahoma.

In January 1983, I visited the Soviet Union with several of my colleagues from the Trade Subcommittee of the Ways and Means Committee. During that visit many Soviet officials tried to assure us that their policy toward Soviet Jews was fair in all respects. Clearly, those assurances were not accurate.

Consider the facts: In the year following our meetings in Moscow and Leningrad, those very same officials permitted only 1,314 Jews to emigrate from the Soviet Union, less than half the number allowed to leave in 1982. In the year following those meetings a vigorous clampdown on the practice of Judaism was put into place. In the year following those meetings, officially sanctioned anti-Semitism, frighteningly similar to the organized persecution of Jews under the last Czars, increased at an alarming rate. Finally, since those meetings our lifeline to the dissidents and prisoners of conscience in the Soviet Union—the free flow of mail—has been all but completely severed.

On a personal level, one of the many prisoners of conscience, Leonid Lubman, has not been heard from in the year following my trip to Russia. Mr. Lubman, a Soviet Jew imprisoned solely for his desire to emigrate to Israel in order to practice freely his faith, has been adopted by many of my constituents in northeastern Oklahoma and me. We have made a concerted effort to keep him aware of our support for his effort to gain permission to emigrate, and we have written to Soviet officials both in this country and in Russia, urging them to reconsider their decision to imprison Mr. Lubman, and issue him a visa to emigrate to Israel.

I have never received a response to any of my letters. It is more than likely that Leonid Lubman never received them. It is even possible, although doubtful, that the Soviet officials in Russia never received them. But there is no doubt that the Soviet Ambassador to the United States received my letters, yet he has chosen not to respond.

It is well known that the Soviet Embassy in Washington keeps a close watch on the Congressional Record. For that reason, I will close by including some of my letters to Ambassador Dobrynin in the Record at this point. I hope and pray that has superiors will see fit to change their policy toward Jews in their country.

Congress of the United States,
House of Representatives,
Washington, D.C., October 5, 1982.
Ambassador Anatoly Dobrynin,
Embassy of the Union of Soviet Socialist Republics, Washington, D.C.

Dear Mr. Ambassador: I write to you today to inquire about a political prisoner in the Soviet Union, Mr. Leonid Lubman. Mr. Lubman was imprisoned in 1978 and sentenced to thirteen years in prison. His health is not good, and, because of adverse conditions in prison, it continues to deteriorate.

As we continue to search for a common ground between the U.S. and the Soviet Union, many impediments stand in our way. One of these is the treatment in your country of political prisoners. Mr. Lubman's only "crime" was his attempt to exercise his right under the Helsinki Final Act to speak out freely. In my mind, the Helsinki Accords are virtually meaningless if officials in your country continue to persecute Soviet citizens for their legitimate expressions of human freedom. I would hope that your goals and mine are similar: peace and understanding between our countries. Unfortunately, these goals seem increasingly distant each time I hear about a new abrogation of basic human rights in your country.

I hope to hear from you soon on Mr. Lubman's case. A favorable review of his sentence, and those of the many other political prisoners in the Soviet Union, would serve as a great boost to peace and security in our world.

With best wishes,
Sincerely yours,
James R. Jones,
Member of Congress.

Congress of the United States,
House of Representatives,
Washington, D.C., January 28, 1983.
Ambassador Anatoly Dobrynin,
Embassy of the Union of Soviet Socialist Republics, Washington, D.C.

Dear Mr. Ambassador: As you may know, I have recently returned from a trip to Eastern Europe and the Soviet Union. Twelve of my colleagues in the House of Representatives and I visited with Soviet officials in Moscow and discussed trade, security, and human rights concerns.

I am writing to you today to urge you and your government to reconsider your current policy toward those Jews and Christians in your country who desire to practice freely their religion or emigrate to Israel and the United States. I would hope that your goals and mine are similar: peace and understanding between our countries. Unfortunately, these goals seem increasingly distant each time I hear about a new abrogation of basic human rights and dignity in your country. I firmly believe that you and your countrymen have the same urgent desire to end the arms race as we have in this country, and I think this achievement would be much more attainable if, as a gesture of Russian good faith, your government would act swiftly to live up to the Helsinki Agreements.

I hope and pray that our countries will come to a mutual understanding on our security needs. Favorable Soviet action on human rights would be a commendable first step.

With best wishes.

Sincerely yours,

JAMES R. JONES,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 24, 1983.

Ambassador ANATOLY DOBRYNIN,
Embassy of the Union of Soviet Socialist Republics, Washington, D.C.

DEAR MR. AMBASSADOR: On October 5, 1982, I wrote to you concerning the condition of a political prisoner in the Soviet Union, Mr. Leonid Lubman. A copy of that letter is attached. Unfortunately, I have not received any response from your Embassy or from the officials to whom I wrote in Moscow.

Earlier this month, I received information from American officials in Russia that Mr. Lubman is being held in Moscow pending investigation of a new charge. His health is said to be extremely poor, and he is not getting proper medical attention. Mr. Ambassador, Leonid Lubman's only crime was his desire to emigrate from the Soviet Union in order to practice his religion freely. For this he was sentenced to thirteen years in prison, strict regime, and now may face further charges and punishment. He has been denied contact with his family and friends, a source of great worry to them and, no doubt, great sadness to him.

Such treatment is undoubtedly a direct abrogation of the Helsinki Final Act. In fact, it is so shocking that I find it hard to believe that your Government actually sanctions it. From all appearances, however, Mr. Lubman's case is only one of many constituting a sort of institutionalized repression. I hope, of course, that this is not the case, and that your colleagues in Moscow will feel the need to investigate Mr. Lubman's treatment and then release him. Your failure to respond to my earlier letter, however, suggests that your Government supports this behavior.

I hope you will recognize how important Mr. Lubman is to me and many of my constituents in Oklahoma, and that you will look into Mr. Lubman's case and gain his release. I look forward to hearing from you very soon.

With best wishes,

Sincerely yours,

JAMES R. JONES,
Member of Congress.●

● Mr. CARNEY. Mr. Speaker, I rise to join with my colleagues in expressing our support and commitment to Soviet Jews in their struggle for freedom. Very few of us in this country ever express the desire to leave, to emigrate to another land. Yet, if we do have this desire, we are free to travel as we wish. In addition, we often take for granted our freedom to practice our religious beliefs. Today we should remember that Jews and other minorities in the Soviet Union are denied these basic rights.

The Jews of the Soviet Union are engaged in a daily struggle for survival. The Soviet authorities, in addition to denying Jews the basic right to emigrate, are pursuing a systematic plan to eliminate Jewish culture and religion. The international community must not look the other way. It is our duty as Americans, as a free people, to speak out against the Soviets who deny their citizens the fundamental right to live and worship in accordance with their heritage.

Mr. Speaker, we must take every opportunity to express our support for Anatoly Shcharansky, Iosef Begun, Vadim Kagan, Lev Elbert, and lesser known refuseniks such as Kim Fridman. Kim Fridman's only desire is to join his wife and daughter in Israel. He has been consistently refused an exit visa, harassed by the KGB, and sentenced to a labor camp on usual, vague Soviet charge of parasitism.

We must continue to call on the Soviet Union to adhere to the Final Act of the Helsinki accords and to allow men like Kim Fridman to join their families and practice their religion. This is not too much to ask.●

● Mr. STUDDS. Mr. Speaker, Anatoly Shcharansky's years of suffering at the hands of the Soviet Government are well known to us all, which makes the prospect of his release and that of other Jews in the Soviet Union a particularly poignant matter. As the years of his sentence tick by, we must continue to work for his emigration and for the freedom of all the Soviet Jews who wish to leave. They do not give up hope, although they have great occasion to despair, and we must not abandon our hope either. Unless we continue to press our demands upon the Soviet Union and remind the world of the plight of Soviet Jewry, the Soviets will try to make the world forget. Therefore, I am pleased to join with my colleagues and with millions of people around the world today in honoring and declaring our solidarity with the thousands of brave Jews who are standing up to the Soviet regime.●

● Mr. ZSCHAU. Mr. Speaker, I am glad to join my colleague from New York in urging the Government of the Soviet Union to allow greater freedom of emigration of its Jewish citizens, indeed, all its people.

Almost since my first day in office, I have been trying desperately to help a constituent be reunited with his wife and daughter, who remain in the Soviet Union. My constituent is a valued and productive member of our community. He is separated from his wife and daughter only because to date the Soviet leadership has been unwilling to allow them to join him here in the United States.

My constituents wife is not in a sensitive position. If she left it, it would in no way compromise the security of the Soviet Union. She is a janitor, only barely able to eke out a living.

Twice, now, I have written privately to the Soviet Ambassador in the United States requesting that he intervene to help reunite this family. Although I have not had a response in well over a year, I am yet hopeful that he will see the strictly humanitarian nature of this plea and decide to take a personal interest in it.

In the meantime, I will refrain from the kind of harsh rhetoric which I believe will not contribute to a lessening of tension or lead to the ultimate release of Soviet Jews wishing to come to the United States or go to Israel. Instead, I will continue to remain ready to work cooperatively with anyone who wishes to see families like my constituent's reunited.●

● Mr. HARKIN. Mr. Speaker, today is the seventh anniversary of the arrest of Anatoly Shcharansky, a brave advocate, who for many years worked energetically on behalf of human rights for all Soviet citizens, but especially for the right to emigrate for Soviet Jewry.

The Soviet Union is a signatory to the Universal Declaration of Human Rights and the Final Act of the Helsinki accords, which guarantee expeditious handling of requests to emigrate.

But the Soviets have not acted in accordance with international law in the case of Anatoly Shcharansky or of Victor Popovsky.

Let me tell you about Mr. Popovsky and his family. Almost 10 years ago, June 17, 1974, to be precise, Victor first applied for emigration with his wife Tatiana and their six children. Their application was denied, and there was no reason given.

In 1979, Mr. Popovsky appealed to the Ministry of Interior Affairs where he was refused yet again, the right to leave for Israel for permanent settlement.

His petition for himself and his family, requesting the right to leave the Soviet Union for Israel where they could practice their religion in total freedom, free from harassment, is one of the most moving I have ever read.

I include the petition in the RECORD. I hope you will all join me in continuing to work to facilitate his right to live in the country of his choice.

The petition follows:

To the Minister of the Interior Affairs, N. Shchelokov:

APPEAL

On the 24th of July 1979 I received in the OVIR offices of the Abkhazskaya ASSR in Sukhumi, another refusal to my application of the 5th of June 1979 to leave for Israel for permanent settlement. No motive for the refusal has been given. The OVIR official told me: "They did not give any reasons for the refusal issued to you" Who are "they"? And why have I been given another refusal?

I applied for emigration to Israel for the first time in 1974 and since then I have received refusals motivated by that my nationality was designate as "Russian" in my passport. However, the copy of my birth certificate, presented by me together with the other documents to the OVIR, clearly shows that my mother was of Jewish origin. Therefore, the refusals issued for the reason are of a purely artificial character and are, considering my personal history, a particular insult to me.

I am a deeply religious person and I observe all the commandments of Judaism which I found out from my mother when I was still a child. I took part in the war against German fascism and was wounded. While observing the commandments of Judaism, refraining from work on Saturdays and other Jewish holidays, I could not and did not want to hide my religious convictions from those surrounding me; I shared my knowledge of the Holy Torah with my colleagues. For this "crime" I was tried—at the age of 25—in the year 1948 by the Krasnodar District Court for "anti-Soviet agitation" (Art. 58-10 of the Criminal Code of the RSFSR) and sentenced to 10 years of detention in labor camps of strict regime with subsequent 5 years of exile.

The conclusions made by the Krasnodar interrogator Pesikov which I will remember until my dying day, could serve as an excellent illustration to my so-called "anti-Soviet agitation and propaganda".

Interrogator: "Have you read the Bible?

Answer: Yes, I even studied it.

Interrogator: Is it written there that the world will come to an end?

Answer: Yes, there are some parts that deal with this.

Interrogator: That means that the Earth will burn down and the Soviet regime will burn down. Are you against the Soviet regime?"

It was because of this kind of obscurantist views that I spent 8 terrible years in the Kolyma camps of strict regime where I had turned into an invalid and became unfit for work. In 1955 the Presidium of the Supreme Court of the RSFSR repealed my verdict. It is a pity that no decree could remove my invalid's status and compensate me for the torments that I had gone through. During all these years in prison I observed the Sabbath, did not eat pork, horse meat and sea food and was punished for it by being sent to the solitary confinement, by beatings and humiliation.

After my release in 1956 I lived in Krasnodar but as there was no Synagogue there I moved to Sukhumi in 1958 where I became a member of the congregation.

I, a deeply religious man, find it extremely difficult to observe the rules of the Torah in the USSR. I find myself an outsider amongst people who find the rules of the G-d of Israel alien. According to the predictions of the Prophets, the time has come for the ingathering of the People of Israel in their land and therefore I have been waiting for my turn since 1974. It is better for me to die in Israel than to live in a land the spirit of which is alien to me. I am not a young man anymore, I became an invalid in the labour camps and am of no value whatsoever to the great country of victorious socialism.

I ask you very much to give orders for the reconsideration of my case and to solve this vital for me question, enabling me and my family to go to Israel.

VICTOR IPPOLITOVICH POPOVSKY.●

● **Mr. WOLF.** Mr. Speaker, I am pleased that we in the Congress are taking time today to pay tribute to the thousands of Soviet Jews who are denied basic freedoms in the civilized world. I am gravely concerned, however, that another year has passed without a change in Soviet policy toward those of the Jewish faith who wish to emigrate. Instead, the Soviet policy of harassment, ostracism, and denial of basic human rights for Soviet Jews continues.

Many of us have written letters to Soviet officials on behalf of individuals who have been repeatedly denied exit visas, or who have been wrongly persecuted, imprisoned, and repressed. Our letters continue to go unanswered, our requests continue to go unfulfilled while fewer and fewer people are permitted to leave. Yet, by taking time on this day to call attention to the plight of Soviet Jews, I believe we signify to the freedom loving people of the world that we are undaunted in our resolve to assist in any way we can in convincing the Soviet Government to change its policy of repression.

That resolve was never more firm in my own mind recently when I visited Israel and talked to scores of people from members of the Cabinet and the Knesset to people on the street. Everywhere I went I was impressed by the resourcefulness of the people in that country who are willing to work for themselves as a self-sufficient, free nation. As I traveled throughout the country and visited Jerusalem, the West Bank, and the Golan Heights, I got a true feel for the small size and vulnerability of the country. Yet in seeing the fragility of that land and knowing the struggles the people there must face, I was reminded of the circumstances of Soviet Jewry and their daily struggles for liberty and the opportunity to exercise their faith or join their families perhaps in Israel or other parts of the world and be a part of their own culture.

It is important in our efforts in the Congress and as a Nation which has long symbolized the principal of freedom for the oppressed of the world that we constantly keep in mind the victims—those who suffer each day because of the Soviet policy of repression. The Jewish refuseniks continue their struggles facing formidable consequences, and yet these brave people are unrestrained in pursuing their simple requests to be allowed basic human rights. How can we say enough in praise of their courage.

We as Americans and the other nations of the free world can never turn our backs on the struggles of our fellow man. We must continue in our determination to seek justice and must never waver as long as there are people in our world such as Soviet Jews who are denied basic principles of human rights and freedom of speech and religion.●

● **Mr. ANNUNZIO.** Mr. Speaker, I join with my colleagues in this International Day for Concern for Soviet Jews, and urge the immediate release of Anatoly Shcharansky, whose unjust imprisonment by the Soviets is representative of the outrageous human rights violations and crimes that the Communists are committing against Jews living in the Soviet Union.

Seven years ago, on March 15, 1977, the Soviets arrested Anatoly Shcharansky, and after a 16-month period in prison during which time his friends and relations were prohibited from visiting him, he was sentenced to 3 years in prison followed by 10 years in a labor camp. The trumped-up charge against him was that he was a spy for the United States. In fact, Shcharansky's only crimes were that he applied to emigrate to Israel, tried to maintain Jewish traditions for those living in the Soviet Union, and led Jews in protesting human rights violations against them.

After completing his first 3 years in prison, where he was subjected to the most brutal and unjust treatment, Anatoly Shcharansky was sentenced to another 3 years for failing to acknowledge his guilt. In 1982, he staged a herioc 110-day hunger strike to protest the interception of his mail by the communists.

In January, his mother, after returning from one of the two visits per year permitted under prison regulations, reported that Shcharansky's health had deteriorated significantly, and he was not getting the medical treatment he desperately needs.

Mr. Speaker, this tragic imprisonment and inhumane treatment of Shcharansky are representative of the Communists' callous attitude toward Jews in the Soviet Union. But, despite a dismal life of tyranny and oppression at the hands of the Soviets, his jailors have been unable to crush either Anatoly Shcharansky's spirit or his desire to practice his religion and emigrate to Israel. Because he has remained steadfast to his ideals under the most tormenting circumstances, Anatoly Shcharansky has become a symbol of strength and a source of inspiration for hundreds of thousands of Jews in the Soviet Union, and indeed for all those throughout the world trying to escape the yoke of Communist oppression.

At this point in the RECORD, I would like to include an article which appeared in the March 1984 edition of the Jewish Monthly, published by B'nai B'rith, that outlines the repressive actions of the Soviets against the Jews, and calls upon all freedom-loving people to work toward better treatment of Jews living in the Soviet Union, and toward an immediate increase in the number of Jews who are allowed to emigrate to Israel.

The article follows:

A Day of Concern for Soviet Jews

On March 15, 1977, Anatoly Shcharansky was arrested for "treason" and "anti-Soviet agitation and propaganda." On July 14, 1978, he was sentenced to three years in prison and ten years in a labor camp.

In the seven years since his arrest, Shcharansky's physical condition has deteriorated—and so has the situation of Soviet Jewry. Emigration, which peaked in 1979, has been virtually halted in the 1980s, and Soviet anti-Semitism is on the rise.

In 1983, on the anniversary of Shcharansky's arrest, B'nai B'rith International organised a worldwide day of solidarity with Soviet Jews. BBI members in over 100 communities took part in rallies and protests. BBI President Gerald Kraft summed up the spirit of the day by declaring that Soviet Jews are "not alone, not forgotten."

This year, March 15 has been designated as "International Day of Concern for Soviet Jews" by the World Conference on Soviet Jewry * * *.

President Kraft has made Soviet Jewry a priority in his administration. The following excerpts from a speech he recently delivered underscore his commitment to the cause, and the importance of the March 15 International Day of Concern for Soviet Jews.

The Torah, our holiest work, is described in a major Soviet volume as a "textbook unsurpassed for bloodthirstiness, hypocrisy, betrayal, perfidy and moral dissoluteness."

Soviet media articles, broadcasts and lectures claim that Jewish bankers strive to dominate the world; that they control the military-industrial complex of the West, which is preparing to incinerate the globe; that they are responsible for crime, espionage, subversion.

One book, highly praised last year by the Soviet newspaper Izvestiia, asserts that Jews are responsible for anti-Semitism themselves because of "peculiar psychological and behavioral traits" that evoke "disgust on the part of the native population."

The victim is turned into the victimizer. Jews are held to be the cause of the infamous pogroms of the 19th and 20th centuries. Jews are said to have collaborated with the Nazis in their own destruction. Nineteen eighty-four is the year of George Orwell, and nowhere is a language so inverted and corrupted as in the USSR today with particular reference to Jews.

Abraham Joshua Heschel taught that the Holocaust did not begin with the incinerators but with defamation. Today, we witness massive defamation of the Jewish people in the Soviet Union.

Since 1948, the Kremlin has maintained a policy of forced assimilation of Jews. Almost all Jewish institutional life has been pulverized. There is not a single offical Jewish school. Unlike any other ethnic groups in the USSR, the Jews have virtually no public means to perpetuate their culture, their heritage, their identity. The spiritual survival of the world's third largest Jewish community is at stake.

So Soviet Jews have embarked upon a desperate rescue mission. Thousands have studied Hebrew and Jewish history in self-study circles and private seminars.

But under Soviet Premier Yuri Andropov, the Kremlin has struck hard at the renaissance of the Jewish spirit. The secret police have harassed and intimidated self-study circles; the media has warned that studying Hebrew could be considered a criminal act.

The founder of the Hebrew self-study movement—Iosif Begun—was recently sentenced by a Soviet court to seven years imprisonment and five years internal exile. This Soviet Maccabee is to be made an object lesson for all.

The warnings go even further. The official press describes Jewish tourists from the West who visit refuseniks as espionage agents of Zionism. The message to Soviet Jews: Don't meet with Jewish visitors.

A specially-created state Jewish agency has been propped up for contacts with Jewish organizations abroad. Called the Anti-Zionist Committee of the Soviet Public, this quisling instrument promotes the illusion of Soviet Jewish acquiescence to Kremlin policy.

Is it any wonder that Soviet Jews seek to emigrate?

Three hundred and eighty thousand Soviet Jews have taken the first step in the emigration process by asking for and receiving an affidavit from a relative in Israel, which is required when applying for an exit visa. And 10,000 Jews have been refused exit visas at least once and, in some caes, numerous times.

When officials of the so-called "Anti-Zionist Committee" say that Soviet Jews no longer want to leave and that "family reunification has essentially been completed," we must brand their statement a lie.

The trauma of the moment is that Soviet Jews cannot leave. The doors have all but been shut. Fewer than one hundred Jews a month have been allowed to exit during the past half year. Compare this to 1979—when as many as 4,500 left in one month.

In 1979, a total of 51,000 emigrated; in 1983, the overall figure plunged to 1,315—the lowest since the doors were opened in 1971. That year alone, 13,000 Soviet Jews left.

The cutback violates international law and the Helsinki Accord, which the Soviet Union signed. The Accord requires signatories to facilitate and expedite the reunion of families on a humanitarian basis.

A sense of deep anxiety, but not despair, hangs over the heads of our brethren in the U.S.S.R. The responsibility is ours to speak for them, to sustain their spirit. We must reject silence. The famous admonition of Edmund Burke, the 18th-century British statesman, is as true today as in his time: "The only thing necessary for the triumph of evil is for good men to do nothing."

Mr. Speaker, on this International Day of Concern for Soviet Jews, I join with the Jewish community in the 11th Congressional District of Illinois which I am honored to represent, and freedom-loving people througout the world, in calling for the immediate release of Anatoly Shcharansky. We must continue to let the Soviets know in the strongest possible terms that we will not tolerate their flagrant violations of human rights and to urge that all Soviet Jews who wish to practice their religion and emigrate to Israel be allowed to do so.●

● Mr. **GRADISON**. Mr. Speaker, I join my colleagues in recognizing this day as International Day of Concern for Soviet Jews.

I, too, deplore the manner in which the Soviet Government routinely disregards basic human rights by restricting the emigration of Soviet Jews. I further protest the pervasive anti-Semitism and unrelenting harassment of Jewish culture and religious expression in the Soviet Union.

As a member of the Congressional Human Rights Caucus and the International Parliamentary Group for Human Rights in the Soviet Union, I am committed to doing all that I can to help Soviet Jews in their attempts to obtain permission to emigrate to Israel.

I applaud my colleagues and other interested organizations for their diligent efforts. Those of us who have been involved in this cause realize that successes are few and disappointments many. However, the limited successes convince us that pressure from U.S. officials on the Soviet Government can help.

I urge my colleagues to continue in their efforts to urge Soviet officials to honor and respect the basic human rights of their citizens.

We must continue to help our persecuted and oppressed brethren in the Soviet Union.●

● Mr. **BROWN** of Colorado. Mr. Speaker, March 15 is a significant day in Jewish tradition. Not only is this day the celebration of Purim and the International Day of Concern for Soviet Jewry, it is also the anniversary of the arrests of Anatoly Shcharansky and Yuri Tarnopolsky by Soviet authorities.

This day marks the seventh anniversary of Anatoly Shcharansky's arrest. Mr. Shcharansky is the symbol of the struggles of the Soviet Jewish people, not only in the Western World, but also with his fellow refuseniks in the Soviet Union. He remains in poor health in Chistopol prison for being a human rights activist in the Jewish emancipation movement.

Yuri Tarnopolsky is an organic chemist who was arrested a year ago and sentenced to 3 years in a Siberian labor camp. In 1976, he and his family had applied for exit visas from the Soviet Government to emigrate to Israel. After applying for the exit visa, Dr. Tarnopolsky, a renowned scientist, was not permitted to work in his field. Prior to his arrest, he taught chemistry to the children of refuseniks barred from the Soviet educational institutions.

Although I am hopeful that Secretary Konstantin Chernenko's leadership in the Soviet Union may bring a policy change for the Soviet Jewish people, I will continue to voice my objections about the injustices experienced by Mr. Shcharansky, Dr. Tarnopolsky and other Prisoners of Conscience in Russia.

Just as today we celebrate the Jewish Festival of Purim—a holiday commemorating the time Jews in Persia were rescued from persecution—let us pray that eventually the Jewish community of the Soviet Union will shed the shackles of oppression and be allowed to live and be free.●

● Mr. BORSKI. Mr. Speaker, I rise to join my colleagues, and the many other people across our Nation, who are reaffirming their commitment to focus attention on the plight of the Jewish community in the Soviet Union, and to demand that justice prevail.

The right of individuals to express themselves religiously and culturally without government interference is one of our most cherished freedoms. To exercise religious beliefs without fear for life and family was the compelling reason many of our forebears came to this great land of freedom. It is a right we in America should not take for granted.

In the Soviet Union this right does not exist. Basic human rights are restricted, controlled and outlawed. The people who have the courage to worship are harassed, arrested, and imprisoned.

The plight of the Jewish community in the Soviet Union is growing worse. In 1979, over 51,000 Jews were allowed to emigrate from the U.S.S.R. Last year, Jewish emigration dropped to little more than 1,300. This is the lowest level in 20 years, and represents nearly a 98-percent decrease.

Conditions for those hoping to emigrate are deteriorating rapidly. Soviet authorities are increasing their already strong pressure on Jews who wish to emigrate. Anatoly Shcharansky, who was arrested on this date in 1977, continues to languish in the notorious Soviet prison system. Yosef Begun, who desired to teach Hebrew, received the harsh sentence last October of 12 years. And there are over 400,000 more Jews who have begun the difficult and dangerous process in order to leave the Soviet Union.

We say to the refuseniks that we stand in solidarity with them. The Government of the Soviet Union is on notice that we will not ignore the outrageous abuses of human rights. Every day of the year we are committed to insuring that all those who wish to express themselves religiously and culturally may do so in freedom. The pleas of the Jews in the Soviet Union will not be ignored.

Mr. Speaker, I would also like to take this opportunity to recognize the diligent efforts of the Soviet Jewry Council of the Jewish Community Relations Council in Philadelphia, the Student Coalition for Soviet Jewry which is based in Philadelphia, and the many other individuals, groups, and organizations in Philadelphia calling attention to the plight of the Jewish community in the Soviet Union. I commend these Americans for their outstanding work.●

● Mr. BIAGGI. Mr. Speaker, March 15, 1984, has been designated by a worldwide coalition of Jewish organizations as "International Day of Concern for Soviet Jews." Today also marks the eighth anniversary of the arrest of Soviet Jewish activist Anatoly Shcharansky, who is serving a 13-year term in a Soviet prison. As one who has fervently supported the cause of Soviet Jewry for many years, I would like at this time to join with many of my colleagues in paying tribute to the hundreds of thousands of Soviet Jews seeking their right to emigrate, to practice religion freely, and to study their history and culture.

In 1983 Soviet Jewish emigration reached its lowest level in modern history. In addition to these record low emigration figures, 1983 also marked the Soviet Government's formation of an Anti-Zionist Committee which has intensified what was already a vicious anti-Semitic campaign. These grim developments are even more alarming in wake of the considerable number of Soviet Jews who have been arrested, imprisoned, and denied freedom of religious expression in retaliation for requests to emigrate. The fact is that the Soviet Government is overtly violating the basic human rights of these people with complete disregard for the pledges it made in the Helsinki accords of 1975.

As one who has continually expressed outrage and concern over Soviet imprisonment of Soviet Jews requesting emigration, I fully support the efforts of the many groups throughout the world to get these Soviet Jews freed. The International Day of Concern for Soviet Jews and the special order will serve to underline those efforts and unify all the people in the free world in supporting the struggle of those like Anatoly Shcharansky who continues to be oppressed and persecuted because they dared to express the desire to be free. Despite the dangers and risks involved, many Soviet Jews continue to request permission to emigrate, for they would rather risk being persecuted and imprisoned than continue to live in a country that denies them even the basic right to worship freely.

Worldwide events have been organized in commemoration of the International Day of Concern for Soviet Jews in an international display of solidarity with the beleaguered Jewish minority in the Soviet Union. Across America special meetings, rallies and seminars will take place. It is sincerely hoped that this worldwide demonstration of concern and outrage will cause the new Soviet leadership to take notice of its abhorrent human right violations and reassess its oppressive policy toward Soviet Jews.

By abiding by the pledges and promises it made in the Helsinki accords in 1975, the Soviet Union could open up a new era of understanding between East and West. At a time when international tensions are high, the release of the many Soviet Jews held in Soviet prisons and the relaxation of strict emigration policies for Soviet Jews would do much to pave the way for this new era. Such actions on the part of the Soviet Union would also restore to many Soviet Jews the dignity, self-respect and honor that has for so long been denied them.●

● Mr. BERMAN. Mr. Speaker, I commend my colleagues on the Foreign Affairs Committee, Chairman FASCELL, Mr. YATRON, Mr. LEACH, and Mr. GILMAN for their sponsorship of this most important International Day of Concern.

March 15 is the seventh anniversary of the arrest of Soviet Jewish activitist Anatoly Shcharansky. He serves a 13-year term in prison. His plight is one of the more infamous examples of the Soviet Government's treatment of Jews who speak out for their rights as citizens as well as their rights as Jews.

1983 was a grim year for Soviet Jewry. Two trends troubled me in particular: the continuing decline in emigration and the rise of state-sponsored anti-Semitic propaganda.

Only 1,300 Soviet Jews were granted emigration visas in 1983. In 1982, 10,000 visas were denied. Meanwhile, 400,000 people have applied to Israel for invitation to emigrate but they must wait while the Soviet Government refuses to give its permission.

These stark numbers are of even greater concern when we consider that 51,000 Jews were allowed to emigrate only 4 years ago. This is further evidence of the increased rigidity of the Soviet leadership under Yuriy Andropov. His brief term of office not only included the sharp decline in emigration but the institution of tougher laws which allow the extension of prison sentences by 3 to 5 years for breaking camp regulations.

One trend of potentially long-term significance is the return of state-sponsored anti-Semitic campaigns. The Anti-Zionist Committee of the Soviet Public was announced in 1983, and it continues to spew noxious propaganda against Jews. "The Class-Essence of Zionism," a government produced and endorsed book resurrected myth and slander that has not been heard since the Tsarist era. And there are new, insidious, myths: the Holocaust and the 6 million Jews killed by the Nazis are only Zionist propaganda, according to this book. This is the first time a Soviet writer has ever made such an outrageous claim. The book, and the committee, pour abuse on the actions of all Jews. They also attack the practice of the Jewish religion, calling the study of Torah and Talmud "extreme religious fanaticism."

It is little wonder that many of the Soviet Jews jailed are men such as Yosef Begun, the principal advocate of the teaching of the Hebrew language and culture. The evidence from the last year suggests that the Soviet Government cannot accept any expression of Jewish existence.

Despite this painful recent history, we must still hope that the Soviet Government will moderate its policies and open its gates for those Jews who wish to leave the U.S.S.R. Although the activities of the Anti-Zionist Committee have been reduced recently, there is evidence recently that it has begun its work again. Still, we will continue to urge the new administration of Konstantin Chernenko to change the disastrous policies of the past.

I have said before in this House that the American people do not know enough about the atrocities committed by the Soviet Union against the Jews. We must continue our efforts to call attention to the plight of the Soviet Jews at every opportunity. And there are signs that some Americans are becoming aware of this situation.

Recently in my office I received a letter from a seventh grader in my district. She participates in a program to illustrate that in the Soviet Union, Jews may not practice their religion. "On November 3, 1984, I will celebrate my Bar Mitzvah," she writes. "When I celebrate my Bar Mitzvah, my Soviet twin will celebrate it with me." Bronisslava Berkun lives in the Soviet Union and has been "adopted" by this American student. She will be able to celebrate a Bar Mitzvah, but only by proxy. We must make it clear that we will not rest until the Jews of the Soviet Union can feel free to live and worship in peace.●

● Mr. **DURBIN**. Mr. Speaker, 8 years ago today, the world learned anew the shocking story of repression in the Soviet Union. On this day in 1976, Soviet Jewish activist Anatoly Shcharansky was arrested. Now he is serving a 13-year prison term for merely exercising rights that we take for granted in this country.

Millions of his fellow countrymen and women, though inspired by Shcharansky's courage, still languish under the system that judged him and his ideas too dangerous to be allowed free expression.

If anything, conditions are worse today in the Soviet Union for those wanting to practice the Jewish faith or emigrate from that nation than was the case when Shcharansky was placed under arrest.

In the last 2 years alone, several disturbing actions have been taken.

Already difficult, the emigration process was made even more so by new measures. Those willing to tackle the maze of regulations between them and emigration to a friendlier land are subject to harassment, dismissal from their jobs or even imprisonment. The number of Jewish emigrants has slowed to a trickle in the years since détente.

Jewish culture has been further repressed and a massive propaganda effort has been launched. An "Anti-Zionist Committee of the Soviet Public" now exists. An anti-Semitic book, "The Class Essence of Zionism" has been published. And in the Soviet Union, nothing is published without the sanction of the State.

We also know of the tragic history of such passions in Russia. The leaders of the Soviet Union know full well what they are attempting. They know their own history, they know the potential consequences and they care little for the human victims of their attempt to draw attention away from domestic problems.

It is the all-too-familiar scapegoat theory of government once again surfacing.

How ironic that this tragic anniversary falls upon the birthdate of one or our Nation's greatest leaders—Andrew Jackson.

In his day, Jackson knew of the danger of religious intolerance. He knew that there were those all too willing to exploit it for their own gain.

Jackson and his associates stood firm in their time against prejudice directed against Catholic immigrants, blocked efforts to drive them from our Nation and persecute them.

America survived and rose to greatness because of our tolerance, because of our variety of faiths. No man or woman here need worry about police or troops kicking in their front door in the dead of the night. We do not padlock churches or publish government-backed racist documents or create long-titled committees whose only purpose is persecution.

Because of our precious freedom, we can stand as a beacon and direct the light of world attention on these abuses in the Soviet Union. We can offer concern and support and, hopefully, discourage the Soviet Union from launching new programs.

Fifty years ago, another European nation embarked upon a course of rhetoric and action against Jews and the world stood silent. We know all too well the tragic result of that silence.

We cannot, we must not, we shall not, stand silent today.

I shall continue to write, as many of my colleagues do, to Jews now under the heel of the Soviet state. I shall continue to speak out.

Mr. Speaker, I urge my colleagues to join with me and others in waging this fight. Our heritage, as well as our future, demand that we do nothing less.●

● Mr. **FRANK**. Mr. Speaker, I am pleased to join in this special order for the International Day of Concern for Soviet Jews. It is a fitting way to commemorate the eighth anniversary of the arrest of Anatoly Shcharansky. As is well known, the Jews of the Soviet Union are routinely denied the privilege of practicing their religion, and every indication we have is that their situation has been worsening over the past few years. An official anti-Semitic campaign is being conducted under the guise of "anti-Zionism," and emigration has been almost entirely cut off.

The choking off of emigration has had tragic consequences for many families, Mr. Speaker. By means of illustration let me mention a case from my own district, one which I have been concerned with for some time now. Eugenia Greenblatt, Moisei Shukhgalter, and Alexander Shukhgalter have been trying to join their cousin Manuel Ingall here in the United States—most recently to join in a family wedding. Since 1979, they have repeatedly sought permission to leave, and just as routinely, permission has been denied.

Mr. Speaker, we cannot allow such flagrant abuses of the Helsinki accord to pass unnoticed. That is why it is so important that Members of this body bring injustices such as have befallen Manuel Ingall and his family to the attention of the world. Thank you.●

● Mr. **ERDREICH**. Mr. Speaker, it saddens me that once again this Congress must commemorate the unjust arrest and imprisonment of Anatoly Shcharansky by Soviet officials 7 years ago.

This man who was convicted of espionage on trumped-up charges and sentenced to 13 years of imprisonment has been subjected to solitary confinement, inadequate food, sleep, and health care. To protest these conditions, he undertook a 4-month hunger strike last year. Because of Anatoly Shcharansky's strength and courage, he has become a symbol for all Soviet Jews and others whose basic fundamental rights are denied by the Soviet authorities.

I personally have written letters in the past year on behalf of three Soviet families who, although not behind bars in a Soviet jail, are nonetheless incarcerated in a prison of their own in the Soviet Union. These three families have continuously been denied visas to leave the Soviet Union and have had to endure incidents of oppression, harassment, and in the case of the two Soviet Jewish families, daily anti-Semitism.

With the change in the leadership in the Soviet Union we must renew our efforts on behalf of Soviet Jews and all others who are under the reign of terror and oppression.

I pray that on the eighth anniversary of the arrest of Anatoly Shcharansky, I will be celebrating his release as well as the immigration of the Boris Ghinis family, the Antanas Vausa family, and the Mikhail Kazanovich family, and all those who wish the right of religious freedom and emigration.●

● Mrs. ROUKEMA. Mr. Speaker, I appreciate the efforts of my colleagues, the gentleman from New York, Mr. KEMP, and the chairman of the Foreign Affairs Committee, Mr. FASCELL, for taking time to arrange this special order today to bring to the attention of the Congress, the citizens of our Nation and, indeed, the world an issue that is very important to me. I welcome this occasion to join with my colleagues in expressing my deep concern over the plight of Soviet Jews.

After a high point in 1979 in Jewish emigration from the Soviet Union, we have witnessed a disturbing 95-percent drop in exit visas in a short period of 3 years—and this trend, unfortunately, appears to be continuing.

Not only are thousands who desire to emigrate denied their opportunity, but many are prevented from even applying for emigration. These people, referred to as refuseniks, are often dismissed from their jobs, sentenced to exile and even imprisoned simply because they wish to go to another country.

In addition, those Jews remaining in the Soviet Union are faced with ever-increasing limitations and denials of the personal freedoms we in this Nation know and sometimes take for granted. Jews in the Soviet Union are not permitted to study their heritage, to worship without Government influence or interference, and they are not permitted to pass on their rich traditions from generation to generation. Not only is worship controlled and restricted, but oftentimes those who exercise what we know as a basic human right, beyond narrow, arbitrary Soviet parameters, find themselves oppressed and persecuted.

I deplore these actions on the part of the Soviet Government. They are in clear violation of international agreements signed by the Soviet Union, most notably the Helsinki accords. The Soviet Government must understand that the Congress of the United States will not forget the cause of the Soviet Jews, and will continue to press this matter of basic justice at every available opportunity.

Mr. Speaker, I would like to take a moment to recognize the complete and unwaivering dedication of many organizations and individuals to ease the plight of Soviet Jewry. For my own part, I have discussed this issue and the plights of many refuseniks, on numerous occassions with members of the Jewish Federation of North Jersey, the Greater New York Conference on Soviet Jewry, the Student Coalition for Soviet Jewry, United Jewish Community of Bergen County, and participants in the National Young Leadership Conference for United Jewish Appeal, to name just a few. In addition to these organized efforts, I have heard from many individual constituents of the Fifth District who care deeply about human rights.

I believe we must join together and call upon the Soviet Government to abide by international human rights agreements which recognize freedom of religion, repatriation to one's homeland, reunification of families and the right to emigrate. Truly, these are rights worth speaking out for.●

● Mr. NELSON of Florida. Mr. Speaker, once again we call attention to the plight of Soviet Jews.

The right to worship and to practice religion freely, openly and without fear of intimidation or oppression are rights that are being denied to Soviet Jews. Jewish cultural activities are the subject of anti-Semitic campaigns and propaganda. Advocates of Hebrew teaching and self-study have been imprisoned and subjected to internal exile.

The right to emigrate, whether it be for the purpose of reuniting families and loved ones or for religious or personal reasons is a basic right and one supported by international convention. That right is repeatedly violated by the Soviet Union. Soviet Jews who attempt to exercise their emigration rights by applying for exit visas are subjected to harassment and ostracism. Those who press for their rights risk the punishment of Siberian exile or jail.

It is a well-known fact that the number of Soviet Jews permitted to emigrate from the Soviet Union has declined from a total of more than 50,000 in 1979 to less than 1,500 this past year. The exodus of Soviet Jews has all but ended, leaving hundreds of thousands who would emigrate confined to the Soviet Union against their will and confronted by a society that is becoming increasingly more anti-Semitic.

It is our duty and responsibility as a free and concerned people to continuously call attention to the human rights violations of the Soviet Union. We must remind the Soviet leadership that the free world is aware of their actions and attitudes toward Soviet Jews and that they must take steps to liberalize their emigration policy and end their officially supported anti-Semitism.●

● Mr. OBERSTAR. Mr. Speaker, last fall, I received the very good news that Boris Dekhovich had joined members of his family in Israel. Mr. Dekovich is a Soviet Jew on whose behalf I had been writing to the Soviet Government for a number of years seeking permission for him to emigrate to Israel.

In 1983, Mr. Dekovich was one of the very few fortunate Soviet Jews who received permission to emigrate.

For most Soviet Jews, 1983 was a dark year in which they were refused the exercise of their right under the Helsinki accords to emigrate, their right to practice their religion freely, and their right to study their own history and culture.

The Minnesota-Dakotas Action Council for Soviet Jewry was kind enough to provide me information on another Soviet Jew who has been denied permission to emigrate. In February, 87 House Members joined me in signing an appeal to the Soviet Government on behalf of the Livshits family. I very much hope that 1984 will be a year in which the Livshits family and thousands of other Soviet Jews will be permitted to exercise their fundamental right to emigrate.

As Members of the U.S. Congress, we have a responsibility to speak out on behalf of oppressed peoples throughout the world.

It is particularly appropriate on the eighth anniversary of the arrest of Anatoly Shcharansky that we speak out today against the oppression of the Jewish minority in the Soviet Union, that we raise our voices to decry the anti-Semitism now rampant in the Soviet Union, with the official sanction of the Government.

With the new leadership in the Soviet Union, there is some hope that officially sanctioned anti-Semitism will abate, and that the number of emigration visas granted will rise. Such change would be most welcome and most commendable. I hope that Secretary Chernenko will foster such change.

Anatoly Shcharansky is now a hero throughout the world—a symbol of resistance to oppression and religious bigotry, and political harassment. He represents the hundreds of thousands of other Jews who seek to exercise fundamental rights. I join with the Members of the House—in paying tribute to them—to say to them that they have not been forgotten by this Congress or by the people we represent.●

● Mr. GEJDENSON. Mr. Speaker, I am honored to join with my colleagues and with communities and organizations throughout the world today in observance of this International Day of Concern for Soviet Jews.

Today we pay tribute to the courage and spirit of Soviet Jews, who continue in the face of brutal Government opposition to practice their religion, uphold their traditions, and demand their fundamental human right to emigrate. During the last year, Soviet authorities have stepped up their attack on Jews and Jewish culture on three fronts: In the drastic reduction of emigration and further complication of emigration procedures; in increasingly severe restrictions on Jewish cultural practices and education, including the teaching of Hebrew; and in a vicious and ominous campaign of anti-Semitism in the public press.

In 1983, only about 1,300 Jews were allowed to leave the Soviet Union, the lowest level since the late sixties. Emigration procedures were further complicated by a new law proclaiming visa applications invalid after 6 months, long before Soviet authorities are likely to get around to processing them. In addition, the likelihood of arrest and imprisonment for refuseniks has been increased by the tightening of statutes against parasitism.

While the door to freedom is effectively being shut in their faces, Soviet Jews are subject to increasing harassment when they try to keep their cultural heritage alive in the country where they are forced to live. This could be acutely observed in the unusually harsh treatment, even by Soviet standards, of Iosif Begun, the mathematician who was sentenced to 7 years in a labor camp for anti-Soviet agitation; that is, teaching Hebrew.

Finally, and perhaps most alarmingly, a marked trend toward brutal anti-Semitism, thinly veiled as anti-Zionism by the authorities, has found expression in various journals and newspapers. The clearest example of the trend however, is found in the recently published book, "The Class Essence of Zionism," a virulant attack on Judaism, which incorporates the chilling view that the murder of 6 million Jews in the Holocaust is a myth of the Zionist movement.

Yet, even under these barbarous conditions, thousands of Jews continue to struggle for their freedom and the preservation of their cultural heritage. Their courage is an inspiration to us. It is a challenge to us as well—a challenge to honor our own convictions and to continue to remember, aid, and honor their struggle.●

● Mr. PATTERSON. Mr. Speaker, I rise today to add my voice in tribute to the hundreds of thousands of Soviet Jews who seek their moral and legal right to leave the Soviet Union in search of religious liberty and freedom to study their history and culture. Their plight has touched not only this body, but the world at large condemns the cruel and senseless policies of the Soviet Union that separate families and deny basic human rights to its own citizens. The right to religious freedom is, of course, basic and fundamental to our own society and we know the hardship that our forebearers underwent to establish that right for us. It is for this reason that we feel a special sense of togetherness and purpose in urging Soviet authorities to recognize this right.

We cannot protest too loudly the decline in emigration at a time when we continue to receive disturbing reports of increases in anti-Semitic acts and well-determined efforts to destroy Jewish culture and religious training. The courage shown by the Soviet Jews in the face of Soviet authority is a source of inspiration to all Americans.

In Orange County, Calif., we have been making special efforts on behalf of the Khozin family, which is seeking to emigrate to Israel to rejoin their relatives. Despite assurances from Soviet authorities that they would be allowed to emigrate, they have not been able to do so after 6 years of appeals made to Soviet leaders by my colleagues and other concerned Americans.

I believe that our special order today will send a necessary word of encouragement to the Khozins who, although discouraged, will know that we are not insensitive to their plight. I hope we will also be sending another message to the new Soviet leadership, reminding them that we, as well as other concerned peoples of the world, shall persevere in our efforts to obtain recognition of these human rights for all Soviet Jews. I commend the representative from Florida (Mr. FASCELL) and my other colleagues for organizing today's special order.●

● Mr. RANGEL. Mr. Speaker, I rise in support of this special order for the simple reason that something must be done to ease the repression of Soviet Jews. We in Congress have a special duty to play a leading role in convincing the Soviet Government that it is pursuing a no-win policy.

In political terms, Soviet treatment of its Jewish citizens will only lead to heightened antagonism between the Soviet Government and those nations which are appalled by its policies. Repression of a people should not be condoned by any nation, and in this instance it certainly will not be condoned. The international community and this Congress will not rest until all Soviet citizens of the Jewish faith are afforded full political rights.

In human terms, the Soviets are violating every international covenant guaranteeing basic human rights. No one, especially those of us who are familiar with specific examples of Soviet repression, should be fooled by the cynical reasons given for their denial of emigration rights to Jews. Anti-Semitism does exist in the Soviet Union, Mr. Speaker, and we must do all we can to alleviate restrictions on emigration. This is our duty, one which we will not shirk.

Mr. Speaker, it is my firm belief that our efforts will be successful. International Day of Concern for Soviet Jews is, I believe, an appropriate commemoration.●

● Mr. ECKART. Mr. Speaker, I would like to commend my colleague from Florida for bringing this issue to the attention of the House on the International Day of Concern for Soviet Jews.

On this day, which marks the eighth anniversary of the arrest of Soviet Jewish activist Anatoly Shcharansky, it is important for America to stand up to the values which Shcharansky sought to express: Freedom of religion, and freedom of speech. By speaking out, we are calling upon Chairman Chernenko to make an important gesture of his interest in improving relations with the United States by easing the repression of Soviet Jews who seek to emigrate from the Soviet Union.

Last year, only 1,314 Soviet Jews were allowed to emigrate. Thousands of families were denied exit visas, and we received reliable reports of increasing government-sanctioned anti-Semitic activity.

The American commitment to Israel is more than a pledge to stand beside our democratic friend in the Middle East. It is also a personal commitment on the part of many Members of this House to human rights and religious freedom. I have become personally involved in this ongoing call to action through adoption of a refusenik, Kim Fridman, who has been trying for almost 10 years to get permission to join his wife and daughter in Israel.

Since refusal of his initial emigration application, Kim has been involved in appeals to governmental officials, demonstrations, and hunger strikes. He has conducted ulpanim and bimonthly Jewish history seminars which were frequently interrupted by the KGB. Four years ago, Kim's daughter was married in Israel; she painfully decided that she could not postpone her wedding any longer so that her father could be there. On the very same day, Kim's telephone—his lifeline to his family—was disconnected.

Through our efforts on the International Day of Soviet Jewry, we can call the attention of all people to this problem. This issue is more than numbers of denied visas and emigration statistics—it is people's faces, people's lives, and people's dreams. For the sake of these people, we must be willing to stand up and be counted, we must be willing to become involved. It is important that the new Soviet leadership realize that the United States takes the denial of human rights seriously. By participating in this special order today, we are sending that message.●

● Mr. McGRATH. Mr. Speaker, today, the International Day of Concern for Soviet Jews, coincides with the eighth anniversary of the arrest of Anatoly Shcharansky, the most well known of all Soviet refuseniks, and one who symbolizes the inner courage and strength to endure the hardship cast upon all who request the right to emigrate.

The issue of Soviet Jewry is no doubt one of which many people tire. There is the ongoing litany of anti-Semitic publications and state sponsored anti-Zionist action. Of late it appears that on every occasion and at every forum, the cases of involved individuals become more severe while emigration statistics become more discouraging. Yet this is exactly the reason why we must continue to call attention to the plight of Soviet Jews, why the efforts must not be stopped, or even slowed. The futures, the very lives of thousands depend upon our action.

I know many Members as I, have adopted Soviet Prisoners of Conscience. We write faithfully, to buoy spirits and to remind the refuseniks that they are not forgotten. Replies are rarely received. In fact we do not even know that our letters ever arrive. But I assure you that such efforts are not in vain.

Recently I received a letter from Ida Nudel's sister, Elena Fridman. She stated that during Ida's 4 years of internal exile in Siberia, "It was the thousands of letters she received in Siberia which had helped her sustain her spirit." The plea cannot be made urgently enough on behalf of Ida, who has been exiled from her home city of Moscow, and the others. As representatives sworn to uphold the principles of freedom, we must renew our commitment to assure that the refuseniks will no longer be Soviet Jews of silence and deprivation, but rather Israeli Jews of hope and fulfillment.

Individually we represent hundreds of thousands of constituents, together we can speak for the conscience of a nation.●

● Mr. **BOEHLERT**. Mr. Speaker, in our concern with superpower relations, we sometimes forget the plight of those who suffer under the yoke of Soviet tyranny.

We must always remember and labor to help these oppressed and persecuted men and women even as we work to improve Soviet-American relations.

I had liked to bring to your attention the case of one Jewish refusenik, Isaak Shkolnik.

In 1972, in an apparent effort to deter Jews in the city of Vinnitsa from applying to emigrate, Soviet authorities arrested Isaak Shkolnik on a trumped-up charge of treason. The only crime this semi-skilled laborer had ever committed was seeking freedom by applying for an exit visa.

The entire episode conjures the alarmingly disorienting opening line of Franz Kafka's novel "The Trial": "Someone must have traduced Joseph K. for without having done anything wrong, he was arrested one fine morning."

As Isaak's case progressed, the terror was only heightened. His trial began in March 1973 behind closed doors. Not a single family member was permitted to attend.

Isaak maintained his innocence until November when his lawyer informed him that if he did not change his plea to guilty, he would be put to death. Isaak complied and was sentenced to 7 years of hard labor. But even that torture was not sufficient to placate the Soviet authorities. They chose to give Isaak's life one more particularly vicious twist: They granted Isaak's wife and daughter permission to emigrate to Israel. Thus, Feiga and Aliza Shkolnik were presented with the impossible choice of giving up their one chance for freedom or abandoning Isaak as he was being shipped off to a labor camp.

Feiga and Aliza did immigrate to Israel in December 1973. Isaak has since endured his sentence, but is now forced to live as a nonperson, ignored by friends and neighbors under the orders of the authorities.

Isaak has only one reason to continue to live—the hope that he will be able to escape this totalitarian terror and rejoin his family.

Sadly, Isaak's case is hardly unique. Nearly 400,000 Jews in the Soviet Union have been denied requests for exit visas. Millions more are afraid to apply or are otherwise suffering simply because they are Jews.

We have seen in this century the ghastly consequences that can result when the world sits back and does nothing in the face of such religious and ethnic persecution. We who live in this land of freedom have a responsibility to act. We must be advocates for all those whose voices have been cut off, for those who now can only yearn for freedom with their tears.

Isaak's case was brought to my attention by the Utica Jewish Community Center, and I have written to President Reagan, Secretary of State Shultz, Ambassador Dobrynin and Chairman Chernenko on his behalf. I have urged them to end the suffering of Isaak Shkolnik. Such efforts have proven effective in past, and we all must hope that we will be successful in this effort.

I urge my colleagues to take similar steps. You can write for more information by contacting the National Conference on Soviet Jewry, 10 East 40th Street, suite 907, New York, N.Y. 10016.

We would all do well to remember the philosopher Edmund Burke's prophetic warning: "All that is necessary for the triumph of evil is for good men to do nothing."●

● Mr. **MRAZEK**. Mr. Speaker, today, March 15, we mark the International Day of Concern for Soviet Jews and we protect the seventh anniversary of the arrest of Soviet Jewish activist Anatoly Shcharansky, who is now serving a 13-year prison term.

This past year has been a particularly difficult one for Soviet Jews. The number allowed to immigrate to the West has dropped 98 percent since 1979. A mere trickle of 88 Jews reached freedom in January 1984. At this rate, it would take three centuries before all the Soviet Jews who wanted to immigrate could gain their freedom.

Those refuseniks who are forced to remain in the Soviet Union face ever increasing official discrimination. Just 1 year ago, the government-sponsored Anti-Zionist Committee of the Soviet Public was formed. It now functions actively, persecuting Jews for daring to practice their religion, to celebrate their culture, and to dream of their freedom. Local chapters have sprung up across the country to harass Zionist leaders in each community.

Mr. Speaker, on this day marking the seventh anniversary of the arrest of Anatoly Shcharansky, it is only appropriate that we declare our outrage at the intolerable conditions of his imprisonment. Mr. Shcharansky's heart problems and glaucoma have worsened considerably in the last year due to his sever confinement and lack of access to medical attention. There is now reason to fear for his life if he does not soon receive urgent medical care and if his harsh terms of imprisonment are not soon ameliorated.

We must not allow the Soviet Union to kill one of its most courageous and inspiring citizens. We must redouble our efforts to free Anatoly Shcharansky and other prisoners of conscience and to pressure the Soviet Union to allow more refuseniks to achieve their dearly held dreams of freedom.●

● Mr. **RUDD**. Mr. Speaker, over the last 5 years, Jewish emigration from the Soviet Union has been virtually halted. The number of Jews emigrating has plummeted from more than 51,000 in 1979 to only about 1,300 in 1983.

This sharp decline in the number of Soviet Jews allowed to emigrate has been coupled with an intensification of forced cultural and linguistic assimilation; a broadening of anti-Semitic campaigns, including the creation of an Anti-Zionist Committee; an introduction of laws meant to harass and intimidate Jews who are trying to emigrate; as well as a cutting off of contact between Soviet Jews and Jews abroad.

As a party to the Helsinki accords, the Soviet Union has indicated its willingness to accept certain policies respecting human rights, including the rights of individuals to emigrate freely. As has become painfully clear, however, the Soviets disregard their international commitments when they determine those commitments no longer serve their own ends. Soviet actions today are clearly in violation of the spirit and intent of the accords with respect to basic human rights.

Despite the severe repression which they are suffering, hundreds of thousands of Soviet Jews have never given up their efforts in defense of their religion and culture. It is imperative that we in the United States continue to speak out forcefully on behalf of these individuals, for if we truly respect freedom for ourselves, we must respect and defend freedom for others as well. The Soviet authorities must know that relations with the United States cannot improve while this situation continues.

The recent change in leadership affords the Soviets an opportunity to change the direction of their treatment of Soviet Jews. I urge my colleagues to join me in urging the new leadership to live up to its commitments under the Helsinki accords and to end the harassment of Jewish culture and religion in the Soviet Union.●

● Mr. KEMP. Mr. Speaker, I am honored to have been a cosponsor of this special order recognizing today, March 15, 1984, as the International Day of Concern for Soviet Jews as I want to express my thanks to Mr. FASCELL for taking leadership on this vital human rights issue.

It is important that we set aside time, as our colleagues around the world are doing, to address the plight of the Soviet Jews.

It is vital that we put aside this time to focus attention on the inhumane activities which the Soviets practice against their own people and the Jewish population; to acknowledge the ongoing struggle in which these courageous men and women must engage to keep their hope and spirits intact; to be aware of the high price they must pay for the crime of being Jewish in the Soviet Union, and the even worse—crime of being a Jew who no longer wishes to be in the Soviet Union but want next year to be in Jerusalem.

The burdens that Soviet Jews must bear are heavy ones indeed; made even greater when one dares to express his desire to leave. The act of applying to emigrate is an act of great courage since the chances of success are small and the risks are great. There are countless tales of Jews who applied for emigration, were turned down, and lost everything as a result. Everything, that is, that could be taken away by the state. But even the mighty Russia could not take away the great heart of these courageous people.

A case in point is that of Anatoly Shcharansky. Anatoly is in prison in the Soviet Union, and today he commemorates the eighth anniversary of his arrest for the crime of treason. His treasonous act was his expressed desire to leave the Soviet Union. Anatoly's trial was a horror story, a landmark in the travesty of justice. He was permitted to marry his fiancee, Avital, on July 4, 1977, just before he was to begin serving his 13-year sentence. The next day Avital was forced to leave the country, and she has been campaigning tirelessly worldwide for Anatoly's release since then. Her efforts have further increased recently, since his health has deteriorated so seriously, and Avital is seeking help to obtain the medical treatment Anatoly so desperately needs, which has been denied to him.

We must do what we can to help these oppressed people, to give them hope, to try to end their suffering. Anatoly Shcharansky, Ida Nudel, the Slepaks, the Feltsmans, to name only a few. The list is endless, and each name is another person whose human rights have been abused and denied.

We must also do what we can to force the Soviet Union to honor its commitment as a party to the Helsinki accords, to permit the reunification of families and to respect the rights of individuals.

I went to the Soviet Union last summer, and I met with many of these refuseniks. I was deeply moved by their plight, as was my wife Joanne. Their livelihoods were taken away, they were treated as pariahs and subjected to continual harassment. But I was even more moved by the courage that they showed in the face of all of this. Each one still had the pride and the dignity to hold up his head, and the faith to say: "Next year in Jerusalem."

Let us make that pledge a meaningful one. Let us continue in our efforts to make that dream a reality. Let us make it our goal that next year it will be in Jerusalem that these brave people toast each other and give thanks to the Lord for giving them their freedom, and giving them the opportunity to look at their families and say: "This year in Jerusalem."

Can we as Americans and heirs of the Jeffersonian ideal of universal God-given rights do anything else than be the void in the world of those who cry out for assistance.

Elie Wiesel said at the Holocaust Commission ceremony: "Indifference to evil is evil." In the name of humanity we must make sure evil does not triumph.●

● Mr. CARR. Mr. Speaker, today, on the eighth anniversary of the arrest of Anatoly Shcharansky, we are paying tribute to the hundreds of thousands of Soviet Jews seeking to emigrate from the Soviet Union. As the transition in leadership of the Soviet Union takes place, it is imperative that we in the United States make our voices heard and continue to show our concern for the plight of the Soviet Jews.

For over 5,000 years, Jewish education and culture have been the key to keeping Judaism alive. In the Soviet Union it is virtually illegal to teach or learn Hebrew. If cultural and scientific seminars are held or religious holidays are celebrated, those participating face harsh treatment by Soviet authorities. With the establishment of the Anti-Zionist Committee of the Soviet Public and the increase of anti-Semitic writing in the Soviet press, Jews in the Soviet Union face certain cultural death at the very least.

The number of Jews allowed to emigrate from the Soviet Union is at an alltime low. In 1982, less than 3,000 Jews emigrated compared to 51,000 in 1979. In 1983, only 1,000 emigrated, a two-thirds reduction from the previous year.

The Soviet Union is a signatory to the Helsinki accords and the International Covenant of Civil and Political Rights and subscribe to the principles of the Universal Declaration on Human Rights. They have agreed to honor freedom of worship, freedom of expression, and the right to emigrate to the country of one's choice. Yet those of the Jewish faith are prohibited these freedoms in the Soviet Union today.

The Soviet Union must honor these agreements and allow Soviet Jews to exercise their basic human rights. I commend my colleagues for joining together in this special order to express our concern for the plight of Soviet Jews.●

● Mr. BEILENSON. Mr. Speaker, today, March 15, has been designated International Day of Concern for Soviet Jews so that those of us who continue to work for the right of hundreds of thousands of Soviet Jews to emigrate can display our solidarity with their cause and bring it to the attention of the world.

Today's date is particularly significant, as it marks the eighth anniversary of the arrest of Anatoly Shcharansky, the internationally respected Soviet Jewish human-rights advocate.

Mr. Shcharansky first applied for permission to emigate in 1973 and was refused on the grounds that he had access to classified material. In May 1976, Shcharansky helped to found the Committee for Implementation of the Helsinki Agreement in Moscow, a group which attempted to apply Soviet law to benefit Soviet Jews. Even though he was meticulous in his efforts not to abuse or alter Soviet law, Shcharansky was convicted in 1977 on charges of spying for the Central Intelligence Agency.

Last year, in protest against his continued confinement and the Soviet Government's refusal to permit visits from his family, Shcharansky undertook a prolonged hunger strike which took a tremendous toll on his already deteriorating health. After a worldwide protest, his mother was finally allowed to visit him.

As we are all painfully aware, there has been a record drop in the number of Jews permitted to leave the Soviet Union during the past few years, a situation which has corresponded with a decline in relations between the United States and the U.S.S.R. I would urge the Chernenko administration to affirm its commitment to the Helsinki accords and signal its desire to improve relations between our two nations by permitting an increase in Soviet Jewish emigration so that Soviet Jews may finally be reunited with their families in Israel. To this end, there could be no more dramatic symbol of Soviet support for basic human rights and of the beginning of a new era of freedom in the Soviet Union than the granting of exit permission to longtime refuseniks like Anatoly Shcharansky.●

● Mr. **ANDERSON**. Mr. Speaker, I am privileged to have the opportunity to join with many of my House colleagues today to draw special attention to the poignant plight of the thousands of Soviet Jews seeking to emigrate. Today, which has been designated by Jewish organizations around the world as International Day of Concern for Soviet Jews, is particularly significant because it marks the eighth anniversary of the forceful arrest and internment of the valiant and noble Soviet Jewish activist, Anatoly Shcharansky. We are all indebted to Mr. Shcharansky for his brave efforts to report on Soviet violations of the Helsinki accords on human rights on behalf of his Jewish countrymen. Shcharansky has suffered through 7 years of cruel and inhuman imprisonment because of his efforts to insure the basic rights of freedom of speech, religion, and emigration for the Jewish people in Russia.

The year 1983 marks the worst year for Jewish emigration from the Soviet Union in 20 years. The Soviet Union allowed only 1,300 Jews to emigrate last year, the fourth consecutive year that this total has declined. The situation is particularly severe in Moscow, home to a quarter of the 1.8 million Jews in Russia, where according to the National Conference on Soviet Jewry, fewer than 50 visas were granted last year.

The United States must make every effort to reverse this tragic decline. I hope, as do Jewish people around the world, that the advent of new leadership in the Kremlin, with the rise to power of Konstantin Chernenko, will mark the beginning of a propitious new phase in Soviet-American relations characterized by marked improvements in the Soviet Jews' freedom of speech, religion, and emigration, which we all so very much desire.●

● Mr. **MARKEY**. Mr. Speaker, it is most appropriate that on this day when the House of Representatives is observing the International Day of Concern for Soviet Jews, the board of supervisors of the county of Los Angeles has declared today, March 15, 1984, Anatoly Shcharansky Freedom Day.

Anatoly Shcharansky is a brave prisoner of conscience who is about to enter his eighth year of imprisonment for reminding the Soviet Government of its obligations under the Helsinki Final Act, which that Government signed in 1975. The text of the resolution, adopted by the board of supervisors of the county of Los Angeles on March 6, 1984, eloquently describes the brave deed of Anatoly Shcharansky:

> Whereas, Avital Shcharansky has called to the attention of the Los Angeles County Board of Supervisors that March 15, 1984, will mark the seventh anniversary of the cruel and inhuman imprisonment of her husband, Anatoly Shcharansky, by the government of the Soviet Union, preventing him from joining his wife in Israel; and
>
> Whereas, Anatoly Shcharansky has become an international symbol for freedom and human dignity because of his arrest for bravely reporting on the Soviet Union's violations of the terms of the Helsinki International Accords on Human Rights which it signed in 1975; and
>
> Whereas, despite seven years of torture and deprivation, Anatoly Shcharansky has clung to his principles, demanding that the Soviet Union abide by the Accords' provisions calling for basic freedoms of speech, religion and emigration; and
>
> Whereas, it is fitting and proper for the citizens of Los Angeles County to do all in their power to express their concern for another human who is being held prisoner for upholding the finest traditions of human rights, justice and freedom: therefore,
>
> *Be it resolved*, That March 15, 1984, be proclaimed "Anatoly Shcharansky Freedom Day" throughout the County of Los Angeles and that on this day the seven million citizens of the County be encouraged to join in prayer for the freedom of Anatoly Shcharansky, so that he may join his wife, Avital, in Israel; and
>
> *Be it further resolved*, That a copy of this resolution be sent to President Ronald Reagan, members of Congress, Secretary of State George P. Schultz, Ambassador to the Soviet Union Arthur A. Hartman, to all churches, synagogues and other houses of worship in Los Angeles County and to other interested officials.
>
> The foregoing resolution was, on the sixth day of March, 1984, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio the government body of all other special assessment and taxing districts for which said Board so acts.

The resolution was signed by Larry J. Monteilh, executive officer and clerk of the board of supervisors of the county of Los Angeles, and by Kenneth Hahn, supervisor of the second district of the county of Los Angeles. Mr. Hahn recommended the resolution and should be congratulated for his sensitivity in reminding us of the continuing suffering of Anatoly Shcharansky.●

● Mr. **LOWRY** of Washington. Mr. Speaker, I appreciate the opportunity to join in this expression of our continued support for Soviet Jewry. I would like to thank the gentleman from Florida (Mr. FASCELL) for his work in coordinating this special order.

In the past year, many of you joined me in appeals on behalf of Lev and Inna Elbert of Kiev. I deeply appreciate your support for these efforts. Lev refused to report for reserve military service because this service could have been used as an excuse for refusing to allow him to emigrate in the future. As a result, he was sentenced to prison. Later, trumped-up drug charges were brought against him but were eventually dropped. Inna has had great difficulty in finding work in her own profession as a cardiologist.

Although our protests against Lev's prison sentence were not successful, I believe that congressional efforts helped lead to the dropping of the drug charges. This outcome gives us reason for hope although the current situation is very discouraging. The Elberts have shown great determination and courage throughout their ordeal, and it has been a privilege to speak out for them.

During a recent visit to Israel, I met with Feiga Shkolnik, who left the Soviet Union for Israel in 1973 with her daughter Louisa. Since that time, her husband Isaak has been waiting to join them. There can be no more heartless act than to deny a husband and father the chance to be reunited with his family. At Mrs. Shkolnik's request, I will soon be circulating a letter on behalf of Isaak Shkolnik, and I hope for your support with this effort.

The past year has seen great changes in the Soviet leadership. While we hope that conditions will improve as a result of these changes, I know we are all determined to continue our efforts as long as they are necessary.●

● Mr. **SYNAR**. Mr. Speaker, I appreciate the effort of my colleagues to join with me in bringing attention to the plight of Soviet Jews. While this is certainly a useful forum to bring light to this ongoing and outrageous violation of human rights, we must also continue our efforts on behalf of specific Soviet prisoners. We have seen time and again that there is a direct correlation between the attention we bring upon persecuted Jews and their improvement at the hands of Soviet officials.

Several months ago I was successful in arranging a telephone call with Inna and Michael Elbert, the wife and brother of Soviet prisoner Lev Elbert. Lev is currently serving 6 years for evasion of army draft by a reservist. Following his imprisonment, he was accused of the trumped-up charge of drug possession, a charge which could have led to an additional 3 years in prison.

My phone conversation with the Elberts was a very moving experience. It was obvious that the interest of a U.S. Congressman was a source of great inspiration to a family which had endured a great deal during the previous months. But, more importantly, I believe it helped lead to an improvement in Lev's case. Shortly after the phone conversation, the drug charges against Lev were dropped.

We must remember that, while it sometimes seems our letters, telegrams, and phone calls fall on deaf ears, our involvement is closely monitored by Soviet authorities. I encourage each of my colleagues to adopt a Soviet Prisoner of Conscience and continue to work on his or her behalf throughout the year.●

● Mr. DAUB. Mr. Speaker, I welcome this opportunity to join my colleagues in this special order of tribute for the International Day of Concern for Soviet Jews. For my part in this special order, I would like to recognize the plight of Aziz Manashirov and his family, whose story was called to my attention by students in my congressional district who are members of the Student Coalition for Soviet Jewry.

Aziz Manshirov, his wife Sarah and their son first sought to emigrate to Israel in 1974, so that they could join Aziz' family there. The Manashirov family was denied permission to emigrate in November of 1974 based on Aziz' military service—Aziz, a carpenter with little formal education, was discharged from the army in 1970 and signed an undertaking not to leave the U.S.S.R. during the following 5 years. However, it has now been more than a decade since Aziz completed his service and he still receives refusals to his application to emigrate.

Aziz' case is interesting in that his father, mother, three sisters, and a brother were permitted to emigrate to Israel in 1974 and have forwarded Aziz and his family an invitation and submitted all the necessary documents, to no avail. It is my hope that as we herald in new Soviet leadership, cases such as that of the Manashirov family will receive the humanitarian attention they deserve.●

● Mr. FAUNTROY. Mr. Speaker, it is with a sense of urgency that I join in this special order to pay tribute to the hundreds of thousands of Soviet Jews, who are providing witness to the spirit of freedom that exists in all peoples. By seeking to obtain the human right to emigrate, to practice their religion freely, and to study their own history and culture, the Jewish community of the Soviet Union is providing inspiration to all people who wish to be free.

We, in this country, who are part of the civil and human rights movement, must pay attention to this struggle by courageous Jewish refuseniks, because it is part of a common struggle against oppression.

Today, marks the eighth anniversary of the arrest of Mr. Anatoly Shcharansky. Mr. Shcharansky is currently serving a 13-year term in a Soviet prison. I am pleased to be a cosponsor of House Resolution 67, a resolution expressing the sense of the House of Representatives that the Soviet Union should immediately release Mr. Shcharansky and allow him to emigrate in accordance with article 13 of the Universal Declaration of Human Rights. That article states that "everyone has the right to leave any country, including his own, and return to his country."

I am also very disturbed by the treatment of Ms. Ida Nudel, whose persecution by the Soviet authorities is an outrage. Her situation illustrates the callous disregard for human rights that defines existence in the Soviet Union. I recently received a letter from Ms. Elena Fridman, the sister of Ms. Nudel, which I wish to share:

Rehovot, Israel,
March 2, 1984.

Hon. Walter E. Fauntroy,
Congress of the United States, House of Representatives, Washington, D.C., U.S.A.

Dear Congressman Fauntroy: I continue to be grateful for the concern you have expressed over the fate of my sister, Ida Nudel, and your efforts toward reunifying our small family.

I write to you at this time in anticipation of the upcoming international conference of the Congressional Wives for Soviet Jewry scheduled to take place in Washington, D.C., at the beginning of April, knowing that many of Ida's and my friends will participate and hoping you will share this report with those participants with whom you have contact.

Having legally completed her sentence of four years of internal exile in Siberia in March 1982, followed by a frightening six-month period of homelessness during which she was denied municipal residence permits in numerous places, including her own apartment in Moscow, she was finally allowed residence in the small Moldavian town of Bendery. Yet this has proved to be another form of exile.

It was the thousands of letters she had received in Siberia which had helped sustain her spirit. Since arriving in Bendery, she has received almost no mail. Many people have written to me saying that their letters have been returned with a note from the Soviet postal authorities indicating "Inconnu: No Such Address." I have seen some of the envelopes and know they have been correctly addressed.

For the past year she has worked as an attendant at the local Bendery amusement park. Her heart condition has flared up on occasion, but she has not left the town for medical treatment, as she had previously been told that her entry into Moscow was forbidden.

During the past two months, I have become increasingly alarmed by certain new developments. The Soviet authorities seem to be intent on precipitating yet another confrontation with Ida by outrageous provocations.

This began on January 5 of this year when she was summoned by the local deputy police chief who warned her that she was being watched "by the people whose job it is to do so" and that she was not to have any more visits to her home by the "people who call themselves 'refuseniks'." She was also warned not to leave Bendery. Non-compliance would mean arrest, the official said. The timing of this warning was clearly a result of Ida's celebration of the Jewish holiday of Chanuka with some friends who joined her three weeks eariler.

On January 24, 1984, she was summoned by Mr. Arlen Mikhailovitch Sehbanow, Deputy Chairman of the Bendery Supervisory Commission on Laws on Religion, who stated that he knew that on the Jewish religious holiday of Chanuka people got together in her home. He suggested to her that she register herself according to the by-laws pertaining to religious groups in Moldavia. According to law (he proceeded to quote the following):

"Passed as an Order by Presidium Supreme Soviet of Maldavia SSR, Number 1616-IX-19/V 1977:

"Paragraph 8: An organization or group of people who believe may begin their activities only after a decision has been taken based on registration by the Committee dealing With Religious Matters of the Supreme SSSR Committee of Ministers."

Ida replied that matters of religious belief are not a proper subject for discussion between a government official and a private citizen. The official indicated that not applying for this registration would be a clear violation of this law if she plans to again have people in her home to celebrate such holidays.

Congressman Fauntroy, I have come to know you as a friend of Ida's, as someone concerned with her fate. I am alarmed by this latest development. The Soviet authorities are obviously bent on making the advent of every holiday in the Jewish calendar a period of fear for Ida, for me and for all those dedicated people the world over who treasure the principles which guide her.

After twelve years of refusals, as Ida approaches her 53rd birthday on April 27, the time has certainly come for the Soviet authorities to relent and allow her to join me in Israel. I know that with your continued help, we can accomplish this seemingly modest but inexplicably difficult goal.

Sincerely,

Elena Fridman.

This letter demonstrates the difficulty of obtaining compliance by the Soviet Union of its commitments under the Universal Declaration of Human Rights and the Helsinki Final Act. For example, the Helsinki Final Act, to which the Soviet Union is a party, requires that:

> The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.
>
> The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation among themselves as among all States.
>
> The participating States make it their aim to facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating States, and to contribute to the solution of the humanitarian problems that arise in that connection.
>
> The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with

> special attention being given to requests of an urgent character—such as requests submitted by persons who are ill or old.
>
> The participating States, recognizing the contribution that national minorities or regional cultures can make to cooperation among them in various fields of culture intend, when such minorities or cultures exist within their territory, to facilitate this conribution, taking into account the legitimate interests of their members.

This House has gone on record in passing House Concurrent Resolution 63, which expresses the sense of the Congress that:

> First, the Soviet Union should comply with certain international agreements relating to human rights by pursuing a more humane emigration policy, by releasing the Jewish Prisoners of Conscience, by ceasing harassment of Jews and others seeking to emigrate, and by restoring religious and cultural rights and ceasing official antisemitism; second, Soviet compliance with internationally recognized emigration rights would significantly promote improved relations with the United States; third, the President should convey these concerns of Congress to the Soviet Union at every appropriate opportunity; and fourth, the President should also convey these concerns to U.S. allies.

Finally, I want to congratulate and commend the members of the Commission on Security and Cooperation in Europe, who organized this special order which demonstrates our solidarity with the Jewish struggle for freedom in the Soviet Union and which links us to the Jewish organizations that have designated this day as the International Day of Concern for Soviet Jews.●

● Mr. LENT. Mr. Speaker, I am honored to rise today to join my colleagues in a special order proclaiming March 15, 1984, as the International Day of Concern for Soviet Jews. In communities across America and around the world, meetings, rallies, and events are taking place today to pay tribute to the hundreds of thousands of Soviet Jews who struggle against the most vicious oppression and persecution to preserve their ethnic heritage and to practice their religious beliefs.

This international day of recognition is vital to the cause of Soviet Jewry. Our voices united together will send a powerful message to each and every Soviet Jew to let them know they are not abandoned.

Mr. Speaker, Jewish emigration from the Soviet Union has reached its lowest ebb in many years—only 1,315 Jews were permitted to leave the Soviet Union in 1983. Jews officially petitioning the Soviet Government to emigrate are persecuted and oppressed. Many of these Prisoners of Conscience and refuseniks lose their jobs; they cannot receive mail; and their activities, which are severely restricted, are under the constant surveillance of the Soviet secret police, the KGB. In some cases, these people are falsely accused and tried for committing so-called crimes against the Soviet Government. Trumped-up charges and false evidence lead to their conviction and subsequent imprisonment in the harsh Soviet labor camps.

One such Soviet activist imprisoned for the "treasonous act" of practicing his religion is Anatoly Shcharansky, who is serving a 13-year term in a Soviet prison. March 15 marks the eighth anniversary of the Shcharansky's arrest. His case became famous when he risked death on a hunger strike so he could send letters to his wife Avita in Israel. Now sick and weak, Shcharansky can hardly see due to eye problems. He is in desperate need of hospitalization—but in Soviet prisons one gets no medical attention unless one is about to die. Yet, he continues to test Soviet authorities: Shcharanksy's recent requests for a Jewish prayerbook and Bible have gone unanswered. His brave determination and courage despite tremendous physical and mental hardships are a symbol of hope to those who must endure the Soviets' oppression.

At the 35-nation Madrid Conference on the Helsinki accords, the Soviets pledged to "promote and encourage the effective exercise of human rights and fundamental freedoms." Yet they continue to deny these rights and freedoms to their own Jewish citizens.

A newly enacted Soviet law is expected to bring even harsher punishment to prisoners jailed on religious or political grounds. This new law allows prison and labor camp authorities to routinely extend the sentence of prisoners 3 to 5 years for violating camp regulations. This automatic resentencing is a practice abhorrent to all free people who believe in the right to a fair trial—a fundamental right under the American system of justice.

We in the West who are blessed with liberty and freedom must never forget the plight of those who are not. We must speak out against such unconscionable and barbaric violations of human rights.

We cannot permit this pervasive anti-Semitism to survive unchallenged. It deserves a special solidarity—a worldwide protest against Soviet persecution of Jews who seek only to practive their religion and emigrate to their homeland, Israel.

Like the thousands of others participating in the International Day of Concern for Soviet Jews, I am here to pledge my support to everything I can to fight for the right of Soviet Jews in the belief that someday they will know what it means to be truly free.●

● Mr. KRAMER. Mr. Speaker, I rise today on the International Day of Concern For Soviet Jews to join my colleagues in the House and others around the world to express support for the Soviet Jews.

Hundreds of thousands of Soviet Jews apply annually to emigrate so they can live in a country where they can practice their religion freely without fear of persecution. Unfortunately, those who apply for emigration are harassed continuously by the Soviet state, particularly by the KGB.

Moreover, the number of Soviet Jews allowed to emigrate has declined significantly. In 1982, Soviet emigration fell to its lowest annual level in over a decade with the emigration level representing a 95-percent decline since 1979.

Today is also noteworthy because it marks the seventh anniversary of the arrest of Anatoly Shcharansky, a Soviet Jewish activist. Shcharansky, who is serving a 13-year term in a Soviet prison, symbolizes the plight of Soviet Jews who wish to emigrate.

Shcharansky was arrested in 1977 on charges of "treason" and "anti-Soviet agitation and propaganda." In 1981, he spent 185 days in a solitary punishment cell and was sentenced to prison again. The prison conditions are brutal. Sometimes he receives one meal every other day. He is not allowed to receive mail or visitors. Despite the protests of human rights activists, the Soviet authorities show no signs of releasing Shcharansky.

During this period of transition in the Soviet Union, I urge my colleagues to continue to work for the release of the Soviet Jews and to take a strong stand against the blatant human rights violations in the Soviet Union.●

● Mrs. BOXER. Mr. Speaker, on this day, as we commemorate the plight of Soviet Jews, it is appropriate that we honor a true hero of courage and human spirit, Anatoly Shcharansky. This day, the seventh anniversary of his unjust imprisonment by the Soviet authorities for courageously reporting to the world the Soviets' violations of the Helsinki International Accords on Human Rights, is properly designated Anatoly Shcharansky Day in cities and towns throughout America in his honor.

This simple, honest man has withstood 7 years of imprisonment and torture and to this day insists that the Soviet Government honor its word and respect the basic human rights of its people to free speech, justice, and religious liberty. His unbowed spirit is a beacon for all who love liberty and respect human rights. That is why I have for the last 2 years nominated Anatoly Shcharansky for the Nobel Peace Prize. Perhaps this single honor would persuade the Soviet Government to release him from prison and permit to join his wife Avital in Israel.

The plight of Anatoly Shcharansky is a metaphor also for the fate of the entire Jewish people of the Soviet Union. If not physically in cells, as is Anatoly Shcharansky, although many are, they are in spiritual imprisonment. Their rights to religious liberty and cultural expression are under constant attack in the Soviet press and in the actions of government agencies. Those who would leave the Soviet Union are exposed to terrible harassment and in many cases imprisonment on specious charges. These things we also condemn when we honor Anatoly Shcharansky.

I am pleased that the House of Representatives has set aside time to condemn the injustices occurring against innocent people in the Soviet Union—people who are suffering because of prejudice and hatred. We must keep speaking out so that the Anatoly Shcharanskys of the world will have hope for their freedom.●

● Mr. DOWNEY of New York. Mr. Speaker, I am proud to join my colleagues in setting aside special time to mark today as International Day of Concern for Soviet Jewry. While we must daily cry out against the abuse and injustice suffered by Soviet Jews, it is appropriate that we collectively protest the brutal situation facing Societ Jews today, on the seventh anniversary of Anatoly Shcharansky's arrest.

Shcharansky's imprisonment contradicts even minimum international standards of justice. He sought only to work and speak out for the right to live the life of his forefathers. In spite of 7 painful years of incarceration, Shcharansky has still managed to communicate the abominable injustice experienced by Jews in Russia. Last year Shcharansky began a hunger strike which lasted over 100 days and brought him close to death. He never fully recovered and is now in imminent danger. Sadly, the movement Shcharansky so poignantly symbolizes has suffered a similar tragic history.

Last year was one of the darkest yet for Soviet Jews. Anti-Semitic propaganda was widely circulated by the Andropov regime and the number of arrests and incidents of harassment were alarmingly higher than those of previous years. Emigration for Jews reached new lows in 1983. In 1979, 51,320 Jews were allowed to emigrate, while a mere 1,314 Jews left Russia in 1983. For the courageous 400,000 Jews or refuseniks who have filed for exit visas, every single day is a struggle to maintain their physical and emotional well-being in a hostile environment.

On a congressional delegation visit to the Soviet Union last summer, several colleagues and I had the opportunity to meet with various refuseniks in their apartments. These men and women spoke to us about their lives of oppression and suffering as Soviet Jews. But this was not the extent of their message to us. In a gray land of lies and propaganda, these individuals stand out in vibrant contrast. Amidst their dreary circumstances, their inner strength shines brightly. All of the members of the delegation were struck by their amazing optimism and resilience despite the harsh facts of their existence.

Our efforts here today and the efforts of all concerned Americans every day are essential in maintaining the undaunted posture of these dedicated men and women. It is precisely our vocal concern that provides them with the encouragement and confirmation of the justness of their cause, and that allows them to go on. We are their lifeline, and bear a duty to live up to their confidence in us.

The Soviets have demonstrated their fear of the truth in their powerful silencing of Soviet Jews. Let us hope that the new Soviet regime will be more willing to make meaningful concessions than the Andropov government. but until there is an end to the nightmares suffered by Soviet Jews and those who wish to leave may do so freely, we must continue to demonstrate our commitment to the truth by raising our collective voice in outrage.●

● Mr. LEACH of Iowa. Mr. Speaker, we honor today the thousands of Soviet Jews whose courage in the face of Soviet repression renews our faith that man is stronger than the State and that faith is stronger than man. The severity of their plight—as demonstrated by the alarming 97-percent decline in emigration since 1979 and the increase in government sponsored anti-Semitic activity—casts an ominous shadow on the future of human rights in the Soviet Union.

Against this grim backdrop, Congress has continued to raise its collective voice on behalf of Soviet Jewry. Resolutions have been introduced and adopted which call on the Soviets to honor their international human rights commitments. Others call on our own administration to press more actively for human rights improvements in the Soviet Union. Countless letters have been written by Members of Congress to Soviet authorities on behalf of individual members of the Soviet Jewish community who are in prison or who wait for the chance to emigrate.

Members of Congress who have had occasion to travel to the Soviet Union have taken advantage of the opportunity such trips provide to meet with refusenik families. These efforts must continue. We must also make even greater efforts to enlist the efforts of other governments—particularly those of our allies—in this human rights cause. Efforts of this nature may not always prove effective, but they make it clear that those who remain locked within the borders of the Soviet Union are not forgotten.

The depth of this tragedy of human rights abuses in the Soviet Union was brought home to me in a personal way last year when I had the opportunity to visit with refusenik families in Moscow. Their dream of emigrating from the Soviet Union is not lightly held for, as one elderly refusenik explained, the request to emigrate condemns oneself and one's family to a treadmill of despair as long as they remain in the Soviet Union.

While Soviet Jewry may not confront physical extermination today, it is clear that cultural genocide has been given free rein and that there is no toleration for Jewish national, cultural, and religious identity. Teaching Hebrew is forbidden, and those who do so suffer harsh penalties. Rabbis are the employees of the State, and synagogues, as one refusenik told me, are no longer Houses of God but branches of a three-letter ministry—the KGB. Those who seek to emigrate often find themselves demoted in their jobs if not fired, and others, like scientists, find themselves stripped of their degrees. Jewish children also face ridicule and ostracization at school.

At the same time that Jewish culture is being eviscerated, anti-Semitism is on the rise. The Anti-Zionist Committee in the Soviet Union recently alleged that the vast majority of Jews who wish to leave the Soviet Union have already done so, even though Jewish organizations in the West have credible reason to believe that more than 300,000 Russian Jews want to emigrate. Anti-Semitic propaganda appears as well in newspaper articles and in media broadcasts.

While Jewish people are allowed no peace in the Soviet Union today, out of that adversity have arisen heroic men and women like Anatoly Shcharansky, Ida Nudel, and Yosef Begun. We honor today, by this special order, their courage and strength of conviction, and remind them of our firm determination to stand in solidarity with their cause.

Thank you.●

● Mr. SMITH of Florida. Mr. Speaker, today may only be the Ides of March to us, but to Anatoly Shcharansky, today is the seventh anniversary of his arrest on charges of "treason" and "anti-Soviet agitation and propaganda." Accused of spying for the United States, his only crime was applying for an emigration visa to Israel. He is now serving a 13-year sentence in Christopol Prison. His case has received international attention, and his name is synonymous with the basic denial of human rights.

Today, we rise to pay special tribute to all the hundreds of thousands of Soviet Jews, such as Anatoly Shcharansky, seeking to emigrate to Israel and fulfill their dream to maintain their Jewish identity. This March 15, 1984, takes on a special meaning: Let "1984," the title of George Orwell's fictitious totalitarian society, serve as a bitter reminder of the persecution, exile, surveillance, and imprisonment which is known as the Soviet way of life.

In March 1983, at the Third International conference on Soviet Jewry, concerned citizens of over 30 countries declared: "We stand in awe of the tremendous courage and tenacity of these modern heroes in Jewish history, and we declare that we will continue our struggle ceaselessly—for the right of Soviet Jews to emigrate and to maintain their national identity and religious heritage." The time has come to improve the plight of Soviet Jewery by working on such causes as the release of Soviet dissidents from prison, allowing Soviet refuseniks to emigrate, and the halt of state-sponsored anti-Semetic publications and harassment.

The Soviet Government has continually denied that there is a Jewish problem. Soviet officials also claim that all Jews wishing to leave have done so, and therefore, family reunification provisions of the Helsinki Final Act are no longer necessary. Yet over 50,000 Jewish refuseniks have applied to emigrate and have been denied permission and are among the thousands waiting in a country that denies them citizenship, a place of residence, occupation, and their dignity.

Emigration levels may have hit rock bottom, but these statistics represent human lives—people whose families have been divided, income sources dried up, and privileges denied because of wanting a Jewish identity. Fundamental human rights are being negated. We must not give up this cause. Our voices together give these people hope. Our letters, appeals, and petitions are the lifeline for these culturally deprived Soviet Jews. It is clear that these people are being persecuted for one reason only—being Jews dedicated to maintaining their religious and cultural identity.

As a member of the 98th Congressional Class for Soviet Jewry, I have made a commitment to send Soviet officials a constant and consistent message at every level of diplomatic negotiations that U.S. human rights policies must be taken seriously. I would like to remind my colleagues that there are several ways in which we, as Members of Congress, can alleviate some of the pressures brought to bear upon these people.

There are refuseniks and prisoners of conscience to be adopted. Adopting an individual case means communicating with the rufusenik, publicizing his case, and working to better his situation. By writing letters to the refusenik, we register our concern about a particular refusenik's case, thereby keeping Soviet officials aware of our interest in the fate of the refusenik. These letters give a spark of hope to a refusenik to carry on in the face of adversity. Ultimately, we must keep speaking out so that one day they have the fundamental rights that all Americans enjoy.

I thank my good friend the chairman of the Foreign Relations Committee, on which I serve, Dante Fascell, for arranging this special order and being so aware and concerned about this tragedy. His Chairmanship of the Helsinki Commission and the respect for him worldwide has helped immeasurably in the struggle.●

● Mrs. HOLT. Mr. Speaker, the continuing oppression of the human rights of all people in the Soviet Empire continues to disturb the consciences of free people everywhere.

Amid the general oppression, the Jews appear to have become a special target of abuse. It is very troubling to me that anti-Semitism seems increasingly to be official policy of the Soviet Union.

Jews are harassed and imprisoned for practicing their religion and for struggling to preserve their cultural heritage. Jewish emigration from the Soviet Union has been cut off.

It is true that persecution of religion has long been Soviet policy, and Christian believers suffer from official acts of discrimination in the Soviet Union, but Jews are subject to the special attentions of the police state.

Mr. Speaker, the business of America is freedom, and it is our commitment to individual liberty that distinguishes America and her allies from the Soviet Empire.

The oppression of people because of their religion, politics, or cultural identity must bring forth determined and persistent opposition from free people everywhere. Today we address the tragic condition of Soviet Jewry, and I am sure that every Jew joins our prayers for other captive peoples in the Soviet Empire.●

● Mr. MAVROULES. Mr. Speaker, on this very day people from all over the world will be demonstrating their concern for the injustice bestowed upon hundreds of thousands of Jewish citizens in the Soviet Union. I commend my colleagues for organizing this special order so that, as Members of the U.S. Congress, we too can voice our concern for those citizens who suffer from Soviet human rights violations.

To mention just one example of that violation, I would like to pay tribute to four Soviet meteorologists who have suffered from discrimination based on their Jewish heritage. Since 1979, all have been refused permission to emigrate. Their professional careers as distinguished specialists in atmospheric physics have been thwarted if not destroyed entirely. I am inserting a copy of the letter than I, along with 69 of my colleagues, sent to former Secretary Yuriy Andropov on their behalf.

Each day we learn of new cases. The Soviet Union has shut its doors. We fear what goes on behind them. Since 1979, the number of Jewish citizens allowed to emigrate has decreased sharply. As a result, many families are broken apart, and relatives fear for the health and safety of loved ones left behind. In addition to emigration refusals, there is evidence of severe discrimination to the Jewish people in the Soviet Union. Many cannot find jobs, and are denied religious freedom.

We must not and will not remain silent to this injustice. By continuing to speak out on behalf of Soviet Jewry, we encourage and give hope to those Soviet citizens seeking justice. And, if the Soviet Government intercepts our words of support, we are letting Soviet leaders know that we are not only aware of discrimination but that our judgment of the Soviet Union will be hampered by such.

I hope that somehow the courageous Jewish citizens of the Soviet Union can hear us speaking out today, and can hear the voices from all over the world on this International Day of Concern for Soviet Jews.

Again, I commend my colleagues for giving us this opportunity. Let our concern be voiced, and the fight to liberate Soviet Jewry will be won.

House of Representatives,
Washington, D.C., February 2, 1984.

General Secretary Yuri Andropov,
CPSU, The Kremlin, Moscow, RSFSR, U.S.S.R.

Dear General Secretary Andropov: We must protest the recent actions of the Soviet state which forced the early retirements and dismissals from academic positions of four distinguished Soviet Jewish meteorologists.

Lev Gandin and David Laikhtman of Leningrad, and Leonid Dikii and Michael Fuchs-Rabinovich of Moscow, have been rendered non-productive, stripped of their world respected careers, after years of dedication to atmospheric research and the publication of literally hundreds of scientific papers.

We in the West, and in this House, are convinced that these four innocent scientists stand indicted by a Soviet government that treats a demand for freedom—their request to emigrate (which was denied)—a crime to be punished rather than as a fundamental right to be protected.

Rest assured, we view Soviet allegations that these men pose a threat to "state security" and that they possess "secret information" as transparent falsehoods devised to deny them their fundamental human rights.

Drs. Gandin, Laikhtman, Dikii and Fuchs-Rabinovich are the human faces on human rights and their collective plight is representative of the pain and suffering all Soviet Jewry is presently forced to endure.

Pursuant to the Helsinki Final Act and on humanitarian grounds we urge you to grant these scientists and their families permission to emigrate so that they may continue to contribute to the advancement of meteorology at the international level.

Thank you for your prompt attention to this important matter.

Sincerely,

Nicholas Mavroules,
Member of Congress.
Barney Frank,
Member of Congress.●

● Mr. **ACKERMAN.** Mr. Speaker, today's special order points out that yet another year has passed in the movement to secure the human rights of Soviet Jews. Their desire is a simple one: to emigrate from the Soviet Union in order to live full lives as human beings and as Jews in freedom. The leaders of the Soviet Union know no limit in their effort to break the spirit of these people. But we know that the refuseniks and prisoners of conscience will not give up their struggle.

This past year we have witnessed further difficulties for the Jewish community in the Soviet Union. In 1983, only 1,314 people were permitted to leave, continuing the decline which began in 1980. It is abundantly clear that we must redouble our efforts if we are to return even to the 1979 level when 51,000 Jews were permitted to emigrate.

Mr. Speaker, these figures alone do not reveal the hardships facing Soviet Jews. The harassment of refuseniks has intensified, and the Government has renewed its vicious efforts to promote both antisemitism and antizionism in the Soviet media. In 1983, we saw the creation of the Anti-Zionist Committee of the Soviet Public, yet one more example of the Kemlin's propaganda campaign designed to foment hostility toward its Jewish citizens and the State of Israel.

As we all know, the Soviet Jewry movement has reached a critical juncture. Soviet stonewalling on this issue has produced great challenges for the Jews in the U.S.S.R. and their supporters in the West. Although Moscow may think it can break the will of the Soviet Jews, we know that their desire for, and commitment to, emigration remains high. As we mark the eighth anniversary of Anatoly Shcharansky's imprisonment, we are reminded of the deep commitment of Soviet Jewry to securing their human rights. We know that we cannot give up and leave these people spiritually abandoned.

While the obstinate behavior of the Soviet Government is extremely frustrating, we as Americans have a special obligation to remain vigilant and be true to our commitment to secure freedom for Soviet Jews. Mr. Speaker, there is one overriding reason which motivates me to continue to press ahead on this issue. There are more than 300,000 Jews who have taken a tremendous risk for themselves and their families by applying to leave the Soviet Union. Once these brave Soviet Jews take this crucial step, their fate is sealed. Jobs are lost, apartments are taken away, KGB harassment intensifies, and the long wait—which can last for many years—begins. This tortuous process, which all too often contains repeated refusals by the Kremlin officials, requires the tremendous personal courage of the Soviet Jews. If we fail to act on their behalf, they will languish in the Soviet Union with no hope of achieving their dreams.

A look at the State Department's annual report on human rights and other documents provides compelling evidence of the unrelenting anti-Semitic campaign directed at Soviet Jewry. Although it is difficult for us to imagine what life is like under these conditions, we must nevertheless realize that such is the reality which Soviet Jews must endure.

Mr. Speaker, the Jews of the Soviet Union, and, indeed, all oppressed people throughout the world, look to us for help, reassurance and encouragement. We must not let them down.●

● Mr. **SIMON.** Mr. Speaker, we are at an important juncture in our relations with the Soviet Union. Newspaper headlines daily remind us of strained U.S.-Soviet relations, of the dangerous proliferation of nuclear arms, and of competition and conflict between United States and Soviet interests in Europe, Central America, the Middle East and elsewhere around the globe. With the threat of nuclear confrontation looming ever present, the peaceful resolution of our areas of disagreement with the Soviets is of critical importance to us all. The death of Uri Andropov and the naming of Konstantin Chernenko to the position of Secretary General of the Communist Party may provide us with the needed opportunity to improve understanding and cooperation between our two nations. Yet as we focus our attention on these strategic considerations and global concerns, we must not lose sight of another important concern—the plight of the Soviet Jews.

Some 1.8 million Soviet Jews have become a pawn in the U.S.-Soviet relationship, victims of a resumed cold war between the superpowers. As U.S.-Soviet relations have worsened, so has the treatment of Soviet Jews. While Soviet officials insist that their treatment of Jews is an internal matter, the facts regarding Jewish emigration indicate that Soviet emigration policy is closely linked to relations with Washington.

In 1983 the Soviet Union allowed only about 1,300 Jews to emigrate, the lowest annual total in 20 years. In 1983, the fourth consecutive year that the number of Jewish citizens successfully petitioning to leave the country dropped sharply. The 1983 figure is only half the 2,668 emigrants who left the Soviet Union in 1982, and stands in distressing contrast to the 51,320 Soviet Jews permitted to emigrate in 1979.

Restrictions on emigration are not our only concern in the treatment of Jews in the Soviet Union. Equally disturbing, the drop in emigration has been accompanied by an intensifying crackdown on the rights of Jews who choose to stay in the Soviet Union and a policy of retribution toward those who seek to leave the country. Soviet Jews have persistently been denied rights granted to other national minorities and religious groups which are guaranteed by the Soviet constitution. Furthermore, the Soviet press consistently attempts to incite hatred through anti-Jewish propaganda. Most synagogues and all Jewish schools are closed, the teaching of Hebrew banned, religious material is destroyed, and Jewish cemeteries are desecrated.

Jews experience additional discrimination in education, employment and social life. Although Soviet officials claim that all Jews wishing to leave the U.S.S.R. have already done so, it is clear that there are many Jews who still desire to leave. The lives of these estimated 500,000 Jews desiring to emigrate have been made very difficult by Soviet authorities. An already arduous migration process has been made even more cumbersome by rendering visa applications invalid after only 6 months, scarcely enough time for the Soviet bureaucracy to respond to emigration requests. Jews who are refused exit visas are then subject to being fired from their jobs and of being refused employment elsewhere, leaving themselves vulnerable to prosecution and possible imprisonment for being so-called "parasites." Moreover, the recent creation of the "Anti-Zionist Committee of the Soviet Public" indicates an escalation of officially sanctioned harassment, forced cultural and linguistic assimilation and a broadened anti-Semitic propaganda campaign. The story of Irina Ratushinskaya is but one tragic example.

Irina, a 30-year-old physicist, poet and human rights activist, was sentenced in March 1982 to 7 years of hard labor and 5 additional years of internal exile. Her crime—writing poetry which was considered agitative and thus dangerous to the Soviet state. Ms. Ratushinskaya's poems, officially unpublished in the Soviet Union, have appeared in several Russian publications in the United States and Europe. Passed along from one friend to another, handwritten copies of Irina's poems are also reaching a rapidly growing number of readers in her own country. For the vividness of her imagery as well as the forthrightness with which she deals with questions concerning the Soviet state, Ms. Ratushinskaya's poetry has been widely acclaimed. She is an honorary member of the PEN American Center, a branch of the World Association of Writers that comprises 10,000 writers in some 60 countries. I would like to share one of Irina's poems with you now.

Could my country be more despicable?
Shame unmatched when the nighttime falls.
Such a boundless store
Of the lickspittles,
Executioners, holy fools!
How you breed your compliant populace
And so keenly destroy the few
Of your subjects who shun your bartering,
Sentenced nonetheless to love you!
Guilt lies not on your scared and trembling,
Do your nightingales have no voice?
See your tears on cursed crosses glistening,
Freezing hard in a coat of ice?
How your crucified haunt my dream-troubled
Sleep, how soon I too shall be sent—
For your sake—my dearest, my damnable—
Down that road to the selfsame end.
Down a pathway which skirts the borderline
Between animosity and love,
My dishonorable, beggarly
Mother-Orphaner, bless now my leave!

How much more precious a commodity we realize our freedom to be after hearing the words of one who has been denied it.

Sadly, I have learned that Irina is very ill. The symptoms strongly suggest kidney failure, but of this we cannot be sure. She is likely to be put in a prison hospital where, historically, very few patients ever receive the kind of medical attention necessary for the restoration of their health. During this time, Irina has been separated from her husband, Igor. Their request to leave the U.S.S.R. and join relatives in Israel has been denied.

Irina's plight only serves to underscore the urgency for the rest of the world to continue to act on behalf of the Jews in the Soviet Union. In particular, it is our duty as Americans to speak out against Soviet policies which deny their citizens the fundamental human right to live in accordance with one's chosen heritage. As we seek ways to reduce tensions between the United States and the Soviet Union and to bridge the barriers of mistrust now separating our two nations, we must also continue to press for reforms in Soviet emigration and human rights policies, stressing their importance in all relevant forums including the U.N. Commission on Human Rights. We cannot back away from this challenge. For Soviet Jews, we who live in freedom are the last hope. We must not let their voices be silenced.●

● **Mr. DELLUMS.** Mr. Speaker, I join my colleagues in expressing my solidarity with those fighting against the violation of basic human rights and freedoms throughout the world. Today, I especially join with those protesting the unconscionable Soviet policy toward its Jewish population.

As a member of the progressive side of the American body politic, and as a member of an oppressed minority within our own United States, I have a particular concern for the plight of minority groups everywhere. Injustice and discrimination, whether because of race, religion, belief, or nationality, cannot be accepted anywhere. Anti-Semitism, whether in the Soviet Union, or even in the United States, is such an invidious injustice and discrimination. It cannot be tolerated.

The fight against anti-Semitism must be a cause for all persons of principle everywhere. Present-day anti-Semitism in the Soviet Union is well documented. It manifests itself in limitations on the freedom of Jews within the Soviet Union as well as in the restrictions imposed on Jewish emigration, which for many families is their only possibility for reunification. The Soviet claim that all family reunification has already taken place is clearly incorrect. The criminal charges against any harassment of refuseniks is apparently on the increase. We must speak out against this outrage.

The outlook for Soviet Jewry and for Soviet emigration is bleak. To many, the worsening of U.S.-Soviet relations has had the direct effect of intensifying anti-Jewish policy within the Soviet Union. Whether or not this causal relation exists, it is clear that our ability as Americans to influence Soviet policy is seriously reduced as a result. We must speak out against these abuses of basic human rights in the Soviet Union, and at the same time we must pressure our own Government to do whatever is possible to improve the communication and discussion between our countries. This is indispensable not only for the plight of Soviet Jews, but for the whole survival of this world.●

● **Mr. GREEN.** Mr. Speaker, I would like to commend my colleagues, Congressmen FASCELL and KEMP, for arranging this special order on Soviet Jewry, especially since today, March 15, bears so much significance for these oppressed, imprisoned peoples.

March 15 marks the seventh anniversary of the arrest of Anatoly Shcharansky; years which, as his devoted wife Avital recently wrote in "Lifelines," a publication of the Greater New York Conference on Soviet Jewry, have "transformed (him) from a healthy, vital man of 29 into an aching invalid of 36."

Avital goes on to write that—

> Only his remarkable strength of spirit and his abiding faith in his religion, his family, and his many friends around the world have enabled Anatoly to survive.

Indeed, the injustices which are occurring today in the Soviet Union have gained worldwide attention and action. That is the second significance of this date: that it has been designated as "International Day of Concern for Soviet Jews" and that, in communities across America, concerned groups will be holding special meetings, rallies, and seminars. In my own district in Manhattan, the Anti-Defamation League of B'nai B'rith was joined today by a number of leadership organizations in New York's Hispanic community in a rally across from the Soviet Mission to protest the virtual cessation of Soviet Jewish emigration.

In the face of all this activity and protest, however, it is difficult to remain optimistic for the future, optimistic that there will be a letup in the persecution of the refuseniks and that the gates will be opened even a crack. I and many of my colleagues here today have for years made speeches, written letters to both Soviet Jews and their oppressors, and urged our State Department on to action. And the question must arise in all our minds, Does it do any good? Just recently I have had affirmation that indeed it does some good and that the absence of such actions would do untold damage.

Just a few weeks ago I received notification from our American Ambassador in Moscow, Arthur Hartman, that I would like to share with you. The communique read:

> I am writing to you about Khana, Aleksandr, Rozaliya and Edouard Golender, who have been seeking Soviet exit permission to the United States for more than eight years. . . . You had previously taken an interest in the emigration efforts of the Golender family. It is a pleasure to inform you that in December 1983 the Golender family received Soviet exit permission. On January 11, 1984 we issued them pro forma visas for travel to Rome. . . .

Of course, all emigration efforts do not end so happily, and in January only 88 Jews were allowed to leave the Soviet Union. But for the unfortunates trapped in the Soviet Union, communication has become even more important. Just yesterday I received a letter from Elena Fridman, sister of Ida Nudel, who is known as the guardian angel for her activities on behalf of Soviet Jewish Prisoners of Conscience. Ms. Fridman, who resides in Israel and who has worked tirelessly for the release of her sister, provides an update of Ida's situation and sends a message which must be taken to heart by all who care about the tragedy of Soviet Jews: the lifeline must not be broken for we are the hope of Ida Nudel and other like her.

I include Ms. Fridman's letter in its entirety into the RECORD:

> DEAR CONGRESSMAN GREEN: My sister, Ida Nudel, recently let me know that while she was still in Siberia she received correspondence from you. Now, more than two years later, she specifically asked that I contact you to thank you on her behalf. Your letter so warmed her heart that she remembers everything about your letter including the fact that it bore a Grand Central Station P.O. frank.
>
> The depth of your concern for Ida and your commitment to help reunify our small family was again evidenced for me when I recently received a copy of the letter you and 69 of your colleagues in the United States House of Representatives wrote to Mr. Yuri V. Andropov on April 27, 1983 pleading for the release of my sister. The

date of that letter was significant as it marked Ida's 52nd birthday.

I also write to you at this time in anticipation of the upcoming international conference of the Congressional Wives for Soviet Jewry scheduled to take place in Washington D.C. at the beginning of April, knowing that many of Ida's and my friends will participate and hoping you will share this report with those participants with whom you have contact.

Having legally completed her sentence of four years of internal exile in Siberia in March 1982, followed by a frightening six-month period of homelessness during which she was denied municipal residence permits in numerous places, including her own apartment in Moscow, she was finally allowed residence in the small Moldavian town of Bendery. Yet this has proved to be another form of exile.

It was the thousands of letters she had received in Siberia which had helped sustain her spirit. Since arriving in Bendery, she has received almost no mail. Many people have written to me saying that their letters have been returned with a note from the Soviet postal authorities indicating "Inconnu: No Such Address." I have seen some of the envelopes and know they have been correctly addressed.

For the past year she has worked as an attendant at the local Bendery amusement park. Her heart condition has flared up on occasion, but she has not left the town for medical treatment, as she had previously been told that her entry into Moscow was forbidden.

During the past two months, I have become increasingly alarmed by certain new developments. The Soviet authorities seem to be intent on precipitating yet another confrontation with Ida by outrageous provocations.

This began on January 5 of this year when she was summoned by the local deputy policy chief who warned her that she was being watched "by the people whose job it is to do so" and that she was not to have any more visits to her home by the "people who call themselves 'refuseniks'." She was also warned not to leave Bendery. Non-compliance would mean arrest, the official said. The timing of this warning was clearly a result of Ida's celebration of the Jewish holiday of Chanuka with some friends who joined her three weeks earlier.

On January 24, 1984, she was summoned by Mr. Arlen Mikhailovitch Shebanow, Deputy Chairman of the Bendery Supervisory Commission on Laws on Religion, who stated that he knew that on the Jewish religious holiday of Chanuka people got together in her home. He suggested to her that she register herself according to the by-laws pertaining to religious groups in Moldavia. According to law (he proceeded to quote the following):

"Passed as an Order by Presidium Supreme Soviet of Moldavia SSR, Number 1616-IX-19/V1977: paragraph 8: An organization or group of people who believe may begin their activities only after a decision has been taken based on registration by the Committee dealing With Religious Matters of the Supreme SSSR Committee of Ministers."

Ida replied that matters of religious belief are not a proper subject for dicussion between a government official and a private citizen. The official indicated that not applying for this registration would be a clear violation of this law if she plans to again have people in her home to celebrate such holidays.

Congressman Green, I have come to know you as a friend of Ida's, as someone very concerned with her fate. I am alarmed by this latest development. The Soviet authorities are obviously bent on making the advent of every holiday in the Jewish calendar a period of fear for Ida, for me and for all those dedicated people the world over who treasure the principles which guide her.

After twelve years of refusals, the time has certainly come for the Soviet authorities to relent and allow her to join me in Israel. I know that with your continued help, we can accomplish this seemingly modest but inexplicably difficult goal.

Sincerely yours,

ELENA FRIDMAN.●

● Mr. MARKEY. Mr. Speaker, I am pleased to participate in this congressional observance of the International Day of Concern for Soviet Jews. As a congressional delegate to the Commission on Security and Cooperation in Europe, I am deeply concerned about the protection of human rights. Despite the Constitution of the U.S.S.R., Soviet obligations under the U.N. Charter and the World Disarmament Campaign Resolution, and the Soviet agreement to the Helsinki Final Act, it has been, and continues to be, the policy of the Soviet Union to suppress brutally any expressions of nationalism, religious convictions, or non-Russian cultural demonstration. Clearly, the Soviet leadership seeks Russification and homogeneity in the last colonial empire on Earth.

Tragically, violations of individual human rights continue to occur on all continents. However, within the greater European community of nations, it is the Soviet Union that has acquired the rather unique distinction of promoting a policy of human rights suppression for the sake of a narrow definition of nationality. In particular, since 1975 when the affirmation of human rights was signed in Helsinki by 35 signatories, repeated violations have occurred against Soviet citizens who have attempted to assert their basic human rights. The Soviet Union and the 34 other states agreed that:

The participating states will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion;

They will promote and encourage the effective exercise of civil, political, economic, social, cultural, and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

Within this framework the participating states will recognize and respect the freedom of the individual to profess and practice, alone and in community with others, religion or belief acting in accordance with the dictates of his own conscience;

The participating states on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere;

The participating states recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice, and well-being necessary to insure the development of friendly relations and cooperation among themselves as among all States.

The Soviet Government has suppressed the national and cultural aspirations of their Lithuanian, Latvian, and Estonian citizens. Moslem minorities in the southern U.S.S.R. as well as certain evangelical Protestant sects have been harassed and punished for their beliefs. The Soviet police agencies have attempted to eradicate the small peace movement that happens to be independent, but not overtly antagonistic, to the stated peace goals of the Communist Party of the U.S.S.R. Even at the periphery of the Soviet Union, in Poland and in Afghanistan, the stifling hand of Soviet repression has reached out with brutality and little subtlety.

But it is the Soviet Jews who have not only been the target of systematic government repression, but also the tool of Soviet negotiations with the West. Collectively, the Soviet action and attitude have been characteristically and blatantly anti-Semitic. Initially after the Helsinki accords, Soviet Jews were permitted to leave the U.S.S.R., and the number of emigration visas reached a peak of over 50,000 in 1979. However, a dramatic decrease in permission occurred as the Soviet leaders used the Jewish emigration issue, in part, as a ploy of retaliation against the West. By 1983, only slightly more than 1,300 visas were granted.

The human tragedy in the plight of the Soviet Jews does not end with visa denials. Having applied for emigration, these Soviet citizens are often fired from their jobs, their children are discriminated against in schools, and they are continually subjected to harassment by the government. The recent cases of Nadezhda Fradkova, Tsalo and Khaya Lipchin, and the Leonid Yuzefovich family are suffering witnesses to the tragedy of so many Soviet Jews.

I believe this observation of International Day of Concern for Soviet Jews along with the ongoing vigils, letters, and resolutions are critical to the ultimate relief of the Soviet Jews. All measures demonstrate to the Soviet leadership that we who are concerned with human rights will not forget or surrender the fate of the Soviet Jews to their primitive policy. Let us hope that Mr. Chernenko recognizes this fact as he assumes the leadership of Soviet policy formation. We shall not stop nor go away. Rather, we shall continue to use every peaceable means to focus attention and concern on the violations of human rights and accompanying disrespect for each person's dignity.●

● Mr. SCHAEFER. Mr. Speaker, the Soviet Union conjures up varying images for different people. For Soviet Jews, the reality is discrimination and persecution. It is appropriate that we recognize the plight of Soviet Jewry today, for today is the Fast of Esther. During Esther's time the Jews came close to extinction, but were rescued through her sacrificial leadership. She risked her life in going before the ruler of the country to save the Jews from extermination.

We strive in modern times to save Soviet Jews from extinction. They are trapped in an atheist country that is determined to eliminate religion; they are prisoners of a nationalist country, bent on stamping out anything non-Russian. Although they are not accepted as members of the Russian or Soviet society, they are denied the right to emigrate. Soviet Jews donate generously of their time and talents to the Soviet state. In return, they are jailed for teaching Hebrew, protesting synagogue closings, and trying to express their thoughts about the Soviet Union.

Let Esther be our example of the courage we must demonstrate in facing those who would like to silence our friends in the Soviet Union.●

● Mrs. BURTON of California. Mr. Speaker, March 15 has been immortalized by William Shakespeare as the "Ides of March," but it is also a day of ominous significance to Soviet Jewry. It was March 15, 1977, that Anatoly Shcharansky was arrested by the KGB and it was on March 15, 1983, that Jewish activist Yuri Tarnopolsky was wrested from his family and sent off to a prison camp for 3 years for dubious offenses against the state and alleged "defamation" of the Soviet Union. In fact, no greater defamation could be brought before the Soviet system than the cruel treatment of Soviet refusenik as embodied in the shameful arrests of Shcharansky and Tarnopolsky.

Some 8 years ago I joined a delegation of Members of Congress in the company of my late husband, Phillip, that made an official visit to the Soviet Union. One of the most memorable experiences on that trip was a visit to the home of Soviet refusenik Dr. Alexander Learner, where we met with a number of other refusenik including Anatoly Shcharansky. All of us were moved by their courage and their passionate belief in the justice and rightness of their cause.

After our return from the Soviet Union, the memory of our meeting with Shcharansky remained with me as a vivid and moving image every time the heavy hand of the Soviet Government perpetrated another outrage against people whose only crime was that they wanted to live in freedom, seek liberty, and the benefits of a free society.

We now mark the date upon which two brave and proud men were arrested and sent to a fate grimmer than any of us can imagine for so questionable a crime. Separated from their families, but not from hope, they bravely hold out against a mindless and cruel mentality that does not respect or recognize human rights.

Shcharansky and Tarnoplosky are brave examples of the opposition to repression of body and human spirit that exists throughout the Soviet Union. Their indomitable courage should be constantly honored by those of us who do live in a free society and should be a constant reminder that we must never falter in our support, no matter how far away we may be. Our hearts join theirs in their lonely imprisonment.

It is ironic that the date of their arrests comes at a time when we celebrate the holiday of Purim, a time of great pride. This is indeed a time of pride, and, for the Soviets a time of shame.●

● Mr. YATES. Mr. Speaker, again this year on the Ides of March, that unhappy day in classical history, we remember the arrest of Anatoly Shcharansky by the Soviet authorities for his attempts to live as a Jew and for his efforts to emigrate from the Soviet Union. Today we remind ourselves and the world that what happened to Shcharansky 7 years ago is far from an isolated event, but in fact stands as a symbol of the cruel and vicious treatment that hundreds of thousands of Jews receive at the hands of the Soviet state.

We want the Soviet authorities to know that we will not forget Anatoly Shcharansky or other Jews that are forced to live in that dark and brutal society. And we want the Jews of the Soviet Union to be assured that the people of the United States and in free societies everywhere are thinking of them and working to help end their oppression.●

● Mr. LANTOS. Mr. Speaker, I wish to add my voice to those condemning the continued imprisonment of Anatoly Shcharansky. A man of extraordinary conviction and strength, Shcharansky is being brutally persecuted for his refusal to submit to the vicious human rights abuses prevalent in the Soviet Union.

In 1975, the Soviets became party to the Helsinki Final Act, a powerful document pledging signatory states to protect the human rights of their citizens. Shcharansky, who was refused permission to emigrate to Israel in 1973, openly supported the Final Act and its provisions on emigration and family reunification—his wife emigrated to Israel in 1973. In spite of the obvious risks, he spoke with foreign correspondents about the reality of the human rights situation as opposed to the promises of Gromyko's signature on the Helsinki document.

A long period of harassment by Soviet police ensued. In March 1975, Shcharansky was dismissed from his job at the Moscow Research Institute and was detained numerous times, always without charge. Flying in the face of this organized pressure, Anatoly became a founding member of the Committee for the Implementation of the Helsinki Agreement in May 1976.

The history of Shcharansky's imprisonment is well-known to us all: The deprivations that he has suffered in these last 7 years, the 185 days spent in a strict punishment cell, the disallowal of visits from his mother for years at a time, and the refusal to allow to correspond freely with his friends. In late September 1982 he protested his treatment with a 4-month hunger strike, but Soviet authorities subjected him to forced feedings.

Anatoly Shcharansky gives us two facets of human rights. On one hand we must condemn the outrageous barbarity of the Soviet Union in violating basic human rights of its citizens. On the other hand, we must salute the strength of spirit that Anatoly Shcharansky embodies, the refusal to abandon his commitment to human rights—even in the face of violent retribution. Anatoly Shcharansky is a rare, brilliant soul, and we honor him today for the model that he sets for us all.●

● Mr. HORTON. Mr. Speaker, today the eyes of the House of Representatives are focused on the plight of more than 2 million Soviet Jews. I am proud to participate in this international day of concern for these people and their struggle for freedom—freedom to practice a culture and religion that is so much a part of their more than 5,000-year heritage.

Both collectively and individually, Soviet Jews face difficult and, at times, seemingly insurmountable obstacles. Decreased emigration privileges and increased repression threaten their culture today more than at any time in recent years.

Exit visas for Soviet Jews have declined by several thousand percent in the past 5 years. This is a tragedy, not only for the Jews directly involved, but for their relatives abroad and for all of us who share in their frustration.

Mr. Speaker, I wish to use this occasion to focus attention on an emigration problem that deserves the support of all of my colleagues. A few weeks ago, I was approached by one of my constituents, Mrs. Larissa Shapiro of Rochester, N.Y.

Larissa's sister, Mrs. Rimma Bravve, is in Moscow and is suffering from what has been diagnosed as terminal cancer. She is soon to begin chemotherapy treatment. Larissa and her husband seek to be reunited with Rimma in Rochester for obvious and understandable reasons. I am going to do all I can to accomplish this, and I hope I can have the support of each of you in this endeavor.

Rimma, her husband Vladimir, and Rimma's mother—who is now in the United States—were previously granted exit visas in 1979. However, these were taken from Rimma and her husband just prior to their departure from the Soviet Union because of security concerns. Apparently, Vladimir's father-in-law held the second level of security clearance before his retirement in 1978.

I am writing to General Secretary Chernenko to seek the emigration of Rimma Bravve and her husband, and I am asking my colleagues to support this effort by signing my letter. More than 70 of you have done so already. Please contact me if you are interested in this emigration effort.

Mr. Speaker, before concluding, I want to express my strong support and admiration for Anatoly Shcharansky for his continuing courage—courage to simply practice his religion and express his beliefs. This, as has been stated by so many of my colleagues, marks the seventh anniversary of the arrest of Mr. Shcharansky.

Mr. Speaker, Soviet Jewry faces tremendous obstacles today, but Soviet Jewry is as alive as ever. The spirit of the 2 million Soviet Jews—despite the continued and increasing persecution against them—should stand out as an inspiration to us all. Once again, I am very proud to participate in this observance and to express my very deep and genuine concern for the plight of Soviet Jews.●

● Mr. DONNELLY. Mr. Speaker, I commend my colleagues BEN GILMAN and DANTE FASCELL for convening today's special order commemorating the International Day of Concern for Soviet Jewry.

The outlook for Jewish emigration from the Soviet Union is at its lowest point in several years. In fact, the number of Soviet Jews allowed to leave has slowed to a trickle. These embattled people and their families are refused in their legitimate attempts to emigrate; they also face increasingly brutal anti-Semitism from Soviet functionaries and the Government-controlled media. Truly, the situation of Soviet Jewry is desperate, and demands our deep concern and willingness to intensify our efforts on behalf of these brave people. I strongly urge all House Members to participate in this session's congressional vigil, and maintain an active letter-writing campaign to the new Soviet leadership about the plight of individual refusniks. I have become closely involved in several of these cases, and am moved by their determination to emigrate, and be reunited with their families in Israel and the United States. It is hard for us to imagine the strain they live under each day in an oppressive society that regards them as criminals because they are trying against great odds to keep their culture alive. In addition to congressional efforts, it is critical that the administration use every available international forum to keep the plight of the Soviet Jewish community an active issue, and one that demands a reversal of the abhorrent Soviet policy in effect today. In closing, I again commend my colleagues for calling this most timely special order, and pledge my continuing efforts on behalf of Soviet Jewry.●

● Mr. LEVITAS. Mr. Speaker, a worldwide coalition of Jewish organizations has designated Thursday, March 15, 1984, as International Day of Concern for Soviet Jews. I wish to express my support of this day by paying tribute to the hundreds of thousands of Soviet Jews seeking their right to emigrate, to practice their religion freely, and to study their history and culture.

More than ever before, we need to protest the closing of the emigration gates, the pervasive anti-Semitism and the unrelenting harrassment of Jewish citizens for no other reason than their practice and expression of their religion and culture.

As I am sure most of you are aware, this date coincides with the seventh anniversary of the arrest of Anatoly Shcharansky, who has recently celebrated his 36th birthday in a Soviet prison. Shcharansky remains in serious condition, suffering from acute heart pains. For months, he has asked for hospitalization, but to no avail, and he fears that he will be further punished for not being able to fulfill his work quota.

On Thursday, February 9, 1984, Soviet leader Yuri Andropov died, and Konstantin U. Chernenko was named to the position of General Secretary of the Communist Party several days later. A new leader represents a new hope, and a new opportunity to try to open the gates once again. America has long been a symbol of freedom for the oppressed peoples of the world of all races, faiths, and nationalities. It is important that we reaffirm our commitment to this basic principle of human rights at this critical time for Soviet Jews.

I call upon each of you to give serious thought to this continuing inhumane treatment of the Soviet Jews; and to join with me and the many others who are participating in today's observance, in calling upon General Secretary Konstantin U. Chernenko to heed our cries for help, and to allow those people within the Soviet Union, who wish to do so, to emigrate to some other country, where they will be allowed to live in peace and freedom.

Our voices will continue to ring out for the oppressed people wherever they may be, and I pray that our voices are heard today by Mr. Chernenko.●

● Mr. LEHMAN of Florida. Mr. Speaker, I am joining with my colleagues today to pay tribute to the many thousands of Soviet Jews seeking to claim their right to emigrate, to practice their religion freely, and to study their history and culture.

This International Day of Concern for Soviet Jews also marks the seventh anniversary of the arrest of Anatoly Shcharansky, that brave Soviet Jewish activist who symbolizes the spirit of the Soviet Jewry movement. Both his physical condition and the condition of Soviet Jewry have deteriorated during these past 7 years. Encouraging signs in the emigration rates of 1979 were followed by a virtual halt in the years since and the initiation of the deplorable government-sanctioned anti-Semitic campaign which to this day is being expanded and strengthened.

The pogroms of the 19th and 20th centuries forced Jews to hide their Jewish identity, to hide the study of Jewish culture and religion, just as today Soviet Jews must hide their heritage or suffer the consequences of these so-called criminal acts. Forcing a Soviet policy of assimilation of Jews, Jewish institutional life has been crushed. Jews are treated more harshly than other ethnic groups in the U.S.S.R., are subject to unrelenting intimidation and harassment by the Soviet Government, and are now, since Andropov's death, denied any contact with any foreign organization or persons associated with an organization. Thus, contact with Jews from the West is under attack.

Though this intolerable state of affairs continues, Soviet Jews do not despair. The Jewish spirit in the U.S.S.R. as elsewhere today and in the past is not easily destroyed. Soviet Jews will continue their struggle, and we must continue ours. We must continue our efforts, and strengthen our resolve to work toward the emigration of all those who wish to claim their right to live where they please, and to live as Jews in the U.S.S.R. or anywhere on God's Earth.●

● Ms. FERRARO. Mr. Speaker, today we join with supporters of human freedom all over the world in observance of a day of unity with the Jews of the Soviet Union. As one who has been deeply involved in this vital issue of human rights since entering Congress in 1979, I want to express my personal dismay at the deterioration of the lives of Jews in the U.S.S.R. and the drastic decline in emigration since that time. During this period, three different men have led the Soviet Union and during this period anti-Semitism has increased shockingly while Soviet adherence to the Helsinki accords has remained a hollow pretense.

Just this week, I received a letter from Elena Fridman, sister of Ida Nudel, who has been a focus of Soviet persecution and harassment since she first sought to emigrate to Israel some 13 years ago.

The news from Mrs. Fridman was not good. Ida Nudel, suffering from a heart ailment, has spent the last year working as an amusement park attendeant in the little town in Moldavia to which she was exiled after her release from Siberia in 1982.

Separated from friends in Moscow and family in Israel, Ida Nudel has also been forced to endure visits and threats from the police.

Let me quote to you from Mrs. Fridman's letter:

> On January 5 of this year she was summoned by the local deputy police chief who warned her that she was being watched and that she was not to have any more visits to her home by "the people who call themselves refuseniks." She was also warned not to leave the town. Non-compliance would mean arrest. The timing of this warning was clearly a result of Ida's celebration of the Jewish holiday of Chanukah with some friends 3 weeks earlier."

Mrs. Fridman also said that letters sent by friends and well-wishers are not getting through to her sister. One of our purposes in observing this "day of concern" here today is to somehow assure Soviet Jewish heroes like Ida Nudel and Anatoly Shcharansky that they are not forgotten.

And we tell the Government of the Soviet Union that it will not be permitted to violate human rights in silence.

Thousands of Americans plan to break the silence again on May 6 in New York City when we observe Solidarity Sunday for Soviet Jewry in front of the United Nations. Today in my borough of Queens, Borough President Donald Manes is proclaiming May 6 as Solidarity Sunday. I sincerely hope this body will follow suit by adopting House Resolution 450, which grants congressional recognition to that important annual event, the largest national demonstration of support for the Jews of the Soviet Union.

The situation is grim but our voices are loud and our commitment is strong. I commend my colleagues for organizing today's special order.●

● Mr. EDGAR. Mr. Speaker, on this International Day of Concern for Soviet Jewry, I would like to take this opportunity to express my concern for the plight of Jews who wish to leave the Soviet Union and emigrate to their homeland of Israel. Although their goals and means are peaceful, they face harassment and arbitrary imprisonment at the hands of Soviet authorities. In denying Jews in the Soviet Union of the right to practice their religion, maintain their cultural heritage, and emigrate to Israel, the Soviets violate the Universal Declaration of Human Rights, the Helsinki accords, and the International Covenant on Civil and Political Rights. Despite the outpouring of interest in this matter from all over the world, emigration of Jews from the Soviet Union has come to a virtual standstill.

In the spirit of international cooperation, I strongly urge Soviet leaders to reverse their policies and to let Jews freely emigrate to Israel. I also urge my colleagues to actively participate in the international effort to work on behalf of Soviet Jews. It is only through coordinated and concerted action on all levels that attention is drawn to individual cases and to the problem as a whole.

In my own area of Philadelphia, Americans of the Jewish and other faiths have united in the movement to assist Soviet Jews in their fight to emigrate. For example, members of Congregation Beth Israel in Media, Pa., have actively worked on behalf of Lev Elbert and his family in Kiev. In conjunction with other interested parties, letters have been written, telegrams sent, and concern expressed by citizens and officials from throughout the United States to Soviet authorities regarding their case. Partially as a result of these efforts, Soviet authorities dismissed trumped up drug charges which had been levied against Lev.

Together with my staff, I have also adopted Yakov Mesh and his family through the auspices of the Jewish Community Relations Council of Greater Philadelphia. In the coming months, we plan to write letters on their behalf to Soviet officials and communicate with Yakov and his family directly. It is our hope that the more interest in their case that we can generate, the less likely it is that the abuse that they have suffered will continue and the more likely that they will be allowed to join their relatives in Israel. For the record, I have inserted at the end of this statement two letters that I sent today on behalf of the Mesh and Elbert families, a letter to the Mesh family, and a letter protesting Soviet policies in general.

In closing, I would like to praise all of those who have struggled on behalf of Jews in the Soviet Union and urge others to take the opportunity of this International Day of Concern for Soviet Jewry to become actively involved.

The letters follow:

House of Representatives,
Washington, D.C., March 15, 1984.

Konstantin Chernenko,
General Secretary of the Communist Party,
The Kremlin, Moscow, RSFSR.

Dear Mr. General Secretary: Today, March 15, 1984, on the Day of Concern for Soviet Jewry, I write to you to express my deep concern for Yakov Mesh, his wife Marina, and their son Marat, all of Odessa. In the coming years, I plan to closely follow the case of this Soviet Jewish family, which my staff and I have adopted, and I will actively urge that they be allowed to emigrate to Israel.

The Mesh family first applied for a visa to emigrate to Israel in 1977. Later that same year, twenty of their relatives were permitted to emigrate, including their parents, Yakov's brother, Marina's sister, and her grandmother. Their request was denied for "security reasons" on the grounds that during Yakov's six years in the military he was supposedly exposed to state secrets, even though much of the time was involved in athletic competition as an amateur boxer.

Following the application to emigrate, he and his family have been constantly harassed and fequently detained by the KGB, event to the point of where attempts have been made on Yakov's life. More recently, Yakov was summoned to return to the military on September 20, 1983, after nearly a decade since his last term of service. As we all know, such a requirement is quite out of the ordinary and usually reserved only for high ranking officers. Although the requirement was dropped, since then he and his family have been repeatedly hassled by the KGB.

I vehemently protest the harassment and threats that have been made so much a part of the Mesh family's everyday life because of their struggle to join their relatives in Israel. The case is clearly one of attempted family reunification and repartriation to the Jewish homeland of Israel. Refusal to allow the Mesh family to emigrate to Israel is certainly contrary to the consensus at Madrid to strengthen the provisions of the Helsinki Final Act.

I strongly urge you to personally intervene and to permit the Mesh family to emigrate to Israel, as they have sought to do for the last six years. Again, I reiterate my deep concern for the Mesh family and urge the quick resolution of their case. I will continue to monitor this matter, along with the many concerned citizens from this country with great interest.

Sincerely,

Bob Edgar.

House of Representatives,
Washington, D.C., March 15, 1984.

Konstantin Chernenko,
General Secretary of the Communist Party,
The Kremlin, Moscow, RSFSR.

Dear Mr. General Secretary: On this day, March 15, 1984, the International Day of Concern for Soviet Jewry, I wish to express my deep, personal concern for the welfare of Lev Elbert and his family.

Although the unfounded drug charges against Lev Elbert were dropped last year, there remain many allegations that members of Lev Elbert's family have been harassed by Soviet officials and often misinformed as to the status of Lev's case. Even at the present time, Lev Elbert is still imprisoned on charges of refusing conscription into reserve military duty. As we all well know, however, such duty is usually only required of high-ranking military officers. I urge that he be released from prison as well as from the unjustified requirement of additional military duty.

Furthermore, I strongly urge you, in these early days as leader of the Soviet people, to personally intervene and to permit the entire Elbert family to emigrate to Israel, as they have sought to do for the last nine years. The Elberts' struggle to join their relatives in Israel is clearly a case of attempted family reunification and repatriation to the Jewish homeland of Israel, where Mrs. Elbert's mother and brother currently reside. Refusal to allow the Elberts to emigrate to Israel is certainly contrary to the consensus at Madrid to strengthen the provisions of the Helsinki Final Act.

Again, I wish to reiterate my deep concern for the Elbert family and urge in the strongest possible terms the quick resolution of their case. I will continue to follow this matter, along with the many concerned citizens from this country, with great interest not only on this special day, but throughout the year and in the years to come.

Sincerely,

Bob Edgar.

House of Representatives,
Washington, D.C., March 15, 1984.

Yakov and Marina Mesh,
Ploschad Martinovskogo 3/4, Odessa Centre, Ukranian SSR, USSR.

Dear Yakov and Marina: On today, the International Day of Concern for Soviet Jewry, I would like to take this opportunity to inform both of you that I am exercising, in my capacity as a United States Congressman, my best efforts in seeking permission for your family to emigrate to Israel.

Through the auspicies of the Jewish Community Relations Council of Greater Philadelphia, my staff and I have "adopted" your family, meaning that we will continue to monitor your case and will work on your behalf. I realize that the Mesh family applied to emigrate to Israel in 1977 and since then your family have been harassed and detained by the KGB. Your struggle to join your relatives in Israel is clearly a case of family reunification and repatriation to the Jewish homeland and Israel. I have written to Soviet officials asserting these facts and urging that you and your family be allowed to emigrate.

Please be assured of my continued efforts. You will be hearing from me again in the near future.

Sincerely,

Bob Edgar.

House of Representatives,
Washington, D.C., March 15, 1984.

Vitali V. Fedorchuk,
Minister of the Interior, Ulitas Ogarev 6, Moscow, RSFSR, USSR.

Dear Sir: Today, on the International Day of Concern for Soviet Jewry, I would like to take this opportunity to appeal to you to change and correct the present policies of the Soviet Union toward Soviet citizens of the Jewish faith.

On this special day, I wish to express my deep concern about the virtual halt in Jewish emigration. The radical decline is underscored by the fact that in all of 1983, only 1,314 Jews left the Soviet Union, whereas in the peak year of 1979, over 4,000 left each month. Also distressing have been the new measures introduced to make emigration more difficult, the continuing imprisonment of prisoners of conscience, and the intensification of a state-sponsored crackdown in the Jewish Culture.

In your capacity as Minister of the Interior, I know that you have responsibility for emigration procedures and for the prison system. I urge you to personally intervene to allow Jews to be repatriated to their homeland of Israel, to let Jews be reunited with their relatives in Israel, to fully implement the Helsinki Accords, and free the Jewish prisoners of conscience now!

Again, I reiterate my deep concern for the plight of Soviet Jews. I will continue to follow such matters, especially the cases involving the cases of the families of Lev Elbet and Yakov Mesh, with great interest.

Sincerely,

Bob Edgar.●

● Mr. CORCORAN. Mr. Speaker, I add my voice to those of my colleagues today in venerating the courage and resiliency of spirit of Anatoly Shcharansky. He is serving a 13-year prison term for the simple offense of requesting permission to emigrate to Israel where he could rejoin his wife. The present special order in Congress marking the seventh anniversary of his arrest, is only a single note in a much larger chorus of voices being heard the world over today, protesting the outrages perpetrated daily by the Soviet Union on hundreds of thousands of Jews living under their dominion. With unbroken spirits and perseverance, these people expose themselves to imprisonment, beatings, fines, and every sort of persecution, rather than renounce their right to practice their religion and to live in the country of their choice.

Soviet Jews have faced increasing hardships in recent years. Jewish seminaries, synagogues, schools, publications, and gatherings are all prohibited. Forbidden to study their history, language or culture, Soviet Jews have sought over the years to escape repression through emigration. Tragically many are refused each year, and this number has grown until now requests are routinely refused almost without exception. Even knowing this, they continue to apply for emigration visas, making targets of themselves for their government's harassment. Yet, in spite of the misery of repeated rejection and intensified discrimination in all walks of life, they follow the example of steadfast leaders such as Anatoly Shcharansky in pressing for their right to maintain their ethnic identity and hope for their future.

We, the Members of Congress of the United States and our fellow supporters of Soviet Jewry all over the world take this opportunity to urge the governments of all free nations to join in compelling the Soviet Union to relent in its policy of denying the Jews their every human right. Through demonstrations like today's International Day of Concern for Soviet Jews, the entire free world sends a strong message of solidarity with the beleaguered Soviet Jewry and of outrage at their reprehensible treatment at the hands of the Soviet tyrants.●

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York.

There was no obligation.

THE OMNIBUS ANTI-POVERTY ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Rangel) is recognized for 60 minutes.

● Mr. RANGEL. Mr. Speaker, recently I introduced H.R. 4920, the Omnibus Anti-Poverty Act of 1984, along with my colleagues Harold Ford, Henry Waxman, and Edward Roybal. The bill is designed to halt the sharp upward trend in the poverty rate over the past 4 years, particularly among children.

After a decade of steady decline followed by another decade of relative stability, the proportion of American's living in poverty has begun a sharp rise. From a high of 22 percent of the population in 1959, the first year of measurement, the proportion of people in poverty declined steadily during the 1960's. The rate was essentially stabilized during the 1970's with the lowest recorded level of 11 percent in 1973. Then, starting in 1979, the poverty rate began sharp increases. Since 1978, the poverty rate has increased 32 percent from 11.4 to 15 percent of the population. The current poverty rate is at the highest level since 1965.

Think of seven people that you know. If they are typical of the U.S. population as a whole, one of them is officially poor. Not only has the rate of poverty been increasing but so has the degree of deprivation. The proportion of poor persons with incomes at 75 percent of the poverty line has increased from 61 percent in 1978 to 68 percent. Moreover, the poverty gap—the amount of money to bring all poor people up to the poverty threshold—is growing.

The trends discussed above tell a sad picture of our Nation's setback in the effort to reduce poverty. Illustrative as this data is, it only tells part of the story—within particular population groups the outlook is much bleaker.

For example, poverty rates for minority families are substantially higher than the rates for whites. The rate for blacks has stubbornly stayed two to three times higher than the rates for whites. While the social security program and the establishment of the supplemental security income (SSI) program have reduced the overall incidence of poverty among the elderly, the rate has remained very high for some aged persons—the very old, the elderly living alone, and elderly blacks.

Poverty trends among children are particularly troubling. Their rates have been consistently higher than that of the population in general and the present outlook is dim. In 1982, a shocking one-in-five children under age 18 (21.3 percent) was poor. The poverty rate for children in female-headed households is more than double (56 percent). While the incidence of poverty in female headed households has been persistently high, it is alarming that recently more and more two-parent families are joining the poverty ranks.

Last year, the Subcommittee on Public Assistance and Unemployment Compensation and the Subcommittee on Oversight of the Committee on Ways and Means held hearings to determine why the poverty rate has jumped so dramatically. At those hearings the subcommittees learned that the prime reason is governmental policy:

Means-tested programs for the poor have been cut at a time of increasing need,

The tax burden for poor families has increased while, as a percentage of income, taxes for affluent families has decreased,

The purchasing power of public assistance benefits have declined dramatically, and

The recession, high unemployment rates, and changes in the unemployment compensation program have contributed to increasing poverty.

EITHER WAY YOU COUNT, MORE ARE POOR

When the Federal Government began measuring poverty in the early 1960's, the continued existence of poor people in a time of the affluent society seemed anomalous. The search for programmatic ways to alleviate poverty soon generated efforts to measure the size of the poverty population. The first rough estimates of the incidence of poverty were built on survey data indicating that families generally spent about one-third of their incomes for food. A poverty level income was then calculated by using as a yardstick the amount of money necessary to purchase the lowest cost nutritionally adequate diet calculated by the Department of Agriculture—roughly equivalent to the current thrifty food plan. This price tag was then multiplied by three to produce a poverty income threshold. These first estimates found that 39.5 million—22 percent of the population-persons were poor in 1959.

The basic concepts and measurements have changed little since 1959, although in 1969, policy officials made a basic change in the method for calculating the poverty level of income. The poverty threshold is now established each year by increasing the previous year's level by the change in the Consumer Price Index (CPI) rather than multiplying the cost of the thrifty food plan by three.

Generally, the current measurement of poverty focuses on cash income from earnings, governmental transfer payments, et cetera and does not count in-kind benefits such as food stamps or medicare.

The administration, reacting to increasing proverty, asserts that failure to take into account noncash, in-kind benefits overstates the problem. However, in a recent report which measured proverty including in-kind benefits, the Census Bureau found otherwise. Since 1979, the increase in the number of people living in poverty is just as large if in-kind benefits are counted. Moreover, the rate of increase in poverty is actually higher if in-kind benefits are counted than if not counted: from 1979 to 1982, the poverty rate rose 28 percent under the offical measure; it rose 47 percent when non-cash benefits are counted.

THE PRIME REASON FOR GROWING POVERTY IS GOVERNMENTAL POLICY

The recession and administration budget cuts in means-tested programs for the poor are the prime reasons for the current crisis of poverty. Over 70 percent of means-tested benefits are received by individuals below the poverty threshold.

Spending, however, has not been trimmed evenly. The poor and near poor have borne a disproportionate share. A recent report by the Congressional Budget Office confirms this impact. CBO found that approximately 40 percent of the budget savings will come out of benefits to families with annual incomes below $10,000 (70 percent of the savings will come from families with incomes of $20,000 or less). For example, changes in the 1981 Reconciliation Act made 400,000 families ineligible for the aid to families with dependent children (AFDC) program; 300,000 other families had reduced benefits with an average loss inb benefits of $1,555 per year. High unemployment rates and administration-inspired changes to the unemployment compensation program have also contributed to growing poverty.

Since 1970, the purchasing power of AFDC benefits has declined by 33 percent in the typical State. In 14 States, the decline has been 40 percent or larger. This means that AFDC benefits should be 50 percent greater today if the purchasing power were the same as in 1970.

A similar situation exists for State financed supplemental security income (SSI) supplements. In 1975, total State SSI payments were $1.6 billion. Eight years later, total State payments are $2.0 billion. If these payments had kept pace with inflation total benefits in 1983 would have been $2.9 billion.

CURRENT TAX POLICY IMPOSES A SUBSTANTIAL BURDEN ON THE POOR

In addition to the impact of governmental policy upon poverty, Federal tax policy over the past few years has further decreased the disposable incomes of the working poor. This impact is not reflected in the official poverty measures.

The administration's tax cut program has contributed to the problem. Through the 1960's and 1970's in several tax reduction bills, attempts were made to eliminate the tax burden on families whose incomes were below the poverty line—in other words to increase the level of income at which a family begins to pay income tax —the tax threshold or tax entry point—above the poverty level. No such provisions were contained in the administration's tax reduction program. As a result, a poor family of four that may have been eligible in 1978 for a refundable tax credit of $134 will have a Federal income tax liability in 1984 of $365. In contrast, the tax burdens for families with incomes several fold above the poverty line have been reduced.

Other examples further illustrate the impact of Federal taxes on disposable incomes of the working poor. In 1970 Federal taxes for a family of three with earnings equal to the poverty threshold was less than 1 percent of its income. In 1985 Federal taxes for this family will be over 7 percent of income. A poor family of four will have Federal taxes increase from 4 percent of income in 1978 to over 10 percent of income in 1985. These are substantial and unwarranted burdens on the poor. (See the table below).

POVERTY LEVELS AND FEDERAL TAX AMOUNTS FOR DIFFERENT FAMILY SIZES WITH EARNINGS EQUAL TO THE POVERTY LEVEL

[Selected years 1978–86]

	Family size		
	3	4	6
Poverty level:			
1978	5,201	6,662	8,891
1984	8,277	10,613	14,219
1985	8,691	11,144	14,930
1986	9,117	11,690	15,662
Federal income and payroll tax at poverty level earnings:			
1978	35	269	539
1984	546	1,076	1,523
1985	650	1,148	1,625
1986	757	1,221	1,926

POVERTY LEVELS AND FEDERAL TAX AMOUNTS FOR DIFFERENT FAMILY SIZES WITH EARNINGS EQUAL TO THE POVERTY LEVEL—Continued

[Selected years 1978–86]

	Family size		
	3	4	6
Federal taxes as a percent of income at poverty levels:			
1978	0.7	4.0	6.1
1984	6.6	10.1	10.4
1985	7.5	10.3	10.9
1986	8.3	10.4	11.7

FEDERAL POLICY CHANGES ARE NEEDED TO HALT GROWING POVERTY—ECONOMIC RECOVERY IS NOT ENOUGH

H.R. 4920, the Omnibus Anti-Poverty Act of 1984, is designed to address the alarming upward trend in poverty rates and the basic unfairness of the administration's treatment of programs for the poor (and near poor). The bill creates a real safety net for the disadvantaged, diminishes long-term dependence on welfare, strengthens protections for low-income children, helps to maintain the purchasing power of public assistance benefits, and reduces Federal taxes for the working poor. For example, the bill reauthorizes and expands the targeted jobs credit, increases the earned income tax credit for the poor, encourages supported work and other employment programs through block grant funds, increases SSI benefits for the elderly, and mandates a minimum AFDC benefit.

Economic growth does have an important impact on poverty. But it is only one factor. Moreover, other factors tend to counter the poverty-reducing influence on economic recovery. For example, a substantial percentage of poverty households are female-headed with children. Over the last 25 years, despite high economic growth in the late 1960's and early 1970's poverty among this demographic group has ranged from 36 percent to 42 percent. Approximately 400,000 female-headed families have a full-time wage earner and yet these families remain in poverty. For a mother of three with average child care and work expenses, a wage rate of $6 per hour (or more) is required to achieve income above poverty. However, less than one-half of women in the work force have such wages. Further, expert witnesses at the subcommittee hearings testified that while families headed by white males, who generally have below average poverty rates, have experienced some of the sharpest recent increases in poverty. Although the recovery will reduce the rates for these families, their poverty rates will remain far above the levels of past years. For all groups, expert witnesses stated that the present recovery will only reduce the poverty rate from 15 percent in 1982 to 14 percent through 1984.

H.R. 4920 is not a panacea for increasing poverty but it embodies sound, reasonable policies that will halt its escalation. Many of the policies contained in the bill have been embraced by the National Council of State Public Welfare administrators. In general, the goals of the bill have also been embraced by 136 of our colleagues who endorsed the document "Reviewing America's Promise—A Democratic Blueprint for Our Nation's Future". But let me make it clear, poverty is not a partisan issue. The pain of deprivation is just as acute if you are a card-carrying Democrat or Republican. It is a national problem.

I realize that many of my colleagues are concerned about the deficit. I share their concerns. However, I believe policies can be designed which will reduce the deficit and at the same time address growing poverty. A number of legislative options could be considered which could yield the necessary budgetary savings to insure that deficits are not increased. For example, planned defense spending could be reduced or stretched out, revenue increased, and non-means-tested entitlements and other programs could be reviewed.

Mr. Speaker, the need for legislative action to reverse increasing poverty is clear. I believe, the Federal Government cannot turn its back on 34.4 million Americans. Shortly before his death, Hubert Humphrey said that the moral test of a society is how it treats people at the dawn of life—its children—how it treats those at the twilight of life—the elderly—and how it treats its citizens in the shadow of life—the weak, the disadvantaged, the poor and the handicapped. Over the past 3 years Federal policy, often in the name of reform and budget savings, has made the lives of the disadvantaged more precarious, more marginal and more miserable.

Mr. Speaker, for the benefit of my colleagues I am inserting in the RECORD an outline of the Omnibus Anti-Poverty Act of 1984 and a summary of the nonhealth provisions of the bill. The health provisions are described in an Extension of Remarks statement by my colleague and bill cosponsor HENRY WAXMAN.

OUTLINE OF THE OMNIBUS ANTI-POVERTY ACT OF 1984

H.R. 4920, The Omnibus Anti-Poverty Act of 1984, contains the following major measures to address increasing poverty:

1. TO DIMINISH LONG-TERM DEPENDENCE ON WELFARE

Reauthorize and expand the targeted jobs credit.

Encourage supported work and other employment programs.

2. TO REDUCE FEDERAL TAXES FOR THE WORKING POOR

The bill would increase the earned income tax credit (EITC) from 10 percent under current law to 16 percent of the first $5,000 of earned income and would phase this maximum credit of $800 out between $11,000 and $16,000 of earnings at a 16 percent rate. In 1986 and years thereafter, the EITC parameters would be indexed in the same manner as the tax brackets are indexed.

3. TO STRENGTHEN PROTECTION FOR CHILDREN

Mandate a minimum AFDC benefit level in the Aid to Families with Dependent Children (AFDC) program such that combined food stamp and AFDC benefits would equal 65 percent of poverty in all States.

Reinstate AFDC earnings disregards.

Increase child support payments.

Insure that all potentially eligible families are aware of eligibility rules in AFDC and food stamps.

Mandate medicaid coverage for first time pregnant women.

4. TO CREATE A SAFETY NET FOR CHILDREN IN UNEMPLOYED FAMILIES

Mandate the AFDC-Unemployed Parent program in all States.

Ease asset restrictions in AFDC.

Treat unemployment compensation as wages in AFDE.

Mandate employers to provide health protection for 90 days after layoff.

5. TO ENCOURAGE STATES TO MAINTAIN THE PURCHASING POWER OF AFDC AND STATE SUPPLEMENTAL SECURITY INCOME (SSI) SUPPLEMENTS

For AFDC benefit increases after November 1983, the State match would be reduced by 30 percent.

The Federal Government would finance 30 percent of State SSI supplemental increases after November 1983.

6. TO REDUCE THE LEVEL OF POVERTY AMONG THE ELDERLY

Increase SSI for elderly individuals.

Eliminate the actuarial deduction for elderly survivors.

Mandate medicaid coverage for all SSI recipients.

SECTION-BY-SECTION SUMMARY OF H.R. 4920, THE OMNIBUS ANTI-POVERTY ACT OF 1984

MANDATE A MINIMUM AFDC BENEFIT LEVEL

Under present law, States have complete flexibility in setting AFDC benefit levels. Federal law does not require an automatic annual adjustment for inflation, as is the case with food stamps, and only a very few States make regular adjustments in their AFDC benefits. As a result, since the early 1970's AFDC benefit levels have fallen by 36 percent in the typical State and only 25 States set AFDC benefits above 50 percent of the poverty level for a three person family. In January 1984, monthly AFDC benefits for a family of three with no other income ranged from a high of $696 in Alaska to a low of $96 in Mississippi; nationwide, the average monthly benefit for this family type was $321.

The bill would mandate a minimum AFDC benefit in all States such that when the AFDC payment is combined with food stamps (assuming a standard deduction), all families with children would receive an income equal to 65 percent of the poverty level. To set the minimum AFDC benefit, the Secretary of HHS would use the OMB poverty guidelines published in April of each year (and pertaining to the previous year) and issue regulations by October 1 specifying the dollar amounts which equal 65 percent of the poverty level for the following year. In these calculations, the Secretary would have to project price increases from September of the current year to the following June. Combined AFDC and food stamp benefits would have to average 65 percent of the poverty level for January to December.

In 1983, the proposed change would have increased the AFDC benefit for a three-person family in 20 States. They are: Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas and West Virginia.

MANDATE A NATIONAL UNEMPLOYED PARENTS PROGRAM

Under present law, the basic AFDC program provides monthly cash benefits to needy children in single parent families. At their option, States may aid needy two-parent families when the principal earner is unemployed (known as AFDC-UP). Currently, 25 States operate an AFDC-UP program. In addition to meeting the basic income and resource requirements of the AFDC program, several special eligibility factors must be met by two-parent families: The principal earner must have been unemployed or underemployed for 30 days (underemployed is defined as working less than 100 hours per month); the principal earner must not have refused a bona fide offer of employment or training in the 30 days prior to application; the principal earner must meet an earnings history requirement by showing earnings of at least $50 (or WIN or CWEP participation) for six or more quarters during the thirteen calendar quarter period which ends one year prior to application for AFDC-UP.

Anyone who received unemployment compensation, or would have qualified for it, is also eligible for AFDC-UP. Recipients of AFDC-UP are subject to the same work requirements as other AFDC recipients. If both parents are required to work, child care must be arranged.

State AFDC-UP costs are reimbursed using the same Federal-State match that is applied in the basic AFDC program. The AFDC matching rate, which is based on State per capita income, ranged in 1984 from a low of 50 percent Federal reimbursement to a high of 77.63 percent.

The bill mandates the AFDC-UP program in all States with a Federal matching rate equal to the higher of 75 percent or the current Federal AFDC match. In addition, the work requirements or work components of the AFDC-UP program would be left completely to State discretion, within the following parameters: the requirements must be as strict as those required for single parent families; any work performed by AFDC-UP recipients in a public service employment program must be paid at the applicable Federal or State minimum wage and in a community work experience program, AFDC-UP recipients may not be required to work more hours than results from dividing the AFDC benefit by the applicable minimum wage; if both parents are required to work, child care must be arranged; and at least eight hours per week, in most instances, must be set aside for private sector job search by all AFDC-UP recipients.

The bill would also permit States to set different benefit levels for two-parent families than are used for single parent families, although the two-parent benefit could not fall below the minimum AFDC level that would also be established by this legislation. In addition, States could set a maximum duration for two-parent aid of not less than six months per year. The earnings history test and the 100 hours of work rule would be eliminated.

The States currently without an AFDC-UP program are: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, and Wyoming.

RESTORE THE WORK INCENTIVE

Under prior law, States were required to deduct (1) the first $30 of earnings; (2) plus one-third of remaining earnings; (3) plus work expenses for the month (including child care) that were reasonably attributable to the earning of income. The $30⅓ earnings disregard did not apply when determining AFDC eligibility. The earnings disregards were designed as a work incentive.

The Omnibus Budget Reconciliation Act of 1981 changed this policy, virtually eliminating the financial incentive for AFDC parents to seek employment or, for those with jobs, to continue working. The 1981 Reconciliation Act limited the disregard for work expenses to $75 per month for full-time employment and capped the child care deduction at $160 per month per child. Most importantly, the $30 plus ⅓ of remaining earnings disregard was limited to four consecutive months and a gross income limit of 150 percent of the State standard of need was imposed.

As a result of these changes, some 300,000 families lost AFDC and Medicaid eligibility. The average loss per family was approximately $1,700 per year. In many cases, AFDC mothers who now work have lower disposable incomes than if they did not. For example, a mother with two children in Pennsylvania who does not work would have disposable income equal to $5,648. Yet, if that mother returned to work at a job earning $6,000 annually, she would have a net disposable income, after work expenses, of $4,628. It is not possible for her to have more income than the mother who does not work unless she can earn approximately $9,000 per year.

The bill requires States to disregard the following amounts of earned income, in the following order, in determining a family's AFDC eligibility and monthly benefit: the first $50 of monthly earnings; 20 percent of gross monthly earnings, up to a maximum of $175, for work expenses; child care costs, up to a maximum of $160 per child per month and $320 per family; and one-fourth of remaining earnings.

There would be no time limit on the one-fourth or any of the other disregards. The gross income limitation of 150 percent of the State standard of need would also be repealed.

The following example illustrates how the earnings disregards under the bill compare to current and prior law. The example assumes a mother and two children with work expenses equal to Federal income and payroll taxes and transportation expenses of $50 per month. The AFDC benefit level is $320 per month. The "average tax rate" is the amount of earned income that is offset by reduced food stamps, reduced AFDC, or additional Federal taxes or work expenses.

EXAMPLES FOR A MOTHER AND TWO CHILDREN ON AFDC, FOOD STAMPS ETC, AND DISPOSABLE INCOME AT VARIOUS EARNING LEVELS

Earnings (per month)	0	200	400	600	800	1,000
Work expenses	0	63	77	109	151	197
AFDC:						
Prior law	320	256	124	30	0	0
Current law [1]	320	129	0	0	0	0
H.R. 4920	320	238	118	0	0	0
EITC:						
Prior and current law	0	20	40	29	4	0
H.R. 4920	0	32	64	67	67	53
Food stamps:						
Prior law	132	103	95	75	36	0
Current law [1]	130	138	127	78	29	0
H.R. 4920	134	110	96	86	38	0
Disposable income:						
Prior law	452	516	582	625	689	803
Current law [1]	450	424	490	598	682	803
H.R. 4920	454	517	603	644	754	856
Average tax rate:						
Prior law		67	68	71	70	65
Current law [1]		113	90	75	71	65
H.R. 4920		69	63	68	63	60

[1] After 4 months of $30⅓.

EASE ASSET RESTRICTIONS

Under present law, allowable family resources in AFDC is limited to $1,000 (equity value), excluding the home and one automobile if the family's equity in the car does not exceed $1,500. States must count toward the resource limit the value of other resorces, except, at State option, basic items essential to day-to-day living, such as clothing, furniture and other similarly essential items of limited value. The effect of this policy is that all families with resources, cars and life insurance policies with cash values above $2,500 are ineligible for AFDC.

In the food stamp program, the resource limit is currently $1,500 ($3,000 for a household with an elderly member) with the automobile exempt so long as its value does not exceed $4,500.

The bill increases the AFDC resource limit from $1,000 to $2,250 for non-elderly and non-disabled households and set a $3,500 resource limit for elderly and disabled households. In addition, raise the automobile fair market value exemption from $1,500 to $5,500. These new resource and automobile policies would also apply to the food stamp program. The owner occupied home would continue to be exempt and all other family resources would be counted toward the resource limit. This policy would help to correct the current situation in which many unemployed families with children are not eligible for AFDC once they exhaust their unemployment compensation benefits. And, by establishing common AFDC and food stamp policies, administration of these two programs would be simplified and errors reduced. These changes were recommended by the President's Task Force on Food Assistance for the food stamp program.

ENCOURAGE WORK PROGRAMS TO REDUCE WELFARE DEPENDENCY

Under present law, as a condition of AFDC eligibility, persons 16 years of age or older, who are receiving or applying for AFDC, must register for work and training. An individual may be exempt from the work registration requirement if he or she is unable to participate due to: illness; incapacity; advanced age; fulltime student status; remoteness from a work incentive (WIN) program site; the need to care for an ill or incapacitated member of the household; or working at least 30 hours per week. Also exempt is the parent caring for a child under 6 years of age; in a two-parent family, one parent is exempt if the second parent is registered for work.

Work registration is one component of the work incentive (WIN) program. All States operate a WIN program or a WIN demonstration program. In additon, the Social Security Act permits States to offer several other employment programs. These are: job search; the community work experience program (CWEP, known as workfare); work supplementation; and grant diversion.

The bill revises the existing work incentive (WIN) program to grant States permanent authority to operate either WIN or a WIN demonstration. Also create two special employment programs for welfare recipients: a supported work or grant diversion program for long term adult welfare recipients and otherwise hard to place workers; and an employment program for teenage mothers without a high school education. In States electing to operate these special programs, extra Federal funds would be available.

Created in 1967 to help welfare recipients to find work, the WIN program has never had the resources needed to provide the comprehensive services envisioned by its enabling legislation. Complicated program rules and a confusing administrative structure (the program is jointly administered by the Department of Labor and the Department of Health and Human Services with a similar structure at the State level) led Congress to authorize WIN demonstration projects in the Omnibus Budget Reconciliation Act of 1981. These projects are testing single agency administration and give States more flexibility to use the limited WIN resources to help AFDC recipients to find and keep a job. Although not yet complete, these WIN demonstrations are showing promising results: more welfare recipients are becoming an active part of the labor force—training for work, constructively looking for work, or actually working.

H.R. 4920 would build on this WIN demonstration experience, giving States permanent authority to operate WIN demonstrations or to elect the current WIN program. Under either approach, all States would continue to: register employable AFDC recipients for work and conduct initial screening and assessments. States could also: offer group and individual job search opportunities; operate a community work experience program (CWEP) statewide or in portions of the State; provide short term supportive services, such as day care, transportation, uniforms or other items needed by employable welfare recipients; offer other training and education services; operate a grant diversion or supported work program for hard to place welfare recipients (see fuller description below); and operate a program that seeks to increase the employment opportunities of teenage mothers who have not completed school (see discussion below).

Those required to participate in any of these work programs would be the same as current law. All able-bodied adults who are not needed in the home to care for a child(ren) under the age of 6 (or at State option under age 3) or an incapacitated adult would be required to participate.

The supported work or grant diversion program would replace the existing State authority to operate a work supplementation program (States have not used this authority because it can restrict the amount of the Federal; AFDC match) and eliminate the need to use the cumbersome waiver process to receive approval for such projects. It could be operated statewide or only in portions of the State. The purpose of such a program would be to: reduce dependency on public assistance; provide real paying jobs needed by a range of public and private employers; and generate revenues for the companies involved, helping to offset the costs. Supported work has four components: close supervision; peer group support; gradually increasing performance expectations; and most importantly grant diversion (using a portion or all of the AFDC grant as wages until the recipient becomes a regular employee). States could operate a simple grant diversion program and/or offer the additional components available under a supported work program.

Finally, the legislation would permit States to implement innovative employment programs for teenage mothers. One such program is project redirection, in which teenage parents are linked with an older community woman who can provide support and assistance, serving as a friend and role model for the teenager. Rather than create new service programs to meet the needs of these teens, project redirection uses the community woman to help link the teenager to existing services. These services can include enrolling in an educational program, particularly targeted toward earning a high school diploma, family planning education and medical care for the teenager and her child(ren). In addition to project redirection, States would be permitted to test other innovative employment strategies for teenage mothers.

TREAT UNEMPLOYMENT COMPENSATION AS WAGES IN AFDC

Under present law, unemployment compensation payments are treated as unearned income for the purposes of AFDC eligibility and benefit computation. This means that AFDC benefits are reduced a dollar for each dollar of unemployment compensation that is received, a policy which often makes families receiving unemployment compensation ineligible for AFDC and Medicaid.

The bill treats unemployment compensation benefits as wages when determining AFDC eligibility and benefits, under the assumption that unemployment compensation is a substitute, in a period of economic hardship, for wages. It is appropriate to treat unemployment compensation recipients, who have a sustantial attachment to the labor force, differently in the welfare system from someone with little work experience. Treating unemployment compensation benefits as earned income makes this portion of family income subject to the earned income disregards. As a result, $59 plus ⅓ of the remaining UC payment would be disregarded when determining AFDC eligibility and benefits. Families that become eligible for both AFDC and unemployment compensation as a result of this legislation would be required to meet the work requirements of both programs; generally, the AFDC work requirements are more demanding.

INCREASE CHILD SUPPORT PAYMENTS

Under present law, the child support enforcement (CSE) program was enacted in 1974. Under the program, States locate absent parents, establish paternity and obtain and enforce support orders for AFDC and non-AFDC families. The Federal government currently pays 70 percent of State administrative expenses for CSE and 90 percent of the costs for automated data processing development. Child support collections for AFDC families are distributed between the State and Federal governments according to the matching rate for the AFDC program and are used to reimburse AFDC expenditures on behalf of the family. To encourage AFDC collections, States receive an incentive payment from the Federal share of collections equal to 12 percent of their total AFDC collections. This incentive system does not reward collections on behalf of non-AFDC families. Both the basic federal match and the AFDC incentive payment have been reduced in recent years.

On November 16, 1983, the House of Representatives adopted H.R. 4325, the Child Support Enforcement Amendments of 1983, by a vote of 422-0. These amendments would make needed improvements in the current program by: requiring States to implement effective practices, such as income withholding; retaining the 70 percent Federal administrative match but replacing the 12 percent incentive with a new incentive system which rewards AFDC and non-AFDC performance; encouraging States to develop innovative techniques for enforcing interstate support obligations; and other improvements designed to assure that all children in the United States who need help in obtaining financial support from their parents will receive this assistance, regardless of their circumstances. H.R. 4325 is currently awaiting action by the Senate.

The bill mandates three additional CSE improvements. First, CSE agencies would be required to seek child support orders which are indexed to the wages of the non-custodial parent. This policy would assure that support payments are sensitive to increases as well as decreases in the absent parent's income. It also eliminates the need to return to court in the future to amend the order, a process that can be costly and time consuming. Second, require States to notify AFDC families of the amount of the AFDC check that represents child support payments. This will correct the current situation where a non-custodial parent may be making child support payments but they are offsetting AFDC payments and the family is unaware of the absent parent's actual contribution. Third, disregard 25 percent of the child support that is paid when determining AFDC benefits. This will help to increase the disposable income of low income families and improve the anti-poverty effectiveness of the child support enforcement program. In addition, fathers with low wages who faithfully make payments would know that a portion of those payments are improving the economic life of his children and are not reducing Federal and State assistance on a one-for-one basis.

INCREASE PARTICIPATION IN MEANS-TESTED PROGRAMS

Under present law, States are required to act promptly on applications for AFDC, SSI and food stamps. Special efforts to notify individuals of their potential eligibility for AFDC or SSI are not required. At one time, States were required to conduct outreach activities for food stamps. This requirement was eliminated in 1981.

The bill requires that the Secretary of Health and Human Services notify all SSI and AFDC recipients, on a one-time basis, and all new AFDC and SSI participants, of their potential eligibility for food stamps. Similarly, all unemployment beneficiaries would be notified of their potential eligibility for food stamps and AFDC and all food stamp recipients would be notified of potential eligibility for AFDC. This requirement would be similar to one contained in the Social Security Amendments of 1983, which required the HHS secretary to notify, on a onetime basis, all elderly OASDI beneficiaries who are potentially eligible, of the availability of SSI and encourage them to contact their district social security offices. The provision also required that the same information be included with the notification to OASDI beneficiaries of upcoming eligibility for supplemental medical insurance.

ENCOURAGEMENT OF STATES TO MAINTAIN AFDC BENEFIT LEVELS

Under present law, States have complete flexibility in setting AFDC benefit levels. Each State pays a certain percentage of AFDC benefits ranging from 22 to 50 percent. In each State, food stamp benefits are reduced by 3 percent of AFDC benefits. Thus, in a State like New York, the State must spend $7.14 to get an extra $10 in the hands of AFDC recipients. This is one of the primary reasons the purchasing power of a typical State AFDC benefit level has fallen by some 33 percent since 1970 under current law. Or stated differently, AFDC benefit levels today would have to be over 50 percent greater to be equivalent to the purchasing power of AFDC benefits in 1970. In 1984, total AFDC benefits would be over $5.0 billion larger if the purchasing power of these benefits had kept pace with inflation since 1975. This is $5.0 billion less to poor children and has contributed significantly to the increase in poverty.

The bill decreases the State matching requirements by 30 percent for all AFDC benefit increases after November 30, 1983. For a state with a 50/50 match, the Federal matching rate for increases after November, 1983 would be 65 percent. For a State with a Federal match of 60 percent (a State match of 40 percent), the new Federal match would be 72 percent. This is calculated as the old state match times .3 plus the old Federal match (.40×.3+.60=.72). Administratively, the overall Federal match would be a weighted average of the Federal portion of the AFDC benefit level for each family size with zero income. The weights would reflect the composition of the caseload by family size. No case-by-case computation of the matching rate would be required. The additional Federal matching would not apply to increased expenditures which result from mandating the unemployed parent program nor could it be used to finance the minimum benefit. It would, however, apply to increases in the minimum benefit after it is initially established.

INCREASED SSI ASSISTANCE FOR ELDERLY SURVIVORS

Under present law, individuals over age 65 are eligible for SSI payments. The amount of Federal SSI benefits is determined by the recipient's countable income, living arrangements, and marital status. Under the program, $20 of monthly income is disregarded. Data shows that the poverty rate for elderly individuals living alone is double that of elderly individuals and the poverty rate for elderly black females living alone is above 60 percent.

The bill, in addition to the $20 disregard, would institute a 10 percent disregard for Social Security income in the SSI program. This would serve to increase Federal SSI benefits to the elderly. For example, an individual with $300 in Social Security income would receive $64 in SSI benefits compared with $34 in benefits under current law, calculated as follows:

	Current law	Proposed law
SSI benefit standard	$314	$314
Social security income	300	300
Less $20 disregard	20	20
Less 10 percent SS disregard		30
Equals countable income	280	250
SSI benefits (standard minus countable income)	34	64

ELIMINATION OF ACTUARIAL REDUCTION FOR ELDERLY SURVIVORS UNDER OASDI PROGRAM

Under present law, monthly benefit amounts payable are subject to an actuarial reduction for many recipients. Data has shown that there is a much higher incidence of poverty for the very aged. This is due in part to the fact that benefit amounts are adjusted only for increases in the Consumer Price Index after initial receipt of benefits and do not take account of increases in the general standard of living.

The bill eliminates the actuarial reduction in an individual's widow(er)'s benefit upon attainment of age 80. This would include any reduction attributable to the present law widow(er)'s limit. In many instances, this reduction was taken many years previously and was a result of decisions made by someone other than the elderly survivor. For dually entitled individuals, the benefit adjustment at age 80 would only affect the widow(er)'s benefit (and not the worker's benefit). This change would be effective for monthly benefits after December, 1985; benefits for widow(er)s on the rolls who are age 80 and over would be recomputed.

Many surviving spouses under age 65, especially women, have limited earning capacity because of lack of skills, age, ill health, or other factors—hence, many rely in whole or in part on Social Security for support. Many lack other resources. For example, private pension benefits often are unavailable because their spouses were not covered under such plans or, if they were covered, the plan did not offer survivor's protection or the worker did not exercise the option to provide it. As this group grows older, the actuarial reduction in their benefit can assume increasing significance. Eliminating the reduction factor at age 80 would increase the benefit amount by as much as 40 percent, raising a $300 monthly benefit, for example, to $419.

ENCOURAGEMENT OF STATES TO MAINTAIN SSI SUPPLEMENT LEVELS

Under present law, the purchasing power of State SSI supplements has declined significantly. For example, in New York, the State SSI supplement adjusted for inflation has declined by 46 percent. If State SSI supplements had kept pace with inflation since 1975, benefits would be approximately $1.0 billion greater. One of the primary reasons is the interaction between food stamps and State SSI supplements. To place an additional $10 of buying power in the hands of elderly poor individuals, a State must spend $14.29. This amount multiplied by the food stamp benefit reduction rate of 30 percent yields $4.29 which, when subtracted from the SSI grant increase of $14.29, leaves $10.00 for the elderly SSI recipient. This interaction discourages States from increasing SSI supplements.

The bill would provide a Federal matching rate of 30 percent which would apply to all State SSI supplement increases made after November 1, 1983. This would ensure that $10 would be received by an elderly individual or poor family for every $10 spent by a State. Thus, with respect to the above example, if a State increased benefits by $14.29, the recipient would actually receive $14.29 because the 30 percent food stamp benefit reduction would be exactly offset by the 30 percent Federal match.

INCREASE IN EARNED INCOME CREDIT; TREATMENT OF CERTAIN PAYMENTS

Under present law, families with children receive a refundable income tax credit equal to 10 percent of the first $5,000 of earned income, thus providing a maximum credit of $500. This maximum credit is phased out at a rate of 12.5 percent between $6,000 and $10,000 of earned income. Since 1978, Federal taxes on a family of four with earnings equal to the poverty level have increased from $269 to $1,076 in 1984. This represents an increase from 4 percent to 10.1 percent of income. For a family of 3, Federal taxes for poverty level earnings have increased from .7 percent of income in 1978 to 6.6 percent in 1984. This will increase to 8.3 percent of income in 1986.

The bill would increase the earned income tax credit to 16 percent of the first $5,000 of earned income and this maximum credit of $800 would be phased out between $11,000 and $16,000 of earnings at a 16 percent rate. In 1986 and thereafter, the EITC parameters would be indexed in the same manner as the tax brackets are indexed. Under the proposal, for purposes of determining support or the maintenance of household test, Federally funded means-tested programs will not be taken into account. In addition, the credit would not be counted in determining AFDC or SSI eligibility or benefits.

Under the bill, a family of four with earnings equal to the expected poverty levels in 1985 and 1986 would have Federal taxes of $371 and $403 respectively. Thus, taxes for such a family with the EIC provision in the bill would be only 3.3 percent of income in 1985 and 3.4 percent of income in 1986. The bill would bring taxes back to their historic levels for families below poverty.

AMENDMENTS TO TARGETED JOBS CREDIT

Under present law, employers who hire individuals from certain targeted groups receive a credit against their taxes of 50 percent of wages paid up to $6,000 per year in the first year and 25 percent of wages up to $6,000 in the second year. The employer's deduction for wages is reduced by the amount of the credit. The credit applies to wages paid to eligible individuals from one or more of nine target groups.

The TJTC was enacted in 1978 to encourage employers to hire individuals with special employment needs. Prior to 1978, the tax law contained provisions giving tax credits to employers for simply expanding their employment rosters, regardless of whom they hired. This general program proved to be very expensive and provided no incentive to hire persons from groups with extremely high unemployment rates. Wisely, Congress decided in 1978 to encourage employers to hire from targeted groups. These groups have remained generally unchanged and include vocational rehabilitation referrals, economically disadvantaged youth, economically disadvantaged Vietnam-era veterans, SSI recipients, general assistance recipients, economically disadvantaged cooperative education students, economically disadvantaged ex-convicts, eligibile work incentive employees, involuntarily terminated CETA employees, and qualified summer youth employees. As is readily apparent, the credit encourages employers to "take a chance" on one of these persons regardless of the associated higher training costs and employment risks.

The bill would increase the credit to 50 percent of wages paid up to $10,000 in the first year and 25 percent of wages paid up to $10,000 in the second year. As well, the pool of eligible individuals would be increased by including all food stamp recipients who received food stamps for three months. This wouldd help to reduce long-term welfare dependency.●

● Mr. FORD of Tennessee. Mr. Speaker, I am pleased to join my colleagues in introducing the Omnibus Anti-Poverty Act of 1984. This legislation is a modest but important attempt to halt the rise in the poverty rate and to restore this country's commitment to its least fortunate citizens.

Last fall, the Subcommittee on Public Assistance and Unemployment Compensation and the Subcommittee on Oversight conducted joint hearings on the alarming rise in the poverty rate. At that time, we heard from the Bureau of the Census that the official poverty rate had risen from 11.4 percent in 1978 to 15 percent in 1982, an increase of 32 percent. During that period, the number of people living in poverty increased from 24.5 to 34.4 million.

The administration's response to these figures, delivered by Budget Director Stockman, was that the poverty rate was not that bad if you counted in-kind assistance. The report released on February 23, 1984, by the Bureau of the Census, however, shows an alarming increase in the poverty rate no matter how poverty is measured. Regardless of how the administration might try to mask these statistics, the fact is that poverty in this country has increased dramatically. Using the most conservative measure of poverty, the poverty rate was 6.8 percent in 1979 with 15.1 million people living in poverty.

For 1982, again using the most conservative estimate, the poverty rate had increased to 10 percent with 23.9 million people living in poverty. That is a 47-percent increase in the poverty rate in just 3 years.

The prime reason for the increase in the poverty rate is governmental policy: This administration's systematic retreat from our obligation to insure economic and social justice for all citizens. To date, the administration's response to the increase in the number of people living in poverty has been one of simplistic rhetoric and cynicism. The administration has preached a return to Christian values while treating the poor population of this country like a leper colony, abandoned and forgotten. The hypocrisy of preaching a restoration of traditional family values while ignoring the debilitating effect of poverty on families cannot go unchallenged.

The American community must protect families from the terrible effects of poverty and hunger. We must help those who are ill come back to health, those who are destitute regain their dignity, and those who are disabled surmount their afflictions.

This legislation has six major goals:

First, to create a real safety net for long-term unemployed individuals and their families;

Second, to strengthen protection for children;

Third, to diminish long-term dependence on welfare;

Fourth, to encourage States to maintain the purchasing power of AFDC and State SSI supplements;

Fifth, to improve the economic condition and reduce the poverty of elderly individuals—particularly elderly widows age 80 and above; and

Sixth, to reduce Federal taxes for the working poor.

Certainly we are compassionate enough to accomplish these goals. And through a sound tax policy and sane defense budget we have the ability to bear the cost of this investment in people. The legislation is not perfect but it is a start. It is a return to the vision of a society whose members are committed to one another's well being and are willing to bear the burdens—financial and moral—of that commitment.●

● Mr. WAXMAN. Mr. Speaker, I am pleased to join in sponsoring the Omnibus Anti-Poverty Act of 1984.

We all know that the only thing worse than being poor is being poor and sick. Yet, the Reagan administration has made a concerted effort to withhold health benefits from the poor and unemployed.

Despite our best efforts to oppose these cuts, Reagan's budgeteers have drawn blood. They use clinically sterile rhetoric like "halting and unsustainable real growth rates of the 1970's." But the meaning of these terms is not lost on the poor, whose "real growth" has exploded during the Reagan Presidency.

As a result of Mr. Reagan's 1981 budget cuts, about 700,000 poor children lost their medicaid benefits, often because their mothers worked. Medicaid, the Federal-State health benefits program for the poor, now covers only about half of those in poverty.

I recognize that this bill will not address all the health care needs of the poor. But it will begin to repair some of the damage that the Reagan policies have caused.

I would urge my colleagues to support this important legislation.

For the benefit of the Members, here is a summary of the health-related provisions of the bill:

Mandate Health Insurance Coverage for the Unemployed. As passed by the House H.R. 3021, the Health Care for the Unemployed Act contains a provision which mandates that large employers who offer health benefits to their employees include in that coverage certain protections for the unemployed and their families (other than temporary employees). The purpose of this provision is to increase the access of unemployed workers to private health coverage. Specifically, laid-off workers must be offered continued group coverage for themselves and their immediate families for 90 days after layoff; and they must be offered the opportunity to convert their group benefits to individual coverage. In addition, the laid-off spouses (and dependents) of employees who lose their group health benefits must be offered the opportunity to enroll in the working spouse's health plan without evidence of insurability. These requirements are phased in to give employers and insurers a reasonable period to plan the necessary adjustments. The bill includes the provisions in H.R. 3021, and also extends these protections to the children of divorced parents (i.e., children not living with the father must be covered on the same basis as children living with the father if the father so elects).

Mandate Medicaid Coverage for First-Time Pregnant Women. Under current law, States are not permitted to provide AFDC payments to a poor single pregnant woman with no children until the third trimester. States are, however, allowed to provide Medicaid coverage for such women from the date of medical verification of pregnancy. In 1983, seven States (Arkansas, Indiana, Maine, New Hampshire, Oklahoma, Texas, and Virginia) did not extend Medicaid coverage to first-time pregnant women at any point, and another three (Delaware, Louisiana, and New Mexico) provided coverage only during the last semester. Without cash assistance or Medicaid coverage, it can be extremely difficult for poor pregnant women to obtain adequate medical care for themselves and their unborn children during the critical prenatal period. Lack of prenatal care, in turn, places both the child and the mother at much greater risk of serious medical complication, including mental retardation and other life-long disabilities which may require costly institutionalization. The proposal would require all States to provide Medicaid coverage to the first time pregnant women who meet State income standards from the date of medical verification of pregnancy.

Mandate Medicaid Coverage for Aged, Blind, and Disabled SSI Recipients. Under current law, States have the option of extending Medicaid coverage to persons who are eligible for SSI, or of applying their own more stringent eligibility standards. Fourteen States (Connecticut, Hawaii, Illinois, Indiana, Minnesota, Missouri, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Utah, and Virginia) have chosen to apply their own standards, leaving many aged, blind, or disabled persons who are receiving SSI without any medical coverage whatsoever. In most of these States, the income and resources requirements for Medicaid are more restrictive than those for SSI, while in the others the definition of disability is more restrictive. The proposal would require all States to provide Medicaid benefits to persons receiving cash assistance under the SSI program, including those who were eligible under the State's more restrictive standards.

Other Provisions with Health Coverage Effects. The bill also includes a number of provisions which, by virtue of the relationship between the AFDC program and the Medicaid program, will increase health care coverage among the poor. Under current law, individuals who receive cash assistance under the AFDC program are also eligible for Medicaid. Because the bill continues this Medicaid-AFDC link, its provisions to increase the minimum AFDC benefit level, to mandate the unemployed parent program, to reinstate the earnings disregards, to ease the AFDC assets restrictions, to treat unemployment compensation as wages, and to encourage States to maintain their AFDC benefit levels, would expand eligibility for AFDC cash assistance, and therefore Medicaid.●

CONCERNING BILL TO REVISE MECHANISM FOR DISTRIBUTING FEDERAL APPROPRIATIONS FOR PUBLIC RADIO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BROYHILL) is recognized for 10 minutes.

● Mr. BROYHILL. Mr. Speaker, today I am introducing a bill that would give the Nation's 280 public radio stations more flexibility than they have today to broadcast programing that serves the interests of the residents of their local communities.

Under existing law, public radio stations receive only about one-half of the Federal appropriation that is earmarked to support public radio. The other half of the radio money is appropriated directly to National Public Radio. NPR is not a radio station. It is a network that produces and distributes programing to public radio stations.

In 1983, the Nation's 280 public radio stations and NPR split roughly $30 million in Federal appropriations.

Under my bill, the share of Federal public radio money going to NPR would decrease each year, and the share of Federal money going to the Nation's 280 stations would increase by a corresponding amount. By 1987, stations would receive at least 80 percent of public radio money, while NPR would be guaranteed only 20 percent.

Significantly increasing the level of Federal support for the Nation's public radio stations, while reducing direct funding of NPR has several advantages.

First, it will give stations the financial resources that are necessary to purchase programs of particular interest to their local communities. Today, while individual stations or groups of stations have a right to develop programing that is of particular interest to their communities, they often do not have the financial resources to do so since the present Federal statute appropriates so much money directly to NPR.

Second, the new funding mechanism provided by my bill will create an incentive for program producers to develop more high-quality programing for public radio stations. Substantially reducing NPR's guaranteed Federal support will create an incentive for the development of new program producers and will give stations an incentive to purchase from the producers which offer the highest quality programing.

Third, the new funding mechanism is more democratic. Today, as a practical matter, stations are forced to purchase programs from NPR since it is the only major program producer that exists. Under my bill, stations would have the additional financial resources that are necessary to allow them to purchase programing from producers of their choice.

Finally, the new funding mechanism will significantly increase the incentives that exist at present for NPR to adopt strict financial controls within NPR. Since NPR is now the only program producer that receives a guaranteed Federal appropriation, it has little incentive to adopt strict financial controls. As a result, NPR has been sloppily managed. For example, a major investigation late last year by the General Accounting Office on behalf of the Energy and Commerce Committee concluded that NPR nearly went bankrupt last spring due to lax financial management. If NPR is required to compete with other program producers for the sale of programing, it will have an incentive for the first time to adopt strict financial controls in order to keep its costs low so that it can offer programs at competitive prices.

My bill does not mean the demise of National Public Radio. Nor does it necessarily mean that National Public Radio will diminish in size. If NPR produces the high-quality programing that is desired by listeners of public radio, it will continue to exist at substantially the same size as today.

However, the adoption of Federal policies to insure the preservation of NPR at its present size is not a proper objective of Congress. Instead, Congress should take action to develop a structure for public broadcasting that promotes the development of high-quality programing of interest to the listeners of the 280 public radio stations across the country. My bill accomplishes that objective.

The text of the bill follows:

H.R. 5149

A bill to amend the Communications Act of 1934 to provide greater competition in the provision of public radio programming

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 396(k)(3)(A)(iii) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)(iii)), relating to allocation between public radio station funding and public radio programming funding, is amended to read as follows:

"(iii) Of the amounts allocated under clause (i)(IV) for any fiscal year—

"(I) not more than the following percentage of such amounts shall be available for distribution under subparagraph (B)(i) for public radio:

"(aa) 50 percent, in the case of any fiscal year before fiscal year 1985;

"(bb) 40 percent, in the case of fiscal year 1985;

"(cc) 30 percent, in the case of fiscal year 1986;

"(dd) 20 percent, in the case of fiscal year after fiscal year 1986; and

"(II) the remainder shall be available for distribution among the licensees and permittees of public radio stations pursuant to paragraph (6).".

SEC. 2. (a) Section 396(k)(3)(A)(v) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)(v)) is amended by striking out "clause (iii)(I)" and inserting in lieu thereof "clause (iii)(II)".

(b) Section 396(k)(3)(B)(i) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(B)(i)) is amended by striking out "subparagraph (A)(iii)(II)" and inserting in lieu thereof "subparagraph (A)(iii)(I)".

(c)(1) Section 396(k)(6) of the Communications Act of 1934 (47 U.S.C. 396(k)(6)) is amended by striking out subparagraph (A), by redesignating subparagraph (B) as paragraph (6), and by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively.

(2) Section 396(k)(3)(A)(ii)(I) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)(ii)(I)) is amended by striking out "paragraph (6)(B)" and inserting "paragraph (6)" in lieu thereof.

(d) Section 396(k)(6) of the Communications Act of 1934 (47 U.S.C. 396(k)(6)) is amended by striking out "paragraph (3)(A)(iii)(I)" and inserting in lieu there of "paragraph (3)(A)(iii)(II)".●

U.S. OLYMPIC COINS—A GREAT DEAL FOR ATHLETE AND PURCHASER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, since its implementation in October 1982, the Olympic coin program has raised over $33 million for our American athletes. But the athletes are not all who benefit from this successful program. Purchasers of the coins may take pride in knowing that they are contributing to our Nation's marvelous performance in the summer Olympics while making a sound financial investment. In contrast to the Olympic commemorative coins manufactured by other countries, the Olympic coins issued by the U.S. Mint are coins with value beyond their mere historical significance. They are a genuine bargain for coin collectors.

A direct comparison of the Olympic silver coins issued by the United States and those issued by Yugoslavia reveals that the U.S. Olympic coins contain a greater amount of silver than the corresponding Yugoslavian coins. The Yugoslavian 250 dinar coin is being sold for $36 but contains only $5.48 worth of silver. The U.S. Olympic silver dollar contains silver worth approximately $7.71 but sells for only $32. The collector gets more silver for less markup. And the frugal collector could save even more because an uncirculated silver dollar can be bought for only $28.

The U.S. Olympic gold coin deserves equal attention. The U.S. gold coin contains gold worth about $194. The coin is priced at $352. The Yugoslavian gold coin contains gold worth approximately $93 and is priced at $246. The disparity between the markups of the two coins is striking. The price of the Yugoslavian coin is 165 percent more than the value of the gold in the coin, while the markup on the U.S. gold coin is, at 81 percent more than the value of the gold in the coin, only half that amount.

The collector who desires a complete set of coins is also well served by the American coin program. A set of both U.S. Olympic silver dollars and the gold coin is priced at $416. To purchase a complete set of 15 silver and three gold Yugoslavian Olympic coins would cost the collector $1,290.50.

The sale of U.S. Olympic coins is also more effective in raising money to help train our Olympic athletes. Estimated sales of $20 to $30 million in Yugoslav coins in the United States would only raise $100,000 for American Olympic athletes. Similar sales of U.S. Olympic coins return $4.2 million for our athletes. Dollar for dollar, sales of American Olympic coins are more than 40 times as effective in raising money for our athletes than the Yugoslav program.

The American coins are not just conversation pieces. Aside from their inherent commemorative value, the Olympic coins minted by the United States have real, measurable value, are sold at reasonable prices, and provide much needed funds for our athletes.●

MRS. HOLT RECEIVES VANGUARD AWARD

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. **MONTGOMERY**. Mr. Speaker, I want to share with my colleagues the news of a great honor which was given to the gentlewoman from Maryland (Mrs. HOLT) on Wednesday. She received the Legislative Vanguard Award from the Non-Commissioned Officers' Association of the United States.

Mrs. HOLT is only the second Member of Congress to ever be so honored and it is well deserved. This is a special award given by the NCO Association in recognition of the efforts of a Member of Congress on behalf of active duty and enlisted personnel throughout the armed services.

In addition to her concern and interest in the total force, Mrs. HOLT was also cited for her work for the active duty and enlisted personnel in her district, which includes the Naval Academy in Annapolis.

I have had the privilege of serving with Mrs. HOLT on the House Armed Services Committee for 12 years. She has been a knowledgeable and hardworking member of the committee and an advocate of a strong national defense. This special award from the Non-Commissioned Officers Association is one for which she can be proud and I know my colleagues join with me in offering our congratulations.●

JAYCEE LEGISLATIVE AFFAIRS SEMINAR

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. RAY) is recognized for 10 minutes.

Mr. **RAY**. Mr. Speaker, today, just 2 days before St. Patrick's Day, I rise to salute the Irish for their good humor, their civic involvement, for their love of people, and for their families.

I want to also pay tribute, Mr. Speaker, to another group who are dedicated to civic involvement, the development of leadership among young people, and the legislative process. That group is the United States Jaycees.

Mr. Speaker, it was my privilege this past week to host the annual legislative affairs seminar of the Georgia Jaycees here in Washington, D.C.

The Georgia Jaycees are a strongly patriotic group and promote both civic involvement and participation among the citizens of Georgia. Their deep interest in good government has led them to sponsor an annual trip to the Nation's Capital, in order to educate their members on the workings of our Government.

Among the Georgians making the trip to Washington this year were six very special high school students, chosen as "good citizens" by their local Jaycee chapters. These students had competed within their communities for this award and, Mr. Speaker, I have never met a more outstanding group of young people than these six good citizens.

The Jaycees had asked that we expose them to as many areas of our legislative process as was possible within our limited timeframe. The members of the Georgia delegation, the elected officials of both Houses of Congress, the Pentagon, and many of the various agencies and embassies extended every possible courtesy and much of their time to this Georgia contingent. Each person the Jaycees met with was more than willing to answer any and all questions and spoke at length on issues of concern to the group. I was both pleased and proud of the responsiveness of all the Government officials the Jaycees met.

I want to commend the Jaycees for their continued involvement in the legislative affairs program. I am firmly convinced that the effort and expense of this type of trip is far outweighed by the benefits received. Each Jaycee and each high school student who made this trip gained an insight into the legislative process that few visitors receive. Hopefully, these lessons will stay with them and spur them to continued civic involvement.

At a time when polls and voter turnouts reflect a great amount of apathy in our country, it is heartening to see an organization that still believes citizens must play an active role in our Government. Our country needs more citizens with the concern and interest of the Georgia Jaycees, and I am honored to have played a part in organizing this year's seminar.

WE OUGHT TO ABOLISH THE U.S. DEPARTMENT OF ENERGY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 10 minutes.

● Mr. **CORCORAN**. Mr. Speaker, I am today introducing legislation that would abolish the U.S. Department of Energy. While I supported the creation of this Department in 1977, circumstances have changed dramatically since that time, and I firmly believe that the existence of a Federal department devoted to energy represents the wrong approach to U.S. energy policy. We ought to look first to free market competitive forces and last to the Federal Government rather than the other way around as we consider energy policy. I believe that U.S. consumers are far better judges of what is good energy policy than DOE bureaucrats. Unfortunately, the existence of a huge Government bureaucracy tends to send the message that consumers are not intelligent enough to make their own choices. We need to give the consumer a chance, a choice.

I am very much in agreement with this administration's approach to energy policy, and that includes President Reagan's desire to abolish the Department of Energy. I cosponsored the bill that was introduced in the last Congress for that purpose. That bill, H.R. 6972, was introduced on August 11, 1982, by Congressmen FRANK

Horton and James T. Broyhill, the ranking minority members of the two committees to which the bill was referred.

As a further indication of my support for addressing the Department of Energy's existence, I joined Mr. Broyhill and Mr. Moorhead on March 1, in introducing H.R. 4998, a bill which would repeal DOE personnel floor requirements found in various existing Federal laws. As hard as it is to believe, Congress has actually enacted law that prevents the Department of Energy from reducing the number of personnel in the Economic Regulatory Administration, a part of DOE. This kind of approach by the Congress is representative of exactly the wrong approach to energy policy. The legislation I am introducing today recognizes that circumstances have changed considerably since the perceived energy crisis of the past. It also reaffirms my belief that, given the chance and the choice, American consumers will decide for themselves the best approach to energy matters.

Mr. Speaker, for the benefit of our colleagues, I would like to insert in the Record at this point the text of my legislation:

H.R. 5152

A bill to abolish the Department of Energy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective October 1, 1984, the Department of Energy is hereby abolished.

Sec. 2. (a) Not later than July 1, 1984, the President shall prepare and submit to the Congress a plan for the termination or transfer of the various programs and functions of the Department of Energy upon its termination under this Act.

(b) The plan under subsection (a) shall—

(1) provide that transfers of functions be consistent with the assignment of functions among the various departments and agencies prior to the establishment of the Department of Energy, except to the extent the President finds that a different disposition would be in the public interest; and

(2) contain such additional legislative and administrative recommendations as the President considers appropriate.

Sec. 3. For purposes of this Act—

(1) the term "function" includes reference to any duty, obligation, power, authority, responsibility, right, privilege, and activity; and

(2) the term "transfer" includes establishment as an independent entity.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Neal) is recognized for 10 minutes.

● Mr. NEAL. Mr. Speaker, I am informing the House today of the U.S. Export-Import Bank's proposal to guarantee a loan of $184,275,000 to the Republic of Turkey for the purchase of mining equipment in the United States.

A subsidiary of American Express International Banking Corp. has agreed to make the loan, if guaranteed by the Eximbank, to Turkiye Komur Isletmeleri (TKI), Turkey's Government-owned coal-mining enterprise. The loan would enable TKI to buy 216,795,000 dollars' worth of mining equipment and services from companies in Illinois, Iowa, Minnesota, South Carolina, Texas, and New York.

The TKI contracts would provide many jobs for the U.S. mining equipment industry, which depends heavily on foreign sales and which is in a slump because of lagging sales in Latin America, Africa, Eastern Europe, and the Philippines. All the equipment sought by Turkey is also available from suppliers in other countries, but the Eximbank guarantee will insure that U.S. companies make the sales.

Turkey has had economic difficulties in recent years, and has had to reschedule some earlier Eximbank loans, but the Eximbank reports that Turkey is now essentially current on its obligations to the bank.

This Eximbank financing notification was referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment and Monetary Policy. Under section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, the Eximbank is required to notify Congress of any proposed direct credits or financial guarantees, or combinations thereof, of $100 million or more. Unless the Congress determines otherwise, the Eximbank may give final approval to the proposed transaction after 25 days of continuous session of the Congress after notification.

I am submitting for the Record the full Eximbank notification with details on the terms of the proposed transaction and the parties involved. I would welcome any questions or comments my colleagues might have regarding this proposal.

The Eximbank material follows:

Export-Import Bank
of the United States,
Washington, D.C., March 5, 1984.

Hon. Stephen L. Neal,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy, Committee on Banking, Finance and Urban Affairs, U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: Eximbank has submitted a statement to the Speaker of the House of Representatives and the President of the Senate in accordance with the provisions of Section 2(b)(3)(i) of the Export-Import Bank Act of 1945. I am taking the liberty of providing you with a copy of this statement.

Sincerely,

Nancy S. Pigman,
Congressional Relations Officer.

Export-Import Bank
of the United States,
Washington, D.C., March 2, 1984.

The Speaker of the House of Representatives,
The Speaker's Room, U.S. Capitol, Washington, D.C.

Dear Mr. Speaker: Pursuant to Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the House of Representatives with respect to the following transaction involving U.S. exports to Turkey:

A. DESCRIPTION OF TRANSACTION

1. Purpose

Eximbank is prepared to authorize a financial guarantee of a loan of $184,275,000 to be made by a subsidiary of American Express International Banking Corporation in favor of the Republic of Turkey to finance the purchase in the United States of mining equipment and related spares and services to be used by Turkiye Komur Isletmeleri (TKI), the Turkish State coal mining enterprise, in four lignite mining sites in Turkey. The total U.S. export value is estimated to be $216,795,000. The equipment to be exported includes draglines, excavators, graders, bulldozers, wheel loaders, dump trucks and drills. Various U.S. suppliers include Bucyrus-Erie of Milwaukee, Wisconsin; Page Engineering of Chicago, Illinois; P&H Harnischfeger of Milwaukee, Wisconsin; Ingersoll Rand of Garland, Texas; American Hoist of St. Paul, Minnesota; Little Giant of Des Moines, Iowa; Caterpillar of Peoria, Illinois; WABCO of Peoria, Illinois; GEAG of Suffolk County, New York; and Mining Progress of Chicago, Illinois. Nearly all of the equipment can be obtained from countries other than the United States. This transaction was not the subject of a previously issued Eximbank Preliminary Commitment.

2. Identity of the parties

(a) The Republic of Turkey will act as obligor for the transaction. In the past 20 years the Republic has acted as obligor or guarantor in numerous transactions with Eximbank. While the Republic has had to reschedule indebtedness to Eximbank during the period 1978 through mid-1983 because of the economic problems in Turkey, it has been essentially current on all Eximbank loans and guarantees since then.

(b) TKI will be the end-user of the equipment. It is a Turkish State Economic Enterprise, formed in 1957, to develop, exploit and market Turkey's coal and lignite resources.

3. Nature and use of goods and services

Appendix A lists the specifics of the equipment to be financed by the Eximbank guaranteed loan and the names of the U.S. suppliers, the principal place of manufacture, the man-years of employment provided, the local unemployment rate and the small business content. The equipment will be used at four mining sites: Tinas Bagyaka in the Southwestern part of Turkey; Milas Sekkoy in the Southwestern part of Turkey; Seyitomer 4 in the West Central part of Turkey; and Bursa Orhaneli in the Northwestern part of Turkey. Related services to be financed include the use of U.S. freight forwarders and shipment of the equipment on U.S. flag vessels.

B. EXPLANATION OF EXIMBANK FINANCING

1. Reasons

The Eximbank guarantee of a private loan of $184,275,000 will facilitate the export of

$216,795,000 of United States goods and services. Employment sales and profits for U.S. mining equipment are heavily dependent upon exports. For many of the companies supplying the equipment, foreign sales traditionally provided fifty percent or more of total sales. With the economic problems in Latin America, Africa, Eastern Europe and the Philippines exports of U.S. made mining equipment have plummeted and weak domestic sales have caused high unemployment, plant shutdowns and corporate losses in this industry. This export sale will provide 4,000 man-years of direct employment, largely to be filled by workers who otherwise would be unemployed. Other specific benefits accruing would be follow-on exports of spare parts and related equipment.

Eximbank has identified four small businesses as direct suppliers and a total small business component of $30,000,000.

The equipment to be financed can be obtained in many industrial and several newly industrialized nations. Komatsu of Japan has been notable in aggressively seizing what were once exclusive overseas markets of U.S. equipment manufacturers. The official export credit agencies of these nations also strongly support their equipment manufacturers with financing assistance for this type of sale.

The Republic of Turkey has decided as an economic policy to invest heavily in its lignite resources as a means of saving hard currency that otherwise would be used for the purchase of petroleum, most of which is purchased for dollars from various Middle East petroleum producing nations. While the lignite is not of the highest quality, it has a great economic benefit because many of Turkey's power plants are located or being constructed at or near the lignite mining sites. Also the Republic is engaged in developing electric power facilities because of a present lack of adequate electric power. The Republic of Turkey through its appropriate agencies concluded that U.S. made mining equipment would enable it to pursue its goals of saving foreign exchange and developing adequate electric power. It also concluded that private sourced financing supported by an Eximbank financial guarantee would be needed to finance the required mining equipment.

2. The financing plan

The financing plan for the total U.S. procurement supported by Eximbank is as follows:

	Percent	Totals
U.S. costs:		
Cash payment	15	$32,520,000
Guaranteed private loan	85	184,275,000
Total	100	216,795,000

(a) Eximbank Charges: Eximbank will charge a ⅛ of 1% per annum commitment fee on the undisbursed portion of the amounts guaranteed by Eximbank and a ⅛ of 1% per annum guarantee fee on the disbursed portion of the private loan guaranteed by Eximbank.

(b) Repayment Terms: The financing for the equipment and services will be repaid by the Republic of Turkey in three schedules of 16 semiannual installments each, beginning October 15, 1985 for equipment and services delivered through April 15, 1985; beginning April 15, 1986 for equipment and services delivered during the period April 16, 1985, through October 15, 1985; and April 15, 1987, for equipment and services delivered during the period October 16, 1985 through October 15, 1986.

Attached is additional information on Eximbank activity in and economic data on Turkey.

Sincerely,

WILLIAM H. DRAPER III.

APPENDIX A.—GUARANTEE 7338—REPUBLIC OF TURKEY

Supplier	Equipment	U.S. costs C.I.F.	Employment generated (man-years)	Location of employment	Local unemployment rate (percent)	Small business content (percent)	Comments
Bucyrus-Erie	4, 30 yd³, dragline	$36,520,000	1,111	Milwaukee, Wis.	9.0	7.5	
Or Page engine	4, 30 yd³, dragline	36,520,000	193	Chicago, Ill.	10.5	70.0	Page is a small business.
Bucyrus-Erie	1, 70 yd³, dragline	17,800,000	486	Milwaukee, Wis.	9.0	7.5	
Or Page engine	1, 70 yd³, dragline	17,800,000	68	Chicago, Ill.	10.5	70.0	Page is a small business.
Champion	20, road graders	1,450,000	93	Columbia, S.C.	5.5	5.0	
P&H Harnischfeger	22, 10 yd³, shovels	36,389,000	205	Milwaukee, Wis.	8.8	32.0	
Do	9, 15 yd³, shovels	17,243,000	90	do	8.8	28.0	
Do	5, 20 yd³, shovels	14,440,000	50	do	8.8	30.0	
Ingersoll-Rand	30, blast hole drills	9,819,000	54	Garland, Tex.	3.4	24.0	
Do	6, air compressors	720,000	18	NA	NA	NA	
American Hoist	3, mobil cranes, 70 ton	1,155,000	25	NA	NA	NA	
Little Giant	3, mobil cranes, 10–20 ton	424,000	8	Des Moines, Iowa		100.0	Little Giant is a minority-owned small business.
Caterpillar	10, front end loaders	2,884,000	99	Peoria, Ill.	12.6	37.0	
Do	16, bulldozers with rippers	3,402,000	95	do	12.6	37.0	
Do	32, tracked bulldozers	4,809,000	168	do	12.6	37.0	
Do	18, wheel bulldozers	2,269,000	81	do	12.6	37.0	
Do	82, 85-ton trucks	23,123,000	853	do	12.6	37.0	
WABCO	110, 85-ton trucks	32,423,000	819	do	12.6	37.0	
Do	1, 120-ton rear dump truck	320,000	8	do	12.6	12.0	
Do	16, 120-ton bottom dump trucks	5,421,000	136	do	12.6	12.0	
CEAG	1600, mine lamps	310,000	2	Suffolk County, N.Y.	5.5	100.0	CEAG is a small business.
Mining Progress	10, chain	848,000	21	Chicago, Ill.	10.5	100.0	Mining Progress is a small business.

APPENDIX B.—*Eximbank exposure in Turkey as of January 31, 1984*

	Thousands
Direct loans	$277,590
CFF loans	74
Financial guarantee	139,893
Bank guarantees and other	70,226
Insurance:	
Medium term	3,800
Short term	31
Total exposure	491,614

REPAYMENT EXPERIENCE

Payment of principal, interest and fees due on Eximbank loans to Turkish borrowers are now current.

APPENDIX C.—TURKEY: BASIC DATA

Area: 296,000 sq. miles (about the size of Texas and Louisiana combined).

Population, mid-1982: 46.3 million; annual growth rate, 2.2 percent.

Rural-urban distribution, 1980: Urban, 45 percent; rural, 55 percent.

Age structure distribution, 1978: Ages 0 to 14 years, 42 percent, ages 15 to 64 years, 52 percent.

Life expectancy at birth: Male, 60.3 percent; female, 61.3 percent.

Adult literacy rate: 60.0 percent.

Religions: Moslem, 98 percent; (Sunni), (80 percent); (Shi'ite Alevis), (20 percent).

GDP, 1982: $53.7 billion.

GDP, per capita, 1982: $1,152.

GDP, average real annual growth: 1960–78,4 percent; 1979, −0.3 percent; 1980, −1.4 percent; 1981, 4.2 percent; 1982, 4.4 percent.

GDP, by sectors, 1981: Agriculture, 22 percent; industry, 31 percent; services, 47 percent.

Employment, by sectors: Agriculture, 60 percent; industry, 13 percent; services, 27 percent.

Wholesale Price Change: 1979, +81 percent; 1980, +95 percent; 1981, +37.5 percent; 1982, +25.7 percent.

	1979	1980	1981	1982
Balance of payments (millions):				
Exports	$2,261	$2,910	$4,703	$5,746
Agricultural products	(1,344)	(1,672)	(2,220)	(2,141)
Mining products	(132)	(191)	(193)	(175)
Industrial	785	1,047	2,290	3,430
Imports	−5,070	−7,909	−8,933	−8,735
Trade deficit	−2,808	−4,999	−4,230	−2,989
Deficit on current account	−1,277	−3,210	−2,052	−1,100
Chief exports (percent)				
Cotton	15.2	11.1	7.3	5.3
Hazelnuts	14.5	13.6	6.4	4.2
Tobacco	9.8	8.0	8.4	6.1
Cereals and pulses	11.4	6.2	6.9	5.9
Textiles and clothing	13.5	14.6	17.0	18.4
Processed agricultural products	4.8	7.2	8.7	9.9
Other manufactured products (excluding textiles and processed agricultural products)	8.8	14.2	22.8	31.3
Chief imports (percent)				
Petroleum and products	31.2	49	43	41
Fertilizers	6.2	5	3	1
Iron and steel	8.9	6	7	7
Capital equipment	35.5	19	24	28

	1979	1980	1981	1982
Chief sources of imports (percent)				
EEC		29	28	28
UK		6	6	9
Japan		2	2	4
Other OECD		11	11	9
Destination of exports (percent)				
EEC		43	32	31
UK		4	6	4
Iran		5	12	14
Iraq		2	9	11

External public debt: Outstanding, disbursed, December 1982; medium- and long-term—$14.1 billion.
Gross foreign exchange reserves—$1.3 billion (November 1983).

Prepared by: Charles Hammond, February 21, 1984.●

GENERAL LEAVE

Mr. RAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from New York (Mr. RANGEL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. GILMAN) to revise and extend his remarks and include extraneous matter:)

Mr. CORCORAN, for 10 minutes, today.

(The following Member (at the request of Mr. RAY) to revise and extend his remarks and include extraneous matter:)

Mr. DASCHLE, for 60 minutes, on March 20.

(The following Members (at the request of Mrs. JOHNSON) to revise and extend their remarks and include extraneous material:)

Mr. BROYHILL, for 10 minutes, today.

Mr. WALKER, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, today.

Mr. WEBER, for 60 minutes, today.

Mr. MACK, for 60 minutes, today.

Mr. WALKER, for 60 minutes, March 20.

Mr. GINGRICH, for 60 minutes, March 20.

Mr. WEBER, for 60 minutes, March 20.

(The following Members (at the request of Mr. ROEMER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. MARKEY, for 5 minutes, today.

Mr. RAY, for 10 minutes, today.

Mr. LEVITAS, for 5 minutes, today.

Mr. BEILENSON, for 5 minutes, today.

Mr. MRAZEK, for 60 minutes, March 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RANGEL, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,546.25.

Mr. BONKER, to revise and extend his remarks on the Bosco amendment just prior to adoption of the amendment in the Committee of the Whole today.

Mr. DAUB, to revise and extend his remarks immediately preceding passage of the Harkin amendment in the Committee of the Whole today.

Mr. FORD of Tennessee, to enter a personal explanation immediately after the vote on H.R. 3020.

Mr. PANETTA, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $5,577.50.

(The following Members (at the request of Mrs. JOHNSON) and to include extraneous matter:)

Mr. DENNY SMITH.

Mr. BARTLETT.

Mr. LENT.

Mr. ROGERS.

Mr. ERLENBORN.

Mr. COURTER.

Mr. HYDE.

Mr. LOTT.

Mr. BILIRAKIS in two instances.

Mr. KEMP.

Mr. CHENEY.

Mr. GILMAN in two instances.

Mr. BOEHLERT.

Mr. HUNTER.

Mr. CORCORAN.

Mr. CONTE.

(The following Members (at the request of Mr. ROEMER) and to include extraneous matter:)

Mr. ROSTENKOWSKI.

Mr. HAMILTON.

Mr. SYNAR.

Mr. MATSUI.

Mr. CLAY.

Ms. KAPTUR.

Mr. RANGEL.

Mr. DE LUGO.

Mr. MARKEY.

Mr. GUARINI.

Mr. KILDEE.

Mr. ROE.

Mr. FORD of Tennessee.

Mr. SHELBY.

Mr. DOWNEY of New York.

Mr. MAZZOLI.

Mr. MACKAY.

Mr. VENTO.

Mrs. BOGGS.

Mr. ROYBAL.

Mr. RALPH M. HALL.

SENATE JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to a joint resolution of the Senate of the following title:

S.J. Res 205. Joint resolution authorizing and requesting the President to designate the second full week in March 1984 as "National Employ the Older Worker Week."

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on March 14, 1984, present to the President, for his approval, bills of the House of the following title:

H.R. 2173. An act to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to authorize additional appropriations to carry out such act; and

H.R. 2809. An act to establish a National Fish and Wildlife Foundation.

ADJOURNMENT

Mr. RAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until Monday, March 19, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2905. A letter from the Secretary of State, transmitting a report advising that during the month of February the Commodity Credit Corporation made payments to the U.S. creditors on credits guaranteed by the CCC for which payments had not been received from the Polish People's Republic, pursuant to Public Law 97-257, section 306; Public Law 98-151, section 101(d); to the Committee on Appropriations.

2906. A letter from the Secretary of the Army, transmitting his determination that the light armored vehicle program has exceeded the program acquisition unit cost by more than 25 percent, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

2907. A letter from the Deputy Assistant Secretary of Defense, transmitting a report on the Department of the Navy's intention to exclude the clause concerning examination of records by the Comptroller General in a contract with Oerlikon-Buhrle Ltd., of Zurich, Switzerland, pursuant to the act of June 30, 1949, chapter 288, section 304(c) (80 Stat. 850); to the Committee on Armed Services.

2908. A letter from the Director, Federal Emergency Management Agency, transmitting a report on the administration of the Strategic and Critical Materials Stock Piling Act for the period April-September 1983, pursuant to the act of June 7, 1939, chapter 190, section 11(a) (93 Stat. 334; 95 Stat. 383); E.O. 12155, section 1-105; to the Committee on Armed Services.

2909. A letter from the General Counsel, Department of Energy, transmitting a draft of proposed legislation to authorize appropriations for exploration, prospecting, conservation, development, use, and operation of the naval petroleum reserves, for fiscal year 1985 and for fiscal year 1986, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Armed Services.

2910. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

2911. A letter from the Acting Administrator, General Services Administration, transmitting a report on the administration's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2912. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting a report on a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2913. A letter from the Director, ACTION, transmitting a report on its activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2914. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to remove the prohibition on charging a user fee for transportation services and facilities at Mount McKinley National Park, later renamed Denali National Park, in Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

2915. A letter from the Director, Office of Management and Budget, transmitting a report on agency compliance with the Coastal Barrier Resources Act (each agency concerned), pursuant to Public Law 97-348, section 7; to the Committee on Merchant Marine and Fisheries.

2916. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Public Works and Transportation.

2917. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a report on the Judicial Conference's vote in opposition to the enactment of H.R. 4403; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee of Conference. Conference report on H.R. 4194. (Rept. No. 98-620). Ordered to be printed.

Mr. FUQUA: Committee on Science and Technology. Report on structural failures in public facilities. (Rept. No. 98-621). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLAY (for himself, Mr. Erlenborn, Mr. Perkins, Mr. Rangel, Mr. Ford of Michigan, Mr. Kildee, Mr. Martinez, Mr. Miller of California, Mr. Biaggi, Mr. Hayes, Mr. Chandler, Mr. Hawkins, Mr. Williams of Montana, Mr. Owens, Mr. Ackerman, Mrs. Burton of California, Mr. Harrison, Mr. Kogovsek, Mr. Penny, Mr. Jeffords, Mr. Addabbo, Mr. Applegate, Mr. Aspin, Mr. Barnes, Mr. Berman, Mr. Boehlert, Mr. Boner of Tennessee, Mr. Bonior of Michigan, Mr. Bonker, Mr. Borski, Mr. Bosco, Mrs. Boxer, Mr. Carr, Mrs. Collins, Mr. Conte, Mr. Conyers, Mr. Crockett, Mr. Dellums, Mr. Dicks, Mr. Dixon, Mr. Donnelly, Mr. Downey of New York, Mr. Durbin, Mr. Dymally, Mr. Edgar, Mr. Fascell, Ms. Ferraro, Mr. Fish, Mr. Gejdenson, Mr. Gray, Mr. Green, Mrs. Hall of Indiana, Mr. Hertel of Michigan, Mr. Horton, Mr. Hughes, Ms. Kaptur, Mr. Kolter, Mr. LaFalce, Mr. Lehman of California, Mr. Leland, Mr. Levine of California, Mr. Lowry of Washington, Mr. McCloskey, Mr. McKinney, Mr. Matsui, Ms. Mikulski, Mr. Mineta, Mr. Mitchell, Mr. Moakley, Mr. Moody, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Oberstar, Mr. Olin, Mr. Ottinger, Mr. Patterson, Mr. Price, Mr. Richardson, Mr. Rodino, Mr. Sabo, Mr. Savage, Mr. Seiberling, Mr. Scheuer, Mrs. Schneider, Mr. Shannon, Mr. St Germain, Mr. Solarz, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Swift, Mr. Taylor, Mr. Torricelli, Mr. Towns, Mr. Traxler, Mr. Udall, Mr. Vento, Mr. Walgren, Mr. Weiss, Mr. Wheat, Mr. Wolpe, Mr. Madigan, Mr. Pease, and Mr. Wyden):

H.R. 5143. A bill to provide reporting, disclosure, and fiduciary standards for State and local public employee retirement systems; to the Committee on Education and Labor.

By Mr. ERLENBORN (for himself and Mr. Clay):

H.R. 5144. A bill to provide reporting, disclosure, and fiduciary standards for State and local public employee retirement plans and to amend the Internal Revenue Code of 1954 to limit the role of the Federal Government in the regulation of such plans with respect to contributions, benefits, and other matters, and to exempt such plans from the Federal income tax, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. ANDREWS of North Carolina (for himself, Mr. Perkins, Mr. Corrada, Mr. Williams of Montana, Mr. Owens, Mr. Miller of California, Mr. Eckart, Ms. Mikulski, Mr. Biaggi, and Mr. Dixon):

H.R. 5145. A bill to authorize appropriations for Head Start, Follow Through, and community services programs, to establish a program to provide child care information and referral services, and for other purposes; to the Committee on Education and Labor.

By Mr. BIAGGI:

H.R. 5146. A bill to name the Federal Building at One Federal Plaza, New York, N.Y., the "Paul P. Rao Federal Building;" to the Committee on Public Works and Transportation.

By Mr. BREAUX (for himself and Mr. Forsythe):

H.R. 5147. A bill to implement the Eastern Pacific Ocean Tuna Fishing Agreement, signed in San Jose, Costa Rica, March 15, 1983; to the Committee on Merchant Marine and Fisheries.

By Mr. BROOKS:

H.R. 5148. A bill to amend title 11, United States Code, to disallow the avoidance of transfers in payment of debts evidenced by certain notes backed by credit guarantors in the ordinary course of business; to the Committee on the Judiciary.

By Mr. BROYHILL:

H.R. 5149. A bill to amend the Communications Act of 1934 to provide greater competition in the provision of public radio programing; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.R. 5150. A bill to amend title 18 of the United States Code to provide Federal prohibitions against certain crimes affecting Federal officers and employees, and for other purposes; to the Committee on the Judiciary.

By Mr. PANETTA (for himself, Mr. Jeffords, Mr. de la Garza, Mr. Perkins, Mr. Brown of California, Mr. Glickman, Ms. Snowe, Mr. Young of Alaska, Mr. Biaggi, Mr. McKernan, Mr. McKinney, Mr. Fazio, Mr. Hayes, Mr. Traxler, Mr. Clinger, and Mr. Ackerman):

H.R. 5151. A bill to alleviate hunger in the United States by strengthening Federal nutrition programs; jointly, to the Committees on Agriculture and Education and Labor.

By Mr. CORCORAN:

H.R. 5152. A bill to abolish the Department of Energy; jointly to the Committees on Government Operations and Energy and Commerce.

By Mr. FLORIO:

H.R. 5153. A bill to amend the Federal Trade Commission Act to require a study of mergers, acquisitions, and joint ventures in the auto and oil industries and in other designated industries and to prohibit certain mergers, acquisitions, and joint ventures until the end of the study and 4 months thereafter, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. FUQUA (for himself, Mr. Volkmer, Mr. Lujan, Mr. Nelson of Florida, Mr. Chandler, Mr. Brown of California, Mr. Ralph M. Hall, Mr. Dymally, Mr. Mineta, Mr. MacKay, Mr. Torricelli, and Mr. Glickman):

H.R. 5154. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Technology.

By Mr. FUQUA, (for himself, Mr. Winn, Mr. Scheuer, Mr. Volkmer, Mr. Lujan, Mr. McGrath, Mr. Nelson of Florida, Mr. Walker, Mr.

Ralph M. Hall, Mr. Carney, Mr. Dymally, Mr. Chandler, Mr. Andrews of Texas, Mr. Bateman, Mr. MacKay, Mr. Lewis of Florida, Mr. Gregg, Mr. Skeen, Mr. Akaka, Mr. Lowery of California, Mr. Torricelli, Mr. Durbin, Mr. Sensenbrenner, and Mr. Boehlert):

H.R. 5155. A bill to establish a system to promote the use of land remote-sensing satellite data, and for other purposes; to the Committee on Science and Technology.

By Mr. GLICKMAN (for himself, Mr. Fish, Mr. Berman, Mr. Boucher, Mr. Frank, Mr. Hughes, and Mr. Moorhead):

H.R. 5156. A bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes; to the Committee on the Judiciary.

By Mr. HOWARD (for himself, and Mr. Snyder) (by request):

H.R. 5157. A bill to amend and extend title I of the Marine Protection, Research, and Sanctuaries Act, as amended, for 2 years; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. HYDE:

H.R. 5158. A bill to eliminate unnecessary distribution of agency reports to the Congress; to the Committee on Government Operations.

By Mrs. JOHNSON (for herself, Mr. Clinger, Mr. Leach of Iowa, Mr. Fish, Mr. Durbin, Mr. Pritchard, Mr. Whitehurst, Mrs. Martin of Illinois, Mr. Morrison of Washington, Mr. McKernan, Mrs. Roukema, Mr. McDade, Mr. Hillis, Mr. Coughlin, Mr. Nielson of Utah, Mr. Bereuter, Mr. Conte, Mr. McKinney, Mr. Sawyer, Mr. Pursell, Ms. Snowe, Mr. Won Pat, and Mr. Boehlert):

H.R. 5159. A bill to provide incentives for worker training through both employer and individual initiative and to require the Secretary of Labor to study the feasibility and cost of a national job bank; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. LEVITAS:

H.R. 5160. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; jointly, to the Committee on Banking, Finance and Urban Affairs and Energy and Commerce.

H.R. 5161. A bill to terminate certain authorities of the executive branch of the Government which are subject to congressional review unless those authorities are approved by an enactment of the Congress; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5162. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Merchant Marine and Fisheries.

H.R. 5163. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Agriculture.

By Mr. MAZZOLI (for himself, Mr. Boland, Mr. Robinson, and Mr. Whitehurst):

H.R. 5164. A bill to amend the National Security Act of 1947 to regulate public disclosure of information held by the Central Intelligence Agency, and for other purposes; jointly, to the Committees on the Permanent Select Committee on Intelligence and Government Operations.

By Mr. MOODY:

H.R. 5165. A bill to amend the Urban Mass Transportation Act of 1964 to make available Federal assistance for competitive procurement of public transportation service by privately owned motor vehicles as an alternative to financing the acquisition of motor vehicles; to the Committee on Public Works and Transportation.

By Mr. OBERSTAR (for himself, Mr. Kostmayer, Mr. Markey, Mrs. Johnson, Mr. Brown of Colorado, Mr. Spratt, and Mr. D'Amours):

H.R. 5166. A bill to provide for assistance to State and local governments and private interests for conservation of certain rivers, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PRICE (for himself and Mr. Dickinson) (by request):

H.R. 5167. A bill to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. ROYBAL:

H.R. 5168. A bill to provide for a moratorium on certain retirement plan reversions, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

H.R. 5169. A bill to amend title XVIII of the Social Security Act to require that physicians who provide services under part B of such title shall be paid for such services only on the basis of an assignment, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STRATTON (for himself and Mr. Goodling):

H.R. 5170. A bill to amend section 2208 of title 10, United States Code, relating to working capital funds of the Department of Defense, to authorize on a noninterference basis the sale of certain articles financed by such funds to U.S. corporations for use in developing products or in domestic or foreign contracts, and for other purposes; to the Committee on Armed Services.

By Mr. TORRES:

H.R. 5171. A bill to amend title II of the Social Security Act to extend gratuitous wage credits to individuals who served in the U.S. Cadet Nurse Corps during World War II, and for other purposes; to the Committee on Ways and Means.

By Mr. WALGREN (for himself, Mr. Brown of California, Mr. Dymally, Mr. Torricelli, Mr. Lundine, Mr. Reid, and Mr. Mineta):

H.R. 5172. A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1984 and 1985 and for related purposes; to the Committee on Science and Technology.

By Mr. WILLIAMS of Montana (for himself, Mr. Foley, Mr. Shannon, and Mr. McNulty):

H.R. 5173. A bill to provide an experience of life in the United States to children from areas affected by civil strife in Ireland by permitting the use of education block grant funds; to the Committee on Education and Labor.

By Mr. LUJAN:

H.J. Res. 516. Joint resolution to designate May 6, 1984, as "National Recognition Day for Nurses;" to the Committee on Post Office and Civil Service.

By Mr. WHITTEN:

H.J. Res. 517. Joint resolution making an urgent supplemental appropriation for additional annual contract authority for the fiscal year ending September 30, 1984, for the Department of Housing and Urban Development; to the Committee on Appropriations.

By Mr. SHANNON:

H. Res. 463. Resolution directing the Secretary of State to provide certain information to the House of Representatives concerning death squads in El Salvador; to the Committee on Foreign Affairs.

H. Res. 464. Resolution directing the Secretary of State to provide certain information to the House of Representatives concerning the 1980 slayings of four American churchwomen in El Salvador; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

345. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to the dumping of lamb cuts stored in freezer lockers in this country on key American markets by New Zealand; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 953: Mr. Gibbons.

H.R. 1092: Mr. Campbell.

H.R. 1242: Mr. Conte.

H.R. 1415: Mr. Erdreich, Mr. Kramer, Mr. Rahall, Mr. Levitas, Mr. Clinger, Mr. Boehlert, and Mr. Young of Alaska.

H.R. 2753: Mr. Florio.

H.R. 2837: Mr. Foley.

H.R. 2852: Mr. Morrison of Connecticut, Mr. Badham, and Mr. Jacobs.

H.R. 3028: Mr. Luken.

H.R. 3178: Mr. Hughes.

H.R. 3505: Mr. AuCoin.

H.R. 3678: Mr. Foglietta.

H.R. 3784: Mr. Wise.

H.R. 3832: Mr. Lowry of Washington.

H.R. 4049: Mr. Gore, Mr. Eckart, and Mr. Badham.

H.R. 4050: Mr. Gore, Mr. Eckart, and Mr. Badham.

H.R. 4051: Mr. Eckart and Mr. Badham.

H.R. 4078: Mr. Shannon.

H.R. 4150: Mr. Morrison of Connecticut.

H.R. 4162: Mr. Owens, Mr. Gramm, Mr. Wolf, and Mr. Stump.

H.R. 4261: Mr. Reid and Mr. Ford of Tennessee.

H.R. 4284: Mr. Stangeland.

H.R. 4285: Mr. Stangeland.

H.R. 4286: Mr. Stangeland.

H.R. 4326: Mr. Udall.

H.R. 4402: Mr. Stump.

H.R. 4405: Mr. Scheuer.

H.R. 4571: Mr. McCollum, Mr. Bonker, and Mr. Green.

H.R. 4659: Mr. Hoyer.

H.R. 4676: Mr. Feighan and Mr. Davis.

H.R. 4677: Mrs. Schneider and Mr. Spratt.

H.R. 4760: Mr. Seiberling, Mr. Frank, Mr. Ratchford, Mr. Weaver, and Mr. Owens.

H.R. 4765: Mr. Boland.

H.R. 4802: Mr. Badham.

H.R. 4813: Mr. Rangel and Mr. Biaggi.

H.R. 4851: Mr. Matsui, Mr. McCloskey, Mr. Fascell, Mr. Hance, Mr. Patman, Mr. Frost, Mr. Gilman, Mr. Richardson, Mr. McNulty, Mr. Vandergriff, Mr. Roybal, and Mr. Lantos.

H.R. 4865: Mr. Shannon.

H.R. 4877: Mr. Boucher, Mr. Hawkins, Mr. Luken, and Mr. Panetta.

H.R. 4937: Mr. Burton of Indiana, and Mr. Lewis of California.

H.R. 4962: Mr. Roth.

H.R. 5011: Mr. Rangel, Mr. Mineta, Mr. Beilenson, Mr. Seiberling, Mr. Early, Mr. Hughes, Mr. Dorgan, Mr. Bereuter, Mr. Sabo, Mr. O'Brien, Mr. Slattery, Mr. Pease, Mr. Kildee, Mr. Frost, Mr. Fazio, Mr. Berman, Mr. Conable, Mr. Morrison of Washington, Mr. Horton, Mr. Mazzoli, Mr. Minish, Mr. Ottinger, Mr. Donnelly, and Mr. Durbin.

H.R. 5040: Mr. Andrews of North Carolina.

H.J. Res. 205: Mr. Daniel and Mr. Torricelli.

H.J. Res. 432: Mr. Daub, Mr. Carney, Mr. McNulty, Mr. Murtha, Mr. Martin of North Carolina, Mr. Quillen, Mr. Foglietta, Mr. Bilirakis, Mr. Carr, Mr. Fauntroy, Mr. Jones of Tennessee, Mr. Leach of Iowa, Mr. Spence, Mrs. Byron, and Mr. Shelby.

H.J. Res. 442: Mr. Ray, Mr. Erdreich, and Mr. Burton of Indiana.

H.J. Res. 451: Mr. Schumer, Mr. Green, Mr. Hughes, Mr. LaFalce, Mr. Neal, Mr. Waxman, and Mr. Feighan.

H.J. Res. 463: Mr. Wheat, Mr. Wright, Mr. Shaw, Mr. Lewis of Florida, Mr. Hoyer, Mr. Scheuer, Mr. Young of Florida, and Mr. Winn.

H.J. Res. 465: Mr. Taylor, Mr. Badham, Mr. Mineta, Mr. Jones of Tennessee, Mr. Luken, Mr. Lagomarsino, Mr. Skeen, Mr. Richardson, and Ms. Fiedler.

H.J. Res. 467: Mr. Gekas, Mr. Gingrich, and Mr. Winn.

H.J. Res. 502: Mr. Hawkins, Mr. Dicks, Mr. O'Brien, Mr. Lantos, and Mr. Gekas.

H.J. Res. 514: Mr. Berman, Mrs. Schroeder, Mr. Weiss, Mr. Kildee, and Mr. Levine of California.

H. Con. Res. 239: Mr. Crockett, Mr. Leach of Iowa, Mr. Markey, Mr. Lehman of Florida, Mr. Frost, Mr. Owens, Mr. Boehlert, Mr. Evans of Iowa, Mr. Towns, Mr. Davis, Mr. Edgar, Mr. Schumer, Mr. Whitehurst, Mr. Lewis of California, and Mr. Petri.

H. Con. Res. 256: Mr. Lagomarsino, Mr. Matsui, Mr. Kramer, Mr. Ralph M. Hall, Mr. Lipinski, Mr. Broomfield, Mr. Winn, Mr. Rinaldo, Mr. Roe, Mr. Hyde, Mr. Lungren, Mr. Applegate, Mr. Won Pat, Mr. McCain, Mr. Corrada, Mr. Frenzel, Mr. Panetta, Mr. Bateman, Mr. Badham, Mr. Bedell, Mr. McNulty, and Mr. McEwen.

H. Con. Res. 260: Mr. Ackerman, Mr. Addabbo, Mr. Applegate, Mr. Barnes, Mr. Bedell, Mr. Berman, Mr. Bliley, Mr. Bonior of Michigan, Mrs. Boxer, Mr. Broomfield, Mr. Cheney, Mr. Corcoran, Mr. Daniel B. Crane, Mr. Daub, Mr. Durbin, Mr. Dwyer of New Jersey, Mr. Erdreich, Mr. Fazio, Ms. Ferraro, Mr. Fish, Mr. Florio, Mr. Ford of Tennessee, Mr. Frank, Mr. Frenzel, Mr. Frost, Mr. Gejdenson, Mr. Horton, Mr. Howard, Mr. Hughes, Mr. Hunter, Mr. Kogovsek, Mr. Kolter, Mr. Lantos, Mr. Lent, Mr. Levine of California, Mr. Levin of Michigan, Mr. Markey, Mr. Lagomarsino, Mrs. Martin of Illinois, Mr. Martinez, Mr. McGrath, Mr. McKinney, Mr. McNulty, Ms. Mikulski, Mr. Mitchell, Mr. Morrison of Connecticut, Mr. Oberstar, Mr. Ortiz, Mr. Owens, Mr. Paul, Mr. Scheuer, Mr. Sikorski, Mr. Sisisky, Mr. Smith of New Jersey, Mr. Smith of Florida, Mr. Solarz, Mr. Spratt, Mr. Stokes, Mr. Sunia, Mr. Tauke, Mr. Traxler, Mr. Vento, Mr. Walgren, Mr. Wolpe, Mr. Kildee, Mr. Walker, Mr. Edgar, Mr. Won Pat, and Mr. Kostmayer.

H. Con. Res. 272: Mr. Duncan.

H. Res. 327: Mr. Eckart and Mrs. Schneider.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 473: Mr. Boner of Tennessee.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

323. By the SPEAKER: Petition of the Institute for Transportation of the American Public Works Association, Chicago, Ill., relative to a new interstate cost estimate; to the Committee on Public Works and Transportation.

Under clause 1 of Rule XXII, the following petition and papers were presented, as follows:

324. Also, petition of the Bloomfield Board of Education, Bloomfield, Conn., relative to tuition tax-credit proposals; to the Committee on Ways and Means.

SENATE—*Thursday, March 15, 1984*

(Legislative day of Monday, March 12, 1984)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father God, as debate draws to a close and decision is imminent, let Thy grace rest upon this place. Help the people of the land to appreciate the significant fact that their Senators have taken seriously the issue of school prayer and that they have devoted a great deal of time, study, and effort to its consideration. Help the people to understand, Lord, that no Senator is against prayer whatever his or her position on the issue. Thank Thee, Lord, for public servants who exercise their accountability to their constituents and their duty.

As the moment of decision approaches, Father, help the Senators to have cool heads and warm hearts and guide the matter to resolution with as little heat and as much light as possible. We pray this in the name of Him whose loving purpose is to unite us. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I thank the Chair for bearing with me for a moment, while I conducted a last moment consultation with the distinguished minority leader, the Senator from Connecticut, and one or two others.

Mr. President, it has already been ordered, and Senators are aware, that after the two leaders have spoken or have claimed their time or yielded it back, four Senators have special orders, to be followed by a period for the transaction of morning business, to end no later than 1:15 p.m., and then we will be back on Senate Joint Resolution 73, which is the prayer amendment.

Today is Thursday, and Senators should be on notice of the possibility of a late evening.

I say to the minority leader that in the course of the morning I have been exploring the possibility of a unanimous-consent agreement on two or three matters, and I should like to describe them to him now.

SCHOOL PRAYER

First, Mr. President, I would very much like to establish a time certain for a vote on a motion to table the Dixon amendment, to be followed by a time certain for final disposition of the resolution. That is my heart's desire. I would probably settle for either of those things separately, if the minority leader gave me much encouragement. But I should like to explore the possibility, say, of having a vote on the tabling motion this afternoon and then establishing a time certain for the vote on the resolution as amended, if amended, either today or tomorrow; or, rather than Friday, we might be better off to have the vote on Monday or Tuesday.

I say to my friend the minority leader that I think we have reached the place now where we should explore an effort to establish those times, so that Senators can be aware of them and we can make our plans accordingly.

THE FARM BILL—H.R. 4072

In addition to that—and I know the minority leader cannot answer that at the moment—I must bring up again the urgency of the farm bill. It deals with wheat allocations. The time for the signup on wheat allocations ends tomorrow, and I freely acknowledge that the Secretary of Agriculture can change that date. In any event, we need to face that issue.

I hope the minority leader might also consider a unanimous-consent request, which I will not now make but which I should like to make today, to temporarily lay aside the prayer amendment sometime late this afternoon and go to the farm bill, which is H.R. 4072, calendar No. 704, recently reported by the Agriculture Committee, for an overall period not to exceed 3 hours, and then to return to the consideration of the prayer amendment.

As the minority leader well knows, that formulation would provide that whether we do pass the bill or not, at the end of 3 hours it would be laid aside again and we would return to the consideration of the prayer amendment. It would be my hope that we could finish the farm bill in that length of time. Once again, I hope we can do that today, that we can reach the farm bill late this afternoon.

LOW-INCOME ENERGY ASSISTANCE

In addition, Mr. President, we still have the supplemental appropriations bill on low-income energy assistance. I have indicated to the minority leader that we would like to have an arrangement so that only one amendment would be in order. That would be the amendment of the Senator from Missouri to add a portion of Public Law 480 money for African food relief to the low-income energy assistance bill. I hope we could dispose of it in fairly short order. I would like to do that today, if possible.

Those are three requests I will not now put, but I describe them for the minority leader and for Senators who may be listening in their offices or Senators who are on the floor, such as the Senator from Wisconsin (Mr. KASTEN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Indiana (Mr. LUGAR)—just to show those who hear these sterling pronouncements.

Mr. President, I hope we can get a time certain to vote on a tabling motion against the Dixon amendment this afternoon, to be followed by a time certain for voting on the underlying resolution as amended, if amended, either today or on Monday or Tuesday; that we can get to the farm bill sometime this afternoon, probably late afternoon, for not to exceed 3 hours, regardless of the disposition of the matter; and that we will pursue our effort to try to clear the supplemental appropriations bill, with only one amendment in order, and that will be the Public Law 480 amendment.

That is a Christmas list of major proportions, and I understand that; but I have told the minority leader of my desires in that respect, and I hope he will find it in his heart to explore all three of those elements.

Mr. President, I believe that is all I have to say at the moment.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). Under the previous order the Democratic leader is recognized.

SCHOOL PRAYER

Mr. BYRD. Mr. President, first with respect to the prayer resolution, let me say for the record what my personal feelings are.

Sometimes when I try to do my duty as the leader on this side of the aisle and protect my colleagues by at least entering a tentative objection to a unanimous consent request, the rumor gets around that "BYRD blocked the bill," so I wish to lay it into the RECORD so that it will not be misunderstood by anyone. I support Senate

Joint Resolution 73. I support that resolution.

Having said that, I shall support the majority leader's motion to table the amendment by my good friend from Illinois (Mr. DIXON). I will work to see if we can clear the majority leader's request with respect to a fixed time for the motion to table the Dixon amendment. I think that the author of the amendment would want to have something to say on it. The majority leader might carve out a time for debate which would give the Senator from Illinois an equal opportunity to speak.

I would hope that that would be amenable to the Senator from Illinois and to other Senators on this side.

I respectfully suggest to the distinguished majority leader that we not try immediately to get an agreement on both the tabling motion and a time for voting on the resolution itself. I would hope that we could take one thing at a time. That might enhance our prospects, if indeed they can be enhanced, of getting an agreement in both respects.

So we will on this side of the aisle attempt to explore with our colleagues what the prospects are. I hope we can get an agreement. I want to vote on the tabling of the amendment by Mr. DIXON and then an immediate vote thereafter on the resolution or at least a time for debate and a time for a vote on the resolution itself.

We will explore that. We might have to take one thing at a time on this side of the aisle.

Now, may I ask the distinguished majority leader what time does he propose? We have talked privately, so I think I know his answer. But for the record, what time does the majority leader want to vote on the tabling motion?

Mr. BAKER. Mr. President, my suggestion would be sometime around 2:30 or 3 p.m. this afternoon.

Mr. BYRD. Very well. We will see what we can do, and I will report back to the majority leader.

LOW-INCOME ENERGY ASSISTANCE

On the low-income energy assistance bill, I hope that we may be able to get an agreement on that bill provided there are no amendments.

My colleagues on this side I think are willing to proceed to give the majority leader that agreement provided there is no amendment to the measure.

Mr. BAKER. Mr. President, will the Senator let me speak on that point just for a second?

Mr. BYRD. Yes.

Mr. BAKER. Mr. President, that was my first request, as a matter of fact, to take it up with no amendments, and I discussed that with the distinguished minority leader, but circumstances overtook that, and I hope the minority leader and his colleagues would reconsider that for this reason: Because of the abortive effort to add El Salvador and Nicaragua money to the low-income energy assistance bill, it was necessary to find another vehicle to add that to which the Appropriations Committee did with the Public Law 480 bill. The Senator from Missouri has pointed out most poignantly and accurately that part of the Public Law 480 money is for hunger relief in Africa, and it really would seem to me that we should deal with this issue free of the complications of the El Salvador and Nicaragua debate which probably will be long and tumultuous. I hope not, but I fear, that.

So, Mr. President, I would hope that the minority leader and his colleagues might see it clear to let us do a portion of the Public Law 480 money, that portion which is earmarked for African food relief on the low-income energy assistance bill, and I do not believe there would be any debate on our side. I think it would just go by unanimous consent and then the balance of the Public Law 480 money would be on the Public Law 480 bill together with a Stinger amendment, a Cumberland Gap amendment, and goodness knows what else, but it will be a vehicle to carry many appropriations fights, not the least of which will be the El Salvadoran and Nicaraguan aid.

So I am not trying to complicate the matter. I just want to point out to the minority leader that I was on the side he now suggests at the outset, but I think circumstances may warrant a reconsideration of that in view of the terrible plight of some people in Africa who are literally starving to death by the day until we can get some money over there for their relief.

So, that is the reason for the request for one amendment which will be for $80 million of Public Law 480 money for Africa to be added to the low-income energy assistance bill.

Mr. BYRD. Mr. President, in further response to the distinguished majority leader, may I say that we on our side will explore again.

Mr. BAKER. I thank the minority leader.

Mr. BYRD. I think that is the sticking point, though—the matter of allowing one Senator to call up an amendment when there are other Senators who may feel that there should be food relief for starving people in other parts of the world also, and who would want to offer amendments.

We will go back and explore again, and it may be that we can report back favorably to the majority leader in that respect.

THE FARM BILL—H.R. 4072

On the farm bill, about which it was rumored that I had blocked, I have no problem personally with our proceeding immediately to that bill. But I do have some Senators who have indicated that they would be unwilling to enter into a time agreement on that measure at this point.

I would have to go back to them, and I shall do that.

We will be getting in touch with the majority leader again as to the efforts.

Mr. BAKER. Mr. President, if the minority leader will yield further to me, I am most grateful for that. I never had the slightest doubt but that he would reply as he has replied and I appreciate it.

I propose then, if the minority leader will permit me to, to confer with him informally sometime around 2 p.m. or so, and maybe we can have a further announcement at that time.

Mr. BYRD. Yes, very well.

Mr. BAKER. I thank the minority leader.

The PRESIDING OFFICER. The minority leader has the floor.

Mr. BYRD. Mr. President, I thank the Chair.

THE MEESE NOMINATION

Mr. BYRD. Mr. President, I noticed in yesterday's newspapers—and in particular, one I have in my hand, the Philadelphia Inquirer—that the President in commenting on questions raised during Mr. Meese's confirmation hearings said:

> I trust him more than some of the Senators that have been raising these issues.

Mr. President, if the President were of my own political party I would react precisely as I am reacting now. I think that Senators will recall that at times I could not agree with President Carter, and I had no hesitancy in so stating publicly.

The President does not seem to understand that the American people expect the Attorney General to be a person of unquestioned integrity and competence. The President's appointments, I would say, in some instance, have not always lived up to those standards.

We have more than once witnessed the spectacle of some senior aides to Mr. Reagan engaged in dubious ethical practices. An envelope with $1,000 in cash was found in a safe of the President's former National Security Adviser. The Attorney General received a $50,000 severance payment from his former employer after the Attorney General had been nominated to that Cabinet post. We learned, I believe, only the day before yesterday that the U.S. Maritime Administrator received a severance payment of $45,000 from the steamship company for which he worked prior to assuming his Federal position. CIA Director, Mr. Casey, President Reagan's 1980 campaign director, refused for 2½ years to put his extensive stockholdings in a blind trust, even though his Government position gave him access to secret information not available to other investors.

Other high administration officials have been investigated by the Securities and Exchange Commission for potentially illegal insider stock deals. A former assistant administrator for the EPA has been cited for contempt of Congress and convicted of perjury.

Now there are some serious questions being raised about loans received by the nominee to the Attorney General's post, Mr. Meese, and his family, from persons who later received administration appointments. Questions have also been raised regarding the role that Mr. Meese may have played in the so-called "briefing-gate" scandal.

So I think that the Senators on both sides of the aisles who are attempting to carry out their constitutional responsibilities with respect to the advise and consent role of the Senate anent nominations should be commended. I am sorry and I regret that a good faith effort by Senators on both sides of the aisles to carry out their constitutional duty to carefully scrutinize nominees is being reduced to material for Presidential quips.

In my judgment, this remark by the President is demeaning to the President himself. Surely he must know what the Constitution requires of the Senate. He must know what the duties are of Senators on both sides of the aisle with respect to the advise and consent clause of the Constitution and its bearing upon Presidential nominees. If he does not know this, it is to be intensely regretted. If he does know it, it is likewise to be regretted that he would refer so cavalierly as he did to the Senators who are acting in good faith.

I hope that they will continue to do their duty, which is the duty of the Senate, and not be discouraged by the President's attempt to trivialize what is an important duty of Senators. I would think that it would be to the President's credit if, in every way he could, he would seek to cooperate with Senators as they attempt to carry out their constitutional responsibilities, which they take a solemn oath to fulfill upon their taking office.

With all the problems that I have mentioned—and I have mentioned only a few—it is untoward for the President to trivialize the responsibility Senators have.

Mr. President, I ask unanimous consent to have printed in the RECORD the article from yesterday's Philadelphia Inquirer entitled "Meese Will Again Face Senate Panel."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Mar. 14, 1984]

MEESE WILL AGAIN FACE SENATE PANEL

(By Barbara Rosewicz)

WASHINGTON.—White House counselor Edwin Meese 3d, under pressure from Democrats, has agreed to return for questioning before the Senate Judiciary Committee on his nomination for attorney general, it was announced yesterday.

Meese has said that he will come," said, Mark Goodin, spokesman for committee chairman Strom Thurmond (R., S.C.) "We are negotiating with him for a time."

Asked if Thurmond thought the second round of questioning of Meese was necessary to ensure a committee vote for confirmation, Goodin said of Thurmond, "He just feels it would be productive all the way around."

"It would be beneficial for Mr. Meese to appear," Goodin said, adding that Thurmond's office had asked Meese to return for questioning.

Goodin said he hoped that, by today, he would be able to set a time for Meese's return to the Hill. Meese was in Florida yesterday.

Senate Democratic leader Robert C. Byrd of West Virginia said there was a consensus among the eight Democrats, who are in the minority on the Judiciary Committee, that questions remain on a number of topics—including what Meese knew about how the 1980 Reagan campaign got President Jimmy Carter's campaign documents.

President Reagan, in an interview released yesterday, blasted committee Democrats and reaffirmed his support for Meese.

"I trust him more than some of the senators that have been raising these issues," he said.

Reagan contended the issue of the campaign memos was produced only when the Democrats "couldn't get him [Meese] on anything else" and in spite of investigations by a House subcommittee and the Justice Department, both of which found no evidence of wrongdoing.

Thurmond had said earlier that he saw no need to recall Meese, who spent two full days testifying before the panel last week and who also submitted written answers to senators' follow-up questions.

Meese was invited to return to testify in person last week, but declined.

Mr. BYRD. Mr. President, I have no further use for time and I yield it back if I have any remaining.

RECOGNITION OF SENATOR LUGAR

The PRESIDING OFFICER. Under the previous order, the Senator from Indiana (Mr. LUGAR) is recognized for not to exceed 15 minutes.

INTERNATIONAL DAY OF CONCERN FOR SOVIET JEWS

Mr. LUGAR. Mr. President, today—March 15—has been designated by a worldwide coalition of Jewish organizations as "International Day of Concern for Soviet Jews." This day has been chosen in part because it is the anniversary of the arrest of Anatoly Shcharansky, who is currently serving a 13-year term in Soviet prison.

Events in many nations around the world have been organized for the day in order to display solidarity with Jews and other oppressed minorities in the Soviet Union. Senator BIDEN, our distinguished colleague from Delaware, and I have asked for time this morning in order to express the concern of Senators about this matter. This is an issue about which the Senate has spoken many times, in many ways. Each of us has signed numerous letters to Soviet authorities on behalf of specific individuals and families who have experienced tragic separation from loved ones who have left the Soviet Union. Each of us has asked successive Presidents and Secretaries of State to raise this issue in the context of ongoing discussions with Soviet authorities. Some of us have taken this message directly to Soviet authorities on visits to the Kremlin.

What we are saying today is that the treatment of Jews and other minorities in the Soviet Union matters to the U.S. Senate. What we are saying is that the Soviet Union has signed solemn agreements pledging to respect human rights and to permit families to be reunited, and that these agreements should be honored. What we are saying is that Soviet policies here are a strong sign of whether or not the Soviet Union can be expected to live up to agreements of any sort.

This is a matter of humanitarian concern, to be sure; but it is also a matter of proper international behavior. The drastic decline in emigration from the Soviet Union in the last several years is simply not consistent with the norms which we have every right to expect will be met by a major nation of the world.

Each of us can point to many tragic cases of families who have been separated. Before yielding the floor, I would like to mention just one which has been of considerable concern to me recently. Last month I participated in a moving ceremony in my hometown of Indianapolis to express the concern of many of my fellow Hoosiers about Jewish emigration from the Soviet Union. At that time, I met again with Lev Pevzner, who came to Indiana from the Soviet Union in 1980. He and his family have been separated from his son, Alexander, who was not permitted to leave with the remainder of the family. We have asked before, and we will ask again, for the Soviet Government to permit this family to be reunited.

Each of us knows similar stories. This is not a concern of one group or one party; it is a concern which goes deeply into the marrow of our society and or our ideals. I am pleased to be joined by other colleagues today to express the concern of the Senate about the need to end Soviet persecution of religious minorities. I am pleased, too, to know that a similar colloquy will take place today at the other end of the Capitol, in the House of Representatives.

Mr. President, I yield as much time as he would require to the distinguished Senator from Iowa, Senator GRASSLEY.

Mr. GRASSLEY. Mr. President, I thank the Senator from Indiana for his leadership in this area. Let this colloquy be an example that in this great country, and in this great body—other nations, particularly the U.S.S.R.—the life and plight of one individual does not go unnoticed.

We do not let the plight of one individual get lost in the mass of society. This is what distinguishes the society of our great Nation from the U.S.S.R. Mr. President, today marks the seventh anniversary of Anatoly Shcharansky's arrest and has been designated as International Day of Concern for Soviet Jews.

I would like to commend Senators LUGAR and BIDEN for setting aside this time to bring attention to this grave plight.

We have reached a crisis point in Soviet Jewish emigration. It is now necessary to redouble our efforts in order to reverse this terrible trend. Examples of our increasing involvement are this colloquy and the following letters which I would like to include in today's RECORD on behalf of myself and Senator DECONCINI.

It is hoped that these letters will persuade the new Soviet leadership to release Mr. Shcharansky. Every U.S. Senator participated in this endeavor so let there be no mistake of our concern. Rarely, if ever, in the history of the Senate has an issue commanded such support. That support, in and of itself, indicates the justness of this cause.

We can continue this fight even more effectively by increasing the cooperation among our allies in the Western World and as many of you are already aware, the International Parliamentary Group for Human Rights in the Soviet Union (IPG) is designed to facilitate that cooperation. Sixty-five Senators have joined the IPG and we now have over 100 European members. I invite my colleagues who have not joined IPG as yet to do so now so that we may speak with one voice regarding Soviet human rights abuses thereby convincing the Soviets to live up to their obligations under the Helsinki accords.

Mr. President, I ask unanimous consent to have printed in the RECORD on behalf of myself and Senator DECONCINI certain letters.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1).

ANATOLY SHCHARANSKY

Mr. DECONCINI. Mr. President, I express my sincere respect and admiration for a young man whose determination and perseverance in the face of tremendous adversity are a great inspiration to all. I am referring to Anatoly Shcharansky, prominent Soviet dissident and human rights advocate. Although he is only 36 years old, during his short lifetime he has endured numerous hardships that are difficult for free people to comprehend.

As my colleagues are aware, today has been designated "International Day of Concern for Soviet Jews." March 15 marks the seventh anniversary of Anatoly Shcharansky's unlawful arrest. Seven years is a long time to those of us who enjoy the fundamental freedoms of religion, thought, and conscience. Those same 7 years can be an eternity, however, in the life of a man who is not only completely isolated from the outside world, but whose punishment is the result of his deep compassion for the suffering of others.

Like so many Soviet Jews, Shcharansky's deep-rooted desire to live in his cultural homeland of Israel has been consistently denied. Not only has Shcharansky remained relentless in his pursuit of his basic human right to live where he choose, but, more importantly, he has waged a tireless and courageous effort on behalf of all Soviet citizens who have been restricted, deprived, and often imprisoned merely because of their legitimate plea to emigrate.

As Shcharansky became actively involved in the human rights movement in his country, as he became increasingly aware of the injustices prevalent in the totalitarian Soviet society, and as he became more outspoken about the inequitable treatment many of his fellow citizens endure, Soviet authorities responded with severe pressure—eventually leading to his arrest on March 15, 1977. Shcharansky was charged with treason, was unlawfully tried, and was ultimately sentenced to 13 years in prison.

Punishment without crime is an outrage to civilized society. Although Shcharansky's tragic fate has long been known and the Soviet Government's actions condemned throughout the free world, it is crucial that this cause be kept alive.

Above all, it is important to remember that Shcharansky's plight is not unique. Many Soviet citizens have met similar fates. Shcharansky now lives under harsh conditions in a labor camp for no legitimate reason. His health is rapidly deteriorating; his spirit and sense of dignity have been nearly destroyed. Each day that Shcharansky is deprived of the freedom he so justly deserves should be a reminder of the individual, cultural and religious repression that unfortunately exists in our world. His willingness to fight for social justice at the expense of his own freedom must never go unnoticed.

I am proud to say that the entire Senate participated in cosigning letters, initiated by Senator GRASSLEY and me, to the President of the United States and to General Secretary Chernenko regarding our deep concern for Shcharansky's predicament. It is my hope that our efforts will help to alleviate this monstrous injustice.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., February 29, 1984.

Hon. RONALD REAGAN,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On March 15, 1977, Soviet Jewry and Human Rights activist Anatoly Shcharansky, was arrested by the KGB and charged with anti-Soviet activity. Though he attempted to defend himself, he was not allowed to call defense witnesses and was interrupted when he tried to question prosecution witnesses. The result of this KGB effort to silence Shcharansky was the imposition of a 13-year prison sentence. Anatoly's own words at the close of his trial accurately reflect his feelings and those of us who shared his ordeal.

"Five years ago, I applied for a visa to Israel, but now I am further than ever away from the attainment of my dream. It might appear that I must have regrets about what has happened. But this is not so. I am happy. I am happy that I have lived honestly, in peace with my conscience, and have never betrayed my soul, even when I was threatened with death. I am happy that I have helped people. I am proud to have known and to have worked with such honorable, brave people as Sakharov, Orlov, Ginsburg—they who are continuing the finest traditions of the Russian intellectuals. I am happy that I can be a witness to the redemption of the Jews in the USSR. These absurd accusations against me and against the whole Jewish emigration movement will not hinder the liberation of my people. My dear ones and friends know how I wanted to exchange activity in the emigration movement for a life with my wife, Avital, in Israel.

"For more than 2000 years the Jewish people, my people, have been dispersed. But wherever they are, wherever Jews are found, each year they have repeated: 'Next year in Jerusalem.' Now, when I am further than ever from my people, from Avital, facing many arduous years of imprisonment, I say, turning to my people, my Avital: Next Year In Jerusalem!"

Mr. Shcharansky's release would be a positive step in the easing of United States-Soviet tensions and we urge that you raise this issue with the new Soviet leadership at every appropriate opportunity.

Sincerely,

Chuck Grassley, Dennis DeConcini, Lawton Chiles, Larry Pressler, Carl Levin, Lloyd Bentsen, Bill Armstrong, Walter D. Huddleston, Paul Sarbanes, Daniel K. Inouye, Alfonse D'Amato, Bill Proxmire, Dick Lugar, Dan Quayle, Alan J. Dixon, Bob Dole.

Arlen Specter, Steve Symms, Jim Abdnor, Paul Trible, Max Baucus, John P. East, Jake Garn, John Glenn, Jeff Bingaman, Roger W. Jepsen, David Pryor, Rudy Boschwitz, J. J.

Exon, Gordon Humphrey, Slade Gorton, Frank R. Lautenberg, Don Nickles, J. Bennett Johnston, Charles H. Percy, Christopher J. Dodd, Gary Hart, Jim Sasser.

Paul Tsongas, Barry Goldwater, Patrick J. Leahy, John Warner, Daniel Patrick Moynihan, David L. Boren, Mack Mattingly, Pete Wilson, Daniel J. Evans, Paula Hawkins, Jeremiah Denton, Dave Durenberger, George J. Mitchell, Edward Zorinsky, Strom Thurmond, Bob Packwood, John Tower, Alan K. Simpson, Bill Bradley, Quentin N. Burdick, Mark O. Hatfield, Ernest Hollings.

Orrin G. Hatch, John C. Danforth, Donald W. Riegle, Jr., Thomas F. Eagleton, Pete V. Domenici, John H. Chafee, Lowell P. Weicker, Jr., Frank H. Murkowski, William S. Cohen, Robert T. Stafford, Jennings Randolph, Russell B. Long, Howard M. Metzenbaum, Dale Bumpers, Sam Nunn, Jesse Helms, James A. McClure, Chic Hecht, Spark M. Matsunaga, Bob Kasten, William V. Roth, Jr., Warren B. Rudman.

Edward M. Kennedy, Joseph R. Biden, Jr., Malcolm Wallop, Howell Heflin, John C. Stennis, Ted Stevens, Claiborne Pell, Charles McC. Mathias, Jr., John Heinz, Nancy Landon Kassebaum, Alan Cranston, Wendell H. Ford, John Melcher, Mark Andrews, Thad Cochran, Howard H. Baker, Jr., Robert C. Byrd.

U.S. Senate,
Committee on the Judiciary,
Washington, D.C., February 28, 1984.

Konstantin Chernenko,
General Secretary, CPSU Central Committee, Soviet Embassy, Washington, D.C.

Dear Mr. General Secretary: On March 15, 1977, Anatoly Shcharansky was arrested by the Soviet KGB and charged with anti-Soviet activity. After his trial, where he was not allowed to call defense witnesses and was continually interrupted when he tried to question prosecution witnesses, he was sentenced to serve 13 years in confinement.

Mr. Shcharansky's only "crime" was wishing to join his wife Avital in Israel. His only aim was to promote Soviet law, not violate it. He has served over one half of his sentence and suffers severe chest pains. He is continually denied hospitalization.

With the advent of your leadership, we have the opportunity to ease the tensions between our two nations. Mr. Shcharansky's release would certainly be viewed as a positive step toward improved East-West relations.

Sincerely,

Charles E. Grassley, Dennis DeConcini, Lawton Chiles, Daniel K. Inouye, Larry Pressler, William Proxmire, Lloyd Bentsen, William Armstrong, Walter Huddleston, Paul Sarbanes, Arlen Specter, Steve Symms, James Abdnor, Paul Trible, Max Baucus, Alfonse D'Amato, Carl Levin, Richard G. Lugar, Dan Quayle, Alan J. Dixon, Bob Dole, Rudy Boschwitz, J. James Exon, Gordon Humphrey, Slade Gorton, and Frank R. Lautenberg.

John P. East, Jake Garn, Jeff Bingaman, Christopher J. Dodd, Gary Hart, Paul E. Tsongas, Dave Durenberger, George J. Mitchell, Patrick J. Leahy, Daniel Patrick Moynihan, Bob Packwood, Don Nickles, J. Bennett Johnston, Charles H. Percy, John Glenn, Roger W. Jepsen, Jim Sasser, Barry Goldwater, Edward Zorinsky, John W. Warner, Strom Thurmond, John Tower.

David Pryor, Mack Mattingly, Pete Wilson, Daniel J. Evans, Paula Hawkins, Jeremiah Denton, Orrin G. Hatch, John C. Danforth, Thomas F. Eagleton, Pete V. Domenici, John H. Chafee, David L. Boren, Alan K. Simpson, Bill Bradley, Quentin N. Burdick, Mark O. Hatfield, Ernest Hollings, Russell B. Long, Howard M. Metzenbaum, Dale Bumpers, Jesse Helms, James A. McClure.

Donald W. Riegle, Jr., Lowell P. Weicker, Jr., Frank H. Murkowski, William S. Cohen, William V. Roth, Jr., Jennings Randolph, Edward M. Kennedy, Nancy Landon Kassebaum, Malcolm Wallop, Howell Heflin, John C. Stennis, Sam Nunn, Chic Hecht, Spark M. Matsunaga, Bob Kasten, Robert T. Stafford, Warren B. Rudman, John Heinz, Joseph R. Biden, Jr., Alan Cranston, Wendell H. Ford, John Melcher, Mark Andrews, Claiborne Pell, Thad Cochran, Ted Stevens, Paul Laxalt, Robert C. Byrd.

Mr. LUGAR. I thank the distinguished Senator from Iowa.

I yield time to the distinguished Senator from Michigan (Mr. Levin).

Mr. LEVIN. I thank my friend from Indiana.

Mr. President, today is the seventh anniversary of the imprisonment of Anatoly Shcharansky. Once again, this year, we gather to retell the plight of men and women like Anatoly Shcharansky: 2½ million Jews in the Soviet Union. These Jews are one nationality among more than 100 in the Soviet Union. Some ask, "Why do we single out the plight of the Soviet Jew today?" The answer is simple: It is not we who have singled out the misery of the Soviet Jews; rather, the Soviets have singled out Jews and other minority groups for misery.

Jews in the U.S.S.R. are not free to educate their children in their religious and cultural history. Jewish schools are forbidden, the printing of Hebrew books is considered criminal, the teaching of Hebrew is punished by imprisonment, and the training of religious leadership for the Jewish people is prohibited in the Soviet Union. Jews may not import religious objects nor be buried among their people. There are no new Jewish cemeteries. Those cemeteries that still stand are slated to become parks.

We in the Western World must be the ones to come to the aid of the Soviet Jews. The only hope that these prisoners of conscience have is immigration to Israel or the West. In 1979, more than 51,000 of them emigrated from the Soviet Union. Today that figure has declined to slightly more than 1,500 per year; 1984 must be a year in which we pledge to reverse the trend.

While there is a multitude of statistics on the plight of the Soviet Jews, the story of an individual often can provide insight into a society that numbers cannot. Ida Nudel has been a prisoner of conscience since 1971, when she first requested permission to leave the Soviet Union. Her plea was refused, her room bugged, and her every action monitored. As if this were not enough, she was detained by the authorities repeatedly, beaten, and fired from her job. At 53, she has been banished to Siberia and is in poor health. Her crime? Hooliganism.

Quite clearly, Ida Nudel is not guilty of anything; she is its victim. Ida Nudel's plight could be multiplied by millions. Indeed, the more emigration is choked off by the Soviets, the more we must speak out. Silence could be interpreted as apathy.

We must reaffirm to Soviet leaders that we care about human rights everywhere, and we must do so by supporting our rhetoric with action. We can write to Soviet officials and make known America's displeasure with Soviet policy. We can write to prisoners of conscience and bring them hope for a better tomorrow. As individuals, we can adopt a prisoner of conscience and lobby in his or her behalf. We can include the plight of Soviet Jews in our constituent newsletters so that the public will be sensitized to their suffering.

We need not be naive and think that our actions will drastically change Soviet policy. In honor of the brave men and women who are prisoners of conscience we must pledge today to take one more step, write one more letter, become a little bit more informed, and perhaps, save another human being.

Mr. BIDEN. Mr. President, nothing more clearly demonstrates the estrangement of the Soviet Union from the civilized world than the deliberate and systematic oppression of Soviet Jews by the Government and institutions of Soviet society.

Today is the seventh anniversary of the imprisonment of Anatoly Shcharansky, who was sentenced to 13 years on a trumped-up charge of spying for the United States,

But the world knows that his real crime in the eyes of the Soviet Government was his leadership of Soviet Jews who wish to preserve their religious and cultural traditions.

Shcharansky is confined today in the Chistopol prison, his health seriously impaired by his earlier incarceration in Soviet labor camps. His family has been denied assurance that he is receiving adequate medical care, and they fear he may not survive much longer.

But Anatoly Shcharansky remains a vibrant symbol of the fidelity of Soviet Jews to their ancient heritage, and it is for that reason that we observe this day as an "International Day of Concern for Soviet Jews."

Mr. President, it is a savage irony of the postwar world that the nation which suffered the greatest number of casualties at the hands of the Nazi armies during World War II has chosen a people who were even more tragically victimized by the Nazis as the object of its most oppressive policy—and has not hesitated to employ antisemitism in its most virulent forms as an instrument of that policy.

Every Soviet leader from Stalin to Chernenko has made Soviet respectability among the nations of the world, both explicitly and implicitly, a cornerstone of Soviet policy.

Mr. Chernenko's earliest public statements as the new Soviet leader—that the Soviet Union must be treated as an equal by the United States and the rest of the world—demonstrate how consistently the theme of respectability and equality is woven through Soviet foreign policy.

Yet in spite of that obviously deeply felt Soviet need, in its oppressive policies toward Soviet Jews, the Soviet Government has continued not only to violate its obligations under the Helsinki agreements, but in fact to violate the most fundamental norms of civilized behavior and human rights as they are recognized throughout the world

Since 1948, the United Nations Declaration of Human Rights has supported freedom of movement as a fundamental right of all people—or, as it was decribed by Pope John XXIII in 1963, "The right of free movement in search for truth and in the attainment of moral good and of justice."

That right was specifically reaffirmed by the Helsinki agreements, which were signed by the Soviet Union.

Under such circumstances, I believe it is the responsibility of the U.S. Senate and other forums for free debate everywhere to call the Soviet Government to account for its treatment of its Jewish minority and to make it clear that the Soviet Union cannot expect to be received among truly civilized nations as long as it practices such oppression.

As a signatory to the Helsinki agreements, the Soviet Union cannot pretend that the demand for such an accounting represents interference in its domestic affairs,

Because those agreements commit all signers to the fundamental principle of freedom of emigration by any of their citizens who wish to depart, without unnecessary interference or undue penalty. The facts of Soviet noncompliance with those agreements are clear.

The record emigration of 51,320 Soviet Jews in 1979 declined to only 2,688 in 1982 and dropped even further to 1,315 last year. And this decline must be viewed in the context of Jewish desire to leave the Soviet Union for its tragic dimensions to be fully comprehended.

The Council for Soviet Jewry says that an estimated 10,000 Soviet Jews were denied exit visas in 1982 and that about 400,000 others have formally indicated an interest in leaving—and all of this in the face of increasingly harsh Soviet measures to discourage and to punish Jews who wish to leave, and in fact to suppress Jewish religious and cultural expression throughout the country.

The anti-Semitic nature of those repressive measures are blatantly obvious. They represent a traditional anti-Jewish attitude the Soviet Government has never succeeded in eliminating, nor even tried seriously to eliminate, from Soviet society.

But even that is not the worst of current Soviet treatment of the Jews, because it is even more odiously apparent that the Soviet Government has consciously and coldbloodedly encouraged anti-Semitism as a matter of policy.

This official anti-Semitism dates from 1967, when the Soviet Union severed its diplomatic relations with the State of Israel, in an obvious appeal to Israel's Arab enemies.

The Soviets continue to refuse renewing relations with Israel or even, according to a statement by Israel Prime Minister Yitzhak Shamir earlier this week, to provide an explanation for that refusal.

But the explanation is obvious, I believe, in the oppression of Jews within the Soviet Union. They are hostages to Soviet efforts to heighten tensions and create opportunities for Soviet meddling among the nations of the Middle East, already a tinderbox of inflamed ethnic rivalry and religious intolerance.

The anti-Semitic nature of Soviet policy is underscored by two recent events.

In January of this year, an article in Pravda equated zionism with racism, fascism, and nazism, even to the extent of accusing Zionists of responsibility for Nazi atrocities against the Jews under Hitler—thus standing truth upon its head and adopting the standard anti-Semitic line of holding the victims responsible for the crimes of the Holocaust.

But that is not a new argument in the Soviet Union. Last year, the Soviet Government set up an officially approved anti-Zionist committee to promote that argument—which Senator MOYNIHAN has correctly characterized as a monument to "doublespeak"—both inside and outside the Soviet Union.

Not content with corrupting their own people, the Soviets are eager to exploit anti-Semitic attitudes wherever they may be found.

Within the Soviet Union, anti-Semitism is rampant. Jews are forbidden to establish new synagogues, to learn Hebrew or to teach classes on religion, or to celebrate Jewish holidays.

They are frequently denied entrance to or advancement within the universities, the professions and government agencies. Those who seek exit visas risk threats by the KGB, loss of employment and even imprisonment.

And, in some cases where individual Jews and their families have refused to submit to these pressures, they have been specifically villified in the government-controlled press—a device notoriously effective in encouraging unofficial discrimination and worse at the hands of neighbors, teachers, and employers.

Mr. President, this "Day of International Concern for Soviet Jews" is, in fact, a day of international concern for religious freedom and human rights everywhere, including the Soviet Union.

More than three centuries ago, the poet John Donne wrote that:

> No man is an island . . . any man's death diminishes me, because I am involved in mankind.

Today, in a world shrunken and compacted by the speed of modern communications and the reach of modern weapons, we are all even more intensely involved in mankind, and the bell that tolls for the rights of Soviet Jews tolls for human rights all over the world.

We cannot turn our backs on an oppressed Soviet Jewry without inviting the contagion of oppression everywhere.

The eloquent confession of the German theologian Martin Neimoeller speaks to us today on a global scale:

> In Germany they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionist and I didn't speak up because I wasn't a trade unionist. They came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time there was no one left to speak up.

Mr. President, more than ever before in the history of the human race, people everywhere form one great human community whose interests and values are a common bond, a common heritage, and a common necessity for survival.

The Jews of the Soviet Union are our compatriots, and we cannot separate their fate from our own.

We must speak up for them, and for ourselves, today and every day, until the Soviet Government understands that a decent respect for human rights everywhere, and especially for the rights of its own citizens, is the minimum price of admission to the community of nations in which they are so anxious to find a place of equality and respect.

AN APPEAL TO THE NEW SOVIET LEADER ON BEHALF OF SOVIET JEWS

Mr. CRANSTON. Mr. President, there is a new leader in the Kremlin. And there is renewed hope in the United States that both countries will actively seek opportunities to improve our relations on all levels as the Soviet Union begins a new chapter in its history. The American people are anxious to improve relations with the Soviet Union, and we are looking for meaningful signs from the Soviet leadership that our sentiments are mutual and reciprocated. Each country must take steps that will lessen tensions between the United States and the Soviet Union, tensions from which no one has benefited.

United States-Soviet relations are at their lowest ebb in a generation. An indication of its status is the level of Soviet Jewish emigration. Unfortunately, Soviet Jewish emigration levels continue to serve as an accurate barometer of the two superpowers' relations. And it is clear from the statistics on departures that the Soviet Jewish community is a real casualty of the deteriorating relations of our Government and the Soviet's. It is disheartening to note that only 1,315 Jews were granted exit visas to leave the Soviet Union in 1983. This is an alarming decline from a high of 51,320 Jews who were permitted to emigrate in 1979.

As a nation founded by emigrants on the principles of freedom and democracy, the United States must continue to urge the Soviet Union to improve its human rights policy. Central to the concept of basic human rights is the right to emigrate freely. Thus, I appeal to the new leadership in the Kremlin to stop its harassment of the Jewish community, to allow Jews and others to emigrate, and to adhere to the human rights provisions guaranteed in the Helsinki accords, to which the Soviet Union is a signatory. To indicate its wish to improve the current situation, the Soviet leadership could make a significant symbolic gesture by ending the imprisonment of Anatoly Shcharansky, Lev Elbert, and Iosif Begun, and by allowing them to emigrate. There are other refuseniks too numerous to mention who are less well known, but who have waited just as long, if not longer, to emigrate. I urge Moscow to honor their right to do so.

I also wish to renew my request of last year that Moscow grant exit visas to seven noted scientists—Mark Freidlin, Semion Katz, Victor Kipnis, Yuri and Olga Medvedkov, Alexander Paritsky, and Valery Soyfer—so that they may accept the invitation of the University of Southern California to teach there.

A reversal in the Soviet emigration policy would make an important and favorable impact on overall United States-Soviet relations.

I ask my colleagues to join me in redoubling our efforts on behalf of Soviet Jews, a people who have suffered too deeply and too long.

Mr. President, I ask unanimous consent that a table showing the declining numbers of Soviet Jews granted exit visas be inserted in the RECORD at this time.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

JEWISH EMIGRATION FROM THE U.S.S.R.

	1979	1980	1981	1982	1983
January	3,722	2,803	850	290	81
February	3,837	3,023	1,407	283	125
March	4,418	3,049	1,249	289	101
April	4,296	2,469	1,155	288	114
May	4,163	1,976	1,141	205	116
June	4,358	1,767	866	182	102
July	4,068	1,205	779	186	167
August	4,711	770	430	238	130
September	4,663	1,307	405	246	135
October	4,746	1,424	368	168	91
November	4,193	789	363	137	56
December	4,145	889	434	176	97
Total	51,320	21,471	9,447	2,688	1,315

Source: Union of Councils for Soviet Jews.

MEETING WITH REFUSENIKS—A VISIT WITH THE MEIMANS

Mr. COHEN. Mr. President, the exchange which we are having here today on the Senate floor is an important one. It is critical that we focus on the problems faced by Jews in the Soviet Union who are being denied the opportunity to emigrate, despite their strong desire to do so.

Those who are concerned for the plight of Jews in the Soviet Union cannot help but be disturbed over the trend in emigration over the past 5 years. In 1979, over 51,000 Soviet Jews were permitted to emigrate. The number dropped to 21,471 in 1980, and 9,447 in 1981. That, unfortunately, was only a foreshadowing of what has taken place the last 2 years. In 1982, only 2,688 were allowed to leave, and last year the number dropped to 1,315.

These numbers, by themselves, offer a stark picture of the grim prospects faced by Soviet Jews wishing to receive exit visas. But behind these numbers are thousands of deeply moving, human stories. Those denied the opportunity to leave then are treated as pariahs by the Soviet Government because of their having expressed the desire to move to another country.

I would like to relate what have been, for me, two very powerful experiences. One took place during my visit last month to the Soviet Union; the other has been in the form of correspondence.

NAUM MEIMAN

During my short stay in the Soviet Union, I was poignantly reminded of the deeply troubling human rights situation in that country. On the second day of my visit, I was able to meet with a prominent Jewish "refusenik," Naum Meiman, and his wife, Inna, after determining that the couple was willing—indeed, eager—to receive me to discuss their situation.

I set out late one afternoon with a U.S. Embassy officer for the couple's apartment, about 10 minutes from my hotel. The Soviet authorities made no secret of the fact that they had us under observation when we arrived at the couple's apartment complex.

The Embassy officer explained that the two felt they had little more to risk through a meeting such as this. Nevertheless, they carefully drew the curtains and closed the door to their sitting room after we entered.

We talked for approximately an hour about their 9-year effort to secure permission to leave the Soviet Union. Professor Meiman applied for permission to emigrate from the U.S.S.R. in 1975. As a result, he was dismissed from his position at the Institute of Theoretical and Experimental Physics.

The refusal was based officially on the grounds that Professor Meiman, a mathematician, had once had access to classified information. Apparently, he had last dealt with restricted material in 1948-55, when he performed model calculations in conditional units, which are now obsolete.

The Institute where he worked from 1955-75 was attached to the State Committee for Peaceful Uses of Atomic Energy, where his efforts were directed toward abstract mathematics and have been published openly, overseas as well as in the Soviet Union. Yet, the fact that his superiors certified that any information he had was now declassified did not change the decision.

Since filing his application, Professor Meiman has suffered continuous harassment, including numerous periods of house arrest. The professor is in his seventies and in poor health. His wife, an English-language tutor, recently had surgery to remove a tumor and needs medical attention which is unavailable in the Soviet Union.

Neither of them is able to meaningfully practice their professions. "We envy you Americans, who always seem busy and in a hurry," Mrs. Meiman told me. "For us, life is at a standstill."

Nevertheless, these courageous people offered encouragement for efforts at improving United States-Soviet relations, noting that during periods of improving contact and dialog, the prospects for relaxation of restrictions also improved. As I left the small apartment with its strong-willed inhabitants, I reflected on the indomitability of the human spirit and wondered how I would cope under similar circumstances.

Professor Meiman also left me with a message which shows his strength and captures the essence of the will and spirit of the Soviet Union's "refuseniks." "I don't regret a thing," Professor Meiman told me. Despite all the harassment, all the sacrifice, his spirit is strong. His oppressors cannot crush that spirit or diminish the flame burning within him. His life is an example to us all.

IDA NUDEL

Another individual whose courage and commitment serve as an example to us is Ida Nudel, who became known as the "Guardian Angel" because of her years of unstinting dedication to Soviet Jewish prisoners of conscience and their families. Because of her efforts, she has suffered at the hands of Soviet authorities.

It was 1971 when Ida Nudel first requested permission from Soviet officials to emigrate so that she could join her only living relative, Elena Fridman, a sister in Israel. That request, and each subsequent one, has been denied. In addition, she has been singled out as an active figure in the Jewish emigration movement and been subjected to harassment.

Found guilty of "malicious hooliganism" in 1978—her offense was hanging a placard from her Moscow apartment balcony which said, "KGB Give Me My Visa"—she was sentenced to 4 years exile in Siberia. There, despite a deteriorating physical condition, including heart, liver, kidney, and diabetic problems, she continued her efforts to promote Jewish emigration.

The Soviet Government's harassment did not cease following her release 2 years ago this month. When Ida went to Moscow to apply for her exit visa, it was denied on the grounds that only residents of the district could apply. Then, when she applied for reinstatement of her residence status in Moscow, she was turned down and forced out of her apartment there.

What followed was an experience which we, in the United States, cannot hope to comprehend. For the next 6 months, Ida Nudel traveled in vain throughout the Soviet Union, trying to find a municipality that would award her a residence permit. Finally, Bendery, a small town in Moldavia, granted her residence status.

For some time now, I have been fortunate to have corresponded with Ida's sister, Elena Fridman. Elena has kept me well informed concerning Ida's status and has shown the same indomitability that her sister exemplifies in her daily life. Just last week, I received a letter from her, and I would like to share it with you here today. It is a wonderful letter, a moving letter, and it will, I know, touch all of you.

Elena told me that Ida's life in Bendery "has proved to be another form of exile." While Ida had been allowed to receive thousands of letters while in Siberia, she has received almost no mail since arriving in Bendery. Despite correct addresses, letters have been returned by Soviet postal authorities with the note, "Inconnu: No Such Address."

In recent months, Elena told me, Soviet authorities have seemed "intent on precipitating yet another confrontation with Ida by outrageous provocations." This began, Elena said, on January 5, when Ida was summoned by the local deputy police chief, who warned her that she was being watched "by the people whose job it is to do so" and that she was not to have any more visits to her home by the "people who call themselves 'refuseniks.'" She was also warned not to leave Bendery and was threatened with arrest if she tried to do so. "The timing of this warning," Elena said, "was clearly a result of Ida's celebration of the Jewish holiday of Chanuka with some friends who joined her 3 weeks earlier."

This incident was followed by another on January 24, when she was summoned by the deputy chairman of the Bendery Supervisory Commission on Laws and Religion, who told her that he knew that on the Jewish religious holiday of Chanuka, people got together in her home. He suggested to her that she register herself accordingly to the bylaws pertaining to religious groups in Moldavia.

I intend to insert Elena Fridman's letter at the conclusion of this statement, but I feel it important to share with you the exact wording of the law pertaining to religious groups, as read to Ida:

> Passed as an Order by Presidium Supreme Soviet of Moldavia SSR, Number 1616—IV—19/V 1977:
>
> "Paragraph 8: An organization or group of people who believe may begin their activities only after a decision has been taken based on registration by the Committee Dealing With Religious Matters of the Supreme SSSR Committee of Ministers."

In other words, one cannot practice one's religious beliefs until official sanction is given by the government. As Elena told me,

> Ida bravely replied that matters of religious belief are not a proper subject for discussion between a government official and a private citizen. The official indicated that not applying for this registration would be a clear violation of this law if she plans to again have people in her home to celebrate such holidays.

Elena Fridman is rightly alarmed by this latest development. As she so eloquently said,

> The Soviet authorities are obviously bent on making the advent of every holiday in the Jewish calendar a period of fear for Ida, for me and for all those dedicated people the world over who treasure the principles which guide her.

I will leave you with this thought, for it serves to emphasize the importance of what we are doing here today—and of the larger effort to permit religious freedom and to promote freedom to emigrate for people such as Ida Nudel and the Meimans. Our commitment must not falter, for theirs surely will not.

So that all of you can have the benefit of Elena Fridman's moving letter, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

P.O.B. 1119,
76 110 REHOVOT, ISRAEL,
February 26, 1984.

Hon. WILLIAM S. COHEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COHEN: The depth of your concern for my sister, Ida Nudel, and your commitment to keep her case before the American people is again evidenced for me by your cosponsorship in the U.S. Senate of S. Res. 125 "Expressing the sense of the Senate that the Government of the Soviet Union should allow Ida Nudel to emigrate to Israel, and for other purposes." The date of your submission of this resolution was significant as it marked Ida's 52nd birthday.

I write to you at this time in anticipation of the upcoming international conference of the Congressional Wives for Soviet Jewry scheduled to take place in Washington, D.C. at the beginning of April, knowing that many of Ida's and my friends will participate and hoping you will share this report with those participants with whom you have contact.

Having legally completed her sentence of four years of internal exile in Siberia in March 1982, followed by a frightening six-month period of homelessness during which she was denied municipal residence permits in numerous places, including her own apartment in Moscow, she was finally allowed residence in the small Moldavian town of Bendery. Yet this has proved to be another form of exile.

It was the thousands of letters she received in Siberia which had helped sustain her spirit. Since arriving in Bendery, however, she has received almost no mail. Many people have written to me saying that their letters have been returned with a note from the Soviet postal authorities indicating "Inconnu : No Such Address." I have seen some of the envelopes and know they have been correctly addressed.

For the past year she has worked as an attendant at the local Bendery amusement park. Her heart condition has flared up on occasion, but she has not left the town for medical treatment, as she has previously been told that her entry into Moscow was forbidden.

During the past two months, I have become increasingly alarmed by certain new developments. The Soviet authorities seem to be intent on precipitating yet another confrontation with Ida by outrageous provocations.

This began on January 5 of this year when she was summoned by the local deputy police chief who warned her that she was being watched "by the people whose job it is to do so" and that she was not to have any more visits to her home by the "people who call themselves 'refuseniks'." She was also warned not to leave Bendery. Non-compliance would mean arrest, the official said. The timing of this warning was clearly a result of Ida's celebration of the Jewish holiday of Chanuka with some friends who joined her three weeks earlier.

On January 24, 1984, she was summoned by Mr. Arlen Mikhailovitch Shebanow, Deputy Chairman of the Bendery Supervisory Commission on Laws on Religion, who stated that he knew that on the Jewish religious holiday of Chanuka people got together in her home. He suggested to her that she register herself according to the bylaws pertaining to religious groups in Moldavia. According to law (he proceeded to quote the following):

"Passed as an Order by Presidium Supreme Soviet of Moldavia SSR, Number 1616 - IX - 19/V 1977

"Paragraph 8: An organization or group of people who believe may begin their activities only after a decision has been taken based on registration by the Committee dealing With Religious Matters of the Supreme SSSR Committee of Ministers."

Ida bravely replied that matters of religious belief are not a proper subject for discussion between a government official and a private citizen. The official indicated that not applying for this registration would be a clear violation of this law if she plans to again have people in her home to celebrate such holidays.

Senator Cohen, I have come to know you as a friend of Ida's, as someone very concerned with her fate. I am alarmed by this latest development. The Soviet authorities are obviously bent on making the advent of every holiday in the Jewish calendar a period of fear for Ida, for me and for all those dedicated people the world over who treasure the principles which guide her.

After twelve years of refusals, the time has certainly come for the Soviet authorities to relent and allow her to join me in Israel. I know that with your continued help, we can accomplish this seemingly modest but inexplicably difficult goal.

Sincerely yours,

ELENA FRIDMAN.

Mr. QUAYLE. Mr. President, I commend the senior Senator from Indiana for conducting today's colloquy concerning Soviet Jewry. Today marks the climax of International Solidarity Week for Soviet Jewry.

Events such as this unfortunately are needed now more than ever. Despite commitments it made under the Helsinki final act, the Soviet Union has intensified its persecution of Jewish citizens. Hebrew classes are disrupted, religious celebrations are prohibited, and harsh sentences are handed down to Jews that have committed no other crime but to ask permission to emigrate.

And concerning emigration, the repression has increased. In 1979 the Soviets allowed 51,320 Jews to leave. Yet, in 1983 they allowed only 1,314 to leave—a number that represents the lowest level of Jewish emigration from the Soviet Union in 20 years.

Persecution of Soviet minorities is not something Congress can legislate away. Nonetheless, we can and should let the Soviets know that we disapprove of it and consider its reduction to be essential to better East-West relations. Indeed, it is because we have succeeded in making the Soviets sensitive to this in the past that there is hope and purpose in what we do here today.

So, Mr. President, let us not relent in our efforts to call the attention of the world to the continuing harassment and deprivation of the rights of Soviet Jews. Modern civilization cannot tolerate such treatment of any minority. I hope all of us in the U.S. Senate and all friends of liberty will persist to draw attention to the persecution of Soviet Jews as it continues.

Mr. CHILES. Mr. President, I am gratified to have this opportunity to participate in today's activities marking "International Day of Concern for Soviet Jews." The people we recognize this day suffer religious, civil, and personal persecution every day of their lives because of their faith. Our commemoration of their trials is a solemn reminder of their slow, tortuous, and uncertain path to freedom.

I share the American Jewish community's concerns about recently released statistics on emigration of Jews from the Soviet Union. In 1983, a total of 1,314 Jews left the Soviet Union, whereas just 4 years previous, over 4,000 left every month. Clearly, the Soviet Union is tightening its handling of political offenders, and at the same time, thumbing its nose at the West and its attempts to move these people out of the U.S.S.R.

It is no accident that we commemorate Soviet Jewry on this date. Eight years ago, dissident Anatoly Schcharansky started his long sentence. Now another Soviet Jew, Dr. Josef Begun, has started his lengthy sentence. For the crime of teaching Hebrew in the Soviet Union, Dr. Begun has been sentenced to 7 years of harsh labor and given years in exile.

Despite the latest depressing statistics on emigration, and the redoubled harassment of Soviet Jews by their Government, I do not view Western attempts to ameliorate their situation as fruitless. Advocating the religious rights of Soviet Jewry is one of the most difficult and discouraging tasks for anyone, be he or she private citizen or Member of Congress. The U.S.S.R. refuses to acknowledge requests or questions, nor formally recognizes the most well-organized and documented campaigns for release of a political prisoner. Silence, however, does not mean that the U.S.S.R. is not listening. Earlier statistics of higher emmigration levels are sufficient evidence of the positive force Western activists have been, and can be, in the fight for religious freedom for Soviet Jews.

Those of us who are truly concerned about the plight of Soviet Jews need to be as strong in our activities and convictions as are the Soviets in their repression of religious freedom. In the face of heightened government efforts to discourage Jews from practicing their faith, both the citizenry and Government of this Nation must react in equal measure.

Sometimes, it is the well-known activist, familiar to literary, political, or artistic circles in the West that becomes the focus of a successful campaign for emigration or release from prison. We need to remember that there remain thousands of unsung heroes in the Soviet Union, whose jobs may not be notable, and their memoirs never published. They are the ones who need our continued petitioning, writing, and calling. In the face of escalated repression of Soviet Jewry, concerned Americans need to carry on more diligently than ever.

Mr. JOHNSTON. Mr. President, on this International Day of Concern for Soviet Jews, we acknowledge the anniversary of the arrest of Anatoly Shcharansky who is serving a 13-year term in a Soviet prison. For the past 8 years, Anatoly Shcharansky has served, in the words of the Prohpet Isaiah, as a witness to the people of the world, a witness to the indomitable spirit of man and to the dehumanizing policies of the Soviet Union.

Sadly, since October 14 of last year, we have another witness. On that day, a Soviet court convicted Dr. Josef Begun of producing and distributing anti-Soviet literature and sentenced him to 7 years in prison and 5 years of internal exile.

Josef Begun's principal offenses were his desire to emigrate to Israel and to practice his religion. He studied the cultural history of the Jewish people and he gave lessons in Hebrew.

Through their actions, the Government and the courts of the U.S.S.R. have once more shown their contempt for the concept of human rights, and their disdain for world opinion. The Soviets have again demonstrated that they regard solemn commitments as expendable and international covenants like the Helsinki accords and the Universal Declaration of Human Rights as so many pieces of paper to be discarded at will.

Josef Begun is a witness to this failure of the courts and the Government of the Soviet Union. But, like Anatoly Shcharansky, he is also a witness to man's unquenchable thirst to be free, to worship his God when, where, and how he chooses, to preserve the language and the literature of his people, to acquaint children with the beliefs of their ancestors.

In prison, he will be a silent witness. It is our responsibility and that of free men everywhere to act as his voice.

Mr. DURENBERGER. Mr. President, I am proud that I have the opportunity to join my colleagues, the Senator from Indiana (Mr. LUGAR) and the Senator from Delaware (Mr. BIDEN) in consponsoring this important resolution, which could designate today as International Day of Concern for Soviet Jews. I believe that this is an important statement of solidarity with Soviet Jews on the part of the Senate of the United States.

We all know of the long history of persecution that the Jewish population has endured over many generations in Russia. History books provide us with the details of countless programs to which Soviet Jews have been subjected. Anti-Semitic prejudice was common during the time of the czars and continues to permeate Soviet society today. Soviet Jews cannot practice their religion freely, and so must risk criminal prosecution if they choose to exercise their beliefs. Despite vast contributions to Russian culture and history, Soviet Jews cannot study the historical traditions which they have inherited. Hundreds of thousands of Soviet Jews have expressed their desire to emigrate from the Soviet Union for religious reasons, yet the Soviet Government has slowed Jewish emigration to a trickle. Those Soviet Jews who actively practice their beliefs usually suffer state-sanctioned harassment, internal exile, and even imprisonment.

By participating in this International Day of Solidarity for Soviet Jews, I believe that we in the Senate are making an important statement that we will not forget the persecution that many in the Soviet Union suffer, such as Andrei Sakharov and Anatoly Shcharansky, as well as the deprivation of various civil liberties which we take for granted. Therefore, I feel that this resolution reminds the Soviet Government that people around the world remain extremely concerned about the treatment of Soviet Jews and about the need to restore the rights of hundreds of thousands of Soviet citizens. Failing that, they should be permitted to leave the Soviet Union of their own free will.

Mr. MATTINGLY. Mr. President, it is a privilege to join my colleagues on this International Day of Concern for Soviet Jews and express our collective support for the right of Soviet Jews to emigrate, to practice their religion without constraint and to study their history and culture without interference from state authorities. Today is the seventh anniversary of the arrest of Anatoly Shcharansky and, as such, marks the day with a special, poignant sadness.

Today will mark as well the conclusion of a week of solidarity in which people around the globe have demonstrated in one form or another their opposition to Soviet repression of Jews and have renewed their calls for the restoration of a basic respect for human rights by that nation's leadership.

Last year only 1,315 Jews were allowed to emigrate from the Soviet Union. This was the smallest number since 1970 and represents a dramatic decrease from the levels of 1979 when 51,320 were allowed to leave.

On Tuesday, Israel Prime Minister Yitzhak Shamir eloquently described the plight of those Soviet Jews who are seeking to emigrate when he said:

> They walk as shadows, with neither work nor livelihood, without reason to live, cut off and miserable.

The plight of the Soviet Jew, Mr. President, is the plight of every man. To ignore their situation is to abdicate our moral responsibilities. To subordinate our outrage to other foreign policy considerations is not worthy of us as a nation.

So, Mr. President, I join in marking this as a special day of recognition for Soviet Jews in the hope that by doing so we will elevate their treatment to the levels demanded by common decency. I have already described how the emigration levels plummeted under the regime of Yuri Andropov. Not only did he close the emigration gates, he also instituted a number of harsh measures which made the already unbearable situation of Soviet Jewry worse.

Andropov gave prison officials the authority to unilaterally extend the sentence of prisoners based on an assessment of their behavior while incarcerated. He streamlined the judicial process, such as it is, to the extent that a prisoner could be arrested, tried, convicted, sentenced, and jailed in 1 day. Andropov even changed the previous policy that has allowed a prisoner to emigrate after serving his jail sentence. No longer, Ida Nudel, who served 3 years in prison for hanging a sign on her balcony that said "Let me go to Israel," continues to languish in exile near the Rumanian border. And sadly, Mr. President, the examples go on and on.

Perhaps things will change for the better under the rule of Mr. Chernenko, perhaps not. I believe, though, that chances of success are increased as a result of such demonstrations of worldwide solidarity as the one in which we participate today.

Continued and constant pressure such as that applied by the organization known as Congressional Wives for Soviet Jewry is necessary in order to keep attention focused on this issue. My wife, who serves on that group's executive committee, and I are both convinced of the effectiveness of such nonpartisan, volunteer coalitions.

Our efforts as well as our prayers will continue to be a part of such initiatives.

Mr. NICKLES. Mr. President, I would like to take this opportunity to express my deep concern for the Soviet Jews who are desperately trying to emigrate to a land of freedom where they will be able to live and worship God in peace. I am pleased that today, March 15, has been designated as the International Day of Concern for Soviet Jews. I think it is appropriate that we take time to reflect on ways in which we may be able to help those who are persecuted for their beliefs.

As Americans, we cannot comprehend the necessity of being forced to leave our country in order to pursue freedom. And yet, this is precisely the situation being faced by Jews who desire to leave the Soviet Union. In the process of trying to leave, many are confronted with allegations of crimes they have not committed, are convicted, and are imprisoned. One such man is Anatoly Shcharansky. He was convicted in 1978 on the charges of treason, anti-Soviet agitation, and propaganda. He is serving a lengthy sentence in a labor camp where he is ill and unable to receive treatment. This is not just an isolated case, but an example of the systematic persecution of Soviet Jews.

Unfortunately, we are limited in what we can do for these oppressed people. As Senators, we are able to come before the U.S. Senate and express our deep concern. We are able to communicate our objections to the activities of the Soviet Union which are an abomination of human rights. As citizens, we are able to spread the word that these heinous activities are occurring. As fellow believers in God, we are able to offer a prayer that He will intervene on behalf of the Soviet Jews. It is my hope that each of us will continue to do all we can so that together we may be able to help secure freedom for the Soviet Jews.

Mr. HUDDLESTON. Mr. President, today, the eighth anniversary of the arrest of Anatoly Shcharansky, is a most appropriate time to focus once again on the Soviet repression of those who hold dissenting religious and political views and of Soviet refusal to recognize the basic rights of many of their citizens to emigrate, practice religion freely and study their culture.

Anatoly Shcharansky, a Jewish activist, was arrested in 1977 and sentenced in 1978 to 13 years in prison and labor camps. He is currently in the Chistopol labor camp some 500 miles from Moscow. Shcharansky's wife, Avital, a resident of Israel, is deeply concerned about her husband's health and has made numerous appeals for his release. Indeed, numerous people in the West have appealed to Soviet authorities on behalf of Shcharansky. To date, those appeals have gone unanswered and fears for Shcharansky's health grow.

The treatment accorded Shcharansky, coupled with the Soviet record on emigration, is cause for serious concern and condemnation. Soviet emigration, which reached a peak of 51,333 in 1979, fell to 1,314 in 1983, despite the fact that there are thousands upon thousands more wishing to emigrate.

Furthermore, recent statements in the Soviet press suggest an even more restrictive emigration policy—one that may effectively end what little flow there has been in recent years.

We in the West view emigration—for whatever reason—as a basic human right, a right which belongs to each individual. We see it as a principle for the civilized world, and concern for our fellow man dictates that we seek its extension.

Today on the anniversary of Anatoly Shcharansky's arrest, we seek to reaffirm our commitment to basic human rights, including the rights to emigrate and to practice one's religion freely, and to impress upon the Soviet Union the necessity of their adhering to basic human rights.

There is a new Soviet leadership. There is perhaps no better time than now for the Soviet Union to begin to chart a different path in terms of recognition and observation of basic human rights for its own citizens.

THE PLIGHT OF SOVIET JEWS: WHY WE NEED THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, I am honored to take part in this colloquy to express our support for the brave Jewish minority in the Soviet Union. Oppression can take many forms. In Russia oppression against Jews is so flagrant, so widespread, and so overwhelming, that free people everywhere should be compelled to protest.

But for many Americans, the importance of Soviet Jewry is neither understood or felt. Over 20 percent of the world's Jewish population lives in the Soviet Union. A people which lost one-third of its population a generation ago cannot allow another 20 percent to disappear in our time.

But this fact is not self-evident to Americans because we are isolated from the threat to Soviet Jews. We must raise our level of consciousness to this problem, because the struggle of the Soviet Jew is reflective of the struggle of oppressed groups everywhere.

Today, the anniversary of the arrest of Anatoly Shcharansky is an appropriate occassion. Shcharansky was a member of the now defunct Helsinki human rights watch group in the Soviet Union, and a leader for the cause of Jewish emigration rights. He was arrested and charged with treason and anti-Soviet agitation and propaganda. He currently serves time in a special regimented labor camp. The case of Anatoly Shcharanksy is representative of the discrimination and suffering forced upon the entire Soviet Jewish population.

Such discrimination is widespread. The Soviet Government is conducting a campaign to prevent a meaningful rebirth of Jewish languages and culture, the revitalization of Jewish theater, music, and dance, and the documentation of Jewish history. There are no Jewish communal or social organizations of any kind in the Soviet Union. There are no Jewish schools. Other nationalities are permitted to teach their culture and history in their native languages within the U.S.S.R. but Hebrew and Yiddish are not taught in Soviet schools. There is an absence of any Jewish publications, and attempts by Westerners to mail cultural materials to Soviet Jews is threatened by Soviet officials.

Freedom of religion is a right not granted to the Soviet Jewish community. They are denied the right to form an all-Soviet or regional organization, which is available to other denominations. Judaism is the only recognized denomination unable to have official contacts with coreligionalists abroad. Soviet Jews cannot import devotional articles or produce Jewish periodicals or bulletins. There are very few synagogues and almost no Jewish cemetaries for well over 2 million Jews.

But perhaps the deepest tragedy is that these people cannot escape. The road to freedom is now closed to Soviet Jews. In 4 years, the number of Jews allowed to emigrate has plunged 98 percent. In 1979, 51,000 were allowed to leave. In 1983, a little over 1,000 were allowed to emigrate. This clear example of government oppression underscores our responsibility to extend some measure of hope to Jewish citizens in the Soviet Union.

What can we do? Two years ago we passed House Joint Resolution 373 calling upon the Soviet Government to cease its repressive actions against those who seek the freedom to emigrate or practice their cultural and religious traditions. The resolution draws special attention to the hardships and discrimination being imposed upon the Jewish community. We can pass another resolution, and indeed I think we should.

But I feel we should go a step further. The Genocide Convention outlaws the attempt to eliminate, in whole or in part, any national, racial, ethnic, or religious group. The Senate has had this issue in the docket for many years. It is time to ratify the Genocide Treaty and join the 92 other nations in condemning the most tragic crime known to man—mass murder.

We need the Genocide Treaty as a diplomatic arm. When we criticize the Soviets for failing to follow the Helsinki accords on human rights, when we denounce their Government for their reprehensible treatment of their Jewish population, we must do so with all the diplomatic ammunition we can muster such as the Genocide Treaty. We cannot allow the Soviets to refute our criticisms with the claim that the United States has failed to ratify the most important of human rights treaties.

I can think of no better expression of support for prisoners like Anatoly Shcharansky, and for Soviet Jews wishing to emigrate, to freely practice their religion, and to study their culture and history, than the U.S. Senate ratifying the Genocide Convention.

Let us make a concrete statement in reaction to Soviet policies toward their Jewish citizens. Let us take a positive step to attain human rights and fundamental freedoms for oppressed peoples around the world. Let us ratify the Genocide Convention.

Mr. BURDICK. Mr. President, members of the Student Coalition for Soviet Jewry recently visited our offices to ask for help in focusing the Nation's attention on the plight of Jews in the Soviet Union.

The facts the coalition presented to us were grim indeed. In the last few years, the emigration gates have been slammed shut for most Soviet Jews. In 1983, only 1,314 Jews left the Soviet Union—a mere fraction of the 51,000 who were allowed to leave in 1979.

The Soviets contend that the emigration figures are dramatically lower because those Jews who wanted to leave the Soviet Union have already done so. That is simply not true. According to research done by the National Council on Soviet Jewry, over 300,000 Jews had asked relatives in Israel to send them the invitations they needed to apply for emigration. This means that there are still quite a few Jews who want to emigrate and cannot. It also means that these people are forcibly separated from family members who were lucky enough to emigrate in earlier years.

Although Soviet intransigence on the emigration issue has only deepened, the Jews have not abandoned their struggle. Many lose their jobs, and are subject to constant harassment and intimidation. They are arrested on trumped up petty and criminal charges, and imprisoned. In a particularly cruel twist of fate, some Jews who have already served their prison terms are being rearrested and resentenced.

In addition to the overt harassment, Soviet Jews who wish to emigrate are also the victims of a general upsurge of anti-Semitism in the U.S.S.R. This anti-Semitism is reflected in the creation and activities of the infamous Anti-Zionist Committee, and the crackdown on Jewish culture that is apparently being pursued with such vigor.

Mr. President, there may be very little we can do to bring immediate relief to the Soviet Jews, but we must speak out. We must show the Soviet Government that we will not condone with our silence the abusive treatment of the Jewish population.

The letters Senators have sent to Mr. Chernenko and President Reagan, and the statements we are making today all serve notice to the Soviet Union that we cannot ignore the plight of Soviet Jewry. In continuing to raise this human rights issue individually, and as a body, we are also telling the Anatoly Shcharanskys, Ida Nudels and Yosef Beguns of the Soviet Union that we share their pain and will not turn our backs on them as they fight for their freedom.

Mr. LEAHY. Mr. President, it is with no pleasure that I speak on the Senate floor today on the subject of continued mistreatment of Soviet Jewry.

The fact that we feel it necessary to hold an "International Day of Concern for Soviet Jews" is a terrible commentary on the plight of Jews living under official Soviet repression. Anti-Semitism is a pervasive fact of life in the Soviet Union. What is worse, anti-Semitism is not only condoned or overlooked by Soviet authorities, they actually single out Jews for harassment, imprisonment, exile, and brutal treatment in labor camps and psychiatric wards.

I have visited the Soviet Union twice since becoming a Member of the Senate. My first trip was in 1975. At that time I had the great honor and privilege of meeting Anatoly Shcharansky, a courageous fighter for human rights in the Soviet Union. I was able to pass him probably the last uncensored communication he had with the outside world * * * a letter from his brave wife, Avital, which she had given me before my departure. The next year, Anatoly Shcharansky was arrested for the crime of wanting to join his wife in Israel. Today marks the eighth anniversary of his arrest.

I honor this man of overwhelming courage and determination.

Last August, I again traveled to the Soviet Union with several colleagues from the Senate. A major part of that trip was the meetings we had with Jewish refuseniks, people denied permission to emigrate from the Soviet Union to Israel or other countries, a denial made in the face of Soviet commitments to family reunification and freedom of emigration in the Helsinki Final Act.

Perhaps the most moving event for me personally during that trip was a meeting with a group of Jewish refuseniks in the city of Leningrad.

That meeting went on into the early hours of the morning. The Jews we met told us how they had been removed from their jobs, how their children were harassed and abused at school, how their religious worship and education were suppressed by Soviet authorities. I will say to my colleagues in this Chamber that it was humbling to listen to the simple, unadorned statements of these unwavering people, dedicated to their faith and their basic human rights * * * their inalienable rights as our Constitution declares.

Mr. President, in that recent visit to the Soviet Union, I witnessed acts of courage by professants of all the major religions: Christian, Jewish, and Islamic. There is widespread persecution in the Soviet Union of those who refuse to accept the official creed of atheism. In this great country, we take so much for granted. Our freedom, including the freedom to follow our faiths, seems so natural. But it is not so everywhere, and we must never forget how fragile freedom really is.

On my return from the Soviet Union, I wrote a short piece in my newsletter on the reality of religious discrimination in the Soviet Union. I ask unanimous consent that that article be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, I earnestly wish this colloquy here today on the floor of the U.S. Senate was not necessary. However, as one who has visited the Soviet Union, met with refuseniks, and written many, many letters to Soviet leaders on behalf of Jews and others suffering official repression, I know full well how important it is that we speak out. We must never be silent about what is being done to Jews and to all practitioners of religion in the Soviet Union and other Communist countries where people of faith are persecuted.

Mr. President, I am pleased and honored to join my colleagues in paying tribute to the suffering Jewry of the Soviet Union. Their steadfastness and courage is an example to free men and women throughout the world.

Exhibit 1

Religious Discrimination in the U.S.S.R.

My recent trip to the Soviet Union to discuss arms control also exposed me to a tragic feature of life under Communism: discrimination against people for their religious faith.

Contact with religious groups was not an item on the Senate delegation's official agenda, which was negotiated with our Soviet hosts. But several of us contacted Jews, Muslims and Christians to learn more of their plight and to give them encouragement.

In Leningrad, I met with Jews suffering official repression because they are trying to emigrate to Israel. It was humbling to witness their courage and steadfastness in the face of harsh persecution and the ever present threat of exile to labor camps. In Tashkent, capital of the Uzbek Republic, I visited a practicing mosque and Muslim theological seminary, a showcase for foreigners. In a small, cramped building, Muslims knelt in prayer or hunched over holy texts. All around us were magnificent mosques from the pre-revolutionary period, now abandoned or converted into museums by the state.

My most moving personal experience came one Sunday after I insisted on attending Mass in Tbilisi, in Soviet Georgia. I sat next to fellow Catholics whose presence exposed them to discrimination for their refusal to accept the state philosophy of atheism.

Religious persecution is a violation of the United Nations Charter and basic human rights. Many countries, including the United States, have protested to no avail. I am proud to say that individual faith survives and even flourishes despite widespread discrimination in the U.S.S.R.

PLIGHT OF SOVIET JEWS AND OTHER MINORITIES

Mr. TSONGAS. Mr. President, I am pleased to be able to join with my colleagues to commemorate International Day of Concern for Soviet Jews and to mark the seventh anniversary of the arrest of the courageous Soviet Jewish human rights activist, Anatoly Shcharansky.

Soviet restrictions on Jewish emigration, harassment of Jewish citizens, and suppression of Jewish religious and cultural activities have intensified in the 1980's. Therefore I believe that today it is more important than ever that we speak out and emphasize anew our concerns about this issue.

The crackdown on Jewish emigration has been dramatic. Over the years more than 400,000 of the Soviet Union's 3 million Jews have taken the risky step of applying for permission to emigrate. The number of Jews allowed to leave peaked at 51,320 in 1979. Since then Jewish emigration has virtually been choked off. The number of Jewish emigrants fell by 58 percent in 1980, then dropped even more precipitously over the next 3 years. In 1983 only 1,315 Soviet Jews were permitted to emigrate—a drop of over 97 percent from the 1979 level.

And the emigration figures tell only part of the story. The sad fact is that the numerous Jews who apply unsuccessfully for exit visas become the targets of harsh official discrimination. Thousands of these refuseniks have lost their jobs, endured police harassment, and been subjected to threatened or actual arrest and imprisonment. Among those who have suffered from such treatment are distinguished Jewish scientists who, after applying to emigrate, have been dismissed from their posts, barred from further employment in their fields, and denied the right to publish their work.

Soviet Jews are subjected to a variety of other forms of repression as well. They are discriminated against in job appointments and university admissions. They are unable to engage in religious and cultural activities free from officially sanctioned intimidation and disruption. Their efforts to hold religious services, teach the Hebrew language, conduct religious classes, and celebrate Jewish holidays are frequently suppressed or subjected to harassment. Adding insult to injury has been a vitriolic new propaganda campaign against Zionism, launched by the Soviet authorities last year.

Mr. President, like many other Members of the Senate I have spoken out repeatedly against human rights violations in the Soviet Union and elsewhere. I have sponsored legislation on behalf of a number of Soviet refuseniks and I have written hundreds of letters to Soviet leaders, urging them to end harassment and discrimination against Jewish and other citizens and to grant these people the basic human right to emigrate to the country of their choice.

The cases of some of these brave people are well known.

Anatoly Shcharansky, a computer scientist, was imprisoned in 1977 because of his tireless advocacy of human rights. He was convicted of treason and anti-Soviet agitation and propaganda and sentenced to 13 years of hard labor in a harsh and remote Soviet prison. He has been kept in solitary confinement for extended periods of time, and the Soviets have severely limited access to him by members of his family. His health is reported to have deteriorated sharply.

I have written letters to Soviet officials on Mr. Shcharansky's behalf, urging them to respect his rights in accordance with the Final Act of the Helsinki accords, to which they are signatories. In 1982 I participated with his wife Avital in a press conference outside the Soviet Embassy in Washington in an effort to help dramatize his plight. I am sorry to say that the Soviet authorities have failed to respond to the efforts that I and many others have made on Anatoly Shcharansky's behalf, and they continue to incarcerate him under inhumane conditions.

Another well-known case is that of Dr. Alexander Paritsky, a leader of the Jewish community in Kharkov who was imprisoned in 1977 after applying for permission to emigrate with his family. The harsh conditions to which Dr. Paritsky has been subjected in a Siberian labor camp have taken a heavy toll on his health. In 1981 I introduced a resolution in the Senate which called upon the President and the Secretary of State to press the Soviets to release Dr. Paritsky and grant him and his family their right to emigrate.

Another prominent Jewish activist—Yosef Begun, a mathematician and Hebrew teacher—applied for permission to emigrate to Israel in 1971 and was refused. In the years that followed, his efforts on behalf of the rights of Jews in the U.S.S.R led the authorities to subject him to threats, shadowing, arrest, and internal exile. After his third arrest, he was sentenced last October to 7 years in a hard-labor camp, to be followed by 5 years in internal exile.

These cases represent only the tip of the iceberg. Thousands of other Soviet Jews whose names are not widely known in the West have endured suffering and grief because of their devotion to their faith and their desire to be free.

Sadly, several other minority groups in addition to the Jews have endured violations of their basic human rights by the Soviet authorities. The nearly 2 million Soviet citizens of German origin, for example, have been subjected to officially sanctioned discrimination and to sharp restrictions on their right to emigrate. According to reports from West Germany, at least 100,000 Germans have applied to leave the Soviet Union and there may be as many as 300,000 who would like to do so. But most of them have been denied the right to depart, and the number allowed to leave is declining. Soviet German emigration peaked at 9,704 in 1976. By 1982 it had fallen to 2,080.

Many of the Soviet Union's 4.2 million Armenians have also sought to emigrate. Their story is a sad and a familiar one. Relatively few have been allowed to leave. By 1982, the number had fallen to 330 from a peak of just over 6,100 in 1980.

Soviet Pentacostal Christians, who are said to number between 100,000 and 200,000, have also tried to depart. The "Siberian Seven" group, consisting of the Vashchenko and Chmykhalova families, became a symbol of the Pentacostal desire to emigrate when it took refuge in the American Embassy in Moscow in 1978. The group was finally allowed to leave in 1983, but only a few other Pentacostal families have been permitted to emigrate.

Perhaps the most prominent Soviet victim of official repression and harassment in recent years is Nobel Laureate Dr. Andrei Sakharov, a courageous champion of human rights and one of the world's most eminent physicists. Since 1980 Dr. Sakharov and his wife, Yelena Bonner, have been living in forced internal exile under cruel and demeaning conditions in the city of Gorki. They have endured isolation, harassment by the KGB, and severe restrictions on Dr. Sakharov's scholarly activities.

In 1981 Dr. Sakharov and Yelena Bonner nearly lost their lives in a hunger strike aimed at convincing the Soviet authorities to permit Dr. Sakharov's daughter-in-law, Lisa Alexeyeva, to emigrate to the United States to join her husband. The Soviets finally yielded—she was permitted to emigrate and the hunger strike ended—following an outpouring of expressions of support and concern from many Americans, including Members of the Senate and the House, and others as well. Subsequently I authored a concurrent resolution calling on the Soviet Government to release Dr. Sakharov from internal exile and to let him and Yelena Bonner freely choose their place of residence. The resolution also called upon the governments of the United States and other signatory nations of the Helsinki Final Act to make strong and high-level protests to the rulers of the U.S.S.R. against their treatment of Dr. Sakharov and Yelena Bonner. Unfortunately, the Soviets have been unresponsive, and Dr. Sakharov reportedly is in declining health in Gorki.

Mr. President, the suffering of the Soviet Jews and others is a tragedy of major proportions in and of itself. But I also worry about its impact on an international climate that has grown increasingly uneasy in recent years as mistrust between the two superpowers has deepened. Systematic Soviet denial of the basic rights of Jews and others inevitably adds to tensions between East and West and makes it more difficult to promote greater understanding between the United States and the U.S.S.R.

Although the results of our efforts on behalf of Soviet Jews and others have fallen short of our hopes, I believe that those of us in Congress and elsewhere who are concerned about these courageous people must continue to speak out on the issue, to send letters to the Soviet authorities, and to seek contact with refuseniks and other oppressed Soviet citizens. We need to support these beleaguered people wherever and whenever possible. We need to put constant pressure on the Soviet Government to ease its restrictions on emigration and its other repressive policies. I plan to continue my own efforts—and I know many of my colleagues will do the same—on behalf of the refuseniks and other victims of human rights violations in the Soviet Union and all around the world.

THE PLIGHT OF SOVIET JEWS

Mr. D'AMATO. Mr. President, I rise today to call attention to a matter of grave concern. Today, there are over 3 million Jews in the Soviet Union struggling to maintain their cultural heritage. These Jews are arbitrarily harassed, imprisoned, and exiled for the sole reason of their religious beliefs. Jewish history is deleted from the Soviet educational system, the teaching of Hebrew is prohibited, Jewish holiday celebrations are outlawed, and Bibles and prayer books are confiscated.

Because of extreme Soviet anti-Semitism, Soviet Jews are forced into a position of living in a world void of their culture. They are also prohibited from emigrating in adequate numbers.

For years, the idea of emigration was the lifeblood of thousands of Jews, but the numbers allowed this right is ever decreasing. In 1982, 2,670 Soviet Jews are allowed to emigrate, down from 51,000 in 1979, and last year, we saw the lowest level in over a decade; only 1,315 were granted permission to leave the country.

Under Soviet leader Andropov, the anti-Semitic campaign sanctioned by the Communist Party was intensified. However, with the recent change in Soviet leadership, there is a renewed optimism that these blatantly discriminatory policies may be slackened and that the tens of thousands of Jews wishing to emigrate may be granted that right.

At this time, it is of utmost importance that we impress upon the Soviet Union that we will not ignore the plight of Soviet Jews. We must speak out now, more than ever, against the atrocities perpetrated against these innocent people.

Mr. President, I would also like to call attention to, and commend, the Student Coalition for Soviet Jewry. This organization was founded in response, and in protest, to the arrest of Anatoly B. Shcharansky on March 15, 1977. For 7 years, the coalition has been organizing students around the world in protest of Soviet Jewry. They have been a significant factor in raising the American awareness of the problems that exist for Soviet Jews.

On February 27, over 700 members of the coalition came to Washington as part of International Student Solidarity Day for Soviet Jewry to remind us of the urgency of their plea. I ask that my colleagues in the Senate listen to their plea: As Americans dedicated to the principles of individual freedom, we cannot ignore the Soviet Union's calculated cultural genocide of the Jewish community living in the Soviet Union.

Mr. KENNEDY. Mr. President, we are here today to express our solidarity with the Soviet Jewish community. March 15 has been designated "International Day of Concern for Soviet Jews." This day marks the eighth anniversary of the arrest of Anatoly Shcharansky. Our thoughts turn to Shcharansky today—and to thousands of others who share his plight.

This weekend, Jewish communities around the world will celebrate the festival of Purim, a religious holiday dating back to the fifth century B.C. Purim marks the deliverance of the Jews from Prince Haman who sought both to destroy the Jewish people and to eradicate the Jewish culture. On this International Day of Concern for Soviet Jews, it is appropriate to remember Purim, and to know that the Soviet Jewish community is today the living embodiment of the spirit of Purim.

For those of us who keep a watchful eye on the plight of Soviet Jewry, this year was discouraging. The Soviets did agree to sign the Concluding Document of the Madrid Meeting of the CSCE in September, but the situation inside the Soviet Union has continued to deteriorate.

Recent events have been disheartening. For example, Yosef Begun was arrested for teaching Hebrew. An official Soviet journalist recently proclaimed that "mass Jewish emigration from the Soviet Union has reached its end." Sadly enough, he may be right: Only one-third of the total emigrants for 1 month in 1979 were allowed to leave the Soviet Union over the course of the entire year of 1983.

We must never relax our efforts to work for the release of those Jews in the Soviet Union who would emigrate to Israel. But just as important, we must never waver in our fundamental commitment to all Jews living in the Soviet Union—whether willingly or unwillingly.

The State Department reports that the frequency and intensity of anti-Semitic activity has increased throughout the Soviet Union. We cannot be silent on this front. If the Soviet Union is a country genuinely interested in the cause of peace, as it claims to be, then it should look not only to arms negotiations in Geneva but to its own human rights policies in the Soviet Union.

Today, my colleagues and I join together to send this message to the Jewish community in the Soviet Union:

"You have not been forgotten. Your plight is our concern. We are with you. We are praying for you. We know that the promise will come true: 'Next year in Jerusalem.'"

Mr. SARBANES. Mr. President, the Soviet Jewry movement is a unique phenomenon of our times, and its repression by the Soviet Government a cruel tragedy. The movement came to international attention in 1970, with the attempted hijacking of a plane at the Leningrad airport; 12 persons were subsequently tried for treason and given sentences ranging from 5 years to death, the latter commuted to 15 years in the face of worldwide protest. But the beginnings of the movement are discernible in the aftermath of the 1967 Six-Day War in the Middle East. The stunning victory of a beleaguered Israel over powerful enemies served to remind Jews living in the Soviet Union of the heritage which Soviet Government policies forced them to renounce. It gave them hope that they might live openly and proudly as Jews in circumstances friendly to them, most especially in Israel.

The movement gathered strength in the early seventies, commanding international support and for the first time, causing the Soviet Government to calculate the costs of continuing repression. In the context of a broader effort to improve relations with the United States, and confronted by the extraordinary courage of a growing number of individuals, among them Anatoly Shcharansky and Ida Nudel, the Soviets permitted increased emigration.

In 1972, the Soviets attempted to obscure the emigration issue by announcing that prospective emigrants would be required to repay the costs of their education by paying an "education tax" so prohibitive as to substitute new economic barriers to emigration for the existing legal barriers. Confronted with a firestorm of international protest, the "education tax" was withdrawn and emigration rose significantly, from 13,022 in 1971 to 31,681 in 1972 and 34,733 in 1973. The trend was reversed in 1974 and 1975, but began moving upward again in 1976, climbing rapidly from 16,736 in 1977 to 28,864 in 1978 to 51,320 in 1979. Since then, tragically, emigration has been brutally restricted. In 1983, only 1,314 Soviet Jews were permitted to leave. The situation today is roughly comparable to the situation of nearly 20 years ago.

Mr. President, statistics alone can hardly reflect the human misery of those kept in the Soviet Union against their will. Many are separated from relatives who were permitted to emigrate earlier, and only seek to be reunited with them: Husbands and wives, children and parents, often elderly parents. All live in the fearful limbo of Soviet life reserved for persons seeking to emigrate: The loss of job and income, the threat of military service, the specter of fabricated criminal charges, of trial, prison, exile, and broken health.

At present, an estimated 400,000 are actively seeking to emigrate. In the course of a trip in August 1983, to the U.S.S.R., I was privileged to meet several dozen of these courageous men and women in Moscow, Leningrad, Tbilisi, and Tashkent. Each story is comparable in its outlines, but distinctive in its heartbreaking details. They cannot all be retold here, Mr. President, but I want especially to call attention to two of them.

Vladimir Slepak and his wife, Maria Slepak, have sought unsuccessfully to emigrate for 14 years, since April 1970. He has not been able to hold a job since 1972. Harassed, arrested, and imprisoned briefly from time to time, he became a vital link between the refusenik community of would-be emigrants and the outside world. In June 1976, he became an early member of the Helsinki Watch Group formed to monitor adherence to the human rights provisions of the Helsinki Final Act. Formally charged with "malicious hooliganism" in 1978, he was sentenced to 5 years' exile. His children are now gone from the Soviet Union, his older son having been permitted to leave in 1977 and his younger son in 1979. Since serving out his term, Vladimir and Maria Slepak have once again been refused permission to emigrate. Vladimir Slepak is said by the Soviet

Government to possess vital "secrets" acquired at his job some 15 years ago.

Yosif Begun first applied to emigrate 13 years ago, in April 1971. Shortly thereafter, he lost his job. Since then, he has been tried three times, most recently in October 1983. For "anti-Soviet agitation and propaganda," he was sentenced to 7 years in prison, to be followed by 5 years of internal exile.

Slepak and Begun are relatively familiar names. Thousands of others are less well known. Yet, all these men and women are principled and courageous. They have been waiting for years to leave the Soviet Union, watching their children grow to adulthood and their parents grow old. They seek to be reunited with their families, and to enjoy the fundamental religious and cultural freedoms that we ourselves cherish. We will not forget them.

(By request of Mr. Baker, the following statement was ordered to be printed in the Record:)

ANATOLY SHCHARANSKY AND THE PLIGHT OF SOVIET JEWS

● Mr. PERCY. Mr. President, I join my colleagues in the Senate today in speaking about the serious, troubling, and continuing plight of Jews in the Soviet Union.

Today is the midpoint of Anatoly Shcharansky's ordeal, which began with his arrest on March 15, 1977, followed by his 13-year sentence beginning in 1978. It is fitting to look back as well as ahead at this time.

Had Anatoly Shcharansky's first request for an exit visa been accepted by Soviet authorities back in 1973, he would have been one of 34,758 Jews allowed to leave the Soviet Union that year. And yet, just 10 years later in 1983, only 1,315 Jews were allowed to join their families outside the Soviet Union. The 3 million Jewish citizens who remain there are victims of a two-pronged policy: official Soviet policy is to curtail the free practice of Judaism within the country and, at the same time, to restrict severely the free flow of emigration out of the country.

The bleak situation for other prisoners of conscience is well known. Last October Yosif Begun received the maximum sentence that he could have received—7 years in a labor camp and 5 years in internal exile in the Soviet Union—for the crime of seeking to emigrate and for studying and teaching Hebrew.

Similarly, Yuri Tarnopolsky, an outspoken critic of the harsh restrictions on emigration who also taught Hebrew, was sentenced last June to 3 years in a labor camp for slandering the Soviet State. Another example is the case of Lev Elbert, who was sentenced in May to 1 year in prison for evasion of reserve duty.

There are many more cases which demand our attention, like those of Ida Nudel, known as the conscience of Soviet Jewry; Alexander Paritsky, who requires medical care for heart problems; and Abe Stolar, a Chicagoan by birth. Yet the story of Soviet Jewry goes beyond the cases of these unfortunate individuals. It is a sad story, an appalling story, of the Soviet Government's attempt to crush and destroy the culture, spirit, and hopes of the Jewish people.

Last November, two residents of my State of Illinois who are extremely knowledgeable on the topic of Soviet Jewry testified at a human rights field hearing of the Foreign Relations Committee in Chicago. Pamela Cohen, cochairman of Chicago Action for Soviet Jewry, and Joel Sprayregen, chairman of the Chicago Conference for Soviet Jewry, both spoke of an official policy of anti-Semitism in the Soviet Union. Pamela Cohen forcefully described the severity of the situation in her statement:

> Untamed, state-sanctioned, the specter of anti-Semitism runs rampant throughout Soviet society today. Its virulence, always festering beneath the surface, has taken on alarming proportions in recent months as it has become state policy. Soviet propaganda aimed at dehumanizing the Jewish populace and tying them in with an international Zionist conspiracy has pervaded virtually every type of media.

Even children's books, televison broadcasts and printed articles propagate anti-Semitic stereotypes, accórding to Ms. Cohen and other experts on Soviet Jewry.

Both Ms. Cohen and Mr. Sprayregen told the committee of discrimination against Soviet Jews in education and employment. They added that the Soviet Government has further adopted a policy of intimidation of Soviet Jews in order to discourage them from seeking to join their families outside of the country.

In his statement before the Foreign Relations Committee in November, Mr. Sprayregen said:

> The Soviets are trying to isolate refuseniks from each other, and from people in the West who care about them. They are warning that loyal citizens will not meet with people from the West. It is clear that they are attempting to keep visitors away from refuseniks. They wish to interrupt that vital lifeline. The Soviets have drastically reduced the number of phone lines in and out of their nation. The telephones of long-term refuseniks have been removed. Mail and package delivery have become even more difficult and more intermittent. Life in refusal has always been difficult. A life of isolation and refusal is nearly intolerable. Reciprocity of communication between the peoples of the United States and the Soviet Union is indeed a proper area of senatorial concern.

In a recent release, the National Conference on Soviet Jewry (NCSJ) said that Soviet authorities under General Secretary Andropov adopted new forms for legitimizing their official policy against the Jewish minority. The Soviet policy includes four elements, according to the NCSJ: First, an end to emigration; second, intensification of forced cultural and linguistic assimilation; third, a broadening of the anti-Zionist propaganda campaign, drawing into it new anti-Semitic elements; and fourth, the cutting off of Soviet Jews from relations with others abroad. Each of these elements is a blatant violation of the rights of Soviet Jews. Taken together, they constitute a policy that is intolerable and thoroughly unjust.

One of the tactics used by the Soviets to force an end to emigration has been to declare, through their anti-Zionist Committee, "that family reunification has essentially been completed." We know that this statement is grossly untrue, and we must continue to fight for the right of Soviet Jews to join their families outside the country. Emigration is their right under international law.

The situation for Soviet Jews today is bleak and desperate. While any improvement seems unlikely under the new Soviet leadership, we continue to hope for changes and to look for positive signs. All efforts bring comfort to the Jews of the Soviet Union, and to all minorities there. We must take advantage of every opportunity to express our concern to the Soviet authorities and to insist that they adhere to their international obligations with respect to human rights.

I want to commend the many groups in Illinois that work so persistently on behalf of Soviet Jews. Chicago Action for Soviet Jewry, the Chicago Conference for Soviet Jewry, the National Inter-Religious Task Force on Soviet Jewry, and many other groups, like the Springfield Jewish Community Relations Council, have initiated innovative and important appeals for Soviet Jews. One initiative which Soviet Jewish groups, Ukrainian groups, and I am advocating is the reopening of the U.S. consulate in Kiev. I have written to Secretary of State Shultz to urge that the United States seek to reopen the consulate, and I am awaiting his reply.

Anatoly Shcharansky is 36 years old. Despite his failing health, he remains a symbol of the strength of Soviet Jewry in difficult times. His name represents faith, courage, and freedom. In fact, the Union of Councils for Soviet Jews and Chicago Action for Soviet Jewry have instituted an award in his honor, the Anatoly Shcharansky Freedom Award, which was given to my colleague Senator Dodd last year and in 1981 to my executive assistant, Scott Cohen. There are indeed many, many people who are inspired by Shcharansky's example and who are dedicated to achieving freedom for him and other Soviet Jews.

These efforts matter a great deal. Let us keep up the struggle and keep the faith. Let the midpoint of Anatoly Shcharansky's term be a turning point, a turn by the Soviet Government away from harassment and denial of rights to a policy of freedom of religion and freedom of emigration.●

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. HART. Mr. President, I believe it fitting and proper that we take this opportunity to express concern for the suffering of Soviet Jews. It is even more appropriate that we extend these comments in tribute to the continued courage of Anatoly Shcharansky arrested 8 years ago today and currently serving a 13-year prison sentence.

Circumstances for any Soviet citizen are harsh but they are particularly difficult for any Jew living in the Soviet Union. Soviet authorities have systematically sought to eradicate Jewish culture by prohibiting Jewish periodicals, outlawing communal or social organizations and forbidding Hebrew instruction. The traditional Jewish theater, music and dance are virtually proscribed. Religious practice is relentlessly harassed by official strictures on the use of synagogues, training of rabbis and printing of religious material.

One would think that given this persecution, Soviet authorities would welcome any opportunity to be rid of its Jewish population. Yet bitterly for the hopes of a persecuted people, this is not so. Indeed, Jewish emigration has dropped precipitously from 51,320 in 1979 to 1,314 in 1983—a decline of 98 percent to the lowest level in 20 years. And the Soviet authorities blithely attempt to explain this by suggesting that none wish to leave. The veil of hypocrisy will not conceal Soviet social brutality.

Even to seek to emigrate is to lose one's job and deny any educational opportunities to one's children while waiting for years—and now perhaps forever—for a chance only to leave.

We have rightly commented strongly on the inhumanity of the Soviet destruction last fall of the Korean jetliner. But the persistent persecution of Soviet Jews is an even greater inhumanity through its systematic and relentless official efforts to destroy the culture and spirit of individuals who seek not to surrender their lives and souls to the Soviet State.

I salute Anatoly Shcharansky for his courage under adversity and hope for his rapid release to a life of liberty.●

Mr. BUMPERS. Mr. President, it is particularly significant that we are engaging in this colloquy on this International Day of Concern for Soviet Jews. We are currently immersed in a great debate in the Senate over the issue of school prayer. Opinions are strongly felt on this subject and have been strongly expressed in the last couple of weeks. The freedom we have to express these opinions is one we all hold dear. But with freedom comes responsibility, and one responsibility we must never overlook is to remember the Jews of the Soviet Union, fellow inhabitants of this troubled but hopeful world for whom freedom of religious expression is anything but a reality.

We must let Soviet Jews know that their plight is ever in our thoughts. Our hearts go out to them as they face an unending stream of discrimination, rejection, and outright abuse at the hands of the Soviet Government. Furthermore, we must let the Soviet Union know that the new wave of anti-Semitism in the Soviet Union, much of it officially sanctioned, makes it more difficult for U.S. relations to be improved.

We must also let the Soviet Union know that the overwhelming roadblocks that they have thrown in the way of Jews who seek to emigrate also hurt the relations between our two countries. No one can look at the disastrous drop in the figures on Jewish emigration from the Soviet Union in the last few years and not be concerned. From a 1979 peak of 51,320, emigration has dropped over 97 percent to only 1,314 in 1983. If this trend continues, fewer than 700 will emigrate in this Orwellian year of 1984.

We must remember the good and decent Jewish people and other victims of conscience in the Soviet Union who want nothing more than to emigrate so that they can live without fear of persecution, and worse, for their beliefs. I think of Lidiya Staskevich and her family, with whom I have tried to correspond but with only limited success. I am grateful for the selfless efforts of those who have helped me in trying to stay in touch with her.

I also think of A. E. Levin, whom I met on my trip to the Soviet Union last August. Mr. Levin has been fired from the Institute of Philosophy of the U.S.S.R. Academy of Sciences in January 1981, yet he is not allowed to hold another job and so can be expelled from Moscow at any time. His scholarly activity has been all but banned, and he is not given the kind of medical care he needs for his grave eye disease. On top of this, he has been three times refused permission to emigrate.

Politics aside, our hearts go out to Mrs. Staskevich, Mr. Levin, and the many others who suffer from the crime of being Jewish, or just being different, in the Soviet Union. Let us hope that in this time of transition and change in the Soviet Union, wisdom will prevail over habit and fear, and that Jews will no longer be singled out by the Soviet Government for discrimination, persecution, and harassment.

ANATOLY SHCHARANSKY STILL A PRISONER OF CONSCIENCE

Mr. PELL. Mr. President, today is the seventh anniversary of the arrest of Anatoly Shcharansky, the Soviet computer scientist who was a leader of the Moscow Jewish community and a spokesman for the Soviet Jewish emigration movement since 1973, when he first applied for and was denied permission to emigrate to Israel.

On March 15, 1977, the KGB arrested this young Jewish activist, and in July of the following year, after 16 months of being detained incommunicado, he was tried and convicted of "anti-Soviet agitation and propaganda" and of the trumped-up charge of treason. At the conclusion of his 5-minute trial, at which no defense was permitted, Shcharansky was sentenced to a total of 13 years of incarceration—3 years in prison and then another 10 years in the harshest category of labor camp.

Anatoly Shcharansky's real crime was that he was a Soviet Jew who wanted to leave the country and who fought for basic human rights, including the right of emigrate for all of his countrymen, Jewish and non-Jewish alike. Shcharansky was not only an activist in the Jewish emigration movement but he was also one of the founding members of the Moscow Helsinki Monitoring Group. Along with Yuri Orlov, Aleksander Ginzburg, and the other monitors, he worked to promote his government's compliance with the 1975 Helsinki Final Act. Because of these activities, Shcharansky became the target of a systematic campaign of harassment and intimidation, which culminated in his arrest and imprisonment.

While in prison, Shcharansky has been subjected to extremely harsh conditions, including solitary confinement, severe cold, and insufficient food—at times only one meal per day—sleep, and health care.

During the hunger strike which Shcharansky went on for some 4 months in 1982 to protest confiscation of his mail and banning of visits by his family, authorities at Christopol prison fed him only once every 3 days, rather than twice a day as required by Soviet law. Even today, Shcharansky's wife, Avital, is prohibited from writing or visiting her husband. Only his mother has prison privileges and these have been interrupted sporadically by Soviet authorities.

Anatoly Shcharansky is a man of courage and conviction. He is suffering in prison today because he dared to protest against violations of the human rights of Soviet citizens by the Soviet Government. We must not forget Anatoly Shcharansky and the others like him who are now suffering in Soviet jails, forced labor camps, and psychiatric hospitals. Their tragic fates are potent reminders that the Soviet Union continues to violate the many human rights covenants that it has signed.

On this sad anniversary, I must once again call on the Soviet Government to honor the pledges it made at Helsinki 9 years ago and live up to its agreement to respect the human rights and fundamental freedoms of its citizens.

Mr. CHAFEE. Mr. President, today marks the eighth anniversary of Anatoly Shcharansky's confinement in Chistopol Prison. Shcharansky was convicted of anti-Soviet activities; his only crime was trying to join his wife, Avital, in Israel. He, like so many other Soviet Jews who have been refused exist visas, is being persecuted for having the courage of his convictions, particularly his religious convictions.

Religious persecution is impossible for us to fully understand. We in the United States have always had the right to practice the faith of our choice, the right to speak out freely on any and all issues, and the right to read whatever literature we desire. In the Soviet Union, Jews are discouraged from practicing their religion, Hebrew books are banned, and speaking out against repressive policies of the government toward Jews is a crime of treason. For Soviet citizens, those who dare to exercise their basic rights as human beings are punished for their courage, as Anatoly Shcharansky is being punished.

Throughout the history of the United States, we have always championed the cause of human rights. That is why we are here today: to bring the facts of Soviet repression to the attention of the world.

The Soviet Government's continued persecution of Jews stands as an obstacle to improved relations between our two countries. We must take every opportunity to decry state-sponsored anti-Semitic behavior, specifically the dramatic decline in Jewish emigration from the Soviet Union.

In 1979, 51,320 Jews left the Soviet Union, but in 1983, a mere 1,315 Soviet Jews were allowed to leave. This decline in the number of exits permitted is deplorable. We must continue to urge the new leadership in the Kremlin to permit those Jews who wish to leave to have the opportunity to do so.

Mr. DANFORTH. Mr. President, it was 8 years ago today that Anatoly Shcharansky, a leading Soviet Jew and human rights activist, was arrested by the KGB for "anti-Soviet" activity. After a show trial in which he was not allowed to call witnesses to his defense, Shcharansky was sentenced to 13 years in prison.

The case of Mr. Shcharansky is not unique in the Soviet Union. What is unique—and ominous—is the increasingly aggressive, officially sponsored persecution of that country's Jewish population.

Jewish emigration has plummeted since 1979, when 51,320 Soviet Jews were allowed to leave. In 1982 emigration was only 2,688, and last year it reached a new low of 1,315. This was just 5 percent of the peak 1979 figure. To justify this drastic reduction in emigration, the officially sanctioned "Anti-Zionist Committee of the Soviet Public" has declared that all Jews who want to leave the Soviet Union have done so. This is patently untrue. There are literally thousands of Jews in the Soviet Union who want to emigrate; among them are many long-term refuseniks—people who have repeatedly applied for and been refused an exist visa.

The emergence of this Anti-Zionist Committee is part of a disturbing trend affecting Soviet Jewry. There have been more and more signs that the Government of the U.S.S.R. is seeking not only to restrict emigration but is also attempting to virtually blot out Jewish cultural life within the Soviet Union through stepped up harassment, arrests, imprisonment, and officially sanctioned anti-Semitism.

This policy shift on treatment of Soviet Jews was initiated during Brezhnev's last years, but it has solidified and intensified during the 15 months of Andropov's leadership, when additional restrictive laws were introduced. The government has made it more difficult to apply for emigration by invalidating visa applications after 6 months. Requests for emigration have been further reduced by the application of the "redundancy law," which encourages the firing of people at the managerial level, combined with the tightening of a provision that stipulates a person out of work for only 2 months is criminally liable as a "parasite." Soviet Jews seeking to emigrate are thus more and more likely to be arrested and imprisoned.

In the last few years the Soviet Government has relied more heavily on the threat of incarceration as a means of curtailing Jewish activities. In the most significant show trial since Shcharansky's, Yosef Begun was sentenced in late 1982 to 7 years in a labor camp and 5 years internal exile for "anti-Soviet agitation." Mr. Begun's crime was teaching Hebrew.

It is clear that the Government of the Soviet Union has sought to aggressively crackdown on the cultural life of its Jewish population. The situation has progressively worsened. It is indeed a frightening turn of events when the official view refuses to acknowledge that the issue persists—that there are Jews who wish to emigrate and join their families outside of the Soviet Union.

It is thus critical that the United States continue to focus on this problem and remain committed to its resolution. Our country is a symbol of freedom and hope for oppressed men and women everywhere, and we must live up to this image. Emigration and human rights issues must remain a top priority among U.S. foreign policy objectives.

Americans must be concerned about Soviet treatment of its Jewish population for another reason. Soviet adherence to their existing international commitments involving human rights and freedom of emigration is a key measure of their interest in improving relations with the United States. It is not a coincidence that the recent cooling in United States-Soviet relations was paralleled by dramatically decreased emigration and increased hostility toward Jewish activities.

The plight of the Jews in the Soviet Union is acute, but there is some cause for hope. The new Soviet leadership represents new opportunities. It is essential that we seek to alleviate the persecution of the Soviet Jewry and that we do it now, while there is potential for change and before their situation deteriorates further.

Mr. LAUTENBERG. Mr. President, tens of millions of people around the world today will take note of the systematic denial of basic human rights to citizens of the Soviet Union by observing "International Day of Concern for Soviet Jews." There will be marches and demonstrations, speeches and silent vigils. They will signal the determination of people and political leaders throughout the world to see improvements in basic human rights and an end to discrimination, oppression, and arbitrary punishment for Soviet Jews.

I am proud to add my voice today to others raised in the U.S. Senate on this day of solidarity with Soviet Jews. Our contribution here complements the efforts of others and again demonstrates the high priority we place in this representative body on the treatment of Jews in the Soviet Union.

Current trends in the Soviet Union are enormously disturbing to us. To the arbitrary arrest and imprisonment, the cruel, inhuman and degrading treatment and punishment, and the denial of emigration the Soviet Government has long sanctioned against its Jewish citizens, has now been added an official anti-Semitic campaign.

Today it is important to chronicle the wrongs we would see put right and the misguided policies we would see corrected. Today is also a day for us to focus on the courage of those Soviet Jews who have suffered long and fight still for their basic rights, including the right to emigrate. On this very day in 1977, Anatoly Shcharansky was arrested under the broad charges of treason and anti-Soviet agitation and propaganda. Shcharansky has in these last 7 years become the symbol of the oppression of Jews in the Soviet Union. That the mistreatment and maltreatment of Anatoly Shcharansky by the Soviet Government for 7 years has prompted an increasingly loud movement on his behalf is a irony that should not be lost upon us today. The Soviet Union's ruling elite certainly stand more guilty of provoking anti-Soviet behavior by its cruel actions than Shcharansky or any other Jewish dissident.

Today also gives us the opportunity to remember our own commitment as Americans to basic human rights and, indeed, how the United States was created precisely to advance their rights. If the constitutional guarantees of freedom seem too far removed in time for some, we can consider the pronouncements of our political leaders in this century. Franklin Roosevelt told the Congress over 40 years ago that the four freedoms—freedom of speech, freedom of religion, freedom from want, and freedom from fear—should apply to all peoples, everywhere in the world. Our commitment to these freedoms, for ourselves and for those who struggle throughout the world, should never be questioned.

Our comments today should be read in light of that longstanding commitment. Understood in our remarks is congressional determination to keep the basic rights of Soviet Jews and all Soviet peoples high on our list of priorities. Improvements are fundamental to our future relationship with the Soviet Union.

Mr. MOYNIHAN. Mr. President.

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. LUGAR. Does the distinguished Senator from New York wish to be a part of this colloquy, or does he wish to speak on a different matter?

Mr. MOYNIHAN. I simply rise to thank the Senator from Indiana for his leadership in this matter with which I have associated myself, and I will continue to do so.

Mr. LUGAR. Mr. President, I see no other Senators who wish to speak as a part of this colloquy. I would simply conclude by thanking all Senators for the forthright statements that they have made and for the courageous part that they have performed in visiting the Soviet Union, and for letters and presentations to the Soviet Embassy.

We all pray for success in these efforts, and I share our persistence in attempting to fight for human rights and persons who need our help.

Mr. President, I yield back any time that I have.

RECOGNITION OF SENATOR MOYNIHAN

The PRESIDING OFFICER. Under the previous order, the Senator from New York (Mr. MOYNIHAN) is recognized for not to exceed 15 minutes.

IN OPPOSITION TO FORMAL SCHOOL PRAYER

Mr. MOYNIHAN. Mr. President, this is the first occasion on which I have been able to come to the Senate floor to speak to the matter of school prayer amendment which is before us. I rise now to state in as concise terms as possible the reasons for which I find it not possible to support this amendment and for which I will vote against its passage.

These reasons are based on my understanding of the history of the first amendment to the Constitution. For the historical context in which the establishment clause of that amendment was adopted has somehow become remote from us. At times even a body as steeped in tradition as the U.S. Senate can become ahistorical. It seems to me that in this matter we have done so. I have on more than one occasion offered my own judgment that the Supreme Court has also lost touch with the original understandings and meanings of that amendment and the ideas associated with it.

Mr. President, the first clause of the first amendment states that, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof * * *"

This was adopted not because the early leaders of our Nation were opposed to the idea of an establishment of religion. One would like, perhaps, to think they were, but one is bound by the facts of history which, in the main, tell us that they were not. Establishments of religion were the rule in the early years of the Republic.

Of the Thirteen Original States, 11 had established religion by providing in one form or another for public financial support for churches.

Several State constitutions established religious tests for public office. Connecticut's 1784 "Act of Toleration" provided for fines for those who failed to, "attend the public worship of God on the Lord's day in some congregation allowed by law."

The constitution of the State of South Carolina, adopted in 1778, stated:

> The Christian Protestant religion shall be deemed * * * the established religion of the State.

Indeed, as James McClellan has written:

> On the eve of the Philadelphia Convention of 1787, the wall of separation doctrine espoused by Madison and Jefferson had been rejected in every State but Virginia and Rhode Island.

What the Founding Fathers intended was that no single denomination be established as the national religion, and that it be clear that Congress was not to interfere in the State's various establishments of religion.

The one thing that would be ruinous to the unity of the fragile Republic just then created was for Congress to pick one denomination in preference to the other denominations and say, "This is the national established church."

That is the history of the matter. Although the Senate debate on the establishment clause, in September 1789, was conducted in secret, the House debate is summarized in the Annals of Congress, and that account bears witness to this.

Let me recall something else that is history, which is that belief in tolerance and freedom of religion did not emerge in full flower from the American soil as a natural endowment of the spacious lands we came to occupy. It evolved during the course of our Nation's history.

The great historian Perry Miller spent his life solving the puzzle of how religious tolerance came to be in America.

The history is that it came about through the multiplication of denominations and beliefs. Miller's views are summed up in a wonderful passage from an essay, published in "Religion and Freedom of Thought," (1954).

> The point is, to put it baldly, that both in education and in religion we didn't aspire to freedom, we didn't march steadily toward it, we didn't unfold the inevitable propulsion of our hidden nature: we stumbled into it. We got a variety of sects as we got a college catalogue: the denominations and the sciences multiplied until there was nothing anybody could do about them. Wherefore we gave them permission to exist, and called the result freedom of the mind. Then we found, to our vast delight, that by thus negatively surrendering we could congratulate ourselves on a positive and heroic victory. So we stuck the feather in our cap and called it Yankee Doodle. Revivalists, whether in * * * Ogdensburg or in Gopher Prairie, or more genteel ones in Westchester County, have always been enthusiastic celebrants of our God-given religious liberty. I think it was Mr. Justice Holmes who remarked that in the Boston of his boyhood, you could safely deny the divinity of Christ but you would be overwhelmed with the utmost social opprobrium if you advocated sports on Sunday.

Mr. President, it was this very fact of diversity which led to our acceptance of many faiths and the idea of religious freedom and religious tolerance. Early in the history of the Republic, it came to be understood that, diversity being the fact, there was no way to accommodate to this fact other than by religious tolerance.

When the civil institutions of the State have attempted to prescribe particular religious observance, the Supreme Court has quite rightly found this to be unconstitutional. That is the lesson of Engel against Vitale.

In 1951, the New York State Board of Regents composed and recommended as part of its "Statement on Moral and Spiritual Training in the Schools" that local schools require the following prayer to be recited:

> Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country.

In 1962, the Court held this to be an establishment of religion.

One man who understood this was John C. Spencer, secretary of state to New York's Governor William H. Seward in 1841, an ex officio superintendent of public schools. In April 1841, Spencer submitted a report on the issue of public support to private schools to the State senate. The question was whether it was appropriate to spend public money in Catholic schools. This was a State paper of the first quality, drafted by an authority on the laws of New York State—who was also de Tocqueville's American editor.

To those who feared use of public funds for sectarian purposes, Spencer replied that all instruction is in some ways sectarian:

> No books can be found, no reading lessons can be selected, which do not contain more or less of some principles of religious faith, either directly avowed, or indirectly assumed.

The activities of the then Public School Society an association of Protestant groups, were no exception to this rule:

> Even the moderate degree of religious instruction which the Public School Society imparts, must therefore be sectarian; that is, it must favor one set of opinions in opposition to another, or others; and it is believed that this always will be the result in any course of education that the wit of man can devise.

As for avoiding sectarianism by abolishing religious instruction altogether.

> On the contrary, it would be in itself sectarian: because it would be consonant to the views of a peculiar class, and opposed to the opinions of other classes.

Why something that was so clear in 1841 should be so obscure 143 years later, I do not know. It may be that we have thought less rigorously about these matters.

Yesterday the Senate did say, as Spencer would have said, that: Neither the United States nor any State shall compose the words of any prayer to be said in public schools.

This is consonant with what might be termed Spencer's law: "any prayer, no matter by whom prescribed, is sectarian with respect to one set of views and cannot be seen in any other way."

Yet Mr. President, yesterday's decision did not resolve the question—for the proposed amendment to the Constitution would permit someone, somewhere, to decide what public prayer shall be.

There would be established an officially sanctioned prayer—whether written by 9-year-olds, or learned committees, or boards of education.

Shall we have lotteries to determine which prayer or which committee? There are religions in this country which, unavoidably as in any country, give strong offense to other religions. Are they to be represented?

It will not work. The early founders of the Nation understood why it would not—because there is too diverse a set of religious views, today more diverse than in the 1770's and 1780's when the Constitution and the Bill of Rights were written and enacted.

In my own State of New York, for example, we now begin to see the advent of a very active Hindu community. The Hindu community is not united even among itself in religious observances; there are quite distinctive variations between what we would define as one sect or another. They surely should have their rights protected, as should the Islamic community and the Judaic community and the wide range of Christian denominations—not to mention groups such as the Ethical Culture Society. It cannot be done. We knew early it could not be done. We should know it still today.

This is why I have argued for 20 years that the Federal Government ought to be open to the provision of public assistance to denominational schools, in order that those persons who do very much want their children educated in the context of a specific set of religious beliefs should have that option readily, freely available. Most parents do not.

In that context, of advocating encouragement of a diversity which works where people voluntarily opt for a setting in which they will have prayers of their choosing and infringe on no one else's sensibilities, I stated in 1978, in an address to the Staten Island Federation of Catholic School Parents, my view that:

> Prayer prescribed by public authorities, whether voluntary or not, gets very close to the notion of the establishment of religion, which the Constitution forbids. Publicly prescribed prayer is, for practical purposes, what established religion is all about.

That is the reason I am opposed to the pending measure, for it can only lead to prescriptions for prayer and establishment of religion. This was undesirable in 1789. It is undesirable today.

Now, Mr. President, it does not seem to me that the history of the first amendment offers any other valid interpretation, and I hope we would be content to live with that history which has served us so well through two centuries in which sectarian strife has destroyed so many other nations.

I thank the Chair for its courtesy and I believe my time has expired. Is that the case?

The PRESIDING OFFICER. The Senator is correct.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

OUR OBJECTIVE SHOULD BE A MUTUAL VERIFIABLE FREEZE, NOT UNILATERAL NUCLEAR DISARMAMENT

Mr. PROXMIRE. Mr. President, on February 24 the New York Times reported that 12 Roman Catholic bishops in the West urged their parishioners to join a prayer vigil along the route of trains carrying nuclear warheads to Trident submarine bases in Washington State and South Carolina. This was an effort to engage in civil disobedience designed to impede deploying nuclear weapons.

This action poses a painful dilemma for some of us in the Congress. We deplore the lack of progress on arms control. We recognize the terrible consequences of nuclear war. We also, however, are convinced that unilaterally stopping nuclear arms production or deployment is not the answer. Unilateral disarmament is more likely to invite military action by the other side than to discourage it. The statement issued by the Catholic bishops put their case this way: "Our stand in the pastoral letter is that no further deployment of nuclear weapons can possibly be justified. Every missile—nuclear weapons shipment is a significant step toward a first strike holocaust." The bishops call for the vigil as a witness to "the alternative power of divine love and nonviolent action."

Mr. President, I am sure the bishops speak for millions of Americans of all faiths. I also firmly believe they are wrong in part but right in another sense. To the extent that they are protesting the arms race and pleading for an end to the arms race, this Senator is with them all the way. They are right. We must find a way to end the arms race. But that way must be mutual. Both super powers must agree to stop production. Both super powers must agree to stop deployment. We must go even farther. We have to negotiate an agreement that is verifiable as well as mutual. Both super powers must be confident that the other side is abiding by the agreement.

Why is this mutuality and this verifiability so critical? After all, we have tried to negotiate for more than 30 years on this issue with the Soviet

Union. We have made a little halting progress here and there.

But the arms race goes on and on. Both sides amass ever more lethal and accurate nuclear capability. The number of warheads may go up or down. The megatonnage may rise or fall. But the assurance that each side can, in fact, deliver nuclear devastation on the other—right on target—constantly increases. Research brings on weapons that become more and more unstoppable. How about research developing increasingly more reliable defense against the super new offensive nuclear weapons? Yes, indeed, that technology comes on also. But it gives us no real relief from the spector of nuclear annihilation. What it does give us is greater uncertainty.

Mr. President, we have to find a way to stop this nightmare. So what is wrong with the Catholic bishops' proposal to stop it now unilaterally? The answer is that we do, in fact, face an adversary in the Soviet Union that will not listen to the Catholic bishops. It is an adversary that has preached world revolution by force and violence. It is an adversary that does not believe in any religious faith or "the power of divine love" or "nonviolent action." It would not stop if we stopped. If this country ended nuclear arms production and deployment unilaterally, the Soviet Union would realize their dream of world domination for the Communist revolution it has preached as its dogma.

Possibly for a few months or even a few years our nuclear arsenal in its present technological state would forestall this Soviet strategic dominance. But the time would come—and with the advance of technology that time could come swiftly—when our adversary would have such an advantage and it would use it.

This Senator can certainly understand the frustration of the bishops and those who share their view. Negotiations can drag on for years. Some future administration might succeed somebody in winning agreement to a comprehensive, mutual, and verifiable end to the arms race. But that is only the beginning. It could then lose. It could be frustrated by a minority of only one third of the U.S. Senate.

One way or another we must stop this rush to nuclear extinction. Those of us who favor ending the arms race have been losing for 30 years. With both super powers continuing to increase their nuclear capability, with nuclear proliferation progressing every day, a nuclear war could begin at any time. This is not a time when those of us who favor stopping the arms race should divide into separate factions. We need all the unity and force we can get. I hope that the Catholic bishops will redirect their energies from prayer vigils and civil disobedience designed to obstruct the shipment of nuclear missiles within the United States to pressure on all elected Federal officials, especially the President of the United States, to negotiate with the Soviet Union a mutual, verifiable freeze on the testing, production or deployment of all nuclear weapons.

GOLDEN FLEECE FOR MARCH TO U.S. FOREST SERVICE

Mr. PROXMIRE. Mr. President, I am awarding my Golden Fleece of the Month Award to the U.S. Forest Service for attempting to yoke—no joke—four helicopters and a blimp into one contraption. This mechanical mongrel is now 4 years behind schedule while costs have ballooned by more than $10 million. The machine, 343 feet long, 187 feet wide, and 111 feet high, is supposed to lift logs from the national forests. Instead, its main success will be in lifting the taxpayers' wallet. The Forest Service is barking up the wrong tree on this one.

The big flying machine, called the Helistat, was authorized by Congress in 1979 for a job of Paul Bunyan proportions—to haul up to 26 tons of logs at a time out of steep, inaccessible national forests. The dimensions of the contraption make it longer than a football field, wider than an aircraft carrier, and taller than a 10-story building.

The Forest Service has admitted that the cost of the project ballooned from $26 million to nearly $40 million for this one-of-a-kind aerial vehicle. They originally intended to test the machine in May 1982. That date has now slipped to January 1986 and may even slip further.

The General Accounting Office has warned the Forest Service that the project is in deep trouble. The GAO discovered that the machine might not fly and that even if it did, no timber company has expressed an interest in using it, rating it a poor timber harvesting concept. Despite these warnings, the Forest Service keeps on wading deeper and deeper into this quagmire.

Mr. President, problems in designing and building the Helistat have caused delays and have raised concerns about the strength of the tubular, truss-like superstructure. Officials from the Navy, NASA, and the Federal Aviations Administration found that pieces of the aluminum framework were improperly heat-treated, causing a significant loss of strength. The entire tubing system had to be replaced.

The Helistat is not even designed to be a prototype model. It is to be used to test a concept and gather information on economical and operational efficiencies. How ironic since this project is the very symbol of inefficiency.

The Forest Service better spruce up its act.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. COCHRAN). Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 1:15 p.m., with statements therein limited to 2 minutes each.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOLUNTARY SCHOOL PRAYER

Mr. THURMOND. Mr. President, we have now debated the issue of school prayer for almost 2 weeks. During this time, several proposals were circulated—proposals which were designed to help us forge a compromise on this issue. This week it became clear that the effort to arrive at a compromise—an effort in which I participated and fully supported—was not going to succeed. Others joined me in the recognition of this fact, and in concluding that it was time to forgo further attempts at compromise and get on with a vote on Senate Joint Resolution 73.

Throughout these several days of debate, all of the relevant Supreme Court decisions have been analyzed and re-analyzed. Questions have been raised and answered concerning who would be responsible for writing any prayer that might be used in public schools, whether the reinstatement of the right to pray would have any beneficial effect on the well-being of our society, and whether the teacher can lead a class in prayer under the amendment that I have introduced. I believe, however, that the issue before us is a relatively simple one. You are either for restoring voluntary, vocal, student-initiated prayer in the public schools or not. I am in favor of it. Public opinion polls show that over 80 percent of the American people also favor restoring the right of public school students to freely exercise their religious beliefs through vocal, voluntary prayer. As chairman of the Judiciary Committee, I have received thousands of letters expressing support for Senate Joint Resolution 73. In fact, just 2 days ago, I received 100,000 letters—I repeat, 100,000 letters—from Americans all over this country urging support for the President's amendment. Mr. President, I believe that it is now time for the Senate of the United States to vote on this matter so that the people will know if their pleas are going to be answered.

Yesterday, the picture became clouded by the filing of several amendments. As I pointed out earlier, it had been my hope that the procedural logjam which developed subsequent to the filing of the silent prayer amendment by the distinguished Senator from Illinois, Mr. DIXON, could have been avoided by a unanimous-consent agreement. Such an agreement would have let us vote on the President's amendment, as I wish to do. Unfortunately, this did not come to pass.

Accordingly, I am compelled to appeal to those of my colleagues who have amendments pending to withdraw them and let this body proceed to vote on Senate Joint Resolution 73 as we amended it yesterday by adopting the committee amendment.

The proposal embodied in Senate Joint Resolution 73 is one fully supported by the President of the United States. The wording of Senate Joint Resolution 73 has been through the long hearing process and every phrase has been analyzed by constitutional scholars, law professors, and religious groups. All of this testimony is in the record. On the other hand, the language of these other amendments has not received such scrutiny and evaluation.

I believe that the President deserves a vote on the amendment that he favors. I strongly urge my colleagues to clear the decks of these other amendments and allow us to move ahead to a vote on Senate Joint Resolution 73.

Mr. President, a pair of articles appeared in the Washington Post under date of March 11, 1984, under the heading "The School Prayer Battle." This article is entitled: "Why We Need This Amendment." It is by Faith Ryan Whittlesey, who is Assistant to the President for Public Liaison.

Mr. President, I am going to take the time to present this article to the Senate. I think it is worth the notice of the Senate. It reads as follows:

The molders of American public opinion must be wondering how 80 percent of the American people have come to the opinion that prayer should be returned to our public schools. They might ponder, too, how this opinion should run so deep that it would bring Joe Gibbs and Tom Landry to make common cause before a committee in Congress.

I believe we do not have to look far for an explanation. The fact is that the federal courts have gone overboard in their interpretation of the First Amendment Establishment Clause. What started as an effort to protect against state religion has ended in a stifling of an equally vital part of the First Amendment—the free-exercise clause. A great many Americans now sense discrimination against the free exercise of religion by students in public schools.

A few examples will suffice to show how far we have gone in muzzling student expressions of religious belief. When the state of Louisiana provided a time for students to pray on their own initiative—each prayer to be said by a student volunteer, with any objecting student allowed to leave the room—a federal appeals court struck down the statute, and the Supreme Court summarily affirmed. When students in a California high school tried to open an optional student assembly with a prayer by a student volunteer, a federal court said no. When a group of high school students in upstate New York requested permission to meet before school to pray together, a federal appeals court said the school principal would have violated the Constitution had he granted permission.

When a high school in Lubbock, Texas, tried to let Bible study and prayer groups meet on the same basis as other student clubs before and after school, another federal appeals court said that a policy of equal treatment was unconstitutional—no religious clubs in schools, period. At the other end of the age spectrum, kindergarten students have been prevented from saying grace before meals.

The result is clear-cut: discrimination against religious students, against religious speech by students, against religious meetings of students. By contrast, the courts have required a high school to allow radical political groups to meet. They have required a high school to let a student make a pro-homosexual "statement" by bringing a date of the same gender to a school prom. But somehow religious speech gets the back seat of the bus—even though the First Amendment gives heightened protection to religion.

Religious students in public school cannot help getting the message: religious speech is a second-class right, and religious students are second-class citizens. Some people may be content to have religion be a matter of purely private piety, restricted to home and church; but for many others, their religious faith infuses every aspect of their lives, and they cannot in good conscience restrict their faith to time allocations on a schedule chart. Why are we afraid to give these persons a chance to express their faith vocally at some point during the school day? Does this really achieve government neutrality toward religion?

The president's amendment is a well-balanced attempt to end government hostility toward religious speech. By ruling out government-composed prayer and government-required participation in prayer, the amendment allows prayer that expresses the faith of individuals, not a government-imposed orthodoxy. There are many ways for a school to provide for prayer without coercing or intimidating any student. A teacher can ask for a student volunteer at the start of school to say a prayer of the student's choice. A school principal can ask for a different volunteer each day to say a prayer over the school P.A. system. A student assembly, provided attendance is optional, can be opened with a prayer by a student volunteer. A school can make a room available for students to pray before or after school. And schools could treat religious student clubs the same way they treat other clubs.

None of this involves coercion or intimidation. If a student of Jewish faith says a distinctively Jewish prayer, that merely reflects his or her individual faith, not a government view. The same if a Catholic student volunteers with a distinctively Catholic prayer. It is far healthier to acknowledge the diversity and pluralism of religious belief in America than to pretend that education must be thoroughly sanitized of the deepest convictions and motivations in many students' lives.

The free exercise of religion should not be a partisan matter. If Joe Gibbs and Tom Landry can team together for the cause of religious expression in public schools, surely Democrats and Republicans can do the same.

Mr. President, another article appeared in the Washington Post under date of Saturday, March 10, 1984, by Roger Clegg, who is Acting Assistant Attorney General, Office of Legal Policy. It is entitled "The Prayer Amendment Is Not 'Unwise.'" I wish to present this to the Senate.

"What is it that backers of a school prayer amendment hope to accomplish?" asks The Post's editorial of March 6. The editorial then proceeds to argue that the amendment is "unnecessary, divisive and unwise." In fact, it is none of these.

The intent of the Framers of the Constitution was for our nation to allow and accommodate the varied religious beliefs of its citizenry. I believe this is still the desire of the overwhelming majority of Americans. Thus, the principle of separation of church and state does not mean that the state must refuse to recognize and make room for religious practices. On the countrary. Yet the current law too often requires precisely that.

For example, courts have forbidden prayer meetings voluntarily initiated by public school students on school property, though other student groups were allowed to meet. And in New Jersey, New Mexico and Alabama, they have struck down statutes providing simply for a "moment of silence" as violations of the Establishment Clause.

Court decisions such as these have led school authorities to place additional, even more restrictive, limits on prayer. For instance, a New York school principal banned kindergarten children from saying grace before meals on their own initiative. Similarly, a lawyer for an El Paso school board has informed the mother of a handicapped public school student that the Establishment Clause prohibits her daughter from praying or using religious "paraphernalia" (a rosary) on the school bus or school property.

This is why a constitutional amendment is needed. The president's proposal would afford—restore—an opportunity for those who wish to pray, while explicitly protecting the wishes of those who do not wish to pray. It states explicitly that "No person shall be required by the United States or by any state to participate in prayer." On the other hand, it provides that "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions" for those who wish to pray. Thus, rather than engendering divisiveness, the amendment would accommodate the pluralism upon which our society is founded.

It is entirely appropriate for our educational institutions to afford an opportunity for prayer to those who desire it. An acknowledgment of the Deity is an important part of many students' education and life, and prohibiting prayer creates more personal liberty problems than it solves.

The Post concludes that "the amendments now before the Senate won't transform our society or our schools." Perhaps not. On the other hand, the current ban on prayer in public schools is a troubling statement about the role of religion in our society. It is inevitable that the ban will have—and has had—a moral effect as well. Getting rid of that ban may not transform society, but it is a good start toward restoring a balance that is no longer being struck: between the government's avoidance of the "establishment" of a religion, and its legitimate desire to recognise and allow for the voluntary religious practices of its citizens.

Mr. President, I just want to ask in all fairness how is a school going to allow a homosexual group or any other group that wants to meet there to espouse their philosophy and yet deny that same right to a group of students who may wish to voluntarily pray? A student may get up and recite a Jewish prayer. A student may get up and recite a Catholic prayer. A student may get up and recite a Protestant prayer. But it is voluntary. It is not imposed by the United States. It is not imposed by the State. It is not imposed by the school authorities. It is purely voluntary. It appears to me that there is an effort on the part of some people to deprive religious groups of the same right and privilege as has been afforded other groups in schools. We think this is discrimination. We think it is unfair and we think it is unconstitutional.

Mr. President, you hear a great deal of talk about the first amendment. What does the first amendment say? The first amendment reads as follows—it is the first part of it that is applicable:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . .

That is all the Constitution says.

What does that mean? It says "Congress shall make no law respecting the establishment of religion." It means that Congress shall not attempt to establish a national religion in this country. That is correct and that is the way it should be. Congress should not attempt to establish, as some countries have done, a national religion. We are all in favor of that prohibition.

On the other hand, it also says here "or prohibiting the free exercise thereof."

Is that not the position that has been taken by some of the courts and some of the officers—people doing just the opposite from what this provision says? They are prohibiting the free exercise of religion. That is exactly what they are doing. The decisions of the courts have prohibited free exercise of religion, and that is what the Constitution says you cannot do.

Mr. President, we hope we can get on here. We have adopted the committee amendment.

It is just what the people of this country want. I repeat, over 80 percent of the people of this Nation favor voluntary prayer in schools. Is this Senate going to say we are going to ignore the people whom we represent? Is this Senate going to take the position that we are going to pay no attention to those who sent us here?

Mr. President, as I stated, I have bags of mail over there. I wanted to bring them over here and put them in the Senate Hall but I understand it is against the rules. I have bags of mail, bags this high. Over 100,000 letters have been received in the last few days expressing support for voluntary, vocal prayer in public schools. That is how the people of this Nation feel. And that is how the people, I believe, of every State feel.

I hope my colleagues from the different States in this Nation will think about this question. Think about the people back home; contact them if necessary. Ask them if they object, not to a forced prayer, not to a prayer composed by the United States or the State or school authorities, but a purely voluntary prayer by any student who wishes to get up and make such a prayer. Who can object to that? In all honesty, in all fairness, who can oppose that position?

Mr. President, I hope we can get on here to a vote on this question and let this Senate express itself and let the people of this Nation know how this Senate feels.

Mr. HATCH. Mr. President, I want to just take a minute to thank the distinguished Senator from South Carolina for the leadership that he was provided on this particular issue. I do not know anybody in the history of the Senate who has worked harder to sustain the Constitution and the principles that underlie than Senator THURMOND. I think when the President pro tempore of the Senate speaks, we should all listen. I do not know of anybody who has had a greater influence on this country in so many ways on a daily basis than Senator THURMOND has had. I do not know anybody on the school prayer issue who has done more, worked harder, or fought a stronger battle than the Senator from South Carolina.

Ever since I came to the Senate in 1977, I have looked up to this man because of his deep convictions and because of his commitment for standing up for the principles that he believes in. Whether you agree with Senator THURMOND or do not, you have to acknowledge him as one of the truly, all-time great Senators.

One of the finest privileges I have had is to serve on the Judiciary Committee that he now chairs and to learn under his influence in so many ways. I have deep admiration for this man. I know how strongly and deeply he feels about school prayer, and I feel that way myself.

I believe that this body ought to vote for the President's proposal here. I believe that the President deserves support, not because of partisan politics, not because he is a Republican, but because he has brought this to the floor, with the help of this noble Senator from South Carolina, because he has been willing to stand up and take the wrath of people who bitterly disagree with him on this controversial issue and represent the religious values that have made this country so great. That is not always easy to do but the President has tried to do that. I can tell you that I know how deeply the President of the United States feels about school prayer being restored for the benefit of the students in public schools all over this land.

Mr. THURMOND. Will the distinguished Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. THURMOND. Mr. President, I have a hearing I have to go to, but before leaving the floor of the Senate I just wanted to express my deep appreciation for the kind remarks made by the able Senator from Utah. The Senator from Utah is chairman of the Constitutional Subcommittee of the Judiciary Committee. He has worked long and hard on these matters. I wish to commend him for his great work in the Senate in general and I especially want to commend him for his great work on the Judiciary Committee. He is a man of honor, he is a man of capacity, and he is a man of dedication. Our country is fortunate to have men like him in the U.S. Senate.

BANKRUPTCY LEGISLATION

Mr. THURMOND. Mr. President, a number of my colleagues have recently asked about the status of bankruptcy legislation in the House and Senate. Because of the level of interest in the bankruptcy area, I thought it might be appropriate to respond on the Senate floor to some of the issues which have been raised.

Over 10 months ago, the Senate passed a bankruptcy bill resolving the constitutional issues raised by the Supreme Court in Northern Pipeline Construction Co. against Marathon Pipe Line Co. This decision, handed down on June 28, 1982, held unconstitutional certain portions of the jurisdiction granted to Federal bankruptcy judges by the 1978 Bankruptcy Reform Act. S. 1013, the Bankruptcy Court and Federal Judgeship Act, was authored by me and by my distinguished colleague from Alabama, Senator HEFLIN. It was approved by the Senate by voice vote on April 27 of last year.

S. 1013 implements what has come to be called an article I solution to our current bankruptcy problems. This refers, of course, to article I of the Constitution. This means that bankruptcy judges would remain nonarticle III judges, serving fixed terms with salaries subject to reduction by statute. Judges appointed under article III of the Constitution, by contrast, are appointed for life and receive salaries which may not be decreased. Our bill retains existing provisions of the 1978 act establishing 14-year terms for bankruptcy judges and providing for their appointment by the President, with the advice and consent of the Senate.

As many observers have noted, S. 1013 is similar in its structure and operation to the interim rule, which currently governs bankruptcy practice. This rule was promulgated by the Judicial Conference of the United States and adopted by all of the district courts as a local rule. Under S. 1013, jurisdiction over all cases and proceedings in bankruptcy is vested in the district courts but may be exercised by the bankruptcy courts. Any case or proceeding may be recalled by the district court, or upon petition by any party or by the bankruptcy judge. Recall is mandated with respect to Marathon-type proceedings. Finally, the parties may consent to the bankruptcy court handling any type of proceeding.

While some uncertainty has existed in the present system under the interim rule, the system has clearly been workable. Through the cooperation of the district court judges, bankruptcy judges, and the bar, the bankruptcy system has continued to function reasonably well since the Marathon decision went into effect on December 24, 1982. Furthermore, the validity of the rule has been upheld by each of the six circuit courts of appeals which have considered the issue. In a recent letter to George Bush, as President of the Senate, Director William E. Foley of the Administrative Office of the U.S. Courts stated the following:

> In contrast with fear expressed last winter, statistics reported to date indicate that there is no current "crisis" in daily administration and adjudication of bankruptcy matters. Naturally, there have been questions and some uncertainty as judges and practitioners have adjusted to these procedures. But that limited uncertainty cannot fairly be labeled "chaos," and the appellate decisions to date have substantially resolved concerns as to the validity of the procedures.

Congressional approval of S. 1013, the provisions of which are similar to those of the interim rule, should resolve any remaining uncertainties and provide us with a workable bankruptcy system. I shall include a copy of Mr. Foley's letter in the Congressional Record immediately following my remarks.

It should be noted that S. 1013 contains a number of important provisions in addition to those pertaining to bankruptcy jurisdiction. The bill authorized the appointment of 232 new article I bankruptcy judges, representing approximately the number of existing permanent bankruptcy positions, with at least one full-time bankruptcy judge in each district. While the 1978 act authorized Presidential appointments of new article I bankruptcy judges, it did not specify the number of such judges nor the districts to which they were to be assigned. It was therefore necessary to include such provisions in S. 1013. In addition to providing for the appointment of bankruptcy judges. S. 1013 authorizes the appointment of 24 judges for the U.S. courts of appeals and 61 judges for the U.S. district courts. These new positions are necessary to meet the continuing caseload requirements of the Federal judiciary and are unrelated to changes in the bankruptcy system.

Finally, S. 1013 contains all of the substantive changes made in the Bankruptcy Code by S. 445, the Omnibus Bankruptcy Improvements Act of 1983. S. 445 was passed by the Senate on April 27, 1983, the same day on which S. 1013 was passed. S. 445 passed both as a separate bill and as an amendment to S. 1013. S. 1013 therefore contains a number of important substantive provisions pertaining to consumer credit, grain elevator bankruptcies, shopping center tenant bankruptcies, time share industry bankruptcies, repurchase agreements, and other issues.

H.R. 3, the bill sponsored by Chairman Rodino of the House Judiciary Committee, stands in clear contrast to S. 1013. H.R. 3 would establish a separate, but parallel system of article III trial courts for bankruptcy matters only. This legislative response to the Marathon decision is, in my opinion, both unnecessary and unwise. An article III bankruptcy court is unnecessary because only a small percentage of the work of the bankruptcy courts is affected by the Marathon decision. After a careful reading of Justice Rehnquist's concurring opinion, one might fairly state the holding in Marathon as follows—absent consent of the parties, article III of the Constitution requires that "traditional" State common law actions, which are only tangentially related to a bankruptcy case under title 11, be tried before an article III judge. The "related to" proceedings discussed in Marathon constitute only a small portion of the bankruptcy judges' work. In an article entitled "Bankruptcy: A Solution in Search of a Problem," recently published in Judicature magazine, U.S. District Court Judge Robert E. De Mascio wrote the following:

> Creating a separate Article III bankruptcy court with 227 judges is an unnecessary overaction to the Supreme Court's *Northern Pipeline* decision. This decision held only that the present bankruptcy judges cannot exercise jurisdiction over state law claims "related to" bankruptcy proceedings. But since the new Bankruptcy Code went into effect on October 1, 1979, less than 1 percent of the bankruptcy courts' work involved such cases or other judicial business that requires a life-tenured Article III judge.

The statistics provided in Mr. Foley's letter also indicate that only a small percentage of bankruptcy matters have, under the interim rule, been referred to the article III district courts. It would seem unnecessary, therefore, to create 94 new article III bankruptcy courts to handle work which is not now being referred to the existing articles III courts.

Article III bankruptcy courts are not only unnecessary, they are also unwise from a policy standpoint. Aside from implementing the most expensive option available, H.R. 3 would significantly transform the character of our generalist article III judiciary by creating specialized article III courts. I believe that would set an unwise precedent, allowing other legal specialists to argue for article III courts in their own areas of expertise. Certainly, there are other branches of law equally as complicated and as important as bankruptcy law, whose practitioners might benefit from litigating in a specialized article III court. I also think it makes little sense from the standpoint of judicial efficiency to have article III judges who are statutorily barred from handling nonbankruptcy matters regardless of whether their bankruptcy caseload would permit them to do so.

Establishing two parallel systems of Federal trial courts—one system for solvent litigants and one for insolvent litigants—will result in other problems as well. I think that there would likely be litigation regarding jurisdictional conflicts between the two systems. If the jurisdiction of the bankruptcy courts is broadly defined to include all civil proceedings "related to cases under title 11," parties who might wish to be in district court are likely to argue about what is meant by "related to," what constitutes a "case" under title 11, or other issues. There is also an outstanding constitutional question regarding whether the bulk of matters handled by the bankruptcy courts, which are largely administrative in nature, constitute "cases or controversies," as required by article III of the Constitution. If not, article III courts cannot constitutionally be vested with such jurisdiction. All of these problems could be avoided by continuing our present system of a single, unified system of generalist article III courts.

There is another bill pending in the House in addition to H.R. 3. Sponsored by Congressmen Kindness, Kastenmeier, and Lott, H.R. 3257 is very similar to the Senate-passed bill and to the interim rule. The most significant difference between H.R. 3257 and S. 1013 concerns appointment of bankruptcy judges. H.R. 3257 provides for their appointment by the Federal judiciary, specifically the courts of appeals. The Senate bill, as I indicated earlier, retains the provisions of the 1978 act authorizing the President to appoint bankruptcy judges, with advice and consent of the Senate. I am hopeful that the proponents of H.R. 3257 will be able to successfully offer the content of the bill as an amendment to H.R. 3 on the House floor.

While the system established by the interim rule has clearly been workable, there remains a critical need for legislative action by Congress. As of March 31, 1984, certain events will cause the present system to become untenable. March 31 marks the termination of the transition period established by the Bankruptcy Reform Act of 1978, as well as the termination of the interim rule. Unless Congress enacts legislation this date, serious questions will arise regarding which Federal courts, if any, have jurisdiction over bankruptcy cases and proceedings and whether existing bankruptcy judges may remain on the bench. Even if the district courts are found to have jurisdiction over bankruptcy matters, serious manpower problems will result if current bankruptcy judges are unable or unwilling to continue to serve in their present capacity. Federal district court judges and U.S. magistrates may simply be unable to absorb the entire bankruptcy caseload now pending in the Federal courts.

It is irresponsible, in my opinion, to press our bankruptcy system to the verge of chaos before taking action. Congress must enact a law to place this system on a firm constitutional footing, and it must do so now. The Senate, as I indicated, passed its bill several months ago and awaits passage of a bill by the House. The longer the House leadership delays before doing so, the shorter the time remains before the end of the transition period. While I am confident that these very difficult issues can be satisfactorily resolved, achieving a solution will require some time and effort. It is, therefore, essential that the House act quickly, allowing as much time as possible before March 31 to resolve differences between the House and Senate bills. The viability of our bankruptcy system is much too important to fall prey to election year politics.

I ask unanimous consent that Mr. FOLEY's letter to which I have referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ADMINISTRATIVE OFFICE
OF THE U.S. COURTS,
Washington, D.C., February 28, 1984.
Hon. GEORGE BUSH,
President, U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: The Congress is currently considering remedial legislation to correct the Constitutional deficiency in the bankruptcy court system identified by the Supreme Court in *Northern Pipeline Construction Co.* v. *Marathon Pipe Line Co.*, 458 U.S. 50 (1982). The Court's decision became effective on December 24, 1982. Since that date, bankruptcy petitions and proceedings have been handled by both bankruptcy and district judges under the special procedures of a Model Rule promulgated by the Judicial Conference of the United States. While several commentators have questioned the validity of the Model Rule, it has been upheld by each of the six United States circuit courts of appeals which have adjudicated its validity.

The clerks of the bankruptcy courts have been submitting special reports on the caseloads referred to district judges under the Model Rule procedures since January 1983. The enclosed tables of statistics reflecting that caseload during the calendar year 1983, may be of value to Congress in its consideration of appropriate remedial legislation.

In contrast with fears expressed last winter, statistics reported to date indicate that there is no current "crisis" in the daily administration and adjudication of bankruptcy matters. Naturally, there have been questions and some uncertainty as judges and practitioners have adjusted to these procedures. But that limited uncertainty cannot fairly be labelled "chaos", and appellate decisions to date have substantially resolved concerns as to the validity of the procedures.

While the Model Rule procedures have provided Congress the opportunity to consider carefully alternative remedial responses to the Supreme Court's decision, these procedures may not be adequate beyond March 31, 1984. On April 1, numerous changes in the law are scheduled to take effect. The need for remedial legislation obviously still exists.

As Congress contemplates action on remedial legislative alternatives, the experience reflected in the enclosed statistics is especially noteworthy. It suggests that the district courts are capable of successfully handling the bankruptcy caseload arising under the Model Rule procedures, without the need for a new nationwide system of ninety-four additional federal courts and substantial numbers of additional Article III judges. The procedures in the Model Rule are similar to those which would be authorised by statute were Congress to enact H.R. 3257, and they are not unlike those contained in S. 1013, as passed by the Senate last April.

The background for understanding the statistics on transmittals under the Model Rule is the total number of bankruptcy matters in the federal courts during this time period. On December 31, 1982, there were 48,573 petitions under the former Bankruptcy Act and 511,018 petitions under the 1978 Bankruptcy Code pending in the courts. There were also 130,741 adversary proceedings generated by these petitions pending on that date. During the year 348,872 new petitions were filed under the Code and 276 petitions under the Act were reopened. In addition, 123,997 adversary proceedings were filed during 1983.

Among all those petitions and proceedings, only 7,197 matters were transmitted to district judges under the Model Rule procedures—procedures which permit any party to bring any matter in a bankruptcy petition to a district judge's attention. Those 7,197 matters included 190 full bankruptcy petitions; 4,574 adversary proceedings; and 2,433 other miscellaneous matters.

District judges have completed their work in 4,600 of these matters—and have done so in five days or less in more than half of the matters disposed of. Moreover in 82.6% of these matters, the district judge handled the entire matter with no reference back to the bankruptcy judge at all.

In addition to the number of matters transmitted to district judges under the Model Rule, appeals may be taken from bankruptcy judges' decisions. The total of 3,761 appeals to district judges during 1983 does not appear to be an intolerable burden, and district judges have also substantially increased the rate of terminations of such appeals—from 2,184 during 1982 to 3,063 during 1983. The rate of appeals in bankruptcy cases during the year (12.05 appeals for every 1,000 bankruptcy petitions terminated) is still far less than the rate of appeals in civil litigation generally—which is approximately 100 appeals for every 1,000 cases terminated.

Nor has it been demonstrated that unwarranted delays are prevelant in the processing of bankruptcy petitions under the Model Rule procedures. To the contrary, during the year, the number of code bankruptcy petitions and adversary proceedings generated by bankruptcy petitions that were terminated increased over the figures for 1982. Few petitions filed under the former Bankruptcy Act remain in the courts and terminations of these petitions have declined accordingly. The following table reflects the increased productivity of the courts:

TERMINATIONS DURING THE CALENDAR YEARS 1982 AND 1983

	1982	1983
Total petitions	322,951	312,226
Act	35,508	16,647
Code	287,443	295,579
Adversary proceedings [1]	109,416	123,006

[1] Automatic stay litigation and requests for lien avoidance have been filed as motions since Aug. 1, 1983. These matters had previously been included as adversary proceedings.

I am providing this information concerning bankruptcy petitions and proceedings being handled by district judges between January and September 1983 to assist the Congress in its consideration of alternative approaches to remedial legislation to correct the Constitutional problem identified by the Supreme Court in Northern Pipeline. Representatives of the Judiciary will be available to provide any additional assistance that may be desired.

Sincerely,

WILLIAM E. FOLEY,
Director.

BANKRUPTCY COURT MATTERS TRANSMITTED TO THE U.S. DISTRICT COURTS DURING THE 12 MONTH PERIOD ENDED DEC. 31, 1983

Circuit and district	Filed				Terminated				Pending Dec. 31			
	Total	a[1]	b[2]	m[3]	Total	a[1]	b[2]	m[3]	Total	a[1]	b[2]	m[3]
Total all districts	7,197	4,574	190	2,433	4,600	2,784	100	1,716	2,597	1,790	90	717
District of Columbia	13	13							13	13		
1st circuit	266	147	13	106	157	66	13	78	109	81		28
Maine	69	51	13	5	55	40	13	2	14	11		3
Massachusetts	165	68		97	92	19		73	73	49		24
New Hampshire	3	3			1	1			2	2		
Rhode Island	11	8		3	5	3		2	6	5		1
Puerto Rico	18	17		1	4	3		1	14	14		
2d circuit	371	177	12	182	275	116	5	154	96	61	7	28
Connecticut	58	46	2	10	27	26		1	31	20	2	9
New York Northern	11	4		7	6	2		4	5	2		3
New York Eastern	72	34	1	37	63	28	1	34	9	6		3
New York Southern	186	65	8	112	150	43	4	103	36	22	5	9
New York Western	39	23		16	27	15		12	12	8		4
Vermont	5	5			2	2		3	3			
3d circuit	471	417	12	42	387	347	6	34	84	70	6	8
Delaware	1	1			1	1						
New Jersey	173	153	10	10	139	124	5	10	34	29	5	
Pennsylvania Eastern	263	241	1	21	223	210		13	40	32	1	8
Pennsylvania Middle	1	1			1							
Pennsylvania Western	32	20	1	11	23	11	1	11	9	9		
Virgin Islands	1	1							1	1		
4th circuit	2,045	868	7	1,270	1,502	675	6	821	543	193	1	349
Maryland	47	46		1	10	9		1	37	37		
North Carolina Eastern	21	11	10	10	11		10					
North Carolina Middle	49	30		19	41	22		18	8	8		
North Carolina Western	17	17			7	7			10	10		
South Carolina	47	37	2	8	31	24	1	6	16	13	1	2
Virginia Eastern	539	525		14	502	488		14	37	37		
Virginia Western	129	123	5	1	73	67	5	1	56	56		
West Virginia Northern	22	22				13	13		9	9		
West Virginia Southern	1,174	57		1,117	804	34		770	370	23		347
5th circuit	244	191	2	51	110	72		38	134	119	2	13
Louisiana Eastern	13	12		1	5	4		1	8	8		
Louisiana Middle	5	4		1	1	1			4	3		1
Louisiana Western	11	9		2	6	6			5	3		2
Mississippi Northern	3	3			3	3						
Mississippi Southern	4	4						4	4			
Texas Northern	87	75		12	37	27		10	50	48		2
Texas Eastern	4	4							4	4		
Texas Southern	82	48	2	32	53	26		27	29	22	2	5
Texas Western	35	32		3	5	5			30	27		3
6th circuit	509	373	2	214	245	179	2	64	344	194		150
Kentucky Eastern	5	5							5	5		
Kentucky Western	2	2		2	2							
Michigan Eastern	206	181		25	101	81		20	105	100		5
Michigan Western	33	33			22	22			11	11		
Ohio Northern	260	81	2	177	86	41	2	43	174	40		134
Ohio Southern	31	19		12	4	3		1	27	16		11
Tennessee Eastern	42	42			26	26			16	16		
Tennessee Middle[1]	9	9		4	4				5	5		
Tennessee Western	1	1							1	1		
7th circuit	326	161	12	153	205	77	5	123	121	84	7	30
Illinois Northern	166	53	2	111	117	26	1	90	49	27	1	21
Illinois Central	12	11	1		6	5	1		6	6		
Illinois Southern	7	2		5	6	1		5	1	1		
Indiana Northern	36	29	4	3	7	6		1	29	23	4	2
Indiana Southern	78	52	5	21	48	30	3	15	30	22	2	6
Wisconsin Eastern	23	12		11	19	9		10	4	3		1
Wisconsin Western	4	2		2	2			2	2	2		
8th circuit	221	186	6	27	111	95	2	14	110	93	4	13
Arkansas Eastern	25	22		3	15	15			10	7		3
Arkansas Western	15	14		1	11	11			4	3		1
Iowa Northern												
Iowa Southern	31	23		8	11	9		2	20	14		6
Minnesota	60	49	1	10	43	35	1	7	17	14		3
Missouri Eastern	31	31			3	3			28	28		
Missouri Western	32	31		1	12	11		1	20	20		
Nebraska	13	11	1	1	9	8		1	4	3	1	
North Dakota	4	4			2	2			2	2		
South Dakota	10	3	4	3	5	1	1	3	5	2	3	
9th circuit	1,600	1,175	110	315	840	548	49	243	760	627	61	72
Alaska												
Arizona	49	41	1	7	32	26		6	17	15	1	1
California Northern	602	447	94	61	127	49	45	33	475	398	49	28
California Eastern	88	55	9	24	21	14	3	4	67	41	6	20
California Central	515	353	1	161	421	265	1	155	94	88		6
California Southern	95	72		23	40	24		16	55	48		7
Hawaii	13	7	4	2	5	3		2	8	4	4	
Idaho	3	3			3	3						
Montana	15	14		1	6	5		1	9	9		
Nevada	27	17	1	9	13	9		4	14	8	1	5
Oregon	157	148		9	144	138		6	13	10		3
Washington Eastern	11	7		4	10	6		4	1	1		
Washington Western	25	11		14	18	6		12	7	5		2
Guam												
Northern Mariana												

BANKRUPTCY COURT MATTERS TRANSMITTED TO THE U.S. DISTRICT COURTS DURING THE 12 MONTH PERIOD ENDED DEC. 31, 1983—Continued

Circuit and district	Filed				Terminated				Pending Dec. 31			
	Total	a[1]	b[2]	m[3]	Total	a[1]	b[2]	m[3]	Total	a[1]	b[2]	m[3]
10th circuit	520	399	5	116	463	351	4	108	57	48	1	8
Colorado	21	14	1	6	20	13	1	6	1	1		
Kansas	279	181	1	97	274	178	1	95	5	3		2
New Mexico	21	17	2	2	10	9	1		11	8	1	2
Oklahoma Northern	14	14	1	1	13	12	1		3	2		1
Oklahoma Eastern	8	5		3	6	3		3	2	2		
Oklahoma Western	43	38		5	18	14		4	25	24		1
Utah	129	129			122	122			7	7		
Wyoming	3	1		2					3	1		2
11th circuit	531	465	9	57	305	258	8	39	226	207	1	18
Alabama Northern	143	142	1		21	20	1		122	122		
Alabama Middle	5	5			3	3			2	2		
Alabama Southern	89	87		2	67	66		1	22	21		1
Florida Northern	8	4		4	2			2	6	4		2
Florida Middle	39	29		10	8	5		3	31	24		7
Florida Southern	14	12		2	1	1			13	11		2
Georgia Northern	200	159	8	33	173	138	7	28	27	21	1	5
Georgia Middle	3	2		1	1	1			2	1		1
Georgia Southern	30	25		5	29	24		5	1	1		

[1] Adversary proceedings or motions within an adversary proceeding.

[2] Entire bankruptcy case.

[3] Motion or other matters within bankruptcy case.

[4] Effective Mar. 1, 1983, the middle district of Tennessee was no longer operating under the model rule and all pending matters filed after Oct. 1, 1979 (4,431 bankruptcy cases and 1,280 adversary proceedings), were reassigned to district court judges. All new matters filed between Mar. 1 and Aug. 5, (1,492 bankruptcy cases and 357 adversary proceedings) were assigned automatically to district court judges. These matters were then automatically referral to bankruptcy judges serving as "standing masters." On August 5, 1983, the court resumed operation under the model rule. Data in the table reflects only activity under the model rule.

BANKRUPTCY COURT MATTERS DISPOSED OF IN U.S. DISTRICT COURTS DURING THE 12-MONTH PERIOD ENDED DEC. 31, 1983

Circuit and district	Total Terminated	Type A					Type B					Type M				
		Total	A[1]	B[2]	C[3]	D[4]	Total	A[1]	B[2]	C[3]	D[4]	Total	A[1]	B[2]	C[3]	D[4]
Total all districts	4,600	2,784	2,291	256	61	176	100	26	31	42	1	1,716	1,481	91	141	3
District of Columbia																
1st circuit	157	66	19	45		2	13		13			78	73	5		
Maine	55	40	7	32		1	13		13			2	1	1		
Massachusetts	92	19	9	9		1						73	70	3		
New Hampshire	1	1		1												
Rhode Island	5	3		3								2	2			
Puerto Rico	4	3	3									1		1		
2d circuit	275	116	92	13	5	6	5		4	1		154	23	6	125	
Connecticut	27	26	20	4	1	1						1		1		
New York Northern	6	2	2									4	6			
New York Eastern	63	28	24	1	3		1			1		34	8		26	
New York Southern	150	43	37	5	1		4		4			103		5	98	
New York Western	27	15	8	2		5						12	11		1	
Vermont	2	2	1	1												
3d circuit	387	347	337	8		2	6	5	1			34	32	2		
Delaware	1	1				1										
New Jersey	139	124	117	6		1	5	5				10	10			
Pennsylvania Eastern	223	210	210									13	12	1		
Pennsylvania Middle	1	1		1												
Pennsylvania Western	23	11	10	1			1		1			11	10	1		
Virgin Islands																
4th circuit	1,502	675	625	35	4	11	6		5		1	821	818	1	1	1
Maryland	10	9	8	1								1	1			
North Carolina Eastern	21	11	11									10	10			
North Carolina Middle	41	22	22									19	19			
North Carolina Western	7	7	6		1											
South Carolina	31	24	16	7	1		1		1			6	4	1	1	
Virginia Eastern	502	488	485	1	1	1						14	14			
Virginia Western	73	67	41	15	1	10	5		4		1	1				1
West Virginia Northern	13	13	2	11												
West Virginia Southern	804	34	34									770	770			
5th circuit	110	72	41	25	6							38	29	8	1	
Louisiana Eastern	5	4	2	2								1	1			
Louisiana Middle	1	1		1												
Louisiana Western	6	6		5	1											
Mississippi Northern	3	3	3													
Mississippi Southern																
Texas Northern	37	27	9	13	5							10	3	6	1	
Texas Eastern																
Texas Southern	53	26	26									27	25	2		
Texas Western	5	5	1	4												
6th circuit	245	174	114	29	7	29	2	1	1			64	58	6		
Kentucky Eastern																
Kentucky Western	2	2		2												
Michigan Eastern	101	81	26	23	6	26						20	15	5		
Michigan Western	22	22	19			3										
Ohio Northern	86	41	36	4	1		2	1	1			43	42	1		
Ohio Southern	4	3	3									1	1			
Tennessee Eastern	26	26	26													
Tennessee Middle	4	4	4													
Tennessee Western																

BANKRUPTCY COURT MATTERS DISPOSED OF IN U.S. DISTRICT COURTS DURING THE 12-MONTH PERIOD ENDED DEC. 31, 1983—Continued

Circuit and district	Total terminated	Type A					Type B					Type M				
		Total	A[1]	B[2]	C[3]	D[4]	Total	A[1]	B[2]	C[3]	D[4]	Total	A[1]	B[2]	C[3]	D[4]
7th circuit	205	77	48	23	3	3	5		3	2		123	73	48	1	1
Illinois Northern	117	26	26				1			1		90	61	29		
Illinois Central	6	5	3		2		1			1						
Illinois Southern	6	1		1								5		5		
Indiana Northern	7	6	6									1	1			
Indiana Southern	48	30	4	22	1	3	3		3			15	2	12		1
Wisconsin Eastern	19	9	9									10	9		1	
Wisconsin Western	2											2		2		
8th circuit	111	95	83	9	2	1	2	2				14	12		2	
Arkansas Eastern	15	15	15													
Arkansas Western	11	11	11													
Iowa Northern																
Iowa Southern	11	9	8		1							2	1		1	
Minnesota	43	35	30	4		1	1	1				7	7			
Missouri Eastern	3	3	2	1												
Missouri Western	12	11	11									1	1			
Nebraska	9	8	4	4								1			1	
North Dakota	2	2	1		1											
South Dakota	5	1	1				1	1				3	3			
9th circuit	860	548	468	41	30	9	49	9	1	39		243	225	13	5	
Alaska																
Arizona	32	26	12	6	3	7						6	5		1	
California Northern	127	49	29	7	13		45	6		39		33	31	1	1	
California Eastern	21	14	13		1		3	2	1			4	3		1	
California Central	421	265	252	12		1	1	1				155	155			
California Southern	40	24	8	8	8							16	3	11	2	
Hawaii	5	3	1	2								2	2			
Idaho	3	3	2	1			1									
Montana	6	5		4		1						1	1			
Nevada	13	9	6	3								4	4			
Oregon	144	138	134		4							6	5	1		
Washington Eastern	10	6	5		1							4	6			
Washington Western	18	6	6									12	12			
Guam																
Northern Marianas																
10th circuit	463	351	216	26	1	110	4	2	2			108	101	1	6	
Colorado	20	13	5	7	1		1		1			6	4	1	1	
Kansas	274	176	177	1			1	1				95	92		3	
New Mexico	10	9	6	2		1	1	1								
Oklahoma Northern	13	12	12				1		1							
Oklahoma Eastern	6	3	3									3	1		2	
Oklahoma Western	18	14	13	1								4	4			
Utah	127	127		13		109										
Wyoming																
11th circuit	305	258	248	4	3	3	8	7	1			39	37	1		1
Alabama Northern	21	20	19		1		1		1							
Alabama Middle	3	3	2		1											
Alabama Southern	67	66	64	2								1	1			
Florida Northern	2											2		1		1
Florida Middle	8	5	3	1		1						3	3			
Florida Southern	1	1		1												
Georgia Northern	173	138	135		1	2	7	7				28	28			
Georgia Middle	1	1	1													
Georgia Southern	29	24	24									5	5			

[1] Matter was disposed of by district judge with no reference back to bankruptcy judge.

[2] Entire matter was referred back to bankruptcy judge for final disposition.

[3] Part of matter was disposed of by district judge and part referred back to bankruptcy judge for disposition.

[4] Matter referred back to bankruptcy judge for findings, conclusions, and proposed order of judgment but not for final disposition.

[5] Effective Mar. 1, 1983, the middle district of Tennessee was no longer operating under the model rule and all pending matters filed after Oct. 1, 1979 (4,431 bankruptcy cases and 1,280 adversary proceedings), were reassigned to district court judges. All new matters filed between Mar. 1 and Aug. 5 (1,492 bankruptcy cases and 357 adversary proceedings) were assigned automatically to district court judges. These matters were then automatically referred to bankruptcy judges serving as "standing masters." On Aug. 5, 1983, the court resumed under the model rule. Data in the table reflects only activity under the model rule.

SUMMARY OF MATTERS DISPOSED OF BY DISTRICT AND TIME INTERVAL DURING THE 12-MONTH PERIOD ENDED DEC. 31, 1983

District	Total terminated	Time from transmission to disposition							
		Same day	1 day	2 to 5 days	6 to 10 days	11 to 30 days	31 to 60 days	61 to 120 days	121 days or more
Total all districts	4,600	863	519	941	1,010	698	233	196	140
District of Columbia									
1st circuit	157	17	5	35	23	55	4	7	11
Maine	55	2		2	3	46	1	1	
Massachusetts	92	12	5	32	19	7	3	5	9
New Hampshire	1			1					
Rhode Island	5	2			1	2			
Puerto Rico	4	1						1	2
2d circuit	275	94	49	51	20	23	15	7	16
Connecticut	27	1	1	1	3	6	9	1	5
New York Northern	6	1		2	1		2		
New York Eastern	63	27	2	10	3	6		4	11
New York Southern	150	57	43	34	10	4	1	1	
New York Western	27	8	3	4	3	7	2		
Vermont	2						1	1	

SUMMARY OF MATTERS DISPOSED OF BY DISTRICT AND TIME INTERVAL DURING THE 12-MONTH PERIOD ENDED DEC. 31, 1983—Continued

District	Total terminated	Time from transmission to disposition							
		Same day	1 day	2 to 5 days	6 to 10 days	11 to 30 days	31 to 60 days	61 to 120 days	121 days or more
3d circuit	387	21	28	132	99	63	16	22	6
Delaware	1					1			
New Jersey	139	14	14	45	30	17	7	8	4
Pennsylvania Eastern	223	5	11	84	65	38	9	9	2
Pennsylvania Middle	1							1	
Pennsylvania Western	23	2	3	3	4	7		4	
Virgin Islands									
4th circuit	1,502	107	185	306	611	185	39	40	29
Maryland	10	2				5	1	2	
North Carolina Eastern	21	3	4	4	9			1	
North Carolina Middle	41	40							1
North Carolina Western	7					1		4	2
South Carolina	31	6	2	2		5	4	5	7
Virginia Eastern	502	46	168	212	47	15	6	3	5
Virginia Western	73	5	2	3	7	7	13	23	13
West Virginia Northern	13					3	8	1	1
West Virginia Southern	804	5	9	85	548	149	7	1	
5th circuit	110	24	21	21	8	10	18	5	3
Louisiana Eastern	5		1	1			2	1	
Louisiana Middle	1	1							
Louisiana Western	6	1	1				3	1	
Mississippi Northern	3					3			
Mississippi Southern									
Texas Northern	37	8	4	4	2	3	12	2	2
Texas Eastern									
Texas Southern	53	13	14	16	6	4			
Texas Western	5	1	1				1	1	1
6th circuit	245	59	6	26	34	79	13	16	12
Kentucky Eastern									
Kentucky Western	2					1		1	
Michigan Eastern	101	37	3	9	10	13	8	9	12
Michigan Western	22			1	3	18			
Ohio Northern	86	19	3	15	14	25	5	5	
Ohio Southern	4	3						1	
Tennessee Eastern	26				4	22			
Tennessee Middle [1]	4			1	3				
Tennessee Western									
7th circuit	205	35	23	29	39	49	12	12	6
Illinois Northern	117	13	3	15	29	35	8	10	4
Illinois Central	6			4		1	1		
Illinois Southern	6		5			1			
Indiana Northern	7		3	1	3				
Indiana Southern	48	13	8	7	5	8	3	2	2
Wisconsin Eastern	19	9	4	2	2	2			
Wisconsin Western	2					2			
8th circuit	111	29	9	21	12	8	14	9	9
Arkansas Eastern	15	5	2	4		4			
Arkansas Western	11	2		8		1			
Iowa Northern									
Iowa Southern	11		1		2		2	2	4
Minnesota	43	15	6	7	6	2	1	4	2
Missouri Eastern	3						3		
Missouri Western	12			1			7	2	2
Nebraska	9	7					1	1	
North Dakota	2					1			1
South Dakota	5			1	4				
9th circuit	840	214	119	194	120	72	56	40	25
Alaska									
Arizona	32	1	7	6	5	1	5	3	4
California Northern	127	41	11	20	20	11	11	10	3
California Eastern	21	8	1	8	1	2	1		
California Central	421	123	57	93	65	33	23	16	11
California Southern	40	9	3	2	6	6	8	4	2
Hawaii	5	1			1	2		1	
Idaho	3						2		2
Montana	6				1	1	1	2	1
Nevada	13	6				3		2	2
Oregon	144	13	32	61	21	10	6	1	
Washington Eastern	10	2	4	2		2			
Washington Western	18	10	4	2		1		1	
Guam									
Northern Marianas									
10th circuit	463	233	29	41	12	118	11	15	4
Colorado	20	1	5	4	1	7	1	1	
Kansas	274	223	20	16	4	4		6	1
New Mexico	10	2	1	1		4		2	
Oklahoma Northern	13	4	3		1	1	2	1	1
Oklahoma Eastern	6							4	2
Oklahoma Western	18	2		2	2	9	2	1	
Utah	122	1		18	4	93	6		
Wyoming									
11th circuit	305	30	45	85	32	36	35	23	19
Alabama Northern	21	1	3	3	2	7		1	4
Alabama Middle	3					1			2
Alabama Southern	67			1	4	3	31	18	10
Florida Northern	2	1			1				

SUMMARY OF MATTERS DISPOSED OF BY DISTRICT AND TIME INTERVAL DURING THE 12-MONTH PERIOD ENDED DEC. 31, 1983—Continued

District	Total terminated	Time from transmission to disposition							
		Same day	1 day	2 to 5 days	6 to 10 days	11 to 30 days	31 to 60 days	61 to 120 days	121 days or more
Florida Middle	8	1	2	1	2	1			1
Florida Southern	1					1			
Georgia Northern	173	26	40	66	14	20	4	3	
Georgia Middle	1				1				
Georgia Southern	29	1		14	8	3		1	2

[1] Effective Mar. 1, 1983, the middle district of Tennessee was no longer operating under the model rule and all pending matters filed after Oct. 1, 1979 (4,431 bankruptcy cases and 1,200 adversary proceedings), were reassigned to district court judges. All new matters filed between Mar. 1 and Aug. 5 (1,492 bankruptcy cases and 357 adversary proceedings) were assigned automatically to district court judges. These matters were thus automatically referred to bankruptcy judges serving as "standing masters". On Aug. 5, 1983, the court resumed operation under the model rule. Data in the table reflects only activity under the model rule.

WHEN A WOMAN IS PREGNANT, SHE NEVER DRINKS ALONE

Mr. HATCH. Mr. President, I ask my colleagues to consider the profound observation recently made by the commissioner of health of the city of New York; namely, that, "When a woman is pregnant, she never drinks alone."

The occasion for his comment has also become a major milestone in our Nation's fight against alcohol abuse and its devastating effects. In December, the Honorable Edward Koch, mayor of New York City, signed into law a bill which requires all establishments serving or selling alcoholic beverages within his city to display a sign which states: "Warning: Drinking alcoholic beverages during pregnancy can cause birth defects."

The distinguished members of my Senate Labor and Human Resources Committee have become fully aware of the insidious disease called fetal alcohol syndrome. Through hearings, we have learned that women who consume alcoholic beverages during pregnancy place themselves and their children at a substantial risk of a wide range of prenatal and neonatal adverse occurrences and outcomes, including spontaneous abortions, decreased birth weight, behavioral deficits, and fetal alcohol syndrome. There has not yet been determined a safe level for consumption of alcoholic beverages during pregnancy. Yet, the latest public survey research reveals that these basic health facts remain publicly obscure.

Mayor Koch's recognition of this situation and his willingness to act to correct it deserves commendation. His courageous efforts display his responsible concern for the health and well-being of his entire constituency, especially the unborn.

Of course, his initiative was not accomplished without determined opposition by particular public lobbying organizations. As described in a UPI article, a local chapter of the National Organization for Women teamed up with certain parts of the liquor industry to oppose the mayor's action.

Mr. President, these activities in New York underscore the importance of congressional action on alcohol warning labels. Everyone, and pregnant women in particular, needs to be made aware and constantly reminded of the potential dangers associated with alcohol use. A warning label can only help promote this important campaign of civil education.

Complementing New York City's achievement, the bill which is being drafted and which I soon intend to introduce will go even further. Not only will it warn expectant mothers, but it will alert consumers to the many verifiable dangers associated with consuming alcohol in excess. Prudence dictates that, like Mayor Koch, those of us responsible for serving the public, act to educate and warn our Nation's citizens of the dangers of alcohol abuse. We should demonstrate on behalf of the responsible example set by New York City's mayor. We must provide direction and leadership on issues of such great importance to the health of our Nation.

Mr. President, I ask unanimous consent that a UPI press story on the New York City warning law be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHEN A WOMAN IS PREGNANT, SHE NEVER DRINKS ALONE

(By Dan Collins)

NEW YORK (UPI)—Mayor Edward Koch signed into law Thursday the first bill in the nation requiring bars, liquor stores and restaurants to post a sign warning that drinking alcoholic beverages during pregnancy can cause birth defects.

The measure was opposed by liquor industry organizations and the local chapter of the National Organization for Women, which objected to the fact that the warning singled out pregnant women.

Supporters of the bill cited medical studies linking birth defects to the consumption of alcohol during pregnancy.

City officials said more than 8,000 bars, liquor stores and restaurants that serve alcohol in New York would be required to post a sign that reads, "Warning: Drinking alcoholic beverages during pregnancy can cause birth defects."

Officials said it was the first law in the nation that directs a warning about alcohol consumption to pregnant women.

Utah requires state liquor stores and private clubs that sell alcoholic beverages to post a general warning sign that says consumption of alcoholic beverages "may be hazardous to your health and the safety of others."

"Just as we warn people that drinking and driving don't mix, this is an opportunity to call attention to the fact that when a woman is pregnant, she never drinks alone," said Dr. David Sencer, the city's Health Commissioner.

Koch signed the measure at a public hearing at City Hall. It will go into effect in three months and carries a penalty of a fine of up to $100 for establishments that fail to post the sign.

The mayor described the bill as "education" legislation and took issue with NOW's opposition to the measure.

"It does not prohibit pregnant women from drinking or anything else. Pregnant women aren't required to read, never mind, heed the posted warning," he said.

Koch said the measure did "single out pregnant women and does so by recognizing their right to know, their right to be informed."

On Tuesday, Koch said he was "truly shocked" by NOW's statement that the bill took a step toward "protecting the unborn at the expense of women's freedom."

In a statement issued Thursday, Barbara Rochman, the president of NOW's New York City Chapter, said the mayor had failed to address the organization's objections to the bill.

"Given that alcohol abuse seriously endangers the general public with a range of adverse health effects, there is no rational basis to provide these warnings only to pregnant women," she said.

Allan Luks, executive director of the Alcoholism Council of Greater New York, said the New York City bill law had prompted the introduction of a similar measure in the Maine legislature and that inquiries about the legislation had been received from 27 other states.

"Alcohol-caused birth defects affect one of every 100 lives births and are the third most common cause of mental retardation due to birth defects," he said.

The Alcoholism Council led a drive for enactment of the legislation. The City Council approved the bill by a vote of 28-to-4 last month.

TOWARD A NEW IRELAND

Mr. PELL. Mr. President, with the approach of St. Patrick's Day, we in Congress have been honored by the presence of Ireland's distinguished Prime Minister, Garret FitzGerald. A farsighted leader, Prime Minister FitzGerald has come to America bearing two messages.

The first is that there is a better way to govern Ireland, and that such a way lies within reach. In May 1983, Mr. FitzGerald convened the New Ireland Forum, composed of the predominantly Catholic political parties of the Irish Republic and Northern Ireland. Its goal is to devise a path away from the current stalemate and slaughter in Ulster and toward an era of reconciliation in which the legitimate interests of both Catholic and Protestant would be protected. Although the forum's report and recommendations will not be released until next month, consensus seems to be building around some form of joint sovereignty in which Dublin and London would share authority in Northern Ireland. Under this formula, citizens of the north would be free to choose their own nationality. Meanwhile, security and stability would be enhanced because Irish Republican authorities would become responsible for those intensely nationalistic areas of Northern Ireland where the British Army and the Royal Ulster Constabulary must now operate essentially as an occupying force.

Implementation of any such concept will, of course, require British cooperation. Traditionally, Ulster unionists have summarily rejected any change in the status quo, and prime Minister Thatcher has taken their lead. But Mr. FitzGerald and his fellow Irish moderates hope through patient negotiation to induce a change in Westminster. With her staunchly patriotic credentials, Mrs. Thatcher is uniquely equipped to exercise leadership on this issue if she chooses. Given her cooperation and backing, the proposals of the New Ireland Forum could move swiftly from the world of dreams into the practical world of reality.

Prime Minister FitzGerald's second message to Americans who care for Ireland is that there is a better way for them to help. Support from Irish Americans is a crucial factor in the outlawed Irish Republican Army's continuing campaign of terrorism, and Mr. FitzGerald urges that it be stopped. In this plea, he is backed here in Congress by the Friends of Ireland—of which I am proudly a charter member—who condemn Irish violence and those Americans who abet it. What would truly help Ireland, and what Mr. FitzGerald will be seeking, is greater American investment in the Irish economy. Unemployment throughout the island is severe, and the out of work provide fertile ground for IRA recruiters. A carefully devised flow of U.S. business investment would be the best assistance to Ireland that Americans could possibly provide.

Mr. President, I applaud the statesmanship of Prime Minister FitzGerald. And I urge that his voice be heard—in America, when he urges a halt to support for violence, and at No. 10 Downing Street, when he offers a plan to end the reasons for that violence and to attain the just and peaceful Irish future so long denied.

S. 1739—THE NEED TO ACT

Mr. STAFFORD. Mr. President, I wish to bring my colleagues up to date on some of the issues that appear to be in the forefront of our consideration of water resources development legislation.

The Committee on Environment and Public Works reported S. 1739 last November; this bill now awaits floor action. I hope floor consideration will occur in the near future.

It seems to me that the Senate faces a delicate balancing act when it comes to many of the issues in S. 1739. The bill involves a lot of new projects (130) and a lot of money (some $10 billion). It involves a variety of policy judgments, not the least of which concerns the question of how to establish a balanced approach to cost sharing on commercial navigation projects.

That will be a tough task. So far we have been unable to convince the executive agencies involved that they should become active participants in this effort to develop responsible legislation.

And, there are efforts underway to have certain portions of S. 1739 referred to other committees in the hope that our committee's effort to achieve balance can be buried or replaced with yet another study of the issue.

Mr. President, you will understand that I am not overjoyed with this situation.

S. 1739 was reported out of the Committee on Environment and Public Works by a vote of 14 to 2; it was placed on the Senate Calendar 4 months ago. While there is very little in this bill that would affect Vermont directly, I consider this important legislation.

There has not been a major water resources development act since 1976, a situation that is frustrating to this Senator as it is to many of my colleagues.

I hope that the Senate will take up S. 1739 soon, in order to assure there is adequate time to conduct what could be a long conference with Members of the House before we send a bill to the President.

Whether the result is an intended one or not, efforts to delay floor action on this bill reduce the chances of passing any water resources bill this year.

I am, for example, distressed by efforts to derail S. 1739 on the basis of its tax provisions. That represents a misunderstanding of the bill's provisions. There are no taxes created in S. 1739. There are provisions that may result in the imposition of charges for services rendered, but even these provisions are conditional. And there are provisions that require non-Federal cost sharing where such sharing did not previously occur.

The rules of the Senate state clearly that the Committee on Environment and Public Works holds the jurisdiction over water resources as well as to improvements of rivers and harbors. Therefore, the bill's navigation provisions fall solely within the jurisdiction of the Committee on Environment and Public Works.

Members of the Committee on Environment and Public Works, of course, seek in no way to impede the ability of other Members of the Senate to participate in the development of this bill. Our goal is to see to it that comprehensive and responsible legislation passes the Senate at an early date. Personally, I remain open to any reasonable alternative proposal that any Member may wish to make to my attention.

But what I will insist on is legislation that is balanced and responsible, not simply the business-as-usual approach that has failed to keep pace with the needs of our Nation.

Mr. President, just this week, several of my colleagues on the Committee on Environment and Public Works sent a letter to the majority leader requesting early action on S. 1739. I urge other Members of the Senate interested in sound water resources development to work with us to get that bill up for debate on the Senate floor, to bring their views on early floor action to the attention of the leadership on both sides of the aisle. Let us debate these issues, amend the bill as appropriate, then pass a water resources bill.

Mr. President, I ask unanimous consent that a copy of the letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Committee on Environment and
Public Works,
Washington, D.C., March 12, 1984.

Hon. Howard H. Baker, Jr.,
Majority Leader, U.S. Senate,
Washington, D.C.

Dear Mr. Majority Leader: The Committee on Environment and Public Works has reported S. 1739, the Water Resources Development Act of 1983. Floor action on this measure has tentatively been scheduled for early May. We are writing to you to urge that you set time for floor action on this bill, possibly in April, if that can be arranged.

We make this request because:

There is general widespread interest in the Senate to debate and pass water development legislation;

There has not been a water resource bill in nearly eight years;

The Committee has crafted a workable compromise proposal which balances new project authorizations with cost-sharing and other reform measures;

A lengthy conference with the companion House measure, reported last week, appears likely;

The Administration is not likely to become involved in working toward legislation acceptable to it until definite floor action is scheduled.

While some of the bill's provisions will generate considerable debate, we believe that the three days which have tentatively been set aside for its consideration is more than sufficient. We are willing to enter into any reasonable time limitation you may suggest. Again, Mr. Leader, we respectfully request that this amount of time be firmly set for the consideration of S. 1739, and moved to an earlier date.

Sincerely yours,

James Abdnor, Chairman, Subcommittee on Water Resources; Daniel Patrick Moynihan, Ranking Minority Member, Subcommittee on Water Resources; Robert T. Stafford, Chairman, Committee on Environment and Public Works; Jennings Randolph, Ranking Minority Member, Committee on Environment and Public Works.

CONCLUSION OF MORNING BUSINESS

Mr. **BAKER**. Mr. President, if the Chair would close morning business and lay down the joint resolution, I believe it would be appropriate.

The **PRESIDING OFFICER**. Morning business is closed.

VOLUNTARY SCHOOL PRAYER

The **PRESIDING OFFICER**. Under the previous order, the Senate will now resume consideration of the unfinished business, which the clerk will state.

The bill clerk read as follows:

A joint resolution (S. J. Res. 73) proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

The Senate resumed consideration of the joint resolution.

Mr. **HATCH**. Mr. President. I rise once again to urge my friend and colleague from Illinois to withdraw his pending amendment relating to silent prayer, not because I do not believe that his amendment is a good one. I know it is. Once again, I repeat my commitment to my friend from Illinois to do everything in my ability to secure a subsequent vote on this matter should the proposed amendment by the President be unsuccessful in obtaining the requisite two-thirds vote.

I really respect the distinguished Senator from Illinois. He has handled this in a very good fashion and has done so many things in the career he has here that I respect.

Once again, I would acknowledge that my friend and myself are in strong agreement on the need by the Congress at this juncture in our history to respond to Supreme Court decisions on school prayer. Although we may be in disagreement on the merits of the pending constitutional amendment, Senate Joint Resolution 73, there is no disagreement between us on the compelling need of the Congress to act positively in some respect. I would simply repeat that the procedures that he is pursuing are not likely to result in that achievement. They are likely to result in a vote; they are likely to result in people being put on record in support and opposition to various proposals; they are likely to do a number of things, but they are not likely to result in the adoption of any proposed amendment relating to school prayer, that, I know, is the ultimate objective of the distinguished Senator from Illinois, as it is my ultimate objective.

My friend's action, if it is pursued, will prove unnecessarily divisive in this body and may result in no proposal being weighed and considered solely on its substantive merits. It is likely to result in a confusing situation where no Member of this body will genuinely be accountable for his actions in support or opposition to any proposed amendment.

My friend from Illinois knows the high regard that I have for him. That high regard was enhanced yesterday as I listened to the Senator explain his position and defend his proposed substitute amendment. He spoke knowledgeably and articulately and with great wisdom on the issues before this body. He knows that I am not without sympathy for what he had to say. I believe that he responded to questioning from his colleagues with intelligence and grace.

Whatever the Senator thinks about the President's amendment, however, whatever any Member of this body thinks about it, it is only fair that the President of the United States have the fullest opportunity to have his legislative proposals considered on their merits by this body—considered under circumstances that are clear and unambiguous. I know that my friend from Illinois has proposed a way for doing that; that procedure, however, for reasons well understood by my friend are not likely to come about. Other procedures, however, to assure that same end may come about if we can let the process proposed by the distinguished majority leader operate.

The present Chief Executive, to his great credit, is the first Chief Executive to recognize the importance of this issue. He is the first Chief Executive to propose an amendment to the United States Constitution correcting the judicial trends of the past two decades. He is the first Chief Executive to focus the attention of this country upon the issue of school prayer, not for political reasons as has been suggested by some in this body, but because of a longstanding and consistent commitment to the idea that a student's education ought to permit an opportunity for reflection upon the ultimate source of our freedoms and liberties. Thanks to President Reagan, we are now, after two decades at least able to debate this matter on the floor of the world's most deliberative body. That is significant progress, no matter what ultimately happens to any individual proposal.

I would then urge my colleague from Illinois once more to let the majority leader proceed with his schedule for consideration of Senate Joint Resolution 73. There are others, including myself, who strongly share his desire that alternative measures be accorded subsequent consideration if this measure is defeated. I do not know whether or not it will be defeated at this point. I do know that it is entitled to a full and fair opportunity for a vote by this body. If the gentleman proceeds with his plans, the bottom line will be that nothing is proposed by the present Congress. This is an outcome that, I know, neither the gentleman nor myself desires to see. Nor is an outcome desired by the vast majority of the people of this country.

For the record, I would like to make clear that any vote today on the Dixon amendment, in the present context, will not represent a clear or unambiguous vote on the President's amendment, on the silent prayer amendment, on relative priorities, or anything else, for that matter. This is highly unfortunate.

UNANIMOUS-CONSENT AGREEMENT

Mr. **BAKER**. Mr. President, I have consulted with Senators on this side and the distinguished minority leader about the possibility of establishing a time certain for a vote on a tabling motion against the Dixon amendment. I have it cleared on this side, Mr. President, as far as I can ascertain, for 2:30 p.m. What I would propose to do now is to make this request.

I ask unanimous consent that at 2:30 p.m., the majority leader or his designee be recognized for the purpose of making a tabling motion against the Dixon amendment, and that the time between now and 2:30 p.m. be divided equally between the distinguished Senator from Illinois (Mr. DIXON) and the distinguished manager of the bill at this time (Mr. HATCH).

The **PRESIDING OFFICER**. Is there objection?

Mr. **BYRD**. Mr. President, reserving the right to object, and I will not object, I objected before merely to state that the majority leader does not have to have an agreement with respect to time for him to make the motion. I am not saying this for the edification of the majority leader, nor am I saying it necessarily for the edification of anyone. He can move at any time to make that motion and there would be no debate on it. It is nondebatable. So, he is really doing this as an accommodation to all Senators so that they might know precisely when the vote will occur on this tabling motion. It is a very, very important vote, I am sure, to all Senators.

I commend the majority leader for his willingness to set a specific time for the motion to be made and for his willingness to allow Senators who may wish to debate this further some time in which to do that. So, there is no objection on this side.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BAKER.** Mr. President, may I say to all Members that the second half of my wished-for result on this matter, as I stated this morning, would be a time certain for a tabling motion and after that there would be a time for the final disposition of the joint resolution. We cannot clear that right now. But may I urge Senators to consider that we need to get on with the matter at hand.

Regardless of what happens on the Dixon amendment, whether it loses or not, whether it is tabled or not, I urge Senators that today there is time to vote on the joint resolution as amended, if amended. At some point the Senate has to speak on this issue and I would like to do that today. If we cannot do it today, Mr. President, I will further explore the possibility of a time certain to do so.

We could go on endlessly with amendments, Mr. President. We could go on debating this matter all of this week and next week. But I think that after 11 days of debate, surely we have reached the place where we are in a position to face the fundamental issue as well as the amendment now pending by the distinguished Senator from Illinois.

Mr. President, may I say that today is Thursday and that is our regular late evening day.

If there are amendments, and I hope there are not amedments, the leadership on this side is prepared to ask the Senate to remain in session and deal with them, and to be in tomorrow. Mr. President, if we can arrive at a time today to dispose of this issue or on Monday or Tuesday to dispose of this issue, we will be able to turn to other things, such as the farm bill or the appropriations bill, or other things that require our attention, if it can be arranged.

Mr. President, once again I hope Senators will consider the high desirability in my judgment of facing this issue to completion yet this afternoon, or in any event as soon as possible.

Mr. President, the control of time on this side is under the charge of the distinguished Senator from Utah. I now yield the floor.

The **PRESIDING OFFICER.** Who yields time?

Mr. **DIXON** addressed the Chair.

AMENDMENT NO. 2793

The **PRESIDING OFFICER.** The Senator from Illinois.

Mr. **DIXON.** Mr. President, may I first express to the majority leader and the minority leader, both of whom do so well here in the Senate to accommodate the views of all Senators with different points of view, my personal appreciation for everything they have done to see to it that we have come to the point where, on this day at 2:30, we will cast at least the first of a number of historic votes on the question of amending the Constitution of this country with respect to the question of prayer in public schools.

I want to also express my high regard for the managers of the bill, the distinguished Senator from South Carolina, Senator THURMOND, and the distinguished Senator from Utah, Senator HATCH. In addition, I want to express my high regard for the eloquent spokesman of another point of view, my friend from Connecticut, Senator WEICKER, for all that has been said in the course of this debate.

It was suggested in some of the news media reports which I read this morning that some of the things I said yesterday were in less than a friendly tone. Mr. President, for those on this floor who know me, I am sure they understand that none of what I said was unfriendly.

Mr. President, I speak sometimes with some passion when I am concerned. But I want to say that my feeling, for every Member who has been involved in this debate, is one of profound gratitude for their participation in the discussion and warm friendship for their association with me as a colleague in the Senate. It is one of the privileges of a lifetime to serve here with bright, articulate Senators. And I appreciate that honor.

I am going to make a very brief statement in a moment. I believe it will be all I will have to say on the subject. But first, I would like for everyone to understand the three options that we have before us, because it is really quite simple.

There have been some suggestions that the water is pretty muddied, but I do not believe the water is muddied at all. I think there are three courses a Member can follow.

A Member can support the point of view of my friend from Connecticut which has been so eloquently and beautifully presented by him in the Senate. His point of view is that there should be no amendment to the Constitution at all, that we should leave it as it is. I said I agree with the Senator. Every individual in their own way can pray according to the dictates of their own conscience under the system that exists now. I would agree with that. You can support the point of view of the Senator from Connecticut, which as I suggest, has been so brilliantly presented by him over the last week and a half. That is one position a Member can take.

A second position a Member can take is to support the position of the administration, which has been so eloquently presented here over a long period of time by the distinguished chairman of the Judiciary Committee, who has such a devotion to his cause—the principle that there ought to be audible, vocal prayer in the schools and that there can be some written type of prayer used in the performance of that function in the public schools of this country.

That is another point of view. I do not subscribe to that point of view. But it is another point of view. And it has its supporters here.

The third point of view is the one that I would honestly suggest Members ought to come together on; that is, the point of view that we ought to have in each school day a little piece of time in which the students in the school could by silent prayer, or silent reflection, follow the dictates of their conscience according to their own choice.

In the second section of my amendment, I suggest that we should have an equal access provision that says that students who want to discuss religious matters can come together in the public school system on a voluntary basis in the schools, to follow the dictates of their own conscience and their own religious desires. Those are the three alternatives.

Mr. President, I do not care how else you paint it, that is what is at issue here: You want it to remain the same as it is now; you want to go to a printed, structured, vocal, audible prayer; or you want to come to the point which I believe is the large middle ground which I believe most Americans support, where we have silent prayer or silent reflection in the schools for a brief moment, and the opportunity to come together according to the dictates of our own conscience for religious ceremonies on our own time.

Before I put this statement in the RECORD so there is no question as to this Senator's position, I want to make this point:

I have the greatest respect for my friend from Utah. He and others have, many times, asked me not to follow this course any farther. They have said to me, and I know it is sincere when they say it, "Let us have an up or down vote on the President's request here, and then, sometime, we shall try to get to this other question."

I hope my friend from Utah and others who are my friends will understand this: That is not a suitable response for this Senator.

I want to say one last time before we go to this vote, Mr. President, that if any person in authority here—and I love the majority leader so I shall begin by picking on him, and I want it to be understood that it is not unfriendly when I say this—had ever said to me that they would give us a vote on a day certain some other time—not tomorrow or the next day or even next week, but next month or sometime come to the question of silent prayer standing on its own merits—I would have been willing to adopt that compromise and have a vote up or down on the President's question—which I profoundly believe will fail—then go to mine at a later date.

But I want to make it clear so I am never questioned outside of this place anywhere in America, that has never been offered to me. I say it here publicly so if anyone wants to correct my statement, they can correct it now. No one has ever said that it was certain that we would come to a time in this place when we could vote on silent prayer or silent reflection and equal access for religious purposes. That has not been offered to me. Since it has not, I am left with the only alternative given to me now to go ahead on this question prior to the time that we go to the question of the President's amendment.

Mr. President, I want to be candid. I think it will be difficult for me to prevail. I think there is an unlikelihood that I will prevail. But I want to put the Senate and the country on notice that standing silently in a little piece of time all its own, after the President's request has been disposed of, the issue that I address today would prevail. It would prevail, Mr. President. There are two-thirds of the Members of this body, in my solemn judgment, who are prepared to vote for silent prayer or silent reflection and equal access to the schools for religious purposes if it could stand alone in its own time and its own place at a selected moment in history in the near future.

I want to make that point, because I do not think I am getting this vote with any doubt by the majority leader or his adherents as to what the result will be. I expect my effort here will be tabled today. I understand that. But I do not want the press and I do not want America to interpret this vote as being a true vote on the support for this issue in this place.

I want to further say this before I go to my prepared remarks: No one should leave this Hall today and say "I didn't vote for the Dixon amendment, for the silent prayer amendment, because there had not been hearings on it."

That is the oldest dodge in town. Mr. President, that is, "Oh, I would have voted for it maybe, but we did not have adequate hearings."

But let me tell you something, Mr. President. I want to make it absolutely clear so there is no question about the fact that my amendment is so identical to the proposal of my friend from Utah that everybody in this place should be on notice that the full, complete, and in-depth hearings that were afforded by my friend from Utah for Senate Joint Resolution 212 would fully answer any question there is in this world regarding my amendment.

Mr. HATCH. Will the Senator yield?

Mr. DIXON. I yield to my colleague on that point.

Mr. HATCH. Mr. President, I compliment the Senator. There is no doubt about it, this amendment is so closely identified with the proposal we brought out of subcommittee that I believe the committee report pertaining to that proposal would cover his amendment completely.

If I could take just another minute.

Mr. DIXON. Yes, of course, Mr. President. Then I want to conclude.

Mr. HATCH. I appreciate my friend, and I have deep regard for him, and I have said it time and time again during this debate and off the floor. I just do not believe that this is the time to have this amendment brought up. I do not believe this is the way to get this amendment fully considered. I do not believe it will resolve the problem.

Because of that, if the majority leader does not move to table, even though I am, in essence, the author of the amendment, I shall have to move to table if the majority leader does not.

I just want my friend to know that it is not partisan politics. That has nothing to do with it. It is the belief that the only way to resolve this issue and really reach the issue of school prayer again in this country is to have this up or down vote on the President's amendment.

If it passes, that will, hopefully, be a step toward that end. If it does not pass, as the distinguished Senator from Illinois feels it will not, then I believe the only way to get this matter fully heard and understood would be to not have it in the context of the debate today. So this vote, in my opinion, a tabling vote, whether the Senator wins or loses, will not be a representative or meaningful vote on vocal prayer, silent prayer, or anything else. It is going to be a procedural vote because of the difficult context we are in.

Mr. DIXON. Mr. President, may I ask my dear friend——

Mr. HATCH. Surely.

Mr. DIXON. I hope he understands that the time he used is mine.

Mr. HATCH. Mr. President, I ask unanimous consent that the time I have used be charged against this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I want to save enough time for the distinguished Senator from Alabama, but I shall say one other word: I hope my friend from Illinois will not feel badly toward me because I move for tabling or will have to move for tabling, because that will be one of the most difficult things I shall have to do in my lifetime. I feel very deeply about it, I feel very bad about it.

I realize the Senator from Illinois has every right to do this, and I commend him for exercising his rights even though I have to differ on the procedure here in this matter. I want him to know that he is still my friend, and I respect him and what he is trying to do.

Mr. DIXON. May I say in conclusion on this so others may be heard, in response to what the Senator from Utah says, I want to make this final offer in a public place: That anytime before 2:30, when we go to table the motion on my amendment, should the majority leader, or those speaking for this administration, or the manager of the bill, or anybody else, come to me and say there can be a separate vote on the Hatch proposal, Senate Joint Resolution 212, anytime between now and May 15—that is 2 months from today—I shall pull down my amendment before the vote at 2:30. It is not going to happen and they are not going to say that and they know it.

Mr. DENTON. Will the Senator yield for a question?

Mr. DIXON. I will yield, yes, Mr. President.

Mr. DENTON. It is a simple question. Mr. President, I understand the Senator to say that, having made some preliminary remarks about his prepared text, he will submit it for the RECORD. I want to make sure that since I held four hearings on school prayer, and I deeply respect what the Senator from Illinois is saying, I want to ask if I shall be permitted to make some remarks prior to the expiration of debate time.

Mr. DIXON. Yes, Mr. President. May I say to the Senator from Alabama, my dear friend, that I am going to read a text here that is only six pages long and I shall be finished.

Mr. DENTON. Mr. President, I thank the Senator from Illinois.

Mr. DIXON. Mr. President, we know that the U.S. Supreme Court decisions of 1962 and 1963 in Engle against Vitale and Abington against Schempp, respectively, did not rule out voluntary prayer or reflection in public schools. Instead, the Court ruled that State-mandated official prayers could not be imposed upon students through required recitation in our public schools.

We also know that where lower courts have considered the issue of a moment of silence in our public schools, there have been divisions of opinion.

Mr. President, the amendment that I have offered does not alter prior Supreme Court decisons, but rather addresses the question of prayer in the schools in a positive way. I believe that my amendment puts Senate Joint Resolution 73 in a posture that at least two-thirds of us can support. I really mean that, if it could be taken as a separate question. It draws on Senator HATCH's constitutional amendment which was considered in the Senate Judiciary Committee, and it draws on the law in my own State of Illinois.

Since 1968, in the State of Illinois, classroom teachers and students have been authorized by law to observe a brief period of silence each day. According to this State statute, the period must not be a religious exercise, but an opportunity for silent prayer or silent reflection. My amendment, like the Illinois statute, therefore, avoids the thicket of problems we face if our public schools have to choose among creeds.

Permit me to point out some of the differences and similarities between my amendment and provisions of Senate Joint Resolution 73 and Senate Joint Resolution 212, the Thurmond and Hatch amendments, respectively.

First, my amendment permits individual or group silent prayer. Senate Joint Resolution 73 permits individual or group vocal prayer. I believe that my amendment safeguards the student's right to free exercise of his or her religion without imposing that right upon other students. Students may silently pray if they so desire, praying in their own way. Concurrently, students may reflect on whatever they so desire. I believe vocal prayer, however, has the potential of creating an artificial religious activity whereby the student who recites the prayer of the day advances his or her religious belief, imposing that belief upon the rest of the class or school. This, I believe, is not what we in Congress, or the people of this country, want.

Second, like my amendment, Senate Joint Resolution 212 permits individual or group silent prayer. Although my amendment and provisions of Senate Joint Resolution 212 permit equal access to the use of public facilities by student voluntary groups, my amendment goes farther to specifically identify these groups as student voluntary religious groups. In addition, my amendment specifically States that equal access to student group does not constitute an establishment of religion. The intent of this provision is simply to clarify that there are no constitutional barriers to prevent equal access for extracurricular activities in public facilities for voluntary religious student groups.

Mr. President, my amendment avoids the issue of constitutionally aiding any one religion over another. It avoids the issue of discriminating against religious minorities. My amendment also recognizes the value of prayer or reflection in the overall development of our young citizens.

I submit for the RECORD a copy of the 1982 editorial from a major newspaper in my State, the Chicago Sun-Times, entitled "permit prayer, but do not force it." I think that most people would agree that this newspaper's editorial policy is fair and moderate.

Mr. President, I ask unanimous consent that the editorial be inserted in the CONGRESSIONAL RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PERMIT PRAYER, BUT DON'T FORCE IT

President Reagan, according to an aide, will use Thursday's "National Day of Prayer" to propose a constitutional amendment in favor of prayer in public schools.

In a way, that could be like advocating the breathing of oxygen: Despite overheated rhetoric to the contrary, it is not illegal to pray in school, even after the widely misinterpreted Supreme Court decision of 1962.

What is illegal, and rightly so, is requirement of a religious observance.

A number of states have constitutional school prayer laws. Illinois' law, in effect since 1969, is a good example:

> In each public school classroom the teacher in charge may observe a brief period of silence with the participation of all the pupils therein assembled at the opening of every school day. This period shall not be conducted as a religious exercise but shall be an opportunity for silent prayer or silent reflection, on the anticipated activities of the day.

By ruling out a "religious exercise" the law rules out the trouble that would come if public schools picked among creeds.

Congress, recognizing the fatal defect in prayer-mandating laws, has said no five times when zealots have proposed a constitutional amendment since the Supreme Court decision. Now the religious right has pressured the White House to back a school-prayer amendment, and Reagan has decided to go along.

Only the wording seems in doubt: whether it will be inane (like the oxygen-breathing) or intrusive (pray or else). With friends like that, nobody's God will need enemies.

Meanwhile, the Tennessee chapter of the American Civil Liberties Union is ready to make itself look equally bad on the other side, attacking a purely voluntary "prayer or meditation" law signed last week. Such hysteria only fuels the pro-amendment fever.

Each side needs fewer pious platitudes and more enlightened attitudes.

Mr. DIXON. Mr. President, I realize the difficulties involved in setting public policy with regard to a matter as deeply personal as religious belief. I believe, however, that my amendment addresses most of the concerns expressed by my colleagues and others. I believe that it also responds to public support for the concept of school prayer.

I believe this to be the best approach for Congress to take on this very serious and important issue.

What we have before us today is a clear choice on the issue of school prayer. That choice is between the administration's proposal for student vocal prayer and my proposal for student silent prayer or reflection.

If you vote to table my amendment, in effect, you are voting against any constitutional amendment on school prayer. We all know that it is a foregone conclusion that the administration's proposal will fail.

I appeal to my colleagues of the moderate persuasion to give this country the opportunity to voice its opinion on school prayer.

Therefore, Mr. President, I urge the Senate to vote no on a motion to table my amendment.

I thank my colleagues for their kindness and consideration during the last 2 days on this issue.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. I yield back whatever time remains on this side unless others indicate in the interim they want the 3 or 4 minutes remaining.

The PRESIDING OFFICER. The Senator has, for information, 9 minutes remaining under his control.

Mr. DENTON addressed the Chair.

The PRESIDING OFFICER. Without objection, the Senator from Alabama is recognized. The time will be charged to that under the control of the Senator from Utah.

Mr. DENTON. That was my understanding.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

Mr. WEICKER. I yield to the distinguished Senator from Alabama such time as he may require.

Mr. DENTON. I thank the distinguished Senator.

Mr. President, I have listened with respect and care to speeches on this subject from many Senators, especially including my friend, the Senator from Illinois, and I hope he will listen in friendship as I did to him.

This is a delicate subject. It is one which I have approached with a great deal of caution myself and about which I have learned a great deal by holding four hearings on the subject. I have come to some conclusions which I should like to share with my colleagues.

As we continue to debate religious liberty in our Nation's schools, I remind my colleagues that we in this Chamber are considering perhaps the most special, the most sacred of our liberties: The freedoms of expression, association in a public forum, religion, and equal treatment under law. Each of those liberties is in a very real sense a component of the right of our citizens to communicate their thoughts, ideas, and beliefs free from the threat of censorship or official reprisal.

It was the sacredness of those liberties that kept alive the quest for freedom in the hearts and souls of our Nation's early colonists. For example, the Pilgrims, who faced religious persecution in England, exiled themselves to Holland for 7 hard years as a mere preliminary to the effort to travel to America and live free according to the dictates of conscience.

The only problem was that the early colonists were sometimes mutually intolerant of one another, so much so that Roger Williams left Massachusetts, fled to Rhode Island, and tried to set up a system that was more tolerant.

I studied Maryland and the Maryland Toleration Act as a Catholic kid, and I was proud of the act. It said that any citizen in the State of Maryland could feel free to practice his Christian religion in any manner he saw fit, without fear of persecution. Maryland was the only colony that was to become one of the United States which had such a liberal policy. I was proud of it, because I grew up in Alabama, a State that at that time was not particularly tolerant of Catholics.

I did not learn until later that the footnotes said, of course, that anyone who did not study or practice the Christian religion would be summarily executed.

The desire to end religious intolerance, to recognize that all men are subject to the same God, was a motivating factor in the definition of our fundamental national philosophy. Up to then government, and the rights of the governed, were derived from the divine right of kings. Men received their rights from kings. We said, in our Declaration of Independence, "We hold these truths to be self-evident, that all men are created equal and endowed by their Creator with certain inalienable rights."

The whole concept of government, of the rights and obligations of citizens, was there. Men receive their rights from God, not from man. The Founding Fathers named the rights: "Life, liberty, and the pursuit of happiness."

God is acknowledged in four separate places in the Declaration of Independence, signed in 1776. By the spring of 1777, every colony had organized an independent government and, without exception, the constitution of each State recognized God and his preeminence. At the start of the Revolution, at least nine colonies had State-supported churches. Four of those established churches were still in existence when the Constitution of the United States was adopted.

When, on March 2, 1781, the Continental Congress adopted the Articles of Confederation, under which our new Nation was to be governed, it included in them a statement of respect for "the great Governor of the world." Article III provided for the common defense of the several States against all attacks made upon them because of "religion, sovereignty, trade, or any other pretence whatever." The drafters of the articles clearly were aware of the dangers of conflict arising from religious intolerance, and they believed that the defense of the religious preferences of the people of each State was an important part of their "firm league of friendship."

The debates in the House and Senate leading to the passage of the first amendment to the Constitution in 1789 do not give the slightest indication that the authors of the amendment intended to prohibit all governmentally sponsored prayer and acknowledgment of God. In reality, the first Congress simply desired to prevent the establishment of a national church or the preferential treatment of the sect over another. Today, however, we are told that any law permitting governmental recognition of God is a law respecting the establishment of theistic religion, to the exclusion of religions that do not acknowledge God.

The Constitution, and the first amendment, were part of, not alien to, the stream of American thought and tradition. An important part of that tradition is the religious affirmation found in the Declaration of Independence. The references to God in the Declaration were theistic in their recognition of God and his providence.

Thomas Jefferson mentioned God in his draft of the Declaration of Independence, but he also espoused a philosophy of religious tolerance. In 1789, he wrote,

> The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbor to say there are twenty Gods, or no God.

I do not believe that the purpose of the first amendment to our Constitution is to deny the validity of all faiths and religions in expectation of the dawn of some newer or truer faith. The recognition that the laws of this Nation and the actions of all men are influenced by God motivated our founders and has sustained our freedoms. Our forefathers never intended that the Supreme Court should prohibit all public and common prayer.

The framers of the Constitution could never have anticipated the current hostility toward religion, although they also recognized that some people would not choose any religion at all and must not be coerced by a National or State church.

The key to understanding the intent of the framers is in a twofold analysis of the meaning that they thought the word "establishment" had in the first amendment, and of the political practices of the people who were involved in drafting the first amendment, based on their experiences in their own States and then in National Government following the adoption of the Articles of Confederation in 1781 and the approval of the Constitution in 1789.

James Madison, who was a member of the House-Senate conference on the first amendment, believed that the word "establishment" was commonly understood to mean that no national church would be set up by the Federal Government. Indeed, earlier drafts of the amendment, and the debates on them by the Senate, show that all understood that the term meant that no National State religion should be established.

According to historian Marcus W. Jeregan,

> The general rule in those colonies having an established church was to require dissenters to support it by paying tithes or taxes, and also to attend the official church services under penalty. They were also frequently required to submit to various tests or oaths, and to subscribe to the creeds and catechisms of the established church. Sometimes the right to settle in a colony, or the privilege of naturalization, or citizenship, or the right to vote and hold office, depended on submission to a religious test. Moreover, opposition arose to the building of dissenting churches and to the preaching of doctrines contrary to those of the established church.

It was offenses of that nature that the establishment clause was intended to prohibit.

Several early actions by Congress, the President, and the judiciary give us an understanding of the scope of the establishment clause as our early leaders interpreted and applied it.

The first Congress authorized the President to appoint a chaplain for the military.

Congress approved regulations requiring church attendance and prayer at military academies.

On the same day that the House adopted the final version of the first amendment, it also adopted a request that the President declare a day of prayer and thanksgiving.

Accordingly, President Washington, President Adams, and President Madison all issued thanksgiving proclamations.

Congress passed legislation on August 7, 1789, appropriating funds for religious proselytization and education among the Indians.

On October 17, 1803, President Jefferson proposed to the Senate a treaty with the Kaskasia Indians. That provided for Government financing of a church for the Indians.

Funding for religious propagation among the Indians continued until 1896.

Supreme Court Justice Story, a Madison appointee, stated:

> The real object of the Amendment was * * * to exclude all rivalry among Christian sects, and to prevent any national ecclesiastical establishment which should give to a hierarchy the exclusive patronage of the national government.

The list of examples goes on and on. It is inconceivable to me that the framers of the first amendment, and those who acted under its structures, could ever countenance that the word "establishment" meant that school children could not pray or read the Bible in school.

The glue that binds families, societies, and ultimately civilizations, is the belief in God. As a Christian, I believe that all the faiths that acknowledge God can produce a commonality of understanding that draws this country together. Accordingly, I believe that, in our well-meant effort to accommodate religious diversity, we need not and dare not abandon the principle that ultimate authority rests with God, not with the State or individuals.

In this Nation's colonial history, there was strong religious intolerance. That fact is worthy of consideration. There is still lingering religious and racial intolerance, and I believe we should acknowledge that as we address suggestions of the Senator from Illinois about school prayer. I believe we should also recognize that our Declaration of Independence and our Constitution have set us on a path toward ideals of behavior, toward the denial of intolerance, a path on which we have made great progress. After the preconstitutional days, after the formal intolerance which was practiced among the colonies, our first President made a major contribution toward progress toward tolerance when during his second term he wrote a beautiful letter to a Hebrew congregation in Newport, R.I. The President wrote:

> May the children of the stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants, while everyone shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid.

So, by the word of our President we became officially, according to his statement, a tolerant society.

We are not yet perfect but we have moved a long way, and I do not believe that the permission of vocal prayer in schools, prayers made up by children, will be a regression but, rather, a contribution to that progress.

Today a Protestant Senator from Iowa rises in support of school prayer; a Mormon Senator from Utah is the floor manager of the President's version of the constitutional amendment. Our Members of the Jewish faith will vote for the amendment or against it according to their beliefs and their conscience.

I have listened to rabbis who were for or against, depending on how they saw the issue of embarrassment or intolerance. I want to proceed in the vein of our progress toward tolerance and the need for it.

This Senator, the only Catholic ever elected to the Senate from Alabama, whose election was another example of increasing religious tolerance, also supports school prayer.

Religious toleration in our country has greatly improved, as the composition of this body demonstrates. We still begin each day with a prayer. I have seen no indication that any Member of this body has been adversely affected by that practice. Yet, we cannot agree that our children in their schools should have the same right as do we and our colleagues in the other Chamber.

Given our devotion to free communication in this Chamber, which depends for its very existence upon free speech, I am saddened that some of my colleagues, some members of the judiciary, and some educators believe that a particular kind of speech, religious speech, is not legitimate is dangerous and has no place in one particular marketplace of ideas, the public schools.

John Dewey, undoubtedly the most influential educator of our time, wrote concerning education that—

> There is no God and there is no soul. Hence there are no needs for the props of traditional religion.

Understandably, Dewey's approach is reflected in the views of many educators about today's religious expression.

Janice Piccinni, of the National Education Association, stated in a recent hearing before the Judiciary Committee that—

> We are talking about their (school children) speaking about religious beliefs in an organized fashion, we do not believe that that is an appropriate forum on a public school ground.

Apparently, some educators believe that limiting one kind of speech, religious expression, is all right.

Mr. President, I think I speak for the vast majority of Americans, and I hope I speak for what will become a majority in this body and in the House, when I say that we Americans are less fearful of religious diversity or of the effect of common prayers in the classroom than we are of State-fostered agnosticism.

Thomas Jefferson once asked the question: "Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God?"

Those people who single out religious speech or prayer to a "Supreme Being" for censorship somehow believe that freedom for other views is safe from attack. But all freedoms hang together. Civil liberties can scarcely thrive when religious liberties are disregarded. Underlying all liberty must be a philosophy that understands and accepts variety in human behavior, that honors the integrity of the beliefs of other people, that respects the dignity of man, and that exemplifies the compassion of God.

We should recall, and stand with, George Washington, who said, in 1782:

> Convinced that our Religious Liberties were as essential as our Civil, my endeavors have never been wanting to encourage and promote the one, while I have been contending for the other.

The censors, on the other hand, believe that religion and God must be restricted to the narrow geographic area under the church steeple.

Let me remind those people who say that prayer or religious expression have no place in the schoolhouse what the Supreme Court stated in Schneider against State:

> One is not to have the excercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place.

School administrators sometimes go to extreme lengths to avoid even the appearance of religious activity in the programs or on the premises of their institutions. In a New England high school, students are denied the privilege of meeting after school hours to discuss Scripture and to pray. In the Midwest, a university refused a group of Christian students the use of a campus room for similar purposes. In that instance, it required action by the Supreme Court to reverse the university's policy, and even then the Court did so only on the ground that the university was restricting freedom of speech rather than freedom of worship.

Mr. President, our public school students come from a plurality of national and religious backgrounds. They associate with each other in the classroom not as mere intellectual entities but as total persons with deep and overlapping emotional, social, spiritual, and intellectual facets to their characters. Each student must learn, through a wide assortment of experiences, to cooperate, tolerate, and understand persons from other backgrounds.

That is what America is all about, and none of the freedom we have is not more important than the freedom to practice our religion, and the freedom of speech has no more important outlet than the one dealing with that subject.

To declare that prayer or other religious expression is not a part of that great pluralism is to practice a myopic censorship that tramples true liberty underfoot. We need to appreciate the rich and varied cultural heritage within the classroom as well as without. To regard schools as helping to shape the world view of our childen and then to censor religion and prayer cannot help but bring about a world without religion. Our children in their most important formative years are in essence being instructed that God is not relevant, or that religion is a lie.

I believe that our public school students perceive the banning of prayer on the school ground as state hostility toward religion. Consider the comment made about her high school by Bonnie Bailey in recent testimony before the Judiciary Committee:

> We have been taught that the Constitution guarantees us freedom of speech. But we feel that here we have been discriminat-

ed against, because we can picket, we can demonstrate, we can curse, we can take God's name in vain, but we cannot voluntarily get together and talk about God on any part of our campus, inside or out of the school.

We just feel frustrated because we don't feel like we are being treated equally.

Another young person, Judith Jankowski, a high school student of Polish descent, compared the policies of two nations on religious liberty:

> A few years ago, I visited Poland with my family. We stayed with a family that has five children in school. I observed how restricted they were to express themselves politically and religiously, and I was thankful that I lived in the United States and that I had the freedom to express myself and share political and religious beliefs with others.
>
> Now, just a few years later, I see the same restrictions put on me and my fellow classmates that are on the students in Poland, and I find this very disturbing.

It is ironic that, while we debate whether our children should be allowed to pray in schools, students in Poland are willing to take to the streets to protest their government's decision to remove crucifixes from classrooms. The Polish Government argues that the schools are secular institutions, an argument that is remarkably like some of the arguments presented in this Chamber.

I ask unanimous consent that an article from the March 14 edition of the Washington Post, entitled "War of Crosses Escalates in Poland," be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

(See exhibit 1.)

Mr. DENTON. Mr. President, the students in Poland, and indeed students in the United States, apparently understand better than do some Members of Congress that a government that aggressively seeks to eliminate religious thought, symbols, and actions in public institutions is a government that is neither of nor for the people. Moreover, the Polish regime is avowedly and constitutionally atheistic. We, by contrast, are avowedly "One Nation Under God," stating that our rights are endowed by our Creator. And we are saying that our children can pray silently, but not aloud. That is an expression that we are not going to exercise thought control or that we have been and we are now going to try to stop it. How can you stop a child from praying silently? What kind of constitutional amendment would deal with permitting them to pray silently? Even something so secular as our money bears the motto "In God We Trust."

For our courts to tell students that they may pray silently but not aloud, on Sunday but not during lunch hour on Monday, alone but not with friends, is not a reaffirmation of the separation of church and state, nor really the proper reaction to fear of embarrassment. I believe that we should deal with that, and I will address that further. But for our state to try to deny praying is denial of religious liberty. My own State of Alabama had a statute, allowing prayer by school age citizens, that was challenged recently in the courts.

In an important, historic decision, Judge Brevard Hand upheld the statute by relying on the important documents and records that illuminate the drafting and ratification of the first amendment. That district court decision was reversed by the circuit court, and the case is now being appealed to the Supreme Court. The important point about the Hand decision is that it applied the law according to its intended scope. I also observe that polls taken in Alabama indicate 96-percent support for school prayer.

In a series of activist opinions, however, the Supreme Court in effect convened its own constitutional convention and found, nearly 200 years after the drafting of the Constitution, that prayer and Bible-reading allowed by the State in public schools constitute an establishment of religion in violation of the first amendment. The popular resentment of, and opposition to, the court's disregard of clear constitutional intent is justifiable.

As one constitutional scholar has pointed out, the regents prayer case of 1962, Engel against Vitale, was an unusual case in which the Court did not cite a single precedent in support. Instead, it relied on irrelevant philosophical speculations and recent historical examples that were inappropriate in legal determination.

Relying on previous Court pronouncements asserting the existence of absolute separation between church and state, the majority in the regents case reasoned that "each separate government in this country should stay out of the business of writing or sanctioning official prayers." In subsequent cases, the Court went far beyond the question of state sponsorship of prayer by forbidding the recitation of scripture or of nonsectarian prayers in schools.

Both the Engel and the Schempp cases created precedents that have been used in recent years not just to strike down state authored and written prayers, but to prohibit any and every imaginable type of voluntary religious observance.

In 1965, 15 parents, of varying religious faiths, and with a total of 21 young children attending a public school, asked a district court to prevent the principal of the school from ordering his teachers to stop the young children from reciting, before they ate their cookies and drank milk in the morning session, the simple and ancient prayer:

> God is Great, God is Good and we thank Him for our food. Amen!

He also ordered the teachers who were instructing the afternoon kindergarten classes to stop the young children from reciting the simple and ancient prayer:

> Thank You for the world so sweet,
> Thank You for the food we eat,
> Thank You for the birds that sing—
> Thank You God for everything.

When asked to review the district court's decision, the Second Circuit Court of Appeals held that:

> The constitutional provisions relating to free exercise of religion and to freedom of speech do not require a State to permit persons to engage in public prayer in State-owned facilities wherever and whenever they desire.

Mr. President, that decision flies in the face of the principles upon which our country was founded, of the practice of its founders, and indeed of the practices of the Senate of the United States.

In 1970, a group of students from Herbert Hoover High School in Kanawha County, W. Va., began holding a preschool prayer meeting each morning. The meetings were initiated by the students. The principal of the school told the students that their meetings were in violation of a Supreme Court decision. The Federal district of West Virginia agreed. The students were banned from voluntarily and privately praying together before the start of classes.

Mr. President, I think that it is time for the Congress to acknowledge that the Federal courts have distorted the meaning of the first amendment and that civil liberties organizations have used the Federal courts to whipsaw both students and school administrators. Moreover, we need to realize that the several States have long and honorable histories of protecting the religious liberties of their citizens.

I am convinced that the States will not tolerate the restrictions on liberty that the Federal courts have attempted to impose in cases like those that I have mentioned, and that the State courts will safeguard truly voluntary common prayer from the whims of civil libertarians, misguided legislators, and Federal judges alike. I also hope that the examples that I have noted will enlighten my colleagues who believe that religious liberty is alive and well in the United States and that there is no need for the Congress to address the issue.

I confess to my colleagues that I am intensely motivated personally by situations in which individuals are deprived of the right of prayer. When I was a prisoner of war in North Vietnam, prayer was what sustained my life and that of my fellow prisoneres. Silent prayer was important, group prayer was especially important, and vocal prayer was most important. And we fought for it, and their people fought for it, and they died for it, and we abandoned them. Tens of millions of them now are now not free to exercise their religion, and we are about the same kind of thing in what we are talking about today. But when we were able to pray aloud together, we viewed that as a major victory over our captors, and indeed it was, and we drew great strength from it. And our prayers were answered. Silent prayer is what is allowed in totalitarian nations. They cannot stop it. It was what the North Vietnamese tried to limit us to. Those people in our country who say "pray silently only," "pray to yourself," do not understand what it means to be prevented from praying out loud. I have had that experience, and I do not wish it on anyone else, least of all our children.

When I personally know how important the free speech and prayer are to individual survival, I cannot help but be disturbed by arguments that vocal prayer in our schools is offensive to freedom. I would not wish that any other human being would have to endure what I endured, with respect to the denial of prayer or of any religious observance. But I do believe that in our preoccupation with material things, with our ease and comfort, with our desire for instant gratification, which I feel now that I am back here we are losing sight of the fundamental principles that underlie our Government, our society, and our way of life.

If we adopt silent prayer, and only silent prayer, as the constitutional standard, we will in effect equate our Constitution and our practices to the paper constitutions of totalitarian regimes that find abhorrent all expressions of freedom. We will by implication rule out all other forms of expressions, such as invocations, benedictions, Christmas carols, and the like.

I have attended many Jewish ceremonies. When we opened a big hotel in Mobile, the man who had contributed the most to it in the way of investment had a Jewish ceremony with the candles and we all, Christians and Jews alike, prayed there. I have addressed so many Christian and Jewish congregations and meetings that I could not count them. I do not see any problem with listening to someone who is of another faith pray. I respect his right to his faith or her right to her faith, and I expect them to respect mine. I think children can understand that and I believe that the word "God" said in schools will cure much more than it will harm.

I fear that those other forms of expression, wholly or partly of a religious nature, would be banned by the sentence: "Neither the United States nor any State shall compose any prayer or encourage any particular form of prayer or reflection."

Moreover, given the record of the courts, it does not seem far-fetched that some courts might view the language as applying to much more than just schools. If so, military and congressional chaplancies could be outlawed, our money banned, and the like. How absurd, how tragic, that would be. In our obsession with accomodation, we are forgetting the importance of principle to ourselves and to our Nation.

We are forgetting that we are as a species, endowed by our Creator, created in the image and likeness of God. We are forgetting what we are as a nation. William Penn said the bottom line on that: "Men must choose to be governed by God or condemn themselves to be ruled by tyrants."

I will support the language that would confirm that our Constitution and our national heritage allow vocal prayer in our schools by those people who wish to engage in it. I will support language that makes it clear that Government does not have the right to require people to pray, or to pray in a particular way. I deeply hope that the Senate and the House will approve that language, for I know, as I suspect that the opponents of the language know, that such an amendment would be approved overwhelmingly by the people of our country.

At the same time, however, I recognize that the road to a constitutional amendment, which, in light of our history, should not be required at all, is a long one and a slow one. We need to find quicker relief from some of the absurdities that we have foisted upon our citizens, and particularly upon our children. There is such relief.

During the last Congress, when I chaired several school prayer hearings, I heard testimony about the concern that some students in our schools might be pressured or coerced to violate their consciences by a teacher-led prayer, or a prayer given at the beginning of class. A Jewish student could be offended or confused should only Christian or sectarian prayers be offered.

As I considered that problem, I began to think that we could address at least part of the problem by insuring that students could express their own beliefs during noninstructional or extracurricular time. Each student should be able to choose to participate voluntarily in prayer or religious discussion during extracurricular time. The approach seemed all the more desirable when I learned that there were court decisions and rulings by educational administrators that prohibited the free exercise of religious speech in those circumstances. I therefore introduced the Equal Access Act, S. 1059, which has been favorably reported by the Committee on the Judiciary by a bipartisan vote of 12 to 4.

It is the only prayer-related act favorably reported from a committee to date.

Mr. President, several of my colleagues have mentioned S. 815, which is similar to the Equal Access Act, which I have proposed. I hope that they will realize that S. 1059, my bill, is already on the calendar and ready to go at any time and has some serious differences from S. 815.

Mr. President, in seeming disregard of the Nation's traditions, supporters of court decisions and legislative proposals to limit the right of prayer in schools have contended that anything less than total isolation of public activities from religious concerns could easily produce sectarian division and violence.

In fact, we have unwittingly done the unthinkable. Religious freedom and religious thought do not take place in a vacuum. Attempts to avoid the declaration that the United States is "one nation under God" are not irrelevant to the nature and conduct of our national government and the preservation of our national freedom and our individual liberties. The call for the revival of voluntary school prayer comes from millions of Americans who fear that official denial of the right to free expression of religious belief in our public schools is dangerously close to Government endorsement of amorality.

That call is identical to the recognition in our Declaration of Independence that states that it is self-evident that all men are created equal, and endowed by their Creator with certain inalienable rights. All of our rights come from the Creator, whose name we are now debating about whether we can mention in a school.

I ask my colleagues to consider the unreasonable hostility toward religion displayed by some educators and judges who have struck down the umbrella of protection afforded our schoolchildren under the first amendment and who now find themselves on the slippery slope of official censorship.

I ask my colleagues how each of them would feel if his or her rights were abridged by those people who say you cannot talk here, you can only talk over there. There must be a sinking feeling of isolation and persecution in the breasts of schoolchildren, and I have heard many of them testify, who are told by teachers or judges that their beliefs, their God, cannot be admitted to school or mentioned there. The teachers and judges say, "just leave God at home or at church, or perhaps do not mention Him at all."

We can cite thousands of quotations from the Founding Fathers, perhaps going back to the discovery, the almost miraculous discovery of the New World.

When Columbus found San Salvador, he sent a message back to a man named Sanchez, the treasurer of Aragon, one of his sponsors. The message reached Sanchez 2 years later, and it said what the voyage was like. It illustrates how far back the concept of one Nation under God goes.

Columbus, in announcing his discovery of the first landfall in the New World, wrote the following words to Sanchez:

> To the first of these,

Meaning the first of these islands—

> I gave the name San Salvador, Holy Savior, by whose grace I found this and the other islands.

That was the first utterance upon the discovery by the Old World of the New. Granted, it was a Christian-type statement, but a Jew who respects a Christian belief would have no objection to that message from Columbus any more than I would to Sol Feinstein, a Jewish friend of mine, in the way he expresses his belief and under which belief, at Valley Forge he paid the money for this tremendous piece of granite on which are inscribed the words "one nation under God," and above that piece of granite are pieces of stone on which are inscribed the tenets of our constitutional beliefs and freedoms.

The PRESIDING OFFICER. The Chair informs the Senator that all time yielded to him has been consumed.

Mr. DIXON. Mr. President, on the opposite side of the question, I am led to understand that I still have 9 minutes. I only need 1 minute of it. I would be glad to yield the balance of my time to my colleague and friend from Alabama.

Mr. DENTON. I thank the distinguished Senator from Illinois.

The PRESIDING OFFICER. How much time has the Senator from Illinois yielded?

Mr. DIXON. I have been led to understand I have 9 minutes remaining. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DIXON. I yield all but 1 minute to the Senator from Alabama.

Mr. DENTON. I only need 1½ minutes.

The PRESIDING OFFICER. All but 1 minute is yielded to the Senator from Alabama.

Mr. DENTON. Mr. President, 300 years later, another man crucial to the evolution of the New World, George Washington, stated a fundamental precept for our country, a precept that incorporates not only the recognition of God but also the right of individual worship. He said:

> The liberty enjoyed by the people of these States, of worshipping Almighty God agreeably to their consciences, is not only among the choicest of their blessings, but also their rights.

We might, as we move toward the end of a debate that has been too infrequently marked by thoughtful consideration of the issues—and I do not mean that to apply to anyone I have heard talking, especially the Senator from Illinois and the Senator from Utah—but from much that has been written about the subject, too infrequently marked by thoughtful consideration of the issues, I worry about what statement will be cited 100 years from now. Will it be one that testifies to our firm defense of the right of our people to worship God, or will it be one that exemplifies the revival of the religious intolerance that our forefathers fought so hard to prevent or rid themselves of once they realized they had it?

I hope, and I believe I can also say that I pray, that this legislative body will send to our school children a message that is trustful and supportive of the development of tolerance, not one distrustful of it and not one of hostility to God, but to the benefits which come from recognizing His name and to religion.

I ask my colleagues to support Senate Joint Resolution 73 and the equal access bill S. 1059, to help our country return freedom to the public schools and to reaffirm one of our most precious rights and liberties.

I just cannot see how, when a little kid stands up and says a prayer in his or her own words, not structured, not necessarily written, that it is going to offend another kid when that kid respects the first kid and when the second kid stands up and says his or her prayer the next day, I just do not see the harm coming from that. Nor have I seen it worried about among those with whom we discussed this issue at the hearing. That is why I came to this set of conclusions.

Mr. President, I ask unanimous consent that a resolution adopted by the National Council on Educational Research in support of the President's prayer amendment be printed in the Record immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. DENTON. Mr. President, I wish to say that I respect those deeply who worry about the embarrassment or apparent intolerance of other's beliefs and want silent prayer, but I do disagree with that. I do think that in love, in tolerance, we should proceed and support our President on the amendment he has chosen to offer.

I would ask Senator Dixon if he, from what he understood, if he was able to hear anything about the equal access bill, would support it if it comes up.

Mr. DIXON. I do support that. It is a part of my amendment. As you know, section 2 is part of the amendment of my friend from Utah. I support it with all enthusiasm.

Mr. DENTON. I thank the Senator. I will be asking consideration of it as a bill which would go into effect immediately rather than a part of a constitutional amendment.

I thank the Senator and I thank the Chair.

Exhibit 1

"War of Crosses" Escalates in Poland

(By Bradley Graham)

Warsaw, March 13.—Poland's "war of the crosses" escalated today into a major church-state confrontation as the government declared that crucifixes in state-run schools would have to come down and the leading council of the country's powerful Roman Catholic episcopate insisted the crosses be allowed on classroom walls "where it is the will of the community to have them."

Offering the government's first public statement on the week-old conflict, government spokesman Jerzy Urban said at a press conference that the state's policy opposing the placing of religious symbols in secular institutions was unchangeable and would be enforced.

He blamed "overzealous" priests and activists exercising "expansionist clericalism" for orchestrating an occupation of an agricultural high school in Mietno, near Garwolin, southeast of Warsaw. The action came after local authorities had removed crosses from the school on the pretext of using the building for a Communist Party meeting, then refused to permit the crucifixes to be restored.

Urban said authorities would avoid "drastic measures" in taking down crosses in other schools around the country but, asked if all crosses still hanging in state-run schools would be stripped away, the spokesman curtly answered: "Yes."

Less than two hours later, Jan Mazur, the bishop of Siedlce, whose diocese contains the agricultural school, stepped up to the pulpit before a packed church in Garwolin to read a statement expressing full backing for the protest by the episcopate's main council. The council of senior bishops met today with Poland's primate, Cardinal Josef Glemp, after Glemp's return Monday from a month-long trip abroad.

"The Polish episcopate has always defended respect for religious symbols and the display of them in public places, including in the schools," the church statement said. "It is still of the opinion that crosses should be allowed to return to places where it is the will of the community to have them, so that the rights and the will of believers are respected.

"The church will not retreat, the church is not leaving you," the statement assured. "The good of the country requires calm which can only be achieved if the basic rights of Catholic society and individuals are respected."

Applause broke out in the large stone church among the 4,000 mostly young people present as the bishop finished reading the church council's message. "This is not a rally, this is a religious service," the prelate chided.

For the regime of Polish leader Gen. Wojciech Jaruzelski, the dispute over the crosses threatens to disrupt an accommodation with the Catholic hierarchy that authorities had been counting on to maintain peace in a country still simmering with resentment over the crushing of the Solidarity movement two years ago.

Urban sought to minimise the significance of the Mietno protest, saying it was a local conflict being solved on the local level and has not been a subject of high-level church-state talks. He said a meeting of the standing church-state commission which had been scheduled a few days ago was canceled due to schedule conflicts by government representatives preparing for a national Communist Party conference this weekend.

The upcoming conference may limit Jaruzelski's maneuvering room in the crosses crisis, since any concessions to the church would likely be turned against him at the conference by party hard-liners already angered by the church's gains in influence over the past few years.

The primate and his bishops also apparently feel they cannot afford to back down on a matter of such emotional significance for many Polish Catholics. At the same time, defiance of the government's position risks the many privileges—permission to build new churches, to broadcast Sunday mass on state radio, to expand pastoral programs and discussion groups—which the Polish church enjoys, unlike religious institutions in other Soviet Bloc states.

While classes at the agricultural school remain indefinitely suspended, authorities are putting pressure on local residents. The Rev. Stanislaw Bienko, a Garwolin priest whose sermons have encouraged the students to stand by their protest, was summoned for questioning Wednesday morning at the Garwolin police station.

Teachers at the agricultural school are being called before a review board in a verification process started last week, according to sources in Garwolin.

The parents of some students in their last year at the school were urged by the principal yesterday to sign a statement pledging that their children would abide by school regulations and acknowledging the existence of sanctions for those who violated the rules. The parents refused to sign, as they also did last week when ordered to accept another document recognizing the school's secularism.

Yesterday, officials from the Education Ministry were reported to have visited two other high schools in Garwolin to present to students the state's position against crosses in the classroom. At one school, the students reacted by singing religious hymns as the officials left the meeting.

Urban, explaining the government's position, said, "State schools in Poland were, are and will remain secular institutions according to the law on the school system. It follows from the secular character of the state schools that religious symbols should not be hung up in such schools. This position of the government has always been so and will remain unchanged."

Yet the government's spokesman seemed intent on avoiding any threat of force. "I do not mean to say that we intend in an abrupt and radical manner to restore the correct character to every school," Urban declared. "This is up to the local teachers and authorities to solve peacefully and, whenever necessary, in consultation with representatives of the local clergy."

He said the government takes a more permissive view on the display of crosses in hospitals. Patients may place religious symbols above their beds, he explained, if fellow patients don't object.

Urban said the secular character of state institutions would be underscored, in a new law governing church activities now being drafted in consultation with the episcopate.

Exhibit 2

U.S. Department of Education,
National Council on Educational Research,
Washington, D.C., March 12, 1984.

Dear Senator: The National Council on Educational Research, at its meeting on March 8-9, adopted by unanimous vote a resolution supporting enactment of a constitutional amendment providing for voluntary prayer in public schools. A copy of the Council's resolution is attached.

The N.C.E.R. is a body of fifteen leading educators appointed by the President with the responsibilities of setting policy for and advising and reviewing the activities of the National Institute of Education, formulating policies in the area of education research, recommending methods for strengthening educational research, and implementing reforms in education based upon research findings. The Chairman of the Council is Dr. George Roche, President of Hillsdale College and the Shavano Institute.

Yours truly,

James E. Hinish, Jr.,
Executive Director.

U.S. Department of Education,
National Council on Educational Research,
Washington, D.C.

Resolution on Prayer in the Public Schools

Whereas for nearly 200 years the Judaeo-Christian tradition served as a foundation for American law and today there is a need to reestablish Judaeo-Christian beliefs as the legitimate moral foundation of American society; and

Whereas President Reagan is in favor of restoring the rights of our children and all Americans to engage in prayer in our public schools and public places; and

Whereas there are currently several proposals on the school prayer issue before Congress;

Now, therefore, be it resolved That:

The National Council on Educational Research favors and supports legislation to permit a return to voluntary prayer in public schools; and applauds the President in his efforts to restore school prayer; and urges Congress to act affirmatively on this matter as soon as possible.

Mr. DIXON. Mr. President, I would like to announce to the Senate that a few moments ago, during the course of the debate and the excellent remarks by my colleague and friend from Alabama, I was called to the cloakroom on the Republican side, not to join your party, Mr. President, but to answer a phone call from my colleague and friend, the senior Senator from Illinois, the distinguished chairman of the Foreign Relations Committee, who is back in Illinois earnestly campaigning for renomination subject to next Tuesday's primary. My colleague, Senator Percy, has asked me to announce to this body that were he here at the moment when this question comes before this body that he would vote against the motion to table to be put by the majority leader and would vote in favor of my amendment for silent prayer or silent reflection, and equal access to the schools.

I thank the Chair and I yield back the balance of my time.

The PRESIDING OFFICER. The Senator yields back the balance of his time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

The Chair would advise the Senator from Utah that his time has expired.

Mr. DIXON. Mr. President, I yield to the Senator from Utah whatever time I have remaining.

The PRESIDING OFFICER. The Senator from Utah may proceed.

Mr. HATCH. Mr. President, I really appreciate the way the distinguished Senator from Illinois has conducted this debate. I appreciate what he is trying to do. I just want to reemphasize one more time that the vote to table one way or the other with not be representative or meaningful as a vote on vocal prayer, silent prayer, or anything else, because I think there will be all kinds of different voting on this particular amendment that will not be typical of what this amendment could do in its own context not being added to the President's amendment.

So all I ask my colleagues to do is to consider my request that the President deserves a vote up or down on his amendment. The only way to get that would be to table this amendment. I believe that is what we simply have to do.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I am voting to table the Dixon amendment because I believe that silent prayer in school is now permissible under the U.S. Constitution. While the lower Federal Courts are split on that issue, it has not been ruled on by the U.S. Supreme Court. In my legal judgment, the U.S. Supeme Court would uphold silent prayer because it is not inconsistent with the first amendment.

Few, if any, disagree that the Constitution should not be amended without demonstrated cause. Tomorrow, the U.S. Supeme Court is due to discuss whether to consider on Monday, March 19, an application for certiorari in the case of *Jaffree* v. *Wallace* 705 F.2d 1526 & (11th Cir. 1983). Which raises the issue of silent prayer in school. It is obviously premature, and I think inappropriate, for the U.S.

Senate to pass a Constitutional amendment on silent prayer at this time.

Mr. **BAKER.** Mr. President, the order provides for the tabling motion by me or my designee at 2:30 p.m. We are a minute from that.

The distinguished Senator from Utah, Senator HATCH, has been a remarkable soldier in this fight. He has led the fight and supported the President's amendment. He has offered to table this amendment, which is similar to an amendment that he offered himself, and has said as much on the floor. But I believe that, under the circumstances, I should bear the responsibility for that. I now move to table the amendment of the distinguished Senator from Illinois and I ask for the yeas and nays on the motion.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Tennessee (Mr. BAKER) to table the amendment of the Senator from Illinois (Mr. DIXON). The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. **STEVENS.** I announce that the Senator from Utah (Mr. GARN), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Illinois (Mr. PERCY).

If present and voting, the Senator from Oregon would vote "yea" and the Senator from Illinois would vote "nay."

Mr. **CRANSTON.** I announce that the Senator from Colorado (Mr. HART) is necessarily absent.

The **PRESIDING OFFICER.** Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 15, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—81

Abdnor
Armstrong
Baker
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
Danforth
Denton
Dole
Domenici
Durenberger
Eagleton
East
Evans
Exon
Ford
Goldwater
Gorton
Grassley
Hatch
Hawkins
Hecht
Heflin
Helms
Hollings
Huddleston
Humphrey
Inouye
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Lugar
Mathias
Matsunaga
Mattingly
McClure
Metzenbaum
Moynihan
Murkowski
Nickles
Packwood
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Sarbanes
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—15

Andrews
Biden
D'Amato
DeConcini
Dixon
Dodd
Glenn
Heinz
Long
Melcher
Mitchell
Nunn
Pell
Rudman
Sasser

NOT VOTING—4

Garn
Hart
Hatfield
Percy

So the motion to lay on the table amendment No. 2782 was agreed to.

Mr. **BAKER.** Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. **WEICKER.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. **SASSER.** Mr. President, today, I voted against the motion to table the Dixon amendment on silent meditation. I wish to provide an explanation of that vote.

Mr. President, the vast majority of Tennesseans support voluntary prayer in school. As their representative, I will vote on final passage for the committee amendment, which provides for a voluntary vocal prayer. However, I fear that we will not be able to win the required two-thirds vote necessary to pass the committee amendment.

For that reason, I felt we should have an opportunity to vote on the Dixon amendment on its merits, rather than simply disposing of it on a procedural motion to table. Even though I favor the committee amendment in its present form, I felt that if it should become impossible to prevail with the committee amendment providing for voluntary vocal prayer, then, clearly, a majority of my constituents would prefer silent meditation or prayer to the present circumstances that exist in our schools.

I intend to vote in favor of the committee amendment providing for voluntary vocal prayer when it becomes the issue before this body as expected within a short period.●

The **PRESIDING OFFICER.** The Chair recognizes the majority leader.

Mr. **BAKER.** Mr. President, if I could have the attention of the Senate for a moment, I said earlier today that I thought we are at a place now where we ought to get on with the final disposition of this matter. In a moment, if the minority leader is available, I would propose to suggest a unanimous-consent agreement that would provide for that.

Mr. President, the plan the leadership on this side would like to advance is this: If we get an agreement for a time certain to vote on the resolution, we leave this matter this afternoon for a period of not more than 3 hours and go to the wheat bill; that if we finish the wheat bill in that 3 hours, that is fine. But if we do not, we will lay it aside as the agreement was described some days ago and, indeed, more than 2 weeks ago.

Also, Mr. President, if we get a time certain for final disposition of the resolution, it would not be the intention of the leadership to ask the Senate to be in session tomorrow but, rather, to come back on Monday and resume debate on this matter and to have a disposition of it on Monday or Tuesday, as the case may be.

It had been my hope, Mr. President, that we would get to final passage today, but almost 2 weeks ago, when we began this, I indicated the leadership has no intention, indeed, will not make any effort, to rush any Senator who wishes to proceed on this matter. We have been almost 2 weeks on it now, but certain Senators have represented to me they are not prepared to go forward today. So while I had hoped that we could get an agreement to go to final passage of the resolution today, I am constrained to think we would not succeed in such a unanimous-consent request. I had hoped we could do it on Monday. But it appears to me, Mr. President, that, for a variety of reasons which appear very sound to me—and which I will disclose to any Senator who wishes me to do so, privately—we cannot do that. One of the principal players in this matter simply cannot be here Monday, for a very good reason. I guess I should state that he is announcing for reelection on Monday, and I am not going to try to have a final passage vote under those circumstances.

So the request I will put to the minority leader, which I hope the Senate will consider, is that at 2 o'clock on Tuesday, the Senate proceed to vote on Senate Joint Resolution 73; that no further amendments to the joint resolution be in order.

I am not now putting that request, Mr. President. The minority leader is not presently on the floor, and I would not do that in his absence, but I say that for the benefit of Members.

I hope we can get this agreement and can go to the farm bill this afternoon, that we will not be in tomorrow, that we will be in on Monday, and will have a final passage vote on Tuesday. Following disposition of this measure, we would return to the reciprocity bill, which the Senator from Missouri permitted us to lay aside so that we could get on this resolution.

Mr. **NUNN.** Mr. President, will the majority leader yield for a question?

Mr. **BAKER.** I yield.

Mr. **NUNN.** If we do follow the majority leader's outline, what happens to the wheat bill if we do not dispose of it today?

Mr. **BAKER.** Mr. President, the commitment I made to the distinguished Senator from Oklahoma (Mr. BOREN) some weeks ago was that when they got a wheat bill out of the Agriculture Committee, I would agree to take it up at some point for 3 or 4 hours, and that is the commitment I am trying to redeem. If it is the wish of the Senate to go beyond that, under these circumstances, and after we have a time for final passage of the resolution, if the Senate wants to go along with that, we can go along with it.

I am inclined to think that we can finish the farm bill, if we can get to it, within that time frame. But it is not inflexible. We can adjust it if need be.

Mr. PRESSLER. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. PRESSLER. Would it be possible to do that at 3 or 3:30?

Mr. BAKER. I will be happy to do that. I will consult with the minority leader when I have that opportunity, and we will adjust it until 3:30 on Tuesday.

Mr. President, so that I may have an opportunity to confer with the minority leader, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

Mr. BAKER. I have spent a time trying to clear this agreement, Madam President. I understand from my conversation with the minority leader that it is cleared on his side. It is cleared, as far as we can tell, on our side.

ORDER FOR VOTE ON SENATE JOINT RESOLUTION 73 AT 3 P.M., TUESDAY, MARCH 20, 1984

Mr. BAKER. Madam President, I ask unanimous consent that, at 3 p.m. on Tuesday, March 20, the Senate proceed to vote on the adoption of Senate Joint Resolution 73 as amended; that no further amendments, motions, appeals, or points of order be in order to the joint resolution; and that the vote which is to occur beginning at 3 p.m. last for no longer than 45 minutes in length.

I ask unanimous consent that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, reserving the right to object, I shall not object. That agreement accommodates Mr. HOLLINGS on this side of the aisle and a Senator on the majority leader's side of the aisle who have to make engagements. I have no objection.

The PRESIDING OFFICER. Hearing no objection——

Mr. HEFLIN. Reserving the right to object, Madam President, this is nothing about the agriculture bill. This is just the prayer bill?

Mr. BAKER. That is correct.

Mr. HEFLIN. I have no objection.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

The text of the agreement follows:

Ordered, That at 3:00 p.m. on Tuesday, March 20, 1984, the Senate proceed to vote on final disposition of S. J. Res. 73 (Order No. 642), a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer, and that no amendment, motion, appeal, or point of order be in order.

Ordered further, That the vote on final disposition of the joint resolution be a 45-minute vote.

Mr. WEICKER. Madam President, I withdraw my pending amendment No. 2789.

The PRESIDING OFFICER. The Senator has that right.

The amendment (No. 2789) was withdrawn.

ORDER OF PROCEDURE

Mr. BAKER. Madam President, as I announced earlier, it is my hope that we can reach the farm bill at this time. May I inquire of the minority leader if he is prepared now to go forward with consideration of the request to accomplish that purpose?

Mr. BYRD. As the majority leader knows, we are working on that on this side. I am not in a position at the moment to go forward, but we are still making the effort.

Mr. BAKER. Madam President, may I now state for the benefit of Members who may be listening in their offices what the situation is on the floor.

The order just entered provides that the vote on the final disposition of Senate Joint Resolution 73, the prayer amendment, will begin at 3 p.m. on Tuesday next. The vote will be 45 minutes in length, in order to accommodate Senators who are going in each direction. No amendments will be in order, no motions, appeals, or points of order will be in order to Senate Joint Resolution 73, and rule XII, paragraph 4, is waived. What all that means is that we are going to have a vote on the resolution at 3 p.m. on next Tuesday.

ORDER FOR RECESS TODAY UNTIL MONDAY, MARCH 19, 1984

Mr. BAKER. Madam President, may I say that after I go through the formalities of seeing if we can obtain unanimous consent for the usual boilerplate language on adjournment and assuming that we can ascertain whether or not there is a desire to go longer than the time we have suggested on the farm bill, it will be my intention not to come in tomorrow. Before I do that, I shall now get an order or attempt to provide for a recess until Monday. If we can change that to adjournment, which I expect to do, we shall do so.

I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12 noon on Monday next.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

THE FARM BILL—H.R. 4072

Mr. HEFLIN. Madam President, perhaps this information might be helpful to the majority leader and minority leader relative to the scheduling of the farm bill. The farm bill was informally discussed with the Secretary of Agriculture, in three different sessions, with a number of Senators from various farm States. On Thursday, March 8, the farm bill was ordered reported out of the committee.

At that time, I raised substantial questions concerning a southern wheat provision and cotton provisions. At the urging of the chairman and some Senators, I withdrew a motion that I made at that time to exclude the provisions dealing with cotton, granted the assurance that I would be contacted and have an opportunity to discuss with the Department of Agriculture the provisions proposed relative to cotton. I did withdraw on the basis, to allow the bill to get out of committee and not have that cotton provision removed from the bill.

After that meeting occurred, I was approached by representatives of the Department of Agriculture, who said they had been in touch with the Secretary of Agriculture. I was assured that a representative would contact me to discuss the questions that I raised relative to these matters.

On Tuesday, March 13, I was present at the Democratic Caucus. At 1:40, I received a message that Secretary Block wanted to talk to me and that he would be there only for another 10 minutes.

I telephoned the Secretary at that time. We discussed some of these provisions in the farm bill, including the provisions pertaining to cotton. I told him that there were certain provisions I felt would be fair to the cotton farmers and made the recommendation that he go along with those. I was informed that consideration would be given to these provisions and that I would be contacted relative to these provisions.

Yesterday, I had a discussion with the distinguished chairman of the Committee on Agriculture, and he said he would have Secretary Block phone me.

Approximately 30 minutes ago, I received a phone call from the Secretary in which we discussed some of the provisions dealing with this bill. Obviously, he did not remember all of the provisions that I had discussed with him over the phone. I told him I would like to see him. He had plans for the evening and said he could not be here. I told him I would be delighted, to talk to the Deputy Secretary of Agriculture, Mr. Lyng, and Dr. Lesher, I understand they are coming over and will discuss these provisions with me.

I do not want to cause any delay to the consideration. I have been available. I have made a reasonable effort to convey the thinking of the cotton farmers to the Department of Agriculture. The Department has responded only after the urging of the chairman of the Senate Agriculture Committee. I will be glad to discuss the issues with them. But until an interest is shown in accommodating the problems relative to the Southern wheat provisions, and to the cotton provisions, I will maintain the position of objection to any procedure pertaining to the 3-day rule or anything pertaining to consideration or giving any unanimous consent to the bringing up of this bill. As I said to the committee, I want to be reasonable, I want to try to work with them, and I did so at that time. I have endeavored to cooperate in every way possible. But cooperation is a two-way street. I do not think there has been any such evidence except at the urging of the chairman of the committee on the Department of Agriculture.

Now, I am still willing to try to work out some sort of suitable arrangement, but under those circumstances I feel it would be proper to notify the majority leader and the minority leader for their scheduling, that at this stage I must object to any consideration of this matter. I was perfectly willing to allow the bill to come out of committee and to withdraw my amendment relative to the deletion of the provisions dealing with cotton. But I am now in a position of having to wait until the Department of Agriculture officials arrive and initiate discussions with me. I am sure it is going to take some time to discuss this matter. It is my understanding that they have not extended the time for the sign-up on the wheat program which ends tomorrow. There is some question as to whether or not the Department is interested in this bill.

Under these circumstances, I must object until I can have thorough discussions with them, which I have been endeavoring for the past week.

It is my understanding that Senator MELCHER has also requested there be some feedback from the Department of Agriculture as to certain proposals that he has made, and that has not come forth. I know that Senator PRYOR has made certain requests on rice. Whether they have or have not responded, I do not know. But due to the circumstances I feel it is going to take some time to work these things out. I think it would be wise to let the majority leader and the minority leader know where we are at this point. I expect Deputy Secretary Lyng and Dr. Lesher from the Department of Agriculture to come over now since the chairman of the committee has let them know our position on this. I am sure it is going to take some time before we can proceed further.

Mr. BAKER. Madam President, I understand the point of view of the Senator from Alabama. I respect it. I think it might be a good idea, however, to put the request so it will be pending and Senators will understand exactly what that request is. Then, after I put the request, I am perfectly willing to put in a quorum before the Chair acts so that Members can try to work out their difficulties, if it is possible to do so. It will not be necessary then at that point for the Senator from Alabama or anyone else to object; I will put in a quorum immediately after I put the request, but I would like to put the request so Senators will be aware of it.

UNANIMOUS-CONSENT REQUEST

On that basis, Madam President, I ask unanimous consent that the Senate now turn to the consideration of Calendar Order No. 704, H.R. 4072, an act to provide for an improved wheat program and it be considered under the following time agreement: 30 minutes on the bill to be equally divided between the chairman of the Agriculture Committee and the ranking minority member or their designees; 20 minutes on all amendments in the first degree, 10 minutes on all amendments in the second degree, 5 minutes on any debatable motions, appeals, or points of order, if they are submitted, and that the agreement be in the usual form.

I further ask unanimous consent that if the bill has not been disposed of within the period of 3 hours, it be returned to the calendar and the Senate resume consideration of the unfinished business, which is Senate Joint Resolution 73.

Now, Madam President, I suggest the absence of a quorum.

Mr. HEFLIN. Before the majority leader proceeds, I would like to enter my objection at this time.

The PRESIDING OFFICER. Objection is heard.

ROUTINE MORNING BUSINESS

Mr. BAKER. Madam President, I think the better part of discretion at this moment, while we see whether this can be worked out or not, is to take us off the prayer amendment temporarily and put us in morning business. If the minority leader has no objection to it, and I gather from his signal he does not, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend no later than 5 p.m. in which Senators may speak for not more than 10 minutes each.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. BAKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 2:25 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolutions, each without amendment:

S.J. Res. 205. Joint resolution authorizing and requesting the President to designate the second full week in March 1984 as "National Employ the Older Worker Week"; and

S.J. Res. 241. Joint resolution to authorize and request the President to issue a proclamation designating May 6 through May 13, 1984, as "Jewish Heritage Week".

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 200. Joint resolution designating March 21, 1984, as "National Single Parent Day".

ENROLLED JOINT RESOLUTION SIGNED

At 2:59 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 205. Joint resolution authorizing and requesting the President to designate the second full week in March 1984 as "National Employ the Older Worker Week".

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

At 3:23 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4194) to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

At 5:34 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of 22 U.S.C. 276a–1, as amended by Public Law 95-45, the Speaker appoints as members of the delegation to attend the Conference of the Interparliamentary Union to be held in Geneva, Switzerland on April 2 through April 7, 1984, the following Members on the part of the House: Mr. Pepper, chairman, Mr. Hamilton, vice chairman, Mr. Hawkins, Mr. de la Garza, Mr. Hubbard, Mr. Barnes, Mr. Hall of Ohio, Mr. Hyde, Mr. Pritchard, Mr. Bateman, and Mr. Boehlert.

MEASURE PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 200. Joint resolution designating March 21, 1984, as "National Single Parent Day".

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary reported that on today, March 15, 1984, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 912. An act to modify the authority for the Richard B. Russell Dam and Lake project, and for other purposes.

S.J. Res. 205. Joint resolution authorizing and requesting the President to designate the second full week in March 1984 as "National Employ the Older Worker Week".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2795. A communication from the Administrator of the Environmental Protection Agency transmitting a draft of proposed legislation to authorize appropriations to EPA for research and development; to the Committee on Environment and Public Works.

EC-2796. A communication from the Administrator of the Environmental Protection Agency transmitting a draft of proposed legislation to authorize appropriations for EPA's activities under the Clean Air Act; to the Committee on Environment and Public Works.

EC-2797. A communication from the chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on nondisclosure of safeguards information by the Commission; to the Committee on Environment and Public Works.

EC-2798. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, a report on training for operators of municipal wastewater treatment plants; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-570. A resolution adopted by the Senate of the State of New Mexico; to the Committee on Appropriations.

SENATE MEMORIAL 70

"Whereas, every citizen in the United States should be aware of the severe problem facing the federal government in its yearly budget deficit; and

"Whereas, far too few people on the federal and the state levels are apparently sufficiently concerned about this grave threat to the entire economy and future of these United States; and

"Whereas, New Mexico has often been described as the nation's stepchild, yet New Mexicans have always responded in times of need for the sake of the federal government and the country; now, therefore, be it

"*Resolved by the Senate of the State of New Mexico*, That it respectfully requests the Congress of the United States to accept New Mexico's contribution to the solution of the federal deficit by asking that the Congress of the United States cut direct federal expenditures within the State of New Mexico and all other states by ten percent per year for the next five years; and

"*Be it further resolved*, That copies of this memorial be sent to the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives and to each member of the New Mexico Congressional Delegation."

POM-571. A resolution adopted by the Commission of the city of Miami, Fla. relating to Cubans entering Florida; to the Committee on the Judiciary.

POM-572. A petition from a citizen of Denver, Colo. seeking a recall of Senator Gary Hart; to the Committee on Rules and Administration.

POM-573. A resolution adopted by the Senate of the State of New Mexico; to the Committee on Veterans' Affairs.

"SENATE MEMORIAL 61

"Whereas, since 1912, in all wars and armed conflicts of the United States, New Mexicans have responded quickly and numerously to the need for members of the armed forces of the nation; and

"Whereas, the veteran population of New Mexico was estimated to be over one hundred thirty-seven thousand in 1980, of whom over one hundred eighteen thousand served during World Wars I and II and the Korean and Vietnam armed conflicts; and

"Whereas, an estimated one hundred sixty million dollars for veterans was expended by the federal government in 1980, ninety million dollars of which was for compensation and pensions for resident veterans; and

"Whereas, New Mexico is the fifth largest state in the union in number of square miles within its boundaries, yet there is only one United States Veterans' Administration Hospital in the entire state to serve the state's many veterans; and

"Whereas, veterans who live in the northern and southern parts of the state are at a distinct disadvantage when seeking medical care or treatment because of the distance to Albuquerque, New Mexico where the only Veterans' Administration Hospital is located; and

"Whereas, considering the needs such as drug and alcohol abuse treatment and counseling of New Mexico Veterans, closer facilities would be highly beneficial; Now, therefore, be it

"*Resolved by the Senate of the State of New Mexico*, That it respectfully requests the United States Congress to consider the establishment of satellite outpatient clinics in conjunction with the United States Veterans' Administration Hospital in Albuquerque in the northern and southern parts of the state; and

"*Be it further resolved*, That copies of this memorial be sent to the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives and to the New Mexico Congressional Delegation."

POM-574. A resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Veterans' Affairs.

"SENATE JOINT RESOLUTION No. 19

"Whereas, the United States Supreme Court, in Parker v. Brown, 317 U.S. 341 (1943), established the Parker Doctrine, a state action exemption test granting immunity to states from federal antitrust liability; and

"Whereas, the United States Supreme Court, in Community Communications v. City of Boulder, 455 U.S. 40 (1982), held that the Parker Doctrine did not automatically give local governments immunity from federal antitrust liability; and

"Whereas, until the Boulder decision and other recent court decisions it had been assumed that the Parker Doctrine applied to local as well as to state government; and

"Whereas, the Boulder decision has exposed local governments to litigation in many of their regulatory, planning, franchising and other day-to-day activities; and

"Whereas, federal antitrust law suits are being filed in ever-increasing numbers against municipalities as a result of the Boulder decision; and

"Whereas, claims for monetary relief seeking hundreds of millions of dollars for treble damages under the federal antitrust laws threaten the fiscal integrity of municipalities; and

"Whereas, even frivolous antitrust suits can be extremely time consuming and expensive to defend because of the need to hire outside counsel; and

"Whereas, the activities of local government, like the activities of state and federal governments, are particularly unsuited to the application of federal antitrust statutes; and

"Whereas, there is no logical reason why local governments, including special purpose units of local government such as authorities and commissions, should not have antitrust immunity similar to that available to state governments and the federal government; now, therefore, be it

"*Resolved* by the Senate, the House of Delegates concurring, That the General Assembly of Virginia memorializes the Congress of the United States to adopt legislation which will fully protect municipalities and their special purpose units of government from liability under the federal antitrust laws; and, be it

"*Resolved finally*, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the members of the Virginia Delegation to the Congress of the United States."

POM-575. A resolution adopted by the House of Representatives of the Legislature of the State of Hawaii; to the Committee on Foreign Relations.

"House Resolution No. 59

"Whereas, the Reagan Administration has publicly advocated peace and cooperation among nations and the defense of the nation and its allies warrant the nation's priority; and

"Whereas, the nation has developed its nuclear capabilities far beyond the need of defense leading the nation on a dangerous course towards the unimaginable horror and destruction of a nuclear war; and

"Whereas, a nuclear war would result in death, injury, disease, pollution, and suffering on a scale unprecedented in human history and the contamination of food, air, water, and other basics of life, the destruction of virtually all forms of living organisms for countless generations to come and the loss of essential medical facilities, supplies, personnel, and support systems resulting in certain agonizing death for the few survivors of an initial nuclear strike; and

"Whereas, the State of Hawaii faces a uniquely ominous threat from the perils of nuclear war and radiation due to its geographic isolation, the location of military bases within the State, and the basing, storage, and maintenance of nuclear weapons and nuclear powered ships at Pearl Harbor and other military sites; and

"Whereas, the well-being of the people of Hawaii, the United States, and the world demand that the leaders of every nation assume the responsibility to avert the certain extinction of life on earth in the event of a nuclear war; now, therefore, be it

Resolved by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, that it urges the United States and the Soviet Union to immediately begin serious negotiations with the goal of implementing major, mutual, and verifiable reductions in the existing stockpiles of nuclear warheads, missiles, and other delivery systems; and

"*Be it further resolved*, that certified copies of this Resolution be transmitted to President Ronald Reagan, to the Secretary of State, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the members of Hawaii's congressional delegation."

POM-576. A resolution adopted by the House of Representatives of the State of Kansas; to the Committee on the Judiciary.

"Whereas, Teachers, through education of the young, provide both the foundation of modern civilization and the means for enhancing the lives of all members of society; and

"Whereas, The personal inspiration and enrichment which students receive from their teachers extend far beyond the few years spent in the classroom to exert a valuable lifelong influence on the young people of this nation, and through them, on all of our citizens; and

"Whereas, Teachers richly deserve individual recognition, honor and encouragement for their dedication and excellence in the pursuit of their profession; and such recognition, honor and encouragement should be bestowed each year on a nationwide basis; and

"Whereas, Students, parents, school administrators and all other citizens of the United States, should be encouraged to personally communicate by word and deed to their present and former teachers, the special appreciation and recognition that teachers so richly deserve: Now, therefore, be it.

Resolved by the House of Representatives of the State of Kansas: That the Congress of the United States is hereby requested to enact the necessary legislation to declare and establish the first Friday in March of each year to be the day upon which each teacher in the schools of our nation is to be given special recognition and honor, and to provide for such day to be known as teacher day USA; and

"*Be it further resolved:* That the Chief Clerk of the House of Representatives is hereby directed to tranamit enrolled copies of this resolution to the President of the United States; the President of the United States Senate; the Speaker of the United States House of Representatives; to each member of the delegation to Congress from the state of Kansas; to Laurence L. Stanton, 406 La Vista; Dr. Steven A. McKee, 1000 2nd Avenue; Frank B. Toalson, 1812 5th Avenue; Dr. Eddie Estes, 1700 E. Wyatt Earp; Ethel Peterson, 2315 Melencamp; Judy Young, 2206 McCoy; Lydia Haag, 1107 6th Avenue; all in Dodge City, Kansas 67801; and Glenn E. Burnette, 1630 Knollwood, Topeka, Kansas 66611."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

H.J. Res. 443. Joint resolution designating the month of June 1984 as "Student Awareness of Drunk Driving Month".

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment:

S. 2102: A bill to charter the National Academy of Public Administration.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 224: Joint resolution to designate the week of April 1, 1984, as "National Amateur Wrestling Week".

S.J. Res. 256: Joint resolution designating March 21, 1984, as "National Single Parent Day".

By Mr. BAKER (for Mr. Percy), from the Committee on Foreign Relations, without amendment:

S. Res. 356. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 4835; referred to the Committee on the Budget.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

James Harvie Wilkinson III, of Virginia, to the U.S. circuit judge for the fourth circuit; and

Harry L. Hupp, of California, to be U.S. district judge for the central district of California.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS (for himself, Mrs. Hawkins, Mr. Packwood, Mr. Boschwitz, Mr. Murkowski, Mr. Kennedy, Mr. Cranston, Mr. Dodd, Mr. Randolph, Mr. Riegle, Mr. Matsunaga, Mr. Pell, and Mr. Levin):

S. 2430. A bill to provide for a family violence prevention and services program; to the Committee on Labor and Human Resources.

By Mr. HELMS (for himself, Mr. Domenici, and Mr. Thurmond):

S. 2431. A bill to amend the Internal Revenue Code of 1954 to include food stamp recipients as a targeted group for the jobs credit; to the Committee on Finance.

By Mr. HELMS (for himself and Mr. Domenici):

S. 2432. A bill to amend the Internal Revenue Code of 1954 to allow charitable contributions of inventory and other property by any taxpayer; to the Committee on Finance.

By Mr. DANFORTH (for himself, Mr. Chiles, Mr. Durenberger, and Mr. Levin):

S. 2433. A bill to amend chapter 35 of title 44, United States Code, relating to the coordination of Federal information policy, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BOSCHWITZ (for himself, Mr. Andrews, Mr. Kennedy, and Mr. Grassley):

S. 2434. A bill to amend section 15 of the Small Business Act; to the Committee on Small Business.

By Mr. METZENBAUM:

S. 2435. A bill to place a moratorium on certain pension plan reversions, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Melcher, Mr. Heinz, Mr. Hollings, Mrs. Hawkins, Mr. Bumpers, Mr. Jepsen, Mr. Moynihan, Mr. Helms, Mr. Burdick, Mr. Thurmond, Mr. Glenn, Mr. Lugar, Mr. Stennis, Mr. Percy, Mr. Randolph, Mr. Dole, Mr. Inouye, Mr. Andrews, Mr. Dixon, Mr. Durenberger, Mr. Nunn, Mr. Murkowski, Mr. Chiles, Mr. Heflin, Mr. Sarbanes, and Mr. Riegle):

S.J. Res. 259. Joint resolution to designate the week of November 12, 1984, through November 18, 1984, as "National Reye's Syndrome Week"; to the Committee on the Judiciary.

By Mr. QUAYLE:

S.J. Res. 260. Joint resolution designating the week beginning on November 11, 1984, as "National Blood Pressure Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER (for Mr. Percy), from the Committee on Foreign Relations:

S. Res. 356. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 4835; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself, Mrs. Hawkins, Mr. Packwood, Mr. Boschwitz, Mr. Murkowski, Mr. Kennedy, Mr. Cranston Mr. Dodd, Mr. Randolph, Mr. Riegle, Mr. Matsunaga, Mr. Pell, and Mr. Levin):

S. 2430. A bill to provide for a family violence prevention and services program; to the Committee on Labor and Human Resources.

FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Mr. STEVENS. Mr. President, today I put before the Senate a bill to address one of the more insidious problems facing our country—violence within the family. My bill, virtually identical to the Family Violence Prevention and Services amendment that the House included as a new title to the Child Abuse Prevention and Treatment Act Amendments, H.R. 1904, would provide for a modicum of Federal funds—$65 million over 3 years—to support community-based efforts which assist victims of family violence. Included in this definition of assist is a range of services, such as shelter for victims and their dependents that need to escape from life-threatening situations, emergency medical care, transportation, food, clothing, as well as referral to counseling and related services that could act to prevent further incidents of violence. The significance of this bill is less in the actual funding it provides—no one grantee can receive more than $150,000, and a local funding match is a requirement of eligibility—but rather the recognition, on a national level, of the severity of the problem of family violence and the need to institutionalize our response to it as a society.

To cite some figures: estimates are that between 2 to 5 million women are battered each year, and yet some 40 percent of these incidents go unreported to the police. To me this indicates an intolerable level of societal acceptance of violence between family members; acceptance of physical dominance as an inherent aspect of maintaining the family unit. I disagree, as I think most of us do, and I believe it is time that this family secret is no longer treated as such. Rather, we need to develop a system of support, as well as of information, for victims and future victims of domestic violence. We need to break the cycle of abuse that research has shown is passed on within the family to each succeeding generation. Several weeks ago here in the Senate we were talking about career criminals, whose criminal habits are so ingrained that no other course of life seems possible. Well, physical abuse of one's spouse or children is also a career that is passed on by the abuser—as role model—to his children, who by example are taught that physical violence is the only response to certain situations. It is clear that an important step in preventing future incidents of family violence is to remove the children from the situation and expose them to other models of behavior. The need for places for spousal abuse victims and their dependents to go—such as shelters—is obvious. How many future acts of violence could be prevented if there existed a system of alternatives—of shelters, counseling, outreach—that an abused woman, and her children, could turn to for short- or long-term guidance in coping with this terrible phenomenon. It is important to note that when a woman leaves an abusive situation, it is not always forever: statistics show that many of the women who have left home for a shelter return to the previous relationship, but uniformly, the abuse has dropped off significantly, or stopped altogether. Violence as a means of control is degrading and dehumanizing, to both abuser and victim. The victim who leaves gains power and self-esteem simply by that act alone. The abuser learns that his control through physical violence is not complete. This is a realization that often stems the tide of continued violence, requiring the abuser to develop modes of responses other than violence to relate to his family. With this in mind, we also need to focus on developing services to help the abuser find his way to these emotional and psychological alternatives.

I am proud to know that the State of Alaska has taken the lead in a systematical effort to stop family violence. Last year, the State Council on Domestic Violence and Sexual Assault distributed almost $4 million in grants to shelters and related projects across the State. The $63,619 that would go to Alaska under the Federal program I propose here—if the funds were distributed on a percentage of population basis—is clearly not a significant addition to the State-supported effort currently in place. As always, however, Alaska is unique: In this case, in the program already operating with State support, and in the changes already made in certain State statutes and legal procedures to accommodate the needs of victims of family violence.

I introduce the Family Violence Prevention and Services Act, then, not because of what it will do for my State, but because my State has shown to me how much needs to be done. The level of financial support and social commitment that is needed to provide an effective system of assistance for victims of family violence and their dependents is high. I believe it is essential that we in the Federal Government act now to indicate our support for these community-based efforts—not to usurp or take control of local initiative, but rather to reward it. I am a family man, with six—soon to be seven—children, and I firmly believe that the family is essential to our strength as a nation and as a democracy. Violence within the family is a cancer that must be rooted out. I urge my colleagues to join with me in combating this disease.

S. 2430—FAMILY VIOLENCE LEGISLATION

Mr. CRANSTON. Mr. President, I am pleased to join as an original cosponsor of the legislation being introduced today by the Senator from Alaska (Mr. Stevens), S. 2430, the proposed Family Violence Prevention and Services Act. I was an original cosponsor of a very similar bill introduced last year, S. 699, by the distinguished ranking minority member of the Labor and Human Resources Committee, the Senator from Massachusetts (Mr. Kennedy), who joins with us today on this measure.

The legislation being introduced today is virtually identical to the measure passed last month by the House of Representatives by an overwhelming vote of 367 to 31. The House approved this legislation in the form of an amendment offered by my good friend and colleague from California, Representative George Miller, to H.R. 1904, a measure reauthorizing appropriations for the programs under the Child Abuse Prevention and Treatment Act and the Adoption Reform Act of 1978, which I authored in the 95th Congress. Representative Miller has been a dedicated and persistent advocate of developing an appropriate Federal response to the devastating problem of family violence and deserves great credit for the strong support for this legislation evidenced in the House vote on February 2.

Mr. President, both the legislation being introduced today and the legislation introduced in the Senate last year built upon the domestic violence legislation I first authored in the Senate during the 95th and 96th Congresses. Unfortunately, although the Senate passed my domestic violence bills during each of those Congresses, that legislation was never enacted into law. I am particularly delighted, therefore, to see the strong, bipartisan support for this initiative which was expressed in the House last month and am even more delighted to see the growing bipartisan support in the Senate for this legislation. The time is long overdue, Mr. President, for Congress to respond to the tremendous need which exists throughout the Nation for programs and services to help deal with and prevent family violence.

That this is an issue for today can best be seen from the action of the Reagan administration, which has previously ignored the problem, in establishing a Task Force on Family Violence.

MODEST RESPONSE FOR MAJOR PROBLEM

Mr. President, the legislation being introduced today represents a modest response to a major problem. It would authorise the appropriation of $65 million over 3 years—$15 million for fiscal year 1984, $20 million for fiscal year 1985, and $30 million for fiscal year 1986—to help fund programs providing services to victims of family violence. The funds would be allocated to the States for distribution to local public agencies and nonprofit private organizations for programs and projects within the State aimed at providing immediate shelter and related assistance for victims of domestic violence and at preventing further incidents. It also includes an authorization of $2 million for each of these fiscal years for training and technical assistance programs to help State and local law enforcement personnel develop improved techniques for responding to incidents of family violence.

Mr. President, during the 4 years I served as the chairman of the Child and Human Development Subcommittee, I chaired a number of hearings dealing with the problems of family violence. One of the issues that was repeatedly discussed was the great difficulties faced by law enforcement personnel called upon to intervene in these tense domestic situations. Statistics presented at our hearings showed that probably more than 1 out of 5 law enforcement officers killed in the line of duty died trying to break up a family fight and that 40 percent of the police injuries occurred in the same way. This is certainly an area that needs special attention, and the provisions of this legislation do that by focusing upon the need to provide adequate training in intervention techniques to those law enforcement personnel whose lives are frequently endangered in responding to family violence situations.

Mr. President, at the time I conducted hearings on the problems of family violence, it was clear that this was a very serious and widespread problem. Its severity has only increased since 1980. With the economic disruptions of the past few years, family stress and dysfunctioning arising from unemployment and economic pressure have grown tremendously. Programs providing services to victims of domestic violence report being unable to meet the demand for help and are too often forced to turn away individuals seeking help. The Federal Government can play a role in efforts to deal with this problem—not to control or operate these programs, but rather, as our bill would do, to help provide the resources needed at the local level to deal with this problem.

We have already delayed far too long. It is time for a bipartisan effort in the Senate—like that in the House—to complete the effort we undertook 6 years ago and enact legislation to promote the prevention and treatment of family violence.

● Mrs. HAWKINS. Mr. President, I am pleased to join the Senator from Alaska in introducing the Family Violence Prevention and Services Act. This legislation is perhaps one of the most important programs the Congress will have an opportunity to fund this year. A program which is vital to women, children, the elderly and to the family as a whole. In my home State of Florida we have witnessed growing evidence that family violence is becoming more prevalent. In the Tampa Bay area, 830 women and children fled unbearable violence at home to shelters scattered throughout the city. The Refuge Information Network, located in Fort Lauderdale, states that over 1,200 women and children sought help from shelters in Broward County last year, and many more cases go unreported. According to the Federal Bureau of Investigation statistics for Broward County, only 1 in 10 cases of family violence are ever reported to local authorities. Information gathered from the 21 shelters throughout the State indicate that over 6,000 women amd children entered shelters last year and another 25,000 individuals called these shelters for information and referral services. Imagine, over 30,000 women and children in my State of Florida alone have been victims of family violence. It is appalling to think that while the single major cause of injury to women is battery, the Congress has failed miserably in its responsibility to assist shelters and rehabilitation programs for families through family violence legislation.

While women seeking help from shelters make up a vast majority of these statistics we must remember that children, the elderly and men are also victims of violence in the home. Over 1 million children are victims of abuse each and every year, often leaving long-lasting emotional scars. Many abused children become abusing adults, in fact, 81 percent of men accused of beating women and children, were themselves beaten as a child.

Mr. President, the legislation that is being offered today not only includes funding for family violence shelters, but I think every as bit as important, it includes funding for rehabilitation services for both the abused family members and the abuser. I view this as preventive medicine. We must not despair of finding solutions to this problem by solely funding shelters. Hopefully, through counseling the reunificacion and rehabilitation of a family affected by violence can be achieved.

This legislation will also require States, receiving grants under this act, to have procedures for the eviction of an abusing spouse from a residence instead of forcing the abused spouse and his or her children to seek refuge at a shelter. It will specifically define those services that a shelter can offer, to avoid any Federal money from being spent in ways that were never intended by Congress. These services include shelter, food, clothing, childcare, transportation, and emergency medical care for victims of family violence and their dependents. Minimum lengths of stay for shelter residents would not be required and shelters could not censor mail or telephone calls or interfere in any way with reconciliation efforts, unless requested to do so by the abused resident of the shelter.

The definition of the family has been clarified so that, while funds may be used to provide services to victims who are not married, victims of family violence must be served first. This is not to say that an unmarried resident would be denied shelter, just that married spouses and their dependents would receive first preference.

This legislation is not a partisan matter. Republicans and Democrats alike consponsored similar legislation in the House, an urgent piece of legislation for the family. I commend private and charitable organizations that have maintained existing shelters along with some assistance from State governments, and have provided services for the tragic victims of family violence. But these shelters have still found it necessary to rely on additional support from the Federal Government, help that has been drastically reduced over the past several years. I do not think that a total of $65 million over the next 3 years is too much to ask from the Federal Government to help our children, our elderly, our women and men, our families. I believe my colleagues will agree. I hope that with passage of the Family Violence Prevention and Services Act the cycle of violence that has plagued many generations may at last be broken.●

Mr. KENNEDY. Mr. President, I am pleased to join Senator STEVENS in the introduction of the Family Violence Prevention and Services Act. A virtually identical bill passed the House of Representatives overwhelmingly early this year. This legislation is similar to the bill we passed in this body in the 96th Congress in a bipartisan effort to recognize our commitment to families who are faced with the tragic problem of spousal abuse. In the waning days of that Congress, the legislation never reached a final vote.

The Members of the body have long recognized the problem of family violence. In 1974 we enacted the Child Abuse Prevention and Treatment Act in order to focus national attention on the increasing incidence of child abuse. The success of this program is well known. Thousands of parents and children have received counseling and other needed assistance in order to recognize and cope with the severe emotional stress that accompanies this problem.

In the last few years, partly as a result of this effort, we have become increasingly aware of another form of family violence—spousal abuse. In fact, child and spousal abuse in many families go hand in hand. Parents who abuse each other often abuse their children. Children who have experienced episodes of family violence are more likely to become abusers as adults. It is impossible to ascertain how widespread the problem has become. Shame, fear, and guilt of the victim and the abuser often results in these incidents going unreported. While all 50 States now have mandatory reporting laws for suspected child abusers, only 12 States have similar laws concerning the abuse of adults. It is estimated, however, that 2 million women a year are victims of severe and repeated beatings in their own homes. An FBI uniform crime report recently released facts that 40 percent of female homicide victims are killed by family members or boy friends.

All across the country, State, and local governments, community organizations and women's groups have recognized the need for assisting the battered spouse. Seven hundred shelters and safe homes exist today as a result of these efforts. Forty-four States have enacted new legislation to provide some kind of help to the battered spouse through direct grants or technical assistance. Although thousands of families are served each year by these programs, shelters are forced to turn away three times the number of people they serve. In my own State of Massachusetts 26 shelters receive State assistance in combination with local and private contributions. Last year 15 of these shelters were forced to deny services to over 2,500 family units due to lack of space. The human cost of these statistics is a tragedy.

Access to a local domestic violence shelter is often the only resource for these families. Counseling is available on a 24-hour basis and is directed at helping the abused spouse assess her own situation and options. Referrals are made for the abuser to also receive counselling. Supportive services are available if they are needed such as day care, job search and counselling, and housing assistance. The objective of every program is helping the family work toward providing a safe environment for themselves and their children.

Families who seek these services are desperate. It is imperative that we provide the necessary resources and encouragement on the Federal level to existing shelters and incentive for new shelters to be established so that families will no longer find these doors closed to them. This is even more urgent now, as States find themselves forced to cut back on funds for social services due to decreasing Federal grants and the rising costs of the recession. The stress on families due to the disastrous rise in unemployment has dramatically increased the incidence of wife and child abuse. The Surgeon General of the United States has declared family violence a major public health problem.

The legislation we are proposing today is a modest response to this tremendous need. The bill establishes a Director of Domestic Violence under the Department of Health and Human Services that will provide technical assistance and funding resource information for shelters and related programs. The former Office of Domestic Violence was abolished in 1981. The bill establishes a Federal Interagency Council on Domestic Violence to coordinate existing programs that can assist victims of spousal abuse. It calls on States to develop a long-term plan which will include the criminal justice system, social service delivery and public education. Finally, it makes funds available to local shelters through the States, contingent on matching local support. The cost of the proposal is $15 million the first year. It is a responsible bill that builds on the State and local commitments already in place in order to provide the desperately needed impetus to continue and add to these efforts.

The American family is our greatest resource. We must be willing to make them our highest priority. I urge you to join me in supporting this legislation. I ask for unanimous consent that the text of the bill be printed in the RECORD.

By Mr. HELMS (for himself, Mr. DOMENICI, and Mr. THURMOND):

S. 2431. A bill to amend the Internal Revenue Code of 1954 to include food stamp recipients as a targeted group for the jobs credit; to the Committee on Finance.

TAX CREDIT FOR HIRING OF FOOD STAMP RECIPIENTS

● Mr. HELMS. Mr. President, the legislation which I am introducing today is aimed at increasing the chances that unemployed food stamp recipients will be hired into private employment.

This objective would be achieved by including food stamp recipients who have received food stamps for 90 days prior to being hired to those categories of individuals who could be employed by private enterprise under the targeted jobs tax credit program of the Internal Revenue Code.

Adding food stamp recipients to the targeted jobs tax credit program would put food stamp recipients on an equal basis with recipients of aid to families with dependent children, and thereby make such recipients equally attractive as new employees to employers using the targeted jobs tax credit. Currently such AFDC recipients are eligible if they have received financial assistance under AFDC for 90 days prior to being hired.

Under the present law, employers may obtain a tax credit for part of the wages paid to new employees from certain targeted categories of individuals. The employer may receive a tax credit equal to 50 percent of the first $6,000 in wages paid to each targeted employee during the first year of employment. In the second year, the employer may receive a tax credit equal to 25 percent of the first $6,000 in wages paid to the targeted employee.

Among those groups targeted in the present legislation, in addition to AFDC recipients, are the following: economically disadvantaged cooperative education students aged 16 to 19; economically disadvantaged youth aged 18 to 24; economically disadvantaged exconvicts; economically disadvantaged Vietnam-era veterans; handicapped persons undergoing vocational rehabilitation; general assistance recipients; and supplemental security income recipients.

However, the current statute is currently structured in such a way that noncash assistance individuals, such as those on food stamps, that are not in one of the other assistance categories, do not qualify as targeted individuals. (Obviously, the employer is eligible for only one tax credit per employee, even if that employee belongs to more than one of the targeted groups.)

I have been concerned that aspects of our welfare and tax policies encourage, rather than discourage, hiring of food stamp recipients who are willing and able to work. I also want to be responsive to local officials who have been most helpful in providing to me useful suggestions for improving the food stamp program and encouraging the work ethic. When one local worker identified the current impediment, it seemed to me a reasonable solution could be found and pursued. This bill provides that remedy.

This inequity came to my attention when a San Diego County official noted that employers in that county are more apt to accept individuals who have experienced workfare training in the general assistance or AFDC program, both of which operate in San Diego County, than they are in accepting someone participating in the food stamp workfare program. While the initial example involved a county using workfare in various public assistance programs, the principle is equally valid in any location where employers use the targeted jobs tax credit program.

Expanding the eligible targeted population will benefit both food stamp recipients who will now be more financially attractive as new employees and the companies that use the tax credit.

By including food stamp recipients, the legislation will encourage the hiring of food stamp recipients and promote private sector employment over continued welfare dependence.

The expansion may also serve to increase the frequency with which businesses use the jobs tax credit inasmuch as businesses will have a larger pool of targeted groups from which to recruit new employees.

I commend to members of the Finance Committee this proposal for expanding targeted groups to include food stamp recipients during their deliberations this year.●

By Mr. HELMS (for himself and Mr. DOMENICI):

S. 2432. A bill to amend the Internal Revenue Code of 1954 to allow charitable contributions of inventory and other property by any taxpayer; to the committee on Finance.

EXPANDED TAX DEDUCTION FOR FOOD DONATIONS

● Mr. HELMS. Mr. President, the legislation that I am introducing today will establish equity in the tax treatment of food donations made by noncorporate taxpayers.

Under the existing Tax Code, corporate taxpayers are eligible for a special tax deduction for their donations to nonprofit organizations serving the ill, the needy, or infants. Many of these donations are of food products. Indeed, food contributions have fueled the growth in private sector initiatives to feed the Nation's poor—food banks, food pantries, and soup kitchens, to name a few beneficiaries of food donations.

This special deduction is the contributing taxpayers's cost basis of the property to be donated plus one-half of the unrealized appreciation of the property. However, in no event is a deduction allowed for an amount which exceeds twice the cost basis of the property.

Under the present statute, noncorporate taxpayers are not eligible for this special deduction. Rather, they are eligible to claim only the cost basis of the property.

Many potential contributors of agricultural produce do not operate in corporate form. Such contributors include many farmers and small grocers in addition to some small processors of various food products.

While the current restriction does not serve as a significant limitation on many industries—donors of other, nonfood products to nonprofit organizations—which are overwhelmingly incorporated, the restriction does pose a disincentive for the agriculture sector of the economy which is overwhelmingly unincorporated.

The legislation I am introducing would eliminate this distinction, and treat all taxpayers, corporate and noncorporate, under the same conditions which now apply only to corporate taxpayer.

I should add that this inequity was also noted by the President's Task Force on Food Assistance as a factor which diminishes the giving of food products by noncorporate individuals and businesses.

Specifically, the Task Force recommended:

> Legislation that gives noncorporate taxpayers who are actively engaged in the production, wholesale, or retail marketing of food the same enhanced tax deductions for charitable donations of property that are now afforded to corporate taxpayers.

The Task Force noted that the existing tax deduction for corporate contributions aided the growth and development of food banks and soup kitchens since its adoption in 1976. According to the Task Force:

> Such legislation (to include non-corporate contributors) would provide increased incentives for non-corporate farmers to allow qualified charities to glean unharvested crops from fields. The Department of the Treasury should be directed to determine an equitable solution to the difficult problem of valuing such donations.

Let me just note that I am aware that establishing appropriate valuation of crops or other donations is a difficult one. Indeed, the Department of the Treasury has been examining the existing standard, for corporate donors, for about a year.

Thus, the Treasury would be called upon to examine the appropriate standards for noncorporate contributions as well.

I very much concur with another Task Force recommendation regarding the existing deduction that:

> The U.S. Department of the Treasury clarify the rules under which corporations can take enhanced deductions for donations of food.

Regardless of the standards developed by the Department of Treasury, however, it seems that it is reasonable and fair that we establish an equitable deduction for food donations for all taxpayers, not just corporate taxpayers as at present.

I believe that this legislation will move in the right direction, and I commend it for consideration to the members of the Senate Finance Committee.●

By Mr. DANFORTH (for himself, Mr. CHILES, Mr. DURENBERGER, and Mr. LEVIN):

S. 2433. A bill to amend chapter 35 of title 44, United States Code, relating to the coordination of Federal information policy, and for other purposes; to the Committee on Governmental Affairs.

PAPERWORK REDUCTION ACT AMENDMENTS OF 1984

Mr. DANFORTH. Mr. President, the Paperwork Reduction Act of 1980 already has resulted in substantial progress in the fight against unneeded, duplicative, and burdensome paperwork requirements imposed by the Federal Government. Since enactment, 477 million hours an annual paperwork burden on the American public have been eliminated—the equivalent of a tax cut of $10 billion to $20 billion.

This achievement has enabled the administration to exceed the statutory goals set out in the act—a 25-percent reduction in the paperwork inventory at the time of enactment. However, much more remains to be done.

In compiling a definitive information collection budget—in trying to get a handle on the scope of Federal paperwork—the Office of Information and Regulatory Affairs has uncovered an astonishing array of additions to the original paperwork inventory. Inclusion of procurement-related paperwork alone has resulted in a near doubling of the total inventory, to more than 2 billion hours. This change has resulted in the Defense Department replacing the Treasury as the most demanding Federal agency in terms of paperwork.

The bill I am introducing today, along with the distinguished senior Senator from Florida and ranking member of the Subcommittee on Information Management and Regulatory Affairs (Mr. CHILES), and the Senators from Minnesota (Mr. DURENBERGER) and Michigan (Mr. LEVIN) would again mandate a 25-percent reduction in paperwork, at the rate of 5 percent a year for the next 5 years. Because of the vastly more comprehensive inventory now in place, these seemingly modest goals will be a significant challenge for the administration to meet.

But we can do no less if we are to continue our efforts to reduce the intrusion of the Federal Government into the lives of our citizens. To the owners of small businesses in particular, Federal paperwork is a costly nuisance, often deterring them from even seeking Federal contracts. The result is reduced competition in Government procurement and additional cost to the taxpayer.

The legislation I am introducing today is intended to strengthen the Paperwork Reduction Act in a number of ways. It makes clear, for example, that paperwork and recordkeeping requirements contained in existing regulations at the time of the act's enactment are subject to control under the act. Such was clearly the intent of Congress in 1980, but the Justice Department unexpectedly came to a contrary conclusion in an opinion issued in 1982. Much of the damage done by that erroneous interpretation of the act has been repaired by the Office of Information and Regulatory Affairs in its regulations implementing the act and providing guidance to the agencies. But statutory clarification is still needed in order to make clear that no paperwork or recordkeeping requirement can be imposed on the public unless it has been reviewed by the Office of Information and Regulatory Affairs and bears a control number to that effect. If the control number is missing, the pubic protection clause provides that no person may be penalized for failing to comply with the requirement.

To that end, the phrase, "collection of information requirement" has been added to the definition of the term, "information collection request." This will insure that information collection requests and collection of information requirements are treated the same under the act, except for section 3504(h)of title 44, Section 3504(h) governs, according to its terms, the manner in which the Director reviews and approves a collection of information requirement. All other information collection requests, including collection of information requirements under circumstances as described in section 3504(h)(5), are subject to all other provisions of the act, including sections 3507 and 3508. The amendment will take effect on the date of enactment.

The bill also enhances congressional oversight powers in two major regards. First, it makes the Administrator of the Office of Information and Regulatory Affairs a Presidential appointee, subject to confirmation by the Senate. This will allow the Senate to play an important role in setting the direction of the Office when there is a change in its leadership.

Second, the bill requires the Director of the Office of Management and Budget to submit an annual report, at the time of the budget submission, detailing how the Office of Information and Regulatory Affairs spent its funds the previous year and intends to spend them in the following year in its major areas of responsibility under the act. This will provide the authorizing and appropriating committees with the information they need to help set the priorities of the Office.

In addition, the bill combines the existing Federal telecommunications fund and automatic data processing fund into one Information Technology Fund. This step is an attempt to recognize the blurring of the boundaries between these two areas and to provide the authority and resources necessary for the most effective and economical acquisition of information technology resources. The recent report of the Grace Commission echoed repeated admonitions by the General Accounting Office that there is much room for improvement in this increasingly vital area.

Mr. President, the Paperwork Reduction Act of 1980 brought to the Federal Government the conceptual breakthrough that information is a resource, to be managed as carefully as money or minerals. After a faltering start, the Office of Information and Regulatory Affairs has embraced that notion and is showing signs of real progress not only in reducing paperwork—its first responsibility under the act—but also in providing guidance to the agencies on using information and information technology both wisely and well. The Paperwork Reduction Act Amendments of 1984 are intended to encourage and accelerate that progress, which holds the important promise of delivering better Government to the people at less cost.

I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Paperwork Reduction Act Amendments of 1984".

Sec. 2. Section 3502 of title 44, United States Code, is amended—

(1) by inserting "collection of information requirement," after "reporting or recordkeeping requirement," in paragraph (11);

(2) by redesignating paragraphs (13) through (16) as paragraphs (14) through (17), respectively; and

(3) by inserting after paragraph (12) the following new paragraph:

"(13) the term 'information resources management' means the planning, budgeting, organizing, directing, training, promoting, controlling, and management associated with the burden, collection, creation, use, and dissemination of information by agencies;".

Sec. 3. (a) Section 3503(b) of title 44, United States Code, is amended to read as follows:

"(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall report directly to and shall serve as principal adviser to the Director on Federal information policy.".

(b) The amendment made by this section, insofar as it relates to appointment of the Administrator of the Office of Information and Regulatory Affairs, shall take effect—

(1) immediately after the individual holding that office on the date of the enactment of this Act ceases to hold that office; or

(2) on the date of enactment of this Act, if that office is vacant on that date.

Sec. 4. Section 3504(d) of title 44, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon; and

(3) by inserting after paragraph (4) the following new paragraphs:

"(5) integrating the functions described in paragraphs (1) through (4) of this subsection with the other information resources management functions established under this chapter; and

"(6) appointing a Chief Statistician who is a trained and experienced professional statistician.".

Sec. 5. Section 3505 of title 44, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (2)(3);

(2) by inserting "and annually update," after "develop," in paragraph (3)(E);

(3) by striking out the period at the end of paragraph (3)(F) and inserting in lieu thereof a semicolon; and

(4) by inserting after paragraph (3) the following new paragraphs:

"(4) upon the enactment of the Paperwork Reduction Act Amendments of 1984—

"(A) set a goal to reduce, by October 1, 1984, the burden of Federal collections of information existing on September 30, 1983, by at least 5 per centum; and

"(B) for the fiscal year beginning on October 1, 1984, and each of the next three fiscal years, set a goal to reduce the burden of Federal collections of information existing at the end of the immediately preceding fiscal year by at least 5 per centum; and

"(5) within one year after the date of enactment of the Paperwork Reduction Act Amendments of 1984—

"(A) develop and issue a comprehensive set of information resources management policies; and

"(B) in consultation with the Administrator of General Services, issue principles, standards, and guidelines to implement such policies.".

Sec. 6. Section 3506(c)(1) of title 44, United States Code, is amended to read as follows:

"(1) systematically inventory its major information systems and periodically review its information resources management activities;".

Sec. 7. (a) Subsection (a) of section 3514 of title 44, United States Code, is amended—

(1) by striking out "and" after the semicolon in paragraph (7);

(2) by striking out the period at the end of paragraph (8)(C) and inserting in lieu thereof a semicolon; and

(3) by inserting after paragraph (8) the following new paragraphs:

"(9)(A) a summary of accomplishments and planned initiatives to improve Federal information resources management within agencies;

"(B) a detailed statement with respect to each agency of new initiatives to acquire information technology to improve such management; and

"(C) an analysis of the extent to which the policies, principles, standards, and guidelines issued pursuant to section 3505(5) of this title promote or deter such new initiatives; and

"(10) with respect to the statistical policy and coordination functions described in section 3504(d) of this title—

"(A) a description of the specific actions taken, or planned to be taken, to carry out each such function; and

"(B) a description of the status of each major statistical program, including information on—

"(i) any improvements in each such program;

"(ii) any program which has been reduced or eliminated; and

"(iii) the budget for each such program for the previous fiscal year and the fiscal year in progress and the budget proposed for each such program for the next fiscal year.".

(b) Section 3514 of such title is further amended—

"(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) At the time the President submits the budget for fiscal year 1986 or any succeeding fiscal year under section 1105 of title 31, the Director shall submit a report to the President of the Senate and the Speaker of the House of Representatives, providing—

"(1) a description of the funds requested in the budget for such fiscal year for each of the following information resources management functions required by this chapter:

"(A) paperwork and regulatory review;

"(B) general information policy, records management, and privacy and Federal disclosure policy;

"(C) statistical policy;

"(D) Automatic data processing and telecommunications policy; and

"(E) administrative and other functions; and

"(2) a description of the allocation of the funds available to the Office of Information and Regulatory Affairs for such functions in the preceding fiscal year.".

Sec. 8. Section 3518 of title 44, United States Code, is amended by adding at the end thereof the following new subsections:

"(f) Nothing in this chapter authorizes or requires the review of a rule or regulation of an agency except to the extent that such review is—

"(1) to carry out a function assigned by this chapter;

"(2) solely for the purpose of reviewing an information collection request contained in, or derived from, such rule or regulation; or

"(3) for the purpose of determining whether such a request is contained in, or may be derived from, such a rule or regulation.".

"(g) (1) Except as expressly provided by statute, the Director shall make available to the public, no later than the date on which any proposed or final rule or regulation reviewed by the Office of Information and Regulatory Affairs is published in the Federal Register—

"(A) a copy of such rule or regulation; and

"(B) any written material pertaining to such rule or regulation submitted to the Office by the agency proposing or promulgating such rule or regulation, or submitted by the Office to such agency, during the period of the agency rulemaking or the review of such rule or regulation by the Office.

"(2) The Director shall make the copies and materials described in paragraph (1) available to the public whether or not the review of a rule or regulation described in such paragraph is conducted pursuant to this chapter.".

Sec. 9. Section 3520 of title 44, United States Code, is amended to read as follows:

"§ 3520. Authorization of appropriations

"There are authorized to be appropriated to carry out the provisions of this chapter, and for no other purpose—

"(1) $9,000,000 for the fiscal year ending September 30, 1985;

"(2) $9,500,000 for the fiscal year ending September 30, 1986;

"(3) $10,000,000 for the fiscal year ending September 30, 1987; and

"(4) $10,500,000 for the fiscal year ending September 30, 1988.".

Sec. 10. (a)(1) Section 110 of the Federal Property and Administrative Services Act of 1949 (44 U.S.C. 757) is amended to read as follows:

"INFORMATION TECHNOLOGY FUND

Sec. 110. (a)(1) There is established on the books of the Treasury an Information Technology Fund (hereinafter referred to as the 'Fund', which shall be available without fiscal year limitation. There are authorized to be appropriated to the Fund such sums as may be required. For purposes of subsection (b), the Fund shall consist of—

"(A) the capital and assets of the Federal telecommunications fund established under this section (as in effect on December 31, 1984), which are in such fund on January 1, 1985;

"(B) the capital and assets which are in the automatic data processing fund established under section 111 of this Act (as in effect on December 31, 1984) which are in such fund on January 1, 1985; and

"(C) the supplies and equipment transferred to the Administrator under sections 111 and 205(f) of this Act, subject to any liabilities assumed with respect to such supplies and equipment.

"(2) The Administrator shall determine the cost and capital requirements of the Fund for each fiscal year and shall submit plans concerning such requirements and such other information as may be requested for the review and approval of the Director of the Office of Management and Budget. Any change to the cost and capital requirements of the Fund for a fiscal year shall be made in the same manner as provided by this section for the initial fiscal year determination. If approved by the Director, the Administrator shall establish rates to be charged agencies provided, or to be provided, information technology resources through the Fund consistent with such approvals. Such cost and capital requirements may include funds—

"(A) needed for the purchase (if the Administrator has determined that purchase is the least costly alternative) of information processing and transmission equipment, software, systems, and operating facilities necessary for the provision of such services;

"(B) resulting from operations of the Fund, including the net proceeds of disposal of excess or surplus personal property and receipts from carriers and others for loss or damage to property; and

"(C) which are appropriated, available under subsection (e), authorized to be transferred, or otherwise made available to the Fund.

"(b) The Fund shall—

"(1) assume all of the liabilities, obligations, and commitments of the funds described in subsection (a); and

"(2) be available for expenses, including personal services and other costs, and for procurement (by lease, purchase, transfer, or otherwise) for efficiently providing information technology resources to Federal agencies and for the efficient management, coordination, operation, and utilization of such resources.

"(c)(1) In the operation of the Fund, the Administrator is authorized to enter into multiyear contracts for the provision of information technology resources for periods not in excess of five years, if—

"(A) funds are available and adequate for payment of the costs of such contract for the first fiscal year and any costs of cancellation or termination;

"(B) such contract is awarded on a fully competitive basis; and

"(C) the Administrator determines that—

"(i) the need for the information technology resources being provided will continue over the period of the contract;

"(ii) the use of the multiyear contract will yield substantial cost savings when compared with other methods of providing the necessary resources; and

"(iii) such a method of contracting will not exclude small business participation.

"(2) Any cancellation costs incurred with respect to a contract entered into under this subsection shall be paid from currently available funds in the Fund.

"(3) This subsection shall not be construed to limit the authority of the Administrator to procure equipment and services under section 201 of this Act.

"(e) Following the close of each fiscal year, the uncommitted balance of any funds remaining in the Fund, after making provision for anticipated operating needs, shall be transferred to the general fund of the Treasury as miscellaneous receipts.

"(f) A report on the operation of the Fund shall be made annually by the Administrator to the Director of the Office of Management and Budget. Such report shall identify any proposed increases to the capital of the Fund and shall include a report on information processing equipment inventory, utilization, and acquisitions.

"(g) For the purposes of this section, the term 'information technology resources' includes any service or equipment which had been authorized to be acquired or provided by this section or section 111 of this Act (as in effect on December 31, 1984), and other information processing and transmission equipment, software, systems, operating facilities, supplies, and services related thereto, and maintenance and repair thereof. Section 111 of this Act shall continue to apply to the provision of automatic data processing equipment.".

(2) The table of contents of the Federal Property and Administrative Services Act of 1949 is amended by striking out the item pertaining to section 110 and inserting in lieu thereof the following:

"Sec. 110. Information Technology Fund.".

(b)(1) Section 111 of the Federal Property and Administrative Services Act of 1949 is amended—

(A) by striking out subsections (c) and (d); and

(B) by redesignating subsections (e), (f), and (g) as subsections (c), (d), and (e), respectively.

(2) Section 3504(g) of title 44, United States Code, is amended—

(A) by striking out "section 111(f)" in paragraph (1) and inserting in lieu thereof "section 111(d)"; and

(B) by striking out "section 111(g)" in paragraph (2) and inserting in lieu thereof "section 111(e)".

(3) Section 3(b) of the Paperwork Reduction Act of 1980 is amended by striking out "section 111" and inserting in lieu thereof "sections 110 and 111".

Sec. 11. (a) The Director of the Office of Management and Budget is authorized to employ in accordance with the civil service laws such officers and employees as may be necessary to enable the Office of Information and Regulatory Affairs to carry out its functions under chapter 35 of title 44, United States Code (as amended by this Act), except as provided in subsection (b).

(b)(1) The Director of the Office of Management and Budget may employ for positions described in the second sentence of this paragraph no more than 20 individuals without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay such individuals without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such individual shall be paid at a rate in excess of maximum rate for GS-18 of the General Schedule under section 5332 of such title. The previous sentence of this paragraph applies only to positions for which it is not practicable to examine applicants pursuant to section 3304 of title 5, United States Code.

(2) The provisions of this subsection do not apply to any position of a confidential or policy-determining character.

SEC. 12. This Act and the amendments made by this Act shall take effect on the date of enactment of this Act, except that the provisions of section 10 and the amendments made by such section 10 shall take effect on January 1, 1985.

Mr. CHILES. Mr. President, I welcome this occasion to join Senator DANFORTH and cosponsor the Paperwork Reduction Act Amendments of 1984. The amendments are intended to reauthorize financing for the Office of Information and Regulatory Affairs (OIRA) within OMB, and to clarify and strengthen the Federal Government's ability to achieve the act's objectives.

The original Paper Reduction Act was passed in late 1980 and was one of the last laws signed by President Carter. The law builds upon the Federal Reports Act of 1942 and is codified as chapter 35 of title 44.

The concepts underpinning the act's provisions were largely developed by the Federal Paperwork Commission in 1977. The Commission's major contribution was the conclusion that the Government has an insatiable appetite for information, that information was not a relatively free good, but rather a valuable resource to be managed effectively and efficiently. Failure to control this appetite leads to wasteful expenses by Federal agencies and unnecessary and frustrating governmental demands upon the citizens of our country—the hidden taxes of Government. Indeed, the Commission estimated the costs of Federal paperwork to exceed $100 billion annually.

In the hearings I held in 1978, 1979, and 1980 I found citizens in all walks of life—whether they were a teacher, pharmacist, small business person, State or local official, or ordinary taxpayer—could cite horror stories on some paperwork or regulatory requirement. This reflected an erosion in the public belief Government functions deliver important services and provide significant protections. Public confidence in the premise Government can work and be responsive was slipping.

Accordingly, the framers of the Paperwork Act put together the major information policy functions within one central management shop, OIRA, in order to focus congressional oversight and strengthen the executive branch's ability to manage information resources. Since many of the existing information demands and the majority of new requirements are associated with regulations the Paperwork Reduction Act was designed to integrate information resources management and regulatory reforms.

Most importantly, and as the sponsor to the original Paperwork Reduction Act I want to stress this point, the public protection section of the act was designed to provide all citizens an assurance that their Government had checked to see that any information they were asked to provide, keep, or disclose was in fact needed and being asked for in the most efficient manner.

Let me explain. The act requires any agency that asks for information from 10 or more persons to justify the need for the request, announce in the Federal Register its intent to collect information, and submit the justification to OIRA for review. Public comment is invited. A control number must be assigned and displayed by the form or regulation which requests the information or failure to comply with the request is not enforceable. No person shall be subject to any penalty for failing to comply if a control number is not assigned and displayed.

A public docket which corresponds to the control numbers assigned cleared paperwork requests can be examined by all to study the justification. The reviews must occur at least every 3 years.

The public protection section was intended to be a unique mechanism for public participation and for self-policing of the requirements of the act upon Federal agencies. Anybody can ignore paperwork demands, whether they be forms or recordkeeping requests, and toss them in the trash can if the control number is not displayed.

Three years have passed since enactment of the act. In evaluating progress under the act, there are pluses and minuses to which you can point. The amendments set forth in this bill are intended to further encourage the pluses and remedy the minuses.

On the plus side, the administration asserts that some 477 million hours of paperwork requests were eliminated by the end of 1983, some 143 million more hours are budgeted for elimination in 1984. Time spent fulfilling paperwork requests is used as a proxy measure for cost. At $10 an hour the 620-million-hour reduction anticipated by the end of this year amounts to a $6.2 billion savings.

This savings is a noteworthy achievement that in and of itself demonstrates the act has made a difference in how Government works. In the bill introduced today new reduction goals of 5 percent of the total paperwork burden per annum for the next 5 years are established. These are nonbinding goals but do serve as performance objectives the public and the Congress can focus upon.

The ultimate test of the act's success in my mind will be when I can travel through Florida and get a sense from the people that they feel the Government's paperwork demands are not out of control. Despite progress in reducing burden this has not yet happened to me.

One reason for this lack of public perception is because the word has not gotten out on the public protection provided by the act. In June 1982 the Justice Department, under pressure from the Internal Revenue Service and other agencies seeking to avoid the requirements of the act issued an opinion which attempted to interpret the law in a manner which radically restructured and narrowed the scope of the public protection section. The opinion's effect was to encourage noncompliance with the law and greatly confuse the public understanding of what was and was not covered by the public protection section, what did or did not require a control number to be displayed.

The amendments proposed today clarify what the original intent of law was and continues to be.

A second issue addressed by the amendments relate to the Office of Formation and Regulatory affairs accountability to Congress. During development of the 1980 Paperwork Act the Senate agreed to President Carter's request to drop the idea of Senate confirmation of the head of OIRA in exchange for his support of a separate authorization and appropriation account for the office's activities.

This administration chose not to abide by what I regard the language of the act to mandate. A separate appropriation account consistent with the separate authorization has not as yet been created. In addition, the issue of how resources have been used and what resources are needed to accomplish the ambitious strategy Congress incorporated in the 1980 act has been a point of contention between the administration and OIRA's oversight committees in the House and Senate.

The 1984 amendments will require Presidential appointment and Senate confirmation of the head of OIRA in the future. They also require a reporting by function of how resources are to be used by OIRA which will be tied to the annual budget process. Accountability to Congress would be strengthened by these steps.

This bill also incorporates much of what is contained in H.R. 2718, the House companion. The Senate Governmental Affairs Committee and the House Government Operations Committee worked closely together in developing the 1980 act and that spirit of mutual interest and cooperation continues. The amendments proposed today include provisions to strengthen the statistical policy function, encourage better information resources management and establish a redesigned information technology fund.

A fundamental premise of the Paperwork Act is that the explosion in new information technology must be used and managed by the Federal Government to more effectively and efficiently use needed information. The further potential to reduce the public burden of paperwork and regulatory requirements by applying new information technology presents an opportunity to save billions of dollars which has largely been missed. The amendments contained in the bill will help push the Federal Government in that direction.

Mr. President, the Subcommittee on Information and Regulatory Affairs plans to hold hearings on these amendments in early April. I want to join Senator DANFORTH in inviting our colleagues to examine and cosponsor this legislation.

By Mr. BOSCHWITZ (for himself, Mr. ANDREWS, Mr. KENNEDY, and Mr. GRASSLEY):

S. 2434. A bill to amend section 15 of the Small Business Act; to the Committee on Small Business.

PURCHASE OF SPARE PARTS BY THE FEDERAL GOVERNMENT

● Mr. BOSCHWITZ. Mr. President, the legislation I am introducing today, along with Senators ANDREWS, KENNEDY, and GRASSLEY, has two main goals: First, to achieve substantial savings in the cost of spare parts purchased by the Government; and second, to provide small businesses with greater opportunities to bid on spare parts contracts.

These goals can be achieved by applying the guiding principle of our free enterprise system—competition—to the spare parts procurement process. Purchasing spare parts through competitive bidding will not only save the Government substantial sums of money, it will give small business a bigger piece of the Government pie because small business is very competitive.

Mr. President, we have all heard horror stories about how the Government pays exorbitant prices for the goods it buys. Unfortunately, there is a lot of truth to these stories. And, too often the Department of Defense (DOD) pays too much for spare parts. These are some of the prices DOD has paid for spare parts; $400 for an ordinary claw hammer, $440 for a $5 plastic knob, $94 for a $6 rubber door gasket, $153 for a $6 piece of bent sheet metal with three holes drilled into it, and the list could go on. Surely none of these items are so unique or so important to the national security that the exorbitant prices can be justified.

So why does DOD pay so much for so little? The answer is found in how DOD purchases spare parts. Indeed, it is how DOD does not purchase spare parts.

In fiscal year 1983, DOD awarded some 13 million contracts worth about $140 billion. Each year, DOD spends $13 billion for spare parts alone. The sheer magnitude of these numbers is staggering. But, DOD's record on competitive bidding is shocking—80 percent of spare parts contracts are awarded to sole source suppliers—specific firms designated as the sole supplier of the part—without competitive bidding. Commonsense tells us that more than 20 percent of the spare parts can be purchased from more than one supplier. And, where more than one firm can supply the part, competitive bidding can be used.

This legislation will result in more competitive bidding on spare parts contracts by assigning Small Business Administration personnel to major procurement centers for the sole purpose of identifying spare parts contracts that can be awarded through competitive bidding. One SBA employee—called a procurement center representative or PCR—will be assigned to each procurement center that spent at least $150 million on spare parts in the previous year. Each PCR will be assigned four technical advisers that are employed by the procurement center and have technical training. At least one of the technical advisers must be an accredited engineer.

Each PCR will identify contracts for competitive bidding by reviewing the procurement method codes assigned to spare parts to be purchased or replenished. Simply stated, a procurement method code tells the buyer how to select a supplier of the spare part: Through competitive bidding, or through a sole source or direct purchase from a single specified supplier. The PCR will break out contracts that have restricted codes for competitive bidding.

The PCR will also review proposals to consolidate a number of spare parts contracts into one contract solicitation and make recommendations to break out some, or all, of these contracts for competitive bidding. In addition, the PCR will review and analyze value engineering change proposals. These are proposals submitted by potential contractors to supply spare parts or equipment that have been modified from the original specifications, but perform the same function. The analysis will determine if the modified parts or equipment can perform the same function at a lower cost, instead of the parts or equipment designated in the original specifications.

A written decision accepting or rejecting a PCR's recommendation must be made within 30 days. A decision that rejects recommendations must state the reasons that justified its rejection.

Finally, this legislation includes incentives to encourage PCR's to identify spare parts contracts for competitive bidding, and thus achieve substantial cost savings. Currently, the major motivation for procurement personnel is the timely processing of documents. In other words, sole source procurements are used because they are faster and easier. This legislation counters that motivation by rewarding PCR's who achieve the greatest cost savings by breaking out contracts for competitive bidding.

Specifically, the two major procurement centers with the greatest percentage of cost savings each quarter will be indentified. At least one PCR from each of the two centers can receive a cash award of between $500 and $5,000, so long as the total amount of cash awards is less than 1 percent of the total savings. Alternatively, the cost savings achieved by a PCR can be the basis for a pay raise, as a separate factor in addition to the current factors that determine eligibility for a pay raise. I am convinced that incentives are both appropriate and necessary, so I view these incentives as a starting point.

Mr. President, it is important to note that this legislation follows a spare parts break out program successfully operating at four Air Force air logistics centers since 1979. GAO conducted an indepth review of the four programs and came to some compelling conclusions. Of some 328,000 spare parts assigned procurement method codes, 75 percent were coded for purchase without competitive bidding. SBA personnel achieved substantial savings by breaking out spare parts contracts for competitive bidding. Indeed, SBA reported savings of $7.3 million as a result of only 294 break out actions. GAO believes the savings were actually greater. In a separate study, SBA showed savings of $6.7 million—38 percent—when only 181 parts were broken out for small business competition. On the basis of these studies and GAO reports, this legislation could save $4 billion—each year.

Mr. President, $4 billion is real money. David Stockman warns of $200 billion deficits as far as the eye can see. President Reagan has requested substantial increases in the defense budget. If we do not spend our defense dollars wisely, the projected deficits could erode the consensus for a strong defense.

Mr. President, at a time when we are trying to rebuild America's defenses, we have an obligation to do so in the most efficient manner possible. As a businessman, I know the value of a dollar, and the need to spend that dollar wisely—to purchase the best available product at the lowest available price. This legislation will go a long way in accomplishing that objective in spare parts procurement. I urge my colleagues to join me in this effort.

Mr. President, I ask unanimous consent that a fact sheet on this legislation be printed in the RECORD.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

FACTSHEET

PURPOSE

To achieve substantial savings in the cost of spare parts purchased by the Department of Defense (DOD).

To idenfity a greater number of spare parts contracts that will be subject to competitive bidding among small businesses.

THE NEED FOR THE LEGISLATION

In fiscal year 1983, DOD awarded about 13 million procurement contracts worth about $140 billion.

$13 billion is spent each year on spare parts.

80 percent of spare parts contracts are awarded without competitive bidding.

Lack of competition causes DOD to pay unnecessarily high prices for spare parts that are available from more than one source.

For example: An ordinary claw hammer cost $400, a $5 plastic know cost $440, a $6 rubber door gasket cost $94, a $13 I-bolt cost $428, a $6 piece of bent sheet metal with three holes drilled into it cost $153.

DEFINITIONS

Procurement method code (PMC).—The PMC tells the buyer how to select a supplier from which to purchase a spare part, i.e. competitive bidding, sole source or direct purchase.

Competitive bidding.—Two or more suppliers submit bids. The lowest bider is awarded the contract.

Sole source.—A single, specific firm is designated as the supplier. The sole source is usually the prime contractor in the contract under which the equipment was originally purchased. A sole source is a prime contractor who is not the actual manufacturer of the spare part. Thus, the prime contractor has the spare parts contract, but purchases the spare part from an actual manufacturer and resells it to the government.

Direct purchase.—A single, specific firm that is an actual manufacturer of the spare part is designated as the supplier. A direct purchase is generally sole source, even if there are other manufacturers of the spare part.

Breakout.—The process of identifying sole source and direct purchase spare parts contracts that can be awarded by competitive bidding.

Procurement center representative (PCR).—A person who works for the Small Business Administration (SBA), not DoD, whose sole responsibility is to break out spare parts contracts for competitive bidding. The PCR must be technically trained and qualified to evaluate the spare parts purchased.

PROVISIONS OF THE LEGISLATION

SBA assigns one Procurement Center Representative (PCR) to each major procurement center (center with at least $150 million spare parts contracts in previous year).

Each PCR will be assigned four qualified, technically trained advisers, at least one of whom is an accredited engineer.

The technical advisers will be employees of the major procurement center and have the sole duty of assisting the PCR.

Each PCR has the authority and responsibility to:

Review procurement method codes (PMC's) to identify restrictive codes and change restrictive codes to encourage competitive bidding.

Review proposals to consolidate a number of spare parts contracts into one solicitation and recommend breaking out these contracts to increase the number of spare parts contracts for small business bids.

Evaluate whether technical data is available at the major procurement center that can be used by small business in preparing to submit bids.

Review and analyse value engineering change proposals—a proposal submitted by any potential contractor to supply spare parts or equipment that have been modified from the original specifications but that would perform the same function, i.e., technologically improved products—to determine if they will reduce acquisition costs.

A written decision accepting or rejecting recommendations made by a PCR must be issued within 30 days. Decisions that reject recommendations must include the reasons for rejecting the recommendation.

Incentives are provided for PCR's:

Cash awards between $500 and $5,000 to one or more PCR of the two major procurement centers with the greatest percentage of cost savings each quarter; total cash awards cannot exceed 1% of total savings; or

The cost savings achieved by a PCR can be the basis for a pay raise, in addition to the current conditions and eligibility requirements for a pay raise.

PILOT PROGRAM HISTORY

Since 1979, a spare parts breakout program has been in operation at each of four Air Force Air Logistics Centers. GAO conducted an indepth review of the four programs. During the period of GAO's review, these four centers purchased a combined total of $7.46 billion in goods and services.

GAO found that, of the 328,000 spare parts assigned PMC's only 25 percent were coded for competitive bidding; 75 percent were coded for sole source or direct purchase procurement. SBA reported savings of about $7.3 million as a result of only 294 breakout actions. GAO believes that "SBA may actually be saving the government more money than its reports indicate."

ESTIMATED COST SAVINGS

$4 Billion Per Year—based on GAO study and a separate SBA study verified by GAO.●

By Mr. METZENBAUM:

S. 2435. A bill to place a moritorium on certain pension plan reversions, and for other purposes; to the Committee on Finance.

PENSION PLAN REVERSION MORATORIUM ACT OF 1984

● **Mr. METZENBAUM.** Mr. President, during the past several years, some employers have found ingenious new ways to avoid their pension plan responsibilities to their employees. By taking advantage of shortcomings in the pension laws, these unscrupulous companies have frustrated the intent of Congress to establish secure retirement programs for the working men and women of this country.

Specifically, employers are terminating pension plans, which are defined as overfunded. The companies then recapture the surplus assets in these plans, thereby eliminating reserves that may later be needed to pay benefits. In addition, these terminations are just that—terminations of entire pension plans which leave employees without retirement security.

The bill I am introducing today would impose a 9-month moratorium on terminations of over-funded pension plans.

The Employee Retirement Income Security Act (ERISA) was passed to cure abuses in which plan fiduciaries attempted to use plan assets for corporate or personal purposes, rather than for the exclusive benefit of employees. ERISA outlined a set of prohibited transactions which has produced generally clear standards of fiduciary conduct regarding the use of existing plan assets.

Today, however, the increasing number of pension plan terminations resulting in reversions to the employer is pushing the private pension system back toward the kind of insecurity that ERISA was intended to remedy. Greater direction and enforcement of ERISA is clearly needed in this area.

During the last 3 years, at least 160 plans have been terminated with large reversions to employers. In each case, more than $1 million reverted to the employer.

Some companies have reaped substantial windfalls at the expense of their employees: Occidental Petroleum removed more than $300 million, Mattel removed $14 million, Lane Bryant received $12 million, Humana received $49 million, and Continental Airlines: $20 million.

And, there is more on the horizon. Companies are now waiting for approval from Government agencies in order to get their hands on another billion dollars.

A review by the House Select Committee on Aging showed that in the majority of these cases, the additional money has been used for general corporate purposes; funding new acquisitions, retiring long-term debt, fighting off takeovers, or even boosting profits in order to make a favorable impression on the corporation's financial statement.

We are simply not talking about companies facing financial hardships. Occidental terminated its four pension plans after the company completed a major acquisition costing more than $4 billion.

Strohs breweries announced its intent to terminate its plan after spending $600 million on an aggressive marketing plan.

Harper and Row terminated its pension plan in order to repurchase a block of stock to fend off a potential takeover attempt.

Why are so many corporations terminating their pension plans?

I do not believe that when Congress enacted ERISA, anyone foresaw the possibility that profitable companies would terminate their over-funded pension plans in order to pocket hundreds of millions of dollars. In fact, the concerns were quite the opposite, based on the perception that pensions were underfunded.

The surpluses that have built up in recent years are largely the result of two factors.

First, ERISA permits companies to use what is known as a "level funding method." Under this method, employers estimate employee turnover, future salary changes anticipated portfolio earnings, and a host of other factors. Then, the corporation calculates how much it needs to contribute in equal annual installments to pay promised benefits. Because salaries tend to increase in future years, and the more years of service the greater the earned pension benefit, this method front-loads the costs of the pension plan—creating a surplus in early years.

In addition, higher than anticipated interest rates and a booming stock market have generated substantial portfolio earnings.

Because of these two factors, many corporations have millions of dollars more in their pension plans than they anticipated. Employers have three options—they can reduce future contributions and retain their pension intact; they can apply a portion of the surplus to increase benefits for their employers; or they can terminate their pension plans and immediately recapture the surplus.

Unfortunately, too many are choosing the last alternative.

Let me provide you with examples of the abuses that are taking place and the necessity for immediate action.

Recently, the Pension Benefit Guarantee Corp. [PBGC] issued a notice of sufficiency, a prerequisite to a pension plan temination, to the Amax Corp.

This termination involves a so-called "spin-off termination." In a spin-off termination the company splits the pension assets into separate plans for active employees and retirees. Assets to cover the accrued benefits of active employees are placed in their plan. The balance, which includes any surplus, is placed in the plan for retirees; that plan is then terminated and replaced with annuities with the surplus reverting to the employer. In the Amax case, that surplus is estimated at $120 million.

The Treasury Department has concluded that the spinoff technique presents a possibility for serious abuses. According to a memorandum prepared by the executive director of the PBGC for Secretary Donovan, the PBGC has little or no authority to issue notices of sufficiency to plans such as Amax. The memorandum states that:

> The PBGC's viewpoint, has been that there is very little, if any, legal basis for concluding that a plan termination recognizable under title IV has occurred under either the spinoff termination arrangement, or the straight plan termination plan reestablishment technique. However, from a practical point of view, it can be contended that it is better to allow leeway to employers in this area to recover excess assets (which are arising in so many cases under existing circumstances because of the high interest rates which insurance companies are assuming in pricing buy-out contracts) and to allow them to reestablish another defined benefit plan, because the PBGC may lose less premium revenue than if large numbers of defined benefit plans were to be terminated and changed into defined contribution plans (which appears to be permissible under ERISA section 4041(f)).

I am dismayed that a Federal agency would take an action that it finds to be without legal basis merely to preserve its revenue base. And I am concerned about the total failure of the administration to protect affected employees.

I am also troubled by pension plan terminations that are undertaken to protect companies from possible hostile takeover attempts. It can be agreed that pension assets should be neutral in takeover battles, but unfortunately, that is often not the case. The Celanese Corp., for example, recently requested a notice of sufficiency from the PBGC to terminate its pension plan, for the purpose of avoiding a takeover attempt. It is seeking nearly $300 million in surplus assets.

What about the employers?

According to the Department of Labor, hundreds of thousands of plan participants have been or will be affected by these terminations. In fact, the decision to terminate is often made without regard to the best interests of the plan's participants.

We are told that employees are provided for because participants automatically become vested upon the termination of a plan. But is that really the case?

A vested employee with 13 years of service with Harper and Row, was offered a lump-sum cashout of $712.00. Later, he found out that it would cost $4,300 to purchase the same retirement benefit to which he would have been entitled under the Harper and Row plan. The employee often does not even receive an explanation of how the cashout was determined.

Retirees also lose important protection when employers terminate a plan. In almost all circumstances, retirees will continue to receive their current level of benefits from a group annuity purchased with plan assets. These annuities preclude the possibility of voluntary cost of living increases.

It is not unreasonable for retirees to expect such voluntary cost-of-living adjustments. According to a recent Labor Department study, approximately three-fourths of all pension-covered workers already retired in 1973, received at least one postretirement benefit increase in the years 1973–79, and almost one-fourth of the retirees received an increase in every year.

Without these benefit adjustments the buying power of retirees will diminish rapidly. That same Labor Department study found that the average pension benefit for persons already retired in 1973 increased by 24 percent between 1973 and 1979. Without the increases granted by plans, the real value of benefits would have fallen by 39 percent over that same time period.

The impact of pension plan terminations on retirees is devastating.

A retired vice-president of a corporation which recently terminated its plan in order to finance a leveraged buyout writes:

> My thoughts are that this matter will be of concern to you, because thousands and thousands of retired senior citizens are having their assets taken from them.
>
> Throughout 1983 investment firms promoted "leveraged buyouts" for their own financial gain and for the selfish interest of company executives who feared loss of position in the event of a takeover by another company.
>
> There is a provision in ERISA which allows a company to terminate the company pension plan and take the remaining assets after all liabilities to participants and beneficiaries have been satisfied. Interpretation of the make-up of all liabilities is where the foul play is taking place. Companies are interpreting the plan's liabilities as assured continuation of retiree's pensions as provided in the pension plan. Beneficiaries' interest in the excess assets accumulated for the sole benefit of the fund's beneficiaries is ignored purposely.
>
> The failure of companies * * * to adjust pensions for the rise in cost of living has put many retirees in desperate financial need with total annual income (including social security) far below the poverty level. Correction of this improper and unfair practice taking place in private pensions would benefit a vast number of retirees who worked long and hard for their pensions.

Other plan participants have simply been misled by their employers.

For example, the Washington Star pension plan provided that "in no event shall any of the trust * * * be returned to the employer." Yet under the law, this promise can be completely disregarded. In fact, 6 days after Time Inc., announced its intention to end the publication of the Star, the pension plan was amended to provide that all surplus assets could revert to the employer.

Such last-minute plan changes to permit reversions violates fundamental principals of fairness. An employer should perform his contractual obligations to employees just as the law requires the employer to satisfy its other contractual obligations.

Mr. President, the protection of plan participants was the very objective of ERISA.

In recognition of the abuses undermining the private pension system, the Department of the Treasury was prepared to issue regulations and announce policy changes which would address some of these concerns. These actions would have had the effect of prohibiting certain terminations the Treasury believes are abusive. However, those regulations were withheld on the insistence of the Department of Labor. The Department was concerned that the effect of those regulations would be to move employers away from defined benefit plans to defined contribution plans, which provide less security for workers than defined benefit plans.

I believe the Department has a valid concern.

However, I do not believe that the concern should provide employers with a loophole for evading the requirements of the law.

The administration has identified areas in which it should not be permitting terminations to occur. But it fears denying the requests will force more employers to abandon defined benefit plans. The agencies cannot merely refuse to act pending the necessary legislative remedy because the law requires that they either approve or deny termination requests within a short period of time.

While the Department of Labor agrees that "hundreds of thousands of plan participants have been or will be affected by these terminations," they are unwilling to do anything but study the issue at this time.

In light of these concerns, Mr. President, I believe a moratorium is the only reasonable approach. It would give Congress time to review the issue and enact the appropriate legislation without letting hundreds of millions of dollars slip through the door in the interim.

I believe the integrity of the private pension system requires us to place a halt on the practice of approving terminations in instances in which there is no legal authority for doing so.

I think it is important that we address some of the abuses now occurring in the pension system, which the appropriate agencies have failed to address.

And, I believe it is critical that we restore the confidence of millions of workers in their retirement security by protecting the vitality of the Nation's private pension system.

Mr. President, I urge my colleagues to support this measure.

I ask unanimous consent that the bill be printed at this point in the RECORD.

I also ask unanimous consent that two articles, one from Newsweek and one from Pensions & Investment Age, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Plan Reversion Moratorium Act of 1984".

SEC. 2. 270-DAY MORATORIUM ON DETERMINATIONS INVOLVING PLAN TERMINATIONS.

(a) MORATORIUM ON DETERMINATIONS OF CONTINUING QUALIFICATION BY THE SECRETARY OF THE TREASURY.—During the 270-day period beginning on the date of the enactment of this Act, the Secretary of the Treasury (or his delegate) shall not issue a determination with respect to the continuing qualification of a retirement plan under subchapter D of chapter 1 of the Internal Revenue Code of 1954 upon an actual or proposed termination of the plan if the Secretary (or his delegate) determines that the aggregate amount of reversions to employers, upon termination of the plan, has exceeded or would exceed $1,000,000.

(b) MORATORIUM ON NOTICES OF SUFFICIENCY ISSUED BY THE PENSION BENEFIT GUARANTY CORPORATION.—During the 270-day period beginning on the date of the enactment of this Act, the Pension Benefit Guaranty Corporation shall not issue a notice of sufficiency of assets under section 4041 of the Employee Retirement Income Security Act of 1974 with respect to a plan if the Corporation determines that the aggregate amount of reversions to employers from the plan [the aggregate amount of the plan's residual assets referred to in section 4044(d) of such Act] would, upon termination of the plan, exceed $1,000,000.

SEC. 3. EFFECT OF MORATORIUM ON DECLARATORY JUDGMENTS RELATING TO QUALIFICATION.

(a) COMPLIANCE WITH MORATORIUM NOT TREATED AS REMEDIABLE FAILURE.—In any case in which the Secretary of the Treasury (or his delegate) fails, in compliance with section 2(a), to make a determination referred to in such section during the 270-day period specified in such section, such failure shall not be treated as a failure for purposes of section 7476(a)(2) of the Internal Revenue Code of 1954 (relating to creation of remedy under declaratory judgments relating to qualification of certain retirement plans).

(b) EXTENSION OF TIME FOR BRINGING ACTION AFTER MORATORIUM.—In the case of any request referred to in section 7476(b)(3) of such Code (relating to time for bringing action) made before or during the period specified in section 2(a), the 270-day period specified in such section 7476(b)(3) shall be extended to 270 days after the expiration of the period specified in section 2(a).

SEC. 4. EFFECT OF MORATORIUM ON PERIOD FOR ISSUANCE OF NOTICE OF SUFFICIENCY.

In the case of a notice that a plan is to be terminated which is filed with the Pension Benefit Guaranty Corporation pursuant to section 4041(a) of the Employee Retirement Income Security Act of 1974 before or during the period specified in section 2(b), the 90-day period referred to in such section 4041(a) shall be extended to 90 days after the expiration of the period specified in section 2(b). Nothing in this section shall be construed to preclude the further extension of such 90-day period (as extended under this section) as provided in section 4041(d) of such Act.

SEC. 5. MORATORIUM NOT APPLICABLE TO MULTIEMPLOYER PLANS.

The preceding provisions of this Act shall not apply in the case of multiemployer plans (within the meaning of section 414(f) of the Internal Revenue Code of 1954).

[From Newsweek, July 18, 1983]

THE THREATS TO RETIREMENT

(Jane Bryant Quinn)

Beware the notice from the company you work for announcing a change in your pension plan. Most likely the change cuts the cost of the plan to the corporation, and at your expense. Pension promises are being whittled down today and employees put at greater risk. Present retirees will receive their checks on schedule, but life will be less certain for the retirees of the future.

The trend is away from defined-benefit plans—the traditional pension—and toward defined-contribution plans. In those two phrases lies a world of difference.

A defined-benefit plan guarantees long-term employees a specified income every month for life. If the company fails, your pension is insured by the Pension Benefit Guaranty Corp. up to $1,517 a month.

Risks: But defined-contribution plans make no guarantees. The company merely provides your retirement account with a fixed share of money every year, to be invested on your behalf. You get the proceeds when you leave. Maybe the plan will equal or exceed a guaranteed pension, but maybe it won't. The risk is all yours. And you have no pension insurance if your company goes broke.

No law says that companies have to keep up their pension plans for present employees. You must be paid all your benefits to date, but future benefits can be drastically altered. For a troubling example of what can happen, take Harper & Row. Last year a major shareholder wanted to sell his stock, which might have triggered a takeover and cost the company's top executives their jobs. The company prevented the sale of the stock through an astonishing series of transactions; they killed the 18-year-old pension plan; spent some of the money on annuities (or cash payments) to cover vested employee benefits; used the rest of the money to buy the available H&R stock, paying $20 a share when the market price was only $10.50; deposited that stock into an employee stock-ownership plan, and expected employees to welcome the new plan as a substitute for their old pensions. Being smarter than that, some H&R employees sued to undo the deal. If it stands, their retirement security will depend almost entirely on what happens to H&R stock.

Several other companies have terminated their pension plans, paid out benefits and used surplus money from the plan for other purposes. A few examples include A&P, Dan River, Occidental Petroleum and Western Airlines.

Another trend is for companies that keep their plans to deploy the assets primarily for the benefit of the company and only secondarily for the employees. Harcourt Brace Jovanovich plans to put nearly 40 percent of its pension fund into a new headquarters building (and has asked for a dispensation from the federal rule that limits such investments to 10 percent). It may turn out to be a great idea. But if HBJ hit the skids, could the building ensure the integrity of retirees' pensions?

Other companies are raising the interest rate they assume you can earn, if you take your retirement benefit in a lump sum. This has the effect of reducing the size of the payment you'll get. It's fair only if the interest rate is realistic. Otherwise, you've been shortchanged.

Contributions: A company might also raise the long-term yield that its pension fund is expected to earn internally, a technical change that has the effect of lowering corporate contributions to the plan. Troubled companies, in particular, have been traveling this road, raising questions about their plans' long-term health. By law, the Pension Benefit Guaranty Corp. stands ready to pick up the payments on failed pension plans, so retirees won't be left in the lurch. But the PBGC has financial troubles of its own. Unless Congress comes to its of its own. Unless Congress comes to its rescue, it won't have the money to insure all the pensioners at risk.

In the bad old days, before the Employee Retirement Income Security Act of 1974, some employers milked the pension assets or arranged their plan so that few employees (except top officers) ever got retirement pay. After ERISA, corporations had to make good on their retirement promises; costs went up and many phony plans shut down. But no one anticipated that a major company would be so irresponsible as to pull a sound pension plan out from under its employees. The vast majority of corporations will merely de-emphasize their pension plans, not abandon them. Either way, employees may get less retirement security from their companies than they now expect.

[From Pensions & Investment Age, Mar. 5, 1984]

INFLATION IS KEY TO SURPLUS DEBATE

Possibly the hottest topic of debate in the pension industry will be how much of a company's excess pension assets the company will be able to retain in the event the pension plan is terminated.

Sen. Howard Metzenbaum, D-Ohio, will be pressing for passage of a bill that will deal with how recaptured assets should be taxed, how much of the excess employees should get and whether spinoff/terminations are legitimate.

So far, the courts have ruled that assets remaining after accrued pension liabilities have been met belong to the pension sponsor. Sen. Metzenbaum and other legislators are not happy with those legal decisions and are likely to seek to overturn them with legislation.

Pension sponsors certainly will argue that because they take the investment risk in defined benefit plans, they should be entitled to any excess assets that exist when a plan is terminated, as long as the accrued vested benefits have been provided for.

The legislators are likely to respond that most plans are only overfunded because inflation has driven up interest rates, and hence investment returns, faster than it has driven up pension liabilities.

At the same time, they will point out, inflation has eroded the value of the pensions of retired workers and is likely to erode the value of the vested benefits for continuing employees that the companies have locked in on plan termination.

In most companies, pension benefits of retired employees have failed to keep pace with inflation. In some cases, pension benefits have not been adjusted for inflation during the entire inflationary era.

If companies had adjusted pension benefits for inflation as they were reaping the higher investment returns generated by inflation, their funds would have smaller asset surpluses.

Congress is likely to ask if it is proper for companies to benefit from inflation while their retirees suffer from it.

Further, Congress is likely to ask if the defined pension benefit should be a fixed dollar amount in times of inflation, or whether the benefit promised is really a standard of living expressed as a dollar amount.

The pension industry will need good answers to these questions, and arguments too, when Congress begins considering Sen. Metzenbaum's bill.●

By Mr. KENNEDY (for himself, Mr. Melcher, Mr. Heinz, Mr. Hollings, Mrs. Hawkins, Mr. Bumpers, Mr. Jepsen, Mr. Moynihan, Mr. Helms, Mr. Burdick, Mr. Thurmond, Mr. Glenn, Mr. Lugar, Mr. Stennis, Mr. Percy, Mr. Randolph, Mr. Dole, Mr. Inouye, Mr. Andrews, Mr. Dixon, Mr. Durenberger, Mr. Nunn, Mr. Murkowski, Mr. Chiles, Mr. Heflin, Mr. Sarbanes, and Mr. Riegle):

S.J. Res. 259. Joint resolution to designate the week of November 12, 1984, through November 18, 1984, as "National Reye's Syndrome Week"; to the Committee on the Judiciary.

NATIONAL REYE'S SYNDROME WEEK

● Mr. KENNEDY. Mr. President, today I am introducing a joint resolution calling for the declaration of November 12 through November 18, 1984, as National Reye's Syndrome Week. I am joined by Senators Melcher, Heinz, Hollings, Hawkins, Bumpers, Jepsen, Moynihan, Helms, Burdick, Thurmond, Glenn, Lugar, Stennis, Percy, Randolph, Dole, Inouye, Andrews, Dixon, Durenberger, Nunn, Murkowski, Chiles, Heflin, Sarbanes, and Riegle.

As you may know, Reye's syndrome or RS usually follows after the onset of a viral illness such as flu or chickenpox. It strikes up to 1,000 healthy children each year, and more cases are being reported each year as physicians learn to diagnose the symptoms more readily. During recent years, 30 to 50 percent of the children who contracted Reye's syndrome did not survive. Many of those who survived owed their lives to early diagnosis and supportive therapy. Most survivors recover completely, but 10 to 25 percent have suffered minor to severe disability due to brain damage.

Although investigations into the cause of RS are ongoing at several research facilities throughout the United States, I believe that a valuable complement to this vital research is heightened awareness of Reye's syndrome in the general population. Treating the symptoms of Reye's syndrome immediately will dramatically increase the child's chance of survival. It is my hope that the activities of National Reye's Syndrome Week will generate this greater awareness, and I urge the prompt approval of this resolution.

Mr. President, I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the joint resolution ordered to be printed in the Record, as follows:

S.J. Res. 259

Whereas Reye's Syndrome is a disease of unknown cause that usually attacks healthy children under nineteen years of age and kills or cripples more half of the victims within several days;

Whereas Reye's Syndrome is one of the top ten killers among all diseases of children;

Whereas Reye's Syndrome was a misdiagnosed illness of children until recognized as a specific illness in 1963;

Whereas the reporting of cases of Reye's Syndrome is required in only one-half of the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the other territories and possessions of the United States;

Whereas national Reye's Syndrome volunteer organizations are established throughout the United States and are supported by thousands of parents;

Whereas such volunteer organizations exist to encourage involvement of the Federal Government in supporting Reye's Syndrome research, to encourage coordination of the treatment and research efforts by the various Reye's Syndrome treatment and research centers, to establish Reye's Syndrome as a reportable disease in every State, to establish a position for the review of data on Reye's Syndrome patients at the Center for Disease Control, to sponsor a multicenter research study by recognized authorities on Reye's Syndrome, to sponsor programs to educate parents and medical professionals with respect to diagnosis and treatment of the illness, and to raise funds for research into cause, prevention, and treatment of Reye's Syndrome; and

Whereas the public and the Federal Government are not sufficiently aware of the continuous increase in the incidence of Reye's syndrome; and

Whereas the governors of several States have declared Reye's Syndrome weeks: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 12, 1984, through November 18, 1984, is designated "National Reye's Syndrome Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.●

By Mr. QUAYLE:

S.J. Res. 260. Joint resolution designating the week beginning on November 11, 1984, as "National Blood Pressure Awareness Week"; to the Committee on the Judiciary.

NATIONAL BLOOD PRESSURE AWARENESS WEEK

● Mr. QUAYLE. Mr. President, it is my pleasure today to introduce a joint resolution to designate the week of November 11 to 17, 1984, as "National Blood Pressure Awareness Week."

Elevated blood pressure, or hypertension, occurs in over 60 million Americans and is a major factor in the incidence of stroke, heart attack, and other cardiovascular system disease. Particularly distressing is the fact that while a simple, painless test can detect this condition, 15 million of these individuals remain unaware that they are affected by this silent killer. Although more than 75,000 Americans died from strokes and heart attacks during 1981, a reduction of 30 percent in cardiovascular-disease-related mortality occurred between 1970 and 1980. This decline can be partially attributed to increased awareness and better control of blood pressure.

In addition to reductions in needless mortality and morbidity which can accrue through blood-pressure control, increases in productivity and decreases in health-care expenditures can also be effected. Last year, $2 billion in employee earnings, representing more than 29 million workdays, were lost because of cardiovascular diseases which affect more than 30 percent of the work force. In total, these diseases cost the U.S. economy $80 billion annually. Worksite demonstration projects sponsored by the National Heart, Lung and Blood Institute have revealed that absenteeism and health-care expenditures are greater for individuals with hypertension. More importantly, both absenteeism and health-care expenditures were reduced as blood pressure was returned to the normal range.

The importance of blood-pressure control was emphasized in the National Heart, Blood Vessel, Lung, and Blood Act of 1972 and again in the 1980 report of the U.S. Surgeon General entitled "Promoting Health/Preventing Disease: Objectives for the Nation." The latter report serves as the framework for Public Health Service programs to improve the health of the American people. The worksite projects noted above are one example of many programs which have demonstrated that the detrimental effects of cardiovascular disease can be diminished by blood-pressure control.

On any grounds—quality of life, productivity, or economics—increased attention to the identification of individuals with hypertension and greater awareness of the consequences of elevated blood pressure is extremely important to all Americans.

I am, therefore, pleased to introduce this joint resolution in order to focus additional attention on this subject during the same week that 15,000 health professionals and concerned citizens will meet in Miami, Fla., for the annual meeting of the American Heart Association. I urge all Americans to take advantage of the many opportunities for blood-pressure testing and education. I urge all my colleagues in the Senate to take this opportunity to promote enhanced awareness of the problems associated with hypertension and, at the same time, to work toward reducing the terrible human losses associated with it. I also would like to invite my colleagues to join with me and cosponsor this important effort.

Mr. President, I ask unanimous consent that the text of this Joint Resolution be printed in the RECORD in full.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 260

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas diseases resulting from hypertension cause needless mortality and morbidity which can be reduced if hypertension is discovered through blood pressure screening;

Whereas 60,000,000 Americans are hypertensive;

Whereas hypertension is a major factor in 500,000 strokes and 175,000 stroke-related deaths annually as well as more than 1,500,000 heart attacks and 567,000 heart attack-related deaths annually;

Whereas 29,000,000 workdays, representing 2 billion dollars in earnings, are lost each year because of cardiovascular diseases;

Whereas the risk of the major cardiovascular diseases is directly related to hypertension and even mild elevation in blood pressure may result in substantial risk of illness;

Whereas much of the 30% reduction in mortality between 1979 and 1980 for stroke, hypertensive heart disease and other cardiovascular system disease can be partially attributed to increased awareness and better control of blood pressure;

Whereas increased blood pressure screening will identify greater numbers of Americans at risk for hypertension-related cardiovascular disease and encourage these Americans to seek treatment to control their blood pressure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on November 11, 1984, is hereby designated as "National Blood Pressure Awareness Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 880

At the request of Mr. PRESSLER, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 880, a bill to amend the Communications Act of 1934 to provide equity to daytime radio broadcasters.

S. 1369

At the request of Mr. DURENBERGER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1369, a bill to amend section 170 of the Internal Revenue Code of 1954 to increase the amounts that may be deducted for maintaining exchange students as members of the taxpayer's household.

S. 1756

At the request of Mr. DURENBERGER, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 1756, a bill to provide for assistance to State and local governments and private interests for conservation of certain rivers, and for other purposes.

S. 1842

At the request of Mr. ARMSTRONG, the names of the Senator from Wyoming (Mr. WALLOP), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of S. 1842, a bill to amend the Colorado River Basin Salinity Control Act to authorize the Secretary of Agriculture to develop and implement a coordinated agricultural program in the Colorado River Basin.

S. 1938

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1938, a bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, the Poultry Products Inspection Act, the Egg Products Inspection Act, and for other purposes.

S. 1980

At the request of Mr. MURKOWSKI, the names of the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. ANDREWS), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1980, a bill to recognize the organization known as the Polish Legion of American Veterans, U.S.A.

S. 2014

At the request of Mr. SPECTER, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 2014, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

S. 2266

At the request of Mr. CRANSTON, the names of the Senator from Wisconsin

(Mr. Proxmire), the Senator from Nebraska (Mr. Exon), and the Senator from Vermont (Mr. Stafford) were added as cosponsors of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2284

At the request of Mr. Durenberger, the name of the Senator from Iowa (Mr. Jepsen) was added as a cosponsor of S. 2284, a bill to amend the Internal Revenue Code of 1954 to provide that the standard mileage rate for use of a passenger automobile which may be used in computing the charitable contribution deduction shall be the same as the standard mileage rate which may be used in computing the business expense deduction.

S. 2307

At the request of Mr. Boschwitz, the name of the Senator from Maine (Mr. Mitchell) was added as a cosponsor of S. 2307, a bill making a supplemental appropriation to carry out title II of Public Law 480.

S. 2328

At the request of Mr. Boren, the name of the Senator from Washington (Mr. Gorton) was added as a cosponsor of S. 2328, a bill to provide for an improved program for wheat.

S. 2338

At the request of Mr. Heinz, the name of the Senator from New Jersey (Mr. Bradley) was added as a cosponsor of S. 2338, a bill to amend title XVIII of the Social Security Act to allow medicare coverage for home health services provided on a daily basis.

S. 2375

At the request of Mr. Weicker, the name of the Senator from Utah (Mr. Hatch) was added as a cosponsor of S. 2375, a bill to amend the Small Business Act to improve the operation of the secondary market for loans guaranteed by the Small Business Administration.

S. 2381

At the request of Mr. Sasser, the name of the Senator from North Dakota (Mr. Andrews) was added as a cosponsor of S. 2381, a bill to amend the Inspector General Act of 1978 to transfer to the Office of the Inspector General of the Department of Defense the functions of the Defense Contract Audit Agency, and for other purposes.

S. 2413

At the request of Mr. Denton, the name of the Senator from North Dakota (Mr. Andrews) was added as a cosponsor of S. 2413, a bill to recognize the organization known as the American Gold Star Mothers, Inc.

SENATE JOINT RESOLUTION 235

At the request of Mr. Pell, the names of the Senator from Connecticut (Mr. Dodd), the Senator from Hawaii (Mr. Inouye), and the Senator from New Jersey (Mr. Bradley) were added as cosponsors of Senate Joint Resolution 235, a joint resolution to authorize the Law Enforcement Officers Memorial Fund, Inc., to establish a National Law Enforcement Heroes Memorial.

SENATE JOINT RESOLUTION 236

At the request of Mr. Matsunaga, the name of the Senator from Michigan (Mr. Levin) was added as a cosponsor of Senate Joint Resolution 236, a joint resolution relating to cooperative East-West ventures in space as an alternative to a space arms race.

SENATE JOINT RESOLUTION 247

At the request of Mr. Humphrey, the names of the Senator from Michigan (Mr. Riegle) the Senator from New Hampshire (Mr. Rudman), the Senator from Florida (Mrs. Hawkins) and the Senator from Texas (Mr. Tower) were added as cosponsors of Senate Joint Resolution 247, a joint resolution to designate March 25, 1984, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 253

At the request of Mr. Pressler, the name of the Senator from Hawaii (Mr. Matsunaga) was added as a cosponsor of Senate Joint Resolution 253, a joint resolution to authorize and request the President to designate September 16, 1984, as "Ethnic American Day."

SENATE JOINT RESOLUTION 256

At the request of Mr. Thurmond, the names of the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Riegle), the Senator from Massachusetts (Mr. Tsongas), the Senator from Nevada (Mr. Laxalt), the Senator from Florida (Mr. Chiles), the Senator from Florida (Mrs. Hawkins), the Senator from Maine (Mr. Mitchell), the Senator from California (Mr. Wilson), the Senator from New Jersey (Mr. Bradley), the Senator from Kansas (Mr. Dole), the Senator from New Hampshire (Mr. Humphrey), the Senator from Washington (Mr. Gorton), the Senator from Michigan (Mr. Levin), the Senator from Idaho (Mr. McClure), and the Senator from New York (Mr. D'Amato) were added as cosponsors of Senate Joint Resolution 256, a joint resolution designating March 21, 1984, as "National Single Parent Day."

SENATE RESOLUTION 312

At the request of Mr. Humphrey, the names of the Senator from Massachusetts (Mr. Tsongas), the Senator from Utah (Mr. Garn), the Senator from Michigan (Mr. Riegle), the Senator from Pennsylvania (Mr. Heinz), and the Senator from Wisconsin (Mr. Proxmire) were added as cosponsors of Senate Resolution 312, a resolution to honor Cmdr. Alphonse Desjardins, founder of La Caisse Populaire de Ste-Marie, Manchester, N.H.

SENATE RESOLUTION 356—ORIGINAL RESOLUTION REPORTED TO WAIVE CONGRESSIONAL BUDGET ACT

Mr. BAKER (for Mr. Percy), from the Committee on Foreign Relations, reported the following original resolution; which was referred to the Committee on the Budget:

S. Res. 356

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 4835, a bill to authorize appropriations for the funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in Krakow, Poland. Such a waiver is necessary to allow the authorization of $10,000,000 in additional budget authority for fiscal year 1984 for equipping and furnishing the Outpatient Facility, for improving medical equipment at the American Children's Hospital in Krakow, Poland and for providing medical supplies to Poland through private and voluntary agencies.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 15, 1983 deadline, because of the death of the honoree after May 15, 1983.

The desired authorization will not delay the appropriations process and will need to be accommodated in a supplemental appropriation.

AMENDMENTS SUBMITTED

ADMINISTRATIVE PROCEDURE ACT AMENDMENTS

LEVIN (AND OTHERS) AMENDMENT NO. 2791

(Ordered to lie on the table.)

Mr. LEVIN (for himself, Mr. Boren, and Mr. Kasten) submitted an amendment intended to be proposed by them to the bill (S. 1080) to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes; as follows:

On page 55, beginning with line 1, strike out through the matter following line 5 on page 66 and insert the following:

CONGRESSIONAL REVIEW

Sec. 13. (a) Title 5, United States Code, is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

"Sec.
"801. Definitions.
"802. Transmission of rules to the Congress.
"803. Congressional review.
"804. Waiver.
"805. Consideration of joint resolutions.
"806. Effect of disapproval of rule.
"807. Effect on judicial review.
"808. Computation of days of continuous session of Congress.

"§ 801. Definitions

"For purposes of this chapter:

"(1) The term 'agency' has the same meaning as in section 551(1) of this title.

"(2) The term 'appropriate committee' means the committee in the House of Representatives and the committee in the Senate which has primary legislative jurisdiction over the statute pursuant to which an agency may issue a particular rule.

"(3) The term 'days' means days of continuous sessions of Congress.

"(4) The term 'rule' means a rule subject to section 553 of this title, except that such term does not include any rule of particular applicability that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing.

"(5) The term 'joint resolution' means only an unamendable resolution the matter after the resolving clause of which reads: 'That the State and the House of Representatives disapprove the rule entitled transmitted to the Congress by on 19 ., the blank spaces to be filled with the appropriate title of the rule, the name of the agency issuing the rule, and the date of transmittal of the rule.

"§ 802. Transmission of rules to the Congress

"(a) On the day an agency forwards to the Federal Register for publication a recommended final rule, the agency shall transmit a copy of such rule to the Secretary of the Senate and the Clerk of the House of Representatives. The Secretary of the Senate and the Clerk of the House of Representatives shall be authorized to receive a recommended final rule under this subsection whether the appropriate House is in session or recess.

"(b) On the day on which the Secretary of the Senate and the Clerk of the House of Representatives receive a recommended final rule, the Secretary and the Clerk shall transmit a copy of such rule to appropriate committees.

"§ 803. Congressional review

"(a) Notwithstanding any other provision of law, no recommended final rule may become effective until the expiration of a period of thirty days after the date on which such rule is received by the Secretary of the Senate and the Clerk of the House of Representatives under section 802(a) of this title. If before the expiration of such thirty-day period, either appropriate committee orders reported or is discharged from consideration of a joint resolution with respect to such rule, such rule may not become effective until the earlier of—

"(1) the expiration of a period of sixty days beginning on the date on which the committee ordered reported or is discharged from consideration of such joint resolution, except that such rule may not become effective under this paragraph if within such sixty-day period a joint resolution with respect to such rule has become law;

"(2) any time after either House of Congress has rejected a joint resolution with respect to such rule; or

"(3) the adjournment of Congress sine die at the end of a Congress, except that such rule may not become effective under this paragraph if—

"(A) a period of less than thirty days has expired since the date on which such rule was received by the appropriate committees; or

"(B) a joint resolution with respect to such rule has become law.

"(b) Notwithstanding any other provision of law, any final rule subject to this section shall be considered a recommendation of the agency to the Congress and shall have no force and effect as a rule unless such rule has become effective in accordance with this section.

"(c) Whenever an appropriate committee reports a joint resolution pursuant to this section, the resolution shall be accompanied by a committee report specifying the reasons for the committee's action.

"§ 804. Waiver

"The provisions of sections 802 and 803 of this title may be waived with respect to a particular rule if—

"(1) the head of the agency promulgating the rule—

"(A) makes a finding with respect to such rule under paragraph (2) or (3) of section 553(b) of this title; or

"(B) determines that such rule is being issued in response to an emergency situation or other exceptional circumstances requiring immediate agency action in the public interest, or that the contents of such rule must be kept confidential prior to the effective date of such rule; and

"(2) the head of the agency submits to the chairman and ranking minority members of the appropriate committees a written notice of the finding under subparagraph (A) of paragraph (1) or the determination under subparagraph (B) of such paragraph.

"§ 805. Consideration of joint resolutions

"(a) The provisions of this section, paragraph (5) of section 801, and subsection (c) of section 803 are enacted by Congress—

"(1) as an exercise of the rule making power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of joint resolutions; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(b) Except as provided in subsection (e) of this section, joint resolutions shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(c)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which a joint resolution has been referred does not report such resolution within twenty days after the date of transmittal to the Congress of the recommended final rule to which such joint resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which a joint resolution transmitted from the other House has been referred does not report such resolution within thirty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after a joint resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled, by the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(d)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of a joint resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of a joint resolution, or when the companion joint resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such joint resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on a joint resolution shall be limited to not more than two hours (except that when one House has debated the joint resolution of that House, the companion joint resolution of the other House shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the joint resolution and which shall be divided in the Senate equally between, and controlled, by the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit the joint resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the joint resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(e) If a joint resolution with respect to a rule has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a joint resolution with respect to the same rule from the other House, the joint resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a joint resolution of one House, that House receives a joint resolution with respect to the same rule from the other House, the vote in the first House shall occur on the joint resolution of the other House.

"§ 806. Effect of disapproval of rule

"(a) If a recommended final rule of an agency does not become effective under this chapter, the agency may issue a recommended final rule which relates to the same acts or practices as the rule which did not become effective under this chapter. Such recommended final rule—

"(1) shall be based upon—

"(A) the rule making record of the recommended final rule which did not become effective under this chapter; or

"(B) such rule making record and the record established in supplemental rule making proceedings conducted by the agency in accordance with section 553 of this title, in any case in which the agency determines that it is necessary to supplement the existing rule making record; and

"(2) may reflect such changes as the agency considers necessary or appropriate including such changes as may be appropriate in light of congressional debate and consideration of the joint resolution with respect to the rule which did not become effective under this chapter.

"(b) An agency, after issuing a recommended final rule under this section, shall transmit such rule to the Secretary of the Senate and the Clerk of the House of Representative in accordance with section 802 (a) of this title, and such rule shall only become effective in accordance with this chapter.

"§ 807. Effect on judicial review

"Congressional inaction on, or rejection of, any joint resolution concerning a rule shall not be deemed an expression of approval of the rule involved. The compliance of any agency with the requirements of this chapter, including any determination by an agency under this chapter, shall not be subject to judicial review of any kind.

"§ 808. Computation of days of continuous session of Congress

"For purposes of this chapter—

"(1) continuity of session is broken only by an adjournment sine die at the end of a Congress; and

"(2) the days on which either House is not in session because of an adjournment or recess to a day certain shall be excluded in the computation of days of continuous session of Congress for the twenty-day and thirty-day periods referred to in this chapter if the adjournment is for more than three days, and shall be excluded in such computation for the sixty-day period referred to herein if the adjournment is for more than fifteen days.".

(b) The table of chapters for part I of title 5, United States Code, is amended by inserting after the item relating to chapter 7 the following:

"8. Congressional Review of Agency Rule Making . . . 801.".

SOCIAL SECURITY DISABILITY BENEFITS

LEVIN (AND OTHERS) AMENDMENT NO. 2792

(Ordered referred to the Committee on Finance.)

Mr. LEVIN (for himself, Mr. COHEN, and Mr. HEINZ) submitted an amendment intended to be proposed by them to the bill (S. 476) to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right of personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Social Security Disability Amendments of 1984".

PRETERMINATION NOTICE

SEC. 2. (a)(1) Section 221(i) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(4) In any case where the Secretary initiates a review under this subsection of the case of an individual who has been determined to be under a disability, the Secretary shall notify such individual of the nature of the review to be carried out, the possibility that such review could result in the termination of benefits, and the right of the individual to provide medical evidence with respect to such review.".

(2) Section 221(c) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) In any case where the Secretary initiates a review under this subsection of a determination made by a State agency that an individual is under a disability, the Secretary shall notify the individual whose case is to be reviewed of the nature of the review to be carried out and the possibility that such review could result in the termination of benefits.".

(b) Section 1633 of such Act is amended by adding at the end thereof the following new subsection:

"(c) In any case in which the Secretary initiates a review under this title, similar to the continuing disability reviews or own motion reviews authorised for purposes of title II under sections 221(c) and 221(i), the Secretary shall notify the individual whose case is to be reviewed in the same manner as required under section 221(i)(4) or 221(c)(4), respectively.".

STANDARD OF REVIEW FOR TERMINATION OF DISABILITY BENEFITS AND PERIODS OF DISABILITY

SEC. 3. (a) Section 223 of the Social Security Act is amended by inserting after subsection (e) the following new subsection:

"Standard of Review for Termination of Disability Benefits

"(f)(1) A recipient of benefits under this title or title XVIII based on the disability of any individual may be determined not to be entitled to such benefits on the basis of a finding that the physical or mental impairment on the basis of which such benefits are provided has ceased, does not exist, or is not disabling only if such finding is supported by—

"(A) substantial evidence which demonstrates that there has been medical improvement in the individual's impairment or combination of impairments so that—

"(i) the individual is not able to engage in substantial gainful activity, or

"(ii) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is no longer deemed, under regulations prescribed by the Secretary, sufficient to preclude the individual from engaging in gainful activity; or

"(B) substantial evidence which—

"(i) consists of new medical evidence and (in a case to which subclause (II) does not apply) a new assessment of the individual's residual functional capacity and demonstrates that, although the individual has not improved medically, he or she is nonetheless a beneficiary of advances in medical or vocational therapy or technology so that—

"(I) the individual is now able to engage in substantial gainful activity, or

"(II) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is no longer deemed under regulations prescribed by the Secretary sufficient to preclude the individual from engaging in gainful activity; or

"(ii) demonstrates that, although the individual has not improved medically, he or she has undergone vocational therapy so that the requirements of subclause (I) or (II) of clause (i) are met; or

"(C) substantial evidence which demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment or combination of impairments is not as disabling as it was considered to be at the time of the most recent prior decision that he or she was under a disability or continued to be under a disability, and that therefore—

"(i) the individual is able to engage in substantial gainful activity, or

"(ii) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is not deemed under regulations prescribed by the Secretary sufficient to preclude the individual from engaging in gainful activity.

"(2) Nothing in this subsection shall be construed to require a determination that a recipient of benefits under this title or title XVIII based on and individual's disability is entitled to such benefits if evidence on the record at the time any prior determination of such entitlement to disability benefits was made, or new evidence which relates to that determination, shows that the prior determination was either clearly erroneous at the time it was made or was fraudulently obtained, or if the individual is engaged in substantial gainful activity.

"(3) In any case in which there is not available medical evidence supporting a prior disability determination, nothing in this subsection shall preclude the Secretary, in attempting to meet the requirements of the preceding provisions of this subsection, from securing additional medical reports necessary to reconstruct the evidence which supported such prior disability determination.

"(4) For purposes of this subsection, a benefit under this title is based on an individual's disability if it is a disability insurance benefit, a child's, widow's, or widower's insurance benefit based on disability, or a mother's or father's insurance benefit based on the disability of the mother's or father's child who has attained age 16.".

(b) Section 216(i) of such Act is amended by adding at the end thereof the following new paragraph:

"(4)(A) A period of disability may be determined to end on the basis of a finding that the physical or mental impairment on the basis of which the finding of disability was made has ceased, does not exist, or is not disabling only if such finding is supported by evidence described in subparagraph (A), (B), (C), or (D) or section 223(f)(1).

"(B) Nothing in subparagraph (A) shall be construed to require a determination that a period of disability continues if evidence on the record at the time any prior determination of such period of disability was made, or new evidence which relates to such determination, shows that the prior determination was either clearly erroneous at the time

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it was made or was fraudulently obtained, or if the individual is engaged in substantial gainful activity.

"(C) In any case in which there is no available medical evidence supporting a prior disability determination, nothing in this paragraph shall preclude the Secretary, in attempting to meet the requirements of the preceding provisions of this paragraph, from securing additional medical reports necessary to reconstruct the evidence which supported such prior disability determination.".

(c) Section 1614(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(5)(A) A recipient of benefits based on disability under this title may be determined to be to entitled to such benefits on the basis of a finding that the physical or mental impairment on the basis of which such benefits are provided has ceased, does not exist, or is not disabling only if such finding is supported by—

"(i) substantial evidence which demonstrates that there has been medical improvement in the individual's impairment or combination of impairments so that the individual is now able to engage in substantial gainful activity; or

"(ii) substantial evidence (except in the case of an individual eligible to receive benefits under section 1619) which—

"(I) consists of new medical evidence and a new assessment of the individual's residual functional capacity and demonstrates that, although the individual has not improved medically, he or she is nonetheless a beneficiary of advances in medical or vocational therapy or technology so that the individual is now able to engage in substantial gainful activity, or

"(II) demonstrates that, although the individual has not improved medically, he or she has undergone vocational therapy so that he or she is now able to engage in substantial gainful activity; or

"(iii) substantial evidence which demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment or combination of impairments is not as disabling as it was considered to be at the time of the most recent prior decision that he or she was under a disability or continue to be under a disability, and that therefore the individual is able to engage in substantial gainful activity.

"(B) Nothing in this paragraph shall be construed to require a determination that a recipient of benefits under this title based on disability is entitled to such benefits if evidence on the record at the time any prior determination of such entitlement to benefits was made, or new evidence which relates to that determination, shows that the prior determination was either clearly erroneous at the time it was made or was fraudulently obtained, or if the individual (unless he or she is eligible to receive benefits under section 1619) is engaged in substantial gainful activity.

"(C) In any case in which there is no available medical evidence supporting a prior determination of disability, nothing in this paragraph shall preclude the Secretary, in attempting to meet the requirements of the preceding provisions of this paragraph, from securing additional medical reports necessary to reconstruct the evidence which supported such prior determination.".

CASE DEVELOPMENT AND MEDICAL EVIDENCE

SEC. 4. (a) Section 223(d)(5) of the Social Security Act is amended by inserting "(A)" after "(5)" and by adding at the end thereof the following new subparagraph:

"(B) In making any determination with respect to whether an individual is under a disability or continues to be under a disability, the Secretary shall consider all evidence available in such individual's case record, and shall develop a complete medical history of at least the preceding twelve months for any case in which a determination is made that the individual is not under a disability. In making any determination the Secretary shall make every reasonable effort to obtain from the individual's treating physician (or other treating health care provider) all medical evidence, including diagnostic tests, necessary in order to properly make such determination, prior to seeking medical evidence from any other source on a consultative basis.".

(b) Section 1614(a)(3) of such Act is amended by adding at the end thereof the following subparagraph:

"(G) In making determinations with respect to disability under this title, the provisions of section 223(d)(5) shall apply.".

EVALUATION OF PAIN

SEC. 5. (a) Section 223(d)(5)(A) of the Social Security Act (as amended by section 3 of this Act) is amended by inserting after the first sentence the following new sentence: "An individual's statement as to pain or other symptoms shall not alone be conclusive evidence of disability as defined in this section; there must be findings, established by medically acceptable clinical or laboratory diagnostic techniques, which demonstrate the pain or other symptoms alleged and which, when considered with all evidence required to be furnished under this paragraph (including statements of the individual and his treating physician as to the intensity and persistence of such pain or other symptoms which may reasonably be accepted as consistent with the findings), would lead to a conclusion that the individual is under a disability.".

(b)(1) The Secretary of Health and Human Services shall, in conjunction with the National Academy of Sciences, conduct a study of the issues concerning—

(A) the use of subjective evidence of pain, including statements of the individual alleging such pain as to the intensity and persistence of such pain and corroborating evidence provided by treating physicians, family, neighbors, or behavioral indicia, in determining under section 221 or title XVI of the Social Security Act whether an individual is under a disability, and

(B) methods of preventing, reducing, or coping with pain.

(2) The Secretary shall submit the results of the study under paragraph (1), together with any recommendations, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than April 1, 1985.

UNIFORM STANDARDS FOR DISABILITY DETERMINATIONS

SEC. 6. (a) Section 221 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(j)(1) The Secretary shall establish by regulation uniform standards which shall be applied at all levels of determination, review, and adjudication in determining whether individuals are under disabilities as defined in section 216(i) or 223(d).

"(2) Regulations promulgated under paragraph (1) shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.".

(b) Section 1614(a)(3)(C) of such Act (as added by section 4 of this Act) is amended by striking out "section 221(d)(5)" and inserting in lieu thereof "sections 221(d)(5) and 221(j)".

MULTIPLE IMPAIRMENTS

SEC. 7. (a)(1) Section 223 (d)(2) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(C) In determining whether an individual's physical or mental impairment or impairments are of such severity that he or she is unable to engage in substantial gainful activity, the Secretary shall consider the combined effect of all of the individual's impairments without regard to whether any such impairment, if considered separately, would be of such severity.".

(2) The third sentence of section 216(i)(1) of such Act is amended by inserting "(2)(C)," after "(2)(A),".

(b) Section 1614(a)(3)(G) of such Act (as amended by section 6 of this Act) is amended by striking out "and 221 (j)" and inserting in lieu thereof ", 221(j), and 223(d)(2)(C)".

(c) The amendments made by this section shall apply to determinations made on or after January 1, 1985.

MORATORIUM ON MENTAL IMPAIRMENT REVIEWS

SEC. 8. (a) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall revise the criteria embodied under the category "Mental Disorders" in the "Listing of Impairments" in effect on the date of the enactment of this Act under appendix 1 to subpart P of part 404 of title 20 of the Code of Federal Regulations. The revised criteria and listings, alone and in combination with assessments of the residual functional capacity of the individuals involved, shall be designed to realistically evaluate the ability of a mentally impaired individual to engage in substantial gainful activity in a competitive workplace environment. Regulations establishing such revised criteria and listings shall be published no later than nine months after the date of the enactment of this Act.

(b) The Secretary shall make the revisions pursuant to subsection (a) in consultation with the Advisory Council on the Medical Aspects of Disability (established by section 9 of this Act), and shall take the advice and recommendations of such Council fully into account in making such revisions.

(c)(1) Until such time as revised criteria have been established by regulation in accordance with subsection (a), no continuing eligibility review shall be carried out under section 221(i) of the Social Security Act, or under the corresponding requirements established for disability determinations and reviews under title XVI of such Act, with respect to any individual previously determined to be under a disability by reason of a mental impairment, if—

(A) no initial decision on such review has been rendered with respect to such individual prior to the date of the enactment of this Act, or

(B) an initial decision on such review was rendered with respect to such individual prior to the date of the enactment of this Act but a timely appeal from such decision was filed or was pending on or after June 7, 1983.

For purposes of this paragraph and subsection (d)(1) the term "continuing eligibility review", when used to refer to a review of a previous determination of disability, includes any reconsideration of or hearing on the initial decision rendered in such review as well as such initial decision itself, and any review by the Appeals Council of the hearing decision.

(2) Paragraph (1) shall not apply in any case where the Secretary determines that fraud was involved in the prior determination, or where an individual (other than an individual eligible to receive benefits under section 1619 of the Social Security Act) is determined by the Secretary to be engaged in substantial gainful activity.

(d)(1) Any initial determination that an individual is not under a disability by reason of a mental impairment and any determination that an individual is not under a disability by reason of a mental impairment in a reconsideration of or hearing on an initial disability determination, made or held under title II or XVI of the Social Security Act after the date of the enactment of this Act and prior to the date on which revised criteria are established by regulation in accordance with subsection (a), and any determination that an individual is not under a disability by reason of a mental impairment made under or in accordance with title II or XVI of such Act in a reconsideration of, hearing on, or judicial review of a decision rendered in any continuing eligibility review to which subsection (c)(1) applies, shall be redetermined by the Secretary as soon as feasible after the date on which such criteria are so established, applying such revised criteria.

(2) In the case of a redetermination under paragraph (1) of a prior action which found that an individual was not under a disability, if such individual is found on redetermination to be under a disability, such redetermination shall be applied as though it had been made at the time of such prior action.

(3) Any individual with a mental impairment who was found to be not disabled pursuant to an initial disability determination or a continuing eligibility review between March 1, 1981, and the date of the enactment of this Act, and who reapplies for benefits under title II or XVI of the Social Security Act, may be determined to be under a disability during the period considered in the most recent prior determination. Any reapplication under this paragraph must be filed within one year after the date of the enactment of this Act, and benefits payable as a result of the preceding sentence shall be paid only on the basis of the reapplication.

ADVISORY COUNCIL ON MEDICAL ASPECTS OF DISABILITY

SEC. 9. (a) There is hereby established in the Department of Health and Human Services an Advisory Council on the Medical Aspects of Disability (hereafter in this section referred to as the "Council").

(b)(1) The Council shall consist of—

(A) 10 members appointed by the Secretary of Health and Human Services (without regard to the requirements of the Federal Advisory Committee Act) within 60 days after the date of the enactment of this Act from among independent medical and vocational experts, including at least one psychiatrist, one rehabilitation psychologist, and one medical social worker; and

(B) the Commissioner of Social Security ex officio.

The Secretary shall from time to time appoint one of the members to serve as Chairman. The Council shall meet as often as the Secretary deems necessary, but not less often than twice each year.

(2) Members of the Council appointed under paragraph (1)(A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Such members, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be paid at rates fixed by the Secretary, but not exceeding $100 for each day, including traveltime, during which they are engaged in the actual performance of duties vested in the Council; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(3) The Council may engage such technical assistance from individuals skilled in medical and other aspects of disability as may be necessary to carry out its functions. The Secretary shall make available to the Council such secretarial, clerical, and other assistance and any pertinent data prepared by the Department of Health and Human Services as the Council may require to carry out its functions.

(c) It shall be the function of the Council to provide advice and recommendations to the Secretary of Health and Human Services on disability standards, policies, and procedures under titles II and XVI of the Social Security Act, including advice and recommendations with respect to—

(1) the revisions to be made by the Secretary, under section 8(a) of this Act, in the criteria embodied under the category "Mental Disorders" in the "Listing of Impairments"; and

(2) the question of requiring, in cases involving impairments other than mental impairments, that the medical portion of each case review (as well as any applicable assessment of residual functional capacity) be completed by an appropriate medical specialist employed by the State agency before any determination can be made with respect to the impairment involved.

(d)(1) The Council shall also have the following functions and responsibilities with respect to work evaluations in the case of applicants for and recipients of benefits based on disability under title XVI:

(A) a consideration of alternative approaches to work evaluation in the case of applicants for benefits based on disability under title XVI and recipients of such benefits undergoing reviews of their cases, including immediate referral of any such applicant or recipient to a vocational rehabilitation agency for services at the same time he or she is referred to the appropriate State agency for a disability determination;

(B) an examination of the feasibility and appropriateness of providing work evaluation stipends for applicants for and recipients of benefits based on disability under title XVI in cases where extended work evaluation is needed prior to the final determination of their eligibility for such benefits or for further rehabilitation and related services;

(C) a review of the standards, policies, and procedures which are applied or used by the Secretary of Health and Human Services with respect to work evaluations, in order to determine whether such standards, policies, and procedures will provide appropriate screening criteria for work evaluation referrals in the case of applicants for and recipients of benefits based on disability under title XVI; and

(D) an examination of possible criteria for assessing the probability that an applicant for or recipient of benefits based on disability under title XVI will benefit from rehabilitation services, taking into consideration not only whether the individual involved will be able after rehabilitation to engage in substantial gainful activity but also whether rehabilitation services can reasonably be expected to improve the individual's functioning so that he or she will be able to live independently or work in a sheltered environment.

(2) For purposes of this subsection, "work evaluation" includes (with respect to any individual) a determination of—

(A) such individual's skills,

(B) the work activities or types of work activity for which such individual's skills are insufficient or inadequate,

(C) the work activities or types of work activity for which such individual might potentially be trained or rehabilitated,

(D) the length of time for which such individual is capable of sustaining work (including, in the case of the mentally impaired, the ability to cope with the stress of competitive work), and

(E) any modifications which may be necessary, in work activities for which such individual might be trained or rehabilitated, in order to enable him or her to perform such activities.

(e) Whenever the Council deems it necessary or desirable to obtain assistance in order to perform its functions under this section, the Council may—

(1) call together larger groups of experts, including representatives of appropriate professional and consumer organizations, in order to obtain a broad expression of views on the issues involved; and

(2) establish temporary short-term task forces of experts to consider and comment upon specialized issues.

(f)(1) Any advice and recommendations provided by the Council to the Secretary of Health and Human Services shall be included in the ensuing annual report made by the Secretary to Congress under section 704 of the Social Security Act.

(2) Section 704 of the Social Security Act is amended by inserting after the first sentence the following new sentence: "Each such report shall contain a comprehensive description of the current status of the disability insurance program under title II and the program of benefits for the blind and disabled under title XVI (including, in the case of the reports made in 1984, 1985, and 1986, any advice and recommendations provided to the Secretary by the Advisory Council on the Medical Aspects of Disability, with respect to disability standards, policies, and procedures, during the preceding year).".

(g) The Council shall cease to exist at the close of December 31, 1986.

SSI BENEFITS FOR INDIVIDUALS WHO PERFORM SUBSTANTIAL GAINFUL ACTIVITY DESPITE SEVERE MEDICAL IMPAIRMENT

SEC. 10. (a) Section 201(d) of the Social Security Disability Amendments of 1980 is amended by striking out "shall remain in effect only for a period of three years after such effective date" and inserting in lieu thereof "shall remain in effect only through June 30, 1987".

(b) Section 1619 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary of Health and Human Services and the Secretary of Education shall jointly develop and disseminate information, and establish training programs for staff personnel, with respect to the potential availability of benefits and services for disabled individuals under the provisions of this section. The Secretary of Health and Human Services shall provide such information to individuals who are applicants for and recipients of benefits based on disability under this title and shall conduct such programs for the staffs of the District offices of the Social Security Administration. The Secretary of Education shall conduct such programs for the staffs of the State Vocational Rehabilitation agencies, and in cooperation with such agencies shall also provide such information to other appropriate individuals and to public and private organizations and agencies which are concerned with rehabilitation and social services or which represent the disabled.".

PAYMENT OF COSTS OF REHABILITATION SERVICES

SEC. 11. (a) The first sentence of section 222(d)(1) of the Social Security Act is amended—

(1) by striking out "into substantial gainful activity"; and

(2) by striking out "which result in their performance of substantial gainful activity which lists for a continuous period of nine months" and inserting in lieu thereof the following: "(i) in cases where the furnishing of such services results in the performance by such individuals of substantial gainful activity for a continuous period of nine months, (ii) in cases where such individuals receive benefits as a result of section 225(b) (except that no reimbursement under this paragraph shall be made for services to any individual receiving such benefits for any period after the close of such individual's ninth consecutive month of substantial gainful activity or the close of the month in which his or her entitlement to such benefits ceases, whichever first occurs), and (iii) in cases where such individuals, without good cause, refuse to accept vocational rehabilitation services or fail to cooperate to such a degree that they preclude their successful rehabilitation".

(b) The second sentence of section 222(d)(1) of such Act is amended by inserting after "substantial gainful activity" the following: ", the determination that an individual, without good cause, refused to accept vocational rehabilitation services or failed to cooperate to such a degree that he precluded his successful rehabilitation,".

(c) The first sentence of section 1615(d) of such Act is amended by striking out "if such services result in their performance of substantial gainful activity which lasts for a continuous period of nine months" and inserting in lieu thereof the following: "(1) in cases where the furnishing of such services results in the performance by such individuals of substantial gainful activity for continuous periods of nine months, (2) in cases where such individuals are determined to be no longer entitled to benefits under this title because the physical or mental impairments on which the benefits are based have ceased, do not exist, or are not disabling (and no reimbursement under this subsection shall be made for services furnished to any individual receiving such benefits for any period after the close of such individual's ninth consecutive month of substantial gainful activity or the close of the month with which his or her entitlement to such benefits ceases, whichever first occurs), and (3) in cases where such individuals, without good cause, refuse to accept vocational rehabilitation services or fail to cooperate to such a degree that they preclude their successful rehabilitation".

(d) The amendments made by this section shall apply with respect to individuals who receive benefits as a result of section 225(b) of the Social Security Act (or who are determined to be no longer entitled to benefits under title XVI of such Act because the physical or mental impairments on which the benefits are based have ceased, do not exist, or are not disabling), or who refuse to accept rehabilitation services or fail to cooperate in an approved vocational rehabilitation program, in or after the first month following the month in which this Act is enacted.

QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL IMPAIRMENTS

SEC. 12. (a) Section 221 of the Social Security Act is amended by inserting after subsection (g) the following new subsection:

"(h) A determination under subsection (a), (c), (g), or (i) that an individual is not under a disability by reason of a mental impairment shall be made only if, before its issuance by the State (or the Secretary), a qualified psychiatrist or psychologist who is employed by the State agency or the Secretary (or whose services are contracted for by the State agency or the Secretary) has completed the medical portion of the case review, including any applicable residual functional capacity assessment.".

(b) Section 1614 (a)(3)(G) of such Act (as amended by section 7 of this Act) is amended by inserting "221(h)," before "221(j)".

RESPONSE BY SECRETARY TO COURT DECISIONS

SEC. 13. (a) In the case of any decision rendered by a United States Court of Appeals which—

(1) involves an interpretation of the Social Security Act or any regulation issued thereunder;

(2) involves a case to which the Department of Health and Human Services or any officer or employee thereof is a party; and

(3) requires that such department or officer or employee thereof, apply or carry out any provision, procedure, or policy under such Act with respect to any individual or circumstance in a manner which varies from the manner in which such provision, procedure, or policy is generally applied or carried out.

the Secretary shall, within 60 days after the issuance of such decision on the last day available for filing an appeal, whichever is later, send to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, and publish in the Federal Register, a statement of the Secretary's decision to acquiesce or not acquiesce in such court decision, and the specific facts and reasons in support of the Secretary's decision. Nothing in this section shall be interpreted as sanctioning any decision of the Secretary not to acquiesce in the decision of a United States Court of Appeals.

CONTINUATION OF BENEFITS DURING APPEAL

SEC. 14. (a)(1) Section 223(g)(1) of the Social Security Act is amended—

(A) in the matter following subparagraph (C), by striking out "and the payment of any other benefits under this Act based on such individual's wages and self-employment income (including benefits under title XVIII)," and inserting in lieu thereof ", the payment of any other benefits under this title based on such individual's wages and self-employment income, the payment of mother's or father's insurance benefits to such individual's mother or father based on the disability of such individual as a child who has attained age 16, and the payment of benefits under title XVIII based on such individual's disability,"; and

(B) in clause (iii) by striking out "June 1984" and inserting in lieu thereof "January 1987".

(2) Section 223(g)(3)(B) of such Act is amended by striking out "December 7, 1983" and inserting in lieu thereof "June 1, 1986".

(b) Section 1631(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(7)(A) In any case where—

"(i) an individual is a recipient of benefits based on disability or blindness under this title,

"(ii) the physical or mental impairment on the basis of which such benefits are payable is found to have ceased, not to have existed, or to no longer be disabling, and as a consequence such individual is determined not to be entitled to such benefits, and

"(iii) a timely request for review or for a hearing is pending with respect to the determination that he is not so entitled,

such individual may elect (in such manner and form and within such time as the Secretary shall by regulations prescribe) to have the payment of such benefits continued for an additional period beginning with the first month beginning after the date of the enactment of this paragraph for which (under such determination) such benefits are no longer otherwise payable, and ending with the earlier of (I) the month preceding the month in which a decision is made after such a hearing, (II) the month preceding the month in which no such request for review or a hearing is pending, or (III) January 1987.

"(B) (i) If an individual elects to have the payment of his benefits continued for an additional period under subparagraph (A), and the final decision of the Secretary affirms the determination that he is not entitled to such benefits, any benefits paid under this title pursuant to such election (for months in such additional period) shall be considered overpayments for all purposes of this title, except as otherwise provided in clause (ii).

"(ii) If the Secretary determines that the individual's appeal of his termination of benefits was made in good faith, all of the benefits paid pursuant to such individual's election under subparagraph (A) shall be subject to waiver consideration under the provisions of subsection (b)(1).

"(C) The provisions of subparagraphs (A) and (B) shall apply with respect to determinations (that individuals are not entitled to benefits) which are made—

"(i) on or after the date of the enactment of this paragraph, or prior to such date but only on the basis of a timely request for review or for a hearing, and

"(ii) prior to June 1, 1986.".

PERSONAL APPEARANCE DEMONSTRATION PROJECTS

SEC. 15. The Secretary of Health and Human Services shall, as soon as practicable after the date of the enactment of this Act, implement demonstration projects in which a personal appearance prior to a determination of ineligibility for persons reviewed under section 221(i) of the Social Security Act is substituted for the face to face evidentiary hearing required by section 205(b)(2) of such Act. Such demonstration projects shall be conducted in not fewer than five States, and shall also include dis-

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ability determinations with respect to individuals reviewed under title XVI of such Act. The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning such demonstration projects, together with any recommendations, not later than April 1, 1985.

FREQUENCY OF CONTINUING ELIGIBILITY REVIEWS

SEC. 16. The Secretary of Health and Human Services shall promulgate regulations, within 90 days after the date of the enactment of this Act, which establish the standards to be used by the Secretary in determining the frequency of reviews under section 221(i) of the Social Security Act. Such regulations shall be subject to public notice and comment under section 553 of title 5, United States Code, prior to being issued as final regulations. Until such regulations have been issued as final regulations, no individual may be reviewed more than once under section 221(i) of the Social Security Act.

SECRETARIAL REVIEW OF ALJ DETERMINATIONS

SEC. 17. Section 304(g) of the Social Security Disability Amendments of 1980 is repealed.

EFFECTIVE DATE

SEC. 18. Except as otherwise provided in this Act, the amendments made by this Act shall only apply with respect to cases involving disability determinations pending in the Department of Health and Human Services or in court on the date of the enactment of this Act, or initiated on or after such date.

● Mr. LEVIN. Mr. President, yesterday I submitted for the RECORD two amendments on two diffferent issues—social security disability reform and legislative veto. I introduced those amendments on behalf of myself and several cosponsors, however, as a result of an error in the RECORD, the cosponsors of each of these amendments were not named. In order to correct that error and any misconception created by it, I am again submitting those amendments with new numbers, and for future reference the numbers previously assigned will be ignored. My cosponsors on the legislative veto bill are Senator BOREN and Senator KASTEN; my cosponsors on the social security disability amendments are Senator COHEN and Senator HEINZ.●

URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

DANFORTH (AND OTHERS) AMENDMENT NO. 2793

Mr. DANFORTH (for himself, Mr. BOSCHWITZ, Mr. JEPSEN, and Mr. BOREN) proposed an amendment to the joint resolution (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984; as follows:

At the end of the bill, add the following: That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984; namely:

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480

EMERGENCY FOOD ASSISTANCE FOR AFRICA

For an additional amount for "Public Law 480", for commodities supplied in connection with dispositions abroad, pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, $80,000,000, of which $80,000,000 is hereby appropriated.

AUTHORIZATION OF APPROPRIATIONS UNDER THE SOLID WASTE DISPOSAL ACT

CHAFEE (AND OTHERS) AMENDMENT NOS. 2794 THROUGH 2806

(Ordered to lie on the table.)

Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. RANDOLPH, and Mr. MITCHELL) submitted 13 amendments intended to be proposed by them to the bill (S. 757) to amend the Solid Waste Disposal Act to authorize funds for fiscal years 1983, 1984, 1985, 1986, and 1987, and for other purposes; as follows:

AMENDMENT No. 2794

Amend the title to read as follows: "To amend the Solid Waste Disposal Act to authorize funds for fiscal years 1985, 1986, 1987, 1988, and 1989, and for other purposes.".

SHORT TITLE

Strike the phrase "Solid Waste Disposal Act Amendments of 1983" each place it appears and insert in lieu thereof "Solid Waste Disposal Act Amendments of 1984".

AMENDMENT No. 2795

AUTHORIZATION

Amend S. 757 by striking sections 2 and 3 and inserting in lieu thereof the following:

"SEC. 2. Section 2007(a) of the Solid Waste Disposal Act is amended by striking 'and' immediately following '1981,' and by inserting immediately before the period at the end thereof ', $70,000,000 for the fiscal year ending September 30, 1985, and $80,000,000 per fiscal year for fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989'.

"SEC. 3. Section 3011(a) of the Solid Waste Disposal Act is amended by striking 'and' immediately following '1981,' and by inserting immediately following '1982' the following: ', $55,000,000 for the fiscal year 1985, and $60,000,000 per fiscal year for fiscal years 1986, 1987, 1988, and 1989'.".

AMENDMENT No. 2796

On Page 35, line 8, strike "standards are" and insert in lieu thereof "variation is necessary by reason of the smaller size and the technical and managerial capability of such generators, and is".

AMENDMENT No. 2797

On page 39, line 13, insert "(Proposed EPA Hazardous Waste Nos. F020, F021, F022, and F023)" immediately after "dioxin-containing hazardous wastes".

AMENDMENT No. 2798

On page 38, line 7, insert "(other than paragraph (7))" immediately after "subsection".

On page 42, line 19, insert "levels or" immediately after "those".

On page 42, lines 19 to 22, strike "are necessary before such method or methods of disposal of such hazardous waste would be protective of human health and the environment" and insert in lieu thereof "so diminish the toxicity of the waste or so reduce the likelihood of migration of hazardous constituents from the waste that short-term and long-term threats to human health and the environment are minimized".

On page 42, lines 22 to 25, and on page 43, lines 1 and 2, strike all after "environment." and insert in lieu thereof the following: "If such hazardous waste has been treated to the level or by a method specified in regulations promulgated under this paragraph, such waste or residue thereof shall not be subject to any prohibition promulgated under paragraph (1) of this subsection. And regulation promulgated under this paragraph for a particular hazardous waste shall become effective on the same date as any applicable prohibition promulgated under paragraph (1) of this subsection."

AMENDMENT No. 2799

On page 44, beginning on line 2, strike "(including the minimization of free liquids by other means than the addition of absorbent material, where technologically feasible),".

On page 44, line 6, insert immediately after "landfills." the following new sentence: "Such regulations shall also require that free liquids be minimized by means other than the addition of absorbent material, where technologically feasible, and shall prohibit the disposal in landfills of liquids that have been absorbed in materials that biodegrade or that release liquids when compressed as might occur during routine landfill operation.".

AMENDMENT No. 2800

On Page 68, line 22, insert "and the shipment conforms with the terms of such agreement" immediately after "(f)".

Page 69, line 10, strike "concern" and insert in lieu thereof "contain".

Page 71, line 2, strike "subsection" and insert in lieu thereof "subsections (a)(5) and".

Page 71, line 19, insert "(A)" immediately before "without".

Page 71, line 20, insert "or, (B) where there exists an international agreement between the United States and the government of the receiving country establishing notice, export, and enforcement procedures for the transportation, treatment, storage, and disposal of hazardous wastes, in a manner which is not in conformance with such agreement" immediately after "country".

AMENDMENT No. 2801

On page 33, line 4, insert "without a permit" immediately before the comma.

On page 46, line 10, insert "; Provided that the administrator shall not be precluded from requiring installation of a new liner when the Administrator has reason to believe that any liner installed pursuant to the requirements of this subsection is leaking" immediately after "such facility".

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On page 71, line 16, strike the comma and insert in lieu thereof a semicolon.

AMENDMENT No. 2802

On page 85, line 18, insert immediately after "requirement." the following new sentence: "Pending authorization under this section of a State program which reflects the amendments made by the Solid Waste Disposal Act Amendments of 1984, the Administrator may enter into an agreement with the State under which the State may assist in the administration of the requirements and prohibitions which take effect pursuant to such amendments."

AMENDMENT No. 2803

Amend S. 757 by adding the following new section:

SEC. . Section 3005(a) of the Solid Waste Disposal Act is amended by—

(1) Striking "a" immediately after "owning or operating" in the first sentence and inserting in lieu thereof "an existing facility or planning to construct a new"; and

(2) Inserting in the second sentence "and the construction of any new facility for the treatment, storage, or disposal of any such hazardous waste" immediately after "any such hazardous waste".

AMENDMENT No. 2804

SECTION 5 LAND DISPOSAL LIMITATIONS

On page 39, line 11, strike "July 1, 1985" and insert in lieu thereof "twenty-eight months after the enactment of the Solid Waste Disposal Act Amendments of 1984".

On page 41, line 11, strike "twelve" and insert in lieu thereof "twenty-four".

On page 41, line 18, strike "thirty-two" and insert in lieu thereof "forty-eight".

On page 41, line 20, strike "forty-two" and insert in lieu thereof "sixty".

On page 41, line 21, strike "fifty-two" and insert in lieu thereof "seventy-two".

On page 43, line 23, strike "one year" and insert in lieu thereof "fifteen months".

SECTION 8 LISTING/DELISTING MODIFICATIONS

On page 51, lines 12 and 13, strike "twelve months after the date such petition is granted or six" and insert in lieu thereof "twenty-four".

On page 51, line 15, strike ", whichever is later".

On page 53, line 22, strike "two years" and insert in lieu thereof "twenty-eight months".

SECTION 9 BURNING AND BLENDING OF HAZARDOUS WASTES

On page 54, line 12, strike "twelve" and insert in lieu thereof "fifteen".

On page 60, line 12, strike "twelve" and insert in lieu thereof "fifteen".

SECTION 24 AIR EMISSIONS FROM LAND DISPOSAL FACILITIES

On page 85, line 22, strike "thirty" and insert in lieu thereof "forty-two".

SECTION 28 REPORT TO CONGRESS

On page 90, lines 24 and 25, strike "March 13, 1984" and insert in lieu thereof "June 15, 1984".

AMENDMENT No. 2805

Amend S. 757 by adding the following new section:

INTERIM STATUS

SEC. . Section 3005 of the Solid Waste Disposal Act is amended by amending paragraph (1) of subsection (e) to read as follows:

"(1) owns or operates a facility required to have a permit under this section—

"(A) which facility was in existence on November 19, 1980, or

"(B) which facility is in existence on the effective date of statutory or regulatory changes under this Act that render the facility subject to the requirement to have a permit under this section; *Provided*, That the facility has not been previously denied a permit under this section and authority to operate the facility under this section has not been previously terminated,".

AMENDMENT No. 2806

Amend S. 757 by adding the following new section:

INTERIM AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

SEC. . Section 3006(c) of the Solid Waste Disposal Act is amended by striking "twenty-four month period beginning on the date six months after the date of promulgation of regulations under sections 3002 through 3005" and inserting in lieu thereof "period ending no later than January 31, 1986".

Mr. CHAFEE. Mr. President, I send to the desk several amendments to S. 757, a bill to reauthorize and amend the Solid Waste Disposal Act. I ask unanimous consent that they be printed in the RECORD.

Mr. President, on May 16, 1983, the Committee on Environment and Public Works reported S. 1283, a shell bill to reauthorize the Solid Waste Disposal Act. On October 28, 1983, the committee favorably reported, by a vote of 14 to 1, S. 757, a bill to amend the act and to reauthorize appropriations for 5 years. I am pleased to announce that these bills are scheduled for consideration by the full Senate in the next several days.

The committee has worked long and hard on these bills and I urge my colleagues to support this important legislation which will, among other things, greatly improve the RCRA program, our Nation's basic program to assure that hazardous wastes are managed properly in a manner that protects human health and the environment.

Since reporting S. 757 last fall, Senators STAFFORD, RANDOLPH, MITCHELL, and I have been working closely with EPA Administrator Bill Ruckelshaus, Assistant Administrator Lee Thomas, and their able staff to further refine this legislation. Their advice and guidance have led to many of the amendments I am introducing today. The Agency and interested members of the public have met with us seeking clarification on various provisions of our bill as well as on existing law. The vast majority of these latest amendments are of a technical, conforming, or clarifying nature.

Some of these amendments, such as the extension of various statutory deadlines, are designed to make the bill more workable and to establish priorities among the numerous tasks assigned to EPA. This amendment, like all of those being introduced today, is being printed in the RECORD in advance of actual debate on the bill so that we might receive comments from our colleagues as well as from members of the public. If further changes are needed, they can be made in the next several days.

Several amendments are still being developed and are, therefore, not included in today's package. These include what I hope will be a committee amendment to address the problem of existing, unlined surface impoundments, and an amendment to the subtitle D program which addresses the problem of open dumps and unsafe sanitary landfills. The subtitle D amendments are being developed by my distinguished colleague from West Virginia, Senator RANDOLPH, and I hope to join him in offering the amendments. We will introduce as soon as possible all amendments that we plan to offer. I urge all of my colleagues who intend to offer amendments to introduce them in the next several days so that we might address them in an orderly fashion and pave the way for prompt passage of this important bill.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a markup on pending legislation on Tuesday, March 20, at 10 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Link Hoewing at 224-4751.

SUBCOMMITTEE ON ENERGY REGULATION

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy Regulation to consider the following bills: S. 1069, to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases; S. 817, to amend section 205 of the Federal Power Act (16 U.S.C. 824d) relating to inclusion of construction work in progress in the wholesale rate base of public utilities; and H.R. 555, to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases.

The hearing will be held on Thursday, April 12, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Regulation, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Howard Useem of the subcommittee staff at 224-5205.

COMMITTEE ON BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold a hearing on the first concurrent budget resolution for fiscal year 1985 on Thursday, March 22, 1984, at 10 a.m. The hearing will be held in room 608 of the Dirksen Senate Office Building. Mr. Franklin C. Spinney, staff analyst, Department of Defense, is scheduled to testify.

ADDITIONAL STATEMENTS

THE PROPOSED SALE OF STINGER MISSILES TO JORDAN AND SAUDI ARABIA

● Mr. PACKWOOD. Mr. President, page 1 of this morning's New York Times brings disappointing news from the Middle East. The Times reports that yesterday King Hussein of Jordan ruled out any hope of direct peace negotiations with Israel in the foreseeable future. In a 2-hour interview Hussein stated that "there is no way by which anyone should imagine it would be possible for Arabs to sit and talk with Israel as long as things are as they are." I find this statement particularly disturbing.

As my colleagues are aware, on March 1 the administration notified Congress of its intention to sell sophisticated Stinger antiaircraft missiles to Jordan and Saudi Arabia. The administration claims this sale will encourage Jordan and Saudi Arabia to begin direct peace negotiations with Israel. However, as the Times points out, Hussein's statements are a direct rejection of this policy.

Mr. President, the proposed sale of Stinger missiles works against our policy of encouraging successful peace negotiations in the Middle East. Our willingness to sell advanced technology to Jordan and Saudi Arabia appears to condone their failure to make peace with Israel. The sale of Stinger missiles will only escalate the already serious Middle East arms race and add to the danger of a much wider conflict in the region. In addition, should Stinger technology fall into the hands of our enemies as a result of this sale, the security of our own troops may one day be jeopardized. We also risk having Stinger missiles fall into the hands of terrorist groups around the world that work against America's interests.

Mr. President, I urge those of my colleagues who have not yet made up their minds on the Stinger sale to read this morning's Times article. Upon review, I am convinced you will want to join me in expressing opposition to this proposed sale. I ask that a copy of the New York Times article be included in the RECORD.

[From the New York Times, Mar. 15, 1984]

HUSSEIN RULES OUT TALKS WITH ISRAEL AND BARS U.S. ROLE—REJECTS REAGAN'S POLICY

(By Judith Miller)

REMARKS SAID TO DISCOURAGE ANY AMERICAN INITIATIVES IN MIDEAST FOR SOME TIME

AMMAN, JORDAN, March 14.—King Hussein of Jordan today ruled out direct negotiations with Israel any time soon. He said the United States, through one-sided support for Israel, had lost its credibility as a mediator in efforts to resolve the Arab-Israeli conflict.

The King's statements are a rejection of President Reagan's stated policy of encouraging Jordan and moderate Palestinians to enter peace negotiations with Israel. His remarks also appear to signal a repudiation, at least temporarily, by a key neighbor of Israel of American diplomatic efforts in the Middle East to broker a solution to the conflict.

REAGAN DEFENDED JORDAN

His comments came one month after he made a cordial visit to Washington and one day after President Reagan defended Jordan before a pro-Israeli audience.

[In Washington, an Administration official said King Hussein's criticism of President Reagan's policies would probably discourage any new American initiatives in the Middle East for some time.

["If a committee had set out to devise the worst possible timing for such a statement, it could not have done better," the official said. Page A11.]

"ISRAEL . ON OUR LAND"

In an interview the King said: "We see things this way: Israel is on our land. It is there by virtue of American military assistance and economic aid that translates into aid for Israeli settlements. Israel is there by virtue of Americam moral and political support to the point where the United States is succumbing to Israeli dictates.

"This being the case, there is no way by which anyone should imagine it would be possible for Arabs to sit and talk with Israel as long as things are as they are."

"You obviously have made your choice, and your choice is Israel," the King continued. "Therefore, there is no hope of achieving anything."

SADNESS IN HIS COMMENTS

King Hussein made these statements in a two-hour interview today that touched on a wide array of problems and challenges facing Jordan and the region. He was interviewed during lunch at his downtown Nagwa Palace, which overlooks the rose-colored hills of this capital city.

His comments were tinged with sadness and political despair. The 48-year-old King, who appeared physically fit, said he was deeply distressed about political developments here. Jordanian and Western officials who were asked to evaluate his remarks said they could not recall in recent years a more gloomy assessment of prospects for peace or a harsher critique of American policy on the Middle East from the King.

That critique was capped when he said: "I am very concerned about the United States and its double standard everywhere. The saddest point for me is that I've always believed values and courageous principles were an area that we shared. I now realize that principles mean nothing to the United States. Short-term issues, especially in election years, prevail."

At several points in the interview, King Hussein called chances of resolving the conflict between Israel and its Arab neighbors hopeless. He warned that another war between the Arabs and Israelis was inevitable if the United States continued its enourmous military support for Israel. The King said such support bolstered Israeli might "to give substance to its claim that the Palestinian issue, which is at the heart of this conflict, is not one of land but of people"

In the interview, the King also made these points:

Efforts by Congress to attach conditions to the $220 million worth of equipment for a mobile strike that the Administration has requested for Jordan are insulting and will not be tolerated. If Congress rejects the Administration's military aid plan, Jordan will be entitled "to get weapons from anywhere and anyone else in the world."

Legislative proposals to move the American Embassy in Israel from Tel Aviv to Jerusalem, which the Reagan Administration has opposed, are "one more slap" at Jordan and "the straw that breaks the camel's back."

The United States has no right to object to the presence of the Soviet Union at any new peace negotiations. But because the Soviet Union is allied with Syria, as the United States is with Israel, neither superpower is in a position to act as an honest broker in peace talks. Efforts to resolve the conflict might be strengthened by the involvement of the five permanent members of the United Nations Security Council.

Israel and Syria have a common interest in insuring that the Palestine Liberation Organization remains "extremist" and that talks between Jordan and the P.L.O. to devise a joint political stand do not succeed. Jordan's talks with the P.L.O. and Yasir Arafat will continue, although there is no hope for peace talks soon.

American credibility suffered in Lebanon because of Washington's sponsorship of the Lebanese-Israeli troop-withdrawal agreement of last May 17. King Hussein called the accord, which Lebanon canceled this month, "a peace treaty in everything other than name."

KING CRITICIZES TIMING

The King said that peace between Lebanon and Israel should have been addressed after Israeli and Syrian forces were withdrawn from Lebanon and as part of comprehensive peace negotiations between Israel and its Arab neighbors, not before Israeli forces left, the King said.

Jordan supported the May 17 accord at first because the King was not shown the text of the agreement until two weeks after it was initialed.

Lebanon's cancellation of the accord was a major foreign policy victory for Syria at American expense. King Hussein did not directly express anxiety about Syria's growing primacy in Middle East politics, but aides said Syria's success was very much on his mind. There has been tension between Jordan and Syria, who share a border, for many years.

The King's criticism of American policy in the Middle East is a distinct departure from the optimism and support for Mr. Reagan that he voiced during his visit to Washington on Feb. 13 and 14.

King Hussein said that "things have gotten worse" since his visit. He cited Congressional opposition to military aid for Jordan as one example and suggested there were other reasons as well. He declined to elaborate.

REAGAN REJECTS REQUESTS

Jordanians here and American officials in Washington, however, said the King was extremely upset that President Reagan two days ago rejected requests Hussein made when he was in Washington. In letters dated March 11, the sources said, President Reagan rejected the King's request that the United States sponsor or at least support a United Nations resolution condemning Israeli settlements on the occupied West Bank as illegal. Mr. Reagan also rejected an appeal by the King that Washington press Israel to permit Palestinians living on the West Bank and Gaza to attend the next session of the Palestine National Council, the P.L.O.'s parliament in exile.

Mr. Arafat has been trying to shore up support for his talks with King Hussein and discussions of possible peace talks with Israel through a vote of confidence from the council. Jordanians and Palestinians agreed that this would require the presence of Palestinians living in the occupied territories, who are generally regarded as the more moderate Palestinians and are thought to favor negotiations with Israel to end the occupation.

Israel has warned West Bankers that contact with P.L.O. officials is illegal.

King Hussein agreed with a widespread view in Washington and here in the region that the Reagan Administration would have little flexibility with which to mediate a Middle East peace agreement until after the American Presidential election in November.

Speaking of the American-Israel Public Affairs Committee, the King said, "Contenders must appeal for the favors of Aipac, Zionism and Israel." Negotiations after the election may prove futile, he added. "Even this year has seen such drastic changes on the ground that within a year, any fragments of hope left of achieving a peaceful solution to the problem will be destroyed," the King said.

REAGAN ISSUED PLEA

King Hussein's attack on American policy came one day after President Reagan appealed to Jordan and other moderate countries to enter direct peace talks with Israel based on the Middle East peace plan he put forth in September 1982.

In a speech to the United Jewish Appeal in Washington on Tuesday, Mr. Reagan called for military aid to Jordan, arguing that such aid would not threaten Israel.

Mr. Reagan said, "If there are any hopes for these negotiations, we must preserve our credibility as a fairminded broker seeking a comprehensive solution."

King Hussein, asked about the speech today, said he was not persuaded by it.

Administration officials in Washington said King Hussein's critique would undermine Administration efforts to win Congressional approval of military aid for Jordan and to stave off the Congressional campaign to move the American Embassy to Jerusalem.

One American Middle East expert said King Hussein traditionally grows gloomy in election years because he knows it is virtually impossible for the United States to make progress on resolving the Arab-Israeli conflict then. The official added that there was still considerable skepticism in Congress about King Hussein because he did not enter peace negotiations with Israel last April on the basis of President Reagan's plan. King Hussein declined to enter peace talks after Mr. Arafat was unable to obtain P.L.O. support for letting Jordan negotiate for the Palestinians.●

S. 684—VETO OVERRIDE

● Mr. ABDNOR. Mr. President, I am hopeful that the Senate early next week will vote on whether or not to override the President's veto of S. 684, the water resources research bill.

I believe strongly that Congress should vote S. 684 into law, despite the opposition of the President. For that reason, I intend to urge each of my colleagues to vote "yea" on the override.

I wish to stress, for the benefit of my colleagues, that S. 684 is not—not—a new program. It is a refined version of a program that exists. It is a refined version of a program that Congress wisely shows every intention of continuing to finance.

Enactment of S. 684 assures that the existing law will be replaced with a leaner, more carefully crafted program.

I am particularly honored that 20 of my colleagues on this side of the aisle, including 7 committee chairmen, have joined me in signing a letter that urges the Senate to override the veto. A similar number of Democrats have signed a letter urging an override.

In addition, Mr. President, I have received a letter from A. Kenneth Dunn, chairman of the Interstate Conference on Water Problems, stating that organization's strong support of the veto override. ICWP is the national organization of State water resources agencies. While these public agencies are unlikely to receive direct support from S. 684, they recognize the important role of water research in any program for wise water management. I share that belief.

Mr. President, I ask that copies of these two letters be printed in the RECORD.

The letters follow:

U.S. SENATE,
COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
March 6, 1984.

DEAR COLLEAGUE: We are writing to you to ask for your vote to override the President's veto of S. 684, the Water Resources Research Act of 1983.

It is always difficult to oppose a President of one's own party when he vetoes legislation. Nevertheless, we believe President Reagan made the wrong decision on S. 684. We believe this is responsible legislation. We believe it should become law. S. 684 strenghthens current law in several ways:

S. 684 provides matching grants to the water research institutes that exists in each state. S. 684 uses existing non-Federal institutions for needed water research; this is federalism at it best.

S. 684 gradually increases the non-Federal level of responsibility required from the institutes, eventually requiring a contribution of two non-Federal dollars for each Federal dollar. By asking more from non-Federal interests than is required under existing law, S. 684 assures a sounder allocation of Federal resources.

S. 684 continues the partnership in water research grants, generally on an equitable 50-50 cost-sharing basis with non-Federal interests.

S. 684 authorizes $36,000,000 a year. This compares with program authorizations totalling $53,500,000 during the most recent fiscal year of the existing program.

While President Reagan has not sought to finance water research programs, Congress has continued to appropriate money to meet these needs. Congress should recognize that reality. Yet we also need to tighten the standards for such support.

By overriding the veto of S. 684, the Senate will achieve those goals.

We hope that you will join us in voting to override the veto of S. 684.

Sincerely,

Robert T. Stafford, James Abdnor, Jake Garn, James A. McClure, Steve Symms, Mark O. Hatfield, Orrin G. Hatch, Rudy Boschwitz, Malcolm Wallop, John W. Warner, Chuck Grassley, Paul Trible, Dave Durenberger, Gordon Humphrey, Slade Gorton, Frank H. Murkowski, Ted Stevens, Barry Goldwater, John Heinz, Larry Pressler, Alfonse D'Amato.

INTERSTATE CONFERENCE
ON WATER PROBLEMS,
March 13, 1984.

HON. JAMES ABDNOR,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ABDNOR: President Reagan vetoed S. 684 which would authorize funds for badly needed water resources research. State and regional water officials through the Interstate Conference on Water Problems (ICWP) strongly support the funding of this research.

We urge you to vote to override the President's veto of S. 684.

Sincerely,

A. KENNETH DUNN,
Chairman.●

PREVENTING NUCLEAR WAR: A STRATEGY FOR PEACE

● Mr. KENNEDY. Mr. President, Senator ALAN CRANSTON deserves the respect and admiration of every American who is concerned about the risk of nuclear war and who wants to work to end the nuclear arms race. During his campaign for the Democratic nomination for President, Senator CRANSTON was eloquent in his arguments that there is nothing more important to the people of the United States and to the people of the world than to eliminate the danger of nuclear war. Although Senator CRANSTON has withdrawn from the race, Senator CRANSTON's message has not. There can be nothing more important on our Nation's agenda than to end the nuclear arms race.

Last Friday, March 9, 1984, Senator CRANSTON and a group of distinguished Americans unveiled an important initiative that merits serious consideration by every American who shares our concerns about the dangers of nuclear war. These proposals represent a thoughtful, well-argued and positive plan of action to bring the nuclear arms race to a halt.

During his campaign for the Democratic nomination for President, Senator Cranston convened a committee of prominent Americans to address the problem of the nuclear arms race. The committee was chaired by Dr. Jerome Wiesner, former science adviser to President Kennedy and now president emeritus of the Massachusetts Institute of Technology. Dr. Wiesner has long been one of our most respected scientists and one of our most admired public servants. In addition to Dr. Wiesner, 13 other distinguished Americans agreed to serve on the committee and another 16 individuals served as consultants. A review of the people who have been involved in this effort demonstrates that Senator Cranston has harnessed some of the most talented and intelligent and public-spirited men and women in the Nation. We owe Dr. Wiesner and the members of his committee—along with the consultants—a deep debt of gratitude for the time and effort and brainpower that they expended in this project.

The purpose of the project was to draft a plank on nuclear peace and national security for the Democratic platform. The fruits of their labors were finally released to the public last Friday. I commend their report to the American people and to the members of the Platform Committee when they meet to formulate the Democratic platform for 1984.

At this point, I submit for the Record Senator Cranston's statement introducing the committee's proposal and the committee's proposal itself.

The material follows:

Statement by Senator Cranston—Press Conference, Washington, D.C.

Whatever happened to the peace issue?

When I was a candidate for the Democratic Presidential nomination, I made the issue of peace—the freeze, the nuclear arms race—my paramount concern.

And the American people made it clear in poll after poll that the arms race, the danger of nuclear confrontation with the Soviet Union, was uppermost in their minds, uppermost in their fears.

They were concerned about the huge Reagan arms budget.

They were worried that Ronald Reagan was a trigger-happy President.

They were frightened by the possibility of nuclear war.

Well, Americans are still concerned. Still worried. Still frightened.

But the Democratic candidates are letting themselves be diverted from the main theme: Peace.

Instead of debating the issues of arms control and arms reduction as they were a short time ago, they are now arguing over who represents the new and who the old.

Instead of showing who can best lead the way to peace and away from the Reagan path toward war, Democrats are fighting over youth versus age, over who is emotional and who is cool, who is hot and who is cold.

That is not the way to beat Ronald Reagan in November.

To beat Ronald Reagan, we Democrats must listen to what the American people are trying to tell us.

They are telling us they want a Democratic candidate totally dedicated to bringing an end to the arms race—and end to Reagan's mad military spending spree.

That's why I am asking all the Democratic candidates to support this comprehensive peace plank drawn up by a distinguished group of American citizens.

It pledges the Democratic nominee to 15 specific steps as President to prevent nuclear war, reverse the nuclear arms race and improve our overall national security.

I am asking the Democratic candidates to help me get this plank adopted in the national Democratic platform.

That's the way to beat Ronald Reagan.

One thing for sure: There won't be a true peace plank in the Republican platform!

When I ended my Presidential campaign, I vowed that as senior Senator from California and as Senate Democratic Whip I would continue to push with all the force of my being the urgency of arms control and the defeat of Ronald Reagan.

I pledged that I would not let up the pressure on either my fellow Democrats or on our adversary in the White House.

Let me read one brief extract that summarises the Peace Platform:

Our ultimate aim must be to abolish all nuclear weapons while ensuring an adequate balance of conventional arms with significant mutual reductions in those arms. An intermediate aim must be for the U.S. and the U.S.S.R. to reduce together their nuclear weapons to the minimum level both sides regard as a secure deterrent against nuclear attack. An urgent goal, should be to reduce nuclear weapons to below the level at which the whole human species is threatened.

The first practical step is to stop the American-Soviet Union arms race by stopping new testing and deployment. Not merely to talk about it, or work towards it, but to stop it.

We have many people all over the country already supporting this effort. There will be many more. A news conference is being held today in Wisconsin where the platform is being supported, and this will be announced today in Wisconsin by Governor Tony Earl, by the Lieutenant Governor, by the Attorney General, by the Secretary of State, by the Treasurer, by the President of the Senate, by the President of the Assembly, by the Chairman of the Democratic State Party, by the majority of the temporary platform committee members, by two-thirds of the Wisconsin state legislators in the Senate and in the Assembly. That is just a taste of the support that we will demonstrate in coming days for this peace platform.

And I believe that this effort will ensure that the peace effort will remain at the forefront of the campaign among the Democrats for the Presidency and be at the very forefront of the campaign this fall between the Democratic nominee and Ronald Reagan.

(The following is the Draft for a Democratic Party Platform on Nuclear Peace and National Security entitled "Preventing Nuclear War: A Strategy for Peace." This draft was prepared by a Drafting Committee appointed by Senator Alan Cranston.)

Draft of a Democratic Party Platform on Nuclear Peace and National Security

I. THE PRIMARY PURPOSE AND FIRST PRIORITY OF A NEW DEMOCRATIC ADMINISTRATION WILL BE TO PREVENT NUCLEAR WAR, REVERSE THE NUCLEAR ARMS RACE, AND IMPROVE OUR OVERALL NATIONAL SECURITY AND THE SECURITY OF EVERY PERSON ON EARTH

The nuclear arms race between the United States and the Soviet Union long ago passed the point where each has the power to destroy the other. Experts may debate whether nuclear war would destroy the whole human species or only kill hundreds of millions. There is no debate about the absolute need to prevent such a war from ever starting.

Soviet and American authorities agree that no one could win a nuclear war and that the possibility of containing the use of nuclear weapons, once begun, is remote.

Leaders of the world's great religions warn such a war would be the ultimate human sin.

The most important issue is how to prevent that war.

In 1945, at the dawn of the nuclear age, Albert Einstein warned that "the unleashed power of the atom has changed everything except our modes of thinking, and we thus drift toward unparalleled catastrophe."

We are still drifting toward that catastrophe. We will continue to do so until we realise that all of humanity has a single overriding enemy—the nuclear bomb.

Present trends are adding to the danger, in particular:

The escalation of the nuclear arms race, including the threat to put weapons in space and the decrease in warning time for a first nuclear strike from several hours to approximately 30 minutes to about 10 minutes and with new developments probably to almost no time at all.

The tendency of the two nuclear superpowers, the United States and the Soviet Union, to resort to force or the threat of force as an instrument of national policy, and

The increasing hostility between the United States and the Soviet Union.

Before it is too late, we and the Soviets must change our "modes of thinking." To prevent nuclear war, there must be a fundamental change in our ways of thinking about war, in our ways of dealing with each other, and in our view of the world.

A new Democratic Administration will implement a Strategy for Peace to move the world back from the brink of nuclear holocaust and set a new direction toward an enduring peace. This strategy calls for immediate steps to stop the nuclear arms race, medium-term measures to reduce the dangers of war, and longer-term goals that will put the world on a new and peaceful course. Those are all necessary parts of an ongoing process whose purpose is to change the nature of the relationship between the United States and U.S.S.R., and between those two nuclear superpowers and the rest of the world.

With at least 25,000 nuclear weapons in each of the U.S. and Soviet arsenals, and with many means of delivering these weapons to their targets, each side has an overwhelming power to obliterate the other and probably everyone else in the process. Just one American Trident submarine can destroy 192 of the Soviet Union's largest cities. We have more than thirty Trident and Poseidon submarines carrying about 540 missiles with approximately 5,400 warheads. In addition, the United States maintains more than one thousand land-based intercontinental missiles, half of them armed with three warheads, plus hundreds of cruise missiles and nuclear bombers, and about 15,000 battlefield nuclear weapons. This is far more than is necessary to deter a Soviet attack.

Our ultimate aim must be to abolish all nuclear weapons, while insuring an adequate balance of conventional arms with significant mutual reductions in those arms. An intermediate aim must be for the United States and U.S.S.R. to reduce together their nuclear weapons to the minimum level both sides regard as a secure deterrent against nuclear attack. An urgent goal should be to reduce nuclear weapons to below the level at which the whole human species is threatened.

But the first practical step is to stop the Soviet-American nuclear arms race by stopping new testing and deployment—not merely to talk about it or work toward it, but to stop.

II. IMMEDIATE STEPS UPON INAUGURATION

1. A new Democratic President will immediately halt the testing of nuclear warheads and the testing and deployment of additional strategic and theater delivery systems—and will maintain this halt so long as the Soviets do the same.

A moratorium on testing and deployment of nuclear weapons will be initiated in the first hour of a new Democratic administration by means of a Presidential order. In 1963, President Kennedy ordered a halt to U.S. nuclear testing in the atmosphere so long as the Soviets and other countries did not test. The Soviets responded favorably. The Soviet-American deadlock was broken. Agreement was reached on the Limited Test Ban Treaty. It is time for an American President to take the initiative again.

This time the order should stop all further testing of nuclear warheads, all further flight-testing and new deployment of long- and medium-range nuclear bombers and missiles, and all deployment of new submarines carrying ballistic missiles—provided that the Soviets do not test or deploy similar systems.

By this order, the testing and deployment of the MX, Pershing II, Trident I and II and long-range cruise missiles, the B-1 bomber, the Trident submarine and the proposed new Midgetman missile and Stealth bomber will be stopped provided that the Soviets halt the testing and deployment of all comparable Soviet systems such as the SS-X-24 ICBM, the SS-20 IRBM, the Typhoon submarine and its SS-N-20 missile, the Backfire bomber, and the new Soviet Blackjack bomber and long-range cruise missiles under development.

This mutual moratorium will increase U.S. security. It adds no risk since even without new agreements on verification procedures, the United States can independently verify whether or not the Soviets are testing nuclear warheads and testing or deploying medium- and long-range delivery systems. Former directors of the Central Intelligence Agency and the National Security Agency confirm that adequate verification capabilities exist. If the Soviets resumed significant testing or deployment, we would know it and we would be ready to do likewise.

This immediate mutual halt in testing and deployment will maintain the status quo while negotiations proceed for a comprehensive, mutual and verifiable freeze on the production of nuclear weapons as well as on their testing and deployment, and for an agreement to reduce both strategic and tactical nuclear weapons. Too often in previous negotiations, even when tentative agreements were reached new developments in the continuing arms race made the limited progress irrelevant. The immediate moratorium will serve to create an environment of stability conducive to the crucial next steps.

2. The President will also immediately halt the testing and deployment of anti-satellite weapons, and the deployment of all weapons in outer space—so long as the Soviets do the same.

The Presidential order for an immediate moratorium will incude anti-satellite weapons and weapons of all kinds in outer space. This halt will also be continued for as long as the Soviets do not test or deploy such weapons. We have adequate means of verification.

There is no reason to believe that we will ever be able to build an effective defense against nuclear weapons, much less a perfect one, as Ronald Reagan's Star Wars speech suggested. Technical problems are formidable and probably unsolvable. Also, both nations can and will take countermeasures, including the building of new offensive weapons to off-set whatever defensive efforts the other might make.

Any such efforts would require the abrogation of the ABM Treaty which the United States has signed for unlimited duration. And a competition in space weapons would jeopardize the satellites on which we, more than the Soviet Union, depend for intelligence, early warning of attack, and communications. Once started, an arms race takes on a life of its own. By stopping the arms race in space before it gets started, we will save untold billions of dollars and emerge with greater security.

3. A new Democratic President will adopt a policy of No-First-Use of nuclear weapons and reject reliance on any nuclear war-fighting strategy.

The United States should renounce the first use of nuclear weapons. Religious leaders urge this as a moral principle. Military strategists believe that the threat of first use is not a credible deterrent in any case since such use would probably lead to our own destruction.

After consulting with the leaders of other NATO countries, a new Democratic President will announce that the United States will not be the first to use nuclear weapons. With an adequate balance of conventional forces, Europe is defensible without the use of nuclear weapons. We would reserve the right to use such weapons in response to their use by another country.

The United States would ask all nuclear-weapons nations to join us in a No-First-Use Pledge. We would also ask other NATO countries and the Soviets (who have already announced a No-First-Use policy) to join in making changes in defense plans appropriate to this policy.

Once the change is made to a policy of No-First-Use of nuclear weapons, we should take further steps to move away from reliance on any form of nuclear war-fighting strategy. We should particularly reject a counterforce strategy that leads the other side to build up its nuclear forces and gives them an incentive to strike first.

4. A new Democratic President will arrange to meet promptly with the leader of the Soviet Union to initiate a sustained negotiation to improve relations between the two countries and reverse the nuclear arms race.

At Camp David, through the leadership of the President of the United States and through intense personal negotiations, the leaders of Egypt and Israel concluded a peace that endures to this day. That achievement shows what can be done through serious, sustained, and constructive direct negotiation by the top leaders.

The leaders of the Soviet Union and the United States must meet and talk, face to face. They can no longer leave resolution of the dangerous issues dividing the two countries solely to subordinates—whether diplomats, military officers, or arms control experts. There must be sustained interchange between the two leaders, and their chief advisers, over the greatest danger the world has ever faced.

Obviously the two leaders cannot work out all the details of the necessary agreements or reach agreement on many of the critical points in one or even a few meetings. But in their first meetings they can seek to achieve a breakthrough: They can determine to end the nuclear arms race and take certain immediate steps to accomplish this. They can initiate negotiations for a comprehensive freeze on the production as well as the testing and deployment of nuclear weapons and delivery systems—and for major nuclear arms reductions. They can agree personally to direct the search for ways of managing peacefully the inevitably recurring disagreements between their two countries—and for an enduring common ground for peace.

And once they have achieved such a breakthrough in the two countries' relationship through intense personal negotiations, they can agree to hold regular summit meetings in the future. These meetings should be held at least once a year to review and try to resolve the issues between the two countries. Foreign ministers and military chiefs should also meet periodically.

Among the proposals for immediate joint actions that the new Democratic President will make to the leader of the Soviet Union at their first meeting will be:

(a) A joint declaration confirming the mutual moratorium on testing and deploying nuclear weapons and anti-satellite weapons initiated by the President on January 20, 1985.

(b) The completion of the Comprehensive Test Ban Treaty. With only details still to be settled, this treaty is practically ready for signature. It should be signed and ratified without further delay. This will codify in international law the testing moratorium initiated by the President on January 20, 1985, and establish procedures for the test ban's verification and continuation.

(c) An agreement to suspend production of the long- and medium-range nuclear missiles, bombers and strategic submarines covered by the moratorium. Since the deployment moratorium is intended to become a permanent ban, the two countries should agree to suspend further production of the delivery systems whose deployment is banned in the moratorium. The suspension of production of such nuclear weapons delivery vehicles can be adequately verified by existing national means.

(d) A joint declaration reaffirming the Anti-Ballistic Missile (ABM) and Outer Space Treaties. The status of those treaties has been thrown in doubt by President Reagan's Star Wars proposals for so-called "Space Defense Initiative", and by the current research and development programs of both the United States and U.S.S.R.

(e) An agreement to pull back all battlefield nuclear weapons in Europe to create a nuclear-free buffer zone between NATO and

Warsaw Pact countries. This firebreak would reduce the danger of nuclear war being started by the misjudgment of a local commander in a situation of great tension and military pressure.

(f) The completion of a ban on chemical weapons. The two leaders shall agree to prompt completion of negotiations for a verifiable ban on the development, production and possession of all chemical weapons of war.

(g) An agreement to set up the oft-proposed United States-Soviet Joint Crisis Control Center. This will include a greatly upgraded hot-line capacity.

5. A new Democratic Administration will start reducing excessive military spending by suspending funds for the production of the long- and medium-range missiles, bombers and submarines, and the anti-satellite weapons, covered by the mutual moratorium.

Once the U.S. and Soviet leaders confirm the mutual deployment moratorium initiated by the new Democratic President and agree to suspend production of the large-scale delivery systems covered by the moratorium, the President will take immediate steps to stop all further spending on such production. This will mean an end to further procurement and construction appropriations for the MX, Pershing II, Trident I and II and long-range cruise missiles, the B-1 bomber, the Trident submarine, and anti-satellite weapons. The resulting savings will be more than $15 billion in the 1985 fiscal year budget and many times that amount over the next decade; indeed, the cost of proceeding with an anti-missile space defense system could be in the hundreds of billions of dollars. Also, while negotiations are proceeding for a permanent ban on the delivery systems covered by the moratorium, there should be no spending on the testing or production of the Stealth bomber of the Midgetman missile (estimated to cost more than $65 billion by 1992).

6. A new Democratic President will act to strengthen United States institutions and policies for arms control and peace.

The military-industrial complex, against which President Eisenhower warned us, continues to exercise undue influence on the Government and the public, leading to the development and procurement of unnecessary weapons systems. Both Democratic and Republican Presidents have found it impossible to obtain balanced and impartial advice from within the bureaucratic establishments responsible for the development and acquisition of military systems and nuclear weapons. Moreover, with the excessive secrecy regarding facts about the arms race, the public can be misled and manipulated.

A new Democratic President will take the following steps:

(a) Re-establish an effective scientific advisory mechanism in the Office of the President. President Eisenhower turned to his science adviser and science advisory committee to assist him in his efforts to halt the arms race. President Kennedy continued this practice. This science advisory mechanism fell into disfavor during the Vietnam War because it raised unwelcome questions about the validity of reports being given to military leaders and the President. Since then no President has seen fit to employ an effective science advisory mechanism. A new Demoratic President will do so.

(b) Strengthen the official U.S. Arms Control and Disarmament Agency. A new Democratic President will replace the present inadequate leadership of the Arms Control and Disarmament Agency (ACDA) with officers truly dedicated to arms control and disarmament. The agency's resources and its role in arms control policy formulation and negotiations will be increased.

(c) Create an independent Peace Academy. The idea of an independent, federally-chartered United States Academy of Peace to explore peaceful means of conflict resolution was being developed when Ronald Reagan took office. He abandoned the effort. A well-planned Peace Academy, with outstanding leadership from the private sector, should be established as one of the first acts of a new Democratic Administration.

(d) End excessive Government secrecy about the arms race. To enable the public to be better informed so that people can participate in making the choices involved in war and peace, a new Democratic Administration will provide the maximum information possible within the balance of national security.

III. MEDIUM-TERM MEASURES

At their summit meeting, the U.S. President and the leader of the U.S.S.R. should set in motion negotiations and other joint actions to reverse the nuclear arms race that will take time to be accomplished but should proceed at the fastest practical pace. Through direct supervision of their representatives and through recurring summit meetings, the two leaders should continue to take personal responsibility for the success of these efforts.

7. The United States and U.S.S.R. should negotiate a permanent, verifiable and comprehensive ban on the production as well as the deployment of all nuclear weapons, and a ban on the production of fissionable materials for weapons.

Far from adding to either nation's security, the production and deployment of more nuclear weapons and of new delivery systems with improved first-strike and counterforce capabilities actually diminishes our mutual security. They should be permanently banned by both countries upon agreement on adequate procedures for verification, detailed definitions of the categories covered, and specification of possible mutually desirable exceptions. Possible exceptions to be negotiated in a comprehensive freeze could include an occasional confidence test of existing systems to insure that they still function, and some future replacement of agreed-upon delivery systems such as submarines. The ban on fissionable materials for weapons will halt the operation of military reactors producing plutonium and halt the production of highly-enriched uranium, with monitoring of the production of less highly-enriched uranium for use in power reactors to insure that none is diverted to weapons. Verification procedures should include adequate on-site inspection.

8. The two countries should negotiate a permanent, verifiable ban on the deployment of anti-satellite weapons and weapons of all kinds in outer space.

This ban would make permanent the moratorium initiated by the President on January 20, 1985. It should prohibit all weapons in outer space and the testing, deployment, and/or use of any weapons designed to destroy, damage, or render inoperable space objects of other states.

9. The two countries should negotiate a schedule for mutual and verifiable reductions in their stockpiles of nuclear warheads and delivery systems.

The plan for nuclear arms reductions should aim as soon as possible to reach the minimum level of nuclear warheads that both sides regard as a secure deterrent against nuclear attack. The two countries should agree to reduce their nuclear arsenals below the level at which the whole human species is threatened, and finally to abolish nuclear weapons altogether. For most of this process, verification procedures would be similar to those established by the agreement for a comprehensive ban on production and deployment.

10. The two countries should undertake renewed efforts to stop proliferation of nuclear weapons.

As part of the Non-Proliferation Treaty the superpowers pledged to begin a process of reducing their own nuclear arsenals. Their failure to do this has been one of the reasons that some nations have refused to join the non-proliferation agreement. Once the United States and U.S.S.R. begin making substantial progress in reducing their nuclear weapons, they can and should become effective leaders, working together, in efforts to halt the spread of such weapons.

IV. LONGER TERM GOALS

Over the longer term, a new Democratic Administration will put the United States in the forefront of efforts to establish a stable peace with much lower levels of armaments and military spending.

Building a stable international peace is the single most difficult and important task of the President of the United States. This task cannot be accomplished in a day, a year, or even one four-year term. It requires vision, patience, unwavering commitment, and a clear sense of purpose.

The necessary foundation for this long-term effort is a deep and abiding commitment to establish an international environment in which military force is never used by one nation against another except in defense against an attack.

This principle is not only the cornerstone of the United Nations Charter and the slowly-evolving system of international law. It also lies at the very heart of the democratic values which, more than anything else, give this nation its greatness.

Yet it is difficult to apply the principle of "defensive use only" in the modern world, where it seems to have little relevance to border conflicts and civil wars, where many countries large and small regularly use armed forces for repression and intervention and where the concept of defending national sovereignty and territorial integrity is regularly expanded to encompass defense of "vital" interests, creating a perpetual incitement to military confrontation and increased arms.

In order to surmount these obstacles, the United States must work to lessen reliance on armed forces step by step. We must help put the building blocks of a stable peace into place gradually, with an unerring sense of which structural elements must be laid first to be assured of a solid edifice.

In laying the foundations for a stable peace, a new Democratic Administration will pursue the following long-term programs and policies:

11. It will work to end big-power military intervention in Third World countries.

It will not repeat the interventionist mistakes of the present and previous Administrations in places such as Lebanon, El Salvador, Nicaragua, and Vietnam. It will press for Soviet agreement on a policy of nonintervention so that the restraint is mutual, and no other Third World country suffers the fate of Afghanistan.

12. It will work to promote the peaceful resolution of civil wars and other conflicts by mediation and diplomacy, and to reduce the international arms trade.

It will seek to restrain regional arms races by greatly reducing the flow of advanced weapons. It will not give economic or military assistance to governments that violate fundamental human rights.

13. It will work to improve and strengthen the United Nations and other institutions of international law.

It will sign the new Law of the Sea Treaty. Instead of withdrawing from membership in UNESCO or other international agencies, it will promote respect for the Charter of the United Nations and support U.N. agencies, the International Court of Justice, and other international mechanisms for the peaceful resolution of conflicts.

14. It will work to advance international understanding by increased trade, study, and exchange of people.

Educational, scientific, athletic, business and cultural exchanges, the study of other nations, and international trade all serve to increase the ties among nations, and mutual understanding among peoples. Those ties should especially be restored and strengthened between the two nuclear superpowers and not diminished because of disagreements.

V. THE REAGAN RECORD

The first duty of the President, the Congress, and the Government of the United States is to secure the blessings of life and liberty "to ourselves and our posterity." Yet Americans rightly sense that the world situation today, after four years of the Reagan Administration, is more dangerous than it has ever been.

The military buildup

Despite the additional billions of dollars committed to military weapons, we have no more security than we had four years ago. If Reagan's plan to spend nearly two trillion dollars more over the next five years on military expansion is carried through, and nothing is done to stop the nuclear arms race, we will be left with even less security. The Sovets have proven themselves capable of matching us weapon for weapon on land, sea, air, and in "Star Wars" in space.

Meanwhile, the enormous expenditures of financial and technical resources are undermining the United States as a land of opportunity and as the technical and industrial leader of the world. Too large a fraction of the nation's most able scientists and engineers are employed on military projects to the detriment of civilian industrial activities. The two trillion dollars is more than the worth of the entire United States industrial plant.

Moreover, the large, unnecessary increases in military spending during the last four years have added greatly to unprecedented national deficits, and the projected increases for the coming years would probably result in an even more unbalanced budget.

The Reagan administration has been on a four-year wild goose chase in pursuit of nuclear superiority. Superiority, it is said, will give us greater security by increasing the deterrence to Soviet attack. But this is an illusion. With each side able to destroy the other many times over, no matter who strikes first, a numerical or technological lead in weapons cannot be used to any advantage militarily or politically. On the contrary, the very pursuit of such superiority, with the reduction of warning time, makes both sides less secure and more trigger-happy, leading inevitably to computer wars out of human control. And a perception of superiority might mislead those believing it to engage in military interventions or risk confrontations that can easily lead to mutual destruction.

Arms control

In two decades as a political propagandist and candidate, Ronald Reagan opposed every major arms control agreement negotiated with the Soviet Union. In the 1980 compaign he denounced and helped defeat the SALT II strategic arms limitation treaty (although after taking office he tacitly accepted it and now accuses the Soviets of violating it).

As President he has continued on this road. With his key appointments President Reagan surrounded himself with individuals committed to an accelerated arms race. At first, the Administration took the position that it would engage in no arms control talks with the Soviets until the proposed U.S. military build-up was completed. When after a year the pressure of public opinion here and in Europe forced the Administration to enter the START and INF negotiations, the United States put forward proposals that were clearly inequitable and unacceptable to the Soviet Union—as they have put inequitable and unacceptable proposals to us. And although the U.S. positions have been changed several times since then, often with public relations fanfare about new-found "flexibility," there never has been a Reagan Administration proposal that gave any promise of stopping—much less reversing—the arms race.

Furthermore, the Administration terminated the Comprehensive Test Ban negotiations when agreement was almost complete between the parties. It rejected the Soviet proposal for negotiations to ban space weapons. And it is now advancing the misguided "build-down" proposal which would serve to continue the qualitative arms race by replacing existing weapons with fewer but more deadly new ones.

Today, 3½ years after Ronald Reagan took office, every nuclear arms control negotiation between the United States and the Soviet Union has been broken off. For the first time since 1945, an American Administration is not in active negotiation seeking to limit the nuclear arms race. The present Administration has thus undermined the accomplishments of Presidents Eisenhower, Kennedy, Nixon, Ford, and Carter. It has initiated a dangerous new cycle in the arms race.

Relations with the Soviet Union

The whole Reagan approach to the Soviet Union has been dangerous. The American people don't need to be told that the Soviet Government is repressive at home and in all the countries it dominates. What the American people want is leadership that will make it possible for the United States and the Soviet Union to live on the same planet and deal with each other without blowing each other up and threatening global civilization and the whole human species.

When President Reagan declared (in his first news conference) that the Soviets "reserve unto themselves the right to commit any crime, to lie, to cheat," and to taunt the Soviet Union as an "evil empire," indeed, as the "focus of evil in the modern world," he only made the problem worse. A "focus of evil" is something to be destroyed, not negotiated with or lived with peacefully. If the Soviet leaders believed the American President meant what he said, they might conclude that he was indeed planning to destroy them—and the weapons he is adding to the U.S force are in fact designed to be able to achieve that goal. If they acted according to that fear, the consequences could be catastrophic.

Ronald Reagan now says, "I would not say things like that again." But during his first three years as President, he has repeatedly used extreme and belligerent language toward the Soviet Union, as he has done throughout his career. His words and actions have given no reason to believe he thinks constructive negotiations with the Soviet Union's leaders are really possible or even desirable.

Other crises

Ronald Reagan's simplistic and militaristic view of the world has already led our country into deep trouble. It has led this Administration to turn its back on America's traditional commitment to the betterment of the human family. It has earned us the suspicion and enmity of millions of people in the Third World. And it has put the United States on a course of military intervention that, in the Middle East or elsewhere, could before we know it escalate into a nuclear crisis.

The revolutions and civil wars, the coups and insurgencies, occurring in Asia, Africa, and Latin America have many causes. The most fundamental ones are the poverty, tyranny, and exploitation prevailing in so much of those regions. If every Communist disappeared from the earth and all Soviet or Cuban intervention, infiltration, and incitement stopped, the poverty, tyranny, and exploitation in many countries would still drive the people into rebellion. And so long as those conditions continue, the Soviet Union, Cuba, and other such regimes will be tempted to take advantage of the situation.

Instead of cooperating with efforts to improve the economic conditions of the poorest countries, Ronald Reagan has cut U.S. aid and undermined the development programs of the World Bank. Instead of raising the standard of democratic reform, he has reduced United States pressure for human rights in El Salvador and South Africa, in the Philippines and Korea. Blind to what happened to the United States in Iran, he puts the United States on the side of the status quo, and makes enemies of a large part of the people in those countries.

By treating small civil wars as though they were major contests with the Soviet Union and making them tests of our resolve, President Reagan sets us up for ever deeper military involvement, as in Vietnam. And every such involvement in a local conflict increases the risk of a Soviet-American military confrontation, with the unintended but potential risk of nuclear war.

With an election approaching, Ronald Reagan may at last be moderating his rhetoric. But his deeds speak more clearly than his words, and they show that his thinking is unchanged. If he were reelected, with no concern about ever having to face the American electorate again, he would be without the restraint the coming election now imposes on him. The present dangers would be multiplied in a second Reagan term.

THE CHOICE

On November 6, 1984, the American people will choose between the Republican Administration of Ronald Reagan and a new Democratic Administration pledged to the Strategy for Peace described in this Platform.

Staying the course with Ronald Reagan means more military intervention, more military spending, less national security, greater national deficits, and a greater danger of the ultimate holocaust.

By choosing the Democratic course, people will put the United States on the path to peace, economic strength, and true security.

We will seek to make these issues of war and peace the central ones in the 1934 election debate, so that the choice for voters will be clear.

Because the above strategy for peace is the most important commitment of the democratic party and will be the first priority of a new democratic administration, these planks should come first in the 1984 democratic platform.

(Note: This platform on nuclear peace and national security does not purport to cover all aspects of world policy, or to spell out the far-reaching beneficial effects of reversing the arms race on our domestic economy and the economic development of the world, or to propose the programs necessary to convert resources now going to military weapons into civilian industries, human services and jobs.)

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Ruth Adams. Editor of the Bulletin of Atomic Scientists, Chicago.

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Abram Chayes. Felix Frankfurter Professor, Harvard Law School. Legal Adviser and Assistant Secretary of State under President Kennedy; staff director of 1960 Democratic Platform Committee and director of foreign policy task forces of Democratic 1972 Campaign; chairman, coordinating Committee for International Nuclear Fuels Cycle Evaluation, 1977–80.

Norman Cousins. Author and Editor. Member, Cranston for President National Steering Committee. Editor, Saturday Review, 1940–71.

Randall Forsberg. Director, Institute for Defense & Disarmament Studies. Originator of Freeze proposal and Chair, National Advisory Board, Nuclear Weapons Freeze Campaign.

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Marjorie "Midge" Miller. Wisconsin State Representative. Author of 1982 Wisconsin Nuclear Weapons Freeze Referendum. Member, Cranston for President National Steering Committee.

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Esteban Torres. Member of Congress (D-CA). U.S. Ambassador to UNESCO, 1977–79. Member, Cranston for President National Steering Committee.

Gerald Warburg. Foreign Policy and Defense Adviser to Senator Cranston, Senate Staff. Former Fellow, Stanford Arms Control Program.

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Rev. Theodore Hesburgh. President of Notre Dame. Former Vatican Representative to International Atomic Energy Agency; Chairman U.S. delegation to U.N. Conference on Science and Technology for Development, 1977.

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John Lewis. Member of City Council, Atlanta. Author of Nuclear Freeze Resolution in City Council. Former National Chairman of SNCC (Student Non-violent Coordinating Committee).

Robert Jay Lifton. Professor of Psychiatry, Yale University. Board of Directors, Physicians For Social Responsibility. Author of Works on Nuclear Weapons.

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Herbert Scoville, Jr. President, Arms Control Association. Former Assistant Director, Science and Technology, Arms Control and Disarmament Agency; Deputy Director for Research, Central Intelligence Agency.

Sayre Sheldon. Professor, Boston University. President of Board, Women's Action for Disarmament (WAND).

Alan B. Sherr. Attorney. Board of Directors, Lawyers Alliance For Nuclear Arms Control.

Sargent Shriver. Partner, Fried, Frank, Harris, Shriver & Jacobson. Former Director of Peace Corps and U.S. Ambassador to France.●

AMERICAN ASSOCIATION OF HOMES FOR THE AGING (AAHA) COMMENDATION OF SENATOR HEINZ

● Mr. COHEN. Mr. President, I would like to call to the attention of my colleagues an event occurring this week that deserves our attention, support, and participation—the 12th Annual Spring Conference of the American Association of Homes for the Aging (AAHA), being held here in the Nation's Capital on March 15 and 16.

AAHA is the national representative of over 2,200 nonprofit health-related and housing facilities for the aged, providing direct services to more than 500,000 older persons across the country. Its members include independent housing facilities, nursing homes, continuing care retirement communities—many of which offer outreach and community services—as well as 36 State affiliates and an additional 800 students, lawyers, and other professional associates. All of its member facilities are nonprofit and are sponsored by religious organizations, private foundations, Government agencies, unions, and fraternal and community groups.

As nonprofit entities motivated, founded, and existing solely for the purpose of providing services to individuals, AAHA members are committed to quality care that recognizes the total person, to community involvement by the homes as a way of enhancing the quality of life of its residents, and to insuring a continuum of care appropriate to individual needs at a reasonable cost.

On Thursday, March 15, one of our colleagues, Senator JOHN HEINZ of Pennsylvania, who chairs the Special Committee on Aging, will be honored by the AAHA for his efforts on behalf of America's elderly.

During the legislative luncheon, Senator HEINZ will be recognized as a leader in the forefront of policymaking battles to benefit the aged. Since 1981, as chairman of the Special Aging Committee, Senator HEINZ has vigorously pursued an agenda to assure older persons quality health care, income security, housing and energy assistance, as well as personal safety. As a member of that committee, I have been pleased to support Senator HEINZ in these efforts. His effectiveness was particularly demonstrated last year when he spearheaded a successful Aging Committee effort to convince the Senate Appropriations Health Subcommittee to fund a $30 million research budget item, as well as an additional $3.5 million for the establishment of research centers on Alzheimer's disease.

In addition to his leadership role on the Special Committee on Aging, Senator HEINZ has been involved in many other activities which firmly establish him as a champion of the elderly. He has recently introduced legislation to revise and expand the section 202 program to increase housing assistance for the elderly and handicapped, expand the protections of Federal law to prohibit age discrimination, and allow a tax credit for expenses incurred in the care of an elderly family member.

Senator Heinz was also instrumental, as a senior member of the Housing Subcommittee of the Senate Committee on Banking, Housing, and Urban Affairs, in preventing HUD from selling section 202 mortgages.

In recognition for all he has done to enrich the lives of older Americans—and to demonstrate support for the important efforts which lie ahead—the AAHA has conferred on Senator John Heinz its Distinguished Service Award. The AAHA has also conferred a similar award on Congressman Henry Waxman, chairman of the Subcommittee on Health and the Environment of the House Energy and Commerce Committee.

In the conference's keynote address, "The Future of Health Care in America: Social Service or Industry?", Dr. Arnold Relman, editor in chief of the New England Journal of Medicine, will help frame the proceedings when he discusses the increasing consolidation and corporatization of long-term care; a concern of particular importance to those who seek to promote and encourage nonprofit services for the elderly.

Again, I commend the attention of my colleague to the Spring Conference of the American Association of Homes for the Aging. The association's ceaseless efforts and dedication to our aging citizens merits our recognition and support.●

NUCLEAR TESTING AND ARMS CONTROL

● Mr. PRESSLER. Mr. President, on Monday of this week I became a cosponsor of Senate Joint Resolution 29, a resolution calling for immediate ratification of the Threshold Test Ban (TTB) and Peaceful Nuclear Explosions (PNE) Treaties and the resumption of talks on a Comprehensive Test Ban (CTB), Treaty.

I have long held the view that the TTB and PNE accords should be ratified. These agreements set important precedents on nuclear data exchange and onsite inspection. In fact, under the terms of the PNE accord, the Soviets for the first time agreed to onsite inspection as part of an arms control accord. If we are to make meaningful progress in negotiations on significant arms reductions, onsite inspection may be required to remove doubts on treaty compliance. For this reason, the United States cannot afford to lose the precedent in the PNE accord.

Similarly, a full exchange of information will be required if we are to move rapidly toward the goal of removing the threat posed by nuclear weapons. The TTB Treaty provides for such exchanges in the nuclear testing area. With this precedent in hand, the United States gains leverage in moving the Soviet Union toward full disclosure in other arms control areas.

Unfortunately, the 1974 TTB Treaty and the 1976 PNE Treaty have not been put into force. This has occurred despite the fact that these agreements were negotiated and signed by two Republican administrations. In the interim, the United States has had the worst of all possible situations. Both the United States and the Soviet Union have signed but not ratified these agreements. But we have agreed to abide by the nuclear threshold imposed by these accords. I call this the worst of all worlds because, while in the interim we have abided by the TTB and PNE limitations, we have not reaped the benefits of data exchanges and the onsite inspection provisions that can come only with ratification.

There have been charges that the Soviet Union has not abided by the 150-kiloton threshold. Indeed, the data on the Soviet Union's testing record has its ambiguities. But a major source of the problem relates to the failure to ratify these agreements. The uncertainties associated with monitoring these treaties at this time are largely related to the lack of data on Soviet weapons tests and information on the characteristics of the Soviet test sites. A good deal of this information should be forthcoming in the wake of TTB/PNE ratification.

This viewpoint is shared by experts from the Lawrence Livermore Nuclear Weapons Laboratory in California. Livermore Laboratory is one of this Nation's two weapons design facilities. These are the people who would have to live with the consequences of TTB/PNE ratification. And, it is the experts at Lawrence Livermore who have concluded that the United States would gain from ratification.

As for a CTB, opinion on the desirability of such a ban is divided. Perhaps of greater significance, opinion is also divided on whether such an accord can be verified. This provides still another reason for bringing the TTB/PNE accords into force. By learning to live with the verification procedures for these more limited agreements, experts could better judge the requirements of a CTB. Moreover, the TTB and PNE accords would provide invaluable experience in the design of CTB verification procedures.

This does not mean that talks among the United States, the United Kingdom and the Soviet Union on a CTB should not resume. On the contrary, only through a dialogue can we hope to better understand Soviet nuclear testing and PNE programs. Such an understanding is essential for moving toward the goal of banning all nuclear detonations. At the same time, let us note that a comprehensive ban holds out an important advantage in preventing nuclear weapons spread. So long as nuclear explosions of any type are allowed, nations that wish to acquire nuclear bombs may attempt to claim that their nuclear detonations are for peaceful purposes. This has already occurred in the case of the Indian nuclear program.

It is, therefore, in our interest to move toward ratification of the 1974 TTB Treaty and the 1976 PNE Treaty and at the same time resume talks on a CTB.

Mr. President, I ask that an op-ed article I wrote on the TTB and PNE accords be printed at this point in the Record. I also ask that an article from the Energy and Technology Review, entitled "The Test Ban Treaties: Verifying Compliance," be printed in the Record. The author of this article, Milo D. Nordyke, is one of the Nation's leading experts on monitoring nuclear tests, and in this article, he discusses Livemore's research into new technologies which may enhance this Nation's ability to verify testing treaties. Unfortunately, the graphics associated with this article cannot be reproduced in the Record.

The material follows:

[From the Washington Post, May 28, 1982]

Two Treaties Ready To Go

(By Larry Pressler)

In moving toward a major breakthrough on strategic arms reductions, let us not forget the need for some modest but important steps in the interim. In this, consideration should be given to the ratification of two negotiated and signed accords limiting nuclear weapons tests, the Threshold Test Ban (TTB) and the Peaceful Nuclear Explosion (PNE) treaties.

The TTB and the PNE were negotiated and signed between 1974 and 1976 by the Nixon and Ford administrations. The TTB prohibits all weapons tests with yields greater than 150 kilotons. The PNE accord places the same constraints on so-called peaceful nuclear explosions. The Soviets have looked favorably toward PNEs and the United States has not. The United States has concluded that in most instances chemical explosives are sufficient for civil projects, and they avoid the radioactivity problems associated with PNEs. For this reason, the PNE treaty will have a greater impact on Moscow.

Some quarters in the bureaucracy advocate that we not ratify the TTB and PNE so that we can retain the option of testing high-yield weapons. But as Gen. David Jones, chairman of the Joint Chiefs of Staff, has indicated, there are no plans for such tests; nor is there any real need to conduct them. Assuring reliability of our current stockpile of weapons can be achieved under the 150-kiloton. Moreover, the Soviets are in a better position to profit from a move toward high-yield testing than is the United States. Moscow has ready-made facilities for such tests; we would have to start from scratch. There are few guarantees that Congress would fund such a program if we rather than the Soviets initiated testing above the threshold.

More important still is the likely impact of the 150-kiloton level upon the Soviet arsenal. The Soviets have long held a preference for multi-megaton weapons. These agreements would, therefore, be far more restrictive on them. If doubts on weapons reliability arose, this would first occur in Moscow. In the long term, moreover, the agreements might add to strategic stability. As new weapons came on line, their warheads would have to be tested to assure reliability. Likely Soviet doubts on the effectiveness of untested weapons might act as an incentive to move away from monster first-strike warheads.

Perhaps the most important provisions in these agreements deal with verification. The TTB provides for the exchange of geological and other test-related data required to assure compliance. The PNE's verification provisions are unprecedented. For the first time, the Soviets have agreed to on-site inspection.

The Reagan administration has made Soviet cooperation on the exchange of military data and on intrusive verification a litmus test of Soviet sincerity in arms restraint. The president's important strategic reductions initiative will depend on progress on these issues. The PNE and TTB offer Soviet concessions on both counts.

Support for ratification of these agreements has recently come from a broad spectrum of individuals, "hawks" as well as "doves." The group includes a stream of witnesses from the administration and the wider national security community who have testified before the Senate Foreign Relations Committee.

Since 1976 we and the Soviets have lived by these agreements—neither side has tested above the 150-kiloton level, and both have issued statements promising to adhere to the threshold as long as the other side does the same. But only ratification would bring the real benefits. Only then would the Soviets provide the data promised during negotiations and only then would they be bound to allow on-site inspection.

[From Energy and Technology Review]

"THE TEST BAN TREATIES: VERIFYING COMPLIANCE"

(By Milo D. Dordyke)

(Note.—The figures contained in the following article are not reproducible in the Record.)

In the continuing debate over nuclear arms control, many of the thorniest issues revolve around the question of treaty verification. With national security in the balance, the incentives for cheating can be very great. Stable and politically acceptable arms control agreements require a correspondingly high degree of confidence in the available verification measures.

Our mission in this regard is to improve this nation's ability to monitor and verify present and possible future treaties limiting or banning nuclear tests. Our work is carried out primarily for the Office of International Security Affairs of the Department of Energy (DOE). The four treaties involved are the Limited Test Ban Treaty (LTBT), the Threshold Test Ban Treaty (TTBT), the Peaceful Nuclear Explosion Treaty (PNET), and a possible Comprehensive Test Ban Treaty (CTBT).

The multilateral LTBT has been in force since 1963. Its signatories are prohibited from carrying out nuclear explosions in the atmosphere, in outer space, and underwater, but are permitted to carry out nuclear explosions underground. Moreover, no underground tests are permitted that result in radioactive contamination outside the country conducting the test. The treaty has been signed by more than 100 countries and ratified by more than 90, including the U.S. and U.S.S.R.

The TTBT is a bilateral treaty prohibiting the U.S. or the U.S.S.R. from carrying out any nuclear weapon test whose yield exceeds 150 kt. The treaty provides for exchanges of geological and geophysical data from test sites, data on the yield of a number of past nuclear tests (for calibration), and information on the location of nuclear weapon tests after they have been conducted. Both nations have signed this treaty but neither has ratified it. Since March 31, 1976, there has been an agreement to observe the 150-kt limit although no geological or calibration data have been exchanged.

Soviet compliance with the 150-kt limit has been questioned on a number of occasions. Access to the Soviet geological and geophysical data provided for in the treaty could be of some value in improving U.S. estimates of the yields of Soviet explosions. However, without some method for confirming the calibration yields, large uncertainties in seismic yield estimates are likely to persist.

Because of the Soviet Union's strong desire to continue an active peaceful nuclear explosion (PNE) program, the TTBT provided for negotiation of a separate agreement governing such explosions. These negotiations were concluded on May 28, 1976, with the signing of the PNET by the U.S. and U.S.S.R. For more information on these and other negotiations with the Soviet Union, see the article on p. 10.

The PNET limits the yield of any individual peaceful nuclear explosion to 150 kt and requires that data regarding the purpose, yield, depth, and geophysical environment of every PNE be provided to the other country. It also permits detonation of several PNEs with a combined yield between 150 and 1500 kt, but only if representatives of the other country are present to observe the explosions, to measure the yield of each explosive, and (for aggregate yields greater than 500 kt) to use local seismic networks to look for unannounced nuclear explosions carried out simultaneously with the PNEs (i.e., clandestine explosions).

Like the TTBT, this treaty has not been ratified by the U.S. Senate, and no verification provisions have been implemented. Since May 28, 1976, the Soviet Union has carried out more than 30 nuclear explosions that appear to be PNEs. If we had received the data called for by the PNET for these explosions, our understanding of the Soviet PNE program and the propagation of seismic signals in various regions of the Soviet Union would have been enhanced significantly.

A CTBT would extend the LTBT's ban on testing of nuclear weapons to include all environments; the atmosphere, outer space, underwater, and underground. Trilateral negotiations among the U.S., U.K., and U.S.S.R. on a CTBT were renewed in 1977 and continued to November 1980. There was agreement in principle on a number of key issues, such as the need for a network of stations to provide prompt, reliable, high-quality seismic data from within each country and for on-site inspections of suspicious events to determine whether they were nuclear explosions. However, no agreement was reached on the critical details of how these important verification elements would be carried out.

Under the LTBT, there is little incentive to test in outer space because underground tests are permitted. However, nuclear tests of almost any yield could be carried out in deep space at relatively modest cost, using existing technology and hardware, without detection by current or projected U.S. satellites. In lieu of a single large explosion it would also be possible to carry out a series of nuclear tests with smaller yields, all using the same space diagnostic package. Thus under a CTBT, with underground tests prohibited, clandestine nuclear tests in deep space would become more attractive and significant resources will have to be devoted to make the loophole as small as possible.

RESEARCH

Our research activities in connection with treaty verification fall into three general areas:

Seismic monitoring research.

Verification technology development, primarily in nonseismic and operational areas.

Arms control and verification support efforts.

Because of the importance of seismology in monitoring underground nuclear explosions, we devote a large share of our research resources to this area. This work has two main objectives, the detection and identification of clandestine underground nuclear explosions carried out in violation of some possible future test-ban treaty such as the CTBT, with particular emphasis on the use of regional seismic data (data collected with 2000 km of the source), and the estimation of yields of underground nuclear explosions carried out under the TTBT or some similiar treaty.

CTBT MONITORING

Seismic monitoring of a CTBT, to detect clandestine explosions by the U.S.S.R. or some potential nuclear weapon state, presents several major problems. First, any network of seismic stations will have a threshold below which it cannot detect seismic events. Second, evasion techniques can further complicate the task of seismic monitoring by hiding the signal. Third, false alarms will be produced by the many earthquakes that have characteristics similar to those of explosions.

One evasion technique would be to conduct small nuclear tests in a seismically active region, hiding the explosion's seismic signal among many naturally occurring unidentified seismic events. Alternatively, a test could be held in readiness, to be fired only when a natural earthquake is in progress. Explosions also could be fired inside large underground cavities so that their seismic signals would be decoupled (i.e., muffled) by a factor of 50 to 100.

False alarms resulting from failure to identify only a few small earthquakes per year will present real problems. It is possible to distinguish between earthquakes and explosions with a fairly high degree of confidence for events with body-wave magnitudes greater than 4.5 (roughly 3 to 5 kt in hard rock and higher yields in a less competent medium like dry alluvium), if both short- and long-period signals are well recorded. However, for events with magnitudes below 4.5, the number of unidentifiable earthquakes increases greatly and discrimination becomes more difficult. A more detailed examination of these problems appears in the article on p. 50.

TTBT YIELD ESTIMATION

In TTBT verification, the emphasis shifts to yield estimation. Estimating the yield of a nuclear test from seismic data alone is hard enough when we know exactly where the test took place (in what geologic surroundings) and what materials lie along the paths the seismic waves take in reaching our detectors. It is far more difficult when these factors are unknown.

For instance, variations in the geological characteristics of the region surrounding the source can introduce changes of up to a factor of 10 in the coupling of the explosion energy to the seismic wave. The depth of the explosion and the nature of the geologic structure within a few wavelengths of the source can alter the amount or azimuthal distribution of seismic-wave energy. An explosion may also trigger the release of comparable amounts of stored tectonic strain energy, modifying the outgoing seismic signal.

There is also abundant evidence that the degree to which seismic waves are attenuated as they traverse the upper mantle (50 to 100 km deep) varies significantly at different places in the world. These variations apply both in the source region and at the station used to measure the seismic signal from an explosion, introducing additional sources of uncertainty. An understanding of all these factors is required to significantly improve our ability to estimate explosion yields from seismic signals.

SEISMIC MONITORING

In line with the requirements of a system for verifying compliance with a CTBT, much of our effort in seismic research for treaty verification is focused on the use of signals measured at regional distances (less than 2000 km). These efforts fall into three main categories:

Evaluation and use of a prototype in-country seismic network.

Analysis of source and path effects on seismic signals.

Research on seismometer arrays and data processing.

THE PROTOTYPE IN-COUNTRY SEISMIC NETWORK

One way to improve the chance of detecting a nuclear test and identifying it properly is to move the seismometer closer to the point of origin. The stations of existing seismic networks are all at teleseismic distances (greater than 2000 km) from large areas in the Soviet Union. To improve this situation, the U.S. has proposed that any CTBT provide for the installation of seismic stations inside the U.S. and the U.S.S.R., placing them within regional distances of all areas of each country.

In late 1977, when the DOE asked Sandia Laboratories to develop an in-country seismic station suitable for deployment in the Soviet Union under terms of a CTBT, we were asked to define the station's seismic performance and to assess the quality of the seismic data it produced. In cooperation with Sandia, we developed an evaluation program for the proposed seismometers and associated downhole electronic equipment. We also provided software and hardware for testing the in-country seismic station prototypes and participated in tests carried out at the U.S. Geologic Survey's Seismic Observatory near Albuquerque.

To gain operational experience with Sandia's in-country seismic station prototype and to provide data analogous to those expected from national seismic stations in the Soviet Union, the DOE established a regional seismic test network (RSTN) consisting of five in-country seismic station prototypes deployed during 1981 and 1982, spaced about 2000 km apart across North America (see Fig. 1). For further information on this subject, see the article on p. 20.

We are using the data from this network to evaluate the seismic performance of the system, to study the properties of the seismic signals from earthquakes and explosions at regional distances as a function of the station sites and the regional paths, and to demonstrate the usefulness of such a network for detecting, locating, characterizing, and identifying sources.

SOURCE AND PATH EFFECTS

Work in this area emphasizes the development of detection, source characterization, and identification techniques that use the multiple phases and broad frequency content of regional seismic data. Although RSTN data will soon play an important role in this effort, the system has not yet accumulated enough data. Right now, our primary source of regional seismic data is our existing seismic network surrounding the Nevada Test Site (NTS); see Fig. 1.

We are combining these data with the geological data bank maintained by LLNL's Nuclear Test Program in a comprehensive statistical analysis. This analysis will separate and identify the parameters of the near-source region and the paths which control the properties of the seismic signals. The results of the analysis will not only aid in estimating yields but will also address CTBT verification by identifying factors that give rise to explosion-related shear waves of varying size. The occurrence of shear waves is inconsistent with a simple explosion model and their presence complicates the identification of the source type.

Figure 2, showing variations in the travel times from the NTS sources to our stations, is an example of preliminary results derived from the analysis of a partial set of these data. These variations are attributable to the geological structure near and immediately below the source. The results clearly define a region (the Rainier Mesa) in which the signals arrive early.

By correlating this travel-time information with information on the efficiency of signal propagation, we may be able to remove near-source effects from yield estimation. Such techniques allow us to separate source region and path effects without knowledge of the explosion parameters themselves. Similar analyses should make it possible to characterize Soviet test sites if regional signals from those sites become available.

In addition to these studies of unique LLNL data bases, we have several collateral lines of research. We are combining observations, calculations, and theory to model source mechanisms and analyze potential regional discriminants (factors that allow us to discriminate between an explosion and an earthquake). Two promising candidates among the latter appear to be the frequency-dependent invariants of a particular source model and the decay rate of the codas (the "ringing" that follows the initial impulse) of various seismic waves.

We are also making laboratory measurements to improve our understanding of how the attenuation of seismic waves depends on the pressures and temperatures in the upper mantle. Given this understanding, we hope to correlate pressure and temperature variations within the earth with readily observed and published parameters such as gravity, heat flow, and electrical conductivity in order to predict regions of high attentuation.

RESEARCH ON ARRAYS AND DATA PROCESSING

If we are to use regional seismic waves effectively for treaty verification, we need better techniques of data acquisition and processing. We are examining ways to improve signal-to-noise ratios, identify seismic phases by their particle motions and their speeds of propagation across the array, and determine the location and depth of sources by measuring the direction of approach and relative arrival times of the regional waves. Data have been collected from several sites in an effort to confirm our theoretical assessments of the dependence of array performance on site properties. These effects will ultimately influence our criteria for site selection.

THE LIVERMORE SEISMIC OBSERVATORY

A number of supporting facilities (collectively referred to as the Livermore Seismic Observatory) are critically important to our seismic research program. A key element is an advanced seismic data center with which we acquire, process, archive, and analyze seismic data from a variety of sources.

Our goal in data processing has been to use the computers as an extension of our seismologists rather than to supplant them with complete automation and routine processing. Thus, we have developed a state-of-the-art Seismic Analysis Code that helps a seismologist perform a wide variety of signal processing, analysis, and display operations using an extensive command-driven structure. Although we developed this tool for our own use, it has proved valuable to other agencies in their efforts to upgrade their data-analysis centers.

At present, we operate two seismic networks that feed data directly into the data center. One network, consisting of four broadband, three component (vertical, north-south, east-west) digital seismic stations surrounding the Nevada Test Site, provides telemetered data for all nuclear tests at the site as well as data from earthquakes throughout the world (see Fig. 1). The second network is part of the Livermore Site Safety Program and consists of small stations scattered throughout the Livermore Valley for monitoring local earthquakes. We also process data from the RSTN project, relayed to our center by satellite.

STUDIES OF THE SOVIET UNION

The studies outlined above are designed to give us a general understanding of the processes involved in wave generation and the dependence of the wave properties on the parameters of the source region and path. We have also studied Soviet testing practices and Soviet geology. The aim of these studies is to enable us to apply our general information to the particular problem of monitoring Soviet compliance with the various treaties.

These studies provide information that addresses current TTBT issues or forms a basis for extrapolating U.S. experience to the Soviet Union. They include the examination of Soviet testing patterns, the analysis of signals from Soviet tests recorded at stations at regional distances in China, and the analysis of noise levels affecting signal detection.

NONSEISMIC VERIFICATION RESEARCH

Our verification development research program emphasizes the development of technologies that could supplement regional and teleseismic verification techniques.

ON-SITE INSPECTION

The concept of on-site inspection of a suspicious event, carried out with the cooperation of the "host" country, has been agreed upon in principle by the U.S., U.K., and U.S.S.R. as one verification element of a CTBT. However, many important details have not been negotiated.

We have assumed a leading scientific role in the development of OSI technology. In the last several years, we have directed our research efforts toward developing the technical applicability of two techniques: radiological sampling and local seismic net (LSN) surveys.

RADIOLOGICAL SAMPLING

Since radiological sampling is the only OSI technique with potential for positive, unequivocal identification of a nuclear explosion, it would play a crucial role in an OSI. Because only very low levels of radioactivity (if any) are likely to seep up to the surface from a well-contained event, a survey with portable radiation-detection equipment probably would show nothing. Instead, we would need to collect gas, solid, and liquid samples from throughout the inspection area and process them with extremely sensitive laboratory-type detection instruments.

Calculations of the probable source term and possible release pathways show that the most useful radionuclides will be the fission product krypton-85, the soil neutron-activation product argon-37, and the thermonuclear reaction product tritium. Because an evasive test under CTBT constraints probably would be buried deeper than normal and carefully designed to prevent containment failure, gaseous diffusion may be the only mechanism for bringing radioactive gases to the surface.

To confirm a calculational model of this diffusion process, we collected gas samples from the sites of eight nuclear tests in the Yucca Flat area of the NTS from 9 to 170 months after the detonation and analyzed them for krypton-85 and argon-37. We were able to detect measurable fluences of krypton-85 at every site, but found argon-37 at only two sites, presumably because the short (37-day) half-life of argon-37 reduced the concentration levels below the detection limits of our instruments. The measured krypton-85 concentrations were generally higher than those calculated using a simple diffusion model, and we detected significantly higher concentrations (although still very low in an absolute sense) around a suspected fault region near one of the sites.

More work is needed to develop appropriate field instruments with improved argon-37 sensitivity, to measure tritium diffusion, and to explore the effects of other geologic media, water table, and other geometries such as tunnel shots. Nevertheless, our research indicates that radiological gas sampling is feasible and shows promise as an OSI technology.

LOCAL SEISMIC NETWORK

Whether the event that led to the OSI was an explosion or an earthquake, low-level aftershock activity clustered in the vicinity would continue for a long time. A local seismic network (LSN), deployed in an on-site inspection area, would detect and locate these lingering aftershocks, enabling us to localise other inspection activities (e.g., gas sampling) and maximizing the probability of finding additional evidence about the source of the event. The depth or seismic character of the aftershocks also may provide evidence to confirm that the event was an earthquake.

From 1979 to 1982, we carried out a research program to develop the LSN as a locational tool for OSI applications, deploying seismometers around the sites of several underground nuclear tests at the NTS. In our most recent deployment, we operated 10 seismometer stations over the interval from 2 to 4 months after an explosion in the Pahute Mesa region, detecting about 46 aftershocks at a rate of up to 6 per day. Figure 3 shows the calculated location of each aftershock, illustrating the ability of an LSN system to locate the site of an underground explosion to within about 200 m when we have a good estimate of the sonic velocities in the various geologic layers of the site.

For the LSN to be an effective OSI technology, the aftershocks must still be occurring when the inspection team arrives after the inevitable delays. Figure 4 compares measurements of aftershock rate for a number of tests in the Yucca Flat region (alluvium) with those made in the Pahute Mesa area (volcanic rock), showing that the aftershock rate varies by more than an order of magnitude for these two geologies. However, it also shows clearly that aftershocks can be detected for as long as 100 to 300 days after an explosion, depending on the geological setting.

Even though we need more data from tests covering a wider range of geologic conditions, the work completed thus far indicates that the LSN is a practical OSI technology for identifying the site of an underground explosion. Additional research is needed to see if we can distinguish between the aftershocks from explosions and those from other sources.

We are also working on electromagnetic and acoustic sounding techniques for detecting buried metal and underground cavities. Clearly, such features would be absent from natural seismic events. The ability to locate them would add independent direct evidence to supplement radiological surveys within the OSI area.

IONOSPHERIC DISTURBANCE DETECTION

A surface or near-surface explosion generates a weak shock wave in the air that propagates into the upper layers of the atmosphere, increasing markedly in amplitude as a result of the decrease in air density. By the time the wave reaches the ionosphere, 5 to 10 minutes after the explosion, it causes peak particle displacements of hundreds of meters over areas of many thousands of square kilometers. This disturbance of the ionosphere should be observable in the Doppler frequency shift of a radio signal reflecting off the ionosphere directly above the test.

If such a technique proves to be reliable, it might be adapted as a means of corroborating seismic detection and perhaps offer an independent discrimination capability.

In the 1978 fiscal year, the DOE established a research program to document this ionospheric phenomenon and increase our understanding of it as a basis for developing a deployable system. Our major responsibility in this program has been to provide a theoretical-calculational model that would permit the study of a much broader range of experimental conditions than could be conveniently observed in nature. (See the article on p. 38.)

We have developed a two-dimensional model that includes calculations of the propagation of the acoustic pulse to the ionosphere and the radiofrequency phase shift during oblique propagation through the ionosphere of radio signals from over-the-horizon radars as well as the perturbation produced by the earth's magnetic field. Our future work will focus on refining this two-dimensional model, applying it to large-scale system modeling and characterizing background signals and false-alarm signatures.

ARMS CONTROL AND VERIFICATION SUPPORTING EFFORTS

We also conduct technical studies and assessments in support of the verification and arms control policy needs of the DOE and other government agencies. One area of special interest is a continuing assessment of the Soviet program for the use of peaceful nuclear explosions. Verification of the PNET would require a thorough knowledge of the Soviet PNE program, including its overall scope, the types of projects being conducted, and the range of conditions under which on-site verification might, one day, have to be carried out.

SOVIET PNE PROGRAM

Over the last 18 years, the Soviets have conducted more than 70 nuclear explosions at widely dispersed locations throughout the Soviet Union. Although the Soviets do not currently provide information on these specific explosions, they are generally considered to be related to the Soviet program for civil and industrial applications of nuclear explosions because of their location away from the established nuclear weapons test site. The Soviets currently appear to be averaging about four to six PNEs per year.

The Soviets described this program in some detail in the early 1970s in bilateral discussions with the U.S. and in meetings at the International Atomic Energy Agency. Figure 5 graphically illustrates the geographical breadth of this program. By contrast, the U.S. carried out a total of 12 tests as part of our Plowshare Program (which was terminated in the mid-1970s).

Analysis of seismic data and information available in Soviet literature indicates that current PNE activities are concentrated in three areas. The first is the use of nuclear explosions to stimulate gas production from low-permeability reservoirs by creating a large fractured region around the production well. Results from the three similar U.S. field experiments, carried out in the late 1960s and early 1970s in very low-grade shale/sandstone reservoirs, showed that the production of gas could be increased by up to an order of magnitude over the pre-existing rates. The Soviets have reported similar results from recent nuclear gas-stimulation experiments in a carbonate reservoir.

The second area is deep seismic sounding to determine the geologic structure to depths of 100 to 200 km of large unexplored expanses of Siberia. Figure 6 (data taken from a 1981 Soviet seismology journal, with two 1977 and four 1978 nuclear explosions reported by the U.S./DOE added) demonstrates the scope of this effort. Third is the construction of industrial-scale underground cavities in salt formations for the storage of liquid gas condensate. For more details on this apparent industrial application of PNEs, see the article on p. 30.

SUMMARY

Our treaty verification research program is a broad-based technical effort aimed at improving this nation's ability to monitor and verify existing as well as possible future test-ban treaties. Reflecting the major role that must be played by seismic monitoring techniques and the limitations inherent in this field, a major share of our research is in the area of seismology with special emphasis on regional seismic phases. We are also developing alternative techniques such as the detection of ionospheric disturbances produced by nuclear explosions. Although there is no current activity, over the last few years we have developed the basic technologies that may be required to carry out the in-country verification activities provided for by the PNET and the draft CTBT. Since we cannot know in what direction future arms-control and test-ban agreements will actually move, our research program addresses questions of immediate interest as well as the most probable future issues. These efforts, if successful, could significantly improve our ability to monitor Soviet compliance with test-ban treaties. However, serious concerns regarding opportunities for clandestine testing will remain.●

ON THE C-17 AIRCRAFT

● Mr. GOLDWATER. Mr. President, one of the critical problems our military forces have faced for as long as I can remember is a lack of sufficient airlift to adequately respond to our military strategy.

We have seen an across-the-board improvement in military readiness on the part of every service in the last few years. In spite of recent criticism to the contrary, every single service Secretary, Chief of Staff and Commander in Chief of troops around the world, had stated categorically that we have never had a more professional, ready, and able force in their collective memories. I agree totally with them on this issue. In my memory, also which encompasses quite a few years, I have never seen a more professional force.

This improved readiness we now enjoy due to the current administration's commitment to that goal, will be wasted unless we have the means to rapidly project that force where and when it is needed around the world in the interest of our national security.

I am well aware of the budgetary constraints we face and that there may well be cuts in the current defense budget, but this serious shortfall in airlift must be addressed.

I recently read an article in the New York Times on Monday, March 5, concerning the Department of Defense's plan to rectify this serious problem by procuring the C-17 transport.

I commend the article to each Member of Congress since I feel this vital program will likely come under fire during the current budgetary process and we need to know as much about it as we possibly can. I ask that this article be printed in the RECORD.

The article follows:

AIR FORCE WANTS NEW CARGO PLANE

ASKS MCDONNELL-DOUGLAS' C-17 INSTEAD OF LOCKHEED'S C-5

(By Richard Halloran)

WASHINGTON, March 4.—The Air Force has decided, in a master plan for air transport, that it wants to stop buying the Lockheed C-5 cargo plane after current production. Instead, it plans to acquire 220 new aircraft called the C-17, built by McDonnell Douglas, over the next 30 years.

The plan, signed Sept. 29 by the Secretary of the Air Force, Verne Orr, and its Chief of Staff, Gen. Charles A. Gabriel, must ultimately be approved by Congress in the budget process. So far, Congress has voted only developmental funds for the C-17.

The decision to push ahead for one of the biggest Defense Department programs in years seemed certain to revive a struggle between Lockheed and McDonnell Douglas for lucrative contracts. The cost of the first 180 C-17's, to be built by 1998, would be $21.5 billion.

Because the program is in an early stage, however, it may be a target for budget cutters. The Congressional Budget Office, which analyzes spending issues, has reported that "it would be most logical to cancel the C-17" since the C-5 is in production, which will not end until about 1989.

But Mr. Orr and General Gabriel said in a memorandum to the other services' secretaries and chiefs of staff that "we expect Air Force planners at all levels to use this document in their deliberations and decisions to assure the airlift needs of the United States armed forces are met."

Senior Army and Marine Corps officers have already made known their preference for the C-17 over the C-5. The C-17, while carrying fewer troops or lighter loads, would be designed to fly farther and directly into rough airfields in combat zones, and it would cost less to operate.

SHIFT IS PLANNED

The plan, which the Air Force has not yet made public, also calls for shifting many Lockheed C-141 long-range aircraft and many Lockheed C-130 medium-range combat transports to the reserves. Eventually, all the older C-141's would be retired from active service, but many C-130's would continue to be the workhorses for medium-range airlifts.

Plans for expanding the transport capacity of the Air Force began in President Carter's Administration when the Rapid Deployment Force was organized to defend United States interests outside of regions where American forces are normally stationed.

At that time, the Air Force held a design competition for a new transport, and Lockheed, Boeing and McDonnell Douglas submitted bids. The Air Force selected McDonnell Douglas in August 1981, after President Reagan had come to office.

But that set off another kind of competition, with Lockheed and Boeing submitting unsolicited proposals for C-5's and 747's, which the companies asserted could be built for less because no design costs were involved and they could be delivered sooner.

Secretary of Defense Caspar W. Weinberger, accepted the Lockheed proposal for 50 more C-5's despite earlier problems with the plane's wings and cost overruns that had caused considerable political debate. The decision also included 44 KC-10's made by McDonnell Douglas as aerial tankers or cargo planes.

The Air Force later began work on its master plan that incorporated the new C-5's but pressed ahead for the C-17.

The Air Force master plan noted that the United States had adopted a strategy of seeking to deter war or to defeat an enemy as far from American shores as possible.

To carry out that strategy, known as forward deployment, the Air Force must be able to fly combat forces to distant battlefields swiftly and in sufficient numbers while other, usually heavier, forces follow by sea. The Air Force must also be able to maneuver troops, weapons and supplies near the battlefield.

The Defense Department and Congress have agreed that the Air Force must be able to move 66 million ton-miles per day, a measure of transport capacity, to fulfill its assigned mission. But the capacity today is only 27 percent of that goal because of shortages in crews and spare parts for existing aircraft.

The master plan says that with full crews and bins of spare parts, the Air Force would have a capacity of 43 percent of the goal. Expansion plans, including the purchase of the 50 new C-5's and 44 KC-10's, are expected to bring that to 73 percent of the goal by the end of 1988.

At that time, the master plan says, the Air Force would have several options, including adding more C-5's or modernizing with C-17's. After studying military needs, acquisition costs, operating costs and needs for personnel, Air Force planners recommended the solution that Mr. Orr and General Gabriel accepted.

Militarily, the C-5 can carry 121 tons for 1,650 miles without refueling, while the C-17 could lift 86 tons for 2,400 miles, making them roughly equivalent in transport efficiency. But the C-5 can land only at modern, well-developed airports, while the C-17 could deliver cargo or troops directly into forward airfields.

To procure enough C-5's and smaller aircraft to reach the force level goals of 1998 would cost $11 billion to $19.7 billion, the master plan says, while acquiring the fleet of 180 C-17's would cost $21.5 billion. The cost of 40 more C-17's later was not estimated.

But the 30-year operating costs of the C-17 fleet and smaller aircraft were estimated at $5.5 billion, as against $23.3 billion to $29.4 billion in other options. That includes fuel, spare parts, repairs and general wear and tear on the planes, but not personnel costs.

Moreover, the master plan says, the recommended option would require only 245 more people, because there would be fewer planes to keep flying as older planes were transferred to reserve units. Other options would require 10,000 to 15,000 more people.

The force that planners envisioned by 1998 would thus comprise new C-17's and the present and planned C-5's, plus C-141 long-range transports and C-130 medium-range transports. The KC-10 flying tankers would continue aerial refueling.

Over the next 15 years, according to the master plan, aging C-141's would be phased out and more C-17's would be built so that by the year 2015, all C-141's would have been retired.●

THE FOOD SAFETY MODERNIZATION ACT OF 1983

● Mr. D'AMATO. Mr. President, I rise today to cosponsor S. 1938, the Food Safety Modernization Act of 1983, introduced by my good friend, the chairman of the Labor and Human Resources Committee.

S. 1938 will provide broader powers to the Food and Drug Administration by modifying the food safety laws. Technology has changed dramatically since the last major revision of the food safety laws 26 years ago. There is now a concensus that modernization of the 1958 laws is necessary. S. 1938 would bring these laws up to date, while still preserving their protective nature.

The Food Safety Modernization Act amends the Federal Food, Drug, and Cosmetic Act to define safe to mean a reasonable certainty that the human health risks of a substance are negligible under normal conditions to use. This definition of safe would specifically apply to food additives, color additives, pesticide residues, and other specified substances. In other words, the bill would retain the Delaney clause on cancer-causing substances, unless it was demonstrated to the FDA that the substance presents no more than a negligible risk.

Under S. 1938, the FDA will be able to gradually eliminate substances from the food supply if it is determined that there will be no unreasonable risk to the public during this phaseout period and that there exists no comparable substitute. The FDA will also be able to determine whether the use of a substance and its health benefits outweigh its potential risks. To better arrive at such conclusions, S. 1938 would establish a mechanism for the FDA to receive expert external scientific recommendations, whenever necessary, on significant food safety issues.

Finally, S. 1938 simplifies the procedures for setting tolerances for food contaminants and it conforms the Federal Meat, Poultry, and Egg Acts to the changes in the Federal Food, Drug, and Cosmetic Act.

Mr. President, I feel this legislation, which has been endorsed by the American Medical Society, will continue to focus our food safety laws on the protection of public health and that food industries will continue to provide proof of efforts on food safety, while effectively modernizing the laws in accordance to the current advances in science. I urge my fellow colleagues to join me as cosponsors of this important legislation.●

NORTH ATLANTIC ALLIANCE

● Mr. NUNN. Mr. President, former U.S. Secretary of State Henry Kissinger recently published an article in Time magazine that merits the attention of every member of the Senate, and indeed, of every thoughtful American. Entitled, "A Plan to Reshape NATO," Dr. Kissinger's article is an insightful and provocative analysis of the problems currently troubling the North Atlantic Alliance, as well as a discussion of possible options for overcoming the serious crisis into which the alliance seems to be stumbling. Dr. Kissinger makes a persuasive case that NATO can only be saved by serious structural reform—"business as usual" can only lead to the eventual dissolution of the alliance. I would draw particular attention to Dr. Kissinger's comments on the importance of the European members of NATO assuming a greater responsibility for their own conventional defense, and his observations on the outmoded nuclear strategy of the alliance.

As a strong supporter of NATO, I feel it is imperative that we devote urgent attention to the condition of the alliance. The unity and strength of NATO have been the key to world peace for over 35 years now, and the future survival and health of the alliance will impact directly on U.S. security and on the security of free peoples everywhere. I do not necessarily agree with all of the prescriptions that Dr. Kissinger sets forth in his article, but I do find the fundamental assumptions and logic of the piece to be compelling. I ask that the text of the article be inserted into the RECORD.

The article follows:

[From Time, Mar. 5, 1984]

A PLAN TO RESHAPE NATO

(By Henry Kissinger)

(After 35 years of preserving peace in Western Europe, the Atlantic Alliance confronts new military, political and social realities. In this article, a former Secretary of State proposes dramatic—and in his view, vital—steps to help the alliance meet the challenges ahead. Among them: NATO's Supreme Allied Commander should be a European, not an American, as is now the case; Europe should have a decisive voice in certain nuclear arms-control talks and greater responsibility for its ground defense. If Europe refuses to accept that responsibility, the U.S. should withdraw up to half of its ground forces from Europe.)

Lebanon and the Soviet succession have preoccupied us in recent weeks, but the Atlantic Alliance must remain the pivot of American policy. On its unity depends the security of free peoples. From its cohesion will flow whatever hopes the Soviet succession offers for a new dialogue. Unfortunately, just as storms recur in nature, crises recur in the Atlantic Alliance. Nearly every Administration for a generation has been involved in them. However, the present controversies in NATO are both unprecedented and unsettling.

In West Germany, Scandinavia, the Low Countries and even in Britain (though to a lesser extent), "peace" movements have been pulling governments in the general direction of their policies, even though those governments disagree with their premises. In addition, the main opposition parties in West Germany and Great Britain—which, in the nature of democratic politics, can be expected to get into office eventually—are advocating policies that amount to unilateral nuclear disarmament for their countries. Because these groups hold sway over key segments of public opinion, too many Europeans leaders—even conservative ones—have yielded to the temptation to demonstrate their peaceful intentions the easy way, by pretending to be reining in a bellicose and insensitive U.S. through their ministrations. As a result, among those who shape public attitudes—and thereby set what become the limits of the politically possible—there is less intellectual or philosophical agreement then in any previous period.

This creates an exceedingly dangerous situation. An alliance cannot live by arms alone. To endure it requires some basic agreement on political aims that justify and give direction to the common defense. If military arrangements provide its only bond, it will sooner or later stagnate. It will surely prove unable to take advantage of diplomatic opportunities for an easing of tensions. That is the central issue before the Atlantic Alliance today. It requires a remedy that is fundamental, even radical—in the literal sense of going to the root.

Four problems in particular are gnawing at the alliance:

(1) Lack of an agreed, credible strategy. The gap between NATO's formal strategy and what the public will support has widened dangerously. The so-called flexible response devised in the 1960s remains NATO's official doctrine. It contemplates a defense of Europe that begins with conventional weapons and then goes up the ladder of nuclear escalation—until it reaches whatever level is necessary to halt Soviet aggression. In today's circumstances this doctrine has a fatal weakness; neither existing nor projected NATO conventional ground forces are adequate to repel a major Soviet conventional attack. Therefore, the doctrine would require a nuclear response at an early stage. Yet strategic nuclear parity deprives the threat of strategic nuclear war of much of its credibility; mutual suicide cannot be made to appear as a rational option. And no alternative nuclear strategy has been developed. Partly for this reason, public opinion, essentially unopposed by most NATO governments, is moving powerfully against any reliance on nuclear weapons—even tactical ones.

The alliance is thereby trapped in a precarious combination of (a) inadequate conventional forces, leading to (b) reliance on nuclear weapons in (c) a strategic environment that makes the threat of their use, and therefore their deterrent value, less and less credible, and (d) a public climate of growing nuclear pacifism that undermines what credibility remains. Lack of a coherent defense policy leaves the alliance, possessing a huge stockpile of enormously destructive weapons, disarming itself psychologically.

(2) Intermediate-range weapons and arms control. The arrival of the new U.S. intermediate-range weapons in Europe late last year was properly hailed as a major success. For if public demonstrations and Soviet pressure had succeeded in blocking that deployment, the Soviet Union would in effect have achieved a veto over NATO's military dispositions. But unless the alliance clarifies the purpose of these missiles, the accomplishment is likely to be transitory, since the basic European attitude toward the missiles is that of a host toward a now unwanted guest whose invitation to dinner it would be too awkward to withdraw. Some prominent Europeans purport to see in the missiles' presence a hidden American design to confine a nuclear war to Europe. Others treat them as one of those peculiar American aberrations that periodically upset the alliance's equilibrium. Too few recognize, and even fewer are willing to admit, that in fact the missiles link the strategic nuclear defense of Europe and the U.S. Weapons capable of reaching Soviet territory stake the American homeland to the defense of Europe; they do not enable America to remain immune.

European ambivalence makes it excruciatingly difficult to define "progress" toward arms control, while the nearly desperate eagerness with which progress is pursued makes its attainment less likely. The Soviets have refused even to discuss any proposal balancing U.S. intermediate-range missiles in Europe against the Soviet arsenal at a lower level. They insist on total withdrawal of American missiles while retaining a large number of their own. The goal of leaving Europe vulnerable to Soviet nuclear blackmail is obvious. Yet significant segments of European opinion persist in blaming the U.S. for the deadlock. In Europe and in the U.S., this attitude must in time erode the public support needed not only for missile deployment but also for coherent arms control.

(3) East-West relations. Behind the sharp differences over defense strategy and arms control lies a parallel dispute over the alliance's posture toward the Soviet Union. Too many Europeans accept the caricature of a U.S. run by trigger-happy cowboys whose belligerence has provoked Soviet intransigence. Many Americans, on the other hand, consider such European notions naive and believe that together with the pacifist and neutralist demonstrations, they reflect a trend toward appeasement that encourages Soviet intransigence.

(4) Relations with the Third World. Most European leaders believe that they have a special opportunity to establish preferential relationships with Third World countries. In the flash points of the Middle East, Africa and Central America, they see U.S. approaches as hopelessly tainted by an obsession with Soviet ambitions; some hope to win favor in the Third World by an ostentatious dissociation from the U.S. More than a few Americans view such behavior as a free ride paid for by U.S. sacrifices or as a positive incitement to Third World radicalism.

These differences could be healthy if they led to compatible and constructive policies for the 1980s and '90s. So far this has not happened. Mutual recriminations have created opportunities for Soviet political warfare even during this period of stagnation in the Kremlin leadership. The Politburo is obviously convinced that the West has become so paralyzed concerning nuclear weapons that there is no urgency about nuclear arms control; the Soviets can simply wait for a while to harvest the fruits of Western anxieties. By contrast, there may be concern in Moscow that NATO will move to close the gap in conventional forces; hence the willingness to resume the talks, moribund for ten years, about limiting conventional arms. Does this reflect a genuine interest in arms control, or is it a means to thwart the desperately needed Western conventional buildup by creating the same conditions by which public opinion was mobilized on the middle question? And what is one to make of the almost deferential pleas by all major NATO countries for the resumption of a dialogue that the Soviets have interrupted? Or of the upgrading of all major European delegations except the French to the Andropov funeral, compared with the Brezhnev rites 15 months ago—especially as Andropov's rule was marked by the flagrant attempt to influence the German election, the walkout from arms-control talks and the shooting down of the Korean airliner, not to speak of Andropov's 15-year stewardship of the KGB?

Will the Soviets see Western pleas for dialogue as a demonstration of good will, or will they learn from the compulsion to demonstrate good intentions after months of harassment that intransigence pays because the West has weak nerves? Will we fail to relax tensions because the Soviets conclude that atmospherics can substitute for dealing with the real causes dividing the world? Europe is not moderating the U.S., and the U.S. is not stiffening Europe's spine, as the folklore on each side would have it. More likely, each is in danger of paralyzing and demoralizing the other. Western disunity is perhaps the principal obstacle to progress in East-West negotiations.

This state of affairs has deeper causes than particular policies on either side. The present NATO structure is simply not working, either in defining the threat or in finding methods to meet it.

Existing arrangements are unbalanced. When one country dominates the alliance on all major issues—when that one country chooses weapons and decides deployments, conducts the arms-control negotiations, sets the tone for East-West diplomacy and creates the framework for relations with the Third World—little incentive remains for a serious joint effort to redefine the requirements of security or to coordinate foreign policies. Such joint efforts entail sacrifices and carry political costs. Leaders are not likely to make the sacrifice or pay the cost unless they feel responsible for the results.

An imbalance such as the one now existing cannot be corrected by "consultation," however meticulous. In the long run, consultation works only when those being consulted have a capacity for independent action. Then each side takes the other seriously; then each side knows that the other's consent has to be won. Otherwise consultation becomes "briefing." Agreement reflects not conviction but acquiescence for want of an alternative.

The present imbalance is not new. It has existed ever since World War II. But military dependence on another nation has a cumulative impact. When dependence no longer results from wartime destruction but from a policy choice, made under conditions of relative prosperity, it can breed guilt, self-hatred and a compulsion to display independence of the U.S. wherever doing so is safe, especially with regard to some Third World issues and certain aspects of East-West relations.

The problem has become even more acute because the generation of leaders that built NATO has virtually disappeared. Those who governed Europe during the early postwar years were still psychologically of the era when Europe bestrode the world. Global thinking came naturally. European leaders assumed responsibility for their own security policies and gave it up only reluctantly because of special circumstances. But nearly 40 years have passed since the end of World War II. The new leaders were reared in an era when the U.S. was pre-eminent; they find it politically convenient to delegate Europe's military defense to us. Too many seek to position themselves somewhere between the superpowers—the first step toward psychological neutralism. Thus Europe's schizophrenia: a fear that the U.S. might not be prepared to risk its own population on a nuclear defense of Europe, coupled with the anxiety that America might drag Europe into an unwanted conflict by clumsy handling of Third World issues or East-West relations.

The rush to condemn our actions in Grenada by so many of our European allies is a case in point. What could have been in the minds of their leaders? Even making allowance—especially in the case of Britain—for totally inadequate consultation, they could hardly have wanted us to fail. That would surely have affected our willingness to run risks in defense of other areas, ultimately including even Europe. Rather, they must have assumed that their actions were irrelevant and costless: that we would not be deterred, that we would exact no penalty and that therefor it was safe to use the incident to score points with "progressives" at home and with Third World radicals abroad.

The change in the nature of European leadership has been paralleled in the U.S. Our new elites do not reject NATO any more than do their European counterparts. But for them, too, the alliance is more a practical than an emotional necessity, more a military arrangement than a set of common political purposes.

On both sides of the Atlantic, we find ourselves threatened by the dominance of domestic politics over global political strategy. In Europe this leads in too many countries to a faintly disguised neutralism. In the U.S. it accelerates our already strong tendency toward unilateralism and isolationism.

U.S. leaders have too often adjusted foreign policies to political pressures, bureaucratic infighting or changing intellectual fashions. The history of the American attitude toward intermediate-range missiles in Europe is an example. These were proposed to the Europeans in 1957-58, installed in Britain, Italy and Turkey by 1960 and withdrawn in 1963. They reappeared later in 1963 as part of a NATO multilateral force, and were abandoned once again by 1965. They were put before NATO for the third time in 1978 and accepted once again in 1979. Not surprisingly, Europeans organizing to stop the current deployment are encouraged by the knowledge that previous American decisions have not proved immutable.

Similarly, our allies have had to adjust from passionate U.S. advocacy of SALT II to its rejection, and then to the fact that we have chosen to observe a treaty we refuse to ratify; from a strategic doctrine of massive retaliation to one of flexible response; from a policy of détente to one of confrontation and back to conciliation, not to speak of the gyrations in our Middle East policy—all in addition to the reassessments that occur whenever a new Administration comes into office. Each change of course leaves victims among European leaders who have staked their domestic positions on policies that the U.S. later abandons. Each lurch encourages a kind of neutralism, as Europeans seek to avoid being made hostage to sudden swings in American policy.

A continuation of existing trends is bound to lead to the demoralization of the Western alliance. An explicit act of statesmanship is needed to give new meaning to Western unity and a new vitality to NATO. In my view such an effort must have three components: (a) a more significant role for Europe within NATO, (b) reform of the NATO organization and (c) a reassessment of current NATO deployment.

A NEW ROLE FOR EUROPE

During the entire post-World War II period it has been an axiom of American policy that for all the temporary irritation it might cause us, a strong, united Europe was an essential component of the Atlantic partnership. We have applied that principle with dedication and imagination, insofar as it depended on American actions, in all areas except security. With respect to defense, the U.S. has been indifferent at best—at least since the failure of the European Defense Community—to any sort of Europeanization. Many in this country seemed to fear that a militarily unified Europe might give less emphasis to transatlantic relations or might botch its defense effort and thus weaken the common security. The opposite is almost certainly the case.

In the economic field, integration was bound to lead to transatlantic competition, even to some discrimination. What defines a Common Market, after all, is that its external barriers are higher than its internal ones. In the field of defense, by contrast, increased European responsibility and unity would promote closer cooperation with the U.S. A Europe analyzing its security needs in a responsible manner would be bound to find association with the U.S. essential. Greater unity in defense would also help to overcome the logistical nightmare caused by the attempt of every European nation to stretch already inadequate defense efforts across the whole panoply of weapons. For example, there are at least five kinds of battle tanks within NATO, different types of artillery and different standards for calculating the rate of consuming ammunition. In a major conflict it would be nearly impossible to keep this hodgepodge of forces supplied.

Thus the paradox: the vitality of the Atlantic Alliance required Europe to develop greater identity and coherence in the field of defense. I am not talking about traditional "burden sharing," paying more for the existing effort. I have in mind something more structural—a more rational balance of responsibilities. The present allocation of responsibilities fails to bring the allies to reflect naturally about either security or political objectives. Everone has been afraid to take the initiative in changing the present arrangement, lest doing so unravel the whole enterprise. But since drift will surely lead to unraveling—if more imperceptibiy—statesmanship impels a new approach.

STRUCTURAL REFORM

Structural reform cannot substitute for a sense of purpose and clear doctrine. But if pursued with care and sensitivity, it can help catalyze the development of shared political purposes. These common objectives require that European judgments on security, East-West diplomacy and other matters emerge from Europe's own analysis. Mere acquiescence in American decisions, briefings and pressures provides a façade of unity; shared purposes require a deeper sense of participation. Specifically:

(1) By 1990 Europe should assume the major responsibility for conventional ground defense. This is well within the capability of a group of countries with nearly one and one-half times the population and twice the G.N.P. of the Soviet Union. The Soviets, moreover, have to divide their forces on at least two fronts.

(2) This requires that planning for Europe's defense become a more explicitly European task. Heretofore, the Supreme Allied Commander Europe (SACEUR) has been American. In the new arrangement a European officer should take that traditionally American place, probably with a U.S. deputy. Such a change is also likely to give a new perspective to allied strategic planning. The U.S. has generally achieved its military successes by the weight of the equipment that our vast industrial potential has made available. This has tended to tempt our military leaders to equate strategy with logistics. European nations have rarely enjoyed such a material margin; rather, they have had to rely on superior leadership, training, initiative and tactics—precisely what NATO needs in an age of nuclear parity and renewed emphasis on conventional defense.

(3) Since the beginning of NATO, the Secretary-General, who is responsible for running the alliance's political machinery, has been European. In the new structure, with its greater emphasis on political coordination, it would make more sense for this official to be American—whenever the new Secretary-General, Lord Carrington, decides to retire. Meantime, no Western leader is better qualified for guiding NATO'S transition than the wise and thoughtful Carrington.

(4) Europe should take over those arms-control negotiations that deal with weapons stationed on European soil. The INF negotiations with the Soviets (for intermediate-range missiles) and the MBFR negotiations (on conventional forces) have heretofore been conducted by American delegations. Both of these negotiations should be "Europeanized" as quickly as possible, with a European chariman, an American deputy and a mixed, though predominantly European, delegation.

The structure that I am proposing would enable Europeans to confront—on their own initiative and in their own context—issues that have been evaded for at least two decades: the precise definition of an adequate conventional defense; the nature of the so-called nuclear threshold—the point where there is no choice except conventional defeat or nuclear escalation; the relationship between strategy and arms control. Since nuclear weapons would presumably be used only if conventional defense failed, Europe would be responsible for setting the nuclear threshold by its own efforts; it could relieve its nuclear anxieties by the simple expedient of augmenting its conventional defenses.

By the same token, European leadership in the MBFR and INF negotiations would place final responsibility for both conventional force levels and intermediate-range missile deployment in Europe with the leaders whose countries will have to bear the brunt—for good or ill—of the outcome of these negotiations. This is especially important with respect to the American intermediate-range missiles in Europe. That deployment makes sense only if the allies genuinely believe that the prospect of a nuclear blow from Europe on Soviet territory will help deter a Soviet conventional attack or nuclear blackmail. If our principal allies do not share this conviction, the psychological basis for the deployment will evaporate.

European chairmanship of the INF talks would oblige Europe's leaders to face the issue head-on; their domestic critics would no longer be able to argue (as they do now) that U.S. intransigence is the principal obstacle to arms control.

As for the U.S., it would of course participate in these deliberations—in a less dominant position—through its continued membership in the integrated command, its responsibility for nuclear defense, and its ground, naval and air forces in Europe.

REDEPLOYMENT

The issue of redeploying American forces touches raw European nerves like no other. The slightest hint of altering present arrangements jangles sensibilities; it evokes fears of American withdrawal and prospects of European neutralism. But if present trends continue, it is certain to become a central issue in the alliance relationship. Before dealing with it in the context of a program of NATO reform, a few facts must be noted:

(1) The present NATO deployment of five American divisions and supporting air and naval forces evolved in the 1950s, when NATO's doctrine was massive retaliation—to react to aggression with an immediate and overwhelming nuclear blow against Soviet territory. Massive retaliation paradoically required that the total forces on the Continent be kept below the level required for conventional defense. NATO did not wish to tempt Soviet conventional aggression by doing anything to suggest that a Western response would be limited to nonnuclear means. Hence the American conventional deployment in Europe reflected political, not military, criteria: it was intended to give us no choice about nuclear retaliation and to leave the Soviets no doubt that this would be the consequences of even a conventional war. European conventional forces represented a similar political decision: they too were conceived as a trip wire for our nuclear riposte. From the birth of NATO to a full conventional defense has been part neither of its strategy nor of its efforts.

(2) This situation became anomalous when the growth of Soviet strategic forces deprived general nuclear war of much of its credibility. Yet NATO deployment has been essentially unaffected by the change. NATO has improved its conventional defenses but has not closed the gap in such forces. As the current NATO commander made clear recently, even counting the five American divisions that have remained in Europe, the alliance is still unprepared to withstand a major Soviet ground attack for more than a few days. European ambivalence continues 35 years after NATO's creation. Our allies remain unwilling to develop forces strong enough to provide an alternative to nuclear weapons—and yet much of their public opinion shies away from even thinking about nuclear deterrence.

(3) Were we to start all over again, we would therefore hardly repeat the decision of the '50s in today's circumstances. Let us assume a group of wise men and women from both sides of the Atlantic came together to plan a global strategy unconstrained by the past. Assume further that it started from the premise that ultimately the defense of the West is indivisible and that European security should be viewed under the aspect of the defense of the West in Europe—as a thoughtful French observer, Francois de Rose, put it. Such a group would almost surely conclude that the sensible division of responsibilities would be for Europe, with economic resources and manpower exceeding those of the Soviet Union, to concentrate on the conventional defense of the Continent. To maintain the global balance of power—by definition as essential for Europe as for America—the U.S. would emphasize highly mobile conventional forces capable of backing up Europe and contributing to the defense of, for example, the Middle East, Asia or the Western Hemisphere.

Such a division of responsibilities would also enable our military establishment to shift some of its intellectual energies and scientific research from a hypothetical esoteric war in an area where we have major allies to the defense of regions where conflict is much more likely. In such regions our allies are less prone to see their interests immediately engaged, and the countries being threatened are in a worse position to assist in the defense effort.

Even if we were to start all over again, an irrefutable case would exist for maintaining considerable American ground forces in Europe. This would be essential to keep our allies from feeling abandoned and to eliminate any Soviet misunderstanding that the defense of Europe no longer reflects a vital American interest. In a new division of responsibilities we should also preserve and preferably strengthen existing U.S. land-based airpower on the Continent. And we should continue our responsibility for both strategic and tactical nuclear defense, assuming that we and the Europeans could agree on a strategy for the latter. American intermediate-range missiles should remain in Europe to "couple" the nuclear defenses of both sides of the Atlantic so long as European leaders desired them. No change in naval deployments would be involved.

Why then is such a division of responsibilities not realized? The principal obstacle is psychological. For all their criticisms of American policy, Europeans dread a return to isolationism in the U.S. Americans fear that any tinkering with deployment would drive Europe into explicit neutralism. And some in the Pentagon would rather maintain our troops in Europe in a less than rational deployment than return a portion to the U.S., where they are more exposed to congressional budget cutters.

In my view, persisting in a deployment that is losing its rationale accelerates these attitudes. Pacifism and neutralism are on the march in Europe even under the present setup; isolationism in America is not yet so vocal but is being powerfully encouraged by endless allied disputes. An alliance that cannot agree on its political premises cannot sustain itself by clinging to military arrangements decided a generation ago in totally different circumstances. With current trends the issue of the rationale for the NATO deployment will become unavoidable. If it arises not as an integral component in a comprehensive design but as a single question of whether to continue stationing American troops in Europe, unilateral changes will be arbitrarily imposed by the potentially most destructive means—the American budgetary process. Then indeed we might see in America a psychological wrench away from Europe and in Europe a panicky resentment against the U.S. A change in deployment without a positive political and strategic purpose, withdrawal for its own sake, might shock our allies into neutralism; it could mislead our adversary and tempt aggression.

There is an urgent need for a serious and rapid re-examination of NATO doctrine, deployment and policies, conducted by men and women known for their dedication to Western unity. The group—to be formed immediately after our elections—must begin with one of the most divisive issues before the alliance: an agreement on the nature and scope of the threat. The group must avoid the tendency of previous such efforts, which set unrealistic goals and thereby magnified the problem. A deadline for completion should be set—certainly no longer than two years.

Theoretically, such a study could lead to one of three outcomes: 1) The group could come to the same conclusions about the optimum division of responsibilities in an agreed global strategy outlined above. Given the disagreements about the nature of the interests involved in regions outside of Europe and the domestic priorities of most European countries, such a conclusion, however rational, is extremely improbable. 2) The group could agree that the strategic interests of the West require a full conventional defense, but that for practical and psychological reasons, Europe can undertake the required effort only if the present American ground deployment in Europe is maintained intact. 3) The group could decide that the realities of European domestic politics preclude more than the current gradualistic, marginal improvement of defense efforts.

I hope very much that Europe would choose the second option. If Europe should agree to build a full conventional defense and were prepared to express that commitment in unambiguous yearly obligations to increase its forces, the U.S. should accept the judgment that its present ground forces in Europe are an indispensable component. Such a decision might in fact invigorate the conventional arms-reduction talks and in time lead to stability at a lower level. But if Europe should opt for a perpetuation of the present ambivalence or for only a token improvement, then the U.S. will owe it to the overall requirements of global defense to draw certain conclusions. If Europe by its own decision condemns itself to permanent conventional inferiority, we will have no choice but to opt for a deployment of U.S. forces in Europe that makes strategic and political sense. If nuclear weapons remain the ultimate deterrent to even conventional attack, a gradual withdrawal of a substantial portion, perhaps up to half, of our present ground forces would be a logical result. To provide time for necessary adjustments, that withdrawal could be extended over five years. To ease the transition further, we could, if Europe agreed, keep the excess ground forces in Europe for a time afterward in a new status analogous to that of the French forces, prepared for use in Europe but also available for use in emergencies outside it. Any withdrawal would make sense only if the redeployed forces were added to our strategic reserve; if they were disbanded, the effect would be to weaken the overall defense.

The proposed redeployment would leave intact air and naval forces, as well as intermediate-range missiles, so long as Europe wants them. A useful byproduct of the process would be a systematic re-evaluation of the existing inventory of very short-range tactical nuclear weapons, a legacy of three decades of ad hoc decisions; these weapons now represent at one and the same time an increment to deterrence and the greatest danger of unintended nuclear war because, being deployed so far forward, they are unusually subject to the exigencies of battle.

In this scheme, withdrawal would be not an end in itself—as it will if frustrations on both sides of the Atlantic go much further—but one component of an adaptation to new circumstances extending over some eight years that rededicates the U.S. to the alliance for the indefinite future.

Psychology is immensely important in international relations, especially when policies turn not only on cold, professional assessments of the national interest by trained political leaders, but on public opinion. I would like to believe that restructuring the alliance to give Europeans greater responsibility for their own defense, while important American forces remain in Europe, will be seen not as an abandonment but as an embrace of Europe. It is a means of enlisting Europeans as full partners in the process of decision on which their safety as well as ours depends. For a son of Europe reared on the existing NATO orthodoxy, the very idea of even a partial redeployment is painful—all the more so after Lebanon. But we will not be fulfilling our obligations to the West if we fail to put forward an initiative to forestall the crisis that will otherwise confront us in much worse circumstances.

POLITICAL OBJECTIVES

By themselves, neither organizational nor doctrinal adaptations can remedy the political incoherence rending NATO. This article has emphasized security issues. However, a few general observations on the alliance's political problems are necessary.

(1) Those leaders on either side of the Atlantic who value the alliance, with all its failings, as the ultimate guardian of Western freedom must seek urgently to end political disputes over East-West relations and North-South policy, especially Western conduct in the flash points of conflict in the Third World. The tendency to grandstand before domestic audiences, the growing self-righteousness, will in time make a mockery of the key assumption of the Atlantic Alliance: that we share a common approach to security. Defense requires after all some agreed political purpose in the name of which it is conducted. The Atlantic Alliance must urgently develop a grand strategy for East-West problems and Third World relations applicable for the rest of this century. Otherwise, it will tempt constant pressures and crises.

(2) The U.S. cannot lead the alliance or even contribute to its cohesion if we do not restore bipartisanship to our foreign policy. Ever since the Viet Nam War, we have disquieted our friends and confused, where we have not emboldened, our adversaries by periodic wide swings on essential elements of our policies. But the national interest does not change every four or eight years. At some point the national interest must be accepted by our public as clearly recognizable and constant. Otherwise, we shall become a source of dangerous instability, still relevant for our power but irrelevant for our ideas. A presidential election year is probably not an ideal time to forge a bipartisan consensus. But whoever wins the presidential election faces no more important and urgent challenge than to restore the element of bipartisanship to our foreign policy.

(3) European governments must meet head-on the disturbing trends toward pacifism and neutralism in their countries. These movements are led by people of conviction; they cannot be defused by accommodation. They can only be resisted with a compelling vision of a new future. If European governments continue to humor those who profess to see the danger to the peace in a bellicose America, not an intransigent Soviet Union, they will find themselves making concession after concession and will become hostages of their critics.

The current condition of the alliance cries out for a rethinking of its structure, its doctrine and its unifying purposes. The creativity and courage with which we approach this challenge will determine whether the alliance enters a new and dynamic period or gradually withers.

I have outlined proposals to reinvigorate allied cohesion by defining clear responsibilities for each side of the Atlantic, to be implemented over a period of years. On that basis European leaders could defend cooperation with the U.S. as something they sought as a matter of their own conviction and in their own national interest. American leaders would have a rational, understandable policy to defend and would benefit from dealing with a more equal partner. A new era of allied creativity and American dedication could give inspiration to the generation that has come to maturity since World War II and since the postwar crises that infused NATO's founders with their sense of common purpose.

We must not let our future pass by default to the neutralists, pacifists and neoisolationists who systematically seek to undermine all joint efforts. The nations bordering the North Atlantic need above all faith in themselves and the will to resist the siren calls of those who use fear and panic as instruments of policy or domestic debate. In the end we must fulfill our trust: to preserve and strengthen a North Atlantic alliance that represents the hope of human dignity and decency in our world.●

NOMINATION OF EDWIN MEESE III TO BE ATTORNEY GENERAL

● Mr. LEVIN. Mr. President, today I issued a statement regarding Edwin Meese III's pending nomination to be Attorney General of the United States. In light of the Senate Judiciary Committee's decision to hold an additional hearing on Mr. Meese's nomination on Tuesday, March 20, 1984, I thought my colleagues would be interested in this statement relating to documents gathered by the Albosta subcommittee pertaining to Mr. Meese.

I ask that the statement be printed in the RECORD.

The statement follows:

STATEMENT OF SENATOR CARL LEVIN

Yesterday the Albosta subcommittee voted to give me and Senator Howard Metzenbaum access to documents pertaining to Mr. Edwin Meese. My review of a number of those documents leads me to conclude that on July 18, 1983 Mr. Meese misled the Albosta subcommittee in a letter addressed to them in which he said:

"To the best of my recollection I have no knowledge of, and had no participation in, any transactions involving material produced for President Carter, or any mechanism for obtaining such material. Likewise, I have no personal knowledge of the use of any such material by anyone involved in the campaign."

Many documents in the Albosta subcommittee files unearthed by the subcommittee's investigators lead to no other conclusion but that the nominee for Attorney General misled that subcommittee when he represented to them on July 18, 1983, that he had no personal knowledge of the use of or any transactions involving the Carter materials.

For instance, on September 12, 1980, Stef Halper, an aide to Mr. Meese, sent a memo to Mr. Meese which stated: "The attached paper has been developed by Carter/Mondale for use as attack material against you and Governor Reagan. These quotes may also be used during the debates.". During the Subcommittee's later interview with Mr. Meese, when he was shown this particular document, he said that he "recalled seeing these kinds of documents at the time." A list of additional documents is attached as Exhibit A. These are documents which Mr. Meese in subsequent investigations by the Albosta subcommittee acknowledged that he had seen.

For the last two weeks with the assistance of the Senate Judiciary Committee I have been trying to get an answer to the question whether Mr. Meese would now acknowledge that he was aware of the first that Carter papers were physically present in the Reagan campaign. His first answer was a dodge and an evasion, stating that he didn't know how they got there. That isn't the question that I have pursued. The question that I have pursued is whether he was aware of the fact that those materials were there. I have again written Mr. Meese asking that question, and as of today it is still unanswered. But the documents I have obtained from the Albosta subcommittee make clear he did know of and saw such documents. The logical next question is: What did he do with this knowledge?

Mr. Meese himself acknowledged to Albosta subcommittee investigators that the ethics of the Reagan campaign using Carter campaign documents depended on how they came into the hands of the campaign. However, the record is eloquently silent about any effort on the part of Mr. Meese to find out how the Reagan campaign got the papers and determine whether the Reagan campaign should use these documents. It is the ethical question which he apparently seeks to avoid by evading the question which precedes it: did he know that the Carter papers were physically present in the Reagan campaign?

How nominees for the highest office in the executive branch involved in the administration of justice address ethical questions is a critical issue before the Senate in confirmation matters. Mr. Meese's misleading statement to the Albosta subcommittee of July 18, 1983, his evasive answers to questions I and others are asking, and his apparent lack of curiosity about the ethics of having and using the documents raise serious doubts about his fitness to be Attorney General.

THE WHITE HOUSE,
Washington, D.C., July 18, 1983.

Hon. DONALD J. ALBOSTA,
Chairman, Subcommittee on Human Resources, Committee on Post Office and Civil Service, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This will acknowledge your letter of 7 July 1983 and the request which you made, on behalf of the Human Resources Subcommittee, pertaining to the Presidential Election Campaign of 1980.

To the best of my recollection, I have no knowledge of, and had no participation in, any transactions involving material produced for President Carter or any mechanisms for obtaining such material. Likewise, I have no personal knowledge of the use of any such material by anyone involved in the campaign.

In response to your further request for the preservation of certain property, please be informed that I have in my possession no documents, records or other materials that would have any bearing on, or relation to, the subject of the inquiry described in your letter.

If I can be of any further assistance to you and the Subcommittee, please do not hesitate to let me know.

Sincerely yours,

EDWIN MEESE III,
Counsellor to the President.

EXHIBIT A

August 11, 1980, Memorandum to Ed Meese from Max Hugel enclosing copy of Carter Campaign rural strategy memo.

September 12, 1980, Memorandum to Ed Meese from Stef Halper enclosing copy of Carter campaign "Reagan Talking Points". Memorandum says:

"The attached paper has been developed by Carter/Mondale for use as attack material against you and Governor Reagan. These quotes may also be used during the debates."

September 12, 1980, Memorandum to Ed Meese from Stef Halper enclosing Carter Campaign "Reagan Agenda". Memorandum says:

"I understand it will be used by Carter in the debates, and by their surrogates."

October 17, 1980, Memorandum to Ed Meese from Thelma Duggin regarding the Carter plan for the black vote. Memorandum says:

"I received this information from a very reliable Carter aide and it should not be taken lightly."●

SOUTH AFRICAN COUNCIL OF CHURCHES

● Mr. KENNEDY. Mr. President, Bishop Desmond Tutu was recently in this country on a preaching mission to certain religious groups in the United States. His visit reminds us of the historic role of the South African Council of Churches (SACC) as a force for peaceful and nonviolent change in South Africa. The South African Council of Churches represents over 13 million South African Christians and, under the vigorous leadership of Bishop Tutu, it has taken the lead in humanitarian activities throughout South Africa.

It is important to take note that the South African Government's Commission of Inquiry into the SACC, known as the Eloff Commission, recommended last month that the SACC not be declared an affected organization. Although critical of certain aspects of the SACC, the commission declined the Government's invitation to mount an attack on religious freedom. If the commission had issued a declaration identifying the SACC as an affected institution, it would have prohibited SACC from making any domestic expenditures of funds received from abroad. Such a finding would have seriously curtailed the SACC's humanitarian work.

Let us hope that the commission's findings will dispel once and for all any notion that the SACC is an affected institution. Let us also hope that the South African Government's Department of Law and Order will actually implement the commission's recommendations.●

FREDERICK O. MEISSNER, JR.

● Mr. LAUTENBERG. Mr. President, on March 28, 1984, Frederick O. Meissner, Jr., assistant vice president, external affairs for New Jersey Bell Telephone Co., will be honored as the Newark Boys Chorus School's 12th Annual Rainbow Award recipient. His contributions to the school have been noteworthy, such as helping to provide disadvantaged youngsters with full academic and music scholarships. Without Fred Meissner's leadership these scholarships might not have been possible. 1983 proved to be quite successful for the Newark Boys Chorus School. Its 16th year of operations was marked by a move into new quarters at symphony hall. The year was highlighted with a six-State concert tour and a stimulating performance at the Smithsonian Institution celebrating "Festival New Jersey 1983."

Fred Meissner began serving on the board of trustees in 1973 and since then has been instrumental in enabling the Newark Boys Chorus School to emerge as one of New Jersey's, and America's most outstanding cultural and educational institutions.●

TANYA PEIGE DURELL SPEAKS FOR DEMOCRACY IN INDIANA

● Mr. QUAYLE. Mr. President, each year the Veterans of Foreign Wars conducts a speech-writing contest on a patriotic theme in order to encourage awareness and participation in our American democratic system and heritage.

This year, in the VFW's Voice of Democracy Contest, a 16-year-old sophomore from Evansville, Ind., has placed fourth in national competition. Tanya Peige Durell, competed against over 300,000 high school students across the Nation and overseas to achieve this honor. Miss Durell, the daughter of Mr. and Mrs. Robert D. Durell, is active in music, band, writing, speech, and student government at Reitz High School in Evansville.

Miss Durell should be quite proud of her accomplishments. Her speech, entitled "My Role in Upholding Our Constitution," should be an inspiration for us all.

Mr. President I ask that Miss Durell's speech be printed in the RECORD.

The speech follows:

MY ROLE IN UPHOLDING OUR CONSTITUTION

"No, I don't vote. I don't even have the slightest idea who is running for what this year. I never do. There are too many candidates to keep track of. I would never remember them all. They all have the same ideas anyway and they are all probably seeking an office only to obtain more money for themselves. Why, I'll bet half of those candidates could care less about the American people. I feel it's a most ridiculous way to spend one's afternoon—meandering down to the polls to wait in line for an hour—to merely step into a booth to punch a ballot. Besides, everyone knows that his vote really doesn't count. Each year the media predicts the outcome of the race—and they're always accurate! Yeah, sure, I have a right to vote—the Constitution gives me that right—but I also have my own opinion. No, I don't vote . . . because I really don't care."

These are the words of the American Apathetic. Dissatisfied with everything within the bleak circumference of his own selfish existence, he believes that the entire governmental system has been structured incorrectly, and openly refuses to maintain anything but a negative attitude concerning life in these United States. Unfortunately, the American Apathetic is usually pessimistic and bullheaded. Because of his lack of knowledge, enthusiasm, and support for his country, he fails to see just how fortunate he truly is.

The American Apathetic has, most likely, never taken the time to become familiar with the Constitution of the United States, which is the foundation, the backbone of our society. Within this single document, the administrative processes of the nation and the rights of its citizens have been clearly outlined and defined.

The government of the United States is a democratic one. I, an American citizen, have been given, by the Constitution, the right, or more accurately, I feel, the privilege, to express my viewpoints concerning all matters pertaining to this country. I may help choose the leaders who will guide our nation. When I am of age, by going to my local precinct and placing a vote, I may have a direct voice in relation to the election of the leaders of America. If an action is taken by the elected government that I oppose, I may easily express my viewpoints by contacting my local congressmen and representatives.

In America, I have the freedom to speak out. Through the Constitution, I am given the right to share my own personal ideas with others, and I may contribute any creative talents and abilities that I have to society, with the hope of benefiting mankind—all without interference or restriction from the government. I may also exercise any religious practices that I prefer. If convicted of a crime or felony, I have the right to a speedy and fair trial. So many privileges are offered to me through the Constitution. I realize that I owe much to both the land and the people of America. The challenge of continuing the fine traditions that have been confirmed by the Constitution generates from within me immense feelings of responsibility, pride, and enthusiasm toward my country.

Upon hearing this speech, the American Apathetic would promptly retort, "Young fool! You have no idea what you are speaking of! The Constitution doesn't really guarantee you anything!"

But it does. Because of the Constitution of the United States of America, I am free—and to maintain this precious gift of freedom for myself and for future generations, I will uphold the Constitution by becoming an active voter, and by expressing my viewpoints in a positive manner, while continually encouraging those like the American Apathetic to do the same.●

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have consulted with the minority leader on the request I am about to make and he agrees, I believe. To begin with, I should report that there are negotiations underway now between certain Senators who have concerns about this measure and representatives of the administration and among themselves on whether we can indeed gain the unanimous-consent agreement to go temporarily to the farm bill today. It is still the hope of the leadership that we can do that and I believe we may be able to work out the problems. But it is going to take a while for these negotiations to be completed.

Since we are already off the prayer resolution and now have a time for the vote on final passage, it does not seem to the leadership here that we serve a good purpose simply by sitting in the Chamber without any useful purpose.

RECESS UNTIL 5:30 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess until 5:30 p.m. this evening.

There being no objection, the Senate, at 4:12 p.m., recessed until 5:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. WARNER).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Virginia, suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, there has been inquiry about the plans for the remainder of the evening. The majority leader is still at the White House. He will be back soon.

I understand we will be able to announce a unanimous-consent agreement soon on the energy bill, the appropriations bill, and we expect to move the agriculture bill yet this evening. So there will be votes this evening. We anticipate a fairly late session tonight.

THE SCHOOL PRAYER AMENDMENT

Mr. STAFFORD. Mr. President, I rise in opposition to Senate Joint Resolution 73, which proposes a constitutional amendment dealing with prayer in our schools.

I oppose this amendment for two major reasons:

First, it is unnecessary.

Second, it is divisive.

There has been much confusion about the rights of religious persons to express themselves in public schools. Indeed, there are some who believe that the very mention of religion in public schools is against the law—against the Constitution.

That view has given rise to the slogan that "God has been driven from our schools."

Nothing could be farther from the truth.

If the purpose of this effort is to provide students an opportunity to engage in voluntary, personal, silent prayer in public schools, then no constitutional amendment is necessary. Students can and do pray in schools right now.

If, on the other hand, the purpose of this effort is to put the stamp of state direction on prayer and religion in schools, then the effort clearly is contrary to the concept of separation of church and state that has served our Nation so well for so long.

The Founders of this Republic knew that only trouble could follow when Government attempts to mix with religion. That is a lesson we should have learned by now.

So, this amendment is not necessary to provide the opportunity for personal, silent prayer in schools. And, it has the risk of being viewed as providing something more than that—and that would mean trouble.

At the same time, passage of this amendment would spread the debate over this issue across the Nation and would prolong the debate and possibly force divisions among Americans.

Political debate is one thing—it is healthy and a normal part of the way we do business in America.

But, mixing politics and religion—particularly in election campaigns—can be bad business. There is no need to offer examples of past events to make that point.

There are other points that have been made, and will be made again, by those who agree with my view on this issue.

For myself, I can only urge my colleagues to weigh the risks against the benefits.

This amendment is not needed to give our students the opportunity to engage in personal and silent prayer in our schools. Our children can do that right now—indeed they are doing it right now.

If the amendment seeks to go beyond that—if it seeks to provide for state-directed religious activities—then it goes against the grain of the wisdom and the experience of our Founding Fathers.

A prolonged national political debate over this issue contains the seeds of national discontent and anger. We can do without that.

I shall vote against this amendment.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT—HOUSE JOINT RESOLUTION 493

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate turns to the consideration of House Joint Resolution 493, the urgent supplemental appropriation for the Department of Health and Human Services, the only amendment to be in order be an amendment offered by the Senator from Missouri (Mr. Danforth) dealing with Public Law 480, to be limited to 10 minutes equally divided between the mover of the amendment and the Senator from Connecticut (Mr. Weicker), or their designees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

URGENT SUPPLEMENTAL APPROPRIATIONS—HHS, 1984

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate House Joint Resolution 493.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A House joint resolution (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984.

The PRESIDING OFFICER. Without objection, the House joint resolution will be considered as having been read the second time by title.

Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

LOW-INCOME HOME ENERGY ASSISTANCE SUPPLEMENTAL

Mr. WEICKER. Mr. President, I am pleased to support passage of House Joint Resolution 493, an urgent supplemental appropriation of $200 million for the low-income home energy assistance program.

Last fall, I agreed to withdraw an amendment to the continuing resolution for a similar amount. My action was based on assurances of OMB Director David Stockman that a supplemental request would be forthcoming in the event judgment funds from the case United States against Exxon did not become available in time for this winter's needs. Mr. Stockman justly deserves credit for the timely transmittal of this supplemental to Congress on February 9, 1984.

This supplemental, together with existing funding of $1,875,000,000 for low-income home energy assistance, will raise fiscal 1984 appropriations to $2,075,000,000. When compared to fiscal 1983 appropriations of $1,975,000,000, this represents a modest increase of $100,000,000—barely enough to offset the 5-percent increase in energy prices.

Mr. President, the urgency of this supplemental is evident from recent data collected by the Department of Health and Human Services. As of March 9, 1984, 39 States had asked for and received at least 80 percent of their entire fiscal 1984 allocations. This means that many States are diverting funds normally reserved for summer cooling and weatherization programs to meet urgent heating needs this winter. In fact, all low-income energy funds have already been distributed in 20 States.

Forty States are known to have laws restricting termination of heating assistance during the winter; however, many of these moratoria expire on March 15. Unless supplemental appropriations are made available quickly, low-income people could face utility shut-offs while it is still cold in many parts of the Nation.

Finally, many low-income people are just now having to pay big heating bills incurred during recent weeks. Without this supplemental, they could be forced to choose between food and meeting overdue energy bills; the fact that spring is coming will not alleviate immediate financial crises.

Mr. President, I therefore, recommend immediate Senate passage of this urgent supplemental, so it can be quickly sent to the President and signed into law.

Mr. President, I ask unanimous consent to insert a factsheet at this point.

There being no objection, the factsheet was ordered to be printed in the Record as follows:

[Factsheet]

Low-Income Home Energy Assistance Program

$200,000,000 supplemental raises fiscal 1984 total appropriation to $2,075,000,000.

This is just 5 percent above the fiscal 1983 appropriation of $1,975,000,000—barely enough to offset the increase in energy prices. Yet applications for assistance are running higher than previous years.

It has been 16 percent colder this winter than last winter, and 6 percent colder than the 30 year norm to date.

39 States have asked for and received at least 80 percent of their entire fiscal 1984 allocations. This means that many States are diverting funds normally reserved for summer cooling and weatherization programs to meet urgent heating needs this winter.

All Low-Income Energy funds have already been distributed in 20 States.

With every day's delay, more needy people are being turned away due to lack of funds.

Many low-income people are just now having to pay big heating bills incurred during recent weeks. Without this supplemental, they could be forced to choose between food and meeting overdue energy bills; the fact that Spring is coming won't alleviate immediate financial crises.

40 States are known to have laws restricting termination of heating assistance during the winter; however, most of these moratoriums expire on March 15. Unless supplemental appropriations are made available quickly, low-income people could face utility shut-offs while it is still cold in many parts of the nation.

STATUS OF LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM FUNDS

All Federal funds distributed (20 States):

Alabama, Delaware,[1] District of Columbia, Georgia,[1] Indiana, Maine, Maryland,[1] Massachusetts, Minnesota,[1] Montana, New Hampshire, Ohio, Oklahoma, Oregon,[1] South Dakota, Vermont, Virginia, Wisconsin, Iowa, West Virginia.

90 to 99 percent of funds distributed (13 States):

Connecticut, Florida, Idaho, Missouri, Kentucky,[1] New Jersey, New Mexico, New York, Rhode Island, South Carolina, Washington, Wyoming, Pennsylvania.

80 to 89 percent of funds distributed (6 States):

Arkansas, Louisiana, Nebraska, North Carolina, Texas, Utah.

The following 46 States have received at least 70 percent of their entire fiscal year 1984 allocation:

Alabama,[2] Alaska, Arkansas, Colorado, Connecticut,[2] Delaware,[2] District of Columbia,[2] Florida,[2] Georgia,[2] Illinois, Indiana,[2] Idaho,[2] Iowa,[2] Kentucky,[2] Louisiana, Maine,[2] Maryland,[2] Massachusetts,[2] Minnesota,[2] Montana,[2] Missouri, Mississippi, Nevada.

New Hampshire,[2] New Jersey,[2] New Mexico,[2] New York,[2] North Carolina, North Dakota, Nebraska, Oklahoma,[2] Oregon,[2] Ohio,[2] Pennsylvania,[2] Rhode Island,[2] South Dakota,[2] South Carolina,[2] Tennessee, Texas, Utah, Vermont,[2] Virginia,[2] Wisconsin,[2] Wyoming,[2] West Virginia,[2] Washington.[2]

Mr. HATFIELD. Mr. President, the bill before us, House Joint Resolution 493, provides $200,000,000 in urgent supplemental appropriations for the low-income home energy assistance program. The supplemental will increase fiscal 1984 funding from $1,875,000,000 increase over the fiscal 1983 level of $1,975,000,000.

These funds were requested by the President on February 9, 1984, and agreed to by the House on March 6, 1984. On March 8, 1984, the Senate Appropriations Committee reported this measure, without amendment.

This program provides assistance to low-income households in meeting the costs of home energy. Funds are provided through block grants to States, distributed according to a formula specified in the authorizing legislation. I shall submit for the RECORD a State-by-State listing of the amounts already appropriated, together with the additional supplemental allocations that would be made available upon enactment of House Joint Resolution 493.

Many States are desperately in need of additional funding to cope with what has been an abnormally cold winter. It has been 16 percent colder this winter than last winter, and 6 percent colder than the 30 year norm to date. As a result, six States, including my home State of Oregon, have exhausted all funding available for fiscal 1984. Many needy individuals have been put on waiting lists, hoping that supplemental funding would be forthcoming. I also ask that a list be included in the RECORD of 39 States which have been utilizing available funds at an accelerated rate, indicating an especially urgent need for supplemental appropriations.

It is critically important that this supplemental be passed without amendment, so that it can be sent directly to the President. The administration has promised to expedite the paperwork so that the money can be available to the States as quickly as possible, hopefully within 48 hours of enactment. Since State moratoriums on utility shut-offs begin to expire today, March 15, we cannot afford any delay.

Mr. President, I strongly urge my colleagues to refrain from amendments, and pass this vitally needed supplemental.

I ask unanimous consent that the document I referred to be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

LOW-INCOME HOME ENERGY ASSISTANCE GRANTS

State and jurisdiction	Fiscal year 1984 estimate	Supplemental allocation	Total fiscal year 1984 revised allocation
Alabama	$16,084,285	$1,717,760	$17,802,045
Alaska	10,266,959	1,096,485	11,363,444
Arizona	7,778,551	830,729	8,609,280
Arkansas	12,273,070	1,310,732	13,583,802
California	86,287,505	9,215,285	95,502,790
Colorado	30,085,764	3,213,083	33,298,847
Connecticut	39,247,940	4,191,580	43,439,520
Delaware	5,209,408	556,352	5,765,760
District of Columbia	6,095,269	650,959	6,746,228
Florida	25,450,141	2,718,010	28,168,151
Georgia	20,122,239	2,149,004	22,271,243
Hawaii	2,026,420	216,416	2,242,836
Idaho	11,735,452	1,253,316	12,988,768
Illinois	108,631,522	11,601,569	120,233,091
Indiana	49,185,301	5,252,864	54,438,165
Iowa	34,858,282	3,722,775	38,581,057
Kansas	16,008,487	1,709,665	17,718,152
Kentucky	25,595,865	2,733,573	28,329,438
Louisiana	16,443,712	1,756,146	18,199,858
Maine	25,426,409	2,715,475	28,141,884
Maryland	30,051,652	3,209,440	33,261,092
Massachusetts	78,508,678	8,384,548	86,893,426
Michigan	103,136,109	11,014,673	114,150,782
Minnesota	74,303,731	7,935,449	82,239,180
Mississippi	13,789,776	1,472,713	15,262,489
Missouri	43,391,671	4,634,120	48,025,791
Montana	13,764,940	1,470,060	15,235,000
Nebraska	17,238,758	1,841,055	19,079,813
Nevada	3,653,354	390,169	4,043,523
New Hampshire	14,860,129	1,587,024	16,447,153
New Jersey	72,883,283	7,783,748	80,667,031
New Mexico	9,738,207	1,040,016	10,778,223
New York	237,974,967	25,415,118	263,390,085
North Carolina	35,465,488	3,787,624	39,253,112
North Dakota	14,952,889	1,596,930	16,549,819
Ohio	96,100,818	10,263,322	106,364,140
Oklahoma	14,784,761	1,578,975	16,363,736
Oregon	23,317,738	2,490,275	25,808,013
Pennsylvania	127,827,654	13,651,667	141,479,321
Rhode Island	12,923,009	1,380,144	14,303,153
South Carolina	12,774,200	1,364,252	14,138,452
South Dakota	12,144,365	1,296,987	13,441,352
Tennessee	25,928,063	2,769,051	28,697,114
Texas	42,340,543	4,521,862	46,862,405
Utah	13,980,925	1,493,127	15,474,052
Vermont	11,138,196	1,189,531	12,327,727
Virginia	36,606,272	3,909,456	40,515,728
Washington	38,354,468	4,096,159	42,450,627
West Virginia	16,938,727	1,809,013	18,747,740
Wisconsin	66,884,027	7,143,043	74,027,070
Wyoming	5,597,655	597,815	6,195,470
American Samoa	[1] 40,409	4,316	44,725
Guam	[1] 88,596	9,462	98,058
Northern Mariana Islands	[1] 30,772	3,286	34,058
Puerto Rico	[1] 2,199,196	234,869	2,434,065
Trust Territory (ex NMI)	[1] 93,415	9,976	103,391
Virgin Islands	[1] 83,778	8,947	92,725
Total	[2] 1,872,704,000	[2] 200,000,000	[2] 2,072,704,000

[1] Revised estimate.

[2] The State amounts include funding for the Indian tribes. This amounts to approximately $16,000,000 of the current fiscal year 1984 appropriations and will be a proportionate share of the $200,000,000 supplemental.

STATUS OF LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM FUNDS

All Federal funds distributed (20 States):

Alabama
Delaware [1]
District of Columbia
Georgia [1]
Indiana
Maine
Maryland [1]
Massachusetts
Minnesota [1]
Montana
New Hampshire
Ohio
Oklahoma
Oregon [1]
South Dakota
Vermont
Virginia
Wisconsin
Iowa
West Virginia

90 to 99 percent of funds distributed (13 States):

Connecticut
Florida
Idaho
Missouri
Kentucky [1]
New Jersey
New Mexico
New York
Rhode Island
South Carolina
Washington
Wyoming
Pennsylvania

80 to 89 percent of funds distributed (6 States):

Arkansas
Louisiana
Nebraska
North Carolina
Texas
Utah

[1] Indicates six States having exhausted all funds (Kentucky has closed down operations, even though Federal records indicate they have a small amount of money left—less than 1 percent).

AMENDMENT NO. 2793

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Missouri (Mr. DANFORTH) for himself, Mr. BOSCHWITZ, and Mr. JEPSEN proposes an amendment numbered 2793:

At the end of the bill, add the following:

That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984; namely:

---

[1] Indicates 6 States having exhausted all funds (Kentucky has closed down operations, even though Federal records indicate they have a small amount of money left—less than 1 percent.)

[2] These States have received at least 90 percent of their entire fiscal year 1984 allocation, with the following 6 States reportedly having exhausted all funds: Delaware, Georgia, Maryland, Minnesota, Oregon, and Kentucky.

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480

EMERGENCY FOOD ASSISTANCE FOR AFRICA

For an additional amount for "Public Law 480", for commodities supplied in connection with dispositions abroad, pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, $80,000,000, of which $80,000,000 is hereby appropriated.

Mr. DANFORTH. Mr. President, this amendment is offered on behalf of myself and Senator BOSCHWITZ. It provides $80 million of food relief for Africa. This is $80 million of what has been in House Joint Resolution 492, which is the African food assistance bill, which also has been reported out of the Committee on Appropriations. The problem that we have had is that there is an immediate need for Public Law 480 funds for Africa that have to be supplied by the end of this month or Africa just runs out.

This is $80 million of what was $150 million of Public Law 480. The rest of the bill, of course, remains intact. House Joint Resolution 492 will be coming before the Senate. We shall have an opportunity at that time to provide further appropriations for African food relief. This is simply a first installment of $80 million, which is essential to be provided immediately. That is the reason for putting this amendment on this bill.

Mr. BYRD. Mr. President, I simply want to state for the record that Mr. PROXMIRE, who is the ranking member on the Appropriations Subcommittee on Labor, Health, and Human Services, supports this amendment. Of course, as I should have indicated at the beginning, when the unanimous-consent request was put, I also had no objection to proceeding with the resolution. As a matter of fact, I am firmly in support of that. I thank the distinguished Senator.

Mr. DANFORTH. Mr. President, I thank the minority leader for his cooperation in getting this amendment considered at this time. I think it really is essential. This has been a case of great cooperation and help from the minority leader.

Mr. BYRD. Mr. President, I thank the Senator from Missouri for his kind statement.

Mr. COCHRAN. Mr. President, our committee has recommended a total amount of funding for the Public Law 480 donation program of $150 million. This amendment offered by the Senator from Missouri is to add only $80 million to this particular bill at this time because of the urgent nature of the situation in Africa. It was my privilege to be involved in a hearing at which the Senator from Missouri presented very graphic, moving testimony about the need that exists and the urgency of that need. I am happy to support the amendment, and I urge the Senate to agree to it.

I will say that there will be additional funding needed for this very urgent situation that exists, for which we are trying to develop an appropriate response here, in Congress. That also is the vehicle that has other amendments to it that was discussed by the Appropriations Committee just this week.

This will not solve the problem; it is only a partial response to the problem that exists. But I do support the amendment and congratulate the Senator from Missouri for his leadership in this very important area.

Mr. DANFORTH. Mr. President, I thank the Senator from Mississippi for his comments and also for his concern about this issue. He is a member of both the Agriculture Committee and also the Appropriations Committee. In fact, he is chairman of the subcommittee of the Appropriations Committee having jurisdiction over Public Law 480.

He is correct in stating that this $80 million is only a portion of what is necessary for Africa. The rest will come up when House Joint Resolution 492 arrives on the floor of the Senate. This is really an emergency matter, necessary at the present time.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH. Mr. President, I ask unanimous consent that Senator BOREN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, I understand that Senator BOSCHWITZ is on his way to the floor.

Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Missouri has 11 minutes remaining.

Mr. BOSCHWITZ. Mr. President, I compliment the distinguished chairman of the Appropriations Committee and my colleague from Missouri (Mr. DANFORTH) for the marvelous work that they have done in getting these moneys for the drought-laden parts of South Africa.

Some 10 to 12 years ago another Senator from Minnesota, the late Senator Hubert Humphrey, fought to get additional food aid to Africa as the horrors of another great drought became known. The current drought, however, is thought to be even worse than the one in the seventies and perhaps the worst drought of this century on the African Continent.

Senator Humphrey fought to get food aid. It was not expeditiously acted upon by the Senate those dozen years ago, and as a result the failure to act caused additional starvation in Africa.

This time the Senate, indeed, has moved expeditiously. The House has already acted. As a result, we will be able to get help to the African subcontinent in the manner that it is needed and the lives of many thousands will be saved.

Senator DANFORTH and I worked together to develop a bill, S. 2307, which seeks to appropriate $150 million for African food relief. Twenty-two other Senators have joined us as cosponsors in that effort.

Clearly, I would prefer that the amendment for $80 million on which we are now speaking could be larger. I am aware, though, of the political realities. Sometimes it is necessary to act with speed and certainly that is the situation now. In order to prevent more starvation we must begin to move the food quickly. This appropriation of $80 million will allow us to provide some additional food aid now. It is my earnest hope that we will soon be able to pass another appropriations bill to provide the remaining $70 million that we originally sought in S. 2307.

Mr. President, the American agricultural community can help awaken much of Africa from a real-life nightmarish famine that threatens the lives of about 150 million people living in 24 countries.

Already, 100,000 people are thought to have died from drought-related causes in Mozambique alone. Another estimate of starvation is that between 50 and 100 children now die of malnutrition each day—and that is just in Ethiopia.

Donkeys are shot by the thousands to save precious grazing land for cattle, while herds of cattle are struck down by rinderpest disease. Emaciated cattle in Zimbabwe are sold for leather.

Mauritania needs 200,000 tons of grain a year. The country produced one-tenth of that amount in 1983, and likely will produce even less this year.

The food deficit—the difference between food that drought-stricken Africa will need to avoid widespread starvation and the food that it will have—has been put at 1.3 million tons for this year. Relief agencies agree that a prompt response—delivery of much of the food by June—is necessary to save the lives of thousands of people.

In the United States, it is certainly no news that supply and demand in the domestic grain market have been out of sync.

This situation presents us with a tremendous opportunity to help both Africans in dire need and our farm economy.

The United States has already provided Africa about 187,000 tons of food, worth $73.2 million. This is about 11 percent of the 1.7 million tons of food contributed from around the world during U.S. fiscal year 1984.

Congressional action on supplying supplemental food aid to Africa is urgent—not only because of the many human lives at stake but also because of the long, slow process of actually delivering the aid.

CARE reports that even at top speed, a period of 3 weeks is necessary for countries to negotiate a food donation agreement. Then, over the course of several more weeks, officials of the U.S. Department of Agriculture buy food for AID through USDA's Kansas City office and deliver it to ports on the Great Lakes, including the Duluth port, or on the Atlantic, Pacific, or gulf coast. Shipment, delivery, and unloading take a few more weeks.

Agricultural organizations traditionally have supported food aid to foreign countries, and with good reason. Products shipped through the food-for-peace program include wheat, rice, corn, and soybean oils, along with cotton. Shipment of these products to the needy in other nations relieves pressure on domestic prices for commodities.

The current drought affects not only the Sahel, a region in sub-Saharan western Africa, but also the Horn region and southern Africa. We need to keep in mind that during the Sahel drought, hundreds of thousands of people died.

Today, many African countries have exhausted their stockpiles of food. In an ominous trend for the future, agricultural production, which was on the decline even before the latest drought, has seen the bottom drop out. Worldwatch says that production was down 12 percent between 1970 and 1982, and that in 1983 it fell another 12 percent.

Meanwhile, in southern Africa, the early months of the year—the rainy season—are crucial to the ripening of the maize, which is planted in October and harvested between April and June. This year, however, drought has replaced the rain.

In various parts of Africa, people desperate for food eat roots or even seed grain, thereby robbing themselves of food for the future.

The United States has in the past supplied about 40 percent of food aid given by world community. A strong effort now by sending food quickly to our starving fellow humans can provide leadership for the world, help the American farmer, and aid the African needy.

The **PRESIDING OFFICER.** Who yields time?

Mr. **DANFORTH.** I am prepared to consider the amendment, Mr. President.

The **PRESIDING OFFICER.** Is all time yielded back?

Mr. **WEICKER.** I yield back the remainder of my time.

Mr. **BYRD.** I yield back any time there may be on this side.

The **PRESIDING OFFICER.** All time has been yielded back. The question is on agreeing to the amendment.

The amendment (No. 2793) was agreed to.

Mr. **DANFORTH.** Mr. President, I ask unanimous consent that Senator LEVIN be added as a cosponsor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **DANFORTH.** I move to reconsider the vote by which the amendment was agreed to.

Mr. **WEICKER.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **DOMENICI.** Mr. President, I support the urgent supplemental appropriation for the low-income home-energy-assistance program as reported by the Senate Appropriations Committee.

House Joint Resolution 493 provides $0.2 billion in budget authority and outlays for fiscal year 1984 to the Department of Health and Human Services. It would provide cash and in-kind assistance to low-income families to help them meet the high cost of home energy.

With outlays from prior-year budget authority and possible later requirements taken into account, the Appropriations Committee is $9.4 billion under in budget authority and only $0.2 billion in outlays over its section 302(a) allocation under the budget resolution.

I urge my colleagues to support the bill as reported by the committee.

This fiscal year, Congress has already provided $1.875 billion for the energy-assistance program; this amount would normally be enough funding for the program. But this is not a normal winter:

This winter has been 6 percent colder than normal.

This winter has been 16 percent colder than last winter.

The abnormally cold weather has generated a need which demands extra funding. We must insure that the many needy people who rely on energy assistance funds to protect themselves from the cold receive our help.

Mr. President, I ask unanimous consent that a table showing the relationship of the bill, together with possible later requirements, to the congressional spending budget and the President's budget request be printed in the RECORD at the conclusion of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1984 EMERGENCY SUPPLEMENTAL BILL, HOUSE JOINT RESOLUTION 493, SENATE-REPORTED SENATE APPROPRIATIONS COMMITTEE STATUS

[Dollars in billions]

	Fiscal year 1984	
	BA	O
Action to date by Appropriations Committee [1]	518.7	502.3
House Joint Resolution 493, Senate-reported	0.2	0.2
Possible later requirements	4.9	4.5
Adjustment to conform mandatory programs to Budget Resolution assumptions	2.0	1.6
Appropriations Committee total	528.4	512.8
Committee 302(a) allocation [2]	537.9	512.6
Committee total compared to committee 302(a) allocation	−9.4	+0.2
President's request for House Joint Resolution 493	0.2	0.2
House Joint Resolution 493, Senate-reported compared to President's request		

[1] Includes enacted regular appropriation bills, the further continuing resolution, the omnibus supplemental, outlays from prior years and other prior actions. Estimates are based on the economic and technical assumptions in the fiscal year 1984 budget resolution.

[2] Includes reserve fund allocations made on September 14 and October 27, 1983.

Mr. **PROXMIRE.** Mr. President, there is no objection from this side of the aisle to the passage of the low-income energy supplemental.

The $200 million contained in the resolution was requested by the President, approved by the House on a voice vote and strongly supported by the Senate Appropriations Committee. The funds are badly needed by many States that have run out of money. I hope we can pass the resolution as quickly as possible so that it can be signed by the President and the funds distributed before the end of the week.

Mr. **EAGLETON.** Mr. President, I am extremely pleased that we are providing $200 million in supplemental funds to the low-income home energy assistance program.

When the Senate adopted the fiscal year 1984 appropriations bill last fall, we received assurance from Mr. Stockman that, should program demands warrant and should funds from the Exxon overcharge case not be forthcoming, we would receive a request for supplemental appropriations. As well are all well aware, Mr. President, this winter's weather has been 6-percent colder than the 30-year norm and 16-percent colder than last year. Coupled with skyrocketing energy prices and brutal winter weather, 19 States across the Nation have expended all available funds and six others have requested advances on third and fourth quarter funds.

In my own State of Missouri, payments to low-income households were reduced by 13 percent at the beginning of the program year in anticipation of increased demands. This individual payment reduction, together with natural gas prices that have doubled and tripled in regions of the State over the last several years, means that a program that in 1982 payed approximately 50 percent of the home energy costs for low-income households is, this winter, meeting only approximately 30 percent of those costs.

It is clear that, at its present funding level, the low-income home energy assistance program does not come close to helping low-income and elderly households cope with soaring home energy costs. Only one-third of eligible households received any of the home energy money distributed last year, and the average annual payment of $184 was far short of the amount necessary to cover many households' energy expenses. The dramatic increase in natural gas prices nationwide has a particularly hard impact on those people served under this program, since over 60 percent of elderly and low-income households live in older, poorly insulated housing heated with natural gas.

Mr. President, in some regions of the Nation, this winter will go on record as the coldest of the 20th century. With the official beginning of spring two weeks away, the severity of this winter shows no signs of an early end. The $200 million in supplemental funds now before us is desperately needed in many States just to meet the needs of applicants already on waiting lists. In my home State of Missouri, the State's allocation will, for the most part, be used to make supplemental payments to those already on the rolls whose payments were reduced at the beginning of the winter, and then to make payments to those already on waiting lists. No meaningful program expansion can be anticipated. All across the Nation, the funds are sorely needed just to hold the line for the poor and the elderly in meeting the crushing demands of a brutal winter and soaring energy costs.

Studies of utility company records across the Nation show a 46-percent increase in the number of utility shutoffs over the last 4 years. Despite this grim statistic, at least 19 States had absolutely no assistance available for households receiving shutoff notices last spring, after what was a comparatively mild winter. This spring will see a dramatic increase in utility shutoff notices as the poor and the elderly face the tragic struggle to pay energy bills that consume almost 27 percent of their household income.

The $200 million supplemental appropriation we are considering, Mr. President, is not luxury. It is the bare bones funding level absolutely necessary to meet the home energy needs of those households across the country least able to shoulder the burdens of crushing energy bills and life-threatening utility shutoffs. I urge my colleagues to join me in voting for its immediate adoption.

Mr. COHEN. Mr. President, I want to express my strong support for passage of this urgent supplemental appropriation providing an additional $200 million for the low-income energy assistance program.

This funding is urgently needed in many States across the country, including my own State of Maine, where the extreme cold and harsh weather combined with an addition of 14,500 households to the energy assistance eligibility list to force Maine's LIHEAP administrators to reduce the benefits to the State's poor and elderly. In my view, this was a wholly unacceptable situatioin which demanded immediate attention, and I am appreciative of the Office of Management and Budget, the Department of Health and Human Services, and the Senate Appropriations Committee for acting so quickly to relieve this undeserved burden.

As we all are aware, the low-income and elderly in our States are forced to come to terms with an entirely different set of questions than many other Americans: Where will the money come from for the next purchase of heating oil? What can I do without today so I might increase my chances of having enough money on hand to purchase some heating oil tomorrow or next week? Can I skimp on the nutrition and the medicine I require?

This past winter has been particularly hard on these less fortunate individuals with heating bills 41 percent higher than last year nationally. In Maine, the LIEAP benefit of $300 makes a small dent in the energy bills of the poor or elderly, which average $1,200 over the year. In order to meet the needs of the remaining 8,000 households on the eligibility lists, the State Division of Community Services estimates that it requires an additional $2.8 million by the end of this month.

As a result of this shortfall, the division of community services has had to implement an emergency priority rule, requiring that local program operators make payments only to the elderly, handicapped, and families with young children until further notice. Under this rule, program funds will be allocated to far fewer than the 8,000 eligible households facing temperatures 16 percent colder this year than last and fuel bills 25 percent higher this year than last.

During the past 24 hours, Maine got another foot and a half of snow, and temperatures in much of the State are far below freezing. It has been a very difficult winter for Maine residents, as it has been for citizens in most areas of the country. For those low-income individuals spending 20 percent of their annual income on energy costs, and for those elderly who spend more than 30 percent of their income on heating bills, this past winter has brought about a hardship that many of us cannot fully comprehend.

For these individuals, this supplemental appropriation comes none too soon. It will allow the State of Maine to provide assistance to all 8,000 remaining applicants, and it will also mean a higher benefit to those most in need.

I urge my colleagues to act favorably on this urgent supplemental so that there can be the opportunity for relief from winter's pressures for millions of citizens across the country.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be offered, the question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H.J. Res 493) was read the third time and passed.

Mr. WEICKER. I move to reconsider the vote.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I move that the Senate insist upon its amendment and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. WARNER) appointed Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. COCHRAN, Mr. STENNIS, Mr. PROXMIRE, and Mr. EAGLETON conferees on the part of the Senate.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the Senate now turn to morning business; that Senators be allowed to make statements up to 5 minutes, and that morning business continue until 6:30 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE FARM BILL—H.R. 4072

Mr. HEFLIN. Mr. President, I might just as well talk during morning business so as to complete my report concerning H.R. 4072.

Deputy Secretary Lyng and Dr. Lesher, Assistant Secretary of the Department of Agriculture, did come to the Senate Chambers, to the anterooms, and we have discussed this matter. I gave them the same proposition that I gave to Secretary Block last Tuesday. Secretary Lyng and Dr. Lesher could not agree with the proposition.

I did not think it was a very unreasonable request. It lowered a carryover estimate from 4 million bales to 3.7 million bales. No agreement was reached. I then offered another alternative, in order not to be an obstructionist. I was perfectly willing for them to delete the upland cotton portion, which is title III, from this bill, H.R. 4072 and make a slight revision in the wheat section which affects southern wheat growers.

I did not get a definite "no" and I suppose this is still under consideration.

If there is any way to delete the provisions of title III and make a slight accommodation for the southern wheat growers, I am perfectly willing to try to work out a unanimous-consent agreement and bring up this bill and let it be passed.

There are a number of Senators from agricultural States on the floor, and I suggest that they put in their phone calls to the Department of Agriculture and endeavor to get them to at least show that they are willing to cooperate.

I suggested this alternative, of removing cotton from it, at the committee meeting, and then withdrew it under the assurance that we would have further discussions. It almost required the Secretary of Agriculture to be dynamited by the chairman of the Senate committee to get them to move or to do anything.

I do not want to be an obstructionist, but I do not feel that, under the circumstances, the Department is being unfair to the Southern wheat farmer or to the cotton farmer. Unless some changes are made, I will have to continue my objections to any unanimous-consent request.

Mr. COCHRAN. Mr. President, I commend the Senator from Alabama for working in a very serious-minded effort to try to work out the details of a bill that would improve the opportunities for farmers, not only in the South but throughout the country as well, to operate their farms at a profit. We know that agriculture is confronted with a very serious challenge at this time, and we need to have a sensitive response from the Government to help assure that our farmers do have a chance to operate profitably.

I hope that the Senator from Alabama will not object if the unanimous-consent request is made to bring this bill to the floor now. There are certain provisions of the bill which I think will be of great benefit to farmers in our region—specifically, the changes in operating loan limits under the farmers operating loan program, providing additional credit guarantees for the financing of export sales, which would be of direct benefit to cotton farmers in the South and throughout the country.

While we probably are not going to be able to get written into the bill, with the administration's support, all the provisions we would like to have, I think we could make enough progress so that it would justify taking up the bill and letting the Senate work its will on the proposed legislation. I would probably support some of the suggested changes the Senator from Alabama would make in the bill, and I would like to have an opportunity to vote for some of those amendments if we could get to the bill tonight.

An effort has been made by every member of the Agriculture Committee to get the best possible bill before the Senate. I commend the Senator from Alabama for the contribution he is making, and I urge him not to object if a unanimous-consent request is propounded to the Senate.

Mr. HEFLIN. Mr. President, back to the agriculture bill, I urge the Senator from Mississippi to speak to the Republican administration.

I suggest that the Senator talk to the people in the Department of Agriculture.

I have been trying to get this thing worked out, and I am still willing to do so, but I think it is time that they show good faith on their part.

The signup date is tomorrow, and they were going to extend it. Here we are, almost at the 11th hour, and they have not extended the signup date.

So I think the burden is on them to move in regard to this. We have been trying to work this matter out, but we have not had any cooperation from the Department of Agriculture, not even courtesy until today.

Mr. COCHRAN. Mr. President, I hope that in our efforts to work out an agreeable piece of legislation to discuss on the floor of the Senate, we do not end up jeopardizing the opportunity of U.S. cotton industry representatives to negotiate a sale of cotton to foreign purchasers. We know that an effort is being made now to market cotton we have in our country. A team of representatives from abroad was here just last week, exploring the possibilities of credit financing and what kind of opportunity there might be to purchase U.S. cotton. I think the passage of this legislation might expedite the sale of that cotton. It may not. But I hope that the failure of the Senate to act on this legislation would not jeopardize that opportunity.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JEPSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ANDREWS). Without objection, it is so ordered.

Mr. JEPSEN. Mr. President, last Thursday, on March 8, the Senate Agriculture Committee marked up and reported the Agricultural Programs Adjustment Act of 1984. There was a great deal of time spent, a great deal of debate and discussion that took place, and a great deal of research that went on in advance of the meetings with Secretary of Agriculture Block, OMB Director Stockman, and members of the Senate Agriculture Committee. This lengthy preparation resulted in the marked up and reported Agricultural Programs Adjustment Act of 1984. This bill is extremely important to many of our Nation's farmers.

Included in this bill are commodity program modifications, export initiatives, and drought assistance. There are many farmers in my State of Iowa who will benefit from the credit provisions of this bill. There are many farmers throughout the entire country in these very austere and financially desperate times in many areas of this country that will benefit from the actions that have been taken to tide over and to assist them to get their crops in this spring and to restructure their present financial contracts. This bill will also provide for the credibility and reliability of the United States of America to attain and maintain the reputation of being a supplier, a reliable supplier, of food and food products around the world.

For these producers and processors alike, this is a much-needed bill. Every day, every minute, every hour that the Senate waits to bring this bill to the floor does a great disservice to the agriculture community of this country.

The U.S. Senate is the greatest deliberative body in the world. However, in the agriculture area, we seem to spend more time "debating" whether to even bring a committee-reported bill to the floor. This seems to be a pattern that is developing, and I do not like this pattern.

Mr. President, this bill should be allowed to come to the floor for a full Senate debate. This does not mean full support for every provision in the bill. In fact, I have disagreement with a number of issues addressed in this bill; but it is time to stop the charades.

Let the bill come to the floor. Let there be a full Senate debate. Let Senators offer their amendments. But, let us not hurt our Nation's agricultural community anymore by procrastination and gamesmanship. I along with my colleagues in past years have been most critical—and I say this without regret—of ill-timed announcements of farm programs, unrealistic changes of the rules in the middle of the ball game, so to speak. But here we are again, on the eve of planting season for the farmers in the Midwest. In the Southeast it is even more critical because some of the crops that are being addressed in this bill have already broken ground and we are still talking about making some changes. If there are going to be changes made, we ought to be announcing it immediately.

I know the farm community and the farm producers to be fairminded folks. They have two things that are unique when compared to other parts of our economy in this country, two things they cannot control. One of them is the weather and the other is the Government.

One they will never be able to control. But certainly it is important that Government join in a working partnership to give a fair shake to the farmer by at least letting all the participants in the farm community in this country know what the rules of the game are going to be. If we are going to be making some changes, let us do it before the game starts.

Mr. President, I hope that this deliberative body will now bring to the floor of the Senate the committee-reported bill for action by the entire Senate. If we go home this weekend and come back next week, the 20th day of March, having not acted on this legislation, I fear that the image and the credibility of this body will suffer greatly because of its lack of concern for the agricultural community of this country.

I urge my colleagues to initiate now the debate on the time schedule that had been agreed to some weeks ago, which I believe it to be a 4-hour time limit. There were some objections by individual Senators. But this has happened many times before, and it is a practice that permits a fair hearing, an airing, if you please, of the problems that we have before us and an opportunity to resolve and find a solution for these problems.

We will not resolve or solve these problems if we do not get a bill to the Senate floor and start our deliberations and debate. We have 4 hours to do it. Mr. President, I ask and hope that we will do that immediately.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, I have noted that points have been made on the Senate floor during the past several hours that there would be an attempt to go to what is commonly called the wheat bill and dispose of it in a debate over perhaps 3 or 4 hours yet today. It is a question of arriving at an agreement on what the Senate proposes to do with the bill that was reported out of the Senate Agriculture Committee last week. However, it is not just a wheat bill. Although we have discussed the question of the proposals by the administration over the past 8 or 9 months to freeze the target price at the same price it was for the 1983 wheat crop, there has been little or no discussion until last week of changing any of the other laws dealing with rice, cotton, and corn.

It was quite surprising last week when the Department of Agriculture through Secretary Block and Dr. Lesher approached interested members of the committee and other Senators with a proposal that a rather comprehensive bill dealing with all four commodities—wheat, rice, cotton, and corn—be considered. For three of those commodities, no changes were proposed in the 1984 program, that is, rice, cotton, and corn. But in each case there would be changes in the target price for rice, cotton, and corn for the 1985 crop. Wheat would be changed for both the 1984 and 1985 crop along the lines of the discussions we have had over the past 9 months.

So the problem we are faced with right now is that the package before us is a very comprehensive package dealing with all four commodities for the 1985 crop but only wheat for the 1984 crop. It is not a very desirable proposal for wheat. It is a slight improvement for the 1984 crop over the present program and is perhaps a deterioration of the 1985 program for wheat. So it is about six of one and half a dozen of the other for the wheat program.

I do want to draw the attention of all my colleagues to the fact that during a limited period of time, approximately 11 days, the Department of Agriculture, in a rather unusual and perhaps unique move by the Department, has proposed major changes in the bulk of the commodities for the 1985 crop. It is because of that rather short notice, no hearings, no real understanding by many farmers who produce rice, cotton, and corn that the 1985 program was being altered, that there is some hesitancy on the consideration of this bill.

As it affects those three commodities, I have no hesitation, because our State of Montana is not involved in any of those programs. We are interested in the wheat program. Under certain circumstances that can be accomplished easily, I am willing to review the bill and have it considered by the Senate and voted upon by the Senate—today, tomorrow, or early next week, whatever the pleasure of the Senate is.

I will have an amendment affecting wheat, if we go to the bill, and I will discuss that in detail, if we take up the bill.

The only urgency in taking up the bill, as I understand it, is that the wheat signup period would end tomorrow, March 15, as announced by the Secretary of Agriculture. If we take up the bill, it would be anticipated that the Secretary would do the logical thing and announce that there would be an extension of the timeframe for wheat farmers to use their option to signup for the program.

I think there is some suspicion that there might be a desire to play politics. I do not know to whose advantage that would be. I have no desire to cast this administration in a bad light for their lack of early decision on modifying the wheat program. I am willing to work with them on those modifications and get the best possible arrangement we can for both the 1984 and 1985 crops.

However, it must be admitted that the Department of Agriculture, in proceeding last week to lay out a new program for major commodities, such as rice, cotton, and corn, presented us with a very unusual procedure of acting on significant changes for the 1985 crop, for those commodities, without the time-tested method of public hearings and full discussion on the changes they were recommending.

Be that as it may, these are rather distressful times for the agricultural producers.

If we can reach a satisfactory conclusion on all four of these commodities in a short timeframe, I am willing to try. I repeat, Mr. President, that my interest lies in the wheat program, and I am willing to work on it. But we need to have some full understanding from the Department of Agriculture on where their best bets are and where their best thinking is.

I have at last obtained from the Department some of the figures we asked clarification on last Friday. They have come within the hour and are now before us and can be discussed thoroughly.

I am ready to proceed.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. JEPSEN). The Senator from North Carolina.

Mr. HELMS. Mr. President, apparently, there is not going to be any movement on this legislation this evening, which means that we will have to carry it over and try again another day next week. However, before we do that, it should be made a matter of record just what is at stake here.

First of all, there are absolutely essential changes to be made in our farm commodity programs. When you are dealing with various commodities, it is impossible to suit everybody absolutely. Let us see what this bill will do if it becomes law.

The changes contained in this bill will provide cash flow and credit assistance to farmers, expand imports of U.S. agricultural commodities, and, most important, will save the American taxpayer between $2.5 and $3 billion over the next 4 years.

H.R. 4072, as amended by the Senate Committee on Agriculture, Nutrition, and Forestry, will freeze target prices for the 1985 crops of feedgrains, upland cotton, and rice at the 1984 levels and will reduce the wheat target price. The proposed legislation provides for paid diversion programs on the 1984 and 1985 crops of wheat and on 1985 crops of the other commodities if they are in surplus.

The bill is part of a package that calls for increased funding of Public Law 480 and USDA export credit programs.

Mr. President, I am reluctant to see us have anything less than total unity and total dedication to increasing our exports. By delaying this bill or by not passing it at all, we are running into grave danger at a time when we need to increase our exports.

The bill provides for modifications in several Farmers Home Administration loan programs that are designed to target available Federal funds to farmers most seriously burdened with the consequences of the 1983 drought.

Mr. President, I have nothing but the highest affection and deepest respect for all my colleagues, particularly those with whom I have the privilege of serving on the Senate Agriculture Committee, but I am distressed that we have not been able to move on this bill, and I do hope that some accommodation can be reached early next week.

The bill had its origin in a series of meetings held over the last 2 weeks at the instigation of the distinguished Senator from Kansas, Mr. Dole, in an effort to provide for more effective participation in the 1984 wheat program. But the scope of the meetings quickly grew to making necessary adjustments in other commodity programs. This was possible because of the participation of the administration, members of the committee, and a number of interested Senators who do not serve on the committee but who have a strong interest in farm programs.

I wish to say as emphatically as I know how to say, Mr. President, the net result of this legislation, even though it will not suit everyone, will be to improve the operation of the farm programs and establish improved farm policy with very substantial savings.

Let me reiterate those savings just for the purpose of emphasis, between $2.5 billion and $3 billion over the next 4 years. I scarcely see how that we can talk on one hand about the necessity of balancing the Federal budget when we are unwilling even to consider legislation to save up to $3 billion.

I do hope that the Senate will act without much more undue delay to consider this legislation because it is very timely. Farmers across America are making preparations for spring planting of the 1984 crops, and winter wheat producers will be harvesting their 1984 crop within a few months. These producers need the opportunity to sign up for the revised programs offered in this legislation as soon as possible.

Mr. ANDREWS. Mr. President, will the distinguished chairman of the Agriculture Committee yield?

Mr. HELMS. I am delighted to yield to my friend and my colleague.

Mr. ANDREWS. Mr. President, I totally share the remarks just made by my colleague, the distinguished Senator from North Carolina, who is the chairman of the Agriculture Committee. He says it as it is.

We had some 2 weeks' worth of meetings to put this agreement together. Certainly it does things for wheat. In the case of wheat, there is a time certain deadline, Mr. President. The whims of Congress and politicians are such that we had been in recess for quite some time. We came back from that recess. We realized there was an emergency out in the farm areas, that the wheat program needed to be restated, and this bill does just that.

Winter wheat is already planted, Mr. President, and decisions to cut back on those planted acres have to be made in a timely fashion. Spring wheat is about to go in the ground.

Mr. President, one thing a farmer knows is that the weather does not wait, while the politicians talk and delay and posture, and all of the rest.

The problem is more than just wheat. Anyone who does not know about the economic problems facing American agriculture today simply has not been out in the rural areas of any of our States. This bill contains a section on, of course, export incentives, dollars to begin to move our grain into markets in a more competitive way. We can compete as farmers against any farmers in the world, but we have a time competing against other governments and against the unique trading advantages that some of those other countries give their farmers. There is more than 150 million dollars' worth of this type of export assistance. As a matter of fact, there is no less than $500 million in the Commodity Credit Corporation through the export credit guarantee program alone and $150 million in addition to the President's February 1984 request to carry out programs of assistance under titles I, II, and III of Public Law 480, the food for peace program started by President Eisenhower so many years ago and something that should be enhanced rather than cut back.

It also has economic emergency loans for those farmers who are caught with a drought disaster as so many farmers were. It has operating loans. It adjusts farm loan interest rates. It takes care of limited resource borrowers, the smaller farmers who need the help right now, farmers who are lined up outside of Farmers Home Administration offices and other borrowing places and have been for the last 2 months trying to get credit to put that crop in the ground.

Mr. President, we all understand that under the unique rules of the Senate we are in a parliamentary situation where a prayer amendment has been on the floor for 2 weeks. This is extremely important to the people of the country, and of course, the debate has been long as it should be.

This economic emergency in agriculture is also extremely important and it can be resolved only by unanimous consent to bring this bill up right now just as we gained unanimous consent a few hours ago to bring up a supplemental appropriations bill.

So, Mr. President, I think the farmers of this country should be aware that they have a great stake in what happens this evening if the parliamentary procedure can in fact move forward; and if we can debate, discuss, and pass this bill tonight, the Secretary of Agriculture will then be enabled to put into motion many of the things anticipating the conference with the House of Representatives and final passage on I would suggest no later than Tuesday. Would the chairman of the committee not think that the time schedule would be that?

Mr. HELMS. Yes.

Mr. ANDREWS. Without that, Mr. President, given the final date of signup tomorrow, the time simply runs out, and I know in my State of North Dakota a lot of farmers are simply not going to be able to get the credit to put their crops in the ground.

I realize all sections of the country are not that happy with this bill. There may be some commodity groups who would like a little different thing than this. I would like a little better break for wheat and feed grains. The fact is during the years I have been privileged to be in Congress I supported other commodities time after time after time, commodities that are not grown anywhere close to my State, because I felt in the agricultural family we work together and when any one of us is in trouble, other farmers in the rest of the country come to his assistance.

It would by my hope, Mr. President, that at this late hour in this evening we can have the wholehearted assistance and support of those individuals representing farmers from whatever part of the country so that we can address the economic needs as well as the crop support level needs that this bill does.

So I wish to salute the chairman of the committee and the other Senators from both sides of the political aisle who have worked in an ad hoc group that I have been privileged to be a member of over the past 2 weeks that come up with a bill that is not perfect but it is something that is gravely needed and very necessary to be passed this evening.

Mr. HELMS. Mr. President, I thank the Senator for his extraordinarily fine statement. He has stated the case perfectly, in the judgment of this Senator.

Mr. President, let us try again.

On behalf of the majority leader, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 704, H.R. 4072, an act to provide for an improved wheat program for wheat, and it be considered under the following time agreement: 30 minutes on the bill to be equally divided between the chairman of the Agriculture Committee and the ranking minority member or their designees; 20 minutes on all amendments in the first degree; 10 minutes on all amendments in the second degree; 5 minutes on any debatable motions, appeals, or points of order, if so submitted to the Senate; and that the agreement be in the usual form.

Further I ask unanimous consent that if the bill has not been disposed of in 3 hours, that the bill be returned to calendar.

Mr. HEFLIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mr. HEFLIN. Mr. President, I appreciate the remarks the distinguished chairman of the committee has made and the distinguished Senator from North Dakota.

There are many provisions in this bill that I like. There are provisions that are of help to some farmers. There are provisions that clarify already existing appropriations.

But it is a situation of where I am perfectly willing and have been willing to endeavor to reach some sort of an accommodation. I allowed the bill to be reported. I withdrew an amendment, withdrew any obstructionist efforts in the committee in order to allow it to come to the floor with the assurances that a bona fide effort would be made to try to reach some sort of an agreement on some differences on the southern wheat problem and the cotton situation.

I am still amenable to try to work out something, but I just feel under the circumstances I must continue to object.

The signup period can be continued. It can be extended for a week. We can still pass the bill. It can go to conference. We could move rapidly on it if we can reach an agreement, and I suppose that it could still be reported out and conference reports made Tuesday of next week or Wednesday of next week.

And I think that the signup dates on these commodities can be extended with the anticipation that we can reach an agreement. I cannot help but think that the Department of Agriculture does not recognize that there are Senators that have constituents that farm cotton and that farm southern wheat. And if they will give us at least a little time and discuss it with us I think we could work these things out. But until then, I have to represent my people, represent my farmers and do the best I can. And, under these circumstances, I have to take advantage of the rules of the Senate, I have to object.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I will look forward to speaking with the distinguished Senator from Alabama as soon as we are done with this debate and perhaps we can go into a quorum call. Perhaps we can find a way to satisfy his needs and perhaps there are some modifications that the Secretary of Agriculture will still make.

The trouble is, as the Senator knows, if we make the concession to his crop, then the whole boggling procedure begins all over again.

Senators have told me, as I know they have told the Senator from Alabama, that if we do more for cotton or if we do more for another commodity then we must do more for corn.

Mr. HEFLIN. Will the Senator yield?

Mr. BOSCHWITZ. I yield briefly.

Mr. HEFLIN. The trouble is, there has been no accommodations for cotton. There has been accommodations for others.

Mr. BOSCHWITZ. Well, I think that the bill is quite far-reaching in areas that affect the State of Alabama, as they affect the State of Minnesota, as they affect North Carolina and as they affect, I see my colleague from Mississippi sitting here, your neighboring State. And I believe, without putting words in his mouth, that he is amenable to this package. I believe that is correct.

But there is an additional $500 million of additional export guarantees. That certainly has an impact on cotton. There is some impact on cotton through the Public Law 480 program. As the Senator knows, and I know too, his State is a large grower of soybeans and wheat and other products that would be affected by that Public Law 480 program particularly. There are savings budgetarily in the outyears, particularly by paying some up front money that will help farmers of his State and would help farmers of my State.

We have, after much negotiation, near unanimity. Other than the Senator from Alabama, I would say, we have unanimity on this package. And, indeed, I say to my friend from Alabama that we need unanimity.

I would be pleased to go and speak to the Deputy Secretary, who is here with us tonight, to see if there is not some movement that can be made. But there are just some extraordinary advantages in this bill, extraordinary advantages for wheat growers, for corn growers, indeed, for cotton growers in the export section, and also there are savings to the taxpayers.

It is so important that we approach the 1985 farm bill—and I trust that both the Senator from Alabama and I will be here together working on the Agriculture Committee regarding that farm bill—it is important that we not now at this late date, as we come close to a pretty good deal for all farmers, that at this late date we do not turn farmer against farmer and we do not approach the 1985 farm bill in a divisive kind of state but that we approach it on the basis that all commodities have given a little bit and gotten a little bit and that we move forward and that we write a good 1985 farm bill.

As the Senator from North Dakota said—I know that I have voted with the Senator from Alabama, I know he has voted with me—when any one of us from farm States are in trouble, we act as kin and we act as brothers because there is not a large farm lobby; that, indeed, if we begin to divide, we will be conquered and all farmers will suffer.

I plead with the Senator that, at this late hour, he remove his objection, that we be allowed to continue and go forward with this bill, that wheat farmers will not feel that they have been victimized from farmers from the South, cotton farmers, and that all farmers act as a group. It is a small group in this country, the Senator knows that. We have a hard time moving forward and doing things on behalf of the farmers.

But I plead with the Senator that he relinquish his objection and that we be allowed to move forward. Perhaps we should go and sit with the Deputy Secretary and see if there is any ground that can be given so that the Senator will indeed be able to make some gains for his farmers. But we have to do it carefully because, very frankly, the whole package is going to come unglued and then the farmers from Montana, Minnesota, North Carolina, Mississippi, and North

Dakota will all suffer as a result. And that indeed would be an error.

I yield the floor.

Mr. MELCHER addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Montana.

Mr. **MELCHER**. Mr. President, let me make it quite clear that the wheat farmers in Montana probably view this proposal in about the right perspective. If it is passed, there may be a slight improvement in the 1984 wheat program, as far as they are concerned. They also recognize that if it is passed as it now stands and is proposed by the Senate Agriculture Committee, with the blessings of the Department of Agriculture, it will mean probably less net income for the 1985 wheat crop.

What is strange about the entire package is, if we are going to save $3.5 billion, as this bill is purported to do, that means $3.5 billion less income over the next three crop years for these farmers with these commodities.

Now they are being asked to sacrifice. The bill should not be presented as something that is sort of a gravy train for farmers. It is not. What the administration is asking, what the House has passed, and what the Senate is almost prepared to ask of farmers is that they accept less in support prices for their crops for the next 2 years. Now that is where you get the $3.5 billion savings.

I am all in favor of expanding Public Law 480, Food for Peace which is included in the bill. I am all in favor of adding the additional credit opportunities for farmers included in the bill. But there is no signup deadline on any of that. The only signup deadline is on the wheat program for the 1984 crop. And that can be extended, as it has been once, by the Secretary of Agriculture just a couple of weeks ago.

Let us put this in the right perspective. The Department, in a rather belated attempt, has finally come up with something interesting enough for the majority of the Senate Agriculture Committee to endorse. Up until then there was nothing. That procedure just started last week. It had to go through Monday, Tuesday, Wednesday, and Thursday with the Department inching upward in the wheat program and some of the other commodities during that group of bargaining sessions.

Farmers who are always astute enough to recognize what has really happened, see that with heavy campaign months coming on, the White House, the Office of Management and Budget, and the Department of Agriculture have said, "Well, maybe we can come up with enough improvement for farmers, such as Public Law 480, to enhance the disbursal and grants or donations of some of the surplus commodities abroad, which farmers have always approved."

"Perhaps we can come up with some credit relaxation that will meet some of the needs of hard-pressed farmers that are really going broke. Perhaps we can move some of the surplus commodities with blended credit and other credit arrangements for countries that can buy some of the commodities that we have. That will give a little more hope to the agricultural producers in this country, and at the same time reduce some of the outlays on the support price mechanisms for these four commodities." That is exactly what happens in this bill. So farmers are not being presented a bonanza here. They are being asked to sacrifice in the support prices for four different commodities, wheat, cotton, rice, and corn, for all of the 1985 programs for all of those four commodities, and for the 1984 crop, in addition, for wheat.

I think this is a better proposal, more realistic than that hatched out by the Department of Agriculture, blessed by the administration, and bragged about by the President for almost 6 weeks last year in what is known as the payment-in-kind program. If anybody is wondering what the administration's final thoughts are on the success of that program, all he has to do is read the early 1983 speeches by President Reagan where he fondly called it the crop swap program, and over a series of about 6 weeks in early 1983 he was describing what a wonderful thing it was. Then suddenly he dropped it out of his speeches.

That was a realization that it was not washing very well out in the countryside with anybody.

Farmers in various areas of the country, and indeed a great number in my State of Montana, have benefited financially from the PIK program. A great number of wheat farmers in Montana have benefited financially from the PIK program, as have cotton farmers and corn and feed grain farmers in other parts of the country.

There are not very many of us representing the farm producers of this country that are ever saddened by seeing a Government program that benefits them financially. But the method that was used for payment in kind—that is, the paying for setting aside half a farm or a whole farm and not producing—is really contrary to all the best interests of this country. It is a horrible way of accommodating the needs of agricultural producers. It goes against the grain, and while farmers were benefiting from it they really did not like it. They are in the business to produce, not to just set their land aside from crops and have their whole operation idle for a year. Most of them really were dissatisfied with the program. They liked the money but they think it is a bad way to solve the problem. And I think the taxpayers said the same.

It is a $12 billion outlay any way you want to count it; in whatever year you want to assess it against. It is $12 billion. We could have bought a lot of good, sound programs for agriculture in this country with a lot less than half of that amount. Nevertheless that is behind us now. There will only be a little bit of PIK, payment in kind, in these programs for 1984 crops, this year, and none of it for 1985 as far as the Department is recommending now.

I am going to quarrel much with the bill that is before us except on the wheat program. I do expect an opportunity for full debate on an amendment—or two or three—that I will offer, depending upon how we can arrive at accommodation. I would like to have it taken care of promptly when we get to the bill.

So I would suggest—and I will do this with kindness and respect to the chairman and to the majority leader and to all the rest of the Senators on the other side of the aisle that are interested in getting this bill out—that we have the opportunity to look at whatever unanimous-consent proposal is going to be made, and that we be able to do that ahead of time so we can communicate any dissatisfaction we may have with it. I know the proposal has been read a couple of times, and I notice there is very limited time for amendments. There is at least one amendment I have and while I do not want to delay the Senate proceedings too much, I want a thorough discussion on it and thorough consideration of it. I suspect there are other Senators that will have an amendment or two that they would like to offer. So I think, if we can have whatever proposal for consent to take up this bill made in writing before us, we might be able to constructively suggest some modifications to be satisfactory to us.

Mr. President, I yield the floor.

The **PRESIDING OFFICER**. The Senator from North Carolina.

Mr. **HELMS**. Mr. President, the late Dorothy Shay many years ago used to sing a song entitled "Everything's Up to Date in Kansas City, They've Gone About as 'Fer' as They Can Go." Maybe the distinguished minority leader played that on the violin. But I think we have gone about as "fer" as we can go this evening.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. **HELMS**. Mr. President, I ask unanimous consent there now be an additional period for routine morning business not to extend beyond 7:45 p.m.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **HELMS**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **HELMS.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

HOUSE JOINT RESOLUTION 271—COMMITTEE ON THE JUDICIARY DISCHARGED FROM FURTHER CONSIDERATION AND PLACED ON CALENDAR

Mr. **HELMS.** Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 271, National Inventor's Day, and that it be placed on the calendar.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER TO PRINT ADDITIONAL COPIES OF REPORT NO. 98-352

Mr. **HELMS.** Mr. President, I ask unanimous consent that 500 additional copies be printed of Report No. 98-352, "Activities of the Committee on Governmental Affairs."

The **PRESIDING OFFICER.** Without objection, it is so ordered.

EXTENSION OF ENERGY PROGRAMS—CONFERENCE REPORT

Mr. **HELMS.** Mr. President, I submit a report of the committee of conference on H.R. 4194 and ask for its immediate consideration.

The **PRESIDING OFFICER.** The report will be stated.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4194) to extend the expiration date of the Energy Policy and Conservation Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The **PRESIDING OFFICER.** Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, March 15, 1984.)

● Mr. **McCLURE.** Mr. President, today the Senate considers the conference report on H.R. 4194, a bill to extend the expiration date of section 252 of the Energy Policy and Conservation Act. The bill would extend the expiration date from December 31, 1983, to June 30, 1985.

Section 252 of the Energy Policy and Conservation Act authorizes U.S. oil companies to participate in voluntary agreements for implementing the allocation and information provisions of the agreement on an international energy program. That program provides a mechanism for an oil allocation system to be utilized by the participating countries in the event of a major oil supply disruption. Section 252 also provides a limited defense against any antitrust suits that may be brought against U.S. oil companies participating in the international energy program (IEP). The antitrust defense is limited to actions taken in implementing the allocation and information provisions of the program.

The agreement creating the international energy program was originally signed in 1974 as the result of an effort by the United States to promote cooperation among major industrial countries in reducing dependence on imported oil. The signatories to the agreement consist of most of the principal industrialized oil consuming nations. The agreement provided for creation of the International Energy Agency as an autonomous entity within the Organization for Economic Cooperation and Development. The agreement also provided that the IEA would serve as the medium for the operation of an international oil sharing system for use during oil supply emergencies. It also required each country to establish an emergency petroleum storage program, and to have a means for restraining demand for petroleum products in the event of an interruption of petroleum supplies to the IEP countries.

Section 252 of EPCA sets out procedures applicable to the development or carrying out of voluntary agreements and plans of action to implement the allocation and information provisions of the international energy program. Under this authority, U.S. oil companies entered into the voluntary agreement and plan of action to implement the international energy program. Major international oil companies, as well as independent U.S. oil companies, are participants in the voluntary agreement.

The antitrust defense made available by section 252 of EPCA is essential to the participation of U.S. oil companies in the voluntary agreement and, through it, in the IEP. The IEP, in turn, can function effectively only with participation in the international oil market by United States and foreign oil companies, which would be the primary actors in the redistribution of oil if the IEP's emergency sharing provisions were activated.

The United States receives a number of substantial benefits from participation in the IEP. First, the IEA emergency system provides a mechanism that mitigates the economic damage from an interruption of oil imports. Under the terms of the IEA's emergency oil allocation system, our IEA partners guarantee that in a major oil crisis, the United States will not absorb a greater portion of an oil supply shortage than that which they themselves are absorbing. For this assurance, we in turn have a similar pledge.

Second, in the national security area, it has long been a fundamental tenet of our national security policy that the safety of the United States is inextricably linked to that of its allies in Western Europe and the Far East. Over the years we have made enormous sacrifices and investments in support of those alliances. The U.S. commitment to the IEA and its sharing system is one of those investments.

Most of our allies are more dependent upon imported oil than we—and some of our allies are nearly totally dependent on imported oil. An interruption of major proportions could provoke a divisive competition for oil supplies among us and our allies. Some of our allies in Europe and the Far East would be under strong pressure to make accommodations necessary to secure vital oil supplies. Such accommodations could seriously affect our ability to deal with the situation, and might well alter the shape of our alliances for some time to come. The IEA sharing system is designed to reinforce our alliances at a time of energy crisis and to distribute the burden of dealing with disruptions in an equitable manner.

Third, competitive panic buying among the major industrialized countries can lead to exaggerated price rises that go far beyond what the fundamentals of the market would suggest. The economic damage from an exaggerated price runup could be severe for us and our allies. Cooperation, including exchange of information, together with sharing among the major industrialized countries would help calm markets and avoid unnecessary economic damage.

Section 252 of EPCA expired on December 31, 1983. Consequently, for more than 2 months, U.S. oil companies have been compelled to reduce or terminate their participation in the ongoing IEA programs and information gathering activities. To permit a resumption of full participation, we should not delay further the extension of section 252. Therefore, I urge my colleagues to adopt the conference reort of H.R. 4194.●

The **PRESIDING OFFICER.** If there is no further debate, the question is on agreeing to the conference report.

The conference report was agreed to.

Mr. **HELMS.** Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. **BYRD.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate go into executive session to consider various items on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. HELMS. Mr. President, I ask the distinguished minority leader if his records conform to mine with respect to agreement to nominations under calendar order Nos. 506, 507, 508, through and including 513, and the nominations placed on the Secretary's desk on page 3.

Mr. BYRD. Mr. President, there is no objection to proceeding with any of the nominations on the calendar.

Mr. HELMS. That last is with the exception of the Birnbaum nomination. There is a hold on that one.

Mr. BYRD. Mr. President, there is no objection on this side.

Mr. HELMS. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

Mr. HELMS. I thank the Chair.

The nominations considered and confirmed en bloc are as follows:

Inter-American Foundation

Harold K. Phillips, of California, to be a Member of the Board of Directors.

Department of the Treasury

David Campbell Mulford, of Illinois, to be a Deputy Under Secretary.

Fred T. Goldberg, Jr., of Maryland, to be an Assistant General Counsel.

Alfred Hugh Kingon, of New York, to be an Assistant Secretary.

U.S. International Trade Commission

David B. Rohr, of Maryland, to be a member.

Susan Wittenberg Liebeler, of California, to be a member.

Department of Health and Human Services

Stephanie Lee-Miller, of the District of Columbia, to be an Assistant Secretary.

The Judiciary

Julian I. Jacobs, of Maryland, to be a judge of the U.S. Tax Court.

Nominations Placed on the Secretary's Desk in the Foreign Service, Public Health Service

Foreign Service nominations beginning after Philip Birnbaum, and ending Ronald Allen Witherell, which nominations were received by the Senate and appeared in the Congressional Record of January 30, 1984.

Foreign Service nominations beginning after Gary Dale Adams, and ending Marian Yoshioka, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 1984.

Public Health Service nominations beginning after Leonard Bachman, and ending Patricia A. Rye, which nominations were received by the Senate and appeared in the Congressional Record of February 9, 1984.

Mr. DOLE. Mr. President, I was pleased yesterday to report the recommendation of the Committee on Finance that the Senate give its advice and consent to seven nominees of the President for various posts in the administration. I am particularly satisfied that, following the pattern of recent nominations considered by the committee, President Reagan again has chosen persons of outstanding qualifications to carry out the Government responsibilities in the diverse areas represented here. The nominees are: First, Fred T. Goldberg, Jr. of Bethesda, Md., to become Chief Counsel for the Internal Revenue Service; second, Julian I. Jacobs of Baltimore, Md., to be a judge of the U.S. Tax Court; third, Alfred H. Kingon of New York, N.Y., to become Assistant Secretary of the Treasury for Policy Planning and Communications; fourth, Stephanie Lee-Miller of the District of Columbia, to become Assistant Secretary for Public Affairs of the Department of Health and Human Services; fifth, David C. Mulford of Rockford, Ill., to become Deputy Under Secretary of the Treasury; sixth, Susan W. Liebeler of Malibu, Calif., and seventh, David B. Rohr of Laurel, Md., both to be Commissioners of the U.S. International Trade Commission.

STEPHANIE LEE-MILLER

Let me note first the background of Stephanie Lee-Miller. As the Assistant Secretary of Health and Human Services for Public Affairs, she will serve as the Secretary's principal public affairs adviser and will administer the Freedom of Information Act and the Privacy Act for the Department. She will manage an office of about 55 persons in the headquarters staff, with a budget of $2.65 million. She further will supervise indirectly the public affairs efforts of each major division and regional office of HHS—which together employ well over 600 people.

The responsibility of the Assistant Secretary for Public Affairs entails more than seeing that press releases are grammatically correct and timely. That office must play an essential, substantive role in the operations of the Department: insuring that the people entitled to the Department's services are aware of their availability and know how to gain access to them. The beneficiaries of such programs within the ambit of the Department as Social Security, the Public Health Service, and the Administration on Aging are among those in our society least able to gain access to Government assistance designed to improve their lot. A person of dynamism and resourcefulness is required to communicate to these people the help the Department can offer to them.

Fortunately, the President apparently has found such a person in Ms. Lee-Miller. She has been acting in this capacity since last July, and has done a fine job. At our hearing, Ms. Lee-Miller described impressive initiatives she has undertaken to provide greater information to Hispanic Americans about HHS services; to promote the work of Secretary Heckler's Task Force on the Health of Black Americans; and to promote the Department's campaign of improving dietary practices as a way of avoiding potential carcinogens. These efforts demonstrate a real capability to accomplish her job.

Prior to assuming her present post, Ms. Lee-Miller served for over 2 years as Special Assistant for Public Affairs in the Office of the Secretary of Commerce. Before joining the administration, Ms. Lee-Miller managed her own public affairs firm in California, and was director of community programs for the Coro Foundation. She holds a master of arts in urban studies from Occidental College and a bachelor's degree from California State College. She is a member of several public service organizations, and is the recipient of numerous awards and honors, including being named an outstanding young woman of America in 1981 and to "Who's Who Among Black Americans" in 1980. Ms. Lee-Miller certainly deserves the support of the Senate for this job, so that she can continue her outstanding work.

DAVID CAMPBELL MULFORD

Dr. Mulford has been nominated to be Deputy Undersecretary of the Treasury. In this position, he will be responsible for most international trade and monetary issues considered by the Treasury. Among the offices reporting to him are those for Trade and Investment Policy, Developing Nations, and International Monetary Affairs. These offices formulate Treasury's position on issues of central importance to this committee in the exercise of its jurisdiction over international trade policy.

Dr. Mulford brings vast experience to his job. He headed the investment advisers group for the Saudi Arabian Monetary Agency (SAMA) from 1975 until January 1984. Prior to joining SAMA, Dr. Mulford was associated with the investment banking firm of White, Weld & Co. from 1966 until its acquisition by Merrill Lynch, Pierce, Fenner & Smith. From 1978 to 1984 he was a director of Merrill Lynch. Dr. Mulford received his B.A. from Lawrence University, his M.A. from Boston University, and his Ph.D. from Oxford University.

I consider the United States to be fortunate in attracting a man of Dr. Mulford's talents to public service in the Treasury Department. As the U.S. economy becomes increasingly integrated into the world economy, we will require men and women of broad transnational business experience to advise our decisionmakers. Dr. Mulford is a man of high caliber who will contribute significantly to the Government's work in complex areas.

FRED T. GOLDBERG, JR.

Like Dr. Mulford, Mr. Fred T. Goldberg, Jr., will bring excellent credentials to his job. Mr. Goldberg currently is a partner in Latham, Watkins & Hills of Washington, D.C. Between July 1981 and December 1982, he served as Assistant to the Commissioner of the Internal Revenue Service and Acting Director, Legislation and Regulations Division, of the General Counsel's Office. Previously, he was both an associate and partner with his current firm, and an instructor at Yale College. Mr. Goldberg holds both B.A. and J.D. degrees from Yale University.

For the past 3 years, the Committee on Finance has been engaged in a search for a more rational and fair tax code. Much of this effort has centered on improving the administration of existing law so that the burden of noncompliance does not fall on law-abiding citizens. Mr. Goldberg shares our concern in improving the administration of the tax laws and will bring solid experience and ideas to that task. We look forward to working with him.

ALFRED H. KINGON

Mr. Alfred H. Kingon has been nominated to be Assistant Secretary of the Treasury for Policy Planning and Communications. The Senate less than 1 year ago approved Mr. Kingon for the position of Assistant Secretary of Commerce for International Economic Policy. He did a fine job in that position, and will take this experience and an otherwise broad background to his new job. From 1973 to 1983 Mr. Kingon served as an editor of Financial World and in 1979 was appointed editor-in-chief. From 1980 until 1982 he also served as editor-in-chief of the Saturday Review. Mr. Kingon has been portfolio manager of the Businessman's Fund, vice president of Scheinman, Hochstin & Trotta, investment adviser of Burnham & Co., and trained as a broker/analyst for Wm. M. Rosenbaum & Co. Mr. Kingon received his B.S. from Union College and attended New York University Graduate School of Business Administration.

Mr. Kingon's position will involve new responsibilities in addition to the public affairs functions traditionally performed by the Assistant Secretary. He will establish and direct a policy planning group to formulate a long-term view about the nature and direction of Treasury's approach to issues cutting across the domestic and international economic spectrum. Mr. Kingon is well-qualified to direct this kind of operation, and I wish him continued success in his new position of public service.

JULIAN I. JACOBS

Mr. Julian I. Jacobs has been nominated to be a judge of the U.S. Tax Court. Like the other nominees, Mr. Jacobs is well-qualified for this important position. Since 1967, he has been associated with the firm of Gordon, Feinblatt, Rothman, Hoffberger & Hollander and its predecessor; he has been a partner since 1974. From 1961 to 1967 he worked for the Internal Revenue Service, first in the General Counsel's Office and later as a trial attorney. Mr. Jacobs holds a B.A. and an LL.B. from the University of Maryland, and an LL.M. from the Georgetown Law Center.

I believe it is very important to simplify and to expedite the administration of the tax laws. The Congress and administrative agencies share responsibility in both areas. But the judicial branch also must play a leading role; it is essential that judges of the Tax Court are exerting their best efforts to be fair and impartial.

Thus, among our responsibilities is the duty to review carefully the qualifications of nominees to the Tax Court. I am pleased that Mr. Jacobs appears to meet our high standards. His broad expertise covers a wide range of corporate and individual tax matters, and he possesses extensive experience in tax litigation. This experience stems both from Government and private sector, so that he understands the perspective of both.

I am confident that Mr. Jacobs will exemplify the attributes of judicial temperance, competence, and impartiality essential to successful performance as a judge.

SUSAN WITTENBERG LIEBELER

I next am pleased to support the recommendation of the Committee on Finance that the Senate approve Mrs. Susan Wittenberg Liebeler to be a Commissioner of the International Trade Commission.

Since 1973 Mrs. Liebeler has been professor of law at Loyola Law School in Los Angeles. Prior to 1973, she was engaged in the private practice of law, and also served as law clerk to Justice Gordon L. Files of the California Court of Appeals. She holds a B.A. in political science from the University of Michigan, and an LL.B. from UCLA Law School. In law school she was an editor of the Law Review and was elected to the Order of the Coif.

The Commission serves important interests of the Congress. It investigates unfair trade practice complaints; makes determinations of whether dumped or subsidized imports are injuring U.S. firms; conducts investigations into whether imports are surging so as to injure domestic industries seriously; and performs other trade studies as requested by the Congress and the President. The workload of the ITC is at an all-time high, and as trade becomes an increasingly important part of the U.S. economy, the Commission's reports are more essential than ever to the work of the President and the Congress for economic policymaking. The Senate must approve Commissioners who will undertake their responsibilities with the utmost seriousness and dedication.

To insure that such persons are appointed, the Congress wrote into law that the President shall nominate as commissioners only persons who "in his judgment * * * are possessed of qualifications requisite for developing experts knowledge of international trade problems and efficiency in administering the duties and functions of the Commission." Mrs. Liebeler has demonstrated superior intellectual capability in her study, practice, and teaching of the law. Her concentration in the field of securities law has provided her with expertise in economics, law, and how U.S. industries function. I am confident that she will be able easily to translate this experience and demonstrated skill into a positive contribution to the Commission's work.

The Commission has been without its full complement of six Commissioners since October 1982. It is vitally important that we restore the Commission full strength as soon as possible so that the ITC can perform as efficiently and effectively as possible. I thus urge my colleagues to support and to approve this nomination and that of Mr. David B. Rohr without delay.

DAVID B. ROHR

Finally, I am pleased to support the nomination of Mr. David B. Rohr, who has been named to be a Commissioner of the International Trade Commission. He has served on the staff of the Subcommittee on Trade of the House Ways and Means Committee since 1974, where he has been staff director since 1980. He formerly served in the Department of Commerce, where he was Director of the Trade Negotiations and Agreements Division from 1970 to 1974. Mr. Rohr possesses an undergraduate degree in the field of business administration from Colorado State University, where he also has engaged in graduate studies.

Dave is well-known to many members of the Committee on Finance from our work with the Ways and Means Committee over the years. I am placing in the RECORD letters from Chairman ROSTENKOWSKI and Congressman GIBBONS, who have worked closely with Dave, that strongly endorse his nomination. I join that endorsement, knowing that Dave fully understands the importance and trust the Congress reposes in the Commission, and will bear that in mind as he performs his work there.

In sum, Mr. President, the Committee on Finance has carefully reviewed these seven nominations and has confirmed the President's judgment that the seven are qualified for the jobs to which they have been nominated. I urge the members to approve these nominations expeditiously so that they might quickly bring their respective talents to bear on the Government's business.

The letters follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 8, 1984.

Hon. ROBERT DOLE,
U.S. Senate, Washington, D.C.

DEAR BOB: I regret that I will be out of the country on official business during the confirmation hearings of Dave Rohr, and am sorry that I cannot personally testify in his behalf. I want you to know that I have worked with Dave ever since he has been on the Hill and he is a fine, honest, intelligent, hard-working individual and I think he will make an excellent member of the International Trade Commission.

Please confirm him.

Sincerely,

SAM M. GIBBONS,
U.S. Congressman.

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., March 9, 1984.

Hon. ROBERT DOLE,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am sorry I cannot be present at your confirmation hearings Monday to introduce Dave Rohr and urge the Committee's favorable action on his nomination to the ITC. Prior commitments in my district prevent me from attending, but I want you to know of my interest in this important matter. Dave is a [illegible]ally dedicated public servant who possesses extensive expertise in trade matters and would make an honest, objective Commissioner.

Attached is a statement for the record which I would like to submit in connection with these proceedings. I would appreciate your mentioning my submission and my support for this nomination at the appropriate opportunity during your hearings.

Sincerely yours,

DAN ROSTENKOWSKI,
Chairman.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. HELMS. Mr. President, the distinguished minority leader reminds me that we have not gone back into legislative session.

I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 19, 1984

Mr. HELMS. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, March 19, 1984, the reading of the Journal be dispensed with, that no resolutions come over under the rule, that the call of the Calendar be dispensed with, and that following the recognition of the two leaders under the standing order there be a special order in favor of the distinguished Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business not to exceed 1 hour in length with Senators permitted to speak therein for not more than 10 minutes each; provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HELMS. Mr. President, on behalf of the majority leader, let me recap. We will convene at 12 o'clock noon on Monday. I ask the Chair if that is correct.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. After the recognition of the two leaders under the standing order, there will be a special order of not to exceed 15 minutes in favor of Mr. PROXMIRE, followed by routine morning business not to exceed 1 hour in length with Senators permitted to speak therein for 10 minutes each. Following the conclusion of morning business, the Senate will resume the unfinished business, Senate Joint Resolution 73, the school prayer amendment.

I should advise Senators that other possible items which may be considered include H.R. 4072, the Agriculture Commodities Program Adjustment Act, and any other legislative items which can be taken up and disposed of in a reasonable period of time.

Mr. President, that seems to be all on my plate for this evening. I inquire of the distinguished minority leader if he has any further business?

Mr. BYRD. Mr. President, I thank the distinguished Senator for his courtesy. I have nothing.

Mr. HELMS. I thank the Senator.

ADJOURNMENT TO MONDAY, MARCH 19, 1984

Mr. HELMS. Mr. President, if there be no further business to come before the Senate, I move that we stand in adjournment until 12 o'clock noon on Monday.

The motion was agreed to; and at 7:47 p.m., the Senate adjourned until Monday, March 19, 1984.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 15, 1984:

INTER-AMERICAN FOUNDATION

Harold K. Phillips, of California, to be a member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 1988.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Stephanie Lee-Miller, of the District of Columbia, to be an Assistant Secretary of Health and Human Services.

THE JUDICIARY

Julian I. Jacobs, of Maryland, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

DEPARTMENT OF THE TREASURY

Alfred Hugh Kingon, of New York, to be an Assistant Secretary of the Treasury.

David Campbell Mulford, of Illinois, to be a Deputy Under Secretary of the Treasury.

Fred T. Goldberg, Jr., of Maryland, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service).

U.S. INTERNATIONAL TRADE COMMISSION

David B. Rohr, of Maryland, to be a member of the U.S. International Trade Commission for the remainder of the term expiring December 16, 1985.

Susan Wittenberg Liebeler, of California, to be a member of the U.S. International Trade Commission for the remainder of the term expiring December 16, 1988.

PUBLIC HEALTH SERVICE

Public Health Service nominations beginning Leonard Bachman, and ending Patricia A. Rye, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 9, 1984.

FOREIGN SERVICE

Foreign Service nominations beginning Gary Dale Adams, and ending Marian Yoshioka, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 6, 1984.

EXTENSIONS OF REMARKS

A STATE OF DISUNION

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. BRYANT. Mr. Speaker, I call to the attention of my colleagues and the people of this country the following comments of Senator EDWARD M. KENNEDY about the President's record versus the rhetoric of his recent State of the Union Address, which were published as a guest column this month in a national magazine.

[From Rolling Stone, Mar. 15, 1984]

A STATE OF DISUNION

(By Edward M. Kennedy)

Lance Corporal George Dramis, who was the last marine killed in Beirut before President Ronald Reagan withdrew the forces, was buried in Villas, New Jersey, on the very day the president made that decision. Many felt, as they heard the news, that Corporal Dramis and 263 of his comrades had died in Lebanon not for a reason, but for a mistake. That, however, was not the mood of Mr. Reagan's statement, which was cast in the Orwellian tones that characterize most of his claims as we enter this 1984 presidential campaign. Withdrawal, as Mr. Reagan phrased it, was only "redeployment" and "reconcentrating our forces." The crumbling Lebanese government was attempting to "reconstitute itself." The retreat from Beirut, so reminiscent of the American flight from Saigon, would "strengthen our ability to do the job we set out to do." Our ships, themselves potentially vulnerable to a suicide attack, would "help assure security in the Beirut area"—where we had not been able to secure the safety of our own marines. The shelling from the battleship *New Jersey*—with blunderbuss 16-inch guns that devastate an area the size of a football field and that inevitably take civilian lives—was a way to "peaceful reconciliation." As Orwell predicted, in 1984 "war is peace."

This description of the events in Beirut, which flipped reality on its head, is the latest example of the Reagan method of acting: In the face of a crisis gone bad or a problem grown worse, he ad libs, proclaims success, and then as things take another turn, twists the facts to fit a new and different claim of progress. Occasionally, the footwork isn't fast enough, and the failures briefly intrude on the image-making. Incongruously, Secretary of State George Shultz was in Grenada to watch sky-diving demonstrations and to celebrate American firepower as the president announced retreat in Lebanon. It was less than three weeks after Mr. Reagan had boasted, in his State of the Union speech, that America was now "standing tall."

This time, Mr. Reagan decided to issue a press release from his California ranch rather than address the nation on television. Perhaps, in a case this extreme, even he could not bring himself to appear on camera as though defeat were victory. Yet on camera or in print, in domestic as well as foreign policy, the Reagan appeals, each of them carefully crafted to the present campaign, all emphasize the temporary gain, the plausible hype, the sham argument. The administration blithely assumes that the public and the press have short memories and almost no attention span. The president himself seems to worry not at all about the credibility gap between the rhetoric of the 1980 Reagan campaign and the realities of 1984. In 1980, we were told that a supply-side tax cut would generate new savings and new revenue, and that by the end of 1983, we would have a balanced budget. Today, the savings rate has dropped to the lowest level in twenty-five years, and we have the highest federal deficit in history.

They say we have a low inflation rate, but so did Herbert Hoover. In fact, you can always bring inflation down by bringing on a recession, and we have just endured the deepest recession since the Great Depression of the 1930s. The administration also points to the steepest decline in unemployment since World War II, which, in fact, is a result of first creating the highest unemployment of the postwar era, driving millions out of the full-time work force so they no longer even look for jobs. After having achieved a record level of discouraged and dropout workers, who aren't even counted in the unemployment rate, the rate of unemployment will still be higher on Election Day 1984 than it was on the same day four years ago, when Ronald Reagan had taken up the cry, "Jobs, jobs and more jobs." There is nothing miraculous or mysterious about a temporary election-year recovery, wrought by unprecedented deficit spending on a scale unimagined even by extravagant advocates of Keynesian economics.

But in fact, the administration simply ignores the other half of the Keynesian prescription—that the deficit must be reduced as the economy regains strength. They believe they can make it to the election with a policy that apparently will please the voters, even if it cannot long continue after the ballots are cast and counted. In fact, there are grim prospects for 1985 and 1986 (or perhaps even sooner): a renewal of inflation, or a new interest-rate crunch, or another, even deeper recession. Many economists warn of this, many journalists know it—but almost no one writes about it. Meanwhile, the president insists that there will be no tax increase to close the deficit, while his advisers wink and hint that of course they will bring him around—in 1985. This may be smart politics, but it is dumb economics.

Even worse, this kind of politics undermines the confidence of Americans in our system. The process has reached its height in the Reagan years, but it infected earlier administrations of both parties. Presidents appear more and more tempted to make deicisons that will fly till the next election, even if they will falter in the next administration or fail the next generation. Promised one thing, given another, Americans are increasingly alienated; their register and vote in decreasing percentages. As we move from campaign to campaign, the likely victor is the candidate who can most nimbly manipulate the events of a few months in a single year to influence the voting of a few hours on a single day.

Reagan is the best pretender as president that we have had in modern history. Some White House aides talk of "the peace issue" as if it were mostly a political problem for Ronald Reagan. Others openly imply that they only need to play for time before launching a wider war in Central America in 1985, which would be a tragic replay of the fateful mistake of two decades ago in Indochina. Administration officials are talking peace in 1984 as a prelude to making war in 1985.

To lessen fears about an administration whose officials have spoken of winnable nuclear conflict, the president says he now welcomes arms control. But what faith can voters have that he will pursue this newly professed interest in his second term, when he has been so bellicose in his first.

On the day of the Lebanon retreat, White House sources explained to a reporter from the Washington Post that the decision was "an effort to salvage one of the administration's riskiest political positions in a presidential-election year." But maybe we should be asking ourselves how this president will choose to face our adversaries after he no longer has to face the voters at the polls.

The commentators almost unanimously admire the administration's skill. They praise the State of the Union message as a skillfully mapped path to reelection, not a guide to the American future as it can or ought to be.

In the face of all this, how should the loyal opposition react? How can the Democratic party advance its own prospects as well as the national purpose?

First, we must challenge ourselves not to accept the conventional terms of the economic debate. We must decline to let the election turn on the last economic report of October, whose meaning may not outlast the next month. Democrats can and should do more than brood about the deficits. There are some who suggest that Democrats cannot be trusted to deal with federal deficits because we have had too many of our own. But the present deficits make the most imprudent Democrat look positively parsimonious. The deficit for this year alone would pay for a national health-insurance plan five times over.

When the Reagan administration renews its call for a balanced-budget Constitutional amendment, Democrats should respond: How can they advance such a proposal again, when they themselves are the biggest deficit-spenders in American history? How can they ask the Constitution to balance the budget when the president cannot do it himself?

When the administration demands a line-item veto on spending or a commission to cut the deficit, Democrats should ask: What items would they like to veto? Where are their specific budget reductions? And when the president says the problem is domestic spending, Democrats must challenge him:

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

How can that be, when the deficit is now $50 billion larger than all discretionary domestic spending combined? What would he like to slash—child immunization, student loans, civil-rights enforcement? The administration, for example, seeks to reform Medicare by slashing benefits for the elderly; the Democratic alternative should be to limit the costs of the program by placing real controls on what doctors and hospitals can charge. A doctor with a $300,000-a-year income can afford to charge less; a senior citizen who is sick cannot afford to go without care.

We can reduce the deficit now and eliminate it by the end of this decade only with fair tax reform and a fair tax increase, fair restraints on spending and the end of wasteful military projects like the MX missile, the B-1 bomber, Star Wars schemes and a new generation of nerve-gas weapons. What we hear from the president instead is a vague plan to overhaul taxes at a later date. He promises to unveil his plan at a very convenient time—December 1984. Who will benefit if this administration has a second term and a second chance to redistribute tax burdens in the wrong direction? So far, after accounting for inflation and social-security taxes, families earning under $30,000 are no better off after the Reagan tax cut, but families with incomes of $200,000 have reaped a fifteen percent reduction worth over $60,000 each.

For Democrats in the 1984 campaign, the challenge is to renew economic hope and opportunity by offering specific measures, by saying something real instead of competing with an administration that tells people only what they want to hear. Democrats can and should put forward a new industrial strategy to move America into the twenty-first century. Democrats can't accept a recovery that leaves out the workers of the Northeast, the closed factories of the industrial Midwest, the farms of the prairie and all those outside the electoral coalition of the Sunbelt. We must stand for the idea that America is one country and one people and must never become an economy divided against itself.

Second, Democrats must speak for all the Americans who were left out of the president's State of the Union message. We must try to feel and convey the painful despair of the powerless millions for whom these have been the hardest years of their lives: the homeless, the hungry and the middle-class families driven into deprivation. Where is the economic recovery for those sleeping in the snow and the cold of our streets? Where is the economic recovery for the black teenagers who are out of school and out of work, and who are drifting into a permanent underclass?

The president says we must break the bonds of dependency; in reality, he is liberating people to live without shelter, food, health and work. The numbers do not lie. Since 1980, 5 million more Americans have fallen below the poverty line of $9,800 for a family of four. The poverty rate now stands at fifteen percent, the highest level since 1965, and the richest twenty percent of our people now have their largest share of the national income since 1950.

There is injustice of another kind that should be a central concern of the 1984 Democratic campaign. This administration has given us a Civil Rights Commission that is, in effect, anti-civil rights. The new staff director of that commission has denounced affirmative action and equal pay for women. The President himself treats the most fundamental women's rights—for example, the right of choice on the issue of abortion—as political footballs to be kicked around in speeches to new-right fundamentalist groups. There is a critical question that Democrats have to raise in this campaign: Why does the administration exalt government when it builds bombs and missiles, or interferes with fundamental liberties and individual privacy—but scorn government when it vaccinates a child or feeds the poor or helps a family to own a home?

Third, and finally, we must reject the standard wisdom that foreign policy is never a decisive issue in a national campaign. Today, we are involved, directly or indirectly, in two hot wars and one cold war—and that is three wars too many. Rather than their empty calls to endless talks, Democrats should demand that we negotiate with the Soviet Union, seriously and at once, for an immediate, mutual and verifiable freeze on the production, testing and deployment of nuclear weapons. This has to be more than a plank in a party platform; a negotiated halt to the arms race must be the first priority of a new foreign policy.

There is a common threat that runs through all the Reagan foreign policy; it is a barely restrained attraction for confrontation and the display of force. Too many Democrats went along with the administration's Lebanon policy because, as they said, it was too risky to speak out. But silence about the administration's more general recklessness is now the greater risk. Next year, if Mr. Reagan is reelected, it will be too late to dissent.

Central America must be an issue in this campaign—so that afterward, we will not go to war by the back door, with our people divided and deceived. History has taught us in anguish and retreat the folly of that course. We should oppose the Reagan policy of escalation in El Salvador and the practice of scorning human rights in that country while putting 5,000 American troops on permanent maneuvers in Honduras. So far, the administration has given us an alliance with repression instead of an alliance for progress.

At stake in 1984 is the character of our democracy. We cannot afford another election where people vote for promises that will be broken, where the manipulations of the moment disguise deeper realities and different intentions. After the State of the Union speech, one television commentator said that it was "brilliant as a campaign strategy to run on"—that it was brilliant to propose a balanced-budget amendment after tripling the deficit, because "the public doesn't understand the deficit." I believe that if the opposition does its part, the public can understand that issue and others. We can insist that Mr. Reagan's words are no substitute for deeds—that we will not accept a secret tax plan and a 1985 tax surprise, that we reject the "eat, drink and be merry" philosophy of this recovery, that we oppose any diplomacy that speaks of peace but stonewalls arms control, that we resist an administration that talks about protecting the environment but pursues a James Watt policy of protecting the polluters. And the challenge for us is not only to oppose, but to propose—to be bold in standing for our own beliefs and in stating truly Democratic alternatives.

I believe now, as I always have, that Americans are ready to be realistic, to respond and sacrifice, if our leaders will open the way to change. The president may prefer to debate the past—his own and ours—and to argue about who has done worse. We must recast the campaign and restate the challenge that has always led to the American future—that we can do better—better for our country and ourselves, better for the weakest among us and better for the greater cause we all share of freedom and of peace.●

PRIME MINISTER FITZGERALD'S SPEECH TO CONGRESS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. BIAGGI. Mr. Speaker, this morning's address by the Honorable Dr. Garret FitzGerald, Prime Minister of Ireland was both important and historic. Its most significant feature in my mind was the extensive amount of attention which he gave to the Northern Ireland issue. That point I would like to place in some perspective. I have been deeply involved in the Irish question for more than 10 years. I recall a time not too long ago when the issue was mired in obscurity. A few of my colleagues in the House and Senate would speak on the issue but for the most part it was largely ignored.

Today we find the Prime Minister of the Republic of Ireland provided with the extraordinary opportunity to address a joint session of Congress and in that speech he elevates the Northern Ireland issue to new heights. His appearance today and the content of his speech clearly confirms the fact that the issue of Northern Ireland has both visibility and importance in this Congress.

I have served as Chairman of the bipartisan Ad Hoc Congressional Committee for Irish Affairs since 1977. In that time I have worked to promote the issue of peace and justice in Northern Ireland and the role we should play in aiding the process toward a peaceful solution. Today I believe that Nothern Ireland is a bona fide American foreign policy and political issue.

I agree with Prime Minister FitzGerald's assertion that the ultimate solution in Northern Ireland must be political and not military in nature. I also concur with his observation that both the Dublin and London governments must give the issue of Northern Ireland a greater priority.

However I also strongly believe that as we examine the prospects for a lasting political solution in Northern Ireland, we insure that the full spectrum of political thought be involved in the process that produces the solution. The New Ireland Forum while an important initiative cannot and will not succeed until and unless it broadens its participants and addresses in its solutions some of the major injustices which exist in Northern Ireland.

I have long maintained that the United States should assist the processes that would lead to a final political solution but neither propose nor impose any solution. However as one who believes that a political solution is the only real answer, I maintain that this final political solution must promote justice and restore human and civil rights for all. It must have within it a mechanism to insure that all violence, civilian or official, ends. A final political solution must also be accompanied by commitments from the United States and other nations for economic development to help rebuild Northern Ireland.

Today was an important occasion which I was proud to attend. The leadership of this House and especially the Speaker is to be commended for providing Prime Minister FitzGerald with this forum upon which to address the vitally important issue of Northern Ireland.

On this eve of St. Patrick's Day, let us reaffirm our support for a peaceful and free Ireland. Let us in the year ahead work to promote this as a legitimate foreign policy concern. There is no reason why Ireland like the United States cannot be one nation indivisible with liberty and justice for all.●

DEATH SQUADS IN EL SALVADOR

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. SHANNON. Mr. Speaker, today I am introducing two resolutions of inquiry seeking information about El Salvador. The first resolution concerns new facts which have come to light about the operations of death squads in El Salvador. The second resolution concerns charges that relate to the murders of four American churchwomen in 1980, and the subsequent coverup in the investigation of those murders.

By these resolutions, I hope to shed more light on charges that were made to me and Senator PAUL TSONGAS by a former high ranking security officer in El Salvador. These charges implicate officials at the highest levels of the Salvadoran Government in death squad activities, in the killing of the four American churchwomen, and in the coverup in the investigation of those murders. These charges have been made by a source from inside the military itself, from someone who cannot be dismissed as having leftist ties or leanings. His disclosures make it clear that the corruption and killings reach into the very fabric of El Salvador's Government and military.

The former official, who has served at the highest level of the security police in El Salvador, disclosed extensive information on the inner workings of the death squads, how and why they were formed, who directs and pays them, and who selects their victims. He provided a great deal of information of a kind that could only have been available to an insider. Senator TSONGAS and I were told by the security official that the very people who now promise human rights reform in El Salvador, among them presidential candidate and former army officer Roberto D'Aubuisson, are the same ones who originally set up the death squads and who are still giving orders to kill innocent people.

This source also told us that the murder of the four American churchwomen in 1980 was ordered by the military commander in the region, Colonel Oscar Edgardo Casanova. Colonel Casanova was transferred out of the La Paz region shortly after these murders. Colonel Casanova is a cousin of the current Minister of Defense, Eugenio Vides Casanova, who had served in 1980 as head of the Salvadoran national guard. The former security officer told us that there is a coverup of the investigation into the murders of the churchwomen, and that this coverup is being directed by the Minister of Defense himself, in an attempt to protect his cousin.

Mr. Speaker, many of the moderates who favored and worked for a democratic solution to this civil conflict are now dead—targets of the death squads. Americans who worked as missionaries or with the land reform or labor movements in El Salvador are also dead—eight Americans since 1980. This killing must stop and I hope that the resolutions of inquiry which I am introducing today will help to bring an end to this long tragedy.

These resolutions direct the Secretary of State to provide cables and other documents in his possession which might shed light on the acts which I have discussed. It is my hope that these resolutions will help to clarify the role of the Salvadoran Government and military in the activities of the death squads and the murders of the American churchwomen. It is also my hope that these resolutions will help to pave the way for a more constructive American approach to the problems of El Salvador. Copies of these resolutions are included with this statement.

H. RES. 463

Resolved, That not later than 7 days after the adoption of this resolution, the Secretary of State shall furnish to the House of Representatives all cables or other documents in his possession which discuss—

(1) whether the network of death squads in El Salvador was shaped by leading Salvadoran officials, including Colonel Nicholas Carranza, chief of the Treasury Police, and former Minister of Defense Jose Guillermo Garcia;

(2) whether the network of death squads is still directed by senior Salvadoran government officials, or by government officials at any level;

(3) whether the man who organized the death squads is Roberto D'Aubuisson, a former Army officer;

(4) whether the man who continues to direct the death squads is Roberto D'Aubuisson, a former Army officer;

(5) whether Roberto D'Aubuisson, a former Army officer, was or is involved in the organization or direction of the death squads;

(6) whether Roberto D'Aubuisson continued to receive a military salary through the late 1970s despite official accounts that he had been dismissed from the army;

(7) whether money for the death squads comes from Salvadoran exiles living in the Miami area;

(8) whether Salvadoran Government officials ordered police and soldiers to stay out of areas where death squad murders were about to take place;

(9) whether Salvadoran Government officials helped assassins get to refuges in Guatemala; or

(10) whether veterans of Nicaragua's deposed national guard were involved in some killings carried out by death squads.

H. RES. 464

Resolved, That no later than 7 days after the adoption of this resolution, the Secretary of State shall furnish to the House of Representatives all cables or other documents in his possession which discuss—

(1) Whether the Salvadoran Minister of Defense Eugenio Vides Casanova has been involved in the investigation into the slayings of four American churchwomen in El Salvador in 1980;

(2) Whether the Salvadoran Minister of Defense Eugenio Vides Casanova has been involved in the delays in trials for the murders of the four American churchwomen in El Salvador in 1980 either before or after his appointment as Minister of Defense;

(3) The transfer of Colonel Oscar Edgardo Casanova from LaPaz shortly after the murders took place;

(4) Whether Minister of Defense Casanova's cousin, Colonel Oscar Edgardo Casanova, ordered the murders, or knows the identity of those who planned or executed the murders.●

WANT NOT, WASTE NOT ACT OF 1984

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. HYDE. Mr. Speaker, we are all thrashing about looking for various ways to reduce the deficit. Today, I am introducing legislation which provides a painless way to take one step in that direction.

The amount of paper that inundates congressional offices is legendary. However, much of that paper we bring upon ourselves by requiring annual reports in practically every bill we pass. Realistically, we, the Members of Congress, cannot read every report which we insist upon.

The bill which I have introduced today, the "Want Not, Waste Not Act" of 1984, requires an agency to obtain a written request from a Member that the agency print a copy of any such report for a Member. The agency is required to notify each Member of the availability of such a report and should use the requests received for a guide for publication estimates.

I am not attempting to deny anyone information. I am simply asking that you have a desire for that information before we spend the money to send it to you. Our staffs are well aware of how many reports they throw away because it does not pertain to their Members' area of interest or expertise and neither they, nor we, have the time to read it.

House Document 98-11, Reports to Be Made to Congress, lists 2,615 reports required by Congress, many of them annually. 2,615 times 535 Members equals 1,399,025 copies of reports printed and distributed to all Members. Over 1 million copies of reports which we required by public law—how many did you read?

Let us start here. This bill will not eliminate the deficit, or even all the unnecessary paper, but it is a meaningful step in the right direction. I urge your cosponsorship of the "Want Not, Waste Not Act."●

THE 65TH ANNIVERSARY OF THE AMERICAN LEGION

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. ANNUNZIO. Mr. Speaker, on March 15, the members of the American Legion celebrate the 65th anniversary of the founding of their outstanding organization. It was 65 years ago today, in 1919, that delegates from the 1st American Expeditionary Force met in Paris, France, and reaffirmed that their responsiblity to each other and to their country's citizens did not end with the signing of a treaty of peace.

The preamble to the constitution of the American Legion states:

> For God and country we associate ourselves together for the following purposes to uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the great wars; to inculcate a sense of individual obligation to the community, State and Nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

The American Legion has maintained these high standards that it set for itself in 1919, and its members continue to be successful in making their noble ideals become a living, working, everyday reality.

At present, there are about 2.7 million members of the American Legion, organized into 58 departments and about 16,000 local posts, who are deeply concerned for the welfare of their fellow veterans and their dependents. The continuing dedication of the Legion to the adjustment of veterans to civilian life, to restoring the veteran's health and usefulness to society, to maintaining his dignity, and to assuring the welfare of the veteran's widow and children, is most commendable.

Also, throughout these 65 years, American Legion posts have contributed to the strength of America, building community houses, playgrounds, swimming pools, and many parks throughout the United States. The American Legion has tirelessly worked to promote child welfare, national security, and patriotism. Each year, American Legion posts sponsor nearly 3,000 baseball and other athletic teams, and more than 3,600 Boy Scout troops. To promote the study of the U.S. Constitution and the Bill of Rights, the American Legion holds a national high school oratory contest, and awards about $50,000 in scholarships to the finalists.

During the past 65 years, the American Legion has provided exemplary service to our veterans and to America. The Legion is largely responsible for the development of the Veterans' Administration, and among its most significant legislative victories was the passage of the GI bill of rights. By serving veterans, the Legion serves America, for our men and women returning to American communities from military service face singular problems and pressures. In addition, financial and emotional aid to former service men and women increases their opportunities to contribute, in turn, to America.

Mr. Speaker, the members of the American Legion not only have protected the interests of our Nation abroad, but also have contributed mightily to the strength of our Nation at home. On this 65th anniversary of the founding of the American Legion, I commend the Legionnaires in the 11th Congressional District of Illinois which I am honored to represent, and the American Legion posts throughout the Nation, on their magnificent record and their dedication to the ideals of our heritage. I extend to all Legionnaires my best wishes for success as they continue to build on their splendid record of excellence and achievement in service to America.●

IMBALANCE BETWEEN CIVILIAN R&D AND DEFENSE R&D MUST BE EXAMINED BY THE CONGRESS

HON. BUDDY MacKAY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. MACKAY. Mr. Speaker, the current issue of Science, the publication of the American Association for the Advancement of Science, contains an editorial which I commend to my colleagues.

Entitled "Federal R&D Budget: Guns Versus Butter," the editorial warns of the problem we are creating through the imbalance between research and development for civilian purposes and that for defense. Its author, F. A. Long of the Program on Science, Technology, and Society at Cornell University, makes the essential point very clear. In constant dollars, the total budget for R&D increased by 17 percent between 1980 and 1984. The budget for defense R&D increased by a staggering 65 percent—in constant dollars—in the same 5 years. In stark contrast to those increases, however, civilian R&D declined sharply—down by 30 percent—in the same 5 years.

Mr. Speaker, I strongly urge my colleagues, particularly those concerned with our declining ability to compete effectively in the world economy in such basic industries as steel, textiles, and machine tools, to read this brief editorial.

Imagine where we would be in those industries if we made the same R&D effort in manufacturing as we make in defense. Now that would be an industrial policy.

Mr. Speaker, I insert Dr. Long's editorial in the RECORD at this point and commend it to my colleagues:

FEDERAL R&D BUDGET: GUNS VERSUS BUTTER

> U.S. scientists and engineers are generally aware that federal funding for R & D for the military has increased sharply in recent years. What is less appreciated is that federal funding for the rest of the nation's R & D effort has considerably decreased. Using words from a classic phrase, R & D funding for "guns" is up and R & D funding for "butter" is down.
>
> The National Science Foundation compilation* of federal R & D funding for fiscal years 1980 through 1984 by budget function, corrected for inflation with official deflators (fiscal 1984 is set at 100), reveals the following in billions of constant dollars.

Category	Fiscal year budget					Increase 1980–84 (percent)
	1980	1981	1982	1983	1984	
Total R&D	$39.0	$39.2	$39.6	$40.4	$45.7	17
National defense	19.4	21.7	24.2	26.2	32.0	65

Category	Fiscal year budget					Increase 1980-84 (percent)
	1980	1981	1982	1983	1984	
All other R&D	19.6	17.5	15.4	14.2	13.7	−30

Figures for fiscal 1983 and 1984 are estimates. However, the opposite trends of support are obvious. NSF lists 15 nondefense budget functions that obtain federal support for R & D. Of these, only one, general science, which is primarily basic research, shows an increase in constant dollars between fiscal 1980 and 1984; the 4-year increase is a modest 7 percent. In President Reagan's recent budget proposals for R & D for fiscal 1985, the dominance of funding for the military continues.

The rapid increase in R & D for the military is not surprising; it was almost inevitable, given the large expansion of military budgets. The surprise is the magnitude of the decrease in support of nondefense R & D. This has occurred in the face of rising concern about the international competitiveness of our industries and the need for increasingly innovative U.S. technology. One response to these concerns was passage of the Economic Recovery Tax Act of 1981, which provided U.S. industry with a 25 percent annual tax credit for incremental R & D expenditures. Partly as a result, industry funding of R & D rose between 1980 and 1984 at about 6 percent per year in constant dollars.

There are fields of effort where contributions by industry are small or fragmented and where federal support of R & D is essential. These include health (other than drugs), energy, housing, agriculture, environmental protection, and natural resources. Basic research, which supplies the fundamental knowledge on which industrial R & D builds, also requires federal support, since industry's contribution is slight.

Will the pressure for increased military R & D ease soon? The answer is almost surely no, since large increases in budgets for the military are proposed for the next several years, and there is no reason to expect the fraction for R & D to decrease. The most likely future is intensified pressure on all other federal budgets, including those for R & D. What then is to be done to obtain more adequate federal support for civilian R & D? Three efforts suggest themselves: develop more persuasive arguments to federal agencies and Congress on the need for more support for R & D in nonmilitary areas; emphasize the need for more basic research, particularly in areas that supply the scientific base for our industries; and urge greater effectiveness in the federal government's civilian R & D support programs, with less emphasis on such research spectaculars as the Manned Space Laboratory and tighter constraints on the burgeoning expenditures for military R & D.

Scientists and engineers have a particular responsibility to understand these problems and make their recommendations known. What is at stake is the future prosperity of our nation.—F.A. Long, Program on Science, Technology, and Society, Cornell University, Ithaca, New York.●

A TRIBUTE TO FIVE OUTSTANDING GREEK AMERICANS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. PORTER. Mr. Speaker, on Sunday, March 18, the United Hellenic Voters of America will be holding their fifth annual banquet to honor five "Most Distinguished Greek Americans." In recognition of this auspicious occasion, and as honorary chairman of the dinner dance at which they will be honored, I offer my colleagues my thoughts on the achievements of these men in particular, and the outstanding contributions to our country of the entire Greek American community.

The five men to be honored on Sunday represent five diverse professions: law, government, education, medicine, and engineering. I am certain that in many ways, their life experiences have been very different. However, they share a common heritage and a set of beliefs shaped by the high ethical, moral and familial values of the Greek American community in Chicago. While these common values are not unique to Greek Americans, their continuing belief in these values, and the outstanding achievements of Greek Americans which have resulted, can help all Americans to strengthen our Nation by drawing on the best lessons of the past.

Of course, teaching the world important lessons is nothing new for the Greeks. It is fitting that the five professions through which Sunday's honorees have attained their outstanding achievements were all virtually founded in the land of their forebears. And perhaps more importantly, the ancient Greeks were the first and in many ways the most profound of the world's teachers on the subject of man and the ethics of civilization. After all, it was their striving for understanding of the world around them that built the foundation upon which rests the free world as we know it today. The contributions to civilization resulting from the Greek emphasis on the importance of higher education, discipline, creativity, and philanthropy were unmatched for more than a thousand years after the golden age of ancient Greece. We Americans have been among the most fortunate recipients of this ancient legacy, not only as the world's strongest and most prosperous democracy, but also because of the ongoing Greek American contributions to the betterment of the American way of life.

For this reason, I urge all my colleagues to join me and the United Hellenic Voters of America in paying respect and tribute to this year's five "Most Distinguished Greek Americans." They are: Judge Arthur C. Perivolidis, a respected associate judge of the circuit court of Cook County; Nicholas B. Blase, who has been reelected for five successive 4-year terms as the mayor of the Village of Niles; Dr. Joseph A. Kariotis, general superintendent of the Queen Bee Public Schools in Illinois; Dr. Alexander A. Constantaras, chairman of the section of opthalmology at Saint Francis Hospital and until 1979 the division chairman of Cook County Hospital; and John G. Barthalomew, owner of J. Barthalomew Engineering Co. president of Semplex Forms System Co., and vice president of both the White Stokes and Roy Wilson Manufacturing Co., and a noted leader of the Greek Orthodox Church in the Chicago area.

I join their families and friends who will assemble on Sunday in their honor and offer these words with my best wishes for continuing success and achievement to these five outstanding Greek Americans who have contributed to the legacy of excellence of the Greek community in America.●

HISTORIC PRESERVATION

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. BRYANT. Mr. Speaker, I recently received and was greatly impressed by an article by Mr. Clifton Caldwell, president of the Historic Preservation League of Dallas, about the recommendations of the President's private sector survey on cost control in the so-called "Grace Report" and the effort to preserve noteworthy elements of our history.

The article, which was prepared for "Historic Dallas," the Historic Preservation League's newsletter, deserves the attention and consideration of Members of the Congress.

The text of this sensible analysis follows:

NOTES FROM THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

(By Clifton Caldwell)

President Ronald Reagan is deregulating the federal government, cutting red tape for the citizen and eliminating unnecessary government controls. Hooray!

In the field of historic preservation, however, we run into a curious anomaly: The National Historic Preservation Act of 1966 established the Advisory Council on Historic Preservation (ACHP) to review and to advise the President and Congress on federally-assisted projects which might affect structures, sites, or areas that are deemed eligible for the National Register of Historic Places. Therefore, the ACHP is a restraint on federal agencies; i.e., a restraint on those who need it the most.

Now certain federal agencies are attempting to apply the deregulation effort to the ACHP; they, like the people, don't want to be controlled. The recently released "President's Private Sector Survey on Cost Control," commonly called the "Grace Report," claims that the ACHP costs the government $40 million annually, $132.4 million over three years. I have reviewed some of the documentation concerning the ACHP which was considered by the Grace Commission and found it to heavily favor the material supplied by the larger federal agencies. In this material were 100 "horror cases," in which the ACHP is charged with creating costly delays in federal projects. A close study of these cases reveals that out of 100 cases, the ACHP was culpable in only four. Curiously enough, many projects resolved by alternate solutions saved the taxpayers many millions of dollars, but this documentation was not presented to the Grace Commission.

The federal agencies probably do spend $40 million a year trying to defeat historic preservation efforts. I was recently involved in two cases which are indicative of the problem.

In Mobile, Alabama, the Federal Highway Administration was determined to build a highrise highway separating a historic area of the city and the historic waterfront district. In San Francisco, funds are currently being sought to dismantle a similar elevated roadway called the Embarcadero Freeway, and the elevated JFK Expressway in Boston is also being considered for removal if Mr. Tip O'Neill can find the money. So the ACHP, in the Mobile case, probably has cost the Federal Highway Administration many thousands of dollars telling them what they would have heard had they listened to the people of Mobile: Don't build the highway through our precious historic heritage.

The second case, in Charleston, South Carolina, involved the desire of the General Services Administration (GSA) to build a new federal courthouse in close proximity to numerous buildings that were built in the 1700s. These buildings are very fragile and could not stand vibrations from the pile driving that would be necessary for construction of the new facility. Several of the seventeen properties in Charleston that are National Historic Landmarks stand within one block of the proposed building, including one of the oldest churches in the U.S.

The problem in Charleston is not whether they need the extra space, as they definitely do, but rather why the GSA spent thousands upon thousands of dollars engineering and designing before learning that no one wanted the building where the GSA planned to put it. So the ACHP is blamed for costing the GSA thousands of dollars.

At the end of February, a meeting will be held in Atlanta for the ACHP to investigate another grandiose project of the federal government—the building of a four-lane parkway to enable the scholars to travel between Emory University and Jimmy Carter's future presidential library with minimum distractions. This highway will pass through a historic portion of Atlanta, destroying an early urban neighborhood design of Frederick Law Olmstead. If our recommendations are negative, possibly the highway won't be built, possibly the library will have to be redesigned for another site, possibly we will cost the government another $40 million, possibly someone wasn't listening to the wishes of the people of Atlanta earlier.

The Administration wants to get the government off the backs of the people. Would the country also be well served by getting the people, in the form of the ACHP, off the backs of the government? What do you think?●

MEDICAL MISSION TO EL SALVADOR

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. CONTE. Mr. Speaker, the House will soon consider the massive foreign aid package for Central America recommended by the Kissinger Commission and submitted to the Congress by the President. Human rights considerations will surely be a focal point of the debate on this issue. In the report to the President, the Kissinger Commission specifically—

> Recommended conditioning military assistance to the Government of El Salvador on the progress in the effort to bring the death squads under control (p. 86).

Human rights abuses by Government-related groups and the leftist rebels are widely reported in the press and by fact-finding missions to that troubled country. One such fact-finding group, a medical mission to El Salvador, went to that country in January 1983. These medical professionals toured the country to assess the state of the Salvadoran health care system and the impact of the war on the civilian population. Their findings were not encouraging. There was significant persecution of health care personnel, widespread threats to public health and a degradation of the country's public education system.

At this point in the RECORD, Mr. Speaker, I will submit a special report that appeared in the New England Journal of Medicine on April 28, 1983. The report was entitled: "Medical Mission Report on El Salvador." I encourage my colleagues to review this report.

The report follows:

SPECIAL REPORT—MEDICAL MISSION REPORT ON EL SALVADOR

(By Alfred Gellhorn, M.D.)

Alarmed by reports of the harassment, murder, and disappearance of doctors, dentists, nurses, members of the medical faculty, social and physical scientists, and members of related health professions, the National Academy of Sciences, the Institute of Medicine, the American Association for the Advancement of Science, the New York Academy of Sciences, and the International League for Human Rights cosponsored a medical mission[1] to San Salvador. The mission's purpose was to determine the fate of those professionals and to assess the impact of conditions in El Salvador on medical institutions and on the health of the people.

From January 11 through January 15, 1983, we spoke with people from a wide range of backgrounds: government officials, the archbishop and others in the Catholic Church, members of the International Committee of the Red Cross, officials in the Ministry of Health, members of nongovernmental human-rights organizations, political prisoners, and numerous private citizens, including the families of victims. We also visited four places of detention for political prisoners, two refugee camps, and the public maternity hospital (Maternidad). Wherever we turned we found the chilling effects of the ever-widening devastation to health and health care that has been caused by the breakdown of education, the slashing of budgets for national health programs, and the repression of human beings by the systematic use of terror in ways that are hideous and frightful.

The persecution of health personnel is real. It began in 1979 and intensified through 1981, when a group of doctors, nurses, and medical students protested the killing and kidnapping of patients and doctors in hospitals—sometimes even during surgery. Retaliation against this group by death squads, suspected of being government forces, was swift and brutal. The group's members, "disappeared," or fled to avoid death, or were killed.

We came to El Salvador with a list of 20 health workers and scientists who had disappeared in the previous 12 months. Our investigation revealed that only seven could be accounted for: four were in prison, two had been freed, and one was confined to a mental hospital outside the country. There was no trace of the other 13. Moreover, while in San Salvador we were given documentation on the disappearance of 20 additional health workers during 1982. From frightened families and colleagues we also learned of a number of other physicians, nurses, and paramedics who had disappeared or been killed. Since merely notifying the Church and independent human-rights groups of a relative's disappearance can jeopardize the whole family, statistics on disappearances are minimal.

Early in our visit we interviewed the colonels who command the two branches of the security forces—the National Police and the Treasury Police—and the information we gained was unsettling. We learned that there was no central registry of arrests or of the disposition of those who were arrested and no sharing of information between the two armed police forces; they therefore had no knowledge of the persons whose names we gave them. At our request we were shown the detention facilities where political prisoners, including the four medical students on our list, are held for up to 15 days or longer. At the National Police headquarters we walked along a row of foul, pitch-black, steel-barred cells furnished with only a concrete bench and a hole in the floor for a latrine. Led by Colonel Lopez Nuila, the commander of the National Police, and followed closely by two guards with M-16 rifles, we were forbidden to speak with or examine the dirty, haggard political prisoners.

In July 1982, the International Committee of the Red Cross threatened to leave El Salvador because of its growing concern over human-rights abuses by the Salvadoran armed forces—particularly their practice of not taking prisoners alive. Officials of the International Red Cross told us that, although these problems have not been resolved, they have decided to remain in the country because, on balance, they believe they are a force for decent human behavior.

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[1] The participants were Alfred Gallhorn, M.D., visiting professor, Harvard School of Public Health; Robert Lawrence, M.D., director, Department of Medicine, Cambridge Hospital; Kathie McCleskey, American Association for the Advancement of Science; and Nina Shea, J.D., International League for Human Rights.

Health and health care in El Salvador have suffered since 1979 even more than would have been expected in a poor developing country. The rate of endemic diseases is rising dramatically, as social programs are sacrificed so that funds can be allocated to the military. Infant mortality is climbing, the rate of suspected tuberculosis (unverifiable because of a shortage of x-ray film and equipment) is increasing, and there is a high prevalence of measles, diphtheria, and polio because there are no toxoids or vaccines. Malnutrition and skin and intestinal-tract parasites add to the toll.

The Ministry of Health has suffered a 50 percent reduction in its budget during each of the past two years and is finding it difficult if not impossible to provide adequate staff and medical services for the 6,000 beds under its jurisdiction. We visited the only public maternity hospital in San Salvador, a facility that has 75 deliveries each day but only 263 beds. The patient turnover is very rapid, but even so, up to three women are assigned to a single bed. Premature births are common, but none of the bassinets for premature babies is functional. The x-ray equipment is obsolete, there is no x-ray film, and the pharmacy shelves are thinly supplied; the anesthesia equipment is outdated and unsafe, but it is used for the 5 to 10 cesarean sections that are performed daily. Dr. Roberto Rivera Martelli, a senior obstetrician who was our host at the hospital, and a man deeply committed to the care of the poor, was taken from this clinic on February 10 (less than a month after our visit with him) by three armed men in civilian clothes and has not been heard from since. Since then, cables have been sent to our embassy in San Salvador and to the colonels who head the National and Treasury Police by our sponsoring organizations, members of the U.S. Senate, the Human Rights Division of the State Department, and individual U.S. citizens, but Dr. Rivera Martelli remains "disappeared."

The public educational system in San Salvador is in disarray. The large number of schoolteachers and members of the university faculty (including medical-school professors) who have disappeared, been imprisoned as political prisoners, or fled the country has depleted the educational establishment. No professors of basic medical science remain. All entrances to the National University have been sealed for the past two years, and the principal laboratory building located outside the university grounds has been gutted by the military so that only external walls remain. No students have been admitted since the closing of the university. In the past semester, medical students in the last two years of the six-year course have been taught in storefronts and private homes by a few intrepid professors, but the complete absence of equipment, books, medical journals, and demonstration materials makes this valiant effort doomed. The devastation is both physical and intellectual.

Our group visited two facilities for political prisoners that are operated by the Ministry of Justice: Ilopango for women and Mariona for men. We were permitted to interview the inmates alone and without time restriction. Medical care in the women's prison is provided by a recent graduate of medical school who devotes a few hours a week to the prison as just one of his four jobs. Medical records are inadequate and incomplete. Prescriptions for medications are usually not available in the prison medical facility, so they are disregarded; if the prisoner is fortunate, her family may obtain the medicine. In both prisons the political prisoners have established their own health facility using minimal supplies of drugs and first-aid materials.

Few prisoners have been tried and convicted. The medical students we saw in Mariona, the men's prison, had been there for two years—and others had been there for as long as four years—without appearing before a judge. However, the prisoners told us that they were the lucky ones. They were alive and probably would not disappear—no matter that they were being held indefinitely without due process.

In summary, we found direct and indirect evidence of frightful violations of human rights, and we found fear among private citizens who feel unprotected in a lawless society. We found that the health of the public has suffered, that medical education, medical care, and medical facilities have been desperately depressed. How can one account for the willful dismantling of the university, including the imprisonment (or worse) of medical professors and practicing physicians and the physical destruction or sealing up of university buildings and the medical school? University personnel with whom we spoke ascribed it to the political liberalism or radicalism that is characteristic of a university campus, to the outspoken indignation of the medical profession at the atrocities and wanton killing of noncombatants and alleged subversives, and to the fear among those in power of middle-class intellectuals. Doctors and other health professionals meet many of the criteria for "disappearing."

We have returned to our affluent country shaken but eager to inform our colleagues, sponsors, and all who will listen that we can save many thousands of lives by protesting to the Salvadoran authorities disappearances and other human-rights violations. Physicians and other concerned persons can help privately by donating equipment and funds through such international relief agencies as the International Committee of the Red Cross and Catholic Relief Services. U.S. foreign aid must make abundant provision for such essentials as food, medicine, vaccines, medical equipment, teaching materials for students, and other forms of economic assistance. Aid to this war-torn country should emphasize life-giving sustenance rather than arms and military equipment.●

MEDICARE PHYSICIAN FAIR PAYMENT ACT OF 1984

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. ROYBAL. Mr. Speaker, I rise today to introduce the "Medicare Physician Fair Payment Act of 1984"—a bill which is strongly supported by those organizations representing the elderly of this Nation.

This bill requires physicians serving medicare patients to accept medicare's customary and prevailing rates as fair payment for medical services—often referred to as "medicare assignment." The bill prevents physicians from charging fees to medicare patients which exceed medicare's determination of reasonable charges.

In 1983, the average physician charge submitted to medicare was 23.1 percent more than what medicare considered reasonable. These excess charges totaled over $5.6 billion. Because medicare pays only reasonable charges, as much as $2.5 billion in overcharges becomes a burden on the elderly.

Less than 2 months ago, the Aging Committee conducted a hearing on the financial burden of health care on the elderly. I was greatly disturbed by the testimony of both health care experts and the elderly. Even with the help of medicare, the elderly are paying as much of their income for health care today as they did before medicare began in 1965. It is projected that by 1990 the elderly will be using even more of their income than today or in the premedicare period. This is totally unacceptable.

Unfortunately, the situation could get even worse. This administration is proposing even further cuts in medicare. Most of the savings would not come from excess in the health care system but from the pockets of the elderly who already pay too much.

This bill gives the Congress an opportunity to provide protection to the elderly. The bill would bar physicians from billing medicare patients directly. It would also limit doctors charges to fair payment rates determined by medicare. However, these rates would be set with input from physicians and the elderly.

We recognize that many thoughtful people are concerned that physicians will abandon the elderly if the Congress were to enact this bill. Therefore, we have included a provision by which participating hospitals are required to have physicians providing care in their facilities agree to accept assignment. We have also included a provision to create an advisory committee on physician reimbursement as a means to determine what is fair payment to physicians for different medical services. These provisions should help reduce the number of physicians abandoning the elderly and the medicare program.

Also, conditions have changed since the enactment of medicare. The elderly constitute a very large percentage of most physician practices. As the elderly increase as a proportion of the U.S. population, physican practices will be more oriented toward serving the elderly and physicians will become increasingly dependent upon their elderly patients. We also have an oversupply of physicians in this Nation and the result has been growing competition for medicare patients.

In the past few months, we have spoken with many physicians who agree that this is the right approach at the right time. I believe that very few physicians are likely to abandon the elderly. Those physicians who do abandon the elderly will incur the wrath of the elderly, the American public and their own profession. The physician profession is an honorable profession which will not abandon its obligations to its elderly patients.

I believe that this Congress no longer can afford to not take action while the elderly of this Nation increasingly suffer under the burden of rising health care costs. The elderly are both frightened and angry over the burden which has been placed on them. A recent survey found that two-thirds of the elderly feel that medical costs are outside their control. In another survey most elderly stated that if they could make one change in the health care system, it would be to contain health care costs. Finally, a third survey concluded that half of the elderly view the high cost of health care as the most pressing issue facing this country.

There should be no doubt where the elderly stand. The question is where will the Congress stand on the issue of fair payment.●

TRIBUTE TO ROY WILKINS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. BIAGGI. Mr. Speaker, earlier this week I was proud to join my colleagues in a display of admiration and respect for Roy Wilkins. Together with my colleagues we approved a bill, H.R. 3240, that authorizes the President to present on behalf of Congress a specially struck gold medal to the widow of Roy Wilkins.

As a key figure in the civil rights movement of the early 1960's, Roy Wilkins was an instrumental force in getting the Civil Rights Act of 1964 passed into law. Men like Roy Wilkins and Martin Luther King, Jr., will forever be remembered for their dedication to justice, civil rights, and peace. At this time I would like to say a few words in honor of Roy Wilkins.

Born on August 30, 1901, in St. Louis, Mo., Roy, along with his brother and sister, moved to St. Paul, Minn., where they were reared by their mother's sister and her husband. It was in St. Paul that Mr. Wilkins' remarkable career began.

As secretary of the St. Paul NAACP, Roy Wilkins was a delegate to the national NAACP convention in Kansas City in 1923. In 1931 Mr. Wilkins joined the national staff of the NAACP as assistant secretary. From 1950 to his election as executive secretary on April 11, 1955, he served as administrator.

It was as a member of the NAACP that Roy Wilkins became a national leader in the civil rights arena. Mr. Wilkins used his skills as an articulate spokesman who always sought peaceful, long lasting, and meaningful measures to advance the cause of civil rights. Roy Wilkins was a driving force behind the Civil Rights Act of 1964, and he was a major reason why the movement gained respectability and national support. He combined intelligence, reason, a sense of justice, and the American heritage of freedom to forcefully, yet peacefully get his message across.

The passage of the Civil Rights Act in 1964 did not mark the end of the struggle for the civil rights movement. The latter part of the sixties was a time of high tension and great violence. Despite the emotional and feverish pitch of the civil rights movement, Roy Wilkins remained committed to the principles of peace and he continued to work tirelessly on behalf of the civil rights movement. Greatly concerned over the increasing level of violence associated with the civil rights movement and the student movement on college campuses, Mr. Wilkins served as a member of the President's National Advisory Commission on Civil Disorders, 1967-68.

In 1967, he was given the Freedom Award by Freedom House in recognition of his dedicated service to the civil rights movement. In January 1968, he was awarded the Medal of Freedom by President Lyndon Baines Johnson, the country's highest civil honor. The multitude of other awards, medals, and honors that Roy Wilkins received in his lifetime were but a small indication of the greatness of the man.

At a time when many would have found it easier and safer to remain silent, Roy Wilkins had the courage and sense of duty to speak out for what he believed. Roy Wilkins began his crusade for civil rights in the 1920's against what seemed insurmountable odds. The road was long and hard but Roy's perseverence and incredible personal fortitude allowed the civil rights movement to prevail. In spite of the intense turmoil that arose during the late 1960's Mr. Wilkins did not waver in his support of peaceful means to convey the message of freedom and equality for all. Even after the tragic death of Dr. Martin Luther King, Jr., Roy Wilkins remained true to the principles that he and Dr. King had worked so hard to establish.

Roy Wilkins had a rare talent for mastering the powerful arguments for unpopular positions and he was able to translate those arguments into popular support. He persevered through the most difficult of times; throughout it all he never once retreated from his commitment to the cause of civil rights and peace. Roy Wilkins was a man of peace, a man of reason, and a man of immense courage and dignity. He set very high standards for himself, standards that he always lived up to.

The Civil Rights Act of 1964 stands as a symbol of Roy Wilkins' lifelong commitment to the principles of freedom, equality, justice, and peace. We, as Americans, owe so much to Roy Wilkins. By presenting a specially struck gold medal to his widow Minnie Wilkins, we here in Congress show our great respect and admiration for Roy Wilkins. I cannot think of anyone who is more deserving of this honor. Roy Wilkins dedicated his whole life to the very principles that made this country great. His many acievements in the advancement of civil rights are part of our Nations's illustrious history and will have a lasting effect on the future generations of this country.●

EFFECTIVENESS OF LABOR LAW ENFORCEMENT IN DETERRING ILLEGAL IMMIGRATION

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. MARTINEZ. Mr. Speaker, as you are well aware, a majority of the Hispanic caucus, of which I am a member, have endorsed H.R. 4940, a bill introduced by my colleague Congressman ROYBAL, aimed at immigration reform. The Roybal bill differs from the Simpson-Mazzoli bill in that it does not adopt employer sanctions. Instead the Roybal bill relies on a comprehensive enforcement of current labor laws as a primary method for stopping illegal immigration.

As a member of the Subcommittee on Employment Opportunities, I am very concerned with the negative impact of employer sanctions. Employer sanctions not only are discriminatory against "foreign looking" people, but they are also burdensome for businesses in that additional records on workers' documentation would have to be kept. This requires additional enforcement machinery to be set up the the Department of Labor and additional recordkeeping machinery to be set up by businesses, some of which do not have the resources to do so.

The National Council of La Raza has written a policy analysis on the effectiveness of labor law enforcement in deterring illegal immigration. It raises serious questions about employer sanctions and I would like to insert it for the record.

The analysis follows:

I. INTRODUCTION

The immigration debate is heating up in light of imminent action to be taken by the House with regard to this issue. Proponents of the Simpson-Mazzoli bill have attacked the enforcement provisions of the alternative legislation that has been introduced by Congressman Roybal. The Roybal bill (HR 4909) relies on a wide spectrum of labor law enforcement rather than employer sanctions as a means to curb illegal immigration. Since labor law enforcement has long been posited as an alternative to sanctions, arguments and responses should be clearly defined so that the debate is founded on substantive rather than rhetorical grounds.

II. ARGUMENTS

The Federation for American Immigration Reform (FAIR) and others have argued against the effectiveness of labor law enforcement in the following manner:

A. Immigration and Naturalization Service (INS) data show that about 70% of aliens apprehended report receiving the minimum wage or higher. Therefore, enforcement of labor laws will not reduce employers' incentives to hire the undocumented.

B. Labor law enforcement has been tried before and it doesn't work. A 1981 GAO study concluded that the Department of Labor's (DOL) 1977 program to deter the use of the undocumented by enforcing labor laws was ineffective, and that employer sanctions were needed to stop the hiring of unauthorized workers.

C. Labor law enforcement will, even if effective, fail to cover all firms. Unless all, or most, firms are covered, aliens will still find jobs and illegal immigration will continue. It has been argued that anything short of sanctions will not be effective in stemming the flow of the undocumented workers.

Proponents of the Simpson-Mazzoli bill argue that removal of the Texas proviso and a clear, definitive ban on the hiring of undocumented workers is the only means of effectively reducing illegal immigration.

Proponents of the Simpson-Mazzoli bill argue that labor law enforcement, while helpful, is neither broad enough (in terms of coverage of employers) nor specific enough (in terms of making it illegal to hire undocumented workers), to be effective.

The arguments may seem persuasive at first reading, and there is some evidentiary support for them. However, they are by no means definitive or exhaustive. The following responses rebut the above-mentioned arguments.

III. RESPONSES

A. Whether undocumented workers receive minimum wages or higher:

1. The 70% figure is by no means definitive. First, previous studies have shown much lower wage rates for samples of the undocumented than the INS data (See, North-Houston Study, 1976). Second, it is widely known that INS is concentrating its enforcement efforts on those industries that have "jobs Americans want," i.e., those that tend to pay relatively high wages; thus, INS' data are skewed to reflect these higher wages. Finally, little is known about the reliability of the INS data. It is possible that apprehended aliens are attempting to protect their employer so that their jobs will be open if they return.

2. Enforcement of labor laws goes far beyond minimum wage enforcement. The Roybal bill covers all wage-and-hour violations including the failure to pay overtime, OSHA, and National Labor Relations Act. Violations of these laws save employers as much—if not more—than minimum wage violations. The 1979 DOL Noncompliance Survey found, for example, that violations of overtime provisions were more common than minimum wage violations of overtime provisions were more common than minimum wage violations (21.1% vs. 4.9% of the surveyed firms). Moreover, overtime violations resulted in underpayments of $11.2 million; violations of the minimum wage resulted in only $3.9 million in underpayments. The Roybal bill is more comprehensive in that it attacks a wide spectrum of labor law violations which save employer sizeable amounts of money. By enforcing labor laws and preventing violations, the Roybal alternative kills the employers' incentive to hire the undocumented rather than citizens or legal residents.

3. There is documentation that industries that hire large numbers of undocumented do so to avoid compliance with various labor laws. A study by the International Ladies' Garment Workers Union showed that garment manufacturers can save up to $5,000 per worker per year by violating labor laws. (See, Sol C. Chaikin and Phil Comstock, "Toward a Rational Immigration Policy, "The Journal, The Institute for Socio-economic Studies, Spring 1982.)

B. Whether labor law enforcement is effective in deterring the use of undocumented workers:

1. The 1981 GAO study indicated that DOL's 1977 program was based on complaints by workers. Because of the fear of arrest and deportation, the undocumented tend not to complain about mistreatment. The Roybal bill provides for a self-directed program, and targets industries based on research into which sectors of the economy have high rates of employment of undocumented workers.

2. The 1977 DOL program referred establishments with suspected undocumented workers over the INS. This not only deterred employees from reporting labor law violations but also reduced the incentives for workers to cooperate with the DOL program. The Roybal program would not have any INS involvement and should, therefore, have greater cooperation from workers.

3. Under the Fair Labor Standards Act (FLSA), DOL collects back wage judgment due employees only when the Government has instituted wage suits against employers. However, any back wages due an employee who cannot be located are retained by the employer. In other words, the program had no teeth since even if the employer was found to have violated labor laws, he/she faced no monetary loss if the employee could not be found. Because of their desire to remain undetected, many undocumented workers who are due back wages cannot be located, and the employers retain the back wages. Under the Roybal bill, payment would be made to the Treasury if the affected worker could not be located.

4. The lack of penalties for record-keeping hampered enforcement and evaluation of program effectiveness. The FLSA requires employers to keep records that enable DOL inspectors to verify compliance with wage and hour laws. Because there are no penalties for failure to keep records, and because employers could keep erroneous or incomplete records, detection of violations is made more difficult. Record-keeping is said to be especially important in detecting overtime violations, and the lack of record-keeping by employers was cited as one reason for limited program effectiveness. The Roybal bill establishes a new $10,000 penalty for failure to keep proper records, and will, therefore, be more effective in detecting violations.

5. The DOL program was understaffed, and backlogs of cases hindered program effectiveness. The old program included 225 compliance officers, and in many respects, operated as an extension of DOL's regular enforcement program. The Roybal bill, on the other hand, provides for 600 compliance officers operating in a separate unit.

C. Whether labor law enforcement alone, without sanctions, will halt the influx of illegal immigration:

It must be emphasized that the Roybal bill not be compared to the ideal, rather abstract notion of sanctions, but to the sanctions program as written in the Simpson-Mazzoli bill and as they are likely to be enforced in the real world. When this comparison is made, sanctions look less effective, and the Roybal bill becomes even more credible. Specifically:

1. There are many exceptions in the Simpson-Mazzoli bill which decrease the coverage, and presumably the effectiveness, of employer sanctions;

Employers with three or fewer employees are exempted from the verification and recordkeeping requirements under the Senate bill;

Employers hiring workers on a day-to-day or casual basis are similarly exempted in the House bill;

Agricultural employers have the 3-year transition program under which they may continue to use undocumented workers in the House version; and

All employers are exempted from verification and recordkeeping in the House bill until their first violation (Kindness amendment).

Given these exceptions, the sanctions program in Simpson-Mazzoli cannot be credibly described as broad, and is certainly less credible than sanctions in the abstract. The Roybal bill will target industries that are most likely to hire and exploit the undocumented. In terms of coverage, there appears to be little actual difference between the two bills.

2. Sanctions have simply never worked anywhere else. They have failed in:

Other countries. A 1982 GAO study of sanctions laws in 19 other countries and Hong Kong concluded that they had been ineffective.

States. Twelve states now have sanctions laws on the books, and none of them have been effective (thus the alleged need for a federal sanctions law).

Agriculture. The Farm Labor Contractor Registration Act includes an employer sanctions provision. This has apparently not worked since agricultural interests got the transition program, an expanded H-2 program, and the Panetta amendments all because of their dependence on undocumented workers.

One state with a sanctions program (California) has abandoned it in favor of what it calls the Concentrated Enforcement Program (CEP) which targets labor law enforcement on firms using large numbers of undocumented workers.

3. Labor law enforcement is more cost-effective than sanctions. Sanctions are very costly in terms of the numbers of visits to employer worksites that will be made to verify compliance. With the same number of compliance officers (600), between 3.5 and 6 times as many employer worksites can be checked under the Roybal bill than under employer sanctions.

Per the HR 1510 Report (Judiciary), INS will be able to make 10,000 worksite visits and detain 16,000 individuals under the authorized funding level of HR 1510. This is to be accomplished with about 600 investigation officers. (See, Rpt. 98-115, p. 102). This translates into 16.7 worksite visits per investigative workyear and about 26.7 persons detained per workyear.

Under the envisioned Roybal alternative, it appears that enforcement of FLSA and OSHA will be much more cost-effective. For example, DOL estimated in 1982 that with 612 compliance officers it would make about 63,000 inspections. This translates into 102 inspections per workyear, or more than six times the efficiency of sanctions. For OSHA, in Fiscal Year 1983, with 1200 inspectors, 68,577 inspections took place. This translates into an efficiency of about 57 inspections per workyear, or about 3.5 times the efficiency of sanctions. (Se, Rpt. 97-909, p. 4). The apparent reason for the fewer visits per inspector under OSHA is that OSHA requires actual physical inspection of the workplace, whereas detection of FSLA violations can take place with inspections of records and worker interviews.

The reasons for the vast difference between sanctions and labor law enforcement are threefold:

The physical and administrative machinery for labor law violation enforcement is already set up and operating. New machinery would have to be set up for sanctions.

Similarly, significant economies of scale would be achieved by adding to existing enforcement, since each added increment of enforcement under existing laws would require only modest increases in administration. Under sanctions, the added enforcement would entail substantial administrative and logistical expenses (aside from start-up costs).

Finally, sanctions will apparently require inspection of the documents of suspect employees and the appropriate records. In addition, because sanctions are focused on violations with respect to individual employees, and since detention of undocumented individuals will have to take place, they are much more time consuming than wage and hour violation, where a compliance officer can issue a citation on the spot.

IV. CONCLUSION

To the extent that deterrence is based on fear of detection, we can expect that the enforcement provisions of the Roybal bill will be more effective than employer sanctions as contemplated under the Simpson-Mazzoli bill. In addition, unlike employer sanctions, the Roybal bill will not create employment discrimination against "foreign-looking" persons, and will extend additional labor protections to many citizens and legal residents that are employed in the affected industries. Furthermore, labor law enforcement is less burdensome on business enterprises (whether large or small) because compliance will be determined by the records that are required to be kept under current law, whereas sanctions would require business concerns to collect new records such as workers' documentation.●

ST. FRANCIS HOSPITAL AND COMMUNITY HEALTH CENTER SALUTED ON ITS 120TH ANNIVERSARY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. GUARINI. Mr. Speaker, a very special anniversary celebration will take place during the month of April, saluting the St. Francis Community Health Center, which began 120 years ago with the arrival from Europe of three Franciscan Sisters of the Poor.

The trio of nuns, who had no friends, no money, no housing, and could not even speak English, began an institution which is respected and renowned throughout the metropolitan area.

St. Francis Hospital in Jersey City, N.J., will be celebrating its 120th anniversary during the week of April 9 to April 13, 1984. One cannot help but be impressed when viewing this modern, 254-bed hospital housed, along with its supportive services, in an attractive complex of five buildings in the revitalized, historic Hamilton Park section of the city. But one is even more impressed when he learns of the humble origins of this leading health care institution.

To discover its origins we have to go back to 1864, a time when Jersey City was ravaged by a host of diseases (including a recent cholera epidemic), overcrowding which had doubled its population in 4 years, and the disastrous social consequences of the brutal Civil War. This depressing picture appears even bleaker when one considers there was no hospital to ease the suffering.

Through a fortuitous happenstance, a Jersey City clergyman named Father Pierre Domenique Sanez, pastor of St. Mary's Parish, met a remarkable woman during an Atlantic crossing. She was Mother Frances Shervier, founder of the Franciscan Sisters of the Poor, an Order which had recently arrived in America and was already operating St. Mary's Hospital in Hoboken.

Mother Shervier was so moved by Father Sanez' description of conditions in Jersey City, she sent four representatives of the order to tackle the enormous task. They arrived on April 5, 1864, and were literally as poor as the people they had come to help. But with unbounded faith, and the help of Father Sanez and the Halliard family, they were able to take over a small, two-story, frame house and within a week, began caring for sick women and children there.

Funds were so low the nuns had to beg from door to door for food and supplies. But they persevered and by June they were operating a 12-bed hospital with a dormitory of homeless girls in the basement. By December they were able to purchase a larger house which allowed them to tend 25 to 30 patients and several dozen orphans.

In 1868 Father Sanez built a new rectory and gave the old structure to the sisters. But even this could not keep pace with the city's growing needs, so the sisters, through the generosity of grateful community leaders, began purchasing land at the intersection of Pavonia Avenue and East Hamilton Place.

By 1871 their tireless efforts resulted in the completion of a 100-bed hospital and the organization of the first regular medical staff of four physicians and four surgeons. On of the more prominent members of the staff was Theodore R. Varick, M.D., one of the ablest surgeons in New Jersey at that time.

Although these new quarters were now large enough to allow for the treatment of male patients for the first time, the medical staff insisted an even larger, more efficient facility was required. So once again an expansion program was undertaken and brought to fruition in 1889.

The new hospital was an attractive, Gothic-style structure five-stories tall with room for 250 beds. It could boast of such modern features as steam elevators and two operating rooms (one for men, the other for women) furnished with the latest imported (Vienna) aseptic operating tables. There was also an accessory building for a boiler and engine room, laundry, stables, and morgue.

By 1890 St. Francis Hospital was the largest institution in the city treating more patients than all other hospitals combined. As late as 1914 it was the second largest institution in Hudson County and the fourth largest in the State.

Since then it has written a history of continuing growth. In 1923 it opened a school of nursing which graduated its first class of five seniors in 1925. In 1929 a 3-year diploma program was approved by the New Jersey Board of Nursing. The hospital proper was enlarged in both 1928 and 1930.

A new wave of construction was launched with the erection of a new six-story home for the nursing school in 1960. It includes three floors of residences, an extensive library, nursing laboratories, and classrooms and lecture halls. It is affiliated with St. Peter's College in Jersey City.

The hospital's six-story Main Pavilion was erected in 1974 and the 10-story Franciscan Pavilion in 1981. A modern emergency room was added a year later. Other buildings include the Halligan Pavilion (1930) which houses chiefly physicians' offices and a three-story parking garage.

Facilities include a 12-bed intensive care unit plus a self-contained 5-bed coronary care unit. The operating room is actually a nine-room suite which includes four major surgery rooms, three specialty rooms, and recovery rooms. There is also a 31-bed pediatric unit and a self-contained, 17-bed psychiatric unit. Recent advances in patient care include the opening of a progressive care unit and development of a special nutritional support unit.

Other facilities include a modern speech and hearing center, an inhalation therapy center and a fully-stocked pharmacy. Its EEG, EKG, X-ray, and ultrasound departments are among the best available. St. Francis offers some of the latest equipment available, such as a C-arm and arthoscope, and has taken a pioneering step into the computer age with the installation (in a joint venture with St. Mary Hospital) of an Infocare Computer System, the first to integrate patient care and financial information on a single data base.

Among its special services, St. Francis offers the O'Regan Sports Medicine Center where dancers and athletes can receive treatment for various ailments related to their work. Other such services include cardiac stress testing, Holter Monitoring, digital radiography, speech and hearing tests for industry and community groups, pulmonary function tests, and outpatient laboratory and radiology services.

St. Francis also operates a day care center available to both employees and community residents. A chapel, coffee shop, and new gift shop are to be found in its main pavilion.

St. Francis places a heavy emphasis on community involvement, a commitment which is reflected in its volunteer program, its work with local civic groups, and its participation in work-study programs with local colleges.

As it celebrates its 120th anniversary, St. Francis can look to a bright future as part of the Franciscan Sisters of the Poor Health Care System, Inc., which operates 15 health care facilities in six States. Charting its course are Sister Marilyn Fischer, S.F.P., president of the Franciscan Sisters of the Poor; Sister Joanne Schuster, S.F.P., president of the Health System; Thomas A. Schember, president and chief executive officer of St. Francis; and James F. Boylan, chairman of the St. Francis Board of Trustees.

This future is sure to include serving a revitalized, expansive Jersey City with everything from the latest medical equipment (such as the CAT scan for which it recently applied) to an expanded program of outpatient services and industrial testing.

It was my pleasure working with the leadership of the Franciscan Order to arrange an unveiling of the St. Francis of Assisi stamp marking the 800th anniversary of his birth. This ceremony, attended by more than 300 religious and community leaders, was held at St. Francis Community Health Center on October 3, 1982. I was pleased to arrange and take part in this ceremony as a tribute to the spiritual and teaching leadership of St. Francis, which continues its tremendous effect in the world today. His love for animals, our environment, and his work among the poor has deep impact today as it pertains to the needs of America's elderly, its sick, its handicapped, its disadvantaged, and its underprivileged.

The work of St. Francis and the Franciscan priests and nuns in Hudson County is monumental, being continued at St. Francis Community Health Center, which we honor today.

I am sure that all my colleagues here present in the House of Representatives wish to join me in this well-deserved salute.

Truly, the leadership of the St. Francis Community Health Center, its doctors, nurses, and indeed all its personnel echo the words of Thomas A. Dooley who said:

> We believe we can win the friendship of people only by working beside them, humans-to-humans, toward goals they understand and seek themselves. Our instrument for this shall be medicine.●

MERGER MORATORIUM BILL INTRODUCED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. FLORIO. Mr. Speaker, I have introduced today the Basic Industries Merger, Acquisition, and Joint Venture Study and Moratorium Act. The bill would halt certain mergers and joint ventures for a period of time, particularly in the oil and automobile industries, so we can evaluate the current merger wave and determine whether a long-term legislative response is necessary.

Anyone who reads the newspaper is aware that we are riding the crest of one of the greatest merger waves in American history. But it is more than a merger wave. We may be witnessing a thoroughgoing restructuring of American industry, with potentially dramatic impact on our economy, Government, and society.

The wave of multibillion dollar oil mergers has caught the public's attention. It has raised urgent questions about the desirability of these mergers, their causes, and their consequences.

Are we watching the energy lifeblood of our industrial might dripping away as talent and resources are poured into financial manipulation and the search for ever-greater tax advantages? As tens of billions of dollars are tied up in merger battles and companies are mortgaged in the parry and thrust of takeover struggles, are we allowing a process that is destroying the incentive to explore for oil, distorting capital markets, and pushing up interest rates? Are we permitting a rising concentration of crude resources in a few hands so that in a moment of foreign crisis and oil cutoff, military and foreign policy options could be jeopardized? And where in all this are the antitrust enforcement agencies? If they view the oil industry as sufficiently decentralized that mergers do not trigger antitrust enforcement, is there something wrong with the antitrust laws, or with enforcement, or is something required that goes beyond antitrust?

The oil industry megamergers have caught our attention. But they are not the whole story. The Federal Trade Commission has given a tentative green light to a production joint venture between General Motors and Toyota—two of the giants of the worldwide automobile industry. Critics of the venture contend it is not only a plain violation of the antitrust laws, but part of a trend that will result in the export of hundreds of thousands of jobs. These critics say that by arranging for sophisticated input abroad, such ventures will leave the domestic auto industry with a shrinking base of low pay, low value jobs.

We are witnessing upheavals in industry after industry that have formed the foundations of our industrial might. In considering proposed steel industry mergers there has been a dramatic split within the administration, with controversy over the relationship between merger policy and trade barriers.

We need to know the implications of these events for national security, employment, competition, trade, and for the future of small business. We need to know the relationship between Federal merger policy and our energy, transportation, and other policies. We need to know the domino effect that consolidation in one industry may have on others.

Most fundamentally of all, we face the question of whether we are witnessing such far-reaching structural change that there is a threat to the future of free enterprise and free government. There is a point at which consolidation of economic power transcends the narrow analytical categories of classical economics and confronts us with fundamental social and political questions.

One might conclude that while we in Congress have been debating the pros and cons of "industrial policy," they have been rewriting the industrial policy of the country in the board rooms and the investment banking offices of America. To the degree that this involves determination of public policy on matters such as defense, employment, competition, and trade, there must be public accountability. The alternative is to discard what has previously been understood by the terms free enterprise and free government. Perhaps there are those who are comfortable with such a course; I am not.

Mr. Speaker, it is for these reasons that I have introduced the Basic Industries Merger, Acquisition and Joint Venture Moratorium Act. The bill would make unlawful certain conduct occuring after January 1, 1984 until 16 months after enactment of the act. It would prohibit mergers involving energy companies with reserves of over 100 million barrels of crude oil or gas. This means roughly the top 50 firms. The bill would also prohibit mergers and joint ventures among leading foreign and domestic automobile companies. The Federal Trade Commission could also designate other industries in which the wave of current mergers may have significant adverse effects and could subject such industries to the merger moratorium.

During the period of the moratorium, the FTC would have 12 months from the date of enactment to conduct a study in consultation with other Government agencies and to report to Congress and the President on issues and questions such as those I have raised in my remarks today. After the 12-month period, the moratorium would continue for another 4 months to give Congress an opportunity to formulate a legislative response if we determine one is called for.

I view this bill as a moderate response to a potentially radical situation. Without any preconception of whether major legislation would emerge from this moratorium or what form it might take, I am only urging that we pause to reflect and study and debate. The alternative is to accept Emerson's dictum that "Things are in the saddle, and ride mankind." That is not my idea of self-government.

On March 21, in joint hearings, my Subcommittee on Commerce, Transportation and Tourism, along with the Subcommittee on Fossil and Synthetic Fuels, will begin the process of discussing these issues. I hope that all Members of the House will join in seeking a consensus on the important issues involved in this debate.●

PHIL RIZZUTO IS RIGHT FOR THE BASEBALL HALL OF FAME

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. BIAGGI. Mr. Speaker, I rise today in search of the correction of an injustice which has been directed against one of the finest shortstops to play baseball for the New York Yankees or for any team: Phil Rizzuto.

Earlier this month the Hall of Fame Veterans Committee announced their selections for the Hall of Fame. They selected another fine shortstop who also played in New York, Pee Wee Reese. However they omitted Phil Rizzuto. I do not quarrel with the choice of Pee Wee Reese in the slightest. However, I like so many other New Yorkers who had the good fortune to see Phil play for the Yankees do vehemently object to the omission of Phil from the ranks of the Hall of Fame.

In this morning's edition of the New York Daily News the results of their sports opinion poll were announced. The question was: "Do you think Phil Rizzuto should be in the Hall of Fame?" Those responding "yes" totaled 13,773; those who said "no" totaled only 612.

New York sports fans are among the most sophisticated in the entire United States. I therefore believe that the baseball establishment, whether it be the Hall of Fame Veterans Committee or some other entity, should reconsider their actions relative to Phil Rizzuto and give him his proper place in baseball history—the Hall of Fame.

Phil Rizzuto's 13-year career was replete with major achievements. This included being named the most valuable player in 1950, playing on nine pennant winning teams and seven world championship teams. Phil ended with a lifetime batting average of .273 in 1,661 games. He was the anchor for the fine infield which helped the Yankees to be the consistent winners that they were.

I believe that Phil Rizzuto has earned a place in baseball's Hall of Fame. So obviously do many New York baseball fans. So too might I add does former President Richard Nixon, whose letter to Rizzuto was covered in today's New York Daily News.

At this point in the RECORD I wish to insert both the letter from former President Nixon as well as an article written by Phil Pepe, a leading sports columnist for the Daily News, about Phil and the award he so justly deserves.

REESE IN, SO WHY NOT RIZZUTO?

(By Phil Pepe)

FT. LAUDERDALE.—What I want to be extremely careful about here is to make certain that this does not come out as a knock against Pee Wee Reese. It is hardly that. Pee Wee Reese was my boyhood baseball hero, the first name I recognized as a kid growing up in Brooklyn and rooting for the Dodgers.

Later, I remember long debates on street corners on who was the better shortstop, Pee Wee Reese or Phil Rizzuto. I campaigned for my man Pee Wee with great fervor, but I could later acknowledge that Rizzuto supporters had three strong arguments in defense of their man—Rizzuto hit for a higher lifetime average, .273 to .269; Rizzuto won a Most Valuable Player award, Reese never did; Rizzuto played on more championship teams.

These arguments were valid when I was a kid, and they were still valid Sunday when 18 members of the Veteran's Committee decided, behind closed doors, that Pee Wee Reese deserves to be in the Hall of Fame and Phil Rizzuto does not. Speaking as an old Dodger fan, and a Pee Wee Reese fan, I cannot understand their logic.

To me, Reese and Rizzuto are as close as two players can be, their careers an almost exact parallel of each other. They played against each other in the minor leagues, they played together in the Navy and their major league careers dovetailed one another. In all measurable departments there is little to choose between the two, except that Reese had better power statistics which can be attributed to the fact he played in a much smaller ballpark.

There is no way to measure the intangibles such as leadership, and Reese was the acknowledged leader of the Dodgers while Rizzuto would be hard pressed to surface as a leader on a team that had first Joe DiMaggio, then Mickey Mantle. But if the committee was looking for intangibles, how about the fact that Rizzuto overcame a great obstacle to star in the major leagues at his size?

What I sense in the vote is a strong anti-Yankee backlash. Curiously, there is not one member of the 18-man Veteran's Committee that has an affiliation with the Yankees, while there are three—Buzzie Bavasi, Roy Campanella and Burleigh Grimes—who are strongly identified with the Dodgers. Also, a great preponderence of the committee members have strong National League affiliation.

For years I have heard that the easiest way to get into the Hall of Fame is to have played in New York and to have remained in the game in some capacity that provides high visibility. Phil Rizzuto has done both, and still he hasn't made it. What's more, I heard from one source that he received only two votes, from another source that he received none. I find that inconceivable, but if it's true, I suggest the committee members go back and do their homework.

If Pee Wee Reese deserves to be in the Hall of Fame, then so does Phil Rizzuto. And if Rizzuto does not deserve to be in, neither does Reese. They are that close; so inseparable, in fact, that there was talk when Rizzuto failed to be voted in by the Veteran's Committee in his first two years of eligibility, that the committee was waiting for Reese to be eligible so as to put the two in together.

For Reese to make it in his first year of eligibility is a slap in the face to Rizzuto, who fought back his disappointment and reacted with typical class and dignity.

"I'm very happy for Pee Wee," Rizzuto said. "I wanted to send him a telegram, but I don't know where he is. He deserves it."

It was Rizzuto, in fact, who offered a reason why Reese might have made it and he didn't.

"He did a lot to help Jackie Robinson when he was breaking in," Rizzuto recalled. "They must have taken that into consideration."

That is a wonderful trait, to be sure. Pee Wee Reese is a fine and decent man, one of my few boyhood sports heroes who stood the test of time, but his decency alone is not enough to get him elected to the Hall of Fame. It certainly is not enough to keep Phil Rizzuto out.

"I always had the feeling I'd never make it," Rizzuto said. "But one thing I'm happy about . . . (pause) . . . and I choke up whenever I think of it . . . (pause) . . . every one of my children . . . (pause) . . . called me when they heard the news."

Making the Hall of Fame would be nice, but having that kind of relationship with your children, Phil Rizzuto believes, is more important. The man, at least, has his priorities right.

NIXON A SCOOTER ROOTER

(By Bill Gallo)

Even former President Richard Nixon agrees with Daily News readers that Phil Rizzuto belongs in the Hall of Fame.

The Scooter disclosed yesterday that he received the following wire at Yankee spring training headquarters in Fort Lauderdale: "Dear Phil,

You may not be in the Hall of Fame in the Baseball Writers' book—but you are in the hearts of millions of loyal Yankee fans. Please count me among them.

Sincerely,

RICHARD NIXON.●

INTRODUCTION OF THE PUBLIC EMPLOYEE PENSION PLAN REPORTING AND ACCOUNTABILITY ACT (PEPRA) OF 1984

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. ERLENBORN. Mr. Speaker, today my colleagues, Mr. WILLIAM CLAY, chairman of the Subcommittee on Labor-Management Relations; Mr. CARL PERKINS, chairman of the Committee on Education and Labor, and Mr. CHARLES RANGEL, chairman of the Ways and Means Subcommittee on Oversight, together with approximately 100 of our colleagues and I are introducing legislation which provides a rational approach to protecting the interests of plan participants, plan sponsors, and the public in connection with the investments and operations of State and local government pension plans.

When considered in tandem, the labor standards and amendments to the Internal Revenue Code contained in the two companion bills will, first, establish important rights and protections for the participants and beneficiaries in public employee pension plans; second, enable sponsoring governments, participants, and the taxpaying public to monitor the operation of such plans so as to reduce the likelihood of future financial crises; third, minimize the possible adverse impact of the operations of such plans on Federal revenues and expenditures; and fourth eliminate certain currently applicable provisions of Federal law which have been found to be inadequate or inappropriate.

The legislation required the disclosure and reporting of plan benefits, plan funding, plan financial operations, and other information. The proposal also establishes standards of conduct and responsibility for plan trustees and the other fiduciaries of public employee pension plans. Compliance is enforced through appropriate civil remedies and access to Federal and State courts.

The legislation amends the Internal Revenue Code to unconditionally exempt the assets of public pension plans from Federal income and excise taxes. In addition, the current provisions of the Internal Revenue Code relating to plan benefit structure—for example, the section 415 limitation on benefits and contributions, the social security integration rules, the pre-ERISA eligibility standards, and so forth—are made inapplicable to public employee pension plans.

Such provisions are now enforced only rarely or on a nonuniform basis and have the effect of unnecessarily putting plans and plan participants in tax jeopardy. The effect of this change will be to remove the Federal Government from intruding into the areas of public plan operation best left to the State and local discretion; that is, the setting of benefits and contributions.

Mr. Speaker, my colleagues and I firmly believe that it is the primary responsibility of State and local governments to set their own houses in order in the area of public pensions. However, as we know all too well, one of the weaknesses of our government structure is that we often act only in a crisis and then with too little information. I fear that State and local inaction could lead to a national crisis precipitating intrusive congressional action.

Political action at the State and local levels to correct the problem is not likely to happen unless there is complete and regular disclosure of the financial status of public plans to participants, taxpayers, and government decisionmakers alike. To this end PEPRA establishes reporting and disclosure requirements which are considered minimum requirements among accounting, actuarial, and other municipal finance standard-setting organizations. However, because we recognize the importance of preserving and encouraging State regulation of such plans, we have provided an exemption from the Federal reporting and disclosure rules in States where the Governor certifies that the law of the State sets substantially equivalent requirements.

The pressing need for improvement in the operation and administration of State local governmental pension plans has been well documented in numerous studies. A recent report to Congress by the General Accounting Office concluded that pension reform on the State and local levels is moving very slowly and that significant improvement is not expected any time soon. The report warns that many State and local government pension plans are not funded on a sound actuarial basis and are not setting aside sufficient funds to provide for estimated future benefits. It states that billions of dollars in unfunded liabilities have accumulated and, unless remedial steps are taken, these liabilities will increase. The report also establishes the Federal interest in sound funding, in that Federal funds are relied upon to meet State and local pension plan costs. The report recommends that Congress closely monitor the actions taken by State and local governments to improve plan funding.

Neither we, nor the public, nor retirees, nor active workers in many States and localities across the country are in a position to obtain adequate and accurate information about plan funding, plan operations, or plan participants' benefits and rights. The information is not available in many cases. In others, it is known, but not disclosed. These facts were well documented in our 1978 pension task force report on public employee retirement systems.

More recent studies continue to underscore the findings of the pension task force that serious deficiencies exist among public plans, that such plans do not operate in accordance with generally accepted financial and accounting procedures applicable to important financial enterprises, and that there is an incomplete assessment of true pension costs due to the lack of adequate actuarial valuations and standards.

The establishment of minimum standards of reporting and disclosure in accordance with the provisions in our PEPRA bill will better enable interested parties at the State and local government levels to speed up and strengthen their process of pension plan review. This should help participants clarify their benefit expectations and lead to the steps necessary to improve pension benefit security.

The pension task force report also demonstrated the second-class citizenship of public employees in States which have inadequate standards governing the conduct of the people who run their plans and invest plan assets. The report concluded that:

Often public plans are administered without the benefit of either statutory guidance or even written plan documents, creating open opportunities for abuse. At the other extreme, public pension plans may be enveloped in a maze of laws leading to conflicts, confusion, and the inadequate allocation of fiduciary responsibilities. The absence of a uniform standard of conduct applicable to plan fiduciaries inhibits the proper discharge by fiduciaries of their responsibilities, thereby hindering the proper operation of public employee retirement systems. Past breakdowns in the accountability of plan fiduciaries have led to favoritism and abuse in benefit determinations, failure to disclose information vital to the interest of plan participants, violations of the Internal Revenue Code, and even pension plan insolvencies. There is presently no uniform requirement that public pension plan fiduciaries manage and invest pension plan assets prudently and for the exclusive benefit of plan participants and beneficiaries or that such fiduciaries be held responsible for any loss resulting from a breach of their fiduciary duties. Because adequate safeguards have not been erected, conflicts of interest in many instances have been permitted to ripen into clear examples of fiduciary abuse, with resulting losses of pension plan assets and income.

Since the time of the publication of the pension task force report, little progress has been made by the States in clarifying or initiating fiduciary standards. Plans maintained at the State level in over half of the States still lack any statutory guidance as to general fiduciary standards. Our bill contains generally recognized standards of fiduciary conduct which will conform public employee retirement systems' administrative and investment practices with the practices expected of other important financial enterprises.

In summary, the purposes of our legislative initiative are to protect the interests of participants and beneficiaries in public employee pension plans, the interests of the Federal Government and the general public in the operation of such plans, and to minimize the possible adverse impact of the operation of such plans on Federal revenues and expenditures and the national securities markets.

First, by requiring the disclosure and reporting to participants and their beneficiaries, employers, employee organizations, and the general public of financial and other information about such plans;

Second, by establishing standards of conduct and responsibility for fiduciaries of public employee pension benefit plans;

Third, by providing for appropriate remedies, sanctions, and access to Federal courts; and

Fourth, by clarifying the application of the Internal Revenue Code to public pension plans and extending the tax benefits of qualified plan status to such plans and their participants.

Since action on this legislation is imminent in this Congress, I urge my colleagues who have not cosponsored this legislation to review the testimony on public employee pension problems that was taken in the joint hearings held in January by the Subcommittee on Labor-Management Relations and the Ways and Means Subcommittee on Oversight. Without exception, the academic and other neutral observers who have undertaken indepth studies of the public pension issue have concluded that there is a compelling need for legislation to bring State and local plan practices up to minimum standards. The two-bill legislative package we are introducing today represents a modest and reasonable approach to preventing future pension crises. I encourage State and local organizations to provide myself and the other sponsors of the legislation with constructive comments for its improvement before final committee action is taken on the measure.●

PRESIDENT REAGAN'S RETREAT FROM RESPONSIBLE CONSUMER PROTECTIONS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. WAXMAN. Mr. Speaker, on March 15, 1962, President Kennedy delivered a special message to the Congress that gave boldness and life to a struggling consumer movement. And he set the tone for almost two decades of Government policy when he said:

> The Federal Government—by nature the highest spokesman for all the people—has a special obligation to be alert to the consumer's needs and to advance the consumer's interests.

The President also noted that since the 19th century, "the Congress and Executive Branch have been increasingly aware of their responsibility to make certain that our Nation's economy fairly and adequately serves consumers' interests."

Historians may come to mark 1980 as the end of that progressive trend, for in Ronald Reagan's political philosophy, there are no provisos for consumer protection. Rather than protect consumers' interests, his administration has turned the clock back on 20 years of consumer advancement.

Although President Reagan has skillfully tried to move attention away from consumer protection to other issues, there simply is no hiding his massive and disastrous retreat from responsible policy.

All consumers are hurt by the administration's callous programs, but perhaps none are damaged as much as our children, who are particularly reliant on others for their health and safety. Parents have been left to grapple with defective products and poor service, and in many instances are at a loss to find adequate remedies.

What can parents do, for instance, when tobacco and alcohol companies target their advertising campaigns at our children?

What is our recourse when the three television networks feed our children programing that has no educational or social value?

What can we do when manufacturers sell products that are defective and dangerous, and pose real threats to our children?

What can we do when manufacturers make false and misleading claims about products, and when they refuse to share information with consumers?

What can we do when our children's health is threatened by industries polluting our air and water?

The answer, unfortunately, is very little. Consumer boycotts are always a possibility, but they are difficult to organize and almost impossible to sustain.

In large part, the Federal Government's special responsibility to consumers derives from the lack of any effective consumer remedies.

But President Reagan sees no special responsibility. His Federal Communications Commission, for instance, believes that children's viewing needs are protected and enhanced by the marketplace. But one only has to watch television on any Saturday morning to know that children's programing is mind-deadening in all but one way—it conditions our children to react to merchandising. Children's television is a national disgrace.

But the Reagan administration opposes efforts to set aside some time for programing aimed at educating our children. In fact, the administration supports a complete deregulation of the broadcasting industry, and is signaling broadcasters to use their best judgment as public policy. As might be expected, the industry is responding by focusing on economics and pushing social responsibility aside.

Given this regulatory environment, it should surprise no one that tobacco and alcohol companies are stepping up their efforts to attract young consumers. With the Federal Trade Commission looking away, these companies target young children and adolescents as potential customers. And the list of horribles grows: Cigarette advertisements are previewed for children waiting to see "Snow White" at a local movie theater; particular cigarette and alcoholic products are featured in movies; free cigarette samples are distributed to teenagers, and sporting events become promotional opportunities for cigarettes and beer.

And there is still more to come; cigarette companies seem ready to start a new advertisment campaign, expressly aimed at raising doubts over smoking's health effects. Yet the FTC, as it has done in so many other areas, does nothing.

Consider that during the past 3 years, the FTC has:

Tried to close its regional offices, which are a vital part of the Commission's enforcement activities. Although Congress blocked that effort, regional office staff and funding has been significantly reduced.

Virtually stopped bringing any action on major product defects.

Cut back significantly on its antitrust enforcement activities, and consumer protection and redress cases.

Moved away from deceptive advertising cases and concentrated instead on modifying prior consumer protection orders.

Along with NHTSA, left motorists with less automotive safety protections, such as safety bumpers and passive restraint systems, and delayed or abandoned action on a host of product recalls.

Argued against alerting the public to, and regulating, fatally defective products on the grounds that the free market, in the form of threatened lawsuits by injured consumers, would force companies to recall and repair products without any Government intervention.

Abandoned its efforts to restrain television advertising of cereals and toys to 4-, 5-, and 6-year-olds.

The message is clear at the FTC—it is open season on consumers and a return to the era of Upton Sinclair's "The Jungle."

It seems fundamental that the Government will at least insure that household products and chemicals do not pose signficant threats to consumers.

Yet the Reagan administration began its attack on consumers with an assault on the agency that performs this function, the Consumer Product Safety Commission. The smallest health and safety agency in the Federal Government, CPSC had the misfortune of being the first independent regulatory agency up for reauthorization during the Reagan administration. The White House wanted to make an example of it in 1981. Its reauthorization was to be a symbol of consumer protection under President Reagan.

What did the Reagan administration propose?

First, the White House sought to abolish CPSC outright. It did not care about the estimated 1 million injuries prevented each year by CPSC's recalls. It did not care about the hundreds of child deaths and thousands of child poisonings prevented by CPSC's safety packaging rules. It did not care about the 50 infant deaths prevented each year by CPSC's crib standard. It did not care about the thousands of lives saved and millions of injuries prevented by CPSC each year.

Fortunately, the reckless effort to abolish CPSC failed. But the administration remained undaunted.

Joining forces with some members of the business community, the White House urged Congress to transfer the agency into the Department of Commerce. Presumably CPSC, buried deep in the Commerce Department, would never be heard from again. The administration was so committed to the destruction of this tiny agency that even Vice President BUSH was detailed to lobby Members to support the transfer amendment.

Though the transfer effort also failed, the administration was successful in one respect. At the direction of OMB, unprecedented funding and personnel cuts were imposed upon the agency.

But the President has not devoted all his energies to the FCC, FTC, and CPSC. He has also worked hard to leave all Americans, but especially those most vulnerable to harmful pollutants, with fewer protections against industrial pollution.

The President set the tone for his administration by sending Anne Gorsuch to the Environmental Protection Agency, and James Watt to the Department of the Interior. Predictably, their first actions were to propose funding cuts. On substantive legislation, the President supported a wholesale revision of the Clean Air Act, including proposals that would double the amount of acceptable air pollution from automobiles exhaust, delay for 10 years the attainment of minimum air quality standards, and allow the construction of new plants without pollution control equipment.

Even worse, the President opposes a strong acid rain control program and efforts to control hazardous air pollutants.

The President's sorry enviromental record extends past clean air and water, and the preservation of our parks and wilderness areas. The administration's actions on chemical exposure have been simply irresponsible.

Since the mid-1970's, there has been ample evidence that the pesticide ethylene dibromide (EDB) is a potent carcinogen. In April 1981, EPA's own scientific advisory panel proposed that EDB be banned from use on food because of grave health hazards. Yet it was not until 2 years later, when the widespread use of EDB on food posed an imminent hazard to public health, that EPA finally acted. Last week, my Subcommittee on Health and the Environment heard that the EDB situation is not an isolated incident. There are other dangerous pesticides being used in our food, and EPA has done little to protect consumers against them.

The spreading stain of anticonsumerism in this administration has tainted even the Food and Drug Administration. Heralded since its creation as the Federal Government's most effective consumer watchdog, the FDA under Reagan has bowed to corporate interests. Using administrative roadblocks, the FDA has blocked the sale of less expensive generic versions of prescription drugs. This single action has cost consumers over $1 billion through artificially higher drug prices.

The administration's consumer neglect has even reached the Department of Energy. Although the President has failed in his effort to dismantle the Department, he is continuing his attacks on individual programs, such as the low-income energy assistance program, and hindering the development of promising renewable energy alternatives.

Perhaps the President's sorry consumer record could have been avoided if he had just taken to heart Will Rogers' adage that:

> There are men in business that don't belong in business anymore than the government does, and that's why the government has to go in.

But since there's no indication President Reagan will change, Congress has to continue fighting alone for the common interest. In that fight, we should recall the basic tenets that President Kennedy set out in his congressional message. At the very least, consumers have fundamental rights to safety, information, choice, and redress.

To those rights, we must add adequate funding and staff at regulatory agencies, along with a commitment to enforce consumer rights. And we must place a greater emphasis on preventive measures and encourage consumer participation at all levels of Government.

I hope that today Congress will rededicate itself to consumer protection, and President Reagan will begin to reverse his disastrous and dangerous policies.●

AMERICAN POLICY IN LEBANON: WHAT NEXT?

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. KEMP. Mr. Speaker, there is no point pretending that an American decision to abandon Lebanon to the Syrians, which means in practice to the Soviet Union, would carry no consequences for the world's balance of forces between totalitarianism and democracy.

Following the redeployment of our Marines to offshore positions, President Gemayel soon felt compelled to void his security agreement with Israel. American support and protection have long since been committed to Israel, our only reliable and democratic ally in the Mideast. The cost of our support must rise if Lebanon falls to Assad and Chernenko. What, therefore, is to be gained by deserting the Lebanese? Prudence, history, and morality all suggest that great democratic nations must not suppose there are no consequences when they allow themselves to be defeated by tyrants. In the long run, there is no trade-off between peace and freedom; the policy of buying peace at the cost of freedom results in the loss of both.

It is obvious that Israel cannot allow Syria to so dominate Lebanon that it poses a mortal threat to Israel. If the United States leaves, the vacuum must be filled. The nations of the West should think long and hard about the long-term effects of Syrian-Soviet domination in the region before we decide to abandon Lebanon.

The following article by Dr. Harry V. Jaffa raises a number of issues about the future course of Israel vis-a-vis Lebanon which we should consider in deciding where we should go from here.

The article follows:

[From the Washington Times, Feb. 28, 1984]

American Policy in Lebanon—What Next?

(By Harry U. Jaffa)

In order to know where we are going, we should first take note of where we have been. American policy went awry in the spring and summer of 1982, when the Israeli defense forces had smashed the Palestine Liberation Organization in Lebanon, and had driven the Syrian forces in the Bekaa Valley in disarray toward Damascus, with the Soviet SAMs destroyed.

Instead of allowing the Israelis to finish the job, we insisted that they withdraw from Beirut. We acted as if they were aggressors, and had not acted in legitimate self-defense of their borders—as indeed they had.

In fact, we behaved toward them as we had toward the British in Greece in 1944, the French in Indo-China in 1954, and the British, French and Israelis in Suez in 1956. We treated the defense of fundamental Western interests from a hypothetical, allegedly impartial, anti-imperialist, point of view. Yet in every case we were later drawn into a vacuum we had ourselves helped to create.

In 1956 we voted in the United Nations on the side of our deadliest enemy, the U.S.S.R., to condemn our friends and allies. We did this, moreover, at a time when the U.S.S.R. was engaged in the bloodiest suppression of political freedom in Eastern Europe since World War II—in Hungary. The American president and secretary of state said we could not countenance a double standard in international relations. As if unilateral actions in defense of their own interests must be accepted when done by totalitarian regimes, but not when done by democratic regimes! When the Israelis crossed the borders into Lebanon in 1982, the official American response was that "force was no solution" to the problem of the security of Israel's northern borders.

But hostile force has threatened Israel's existence from the moment of its birth in 1948. And the successful application of force in its own defense is the only reason for Israel's continued existence. There has never been a moment when the tiny state could await the invasion of its borders to take defensive action. Even in the wake of the Six Day War of 1967 those borders have been too narrow.

The assault upon the Gemayel regime which seems now to be upon the point of consummation has no doubt several motives—among them the design for an imperial Syria embracing all of Lebanon, all of Jordan, and all of Israel. But the Syrian initiative is sustained within the Arab world by the grievance against the Lebanese government for its agreement of Sept 17, 1983, with Israel.

And again, it is not so much the details of that agreement as its implied recognition of Israel as a legitimate state. It was this recognition that earned Anwar Sadat first execration, then assassination. And let us not forget the assassination of Amin Gemayel's brother, Bashir, either. For he was on the point of assuming the presidency of Lebanon—having stated firmly his intention of reaching an agreement with Israel—when he and his entire staff were blown to bits.

The plain truth is that the Arab world will not recognize Israel's right to exist, and that it will not do so in any foreseeable future: except, perhaps, as an extorted concession to superior force. There is not the slightest reason to distinguish "moderate" from nonmoderate, extremist, or whatever, Arab states.

What, then, are our options? We can of course cut and run, abandoning Lebanon to its fate. And that fate—for the moment—is to be partitioned between Israel and Syria. However, as the U.S.S.R. continues to pour billions in new armaments into Syria (paid for by the Saudis)—with ever larger numbers of Soviet "instructors" manning the ever more complicated weapons systems—a military showdown with Israel must come. We may, moreover, be reasonably sure that if there is any prospect of Syrian victory, Egypt will join the ranks of the vultures.

Another alternative is that we land several crack divisions in Lebanon, and take direct military control of the ground, installing the Gemayel (or some other) government that meets our political requirements. From the point of view of the future security of our alliances—and of our own security—this is undoubtedly the best choice. But it is also the one choice that will never be chosen, or even seriously considered. The cry of "No more Vietnams" would drown out all reason. And, we must add, not without reason. For no attempt, worthy of the name, has been made to educate the public in the strategic arguments that would support such a policy.

But the third, and final option is at attempt to restore the shattered morale of the state of Israel, with unstinting economic and military aid, and to somehow assist in bringing back the political combination represented in 1982 by Menachem Begin and Ariel Sharon. Mr. Begin, it would seem, is forever gone from political life. But Gen. Sharon is not. If Israel waits until the Syrian position in Lebanon is consolidated, and until the U.S.S.R. has poured in every last gun, bomb, plane, tank, mortar and SAM that it can cram into that country, it may have waited too long. The U.S.S.R. has never forgotten how Isreal—America's client state—defeated Syria—the U.S.S.R.'s client state—in 1982. Nor has it forgotten the worldwide assessment of the superiority of American weapons to Soviet weapons. It is itching to have the world reverse that assessment.

It may sound strange to say that it must be our policy to have Israel attack Syria at the earliest convenient moment. I do not suggest that anyone in authority should announce that policy. But the public mind must be prepared for it. And the policy itself must be pursued. We cannot abandon Lebanon—or Israel—or the Middle East to Soviet imperial domination. For that is what a Syria victory over Israel would mean in the end. We will not do the necessary dirty military task ourselves. There is no fourth option: Let the Israelis do the dirty work. Dirty it is, but there is nothing dirtier than the failure to survive. The nation that respensents the survivors—and the non-survivors—of the Holocaust knows that.

One delusion there is, however, that is absolutely fatal: That is the delusion that—with the exception of Israel—there are parties and governments that can negotiate reasonable compromises.

The Arab world is ungovernable except by force. The only apparent exception to naked authoritarianism in the Arab world is—or was—Lebanon. The fate of Lebanon marks the fate of any democracy in the Arab world. Israel is hated as much for being democratic as for being Jewish. If Israel disappeared tomorrow, the hatred of Iraq for Syria would remain; and the hate of Syria for Jordan would remain. And the war between Iran and Iraq would go on. The internecine slaughter of the religious denominations seems to be limited only by the supply of victims.

Israel is, among other things, an island of religious freedom in the Middle East. Israel is so far from being the cause of the disarray in the Middle East that it is the only basis of such stability as there is. At the very least, it moderates the hatreds among the Arabs themselves.

It is not the policy of Lebanon that has failed. What has failed is the fantasy that has deluded the Reagan Administration for so long, the fantasy represented by the AWACS deal—the fantasy of building an anti-Soviet barrier by means of "moderate" Arab states.

Let us be done with that, and all other fantasies, once and for all.●

WORKER PROTECTION

HON. STEVE BARTLETT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. BARTLETT. Mr. Speaker, on February 22 the Supreme Court announced its decision in NLRB against Bildisco & Bildisco, February 22, 1984. This decision comes at a time of intense congressional debate over the conflict between the worker protection thrust of the National Labor Relations Act and the corporate rehabilitation focus of chapter 11 of the Bankruptcy Act. The Court ennunciated a standard for the rejection of a collective bargaining agreement in a chapter 11 reorganization proceeding. The Bildisco test essentially requires a careful balancing of the equities as a prerequisite for the determination of whether a collective bargaining agreement may be rejected as an executory contract.

On that same day, Mr. RODINO introduced H.R. 4908, which proposed an amendment to section 365 of the Bankruptcy Act. This amendment would, in effect, overturn the test formulated by the Supreme Court, and would substitute a more rigid test which would require, among other things, that rejection be prohibited unless the financially distressed debtor could prove that jobs would be lost and that any financial reorganization would fail.

Last fall, the Subcommittee on Labor-Management Relations, on which I serve, held hearings on this matter. During the hearings, we heard extensive testimony regarding the effect that rejection of collective bargaining agreements would have on labor-management relations. Although the subcommittee has no jurisdiction over the Bankruptcy Act, or the Railway Labor Act which governs the airline industry, this bankruptcy/labor law conflict is of vital concern to the members of the subcommittee because of its potential impact on labor-management relations. Thus, I am compelled to share with my colleagues some thoughts on the Bildisco decision and subsequent congressional response.

The Bildisco contract termination test is sound policy—good for employees and equitable to employers. The test provided:

> That the Bankruptcy Court should permit rejection of a collective bargaining agreement under Section 365(a) of the Bankruptcy Code if the debtor can show that the collective bargaining agreement burdens the estate, and that after careful scrutiny, the equities balance in favor of rejecting the labor contract.

The first requirement is that the bankruptcy court must take into account the hardship to employees which would result from the rejection of the contract. This must include an assessment of the qualitative as well as the quantitative hardship. Second, the bankruptcy court is prohibited from accepting or rejecting a collective bargaining contract unless "reasonable efforts to negotiate a voluntary modification have been made" and it is shown that "such efforts are not likely to produce a prompt and satisfactory solution." Third, the employer is required to continue to recognize the union as the exclusive bargaining agent of its employees, and must continue to bargain with the union. The bankruptcy court may step into this process "only if the parties' inability to reach agreement threatens to impede the success of the debtors reorganization."

I want to emphasize this last point because it is very important. It means that the bankruptcy court is not given carte blanche authority to reject the contract. The court may only do so if rejection would serve the policy of chapter 11 which is to promote the successful reorganization of the debtor.

The final requirement is that if rejection is warranted, the Bankruptcy Court is further required to account for its decision by making "a reasoned finding on the record why it has determined that rejection should be permitted."

One of the issues in Bildisco, and no doubt a criticism that will be made of the decision is whether an employer should be allowed to reject a labor agreement prior to approval by the court. Bildisco holds that:

> A debtor-in-possession does not commit an unfair labor practice when, after filing of a bankruptcy petition but before court-approved rejection of the collective bargaining agreement, it unilaterally modifies or terminates one or more provisions of the agreement.

This arrangement strikes an appropriate balance between the demands of labor and bankruptcy law. "The fundamental purpose of reorganization is to prevent a debtor from going into liquidation, with an attendant loss of jobs and possible misuse of economic resources." It follows from this fundamental purpose that "authority to reject an executory contract is vital to the basic purpose to a chapter 11 reorganization, because rejection can release the debtor's estate from burdensome obligations that can impede a successful reorganization." Although a stricter standard than the business judgment standard should apply, a labor agreement should be eligible for rejection, subject to the stricter standard caveat, like other executory contracts as is currently permitted under the bankruptcy code. Bildisco merely makes clear that the executory contract language in section 365(a) of the bankruptcy code includes collective bargaining agreements subject to the NLRA.

The safeguards incorporated in the Bildisco termination test are designed not only to protect the collective bargaining process, but to actually encourage that process to a degree unprecedented by any previous circuit court test. Further, the Supreme Court explicitly stated that it recognized the special nature of collective bargaining agreements, and that because of their special nature "a somewhat stricter standard should govern the decision of the bankruptcy court to allow rejection of the collective bargaining agreement." The result of this concern was the formulation of a higher standard than the traditional business judgment test which governs the rejection of other executory contracts. Any fair reading of this language is sufficient to refute those who would argue that the Bildisco test fails to adequately consider the collective bargaining process.

Conversely, the test adopted by H.R. 4908 is borrowed from the Second Circuit's decision in *Brotherhood of Railway and Airline Clerks, Inc.*, 523 F. 2d, 164, 167-169 (CA2) cert. denied, 423 U.S. 1017 (1975). The REA decision set forth a rigid, inflexible standard which strictly prohibited rejection unless the debtor could prove that the jobs covered by the agreement would be lost and any financial reorganization would fail, see REA Express, supra at 164, 169. This test would be extremely difficult to meet until immediately prior to the complete collapse of the company, and would act to discourage voluntary renegotiations, thus having the effect of inhibiting the collective bargaining process. On the other hand, the balancing test of Bildisco can be met at a time when the company is still sufficiently viable to work its way out of a chapter 11 reorganization. Thus, the stricter "but for" test of the REA Express case could force companies into ultimate liquidation. Such a test subordinates the pragmatic consideration of whether the employees will continue to have jobs at all to an unwarranted exaltation of the perpetuation of the collective bargaining agreement, even if it means running the firm into the ground.

Another factor to consider is the question of fairness to all of the parties involved. The Bildisco standard recognizes that the bankruptcy court is a court of equity responsible for weighing the competing claims and interests that accompany corporate bankruptcy. It must apportion losses in a manner which is fair and equitable to all parties involved. The test requires a balancing of the equities of the interests of the debtor, creditors, and both union and nonunion employees. The REA formula only includes in the equation the interests of the union employees covered by the collective bargaining agreement. Ultimately, ERA in fact does not serve those employees' interests if the result is liquidation. REA does not even consider the adverse impact that continuation of the collective bargaining agreement will have on the claims of the other parties involved. It fails to recognize that additional hardships will accrue to the nonunion employees who will have to incur even deeper salary reductions, and creditors who will be forced to accept substantially reduced claims. They will have no choice but to accept these additional hardships or face liquidation. Even then, the odds of accomplishing a successful reorganization would have been substantially diminished. In essence, the ERA Express test is analogous to a situation where all parties are involved in a game of Russian roulette in which the union would have its members believe there are fewer bullets in the union gun; in fact, REA would significantly raise the probability of no one surviving the game.

The final point which needs to be addressed concerns the question of congressional intent with respect to rejection of union contracts under title II of the U.S. Code. Mr. Rodino has stated that at the time the 1978 bankruptcy law was under consideration by Congress, the law being applied was the stringent REA Express test and that Congress believed that it was simply continuing that standard when it enacted the 1978 law. The legislative history of section 82 of the Bankruptcy Act reveals that Congress was also aware of another test, similar to the Bildisco standard, formulated by the Second Circuit in *Shopmen's Local No. 455* v. *Kevin Steel Products, Inc.*, 519 F. 2d 698 (CA2 1975). The Supreme Court explained this in the Bildisco opinion:

> Quite simply, *Kevin Steel* and *REA Express* reflect two different formulations of a standard for rejecting collective bargaining agreements. Congress cannot be presumed to have adopted one standard over the other without some affirmative indication of which it preferred. The reference in the House Report to Kevin Steel and REA Express also cannot be considered a Congressional endorsement of the stricter standard imposed on rejection of collective-bargaining agreements by the Second Circuit in REA Express, since the report indicates no preference for either formulation.

In light of the numerous businesses which have experienced liquidation since the enactment of the 1978 Bankruptcy Act, I cannot help but wonder how many might have survived, how many employees might still have their jobs, had the Bildisco test been in effect in prior years.

The question facing us today is not whether Congress intended one test or another back in 1978. The question we are confronted with in 1984 is whether or not the Congress, in light of the tremendous hardship and suffering associated with bankruptcy, should adopt a flexible standard which will facilitate a successful reorganization, and allow financially distraught businesses to return to financial viability, and therefore permit the maximum number of employees to retain their jobs.

The test ennunciated in REA Express and incorporated in H.R. 4908 leaves too many doubts as to whether it is sufficient to accomplish this overriding objective. There are too many variables involved to be able to accurately predict, with any degree of certainty, whether a reorganization will be successful. These doubts were recognized by all nine Justices in rejecting the REA Express test in the Bildisco decision.

On the other hand, the Bildisco test will greatly enhance the likelihood that a reorganization will be successful and jobs preserved.

Those who see this test as an open door for massive attempts to bust unions are being unreasonably cynical. Bankruptcy in any form is a dreaded alternative for any business to be used only as a last resort. In addition to the onerousness of bankruptcy itself there is a high price to pay for any employer who would attempt to take advantage of chapter 11. The procedure has stringent safeguards against abuses. Bankruptcy by definition brings severe adverse economic effects, especially from potential investors, lenders, and customers. The costs associated with a bankruptcy proceeding would in all cases far outweigh any benefit that any employer might gain by rejecting his union contract. Another disincentive to abusing a chapter 11 proceeding would be that the poisoned labor-management relations that would result would lead to a hard bargaining position by the union at the expiration of the modified contract. In addition, during this time productivity will probably decline because of the strained relations. Perhaps the most important disincentives to an employer would be that the rejection of the collective bargaining agreement does not take away from the employees the right to resort to the economic weapons provided them by the National Labor Relations Act. In short, the employees can still strike at any time, either before or after the reorganization. A strike would be a virtual certainty if the employees perceived the chapter 11 reorganization to be unreasonable or an abuse of the process.

And finally, as was mentioned earlier, the bankruptcy court will not approve a rejection if it does not meet the balancing of the equities test.

The conclusion to be drawn from these considerations is that an employer will always come out ahead by avoiding chapter 11 and copying with a labor agreement at its expiration whenever doing so is possible. When it is not possible, corporate survival becomes the pressing question. It is this criteria—corporate survival—that Bildisco allows to justify rejection of a labor agreement.

For these reasons, I urge that Congress accept the Bildisco standard, a standard which best accomodates the interests of both our national labor and bankruptcy policy.●

H.R. 1652

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. CHENEY. Mr. Speaker, in the Congressional Record for March 14, 1984, I made a statement in support of H.R. 1652, legislation to authorize some $650 million in dam safety work at Federal dams throughout the Western United States. Following are additional observations and information.

I want to emphasize to my colleagues who are from regions of the United States other than the West that this is not a "western" issue where the policy Congress establishes will have no impact in other parts of the country. Congress is being asked to deal with a pressing public safety problem caused by Federal facilities, and to decide whether the Federal Government should bear the responsibility for resolving that problem. Particularly in view of the efforts being made now to broaden Federal support for water resources development, it should be of considerable interest to Members throughout the United States exactly how the Federal Government will deal with safety problems at Federal facilities. Does the Federal Government plan to tell citizens that if the water resources facilities it builds or finances turn out to be unsafe, they will be rendered inoperable by the Government unless local residents, who have already paid for them once, agree to try to fix them? This is the policy being advocated by some Members with respect to this issue.

The President, and the Committee on Interior and Insular Affairs, of which I am a member, firmly reject such a policy. In yesterday's Record, I included a letter from OMB Director David Stockman supporting the committee position on this issue. The President's position on this issue is clear. Congress needs to act decisively to resolve this safety issue, not to experiment with an unfair and unworkable "solution" to the dam safety problem on the basis that Congress should be concerned about water prices. If we are wrong in our approach, we will bear the responsibility for the lives and property harmed by future dam failures.

Following is a letter from Secretary of the Interior William Clark supporting the committee position, and indicating OMB concurrence in his views:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., March 14, 1984.

Hon. Dick Cheney,
House of Representatives,
Washington, D.C.

Dear Mr. Cheney: You have asked me for the Department's position on an amendment which you plan to offer when H.R. 1652 comes to the floor of the House of Representatives. I appreciate you giving me this opportunity.

Having carefully reviewed your amendment, I believe it is consistent with the President's policy regarding safety of dam's modifications enunciated in his January 24, 1984, letter to Senator Laxalt. Therefore, the Department supports the amendment and will be happy to work with you and others in the House and Senate to fashion a legislative resolution for this critical issue.

You should be aware that the Administration opposes the adoption of any amendment similar to that adopted by the House during consideration of H.R. 3208 in April 1982.

I am informed that the Office of Management and Budget concurs in this position.

Thank you again for the opportunity to provide our views on this matter.

Sincerely,

WILLIAM CLARK.●

PENSION PLAN REVERSION MORATORIUM ACT OF 1984

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. ROYBAL. Mr. Speaker, corporate raids are being carried out against the retirement income security of the American worker. Unless Congress acts swiftly to curb such practices many of America's pension funds will quickly and silently be bled dry, robbing workers of their future retirement security. Today I join with Senator HOWARD METZENBAUM in introducing legislation which calls for a 9-month moratorium on any further overfunded defined benefit terminations to give both the Congress and the responsible Federal agencies an opportunity to develop appropriate legislation and policy to treat this problem area.

In 1974, the Congress enacted the Employee Retirement Income Security Act (ERISA), the Federal pension law which seeks to protect workers and their families who are covered by employer-sponsored pension and welfare benefit plans. It was presumed that the law would prevent the litany of abuses against workers pension and welfare benefits that had occurred prior to this legislation. Unfortunately, this presumption has proven to be ill-founded in at least one substantial way.

Today, a growing number of corporate-plan sponsors are doing an end run around the qualification requirements of the Internal Revenue code and the fiduciary provisions of ERISA, requirements in the law which are designed to protect workers, by simply terminating their overfunded defined benefit pension plans to get at pension assets.

Employer pension raids have already netted in excess of $1.1 billion for corporate sponsors in less than 4 years, with over 162 overfunded plans having been terminated to date. Pending applications for overfunded terminations and reversions now total over $950 million and are climbing steadily. When pending applications and those reversions involved in litigation are added to terminations which have already been granted, the potential total reversion to employers leaps to almost $2,300 million. Over 131,000 employees have been affected and more are being affected every day through these terminations.

I now call for a moratorium on further overfunded terminations in recognition that the Federal agencies, the IRS, and the PBGC are by statute constrained to process such applications under present law. It is my belief that the Congress must move expeditiously to consider appropriate legislation which will address the substantive question of overfunded plan terminations and the resulting loss of potential retirement benefits to workers through such terminations. Without the imposition of an immediate moratorium almost another $1 billion in pending applications for overfunded terminations will be processed by the Federal agencies. Processing of these pending applications will result in additional thousands of workers being deprived of potential retirement benefits under their plans. In a number of instances such terminations have been described to employees by their employers as in their best interest. Complaints by workers involved in such terminations to the Federal agencies have fallen on deaf ears.

Most recently an ad hoc group of attorneys have advocated implementation of so-called spinoff terminations. Such a proposed arrangement raises very serious questions regarding the efficacy of the minimum funding, qualification and termination requirements of ERISA. It is my hope that before such an arrangement would be given a favorable imprimator by the Government, an arrangement which would be particularly appealing to some companies interested in termination, that the Congress be given an opportunity to thoroughly review appropriate procedures and standards involving overfunded terminations.

My committee has conducted two hearings on issues involved in overfunded plan terminations, one in June of 1982 and most recently on September 28, 1983. While I am aware that the Federal agencies are presumably reviewing questions involved in overfunded terminations, the most recent testimony of representatives of the Department of Labor and the Internal Revenue Service seem to suggest that they believe that there is no abuse of the pension system and of benefits to workers through such terminations. I believe that there is a problem, a significant problem, one which is being fueled in part by the inaction of the Federal agencies in this area. Although employees in a termination will receive all accrued and vested benefits to the date of termination, they will lose potential retirement benefits that they should reasonably anticipate and would otherwise receive by remaining in employment with that employer, but for the premature termination of the in plan.

Some commentators have argued that the phenomenon of overfunded terminations would simply disappear as interest rates declined. This simply has not happened, rather the pace of overfunded terminations has not abated but seems to be escalating. With the prospect of higher interest rates on the horizon as a consequence of present high Federal deficits there is every likelihood that such terminations will continue, crippling the defined benefit pension system as we know it and fundamentally abrogating the pension promise and destroying the trust of workers toward employers that they will achieve an adequate retirement benefit. I believe it is only prudent and in the best interest of the American worker to simply call a halt to these overfunded terminations until appropriate law and policy can be set in this area.

The bill which I am introducing provides for a 9-month moratorium on any termination in which a plan sponsor would receive a reversion of plan assets in excess of $1 million. Specifically, the bill provides a moratorium on the issuance of a notice of sufficiency from the Pension Benefit Guaranty Corporation and on issuance of a favorable determination letter on plan qualificaiton by the Treasury Department through the Internal Revenue Service in such instances.

Provisions are included in the bill for waiver of the moritorium, to be determined by the Secretary of Treasury, in instances where the termination of an overfunded defined benefit plan is based upon substantial business hardship as defined in the bill. Generally, substantial business hardship may be demonstrated if the employer is operating at an economical loss, there is substantial unemployment or underemployment in the trade, business or industry affected and that the sales and profits of the industry concerned are depressed or declining. It should be noted that these criteria have been used extensively with respect to the granting of funding deficiency waivers by the Internal Revenue Service. Moreover, it should be noted that this test for waiver of application of the moratorium reflects only a readily convenient mechanism for determining hardship cases during the moratorium without reflecting in any way standards which may be contained in subsequent legislation which is being developed concerning overfunded plan terminations and reversions.

Finally, provisions are included in the bill to exempt multiemployer plans, as that term is defined under section 414(f) of the Internal Revenue Code, from application of the moratorium.

As I noted earlier, I will shortly be introducing new legislation to address the substantive issues involved in overfunded terminations. Shortly, Senator METZENBAUM will in the Labor subcommittee in the Senate, hold hearings on overfunded terminations. We are both concerned, as are many Members of both the House and Senate, that the retirement security of the American worker, in this instance, not be unnecessary and expediently sacrificed at the altar of further administrative review by this administration. Pension raiding must be stopped and must be stopped now. The moratorium which is being introduced today provides an effective mechanism to halt, review and act upon those abuses which would otherwise deprive Americans of their retirement security.●

VIEWS OF 1985 FEDERAL BUDGET

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to section 301(c) of the Congressional Budget Act, yesterday the Committee on Ways and Means approved the estimates and views on Federal budget matters which fall within our committee's jurisdiction. Those estimates and views are summarized in the attached letter to the chairman of the Budget Committee, the Honorable JAMES R. JONES.

The material follows:

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., March 14, 1984.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This letter transmits the views and estimates of the Committee on Ways and Means, as required by section 301(c) of the Congressional Budget Act of 1974 on those aspects of the Federal budget for fiscal year 1985 which fall within the Committee's jurisdiction.

In making this report, the Committee on Ways and Means wishes to express its deep concerns about national economic conditions in fiscal years 1985 and beyond. Large budget deficits have been projected, and we believe that serious bipartisan efforts must be made by the Congress to address them. As part of this coordinated effort, the Committee has reported a Committee amendment to H.R. 4170, the Tax Reform Act of 1984, which will increase federal revenues by $49.2 billion between FY 1984 and FY 1987. It is our expectation that this bill will be considered by the House of Representatives as soon as House action on the budget resolution is concluded. In addition, the Committee has approved other changes that will reduce outlays by $2.7 billion over the period in the following areas:

Fiscal year 1984-87:	*Millions*
Medicare (including physician freeze amendment savings of $848	– $1,794
Child support enforcement (H.R. 4325)	– 216
Excise tax payment to Puerto Rico (H.R. 4170, sec. 135)	– 649

In developing the revenue raising aspects of H.R. 4170, the Committee has agreed on a bipartisan basis that the revenues raised by this bill must be utilized to reduce the staggering level of deficits and not for increasing outlays in other areas. To carry out this policy within our own jurisdiction, it is our intention that any further legislative action contemplated this year by the Committee would be deficit neutral, that is, proposals to decrease revenues or increase outlays would be offset in the same legislation by revenue raising or outlay reducing provisions of equal or greater amounts.

I. *Revenues.*—The Congressional Budget Office estimates fiscal year 1985 revenues at $733 billion. With the passage of H.R. 4170, revenues in fiscal year 1985 will increase by approximately $9.1 billion. This revenue figure accommodates continuation of the existing Committee policy to review temporary adjustment of provisions of the tariff schedules.

II. *Outlays.*—The Committee on Ways and Means has jurisdictional responsibility over a broad range of programs with budget outlays classified in several different functional categories. By approving section 135 of H.R. 4170, the Medicare provisions (originally included in Title X of H.R. 4170) as a title of an omnibus reconciliation bill, and H.R. 4325, the House-passed Child Support enforcement Amendments of 1983, the Committee has already acted on major legislation to reduce outlays within its jurisdiction. H.R. 3755, the Disability Amendments of 1984, also has been reported by the Committee. It is estimated by the Congressional Budget Office that this legislation will increase outlays by an amount significantly less than the savings achieved by the Committee in other areas. As noted earlier, the Committee has taken the position that any additional legislative action beyond the above-stated bills will be balanced in a way which is neutral with respect to the budget deficit.

The Committee is also deeply committed to the goal that no additional cuts be made in the benefits provided through the means tested programs that serve the low income population. Consistent with this goal, the Committee believes that modest improvements in the Supplemental Security Income, Aid to Families with Dependent Children, Title XX—Social Services, and emergency assistance programs will be legislated that would be budget neutral but still make significant improvements in the lives of the most needy families and individuals.

In addition, the Committee authorizes appropriations for certain trade agencies and programs. For fiscal year 1985, the Committee has recommended authorizations of $642.4 million for the U.S. Customs Service; $28.4 million for the International Trade Commission; $14.2 million for the U.S. Trade Representative; $31 million for training under the worker trade adjustment assistance program; and $30 million for firm trade adjustment assistance.

III. *Public debt limit.*—The Congressional Budget Office estimates that the fiscal year 1985 unified budget deficit will be $194 billion under current law. In the absence of any legislative action to reduce spending or increase revenues, the total deficit (including off-budget entities) is estimated by the CBO to be $206 billion which will require that the debt subject to statutory limit be increased to $1.852 trillion for the period ending September 30, 1985.

IV. *Tax expenditures.*—The report on tax expenditures of the staff of the Joint Committee on Taxation which serves as the Joint Committee's report to the Budget Committee and is designed to assist the Budget Committee in meeting its obligations under section 301(d)(c) of the Budget Act. This report will be transmitted to the Committee on the Budget as soon as it is completed and printed.

V. *Additional materials.*—To assist the Budget Committee in carrying out its responsibilities and help it in making assessments concerning the specific recommendations within the jurisdiction of the Committee on Ways and Means, I am enclosing a copy of Ways and Means Committee Print 98-22 entitled, "Background Material and Data on Programs Within the Jurisdiction of the Committee on Ways and Means." In addition, I am also enclosing a copy of background document, "Description of the Administration's Fiscal Year 1985 Budget Recommendations Under the Jurisdiction of the Committee on Ways and Means." I hope you find this information useful. As always, the Members of this Committee and its staff are available to answer any questions you may have on any aspect of this report.

With warm regards, I am
Sincerely yours,
DAN ROSTENKOWSKI,
Chairman.●

EMERGENCY AFRICAN AID

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. DASCHLE. Mr. Speaker, the Senate Appropriations Committee has added $93 million in military aid to El Salvador and $21 million for aid to Nicaraguan rebels to the African food aid bill. This is an unconscienable act.

There is strong bipartisan support in the House and Senate for food assistance to African nations where hundreds of thousands of people have starved to death and where millions more face starvation. Many people in an out of Congress have worked very hard to move an African food aid bill quickly through the legislative process. While we are resentful of the administration's tactics on this, the real losers are, of course, the malnourished and starving people throughout the African Continent.

The Reagan administration's narrow victory in the Senate Appropriations Committee does not represent any kind of a consensus on our Central

American policy. The military money now tacked onto what was a humanitarian bill will merely delay and/or defeat the entire bill. The administration's tactic in tying guns for Central America to food for Africa is cruel and will only cost lives. I urge the Members of the Senate to remove the military aid from Central America from this legislation, and failing that, urge the House conferees to refuse to go along with the Senate's bill.

I would like printed in the Record an article on the drought in Africa by Jack Shepherd which appears in the April 1984 issue of the Atlantic. Reading this article should help convince anyone of the need to immediately approve food assistance for Africa and of the need for us to help develop long-term development programs for Africa as well.

The article follows:

[From the Atlantic, April 1984]

AFRICA—DROUGHT OF THE CENTURY

(By Jack Shepherd)

(Conditions are worse now than they were during the famine of 1973-1974, in which half a million Africans starved to death.)

Unless the rains come soon, nourishing the 1984 plantings, the news from Africa will be grim. Last October, the United Nations Food and Agriculture Organization (FAO) announced that twenty-two of the fifty African nations were suffering catastrophic food shortages. Some 5 million refugees in these nations are seeking food and shelter; 150 million Africans face starvation. Four million tons of emergency food aid are urgently needed.

Conditions are far more serious now than during the famine of 1973-1974, when perhaps 500,000 Africans starved to death and several million more were permanently scarred by malnutrition. For the past two years, the worst drought in a century has spread across sub-Saharan Africa into southern Africa. Crops are failing, livestock dying, and reserve food stocks dwindling. Five African nations—Chad, Ethiopia, Ghana, São Tomé, and Mozambique—need immediate food aid. Africans in the other seventeen nations may starve if the rains don't come, or if aid doesn't reach peasant farmers before they are forced by hunger to eat the seeds they should use for planting.

Africa's food crisis has been building for more than two decades. In 1962, the nations of Africa produced 98 percent of their food; some were not food exporters. By 1970, however, the figure had slipped below 90 percent, and today, according to the International Monetary Fund, food production in Africa is declining at the rate of 2 percent per year. Half the world's idle arable land lies in Africa. But by 1975, forty out of forth-five black African nations could not feed themselves. During the 1970s, the average annual per capita growth rate for African agricultue was minus 1.4 percent for all crops. The growth of per capita food production was minus 1.2 percent.

Many of the world's hungriest and poorest people live in sub-Saharan Africa, the only region of the world where per capita food production has declined steadily over the past twenty years. Production of major food crops there fell 14 percent from 1961 to 1980, while the volume of food imports grew by an average of 9.5 percent annually. Grain imports have doubled in the past five years. By 1981, sub-Saharan Africa required some 3.7 million tons of food aid annually. (Africa receives almost 60 percent of the world's food aid.) The International Food Research Institute projects that by 1990—just six years from now—Africa will need to import nearly five times as much, or 17 million tons of food annually.

Africa since 1960 has seen more than twelve wars, some fifty coups, the assassinations of thirteen heads of state, widespread refugee problems, cyclical drought, and the spread of the desert—all of which have been disruptive to planting, harvesting, and marketing. "Africa is already in a catastrophic condition," says the French agronomist René Dumont. "Most of the countries of tropical Africa . . . are in reality bankrupt, reduced to a state of permanent beggary."

The causes of Africa's food crisis are still being identified, but at least three seem clear. The first is the low priority given to agriculture. Declines in food production have resulted from government policies that have favored industrialization over agriculture. Seeking to move away from the colonial past new African governments viewed agriculture as "the backward sector," whose taxes and surplus of labor would fuel industrial and urban development. They supported neocolonial policies promoting large-scale farms and cash-crop production, and replaced private traders and lenders with government trading corporations and marketing boards that controlled prices paid to farmers.

The result is a lesson in basic economics. Agricultural production was stifled by harsh taxation, the underpricing of commodities, and the neglect of technology and services in favor of low food prices and industrial and urban development.

Analysts believe that the failure of African nations to develop and implement agricultural policies that would further techniques and training, and thus strengthen the infrastructure is at the heart of the present food crisis. Africa has the world's lowest level of fertilizer consumption, and it is the only continent where tractor use is declining. African farmers have been discouraged by poor transportation, a lack of paved roads, and insufficient storage facilities for harvests. Some farmers enter the black, or parallel, market, and others produce only for themselves and their villages. As a result, sub-Saharan Africa's official crop yields for major food crops are the lowest in the world. Cereal yields, for example, are half those of Asia and Latin America.

The second cause of the crisis is economic. From 1960 to 1978, the cost of Africa's petroleum imports rose 757 percent and the cost of grain imports rose tenfold. But prices paid for export crops such as coffee, cocoa, tea, and sisal went down, and so foreign exchange to pay for imports decreased. In 1982, more than 80 percent of the African nations experienced a worsening balance of trade. A major obstacle to Africa's recovery, therefore, has been a huge and growing balance-of-payments deficit, which quadrupled between 1973 and 1981, when it reached $54.3 billion. To earn foreign exchange, many African nations continue to favor growing export crops over growing food. Here, too, many farmers have gone into the underground economy, where smuggled cash crops enable them to avoid the constraints of government pricing policies.

The third cause is demographic. Africa's population is increasing faster than its ability to grow food. In the countries of sub-Saharan Africa, population-growth rates average 3.2 percent per year: their populations will double in twenty-one years. Almost half the people of the region are under age fifteen, which assures continued high population-growth rates. The World Bank estimates that if the present rate of growth continues, the cultivated area of Africa will have to expand by 64 percent to supply the same amount of food per capita in 1992 that it does today. Food is not the only problem: schools, hospitals, housing, and jobs will all have to increase proportionally.

Africa has one of the world's highest rates of rural-to-urban migration—the urban growth rate is almost 8 percent a year—with attendant changes in food demand and consumption. The city dweller increasingly prefers wheat and rice to traditional African foods like cassava, yams, millet, and sorghum. This shift has been encouraged by African governments' pricing methods, which favor the urban consumer over the rural producer and often make imported cereals cheaper than domestic staples. Wheat and rice now dominate Africa's grain imports, which rose from 1.2 million tons in 1963 to more than 8 million tons in 1980, when the imports cost $2.1 billion. This increase is placing a burden on foreign-exchange reserves, which are already limited.

Africa needs both short-term emergency food aid and assistance toward increasing agricultural productivity. The West, including the United States, has been very slow to help Africa meet its short-term needs. The first warnings of widespread starvation emerged from Africa in September of 1982. Not until the next May—eight months later—did the FAO send telegrams to twenty-seven Western nations, including the United States, asking for emergency food assistance for Africa. By February of this year, international pledges of food totaled just half of the needed 4 million tons.

The United States stores half of the world's surplus food grains. President Reagan controls more than 4 million tons of grain in a reserve established in 1980 specifically for famine relief. Title II of Public Law 480 (the Food for Peace law) enables the President to donate emergency food quickly through government-to-government programs, international organizations like the World Food Programme or volunteer relief agencies like Care and Catholic Relief Services. Titles I and III of PL 480 also provide food for development purposes, as in the Food for Work program, in which laborers are paid in food instead of money.

Every year since Reagan took office, however, he has decreased food aid to Africa. This fiscal year, the Reagan Administration again cut Food for Peace, from an already modest $219 million to $204 million. A separate food-aid program that covers emergencies like the one in Africa was also cut, from $84 million to $72 million. In 1980, by comparison, this program stood at $195 million and Food for Peace at $375 million.

Under pressure, the Reagan Administration recently pledged $60 million in aid and sent emergency food shipments to Africa totaling 71,363 metric tons; it plans to postpone further action by asking Congress for $90 million more. It promises a total of 187,000 tons of U.S. food for Africa by next October, despite the FAO estimate that 4 million tons will be needed by this June. Moreover, USAID, the agency that handles U.S. food aid, has also been slow to respond to the starvation. Its officials took no significant actions until last July. Requests for more aid are slowly grinding through the USAID bureaucracy. By the end of last year, the agency had approved aid for just eight of the twenty-two African nations where people are starving.

While the United States speaks of humanitarian considerations, political and strategic concerns more often shape policy. Nowhere is this better seen than in the case of Ethiopia. During 1973 and 1974, a drought of several years reduced Ethiopian peasant farmers to eating the seeds they should have planted. Those who were strong enough walked out of the bush to the only paved road through Wollo and Tigrai provinces, where they lay down, blocking traffic and begging for food. Haile Selassie's government remained silent for six months. The United States and other potential donors went along, although they also knew of the starvation. Some 250,000 peasants starved to death, and the Selassie government was overthrown.

In 1982, again following several years of drought and crop failure, tens of thousands of Ethiopian peasants in Wollo and Tigrai provinces abandoned their villages in a desperate search for food. This time, however, the government of Lt. Col. Mengistu Haile Mariam did not ignore the warning signals. In September of 1982, the Ethiopian Relief and Rehabilitation Commission, in operation since the 1973-1974 famine, began alerting potential donors that some 2 million Ethiopians urgently needed food. Nonetheless, the Administration in early 1983 cut off all food aid to Ethiopia, from 8,172 metric tons in 1982 to none for 1984.

The Reagan Administration had several good reasons to be cautious about Ethiopia. First, the Mengistu government is Marxist, one of the most pro-Soviet regimes in Africa, and has been a flagrant violator of human rights in the past. It owes $2 billion to the Soviet Union for arms, and there are now some 2,500 Soviet advisers, 3,000 East Germans, and 11,000 Cubans in Ethiopia. Second, during the winter of 1982-1983, it was said that Mengistu was siphoning off relief food for his troops and that the food shortage was actually caused by the Russians, who were taking Ethiopia's grain production as payment for arms. Some international donors delayed food shipments while they tracked down the rumors, neither of which proved true. Third, the three provinces suffering the greatest starvation—Wollo, Tigrai, and Eritrea—are splintered by guerrilla war. The guerrilla units, some of which have been fighting since 1962, claim to be operating their own feeding stations in the rural areas they control. Their relief organizations, too, have asked international donors for emergency food aid.

From a political perspective, Ethiopia is a poor risk for the West. But it is clear that Ethiopians need food. By last spring, private aid agencies, church groups, and representatives of the United Nations were in Ethiopia distributing food to hungry people regardless of their politics. United Nations officials in the field estimate that some 3 million Ethiopians may be starving. American projections, based on photographs from satellites, indicate that Ethiopia will suffer a 2-million-ton grain shortfall early this year.

After nine months' delay, the Reagan Administration, pressured by Congress and the press, granted 5,338 tons of emergency food for Ethiopia. It also reinstated $5.3 million in regular food aid, which will provide 11,863 tons of food, enough to feed 178,000 people for about a year.

Why should feeding hungry people be so painful? Reagan was clearly reacting to political considerations: Ethiopia is a Marxist nation criss-crossed by guerrilla war and occupied by Cuban soldiers, among others; the United States has naval bases in neighboring Somalia. At the same time that Reagan was cutting food aid to Marxist Ethiopia, he was increasing food aid to Marxist Mozambique, in southern Africa. Both are among the twenty-two nations where people are starving, but offering aid to Mozambique gives the President the image of caring as much for blacks in southern Africa as for whites in South Africa.

Since the Second World War, the United States has been the world's leading donor of food. U.S. aid has played an increasingly important role in sub-Saharan Africa's economic and political life. Under Title II of PL 480, the U.S. has shipped surplus grain to alleviate emergencies in West and East Africa. Food aid sent under Titles I and III, started as temporary measures, was intended to halt the decline in Africa's food production and help its agricultural development.

While there is little controversy over Title II food aid for emergencies, there is much surrounding developmental food aid. There is some evidence that PL 480 food aid sold at concessional terms or given as grants for Food for Work has damaged Africa's agricultural programs. Critics both in and out of the food-aid business are concerned that such aid has created disincentives by shifting patterns of consumption to wheat and rice, the principal aid commodities; that it has drawn off scarce resources such as skilled workers, transportation, and storage facilities from local agricultural production; and that it has permitted African governments to put off reforms of agricultural policies—especially pricing policies—that would stimulate local food production.

What, then, should be done? To meet Africa's short-term needs, the West and especially the United States must learn to respond quickly to starvation alerts in the Third World. To help with the long-term problems, food aid for development needs re-evaluation. Academic and governmental studies are under way to determine the impact of food aid on Africa's farmers; charges that it creates disincentives, delays policy reforms, or simply continues neocolonial dependencies should be carefully examined.

Africa's plight comes at a time of a U.S. foreign-policy shift from aid for development toward aid for political or strategic purposes. From 1981 to 1983, while Africans begged for food, the Reagan Administration cut food aid to Africa by more than a third and increased military aid by 157 percent. By the time this drought ends, United States aid to Africa may not be in food or technical assistance for development but in guns and military training for strategically located friends.●

LINN AUXILIARY VETERANS OF FOREIGN WARS

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. DENNY SMITH. Mr. Speaker, I would like to personally commend the work of the Linn Auxiliary Veterans of Foreign Wars to inspire patriotism and love of country. For the past 6 years the Albany auxiliary has won the traveling plaque for best overall Americanism progam in their membership group.

This group's activities are praiseworthy: presenting flags to schools and social groups; providing instruction in flag etiquette; encouraging daily flag salute and pledge in schools; sponsoring "Voice of Democracy" school speech contests; supplying patriotic books to elementary and middle schools; presenting citations to businesses that fly flags daily.

Albany's VFW has done a fine job of encouraging loyalty to Amercia and training our young people in the traditions which have made this country great. Today I would like to call special attention to their worthwhile efforts.●

OUTSTANDING ACHIEVEMENT AWARD TO HON. FRANK HORTON

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. LOTT. Mr. Speaker, it gives me a great deal of pleasure to inform my colleagues of an outstanding tribute paid to one of the most distinguished and hard-working Members of this House, the Honorable FRANK HORTON.

Just prior to the conclusion of the 1st session of the 98th Congress the Business Advisory Council on Federal Reports (BACFR), the only private sector organization whose sole mission is reduction of the Federal paperwork burden, presented its Outstanding Achievement Award to our colleague from New York. The chairman of BACFR is my good friend, Gene Hardy, and as part of my remarks I am including his presentation of this much-deserved award and Frank Horton's response.

REMARKS OF EUGENE J. HARDY, CHAIRMAN, BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS ON NOVEMBER 14, 1983

Tonight I have one of the most difficult tasks I have encountered when appearing before an audience of any kind. How do I summarize a congressional career that is one of the most outstanding I have witnessed since coming to Washington in 1941, particularly when the individual involved is so self-effacing and never seeks the limelight he so richly deserves?

In just two decades in the House, Frank Horton has become ranking minority member of the House Government Operations Committee—the primary watchdog committee of the House, dean of the New York Republican delegation, the New York representative on the Republican Committee on Committees, a member of the House Republican leadership and cochairman of the Northeast-Midwest Congressional Coalition.

History will always record his major contributions to the creation of the Offices of

Inspector General in the Federal departments, the Federal revenue-sharing program, the Privacy Act, the Freedom of Information Act, improved Federal procurement and at the top of the list—the reduction of the Federal paperwork burden.

To list his many other accomplishments at all levels of government, his civic and fraternal activities and his major writings would, I know, embarrass him. But we honor him tonight for his outstanding contributions to the never-ending fight to tame the Federal paperwork monster. I will, therefore, read the inscription on the plaque which gives our honoree a permanent record of the council's 1983 Outstanding Achievement Award.

"For more than two decades Frank Horton has served his New York Congressional District and the Nation with dedication and a quiet perseverance that brings results.

"His work in the House of Representatives has been concerned largely with assuring the most efficient operation of the Federal establishment with major emphasis on reducing the paperwork burden.

"His effective work on the Commission on Government Procurement provided a sound base for assuming the Chairmanship of the bipartisan Commission on Federal Paperwork.

"Vision, patience and intelligence marked his leadership of the Commission on Federal Paperwork resulting in the Commission's many recommendations providing the foundation and framework for what became the Paperwork Reduction Act of 1980. He continues to lead the Congressional oversight task to assure that the 1980 Act is not weakened and is effectively administered.

"The Council is proud to honor Frank Horton, Ranking Minority Member of the House Committee on Government Operations, for his outstanding achievements in the constant search for less burdensome and more effective government."

REMARKS OF HON. FRANK HORTON

Thank you very, very much. You are extremely kind to present me with this award.

The award means a great deal to me for two reasons.

First, I am highly flattered to receive a citation, the first recipient of which was Elmer Staats. Elmer served the people of the United States for over 40 years, the last 15 as Comptroller General. He was a public servant of the absolute first rank, and it is my great privilege to count him as a friend. I treasure very much being mentioned in the same company with that fine man.

The second reason that I am so pleased to have this honor is that it comes from the Business Advisory Council on Federal Reports. As far as I'm concerned, when it comes to working for reduction in the paperwork burden that the Federal Government imposes on its citizens, BACFR is the premier private sector group in America. You folks know what you're doing, and you work hard at it.

While I have maintained an active interest in paperwork reduction for the past decade, BACFR, however, has been a vigorous force on this subject for more than 40 years. Wherever I've gone in this area—whether it's been as chairman of the Commission on Federal Paperwork, original sponsor of the bill which became the Paperwork Reduction Act of 1980, or ranking minority member of the House Committee which exercises oversight over the implementation of that act—I keep bumping into Gene Hardy and Dave Marsh and you other members of BACFR who are consistently fighting the good fight for paperwork reduction.

You have done a terrific job of using the provision of the act which requires the Office of Management and Budget to "provide interested * * * persons early and meaningful opportunity to comment" on the "development of information policies, plans, rules, regulations, procedures, and guidelines and * * * information collection requests." You have given OMB the background information and arguments they need to make their judgments.

So thank you, Gene and Dave and all the rest of you, not only for this award tonight, but for all you have done, too, to cut down the Federal paperwork burden.

I've been asked to say a few words tonight on each of three subjects—the Paperwork Commission, the Paperwork Reduction Act, and proposed revisions to OMB Circular A-122.

As I said, my major involvement in this area began back in 1974 when I cosponsored, along with Congressman Chet Holifield, my very good friend who was then chairman of the House Government Operations Committee, a bill to create a Commission on Federal Paperwork. That bill became law in December 1974.

The next year, the Commission got under way. I was fortunate enough to be elected chairman. My 2 years in that job really opened my eyes to the scope of the Federal paperwork problem and gave me the resolve, which I will always carry with me, to do something about it.

Until I became chairman of the Paperwork Commission, I had been like many other Congressmen: frustrated by the individual paperwork problems of constituents, but uncertain about the magnitude of the whole situation or what could be done about it. On the Commission, we held hearings all over the country, learning in detail about Federal paperwork. We documented that the Government creates or requires the creation of more than $100 billion worth of paperwork annually—and that is a 1977 figure based on that year's dollars. We came up with 770 specific recommendations for eliminating parts of that burden. On the whole, those recommendations were well received, and most of them have been implemented.

Perhaps the most important recommendation that the Commission made was one that came out of our information resources management study. In that report, we wrote: "The real culprit of the (Federal) paperwork burden is mismanagement of information resources, * * * There must be established (in the executive branch) an Information resources management function incorporating and integrating many disparate but related information activities * * * (These activities must be brought) together under a single management coordination umbrella."

To implement that recommendation, I introduced a bill to create a central information office in OMB with governmentwide authority to clear forms proposed by executive agencies. I first put that bill in in 1978. I tried again in 1979. By 1980, thanks to your help and that of others, Congressman Jack Brooks and I were able to steer that measure to enactment as Public Law 96-511, the Paperwork Reduction Act.

Let me say at this point, that while I am often identified with this legislation, there would be no Paperwork Reduction Act and no Office of Information and Regulatory Affairs were it not for the chairman of the Government Operations Committee, Congressman Jack Brooks. He is an able leader and articulate spokesman.

In the 2½ years that the act has been in effect, OMB and the agencies have begun to show some concern for both decreasing demands for data and increasing management of information resources. I've been unhappy at times that OMB was not moving fast enough in the right direction. I'm sure that you have had problems with them, too. Some agencies seem serious about paperwork reduction efforts, and others are more concerned about cutting the legs out from under OMB. All in all, though, I think we have to remember that this project is still in its early stages. If we keep the heat on, I sense that the executive branch will continue to make strides forward.

Recently, the House of Representatives endorsed the Paperwork Reduction Act by agreeing to amendments to that law which were proposed by Mr. Brooks and myself. Our bill, H.R. 2718, authorizes appropriations for OMB's continued work in this area for the next 3 years. It incorporates my recommendation, which was developed in cooperation with your executive director, for clarifying the procedure for OMB review of information collections proposed in regulations. And it requires the executive branch to reduce the paperwork burden imposed on our citizens by 15 percent over the next 2 years.

The bill has now gone to the Senate, where it lies before Senator Danforth's Governmental Affairs Subcommittee on Information Management and Regulatory Affairs. There isn't any urgent need for immediate movement on this legislation, because the act itself is permanent and OMB has always funded its Information Office out of the agency's general appropriation. Nevertheless, I hope that we can move the bill to enactment, both because it contains some useful changes and because it demonstrates a congressional commitment to further paperwork reductions.

One of the reasons that the Paperwork Act is important to you, I know, is because it specifically gives you access to government officials for the purpose of discussing the merits of proposed forms and questionnaires. Most, if not all of you represent companies or trade associations which do business with the Government, and you obviously must talk with Federal personnel for many other reasons, too. Because you're in that situation, I'm sure you are interested in the fate of OMB's proposed revisions to Circular A-122.

Some officials of the Office of Management and Budget are apparently under the impression that Federal contractors and grantees spend tremendous sums lobbying with public money.

Last winter, they came up with a proposal which would have defined "lobbying" as including anything as innocent as talking to your neighbor about current events, and made the penalty for committing such a transgression, a refusal to reimburse for costs incurred under the contract or grant. This idea was so blatantly unconstitutional as an abridgement of freedom of speech that it was severely criticized by a wide cross-section of business and volunteer groups. After a hearing by the Government Operations Committee in which over 30 witnesses testified against the proposal, it was withdrawn.

OMB now has a new version of its proposal. This version, thanks to the hard work of

OMB Deputy Director Joe Wright, it much improved, both in its narrower definition of "lobbying" and in its more conventional cost-allocation penalty for violation of the circular. As I explained in one of our hearings though, there are still four major drawbacks:

It's a proposal for solving an undefined problem.

It's based on the theory that contractors' contacts with executive branch officials are fine, but that contracts with legislators are somehow suspect.

It is far more restrictive in its application to defense contractors than with regard to all other contractors and grantees, and it may not be enforceable.

At the hearing, many business and volunteer group representatives again criticized OMB's effort. Even the paperwork implications of the proposal came in for some harsh words. I know the Committee on Government Operations will try to assure that this circular will hamper you as little as possible.

Again, thank you very much for presenting me with your Outstanding Achievement Award. I'll think of the award and this fine evening every time I work with you at BACFR in the interest of reducing the Federal paperwork burden.●

THE BILDISCO DECISION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. MAZZOLI. Mr. Speaker, amendments to the Bankruptcy Code, approved in 1978, make it easier for a company to seek protection from its creditors while it attempts to reorganize its business affairs and keep its doors open. The goal of a chapter 11 bankruptcy proceeding is to keep the business afloat.

In any event, in a major labor law ruling, the Supreme Court held in the Bildisco case that:

One, an employer's agreement with a union, covering employee wages and benefits, is a contract which can be rescinded in a chapter 11 bankruptcy proceeding—this was a 9 to 0 holding;

Two, the labor contract may be rescinded even though the employer only claims that the contract is a burden to the company's efforts to remain in business—union lawyers argued unsuccessfully that the labor contract should not be rescinded unless the company could show that the contract would cause the business to fail—this was a 9 to 0 holding; and

Three, that the company seeking chapter 11 bankruptcy protection can abrogate its union-labor contracts immediately upon filing its chapter 11 petition rather than later, after the bankruptcy judge has examined and accepted the company's reorganization plan—this was a 5 to 4 holding.

While there may be some disagreement over exactly how Congress should respond to the ruling, there can be no disagreement that something needs to be done to counter the effect of Bildisco. And, so, I have cosponsored H.R. 4908, introduced by House Judiciary Committee Chairman PETER RODINO, to correct the Bildisco holding. H.R. 4908 may have to be modified as it moves down the legislative path, but it gets to the heart of the issue.

It is important that businesses in financial trouble have every reasonable opportunity to reorganize their affairs in order to stay open and keep their employees on the job. However, it is crucial that companies not be permitted to abuse chapter 11 of the Bankruptcy Act to renege on a labor contract reached by collective bargaining.●

FORMER PRESIDENTS AUSTERITY ACT OF 1984

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. BILIRAKIS. Mr. Speaker, on February 8, I introduced H.R. 4786, the Former Presidents Austerity Act of 1984.

The intent of this legislation is simple and direct—to curtail the many expenses associated with former Presidents which are currently borne by the American taxpayer. The bill amends current law to save money on the operation and maintenance of Presidential libraries, sets new limits on personal staff and allowances granted to former Presidents, and establishes a system for limiting and reviewing the Secret Service protection granted to former Presidents and their families.

Since this bill is an omnibus measure, covering many discreet areas of expense and amending several different titles of the United States Code, I felt it would be valuable to briefly describe what H.R. 4786 would accomplish. Cost savings are included where the available data permits analysis, but the impact of this bill is not entirely of a monetary nature. That is, in addition to saving taxpayer dollars, I believe that H.R. 4786 creates a balance between the legitimate expenditures associated with former Presidents, and expenses which may be classed as excessive, or beyond the public's responsibility to our former Chief Executives.

Altogether, I believe we need to accord our former Presidents the dignity of the office in which they once served. However, our former Presidents should never appear to be newborn millionaires living at the taxpayer's expense. I believe that H.R. 4786 achieves such a balance and I urge my colleagues in the House of Representatives to consider joining me in this effort.

H.R. 4786

TITLE I—PRESIDENTIAL LIBRARIES

This section of H.R. 4786 contains a 40,000 square foot limitation on the size of future Presidential libraries. At the present time, the government does not pay for the actual construction of a Presidential library—but must pay for operating and maintaining these facilities after it takes title from the private sources which arranged for construction. Last year, such costs totalled $12.9 million.

The 40,000 sq. ft. limit (which includes any museum space) is designed to encourage the construction of modest, functional facilities. Current Presidential libraries range in size from 24,000 net square feet for the Hoover library to over 100,000 net square feet for the Johnson library. Actual design of the facility could vary under H.R. 4786, but GSA would be prevented from taking title to any library facility which exceeded the provided size limit.

In addition, H.R. 4786 requires the submission of a library prospectus to the relevant Congressional committees which includes, among other things, an estimate of the annual cost to the government to maintain the library. Currently, GSA does consult and review library plans, but formal arrangements are lacking.

An entirely new library requirement established by H.R. 4786 is contained in Section 101(a)(3) of the bill. This paragraph requires that a private endowment be established in conjunction with the construction of a library which will "provide sufficient income, when combined with anticipated admission fees, to cover administrative and operational costs of the proposed depository, other than those costs which would normally be borne by the Federal Government in the absence of a Presidential archival depository." The intent of this provision is to require that private money pay for all library activities not associated with the preservation of Presidential records.

As to cost savings, it is impossible to predict precise figures, since all savings are prospective—the above provisions do not apply to libraries constructed before the effective date of the legislation, January 20, 1985. One 1980 GSA study, however, did indicate that a model 38,000 square ft. library facility could save over 35% in long-term operating costs from present, "unrestricted facilities."

TITLE II—FORMER PRESIDENTS

At the present time, a former President is allowed to hire staff paid for by the government (read: taxpayers) in the amount of $150,000 per year for the first 30 months out-of-office and $96,000 per year thereafter. There is no authorized limit, however, on the amount of money expended for Presidential offices, furnishings, travel, equipment, general expenses, etc. The only limit on these expenses occurs during the normal appropriations process.

H.R. 4786 would place an authorized cap on all staff, office, communications, moving, and travel expenses other than the rent of SLUC associated with the former President's office. All expenses would be limited to a total of $250,000 in the first four years out-of-office, $175,000 in the next four years, and $100,000 thereafter. Based on requested funds for FY84, this provision would save at least $200,000 in the first year of implementation, while providing a reasonable amount of funding for such expenditures.

With regard to offices, H.R. 4786 further establishes a 4,000 sq. ft. limitation on size, although a former President would retain the authority to request an office in the area of the country of his choosing. All office requests and expenses would continue to be reviewed by GSA and Congress through the appropriations process.

More specific provisions of this section: (1) limit Presidential out-of-office transition funds to $750,000 from the current $1 million, (b) increase Presidential widow pensions to ⅔rds the amount of prevailing Presidential pensions, (c) require Presidential travel on government aircraft to be paid for with authorized funds, (d) require Presidential and Vice-President moving expenses to come under the provided authorization, (e) limit detailing of federal employees to former Presidents, (f) prohibit the use of funds for "partisan political activities or income generating activities, (g) provide that memoirs, if produced with government funds, only be printed and distributed by the Public Printer, (h) set a limit of $2 million on transition-into-office funds.

TITLE III—PROTECTION OF FORMER PRESIDENTS

This segment of the bill limits "automatic" Secret Service protection of a former President to a period of eight years following his departure from office. Current former Presidents would not be "cut-off" but would also be granted eight years of protection from October 1, 1985.

Spouses and minor children of a former President would receive Secret Service protection only if such protection was "incidental" to the protection of the former President, or otherwise authorized (under provisions discussed below). Widows or widowers of former Presidents would be limited to an automatic protection period of six months. Former Vice-Presidents may also be afforded protection for approximately eight months, upon written request.

All above described periods of protection—after their expiration—are subject to review by a special unpaid commission. This "Advisory Panel on Secret Service Protection" may authorize additional periods of protection for all individuals (except Vice Presidents) upon "a finding that a serious threat warranting such protection exists to the individual." The panel may authorize additional one-year periods of protection for former Presidents, and six month periods for spouses, widows, and minor children.

Precise cost savings from this title of the bill are almost impossible to predict, due to the contingent nature of the new limitations. Terminating or limiting Secret Service protection in selected instances, however, obviously would save money. Such costs have risen from $49,500 in FY64 to an estimated $10,300,000 in FY82.●

ADVERTISING LEGALIZED GAMING

HON. HARRY M. REID

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. REID. Mr. Speaker, last week I introduced legislation, H.R. 5097, on behalf of my distinguished colleague from Nevada, Mrs. VUCANOVICH, and myself to rectify Federal prohibitions on advertising by legal gaming enterprises.

It is currently a Federal offense to advertise any legal gaming enterprise by broadcasting or through the mails. State-conducted lotteries are exempt from the ban; in 1975, Congress finally recognized that current law against gambling advertisements were based in the puritanical values of yesteryear, when the Federal Government was trying to correct man's moral weaknesses by statute. Congressional approval of the exemption for State-conducted lotteries was a sound, but shortsighted gesture. In an era when the majority of the States have legalized some form of gaming to raise revenue, provide employment, and divert funds from illegal games, Federal prohibition of advertising by private legal gaming enterprises constitutes unwarranted and antiquated regulation.

In its final report issued in 1976, the President's Commission on the Review of the National Policy Toward Gambling, urged that the Federal Government recognize gaming as a State's right, and in this regard, should not impair the right of a State to compete with illegal gaming or impede any State's economic prerogative to raise revenue through that means.

The legislation I have introduced would allow advertising of any State-sponsored lottery, gift enterprise, or similar scheme. The bill would not launch a proliferation of legal gaming activity, and does not seek to create a special exemption for the industry. By relaxing the existing ban on the constitutional right to free speech, H.R. 5097 would simply grant legitimate State-authorized and regulated businesses the same rights accorded any other industry. Casinos, in particular, are among the most taxed and heavily regulated industries in the country; they are carefully scrutinized at many levels. Passage of H.R. 5097 would not tamper with any State's autonomy to regulate its own industry.

Further, the considerable confusion that exists over the application of current statutes underscores the need to clarify the language. Interpretation of existing statutes by broadcast and print media has resulted in widely diverse treatment of advertisements by gaming resorts. Though violations are particularly common in the print media, enforcement is difficult.

In conclusion, Mr. Speaker, at a time legalized gaming has become an integral part of many State economies, we cannot allow the Federal Government to maintain this unnecessary intrusion at the expense of State revenues and jobs. I hope my colleagues will join me in urging prompt consideration of this legislation.●

TRIBUTE TO TUSCALOOSA'S FINEST: FRANK M. MOODY

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. SHELBY. Mr. Speaker, today I am pleased and honored to pay tribute to an outstanding member of the Tuscaloosa community, Frank M. Moody.

Born in Tuscaloosa, Frank attended prep school in Alexandria, Va., before returning home to earn a B.A. degree from the University of Alabama. He went on to attend both Duke University's school of finance as well as the graduate school of banking at Rutgers before being awarded an honorary LL.D. from the University of Alabama in 1979. In 1937, Frank once again returned home and began a long association with the First National Bank of Tuscaloosa, an association which saw Frank elected chairman of the board and chief executive officer in 1970 where he has remained since.

Mr. Speaker, everyone lives in a community, some people even contribute inordinantly to a community, and then there are those special few who simply are the community. Frank Moody is one of those special few. He is Tuscaloosa. From serving as chairman of various banking associations and institutions, to his longstanding association with the chamber of commerce, to his tireless work on behalf of groups ranging from the United Way to the YMCA to the Alabama Mental Health Association, Frank has indeed left his mark on Tuscaloosa.

He personifies what is best about America; hardworking, gracious and willing to devote himself to the betterment of his neighbors. I am sure that I am speaking for all of Tuscaloosa when I extend my appreciation for all he has done. As the following list shows we need more like him:

Chamber of Commerce.—1948-1954 Chairman Aviation Committee and was primarily responsible for getting paved runway and working out arrangements for airline services for Tuscaloosa. Has served as President and member of the Board of Directors. Also formerly on New Industries Committee, Industrial Development Board and numerous other committees.

Formerly member of the Committee on Economic Policy, United States Chamber of Commerce; Government Operations and Expenditures Control, United States Chamber of Commerce and Membership Committee, United States Chamber of Commerce.

Y.M.C.A.—Co-Chairman, Building Fund Drive, Tuscaloosa County 1955 and 1958; President 1960-62; Member National Council; Member YMCA Metropolitan Board of Directors.

United Fund.—Chairman of Drive in 1956; President 1957; Chairman of Nominating Committee for number of years; Member of Finance and Executive Committee.

Other.—Formerly member Board of Directors, Tuscaloosa County Community Chest;

Board of Directors, Community Council, Citizens Development Committee for Better Schools; Tuscaloosa Sesquicentennial Committee; Lurleen Wallace Courage Crusade Campaign Cabinet; Chairman, Christmas Seal Drive, Tuberculosis Association; 1965 Chairman, Alabama State Mental Health Board.

Past Chairman of the Board, Druid City Hospital; Member, Board of Directors 1949-1976; past Alabama Mental Health Association; past Board of Directors, Tuscaloosa Housing Authority; Co-Chairman Tuscaloosa Bicentennial Committee; Member of Nominating Committee for Alabama Business Hall of Fame; Member of AIESEC Board; Board of Visitors, University of Alabama; past member Board of Directors and Executive Trustees, Stillman College; Board of Directors, Tuscaloosa Industrial Revenue Council; Board of Directors Industrial Development Board; Board of Trustees, David Warner Foundation; past Board of Trustees and Executive Committee, Tuscaloosa Academy.●

REAGAN TAX PROGRAM A DISASTER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Ms. KAPTUR. Mr. Speaker, the Reagan tax program has been a disaster for this country. Supply side economics did not stimulate the economy. Instead, in the wake of a boatload of new tax incentives, capital investment declined 2 years in a row. The savings rate also hit an all-time low.

The Reagan tax program also shifted the tax burden from the wealthy to the average and lower-income taxpayer. Since 1978, the effective Federal income tax rate on the bottom half of the population increased by more than 50 percent. During the same time period, the effective tax rate on those making more than $200,000 a year has been slashed by more than a third.

Robert McIntyre makes these points in an excellent summation of the effects of the Reagan tax program. I commend to my colleagues the following excerpt from Mr. McIntyre's article, "Just Taxes, & Other Options," which can be found in the Democracy Project publication "Less Taxing Alternatives." Mr. McIntyre is director of Federal tax policy at Citizens for Tax Justice.

THE REAGAN RAVAGEMENT

With a substantial assist from President Reagan's 1981 tax act, and despite some retrenchment the following year, the dominant role of the current income tax is to implement a hodgepodge of government "incentive" policies. In fact, the total amount of revenues the Treasury now forgoes through officially-designated "tax expenditures" is almost as large as the amount actually collected in income taxes. The explosion in loopholes has been most dramatic on the corporate side—up from $7 billion on the government's official list in 1970 to an expected $87 billion by 1985. Fiscal 1983 saw $1.67 lost through corporate loopholes for every dollar paid in corporate income taxes. On the individual side, there now are about 83 cents in "tax expenditures" for every dollar collected in personal income taxes. Even not counting individual relief measures that are not intended to change behavior, one still finds close to 60 cents in individual tax "incentives" for every dollar paid in personal taxes.

What have all these "incentives" done for us?

Well, the most obvious result has been a rather dramatic shift in the way the tax burden is shared. Since 1978, inflation-driven "bracket creep" has raised the effective income tax rate on the bottom half of the population by more than 50 percent. Counting higher social security taxes, the federal tax burden on a poverty level family has doubled. The income tax rate paid by the next 30 percent of taxpayers is up by 14 percent or more and social security tax rates on these middle-income families are up by close to 30 percent. At the same time, mainly due to added loopholes, the effective tax rate paid by the wealthiest individuals—those making more than $200,000 a year—has been slashed by more than a third.

Meanwhile, our major corporations are barely contributing at all. According to a recent congressional study, the effective federal income tax rate in 1982 on 213 Fortune-500 companies surveyed was only 16 percent. Telecommunications firms paid less than 2 percent; railroads chipped in only 4 percent (after paying nothing the previous year); large banks, insurance companies, aerospace firms, and chemical companies got outright tax refunds. Among the well-known, highly profitable businesses getting tax money back from the government in 1982 were DuPont, RCA, Texaco, and General Electric. GE's total refunds in 1981 and 1982 of $250 million were garnered despite reported profits in those years totalling $3.5 billion. In the 1950s and 1960s, corporations paid about 25 percent of the federal taxes. In fiscal 1983, the corporate share of the tax burden amounted to a mere 6 percent—and corporate taxes paid for only 4½ percent of federal spending.

As a result of this huge tax shift, average taxpayers are paying more in taxes, but getting no more or even less in government services. To ordinary taxpayers, who see only what they are paying, not what others are not, it may plausibly look like the government is suddenly wasting a great deal of their money. But the reality is that they are paying the taxes that have been avoided by the politically powerful.

But what of the silver lining? Are the new "incentives" at least helping achieve important economic goals? Apparently not. The huge depreciation tax breaks enacted in 1981, for example, were supposed to increase corporate capital spending. Instead, plant and equipment investment declined in 1983 for the second year in a row—the first time that's happened in the entire postwar era. The new "savings incentives" enacted in 1981 were supposed to be a boost to personal saving. Instead, they have simply attracted funds away from other kinds of saving, and the personal saving rate reached a 33-year record low of 4 percent of disposable income in the second quarter of 1983.

In fact, although the explosion in loopholes over the past decade has been relentlessly defended by Washington lobbyists as beneficial to the economy, the actual results have been just the opposite. Not only have the costly giveaways failed to lead to increased investment, not only have they helped send federal deficits and real interest rates soaring, but they also have seriously distorted economic decisionmaking. Tax sheltering, rather than the marketplace, has become the driving force behind many investment choices. Bad investments, entered into only for their tax advantages, have crowded out good ones.

What tax loopholes—both corporate and individual—have given us in the way of "investment" is lots and lots of paper shuffling. Take, for example, the $485 million tax shelter engineered in the fall of 1982 in which 534 wealthy investors bought Metromedia, Inc.'s entire stock of 45,000 used billboards—with the expectation they'll sell them back in five years after milking the tax write-offs. Or the rampant trading in used office buildings under way in cities across the country, as investors seek "newly-acquired property" to get the enhanced depreciation deductions available since 1981. Or the quadrupling in syndicated tax shelters since 1979, involving, among other things, such highly productive assets as llamas, foreign stamps, and used shopping centers. Or the tidal wave of corporate mergers over the past three years, totalling a staggering $209 billion—with new records predicted for 1984.

Although heralded by backers as the start of a new era in tax policy, President Reagan's 1981 tax victories were simply the continuation of an old one—and they may turn out to have been its zenith. The failure of "trickle-down" policies to boost the economy (and instead the experience of a deep recession followed after much pain by a consumer-led recovery), the news of how the 1981 loopholes virtually wiped out the corporate income tax, the spectacle of profitable companies buying and selling tax breaks, and, most important, the realization by most people that their own taxes have gone up despite the so-called Reagan tax cuts have brought public discontent with the tax system to a critical mass.

One populist-oriented congressional tax staffer may have been speaking for many other taxpayers when he summed up his dissatisfaction with the tax laws this way: "Last year Occidental Petroleum made $720 million and got $25 million back from the government. I made about $50,000 or so and paid something like $10,000 or $15,000 in taxes. Now, the way I figure it, with a little rounding off, I made $720 million less than Occidental—but I paid $25 million more in taxes. I'm no dope, but for the life of me I can't figure out how that can be fair."●

ROGERS SUPPORTS STUDY OF SMALL BUSINESS PROGRAMS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. ROGERS. Mr. Speaker, yesterday I rose in support of an amendment to H.R. 3020, the small business authorizations bill. This important amendment, offered by my colleague from Maine, Mr. McKernan, would require the Small Business Administration to conduct a 1-year study to determine how effectively its guaranteed loan program is serving the growing segment of small businesses with fewer than 20 employees and that need loans of less than $50,000.

The analysis provided for in this amendment would help the small business community, and in particular, the very small business concerns which dominate that business community.

Over the last few months I have been talking with business leaders and other folks from back home—innovative, dynamic people who have good ideas, but who can only make them happen with the kind of credit assistance which the SBA loan guarantee program can help provide.

A lot of these folks are in need of a financial boost which is relatively small, yet they face enormous administrative burdens. The picture they paint is one colored by massive paper work, unreasonable time delays, and, as one fellow who was eventually successful told me, a feeling of just wanting to throw in the towel before things even get started.

The hurdles for someone wanting to borrow less than $50,000 with the SBA's help can scare potential success stories completely away—and these kinds of very small business people collectively play a very giant role in maintaining a growing economy in this Nation.

Mr. Speaker, even the bankers in my district complain that the administrative costs of lending SBA backed credit are just too high for loans of the size we are talking about here. Some of these bankers honestly told me that they would not encourage small borrowers to travel the SBA route. And a few admitted that they do not participate in SBA backed lending at all. This program cannot serve anybody if its scaring banks off as well as borrowers.

If the SBA exists to serve and protect our vital small business, the life line it extends should certainly reach the very smallest members of the business community.

The emergence and growth of the very small businesses in this Nation is simply too important to let them become discouraged from the outset, or to let them drown in a sea of red tape which may not be necessary.

Mr. Speaker, this amendment which I fully support will help to insure that the programs which we extend through this authorization will reach the very small business men and women who are willing to confront the uncertainty and risks that starting a small business entails.

I applaud the gentleman from Maine for his amendment, and strongly endorse this proposal as a means toward helping the very small businesses of this Nation.●

ON MARCH 12, 1984 GIRL SCOUTS OF THE UNITED STATES OF AMERICA CELEBRATED ITS 72D ANNIVERSARY

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mrs. BOGGS. Mr. Speaker, Girl Scouting is a movement that gives girls from all segments of American life a chance to develop their potential, to make friends, and to become a vital part of their community. Its program is a continuous adventure in learning that offers girls a broad range of activities which address both their current interests and their future roles as women.

Girl Scouts of the U.S.A. is the largest voluntary organization for girls in the world. It is open to all girls ages 6 through 17—or in grades 1 through 12—who subscribe to its ideals as stated in the Girl Scout Promise and Law.

Girl Scouts membership has continued to strengthen, with total membership numbering nearly 3 million. There are 2,281,000 girls in 4 program levels: Brownie Girl Scouts ages 6 to 8; Junior Girl Scouts ages 9 to 11; Cadette Girl Scouts ages 12 to 14; and Senior Girl Scouts ages 14 to 17. There 607,000 adult members—women and men—including volunteer leaders, consultants, board members, and staff specialists in such areas as child development, adult education, outdoor education, and administration. Employment executives account for less than 1 percent of total adult membership.

Girls and leaders participate in Girl Scouting through group activities in troops. There are 165,000 troops, including Troops on Foreign Soil (TOFS) in 58 countries. TOFS members come from U.S. military and civilian families living abroad.

As part of the international movement, GSUSA helps girls and adults live in an increasingly interdependent world by permitting a better understanding of the many cultures and people as well as the limitations of natural and economic resources worldwide. A good example of international friendship took place when a group of American Girl Scouts and German Girl Guides participated in the 1983 German-U.S.A. Mutual Youth Exchange, a project designed to improve cross-cultural understanding and language skill while strengthening a shared understanding of, and commitment to, democratic values The girls ranged in age from 15 through 19.

The project was assisted financially by the Bureau of Educational and Cultural Affairs of the U.S. Information Agency under the authority of the Fulbright-Hayes Act of 1961, as part of the U.S. President's Youth Exchange initiative and the Government of the Federal Republic of Germany.

The activities took place in the United States and Germany. Fourteen Girl Guides, accompanied by three adult leaders, spent a week living with Girl Scout families throughout the U.S.A. The 16 Girl Scouts and 2 Girl Scout leaders who participated represented 8 councils that provided the home hospitality.

In addition, the global understanding projects for troops, "Think Globally, Act Locally" have been received with enthusiasm. The "Reach Wider Still" theme is an extension of last year's international activities as well as Girl Scouts special efforts for new history through the use of these techniques.●

COMMUNITY WORK EXPERIENCE PROGRAM SHOULD NOT BE MANDATORY

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. FORD of Tennessee. Mr. Speaker, the Reagan administration has once again proposed that participation in the community work experience program (CWEP), otherwise known as "workfare," be made mandatory for recipients of aid to families with dependent children (AFDC) and food stamps. Under the workfare program, welfare recipients work in public sector jobs in return for their welfare grants. Participants in workfare programs do not receive actual wages as such but rather are required to work the number of hours equal to their welfare grant divided by the minimum wage.

States currently have the option to implement workfare programs. A number of States have exercised this option, developing workfare programs in selected counties within the State. The experience of the States has been mixed. I invite your attention to the recent Washington Post article of March 14, 1984, entitled "States and Communities Remain Cool to President's 'Workfare' Programs," by Spencer Rich. The article points out that there are a number of unanswered questions about the fairness and efficiency of workfare. Are participants in workfare programs really learning valuable work skills or merely engaging in "make work" projects? Are they being used as a cheap source of labor to displace permanent public sector employees? Is the program cost-effective?

The limited experience we have with workfare makes it impossible to answer these fundamental questions. As Mr. Rich's article points out, a major study of workfare is being conducted by the Manpower Demonstration Research Corp. The results of that study should help us evaluate those workfare programs that now exist. Until such a thorough evaluation is made, the program should remain an option to the States. The administration's proposal to mandate workfare in all States is ill-considered and should be rejected.

STATES AND COMMUNITIES REMAIN COOL TO PRESIDENT'S "WORKFARE" PROGRAMS

(By Spencer Rich)

New government studies show that state and local governments have been distinctly cool to one of President Reagan's favorite social proposals—requiring people to work off their welfare and food-stamp benefits.

Since 1981, states and localities have had the option of installing "workfare" programs for food stamps and aid to families with dependent children (AFDC). Under the program, welfare recipients must work at some local projects but get no pay; the only compensation they receive is in the form of benefits.

The administration, which wants to make workfare compulsory nationwide, argues that it gives individuals useful experience that helps them get real jobs later, while providing local governments with valuable clerical, maintenance and day labor at no extra cost.

Although 2½ years have passed since the optional programs were enacted, and some local officials can be found who say it is working well, government surveys show that:

As of last month, only 13 of the nation's 3,105 counties had foodstamp workfare programs.

Although 23 states have authorized workfare for AFDC, in many of them only a handful of cities or counties participate. Figures show that as of Dec. 31, 1983, 679 of the 3,105 counties had AFDC workfare programs.

Even there, participation sometimes is minimal. Technically, all five of New York city's boroughs are in AFDC workfare. But while the city has 250,000 families on AFDC, its workfare program is designed to handle 600 people.

Robert B. Carleson, special assistant to the president for policy development, offered a major reason workfare has not been adopted by more communities: "There is some 10 Commandments hidden somewhere in the welfare establishment, and high on its list is: 'There Shall Be No Workfare.' It's anathema to the traditional people who run welfare. The first thing that happens is that they tell the city council or government, 'Look, it's going to cost money.' There's no reason why it shouldn't cost next to nothing" if properly administered.

John A. Svahn Jr., head of the White House office of policy development, argues that the growth record of AFDC workfare should not be viewed as slow. "It is still relatively new. The welfare establishment has traditionally been against it. . . . From the reports I've gotten, it seems to be working pretty well in some places."

One major reason communities have not adopted food-stamp workfare is that it can cost them money. Any savings in reduced food stamp benefits (if people drop off the rolls rather than work, or get private jobs and don't need any more stamps) are pocketed by the federal government; the local governments get nothing.

However, they usually have to pay up to half the administrative cost of food-stamp workfare. Even though the local governments may get some tasks performed free, it sometimes is work that otherwise would not be done. The possibility of making nothing and having to pay some of the administrative costs out of pocket discourages local governments from participating. (The situation is different in AFDC, where the states pocket part of the savings.)

In a broader context, some see workfare as akin to forced labor.

"Many view it as punitive," said a spokesman for the Maine Department of Human Services, "basically not the type of work to enhance the likelihood of getting out of the welfare situation . . . in terms of job and self-esteem and self-respect."

Others believe that workfare seldom helps an individual learn skills that will lead to a real job.

"The projects are not proving effective in obtaining unsubsidized placements for people," contended Morton Sklar, an official of the Jobs Watch project of the Catholic University Center for National Policy Review.

Officials in Maryland and Maine say that work-experience projects for welfare clients are not very productive unless accompanied by training.

And finally, officials sometimes complain that it costs them money, even in AFDC, where the state can pocket some of the savings, because the administrative costs may exceed the savings. Thus, a report from Georgia, which some dispute, estimated that AFDC workfare cost the state and local governments $202,000 in fiscal 1983 but produced only $34,000 in savings.

On the other hand, New York City official George Vernez says the city's small program appears to be working pretty well: participants are making useful contributions and apparently are learning some useful skills. Officials in states such as Utah also have claimed good experience with the program.

The disputes will continue until there is persuasive evidence. A major study of workfare efforts in eight states is being conducted by the Manpower Demonstration Research Corp., whose president, Barbara Blum, is a former New York state commissioner of social services.

The final report won't be available for several years, and Blum and executive vice president Judith Gueron said they are getting mixed reports. "Some think it's dead-end and not cost-effective," Gueron said. "Others think it is good training and is cost-effective."

"I think the states are right to begin in certain counties first, . . . moving forward slowly," Blum said, adding that she cannot yet say whether workfare alone or in combination with one or two services is more effective than other programs in getting people off welfare.●

FOREIGN MILITARY SALES FOR FISCAL YEAR 1983 AND ESTIMATES FOR FISCAL YEARS 1984-85

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues lists of value by country of foreign military sales agreements the United States concluded during fiscal year 1983 and the estimates projected for fiscal year 1984 and fiscal year 1985. These figures represent agreements and do not reflect deliveries or commercial sales.

The total volume of arms sales and FMS military construction sales for fiscal year 1983 was $18.2 billion. The comparable figure for fiscal year 1979 was $10.8 billion, $13.9 billion for fiscal year 1980, $7.2 billion for fiscal year 1981 and $21.4 billion for fiscal year 1982. The estimates for fiscal year 1984 and fiscal year 1985 are $18 billion annually but the tables also show that in the first 5 months of fiscal year 1984, $9.3 billion in sales agreements have already been concluded.

In fiscal year 1983, the largest purchaser was Spain, followed by Saudi Arabia and Israel.

Two tables prepared by the Defense Security Assistance Agency of the Department of Defense follow:

DSAA FOREIGN MILITARY AND CONSTRUCTION SALES, MAR. 1, 1984

[In thousands of dollars]

Country	Fiscal year 1984 sales estimate	Accepted fiscal year 1984
Antigua (United Kingdom)	2,000	
Argentina		
Australia	470,000	260,435
Austria	40,000	1,238
Bahrain	20,000	7
Bangladesh	(1)	2
Belgium	25,000	1,313
Belize	(1)	
Bolivia	(1)	
Botswana	10,000	
Brazil	10,000	7,073
Burma	1,000	29
Cameroon	8,000	421
Canada	250,000	33,407
Colombia	12,000	78
Costa Rica	5,000	119
Denmark	60,000	18,507
Djibouti	2,000	
Dominica	1,000	
Dominican Republic	10,000	6,376
Eastern Caribbean	(1)	
Ecuador	37,000	31,536
Egypt	1,100,000	268,164
El Salvador	200,000	29,730
Fiji	1,000	
Finland	5,000	
France	100,000	7,551
Gabon	3,000	
Germany	200,000	80,590
Ghana	(1)	
Guinea	(1)	
Greece	210,000	62,190
Guatemala	1,000	974
Haiti	(1)	
Honduras	60,000	5,002
Iceland	(1)	
India	2,000	151
Indonesia	50,000	2,055
Ireland	(1)	41
Israel	900,000	6,100

DSAA FOREIGN MILITARY AND CONSTRUCTION SALES, MAR. 1, 1984—Continued

[In thousands of dollars]

Country	Fiscal year 1984 sales estimate	Accepted fiscal year 1984
Italy	100,000	24,286
Jamaica	5,000	
Japan	400,000	48,842
Jordan	100,000	12,785
Kenya	35,000	6,693
Korea	300,000	124,837
Kuwait	50,000	25,769
Lebanon	250,000	138,792
Liberia	15,000	1,448
Luxembourg	1,000	60
Malaysia	20,000	925
Mexico	5,000	2,278
Morocco	80,000	1,412
NAMMA		293
NAMSA—F 104		244
NAMSA—General		24,120
NAMSA—Hawk		4,440
NATO [2]	150,000	1,130
NATO AEW+C(O&S)		19,876
NATO Seasparrow		1,049
Netherlands	1,150,000	1,309,353
New Zealand	15,000	4,654
NICSMA		
Nicaragua	(1)	
Niger	3,000	
Nigeria	20,000	
Norway	250,000	14,604
Oman	40,000	754
Pakistan	350,000	49,315
Panama	5,000	176
Papua—New Guinea	(1)	103
Paraguay	(1)	
Peru	5,000	794
Philippines	50,000	9,228
Portugal	25,000	6,589
Qatar	(1)	2
Rwanda	2,000	
St. Lucia	(1)	193
St. Vincent and Grena	(1)	
Saudi Arabia	3,324,000	1,754,769
Senegal	(1)	
Shape		3,444
Singapore	250,000	6,399
Somalia	30,000	4,352
Spain	500,000	20,389
Sudan	60,000	18,238
Sweden	20,000	510
Switzerland	50,000	2,800
Taiwan	680,000	37,303
Thailand	250,000	30,242
Trinadad-Tobago		
Tunisia	20,000	10,816
Turkey	4,300,000	4,295,388
United Arab Emirates	150,000	4,052
United Kingdom	800,000	203,696
Uruguay	2,000	108
Venezuela	25,000	1,165
Yemen	25,000	
Yugoslavia	20,000	
Zaire	15,000	3,076
Zimbabwe	(1)	
Subtotal	17,737,000	9,054,825
Construction:		
Bahrain		230
Egypt		
Saudi Arabia	263,000	263,000
Subtotal	263,000	263,230
Total	18,000,000	9,318,055

[1] Less than $500,000.

[2] Fiscal year 1984 estimate for all NATO agencies.

FOREIGN MILITARY SALES AND CONSTRUCTION SALES AGREEMENTS

[In thousands of dollars]

	Actual fiscal year 1983			Estimated fiscal year 1984			Proposed fiscal year 1985		
	Total sales	Defense art./serv.	Constr./design	Total sales	Defense art./serv.	Constr./design	Total sales	Defense art./serv.	Constr./design
East Asia and Pacific:									
Australia	167,255	167,255	0	470,000	470,000	0	500,000	500,000	0
Burma	190	190	0	1,000	1,000	0	1,000	1,000	0
Fiji	0	0	0	1,000	1,000	0	1,000	1,000	0
Indonesia	36,161	36,161	0	50,000	50,000	0	50,000	50,000	0
Japan	295,024	295,024	0	400,000	400,000	0	500,000	500,000	0
Korea	382,368	382,368	0	300,000	300,000	0	340,000	340,000	0
Malaysia	5,192	5,192	0	20,000	20,000	0	50,000	50,000	0
New Zealand	16,270	16,270	0	15,000	15,000	0	15,000	15,000	0
Papua-New Guinea	0	0	0	(1)	(1)	0	(1)	(1)	0
Philippines	19,815	19,815	0	50,000	50,000	0	50,000	50,000	0
Singapore	463,181	463,181	0	250,000	250,000	0	100,000	100,000	0
Taiwan	698,646	698,646	0	680,000	680,000	0	660,000	660,000	0
Thailand	200,733	200,733	0	250,000	250,000	0	130,000	130,000	0
Regional total	2,284,835	2,284,835	0	2,487,000	2,487,000	0	2,397,000	2,397,000	0
Near East and South Asia:									
Bahrain	4,970	4,970	0	20,000	20,000	0	50,000	50,000	0
Bangladesh	214	214	0	(1)	(1)	0	(1)	(1)	0
Egypt	721,506	721,506	0	1,100,000	1,100,000	0	200,000	200,000	0
India	136	136	0	2,000	2,000	0	2,000	2,000	0
Israel	2,487,736	2,487,736	0	900,000	900,000	0	1,400,000	1,400,000	0
Jordan	52,217	52,217	0	100,000	100,000	0	150,000	150,000	0
Kuwait	152,276	152,276	0	50,000	50,000	0	50,000	50,000	0
Lebanon	428,669	428,669	0	250,000	250,000	0	200,000	200,000	0
Morocco	67,671	67,671	0	80,000	80,000	0	100,000	100,000	0
Oman	533	533	0	40,000	40,000	0	50,000	50,000	0
Pakistan	148,081	148,081	0	350,000	350,000	0	400,000	400,000	0
Qatar	176	176	0	0	0	0	(1)	(1)	0
Saudi Arabia	2,647,279	1,938,379	708,900	3,587,000	3,324,000	263,000	6,500,000	6,500,000	0
Tunisia	9,405	9,405	0	20,000	20,000	0	75,000	75,000	0
United Arab Emirates	663,180	663,180	0	150,000	150,000	0	50,000	50,000	0
Yemen	8,754	8,754	0	25,000	25,000	0	30,000	30,000	0
Regional total	7,392,803	6,683,903	708,900	6,674,000	6,411,000	263,000	9,257,000	9,257,000	0
Europe and Canada:									
Austria	4,899	4,899	0	40,000	40,000	0	20,000	20,000	0
Belgium	957,965	957,965	0	25,000	25,000	0	25,000	25,000	0
Canada	113,753	113,753	0	250,000	250,000	0	300,000	300,000	0
Denmark	38,593	38,593	0	60,000	60,000	0	50,000	50,000	0
Finland	8,500	8,500	0	5,000	5,000	0	5,000	5,000	0
France	167,236	167,236	0	100,000	100,000	0	100,000	100,000	0
Germany	226,921	226,921	0	200,000	200,000	0	250,000	250,000	0
Greece	144,704	144,704	0	210,000	210,000	0	350,000	350,000	0
Iceland	0	0	0	0	0	0	(1)	(1)	0
Ireland	5	5	0	0	0	0	(1)	(1)	0
Italy	18,276	18,276	0	100,000	100,000	0	50,000	50,000	0
Luxembourg	369	369	0	1,000	1,000	0	1,000	1,000	0
Netherlands	325,095	325,095	0	1,150,000	1,150,000	0	100,000	100,000	0
Norway	86,640	86,640	0	250,000	250,000	0	50,000	50,000	0
Portugal	142,004	142,004	0	25,000	25,000	0	25,000	25,000	0
Spain	3,205,723	3,205,723	0	500,000	500,000	0	300,000	300,000	0
Sweden	698	698	0	20,000	20,000	0	20,000	20,000	0
Switzerland	38,886	38,886	0	50,000	50,000	0	50,000	50,000	0
Turkey	575,925	575,925	0	4,300,000	4,300,000	0	750,000	750,000	0
United Kingdom	1,987,000	1,987,000	0	800,000	800,000	0	250,000	250,000	0
Yugoslavia	0	0	0	20,000	20,000	0	20,000	20,000	0
Regional total	8,043,212	8,043,212	0	8,106,000	8,106,000	0	2,716,000	2,716,000	0

FOREIGN MILITARY SALES AND CONSTRUCTION SALES AGREEMENTS—Continued

[In thousands of dollars]

	Actual fiscal year 1983			Estimated fiscal year 1984			Proposed fiscal year 1985		
	Total sales	Defense art./serv.	Constr./design	Total sales	Defense art./serv.	Constr./design	Total sales	Defense art./serv.	Constr./design
Africa:									
Botswana	0	0	0	10,000	10,000	0	10,000	10,000	0
Cameroon	0	0	0	8,000	8,000	0	5,000	5,000	0
Djibouti	1,475	1,475	0	2,000	2,000	0	2,000	2,000	0
Gabon	0	0	0	3,000	3,000	0	2,000	2,000	0
Ghana	0	0	0	0	0	0	(1)	(1)	0
Guinea	0	0	0	0	0	0	(1)	(1)	0
Kenya	16,632	16,632	0	35,000	35,000	0	20,000	20,000	0
Liberia	8,450	8,450	0	15,000	15,000	0	15,000	15,000	0
Niger	2,449	2,449	0	3,000	3,000	0	3,000	3,000	0
Nigeria	18,406	18,406	0	20,000	20,000	0	40,000	40,000	0
Rwanda	0	0	0	2,000	2,000	0	1,000	1,000	0
Senegal	0	0	0	(1)	(1)	0	(1)	(1)	0
Somalia	8,653	8,653	0	30,000	30,000	0	30,000	30,000	0
Sudan	31,053	24,636	6,417	60,000	60,000	0	60,000	60,000	0
Zaire	9,102	9,102	0	15,000	15,000	0	10,000	10,000	0
Zimbabwe	0	0	0	(1)	(1)	0	(1)	(1)	0
Regional total	96,220	89,803	6,417	203,000	203,000	0	198,000	198,000	0
American Republics:									
Antigua	667	667	0	2,000	2,000	0	(1)	(1)	0
Barbados	2	2	0	0	0	0	5,000	5,000	0
Belize	0	0	0	0	0	0	(1)	(1)	0
Bolivia	0	0	0	0	0	0	(1)	(1)	0
Brazil	35,761	35,761	0	10,000	10,000	0	10,000	10,000	0
Colombia	17,155	17,155	0	12,000	12,000	0	10,000	10,000	0
Costa Rica	4,515	4,515	0	5,000	5,000	0	10,000	10,000	0
Dominica	667	667	0	1,000	1,000	0	(1)	(1)	0
Dominican Republic	1,068	1,068	0	10,000	10,000	0	5,000	5,000	0
Eastern Caribbean	0	0	0	(1)	(1)	0	2,000	2,000	0
Ecuador	2,803	2,803	0	32,000	32,000	0	5,000	5,000	0
El Salvador	68,255	68,255	0	200,000	200,000	0	140,000	140,000	0
Guatemala	69	69	0	1,000	1,000	0	(1)	(1)	0
Haiti	0	0	0	(1)	(1)	0	(1)	(1)	0
Honduras	32,279	32,279	0	60,000	60,000	0	50,000	50,000	0
Jamaica	3,250	3,250	0	5,000	5,000	0	3,000	3,000	0
Mexico	2,046	2,046	0	5,000	5,000	0	10,000	10,000	0
Panama	195	195	0	5,000	5,000	0	5,000	5,000	0
Paraguay	7	7	0	0	0	0	(1)	(1)	0
Peru	1,884	1,884	0	5,000	5,000	0	5,000	5,000	0
St. Lucia	667	667	0	0	0	0	(1)	(1)	0
St. Vincent & Grenadines	0	0	0	0	0	0	(1)	(1)	0
Trinidad-Tobago	5	5	0	0	0	0	0	0	0
Uruguay	859	859	0	2,000	2,000	0	2,000	2,000	0
Venezuela	3,851	3,851	0	25,000	25,000	0	20,000	20,000	0
Regional total	176,005	176,005	0	380,000	380,000	0	282,000	282,000	0
International org.	283,257	283,257	0	150,000	150,000	0	150,000	150,000	0
Worldwide total	18,276,329	17,561,011	715,317	18,000,000	17,737,000	263,000	15,000,000	15,000,000	0

[1] Less than $500,000.

Note: Totals may not add due to rounding.●

AID TO EL SALVADOR

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. MILLER of California. Mr. Speaker, the amounts of money being requested by the Reagan administration for El Salvador are truly staggering. If you add the amount already appropriated in fiscal year 1984 to the administration's request for the supplemental appropriation and fiscal 1985, the total comes to nearly $1 billion.

Once again, the administration is requesting huge sums of money to aid a government that is no closer to winning the war or ending human rights abuses than when we became involved in this dismal endeavor nearly 5 years ago.

I am dismayed that once again the fundamental issues underlying our policy in El Salvador disappear when the administration attempts to add supplemental funds for El Salvador to bills where it does not belong. It is an outrage that money for military aid to El Salvador and for covert operations against Nicaragua is being attached to an emergency bill to alleviate famine in Africa. It is a perversion of our values to combine in one package these instruments of destruction with food relief to try to preserve life.

Once again, religious leaders and humanitarian organizations in our country are restating the moral vision and fundamental sense of decency that should underlie our policy in Central America. I urge all Members to read carefully the statement I am submitting for the RECORD, signed by nearly 50 Catholic, Protestant, and Jewish organizations, calling for an end to economic and military assistance to Central America which promotes the military solution to the conflict pursued by the Reagan administration.

FEBRUARY 29, 1984.

DEAR MEMBER OF CONGRESS: We, the undersigned religious and non-governmental organizations, call on you to support the search for a negotiated solution to Central America's crisis. As part of this search, we urge you to reject the massive amounts of aid the Administration is requesting to continue its current policy in the region.

In support of current policy, the United States has provided the nations of the region over $1 billion in the last three years. The results are dismal:

A bloody stalemate in El Salvador and a U.S.-sponsored war in Nicaragua which threaten to engulf the region;

Nearly 40,000 non-combatant civilians murdered in El Salvador;

A seemingly permanent U.S. military presence in Honduras;

Widespread corruption and waste in the Economic Support Fund, military and development assistance, and food aid programs;

A large number of Central Americans displaced and seeking refuge, both in the U.S. and within the region; and

Devastation and collapse of the region's economy.

Negotiations to bring peace to the region are urgently needed. Prospects for negotiation, though, are undermined by non-humanitarian U.S. aid programs. As long as intransigent elements in El Salvador and Honduras can count on the continued flow of cash to their governments and weapons to their armies, they will obstruct efforts to negotiate a cease-fire and a political solution to the region's crisis. Continued U.S. funding of Nicaraguan counterrevolutionaries also represent a major obstacle to peace in Central America.

We are unalterably opposed to the provision of any assistance—economic or military—which serves to promote military solutions in Central America. Additional aid should be withheld until negotiations as proposed by the Contadora Group are well under way. We believe that the Contadora process—involving as it does, the immediate neighbors of those countries engaged in conflicts—is key to the achievement of a peaceful settlement.

Although the Administration has appealed for bipartisan support of its policy toward Central America, it has continued to demonstrate an alarming lack of good faith in dealing with the Congress. We therefore strongly urge you and other Members of Congress to exercise your budgetary authority to check the administration's increasingly runaway policy.

U.S. policy in Central America is at a crucial fork in the road. Down one path is regional war, probably involving U.S. troops. Down the other is the negotiated solution sought by the great majority of the region's people. Only strong action by Congress can lead us down the path to peace and justice. Again, to promote a settlement, we urge you to withhold all aid that serves to prolong the military conflict.

Sincerely,

American Baptist Churches, U.S.A.
Americans for Democratic Action.
American Friends Service Committee.
Benedictines for Peace.
Center for International Policy.
Center of Concern.
Church of the Brethren, Washington Office.
Church Women United.
Clergy and Laity Concerned.
Coalition for A New Foreign and Military Policy.
Committee for a Sane Nuclear Policy (SANE).
Cuban-American Committee.
Development Group for Alternative Policies.
Friends Committee on National Legislation.
Fund for Constitutional Government.
Interfaith Action for Economic Justice.
Jubilee, Inc./The Other Side.
Leadership Conference of Women Religious, Executive Board, Region I.
League of United Latin American Citizens.
Maryknoll Fathers and Brothers.
Medical Mission Sisters, Sector North America.
Mennonite Central Committee—U.S.
National Assembly of Religious Women.
National Conference of Black Lawyers.
National Office of Jesuit Social Ministries.
Network (a Catholic Social Justice Lobby).
New Jewish Agenda.
Office of Public Policy, Women's Division-General Board of Global Ministries, United Methodist Church.
Oxfam America.
Presbyterian Church (USA), Washington Office.
Quixote Center.
Religious Task Force on Central America.
Sisters of Mercy of the Union, Mercy Center Washington.
Sisters of St. Joseph of Peace.
Sisters of St. Joseph of Springfield, Executive Council.
Sisters of St. Joseph/Third Order of St. Francis.
Unitarian Universalist Association of Churches in North America.
Unitarian Universalist Service Committee.
United Church of Christ/Office of Church in Society.
United States Student Association.
Women Strike for Peace.
Women's International League for Peace and Freedom, U.S. section.
Church World Service.
Eastern Regional Team: Sisters of the Holy Cross.
Executive Committee of the Sisters of Charity of Nazareth.
Leadership Conference of Women Religious, Executive Board, Region IV.
Lutheran World Ministries.
Mission Center: Missionhurst CICM.
Episcopal Peace Fellowship.●

TRIBUTE TO OLIVER R. OCASEK

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. SEIBERLING. Mr. Speaker, on Saturday, March 3, citizens of the Akron metropolitan area held a special dinner to honor one of our area's most distinguished political leaders, State Senator Oliver R. Ocasek, and to commemorate his 25 years of service in the Ohio Senate. Over 600 attended the dinner, including Gov. Richard Celeste, State Senate President Harry Meshel, and many other public officials and private citizens. In addition, our colleague Representative MARY ROSE OAKAR made a special trip from Cleveland to present Senator Ocasek with a special award recognizing his outstanding contributions to education in Ohio.

Mr. Speaker, there are very few occasions during my nearly 14 years in Congress when I have taken the occasion to include in the CONGRESSIONAL RECORD remarks about the career and achievements of a particular citizen of my community. I reserve such occasions for people of extraordinary interest to the country and not merely of interest to my local community. Senator Ocasek is one of those extraordinary persons.

Not only is he in his 25th year of service in the State Senate of Ohio, but from 1975 through 1979 he was the president of the Ohio Senate. In 1966 he was selected as one of this Nation's 10 outstanding legislators by the Assembly of Government Employees for his distinguished achievements in the promotion of good government and efficient public service.

Senator Ocasek's preeminent distinction, however, is in his contributions to education in the State of Ohio. His 33-year career as an educator actually commenced even before he graduated from high school. As a high school junior, he was asked to take over his bookkeeping class and Latin class as the teacher for the last semester, the teacher having become ill and no other teacher being available. He received his undergraduate degree from Kent State University in 1946, having completed what was normally a 4-year course in 3 years. After teaching in high school in Richfield and Stow, Ohio in the late 1940's and in 1950, he served as principal at Tallmadge, Ohio high school from 1951 to 1960. In 1960 he taught at Kent State University and from 1961 until 1982 he taught at the University of Akron, including courses in school finance, education law, and political affairs.

Senator Ocasek brought his interest in education and in students with him when he was elected to the Ohio Senate in 1958. In his 25 years of service there, he authored more than 500 laws for the financial support of education. Considering his leadership in support of education, it is not surprising that he is chairman of the Senate Education and Retirement Committee and a member of the State Government, Health, and Human Resources Committee. He is also an ex officio member of the Ohio Board of Regents.

Among his outstanding legislative achievements there are some of particular interest to the Akron metropolitan area. These include the bill which resulted in the conversion of the University of Akron to a State university in 1967, the creation of the Northeastern Ohio Universities College of Medicine in 1973, and the financing of over $100 million of capital improvements for the University of Akron.

Senator Ocasek was also instrumental in the establishment of the Ohio Board of Regents in 1963 and for fighting successfully to keep local authority for the State universities rather than transferring authority to the State capital

Perhaps one of the reasons for Senator Ocasek's effectiveness is that he has maintained his contacts with students and youth during the entire time that he has served in the senate. When he first joined the faculty of the University of Akron, he served as the director of the International Cooperation Administration program in the College of Education. This program brought educators from other countries to the university. Since 1970, he also headed the Ohio Youth in Government program and continues to do so. He has also been active in the Akron YMCA and was its past president and for 24 years a member of the board of directors.

Senator Ocasek's interests and activities have not been limited to Ohio. In 1979 he was elected to a 1-year term as chairman of the Council of State Governments during its national convention held in Lexington, Ky., that year. He was the first Ohioan to serve in that post. He previously served as vice chairman of that organization and was a member of the council's Board of Governors and Executive Committee. He is past chairman of the council's Midwest conference. Senator Ocasek is also a member of the executive committee of the National Conference of State Legislators.

Mr. Speaker, the many positions and achievements of Senator Oliver Ocasek are a tribute to his great stature as an honest, intelligent, fair, sensitive, dedicated, and capable public servant. His achievements and character have made him a model for many other elected officials and, I must say, he has for many years been a personal inspiration to me. In a true sense, all of his colleagues are also students of Oliver Ocasek.

In 1968 Senator Ocasek was a candidate for Congress from the 14th Congressional District of Ohio, the district I now represent. I was a member of his campaign committee and a volunteer in his campaign. I thought that he deserved to be elected to Congress and was extremely disappointed when he was not. In retrospect, it is probable that my disappointment and his outstanding example stimulated me to run for Congress 2 years later, a race in which I was successful, with his support and help.

I have thought many times how much trouble I would have been saved if Senator Ocasek had been elected to Congress in 1968. Had that happened, I am sure he would still be a member and would be one of Congress leaders in Federal legislation dealing with education, as well as an outstanding member in every respect. In the event, clearly Congress loss has been offset by the tremendous benefits that education in Ohio, and particularly in the Akron metropolitan area, has received from Senator Ocasek's continued service in the Ohio Senate.

It has been my personal pleasure to be a friend of Oliver for some 20 years and also of his late, beloved wife Virginia, who passed away in April 1983. She was also a teacher and one with whom I always enjoyed conversing. A conversation with her was both a pleasurable experience and an educational experience, because of her personal warmth and sparkling intellect. She always had new insights to contribute to those around her. Their partnership of 27 years was an inspiration to their friends and surely a source of deep joy to each other.

Mr. Speaker, the educational community and the people of Ohio, and in particular my own community, have been blessed by having the leadership of such an outstanding individual and public servant and we are looking forward to Oliver Ocasek's continued leadership for many years to come.●

LLOYD L. LEE RETIRES

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. HUNTER. Mr. Speaker, on Friday, March 30, a special retirement dinner will be held for Lloyd L. Lee, a director of the South Bay Irrigation District. Lloyd dedicated 27 years of faithful service to the people of the South Bay. Lloyd has lived in the Chula Vista/Bonita area for the past 41 years. He has also served as a director on the San Diego County Water Authority Board (SDCWA) since 1961, and as chairman from July of 1976 through June of 1978. In addition, Lloyd served as an SDCWA representative to the Metropolitan Water District of Southern California Board of Directors from October of 1973 to December of 1980. Lloyd's service to the citizens of San Diego County has been tireless and all of us owe him a great debt. I would like to take this opportunity to wish him the greatest amount of success in his future endeavors.

Therefore, Mr. Speaker, I urge you and the rest of my colleagues to join me in paying tribute and offering our sincere thanks to Lloyd L. Lee.●

ST. PATRICK'S DAY PEACE WISHES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. ROE. Mr. Speaker, there is a very special feeling in my heart today as I rise to join my colleagues in the celebration of St. Patrick's Day.

For it is my fervent prayer that this year, solid achievements will be gained in our efforts to secure a lasting peace in Northern Ireland. That feeling of optimism comes from several sources, not the least of which is the splendid, moving message given to us in this Chamber today by his excellency Garret FitzGerald, the esteemed Prime Minister of Ireland.

Prime Minister FitzGerald renewed our faith in the quest for peace in that troubled land. His eloquent remarks, and the strength with which he gave them, led me to renew my conviction that perhaps he will take the giant steps needed to secure the peace that has been so evasive for far too long.

One giant step that he alluded to, of which I am very familiar, was the convening of the New Ireland Forum, which held its initial session in Dublin last year. I was most honored to have been able to attend that session as an official guest of the Irish Government. The historic relevance and potential importance that session represented cannot be overemphasized. For the first time in 60 years, both sides in the Irish political conflict, who support a peaceful restoration of Irish unity, have agreed to come together at a conference table.

Ireland's leading newspaper, the Irish Times has described the forum sessions as "a hope brighter than any that has appeared on the gloomy scene of North-South relations for a long time."

Mr. Speaker, the theme of the New Ireland Forum is abundantly clear: Irish problems must be solved by Irish solutions. As Prime Minister FitzGerald put it so succinctly, "underlying all the issues that we must examine, is the right of the people on this island to live, and not be murdered, because of their birthright."

As a member of the Ad Hoc Committee on Irish Affairs, I strongly favor a peaceful solution to the violence in Northern Ireland that has taken the lives of scores of innocent people. And the violence that followed those deaths deeply emphasized the frustration of the Irish people in having their lives controlled by Great Britain.

To that end, I have sponsored House Concurrent Resolution 17 which details the rights of the people of Ireland, including the six counties known as Northern Ireland to "control their own political destiny notwithstanding that such right has long been violated by a foreign government, and the Congress urges the President to adopt and pursue policies which are wholly consistent with such right."

Mr. Speaker, it is my most fervent wish that next St. Patrick's Day will find a new era of freedom, peace, and prosperity for our brothers and sisters in Northern Ireland.●

A BREAK FOR IRELAND'S CHILDREN

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. WILLIAMS of Montana. Mr. Speaker, in honor of St. Patrick's Day, I am introducing a bill today, which would provide an opportunity to children from areas affected by civil strife in Ireland. Ireland's children of the troubles need a break.

My bill would amend subchapter C, the special projects section, of chapter 2 of the elementary and secondary education block grant. It would provide an option to local education agencies to offer a chance to these Irish children to attend American schools, to affiliate with children of various religious, ethnic, social, and cultural backgrounds, and to experience life without the daily rigors of violent strife.

This effort would be funded equally from both the public and private sector.

A peaceful future for Ireland rests with teaching young children that they can live peacefully, free of an ever-present fear of violence.

The assimilation of the Irish into the American society is one of the greatest testaments to our democracy. The children of Ireland need to experience this firsthand.

For the children of Ireland, fear of violence may be so widespread that it is taken for granted. It is difficult to imagine what it would be like to never feel completely safe, to fear every stranger and every new situation. It has a terrible effect on the lives of these Irish children. It affects how they make friends, who they trust, and how trustworthy they seem to others.

Americans want the children of Ireland to have a peaceful future, and we must help offer them the opportunity to understand peaceful living. We must demonstrate to them that peace is possible by giving them the opportunity to spend part of their young lives in a country where safety, rather than fear, is taken for granted.

Funds under this act would be used to pay the cost of:

First, transporting children aged 10 through 18 who reside in areas affected by civil strife in Ireland to the United States and of their return; second, such children's education in the schools of the local education concerned; and third, the living education expenses of such children while they are in the United States.

I am pleased to be joined in this legislation by the majority whip TOM FOLEY and also by Congressmen SHANNON and MCNULTY.●

COMMEMORATING THE 150TH ANNIVERSARY OF ST. PAUL'S CHURCH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. RANGEL. Mr. Speaker, I rise to congratulate St. Paul's Roman Catholic Church in New York City for its 150 years of service to the Harlem community.

As the oldest Roman Catholic church in my district, St. Paul's has involved itself in many of the changes its neighboring community has undergone over the years. It has the distinction of being the first Catholic church north of 14th Street. In fact, the church's original parish lines extended as far north as New Rochelle in Westchester County and, at one point, included parts of Brooklyn and Queens.

To the members of its congregation, St. Paul's is more than just a place of worship. The church has played an important part in the spiritual growth of the East Harlem community. Years of activism in the East Harlem Interfaith Committee and the East Harlem Catholic Conference are examples of this involvement. The church's dedicated participation in a variety of community issues and activities have made it a significant and effective community organization in the 16th Congressional District.

In a city with the largest number of primary- and secondary-school students in the Nation, the St. Paul's Church elementary school has for more than 110 years produced a student body representative of the varied faiths and cultures of a diverse community. The academic performance of its student body has consistently exceeded national standards in reading and mathematics.

Mr. Speaker, St. Paul's is an example of a church that serves its community. I am confident of its continued success for the future. I commend them on this 150th anniversary celebration.●

PERSONAL EXPLANATION

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. SYNAR. Mr. Speaker, on Thursday, March 8, I was necessarily absent due to official congressional business in my district. Had I been present, I would have voted "aye" on role No. 41, "no" on role No. 42, and "aye" on role No. 43.●

BERWICK BULLDOGS' COACH GEORGE CURRY NAMED "COACH OF THE YEAR"

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. HARRISON. Mr. Speaker, it has been my privilege previously to rise in tribute to the Berwick Area High School football team—the Berwick Bulldogs—No. 1 in the country for 1983.

Today I rise in special tribute to their coach and mentor, George Curry. Coach Curry is a native of Larksville, Pa., and graduated from its high school in 1962. During his football career there, he played offensive center and defensive linebacker and won all-scholastic recognition for 2 years. For his accomplishments, he received a full scholarship to Temple Univeristy, where he spent 3 years on the varisty squad, playing middleguard and linebacker.

Following his graduation from Temple in 1966, Goerge stayed at the university as freshman line coach for 1 year. He then returned to his native Wyoming Valley for his first head coaching position, at Lake Lehman, in 1967.

Four years later, Goerge became head coach at Berwick, and he has been there ever since, increasing his achievements year after year.

Coach Curry's record at Berwick is 116 wins, 34 losses, and 2 ties. His teams have won the Susquehanna Valley Conference five times, the Southern District title four times, and the Eastern Conference three times, in 1977, 1981, and, of course, in 1983.

In 1981, Goerge was named Pennsylvania Coach of the Year. In 1977 and, again, in 1983, he was selected as coach for the Big 33 game.

But, even more important to Coach Curry, in his 12 years at Berwick, he has been responsible for more than 100 boys receiving full scholarships to colleges and universities across the country. This combination of academic and scholastic excellence marks the career of the coach of the Berwick Bulldogs who, this year, had the satisfaction of seeing his team ranked No. 1 in the country according to the newspaper USA Today.

That, Mr. Speaker, is a fitting culmination to the last 3 years of his career, in which his outstanding teams have won 37 of 38 games and hold a current regular season winning streak of 34 games.

In addition to his athletic duties, Coach Curry is assistant principal of the Berwick Senior High School. In that capacity, he has offered help and guidance to countless young men and women whose memories of him will, years from now, be not only of his athletic excellence but of his understanding nature and encouraging spirit.

And so, Mr. Speaker, it is my privilege to rise today in tribute to Head Coach George Curry, of the Berwick Bulldogs—"Dem Dawgs"—and, as well, to his wife, the former Jacqueline De Luca and their four children, Cosmo, Christine, Kelly Ann, and Nadine, whose love and support have made George Curry's career possible.●

MEESE SHOULD WITHDRAW AS NOMINEE FOR ATTORNEY GENERAL

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. VENTO. Mr. Speaker, during the past several weeks the Senate Judiciary Committee has been conducting confirmation hearings to consider President Reagan's nomination of his counsellor, Edwin Meese, for the position of Attorney General. When these hearings began, the common consensus appeared to be that Mr. Meese would easily win Senate confirmation as Attorney General. Unfortunately, however, we have learned of a number of serious oversights by Mr. Meese in complying with Federal reporting requirements along with a number of incidents in which individuals who have given various financial assistance to Mr. Meese were later appointed to high-ranking Government positions. Mr. Meese has acknowledged that he failed to comply with the Ethics in Government Act of 1978 by not disclosing a $15,000 interest-free loan made to his wife by a friend who later was given two Federal jobs. We now learn further that Mr. Meese not only failed to disclose the loan but also failed to disclose the stock purchase which he says the loan was used for. The Ethics in Government Act of 1978 clearly requires senior Government officials to annually disclose all outstanding loans of more than $10,000, including loans made to family members, as well as any purchases or sales of stocks, bonds, property, or other securities. Officials are also required to list all securities that they and their immediate family members may own.

Mr. Speaker, these most recent revelations, in addition to the earlier facts on how Mr. Meese was able to obtain extraordinary financial assistance from acquaintances who later were appointed to top Government positions, raise profoundly disturbing questions about Mr. Meese's qualifications to serve as the Nation's highest law enforcement officer. While Mr. Meese has called his failure to comply with the requirements of the Ethics in Government Act an oversight on his part and while he has offered his apology to the Senate Judiciary Committee, he cannot explain the disturbing pattern of persons who gave him special financial assistance later being appointed to top Government positions. The appearance of impropriety here cannot and should not be ignored. For these reasons and previous statements by Mr. Meese, I believe that he should withdraw his name from further consideration for confirmation as Attorney General.●

PRAYER IN PUBLIC SCHOOLS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. WEISS. Mr. Speaker, I strongly oppose the constitutional amendments on organized school prayer that are being debated in the Senate. These efforts to inject religion into our public schools seriously threaten not only our freedom of worship but also the Bill of Rights and the balance of powers among the branches of Government.

Currently, there is much misinformation being disseminated on the court decisions on school prayer. The facts are that no court in this country has prohibited individual prayer in our public schools, nor have the courts said anything about prayer in other public institutions. Nothing prevents Americans from praying whenever and wherever they wish. Because the amendments would authorize practices that are not prohibited, they are at best unnecessary: At worst, they encourage devisiveness and suspicion that this issue was resurrected in an election year for political rather than religious purposes.

What the Supreme Court did rule in 1962, was that organized prayer should be removed from public classrooms. The right to pray, however, was never restricted for individual children. The constitutional amendment backed by President Reagan—Senate Joint Resolution 73—carefully identifies the prayer that would be permitted as "voluntary." But calling it voluntary does not make it so. How could participation be voluntary when the prayer would be written, organized, and conducted under the direction of teachers or other school authorities? We know that children feel powerful peer pressure to conform; and children of minority groups feel embarrassed and even humiliated when they have to excuse themselves from group activities. Such proposals undermine the respect that this Nation has traditionally held for the rights of minorities who choose to worship in a different manner or not at all.

Indeed, respect for prayer as a religious practice also seems to be missing from these legislative efforts. Only a prayer so watered down that it would have no real conviction or meaning could satisfy our diverse religious culture.

Decisions about the form and content of the prayer would put the state squarely in the middle of the dispute. This would clearly be a case of the state establishing religion, a practice that our Constitution specifically prohibits. The establishment clause of the first amendment states that Congress shall make no law respecting an establishment of religion. The Supreme Court has interpreted this clause to mean complete separation of church and state. A great many religious denominations support this interpretation and oppose any constitutional amendment regarding prayer in schools.

The basic rights of religious minorities in our society are at stake in this debate. The freedom to worship as one chooses was one of the fundamental principles in the founding of this country. For these reasons I believe that these measures must be defeated and I call on my colleagues to join me in opposing them.●

IRELAND AND THE U.S. VIRGIN ISLANDS: ISLANDS IN THE STREAM OF PROGRESS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. DE LUGO. Mr. Speaker, I rise to express the great sense of honor that all of us feel by having His Excellency, Garret Fitzgerald, Prime Minister of Ireland, address the joint meeting of Congress today. Dr. Fitzgerald and his nation is one of our country's truest friends and strongest supporters of peace and progress throughout the globe. The warmth and friendship our two peoples feel for each other is firmly cemented and can only improve by the Prime Minister's official state visit.

Ireland and my own community, the U.S. Virgin Islands, have much in common in their past and in their hopes for the future. Irish explorers charted much of the Caribbean centuries before our area became settled by traders from other European countries. Their influence through the many years has continued to grow and our affection shines brightest during the feast of St. Patrick.

Today, Ireland and the U.S. Virgin Islands are on the threshold of realizing their greatness. The population of our islands is young, our labor forces highly skilled, and our drive for achievement is unequaled among our neighbors. It is these factors that make us magnets for commerce, innovation, and growth.

In celebration of Dr. Fitzgerald's visit and the great holiday of St. Patrick to come, I say: "Beannachtai na Feile Padraig oraibh" and offer the following poem by one of Ireland's greatest living poets for your enjoyment.

Images

(By Patricia Cullen)

Often in the late afternoon
I am lazy in the garden
while you
soft as the sunlight and as lovely
are lost among music sheets,
your cello
another singing tree,
mysterious as its player,
darkly beautiful.
I make paper boats,
from poems that escape me;
they float in a fleet downstream,
while you,
lifting your bow in the breeze
calmly bring us both adrift
on some eternal river.●

TRIBUTE TO SISTERS OF MERCY, SACRED HEART SCHOOL

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. MATSUI. Mr. Speaker, I stand today in recognition and heartfelt gratitude for the 50 years of devoted, unselfish service brought to Sacramento, Calif., by the Sisters of Mercy, Sacred Heart School. A Golden Jubilee celebration will be held May 5, 1984 in honor of this momentous occasion.

Throughout the past one-half century thousands of young students have received an excellent education from the Sisters of Mercy. The Sisters have distinguished themselves over the years as teachers committed to outstanding educational standards. In addition to the 50 years the Sisters of Mercy have taught at Sacred Heart School, they have contributed 127 years to the Sacramento community.

I share with the Sisters of Mercy and their students a feeling of pride and joy during this time of celebration. We shall long remember this landmark in the history of the Sacred Heart School.●

WOMAN OF THE YEAR

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. COURTER. Mr. Speaker, I would like to take this opportunity to recognize one of Somerset County's outstanding citizens, Doris Dealaman who has been selected "Woman of the Year" by the Resource Center for Women and Their Families.

Doris' record of public service is to be commended; one that stems from Bernardsville Borough Council to a Presidential appointment on the President's Task Force on Civil Rights. Involved in many facets of community service, Doris has served each with dedication and commitment.

The first woman to be elected president of the New Jersey Association of Counties, Doris also served as the chairperson of the New Jersey Board of Public Welfare and vice chairperson of the New Jersey County-Municipal Government Study Commission.

A hard worker by nature, Doris has found time to participate on the New Jersey Commission on Children and Youth, the New Jersey Supreme Court Committee on Efficiency in the Courts and the Advisory Council on Adult Continuing Community Education. At present, she is focusing her energies on the Women's Resource Center as a board member, Somerset County's Special Services Committee, the Easter Seals Society, and Somerset County's Senior Citizen Organization.

I know Doris' family and friends would want to add their congratulations and praise to her outstanding service as a community leader. Her dedication has been appreciated by the people of Somerset County and the State of New Jersey as well.

I would like to congratulate Doris Dealaman on being the recipient of this distinguished honor.

Mr. Speaker, I would like to take this opportunity to recognize Patricia Kaufman of Ridgewood, N.J. who has been named "Woman of the Year" by Western Hills YMCA.

Pat is being honored for her contribution to the growth and success of the Western Hills Y. She donated her time and professional expertise to promote a triathlon sponsored by the YMCA last June. Her efforts helped make the event highly successful.

An executive businesswoman, Pat founded her public relations/advertising firm that serves corporate, professional and individual clients. Her hard work and dedication have earned Pat the respect of her colleagues. She participates in the New Jersey Public Relations Association, the American Association of Advertising Agencies and the Public Relations Society of America.

Additionally, Pat distinguished herself as a community leader serving as chairperson of the Franklin Lakes Hall of Honor Committee and the Public Affairs Department of the Franklin Lakes Women's Club. She has also been an active member of the Valley Hospital Auxiliary, the College Club of Ridgewood and the Bergen County Cancer Crusade.

Pat is an exceptional human being whose energy and integrity have certainly benefited Ridgewood and the State of New Jersey. I would like to join her many friends and family in congratulating Pat on being the recipient of this distinguished honor.●

CHIEF GLEN BELL HONORED

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. BERMAN. Mr. Speaker, Glen Bell, chief of police of the city of Burbank, will be honored on Friday, March 16, 1984, by Bridge: A Way Across, Inc., a youth and family service center.

Glen Bell has been a resident of Burbank since 1939. He has amassed an impressive record of civic involvement, with active participation and leadership in many civic and charitable groups, including the Burbank Coordinating Council, Burbank School Attendance Review Board, Foothill Youth Services project, Burbank Family Service Agency, the Burbank YMCA, and the criminal justice advisory boards of Pasadena, Rio Hondo, and Valley Colleges. Chief Bell is also active in many professional organizations: International Association of Chiefs of Police, California Police Chiefs Associations, California Peace Officers Association, Peace Officers Association of Los Angeles County, North Area Police Association, and Burbank Police Officers Association.

Glen Bell, as a two-term president and member of the board of trustees, has done much to advance the work done by Bridge: A Way Across. This nonprofit organization, through its counseling and educational services, helps families and individuals to cope with alcohol abuse, drug dependency, and other family problems. It serves a large portion of the east San Fernando Valley, and plays a vital role in its community.

Because of his many contributions as a peace officer and his selfless and dedicated devotion to the betterment of his community, I ask the Members to join with Bridge: A Way Across in paying tribute to Chief Glen Bell.●

TRIBUTE TO WILLIAM JASPER PRICE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. RALPH M. HALL. Mr. Speaker, I pay tribute today to a longtime friend of mine, William Jasper Price (W. J.), who died March 16, 1983, a year ago today, at the age of 73 in Rockwall, Tex.

W. J. dedicated his life to public service. From the time he could talk and shake hands, he told everyone that he wanted to be a lawman. He became sheriff in July 1945 and served in that capacity for nearly 40 years.

From 1955 to 1956, W. J. was president of the Texas Sheriff's Association.

During his years as sheriff of Rockwall County he helped rewrite State legislation pertaining to law enforcement and county government. In 1982 he successfully ran for the office of justice of the peace and began his first term in January 1983.

His commendable service to his community and his contributions to the betterment of Rockwall County will be long remembered by the many people who knew and respected this distinguished Texan.

There is no way to measure the respect and veneration people had for W. J. It is hard to encounter someone in the county who does not have a story to tell about how W. J. helped them. From carrying people to the hospital, loaning someone money or just giving someone a ride home, he was always helping someone in need. He was especially kind and helpful to young people. Only those who served with W. J. knew of the many "extra miles" he went to help a young boy or girl who found themselves in trouble. He would help them out, pay them out, straighten them out—and make good citizens out of many whose own parents had given up on them.

W. J. will be remembered as a tough lawman and a wonderful human being. For those of us who were fortunate enough to have known him, his memory will live in our hearts.

He is survived by his wife, Cora Roach Price, daughter, Judy Roach Griffin, brother, John Price and sisters, Jane Price Dixon and Lelia Price.●

MIKE McCARTHY RECEIVES HIGHEST LIFESAVING AWARD FROM THE RED CROSS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. KILDEE. Mr. Speaker, it is a privilege for me to call to the attention of my colleagues in the Congress the great honor being given today to Mike McCarthy, a young man from Grand Blanc, Mich. Mike is receiving today in a special ceremony the highest award given by the American Red Cross to a person who saves or sustains a life by using skills and knowledge learned in a volunteer training program offered by the Red Cross in first aid, small craft, or water safety.

On November 1, 1983, Mike was supervising an indoor soccer competition at the University of Michigan-Flint when a Michael Kulick collapsed. Mike McCarthy, who had been trained by the Red Cross in cardiopulmonary resuscitation (CPR), checked for pulse and breathing and then began CPR. He sustained Mr. Kulick's life until the rescue squad arrived. This meritorious action exemplifies the highest ideals of the concern of one person for another who is in distress. I would add my congratulations and commendation to Mike McCarthy for his quick-thinking and conscientious action.●

PASCO COUNTY LOSES A FRIEND

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. BILIRAKIS. Mr. Speaker, the death last Saturday of Howard Brubach is a saddening loss for all of us—for the west Pasco community, it is the loss of a tireless worker who sought a better life for all there; for his friends, it is the loss of a man who gave willingly of himself when others needed him; for me, it is the loss of a confidant, a man who would tell me how he felt in refreshingly unvarnished terms.

Howard was like that. He was impatient with the system at times because it was not moving fast enough to solve the real problems people have to deal with. Yet, he understood that compromise was necessary to get things done.

Howard's contributions to his community were well known. He was director and vice-president of WESPAC and then, for 3 years, its president. He was the organizer of the "Elderly Rip-off Hotline" which helped residents of west Pasco find out if businessmen and contractors were dependable. Howard was chairman of the Pasco County Steering Committee of my senior citizens advisory council and, as such, testified before the Human Services Subcommittee of the House Select Committee on Aging during a congressional field hearing last October. His input was a most important part of that hearing. Last year, Howard served in my Washington office as part of the congressional senior citizen intern program and took back to the people a great deal of information about Federal programs on aid to the elderly.

But the intangibles were what made Howard so important to the community. He cared about people and their well-being. He was concerned about the living conditions of the elderly in Pasco County—and he wanted to do something about them. He was involved in politics because he knew that it was through the political process that things got done. And, in the final analysis, that is why he made the commitment to run for a seat on the Pasco County Commission.

I will miss Howard a great deal. I was never surprised to get telephone calls from him. Often he had been watching a House debate on C-span and would call to tell me his views on the issue or to ask me about one of my votes—and I always listened because his insights were something I found truly invaluable. And, when I needed his input on an issue or concern, Howard was always there, ready to respond, to offer his help.

We shall all miss Howard Brubach because he was a deep part of all whose lives he touched.●

EMERGENCY SUPPLEMENTAL APPROPRIATION FOR AFRICAN FAMINE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. DOWNEY of New York. Mr. Speaker, last week the Members of this House voted overwhelmingly to approve an emergency supplemental appropriation of $150 million for relief for the victims of the African famine. We acted with dispatch and compassion when faced with the horrifying prospect of the possible starvation of over 100 million people. I wish that we could say the same for the administration.

Instead, we see that the administration has seized what it sees as a golden opportunity to push through its own idea of humanitarianism—$93 million for the Army of El Salvador. Unable to find congressional support for its policy in Central America, the administration proposes to hold the starving people of Africa hostage to congressional approval of its policies in Central America.

Mr. Speaker, it is unconscionable that the administration should propose such a course of action. I urge my friends in the other body to reject this fatal linkage of life and death when it comes to the floor. Should such a bill come back to us, we must be clear that we are unwavering in our support for the emergency appropriation for famine relief, just as we are unwavering in our refusal to approve such a shoddy tactic of marrying the fortunes of starving people in Africa to the already well-endowed landowners and military leaders of El Salvador.●